

**Enrolled**  
**Senate Bill 688**

Sponsored by Senator MORSE

CHAPTER .....

AN ACT

Relating to vested right in approved site-specific development plan; amending ORS 94.504.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 94.504 is amended to read:

94.504. (1) A city or county may enter into a development agreement as provided in ORS 94.504 to 94.528 with any person having a legal or equitable interest in real property for the development of that property.

(2) A development agreement shall specify:

(a) The duration of the agreement[, *which may not exceed four years for a development of fewer than seven lots or seven years for a development of seven or more lots*];

(b) The permitted uses of the property;

(c) The density or intensity of use;

(d) The maximum height and size of proposed structures;

(e) Provisions for reservation or dedication of land for public purposes;

(f) A schedule of fees and charges;

(g) A schedule and procedure for compliance review;

(h) Responsibility for providing infrastructure and services;

(i) The effect on the agreement when changes in regional policy or federal or state law or rules render compliance with the agreement impossible, unlawful or inconsistent with such laws, rules or policy;

(j) Remedies available to the parties upon a breach of the agreement;

(k) The extent to which the agreement is assignable; and

(L) The effect on the applicability or implementation of the agreement when a city annexes all or part of the property subject to a development agreement.

(3) A development agreement shall set forth all future discretionary approvals required for the development specified in the agreement and shall specify the conditions, terms, restrictions and requirements for those discretionary approvals.

(4) A development agreement shall also provide that construction shall be commenced within a specified period of time and that the entire project or any phase of the project be completed by a specified time.

(5) A development agreement shall contain a provision that makes all city or county obligations to expend moneys under the development agreement contingent upon future appropriations as part of the local budget process. The development agreement shall further provide that nothing in the agreement requires a city or county to appropriate any such moneys.

(6) A development agreement must state the assumptions underlying the agreement that relate to the ability of the city or county to serve the development. The development agreement must also specify the procedures to be followed when there is a change in circumstances that affects compliance with the agreement.

**(7) A development agreement is binding upon a city or county pursuant to its terms and for the duration specified in the agreement.**

**(8) The maximum duration of a development agreement entered into with:**

**(a) A city is 15 years; and**

**(b) A county is seven years.**

**Passed by Senate April 26, 2005**

**Repassed by Senate June 8, 2005**

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Secretary of Senate

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President of Senate

**Passed by House June 2, 2005**

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Speaker of House

**Received by Governor:**

.....M,....., 2005

**Approved:**

.....M,....., 2005

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Governor

**Filed in Office of Secretary of State:**

.....M,....., 2005

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Secretary of State