

**213 VESTED RIGHTS**

**213-1** Through a Type III procedure, in the course of any County land use process, the Review Authority may decide whether a vested right exists.

**213-2** Whether a vested right is found to exist shall be based on the consideration of the following factors as well as any guidance from the Oregon Courts:

- A. The ratio of expenditures incurred to the total cost of the project;
- B. The good faith of the landowner;
- C. Whether or not the landowner had notice of any proposed zoning or amendatory zoning before starting the improvements;
- D. Whether the expenditures have any relation to the completed project or could apply to various other uses of the land;
- E. The kind of project, the location, and ultimate cost; and
- F. Whether the acts of the landowner rise beyond mere contemplated use or preparation, such as leveling of land, boring test holes, or preliminary negotiations with contractors or architects.

**213-3** The County shall not decide an issue of whether a vested right exists unless it is associated with a Type I, II or III development action or a Type IV legislative process. Consideration of a vested right shall not occur unless a decision has been rendered by the County for the associated Type I, II or III development action or Type IV legislative process. The County will not consider subsequent requests to consider a vested right when the initial decision has expired. A vested right issue not associated with an accompanying Type I, II, III or IV action shall not be decided by the County and may be subject to the jurisdiction of the Circuit Court of the State of Oregon.

Once a determination has been made by the County that a vested right exists, the development must be completed pursuant to the vested development permit. The vested development permit shall be subject to the requirements of Sections 201-3, 201-4, 201-5, 201-7, and 201-8.

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