

# DRAFT

## SUMMARY

Prohibits local government from imposing standards or conditions of approval for land use permits that are more restrictive than standards or conditions of approval applied in federal or state regulatory permits except in case of preexisting regulatory program of local government.

### A BILL FOR AN ACT

1  
2 Relating to local land use approvals of land uses subject to other govern-  
3 mental permits.

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

5 **SECTION 1. Section 2 of this 2013 Act is added to and made a part**  
6 **of ORS 215.402 to 215.438.**

7 **SECTION 2. (1) A county may not impose or enforce a standard or**  
8 **condition of approval for a land use permit that is more restrictive**  
9 **than the standards or conditions applied in a required state or federal**  
10 **regulatory permit unless the county has adopted a specific, preexisting**  
11 **regulatory program that applies clear and objective standards to the**  
12 **land use.**

13 **(2) If a required federal or state regulatory permit has not been is-**  
14 **sued for the land use that is the subject of a land use application when**  
15 **the county issues a permit or adopts changes to the comprehensive**  
16 **plan, and land use regulations implementing the plan, the county:**

17 **(a) Shall condition the permit or adopted changes on obtaining the**  
18 **required federal or state regulatory permits; and**

19 **(b) May not apply or enforce standards or conditions in the permit**  
20 **that are more restrictive than the standards or conditions applied in**

1 the required state or federal regulatory permits unless the county has  
2 adopted a specific, preexisting regulatory program that applies clear  
3 and objective standards to the land use.

4 **SECTION 3.** Section 4 of this 2013 Act is added to and made a part  
5 of ORS 227.160 to 227.186.

6 **SECTION 4.** (1) A city may not impose or enforce a standard or  
7 condition of approval for a land use permit that is more restrictive  
8 than the standards or conditions applied in a required state or federal  
9 regulatory permit unless the city has adopted a specific, preexisting  
10 regulatory program that applies clear and objective standards to the  
11 land use.

12 (2) If a required federal or state regulatory permit has not been is-  
13 sued for the land use that is the subject of a land use application when  
14 the city issues a permit or adopts changes to the comprehensive plan,  
15 and land use regulations implementing the plan, the city:

16 (a) Shall condition the permit or adopted changes on obtaining the  
17 required federal or state regulatory permits; and

18 (b) May not apply or enforce standards or conditions in the permit  
19 that are more restrictive than the standards or conditions applied in  
20 the required state or federal regulatory permits unless the city has  
21 adopted a specific, preexisting regulatory program that applies clear  
22 and objective standards to the land use.

23 **SECTION 5.** Sections 2 and 4 of this 2013 Act apply to land use ap-  
24 plications filed on or after the effective date of this 2013 Act.

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