

Senate Bill 645

Sponsored by COMMITTEE ON BUSINESS AND TRANSPORTATION

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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 governmental permits.

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

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

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

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

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

16 **(b) May not apply or enforce standards or conditions in the permit that are more re-**
17 **strictive than the standards or conditions applied in the required state or federal regulatory**
18 **permits unless the county has adopted a specific, preexisting regulatory program that applies**
19 **clear and objective standards to the land use.**

20 **SECTION 3. Section 4 of this 2013 Act is added to and made a part of ORS 227.160 to**
21 **227.186.**

22 **SECTION 4. (1) A city may not impose or enforce a standard or condition of approval for**
23 **a land use permit that is more restrictive than the standards or conditions applied in a re-**
24 **quired state or federal regulatory permit unless the city has adopted a specific, preexisting**
25 **regulatory program that applies clear and objective standards to the land use.**

26 **(2) If a required federal or state regulatory permit has not been issued for the land use**
27 **that is the subject of a land use application when the city issues a permit or adopts changes**
28 **to the comprehensive plan, and land use regulations implementing the plan, the city:**

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

31 **(b) May not apply or enforce standards or conditions in the permit that are more re-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **strictive than the standards or conditions applied in the required state or federal regulatory**
2 **permits unless the city has adopted a specific, preexisting regulatory program that applies**
3 **clear and objective standards to the land use.**

4 **SECTION 5. Sections 2 and 4 of this 2013 Act apply to land use applications filed on or**
5 **after the effective date of this 2013 Act.**

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