

30.1.3 Zoning Ordinances – Adoption – Standards. ORS 227.173(1) requires that “[a]pproval or denial of a discretionary permit application shall be based on standards and criteria, which shall be set forth in the development ordinance.” A development code that permits the city engineer to waive or modify city street and roadway improvement standards where “in his/her judgment special circumstances dictate such change” is sufficient to comply with the ORS 227.173(1) requirement for “standards and criteria.” *Zirker v. City of Bend*, 59 Or LUBA 1 (2009).

30.1.3 Zoning Ordinances – Adoption – Standards. ORS 197.610(1) requires that the Land Conservation and Development Commission be given notice at least 45 days before the first evidentiary hearing on adoption of a post-acknowledgment comprehensive plan amendment. Where the required notice is given, a second notice is not required under ORS 197.610(1) simply because the local government decides to adopt different parts of the proposed comprehensive plan amendment by separate ordinances. *Johnson v. Jefferson County*, 56 Or LUBA 72 (2008).

30.1.3 Zoning Ordinances – Adoption – Standards. Where an intergovernmental agreement calls for a county to incorporate into its plan and code the city’s ordinances and plan provisions that address lands within the UGB, but the county never does so, the county did not err in refusing to treat the city’s provisions as applicable approval criteria. *Nez Perce Tribe v. Wallowa County*, 47 Or LUBA 419 (2004).

30. 1.3 Zoning Ordinances – Adoption – Standards. Where appeal fee waiver criteria are set out in the city’s land use regulations, an appeal fee waiver form that requests that the applicant provide certain information in seeking an appeal fee waiver does not establish criteria that must be met to obtain the appeal fee waiver. *St. Johns Neighborhood Assoc. v. City of Portland*, 38 Or LUBA 275 (2000).

30.1.3 Zoning Ordinances – Adoption – Standards. If a city does not include a tree-cutting regulation in its zoning ordinance and the regulation does not establish standards for implementing the city’s comprehensive plan, it is not a “land use regulation,” as the term is defined in ORS 197.015(11). *Ramsey v. City of Portland*, 30 Or LUBA 212 (1995).