



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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RE: *Ballot Measure 37*

Dear Local Government Partner:

With the Supreme Court decision in the *MacPherson* case having affirmed the constitutionality of Measure 37, the department is again in full swing, receiving and acting on claims from around the state. With that, as you know, claimants who have obtained "waivers" from the state and their local governments are applying for building permits and land use actions at the local level to implement their waivers and develop their property. We have begun fielding questions from county staff, claimants and their representatives relating to development under Measure 37 waivers granted by the state.

I wanted to take this opportunity to send you some general information that may be of help to you in interpreting and applying state waivers, and to offer our continuing assistance to you in the implementation of the measure.

First, our department website has important information dedicated to Measure 37. You can access the Measure 37 Home Page on line at <http://www.oregon.gov/LCD/measure37>. There you will find an up-to-date list of final orders and reports on each claim on which we have taken final action. The site also has information for claimants on how to file claims with the state, lists advice from the Department of Justice (DOJ), and is updated regularly with new information about the Measure.

The link to "History of Statutes, Goals and Rules," in particular, will help local officials determine what regulations are effective for particular waivers. Each state waiver includes a date as of which certain regulations are waived, and other regulations are effective. The "History" link will help you interpret that date, and what state regulations to apply to a particular claim.

I understand that some state waivers can be complicated and difficult to interpret. If you need help determining the effect of a state waiver decision, please don't hesitate to call or email us. We will be glad to help. (For legal advice, of course, you should consult your local legal counsel. We will be glad to work with him or her as well.)

We will be taking some steps in the near future to help you implement the measure (and to understand how we are implementing the measure). We will be making ourselves available to local government staff and officials, offering material that will help you construct findings relative to state regulations for your reports, and transmitting information from DOJ and other state entities. If you would like to invite us to a meeting with you and your staff, please let us know.

You can help us by keeping us informed of applications for permits and land use actions based on Measure 37 waivers. This information will help us better understand the statewide impact of the measure.

We remain committed to working with our local government partners in the implementation of Measure 37. I hope you will consider us as a resource for help and information as we move forward together.

Yours very truly,



LANE SHETTERLY  
Director