

**47.3 Ballot Measure 37 – State Waivers.** A Ballot Measure 37 waiver is not a “license” and the remedies that are available to certain license holders are not available to Ballot Measure 37 claimants. Ballot Measure 37 claimants are limited to the remedies set out in Ballot Measure 49. *Hoffman v. Jefferson County*, 60 Or LUBA 101 (2009).

**47.3 Ballot Measure 37 – State Waivers.** Where the Ballot Measure 37 claimant dies prior to receiving development approval and the property is transferred by operation of law to his heirs, the county errs in approving development on land no longer owned by the Ballot Measure 37 claimant, pursuant to waivers that grant only the claimant the right to develop the property free of the goals, statutes and rules specified in the waiver. *DLCD v. Jefferson County*, 55 Or LUBA 625 (2008).

**47.3 Ballot Measure 37 – State Waivers.** A statement in a state waiver under Ballot Measure 37 (ORS 197.352) that the state authorizes the claimant to use the property for the proposed use, subject to standards in effect on the date of acquisition, is not properly understood to operate as a blanket waiver of all state regulations adopted after the acquisition date, where other sections of the state waiver limit the waiver to the requirements of Goal 3 and related statutes and administrative rules. *DLCD v. Jefferson County*, 55 Or LUBA 625 (2008).

**47.3 Ballot Measure 37 – State Waivers.** Where the state specifically waives only Goal 3 and related statutes and administrative rules, an argument that the state should also have waived Goals 7, 11 and 14 is beyond LUBA’s scope of review and must be asserted in a different forum. The only question LUBA may decide is which goals and regulations the state actually waived. *DLCD v. Jefferson County*, 55 Or LUBA 625 (2008).

**47.3 Ballot Measure 37 (ORS 197.352) — State Waivers.** LUBA will reverse a county decision that approves a rural subdivision in a forest zone following a county Ballot Measure 37 waiver, where the owner has not obtained a waiver of applicable state regulations. The county has no authority to approve development inconsistent with state regulations, unless and until the state waives those regulations. *DLCD v. Jackson County*, 53 Or LUBA 580 (2007).