
Neighborhood Associations (NAs) Established

On March 22, 1994 the Josephine County Board of Commissioners (BCC) sent a memorandum¹ to all neighborhood associations² about a new citizen involvement program.

“RE: New Citizen Involvement Program”

“Dear Chair, Neighborhood Associations:”

“... The Citizen Involvement Program will be implemented as follows:”

“• All groups which follow all the requirements contained in the Citizen Involvement Program will be certified as Citizen Advisory Committees (CAC). The CAC will be entitled to formal notice and will be considered a party in all land use proceedings for which it receives formal notice.”

“• All groups which do not follow all the requirements contained in the Citizen Involvement Program will not be considered CACs but will be considered as Neighborhood Association. A Neighborhood Association will receive a letter notifying them of an application. They will also receive a copy of the application and the staff report. The Neighborhood Association will be entitled to testify as a witness but will not have party status. The Neighborhood Association will not receive formal notice.”

“Any Neighborhood Association may become certified as a CAC at any time and will receive the full rights as a party from the date of certification. Maintaining CAC status will be accomplished by providing a yearly report detailing compliance with the requirements of the Citizen Involvement Program and the Bi-Laws within 30 days after the election of new CAC Board members...”

Important to the *Hugo Neighborhood* are the clear communication policies of the BCC: 1. NAs will receive a letter notifying them of land use applications. 2. NAs will also receive a copy of the application and the staff report.

¹ Wayne McKy v. Josephine County, LUBA No. 99-100 (2000).

² To become an NA is easy. Write on paper *I wish to become an NA*, including your name and address. Register it with the Josephine County Planning Department, 510 NW 4th Street, Grants Pass, Oregon 97526.

Neighborhood Association Processes Clarified

In addition to the March 22, 1994 memorandum from the Josephine County commissioners, the county assistant planning director sent a letter of clarification to the chair of the Hugo NA stating that the county’s policy is that NAs will receive letter notice for land use decisions affecting lands within each association’s boundary.¹

“November 21, 1994

*Wayne McKy
6497 Hugo Road
Grants Pass, Oregon 97526*

Re: CAC & Neighborhood Association Processes

Dear Wayne,

In answer to your inquiry, the following policy controls notice and copy procedures for CAC’s and NA’s, and it comes from a memo from the Board to the Chairs of NA’s dated March 22, 1994:

- *CAC’s will receive formal notice for land use decisions affecting lands within each committee’s boundary; NA’s will receive letter notice for land use decisions affecting lands within each association’s boundary.*
- *CAC’s and NA’s will each receive a copy of the application and staff report for all items for which they receive notice or letters.*

I am copying this letter to all planning staff. Hopefully this will result in consistent and fair process for everyone.

Sincerely,

*Michael Snider
Assistant Planning Director”*

Important to the *Hugo Neighborhood* are the clear communication policies of the BCC as clarified by the Josephine County Planning Office: 1. NAs will receive letter notice for land use decisions affecting lands within each association’s boundary. 2. NAs will each receive a copy of the application and staff report for all items for which they receive notice or letters.

Wayne McKy, Petitioner v. Josephine County, LUBA No. 99-100 (2000)

The following quotes are from LUBA No. 99-100, January 21, 2000.¹

“...ORS 197.763(2)(b) requires that the local government send notice to any neighborhood association “recognized” by the local government, whose boundaries include the site. Thus, if the HNA is a recognized neighborhood association for purposes of ORS 197.763(2)(b), the county must provide the HNA with notice and an opportunity for local appeal of decisions such as the director’s action in this case.”

“The challenged decision does not address whether the HNA is a recognized neighborhood association under ORS 197.763(2)(b), or whether Ordinance 93-13 or the 1994 memorandum had the effect of recognizing the HNA for purposes of the statute. ... We presume, because the county does not contend otherwise, that petitioner raised before the commissioners the issues addressed in this assignment of error, and thus has not waived those issues ORS 197.763(1).”

“In the present case, we deem it more appropriate to remand the decision to allow the county to adopt any essential interpretations. The county’s brief does not dispute petitioner’s argument that Ordinance 93-13 or the 1994 memorandum had the effect of “recognizing” the HNA for purposes of ORS 197.763(2)(b), and the county’s intent on this point as expressed in the ordinance and memorandum is sufficiently unclear that it is a matter more appropriately resolved by the county than by LUBA. This subassignment of error is sustained.”

“The county’s decision is remanded. ... The county must address that issue on remand.”

Over two years later, Josephine County has not yet resolved the issue on remand, and therefore it is the continued position of the Hugo Neighborhood that NAs are “recognized” by Josephine County and entitled notice pursuant to *ORS 197.763(2)(b)* and that the county has established the following specific notice policies: 1. NAs will receive a letter notifying them of land use applications. 2. NAs will also receive a copy of the application and the staff report.

Hugo Neighborhood Association & Historical Society's Mission

This information brochure is one of a series of documents published by the Hugo Neighborhood Association & Historical Society (*Hugo Neighborhood*). It is designed to be shared with neighbors for the purpose of helping protect our rural quality of life by promoting an informed citizenry in decision-making.

The *Hugo Neighborhood* is a nonprofit association composed of a voluntary group of citizens interested in both the land use and history of the Hugo area, which is located in Josephine County, Oregon.

Land Use &

History

The *Hugo Neighborhood's* land use mission is to promote the social welfare of the citizens of the area by working to promote Oregon Statewide Goal 1 — Citizen Involvement, and by preserving, protecting, and enhancing the livability and economic viability of its farms, forests, and rural neighbors. It will act, as requested, as a technical resource assisting neighbors to represent themselves.

On January 1, 2003 the *Hugo Neighborhood* is initiating the concept of volunteer membership dues. The dues are \$10.00 annually and will be used strictly for paper, ink, envelopes, and stamps to publish and sometimes mail documents.

Edited by Hal Anthony

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Neighborhood Associations



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(updated)

by

**Hugo Neighborhood Association &
Historical Society**