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## DOCUMENTATION GUIDELINES FOR LAND USE APPEALS BY NEIGHBORHOOD ASSOCIATIONS

### **WHAT ARE THE REQUIREMENTS FOR A NEIGHBORHOOD ASSOCIATION TO APPEAL A STAFF DECISION ON A MINOR DEVELOPMENT APPLICATION?**

Neighborhood associations are required to provide documentation that the appeal (request for hearing) was properly approved or ratified by the association. The code requires that:

Not later than 5:00 p.m. on the business day prior to the public hearing for persons opposing the application, a neighborhood association shall submit documentation that the request for hearing filed on behalf of the neighborhood association was approved or is ratified in the manner provided by the association's bylaws or by board or membership vote. If this documentation is not provided, the neighborhood association's request for hearing shall be deemed withdrawn and the appeal shall be dismissed. [LOC 50.07.003.7.b.ii(5)].

### **GUIDELINES FOR DOCUMENTATION**

The code does not specify what documentation is required by the neighborhood association; however, the following guidelines will assist neighborhood associations in providing sufficient documentation.

First, identify which of the three methods of approving an appeal the neighborhood association followed:

1. The appeal was approved or is ratified in the manner provided by the association's bylaws;
2. By board vote; or
3. By membership vote.

If the appeal was approved by bylaw method, provide the following:

- Relevant excerpt from the association's bylaws
- Documentation to show that the approval is in accordance with the bylaw requirements (this will vary by association)

If by board vote:

- List the first and last names of the board members.
- List the number of board members required for a quorum.
- List the vote outcome; number for and number against, simple majority to pass.
- Reference the date(s) of the vote.
- Reference the forms of the vote; can be multiple (email, phone, in-person zoom).

If by membership vote:

- List first and last name and street address or email address.
- List the vote outcome number for and number against.
- Simple majority to pass.
- Reference the date of the vote.
- Reference the forms of the vote- can be multiple (email, telephone, in person, zoom).

### **WHAT HAPPENS AFTER THE APPEAL IS TIMELY FILED?**

When the required documentation is provided, staff will review the documentation and determine whether it is sufficient to comply with LOC 50.07.003.7.b.ii(5). If it is insufficient, staff will notify the neighborhood association of the deficiencies (usually within 1-2business days of receiving the documentation).

Neighborhood associations have until 5pm on the business day prior to the appeal hearing to provide the required documentation; however, it is strongly recommended that associations submit the documentation at least a week in advance of the hearing date so that any deficiencies can be identified and corrected prior to the deadline. If the required documentation is not provided by 5pm on the business day prior to the appeal hearing date, the appeal shall be dismissed. A decision of the City Manager to dismiss an appeal is final and is not subject to appeal to the hearing body or the City Council [LOC 50.07.003.7.b.iii].