

1 **EXHIBIT I**  
2 (661-010-0015)

3 **BEFORE THE LAND USE BOARD OF APPEALS**  
4 **OF THE STATE OF OREGON**

5  
6 Jane Smith, )  
7 )  
8 Petitioner, )  
9 )  
10 vs. ) LUBA No. \_\_\_\_\_  
11 )  
12 Willamette County, )  
13 )  
14 Respondent. )

15 **NOTICE OF INTENT TO APPEAL**

16 **I.**

17 Notice is hereby given that petitioner intends to appeal that land use  
18 decision or limited land use decision of respondent entitled [INDICATE TITLE  
19 OF LAND USE DECISION OR LIMITED LAND USE DECISION], which  
20 became final on [INDICATE DATE] and which involves [SET FORTH A  
21 BRIEF STATEMENT OF THE NATURE OF THE DECISION; OR,  
22 PREFERABLY, ATTACH A COPY OF THE DECISION]

23 **II.**

24 (a) Petitioner, Jane Smith, is represented by: [INDICATE NAME,  
25 ADDRESS AND TELEPHONE NUMBER OF ATTORNEY].

26 or

27 (b) Petitioner, Jane Smith, represents herself: [INDICATE ADDRESS  
28 AND TELEPHONE NUMBER]. [IF APPLICABLE] Petitioner, Jane Smith, is  
29 designated lead petitioner.

30 **III.**

1 Respondent, Willamette County, has as its mailing address and telephone  
2 number: [INDICATE MAILING ADDRESS AND TELEPHONE NUMBER]  
3 and has, as its legal counsel: [INDICATE NAME, ADDRESS AND  
4 TELEPHONE NUMBER OF ATTORNEY].

5 IV.

6 Applicant, John Developer, was represented in the proceeding below by:  
7 [INDICATE NAME, ADDRESS AND TELEPHONE NUMBER OF  
8 ATTORNEY].

9 Other persons mailed written notice of the land use decision or limited  
10 land use decision by Willamette County, as indicated by its records in this  
11 matter, include: [INDICATE NAMES, ADDRESSES AND TELEPHONE  
12 NUMBERS OF ALL PERSONS WHOM THE GOVERNING BODY'S  
13 RECORDS INDICATE WERE MAILED WRITTEN NOTICE OF THE LAND  
14 USE DECISION OR LIMITED LAND USE DECISION. THE TELEPHONE  
15 NUMBERS OF SUCH PERSONS MAY BE OMITTED].

16 NOTICE:

17 Anyone designated in paragraph IV of this Notice who desires to  
18 participate as a party in this case before the Land Use Board of Appeals must  
19 file with the Board a Motion to Intervene in this proceeding as required by  
20 OAR 661-010-0050.

21 \_\_\_\_\_  
22 Petitioner (each petitioner must sign)

23 or

24 \_\_\_\_\_  
25 Attorney for Petitioner(s)  
26

CERTIFICATE OF SERVICE

I hereby certify that on [INDICATE DATE], I served a true and correct copy of this Notice of Intent to Appeal on all persons listed in paragraphs III and IV of this Notice pursuant to OAR 661-010-0015(2) by (a) first class mail or (b) personal delivery [INDICATE WHICH].

Dated:

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Signature

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**EXHIBIT 2**  
(661-010-0025)

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**OF RECORD**

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Exhibits Retained by City Until Time of Oral Argument Under OAR 661-010-0025(2)	
A. DVD recording of City Council meeting June 1, 2013.	

- 1 B. City Map on posterboard; see Record 99.
- 2 C. Audio Recording of Planning Commission hearing November 1,
- 3 2012.
- 4 D. The local record in the prior LUBA appeal, Younger v. City of
- 5 Portland, LUBA No. XXXX-XXX. **[NOTE: LUBA DOES**
- 6 **NOT RETAIN ITS RECORD COPIES. IF THE COPY**
- 7 **THAT WAS ON FILE WITH LUBA WAS RECYCLED OR**
- 8 **PICKED UP BY THE RESPONDENT, THE PRIOR**
- 9 **RECORD MUST BE TRANSMITTED TO LUBA AGAIN.]**

1 **EXHIBIT 3**  
2 (OAR 661-010-0050)

3 **BEFORE THE LAND USE BOARD OF APPEALS**  
4 **OF THE STATE OF OREGON**

5  
6 Jane Smith, )  
7 Petitioner, )  
8 )  
9 vs. ) LUBA No. \_\_\_\_\_  
10 )  
11 Willamette County, )  
12 Respondent. )

13 **MOTION TO INTERVENE**

14 **I.**

15 John Davis moves to intervene on the side of (a) Petitioner or (b)  
16 Respondent [INDICATE WHICH] in the above-captioned appeal. Mr. Davis'  
17 (or his attorney's) address and phone number are as follows: [INDICATE  
18 ADDRESS AND PHONE NUMBER].

19 **II.**

20 The facts establishing movant's right to intervene are as follows: [SET  
21 FORTH STATEMENT OF FACTS WITH REFERENCES TO THE RECORD  
22 OR ATTACH AFFIDAVITS OR OTHER PROOF].

23 **III. [OPTIONAL]**

24 In support of this motion, John Davis relies on the attached [affidavit,]  
25 Memorandum of Law [or both].

26 \_\_\_\_\_  
27 Date or John Davis  
28  
29 \_\_\_\_\_  
30 Denise Neil, Attorney for John Davis

31  
32 [Add Certificates of Filing and Service on separate page. See Exhibits 5 & 6.]  
33

1 **EXHIBIT 4**  
2 (661-010-0068)

3 **BEFORE THE LAND USE BOARD OF APPEALS**  
4 **OF THE STATE OF OREGON**

5  
6 Jane Smith, )  
7 )  
8 Petitioner, )  
9 )  
10 vs. ) LUBA No. \_\_\_\_\_  
11 )  
12 Willamette County, )  
13 )  
14 Respondent. )

15 **UNDERTAKING ON STAY**

16 **I.**

17 Whereas, Jane Smith, the petitioner above named, has applied to the  
18 Land Use Board of Appeals for an order staying execution of that land use  
19 decision or limited land use decision described as [DESCRIBE LAND USE  
20 DECISION OR LIMITED LAND USE DECISION]; and

21 **II.**

22 Whereas, the Land Use Board of Appeals entered an order dated  
23 [INDICATE DATE] staying said land use decision or limited land use decision  
24 pursuant to ORS 197.845, subject to filing an undertaking with the Land Use  
25 Board of Appeals in the principal amount of \$\_\_\_\_\_.

26 **III.**

27 Now, therefore, we [INDICATE PETITIONER'S NAME(S)], the above-  
28 named petitioner, as principal, and [INDICATE SURETY NAME], a  
29 [INDICATE STATE OF INCORPORATION] corporation qualified by law to  
30 issue surety insurance as defined in ORS 731.186, as surety, hereby undertake

1 that petitioner will pay all reasonable attorney's fees and actual damages which  
2 may be awarded by the Land Use Board of Appeals in the event the land use  
3 decision or limited land use decision above described shall be affirmed, but not  
4 to exceed the sum of \$\_\_\_\_\_.

5 IV.

6 The condition of this obligation is that if the land use decision or limited  
7 land use decision above described is not affirmed, then this obligation shall be  
8 null and void; otherwise it shall remain in full force and effect.

9 Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_.

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\_\_\_\_\_  
Principal

By:

\_\_\_\_\_  
Surety

23 [Add Certificates of Filing and Service on separate page. See Exhibits 5 and  
24 6.]

**(Exhibit 5)**  
(661-010-0075)

Certificate of Filing

I hereby certify that on [DATE], I filed the original of this [NAME OF DOCUMENT], together with [INDICATE NUMBER OF COPIES] copies, with the Land Use Board of Appeals, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283, by [CERTIFIED OR FIRST CLASS MAIL OR PERSONAL DELIVERY (indicate which)].

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

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SIGNATURE

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**(Exhibit 6)**  
(661-010-0075)

Certificate of Service

I hereby certify that I served the foregoing [NAME OF DOCUMENT] for LUBA No. \_\_\_\_\_ on [DATE] by mailing to said parties or their attorney a true copy thereof contained in a sealed envelope with postage prepaid addressed to said parties or their attorney as follows:

NAME  
ADDRESS  
CITY/STATE/ZIP

NAME  
ADDRESS  
CITY/STATE/ZIP

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

---

SIGNATURE