

1 **EXHIBIT 1**  
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. )  
11 )  
12 Willamette County, )  
13 )  
14 Respondent. )

LUBA No. \_\_\_\_\_

15 NOTICE OF INTENT TO APPEAL

16 I.

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

23 II.

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

26 or

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

30 III.

31 Respondent, Willamette County, has as its mailing address

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

4 IV.

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

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

15 NOTICE:

16 Anyone designated in paragraph IV of this Notice who  
17 desires to participate as a party in this case before the Land  
18 Use Board of Appeals must file with the Board a Motion to  
19 Intervene in this proceeding as required by OAR 661-10-050.

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

23 or

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

CERTIFICATE OF SERVICE

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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

<u>ITEM</u>	<u>PAGE</u>
1. Certified cover sheet for City Council record of PC File Nos. 7517 PA: Application of Fred Meyer, Inc./Hyster Co. for a comprehensive plan map amendment and zone change (Fred Meyer/Hyster proposal) . . . . .	1
2. Record of City Council action on appeal of Fred Meyer/Hyster Co. from Hearings Officer's decision denying Fred Meyer/Hyster proposal . . . . .	2
3. Record of City Council action on proposed findings to grant appeal of Fred Meyer/Hyster Inc. and approve Fred Meyer/Hyster proposal . . . . .	3
4. Letter from a City Auditor to Edward J. Sullivan Transmitting a form letter mailed to parties of interest concerning the Fred Meyer/Hyster comprehensive plan map amendment and zone change and transmitting a copy of a notice published in the Oregonian on Sunday, June 7 and Wednesday, June 11, 1986 . . . . .	4
5. Notice of final decision on Fred Meyer appeal and notice published in the Oregonian on Sunday, June 7, 1986 and Wednesday, June 11, 1986 . . . . .	5
6. Form letter from City Auditor to interested parties, dated June 6, 1986, transmitting a copy of ordinance No. 158347, and list of persons to whom form letter was mailed . . . . .	6
7. Letter from City Auditor to Walter H. Lodewich, dated June 5, 1986, transmitting a copy of Ordinance No. 158573 . . . . .	13
8. Letter from City Auditor to Hyster Co., dated June 5, 1986, transmitting a copy of Ordinance No. 158573 . . . . .	14
9. Letter from City Auditor to Fred Meyer Real Estate Properties, Ltd., dated June 5, 1986, transmitting a copy of Ordinance No. 158573 . . . . .	15
10. Ordinance No. 158573, adopted June 4, 1986 . . . . .	16

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2 11. Minutes of City Council hearing on Fred Meyer  
3 appeal, held June 1, 1986 . . . . . 43  
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9 Exhibits Retained by City Until Time of  
10 Oral Argument Under OAR 661-10-025(2)  
11  
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- 13 A. Casette tapes of City Council hearing on Fred Meyer/Hyster  
14 Co. appeal, held June 1, 1986.  
15  
16 B. Map entitled Revised Site Plan, submitted by applicant  
17 Fred Meyer/Hyster Co. at City Council hearing on June 1,  
18 1986.  
19  
20 C. Aerial photograph labelled EC-43/85-11, submitted by  
21 opponents at City Council hearing on June 1, 1986.  
22  
23 D. The local record in the prior LUBA appeal, Younger v. City  
24 of Portland, LUBA No. XXXX-XXX. A copy of this record is  
25 on file with LUBA and is not included in this transmittal.  
26 [NOTE: IF THERE ARE PETITIONERS IN THE CURRENT LUBA  
27 PROCEEDING THAT WERE NOT PARTIES IN THE PRIOR LUBA APPEAL,  
28 A COPY OF THE RECORD IN THE PRIOR APPEAL MUST BE SERVED ON  
29 THE NEW PETITIONERS. AND IF THE COPY THAT WAS ON FILE  
30 WITH LUBA WAS RECYCLED OR PICKED UP BY THE RESPONDENT, THE  
31 PRIOR RECORD MUST BE SERVED ON LUBA AGAIN.]

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

BEFORE THE LAND USE BOARD OF APPEALS  
OF THE STATE OF OREGON

Jane Smith, )  
Petitioner, )  
vs. ) LUBA No. \_\_\_\_\_  
Willamette County, )  
Respondent. )

MOTION TO INTERVENE

I.

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

II.

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

III. [OPTIONAL]

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

\_\_\_\_\_  
Date John Davis  
or  
\_\_\_\_\_  
Denise Neil, Attorney for John Davis

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

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  
18 applied to the Land Use Board of Appeals for an order staying  
19 execution of that land use decision or limited land use  
20 decision described as [DESCRIBE LAND USE DECISION OR LIMITED  
21 LAND USE DECISION]; and

22 II.

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

28 III.

29 Now, therefore, we [INDICATE PETITIONER'S NAME(S)], the  
30 above-named petitioner, as principal, and [INDICATE SURETY  
31 NAME], a [INDICATE STATE OF INCORPORATION] corporation

1 qualified by law to issue surety insurance as defined in  
2 ORS 731.186, as surety, hereby undertake that petitioner will  
3 pay all reasonable attorney's fees and actual damages which  
4 may be awarded by the Land Use Board of Appeals in the event  
5 the land use decision or limited land use decision above  
6 described shall be affirmed, but not to exceed the sum of  
7 \$\_\_\_\_\_.

8 IV.

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

13 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

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\_\_\_\_\_  
Principal

By:

\_\_\_\_\_  
Surety

27 [Add Certificates of Filing and Service on separate page. See  
28 forms in Exhibits 5 and 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 \_\_\_\_\_, 200\_\_

\_\_\_\_\_  
SIGNATURE

**(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 \_\_\_\_\_, 200\_\_

\_\_\_\_\_  
SIGNATURE