

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

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

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

16 **NOTICE OF INTENT TO APPEAL**

17 **I.**

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

24 **II.**

25 (a) Petitioner, Jane Smith, has as their mailing address and telephone
26 number: [INDICATE MAILING ADDRESS, ELECTRONIC MAIL
27 ADDRESS, AND TELEPHONE NUMBER OF PETITIONER].

28 (b) Petitioner, Jane Smith, is represented by: [INDICATE NAME,

1 ADDRESS, ELECTRONIC MAIL ADDRESS, AND TELEPHONE NUMBER
2 OF PETITIONER’S ATTORNEY]. [IF MORE THAN ONE ATTORNEY
3 IDENTIFIED] Attorney, Taylor Doe, is designated as lead counsel.

4 or

5 (b) Petitioner, Jane Smith, represents themselves. [IF MORE THAN ONE
6 SELF-REPRESENTED PETITIONER] Petitioner, Jane Smith, is designated as
7 lead petitioner.

8 III.

9 (a) Respondent, Willamette County, has as its mailing address and
10 telephone number: [INDICATE MAILING ADDRESS, ELECTRONIC MAIL
11 ADDRESS, AND TELEPHONE NUMBER OF GOVERNING BODY].

12 (b) Respondent, Willamette County, has as its legal counsel: [INDICATE
13 NAME, ADDRESS, ELECTRONIC MAIL ADDRESS, AND TELEPHONE
14 NUMBER OF GOVERNING BODY’S ATTORNEY].

15 IV.

16 (a) Applicant, John Developer, has as its mailing address and telephone
17 number: [INDICATE MAILING ADDRESS. ELECTRONIC MAIL
18 ADDRESS, AND TELEPHONE NUMBER OF APPLICANT].

19 (b) Applicant, John Developer, was represented in the proceeding below
20 by: [INDICATE NAME, ADDRESS, ELECTRONIC MAIL ADDRESS, AND
21 TELEPHONE NUMBER OF APPLICANT’S ATTORNEY].

22 (c) Other persons mailed written notice of the land use decision or limited

1 land use decision by Willamette County, as indicated by its records in this matter,
2 include: [INDICATE NAMES, ELECTRONIC MAIL ADDRESSES, AND
3 ADDRESSES OF ALL PERSONS WHOM THE GOVERNING BODY'S
4 RECORDS INDICATE WERE MAILED OR EMAILED WRITTEN NOTICE
5 OF THE LAND USE DECISION OR LIMITED LAND USE DECISION].

6 NOTICE:

7 Anyone designated in paragraph IV of this Notice who desires to
8 participate as a party in this case before the Land Use Board of Appeals must file
9 with the Board a Motion to Intervene in this proceeding as required by OAR 661-
10 010-0050.

11 Dated this ____ day of _____, 20__.

12
13
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17
18

Petitioner (each petitioner must sign)

or

Attorney for Petitioner(s)

1 CERTIFICATE OF FILING OF NOTICE OF INTENT TO APPEAL

2
3 I hereby certify that, on [INDICATE DATE], I filed the original of this Notice of
4 Intent to Appeal, together with one copy, with the Land Use Board of Appeals,
5 201 High Street SE, Suite 600, Salem, OR 97301-3398, by [INDICATE
6 MANNER OF FILING, *E.G.*, CERTIFIED, PRIORITY, OR FIRST-CLASS
7 MAIL, OR COMMERCIAL DELIVERY SERVICE].

8
9 Dated this ____ day of _____, 20__.

10
11 _____
12 Signature
13

14 CERTIFICATE OF SERVICE OF NOTICE OF INTENT TO APPEAL

15
16 I hereby certify that, on [INDICATE DATE], I served a true and correct copy of
17 this Notice of Intent to Appeal on all persons listed in paragraphs III and IV of
18 this Notice pursuant to OAR 661-010-0015(2) by [INDICATE MANNER OF
19 SERVICE, *E.G.*, IN-PERSON DELIVERY, FIRST-CLASS OR PRIORITY
20 MAIL, OR COMMERCIAL DELIVERY SERVICE].

21
22 Dated this ____ day of _____, 20__.

23
24 _____
25 Signature
26

1
2
3
4
5
6

EXHIBIT 2
(661-010-0025)

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12 with mailing list.....5

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14 3. Ordinance 13-01, adopted June 1, 2013, with attached

15 Findings and Conclusions of Law7

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17 4. Final Minutes of the City Council Meeting June 1, 201325

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1 Exhibits Retained by City Until Time of
2 Oral Argument Under OAR 661-010-0025(2)
3

- 4 A. DVD recording of City Council meeting June 1, 2013.
5 B. City Map on posterboard; see Record 99.
6 C. Audio Recording of Planning Commission hearing November 1,
7 2012.
8 D. The local record in the prior LUBA appeal, Younger v. City of
9 Portland, LUBA No. XXXX-XXX. **[NOTE: LUBA DOES NOT**
10 **RETAIN ITS RECORD COPIES. IF THE COPY THAT WAS**
11 **ON FILE WITH LUBA WAS DISCARDED OR PICKED UP**
12 **BY THE RESPONDENT, THEN THE RESPONDENT MUST**
13 **RETRANSMIT TO LUBA THE LOCAL GOVERNMENT**
14 **RECORD IN THE PRIOR APPEAL.]**
15

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

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

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

16 **MOTION TO INTERVENE**

17 **I.**

18 (a) John Davis moves to intervene on the side of [PETITIONER OR
19 RESPONDENT] in the above-captioned appeal.

20 (b) John Davis has as their mailing address and telephone number:
21 [INDICATE MAILING ADDRESS, ELECTRONIC MAIL ADDRESS, AND
22 TELEPHONE NUMBER OF MOVANT].

23 (c) John Davis is represented by: [INDICATE NAME, ADDRESS,
24 ELECTRONIC MAIL ADDRESS, AND TELEPHONE NUMBER OF
25 MOVANT'S ATTORNEY]. [IF MORE THAN ONE ATTORNEY
26 IDENTIFIED] Attorney, Denise Neil, is designated as lead counsel.

27 or

1 (c) John Davis represents themselves. [IF MORE THAN ONE SELF-
2 REPRESENTED MOVANT] John Davis is designated as lead intervenor.

3 II.

4 The appealed decision is that land use decision or limited land use decision
5 of respondent entitled [INDICATE TITLE OF LAND USE DECISION OR
6 LIMITED LAND USE DECISION], which became final on [INDICATE DATE]
7 and which involves [SET FORTH A BRIEF STATEMENT OF THE NATURE
8 OF THE DECISION OR, PREFERABLY, ATTACH A COPY OF THE
9 DECISION].

10 III.

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

14 IV. [OPTIONAL]

15 In support of this motion, John Davis relies on the attached [affidavit,
16 memorandum of law, or both].

17 Dated this ____ day of _____, 20__.

18
19
20 _____
John Davis

21 or

22 _____
23 Denise Neil, Attorney for John Davis
24

25 [Add Certificates of Filing and Service on separate page. See Exhibits 5 & 6.]
26

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

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

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

16 **UNDERTAKING ON STAY**

17 **I.**

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

22 **II.**

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

27 **III.**

28 Now, therefore, we [INDICATE PETITIONER'S NAME(S)], the above-

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

8 IV.

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

12 Dated this ____ day of _____, 20__.

13
14 _____
15 Principal

16
17 _____
18 Surety

19
20 [Add Certificates of Filing and Service on separate page. See Exhibits 5 & 6.]
21

EXHIBIT 5
(661-010-0075)

CERTIFICATE OF FILING (GENERAL)

I hereby certify that, on [INDICATE DATE], I filed the original of this [NAME OF DOCUMENT], with the Land Use Board of Appeals, 201 High Street SE, Suite 600, Salem, OR 97301-3398, by [INDICATE MANNER OF FILING, *E.G.*, CERTIFIED, PRIORITY, OR FIRST-CLASS MAIL, OR COMMERCIAL DELIVERY SERVICE].

Dated this ____ day of _____, 20__

Signature

EXHIBIT 6
(661-010-0075)

CERTIFICATE OF SERVICE (GENERAL)

I hereby certify that, on [INDICATE DATE], I served a true and correct copy of this [NAME OF DOCUMENT] on all parties by [INDICATE MANNER OF SERVICE, *E.G.*, IN-PERSON DELIVERY, FIRST-CLASS OR PRIORITY MAIL, OR COMMERCIAL DELIVERY SERVICE] to the following names and addresses:

NAME ADDRESS CITY/STATE/ZIP	NAME ADDRESS CITY/STATE/ZIP
-----------------------------------	-----------------------------------

Dated this ____ day of _____, 20__.

Signature

1 **EXHIBIT 7**
2 (661-010-0030)

3
4 Certificate of Compliance with Brief Length, Type Size,
5 and Copy of Decision Requirements
6

7 Brief Length
8

9 I certify that (1) this brief complies with the word-count limitation in OAR 661-
10 010-0030(2) and (2) the word count of this brief as described in OAR 661-010-
11 0030(2) is _____ words. [OR]

12
13 I certify that (1) I do not have access to a word-processing system that provides
14 a word count; (2) this brief complies with the page limitation in OAR 661-010-
15 0030(2); and (3) the number of pages in this brief is _____ pages. [OR]

16
17 The board granted a motion to exceed the length limit for this brief. The order
18 granting that motion was dated _____ and permits a brief of up to _____.
19 I certify that (1) this brief complies with that order and (2) the word count of this
20 brief (as described in OAR 661-010-0030(2)) is _____ words [OR] the
21 number of pages in this brief is _____ pages.
22

23 Type Size
24

25 I certify that the size of the type in this brief is not smaller than 14 point for both
26 the text of the brief and footnotes as required by OAR 661-010-0030(2).
27

28 Copy of Decision [FOR PETITION FOR REVIEW]
29

30 I certify that the petition for review contains a copy of the challenged decision,
31 including any adopted findings of fact and conclusions of law as required by
32 OAR 661-010-0030(4)(e).
33

34 Dated this ____ day of _____, 20____.
35

36 _____
37 Signature
38

1 **EXHIBIT 8**
2 (661-010-0012)

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

6
7 Jane Smith,)
8)
9 Petitioner,)
10)
11 vs.) LUBA No. _____
12)
13 Willamette County,)
14)
15 Respondent.)
16

17 **NOTICE OF REPRESENTATION**

18
19 Notice is hereby given that [PETITIONER, INTERVENOR, OR
20 RESPONDENT] is represented by: [INDICATE NAME, ADDRESS,
21 ELECTRONIC MAIL ADDRESS, AND TELEPHONE NUMBER OF
22 ATTORNEY]. [IF MORE THAN ONE ATTORNEY IDENTIFIED] Attorney,
23 Taylor Doe, is designated as lead counsel.
24

25 [PETITIONER, INTERVENOR, OR RESPONDENT] has as their mailing
26 address and telephone number: [INDICATE MAILING ADDRESS,
27 ELECTRONIC MAIL ADDRESS, AND TELEPHONE NUMBER].
28

29 Dated this ____ day of _____, 20____.

30
31 _____
32 Signature

33
34 [Add Certificates of Filing and Service on separate page. See Exhibits 5 & 6.]
35

1 **EXHIBIT 9**
2 (661-010-0012)

3
4 **BEFORE THE LAND USE BOARD OF APPEALS**
5 **OF THE STATE OF OREGON**
6

7 Jane Smith,)

8)

9 Petitioner,)

10)

11 vs.)

LUBA No. _____

12)

13 Willamette County,)

14)

15 Respondent.)

16

17 **NOTICE OF WITHDRAWAL**

18

19 Notice is hereby given that [PETITIONER'S, INTERVENOR'S, OR
20 RESPONDENT'S] attorney, [INDICATE NAME OF ATTORNEY], is
21 withdrawing as counsel in this appeal.

22

23 [PETITIONER, INTERVENOR, OR RESPONDENT] has as their mailing
24 address and telephone number: [INDICATE MAILING ADDRESS,
25 ELECTRONIC MAIL ADDRESS, AND TELEPHONE NUMBER].

26

27 [PETITIONER, INTERVENOR, OR RESPONDENT] will proceed *pro se* [OR]
28 will be represented by: [INDICATE NAME, ADDRESS, ELECTRONIC MAIL
29 ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY]. [IF MORE
30 THAN ONE ATTORNEY IDENTIFIED] Attorney, Taylor Doe, is designated as
31 lead counsel.

32

33 [INDICATE APPEAL STATUS AND NEXT PENDING DEADLINE.] This
34 appeal is currently suspended. [OR] This appeal is in briefing. The response brief
35 is due [DATE].

36

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Dated this ____ day of _____, 20__.

Signature

[Add Certificates of Filing, Service, and, if necessary, Authenticity on separate page. See Exhibits 5, 6, & 11.]

1 **EXHIBIT 10**
2 (661-010-0012)

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

6
7 Jane Smith,)
8)
9 Petitioner,)
10)
11 vs.) LUBA No. _____
12)
13 Willamette County,)
14)
15 Respondent.)
16

17 **NOTICE OF RELATED MATTERS**

18
19 Notice is hereby given that [PETITIONER, INTERVENOR, OR
20 RESPONDENT] is aware of the following related matters:

21
22 SMITH v. CITY OF WILLAMETTE

23 LUBA No. 2022-000

24 Filed: 01/01/2022

25 Status: Pending Record

26 Relation to current matter: [PETITIONER, INTERVENOR, OR
27 RESPONDENT] is the same party appealing a permit contingent on this
28 pending appeal.

29
30 SMITH v. CITY OF WILLAMETTE

31 A220000

32 Filed: 01/01/2022

33 Status: Pending Briefing

34 Relation to current matter: [PETITIONER, INTERVENOR, OR
35 RESPONDENT] has appealed a related LUBA decision regarding a
36 previous stage of a subdivision plan.
37

1 [PETITIONER, INTERVENOR, OR RESPONDENT] will file an updated
2 notice if [PETITIONER, INTERVENOR, OR RESPONDENT] becomes aware
3 of or initiates any related matters of which [PETITIONER, INTERVENOR, OR
4 RESPONDENT] has not already notified the Board.

5
6 Dated this ____ day of _____, 20____.

7
8 _____
9 Signature

10
11 [Add Certificates of Filing and Service on separate page. See Exhibits 5 & 6.]
12

EXHIBIT 11
(661-010-0075)

CERTIFICATE OF AUTHENTICITY

I hereby certify that, on [INDICATE DATE], I filed and served the original of this [NAME OF DOCUMENT], with the Land Use Board of Appeals, 201 High Street SE, Suite 600, Salem, OR 97301-3398, and attest that the typed signature below and those within this document are a representation that, under penalty of perjury, the document is true and correct to the best of my knowledge and belief.

Dated this ____ day of _____, 20__

Signature

Robert Anderson

Robert Anderson

[Oregon State Bar No. 000001]

[Attorney for Petitioner Smith.]