

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 AND TELEPHONE NUMBER OF  
27 PETITIONER].

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

1 ADDRESS, AND TELEPHONE NUMBER OF PETITIONER’S ATTORNEY].  
2 [IF MORE THAN ONE ATTORNEY IDENTIFIED] Attorney, Taylor Doe, is  
3 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 AND TELEPHONE  
11 NUMBER OF GOVERNING BODY].

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

15 IV.

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

19 (b) Applicant, John Developer, was represented in the proceeding below  
20 by: [INDICATE NAME, ADDRESS AND TELEPHONE NUMBER OF  
21 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 AND ADDRESSES OF ALL PERSONS WHOM  
3 THE GOVERNING BODY’S RECORDS INDICATE WERE MAILED OR  
4 EMAILED WRITTEN NOTICE OF THE LAND USE DECISION OR  
5 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  
14  
15  
16  
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 two copies, with the Land Use Board of Appeals,  
5 775 Summer Street NE, Suite 330, Salem, OR 97301-1283, 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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OF RECORD

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9     1.     DLCD Notice of Adoption for Ordinance 13-01, mailed June 5, 2013 ..... 1

10

11    2.     Notice of Decision mailed to participants June 5, 2013,

12         with mailing list.....5

13

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

15         Findings and Conclusions of Law .....7

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17    4.     Final Minutes of the City Council Meeting June 1, 2013 .....25

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19    5.     Testimony of John Doe, Chamber of Commerce, submitted

20         June 1, 2013, with attachments .....40

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24         C.     Employment Report, dated July 1, 2005.....75

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27    6.     Staff Report dated May 24, 2013, with attachments .....100

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29         A.     Revised Traffic Study dated March 1, 2013 .....120

30         B.     Revised Goal 10 Analysis dated April 1, 2013.....150

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32    7.     Publication notice of June 1, 2013 City Council Meeting, published

33         in the Oregonian May 25, 2013, and May 28, 2013.....201

34

35    Etc.

36

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 AND TELEPHONE NUMBER OF  
22 MOVANT].

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

1 **EXHIBIT 5**  
2 (661-010-0075)

3  
4 **CERTIFICATE OF FILING (GENERAL)**  
5

6 I hereby certify that, on [INDICATE DATE], I filed the original of this [NAME  
7 OF DOCUMENT], together with [INDICATE NUMBER OF COPIES] copies,  
8 with the Land Use Board of Appeals, 775 Summer Street NE, Suite 330, Salem,  
9 OR 97301-1283, by [INDICATE MANNER OF FILING, *E.G.*, CERTIFIED,  
10 PRIORITY, OR FIRST-CLASS MAIL, OR COMMERCIAL DELIVERY  
11 SERVICE].

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

13  
14 \_\_\_\_\_  
15 Signature  
16 \_\_\_\_\_  
17

18 **EXHIBIT 6**  
19 (661-010-0075)

20  
21 **CERTIFICATE OF SERVICE (GENERAL)**  
22

23 I hereby certify that, on [INDICATE DATE], I served a true and correct copy of  
24 this [NAME OF DOCUMENT] on all parties by [INDICATE MANNER OF  
25 SERVICE, *E.G.*, IN-PERSON DELIVERY, FIRST-CLASS OR PRIORITY  
26 MAIL, OR COMMERCIAL DELIVERY SERVICE] to the following names and  
27 addresses:  
28

29	NAME	NAME
30	ADDRESS	ADDRESS
31	CITY/STATE/ZIP	CITY/STATE/ZIP

32  
33 Dated this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

34  
35 \_\_\_\_\_  
36 Signature  
37



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, AND  
21 TELEPHONE NUMBER OF ATTORNEY]. [IF MORE THAN ONE  
22 ATTORNEY IDENTIFIED] Attorney, Taylor Doe, is designated as lead counsel.  
23

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

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

29  
30 \_\_\_\_\_  
31 Signature

32  
33 [Add Certificates of Filing and Service on separate page. See Exhibits 5 & 6.]  
34

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 AND  
25 TELEPHONE NUMBER].

26  
27 [PETITIONER, INTERVENOR, OR RESPONDENT] will proceed *pro se* [OR]  
28 will be represented by: [INDICATE NAME, ADDRESS, AND TELEPHONE  
29 NUMBER OF ATTORNEY]. [IF MORE THAN ONE ATTORNEY  
30 IDENTIFIED] Attorney, Taylor Doe, is designated as lead counsel.

31  
32 [INDICATE APPEAL STATUS AND NEXT PENDING DEADLINE.] This  
33 appeal is currently suspended. [OR] This appeal is in briefing. The response brief  
34 is due [DATE].

35  
36  
37  
38  
39 Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

1  
2  
3  
4  
5  
6

\_\_\_\_\_  
Signature

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





1 of or initiates any related matters of which [PETITIONER, INTERVENOR, OR  
2 RESPONDENT] has not already notified the Board.

3  
4 Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

5  
6 \_\_\_\_\_  
7 Signature

8  
9 [Add Certificates of Filing and Service on separate page. See Exhibits 5 & 6.]

10