



1 (b) Petitioner, Jane Smith, is represented by: [INDICATE NAME,  
2 PHYSICAL MAILING ADDRESS, ELECTRONIC MAIL ADDRESS, AND  
3 TELEPHONE NUMBER OF PETITIONER’S ATTORNEY]. [IF MORE  
4 THAN ONE ATTORNEY IDENTIFIED] Attorney, Taylor Doe, is designated as  
5 lead counsel.

6 or

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

10 III.

11 (a) Respondent, Willamette County, has as its mailing address, electronic  
12 mail address, and telephone number: [INDICATE PHYSICAL MAILING  
13 ADDRESS, ELECTRONIC MAIL ADDRESS, AND TELEPHONE NUMBER  
14 OF GOVERNING BODY].

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

18 IV.

19 (a) Applicant, John Developer, has as its mailing address, electronic mail  
20 address, and telephone number: [INDICATE PHYSICAL MAILING  
21 ADDRESS, ELECTRONIC MAIL ADDRESS, AND TELEPHONE NUMBER  
22 OF APPLICANT].

1 (b) Applicant, John Developer, was represented in the proceeding below  
2 by: [INDICATE NAME, PHYSICAL MAILING ADDRESS, ELECTRONIC  
3 MAIL ADDRESS, AND TELEPHONE NUMBER OF APPLICANT'S  
4 ATTORNEY].

5 (c) Other persons mailed written notice of the land use decision or limited  
6 land use decision by Willamette County, as indicated by its records in this matter,  
7 include: [INDICATE NAMES, PHYSICAL MAILING ADDRESSES, AND  
8 ELECTRONIC MAIL ADDRESSES OF ALL PERSONS WHOM THE  
9 GOVERNING BODY'S RECORDS INDICATE WERE MAILED OR  
10 EMAILED WRITTEN NOTICE OF THE LAND USE DECISION OR  
11 LIMITED LAND USE DECISION].

12 NOTICE:

13 Anyone designated in paragraph IV of this Notice who desires to  
14 participate as a party in this case before the Land Use Board of Appeals must file  
15 with the Board a Motion to Intervene in this proceeding as required by OAR 661-  
16 010-0050.

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

18  
19  
20  
21  
22  
23  
24

\_\_\_\_\_  
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)

TABLE OF CONTENTS  
OF RECORD

7     ITEM PAGE

8

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

16

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

18

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

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

21

22         A.     Economic Conditions Report, dated February 10, 2000 .....55

23         B.     Article: Smart Growth is an Oxymoron .....61

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

25         D.     RETAINED EXHIBIT: City Map on posterboard .....99

26

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

28

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

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

31

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. City Map on posterboard; see Record 99.  
5 B. Large Photos of Subject Property; see Record 1045.  
6 D. The local record in the prior LUBA appeal, Younger v. City of  
7 Portland, LUBA No. XXXX-XXX. **[NOTE: LUBA DOES NOT**  
8 **RETAIN ITS RECORD COPIES. IF THE COPY THAT WAS**  
9 **ON FILE WITH LUBA WAS DISCARDED OR PICKED UP**  
10 **BY THE RESPONDENT, THEN THE RESPONDENT MUST**  
11 **RETRANSMIT TO LUBA THE LOCAL GOVERNMENT**  
12 **RECORD IN THE PRIOR APPEAL.]**  
13

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, electronic mail address, and  
21 telephone number: [INDICATE PHYSICAL MAILING ADDRESS,  
22 ELECTRONIC MAIL ADDRESS, AND TELEPHONE NUMBER OF  
23 MOVANT].

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

or

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

II.

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

III.

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].

IV. [OPTIONAL]

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

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

\_\_\_\_\_  
John Davis

or

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

1 [Add Certificates of Filing and Service on separate page. See Exhibits 5 & 6.]  
2



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 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, electronic mail address, and telephone number: [INDICATE  
27 PHYSICAL MAILING ADDRESS, ELECTRONIC MAIL ADDRESS, AND  
28 TELEPHONE NUMBER].  
29

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

31 \_\_\_\_\_  
32  
33 Signature

34  
35 [Add Certificates of Filing and Service on separate page. See Exhibits 5 & 6.]  
36



1  
2  
3  
4  
5  
6  
7  
8  
9  
10

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

\_\_\_\_\_  
Signature

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



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

