

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:

Signature

1
2
3
4
5
6
7
8
9
10
11
12
13
14

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

3 **TABLE OF CONTENTS**
4 **OF RECORD**

5

6 <u>ITEM</u>	7	8 <u>PAGE</u>
9 1.	DLCD Notice of Adoption for Ordinance 13-01, mailed June 5, 2013. . . 1	
10 2.	Notice of Decision mailed to participants June 5, 2013, 11 with mailing list	5
12 3.	Ordinance 13-01, adopted June 1, 2013, with attached 13 Findings and Conclusions of Law.....	7
14 4.	Final Minutes of the City Council Meeting June 1, 2013	25
15 5.	Testimony of John Doe, Chamber of Commerce, submitted 16 June 1, 2013, with attachments.....	40
17 A.	Economic Conditions Report, dated February 10, 2000.....	55
18 B.	Article: Smart Growth is an Oxymoron.....	61
19 C.	Employment Report, dated July 1, 2005.....	75
20 D.	RETAINED EXHIBIT: City Map on posterboard.....	99
21 6.	Staff Report dated May 24, 2013, with attachments.....	100
22 A.	Revised Traffic Study dated March 1, 2013	120
23 B.	Revised Goal 10 Analysis dated April 1, 2013.....	150
24 7.	Publication notice of June 1, 2013 City Council Meeting, published in 25 the Oregonian May 25, 2013 and May 28, 2013.....	201

26 Etc.

27
28 Exhibits Retained by City Until Time of
29 Oral Argument Under OAR 661-010-0025(2)

30
31 A. DVD recording of City Council meeting June 1, 2013.
32
33
34
35
36
37
38
39

- 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

John Davis

28 or

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__.

10
11
12
13
14 _____
15 Principal

16
17
18
19 By:

20 _____
21 Surety

22
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__

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 _____, 20__

SIGNATURE

Exhibit 7
(661-010-0030)

Certificate of Compliance with Brief Length and Type Size Requirements

Brief Length

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

[or]

I certify that (1) I do not have access to a word-processing system that provides a word count; (2) this brief complies with the page limitation in OAR 661-010-0030(2); and (3) the number of pages in this brief is _____ pages and the font size is _____ point type.

[or]

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

Type Size

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

[or for typewritten briefs]

I certify that the size of the type in this brief is not smaller than 12 point for both the text of the brief and footnotes as required by OAR 661-010-0030(2).

Dated this ____ day of _____, 20____

SIGNATURE