**EXHIBIT l**

(661-010-0015)

BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

Jane Smith, )

)

Petitioner, )

)

vs. ) LUBA No. \_\_\_\_\_\_

)

Willamette County, )

)

Respondent. )

NOTICE OF INTENT TO APPEAL

I.

Notice is hereby given that petitioner intends to appeal 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].

II.

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

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

or

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

III.

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

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

IV.

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

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

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

NOTICE:

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

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

Petitioner (each petitioner must sign)

or

Attorney for Petitioner(s)

CERTIFICATE OF FILING OF NOTICE OF INTENT TO APPEAL

I hereby certify that, on [INDICATE DATE], I filed the original of this Notice of Intent to Appeal, together with two copies, with the Land Use Board of Appeals, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283, by [INDICATE MANNER OF FILING, *E.G.*, CERTIFIED, PRIORITY, OR FIRST-CLASS MAIL, OR COMMERCIAL DELIVERY SERVICE].

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

Signature

CERTIFICATE OF SERVICE OF NOTICE OF INTENT TO APPEAL

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 [INDICATE MANNER OF SERVICE, *E.G.*, IN-PERSON DELIVERY, FIRST-CLASS OR PRIORITY MAIL, OR COMMERCIAL DELIVERY SERVICE].

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

Signature

**EXHIBIT 2**

(661-010-0025)

TABLE OF CONTENTS

OF RECORD

ITEM PAGE

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

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

with mailing list 5

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

Findings and Conclusions of Law 7

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

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

June 1, 2013, with attachments 40

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

B. Article: Smart Growth is an Oxymoron 61

C. Employment Report, dated July 1, 2005 75

D. RETAINED EXHIBIT: City Map on posterboard 99

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

A. Revised Traffic Study dated March 1, 2013 120

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

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

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

Etc.

Exhibits Retained by City Until Time of

Oral Argument Under OAR 661-010-0025(2)

A. DVD recording of City Council meeting June 1, 2013.

B. City Map on posterboard; see Record 99.

C. Audio Recording of Planning Commission hearing November 1, 2012.

D. The local record in the prior LUBA appeal, Younger v. City of Portland, LUBA No. XXXX-XXX. **[NOTE:** **LUBA DOES NOT RETAIN ITS RECORD COPIES. IF THE COPY THAT WAS ON FILE WITH LUBA WAS DISCARDED OR PICKED UP BY THE RESPONDENT, THEN THE RESPONDENT MUST RETRANSMIT TO LUBA THE LOCAL GOVERNMENT RECORD IN THE PRIOR APPEAL.]**

**EXHIBIT 3**

(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.

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

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

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

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

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

**EXHIBIT 4**

(661-010-0068)

BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

Jane Smith, )

)

Petitioner, )

)

vs. ) LUBA No. \_\_\_\_\_\_\_\_

)

Willamette County, )

)

Respondent. )

UNDERTAKING ON STAY

I.

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

II.

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

III.

Now, therefore, we [INDICATE PETITIONER’S NAME(S)], the above-named petitioner, as principal, and [INDICATE SURETY NAME], a [INDICATE STATE OF INCORPORATION] corporation qualified by law to issue surety insurance as defined in ORS 731.186, as surety, hereby undertake that petitioner will pay all reasonable attorney’s fees and actual damages which may be awarded by the Land Use Board of Appeals in the event the land use decision or limited land use decision above described shall be affirmed, but not to exceed the sum of $\_\_\_\_\_\_\_\_.

IV.

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

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

Principal

Surety

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

**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], 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 [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 NAME

ADDRESS ADDRESS

CITY/STATE/ZIP CITY/STATE/ZIP

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

Signature

**EXHIBIT 7**

(661-010-0030)

Certificate of Compliance with Brief Length, Type Size,

and Copy of Decision 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. [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).

Copy of Decision [FOR PETITION FOR REVIEW]

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

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

Signature

**EXHIBIT 8**

(661-010-0012)

BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

Jane Smith, )

)

Petitioner, )

)

vs. ) LUBA No. \_\_\_\_\_\_\_\_

)

Willamette County, )

)

Respondent. )

NOTICE OF REPRESENTATION

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

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

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

Signature

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

**EXHIBIT 9**

(661-010-0012)

BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

Jane Smith, )

)

Petitioner, )

)

vs. ) LUBA No. \_\_\_\_\_\_\_\_

)

Willamette County, )

)

Respondent. )

NOTICE OF WITHDRAWAL

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

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

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

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

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

Signature

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

**EXHIBIT 10**

(661-010-0012)

BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

Jane Smith, )

)

Petitioner, )

)

vs. ) LUBA No. \_\_\_\_\_\_\_\_

)

Willamette County, )

)

Respondent. )

NOTICE OF RELATED MATTERS

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

SMITH v. CITY OF WILLAMETTE

LUBA No. 2022-000

Filed: 01/01/2022

Status: Pending Record

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

SMITH v. CITY OF WILLAMETTE

A220000

Filed: 01/01/2022

Status: Pending Briefing

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

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

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

Signature

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