



1 Holstun, Board Member.

2 **MOTION TO INTERVENE**

3 Nunan Estate, the applicant below, moves to intervene on the side of respondent.  
4 There is no opposition to the motion, and it is allowed.

5 **DECISION**

6 Petitioner requests that this appeal be dismissed and that his deposit for costs be  
7 refunded.

8 Petitioner's request that this appeal be dismissed is granted. Petitioner's request for a  
9 refund of his deposit for costs is premature, since the city is the prevailing party in this  
10 appeal, and the deadline for the city to submit a cost bill to recover its costs for preparing the  
11 required number of copies of the record has not expired. OAR 661-010-0075(1)(a). If the  
12 city does not file a cost bill, LUBA will refund petitioner's deposit for costs. If the city does  
13 file a cost bill, and the award of costs is less than petitioner's deposit for costs, LUBA will  
14 refund the remainder of the deposit for costs. OAR 661-010-0075(1)(d).

15 This appeal is dismissed.