

1 BEFORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON

3
4 NANCY S. TAUMAN,
5 *Petitioner,*

6
7 vs.

8
9 CITY OF PORTLAND,
10 *Respondent,*

11 and

12
13 GAIL OLDHAM and OLDHAM REAL
14 ESTATE INVESTMENTS, LLC.,
15 *Intervenors-Respondent.*

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17 LUBA No. 2001-087

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19 FINAL OPINION
20 AND ORDER

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22 Appeal from City of Portland.

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24 Nancy S. Tauman, Portland, represented herself.

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26 Linly F. Rees, Deputy City Attorney, Portland, represented respondent.

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28 Wendie L. Kellington, Lake Oswego, represented intervenor-respondent.

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30 HOLSTUN, Board Member; BRIGGS, Board Chair; BASSHAM, Board Member,
31 participated in the decision.

32
33 DISMISSED

34 08/16/2001

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36 You are entitled to judicial review of this Order. Judicial review is governed by the
37 provisions of ORS 197.850.

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1 Holstun, Board Member.

2 **MOTION TO INTERVENE**

3 Gail Oldham and Oldham Real Estate Investments, LLC move to intervene on the
4 side of respondent in this appeal. There is no opposition to the motion, and it is allowed.

5 **DECISION**

6 Petitioner moves to dismiss this appeal and for a refund of her filing fee and deposit
7 for costs.

8 The motion to dismiss this appeal is granted.

9 Petitioner's request for a refund of her filing fee is denied. There is no authority for
10 this Board to refund petitioner's filing fee.

11 Petitioner's request for refund of her deposit for costs is premature. The city filed the
12 record in this appeal and appears to be the prevailing party. If the city does not file a cost
13 bill, petitioner's deposit for costs will be returned to petitioner. If the city files a cost bill and
14 is awarded the cost of preparing the record, that amount will be deducted from petitioner's
15 deposit from costs, and the balance of petitioner's deposit for costs will be returned to
16 petitioner. OAR 661-010-0075(1)(b)(C).

17 This appeal is dismissed.