1	BEFORE THE LAND USE BOARD OF APPEALS
2	OF THE STATE OF OREGON
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4	TOM SCOTT,
5	Petitioner,
6	
7	VS.
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9	CITY OF JACKSONVILLE,
10	Respondent,
11	
12	and
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14	NUNAN ESTATE,
15	Intervenor-Respondent.
16	
17	LUBA No. 2010-051
18	
19	FINAL OPINION
20	AND ORDER
21	
22	Appeal from City of Jacksonville.
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24	Tom Scott, Jacksonville, represented himself.
25 26	
26 27	Kurt H. Knudsen, Ashland, represented respondent.
27	Fulls I Claus Madfaul managed distances and adversarial
28	Erik J. Glatte, Medford, represented intervenor-respondent.
29	HOLCTIN Doord Marshan DVAN Doord Chain DACCHAM Doord Marshan
30 31	HOLSTUN, Board Member, RYAN, Board Chair; BASSHAM, Board Member
32	participated in the decision.
32 33	DISMISSED 03/22/2012
33 34	DISMISSED
3 4 35	You are entitled to judicial review of this Order. Judicial review is governed by the
35 36	provisions of ORS 197.850.
JU	provisions of Otto 177.000.

Holstun, Board Member.

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MOTION TO INTERVENE

- 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.

DECISION

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