

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

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4                   PAUL E. FOLAND and CONSTANCE J. FOLAND,  
5                   *Petitioners,*

6  
7                   vs.

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9                   JACKSON COUNTY,  
10                  *Respondent,*

11  
12                  and

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14                  OREGON DEPARTMENT OF TRANSPORTATION,  
15                  *Intervenor-Respondent.*

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17                  LUBA No. 2013-082

18                  ORDER ON COSTS

19                The county, a prevailing party in this appeal, filed a cost bill requesting  
20                award of the cost of preparing the record, in the amount of \$50.50.

21                Petitioners do not object to the county's cost bill. The county is awarded  
22                the cost of preparing the record, in the amount of \$50.50, to be paid from  
23                petitioners' deposit for costs. The Board shall return the remainder of  
24                petitioners' deposit for costs, in the amount of \$149.50.

25                Intervenor-respondent Oregon Department of Transportation (ODOT),  
26                also a prevailing party, requests an award of the cost of the fee to intervene in  
27                the amount of \$100, pursuant to OAR 661-010-0075(1)(b)(D) (2014).  
28                However, OAR 661-010-0075(1)(b)(D) (2014) applies only to appeals filed on  
29                or after January 1, 2014. OAR 661-010-0000 (2014). The present appeal was  
30                filed in 2013, and is subject to the rules in effect on the date the appeal was  
31                filed, which did not provide for an award of the cost of the fee to intervene.

1 Accordingly, ODOT's request is denied.

2 Dated this 2nd day of April, 2014.

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Tod A. Bassham

10 Board Member