

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

3
4 WAYNE KUKASKA and RUTH KUKASKA,
5 *Petitioners,*

6
7 vs.

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9 LINN COUNTY,
10 *Respondent,*

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12 and

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14 BERNADETTE B. JONES,
15 *Intervenor-Respondent.*

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17 LUBA No. 2014-004

18 ORDER ON COSTS

19 Intervenor-respondent (intervenor), one of the prevailing parties in this
20 appeal, filed a cost bill requesting (1) an award of the cost of the \$100 fee to
21 intervene, pursuant to OAR 661-010-0075(1)(b)(D), and (2) an award of the
22 cost of a copy of the record that the county charged intervenor, in the amount
23 of \$62.00.

24 The county has not submitted a cost bill. Petitioner does not object to
25 intervenor's cost bill.

26 OAR 661-010-0075(1)(b)(D) provides that a prevailing intervenor may
27 be awarded the cost of the fee to intervene. Accordingly, intervenor is awarded
28 the cost of the \$100 fee to intervene, to be paid by petitioner.

29 With respect to the costs of a copy of the record, OAR 661-010-
30 0075(1)(b)(B) authorizes a prevailing local government to seek recovery of the
31 costs of providing the two copies of the record (to LUBA and the petitioner)

1 required under our rules. However, intervenor is not the county, and intervenor
2 identifies no basis under LUBA's rules for an intervenor to recover the cost of
3 obtaining the copy of the record that the county provided her. Accordingly, the
4 request for an award of \$62 for the cost of obtaining a copy of the record is
5 denied.

6 Pursuant to OAR 661-010-0075(1)(d), LUBA will return petitioner's
7 deposit for costs to petitioner.

8 Dated this 24th day of July, 2014.

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Tod A. Bassham
Board Member