

27.12.2 LUBA Procedures/Rules – Costs – Amount. Where the local government is the prevailing party, it is entitled to recover as costs the “copying costs for the required number of copies of the record,” in an amount not to exceed the \$150 deposit for costs. The required number of copies is two: one for petitioner and one for LUBA. *Marine Street LLC v. City of Astoria*, 37 Or LUBA 1018 (2000).

27.12.2 LUBA Procedures/Rules – Costs – Amount. Under OAR 661-010-0025(3), a local government may require that parties, other than the petitioner, who request a copy of the record in a LUBA appeal pay the cost of copying the record. However, the local government may not include the cost of providing such additional copies of the record to parties other than the petitioner in its cost bill. *Friends of Yamhill County v. Yamhill County*, 35 Or LUBA 825 (1998).

27.12.2 LUBA Procedures/Rules – Costs – Amount. When respondent is awarded costs of copying the record, the amount of the award is based on the per page copying rate specified in OAR 661-10-075(1)(b)(C), but cannot exceed the amount of petitioner’s deposit for costs. Respondent is not required to submit proof of actual copying costs. *Jones v. Lane County*, 29 Or LUBA 573 (1995).

27.12.2 LUBA Procedures/Rules – Costs – Amount. OAR 661-10-075(1)(b)(A) allows petitioners, as the prevailing parties, to recover the cost of their LUBA filing fee. It does not allow prevailing petitioners to recover their costs for local appeals, postage or photocopying. *Mazeski v. Wasco County*, 26 Or LUBA 629 (1994).

27.12.2 LUBA Procedures/Rules – Costs – Amount. OAR 661-10-075(1)(b)(A) does not allow petitioners, as the prevailing parties, to recover costs for postage, photocopying, transcribing tapes or publications. *Gray v. Clatsop County*, 22 Or LUBA 818 (1991).

27.12.2 LUBA Procedures/Rules – Costs – Amount. Under OAR 661-10-075(1)(b)(B), a local government which is the prevailing party in a LUBA appeal is entitled to award of the copying costs for the *required* number of copies of the record, which includes the copies of the record provided to the Board and to petitioner. *Schmaltz v. City of Hood River*, 22 Or LUBA 803 (1991).

27.12.2 LUBA Procedures/Rules – Costs – Amount. The *required* number of copies of the record, for which a prevailing respondent is entitled to award of its copying costs, is the number of copies which OAR 661-10-025(2) and (3) requires to be provided to LUBA and to petitioners. *Pinkham v. Clatsop County*, 21 Or LUBA 247 (1991).

27.12.2 LUBA Procedures/Rules – Costs – Amount. Where petitioner is the prevailing party in a LUBA appeal, LUBA will return petitioner’s 150-dollar deposit for costs and petitioner is entitled to an award of costs, in the amount of the filing fee, to be paid by respondents. *Sokol v. City of Lake Oswego*, 19 Or LUBA 521 (1990).

27.12.2 LUBA Procedures/Rules – Costs – Amount. Under OAR 660-10-075(1)(b)(A) petitioners, as prevailing parties, are not entitled to recover as costs amounts spent on supplies, postage, telephone expenses and copies. *Stefan v. Yamhill County*, 19 Or LUBA 496 (1990).

27.12.2 LUBA Procedures/Rules – Costs – Amount. Under OAR 661-10-075(1)(b)(B), a local government which is the prevailing party in a LUBA proceeding is entitled to recover from petitioner the copying costs for the *required* number of copies of the record, which includes the copies provided to the Board and to petitioner. *Craven v. Jackson County*, 18 Or LUBA 909 (1990).

27.12.2 LUBA Procedures/Rules – Costs – Amount. Although a local government may require that parties other than petitioner who request a copy of the record reimburse the county directly for the reasonable costs of copying the record, a local government may not properly include such copying costs, or other costs not allowed by OAR 661-10-075(1)(b)(B), in its cost bill. *Craven v. Jackson County*, 18 Or LUBA 909 (1990).

27.12.2 LUBA Procedures/Rules – Costs – Amount. OAR 661-10-075(1)(b)(A) does not allow petitioner, as the prevailing party, to recover costs for postage, photocopying, telephone calls or secretarial services. *Gray v. Clatsop County*, 18 Or LUBA 907 (1990).