

27.2.3 LUBA Procedures/Rules – Perfecting an Appeal – Payment of Fee and Deposit for Costs. LUBA’s rules do not allow LUBA to waive fees. LUBA is not a circuit court, and ORS 21.682 does not apply to LUBA. *Dunzer v. Clatsop County*, 76 Or LUBA 393 (2017).

27.2.3 LUBA Procedures/Rules – Perfecting an Appeal – Payment of Fee and Deposit for Costs. Where a petitioner fails to remit the required fees in the time set pursuant to OAR 661-010-0015(1)(c), LUBA must dismiss the appeal. *Dunzer v. Clatsop County*, 76 Or LUBA 393 (2017).

27.2.3 LUBA Procedures/Rules – Perfecting an Appeal – Payment of Fee and Deposit for Costs. LUBA will not accept an amended notice of intent to appeal that identifies a different decision than that which is the subject of the original notice of intent to appeal, unless the amended notice is accompanied by the fee and deposit required by OAR 661-010-0015(4). Where LUBA accepts such an amended notice, LUBA will not dismiss the amended notice until petitioner has had an opportunity to submit the required fee and deposit. *McKy v. Josephine County*, 36 Or LUBA 769 (1999).

27.2.3 LUBA Procedures/Rules – Perfecting an Appeal – Payment of Fee and Deposit for Costs. Where a notice of intent to appeal identifies more than one decision as the subject of the appeal, LUBA will not dismiss the appeal, but rather will require petitioners to submit the appropriate additional filing fees and deposits for costs for each additional decision identified in the notice of intent to appeal, and will treat the proceeding as a consolidated appeal. *McKenzie v. Multnomah County*, 30 Or LUBA 459 (1996).

27.2.3 LUBA Procedures/Rules – Perfecting an Appeal – Payment of Fee and Deposit for Costs. Because petitioner’s notice of intent to appeal was accompanied by a check made out to the wrong agency and the error was not corrected before the expiration of the appeal period, LUBA has no jurisdiction over the appeal. *Ray v. Douglas County*, 30 Or LUBA 238 (1995).

27.2.3 LUBA Procedures/Rules – Perfecting an Appeal – Payment of Fee and Deposit for Costs. ORS 197.830(8) and OAR 661-10-015(1) and (4) require that a notice of intent to appeal be accompanied by a filing fee of 50 dollars and a deposit for costs of 150 dollars. LUBA will not refund filing fees or deposits for costs when appeals are consolidated. *Tylka v. Clackamas County*, 23 Or LUBA 715 (1992).

27.2.3 LUBA Procedures/Rules – Perfecting an Appeal – Payment of Fee and Deposit for Costs. A notice of intent to appeal identifying one land use decision may not later be amended to include a second decision, where no notice of intent to appeal the second decision was filed within the time required by statute and no filing fee or deposit for costs has been paid to challenge the second decision. *Hood River Sand v. City of Mosier*, 23 Or LUBA 701 (1992).

27.2.3 LUBA Procedures/Rules – Perfecting an Appeal – Payment of Fee and Deposit for Costs. Where a notice of intent to appeal identifies more than one decision as the subject of the appeal, LUBA will not dismiss the appeal, but rather will require the petitioners to file an additional filing fee and deposit for costs for each additional decision identified in the notice of intent to appeal, and will treat the proceeding as a consolidated appeal. *Union Gospel Ministries v. City of Portland*, 21 Or LUBA 557 (1991).

27.2.3 LUBA Procedures/Rules – Perfecting an Appeal – Payment of Fee and Deposit for Costs. LUBA’s rules do not require that the notice of intent to appeal contain a statement that the required filing fee and deposit for costs have been paid. Under OAR 661-10-015(1), LUBA will not accept a notice of intent to appeal for filing, unless it is accompanied by the required filing fee and deposit for costs. *Tice v. Josephine County*, 21 Or LUBA 550 (1991).

27.2.3 LUBA Procedures/Rules – Perfecting an Appeal – Payment of Fee and Deposit for Costs. 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).