1	BEFORE THE LAND USE BOARD OF APPEALS
2	OF THE STATE OF OREGON
3	
4	NEAL HAUSAM,
5	Petitioner,
6	
7	VS.
8 9	CITY OF SALEM,
10	Respondent,
11	Respondent,
11 12 13 14	and
13	
14	TIMOTHY TEMPLE,
	Intervenor-Respondent.
16 17	LUBA No. 2001-061
18	ORDER ON COSTS
19	OAR 661-010-0075(1) provides, in relevant part:
20 21	"(a) The prevailing party may file a cost bill * * * no later than 14 days after the final order is issued. * * *
22 23	"(b) Recoverable Costs: Costs may be recovered only for the items set forth in this subsection.
24 25	"(A) If the petitioner is the prevailing party, the petitioner may be awarded the cost of the filing fee.
26	On July 6, 2001, we issued a final opinion affirming the city's decision. Petitioner
27	appealed our decision to the Court of Appeals. The Court reversed our decision, and ordered
28	that we remand the decision to the city for further proceedings. Our final opinion on remand
29	was issued on March 5, 2002. On March 12, 2002, petitioner filed a cost bill, requesting an
30	award of his filing fee and the return of his deposit for costs. The city has not responded to
31	petitioner's cost bill.
32	Where a party appeals an adverse decision by LUBA, and the Court of Appeals
33	overturns LUBA's decision, and the Court of Appeals' decision is not subsequently appealed,
34	that party is the prevailing party for purposes of awarding costs. Petitioner is awarded \$175,

payable by the city and intervenor-respondent. The Board will return petitioner's \$150 for costs.

Dated this 4th day of April, 2002.

Anne Corcoran Briggs
Board Member