



Land Use Board of Appeals

Joint Committee On Ways and Means

Subcommittee On Natural Resources

Land Use Board of Appeals

Budget Presentation Reference Document

Senate Bill 5529

February 27, 2025

LUBA Governor's Budget document can be found on LUBA's website at [2025-27 Governor's Budget](#).

I. Agency Mission, Goals, and Historical Context

The legislature created the Land Use Board of Appeals (LUBA) in 1979. Prior to 1979, circuit courts performed LUBA's review function of civil litigation involving land use decisions, but such litigation was costly, slow, and relatively inefficient. Among the perceived inefficiencies was having 36 different circuit courts rendering inconsistent, legally vulnerable decisions by judges unfamiliar with land use legislation, which required additional appeals to the Court of Appeals to sort out. Further, such circuit court decisions were not generally available to the public to assist future decision making and carried no precedential authority.

LUBA's primary mission is to quickly and correctly resolve land use appeals. A secondary, related mission is to make LUBA decisions widely available to the public and decision makers as a guide to resolving land use disputes. LUBA's goals closely mirror these primary and secondary missions. LUBA has eight strategic goals. The top four goals are: (1) efficiently resolve land use appeals; (2) thoroughly resolve the issues presented in each appeal; (3) issue quality opinions that are sustained on judicial review; and (4) provide quick and easy access to issued decisions.

LUBA hears appeals of decisions from cities and counties all over the state and reviews a small number of state agency decisions that qualify as land use decisions. LUBA review is expedited, designed to produce a final decision by LUBA within 77 days after the local government files the record in an appeal. LUBA plays a critical role in the implementation of Oregon's statewide planning program, and its expedited review function helps avoid unnecessary delays in economic development, which often depends on time-sensitive financing or construction seasons.

Under the current review system, the bulk of disputes over land use decisions are speedily resolved at LUBA without any involvement by the circuit courts, limited involvement by the Court of Appeals, and almost no involvement by the Supreme Court. Although it is hard to quantify, LUBA's publication function probably reduces the number of appeals and litigation that would otherwise occur. Uncertainty breeds litigation, and the availability of LUBA opinions that definitively resolve many issues sharply reduces the uncertainty inherent in a complex land use program.

II. Agency Personnel

LUBA is a seven-person agency with 7 FTE. LUBA performs its mission with three board members, two staff attorneys (Legal Staff), one Executive Assistant, and one Executive Support Specialist 2. Board Members are appointed by the Governor and confirmed by the Senate and serve four-year terms. The staff attorneys assist the Board Members in researching legal issues presented in appeals, final editing of opinions, answering questions from participants in the LUBA appeal process and responding to public records and legislative requests. The Executive Assistant and Executive Support Specialist 2 are primarily responsible for the administrative work that is necessary to run the office and keep the active appeal files and docket current.

III. Audits

No audits in 2023 – 2025 biennium.

IV. Workforce Challenges

LUBA has no internal support for Human Resources Financial Services, Payroll, or Information Technology. LUBA contracts with and relies on IAAs with other agencies for those support services. LUBA experienced COVID 19 pandemic related turnover and staffing challenges in 2020 and 2021, with other extended protected leave in 2020, 2021, 2022, and 2023. The past five years have been a challenging recruitment and retention environment at all organizational levels (including contracted support services personnel). As a small agency, any vacancy results in delays and decreased performance. At the time of this budget presentation, LUBA is fully staffed.

V. Program prioritization for 2025-2027

LUBA has a single program and does not prioritize

VI. Summary of Proposed Information Technology Modernization Project (POP 500)

LUBA is generally expected to conduct its review in a manner that is similar to appellate court review. For more than 10 years, the appellate courts have used an electronic appellate case management system (ACMS) to manage appeals. LUBA's existing process for managing appeals relies on paper filing and service of documents through the US Mail or commercial delivery service, and service by LUBA of paper copies of notices, orders, and decisions via US Mail. These processes lengthen the time for LUBA and the parties to appeals to receive documents from each other.

LUBA manages case information in a Microsoft Access database that was put into service in the mid-1990s. Microsoft no longer supports Access. LUBA has identified the age of its database as a business risk, and has identified modernization of its database and incorporation of an electronic filing system as a goal in its adopted Agency Strategic Plan.

LUBA seeks General Fund funds to modernize its database and incorporate an electronic filing mechanism. Beginning in the 2021-23 biennium, using existing budgeted resources, LUBA began foundational work on an electronic filing and case management system. In 2023, LUBA worked with DAS Enterprise Information Services (EIS) Assistant Chief Information Officer and Sr. IT Portfolio Manager to identify the Business Requirements for modernizing LUBA's outdated database by implementing a LUBA Case Management System. In late 2023 and early 2024, LUBA worked with Tyler Technologies, a contractor on a Price Agreement with the State, to obtain a detailed estimate of the cost of a commercial-off-the-shelf solution for an electronic case management and filing system. Tyler Technologies provided a comprehensive pricing proposal to LUBA.

The total Year 1 investment is estimated at \$179,972, with ongoing annual fees starting in Year 2 estimated at \$62,574 and increasing no more than 6% per year.

LUBA has seven FTE, and no internal IT positions or agency personnel with expertise in managing IT projects. Additionally, no existing state resources are available for those functions. Thus, quality vendor support is critical to the success of this project. LUBA is seeking funds in the amount of \$200,000 as initial estimated cost for vendor IT professional services for project management and business analysis to manage the agency's implementation of its modernization effort during the 2025 - 2027 biennium. Actual costs will depend on procurement and contract negotiations. If needed, LUBA would seek additional funding in 2026.

VII. Reduction Options

LUBA is a seven-person agency with 7 FTE. LUBA performs its mission with three board members, two staff attorneys (Legal Staff), one Executive Assistant, and one Executive Support Specialist 2. LUBA has a small and lean budget, the majority of which is for personal services costs. Thus, the only feasible means of reducing LUBA's budget is to reduce personal services costs. The most feasible option to achieve a 5-10% reduction is to reduce or eliminate one Legal Staff position and reduce spending on services and supplies.

Proposal 1: Reduce 0.5 Legal Staff position (\$169,679)
and reduce spending on services and supplies (\$5,253)
Total savings (\$174,932)

Proposal 2: Eliminate one Legal Staff position (\$339,357)
and reduce spending on services and supplies (\$10,507)
Total savings (\$349,864)

As a small agency with a single program, any staffing reduction would result in delays and decreased performance. If one Legal Staff position is reduced or eliminated, then there will be fewer agency resources for assisting the board members in drafting opinions and orders, editing LUBA decisions, rulemaking, legislative coordination, public outreach and education, and responding to inquiries regarding the appeal process and public records requests. This will likely translate into failing to meet strategic goals and Performance Measures 1 and 2 targets for timely issuing opinions and orders and failing to meet Performance Measure 5 targets for customer service.

VIII. Long-term Vacancies

LUBA has no long-term vacancies

IX. Attachments

Reduction Options

Long-term Vacancies

Other Funds ending balance spreadsheet

LUBA - 66200
2025-27 Biennium

Detail of Reductions to 2025-27 Current Service Level Budget

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Priority (ranked most to least preferred)	Agency	SCR or Activity Initials	Program Unit/Activity Description	GF	LF	OF	NL-OF	FF	NL-FF	TOTAL FUNDS	Pos.	FTE	Used in Gov. Budget Yes / No	Impact of Reduction on Services and Outcomes	
Dept	Prgm/ Div														
		LUBA		Eliminate 0.5 FTE legal staff position.	169679						\$ 169,679	1	0.5	No	LUBA has only one program unit, corresponding to its primary mission: to expeditiously resolve appeals of local government land use decisions. LUBA is a seven-person agency with 7 FTE, which includes three board members, two legal staff, one EA and one ESS2. LUBA has only one program and the majority of its budget is for personal services. The only feasible means of reducing LUBA's budget by 5% is to reduce personal services costs. The most feasible option to achieve a 5% reduction is to reduce one legal staff position to 0.5 FTE AND reduce services and supply spending. This option would result in fewer agency resources for assisting the board members in drafting opinions and orders, and editing LUBA decisions and responding to inquiries regarding the appeal process and public records requests. This will likely translate into failing to meet Performance Measures 1 and 2 targets for timely issuing opinions and orders and failing to meet Performance Measure 5 targets for customer service.
		LUBA		Reduce services and supplies spending	5253						\$ 5,253			No	LUBA has a small services and supplies budget, and any reductions could affect core agency operations.
		LUBA		Eliminate 1.0 FTE legal staff position.	339,357						\$ 339,357	1	1.00	No	LUBA has only one program unit, corresponding to its primary mission: to expeditiously resolve appeals of local government land use decisions. LUBA is a seven-person agency with 7 FTE, which includes three board members, two legal staff, one EA, and one ESS2. LUBA has only one program and the majority of its budget is for personal services. The only feasible means of reducing LUBA's budget by 10% is to reduce personal services costs. The most feasible option to achieve a 10% reduction is to eliminate one legal staff position AND reduce services and supply spending. This option would result in fewer agency resources for assisting the board members in drafting opinions and orders, and editing LUBA decisions and responding to inquiries regarding the appeal process and public records requests. This will likely translate into failing to meet Performance Measures 1 and 2 targets for timely issuing opinions and orders and failing to meet Performance Measure 5 targets for customer service.
		LUBA		Reduce services and supplies spending	10,507						\$ 10,507			No	LUBA has a small services and supplies budget, and any reductions could affect core agency operations.
											\$ -				
											\$ -				
											\$ -				
											\$ -				
											\$ -				
				TOTAL	355,117	-	-	-	-	-	\$ 524,796	1	1.00		

Target (10%)
Difference \$ 524,796

Land Use Board of Appeals (LUBA)
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Long-term vacancies as of December 31, 2024

Long-term vacancies as of December 31, 2024																				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Agency	SCR	DCR	Pos No	Position Class Comp	Position Title	Pos Type	GF Fund Split	LF Fund Split	OF Fund Split	FF Fund Split	FTE	2025-27 GF PS Total	2025-27 LF PS Total	2025-27 OF PS Total	2025-27 FF PS Total	2025-27 Total Bien PS BUDGET	Vacant Date	Position eliminated in GRB? Y/N	Reason for vacancy	
N/A												-					-			
												-					-			
												-					-			
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						TOTAL		0.00	0.00	0.00	0.00	-	0	0	0	0	0			

Land Use Board of Appeals (LUBA)

2025-27 Biennium

Contact Person (Name & Phone #): Irina Kay 971-900-7668

BEX100 AY25 November BDV002A AY27

N - LAB Column Projections J (A) - CSL Column Calculation to right

Updated Other Funds Ending Balances for the 2023-25 and 2025-27 Bienna

(a) Other Fund Type	(b) Program Area (SCR)	(c) Treasury Fund #/Name	(d) Category/Description	(e) Constitutional and/or statutory reference	(f) 2023-25 Ending Balance		(g) 2025-27 Ending Balance		(j) Comments
					In LAB	Revised	In CSL	Revised	
Limited	66200-010	Statewide OF 662-00-00401	Publications	ORS 197.832 and 197.830 (17)	56,657	32,254	0	1,638	
								0	
								0	
								0	
								0	

(g) Revised Beg	BDV002A J AY27 CSL Revenue Est	BDV002A J AY27 CSL Expenditures	Revised Ending
32,254.00	9,000.00	39,616.00	1,638.00
-			-
-			-
-			-

Objective: Provide updated Other Funds ending balance information for potential use in the development of the 2025-27 legislatively adopted budget.

Instructions:

Column (a): Select one of the following: Limited, Nonlimited, Capital Improvement, Capital Construction, Debt Service, or Debt Service Nonlimited.

Column (b): Select the appropriate Summary Cross Reference number and name from those included in the 2023-25 legislatively approved budget. If this changed from previous structures, please note the change in Comments (Column (j))

Column (c): Select the appropriate, statutorily established Treasury Fund name and account number where fund balance resides. If the official fund or account name is different than the commonly used reference, please include the working title of the fund or account in Column (j).

Column (d): Select one of the following: Operations, Trust Fund, Grant Fund, Investment Pool, Loan Program, or Other. If "Other", please specify. If "Operations", in Comments (Column (j)), specify the number of months the reserve covers, the methodology used to determine the reserve amount, and the minimum need for cash flow purposes.

Column (e): List the Constitutional, Federal, or Statutory references that establishes or limits the use of the funds

Columns (f) and

(h): Use the appropriate, audited amount from the 2023-25 legislatively approved budget and the 2025-27 current service level at Governor's Budget.

Columns (g) and Provide updated ending balances based on revised expenditure patterns or revenue trends. The revised column (i) should assume 2025-27 current service level expenditures, considering the updated 2023-25 ending balance and

(j): any updated 2025-27 revenue projections. Do not include adjustments for reduction options that have been submitted. Provide a description of revisions in Comments (Column (j)).

Column (j): Please note any reasons for significant changes in balances previously reported during the 2023 session.

Additional

Materials: If the revised ending balances (Columns (g) or (i)) reflect a variance greater than 5% or \$50,000 from the amounts included in the LAB (Columns (f) or (h)), attach supporting memo or spreadsheet to detail the revised forecast.