

LEGISLATIVE FISCAL OFFICE
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JOINT COMMITTEE ON
 WAYS AND MEANS

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To: Natural Resources Subcommittee
 From: Emily Coates, Legislative Fiscal Office
 Date: May 15, 2025
 Subject: SB 5529 – Land Use Board of Appeals
 Work Session Recommendations

Land Use Board of Appeals				
<i>Agency Totals</i>				
FUND TYPE	2021-23 ACTUAL	2023-25 LEGISLATIVELY APPROVED	2025-27 CURRENT SERVICE LEVEL	2025-27 LFO RECOMMENDED
General Fund	2,595,218	2,994,485	3,459,019	3,481,376
Other Funds	12,229	38,019	39,616	39,616
TOTAL FUNDS	2,607,447	3,032,504	3,498,635	3,520,992
Positions	7	7	7	7
FTE	7.00	7.00	7.00	7.00

Attached are the Legislative Fiscal Office (LFO) recommendations for the 2025-27 biennial budget and Key Performance Measures for the Land Use Board of Appeals. The recommended budget of \$3,481,376 General Fund, \$39,616 Other Funds, and seven positions (7.00 FTE) represents a 16.1% increase from the 2023-25 legislatively approved budget (LAB), and a 0.6% increase from the current service level budget.

The increase from the 2023-25 LAB is attributable to statewide personal services growth, standard inflation, and two policy option packages, which include the difference in personal services resulting from the reclassification of an Executive Support Specialist 2 to an Executive Assistant and funding for IT expendable property to adhere to the Department of Administrative Services required laptop lifecycle replacement schedule.

Adjustments to Current Service Level

See attached “Work Session Presentation Report.”

Note: Statewide adjustments and six-year capital construction expenditures are not included in these recommendations. Any needed adjustments will be made in end of session bills.

Accept LFO Recommendation

MOTION: I move the LFO recommendation to SB 5529. *(vote)*

OR

Modify LFO Recommendation

MOTION: I move the LFO recommendation to SB 5529, with modifications. *(vote)*

Performance Measures

See attached “Legislatively Proposed 2025-27 Key Performance Measures.”

Accept LFO Recommendation

MOTION: I move the LFO recommendation on Key Performance Measures. *(vote)*

OR

Modify LFO Recommendation

MOTION: I move the LFO recommendation on Key Performance Measures, with modifications. *(vote)*

Amendment

LFO recommends a budget of \$3,481,376 General Fund, \$39,616 Other Funds, and seven positions (7.00 FTE), which is reflected in the –3 amendment.

MOTION: I move adoption of the –3 amendment to SB 5529. *(vote)*

Final Subcommittee Action

LFO recommends that SB 5529, as amended by the –3 amendment, be moved to the Ways and Means Full Committee.

MOTION: I move SB 5529, as amended, to the Full Committee with a do pass recommendation. *(vote)*

Carriers

Full Committee:

House Floor:

Senate Floor:

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2023-25 Agy. Leg. Adopted	2,775,881	-	38,019	-	-	-	2,813,900	7	7.00
2023-25 Ebds, SS & Admin Act	218,604	-	-	-	-	-	218,604	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2023-25 Leg Approved Budget	2,994,485	-	38,019	-	-	-	3,032,504	7	7.00
2023-25 Leg Approved Budget (Base)	2,994,485	-	38,019	-	-	-	3,032,504	7	7.00
Summary of Base Adjustments	411,545	-	-	-	-	-	411,545	-	-
2025-27 Base Budget	3,406,030	-	38,019	-	-	-	3,444,049	7	7.00
010: Non-PICS Pers Svc/Vacancy Factor	3,541	-	-	-	-	-	3,541	-	-
020: Phase In / Out Pgm & One-time Cost	(5,860)	-	-	-	-	-	(5,860)	-	-
030: Inflation & Price List Adjustments	55,308	-	1,597	-	-	-	56,905	-	-
2025-27 Current Service Level	3,459,019	-	39,616	-	-	-	3,498,635	7	7.00
Adjusted 2025-27 Current Service Level	3,459,019	-	39,616	-	-	-	3,498,635	7	7.00
Total LFO Recommended Packages	22,357	-	-	-	-	-	22,357	-	-
2025-27 Legislative Actions	3,481,376	-	39,616	-	-	-	3,520,992	7	7.00
Net change from 2023-25 Leg Approved Budget	486,891	-	1,597	-	-	-	488,488	-	-
Percent change from 2023-25 Leg Approved Budget	16.3%	0.0%	4.2%	0.0%	0.0%	0.0%	16.1%	0.0%	0.0%
Net change from 2025-27 Adj Current Service Level	22,357	-	-	-	-	-	22,357	-	-
Percent change from 2025-27 Adj Current Service Level	0.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.6%	0.0%	0.0%

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020: Phase In / Out Pgm & One-time Cost	(5,860)	-	-	-	-	-	(5,860)	-	-
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Package 101 Reclass of ESS2 to Executive Assistant

Package Description This package includes the difference in personal services resulting from the reclassification of an Executive Support Specialist 2 to an Executive Assistant, as approved by the Department of Administrative Services Chief Human Resources Office. This reclassification allows the existing position to be more aligned with current duties and agency operations.

LFO Recommendation Approve the package.

LFO Recommended	9,357	-	-	-	-	-	9,357	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 102 Increase Filing Fee

Package Description This is a revenue only package to reflect the increase in filing fees for land use appeals and interventions outlined in SB 817 (2025). The measure increases the fee to intervene from \$100 to \$200 and fee to file an appeal from \$300 to \$350; effective January 1, 2026. The fee increases are expected to generate an estimated \$20,650 in additional revenue in the 2025-27 biennium. Fee revenue has been modified to align with the effective date of the measure.

Fees collected by LUBA are transferred to the General Fund. The Board anticipates transferring approximately \$103,150 to the General Fund from these fees during the 2025-27 biennium.

LFO Recommendation Recommended as modified.

LFO Recommended	-	-	-	-	-	-	-	-	-
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Package 104 IT Expendable Property

Package Description This package includes additional funding for IT expendable property to adhere to the Department of Administrative Services required laptop lifecycle replacement schedule.

LFO Recommendation Approve the package.

LFO Recommended	13,000	-	-	-	-	-	13,000	-	-
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Legislatively Proposed 2025 - 2027 Key Performance Measures

Published: 4/16/2025 2:22:15 PM

Agency: Land Use Board of Appeals

Mission Statement:

To provide an accessible forum for resolving land use disputes quickly and efficiently and make LUBA decisions available as a decision making resource to state and local legislators, land use decision makers, property owners, and residents of Oregon.

Legislatively Proposed KPMs	Metrics	Agency Request	Last Reported Result	Target 2026	Target 2027
2. TIMELY SETTLE RECORD - Percentage of record objections that are resolved within 60 days after the record objection is received by LUBA.		Approved	100%	95%	95%
4. SUSTAINED ON APPEAL - Percentage of final opinions that are sustained on appeal.		Approved	65%	90%	90%
5. CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	1) Overall	Approved	75%	95%	95%
	2) Accuracy		75%	95%	95%
	3) Availability of Information		63%	95%	95%
	4) Expertise		75%	95%	95%
	5) Helpfulness		75%	95%	95%
	6) Timeliness		63%	95%	95%
1. TIMELY RESOLVE APPEALS - Percentage of appeals of land use decisions that are resolved within statutory deadlines or, if all parties agree, with no more than a 21-day extension of the statutory deadline.		Proposed New		90%	90%
1. TIMELY RESOLVE APPEALS - Percentage of appeals of land use decisions that are resolved within statutory deadlines or, if all parties agree, with no more than a 7 day extension of the statutory deadline.		Proposed Delete	65%		
3. RESOLVE ALL ISSUES - Percentage of decisions where all issues are resolved when reversing or remanding a land use decision.		Proposed Delete	100%		

LFO Recommendation:

The Legislative Fiscal Office (LFO) recommends approval of the Key Performance Measures and targets as proposed.

The proposal includes the following changes:

KPM #1 - delete and replace with the percentage of appeals of land use decisions that are resolved within statutory deadlines or, if all parties agree, with no more than a 21-day extension of the statutory deadline.

KPM #3 - delete without replacement as the agency does not have the ability to track this data.

SubCommittee Action: