

SB 5529 A BUDGET REPORT and MEASURE SUMMARY

Carrier: Sen. Frederick

Joint Committee On Ways and Means

Action Date: 05/23/25

Action: Do pass with amendments. (Printed A-Eng.)

Senate Vote

Yeas: 8 - Broadman, Campos, Frederick, Girod, Lieber, Manning Jr, Smith DB, Sollman

Nays: 3 - Anderson, Bonham, McLane

House Vote

Yeas: 10 - Bowman, Breese-Iverson, Cate, Evans, Gomberg, Levy E, Ruiz, Sanchez, Smith G, Valderrama

Nays: 1 - Drazan

Exc: 1 - Owens

Prepared By: Kendra Beck, Department of Administrative Services

Reviewed By: Emily Coates, Legislative Fiscal Office

Land Use Board of Appeals

2025-27

Budget Summary*

| | 2023-25 Legislatively Approved Budget ⁽¹⁾ | 2025-27 Current Service Level | 2025-27 Committee Recommendation | Committee Change from 2023-25 Leg. Approved | |
|---------------------|---|----------------------------------|-------------------------------------|--|----------|
| | | | | \$ Change | % Change |
| General Fund | \$ 2,994,485 | \$ 3,459,019 | \$ 3,481,376 | \$ 486,891 | 16.3% |
| Other Funds Limited | \$ 38,019 | \$ 39,616 | \$ 39,616 | \$ 1,597 | 4.2% |
| Total | \$ 3,032,504 | \$ 3,498,635 | \$ 3,520,992 | \$ 488,488 | 16.1% |

Position Summary

| | | | | |
|--------------------------------------|------|------|------|------|
| Authorized Positions | 7 | 7 | 7 | 0 |
| Full-time Equivalent (FTE) positions | 7.00 | 7.00 | 7.00 | 0.00 |

⁽¹⁾ Includes adjustments through January 2025

* Excludes Capital Construction expenditures

Summary of Revenue Changes

General Fund supports almost 99% of the Land Use Board of Appeals (LUBA) core operations. The remaining revenue is Other Funds derived from royalties for publication of final decisions and orders and fees paid for public records. During the 2025-27 biennium, LUBA anticipates receiving an estimated total of \$103,150 in revenue from filing and other fees. All filing fee revenue received is deposited into the General Fund as a revenue transfer.

Summary of Natural Resources Subcommittee Action

The Land Use Board of Appeals (LUBA) was established in 1979 as an agency with exclusive jurisdiction to review appeals of land use decisions made by local governments and state agencies. LUBA's decisions are reviewable by appeal to the Court of Appeals. The Legislature intended for LUBA to provide prompt, professional, and efficient resolution of land use appeals as well to develop a consistent body of land use law. Prior to its creation, circuit courts reviewed local land use decisions, resulting in excessive scheduling delays and inconsistent interpretations of land use law across the state. LUBA is required by statute to publish its orders and opinions and make them public for citizens, decision-makers, and participants in land use processes to use as guidance for future land use decision-making.

The Subcommittee recommended a budget of \$3,520,992 total funds, including \$3,481,376 General Fund, \$39,616 Other Funds expenditure limitation, and seven positions (7.00 FTE). The recommended total funds budget is a 16.1% increase from the 2023-25 legislatively approved budget and a 0.6% increase from the current service level.

The Subcommittee recommended the following packages:

Package 101: Reclass of ESS2 to Executive Assistant. 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.

Package 102: Increase Filing Fee. This is a revenue-only package to reflect the increase in filing fees for land use appeals and interventions as outlined in Senate Bill 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.

Filing and Intervenor 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.

Package 104: IT Expendable Property. This package includes additional funding for IT expendable property to adhere to the Department of Administrative Services required laptop lifecycle replacement schedule.

Summary of Performance Measure Action

See attached Legislatively Adopted 2025-27 Key Performance Measures form.

DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

Land Use Board of Appeals
Kendra Beck – 503-400-4747

| DESCRIPTION | GENERAL FUND | LOTTERY FUNDS | OTHER FUNDS | | FEDERAL FUNDS | | TOTAL ALL FUNDS | POS | FTE |
|--|---------------------|------------------|------------------|-------------|---------------|-------------|-----------------------|----------|-------------|
| | | | LIMITED | NONLIMITED | LIMITED | NONLIMITED | | | |
| 2023-25 Legislatively Approved Budget at Jan 2025 * | \$ 2,994,485 | \$ - | \$ 38,019 | \$ - | \$ - | \$ - | \$ 3,032,504 | 7 | 7.00 |
| 2025-27 Current Service Level (CSL)* | \$ 3,459,019 | \$ - | \$ 39,616 | \$ - | \$ - | \$ - | \$ 3,498,635 | 7 | 7.00 |
| SUBCOMMITTEE ADJUSTMENTS (from CSL) | | | | | | | | | |
| SCR 010 - General Program | | | | | | | | | |
| Package 101: Reclass of ESS2 to Executive Assistant Personal Services | \$ 9,357 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 9,357 | 0 | 0.00 |
| Package 104: IT Expendable Property Services and Supplies | \$ 13,000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 13,000 | | |
| TOTAL ADJUSTMENTS | \$ 22,357 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 22,357 | 0 | 0.00 |
| SUBCOMMITTEE RECOMMENDATION * | \$ 3,481,376 | \$ - | \$ 39,616 | \$ - | \$ - | \$ - | \$ 3,520,992 | 7 | 7.00 |
| | | | | | | | | | |
| % 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% |
| % Change from 2025-27 Current Service Level | 0.6% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.6% | 0.0% | 0.0% |

*Excludes Capital Construction Expenditures

Legislatively Approved 2025 - 2027 Key Performance Measures

Published: 5/20/2025 1:11:01 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 Approved 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:

The Natural Resources Subcommittee approved the Key Performance Measures and targets, as presented.