

LAND USE BOARD OF APPEALS

The Land Use Board of Appeals (LUBA) was created by legislation in 1979 and has exclusive jurisdiction to review all governmental land-use decisions, whether legislative or quasi-judicial in nature. LUBA was created to simplify the appeal process, speed resolution of land-use disputes, and provide consistent interpretation of state and local land-use laws. LUBA decisions may be appealed to the Court of Appeals and ultimately to the state Supreme Court via discretionary review. Private parties and public agencies – including agricultural interests, developers, environmental groups, individual property owners, and state and local governments – are able to bring issues to LUBA for review. The Governor appoints the three-member board to serve four-year terms, subject to Senate confirmation. The board members serving on LUBA must be members of the Oregon State Bar.

LAND USE BOARD OF APPEALS	2009-11 Actuals	2011-13 Leg. Approved	2013-15 Current Service Level	2013-15 Governor's Budget	2013-15 Co-Chairs' Budget (1.0)	% Change 2011-13 LAB to 2013-15 CSL
General Fund	1,412,424	1,295,278	1,448,572	1,442,194	0	11.8%
Other Funds	64,014	83,620	85,648	85,384	0	2.4%
TOTAL FUNDS	\$1,476,438	\$1,378,898	\$1,534,220	\$1,527,578	\$0	11.3%
Positions	6	5	5	5	0	0.0%
FTE	6.00	5.00	5.00	5.00	0.00	0.0%

Major Revenues	Budget Environment	Comparison by Fund Type																				
<ul style="list-style-type: none"> • General Fund supports 94% of the budget. • LUBA generates Other Fund revenues from the sale of <i>LUBA Reports</i>, which are issued to meet the agency’s statutory obligation to publish its opinions. LUBA estimates it will issue five volumes that will be sold to 70 subscribers at \$175 per volume for Other Fund revenues estimated at \$61,250 in the 2013-15 biennium. • LUBA also collects appeal filing fees and fees from intervening parties which are transferred to the General Fund. LUBA estimates receiving \$80,150 from these fees in 2013-15, which is consistent with handling about 130 appeals annually and 141 intervening parties annually. This 	<ul style="list-style-type: none"> • The volume of appeals is the determining factor in LUBA’s workload. The number of appeals is heavily influenced by economic activity and population growth. With the economic recession that began in 2009, the annual number of LUBA appeals declined significantly. In 2010 the Board received 116 appeals, and in 2011 it increased to 120 appeals. The board is projecting 375 appeals and about 225 motions to intervene for the 2013-15 biennium. LUBA was able to meet performance measure targets for issuing final opinions within the statutory 77-day deadline • As the economy recovers, LUBA expects that the number of appeals will rise to historical levels of 420-450 appeals per 	<p>LAND USE BOARD OF APPEALS</p> <table border="1"> <caption>Revenue Comparison by Fund Type (Millions of Dollars)</caption> <thead> <tr> <th>Year</th> <th>General Fund/Lottery</th> <th>Other Funds</th> <th>Federal Funds</th> </tr> </thead> <tbody> <tr> <td>2009-11</td> <td>\$1.4</td> <td>\$0.1</td> <td>\$0.0</td> </tr> <tr> <td>2011-13</td> <td>\$1.3</td> <td>\$0.1</td> <td>\$0.0</td> </tr> <tr> <td>2013-15 CSL</td> <td>\$1.4</td> <td>\$0.1</td> <td>\$0.0</td> </tr> <tr> <td>2013-15 GB</td> <td>\$1.4</td> <td>\$0.1</td> <td>\$0.0</td> </tr> </tbody> </table>	Year	General Fund/Lottery	Other Funds	Federal Funds	2009-11	\$1.4	\$0.1	\$0.0	2011-13	\$1.3	\$0.1	\$0.0	2013-15 CSL	\$1.4	\$0.1	\$0.0	2013-15 GB	\$1.4	\$0.1	\$0.0
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<p>revenue estimate is understated if the number of number of appeals the agency is predicting materializes. At 187 appeals and 113 motions to intervene annually, the biennial revenue would be \$97,500, about a 22% increase over the current biennium.</p>	<p>biennium. Depending upon complexity and timing of the appeals, when appeal numbers go beyond 220 per year it becomes difficult to meet the 77-day deadline and perform the other related functions. When appeal numbers reach 250 to 260 per year for a sustained period, LUBA will fall behind and can recover only when appeal numbers drop for an extended period of time, or additional staffing is made available.</p>	

MAJOR CHALLENGES AND DECISION POINTS

<ol style="list-style-type: none"> 1. The Governor’s budget (GB) requests spending authority for a total budget of \$1.5 million and five positions (5.00 FTE) of which \$1.4 million is General Fund and \$85,384 is Other Funds. The total GB is a 10.8% increase over the 2011-13 legislatively approved budget of \$1.4 million. 2. The Governor’s budget did not fund the one policy package requested by LUBA to partially restore a staff attorney position at 0.63 FTE and \$115,000 General Fund to assist the board in maintaining the 77-day statutory deadline as appeals increase over the 2013-15 biennium. 3. The GB includes reductions for PERS Taxation Policy and Other PERS Adjustments totaling \$6,642 of which \$6,378 is General Fund. 	
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