

Land Use Board of Appeals

	2013-15 Actual	2015-17 Legislatively Approved*	2017-19 Current Service Level	2017-19 Governor's Budget
General Fund	1,573,758	1,819,240	1,926,784	1,928,942
Other Funds	30,252	28,641	29,700	33,700
Total Funds	1,604,010	1,847,881	1,956,484	1,962,642
Positions	6	6	6	6
FTE	5.75	6.00	6.00	6.00

* Includes Emergency Board and administrative actions through December 2016.

Program Description

The Land Use Board of Appeals' (LUBA) mission is to decide appeals quickly and consistently, and to disseminate its opinions to create a body of land use law that allows for consistent land use decision making. LUBA hears appeals of land use decisions made by state agencies, special districts, and local governments. The board consists of three members appointed by the Governor and confirmed by the Oregon Senate. Other staff include two support positions, and one staff attorney.

CSL Summary and Issues

The board's current service level budget represents a 5.9% increase compared to the 2015-17 legislatively approved budget (LAB). The board is funded almost exclusively by the General Fund. A small portion of this funding is returned to the General Fund through appeal filing fees and intervener fees that LUBA collects for each appeal. Other funds are generated from the sale of LUBA reports. LUBA produces two volumes of reports per calendar year, and each volume sells for \$175. There are no significant issues.

Policy Issues

Appeals volume is heavily influenced by economic activity and population growth. With the economic recovery, caseload has started to grow again. In 2016, LUBA handled 129 appeals, which is a 20 percent increase compared to 2015. The budget assumes LUBA's caseload will approach the 10-year average of 200 appeals annually toward the end of the 2017-19 biennium. The 2013-15 LAB established the staff attorney position to help the board maintain compliance with the 77-day statutory deadline for the issuance of final orders and conduct needed legal research. The 2015-17 LAB provided funds to increase the staff attorney position from three-quarter time to full time.

Other Significant Issues and Current Discussions

- The agency is seeking \$11,650 (GF) to reclassify a position from Executive Support Specialist I to Executive Support Specialist II.
- The agency is also requesting \$4,000 (OF) to cover the annual cost of continuing legal education for its attorneys.