

**Legislative  
Fiscal Office**

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**Joint Committee on  
Ways and Means**

Sen. Betsy Johnson, Senate Co-Chair  
Sen. Elizabeth Steiner Hayward, Senate Co-Chair  
Rep. Dan Rayfield, House Co-Chair

Sen. Jackie Winters, Senate Co-Vice Chair  
Rep. David Gomberg, House Co-Vice Chair  
Rep. Greg Smith, House Co-Vice Chair

**To:** Natural Resources Subcommittee  
**From:** Matt Stayner, Legislative Fiscal Office  
**Date:** April 19, 2019  
**Subject:** HB 5028 – Land Use Board of Appeals  
Work Session Recommendations

**Land Use Board of Appeals – Agency Totals**

	2015-17 Actual	2017-19 Legislatively Approved	2019-21 Current Service Level	2019-21 LFO Recommended
General Fund	1,817,892	1,952,556	2,083,485	2,083,485
Other Funds	24,228	33,700	34,981	34,981
<b>Total Funds</b>	<b>1,842,120</b>	<b>1,986,256</b>	<b>2,118,466</b>	<b>2,118,466</b>
Positions	6	6	6	6
FTE	6.00	6.00	6.00	6.00

The LFO recommended budget of the Land Use Board of Appeals for the 2019-21 biennium continues the funding of the agency at the current service level.

**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 HB 5028. (VOTE)**

**OR**

**Change** LFO Recommendation:

**MOTION: I move the LFO recommendation to HB 5028, with modifications. (VOTE)**

**Performance Measures**

See attached “Legislatively Proposed 2019-21 Key Performance Measures.”

**Accept** LFO Recommendation:

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

**OR**

**Change** LFO Recommendation:

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

**Recommended Changes**

LFO recommends a budget of \$2,083,485 General Fund, \$34,981 Other Funds, and 6 positions (6.00 FTE), which is reflected in the -1 amendment.

**MOTION: I move adoption of the -1 amendment to HB 5028. (VOTE)**

**Final Subcommittee Action**

LFO recommends that HB 5028, as amended by the -1 amendment, be moved to the Ways and Means Full Committee.

**MOTION: I move HB 5028, 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)
<b>2017-19 Agy. Leg. Adopted</b>	<b>1,927,050</b>	-	<b>33,700</b>	-	-	-	<b>1,960,750</b>	<b>6</b>	<b>6.00</b>
2017-19 Ebds, SS & Admin Act	25,506	-	-	-	-	-	25,506	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2017-19 Leg Approved Budget</b>	<b>1,952,556</b>	-	<b>33,700</b>	-	-	-	<b>1,986,256</b>	<b>6</b>	<b>6.00</b>
<b>2017-19 Leg Approved Budget (Base)</b>	<b>1,952,556</b>	-	<b>33,700</b>	-	-	-	<b>1,986,256</b>	<b>6</b>	<b>6.00</b>
Summary of Base Adjustments	91,303	-	-	-	-	-	91,303	-	-
<b>2019-21 Base Budget</b>	<b>2,043,859</b>	-	<b>33,700</b>	-	-	-	<b>2,077,559</b>	<b>6</b>	<b>6.00</b>
010: Non-PICS Pers Svc/Vacancy Factor	6,750	-	-	-	-	-	6,750	-	-
030: Inflation & Price List Adjustments	32,876	-	1,281	-	-	-	34,157	-	-
<b>2019-21 Current Service Level</b>	<b>2,083,485</b>	-	<b>34,981</b>	-	-	-	<b>2,118,466</b>	<b>6</b>	<b>6.00</b>
<b>Adjusted 2019-21 Current Service Level</b>	<b>2,083,485</b>	-	<b>34,981</b>	-	-	-	<b>2,118,466</b>	<b>6</b>	<b>6.00</b>
<b>Total LFO Recommended Packages</b>	-	-	-	-	-	-	-	-	-
<b>2019-21 Legislative Actions</b>	<b>2,083,485</b>	-	<b>34,981</b>	-	-	-	<b>2,118,466</b>	<b>6</b>	<b>6.00</b>
Net change from 2017-19 Leg Approved Budget	130,929	-	1,281	-	-	-	132,210	-	-
Percent change from 2017-19 Leg Approved Budget	6.7%	0.0%	3.8%	0.0%	0.0%	0.0%	6.7%	0.0%	0.0%
Net change from 2019-21 Adj Current Service Level	-	-	-	-	-	-	-	-	-
Percent change from 2019-21 Adj Current Service Level	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
<b>2017-19 Agy. Leg. Adopted</b>	<b>1,927,050</b>	-	<b>33,700</b>	-	-	-	<b>1,960,750</b>	<b>6</b>	<b>6.00</b>
2017-19 Ebds, SS & Admin Act	25,506	-	-	-	-	-	25,506	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2017-19 Leg Approved Budget</b>	<b>1,952,556</b>	-	<b>33,700</b>	-	-	-	<b>1,986,256</b>	<b>6</b>	<b>6.00</b>
<b>2017-19 Leg Approved Budget (Base)</b>	<b>1,952,556</b>	-	<b>33,700</b>	-	-	-	<b>1,986,256</b>	<b>6</b>	<b>6.00</b>
Summary of Base Adjustments	91,303	-	-	-	-	-	91,303	-	-
<b>2019-21 Base Budget</b>	<b>2,043,859</b>	-	<b>33,700</b>	-	-	-	<b>2,077,559</b>	<b>6</b>	<b>6.00</b>
010: Non-PICS Pers Svc/Vacancy Factor	6,750	-	-	-	-	-	6,750	-	-
030: Inflation & Price List Adjustments	32,876	-	1,281	-	-	-	34,157	-	-
<b>2019-21 Current Service Level</b>	<b>2,083,485</b>	-	<b>34,981</b>	-	-	-	<b>2,118,466</b>	<b>6</b>	<b>6.00</b>
<b>Adjusted 2019-21 Current Service Level</b>	<b>2,083,485</b>	-	<b>34,981</b>	-	-	-	<b>2,118,466</b>	<b>6</b>	<b>6.00</b>
<b>Total LFO Recommended Packages</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>2019-21 Legislative Actions</b>	<b>2,083,485</b>	-	<b>34,981</b>	-	-	-	<b>2,118,466</b>	<b>6</b>	<b>6.00</b>
Net change from 2017-19 Leg Approved Budget	130,929	-	1,281	-	-	-	132,210	-	-
Percent change from 2017-19 Leg Approved Budget	6.7%	0.0%	3.8%	0.0%	0.0%	0.0%	6.7%	0.0%	0.0%
Net change from 2019-21 Adj Current Service Level	-	-	-	-	-	-	-	-	-
Percent change from 2019-21 Adj Current Service Level	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

# Legislatively Proposed 2019 - 2021 Key Performance Measures

Published: 4/19/2019 3:45:00 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 the citizens of Oregon.

Legislatively Proposed KPMs	Metrics	Agency Request	Last Reported Result	Target 2020	Target 2021
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.		Approved	89%	90%	90%
2. TIMELY SETTLE RECORD - Percentage of record objections that are resolved within 60 days after the record objection is received by LUBA.		Approved	96%	95%	95%
3. RESOLVE ALL ISSUES - Percentage of decisions where all issues are resolved when reversing or remanding a land use decision.		Approved	100%	100%	100%
4. SUSTAINED ON APPEAL - Percentage of final opinions that are sustained on appeal.		Approved	93%	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.	Timeliness	Approved	97%	95%	95%
	Expertise		90%	95%	95%
	Accuracy		100%	95%	95%
	Overall		100%	95%	95%
	Helpfulness		98%	95%	95%
	Availability of Information		86%	95%	95%

**LFO Recommendation:**

Approve the Key Performance Measures as proposed.

**SubCommittee Action:**

HB 5028-1  
(LC 9028)  
4/19/19 (DFY/ps)

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO  
HOUSE BILL 5028**

1 In line 6 of the printed bill, delete “\$2,071,330” and insert “\$2,083,485”.  
2 \_\_\_\_\_