

LAND USE BOARD OF APPEALS (LUBA) Annual Performance Progress Report (APPR) for Fiscal Year 2006-07

Due: September 30, 2007
Submitted October 29, 2007

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LUBA's Mission

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

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ABOUT THIS REPORT

Purpose of Report

The purpose of this report is to summarize the agency's performance for the reporting period, how performance data are used and to analyze agency performance for each key performance measure legislatively approved for the 2005-07 biennium. The intended audience includes agency managers, legislators, fiscal and budget analysts and interested citizens.

1. PART I: EXECUTIVE SUMMARY defines the scope of work addressed by this report and summarizes agency progress, challenges and resources used.
2. PART II: USING PERFORMANCE DATA identifies who was included in the agency's performance measure development process and how the agency is managing for results, training staff and communicating performance data.
3. PART III: KEY MEASURE ANALYSIS analyzes agency progress in achieving each performance measure target and any corrective action that will be taken. This section, the bulk of the report, shows performance data in table and chart form.

KPM = Key Performance Measure

The acronym "KPM" is used throughout to indicate **Key Performance Measures. Key performance measures are those highest-level, most outcome-oriented performance measures that are used to report externally to the legislature and interested citizens. Key performance measures communicate in quantitative terms how well the agency is achieving its mission and goals. Agencies may have additional, more detailed measures for internal management.**

Consistency of Measures and Methods

Unless noted otherwise, performance measures and their method of measurement are consistent for all time periods reported.

TABLE OF MEASURES

Agency Mission: 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

2005-07 KPM#	2005-07 Key Performance Measures (KPMs)	Page #
1	TIMELY RESOLVE APPEALS—Percentage of appeals of land use decisions that are resolved within statutory deadlines or, if all parties agree, within no more than a 7 day extension of the statutory deadline	5
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8	CONDUCT ORAL ARGUMENTS OUTSIDE SALEM— Number of oral arguments scheduled annually outside Salem in geographically dispersed locations.	16
9	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.	18

I. EXECUTIVE SUMMARY

Agency Mission: 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

Contact: Michael A. Holstun (Board Chair)	Phone: 503-373-1265
Alternate: Kelly Burgess (Paralegal)	Phone: 503-373-1265

1. SCOPE OF REPORT

- KPMs address the key functions of LUBA: to quickly resolve land use disputes, and make LUBA decisions available to the public and decision makers.
- No key agency programs/services are not addressed by key performance measures.

2. THE OREGON CONTEXT

LUBA plays a key but indirect role in the land use planning and land development processes that to a significant extent dictate the state’s performance in meeting targets for the preservation of agricultural and forest lands (OBM 80 and 81), targets for hours of travel delay or vehicle miles traveled (OBM 68 and 71), and low income housing (OBM 74).

Many LUBA appeals concern market rate or assisted housing projects. The LUBA appeals tend to concern the larger and more significant residential projects. The speed and efficiency with which LUBA resolves those appeals can have an influence on whether those projects are ultimately successful. A significant number of LUBA appeals concern local or state transportation projects directly or land use decisions that will significantly affect the operation of transportation facilities. As with housing related appeals, LUBA’s ability to efficiently resolve those appeals in a timely manner can have a significant bearing on whether those projects and land development actions occur in a way that assists the state in meeting targets for these OBMs.

Finally, LUBA was created to be a speedier and more accessible forum for finally resolving land use disputes. In performing that function over the years, LUBA contributes indirectly to the sense of community that comes when Oregonians feel they have had an opportunity to have their view fairly considered and addressed in an impartial and objective way.

3. PERFORMANCE SUMMARY

Between 1995 and 2000 LUBA struggled with a heavy caseload and significant personnel turnover. At its worst, LUBA was missing the 77-day statutory deadline by several months in many of its appeals. With personnel stability and some additional resources, and reduction in the number of appeals as the state economy cooled in 2000, LUBA began meeting its target for its most important performance measure (Timely Resolve Appeals) in 2001. The loss of LUBA’s staff attorney in the first half of 2003 contributed to a period of several months during 2003 when LUBA was unable to meet target for this performance measure. With the return of the staff attorney in June 2003, LUBA was able to begin meeting its target for the performance measure again. As the state economy has recovered, the number of appeals is again trending toward the levels last seen in the 1990s. The increasing number and complexity of appeals has made it more challenging to meet the Timely Resolve Appeals measure, and in the 2005-2006 reporting year that measure fell below the target of 90 percent, to 85 percent. In the 2006-2007 reporting year, performance increased slightly to 88 percent, but that performance still fell slightly short of the 90 percent target. LUBA also fell slightly below the target in KPMs 2 (Timely Settle Record), 5 (Timely Publish Decisions) and 8 (Conduct Oral Arguments Outside Salem). LUBA met or exceeded all other KPMs for fiscal year 2006-07.

I. EXECUTIVE SUMMARY

Agency Mission: 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

KPM Progress Summary	Key Performance Measures (KPMs) with Page References	# of KPMs
KPMs MAKING PROGRESS at or trending toward target achievement	Timely Resolve Appeals (page 5), Resolve All Issues (page 9), Sustained on Appeal (page 10), Timely Post Decisions (page 12) Timely Post Headnotes (page 15), Customer Service (page 18).	8
KPMs NOT MAKING PROGRESS not at or trending toward target achievement	Timely Settle Record (page 7), Timely Publish Decisions (page 12), Conduct Oral Arguments Outside Salem (page 16),	1
KPMs - PROGRESS UNCLEAR target not yet set	None	0
Total Number of Key Performance Measures (KPMs)		9

4. CHALLENGES

If the current economic recovery in Oregon continues, the number of annual appeals can be expected to increase from its current average range of 180 to 220 appeals per year back toward the approximately 260 appeals that LUBA experienced during the boom years before 2001. At its current staffing level and a case load of approximately 200 to 220 appeals annually, LUBA is just able to meet the 77-day statutory deadline for issuing its final opinion in most (approximately 90%) appeals. As the number of appeals increases, it will become much more challenging to meet that deadline and perform all of the other related functions that LUBA must perform. LUBA elected not to seek additional staffing in its 2007-09 budget because it is uncertain whether the annual number of appeals will return to the 260 annual appeals that caused an enormous backlog of appeals at LUBA in the late 1990's. At the time its 2007-09 budget was prepared and submitted, LUBA anticipated that more modest increases in the number of annual appeal over the next biennium could be absorbed by increasing productivity with existing resources. However, if the annual number of appeals does increase dramatically over the next biennium, LUBA will have a difficult time avoiding a recurrence of that backlog. Initial indications are that a significant increase in the number of appeals is a real possibility. Based on appeals filed through October 2007, LUBA expects that approximately 250 appeals will be filed in calendar year 2007. In addition, while it is too soon to be certain how Ballot Measure 37 and Ballot Measure 49 may affect LUBA's caseload, LUBA is beginning to see appeals of post-Ballot Measure 39 land use decisions that present novel questions of law and Ballot Measure 49 likely would have the same effect if it passes.

5. RESOURCES USED AND EFFICIENCY

LUBA's Fiscal Year 2006-2007 budget was approximately \$643,454 (General Fund) and \$32,347 (Other Fund).

AGENCY NAME Land Use Board of Appeals (LUBA)

II. USING PERFORMANCE DATA

Agency Mission: 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

Contact: Michael A. Holstun (Board Chair)	Phone: 503-373-1265
Alternate: Kelly Burgess (Paralegal)	Phone: 503-373-1265

The following questions indicate how performance measures and data are used for management and accountability purposes.	
1 INCLUSIVITY Describe the involvement of the following groups in the development of the agency's performance measures.	The Board Members drafted and finalized proposed performance measures, consulting staff as appropriate. Staff reviewed final performance measures and developed means to implement them. The Board does not have an ongoing stakeholder group and did not form such a group in developing performance measures. The legislature reviewed LUBA's KPMs during budget review following the last major development cycle in 2004. The Board did not solicit citizen input in developing KPMs.
2 MANAGING FOR RESULTS How are performance measures used for management of the agency? What changes have been made in the past year?	The Board reviews performance measures on a monthly and quarterly basis. Based on that review, the Board may reallocate resources or make other adjustments to ensure that performance measures are met. The central focus of weekly Board Member workflow meetings and weekly workflow meeting between the Board Chair and administrative staff is making any adjustments necessary to meet performance measure targets. Because LUBA has largely complied with its performance measures over the past year, no major changes have been made in the management of the agency in the last year.
3 STAFF TRAINING What training has staff had in the past year on the practical value and use of performance measures?	LUBA staff has been trained in database management, and those skills are used in implementing and gathering data for performance measures. Staff follow performance measure data closely to aid the Board in managing performance.
4 COMMUNICATING RESULTS How does the agency communicate performance results to each of the following audiences and for what purpose?	Performance measure data is supplied to the Department of Administrative Services every quarter, and is incorporated into the agency budget presentations to the legislature at every biennial session. Beginning in January 2004, performance measure data has been available on LUBA's website. (http://luba.state.or.us).

III. KEY MEASURE ANALYSIS

Agency Mission: 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

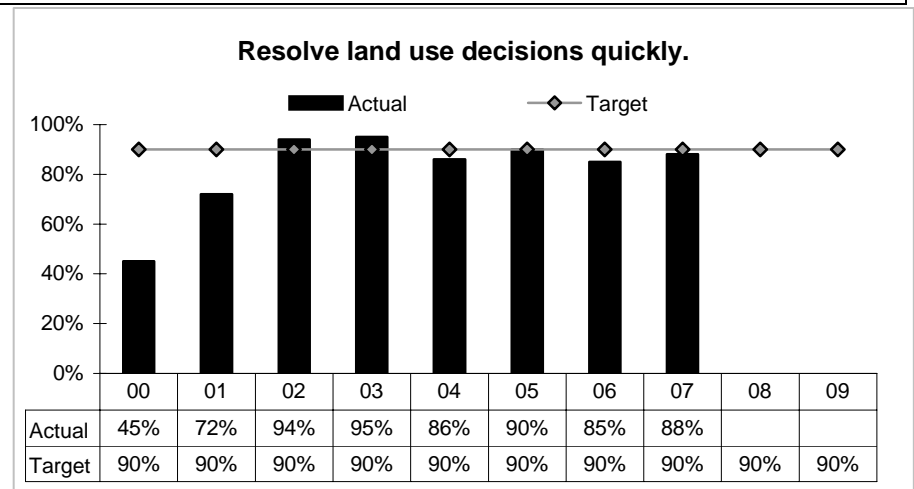
KPM #1	TIMELY RESOLVE APPEALS—Percentage of appeals of land use decisions that are resolved within statutory deadlines or, if all parties agree, within no more than a 7 day extension of the statutory deadline	Measure since: 1992
Goal	(1) Resolve land use appeals quickly.	
Oregon Context	BM 68 (Traffic Congestion), 71 (Vehicle Miles Traveled), 74 (Affordable Housing), 80 (Agricultural Lands), 81 (Forest Lands).	
Data source	LUBA’s Access Database, reports generated from that database, and supporting central files	
Owner	LUBA Board Chair. Contact: Michael A. Holstun (Board Chair), 503-373-1265; Alternate Contact: Kelly Burgess (Paralegal) 503-373-1265	

1. OUR STRATEGY

Shift resources and attempt to maintain full staffing to focus on issuing opinions within the statutory or stipulated deadline. This strategy may impact less important KPMs (for example KPM#2 Timely Settle Record or KPM#8 Conduct Oral Arguments Outside Salem). If necessary, LUBA will seek additional staffing from the Emergency Board.

2. ABOUT THE TARGETS

Under normal caseloads, staffing and circumstances, LUBA should be able to issue opinions consistent with statutory and stipulated deadlines for nearly all appeals, and has historically done so except during the 1995-2000 period. A small number of appeals are so complex that they cannot reasonably be resolved within the deadlines, even under optimum circumstances. Occasionally, caseload expansions, staffing vacancies or other circumstances cause LUBA to fail to meet the deadlines even in non-complex cases. The 90 percent target is a realistic estimate of what an efficient LUBA can be expected to achieve.



3. HOW WE ARE DOING

In Fiscal Year 2006-2007, LUBA’s average performance under KPM #1 improved slightly to 88 percent, but still fell slightly below the target of 90 percent. If the trend continues in the 2007-08 reporting year, the target should be met.

4. HOW WE COMPARE

There are no comparable private industry standards. LUBA was created in large part to form a specialized appellate review body that would resolve land use disputes much more quickly than circuit courts.

5. FACTORS AFFECTING RESULTS

The most significant factors are (1) a generally increasing caseload in 2006 and 2007 and (2) a clustering of appeals, including a number of complex appeals. As local land use decision making responds to Ballot Measure 37 and to Ballot Measure 49 if it passes in November 2007, appeals of land use decisions

AGENCY NAME: Land Use Board of Appeals (LUBA)

III. KEY MEASURE ANALYSIS

Agency Mission: 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

following waivers under those ballot measures will likely present novel questions of first impression that will be difficult to resolve within statutory deadlines for issuing final opinions.

6. WHAT NEEDS TO BE DONE

LUBA will continue to manage its resources to focus on resolving appeals consistent with statutory and stipulated deadlines. If the annual number of appeals returns to approximately 250 and remains at that level, LUBA will almost certainly fall behind in this KPM and will likely have to seek funding for a second staff attorney. The Agency will closely monitor this KPM and seek additional resources if necessary.

7. ABOUT THE DATA

The data is collected every quarter and reported by Oregon fiscal year (July to June) and biennially. The data source is the agency's Access database, which automatically tracks the dates Opinions are due and are issued, and generates reports based on specified time frames. The data can be verified manually by viewing the individual case files maintained in the agency's central files or in the state archives.

III. KEY MEASURE ANALYSIS

Agency Mission: 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

KPM #2	TIMELY SETTLE RECORD— Percentage of record objections that are resolved within 60 days after the record objection is received by LUBA.	Measure since: 2001
Goal	(1) Resolve land use appeals quickly.	
Oregon Context	BM 68 (Traffic Congestion), 71 (Vehicle Miles Traveled), 74 (Affordable Housing), 80 (Agricultural Lands), 81 (Forest Lands).	
Data source	LUBA’s Access Database, reports generated from that database, and supporting central files	
Owner	LUBA Board Chair. Contact: Michael A. Holstun (Board Chair), 503-373-1265; Alternate Contact: Kelly Burgess (Paralegal) 503-373-1265	

1. OUR STRATEGY

LUBA staff generate a weekly action item list alerting Board Members of the status of pending record objections.

2. ABOUT THE TARGETS

Under normal caseload, staffing, and circumstances, LUBA should be able to resolve record objections within 60 days in nearly all cases. Occasionally, caseload expansions, staffing vacancies or other circumstances cause LUBA to fail to meet the 60 day deadline for certain cases, or the parties’ delay in responding to record objections may delay the Board’s settlement of the objection. The 90 percent target is a realistic estimate of what an efficient LUBA can be expected to achieve.

3. HOW WE ARE DOING

For the first time, LUBA did not meet this target. In most cases this was the result of delaying action on pending record objections while resources were directed at attempting to issue final opinions in appeals that were ready for final opinions.

4. HOW WE COMPARE

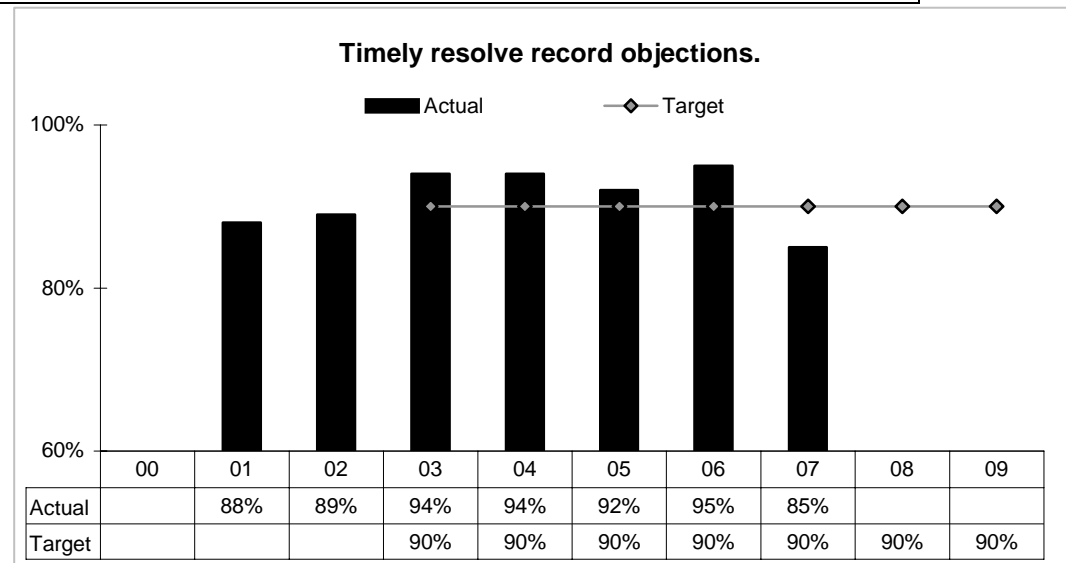
There are no known comparable public or private industry standards.

5. FACTORS AFFECTING RESULTS

Performance under this KPM is directly affected by difficulties meeting the performance target under KPM #1. If the failure to meet KPM #1 and #2 targets becomes a trend, the agency will consider seeking additional resources to allow it to meet those targets.

6. WHAT NEEDS TO BE DONE

No action needed.



AGENCY NAME: Land Use Board of Appeals (LUBA)

III. KEY MEASURE ANALYSIS

Agency Mission: 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

7. **ABOUT THE DATA**

The data is collected every fiscal quarter and reported by Oregon fiscal year (July to June) and biennially. The data source is the agency's Access database, which automatically tracks the dates record objections are resolved, and generates reports based on specified time frames. The data can be verified manually by viewing the individual case files maintained in the agency's central files or in the state archives.

III. KEY MEASURE ANALYSIS

Agency Mission: 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

KPM #3	RESOLVE ALL ISSUES— Percentage of decisions where all issues are resolved when reversing or remanding a land use decision.	Measure since: 1992
Goal	(2) Decide all legal issues that are presented in appeals.	
Oregon Context	BM 68 (Traffic Congestion), 71 (Vehicle Miles Traveled), 74 (Affordable Housing), 80 (Agricultural Lands), 81 (Forest Lands).	
Data source	LUBA’s Access Database, reports generated from that database, and supporting central files	
Owner	LUBA Board Chair. Contact: Michael A. Holstun (Board Chair), 503-373-1265; Alternate Contact: Kelly Burgess (Paralegal) 503-373-1265	

1. OUR STRATEGY

This KPM responds directly to a statutory requirement that the Board decide all issues presented to it when reversing or remanding decisions, which is an attempt to limit most land use decisions to a single trip up and down the appellate ladder.

2. ABOUT THE TARGETS

Beginning in 2006, the target was increased to 100 percent, reflecting the Board’s historic performance.

3. HOW WE ARE DOING

LUBA has consistently met or exceeded the target.

4. HOW WE COMPARE

There are no known comparable public or private industry standards.

5. FACTORS AFFECTING RESULTS

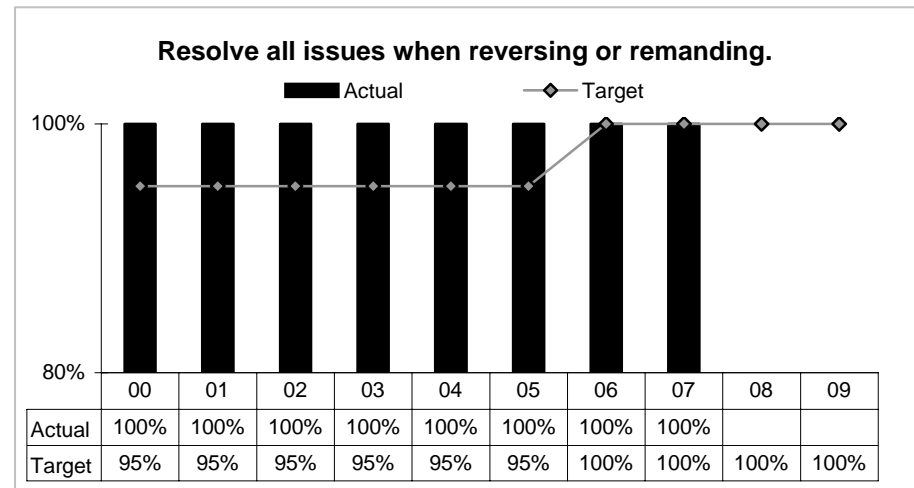
Caseload and staffing are the main factors affecting LUBA’s ability to meet this performance measure.

6. WHAT NEEDS TO BE DONE

No action needed

7. ABOUT THE DATA

8. The data is collected every fiscal quarter and reported by Oregon fiscal year (July to June) and biennially. The data source is the agency’s Access database, based on input to staff from Board Members. The data can be verified manually by viewing the individual case files maintained in the agency’s central files or in the state archives.



III. KEY MEASURE ANALYSIS

Agency Mission: 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

KPM #4	SUSTAINED ON APPEAL— Percentage of final opinions that are sustained on appeal.	Measure since: 1992
Goal	(3) LUBA opinions should be sustained on appeal.	
Oregon Context	BM 68 (Traffic Congestion), 71 (Vehicle Miles Traveled), 74 (Affordable Housing), 80 (Agricultural Lands), 81 (Forest Lands).	
Data source	LUBA’s Access Database, reports generated from that database, and supporting central files	
Owner	LUBA Board Chair. Contact: Michael A. Holstun (Board Chair), 503-373-1265; Alternate Contact: Kelly Burgess (Paralegal) 503-373-1265	

1. OUR STRATEGY

Board Members regularly research appellate court decisions and discuss their implications to ensure that LUBA opinions adhere to established court precedent or, where there is no precedent, that LUBA decisions are likely to be consistent with how appellate courts will resolve novel issues.

2. ABOUT THE TARGETS

Starting in the 2006-07 fiscal year, the target for this KPM was raised from 80 percent to 85 percent.

3. HOW WE ARE DOING

LUBA has generally performed very close to the 85 percent target. It is important to recognize that this KPM understates LUBA’s actual performance. If a LUBA decision is appealed to the Court of Appeals and ten issues are raised on appeal, with the Court affirming LUBA on nine of those issues but reversing or remanding on one issue, that case is regarded as a performance failure, even though LUBA’s decision was affirmed on the majority of issues. In other words, this KPM measures the percentage of cases in which LUBA’s decision is affirmed on all issues presented to the Court.

4. HOW WE COMPARE

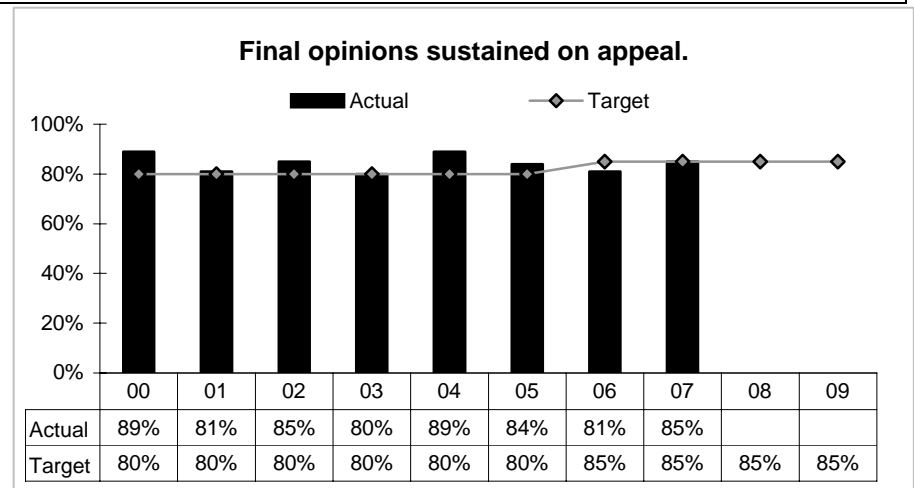
There are no known comparable public or private industry standards.

5. FACTORS AFFECTING RESULTS

Caseload and staffing are the main factors affecting LUBA’s ability to meet this performance measure. As caseloads grow, Board Members have less time to conduct necessary research and keep abreast of recent appellate decisions.

6. WHAT NEEDS TO BE DONE

No action needed.



AGENCY NAME: Land Use Board of Appeals (LUBA)

III. KEY MEASURE ANALYSIS

Agency Mission: 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

7. **ABOUT THE DATA**

The data is collected every fiscal quarter and reported by Oregon fiscal year (July to June) and biennially. The data source is the agency's Access database, based on input from staff, who track appellate outcomes. The data can be verified manually by viewing the individual case files maintained in the agency's central files or in the state archives

III. KEY MEASURE ANALYSIS

Agency Mission: 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

KPM #5	TIMELY PUBLISH DECISIONS— Number of months to publish LUBA Reports	Measure since: 1992
Goal	(4) Provide quick and easy access to LUBA final opinions.	
Oregon Context	BM 68 (Traffic Congestion), 71 (Vehicle Miles Traveled), 74 (Affordable Housing), 80 (Agricultural Lands), 81 (Forest Lands).	
Data source	LUBA staff manually maintain data, which can be verified by consulting LUBA’s central files.	
Owner	LUBA Board Chair. Contact: Michael A. Holstun (Board Chair), 503-373-1265; Alternate Contact: Kelly Burgess (Paralegal) 503-373-1265	

1. OUR STRATEGY

Board Members headnote final opinions shortly after the opinion is issued and pass the headnoted opinion to LUBA’s paralegal who completes preparation of the print ready copy on an on-going basis. When the last opinion is ready, the paralegal sends the completed volume to the printer and then binder, then it is returned to LUBA for distribution, which takes approximately three months.

2. ABOUT THE TARGETS

The 3-month deadline is intended to reflect the reality of the time it takes to prepare the print ready copy and carryout the printing, binding and distribution and billing process. Issuing LUBA reports according to that deadline is sufficient to make the relevant case law readily available.

3. HOW WE ARE DOING

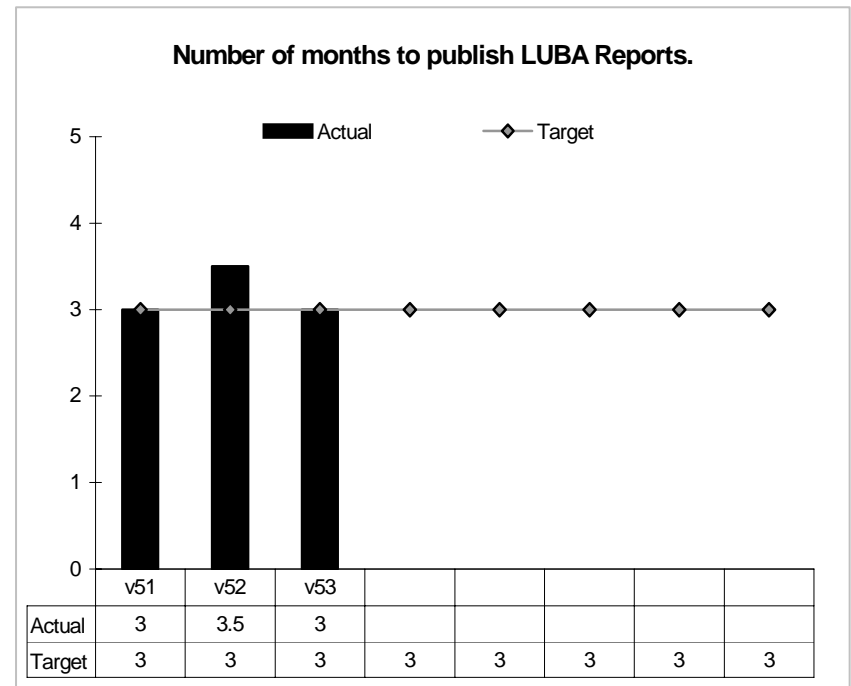
LUBA fell seriously behind in publications during the 1995-2000 period. The legislature authorized a publications coordinator in 1999, and with that additional staff LUBA was able to eliminate the publications backlog, in part by streamlining the publication process. The publications coordinator position was eliminated in the 2003-05 budget and those duties were re-assigned to existing personnel. Using the more efficient publications process, the paralegal has consistently ensured that LUBA has met the three-month target, with a few minor exceptions.

4. HOW WE COMPARE

There are no known comparable public or private industry standards.

5. FACTORS AFFECTING RESULTS

As always, caseload and staffing are factors in meeting this KPM target. Other factors are generally outside LUBA’s control, such as the timely actions of the state printer and binder.



AGENCY NAME: Land Use Board of Appeals (LUBA)

III. KEY MEASURE ANALYSIS

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6. WHAT NEEDS TO BE DONE

No action needed.

7. ABOUT THE DATA

LUBA's paralegal produces the data and reports it every fiscal quarter, Oregon fiscal year (July to June) and biennially. The file for each published volume is available to document the accuracy of the data.

III. KEY MEASURE ANALYSIS

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KPM #6	TIMELY POST DECISIONS— Percentage of weeks in which LUBA slip opinions are posted on LUBA’s web page on the Monday following the week in which they are issued	Measure since: 2002
Goal	(4) Provide quick and easy access to LUBA final opinions.	
Oregon Context	BM 68 (Traffic Congestion), 71 (Vehicle Miles Traveled), 74 (Affordable Housing), 80 (Agricultural Lands), 81 (Forest Lands).	
Data source	LUBA staff manually maintain data, which can be verified by consulting LUBA’s central files	
Owner	LUBA Board Chair. Contact: Michael A. Holstun (Board Chair), 503-373-1265; Alternate Contact: Kelly Burgess (Paralegal) 503-373-1265	

1. OUR STRATEGY

On every Monday, LUBA’s paralegal adds slip opinions issued the previous week to the agency web page, which makes those opinions readily accessible to the public at little or no cost.

2. ABOUT THE TARGETS

Barring minor delays due to personnel absences, it is reasonable to expect LUBA staff to post LUBA slip opinions shortly following their issuance in nearly all cases. The 95 percent target is a realistic estimate.

3. HOW WE ARE DOING

LUBA has substantially complied with this target.

4. HOW WE COMPARE

The Oregon Court of Appeals and Supreme Court also post their opinions on the Judicial Department Webpage once a week.

5. FACTORS AFFECTING RESULTS

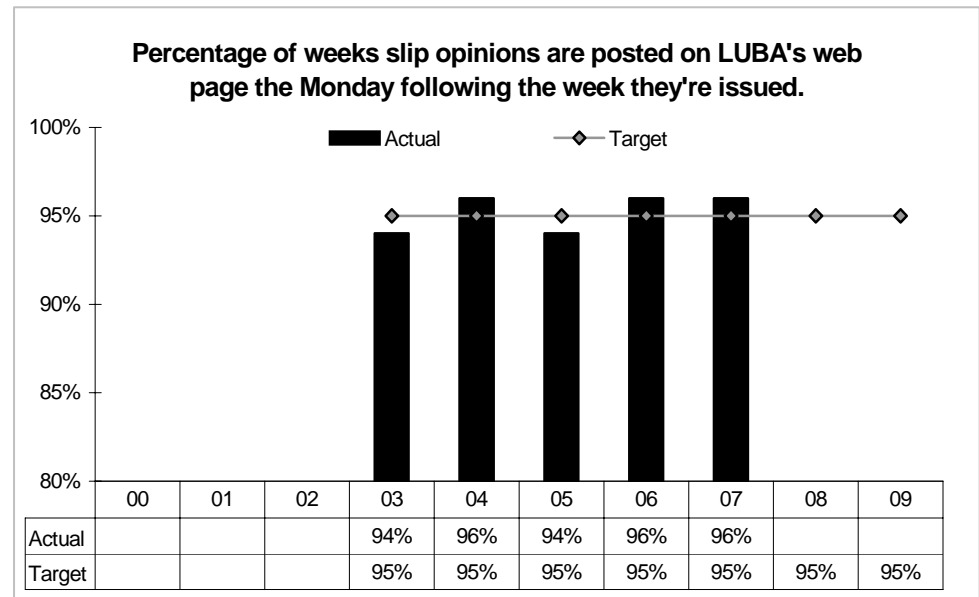
Caseload and staffing are the main factors in meeting this target.

6. WHAT NEEDS TO BE DONE

No action needed.

7. ABOUT THE DATA

LUBA’s paralegal produces the data and reports it every fiscal quarter, Oregon fiscal year (July to June) and biennially. A dated FrontPage-generated document is generated and kept to document the accuracy of the data.



AGENCY NAME: Land Use Board of Appeals (LUBA)

III. KEY MEASURE ANALYSIS

Agency Mission: 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

KPM #7	TIMELY POST HEADNOTES— Interval in days following publication of LUBA Report that the headnotes are incorporated into the headnote digest on LUBA’s web page.	Measure since: 2002
Goal	(5) Make LUBA’s headnote digest available on LUBA’s web page.	
Oregon Context	BM 68 (Traffic Congestion), 71 (Vehicle Miles Traveled), 74 (Affordable Housing), 80 (Agricultural Lands), 81 (Forest Lands).	
Data source	LUBA staff manually maintain data.	
Owner	LUBA Board Chair. Contact: Michael A. Holstun (Board Chair), 503-373-1265; Alternate Contact: Kelly Burgess (Paralegal) 503-373-1265	

1. OUR STRATEGY

Each time a volume of LUBA Reports is published (approximately every five to six months), the paralegal collects and posts all headnotes in that volume on LUBA’s website as part of the LUBA Digest, which is a free and unique research tool available to the public, making LUBA’s decisions more accessible.

2. ABOUT THE TARGETS

Barring personnel absences, it is reasonable to expect the paralegal to post headnotes within 30 days of publication. An interval less than 30 days represents an efficient performance.

3. HOW WE ARE DOING

LUBA met this target in FY 2006-07.

4. HOW WE COMPARE

There are no known comparable public or private industry standards.

5. FACTORS AFFECTING RESULTS

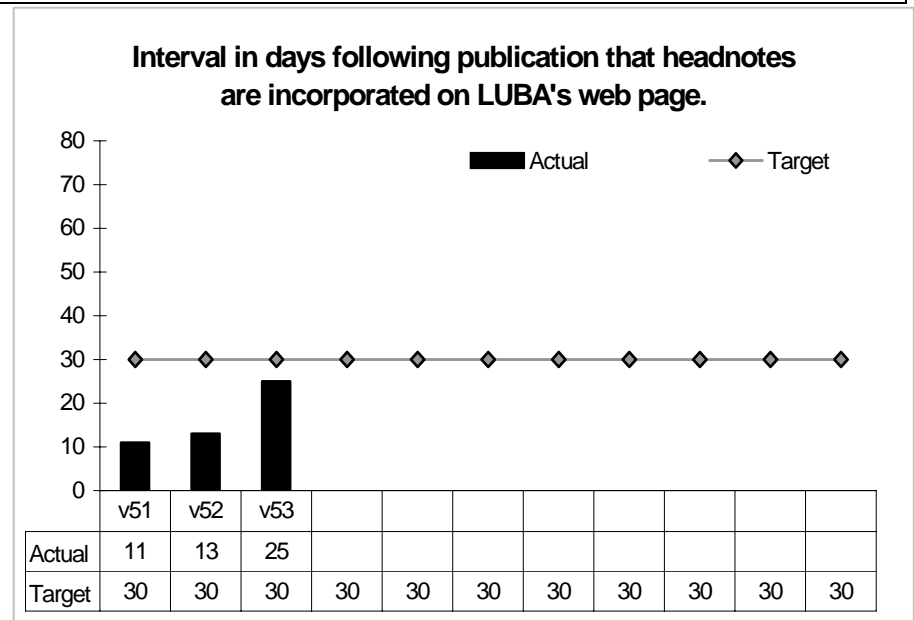
Caseload and staffing are the main factors.

6. WHAT NEEDS TO BE DONE

No action needed

7. ABOUT THE DATA

LUBA’s paralegal produces the data and reports it every fiscal quarter, Oregon fiscal year (July to June) and biennially. The paralegal maintains a file to document this data, but there currently is no easy way to independently confirm the accuracy of the data.



III. KEY MEASURE ANALYSIS

Agency Mission: 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

KPM #8	CONDUCT ORAL ARGUMENTS OUTSIDE SALEM— Number of oral arguments scheduled annually outside Salem in geographically dispersed locations	Measure since: 2002
Goal	(7) Conduct oral arguments locally.	
Oregon Context	BM 32 (Feeling of Community)	
Data source	LUBA staff manually maintain data, which can be verified by consulting LUBA’s central files	
Owner	LUBA Board Chair. Contact: Michael A. Holstun (Board Chair), 503-373-1265; Alternate Contact: Kelly Burgess (Paralegal) 503-373-1265	

1. OUR STRATEGY

The Board Members periodically review their cases to find cases where conducting local oral argument would be welcome to the parties and of interest to the local community. The ideal case involves well-briefed issues that are of wide interest to the community, local staff and local decision makers. The Board always conducts an informal question and answer session following oral argument, providing an opportunity for planning staff and citizens to engage with the Board, to learn more about Oregon’s land use review process, and to feel a part of that process.

2. ABOUT THE TARGETS

Five local oral arguments per year is probably the highest number that the Board can reasonably conduct consistent with its caseload and other obligations.

3. HOW WE ARE DOING

LUBA missed this target in 2006-2007, but this was an unexpected failure and LUBA expects to meet the target in 2007-08.

4. HOW WE COMPARE

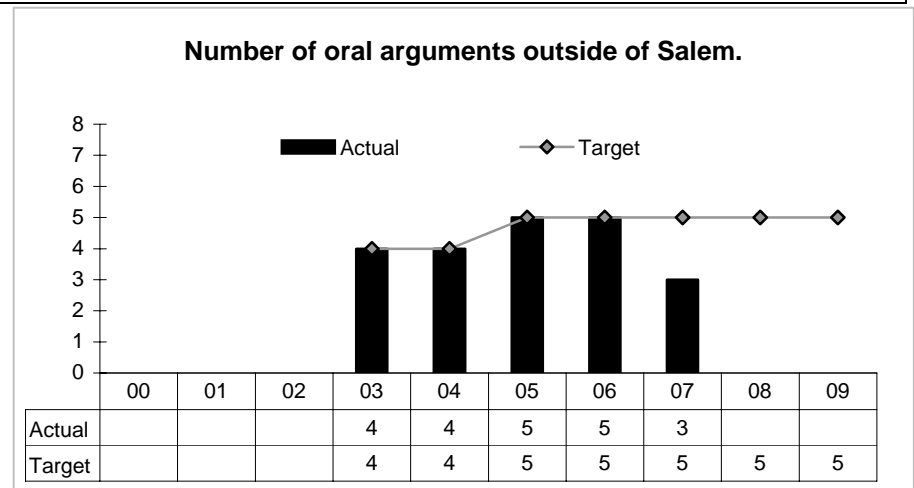
The Oregon Supreme Court and Oregon Court of Appeals occasionally conduct oral arguments outside of Salem.

5. FACTORS AFFECTING RESULTS

Caseload is the main factor affecting results. As the size of the caseload increases, it becomes increasingly difficult to justify the time lost to writing opinions that is required for Board Members to travel to more distant parts of the state for oral argument. A lesser factor is the occasional difficulty in finding appropriate cases for conducting a local oral argument.

6. WHAT NEEDS TO BE DONE

No action is needed



AGENCY NAME: Land Use Board of Appeals (LUBA)

III. KEY MEASURE ANALYSIS

Agency Mission: 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

7. **ABOUT THE DATA**

LUBA staff maintain the data and report it every fiscal quarter, Oregon fiscal year (July to June) and biennially. All data can be independently verified by consulting LUBA's central file.

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KPM #9	CUSTOMER SERVICE – Percent of customers rating their satisfaction with the agency’s customer service as “good” or “excellent”: overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information	Measure since: 2006
Goal	(9) Customer Service.	
Oregon Context	LUBA’s Mission	
Data source	Reports generated by LUBA staff, based on returned surveys.	
Owner	LUBA Board Chair. Contact: Michael A. Holstun (Board Chair), 503-373-1265; Alternate Contact: Kelly Burgess (Paralegal) 503-373-1265	

1. OUR STRATEGY

LUBA conducts daily and weekly meetings among Board Members and staff to ensure that administrative procedures and the Board’s review are conducted promptly and efficiently, and that staff provide appropriate help and information to the public.

2. ABOUT THE TARGETS

The nature of appellate review is such that some parties will win and some parties will lose, which means that not all parties to an appeal will necessarily be satisfied with the *outcome* of that appeal. Nonetheless, the LUBA Board Members and LUBA staff strive to conduct LUBA’s review in a manner that leaves participants satisfied with the review *process*, for example, the timeliness of LUBA’s resolution of issues, the assistance LUBA’s staff provide to parties, the availability of information on LUBA’s procedures and case law, etc. The 90 percent target represents a realistic initial measurement of how an efficient LUBA should be expected to provide customer service in these areas. As more data is developed on LUBA’s current performance, the Board may revise the target upwards.

3. HOW WE ARE DOING

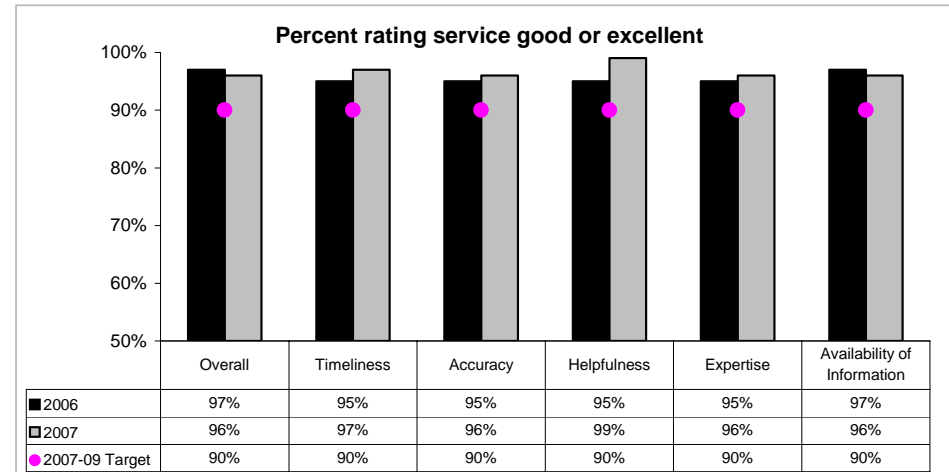
LUBA is meeting the 90 percent target for each measurement of customer service.

4. HOW WE COMPARE

This is a relatively new KPM. As this KPM is implemented by state agencies, LUBA will attempt to determine how other, similar agencies or courts provide and measure customer service. At this point, performance is exceeding expectations, which is due in large part to the conscientious and helpful approach LUBA’s administrative assistant and paralegal take when dealing with the public.

5. FACTORS AFFECTING RESULTS

Caseload and staff experience are the main factors affecting results.



AGENCY NAME: Land Use Board of Appeals (LUBA)

III. KEY MEASURE ANALYSIS

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6. WHAT NEEDS TO BE DONE

LUBA will determine how other similar agencies perform under this new performance measurement, review targets in the next fiscal year to determine whether the existing target is appropriate, and continue with on-going reviews to assure quality of customer service.

7. ABOUT THE DATA

LUBA staff send out surveys to all parties to each LUBA appeal on self-addressed, stamped notecards, collects any returned surveys, records the raw data on spreadsheets, and analyzes the data. The surveys, spreadsheets and related documents are available for inspection at LUBA's offices.