

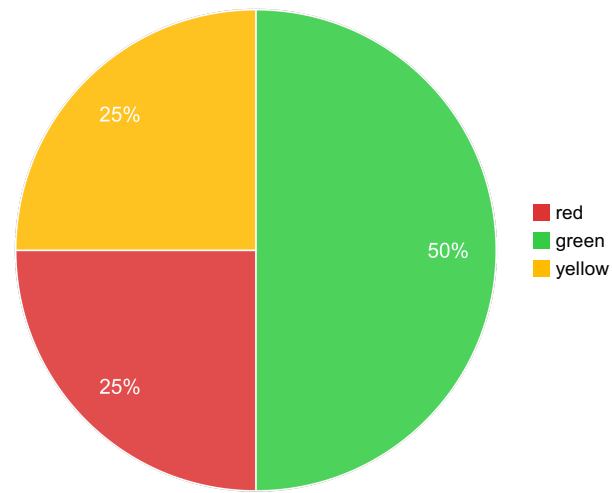
# Land Use Board of Appeals

Annual Performance Progress Report

Reporting Year 2025

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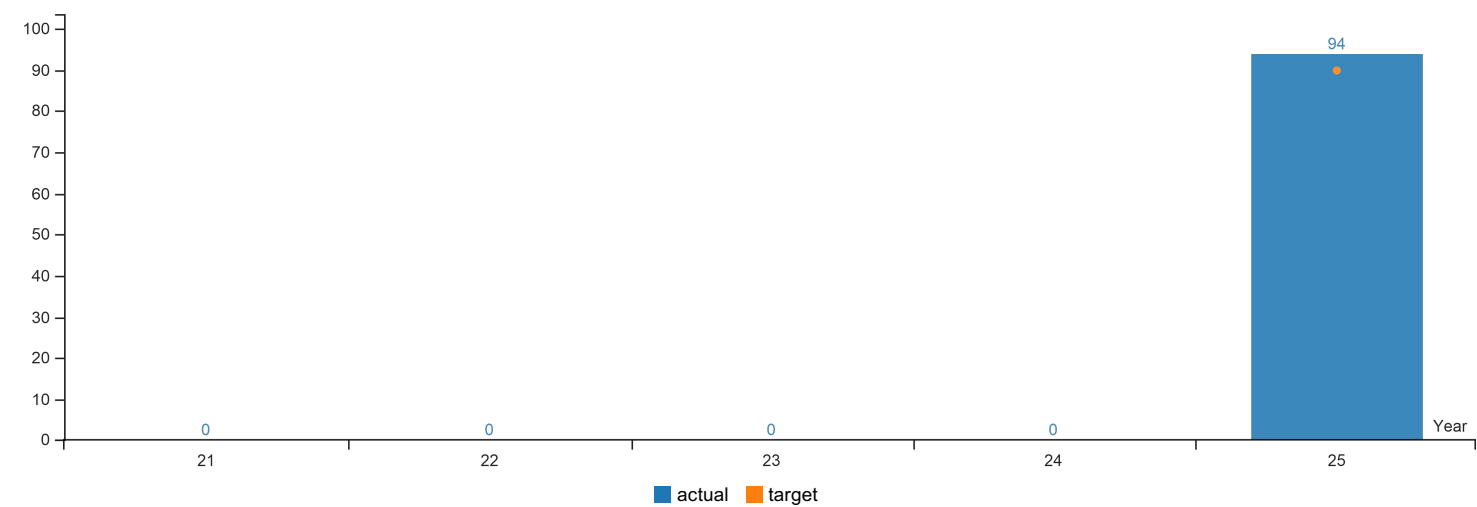
KPM #	Approved Key Performance Measures (KPMs)
1	TIMELY RESOLVE APPEALS - Percentage of appeals of land use decisions that are resolved within statutory deadlines or, if all parties agree, with no more than a 21-day extension of the statutory deadline.
2	TIMELY SETTLE RECORD - Percentage of record objections that are resolved within 60 days after the record objection is received by LUBA.
4	SUSTAINED ON APPEAL - Percentage of final opinions that are sustained on appeal.
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.



Performance Summary	Green	Yellow	Red
	= Target to -5%	= Target -5% to -15%	= Target > -15%
Summary Stats:	50%	25%	25%

KPM #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.
	Data Collection Period: Jul 01 - Jun 30

\* Upward Trend = positive result



Report Year	2021	2022	2023	2024	2025
TIMELY RESOLVE APPEALS					
Actual					94%
Target					90%

### How Are We Doing

LUBA is exceeding this target. Timely resolution of land use appeals is a primary purpose and guiding principle for LUBA. Development often depends on time-sensitive financing or construction seasons. The legislature has directed that “time is of the essence in reaching final decisions in matters involving land use.” ORS 197.805. The statutory 77-day deadline and KPM 1 reflect that sense of urgency and LUBA works with a sense of urgency. LUBA appeals are resolved significantly faster than disputes in other potential forums.

### Factors Affecting Results

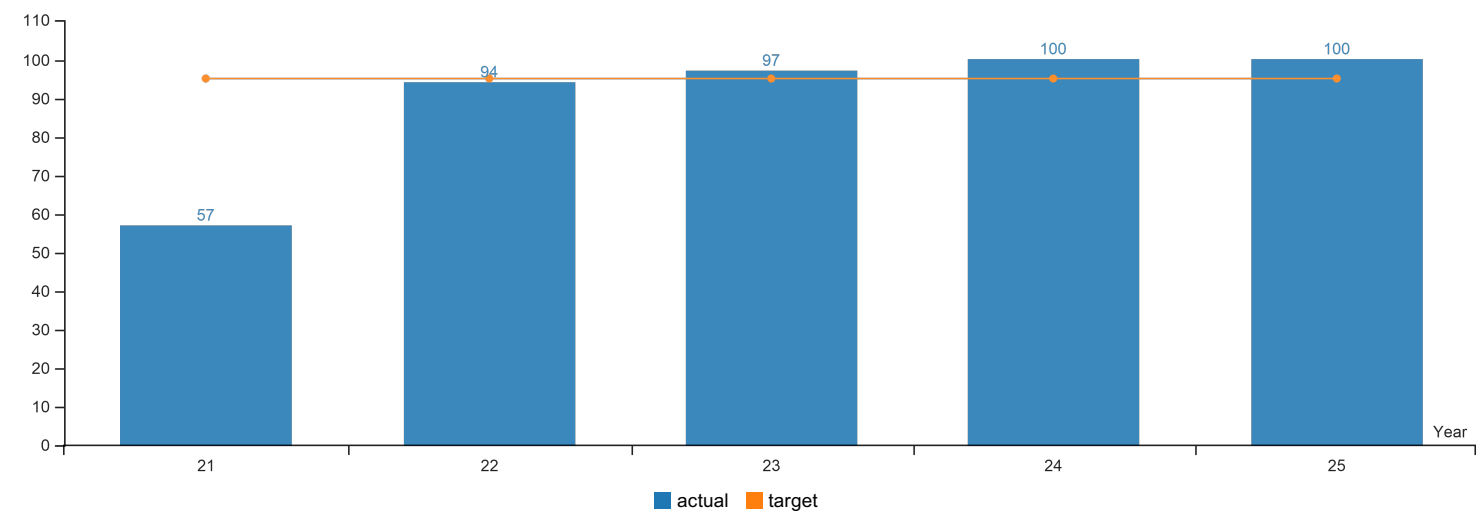
LUBA being fully staffed with reliable and experienced team members helps the board timely resolve appeals. With seven FTE, even one team member absence impacts operations, and extended absences impact overall performance.

LUBA workload corresponds closely to the overall economy, industry, and population growth. Appeal numbers are high when the economy is strong, and low when the economy is not. Development proposals (and appeals) also appear to slow down when development costs are high (land, labor, materials, financing). The total number of appeals per year does not precisely reflect LUBA’s workload. The complexity of appeals and corresponding effort and length of time to correctly resolve appeals varies. Complexity can be driven by the number of parties, the number of attorneys, the skill of the parties and attorneys, the number of motions and responses, the number of briefs, the number of assignments of error, and the complexity of the facts and law involved in resolving the dispute. For example, a recent unusually complex appeal involved 21 parties, 7 attorneys, 31 motions and responses, 19 briefs, many complex and overlapping assignments of error, and over 1,000 pages of pleadings and briefing. The final LUBA decision is 130 pages long. In contrast, a relatively “simple” appeal involves 2-3 parties (applicant, opponent, and local government), 2-3 attorneys or self-represented parties, 0-2 motions, 2-3 briefs of around 30 pages each, 2-4 assignments of error, and a final decision that is 20-30 pages long.

The ability to quickly and correctly resolve complex appeals depends on the skill and experience of the assigned board member author and all the participating board members' abilities to manage their individual caseloads and other administrative demands so that they can quickly review a draft decision, provide timely, constructive criticism, and collaboratively resolve any differences of opinion regarding the analysis and disposition of the appeal. This three-person panel decision making process, when it works well, results in timely, high-quality decisions that are consistent with the law, readily understandable by the parties and the public, and have a high chance of either not being appealed, or of being sustained on judicial review.

KPM #2	TIMELY SETTLE RECORD - Percentage of record objections that are resolved within 60 days after the record objection is received by LUBA.
	Data Collection Period: Jul 01 - Jun 30

\* Upward Trend = positive result



Report Year	2021	2022	2023	2024	2025
Metric Value					
Actual	57%	94%	97%	100%	100%
Target	95%	95%	95%	95%	95%

How Are We Doing

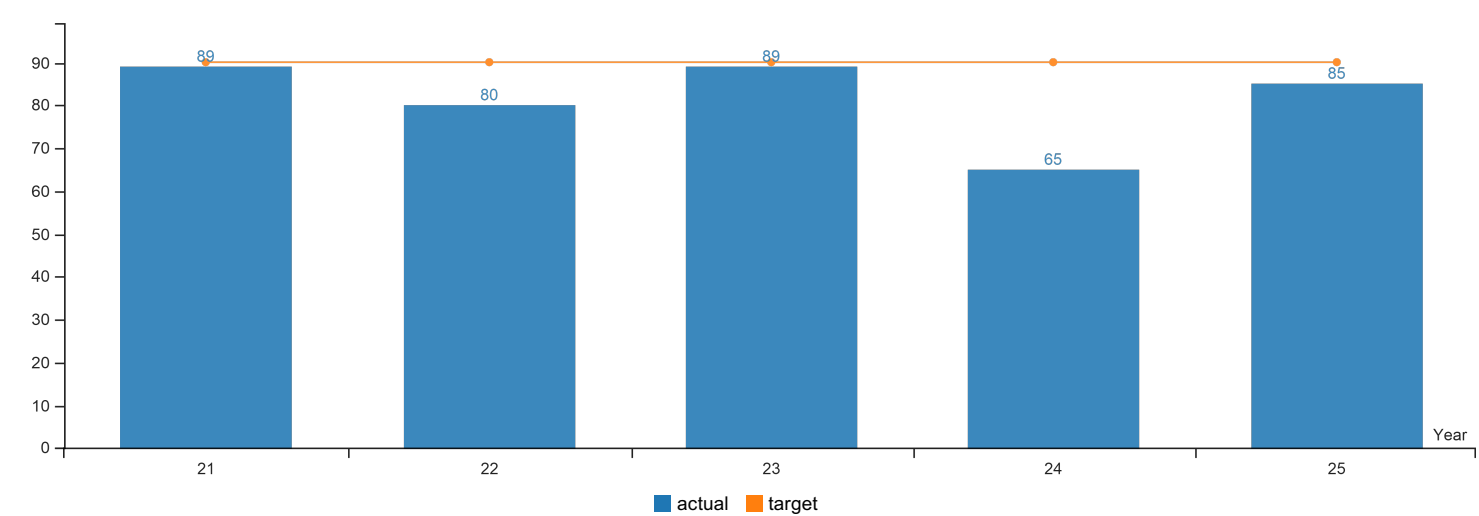
LUBA is exceeding this target. Record objections suspend briefing deadlines. The legislature directed LUBA to issue an order on record objections within 60 days of receiving the motion. ORS 197.830(10)(a). Timely resolving record objections keeps the appeal moving toward timely resolution.

Factors Affecting Results

Two staff attorney positions help the agency achieve and exceed this target.

KPM #4	SUSTAINED ON APPEAL - Percentage of final opinions that are sustained on appeal.
	Data Collection Period: Jul 01 - Jun 30

\* Upward Trend = positive result



Report Year	2021	2022	2023	2024	2025
Metric Value					
Actual	89%	80%	89%	65%	85%
Target	90%	90%	90%	90%	90%

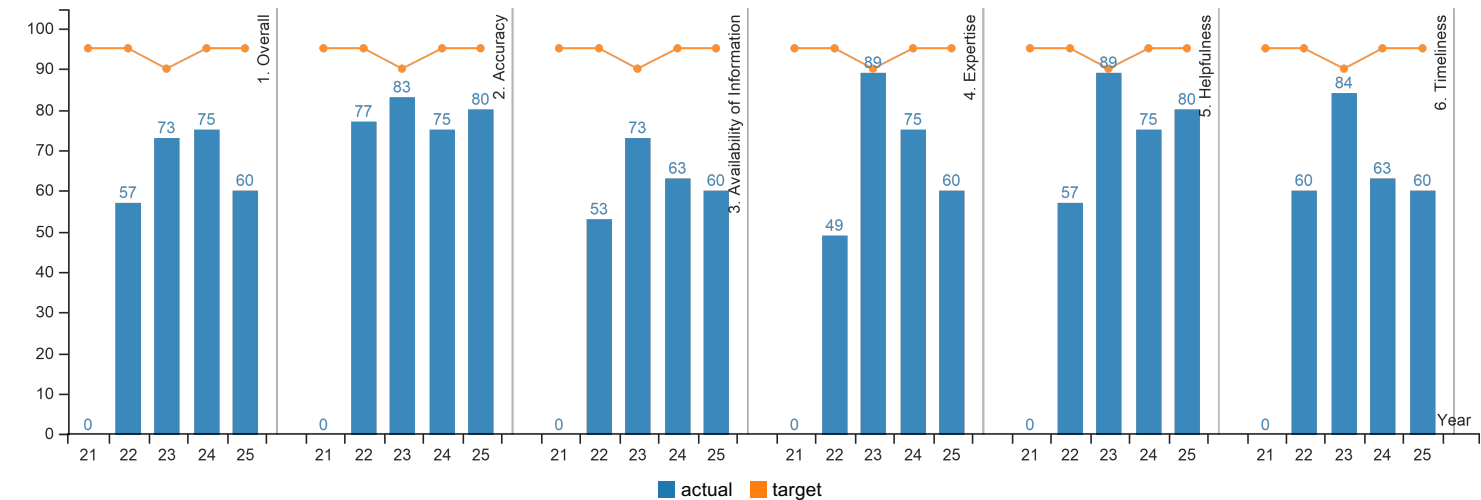
**How Are We Doing**

LUBA is generally performing well on this measure and is close to by not meeting the target. For approximately 80% of appeals, LUBA's decision is the final word. Approximately 20% of LUBA's decisions are appealed to the Court of Appeals for appellate judicial review. The central goal of timely and final resolution of land use disputes is furthered when very few LUBA decisions are appealed to the appellate courts, and most of the decisions that are appealed are affirmed by the courts.

**Factors Affecting Results**

Appeals that present novel and/or complex issues can lead to final opinions that are not sustained on appeal. New legislation or rulemaking that unsettles the existing legal framework often stimulates appeals. When deciding appeals that concern novel areas of law, the chances of the Court of Appeals reaching a different conclusion than LUBA increases.

KPM #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.
	Data Collection Period: Jul 01 - Jun 30



Report Year	2021	2022	2023	2024	2025
<b>1. Overall</b>					
Actual		57%	73%	75%	60%
Target	95%	95%	90%	95%	95%
<b>2. Accuracy</b>					
Actual		77%	83%	75%	80%
Target	95%	95%	90%	95%	95%
<b>3. Availability of Information</b>					
Actual		53%	73%	63%	60%
Target	95%	95%	90%	95%	95%
<b>4. Expertise</b>					
Actual		49%	89%	75%	60%
Target	95%	95%	90%	95%	95%
<b>5. Helpfulness</b>					
Actual		57%	89%	75%	80%
Target	95%	95%	90%	95%	95%
<b>6. Timeliness</b>					
Actual		60%	84%	63%	60%
Target	95%	95%	90%	95%	95%

How Are We Doing

LUBA is not meeting this target. LUBA's customers include land use attorneys and other land use professionals, cities, counties, property owners, developers, public interest organizations, neighborhood associations, other state agencies, and other individuals and organizations interested in particular land use decisions and land use law. LUBA's customers include a wide range of individuals with varying levels of knowledge regarding LUBA, the land use system, and legal proceedings. LUBA is committed to providing quality information, quality decisions, and equitable access to its program and services to all customers.

LUBA strives to provide excellent customer service. Excellent customer service is timely, accessible, equitable, and responsive interactions between LUBA and customers. Providing excellent customer service means that LUBA is operating efficiently within the state enterprise and providing high value for the public's investment while providing an accessible forum and diligently resolving land use appeals in a way that is readily understandable and meaningful to the parties and the public.

#### **Factors Affecting Results**

The nature of adversarial appellate review means that some parties will prevail, and some parties will not. Thus, some parties will not be satisfied with their LUBA experience, even when LUBA provides excellent customer service in the process. LUBA staff cannot answer all inquiries that they may receive regarding land use matters because of limitations on *ex parte* communications and providing legal advice. Thus, some parties will not be satisfied with the information that LUBA staff does provide. LUBA public-facing staff are trained to provide consistent, helpful, responsive, and quality information and to respectfully explain when they cannot provide requested information or transmit requested communications to or from the board members.

LUBA operates as a small administrative appellate panel, similar to a court. For over a decade, circuit courts and appellate courts have had electronic filing and case management systems. Attorneys and the public expect the quickness, convenience, and accuracy of electronic filing and case file access. In addition to those values, easy access to public records improves public confidence and trust in state agencies and increases transparency.

Many of the negative ratings and comments come from customers who are dissatisfied with LUBA customer service because LUBA's existing process for managing appeals relies on paper filing and service of documents through the US Mail or commercial delivery service. These processes lengthen the time, expense, and effort required for parties to receive documents from LUBA and each other. LUBA statutory deadlines are short, and shipping and mail delays are significant to LUBA and the parties. During the 2025 legislative session, LUBA requested funding to configure and implement an electronic case management and filing system. That request was not approved.