

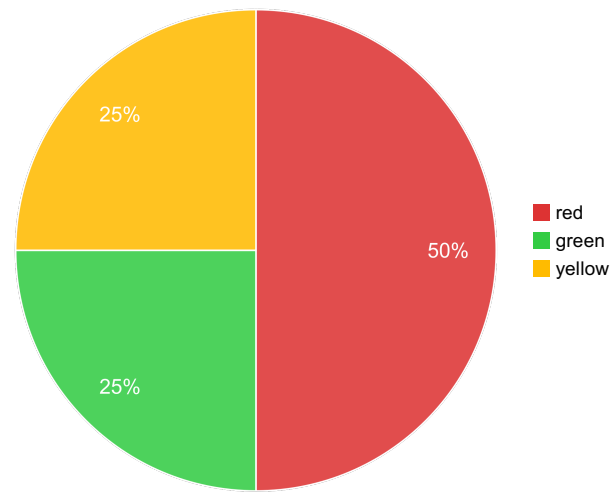
Land Use Board of Appeals

Annual Performance Progress Report

Reporting Year 2026

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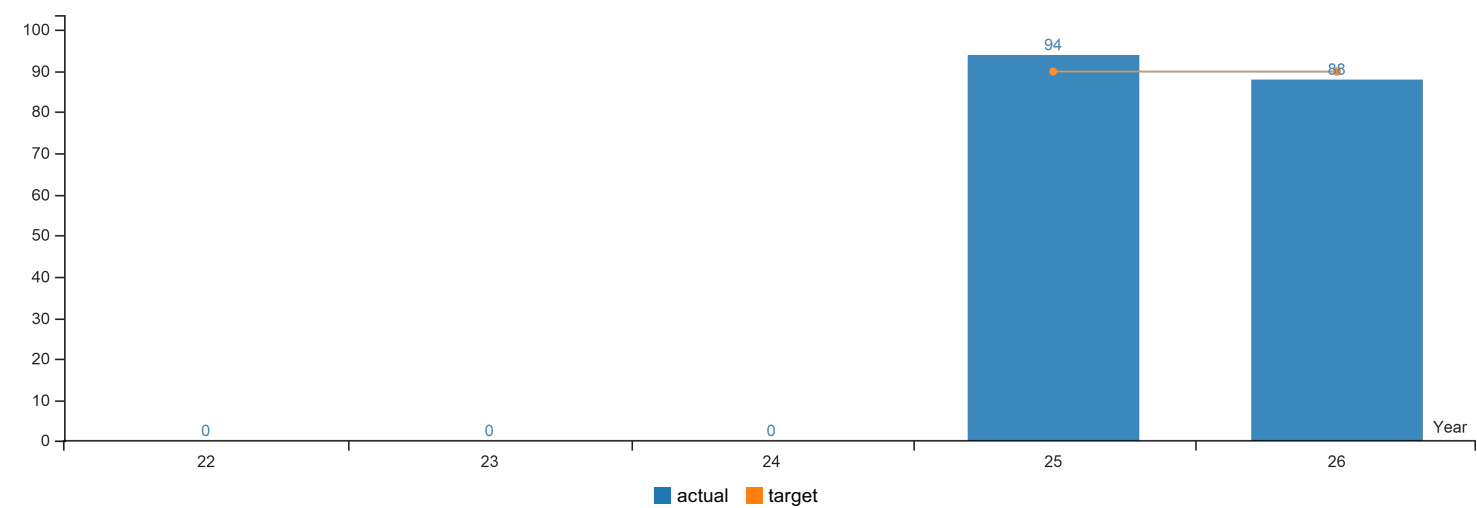
KPM #	Approved Key Performance Measures (KPMs)
1	TIMELY RESOLVE APPEALS - Percentage of appeals of land use decisions that are resolved within statutory deadlines or, if all parties agree, with no more than a 21-day extension of the statutory deadline.
2	TIMELY SETTLE RECORD - Percentage of record objections that are resolved within 60 days after the record objection is received by LUBA.
3	SUSTAINED ON APPEAL - Percentage of final opinions that are sustained on appeal.
4	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:	25%	25%	50%

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	2022	2023	2024	2025	2026
TIMELY RESOLVE APPEALS					
Actual				94%	88%
Target				90%	90%

How Are We Doing

LUBA is generally performing well on this measure and is close to but not meeting the target. During this reporting period, only four final opinions were issued outside of the statutory deadline or 21-day stipulated extension.

Factors Affecting Results

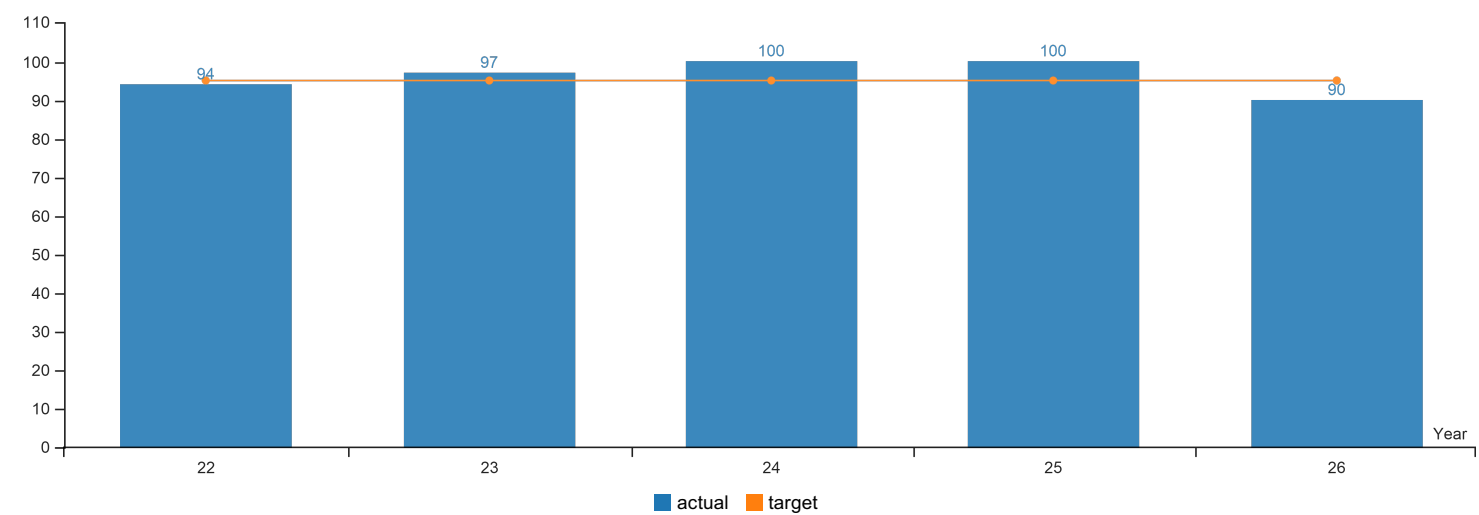
The four opinions that failed to meet the target were in complex appeals, involving multiple parties, multiple assignments of error, and complex or novel legal issues.

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. One of the challenges for LUBA timely resolving appeals is that board members are decision makers, agency directors, and staff managers. LUBA is a small agency and board members do not have a large team of experienced support staff with the diverse skills needed to assist in the many functions that board member service demands.

LUBA is generally timely resolving appeals and does not currently have an appeal processing backlog, in part, because of the experience and expertise of the current board members and staff and, in part, because the number of appeals filed in recent years have trended downward compared to historical appeal rates. LUBA being fully staffed with reliable and experienced team members helps the board to timely resolve appeals.

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	2022	2023	2024	2025	2026
Metric Value					
Actual	94%	97%	100%	100%	90%
Target	95%	95%	95%	95%	95%

How Are We Doing

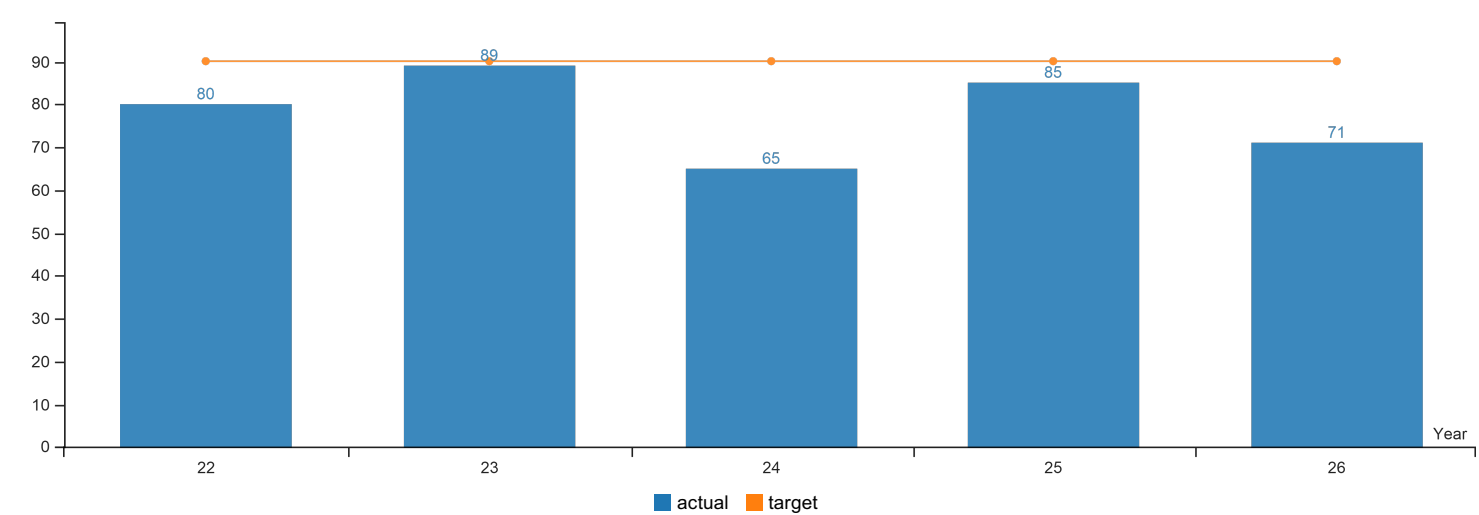
LUBA is generally performing well on this measure and is close to but not meeting the target. During this reporting period, LUBA did not meet the statutory 60-day deadline to resolve record objections only twice.

Factors Affecting Results

Two staff attorney positions help LUBA achieve timely resolution of record objections, and obtaining timely transmission of the local record, which is not captured in this performance measure, but is also important to moving appeals to timely resolution.

KPM #3	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	2022	2023	2024	2025	2026
Metric Value					
Actual	80%	89%	65%	85%	71%
Target	90%	90%	90%	90%	90%

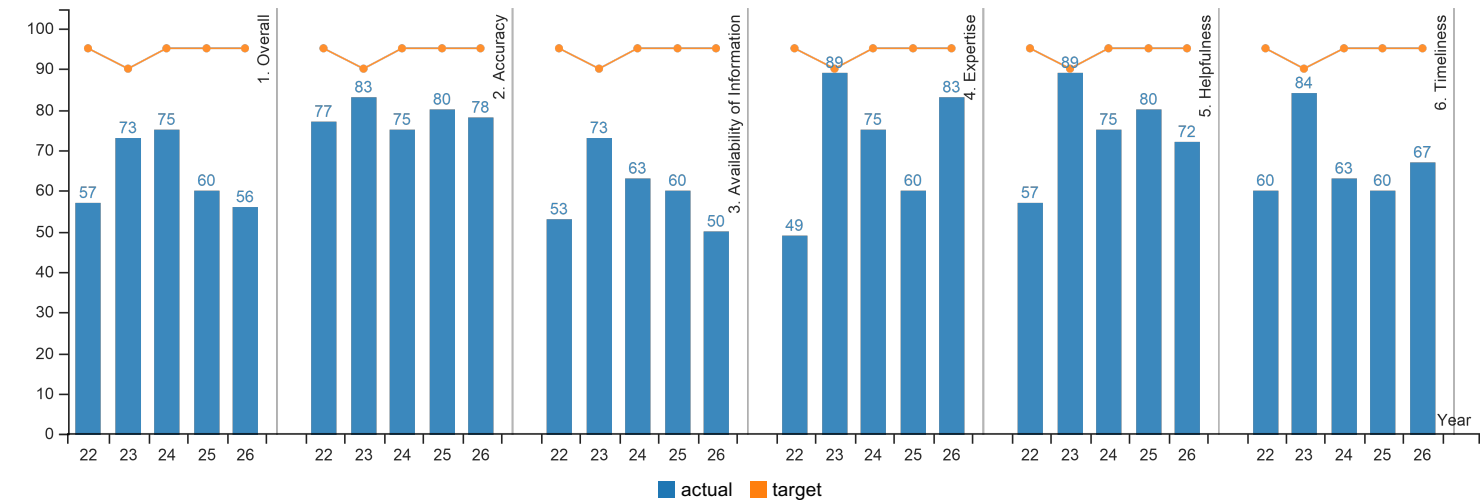
How Are We Doing

LUBA is generally performing well on this measure and is close to but 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. During this reporting period, only four final opinions were not sustained on appeal.

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 #4	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	2022	2023	2024	2025	2026
1. Overall					
Actual	57%	73%	75%	60%	56%
Target	95%	90%	95%	95%	95%
2. Accuracy					
Actual	77%	83%	75%	80%	78%
Target	95%	90%	95%	95%	95%
3. Availability of Information					
Actual	53%	73%	63%	60%	50%
Target	95%	90%	95%	95%	95%
4. Expertise					
Actual	49%	89%	75%	60%	83%
Target	95%	90%	95%	95%	95%
5. Helpfulness					
Actual	57%	89%	75%	80%	72%
Target	95%	90%	95%	95%	95%
6. Timeliness					
Actual	60%	84%	63%	60%	67%
Target	95%	90%	95%	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.

In 2024, LUBA proposed changes to the Customer Service KPM to add a metric that requires a response to an email communication or phone call within 24 business hours of receipt of the communication and tracks response times, in addition to customer satisfaction surveys. For this reporting period, LUBA has responded to communication within 24 business hours of receipt 99 percent of the time.

Factors Affecting Results

LUBA being fully staffed with reliable and experienced team members enables the board to provide timely, accurate, and helpful customer service.

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 the past 20 years, the appellate courts have used an electronic appellate case management system (ACMS) to manage appeals. For the past 10 years, Oregon circuit courts and the Oregon Tax Court have used eCourt, an electronic filing and case management system. LUBA is far behind and long overdue in adopting an electronic filing and case management system. Attorneys and the public regularly request and expect the quickness, convenience, and accuracy of electronic filing and case file access.

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. LUBA is reiterating that request in the 2027-29 Agency Request Budget.