

26.2.3 LUBA Jurisdiction - Land Use Decision: Statutory Test - Local Government/Special District Decision. A county's certification in a state agency land use compatibility statement that the activities proposed in the related state agency permit application are consistent with all local land use requirements is necessarily a land use decision, as defined in ORS 197.015(11)(a), if it is a final decision and not subject to any of the exceptions set out at ORS 197.015(11)(b). *Wolfgram v. Douglas County*, 52 Or LUBA 536 (2006).

26.2.3 LUBA Jurisdiction - Land Use Decision: Statutory Test - Local Government/Special District Decision. Where a Metro Committee would be required to apply land use standards to approve a city annexation ordinance on appeal, its decision to deny the annexation ordinance is a land use decision subject to review to LUBA, notwithstanding that the denial was based on non-land use standards. *City of Damascus v. Metro*, 51 Or LUBA 210 (2006).

26.2.3 LUBA Jurisdiction – Land Use Decision: Statutory Test – Local Government/Special District. Although a private conservation group's decision to purchase land could not be a land use decision reviewable by LUBA, since under ORS 197.015(10)(a) land use decisions must be governmental decisions, a city's decision to purchase land might be a land use decision if it otherwise qualifies under the definition of land use decision set out at ORS 197.015(10)(a). *Willamette Oaks, LLC v. City of Eugene*, 46 Or LUBA 813 (2004).

26.2.3 LUBA Jurisdiction – Land Use Decision: Statutory Test – Local Government/Special District Decision. A decision by a parks commission to construct a driving range within a city owned golf course is not a land use decision subject to LUBA review because the decision is not made by a local government or special district. *Davis v. City of Ashland*, 37 Or LUBA 224 (1999).

26.2.3 LUBA Jurisdiction – Land Use Decision: Statutory Test – Local Government/Special District Decision. A school district's decision to adjust attendance area boundaries is not a statutory land use decision. *Butts v. Hillsboro School District*, 33 Or LUBA 211 (1997).

26.2.3 LUBA Jurisdiction – Land Use Decision: Statutory Test – Local Government/Special District Decision. A pre-annexation agreement which does not purport to and does not effect approval of a proposed development or annexation of property into the city is not a final land use decision over which LUBA has jurisdiction. *Crist v. City of Beaverton*, 31 Or LUBA 202 (1996).

26.2.3 LUBA Jurisdiction – Land Use Decision: Statutory Test – Local Government/Special District Decision. ORS 195.020(1) does not give a special district land use planning responsibilities. Rather, it limits a special district's exercise of its land use planning responsibilities if, in fact, the special district has been given such responsibilities by other legal authority. *Churchill v. Neahkahn Water District*, 29 Or LUBA 354 (1995).

26.2.3 LUBA Jurisdiction – Land Use Decision: Statutory Test – Local Government/Special District Decision. Where LUBA has affirmed a special district's decision repealing its water allocation program, the district's decision authorizing the provision of domestic water service to property designated and zoned for residential use under an acknowledged county plan and regulations is not a land use decision subject to LUBA review. *Churchill v. Neahkahnie Water District*, 29 Or LUBA 354 (1995).

26.2.3 LUBA Jurisdiction – Land Use Decision: Statutory Test – Local Government/Special District Decision. A special district's *repeal* of a program affecting land use, like its adoption or implementation of such a program, is an "action * * * with respect to programs affecting land use" that must be in accordance with the goals pursuant to ORS 195.020(1) and, therefore, is a land use decision subject to review by LUBA. *Churchill v. Neahkahnie Water District*, 27 Or LUBA 721 (1994).