

26.9 LUBA Jurisdiction – Statute of Ultimate Repose. Where the local government failed to provide either (1) a “notice of a hearing” required by ORS 197.763 or (2) notice of an “administrative decision” required by ORS 197.195, ORS 197.830(6)(b) provides that the statute of ultimate repose in ORS 197.830(6)(a) does not apply. Failure to provide notice required by other statutes or by local codes do not provide an exception to the three-year statute of ultimate repose. *Kamp v. Washington County*, 51 Or LUBA 670 (2006).

26.9 LUBA Jurisdiction – Statute of Ultimate Repose. Notice of withdrawal of a permit application required by local ordinance is not “notice of a hearing” required by ORS 197.763, and failure to provide such notice of withdrawal does not invoke the exception to the statute of ultimate repose at ORS 197.803(6)(b). *Kamp v. Washington County*, 51 Or LUBA 670 (2006).

26.9 LUBA Jurisdiction – Statute of Ultimate Repose. Failure to provide notice of withdrawal of a permit application required by local ordinance is not a failure to provide the “notice of decision” required by the statutes governing limited land use decisions at ORS 197.195, for purposes of the statute of ultimate repose at ORS 197.830(6), where it is undisputed that the subject property is not within an urban growth boundary and for that reason alone a decision with respect to the application cannot be a limited land use decision. *Kamp v. Washington County*, 51 Or LUBA 670 (2006).