

26.9 LUBA Jurisdiction – Statute of Ultimate Repose. The general 10-year statute of ultimate repose at ORS 12.140 for commencing “actions” does not apply to appeals to LUBA. Proceedings before LUBA are not “actions” for purposes of ORS 12.140, but are proceedings comprehensively governed by ORS chapter 197, including the specific statute of ultimate repose for LUBA appeals at ORS 197.830(6). *Jones v. Douglas County*, 63 Or LUBA 261 (2011).

26.9 LUBA Jurisdiction – Statute of Ultimate Repose. Challenges to the correctness or validity of a previous permit decision that was not appealed amount to an impermissible collateral attack on a final land use decision. Such challenges do not provide a basis for reversal or remand of a later land use decision involving the same property. *Just v. Linn County*, 59 Or LUBA 233 (2009).

26.9 LUBA Jurisdiction – Statute of Ultimate Repose. The ORS 197.830(6) three-year statute of ultimate repose includes an exception to the three-year limit when notice of a hearing is not provided, but it does not include an exception when notice of a hearing is provided but the notice does not adequately describe the local government’s final actions. *Salem Golf Club, Inc. v. City of Salem*, 58 Or LUBA 339 (2009).

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 197.830(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).