

**Appendix V.A.3. LUBA 28.8.2 HEADNOTES**  
**(28.8.2 Grounds for Reversal/Remand - Lack of Jurisdiction)**  
**FOR ASSIGNMENT OF ERRORS**  
**June 19, 2013**

**LUBA HEADNOTES 28**

**28. LUBA SCOPE OF REVIEW**

- 28.1 Generally
- 28.2 Denials

**28.8 Grounds for Reversal/Remand**

- 28.8.1 Generally
- 28.8.2 Lack of Jurisdiction**
- 28.8.3 Unconstitutionality
- 28.8.4 Procedural Errors
- 28.8.5 Noncompliance with Applicable Law
- 28.8.6 Inadequate Findings
- 28.8.7 Unsupported by Substantial Evidence

**28.8.2 LUBA Scope of Review – Grounds for Reversal/Remand – Lack of Jurisdiction.** Where petitioners fail to establish that any statute obligates a county to provide petitioners notice of a building permit decision that modifies a condition of partition approval, the “knew or should have known” standard at ORS 197.830(3)(b) applies rather than the “actual notice” standard at ORS 197.830(3)(a), in determining whether an appeal is timely filed under that statute. *Neelund v. Josephine County*, 52 Or LUBA 683 (2006).

**28.8.2 LUBA Scope of Review – Grounds for Reversal/Remand – Lack of Jurisdiction.** The 21-day deadline to file an appeal under ORS 197.830(3)(b) begins on the date petitioners knew or should have known of the “decision,” *i.e.*, that the local government had approved development on the subject property. It is not necessary that petitioners know the particular detail of the proposed development that offends them, such as its exact location on the property, before the 21-day deadline begins running. *Neelund v. Josephine County*, 52 Or LUBA 683 (2006).

**FOR FURTHER HEADNOTES GO TO:**

**LUBA HEADNOTES 28.8.2 GROUNDS FOR REVERSAL/REMAND - LACK OF JURISDICTION** (<http://www.oregon.gov/LUBA/docs/headnotes/28.8.1.pdf>)  
(Also see Appendix V.A.3. LUBA) Headnote Index)

Note to Files: These headnotes need to be expanded at some future date.

C:\Documents and Settings\mike\My Documents\AAA Applications\Rogue Advocates\Training\Workshop Presentations\Talent 4 Clean Air and Water\Training Presentation\Appendix VA3 AOE Headnotes 28.8.2 Grounds for RR Lack of Jurisdiction 061913.wpd