

BEFORE THE LAND USE BOARD OF APPEALS  
OF THE STATE OF OREGON

CENTURY 21 PROPERTIES, INC.,        )  
                                          )  
                  Petitioner,            )           LUBA No. 89-043  
                                          )  
                  vs.                    )           FINAL OPINION  
                                          )           AND ORDER ON REMAND  
CITY OF TIGARD,                        )  
                                          )  
                  Respondent.           )  
                                          )

On remand from the Court of Appeals.

KELLINGTON, Referee; SHERTON, Chief Referee; HOLSTUN, Referee, participated in the decision.

DISMISSED                               07/06/90

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

Kellington, Referee.

Our decision in Century 21 Properties Inc. v. City of Tigard, \_\_\_ Or LUBA \_\_\_ (LUBA No. 88-043, August 16, 1989), was reversed and remanded by the Court of Appeals. Century 21 Properties, Inc. v. City of Tigard, 99 Or App 435, \_\_\_ P2d \_\_\_ (1989). In our decision, we affirmed a Tigard City Council decision to reimpose conditions of approval first imposed by the city planning department and subsequently removed by the city planning commission. The Court of Appeals reversed and remanded our decision, concluding the city council initiated review of the planning commission decision pursuant to city procedures permitting such city council initiated reviews, but that the city council failed to initiate its review within the 10 day time limit specified in the city code. The Court of Appeals concluded the city council, therefore, had no authority to render the challenged decision reimposing the disputed conditions.

Because the city council did not timely initiate its review of the planning commission's decision, it lacked jurisdiction to adopt the challenged decision. This appeal is dismissed. See Standard Ins. Co. v. Washington County, 97 Or App 687, 776 P2d 1315 (1989).