



1 Opinion by Gustafson.

2 **NATURE OF DECISION**

3 Petitioner appeals the county's December 30, 1994  
4 approval of a conditional use permit.

5 **MOTION TO DISMISS**

6 Intervenors-Respondent (intervenors) move to dismiss  
7 this appeal as untimely filed.

8 ORS 197.830(8) requires that:

9 "[a] notice of intent to appeal a land use  
10 decision or limited land use decision shall be  
11 filed not later than 21 days after the date the  
12 decision sought to be reviewed becomes final."

13 Petitioner bears the burden to establish our  
14 jurisdiction. Petitioner's notice of intent to appeal  
15 states the challenged decision became final December 30,  
16 1994. Petitioner filed his notice of intent to appeal the  
17 decision June 30, 1994. In his response to intervenors'  
18 motion to dismiss, petitioner states the challenged decision  
19 was appealed within 21 days after the decision was final,  
20 but does not explain the six month delay between the date of  
21 the final decision and the date of the appeal. Nor does the  
22 petition for review explain the delay.

23 The record confirms petitioner's statement in his  
24 notice of intent to appeal that the challenged decision  
25 became final December 30, 1994. The notice of intent to  
26 appeal, filed June 30, 1994, was not timely filed.

27 This appeal is dismissed.