BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

SANDEE McDANIEL,
Petitioner,

vs.

CITY OF NYSSA,
Respondent,

LUBA No. 2002-100

FINAL OPINION
AND ORDER

Appeal from City of Nyssa.

Sandee McDaniel, Nyssa, represented herself.

Larry A. Sullivan, Vale, represented respondent.

BRIGGS, Board Member; HOLSTUN, Board Chair; BASSHAM, Board Member, participated in the decision.

DISMISSED 09/12/2002

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

Opinion by Briggs.

On August 9, 2002, the city filed a motion to dismiss this appeal, arguing that LUBA does not have jurisdiction because petitioner failed to timely appeal the city's decision. Petitioner has not responded to the city's motion.

Petitioner has the burden of establishing the Board's jurisdiction. *Billington v. Polk County*, 299 Or 471, 475, 705 P2d 232 (1985). If a petitioner fails to demonstrate that an appeal is timely filed, the appeal must be dismissed. *Bowen v. City of Dunes City*, 28 Or LUBA 324 (1994). Here, petitioner has not responded to the city's motion. Because petitioner has provided no basis for establishing that she filed a timely appeal of the city's decision, we grant the city's motion to dismiss this appeal.

This appeal is dismissed.