

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

3
4 SANDRA HOWARD and NICK PETERSEN,
5 *Petitioners,*

6
7 vs.

8
9 TILLAMOOK COUNTY,
10 *Respondent.*

11
12 LUBA No. 2023-068

13
14 FINAL OPINION
15 AND ORDER

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17 Appeal from Tillamook County.

18
19 David J. Petersen represented petitioners.

20
21 Daniel H. Kearns represented respondent.

22
23 RYAN, Board Chair; RUDD, Board Member; ZAMUDIO, Board
24 Member, participated in the decision.

25
26 DISMISSED 03/06/2024

27
28 You are entitled to judicial review of this Order. Judicial review is
29 governed by the provisions of ORS 197.850.

1 Opinion by Ryan.

2 **NATURE OF THE DECISION**

3 Petitioners appeal a July 19, 2023, county ordinance (Ordinance 84-2) that
4 amends Ordinance 84, the Tillamook County Short-Term Rental Ordinance
5 relating to the regulation and licensing of short-term rental use of residential
6 dwelling units.

7 **DISMISSAL**

8 On September 8, 2023, petitioners filed a Notice of Intent to Appeal
9 Ordinance 84-2, a county ordinance adopted on July 19, 2023. On that date,
10 Ordinance 84-2 was also the subject of LUBA No. 2023-063, *Akiyama et al v.*
11 *Tillamook County*, which was filed on August 8, 2023 (*Akiyama*). On October 2,
12 2023, the Board issued an order granting the parties’ stipulated motion to suspend
13 this appeal until the Board issued the final opinion and order in *Akiyama*.

14 On February 9, 2024, the Board issued a final opinion and order dismissing
15 LUBA No. 2023-063. *Akiyama et al v. Tillamook County*, ___ Or LUBA ___
16 (LUBA No 2023-063, Feb 9, 2024). On February 12, 2024, we issued an order
17 directing petitioners to show cause why this appeal should not be dismissed. On
18 February 26, 2024, petitioners filed their “Memorandum to Show Cause.” We
19 have reviewed petitioners’ Memorandum and, for the reasons set forth in
20 *Akiyama*, we conclude we lack jurisdiction over the appeal.

21 The appeal is dismissed.