

The Duran Family
1749 Mayflower Ct
Mountain View, Ca 94040

February 26, 2024

Coos County Planning Commission
60 E 2nd St
Coquille, OR 97423

RE: ACU-23-046 and AP-24-002

To Whom It May Concern,

My name is Sabrina Duran. I am one of the owners of 54916 Sadie Drive and the applicant for the proposed Vacation Rental Dwelling at this property. I am writing in response to an appeal of the Decision made on January 10, 2024 by Carol Deadman.

Our family purchased this home as a family vacation home. We are not local to Oregon, and therefore applied for Vacation Rental approval to offset the cost of ownership during the time periods we are not in Bandon. It is our desire to have access to the home when our family wants to visit Bandon, and a long-term rental would not afford us that option. We purchased the property in good faith and understanding that the permit process in Coos County provides a way for short term rental use by meeting certain conditions. We intend to be good neighbors, and to operate under the conditions of approval set forth in the Notice of Decision.

The appellant claims that a Vacation Rental Dwelling cannot be approved based on the Private Road that serves the subject property. Stated in the Petition is “The road through my property to the property in question is not shared. The multiple increase in maintenance will not be shared. Nor will the increase in nuisance.” Also stated is that the easements *are* maintained by the property owners which is accurate. Document number 2005-18144 specifically grants access over Daisy and Sadie Private roads for access to the subject site. This easement was found in the Title Report that was received when we purchased the property.

Further, the State of Oregon has listed specific requirements for maintenance and provides an opportunity for civil action to be taken when the costs are not shared. ORS 105-170-185 are listed below for reference. A formal maintenance agreement was not given to us at the time of purchase, nor have we been contacted by any of the neighbors about upkeep or scheduled maintenance. We assume to pay our share of the improvements, and we understand that any

additional improvements resulting in the use as a Vacation Rental will be our responsibility. It is between the property owners to determine a regular maintenance schedule with associated fees. Nothing in our application stated that the road would not be maintained.

The appellant claims that the Vacation Rental use would change the use of the community and that the RR-2 zoning district is not intended for short term rental use. Table 4.3.200 outlines the uses that are permitted in each zone and the type of permit needed for each use. A Vacation Rental Dwelling is permitted in the RR-2 zone as an Administrative Conditional Use per 4.3.200(64). Additionally, there is not a Homeowner's Association or Restrictions on the use of the existing single family dwellings in this area. That means, no restriction on rentals- either long term or short term.

The road easement specifically lists that the road use is for "Grantee, his agents, independent contractors, and invitees. There are no stipulations as to what "type" of Invitee is allowed, or prohibited, and therefore any Invitee is permitted to use the road for access purposes only. "Invitee" implies a visitor to the site including both a long term renter or short term visitor.

The appellant states that there was "no condition set forth for the use of the private land easement access. Usage was listed only for parking and driveway approval." That is correct. The Coos County Planning Department, Road Department or Commission do not have jurisdiction over a Private Road Easement, so a condition can not be set forth.

The appellant states that the private gated community has a "single use code that should not be given out arbitrarily." We disagree with the use of "arbitrary" in this context. A full time resident- either an owner or a renter- have many visitors throughout the year. The gate code is given out arbitrarily on a daily basis to a multitude of people without specifically gaining permission from the other land owners. Who is controlling the daily use of the gate now?

Thank you for considering our property right to operate as a Vacation Rental Dwelling in the RR-2 zone as specifically allowed by Coos County.

Sincerely,

Sabrina Duran