

Dear Council Members:

My wife and I bought our Yachats home at 69 Gender Drive, in August, 2001. The upper floor had been added by the previous owner in 1992, building on top of the original cabin which was built in 1968 (according to Lincoln County records). The original cabin was a one-bedroom with a full bath and full kitchen. The one bedroom did not have an egress window, but was still classified as a bedroom at that time. A second bedroom was partitioned off within the cabin at a later time. The upper floor is one bedroom.

We began using the house as a vacation rental in 2002. We have been fully compliant with all Yachats City codes and requirements for vacation rentals since we began.

As a result of the recent compliance inspection, the original bedroom of the cabin has been ruled to be "not a bedroom" because it has no window for egress. This decision reduces the legal maximum occupancy of the rental, which has been in effect for 12 years. It will also have a significant impact on our financial status and our ability to pay our mortgage. We recognize that the window issue is a safety concern.

After I heard about this decision I did some research and I heard several different interpretations and opinions from Don Niskanen (Yachats compliance officer), Al Eames (state inspector), and indirectly from Larry Lewis (city planner). The situation as I now understand it is that Transient Rental compliance is a city code (Sec. 4.08), but refers to State of Oregon building code when defining "sleeping area (**see bold type below)." According to Mr. Eames, Oregon State code requires that houses only need to meet current standards when they are improved or remodeled; and then only the areas of concern need to meet code. By those standards, our 3 bedroom house continues to be in compliance.

If and when we remodel, we understand that a window will be required in that room. Since we are not remodeling, we should not be subject to codes that were written after the house was inspected. Since the original cabin and the addition were both built with full permitting, inspection and approval, the house clearly met all necessary codes at that time. Requiring us to add a bedroom window would be like requiring all homes with obsolete electrical systems to upgrade to current National Electrical Code levels regardless of whether the homes are being remodeled.

We understand the position of the City of Yachats. However, based on the above, we hereby request a reconsideration of this decision and reclassification of 69 Gender Drive as a 3 bedroom transient rental.

******"Sleeping area" means a bedroom or loft within a dwelling unit which meets the requirements of the building code as adopted by the State of Oregon."***

Respectfully submitted,

Ron and Meg Simans