

SUBMISSION OF ADDITIONAL COMMENT ON CUP SOUGHT BY APPLICANT AGATE POINT

This will supplement my previous input, dated October 15, 2022, which is attached to this public input email and incorporated herein by reference.

THE PIVOTAL PROVISION IN THIS MATTER IS YMC SECTION 9.24.040(G).

Most ordinances applicable to the issues raised in connection with the Agate Point Conditional Use Permit application apply to both motels and hotels. The provision mentioned in the staff report that does not apply to *both* motels and hotels is YMC Section 9.24.040(G) (Vehicle Access) which applies on its face only to motels in R-4 zones.

For purposes of that ordinance, Agate Point is a motel, as defined in YMC Section 9.04.030 (Definitions): “Motel” means a series of sleeping units, each having a separate entrance, composed of one or more bedrooms and bathroom, excluding any facility which meets the definition of “bed and breakfast facility.” The proposed development falls within the definition of “motel, because each sleeping unit in the 7 proposed rental cottages has a separate entrance, whereas a hotel does not. Thus, YMC Section 9.24.040(G) applies to the Agate Point proposal.

That ordinance has two limitations relating to vehicle access:

- (1) A motel cannot be located on a road unless the minimum right of way is at least 35 feet wide with an all-weather surface at least 25 feet wide.

Shellmidden Road has a 30’ right of way. A motel cannot be located on Shellmidden Road unless the city were able to exact from adjacent landowners 5 extra feet of right of way and to take action to ensure the road has a 25’ wide all-weather surface. This limitation may preclude this project from ever being approved, from the standpoint of the City, for it would entail imposing an easement on existing property owners to allow the motel.

- (2) A motel cannot be located on a cul-de-sac or dead-end street, defined as “a minor street with only one outlet.”

Since Shellmidden Road dead-ends into private property, it is a dead end street, and a motel cannot be located there as is. This is not a provision for which a condition could be devised; it appears to be a mandatory eligibility provision that is not waivable.

The City would have to exercise eminent domain to transform Shellmidden Road into a through-road. It would be a highly questionable investment to expend major City funds to convert a dead-end road into an adequate through-road to accommodate a 7-unit motel proposed to be plopped next to wetlands on a small parcel of land on Shellmidden Road.

It bears noting that no one else has ever seriously contemplated building dwellings on the parcel in question. Surely, a better disposition of this land would be for the current owners to deed the parcel to the City of Yachats to serve as open space. It could be named after the owners: “Fletchers’ Grove.”

Respectfully submitted,

Jas. Adams (10 Beargrass Court, Yachats, Oregon)