



MEMORANDUM

TO: Board of County Commissioners

FROM: Haleigh King, Associate Planner

DATE: October 9, 2023

RE: Road Dedication – 247-23-000438-RD / Fryrear Butte Road

The Board of County Commissioners (Board) will consider whether to accept or reject a road dedication declaration on October 18, 2023 for the extension of Fryrear Butte Road across three tax lots (“Subject Property”) as shown on the attached map. The Board conducted a Work Session on this item on October 16, 2023.

To formalize a road dedication, as prescribed in Deschutes County Code (DCC), the Board is required to review an applicant’s proposal and make a determination to accept or reject the declaration of dedication within 120 days after the application is deemed complete. Staff calculates the 120th day upon which the Board shall make a determination as October 27, 2023. Document number 2023-907 has been prepared for the proposed dedication.

I. BACKGROUND

The Deschutes County Planning Division approved a road dedication application (see attached decision), submitted by the property owners, Desert Springs Ranch LP, for the extension of Fryrear Butte Road in order to provide road frontage for landlocked parcels. The property owner does not plan to construct the road at this time. Staff reviewed this application and found that it met applicable criteria¹ in DCC subject to the following conditions:

- A. This approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.

¹ DCC, Title 17, Subdivision, Chapter 17.52, Road Dedications; Title 18, Zoning, Chapters 18.16, Exclusive Farm Use Zone; 18.116, Supplementary Provisions; 18.128, Conditional Use; and Title 22, Development Procedures.

- B.** The dedication area shall consist of a 60 ft.-wide strip of land pursuant to DCC 17.48.100 with an alignment generally as depicted in the application materials.
- C.** All persons with an ownership interest in the properties subject to the road dedication shall sign the declaration of dedication. The applicant shall submit a current title report or subdivision guarantee verifying ownership of the properties prior to acceptance as a public road.
- D.** Per Deschutes County Code (DCC) Chapter 17.52.090:
- The applicant shall submit a declaration of dedication for final action. The declaration of dedication shall include a legal description of the land to be dedicated. Upon receipt of the declaration of dedication, staff will schedule a meeting with the Board of County Commissioners to review the declaration of dedication for acceptance or rejection.
 - Upon the meeting of the Board to take final action on the road dedication, the applicant shall provide the Board with a supplemental or amended report to the preliminary title report submitted with the application. The supplemental or amended report shall show changes in the condition of title of the relevant property from the date of the preliminary title report up to and including the time immediately preceding the Board meeting.
 - Upon acceptance of the dedication deed by the Board of County Commissioners, Applicant shall immediately cause for the recording of the dedication deed in the Official Records at the Deschutes County Clerk’s Office pursuant to DCC 17.52.090(D).
 - Upon recording of the dedication deed, Applicant shall immediately cause for survey and monumentation of the new road right of way by a licensed professional land surveyor in accordance with ORS 209.250 and ORS 368.106.
- E.** Any public road created in this proposed road dedication under DCC 17.52 shall be designated as a local access road. Any new local access road will not be maintained by the County unless and until that right-of-way is established as an official County road.

As conditioned, the public road proposed with this dedication will be designated a local access road and will not be maintained by the County unless and until that right-of-way is established as an official County Road. The County Road Department coordinated with the applicant and provided conditions in the staff decision. No concerns were identified by the Road Dept. or the County Transportation Planner. Notice of the application and the decision was mailed to owners within 750 feet of the subject property. No public comments were received.

Per County policy, the Board reviews all road dedications to accept or reject the proposal. Therefore, this matter must be addressed in a public meeting.

II. STAFF RECOMMENDATION

There is one Deed of Dedication before the Board for signature to satisfy Condition D of the land use decision. Upon recording of the deed, Desert Springs Ranch LP shall cause for the newly-

dedicated right-of-way to be monumented and for a survey to be filed with the County Surveyor's Office by a professional land surveyor.

Staff recommends the Board move acceptance of and signature on Document No. 2023-097, a dedication declaration for the extension of Fryrear Butte Road.

ATTACHMENT(S):

1. Document No. 2023-097: Deed of Declaration and supporting documents
2. Preliminary Title Report
3. Findings and Decision for application no. 247-23-000438-RD