



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: September 28, 2022

SUBJECT: Consideration of Board signature on Document No. 2022-789, a Dedication Deed from Blue Elephant Storage Burgess Road LLC for Right of Way on Burgess Road

RECOMMENDED MOTION:

Move approval of Deed of Dedication.

BACKGROUND AND POLICY IMPLICATIONS:

Summary

Traci Parker (Member of Blue Elephant Storage Burgess Road LLC), the property owner of 15777 Burgess Road, La Pine, OR 97739, applied for a Nonconforming Use Alteration and Site Plan Review in 2018 for an existing storage unit facility (File Nos. 247-18-000681-NUV/ 247-18-000682-SP REVISED). The proposal included the enlargement of the facility with additional new storage buildings and outdoor storage space. The Deschutes County Road Department required a dedication of land to extend the right-of-way 30 feet south of the Burgess Road centerline to comply with the standards under DCC 17.48A, 18.124.080(F), and 18.124.09. The following condition of approval was included in the final decision by planning staff:

D. Prior to issuance of a building permit, the applicant shall dedicate additional right of way along the northern boundary of the subject property to provide the required right-of-way width of 30 feet from the centerline of Burgess Road pursuant to DCC 17.48A, 18.124.080(F), and 18.124.090. Applicant shall submit deed of dedication to County Road Department. Dedication deed shall be in a form acceptable to County Road Department and shall dedicate right-of-way to the public. The right-of-way shall be surveyed and monumented by a professional land surveyor according to ORS 209.250 and ORS 368.106, and the deed of dedication shall include a legal description and exhibit map prepared by the surveyor. All persons with an

ownership interest in the property subject to the road dedication shall execute the deed of dedication. Applicant shall submit a current title report verifying ownership of the property to the County Road Department prior to acceptance. Right-of-way dedication shall be in accordance with all applicable requirements of DCC 17.52. The applicant shall submit documentation to the Planning Division from the County Road Department verifying this condition has been satisfied.

Burgess Road is classified as a public Rural Collector which is owned and maintained by the County. Burgess Road extends east and west on the north side of the subject property. The figure included depicts that area (5 feet x 551.81 feet) which will be added to the right-of-way.

Recent Staff Decision

In January of 2022, the property owner applied for a Nonconforming Use Alteration and Site Plan Review (File Nos. 247-22-000009-SP, 247-22-000010-NUV). This application was to modify the 2018 decision by the relocation of one building and to modify the site parking. As the previous 2018 approval contained much of the required analysis for the proposed use, which had not yet been initiated, the recent staff decision included the same conditions of approval.

The recent land use decision became final on July 20, 2022 and Blue Elephant Storage Burgess Road, and their representation, have been coordinating with the County Road Department and Planning Division to comply with the related conditions of approval.

Next Steps

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, Blue Elephant Storage Burgess Road LLC 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.

Attachments: Deed of Dedication (Blue Elephant Storage Burgess Road LLC)
Legal Description
Burgess Road Dedication Sketch

BUDGET IMPACTS:

None

ATTENDANCE:

Nathaniel Miller – Associate Planner
Anthony Raguine – Senior Planner