

Dear Neighbors,

Here is the email update I promised many of you who posted this month in NextDoor, who sent a request to be added to get email updates, and for those of you who have already been getting updates from me about Pahlisch wanting to build around 720 houses on the COID land. I live near and recreate on this land just like you do and have been following this project for about 4 years. In fact, it was because of learning about possible development plans that I ran and was elected to serve as the Southern Crossing Neighborhood Association's (SCNA) Vice Chair/Land Use Chair a couple of years ago. I was recently re-elected for another 2 year term and our Board just joined forces with the SouthWest Bend Neighborhood Association (SBNA) to work on this project – so welcome to those of you who live in SBNA!

This email is going to give you background information on the project, maps, the current situation, and steps you can take now as a neighbor. Since I've been working on this a long time, I have a LOT to cover so know that this email is going to be long as I don't want to leave anything out. I've tried to break it up into chunks so you can come back if you need to take a break from all the information and I've tried to be as open, honest, and accurate as possible. By reading all of this, you'll be up to date on the situation as of Jan 30, 2021. Know that some of what I'm going to report on may upset you if you love that open space as much as most of your neighbors do, but keep reading as there are things you can do still. So, here we go:

## **BACKGROUND**

### **COID Land Zoning Change**

A few years ago, the City of Bend sent a notification to all property owners within about 250 feet of the COID land informing us that the City was changing the zoning for all of that property to RS (Single Family Residence). You may have received this notice as did my household. Since that notice said that this zoning change could adversely affect property values, I decided to dig deeper.

What I learned is that this zoning change was made as part of Bend's 2016 Urban Growth Boundary (UGB) work whereby the State of Oregon required Bend to focus on "infill" before allowing Bend to expand too far outward. 2380 acres of land were added to the UGB and that included 10 "Expansion Areas" and 9 "Opportunity Areas." If you've been following development in Bend, this will be familiar to you. What you may not know is that, as part of the UGB process, the COID land was designated one of the 9 "Opportunity Areas" and is #8 on the map on [this page](#) (scroll down, click on the map, and a copy will download to your computer):

Thus, the zoning change went hand in hand with the UGB work. To the best of my knowledge, there was never a public meeting with any of the neighbors bordering the COID land to get feedback on changing the zoning. We were simply notified of the change. In that notification, you could make a comment as an individual, but the change was already in the works by then. I did try to organize my neighbors around this change, but I was not successful.

## **Trees Get Cut**

The first activity that may have triggered many of you to start thinking about the future of this land was when COID started cutting trees. The public was told this was being done to prevent fires. I do not know if this is true or not (it's very difficult to get anyone at COID to speak to me), but this led me to some more research. I

started reading the Board Minutes for the COID meetings (anyone can do this as they are posted for the public on their home page: <https://coid.org/> ) Over time, I noticed that the Board would meet privately in an Executive Session, which usually means they are discussing real estate transactions and so they are not required to share those minutes with the public. That was enough information for me to put 2+2 together and I called a meeting of my neighbors in the SCNA to discuss this. By then, I also had heard the rumors you all may have heard that Pahlisch was buying the land. I also started researching the easement many of you may have heard about (more on that later in this email). I shared all the information I had at the time with my neighbors and I started an email list. That email list was the beginning of this email list.

### **Canal Gets Piped**

The next activity you probably know about is that the canal was piped. By then I was on the Board of the SCNA and I tried very hard then to get the folks bordering the canal to join my email list, but since most of them live in the SBNA, it was too difficult for me to find out who they are. I know many of you are on this email list now and I am so glad to have you here!

### **Survey Sticks Show Up**

The most recent activity most of you have seen involved survey sticks. These were part of what is known as an ALTA survey and, yes, it was conducted by Pahlisch Homes. An ALTA Survey can take a couple of months to complete and that's why the sticks were there for a long time. This survey triggered me to contact Pahlisch Homes. I am happy to report that, unlike some developers, Pahlisch is willing to communicate with me and they do know I am the Vice Chair/Land Use Chair for the SCNA. More about our conversations are after a bit

more background information.

## **But Isn't There a View Easement?**

Many of you are aware that there is a View Easement for the Mt Bachelor Village Resort on the other side of the river (in the Century West Neighborhood Association – CWNA – which, along with SBNA, is working closely with me/SCNA on this project now). The view easement does not cover ALL of the COID land, but it covers most of it. (Download map of view easement [here](#).) I do have a full copy of the legal view easement. Here are the key things to know about it:

- The view easement was established when Brooks Resources owned Mt Bachelor Village Resort.
- The view easement lasts until April 1, 2034 unless COID stops using their pumping station. If they stop using the pumping station, the easement is released.
- Brooks Resources has since sold Mt Bachelor Village Resort to Oskenholt Hospitality (about 2 years ago). I was concerned about what this might mean for the view easement, so I contacted Mt Bachelor Village Resort. At that time, the management at Mt Bachelor Village Resort told me the view easement sold with the property and that, in order to change it, all of their owners, including partial owners, have to vote to release it. At the time, they felt this would be impossible.
- COID does seem committed to keep using the pumping station. Recently, Century West was on the land and they told me that, when COID piped the canal, they removed copper cables that gave them remote access to the pumping station. That's probably why you may have seen more COID workers in their trucks going to and from the pumping station lately. Century West told me they were putting in fiber optic cabling so COID can do remote management of the pumping station again. This would imply that COID is

committed to continue using the pumping station, which should preserve the view easement. In addition, they do need to do pumping for their irrigation work and south of their land the Deschutes River is a Wild and Scenic River (so it can't go there) and north of their land is the Deschutes River Trail and Farewell Bend Park (doubtful it would go there).

## **PAHLISCH, INCLUDING TRAILS**

When it was clear that Pahlisch was doing an Alta Survey, as I mentioned above, I contacted them. I have been in communication with Pahlisch for many months now. Here are some highlights:

- Pahlisch intends to build 720-750 houses from the horse farm north to the pipe in the south and all land in between. This is 100 acres of land and, basically, covers every inch of the COID property. It also includes the view easement.
- Pahlisch told me they had originally planned to put one house/acre (so 100 houses), but the City told them to put in the maximum for the new RS zoning – 7.5 homes/acre (thus, the totals we have today). I have not been able to confirm this claim with anyone at the City.
- Pahlisch told me they believe the view easement is poorly written and that they will be able to get the easement released and that the City supports this position. I am not an attorney, but this easement was written by attorneys for Brooks Resources and, when the City added the COID land to the UGB as an “Opportunity Area,” their attorneys wrote to the City reminding them that they could not develop this land due to the legality of the view easement. My contacts with the City have told me in the past that this land cannot be developed “as long as that view easement remains.”
- Pahlisch did not know about all the trails being used on the land and have

been willing to work with me to save trails as they are a developer who understands the value of trails. My focus around this has been to save the 4 main trails: 1) the entire trail running from Blakely Park to River Canyon Park. As most of you know, this trail is used for recreating AND as a bicycle commuting route between the Old Mill and Brookwood Plaza – and vice versa. 2) the trail connecting the #1 trail to the Deschutes River Trail below. This is the trail that runs from the portable toilet down to the river. #3) the newly resurfaced trail that runs from the #1 trail, under Brookwood, and follows the canal to 3rd street and beyond. Many neighbors use this trail to walk and bike to Fred Meyer to avoid traffic on Reed Market and, of course, to recreate further on the trails system past 3rd street. Also, many people now walk and bike from the East side of town on this trail to the COID land. 4) the two main connector trails from #1 trail to #3 trail. There are 2 of these – one connects from the end of the creek (South of the COID building – not the COID building driveway) up and the other connects just South of the portable toilet up. The former was never resurfaced by BPRD and I am working with BPRD on that oversight – as it is a critical connector trail for neighbors.

- You may not know that, although Bend Parks and Rec (BPRD) maintains these trails, they do not own them. They simply have easements. I am in close communication with BPRD about these trails and they do want to save them also. The one trail of which Pahlisch was not aware is the one running from the COID building to Blakely Park. This is because it was not resurfaced. I have made them aware of this and they also know that SCNA will fight hard to save this trail – and I hope SBNA will assist with this if needed as this is a safe way for everyone to get to Blakely Park and the Old Mill. BPRD does want this trail to remain also as they know how valuable it is and that it is used frequently.
- All of these trails are part of what BPRD calls the Central Oregon Historic

Canal Trail. You can view a map of these trails by going to [this BPRD page](#) and click on “Central Oregon Historic Canal Trail” to download a map. If you look closely, you can see where the creek turns (tiny blue line between 2 main trails) – and this is where the connector trail needs to be redone. If you walk these trails, you know that connector trail has been re-created with foot and bike traffic.

- Pahlisch has told me that any trails they save will become paved trails.
- Pahlisch and I have not been talking about trees yet as that conversation is premature at this point, but they are a developer who tends to clear cut the property they buy. I know they have been communicating with another NA’s Land Use Chair who is presenting a tree code change to the City Council and we are waiting to see if Sally Russell, our mayor, will be putting that code change as a Council Goal as she has promised to do. So, stay tuned for more tree information!
- Pahlisch has told me they intend to pipe the creek. My Golden Retriever who loves to swim in there on a hot day cried when she heard this. Since the trail goes right by this creek, we may be able to work with Pahlisch to save this. There will be houses between the creek and Brookwood and this may be why they are talking about piping it, but I do think they may listen to the neighbors.
- Regarding listening to the neighbors – the honest fact of the matter is that Pahlisch does not have to listen to me – or you. They know this and I know this and you need to know this. Once they own the land, this is their private property and they can do what they want with it – within some constraints from the City. That’s why I wrote earlier that we are fortunate that they are a developer that will listen. However, they have made it very clear to me that they want one point of contact for neighborhood communication - and they have agreed that will be me. In addition, they have made it clear to me that if the neighbors get rude, too angry, or go rogue, that they will stop

communicating with me. So, this is where I make my pitch to you to please work through me so we can keep the lines of communication open! Thank you!

- Pahlisch has submitted a pre-application for this project. This does not mean it will become a full-blown project/application with the City. To view this pre-app, go to the [e-plans page](#), scroll down and click on: “Public Viewer for Planning Permits”. In the Search bar in the top, right-hand corner, type this and then enter: PZ-20-0837, then click on the resulting pre-app link. Right now, there are 13 files in there. If you have never read land use documents, this will be very geeky to you! Know that SCNA and SBNA are monitoring this and reviewing all the documents and discussing them with the City. What we are learning is that there are probably some tax lot definition issues as well as other land partition issues. Those may slow down or possibly stop this from becoming a full blown project.
- Having said the above, know that Pahlisch has told me they hope to begin working earnestly on this “in the Spring.” As many of you know, Pahlisch has been doing a LOT of development around Bend. So, they had an internal meeting recently to decide which projects to continue to pursue. It was my hope that they would delay this one because of the view easement not to mention the terrain and the fact that there is no infrastructure on this land. Unfortunately, I was told they decided to move forward and that was when I was given the “Spring” timeline.
- If this project moves forward, it will be similar to the current large Pahlisch project near Pine Nursery Park. Scroll down at [this link](#) for a video of that project to give you an idea of their plans for the COID land. Notice that they have multi-family housing in this video. Assuming the City allows them to do the same on this project, they have agreed that any multi-family housing will be hidden inside the new development – so those of you who border the land would be next to a single family home not a multi-family tall building.



## **CITY OF BEND'S INVOLVEMENT**

- As I mentioned previously, the last I asked the City of Bend about this property, they said the view easement would prevent it from being developed. So, I thought I had until April 2034 to educate everyone and work on this. However, now this has heated up since the City has accepted Pahlisch's pre-app and Planners are working on it with Pahlisch. This is not unusual and does not mean this project will become a full blow application and project though.
- This is a BIG project and the City of Bend will require Pahlisch to present a Master Plan, which will involve much communication with the public and many, many opportunities to speak up. So, you are getting involved at just the right time – however, since there is no official plan yet, there is nothing official neighbors can comment on. But we can get ready – keep reading!
- There will be traffic issues with a project of this size and SCNA and SBNA are keeping on top of this with the City and Pahlisch. Regarding this, you may know that the City has wanted to place a bridge over the river at this location for a long time – so they may require Pahlisch to help with that to reduce traffic issues on Brookwood. Know that it is too soon to discuss this, but we are keeping our eyes on this.
- Even if this becomes a full blown project, this will take a lot of time to build out. As I mentioned before, the terrain is steep in many parts, there are beloved trails to save, there is no infrastructure at all (power, sewer, water), and there will be an extensive Master Plan process. So, don't let the idea of "Spring" scare you. Know also that one of my goals if this development does happen is to not just save the main trails, but keep access to the trails during all phases. I will need YOUR help as this proceeds.

## **ANSWERS TO QUESTIONS YOU HAVE ASKED ME**

I have received literally hundreds of questions about this project in the last 2 weeks. I have answered some of them with this email and, on the NextDoor thread about this, I committed to answering all of them. I had hoped to do that in this email, but I feel this email is too long already (if you are tired of reading it, know that I am more tired writing it – and living it!) So, I will send out another email later covering any questions I have not answered here. Thank you for understanding and for your patience! In the meantime, there have been themes to your questions, so here are my answers to those:

- Q: Can't Bend Parks & Rec (BPRD) buy this for us? A: Although BPRD has expressed interest in buying this for a park or to keep it as open land, they do not have the budget for this. Their budget has been reduced even further since I first spoke with them about this due to Coronavirus (less people paying to use their facilities) and pressure from political forces to reduce their SDC fees in order to help push for more affordable housing in Bend.
- Q: What about Central Oregon Trail Alliance (COTA) buying it? A: If you recreate on this land, you have probably noticed that mountain bikers, mostly kids, have carved out numerous mountain biking trails on the East side of the fenced-in open canal. One rumor is that COID decided to move forward with a sale to Pahlisch because they are upset that those trails have been created without their permission and they are concerned about liability. I have not been able to confirm this. Before Coronavirus and before those trails were made, I did speak with COTA (they have provided many of the mountain bike trails in Bend, including Phil's). Some of their members commute on trail #1 as described above and they would like to

buy it and share it with mountain bikers, walkers, and dogs, but they too do not have the money to purchase it and they have been focusing on new trails North of Bend in Redmond and beyond.

- Q: Can the neighbors buy it? A: I think we would all love this, but I have not had any multi-millionaires come forward (yet!) to help with this. In the past, I have been involved in saving land like this by a community making a back offer so know that we are looking into this. However, at this point, I am not optimistic that we have the resources to do so. It may be that we could get a coalition of partners to work with us to purchase, of course (BPRD, COTA, etc), but first I am working to find out if COID would even entertain this.

## **I AM NOT A MILLIONAIRE - SO WHAT CAN I DO TO HELP**

I know for some of you just learning about all of this might be depressing. But there are things we can still do! Can we stop this project? Perhaps, but I have to be honest and let you know the odds are difficult. Can we have input if this moves forward? Absolutely! I have in fact created a task list of everything needed to do on this project. Many are things only I can do (such as communicate with Pahlisch), but there are many things on that list where YOU can help – and this list will grow and change over time. So, here is the current list of where you can help. We do need your help!

- Get your neighbors to get on this email list for updates and to help out. Right now, there are nearly 150 of us, which is a great start, but we need more as there is power in numbers. Your neighbors no longer need to send an email directly to me, but can subscribe at [this link](#).
- In the future, we will be doing email campaigns – and here's your first one,

which is easy, but will help with saving trees on that property in the future:  
Send an email to the City Council at [council@bendoregon.gov](mailto:council@bendoregon.gov) and say this:  
"I expect the new Tree Code to be part of the Council's goals and, if it is not included, I want it to be added".

- SCNA will be annexing the COID land from SBNA into our neighborhood association. We are doing this because we are a small NA and, if this development happens, we can absorb the new homes more easily than SBNA. Note that SCNA is NOT annexing your home if you live in SBNA. We are only annexing the undeveloped COID land. Both the SCNA and the SBNA Boards are supportive of this annexation – as are the other Bend Neighborhood Associations. To do this, we need our members to vote to approve this. Each neighborhood association will be having a special meeting with our neighbors to vote on this. SCNA's will probably be in February and SBNA's will probably be in April. If you are not already a member of your NA, please join so you will get the meeting announcement to vote YES on this: For SCNA, [go to the website](#) and click on the green "JOIN SCNA" button on the right-hand side, For SBNA, [go to the website](#) and click on the green "Join Today" button.
- If you have any questions you have not already sent to me or posted on NextDoor, send them to: [landuse@bendscna.org](mailto:landuse@bendscna.org). Please do not resend questions as I need a life. ;^) I know this email may bring up questions. I will answer everything by Feb 15 so please get these new ones to me by end of day on Friday, Feb 12. Thank you!
- If you have any ideas about either saving the land or involving others, also send those to me by end of day Friday, Feb 12 at [landuse@bendscna.org](mailto:landuse@bendscna.org). They are probably already in the task list, but surprise me with your awesome ideas!
- If you know anyone who owns property at Mt. Bachelor Village Resort, please send me their contact information as I am trying to find out if they are

aware that Pahlisch might be working on clearing their view easement. If I lived there, I'd want to know this! Mt Bachelor Village Resort's management is no longer responding to my requests – nor is their HOA President. Yes, this worries me.

- If you are willing to monitor COID's monthly Board minutes for us, let me know.
- If you have a good relationship with any of these particular potential partners, let me know: Think Wild, Commute Options, Deschutes Land Trust, Deschutes Trails Coalition, the new Environment and Climate Committee, the Environmental Center, Oregon Mountain Biking Coalition, and 1000 Friends. Who else could be a partner?
- If you have a good relationship with COID, talk to me!
- If you are a land use attorney or know a good land use attorney and are interested in some pro bono work, contact me.
- If you have experience fundraising with wealthy individuals who care about saving open space, contact me.

## **FINAL THOUGHTS**

First, THANK YOU for reading all of this. You may need to re-read it a couple of times to absorb everything!

Know that I will be communicating with Pahlisch and the City of Bend to keep you updated. As you might imagine, I have a HUGE todo list and this is not the only work I do as a volunteer Board member of the SCNA. I'm not complaining – I know what I signed up for with this work, but some of you sent me email after email after email asking to be put on this list and you don't need to do that. I do read every email you send me – and I do eventually reply. :^) Like you, this project is near and dear to me as I live near that land too and recreate there and use the

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<https://mailchi.mp/1315a66cf997/coid-notification-list-test-4753097?e=7e77cb04d1>

trails just like you do. Open land is very important to me – as are those trails. I hope you see how hard I have been working for you already – and I will continue to work hard on this for all of us.

I have some more meetings and research before we can decide what our community's focus should be. Thus, even though this email may have fired you up, I ask for your patience and for you to trust my experience in dealing with land use issues in Bend. In the meantime, please channel your energy into volunteering per above, get other neighbors on this email list, and watch for my next update answering all your questions by mid-February. Also, keep enjoying this open land as it is truly a special place, our own Hundred Acre Wood where we adults and our children can have our own Pooh-like adventures! (I promised a neighbor I would try to incorporate the Hundred Acre Wood into this email when he pointed out how important open land is to kids just like Winnie the Pooh taught him as a young boy. I did it! :^)

Sincerely,

Deby DeWeese

Southern Crossing Neighborhood Association Vice Chair/Land Use Chair

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