

Update on Deschutes South Canyon, September 2022

COID Property and Potential Sale of Land

Background:

The Central Oregon Irrigation District (COID) owns a large piece of property located between Brookwood Blvd and the Deschutes River. Many people use the existing trails and land for walking, biking and a multitude of outdoor activities. The land consists of several tax lots including one that has the trail referred to as the “**Canopy Trail**” (tax lot 181208B000490). COID currently has a contract with a local developer to sell a portion of the property.

You can get past updates here: [Update #1](#), [Update #2](#), [Update #3](#). For further background information, a presentation was given to Mt Bachelor Village homeowners in October 2021 and you can view it [here](#). Mt Bachelor Village homeowners own a view easement for much of the land until April 1, 2034.

Update:

In April 2022 COID submitted a series of five Property Line Adjustment (PLA) applications to the City of Bend Planning Department to rearrange the boundaries of four tax lots totalling ~140+/- acres. The PLA is basically a change to the current property lines to facilitate the sale of land to a local developer. The Canopy Trail runs from Brookwood Blvd by the horse farm under a canopy of trees to the small open canal before connecting with the current COID road trails. **The Canopy Trail property is not included in the PLAs, however it is part of the land under contract.**

The applications are complex and have gone through a few changes since their submission. According to City Code, a PLA is normally a Type I application, which allows no public input. The City Planning Department reviewed the PLA and added a restrictive draft covenant as part of an initial draft decision. Part of the draft covenant would require that the land be developed as a whole rather than as individual lots over time. The development of the entire property would require a Master Plan application. A Master Plan application allows public input. In addition, the issue of street access will need to be addressed for any future development.

As the application process evolved, we understand that COID has agreed to elevate their PLA application to a Type II. This Type II application **allows public input until October 27, 2022** and any neighbor or entity may become a “party of record” to comment on any land use decision. This is an important difference (Type I vs. Type II) because this is the one time in the land use decision process that the public can weigh in BEFORE applications are approved. Neighborhood Association Land Use Chairs and neighbors within 250’ of the property should receive notice of the application. The City has until January 5, 2023 to make a decision on the application.

You can view the current PLAs here: [PLPLAM20220320](#), [PLPLAM20220321](#), [PLPLAM20220322](#), [PLPLAM20220323](#), [PLPLAM20220324](#). The Notice, which will explain how you can comment, can be found [HERE](#).

For more information on the details of land use rules check out the [resources developed](#) by the Bend Neighborhood Associations. Additional information can be found on the [Bend NA Forum](#) website.

Local Developer

Pahlisch Homes is in the process of purchasing land from COID. They have stated the following in an email to the Southern Crossing NA Land Use Chair regarding the trails and view easement:

"Pahlisch Homes is in contract to purchase an 80-acre parcel from Central Oregon Irrigation District. On this parcel, there are trail systems that currently have easements allowing use by the public and managed by Bend Park and Recreation District. Pahlisch is committed to retaining access to these trails for public use.

A portion of this parcel is within a view easement that prevents development until 2034. Pahlisch Homes plans to honor this view easement 100%. In addition, a significant portion of the property along the Deschutes River and below the canyon rim is designated "Areas of Special Interest" by the City, which generally requires the land to remain native and undisturbed. Pahlisch further commits to honoring the area's natural character during the community design process."

Bend Parks and Recreation Department Trails

There are several main trails (including the Deschutes River Trail and Central Oregon Historic Canal Trail) as well as many user trails across the entire property. The fate of the trails, both large and small, are of great concern to users of the property.

Henry Stroud, BPRD trails planner, communicated with the SBNA Land Use Chair via email that the only trail that has any legal protection is the Deschutes River Trail which has a legal easement description attached to the land. In addition, the DRT is located on land that is protected from development by a City Code called the Water Overlay Zone (WOZ). This indicates that the DRT should remain intact whether a portion of the land is developed or not.

Regarding the upper trail that runs along the buried canal and under Brookwood, there is a 2002 agreement between BPRD and COID that allows BPRD to develop and maintain pedestrian and bicycle trails on areas where COID maintains an access road along the piped canal.

According to Stroud, the future location of the Canopy Trail is uncertain as this trail does not have a legally recorded easement. It is possible that the trees could be removed if the trail is moved or to accommodate development infrastructure.

Of note, the Canopy Trail and **Sunny Breeze Lane, which connects to the trail entrance on Sunny Way**, are referenced in the Bend Urban Area Bicycle and Pedestrian Plan as an existing multi-use path and an existing and future shared roadway. This gives bicycle access to the entire trail system via this entrance.

Deschutes South Canyon Use Survey

Three Neighborhood Associations (Southwest Bend, Southern Crossing, and Century West) created a survey asking the community what they want to happen to this land. The survey received 2,039 responses while it was open between March 30 and June 1, 2022. **The overarching takeaway message is that close to 93% of respondents want the land to remain as it is.**

Here are some survey highlights:

- A large majority of respondents (78% positively, 15% possibly) would support this property becoming a new natural area park, similar to Shevlin Park.
- 81% support the use of BPRD funds to purchase it. Remarkably, 72% of respondents would support a bond measure to help fund this.
- 94% of respondents (both residents and non-residents) use the Deschutes South Canyon property with 62% of respondents using it weekly or more often and they come from all over Bend to do so.
- The largest proportion of respondents use it 3 to 5 times a week, indicating heavy usage.
- The most common activities were walking, running, relaxation in nature, dog-walking, and wildlife viewing.
- 19% of respondents use the trails on the property for commuting and an additional 17% would use the trails for commuting if they were integrated into the BPRD trail system.
- A majority of respondents (71%) always or usually access the property on foot or by bike, and the 8 points of entry are relatively evenly used. Of those who drive to the property, most use Blakely Park for parking and enter through the Canopy Trail.

While 2,039 survey respondents is a very strong response from our community, we would be remiss if we didn't recognize the demand for housing development within Bend City limits, in particular the demand for high density developments. However, during the 2016 UGB expansion, the COID land was not counted as part of the housing inventory to qualify for the expansion because of development limitations created by the view easement.

The Bend Bulletin published an article about this survey where Don Horton, BPRD Executive Director, addressed the possibility of the land becoming an open space park managed by BPRD and Craig Horrell, general manager of COID, referenced the PLA applications. You can find the Bulletin article [HERE](#).

Who is Save Bend Green Space?

Save Bend Green Space (SBGS) is a group of volunteers whose present mission is to save the Deschutes South Canyon (COID land currently proposed for development) as an open space natural park. Their vision is to preserve the land as it is. In addition, they want to improve and promote natural open spaces throughout the City of Bend, advance good environmental stewardship of lands and water, support smart growth policies for communities in Central OR, and promote tree preservation to enhance carbon sequestration and to reduce heat island effects.

SBGS understands the value of this natural green space and believes there must be a balance between development and open space. Because of the nature of this property, it should remain undeveloped. The Deschutes South Canyon is unique in all of Bend; there is no other large undeveloped, forested land by the river within Bend's city limits. It is too valuable as open green space to become yet another development.

SBGS is a 501(c)(3) non-profit organization and is seeking donations to further their current and future initiatives. Donations can be sent to Save Bend Green Space, 19550 Meadow Dr. #130, Box 103, Bend, OR 97702. SBGS is working on enabling cloud-based donations and will make that information available on their website when it is available.

If you would like future updates from [Save Bend Green Space](#), please register on their website.

What is the role of the Neighborhood Associations?

The role of a Neighborhood Association is to bridge the conversation between the City planners, developers and the community. Neighborhood Associations are required to receive land use notices from developers and engage their members in public meetings to help inform them of future developments.

What You Can Do

- Comment on the PLAs. If you need assistance on commenting, contact your Neighborhood Association, SBGS, or the Planner listed on the notification.
- Join your Neighborhood Association for future updates. You can find your NA [here](#).
- Register for updates from SGBS per above. SBGS will be sending out information on how to comment on the PLAs so be sure to join their mailing list if you want ideas on what to say in your comments.
- Donate to SBGS if you desire per above.

Sincerely,

Southern Crossing NA

Karen Bergsvik, Chair

Deby DeWeese, Land Use Chair

Southwest Bend NA

Elizabeth Rhodes, Chair

Judy Clinton, Land Use Chair

Century West NA

Lisa Mushel, Chair/LandUse Chair

If you need further information, please send an email to coidbendinfo@gmail.com