

# Bend Buildable Lands Inventory

*Bend's Land Base and Growth to 2028*

*July 19, 2016*

# ACKNOWLEDGEMENTS

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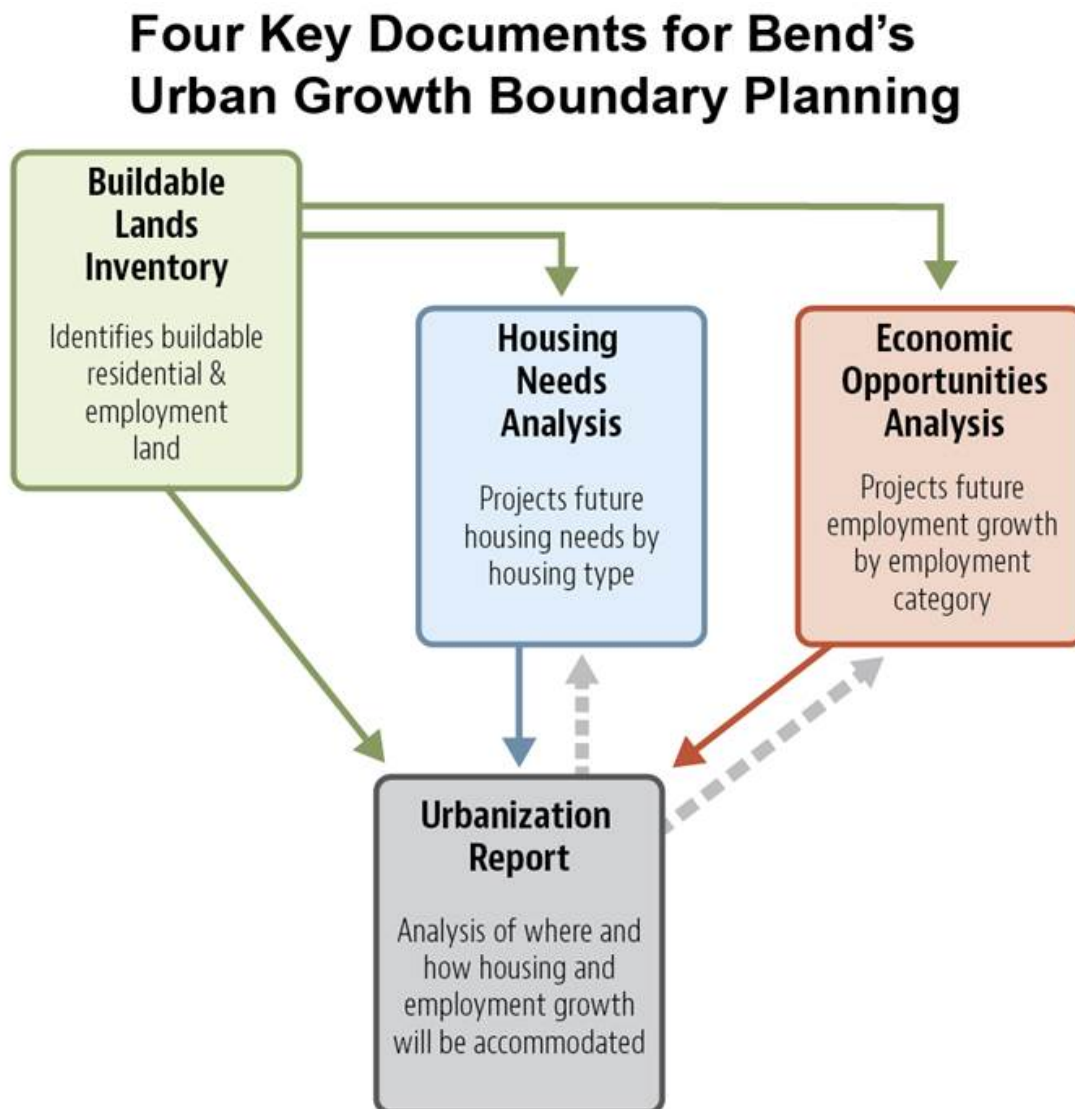
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## EXECUTIVE SUMMARY

The Bend Buildable Lands Inventory (BLI) describes the land within the Bend Urban Growth Boundary (UGB) that can be developed to accommodate future residential and employment growth. The determination of developable land in the BLI is a key input for the Housing Needs Analysis, the Economic Opportunities Analysis, and the Urbanization Report, as shown in Figure EX-1.

Figure EX-1. Role of the BLI



There are four steps to the BLI. Each will be discussed in detail in this report:

- Step 1** – Calculate Physical Constraints
- Step 2** – Define Residential Land
- Step 3** – Define Employment Land
- Step 4** – Assign Developable Acreage to Each Parcel

## Step 1: Calculate Physical Constraints

Land that is physically constrained is not assumed to be “buildable”.<sup>1</sup> Land was identified as constrained if it: has 25% or greater slopes; is within the Federal Emergency Management Agency (FEMA) 100-year floodplain; is within a river or upland Area of Special Interest (ASI);<sup>2</sup> or is within the Waterway Overlay Zone (WOZ) and within 100 feet of the Deschutes River, where building setbacks may apply<sup>3</sup>. The total area affected by one or more of the constraints was calculated for each tax lot in Bend. There are roughly 1,420 acres of physically constrained land within the UGB, of which roughly 1,170 are within tax lots.

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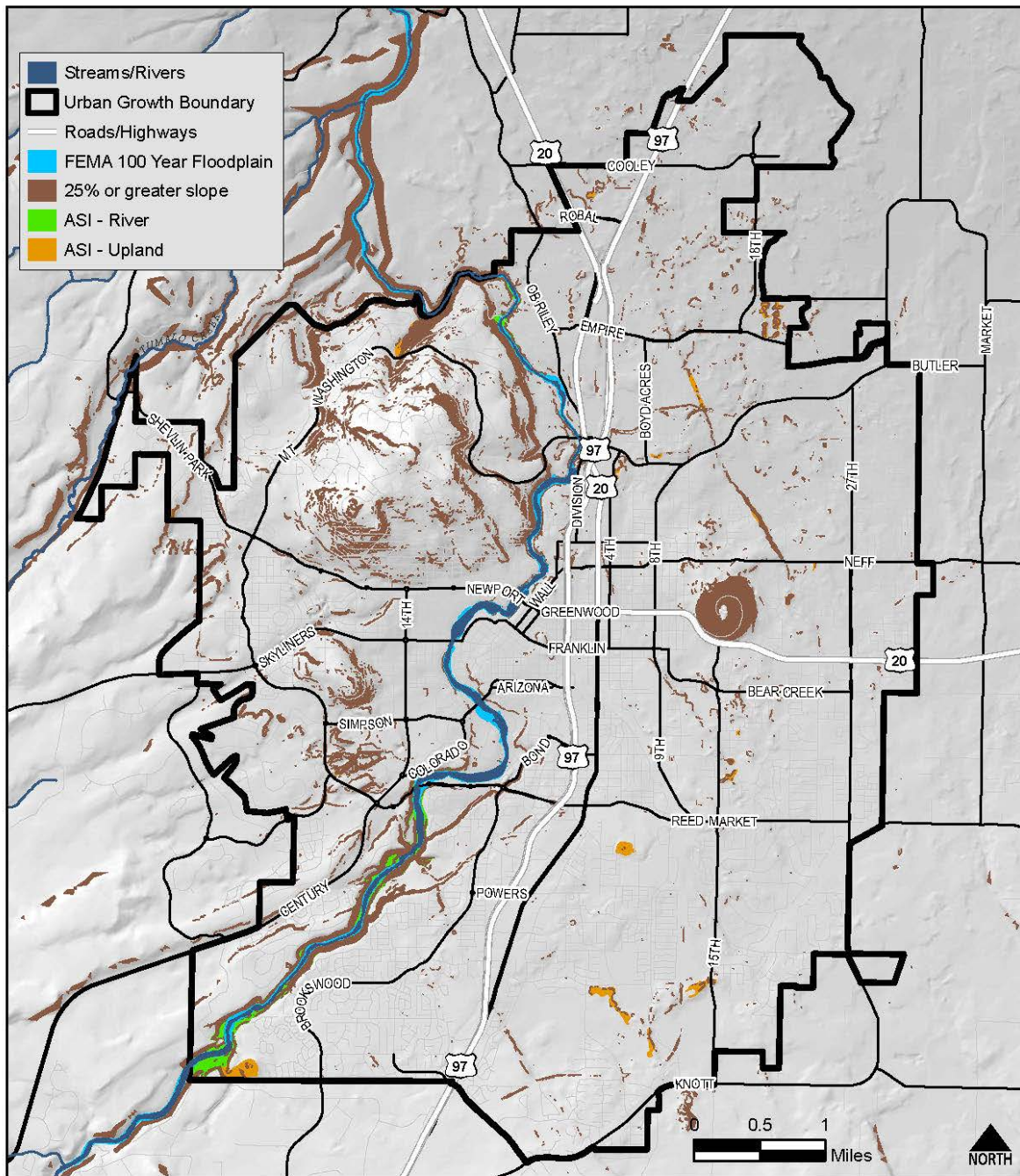
<sup>1</sup> OAR 660-008-0005 (2) describes land generally not considered “suitable and available” for development, including areas with slopes of 25% or greater and areas within the 100-year floodplain.

<sup>2</sup> Bend’s ASI’s are not acknowledged Goal 5 resources. However, the city’s regulations largely preclude development within these areas. Density transfers are allowed; however, there is no history of developers utilizing this option.

<sup>3</sup> Bend’s WOZ combines four different sub-areas: the Deschutes River Corridor Design Review overlay; the Floodplain Combining Zone; Goal 5 Riparian Corridor protection; and River Corridor ASIs. Each sub-area has its own set of standards and setbacks for protection. Setbacks vary from 30 to 100 feet depending on the stretch of river and the sub-zone; some are measured from ordinary high water, while others are measured from the canyon rim. Because the setbacks are not mapped in detail, the generalized assumption was made that development restrictions are likely within 100 feet of the mapped edge of the river throughout its length. Detailed information about the WOZ is included in Appendix B.



**Figure EX-1. Physical Constraints**



Service Layer Credits: Deschutes County GIS (2014)

Prepared 2/12/2016

## Steps 2 & 3: Define Residential and Employment Land

The categorization of Residential Land and Employment Land and is described in table EX-2. Descriptions of comprehensive plan designations and zones are included in Appendix A.

**Table EX-2. Residential and Employment BLI Categories**

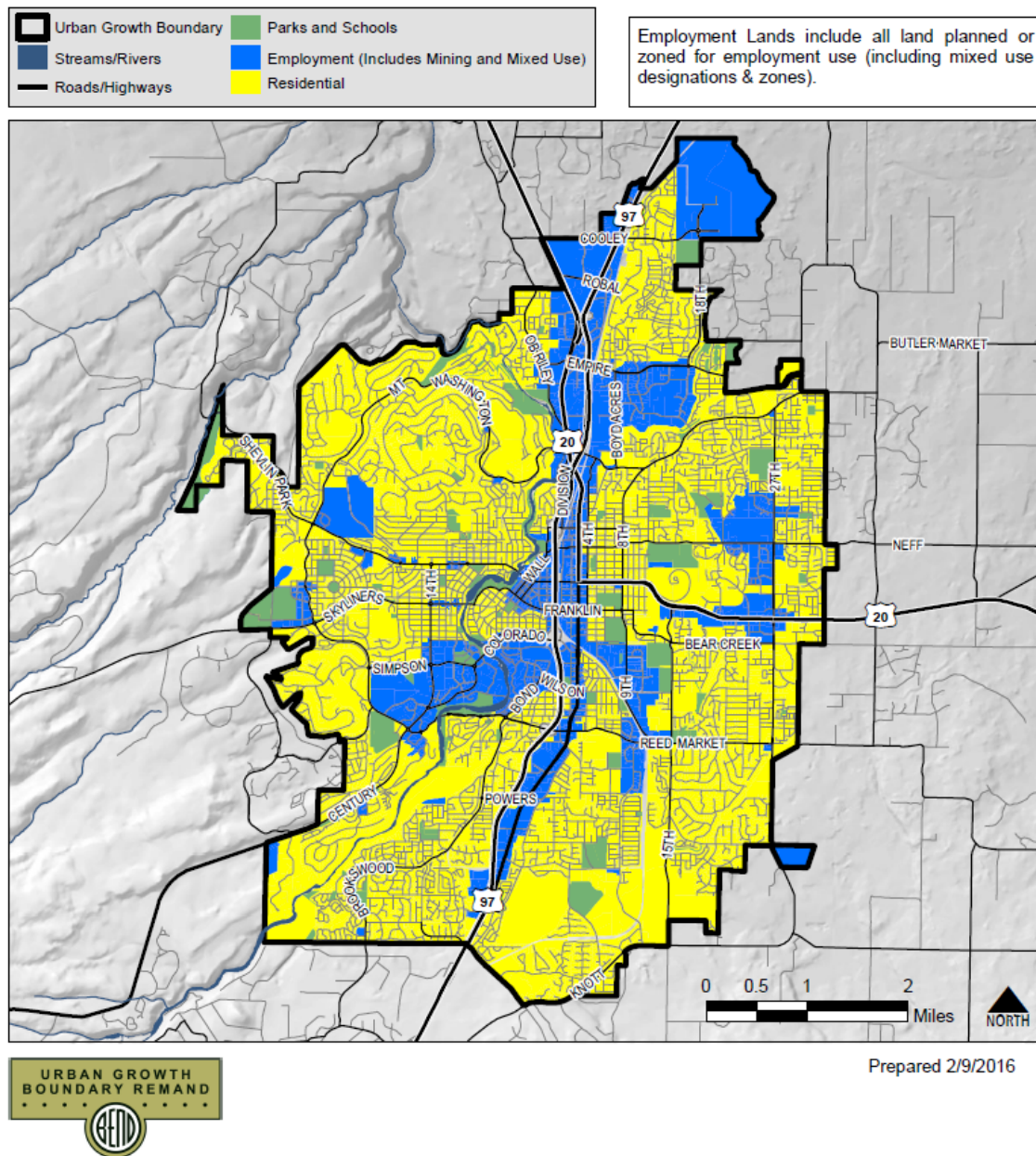
Residential BLI Categories	Employment BLI Categories
<p><b>Residential Land</b> has a Residential plan designation (RL, RS, RM, RH) or a residential zone category (RL, RS, RM, RH, SR2.5)*, with a few exceptions for special cases (<i>See Chapter 3 for details</i>).</p>	<p><b>Employment Land</b> has a plan designation of CC, CG, CB, CL, MR, ME, PO, SM, IL, IG, or PF*, with a few exceptions for special cases (<i>See Chapter 3 for details</i>).</p>
<p><b>Vacant</b> – Land planned (per Comprehensive Plan map) or zoned (per zoning map) for residential use with no improvements.</p> <p><b>Developed</b> – Land planned or zoned for residential use that is currently developed with the maximum number of dwelling units allowed in the zone, and the size of the lot does not allow for further division. Residential land that contains an employment use is also considered “Developed.”</p> <p><b>Lots Large Enough for an Additional Unit under Current Zoning (“Partially Vacant”)</b> – Land planned or zoned for residential use that contains fewer dwelling units than permitted in the zone, but the lot is not large enough to divide under current zoning.</p> <p><b>Lots Large Enough to Divide Under Current Zoning (“Developed with Infill Potential”)</b> – Land planned or zoned for residential use that is currently developed, but where the lot is large enough to further divide consistent with its current zoning.</p>	<p><b>Vacant</b> - a lot or parcel equal to or larger than one half-acre not currently containing permanent buildings or improvements; or equal to or larger than five acres where less than one half-acre is occupied by permanent buildings or improvements.</p> <p><b>Developed</b> - All other employment land is identified as developed.<sup>4</sup></p>

\* See Appendix A – Glossary.

<sup>4</sup> Developed employment land identified in this BLI includes all employment land that is not vacant, rather than land with a likelihood of redevelopment (as it is defined under Goal 9). A subset of developed employment land was identified as having a likelihood of redevelopment.

Figure EX-2 depicts the locations of residential and employment lands within the City.<sup>5</sup> Table EX-2 and Table EX-3 show the BLI designation of residential and employment land within the City of Bend.

**Figure EX-2. Bend Residential and Employment Land**



<sup>5</sup> Some properties have a zoning designation that is different from their comprehensive plan designation. Generally, in these cases, if either the plan designation or the zone is residential, the property is categorized as residential land. However, there are exceptions, such as school and park land, land in the Medical District Overlay Zone, and land planned or zoned for surface mining. Additionally, since 2014 some parcels have been transferred to public ownership and are not reflected in the BLI dataset – most notably the park site on SE 15th. These changes have been accounted for in subsequent modeling.



**Table EX-2. BLI Designation of Residential Tax Lots (Excludes Parks & Schools)**

<b>BLI Designation of <u>Residential</u> Tax Lots</b>	<b>Number of Tax Lots</b>	<b>Total Acres</b>
Developed	25,849	7,737
Lots Large Enough to Divide Under Current Zoning ( <i>“Developed with Infill Potential”</i> )	4,573	2,554
Lots Large Enough for Additional Units under Current Zoning ( <i>“Partially Vacant”</i> )	827	93
Publicly Owned (excludes schools and parks) <sup>6</sup>	179	544
Vacant	2,854	1,718
<b>TOTAL</b>	<b>34,282</b>	<b>12,646</b>

**Table EX-3. BLI Designation of Employment Tax Lots (Excludes Parks & Schools)**

<b>Employment BLI Status</b>	<b>Number of Tax Lots</b>	<b>Total Acres</b>
Developed	3,451	2,762
Vacant	247	1,056
<b>TOTAL</b>	<b>3,698</b>	<b>3,818</b>

## **Step 4: Assign Developable Acreage to Each Parcel**

Each parcel within the City of Bend was assigned vacant acreage and developed acreage, based on its BLI designation. The methodology for assigning vacant acreage to infill categories is described in detail in Chapter 3 of this document. Table EX-4 lists the amount of vacant and developed acreage by plan designation for employment and residential land. These acreages are the basis for the jobs and housing capacity estimates used in the Housing Needs Analysis, the Economic Opportunities Analysis, and the Urbanization Report.

<sup>6</sup> Lands identified as being in public ownership, except for land owned by the Bend-La Pine School District and the Bend Park and Recreation District (whether or not currently developed with schools/parks).

**Table EX-4. Vacant and Developed Acres by Plan Designation<sup>7</sup>**

<b>Plan Designation</b>	<b>Vacant Acres</b>	<b>Developed Acres</b>
CB	0	38
CC	12	66
CG	117	613
CL	84	282
IG	8	178
IL	638	596
MDOZ*	73	177
ME	92	200
MR	33	127
PF	218	191
PO	6	0
PO/RM/RS	0	6
RH	24	111
RL	168	1,389
RM	292	847
RS	1,905	6,410
SM	20	0
URA	0	52
<b>Grand Total</b>	<b>3,690</b>	<b>11,284</b>

*\*Land within the Medical District Overlay Zone (MDOZ) is primarily within residential plan designations, but the overlay encourages development of medical and office uses. It is treated as employment land separately within the BLI where possible. This approach was approved by LCDC in the 2009 Remand Order through the City's EOA.*

## Conclusion

The primary outcome of the Buildable Lands Inventory is a GIS dataset with values for vacant and developed acres for each parcel within the City of Bend UGB. These values provide a basis for estimating future development and redevelopment. The assumptions that have been applied to this inventory to estimate capacity are documented in the Urbanization Report, which estimates the potential for growth of housing and jobs within the current UGB based on existing conditions, as well as alternate growth scenarios involving changes to the Comprehensive Plan map and development code.

<sup>7</sup> Excludes public and private right of way, and land under Park District or School District ownership.

## CHAPTER 1. INTRODUCTION

This report is the City of Bend's Buildable Land Inventory (BLI), as defined and required by Oregon Administrative Rule (OAR) 660-024-0050, the Bend Urban Growth Boundary (UGB) Remand<sup>8</sup>, and other relevant law<sup>9</sup>. This report provides information pertaining to the background, process, and results of the Bend Buildable Lands Inventory; detailed maps and methodology are provided as appendices.

### Role of the BLI

The BLI is a supporting document of the City of Bend Comprehensive Plan<sup>10</sup>. In simplest terms, the BLI documents the urban land supply of Bend, and estimates the growth capacity for housing and jobs within the existing UGB. It is a key part of the factual base for growth management policy in Bend. The BLI also serves a very specific role, required by law, in analyzing and documenting specific categories of buildable land and providing the basis for estimating capacity for growth within Urban Growth Boundary (UGB). The BLI is one of four inter-related documents that are central in the City's planning related to the UGB. The purpose and major components of each of these documents are summarized in Table 1.

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<sup>8</sup> Remand and Partial Acknowledgement Order 10-Remand-Partial Acknow-001795, November 2, 2010.

<sup>9</sup> See "Framework for a Buildable Lands Inventory on page 3.

<sup>10</sup> The City of Bend is in the process of updating its General Plan, which includes changing the name of the document to the "Comprehensive Plan." These terms are synonymous and used interchangeably.

**Table 1: Four Key Documents for Bend's Urban Growth Boundary Planning**

<b>Document</b>	<b>Buildable Land Inventory (BLI)</b>	<b>Housing Needs Analysis (HNA)</b>	<b>Economic Opportunities Analysis (EOA)</b>	<b>Urbanization Report (UR)</b>
<b>Purpose</b>	Identify buildable residential & employment land by category	Address the requirements for planning for needed housing, including analysis of national, state, and local demographic and economic trends, and recommendations for a mix and density of needed housing types	Document historical employment and demographic trends, the projection of employment growth, identification of target industries, and evaluation of site characteristics needed to accommodate target industries	Analysis of where and how Bend's future growth will be accommodated, both inside the existing Urban Growth Boundary (UGB) and in expansion areas
<b>Primary Legal Standards<sup>11</sup></b>	ORS 197.296 OAR 660, Divisions 8 and 9	Statewide Planning Goal 10: Housing ORS 197.296 and 197.303 OAR 660, Division 8	Statewide Planning Goal 9: Economic Development OAR 660, Division 9	Statewide Planning Goal 14: Urbanization ORS 197.298 OAR 660, Division 24
<b>Key Subject Matter</b>	Development status categories and definitions Methodology for assigning categories and conducting inventory Inventory results: acres by plan designation and development status	Projection of population and total housing growth Housing market and development trends Demographic characteristics and trends Analysis of affordability Estimate of needed housing (mix and density) Comparison of housing capacity to need	Existing policy and vision National, state, local trends Employment projections Target industries Site needs and characteristics Special site needs Redevelopment analysis Comparison of employment capacity to need and characteristics	Methodology for capacity estimates Pre-policy ("base case") capacity estimate for current UGB Efficiency measures (EMs) proposed Current UGB capacity with EMs UGB alternatives evaluation methodology and results Proposed UGB expansion and summary of Goal 14 evaluation results

<sup>11</sup> OAR = Oregon Administrative Rules; ORS = Oregon Revised Statutes

## Framework for a Buildable Lands Inventory

The following section describes Oregon's requirements for a BLI and some key concepts necessary for understanding the BLI.

### *State Statutes and Administrative Rules: Residential Land*

Oregon state statute and administrative rules require local governments to produce a local buildable lands inventory as part of preparation of a Housing Needs Analysis. That BLI "must document the amount of buildable land in each residential plan designation."<sup>12</sup>

State statute identifies the following categories of buildable lands:<sup>13</sup>

- (A) Vacant lands planned or zoned for residential use;*
- (B) Partially vacant lands planned or zoned for residential use;*
- (C) Lands that may be used for a mix of residential and employment uses under the existing planning or zoning; and*
- (D) Lands that may be used for residential infill or redevelopment.*

It further requires that the local government "demonstrate consideration of:"<sup>14</sup>

- (A) The extent that residential development is prohibited or restricted by local regulation and ordinance, state law and rule or federal statute and regulation;*
- (B) A written long term contract or easement for radio, telecommunications or electrical facilities, if the written contract or easement is provided to the local government; and*
- (C) The presence of a single family dwelling or other structure on a lot or parcel.*

The State administrative rules further define buildable land in the context of a Residential BLI as follows:<sup>15</sup>

*(2) "Buildable Land" means residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered "suitable and available" unless it:*

- (a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7;*
- (b) Is subject to natural resource protection measures determined under Statewide Planning Goals 5, 6, 15, 16, 17 or 18;*

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<sup>12</sup> OAR 660-008-0010.

<sup>13</sup> ORS 197.296(4)(a).

<sup>14</sup> ORS 197.296(4)(b).

<sup>15</sup> OAR 660-008-0005(2).



- (c) *Has slopes of 25 percent or greater;*
- (d) *Is within the 100-year flood plain; or*
- (e) *Cannot be provided with public facilities.*

(7) *"Redevelopable Land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the strong likelihood that existing development will be converted to more intensive residential uses during the planning period.*

### **State Statutes and Administrative Rules: Employment Land**

A similar inventory is required for employment land as part of the preparation of an Economic Opportunities Analysis (EOA). The categories used in the EOA inventory differ from those used for residential lands, and are as follows:<sup>16</sup>

(1) *"Developed Land" means non-vacant land that is likely to be redeveloped during the planning period.*

(14) *"Vacant Land" means a lot or parcel:*

(a) *Equal to or larger than one half-acre not currently containing permanent buildings or improvements; or*

(b) *Equal to or larger than five acres where less than one half-acre is occupied by permanent buildings or improvements.*

(3) *Inventory of Industrial and Other Employment Lands. Comprehensive plans for all areas within urban growth boundaries must include an inventory of vacant and developed lands within the planning area designated for industrial or other employment use.*

## **Prior BLI and Remand Issues**

The Bend Urban Growth Boundary Remand (Remand) required the City to make a number of changes to the way residential land was classified for the purposes of the BLI and the way the capacity of that land was estimated (Sub-issue 2.2). In addition to updating the 2008 data to reflect changes through 2014, the City has done a significant amount of work to address the issues raised in the Remand related to the BLI, summarized below.

### **Definitions and Categories**

Department of Land Conservation and Development (DLCD) provided the following definitions to use while conducting a GIS parcel-based analysis of residentially planned or zoned land in the Bend UGB.<sup>17</sup> Where definitions were not provided in rule or statute, the Department provided one consistent with the terms outlined in ORS 197.296(4)(a).

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<sup>16</sup> OAR 660-009-0005

<sup>17</sup> E-mail from Gloria Gardiner, DLCD, to Damian Syrnnyk, October 21, 2010 and e-mail response from Gloria Gardiner, DLCD, to Karen Swirsky, dated June 9, 2011.

- **Vacant** – Land planned or zoned for residential use that shows no improvement value in the assessor’s data.
- **Developed** – Land planned or zoned for residential use that is currently developed with the maximum number of dwelling units allowed in the zone, and the size of the lot does not allow for further division.
- **Lots Large Enough for an Additional Unit under Current Zoning** (“Partially Vacant”) – Land planned or zoned for residential use that contains fewer dwelling units than permitted in the zone, but the lot is not large enough to divide under current zoning.
- **Lots Large Enough to Divide Under Current Zoning** (“Developed with Infill Potential”) – Land planned or zoned for residential use that is currently developed, but where the lot is large enough to further divide consistent with its current zoning.
- **Redevelopable Land** - In addition to the four categories above, the city must consider whether developed land may be redevelopable within the planning horizon. Land may be considered redevelopable only if there exists “the strong likelihood that existing development will be converted to more intensive residential uses during the planning period.”<sup>18</sup> Note the planning period in this UGB process is between 2008 and 2028.

These definitions and their operationalization within the BLI are further detailed in “Step 2 – Defining Residential Land” later in this document.

### *Exclusions*

In 2008, the city identified certain categories of tax lots as unbuildable in the BLI, including:

- lots and parcels smaller than 0.5 acres with no improvements;
- lots and parcels subject to private, Covenants, Conditions and Restrictions (CC&Rs); and
- lots and parcels with physical constraints over 50 percent or more of the lot.

The Remand required the city to include vacant lots and parcels under 0.5 acres, to include land subject to CC&Rs “unless it adopts specific findings, supported by an adequate factual base, that show why the lands are not available for development or redevelopment during the planning period,” and to reexamine the land identified as “constrained” to determine whether the remainder of the lot is buildable.<sup>19</sup>

This update of the BLI complies with these requirements. The City has included vacant lots and parcels under 0.5 acres and excluded only the portion of a lot that has physical constraints on it, leaving the remainder. The City has also conducted research on CC&Rs in effect on subdivisions within the UGB to determine whether and to what extent they restrict further development and infill. Restrictive CC&Rs have been addressed specifically in the BLI and

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<sup>18</sup> OAR 660-008-0005(7)

<sup>19</sup> LCDC Remand Order, page 26.

Envision Tomorrow model.<sup>20</sup> A description of how CC&Rs have been addressed can be found in Step 2 – Defining Residential Land, and more detail is included in Appendix C.

## Time Periods and Data used in the Buildable Lands Inventory

### *Timing of Data*

The City of Bend originally prepared a BLI in 2008 to support the 2008 UGB expansion proposal. It was refined in 2011 to use new definitions without updating the underlying data. This BLI is a new inventory, applying new definitions to a new parcel dataset from July 2014.

### *Source Data*

This BLI is based on July 2014 assessors data from Deschutes County augmented with information from city GIS and building permit data. The underlying data and its sources are summarized below.

**Tax lots and Assessor's Data.** Deschutes County GIS tax lot data dated July 27, 2014 was used to create a base layer of all properties inside and within 3 miles of the existing Bend UGB. General property information from the Deschutes County Assessor's Office was included, containing attributes such as:

- ownership information (including public agency ownership, e.g. City, County, State, Federal, College District, Irrigation District, Parks District, School District, and Other Special District);
- property classification (for tax assessment purposes),
- structure information (including building square footage and number of structures); and
- improvement value (real market improvement value according to the tax assessor's office).

**Physical Constraints.** Detailed slope data from the City of Bend was used to identify areas with 25% or greater slopes. Federal Emergency Management Agency (FEMA) mapping was used to identify the 100-year floodplain. City data was used to identify River and Upland Areas of Special Interest (ASI's), as well as the Waterway Overlay Zone (WOZ).

**Zoning and Comprehensive Plan Designation.** These designations were applied to each tax lot. If the tax lot contained two or more zones, they were split into multiple polygons so they could be accounted for individually.

**Property Use and Type.** These attributes indicate the general property use (e.g. Single Family Residential, Employment, Open Space) and specific type (e.g. Duplex, Office, Golf Course) on the tax lot. These were identified through a combination of Assessor's Office data, City building permit data, aerial photography, and existing City tax lot inventory data.

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<sup>20</sup> Envision Tomorrow is a scenario planning tool used to model growth and redevelopment. It has been used extensively in the Bend UGB Remand work to evaluate growth scenarios and identify land capacity. See Urbanization Report for additional description.

**Number and Type of Existing Housing Units.** The number of dwelling units on each property by type of dwelling unit was established, as with the property use and type, through a combination of Assessor's Office data, City building permit data, aerial photography, and existing City tax lot inventory data.

**Zoned Development Potential (Residential Land Only).** The maximum number of units allowed by the current plan designation based on lot area and maximum density for the applicable plan designation, and whether the lot size is more than double the minimum lot size (for single family detached housing) for the zone.

**2008 BLI data.** Data from previous BLI work was used as a reference and to provide context for specific tax lots.

## CHAPTER 2: BUILDABLE LANDS INVENTORY

### Overview

The methods used, and inventory results, are described in this chapter and organized into the four steps used to prepare the BLI. The four steps are:

- **Step 1** – Calculate Physical Constraints
- **Step 2** – Define and Categorize Residential Land
- **Step 3** – Define and Categorize Employment Land
- **Step 4** – Assign Developable Acreage to Each Parcel

### Step 1 – Calculate Physical Constraints

Land that is physically constrained per state requirements and definitions is assumed to be not “buildable” for the purposes of this inventory. Land was identified as constrained if it: has 25% or greater slopes; is within the FEMA 100-year floodplain; is within a river or upland ASI;<sup>21</sup> or is within the WOZ and within 100 feet of the Deschutes River, where building setbacks may apply<sup>22</sup>. The total area affected by one or more of the constraints was calculated for each tax lot in Bend. There are roughly 1,420 acres of physically constrained land within the UGB, of which roughly 1,170 are within tax lots.

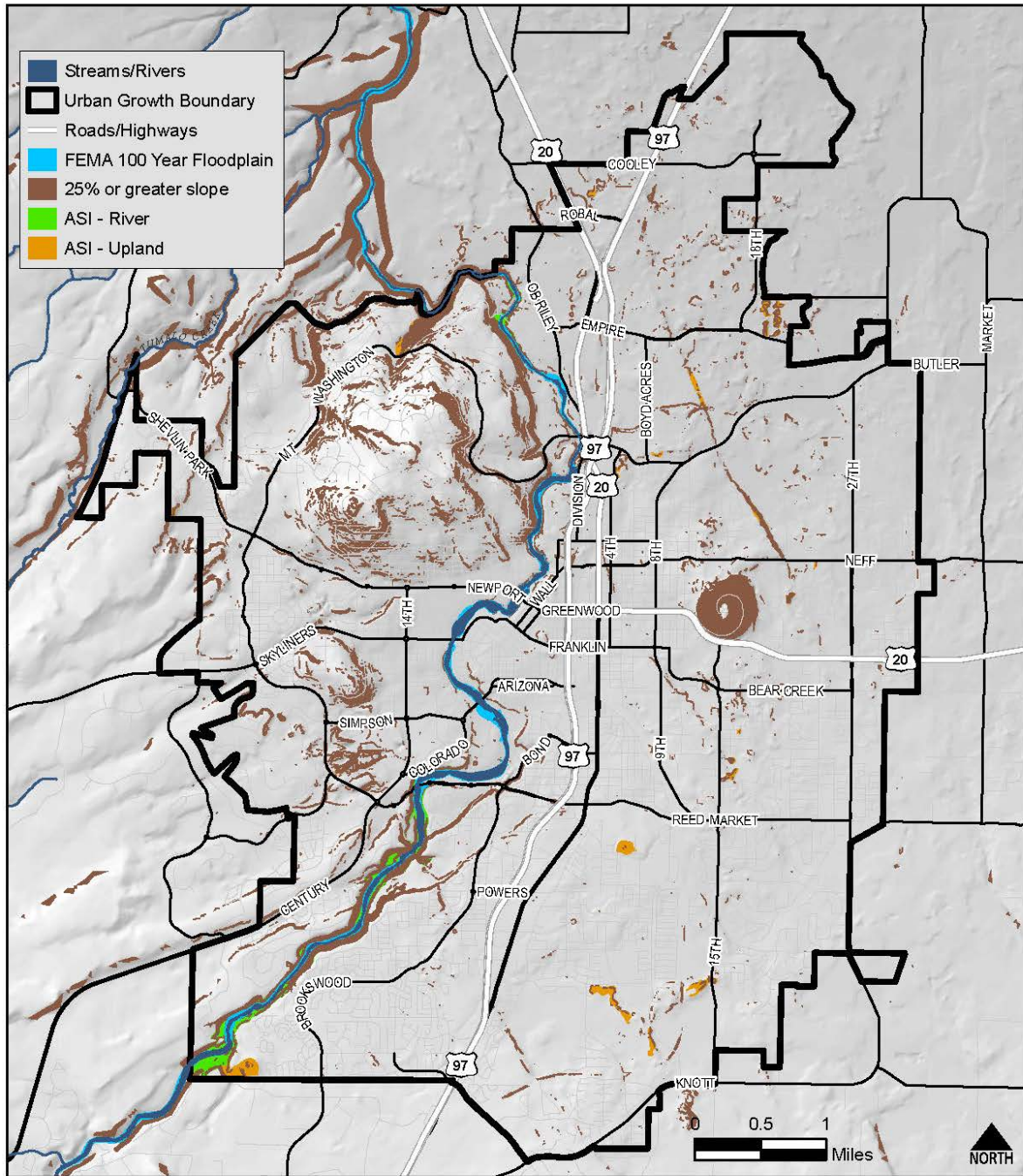
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<sup>21</sup> Bend's ASI's are not acknowledged Goal 5 resources. However, the city's regulations largely preclude development within these areas. Density transfers are allowed; however, there is no history of developers utilizing this option.

<sup>22</sup> Bend's WOZ combines four different sub-areas: the Deschutes River Corridor Design Review overlay; the Floodplain Combining Zone; Goal 5 Riparian Corridor protection; and River Corridor ASIs. Each sub-area has its own set of standards and setbacks for protection. Setbacks vary from 30 to 100 feet depending on the stretch of river and the sub-zone; some are measured from ordinary high water, while others are measured from the canyon rim. Because the setbacks are not mapped in detail, the generalized assumption was made that development restrictions are likely within 100 feet of the mapped edge of the river throughout its length. Detailed information about the WOZ is included in Appendix B.



Figure 1. **Physical Constraints**



Service Layer Credits: Deschutes County GIS (2014)

Prepared 2/12/2016



## Step 2 - Define and Categorize Residential Land

Following is a detailed description of how different categories of residential land were defined for purposes of the inventory, as well as tables summarizing the total acres of land in each category.

### *Definition*

Lands with a Residential plan designation (RL, RS, RM, RH), and lands with a residential zone category (RL, RS, RM, RH, SR2.5), are categorized as Residential Land, except for the “Special Cases” listed below. There are over 200 parcels with residential zones and non-residential plan designations; however, the vast majority are developed. Those that are vacant are mostly identified as “special cases.”

- **Land within School District or Park District Ownership** was considered unavailable for residential development.
- **Land in the Medical District Overlay Zone (MDOZ)** with a residential plan category was identified as “Mixed Use” and treated as part of the Employment land supply, but with the ability to accommodate some housing. The MDOZ is a special planned district applied to land around the St. Charles Medical Center intended to “allow for the continuation and flexible expansion of the hospital, medical clinics and associated uses in a planned and coordinated manner.” (Bend Development Code, Section 2.7.510.A.) The residential, public, and institutional uses permitted or conditionally allowed in the base residential zones are subject to the same regulations, but hospitals are allowed in the RH zone within the overlay, and other limited commercial uses, including offices, are allowed or conditionally allowed in all zones within the MDOZ. The 2008 EOA considered these as predominantly employment land based on ownership patterns and building permit activity. This was not a subject in the Remand Order.
- **Land with an employment plan designation but zoned Urban Area Reserve (UAR)**, which is primarily a holding zone and does not indicate availability for urban residential development, was identified as Employment land. There are roughly 51 acres on two tax lots designated ME but zoned UAR.
- One tax lot **planned for surface mining (SM) and zoned RS** covering roughly 30 acres northeast of the intersection of Mount Washington Drive and Chandler Road was identified as Employment land. This site is now owned by Oregon State University and planned as an expansion of their proposed Cascades campus (see additional discussion of this site on page 19.)
- One tax lot **zoned for surface mining (SM) with an RS plan designation** located along Shevlin Park Road at Skyline Ranch Road was treated as residential land. This taxlot is part of an existing mining operation that extends outside of the UGB, but landowners have proposed a residential use.

Other land in mixed-use and commercial designations (not zoned for residential use) that allow residential development were treated as part of the Employment land supply, but with the ability to accommodate some housing, based on past trends. Bend has three mixed-use districts: the Mixed Employment District (ME), the Mixed Use Riverfront District (MR) and the Professional Office District (PO). Each of these allows some housing, as well as various combinations of retail, commercial, public/institutional, and light industrial uses. In addition, all four of the city’s

commercial zones (CB, CC, CL, and CG) allow new residential use outright as part of a mixed-use development.

### *BLI Status*

Pursuant to the statutes and administrative rules and guidance from DLCD summarized in Chapter 1 (See pages 3 and 4), each residential tax lot was assigned a BLI status corresponding to one of the following categories:

- Vacant
- Developed
- Lots Large Enough for an Additional Unit under Current Zoning (“Partially Vacant”)
- Lots Large Enough to Divide Under Current Zoning (“Developed with Infill Potential”)

Details of the way the definitions provided by statute, rule, and DLCD were operationalized for the purposes of this analysis are provided below.

### *Vacant*

**Generally:** Land planned or zoned for residential use that has \$0 in improvement value.

### **Exceptions:**

- Tax lots that are planned or zoned for residential use, but are dedicated for other uses such as parks, common areas, rights of way or utilities are excluded. Private Open Space, including common areas that are part of an approved subdivision and/or owned by a Homeowners Association, unbuildable fragments, canal right of way, cemeteries, private roads, RV parks, and developed golf courses were identified as developed. The only exception is the undeveloped portion of the Back Nine golf course at Mountain High, which was considered vacant.
- Publicly owned land is also excluded. As stated in OAR 660-008-0005(2), publicly owned land is generally not considered available for residential uses. Publicly owned land was identified and designated “Public Land” and not considered vacant for residential purposes, unless information was available indicating otherwise.

### *Developed*

**Generally:** Land planned or zoned for residential use that is currently developed with the maximum number of dwelling units allowed in the plan designation/zone. The zone that implements the current general plan designation for each parcel was used to identify maximum development potential, except for parcels with a non-residential plan designation and a residential zone. This is because the code does not allow development that is inconsistent with the plan designation, and each plan designation is implemented by a single zone.

### **Exceptions:**

- Residentially zoned land that is currently developed with an employment or institutional use is also categorized as Developed.

- Properties with restrictive Covenants, Conditions, and Restrictions (CC&Rs) and containing a dwelling were categorized as fully developed, even where minimum lot sizes are large enough to allow land division under the current plan designation/zoning. CC&Rs were reviewed to determine whether they limit or preclude infill and redevelopment. Only those parcels subject to CC&Rs that restrict addition of units to the lot and/or restrict land division were identified as having restrictive CC&Rs and categorized as fully developed. Note that vacant, platted lots subject to CC&Rs were categorized as vacant, but were also assumed not to have the potential for more than one dwelling unit. See Appendix C and the Urbanization Report for additional detail.

#### *Lots Large Enough for an Additional Unit under Current Zoning (“Partially Vacant”)*

Land planned or zoned for residential use that has an improvement value greater than \$0, but contains fewer dwelling units than permitted in the plan designation. Based solely on lot size (not considering limiting factors such as setback and frontage requirements, lot coverage, or location of existing structures), additional units could be built on the site, but the lot is not large enough to further divide.

To identify partially vacant lands and land developed with infill potential, the maximum number of units that could be built on each residential tax lot was calculated, based on the maximum density allowed under the existing plan designation per the development code (which is expressed as a gross density) and the tax lot size. The number of existing units was then subtracted from the maximum number of units allowed. If one or more new units would be allowed based on the maximum density allowed by the zoning, the lot size was compared to the minimum lot size for single family detached housing in the zone. If the lot was more than double the minimum lot size, it was categorized as developed with infill potential. If it was not (but the maximum density of the zone would allow one or more additional units), the tax lot was categorized as partially vacant. (Considerations such as setback and frontage requirements, lot coverage, or location of the existing unit on the lot were not considered, although those will be limiting factors in many cases.)

#### *Lots Large Enough to Divide under Current Zoning (“Developed with Infill Potential”)*

Land planned or zoned for residential use that is currently developed, but where the lot is large enough to further divide consistent with its current plan designation/zone, based on the minimum lot size of the applicable zone. As with Partially Vacant land, this category does not consider limiting factors such as setback and frontage requirements, lot coverage, or location of the existing unit on the lot.

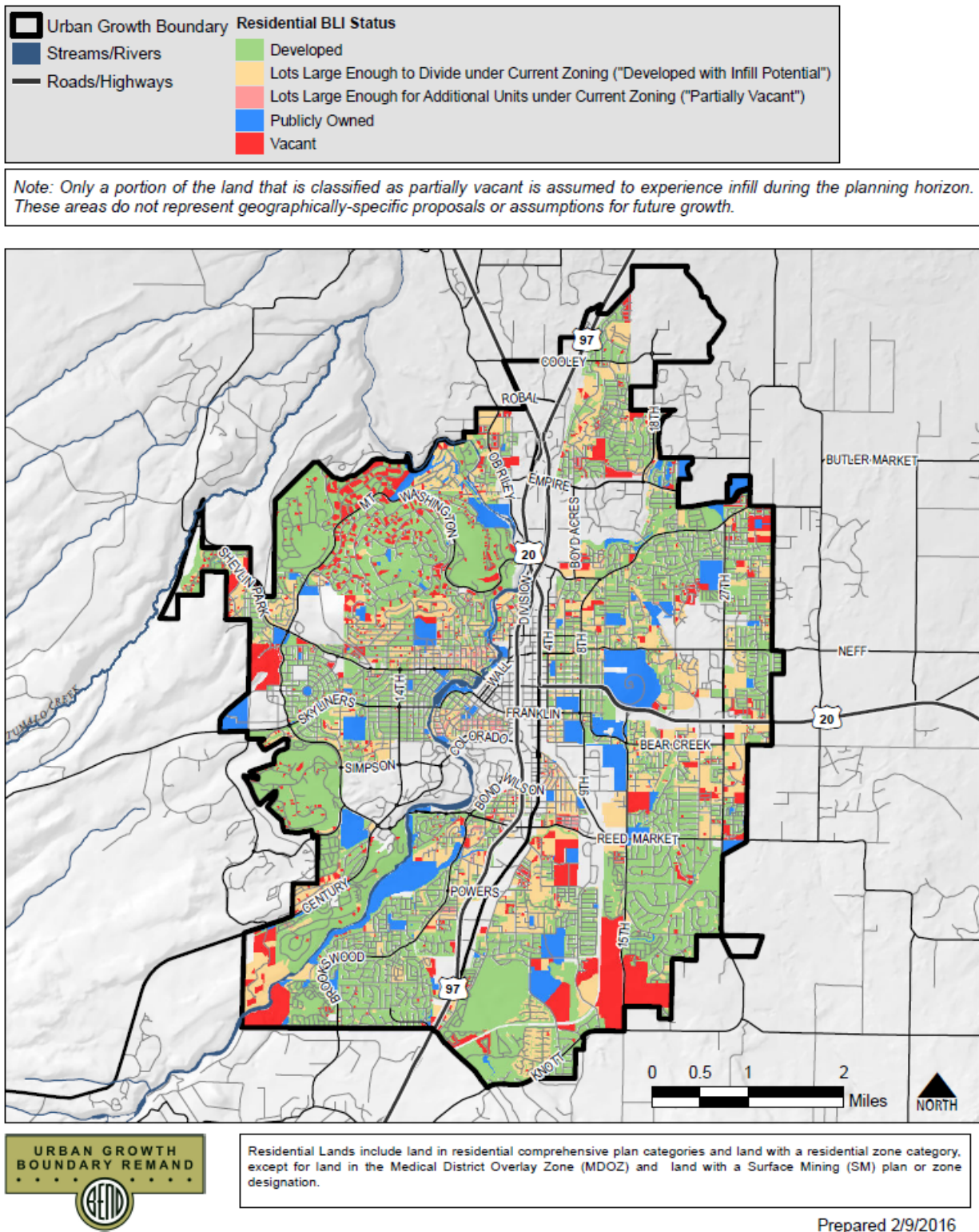
Note that redevelopable land is not identified as a BLI category. Theoretically, the developed portions of parcels that have additional zoned development potential (those that are identified as partially vacant or developed with infill potential) could allow for redevelopment; however, land may be considered redevelopable only if there exists “the strong likelihood that existing

development will be converted to more intensive residential uses during the planning period.”<sup>23</sup>  
Redevelopment potential is addressed in the Urbanization Report.

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<sup>23</sup> OAR 660-008-0005(7).

Figure 2.BLI Status of Residential Lands Map (2014)

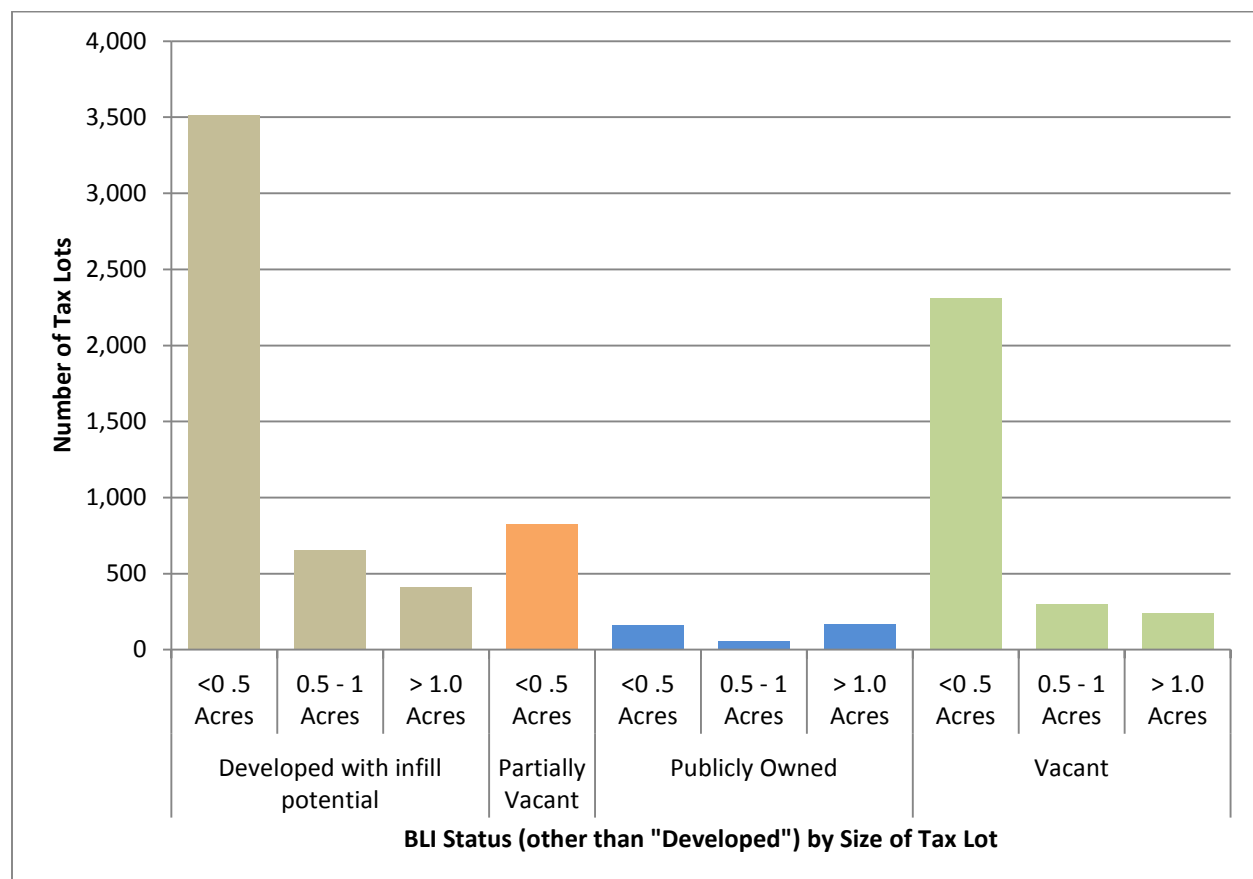




**Table 1. BLI Designation of Residential Tax Lots**

<b>BLI Designation of <u>Residential</u> Tax Lots</b>	<b>Number of Tax Lots</b>	<b>Total Acres</b>
Developed	25,849	7,737
Lots Large Enough to Divide Under Current Zoning ( <i>"Developed with Infill Potential"</i> )	4,573	2,554
Lots Large Enough for Additional Units under Current Zoning ( <i>"Partially Vacant"</i> )	827	93
Publicly Owned (excludes schools and parks) <sup>24</sup>	179	544
Vacant	2,854	1,718
<b>TOTAL</b>	<b>34,282</b>	<b>12,646</b>

**Figure 3. Size Distribution of Tax Lots by Residential BLI Status**



<sup>24</sup> Lands identified as being in public ownership, except for land owned by the Bend-La Pine School District and the Bend Park and Recreation District (whether or not currently developed with schools/parks).

**Table 2. BLI Status for Residential Land by Comprehensive Plan Category<sup>25</sup>**

<b>Comprehensive Plan Designation</b>	<b>Number of Taxlots</b>	<b>Total Acres</b>
<b>RH</b>	<b>526</b>	<b>136.9</b>
Developed	200	45.6
Developed with infill potential	165	46.5
Partially Vacant	63	6.0
Vacant	88	19.5
Publicly Owned	10	19.3
<b>RL</b>	<b>3,019</b>	<b>1,613.0</b>
Developed	2,836	1367.1
Developed with infill potential	98	184.9
Partially Vacant	1	0.5
Vacant	69	53.7
Publicly Owned	15	6.9
<b>RM</b>	<b>4,891</b>	<b>1,225.7</b>
Developed	1,977	336.8
Developed with infill potential	1,615	198.6
Partially Vacant	750	85.1
Vacant	517	182.5
Publicly Owned	32	22.5
<b>RS</b>	<b>25,615</b>	<b>9,181.4</b>
Developed	20,705	5,912.8
Developed with infill potential	2,963	1,723.2
Partially Vacant	13	1.6
Vacant	2,111	1,439.3
Publicly Owned	93	104.5
<b>URA</b>	<b>13</b>	<b>53.4</b>
Developed	10	20.7
Developed with infill potential	0	0.0
Partially Vacant	0	0.0
Vacant	2	0.1
Publicly Owned	1	32.5

<sup>25</sup> Excludes land owned by the Bend-La Pine School District and the Bend Park and Recreation District, and land within the MDOZ.

<b>Comprehensive Plan Designation</b>	<b>Number of Taxlots</b>	<b>Total Acres</b>
<b>Commercial / Industrial Designation<sup>26</sup></b>	<b>54</b>	<b>8.0</b>
Developed	53	6.8
Developed with infill potential	0	0.0
Partially Vacant	0	0.0
Vacant	0	0.0
Publicly Owned	1	1.2
<b>PF</b>	<b>164</b>	<b>427.5</b>
Developed	68	47.2
Developed with infill potential	2	0.6
Partially Vacant	0	0.0
Vacant <sup>27</sup>	67	22.6
Publicly Owned <sup>28</sup>	27	357.1
<b>Grand Total</b>	<b>34,282</b>	<b>12,645.9</b>

### Step 3 – Define and Categorize Employment Land

Following is a detailed description of how different types of employment land were defined for purposes of the BLI and tables summarizing the total acres of land in different categories.

#### Definitions

The BLI status for all land planned or zoned for employment use (including mixed use designations & zones) was assigned using the statutory definitions for employment land, with the exception of school and park land.<sup>29</sup>

- Vacant - a lot or parcel equal to or larger than one half-acre not currently containing permanent buildings or improvements; or equal to or larger than five acres where less than one half-acre is occupied by permanent buildings or improvements.
- Developed - All other employment land is identified in the BLI map as developed, although only a subset of this will meet the state definition of “developed” land that may be part of the inventory of available employment land ("Developed Land" means non-vacant land that is likely to be redeveloped during the planning period).

<sup>26</sup> These lands have a comprehensive plan designation of CC, CG, CL, or IL, but have a zoning designation of RS or RM and are considered part of the Residential inventory.

<sup>27</sup> The vacant land that has a PF designation and is included in the residential BLI is zoned RS and includes land platted as part of residential subdivisions, and one large parcel (roughly 14 acres in southeast Bend) under common ownership with adjacent vacant RS-designated land.

<sup>28</sup> This category includes the Central Oregon Irrigation District (COID) property that has a PF designation and residential zoning. However, the site is encumbered by a view easement and is not considered developable through the year 2035. See Appendix D for details.

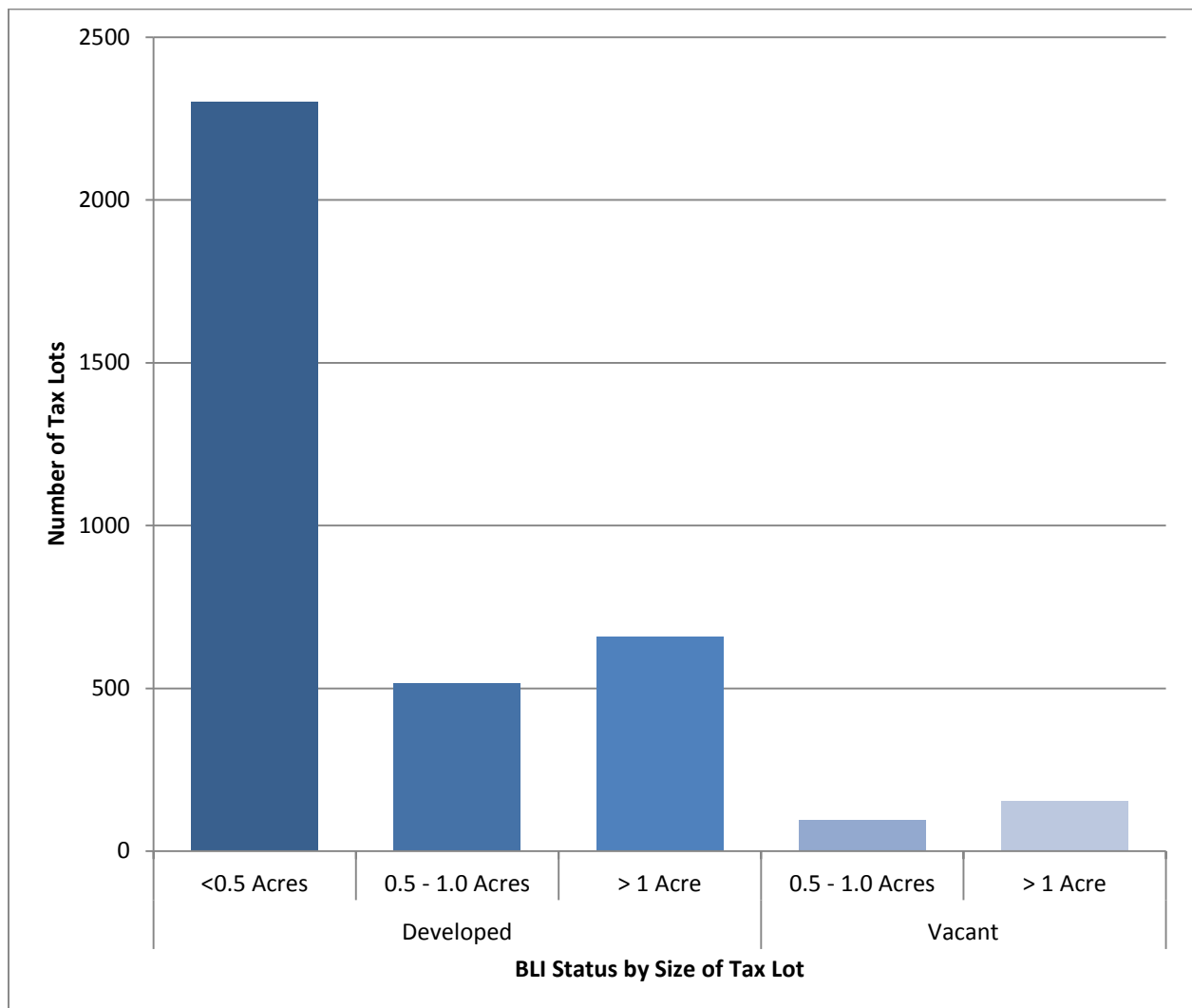
<sup>29</sup> OAR 660-009-0005(1) and (14)

A map of BLI status of employment lands is shown in Figure 6. Detailed maps are provided in Appendix A.

**Table 3. Tax Lots and Acres by Employment BLI Status (Excludes School and Park Land)**

<b>Employment BLI Status</b>	<b>Number of Tax Lots</b>	<b>Total Acres</b>
Developed	3,451	2,762
Vacant	247	1,056
<b>Grand Total</b>	<b>3,698</b>	<b>3,818</b>

**Figure 4. Developed and Vacant Employment Land by Number of Tax Lots**



**Table 4. Employment Land by Comprehensive Plan Designation (Excluding Park and School Land)**

<b>Comprehensive Plan Designation</b>	<b>Number of Taxlots</b>	<b>Total Acres</b>
<b>CB</b>	<b>322</b>	<b>40.2</b>
Developed	322	40.2
Vacant	0	0.0
<b>CC</b>	<b>180</b>	<b>77.8</b>
Developed	173	65.8
Vacant	7	12.0
<b>CG</b>	<b>564</b>	<b>724.8</b>
Developed	515	627.8
Vacant	49	97.0
<b>CL</b>	<b>763</b>	<b>374.4</b>
Developed	734	305.4
Vacant	29	69.0
<b>IG</b>	<b>152</b>	<b>196.6</b>
Developed	146	188.2
Vacant	6	8.4
<b>IL</b>	<b>669</b>	<b>1259.3</b>
Developed	579	658.8
Vacant	90	600.5
<b>MDOZ*</b>	<b>186</b>	<b>250.7</b>
Developed	126	75.9
Vacant	20	55.2
<b>ME</b>	<b>335</b>	<b>308.1</b>
Developed	318	270.0
Vacant	17	38.1
<b>MR</b>	<b>453</b>	<b>221.1</b>
Developed	435	180.8
Vacant	18	40.3
<b>PF</b>	<b>45</b>	<b>543.8</b>
Developed	38	457.8
Vacant	7	86.0
<b>PO</b>	<b>2</b>	<b>6.1</b>
Developed	0	0.0
Vacant	2	6.1



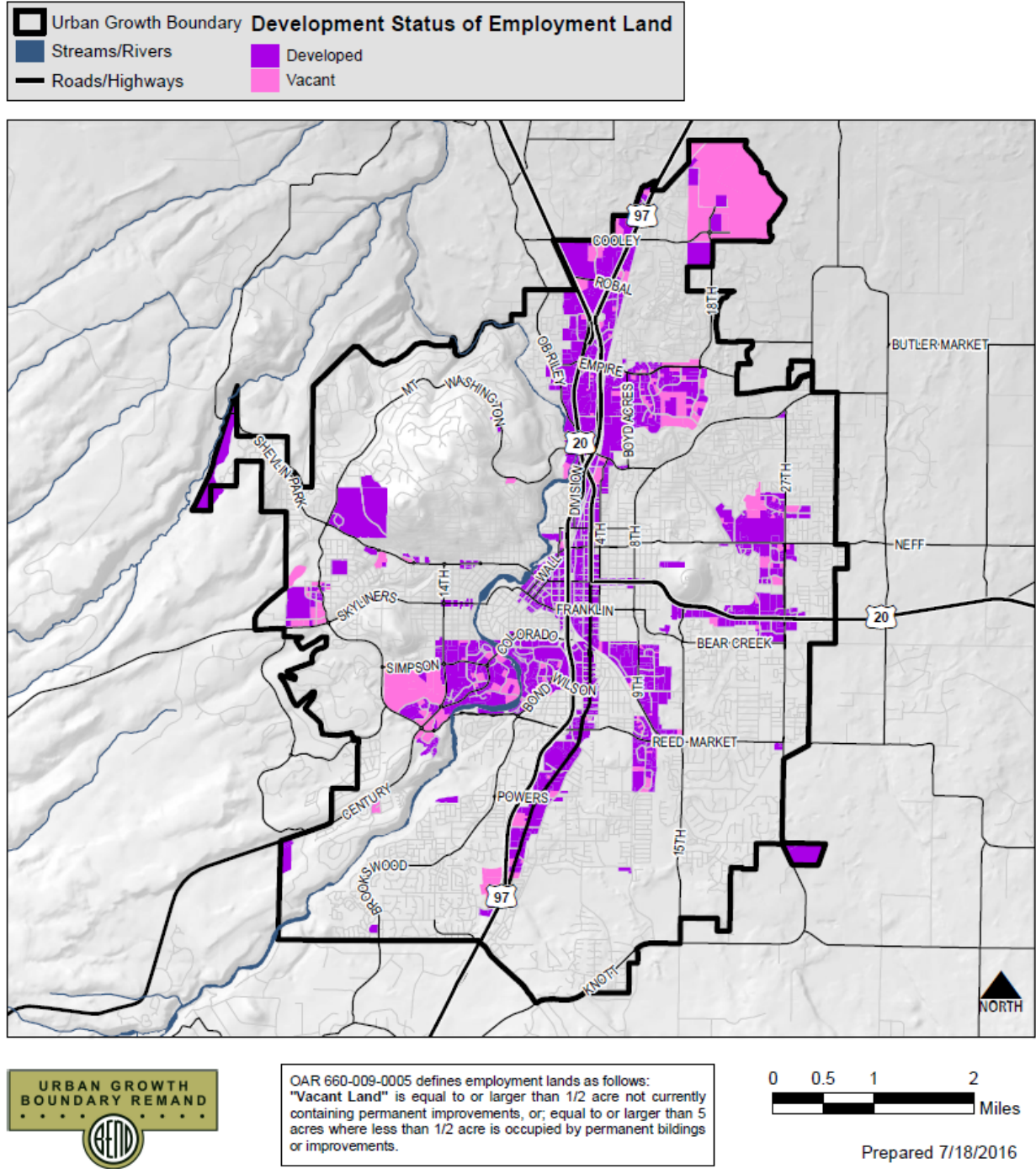
<b>Comprehensive Plan Designation</b>	<b>Number of Taxlots</b>	<b>Total Acres</b>
<b>PO/RM/RS</b>	<b>25</b>	<b>5.8</b>
Developed	25	5.8
Vacant	0	0.0
<b>SM <sup>30</sup></b>	<b>2</b>	<b>43.1</b>
Developed	0	0
Vacant	2	43.1
<b>Grand Total</b>	<b>3,698</b>	<b>3817.5</b>

*\* Land within the Medical District Overlay Zone (MDOZ) is primarily within residential plan designations, but the overlay encourages development of medical and office uses. It is treated separately within the BLI where possible.*

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<sup>30</sup> The two parcels with a surface mining plan designation inside the UGB are now owned by Oregon State University. They are identified as vacant despite the current mining operation on the site.

Figure 5. Employment BLI Status Map (2015)



## Step 4 – Assign Developable Acreage

After assigning a BLI category to residential and employment land, the next step is to identify how much of the land that has some remaining development potential is available. To this end, this BLI uses three attributes related to development capacity for each parcel: “Vacant Acres,” “Developed Acres,” and “Constrained Acres”. “Vacant Acres” are available for development; “Developed Acres” are developed but may potentially undergo redevelopment<sup>31</sup>; and “Constrained Acres,” such as steep slopes or floodplains, are undevelopable. The assignment of acreages to these three categories was done based on the BLI categories described in the previous sections. The Urbanization Report describes how this capacity, measured in acres, is translated into projected housing units and jobs.

Constrained acres are identified first, based on the physical constraints listed in Step 1 (see page 7). Land developed with certain types of uses, such as private right-of-way, canal right-of-way, utilities, developed schools and parks, open space in common ownership (e.g. homeowners associations), and cemeteries, is also assigned to the “constrained” category. This land was categorized as “constrained” rather than “developed” because it does not have a strong likelihood of redevelopment within the planning horizon, even if adjacent land used for private development may have redevelopment potential.

The remaining acreage of each parcel is classified as vacant or developed as described below.

### *Developable Acreage: Residential Land*

The methodology for assigning vacant and developed acres for residential land is summarized below by BLI category.

#### *Vacant*

All unconstrained acreage was coded as vacant. Developed acreage was set to zero.

#### *Developed*

All unconstrained acreage was coded as developed. Vacant acreage was set to zero.

#### *Lots Large Enough for an Additional Unit under Current Zoning (“Partially Vacant”) and Lots Large Enough to Divide Under Current Zoning (“Developed with Infill Potential”)*

The overall assumption is that lots in these categories are made up of a mix of developed and vacant land. The amount of land that is committed to existing structures was estimated based on building footprint information (where available) and/or zoning requirements (see details below). Where there was less than ½ acre available after accounting for land committed to existing structures, the unconstrained portion of the tax lot was coded as Developed. Where there was greater than ½ acre available, the land committed to existing structures was coded as developed, and the estimated remaining available amount was coded as Vacant.

Methodology to assign vacant and developed acres for “Partially Vacant” and “Developed with Infill Potential” is as follows:

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<sup>31</sup> See Chapter 2 of the Urbanization Report for methodology used in forecasting redevelopment.

1. Calculate Zoning Required Acres - Methodology was based on Table 2.1.500 from Bend's Zoning Code. The area that is "committed" based on the existing zoning equals the number of units times the minimum lot size or the area required for each unit. The remaining acreage that is "available" under the existing zoning is then subtracted from the constrained land.
2. Calculate Building Footprint Area - Using a 2004 building footprint layer plus a 10-foot buffer from all mapped buildings, summed the total square feet of building footprint and buffer by tax lot. For tax lots with development but no building footprint information, used average building footprint + buffer area square footages for the same number of units (1 unit: 5000sf, 2 units: 5500 sf, 3-4 units: 6650 sf). For the two lots with >4 units and no building footprint info, used aerial photo and/or comparable adjacent lot to approximately measure area around existing buildings.
3. Calculate Vacant and Developed Area
  - a. Where either acres available under zoning or acres remaining after subtracting building footprints & buffers are less than ½-acre, code unconstrained portion of lot developed.
  - b. Where both acres available under zoning and acres remaining after subtracting building footprints & buffers are more than a half-acre, code the greater of the two as the developed acres, with the remainder coded as vacant.

**Table 5. Developed and Vacant Acres on Residential Land (Excludes School and Park Land)**

<b>Plan Designation and Development Status</b>	<b>Vacant Acres</b>	<b>Developed Acres</b>
<b>RH</b>	<b>24.0</b>	<b>111.0</b>
Developed	0.0	43.9
Developed with infill potential	4.5	41.9
Partially Vacant	0.0	6.0
Publicly Owned	0.0	19.2
Vacant	19.5	0.0
<b>RL</b>	<b>167.9</b>	<b>1,389.1</b>
Developed	0.0	1339.8
Developed with infill potential	116.8	42.9
Partially Vacant	0.0	0.5
Publicly Owned	0.0	5.9
Vacant	51.1	0.0

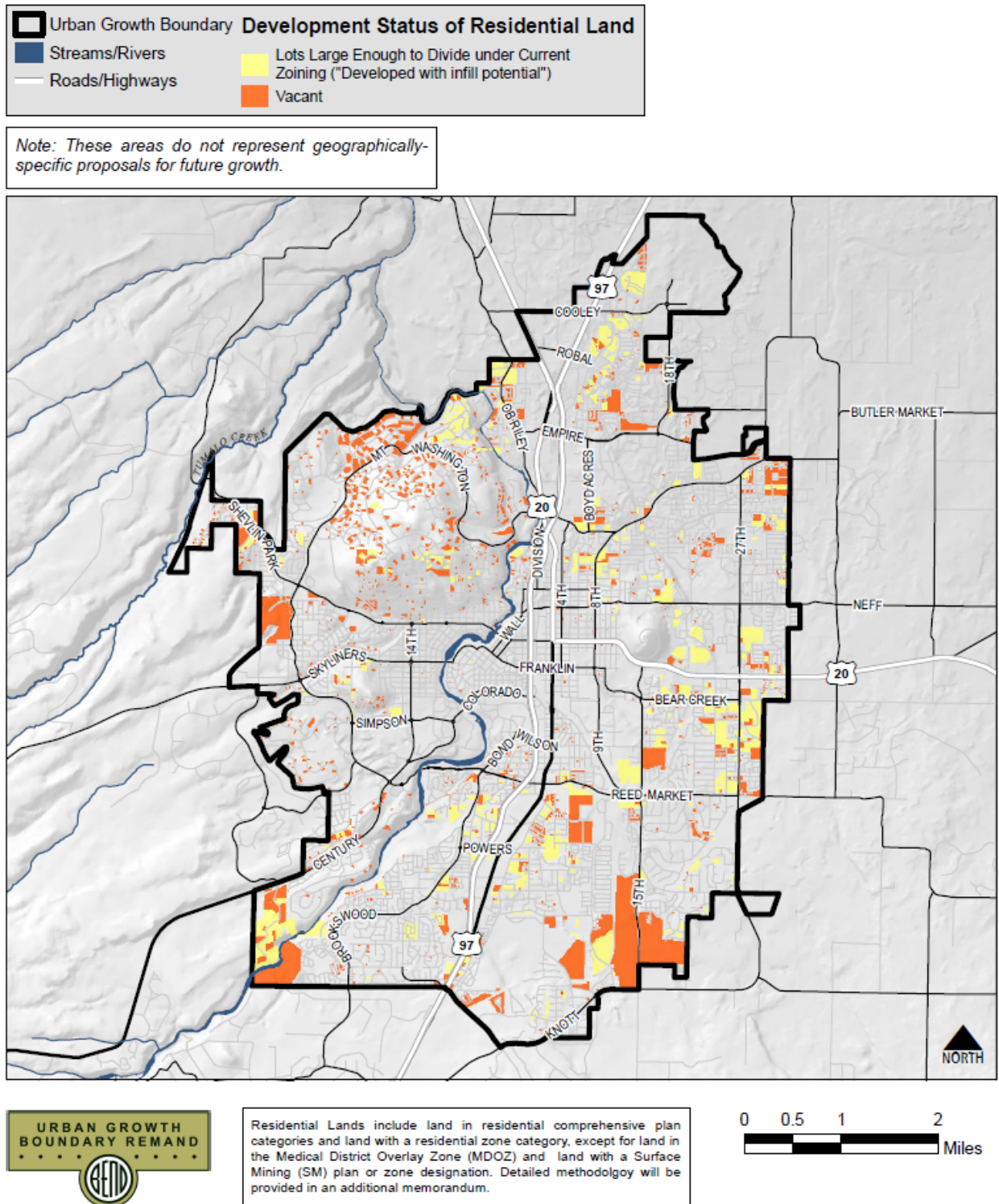
<b>Plan Designation and Development Status</b>	<b>Vacant Acres</b>	<b>Developed Acres</b>
<b>RM</b>	<b>291.8</b>	<b>846.8</b>
Developed	0.0	292.3
Developed with infill potential	118.8	462.7
Partially Vacant	0.0	84.1
Publicly Owned	0.0	7.7
Vacant	173.0	0.0
<b>RS</b>	<b>1,905.5</b>	<b>6,409.9</b>
Developed	0.0	5328.7
Developed with infill potential	622.9	998.9
Partially Vacant	0.0	1.6
Publicly Owned	0.0	80.8
Vacant	1,282.6	0.0
<b>URA</b>	<b>0.1</b>	<b>51.9</b>
Developed	0.0	19.3
Publicly Owned	0.0	32.5
Vacant	0.1	0.0
<b>Commercial / Industrial Designations<sup>32</sup></b>	<b>0.0</b>	<b>5.6</b>
Developed	0.0	4.4
Publicly Owned	0.0	1.2
<b>PF</b>	<b>92.4</b>	<b>35.5</b>
Developed	0.0	9.7
Developed with infill potential	0.0	0.6
Publicly Owned	69.9	25.2
Vacant	22.4	0.0
<b>Total</b>	<b>2,481.6</b>	<b>8,849.8</b>

As Table 6 shows, there were no tax lots identified as “Lots Large Enough for Additional Units under Current Zoning (Partially Vacant)” that received any vacant acreage. This is because there were no tax lots with this designation that passed the screen detailed in footnote on the previous page. Furthermore, there were no tax lots with this designation greater than ½ acre in total, as shown in the chart in Figure 2.

<sup>32</sup> These lands have a comprehensive plan designation of CC, CG, CL, or IL, but have a zoning designation of RS or RM and are considered part of the Residential inventory.



Figure 6. Residential BLI Status – Taxlots with Vacant Acreage



Prepared 2/9/2016

### *Developable Acreage: Employment Land*

Based on the State's definitions, the extent of physical development was estimated based on aerial photography for parcels over five acres with some improvements. This information was used to classify land into a BLI category, but it was also used to identify vacant and developed portions of those parcels, so that a large parcel with some development but significant vacant acreage is identified as having both vacant and developed acres, to more accurately reflect its (re)development potential. This is consistent with OAR 660-009-0005, because this area represents land that is "likely to be redeveloped during the planning period".

**Table 6. Developed and Vacant Acres on Employment Land**

<b>Plan Category and Employment BLI Status</b>	<b>Vacant Acres</b>	<b>Developed Acres</b>
<b>CB</b>	<b>0.0</b>	<b>37.8</b>
Developed	0.0	37.8
Vacant	<b>0.0</b>	<b>0.0</b>
<b>CC</b>	<b>11.6</b>	<b>65.8</b>
Developed	0.0	65.8
Vacant	11.6	0.0
<b>CG</b>	<b>117.1</b>	<b>610.4</b>
Developed	22.0	599.4
Vacant	95.1	10.9
<b>CL</b>	<b>84.3</b>	<b>281.1</b>
Developed	20.3	281.1
Vacant	64.0	0.0
<b>IG</b>	<b>7.8</b>	<b>178.0</b>
Developed	0.0	178.0
Vacant	7.8	0.0
<b>IL</b>	<b>638.4</b>	<b>595.3</b>
Developed	44.7	595.3
Vacant	593.7	0.0
<b>MDOZ*</b>	<b>72.6</b>	<b>176.8</b>
Developed	17.4	176.8
Vacant	55.1	0.0
<b>ME</b>	<b>92.5</b>	<b>200.3</b>
Developed	54.6	200.3
Vacant	37.9	0.0
<b>MR</b>	<b>32.5</b>	<b>126.5</b>

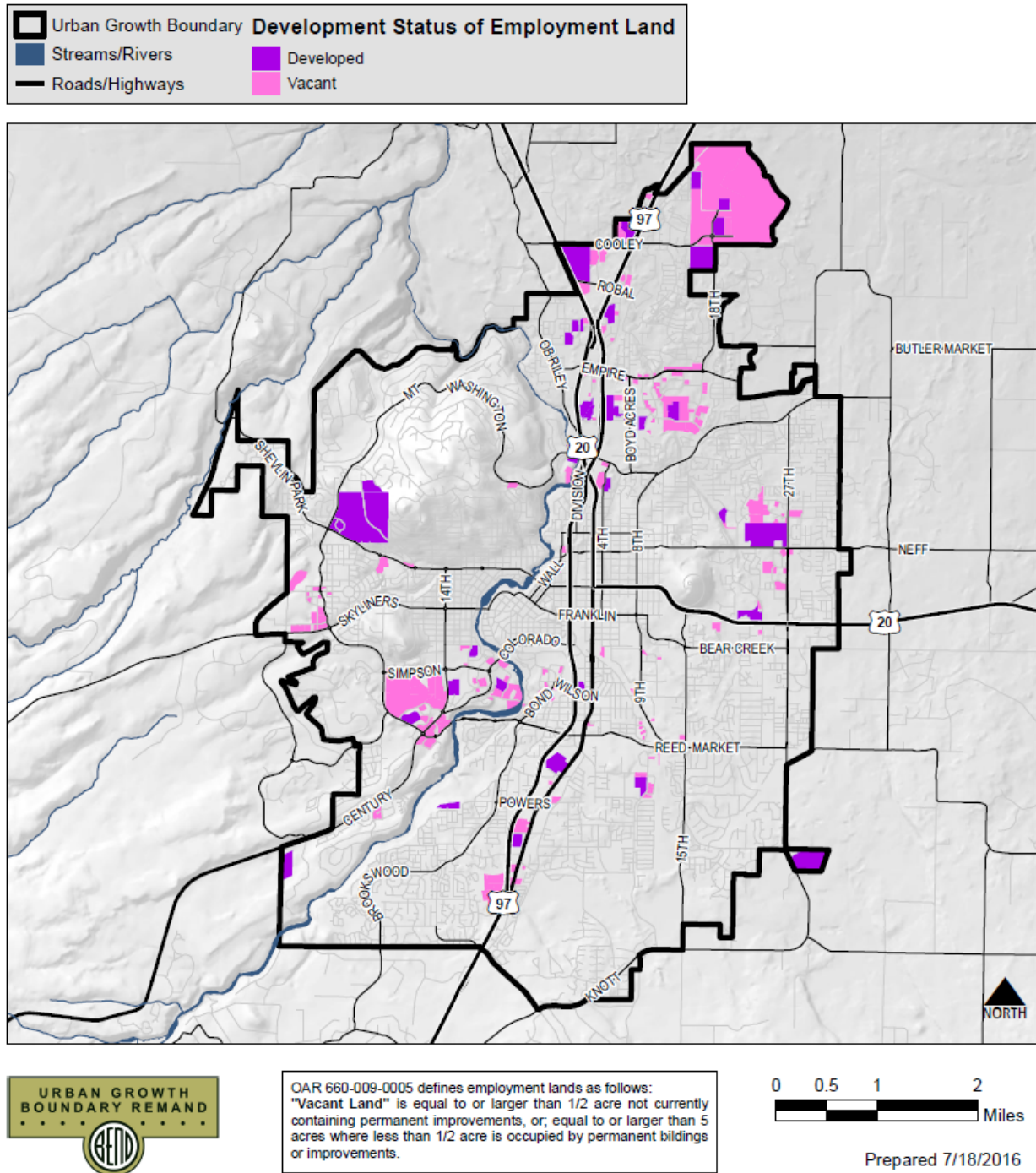
<b>Plan Category and Employment BLI Status</b>	<b>Vacant Acres</b>	<b>Developed Acres</b>
Developed	0.0	126.5
Vacant	32.5	0.0
<b>PF</b>	<b>125.7</b>	<b>155.7</b>
Developed	113.4	155.7
Vacant	12.3	0.0
<b>PO</b>	<b>6.0</b>	<b>0.0</b>
Developed	0.0	0.0
Vacant	6.0	0.0
<b>PO/RM/RS</b>	<b>0.0</b>	<b>5.8</b>
Developed	0.0	5.8
Vacant	0.0	0.0
<b>SM<sup>33</sup></b>	<b>27.2</b>	<b>0.0</b>
Developed	0.0	0.0
Vacant	27.2	0.0
<b>Grand Total</b>	<b>1,215.7</b>	<b>2,433.6</b>

\* Land within the Medical District Overlay Zone (MDOZ) is primarily within residential plan designations, but the overlay encourages development of medical and office uses. It is treated separately within the BLI where possible.

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<sup>33</sup> The Oregon State University (OSU) site on Century Dr. has a surface mining designation. It was identified as a special site for a university, and was considered available for that purpose.

Figure 7. Employment BLI Status - Taxlots with Vacant Acreage



### *Developable Acreage: Publicly Owned Land*

Publically owned lands were classified as developed because they are generally unavailable for residential development or redevelopment. If the public owner has indicated to the City that the land is available for development, it has been classified that way, such as Juniper Ridge, which is owned by the City of Bend and considered available for employment uses. Staff contacted numerous public agencies who are land owners and requested they provide a list of surplus lands they intend to not develop for their public purposes. Note that certain public land, such as canal right-of-way, utilities, developed schools and parks, was categorized as “constrained” rather than “developed” because it does not have a strong likelihood of redevelopment within the planning horizon, even if adjacent land used for private development may have redevelopment potential. “Developed” acres on publicly-owned land are generally developed with institutional or administrative uses other than K-12 public schools, such as public offices and maintenance facilities.

**Table 7. Developed and Vacant Acres on Publicly Owned Land**

<b>Plan Category</b>	<b>Vacant Acres</b>	<b>Developed Acres</b>
CB	0.0	3.1
CG	10.9	12.8
CL	2.2	8.8
IG	0.0	2.7
IL	455.7	24.5
ME	7.5	26.9
MR	0.0	6.7
PF <sup>34</sup>	195.0	477.3
RH	1.1	23.7
RL	0.0	5.9
RM	0.0	42.5
RS	0.0	167.1
URA	0.0	47.5
<b>Grand Total</b>	<b>672.5</b>	<b>849.6</b>

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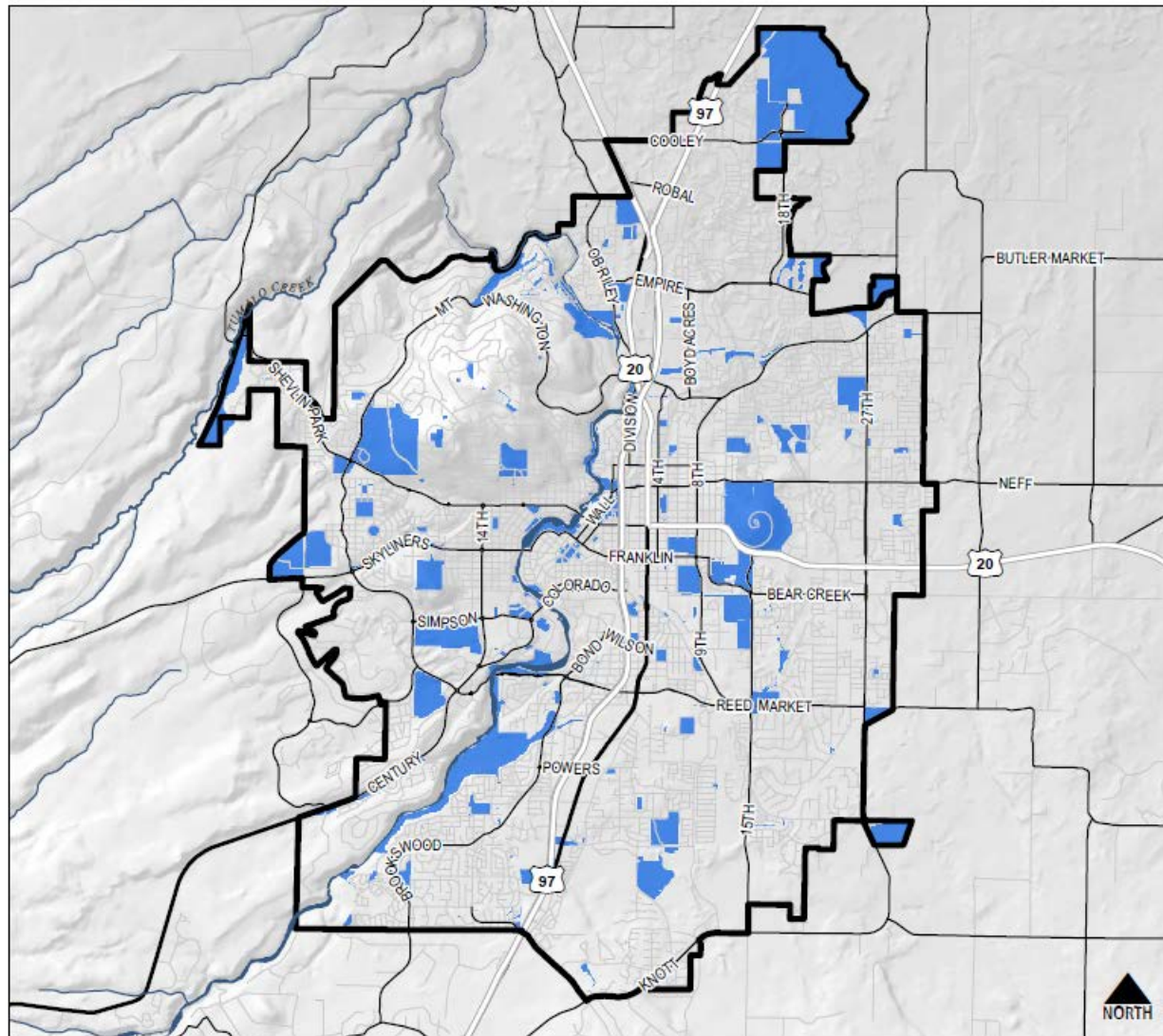
<sup>34</sup> The Central Oregon Irrigation District (COID) owns a 100-acre property that has a plan designation of PF, zoning of RS. This land is part of the residential land inventory shown on Figure 6 due to its RS zone, but has no development capacity within the planning horizon due to a view easement (See Appendix D). As part of the UGB proposal, the City is proposing change the plan designation of this property to RS in order to facilitate future development once the view easement expires.



Figure 8. Publicly Owned Land



*Note: These areas do not represent geographically-specific proposals for future growth.*



## CONCLUSION

The primary outcome of the Buildable Lands Inventory is a GIS dataset with values for vacant and developed acres for each parcel within the City of Bend UGB. These values provide a basis for estimating future development and redevelopment. The assumptions that have been applied to this inventory to estimate capacity are documented in the Urbanization Report, which estimates the potential for growth of housing and jobs within the current UGB based on existing conditions, as well as alternate growth scenarios involving changes to the Comprehensive Plan map and development code.

## APPENDIX A – GLOSSARY

### Plan Designations

Plan designations are spelled out below. For additional information, see the Bend Comprehensive Plan.

#### *Residential Designations:*

RL: Residential Low Density

RS: Residential Standard Density

RM: Residential Medium Density

RH: Residential High Density

SR2.5: Suburban Low Density Zone

#### *Employment/Mixed Use Designations:*

CB: Central Business District

CC: Community Commercial

CG: General Commercial

CL: Commercial Limited

MR: Mixed Riverfront.

ME: Mixed Employment

PO: Professional Office

SM: Surface Mining

IL: Industrial Limited

IG: Industrial General

PF: Public Facilities

## **APPENDIX B – WATERWAY OVERLAY ZONE INFORMATION**

This appendix contains information regarding treatment of the Waterway Overlay Zone in the BLI.

OAR 660-008-0005(2) states that:

*(2) "Buildable Land" means residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered "suitable and available" unless it:*

- (a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7;*
- (b) Is subject to natural resource protection measures determined under statewide Planning Goals 5, 15, 16, 17, or 18;*
- (c) Has slopes of 25 percent or greater;*
- (d) Is within the 100-year flood plain; or*
- (e) Cannot be provided with public facilities.*

\* \* \*

### Waterway Overlay Development History

The City adopted the Deschutes River Design Review in 1985 (NS-1414) and the Flood Plain Combining Zone in 1987 (NS-1462), to regulate development along the Deschutes River. The main purpose of the Deschutes River Design Review is to maintain the scenic quality within and adjacent to the Deschutes River. Deschutes River Design review establishes three different building setbacks, 30, 40 and 100 feet, based on zoning and location. The 30 foot setback is applied to commercial properties, the 40 foot setback applies to all other properties within the core of the city. The 100 foot setback applies to properties outside the core, as identified as being south of the Arizona/Commerce line and north of Sawyer Park on the east side and north of Flume Park on the west side out to the UGB. Only the Planning Commission can grant exceptions to the setbacks.

The Waterway Overlay Zone was adopted in 2002 and combines four different sub-areas; the existing Deschutes River Design Review and Floodplain Combining Zone, the new Goal 5 Riparian Corridor protection and the River Corridor Areas of special interest into one code. Each sub-area has its own set of standards and setbacks for protection.

**Riparian Corridor Sub-zone** – The Riparian Corridor identifies a Goal 5 resource along the Deschutes River and Tumalo Creek based on the "safe harbor" rules. The Riparian corridor boundary is determined by slope as measured from the ordinary high water mark or upland edge of a wetland. Steep slopes are considered to exist when an area has sixty percent or greater slope; and a vertical rise of 20 feet or more; and a continuous horizontal length of 50 feet or more. Along the east and west banks of the Deschutes river, the boundary varies from 30 to 75 feet in width. The code describes the different boundary setbacks for the various reaches of the river. For Tumalo Creek, both sides of the creek have a 50 foot wide boundary for the length of the creek inside the city limits. Development is prohibited within the Riparian Corridor boundary.

**Deschutes River Corridor Design Review** – As stated above, the Deschutes River



Corridor Design Review establishes three different building setbacks based on zoning and location along the river. The most restrictive is the 100 foot setback located primarily outside the main core of the city. Development is prohibited but exceptions can be granted by the Planning Commission. Typical exceptions granted have been for at grade patios and decks, fences and building overhangs, not new residential units.

**River Corridor Area of Special Interest Sub-Zone** – The River Corridor ASI sub-zone strives to protect unique geologic features that exist along the river corridor and enhance the experience within the corridor. The focus is primarily on the river canyons along the north and south reaches of the river and the associated native vegetation. The river corridor ASI is inclusive of the Riparian Corridor sub-zone. The River Corridor ASI sub-zone prohibits development within the ASI and establishes a minimum building setback of 30 feet from the canyon rim for buildings. The setback increases for taller buildings. Exceptions have been authorized for utilities and roads when no other practical option is available.

The River Corridor ASI provides a development credit for property owners that protect and preserve an ASI. The property owner can benefit from a density credit equivalent to the area being preserved or receive reduced development standards in the form of landscaping, parking reduction or setback reduction.

**The Floodplain Combining Zone** – This sub-area does not prohibit development but does require development obtain a building permit to meet FEMA construction standards. This sub-area generally overlaps one or more of the other sub-areas whereby prohibiting development.

The Waterway Overlay Zone (WOZ) applies to both the Deschutes River and Tumalo Creek. The WOZ is defined as the most landward edge of the four sub-areas. Since adoption in 2002, no developer or land owner has taken advantage of the development credit offered in the River Corridor ASI sub-zone. Most land use applications subject to the WOZ are single family homes requesting approval for remodel.

In 2004, Rocky Point was approved for 16 lots with attached townhomes and one lot with an existing detached home on a 7.57 acre parcel zoned RS. The original proposal called for 5 lots with detached homes located within the WOZ. The developer eliminated those lots and ultimately dedicated the land within the WOZ totaling 3.42 acres to the BMPRD.

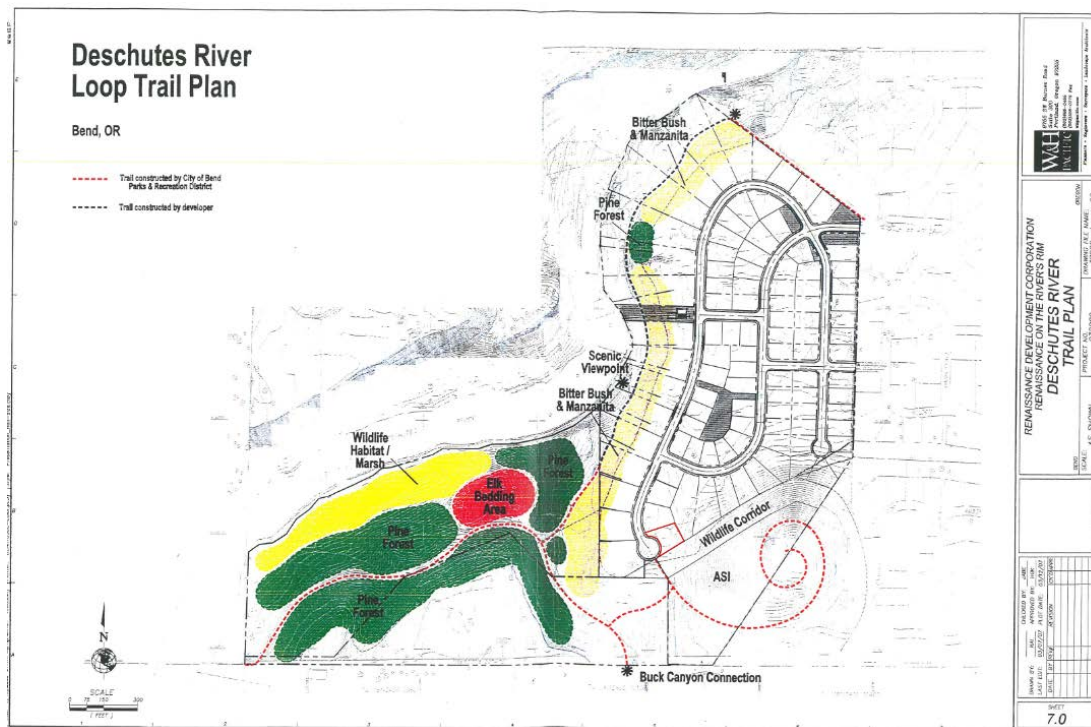
In 2001, River Canyon Estates platted lots along the river canyon. Aware of the forthcoming Waterway Overlay code, the developer worked with the city to designate the 30 foot minimum rim setback. Each home constructed on a rim lot must meet the 30 foot minimum setback/step-back depending on building height.

In 2002, Otter Run, located in the MR zone and subject to the 100 foot Deschutes River Design Review setback, applied for approval to encroach into the 100-foot setback area to construct decks and roof overhangs for five (5) townhomes located within a previously approved zero-lot line development. The Planning Commission granted an encroachment of up to 12 feet for uncovered decks, 18 inches for roof overhangs and

were allowed to place a 3 ft wrought iron fence within the 100 foot setback. No additional structures could be constructed within the setback.

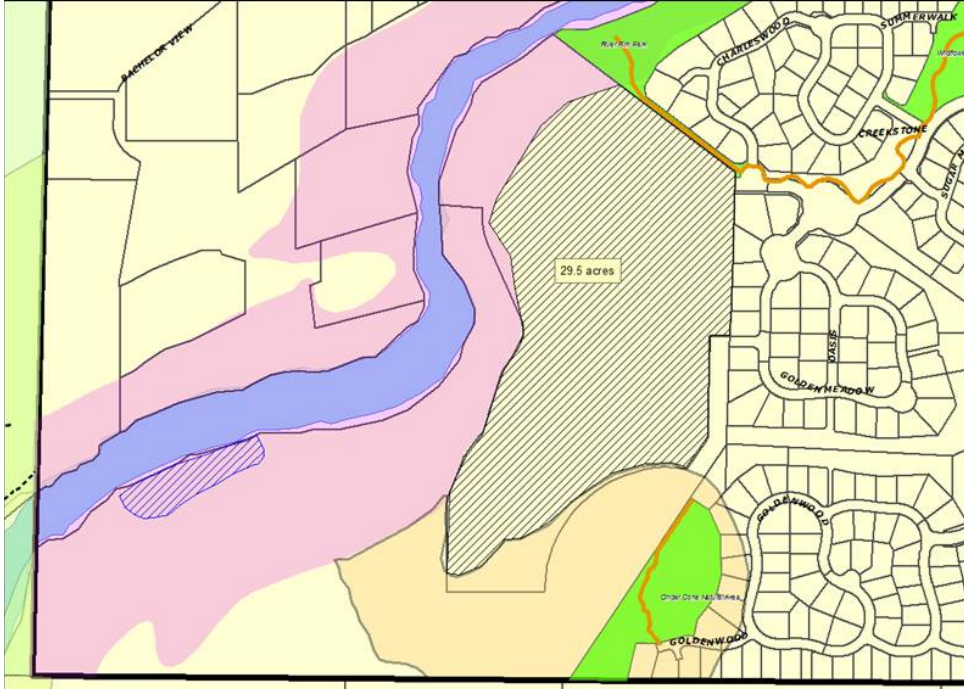
In 2006, Renaissance Development and Stosh Thompson applied for a 101 lot subdivision on 81.4 acres on the east side of the Deschutes River next to the River Rim Community. The property included 7 acres of land identified as the Upland ASI. The developer proposed dedicating the Upland ASI land to the BMPRD. There was an additional 20 acres west of the ASI that was set aside as a wildlife preserve. The remaining developable land was approximately 54 acres.

As part of the Renaissance Development the developer was in conversation with the Park District to deed the upland ASI, the river Corridor ASI and a trail easement. Below is the master plan map.



The project was ultimately appealed to LUBA. When the issues were resolved, the state was in the middle of the recession and the project expired.

Stosh Thompson has since done lot line adjustments segregating out the developable land from the River Corridor ASI and the Upland ASI. The developable portion is about 30 acres. A map showing the adjusted lots is shown below.



Approximately 20 years ago Mr. Thompson placed all of his land holdings into Open Space deferral for tax purposes. Anyone seeking to develop the land is required to pay the deferred taxes. This could amount to millions of dollars depending on the size of the land development. That might explain why so much of the land was left as open space as part of the Renaissance Development proposal.

### Upland ASI Development History

The Upland ASI's have been part of the Bend Area General Plan since 1975. Upland ASI's are important geologic natural features in the landscape that help define the community. They were inventoried by a volunteer group in 1999 and eventually incorporated into the Development Code in 2001 as areas to preserve. They were never adopted as a Goal 5 Open Space resource. Over the years some ASI's have been removed from the inventory through a plan map amendment. These have been mostly in the commercial and industrial areas of Bend. For the most part, the residential ASI's have been retained and incorporated into the development as open space or dedicated/sold to the BMPRD as park land. Like the River Corridor ASI's, there is a development credit for retaining an Upland ASI which includes a density transfer. However, no one has ever take advantage of the density credit.

### Reasonable Assumption for Renaissance Development Parcel

Assume the adjusted development area of 30 acres will develop at 4 units per acre maximum capacity. The remaining land will likely be transferred to the Park District and remain as open space.

## **APPENDIX C – COVENANTS, CONDITIONS AND RESTRICTIONS**

This appendix contains information regarding treatment of the Covenants, Conditions and Restrictions (CC&R's) in the BLI.

SubDiv	Cnt_SubDiv	CCR's Present	Copy of CCRs	Restriction Type	Recorded Page	Additional References
AIRPARK ESTATES	34	yes	yes	1 sfr per lot	Page 1, para #1	
ASPEN VILLAGE AT MOUNTAIN HIGH	27	Yes	Yes	none restricting further land division of lots		
AWBREY BUTTE HOMESITES PHASE FIFTEEN	41	Yes	Yes	No lot division allowed	See above	
AWBREY BUTTE HOMESITES PHASE TWENTY-TWO	41	Yes	Yes	No lot division allowed	See above	
AWBREY GLEN HOMESITES PHASE ONE	42	Yes	Yes	No lot division allowed	See above	
AWBREY GLEN HOMESITES PHASE SIX	35		Yes	Section 6.11 prohibits more than one home per homesite.	92-2557098-18915	
AWBREY PARK		Yes		See 8.5 - no lot may be subdivided.	2003-84437	
AWBREY ROAD HEIGHTS		Yes	Yes	See 4.11 - no more than one single family residence shall be erected or placed on any lot	2002-41185	
AWBREY VILLAGE PHASE 1	29	Yes	Yes	See 4.21 - no lot can be partitioned or subdivided	474-0876	
AWBREY VILLAGE PHASE 2	34	yes	yes	1 sfr per lot	para 4.11, 72-902	
AWBREY VILLAGE PHASE 3	35	Yes	Yes	Section 3.22 prohibits the further subdivision of lots.	2002-36911	
AWBREY VILLAGE PHASE 5	25	Yes	Yes	No subdividing	Sec. 3.22; pg. 12	
BEND PARK	139	yes	no	n/a	199-493	
BOULDER RIDGE PHASE TWO	22	Yes	yes	See (2)(d) - single family home only	457-1053	
BOULEVARD ADDITION TO BEND	35	No	---	---	---	
BROKEN TOP PHASE I-E	25	Yes	Yes	No partition; no subdivision w/o Board approval	Article VII, pg. 21; Article XII, Sec. 12.6.(b)(iii) pg. 35	
BROKEN TOP PHASE II-C	22	Yes	Yes	master plan and maximum # of units	352-1529, 353-0578	
BROKEN TOP PHASE III-A	22	Yes	Yes	master plan and maximum # of units	352-1529, 353-0578	
BROKEN TOP PHASES 1-A AND 1-B	42	Yes	Yes	No lot division allowed	See above	
BROKEN TOP PHASES 1-C AND 1-D	26	Yes	Yes	master plan and maximum # of units	352-1529, 353-0578	
BROKEN TOP PHASES IV-A IV-B & IV-C	32	yes	yes	max # units in master plan	para 1.2	
BROOKSIDE	30	yes	yes	a residence per property (lot), 25' setbacks	Page 1, para 1	
BROOKSIDE FIRST ADDITION	22	Yes	Yes	none restricting redevelopment or land division		
CENTENNIAL GLEN	44	Yes	Yes	Arch Standards small lots lot division unlikely	2005-8345	
CENTER ADDITION TO BEND	128	no	no	n/a	n/a	
CHOCTAW VILLAGE	46	Yes	Yes	Setbacks and use restrictions - subdivision unlikely	254-761	
CITY VIEW PHASE II	34	Yes	Yes	Section 4.11 prohibits more than one single family residence on any lot. Lots may only be adjusted by lot line adjustment, no new lots.	89-1082890-0205793-3829195-37416	
CITY VIEW SUBDIVISION PHASE I	26	Yes	Yes	none restricting further land division of lots		
CLEAR SKY ESTATES	135	yes	no	n/a	248-401	
COULTER	38	Yes	Yes	Section 9.5 prohibits the subdivision of a lot.	2006-200852007-05739	
DESCHUTES	129	no	no	n/a	n/a	Historic District
EAST KNOLL SECTION OF SUNRISE VILLAGE	36	Steve	None found on county website for "East Knoll Section of Sunrise Village". The Plan of Sunrise Village does include CC&Rs. Subsequent phases of Sunriver Village all subject to CC&Rs..	Yes, are Book 279, 210'---	The Plan of Sunrise Village does include CC&Rs. Section 5 limits to a single family residence and where two lots are combined, only one residence per combined lot is permitted.'---'---	Book 279, Page 210
EASTWOOD ADDITION	48	No	No	Unlikely redev due to home placement and type		
EDGECLIFF	37	None found on county website.	---	---	---	
ELLIS SUBDIVISION	38	None found on county website. Confirm whether to verify with title company.	---	---	---	
FIRST ADDITION TO BEND PARK	193	yes	no	no liquor!	199-493	
FOREST GROVE ESTATES PHASE I	26	Yes	Yes	none restricting redevelopment or land division		
FOREST GROVE ESTATES PHASES 3 AND 4	21	Yes	Yes	none restricting redevelopment or land division		
FOREST HILLS PHASE I	23	Yes	Yes	One dwelling per lot	346-2853	Section 4.11
FOREST HILLS PHASE II	21	Yes	Yes	See 4.1.1 - not more than one sfd / lot	346-2853	
FOREST HILLS PHASE IV	21	Yes	Yes	See 4.1.1 - not more than one sfd / lot	346-2853	
GLENSHIRE PHASES I & II	39	Yes	Yes	No restriction on subdivision.	2002-54529	
HIGH DESERT VILLAGE	45	Yes	Yes	No restriction but no room for additional units	2000-50252	
HIGHLAND ADDITION	37	None found on county website for "Highland Addition".	---	---	---	
HOLLIDAY PARK	34	Yes	Yes	Section 4.11 prohibits more than one single family residence on any lot. Lots may only be adjusted by lot line adjustment, no new lots.	91-17754 91-17756 1999-15901 2003-08854 2004-57182 2007-46904	

HOLIDAY PARK FIRST ADDITION	30	yes	yes, + aerial	sfr or mf ... 3.07 ac redevelopable		
HOLLOW PINE ESTATES PHASES III AND IV	29	Yes	Yes	none restricting further land division of lots		
KENWOOD	172	yes	no	n/a	280-409	
KENWOOD GARDENS	43	No	No	No restriction except slope		
KEYSTONE TERRACE	38	Steve	Yes	Yes	Affordable housing restrictive covenant.	2012-018357
KINGS FOREST	32	yes	yes	one sfr per lot	Page 1, para #1	
KINGS FOREST FIRST ADDITION	27	Yes	Yes	one single family dwelling per parcel of land	234-1	
KNOLL HEIGHTS	26	Yes	Yes	none restricting land division		
MILL ADDITION TO BEND	78	no	no	n/a	n/a	Historic District
MILLER HEIGHTS PHASE I	21	Yes	Yes	See 4.21 - no lot partitioned or subdivided	436-1061	
MOUNTAIN GATE	31	yes	yes	restricted to sfr/ unit (lot)	Section 5	
MOUNTAIN HIGH	127	yes	yes	residential - unclear	322-707	
MOUNTAIN VIEW PARK PHASE I	43	Yes	Yes	No lot division allowed	327-2526	
MW ACRE TRACTS	33	no	aerial and list of unimproved lots ... total 1.06 ac redevelopable			
NORTH PILOT BUTTE ADDITION	23	Yes	Yes	One dwelling per lot	131-174	Section 1
NORTH RIM		Yes	Yes	See 8.5 - lots must be no less than one acre in size	2004-41671	
NORTHWEST TOWNSITE COMPANYS FIRST ADDITION BEND	31	no	aerial and list of unimproved lots ... total 0.11 (one 4,792 sf lot)			
NORTHWEST TOWNSITE COS SECOND ADDITION TO BEND	34	Yes	Yes	Restrictive covenant re vehicle access (Lots 1 & 2,	2010-07441	
NOTTINGHAM SQUARE	47	Yes	Yes	Unclear but fully built out	200-1082	
OUTBACK SECTION OF SUNRISE VILLAGE	37	None found on county website for 'Outback Section of Sunrise Village'. The Plan of Sunrise Village does includes CC&Rs. Subsequent phases of Sunriver Village all subject to CC&Rs.	Yes, are Book 279, 21	The Plan of Sunrise Village does includes CC&Rs. Section 5 limits to a single family residence and where two lots are combined, only one residence per combined lot is permitted.'---	Book 279, Page 210	
OVERTURF BUTTE	33	yes	yes	1 sfr per lot	para 3.16	
PARK ADDITION TO BEND	230	no	no	n/a	old	Historic District
PARKVIEW TERRACE PHASES I AND II	29	Yes	Yes	none restricting land division		
PARKVILLAGE VILLAGE PHASES 1 2 & 3	22	Yes	Yes	See 6.4(b)(iv) - no subdividing lot into two or more lots		
PHEASANT HILL	41	Yes	Yes	Setback Restrictions	183-75	
PHOENIX PARK PHASE I	22	Yes	Yes	none restricting redevelopment or land division		
PILOT BUTTE PARK DEVELOPMENT PHASE II + IV	37	Yes	Yes	Section 4.31 "Lots may not be subdivided."	95-0418795-05661	
PINE CANYON PHASE FIVE	22	Yes	Yes	See 6.11 - no more than one single family residence	272-1990	
PROVIDENCE PHASE 4	26	Yes	Yes	one dwelling / lot; setbacks on plat	299-2860, 2000-18293, 2007-50373	
PROVIDENCE PHASE 5	23	Yes	Yes	one dwelling / lot; setbacks on plat	299-2860, 2000-18293, 2007-50373	
PROVIDENCE PHASE 6	28	Yes	Yes	one dwelling / lot; setbacks on plat	299-2860, 2000-18293, 2007-50373	
PROVIDENCE PHASE 7	21	Yes	Yes	one dwelling / lot; setbacks on plat	299-2860, 2000-18293, 2007-50373	
QUIET CANYON	42	Yes	Yes	No lot division allowed	2003-26815 pg 1	
RANCH VILLAGE 1ST ADDITION	21	Yes	Yes	none restricting redevelopment or land division		
RAVEN WOOD ADDITION	24	Yes	Yes	No subdividing; 7400 sq. ft. minimum lot size.	Sec. 4, pg. 2	
RIDGEWATER II PUD	43	Yes	Yes	No lot division allowed	253-921 pg 21 section 8.5	
RIDGEWATER PHASES 1 AND 2 PUD	27	Yes	Yes	See 8.4 and 8.5; no lot may be rezoned or subdivided	2002-32624	
RIVER BLUFF SECTION OF SUNRISE VILLAGE	75	yes	yes	1 sf/d/lot	279-385	
RIVER CANYON ESTATES	31	yes	yes	one sfr per lot	ART VI, Section 1	
RIVER CANYON ESTATES NO 4	22	Yes	Yes	1 residence/lot	2002-72315	Article VI, Sec. 1
RIVER TERRACE	187	yes	no	n/a	n/a	
RIVER WILD AT MOUNT BACHELOR VILLAGE PUD PHASE 2	23	Yes	Yes	no rezoning; no subdivision	2004-03466	Sections 9.4 and 9.5
RIVERRIM PUD PHASE 1	82	yes	yes	1 sf/d/lot	2002-22719	
RIVERRIM PUD PHASE 2	25	Yes	Yes	No partition; No subdividing or boundary line change	Article VIII, 8.1; pg. 23; Sec. 12.11; pg. 39	
RIVERRIM PUD PHASE 8	26	Yes	Yes	None	2011-23873	
RIVERS EDGE VILLAGE PHASE II	25	Yes	Yes	No partition	Article VI; pg. 14	
RIVERS EDGE VILLAGE PHASE V	30	yes	yes	a residence per lot	ART II, Section 6	
RIVERS EDGE VILLAGE PHASE VI	23	Yes	Yes	No partition of lot	462-0866	Article 6
ROCKWOOD ESTATES PHASE IV	34	Yes	Yes	Section 3.14 prohibits further subdivision of lot. Lot:	96-4802497-37526	
ROSE TERRACE	33	yes	yes, + aerial	none, fully developed multi family		
SANDALWOOD PHASE 1	21	Yes	Yes	none restricting redevelopment or land division		
SECOND ADDITION TO BEND PARK	130	yes	no	n/a	199-493	
SECOND ADDITION TO WEST HILLS	40	Yes	Yes	Setback restriction and slope	2003-41180	



SHEVLIN CREST	21	Yes	Yes	none restricting redevelopment or land division		
SKYLINER SUMMIT AT BROKEN TOP PHASE 10	26	Yes	Yes	None restricting land division		
SKYVIEW TERRACE	34	None found on county website	---	---	---	
STAATS ADDITION TO BEND	118	no	no	n/a	n/a	Historic District
SUNTREE	32	yes	yes	one sfr per lot	Page 1, para #1	
TANGLEWOOD	43	Yes	Yes	Setbacks and use restrictions - subdivision unlikely	329-408	
TANGLEWOOD PHASE II	32	yes	yes	one sfr per lot	Page 1, para #2	
TANGLEWOOD PHASE III	30	yes	yes	one sfr per lot	Page 1, para #2	
TANGLEWOOD PHASE IV	30	yes	yes	one sfr per lot	Page 1, para #2	
TANGLEWOOD PHASE VI	28	Yes	Yes	No more than one single family dwelling per lot	329-408	
TANGLEWOOD PHASE VII	25	Yes	Yes	No subdividing; One house/lot	Sections 1.b.; 2.; pg.1	
THIRD ADDITION TO BEND PARK	37	Yes	Yes	Affordable housing restrictive covenants.	2001-555142001-554442002-129662002-04465	
TILLCUM VILLAGE	78	Yes	Yes	One residential structure per building lot	148-239, Section 7	
TILLCUM VILLAGE SECOND ADD	45	Yes	Yes	No restriction	184-859	
TIMBER RIDGE	85	yes	yes	residential - unclear	232-885	
TUMALO HEIGHTS	25	Yes	Yes	No subdividing; One house/lot	Sections 2.1.2.; 2.2; pg. 4	
VALHALLA HEIGHTS PHASE I	21	Yes	Yes	none restricting redevelopment or land division		
VALHALLA HEIGHTS PHASE II	39	None found on county website. The plat was recorded in 1978. Confirm whether to verify with title company. The online website contains CC&Rs for Phase IV.	---	---	---	
VALHALLA HEIGHTS PHASE III	39	Yes	Yes	Setback restriction and slope - some subdivision possible	274-352	
WEST HILLS	101	yes	yes	1 sfd/lot	118-455	
WEST RIDGE	48	Yes	Yes	No lot division allowed	348-2804	
WESTBROOK MEADOWS PUD PHASES 1 AND 2	45	Yes	Yes	No lot division allowed 2000-10427-4		
WIESTORIA	191	no	no	n/a	no	
WOODRIVER VILLAGE	141	yes	yes	1 sfd/lot	86-19854	
WOODSIDE RANCH PHASE V	31	yes	yes	a sfr per lot	ART 2, Section 4	
WYNDEMERE	36	Yes	Yes	Section 5.16: Minimum house size is 1200 sq. feet.	88-2192992-145552012-31131	
		yes (2nd layer)	yes	no lot shall be further divided	para 4 .21, 474-0867	
				no subdivision	para 12.6.b.iii	

## **APPENDIX D – VIEW EASEMENT ON COID PROPERTY**

This appendix contains information regarding the view easement on the Central Oregon Irrigation District (COID) property.

89-00944

SCENIC EASEMENT

177 - 0761

WHEREAS, BROOKS RESOURCES CORPORATION, hereinafter called "Brooks", is in the process of developing luxury condominiums on the real property described on Exhibit "A" attached hereto, and

WHEREAS, CENTRAL OREGON IRRIGATION DISTRICT, hereinafter called "District" is in the process of obtaining governmental licenses and permits for a hydroelectric development on the real property described on Exhibit "B" attached hereto, and

WHEREAS, the property described on Exhibit "B" is presently zoned SR-20 and RS, and

WHEREAS, all presently permitted and conditional uses for real property located in Deschutes County zoned SR-20 and RS are set forth on Exhibit "C" attached hereto, and

WHEREAS, Brooks is desirous of obtaining a scenic easement to insure that property uses made of the real property described on Exhibit "B" are compatible with its luxury condominium development,

NOW, THEREFORE, in consideration of the payment of \$10.00 and other valuable consideration, the parties agree as follows:

1. GRANT OF EASEMENT: District hereby conveys to Brooks a scenic easement over and across the real property described on Exhibit "B" on the following terms and conditions:

(a) Other than as required or directed by applicable licensing authorities or irrigation uses, District will not utilize the property described on Exhibit "B" for any of

the permitted or conditional uses as outlined on Exhibit "C".

(b) District will not attempt to obtain a zone change on the property described on Exhibit "B" without the written consent of Brooks. In the event public authorities change the zoning on the property described on Exhibit "B", District will not use the property, other than as required or directed by applicable licensing or irrigation uses.

(c) Except as required by applicable licensing authorities and for irrigation uses, District will maintain the surface of the property described on Exhibit "B" in its present configuration and appearance so as not to cause an unreasonable visual impact to the real property described on Exhibit "A".

2. TERM OF EASEMENT: The easement herein granted shall expire on April 1, 2019, unless grantor at that time is still generating power from its hydroelectric project, in which case the easement will not expire until grantor is no longer generating power from said project or April 1, 2034, whichever occurs first. Prior to said date, the covenants contained in this easement shall run with the land and shall be binding upon and inure to the benefit of the parties and their successors and assigns.

3. RIGHT TO ENFORCE: Grantee, its agents and employees, shall have the right to enter upon the real property described in Exhibit "A" for the sole purpose of enforcing the terms and conditions of this easement, together with the right to remove from the land any improvement, structure, or other offending article from said real property, provided, however,

that Grantee shall be required to utilize existing roads or other normally traveled routes in exercising this right and, provided, further, that this right of enforcement shall not extend to any improvement or structure placed on the property by Central Oregon Irrigation District, and provided, further, that Grantee agrees to indemnify, defend, and hold harmless Grantor from any loss, claim, or liability to Grantor accruing in any manner out of Grantee's exercise of this enforcement right.

DATED This 3rd day of April, 1984.

CENTRAL OREGON IRRIGATION  
DISTRICT

BROOKS RESOURCES CORPORATION

By

Hal Meyers  
Chairman of the Board

By

Michael R. Nelson

By

Ron Nelson  
Secretary-Manager

STATE OF OREGON, County of Deschutes: ss.

The foregoing instrument was acknowledged before me this 3rd day of April, 1984, by Hal Meyers, Chairman of the Board and Ron Nelson, Secretary-Manager of CENTRAL OREGON IRRIGATION DISTRICT, on behalf of the District.

James M. Simpson  
JAMES M. SIMPSON  
NOTARY PUBLIC - OREGON  
My Commission Expires 7/24/86

NOTARY PUBLIC FOR OREGON

My Commission Expires: \_\_\_\_\_

STATE OF OREGON, County of Deschutes: ss.

The foregoing instrument was acknowledged before me this 3rd day of April, 1984, by Michael R. Nelson, President of BROOKS RESOURCES CORPORATION, on behalf of the corporation.

Paul H. Buchanan  
NOTARY PUBLIC FOR OREGON

My Commission Expires: Jun. 22, 1987

MT BACHELOR VILLAGE, a planned unit development,  
located within the City of Bend, Deschutes County,  
Oregon.



PARCEL 1: Those portions of the South half of the Northeast quarter, Southeast quarter of the Northwest quarter, North half of the Northwest quarter of the Southeast quarter, North half of the Northeast quarter of the Southwest quarter, and Southwest quarter of the Northeast quarter of the Southwest quarter of Section 7, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, lying Southeasterly of the centerline of the Deschutes River. Except that portion described in the deed recorded March 29, 1976 in Book 229 Page 677 Deed Records.

PARCEL 2: A parcel of land located in the Southwest one-quarter of Section 7, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Beginning at the Northwest corner of the Southeast one-quarter of the Northeast one-quarter of the Southwest one-quarter (SE $\frac{1}{4}$ , NE $\frac{1}{4}$ , SW $\frac{1}{4}$ ) of said Section 7; thence along the North line of said Southeast one-quarter, Northeast one-quarter, Southwest one-quarter South 89° 55' 37" East 677.85 feet to the Northeast corner of said Southeast one-quarter, Northeast one-quarter, Southwest one-quarter, which is located on the Southeasterly rim of the Deschutes River Canyon; thence along said Southeasterly rim South 68° 29' 55" West 144.77 feet; and south 51° 57' 55" West 121.77 feet; and South 45° 41' 00" West 136.99 feet; and South 22° 42' 27" West 235.95 feet; and South 5° 15' 06" West 89.05 feet; and South 64° 09' 57" West 82.48 feet; and South 15° 53' 14" West 155.54 feet; and South 48° 11' 43" West 172.49 feet to the West line of the Northeast one-quarter of the Southeast one-quarter of the Southwest one-quarter (NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , SW $\frac{1}{4}$ ) of the aforementioned Section 7; thence leaving the Southerly rim of the Deschutes River Canyon and following the West line of said Northeast one-quarter, Southeast one-quarter, Southwest one-quarter and the West line of the aforementioned Southeast one-quarter, Northeast one-quarter, Southwest one-quarter North 0° 12' 09" West 829.81 feet to the point of beginning.

Parcel 3: A tract of land in the NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of Section 7, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, described as follows:

Beginning at the E $\frac{1}{4}$  corner of said Section 7; thence North 89° 52' 20" West 695.25 feet along the E-W centerline to the true point of beginning; thence along the top of rim South 71° 11' 31" West 20.45 feet; thence continuing along the top of rim South 57° 47' 33" West 130.30 feet; thence continuing along the top of rim South 59° 31' 01" West 146.50 feet; thence continuing along the top of the rim South 59° 04' 08" West 218.75 feet; thence continuing along the top of the rim South 74° 27' 58" West 202.32 feet to the N-S centerline of SE $\frac{1}{4}$  of Section 7; thence along said N-S centerline North 00° 00' 12" West 318.40 feet to said E-W centerline; thence South 89° 52' 20" East 638.44 feet along said E-W centerline to the point of beginning. Containing 2.63 acres more or less, all being in Deschutes County, Oregon.

PARCEL 4: A portion of the Southwest Quarter of Section Seven (7), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, described as follows:

Commencing at the Southwest Corner of Parcel 12 as shown on the Survey for Waywest Properties by Emile P. Bachand in May, 1968; thence along the South line of Section 7, T. 18S, R. 12 EWM, South  $89^{\circ} 39'$  West, 1,352.49 feet; thence, leaving said South line North  $0^{\circ} 07'$  East, 330 feet, more or less, to a point on the Canyon Rim, the point of beginning of this parcel, thence, from said point of beginning, along said Rim the following courses: North  $57^{\circ} 56' 10''$  East, 51 feet; thence North  $70^{\circ} 11' 50''$  East, 26 feet; thence North  $44^{\circ} 07' 40''$  East, 92 feet; thence North  $33^{\circ} 24' 40''$  East 52 feet; thence North  $27^{\circ} 51' 30''$  East, 67 feet; thence North  $59^{\circ} 56' 20''$  East, 77 feet; thence North  $43^{\circ} 28' 20''$  East, 62 feet; thence North  $40^{\circ} 42' 00''$  East, 33 feet, more or less, to a point on the South line of the Northeast portion of Parcel 16; thence, along said boundary of said Parcel 16 South  $89^{\circ} 44' 00''$  West, 320 feet; thence South  $00^{\circ} 07' 00''$  West, 335 feet, more or less, to the point of beginning.

PARCEL 5: That portion of Tract Sixteen (16) of WAYWEST PROPERTIES, located within a part of Section Eighteen (18), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, and a portion of the Southeast Quarter of the Southwest quarter ( $SE\frac{1}{4}$ ,  $SW\frac{1}{4}$ ) of Section Seven (7), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, described as follows:

Beginning at the Section Corner common to Sections 12 and 13, Township 18 South, Range 11, EWM, and Section 7 and 18, Township 18 South, Range 12, EWM, thence following the survey for WAYWEST PROPERTIES by Emile P. Bachand in May of 1968, the following courses: South  $00^{\circ} 28' 00''$  West 430.67 feet to a point on the Centerline of Pine Drive; thence along said Centerline North  $60^{\circ} 30' 00''$  East 487.42 feet; thence, North  $80^{\circ} 03' 00''$  East 493.77 feet; thence, North  $63^{\circ} 27' 00''$  East 497.33 feet to a point on the Southeasterly line of Tract No. 16; thence, leaving Pine Drive and long said Southeasterly portion of Tract No. 16 North  $00^{\circ} 17' 00''$  East 557.53 feet; thence, North  $89^{\circ} 44' 00''$  East 320.00 feet, more or less, to a point on top of the Deschutes River Rim; thence, leaving the boundary of said Tract No. 16 and following the top of said Deschutes River Rim on the following courses; North  $42^{\circ} 42' 00''$  East 40.00 feet, more or less; thence, North  $26^{\circ} 21' 50''$  East 47.00 feet; thence North  $08^{\circ} 27' 00''$  East 36.00 feet; thence, North  $11^{\circ} 26' 10''$  East 55.00 feet; thence, North  $01^{\circ} 45' 20''$  West 69.00 feet; thence, North  $02^{\circ} 50' 30''$  East 84.00 feet; thence, North  $14^{\circ} 21' 00''$  West 56.00 feet; thence North  $57^{\circ} 37' 10''$  East 37.00 feet; thence, North  $67^{\circ} 36' 00''$  East 75.00 feet; thence, North  $80^{\circ} 33' 10''$  East 70.00 feet; thence North  $56^{\circ} 36' 10''$  East 138.00 feet; thence North  $59^{\circ} 28' 50''$  East 50.00 feet, more or less, to a point on the most easterly line of said Tract 16; thence, continuing around the boundary of said Tract 16 on the following courses;

thence, North 00° 07' 00" West 130.00 feet, more or less, to the Northeast Corner of said Tract 16; thence, South 89° 50' 00" West 450.00 feet to the Deschutes River; thence, along the Deschutes River South 10° 30' 00" West 416.09 feet; thence, South 37° 15' 00" West 298.00 feet; thence, South 54° 53' 00" West 280.00 feet; thence South 68° 47' 00" West 240.00 feet; thence South 72° 33' 00" West 287.00 feet; thence, South 67° 16' 00" West 640.00 feet to a point on the West Line of said Section 7, Township 18 S., Range 12 East of the Willamette Meridian; thence South 00° 35' 00" West 110.00 feet to the point of beginning. Containing 21.00 acres, more or less, and including a thirty (30.00) foot road easement along Pine Drive Except that portion described in the deed recorded June 11, 1982 in Book 358 Page 235 Deed Records.