

EXHIBIT SCHEDULE

FILE NUMBER: PUD-21-001
APPLICANT: CTUIR Department of Economic and Community Development
HEARING DATE: April 13, 2021

| <u>EXHIBIT</u> | <u>NATURE OF EXHIBIT</u> |
|-----------------------|--|
| <u>1</u> | Fifteen (15) page Staff Report |
| <u>2</u> | Eight (8) page Planned Unit Development Application |
| <u>2B</u> | Two (2) page C65 Tentative Plat |
| <u>3</u> | Nine (9) page Dissemination Record |
| <u>4</u> | Two (2) Page Letter to C65 Landowners from Michael Jackson |

**STAFF REPORT
CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
TRIBAL PLANNING OFFICE**

To: **Land Protection Planning Commission**
File No. **PUD-21-001**
Hearing Date: April 13, 2021

SUBJECT:

Planned Unit Development (PUD) Tentative Plan.

APPLICANT:

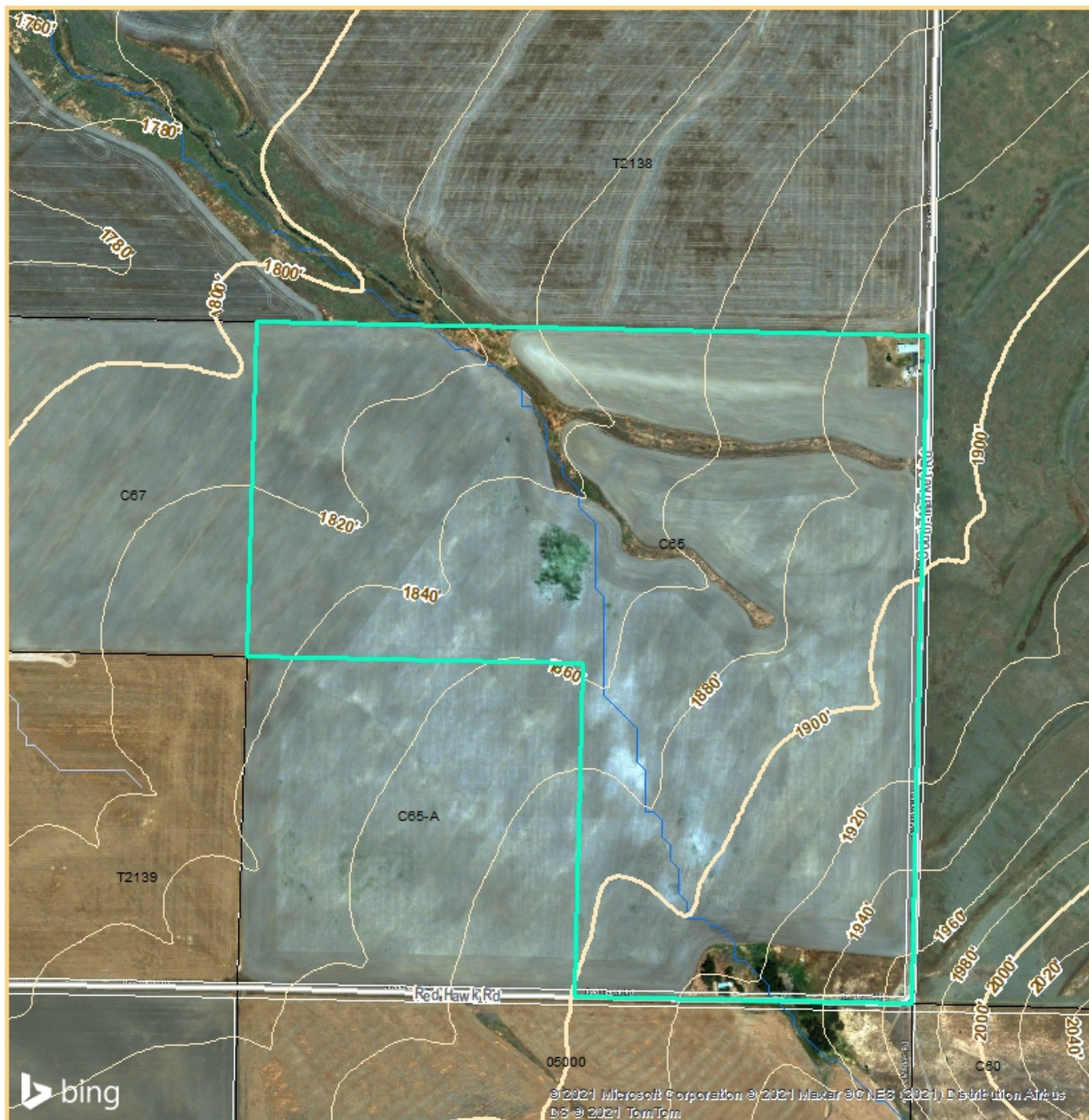
Michael Jackson, Superintendent, Bureau of Indian Affairs on behalf of the estate of Lucy Minthorn

NATURE OF REQUEST:

The applicant seeks approval from the Land Protection Planning Commission for a Planned Unit Development of Allotment C65 to resolve the estate of Lucy Minthorn. The application proposes to create three one-acre lots, two of which have existing homesites located at 46519 and 46547 Redhawk Road. The one new homesite would also be located on Redhawk Road. The remainder lot will be 117 acres. No development is proposed at this time.

BASIC FACTS:

1. *Location:* Allotment C65, is located in the SE quarter of Section 16 Township 1N Range 33 E. The property is approximately 120 acres.
2. *Legal Access:* The property is bounded by Redhawk Road on the south and South Market Road on the east; both are public roads owned and maintained by the Umatilla County Road Department. .
3. *Zoning:* The subject property is within the AG-1, Exclusive Farm Use Zone. The purpose of the zone is to preserve and maintain agricultural lands for farm use. A PUD is a permitted use in the AG-1 zone, subject to the requirements set forth in Chapter 7 of the Land Development Code.
4. *Current Land Use:* The current use of the C-65 allotment is agricultural dry land wheat production through an agricultural lease and residential. There are currently three developed homesites on the subject property. According to the information provided by the applicant, two of the homesites are under existing residential leases recorded with the BIA Land Title Records Office. In addition to the homesites on Redhawk Road, there is a homesite with lease on the northeast corner of the allotment, accessed from South Market Road.
5. *Adjacent Land Uses:* county roadway, farm, and agricultural production.



Allotment C65

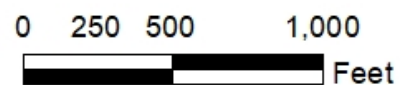
Legend

- 20' Contours
- 100' Contours

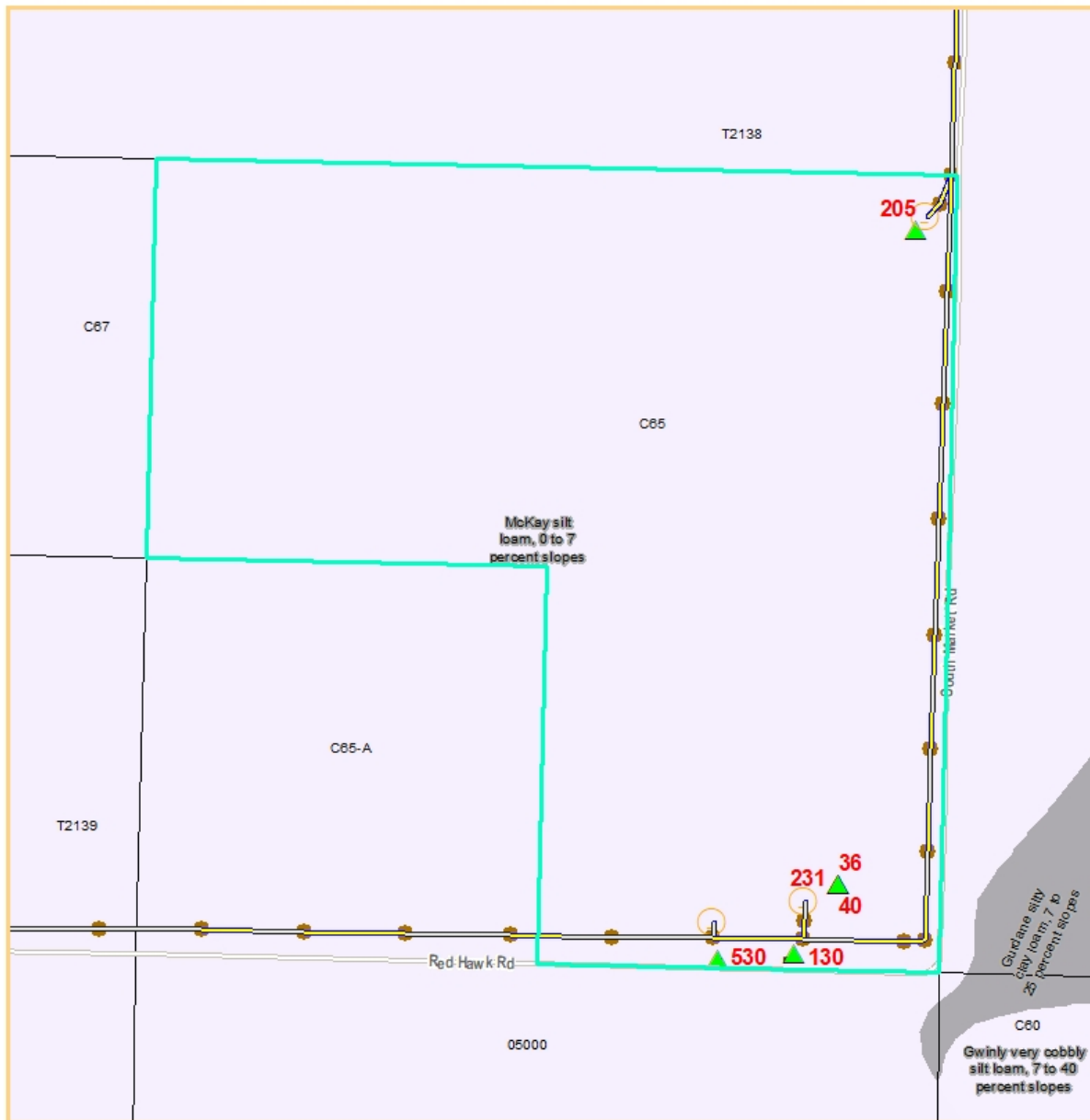
Stream Orders

STRAHLER06

- 0
- 1



SUBJECT PROPERTY WITH SOILS, WELLS, ELECTRIC



Allotment C65

— UE Transmission Lines

— Meter

• Pole

▲ Wells



0 250 500 1,000
Feet

6. *Topography and drainage:* The land slopes gently downward to the northwest at 4 to 5 percent to the northwest. The area's drainage runs similarly to the northwest. The stream created by the intermittent drainage is classified by the CTUIR Department of Natural Resources as a Strahler06 category 1, the lowest category of stream for which a setback is required.
7. *Zoning setback:* The Ag-1 zoning requires a 100-foot setback from the high water line of all streams for structures, on-site septic systems and drainfields.
8. *Soils:* The subject property is composed of soil type 51A -- McKay silt loam, slopes 0-7. The Soils Survey of Umatilla County Area, Oregon lists McKay Silt loam as having moderate erosion potential and severe limitations for septic systems due to slow percolation. However, this is a predominant soil type in Exclusive Farm Use agricultural areas of the reservation and septic systems can often be developed even if drainfields may have to be larger than in some soil classifications.
9. A Umatilla Electric overhead power line runs along the north side of Redhawk Road and provides power to the two existing homesites there.
10. *Background:* According to information provided by the applicant and the CTUIR attorney, Lucy Minthorn was the sole owner of allotment C65 at the time of her passing in 1996. Her will specified how interest in C65 should be divided among her grandchildren. This included the devise of the two existing homesites on Redhawk Road and the devise of undeveloped land for one additional homesite. The remainder of the land was to be shared equally among the grandchildren.

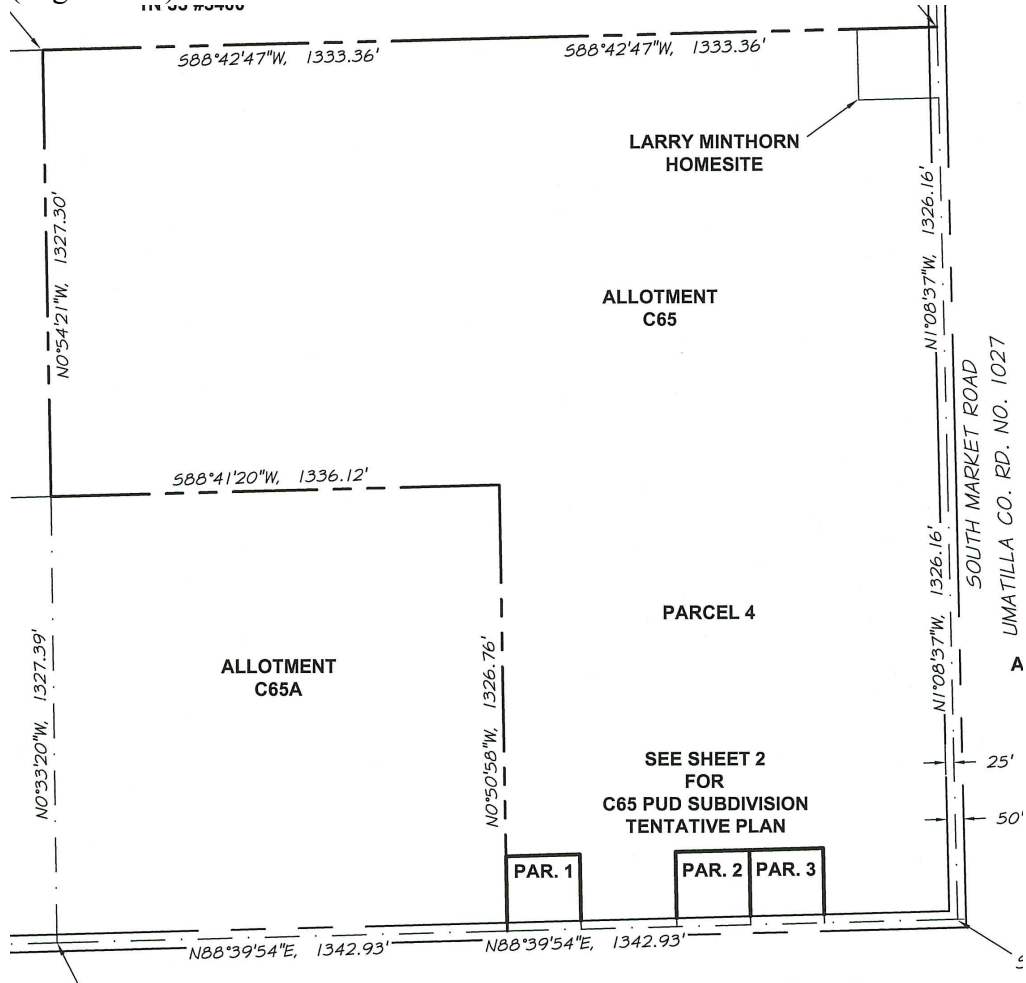
A probate order dated June 28, 2000 set directives for implementing the will, including that lots be created for the two existing homesites on Redhawk Road and the new homesite. The new lot was to be sized comparable to the existing homesites. For various reasons, the probate order has not been implemented.

The unresolved estate is now holding up other probate settlements and the Bureau of Indian Affairs Area Director has directed the Agency Superintendent to resolve the matter by implementing the June 2000 probate order.

11. A survey and Tentative PUD plan have been completed defining the two existing homesites on Redhawk Road (proposed parcels 2 and 3) and one new lot (proposed parcel 1) as specified in the probate order. The third existing homesite, located on S. Market Road, will remain on the parent lot (proposed parcel 4) because it was not addressed in the will. A partial view of the tentative plan is included below for reference. The full tentative plan is attached as Exhibit 2B.

C65 PLANNED UNIT DEVELOPMENT SUBDIVISION TENTATIVE PLAN

(Page 1 of 2)



(Page 2 -Enlargement of Parcels 1 – 3)



RELEVANT CODES AND POLICIES:

Planned Unit Developments are subject to Chapter 7 of the CTUIR Land Development Code. They are also subject to the Subdivision Manual which requires, as a condition of approval, compliance with the Comprehensive Plan. The Subdivision Manual also states that subdivisions of Trust Land must comply with applicable requirements of CFR Title 25. Relevant Codes and Policies follow. A more complete listing is attached at the end of this report.

I. Land Development Code of the Umatilla Indian Reservation

Section 1.020 - Purpose

Section 3.010 – Ag-1 Zone Description and Purpose

Section 3.025(7) – Ag-1 Zone Permitted Uses, Planned Unit Developments

Chapter 7 – Planned Unit Developments

Subdivision Manual

II. Comprehensive Plan of the CTUIR

Goals and Objectives

5.6 Natural Resources

GOAL

To protect, restore, and enhance the first foods – water, salmon, deer, cous, and huckleberry – for the perpetual cultural, economic, and sovereign benefit of the CTUIR.

5.9 Housing

GOAL

To provide a variety of housing opportunities for Tribal members

STAFF FINDINGS:

1. Tribal Staff Review Committee (TSRC): A meeting of the TSRC was held on March 17, 2020.
 - Dan Hester, contract attorney for the CTUIR summarized the legal issues: the probate order requires three lots be created at a size equivalent to the existing homesites (approximately 1 acre). The request for PUD by the BIA is limited to the narrow requirements of the probate order. The inheritors of the sites will need to obtain additional approval for follow up site work and related tasks for development.

- Tribal Planning is concerned with creating lots of a pre-determined size rather than sites verified to be sufficient based on site conditions. However, if in the future additional space for septic drainfield is needed on any of the lots, this could potentially be done through easements or an amended Planned Unit Development.
 - The Cultural Resources Protection Program noted in a written comment that a Cultural Resources survey of the property would be required prior to test pits or any ground disturbance.
 - Water Resources and the Wildlife Program Manager both noted that the normal stream flow has been interrupted by the road and the farming activity. The ditch along the south side of Redhawk Road has been recently dug out to allow for better water flow, but this is not the natural drainage and at time of high water, the drainage will flow across the road.
2. PUD Standards: According to Section 7.500 (2)(b) of the Land Development Code, since the parent parcel is greater than 36 acres and zoned Ag-1 the property is eligible for a PUD subdivision (4 or more lots including the parent lot).
 3. Cultural Resources Survey: The property is required to be surveyed for Cultural Resources prior to any ground-disturbing activity. Pursuant to LDC 7.500 (5), this is required to be done prior to recording of the final plat.
 4. Septic System Review: Septic test pits (site evaluation) is required prior to approval of any new development. Septic drainfields are required to be 100' from any well, and septic tanks are required to be 50' from any well. In addition to a primary drainfield area, a replacement drainfield area is required. Meeting these requirements may or may not require the owners of the 1 acre homesites to negotiate with the beneficial owners of the broader allotment to modify the PUD or to acquire easements to meet the minimum requirements for those systems.
 5. Water Systems: There are existing wells on the two existing homesites on Redhawk Lane (proposed Parcels 2 and 3) and one well associated with the existing homesite on South Market Road. The condition of the well on Parcel 2 is not known because the house has been vacant for some time. When development is applied for on a lot, the Water Resources Program will require that a current domestic well permit be on record.
 6. Surface Drainage: The older homesite on Redhawk Road (Parcel 2) may be impacted by surface drainage. The future owner will need to assess whether some surface drainage such as trench drains would enhance flow of water across the property in times of high water. According to the records obtained from Indian Health Services, the septic system was replaced in 2000 with assistance from IHS but its current condition is not known.

CONCLUSION

1. The creation of the lots are necessary to carry out a will and probate order. The placement of a new vacant lot (Parcel 1) is in a location suitable for uses permitted in the Ag-1 Zone including residential, and does not impact natural areas. Between parcels 2 and 3 is an area of seasonal drainage. It is not known whether there are challenges related to this that will affect the existing homesites. Parcel 2 is not occupied while Parcel 3 has been consistently occupied and there are no known issues with the functionality of the homesite.
2. The remaining land in C65 is eligible for a future Planning Unit Development because it is well over the minimum 36 acres required by the Land Development Code for such a process.
3. The purpose and intent of Chapter 7 of the Land Development Code concerning PUDs and the Subdivision Manual is met because lots are being created for homesites for Tribal Members per the intent of the code and the process is being followed to provide notice and allow public testimony. The proposal is not utilizing the PUD process for the purpose of subdividing or partitioning land for sale on the real estate market but rather so Tribal members of the Umatilla Indian Reservation can utilize the Reservation to live, work, and sustain their culture.
4. This proposal complies with the five approval criteria for Planned Unit Developments listed in LDC 7.350 because:
 - a) the applicant is proposing the PUD to be clustered as much as possible given the site conditions;
 - b) the PUD will not result in construction of any new dwellings within a flood hazard area;
 - c) the new homesite (parcel 1) is not near any protected natural areas; the location of the existing homesites near an intermittent stream has been disclosed and cannot be addressed by this action.
 - d) creation of a community water and sewer system for the new lots and existing lots may not be practical. Shared wells are allowed by the code but not required.
 - e) no residents association, agreements, or covenants are necessary since there are no shared services.
5. The Planned Unit Development complies with the required development standards because: (1) the applicant has met the contiguous land standards and the minimum area requirements for the PUD; (2) the property will be surveyed for cultural resources by the Tribal Cultural Resources Protection Program prior to recording of the final plat; and (3) the Tribal Subdivision Manual recognizes that divisions on Trust Land must comply with CFR Title 25 which includes a process for probate of trust lands, which process is being followed.

6. The proposed PUD complies with the Goals of the Tribal Comprehensive Plan because a new homesite is being created and no new homesites are being created that would impact natural areas.
7. The proposed Planned Unit Development complies with the purpose of the Land Development Code because the use will be consistent with the purpose of the Agricultural zone, due to the fact that the PUD has been clustered to the greatest extent possible given the site conditions and the remainder of land is preserved for agricultural and farm use.

DECISION OPTIONS:

In acting on this request, the Land Protection Planning Commission must choose one of the following decision options:

1. Approve the PUD request with the conditions as recommended;
2. Approve the PUD request with changes to the recommended conditions;
3. Deny the PUD request;
4. Recess the hearing until a specified time, date, and place; pending further testimony or information;
5. Table the decision until a subsequent Land Protection Planning Commission meeting.

STAFF RECOMMENDATION:

Considering the preceding facts, findings and conclusions, staff recommends that the Planned Unit Development Application, #PUD-21-001 be **APPROVED** with the following condition:

1. The applicant or future interest holder(s) in the lots shall arrange for a Cultural Resources survey which shall be completed prior to recording the final plat and prior to any ground disturbance on the property.
2. The creation of the new 1 acre lots does not constitute a determination that future development on these those lots is feasible. Any permit to build a home on the lots will require the property to be assessed for suitability for placement of a home including available lands for current and future septic systems that meet the minimum set back requirements from stream zones, buildings and wells.

ATTACHMENT: RELEVANT CODES AND POLICIES

I. Comprehensive Plan of the Confederated Tribes of the Umatilla Indian Reservation (2010, Updated 2018)

5.6. NATURAL RESOURCES

GOAL

To protect, restore, and enhance the first foods – water, salmon, deer, cous, and huckleberry – for the perpetual cultural, economic, and sovereign benefit of the CTUIR.

OBJECTIVES

1. To ensure that quality ground and surface waters are available to satisfy CTUIR treaty rights, the needs of CTUIR members, and the citizens of the Umatilla Indian Reservation;
6. To protect, preserve, and perpetuate the CTUIR's culturally significant places and resources for the benefit of current and future generations.

5.9 HOUSING

GOAL

To provide a variety of housing opportunities for Tribal members

OBJECTIVES

1. Expand the number of all types of housing units on the Reservation for Tribal members at all income levels.
2. Increase the number of buildable residential lots on the Reservation.

II. Land Development Code of the Umatilla Indian Reservation, *As Amended through Resolution No. 20-085 (September 14, 2020)*

SECTION 1.020 Purpose:

The general purpose of this code is to protect the physical character of the reservation and CTUIR Off-Reservation Trust Lands; to insure, conserve and enhance vegetation, soils, air, water, fish and wildlife and other natural and cultural resources of the Reservation. Further, it is the intent of this code to regulate building and construction activities to insure that standards are met to protect above enumerated resources, as well as the public health, safety and welfare of the residents of the Umatilla Indian Reservation, and to promote orderly development of the Umatilla Indian Reservation, and to implement the provisions of the Comprehensive Plan.

SECTION 3.010 Description and Purpose

The AG-1, Exclusive Farm Use is designed to maintain the agricultural economy of the Umatilla Indian Reservation. The purpose of this zone is to preserve and maintain agricultural lands for farm use. These lands are viewed as largely undeveloped, limited and irreplaceable, agricultural soils.

SECTION 3.025 Uses Permitted:

- (7) Planned Unit Developments, subject to Chapter 7 of this code.

SECTION 7.100 Description and Purpose:

The purpose of this section is to provide an opportunity for land owners to create lots for homesites on reservation lands with fractionated heirships. Through this process, Indian families are encouraged to promote family P.U.D.s, wherein family bonds and culture are strengthened.

The P.U.D. is intended to encourage clustered housing development on allotments and trust properties that are sufficiently large enough to allow comprehensive site planning for individual allottees, their extended families, the tribal housing authority and for individuals wishing to plan estates; and make possible greater variety and diversification in the relationship between buildings and open spaces. Because of land ownership and management problems associated with Federal Government management and control of trust lands and fractionated heirships, flexibility is needed to plan for many trust allotments or otherwise attain the purpose, policy, goals and objectives of the Umatilla Tribal Comprehensive Plan.

It is not intended that the P.U.D. be utilized as a tool for subdividing or partitioning lands for sale on the real estate market. While it is recognized that lands will, from time to time, be traded or sold, the primary function of the P.U.D. on the Umatilla Indian Reservation shall be to facilitate the basis for which the Umatilla Indian Reservation was created: to provide a homeland and homes for members of the Confederated Tribes of the Umatilla Indian Reservation.

SECTION 7.200 Types of Planned Unit Developments:

- 1) P.U.D. partition - Creates three (3) or less housing development lots. Sketch plan review and approval is administrative. Final Plat approval is administrative in accordance with the Tentative Plan Order of the Land Protection Planning Commission.
- 2) P.U.D. subdivision - Creates four (4) or more housing development lots. Sketch plan review and approval is administrative. Tentative Plan Hearing and Final Plat are both subject to scrutiny and approval of the Natural Resources Commission.

SECTION 7.300 Approvals Required:

- 1) Sketch Plan - The Tribal Planning Office shall review the Sketch Plan and identify required changes in the plan. Approval of a P.U.D. Sketch Plan request allows the applicant to submit a P.U.D. Tentative Plan.
- 2) Tentative Plan - The Tentative Plan for P.U.D. partitions and subdivisions shall be reviewed by the Land Protection Planning Commission at a public hearing and a decision made in the form of an Order from the Commission. Approval of a P.U.D. Tentative Plan request allows the applicant to submit a P.U.D. Final Plat.
- 3) Final Plat -

- a. The Final Plat for a P.U.D. partition requires final review and approval by the Tribal Planning Office. Approval will be granted after the Planning Manager is satisfied that all conditions and requirements, as set forth in the Land Protection Planning Commission Order, have been met.
- b. The Final Plat for a P.U.D. subdivision requires final review and approval of the Land Protection Planning Commission. Approval will be granted after the Commission is satisfied that all conditions and requirements, as set forth in the Land Protection Planning Commission Order, have been met, and that no new revisions are necessary.

SECTION 7.350 Approval Criteria:

- 1) P.U.D.s are encouraged to provide clustered housing and shared services to the maximum degree possible. They shall provide common open spaces, common areas, and shared facilities. Particular attention must be given to the arrangement, location and width of streets, density, open space, landscaping, relation to topography, water supply, sewage disposal, drainage, lot sizes and relationship to adjoining lands and requirements of the Comprehensive Plan.
- 2) P.U.D. lots intended for building purposes will not result in construction within a flood hazard subdistrict or other area subject to flooding. All P.U.D. lots shall have adequate building space.
- 3) P.U.D. lots along perennial, intermittent and ephemeral streams are encouraged to provide a suitable buffer of open space, along each side of the stream, which is available for the recreational and cultural use of all residents of the P.U.D.
- 4) When access to the Mission Community Water and Sewer system is not available, community water and/or sewer systems shall be established unless it can be demonstrated that such a system would not be in the interest of public health or is otherwise not practical. For the purpose of this section, community water or sewer systems are those systems serving more than one household. Operation and maintenance of said systems may be contracted to the CTUIR, at its discretion, or otherwise provided for by covenants approved by the P.U.D.
- 5) The P.U.D. should establish a residents association, agreements, or covenants to share the cost of management for maintaining open areas, common areas, and shared services when needed.

SECTION 7.400 Permitted Uses:

The principle use in a P.U.D. shall be residential although other uses permitted in the zone may also be included.

SECTION 7.500 Development Standards:

- 1) Because of the unique nature of the need and purpose of Planned Unit Developments on the Umatilla Indian Reservation, the following standards shall be met to be eligible to apply for a P.U.D:
 - (a) All contiguous lands under the same ownership shall constitute a single parcel for the purposes of creating a P.U.D.

(b) Contiguous land ownerships, as of the date of adoption of this amendment, (June 5, 1996), are considered a single lot for P.U.D. purposes. Lands which remain under contiguous ownership, regardless of current owner(s), are eligible for a P.U.D. if P.U.D.s are permitted for the zone.

(c) Contiguous parcels which have been altered under circumstances beyond the control of the parcel owner(s), such as condemnation for a public use, remain eligible for a P.U.D.

2) The minimum area requirements for developing a P.U.D. are as follows:

(a) Eighteen (18) acres in the AG-1, Exclusive Farm Use Zone, AG-2, Farm Pasture Zone, and R-2, General Rural Zone, for the parent parcel (lot of record) in order to create a P.U.D. partition.

(b) Thirty six (36) acres in the AG-1, Exclusive Farm Use Zone, AG-2, Farm Pasture Zone, and R-2, General Rural Zone for the parent parcel (lot of record) in order to create a P.U.D. subdivision.

(c) In other zones wherein the P.U.D. is a permitted or a conditional use, the minimum lot size for the parent parcel shall be the minimum lot size for the zone. Non-conforming lots of record are not eligible for a P.U.D. except as otherwise stated for a zone; such as the AG-3 zone.

3) The P.U.D. application and Final Plat shall be signed by all owners of the subject property, or their lawful representative.

4) The P.U.D. shall comply with standards of the Subdivision Manual or other conditions and standards attached to the approval.

5) A cultural resources survey and report shall be completed prior to approval of the Final Plat. Cultural resources surveys and reports shall be conducted by the C.T.U.I.R. Cultural Resources Program of the Department of Natural Resources, or an authorized contractor, at the expense of the applicant. The location of significant cultural/archaeological resources shall be cause for Land Protection Planning Commission review and reconsideration of a Tentative Plan approval.

6) The P.U.D. Final Plat shall, at a minimum, comply with the standards for recording at the appropriate recording office.

SECTION 7.600 Application Procedures:

The following procedures shall be followed when a P.U.D. proposal is submitted:

1) Application for a P.U.D. shall be made upon forms provided by the Tribal Planning Office. Missing information constitutes an incomplete application and the request will not be processed until all necessary information is received.

2) The applicant shall be informed of the Land Development Code sections regarding P.U.D.s and of the applicable portions of the Subdivision Manual of the Confederated Tribes of the Umatilla Indian Reservation.

3) Be accompanied by the appropriate fee, based on the fee schedule adopted by the Board of Trustees.

4) The applicant shall include a list of all lands which the applicant proposes to develop. Trust owners, for the purposes of estate planning, are encouraged to review all of the properties they own and may also request technical assistance from the Tribal Planning Office, Housing Authority, and the Bureau of Indian Affairs, for land use and development strategies.

SECTION 7.620

Sketch Plan:

1) The applicant shall submit a sketch plan of the proposed development to the Tribal Planning Office.

a. On Trust or Indian owned lands, one copy shall be referred to Indian Health Services or tribal environmental health office (as current protocol dictates), by the Tribal Planning Office, to ascertain the appropriate type of water and septic sanitation system necessary for development of the site and whether the proposed development can be accommodated.

b. On fee lands, the applicant shall obtain the services of a licensed septic system installer, inspector, or engineer, to assess the appropriate type of septic sanitation system necessary to meet the Sanitation Code as provided by the State of Oregon Department of Environmental Quality. The assessment shall be submitted in writing to the Tribal Planning Office. The Planning Manager shall have the discretionary authority to determine if the party performing the assessment is qualified.

2) After the Tribal Planning Office reviews the Sketch Plan, it shall advise the applicant of specific changes or additions, if any, it has determined to be necessary. Prior to the Tribal Planning Office final review and decision, the tribal environmental health office, licensed septic system installer, inspector, or engineer, shall submit findings and recommendations to the Tribal Planning Office concerning the septic system location and design for the proposed development. This approval process authorizes the applicant to submit a tentative plan.

SECTION 7.640

Tentative Plan:

1) Upon approval of the Sketch Plan, the applicant may file an application for approval of a Tentative Plan. The application shall:

a. Be accompanied by a minimum of 3 copies of the tentative plan.

b. Be on forms available from the Tribal Planning Office.

2) The Planning Manager shall schedule a public hearing before the appropriate hearings body. Notices shall be done in accordance with Administrative Provisions, Chapter 13 of the Land Development Code.

3) Approval of a Tentative Plan shall be effective for one year, during which time the Final Plat shall be submitted for approval.

SECTION 7.650 Final Plat:

Upon approval of the Tentative Plan, and any conditions thereto specified for change, inclusion, or omission from the P.U.D. request, the applicant may file a Final Plat with the Tribal Planning Office. Filing shall include:

- a. Three (3) copies of the Final Plat with the signatures of all landowners, witnessed or notarized as required by the appropriate recording office.
- b. Three (3) copies of all supporting legal documents required for P.U.D. approval. These may include development bonds, homeowner association agreements, etc.

SECTION 7.700 Recording the Final Plat:

- 1) The applicant shall provide evidence, to the Tribal Planning Office, that the Final Plat has been recorded at the appropriate recording office, within one year of the date of approval of the Final Plat. No P.U.D. Final Plat is complete until it has been recorded.
- 2) Trust lands shall be recorded, by the applicant, with Real Property Management of the Bureau of Indian Affairs and shall comply with provisions of Title 25, Indian Code of Federal Regulations.
- 3) Fee Simple or deeded lands shall be recorded, by the applicant, at the Umatilla County Recorder's Office.

SECTION 7.800 Appeals:

- 1) Appeal of an administrative decision, regarding P.U.D.s, shall be to the Land Protection Planning Commission.
- 2) Appeal of a decision by the hearings body, regarding P.U.D.s, shall be to Tribal Court.

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
Tribal Planning Office

**TENTATIVE PLAN -- PLANNED UNIT DEVELOPMENT
APPLICATION SUPPLEMENTAL SHEET**

The following information is required to be filed with the Confederated Tribes of the Umatilla Indian Reservation Department of Natural Resources. This form must be certified for completeness and submitted together with the fee and prints.

INCOMPLETE FILINGS WILL NOT BE ACCEPTED.

Filing Fee: \$150.00

- I. Minimum Lot Size Requirements:
 - PUD Partition- Minimum lot size of eighteen (18) acres. Creates three (3) or less housing development lots.
 - PUD Subdivision- Minimum lot size of thirty six (36) acres. Creates four (4) or more housing development lots.

- II. Sketch Plan: A sketch plan of a proposed PUD shall be drawn on a sheet of paper and approved by the Comprehensive Planning Manager before the application is filed.

- II. General Information Required
 - Proposed name of the Planned Unit Development.
 - Names, addresses and phone numbers of the owner of record, authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed with the Corporation Commission by the applicant which will be used in connection with the PUD.
 - Certified copy of the recorded instrument under which the applicant claims an ownership interest, or copy of a land sales contract which binds the applicant in the event of tentative approval.

- III. Tentative Plat: A tentative plat must be drawn by a surveyor and include the following information.
 - Date of preparation, north point, scale and gross area of the proposed PUD.
 - Appropriate identification of the drawing as a tentative plan for a PUD.
 - Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.
 - Location, names and widths of existing and proposed, improved and unimproved streets and roads within and adjacent to the proposed PUD.
 - Location of existing features such as section lines, section corners, city and special district boundary lines, and survey monuments.
 - Location of existing structures, irrigation canals and ditches, pipelines, waterways, railroads and any natural features such as rock outcroppings, marshes, wooded areas and natural hazards.
 - Location and direction of water courses, and the location of areas subject to flooding and high water tables.

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

Tribal Planning Office
46411 Timine Way, Pendleton, OR, 97801

PLANNED UNIT DEVELOPMENT APPLICATION

FEE: \$150.00 Tentative Plan PLEASE PRINT OR TYPE

APPLICANT'S NAME: Michael T. Jackson

ADDRESS PO Box 520 Pendleton, OR 97801 PHONE 2783786

LOT OWNER'S NAME: Allotment C65

ADDRESS _____ PHONE _____

PROPERTY DESCRIPTION: C65 Section 16 Township 1N Range 33E

Tax Lot ☐ Allotment ☒: C65 Present Zone: _____ Total Acreage: 120

LEGAL ACCESS: Red Hawk Road

DESCRIPTION DATA:

NAME OF PUD: Lucy Minthorn estate conveyance per will & judge decision

GROSS AREA OF PUD IN ACRES: 120

NUMBER OF LOTS: 3

MINIMUM & MAXIMUM LOT SIZE: 2 acres more or less

EXISTING LAND USE: Agriculture, residential

NAME, ADDRESS AND TELEPHONE NUMBER OF EACH PERSON OR FIRM PROVIDING PROFESSIONAL SERVICES AND INFORMATION TO THE APPLICANT:

LAND SURVEYOR: Michael Posada, PLS, cFedS
Anderson Perry & Associates

AGENT, ETC.: _____

ATTORNEY: _____

I understand that any false statements made on this application may cause subsequent approval by the Natural resources Commission to be null and void. I hereby certify that I understand that by signing this permit application, I am giving the CTUIR Tribal Planning Office the authorization to conduct any site inspections necessary in reviewing this application.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED!

DATE: 02/24/2021

APPLICANT: 

AGENT: BIA Superintendent

I AM THE (CIRCLE ONE): OWNER/OWNER'S AUTHORIZED REPRESENTATIVE. [IF AUTHORIZED REPRESENTATIVE, ATTACH LETTER(S) SIGNED BY ALL OWNER(S)]

TRIBAL PLANNING OFFICE USE ONLY

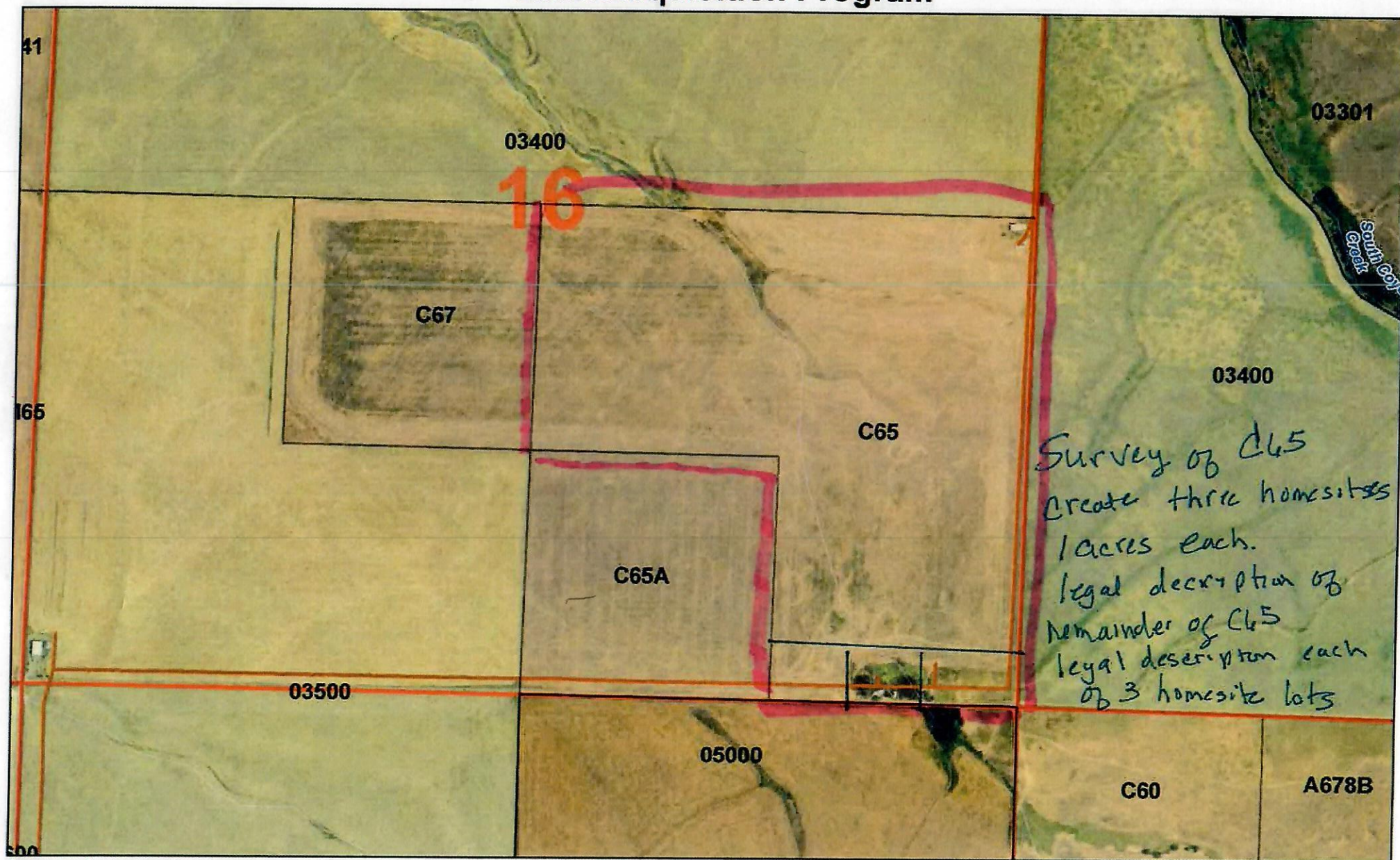
DATE FILED: _____ RECEIVED BY: _____

FEE PAID: _____ RECEIPT NO.: _____

HEARING DATE: _____

NOTES: _____

Confederated Tribes of the Umatilla Indian Reservation Land Acquisition Program



Legend

Fee and Trust Lands

Land Ownership

Fee



Allotment



Trust



Tribal Fee

Utilities

Electric Line

Liquid Pipeline

Power_Gas

Pacific Power Lines

Exhibit #3

Page 4 of 8



United States Department of the Interior
Bureau of Indian Affairs
Title Status Report

Report Certification Time and Date: 10/06/2020 05:23:23 PM

Requestor: DSIGO Date/Time: 01/28/2021 11:15:13

| <u>Land Area</u> | <u>Land Area Name</u> | <u>Tract Number</u> | <u>LTRO</u> | <u>Region</u> | <u>Agency</u> | <u>Resources</u> |
|------------------|-----------------------|---------------------|--------------|-----------------|-----------------|------------------|
| 143 | UMATILLA | C 65 | PORTLAND, OR | NORTHWEST | UMATILLA AGENCY | Both |
| | | | | REGIONAL OFFICE | | |

Original Allottee: ELAKOK

See Appendix A for Land Legal Descriptions

Title Status

Tract 143 C 65 is held by the United States of America in trust for the land owner(s) with trust interests and/or by the land owner(s) with restricted interests and/or fee simple interests, as listed in Appendix "B" attached to and incorporated in this Title Status Report.

The title to Tract 143 C 65 is current, complete, correct, and without defect. Ownership is in unity and interests are owned in the following title status: trust.

The tract ownership is encumbered by the title documents which have been approved by a properly delegated Federal official and are required to be recorded by law, regulation, or Bureau policy as listed on Appendix "C" attached to and incorporated in this Title Status Report.

See Appendix D for all other documents that are required to be recorded by law, regulation or Bureau policy.

No Tract Notes or Coded Remarks for this tract.

This report does not cover encroachments nor any other rights that might be disclosed by a physical inspection of the premises, nor questions of location or boundary that an accurate survey may disclose. This Report also does not cover encumbrances, including but not limited to irrigation charges, unpaid claims, not filed or recorded in this Land Titles and Records Office. This report does not state the current ownership of the interests owned in fee simple but states the ownership at the time the interest ceased to be held in trust or restricted ownership status.

This Title Status Report is a true and correct report of the status of title to the real estate described herein according to the official land records recorded and maintained in this office.

Appendix "A"

| <u>Land Area</u> | <u>Land Area Name</u> | <u>Tract Number</u> | <u>LTRO</u> | <u>Region</u> | <u>Agency</u> | <u>Resources</u> |
|------------------|-----------------------|---------------------|--------------|------------------------------|-----------------|------------------|
| 143 | UMATILLA | C 65 | PORTLAND, OR | NORTHWEST REGIONAL OFFICE | UMATILLA AGENCY | Both |

Land Legal Descriptions

| <u>Section</u> | <u>Township</u> | <u>Range</u> | <u>State</u> | <u>County</u> | <u>Meridian</u> | <u>Legal Description</u> | <u>Acres</u> |
|--------------------|-----------------|--------------|--------------|---------------|-----------------|--------------------------|--------------|
| 16 | 001.00N | 033.00E | OREGON | UMATILLA | Willamette | N SE | 80.000 |
| | | | | | | SE SE | 40.000 |
| TOTAL TRACT ACRES: | | | | | | | 120.000 |

Appendix "D"

| | | | | | | |
|------------------|-----------------------|---------------------|--------------|-----------------|-----------------|------------------|
| <u>Land Area</u> | <u>Land Area Name</u> | <u>Tract Number</u> | <u>LTRO</u> | <u>Region</u> | <u>Agency</u> | <u>Resources</u> |
| 143 | UMATILLA | C 65 | PORTLAND, OR | NORTHWEST | UMATILLA AGENCY | Both |
| | | | | REGIONAL OFFICE | | |

Ownership of Tract 143 C 65 is encumbered by the following:

| <u>Contract Type/Contractor Name</u> | <u>Contract</u> | <u>Contractor ID</u> | <u>Begin Date</u> | <u>Expiration Date</u> | <u>Acres</u> | <u>Recorded Date</u> | <u>Recorded Image#</u> |
|--------------------------------------|-----------------|----------------------|-------------------|------------------------|--------------|----------------------|------------------------|
| AGRICULTURE LEASE DAVID ELLIS | 4200035977 | 143C250075 | 01/01/2017 | 09/30/2022 | 114.300 | 04/18/2017 | |

Type of Encumbrance

| <u>Encumbrance</u> | <u>Encumbrance Holder</u> | <u>Expiration</u> | <u>Document</u> | <u>Description and Explanation</u> |
|--------------------|---------------------------|-------------------|-----------------|---|
| HIGHWAYS/ROADS | UMATILLA COUNTY, OREGON | | 5342 | RIGHT-OF-WAY FOR ROAD, APPROVED 7/19/1967, PURSUANT TO THE ACT OF 2/5/1948 (62 STAT. 17). |

Appendix "E"

| <u>Land Area</u> | <u>Land Area Name</u> | <u>Tract Number</u> | <u>LTRO</u> | <u>Region</u> | <u>Agency</u> | <u>Resources</u> |
|------------------|-----------------------|---------------------|--------------|------------------------------|-----------------|------------------|
| 143 | UMATILLA | C 65 | PORTLAND, OR | NORTHWEST REGIONAL OFFICE | UMATILLA AGENCY | Both |

| <u>Contract Type/Contractor Name</u> | <u>Contract</u> | <u>Contractor ID</u> | <u>Begin Date</u> | <u>Expiration Date</u> | <u>Acres</u> | <u>Recorded Date</u> | <u>Recorded Image#</u> |
|---------------------------------------|-----------------|----------------------|-------------------|------------------------|--------------|----------------------|------------------------|
| RESIDENTIAL UMATILLA RES HOUS AUTH | 2043177626 | 143C128313 | 03/01/1976 | 02/28/2026 | 1.000 | 10/06/1976 | 143-5728 |
| RESIDENTIAL UMATILLA RES HOUS AUTH | 2052588333 | 143C128313 | 05/01/1983 | 04/30/2033 | 1.000 | 07/27/1983 | 143-6049 |

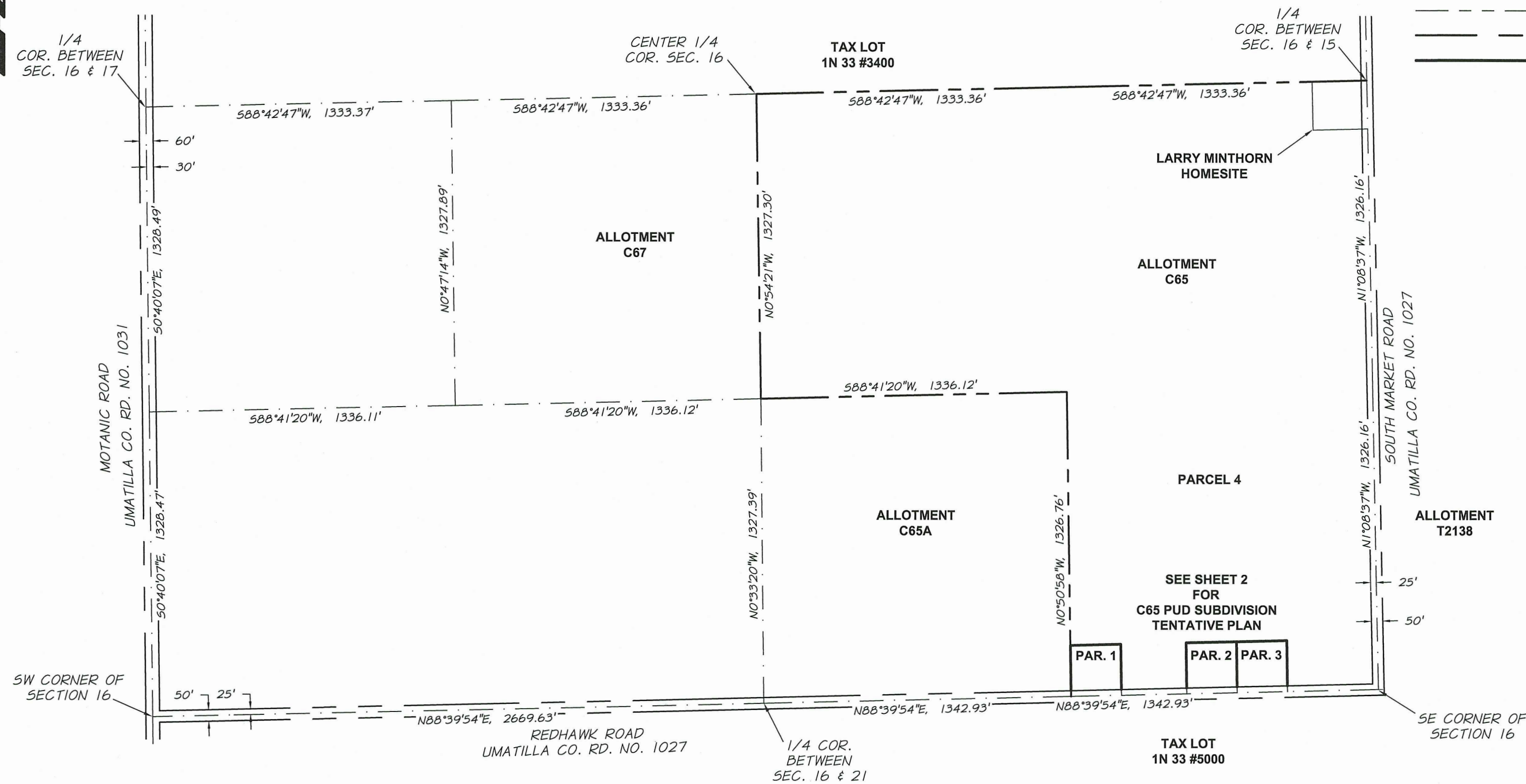
No Encumbrances to list for Appendix D

C65 PLANNED UNIT DEVELOPMENT SUBDIVISION TENTATIVE PLAN

A SUBDIVISION OF ALLOTMENT NUMBER C65 LOCATED WITHIN THE SOUTHEAST ONE-QUARTER OF SECTION 16 IN TOWNSHIP 1 NORTH, RANGE 33 EAST, WILLAMETTE MERIDIAN, CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION, UMATILLA COUNTY, OREGON

LEGEND

| | |
|--|--------------------------------|
| | RIGHT OF WAY LINE |
| | SECTION & QUARTER SECTION LINE |
| | ADJACENT PROPERTY LINE |
| | EXISTING PARCEL LINE |
| | PROPOSED PARCEL LINE |



NOTES

1. THE PROPERTY TO BE DIVIDED IS LOCATED IN UMATILLA COUNTY ON THE CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION (CTUIR) AND IS CTUIR ALLOTMENT C65. ALLOTMENT C65 IS ZONED AG-2 - FARM PASTURE. THE PROPERTY CONTAINS APPROXIMATELY 120 ACRES.
2. THE PROPERTY IS CURRENTLY UTILIZED FOR AGRICULTURE AND HOUSING.
3. NO DEED RESTRICTIONS ARE PROPOSED.
4. THIS TENTATIVE PUD SUBDIVISION IS LOCATED WITHIN THE BOUNDARIES OF THE CTUIR FIRE DEPARTMENT.
5. THIS TENTATIVE PUD SUBDIVISION IS LOCATED WITHIN THE BOUNDARIES OF THE PENDLETON SCHOOL DISTRICT #16.
6. THIS SITE EXISTS IN FLOOD HAZARD ZONE D: "AREA WITH FLOOD RISK DUE TO LEVEE". REFER TO FLOOD INSURANCE RATE MAP, FIRM PANEL NUMBER 41059C13506, REVISED SEPTEMBER 3, 2010, FEDERAL EMERGENCY MANAGEMENT AGENCY.
7. DOMESTIC WATER SUPPLY IS PROVIDED BY PRIVATE ON SITE WELLS.
8. SANITARY SEWAGE DISPOSAL IS PROVIDED BY PRIVATE ON SITE SEPTIC TANKS AND DRAIN FIELDS.
9. THERE ARE NO STORM WATER FACILITIES.
10. THERE IS NO IRRIGATION DISTRICT.

SURVEY NARRATIVE

THIS SURVEY WAS DONE AT THE REQUEST OF THE CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION (CTUIR) IN CONJUNCTION WITH THE BUREAU OF INDIAN AFFAIRS, UMATILLA AGENCY (BIA) FOR THE PURPOSE OF CREATING THE C65 PLANNED UNIT DEVELOPMENT (PUD) SUBDIVISION, A SUBDIVISION OF ALLOTMENT C65. THREE NEW APPROXIMATELY 1 ACRE PARCELS ARE BEING CREATED BY THIS PUD, AND THE REMAINDER OF C65 IS PARCEL 4 OF THIS PUD. THE MONUMENT RECOVERY FOR THIS SURVEY INCLUDED THE MONUMENTS MARKING THE EXTERIOR BOUNDARY OF C65, AS WELL AS THE OTHER PUBLIC LAND CORNERS MARKING THE SOUTH ONE-HALF OF SECTION 16, AS SHOWN ON UMATILLA COUNTY RECORD OF SURVEY 05-125-B (R1). THE MONUMENTS AND WITNESS CORNERS FROM (R1) WERE FOUND TO FIT WELL WITH THE RECORDS CALLS. FOR THE PURPOSES OF THIS PUD THE NORTH LINE OF SAID SOUTH ONE-HALF OF SECTION 16 WAS USED AS THE BASIS OF BEARING FOR THIS SURVEY, ROTATED TO THE OREGON STATE PLANE COORDINATE SYSTEM, NORTH ZONE NAD83 (2011), EPSG CODE 6559 FOR REFERENCE. DISTANCES SHOWN ARE GROUND DISTANCES. THE FOUND MONUMENTS MARKING THE EXTERIOR BOUNDARY OF ALLOTMENT C65 WERE RECOVERED AND HELD, AS SHOWN. THE LOCATION OF PARCELS 1, 2 AND 3 OF THIS PUD WERE PLACED AT THE DIRECTION OF THE CTUIR AND THE BIA.

THE EXISTING COUNTY ROAD RIGHTS OF WAY ARE USED FOR INGRESS AND EGRESS TO ALL FOUR PARCELS. NO NEW EASEMENTS ARE CREATED BY THIS PUD. DUAL FREQUENCY TRIMBLE MODEL R12 GPS RECEIVERS IN RTK MODE WITH AN AVERAGE HORIZONTAL ACCURACY OF 8MM + 1 PPM AND AN AVERAGE VERTICAL ACCURACY OF 15MM + 1 PPM WERE USED TO COMPLETE THIS SURVEY. WE DID NOT OBSERVE ANY VISIBLE ENCROACHMENTS ON PARCELS 1, 2 OR 3 OF THIS PUD, EXISTING FENCES SHOWN APPEAR TO BE FENCES OF CONVENIENCE.



SURVEYOR: ANDERSON PERRY & ASSOCIATES, INC.
1901 N. FIR STREET
LA GRANDE, OREGON 97850
1-541-963-8309

OWNER & SUBDIVIDER: CTUIR
46411 TIMINE WAY
PENDLETON, OREGON 97801-9467
1-541-429-7010

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JAN. 20, 1998
MICHAEL B. POSADA
02849 LS
EXPIRES 12-31-2022

SIGNED: 04-02-2021

Exhibit #2B
Page 1 of 2

**C65 PUD SUBDIVISION TENTATIVE PLAN IN THE
SE 1/4 SEC. 16, T.1N., R.33E., W.M. UMATILLA
INDIAN RESERVATION, UMATILLA CO. OREGON**

CTUIR

46411 TIMINE WAY
PENDLETON, OREGON 97801

SCALE:

1" = 400'

DATE:

APRIL 2, 2021

JOB NO.

152-205

**anderson
perry**
& associates, inc.
engineering surveying natural resources

SHEET

1/2

C65 PLANNED UNIT DEVELOPMENT SUBDIVISION TENTATIVE PLAN

A SUBDIVISION OF ALLOTMENT NUMBER C65 LOCATED WITHIN THE SOUTHEAST ONE-QUARTER OF SECTION 16 IN TOWNSHIP 1 NORTH, RANGE 33 EAST, WILLAMETTE MERIDIAN, CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION, UMATILLA COUNTY, OREGON



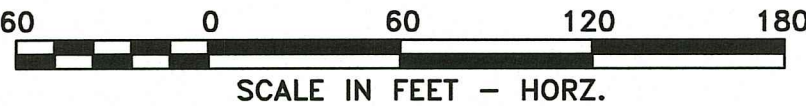
LEGEND

| | | |
|-------------------|---------|---|
| — OHP — | — OHP — | OVERHEAD POWER |
| — T — | — T — | UNDERGROUND COMMUNICATION |
| — — — — — | | EDGE OF GRAVEL ROAD |
| — — — — — | | RIGHT OF WAY LINE |
| — — — — — | | SECTION & QUARTER SECTION LINE |
| — — — — — | | ADJACENT PROPERTY LINE |
| — — — — — | | EXISTING PARCEL LINE |
| — — — — — | | PROPOSED PARCEL LINE |
| — X — X — X — X — | | WIRE FENCE |
| — — — — — | | TREE LINE |
| — — — — — | | CENTERLINE CREEK |
| — — — — — | | TOP OF BANK OF CREEK |
| — — — — — | | TELEPHONE RISER |
| — — — — — | | UTILITY/POWER POLE |
| — — — — — | | SEWER MANHOLE |
| — — — — — | | WELL |
| — — — — — | | FENCE POST |
| — — — — — | | SPOT ELEVATION (NAVD 88 VERTICAL DATUM) |
| — — — — — | | ROUGH APPROXIMATE SEPTIC DRAIN FIELD LOCATION |

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael B. Posada
OREGON
JAN. 20, 1998
MICHAEL B. POSADA
02849 LS
EXPIRES 12-31-2022

SIGNED: 09-02-2021



SURVEYOR: ANDERSON PERRY &
ASSOCIATES, INC.
1901 N. FIR STREET
LA GRANDE, OREGON 97850
1-541-963-8309

OWNER & SUBDIVIDER: CTUIR
46411 TIMINE WAY
PENDLETON, OREGON 97801-9467
1-541-429-7010

Exhibit #2B
Page 2 of 2

**C65 PUD SUBDIVISION TENTATIVE PLAN IN THE
SE 1/4 SEC. 16, T.1N., R.33E., W.M. UMATILLA
INDIAN RESERVATION, UMATILLA CO. OREGON**

CTUIR

SCALE:
1" = 60'

DATE:
APRIL 2, 2021

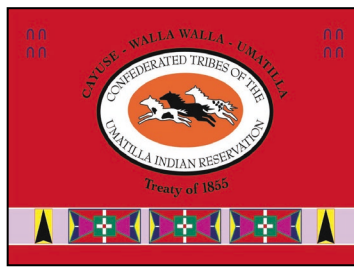
JOB NO.
152-205

**anderson
perry**
& associates, inc.
engineering surveying natural resources

46411 TIMINE WAY
PENDLETON, OREGON 97801

SHEET

2/2



PUBLIC HEARING NOTICE DISSEMINATION RECORD

File #: PUD-21-001; Planned Unit Development request filed by the BIA
Superintendent Michael Jackson, P.O. Box 520 Pendleton, OR 97801

Land Protection Planning Commission Public Hearing Date: April 13, 2021

Newspaper and Date Published;

1. CUJ: April 2, 2021
2. East Oregonian: April 3, 2021

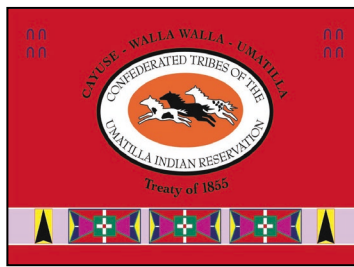
Posted in six public Places;

1. Mission Market: April 2, 2021
2. Yellowhawk Tribal Health Clinic: April 2, 2021
3. BIA Umatilla Agency: April 2, 2021
4. CTUIR Housing Department: April 2, 2021
5. Nixyáawii Governance Center April 2, 2021
6. CTUIR web site: <https://ctuir.org/events/lppc-meeting-public-hearing-pud-21-001/>

Attached are copies of the public hearing notices that were posted, published and mailed to all interested parties, subject property owners and adjacent property owners, as required by Land Development Code Section 13.020.

**Confederated Tribes *of the*
Umatilla Indian Reservation
Tribal Planning Office**

Zoning, Development Permits
Environmental Health, & Public Transit



46411 Timine Way
Pendleton, OR 97801

www.ctuir.org email: info@ctuir.org
Phone 541-276-3099 Fax: 541-276-3099

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that the Land Protection Planning Commission of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) will hold the following public hearing.

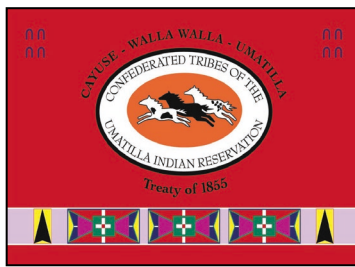
Planned Unit Development File #PUD-21-001 – Applicant, BIA Superintendent Michael Jackson, P.O. Box 520 Pendleton, OR 97801 on behalf of the estate of Lucy Minthorn, seeks approval from the Land Protection Planning Commission for a Planned Unit Development of Allotment C65 to resolve the estate. The application proposes to create three one-acre lots, two of which have existing homesites located at 46519 and 46547 Redhawk Road. The subject property is in SE quarter of Section 16 Township 1N Range 33 E. The property is zoned Ag-2, Farm Pasture. Planned Unit Developments are subject to the CTUIR Land Development Code Chapters 7 and 13.

The hearing will be held on **Tuesday, April 13, 2021 at 9:00 a.m.** Due to COVID-19 precautions this hearing will be held via Microsoft Teams. If you would like to participate in the hearing or provide testimony, please call 321-754-9526 at 9:00 a.m. The conference ID is 358 280 558#. Materials relating to this Planned Unit Development request and additional information for joining the meeting are available for review at the Tribal Planning Office or online at <https://ctuir.org/events/lppc-meeting-public-hearing-pud-21-001/>.

The public is entitled and encouraged to participate in the hearing and to submit oral or written testimony regarding the request. Written comments must be received by 4:00 pm April 12, 2021 at the Tribal Planning Office or via email to hollyanderson@ctuir.org. To obtain further information contact the Tribal Planning Office at, 46411 Timine, Pendleton, Oregon, 97801 or call (541) 429-7517.

Lindsey X. Watchman, Secretary
Land Protection Commission

**Exhibit #3
Page 2 of 9**



PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that the Land Protection Planning Commission (LPPC) of the Confederated Tribes of the Umatilla Indian Reservation will hold the following public hearings:

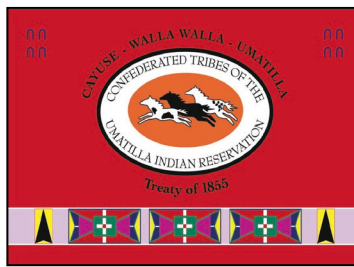
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The public is entitled and encouraged to participate in the hearing and to submit testimony regarding the request. Written comments must be received in the Tribal Planning Office by 4:00 pm April 12, 2021 via hard copy or by email to hollyanderson@ctuir.org.

To obtain further information or if you have questions regarding the hearing process or the proposed conditional use, please contact the Tribal Planning Office at 46411 Timine Way, Pendleton, OR 97801 or call (541) 276-3099.

Lindsey X. Watchman, Secretary
Land Protection Planning Commission



April 2, 2021

PUBLIC HEARING NOTICE

Dear Property Owner:

On April 13, 2021 the Land Protection Planning Commission of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) will hold a public hearing concerning a Planned Unit Development request as described below. You are receiving this notice because you are an owner of property located within 250 feet of the subject properties (see map enclosed). According to Section 13.020 of the CTUIR Land Development Code, all owners of property located within 250 feet of the property which is the subject of a public hearing shall be given written notice by mail at least ten days prior to a public hearing.

Planned Unit Development File #PUD-21-001 – Applicant, BIA Superintendent Michael Jackson, P.O. Box 520 Pendleton, OR 97801 on behalf of the estate of Lucy Minthorn, seeks approval from the Land Protection Planning Commission for a Planned Unit Development of Allotment C65 to resolve the estate. The application proposes to create three one-acre lots, two of which have existing homesites located at 46519 and 46547 Redhawk Road. The subject property is in SE quarter of Section 16 Township 1N Range 33 E. The property is zoned Ag-2, Farm Pasture. Planned Unit Developments are subject to the CTUIR Land Development Code Chapters 7 and 13.

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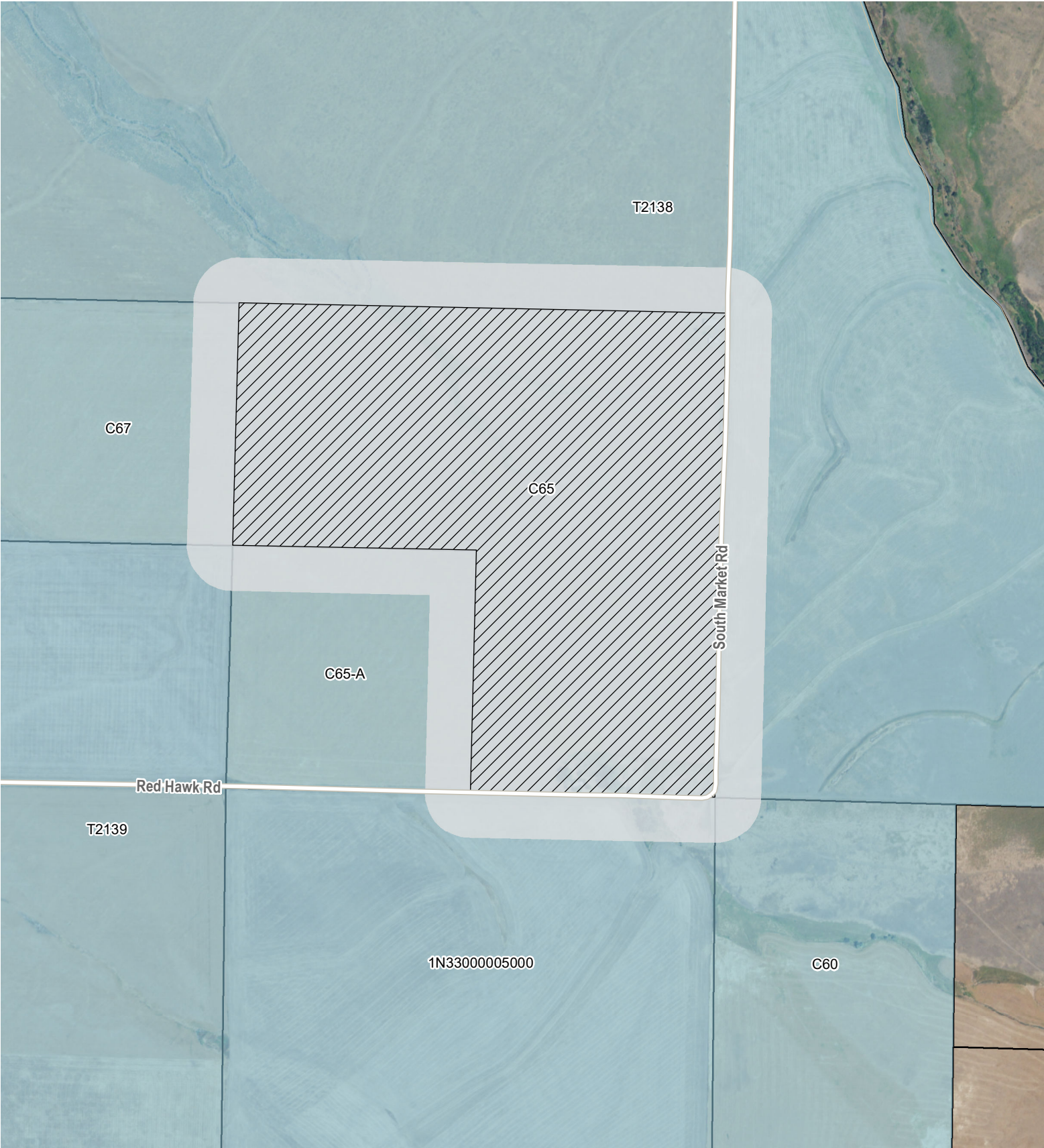
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To obtain further information and/or a staff report on the request, please contact the Planning Department by telephone at 541-429-3099 or 541-429-7517.


Sincerely,


Holly E. Anderson
Associate Planner


Exhibit #3
Page 4 of 9




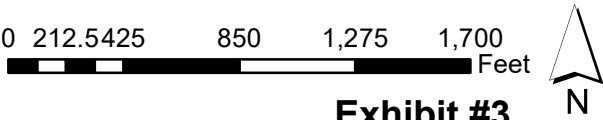
Legend

 Subject Property

 Property Owners to Notify

 250' Notification Buffer

 Parcels (CTUIR)

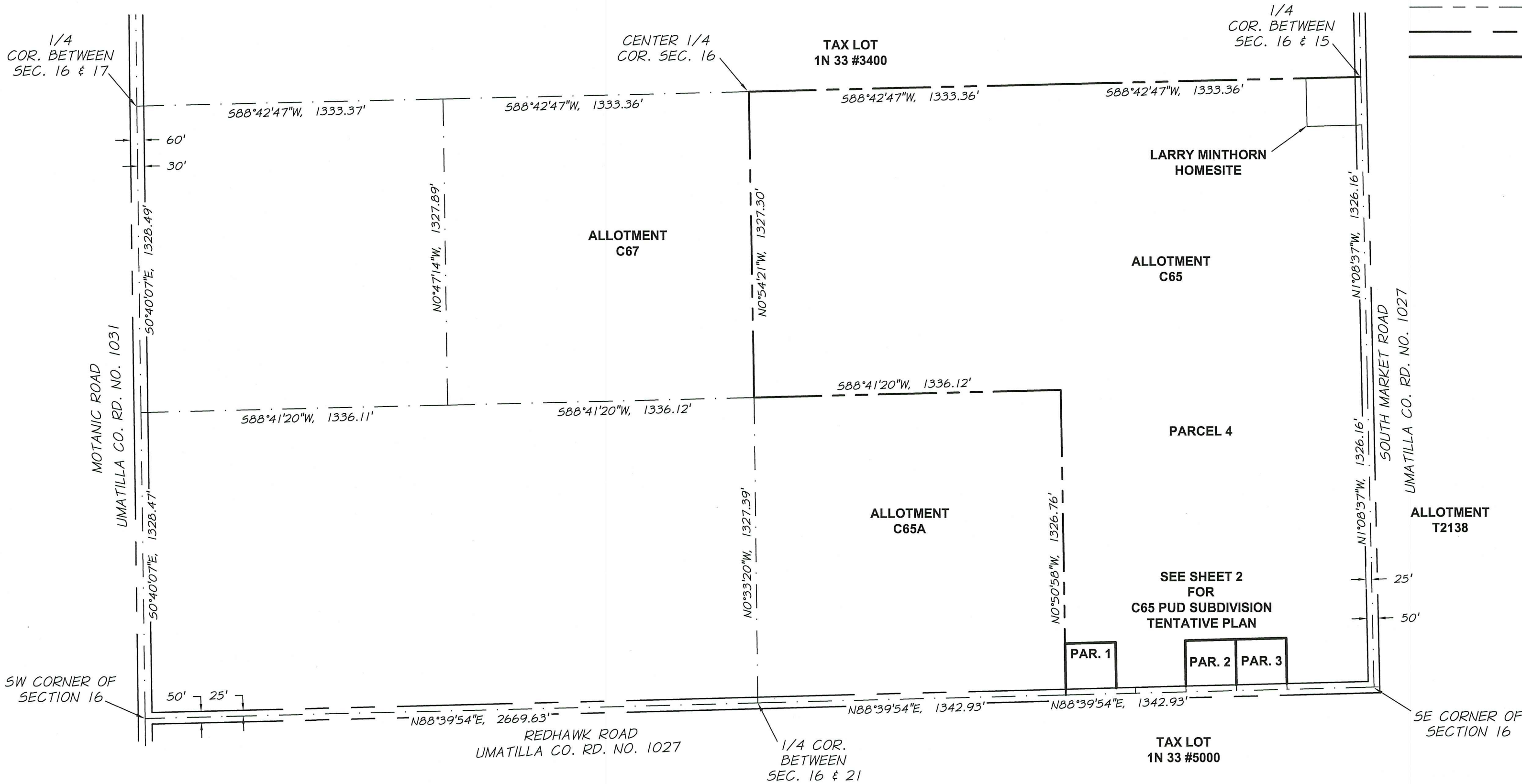


C65 PLANNED UNIT DEVELOPMENT SUBDIVISION TENTATIVE PLAN

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LEGEND

| | |
|-------|--------------------------------|
| --- | RIGHT OF WAY LINE |
| - - - | SECTION & QUARTER SECTION LINE |
| --- | ADJACENT PROPERTY LINE |
| --- | EXISTING PARCEL LINE |
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9. THERE ARE NO STORM WATER FACILITIES.
10. THERE IS NO IRRIGATION DISTRICT.

SURVEY NARRATIVE

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SURVEYOR: ANDERSON PERRY & ASSOCIATES, INC.
1901 N. FIR STREET
LA GRANDE, OREGON 97850
1-541-963-8309

OWNER & SUBDIVIDER: CTUIR
46411 TIMINE WAY
PENDLETON, OREGON 97801-9467
1-541-429-7010

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JAN. 20, 1998
MICHAEL B. POSADA
02849 LS

EXPIRES 12-31-2022

SIGNED: 03-24-2021

Exhibit #3
Page 6 of 9

**C65 PUD SUBDIVISION TENTATIVE PLAN IN THE
SE 1/4 SEC. 16, T.1N., R.33E., W.M. UMATILLA
INDIAN RESERVATION, UMATILLA CO. OREGON**

CTUIR

46411 TIMINE WAY
PENDLETON, OREGON 97801

SCALE:

1" = 400'

DATE:

MAR. 24, 2021

JOB NO.

152-205

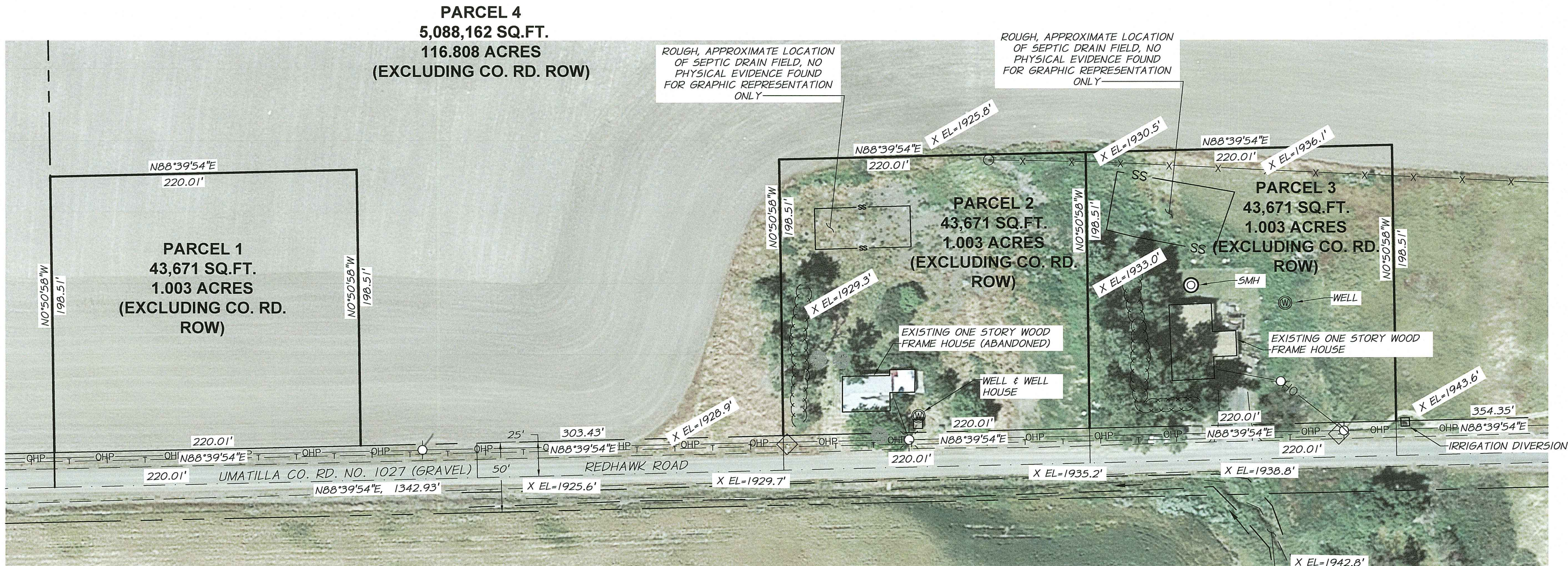
**anderson
perry**
& associates, inc.
engineering surveying natural resources

SHEET

1/2

C65 PLANNED UNIT DEVELOPMENT SUBDIVISION TENTATIVE PLAN

A SUBDIVISION OF ALLOTMENT NUMBER C65 LOCATED WITHIN THE SOUTHEAST ONE-QUARTER OF SECTION 16 IN TOWNSHIP 1 NORTH, RANGE 33 EAST, WILLAMETTE MERIDIAN, CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION, UMATILLA COUNTY, OREGON



LEGEND

| | | |
|-------------------|---------|---|
| — OHP — | — OHP — | OVERHEAD POWER |
| — T — | — T — | UNDERGROUND COMMUNICATION |
| — — — — — | | EDGE OF GRAVEL ROAD |
| — — — — — | | RIGHT OF WAY LINE |
| — — — — — | | SECTION & QUARTER SECTION LINE |
| — — — — — | | ADJACENT PROPERTY LINE |
| — — — — — | | EXISTING PARCEL LINE |
| — — — — — | | PROPOSED PARCEL LINE |
| — X — X — X — X — | | WIRE FENCE |
| — X — X — X — X — | | TREE LINE |
| — — — — — | | CENTERLINE CREEK |
| — — — — — | | TOP OF BANK OF CREEK |
| — — — — — | | TELEPHONE RISER |
| — — — — — | | UTILITY/POWER POLE |
| — — — — — | | SEWER MANHOLE |
| — — — — — | | WELL |
| — — — — — | | FENCE POST |
| — — — — — | | SPOT ELEVATION (NAVD 88 VERTICAL DATUM) |
| — SS — | | ROUGH APPROXIMATE SEPTIC DRAIN FIELD LOCATION |

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael B. Posada

OREGON
JAN. 20, 1998
MICHAEL B. POSADA
02849 LS
EXPIRES 12-31-2022

SIGNED: 03-24-2021

60 0 60 120 180
SCALE IN FEET — HORZ.

SURVEYOR: ANDERSON PERRY &
ASSOCIATES, INC.
1901 N. FIR STREET
LA GRANDE, OREGON 97850
1-541-963-8309

OWNER & SUBDIVIDER: CTUIR
46411 TIMINE WAY
PENDLETON, OREGON 97801-9467
1-541-429-7010

Exhibit #3
Page 7 of 9

**C65 PUD SUBDIVISION TENTATIVE PLAN IN THE
SE 1/4 SEC. 16, T.1N., R.33E., W.M. UMATILLA
INDIAN RESERVATION, UMATILLA CO. OREGON**

CTUIR

46411 TIMINE WAY
PENDLETON, OREGON 97801

SCALE:
1" = 60'

DATE:
MAR. 24, 2021

JOB NO.
152-205

**apanderson
perry**
& associates, inc.
engineering surveying natural resources

SHEET

2/2

PUD-21-001 Public Notice Recipients

Trust & Allotment Recipients

| Allotment/Trust Lot | Ownership |
|---------------------|-----------|
| C60 | A |
| C65 | A |
| C65-A | A |
| C67 | A |
| T2138 | T |
| T2139 | T |

Taxlot Recipients

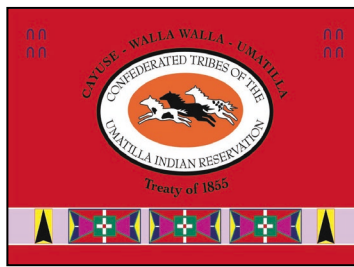
| Taxlot | Owner |
|---------------|--------------------|
| 1N33000005000 | Ivan Nash, Et. Al. |

Agency Recipients

| Contact | Agency | Address |
|----------------|---------------------|--------------------------------------|
| Superintendent | BIA Umatilla Agency | P.O. Box 250 Pendleton, OR 97801 |
| Wendy Neal | UEC | P.O. Box 1148 Hermiston, OR 97801 |

**Confederated Tribes of the
Umatilla Indian Reservation
Tribal Planning Office**

Zoning, Development Permits
Environmental Health & Public Transit



46411 Timine Way
Pendleton, OR 97801

www.ctuir.org
Phone 541-276-3099

email: info@ctuir.org
Fax: 541-276-3099

MEMORANDUM

DATE: March 17, 2021
TO: Tribal Staff Review Committee
FROM: Holly Anderson, Associate Planner, Tribal Planning Office
REGARDING: Meeting Wednesday, March 17, 2021, 11:00 am, via Microsoft Teams

The Tribal Staff Review Committee is scheduled to meet on Wednesday March 17, 2021 at 11:00 am. to review the following applications:

Planned Unit Development File #PUD-21-001 – Applicant, BIA Superintendent Michael Jackson, PO Box 520 Pendleton, OR 97801 on behalf of the estate of Lucy Minthorn, seeks approval from the Land Protection Planning Commission for a Planned Unit Development of Allotment C65 to resolve the estate by creating three housing lots, two of which have existing homesites located at 46519 and 46547 Redhawk Road. The subject property is in SE quarter of Section 16 Township 1N Range 33 E. The property is zoned Ag-2, Farm Pasture. Planned Unit Developments are subject to the CTUIR Land Development Code Chapters 7 and 13.

A public hearing with the Land Planning Protection Commission is proposed to be scheduled for April 13 at 9 a.m.

The application and supporting materials for this request are posted on the **Free4all shared Drive** in the **TPO** folder. If you have questions or need further information, please contact Holly Anderson at ext. 7517.

Each committee member should review the proposals:

- To determine its compatibility with the Tribes' Comprehensive Plan, Land Development Code, and other Tribal Statutes, Resolutions, and Policies;
- To determine the overall impacts this request may impose on Tribal services and utilities, the environment, wildlife, and on the Reservation

Call-in to the TSRC meeting through Microsoft Teams Video Conference or by phone:

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 321-754-9526,,988425108#](#) United States, Orlando

Phone Conference ID: 988 425 108#

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Written comments will be accepted until 4 pm on Tuesday March 23, 2021.

Exhibit #3
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United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Umatilla Agency

P. O Box 520

Pendleton, Oregon 97801

IN REPLY REFER TO:
Superintendent's Office

MAR 08 2021

Dear Landowners of C65:

Lucy Peeps Minthorn was the sole owner of trust allotment C65 when she passed away testate (left a will) on November 12, 1996. In the seventh clause of her will, dated October 25, 1994 she states, I wish to reserve a homesite in the SE1/4SE1/4 Sec. 16, T. 1 N., R. 33 E., W.M., close to my current residence, for my granddaughter, Stephanie Quaempts. I give the old home and land on AL. 143-C-65 to my grandson, John Withers, Jr. I also have a new HUD home and land on Al. 143-C65, that I wish to give to Charlotte K. Minthorn.

On November 15, 1999, an initial hearing was held at Pendleton, Oregon, in front of William E. Hammett Administrative law judge, to determine the validity of the last will and testament of Lucy Peeps Minthorn, and to settle her estate. The judge in his final probate decision order, dated June 28, 2000 determined that the evidence establishes that her last will and testament executed on October 25, 1994 was properly made and executed and that Lucy Peeps Minthorn possessed testamentary capacity and was free of undue influence. Accordingly, the will should be approved.

In his decision order, the judge stated To: Stephanie Quaempts, granddaughter, all of the testatrix's interest in an undefined homesite on allotment 143C65. This homesite should be consistent in square footage with other homesites in which the testatrix had an interest and located near the testatrix's homesite on such allotment. The homesite should be surveyed and an exchange of deeds made as later mentioned in this order. To: John Withers, Jr., grandson, all of the testatrix's interest in the "old" house and the land it is situated on in allotment 143C65. The "land" on which the old house is situated is a lot presumably defined by a legal description and the land within the boundaries of such legal description is considered to be the "land which the testatrix devised (leave to someone by will), together with the "old" house thereon, to John Withers, Jr. To: Charlotte K. Minthorn, granddaughter, all of the testatrix's interest in a HUD home and the homesite on which it is located on Umatilla allotment 143C65. This devise is conditioned on and limited by the contractual rights and obligations incurred by the testatrix when the HUD was placed on the premises. The devisee cannot acquire any greater rights in the house than the testatrix possessed.

The Superintendent has a responsibility to ascertain the intent of an Indian testator and, absent some legal impediment, to carry out that intent. As stated above the administrative law judge ruled on the validity of the will and it is my responsibility to implement the judge's final decision. The previous Superintendent before me tried to implement this but at the same time also tried to work with other current landowners who also wanted homesites created outside of the intent of the will and administrative law judge's decision. After talking with the previous

Superintendent, he informed me that the current landowners could never come to an agreement on the creation of the other sites.

In addition, a solicitor's opinion was requested for assistance in construing the probate order that was issued in 2000. The solicitor stated that the devises in Lucy Minthorn's will were effective when the probate was final. While it might have eliminated any possible subsequent disputes if the devisees had exchanged deeds, the execution and approval of deeds was not necessary in order for title to the property to change. There was no indication from the 2000 order that anyone disputed the validity or the contents of the will. Nor have any disputes arose as to the occupation of the three homesites after the 2000 order was issued. Thus, the interested parties were apparently satisfied that Lucy Minthorn's wishes were fulfilled in practice if not in the legal records of the BIA. Lucy Minthorn's intent with respect to who should own various parts of allotment C65 was not unclear and no law requires the devises to exchange deeds to obtain title to land devised to them in a will. Rather, devises will be implemented when the will is approved in the final probate order. In other words, conveyance per will and administrative law judge's decision.

In conclusion, the administrative law judge's order is now almost 20 years old, and Lucy Minthorn's final wishes and judges' order, pertaining to the 3 homesites, has still not been carried out. This must be completed, or I am not fulfilling the obligation and responsibility I have to implement the judge's order. To begin this process, I have given permission for a surveyor to enter upon and conduct a legal land survey on allotment C65. Please call me at (541) 276-3786 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael T. Jackson', with a long horizontal line extending to the right.

Superintendent
Michael T. Jackson