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**EXHIBIT SCHEDULE**

**FILE NUMBER:**            **CU-23-002**  
**APPLICANT:**            **Urban Patterns, LLC on behalf of their client Cairnspring Mills, LLC - 1432 E. Burnside Street, Portland, OR 97214.**

**HEARING DATE:**        **September 26, 2023**

<b><u>EXHIBIT</u></b>	<b><u>NATURE OF EXHIBIT</u></b>
<u>1</u>	Thirteen (13) Page Staff Report
<u>2</u>	Twelve (12) Page Conditional Use Permit Application & Supplemental Packet
<u>3</u>	Seven (7) Page Dissemination Record with TSRC Submitted Comments
<u>4</u>	Three (3) Page Memo from the Applicant Regarding Water Use Projects

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

To: **Land Protection Planning Commission (LPPC)**  
Public Hearing Date: **September 26, 2023**  
File No.: **CU-23-002**

**SUBJECT:** Conditional Use request: Flour Mill

**APPLICANT and PROPERTY OWNER:** Applicant Urban Patterns, LLC on behalf of their client Cairnspring Mills, LLC - 1432 E. Burnside Street, Portland, OR 97214. Property is owned by the Bureau of Indian Affairs and held in trust for the benefit of the CTUIR - 46411 Timine Way North, Pendleton, OR 97801.

**NATURE OF THE REQUEST:**

Applicant seeks a Conditional Use approval from the LPPC to construct a flour mill. The subject property is identified as Lot 1 of the Coyote Business Park South Subdivision within trust parcel T2103-C, which is within the external boundaries of the Umatilla Indian Reservation.

The subject properties are zoned I-D, Industrial Development, where a flour mill is listed as a Conditional Use. Conditional Use approvals are subject to the CTUIR Land Development Code Chapters 6 and 13.

**BASIC FACTS:**

1) ***Subject Property/Ownership:*** According to CTUIR Economic and Community Development (DECD) Realty Program/Bureau of Indian Affairs property records, the subject property is land held in trust by the U.S. Department of Interior Bureau of Indian Affairs (BIA) for the benefit of the CTUIR. The Applicant is seeking a lease for the subject property from the CTUIR DECD Realty Program pending approval of this proposal and subsequent proposed variance V-23-002. The subject property was created by the Coyote Business Park South Subdivision, SUB-07-002.

The BIA Umatilla Agency Superintendent completed the National Environmental Policy Act (NEPA) Finding of No Significant Impact dated September 2006 signifying approval in conjunction with the approval of SUB-07-002 for uses described in the CTUIR Land Development Code.

2) ***Legal Descriptions:*** The subject property is identified as Lot 1 of the Coyote Business Park South Subdivision, within trust parcel T2103-C. This parcel is within the external boundaries of the Umatilla Indian Reservation. The parcel is located on the northeast corner of the intersection of Tokti and Nichtay Roads.

3) ***Zoning:*** The subject property is zoned I-D, Industrial Development. LDC Section 3.165 states the purpose of the zone is: “intended to provide areas for industrial development compatible with the economic resource base of the Umatilla Indian Reservation and the economic needs and wants of the people of the reservation. This zone designation is appropriate for areas in close proximity to major transportation facilities and necessary utilities, while preserving or enhancing the air, water and land resources of the area.”

- 4) **Current Use:** The subject property is currently undeveloped land that contains wheat/hay crops.
- 5) **Surrounding Land Uses:** The proposed project area is within the Coyote Business Park South Industrial Park, which is intended for light industrial uses. Several lots within the Coyote Business Park South Industrial Park contain a winter sanding shed owned and operated by the Oregon Department of Transportation (ODOT), as well as a solid waste transfer station, and a warehouse/food distribution center. Both of the latter are owned and operated by the CTUIR. The remaining lots currently contain wheat/hay crops on a seasonal basis.

Additionally, Coyote Business Park South - and the subject property by extension - are immediately south of ODOT right-of-way containing Interstate 84 near exit 216. Umatilla County rights-of-way identified as Highway 331/Market Road is to the east.

More broadly, the subject parcel is located south of other commercial subdivisions owned and controlled by the CTUIR, which contain a variety of businesses catering to tourists and some office buildings. The dominant surrounding use south of Interstate 84 is fields containing crops on a seasonal basis and scattered homesites.

- 6) **Utilities:** This site is within the CTUIR Water & Sewer Service area and is served by tribal water and sewer lines on the western edge of the property. Electricity is provided by Pacific Power, which has lines running near the site along Highway 331 and throughout parts of the Coyote Business Park South. A Bonneville Power Administration (BPA) transmission line runs near the site, approximately 700 feet to the southwest. Additionally, Umatilla Electrical Cooperative owns and maintains lines that run within the HWY 331/S. Market Road ROW to the east of Coyote Business Park North and the subject property.
- 7) **Legal Access:** This site receives legal access from Tokti Road along the southwestern edge and Nichtay Road to the southeast. A portion of Nichtay Road that is within ODOT right-of-way is also adjacent to the subject property to the northeast, though direct access is separated by Patawa Creek.
- 8) **Topography and Other Site Information:** The site is generally flat. The registered and recorded survey prepared for the Coyote Business Park South Subdivision (SUB-07-002) shows that Patawa Creek runs along the northeastern edge of the property.
- 9) **Soils:** The site contains Hermiston Silt Loam, 0-3% slope.
- 10) **Intended Property Use:** The intended use for this property includes a flour mill with a planned production capacity of 5-tons per hour using stone-ground milling. To support the flour mill, a granary consisting of up to 24 grain storage bins is also proposed, along with a 15,000 square foot warehouse and office space. Currently, only 12 grain storage bins are proposed in the initial project scope. The warehouse buildings and grain storage towers are permitted outright in the I-D zone, per LDC section 3.185(3-7).
- 11) **Permitting History:** According to Planning Office records, the only permit records related to the subject property is SUB-07-002, the Coyote Business Park South Subdivision.
- 12) **Environmental Review:** A copy of the NEPA Finding of No Significant Impact approved by the BIA Umatilla Agency Superintendent (dated September 2006) has been provided with this application.

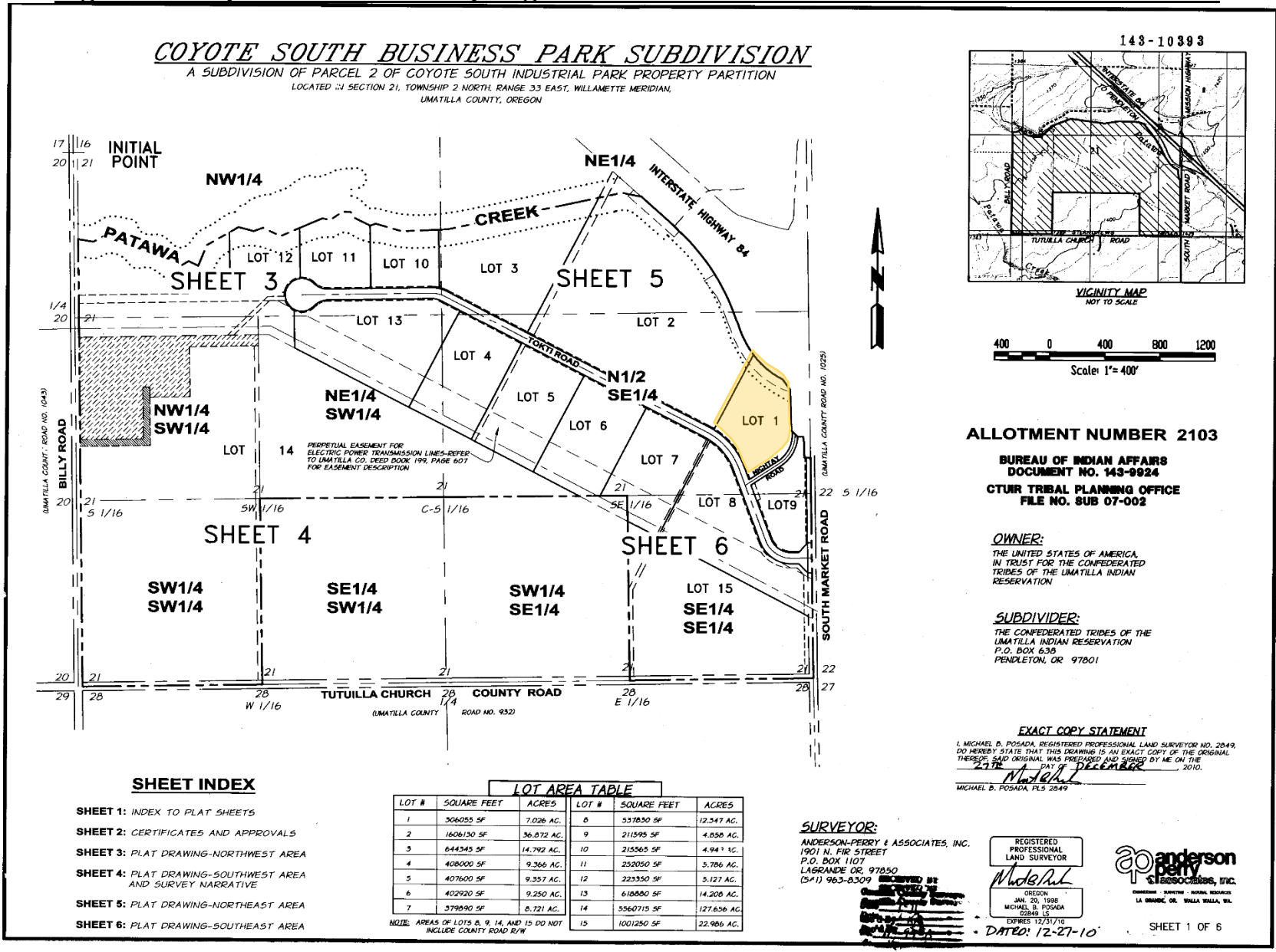
**PROJECT STATEMENT:** (provided by Applicant)

"The applicant is seeking approval for a proposed flour mill. The planned production capacity for the regional mill is 5-tons per hour and a stone-ground milling process will be employed. A granary is also proposed on the same site for storage of purchased grain after harvest and prior to processing. The applicant's plan for the mill building also includes a packaging and finished good storage area, offices for mill staff, and a test kitchen for the purposes of testing the flour products produced on site.

The proposed site program accommodates parking for staff and visitors, required sidewalks and pedestrian access, landscaped areas, an exterior platform scale, as well as access for full size semi-trucks for deliveries and shipping.

The project projects 15 full time equivalent employees on the site, and the mill will run continuously: 7 days a week and 24 hours per day.”

**Figure 1: Proposed Site of Cairnspring Flour Mill on Lot 1 of South Business Park Subdivision**



**Figure 2: Site and Proximity to Utilities and Site Access**

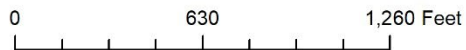
# CU-23-002 Proposed Location for Cairnspring Flour Mill

THE CONFEDERATED TRIBES OF THE  
UMATILLA INDIAN RESERVATION



### Legend

- Umatilla Electrical Cooperative Transmission Lines
- Pacific Power Transmission Lines
- BPA Transmission Line
- CTUIR Sewer Lines
- CTUIR Water Lines



**Figure 3: Site and Topography**

**CU-23-002 Proposed Location  
for Cairnsprings Flour Mill**

THE CONFEDERATED TRIBES OF THE  
UMATILLA INDIAN RESERVATION



**Legend**

**20' Contours**



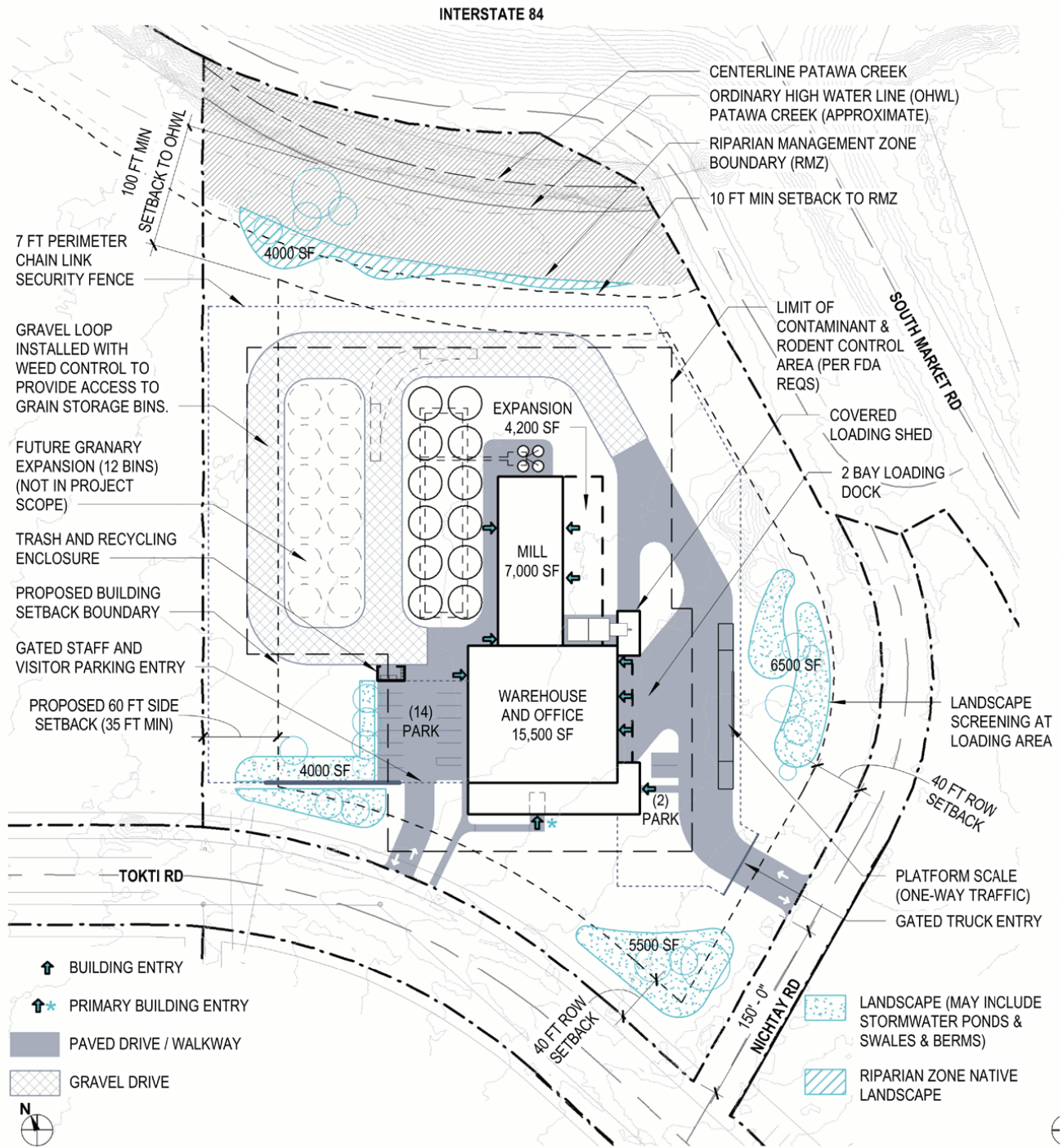
**100' Contours**



0 680 1,360 Feet



**Figure 4: Proposed Preliminary Site Plan from Application**



**Cairnspring Mill - Site Plan**

August 7th, 2023



## **APPLICABLE POLICIES AND CODES:**

### **I. CTUIR Comprehensive Plan; *Resolution No. 18-098 (November 26, 2018)*; applicable Objectives**

Chapter 5, Plan Elements: Goals & Objectives:

- Section 5.2 Economy
  - Objective 2: “Expand and diversity job opportunities for Tribal members on the Reservation.”
- Section 5.4 Workforce Development
  - Objective 2: “Expand and diversity job opportunities for Tribal members on the Reservation.”

**II. Land Development Code;** adopted by CTUIR Board of Trustees Resolution #83-74 on August 24, 1983 and as amended through Resolution 21-013 (February 8, 2021).

Chapter 1, Section 1.020 – Purpose;  
Chapter 2, Section 2.020 – Definitions; (36) – Conditional Uses;  
Chapter 3, Sub-chapter L; G-1 – I-D Industrial Development Zones;  
Chapter 6, Conditional Uses;  
Chapter 10, Site Plan Review;  
Chapter 13, Hearings;

**III. CTUIR Historic Preservation Code;** adopted by CTUIR Board of Trustees Resolution 16-003 (January 25, 2016)

**IV. CTUIR Water Code;** adopted by CTUIR Board of Trustees Resolution 20-090 (September 28, 2020)

**V. Coyote Business Park Development Standards & Design Guidelines;** adopted by CTUIR Board of Trustees Resolution 08-074 (July 28, 2008)

## **STAFF FINDINGS:**

**A. Tribal Staff Review Committee (TSRC):** Members of the CTUIR Tribal Staff Review Committee received a copy of the application packet for CU-23-002 on August 10, 2023. A meeting of the TSRC was held August 17, 2023, to review the application. The following comments were received:

Department of Public Works, Public Works Director – stated an interest in getting more information on the planned filtration of stormwater on the site to ensure grain, oil, or other contaminants are filtered out before they can enter the stormwater system. Also expressed interest in learning more about the expected flow and frequency of truck delivery traffic to the site. [Staff discussed concerns with Applicant, who stated that they are working with a civil engineer to design a stormwater system that will utilize media filters to ensure pollutants/debris from entering the stormwater. They also stated that if the proposed mill operated at full capacity, they could expect a total of 25 trucks to the site throughout the day; however, they did not expect to operate at full capacity at first.]

Department of Natural Resources – Cultural Resource Protection Program, Senior Archaeologist (via e-mail): “A cultural resource survey and testing is required of Lot 1. Those conducting the cultural resource assessment will also need to assess effects to historic properties of religious and cultural significance as the proposed mill is within two historic properties of religious and cultural significance to the CTUIR, *Šišnamiš* and the unnamed historic property in Coyote Business Park. Views from within these places may be impacted by the additional lighting, traffic, and proposed height of the structures (buildings and grain elevators), which may compromise the integrity of setting, feeling, and association. If the effects of the proposed

improvements are adverse, mitigation measures may be needed. At a minimum, natural paint colors, vegetative screening, and shielded/dark sky compliance lighting should be considered. Off-site mitigation measures may be necessary.”

No other written or verbal comments were received from Committee members on or before the deadline date of August 24, 2023 to be included in these Findings.

**B. *Preliminary Site Plan Review:*** Land Development Code (LDC) Section 10.015 requires site plan approval for any use subject to Conditional Use approval. Based on information provided by the applicant the following is a preliminary review of applicable site plan review standards:

a. Access to tie from adjacent rights-of-way, street and arterials: The site has direct access from both Tokti and Nichtay roads to the south and east sides of the property. Nichtay Road is a two-lane, paved road. A portion of the road is owned and operated by the CTUIR, though it transitions to ODOT ownership and maintenance for the part of the road that runs parallel to Interstate 84. Tokti Road is a two-lane, paved road owned and operated by the CTUIR roads program that was designed to handle traffic associated with light industrial uses like truck deliveries per recommendations from a 2004 Traffic Impact Analysis completed in conjunction with SUB-07-002, the Coyote Business Park South subdivision that created the subject property. This road provides subsequent access to Highway 331/South Market Road, and close access to Interstate 84 via exit 216.

b. Parking and circulation areas: The proposed flour mill will coexist with a planned warehouse and office space, as well as 12 grain storage towers. The proposed design includes a gated lot with 14 off-street parking spots for employees and visitors, which is accessed from Tokti Road. A separate, gated entrance accessed from Nichtay Road leads to two additional off-street spots for regular vehicles, and several loading dock spots for delivery trucks, as well as a gravel space for turnaround.

c. Location, dimensions and design of buildings: Final designs for the buildings are forthcoming pending the approval of the proposed Conditional Use. Proposed designs place all buildings and structures on the subject property towards the center of the lot, outside of setback distances and the 100’ setback from the high water line of Patawa Creek to the north. The active part of the site will be fenced, separating it from surround properties and from the riparian zone to the north containing Patawa Creek. Dimensions of the proposed flour mill building are approximately 136’ x 52’ (7072 square feet). The adjoining office and warehouse building will be approximately 136’ x 138’ (18,768 square feet). Please refer to the proposed site plan in Figure 4 for a visual example.

d. Orientation of windows and doors, entrances and exits, and pedestrian circulation: The proposed primary entrance is located on the south side of the office/warehouse building fronting Tokti Road. A secondary entrance would be on the western side of the building providing access immediately off the proposed visitor/staff parking lot. Several additional proposed entrances are on the eastern and western sides of the buildings. All are accessible by paved walkways, and driveways where appropriate (such as the loading dock).

e. Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery: The applicant has identified significant facilities specific to loading and delivery on the eastern and western sides of the proposed buildings, including a gated truck entrance, loading bays directly off the building, a grain elevator, and graveled turn-around areas within the site. Other regular services such as mail delivery are given space in the proposed staff/visitor parking lot to the west of the buildings. A screened trash enclosure is proposed on the northwest corner of the staff/visitor parking lot.

f. Areas to be landscaped: The Applicant proposes three areas throughout the subject property totaling 16,000 square feet that would be landscaped, which may also include stormwater ponds, swales, and berms.

g. Exterior lighting: Neither Tokti Road nor Nichtay Road contain streetlights. The Applicant has indicated that they plan to use building and pole-mounted light fixtures that will be full cut-off and conform to standards recommended by the Coyote Business Park Development Standards & Design Guidelines.

h. Special provisions for handicapped persons: All entrances to the buildings are accessible via paved walkways or driveways, and the building will sit largely on one elevation at grade. The loading docks may not be accessible as they are elevated from the surrounding grade.

i. Existing topography of the site at intervals appropriate to the site, but in no case having a contour interval greater than 10 feet: The site elevation is described at between 0-3% grade. There is no proposal to alter the topography of the lot in a significant way outside of the landscaped areas that may contain drainage swales or berms.

j. Signs: Approval of specific signage for parking areas and circulation will be reviewed once more detailed information is available.

**C. *Review of Conditional Use approval Criteria:*** LDC Section 6.015 lists four Circumstances for Granting a Conditional Use (*italicized text*). The applicant has provided statements to demonstrate how the proposed use meets these criteria.

1. *That the locations, size, design, and operational characteristics of the proposed use are such that it will have minimal adverse impact on the property value, livability, and permissible development of the surrounding area. Consideration shall be given to compatibility in terms of scale, coverage, and density, to the alteration of traffic patterns and the capacity of surrounding streets and roads, and to any other relevant impact of the proposed use.*

Applicant statement: “The selected lot for the proposed mill and granary is Lot 1, which is 7 acres in size. This is a sufficient amount of area for the mill to be placed with adequate circulation, to maintain required setbacks from property boundaries as well as Patawa Creek, and accommodate sufficient parking area for the use. The scale of the development is in line with reasonable expectations for an Industrial Development area. The mill building and granary will not exceed 15% of site coverage. The access road to Coyote Business Park, Tokti Road, was designed with these types of industrial developments and has adequate capacity to accommodate the proposed mill traffic. One of the objectives of Coyote Business Park South is to attract diversified light manufacturing and distribution warehousing, which includes the proposed development. No residential developments are near or adjacent to the site and as such we can conclude no impacts to livability. The development is planned to accommodate pedestrian amenities and keep auto circulation compatible with pedestrian, bicycle, and transit transportation. The proposed development will have a positive influence on the property values of the subject property, (which is currently undeveloped), as well as the adjacent properties. It will support the purpose of the Coyote Business Park to provide new employment and investment opportunities and diversify the regional economy. The development of a flour mill in Coyote Business Park South has already spurred conversations with other regional foodbased industries who may want to co-locate. The mill does not preclude other industrial developments from locating on nearby lots as it will not have any unfavorable byproducts and proposed set backs from property lines exceed the minimum.”

Discussion: The proposed flour mill has a compact design that does not encroach into setbacks or other areas restricted from development within the lot. The anticipated use and traffic volume is congruent with what can be expected in the Industrial Development zone and within an industrial park. The proposed use is located away from any existing homesites.

Finding: The proposed use would have very limited impact on permissible development and property value of surrounding lands.

2. *That the site planning of the proposed use will, as far as reasonably possible, provide an aesthetically pleasing and functional environment to the highest degree consistent with the nature of the use and the given setting.*

Applicant Statement: “The proposed flour mill and granary are appropriate uses for the region and fit well within the common agricultural building aesthetic. The presence of wheat crops makes them clearly appropriate for the region. The site plan includes appropriate landscaping and pedestrian access to, and alongside the site. The site plan adheres to the Coyote Business Park Development Standards and Design Guidelines as well as the Land Development Code of the Confederated Tribes of the Umatilla Indian Reservation. The appearance of the site and the mill will be consistent with expectations for an industrial development zone in the selection of exterior building materials, building massing, and in the articulation of the street-facing and pedestrian-scaled building entry. The mill building will be designed so that it is aesthetically pleasing and approachable with the intent to create clear wayfinding for visitors as well as industrial traffic. There are two major perspectives to consider in the aesthetic presence of the mill. The first is from the interstate. The presence of the mill from this perspective is one of an active and well cared for agrarian building, announcing the regional focus of the mill and the importance of local food systems. The second is from the corner of Tokti Rd and Nichtay Rd. This perspective is about clear wayfinding to enhance safety, separating industrial traffic to the working portion of the mill from personal vehicular traffic to the designated parking area. In this area, the building steps down to a pedestrian scale and invites visitors to the entry.”

Discussion: The proposed flour mill and adjacent buildings are congruent with both industrial uses and the surrounding agricultural nature of the area. The site proposes a tidy design that is contained within a fenced area and makes use of landscaping in several areas throughout the site.

Finding: The proposed flour mill will be aesthetically pleasing in the context of industrial development and the surrounding region that is largely agricultural.

3. *If the use is permitted outright in another zone, that there is substantial reason for locating the use in an area where it is only conditionally allowed, as opposed to an area where it is permitted outright.*

Applicant Statement: “The proposed grain elevator is allowed outright within the Industrial Development zone. A flour mill is listed under the Permitted Conditional Uses within the Industrial Development zone, which is the zoning of the subject site. Food production uses are allowed outright in this zone: a flour mill is complementary to these allowed uses.

A flour mill is not permitted outright within another zone according to the Land Use Development Code of the Confederated Tribes of the Umatilla Indian Reservation.”

Finding: A flour mill is a use that is only allowed with conditional use approval within the Industrial Development I-D zone within the boundaries of the Umatilla Indian Reservation. A flour mill is not a use permitted outright in any zone.

4. *That the proposed use will be consistent with the purposes of this Code, the Comprehensive Plan, and any other statutes, codes or policies that may be applicable, and will support rather than interfere with the uses permitted outright in the zone in which it is located.*

Applicant Statement: “The purpose of the Land Use Development Code of the Confederated Tribes of the Umatilla Indian Reservation is to protect the physical character of the Reservation and Trust lands, to insure, conserve and enhance vegetation, soils, water, fish, wildlife and other natural and cultural resources of the Reservation. Its further purpose is to regulate building and construction activities to ensure that standards are met to protect health, safety and welfare of the residents of the Umatilla Indian Reservation, promote orderly development, and to implement the Comprehensive Plan.

The proposed flour mill will support these purposes by setting an example of orderly development within the business park, which was set aside and intended for that purpose. Carefully chosen plantings will

enhance the vegetation and soils on the site, while adhering to the 100 foot setback from the creek that will ensure protection of the water, wildlife, and fish that depend on that source. The mill's proposed location is appropriately distanced from any residential developments as to avoid interference with health and safety of residents.

An updated Cultural Resources Survey will be performed as part of the development, which will support Comprehensive Plan goals. The proposed use of the flour mill will be a catalyst for other development in the Coyote Business Park South. The applicant has already been in communication with a malting company who is interested in co-locating with the mill. There are multiple other opportunities for regionally focused, agriculturally related industry to build within the park. These potential synergies and partnerships will be sought out by the applicant and their funding support. The vision is to encourage a regional hub for responsible agricultural products.

The result will be increased value-aligned and diverse commercial activity on the Reservation, supporting goals within the Comprehensive Plan related to development and employment. One of these goals is to plan for long-term economic security in the face of changing global environmental economic conditions, which is supported by strengthening the regional food system, the scale of which offers more resilience than our national food system. The mill also has the potential to expand employment for Tribal members on the Reservation, supporting another economic goal defined by the Comprehensive Plan. The project aims to create 15 full time equivalent positions.”

Discussion:

Applicable Land Development Code sections include the following:

*SUB-CHAPTER G. I-D -- INDUSTRIAL DEVELOPMENT ZONE*

*SECTION 3.165 DESCRIPTION AND PURPOSE:*

*The I-D, Industrial Development Zone is intended to provide areas for industrial development compatible with the economic resource base of the Umatilla Indian Reservation and the economic needs and wants of the people of the reservation. This zone designation is appropriate for areas in close proximity to major transportation facilities and necessary utilities, while preserving or enhancing the air, water and land resources of the area.*

*SECTION 3.190 CONDITIONAL USES PERMITTED:*

*In an I-D Industrial Development zone the following uses and their accessory uses are permitted, subject to the requirements of Section 6.010 through Section 6.035 inclusive and upon issuance of a Development Permit:*

- 1. Flour Mill;*

Applicable CTUIR Historic Preservation Code;

Section 5.01 – Cultural Resources Clearance. This section sets forth the Cultural Resources Clearance process for uses requiring Tribal permits. This requirement will be met if Applicant complies with second proposed Condition below.

*SECTION 5.01. CULTURAL RESOURCES CLEARANCES*

- 1. Cultural resources clearance must be obtained prior to the issuance of any of the following permits. Certain activities may be exempted pursuant to subsection A(2) of this section.*

- a. Any construction, ground disturbing activity or land use on the Umatilla Indian Reservation requiring issuance of a development permit, conditional use permit, or other approval pursuant to the Confederated Tribes' Land Development Code;*
- b. Any Water Code permit;*

**Findings:** The I-D designation prioritizes providing areas for industrial development that are compatible with the local economic resource base and is located in areas close to major transportation facilities and utilities.

**CONCLUSIONS:**

The criteria for the Conditional Use could be met for the proposed commercial timber harvest presented and explained by the applicant including:

1. Compatibility with the surrounding area and minimal impacts;
2. An aesthetically pleasing and functional site;
3. Substantial reason for locating the use in its current location;
4. Conformance with the Comprehensive Plan, Land Development Code and other applicable Statutes.

**DECISION OPTIONS:**

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

1. **Approve** the Conditional Use request without **conditions**;
2. **Approve** the Conditional Use request **with conditions**;
3. **Deny** the Conditional Use 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:**

Based on the preceding facts, findings and conclusions, staff recommends the Land Protection Planning Commission **APPROVE** the Conditional Use request with the following conditions:

1. The Applicant must complete a Cultural Resource Survey of the subject parcel and conform to findings from the resulting Cultural Resource Investigation.

**CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION**  
*Tribal Planning Office*

**CONDITIONAL USE / VARIANCE APPLICATION  
SUPPLEMENTAL SHEET**

DEAR APPLICANT:

Please fill out this APPLICATION completely and as accurately as possible. If a block does not apply, write "N/A" in the space provided. An incomplete application cannot be processed.

- 1) Please fill out your full name, current address and phone number.
- 2) Please fill out the full name, current address and phone number of the legal property owner (s) of the site your are requesting a permit for. If you are the sole property owner, simply write "same" on the first line.
- 3) This is the location of the site as described by section, township and range. If you are not familiar with this method or you do not have access to this information, we can assist in determining the location upon request.
- 4) Indicate whether the property is fee land (tax lot) or trust land (allotment) and the parcel number. Also specify the parcel acreage.
- 5) Indicate the right of way or easement road that allows legal access to the property (e.g., county, road, street, or access road).
- 6) Indicate the current use or uses of the subject property.
- 7) Indicate the specific use or uses for which you are requesting this conditional use/variance.
- 8) Explain in details on a separate sheet how the proposed use conforms to the conditional use/variance decision criteria (see attached page) and present a detailed site plan of the proposed use.
- 9) Read the statement carefully. Sign and date the application only after the application has been completely filled out.

**NOTE:** If the information presented is unclear or questionable, you may be required to provide further information such as lease agreements, evidence of legal access, legal ownership, etc.

\*\*\*\*\*  
IF YOU HAVE ANY QUESTIONS CONCERNING THE APPLICATION PROCESS  
OR CODE REQUIREMENTS, FEEL FREE TO EITHER STOP BY THE PLANNING  
OFFICE OR CONTACT THE OFFICE AT 429-7523  
\*\*\*\*\*

File #: CU-23-002

**CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION**

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

**CONDITIONAL USE APPLICATION**

Fee: \$100.00

Please Print

Applicant's Name: Cairnspring Mill, LLC represented by Urban Patterns, LLC

Address: Urban Patterns, 1432 E Burnside St, Portland, OR 97214 Phone: 503.893.2031

Lot Owner's Name: USA in trust for CTUIR. Subdivider: The Confederated Tribes of the Umatilla

Address: P.O. Box 638, Pendleton, OR, 97801 Phone: 541.429.3099

Property Description: Lot 1 of Coyote Business Section 21 Township 2N Range 33E

Tax Lot ( ) Allotment (✓): 1 Present Zone: I-D Total Acreage: 7.026

Legal Access: Access is along Tokti Rd, accessed off of South Market Road.

Present Use of Property (Description, including any existing structures and the current use): Agricultural, planted in wheat. Utilities at property border along Tokti Road. No existing structures present on the property.

Proposed Use: (Explain in detail on a separate sheet)

Decision Criteria: (Explain in detail on a separate sheet)

- A response shall be submitted with this application explaining how this request relates to the applicable decision criteria (see Attached).
- Also submit a statement explaining any other evidence you plan to present and a **detailed site plan** of the proposed use.

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: August 6, 2023

Applicant: Northwest Mills SPC dba Cairnspring Mills  
Agent: [Signature]

I am the (Circle One): Owner/owner's authorized representative (If authorized representative, attach letter signed by owner)

**TRIBAL PLANNING OFFICE USE ONLY**

File #: CU-23-002



Date Filed 8/7/2023  
Fee Paid: \$100.00

Reviewed By: Lora Elliott  
Hearing Date: September 26, 2023 (postponed from  
9/12/2023 due to lack of quorum)

NOTE: \_\_\_\_\_

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**ATTACHMENT: Conditional Use Decision Criteria (Land Development Code Section 6.015)**

A Conditional use may be granted if, on the basis of the application, investigation and evidence submitted findings are made based on the criteria below. A Conditional Use may be granted unqualifiedly or may be granted subject to prescribed conditions.

- (1) That the locations, size, design, and operations characteristics of the proposed use are such that it will have minimal adverse impact on the property value, livability, and permissible development of the surrounding area. Consideration shall be given to compatibility in terms of scale, coverage, and density, to the alteration of traffic patterns and the capacity of surrounding streets and roads, and to any other relevant impact of the proposed use.
- (2) That the site planning of the proposed use will, as far as reasonably possible, provide an aesthetically pleasing and functional environment to the highest degree consistent with the nature of the use and the given setting.
- (3) If the use is permitted outright in another zone, that there is substantial reason for locating the use in an area where it is only conditionally allowed, as opposed to an area where it is permitted outright.
- (4) That the proposed use will be consistent with the purposes of this Code, the Comprehensive Plan, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses permitted outright in the zone in which is it located.

**Variance Decision Criteria (Land Development Code Section 8.015)**

A Variance may be granted if, on the basis of the application, investigation and evidence submitted findings are made based on the criteria below. A variance may be granted unqualifiedly or may be granted subject to the prescribed conditions. A variance may be granted only in the event that all of the following circumstances exist:

- (1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this Code have had no control.
- (2) The variance is necessary for the preservation of a property right of the applicant substantially the same as possessed by the owners of other property in the same zone or vicinity.
- (3) The variance would not be materially detrimental to the purposes of this Code or to property in the same zone or vicinity in which the property is located or otherwise conflict with the objectives of any Reservation Plan or Policy.
- (4) The variance requested is the minimum variance which would alleviate the hardship.

File #: CU-23-002

## **CTUIR Planning Department - Conditional Use Application**

Cairnspring Mill

*Updated: August 7<sup>th</sup>, 2023*

### **Proposed Use:**

The applicant is seeking approval for a proposed flour mill. The planned production capacity for the regional mill is 5-tons per hour and a stone-ground milling process will be employed. A granary is also proposed on the same site for storage of purchased grain after harvest and prior to processing. The applicant's plan for the mill building also includes a packaging and finished good storage area, offices for mill staff, and a test kitchen for the purposes of testing the flour products produced on site.

The proposed site program accommodates parking for staff and visitors, required sidewalks and pedestrian access, landscaped areas, an exterior platform scale, as well as access for full size semi-trucks for deliveries and shipping.

The project projects 15 full time equivalent employees on the site, and the mill will run continuously: 7 days a week and 24 hours per day.

## CTUIR Planning Department - Conditional Use Application

Cairnspring Mill

Updated: August 7<sup>th</sup>, 2023

### Decision Criteria:

A Conditional use may be granted if, on the basis of the application, investigation and evidence submitted findings are made based on the criteria below. A Conditional Use may be granted unqualifiedly or may be granted subject to prescribed conditions.

- 1) That the locations, size, design, and operations characteristics of the proposed use are such that it will have minimal adverse impact on the property value, livability, and permissible development of the surrounding area. Consideration shall be given to compatibility in terms of scale, coverage, and density, to the alteration of traffic patterns and the capacity of surrounding streets and roads, and to any other relevant impact of the proposed use.
  - a. *Response: The selected lot for the proposed mill and granary is Lot 1, which is 7 acres in size. This is a sufficient amount of area for the mill to be placed with adequate circulation, to maintain required setbacks from property boundaries as well as Patawa Creek, and accommodate sufficient parking area for the use. The scale of the development is in line with reasonable expectations for an Industrial Development area. The mill building and granary will not exceed 15% of site coverage. The access road to Coyote Business Park, Tokti Road, was designed with these types of industrial developments and has adequate capacity to accommodate the proposed mill traffic. One of the objectives of Coyote Business Park South is to attract diversified light manufacturing and distribution warehousing, which includes the proposed development. No residential developments are near or adjacent to the site and as such we can conclude no impacts to livability. The development is planned to accommodate pedestrian amenities and keep auto circulation compatible with pedestrian, bicycle, and transit transportation. The proposed development will have a positive influence on the property values of the subject property, (which is currently undeveloped), as well as the adjacent properties. It will support the purpose of the Coyote Business Park to provide new employment and investment opportunities and diversify the regional economy. The development of a flour mill in Coyote Business Park South has already spurred conversations with other regional food-based industries who may want to co-locate. The mill does not preclude other industrial developments from locating on nearby lots as it will not have any unfavorable byproducts and proposed set backs from property lines exceed the minimum.*
- 2) That the site planning of the proposed use will, as far as reasonably possible, provide an aesthetically pleasing and functional environment to the highest degree consistent with the nature of the use and the given setting.

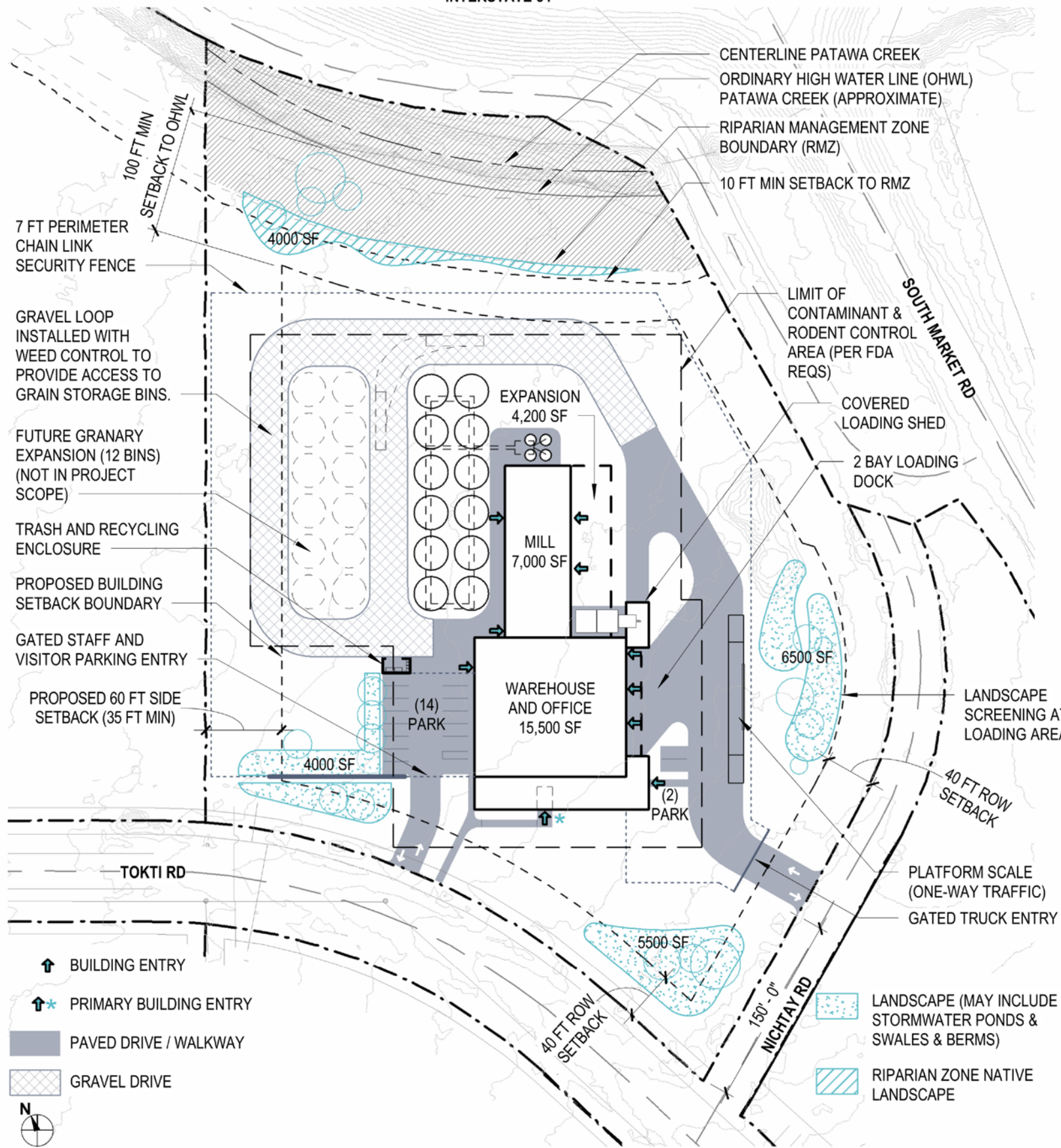
- a. Response: The proposed flour mill and granary are appropriate uses for the region and fit well within the common agricultural building aesthetic. The presence of wheat crops makes them clearly appropriate for the region. The site plan includes appropriate landscaping and pedestrian access to, and alongside the site. The site plan adheres to the Coyote Business Park Development Standards and Design Guidelines as well as the Land Development Code of the Confederated Tribes of the Umatilla Indian Reservation. The appearance of the site and the mill will be consistent with expectations for an industrial development zone in the selection of exterior building materials, building massing, and in the articulation of the street-facing and pedestrian-scaled building entry. The mill building will be designed so that it is aesthetically pleasing and approachable with the intent to create clear wayfinding for visitors as well as industrial traffic. There are two major perspectives to consider in the aesthetic presence of the mill. The first is from the interstate. The presence of the mill from this perspective is one of an active and well cared for agrarian building, announcing the regional focus of the mill and the importance of local food systems. The second is from the corner of Tokti Rd and Nichtay Rd. This perspective is about clear wayfinding to enhance safety, separating industrial traffic to the working portion of the mill from personal vehicular traffic to the designated parking area. In this area, the building steps down to a pedestrian scale and invites visitors to the entry.*
- 3) If the use is permitted outright in another zone, that there is substantial reason for locating the use in an area where it is only conditionally allowed, as opposed to an area where it is permitted outright.

  - a. Response: The proposed grain elevator is allowed outright within the Industrial Development zone. A flour mill is listed under the Permitted Conditional Uses within the Industrial Development zone, which is the zoning of the subject site. Food production uses are allowed outright in this zone: a flour mill is complementary to these allowed uses.*
  - b. A flour mill is not permitted outright within another zone according to the Land Use Development Code of the Confederated Tribes of the Umatilla Indian Reservation.*
- 4) That the proposed use will be consistent with the purposes of this Code, the Comprehensive Plan, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses permitted outright in the zone in which it is located.

  - a. Response: The purpose of the Land Use Development Code of the Confederated Tribes of the Umatilla Indian Reservation is to protect the physical character of the Reservation and Trust Lands, to insure, conserve and enhance vegetation, soils, air, water, fish, wildlife, and other natural and cultural resources of the Reservation. Its further purpose is to regulate building and construction activities*

*to ensure that standards are met to protect public health, safety, and welfare of the residents of the Umatilla Indian Reservation, promote orderly development, and to implement the Comprehensive Plan.*

- b. The proposed flour mill will support these purposes by setting an example of orderly development within the business park, which was set aside and intended for that purpose. Carefully chosen plantings will enhance the vegetation and soils on the site, while adhering to the 100 foot setback from the creek will ensure protection of the water, wildlife, and fish that depend on that source. The mill's proposed location is appropriately distanced from any residential developments as to avoid interference with the health and safety of residents.*
- c. An updated Cultural Resources Survey will be performed as part of the development, which will support Comprehensive Plan goals. The proposed use of the flour mill will be a catalyst for other developments in Coyote Business Park South. The applicant has already been in communication with a malting company who is interested in co-locating with the mill. There are multiple other opportunities for regionally focused, agriculturally related industry to build within the park. These potential synergies and partnerships will be sought out by the applicant and their funding support. The vision is to encourage a regional hub for responsible agricultural products.*
- d. The result will be increased value-aligned and diverse commercial activity on the Reservation, supporting goals within the Comprehensive Plan related to development and employment. One of these goals is to plan for long-term economic security in the face of changing global environmental economic conditions, which is supported by strengthening the regional food system, the scale of which offers more resilience than our national food system. The mill also has the potential to expand employment opportunities for Tribal members on the Reservation, supporting another economic goal defined in the Comprehensive Plan. The project aims to create 15 full time equivalent positions.*



**ZONING CODE STANDARDS**

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION LAND DEVELOPMENT CODE As Amended through Resolution No. 21-013

February 8, 2021 (CTUIR LDC)

COYOTE BUSINESS PARK DEVELOPMENT STANDARDS AND DESIGN GUIDELINES, July 28, 2008 (CBP Standards)

**ACREAGE**

LOT DIMENSION: 100 feet minimum CTUIR LDC Sub-Chapter G 3.170  
HEIGHT LIMIT: 45 feet, except grain elevators CTUIR LDC Sub-Chapter G 3.170

**65' feet proposed, see variance application**

LOT COVERAGE: Not to exceed 15% (Includes building and grain storage area, excludes future expansion)

**MINIMUM BUILDING SETBACKS**

FRONT AND ROADS: 40 feet CBP Standards - III.D.Table 2  
SIDE: 35 feet CTUIR LDC G Sub-Chapter 3.175  
REAR: 100 feet to high-water line mark along all streams CTUIR LDC G Sub-Chapter 3.175

**PEDESTRIAN CIRCULATION:**

CBP Standards - III.F

5 foot wide, concrete walkways required from public right-of-way to main building entries.

**PARKING**

CPB Standards - III.H

INDUSTRIAL MANUFACTURING: 1 space per employee on the two largest working shifts LDC 17.010.1.g

PROPOSED: 16 SPACES INCLUSIVE OF REQUIRED ADA SPACES

**LOADING AND SERVICE AREAS:**

CBP Standards - III.I

Service and loading areas will be paved, loading areas will be screened from Interstate 84 and South Market Road with landscape elements.

**LIGHTING**

CBP Standards - III.J

Building and Pole mounted light fixtures will be full cut-off and be standard or equal to the published CBP standard.

**TRASH AND OUTDOOR STORAGE:**

CPB Standards - III.K

The proposed trash area will be screened from Tokti Road with an enclosure and the area will be paved. Gravel surfaces with weed control measures are proposed to serve the grain storage area.

**STORMWATER DETENTION:**

CBP Standards - III.O

Stormwater runoff is not to be released from on-site areas into any adjacent roadways or lots.

TOTAL IMPERVIOUS AREA: 70,000 sf

PROPOSED BUILDING COVERAGE: 30,000 sf (includes grain storage bins and outbuildings)

PROPOSED IMPERVIOUS HARDSCAPE: 40,000 sf

**ADVISORY LANDSCAPE GUIDELINES:** CBP Standards - V

Landscape Area Goal (Table 4 Minimum Landscape Area): 10% with Coyote Business Park South

Recommended: 30,606 sf

Proposed: 20,000 sf (includes stormwater swales/ponds, screening berms, and native plantings adjacent to riparian area)



**PROPERTY INFORMATION**

COYOTE BUSINESS PARK SOUTH SUBDIVISION  
LOT 1  
7.026 AC  
306,055 SF

ZONING: I-D INDUSTRIAL DEVELOPMENT ZONE

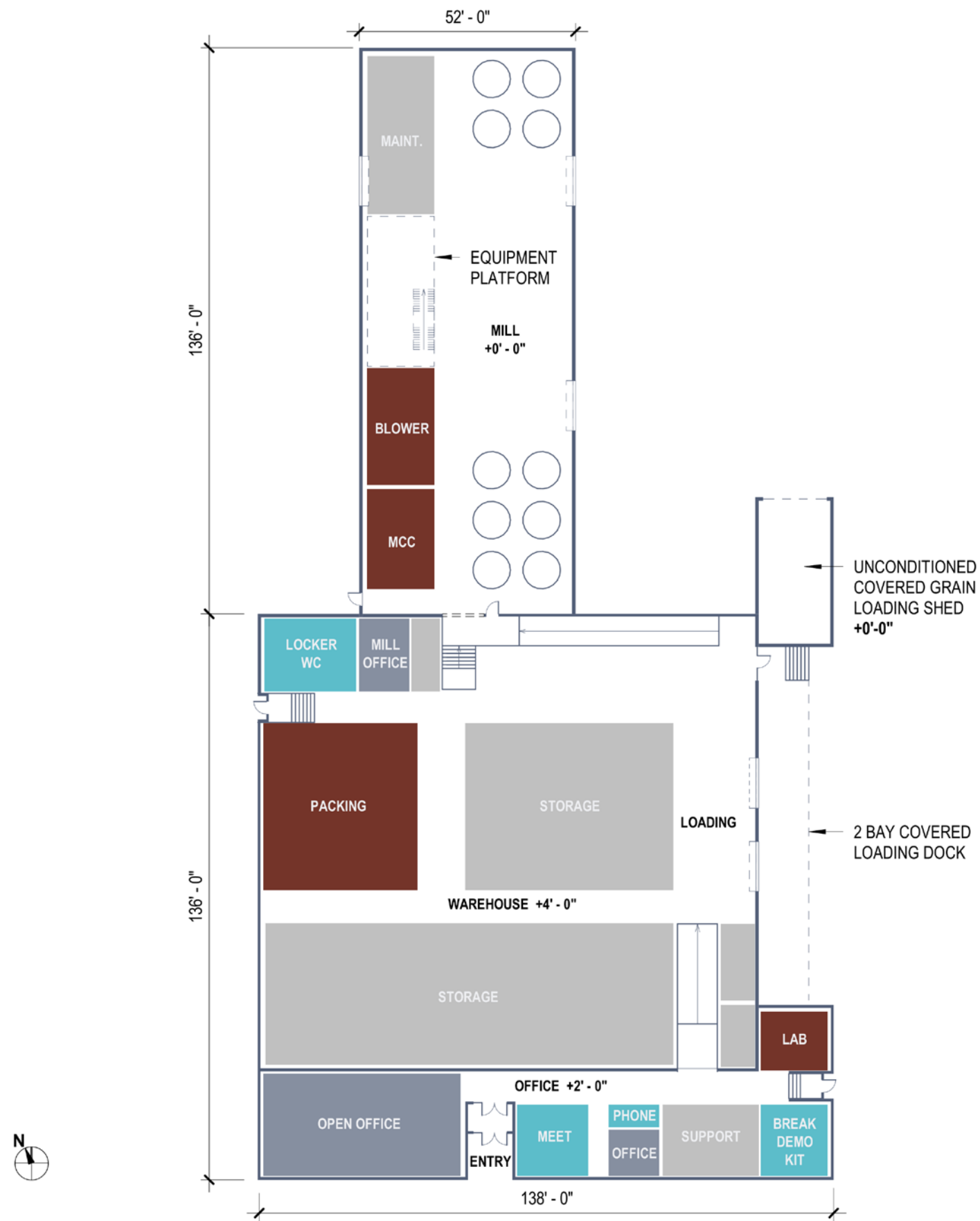
**FLOUR MILL AND GRANARY**

PROJECTED NUMBER OF EMPLOYEES: 15  
HOURS OF OPERATION: 24 HOURS PER DAY, 7 DAYS PER WEEK

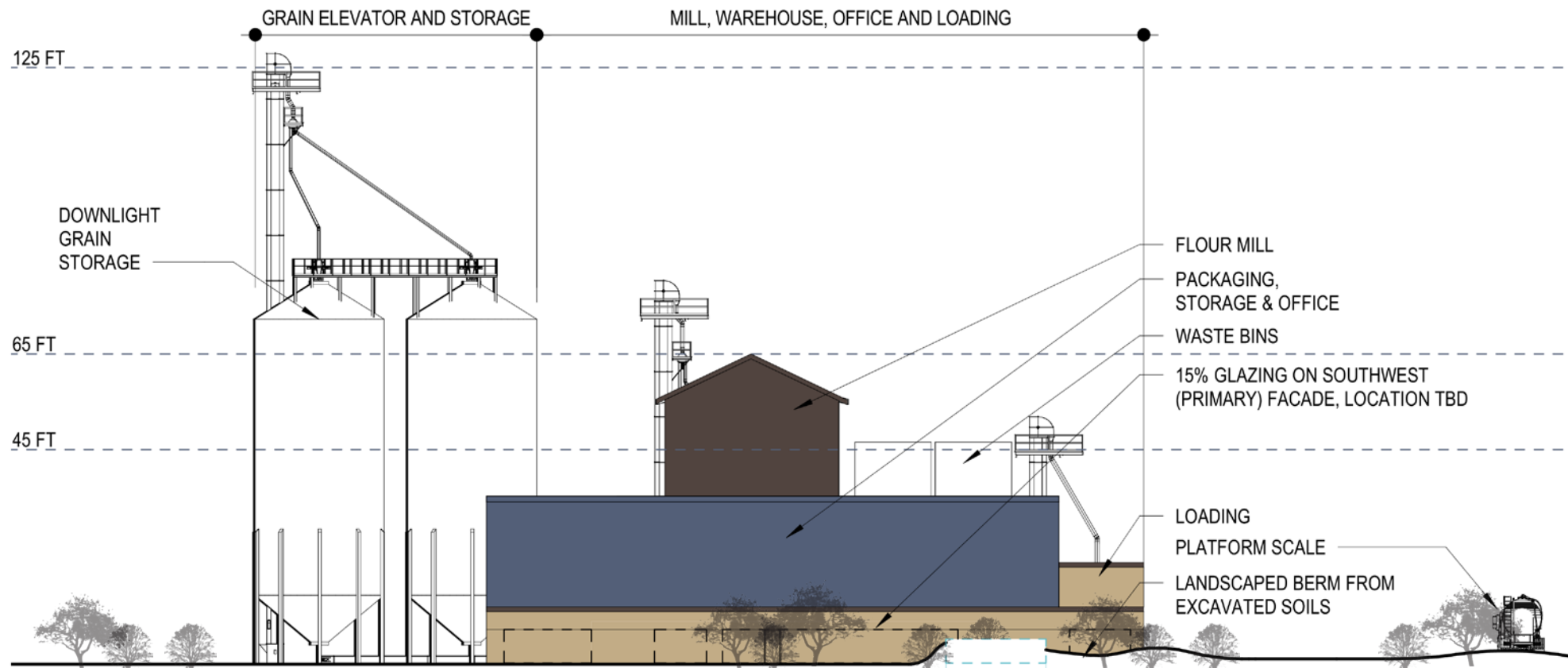
**Cairnspring Mill - Site Plan**

August 7th, 2023





**Cairnspring Mill - Floor Plan**  
August 7th, 2023



**1 ELEVATION - SOUTHWEST**  
1/32" = 1'-0"

**ZONING CODE STANDARDS**  
 CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION  
 LAND DEVELOPMENT CODE As Amended through Resolution No.  
 21-013 February 8, 2021 (CTUIR LDC)  
 COYOTE BUSINESS PARK DEVELOPMENT STANDARDS AND  
 DESIGN GUIDELINES, July 28, 2008 (CBP Standards)

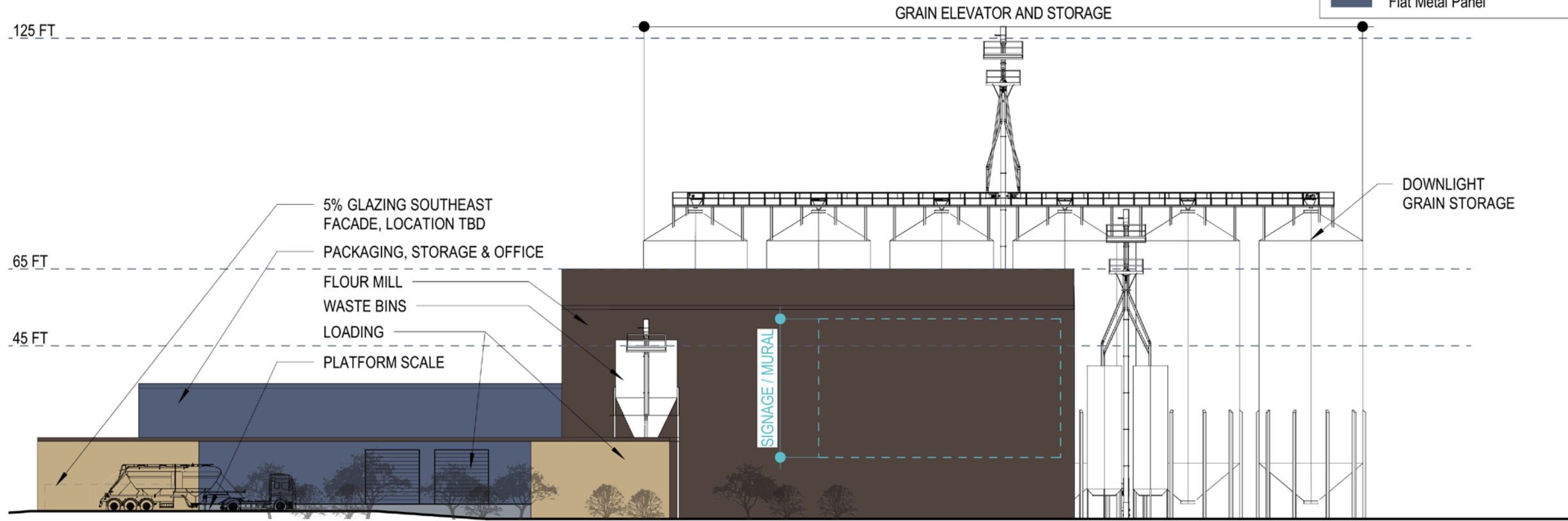
HEIGHT LIMIT: 45 feet, except grain elevators  
 (CBP Standards Sub-Chapter G 3.170)  
**65 feet proposed**

**COYOTE BUSINESS PARK GUIDELINES**  
 Shade parking and buildings where possible  
 Screen loading and service areas from roads and I-84  
 Articulate street facing facades  
 Fencing to be a maximum of 8 feet tall  
 Metal buildings to have a base of concrete or masonry  
 Reuse surface soils on site

**LIGHTING STRATEGY NOTES**  
 - Uplight grain bins  
 - Use business park standard fixtures  
 - All exterior lighting to be 2700k, Dark sky, habitat friendly lighting

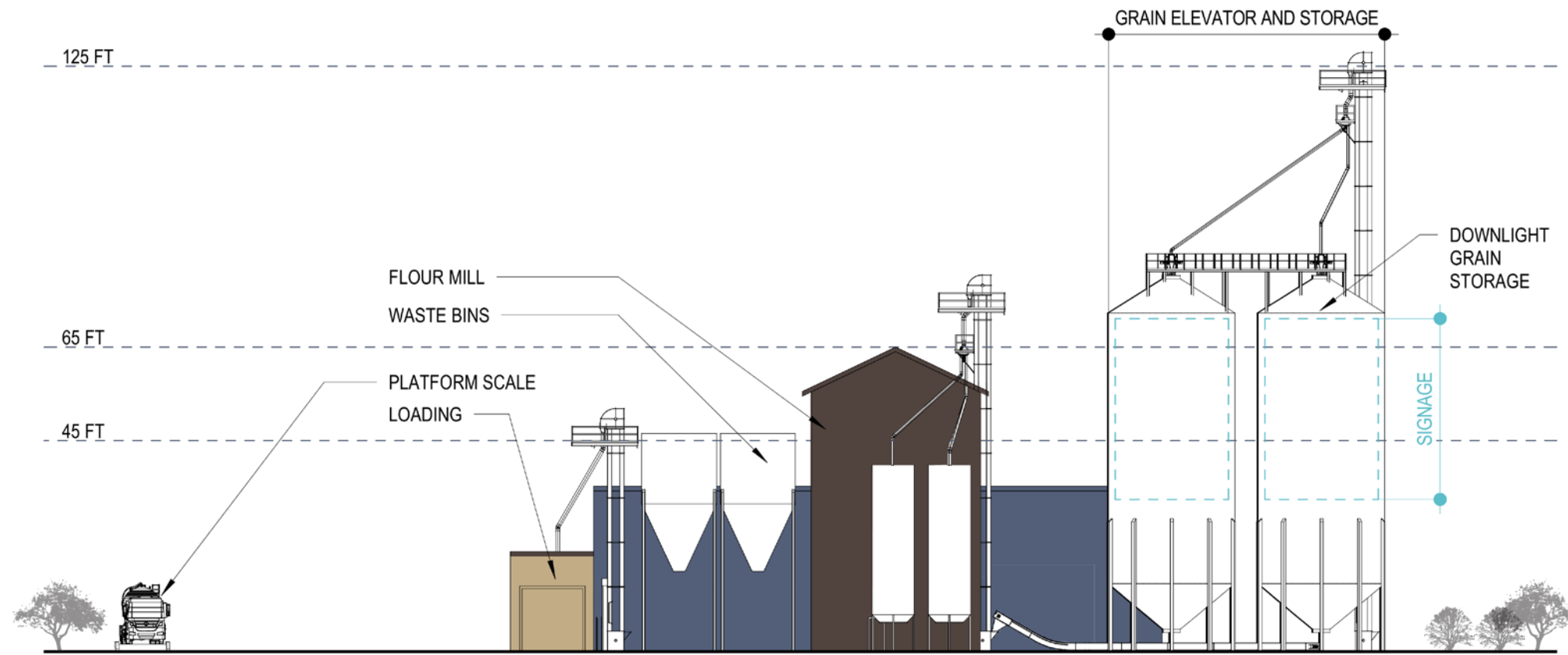
**LEGEND**

	Wood Cladding or Screening
	Textured Metal Panel
	Flat Metal Panel



**2 ELEVATION - SOUTHEAST**  
1/32" = 1'-0"





**1 ELEVATION - NORTHEAST**  
1/32" = 1'-0"

**ZONING CODE STANDARDS**  
 CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION  
 LAND DEVELOPMENT CODE As Amended through Resolution No.  
 21-013 February 8, 2021 (CTUIR LDC)  
 COYOTE BUSINESS PARK DEVELOPMENT STANDARDS AND  
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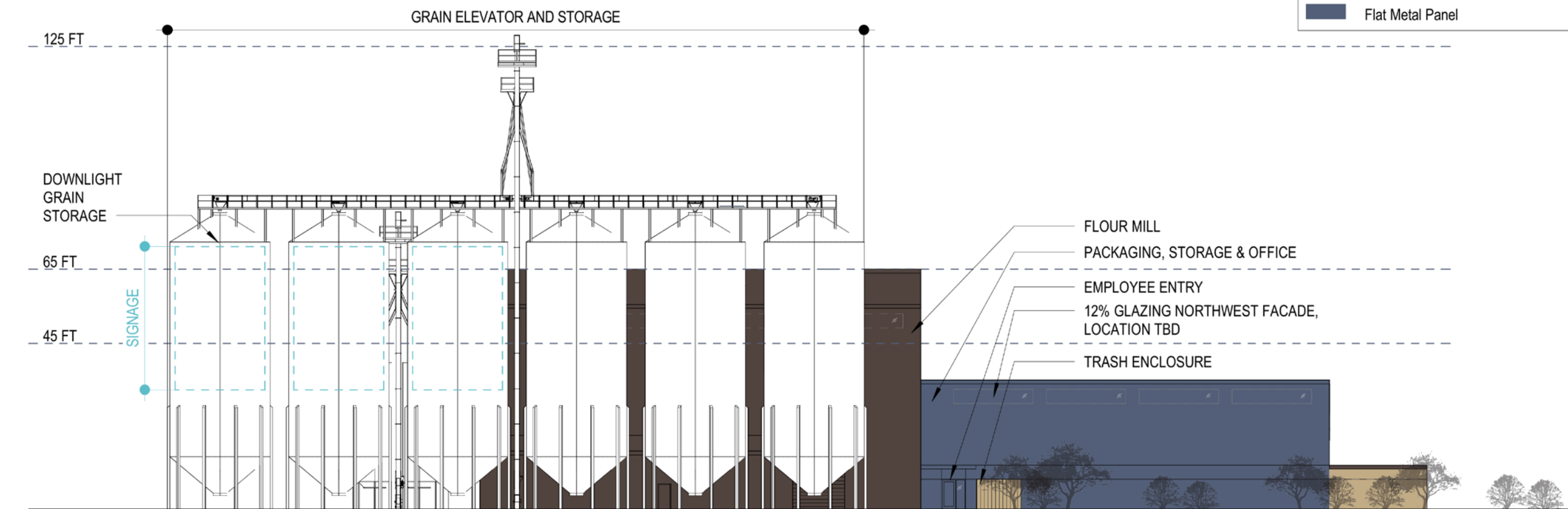
HEIGHT LIMIT: 45 feet, except grain elevators  
 (CBP Standards Sub-Chapter G 3.170)  
**65 feet proposed**

**COYOTE BUSINESS PARK GUIDELINES**  
 Shade parking and buildings where possible  
 Screen loading and service areas from roads and I-84  
 Articulate street facing facades  
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 Reuse surface soils on site

**LIGHTING STRATEGY NOTES**  
 - Uplight grain bins  
 - Use business park standard fixtures  
 - All exterior lighting to be 2700k, Dark sky, habitat friendly lighting

**LEGEND**

	Wood Cladding or Screening
	Textured Metal Panel
	Flat Metal Panel



**2 ELEVATION - NORTHWEST**  
1/32" = 1'-0"



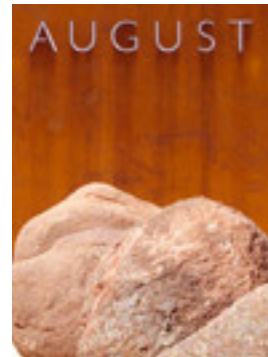
**Historic Regional Mills**

**A New Regional Mill**

In the 19th century, over 23,000 mills existed in the U.S., each serving just the local community; but they have been replaced by industrialized mills, leaving only 26 small mills in operation today.

The new regional mill draws from the historic mill palette while utilizing modern building materials and referencing the colors found in the surrounding landscape.

Weathered Steel



Dark Bronze Aluminum Storefront



Translucent Panel



Weathered Corrugated Steel Panel



Flat Metal Panel



Board Form Concrete

Wood Cladding & Screening

**Earth, Sky & Wheat**



**Cairnspring Mill - Material Palette**

August 7th, 2023





## PUBLIC HEARING NOTICE DISSEMINATION RECORD

File #: CU-23-002; Conditional Use request filed by Urban Patterns, LLC on behalf of their client Cairnspring Mills, LLC - 1432 E. Burnside Street, Portland, OR 97214.

Land Protection Planning Commission Public Hearing Date: September 26, 2023

Newspaper and Date Published; East Oregonian: September 16, 2023  
CUJ: September 7, 2023

Posted in six public Places;

1. Mission Market: September 8, 2023
2. Yellowhawk Tribal Health Clinic: September 8, 2023
3. BIA Umatilla Agency: September 8, 2023
4. CTUIR Housing Department: September 8, 2023
5. Nixyáawii Governance Center: September 8, 2023
6. CTUIR web site: <https://ctuir.org/events/lppc-public-hearing-cu-23-001-v-23-001-tsp-20-year-update-1/>

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.



## **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:

**Conditional Use File #CU-23-002** – Applicant, Urban Patterns, LLC on behalf of their client Cairnspring Mills, LLC seeks approval from the Land Protection Planning Commission to construct a flour mill. The subject property is identified as Lot 1 of the Coyote Business Park South Subdivision within trust parcel T2103-C, which is within the external boundaries of the Umatilla Indian Reservation. The subject property is zoned I-D, Industrial Development, where a flour mill is listed as a Conditional Use. Conditional Use approvals are subject to the CTUIR Land Development Code Chapters 6 and 13.

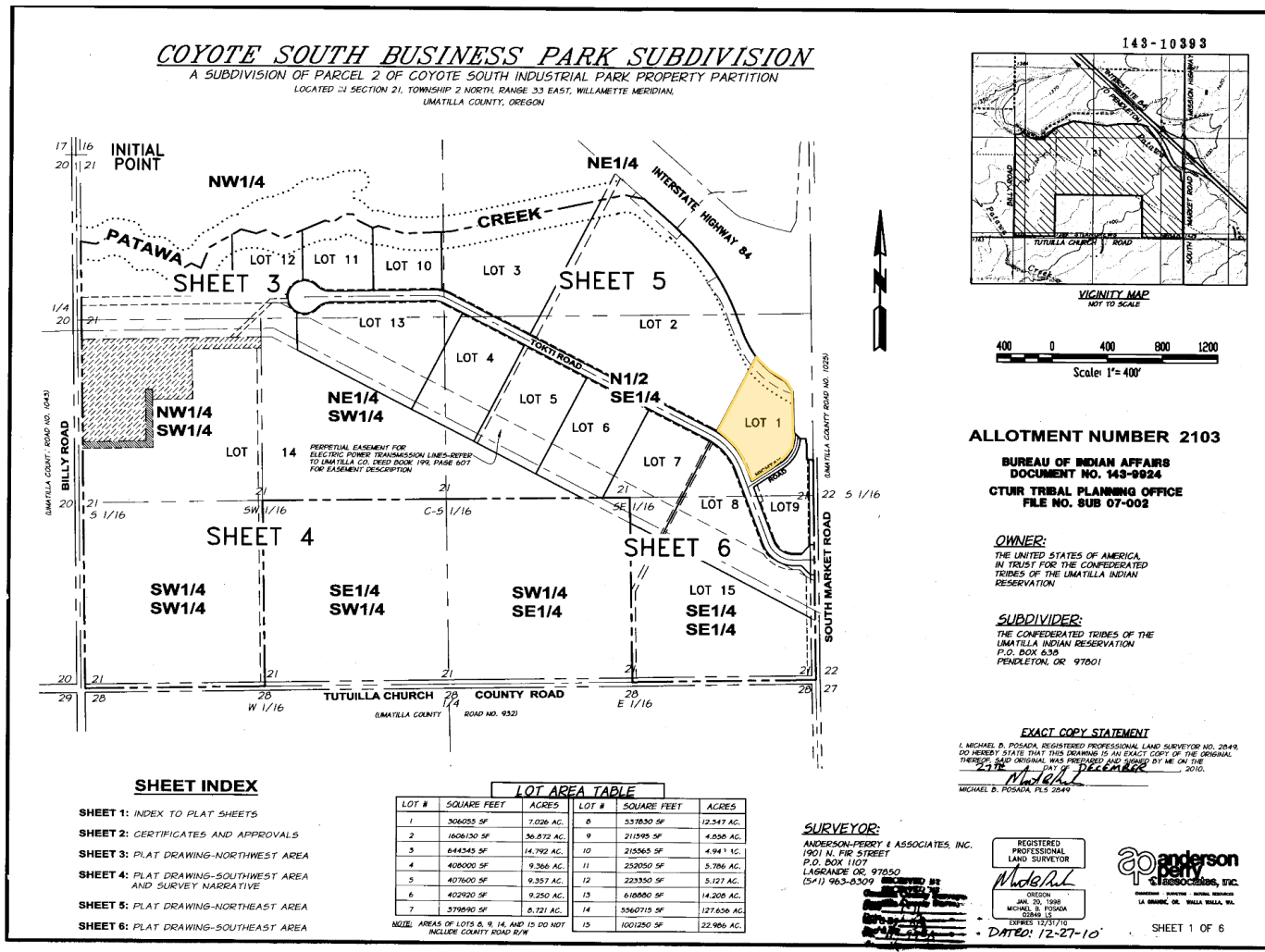
**Variance File #V-23-002** – Applicant, Urban Patterns, LLC on behalf of their client Cairnspring Mills, LLC seeks approval from the Land Protection Planning Commission to construct a flour mill tower that is 65 feet in height. The subject property is identified as Lot 1 of the Coyote Business Park South Subdivision within trust parcel T2103-C, which is within the external boundaries of the Umatilla Indian Reservation. The subject property is zoned I-D, Industrial Development, where structures other than grain elevators are limited to 45 feet. Variance approvals are subject to the CTUIR Land Development Code Chapters 8 and 13.

These hearings will be held on **Tuesday, September 26, 2023 beginning at 9:00 a.m.** Individuals may attend the meeting in the Walúula and Wanaqit conference rooms at the Nixyáawii Governance Center, virtually, or by phone. Information on joining the meeting online is available at <https://ctuir.org/events/lppc-public-hearing-cu-23-001-v-23-001-tsp-20-year-update-1/>. Participation in the hearing will also be available by phone at 872-242-7793 starting at 9:00 a.m. on the day of the hearing. The conference ID will be 322 646 057#.

Staff reports and other materials pertaining to the hearing are available for review at the link above, or can be requested from the Tribal Planning Office by calling 541-276-3099.

The public is entitled and encouraged to participate in the hearing and submit testimony regarding the request. Written comments may be sent to [tpo@ctuir.org](mailto:tpo@ctuir.org) or to the Tribal Planning Office at 46411 Timíne Way Pendleton, OR 97801 for receipt by 4:00 p.m. September 25, 2023.

# Property Owner Notification



Note: The subject property for Conditional Use CU-23-002 and Variance V-23-002 is identified as Lot 1 of the Coyote Business Park Subdivision SUB-07-002. This entire subdivision is contained within trust parcel T2103-C. The area within 250' of Lot 1 extends into Lots 2, 7, 8, and 9 of the same subdivision, along with portions of ODOT right-of-way containing I-84.

# CU-23-002 Public Notice Recipients

## Trust & Allotment Recipients

Ownership	Parcel ID
T	T2103-C

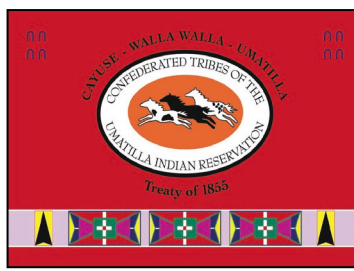
**Note that Lot 1 of the Coyote Business Park Subdivision is surrounded by Lots 2, 7, 8, and 9 of the same subdivision within 250' of the subject property. These are all within T2103-C.**

## Taxlot Recipients

**None.**

## Agency Recipients

Contact	Agency	Address
Operations Manager	Pacific Power	P.O. Box 220 Pendleton, OR 97801
Florinda Coleman	UEC	P.O. Box 1148 Hermiston, OR 97838-3148
Rivera Miroslava	Bonneville Power Association	P.O. Box 3621 Portland, OR 97208-3621
Superintendent	BIA	via e-mail
District #12	ODOT	1327 SE 3 <sup>rd</sup> Street Pendleton, OR 97801
Ashley Picard	CTUIR TERF	via e-mail



## MEMORANDUM

**DATE:** August 10, 2023  
**TO:** Tribal Staff Review Committee  
**FROM:** Lora Elliott, Assistant Planner, Tribal Planning Office  
**REGARDING:** Meeting Thursday, August 17, 2023, 10:00 am, in the Waluula and Wanaquit Conference Rooms at the Nixyáawii Governance Center or via Microsoft Teams

The Tribal Staff Review Committee will meet on **Thursday, August 17, 2023** at 10:00 am to review the following application:

**Conditional Use File #CU-23-001** – Applicant, Urban Patterns, LLC on behalf of their client Cairnspring Mills, LLC seeks approval from the Land Protection Planning Commission to construct a flour mill. The subject property is identified as Lot 1 of the Coyote Business Park South Subdivision within trust parcel T2103-C, which is within the external boundaries of the Umatilla Indian Reservation. The subject property is zoned I-D, Industrial Development, where a flour mill is listed as a Conditional Use. Conditional Use approvals are subject to the CTUIR Land Development Code Chapters 6 and 13.

**Variance File #V-23-001** – Applicant, Urban Patterns, LLC on behalf of their client Cairnspring Mills, LLC seeks approval from the Land Protection Planning Commission to construct a flour mill tower that is 65 feet in height. The subject property is identified as Lot 1 of the Coyote Business Park South Subdivision within trust parcel T2103-C, which is within the external boundaries of the Umatilla Indian Reservation. The subject property is zoned I-D, Industrial Development, where structures other than grain elevators are limited to 45 feet. Variance approvals are subject to the CTUIR Land Development Code Chapters 8 and 13.

You may attend this TSRC meeting in person or through Microsoft Teams Video Conference:

### Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 219 388 707 002

Passcode: cFrWrc

[Download Teams](#) | [Join on the web](#)

**Or call in (audio only)**

+1 872-242-7793,,429785536# United States, Chicago

Phone Conference ID: 429 785 536#

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 Lora Elliott at 541-429-7524.

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

Please see application materials on the Z:/drive. Written comments will be accepted until the end of the day on Thursday, August 24, 2023.

A public hearing with the Land Planning Protection Commission is proposed to be scheduled for September 12, 2023 at 9:00 a.m.

**From:** [Carey Miller](#)  
**To:** [Lora Elliott](#)  
**Cc:** [Patty Perry](#); [Teara Farrow Ferman](#)  
**Subject:** RE: Reminder: Seeking Comments on Proposals for Public Hearings CU-23-002 and V-23-002  
**Date:** Wednesday, September 6, 2023 4:59:14 PM

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Thank you, Lora. I listened to the recording of the meeting this afternoon. Below are comments on the Conditional Use and Variance applications.

A cultural resource survey and testing is required of Lot 1. Those conducting the cultural resource assessment will also need to assess effects to historic properties of religious and cultural significance as the proposed mill is within two historic properties of religious and cultural significance to the CTUIR, *Šišnamíiš* and the unnamed historic property in Coyote Business Park. Views from within these places may be impacted by the additional lighting, traffic, and proposed height of the structures (buildings and grain elevators), which may compromise the integrity of setting, feeling, and association. If the effects of the proposed improvements are adverse, mitigation measures may be needed. At a minimum, natural paint colors, vegetative screening, and shielded/dark sky compliance lighting should be considered. Off-site mitigation measures may be necessary.

Carey

Carey L. Miller  
Tribal Historic Preservation Officer/Senior Archaeologist  
Confederated Tribes of the Umatilla Indian Reservation  
Cultural Resources Protection Program  
46411 Timíne Way, Pendleton, OR 97801  
ph. (541)429-7234  
[careymiller@ctuir.org](mailto:careymiller@ctuir.org)  
Office Hours: Monday-Thursday

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**From:** Lora Elliott <[LoraElliott@ctuir.org](mailto:LoraElliott@ctuir.org)>  
**Sent:** Wednesday, September 6, 2023 3:42 PM  
**To:** James Hall <[JamesHall@ctuir.org](mailto:JamesHall@ctuir.org)>; Carey Miller <[CareyMiller@ctuir.org](mailto:CareyMiller@ctuir.org)>  
**Cc:** Patty Perry <[PattyPerry@ctuir.org](mailto:PattyPerry@ctuir.org)>  
**Subject:** Reminder: Seeking Comments on Proposals for Public Hearings CU-23-002 and V-23-002

Good afternoon James & Carey,

Following up from our respective phone conversations yesterday, I just wanted to remind you that I am hoping to get your comments regarding the applications for CU-23-002 and V-23-002. I really do need these comments in tomorrow mid-day at the very latest because I need time to incorporate them into the staff reports and hearing materials that I need to post before COB on Friday.

I am attaching the applications to this e-mail for your convenience. Let me know if you have any questions.

Thanks,

**Lora Elliott**



Assistant Planner | Tribal Planning Office  
Confederated Tribes of the Umatilla Indian Reservation  
46411 Timine Way, Pendleton, OR 97801  
☎: (541) 429-7524 | ✉: [loraelliott@ctuir.org](mailto:loraelliott@ctuir.org)

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*The information in this e-mail may be confidential and intended only for the use and protection of the Confederated Tribes of the Umatilla Indian Reservation. If you have received this email in error, please immediately notify me by return e-mail and delete this from your system. If you are not an authorized recipient for this information, then you are prohibited from any review, dissemination, forwarding or copying of this e-mail and its attachments. Thank you.*

TO: Confederated Tribes of the Umatilla Indian Reservation  
ATTN: Lora Elliott, Assistant Planner  
FROM: Margo Rettig, Project Architect  
DATE: October 16, 2023  
RE: Conditional Use File #CU-23-002 – Cairnspring Mills LLC

## Request for Additional Information

Lora,

Please see below for anticipated water use at the proposed flour mill provided by our team's mill engineers, Kice Engineering, proposed water use reduction strategies and references that benchmark water usage for your review and distribution.

### **Projected Water Usage at Proposed Cairnspring Mill at Coyote Business Park**

The proposed Cairnspring facility is expected to use an average of 80,000 to 95,000 gallons of water per month when operating at maximum production capacity. This equates to 0.29 acre-feet monthly.

According to Kice Engineers, the mill engineer, approximately 60,000 to 75,000 gallons of water is needed to mill 8 million pounds of flour per month. During a dry year, wheat will be delivered to the mill with 11.5% moisture. The optimal moisture content of grain for flour production is 15.5%, so water is added in a tempering process. This is the only time water is used during the flour making process. On an average year, approximately 12.5 gallons of water is needed to produce 1 metric ton of flour (2,205 lbs). No waste water is created in the flour milling process – all the water introduced into the grain remains there, until the flour is bagged or delivered in bulk to customers.

An additional 20,000 gallons of water will be used per month to serve plumbing fixtures for toilets, lavatories, showers, kitchens, a laboratory, and custodial sinks to serve staff and building maintenance needs. An equivalent amount of waste water is anticipated monthly.

This is based on industry standard assumptions of 25 gallons of daily water use per office employee per day plus 35 gallons of water use per mill employee per shift (see References).

Both the flour milling process and staff, maintenance and building systems water use is consistent throughout the year, so seasonal fluctuation in water usage is not anticipated.

In the first 2 years of operation, water for temporary irrigation for establishment of plants will be used in addition to the estimates above.

## Water Use Reduction Strategies

Potable Water is anticipated to be further reduced by installing low-flow fixtures per the table below:

	Code Required Fixture Rate	Proposed Fixture Rate	Percentage Reduction In Water Use
Toilet	1.6 gallons per flush	1.0 gallons per flush	37%
Urinal	1.0 gallons per flush	0.25 gallons per flush	75%
Lavatory	0.5 gallons per minute	0.35 gallons per minute with handsfree control and auto shutoff	30%
Kitchenette Sink	2.2 gallons per minute	1.5 gallons per minute	31%
Shower	2.5 gallons per minute	2.0 gallons per minute	25%
Utility Sink	(Excepted)	2.2 gallons per minute	n/a
Service Sink	(Excepted)	2.2 gallons per minute	n/a

Landscaping will adhere to the irrigation standards and the sustainability goals stated within the **Coyote Business Park Development Standards and Design Guidelines**. The project proposes native plants and xeriscape methods where feasible, with installation of a temporary irrigation system for plant establishment within the first two years of project completion.

### *E) Sustainability Goals*

*4. Reduce irrigation requirements and employ xeriscaping methods where feasible.*

*H) Irrigation: Low water usage is a goal of Coyote Business Park. Irrigation is required for planting areas except in areas where only native or drought tolerant plant materials are used. Native and drought tolerant planting shall receive adequate temporary irrigation until the plant material is established.*

## Stormwater Management

While the project has not yet engineered a stormwater management system for the site, the applicant anticipates installing on-site stormwater planters. The applicant acknowledges that a final stormwater design requires review and approval by the CTUIR Public Works Department.

The project will design stormwater systems in accordance with the requirements in the **Coyote Business Park Development Standards and Design Guidelines** : “*All storm water runoff from pervious surfaces must be detained within the tenant’s lot. Tenants are encouraged to capture stormwater runoff in landscaped areas whenever possible. Storm Detention designs must be reviewed and approved by the CTUIR Public Works Department. Stormwater runoff is not to be released from on-site areas into any adjacent roadways or lots. The infiltration of stormwater runoff may require a retention pond or vault, if the on-site soil characteristics do not provide a sufficient infiltration rate across the area of discharge.*”

## References:

### 1. Commercial Building Water Use

Source: 2012 CBECs Large Buildings Water Usage

<https://www.eia.gov/consumption/commercial/reports/2012/water/pdf/users%20guide%20to%202012%20water%20public%20use.pdf>

Source: Action Manufacturing and Supply Water Usage Estimates

<https://actionmfg.com/water-usage-rough-estimates/>

*Water use is based on industry standard assumptions of 1) 25 gallons of daily water use per office/administration employee per day, 5 days a week (up to 5 staff); plus 35 gallons of water use per mill employee per shift (up to 15 shifts).*

### 2. Average 4 Person Household Water Use

The average American uses around 82 gallons per day per person in the household. That means a family of four would use around 10,000 gallons in a 30-day period.

Source: EPA Understanding Your Water Bill

<https://www.epa.gov/watersense/understanding-your-water-bill#:~:text=The%20average%20American%20uses%20around,in%20a%2030%2Dday%20period.>

*The proposed mill is estimated to use the same amount of water as 10 households (of 4 people).*

### 3. Typical Water Use per Ton of Product

Source: EPA Water Use and Water Waste at Industrial Facilities

<https://www.epa.gov/sustainability/lean-water-toolkit-chapter-2>

Paper	21,000 – 528,000 gallons of water per ton
Beer	2,113 – 6,604 gallons of water per ton
Sugar	792 - 105,668 gallons of water per ton
Steel	528 – 92,460 gallons of water per ton
Soap	264 – 9,246 gallons of water per ton
Gasoline	26 – 10,566 gallons of water per ton

(Source: United Nations World Water Assessment, Water in a Changing World, 2009)

*Flour requires on average 12 gallons per metric ton of product according to Kice Engineering the project mill engineers.*