

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

To: **Land Protection Planning Commission (LPPC)**
Public Hearing Date: **May 14, 2024**
File No.: **CU-24-001**

SUBJECT: Conditional Use request: Jerad Crosswell homesite.

APPLICANT and PROPERTY OWNER: Jerad Crosswell – 74131 Thornhollow Road, Pendleton, OR 97810.

NATURE OF THE REQUEST:

Applicant seeks a Conditional Use approval from the LPPC to construct a single family dwelling along with an access road, well and septic. The subject property is identified as Tax Lot 2N350400-00800, which is located in the Thornhollow community within the external boundaries of the Umatilla Indian Reservation.

The subject property is zoned G-1, Big Game Grazing Forest, where a single family dwelling is listed as a Conditional Use. Conditional Use approvals are subject to the CTUIR Land Development Code Chapter 6, which contains approval criteria, and Chapter 13, Hearings.



BASIC FACTS:

- 1) ***Subject Property/Ownership:*** The property deed and Umatilla County Tax Records show Jerad Crosswell as the owner of tax lot 2N350400-00800. The parcel is located just north and east of the Thornhollow bridge and accessed from Thornhollow Road. The deed contains the legal description of the property. This was submitted as part of the Application (see Exhibit 2).
- 2) ***Zoning:*** The subject property is zoned G-1, Big Game Grazing Forest. LDC Section 3.270 states, “The purpose of this zone is to preserve and maintain habitat for big game and other wildlife. Lands within this zone are largely undeveloped and located at the higher elevations of the Reservation. Generally, these lands are utilized and managed for outdoor recreation, range and timber with very limited development.” For uses listed as conditional within this zone, such as “Single Family Dwelling,” the conditional use criteria must be met.
- 3) ***Current Use:*** The subject property is currently undeveloped land that contains wild rose bushes and grassy vegetation. (see photos below).



- 4) ***Surrounding Land Uses:*** The proposed homesite is within the Thornhollow community where there are other residential homesites on large lots and undeveloped land. There is also a fish hatchery facility run by the CTUIR Fisheries Department.

- 5) **Legal Access:** This site has legal access from Thornhollow Road. Thornhollow Road in this area is a steeply graded two-lane paved road under the jurisdiction of the Umatilla County Roads Department.
- 6) **Topography and Other Site Information:** The proposed development site is on a bluff above the Umatilla River. While some of the area is sloped there is a flatter bench area which is the area proposed for the homesite. There is an existing driveway on Thornhollow Road that leads into the site on an old road bed. The road bed is overgrown with vegetation but is the route proposed for the driveway. The Cultural Resources Report contains an excellent topographic map for the area (pictured below).

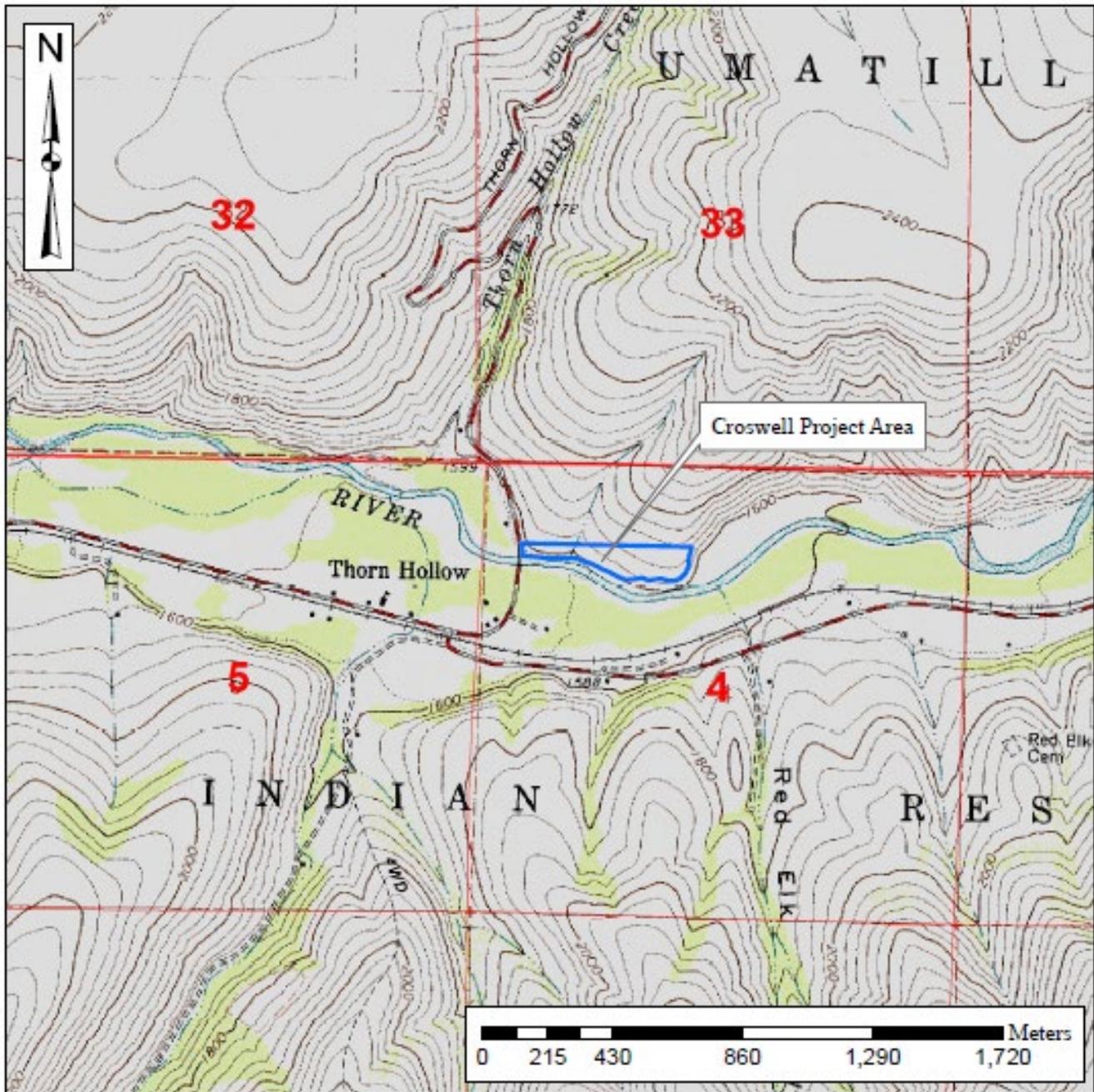


Figure 1. Location of the Croswell Project Area in Section 4, Township 2 North, Range 35 East, WM

7) **Utilities:** Electricity to the area is provided by Umatilla Electric via a line running along the east side of Thornhollow Road. This site is well outside the CTUIR water sewer service area so septic and well would be required.

8) **Soils:** The Umatilla County Soils survey states that the site contains Gwinly Very Cobbly Silt Loan, 7% - 40% slopes.

A septic test pit was done on March 22, 2024. The soils were evaluated by Indian Health Services Sanitation Facilities Construction staff (IHS) and found to be acceptable for a conventional septic system with drainfield.

9) **Intended Property Use:** Single family dwelling and related utilities.

10) **Permitting History:** The tax lot was created in 2023 through a Lot Line Adjustment; two lots oriented north and south with land on both sides of the Umatilla River were changed to an east-west orientation with the dividing line being the center of the Umatilla River. The subject lot is the northerly of the two lots.

PROJECT STATEMENT: (provided by Applicant)

"I would like to build a driveway from Thorn Hollow Rd, by the bridge, along the northern property line out to the flat point in the north/northeastern portion of the property. In the middle of the bench I would like to construct a home for myself and future family."

Proposed Site Plan



Orange – Proposed Driveway

Red – House

Pink – Expected General Location of Well

Yellow – Septic

Blue – Possible future shop building

*All structures and drainfield will be at least 100 feet from edge of bluff

APPLICABLE POLICIES AND CODES:

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

Chapter 5, Plan Elements: Goals & Objectives:

- Section 5.6 Natural Resources
 - Objective 2: “To Protect, preserve, and perpetuate the CTUIR’s culturally significant places and resources for the benefit of current and future generations.”
 - Objective 4: “To provide sustainable harvest opportunities for big game species of the First Food order by protecting, conserving, and restoring big game populations and their habitats;”
- Section 5.9 Housing
 - Objective 1: “Expand the number of all type of housing units on the Reservation for Tribal members at all income levels.”
 - Objective 2: “Increase the number of buildable residential lots 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 Big Game Grazing Forest Zone;
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 (Sept. 28, 2020)

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-24-001 on April 11, 2024. A meeting of the TSRC was held April 18, 2024, to review the application. The following comments were received:

Department of Public Works – Public Works staff provided a written statement that the proposal will not adversely affect any public works facilities. Thornhollow Road is not under Tribal Jurisdiction.

The CTUIR Transportation Planner Dani Schulte stated that since the driveway is existing, the Thornhollow Bridge project will be required to retain access to the driveway when the bridge deck is rebuilt. The plan is to raise the bridge deck and adjacent approach to a higher elevation than previous. Since the driveway slopes up from the current elevation of Thornhollow Road, this change should reduce the initial slope of the driveway. Dani noted that the westerly curve of the road facilitates visibility of the driveway on the east side of the road for vehicles driving down the Thornhollow grade. For cars crossing the bridge, visibility and stopping distance will need to be worked out as part of the design process.

Having direct site access to Thornhollow Road is a benefit to the property and appears feasible. However, if the applicant chooses to pursue access through the property to the north (his parent’s property), an easement would be required. Construction of the driveway into the property or obtaining an easement for access from the north should be completed as one of the initial steps in the development and prior to issuance of any building permits for structures on the property.

Fire Department – The Fire Chief reviewed the proposal and provided comments that the driveway into the property would need to be 10 feet wide for Fire Department and emergency access.

Department of Natural Resources –The Cultural Resource Protection Program surveyed the property and provided the Findings report (Exhibit 3). The Report states that while no cultural resources were observed during the survey, the project is in an area of high probability for cultural resources. The clearance requires a cultural resource monitor to be present for excavation activities.

Department of Natural Resources – Water Resources. DNR Staff Kelly Warren reviewed the proposed site location on January 24, 2024 for suitability for a well. He noted on the Sanitation Development Permit application that the site is suitable for a domestic well. The nearest well is 132 feet deep, and produced 15 gallons per minute when drilled in February 1993. He has spoken with Jerad about the requirement for a Water System Development permit for a new domestic well that would need to be applied for if the Conditional Use is approved.

Additionally, Kelly Warren reviewed the proposed access road location to determine if a stream zone alteration permit would be required. The proposed driveway crosses a small drainage channel. Culvert work will be needed in this area. In a 4/18/24 email Kelly stated that a stream zone alteration permit will not be required because

- 1). The drainages are rated Strahler 0 and exist in an area considered Upland and
- 2). The DNR Director determined that the areas meeting criteria listed in 1) do not require a stream zone alteration permit.

Department of Natural Resources – Fisheries. The Fisheries Program Manager stated that the program had no concerns regarding the proposed development of a homesite on the lot.

Department of Natural Resources – Wildlife. The Wildlife Program Manager supplied comments that the proposed site is not an area of importance to Mule Deer which are a species of concern. While the area may be used by White Tail Deer, habitat is plentiful for this species.

Office of Legal Counsel. The Office of legal Counsel reviewed the application packet and provided an email stating they do not have any concerns about the proposed Conditional Use.

B. *Site Plan Review Requirement:* The Land Development Code requires site plan approval per the criteria in Section 10.015 for any use subject to Conditional Use approval. Because the proposed use is not a commercial use, many of the site plan elements are not a concern. Site plan review is required to be done prior to issuance of any building, grading, land use or other permit for the site. Since the design is conceptual at this stage, it is appropriate to highlight relevant site plan review items so they can be integrated into the design if the Conditional Use is approved.

- Access and parking: The site has direct access from Thornhollow Road. The Oregon State Department of Transportation is working on the design for the Thornhollow Bridge replacement and will maintain access to the site. To provide for Fire Department/emergency access, the access driveway must be a minimum of 10 feet wide. Since this is a residential use there are no specific requirements for a fire vehicle turn around. The Fire Department indicated that they would be able to utilize the residential parking area for turn around.

In the event of two vehicles meeting on the road, it is recommended that the road have some wider areas to allow for passing.

- Service areas for uses such as mail delivery, trash disposal and utilities: If garbage service through TERF is anticipated, access needs should be discussed with TERF and adequate space provided. Mail delivery requirements should be discussed with the US Post Office.

- Location, dimensions and design of buildings: Scale of buildings is generally not a concern with a single family residential structure; however a design that blends into the colors and topography of the area will best preserve the scenic character of the area.
- Exterior lighting: Appropriate lighting that does not detract from the natural setting and views in the area will help to preserve the character of the area.
- Preservation of Natural Landscape: There is no proposal to alter the topography of the lot in a significant way. It was noted by DNR staff that the wild roses prolific in this area are not native and considered invasive. Attempts to control this invasive species and to plant native alternatives would be in line with the Department of Natural Resources goals.

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 majority of the 23 acre property will remain untouched. Only a portion of the more flat area on top of the north/northeastern point will be disturbed by building a house. There will be at least a 100 foot setback from the bluff edge for all structures and drain field. This area only sees very limited use by a few deer on occasion, the same deer are often found grazing in my parent’ yard nearby. In general, the deer prefer to be mid to high elevation on the ridge. During heavy winter snows, the elk can be seen near the top of the ridge, preferring the flats and fields near Sheeships’ house. We have never seen them at the bottom where I would like to build.

Building a house in the Thorn Hollow neighborhood should have no negative affects on property value, livability or future development of surrounding areas. There would be no change to traffic patterns or capacity of Thorn Hollow Road.”

Discussion: The proposed use and density of development is compatible with the area. The driveway construction in conjunction with the Thorn Hollow bridge replacement should be tracked through the engineering and design phase to ensure it meets the needs for visible and safe access to the site.

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: “A new home in the Thorn Hollow neighborhood should have no negative impact on local aesthetics. The land bordering the Umatilla River will remain untouched so there should be no impacts on that environment.”

Discussion: The use is consistent with the surrounding area which contains other single family dwellings on large lots. Attention to the elements of site plan review during design can help to maximize the fit of the proposed structures within the landscape.

Finding: The proposed home site will be compatible with the surrounding area.

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: “As a CTUIR member born and raised on the reservation who is working on the reservation at Yellowhawk Tribal Health Center, I would like to live the rest of my life here. By purchasing this property from a non-tribal member, I have increased tribal member ownership on the reservation, something the tribe as a whole has been making an effort to do.

This property directly borders my parents’ (Tom and Debra Crosell) house. Following an ATV accident and recent hip replacement, my dad does not get around like he used to and I want to be nearby to help my parents as they grow old together. Additionally, this portion of the Umatilla river is home to more of my family. ...This area is my home and I have deep roots here.

Finding: The applicant’s connection to and knowledge of this area provides a rationale for location of a home on this property. While properties on the south side of the river are zoned AG-2, which allows for development of a single family home without a conditional use approval, location on the other side of the river would not provide the same proximity to his parents’ location.

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: “While the land is not currently zoned as residential, it is right in the Thorn Hollow area, a well-established historical and current home to our people. Building on a small portion of the 23 acres leaves plenty of remaining land for wildlife habitat.”

Discussion: The primary purpose of the Land Development Code for the G-1 zone is to preserve land for big game and forest. However, the Wildlife program has stated that there is not a concern on this site with preserving the habitat for big game due to elevation and type of habitat at the site. Other code requirements include the Cultural Resources Code requiring clearance prior to ground disturbance. This process has been followed and monitoring will be done for any ground disturbance. Review was completed for adherence to the Water Code requirements.

The Comprehensive Plan has goals and policies to promote creation of housing opportunities (Goal 5.9):

- Objective 1: “Expand the number of all type of housing units on the Reservation for Tribal members at all income levels.”
- Objective 2: “Increase the number of buildable residential lots on the Reservation.”

Granting the Conditional Use would be in keeping with these policies while also protecting the Tribes Natural Resources (Goal 5.6):

- Objective 2: “To Protect, preserve, and perpetuate the CTUIR’s culturally significant places and resources for the benefit of current and future generations.”
- Objective 4: “To provide sustainable harvest opportunities for big game species of the First Food order by protecting, conserving, and restoring big game populations and their habitats;”

Findings: Development of a home site in this location will not impact the primary purpose of the zone and balances the Comprehensive Plan policies for creation of housing opportunities for tribal members with Comprehensive Plan policies for Natural Resources protection.

CONCLUSIONS:

The criteria for the Conditional Use could be met for the proposed home site as 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 shall follow the results of the Cultural Resources Investigation which requires that a monitor be on site for all ground disturbing activities.
2. The Applicant shall install a navigable road across his property, or put in place an easement for access from the property to the north prior to issuance of a development permit for the home.

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: Jerad Crowell
Address: 74131 Thorn Hollow Rd. Adams, OR 97810 Phone: 541-215-2629

Lot Owner's Name: Same
Address: Phone:

Property Description: Section 4 Township 2N Range 35E
Tax Lot (X) Allotment (): 2N35040000800 Present Zone: G-1 Total Acreage: 23.16

Legal Access: Thorn Hollow Rd.

Present Use of Property (Description, including any existing structures and the current use): Undeveloped rural land with no existing structures.

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: 4/3/2024 Applicant: *Jerad Crowell*
Agent:

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-24-001

Date Filed 4/3/24
Fee Paid: _____

Reviewed By: Holly Anderson
Hearing Date: May 14, 2024

NOTE: _____

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 it is 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-24-001

... grantee herein.
If a change is requested send all tax statements to grantee herein.

GRANTEE'S NAME AND ADDRESS:

JERAD CROSWELL
74131 Thorn Hollow Rd.
ADAMS, OR 97810

GRANTOR'S NAME AND ADDRESS:

MICHAEL JAY SCHULTZ
74091 Thorn Hollow Rd
ADAMS, OR 97810

WARRANTY DEED -- STATUTORY FORM (INDIVIDUAL or CORPORATION)

MICHAEL JAY SCHULTZ and PRISCILLA SCHULTZ, husband and wife, as tenants by the entirety Grantor, conveys and warrants to: **JERAD CROSWELL, Grantee**, the following described real property free of encumbrances except as specifically set forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

Encumbrances: SEE ATTACHED EXHIBIT 'A' FOR PERMITTED EXCEPTIONS

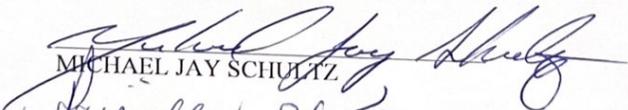
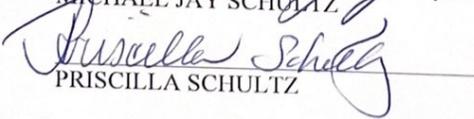
The true consideration for this conveyance is \$105,000.00. However, if the actual consideration consists of or includes other property or other value given or promised, such other property or value is the whole of the consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 (Definitions for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

If grantor is a corporation, this has been signed by authority of the Board of Directors.

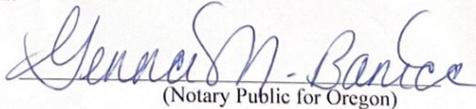
Dated this 8 day of December, 2023.

GRANTOR(S):


MICHAEL JAY SCHULTZ

PRISCILLA SCHULTZ

State of Oregon
County of UMATILLA

This instrument was acknowledged before me on December 8, 2023 by MICHAEL JAY SCHULTZ and PRISCILLA SCHULTZ.


(Notary Public for Oregon)



My commission expires May 16, 2026

PIONEER TITLE CO. 105942
109 SW COURT, PEND. OR 97801

Legal Description:

EXHIBIT 'A'

All that portion of the Southwest Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter of Section 4, Township 2 North, Range 35, East of the Willamette Meridian, Umatilla County, Oregon; lying Northerly of the thread of the Umatilla River.

Excepting therefrom the Westerly 330 feet of said Southwest Quarter of the Northwest Quarter.

Also excepting therefrom all that portion of said Southwest Quarter of the Northwest Quarter lying Westerly of the Westerly right-of-way line of Thornhollow Road, Umatilla County Road No. 865.

Also excepting therefrom any portion lying within the County Road right-of-way.

SUBJECT TO THE FOLLOWING PERMITTED EXCEPTIONS

1. ~~Water rights, claims to water or title to water, whether or not such rights are a matter of public record.~~
2. Easement for water line purposes, including the terms and provisions thereof,
Grantee : City of Pendleton
Recorded : August 4, 1911, Book 73, Page 361, Deed Records.
3. Easement, including the terms and provisions thereof,
Grantee : Pacific Telephone and Telegraph Company
Recorded : December 4, 1947, Book 185, Page 97, Deed Records.
4. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the mean high water mark of the Umatilla River and any adverse claim based upon the assertion that some portion of said lands have been removed from or brought within the boundaries thereof by an avulsive movement of the Umatilla River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.

Proposed Use

I would like to build a driveway from Thorn Hollow Rd, by the bridge, along the northern property line out the the flat point in the north/northeastern portion of the property. In the middle of that bench I would like to construct a home for myself and future family.

Conditional Use Decision Criteria

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.*
 - The majority of the 23 acre property will remain untouched. Only a portion of the more flat area on top of the north/northeastern point will be disturbed by building a house. There will be at least a 100 ft setback from the bluff edge for all structures and drain field. This area only sees very limited use by a few deer on occasion, the same deer that are often found grazing in my parents' yard nearby. In the 30 years that my parents have lived in this area, wildlife is rarely found at this location. In general, the deer prefer to be mid to high elevation on the ridge. During heavy winter snows, the elk can be seen near the top of the ridge, preferring the flats and fields near Sheoships' house. We have never seen them at the bottom where I would like to build.
 - Building a house in the Thorn Hollow neighborhood should have no negative affects on property value, livability or future development of surrounding areas. There would be no change to traffic patterns or capacity of Thorn Hollow Road.
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 new home in the Thorn Hollow neighborhood should have no negative impact on local aesthetics. The land bordering the Umatilla River will remain untouched so there should be no impacts on that environment.
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.*
 - As a CTUIR member born and raise on the reservation who is working on the reservation at Yellowhawk Tribal Health Center, I would like to live the rest of my life here. By purchasing this property from a non-tribal member, I have increased tribal member ownership on the reservation, something the tribe as a whole has been making an effort to do.
 - This property directly borders my parents' (Tom and Debra Croswell) house. Following an ATV accident and recent hip replacement, my dad does not get around like he used to and I want to be nearby to help my parents as they grow old together. Additionally, this portion of the Umatilla river is home to more of my family. My grandma, Sharon Weathers, lives just 2 miles up river with my grandpa, Jerry Weathers, laid to rest nearby. Another half mile up the river is my aunt and uncle, Bill and Kimberly Weathers, as well as their three boys. This area is my home and I have deep roots here.

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.*
 - While this land is not currently zoned as residential, it is right in the Thorn Hollow area, a well established historical and current home to our people. Building on a small portion of the 23 acres leaves plenty of remaining land for wildlife habitat.



CU-24-001

PROPERTY LINE ADJUSTMENT SURVEY

LOCATED IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 2 NORTH, RANGE 35 EAST, WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.
SEPTEMBER, 2023.

EASEMENTS

AS LISTED IN PRELIMINARY TITLE REPORT BY AMERITITLE DATED MARCH 27, 2015, FILE NO. 39889AM.

1. WATER LINE EASEMENT TO THE CITY OF PENDLETON GRANTED 08-04-1911. BLANKET TYPE AFFECTING SW1/4 OF THE NW1/4. NOT SHOWN.
2. POWER LINE EASEMENT TO PACIFIC TELEPHONE GRANTED 12-04-1947. BLANKET TYPE AFFECTING SW1/4 OF THE NW1/4. NOT SHOWN.
3. FISH RELEASE EASEMENT TO USA, BPA, GRANTED 03-13-1992. AFFECTING SW1/4 NW1/4. SHOWN.
4. POWER LINE EASEMENT TO EASTERN OREGON ELECTRIC GRANTED 03-31-1948. BLANKET TYPE AFFECTING SW1/4 OF THE NW1/4. NOT SHOWN.



SCALE: 1"=300 FEET
0 150 300 600

PROPERTY OWNERS OF TAX LOTS 800 AND 900, BEING THE LANDS INVOLVED IN THIS PROPERTY LINE ADJUSTMENT PER WARRANTY DEED 2020-7090208: MICHAEL AND PRISCILLA SCHULTZ 74091 THORNHOLLOW ROAD ADAMS, OREGON 97810.

FILE NO. LLA-23-002

THIS PROPERTY LINE ADJUSTMENT SURVEY IS APPROVED THIS _____ DAY OF _____, 2023, BY THE TRIBAL PLANNING OFFICE OF THE CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION.

Patricia S. Perry
PLANNING DIRECTOR

AREA SUMMARY

TAX LOT 800, UMATILLA COUNTY ASSESSOR MAP NO. 2N3504
AREA BEFORE ADJUSTMENT = 35.68 ACRES M/L PER ASSESSOR MAP.
AREA AFTER ADJUSTMENT = 23.16 ACRES M/L.
NET LOSS = 12.52 ACRES M/L.

TAX LOT 900, UMATILLA COUNTY ASSESSOR MAP NO. 2N3504
AREA BEFORE ADJUSTMENT = 25.55 ACRES M/L PER ASSESSOR MAP.
AREA AFTER ADJUSTMENT = 38.07 ACRES M/L.
NET GAIN = 12.52 ACRES M/L.

REVISED LEGAL DESCRIPTIONS

Revised description for Tax Lot 800, located in the Northwest Quarter of Section 4, Township 2 North, Range 35 East, Willamette Meridian, Umatilla County, Oregon, described as follows:

All of that portion of the Southwest Quarter of the Northwest Quarter AND the Southeast Quarter of the Northwest Quarter lying Northerly of the thread of the Umatilla River.

EXCEPTING therefrom the Westerly 330 feet of said Southwest Quarter of the Northwest Quarter.

ALSO EXCEPTING therefrom all of that portion of said Southwest Quarter of the Northwest Quarter lying Westerly of the Westerly right of way line of Thornhollow Road, Umatilla County Road No. 865.

ALSO EXCEPTING any Road, Railroad, or Water rights of way.

SUBJECT to all easements.

Contains 23.16 acres, more or less.

Revised description for Tax Lot 900, located in the Northwest Quarter of Section 4, Township 2 North, Range 35 East, Willamette Meridian, Umatilla County, Oregon, described as follows:

All of that portion of the Southwest Quarter of the Northwest Quarter AND the Southeast Quarter of the Northwest Quarter lying Southerly of the thread of the Umatilla River.

EXCEPTING therefrom the Westerly 330 feet of said Southwest Quarter of the Northwest Quarter.

ALSO EXCEPTING therefrom all of that portion of said Southwest Quarter of the Northwest Quarter lying Westerly of the Westerly right of way line of Thornhollow Road, Umatilla County Road No. 865.

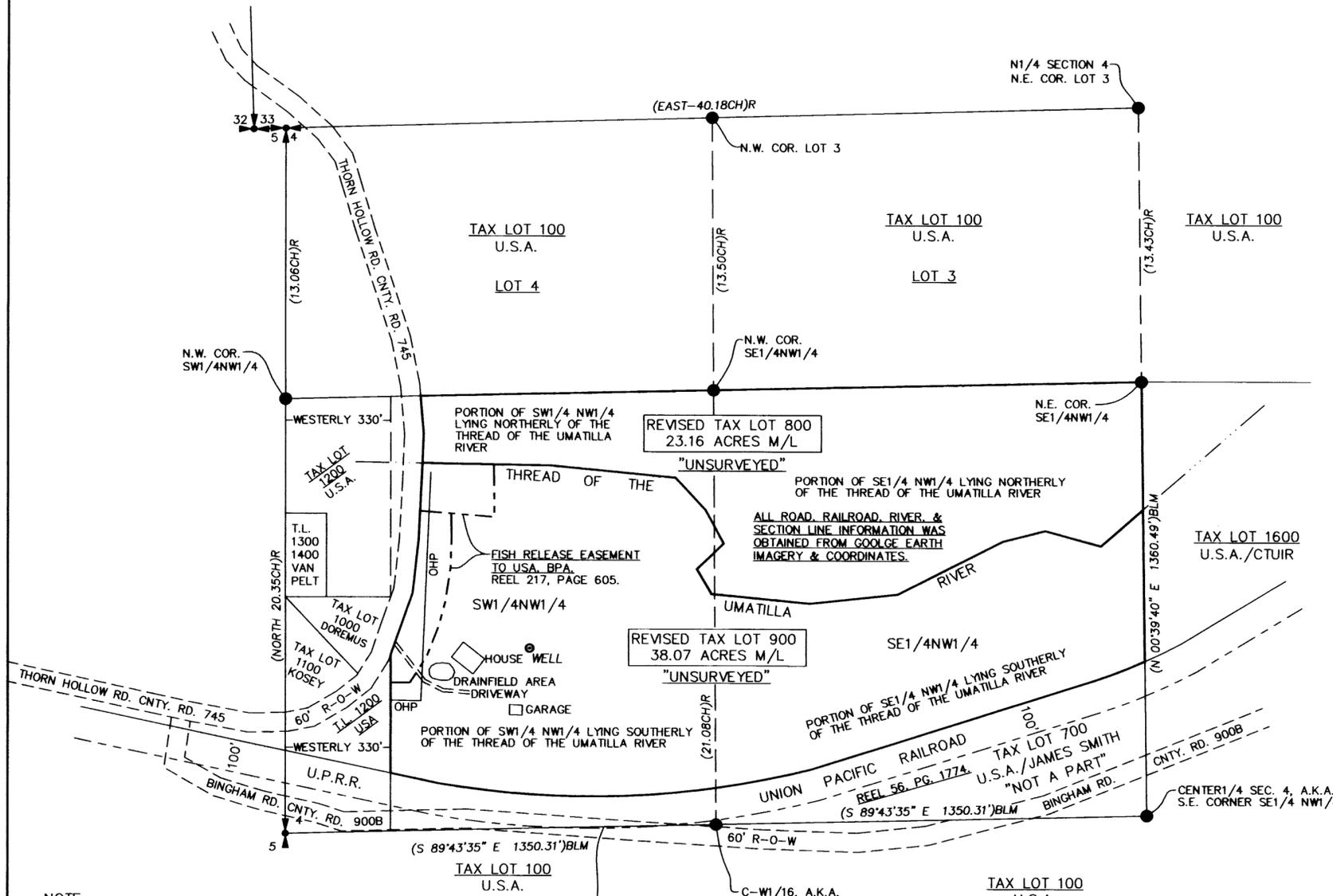
ALSO EXCEPTING therefrom that tract of land conveyed to Glenn E. Ferner, etux, by Deed recorded in Microfilm Reel 56, Page 1774, Umatilla County Deed Records.

ALSO EXCEPTING any Road, Railroad, or Water rights of way.

SUBJECT to all easements.

Contains 38.07 acres, more or less.

RECEIVED BY
Umatilla County Surveyor
Date: 12/8/23
Rec'd By: CT
No.: 23-114-B



NOTE:
BECAUSE THIS IS AN UNSURVEYED PROPERTY LINE ADJUSTMENT SURVEY THE ROAD AND RAILROAD RIGHT OF WAY WERE NOT SURVEYED. IT IS UNCLEAR IF ANY PORTION OF TAX LOT 900 MAY EXIST SOUTH OF THE NORTH LINE OF THE RAILROAD RIGHT OF WAY ONCE THE RAILROAD AND ROAD RIGHTS OF WAY ARE REMOVED FROM THE SW1/4 OF THE NW1/4.

NARRATIVE

THIS PROPERTY LINE ADJUSTMENT SURVEY WAS MADE AT THE REQUEST OF MIKE AND PRISCILLA SCHULTZ, OWNERS OF TAX LOTS 800 AND 900. THE SURVEY WAS MADE TO ADJUST THE BOUNDARIES OF SAID TAX LOTS USING THE UMATILLA RIVER AS THE NEW LOT DIVIDING LINE AS SHOWN. THE RIVER, ROADS, RAILROAD, AND SECTION LINE INFORMATION IS APPROXIMATE AND WAS OBTAINED FROM GOOGLE EARTH IMAGERY. THIS IS AN UNSURVEYED PROPERTY LINE ADJUSTMENT. NO CORNERS WERE LOCATED, SEARCHED FOR, OR SET.

LEGEND

- +—+—+ GOVERNMENT LAND CORNER SHOWN FOR LOCATION PURPOSES ONLY. NOT SEARCHED FOR OR LOCATED ON THIS SURVEY.
- (XOX)R RECORD DIMENSION PER FIELD NOTES BY C.E. REDFIELD FOR INDIAN ALLOTMENT SURVEYS CIRCA 1919.
- (XOX)BLM RECORD DIMENSION PER BLM CADASTRAL SURVEY BY SEIBOLD APPROVED 9-05-2000.ARY REPORT FOR
- OHP OVERHEAD POWER LINE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Jason M. Wells
OREGON
NOVEMBER 29, 2010
JASON M. WELLS
54657PLS
RENEWS 6/30/24

WELLS SURVEYING
200 SE HAILEY SUITE 108
P.O. BOX 1696
PENDLETON, OR 97801
PHONE: (541) 276-6362

DATE: 09/23	DR. BY: JMW
CK. BY: JPW	NO: 23-1849

PROJECT: /MSCHULTZSPC2023
PROPERTY LINE ADJUSTMENT SURVEY FOR:
SCHULTZ
LOCATED IN THE NORTH 1/2 OF SECTION 4, TOWNSHIP 2 NORTH, RANGE 35 EAST, W.M., UMATILLA COUNTY, OREGON.



Confederated Tribes of the Umatilla Indian Reservation
TRIBAL HISTORIC PRESERVATION OFFICE
Results of Cultural Resource Investigation

Cost Center: No Yes THPO Funding Used

Applicant: Croswell Jerad 541-215-2629
Last First Telephone Number

Contact Person: _____
Last First Telephone Number

Department/Program: n/a Telephone: _____

Project Location: Tax Lot 2N35040000800; NW ¼ of Section 4, Township 2 North, Range 35 East, WM.

Project Description: SDP-24-001 is a septic permit for a proposed new homesite that will consists of a driveway, shop with living quarters, and associated infrastructure. A house will be constructed in the future after the shop is built.

Surveyed Area: 10.8 acres

Findings: cultural resource site/s
 isolated find/s
 no cultural materials

Recommendations: the project may proceed with no further work
 the project may proceed with the presence of a cultural resource monitor*
 further discussion with the Tribal Historic Preservation Officer is necessary before this project may proceed

Comments:

On December 21, 2023 Josh Barkley surveyed approximately 10.8 acres using a 20-meter or less east/west transect interval. Ground visibility was 2% and visibility was hampered by extremely thick rose bush vegetation, with some bare spots on game trails. The project area on top of the cliff, above the river, was surveyed; however, the eastern and southern portion of the property was inaccessible due to the steep basalt cliff along the river, thick blackberry brush walls at the bottom along the river, and the high water.

Josh Barkley returned to the project area on January 30, 2024, to survey the area where the applicant removed the thick rose bush with a mower. This survey consisted of an additional three 20-meter or less east/west transects across the northern upper portion of the property. Ground visibility was 1%, and the southeast area was still not accessible due to high water.

No cultural resources were observed during either survey. The project area is in an area with a high probability of containing cultural resources. Please contact the CRPP with at least 3 business days' notice to arrange for a cultural resource monitor to be present for excavation activities. Teara Farrow Ferman

can be reached at tearafarrowferman@ctuir.org or (541)429-7230; Bambi Rodriguez can be reached at (541)429-7203 or bambirodriguez@ctuir.org.

If items suspected to be cultural resources are observed during project activities, work will need to cease in that area until the find can be assessed in consultation with the THPO (541)429-7234. If ancestral remains are inadvertently discovered, work in the area must cease, the area secured, and the CRPP, BIA, and law enforcement officials must be contacted immediately as the Native American Graves Protection and Repatriation Act must be followed.



Carey L. Miller, Tribal Historic Preservation Officer
(541)429-7234

February 22, 2024

Date

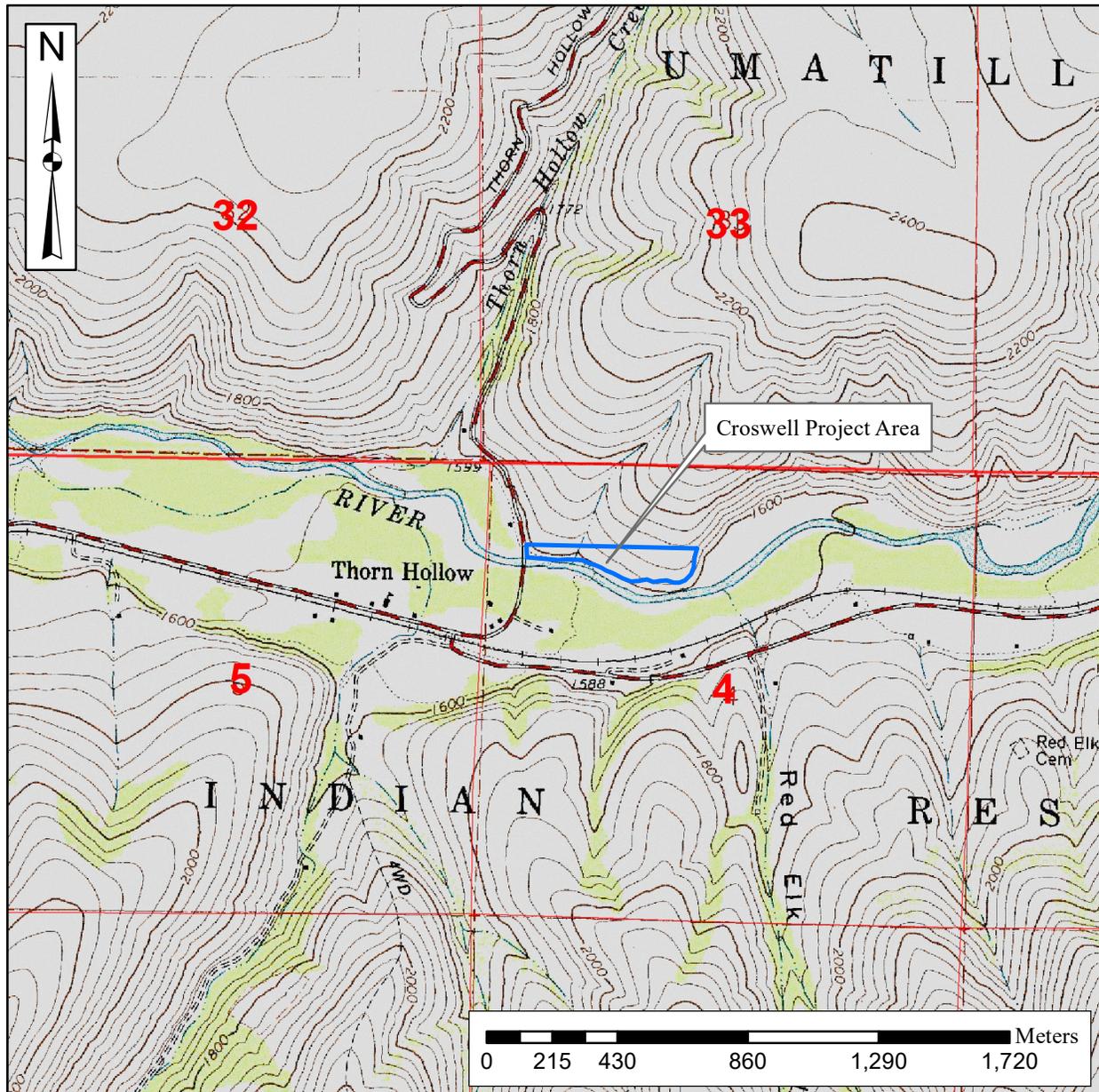


Figure 1. Location of the Croswell Project Area in Section 4, Township 2 North, Range 35 East, WM.

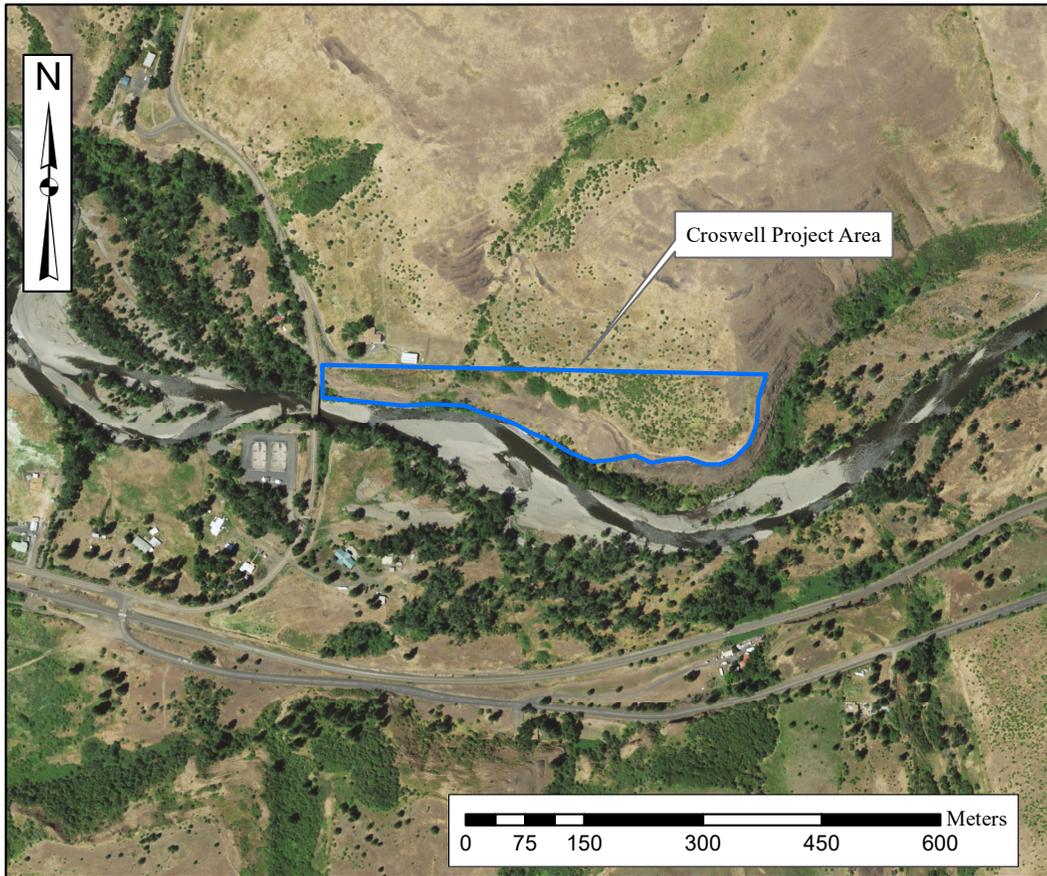


Figure 2. Location of the Croswell Project Area surveyed on 2020 NAIP aerial imagery.

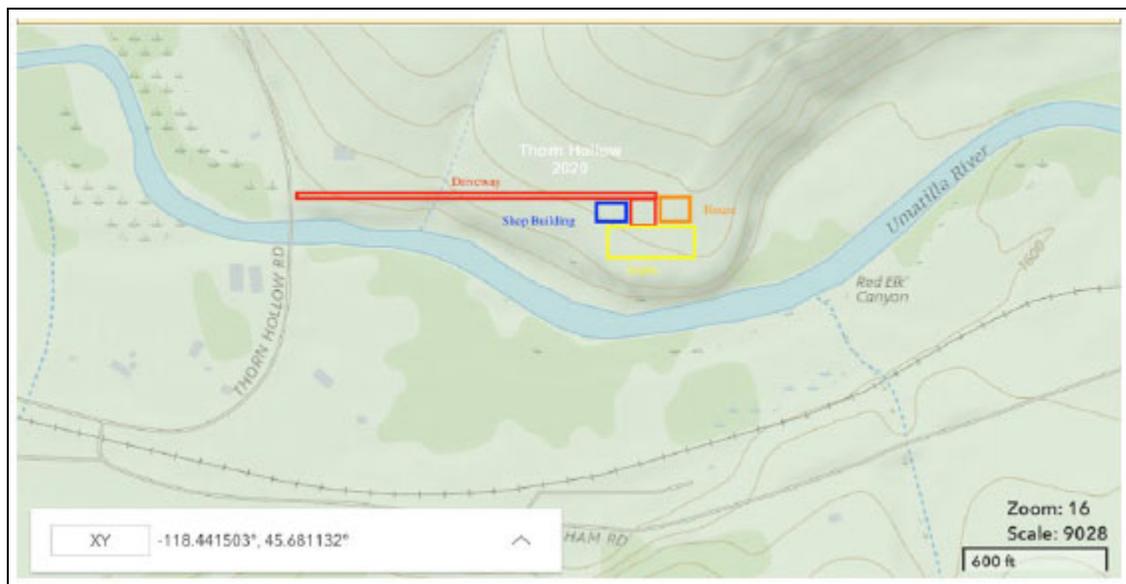


Figure 3. Sketch map of proposed work on the Croswell property, submitted to THPO on December 13, 2023 as part of the request for cultural resource investigation.



Figure 4. View at 180° of the Croswell survey area looking toward the river. (23-124:8). 12/19/2023



Figure 5. View at 180° of the Croswell survey area showing thick rose bush vegetation across the project area (23-124:10). 12/19/2023



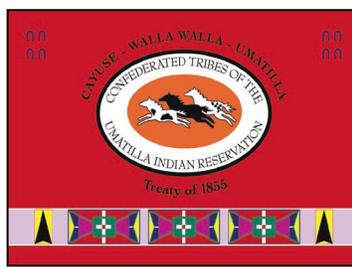
Figure 6. View at 106° of the Croswell survey area showing thick brush and high water at the bottom of the basalt cliff (23-124:15). 12/19/2023



Figure 7. View at 95° of the Croswell survey area after the rose brush removal (24-006:15). 1/30/2024



Figure 8. View at 180° of the Croswell survey area after the rose brush removal (24-006:19). 1/30/2024



PUBLIC HEARING NOTICE DISSEMINATION RECORD

File #: CU-24-001; Conditional Use request filed by Jerad Crowell, 74131 Thorn Hollow Rd., Adams, OR 97810

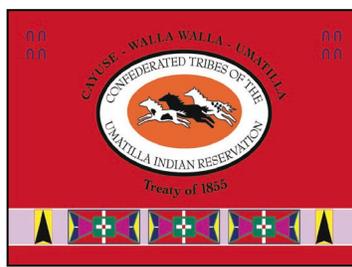
Land Protection Planning Commission Public Hearing Date: May 15, 2024

Newspaper and Date Published; East Oregonian: May 4, 2024
CUJ: May 2, 2024

Posted in six public Places;

1. Mission Market: May 3, 2024
2. Yellowhawk Tribal Health Clinic: May 3, 2024
3. BIA Umatilla Agency: May 3, 2024
4. CTUIR Housing Department: May 3, 2024
5. Nixyáawii Governance Center: May 3, 2024
6. CTUIR web site: <https://ctuir.org/events/lppc-public-hearing-cu-24-001/>

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.



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:

Conditional Use File #CU-24-001 – **Applicant, Jerad Croswell** seeks approval from the Land Protection Planning Commission to construct a homesite with a residential dwelling, access road, well, and septic. The subject property is identified as Umatilla County Tax Lot 2N350400-00800, which is located northeast of the Thornhollow Bridge within the boundaries of the Umatilla Indian Reservation. The subject property is zoned G-1, Big Game Grazing Forest, where a residential home is listed as a Conditional Use. Conditional Use approvals are subject to the CTUIR Land Development Code Chapters 6 and 13.

The hearing will be held on **Tuesday, May 14, 2024 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-24-001/>. 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 489 280 313#.

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 or to the Tribal Planning Office at 46411 Timine Way Pendleton, OR 97801 for receipt by 4:00 p.m. May 13, 2024.

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:

Conditional Use File #CU-24-001 – Applicant, **Jerad Crosswell** seeks approval from the Land Protection Planning Commission to construct a homesite with a residential dwelling, access road, well, and septic. The subject property is identified as Umatilla County Tax Lot 2N350400-00800, which is located northeast of the Thornhollow Bridge within the boundaries of the Umatilla Indian Reservation. The subject property is zoned G-1, Big Game Grazing Forest, where a residential home is listed as a Conditional Use. Conditional Use approvals are subject to the CTUIR Land Development Code Chapters 6 and 13.

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CU-24-001 Public Notice Recipients

Trust & Allotment Recipients

Ownership	Trust/Allotment
A	948
A	948-A
A	C148

Taxlot Recipients

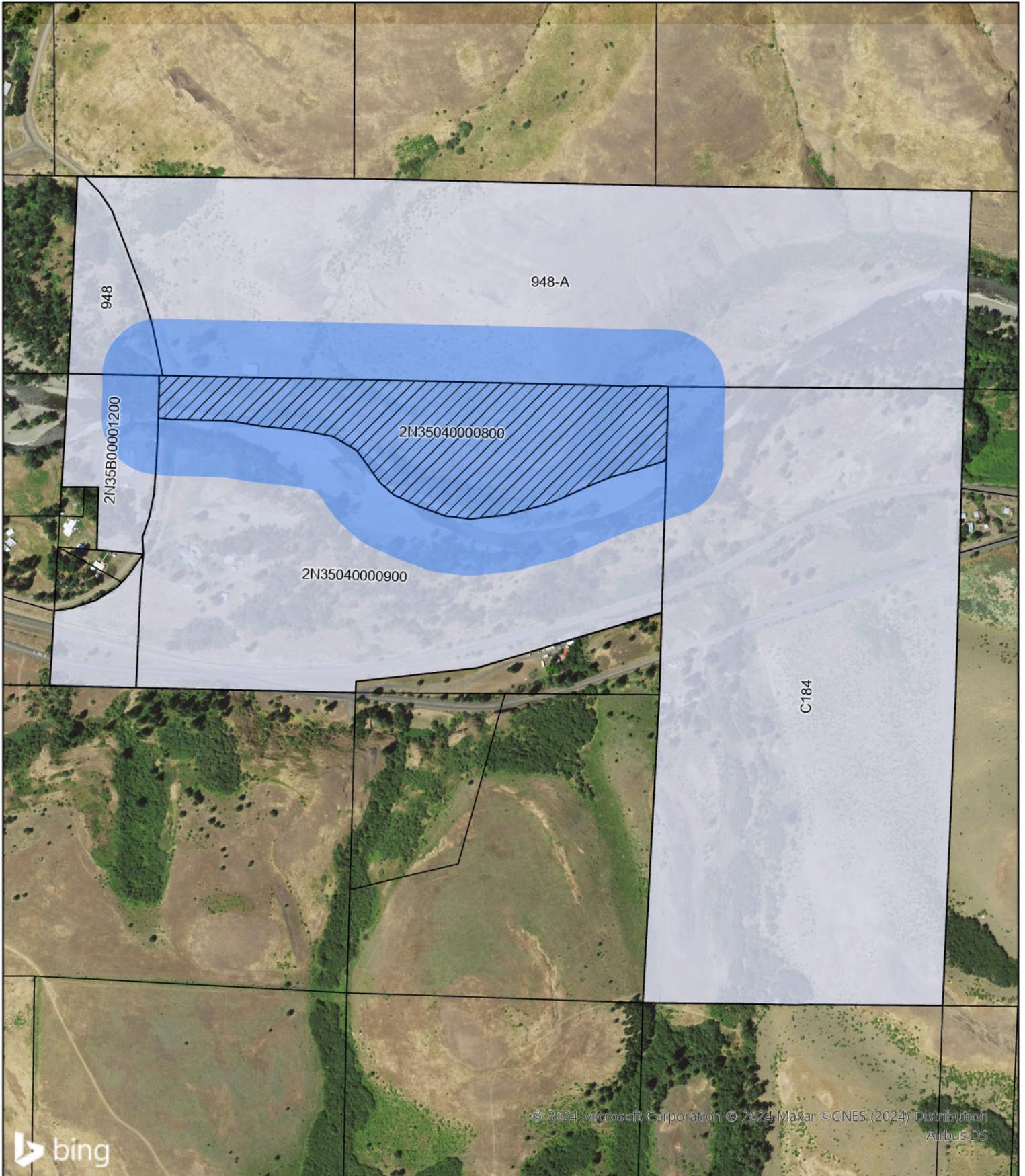
Ownership	Taxlot	Owner
F	2N35040000800	Jerad Croswell
F	2N35040000900	Jennifer Keeton
F	2N35040001200	United States of America (BPA) TRT-TPP-4

Agency Recipients

Contact	Agency	Address
Director	Umatilla County Public Works Department	3920 Westgate Pendleton, OR 97801
Wendy Neal	UEC	P.O. Box 1148 Hermiston, OR 97838-3148
Superintendent	BIA	via e-mail

Notification Map: CU-24-001

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

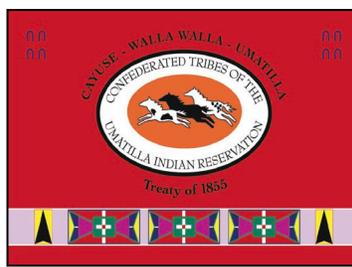


Legend

- Parcels (CTUIR)
- Subject Property

- 250' Notification Buffer
- Properties to Notify





MEMORANDUM

DATE: April 11, 2024
TO: Tribal Staff Review Committee
FROM: Holly Anderson, Associate Planner, Tribal Planning Office
REGARDING: Meeting Thursday, April 18, 2024, 10:00 a.m.
Waluula and Wanaquit Conf, Rm at the Nixyáawii Governance Center
or via Microsoft Teams

The Tribal Staff Review Committee will meet on **Thursday, April 18, 2024** at 10:00 a.m. to review the following application:

Conditional Use File #CU-24-001 – Applicant, **Jerad Crosswell** seeks approval from the Land Protection Planning Commission to construct a home site with a residential dwelling, access road, well, septic, and future shop building. The subject property is identified as Tax Lot 2N350400-00800, which is located northeast of the Thornhollow Bridge on Thornhollow Road within the Umatilla Indian Reservation. The subject property is zoned G-1, Big Game Grazing Forest, where a residential home is listed as a Conditional Use. Conditional Use approvals are subject to the CTUIR Land Development Code Chapters 6 and 13.

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

Microsoft Teams [Need help?](#)

[Join the meeting now](#)

Meeting ID: 257 776 754 901

Passcode: dDUJwk

Dial-in by phone

[+1 872-242-7793,,953802241#](#) United States, Chicago

[Find a local number](#)

Phone conference ID: 953 802 241#

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 541-429-7517.

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

Written comments will be accepted through Wednesday, April 24, 2024.

A public hearing with the Land Planning Protection Commission is proposed for May 14, 2024 at 9:00 a.m.

From: [Andrea Brown](#)
To: [Holly Anderson](#)
Cc: [Lora Elliott](#)
Subject: RE: Tribal Staff Review Committee Meeting
Date: Sunday, April 28, 2024 8:15:31 PM

Hi Holly and Lora,

I apologize for missing your deadline for written comments. I just wanted to confirm that I did review the application. I do not have any concerns about the application, and I think it is consistent with the Land Development Code.

Thanks,
Annie

From: Holly Anderson <HollyAnderson@ctuir.org>

Sent: Thursday, April 11, 2024 3:32 PM

To: Alaina Mildenerger <AlainaMildenerger@ctuir.org>; Andrea Brown <AndreaBrown@ctuir.org>; Audie Huber <AudieHuber@ctuir.org>; Bill Tovey <BillTovey@ctuir.org>; Brian Fullen <BrianFullen@ctuir.org>; Carey Miller <CareyMiller@ctuir.org>; Dani Schulte <DaniSchulte@ctuir.org>; Donald Sampson <DonaldSampson@ctuir.org>; Eric Quaempts <EricQuaempts@ctuir.org>; Gordy Schumacher <GordySchumacher@ctuir.org>; Holly Anderson <HollyAnderson@ctuir.org>; James Hall <JamesHall@ctuir.org>; JD Tovey <JDTovey@ctuir.org>; Jeremiah Bonifer <JeremiahBonifer@ctuir.org>; Joe Pitt <JoePitt@ctuir.org>; Jonetta Herrera <JonettaHerrera@ctuir.org>; Justin Northern <JustinNorthern@ctuir.org>; Kelly Warren <KellyWarren@ctuir.org>; Koko Hufford <KokoHufford@ctuir.org>; Leslie LeCornu <LeslieLeCornu@ctuir.org>; Lora Elliott <LoraElliott@ctuir.org>; Marcus Luke <MarcusLuke@ctuir.org>; Michael Jackson <Michael.Jackson@bia.gov>; Mike Lambert <MikeLambert@ctuir.org>; Patty Perry <PattyPerry@ctuir.org>; Paul Rabb <PaulRabb@ctuir.org>; Rob Burnside <RobBurnside@ctuir.org>; Teara Farrow Ferman <TearaFarrowFerman@ctuir.org>

Subject: Tribal Staff Review Committee Meeting

The Tribal Staff Review Committee (TSRC) will meet on **Thursday, April 18, 2024** at 10:00 a.m. to review the following application:

Conditional Use File #CU-24-001 – Applicant, **Jerad Croswell** seeks approval from the Land Protection Planning Commission to construct a home site with a residential dwelling, access road, well, septic, and future shop building. The subject property is identified as Tax Lot 2N350400-00800, which is east of Thornhollow Road and north of the Umatilla River. The subject property is zoned G-1, Big Game Grazing Forest, where a residential home is listed as a Conditional Use. Conditional Use approvals are subject to the CTUIR Land Development Code Chapters 6 and 13.

The application and supporting materials for this request are posted on the [Free4all shared Drive in the TPO folder](#). The attached memo has more details about the role of the TSRC members in review of this application. Written comments will be accepted through Wednesday, April 24, 2024.

A public hearing with the Land Planning Protection Commission is proposed for May 14, 2024 at 9:00 a.m.

If you have questions or need further information, please contact Holly Anderson at 541-429-7517.

From: [Kelly Warren](#)
To: [Holly Anderson](#)
Subject: Declined: Tribal Staff Review Committee (TSRC) Meeting Re CU-24-001

Holly:

I reviewed the Sanitation Development application and indicated the site is suitable for a domestic well.

I've spoken with Mr. Croswell about the need for a Water System Development permit for a new domestic well. I believe he is waiting to submit that application pending the outcome of the hearing.

I have the time open if you think I need to sit in or perhaps Marty King for Water Quality issues. Otherwise, I am declining the in-person review meeting.

Thanks,

-Kelly

From: [Kelly Warren](#)
To: [Dani Schulte](#)
Cc: [Holly Anderson](#)
Subject: RE: CU-24-001 Croswell Home Site Visit Monday 10am
Date: Thursday, April 18, 2024 1:36:03 PM

Dani:

Thank you for the invitation. After reviewing the site from my desktop, I have concluded that the driveway would not require a stream zone alteration permit because:

1. The drainages are rated Strahler 0 and exist in an area considered Upland.
2. The Director-DNR determined that areas meeting criteria listed in (1) are outside of the area of application for stream zone alteration permitting.

So, I will decline the site visit invitation to evaluate for a SZA permit.

Regards,

Kelly K. Warren, Water Code Adm.
Department of Natural Resources
Confederated Tribes of the Umatilla Indian Reservation (CTUIR)
46411 TiMine Way
Pendleton, OR 97801
(541) 429-7273 office
(541) 969-9480 cell

From: Dani Schulte <DaniSchulte@ctuir.org>
Sent: Thursday, April 18, 2024 12:23 PM
To: Kelly Warren <KellyWarren@ctuir.org>
Subject: CU-24-001 Croswell Home Site Visit Monday 10am

Hi Kelly,

I believe you were invited to the TSRC meeting this morning, and that Holly said you were unavailable. One thing that came up is that there appears to be a small stream that the Jerad's driveway will need to traverse, and we needed your input on how to approach that on the Conditional Use Permit.

Andrew Wildbill and I are going to go visit the site on Monday at 10am, if you're available you are welcome to join us. Seemed prudent to use one rig instead of 3, and our comments on the Conditional Use Permit Application are due to Holly by next Wednesday, so I figured we'd get up there soon.

Please let me know if you'd like to come with us on our Monday site visit.

Thank you,

Dani Schulte, AICP

Transportation Planner

Tribal Planning Office

Confederated Tribes of the Umatilla Indian Reservation

46411 Timine Way; Pendleton, OR 97801

☎: (541) 429-7525 | ✉: danischulte@ctuir.org

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From: [Dani Schulte](#)
To: [Holly Anderson](#)
Subject: RE: Tribal Staff Review Committee Meeting
Date: Friday, April 26, 2024 8:24:35 AM

That makes sense, I just wanted to be clear about which route they'd be using, especially when construction gets started. I think even with this input, it would be important to note the requirement of clearing the new driveway as a condition of the CUP before we can issue the DP, which I think jives with his response. The reason I would want it to actually be a condition is that I don't think it's safe to allow construction work to start with the existing creek crossing on his parents' property, so we'd want to make sure the new driveway is the first thing they do.

Dani Schulte, AICP

Transportation Planner

Tribal Planning Office
Confederated Tribes of the Umatilla Indian Reservation
46411 Timine Way; Pendleton, OR 97801
☎: (541) 429-7525 | ✉: danischulte@ctuir.org

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From: Holly Anderson <HollyAnderson@ctuir.org>
Sent: Friday, April 26, 2024 7:35 AM
To: Dani Schulte <DaniSchulte@ctuir.org>
Subject: FW: Tribal Staff Review Committee Meeting

FYI...see Jerad's explanation of proposed driveway below. Does this mesh with what you saw on site?

From: Jerad Crowell <jerad.crowell@gmail.com>
Sent: Thursday, April 25, 2024 6:56 PM
To: Holly Anderson <HollyAnderson@ctuir.org>
Subject: Re: Tribal Staff Review Committee Meeting

EXTERNAL EMAIL: Please use caution when clicking links or opening attachments.

Hi Holly,

The plan would be to go straight at the fork in the photo. Not the south fork that goes down to the river and not the north fork that goes up to my parents' barn but the middle fork that runs just south of the fence line to the creek. Will need to clear some brush on the other side of the creek and

probably upgrade the existing culvert that is there as well as cut into the side hill to get up to the bench.

The red line on that aerial photo is more used right now because that's how we've been accessing it from my parents' side since I don't plan to pay to have driveway work done until having the all clear to build.

I already have a full patient schedule tomorrow but could come over to NGC on my lunch break if you need any further clarification.

Thanks,

Jerad

On Apr 25, 2024, at 16:43, Holly Anderson <HollyAnderson@ctuir.org> wrote:

Hi Jerad. Our transportation planner, Dani Schulte, did a site visit out to the lot and it appeared to her that the road that is more used is the one shown in red on the attached aerial. Looking at the 2nd picture, is your proposal to go north at this fork, or south?

If you have time tomorrow lets sit down and go over the route with Dani. My next step is to write the staff report so I need to clarify.

Thanks!

Holly Anderson, Associate Planner
Tribal Planning Office
Confederated Tribes of the Umatilla Indian Reservation
46411 Timine Way; Pendleton, OR 97801
541.429.7517 Direct Line
541.276.3099 Department Line

<image001.jpg>

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.

<CU-24-001 Jerad Crosswell CU Site Map w Building Areas.jpg>
<3 forks in access route.jpg>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: [Alaina Mildenberger](#)
To: [Holly Anderson](#)
Cc: [Justin Northern](#)
Subject: RE: Tribal Staff Review Committee Meeting
Date: Friday, April 26, 2024 1:41:11 PM

Holly,

Apologies for the late response I meant to send this immediately following the meeting and got a bit busy.

The TSRC review that occurred 4/18/2024 was informative and I appreciated the topics that were reviewed. Comments from the Transportation Planner and the review of the site conducted were sufficient as the home and driveway are not accessed by a roadway under our tribal roads' jurisdiction. The site is not near our municipal water and sewer infrastructure. There are not any concerns about the impact on our department's missions and goals. I see no cause for Public Works to express any issues with this development.

Alaina Mildenberger

CTUIR Public Works Department
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Sent: Thursday, April 11, 2024 3:32 PM
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Subject: Tribal Staff Review Committee Meeting

The Tribal Staff Review Committee (TSRC) will meet on **Thursday, April 18, 2024** at 10:00 a.m. to review the following application:

Conditional Use File #CU-24-001 – Applicant, **Jerad Crosswell** seeks approval from the

Land Protection Planning Commission to construct a home site with a residential dwelling, access road, well, septic, and future shop building. The subject property is identified as Tax Lot 2N350400-00800, which is east of Thornhollow Road and north of the Umatilla River. The subject property is zoned G-1, Big Game Grazing Forest, where a residential home is listed as a Conditional Use. Conditional Use approvals are subject to the CTUIR Land Development Code Chapters 6 and 13.

The application and supporting materials for this request are posted on the [Free4all shared Drive in the TPO folder](#). The attached memo has more details about the role of the TSRC members in review of this application. Written comments will be accepted through Wednesday, April 24, 2024.

A public hearing with the Land Planning Protection Commission is proposed for May 14, 2024 at 9:00 a.m.

If you have questions or need further information, please contact Holly Anderson at 541-429-7517.