Confederated Tribes *of the*
Umatilla Indian Reservation

Natural Resources Commission

46411 Timíne Way
Pendleton, OR 97801

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

EXHIBIT SCHEDULE

FILE NUMBER: **CU-21-001**
APPLICANT: **Alexis Egerer of Hermiston, OR**

HEARING DATE: **February 23, 2021**

EXHIBIT	NATURE OF EXHIBIT
1	Fifteen (15) Page Staff Report
1B	Eleven (11) Aerial Photos
1C	Five (5) Permit History
2	Eight (8) Conditional Use Application
2B	Six (6) Applicant Photos
3	Seven (7) Dissemination Record

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

To: **Land Protection Planning Commission**
Public Hearing Date: February 23, 2021
File No.: **CU-21-001**

SUBJECT: Conditional Use request.

APPLICANTS: Alexis Egerer (lessee) and Debra Roesch (Property Owner Contact)

NATURE OF REQUEST:

Conditional Use #CU-21-001 – Applicant, Alexis Egerer, Hermiston, OR, and property owner contact Debra Roesch, Pendleton, OR are seeking approval to re-establish a home site on the subject property including placement of a single-wide manufactured home, replacement of an existing septic system and repair of an existing well. The proposed structure would be 14 feet by 66 feet. The proposed structure is similar in size to one that was approved for the site in 1976 but was removed from the site in about 2012 since it was in disrepair.

BASIC FACTS:

1. ***Ownership:*** According the Umatilla County assessor's office and deed dated 4/13/20, the property is owned by the Carol Roesch Estate, with William Roesch as personal representative and Debra Roesch as primary contact.

2. ***Applicant:*** The applicant, Alexis Egerer, has leased the property from the owner with the intent to clean it up, move a manufactured home onto the property, and live there with her family, if allowed through this Conditional Use application. The owner would replace the septic system and restore the well.

3. ***Property Description:*** The property is Tax Lot # 1N3403C0-00700, located at 69499 Emigrant Road in SW 1/4 of Section 3, Township 1 North, Range 34 East, W.M. The subject property is 7.32 acres.

4. ***Legal Access:*** The property and driveway front on Emigrant Road. Emigrant Road is a County Road.

5. ***Topography:*** The site slopes from the driveway down to the site where the home site was previously located and then slopes down to the northeast. The sloped areas of the site are timbered. The center portion of the property has a flat area as does a portion of the westerly part of the property where one of the sheds is located.

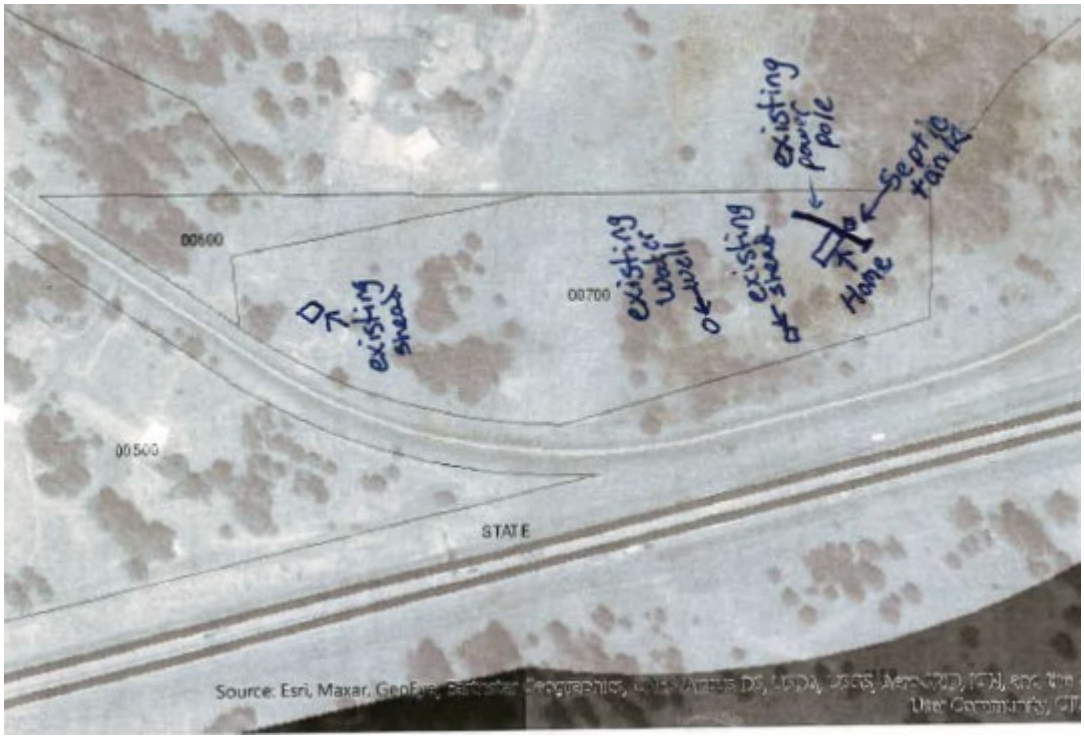
Tax Lot 1N3403C0-00700
69499 Emigrant Road

0 250 500 1,000
Feet

5. ***Zoning:*** The subject property and surrounding area are within the G-1, Big Game Grazing Forest Zone. The lot is considered a non-conforming legal lot of record since it was created before the current zoning standards were in place, and is smaller than the current minimum lot size within this zone of 159 acres.

The picture below shows the proposed location for the home site, with adjacent electric pole.

The following site plan was submitted as part of the Conditional Use application by the applicant.



6. ***Conditional Use Process and Approval Criteria:*** Per the Land Development Code,

Within the G-1 zone, single family dwellings including manufactured housing are a Conditional Use; they can be permitted if, after a public hearing, the Land Protection Planning Commission determines that the use meets the approval criteria in the Land Development Code Section 6.015:

Conditional Uses must also meet the Site Plan Review criteria in Chapter 10 of the Land Development code. The site plan review process includes consideration of how elements of the site plan will relate harmoniously to the natural environment and the existing buildings.

FINDINGS:

1. **Tribal Staff Review Committee (TSRC)**: The TSRC received a copy of the Conditional Use application on January 14, 2021. A meeting of the committee was held on January 21, 2021 to discuss the application. The DNR Wildlife Program Manager noted that generally the G-1 zone should be prioritized for wildlife, but that this area contains several residences and the small size of the property and proximity to Emigrant Road make it of lower value to wildlife than some areas. There was also a comment that the south end of the property which contains the previous home site is sloped while other areas of the site are flat. Water Resources agreed to do a site visit, which was conducted on January 21, 2021. The site visit documented a pond and small stream flowing through the property.

2. **Current Land Uses:** The subject property is currently vacant although the remnants of a past home site are evident in the outdoor stone fireplace, electric utility pole, and several cisterns, one of which may be a drilled well, although no well log could be found. There is

also some scattered remnants of a building and concrete foundation and two sheds. Other uses include wildlife habitat and forest.

3. **Adjacent Land Uses:** There are several dwellings in area, generally on larger lots containing some forested land.

4. **Zoning:** Dwellings are permitted uses in the R-1, R-2, Ag-1, Ag-2, Ag-3, and P-1 zones. Dwellings are considered a "Conditional Use" in the G-1, Big Game Grazing Forest Zone.

5. **Past Permitting Activity on the Subject Property:**

   A permit was granted in 1976 for a manufactured home to be located on the property. Available Google Earth aerial photos show a manufactured home in 1994, 2001, 2003 and 2005. (see Exhibit 1B). By 2012, the manufactured home is clearly gone. A Zoning Violation was issued in 2012 to Paula Stark, who was then listed as the owner, for work on a shed on the property without permits. At that time it was determined that the manufactured home had been recently removed and would need to be re-established within 6 months of through a building permit or would require a Conditional Use approval beyond that time-frame per Land Development Code Chapter 5, Nonconforming Uses.

6. **Streams**: The CTUIR GIS information shows a “Strahler 1” stream on the property which is the lowest classification of stream.

7. **Site Inspection**: A site inspection was done January 19, 2021. Photos were taken of the proposed manufactured home location, existing pond and cisterns.

   Pond is visible in Center of photo in an aerial photo from June, 2013

Pond and drainage channel flowing northeast at the low point of topography.

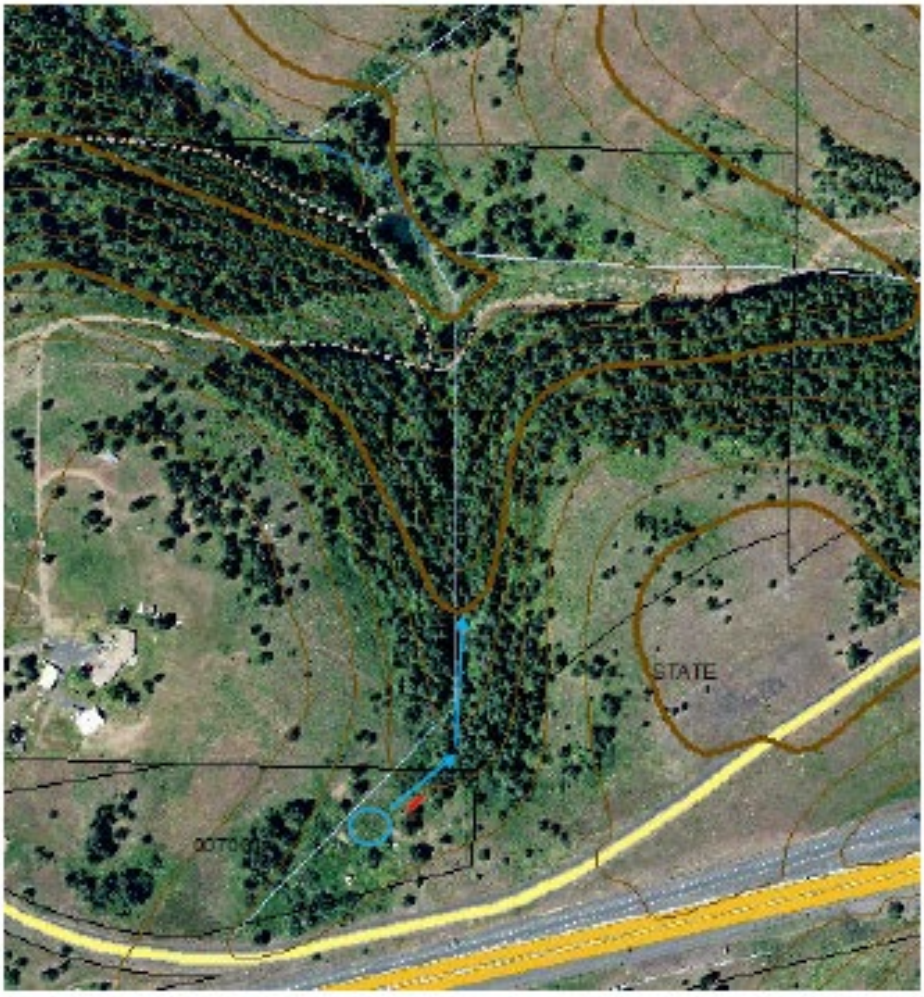
Drainage flows just south of old fireplace and then just north of the pad where the old homesite was located.

While the pond and stream are seasonal, the stream requires a 100' setback if it meets the Land development Code's definition in Section 2.020, 155:

> **Stream:** A natural water course with a definite bed, banks, and zone of riparian vegetation as it existed under natural conditions. Any act of obliteration of the bed, banks, or vegetation of a stream does not cancel the existence of the stream, if natural processes will in the course of time and in the absence of human interference restore it to a condition similar to that existing prior to such act of obliteration.

An analysis of the topography, vegetation and stream layers show that over time this has been the location for the area's drainage which flows north into Cottonwood creek and eventually to the Umatilla River.

CTUIR GIS with 2020 Aerial, Stream Order Layer and 20'/100' Topography



White line – General location of Stream Order 1 shown on CTUIR GIS
(Stream Order 1 is the lowest stream order classification)

Blue circle and line - approximate location of pond and drainage seen on site January, 2021.

Approximate location of previous home site

Site Plan Review

The site plan initially submitted shows the proposed location of a single wide manufactured home in approximately the same location as established previously. However, the stream flows just to the north of the proposed home site and requires a 100 foot setback; the proposed location would need to be adjusted to meet this.

8. **Decision Criteria**:

The decision regarding whether to grant or deny the conditional use must be made based on the decision criteria in the Land Development Code, Section 6.015. An analysis of the criteria follows:

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's Statement:

   We will have very minimum impact on the surrounding land. We are planning on putting this single wide trailer in the same location they previously had in the past; there is already an existing two wells. We also plan on cleaning up all the debris and cleaning up all the fence around the pond so wild life now can safely drink from the pond.

   Staff Analysis.

   While the manufactured home would need to be placed in a different location from where it was previously to maintain at least 100 feet from the stream, it would be valuable to have the property cleaned up and the previous septic system properly decommissioned. If the new manufactured home and septic are set back at least 100 feet from the stream and the septic 100 feet from the well, the proposal will have minimum impact on the area. There is already an existing driveway at the south end of the property. It would also be possible to locate the home site in the center of the property where there is level access and a flat bench.

   The least impact to the land would be where the land is already level and where vegetation does not need to be removed.

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's Statement:

We want to live in harmony and peace with the animal life in the surrounding area; we plan on barring our windows and doors; this is not our first time living in a secluded area on a mountain so we are experienced with this kind of territory and animal life.

Staff Analysis:

The applicant previously encountered a bear on the property but does not think this would be a concern as they are comfortable with living in areas where there is wildlife.

The applicant will need to submit a revised site plan showing a revised location meeting the Land Development Code's setbacks and Site Plan Review requirements.

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's Statement:

With the world as it is today facing the pandemic and everything around it in our growing family would like to be comfortably distance from the city life we would love to get back to living off the land and giving back to the land with organically growing a garden with veggies.

Staff Analysis

While this land is zoned G-1, there was a home site located there previously with some infrastructure remaining at the site and access from Emigrant Road. The existing infrastructure at the site provides a good reason to allow it to be utilized again for this purpose, to help maintain the infrastructure and clean up the debris and barbed wire currently on the ground near the pond. If this proposed conditional use is not approved, the wells should be properly abandoned and septic system decommissioned.

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.

Applicant's Statement:

We plan on being completely compliant and following the rules and codes and uses in this area; our family would love to be part of the community as much as we can.

Staff Analysis:

Restoring and utilizing a portion of this property for residential use is not inconsistent with the purposes of the G-1 zone. The proposal could meet the requirements of the Land Development Code standards for the G-1 zone if the structure and septic are set back 100' from the stream and 20' from all property lines and the well to be reestablished 100' set back from the septic and drainfield. The use will not interfere with the range and forest practices uses that are allowed outright in the zone.

CONCLUSIONS:

1) The location, size, design, and operational characteristics of the proposed use are such that it will not have adverse impacts on the property value, livability, and permissible development of the surrounding area; and the proposed addition will be in conformance with the G-1 zone setback requirements as well as the Tribal Building Codes when constructed.

2) 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, since the site will be cleaned up and the existing infrastructure maintained and because the owner plans to live harmoniously with existing wildlife and the natural landscape. However, the applicant should detail how the proposed building will be sited to minimize impact to the area.

3) 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, because the residential use is a former single-family home site with remaining infrastructure that needs to be maintained.

4) The proposed use will be consistent with the purpose and goals of the Comprehensive Plan and the Land Development Code because the applicants have been able to express their management desires through the established public hearing process and development standards that the Board enacted to protect the sovereignty of the CTUIR. Those desires have been reviewed to assess the site planning issues in order to protect the public health, safety and welfare of the residents of the Umatilla Indian Reservation, and to promote orderly development of the Umatilla Indian Reservation. The proposal could conform to the setback standards enacted under the G-1 zone and if constructed in conformance with the CTUIR Land Development Code.

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 **APPROVAL** of the request with the following conditions:

1. Applicant must submit a new site plan showing a home and septic location set back from the stream at least 100 feet and meeting the requirements of Chapter 10, Site Plan Review. The previous septic tank must be properly decommissioned with new septic tank and drainfield at least 100 feet from the well being used.

2. Applicant shall apply for and obtain a Development Permit and Sanitation Development Permit from the Tribal Planning office, a Water Use Permit from the Water Resources Program and follow all Cultural Resources Protection Program requirements such as monitoring of ground disturbance.

ATTACHMENT: Plans and Policies

I. CTUIR Comprehensive Plan, 2010; Updated 2018

Goal 5.6 Natural Resources

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

- Objective 1

To ensure that ground and surface waters are available to satisfy CTUIR treaty rights, the needs of CTUIR members, and the citizens of the Umatilla Indian Reservation;

- Objective 2

To develop sustainable fish harvest opportunities throughout the usual and accustomed fishing stations;

- Objective 3

To protect, enhance, and restore functional floodplain, channel, and watershed processes to provide sustainable and healthy habitat for aquatic species of the First Food order;

Goal 5.1 Organizational Excellence

CTUIR will achieve organizational excellence by providing effective management and operations for all aspects of CTUIR government services, programs and enterprises.

- Objective 1
-

Demonstrate leadership excellence in the delivery of government, administrative and business services.

II. CTUIR Land Development Code, 1983 as amended through Resolution 21-013 adopted February 8, 2021.

SECTION 1.020 Purpose:

The general purpose of this Code is to protect the physical character of the Reservation; to insure, conserve and enhance vegetation, soils, air, water, fish and wildlife resources of the Reservation. Further, it is intent of this Code to regulate building and construction activities to insure that standards are met to protect the public health, safety and welfare of the residents of the Umatilla Indian Reservation, and to implement the provisions of the Comprehensive Plan.

SECTION 3.270 Description and Purpose:

The G-1, Big Game Grazing Forest Zone is designated to provide critical range for big game populations. 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 developed.

SECTION 3.285 Uses Permitted:

In a G-1 zone the following uses are subject to the issuance of a Development Permit or Forest Practices Permit. Forest practices are subject to Section 4.025 of this Code.

1. Planned grazing systems;
2. Range improvements.
3. Forest Practices:
   A. Timber removal less than or equal to 5,000 board foot gross; such as but not limited to:
      1. Pre-commercial thinning;
      2. Road construction/road closures; or
      3. Non-emergency fuel breaks;
   B. Portable saw mill operations;
   C. Chemical applications;
   D. Prescribed Fire;
   E. Destructive Forest research studies involving <5000 board feet.

SECTION 3.290 Conditional Uses Permitted:

In a G-1 Big Game Grazing Forest Zone the following uses, and structures accessory to permitted uses, are permitted subject to the requirements listed under Sections 4.025 and 6.010 through 6.035 inclusive and upon issuance of a Development Permit or Forest Practices permit. Accessory structures are not subject to the exceptions found in Section 16.010 of this code.

9. Single Family Dwelling including manufactured housing.

CHAPTER 6 CONDITIONAL USES

SECTION 6.010 Authorization to Grant or Deny Conditional Uses:

Conditional uses listed in this Code, may be permitted, enlarged or altered upon authorization by the Land Protection Planning Commission in accordance with the standards and procedures set forth in this chapter.

1. In permitting a new conditional use or the alteration of an existing conditional use, the Land Protection Planning Commission may impose additional conditions which the Commission considers necessary to protect the best interests of the surrounding property or the Umatilla Reservation as a whole.

2. In the case of a use existing prior to the effective date of this Code and classified in this Code as a conditional use, any change in use or lot area or an alteration of structure shall conform with the requirements for a conditional use.

3. The Land Protection Planning Commission may require an applicant to furnish a performance bond or such other form of assurance that the Commission deems necessary to guarantee development in accordance with the standards established and conditions attached in granting a conditional use.

SECTION 6.015 Circumstances for Granting a Conditional Use:

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.

SECTION 6.020 Procedure for Taking Action on a Conditional Use

The procedure for taking action on a conditional use application shall be as follows:

1. A property owner or the Land Protection Planning Commission may initiate a request for a conditional use or the modification of a conditional use by filing an application with the Comprehensive Planning Manager.

2. The Comprehensive Planning Manager or the Natural Resource Commission may require other drawings or information necessary to an understanding of the proposed use and its relationship to surrounding properties.

3. Within 45 days of receipt of the application, the Land Protection Planning Commission shall hold a public hearing and render a decision thereon. The applicant shall be given written notice of the decision by the Planning Staff within five (5) days of the decision.

4. A conditional use permit shall not be approved unless the proposed use would be in compliance with the Umatilla Reservation Comprehensive Plan.

5. An applicant granted a conditional use permit must also obtain a zoning permit prior to commencing development.

SECTION 6.025 Time Limit on a Conditional Use Permit:

A conditional use permit shall be void after one year or such lesser time as the permit may specify unless substantial development pursuant thereto has taken place. However, the Land Protection Planning Commission may extend authorization for an additional period not to exceed one year, upon request.

SECTION 6.030 Time Limit on Reapplication

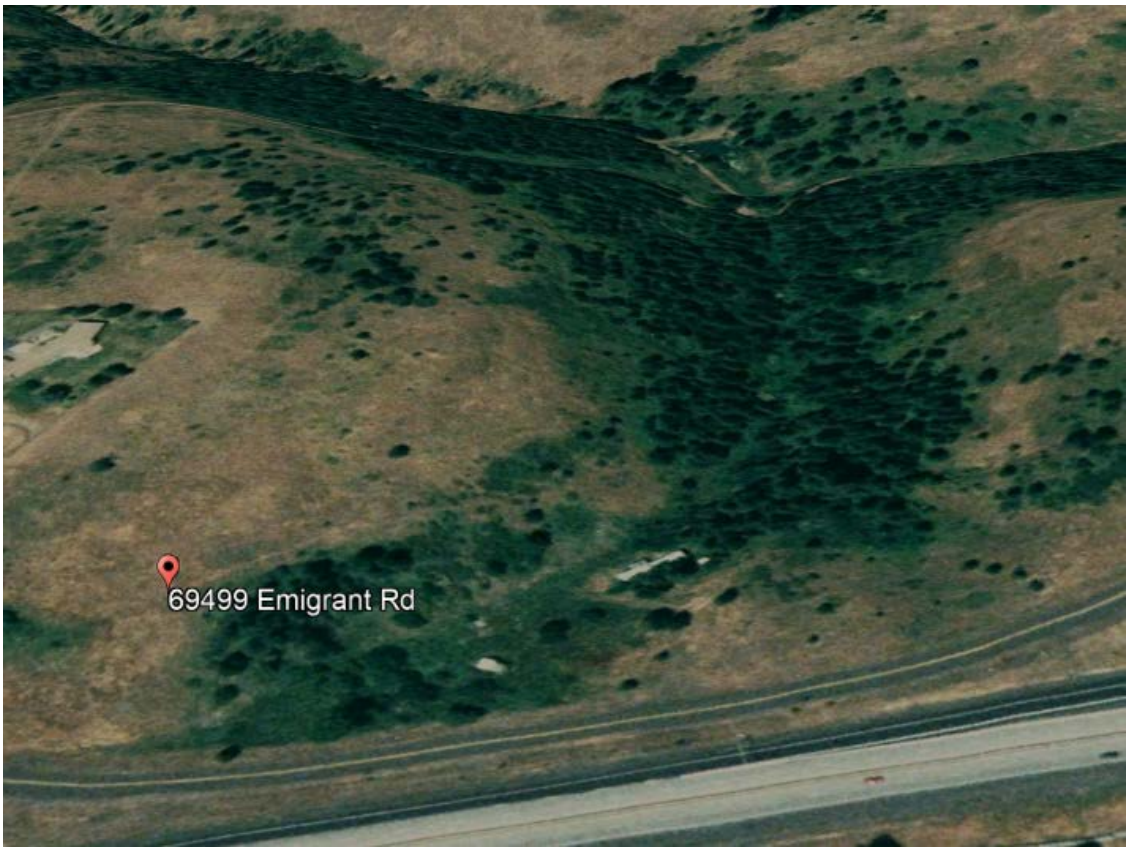
No application for a conditional use permit shall be considered by the Land Protection Planning Commission within one year of the denial of such a request, unless in the opinion of the Commission new evidence or a change of circumstances warrant it.

June, 1994 Google Earth

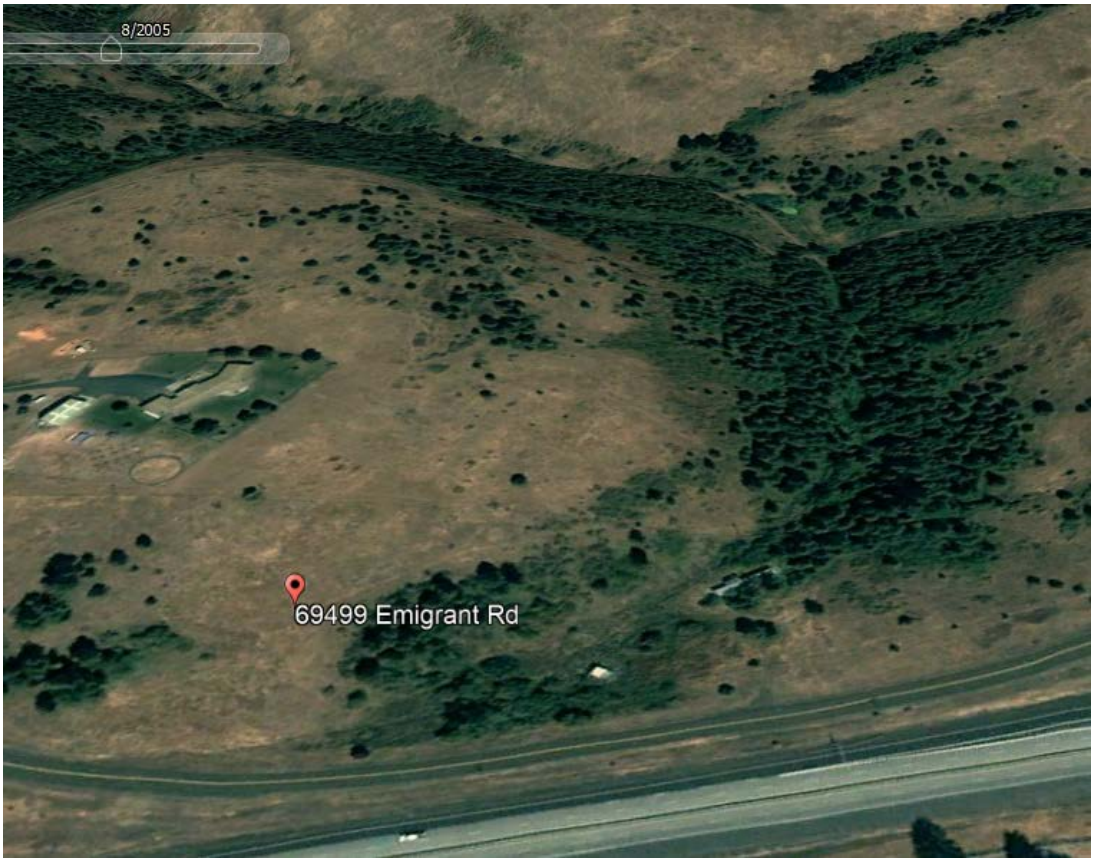
June 1994 Closeup -

August, 2001

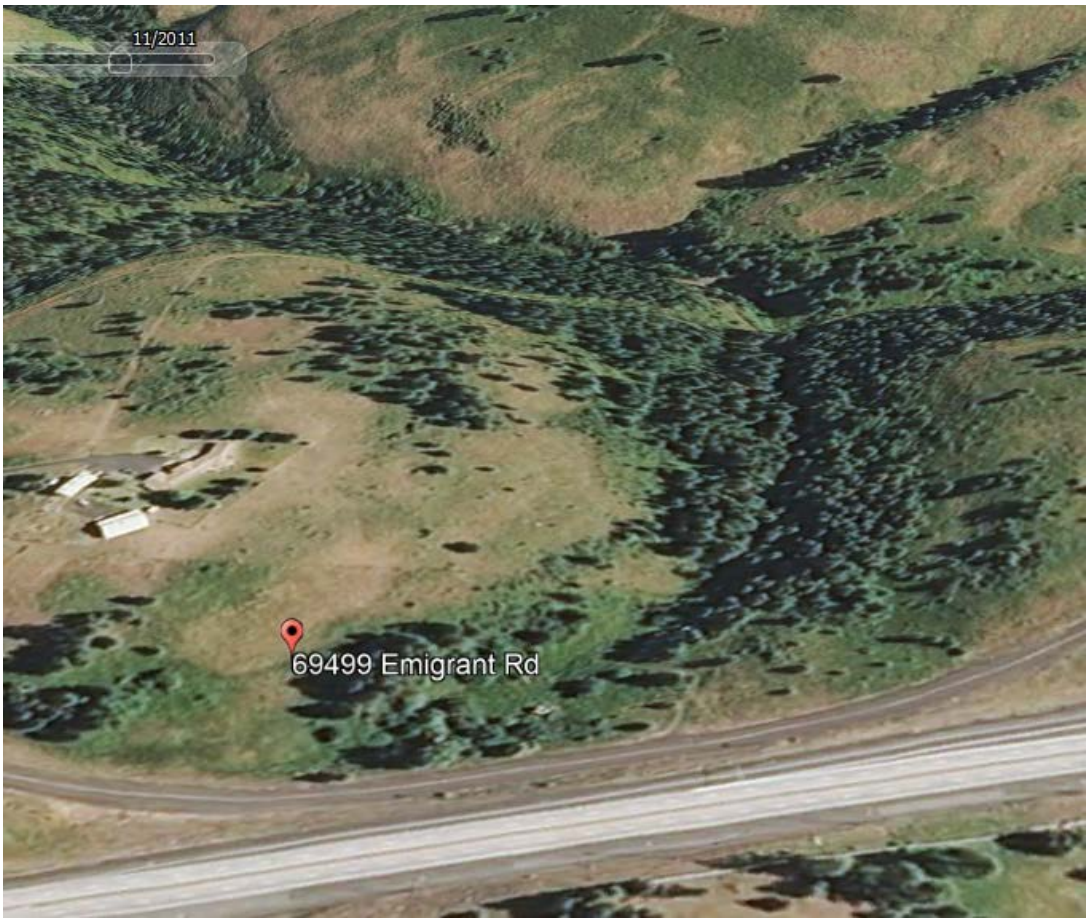
August, 2005



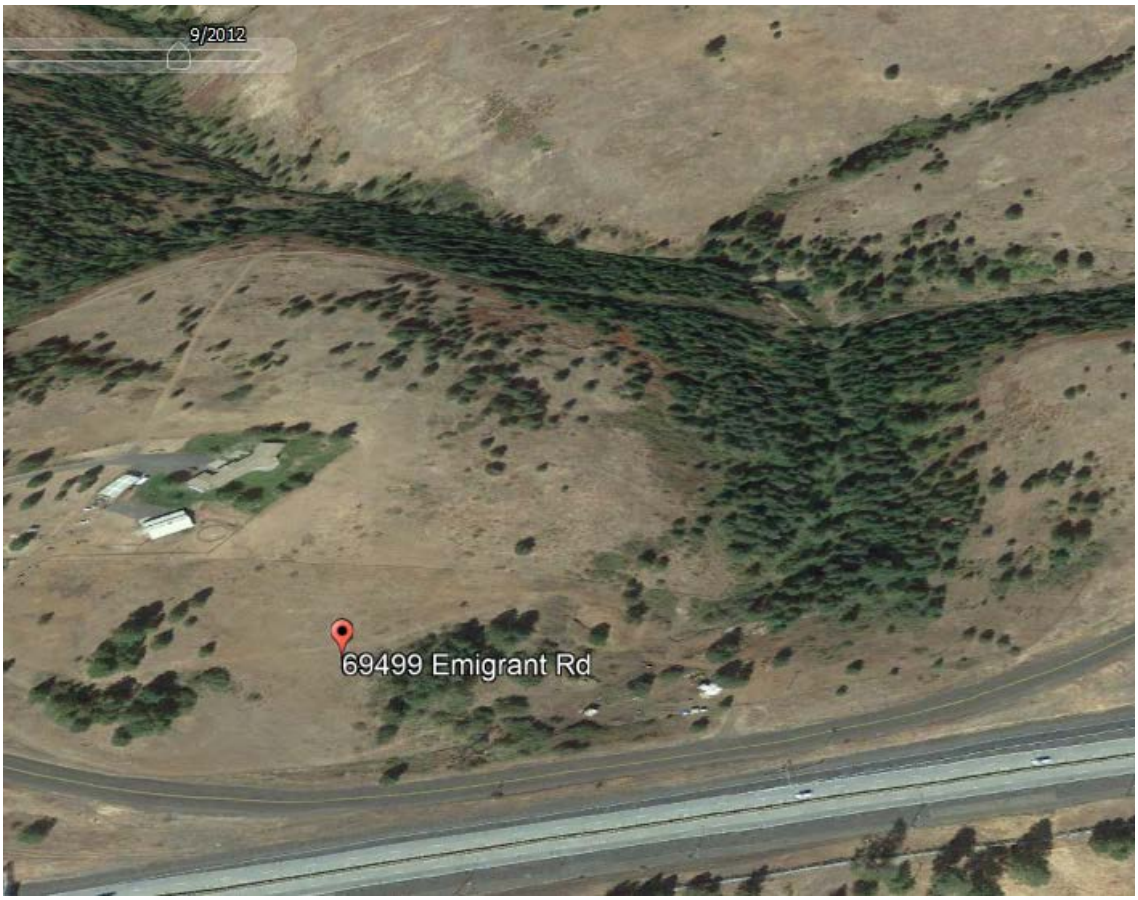
August, 2005



August, 2011



September, 2012



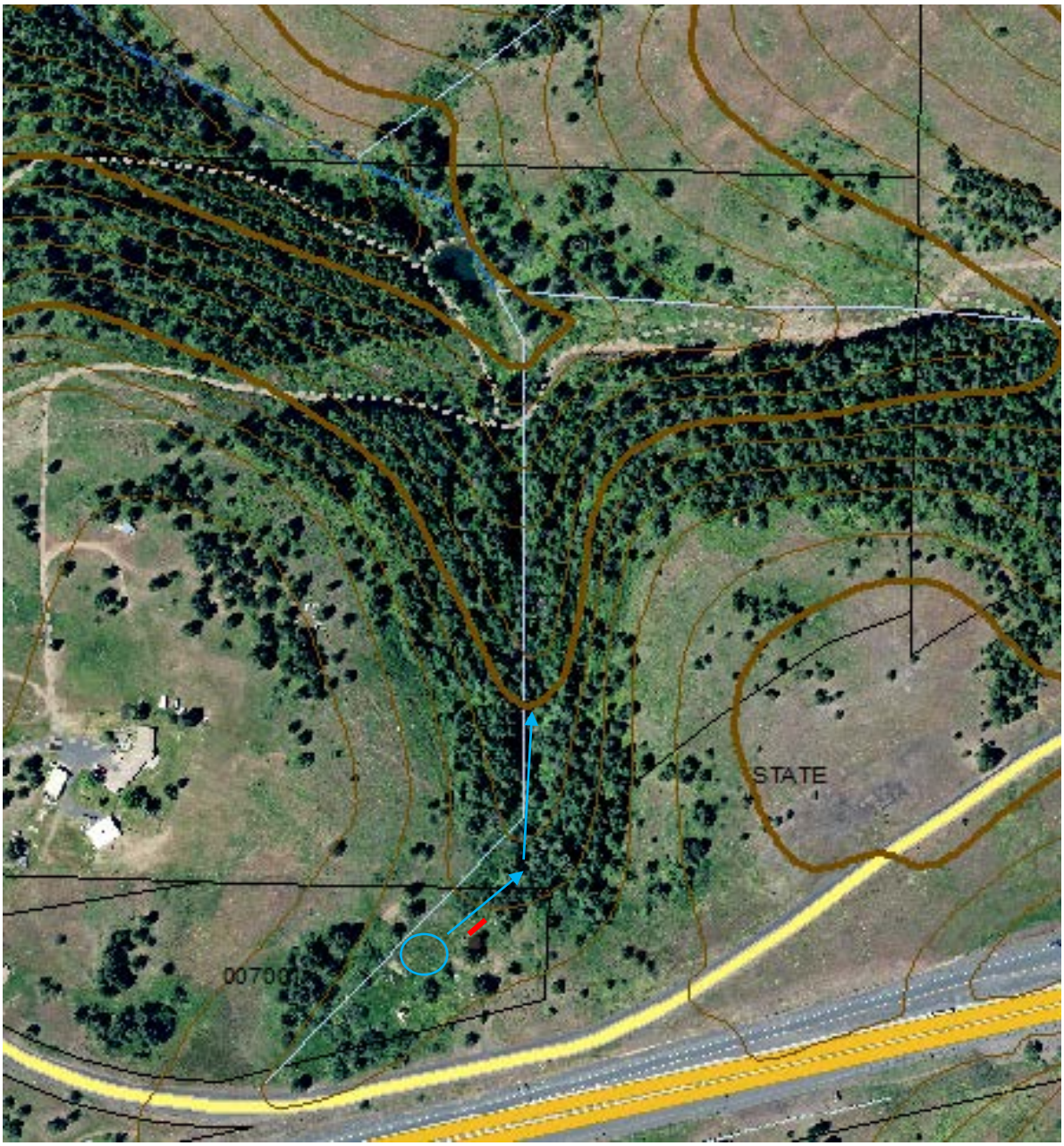
September, 2012 Closeup

June, 2013 Closeup

June, 2013

CTUIR GIS with 2005 NAIP Aerial, Stream Order Layer and 20' Topography

CTUIR GIS with 2020 Aerial, Stream Order Layer and 20'/100' Topography

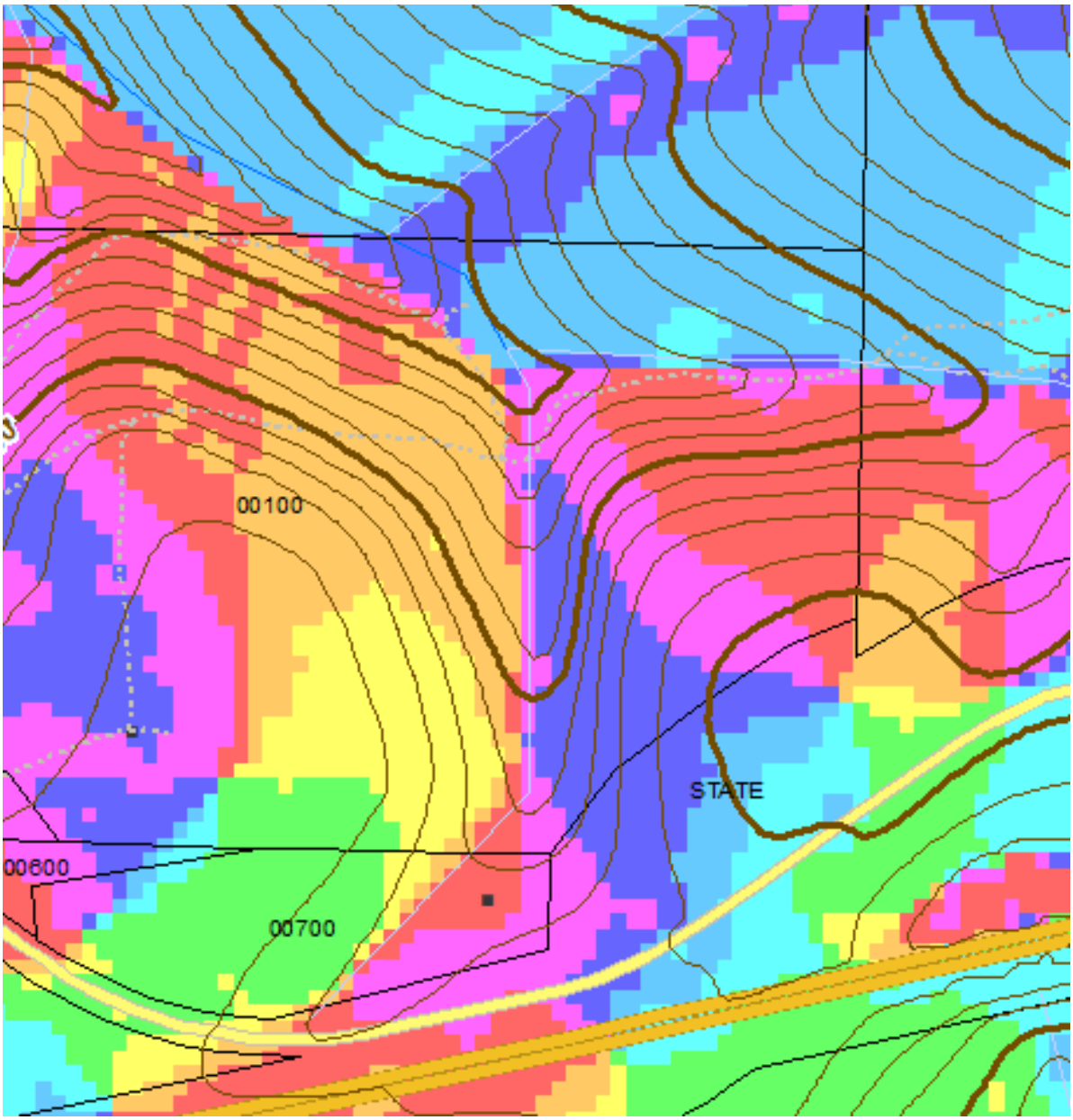


White line – General location of Stream Order 1 shown on CTUIR GIS
(Stream Order 1 is the lowest stream order classification)

Blue circle and line - approximate location of pond and drainage seen on site January, 2021.

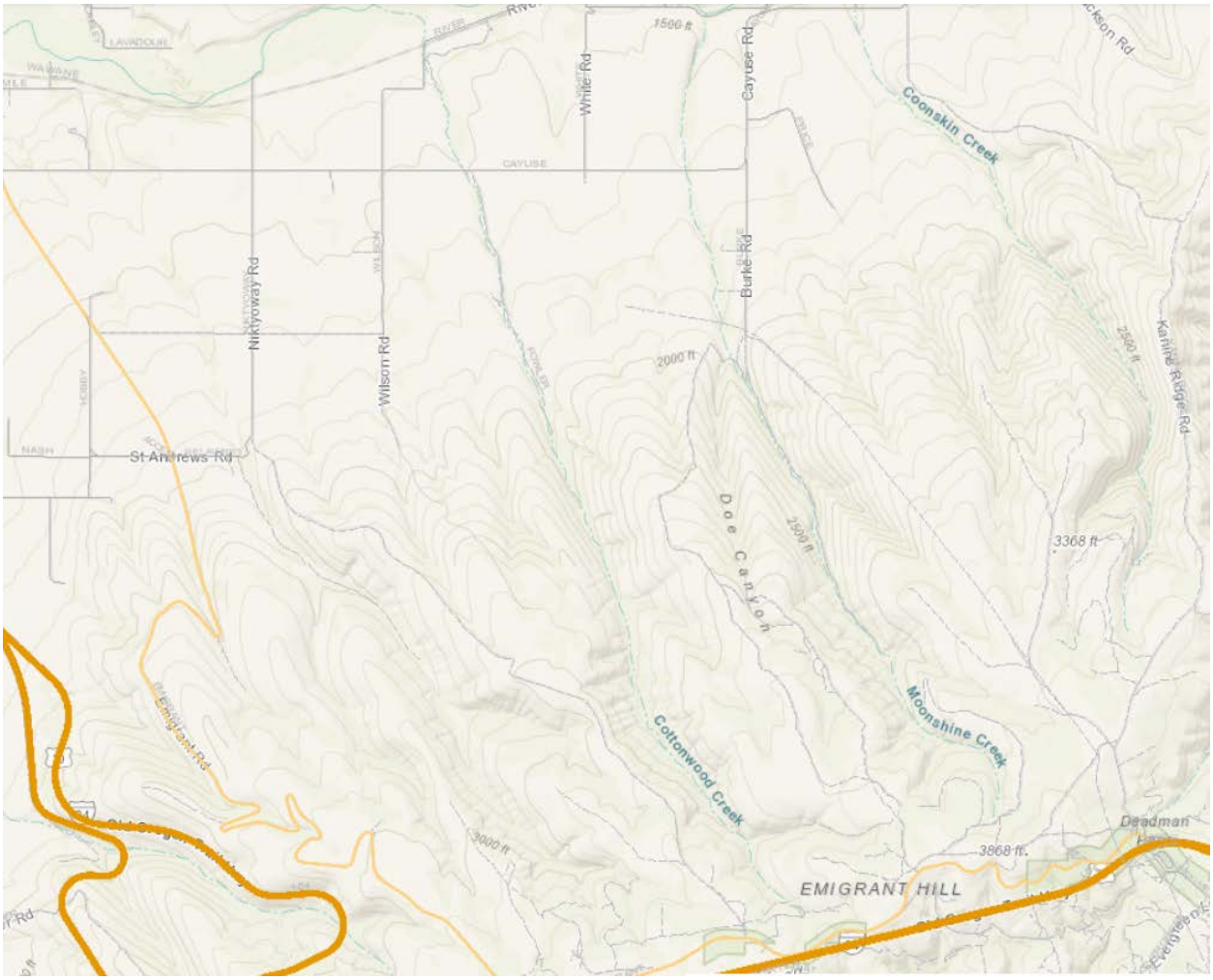
Approximate location of previous home site

CTUIR GIS with Aspect Layer



- Aspect (10 meter)
  - Flat (-1)
  - North (0-22.5)
  - Northeast (22.5-67.5)
  - East (67.5-112.5)
  - Southeast (112.5-157.5)
  - South (157.5-202.5)
  - Southwest (202.5-247.5)
  - West(247.5-292.5)
  - Northwest (292.5-337.5)
  - North (337.5-360)

Topography of the area showing drainage from Emigrant hill north to Umatilla River in various drainage basins including Cottonwood creek, which the property's drainage feeds into.



Pond and drainage channel flowing northeast at the low point of topography.

Drainage flows just south of old fireplace and then just north of the pad where the old homesite was located.

JOINT APPLICATION: ZONING APPROVAL UMATILLA CO
SEWAGE DISPOSAL PERMIT

Z-76-86

PART I PLANNING COMMISSION

(please print or type) Date Received RSH

LEGAL OWNER Roesch, William MAILING ADDRESS 216 SE 1st

PHONE: HOME 276-4596 BUSINESS 276-7581 CITY: Pendleton, Ore

Legal Description: SE ¼ of SW ¼ of Sec: 3 TWP 1N Range 34E EWM Sheet No. 34 DETAIL Tax Lot 900

Subdivision ____ Lot ____ Block ____ Present Zoning E2 Parking ____

Sq. ft. or acres 7.32 Lot Width ~~200~~ Lot Depth ____ Legal Access Co. Rd 856

RECEIVED NOV 2 1976

Proposed Set Backs: Front 250 ft. Side 300 ft. and ~~100~~ ft. Rear 100 ft.

Proposed Structures: 1. M.H. Sq. Ft. 696 Bdrms. 2 Baths 1 U.C.P.C.

2. ____ Sq. Ft. ____ Bdrms. ____ Baths ____

3. ____ Sq. Ft. ____ Bdrms. ____ Baths ____

Date Approved 10/7/76 Zoning Approval [signature]

Requires DEQ Approval Signature of Planning Comm. Representative

PART II DEPARTMENT OF ENVIRONMENTAL QUALITY

Date Received OCT - 7 1976

Proposed Water Supply: Public ____, Community ____, Spring ____, Well ____, Depth of Well ____

Proposed Sewage Disposal: Public ____, Septic Tank ____, Privy ____, Other ____ Specify ____

Installer ____ License Number ____ Phone ____

New System ____, Repair ____, Alteration ____, Extension ____

DEQ Requirements: Septic Tank Min. Capacity Existing 750 gal. tank Gal.: Distance of Tank to Well ____

Distance of Drain Field to Well ____. Disposal Field ____ Linear Ft. Trench Width ____ Ft.

Trench Depth ____ Ft.: Trench Sidewall Area ____ Sq. Ft. Distance Between Trenches ____ Ft.

Gravel: Above Tile ____ Inches. Below Tile ____ Inches.

Date 10-27-76 Approved X Disapproved ____ Sanitarian Lenny E. Lenahan R.S.

Permit No. R0176 Repair Sufficient area for repair - Mobile Home to be placed ± 30' toward old Hwy from old homestead site.

PART III CERTIFICATION

I hereby certify that the above information is correct and understand that issuance of a permit based on this application will not excuse me from complying with effective Ordinances and Resolutions of ____ and Statutes of Oregon, despite any errors on the part of the issuing authority in checking this application.

Wm N. Roesch
(Owner or Agent)

Exhibit 1C
Page 1 of 5

DESCRIBE HOW TO LOCATE PROPERTY OR BUILDING SITE: 7-71-21.

UMATILLA COUNTY PLANNI... OMMISSION

COUNTY COURTHOUSE - PENDLETON, OREGON 97801 - PHONE 276-7111, Ext. 314

Application No. RO 176

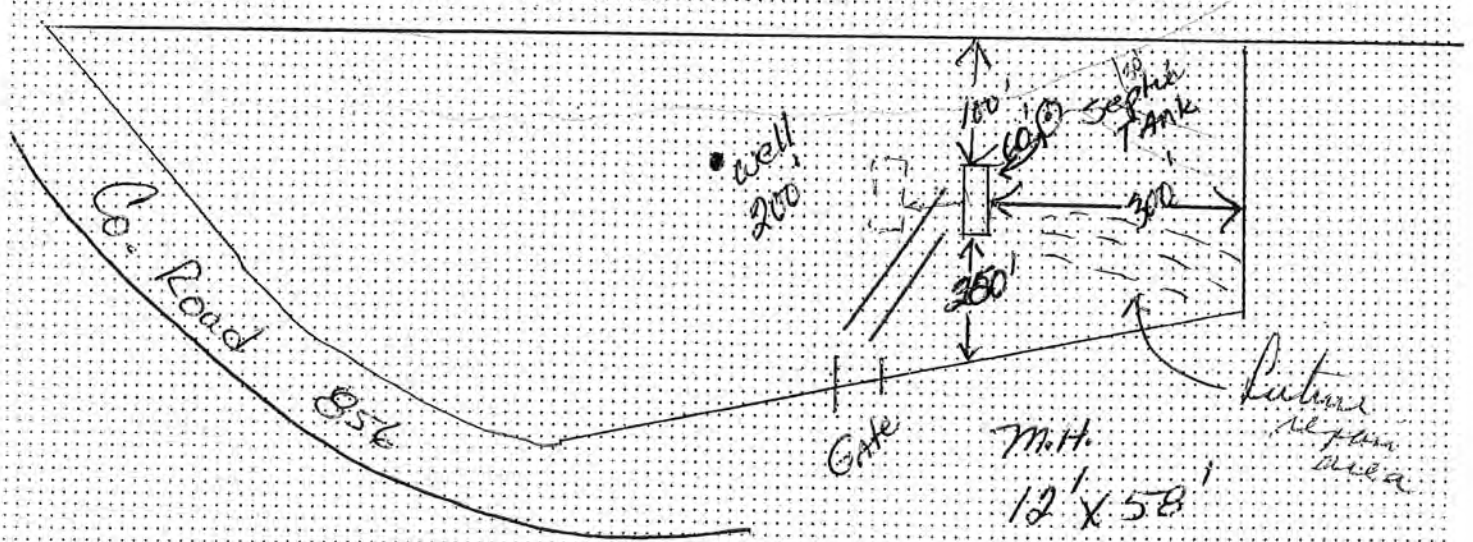
PLOT PLAN FORM

IV SITE DATA

PLOT PLAN MUST SHOW:

1. Property dimensions.
2. Scale and north arrow.
3. Existing & proposed roads & driveways.
4. Existing & proposed buildings.
5. Water source & all pipelines.
6. Slope.
7. Trees & major natural features.
8. Proposed septic tank & drainfield and replacement area.
9. Distance - Septic tank to well _____ ft.
10. Length & spacing of leach lines.
11. Distance - Drainfield to lot lines.
12. Distance - Drainfield to well _____ ft.
13. Location of test holes.
14. Location of wells on adjacent lot.

RECEIVED
NOV 2 1976
U. C. P. C.



place Mobile home up toward old Hwy approx. 30' from old Home site. objective - so that area for future repair can be utilized

V CERTIFICATION

I hereby certify that the above information is correct and understand that issuance of a permit based on this application will not excuse me from complying with effective Ordinances and Resolutions of the County of Umatilla and Statutes of Oregon, despite any errors on the part of the issuing authority in checking this application.

Wm H. Roesch

Exhibit 1C
Page 2 of 5

This permit was issued by the Confederated Tribes of the Unmatilla Indian Reservation, Tribal Planning Office

Zone Permit (OLD) -- Z-76-86

Filing Date: Thursday, October 07, 1976

Contact Information

Land Owner and Primary Contact

Contact: William Roesch
Address 216 SE 1st
Pendleton OR 97801

Phone
Home: (541)276-4596
Work: (541)276-7581
Email

Site Location

Address:

Parcel and/or Allotment Numbers
1N340000TL00900 – del parcel #s

Pendleton OR 97801

Public Lands Survey System:

Township 1 North, Range 34 East,
Section 03: the SW Quarter

Application Review

Finding: Approved Finding Date: Thursday, October 07, 1976

Proposed Improvement Mobile Home - Placement Valuation:

Reviewed By: John ? Issued By: John ?

Date Permit Issued: Thursday, October 07, 1976

Date Permit Expires: Thursday, October 06, 1977

Notes: Proposed Structures: M.H., 696 Sq. Ft., 2 Bedrooms, 1 Bath.
Legal Access: Co. Rd. 856.

Payment

Paid By: William Roesch Recieved By: John ?

Required Fee:	$10.00	Payment Method:	
Amount Paid:	$10.00	Check or PO Number:	
Balance Due:	$0.00	DatePaid:	Thursday, October 07, 1976

This document represents your permit and a reciept for any moneys paid (as listed above). The status of your permit may change over time. This document only reflects the status of your permit at the time of printing (listed below).

Printed 10/17/2012 8:42:08 AM

UMATILLA County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2012

October 17, 2012 8:14:57 am

Account #	102816	**Tax Status**	ASSESSABLE
Map #	1N3403-C0-00700	**Acct Status**	ACTIVE
Code - Tax #	0901-102816	**Subtype**	NORMAL
Legal Descr	Metes & Bounds - See legal report for full description.		
Mailing Name	STARK PAULA J	**Deed Reference #**	2012-5890612
Agent		**Sales Date/Price**	01-18-2012 / $70,000.00
In Care Of		**Appraiser**	KANNIER, LES
Mailing Address	803 CASE ST THE DALLES, OR 97058-2666		

Prop Class	501	**MA**	**SA**	**NH**	**Unit**
RMV Class	501	06	84	000	102816-1

Situs Address(s)	Situs City
ID# 1 69499 EMIGRANT RD	PENDLETON

Value Summary

Code Area		AV	RMV	MAV	RMV Exception	CPR %
0901	Land		65,240	Land	0	
	Impr.		550	Impr.	0	
	Code Area Total	31,850	65,790	31,850	0	
	Grand Total	31,850	65,790	31,850	0	

Land Breakdown

Code Area	ID#	RFD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Irr Class	Irr Size
0901					DO NOT USE - OSD - FAIR	100					
0901	1	R		G-1	Farm Site	100	A	7.32	L		
						Grand Total		7.32			0.00

Improvement Breakdown

Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV
0901	1	1930	300	Farm Bldg	100	480			550
				Grand Total		480			550

Exemptions/Special Assessments/Potential Liability

Code Area	Type						
0901							
	SPECIAL ASSESSMENT:						
	■ FIRE PATROL SURCHARGE	**Amount**	47.50	**Acres**	0	**Year**	2012
	■ FIRE PATROL CLASS 2 T	**Amount**	11.33	**Acres**	2.58	**Year**	2012
	■ FIRE PATROL CLASS 3 G	**Amount**	7.42	**Acres**	4.74	**Year**	2012

Comments: (UMATILLA INDIAN RESERVATION)

1N34 900

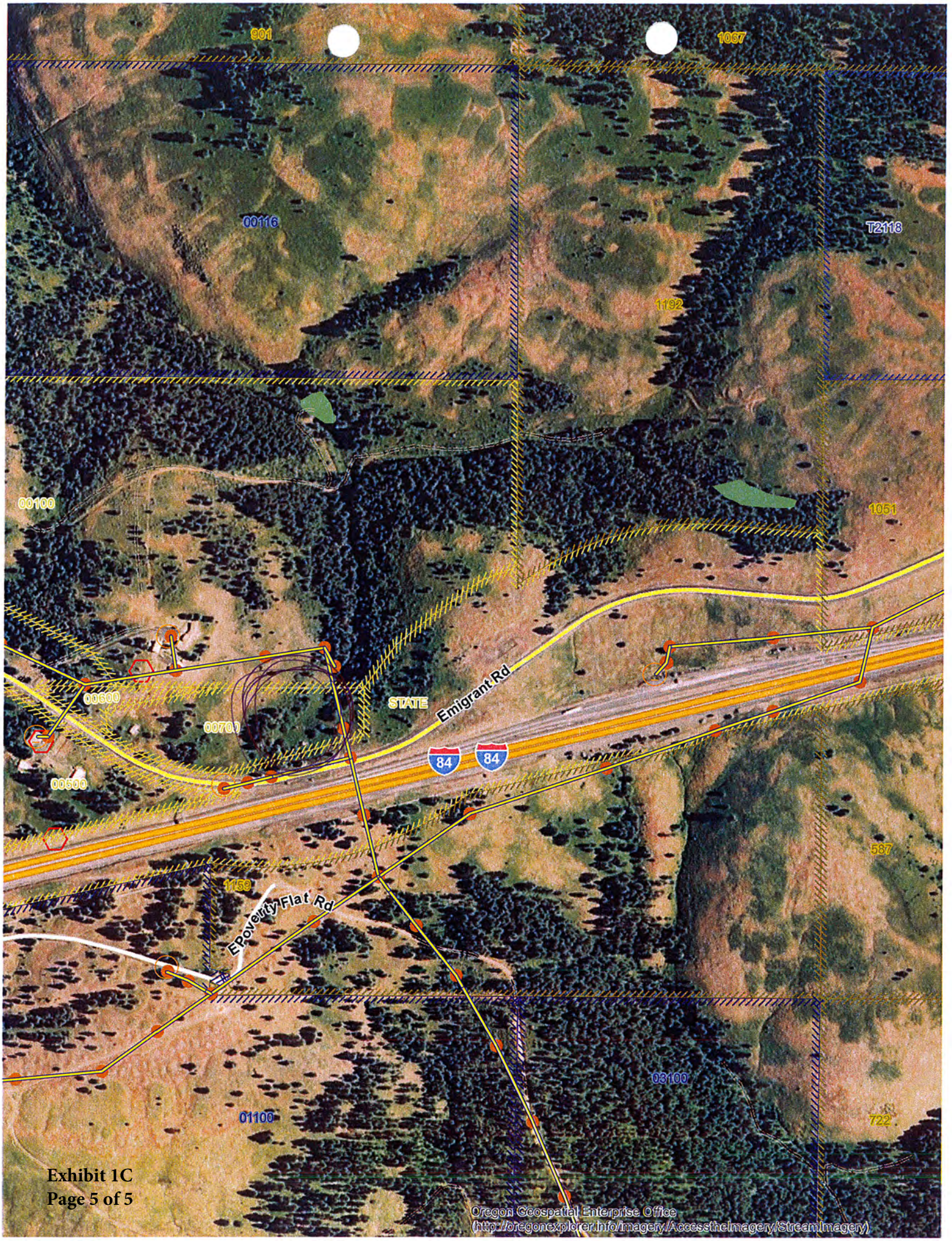


Exhibit 1C
Page 5 of 5

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. 541-215-7496
Alexis Elaine Egerer 1105 South I street APT G3 Hermiston OR 97838

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. Roesch Property
250 SE 3rd Pendleton OR 97801 541-377-3511

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). County Road

6) Indicate the current use or uses of the subject property.
Big Game Hunting

7) Indicate the specific use or uses for which you are requesting this conditional use/variance.
To Live on the property

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

****

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
Tribal Planning Office
46411 Tímine Way, Pendleton, Oregon, 97801

CONDITIONAL USE APPLICATION

Fee: $100.00 Please Print

Applicant's Name: Alexis Elaine Egerer
Address: 1105 south I street APT G3 Hermiston OR 97838 Phone: 541-215-7496

Lot Owner's Name: Debbie Roesch
Address: 250 SE 3rd pendleton OR 97801 Phone: 541-377-3511

Property Description: _____ Section _____ Township _____ Range _____
Tax Lot ( ) Allotment ( ): _____ Present Zone: _____ Total Acreage: 7.660

Legal Access: _____

Present Use of Property (Description, including any existing structures and the current use): There are two exsisting sheads & water well on the property along with an exisisting Power Pole.

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: Nov. 30, 2020 Applicant: Alexis Egerer
Agent: _____

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

TRIBAL PLANNING OFFICE USE ONLY

Date Filed 11/30/20 Reviewed By: Lora Elliot

Fee Paid: 11/30/20 Hearing Date: February 9, 2021

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 is it located.

Variance Decision Criteria (Land Development Code Section 8.015)

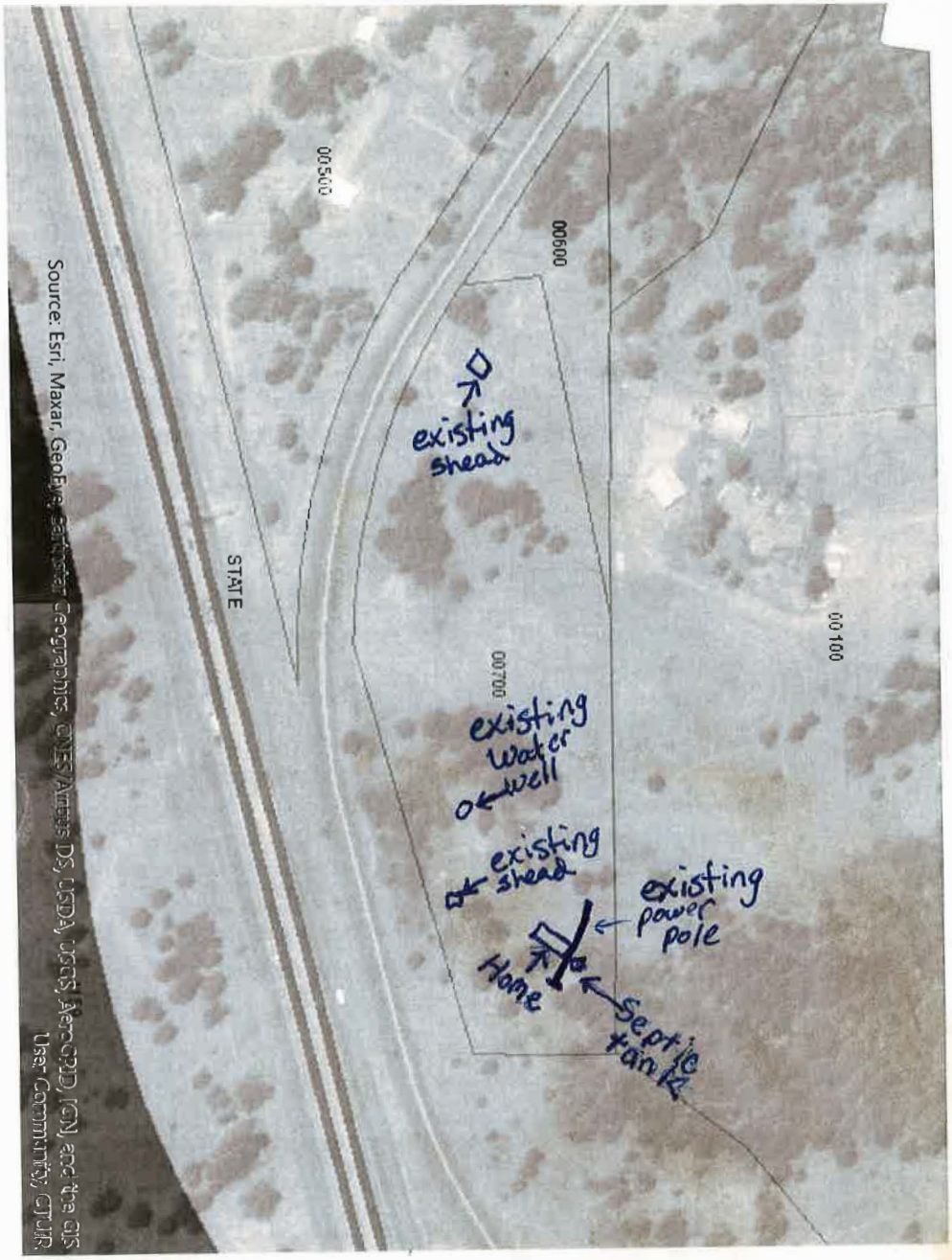
A Variance may be granted if, on the basis of the application, investigation and evidence submitted findings are made based on the criteria below. A variance may be granted unqualifiedly or may be granted subject to the prescribed conditions. A variance may be granted only in the event that all of the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



We Plan on moving a singlewide trailer moible Home that is 14'w x 66'L we are planning on using Deanie Simon Westfall Septic to install the Septic. This will only be a Living Space for our family.

I would like to place a singlewide trailer that is 14'w x 66'L in the same location as the previous trailer that was on the property before and remove all the trash and debris that was left. We plan to live on the property for long term with our family.

ROESCH PROPERTY
250 SE 3RD
Pendleton, OR. 97801

November 26, 2020

RE: 69499 Emigrant Rd.

To Whom It May Concern:

Tenants Zachary and Alexis Egerer have signed a long term lease agreement with

The owners and agent of said property. This agreement was signed September 24, 2020.

Tenants have owners' approval to clean, repair and make any improvements as

Needed upon our approval to make grounds a habitable location.

Sincerely,

Debra Roesch,
Agent

Owners: Jarrod Roesch
Ryan Roesch
Jessica Roesch Montee
Wm Roesch

1. That the locations, size, design, and operations characteristics of the proposed use are such that it will have minimal adverse impact on the properly 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.

we will have very minimum impact on the surrounding land we are planning on putting this single wide trailer in the same location they previously had in the past there is already an existing two wells. We also plan on cleaning up the all the debris and cleaning up all the fence around the pond so wild life now can safely drink from the pond

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.

we want to live in harmony and peace with the animal life in the surrounding area we plan on barring our windows and doors this is not our first time living in a secluded area on a mountain so we are experienced with this kind of territory and animal life

> 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.

with the world as it is today facing the pandemic and everything around it in our growing family would like to be comfortably distance from the city life we would love to get back to living off the land and giving back to the land with organically growing a garden with veggies

> 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.

We plan on being completely compliant and following the rules and codes and uses in this area our family would love to be part of the community as much as we can

Photos of Site submitted by Applicant - 69499 Emigrant Road; Tax Lot 1N3403C0-00700

Existing Electrical Meter

Existing istern

Existing shed on east side of property

Existing structure near west end of property

Confederated Tribes *of the*
Umatilla Indian Reservation

Natural Resources Commission

46411 Timíne Way
Pendleton, OR 97801

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

PUBLIC HEARING NOTICE DISSEMINATION RECORD

File #: CU-21-001; Conditional Use request filed by Alexis Egerer, Hermiston, OR, and property owner Debra Roesch, Pendleton, OR

Land Protection Planning Commission Public Hearing Date: February 23, 2021

Newspaper and Date Published;

1. CUJ: February 4, 2021
2. East Oregonian: February 13, 2021

Posted in six public Places;

1. Mission Market: February 12, 2021
2. Yellowhawk Tribal Health Clinic: February 12, 2021
3. BIA Umatilla Agency: February 12, 2021
4. CTUIR Housing Department: February 12, 2021
5. Nixyáawii Governance Center February 12, 2021
6. CTUIR web site: https://ctuir.org/events/lppc-meeting-public-hearing-cu-21-001/

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

Exhibit 3
Page 1 of 7

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

Zoning, Development Permits
Environmental Health, & Public Transit

46411 Timíne Way
Pendleton, OR 97801

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

PUBLIC HEARING NOTICE

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

Conditional Use #CU-21-001 – Applicant, Alexis Egerer, Hermiston, OR, and property owner Debra Roesch, Pendleton, OR are requesting Conditional Use approval to locate a manufactured home on the subject property at 69499 Emigrant Road. The property is a 7.32 acre parcel identified as Umatilla County Map and Tax Lot 1N3403C0-00700. The property is zoned G-1, Big Game Grazing Forest; single family dwellings, including manufactured housing, are a Conditional Use in the G-1 zone. Conditional Use approvals are subject to CTUIR Land Development Code Chapters 6 and 13.

The hearing will be held on **Tuesday, February 23, 2021 at 9:00 a.m.** Due to COVID-19 precautions, this hearing will be held via Microsoft Teams. If you would like to participate in the hearing or provide testimony, please call 321-754-9526 at 9:00 a.m. The conference ID is 441 735 799#. Materials relating to this proposed conditional use and additional information for joining the meeting are available for review at the Tribal Planning Office or online at https://ctuir.org/events/lppc-meeting-public-hearing-cu-21-001/.

The public is entitled and encouraged to participate in the hearing and to submit oral or written testimony regarding the request. Please submit written comments by 4:00 p.m. February 22, 2021 to the Tribal Planning Office or via email to hollyanderson@ctuir.org. To obtain further information contact the Tribal Planning Office at, 46411 Tímine, Pendleton, Oregon, 97801 or call (541) 429-7517.

Lindsey X. Watchman, Secretary
Land Protection Commission

Confederated Tribes *of the*
Umatilla Indian Reservation

Land Planning and Protection Commission

46411 Timíne Way
Pendleton, OR 97801

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

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 #CU-21-001 – Applicant, Alexis Egerer, Hermiston, OR, and property owner Debra Roesch, Pendleton, OR are requesting Conditional Use approval to locate a manufactured home on the subject property at 69499 Emigrant Road. The property is a 7.32 acre parcel identified as Umatilla County Map and Tax Lot 1N3403C0-00700. The property is zoned G-1, Big Game Grazing Forest; single family dwellings, including manufactured housing, are a Conditional Use in the G-1 zone. Conditional Use approvals are subject to CTUIR Land Development Code Chapters 6 and 13.

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The public is entitled and encouraged to participate in the hearing and to submit testimony regarding the request. Please submit comments to the Tribal Planning Office by 4:00 pm February 22, 2021 either as a hard copy or by e-mailing them to hollyanderson@ctuir.org.

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

Lindsey X. Watchman, Secretary
Land Protection Planning Commission

Exhibit 3
Page 3 of 7

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

Zoning, Development Permits
Environmental Health & Public Transit

46411 Timíne Way
Pendleton, OR 97801

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

February 12, 2021

PUBLIC HEARING NOTICE

Dear Property Owner:

On February 23, 2021 the Land Protection Planning Commission of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) will hold a public hearing concerning a Conditional Use request as described below. You are receiving this notice because you are an owner of property located within 250 feet of the subject properties (see map enclosed). According to Section 13.020 of the CTUIR Land Development Code, all owners of property located within 250 feet of the property which is the subject of a public hearing shall be given written notice by mail at least ten days prior to a public hearing.

Conditional Use #CU-21-001 – Applicant, Alexis Egerer, Hermiston, OR, and property owner Debra Roesch, Pendleton, OR are requesting Conditional Use approval to locate a manufactured home on the subject property at 69499 Emigrant Road. The property is a 7.32 acre parcel identified as Umatilla County Map and Tax Lot 1N3403C0-00700. The property is zoned G-1, Big Game Grazing Forest; single family dwellings, including manufactured housing, are a Conditional Use in the G-1 zone. Conditional Use approvals are subject to CTUIR Land Development Code Chapters 6 and 13.

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The public is entitled and encouraged to participate in the hearing and to submit testimony regarding the request. Please submit comments to the Tribal Planning Office by 4:00 pm February 22, 2021 either as a hard copy or by e-mailing them to hollyanderson@ctuir.org.

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

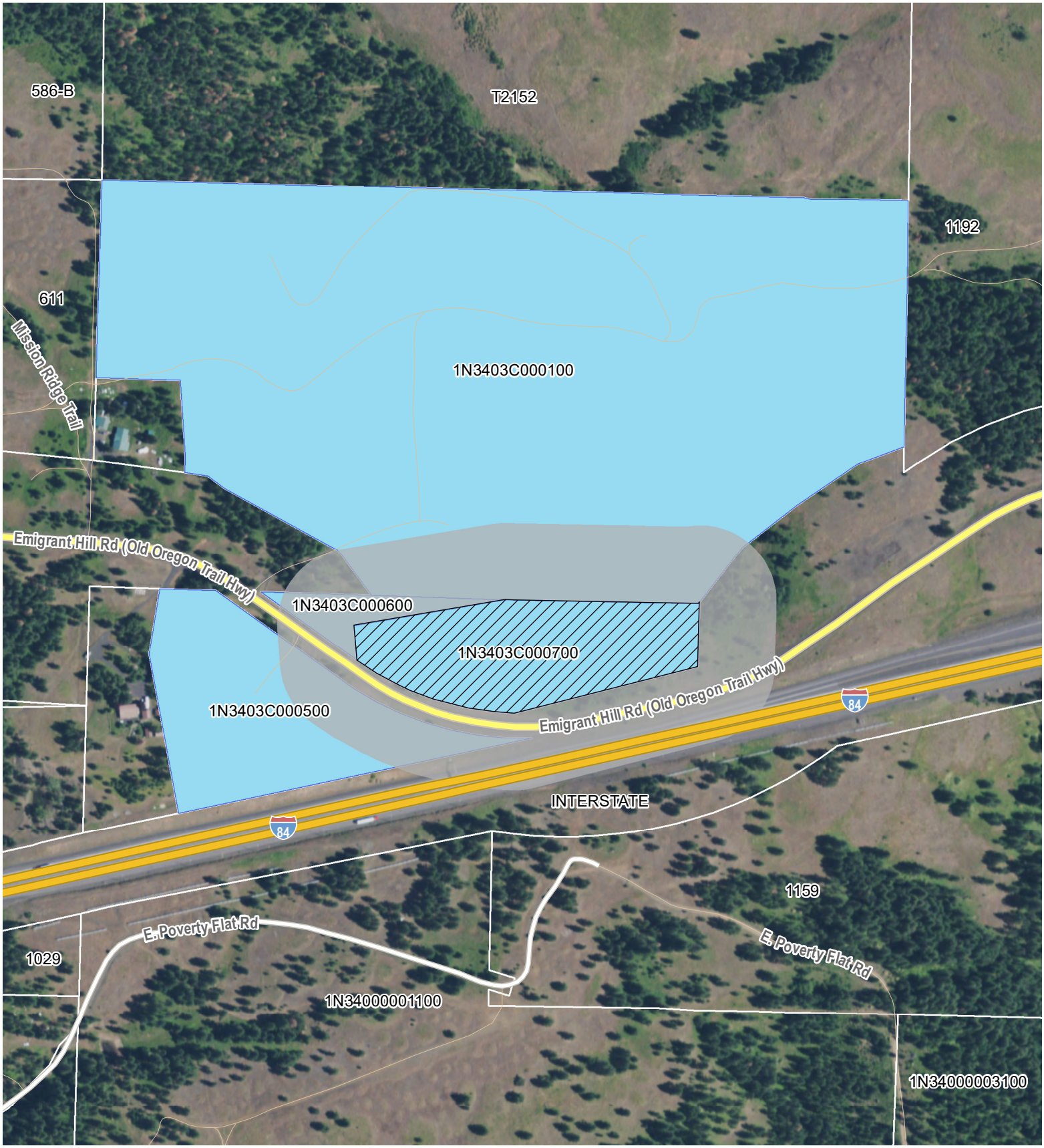
Sincerely,

Holly E. Anderson
Associate Planner

Exhibit 3
Page 4 of 7

Notification Map: CU-21-001

THE CONFEDERATED TRIBES OF THE
UMATILLA INDIAN RESERVATION



Legend

- Subject Property
- Properties to Notify
- 250' Notification Buffer
- Parcels (CTUIR)

Exhibit 3
Page 5 of 7

0 125 250 500 750 1,000 Feet

N

CU-21-001 Public Notice Recipients

Trust & Allotment Recipients

None.

Taxlot Recipients

Ownership	Taxlot	Owner
F	1N3403C000100	Nancy Kirskey
F	1N3403C000700	Carol Mae Roesch Estate, Et. Al.
F	1N3403C000600	Nancy Kirskey
F	1N3403C000500	Owen & Heather Christy

Agency Recipients

Contact	Agency	Address
Director	Umatilla County Public Works Department	3920 Westgate Street Pendleton, OR 97801
Wendy Neal	UEC	PO Box 1148 Hermiston, OR 97838-3148
	ODOT District 12	1327 SE 3rd Street Pendleton, OR 97801

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

Zoning, Development Permits
Environmental Health & Public Transit

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Fax: 541-276-3099

MEMORANDUM

DATE: January 14, 2021
TO: Tribal Staff Review Committee
FROM: Holly Anderson, Associate Planner, Tribal Planning Office
REGARDING: Meeting Thursday, January 21, 2020, **9:00 am, via Microsoft Teams**

The Tribal Staff Review Committee is scheduled to meet on Thursday, January 21, 2021 at 9:00 am. to review the following applications:

Conditional Use File #CU-21-001 – **Applicant, Alexis Egerer, Road, Pendleton, OR 97801** seeks approval from the Land Protection Planning Commission to locate a single wide manufactured home on the subject property. The subject property is a 7.32 acre parcel identified as 69499 Emigrant Road, Map and Tax Lot 1N3403C0-00700. The property is zoned G-1, Big Game Grazing Forest. Conditional Use approvals are subject to the CTUIR Land Development Code Chapters 6 and 13.

A public hearing with the Land Planning Protection Commission is proposed to be scheduled for February 9, 2021 at 9:00 a.m.

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

Each committee member should review the proposals:

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

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

Microsoft Teams meeting

Join on your computer or mobile app
Click here to join the meeting

Or call in (audio only)
+1 321-754-9526,,389747077# United States, Orlando

Phone Conference ID: 389 747 077#
Find a local number | Reset PIN

Written comments will be accepted until the end of the day on Tuesday, January 26, 2021.