

EXHIBIT SCHEDULE

FILE NUMBER: V-24-001

APPLICANT: Urban Patterns, LLC on behalf of their client Cairnspring Mills, LLC - 1432 E. Burnside Street, Portland, OR 97214.

HEARING DATE: August 27, 2024

EXHIBIT

NATURE OF EXHIBIT

<u>1</u>	Twelve (12) Page Staff Report
<u>2</u>	Eight (8) Page Variance Application & Supplemental Information
<u>3</u>	Eleven (11) Page Dissemination Record with TSRC Comments

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

To: **Land Protection Planning Commission (LPPC)**
Public Hearing Date: **August 27, 2024**
File No.: **V-24-001**

SUBJECT: Variance request: Allow a height of 75' for a proposed Flour mill.

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

NATURE OF THE REQUEST:

The Applicant seeks a Variance approval from the LPPC to construct a flour mill building that is 75' in height. A variance was previously approved allowing the flour mill to be 65' after a hearing October 24, 2023; the request is for an additional 10' in height to allow more flexibility in the variety of flours that can be milled.

The subject property is identified as Lot 1 of the Coyote Business Park South Subdivision within trust parcel T2103-C, which is within the external boundaries of the Umatilla Indian Reservation.

The subject property is zoned I-D, Industrial Development, where structures other than grain elevators are limited to 45'. Variance approvals are subject to the CTUIR Land Development Code Chapters 8 and 13.

BASIC FACTS:

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

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

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

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

- 4) **Current Use:** The subject property is currently undeveloped land that contains wheat/hay crops. The Applicant of this requested was granted a Conditional Use permit on October 23, 2024 by the LPPC to operate a flour mill on this property.
- 5) **Surrounding Land Uses:** The proposed project area is within the Coyote Business Park South Industrial Park, which is intended for light industrial uses. Several lots within the Coyote Business Park South Industrial Park contain a winter sanding shed owned and operated by the Oregon Department of Transportation (ODOT), as well as a solid waste transfer station, and a warehouse/food distribution center. Both of the latter are owned and operated by the CTUIR. The remaining lots currently contain agricultural crops on a seasonal basis.

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

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

- 6) **Utilities:** This site is within the CTUIR Water & Sewer Service area and is served by tribal water and sewer lines on the western edge of the property. Electricity is provided by Pacific Power, which has lines running near the site along Highway 331 and throughout parts of the Coyote Business Park South. A Bonneville Power Administration (BPA) transmission line runs near the site, approximately 700 feet to the southwest. Additionally, Umatilla Electrical Cooperative owns and maintains lines that run within the HWY 331/S. Market Road ROW to the east of Coyote Business Park North and the subject property.
- 7) **Legal Access:** This site receives legal access from Tokti Road along the southwestern edge and Nichtay Road to the southeast. A portion of Nichtay Road that is within ODOT right-of-way is also adjacent to the subject property to the northeast, though direct access is separated by Patawa Creek.
- 8) **Topography and Other Site Information:** The site is generally flat. The registered and recorded survey prepared for the Coyote Business Park South Subdivision (SUB-07-002) shows that Patawa Creek runs along the northeastern edge of the property.
- 9) **Soils:** The site contains Hermiston Silt Loam, 0-3% slope.
- 10) **Intended Property Use:** The intended use for this property includes a flour mill with a planned production capacity of 5-tons per hour using stone-ground milling. To support the flour mill, a granary consisting of up to 24 grain storage bins is also proposed, along with a warehouse and office space. Currently, only 12 grain storage bins are proposed in the initial project scope. The Applicant applied for and was granted a Variance in October of 2023 to construct a flour mill that would be 65' in height, which is taller than the 45' limitation per the LDC Section 3.170(1). This proposal increases the requested Variance to 75'. This proposal also includes grain storage towers and an elevator that are taller than 45', though they are exempt from the height limit.
- 11) **Permitting History:** According to Tribal Planning Office records, the following permit records are related to the subject property:
 - A) SUB-07-002: created the Coyote Business Park South subdivision.
 - B) CU-23-002: following a public hearing in October 2023, the LPPC granted Carinspring Mills a Conditional Use Permit the ability to operate a flour mill, which is listed as a Conditional Use for the I-D, Industrial Development zone.
 - C) V-23-002: following a public hearing in October 2023, the LPPC granted Carinspring Mills a Variance to construct a flour mill tower 65' in height.

12) **Environmental Review:** A NEPA Finding of No Significant Impact (FONSI) approved by the BIA Umatilla Agency Superintendent (dated September 2006) was completed in conjunction with the Coyote Business Park South Subdivision SUB-07-002. The CTUIR Department of Economic and Community Development is currently coordinating with the Applicant to update the Environmental Assessment.

PROJECT STATEMENT: *(provided by Applicant)*

"The applicant is requesting a height increase for the mill structure. Flour mills typically use a gravity driven process, which is an industry standard, for functional and efficient milling. Gravity is used to drop the grain from one milling step to the next. In order to expand the variety of flours and capacity this mill can produce, another milling step is needed to be introduced, which adds another level of equipment (vertically) within the mill, and therefore requires the height of the mill to be increased.

The team has worked to ensure the height variance for the mill structure is as minimal as possible, while still accounting for the milling process required."

APPLICABLE POLICIES AND CODES:

I. CTUIR Comprehensive Plan; adopted by CTUIR Board of Trustees Resolution No. 18-098 (November 26, 2018); Applicable objectives:

Chapter 5, Plan Elements: Goals & Objectives:

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

II. Land Development Code; adopted by CTUIR Board of Trustees Resolution No. 83-74 (August 24, 1983) and as amended through Resolution 21-013 (February 8, 2021). Applicable sections:

- Chapter 1, Section 1.020 – Purpose;
- Chapter 2, Section 2.020 – Definitions; (178) – Variance;
- Chapter 3, Sub-chapter G; I-D – Industrial Development Zone;
- Chapter 8, Variance;
- Chapter 13, Hearings;

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

- Chapter 5, Cultural Resources Review of Tribally Permitted or Reviewed Projects
- Chapter 7, Prohibited Effects to Cultural Resources

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

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

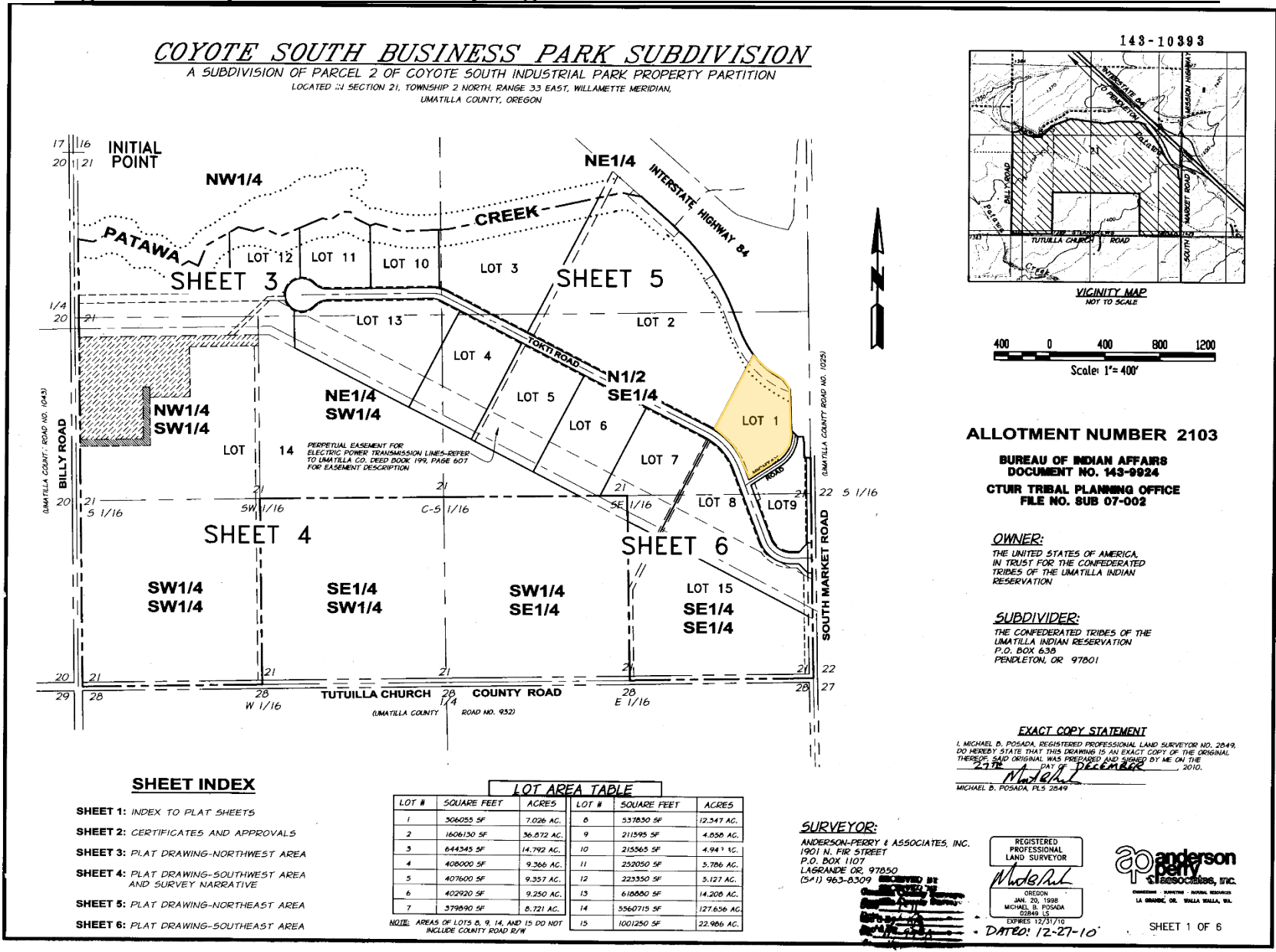


Figure 2: Site and Topography

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

THE CONFEDERATED TRIBES OF THE
UMATILLA INDIAN RESERVATION



Legend

20' Contours



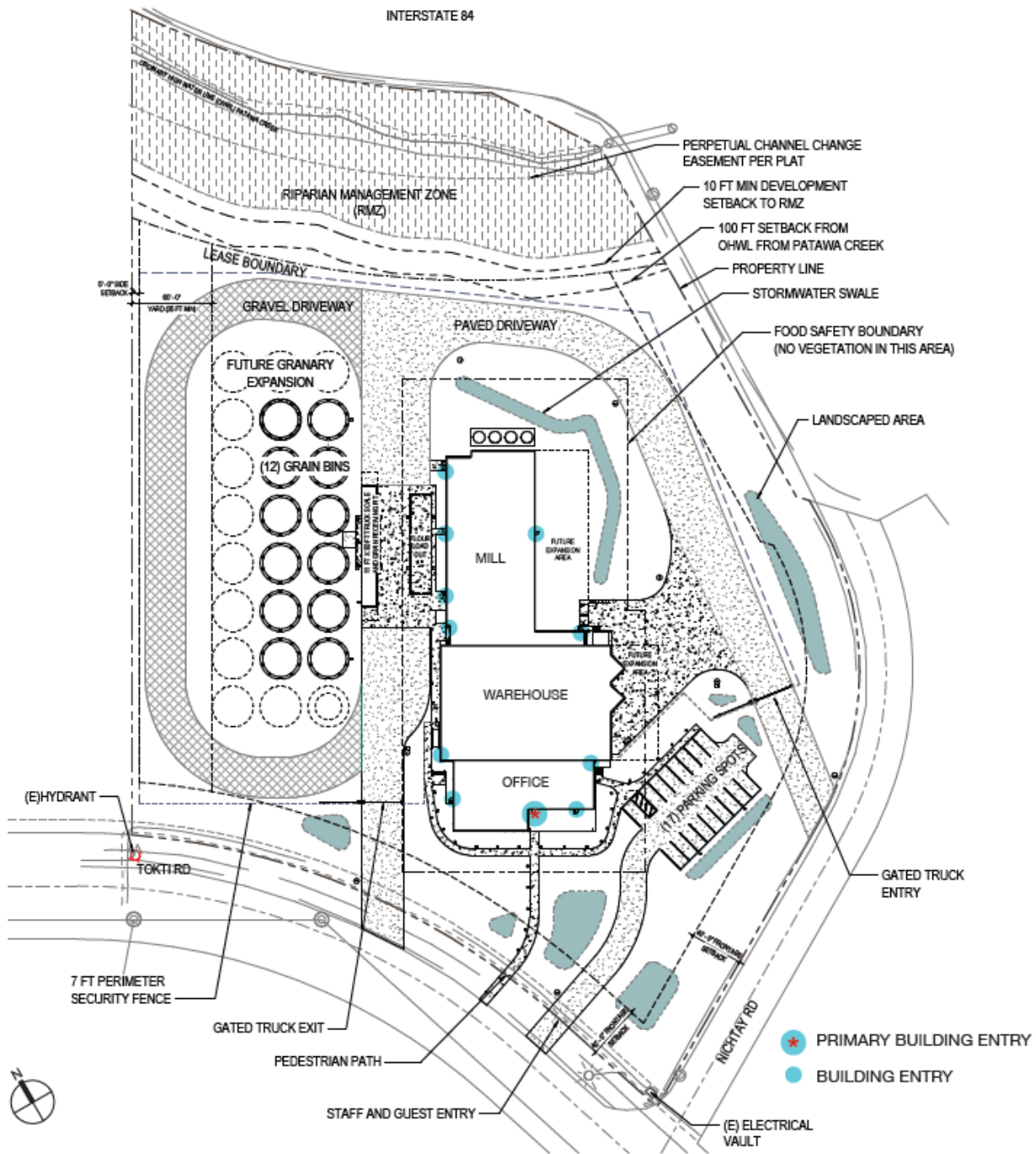
100' Contours



0 680 1,360 Feet



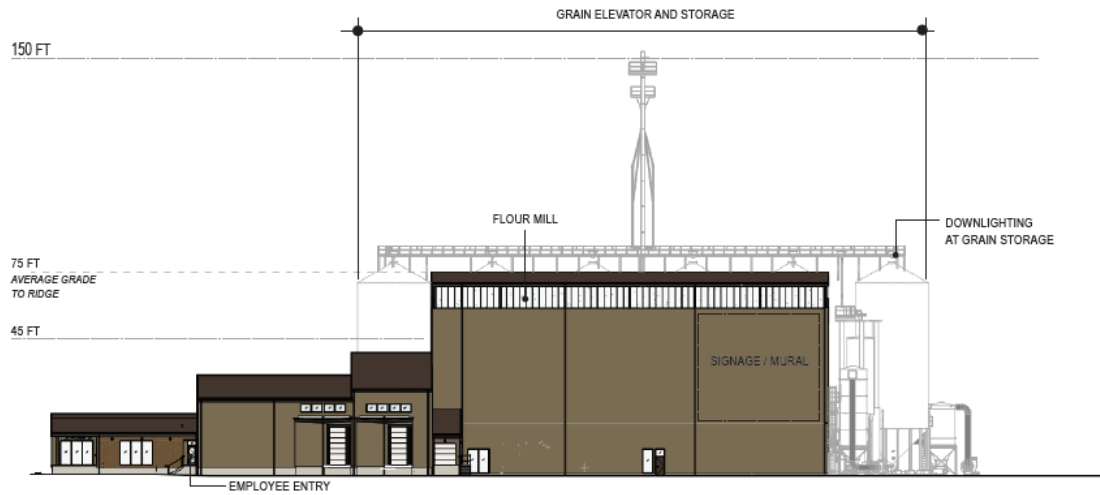
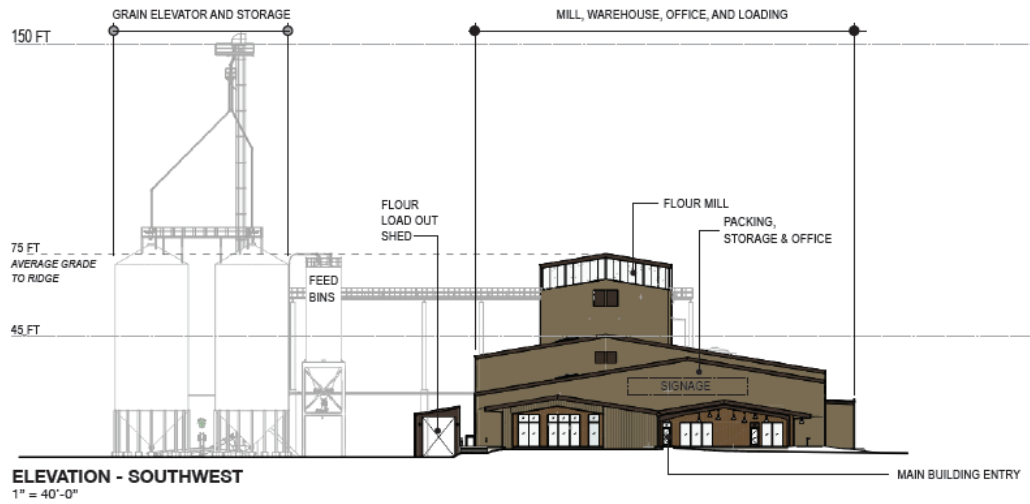
Figure 3: Proposed Preliminary Site Plan from Application



Cairnspring Mills - Site Plan

July 22, 2024

Figure 4: Proposed Preliminary Southwest & Southeast Elevation Diagrams

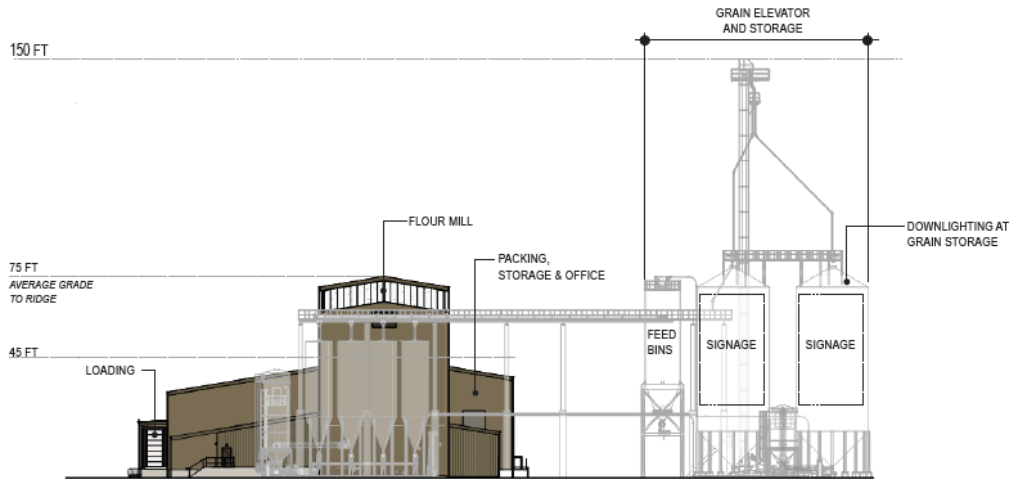


- LEGEND**
- METAL PANEL
 - METAL TRIM AND ROOFING
 - WOOD SIDING

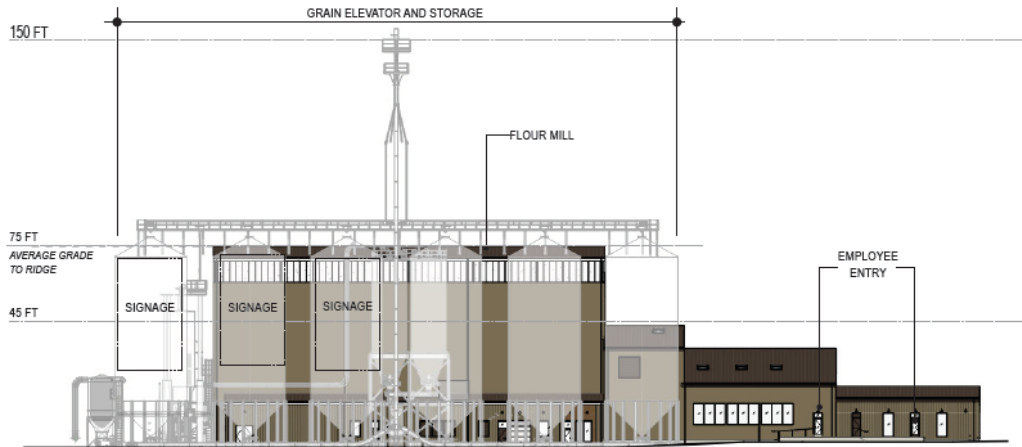
ELEVATION - SOUTHWEST
1" = 40'-0"
Cairnspring Mill - Elevations
July 22, 2024



Figure 5: Proposed Preliminary Northeast and Northwest Elevation Diagrams



ELEVATION - NORTHEAST
1" = 40'-0"



ELEVATION - NORTHWEST
1" = 40'-0"

Cairnspring Mills - Building Elevations
July 22, 2024

LEGEND

- METAL PANEL
- METAL TRIM AND ROOFING
- WOOD SIDING



STAFF FINDINGS:

A. Tribal Staff Review Committee (TSRC): Members of the CTUIR Tribal Staff Review Committee received a copy of the application packet for V-24-001 on July 26, 2024. A meeting of the TSRC was held August 1, 2024, to review the application. The following comments were received:

Department of Economic and Community Development – Land Project Manager (via e-mail): “With BPA power lines being so close have the plans been reviewed by them. At annual BPA meeting this year they were not aware of this project and expressed some concerns about the height.

With the solar project going in on the south side of Coyote South does there need to be any consideration on the impacts to this project.”

Department of Economic and Community Development – Director (summarized from in-person comments): DECD is currently coordinating an update to the Environmental Assessment (EA) with the Applicant. They will send the update to the BIA for review once it is completed.

Department of Natural Resources, Cultural Resources Program – Archaeologist (via e-mail): “A cultural resource survey and testing of Lot 1 was completed by CRPP in December of 2023 for the proposed project. CRPP did not locate buried archaeological deposits. A viewshed analysis determined the construction of the flour mill complex will be visible from two historic properties of religious and cultural significance, Šišnamíiš and the unnamed historic property in Coyote Business Park. The proposed project will have an adverse effect on the viewshed of these historic properties by compromising the integrity of setting, feeling, and association. The National Historic Preservation Act requires the lead federal agency to avoid, minimize or mitigate adverse effects to such historic properties.

To minimize impacts DECD will need to consult with the CRPP regarding the colors of paint/materials and vegetation to be planted. While these steps will minimize visual impacts, the CRPP further recommends off-site mitigation to fully resolve the adverse effects of the undertaking. DECD, CRPP, BIA, and the THPO will need to enter into a memorandum of agreement to resolve such effects in a manner that all parties can agree to under 36 CFR § 800.6(b). The CRPP further recommends that a cultural resources monitor be present during selective ground-disturbing activities, which will be determined in consultation with DECD.”

No additional written or verbal comments were received from Committee members on or before the deadline date of August 8, 2024 to be included in these Findings.

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

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.*

Applicant statement: “The lots on the north side of the Coyote South Business Park are located next to Patawa Creek, around which a riparian management zone has been designated. There is a 100’ setback requirement from the highwater line of the creek for development. This reduces the usable site area by approximately one acre.”

Finding: Property on the Umatilla Indian Reservation designated for Industrial Development is located almost exclusively within Coyote Business Park South. Within that, many of the lots in this same zone, where similar uses are permitted, do not have the limitation on buildable space that the subject property does owing to Patawa Creek and its riparian management zone.

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.*

Applicant Statement: “To improve the gravity driven process at the mill, the applicant requests a height variance for the mill and associated elements, increasing the allowed 45 feet height in the base zone by 30 feet. The proposed mill building will not exceed 75 feet above average grade to ridge. The CTUIR LDC exempts grain elevators from a height limitation: the grain elevator and associated elements will not exceed 150 feet. Grain bins are anticipated to be approximately 80 feet high.

Existing commercial development in Coyote Business Park North has structures which are approximately 10 stories in height. Commercial zones within Coyote North allow for building heights of 120 feet. The proposed scale of development reflects the scale of functional and efficient industry-standard, typical flour processing facilities. The proposed mill and grain elevator heights will be both characteristic of existing development within the business park and traditional grain elevators and mills in the greater region.”

Finding: The use of a flour mill at this site is permitted conditionally by preceding CU-23-002. Flour mill buildings require taller structures to take advantage of gravity in facilitating parts of the milling process. Allowing the construction of a flour mill building greater than 45’ in height preserves the approved use of the Applicant to operate a flour mill on the property.

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.*

Applicant Statement: “The proposed variance for the mill building height would not be detrimental to adjacent properties as setbacks and orientation keep shadows from being cast on neighboring building sites. The proposed plan side setbacks of 60 feet (increased from 35 feet) will help mitigate impacts of increased height. In addition, the applicant locates the mill and grain elevator and grain bins a minimum of 60 feet from all property lines, to reduce impact to neighbors. The warehouse and office buildings will not exceed the 45 foot allowable height. All parcels surrounding Lot 1 are zoned light industrial, and there will be no adverse effect to those neighboring uses.

At adjacent parcels, views to the hills to the south and southeast will [be] preserved, as the proposed development is located on a northern parcel within the park, adjacent to the interstate. The interstate, riparian management zone and interstate setbacks will all contribute to buffering the impact of the proposed development to properties within Coyote Business Park North.”

Finding: The proposed variance would not impact adjacent properties significantly or prevent the possibility of adjacent properties from exercising permitted uses within their zoning designation.

4. *The variance requested is the minimum variance which would alleviate the hardship.*

Applicant Statement: “The flour mill engineers have concluded that a functional and efficient layout for the mill relies upon gravity driven processes, which requires this height for functionality. The team has worked to ensure the height variance is as minimal as possible. The granary has been designed with more bins that are shorter in height to minimize this variance request.”

Discussion:

Applicable Land Development Code sections include the following:

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

SECTION 3.165 DESCRIPTION AND PURPOSE:

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

SECTION 3.170 ACREAGE-DIMENSIONAL STANDARDS:

1. No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed a height of 45 feet except grain elevators.

Applicable CTUIR Historic Preservation Code;

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

SECTION 5.01. CULTURAL RESOURCES CLEARANCES

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

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

b. Any Water Code permit;

Findings: A flour mill tower of 75’ is the shortest height possible to allow the Applicant to construct a production facility that will meet their business goals. The additional 10’ of height above what was granted in the 2023 Variance application will allow them to mill additional flour varieties.

CONCLUSIONS:

The criteria for the Variance could be met for the proposed flour mill and explained by the applicant including:

1. Exceptional or extraordinary circumstances;
2. The variance is necessary for preservation of a property right;
3. The variance is not materially detrimental to CTUIR policies or to other properties in the vicinity.
4. The Variance is the minimum necessary to alleviate the hardship.

DECISION OPTIONS:

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

1. **Approve** the Variance request without **conditions**;
2. **Approve** the Variance request **with conditions**;
3. **Deny** the Variance 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 Variance with the following conditions:

1. The Applicant must conform to findings from the resulting Cultural Resource Investigation.

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

Planning Office – 46411 Timine, Pendleton, Oregon, 97801

VARIANCE APPLICATION

Fee: \$100.00 Please Print

Applicant's Name: _____

Address: _____ Phone: _____

Lot Owner's Name: _____

Address: _____ Phone: _____

Property Description: Township ____ Range ____ Section ____ Tax Lot _____

Allotment: _____ Present Zone: _____ Total Acreage: _____

General Location (Closest Intersection, etc.): _____

Present Use of Property (Description, including any existing structures and the current use): _____

Proposed Use: (Explain in detail) _____

A response shall be submitted with this application explaining how this request relates to the applicable variance 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.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED!

Date: _____

Applicant: _____

Agent: *Kevin J Morse*

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

File #: _____

OFFICE USE ONLY

Date Filed _____

Reviewed By: _____

Fee Paid: _____

File #: _____

Hearing Date: _____

NOTES: _____

ATTACHMENT: Variance Decision Criteria

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.

Circumstances for Granting a Variance: Section 7.015 of the Land Development Code.

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 #: _____

CTUIR Planning Department – Variance Application

Narrative prepared by Urban Patterns

Cairnspring Mills Blue Mountain LLC – Lot 1 – Coyote Business Park South

Associated with Land Use Application: **CU-23-002**

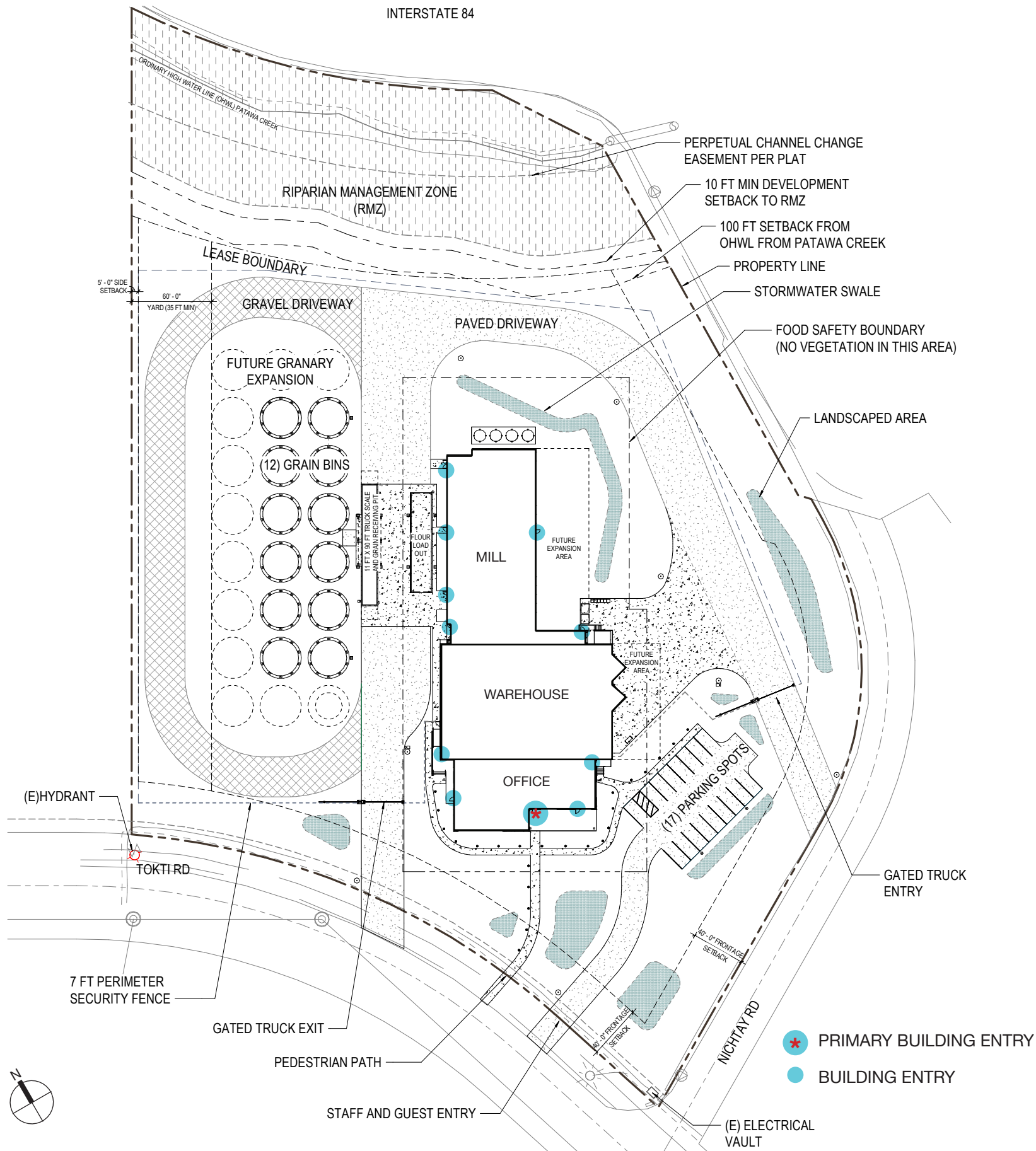
July 22, 2024

Decision Criteria: Height Variance

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.
 - a. *Response: The lots on the north side of the Coyote South Business Park are located next to Patawa Creek, around which a riparian management zone has been designated. There is a 100' setback requirement from the highwater line of the creek for development. This reduces the usable site area by more than one acre.*
 - b. *Reference attached exhibit A for site plan.*
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.
 - a. *Response: To improve the gravity driven process at the mill, the applicant requests a height variance for the mill and associated elements, increasing the allowed 45 feet height in the base zone by 30 feet. The proposed mill building will not exceed 75 feet above average grade to ridge. The CTUIR LDC exempts grain elevators from a height limitation: the grain elevator and associated elements will not exceed 150 feet. Grain bins are anticipated to be approximately 80 feet high.*
 - b. *Existing commercial development in Coyote Business Park North has structures which are approximately 10 stories in height. Commercial zones within Coyote North allow for building heights of 120 feet. The proposed scale of development reflects the scale of functional and efficient industry-standard, typical flour processing facilities. The proposed mill and grain elevator heights will be both characteristic of existing development within the business park and traditional grain elevators and mills in the greater region.*

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.
 - a. *Response: The proposed variance for the mill building height would not be detrimental to adjacent properties as setbacks and orientation keep shadows from being cast on neighboring building sites. The proposed plan side setbacks of 60 feet (increased from 35 feet) will help mitigate impacts of increased height. In addition, the applicant locates the mill and grain elevator and grain bins a minimum of 60 feet from all property lines, to reduce impact to neighbors. The warehouse and office buildings will not exceed the 45 foot allowable height. All parcels surrounding Lot 1 are zoned light industrial, and there will be no adverse effect to those neighboring uses.*
 - b. *At adjacent parcels, views to the hills to the south and southeast will be preserved, as the proposed development is located on a northern parcel within the park, adjacent to the interstate. The interstate, riparian management zone and interstate setbacks will all contribute to buffering the impact of the proposed development to properties within Coyote Business Park North.*
 - c. *Reference attached exhibit A for building elevations.*
4. The variance requested is the minimum variance which would alleviate the hardship.
 - a. *Response: The flour mill engineers have concluded that a functional and efficient layout for the mill relies upon gravity driven processes, which requires this height for functionality. The team has worked to ensure the height variance is as minimal as possible. The granary has been designed with more bins that are shorter in height to minimize this variance request.*



PROPERTY INFORMATION
 COYOTE BUSINESS PARK SOUTH SUBDIVISION
 LOT 1 - 7.026 AC (306,055 SF)
 LEASED AREA OF LOT 1 - 5.726 AC (249,424 SF)

ZONING: I-D INDUSTRIAL DEVELOPMENT ZONE

FLOUR MILL, WAREHOUSE AND GRANARY
 PROJECTED NUMBER OF EMPLOYEES: 15
 HOURS OF OPERATION: 24 HOURS PER DAY, 7 DAYS PER WEEK

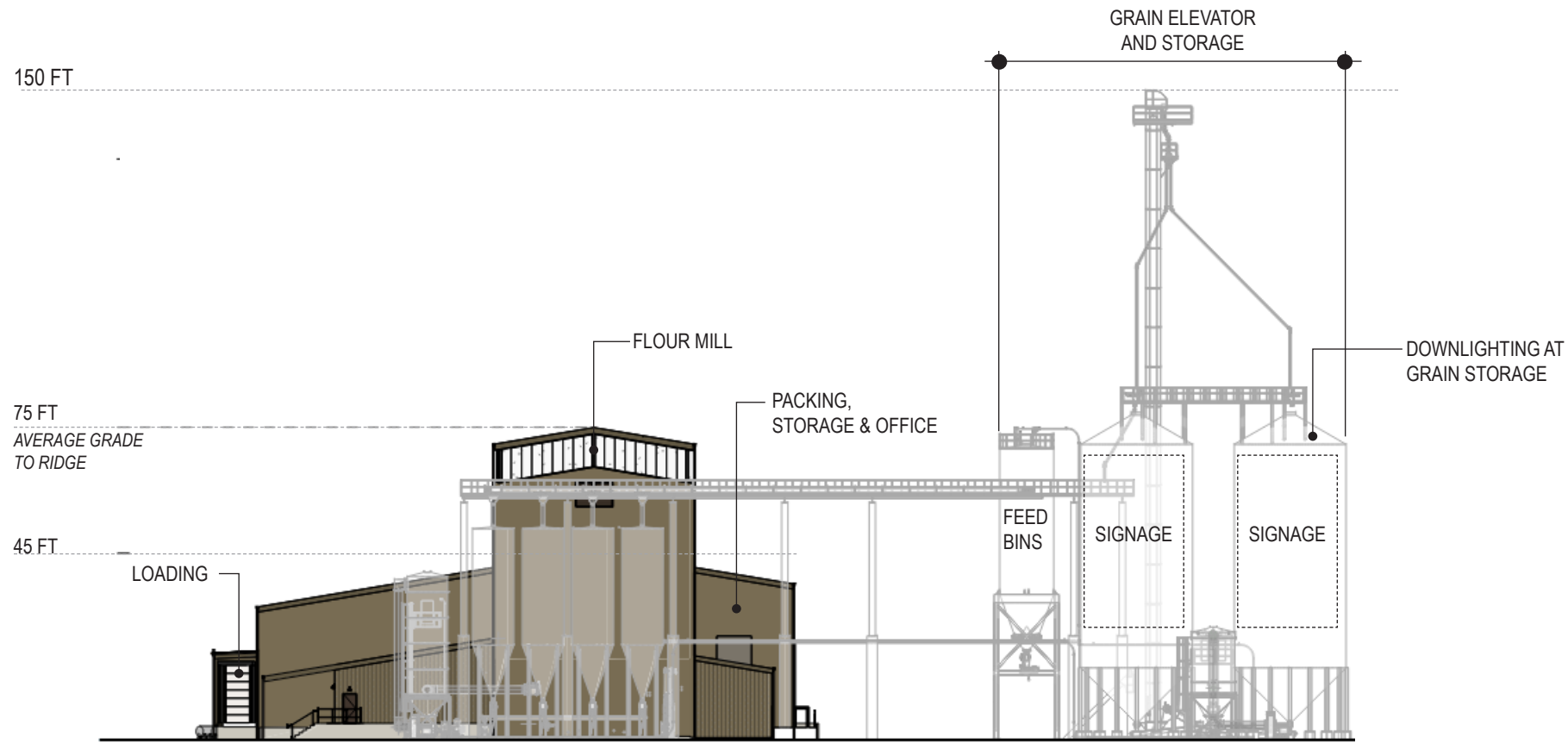
ZONING CODE STANDARDS
 CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION LAND DEVELOPMENT CODE
 As Amended through Resolution No. 21-013 February 8, 2021 (CTUIR LDC)
 COYOTE BUSINESS PARK DEVELOPMENT STANDARDS AND DESIGN GUIDELINES, July 28, 2008 (CBP Standards)

ZONE	INDUSTRIAL DEVELOPMENT ZONE	
I-D		
ACREAGE		
LOT DIMENSION:	100 feet minimum	CTUIR LDC Sub-Chapter G 3.170
HEIGHT LIMIT:	45 feet, except grain elevators	CTUIR LDC Sub-Chapter G 3.170
	75 feet proposed, per variance	
LOT COVERAGE:	No requirement in I-D zone: Not to exceed 20% (Includes building and grain storage area, excludes future expansion)	
MINIMUM BUILDING SETBACKS		
FRONT AND ROADS:	40 feet	CBP Standards - III.D.Table 2
SIDE:	35 feet (no buildings or structures) / 5ft side	CTUIR LDC G Sub-Chapter 3.175 / CBP Standards - III.D.Table 2
REAR:	100 feet to high-water line mark along all streams / 5 ft rear	CTUIR LDC G Sub-Chapter 3.175 / CBP Standards - III.D.Table 2
PEDESTRIAN CIRCULATION:	CBP Standards - III.F	
	5 foot wide, concrete walkways required from public right-of-way to main building entries.	
PARKING	CPB Standards - III.H	
INDUSTRIAL MANUFACTURING:	1 space per employee on the two largest working shifts LDC 17.010.1.g	
PROPOSED:	17 SPACES INCLUSIVE OF REQUIRED ADA SPACES	
LOADING AND SERVICE AREAS:	CBP Standards - III.I	
	Service and loading areas will be paved, loading areas will be screened from Interstate 84 and South Market Road with landscape elements.	
LIGHTING	CBP Standards - III.J	
	Building and Pole mounted light fixtures will be full cut-off and be standard or equal to the published CBP standard.	
TRASH AND OUTDOOR STORAGE:	CPB Standards - III.K	
	The proposed trash area will be screened from Tokti Road with grading and landscaping and the area will be paved. Gravel surfaces with weed control measures are proposed to serve the grain storage area.	
STORMWATER DETENTION:	CBP Standards - III.O	
	Stormwater runoff is not to be released from on-site areas into any adjacent roadways or lots.	
TOTAL IMPERVIOUS AREA:	90,000 sf	
PROPOSED BUILDING COVERAGE:	30,000 sf	
PROPOSED IMPERVIOUS HARDSCAPE:	120,000 sf	
ADVISORY LANDSCAPE GUIDELINES:	CBP Standards - V	
	Landscape Area Goal (Table 4 Minimum Landscape Area): 10% with Coyote Business Park South	
Recommended:	30,606 sf	
Proposed:	10,000 sf (includes stormwater swales/ponds, screening berms)	

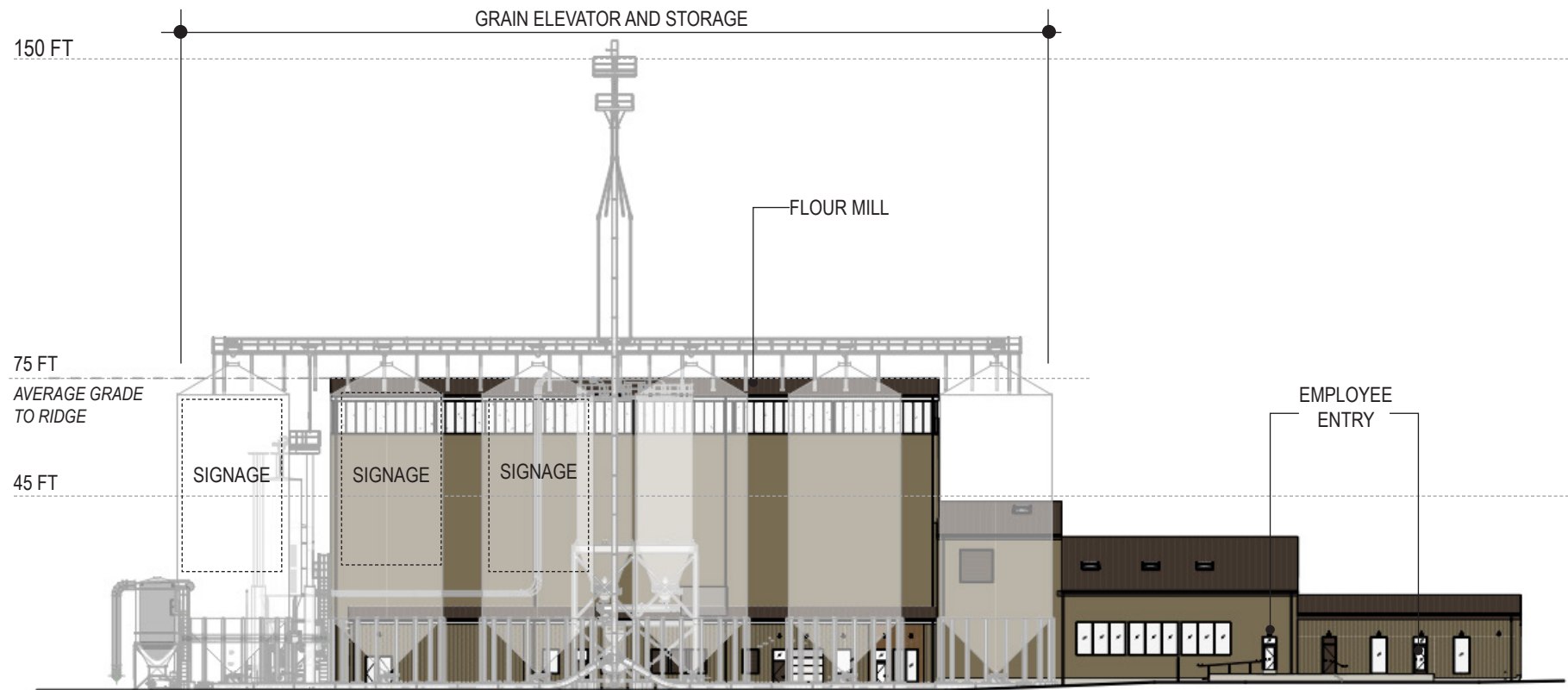
Cairnspring Mills - Site Plan

July 22, 2024
 Exhibit A Page 1 of 4





ELEVATION - NORTHEAST
1" = 40'-0"



ELEVATION - NORTHWEST
1" = 40'-0"

LEGEND

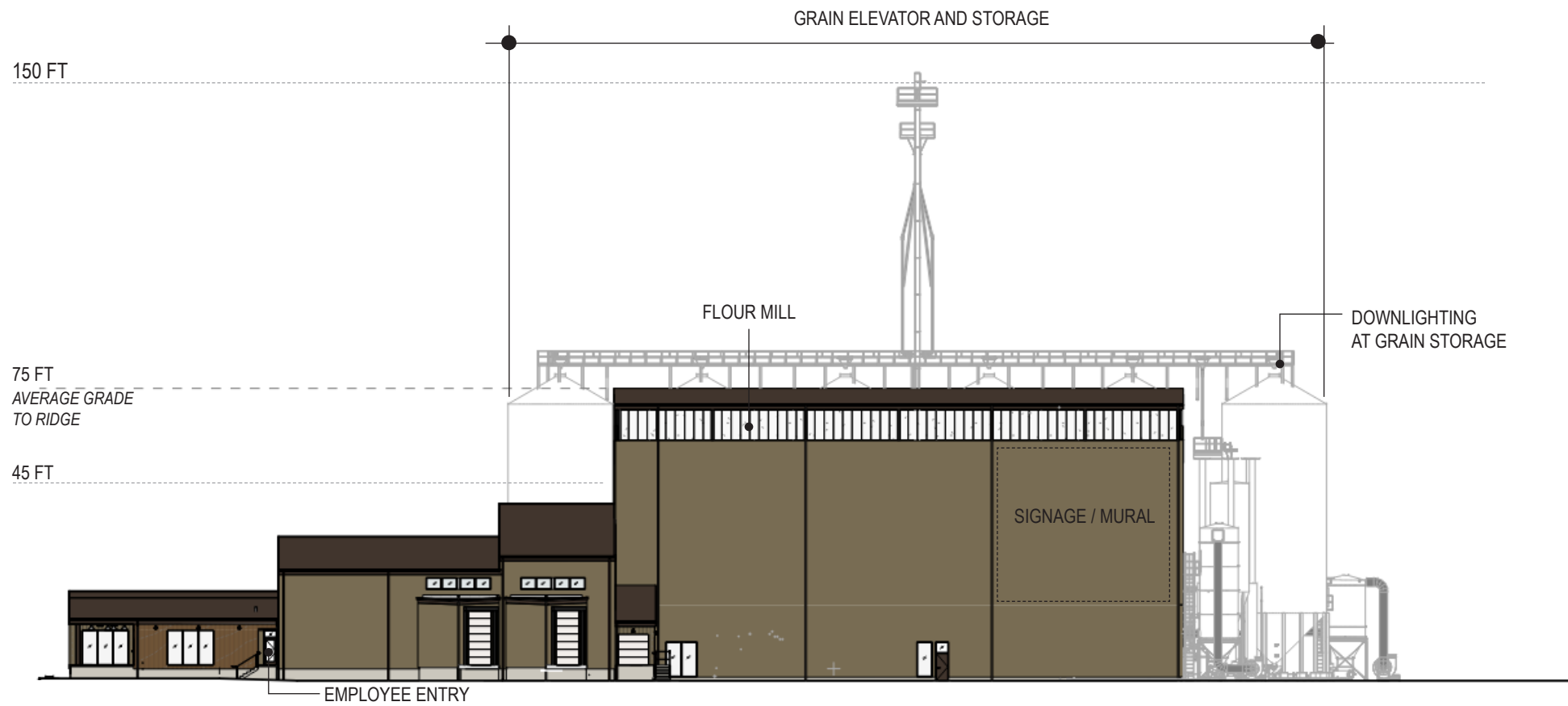
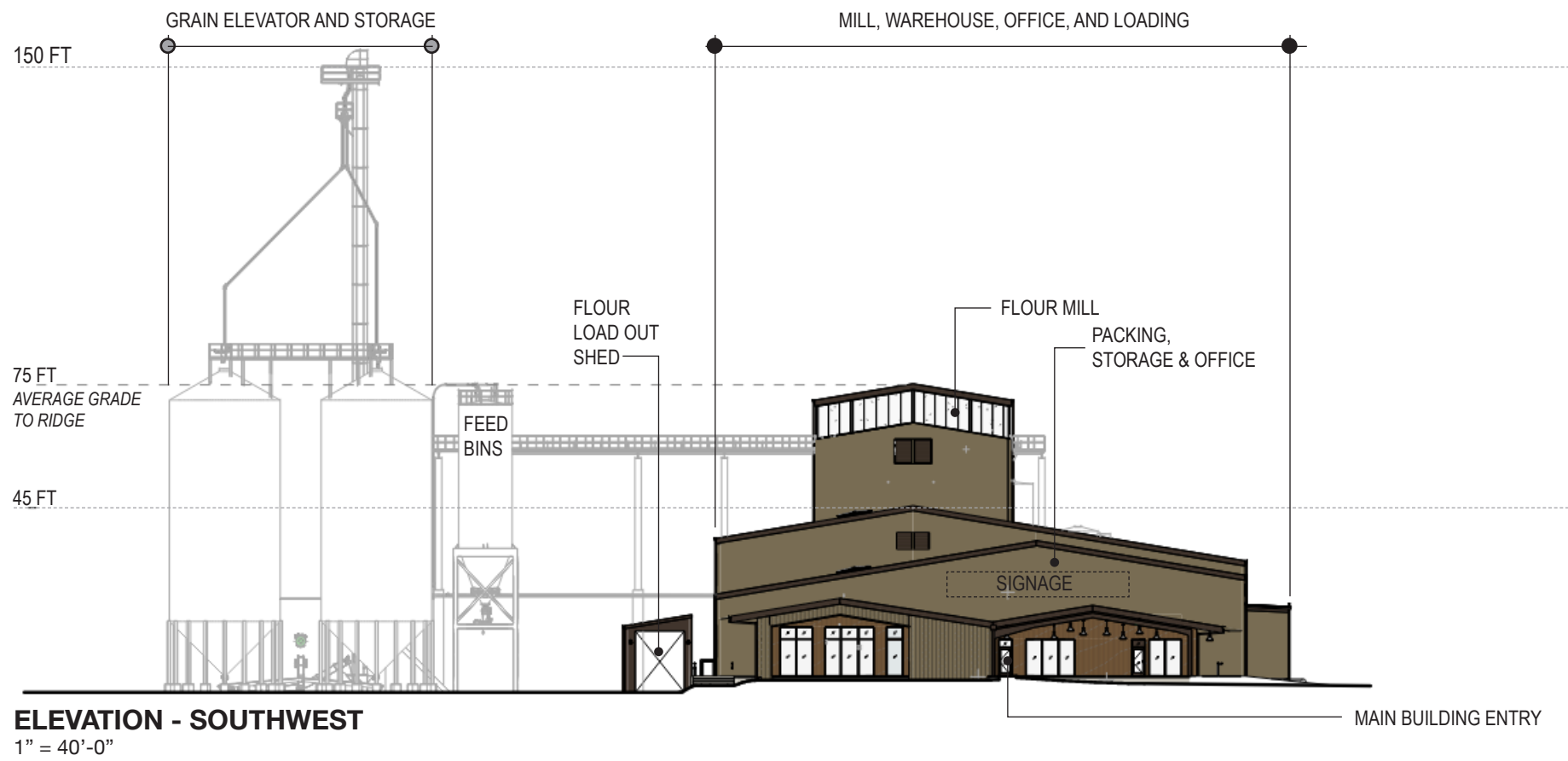
- METAL PANEL
- METAL TRIM AND ROOFING
- WOOD SIDING

Cairnspring Mills - Building Elevations

July 22, 2024

Exhibit A Page 2 of 4





LEGEND

- METAL PANEL
- METAL TRIM AND ROOFING
- WOOD SIDING



Historic Regional Mills

A New Regional Mill

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

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

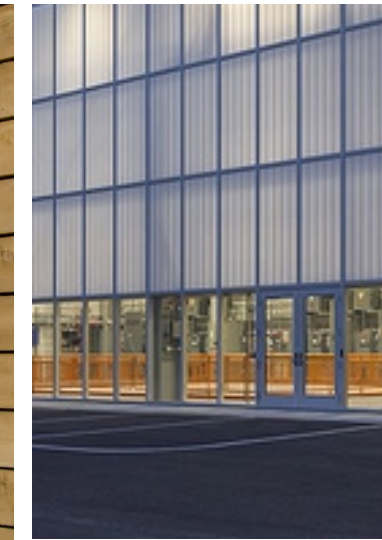
Dark Bronze Fiberglass Windows



Wood Siding



Translucent Panel



Flat Metal Panel



Earth, Sky & Wheat



Cairnspring Mill - Material Palette

July 22, 2024

Exhibit A Page 4 of 4



PUBLIC HEARING NOTICE DISSEMINATION RECORD

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

Land Protection Planning Commission Public Hearing Date: August 27, 2024

Newspaper and Date Published; East Oregonian: August 14, 2024

Posted in six public Places;

1. Mission Market: August 16, 2024
2. Yellowhawk Tribal Health Clinic: August 16, 2024
3. BIA Umatilla Agency: August 16, 2024
4. CTUIR Housing Department: August 16, 2024
5. Nixyáawii Governance Center August 16, 2024
6. CTUIR web site: <https://ctuir.org/events/lppc-public-hearing-v-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:

Variance File #V-23-001 – Applicant, **Urban Patterns, LLC** on behalf of their client **Cairnspring Mills, LLC** seeks approval from the Land Protection Planning Commission to construct a flour mill tower that is 75 feet in height. The subject property is identified as Lot 1 of the Coyote Business Park South Subdivision within trust parcel T2103-C, which is within the external boundaries of the Umatilla Indian Reservation. The subject property is zoned I-D, Industrial Development, where structures other than grain elevators are limited to 45 feet. Variance approvals are subject to the CTUIR Land Development Code Chapters 8 and 13.

The hearing will be held on **Tuesday, August 27, 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-v-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 322 646 057#.

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

The public is entitled and encouraged to participate in the hearing and submit testimony regarding the request. Written comments may be sent to tpo@ctuir.org or to the Tribal Planning Office at 46411 Timíne Way Pendleton, OR 97801 for receipt by 4:00 p.m. August 26, 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:

Variance File #V-23-001 – Applicant, **Urban Patterns, LLC on behalf of their client Cairnspring Mills, LLC** seeks approval from the Land Protection Planning Commission to construct a flour mill tower that is 75 feet in height. The subject property is identified as Lot 1 of the Coyote Business Park South Subdivision within trust parcel T2103-C, which is within the external boundaries of the Umatilla Indian Reservation. The subject property is zoned I-D, Industrial Development, where structures other than grain elevators are limited to 45 feet. Variance approvals are subject to the CTUIR Land Development Code Chapters 8 and 13.

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August 16, 2024

PUBLIC HEARING NOTICE

Dear Property Owner:

On September 26, 2023 the Land Protection Planning Commission of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) will hold two public hearings concerning Conditional Use and Variance requests as described below. You are receiving this notice because you are an owner of property located within 250 feet of the subject property (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.

Variance File #V-24-001 – Applicant, **Urban Patterns, LLC on behalf of their client Cairnspring Mills, LLC** seeks approval from the Land Protection Planning Commission to construct a flour mill tower that is 75 feet in height. The subject property is identified as Lot 1 of the Coyote Business Park South Subdivision within trust parcel T2103-C, which is within the external boundaries of the Umatilla Indian Reservation. The subject property is zoned I-D, Industrial Development, where structures other than grain elevators are limited to 45 feet. Variance approvals are subject to the CTUIR Land Development Code Chapters 8 and 13.

These hearings will be held on **Tuesday, August 27, 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-v-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 322 646 057#.

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

Additionally, 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 August 26, 2024 either as a hard copy or by e-mailing them to tpo@ctuir.org.

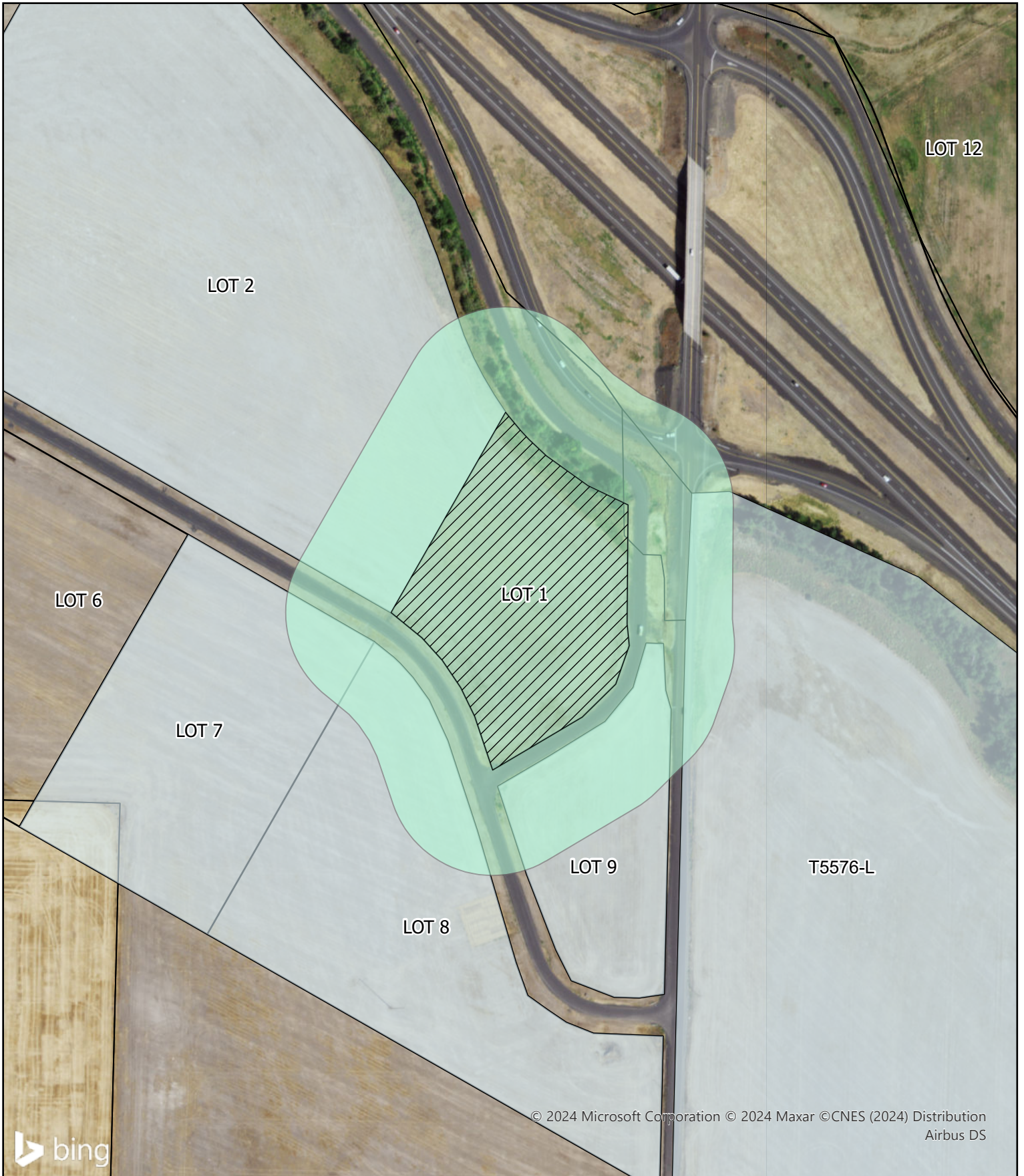
To obtain further information or if you have questions regarding the hearing process or the proposed conditional use, please contact the Tribal Planning Office at 46411 Timíne Way, Pendleton, OR 97801 or call (541) 276-3099.

Sincerely,

Lora Elliott
Assistant Planner

Notification Map: V-24-001

CONFEDERATED TRIBES OF THE
UMATILLA INDIAN RESERVATION

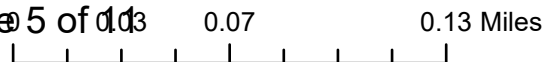


Legend

- Parcels (CTUIR)
- Subject Property

- 250' Notification Buffer
- Properties to Notify

EXHIBIT #3 - Page 5 of 13



V-24-001 Public Notice Recipients

Trust & Allotment Recipients

Ownership	Parcel ID
T	T2103-C
T	T5576-L

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

Taxlot Recipients

None.

Agency Recipients

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

MEMORANDUM

DATE: July 25, 2024
TO: Tribal Staff Review Committee
FROM: Lora Elliott, Assistant Planner, Tribal Planning Office
REGARDING: Meeting Thursday, August 1, 2024, 10:00 am, in the Waluula and Wanaquit Conference Rooms at the Nixyáawii Governance Center or via Microsoft Teams

The Tribal Staff Review Committee will meet on Thursday, August 17, 2024 at 10:00 am to review the following application:

Variance File #V-23-001 – Applicant, Urban Patterns, LLC on behalf of their client Cairnspring Mills, LLC seeks approval from the Land Protection Planning Commission to construct a flour mill tower that is 75 feet in height. The subject property is identified as Lot 1 of the Coyote Business Park South Subdivision within trust parcel T2103-C, which is within the external boundaries of the Umatilla Indian Reservation. The subject property is zoned I-D, Industrial Development, where structures other than grain elevators are limited to 45 feet. Variance approvals are subject to the CTUIR Land Development Code Chapters 8 and 13.

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

Microsoft Teams [Need help?](#)

[Join the meeting now](#)

Meeting ID: 217 077 965 005

Passcode: hQs3Mv

Dial in by phone

[+1 872-242-7793,,503048701#](#) United States, Chicago

[Find a local number](#)

Phone conference ID: 503 048 701#

The application and supporting materials for this request are posted on the **Free4all shared Drive** in the **TPO** folder. If you have questions or need further information, please contact Lora Elliott or Holly Anderson at 541-276-3099.

Each committee member should review the proposals:

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

Please see application materials on the Z:/drive. Written comments will be accepted until the end of the day on Thursday, August 8, 2023.

A public hearing with the Land Planning Protection Commission is proposed to be scheduled for August 27, 2024 at 9:00 a.m.

From: [Koko Hufford](#)
To: [Lora Elliott](#)
Subject: RE: Tribal Staff Review Committee (TSRC) Meeting for V-24-001 August 1 10:00 a.m.
Date: Friday, July 26, 2024 7:53:32 AM

My comments:

With BPA power lines being so close have the plans been reviewed by them. At annual BPA meeting this year they were not aware of this project and expressed some concerns about the height.

With the solar project going in on the south side of Coyote South does there need to be any consideration on the impacts to this project.

Mae “Koko” Hufford
Land Project Manager
Department of Economic & Community Development
Confederated Tribes of the Umatilla Indian Reservation
46411 Timine Way
Pendleton, OR 97801
Phone/Fax: (541) 429-7476

From: Lora Elliott <LoraElliott@ctuir.org>
Sent: Thursday, July 25, 2024 2:26 PM
To: Alaina Mildenerberger <AlainaMildenerberger@ctuir.org>; Andrea Brown <AndreaBrown@ctuir.org>; Audie Huber <AudieHuber@ctuir.org>; Bill Tovey <BillTovey@ctuir.org>; Carey Miller <CareyMiller@ctuir.org>; Dani Schulte <DaniSchulte@ctuir.org>; Paul Rabb <PaulRabb@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>; Joe Pitt <JoePitt@ctuir.org>; Marty King <MartyKing@ctuir.org>; Ken Hall <kenhall0355@gmail.com>; Koko Hufford <KokoHufford@ctuir.org>; Leslie LeCornu <LeslieLeCornu@ctuir.org>; Marcus Luke <MarcusLuke@ctuir.org>; Michael Jackson <Michael.Jackson@bia.gov>; Mike Lambert <MikeLambert@ctuir.org>; Patty Perry <PattyPerry@ctuir.org>; Rob Burnside <RobBurnside@ctuir.org>; Teara Farrow Ferman <TearaFarrowFerman@ctuir.org>; Andrew Wildbill <AndrewWildbill@ctuir.org>; Jude Love <JudeLove@ctuir.org>; Sandra Alexander <SandraAlexander@ctuir.org>
Subject: Tribal Staff Review Committee (TSRC) Meeting for V-24-001 August 1 10:00 a.m.

Good afternoon everyone,

The Tribal Staff Review Committee (TSRC) will meet next week on Thursday at 10:00 a.m. in the Waluula Conference Room to review a Variance application from Carinspring Mills to allow the construction of a 75' mill tower in the I-D zone within Coyote Business Park South. This is a new variance request replacing the previously approved variance request for 65' from V-23-002. Please see the attached announcement items and materials in the [Z:/drive here](#).

If you would like to submit comments but cannot attend the meeting, please submit comments by Friday, August 9. Thank you.

Lora Elliott

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

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.

From: [Ashley Morton](#)
To: [Lora Elliott](#); [Carey Miller](#)
Cc: [Holly Anderson](#)
Subject: RE: TSRC Comments re Cairingsprings Variance File #V-23-001
Date: Thursday, August 1, 2024 3:14:26 PM
Attachments: [image001.png](#)

Hi Lora, below are CRPP's revised TSRC comments.

Thanks,
Ashley

A cultural resource survey and testing of Lot 1 was completed by CRPP in December of 2023 for the proposed project. CRPP did not locate buried archaeological deposits. A viewshed analysis determined the construction of the flour mill complex will be visible from two historic properties of religious and cultural significance, *Šišnamiš* and the unnamed historic property in Coyote Business Park. The proposed project will have an adverse effect on the viewshed of these historic properties by compromising the integrity of setting, feeling, and association. The National Historic Preservation Act requires the lead federal agency to avoid, minimize or mitigate adverse effects to such historic properties.

To minimize impacts DECD will need to consult with the CRPP regarding the colors of paint/materials and vegetation to be planted. While these steps will minimize visual impacts, the CRPP further recommends off-site mitigation to fully resolve the adverse effects of the undertaking. DECD, CRPP, BIA, and the THPO will need to enter into a memorandum of agreement to resolve such effects in a manner that all parties can agree to under 36 CFR § 800.6(b). The CRPP further recommends that a cultural resources monitor be present during selective ground-disturbing activities, which will be determined in consultation with DECD.

Ashley M. Morton, M.A., RPA
Archaeologist II
Cultural Resources Protection Program
Confederated Tribes of the Umatilla Indian Reservation
46411 Timíne Way, Pendleton, OR 97801
Direct Line/Fax: (541) 429-7214
Main Office: (541) 276-3447
AshleyMorton@ctuir.org



From: Lora Elliott <LoraElliott@ctuir.org>
Sent: Thursday, August 1, 2024 10:19 AM

To: Carey Miller <CareyMiller@ctuir.org>; Ashley Morton <AshleyMorton@ctuir.org>

Subject: TSRC Comments

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

Lora Elliott

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

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