

EXHIBIT SCHEDULE

FILE NUMBER: PUD-20-001
APPLICANT: Chelsey Minthorn and Whitney Minthorn II, 46352 Best Road
HEARING DATE: January 12, 2021

<u>EXHIBIT</u>	<u>NATURE OF EXHIBIT</u>
<u>1</u>	Nineteen (19) Page Staff Report
<u>2</u>	Eight (8) Page Application and Supporting Materials
<u>2B</u>	Three (3) Page Tentative Plat
<u>3</u>	Nine (9) Page Dissemination Record with TSRC Comments
<u>4</u>	One (1) Page Comment Letter

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

To: **Land Protection Planning Commission**
File No. **PUD-20-001**
Hearing Date: January 12, 2021

SUBJECT:

Planned Unit Development (PUD) Tentative Plan.

APPLICANTS:

Chelsey Minthorn and Whitney Minthorn, II Pendleton, OR, 97801.

NATURE OF REQUEST:

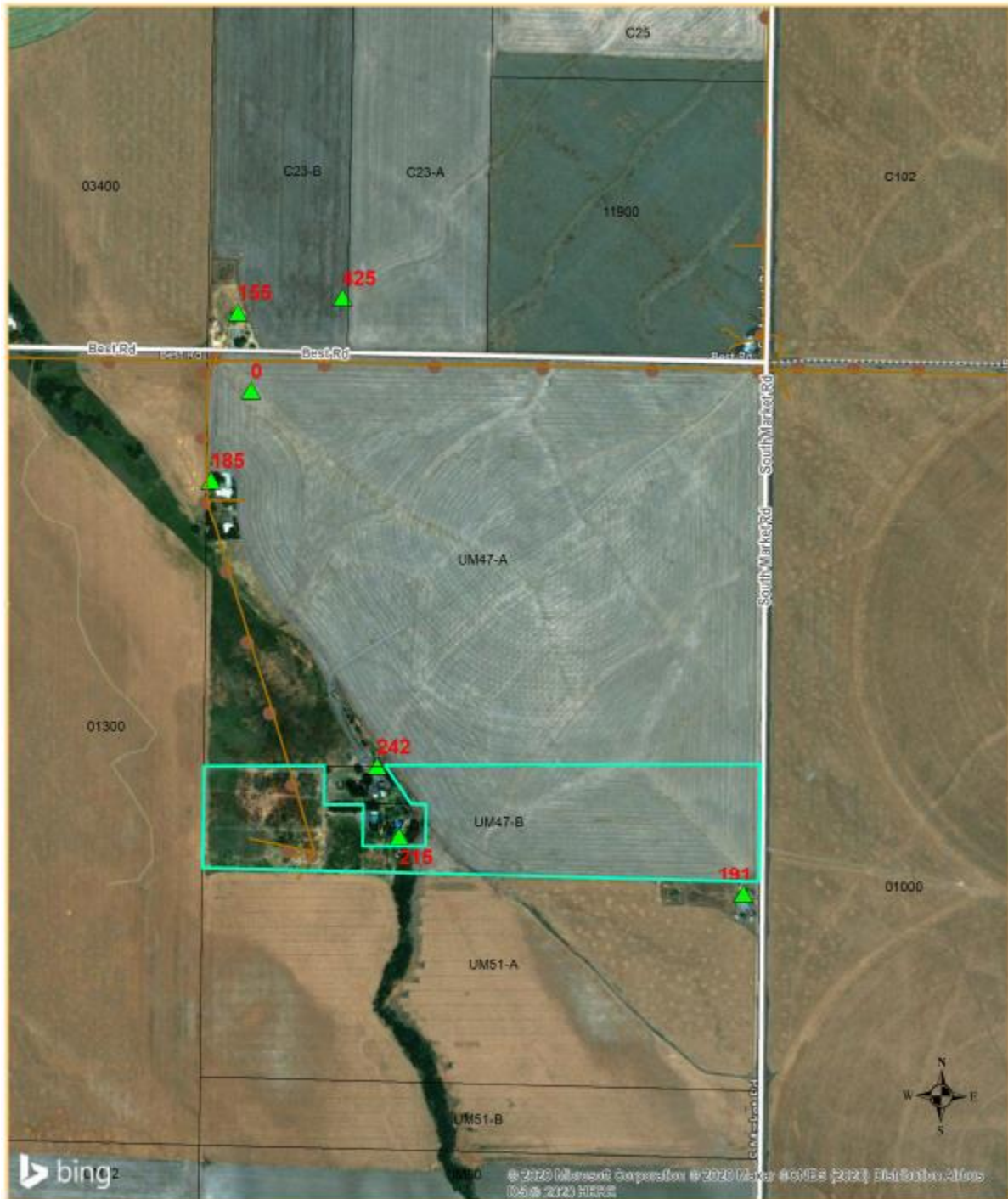
The applicants request that the Land Protection Planning Commission approve a Tentative Plan for a Planned Unit Development to create two new housing lots for Tribal members on trust allotment UM 47-B. The PUD proposes three total parcels:

- Parcel 1: 2 acres
- Parcel 2: 2 acres
- Parcel 3: 22.17 acres

BASIC FACTS:

1. *Ownership:* According to the Bureau of Indian Affairs (BIA) ownership files, five (5) allottees own undivided interests in the subject property. The owners have concurred with the filing of this application to partition the land.
2. *Location:* The subject property, Allotment UM47-B, is located in the NE ¼ of Section 4, Township 1 North, Range 33 East, W.M. The property is 26.17 acres and is a non-conforming legal lot of record. UM 47-B was previously divided in 1997 (PUD-97-02) to create two housing lots (UM 47-C and UM 47-D).
3. *Zoning:* The subject property is within the AG-1, Exclusive Farm Use Zone. The purpose of the zone is to preserve and maintain agricultural lands for farm use. A PUD is a permitted use in the AG-1 zone, subject to Chapter 7 of the Land Development Code.
4. *Legal Access:* The property has access via an existing private road off of Best Road (Umatilla County Road #950). Within allotment UM 47-B, new access and utility easements are proposed to provide legal access to the proposed new parcels.

SUBJECT PROPERTY – EXISTING BOUNDARIES

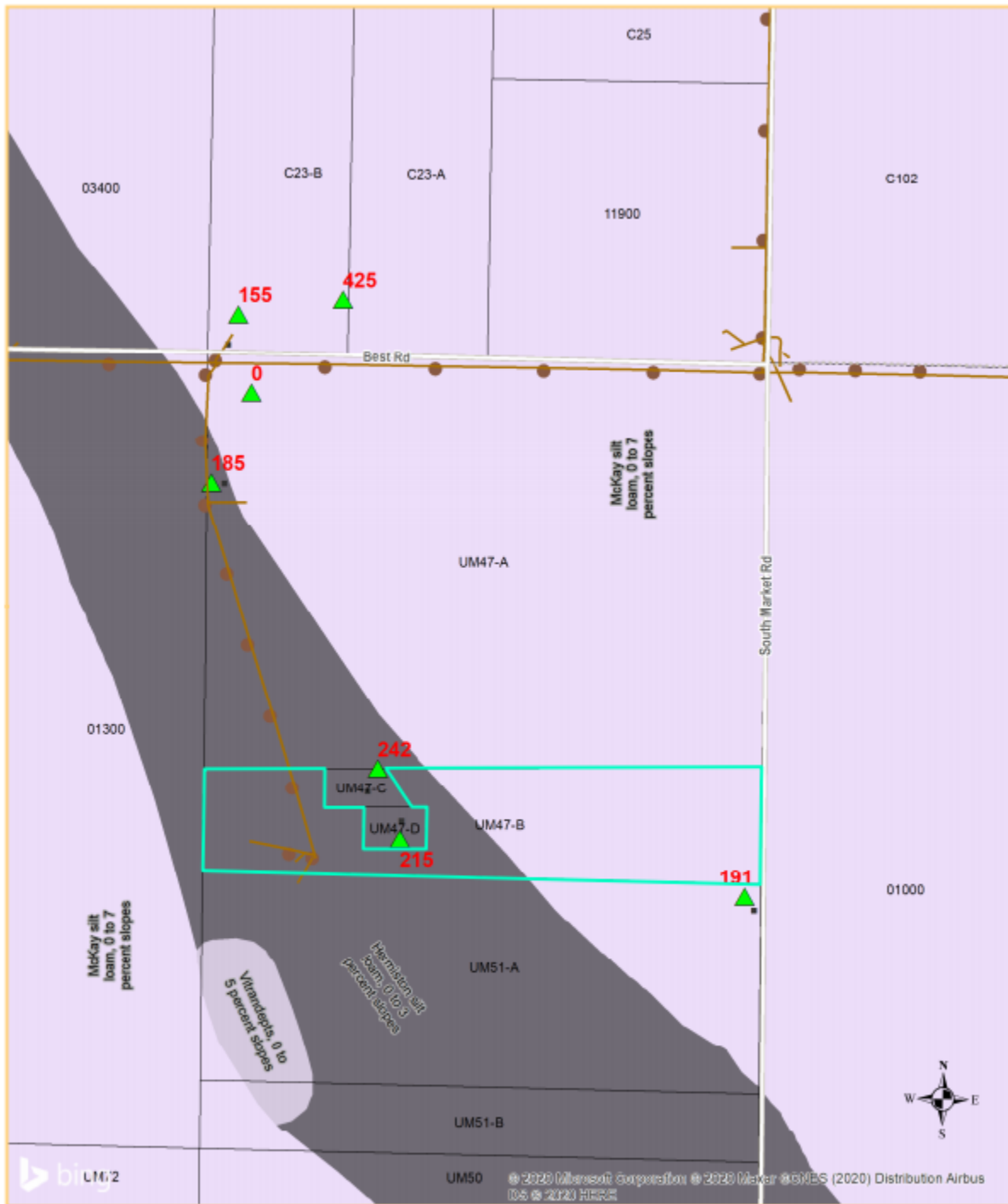


UM 47-B

- ▲ Wells
- PP Transmission Lines
- Poles

0 250 500 1,000
Feet

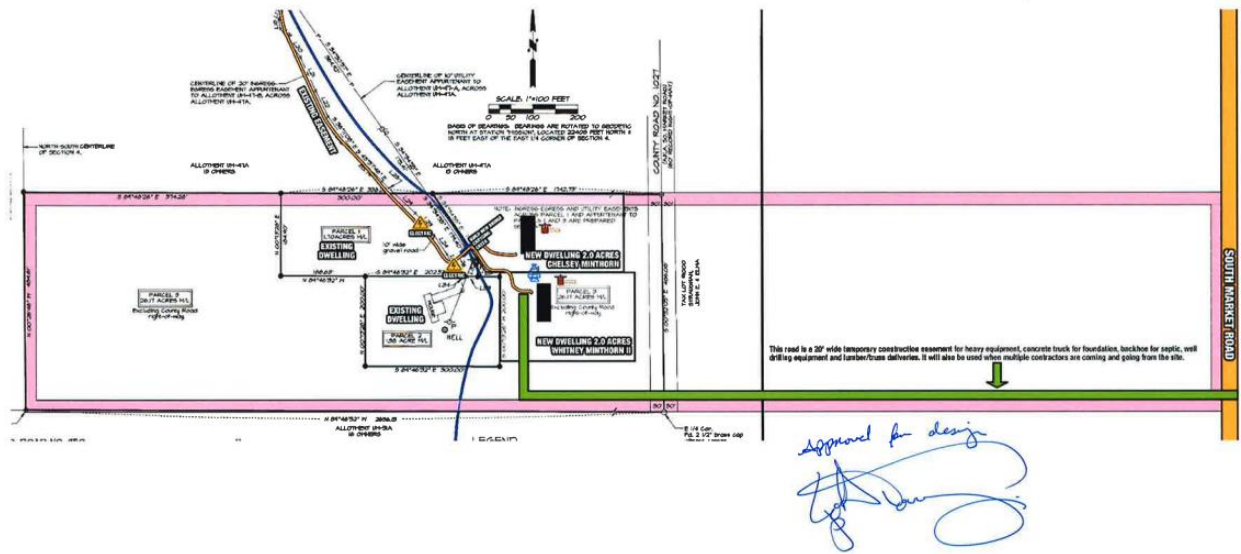
SUBJECT PROPERTY WITH SOILS



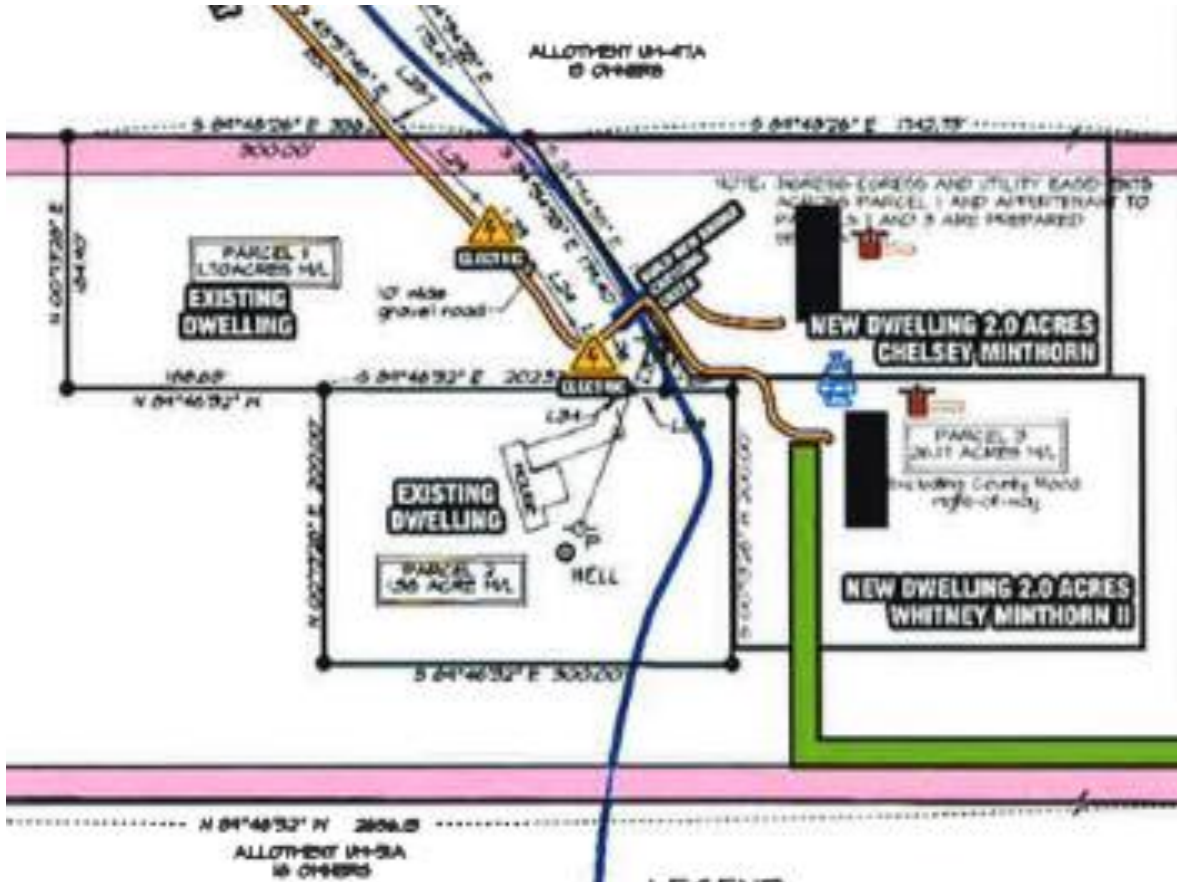
UM 47-B

5. *Topography:* The land has a slope of 0 to 3 percent running to the northwest. The area's drainage runs to the northwest and into North Coyote Creek which flows across the subject property.
6. *Zoning setback:* The Ag-1 zoning requires a 100-foot setback from the high water line of all streams for structures, on-site septic systems and drainfields.
7. *Soils:* The subject property is composed of soil type 51A -- McKay silt loam, slopes 0-7 to the east and soil type 39A - Hermiston silt loam to the west. The soil survey lists the Hermiston soil as likely to be located in areas where there may be flooding; the soil has moderate limitations for septic drainfields due to slow percolation and potential flooding. McKay Silt loam has severe limitations for septic systems due to slow percolation. The soil also has moderate erosion potential. Information taken from the Soils Survey of Umatilla County Area, Oregon. However it should be noted that the two existing homes are both located within the Hermiston Silt Loam profile and septic drainfields were able to be constructed for each lot.
8. *Applicant's Purpose for the PUD:* Chelsey Minthorn has grown up in this location and desires to develop a housing lot with a manufactured home in the near future. Chelsey's brother Whitney Minthorn, II also wants to develop a housing lot in the future. Chelsey wants to access the property utilizing the existing easement to conserve the farm land for farm use and for proximity and access to the family home.
9. *Sketch Plan.* The sketch plan shown below was submitted by the applicants as a representation of how they want to develop the property. The sketch plan, drawn for reference on the base of the 1997 PUD, was approved by the CTUIR Planning Director as required by the LDC Subdivision Manual. A full size drawing of the sketch plan is attached as part of the PUD application in Exhibit 2.

SKETCH PLAN



SKETCH PLAN – HOUSING AREA ENLARGED



ULTIMATE FACTS: (See Attachment for full listing)

I. Comprehensive Plan of the CTUIR

Goals and Objectives

5.6 Natural Resources

GOAL

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

5.9 Housing

GOAL

To provide a variety of housing opportunities for Tribal members

II. Land Development Code of the Umatilla Indian Reservation

Section 1.020 - Purpose

Section 3.010 – Ag-1 Zone Description and Purpose

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

Chapter 7 – Planned Unit Developments

Subdivision Manual

STAFF FINDINGS:

1. Tribal Staff Review Committee (TSRC): A meeting of the TSRC was held on December 16, 2020; input was obtained from Tribal Planning, Public Works, and the Tribal Land Manager. Input was also received from Water Resources at a site visit prior to the meeting and also from the Tribal Fire Chief.
2. Current Land Use: The current use of the UM 47-B is dry land wheat production east of North Coyote Creek. Two residences are located west of the creek, one on UM 47-C and the other on UM47-D. These two lots were split off from the original UM 47-B as part of the Whitney Minthorn PUD in 1997.
3. Adjacent Land Uses: Residential, county roadway, farm, and agricultural production.

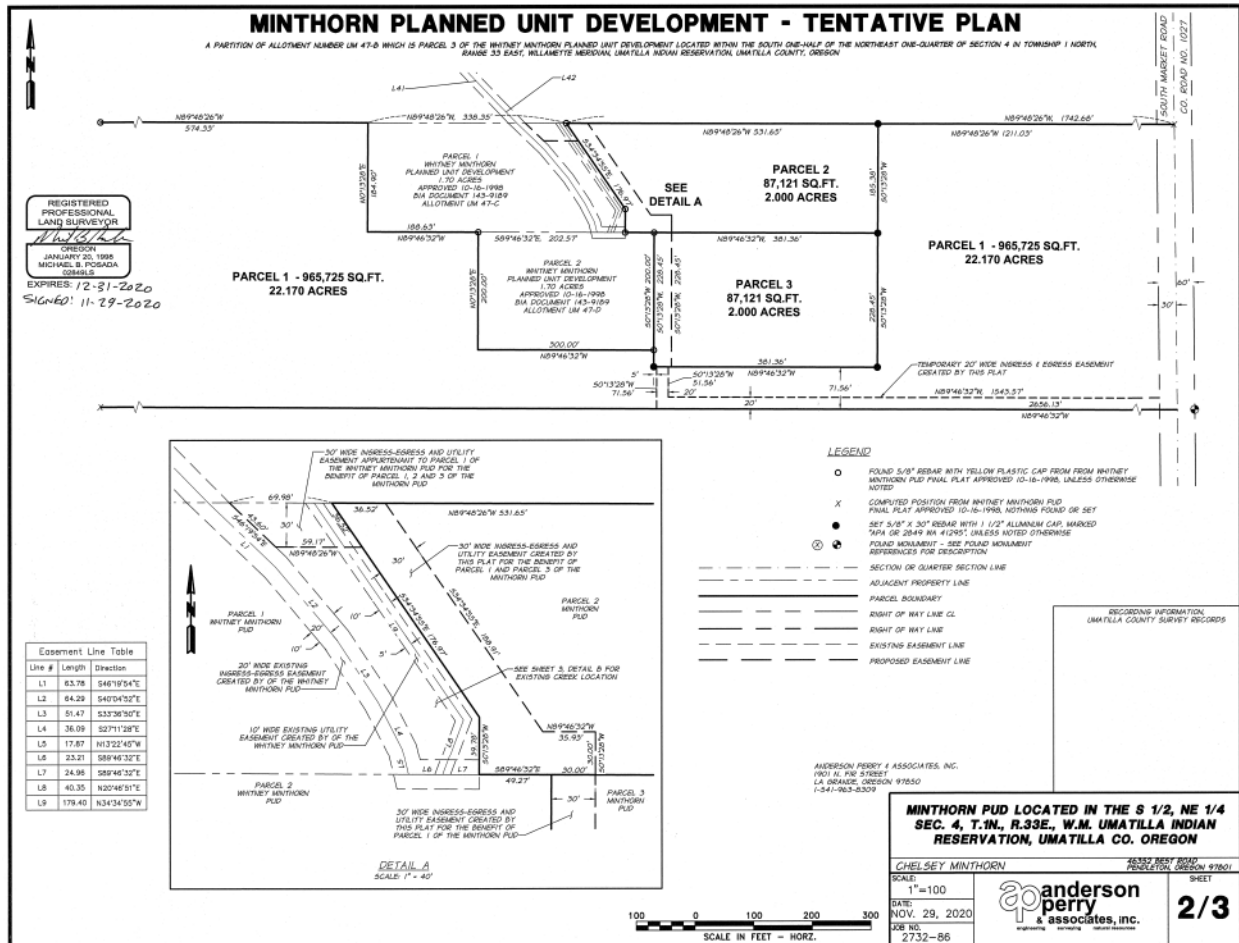
4. PUD Allowance on Subject Property: According to Section 7.500 (2)(a) of the Land Development Code, since the parent parcel is more than 18 acres but less than 36 acres, the property is eligible for a PUD partition involving a maximum of 3 lots including the parent parcel. The Tentative plan for the PUD is attached in full as Exhibit #2B. The main area of the PUD is also shown on the figure on the next page for reference.
5. Cultural Resources Survey: The application was reviewed by the Dept. of Natural Resources (DNR) Cultural Resources Program. The property is required to be surveyed for Cultural Resources prior to any ground-disturbing activity. Additionally, pursuant to LDC 7.500 (5), the cultural resources survey and report shall be completed prior to approval of the Final Plat.
6. Septic System Review: The applicants propose to construct individual septic systems for each of the proposed lots. Test pits have not yet been conducted on the site. It is recommended that test pits be constructed after approval of the Tentative Plan but before finalizing the plan. Septic drainfields are required to be 100' from any well, and septic tanks are required to be 50' from any well. In addition to a primary drainfield area, a replacement drainfield area needs to be designated on the site also meeting the separation from well. Both current and replacement drainfields need to be at least 100 feet from the creek.
7. Water Systems: The applicants intend to construct a well on each of the two lots. A domestic well permit will be required for each well through the Water Resources Program.
8. Surface Drainage: No new surface drainage system is proposed for the PUD, because the drainage will be accommodated through the natural drainage pattern on the subject property.
9. Easements:

Primary Access. UM 47-B, C and D are served by an existing 20 foot access easement across UM-47A. The easement specifies this to be a perpetual easement that extends to successors and assigns of the grantee. The easement was recorded by the BIA in December 1997 when the Whitney Minthorn PUD was under review.

New Access Easement. The new PUD proposes to utilize the existing easement to UM47-B, then extend the easement to the east, crossing over the creek and running along the east side of the creek. This would be utilized for both electric utilities and vehicular access to new parcels 1 and 2. A stream zone alteration permit is required from the Water Resources Program of the Department of Natural Resources to construct a bridge over the creek. The Water Code requires verification that any and all development does not result in degradation of any waters.

TENTATIVE PLAN

(See Exhibit 2B)



Easements: (Continued)

While the creek is intermittent, and serves mainly for water runoff during heavy rains and snow melt, it is classified as a Strahler 2 and a setback from the bank of the creek is required to ensure that development does not impact the drainage way. The 30' easement shown on the east side of the creek directly abuts the creek. The easement should be modified to provide 10' of open space adjacent to the creek. Additionally, any road constructed within the easement needs to be at least 20' from the creek. Utilities could occur within the portion of the easement closest to the creek providing that they do not impact the creek or creek vegetation. The location of any ground disturbance within 10' of the creek, if proposed, must be considered as part of the stream zone alteration permit.

Temporary Construction Easement. The new easement would extend to the southern border of Parcel 3 and connect to a temporary construction easement along the south property line of U 47-B running east and west from S. Market Road. This temporary easement would be used for construction equipment and manufactured home delivery. Once both homes are completed, the temporary easement would end and the ground would return to farm land.

The Fire Department has looked at the proposal and determined that the width and construction of existing road, including the stream crossing and culvert just north of UM 47-B, is sufficient to allow for Fire/EMS access to the new lots. While accessing four homes from this 20 foot wide easement is not ideal, utilizing the existing easement helps to conserve the farm land on the south side of UM 47-B for farm use and allows the family on adjacent lots to utilize the existing access road. It is recommended that a condition be placed on the PUD that no additional lots would be able to access using this road unless it is widened.

Mutual Maintenance Agreement. Additionally, the current easement does not have any clauses for mutual maintenance of the road and culvert. It is recommended that a mutual maintenance agreement be created between the users of UM 47- C, D and the new parcels 1 and 2 to jointly maintain the portions of the road that they use. Likewise, the new easement for parcels 1 and 2 should include a clause for mutual maintenance of the bridge to be constructed and the access easement these two lots will jointly share

10. There are no public streets proposed for this PUD.
11. Land Development Code section 7.350(3) encourages a buffer of open space along natural features such as streams for the recreational and cultural use of all residents of the PUD. The creek runs roughly between the existing and new lots with each lot having access to a portion of the creek. Since the creek is intermittent, noting a required setback from the creek for the new access road and for construction should be sufficient to protect it as open space.

12. Overhead power lines and phone lines are in place to the existing dwellings. The power line is already on the east side of the creek and should be able to be extended to the new lots.
13. The subject property is not within the designated Flood Hazard Overlay Zone.
14. The subject property does not occur within any known natural, forest, range, or mineral lands on the Reservation.

CONCLUSION

1. This proposal complies with the purpose and intent of the Chapter 7 of the LDC concerning PUDs and the Subdivision Manual, because this proposal will provide an opportunity for landowners to create two new home sites for Tribal members on Reservation Trust land with fractionated heirships. The proposed development will be used for Indian housing that will encourage family bonds and culture to be strengthened. The applicant has provided a clustered development, given the development limitations, which promotes the overall purpose of the zone by protecting the prime agriculture soils while meeting the management objectives of the family. This proposal is not utilizing the PUD process for the purpose of subdividing or partitioning land for sale on the real estate market but rather so two Tribal members of the Umatilla Indian Reservation can utilize the Reservation to live, work, and sustain their culture.
2. This proposal complies with the approval criteria for Planned Unit Developments in LDC 7.350 because:
 - a) the applicant is proposing the PUD to be clustered as much as possible given the development limitations;
 - b) the PUD will not result in construction of dwellings within a flood hazard subdistrict or other areas subject to flooding;
 - c) the PUD does occur along a known perennial, intermittent, or ephemeral stream. A suitable buffer will be provided if applicant complies with CTUIR Water Code and Land Development Code setback requirements from the stream and stream vegetation to protect the drainage.
 - d) creation of a community water and sewer system for just two lots which will be developed at separate times is not practical. The applicant may choose to construct a shared well for the two new lots if it proves practical and feasible.
 - e) the applicant has not established any residents association, agreements, or covenants to share the cost of maintaining the shared services; the only shared services are access roads. If a mutual maintenance agreement is created for the upkeep of the access road proportionate to use of the road, this criteria will be met.

3. The Planned Unit Development complies with the development standards specified because: (1) the applicant has met the contiguous land standards and the minimum area requirements for the PUD; (2) the applicant will have the property surveyed for cultural resources by the Tribal Cultural Resources Protection Program; (3) the standards of the Tribal Subdivision Manual do not apply due to the fact that the proposal is not a PUD Subdivision.
4. The proposed PUD complies with the Goals of the Tribal Comprehensive Plan because:
 - a) the Board of Trustees has been able to protect and exercise the sovereign, Tribal, and individual rights to maintain the cultural integrity of the CTUIR by establishing the specific purpose, intent, approval, and development standards for the PUD in order for the Land Protection Planning Commission to be able to evaluate where and how this process is to be developed and utilized on the Reservation. The applicant has complied with the standards;
 - b) the applicant has utilized the land use planning process to express the family's use needs and management desires in a timely manner; and those desires have been reviewed considering utmost in this decision that the Umatilla Indian Reservation has been retained as a place for members of the CTUIR to live, develop an economy, and sustain their Tribal culture;
 - c) the Tribes have been able to manage the growth on the subject property utilizing the Tribes regulatory authority and PUD standards on the Reservation; and
 - d) since a cultural resources survey and report will be completed for the subject property, the LPPC is assured that the Tribes' Cultural Resources will be preserved and protected for future generations.
5. The proposed Planned Unit Development complies with the purpose of the Land Development Code because the proposal meets the applicable purpose, intent, and development standards of the PUD process; and the use will be consistent with the purpose of the zone, due to the fact that the PUD has been clustered and is preserving and maintaining the agricultural land for future farm use to the greatest extent possible.

DECISION OPTIONS:

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

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

STAFF RECOMMENDATION:

Considering the preceding facts, findings and conclusions, staff recommends that the Planned Unit Development Application, #PUD-20-001, should be **APPROVED** subject to the following conditions:

Prior to submittal of the final PUD:

1. The applicant shall arrange for a Cultural Resources survey which shall be completed prior to any ground disturbance on the property;
2. The applicant shall complete test pits for evaluation by the Tribal Environmental Health Office to ensure the boundaries of proposed lots are sufficient for a septic and replacement septic system on each of the two lots;
3. Details of the proposed stream crossing and any ground disturbance within 10' of the creek shall be determined and a stream zone alteration permit obtained from the Water Resources Program of the Department of Natural Resources; The bridge and any other ground disturbance shall minimize impacts to existing vegetation along the creek.
4. A buffer of 10' shall be created along the east bank of the stream to serve as open space and to protect the creek from any development.
5. Mutual maintenance agreements shall be drafted, signed and recorded to provide for
 - (a) maintenance of the existing access road and culvert by owners of homes on UM-47 C, D, and new parcels 1 and 2.
 - (b) maintenance of the proposed new access road and stream crossing by future owners of new parcels 1 and 2.

ATTACHMENT: ULTIMATE FACTS

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

5.6. NATURAL RESOURCES

GOAL

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

OBJECTIVES

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

5.9 HOUSING

GOAL

To provide a variety of housing opportunities for Tribal members

OBJECTIVES

1. Expand the number of all types of housing units on the Reservation for Tribal members at all income levels.
2. Increase the number of buildable residential lots on the Reservation.
5. Support Tribal members seeking to build a home on their allotment through integrated advocacy and assistance in navigating the multiple permits and approvals needed.

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

SECTION 1.020 Purpose:

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

health, safety and welfare of the residents of the Umatilla Indian Reservation, and to promote orderly development of the Umatilla Indian Reservation, and to implement the provisions of the Comprehensive Plan.

SECTION 3.010 Description and Purpose

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

SECTION 3.025 Uses Permitted:

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

SECTION 7.100 Description and Purpose:

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

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

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

SECTION 7.200 Types of Planned Unit Developments:

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

SECTION 7.300 Approvals Required:

- 1) Sketch Plan - The Tribal Planning Office shall review the Sketch Plan and identify required changes in the plan. Approval of a P.U.D. Sketch Plan request allows the applicant to submit a P.U.D. Tentative Plan.
- 2) Tentative Plan - The Tentative Plan for P.U.D. partitions and subdivisions shall be reviewed by the Land Protection Planning Commission at a public hearing and a decision made in the form of an Order from the Commission. Approval of a P.U.D. Tentative Plan request allows the applicant to submit a P.U.D. Final Plat.
- 3) Final Plat -
 - a. The Final Plat for a P.U.D. partition requires final review and approval by the Tribal Planning Office. Approval will be granted after the Planning Manager is satisfied that all conditions and requirements, as set forth in the Land Protection Planning Commission Order, have been met.
 - b. The Final Plat for a P.U.D. subdivision requires final review and approval of the Land Protection Planning Commission. Approval will be granted after the Commission is satisfied that all conditions and requirements, as set forth in the Land Protection Planning Commission Order, have been met, and that no new revisions are necessary.

SECTION 7.350 Approval Criteria:

- 1) P.U.D.s are encouraged to provide clustered housing and shared services to the maximum degree possible. They shall provide common open spaces, common areas, and shared facilities. Particular attention must be given to the arrangement, location and width of streets, density, open space, landscaping, relation to topography, water supply, sewage disposal, drainage, lot sizes and relationship to adjoining lands and requirements of the Comprehensive Plan.

- 2) P.U.D. lots intended for building purposes will not result in construction within a flood hazard subdistrict or other area subject to flooding. All P.U.D. lots shall have adequate building space.
- 3) P.U.D. lots along perennial, intermittent and ephemeral streams are encouraged to provide a suitable buffer of open space, along each side of the stream, which is available for the recreational and cultural use of all residents of the P.U.D.
- 4) When access to the Mission Community Water and Sewer system is not available, community water and/or sewer systems shall be established unless it can be demonstrated that such a system would not be in the interest of public health or is otherwise not practical. For the purpose of this section, community water or sewer systems are those systems serving more than one household. Operation and maintenance of said systems may be contracted to the CTUIR, at its discretion, or otherwise provided for by covenants approved by the P.U.D.
- 5) The P.U.D. should establish a residents association, agreements, or covenants to share the cost of management for maintaining open areas, common areas, and shared services when needed.

SECTION 7.400 Permitted Uses:

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

SECTION 7.500 Development Standards:

- 1) Because of the unique nature of the need and purpose of Planned Unit Developments on the Umatilla Indian Reservation, the following standards shall be met to be eligible to apply for a P.U.D:
 - (a) All contiguous lands under the same ownership shall constitute a single parcel for the purposes of creating a P.U.D.
 - (b) Contiguous land ownerships, as of the date of adoption of this amendment, (June 5, 1996), are considered a single lot for P.U.D. purposes. Lands which remain under contiguous ownership, regardless of current owner(s), are eligible for a P.U.D. if P.U.D.s are permitted for the zone.
 - (c) Contiguous parcels which have been altered under circumstances beyond the control of the parcel owner(s), such as condemnation for a public use, remain eligible for a P.U.D.
- 2) The minimum area requirements for developing a P.U.D. are as follows:

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

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

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

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

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

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

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

SECTION 7.600 Application Procedures:

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

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

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

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

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

SECTION 7.620 Sketch Plan:

- 1) The applicant shall submit a sketch plan of the proposed development to the Tribal Planning Office.
 - a. On Trust or Indian owned lands, one copy shall be referred to Indian Health Services or tribal environmental health office (as current protocol dictates), by the Tribal Planning Office, to ascertain the appropriate type of water and septic sanitation system necessary for development of the site and whether the proposed development can be accommodated.
 - b. On fee lands, the applicant shall obtain the services of a licensed septic system installer, inspector, or engineer, to assess the appropriate type of septic sanitation system necessary to meet the Sanitation Code as provided by the State of Oregon Department of Environmental Quality. The assessment shall be submitted in writing to the Tribal Planning Office. The Planning Manager shall have the discretionary authority to determine if the party performing the assessment is qualified.
- 2) After the Tribal Planning Office reviews the Sketch Plan, it shall advise the applicant of specific changes or additions, if any, it has determined to be necessary. Prior to the Tribal Planning Office final review and decision, the tribal environmental health office, licensed septic system installer, inspector, or engineer, shall submit findings and recommendations to the Tribal Planning Office concerning the septic system location and design for the proposed development. This approval process authorizes the applicant to submit a tentative plan.

SECTION 7.640 Tentative Plan:

- 1) Upon approval of the Sketch Plan, the applicant may file an application for approval of a Tentative Plan. The application shall:
 - a. Be accompanied by a minimum of 3 copies of the tentative plan.
 - b. Be on forms available from the Tribal Planning Office.

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

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

SECTION 7.650 Final Plat:

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

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

SECTION 7.700 Recording the Final Plat:

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

SECTION 7.800 Appeals:

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

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

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

PLANNED UNIT DEVELOPMENT APPLICATION

FEE: \$150.00

Tentative Plan

PLEASE PRINT OR TYPE

APPLICANT'S NAME: WHITNEY MINTHORN II & CHELSEY MINTHORN

ADDRESS 46352 BEST RD. PENDLETON, OR 97801 PHONE 541 310 2514

LOT OWNER'S NAME: Whitney Minthorn, Katherine Minthorn, Toni Minthorn, Julie Minthorn, Sarah Minthorn-Picard

ADDRESS 46352 Best Rd, Pendleton, OR 97801 PHONE 541-969-9697

PROPERTY DESCRIPTION: S 1/2 N 1/4 of Sec. 4 Section 4 Township 1 N Range 33 E

Tax Lot ☐ Allotment ☒: UM 47-B Present Zone: R-1 Total Acreage: 26.17

LEGAL ACCESS: County Road 1027 (Market Rd), County Road 950 (Best Rd), 20 ft
easement to UM47B

DESCRIPTION DATA:

NAME OF PUD: WHITNEY MINTHORN II | CHELSEY MINTHORN

GROSS AREA OF PUD IN ACRES: 4.0

NUMBER OF LOTS: 2

MINIMUM & MAXIMUM LOT SIZE: MINIMUM 2

EXISTING LAND USE: RURAL - Farming

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

LAND SURVEYOR: Michael Pobada

AGENT, ETC.: Anderson Perry & Associates, INC
1901 1st St LaGrande, OR, 97850 541-963-8309

ATTORNEY: _____

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED!

DATE: 11/19/2020

APPLICANT: Chelsey Minthorn
AGENT: _____

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

LAND AGREEMENT

We, the undersigned property owners of allotment UM 47-B, hereby state that we are in agreement with the proposed PUD to create two new lots as shown generally in the sketch attached, and do hereby authorize Chelsey and Whitney Minthorn to submit the PUD application and to survey the property to create the two additional lots.

We understand that our signatures will be needed on the conveyances and on the survey plat once it is completed.

Because of the limited width of the access road to these lots, we understand that after the completion of this PUD, no additional lots would be allowed to access from the existing easement unless it is widened to the minimum access required in the Tribal Planning Office ROW Policy.

Kathrine R. Minthorn

Signature

9/7/2020

Date

Whitney B. Minthorn

Signature

9-27-20

Date

Jim M. Minthorn

Signature

9/8/2020

Date

Julie Minthorn

Signature

Sept 22, 2020

Date

Sarah Minthorn Reed

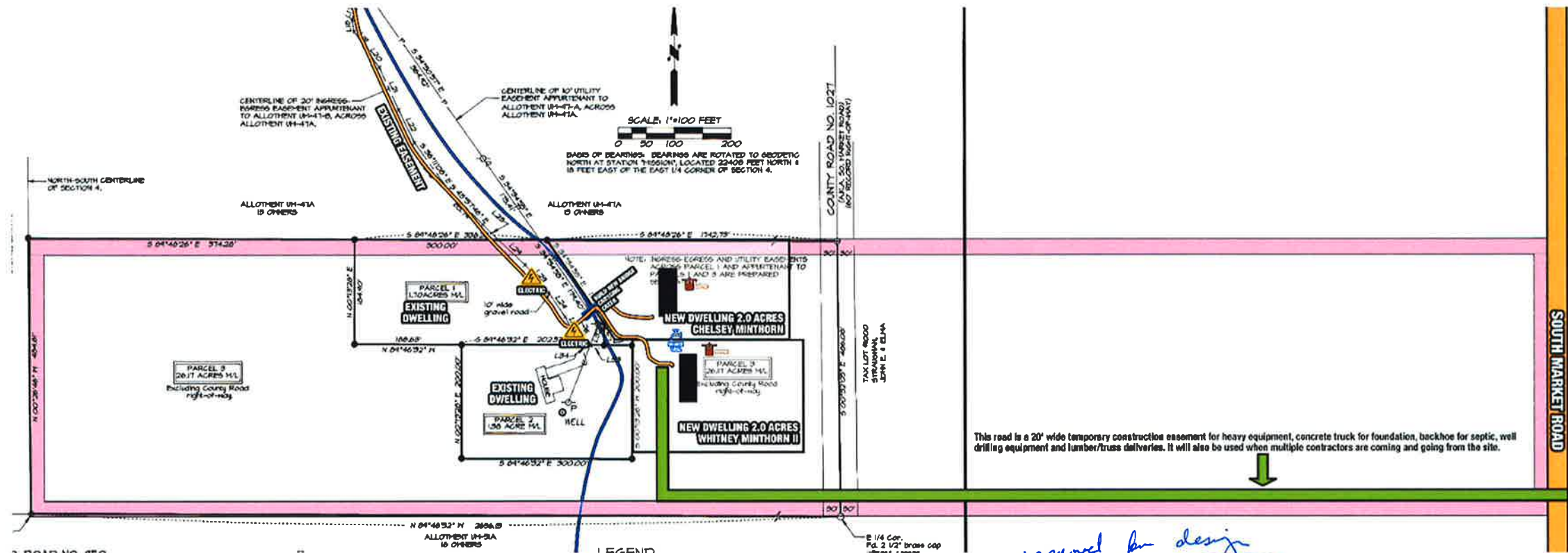
Signature

9/7/2020

Date

Exhibit 2

Page 2 of 8



Approval for design
[Signature]

FINAL PLAT
FEBRUARY 1980

OWNER'S CERTIFICATE

WE, KATHERINE MINTHORN FRASER, HERETIC MINTHORN, TONY MINTHORN, WELLS, JULIE MINTHORN, AND KATHA MINTHORN, DO HEREBY ESTABLISH THIS PLAT AS THE PLAT OF THE WHITNEY MINTHORN PLANNED UNIT DEVELOPMENT, A PLANNED UNIT DEVELOPMENT UNDER THE REGULATION OF THE LAND DEVELOPMENT CODE OF THE CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION.

Katherine Mithorn 9/28/80 David C. Peters
KATHERINE MINTHORN FRASER, OWNER DATE
DAVID C. PETERS

W. R. Wells 01-19-80 Bruce Johnson
PATRICK MINTHORN, OWNER DATE
BRUCE JOHNSON

J. B. Mithorn 9-24-80 David C. Peters
TONY MINTHORN, OWNER DATE
DAVID C. PETERS

Julie Mithorn 9-28-80 David C. Peters
JULIE MINTHORN, OWNER DATE
DAVID C. PETERS

Sarah Mithorn 9-28-80 W. R. Wells
KATHA MINTHORN, OWNER DATE
WILLIAM R. WELLS

NATURAL RESOURCES COMMISSION APPROVAL

THIS PLANNED UNIT DEVELOPMENT IS APPROVED THIS 16th DAY OF October 1980 BY THE NATURAL RESOURCES COMMISSION OF THE CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION.

Katherine Mithorn
OWNER

David C. Peters
SECRETARY

W. R. Wells
TRIBAL PLANNING OFFICE REPRESENTATIVE

NARRATIVE OF SURVEY

THE PURPOSE OF THIS SURVEY WAS TO DIVIDE ALLOTMENT UN-41A, SECTION 4, T4N, R6E, PL4, THE ALLOTMENT HAD DIVIDED INTO THREE PARCELS UNDER THE PLANNED UNIT DEVELOPMENT REGULATIONS OF THE CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION.

MONUMENTS RECOVERED OR RE-ESTABLISHED AND CORNER POSITIONS USED FOR CONTROLS ARE SHOWN. ADJACENT CORNER LOCATIONS WITHIN THE PERIMETER OF THE SECTION WERE CALCULATED BY THE THREE-FILE RULE, AS USED BY OLD SURVEYORS GORDON AND INLAND AND C.E. REEDFIELD, U.S. INDIAN SERVICE SURVEYOR.

THE SURVEY WAS MADE WITH A LEICA 3000 GLOBAL POSITIONING SYSTEM. MONUMENTS WERE MADE BY STATIC AND BOUND STATIC METHODS. MONUMENTS NOT LOCATED BY STATIC METHODS WERE LOCATED BY GPS NEAL TRIP METHOD. ALL PARCEL CORNER MONUMENTS WERE ESTABLISHED BY GPS NEAL TRIP METHOD BASED ON A LOCAL CO-ORDINATE DATUM OR WERE ESTABLISHED WITH SOUTHERN NET 40 TOTAL STATION TYPE SECOND TOTAL STATION.

SURVEYOR'S CERTIFICATE

WILLIAM R. WELLS DO CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MONUMENTED PARCELS 1, 2 AND 3 OF THE WHITNEY MINTHORN PLANNED UNIT DEVELOPMENT AS SHOWN.

W. R. Wells
WILLIAM R. WELLS, PLS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
JULY 22, 1977
WILLIAM R. WELLS
PLS. NO. 1006
EXPIRES 7/22/98

SUBSCRIBED AND SWORN BEFORE ME THIS 23rd DAY OF February, 1980.

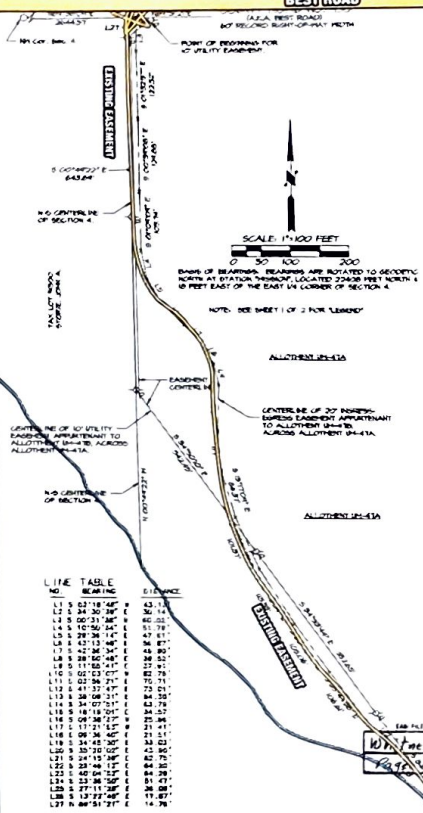
NOTARY PUBLIC FOR THE STATE OF OREGON
JAMES M. TUBBS

MY COMMISSION EXPIRES 10-14-2000



WILLIAM R. WELLS, PLS.
357 N.E. HWY. 11
P.O. BOX 1646
PENDLETON, OR 97801
PHONE (541) 276-6362
DATE: JAN 23, 1980
BY: SWEET BOTCHER

PROJECT: PUD-97-02
FINAL PLAT
FOR
WHITNEY B. MINTHORN
LOCATED IN THE NE 1/4 OF SECTION 4,
TOWNSHIP 1 NORTH, RANGE 6E 34TH, PL4,
UMATILLA COUNTY, OREGON.



LINE NO.	BEARING	DISTANCE
L1	S 23°18'48" E	42.12'
L2	S 24°18'48" E	35.14'
L3	S 00°21'34" E	60.02'
L4	S 13°50'34" E	51.78'
L5	S 28°39'14" E	47.81'
L6	S 43°13'48" E	38.83'
L7	S 42°38'34" E	45.80'
L8	S 28°30'48" E	38.32'
L9	S 11°50'14" E	37.91'
L10	S 03°03'04" E	62.75'
L11	S 03°39'21" E	70.71'
L12	S 41°37'48" E	75.01'
L13	S 34°09'31" E	80.30'
L14	S 34°03'51" E	81.39'
L15	S 18°18'51" E	36.04'
L16	S 08°28'37" E	34.34'
L17	S 17°21'53" E	27.47'
L18	S 08°34'40" E	21.51'
L19	S 33°20'03" E	42.90'
L20	S 21°12'34" E	62.75'
L21	S 35°48'13" E	64.20'
L22	S 10°50'37" E	34.34'
L23	S 33°34'30" E	51.47'
L24	S 37°11'38" E	36.04'
L25	S 13°22'45" E	17.87'
L26	S 48°51'21" E	14.78'
L27	S 48°18'04" E	24.80'
L28	S 48°18'04" E	63.78'
L29	S 00°13'34" E	34.78'
L30	S 88°46'33" E	49.27'
L31	S 20°46'51" E	40.35'
L32	S 88°46'33" E	34.84'
L33	S 88°46'33" E	23.21'

WHITNEY MINTHORN PLANNED UNIT DEVELOPMENT
FINAL PLAT
FEBRUARY 1980

- NOTES:
1. A RESIDENCE EXISTED ON PARCELS 1, 2 AND 3 ARE CURRENTLY VACANT.
 2. PARCELS 1 AND 3 ARE CURRENTLY VACANT.
 3. A NEW RESIDENCE IS PROPOSED FOR PARCELS 1, 2 AND 3 ARE CURRENTLY VACANT.
 4. NEW RESIDENCE AND UTILITY BANDS ARE TO BE CREATED BY SEPARATE DOCUMENT.

LINE NO.	BEARING	DISTANCE
L1	S 23°18'48" E	42.12'
L2	S 24°18'48" E	35.14'
L3	S 00°21'34" E	60.02'
L4	S 13°50'34" E	51.78'
L5	S 28°39'14" E	47.81'
L6	S 43°13'48" E	38.83'
L7	S 42°38'34" E	45.80'
L8	S 28°30'48" E	38.32'
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L10	S 03°03'04" E	62.75'
L11	S 03°39'21" E	70.71'
L12	S 41°37'48" E	75.01'
L13	S 34°09'31" E	80.30'
L14	S 34°03'51" E	81.39'
L15	S 18°18'51" E	36.04'
L16	S 08°28'37" E	34.34'
L17	S 17°21'53" E	27.47'
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L32	S 88°46'33" E	34.84'
L33	S 88°46'33" E	23.21'

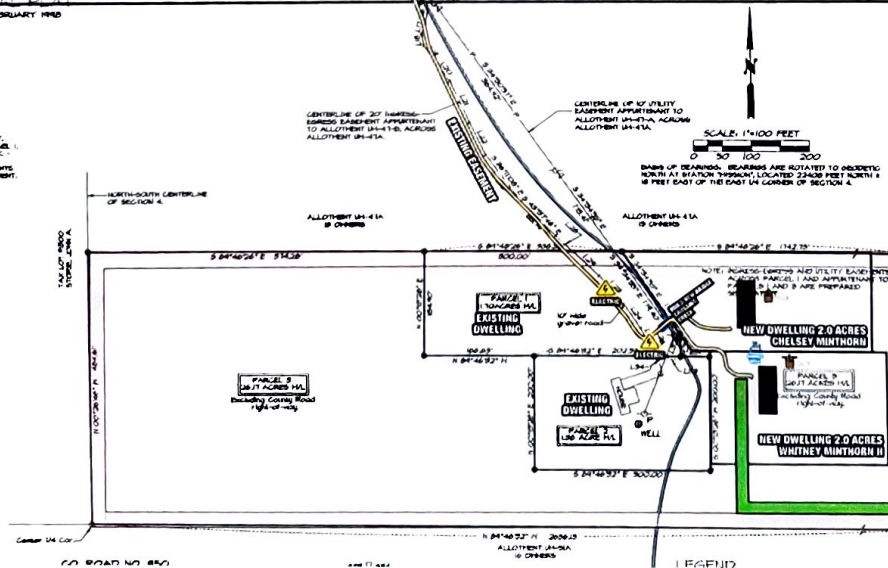


Exhibit 2
Page 4 of 8

TEMPORARY 20' WIDE ROAD FOR DELIVERY OF MANUFACTURED HOME

E A S E M E N T

143 7924

KNOW ALL MEN BY THESE PRESENTS:

That the United State of America, acting by and through Philip Sanchez, Superintendent, Bureau of Indian Affairs, Department of the Interior, Pendleton, Oregon, hereinafter referred to as "Grantor", under authority contained in Portland Area Redelegation Order No.3, (34 F. R. 15813, 10/14/69), and pursuant to the provisions of the Act of February 5, 1948 (62 Stat. 17, 25 U. S. C. 323-328), and Part 169, Title 25, Code of Federal Regulations, FOR NO CONSIDERATION does hereby grant to Arthur Motanic of Route 3, Box 87, Pendleton, OR 97801 it's successors and assigns, hereinafter referred to as "Grantee", an easement for ingress and egress over, across, in and upon the following described lands located in the County of Umatilla, State of Oregon:

The said easement, as shown on the tract map(s) attached hereto, is more particularly described as:

An easement, located in Government Lot 2 and the Southwest Quarter of the northeast Quarter of Section 4, Township 1 North, Range 33 East, Willamette Meridian, Umatilla County, Oregon, 20 feet in width, being 10 feet on each side of the following described centerline:

Commencing at the North Quarter Corner of said Section 4; thence North 89°51'21" East along the North line of said Section 4 a distance of 14.76 feet to the TRUE POINT OF BEGINNING for this centerline description; thence South 00°31'38" West a distance of 60.02 feet; thence South 01°32'37" East a distance of 122.52 feet; thence South 00°39'08" East a distance of 129.88 feet; thence South 01°09'09" East a distance of 105.74 feet; thence South 10°50'34" East a distance of 51.79 feet; thence South 29°39'14" East a distance of 47.61 feet; thence South 43°13'49" East a distance of 56.87 feet; thence South 42°36'34" East a distance of 45.90 feet; thence South 28°50'48" East a distance of 39.52 feet; thence South 11°55'41" East a distance of 37.91 feet; thence South 02°03'07" West a distance of 82.75 feet; thence South 03°59'21" East a distance of 70.71 feet; thence South 15°17'09" East a distance of 86.37 feet; thence South 23°01'49" East a distance of 101.37 feet; thence South 30°46'34" East a distance of 113.55 feet; thence South 33°35'14" East a distance of 105.06 feet; thence South 35°44'58" East a distance of 106.61 feet; thence South 41°37'47" East a distance of 73.01 feet; thence South 39°09'31" East a distance of 84.30 feet; thence South 34°37'57" East a distance of 108.29 feet; thence South 34°07'51" East a distance of 63.79 feet; thence South 18°19'01" East a distance of 34.57 feet; thence South 09°38'37" West a distance of 25.96 feet; thence South 17°21'53" West a distance of 21.41 feet; thence South 09°36'40" East a distance of 21.51 feet; thence South 34°45'30" East a distance of 33.03 feet; thence South 35°20'02" East a distance of 43.90 feet; thence South 24°15'39" East a distance of 82.75 feet; thence South 25°49'13" East a distance of 64.20 feet; thence South 36°11'08" East a distance of 102.18 feet; thence South 43°57'46" East a distance of 85.74 feet; thence South 46°19'54" East a distance of 38.85 feet to a point on the North line of the S1/2N1/2N1/2N1/2S1/2N1/2S1/2S1/2NE1/4 of said Section 4, the TERMINUS POINT for this centerline description, containing 1.03 acres, more or less

This easement is subject to any prior valid existing right or adverse claim and is a PERPETUAL easement, so long as said easement shall be actually used for the purpose above specified; PROVIDED, that this right of way shall be terminable in whole or in part by the Grantor for any of the following causes upon 30 days' written notice and failure of the Grantee within said notice period to correct the basis for termination (25 C. F. R. 169.20):

- A. Failure to comply with any term or condition of this grant, the stipulations filed with the application, or the applicable regulations.
- B. A nonuse of the right of way for a consecutive two-year period for the purpose for which it was granted.
- C. An abandonment of the right of way.
- D. Failure of the Grantee, upon the completion of construction to file with the Grantor an affidavit of completion pursuant to 25 C. F. R. 169.16

The conditions of this easement shall extend to and be binding upon and shall inure to the benefit of the heirs, representative, successors, and assigns of the Grantee.

IN WITNESS WHEREOF Grantor has executed this easement this 11th day of

December, 1997.

UNITED STATES OF AMERICA

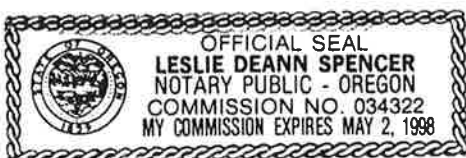
BY: Philip Sanchez
U. S. Department of the Interior
Bureau of Indian Affairs
Umatilla Agency
P. O. Box 520
Pendleton, OR 97801

ACKNOWLEDGMENT

State of Oregon)
) ss
County of Umatilla)

On this 11th day of December, 1997, before me, the undersigned Notary Public in and for the said State, personally appeared Philip Sanchez, known to me to be the Superintendent of the Umatilla Indian Agency who executed the within instrument on behalf of the United States of America therein named, and acknowledged to me that the said United States of America executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Leslie Deann Spencer
Notary Public
Residing in Pendleton, OR
My commission expires 05-02-1998

**United States Department of the Interior****BUREAU OF INDIAN AFFAIRS**Umatilla Agency
Post Office Box 520
Pendleton, Oregon 97801**143 7924****NOV 24 1997**

Dear Landowner:

In reviewing the right-of-way files, it has been brought to my attention that a 30 foot road right of way has never been processed for the ingress and egress to the late Arthur Motanic property. The road has been in existence since 1974 when Mr. Arthur Motanic had his home built. All of the landowners have consented to the easement and a copy is attached for your information.

This would be on Allotment UM-47-A, described as Lot 2 and SW/4 SW/4 of Section 4, Township 1 North, Range 33 East of the Willamette Meridian, Oregon. The right of way is along the west boundary line of the above described property except where it follows the drainage way in a southeasterly direction.

Since this transaction was overlooked by the Bureau and the Umatilla Housing Authority, I am going to proceed with granting the right of way to the late Arthur Motanic property.

This transaction will be approved on November 26, 1997. If you have any questions in regards to this matter, please feel free to contact my office before the above date at (541) 278-3786.

Sincerely,

Superintendent

cc: Terry Davis, Tribal Planning Department
Anthony Van Pelt, Umatilla Housing DirectorRECEIVED
NOV 17 1997

NOV 17 1997

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

143 7924

STATEMENT OF OWNERS OF ALLOTTED INDIAN LANDS TO ACCOMPANY
APPLICATION FOR RIGHT-OF-WAY

Umatilla Agency, April 17, 1974

Allotment No. U-47 Allottee George Takipse, deceased

Description Lot 2 and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 4, T. 1 N., R. 33 E., W.M., Oregon

The undersigned, owner of said land, hereby (do not) consent to the granting of a 30 foot right-of-way thereover, as contemplated by the application of Arthur Motanic upon the following terms and conditions (for the reasons given below):

Without payment of damages.

On payment of cash damages as determined by Superintendent upon completion.

Other terms or comment: This right-of-way will be along the west boundary line of Lot 2 and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 4, T. 1 N., R. 33 E., W.M., Oregon except where it follows the drainageway in a southeasterly direction. Maps of definite location will be provided. Right of way will be used for ingress and egress to the property of Arthur Motanic and will also be the location for utility lines, such as electricity and telephone.

Owners:

Daniel Motanic	1/4
Esther M. Lewis	1/4
Henrietta M. Kring	1/4
Dorothy M. Sheoships	1/16
Anna Miles Halfmoon	1/16
James J. Miles, Jr.	1/16
Rita M. Snipe Wettenbone	1/32*
Gail E. Shippentower	1/32*

N. B.—Delete inapplicable provisions. Submit original only.

Lawrence W. Patrick

*Curtesy

MINTHORN PLANNED UNIT DEVELOPMENT - TENTATIVE PLAN

A PARTITION OF ALLOTMENT NUMBER UM 47-B WHICH IS PARCEL 3 OF THE WHITNEY MINTHORN PLANNED UNIT DEVELOPMENT LOCATED WITHIN THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SECTION 4 IN TOWNSHIP 1 NORTH, RANGE 33 EAST, WILLAMETTE MERIDIAN, UMATILLA INDIAN RESERVATION, UMATILLA COUNTY, OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 20, 1998
MICHAEL B. POSADA
02849LS

EXPIRES: 12-31-2020

SIGNED: 11-29-2020

FOUND MONUMENTS RECOVERED 10-29-2020

1. FOUND 2-1/2" BRASS CAP - WITNESS CORNER SET BY C. E. REDFIELD 1920, MONUMENT AT TRUE POINT SET BY (R2) NOT FOUND, REMON. RECORD FOR TRUE POINT (R4) - HELD FOR THIS SURVEY.
2. FOUND 2-1/2" BRASS CAP - WITNESS CORNER SET BY C. E. REDFIELD 1920, REMON. RECORD FOR WITNESS CORNER (R5) - HELD FOR THIS SURVEY.
3. FOUND NAIL W/ BOTTLE CAP (R6) - NAIL HAS BEEN NOTED AS MARKING SECTION CORNER BY (R1) AND OTHER UMAT. CO. SURVEYS - HELD FOR THIS SURVEY
4. FOUND 1-1/4" YELLOW PLASTIC CAP SET BY (R2) (NO REMON. RECORD FOUND) - HELD FOR THIS SURVEY.
5. RECORD 2-1/2" BRASS CAP - WITNESS CORNER SET BY (R3) (NO REMON. RECORD FOUND).

Easement Line Table		
Line #	Length	Direction
L10	14.76	N89°51'21"E
L11	60.02	S0°31'38"W
L12	122.52	S1°32'37"E
L13	129.88	S0°39'08"E
L14	105.74	S1°09'09"E
L15	51.79	S10°50'34"E
L16	47.61	S29°39'14"E
L17	56.87	S43°13'49"E
L18	45.90	S42°36'34"E
L19	39.52	S28°50'48"E
L20	37.91	S11°55'41"E
L21	82.75	S2°03'07"W
L22	70.71	S3°59'21"E
L23	86.37	S15°17'09"E
L24	101.37	S23°01'49"E
L25	113.55	S30°46'34"E
L26	105.06	S33°35'14"E
L27	106.61	S35°44'58"E
L28	73.01	S41°37'47"E
L29	84.30	S39°09'31"E
L30	108.29	S34°37'57"E
L31	63.79	S34°07'51"E
L32	34.57	S18°19'01"E
L33	25.96	S9°38'37"W
L34	21.41	S17°21'53"W
L35	21.51	S9°36'40"E
L36	33.03	S34°45'30"E
L37	43.90	S35°20'02"E
L38	82.75	S24°15'39"E
L39	64.20	S25°49'13"E
L40	102.18	S36°11'08"E
L41	85.74	S43°57'46"E
L42	40.17	S44°28'46"E

REFERENCE MATERIALS

UMATILLA COUNTY & BIA SURVEY RECORDS:
R1. WHITNEY MINTHORN PUD C5 98-233-B 10-16-1998
R2. C5 89-39-B MAY 1989
R3. C5 1-178-A AUG. 1974
R4. LAND CORNER RECORD 02-125-6 FEB. 2005
R5. LAND CORNER RECORD 02-127-6 FEB. 2005
R6. LAND CORNER RECORD 02-128-6 FEB. 2005
R7. T5R UM 47-B
R8. T5R UM 47-C
R9. T5R UM 47-D
R10. BIA EASEMENT DOC. 143-7924 (12-11-1997)

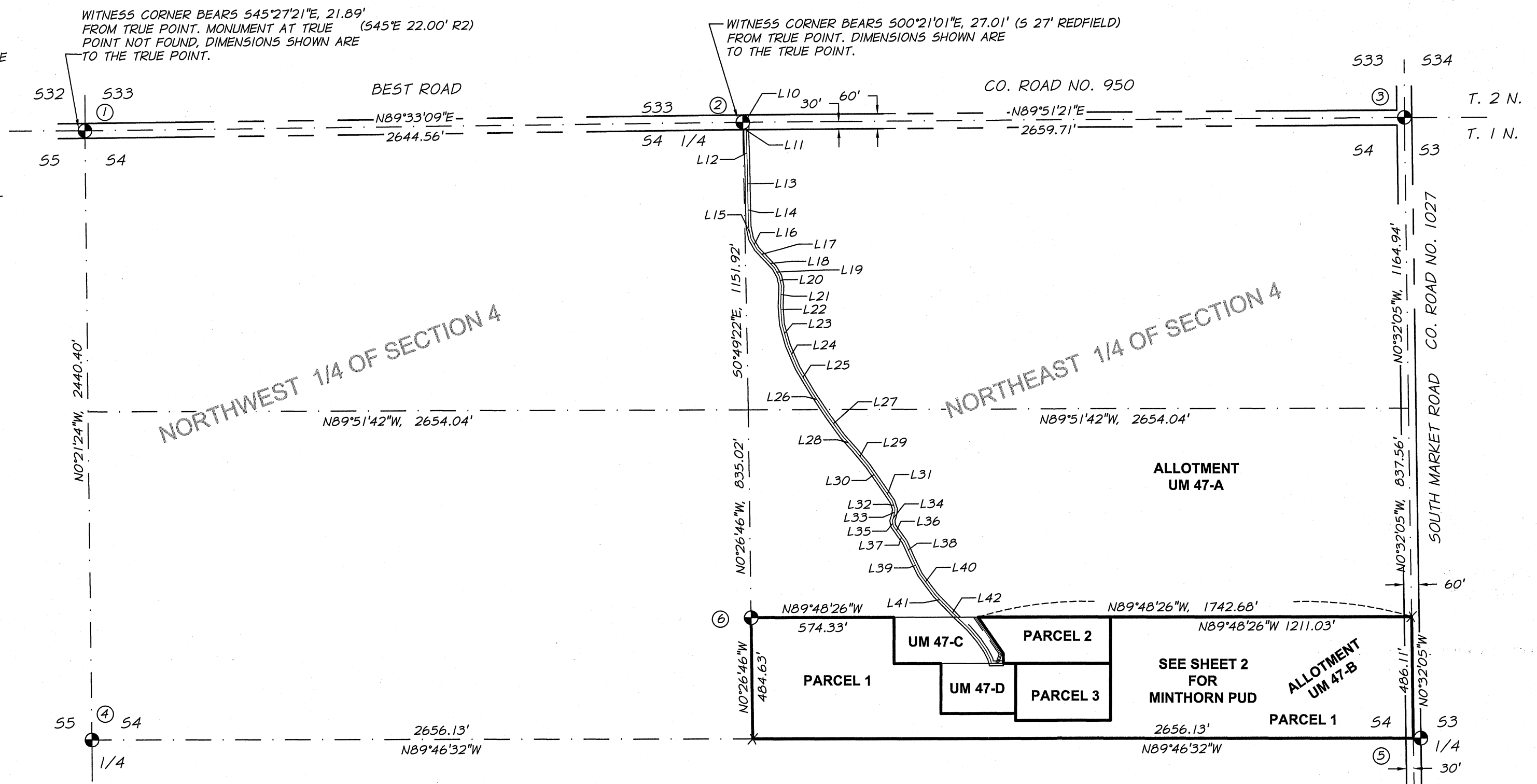
SURVEY NARRATIVE

THIS SURVEY WAS DONE AT THE REQUEST CHELSEY MINTHORN IN CONJUNCTION WITH WHITNEY MINTHORN II FOR THE PURPOSE OF CREATING THE MINTHORN PLANNED UNIT DEVELOPMENT (PUD), A PARTITION OF PARCEL 3 OF THE WHITNEY MINTHORN PUD THAT WAS APPROVED ON 10-16-1998 (R1). TWO NEW PARCELS ARE BEING CREATED BY THIS PUD, AND THE REMAINDER OF PARCEL 3 OF THE WHITNEY MINTHORN PUD IS PARCEL 1 OF THIS PUD. THE MONUMENT RECOVERY FOR THIS PUD INCLUDED THE MONUMENTS MARKING THE NORTH ONE-HALF OF SECTION 4, AS SHOWN. THE RECOVERED MONUMENTS AND WITNESS CORNERS WERE FOUND TO FIT WELL WITH THE RECORDS CALLS FROM (R1). FOR THE PURPOSES OF THIS PUD THE SOUTH LINE OF SAID NORTH ONE-HALF OF SECTION 4, WAS USED AS THE BASIS OF BEARING FOR THE SURVEY. THE FOUND MONUMENTS MARKING PARCELS 1, 2 AND 3 OF (R1) WERE ALSO RECOVERED AND HELD, AS SHOWN. THE LOCATION OF PARCELS 2 AND 3 OF THIS PUD WERE DETERMINED AT THE DIRECTION OF CHELSEY AND WHITNEY MINTHORN II, AS SHOWN.

THE EXISTING 20' WIDE INGRESS AND EGRESS EASEMENT ACROSS ALLOTMENT UM 47-A (R10-) WAS COMPUTED AND PLOTTED, AS SHOWN. THE FINAL LEG OF THE EASEMENT L42, WAS EXTENDED BEYOND THE RECORD DISTANCE TO INTERSECT THE NORTH LINE OF (R1), BASED ON FOUND MONUMENTS, AS SHOWN, SEE DETAIL A ON SHEET 2. A NEW 30' WIDE INGRESS AND EGRESS AND UTILITY EASEMENT IS CREATED BY THIS PUD, SEE DETAIL A ON SHEET 2. DUAL FREQUENCY TRIMBLE MODEL R10 GPS RECEIVERS IN RTK MODE WITH AN AVERAGE HORIZONTAL ACCURACY OF 8MM + 1 PPM AND AN AVERAGE VERTICAL ACCURACY OF 15MM + 1 PPM WERE USED TO COMPLETE THIS SURVEY. WE DID NOT OBSERVE ANY VISIBLE ENCROACHMENTS ON PARCELS 1, 2 OR 3 OF THIS PUD DURING THE COMPLETION OF THIS SURVEY.

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

400 0 400 800 1200
SCALE IN FEET - HORZ.



LEGEND

- FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP FROM FROM WHITNEY MINTHORN PUD FINAL PLAT APPROVED 10-16-1998, UNLESS OTHERWISE NOTED
- X COMPUTED POSITION FROM WHITNEY MINTHORN PUD FINAL PLAT APPROVED 10-16-1998, NOTHING FOUND OR SET
- SET 5/8" X 30" REBAR WITH 1 1/2" ALUMINUM CAP, MARKED "APA OR 2849 WA 41295", UNLESS NOTED OTHERWISE
- ⊗ FOUND MONUMENT - SEE FOUND MONUMENT REFERENCES FOR DESCRIPTION
- SECTION OR QUARTER SECTION LINE
- ADJACENT PROPERTY LINE
- PARCEL BOUNDARY
- RIGHT OF WAY LINE CL
- RIGHT OF WAY LINE
- EXISTING EASEMENT LINE
- PROPOSED EASEMENT LINE
- PROPOSED TEMPORARY EASEMENT LINE
- CENTERLINE NORTH COYOTE CREEK
- TOP OF BANK NORTH COYOTE CREEK

RECORDING INFORMATION,
UMATILLA COUNTY SURVEY RECORDS

**MINTHORN PUD LOCATED IN THE S 1/2, NE 1/4
SEC. 4, T.1N., R.33E., W.M. UMATILLA INDIAN
RESERVATION, UMATILLA CO. OREGON**

CHELSEY MINTHORN		46352 BEST ROAD PENDLETON, OREGON 97801	
SCALE: 1"=400	anderson perry & associates, inc. engineering surveying natural resources	SHEET 1/3	
DATE: NOV. 29, 2020			
JOB NO. 2732-86			

MINTHORN PLANNED UNIT DEVELOPMENT - TENTATIVE PLAN

A PARTITION OF ALLOTMENT NUMBER UM 47-B WHICH IS PARCEL 3 OF THE WHITNEY MINTHORN PLANNED UNIT DEVELOPMENT LOCATED WITHIN THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SECTION 4 IN TOWNSHIP 1 NORTH, RANGE 33 EAST, WILLAMETTE MERIDIAN, UMATILLA INDIAN RESERVATION, UMATILLA COUNTY, OREGON

Exhibit 2
Page 1 of 8

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 20, 1998
MICHAEL B. POSADA
02849LS

EXPIRES: 12-31-2020
SIGNED: 11-29-2020

PARCEL 1 - 965,725 SQ.FT.
22.170 ACRES

SEE
DETAIL A

PARCEL 2
87,121 SQ.FT.
2.000 ACRES

PARCEL 1 - 965,725 SQ.FT.
22.170 ACRES

PARCEL 3
87,121 SQ.FT.
2.000 ACRES

TEMPORARY 20' WIDE INGRESS & EGRESS EASEMENT
CREATED BY THIS PLAT

LEGEND

- FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP FROM FROM WHITNEY MINTHORN PUD FINAL PLAT APPROVED 10-16-1998, UNLESS OTHERWISE NOTED
- X COMPUTED POSITION FROM WHITNEY MINTHORN PUD FINAL PLAT APPROVED 10-16-1998, NOTHING FOUND OR SET
- SET 5/8" X 30" REBAR WITH 1/2" ALUMINUM CAP, MARKED "APA OR 2849 WA 41295", UNLESS NOTED OTHERWISE
- ⊗ FOUND MONUMENT - SEE FOUND MONUMENT REFERENCES FOR DESCRIPTION
- SECTION OR QUARTER SECTION LINE
- ADJACENT PROPERTY LINE
- PARCEL BOUNDARY
- RIGHT OF WAY LINE CL
- RIGHT OF WAY LINE
- EXISTING EASEMENT LINE
- PROPOSED EASEMENT LINE

RECORDING INFORMATION,
UMATILLA COUNTY SURVEY RECORDS

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

**MINTHORN PUD LOCATED IN THE S 1/2, NE 1/4
SEC. 4, T.1N., R.33E., W.M. UMATILLA INDIAN
RESERVATION, UMATILLA CO. OREGON**

CHELSEY MINTHORN

46352 BEST ROAD
PENDLETON, OREGON 97801

SCALE:
1"=100

DATE:
NOV. 29, 2020

JOB NO.
2732-86

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

SHEET

2/3

Easement Line Table		
Line #	Length	Direction
L1	63.78	S46°19'54"E
L2	64.29	S40°04'52"E
L3	51.47	S33°36'50"E
L4	36.09	S27°11'28"E
L5	17.87	N13°22'45"W
L6	23.21	S89°46'32"E
L7	24.96	S89°46'32"E
L8	40.35	N20°46'51"E
L9	179.40	N34°34'55"W

DETAIL A
SCALE: 1" = 40'

100 0 100 200 300
SCALE IN FEET - HORZ.

MINTHORN PLANNED UNIT DEVELOPMENT - TENTATIVE PLAN

A PARTITION OF ALLOTMENT NUMBER UM 47-B WHICH IS PARCEL 3 OF THE WHITNEY MINTHORN PLANNED UNIT DEVELOPMENT LOCATED WITHIN THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SECTION 4 IN TOWNSHIP 1 NORTH, RANGE 33 EAST, WILLAMETTE MERIDIAN, UMATILLA INDIAN RESERVATION, UMATILLA COUNTY, OREGON

OWNER'S CERTIFICATE

WE, KATHERINE R. MINTHORN, WHITNEY B. MINTHORN, TONI M. MINTHORN, JULIE A. MINTHORN AND SARAH M. PICARD, THE OWNERS OF THE LANDS REPRESENTED ON THE ANNEXED PLAT AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE DO HEREBY SAY THAT THE SURVEYOR SIGNING THE ACCOMPANYING CERTIFICATE WAS ENGAGED BY US AND THAT THE ACCOMPANYING PLAT IS THE REPRESENTATION OF THE SURVEY PERFORMED AT OUR REQUEST. FURTHERMORE, WE, ACTING AS THE OWNERS OF SAID LANDS DO HEREBY CREATE THE PRIVATE EASEMENTS AS SHOWN ON SAID ANNEXED PLAT.

KATHERINE R. MINTHORN

WHITNEY B. MINTHORN

TONI M. MINTHORN

JULIE A. MINTHORN

SARAH M. PICARD

ACKNOWLEDGEMENT

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE
DAY OF _____, 2021,
BY KATHERINE R. MINTHORN, WHITNEY B. MINTHORN AND TONI M.
MINTHORN, OWNERS

NOTARY SIGNATURE

NOTARY PUBLIC PRINTED NAME

STATE OF _____

COUNTY OF _____

COMMISSION NO. _____

MY COMMISSION EXPIRES _____

ACKNOWLEDGEMENT

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE
DAY OF _____, 2021,
BY JULIE A. MINTHORN, AND SARAH M. PICARD OWNERS

NOTARY SIGNATURE

NOTARY PUBLIC PRINTED NAME

STATE OF _____

COUNTY OF _____

COMMISSION NO. _____

MY COMMISSION EXPIRES _____

SURVEYOR'S CERTIFICATE

I, MICHAEL B. POSADA, OREGON REGISTERED LAND SURVEYOR NO. 2849, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I HAVE CORRECTLY SURVEYED IN ACCORDANCE WITH NORMAL STANDARDS OF PROFESSIONAL CARE THE LANDS REPRESENTED ON THE ANNEXED PLAT OF THE MINTHORN PLANNED UNIT DEVELOPMENT SUBDIVISION. AND THAT THE EXTERIOR BOUNDARY AND THE LOT LINES OF SAID SUBDIVISION ARE MARKED BY EXISTING SURVEY MONUMENTS AS DESCRIBED HEREON. I FURTHER DEPOSE AND SAY THAT I HAVE DESIGNATED AN EXISTING SURVEY MONUMENT FOR THE INITIAL POINT OF THIS SUBDIVISION AND THAT THE FOLLOWING IS A TRUE AND CORRECT DESCRIPTION OF THE LANDS REPRESENTED ON THIS SUBDIVISION PLAT:

A PARCEL OF LAND BEING LOCATED IN THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 33 EAST OF THE WILLAMETTE MERIDIAN AND ALSO BEING THE CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION, ALLOTMENT NUMBER UM 47-B, UMATILLA COUNTY, OREGON, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

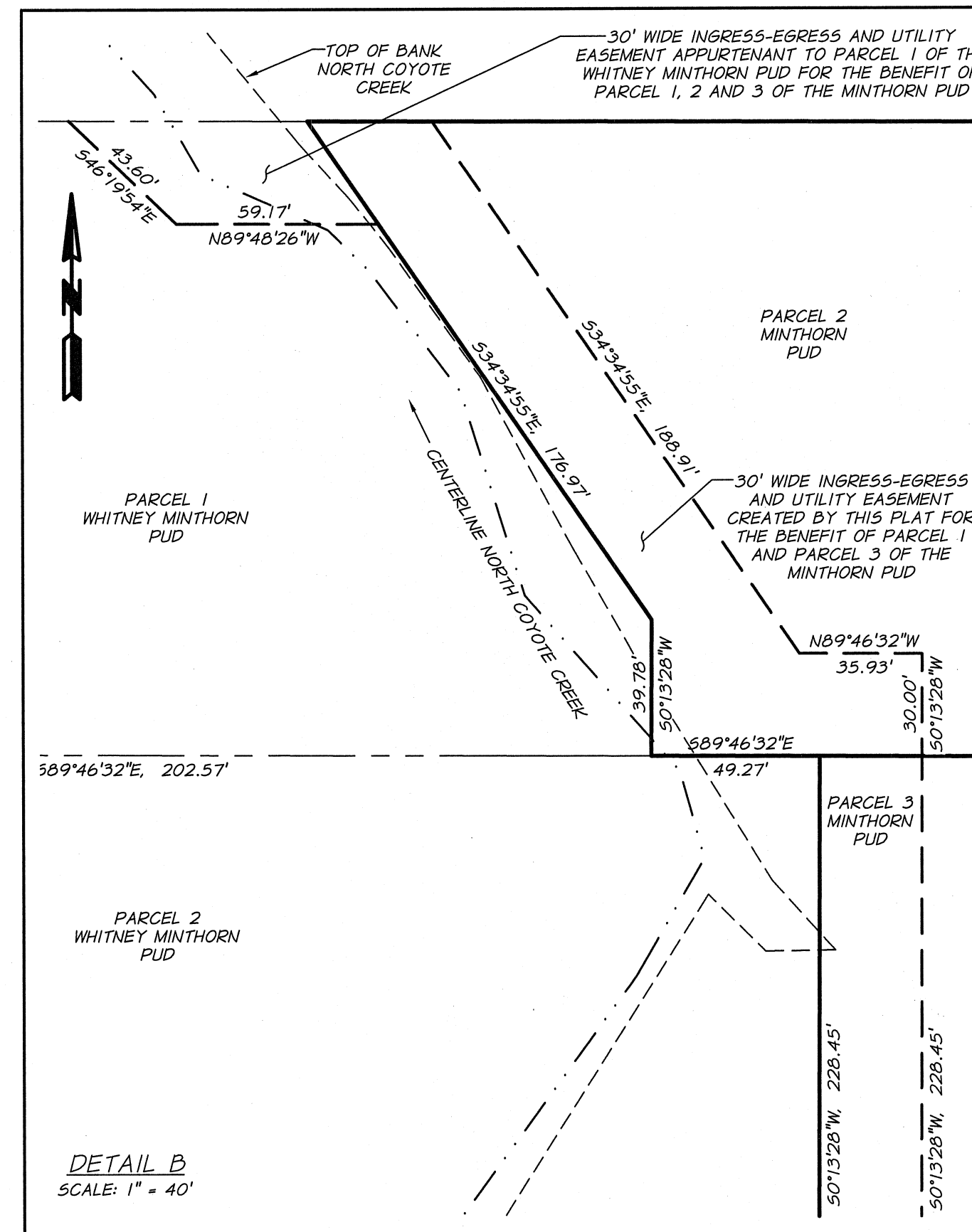
PARCEL 3 OF THE WHITNEY MINTHORN PLANNED UNIT DEVELOPMENT FINAL PLAT APPROVED OCTOBER 16, 1998 AND RECORDED UNDER BIA DOCUMENT NO. 143-9189, TOGETHER WITH EASEMENTS FOR INGRESS, EGRESS AND UTILITIES, AS SET FORTH ON SAID PLAT, CONTAINING 26.17 ACRES OR 1,139,965 SQUARE FEET, MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 20, 1998
MICHAEL B. POSADA
02849LS

EXPIRES: 12-31-2020

SIGNED: 11-29-2020



ACCEPTANCE CERTIFICATE

I, MICHAEL T. JACKSON, DO HEREBY CERTIFY THAT I AM THE SUPERINTENDENT FOR THE UMATILLA AGENCY OF THE BUREAU OF INDIAN AFFAIRS. MICHAEL B. POSADA, OREGON LAND SURVEYOR 2849, WHO SUBSCRIBED TO THE FOREGOING AFFIDAVIT, WAS EMPLOYED BY THE APPLICANT AS PROJECT SURVEYOR, AND WAS DIRECTED BY THE APPLICANT TO SURVEY THE LOCATION OF SAID PLANNED UNIT DEVELOPMENT AND EASEMENTS AND TO PREPARE THIS MAP; THAT THE LOCATION OF SAID PLANNED UNIT DEVELOPMENT AND EASEMENTS ARE ACCURATELY DEPICTED ON THIS MAP; THAT SUCH SURVEY AS REPRESENTED ON THIS MAP HAS BEEN ADOPTED BY THE APPLICANT AS THE DEFINITE LOCATION OF SAID PLANNED UNIT DEVELOPMENT AND THE EASEMENTS THEREBY SHOWN; AND THAT THIS MAP IS ACCEPTED FOR FILING WITH THE SECRETARY OF THE INTERIOR OR HIS DULY AUTHORIZED REPRESENTATIVE AS PART OF THE APPROVAL FOR SAID PLANNED UNIT DEVELOPMENT AND RECOGNITION OF THE EASEMENTS.

MICHAEL T. JACKSON, SUPERINTENDENT OF THE UMATILLA AGENCY, BUREAU OF INDIAN AFFAIRS

DATE

APPROVALS

TRIBAL PLANNING OFFICE

CERTIFIED AS IN COMPLIANCE WITH THE C.T.U.I.R. COMPREHENSIVE PLAN, AND LAND DEVELOPMENT CODE, THIS
DAY OF _____, 2021.

J. D. TOVEY, III TRIBAL PLANNING DIRECTOR

LAND PROTECTION PLANNING COMMISSION

THIS PLANNED UNIT DEVELOPMENT APPROVED BY THE LAND PROTECTION PLANNING COMMISSION OF THE CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION THIS
DAY OF _____, 2021.

CHAIR, LAND PROTECTION PLANNING COMMISSION

RECORDING INFORMATION,
UMATILLA COUNTY SURVEY RECORDS

**MINTHORN PUD LOCATED IN THE S 1/2, NE 1/4
SEC. 4, T.1N., R.33E., W.M. UMATILLA INDIAN
RESERVATION, UMATILLA CO. OREGON**

CHELSEY MINTHORN

46352 BEST ROAD
PENDLETON, OREGON 97801

SCALE:

N/A

DATE:

NOV. 29, 2020

JOB NO.

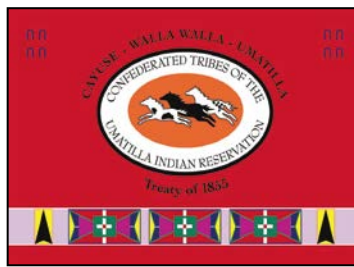
2732-86

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

SHEET

3/3

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



PUBLIC HEARING NOTICE DISSEMINATION RECORD

File #: PUD-20-001; Planned Unit Development request filed by Chelsey Minthorn and Whitney Minthorn II, 46352 Best Road, Pendleton, OR 97801

Land Protection Planning Commission Public Hearing Date: January 12, 2021

Newspaper and Date Published; East Oregonian: January 2, 2021
CUJ: January 7, 2021

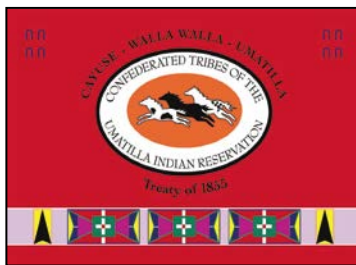
Posted in six public Places;

1. Mission Market: December 23, 2021
2. Yellowhawk Tribal Health Clinic: December 23, 2021
3. BIA Umatilla Agency: December 23, 2021
4. CTUIR Housing Department: December 23, 2021
5. Nixyáawii Governance Center December 23, 2021
6. CTUIR web site: <https://ctuir.org/events/lppc-meeting-public-hearing-pud-20-001/>

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

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

Zoning, Development Permits
Environmental Health, & Public Transit



46411 Timine Way
Pendleton, OR 97801

www.ctuir.org
Phone 541-276-3099

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

PUBLIC HEARING NOTICE

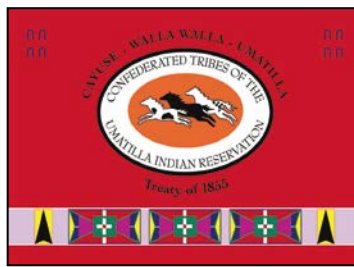
NOTICE IS HEREBY GIVEN that the Land Protection Planning Commission of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) will hold the following public hearing.

Planned Unit Development File #PUD-20-001 – Applicants, Chelsey Minthorn and Whitney Minthorn II, 46352 Best Road, Pendleton, OR 97801 seek approval from the Land Protection Planning Commission for a Planned Unit Development of Allotment UM 47-B to create two new housing lots. The subject property is located in NE quarter of Section 4 Township 1N Range 33 E. The property is zoned Ag-1, Exclusive Farm Use. Planned Unit Developments are subject to the CTUIR Land Development Code Chapters 7 and 13.

The hearing will be held on **Tuesday, January 12, 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 579 606 529#. Materials relating to this Planned Unit Development request and additional information for joining the meeting are available for review at the Tribal Planning Office or online at <https://ctuir.org/events/lppc-meeting-public-hearing-pud-20-001/>.

The public is entitled and encouraged to participate in the hearing and to submit oral or written testimony regarding the request. Written comments must be received by 4:00 pm January 8, 2021 at the Tribal Planning Office or via email to hollyanderson@ctuir.org. To obtain further information contact the Tribal Planning Office at, 46411 Timine, Pendleton, Oregon, 97801 or call (541) 429-7517.

Lindsey X. Watchman, Secretary
Land Protection Commission



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:

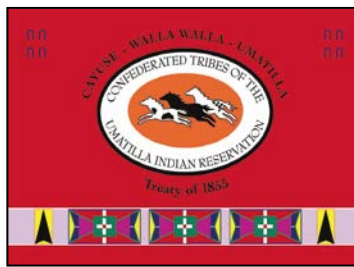
Planned Unit Development File #PUD-20-001 – Applicants, **Chelsey Minthorn and Whitney Minthorn II, 46352 Best Road, Pendleton, OR 97801** seek approval from the Land Protection Planning Commission for a Planned Unit Development of Allotment UM 47-B to create two new housing lots. The subject property is located in NE quarter of Section 4 Township 1N Range 33 E. The property is zoned Ag-1, Exclusive Farm Use. Planned Unit Developments are subject to the CTUIR Land Development Code Chapters 7 and 13.

The hearing will be held on **Tuesday, January 12, 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 579 606 529#. Materials relating to this conditional use request and additional information for joining the meeting are available for review at the Tribal Planning Office or online at <https://ctuir.org/events/lppc-meeting-public-hearing-pud-20-001/>.

The public is entitled and encouraged to participate in the hearing and to submit testimony regarding the request. Written comments must be received in the Tribal Planning Office by 4:00 pm January 8, 2021 via hard copy or by email to hollyanderson@ctuir.org.

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

Lindsey Watchman, Secretary
Land Protection Planning Commission



December 23, 2020

PUBLIC HEARING NOTICE

Dear Property Owner:

On January 12, 2021 the Land Protection Planning Commission of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) will hold a public hearing concerning a Planned Unit Development request as described below. You are receiving this notice because you are an owner of property located within 250 feet of the subject properties (see map enclosed). According to Section 13.020 of the CTUIR Land Development Code, all owners of property located within 250 feet of the property which is the subject of a public hearing shall be given written notice by mail at least ten days prior to a public hearing.

Planned Unit Development File #PUD-20-001 – Applicants, Chelsey Minthorn and Whitney Minthorn II, 46352 Best Road, Pendleton, OR 97801 seek approval from the Land Protection Planning Commission for a Planned Unit Development of Allotment UM 47-B to create two new housing lots. The subject property is located in NE quarter of Section 4 Township 1N Range 33 E. The property is zoned Ag-1, Exclusive Farm Use. Planned Unit Developments are subject to the CTUIR Land Development Code Chapters 7 and 13.

The hearing will be held on **Tuesday, January 12, 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 579 606 529#. Materials relating to this conditional use request and additional information for joining the meeting are available for review at the Tribal Planning Office or online at <https://ctuir.org/events/lppc-meeting-public-hearing-pud-20-001/>.

The public is entitled and encouraged to attend the hearing and to submit oral or written testimony on the request. Written comments must be received by the Tribal Planning Office by 4:00 p.m. January 8, 2021 via hard copy or by e-mail to hollyanderson@ctuir.org.

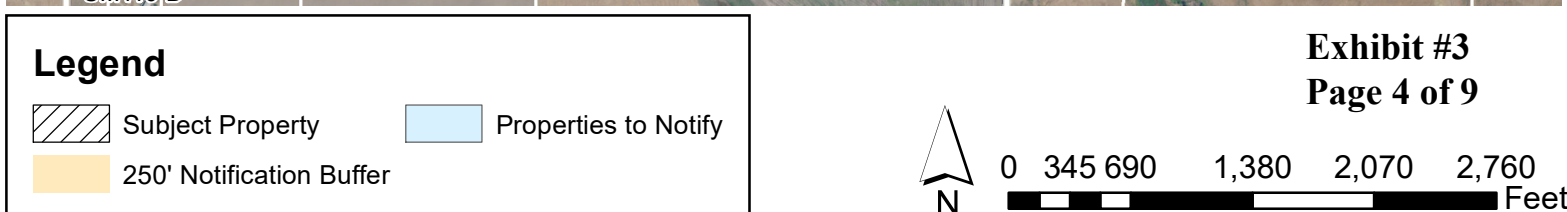
To obtain further information and/or a staff report on the request, please contact the Planning Department by telephone at 541-429-3099 or 541-429-7517.

Sincerely,

Holly E. Anderson
Associate Planner

**Exhibit #3
Page 4 of 9**

**THE CONFEDERATED TRIBES OF THE
UMATILLA INDIAN RESERVATION**



0 345 690 1,380 2,070 2,760 Feet

MINTHORN PLANNED UNIT DEVELOPMENT - TENTATIVE PLAN

A PARTITION OF ALLOTMENT NUMBER UM 47-B WHICH IS PARCEL 3 OF THE WHITNEY MINTHORN PLANNED UNIT DEVELOPMENT LOCATED WITHIN THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SECTION 4 IN TOWNSHIP 1 NORTH, RANGE 33 EAST, WILLAMETTE MERIDIAN, UMATILLA INDIAN RESERVATION, UMATILLA COUNTY, OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 20, 1998
MICHAEL B. POSADA
02849LS

EXPIRES: 12-31-2020

SIGNED: 11-29-2020

FOUND MONUMENTS RECOVERED 10-29-2020

1. FOUND 2-1/2" BRASS CAP - WITNESS CORNER SET BY C. E. REDFIELD 1920, MONUMENT AT TRUE POINT SET BY (R2) NOT FOUND, REMON. RECORD FOR TRUE POINT (R4) - HELD FOR THIS SURVEY.
2. FOUND 2-1/2" BRASS CAP - WITNESS CORNER SET BY C. E. REDFIELD 1920, REMON. RECORD FOR WITNESS CORNER (R5) - HELD FOR THIS SURVEY.
3. FOUND NAIL W/ BOTTLE CAP (R6) - NAIL HAS BEEN NOTED AS MARKING SECTION CORNER BY (R1) AND OTHER UMAT. CO. SURVEYS - HELD FOR THIS SURVEY
4. FOUND 1-1/4" YELLOW PLASTIC CAP SET BY (R2) (NO REMON. RECORD FOUND) - HELD FOR THIS SURVEY.
5. RECORD 2-1/2" BRASS CAP - WITNESS CORNER SET BY (R3) (NO REMON. RECORD FOUND).

Easement Line Table

Line #	Length	Direction
L10	14.76	N89°51'21"E
L11	60.02	S0°31'38"W
L12	122.52	S1°32'37"E
L13	129.88	S0°39'08"E
L14	105.74	S1°09'09"E
L15	51.79	S10°50'34"E
L16	47.61	S29°39'14"E
L17	56.87	S43°13'49"E
L18	45.90	S42°36'34"E
L19	39.52	S28°50'48"E
L20	37.91	S11°55'41"E
L21	82.75	S2°03'07"W
L22	70.71	S3°59'21"E
L23	86.37	S15°17'09"E
L24	101.37	S23°01'49"E
L25	113.55	S30°46'34"E
L26	105.06	S33°35'14"E
L27	106.61	S35°44'58"E
L28	73.01	S41°37'47"E
L29	84.30	S39°09'31"E
L30	108.29	S34°37'57"E
L31	63.79	S34°07'51"E
L32	34.57	S18°19'01"E
L33	25.96	S9°38'37"W
L34	21.41	S17°21'53"W
L35	21.51	S9°36'40"E
L36	33.03	S34°45'30"E
L37	43.90	S35°20'02"E
L38	82.75	S24°15'39"E
L39	64.20	S25°49'13"E
L40	102.18	S36°11'08"E
L41	85.74	S43°57'46"E
L42	40.17	S44°28'46"E

REFERENCE MATERIALS

UMATILLA COUNTY & BIA SURVEY RECORDS:
R1. WHITNEY MINTHORN PUD C5 98-233-B 10-16-1998
R2. C5 89-39-B MAY 1989
R3. C5 1-178-A AUG. 1974
R4. LAND CORNER RECORD 02-125-6 FEB. 2005
R5. LAND CORNER RECORD 02-127-6 FEB. 2005
R6. LAND CORNER RECORD 02-128-6 FEB. 2005
R7. T5R UM 47-B
R8. T5R UM 47-C
R9. T5R UM 47-D
R10. BIA EASEMENT DOC. 143-7924 (12-11-1997)

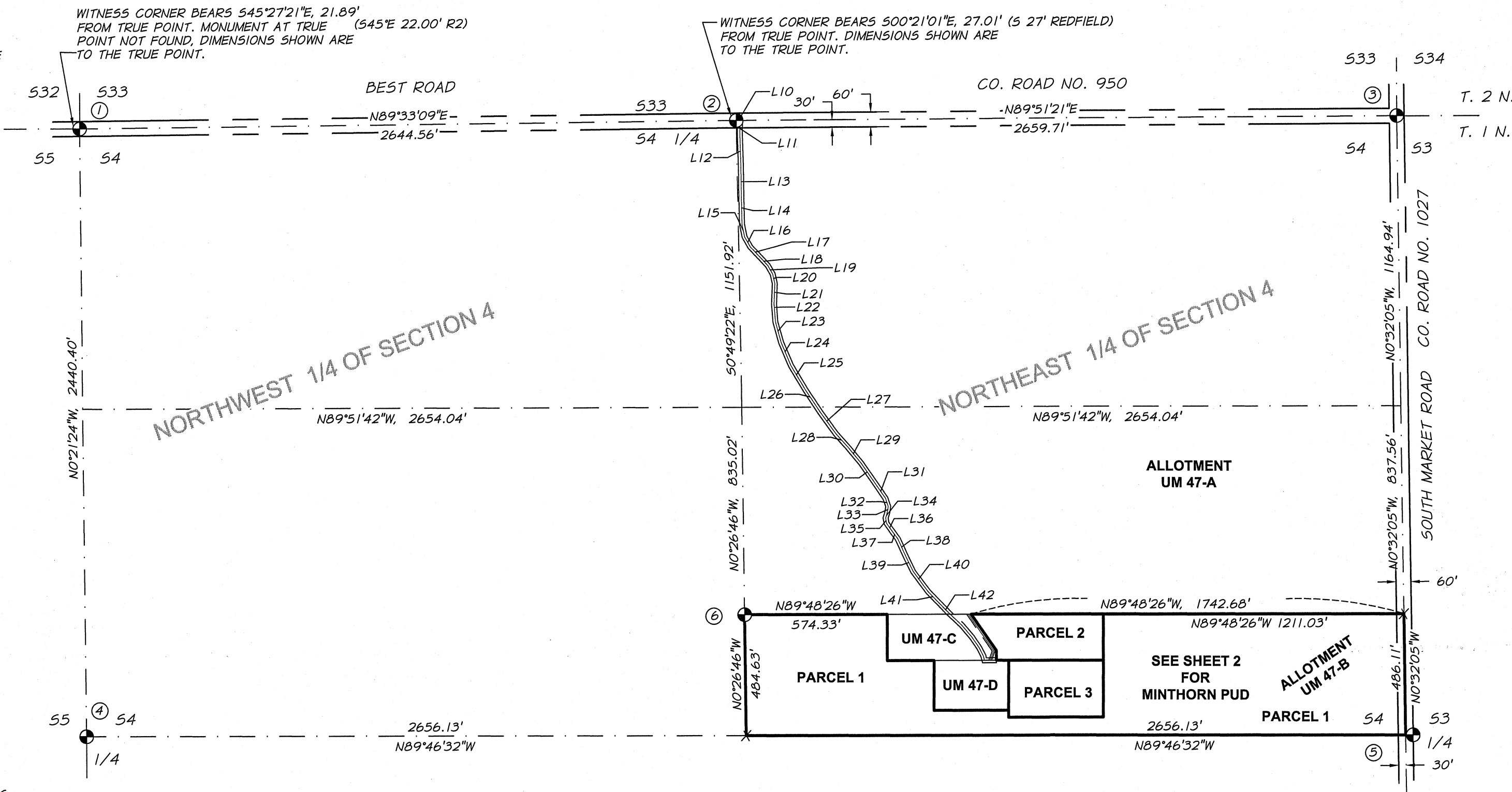
SURVEY NARRATIVE

THIS SURVEY WAS DONE AT THE REQUEST CHELSEY MINTHORN IN CONJUNCTION WITH WHITNEY MINTHORN II FOR THE PURPOSE OF CREATING THE MINTHORN PLANNED UNIT DEVELOPMENT (PUD), A PARTITION OF PARCEL 3 OF THE WHITNEY MINTHORN PUD THAT WAS APPROVED ON 10-16-1998 (R1). TWO NEW PARCELS ARE BEING CREATED BY THIS PUD, AND THE REMAINDER OF PARCEL 3 OF THE WHITNEY MINTHORN PUD IS PARCEL 1 OF THIS PUD. THE MONUMENT RECOVERY FOR THIS PUD INCLUDED THE MONUMENTS MARKING THE NORTH ONE-HALF OF SECTION 4, AS SHOWN. THE RECOVERED MONUMENTS AND WITNESS CORNERS WERE FOUND TO FIT WELL WITH THE RECORDS CALLS FROM (R1). FOR THE PURPOSES OF THIS PUD THE SOUTH LINE OF SAID NORTH ONE-HALF OF SECTION 4, WAS USED AS THE BASIS OF BEARING FOR THE SURVEY. THE FOUND MONUMENTS MARKING PARCELS 1, 2 AND 3 OF (R1) WERE ALSO RECOVERED AND HELD, AS SHOWN. THE LOCATION OF PARCELS 2 AND 3 OF THIS PUD WERE DETERMINED AT THE DIRECTION OF CHELSEY AND WHITNEY MINTHORN II, AS SHOWN.

THE EXISTING 20' WIDE INGRESS AND EGRESS EASEMENT ACROSS ALLOTMENT UM 47-A (R10-) WAS COMPUTED AND PLOTTED, AS SHOWN. THE FINAL LEG OF THE EASEMENT L42, WAS EXTENDED BEYOND THE RECORD DISTANCE TO INTERSECT THE NORTH LINE OF (R1), BASED ON FOUND MONUMENTS, AS SHOWN, SEE DETAIL A ON SHEET 2. A NEW 30' WIDE INGRESS AND EGRESS AND UTILITY EASEMENT IS CREATED BY THIS PUD, SEE DETAIL A ON SHEET 2. DUAL FREQUENCY TRIMBLE MODEL R10 GPS RECEIVERS IN RTK MODE WITH AN AVERAGE HORIZONTAL ACCURACY OF 6MM + 1 PPM AND AN AVERAGE VERTICAL ACCURACY OF 15MM + 1 PPM WERE USED TO COMPLETE THIS SURVEY. WE DID NOT OBSERVE ANY VISIBLE ENCROACHMENTS ON PARCELS 1, 2 OR 3 OF THIS PUD DURING THE COMPLETION OF THIS SURVEY.

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

Exhibit #3
Page 6 of 9



LEGEND

- FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP FROM FROM WHITNEY MINTHORN PUD FINAL PLAT APPROVED 10-16-1998, UNLESS OTHERWISE NOTED
- X COMPUTED POSITION FROM WHITNEY MINTHORN PUD FINAL PLAT APPROVED 10-16-1998, NOTHING FOUND OR SET
- SET 5/8" X 30" REBAR WITH 1 1/2" ALUMINUM CAP, MARKED "APA OR 2849 WA 41295", UNLESS NOTED OTHERWISE
- ⊗ FOUND MONUMENT - SEE FOUND MONUMENT REFERENCES FOR DESCRIPTION
- SECTION OR QUARTER SECTION LINE
- ADJACENT PROPERTY LINE
- PARCEL BOUNDARY
- RIGHT OF WAY LINE CL
- RIGHT OF WAY LINE
- EXISTING EASEMENT LINE
- PROPOSED EASEMENT LINE
- PROPOSED TEMPORARY EASEMENT LINE
- CENTERLINE NORTH COYOTE CREEK
- TOP OF BANK NORTH COYOTE CREEK

RECORDING INFORMATION,
UMATILLA COUNTY SURVEY RECORDS

**MINTHORN PUD LOCATED IN THE S 1/2, NE 1/4
SEC. 4, T.1N., R.33E., W.M. UMATILLA INDIAN
RESERVATION, UMATILLA CO. OREGON**

CHELSEY MINTHORN

46352 BEST ROAD
PENDLETON, OREGON 97801

SCALE:

1"=400

DATE:

NOV. 29, 2020

JOB NO.

2732-86

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

SHEET

1/3

400 0 400 800 1200
SCALE IN FEET - HORZ.

MINTHORN PLANNED UNIT DEVELOPMENT - TENTATIVE PLAN

A PARTITION OF ALLOTMENT NUMBER UM 47-B WHICH IS PARCEL 3 OF THE WHITNEY MINTHORN PLANNED UNIT DEVELOPMENT LOCATED WITHIN THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SECTION 4 IN TOWNSHIP 1 NORTH, RANGE 33 EAST, WILLAMETTE MERIDIAN, UMATILLA INDIAN RESERVATION, UMATILLA COUNTY, OREGON

REGISTERED
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LAND SURVEYOR
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EXPIRES: 12-31-2020
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PARCEL 1 - 965,725 SQ.FT.
22.170 ACRES

PARCEL 1
WHITNEY MINTHORN
PLANNED UNIT DEVELOPMENT
1.70 ACRES
APPROVED 10-16-1998
BIA DOCUMENT 143-9189
ALLOTMENT UM 47-C

SEE
DETAIL A

PARCEL 2
87,121 SQ.FT.
2.000 ACRES

PARCEL 1 - 965,725 SQ.FT.
22.170 ACRES

PARCEL 3
87,121 SQ.FT.
2.000 ACRES

PARCEL 2
WHITNEY MINTHORN
PLANNED UNIT DEVELOPMENT
1.70 ACRES
APPROVED 10-16-1998
BIA DOCUMENT 143-9189
ALLOTMENT UM 47-D

TEMPORARY 20' WIDE INGRESS & EGRESS EASEMENT
CREATED BY THIS PLAT

LEGEND

- FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP FROM FROM WHITNEY MINTHORN PUD FINAL PLAT APPROVED 10-16-1998, UNLESS OTHERWISE NOTED
- X COMPUTED POSITION FROM WHITNEY MINTHORN PUD FINAL PLAT APPROVED 10-16-1998, NOTHING FOUND OR SET
- SET 5/8" X 30" REBAR WITH 1/2" ALUMINUM CAP, MARKED "APA OR 2849 WA 41295", UNLESS NOTED OTHERWISE
- ⊗ FOUND MONUMENT - SEE FOUND MONUMENT REFERENCES FOR DESCRIPTION
- SECTION OR QUARTER SECTION LINE
- ADJACENT PROPERTY LINE
- PARCEL BOUNDARY
- RIGHT OF WAY LINE CL
- RIGHT OF WAY LINE
- EXISTING EASEMENT LINE
- PROPOSED EASEMENT LINE

RECORDING INFORMATION,
UMATILLA COUNTY SURVEY RECORDS

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

**MINTHORN PUD LOCATED IN THE S 1/2, NE 1/4
SEC. 4, T.1N., R.33E., W.M. UMATILLA INDIAN
RESERVATION, UMATILLA CO. OREGON**

CHELSEY MINTHORN

46352 BEST ROAD
PENDLETON, OREGON 97801

SCALE:
1"=100

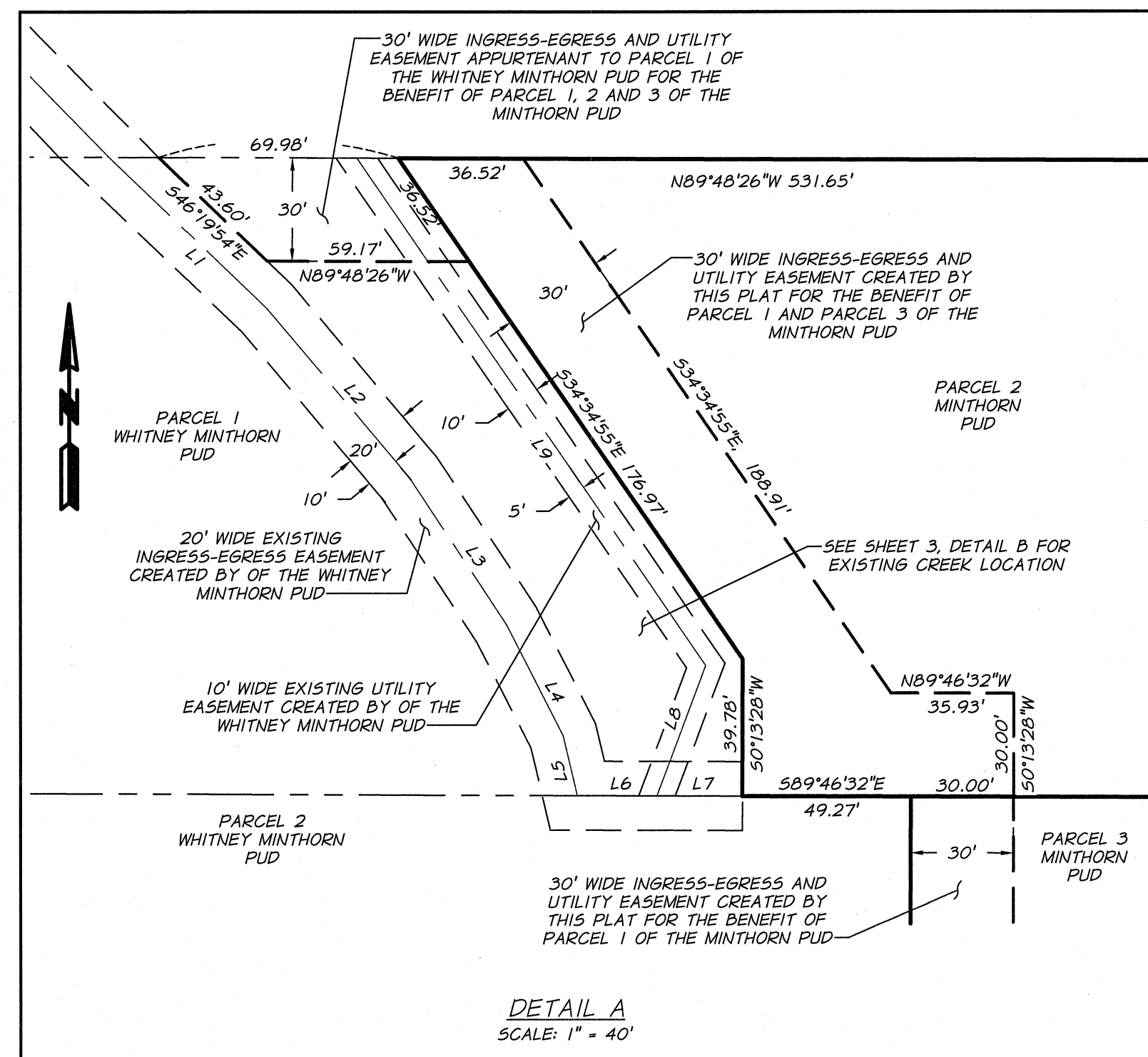
DATE:
NOV. 29, 2020

JOB NO.
2732-86

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

SHEET
2/3

Easement Line Table		
Line #	Length	Direction
L1	63.78	S46°19'54"E
L2	64.29	S40°04'52"E
L3	51.47	S33°36'50"E
L4	36.09	S27°11'28"E
L5	17.87	N13°22'45"W
L6	23.21	S89°46'32"E
L7	24.96	S89°46'32"E
L8	40.35	N20°46'51"E
L9	179.40	N34°34'55"W



DETAIL A
SCALE: 1" = 40'

Exhibit #3
Page 7 of 9

100 0 100 200 300
SCALE IN FEET - HORZ.

PUD-20-001 Public Notice Recipients

Trust & Allotment Recipients

Allotment	Ownership
UM47-A	A
UM47-B	A
UM47-C	A
UM47-D	A
UM51-A	A

Taxlot Recipients

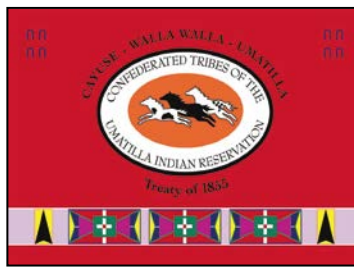
Ownership	Taxlot	Owner
F	1N33000001000	Patrick & Kim Straughan
F	1N33000001300	Mary Ann Hill

Agency Recipients

Contact	Agency	Address
Director	Umatilla County Public Works Department	3920 Westgate Street Pendleton, OR 97801
Operations Manager	Pacific Power	P.O. Box 220 Pendleton, OR 97801

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

Zoning, Development Permits
Environmental Health & Public Transit



46411 Timine Way
Pendleton, OR 97801

www.ctuir.org
Phone 541-276-3099

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

MEMORANDUM

DATE: November 10, 2020
TO: Tribal Staff Review Committee
FROM: Holly Anderson, Associate Planner, Tribal Planning Office
REGARDING: Meeting Wednesday, December 16, 2020, 1:00 pm, via Microsoft Teams

The Tribal Staff Review Committee is scheduled to meet on Wednesday December 16, 2020 at 1:00 pm. to review the following applications:

Planned Unit Development File #PUD-20-001 – Applicants, Chelsey Minthorn and Whitney Minthorn II, 46352 Best Road, Pendleton, OR 97801 seek approval from the Land Protection Planning Commission for a Planned Unit Development of Allotment UM 47-B to create two new housing lots. The subject property is located in NE quarter of Section 4 Township 1N Range 33 E. The property is zoned Ag-1, Exclusive Farm Use. Planned Unit Developments are subject to the CTUIR Land Development Code Chapters 7 and 13.

Land Development Code Amendment #ZC-20-004 – Applicants, Tribal Planning Office, 46411 Timine Way, Pendleton, OR 97801 seek a recommendation from the Land Protection Planning Commission to the CTUIR Board of Trustees to amend the Land Development Code to create a Neighborhood Residential and Neighborhood Services zone. Land Development Code Amendments are subject to the CTUIR Land Development Code Chapters 9 and 13.

A public hearing with the Land Planning Protection Commission is proposed to be scheduled for January 12 at 9 a.m.

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

Each committee member should review the proposals:

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

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

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 321-754-9526,,32572816#](#) United States, Orlando

Phone Conference ID: 325 728 16#

[Find a local number](#) | [Reset PIN](#)

Written comments will be accepted until the end of the day on Monday, December 21, 2020.

From: [Valeri Motanic](#)
To: [Holly Anderson](#)
Subject: Proposed PUD-20-001
Date: Monday, January 11, 2021 11:30:28 AM

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

Hi Holly. Thank you for furnishing my husband Dave Motanic and I with a staff report for the above request by his cousins, Chelsey Minthorn and Whitney Minthorn II. We have reviewed the request, and are pleased to have them as neighbors.

There is one concern we have, however, and that pertains to the condition of our shared 20 ft access easement, particularly at its entrance to Best Road. As you will see from the pictures we've taken, the west side of the easement has eroded due to erosion over time, and particularly from the necessary use of horse trailers and hay trucks associated with the horses maintained currently on the Minthorn property. In addition, the culvert at this entrance is also collapsed in places, making for water runoff difficult. At this time we are not sure how to mitigate these issues, short of some type of mutual road maintenance agreement which perhaps can be addressed at the hearing.

Please feel free to contact us if you have any questions about our concerns. Thank you for the opportunity to comment.

Sincerely,

Valeri and Dave Motanic
UM-47A

Exhibit 4
PUD-20-001