



EXHIBIT SCHEDULE

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

HEARING DATE: September 26, 2023

<u>EXHIBIT</u>	<u>NATURE OF EXHIBIT</u>
<u>1</u>	Twelve (12) Page Staff Report
<u>2</u>	Eleven (11) Page Conditional Use Permit Application & Supplemental Packet
<u>3</u>	Thirteen (13) Page Dissemination Record with TIDT Comments

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

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

SUBJECT: Variance request: Construct Flour Mill Tower 65' in Height

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

NATURE OF THE REQUEST:

Applicant seeks a Variance approval from the LPPC to construct a flour mill building that is 65' 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'. 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 is seeking a lease for the subject property from the CTUIR DECD Realty Program pending approval of this proposal and the proceeding proposed conditional use CU-23-002. The subject property was created by the Coyote Business Park South Subdivision, SUB-07-002.

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

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

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

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

Additionally, Coyote Business Park South - and the subject property by extension - are immediately south of ODOT right-of-way containing Interstate 84 near exit 216. Umatilla County 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 15,000 square foot warehouse and office space. Currently, only 12 grain storage bins are proposed in the initial project scope. The proposed flour mill would be 65' in height, which is taller than the 45' limitation per the LDC Section 3.170(1). 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 Planning Office records, the only permit records related to the subject property is SUB-07-002, the Coyote Business Park South Subdivision.
- 12) **Environmental Review:** A 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.

PROJECT STATEMENT: *(provided by Applicant)*

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

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

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

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

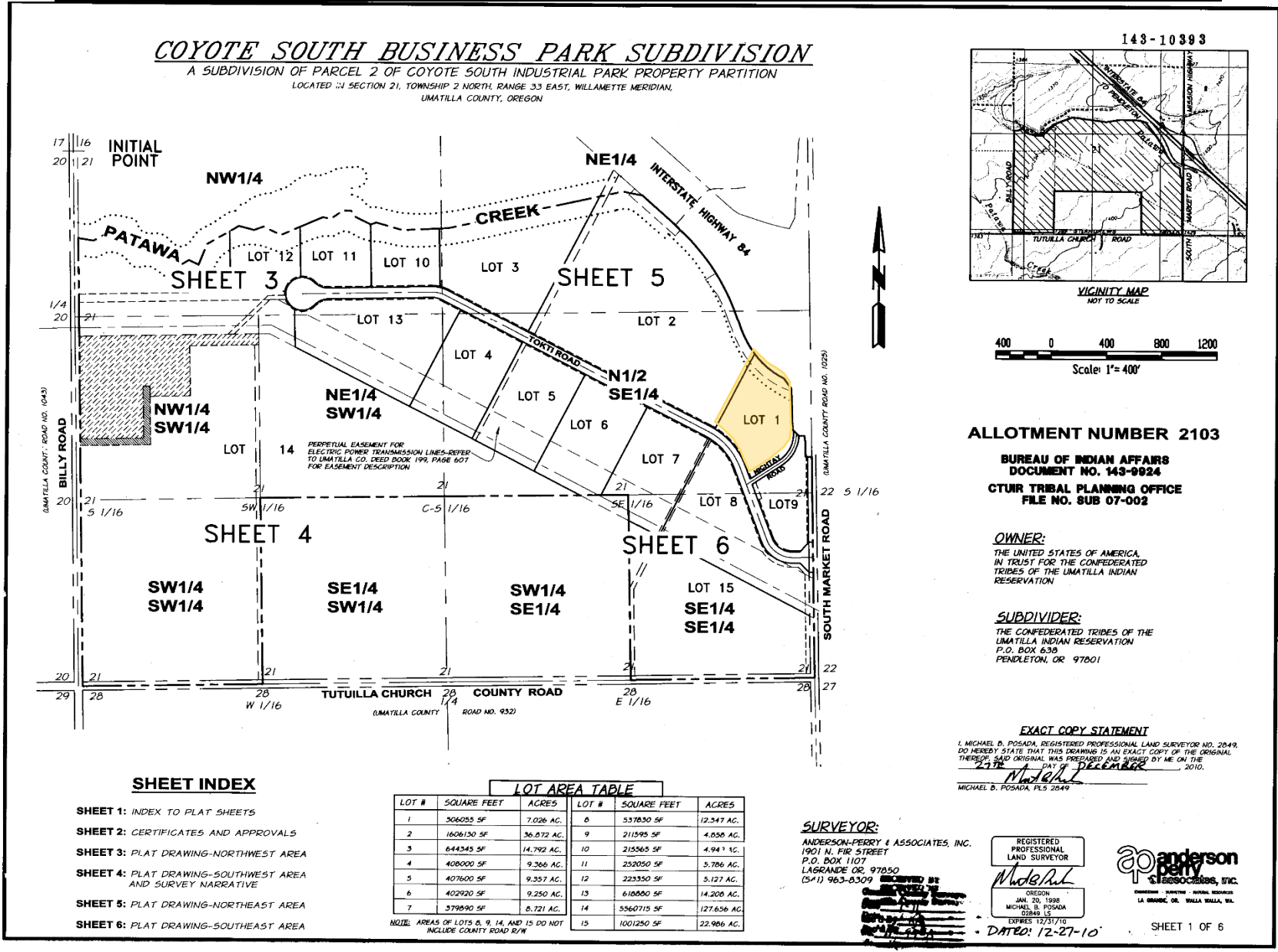


Figure 2: Site and Topography

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

THE CONFEDERATED TRIBES OF THE
UMATILLA INDIAN RESERVATION



Legend

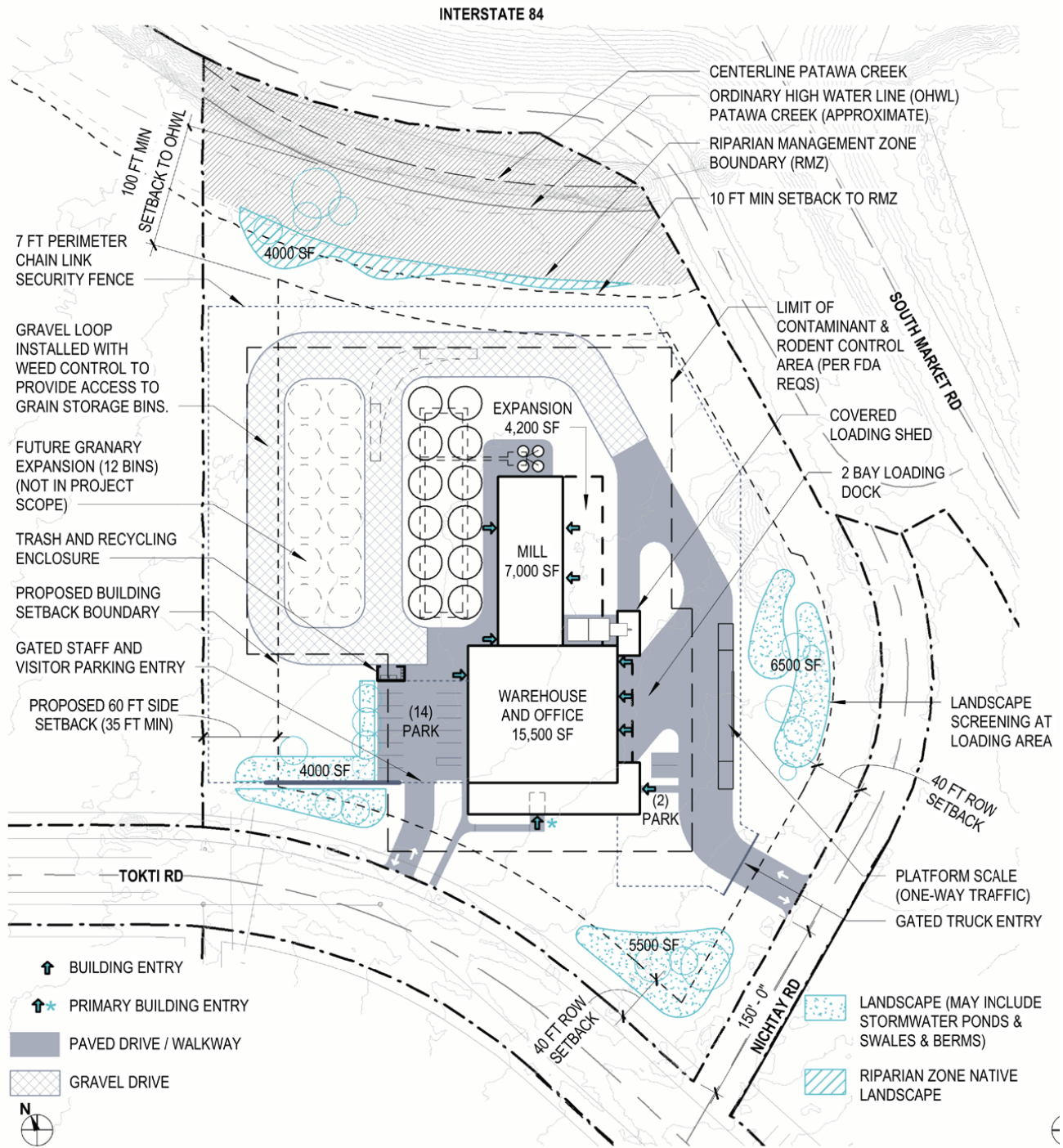
20' Contours



100' Contours



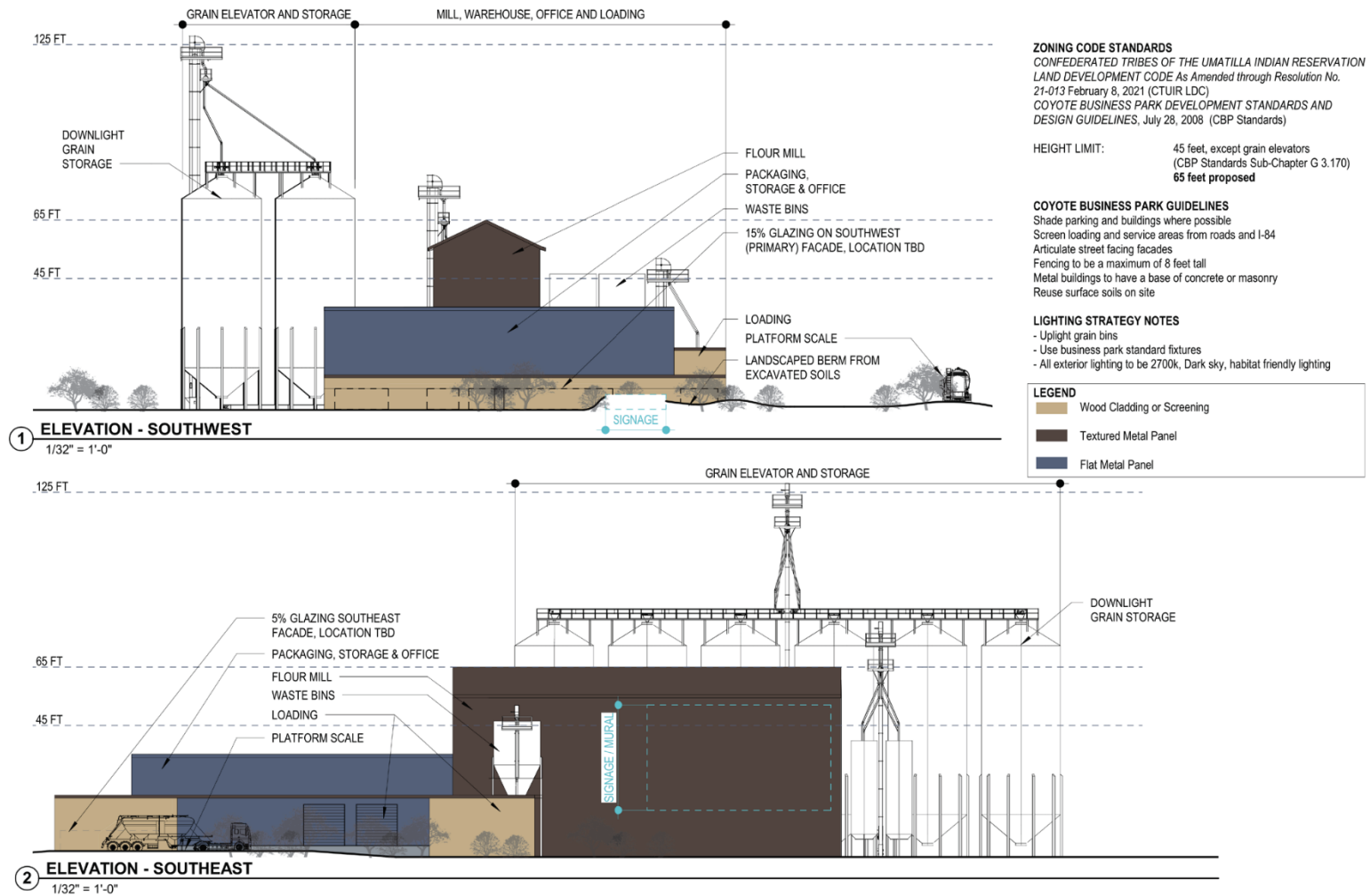
Figure 3: Proposed Preliminary Site Plan from Application



Cairnspring Mill - Site Plan

August 7th, 2023

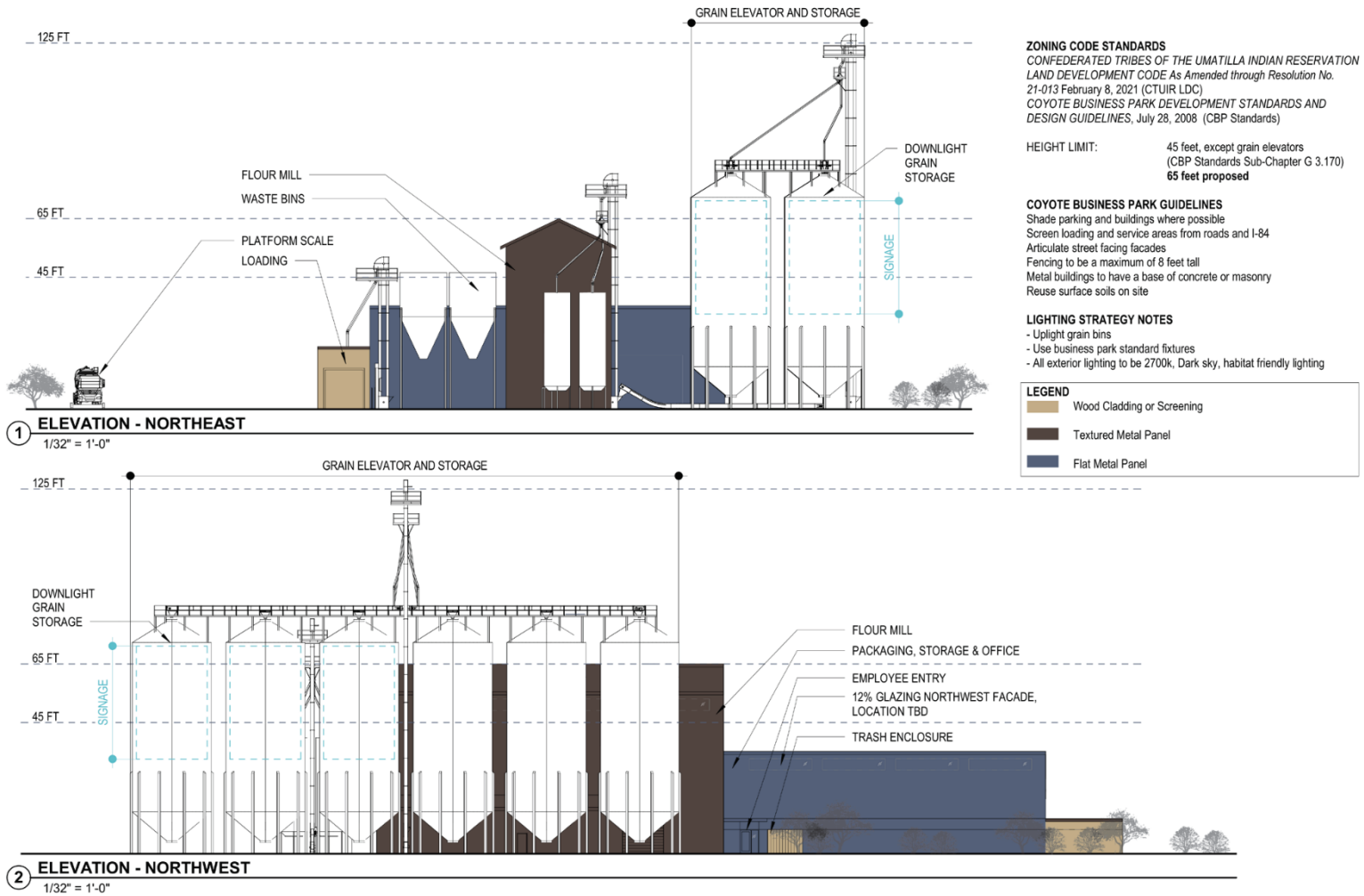
Figure 4: Proposed Preliminary Southwest & Southeast Elevation Diagrams



Cairnspring Mill - Elevations
August 7th, 2023



Figure 5: Proposed Preliminary Northeast and Northwest Elevation Diagrams



Cairnspring Mill - Elevations
August 7th, 2023



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)

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-23-002 on August 10, 2023. A meeting of the TSRC was held August 17, 2023, to review the application. The following comments were received:

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

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

B. 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 which would potentially allow a similar use 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: “The applicant requests a height variance for the mill and associated elements, increasing the allowed 45 feet height in the base zone by 20 feet. The proposed mill building will not exceed 65 feet. The CTUIR LDC exempts grain elevators from a height limitation: the grain elevator and associated elements will not exceed 125 feet.

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 decision CU-23-002. Flour mill buildings require taller towers 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 of the 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 requires this height and have worked to make sure 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 65’ is the shortest height possible to allow the Applicant to construct a production facility that is economically feasible.

CONCLUSIONS:

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

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

DECISION OPTIONS:

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

1. **Approve** the 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 complete a Cultural Resource Survey of the subject parcel and conform to findings from the resulting Cultural Resource Investigation.

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
Tribal Planning Office

**CONDITIONAL USE / VARIANCE APPLICATION
SUPPLEMENTAL SHEET**

DEAR APPLICANT:

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

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

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

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

File #: V-23-002

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

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

CONDITIONAL USE APPLICATION

Fee: \$100.00

Please Print

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

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

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

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

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

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

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

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

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

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

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

I understand that any false statements made on this application may cause subsequent approval by the Natural Resources Commission to be null and void.

I hereby certify that I understand that by signing this permit application, I am giving the CTUIR Tribal Planning Office the authorization to conduct any site inspections necessary in reviewing this application.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED!

Date: August 6, 2023

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

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

TRIBAL PLANNING OFFICE USE ONLY

File #: V-23-002

Date Filed August 7, 2023

Reviewed By: Lora Elliott

Fee Paid: \$100.00

Hearing Date: 9/26/2023 (postponed from 9/12/2023 due to lack of quorum)

NOTE: _____

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

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

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

Variance Decision Criteria (Land Development Code Section 8.015)

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

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

File #: V-23-002

CTUIR Planning Department - Conditional Use Application

Cairnspring Mill

Updated: August 7th, 2023

Proposed Use:

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

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

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

CTUIR Planning Department - Variance

Cairnspring Mill

Updated: August 7th, 2023

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 approximately one acre.*
 - b. *Reference attached exhibit D, page 1, 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: The applicant requests a height variance for the mill and associated elements, increasing the allowed 45 feet height in the base zone by 20 feet. The proposed mill building will not exceed 65 feet. The CTUIR LDC exempts grain elevators from a height limitation: the grain elevator and associated elements will not exceed 125 feet.*
 - 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.

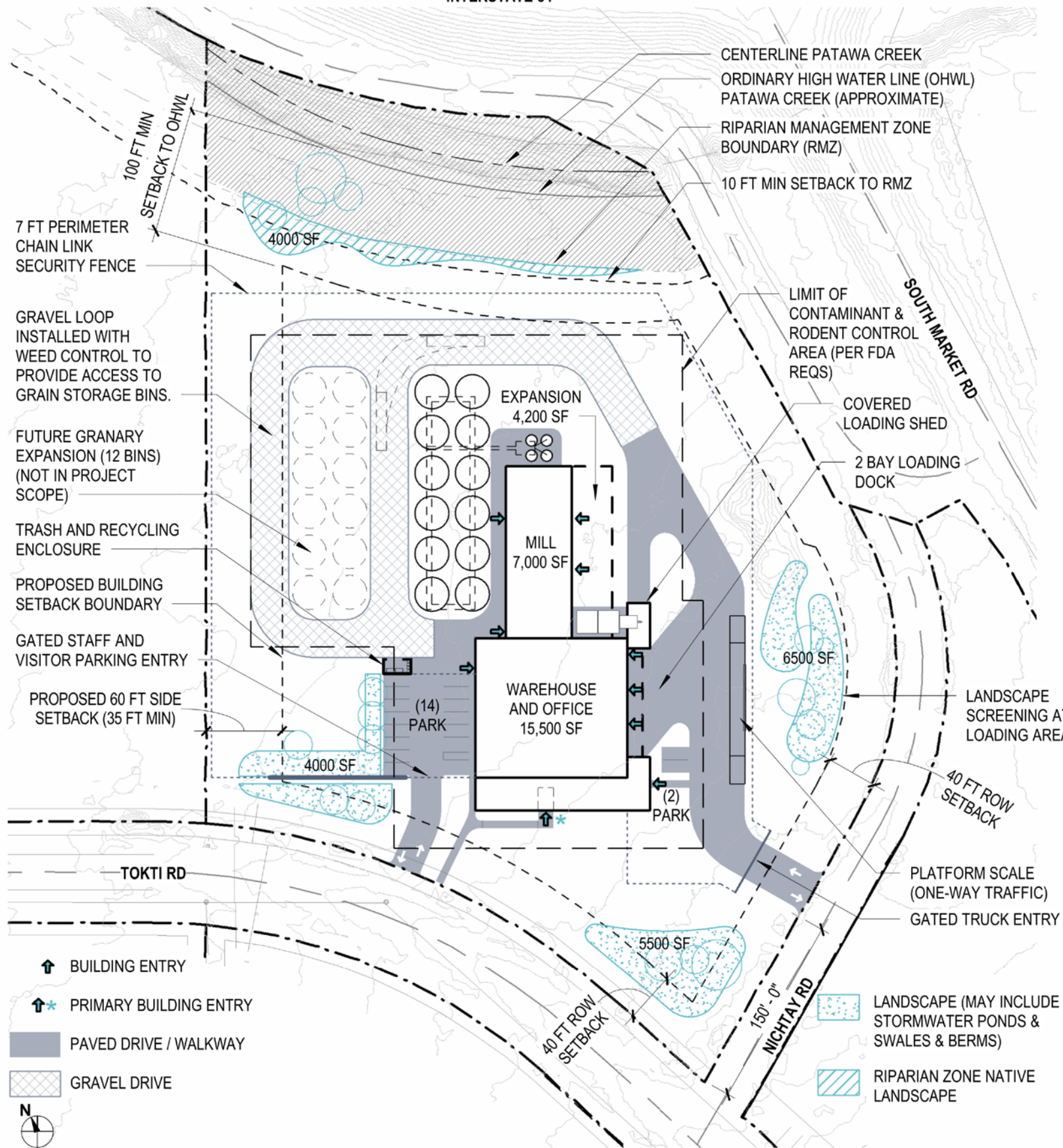
a. Response: The proposed variance for the mill building height would not be detrimental to adjacent properties as setbacks and orientation keep shadows from being cast on neighboring building sites. The proposed plan side setbacks of 60 feet (increased from 35 feet) will help mitigate impacts of increased 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 of the 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 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 D, pages 3-4, 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 requires this height and have worked to make sure 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.



ZONING CODE STANDARDS

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

February 8, 2021 (CTUIR LDC)

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

ACREAGE

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

65' feet proposed, see variance application

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

MINIMUM BUILDING SETBACKS

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

PEDESTRIAN CIRCULATION:

CBP Standards - III.F

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

PARKING

CPB Standards - III.H

INDUSTRIAL MANUFACTURING: 1 space per employee on the two largest working shifts LDC 17.010.1.g
 PROPOSED: 16 SPACES INCLUSIVE OF REQUIRED ADA SPACES

LOADING AND SERVICE AREAS:

CBP Standards - III.I

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

LIGHTING

CBP Standards - III.J

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

TRASH AND OUTDOOR STORAGE:

CPB Standards - III.K

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

STORMWATER DETENTION:

CBP Standards - III.O

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

TOTAL IMPERVIOUS AREA: 70,000 sf
 PROPOSED BUILDING COVERAGE: 30,000 sf (includes grain storage bins and outbuildings)
 PROPOSED IMPERVIOUS HARDSCAPE: 40,000 sf

ADVISORY LANDSCAPE GUIDELINES:

CBP Standards - V

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

Recommended: 30,606 sf

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



PROPERTY INFORMATION

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

ZONING: I-D INDUSTRIAL DEVELOPMENT ZONE

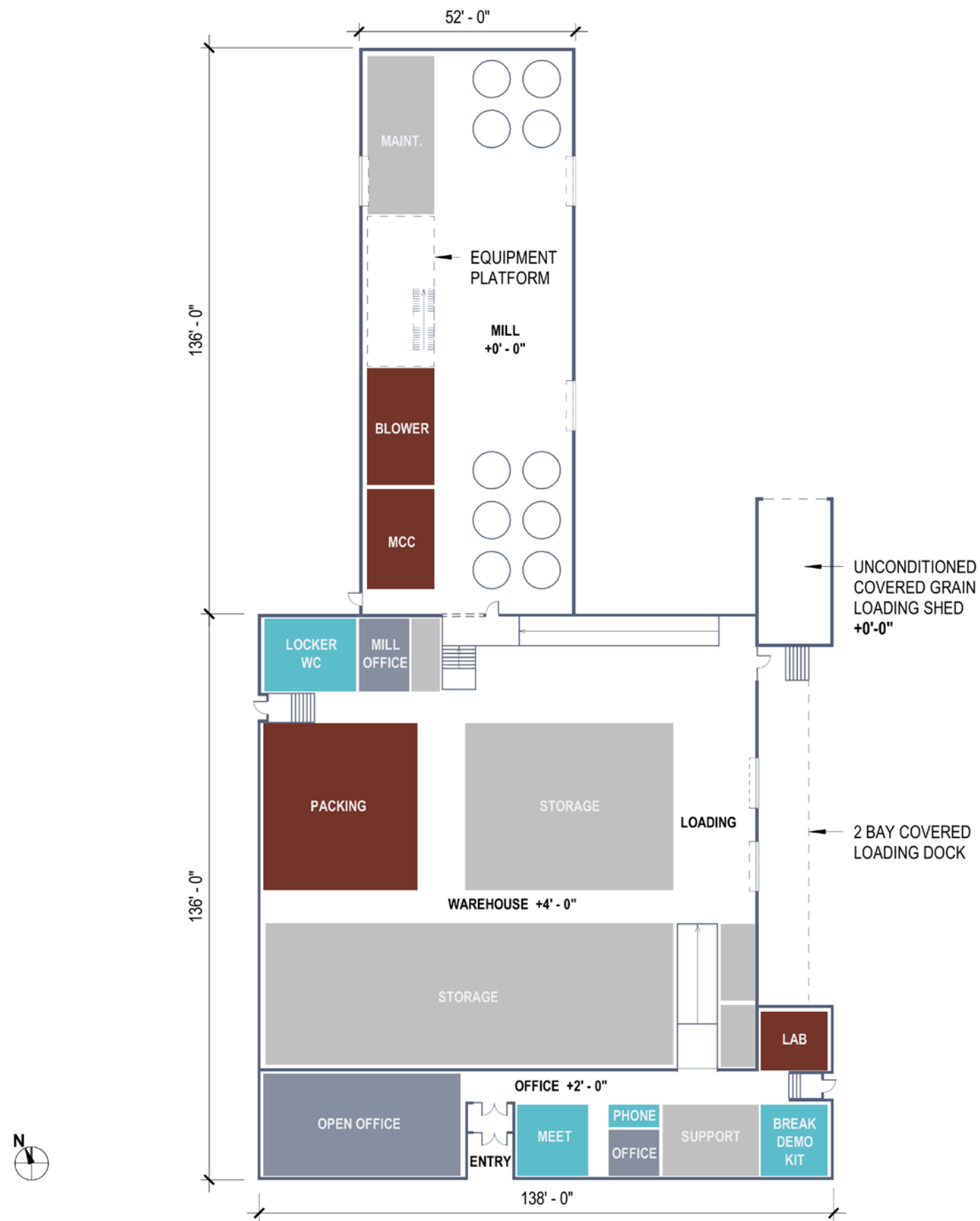
FLOUR MILL AND GRANARY

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

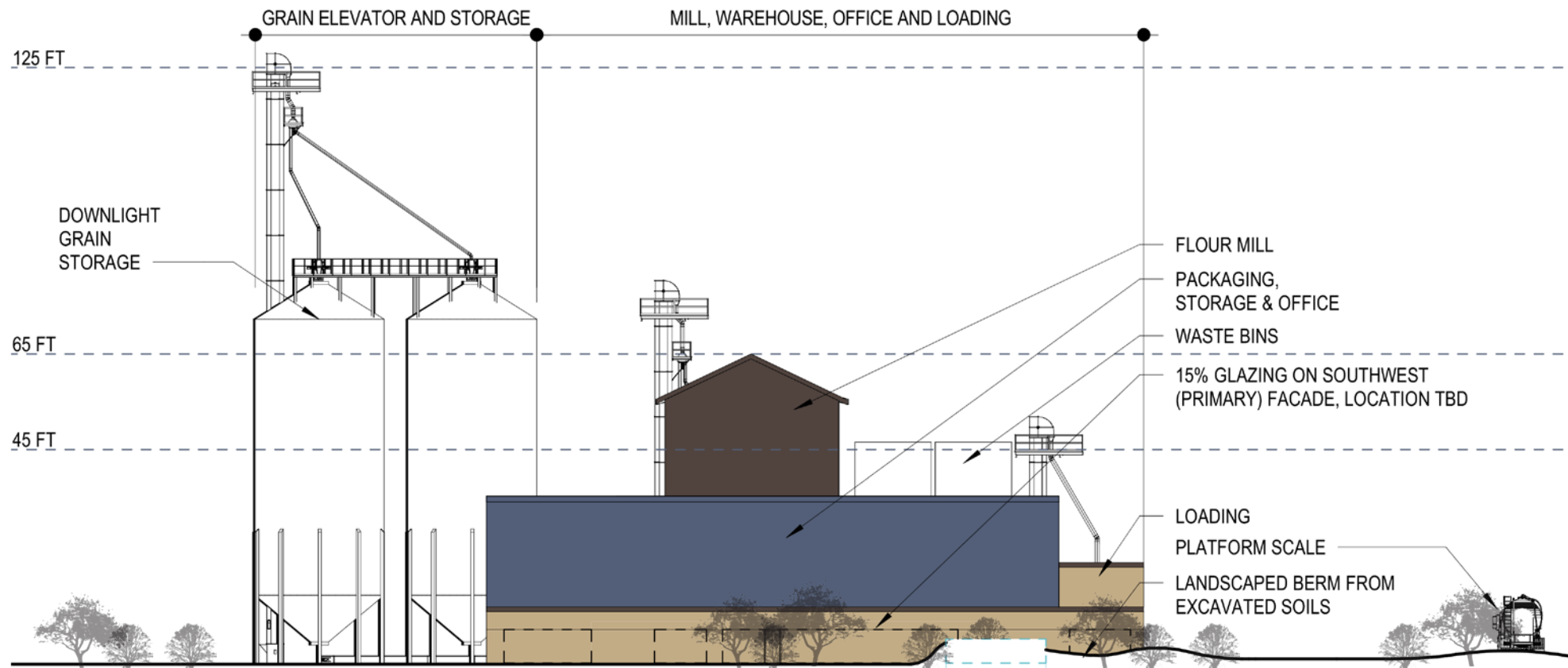
Cairnspring Mill - Site Plan

August 7th, 2023





Cairnspring Mill - Floor Plan
August 7th, 2023



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

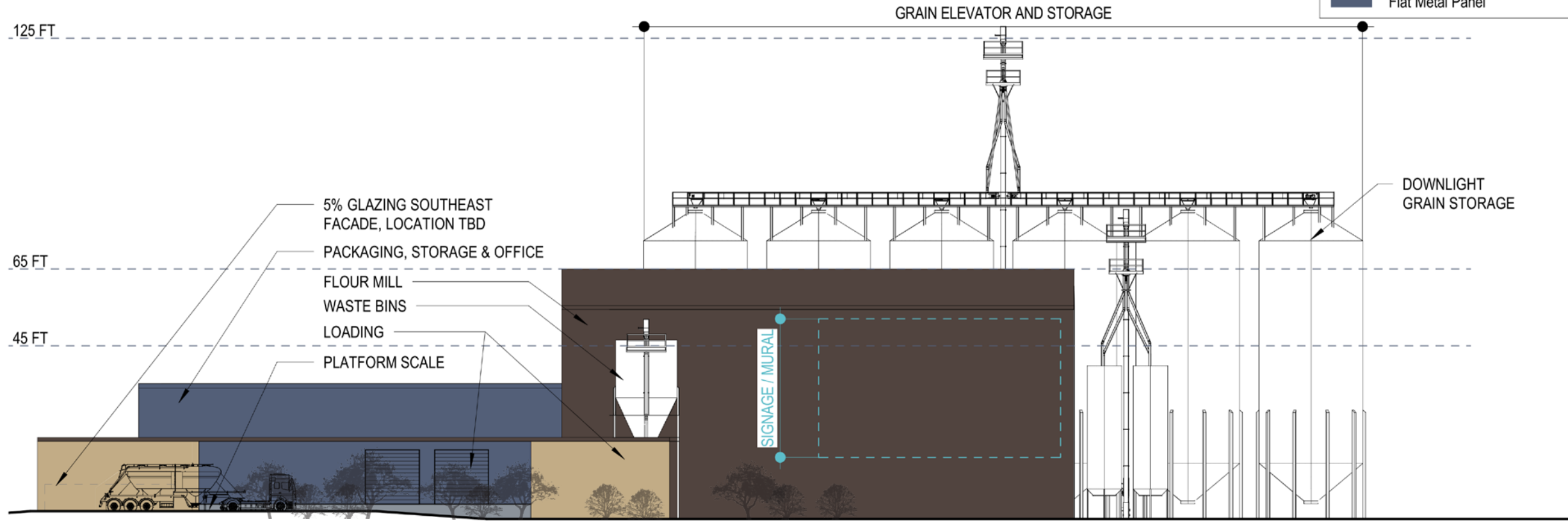
ZONING CODE STANDARDS
 CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
 LAND DEVELOPMENT CODE As Amended through Resolution No.
 21-013 February 8, 2021 (CTUIR LDC)
 COYOTE BUSINESS PARK DEVELOPMENT STANDARDS AND
 DESIGN GUIDELINES, July 28, 2008 (CBP Standards)

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

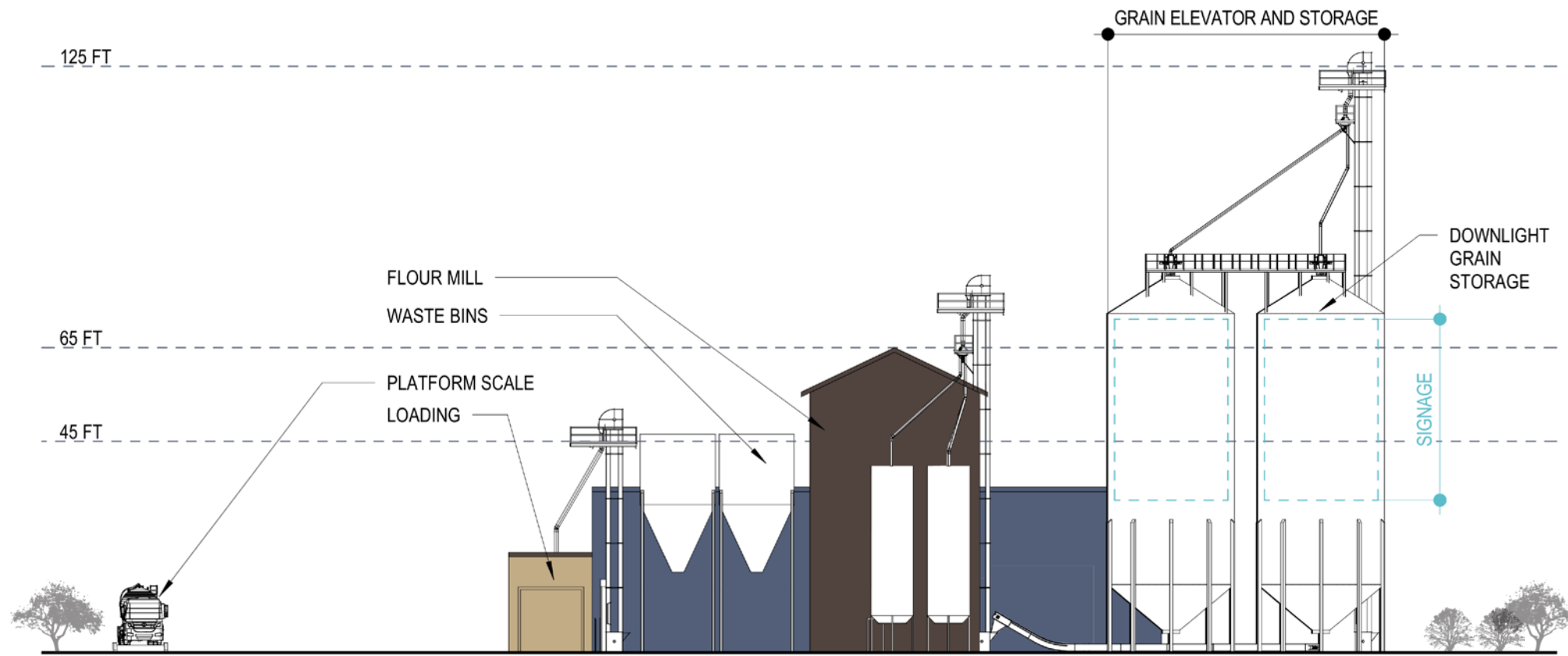
COYOTE BUSINESS PARK GUIDELINES
 Shade parking and buildings where possible
 Screen loading and service areas from roads and I-84
 Articulate street facing facades
 Fencing to be a maximum of 8 feet tall
 Metal buildings to have a base of concrete or masonry
 Reuse surface soils on site

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

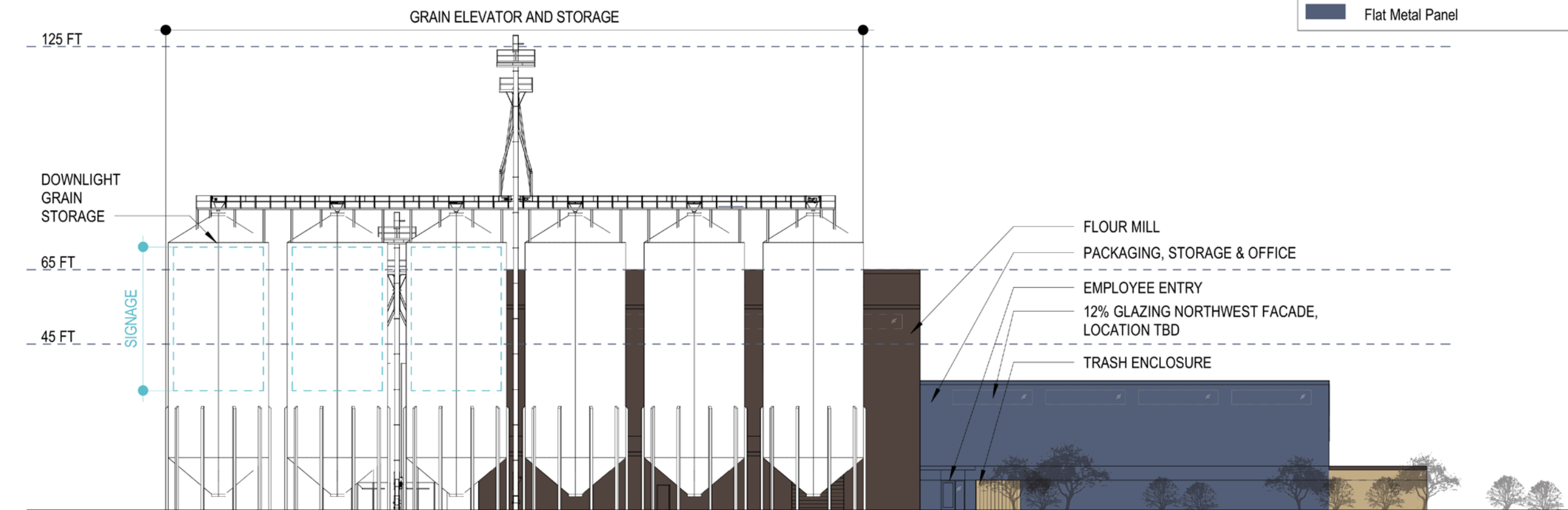
LEGEND	
	Wood Cladding or Screening
	Textured Metal Panel
	Flat Metal Panel



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



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



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

ZONING CODE STANDARDS
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	Textured Metal Panel
	Flat Metal Panel



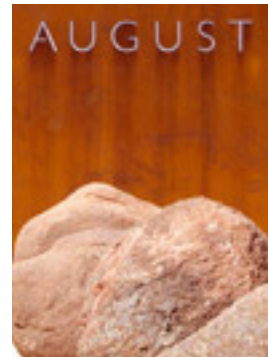
Historic Regional Mills

A New Regional Mill

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

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

Weathered Steel



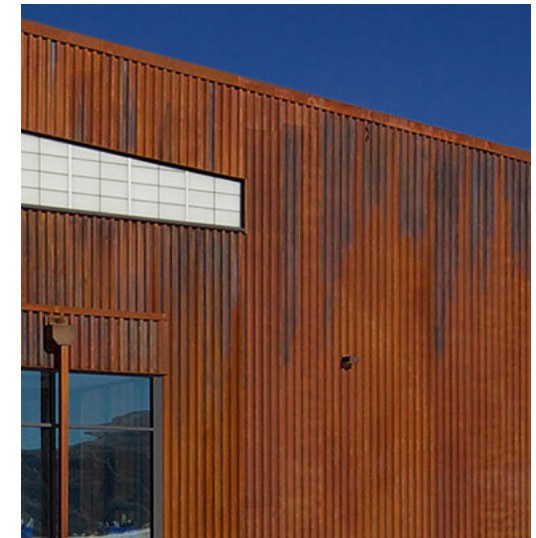
Dark Bronze Aluminum Storefront



Translucent Panel



Weathered Corrugated Steel Panel



Flat Metal Panel



Board Form Concrete

Wood Cladding & Screening

Earth, Sky & Wheat



Cairnspring Mill - Material Palette

August 7th, 2023



PUBLIC HEARING NOTICE DISSEMINATION RECORD

File #: 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: September 26, 2023

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

Posted in six public Places;

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

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

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that the Land Protection Planning Commission (LPPC) of the Confederated Tribes of the Umatilla Indian Reservation will hold the following public hearings:

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

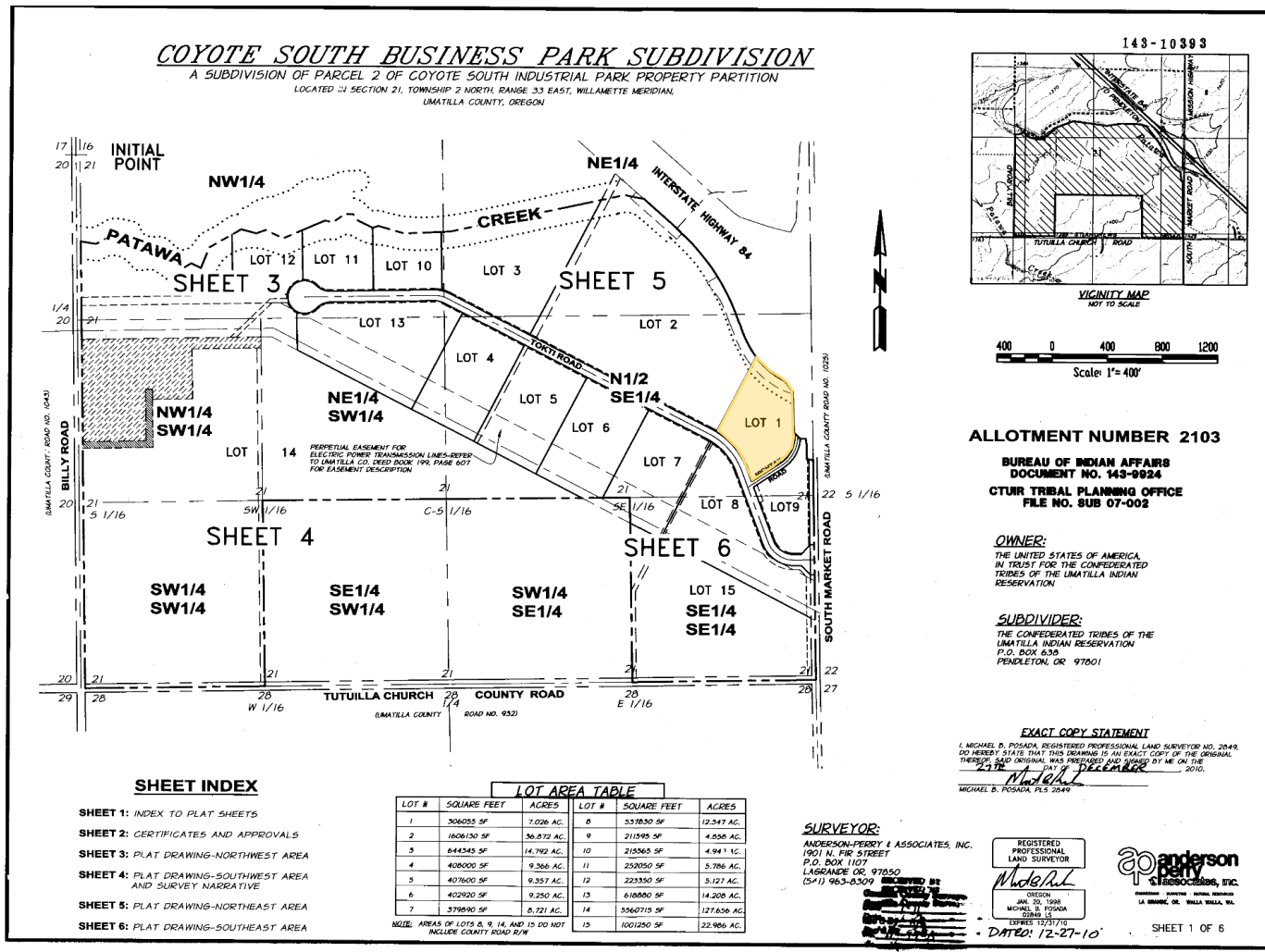
Variance File #V-23-002 – Applicant, Urban Patterns, LLC on behalf of their client Cairnspring Mills, LLC seeks approval from the Land Protection Planning Commission to construct a flour mill tower that is 65 feet in height. The subject property is identified as Lot 1 of the Coyote Business Park South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

These hearings will be held on **Tuesday, September 26, 2023 beginning at 9:00 a.m.** Individuals may attend the meeting in the Walúula and Wanaqit conference rooms at the Nixyáawii Governance Center, virtually, or by phone. Information on joining the meeting online is available at <https://ctuir.org/events/lppc-public-hearing-cu-23-001-v-23-001-tsp-20-year-update-1/>. Participation in the hearing will also be available by phone at 872-242-7793 starting at 9:00 a.m. on the day of the hearing. The conference ID will be 322 646 057#. Staff reports and other materials pertaining to the hearing are available for review at the link above or can be requested from the Tribal Planning Office by calling 541-276-3099.

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

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

Property Owner Notification



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

V-23-002 Public Notice Recipients

Trust & Allotment Recipients

Ownership	Parcel ID
T	T2103-C

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

Taxlot Recipients

None.

Agency Recipients

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

MEMORANDUM

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

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

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

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

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

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 219 388 707 002

Passcode: cFrWrc

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

Or call in (audio only)

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

Phone Conference ID: 429 785 536#

The application and supporting materials for this request are posted on the **Free4all shared Drive** in the **TPO** folder. If you have questions or need further information, please contact Lora Elliott at 541-429-7524.

Each committee member should review the proposals:

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

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

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

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

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

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

Carey

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

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

Good afternoon James & Carey,

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

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

Thanks,

Lora Elliott

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

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.