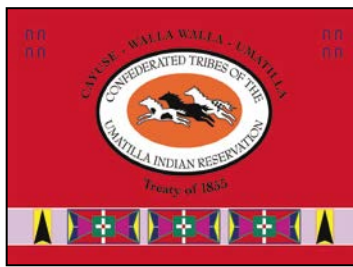


**Confederated Tribes *of the*
Umatilla Indian Reservation**

Natural Resources Commission



46411 Timine Way
Pendleton, OR 97801

www.ctuir.org
Phone 541-276-3099

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

EXHIBIT SCHEDULE

FILE NUMBER: CU-20-003
APPLICANT: CTUIR, Economic and Community Development Program
HEARING DATE: July 28, 2020

<u>EXHIBIT</u>	<u>NATURE OF EXHIBIT</u>
<u>1</u>	Eight (8) Page Staff Report
<u>2</u>	Nine (9) Page Application
<u>3</u>	Eight (8) Page Dissemination Record with TSRC Comments
<u>4</u>	One (1) Page Jones Testimony E-mail

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

To: **Land Protection Planning Commission (LPPC)**
Public Hearing Date: **July 28, 2020**
File No.: **CU-20-003**

SUBJECT: Conditional Use request: manufactured home park

APPLICANT: CTUIR Department of Economic and Community Development

PROPERTY OWNER: CTUIR

NATURE OF THE REQUEST:

Applicant seeks Conditional Use approval from the LPPC to operate a manufactured home park on subject property described below. The CTUIR owns property in fee status previously developed as a mobile home park known as "Lucky 7." This use preexisted the current CTUIR Land Development Code (LDC 1983) and is therefore a non conforming use. The applicant seeks to redevelop (alter) the non-conforming use, listed as a conditional use in the R-1 (Rural Residential) Zone. Manufactured home park is listed as a conditional use (LDC§3.135) in the R-1 Zone subject to approval criteria in CTUIR LDC Sections 6.015 and 17.005(10).

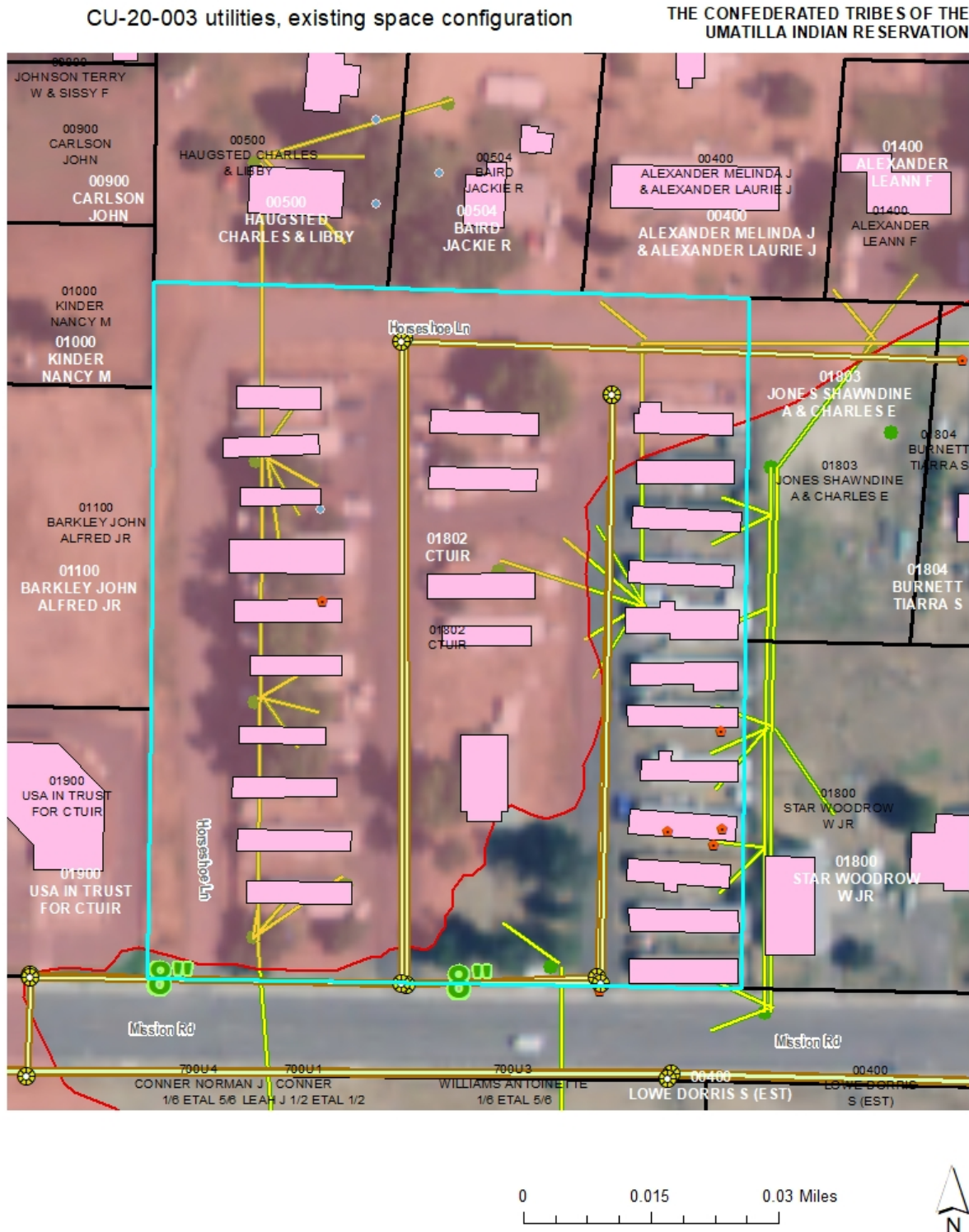
Proposal includes removing existing single-wide manufactured homes and reduce the number of units from 27 to 18 and reconfigure spaces. New manufactured homes to be 2-3 bedroom single-wide on foundations with angled spaces. CTUIR Housing Department is working with existing residents with phasing and relocation.

BASIC FACTS:

- 1) ***Subject Property/Ownership:*** Tax Lot 1802 on Umatilla County Tax Map 2N3310BC. Purchased by CTUIR in 1992, County Assessor records show the property is owned by: CTUIR, 46411 Timíne Way, Pendleton, OR 97801 in fee.
- 2) ***Zoning:*** The R-1, Rural Residential Zone is intended to promote areas for medium density suburban residential development in close proximity to necessary public utilities (water, sewer, electricity, natural gas, telephone, etc.)
- 3) ***Current Use:*** Lucky 7 manufactured home park with 27 spaces, single-wide.
- 4) ***Surrounding Land Uses:*** Commercial, Mission Market adjacent to west with residential north and east.
- 5) ***Utilities:*** Pacific Power provides existing electrical service. Subject property is within the CTUIR water/sewer service area and is served by the community system.
- 6) ***Legal Access:*** Direct access to Mission Road, a two-lane paved County Road No. 900 under the jurisdiction of the Umatilla County Road Department.
- 7) ***Topography and Other Site Information:*** The subject property is generally described as flat. Approximately 2/3 of the northwestern portion of the subject property is within the 500-year floodplain as described on the CTUIR-adopted Flood Insurance Rate Map: Panel 41059C1041G (9/3/2010). The property is **not** located within the Flood Hazard Overlay Zone where development restrictions apply.

A 60-foot ingress/egress/utility easement (Horseshoe Lane) parallels the western and northern property line. Although a public road maintained by the CTUIR Public Works Department and listed on the Bureau of Indian Affairs Tribal Roads Program Inventory,

- 8) Department of Agriculture Soil Survey lists the subject properties as containing 100% soil type 109A, Veazie Silt loam having 0-3% slope.



9) **Project Statement:** *(Provided by the applicant)*

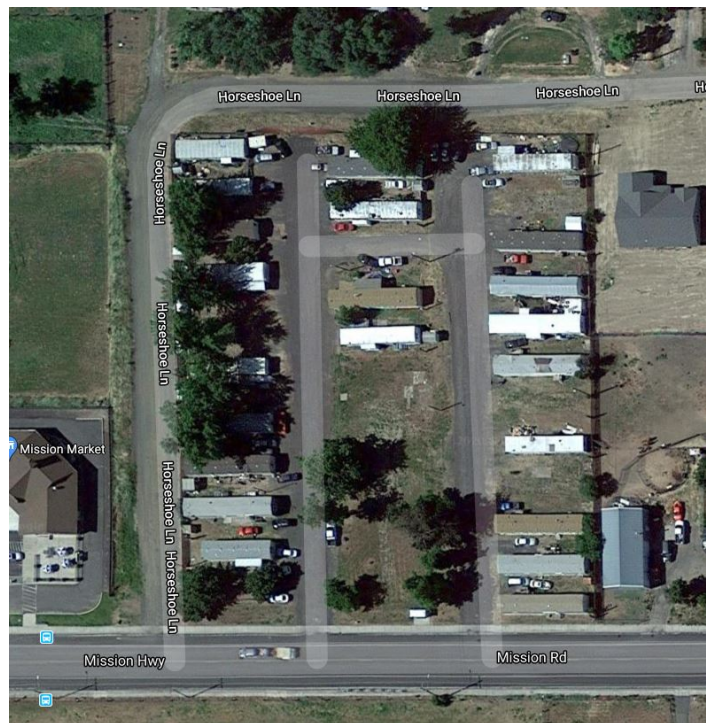
Following the February 2020 flooding, the CTUIR Housing project team reconfigured the priority of its housing development projects to focus on the Lucky 7 project as the highest priority in order to provide housing options for those affected by the flooding, both residents on the Reservation and elsewhere in Umatilla County.

Lucky 7 is an existing manufactured home park on the Reservation near the “Four Corners” intersection of Mission Highway and State Route 331. The park is currently owned and operated by CTUIR, with a mix of owner-occupied and rental units. Though the property received utility (sanitary sewer and water main line) upgrades in 1996, most of the units are older manufactured models that are reaching end of life and not energy efficient. At its peak, Lucky 7 accommodated 27 units in a tight configuration. CTUIR has removed and decommissioned obsolete rental units on a case-by-case basis over the years. Currently there are 17 units remaining.

The proposed Lucky 7 project is to remove and decommission all remaining units, modify the site layout, utilities, and landscaping for more generous spacing and privacy between units, and purchase and install 18 new manufactured homes on foundations. These units will accommodate both current Lucky 7 residents and new residents.

Because the units will be rented and managed by the CTUIR Housing Department, the construction of units will be of a higher quality to reduce long-term maintenance costs.

All new Lucky 7 units would be approximately 1,000-1,400 SF, have 2 or 3 bedrooms, and be built to universal design standards to accommodate any tenant – from elders, to families, to people with disabilities.



Lucky 7 – Current aerial view

(10) Permitting History: According to Planning Department records various Development Permits have been issued over the years for replacement homes, to demolish a single family dwelling (from center of property) and minor electrical repairs.

APPLICABLE POLICIES AND CODES:

I. CTUIR Comprehensive Plan; Resolution No. 18-090 (November 26, 2018); applicable Objectives

Chapter 5, Plan Elements: Goals & Objectives:

Section 5.1 Organizational Excellence

3. Practice the highest level of communication and public relations not only within the organization and community but also with other businesses and government partners to create a sense of loyalty and respect;

Section 5.2 Economy

5. Plan for long-term economic security in the face of changing global environmental and economic conditions.
6. Implement the CTUIR Overall Economic Development Plan goals, objectives and policies in economic and employment decision making.

Section 5.3 Land Base Restoration

3. Manage tribally owned lands to assure the highest and best use for tribal members consistent with their inherent capabilities

Section 5.9 Housing

1. Expand the number of all types of housing units on the Reservation for Tribal members at all income levels;

Section 5.12 Community Facilities

1. Assure that community facilities, both the structure and its location, are designed and maintained to meet the long-term needs of the community in a safe, sanitary and resource-efficient manner.

Section 5.15 Energy

2. Develop strategies to protect the CTUIR and its Tribal members from rising energy costs through conservation and development of reliable and affordable energy supplies;
6. Encourage energy efficient building practices;
8. Utilize all available energy programs that provide incentives for energy efficiency and funding for renewable energy development;

II. Land Development Code; adopted by CTUIR Board of Trustees Resolution #83-74 on August 24, 1983 and as amended through Resolution #17-054 on July 24, 2017.

Chapter 1, Section 1.020 – Purpose;

Chapter 3, Sub-chapter A; R-1, Rural Residential;

Chapter 6, Conditional Uses;

Chapter 13, Hearings;

Chapter 17, Section 17.005 #11. Provisions Applying to Special Uses; Manufactured Home Park.

#12. Manufactured Home Standards

III. CTUIR Historic Preservation Code; adopted by CTUIR Board of Trustees Resolution #16-003 on January 25, 2016.

Chapter 5, Cultural Resources Review of Tribally Permitted or Reviewed Projects

Chapter 7, Prohibited Effects to Cultural Resources

IV. Mission Community Plan; adopted by CTUIR Board of Trustees Resolution No. 98-30 on June 17, 1998, amended Resolution No. 08-025 on March 31, 2008.

III.C.4. Community Plan Elements, Land Use Element, Community Residential Lands Policy

11. Redevelop the Lucky Seven Trailer Park to create a modern mobile home park with improved infrastructure and amenities.

III.D.1 Tribal Services Element, Water and Sewer Service Area Policy

1. All new developments within the Tribe's Water and Sewer Service Area must be connected to the water and sewer system.

STAFF FINDINGS:

1. **Tribal Staff Review Committee (TSRC):** Members of the Tribal Staff Review Committee received a copy of the application packet for CU-20-003 on June 29, 2020. A meeting of the TSRC was held July 2, 2020, to review the application. The following comments were received:

Dept. of Natural Resources, Cultural Resources Protection Program, Tribal Historic Preservation Officer:

Tax Lot 1802, also known as Lucky 7 manufactured home park, has never been systematically surveyed or tested for cultural resources. The area lies within historic property of religious and cultural significance Nixyáawii, home to the Nixyáawiipu Cayuse Band. As the proposed conditional use is to allow for the residences currently located in on this tax lot, this use is consistent with use in Nixyáawii. If improvements are planned to this tax lot, cultural resource fieldwork will be required.

No other written or verbal comments were received from Committee members on or before the deadline date of July 10, 2020 to be included in these Findings.

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

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.

Applicant statement:

- a. Location: The current land use of the property is Manufactured Home Park, however it is a non-forming use that predates the establishment of the CTUIR Land Development Code. So there is no change of location or change of use at this location.
- b. Size: The number of units will be reduced from 27 to 18 units. This will reduce of coverage and density. The scale of the proposed individual units will be approximately the same as the current units, but will be on foundations so they will be lower profile and more accessible.
- c. Design: The arrangement of the new units will be such that each will have more property per unit as well as common space. This will improve the value of the appearance and livability of the neighborhood.
- d. The proposed redevelopment of the property will be replacing the existing units with more modern units with better energy efficiency.

Finding: The proposed use would have minimal adverse impact on permissible development and property value of surrounding lands due to no change in use and positive impact to property value and livability of the community. The purpose of the R-1 zoning is to promote areas for medium density suburban residential development in close proximity to necessary public utilities (water, sewer, electricity, natural gas, telephone, etc.). The redevelopment is currently served by and will continue to be connected to the CTUIR community water and sewer system.

2. That the site planning of the proposed use will, as far as reasonably possible, provide an aesthetically pleasing and functional environment to the highest degree consistent with the nature of the use and the given setting.

Applicant Statement: The arrangement of the proposed units will be improved to provide better and safer vehicular access to the individual units. The new units will be more attractive and have elements that have them appear more like traditional homes.

Finding: The applicant has provided a conceptual site plan (figure page 3 and attached Exhibit 2) showing the reduced number of spaces and reconfiguration more consistent with the nature of the use and setting. Development permits for this use and future structural development (electrical, plumbing, structural, sanitation, signage) are required.

3. If the use is permitted outright in another zone, that there is substantial reason for locating the use in an area where it is only conditionally allowed, as opposed to an area where it is permitted outright.

Applicant Statement: *Manufactured Home Parks are only Conditional Uses in certain zones and is not permitted outright in any zones.*

Finding: Not applicable. Manufactured Home Parks are not permitted outright in any zones.

4. *That the proposed use will be consistent with the purposes of this Code, the Comprehensive Plan, and any other statutes, codes or policies that may be applicable, and will support rather than interfere with the uses permitted outright in the zone in which it is located.*

Applicant Statement:

a. Land Development Code: The project will be a reduction of the preexisting non-conformity on this property. No other modifications such as variances, will be required for the completion of the project.

Finding: The general purpose of the LDC is to protect the physical character of the Reservation; to insure, conserve and enhance vegetation, soils, air, water, fish, wildlife and other natural and cultural resources of the Reservation. The LDC contains specific standards that also apply to the proposed use, reviewed below: (LDC Sections *italicized*, Findings plain text)

SECTION 5.040 NON-CONFORMING USES OF STRUCTURE AND LAND:

If a lawful structure and land in combination exists at the effective date of Adoption or Amendment of this Code that could not be built under the terms of this Code, it may remain so long as it is otherwise lawful and subject to the procedures:

1. *A non-conforming use of land structures shall not be altered, enlarged, extended, constructed, reconstructed, moved or substantially altered in any way except to change use of the structure to a use permitted in zone in which it is located.*

Finding: Planning Department records and CTUIR ownership records indicate at time of purchase, 1992, the subject property had history of zoning violation with no formal establishment and approval of its use as a mobile home park. Applicant seeks to correct this pre-existing non-conforming use status to a conforming use.

CHAPTER 17. PROVISIONS APPLYING TO SPECIAL USES

SECTION 17.005 SPECIAL USES:

1. *Manufactured Home Park:*

- a) *The minimum area for a manufactured home park shall be 3 acres.*
- b) *The average area of manufactured home sites within the manufactured home park shall not be less than 4,000 square feet, excluding roadways, recreations areas, and other accessory facilities. No manufactured home site shall have an area less than 2,000 square feet.*
- c) *A sight obscuring fence or hedge not less than 6 feet high shall enclose the manufactured home park except at points of entry and exit.*
- d) *Two parking spaces shall be provided for each manufactured home site. In addition, guest parking spaces shall be provided in every manufactured home park within 200 feet of the manufactured home sites served, at a ratio of one parking space for each two manufactured home sites.*

- e) *Development of a manufactured home park shall meet with all the specifications of the Oregon State Department of Commerce.*
- 2. *Manufactured Home Standards: Manufactured homes permitted outright on individual lots, manufactured home parks, Subdivisions or Planned Unit Developments shall meet the following minimum requirements:*
 - a) *Insignia of Compliance: The manufactured home shall conform to the current Oregon State electrical, plumbing, heating, structural codes whose conformance shall be signified by the display of the "Insignia of Compliance" of the State of Oregon, pursuant to and prescribed under applicable State statutes ORS 446.002 and ORS 446.200 and all subsequent amendments thereto.*
 - b) *Skirting: The unit shall have continuous skirting of non-decaying, non-corroding, rodent-proof material. Skirting shall be vented. An 18 x 24 inch access shall be provided in the skirting. Skirting shall be installed within 60 days of the date of issuance of the Development Permit.*
 - c) *Storage and Accessory Requirements: Each manufactured home shall be provided with an accessory building which encloses a minimum of 70 (7 x 10) square feet for accessory storage building and if greater than 120 square feet in are shall be constructed to the International Building Code standards. Construction of required storage building shall be completed within 60 days of the date of issuance of the Development Permit.*
 - d) *Permits: A Development Permit shall be obtained from the Tribal Planning Office prior to the moving and locating of any manufactured home on any tract of land.*

b. Comprehensive Plan:

- i. Housing Element; Objective 1: Expand the number of types of housing units on the Reservation for Tribal Members at all income levels.

The purpose of Lucky 7 will be to provide housing options in the 50% - 80% of median household income which satisfies the housing needs for those that fit between the low income housing option through the Tribal Housing Department, and full market rate homes.

- ii. Community Facilities; Objective 1: Assure that community facilities, both the structure and its location, are designed and maintained to meet the long-term needs of the community in a safe, sanitary, and resource-efficient manner.

The location of Lucky 7 is currently served by the CTUIR community water and sewer, so it is resource efficient. There will be no known anticipated negative impacts on the roads, water, sewers, public transportation.

Finding: The 2010 CTUIR Comprehensive Plan (2018 updated) was reviewed with a determination that the proposed use would not appear to conflict with applicable Goals and Objectives.

c. Mission Community Plan;

III.C.4. Community Plan Elements, Land Use Element, Community Residential Lands Policy

- 11. Redevelop the Lucky Seven Trailer Park to create a modern mobile home park with improved infrastructure and amenities.

III.D.1 Tribal Services Element, Water and Sewer Service Area Policy

- 2. All new developments within the Tribe's Water and Sewer Service Area must be connected to the water and sewer system.

Finding: The redevelopment of Lucky 7 was identified as a policy in the 1989 Plan. Therefore, the proposed use is consistent with this adopted Plan.

d. CTUIR Historic Preservation Code

Tax Lot 1802, also known as Lucky 7 manufactured home park, has never been systematically surveyed or tested for cultural resources. The area lies within historic property of religious and cultural significance *Nixyáawii*, home to the *Nixyáawiipu* Cayuse Band. As the proposed conditional use is to allow for the residences currently located in on this tax lot, this use is consistent with use in *Nixyáawii*. If improvements are planned to this tax lot, cultural resource fieldwork will be required.

CONCLUSIONS:

- 1) The location, size, design, and operation 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.
- 2) The subject property is located within the Mission Community Plan area containing a mixture of residential and commercial uses. The proposed use would have minimal adverse impact on permissible development and property value of surrounding lands due to no change in use and positive impact to property value and livability of the community.
- 3) The proposed use of the subject property and its redevelopment has been identified in the CTUIR adopted Mission Community Plan (1998).
- 4) The proposed use could comply with CTUIR Land Development Code and Historic Preservation Code if the applicant meets conditions of approval listed in Staff Recommendation section below.

DECISION OPTIONS:

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

1. Approve the Conditional Use request without conditions;
2. Approve the Conditional Use request with conditions;
3. Deny the Conditional Use request;
4. Recess the hearing until a specified time, date, and place; pending further testimony or information;
5. Table the decision until a subsequent Land Protection Planning Commission meeting.

STAFF RECOMMENDATION:

Based on the preceding facts, findings and conclusions, staff recommends approval subject to the following conditions:

1. Applicant obtain a cultural resources survey of the subject property and provide documentation of approval from CTUIR Tribal Historic Preservation Office for compliance with the CTUIR Historic Preservation Code.
2. Applicant provide a detailed site plan for the placement of the new modular units demonstrating setbacks to property line and road easements with water and sewer connections prior to issuance of Development Permits.

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 you 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 #: _____

Exhibit # 2
Page 1 of 9

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: William D. Tracy
Address: 46411 Timine Way, Pendleton, Oregon 97801 Phone: (541) 729-7487

Lot Owner's Name: CTUIR
Address: 46411 Timine Way, Pendleton, Oregon 97801 Phone: (541) 276-3165

Property Description: Lucky 7 Section 10 Township 2N Range 33E
Tax Lot ~~64~~ Allotment (): 01802 Present Zone: _____ Total Acreage: 3.5

Legal Access: off Mission Road / Mission Highway

Present Use of Property (Description, including any existing structures and the current use): 27 unit Mobile Home Park

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: 6/22/20 Applicant: CTUIR
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 #: _____

Exhibit # 2

Page 2 of 9

Date Filed _____ Reviewed By: _____
Fee Paid: _____ Hearing Date: _____

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 #: _____

Exhibit # 2

Page 3 of 9

Made by: CTUIR | Land Acquisition
 Lucky 7 Property, Taxlot 01802
 Township 2 North, Range 33 East, Section 10

0 0.03 0.06 0.12 Miles



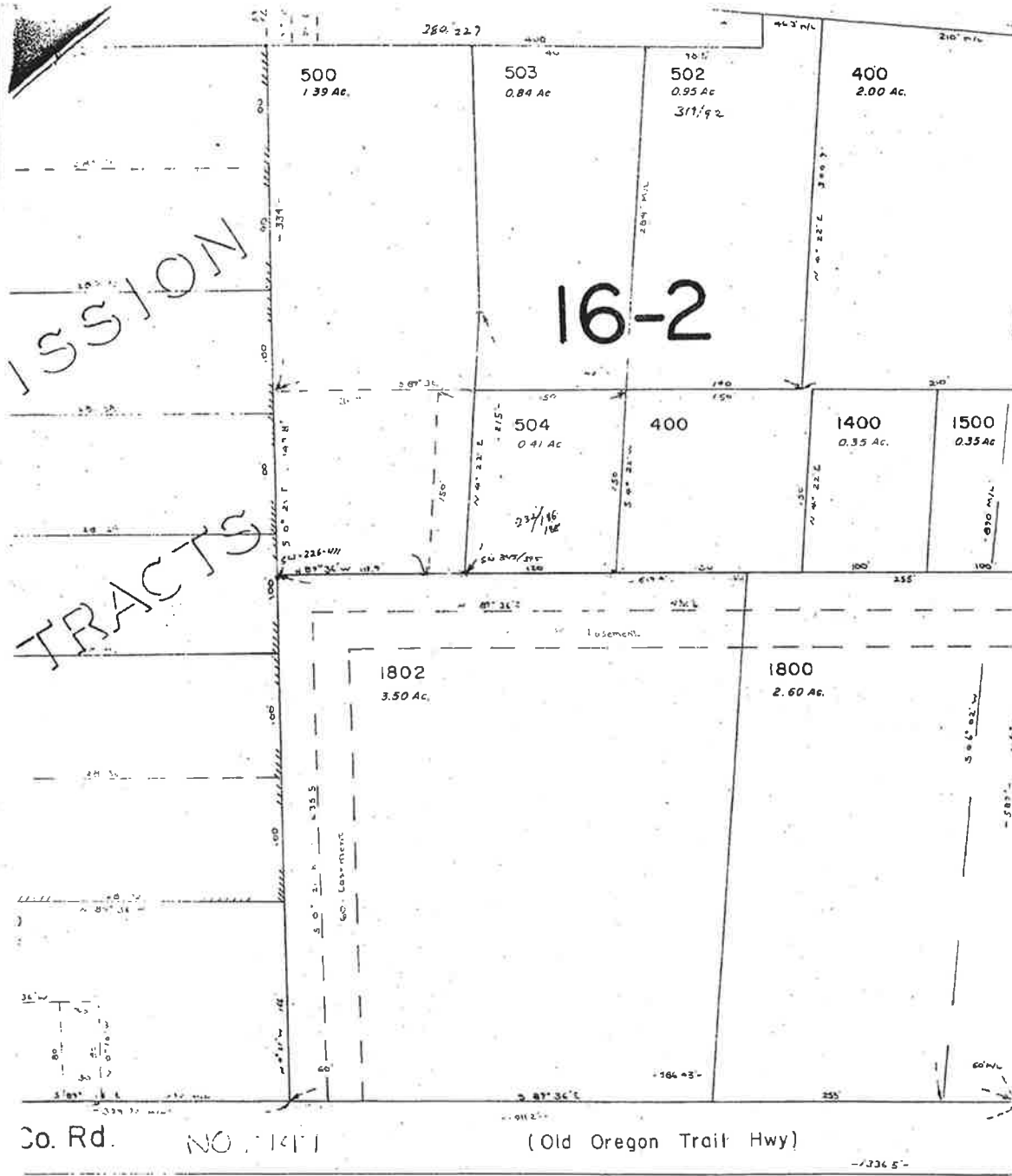


Exhibit # 2

Page 5 of 9

KNOW ALL MEN BY THESE PRESENTS, That VIRGIL O. JORDAN AND LEVETA E. JORDAN

in consideration of ONE HUNDRED SIXTY FIVE THOUSAND NO/100---(\$165,000.00)-----, Grantor s
to them paid by the Grantee herein, do hereby grant, bargain, sell and convey unto
CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

Grantee the following described real property, situate in the County of UMATILLA and
State of Oregon, to wit:

AS PER EXHIBIT "A" ATTACHED HERETO AND MADE PART HEREOF.
MAP NUMBER: 2N 33 10 B C 1802 (16-02)

HOMESTEAD TITLE 23052P

To Have and to Hold the granted premises unto the said Grantee its Heirs and Assigns forever.
And the Grantors do covenant that they are lawfully seized in fee simple of the above granted
premises free from all encumbrances, SUBJECT EASEMENT FOR ROADWAY DISCLOSED IN DEED RECORDED
AUGUST 23, 1965 IN BOOK 281, PAGE 191, DEED RECORDS OVER THE NORTHERLY AND WESTERLY
PORTION OF THE TRACT DESCRIBED HEREIN. EASEMENT FOR PIPELINES DESCRIBED IN DEED
RECORDED AUGUST 23, 1965 IN BOOK 281, PAGE 191, DEED RECORDS. TELEPHONE RIGHT OF
WAY EASEMENT RECORDED JUNE 15, 1990 IN REEL 193, PAGE 1473, UMATILLA COUNTY
MICROFILM RECORDS.

and that they will and their heirs, executors and administrators, shall warrant and forever defend the granted
premises, against the lawful claims and demands of all persons, except as above stated.

Witness our hand s and seal this 3RD day of FEBRUARY, 19 92.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY
DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE
LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR
ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE
TITLE TO THE PROPERTY SHOULD CHECK WITH THE
APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO
VERIFY APPROVED USES.

VIRGIL O. JORDAN (SEAL)
LEVETA E. JORDAN (SEAL)
(SEAL)
(SEAL)

STATE OF OREGON
County of UMATILLA } ss.

BE IT REMEMBERED, That on this 03 day of February, 19 92, before me, the
undersigned, a Notary Public in and for said County and State, personally appeared the within named
VIRGIL O. JORDAN AND LEVETA E. JORDAN

known to me to be the identical individual s described in and who executed the within instrument and acknowledged to
me that THEY executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above
written.



Denise A. Cooney
Notary Public for Oregon.
My Commission expires 02/26/95

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHA
BE SENT TO THE FOLLOWING ADDRESS:

CONFEDERATED TRIBES OF THE UMATILLA
P.O. BOX 638
PENDLETON, OR 97801

Return to:

CONFEDERATED TRIBES OF THE UMATILLA
P.O. BOX 638
PENDLETON, OR 97801

STATE OF OREGON, COUNTY OF UMATILLA

I Thomas L. Groat, County Clerk, certify that this
instrument was received and recorded on 02-04-92
at 10:45 in the record of document code type DE-MISC

Location R215-1386
Document number 92-169187
Fee 10.00

Thomas L. Groat
Umatilla County Clerk

received by Exhibit # 2
Deputy

Commencing at the point of intersection of the North Right of Way line of U. S. Highway No. 30 with the West line of Section 10, Township 2 North, Range 33, said point being 30 feet Northerly from the Southwest Corner of the Northwest Quarter of said Section; thence South 89° 36' East along the said North Right of Way line 324.77 feet, more or less, to a point on the Southerly extended Easterly line of Mission Tracts, and the true point of beginning for this description; thence continuing South 89° 36' East along the said North Right of Way line a distance of 586.43 feet to the Southwest Corner of that tract of land conveyed to the Tillicum Grange #799, Inc., by Deed recorded in Deed Book 202, Page 605, Umatilla County Records; thence North 6° 02' East along the Westerly line of said Grange Tract, 223.7 feet to the South line of that tract of land conveyed to Chester L. Warnock, et ux, by Deed recorded in Deed Book 206, Page 049, Umatilla County Records; thence North 89° 36' West along the said South line to the Southwest corner thereof; thence North 4° 22' East along the West line of said Warnock Tract to the Southeast Corner of that tract of land conveyed to R. J. Stine, et ux, by Deed recorded in Deed Book 206, Page 050, Umatilla County Records; thence North 89° 36' West along the South line of said Stine Tract and said South line extended for a distance of 619.4 feet to the East line of Mission Tracts; thence South 0° 21' East along the East line of Mission Tracts and said East line extended Southerly 450 feet, more or less, to the point of beginning;

EXCEPTING THEREFROM the Easterly 255 feet thereof;

ALSO EXCEPTING any and all water, rights of way and roads;

All being East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

Exhibit #

2

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of

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Response to SECTION 6.015 CIRCUMSTANCES FOR GRANTING A CONDITIONAL USE for the Conditional Use Application for Lucky 7 development project.

Prepared by J.D. Tovey, Tribal Planning Director and member of the Housing Development Project Team which is pursuing the Lucky 7 development project. In preparation of this document, J.D. Tovey hereby recuses himself from any administrative decisions and determinations associated with the Lucky 7 Project and assigns such decisions to Patty Perry, Senior Planner and Tribal Planning Program Manager.

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.*
 - a. Location: The current land use of the property is Manufactured Home Park, however it is a non-forming use that predates the establishment of the CTUIR Land Development Code. So there is no change of location or change of use at this location.
 - b. Size: The number of units will be reduced from 27 to 18 units. This will reduce of coverage and density. The scale of the proposed individual units will be approximately the same as the current units, but will be on foundations so they will be lower profile and more accessible.
 - c. Design: The arrangement of the new units will be such that each will have more property per unit as well as common space. This will improve the value of the appearance and livability of the neighborhood.
 - d. The proposed redevelopment of the property will be replacing the existing units with more modern units with better energy efficiency.
2. *That the site planning of the proposed use will, as far as reasonably possible, provide an aesthetically pleasing and functional environment to the highest degree consistent with the nature of the use and the given setting.*
 - a. The arrangement of the proposed units will be improved to provide better and safer vehicular access to the individual units. The new units will be more attractive and have elements that have them appear more like traditional homes.
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.*
 - a. Manufactured Home Parks are only Conditional Uses in certain zones and is not permitted outright in any zones.
4. *That the proposed use will be consistent with the purposes of this Code, the Comprehensive Plan, and any other statutes, codes or policies that may be applicable, and will support rather than interfere with the uses permitted outright in the zone in which is it located.*
 - a. Land Development Code: The project will be a reduction of the preexisting non-conformity on this property. No other modifications such as variances, will be required for the completion of the project.
 - b. Comprehensive Plan:
 - i. Housing Element; Objective 1: Expand the number of types of housing units on the Reservation for Tribal Members at all income levels.

Exhibit # 2

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1. The purpose of Lucky 7 will be to provide housing options in the 50% - 80% of median household income which satisfies the housing needs for those that fit between the low income housing option through the Tribal Housing Department, and full market rate homes.
- ii. Community Facilities; Objective 1: Assure that community facilities, both the structure and its location, are designed and maintained to meet the long-term needs of the community in a safe, sanitary, and resource-efficient manner.
 1. The location of the Lucky 7 is currently served by the CTUIR community water and sewer, so it is resource efficient. There will be no known anticipated negative impacts on the roads, water, sewers, public transportation.

Exhibit # 2

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PUBLIC HEARING NOTICE DISSEMINATION RECORD

File #: CU-20-003; Conditional Use request filed by CTUIR Economic and Community Development Department

Land Protection Planning Commission Public Hearing Date: July 28, 2020

Newspaper and Date Published; East Oregonian: July 18, 2020

Posted in six public Places;

1. Mission Market: July 17, 2020
2. Yellowhawk Tribal Health Clinic: July 17, 2020
3. BIA Umatilla Agency: July 17, 2020
4. CTUIR Housing Department: July 17, 2020
5. Nixyáawii Governance Center July 17, 2020
6. CTUIR web site: <https://ctuir.org/information-technology/public-hearing-land-protection-and-planning-commission-cu-20-003>

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

Exhibit # 3

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PUBLIC HEARING NOTICE

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

Conditional Use File #CU-20-003 – Applicant, CTUIR Department of Economic and Community Development seeks conditional use approval for a manufactured home park on property owned by the CTUIR in fee. The subject property is identified as Tax Lot 1802 on Umatilla County Tax Map 2N3310BC within the external boundaries of the Umatilla Indian Reservation. Subject property is located on the northeast corner intersection of Mission Road with State Highway 331 and zoned R-1, Rural Residential. Manufactured Home Parks are listed as a conditional use (Land Development Code §3.135) within the R-1 Zone subject to approval criteria in CTUIR Land Development Code Sections 6.015 and 17.005(10).

The hearing will be held on **Tuesday, July 28, 2020 beginning at 9:00 a.m.** Due to the current health emergency (COVID-19) this hearing will be held via telephone conference. If you would like to participate in the hearing or provide testimony, please call 541-429-7050 at 9:00 a.m. The participant code is 542-680-07. Materials relating to this conditional use request are available for review at the Tribal Planning Office or online at <https://ctuir.org/information-technology/public-hearing-land-protection-and-planning-commission-cu-20-003>.

Written comments must be received in the Tribal Planning Office by 4:00 pm July 24, 2020 via hard copy or by email to pattyperry@ctuir.org.

The public is entitled and encouraged to participate in the hearing and to submit testimony regarding the request. 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 541-429-7518.

Lindsey Watchman, Secretary
Land Protection Planning Commission

Exhibit # 3
Page 2 of 8



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-20-003 – Applicant, CTUIR Department of Economic and Community Development seeks conditional use approval for a manufactured home park on property owned by the CTUIR in fee. The subject property is identified as Tax Lot 1802 on Umatilla County Tax Map 2N3310BC within the external boundaries of the Umatilla Indian Reservation. Subject property is located on the northeast corner intersection of Mission Road with State Highway 331 and zoned R-1, Rural Residential. Manufactured Home Parks are listed as a conditional use (Land Development Code §3.135) within the R-1 Zone subject to approval criteria in CTUIR Land Development Code Sections 6.015 and 17.005(10).

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Lindsey Watchman, Secretary
Land Protection Planning Commission

Exhibit # 3
Page 3 of 8

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

July 17, 2020

PUBLIC HEARING NOTICE

Dear Property Owner:

On July 28, 2020 the Land Protection Planning Commission of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) will hold a public hearing concerning a Conditional Use request.

You are receiving this notice because you are an owner of property located within 250 feet of the subject property. According to Section 13.020 of the CTUIR Land Development Code, all owners of property located within 250 feet of property which is the subject of a public hearing, shall be given written notice by mail at least ten days prior to a public hearing.

Conditional Use File #CU-20-003 – Applicant, CTUIR Department of Economic and Community Development seeks conditional use approval for a manufactured home park on property owned by the CTUIR in fee. The subject property is identified as Tax Lot 1802 on Umatilla County Tax Map 2N3310BC within the external boundaries of the Umatilla Indian Reservation. Subject property is located on the northeast corner intersection of Mission Road with State Highway 331 and zoned R-1, Rural Residential. Manufactured Home Parks are listed as a conditional use (Land Development Code §3.135) within the R-1 Zone subject to approval criteria in CTUIR Land Development Code Sections 6.015 and 17.005(10).

The hearing will be held on **Tuesday, July 28, 2020 beginning at 9:00 a.m.** Due to the current health emergency (COVID-19) this hearing will be held via telephone conference. If you would like to participate in the hearing or provide testimony, please call 541-429-7050 at 9:00 a.m. The participant code is 542-680-07. Materials relating to this conditional use request are available for review at the Tribal Planning Office or online at <https://ctuir.org/information-technology/public-hearing-land-protection-and-planning-commission-cu-20-003>.

Written comments must be received in the Tribal Planning Office by 4:00 pm July 24, 2020 via hard copy or by email to pattyperry@ctuir.org.

The public is entitled and encouraged to participate in the hearing and to submit testimony regarding the request. 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 541-429-7518.

Regards,

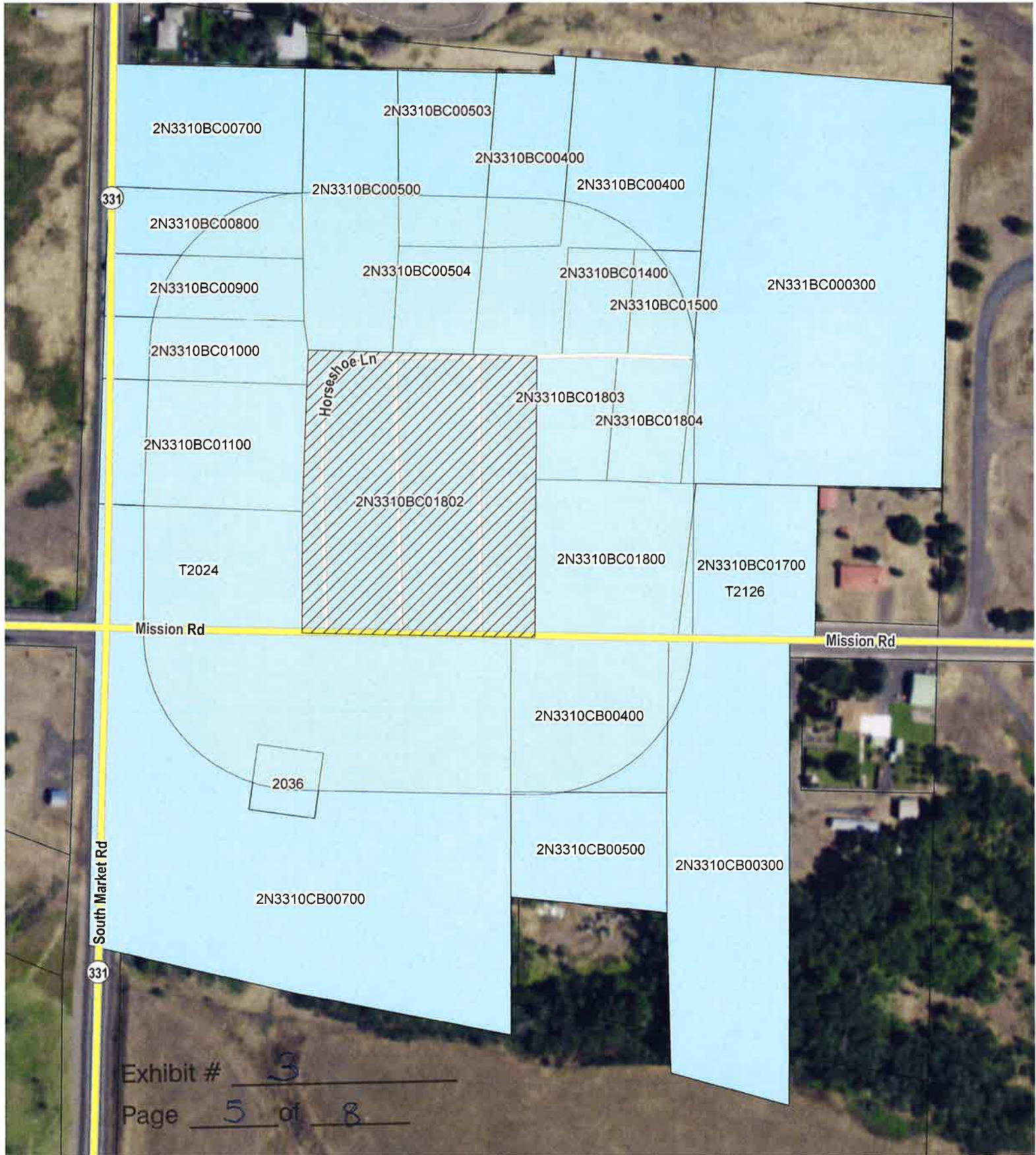
Patricia T. Perry, MSF, AICP
Senior Planner

Exhibit # 3

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Notification Map: CU-20-0003

THE CONFEDERATED TRIBES OF THE
UMATILLA INDIAN RESERVATION



Legend

- | | | | |
|--|--------------------|---|-----------------------------|
|  | Subject Property |  | NotificationProperties |
|  | NotificationBuffer |  | Umatilla County Tax Parcels |



0 62.5 125 250 375 500 Feet

CU-20-003 Public Notice Recipients

Allotment Recipients

Allotment	Ownership
2036	A
T2024	T
T2126	T

Taxlot Recipients

Ownership	Taxlot	Owner
F	2N3310BC00700	GORDON MARTINA LOU
F	2N3310BC00800	JOHNSON TERRY W & SISSY F
F	2N3310BC01000	GARRETT MONGO D & GARRETT HEATHER A
F	2N3310BC01100	BARKLEY JOHN ALFRED JR
F	2N3310BC00500	HAUGSTED CHARLES & LIBBY
F	2N3310BC00504	BAIRD JACKIE R
F	2N3310BC00503	BAIRD JACKIE R
F	2N3310BC00400	ALEXANDER MELINDA J & ALEXANDER LAURIE J
F	2N3310BC00400	ALEXANDER MELINDA J & ALEXANDER LAURIE J
F	2N3310BC01400	ALEXANDER LEANN F
F	2N3310BC01500	SHIPPENTOWER GENE E CHERYL R
F	2N3310BC01800	STAR WOODROW W JR
F	2N3310CB00400	LOWE DORRIS S (EST)
F	2N3310CB00500	JONES WALTER R & RETA ETAL
F	2N3310CB00300	UPPER COL CORP SDA CHURCH
F	2N3310BC00900	ADAMS REBECCA
TF	2N3310BC01802	CTUIR
F	2N3310BC01804	BURNETT TIARRA S
F	2N3310BC01803	JONES SHAWN DINE A & CHARLES E
F	2N3310CB00700	CONNER LEAH J 1/2 ET AL 1/2
F	2N3310CB00700	WILLIAMS ANTOINETTE 1/6 ET AL 5/6
F	2N3310CB00700	CONNER NORMAN J 1/6 ET AL 5/6
F	2N3310CB00700	SCOTT ETTA 1/6 ET AL 5/6
F	2N3310BC00300	DONOVAN LEE ANN & COLES JOHN

Agency Recipients

Contact	Agency	Address
Gary George	Wildhorse Casino & Mission Market	E-mail
Tom Fine	Mission Market	E-mail
	ODOT District #12	1327 SE 3 rd Street Pendleton, OR 97801
Director	Umatilla County Public Works Department	3920 Westgate Street Pendleton, OR 97801
Operations Manager	Pacific Power	P.O. Box 220 Pendleton, OR 97801

Exhibit # 3

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

MEMORANDUM

DATE: June 29, 2020
TO: Tribal Staff Review Committee
FROM: Patty Perry, Senior Planner, Tribal Planning Office
REGARDING: Meeting Thursday, July 2, 2020 at 2:00 pm, **ZOOM and Conference Room**
Conditional Use – Mobile home park (Lucy 7 redevelopment)

The Tribal Staff Review Committee is scheduled to meet on Thursday July 2 at 2:00 pm., in the Nixyáawii Governance Center Wastakna Conference Room (2nd Floor SW) to review the following applications prior to a proposed Land Protection Planning Commission public hearing on July 28, 2020.

Conditional Use File #CU-20-003 – Applicant, CTUIR Department of Economic and Community Development seeks conditional use approval for a manufactured home park on property owned by the CTUIR in fee. The subject property is identified as Tax Lot 1802 on Umatilla County Tax Map 2N3310BC within the external boundaries of the Umatilla Indian Reservation. Subject property is located on the northeast corner intersection of Mission Road with State Highway 331 and zoned R-1, Rural Residential. Manufactured Home Parks are listed as a conditional use (Land Development Code §3.135) within the R-1 Zone subject to approval criteria in CTUIR Land Development Code Sections 6.015 and 17.005(10).

The applications and supporting materials for these requests are posted on the **Free4all shared Drive** in the **TPO/ CU-20-003** folder.

If you have questions or need further information, please contact Patty Perry at ext. 7518.

Each committee member should review the proposal:

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

Written comments will be accepted until the end of the day on Friday, July 10, 2020.

Exhibit # 3
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From: Carey Miller
To: Patty Perry
Subject: CU 20-003 Lucky 7
Date: Friday, July 10, 2020 11:45:14 AM

Patty,

Tax Lot 1802, also known as Lucky 7 manufactured home park, has never been systematically surveyed or tested for cultural resources. The area lies within historic property of religious and cultural significance *Nixyáawii*, home to the *Nixyáawiipu* Cayuse Band. As the proposed conditional use is to allow for the residences currently located in on this tax lot, this use is consistent with use in *Nixyáawii*. If improvements are planned to this tax lot, cultural resource fieldwork will be required.

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

Exhibit # 3
Page 8 of 8

Patty Perry

From: Shawndine Begay <shawndinebegay@yahoo.com>
Sent: Tuesday, July 28, 2020 8:05 AM
To: Patty Perry
Subject: Submitting statement for Public Hearing Tuesday July 28th for Lucky 7

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

July 28, 2020

Dear CTUIR Planning Department,

Upon receiving the letter for the public hearing for Tuesday, July 28, 2020, we had one thing we wanted to address. When there is future development of Lucky 7, we would like the property line of our lot on Horseshoe Lane acknowledged during the process. Currently, the chain link fence cuts through a small section of our lot, and some of the Lucky 7 development is currently on it (2N3310BC01803).

Respectfully,

Shawndine and Charles Jones

(775)316-2996

(541)215-7236