



BURNS CITY COUNCIL MEETING

Wednesday, October 14, 2026, at 6:30 p.m.

**Burns City Hall
242 S. Broadway
Burns, Oregon 97720**

Mayor Jen Hoke

Councilor Susan Lowe

Councilor Bryan Garo

Councilor Shane Brockmann

Councilor Chase Patterson

Councilor Andrew Roy

Councilor Tod Gahley

**COUNCILORS AND CITIZENS ARE WELCOME AND ENCOURAGED TO JOIN THE
REGULAR COUNCIL VIA ZOOM.**

Members of the public and media wishing to address the council during any public comment period will be able to join the webinar as an “attendee.” Attendees will be able to view the Webinar on a desktop, laptop or mobile device such as a smartphone or iPad by using the following link: <https://uso2web.zoom.us/j/9020143459> Meeting ID: 902 014 3459

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Establish Quorum (*Roll Call*)**
- IV. Public Comments**

Members of the public desiring to address the Mayor and Council shall first be recognized by the Presiding Officer and then state their name and address for the record. Unless otherwise designated by the presiding officer, each person shall have up to three minutes to present their comments. City Councilors normally should not directly respond to a public comment during the public comment period. Councilor comments should be held until the Councilor comment period.

- V. Agenda Approval and Added Agenda Items (*Discussion/Action*)**

Any matters added to the agenda at this time will be discussed during the “New Business” portion of this Agenda or such other time selected by the council.

- VI. Consent Agenda (*Discussion/Action*)**

Information concerning matters listed on the Consent Agenda has been distributed to each member of the council for reading and studying, is routine, and will be enacted or approved by one motion of the council without separate discussion. If a separate discussion is desired concerning a



particular matter listed in the Consent Agenda, that matter may be removed from the Consent Agenda and placed on the regular agenda at the request of any council member.

Regular City Council Meeting Minutes September 23, 2026

Recording for September 23, 2026, City Council meeting:

https://zoom.us/rec/share/1otoGO2nFAGX_7gi7q50TEWIsene1POb8BhwWz8yNoXWqdi8_1iQtrrmwZAeZx6T.ZCnBzeWfKBwqqwFJ?startTime=1790211651000

Passcode: !EL4qn.g

City Council Special Meeting Minutes, September 29, 2026:

Recording for September 29, 2026, City Council Special meeting:

No Recording was taken. Recording had to be shut off due to a disturbance over Zoom.

VII. Public Hearing

1. Development Code Amendments

VIII. New Business (Discussion/Action)

1. Discussion on Minutes
2. Discussion on Bill Reports for the Council
3. Richard Roy – Warranty Deed – Pocket Park

IX. Old Business (Discussion/Action)

X. Resolution/Ordinances (Discussion/Action)

1. Ordinance No. 26-909 – An Ordinance approving amendments to the City of Burns Development Code.

XI. City Manager Report (*Discussion/Action*)

XII. Committee Reports (*Discussion*)

1. Cemetery Committee – Councilor Lowe
2. Safety Committee – Councilor Roy
3. Airport Committee – Quartey Update by Fire Chief Scott Williamson
4. R3 – Councilor Gahley
5. URA – Councilor Garo
6. Waterways Committee – Councilor Hoke

XIII. Councilor Comments (*Discussion/Action*)



XIV. Adjourn

The Burns City Council meetings are available via Zoom and in accordance with ORS 192.610 to 192.690, these meetings conform to guidelines set forth in public meeting law. In accordance with the Americans with Disabilities Act, this meeting location is accessible to persons with disabilities. This institution is an equal opportunity provider. Discrimination is prohibited by Federal law. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to City Recorder Tiffany Leffler (541) 573-5255 or use the TTY Relay Service at 1-800-735-2900 for appropriate assistance. If a request is made, the city will make a reasonable attempt to honor the request.

Updated Agenda Posted: October 8, 2026, at Burns City Hall, Burns Post Office, Harney County Courthouse, City of Burns Website, and City of Burns Facebook Page.

**Burns City Council
Special Meeting**

September 29, 2025

The Burns City Council met in a Special Meeting on September 29, 2025, at 12.00 p.m. Members present were as follows:

Mayor: Jen Hoke
Councilors: Susan Lowe
Bryan Garo
Shane Brockmann
Chase Patterson
Andrew Roy
Tod Gahley

Also, in attendance was Police Chief Robby Tiller, Fire Chief Scott Williamson, Public Works Director Ty Richardson, City Clerk Tiffany Leffler, and City Attorney Jeremy Green.

Mayor Hoke called the meeting to order at 5:30 p.m.

Open Hearing – ORS 192.660(2)(b) In accordance with ORS 192.660(2)(b), the council will hold an “open hearing” to consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer (councilor).

Mayor Hoke opened the hearing at 5:31 p.m. She then turned the meeting over to Jeremy Green the City’s attorney.

Jeremy Green informed everyone that evening the city was holding a hearing under ORS192.660(2)(b). It is a hearing to consider the dismissal or discipline, or to hear complaints or charges brought against a public officer. The public officer or counselor in this particular situation was Shane Brockmann. Jeremy then explained the way in which the hearing would be conducted.

First, he said Mayor Hoke would have an opportunity to communicate concerns or issues that have arisen concerning Councilor Shane Brockmann and his conduct. Then the other counselors would have an opportunity to expand upon or further comment on those articulated concerns. Subsequently, Councilor Brockmann will have an opportunity to respond to the concerns, allegations, issues that may be articulated by the counselors, and then the counselors will, after Councilor Brockmann has rebutted or otherwise responded to those concerns, the council will have an opportunity to deliberate. Depending upon how deliberation goes, we will then move into item number five, which is council action. That action we certainly can discuss when we’re there in this process.

Councilor Brockmann wanted to know, since it was a public meeting, if they would allow public comment or not.

Jeremy Green said in a situation like this, generally, no. It is the prerogative of the council. However, the council could discuss whether public comments would be entertained at that time. He said he wanted to be clear; this normally would be held in executive session. The fact that it is being held in a public forum does not mean that the public, therefore, has an opportunity to participate or otherwise comment on the proceedings. If the Mayor desired, the council could discuss whether or not public comment would be entertained that evening.

Councilor Gahley said he did not see there being any advantage, for the purpose of what the meeting was for, to have public comment.

Councilor Lowe said she could not see there being any disadvantage to having public comment. She said this certainly was their concern.

Councilor Roy asked for a raise of hands on how many people wanted to talk that evening.

Three people from the audience raised their hands.

There was then disruption and vulgar language over Zoom. The city tried to stop the disruption but could not keep the unknown individuals muted or from yelling vulgar things over Zoom at the city, council, and City Attorney. The Mayor and City Attorney Jeremy Green eventually, after no prevail, asked City Clerk Tiffany Leffler to shut the Zoom down so they could continue the meeting.

City Clerk Tiffany Leffler turned Zoom off and the meeting was continued.

Mayor Hoke said after the disruption over Zoom she felt it would not be a good idea to have public comment.

It was ultimately decided to not allow public comment.

Councilor Roy wanted it noted that the meeting was posted for 2 different times on Facebook (5:30 p.m. and 6:00 p.m.).

Mayor Hoke read over the Notice of Charges and Specifications of Misconduct (attached).

Charge I- Failure to maintain Appropriate Decorum and Respectful Conduct Toward a City Officer.

Charge II – Failure to maintain professional and respectful communications with council and city personnel.

Councilor Gahley read an email chain between Councilor Brockmann and himself (attached). He felt Councilor Brockmann was also discussing matters he shouldn't in emails and that even when correct or directed to where he could find the information he still just disagreed without ever looking into it himself. He also stated that Councilor Brockmann was asked on many occasions to let the council know why he wanted the information in his public records request so that council could possibly get on board if they all agreed, but he refused time and time again. He explained to councilor Brockmann that he could not act alone as a single council member. They had no power to make decisions like that but as an entire public body they could. If he was not willing to do that and get information as a council, then he was requesting it as a community member and would have to go through the proper channels of a public records request like any other community member would and there could be fees attached.

Councilor Brockmann felt there was no reason he shouldn't be able to get information as a public officer and the fact that it is also public record and should be available to the public. If they were not wanting to give it to him then they must be hiding something from the council and community. He explained that he had never had formal training and he had been treated as though his questions were not sufficient. He also wanted to point out that he had always has conducted himself professionally at public meetings. He then read his statement in response to the council's complaints and concerns (attached).

Councilor Gahley said none of the council members had formal training, but they were able to look up the information for themselves. He said it was ok to disagree, but that he needed to do the research to make sure he is correct in what is being stated or how he is conducting himself and business.

Councilor Brockmann said he had not responded to that matter since the last executive session and thought the issues were resolved.

Councilor Roy then asked Councilor Brockmann if had ever received a response to the question he had about the \$600,000.00 payment to Steele.

Councilor Brockmann stated that he had still not received a response.

Councilor Roy said he may not have chosen to handle the emails that way and may have taken another route but that he did understand his frustration because when you join the council, you learn as you go.

Mayor Hoke said she understood the lack of training but did not think it was all about the amount of training he had received but about him treating people with respect and conducting himself in a professional manner.

Councilor Lowe agreed with Councilor Brockmann frustration and feels they are shut out. She said she would also like some answers on the \$600,000.00 payment and how that was being paid for. She said she had filled out her own records request and was quoted over \$700.00 dollars for the information she requested. She felt it was blatantly illegal.

Councilor Garo said that he hated that it got to this point but understood his frustration with not getting answers. However, he is concerned about how Councilor Brockmann acts on his frustration and dislikes that he can see a pattern growing. He felt the communication had developed some and he wanted to find resolution to these complaints and concerns. He said if they can't hold themselves as councilors to a higher standard, then how can they expect others to. He would like to see real improvement in the council and staff relationships. Councilor Garo then asked Councilor Brockmann if he felt he could improve on how he responds to his frustrations and try to work with the council when he is seeking information.

Councilor Brockmann said he tried doing things differently and being nice and after he felt he was constantly diverted away from the information he was seeking, he became more stern in his emails and responses. He felt there was no reason he should not have been able to have that information he was seeking because it was public record. He informed Councilor Garo that he would respond to his frustrations differently once he got answers to his questions and requests. If the city could do that, he would be more respectful. He said he probably still would be respectful but that would defiantly help.

Councilor Lowe made a motion for the meeting to be enough and that they suspend any further action. Andrew Roy seconded the motion. Councilor Lowe and Councilor Roy voted in favor of the motion. Councilor Garo, Councilor Gahley, Councilor Patterson, and Mayor Hoke voted against the motion. The motion did not carry.

There was no further discussion.

Council Action – Censure, Sanction, or Suspension

City Attorney Jeremy Green went over Resolution No. 26-831 with the council. He explained that they could not have an indefinite sanction and that is why the June 30, 2027, date was listed but the council had the option to change those things as they saw fit. It was just a place for them to start.

Councilor Roy said he didn't really agree with the portion that said Councilor Brockmann could not engage in any direct communications with any of the councilors, especially at City Council meetings when they engage in conversation after or there are questions and things of that nature.

City Attorney Jeremy Green reminded the council that they have the ability to remove or modify things they don't agree with.

Councilor Lowe said she felt it should be removed because no one was going to tell her who she had the right to talk to.

Councilor Roy said he felt the communication with councilor part wasn't what he was comfortable and they should at least consider one specific contact in the council or keeping it to email. He felt it was a better compromise rather than just removing contact with all council.

Councilor Gahley said he believed it may have been because of the emails that were sent out from Councilor Brockmann to the other councilors, and that they should be reading emails but not always engaging outside of a public meeting.

Councilor Garo agreed with Councilor Gahley. He was not sure if it was a good idea to put it down to one point of contact though. He did think that June 30th was too far out and felt 6 months was more reasonable.

City Attorney Jeremy Green asked the council if they still wanted to keep city staff under #3 of Resolution No. 26-831 and just remove the council.

The council discussed removing the "with any other councilor" from #3 of Resolution No. 26-831 but still leave city staff. They also discussed changing the date the council will reconsider the temporary and limited sanctions imposed under section 3 from June 30, 2026, to March 31, 2026, which would make it 6 months instead of 9 months.

Councilor Garo made a motion to read Resolution No. 26-831 by title only. Councilor Gahley seconded the motion. Mayor Hoke, Councilor Lowe, Councilor Garo, Councilor Patterson, Councilor Roy, and Councilor Gahley voted in favor of the motion. Councilor Brockman recused himself. Motion carried. **(6/0)**

Mayor Hoke read Resolution No. 26-831 by title only. It read A resolution of the City of Burns concerning the censure of a councilor under Burns Municipal Co 2.05.070.

Councilor Garo made a motion to approve Resolution No. 26-831 with the amendments to remove "with any other councilor" from #3 of Resolution No. 26-831, but still leave city staff, and also to change the date the council will reconsider the temporary and limited sanctions imposed under section 3 from June 30, 2026, to March 31, 2026, which makes it 6 months instead of 9 months. Councilor Gahley seconded the motion. Mayor Hoke, Councilor Garo, Councilor Patterson, Councilor Roy, and Councilor Gahley voted in favor of Resolution No. 26-831. Councilor Lowe voted against Resolution No. 26-831 and Councilor Brockmann recused himself. Motion carried. **(5/1)**

ADJOURN

Mayor Hoke adjourned the meeting at 7:24 p.m.

Tiffany Leffler, City Clerk

Jen Hoke, Mayor



Tod Gahley <tgahley@cityofburnsor.gov>

My records request

3 messages

SHANE BROCKMANN <sbrockmann@cityofburnsor.gov>

Thu, Sep 24, 2026 at 12:31 PM

To: Jenn Hoke <jhoke@cityofburnsor.gov>, Brenda Engebretson <citymanager@cityofburnsor.gov>, Tiffany Leffler <tleffler@cityofburnsor.gov>, Scott Williamson <swilliamson@cityofburnsor.gov>, SUSAN LOWE <slowe@cityofburnsor.gov>, Bryan G <bryan.garo@gmail.com>, ANDREW ROY <aroy@cityofburnsor.gov>, CHASE PATTERSON <cpatterson@cityofburnsor.gov>, Tod Gahley <tgahley@cityofburnsor.gov>

Since it's more important to know why I'm seeking public information than why our entire city management wants to make it as difficult as possible (up to and including redirecting me away from the records I was requesting) I am going to provide you all with why.

It has been brought to my attention by multiple community members that they do not believe our fire chief is fulfilling his duties because of his divided attention with the airport.

I would like the information I requested so that I can do my due diligence as a representative of this community and find out if these claims are just claims or if our fire chief is indeed not fulfilling his duties.

I am hoping for the city's cooperation in fulfilling my request for these records because the only reason to not apply these records would be because our city doesn't want to be transparent.

In the interest of showing our community that we are committed to being open and honest from now on, I sincerely hope that the city of Burns staff will cease in their effort to keep me from these records and produce them.

I can only assume that if the city staff chooses to continue to be difficult that you are trying to hide something from the council and the public and I am pursuing any and all actions that the city can take to correct those personnel issues of they continue.

Respectfully,
Councillor Brockmann

Tod Gahley <tgahley@cityofburnsor.gov>

Thu, Sep 24, 2026 at 6:00 PM

To: SHANE BROCKMANN <sbrockmann@cityofburnsor.gov>

Cc: Jenn Hoke <jhoke@cityofburnsor.gov>, Brenda Engebretson <citymanager@cityofburnsor.gov>, Tiffany Leffler <tleffler@cityofburnsor.gov>, Scott Williamson <swilliamson@cityofburnsor.gov>, SUSAN LOWE <slowe@cityofburnsor.gov>, Bryan G <bryan.garo@gmail.com>, ANDREW ROY <aroy@cityofburnsor.gov>, CHASE PATTERSON <cpatterson@cityofburnsor.gov>

Statements like this are exactly the type of communication restricted from group texts, and they also point out why I stated that you can't make a public records request as an individual councillor.

Burns Charter 2.05.090

(2) No individual councillor or city council subcommittee has authority over the city staff.

(3) The Council sets city policies and goals; the city staff implements and administers the policies and goals. City staff is controlled by such policies and goals, city ordinances, Oregon law, training and supervision from the staff.

(4) Councillors may seek information from staff or by making the request through the city manager but will not attempt to change or interfere with the operation or practice of any city department or personnel except by directing their concerns about policy to the council at large, which may direct changes to be made.

These subsections immediately precede the one you tried to use at the city council meeting but as a councillor, you have no right to unilaterally pursue "actions that the city can take". Only the council at large can do that. The only purpose for a councillor to make a record request such as this would be to pursue an action. Pursuing this action as a councillor clearly requires a majority of the council to agree with you and approve a motion; that is what I was referring to last night. That action needed to be taken in a public meeting or, if warranted, in an executive session. Trying to get council consensus for your action via email violates public meeting laws, even if that wasn't your intent.

I suggest that in two weeks you read what you have written here during the city council meeting and open it up for debate and possible action. That will also correct the error of sending this email out.

Tod Gahley
{Custom text hidden}

SHANE BROCKMANN <sbrockmann@cityofburnsor.gov>

Thu, Sep 24, 2026 at 6:11 PM

To: Tod Gahley <tgahley@cityofburnsor.gov>

Cc: Jenn Hoke <jhoke@cityofburnsor.gov>, Brenda Engebretson <citymanager@cityofburnsor.gov>, Tiffany Leffler <tleffler@cityofburnsor.gov>, Scott Williamson <swilliamson@cityofburnsor.gov>, SUSAN LOWE <slowe@cityofburnsor.gov>, Bryan G <bryan.garo@gmail.com>, ANDREW ROY <aroy@cityofburnsor.gov>, CHASE PATTERSON <cpatterson@cityofburnsor.gov>

I disagree with you, but I'll let everything that comes out speak for itself. I'm not asking anyone to make a decision and I'm not unilaterally trying to control anything. I'm expecting our city staff to allow me to have the records I'm requesting for the reasons I stated. If you are not okay with me obtaining these records, then my question is what exactly is it that you are trying to hide? I'm done dancing around this and if the attorney thinks I'm wrong then he can tell me that himself. Until then I would appreciate you and everyone else not trying to hinder my quest for information. It's public records, so our staff should have no issue giving me them unless they are hiding things from council and the community. If you or anyone else continues to try and stop me from obtaining PUBLIC RECORDS (I put that in all caps to emphasize that the records are public) I assume you are trying to help cover up something you don't want known.

Respectfully,

Public Executive Meeting:

The complaints or charges include, without limitation, violation of the council's rules and procedures and harassing and/or unprofessional conduct. According to Oregon law, you may request that the hearing occur in an open public meeting.

I have requested a public meeting as I deny violating the Council's rules and procedures and harassing and/or unprofessional conduct.

1. I took an official oath to faithfully perform the duties of the office and support the Constitution and Laws of the United States and of the State of Oregon.
2. As a City Council member, I take my position seriously. When I ask questions, and or request information, it is under the oath that I have taken to faithfully perform my duties and support all the residents of Burns. **Hand out copies of your oath**
3. As far as rules and procedures, I have never been given any guidelines to operate under nor any formal training. If I seem overzealous and outspoken it is because as a new council member I have been treated as if my questions are ignorant questions or of non-importance. If inquiries are made, I never get a straight answer and feel I have to go beyond to get the pertinent information I need to be an informed council member. I feel I owe it to our residents to do so. I do not feel that my actions deserve to be questioned by the police at City Hall's request.
4. I have great concern that I am not in compliance with Oregon Government Ethics Law? In my defense I have not had Public Meeting Training and wonder if any other council members have. City council members in Oregon must comply with Oregon Government Ethics Law (ORS Chapter 244), which prohibits using public office for personal or relative financial gain, requires annual economic disclosures, and limits gift solicitations. [\[1, 2, 3, 4\]](#)

Core Requirements

- **No Personal Gain:** Officials cannot use their position to obtain financial benefits for themselves, relatives, or associated businesses unless available to the general public. [\[1\]](#)
 - **Statement of Economic Interest:** Designated local elected officials must file an annual financial disclosure report with the [Oregon Government Ethics Commission \(OGECE\)](#). [\[1, 2\]](#)
 - **Gift Restrictions:** State law restricts the value and solicitation of gifts received by public officials and their families per calendar year. [\[1, 2\]](#)
 - **Conflict Disclosure:** Public officials must publicly disclose potential or actual economic conflicts of interest when participating in official decisions. [\[1, 2\]](#)
 - **Public Meetings Training:** Members serving in governing bodies with total expenditures of \$1 million or more in a fiscal year must complete an OGECE-approved public meetings law training at least once per term. [\[1\]](#)
5. I would like to see a show of hands as to how many City Counselors are in compliance with the Statement of Economic Interest. **Pause for show of hands.** I would like to see a show of hands for those who have had Public Meeting Training. **Pause for show of hands.** This would be the administrator's responsibility to know if we are compliant.

6. **Am I in violation of Council's rules and procedures? What rules and procedures?** I have not been given any training nor documentation to follow. To my knowledge, everyone seated on council to include the Administrator and Mayor are not in compliance with the Oregon Government Ethics Law. Has anyone tried to work with me? During all City Council meetings, I have always acted professional. All the **alleged** charges have been conducted outside of City Council meetings and due only to the lack of transparency.

ANSWER TO ALLEGED CHARGES

CHARGE 1.

On September 3, 2026, following a City Council Executive Session, I remained inside City Hall and engaged in a conversation with Council President Bryan Garo. Police Chief Robbie Tiller was not part of the conversation or even welcomed into the conversation. I did state that I was not willing to talk to him about the conversation. As I was leaving Police Chief continued to follow me, harassing me, trying to get involved in something he had no business getting involved in. If the cameras were in order, it would show his attempt to continue the unwanted conversation and harassment. Mr. Tiller has, as of late, also harassed customers or anyone who questions the City Staff and or Administration. I am wondering under who's authority. This was brought to the attention of the City Council at one of our last meetings but no action was taken.

CHARGE 2.

On August 24, 2026, I requested an executive session. I was told by City Manager Brenda Engebretson that I could not call an executive session. I CAN call for an executive session; it's with the City Manager and or the mayor authority that it takes place. There were 3 City Council members who requested the session in total. I am not sure why calling an executive session has anything to do with Decorum and order, Code of Ethics and or Council relations with City Staff. A request was made.

On August 28, 2026, my communication with the Mayor and City Manager is exactly what it is. If the City Manager and or Mayor do not have the courtesy of responding to a City Counselor's request for information, we can only assume that they are corrupt or just bad at their jobs.

On August 26 and August 31, 2026, I requested information about a \$600,000 payment made to Steele Earthworks. I demanded an immediate response and questioned whether City Officials were being transparent and honest with the council and community.

After receiving a copy of documentation that showed the city was in debt the sum of over 3 million dollars and had not made payment. Also knowing that there was a previous debt owed to another contractor in the amount of 500 thousand not paid and interest still accruing. Both debts have interest

accruing and the city is responsible to pay that interest. City Council has no knowledge of, or at least that is what the general public was told by council members of any of the debt. Why do the City Council members not have knowledge of any of the debts the mayor and or City Manager have placed us in. When I demanded to know, I am now considered harassing and or unprofessional. If I have accused the Mayor or City Manager of being Corrupt, and not doing their job, it is due to the non-transparent actions of the Mayor and City Manager. I was told that the day-to-day operations are the responsibility of the City Manager. Is a 7-million-dollar project considered day to day operations? The indebtedness of the city will then be placed on the backs of its residences. Who is unprofessional now? Why am I the only member of City Council who is verbal and is trying to get answers? Why are there no answers?

I am handing out a document that reflects what the city council can do to an elected official with regard to my alleged actions. Formal reprimand, Censure and or Sanctions may be in order and I have broad shoulders and am willing to accept the findings. I represent the residents of Burns Oregon and will always do my best to represent them.



CITY COUNCIL REPORT

Development Code Amendments Planning File No. LAPF-001-2026

APPLICANT: City of Burns

PLANNING FILE: LAPF-001-2026

NATURE OF APPLICATION: Legislative amendments to the City of Burns Development Code.

BACKGROUND: The City Council adopted an entirely new Development Code on September 27, 2023, through Ordinance No. 887, and subsequent amendments were adopted on May 8, 2024, through Ordinance No. 24-900. The amendments now being proposed would revise the parking lot and landscaping standards, sign regulations, and the minimum lot width standard within the Downtown Commercial Core overlay zone, along with a mix of primarily minor “housekeeping” edits to make corrections and improvements to areas where staff has identified such changes would be beneficial in terms of making the code text clearer. These amendments also stem from errors staff have recognized over time with use, as well as areas of the code that staff has received feedback from multiple applicants on.

The proposed Development Code amendments were presented to the Planning Commission at a public hearing on September 2, 2026, as outlined in the attached Planning Commission Staff Report dated July 29, 2026. At the conclusion of the hearing, the Planning Commission adopted a unanimous motion to recommend that the City Council adopt the proposed amendments. In the time since the Planning Commission hearing, staff has added proposed amendments to the sign regulations as well as a reduced minimum lot width standard that would apply only within the Downtown Commercial Core overlay zone, as recommended by the Planning Commission during the hearing on September 2, 2026.

FINDINGS & CONCLUSIONS: The criteria that apply to legislative amendments to the Development Code are in Section 18.20.720 of the City of Burns Development Code. The criteria are rendered below in italics, with the findings and conclusions in roman type.

18.20.720 Legislative Amendment Criteria

The City Council may approve legislative amendments to the Comprehensive Plan or Land Use Regulations. Amendments will address the criteria in subsections 1 through 5 below:

1. Appropriateness of the Type V planning process that was undertaken for the planning project in terms of scale, scope, and content.

Findings

The City's Development Code has now been in effect for approximately three years and staff have had multiple opportunities to work with and apply the new regulations to various planning applications. During the processing of these applications, staff received feedback from applicants concerning the existing regulations related to parking, landscaping, signage, and the minimum lot width for commercially zoned properties, specifically those located within the Downtown Commercial Core overlay zone and which have been developed with buildings that occupy all or most of the existing lot. In addition, staff have identified minor typographical errors and omissions in the code text, along with areas where text revisions would enhance clarity and readability. The proposed amendments were presented to the Planning Commission at a public hearing where the Commission voted unanimously to recommend Council approval, and the amendments are now before the Council at a properly noticed public hearing.

Conclusions

The proposed amendments have been processed in accordance with the Type V legislative amendment procedures in Section 18.20.035 of the Development Code, and there has been adequate opportunity for public participation in the process. Therefore, this Criterion 1 is found to be satisfied.

2. Consistency with the balance of the City's Comprehensive Plan and Land Use Regulations.

Findings

The proposed amendments are consistent with the City's Comprehensive Plan and Land Use regulations in the following ways:

Comprehensive Plan Policies

2.2.B The City shall maintain an adequate factual base for its land-use planning processes, and all decisions and actions related to the use of land.

The proposed Development Code amendments will help provide a clear and accurate framework for the City's decisions regarding the use of land within its corporate limits. The regulations in the Development Code constitute the factual and policy basis for decisions and actions by appointed and/or elected decision makers. These amendments also reflect experience gained from, and feedback received on, land use applications and decisions.

Land Use Regulations

The proposed amendments to the Development Code are intended to make minor additions and corrections for clarity and to reduce upfront development costs for smaller projects. Specifically, the amendments allow for reduced parking lots paving and landscaping requirements, provide for monument signs at multi-family residential developments, and reduce the minimum lot width

standard within the Downtown Commercial Core overlay district. The City has complied with all applicable procedures for legislative amendments as outlined in Section 18.20.035 (Type V Amendments – Legislative Decisions) of the Development Code, and the procedures for the amendments have been followed by the City as outlined in Section 18.20.035 (Type V Amendments – Legislative Decisions) of the Code.

Conclusions

Based upon the above findings, it can be concluded that the proposed amendments are consistent with the City's Comprehensive Plan and Land Use regulations. As such, this Criterion 2 is met.

3. Advancement of Council goals, objectives, or policies, and/or necessity to comply with Oregon State Law, the Statewide Planning Goals, or Oregon Administrative Rules.

Findings

The proposed amendments to the Development Code are intended to improve code clarity and reduce upfront development costs, particularly for smaller developers, in order to lower barriers to entry and encourage additional investment and development within the City. Reducing minimum lot width requirements in the Downtown Commercial Core will further support this objective by making it more feasible to divide existing buildings into legal units of land that can be sold individually, thereby promoting more efficient use of existing structures, and increasing the likelihood of economic activity in the downtown area. The proposed amendments also allow for monument signs at multi-family residential developments, and the minor text corrections and clarifications resolve inconsistencies and improve the readability and enforceability of the Development Code without changing its substantive intent.

Conclusions

The proposed Development Code amendments advance City Council goals related to economic development, downtown revitalization, the efficient use of existing urban infrastructure, and the facilitation of housing and commercial development in a manner consistent with Oregon's Statewide Planning Goals and applicable administrative rules. Given the totality of the above findings, it is concluded that this Criterion 3 is met.

4. Public facility planning implications of the proposed amendments.

Findings

The proposed amendments do not carry implications for the planning of public facilities, although the modifications to parking lot paving and landscaping standards would potentially result in cost savings when such facilities are constructed for public use.

Conclusions

Based on the above findings, the public facility planning implications are expected to be minimal and, if triggered, would result in cost savings for the City if and when parking lots for public use are constructed. Accordingly, this Criterion 4 is found to have been met.

5. Consistency with Oregon State Law, the Oregon Statewide Planning Goals and all applicable Oregon Administrative Rules.

Findings

The proposed Development Code amendments are consistent with the following applicable Statewide Planning Goals:

Goal 1: Citizen Involvement. The proposed amendments have been publicly noticed and have been reviewed and discussed at public hearings, thereby providing opportunity for citizen involvement in the process.

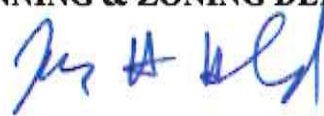
Goal 2: Land Use Planning. The proposed amendments will update the adopted Development Code to help ensure that the City's land use regulations are accurate, consistent, promote development, and are able to be implemented.

Conclusions

Based upon the foregoing findings, the proposed amendments are found to be consistent with Oregon State Law, the Oregon Statewide Planning Goals, and all applicable Oregon Administrative Rules. Accordingly, this Criterion 5 is met.

RECOMMENDATION: The Planning Commission and staff recommend approval of the proposed amendments to the City of Burns Development Code based upon the findings and conclusions included in the City Council Report dated September 16, 2026, including the attached Exhibits A through E.

CITY OF BURNS PLANNING & ZONING DEPARTMENT



By: Jay Harland
Contract City Planner

Date: September 16, 2026

Exhibits

- A.** Planning Commission Recommendation for LAPF-001-2026
- B.** Planning Commission Staff Report dated July 29, 2026, including Exhibits
- C.** Updated Development Code Amendment Text
- D.** Copies of Required Notice Materials



PLANNING COMMISSION RECOMMENDATION

Development Code Amendments Planning File No. LAPF-001-2026

A recommendation from the City of Burns Planning Commission to the City Council to approve an ordinance adopting amendments to the Development Code for the City of Burns.

WHEREAS, a properly noticed public hearing was held in front of the City of Burns Planning Commission with timely 35-day notice provided to DLCD on June 29, 2026; and

WHEREAS, the public hearing held on September 2, 2026, was conducted to satisfy the applicable procedural requirements of ORS 227, ORS 197, and the City of Burns Zoning Ordinance; and

WHEREAS, a properly prepared record was maintained for the public hearing held on September 2, 2026, and all exhibits and testimony provided were included and admitted to the record consistent with the procedural requirements of ORS 227, ORS 197, and the City of Burns Zoning Ordinance; and

WHEREAS, the Planning Commission reviewed the proposed amendments to the City of Burns Development Code; and

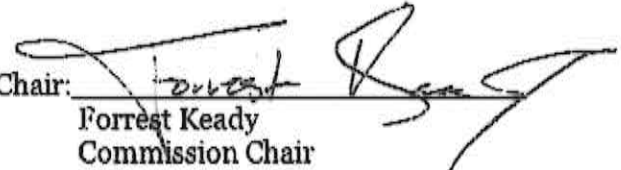
WHEREAS, the Planning Commission had opportunity to consider and discuss with staff the key issues and topics relating to the proposed amendments; and

WHEREAS, on September 2, 2026, the City of Burns Planning Commission adopted a motion to recommend that the City Council adopt the proposed amendments to the Development Code with all three members voting for the motion.

NOW THEREFORE, THE CITY OF BURNS PLANNING COMMISSION RECOMMENDS AS FOLLOWS:

That the City Council adopt the proposed Development Code Amendments as presented, as well as anything not expressly allowed by the sign code is prohibited unless approved by the Planning Commission through a Type III Land Use Review Procedure and Commercial Downtown Overlay Property Line Adjustment specifications for reduced lot widths.

Recommended by the Planning Commission and signed by the Chair in authentication of its passage on the 2nd day of September 2026.

Chair: 
Forrest Keady
Commission Chair

Dated: 9/2/26

ATTEST: 
Tiffany Leffler
City Clerk

Dated: September 2, 2026



PLANNING COMMISSION STAFF REPORT

DATE: July 29, 2026

PROJECT: Development Code Amendments

PLANNING FILE: LAPF-001-2026

APPLICANT: City of Burns

NATURE OF APPLICATION: A proposed legislative amendment to revise parking lot paving and landscaping standards, update residential sign regulations, and implement minor “housekeeping” corrections to the City of Burns Development Code.

STAFF ANALYSIS: The proposed amendments to the Development Code are based on issues identified during its application across multiple development projects. The primary changes focus on parking lot paving and landscaping standards, as well as residential signage requirements, while additional minor “housekeeping” updates are intended to improve clarity and usability of the Code.

The City’s current Development Code has generally functioned well since its adoption in 2023, with numerous planning applications reviewed and approved under its provisions. However, one area that has consistently presented challenges is the application of paving and landscaping standards for new parking lots. Staff has received feedback from multiple applicants indicating that the current requirements can be cost-prohibitive and may hinder development.

Following discussion with City Council, a resolution (Resolution No. 26-283) was adopted directing staff to prepare Development Code amendments to revise parking lot paving and landscaping requirements, along with other necessary updates.

I. AGENCY COORDINATION AND PUBLIC NOTICE

Pursuant to State legal requirements the proposed Zoning Ordinance amendments were provided to the Department of Land Conservation and Development (DLCD) for review and comment. Public notice for this hearing was published in the newspaper and posted to the City’s website in accordance with requirements in Section 18.20.035 of the Development Code. At the time this report was prepared, staff had not received any comments from DLCD or members of the public.

II. APPLICABLE CRITERIA

As a legislative amendment proposal, the Planning Commission is authorized to provide a written recommendation to the City Council. The Council will decide whether to adopt the proposed Development Code amendments.

III. KEY ISSUES & TOPICS FOR CONSIDERATION

The primary focus of this code amendment is to revise parking lot paving and screening standards. The current code requires full paving and landscaping regardless of the size of the parking lot or scale of development. Based on recent development applications, this requirement has proven to be a constraint, often hindering smaller projects or resulting in variance requests. Based on feedback from the Planning Commission at a study session held

on July 1, 2026, Staff is proposing a scaled approach that maintains paving and landscaping standards for larger developments while allowing greater flexibility for smaller sites.

Following Planning Commission direction, additional provisions have also been included to allow for paving grace periods/time extensions during inclement weather conditions.

Amendments to residential freestanding sign regulations are also proposed. This change is prompted by the recent Veterans Village development, which highlighted that the current code does not permit freestanding signs for residential developments, including multifamily projects and subdivisions. The proposed revision addresses this issue by providing for one freestanding sign (not to exceed 4 feet in height and a maximum area of 32 square feet) per street frontage on multifamily residential developments. The proposed amendment also includes text making it clear that any signs not expressly permitted in the Code are prohibited.

Lastly, an amendment to Table 18.30.130 is included to correct an error identified by staff. This revision clarifies standards related to commercial outdoor storage areas in proximity to residential properties.

IV. CONCLUSION & RECOMMENDATION

The proposed Development Code amendment was initiated by the City Council and has been prepared in accordance therewith. Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to adopt the proposed Zoning Ordinance amendments, including any modifications thereto that the Planning Commission would like the City Council to consider making.

V. EXHIBITS

- A. Proposed Development Code Amendment Text
- B. City Council Resolution No. 26-283
- C. Copies of Required Notice Materials

CITY OF BURNS PLANNING & ZONING DEPARTMENT



By: Jay Harland
Contract City Planner

Date: July 29, 2026

Table 18.30.130
Uses Allowed By Zoning District

USE CATEGORY	SPECIFIC USE	SFR 4	SFR 7	MFR	GC	BP	I	OS	USES SUBJECT TO SPECIAL STANDARDS
COMMERCIAL / SERVICE / EMPLOYMENT USES									
On-Site Sales of Goods	Retail Sales Within Enclosed Building	X	X	X	P	P	P _s	X	18.30.230
	Retail Sales With Less Than 30% of Site Area for Outdoor Sales & Storage	X	X	X	P	P	P _s	X	18.30.230
	Retail Sales With Greater Than 30% of Site Area for Outdoor Sales & Storage	X	X	X	P _s	P	P _s	X	18.30.340 <u>Prohibited within Downtown Commercial Core Zoning Overlay Area</u>
Services	Durable & Electronic Goods Repair or Services with Less Than 30% of Site Area for Outdoor Storage	X	X	X	P _s P/(C)	P _s P/(C)	P	X	Uses prohibited outside enclosed buildings in GC and BP zones within 200-feet of residential zone <u>CUP in GC and BP zones if within 200-feet of residential zone</u>
	Durable & Electronic Goods Repair or Services With Greater Than 30% of Site Area for Outdoor Storage	X	X	X	P/(C) P _s	P/(C) P _s	P	X	CUP in GC and BP zones if within 200-feet of residential zone <u>Uses prohibited outside enclosed buildings in GC and BP zones within 200-feet of residential zone</u>

18.50.300 Landscaping, Fences, Walls, and Exterior Lighting

* * * * *

- 4. Parking Lot Landscaping.** The following standards shall be met for all new parking lots. ~~If a development contains multiple parking lots, then the standards shall be evaluated separately for each parking lot.~~

Table 18.50.315.44
Parking Lot Landscaping Requirements

<u>Parking Stalls</u>	<u>Requirement</u>
0-20	No interior landscaping required
21-40	~~Full~~ landscaping required only within the paved portions of the parking lot.*
41+	Full interior landscaping

* For parking lots with 21-40 spaces, only 50 percent of paving is required as outlined in Table 18.50.410.4.

- A. A minimum of 10 percent of the total surface area of all paved parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of canopy trees distributed throughout the parking area. A combination of deciduous and evergreen trees, shrubs, and ground cover plants is required. At a minimum, one tree per 12 parking spaces on average shall be planted over and around the paved parking areas.
 - B. All parking areas with more than ~~25~~ 30 spaces shall provide landscape islands with trees that break up the parking area into rows of not more than 10 contiguous parking spaces. Landscape islands and planters shall have dimensions of not less than 48 square feet of area and no dimension of less than six feet (including curbing), to ensure adequate soil, water, and space for healthy plant growth.
 - C. All required parking lot landscape areas not otherwise planted with trees must contain a combination of shrubs and groundcover plants so that, within two years of planting, not less than 50 percent of that area is covered with living plants.
 - D. Wheel stops, curbs, bollards, or other physical barriers are required along the edges of all vehicle- maneuvering areas to protect landscaping from being damaged by vehicles. Trees shall be planted not less than two feet from any such barrier.
 - E. Trees planted in tree wells within sidewalks or other paved areas shall be installed with root barriers.
5. **Screening Requirements.** Screening is required for outdoor storage areas, unenclosed uses, and parking lots with more than 30 parking stalls, and may be required in other situations as determined by the decision-making body. Landscaping shall be provided pursuant to the standards of subsections A – C, below:

* * * * *

- B. **Parking Lots.** The edges of parking lots with more than 30 parking stalls shall be screened to minimize vehicle headlights shining into adjacent rights-of-way and residential yards. Parking lots abutting a sidewalk or walkway shall be screened using a low-growing hedge or low garden wall to a height of between three feet and four feet.

18.50.410 Automobile Parking

* * * * *

4. **Parking Stall Design and Minimum Dimensions.** Where a new off-street parking area is proposed, or an existing off-street parking area is proposed for expansion, the entire parking area shall be improved in conformance with this Ordinance. The minimum number of required new parking spaces and the associated drive aisles for new vertical development shall be paved with asphalt or concrete, or may be surfaced with gravel where permitted pursuant to Table 18.50.410.4. ~~All parking spaces and drive aisles~~ and shall conform to the minimum dimensions in Table 18.50.410.5 4.

~~Where additional parking spaces are proposed beyond the minimum requirement for commercial, industrial, or multi-family development with more than four units, the decision-making body may authorize the use of alternative parking area surfacing, such as permeable pavers or laterally stabilized gravel (i.e., gravel parking with interconnected plastic grids that prevent erosion and keeps gravel in the designed location). Through a Type III procedure, the Planning Commission may allow the use of alternative parking area surfacing for required minimum parking spaces.~~

~~Unpaved parking areas shall demarcate individual spaces using wheel stops or other similar methods. All off-street parking areas shall be maintained in a dust-free condition at all times, and contain wheel stops, perimeter curbing, bollards, or other edging as necessary to prevent vehicles from damaging buildings or encroaching into walkways, landscapes, or the public right-of-way. Parking areas shall also provide for storm drainage and surface water management, pursuant to Section 18.40.030.~~

Pursuant to Table 18.50.410.4, parking areas that are not required to be fully paved shall be surfaced with gravel and maintained in a compacted, firm, and dust-free condition. Unpaved parking areas shall clearly demarcate individual parking spaces through the use of wheel stops or other similar methods. All off-street parking areas shall be maintained in a dust-free condition at all times, and shall include wheel stops, perimeter curbing, bollards, or other approved edging as necessary to prevent vehicle encroachment into buildings, pedestrian walkways, landscaped areas, or the public right-of-way. Parking areas shall also be designed and maintained to provide adequate storm drainage and surface water management in accordance with Section 18.40.030.

Table 18.50.410.4

Parking Area Surfacing*

<u>Minimum Required Parking stalls</u>	<u>Required Paving of Parking Area & Associated Drive Aisles</u>
<u>0-20</u>	<u>None required.*</u>
<u>21-40</u>	<u>50% paved*</u>
<u>41+</u>	<u>100%</u>

*Subject to Timing and Exception provisions under 18.50.410.5.

5. Paving Timing and Exceptions

- A. Required paving improvements must be completed within 12 months after issuance of the Certificate of Occupancy, unless otherwise authorized by the approval authority. The approval authority may extend this deadline based on seasonal weather, site conditions, or other practical constraints affecting construction.
- B. For projects subject to paving requirements, the approval authority may grant a waiver or reduction to paving standards where the estimated project valuation or construction cost falls below a threshold established by the City Council.
- C. Properties located within the Downtown Commercial Core zoning overlay shall be subject to the full paving requirement regardless of the size of the parking area, unless a specific waiver is approved pursuant to subsection (B) above.
- D. Any waiver, reduction, extension, or grace period may be conditioned on a performance guarantee, improvement agreement, or other form of assurance acceptable to the City.

5.6. Adjustments to Parking Area Dimensions. The dimensions in ~~subsection 18.50.420.4~~ Table 18.50.410.5 are minimum standards. The decision-making body may adjust the dimensions based on evidence that a particular use will require more or less maneuvering area.

6.7. Americans with Disabilities Act (ADA). Parking shall be provided consistent with ADA requirements, including, but not limited to, the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements.

Table 18.50.410.45
Parking Space Minimum Dimensions*

Parking Angle	Space Width	Space Length	Drive Aisle Width (1-Way)	Drive Aisle Width (2-Way)
90 degrees	9 feet	19 feet	24 feet	24 feet
60 degrees			16 feet	
45 degrees			12 feet	
Parallel	8 feet	24 feet	12 feet	

*See also, Section 18.50.130 Commercial Building Orientation and Design for parking location requirements; Section 18.50.220 Vehicular Access and Circulation for driveway standards; and Section 18.50.300 for requirements related to Landscaping, Screening, Fences, Walls, and Outdoor Lighting.

* * * * *

18.50.500 Signs

* * * * *

3. Exemptions. The following are exempt from the provisions of this section:

- A. Signs not oriented toward or intended to be legible from a public right-of-way, private road, or other private property.
- B. Signs inside a building, except for strobe lights visible from a right-of-way, private road, or other private property.
- C. Street and traffic signs legally erected in the right-of-way.
- D. Building numbers as required by the City of Burns.
- E. Signs carved into or part of materials, which are an integral part of the building.
- F. Government, fraternal, civic, or religious organization flags on permanent flag poles, which are designed to allow raising and lowering of flags.
- G. Painted wall decorations and painted wall highlights.

4. Prohibited Signs. The following types of signs are prohibited.

- A. Off-premise signs (i.e., signs advertising products or services that are not sold or offered on the site at which the sign is located).
- B. Strobe lights and signs containing strobe lights, which are visible beyond the property lines.
- C. Signs placed on or painted on a motor vehicle trailer and parked with the primary purpose of providing a sign not otherwise allowed for by this code.
- D. Signs constructed in the public right-of-way in whole or in part, except signs legally erected for informational purposes by or on behalf of a government agency. Overhead signs shall be a minimum of 14 feet above a sidewalk and shall not extend into the street and the owner agrees to hold the City harmless of any claims resulting thereof from the signs.

- E. Signs placed on rooftops exceeding the 35-foot building height limitation.
- F. Flashing or blinking light rooftop signs, excluding seasonal decorations.
- G. All signs that not expressly permitted under subsections 18.50.500. through 18.50.500.9, or that are not exempted from regulation in accordance with subsection 18.50.500.3, are prohibited.

* * * * *

- 7. Signs in Residential Districts.** The following signs are permitted within all residential zones.
- A. One nonilluminated name plate, not to exceed one and one-half square feet in area, placed flat against the building for each dwelling containing a home occupation.
 - B. One temporary nonilluminated sign not to exceed five square feet in area pertaining to the lease, rental, or sale of a building or premises upon which it is located.
 - C. One bulletin board not to exceed 12 square feet in area for each church, public library, neighborhood, or community center.
 - D. Multi-family residential developments are allowed one monument sign per street frontage, not to exceed 4 feet in height when measured from the adjacent grade, and a maximum overall sign area of 32 square feet.

RESOLUTION NO. 26-823

**A RESOLUTION TO INITIATE A PROJECT TO AMEND THE DEVELOPMENT
CODE FOR THE CITY OF BURNS**

WHEREAS, the City of Burns seeks to amend its adopted Development Code to establish new development standards related to the improvement of parking lots; and

WHEREAS, the City also seeks to make technical edits and housekeeping amendments necessary to refine Code text and improve the clarity, consistency, and usability of the Development Code for City staff, applicants, and the public; and

NOW, THEREFORE, THE CITY OF BURNS RESOLVES to initiate a project to amend its adopted Development Code and directs City staff to work with the Planning Commission to review, discuss, and make recommendations regarding proposed amendments to parking lot standards, as well as related technical edits and housekeeping amendments intended to improve the Development Code.

PASSED by the City Council and signed by me in authentication of its passage this 10th day of June, 2026.


Attest: Tiffany Leffler, City Clerk


Jen Hoke, Mayor



Department of Land Conservation and Development

PAPA Original Submission: Burns - Amendment 003-26

Page: 1

Submitted On-line/Sent To DLCD: 06/29/2026

Local File #: LPAF-001-2026

1st Hearing: 08/05/2026 Days Difference: 37

Final Hearing: Days Difference:

Proposal Type:

- ☐ Comprehensive Plan Map Change
- ☐ Zoning Map Change
- ☐ Comprehensive Plan Map & Zoning Map Change
- ☐ Comprehensive Plan Text Change
- ☒ Land Use Regulation Change
- ☐ UGB using Simplified Method (div 38)
- ☐ UGB amendment by city with population less than 2,500 within UGB (div 24)
- ☐ UGB amendment of 50 acres or less by a city with population 2,500 or more within UGB (div 24)
- ☐ UGB amendment adding more than 50 acres by city with population 2,500 or more within UGB (div 24)
- ☐ UGB amendment that adds more than 100 acres by Metro (div 24)
- ☐ Urban Reserve designation by Metro or a city with population 2,500 or more within UGB
- ☐ Urban Reserve amendment to add over 50 acres by a city with population 2,500 or more within UGB
- ☐ Urban Reserve designation or amendment by a city with population less than 2,500 within UGB
- ☐ Urban Reserve amendment by Metro
- ☐ Urban Reserve Other
- ☐ Annexation
- ☐ Other
- ☐ Periodic Review Task

Topics:

- ☒ None of these apply
- ☐ Housing Capacity Analysis
- ☐ Transportation System Plan
- ☐ Economic Opportunities Analysis
- ☐ Manufactured and prefabricated housing, including HB4064
- ☐ Public Facility Master Plans (e.g. non-transportation-related master or special area plans for stormwater, wastewater, or water; capital improvement plans, etc.)

Summary of Proposed Change: The city will be making minor code amendments to parking lot paving and landscaping standards. Along with other minor housekeeping items to ensure consistency and improve code useability.

An exception to a statewide planning goal is proposed: No

Goals Subject to Exception:

Total Acres: 0.00

Locations:

Contacts:

Jay Harland

Documents:

Table 18.30.130
Uses Allowed By Zoning District

USE CATEGORY	SPECIFIC USE	SFR 4	SFR 7	MFR	GC	BP	I	OS	USES SUBJECT TO SPECIAL STANDARDS
COMMERCIAL / SERVICE / EMPLOYMENT USES									
On-Site Sales of Goods	Retail Sales Within Enclosed Building	X	X	X	P	P	P _s	X	~~18.30.230~~
	Retail Sales With Less Than 30% of Site Area for Outdoor Sales & Storage	X	X	X	P	P	P _s	X	~~18.30.230~~
	Retail Sales With Greater Than 30% of Site Area for Outdoor Sales & Storage	X	X	X	P _s	P	P _s	X	~~18.30.340~~ <u>Prohibited within Downtown Commercial Core Zoning Overlay Area</u>
Services	Durable & Electronic Goods Repair or Services with Less Than 30% of Site Area for Outdoor Storage	X	X	X	P _s P/(C)	P _s P/(C)	P	X	~~Uses prohibited outside enclosed buildings in GC and BP zones within 200-feet of residential zone~~ <u>CUP in GC and BP zones if within 200-feet of residential zone</u>
	Durable & Electronic Goods Repair or Services With Greater Than 30% of Site Area for Outdoor Storage	X	X	X	P/(C) P _s	P/(C) P _s	P	X	~~CUP in GC and BP zones if within 200-feet of residential zone~~ <u>Uses prohibited outside enclosed buildings in GC and BP zones within 200-feet of residential zone</u>

* * * * *

18.30.340 Downtown Commercial Core.

- Purpose.** To provide a zoning overlay for properties located within the area designated on the City of Burns zoning map as the Downtown Commercial Core area, which is defined as the commercially zoned lands two blocks on either side of Broadway from Jackson Street to

“D” Street.

2. **Uses Permitted Outright.** Within the Downtown Commercial Core overlay, uses listed in Table 18.30.130 as being permitted in the General Commercial (GC) zone are permitted within the Downtown Commercial Core, subject to additional standards in this section and where specified in the code.
3. **Site Design Review.** All new development within the Downtown Commercial Core Overlay is subject to Site Design Review pursuant to Section 18.20.200 and using the Type III procedures in Section 18.20.025.
4. **Development Standards.** Except as specified in this section or where the Downtown Commercial Core overlay requirements are specifically referenced elsewhere in the code, all properties within the Downtown Commercial Core overlay are subject to the development standards of the underlying zoning district as specified in Section 18.50.
5. **Partitions of Existing Buildings.** Lawfully established lots and parcels within the Downtown Commercial Core that are developed with existing buildings may be partitioned subject to the following standards:
 - 1) The minimum lot width shall be 20 feet.
 - 2) The proposed property line shall coincide with an existing or proposed common wall within the building interior.
 - 3) The common wall along the property line shall be constructed or modified as necessary to comply with all applicable fire resistance and fire separation requirements. This must be completed and reviewed prior to final plat.
 - 4) Each resulting lot shall be served by separate water and sanitary sewer connections or meters approved by the City's Public Works Department.
6. **Parking.** No additional off-street parking is required for uses within the Downtown Commercial Core.
7. **Limitations on Uses.** The following limitations shall apply to uses permitted in the underlying zoning district.
 - A. **Drive-Throughs.** The installation of new drive-through facilities may only be allowed for the following uses and are subject to conditional use permit approval pursuant to Section 18.20.300 prior to issuance of any building permits for construction.
 - (1) Financial Services where in conjunction with at least 1,000 square feet of indoor customer service space.
 - (2) Pharmacies where in conjunction with at least 3,000 square feet of indoor retail space.
 - (3) Eating and drinking establishments where in conjunction with at least 1,500 square

feet of indoor dining area.

B. Retail Sales.

- (1) Retail sales with Greater Than 30% of Site Area for Outdoor Sales & Storage are prohibited. Outdoor dining areas are not counted as outdoor sales areas under this standard.

C. Vehicle Fueling Stations.

- (1) Vehicle fueling stations are prohibited.

* * * * *

4. **Lot and Development Standards for Non-Residential Districts.** The development standards in Table 18.50.100.4 apply to all new developments as of October 27, 2023, in the City's Non- Residential zones, as follows.

Table 18.50.100.4
Lot and Development Standards for Non-Residential Zones

All standards are minimums unless noted as otherwise	Non-Residential Zones			
	GC	BP	I	OS
Lot Area	(1) 20,000 sq. ft. minimum lot area for land division without consolidated land use application review for non-residential development (2) No minimum lot area for non-residential lots consolidated with land use application for non-residential development that complies with all other applicable development standards.			10 ac.
Lot Width	50 ft.*	50 ft.	100 ft.	n/a
Lot Depth	50 ft.	80 ft.	100 ft.	n/a
Lot Frontage	50 ft.	50 ft.	50 ft.	n/a
Maximum Lot Coverage	n/a	n/a	n/a	10%
Maximum Building Height	45 ft.	45 ft.	45 ft.	35 ft.
* Lot Width within the Downtown Commercial Core may be reduced as provided in Section 18.30.340.5				
Setbacks*				
Front Yard	Dimensional setbacks are not required; building code requirements for property line relationships must be met.			20 ft.
Side Yard				5 ft.
Rear Yard				5 ft.
* Vision clearance areas shall be provided in accordance with Section 18.50.220.6				
Landscaping, Fences, and Walls				

Minimum Landscape Area (% site area including required parking lot landscaping and any required street trees and screening) See also, Section 18.50.315	10%	n/a
Maximum Height of Fences & Non-Building Walls		
Front Yard*	3 ft.	
Interior Side Yard	6 ft.	
Rear Yard	6 ft.	
Street Side Yard	6 ft.	
*See also, Section 18.50.320		n/a

* * * * *

18.50.300 Landscaping, Fences, Walls, and Exterior Lighting

* * * * *

4. **Parking Lot Landscaping.** The following standards shall be met for all new parking lots. If a development contains multiple parking lots, then the standards shall be evaluated separately for each parking lot.

Table 18.50.315.44
Parking Lot Landscaping Requirements

Parking Stalls	Requirement
0-20	No interior landscaping required
21-40	Full Landscaping required only within the paved portions of the parking lot.*
41+	Full interior landscaping

* For parking lots with 21-40 spaces, only 50 percent of the paving is required as outlined in Table 18.50.410.4.

- A. A minimum of 10 percent of the total surface area of all paved parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of canopy trees distributed throughout the parking area. A combination of deciduous and evergreen trees, shrubs, and ground cover plants is required.

At a minimum, one tree per 12 parking spaces on average shall be planted over and around the paved parking areas.

- B. All parking areas with more than ~~25~~ 30 spaces shall provide landscape islands with trees that break up the parking area into rows of not more than 10 contiguous parking spaces. Landscape islands and planters shall have dimensions of not less than 48 square feet of area and no dimension of less than six feet (including curbing), to ensure adequate soil, water, and space for healthy plant growth.
 - C. All required parking lot landscape areas not otherwise planted with trees must contain a combination of shrubs and groundcover plants so that, within two years of planting, not less than 50 percent of that area is covered with living plants.
 - D. Wheel stops, curbs, bollards, or other physical barriers are required along the edges of all vehicle- maneuvering areas to protect landscaping from being damaged by vehicles. Trees shall be planted not less than two feet from any such barrier.
 - E. Trees planted in tree wells within sidewalks or other paved areas shall be installed with root barriers.
5. **Screening Requirements.** Screening is required for outdoor storage areas, unenclosed uses, and parking lots with more than 30 parking stalls, and may be required in other situations as determined by the decision-making body. Landscaping shall be provided pursuant to the standards of subsections A – C, below:

* * * * *

- B. **Parking Lots.** The edges of parking lots with more than 30 parking stalls shall be screened to minimize vehicle headlights shining into adjacent rights-of-way and residential yards. Parking lots abutting a sidewalk or walkway shall be screened using a low-growing hedge or low garden wall to a height of between three feet and four feet.

18.50.410 Automobile Parking

* * * * *

- 4. **Parking Stall Design and Minimum Dimensions.** Where a new off-street parking area is proposed, or an existing off-street parking area is proposed for expansion, the entire parking area shall be improved in conformance with this Ordinance. The minimum number of required new parking spaces and the associated drive aisles for new vertical development shall be paved with asphalt or concrete, or may be surfaced with gravel where permitted pursuant to Table 18.50.410.4. All parking spaces and drive aisles ~~and~~ shall conform to the minimum dimensions in Table 18.50.410.5 4.

~~Where additional parking spaces are proposed beyond the minimum requirement for commercial, industrial, or multi family development with more than four units, the decision-~~

~~making body may authorize the use of alternative parking area surfacing, such as permeable pavers or laterally stabilized gravel (i.e., gravel parking with interconnected plastic grids that prevent erosion and keeps gravel in the designed location). Through a Type III procedure, the Planning Commission may allow the use of alternative parking area surfacing for required minimum parking spaces.~~

~~Unpaved parking areas shall demarcate individual spaces using wheel stops or other similar methods. All off street parking areas shall be maintained in a dust free condition at all times, and contain wheel stops, perimeter curbing, bollards, or other edging as necessary to prevent vehicles from damaging buildings or encroaching into walkways, landscapes, or the public right-of-way. Parking areas shall also provide for storm drainage and surface water management, pursuant to Section 18.40.030.~~

Pursuant to Table 18.50.410.4, parking areas that are not required to be fully paved shall be surfaced with gravel and maintained in a compacted, firm, and dust-free condition. Unpaved parking areas shall clearly demarcate individual parking spaces through the use of wheel stops or other similar methods. All off-street parking areas shall be maintained in a dust-free condition at all times, and shall include wheel stops, perimeter curbing, bollards, or other approved edging as necessary to prevent vehicle encroachment into buildings, pedestrian walkways, landscaped areas, or the public right-of-way. Parking areas shall also be designed and maintained to provide adequate storm drainage and surface water management in accordance with Section 18.40.030.

Table 18.50.410.4
Parking Area Surfacing*

<u>Minimum Required Parking stalls</u>	<u>Required Paving of Parking Area & Associated Drive Aisles</u>
<u>0-20</u>	<u>None required.*</u>
<u>21-40</u>	<u>50% paved*</u>
<u>41+</u>	<u>100%</u>

*Subject to Timing and Exception provisions under 18.50.410.5.

5. Paving Timing and Exceptions

- A. Required paving improvements must be completed within 12 months after issuance of the Certificate of Occupancy, unless otherwise authorized by the approval authority. The approval authority may extend this deadline based on seasonal weather, site conditions, or other practical constraints affecting construction.
- B. For projects subject to paving requirements, the approval authority may grant a waiver or reduction to paving standards where the estimated project valuation or construction cost falls below a threshold established by the City Council.
- C. Properties located within the Downtown Commercial Core zoning overlay shall be subject

to the full paving requirement regardless of the size of the parking area, unless a specific waiver is approved pursuant to subsection (B) above.

- D. Any waiver, reduction, extension, or grace period may be conditioned on a performance guarantee, improvement agreement, or other form of assurance acceptable to the City.

5.6. Adjustments to Parking Area Dimensions. The dimensions in ~~subsection 18.50.420.4~~ Table 18.50.410.5 are minimum standards. The decision-making body may adjust the dimensions based on evidence that a particular use will require more or less maneuvering area.

6.7. Americans with Disabilities Act (ADA). Parking shall be provided consistent with ADA requirements, including, but not limited to, the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements.

Table 18.50.410.4~~5~~
Parking Space Minimum Dimensions*

Parking Angle	Space Width	Space Length	Drive Aisle Width (1-Way)	Drive Aisle Width (2-Way)
90 degrees	9 feet	19 feet	24 feet	24 feet
60 degrees			16 feet	
45 degrees			12 feet	
Parallel	8 feet	24 feet	12 feet	

*See also, Section 18.50.130 Commercial Building Orientation and Design for parking location requirements; Section 18.50.220 Vehicular Access and Circulation for driveway standards; and Section 18.50.300 for requirements related to Landscaping, Screening, Fences, Walls, and Outdoor Lighting.

* * * * *

18.50.500 Signs

* * * * *

3. Exemptions. The following are exempt from the provisions of this section:

- A. Signs not oriented toward or intended to be legible from a public right-of-way, private road, or other private property.
- B. Signs inside a building, except for strobe lights visible from a right-of-way, private road, or other private property.

- C. Street and traffic signs legally erected in the right-of-way.
- D. Building numbers as required by the City of Burns.
- E. Signs carved into or part of materials, which are an integral part of the building.
- F. Government, fraternal, civic, or religious organization flags on permanent flag poles, which are designed to allow raising and lowering of flags.
- G. Painted wall decorations and painted wall highlights.

4. Prohibited Signs. The following types of signs are prohibited.

- A. Off-premise signs (i.e., signs advertising products or services that are not sold or offered on the site at which the sign is located).
- B. Strobe lights and signs containing strobe lights, which are visible beyond the property lines.
- C. Signs placed on or painted on a motor vehicle trailer and parked with the primary purpose of providing a sign not otherwise allowed for by this code.
- D. Signs constructed in the public right-of-way in whole or in part, except signs legally erected for informational purposes by or on behalf of a government agency. Overhead signs shall be a minimum of 14 feet above a sidewalk and shall not extend into the street and the owner agrees to hold the City harmless of any claims resulting thereof from the signs.
- E. Signs placed on rooftops exceeding the 35-foot building height limitation.
- F. Flashing or blinking light rooftop signs, excluding seasonal decorations.
- G. All signs that are not expressly permitted under subsections 18.50.500.1 through 18.50.500.9, and that are not exempt from regulation under subsection 18.50.500.3, are prohibited unless approved by the Planning Commission through a Type III land use review. The Planning Commission may approve such a sign only upon a finding that the sign is consistent with the purpose and intent of this chapter, and that any impacts on traffic safety, aesthetics, and adjacent properties are adequately mitigated

* * * * *

7. Signs in Residential Districts. The following signs are permitted within all residential zones.

- A. One nonilluminated name plate, not to exceed one and one-half square feet in area, placed flat against the building for each dwelling containing a home occupation.
- B. One temporary nonilluminated sign not to exceed five square feet in area pertaining to the lease, rental, or sale of a building or premises upon which it is located.

- C. One bulletin board not to exceed 12 square feet in area for each church, public library, neighborhood, or community center.
- D. Multi-family residential developments are allowed one monument sign per street frontage, not to exceed 4 feet in height when measured from the adjacent grade, and a maximum overall sign area of 32 square feet.

**Department of Land Conservation and Development****PAPA Original Submission: Burns - Amendment 003-26**

Page: 1

Submitted On-line/Sent To 06/29/2026
DLCD:**Local File #:** LPAF-001-2026**1st Hearing:** 08/05/2026 **Days Difference:** 37**Final Hearing:** **Days Difference:****Proposal Type:**

- ☐ Comprehensive Plan Map Change
- ☐ Zoning Map Change
- ☐ Comprehensive Plan Map & Zoning Map Change
- ☐ Comprehensive Plan Text Change
- ☒ Land Use Regulation Change
- ☐ UGB using Simplified Method (div 38)
- ☐ UGB amendment by city with population less than 2,500 within UGB (div 24)
- ☐ UGB amendment of 50 acres or less by a city with population 2,500 or more within UGB (div 24)
- ☐ UGB amendment adding more than 50 acres by city with population 2,500 or more within UGB (div 24)
- ☐ UGB amendment that adds more than 100 acres by Metro (div 24)
- ☐ Urban Reserve designation by Metro or a city with population 2,500 or more within UGB
- ☐ Urban Reserve amendment to add over 50 acres by a city with population 2,500 or more within UGB
- ☐ Urban Reserve designation or amendment by a city with population less than 2,500 within UGB
- ☐ Urban Reserve amendment by Metro
- ☐ Urban Reserve Other
- ☐ Annexation
- ☐ Other
- ☐ Periodic Review Task

Topics:

- ☒ None of these apply
- ☐ Housing Capacity Analysis
- ☐ Transportation System Plan
- ☐ Economic Opportunities Analysis
- ☐ Manufactured and prefabricated housing, including HB4064
- ☐ Public Facility Master Plans (e.g. non-transportation-related master or special area plans for stormwater, wastewater, or water; capital improvement plans, etc.)

Summary of Proposed Change: The city will be making minor code amendments to parking lot paving and landscaping standards. Along with other minor housekeeping items to ensure consistency and improve code useability.

An exception to a statewide planning goal is proposed: No

Goals Subject to Exception:

Total Acres: 0.00

Locations:

Contacts:

Jay Harland

Documents:

**PUBLIC HEARING NOTICE
CITY OF BURNS CITY COUNCIL**

YOU ARE HEREBY NOTIFIED that a public hearing will be held before the City of Burns City Council in the Burns City Hall in Burns, Harney County, Oregon, on the 14th day of October, 2026, at the hour of 6:30 o'clock P.M., to consider legislative amendments to the City of Burns Development Code.

The proposed Development Code amendments consist of revised parking lot and landscaping standards, additional sign regulations, reducing the minimum lot width standard within the Downtown Commercial Core overlay zone, along with a mix of primarily minor "housekeeping" edits to make corrections and improvements to areas where staff has identified such changes would be beneficial in terms of making the code text clearer.

The applicable approval criteria are located in Section 18.20.720 of the City of Burns Development Code, and in the Statewide Planning Goals.

Testimony may be submitted orally or in writing. If testimony is written, it shall be submitted at least two (2) days prior to the hearing. Failure to raise a specific issue at this hearing precludes appeal to the Land Use Board of Appeals (LUBA) based on this issue. Failure to provide sufficient specificity to afford the decision maker an opportunity to respond to an issue that is raised precludes appeal to LUBA based on that issue.

If a Staff Report has been prepared, a copy may be available for inspection at no cost at least seven (7) days prior to the hearing. If you have further questions, you may contact City Clerk Tiffany Leffler, at Burns City Hall. (541) 573-5255.

HEARINGS PROCEDURE

Scope

Conduct of all public hearings on application by the Commission or the Council shall be governed by procedural rules. Every person entitled to notice of hearing shall be entitled to be heard in accordance with the rules as established in the Development Code. These rules shall be interpreted to promote justice. Technical violations which do not affect substantial rights of parties or of the public shall not interfere with the hearing of an application.

General Conduct of Hearing

Each person appearing before the Commission or Council shall give their name and address in an audible tone of voice for the record. Persons may be required to be sworn prior to speaking. No person shall speak more than once without obtaining permission from the presiding officer. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing. The Commission or Council may set reasonable time limits for all presentations, and may exclude or limit cumulative, repetitious, or immaterial matters.

**PUBLIC HEARING
NOTICE
CITY OF BURNS
CITY COUNCIL**

YOU ARE HEREBY NOTIFIED that a public hearing will be held before the City of Burns City Council in the Burns City Hall in Burns, Harney County, Oregon, on the 14th day of October, 2026, at the hour of 6:30 o'clock P.M., to consider legislative amendments to the City of Burns Development Code.

The proposed Development Code amendments consist of revised parking lot and landscaping standards, additional sign regulations, reducing the minimum lot width standard within the Downtown Commercial Core overlay zone, along with a mix of primarily minor "housekeeping" edits to make corrections and improvements to areas where staff has identified such changes would be beneficial in terms of making the code text clearer.

The applicable approval criteria are located in Section 18.20.720 of the City of Burns Development Code, and in the Statewide Planning Goals.

Testimony may be submitted orally or in writing. If testimony is written, it shall be submitted at least two (2) days prior to the hearing. Failure to raise a specific issue at this hearing precludes appeal to the Land Use Board of Appeals (LUBA) based on this issue. Failure to provide sufficient specificity to afford the decision maker an opportunity to respond to an issue that is raised precludes appeal to LUBA based on that issue.

If a Staff Report has

been prepared, a copy may be available for inspection at no cost at least seven (7) days prior to the hearing. If you have further questions, you may contact City Clerk Tiffany Lefler, at Burns City Hall, (541) 673-5255.

**HEARINGS...PROCE-
DURE**

§ 20.00
Conduct of all public hearings on application by the Commission or the Council shall be governed by procedural rules. Every person entitled to notice of hearing shall be entitled to be heard in accordance with the rules as established in the Development Code. These rules shall be interpreted to promote justice. Technical violations which do not affect substantial rights of parties or of the public shall not interfere with the hearing of an application.

**General Conduct of
Hearing**

Each person appearing before the Commission or Council shall give their name and address in an audible tone of voice for the record. Persons may be required to be sworn prior to speaking. No person shall speak more than once without obtaining permission from the presiding officer. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing. The Commission or Council may set reasonable time limits for all presentations, and may exclude or limit cumulative, repetitious, or immaterial matters.

Publish Sept 30, 2026

September 2, 2026

TO: City of Burns
Planning
Committee
Planning and
Zoning Department
Burns Oregon
97720



FR: Sharlene Ann (Felt) Walker, Trustee,
Walker Family Revocable Living Trust
1857 Mousebird Ave. NW
Salem, OR 9704
*Harney County Tax Lot: 485; Plat 10200

RE: General Commercial (GC) Zone Code change or variance for Tax Lot: 485; Plat 10200 Plat Partition Application approval for "Legacy" commercial buildings located at 433 & 441 N Broadway

Planning Commission:

My family has owned the two commercial buildings located at 433 and 441 N Broadway Ave., Burns, OR 97720 since 1945. They currently are one tax lot property. In July 2026 I submitted a Plat Partition Application to Tiffany Leffler at the City of Burns for approval to separate the two stores into 2 independent tax lots and with separate dated properties.

That application was denied for approval citing two reasons:

1. "...the General Commercial (GC) zone has a 50-foot minimum lot width requirement. Splitting your current 50-foot lot into two lots would create non-conforming properties."
2. "There is also an issue with the proposed property line running directly through the building, which could complicate matters regarding building code." (State of Oregon Fire Code)

I would like the committee to consider granting a code variance or a code change for both factors and allow each store to have an individual tax lot and be separate deed in documents at the County Clerk's Office.

BACKGROUND

The stores at 433 & 441 N Broadway Ave were built during the 1930's when joisted mortar common wall construction was used for commercial buildings. Because of the age and construction method, I will be referring to these as "Legacy" buildings.

In 1945 my father, Chester A Felt, and my mom, Helen (Smith) Felt, bought the property that had both 443 & 441 N Broadway Ave buildings, and they have been in my family since. My parents had a family Jewelry business for many years. After my father passed away, my mother and I have continued to own and rent them to other business. The businesses in these stores have been retail fixtures in downtown Burns for many years. We have always considered Harney County home.

We have been lucky to have long term tenants like Ribbons and Roses, who has been there for 24-years and the book parlor since 2010 until this year.

CURRENT STATUS

With the June vacancy in the 443 building, I was forced to look at options for the properties during these tough economic times. I learned that both buildings were on one Tax lot and that they could not be sold separately without a Plat Partition granted by the City of Burns.

Having each business aligned with it's own tax lot provides more opportunities for local ownership, higher occupancy downtown and benefits the city with higher tax revenue as well.

I made the decision to pursue a Plat Partition and requested approval from the city, but was denied.

ECONOMIC FACTORS AND LEGACY COMMERCIAL BUILDINGS IN BURNS

a. Internet buying is shifting how people shop. Less people shop in Brick-and-Mortar businesses.

b. The economic effects from Covid in 2020 have changed the downtown business environment and forcing store owners and retailers to look at new business models such as fewer open days, joint ventures in single spaces, retail/residential redesign of buildings, etc.

c. Vacant sites exist all along N Broadway.

d. Real estate brokers, bankers in three Burns banks, contractors, and others have indicated economic factors may not improve for some time.

e. Legacy buildings joined with common wall construction on N Broadway are more difficult to sell. A buyer must buy two (2) buildings, and either be a joint retailer or landlord for two (2) sites instead of being able to buy one (1) building.

f. Capital investment, risk, monetary reward are major considerations for buying a property or starting a retail business in Burns.

g. Multiple inquiries since July 1, 2026, have indicated interest in the purchase of 433 N Broadway for a venture, but buying both building sites in a non-starter.

REQUEST FOR VARIANCE \ CHANGE:

As stated above I am requesting a variance for the lot width and from the Oregon State Fire Marshal on the common wall legacy construction to allow for the plat patrician approval.

1. 50-Foot Frontage Variance \ Change: GENERAL COMMERCIAL (GC) ZONING OF 50 FEET MINIMUM LOT FRONTAGE WIDTH AND COMMON WALL CONSTRUCTION CODES

- a. 50-foot frontage width may be very appropriate for new commercial business code.
- b. 50-foot frontage width is very problematic for many, if not all, legacy commercial buildings on N Broadway that have common mortar walls.
- c. 433 and 441 N Broadway fit that description in the middle of the block sandwiched between other buildings of similar construction.
- d. **Deed:** The North 49 feet of Lot Three (3) and all of Lot Six (6) in Block Five (5) of the Original Town of Burns, Harney County, Oregon *433 has 22 feet of store frontage (Harney County Tax Assessor) but has 2,208 square feet of retail space with a store depth of 95+ feet. 441 has 26 feet of store frontage with 2,592 square feet of retail space with a store depth of 95+ feet. Both building sizes are **totally adequate** for most retail ventures in Burns.
- e. On behalf of the Felt family and other owners of "Legacy" common wall business owners in Burns we request the Planning Committee to consider a variance \ change to the 50-foot minimum lot width frontage requirement by considering the square footage of commercial sites as appropriate for these commercial buildings on N Broadway AND,

2. Variance \ Change for non-conforming property:

- a. If the State of Oregon Fire Marshal approves the actual construction of the common wall as sufficient for division of properties, remove or change common wall construction from being non-conforming properties for a Plat Partition in City of Burns code for our buildings.
- b. If the Oregon State Fire Marshal approves my request for approval my 1930's joisted mortar wall construction—14 inches mortar wall with 16 inch overall including plaster interior wall finish—as adequate for Plat Partition perhaps that would be sufficient for City of Burns Plat Partition code compliance. (Tiffany Leffler is assisting me with OR State Fire Marshal Randy Felton review)
- c. The OR State Fire Marshal common wall email from me stipulates no structural wall changes will be made because of potential loss of wall integrity as is in building codes below

d. A "No Party Wall Agreement" would be included in any future sales. This would ensure both buildings comply with a OR State Fire Marshal approval of the common wall construction for the Legacy common wall Plat Partition.

3. The legacy common wall agreement would remain after a sale. The Harney County Building Department further indicated that no building permits would be approved for modification of building walls because it could lead to compromised building integrity of mortar walls.

4. The Harney County Building Department Brett Thomas' staff reviewed 443 and 441 for building code requirements include separate front entrances, separate utility access and metering, and no interior access between buildings. Both 433 & 441 meet all requirements. No OR State action is needed.

ADVANTAGES OF PLAT PARTITION CODE CHANGES OR VARIENCES FOR BUILDINGS IN THE CITY OF BURNS

a. There would be tax increases for both city and county if legacy common wall structures are separate tax lots instead of one tax lot with two businesses.

b. Potential for less business vacancies

c. More robust and successful downtown

d. A single store building is easier to transact allowing more business opportunities for the community.

e. Separate buildings give current owners more options for success.

f. Code changes would support Harvey County and City of Burns economic initiatives.

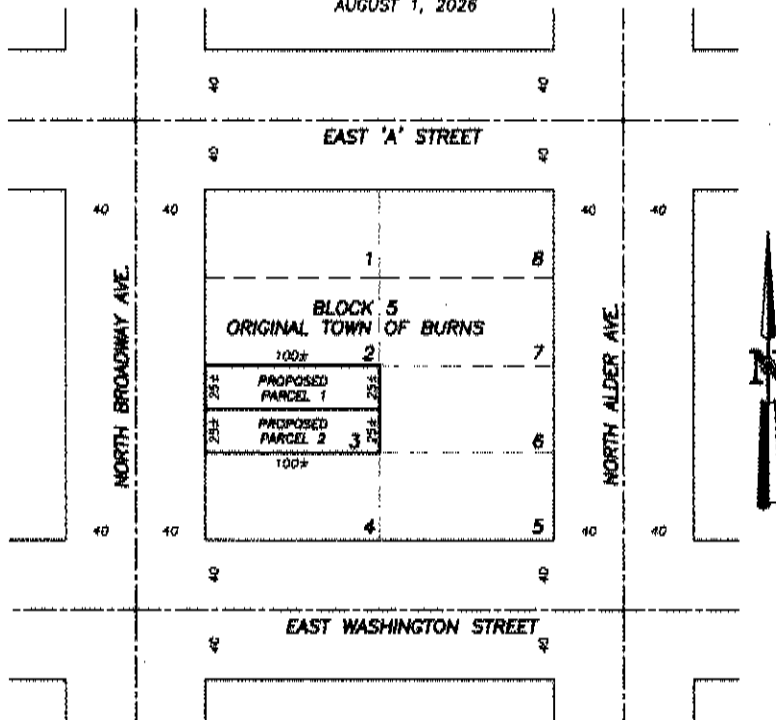
I am hopeful that the request for variance \ code can be granted.

I want to thank all the individuals who gave me so much of their time. They have been extremely helpful and endlessly patient. To name a few: Darrin (Dag) Robinson, HC Clerk; Corey Hill and Melinda Maupin, HC Tax Assessor's Office; Tiffany Leffler, City of Burns; Brett Thomas and staff, HC Planning Department; Mike Springer, surveyor.

Thanks,

Sharlene Ann (Felt) Walker

PRELIMINARY MAP
FOR A PROPOSED PARTITION
OF LOT 3, BLOCK 5 OF THE ORIGINAL TOWN OF BURNS
SITUATED IN THE NE1/4SW1/4 SECTION 7, T.23S., R.31E., W.M.,
CITY OF BURNS, HARNEY COUNTY, OREGON
SCALE: 1"=80'
AUGUST 1, 2026



LEGAL DESCRIPTION: LOT 3 OF BLOCK 5 OF THE ORIGINAL TOWN OF BURNS
 FLOOD ZONE: THE SUBJECT PROPERTY IS OUTSIDE A REGULATED FLOOD ZONE
 APPROXIMATE SITE ELEVATION: 4155 FT.

PREPARED FOR: SHARLONE WALKER FAMILY REVOCABLE LIVING TRUST
 1857 MOUSERING AVE. NW
 SALEM, OR 97304
 (541) 910-7125

PREPARED BY: BENCHMARK LAND SURVEYING, INC.
 217 N. DAWSON BLVD.
 JOHN DAY, OR 97845
 (541) 820-0874

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 9, 2003
 MICHAEL C. SPRINGER
 #70818

EXPIRES: 6/30/2028

ORDINANCE NO. 26-909

AN ORDINANCE APPROVING AMENDMENTS TO THE
CITY OF BURNS DEVELOPMENT CODE

WHEREAS, the City has identified sections of the Development Code text that need to be edited for clarification, accuracy, and revising standards; and

WHEREAS, all required notices of the proposed Development Code amendments were provided in accordance with State legal requirements; and

WHEREAS, a public hearing was appropriately noticed and duly held before the Planning Commission on September 2, 2026, at which it considered the proposed Development Code amendments and recommended City Council approval thereof; and

WHEREAS, a public hearing was appropriately noticed and duly held before the City Council on September 23, 2026, in accordance with all City requirements for legislative amendments; and

WHEREAS, the proposed Development Code amendments are found to comply with all applicable State laws, administrative rules, and Statewide Planning Goals, and with all applicable local criteria and the City of Burn Comprehensive Plan;

NOW, THEREFORE, THE CITY OF BURNS ORDAINS AS FOLLOWS:

The City of Burns Development Code is hereby amended to read as stated in Exhibit "A."

This Ordinance shall take effect on the thirtieth (30th) calendar day after its enactment.

PASSED by the City Council and signed by me in authentication of its passage this 23rd day of September 2026.

Jen Hoke
Mayor

ATTEST:

Tiffany Leffler
City Clerk

Table 18.30.130
Uses Allowed By Zoning District

USE CATEGORY	SPECIFIC USE	SFR 4	SFR 7	MFR	GC	BP	I	OS	USES SUBJECT TO SPECIAL STANDARDS
COMMERCIAL / SERVICE / EMPLOYMENT USES									
On-Site Sales of Goods	Retail Sales Within Enclosed Building	X	X	X	P	P	P _s	X	18.30.230
	Retail Sales With Less Than 30% of Site Area for Outdoor Sales & Storage	X	X	X	P	P	P _s	X	18.30.230
	Retail Sales With Greater Than 30% of Site Area for Outdoor Sales & Storage	X	X	X	P _s	P	P _s	X	18.30.340 <u>Prohibited within Downtown Commercial Core Zoning Overlay Area</u>
Services	Durable & Electronic Goods Repair or Services with Less Than 30% of Site Area for Outdoor Storage	X	X	X	P _s P/(C)	P _s P/(C)	P	X	Uses prohibited outside enclosed buildings in GC and BP zones within 200 feet of residential zone <u>CUP in GC and BP zones if within 200-feet of residential zone</u>
	Durable & Electronic Goods Repair or Services With Greater Than 30% of Site Area for Outdoor Storage	X	X	X	P/(C) P _s	P/(C) P _s	P	X	CUP in GC and BP zones if within 200-feet of residential zone <u>Uses prohibited outside enclosed buildings in GC and BP zones within 200-feet of residential zone</u>

* * * * *

18.30.340 Downtown Commercial Core.

- Purpose.** To provide a zoning overlay for properties located within the area designated on the City of Burns zoning map as the Downtown Commercial Core area, which is defined as the commercially zoned lands two blocks on either side of Broadway from Jackson Street to

“D” Street.

2. **Uses Permitted Outright.** Within the Downtown Commercial Core overlay, uses listed in Table 18.30.130 as being permitted in the General Commercial (GC) zone are permitted within the Downtown Commercial Core, subject to additional standards in this section and where specified in the code.
3. **Site Design Review.** All new development within the Downtown Commercial Core Overlay is subject to Site Design Review pursuant to Section 18.20.200 and using the Type III procedures in Section 18.20.025.
4. **Development Standards.** Except as specified in this section or where the Downtown Commercial Core overlay requirements are specifically referenced elsewhere in the code, all properties within the Downtown Commercial Core overlay are subject to the development standards of the underlying zoning district as specified in Section 18.50.
5. **Partitions of Existing Buildings.** Lawfully established lots and parcels within the Downtown Commercial Core that are developed with existing buildings may be partitioned subject to the following standards:
 - 1) The minimum lot width shall be 20 feet.
 - 2) The proposed property line shall coincide with an existing or proposed common wall within the building interior.
 - 3) The common wall along the property line shall be constructed or modified as necessary to comply with all applicable fire resistance and fire separation requirements. This must be completed and reviewed prior to final plat.
 - 4) Each resulting lot shall be served by separate water and sanitary sewer connections or meters approved by the City’s Public Works Department.
6. **Parking.** No additional off-street parking is required for uses within the Downtown Commercial Core.
7. **Limitations on Uses.** The following limitations shall apply to uses permitted in the underlying zoning district.
 - A. **Drive-Throughs.** The installation of new drive-through facilities may only be allowed for the following uses and are subject to conditional use permit approval pursuant to Section 18.20.300 prior to issuance of any building permits for construction.
 - (1) Financial Services where in conjunction with at least 1,000 square feet of indoor customer service space.
 - (2) Pharmacies where in conjunction with at least 3,000 square feet of indoor retail space.
 - (3) Eating and drinking establishments where in conjunction with at least 1,500 square

feet of indoor dining area.

B. Retail Sales.

- (1) Retail sales with Greater Than 30% of Site Area for Outdoor Sales & Storage are prohibited. Outdoor dining areas are not counted as outdoor sales areas under this standard.

C. Vehicle Fueling Stations.

- (1) Vehicle fueling stations are prohibited.

* * * * *

- 4. Lot and Development Standards for Non-Residential Districts.** The development standards in Table 18.50.100.4 apply to all new developments as of October 27, 2023, in the City's Non- Residential zones, as follows.

**Table 18.50.100.4
Lot and Development Standards for Non-Residential Zones**

All standards are minimums unless noted as otherwise	Non-Residential Zones			
	GC	BP	I	OS
Lot Area	(1) 20,000 sq. ft. minimum lot area for land division without consolidated land use application review for non-residential development (2) No minimum lot area for non-residential lots consolidated with land use application for non-residential development that complies with all other applicable development standards.			10 ac.
Lot Width	50 ft.*	50 ft.	100 ft.	n/a
Lot Depth	50 ft.	80 ft.	100 ft.	n/a
Lot Frontage	50 ft.	50 ft.	50 ft.	n/a
Maximum Lot Coverage	n/a	n/a	n/a	10%
Maximum Building Height	45 ft.	45 ft.	45 ft.	35 ft.
<i>* Lot Width within the Downtown Commercial Core may be reduced as provided in Section 18.30.340.5</i>				
Setbacks*				
Front Yard	Dimensional setbacks are not required; building code requirements for property line relationships must be met.			20 ft.
Side Yard				5 ft.
Rear Yard				5 ft.
<i>*Vision clearance areas shall be provided in accordance with Section 18.50.220.6</i>				
Landscaping, Fences, and Walls				

Minimum Landscape Area (% site area including required parking lot landscaping and any required street trees and screening) See also, Section 18.50.315	10%	n/a
Maximum Height of Fences & Non-Building Walls		
Front Yard*	3 ft.	
Interior Side Yard	6 ft.	
Rear Yard	6 ft.	n/a
Street Side Yard	6 ft.	
*See also, Section 18.50.320		

* * * * *

18.50.300 Landscaping, Fences, Walls, and Exterior Lighting

* * * * *

4. **Parking Lot Landscaping.** The following standards shall be met for all new parking lots. If a development contains multiple parking lots, then the standards shall be evaluated separately for each parking lot.

Table 18.50.315.44
Parking Lot Landscaping Requirements

Parking Stalls	Requirement
0-20	No interior landscaping required
21-40	Full Landscaping required only within the paved portions of the parking lot.*
41+	Full interior landscaping

* For parking lots with 21-40 spaces, only 50 percent of the paving is required as outlined in Table 18.50.410.4.

- A. A minimum of 10 percent of the total surface area of all paved parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of canopy trees distributed throughout the parking area. A combination of deciduous and evergreen trees, shrubs, and ground cover plants is required.

At a minimum, one tree per 12 parking spaces on average shall be planted over and around the paved parking areas.

- B. All parking areas with more than ~~25~~ 30 spaces shall provide landscape islands with trees that break up the parking area into rows of not more than 10 contiguous parking spaces. Landscape islands and planters shall have dimensions of not less than 48 square feet of area and no dimension of less than six feet (including curbing), to ensure adequate soil, water, and space for healthy plant growth.
 - C. All required parking lot landscape areas not otherwise planted with trees must contain a combination of shrubs and groundcover plants so that, within two years of planting, not less than 50 percent of that area is covered with living plants.
 - D. Wheel stops, curbs, bollards, or other physical barriers are required along the edges of all vehicle- maneuvering areas to protect landscaping from being damaged by vehicles. Trees shall be planted not less than two feet from any such barrier.
 - E. Trees planted in tree wells within sidewalks or other paved areas shall be installed with root barriers.
5. **Screening Requirements.** Screening is required for outdoor storage areas, unenclosed uses, and parking lots with more than 30 parking stalls, and may be required in other situations as determined by the decision-making body. Landscaping shall be provided pursuant to the standards of subsections A – C, below:

* * * * *

- B. **Parking Lots.** The edges of parking lots with more than 30 parking stalls shall be screened to minimize vehicle headlights shining into adjacent rights-of-way and residential yards. Parking lots abutting a sidewalk or walkway shall be screened using a low-growing hedge or low garden wall to a height of between three feet and four feet.

18.50.410 Automobile Parking

* * * * *

4. **Parking Stall Design and Minimum Dimensions.** Where a new off-street parking area is proposed, or an existing off-street parking area is proposed for expansion, the entire parking area shall be improved in conformance with this Ordinance. The minimum number of required new parking spaces and the associated drive aisles for new vertical development shall be paved with asphalt or concrete, or may be surfaced with gravel where permitted pursuant to Table 18.50.410.4. All parking spaces and drive aisles ~~and~~ shall conform to the minimum dimensions in Table 18.50.410.5 4.

~~Where additional parking spaces are proposed beyond the minimum requirement for commercial, industrial, or multi-family development with more than four units, the decision-~~

~~making body may authorize the use of alternative parking area surfacing, such as permeable pavers or laterally stabilized gravel (i.e., gravel parking with interconnected plastic grids that prevent erosion and keeps gravel in the designed location). Through a Type III procedure, the Planning Commission may allow the use of alternative parking area surfacing for required minimum parking spaces.~~

~~Unpaved parking areas shall demarcate individual spaces using wheel stops or other similar methods. All off-street parking areas shall be maintained in a dust-free condition at all times, and contain wheel stops, perimeter curbing, bollards, or other edging as necessary to prevent vehicles from damaging buildings or encroaching into walkways, landscapes, or the public right-of-way. Parking areas shall also provide for storm drainage and surface water management, pursuant to Section 18.40.030.~~

Pursuant to Table 18.50.410.4, parking areas that are not required to be fully paved shall be surfaced with gravel and maintained in a compacted, firm, and dust-free condition. Unpaved parking areas shall clearly demarcate individual parking spaces through the use of wheel stops or other similar methods. All off-street parking areas shall be maintained in a dust-free condition at all times, and shall include wheel stops, perimeter curbing, bollards, or other approved edging as necessary to prevent vehicle encroachment into buildings, pedestrian walkways, landscaped areas, or the public right-of-way. Parking areas shall also be designed and maintained to provide adequate storm drainage and surface water management in accordance with Section 18.40.030.

Table 18.50.410.4
Parking Area Surfacing*

<u>Minimum Required Parking stalls</u>	<u>Required Paving of Parking Area & Associated Drive Aisles</u>
<u>0-20</u>	<u>None required.*</u>
<u>21-40</u>	<u>50% paved*</u>
<u>41+</u>	<u>100%</u>

*Subject to Timing and Exception provisions under 18.50.410.5.

5. Paving Timing and Exceptions

- A. Required paving improvements must be completed within 12 months after issuance of the Certificate of Occupancy, unless otherwise authorized by the approval authority. The approval authority may extend this deadline based on seasonal weather, site conditions, or other practical constraints affecting construction.
- B. For projects subject to paving requirements, the approval authority may grant a waiver or reduction to paving standards where the estimated project valuation or construction cost falls below a threshold established by the City Council.
- C. Properties located within the Downtown Commercial Core zoning overlay shall be subject

to the full paving requirement regardless of the size of the parking area, unless a specific waiver is approved pursuant to subsection (B) above.

- D. Any waiver, reduction, extension, or grace period may be conditioned on a performance guarantee, improvement agreement, or other form of assurance acceptable to the City.

5.6. Adjustments to Parking Area Dimensions. The dimensions in ~~subsection 18.50.420.4~~ Table 18.50.410.5 are minimum standards. The decision-making body may adjust the dimensions based on evidence that a particular use will require more or less maneuvering area.

6.7. Americans with Disabilities Act (ADA). Parking shall be provided consistent with ADA requirements, including, but not limited to, the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements.

Table 18.50.410.5
Parking Space Minimum Dimensions*

Parking Angle	Space Width	Space Length	Drive Aisle Width (1-Way)	Drive Aisle Width (2-Way)
90 degrees	9 feet	19 feet	24 feet	24 feet
60 degrees			16 feet	
45 degrees			12 feet	
Parallel	8 feet	24 feet	12 feet	

*See also, Section 18.50.130 Commercial Building Orientation and Design for parking location requirements; Section 18.50.220 Vehicular Access and Circulation for driveway standards; and Section 18.50.300 for requirements related to Landscaping, Screening, Fences, Walls, and Outdoor Lighting.

* * * * *

18.50.500 Signs

* * * * *

3. Exemptions. The following are exempt from the provisions of this section:

- A. Signs not oriented toward or intended to be legible from a public right-of-way, private road, or other private property.
- B. Signs inside a building, except for strobe lights visible from a right-of-way, private road, or other private property.

- C. Street and traffic signs legally erected in the right-of-way.
- D. Building numbers as required by the City of Burns.
- E. Signs carved into or part of materials, which are an integral part of the building.
- F. Government, fraternal, civic, or religious organization flags on permanent flag poles, which are designed to allow raising and lowering of flags.
- G. Painted wall decorations and painted wall highlights.

4. Prohibited Signs. The following types of signs are prohibited.

- A. Off-premise signs (i.e., signs advertising products or services that are not sold or offered on the site at which the sign is located).
- B. Strobe lights and signs containing strobe lights, which are visible beyond the property lines.
- C. Signs placed on or painted on a motor vehicle trailer and parked with the primary purpose of providing a sign not otherwise allowed for by this code.
- D. Signs constructed in the public right-of-way in whole or in part, except signs legally erected for informational purposes by or on behalf of a government agency. Overhead signs shall be a minimum of 14 feet above a sidewalk and shall not extend into the street and the owner agrees to hold the City harmless of any claims resulting thereof from the signs.
- E. Signs placed on rooftops exceeding the 35-foot building height limitation.
- F. Flashing or blinking light rooftop signs, excluding seasonal decorations.
- G. All signs that are not expressly permitted under subsections 18.50.500.1 through 18.50.500.9, and that are not exempt from regulation under subsection 18.50.500.3, are prohibited unless approved by the Planning Commission through a Type III land use review. The Planning Commission may approve such a sign only upon a finding that the sign is consistent with the purpose and intent of this chapter, and that any impacts on traffic safety, aesthetics, and adjacent properties are adequately mitigated

* * * * *

7. Signs in Residential Districts. The following signs are permitted within all residential zones.

- A. One nonilluminated name plate, not to exceed one and one-half square feet in area, placed flat against the building for each dwelling containing a home occupation.
- B. One temporary nonilluminated sign not to exceed five square feet in area pertaining to the lease, rental, or sale of a building or premises upon which it is located.

- C. One bulletin board not to exceed 12 square feet in area for each church, public library, neighborhood, or community center.
- D. Multi-family residential developments are allowed one monument sign per street frontage, not to exceed 4 feet in height when measured from the adjacent grade, and a maximum overall sign area of 32 square feet.