



BURNS PLANNING COMMISSION

June 3, 2026

The Burns Planning Commission held a meeting June 3, 2026, at 6:00 p.m. Members present were as follows:

Chairperson Forrest Keady
Commissioner Jami Attleberger – Absent
Commissioner Bryan Garo
Commissioner McKiah Schroeder
Commissioner Ron Bolles

Also, present were City Manager Brenda Engebretson, City/Planning Clerk Tiffany Leffler, Public Works Director Ty Richardson, City Engineer Jesse Christensen with HECO Engineering, the President of Telos Development Company David Glennie, Harney County Judge Bill Hart, and Harney County Building Director Brandon McMullen. Via Zoom were City Land Use Planner Jay Harland, City Land Use Attorney Garrett Chrostek, Telos Land Use Planner Britany Randall, and Telos Engineer Steve Ward.

Chairperson Keady called the meeting to order at 6:00 p.m.

AGENDA

The Burns Planning Commission meeting began with agenda changes requested by County Planning Director Brandon McMullen. They requested to move their agenda item to number one on the agenda because they had other engagements they needed to attend that evening as well.

Commissioner Garo moved to approve the agenda with the changes. Commissioner Schroeder seconded the motion. All Ayes. **(4/o)**

MINUTES

October 2, 2024, Meeting Minutes –
May 6, 2026, Meeting Minutes -

Commissioner Garo moved to approve the agenda with the changes. Commissioner Schroeder seconded the motion. All Ayes. **(4/o)**

PUBLIC COMMENTS

There were no public comments.

OLD BUSINESS

There was no new business.



SUMMARY

The Burns Planning Commission held a public hearing on May 6th to discuss two development applications. The first hearing focused on Miller Springs, where the commission approved a zone change from SFR4 to SFR7 zoning and a planned unit development (PUD) request, except for removing balcony requirements on multifamily units. The second hearing addressed the Telos Development's Palmer Estates subdivision application, where the applicant requested approval for a Phase 1 development of 21 lots using a step system alternative to traditional sewer connections. Key concerns centered around sewer capacity issues and the city's Memorandum of Agreement with DEQ regarding infrastructure improvements. The commission decided to keep the hearing record open for 45 days to allow parties to resolve technical and engineering issues, particularly regarding sewer capacity and the step system proposal.

PUBLIC HEARING

QPCF-003-2026/QPCF-004-2026: Request for approval by Harney County for a Zoning Map Amendment to apply the Public Facilities (PF) Overlay Zone to the property located on the northeast corner of North Court Avenue and West A Street and identified as Tax Lots 5800 and 5900 of Tax Map 23S-31E-07CB. The County's planned use for the subject property is additional parking facilities for the courthouse and jail. The application also includes a request for a Variance to the paving and landscaping standards for parking lots.

Chairperson Keady opened the public hearing at 6:03 p.m.

The city's Land Use Planner Jay Harland provided an admonishment and explained the rules governing quasi-judicial hearings, including procedures for public comments and testimony. He asked the Planning Commission to disclose any ex parte, contacts, biases, or conflicts of interest they may have pertaining to the subject application or parties to the proceedings. If there were any, he asked them to please indicate the nature of the ex parte contact, biased, or conflict of interest, and indicate whether they intended to participate in or abstain from the hearing.

It was determined there were no conflicts of interest of ex parte.

City's Land Use Planner Jay Harland asked if anybody, or any member of these proceedings wished to challenge the ability of any Planning Commissioner to participate in these proceedings.

No one wished to challenge the ability of the Planning Commission to participate in the proceedings.

City's Land Use Planner Jay Harland asked if any person wished to challenge the Planning Commission's jurisdiction to hear about this matter.

No one wished to challenge the Planning Commission's jurisdiction to hear this matter.

City's Land Use Planner Jay Harland asked if any person wished to raise any other procedural issues.

No one wished to raise any other procedural issues.



City's Land Use Planner Jay Harland informed them that when someone testified, to please state their name and address for the record. He said all testimony should be directed towards the Planning Commission, and not to other members of the audience. The Planning Commission may allow for additional comments but asked them to please direct them to the Planning Commission, and the Planning Commission will decide whether to get a response at that time or wait for a later period. The applicable criteria that the Planning Commission will make their decision on are listed in the staff report. If they believe there are any additional applicable approval criteria, please identify such criteria when providing their testimony. Failure to raise an issue with sufficient specificity to afford the Planning Commission and other parties an opportunity to respond to the issue may preclude an appeal to the City Council and/or the Land Use Board of Appeals based on that issue and may preclude an action in Circuit Court. Failure of the applicant to raise constitutional or other issues relating to conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue may preclude an action for damages in circuit court. Any party may request that the record be left open. It will be up to the Planning Commission to decide how that may occur.

City's Land Use Planner Jay Harland then gave the Staff Report.

PLANNING COMMISSION STAFF REPORT

DATE: May 27, 2026

PROJECT: Harney County Zone Change & Variance

PLANNING FILE: QPCF-003-2026/QPCF-004-2026

APPLICANT/AGENT: Brandon McMullen, Harney County Planning Director

PROPERTY OWNER: Harney County

MAP DESCRIPTIONS: 23S-31E-07CB-5800, 5900

NATURE OF APPLICATION: Request for approval of a Zone Change to apply the Public Facility (PF) Overlay zone to two tax lots within the SFR-4 zoning district and containing approximately 0.36 acres. The subject property is located on the northeast corner at the intersection of North Court Ave. and West A Street.

- I. **BACKGROUND:** The subject property is owned by Harney County, which took ownership in June 2021 according to assessment records. The property consists of two tax lots which are currently vacant land that is directly north of and across West A Street from the County Courthouse and jail. The subject property is located within the SFR-4 zoning district, in which Government Center uses are conditionally permitted subject to Planning Commission approval of a conditional use permit (CUP). The County Courthouse and existing jail facilities are also located in the SFR-4 zoning district, but they are also within the Public Facility (PF) zoning overlay, the purpose of which is:



"To provide a zoning overlay for government, public utility, and quasi-public uses which can be held or developed by public agencies, utilities, and non-profit entities; and to ensure that such public facility development occurs in a manner compatible with surrounding uses while ensuring needed public and quasi-public uses and utilities are provided within the City of Burns."

On March 30, 2026, the City approved a Type II Site Design Review permit for the jail expansion and the subject parking lot facilities, subject to a condition of approval that the County apply for a obtain Planning Commission approval for a zone change to apply the PF Overlay to the subject property, or apply for and obtain Planning Commission approval for a Conditional Use Permit for a parking lot as an ancillary Government Center use. This condition of approval is required to be satisfied prior to certificate of occupancy being issued for the jail expansion. In addition to the request for zone change to apply the PF Overlay, the Applicant is also requesting a variance to seek relief from the paving and landscaping requirements for the new parking lot, which is an option that staff mentioned in its approval of the Type II Site Design Review.

II. STAFF ANALYSIS: Zone Change

The Applicant requests a zone change to apply the Public Facilities (PF) Overlay zone to the subject property. Application of the PF Overlay to the subject property will not remove the underlying SFR-4 base zoning, but it will allow for the proposed parking lot to be a use that is permitted by-right rather than subject to a CUP. Application of the PF Overlay would also negate the need for future CUPs and amendments thereto, should the County need to make changes to the site in the future since the PF Overlay essentially allows government uses by-right, only subject to Site Design Review to ensure that the use meets development standards.

STAFF ANALYSIS: Variance

Concurrent with the above-described zone change, the Applicant has submitted a request for a Variance to obtain relief from the parking lot landscaping and screening standards of Sections 18.50.315(4) and (5), and the parking lot paving requirements in Section 18.50.410(4).

The parking lot landscaping standard is a minimum of one tree per 12 parking spaces (planted around the parking area), and landscaping amounting to 10 percent of the total surface area of the parking facilities. For the subject parking lot which is approximately 9,000 square feet of paved area and 28 parking spaces, this amounts to a minimum of two trees and ±900 square feet of landscaping.

III. AGENCY COORDINATION & PUBLIC NOTICE: Public notice for this hearing was provided in accordance with the requirements in Section 18.20.025 of the Development Code. At the time this report was prepared, staff had not received any comments from members of the public.

IV. APPROVAL CRITERIA & FINDINGS OF CONFORMANCE

Section 18.30.320 Public Facilities (PF) Overlay

2. Zoning Criteria.

- A. *The land where the PF overlay is located must be owned by a government, or utility, or non-profit, or be under contract for purchase by such entity. In the contract for purchase*



case, the effective date set forth in the zoning overlay action shall be fifteen days after the entity closes on the purchase contract.

FINDINGS: The subject property is owned by Harney County. The Planning Commission can find that this criterion is met.

- B. The approving authority for a new PF overlay request shall conclude the proposed overlay area is appropriate in size and location for the contemplated use; the applicant shall set forth the contemplated use within the overlay.*

FINDINGS: The subject property is ±0.36 acres and the proposed parking lot use is appropriate for the size of the property as demonstrated by the Applicant's site plan. Additionally, the property is located directly across West A Street from the courthouse and jail facilities that the parking lot will serve. As such, the Planning Commission can find this criterion is met.

- C. The approving authority for a new PF overlay request shall conclude that any potential adverse impacts on surrounding properties are outweighed by the public benefit expected to accrue from the zoning overlay application to serve the contemplated uses.*

FINDINGS: The subject property is currently a vacant lot located on a block that is otherwise fully developed with five single-family dwellings. Each of the five existing dwellings has rear or side yard fencing that will help to screen/mitigate the impacts related to the parking lot use, such as headlights and vehicle noise. The parking lot will provide off-street parking for employees of the adjacent County facilities as well as members of the general public visiting said facilities. Additionally, as a parking lot for government facilities, it is unlikely that the parking lot will see significant amounts of use in the evenings or on weekends and holidays. As such, the Planning Commission can find that the public benefits outweigh the potential adverse impacts on the surrounding properties.

Section 18.20.710 Quasi-Judicial Zoning Map Amendments

- 3. Criteria. The Planning Commission shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections A through C below:*

- A. The proposed zone is consistent with the Transportation System Plan (TSP) and the Comprehensive Plan Map designation.*

FINDINGS: As noted in the findings directly above, the criteria for the proposed PF Overlay can be found to be met, and as the Applicant's findings state, the proposed use of the site does not establish a new principal use, it simply provides parking facilities associated with existing governmental uses that have operated in the immediate vicinity for several decades. As such, nothing about the proposed zone change would affect the TSP's functional classifications for the surrounding streets. The Planning Commission can conclude this criterion is met.

(...)

- C. The proposed zone can feasibly and will be served with urban services and facilities, as described below, to adequately serve the subject property with the permitted uses allowed under the*



proposed zoning, except as provided in subsection (3) below. The minimum standards for transportation facilities and other public facilities are set forth in the applicable facility master plans.

- (1) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or they must be able to be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction. Off-site facilities can be shown to be adequate if the site was assumed to be developed at an intensity typical for the proposed zone in the applicable facility master plan and if the master plan does not identify the need for off-site improvements necessary to serve the site under the proposed zoning.
- (2) Adequate streets and street capacity must be provided in accordance with Oregon Administrative Rule 660-012-0060, commonly referred to as the Transportation Planning Rule (TPR). Any request for approval under subsection (9) of the TPR may be allowed but the Planning Commission is under no obligation to approve a zone change seeking to rely on subsection (9); the Planning Commission may request the Applicant provide additional information concerning safety impacts, congestion impacts and public benefits for any zone change request pursuant to subsection (9). For planned improvements that may otherwise be relied upon for transportation facility adequacy under the TPR, Public Works Department may still require that planned improvements be constructed prior to issuance of building permits for reasons of public safety and, when possible, shall base findings for the required improvements on the safety review required by the Public Facilities and Services Impact Study.

FINDINGS: The Applicant has addressed these criteria in their findings and staff concurs that the Planning Commission can conclude that they are met.

- (3) The Planning Commission may mitigate potential impacts on public facilities and services through the imposition of special development conditions, stipulations, or restrictions attached to the zone change. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant and must be recorded at the Harney County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions include but are not limited to:
 - (a) Development amount thresholds that can be undertaken before specific infrastructure components are constructed.
 - (b) Public Facilities and Services Impact Study refinements that will identify when specific infrastructure components, identified in the Public Facilities and Services Impact Study for the entire zone change area, will be needed to serve certain zone change areas or development amount thresholds.
 - (c) Limitations on development intensities in the zone change area.
 - (d) For transportation facilities, other mitigation measures allowed by the Transportation Planning Rule.



FINDINGS: As outlined under the findings for Criterion C(1) and (2), the Planning Commission can find that no new impacts on public facilities and services are anticipated from the proposed parking lot.

Section 18.20.525 Variance Approval Criteria

The Planning Commission through a Type III procedure may approve a Variance upon finding that it meets all of the following criteria:

- A. *The Variance is necessary because the subject Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses. A legal lot determination can function as evidence of a hardship for purposes of approving a variance;*

FINDINGS: The Applicant has provided findings addressing this criterion which, if the Planning Commission is in agreement therewith, can be found to be met.

- B. *The Variance is the minimum appropriate to address the special or unique physical circumstances related to the subject site;*

FINDINGS: The Applicant has provided findings addressing this criterion which, if the Planning Commission is in agreement therewith, can be found to be met.

- C. *The need for the Variance is not self-imposed by the applicant or property owner. (For example, the Variance request does not arise as a result of a property line adjustment or land division approval previously granted to the applicant);*

FINDINGS: The Applicant has provided findings addressing this criterion which, if the Planning Commission is in agreement therewith, can be found to be met.

- D. *The Variance does not conflict with other applicable City policies or other applicable regulations;*

FINDINGS: The Applicant has provided findings addressing this criterion which, if the Planning Commission is in agreement therewith, can be found to be met.

- E. *The Variance will result in no foreseeable harm to adjacent property owners or the public; and*

FINDINGS: The Applicant has provided findings addressing this criterion which, if the Planning Commission is in agreement therewith, can be found to be met.

- F. *All applicable building code requirements and engineering design standards shall be met.*

FINDINGS: Applicant has provided findings addressing this criterion and staff concurs that approval of the requested Variance would not exempt the Applicant from compliance with applicable construction, engineering, drainage, safety, or other technical requirements imposed by the City or other reviewing agencies.

V. CONCLUSION & RECOMMENDATION



Based upon the Applicant's findings and the supplemental staff findings outlined herein above, Staff's conclusion is that the application for zone change to apply the PF Overlay to the subject property can be found to be in conformance with the City's standards and approval criteria.

With regards to the requested Variance, the Planning Commission has the following options:

- Approve the Variance as requested.
- Approve the Variance request for relief from the paving requirement but not for the landscaping.
- Approve the Variance request for relief from the landscaping requirements, but not for the paving.
- Approve the Variance with modifications to be addressed with conditions of approval (e.g., requiring landscaping in an amount less than the code minimums, or requiring paving after a specified period of time).
- Deny the Variance.

VI. EXHIBITS

- A. Existing Zoning Map
- B. Applicant's Burden of Proof Statement
- C. Applicant's Proposed Site Plans
- D. Copies of Public Notice Materials

CITY OF BURNS PLANNING & ZONING DEPARTMENT

By: Jay Harland
Contract City Planner

Land Use Planner Jay Harland informed the Planning Commission that staff had spoken with the council about parking lot standards at the last City Council meeting, and at the June 10th City Council meeting they will be directing staff to prepare a resolution to initiate some amendments to the parking lot standards. He pointed out that some of the things the county was asking for with the variance may have additional flexibility when the code amendment is done. As the code stands right now, that is what must be applied to the current application, but he wanted to provide that for the commission's reference.

Chairperson Keady asked if the applicant wanted to speak on their behalf.

Brandon McMullen and Judge Bill Hart presented an application for a public facility overlay zone and variance for a proposed parking lot North of the jail. The county requested a variance to delay paving the lot due to limited resources, with plans to pave within 2-5 years.



The discussion between the Planning Commission focused on whether the county should be held to the same paving requirements as private developers, with opponents arguing that the residential location and public benefit of the project should justify the variance.

The county clarified that while they could pave the lot within a year using their own equipment, additional code requirements for curbing, vegetation, and other elements would significantly increase costs beyond their current budget.

Chairperson Keady asked if there was anyone who wanted to speak in opposition to or in favor of the project.

Jen Keady, 80 West Washington, said she was not against the project but thinks it should be paved and there should be some sort of timeframe on when that should be completed. She worried the gravel would cause an issue for the snowplows in the winter.

While discussing paving requirements for a parking lot associated with a construction project, Jay Harland suggested setting a deadline of August 15th of the summer following the Certificate of Occupancy (CFO) for paving, with the option to include vegetation and curbing requirements. The group agreed on a two-year timeframe after CFO for completing paving, with vegetation requirements to be completed in the following planting season and they will apply to current standards.

Chairperson Keady closed the public hearing at 6:32 p.m.

Commissioner Bolles made a motion to approve the variance with a two-year timeframe after CFO for completing paving, with vegetation requirements to be completed in the following planting season which will both be required to apply to whatever the current standards are. Commissioner Garo seconded the motion. All Ayes. (4/0)

Commissioner Garo made a motion to approve the request for a Zone Change to apply the Public Facility (PF) Overlay zone to two tax lots within the SFR-4 zoning district. Commissioner Schroeder seconded the motion. All Ayes. (4/0)

PUBLIC HEARING

QPCF-001-2025: Continuance of hearing from May 6, 2026, for a request for approval by Palmer Estates of a Preliminary Subdivision Plat to create 72 residential lots for single-family and multi-family development. This project involves approx. 18 acres at the southern edge of the Burns city limits.

Chairperson Keady opened the public hearing at 6:36 p.m.

The city's Land Use Planner Jay Harland provided an admonishment and explained the rules governing quasi-judicial hearings, including procedures for public comments and testimony. He asked the Planning Commission to disclose any ex parte, contacts, biases, or conflicts of interest they may have pertaining to the subject application or parties to the proceedings. If there were any, he asked them to please indicate the nature of the ex parte contact, biased, or conflict of interest, and indicate whether they intended to participate in or abstain from the hearing.



Chairperson Keady said he has had conversations with Mr. Glennie, but nothing to do with the Telos Development's project and he did not feel that he had a conflict.

It was determined there were no conflicts of interest of ex parte.

City's Land Use Planner Jay Harland asked if anybody, or any member of these proceedings wished to challenge the ability of any Planning Commissioner to participate in these proceedings.

No one wished to challenge the ability of the Planning Commission to participate in the proceedings.

City's Land Use Planner Jay Harland asked if any person wished to challenge the Planning Commission's jurisdiction to hear about this matter.

No one wished to challenge the Planning Commission's jurisdiction to hear this matter.

City's Land Use Planner Jay Harland asked if any person wished to raise any other procedural issues.

No one wished to raise any other procedural issues.

City's Land Use Planner Jay Harland informed them that when they testified, to please state their name and address for the record. He said all testimony should be directed towards the Planning Commission, and not to other members of the audience. The Planning Commission may allow for additional comments but asked them to please direct them to the Planning Commission, and the Planning Commission will decide whether to get a response at that time or wait for a later period. The applicable criteria that the Planning Commission will make their decision on are listed in the staff report. If they believe there are any additional applicable approval criteria, please identify such criteria when providing their testimony. He said failure to raise an issue with sufficient specificity to afford the Planning Commission and other parties an opportunity to respond to the issue may preclude an appeal to the City Council and/or the Land Use Board of Appeals based on that issue and may preclude an action in Circuit Court. Failure of the applicant to raise constitutional or other issues relating to conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue may preclude an action for damages in circuit court. Any party may request that the record be left open. It will be up to the Planning Commission to decide how that may occur.

City's Land Use Planner Jay Harland then gave the Memorandum Staff Report Update.

MEMORANDUM

TO: Planning Commission

DATE: May 27, 2026

PROJECT: Palmer Estates Subdivision (Planning File: QPCF-001-2025)

NATURE OF APPLICATION: Request for approval of a Preliminary Subdivision Plat to create 72 residential lots for single-family and multi-family development.



SUPPLEMENTAL STAFF REPORT UPDATE: Following the initial public hearing for the Palmer Estates Subdivision application that was held on May 6, 2026, the Applicant revised the proposed subdivision plans to address some of the key issues that were raised by the Planning Commission and staff, the main one being the proposed sanitary sewer facilities for the subdivision and the City's current sewer capacity constraints. The revised plans were submitted to the City on May 13, 2026, and are attached hereto as Exhibit B.

City Staff, including the City's Contract Engineer, Public Works Director, Contract City Planner, and the City Manager, have reviewed the revised plans and have met with the Applicant and the project engineer to discuss the proposed solutions. Overall, the more minor issues that were noted in the original plans (e.g., project phasing, sidewalk locations, and street details) have been adequately addressed.

In terms of the sanitary sewer facilities, the Applicant now proposes to use a "STEP System" which uses holding tanks for sewage collection and treatment, and then pumps the liquid wastes (effluent) into the municipal sanitary sewer system, thus reducing the total flows into the City's existing sewer facilities.

While Public Works and the City Engineer are of the opinion that the STEP system has the potential to have technical and economic merit, a "property-by-property" STEP system whereby each individual parcel connects to a City force main in a City street introduces risk that improper maintenance of the individual pumps and tanks, over time, could create compliance issues with ODEQ for the City whereby the City could potentially be required to assume maintenance of the entire system which would represent a significant maintenance burden.

In the interest of moving the project forward, staff proposes two alternative paths for the project:

- If the Applicant wishes to proceed with using a STEP system for the Palmer Estates subdivision, the street system within the subdivision will be private which reduces the City's potential long-term liability for this approach to sewer. Water and storm drainage would still be public with maintenance easements. Under the STEP alternative, all streets, sidewalks, and streetlights within the subdivision will be private, which is allowed pursuant to Section 18.40.015.4.G of the Development Code (but not for meeting block length and connectivity standards, which would not be applicable here). The recommended construction standards for the private streets, sidewalks and street lights are that all such facilities be designed and built to an equivalent or greater standard than would otherwise be required if the improvements were public. This approach will require a Homeowners Association for maintenance of the streets, street lights, sidewalks, and STEP sewer system.
- If the Applicant wishes to proceed with a standard gravity sewer system (and municipal standard lift stations if/where required), then the standard conditions would apply.

To this end, Staff has prepared a revised set of recommended conditions of approval that are structured to account for these two facility improvement alternatives. The revised recommended conditions of approval are attached hereto as Exhibit A.



CITY OF BURNS PLANNING & ZONING DEPARTMENT

By: Jay Harland
Contract City Planner

Exhibits

- A. Revised Recommended Conditions of Approval
- B. Revised Subdivision Plans
- C. Extension of Time Authorizations from Applicant

EXHIBIT A

**Recommended Conditions of Approval
Revised 05/27/2026**

1. Prior to approval of the public improvement plans for the project, the Applicant shall provide stormwater calculations that show the off-site storm water flows for the 20-year design storm will be similar in volume and location for any discharge offsite following existing drainage patterns, or show that downstream facilities are adequate where discharge is proposed into any public storm drainage system (whether owned by Burns or Hines). Storm drainage shall be designed to ensure water quality shall comply with any applicable ODEQ NPDES permitting requirements.
2. No grading or earthwork on the site is permitted until a 1200-C permit is issued by ODEQ or evidence is provided that the project does not require a 1200-C permit.
3. Development phasing of the subdivision shall be arranged such that Phase II is not platted until S. McGowan Avenue is improved up to the Burns Mini Storage facility, providing two street access points. Grant Street and S. Imperial Ave. shall be fully constructed as shown on the Applicant's drawings and connected so that adequate emergency fire access to said lots will be provided prior to platting Phase III.
4. The Applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in Section 18.20.400.
5. Phase I of the final plat shall be submitted to the City within four years of the date of approval for the preliminary plat. The final plat shall be substantially consistent with the design and layout of the approved preliminary plat, and all conditions of approval shall have been met. Extensions of the approval effective period not to exceed one year per extension, may be provided by the Planning Commission subject to the criteria in Section 18.20.120(3). Future phases shall be platted within the timeframe required by ORS 92 (10 years).



6. 30-days prior to submittal of public improvement plans, the project developer shall provide written correspondence to the Public Works Director and Oregon DEQ stating the intent to do either: (1) a private step-sewer system with private streets, private street lights, and private common sewer, with public water service and public storm drainage; or (2) a traditional public gravity sewer system (that may need to include a municipal lift station) and public streets, public sidewalks, public water service, public storm drainage system and public street lights.

7. If the project developer elects to do a traditional public gravity sewer system, prior to construction of public improvements, the Applicant shall have all public improvement plans prepared by an Oregon Registered Professional Engineer and approved by City of Burns Public Works. Specifically, the following conditions of approval shall apply:

a. Furnish the City with a capacity analysis of all downstream sewer facilities and sewer treatments facilities; the City will forward this analysis to ODEQ for concurrence with the analysis prior to issuing the capacity statement.¹ Project developer shall be reimbursed for any oversized off-site improvements the City requires during the plan review to serve sewerage flows from other parts of the City. All sewer improvements shall meet applicable City and ODEQ standards.

b. Prior to approval of the public improvement plans for the project, the Applicant shall obtain permits from ODEQ for the proposed sewer extensions within the project area.

c. All notes on the preliminary engineering plans shall be considered conditions of approval, except where specifically modified by conditions set forth in this section.

d. All proposed water system connections and improvements shall be to City Standards.

e. Final hydrant locations shall be determined during the engineering design phase and must be approved by the Fire Marshal and Public Works.

f. All streets and sidewalks will be designed to City Standards and be substantially consistent with the revised subdivision plans submitted to the City on May 13, 2026.

g. Unless otherwise bonded in conformance with Section 18.40.120, all public facilities shall be constructed in conjunction with or prior to each phase, and all public improvements shall have been approved by the City or applicable service provider if different than the City of Burns.

h. All proposed streets shall be improved to City Structural Standards. Reserve strips shall be provided at any terminus of a street that ends a right-of-way not improved to a standard deemed appropriate for through traffic by the Public Works Director.

i. All street lights shall be designed in accordance with the City Standards. Precise locations of street lights will be determined during public improvement plan review.

j. All utilities proposed for installation that are not supplied by the City of Burns shall have a franchise agreement in good-standing with the City.



- k. The public improvement plans shall satisfy all applicable requirements of the Oregon Fire Code and shall be approved by the City of Burns Fire Marshal (the Fire Chief acts as the Fire Marshal in the City of Burns).
 - l. A geotechnical report will be required to ensure physical stability of proposed public improvements. The scope of work for the geotechnical report shall be coordinated and approved by the City of Burns Public Works Director or the Director's designee.
 - m. All required streets, access ways, roads, easements, and other dedications or reservations shall be shown on the final plat, and all public streets and roads for public use shall be dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities.
 - n. Concurrent with final plat submittal and as applicable, the Applicant shall furnish acceptable copies of Covenants, Conditions, and Restrictions (CC&Rs); easements; maintenance agreements (e.g., for access, common areas, parking, etc.); and other documents pertaining to common improvements recorded and referenced on the plat.
8. If the project developer elects to do a STEP sewer system, prior to construction of public and private common improvements, the Applicant shall have all public and common improvement plans prepared by an Oregon Registered Professional Engineer and approved by City of Burns Public Works. Specifically, the following conditions of approval shall apply:
- a. Prior to approval of the public improvement plans for the project, the Applicant shall obtain permits from ODEQ for the common sewer STEP system.
 - b. All notes on the preliminary engineering plans shall be considered conditions of approval, except where specifically modified by conditions set forth in this section.
 - c. All proposed water system connections and improvements shall be to City Standards and all required easements for water line access and maintenance shall be depicted on the plat.
 - d. Adequate easements shall be depicted on the plat for access and maintenance to any public stormwater facilities.
 - e. Final hydrant locations shall be determined during the engineering design phase and must be approved by the Fire Marshal and Public Works. Easements for emergency access and firefighting shall be depicted on all private street surfaces.
 - f. All streets and sidewalks will be designed substantially consistent with the revised plans submitted to the City on May 13, 2026. All streets and sidewalks shall be private and shall be designed to a structural and cross-sectional standard that is equivalent to or exceeds City Standards and be substantially consistent with the revised plans submitted to the City on May 13, 2026.



- g. Unless otherwise bonded in conformance with Section 18.40.120, all public facilities and common improvements shall be constructed in conjunction with or prior to each phase, and all public improvements shall have been approved by the City or applicable service provider if different than the City of Burns.
 - h. All streetlights shall be private and designed to a standard equivalent to or exceeding City Standards. Precise locations of street lights will be determined during public and common improvement plan review.
 - i. Easements acceptable to each public utility provider proposed for installation shall be depicted on the plat.
 - j. Any off-site easements necessary for the private common step system sewer shall be obtained and provided in a form acceptable to the City of Burns.
 - k. The public and common facility improvement plans shall satisfy all applicable requirements of the Oregon Fire Code and shall be approved by the City of Burns Fire Marshal (the Fire Chief acts as the Fire Marshal in the City of Burns).
 - l. A geotechnical report will be required to ensure physical stability of proposed public and common improvements. The scope of work for the geotechnical report shall be coordinated and approved by the City of Burns Public Works Director or the Director's designee.
 - m. All required streets, access ways, roads, easements, and other dedications or reservations shall be shown on the final plat.
 - n. Concurrent with final plat submittal and as applicable, the Applicant shall furnish acceptable copies of Covenants, Conditions, and Restrictions (CC&Rs); easements; maintenance agreements (e.g., for access, common areas, parking, etc.); and other documents pertaining to common improvements recorded and referenced on the plat. A homeowner's association shall be established for the maintenance of all common facilities and improvements in a form acceptable to the City Attorney.
9. Unless bonded, submittal of final plat for review shall include written verification from the City that water and sanitary sewer (public or common STEP system, as applicable) service is available to every lot depicted on the plat.
10. The final plat shall contain an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS 92, indicating the initial point of the survey, and giving the dimensions and kind of each monument and its reference to some corner approved by the Harney County Surveyor for purposes of identifying its location.
11. Within 60 days of City approval of the final plat, the Applicant shall submit the final plat to Harney County for signatures of County officials, as required by ORS 92. The final plat shall be recorded with the County no later than 120 days after City approval.



12. Upon final recording with the County, the Applicant shall submit to the City a mylar copy and three paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.

13. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS 92.

14. No plat shall be recorded until the County Surveyor approves it in the manner provided by ORS 92.

City Land Use Planner Jay Harland explained that the applicant had resubmitted revised plans addressing smaller issues, with a key change being the proposed step system for sewer management using individual house holding tanks and pumps connected to a force main. He informed the Planning Commission that staff recommended two options: a traditional pump station or a private step system where streets, streetlights, and water/storm drainage systems would be private until connecting to the city's municipal system.

The Planning Commission asked about other Oregon communities using similar systems, and Jay acknowledged limited research had been conducted, noting that Black Butte Ranch was one example of a private system. They also discussed administrative requirements for the step system, where the Planning Commission questioned whether the municipality would be defined as the owner responsible for maintenance.

Chairperson Keady asked if the applicant David Glennie would like to speak on behalf of the project.

The applicant and President of Telos Development Company David Glennie, discussed a STEP system and storm sewer system, addressing concerns raised by the Public Works Department. He expressed frustration that specific written concerns were not provided ahead of time and criticized the staff report's conditions which essentially required either maintaining public streets or building a pump station. He defended the STEP system as a proven alternative that would allow for pay-as-you-go implementation rather than incurring over a million dollars in upfront expenses. He informed the Planning Commission of the benefits of an affordable single-family subdivision in Harney County, including economic activity, job growth, and additional tax revenue. David Glennie emphasized that the Public Works Department could charge residents \$15-20 monthly for using the new system without maintenance costs. He requested approval to refer the preliminary subdivision plan to City Council with amended conditions submitted by the him (attached), the applicant, including removing specific requirements about storm drainage and street issues.

The Planning Commission still had questions about street ownership, maintenance responsibilities, and estate sales in the proposed STEP system.

Steve Ward, the Telos engineer, discussed the implementation of step systems in communities similar to Burns and Hines, including Tangent, Oregon, and Brooks, which were designed due to failing septic systems. He explained that the proposed system would require regular pumping of septic tanks and maintenance of pumps by homeowners, while the city would handle the common force main. Steve emphasized that the system is a containment system rather than a traditional septic system and that



maintenance issues are common and manageable. He explained that the cost difference between the step system and traditional sewer installation was minimal at around \$10,000 per home, with the step system being a pay-as-you-go arrangement.

Chairperson Keady asked if there was anyone who wanted to speak in opposition to or in favor of the project.

Craig Grasty, 671 East Jackson, a supervising electrician with experience in pumping systems, testified in favor of the project and said that the step devices were simple to maintain and already in use throughout the county.

Jen Keady, 80 West Washington, spoke in support of the project and said that a path to yes is the most important thing that they can do to try to help entities that are trying to improve the housing opportunities. She felt if DEQ had to sign off on it before anything could happen, then a path to yes should be an option. She knew that the city's Public Works Director Ty Richardson would be in close contact with DEQ.

The discussion raised concerns about future maintenance responsibilities and potential liability, with Public Works director Ty Richardson expressing concerns about the city taking on maintenance of 128 homes with a limited public works team.

The Commission had questions about DEQ's position on municipal ownership of step systems, with Public Works director Ty Richardson reporting that DEQ preferred municipalities to take ownership of these systems.

Land Use Planner Jay Harland explained that under DEQ regulations, a system with multiple lots connected to a common sewer requires an entity responsible for maintenance, which could be managed through an HOA.

Chairperson Keady closed the public hearing at 7:44 p.m.

The Commission debated whether to require privatization of streets and formation of an HOA as conditions of approval, ultimately voting 3-1 to accept the applicant's proposal for a step system without the conditions related to prioritizing or making it private as well as the ones that pertain to things that DEQ will be reviewing.

Commissioner Garo made a motion to accept the applicant's proposal for a step system without the conditions related to prioritizing, or making it private, as well as the ones that pertain to things that DEQ will be already reviewing. Commissioner Schroeder seconded the motion. Commissioner Keady, Commissioner Garo, Commissioner Schroeder were in favor and Commissioner Bolles was opposed.

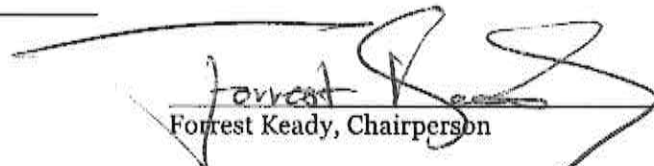
There was no further discussion.



The next meeting is to be announced.

Chairperson Keady adjourned the meeting at 7: 55 p.m.


Tiffany Leffler, City Clerk


Forrest Keady, Chairperson