



AGENDA

BURNS PLANNING COMMISSION MEETING

Wednesday, June 3, 2026, at 6:00 p.m.

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

Chairperson Forrest Keady
Commissioner Jamie Attleberger
Commissioner Bryan Garo
Commissioner McKiah Schroeder
Commissioner Ron Bolles

**COMMISSIONERS AND CITIZENS ARE WELCOME TO JOIN THE MEETING VIA
ZOOM AS WELL AS IN PERSON.**

**Members of the public and media wishing to address the commission 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

1. Call Meeting to Order
2. Pledge of Allegiance
3. Roll Call
4. Approve Agenda
5. Approve Minutes
 - 5.1 October 2, 2024, Meeting Minutes
 - 5.2 May 6, 2026, Meeting Minutes
6. Public Comment

242 S. Broadway Burns, Oregon 97720 | (541) 573-5255 | (541) 573-5622 Fax
cityofburnsor.gov



7. Old Business –

There is no Old Business.

8. New Business

There is no New Business.

9. Public Hearing –

9.1 **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.

9.2 **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.

10. Adjourn

The Burns Planning Commission meetings are available via Zoom and in accordance with ORS 192.610 to 192.690, these meetings conform to guidelines set forth on public meeting law. In accordance with the Americans with Disabilities Act, this meeting location is accessible to person with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting to City Recorder Tiffany Leffler (541) 573-5255.



BURNS PLANNING COMMISSION

October 2, 2024

The Burns Planning Commission held a meeting October 2, 2024, at 6:00 p.m. Members present were as follows:

Chairperson Forrest Keady
Commissioner Bryan Garo
Commissioner Jami Attleberger
Commissioner McKiah Schroeder

Also, present were City Manager Judy Erwin, City/Planning Clerk Tiffany Leffler, Public Works Director Ty Richardson, and the President of Telos Development Company, David Glennie. Present Via Zoom were City Land Use Planner Jay Harland, Telos Land Use Planner Britany Randall, Telos Engineer Steve Ward, and Dawn Hert with DLCD.

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

AGENDA

Commissioner Attleberger moved to approve the agenda as presented. Commissioner Garo seconded the motion. All Ayes.

MINUTES

July 31, 2024, Meeting Minutes –

Commissioner Attleberger made a motion to approve July 31, 2024, meeting minutes. Commissioner Garo seconded the motion. All Ayes.

PUBLIC COMMENTS

There was no public comment.

OLD BUSINESS

There was no New Business.

PUBLIC HEARING

QCPA-001-2024: Continuance of the hearing on July 31, 2024, for a request for a Comprehensive Plan Amendment and Zone Change for approximately 21 acres of land located within the City of Burns corporate limits.



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

LUP Jay Harland gave the admonishment. He stated they had already asked if any of the Planning Commissioners had any direct conflict of interest or ex parte and they did not so he advised if anything with that had changed to let it be known.

There was still no conflict of interest of ex parte.

Chairperson Keady asked staff to read their report. The report read as such:

REVISED PLANNING COMMISSION STAFF REPORT

DATE: September 25, 2024

PROJECT: "Palmer Estates" Comprehensive Plan Amendment & Zone Change

PLANNING FILE: QCPA-001-2024

APPLICANT/PROPERTY OWNER: Telos Development Company, LLC **MAP DESCRIPTIONS:** 23S-30E-13-DA-501, 502; 23S-30E-13DB-600, 700, 802

NATURE OF APPLICATION: A request for a Comprehensive Plan amendment and Zone Change for approximately 21 acres of land located within the southern corporate limits of the City of Burns. The application proposes to change the current Comprehensive Plan designations of Commercial, Light Industrial, and Heavy Industrial to Residential and Multi-Family Residential, and to change the zoning from the General Commercial and Industrial zones to the SFR-7 zone for approximately 15.8 acres of the project site, and from Industrial to MFR for approximately 5.3 acres. For quasi-judicial Comprehensive Plan amendments and zone change applications, the Planning Commission is authorized to make a recommendation to the City Council on the proposed Comprehensive Plan amendment, and the Commission is the authorized decision-maker for zone changes. In both instances the burden of proof is upon the Applicant to show that the proposed changes meet all applicable approval criteria.

I. BACKGROUND & STAFF ANALYSIS

The Applicant's conceptual plans for the subject property were first discussed with City of Burns staff in a formal pre-application conference in November 2022, as well as in other subsequent and less formal communications. Some of these communications also involved representatives from the City of Hines as the Applicant's overall project area extends across the shared boundary between the two cities. The Applicant's 2022 pre-application concept plan was for the eventual development of residential lots that would primarily accommodate detached single-family and duplex dwelling units, with many of the lots being smaller than the minimum lot size of 7,500 square feet that was the City's standard at that time. Through the pre-application conference and subsequent informal conversations, staff informed the Applicant that the City of Burns Zoning Ordinance update was going to be getting underway in the near future and staff was going to recommend the creation of a new SFR-7 zoning district that would allow for smaller single-family lots; the idea being that it would help the subject property, and others elsewhere in the city limits, develop at higher densities and use the existing UGB land somewhat more efficiently. The updated zoning ordinance that was



eventually adopted at the end of September 2023 included an SFR-7 zoning district which allows for a minimum lot size of 4,800 square feet Page 2 of 7 and no maximum lot size. At the initial public hearing on the new zoning ordinance, the Applicant submitted a letter in support of the code updates because it would allow for the type of development that the Applicant had discussed with staff in the pre-app. On April 11, 2024, the Applicant submitted a formal request for a Comprehensive Plan Amendment and Zone Change for the subject ~21 acres of land, with the request being to change the Comprehensive Plan designation and the zoning of the subject properties to Multifamily Residential. That application was heard by the Planning Commission at its hearing of July 31, 2024, at which the Applicant agreed to continue the public hearing to October 2, 2024, in order to revise their request to accurately reflect the Comprehensive Plan designation and zoning districts that would allow for the types of future development that are contemplated (detached single-family dwellings, duplexes, and multi-family residential units), as well as to address various required approval criteria that had not been covered in the Applicant's findings. On September 9, 2024, the Applicant submitted the revised application that is now before the Planning Commission.

Formal/Technical Application Review

Besides amending the application to request the land use designations and zoning that will allow for the types of development the Applicant plans to construct in the future, the application has also been updated to sufficiently address Goal 9 (Economic Development) of the Statewide Planning Goals. As outlined in the original staff report, this is a requirement under OAR 660-009-0010(4), which applies whenever a plan amendment proposes to change more than two acres of employment lands (e.g., industrial and commercial designations) to a non-employment designation (e.g., residential). The other major issue with the initial application was the lack of a public facilities and services impact study which is required under Sections 18.20.170(1)(B) and 18.20.715(1)(B) of the Zoning Ordinance. The Applicant's professional engineer has provided the city with an analysis of the anticipated water and sewer flows that would be generated by the future residential development (included as part of Exhibit C to this report). The Applicant's revised submittal provides one half of the required equation being the "new facility demands." The second half of the equation is extent to which the existing system has capacity to handle the "new facility demands." Given the state's statutes related to needed housing, cities are only allowed to apply "clear and objective" standards to residential development proposals. Therefore, once a property is zoned for residential use, the City has no ability to deny permits for a residential development project that meets the applicable development standards of the Zoning Ordinance (e.g., building setbacks, building height, street widths, etc.). In the case of the subject application the primary question or concern at hand is whether or not significant sanitary sewer system upgrades will be necessary in order for the subject property to be developed in accordance with the Applicant's future plans.

II. AGENCY COORDINATION AND PUBLIC NOTICE

Pursuant to State legal requirements and the City of Burns Comprehensive Plan, the proposed Comprehensive Plan Amendment and Zone Change 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 Zoning Ordinance. Page 3 of 7

- III. APPLICABLE CRITERIA** In order to approve these applications, the city must determine that the Comprehensive Plan Amendment and Zone Change applications are in conformance with Sections 18.20.715(3) and 18.20.710(3) of the City of Burns Zoning Ordinance, respectively.

IV. FINDINGS OF CONFORMANCE FOR THE REQUESTED COMPREHENSIVE PLAN AMENDMENT

Section 18.20.715(3)

Quasi-Judicial Comprehensive Plan Map Amendments Approval Criteria

The City Council may approve a quasi-judicial comprehensive plan amendment if it finds that the amendment satisfies all the criteria in subsections A through D below:

- A. The proposed changes are consistent with the balance of the Comprehensive Plan.*

FINDINGS: The Applicant has provided updated findings that adequately demonstrate how the proposed amendment is consistent with the Comprehensive Plan.

- B. The proposed amendment will significantly advance one or more goals, policies or objectives that are established and set forth in the Comprehensive Plan; Map amendments shall include an analysis that demonstrates the proposed map designation is locationally appropriate when considering impacts and interactions with the planned land uses around the area where the map amendment is proposed.*

FINDINGS: The Applicant has provided updated and sufficient findings demonstrating how the proposed amendment will advance numerous goals and policies in Section 2 of the Comprehensive Plan, as well as how the proposed map designations are locationally appropriate.

- C. Public facilities are adequate or can be made adequate to support the proposed Comprehensive Plan amendment or public facilities planning can feasibly and will be completed to serve the Comprehensive Plan amendment.*

FINDINGS: The Applicant has provided an analysis of the anticipated water and sanitary sewer flows that will be generated by the anticipated development of the subject property, along with conceptual plans demonstrating how public facilities for future development can be constructed.

- D. The proposed amendment is consistent with Oregon State Law, the Oregon Statewide Planning Goals and all applicable Oregon Administrative Rules.*

FINDINGS: The Applicant has provided updated findings that address all of the applicable Oregon Statewide Planning Goals, including Goal 9 (Economic Development) and OAR 660-



009-0010(4). Specifically for Goal 9, the updated findings now demonstrate that the proposed amendment is consistent with the City's most recent economic opportunities analysis.

V. FINDINGS OF CONFORMANCE FOR THE REQUESTED ZONE CHANGE

Section 18.20.710(3)

Quasi-Judicial Zoning Map Amendments Approval 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: If the Planning Commission recommends, and the Council ultimately approves the requested Residential and Multifamily Residential Comprehensive Plan Map designations, then it follows that the requested zoning districts will be consistent with the Comprehensive Plan Map designation and the TSP.

- B. *For proposed zone changes to SFR-7, the minimum contiguous area of SFR-7 zoning shall be three or more gross acres, and the average lot size of single-family residential parcels developed with dwellings within 250-feet of the proposed zoning district shall be no greater than 7,000 square feet.*

FINDINGS: The Applicant's updated findings explain that the requested SFR-7 zone change area is approximately 15.8 acres. Furthermore, it can be found that there are no single-family residential parcels within 250 feet of the proposed SFR-7 zoning district, thereby making the second part of this criterion inapplicable.

- 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.

FINDINGS: The Applicant has provided an analysis of the expected water and sanitary sewer flows from the anticipated future development of the site under SFR-7 and MFR zoning, and storm drainage is proposed to be provided through a series of ditches and bioswales within the



development area that will drain to a regional stormwater detention basin. That stated, it is not fully clear at this time whether the City's existing sanitary sewer system has the capacity to serve the expected development of the subject property. To this end, the Planning Commission has the ability to impose special development conditions, stipulations, or restrictions on the proposed zone change as outlined below under subsection (3) of this Criterion C.

- (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's conceptual plans show how future development of the site can provide adequate streets and street capacity in relation to the existing street network surrounding the area. The final design of the future streets serving the development will be required to meet all City standards as part of any future land division applications, at which time the Planning Commission will have the ability to address any concerns that may arise.

- (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 noted herein above, it is unclear at this time if the City's existing sanitary sewer facilities have sufficient capacity to serve the expected future development of the subject property under the proposed SFR-7 and MFR zoning. Additionally, while it is assumed that adequate water and storm drainage facilities exist or can be built to serve that future development, these are also not certainties. Accordingly, the Planning Commission may want to consider imposing conditions on the zone change to ensure adequacy of public facilities and services prior to any vertical development occurring on the subject property.

- VI. CONCLUSIONS** Based upon the findings and conclusions as outlined above, staff is of the opinion that there is sufficient evidence in the record for the Planning Commission to conclude that each of the applicable approval criteria have been satisfied for the requested Comprehensive Plan amendment. Accordingly, staff recommends that the Planning Commission provide a recommendation to the City Council for approval thereof.

On the requested Zone Change, there is some uncertainty as to the adequacy of the existing public facilities that would serve the proposed SFR-7 and MFR zoning districts. Primarily, this uncertainty surrounds the existing sanitary sewer system. State law only allows the City to apply "clear and objective" standards when reviewing applications for residential development, and while the Applicant will almost certainly be able to construct whatever new public facilities are needed within the subject property as part of its future development, it has not been determined what, if any, types of off-site improvements to the existing sanitary sewer system will be needed in order for the subject property to connect to the City's facilities. In light of state law and given this uncertainty, staff is providing the Planning Commission with the following options for consideration with regards to the proposed zone change:

- Recommend approval of the Comprehensive Plan amendment and deny the zone change.
- Recommend approval of the Comprehensive Plan amendment and approve the zone change with the condition that the future development of the subject property shall be required to ensure downstream sanitary sewer facility adequacy in accordance with the below clear and objective formulae:
 - Applicant's Engineer shall calculate the capacity of the existing downstream sanitary sewer system and calculate existing flows in the downstream sanitary sewer system. These calculations shall be reviewed and approved by the City's contract engineer. If the capacity of the existing downstream sanitary sewer flows, plus the new flows from a proposed development (under the requested zoning district designation) exceed the existing capacity of downstream sanitary sewer facilities, the Applicant shall do one of the following:
 - The development shall be limited to the development generated sanitary sewer flows equal to the available capacity until such time as the City completes downstream sanitary sewer improvements with sufficient capacity to accommodate the full development flows; or
 - Applicant shall design and construct downstream sanitary sewer system improvements to accommodate all the existing and new development



sanitary sewer flows from the development site to the wastewater treatment plant. Following approval of the public improvement plans for construction of downstream sanitary sewer improvements to provide adequate capacity but prior to initiating construction of the improvements, the City will establish a reimbursement district for a period of 10 years for the subject sanitary sewer basin whereby the Applicant can be reimbursed for the proportionate cost of such improvements. Proportionate reimbursement shall be equal to the generated flow of any new development utilizing the improvements constructed by the Page 7 of 7 Applicant, divided by the existing flow plus the Applicant's development flows which calculates a percentage of total flow. This percentage shall be multiplied by the Applicant's actual cost of construction for the downstream sanitary improvements to arrive at proportionate reimbursement.

VII. EXHIBITS

- A. Applicant's Revised Application and Findings, submitted September 9, 2024
- B. Copy of Staff Report and Exhibits from Planning Commission Hearing of July 31, 2024
- C. Applicant's Written Testimony Provided at Initial Planning Commission Hearing
- D. Letter from City Manager to Applicant dated September 24, 2024

CITY OF BURNS PLANNING & ZONING DEPARTMENT

By: Jay Harland
Contract City Planner

Chairperson Keady asked LUP Jay Harland to clarify what they were saying in the staff report.

LUP Jay Harland said Staff thinks there's evidence in the record to support the plan amendment. As for the sewer, it's basically that the city doesn't have a current Master Plan, and they're seeking funds to do that. As part of a Master Plan, you evaluate the lands that are going to flow to the different basins, and then figure out what pipes are big enough, what pump, what's the capacity of the pump stations, and then compare that to the land that has been planned for future land uses that aren't developed yet. They would look in the Master Planning process to figure out what needs done to support development. He said to his knowledge and from his understanding from the City Manager and Public Works Director, is that the city is actively seeking those funds to do the Master Planning to figure out what the capacity is. This raises up essentially a timeliness issue with the zone change. It comes down to whether the zone change is timely enough to approve in advance of really knowing what those capacity constraints may or may not be. Staff had laid out 2 options. One is to say no, it's not timely, but they should come back once the city is done with that and they know. That way they can then take their flow data and as part of the Master Plan, plug



that in and show what needs done. The other option for the applicant is for the Planning Commission to approve it, subject to the proposed conditions. He said they're still going to be essentially wanting to go ahead of the Master Planning process. So then, it would be on the applicant as part of coming in for development to satisfy that condition by calculating the downstream capacity from this development to the sewer treatment facility. Then it would need to demonstrate that there's capacity available for the additional development.

Chairperson Keady asked if he was correct in his assumption that if they change the zoning right now and Telos decides to build homes, the system could not handle the capacity that would come at it.

LUP Jay Harland said the city doesn't know because they don't have a current Master Plan that calculates what the capacity of all the all those downstream facilities are.

Chairperson Keady asked if the applicant would like to speak.

David Glennie started off by saying he wanted to thank the Planning Commission for granting them the additional time to get some facts established. He also thanked City/Planning Clerk Tiffany Leffler. He said he assumed it was Tiffany who did the meticulous work of the written record of the last meeting. He has tried to do that himself before, and it's a tremendous job, he felt she did a really good job. It was accurate and fair. He then informed the Planning Commission that 2 of his consultants, Steve Ward, their Principal Engineer with West Tech Engineering, and Brittany Randall their Land Use Planner, who's done most of their land use work were present on Zoom that evening. They were there for any technical questions that may arise. He then submitted 3 documents into the record. First, a letter he received the previous week from City Manager Judy Erwin. Second, was a chart that was prepared by Steve Ward showing their purposed sanitary sewer service options. The third document that he handed out was a letter that he had written to the Commissioners. It read as such:

Thank You Chairperson Keady and Commissioners:

For the record, I am David Glennie, President of Telos Development Company. Our business address is 445 Myers Street SE, in Salem.

First of all, I want to thank the commission for holding this hearing open for additional consideration. I also want to thank whoever put together the summary of the July 31 hearing. I assume that heavy task fell to Tiffany; I appreciate the completeness and accuracy of that work.

I am joined this evening with Zoom participants Steve Ward of Westech Engineering and Britany Randall of BRAND Land Use, our two primary consultants in this stage of the proposal.

Having read through the narrative of the prior meeting and the additional staff report, labeled as Item 9.1, which Jay has prepared, I have a few comments I would like to share on the record. I will be submitting a written copy of these comments for your additional review:

1. I appreciate that, in agreeing to change the primary zoning in the application from MFR. to SFR-7, most of the objections incidental to the assumed densities have been overcome.



2. As we discussed in the July meeting, I think it is fair to say that the only substantial issue remaining is the difficult chicken/egg paradigm that persists. I want to summarize our point of view, much of which is a re-hash of what I explained earlier. Before going further, I want to add two other exhibits to the record: One is a copy of a letter I received last week from Judy Erwin through an email; the second is a chart prepared by Steve Ward, our primary civil engineer,

3. Judy's letter explains that the City is unable to provide us with current sanitary sewer flow information for two primary reasons: Time and money. It is important for the commission to understand that Jay's and the staff position have consistently demanded that our engineer provide impact analysis for our proposed subdivision. While we have provided estimates for flows generated by our subdivision at buildout, no such analysis can be provided without first obtaining this base line information from the City.

4. Westech Engineering's summary chart illustrates the estimated costs of five different alternatives for addressing Burns' existing sanitary sewer issues and our own engineering requirements to address sanitary sewer needs for the entire site, including the Hines properties.

In reviewing the narrative from the last meeting, I want to draw your attention to one of Jay's statements found on Page 23 of the staff report. In a selected reading:

*"LUP Jay Harland said that they had talked... The private engineers then go away and look at those options and make recommendations. **Usually, they choose the one that is the most cost effective for the project.** That is the normal process. **He said it sounded like they had done some additional analysis in the packet they had submitted that evening and Staff would need to look at that as well as provide to the city's contract engineer. They may want to look at the methods for information that's in there between now and the next hearing.***

If such an opinion from an outside engineering firm retained by the City has been completed, there is no evidence of any recommendation yet on the record. We agree that allowing professional engineers to confer amongst themselves on such matters is a customary and prudent process.

We have asked what we consider reasonable questions of staff on sticking points. Examples include the questions: 1) On what basis, apart from an opinion from your Public Works Director, is a new pump station something deemed unworthy of consideration? 2) Why is the suggested alternative of taking all of the effluent on the Burns portion of the site to Hines unworthy of consideration? If either or both of these alternatives prove to be more efficient and/or affordable, why have they been ignored?

5. Jay's recommendation to the Planning Commission is to approve the Comprehensive Plan change but deny the zone change request. His logic is based upon the stated inability to provide "clear and objective standards" to the sewer conundrum. This alternative is a dangerous and misguided one, from our point of view, since it will render the entirety of our Burns site undevelopable, let alone unable to be engineered properly. Our position is that if the City of Burns



chooses this path, it may be a regulatory taking, potentially violating our Fifth Amendment rights.

6. I will again ask the global question: Does the City of Burns desire to address its critical shortage of new and affordable housing, reminding you that use of the word "affordable" is not intended to mean low-income or subsidized apartment housing. We all agreed at the outset of these discussions two years ago that the goal of providing new housing that was comparable to the prices in the valley or Central Oregon but priced at +/- \$200,000 less was reasonable, if not laudable. The idea that, as a single-family home developer we have the wherewithal to offer millions of dollars to solve your existing sanitary sewer problems (to which we have contributed nothing) is very much in synch with the same belief system of those planners and bureaucrats in Salem and Portland that proud Harney County residents love to hate.

I tend to look at costs in terms of its impact on lot and home prices. As general rule, consider that each million dollars you demand adds a cost of about \$5,500 per lot. At a 6% interest rate on a 25-year mortgage, that adds \$35/month to a potential homeowner's budget. Looking at Steve's chart, that means an extra \$2.0 million is \$70/month, and it goes up from there. In a market where the average current home cost is under \$300,000, \$70/month prices many existing residents out of a chance for improved housing.

7. I do not pretend to know or understand the legal ramifications of Governor Tina's edicts with previous Executive Orders, but in a nutshell here's a synopsis: The State's housing production goal is 36,000 homes per year across Oregon. For context, our second largest city (Salem) has a goal of 1,100 new dwelling units a year to contribute toward the 36,000-dwelling unit goal. This demonstrates the lift comes from every jurisdiction in Oregon doing their part to bring more units online. Burns' own Housing Needs Analysis and Economic Opportunity Analysis both press the issue of adding workforce housing to Burns. Looking at it from another vantage point, the Commission may consider the fact that making strides to address Tina's objectives may one day lead to some financial assistance from State agencies.

8. To close, I offer the following recommendations for your consideration:

1. Approve both the Comp Plan and zone change, as requested.
2. Leave the "how" and "why" discussion regarding the best alternative to address your existing sewer issues to a time when an actual subdivision application is proffered on our part.
3. We cannot and will not agree to any blank check calculation that may evolve 3 to 5 years down the line when the City is able to define all of the variables. This is another proven technique the many valley municipalities have employed to extort money from developers. And people continue to wring their hands and question why we have a "housing crisis".

As we ended the last meeting, this commission correctly advised staff and our team to try to work out the logistics of seeking to build cooperation to provide affordable housing while addressing its



existing sewer issues. Rendering our property unusable and suggesting we need to wait 3-5 years to sort out the fine print is neither reasonable or prudent.

I stand ready to respond to any of your questions and thank you again for your time and attention.

David Glennie
October 2, 2024

Commissioner Garo commented to the email Mr. Glennie submitted that he had received from City Manager Judy Erwin the previous week. He said at the bottom of this email, Judy outlined a path for sewer collection, saying that there's a manhole at the end of South Imperial. He was just wondering what his thoughts were on that, and how that fit into the alternatives that they provided.

David Glennie said they didn't know the capacity or the flow, and 6 and a half feet is not deep. It's hard to get that amount of flow to 6 and a half feet without knowing its point of origination. He said the short answer is an engineering problem, and if that's a prudent thing to do, then he was sure it would be investigated fully. He wanted to emphasize that he didn't want to be the bad guy here. They have money and they are willing to help but they don't want to get blamed for an existing problem that they had nothing to do with. More importantly, they had heard from LUP Jay Harld repeatedly that they city is looking for money. He said they were looking for money 3 months ago, and eventually they will find it, but once they find the money, they still have to go out and hire an engineer and pay which could be a couple \$100,000 to get the baseline information that they're seeking, which Telos needs access to. He felt it was a chicken and egg thing, they don't want to wait 5 years to find out what the city expects them to pay.

Chairperson Keady asked if Mr. Glennie could elaborate a little bit more on the blank check scenario in layman's terms. He asked if he was insinuating what would happen or could happen and that the city would approve something and then ask them to do something that might have a large number on it.

David Glennie informed the commission that was exactly what he was worried about from taking a look at the staff report. He thought LUP Jay Harland was a very competent planner, and he was very helpful to them in initial stages. He helped form this concept but as soon as the sewer issue came up, it has been a bugaboo ever since. He said if they looked at the second bullet point in staff's recommendations on page 6 of his step 9.1, they would see a somewhat complicated arithmetic which is a method to determine how much they pay. He said his objection was that the city controls all the variables. He has experienced this where if municipalities are given free range for how they calculate what the developer pays and it is always a big number, whether it's fair or not, and there's no right of appeal. They did a 30-million-dollar project in Happy Valley. They added \$300,000 worth of tax rolls. It's a crowning achievement. In Boston City Hall they paid 1.4 million dollars of Government exactions, and they had to put in an extra \$400,000 of pipe because Clackamas County said they had to. They are suffering a financial disaster over there because the interest rates have gone up with their loan maturing. He said it was all connected. They want to provide affordable housing, but there can't be too many pigs of the trough.



Chairperson Keady asked Public Works Director Ty Richardson if he had any thoughts on it specifically as it pertained to the sewer. He said he'd like to have a solution that evening and somehow find a way to get this thing moving forward. He also wanted to clarify that he was understanding it all correctly. He asked Ty if Telos was going to put in the sewer system for their subdivision, if it was his opinion that when it connected into the city's system, that the city's system would not be adequate enough at that point, and it would need to be upgrade at the point where Telos would connect, so that it all works correctly.

David Glennie wanted to remind the Planning Commission that Steve Ward was there, and he had hoped that he could offer testimony on any technical questions, or answer some of the real professional stuff.

Public Works Director Ty Richardson said it is just like how it was described. Sewer flow or anything downstream can be affected by a development. Like he was saying, it's going to be the city's system if he was not mistaken, it's not going to be a private system at all. It's going to be given to the municipality to operate for many years, but they would put in the infrastructure. They would put it in the infrastructure, connect into the city's system, either by means of a lift station or a gravity system. He said he kind of liked the idea, but really didn't know how it would all work. Mr. Glennie had mentioned waiting until the time it comes to development and the city has their sub-division plan. He has seen it done that way before as well. That would be where they could nail out all the details on how to connect into the system. They can make sewer happen, it's just whether they want another lift station, or to explore trying to hook into a gravity system downstream from that Egan Lift station which he has said before does not operate well. It may have capacity issues, but they won't know until the study is done. They are working on grant funding, trying to pay for a study to be done, specifically on Eagle Lift station and this will help them to figure out if it has enough capacity. The policy decisions that the commission has to make is where all these decisions are made with the alternatives such as on the city's findings, on the city's comprehensive plan, or on what Mr. Glennie was saying. He said he'd like to review what Mr. Glennie has submitted a little bit further before making that decision.

Chairperson Keady asked Mr. Glennie if everything was approved the way Telos wanted it, and they submitted subdivision plans today, how long it would take for them to submit subdivision plans.

David Glennie said they got approval with Hines 3 months ago, and they still have not submitted. He said this was where the engineering comes in. They have got to figure out a lot of stuff such as how it's connected and how to pay for it. In this case he guessed it would probably take 4 months to get a plan together, but that's conditioned upon obtaining the same sort of information that they are missing. He felt someone needed to make assumptions on whether Telos does it, or they city does and let the city's professional engineers do it. If the city has contract engineers, he felt that Steve and that person should sit down and look at what they have and what Telos wants to put in and try to find the path that's affordable and serves both sides well.

Chairperson Keady said it really was a chicken and an egg dynamic because they don't have the information that Telos needs to do the engineering for the subdivision plans, because the city doesn't know what the flows are. At some point they will, and he wondered if they should approve it before they had that information. He then asked Public Works Director Ty Richardson how close the city was to getting that information so that they can reliably give it to the applicant.



David Glennie interjected and said that they had been asked to provide this information for months. He said they need a starting point in order for Steve to do the downflow calculations. He felt this had been because they hadn't provided the information that Jay needed to justify the subjective. They can't do their work without knowing what the city has. He said it was unusual that there was nothing in the city's system that showed them some of this information. He said he wasn't blaming anybody, but Sanitary Sewer Departments would be able to usually get some estimates. He understood there were problems with the Egan Pump station, but he wanted them to also remember that part of the problem with the city's system was the inflow and infiltration. The city will not be able to figure out how much actual sewage is going through the pump stations until they collect the data of how much of that storm water is actually going in there. He had a feeling it was a big number, and that it was part of the failure. He said this was typically done with grants, bonds, and rate payers, not necessarily just with developers. It's complicated.

Chairperson Keady said they wanted to understand it for themselves. He then asked Mr. Glennie if he had ever run into a scenario where, like this one, a community like Burns is trying to improve their sewer system at the same time, they were trying to do a subdivision while also trying to marry those 2 dynamics that are happening side by side because they city doesn't have the information, but Telos still needs the information. At the same time, Telos is creating what the City of Burns needs but that still doesn't change the fact that the city needs to improve what they already have. He wanted to know if Telos had done that in a community and been successful before.

David Glennie said no. He said he had served on Salem City Council for 4 years in the late 90's and they had an I&I problem. During his 4 years, they found the money and set up the procedures and made homeowners participate to fix it. He said old neighborhoods were rife with I&I because a lot of it was that old concrete 12-inch pipe, and it just didn't work anymore. He felt it was a problem that could be solved if people cooperate, and they could get the right people in the room.

Chairperson Keady wanted to know if Mr. Glennie felt he had the right people in the room.

David Glennie said he thought they city needed to have a professional engineer look at the alternatives.

Chairperson Keady asked Public Works Director Ty Richardson if that was something they were working on.

Public Works Director Ty Richardson said considering they had just received the alternatives moments before the meeting he had not had time to review them but thought it was an option they could look at.

David Glennie wanted to remind them that they had talked about this in July and that was Jay's recommendation that they get the engineers together. He said that was typically what happened.

Chairperson Keady wanted to clarify that Mr. Glennie was saying that he wanted the city's engineer and Telos' engineer to get together and discuss the best options.

Commissioner Garo thought he saw in the minutes, during one of the last phone calls, that he reason the city doesn't want to start with an engineer on their payroll is because they wouldn't be able to get those costs covered by the grant. He was guessing the city doesn't have the money or a slush fund somewhere to just bring an engineer on.



David Glennie said he understood Judy's reason for not wanting to do it now, but he was talking about finding the answer to the current sewage flow question. The 2 professional engineers should look at the site, the objectives, and look at the subdivision and potential engineering routes or an on-site sewer system that works. He said that was a separate matter, but it still costs money.

City Manager Judy Erwin said the city does have an engineer that's been working on the infiltration and inflow issue, but the city was tapped out of all their available resources on that. It was something they had to get under control. They have applied for the funding to apply for a grant. She said you have to apply for funding for a grant so that you can actually apply for a grant. They got the Grant application in and submitted, and they are just waiting for it to be approved. She said frankly they are telling the city it looks good. She felt they would probably get the grant. They have got the second part of the grant written for the \$200,000 for the study. They are just waiting for the things to fall into place so that they can submit it.

David Glennie said there was a lot of money out there, they just had to know how to get it. He thought with the city's problems and their location being Rural, they could find all sorts of money. In the meantime, Jay was recommending that the Planning Commission not approve a zone change when, in fact all this engineering stuff should be handled at the subdivision level in his opinion.

City Manager Judy Erwin said they were handling it as quickly as they could. They have not been doing nothing, and the city does not expect Telos to pay for it. The problem has existed for a long time and should have been addressed a long time ago and they are working on it.

Commissioner Attleberger said she wanted to piggyback on what was said. She said everybody sitting up there knows that it is a problem, but nobody was here when the problem should have been addressed. They are all trying to play catch up and understand the full scope of everything. This is why they ask so many questions and are always reviewing information and asking for more information. So that, it's not just one piece of the puzzle and they can try and build the whole puzzle. She also wanted to confirm that they couldn't work on a subdivision plan to submit until these zone changes were approved or a decision had been made.

David Glennie said it was daunting because they have this constant flow of new words and new concepts they've never thought about before. He said they'll learn as they go along. The one thing that he felt was critical was that they look at the whole picture and see how things are connected to really grab the impact of policy decisions.

David Glennie said he doesn't want to pay for a subdivision that hasn't been approved. They don't have the correct zone.

Chairperson Keady asked if there was anyone who would like to speak in favor or in opposition of the applicant. He then asked if the Commissioners had any other questions.

There were no comments given.

Chairperson Keady then asked if Land Use Planner Jay Harland had anything to add.



LUP Jay Harland said he wanted to point out that there was stuff that was just submitted to the record that Staff hadn't looked at yet, so he was unsure of what was in there. He then informed them that this was still something that had to go before the City Council.

Chairperson Keady adjourned the hearing at 6:47 p.m.

Commissioner Garo said he was beginning to agree that the specific sewage issues flow rates, calculations, and the engineers talking to engineers should happen at the subdivision application level. He said he was in favor of applying or voting yes for the zone changes as well as the others. He wanted to keep this ball moving forward because no matter what they are going to have to address sewage. It's coming. They want the development built. He thinks they all do, because they have an old broken-down sewer system. It's coming either way. He didn't feel they needed to hang everything up and pause on a zoning change just because they were not positive about how they were going to move forward with addressing the sewer later.

Chairperson Keady said he would 100% agree with that. Due to the fact they are going to address the sewer issue, it's just a matter of when. He then asked Public Works Ty Richardson if the city started the work of repairing the sewer system, would that not be an emphasis that they can put on that section of the system sooner rather than later in the process, since it is so close to the end of the system's life.

Public Works Ty Richardson said there was a possibility of that. They can connect a pressure system into the existing pressure system and pump it in. They'll just have a few requirements, because most of the city's flow is being registered to the lagoon system. He said what he meant by that was reading how many gallons are being moved to the city's lagoons. Egan Lift Station is the city's main lift station, so some little upgrades would need to happen so that DEQ could have the information on how many gallons they are putting into the system at the end of when it enters the lagoon.

Chairperson Keady said the other part of the city's problem is this infiltration of just water into the system, but it was something that will be addressed. Then initially, the rest of the system will get upgraded. Once that is addressed, they may possibly have a whole lot more capacity than they think they do.

Public Works Director Ty Richardson said yes but they have to remember this I&I issue happens on wet weather years, so some years, it's really dry here. They don't really know they have an occurrence until the weather happens. He said the Wastewater Master plan was going to help them determine what actually needs done first by recommendations of others that have experienced this before in other locations. They are going to address the I&I issue but it may take many years and millions of dollars.

Chairperson Keady asked Public Works Director Ty Richardson in a perfect scenario, how long it would take to have a new sewer system, or an upgraded/repaired sewer system done.

Public Works Director Ty Richardson said with a full-time contractor and if the city had all the money to repair that system, about 6 to 7 years to get that completed.

Commissioner Attleberger wanted to clarify that changing the zones allows them to build an appropriate subdivision plan, that way they can actually look at it with Telos and the city's engineers to say, yes, this is



the actual capacity coming into the system and these are the actual lifts or gravity systems needed to make all this work.

Chairperson Keady and Commissioner Garo said that was how they understood it.

Commissioner Garo asked if there was money for the city to do this.

Chairperson Keady said Judy had mentioned that the city was looking for grants, and the applicant mentioned that the State is looking to increase their housing capacity. There is money out there and, in his opinion, sometimes if you are put in the corner and you know you have to get something done, you're more aggressive about going out and getting the money and find it.

City Manager Judy Erwin said the city doesn't currently have the money in the budget right now. She thought the Council and the Planning Commission need to write letters to the State and try to get congressionally directed spending funds in addition to applying for grants.

Chairperson Keady said he agreed.

Commissioner Schroeder asked what were the maximum density of homes that were allowed in a single-family residential zone as well as multifamily zone.

LUP Jay Harland said he didn't believe there are maximums for either zoning types, which is in the staff report on page 6. The City of Burns didn't adopt any minimum density for any of its residential zones. On the multifamily as far as a maximum, there also isn't like a set maximum density per acre, but the development standards in Burns are kind of set up like they may allow you to do like 2 story, walk up type development, and there are parking requirements and setbacks. When you add all that stuff up, he said probably 25 units per acre would be achievable. 30 units to the acre would probably be a little more challenging because there's also maximum height standards. Just those standards together, all kind of translate to 25 to 30 range would probably be the most that someone could do.

Commissioner Schroeder said she was looking more for the difference between SFR-4 and SFR-7.

LUP Jay Harland said the maximum density for the SFR-7 is 7 units to the acre. There's not a hard density maximum. It's more of a design question of what you can achieve in the multifamily. You're limited in height, and you have got to provide so much parking. All those things factor into what you can practically do on a site. He thought 25 units to the acre would be achievable on a relatively flat site like this, but for the single family it's 7 units of acre.

Commissioner Garo said he was concerned that they were going to give them the go ahead here, the green light, and then they were going to hit another hang up when it comes time to design the sewer system, because the city doesn't have information to give them. He wanted to know if it was reasonable to ask Telos to pay for the city's engineer. He said they have been quite gracious thus far with things they've been willing to pay for. He felt paying for the time for the city's engineer to talk with Telos' engineer is going to be a much smaller ticket than anything on this sheet, unless that's just not possible.

Chairperson Keady said anything's possible. He didn't know if that was something that they should, as a Planning Commission put in. He thinks that is a hindrance. They are providing something that we the city



want, and we must do our part to make this happen. The last thing he wanted to do was start putting up roadblocks to something very good that could happen for the community. We need housing, they want to provide housing, and he doesn't think they should start nickeling and diming people. It just looks bad for the community. He informed them that was his take on it.

Commissioner Attleberger said she understood where he was coming from with if they approve this, and then there's a hangup, but there is already a hangup. They can't move forward with their plans and their concepts if the zones are not changed. If the city can't get the subdivision plans and plats, they are never going to know how many actual units Telos is putting in and what the city's sewer system needs to provide those houses for those people. Putting in stipulations now doesn't alleviate any hangups in the future, but they must move forward if they want anything to move forward at all, on either side. She said she would like to see the subdivision plan so that way they can say, yes, they are putting in 70 units at this capacity for multifamily or single family. Then the city can say whether they need 2 lift stations, one lift station, we don't need a new one at all, or we can do the gravity system. She said they are never going to know those pieces unless they know the exact plans that they want to put in place, and as it stands now, they can't even put their plans in place because the zone is not right.

Chairperson Keady said they can, but it just doesn't make sense for them to because why spend the money to do that if they don't have the correct zoning.

Commissioner Schroeder said she thought the goal was to have more housing available and the zoning seemed to be the hangup.

Commissioner Attleberger made a motion to approve the Comprehensive Plan Amendment and Zone Change for Telos Development Company, LLC. Commissioner Garo Seconded. All Ayes.

Chairperson Keady thanked Telos for their patience. He said he knew the hearing took a little bit longer than it probably should have previously as well as today, but they just need to get the right information and the right people in the right room talking to one another in a way that moves things forward. Sometimes that doesn't always happen correctly at first, but they were going to do their best to get there.

David Glennie wanted to compliment Chairperson Keady again for the how he chaired the last meeting. He said he had been to dozens of public hearings, and that was a difficult one to chair. He felt he did a great job, and he also appreciated the rest of the Planning Commissioners. He said this was complicated but it's important stuff. The fact the curve here was that the sewer issue basically was under, and nobody knew about it. He said that was the key to the kingdom. He said they must work together to figure out how both parties can make it work. Their primary goal here is affordable housing for your community, which he had heard dozens of people testify to. The city has lost a lot of good employees and residents because they don't have a good place to live. He finished by saying he appreciated their work and patience as well. He thanked them and said he appreciated them for being willing to listen to his point of view.

Chairperson Keady said he would like to get letters together for the next long session or Merkley to request funding to help get the Wastewater Master plan done so they can move forward sooner rather than later.



City Manager Judy Erwin said she would get a letter drafted up for the Planning Commission and City Council to sign.

There was no further discussion.

If needed, the next meeting will be November 6, 2024, at 6:00 p.m.

Chairperson Keady made a motion to adjourn at 7:03 p.m. Commissioner Garo seconded the motion. All Ayes.

Tiffany Leffler, City Clerk

Forrest Keady, Chairperson



BURNS PLANNING COMMISSION

May 6, 2026

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

Chairperson Forrest Keady
Commissioner Jami Attleberger – Via Zoom
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, the President of Telos Development Company David Glennie, City Land Use Planner Jay Harland. Via Zoom were City Land Use Attorney Garrett Chrostek, Telos Land Use Planner Britany Randall, Telos Engineer Steve Ward, Miller Springs Land Use Planner Eva Henes.

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

AGENDA

Commissioner Garo moved to approve the agenda as presented. Commissioner Schroeder seconded the motion. All Ayes.

MINUTES

October 2, 2024, Meeting Minutes –

Minutes were tabled until the next Planning Commission meeting on June 3, 2026.

PUBLIC COMMENTS

The Planning Commission welcomed the new Planning Commissioner Ron Bolles.

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

1. **QCPF-001-2026/QPCF-002-2026:** Request for approval of a Zone Change from SFR-4 to SFR-7 for approximately 8.3 acres within Phase 1 of the Miller Springs Subdivision, and approval of a Planned Unit Development (PUD) concept plan and detailed development plan.

Chairperson Keady opened the public hearing at 6:07 p.m.

City's Land Use Attorney Garrett Chrostek gave the admonishment. He then asked the Planning Commission to disclose any ex parte, contacts, biases, or conflicts of interest a member may have pertaining to the subject application or parties to these 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 pretty much knew all the parties involved with respect to Miller Springs 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 Attorney Garrett Chrostek 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 Attorney Garrett Chrostek 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 Attorney Garrett Chrostek asked if any person wished to raise any other procedural issues.

No one wished to raise any other procedural issues.

City's Land Use Attorney Garrett Chrostek made a few other remarks on testimony. He 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. He then turned the meeting over to the City's Land Use Planner Jay Harland to read the Staff Report.

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

PLANNING COMMISSION STAFF REPORT

DATE: April 29, 2026

PROJECT: Miller Springs Zone Change & Planned Unit Development (PUD)

PLANNING FILE: QPCF-001-2026/QPCF-002-2026

APPLICANT: Eva Henes – Atlas Land Use Consulting

PROPERTY OWNER: Miller Springs Founders, LLC

MAP DESCRIPTIONS: 23S-30E-12-100

NATURE OF APPLICATION: Request for approval of a Zone Change from SFR-4 to SFR-7 for approximately 8.3 acres within Phase 1 of the Miller Springs Subdivision, and approval of a Planned Unit Development (PUD) concept plan and detailed development plan.

I. BACKGROUND: In June 2023, the City Council approved a Comprehensive Plan Map and Zoning Map amendment for portions of the subject property. Those amendments resulted in the subject property having areas zoned Business Park (BP), Multi-Family Residential (MFR), Single-Family Residential (SFR-4), and General Commercial (GC), with the majority of the property being zoned SFR-4.1 Concurrently, the Planning Commission approved a preliminary subdivision plat for Phases 1a – 1e of the Miller Springs subdivision.

The final plat for the Phase 1b area of the Miller Springs subdivision was recently finalized and recorded on March 18, 2026, resulting in 28 lots within an area zoned SFR-4, two lots of 2.62 acres and 2.72 acres within the area zoned MFR, and two Developer Parcels of 33.89 acres and 96.13 acres that contain areas zoned BP, SFR-4, and GC. Single-family dwellings can be built on the recently platted lots within the SFR-4 zoned area, and future subdivision phases will be platted within the two Developer Parcels as development progresses within Miller Springs.

II. STAFF ANALYSIS: Zone Change

The Applicant proposes to change the zoning from SFR-4 to SFR-7 for approximately 8.3



acres within the recently platted first phase of the Miller Springs subdivision. At the time the Miller Springs preliminary subdivision plat was approved in June 2023, the City had not yet adopted its current Development Code which includes an SFR-7 zoning district that permits residential uses at densities between 3 and 7 dwelling units per gross acre. The existing SFR-4 zoning permits densities between 2 and 4 dwelling units per gross acre, and the proposed zone change will allow for increased density on the 14 platted lots that are within the proposed zone change area, which is located immediately north of the MFR zoned portion of Miller Springs, as shown below and also in the Applicant's findings at Exhibit B of this report.

With the zone change area being ~8.3 acres, the maximum permitted density would be increased from 33 dwelling units to 58 dwelling units. The proposed zone change is intrinsically tied to the Applicant's concurrent request for approval of a Planned Unit Development (PUD) as outlined below and fully described and depicted in the Applicant's PUD submittal attached at Exhibit C.

At the time of these Comprehensive Plan Map and Zoning Map amendments, the City of Burns was operating under the prior Development Code and its zoning district naming structure. The zoning districts referenced in this report use the naming structure from the current Development Code that was adopted in September 2023.

Sanitary Sewer Constraints: As noted above, the existing SFR-4 zoning would allow for the development of up to 33 units within the proposed zone change area, and under the proposed SFR-7 zoning the maximum base density would increase to 58 units. As such, a condition of approval will be necessary in order to limit the number of units built within the proposed zone change area until such time that the sewer system constraints are addressed to the satisfaction of ODEQ to ensure compliance with the City's sewer conveyance and treatment ODEQ permits. The unit count will need to be monitored by staff as building permit applications for new dwellings are submitted; however, the 33-unit capacity within the zone change area that is available under the existing SFR-4 zoning is sufficient for the Applicant to construct the 15 "cottage" units and two four-plex's that are being proposed within the PUD that is outlined in Staff's below analysis and more fully described in the Applicant's narrative. There are three dwellings currently under construction within Phase 1 of Miller Springs, two of which are located on Lot 17 which is within the proposed zone change area.

STAFF ANALYSIS: Planned Unit Development (PUD)

The City's current Development Code that was adopted in September 2023 includes provisions for the creation of planned unit developments, the purpose of which is stated in the Development Code as follows:

1. Implement the Comprehensive Plan by providing a means for master planning development sites as an alternative to traditional subdivision development;
2. Encourage innovative planning that results in projects that benefit the community, for example, through greater efficiency in land use, improved protection of open spaces, transportation efficiency, and housing choices;



3. Encourage housing options for a range of household sizes, incomes, and lifestyles;
4. Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
5. Preserve to the greatest extent possible the existing landscape features and amenities that may not otherwise be protected through conventional development;
6. Encourage energy efficiency and improved air and water quality;
7. Implement public facility master plans; and
8. Provide flexibility in development standards, consistent with the above purposes.

Staff notes that the theoretical sewer demand changes due to the requested SFR-7 are a separate regulatory matter for overall City sewer permit requirements. The City is currently under a memorandum of agreement with ODEQ to address existing city-wide capacity limitations. Thus far, the City has avoided the need to declare a building moratorium. However, the pace of new units may be limited until ODEQ determines the City's obligations under the memorandum of agreement have been satisfied.

The PUD process allows for the standards of Chapters 18.30 (Zoning Regulations), 18.40 (Public Facility Standards & Criteria), and 18.50 (Development Standards) to be modified without the need for adjustments or variances.

Concurrent with the above-described zone change, the Applicant has submitted a request for approval of a PUD concept plan and a detailed development plan that involves some of the recently platted lots that are located within the proposed SFR-7 zone change area, along with one of the two lots that is located within the MFR zoned area of Miller Springs (see yellow shaded area below depicting PUD lots). This application is the first PUD to be proposed since the adoption of the new Development Code.

The Applicant's proposed PUD has several components that can be summarized as follows:

- **Increased density.** Under the PUD code provisions, a PUD may exceed the maximum residential density of the underlying zoning district so long as the overall density of the project (average of total dwelling units per acre) is not greater than 120 percent of the density permitted by the underlying zone. The standard permitted density range for the proposed SFR-7 zoning district is 3 to 7 dwelling units per gross acre. As such, the PUD ordinance allows for up to 8.4 dwellings per gross acre within an SFR-7 zoning district.

In this case, the Applicant has requested a zone change to SFR-7 as already outlined above, and the proposed PUD involves approximately 2.86 acres of said zone change area, meaning that under the PUD regulations the maximum density of the SFR-7 zoned portion of the PUD is 24 dwelling units (2.86 ac. X 8.4 d.u./ac. = 24 d.u.).



There are 23 dwelling units proposed for the area within the PUD that will be zoned SFR-7, which is three more units than would be allowed under the SFR-7 base density (if the zone change is approved).

There is no maximum density for the MFR zoning district, and the MFR zoned portion of the PUD is proposed to be developed with a total of 72 dwelling units contained within six 3-story apartment buildings of 12 units each. In total, 95 units are proposed to be built within the PUD area.

• **Multi-family residential units in SFR-7 zone.** Triplexes and attached dwellings containing four or more units are not permitted uses within the SFR-7 zoning district as identified in Table 18.30.130 (Uses Allowed by Zoning District) of the Development Code. Additionally, two or more primary dwellings on one parcel are a conditionally permitted use in the SFR-7 zone; however, any use can be allowed as part of a PUD if approved by the Planning Commission subject to the PUD approval criteria.

Within the portion of the PUD that is proposed to be changed to SFR-7 zoning, the Applicant's development plans call for two of the lots (Lots 4 and 7 of the recently platted Phase 1 Miller Springs subdivision) to each be developed with a two-story fourplex as shown here below and on the Applicant's PUD Exhibits J and M which are included as part of Exhibit D to this report.

Located between Lots 4 and 7, Lots 5 and 6 will each be developed with three detached single-family dwellings and open surface parking areas accessed from the alley that runs east-west through the block, as shown below and at Applicant's PUD Exhibits K and L within Exhibit D of this report. The architectural styling of these units on Lots 4-7 is more modern and similar to the proposed design of the multifamily residential apartments to be located directly across the street from 4-7 are located.

Along the north side of the alley, Lots 14-16 are each proposed to be developed with three detached single-family dwellings as shown here below and at Applicant's PUD Exhibits N-P within Exhibit D of this report. In order to be able to develop these units at the increased density noted above, the Applicant proposes reduced setbacks as outlined below.

• **Reduced building setbacks.** In order to accommodate the proposed residential development, the PUD request includes reductions to the standard minimum front yard, street side yard, and rear yard setbacks. Within the portion of the PUD that is proposed to be zoned SFR-7, the minimum front yard setback of 20-feet is proposed to be reduced to 7-feet for Lots 4, 7, 14, 15, and 16, and the street side yard setback for Lot 14 is proposed to be reduced from the standard 15-feet to 10-feet.

Similarly, on Lot 2 which is zoned MFR, the front setback is proposed to be reduced from 20-feet to 7-feet, and the rear setback is proposed to be reduced from 10-feet to 7-feet.



These setback reductions are proposed in order to provide additional flexibility for increasing the number of dwelling units that can be built, and the Applicant states that the reduced setbacks will also allow for the accommodation of parking and vehicular access from the rear via the alley. Additionally, the Applicant states that the plan will provide for more useable open space, all of which is intended to create a visually pleasing mix of residential units when viewed from public rights-of-way. The Applicant also notes that the proposed setbacks are minimums and that the actual building locations may exceed the proposed minimums at the time of building permit application. Staff takes no issue with the proposed reductions in setbacks.

• **Removal of upper floor balcony requirement for multi-family residential units on Lots 2, 4, & 7.** Section 18.50.125 of the Development Code contains design standards for new multi-family residential development (defined as a structure or grouping of structures containing three or more dwellings on the same lot). Specifically, the design standards pertain to minimum requirements for common open space and landscaping, private open space, and the location and concealment of trash storage. The multi-family residential development that is proposed on the MFR zoned Lot 2, and on the proposed SFR-7 zoned Lots 4 and 7 (described and shown above), meet the design standards with the exception of private open space for the upper-floor units. The code minimum is for at least 40 percent of all upper floor units to have balconies or porches containing at least 48 square feet of usable area. In the proposed plan there are a total of 52 upper floor units between the six multi-family buildings and the two fourplexes, which would equate to a minimum of 21 units that require a balcony or porch.

The proposed multi-family residential buildings are to be of a modular construction type, and the PUD request is to not have balconies on any of the upper floors because any extensions beyond the building envelope would negatively affect the modular building design. In order to help offset the lack of private balconies, the Applicant proposes a site design that will provide outdoor common open space in a quantity that is well above the code minimum of 10 percent of the site area for usable recreation space. Usable recreation space is required to contain one or more of the following amenities: outdoor recreation amenities, turf play fields or playgrounds, sports courts, swimming pool, walking fitness course, or barbecue area.

As shown on the preliminary landscape plan at Applicant's PUD Exhibit F within Exhibit D of this report and also below, the multi-family residential site on Lot 2 is proposed to contain a landscaped playground area in the southwest corner which will be connected to two open space tracts located to the west and northwest of the MFR zoned lot via a 6-foot wide walking trail. The combined area of the two open space tracts within the Phase 1 subdivision is approximately 55,000 square feet, and the plans indicate that open space Tract A, which is located directly west of the MFR zoned Lot 2, will contain a "pocket park" with an approximately 3,900 square foot lawn that can be used for recreation by residents. Additionally, a significant portion of the quadplex Lots 4 and 7 will be landscaped and can be used by those residents for activities such as barbecuing and socializing.



Based upon the open space being provided both within the MFR zoned lot and adjacent thereto, Staff's opinion is that the request for waiving the balcony design standard is an acceptable modification under the PUD code, especially given the modular building design scheme which is intended to make the provision of workforce housing units more feasible. The Applicant's plans also propose siding materials that exceed the minimum requirements under the building code; staff recommends a condition of approval to ensure siding materials are substantially consistent with those proposed in the PUD as an aesthetic trade-off to the provision of balconies on the upper floors.

- **Removal of RV parking requirement for multi-family residential.** The minimum parking requirement for residential uses of four or more dwelling units is 1.5 spaces per unit, plus one space per four units to be reserved for recreational vehicles. The proposed PUD will have no reserved parking spaces for recreational vehicles as the Applicant states that the target market for the multi-family units is "workforce housing" which they anticipate will not have a need for on-site parking of recreational vehicles. As shown on Applicant's PUD Exhibits I, J, and K within Exhibit D of this report, the proposed PUD has a total of 72 multi-family residential units within six buildings on the MFR zoned Lot 2, and a quadplex on Lots 4 and 7 within the proposed SFR-7 zone. Eight parking spaces are being provided on Lots 4 and 7, and 112 spaces are provided on Lot 2. As such, the minimum parking requirements are met and Staff does not have concerns about the PUD request to not include reserved parking for recreational vehicles based upon the Applicant's plan to provide these units as workforce housing. Furthermore, should any residents own recreational vehicles they can always be stored off-site.

- **Miller Springs monument sign.** The final portion of the PUD request is for the installation of a monument sign for the Miller Springs Subdivision. Within residential zoning districts the only types of signage permitted by-right are small non-illuminated name plates for dwellings containing a home occupation use, temporary non-illuminated signs for the rental or sale of the subject property, and bulletin boards for churches, public libraries, and neighborhood/community centers. Applicant requests approval of a steel frame, wood clad monument sign to be located within the open space Tract A which is immediately to the west of the MFR zoned Lot 2, along the east side of Miller Springs Parkway. The proposed monument sign is shown in Applicant's PUD Exhibit Q within Exhibit D of this report.

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 18.20.710 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 Applicant's findings, the subject property is designated Single Family Residential, and the proposed SFR-7 zoning is consistent therewith. As such, the proposed zoning is consistent with the land use assumptions used in the TSP and nothing about the proposal will affect the TSP's street functional classifications or the recently constructed street improvements within the Miller Springs subdivision. As such, the Planning Commission can find that this criterion has been met.

B. For proposed zone changes to SFR-7, the minimum contiguous area of SFR-7 zoning shall be three or more gross acres, and the average lot size of single-family residential parcels developed with dwellings within 250-feet of the proposed zoning district shall be no greater than 7,000 square feet.

FINDINGS: The Applicant has addressed this criterion in their findings and staff concurs that the Planning Commission can conclude that it has been 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.

FINDINGS: Staff concurs with the Applicant's findings that the recently completed public improvements for the first phase of the Miller Springs subdivision provide the necessary storm drainage, sanitary sewer, and water facilities to serve the property; however, the capacity of the City's sanitary sewer system is constrained at this time and the proposed zone change will allow for more residential units to be constructed than would otherwise be permitted under the existing SFR-4 zoning. As such, a condition of approval is recommended to the zone change restricting the number of units within the SFR-7 zone change area to a maximum of 33 units until such time the sewer capacity constraints are resolved and the system is deemed to be functional for additional development purposes by the Oregon Department of Environmental Quality (ODEQ). With the Applicant's acceptance of this condition, the Planning Commission can find that this criterion has been met.

(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's findings have addressed this criterion with respect to extension of the street network to serve this area. Staff also finds that the net change in dwelling units from the zone change and associated PUD are minimal. The City's TSP does not identify any capacity constraints on the City's streets and the minor increase in traffic from the proposed zone change and PUD is minimal when compared to the existing available capacity in the City's transportation system.

(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), with staff recommended conditions of approval limiting development within the SFR-7 zone change area to 33 units until such time the City's sewer capacity constraints are resolved, this criterion can be found to be satisfied.

Section 18.20.635 Planned Unit Development Concept Plan Approval Criteria

The City, in approving or approving with conditions a Concept Plan, shall make findings that all the following criteria are met:

1. The proposal conforms to any Comprehensive Plan intended by the language and context to function as approval criteria for the proposed PUD concept plan;



FINDINGS: As noted in the Applicant's findings, there are no provisions or policies within the Comprehensive Plan that are intended to function as approval criteria for the proposed PUD. The Planning Commission can find this criterion is satisfied.

2. If a tentative plan for land division is concurrently proposed, and except as may be modified under Section 18.20.625, all the requirements for land divisions, under Section 18.20.100, are met;

FINDINGS: This criterion is not applicable as there is no tentative plan for land division being proposed.

3. Except as may be modified under Section 18.20.625, all other applicable requirements of Sections 18.30, 18.40, and 18.50 are met;

FINDINGS: The Applicant's findings and plans demonstrate that all applicable requirements of Sections 18.30, 18.40, and 18.50 are or will be met, with the exception of those modifications requested as allowed pursuant to Section 18.20.625 which are addressed herein below. The Planning Commission can find that this criterion is met.

4. Concept Plans for PUDs that are between 5 acres and 12 acres shall contain a minimum of 10 percent open space, and PUDs larger than 12 acres shall contain a minimum of 15 percent open space, which may be public, private, or a combination of public and private open space. The identified open space areas shall relate to the rest of the PUD in a manner that is appropriate for the intended use and function of the open space area; active recreation components shall be convenient to access for intended users of the open space area. Plans may provide space for both active and passive recreational uses, and may include, but are not limited to, neighborhood parks, pathways/trails, natural areas, plazas, and play fields. Open space areas shall be shown on the final plan and recorded with the final plat or separate instrument; the open space shall be conveyed in accordance with one of the following methods:

A. By dedication to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the Planning Commission with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide an environmental assessment), and approved by City Council based on budgetary, maintenance, and liability considerations; or

B. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions for maintenance and property tax payment acceptable to the City. The City, through conditions of approval, may also require public access be provided, where the open space is deemed necessary, based on impacts of the development and to meet public recreational needs pursuant to the Comprehensive Plan.

FINDINGS: The Planning Commission can find that this criterion has been satisfied as evidenced through the Applicant's findings and proposed project plans.



5. Modifications to Standards. Modifications to Code standards must conform to the criteria in Section 18.20.625.

FINDINGS: The Planning Commission can find that this criterion is satisfied as evidenced by the Applicant's findings regarding Section 18.20.625 which are further supplemented by Staff below.

18.20.625 Modifications to Development Standards

The standards of Sections 18.30, 18.40, and 18.50 may be modified through the planned unit development process without the need for adjustments or variances under 18.20.520 and 18.20.525. Applications shall identify and clearly explain the modifications to development standards proposed in the planned unit development. Modifications may be proposed as part of concept plan and detail plan submittals; modifications submitted with final plans are reviewed for compliance with the concept plan or detail plan approvals, but new modifications cannot be requested as part of final plan submittal and review. In evaluating this criterion, the approving authority shall consider whether the proposal, on balance, will result in superior quality development that provides greater community benefits than would otherwise occur under the base Development Code requirements. In evaluating community benefits, the approving authority shall apply the following criteria; the City may deny an application for Planned Unit Development concept plan approval that does not meet all the following criteria:

1. Comprehensive Plan

The modification does not conflict with the Comprehensive Plan. A Planned Unit Development may exceed the maximum residential density (minimum lot size) permitted by the underlying zone, provided that the overall density of the project (average of total dwelling units per acre) is not greater than 120 percent of the density permitted by the underlying zone.

FINDINGS: As noted in the Applicant's findings, there is nothing in the proposed PUD modifications that conflict within the Comprehensive Plan, but there are Comprehensive Plan policies that support the PUD's objectives and which are cited by the Applicant. As also noted in the Applicant's findings, there is no maximum density within the MFR zone and the proposed PUD will result in a residential density of 8.04 dwelling units per acre within the SFR-7 zoned portion, which is below the maximum of 120 percent of 8.4 units per acre. Accordingly, the Planning Commission can find this criterion is met.

2. Superior Quality Development Demonstration

The proposed modifications are reasonably expected to result in an overall development that will be superior in quality to development under the base regulations by demonstrating one or more of the following:

- A. Greater variety of housing types or lot sizes than would be achieved under the base Development Code standards;
- B. More open space or more usable open space than would result from application of the base Development Code standards;
- C. Greater protection of natural features than would result from application of the base



Development Code standards;

D. Avoidance of natural hazards (e.g., geological hazards, river resources, or flood hazards);

E. Improved transportation connectivity or facilities, such as the provision of pathways and/or other transportation facilities, that would not otherwise be provided pursuant to base Development Code requirements; or

F. Integrated mix of housing and employment that will have complimentary design elements throughout.

FINDINGS: The Applicant's findings document that Subsections A and B of this criterion apply to the proposed PUD modifications and with a condition of approval for siding materials depicted on the plans, staff concurs with said findings. The Planning Commission can find this criterion satisfied.

3. Engineering Design Standards

Planned Unit Developments shall not be a basis to modify the City's Engineering Design Standards for public improvements, such as street structural sections, acceptable water line materials, etc. This section does not prohibit code modifications that request alternative streetscape elements like planter strips, lane widths, sidewalks, curbs, pedestrian bulb-outs, special street lighting and similar streetscape elements.

FINDINGS: This criterion is not applicable as the Applicant has not requested any modifications to the City's engineering design standards.

18.20.650 Detailed Development Plan Criteria

Approval of the detailed development plan shall be based upon a finding that the final plan substantially conforms to the concept plan, including any concept plan conditions of approval. The detailed development plan shall comply with applicable code standards except where modifications were approved as part of the concept plan review or new proposed modifications are shown to comply with the criteria for modifications at Section 18.20.625.

Minor changes to the approved concept plan may be approved with the detailed plan where the City Planning Official finds that the modification is necessary to correct an error or to address changes in circumstances beyond the applicant's control that have occurred since the date of project approval or where changes reflect a logical detailed plan refinement to the original Concept Plan approval. Other changes must be reviewed as major modifications under Section 18.20.420.

FINDINGS: The Applicant has concurrently submitted the required plans and information required for review of a PUD detailed development plan, as provided for under Section 18.20.620(2)(D). Based on the level of detail provided on the project plans with regards to the individual lot layouts, floor plans, architectural elevations, and landscaping and preliminary grading, the Planning Commission can find that this criterion is met.



V. CONCLUSION & RECOMMENDATION

Based upon the Applicant's findings and the supplemental staff findings outlined herein above, Staff's conclusion is that the concurrent applications for zone change, planned unit development concept plan, and detailed development plan can be found to be in conformance with the City's standards and approval criteria. As such, Staff recommends approval subject to the proposed conditions of approval.

VI. EXHIBITS

- A. Proposed Conditions of Approval
- B. Applicant's Zone Change Narrative & Proposed Findings
- C. Applicant's PUD Narrative & Proposed Findings
- D. Applicant's Proposed PUD Plans
- E. Copies of Public Notice Materials

CITY OF BURNS PLANNING & ZONING DEPARTMENT

By: Jay Harland
Contract City Planner

EXHIBIT A

Recommended Conditions of Approval

1. Until such time that the City's sanitary sewer capacity constraints are resolved and approved by ODEQ, a maximum of 33 dwelling units may be constructed within the SFR-7 zone change area; technical note - this regulatory zone change condition is separate from any pace of development restrictions that may limit housing construction until the City has satisfied its obligations to ODEQ under the memorandum of agreement currently in effect.

2. Siding materials of the four-plexes and multi-family structures shall be specified in the building permits submitted for these structures and shall depict materials substantially consistent with the materials list set forth in Applicant's submitted plans.

Chairperson Keady asked the applicant if they would like to speak on their behalf. Nick Green and Eva Henes spoke for Miller Springs.

Nick Green and Eva Henes discussed workforce housing features including enhanced green spaces, community aesthetics, and functionality. Key details included the removal of RV spaces, the conversion of fourplexes to condominiums to increase affordability, and the use of modular mass timber construction for future units. They also discussed zoning changes needed to allow fourplexes in the SFR-7 district, with staff clarifying that while the fourplexes are currently not permitted in the existing zone, the proposed zoning change would enable their construction.



Nick Green and Eva Henes also presented updates on a completed subdivision and upcoming housing development phases. The team discussed the first successful sale of Lot 18 and plans for future stages including 9 units along West B Street (Stage 2) and additional units in Stage 3. Eva Henes outlined specific requests for zone changes and PUD modifications, including adjustments to front street setbacks, side setbacks on Lot 14, rear setbacks on Lot 2, removal of balcony requirements for upper-level units, elimination of RV parking spaces, and permission for a monument sign. The development aims to provide workforce housing targeting 80-120% area median income, with the next phase of 9 units planned for construction this year.

The Planning Commission expressed strong opposition to the removal of balconies from upper units, arguing it would negatively impact property value and marketability. They discussed Miller Springs' request for rezoning to SFR7 and a planned unit development (PUD) to allow for more creative development including triplexes and reduced setbacks. There were concerns about increased density and its impact on law enforcement and firefighting capabilities, particularly noting the fire department's lack of a functioning ladder truck.

Chairperson Keady asked if there was anyone from the public that would like to speak for or in opposition of the project. There were no comments for or in opposition of the project. He then asked the applicant if there was anything else they would like to share or that they thought the Planning Commission needed to know. The applicant had no further comments.

The commission approved the sign project separately, and then discussed the zone change criteria, with Jay confirming that the change meets the necessary requirements including water, sewer, and transportation facilities. The commission agreed to vote on the zone change and PUD as separate motions, with the zone change appearing to meet the necessary criteria based on comprehensive plan requirements and available facilities.

Staff recommended approval of the PUD subject to two conditions: limiting development to the current 33 units until sewer constraints with DEQ are resolved and requiring specific siding materials for multifamily structures.

The Planning Commission discussed and approved a zone change from SFR-4 to SFR-7 with staff-recommended conditions, including a sewage caveat. They also reviewed a PUD (Planned Unit Development) proposal, agreeing to approve it with the exception of removing balconies from the multifamily units.

Chairperson Keady closed the hearing at 6:48 p.m.

Commissioner Garo made a motion to approve the sign. Commissioner Schroeder seconded the motion. All Ayes. (5/0)

Commissioner Garo moved to approve the zone change from SFR-4 to SFR-7 with the sewage caveat, as staff recommended. Commissioner Bolles seconded the motion. All Ayes. (5/0)



Commissioner Garo moved to approve the PUD, everything except modifying and removing the balconies on the multifamily. Commissioner Schroeder seconded the motion. All Ayes. (5/0)

PUBLIC HEARING

- 2. QPCF-001-2025:** 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 6:07 p.m.

City's Land Use Attorney Garrett Chrostek gave the admonishment. He then asked the Planning Commission to disclose any ex-parte, contacts, biases, or conflicts of interest a member may have pertaining to the subject application or parties to these 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 declared that he has had multiple conversations with Mr. Glennie, who's going to come up and speak on behalf of the applicant. We've discussed everything from his cantankerous attitude at times, and his love of Harney County. He did not believe he had any issues or conflicts.

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

City's Land Use Attorney Garrett Chrostek 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 Attorney Garrett Chrostek 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 Attorney Garrett Chrostek asked if any person wished to raise any other procedural issues.

No one wished to raise any other procedural issues.

City's Land Use Attorney Garrett Chrostek made a few other remarks on testimony. He 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. He then turned the meeting over to the City's Land Use Planner Jay Harland to read the Staff Report.

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

PLANNING COMMISSION STAFF REPORT

DATE: April 29, 2026

PROJECT: Palmer Estates Subdivision

PLANNING FILE: QPCF-001-2025

APPLICANT: Britany Randall – BRAND Land Use

AGENT: David Glennie, President of Telos Development Co.

PROPERTY OWNER: Telos Development Co.

MAP DESCRIPTIONS: 23S-30E-13DA-501, 23S-30E-13DA-502, 23S-30E-13DB-600, 23S30E-13DB-700, 23S-30E-13DB-802

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

I. BACKGROUND: In December 2024, the City Council approved a Comprehensive Plan amendment for the subject property, changing the Comprehensive Plan designations from Commercial, Light Industrial, and Heavy Industrial to Residential and Multi-Family Residential. Zone changes were concurrently approved by the Planning Commission, making the majority of the subject property SFR-7 zoning and the northeastern most portion MFR zoning. See, below excerpt from the City of Burns Zoning Map.

II. STAFF ANALYSIS: The proposed "Palmer Estates" subdivision involves five existing parcels containing a total of approximately 18.32 acres and located along the southern edge of the City of Burns corporate limits. See, Exhibits A and B.

The proposed subdivision would extend to the south into the City of Hines corporate limits, and a preliminary subdivision plat application has also been filed with Hines. That subdivision application is also currently in process and the staff from both cities have held meetings and coordinated with each other at various times during their respective application reviews.



Lot Size: The portion of the Palmer Estate Subdivision located within Burns has a total of 71 single-family residential lots ranging in size from 5,510 sq. ft. to 12,567 sq. ft., and one lot of approximately 5.31 acres that is reserved for future multi-family residential development. The 5.31 acre lot is located within the portion of the site that is zoned MFR and the 71 single-family lots are located within the SFR-7 zoned portion. Any proposed future development within the MFR zoned lot will be subject to a Type II Site Design Review approval to ensure the development is in conformance with the applicable development standards. All proposed lots conform to the minimum area and dimensional standards for the SFR-7 and MFR zoning districts.

Phasing: The subdivision is proposed to be developed in four phases beginning with the single-family lots in the eastern portion of the site, and the final phase being development of the ~5.3 acre multi-family residential lot located on the west side of S. Imperial Avenue. The Planning Commission may approve phased subdivisions subject to the following parameters: (1) the construction time period for the first phase (i.e., for required public improvements, utilities, streets) shall be no longer than four years; (2) public facilities shall be constructed in conjunction with or prior to each phase; and (3) all public facilities shall be constructed by the developer and not the City or the owners of the subdivision lots. The Applicant has acknowledged these requirements in their written narrative and stated that they can and will comply. Planning Commission approval is required for any future modifications to an approved phasing schedule and the Applicant has also acknowledged this requirement.

As proposed, the phasing plan shows 21 single-family lots to be developed in the first phase, along with the extension of S. Imperial Avenue and the eastern most segment of Palmer Loop. While staff would not typically have any concerns over this type of phasing, there are some public facility matters which are addressed in more detail below and which are likely to impact the proposed phasing plan.

Access: The primary point of vehicular access to the proposed subdivision will be from southward extensions of S. Imperial Avenue on the east, and S. McGowan Avenue on the west. The subdivision plans indicate the full width of S. Imperial will be improved with pavement and curbing on both sides, and the existing sidewalk along the west side of S. Imperial is to be extended through the proposed subdivision in accordance with the alternative street design standard described below. S. Imperial Avenue will be extended to the southwest into the City of Hines to serve the portion of the Palmer Estates development that is proposed within that jurisdiction. The eastern half of S. McGowan is proposed to be improved along the subject property's frontage. The western half of S. McGowan will be required to be improved when the abutting properties to the west develop in the future.

W. Grant Street is an existing unimproved street right-of-way located between Oregon Avenue/Highway 20 and the southwest corner of the subject property where it terminates at S. McGowan Avenue. W. Grant Street is proposed to be extended along the southern boundary of the subdivision where it will connect to the extension of S. Imperial Avenue at a point just south of the Burns city limits. The existing unimproved western segment of W. Grant Street is not proposed or required to be improved as part of the subdivision, and with the proposed improvements to S. McGowan and S. Imperial, the project has sufficient legal



access for emergency purposes. A condition of approval has been recommended by staff that Lots 53 – 63 are not to be platted until Grant Street and S. Imperial Ave. are constructed and fully connected to one another so that adequate emergency fire access is provided to those eleven lots; unless Hines provides a letter approving a temporary all-weather public access to ensure emergency services function appropriately until the portion of Grant Street that will be located in Hines and connected to S. Imperial is constructed.

Additionally, the subdivision includes two new streets that are proposed to be named Tiller Drive and Palmer Loop. Tiller Drive is approximately 350-feet in length and will connect S. McGowan to Palmer Loop which is, as the name implies, a looped street that connects S. Imperial Avenue to Grant Street. With the exception of S. McGowan Avenue as described above, all other streets within the subdivision are proposed to be fully improved with a right-of-way width of 50-feet, and again with the exception of S. McGowan, all streets within the subdivision are proposed to be built to the “Alternative” Minor Street design standards that are allowed within residentially zoned areas pursuant to the specifications in Table 18.40.015.1 of the Development Code. This “Alternative” standard is an asymmetric crosssection that has an 11-foot right-of-way area on one side of the street that is an open swale to provide a location for drainage and snow storage.

For new development areas utilizing the Alternative street standard, the approving authority has the authority to decide which side of the street will have the sidewalk and park strip and which side will have the open swale. The proposed subdivision plans depict sidewalks in the locations highlighted yellow below, and the open swales in the locations highlighted blue. Staff does not have objections to the locations of the swales, noting however, that where there is an open swale shown along the north side of Grant Street, the south side of Grant street is along the city limit line, and the subdivision plans for the portion of Palmer Estates to be located within Hines do not show a sidewalk along the south side of Grant Street. Instead, the south side of Grant Street on the Hines side will have the front yards of single-family lots, which would result in there being no sidewalks along Grant Street between Palmer Loop and S. Imperial Avenue. Accordingly, staff has recommended a condition of approval requiring a sidewalk and park strip along the northern side of Grant Street between Palmer Loop and S. Imperial Avenue.

Public Facilities: Pursuant to Section 18.20.140.1.B of the Development Code, all applications for preliminary subdivision plat are required to provide a preliminary public facility plan demonstrating how all lots will be served by streets, municipal water, sanitary sewer, and storm drainage. Additionally, Section 18.40.030.1 of the Code requires a preliminary grading and storm drainage plan with an accompanying drainage analysis prepared by an Oregon Registered Professional Engineer. While the Applicant’s plans depict the location of proposed water, sanitary sewer, and storm drainage facilities, there was insufficient detail provided for the City’s contract engineer (Jesse Christensen, P.E., of HECO Engineers) to be able to discern if the storm drainage and sanitary sewer facilities will be adequate to serve the development.

The issues surrounding lack of adequate information on sanitary sewer and storm drainage facilities were raised by staff in two separate notice of incompleteness letters to the Applicant which are included as Exhibit D to this report. Examples of significant deficiencies in the



project plans include the lack of preliminary engineering sewer flows and preliminary sewer elevations, and the fact that the plans show sanitary sewer flows from the Hines side of the project being pumped to the existing force main in Burns. No discharges to force mains are allowed, and at this moment in time it is uncertain if the existing Burns wastewater treatment system can receive additional sewer volumes without the proposed subdivision sewer flows being verified.

As previously noted, this site was rezoned in December 2024 under Planning File No. QCPA001-2024. Typically, off-site sewer capacity would be evaluated at the time of zone change to ensure the subdivision process is limited to a review of lot designs and on-site public improvements. The issue of potential limitations on off-site sewer capacity was raised during the proceedings in front of the City Council during the zone change process. During the Council hearings process, the Applicant stated that these issues would be addressed at the time of subdivision, both orally and in writing. Specifically, the following statements were made:

- David Glennie: The project doesn't use the Burns sanitary sewer system and we have offered solutions that are ignored. The easiest is to build a pump station, at our sole expense, that has the capacity to serve the entire site, not just the Burns site. All the sanitary sewer flows from both Burns and Hines would be pumped to Hines, and then Burns and Hines would sign an intergovernmental agreement. If this is done the problem would be solved, and most, if not all the sewer details could be hashed out at the subdivision application level.
- Steven Ward (Applicant's Engineer): The sanitary sewer on Imperial is not deep enough to serve the site by gravity, and Mr. Glennie has to build a pump station one way or another.

Conceptual public improvement plans that show how the sanitary sewer improvements will be laid out to ensure the project is consistent with the above representations to the Council during the plan amendment and zone change process have been requested by staff but not provided.

Requiring these public facility details is standard practice at the time of preliminary plat review, and it is not expected that the preliminary plat include construction level engineering, only sufficient evidence that the proposed facilities will serve their needed purpose. This is necessary to help ensure that the City is not approving development that may not be able to be constructed as planned (e.g., the City Engineer needs to be able to determine with a reasonable level of comfort that the stormwater conveyance pipes and detention facilities are properly sized to handle the expected runoff flows); however, the Applicant's response to the requests for this missing information was that no additional information would be provided and that the application is to be deemed complete in accordance with the provisions of ORS 227.178(2)(c). See, Exhibit E. As such, the City is required to proceed with processing the application and a final decision must be made on the application within 120 days after it is deemed complete by either the City or the Applicant. The Applicant requested that the application be deemed complete on March 2, 2026, and also authorized a 30-day extension of the statutory 120 day timeline. As such, a final decision (including resolution of all appeals) must be made by July 30, 2026.



With respect to stormwater, the project plans do not provide information on how onsite stormwater will be conveyed, stored, and discharged from the subdivision. This is an especially important factor since the subject property is located within a natural drainage area of the city. The required stormwater calculations can be provided when the public improvement plans are submitted, and it may well be that these calculations will show that the street side swales can adequately accommodate the stormwater flows. Alternatively, the City has no minimum density requirements so additional storm detention could be added by eliminating one or more of the buildable lots. Staff recommends a condition of approval be imposed requiring stormwater calculations be provided with the public improvement plans that show the off-site storm water flows for the design year storm will be similar in volume and location for any discharge offsite following existing drainage patterns, or show that downstream facilities are adequate for discharge into any public storm drainage system (whether owned by Burns or Hines).

These statements are not verbatim quotations from the recording of the meeting, but are instead taken from the staff prepared minutes of the Council hearing and/or from the AI prepared meeting summary.

With respect to off-site sewer capacity, ODEQ is required to issue permits for City of Burns sewer extensions and this permit requires a capacity statement from the City to ODEQ. Given the representations made by the property owner to the Council at the time of rezoning, staff recommends a condition of approval that prior to approval of the public improvement plans for the project, the Applicant shall 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.

III. AGENCY COORDINATION & PUBLIC NOTICE: Public notice for this hearing was mailed to surrounding property owners and posted to the City's website in accordance with 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.

III. APPROVAL CRITERIA & FINDINGS OF CONFORMANCE

Section 18.20.145 Preliminary Plat Approval Criteria

1. Approval Criteria. The Planning Commission may approve, approve with conditions, or deny a preliminary plat. The Planning Commission decision shall be based on findings of compliance with all the following approval criteria:

- A. The land division application shall conform to the requirements of Sections 18.20.100 through 18.20.140;

FINDINGS: The subject application is for a preliminary subdivision plat consisting of 71 singlefamily residential lots and one multi-family residential lot. The proposed preliminary plat has been prepared in accordance with ORS 92 and is being reviewed under the Type III procedures. The application is in conformance with the requirements of Sections 18.20.100 through 18.20.135, but as outlined above under Section II of this report, the Applicant has not provided the preliminary public facility plans required under Section 18.20.140.1.B, nor the needed evidence demonstrating that the proposed designs for City sewer and storm water drainage and treatment



are sufficient, as required by Sections 18.20.140.1.C(7) and (8), which refer to conformance with Sections 18.40.025 and 18.40.030.

Accordingly, conditions of approval are recommended by staff to ensure that all public facilities will be designed and constructed in a manner that complies with City and State requirements, including the necessary sanitary sewer permits from the Oregon Department of Environmental Quality (ODEQ). These conditions of approval will need to be met prior to final plat approval, and with their acceptance by the Applicant the Planning Commission can find that this criterion has been met.

B. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of Sections 18.30, 18.40 and 18.50, except where as allowed by Section 18.20.135.

FINDINGS: Staff concurs with the Applicant's findings that the proposed lots, blocks, and land uses are in conformance with the applicable provisions of Sections 18.30, 18.40 and 18.50. Staff notes that the subject property has SFR-7 and MFR zoning, and the proposed single-family lots are located within the SFR-7 zoned portion of the site and the ~5.31 acre multi-family residential lot is located within the MFR zoned portion. All proposed lots are in conformance with the lot area and dimensional standards in Table 18.50.100.3, and the proposed blocks meet the standards of Section 18.40.015.4(D). As such, the Planning Commission can find that this criterion has been met.

C. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer, and streets, shall conform to sections 18.40 and 18.50;

FINDINGS: Staff concurs with the Applicant's findings that the subdivision provides for access to all individual lots, as well as the necessary water and street improvements. As outlined above however, conditions of approval need to be applied to the project to ensure that all public facilities will be designed and constructed in a manner that complies with City and State requirements, including the necessary sanitary sewer permits from the Oregon Department of Environmental Quality (ODEQ), and with their acceptance by the Applicant the Planning Commission can find that this criterion has been met.

D. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS 92;

FINDINGS: The Applicant's findings have addressed this criterion, and the Planning Commission can find it has been satisfied.

E. The proposed streets, utilities, and surface water drainage facilities conform to City of Burns adopted master plans and applicable engineering standards, and allow for logical extension to adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;

FINDINGS: Staff concurs with the Applicant's finding that the proposed streets are generally in



conformance with City standards and allow for logical extension to adjacent lands, but the preliminary plat does not show a sidewalk along Grant Street. Additionally, while the preliminary plat does identify proposed water, sanitary sewer, and storm drainage improvements, as noted previously, there is insufficient evidence in the application for the City Engineer to determine that the sewer and storm drainage improvements are adequate to serve the subdivision. As such, conditions of approval surrounding these public improvements are being applied to ensure that this criterion can and will be satisfied through completion of said conditions.

F. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas will be assured through appropriate legal instrument;

FINDINGS: Applicant's findings and the proposed plans indicate that there are no private common areas or improvements being proposed. As such, this criterion is not applicable.

G. Evidence that any required state and federal permits, as applicable, are not precluded as a matter of law; and

FINDINGS: There is nothing in the proposed replat that would necessarily preclude issuance of any required state or federal permits; however, the conditions of approval require that the Applicant obtain permit approval from ODEQ for the subdivision's proposed sanitary sewer system improvements.

H. Evidence that improvements or conditions required by the City, road authority, Harney County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

FINDINGS: Construction of all required improvements for the subdivision will be assured through imposition of the recommended conditions of approval.

V. CONCLUSION & RECOMMENDATION

The proposed preliminary subdivision plat is in conformance with the City's standards with respect to lot standards, street design (excepting for Grant Street that is lacking a sidewalk on the plans), and access standards. As outlined herein above, Staff is unable to determine with any level of confidence that the proposed sanitary sewer and storm drainage improvements (as shown) are sufficient to serve the proposed subdivision. As such, Staff recommends that the Planning Commission approve the preliminary subdivision plat and only with the full recommended list of conditions of approval.

VI. EXHIBITS

- A. Staff Recommended Conditions of Approval
- B. Applicant's Project Narrative & Proposed Findings
- C. Proposed Preliminary Subdivision Plat
- D. Incomplete Letters provided to Applicant, dated October 9 and December 15, 2025
- E. Correspondence from Applicant deeming application complete, dated March 2, 2026
- F. Copies of Public Notice Materials



CITY OF BURNS PLANNING & ZONING DEPARTMENT

By: Jay Harland
Contract City Planner

EXHIBIT A

Recommended Conditions of Approval

1. Prior to approval of the public improvement plans for the project, the Applicant shall 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.
2. 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.
3. 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 design year 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.
4. 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.
5. Development phasing of the subdivision shall be arranged such that Lots 53 – 63 are not platted until Grant Street and S. Imperial Ave. are fully constructed and connected so that adequate emergency fire access to said lots will be provided.
6. 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 in design with 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).
7. 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.
8. 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 including the following:
 - a. All notes on the preliminary engineering plans shall be considered conditions of approval, except where specifically modified by conditions set forth in this section.



- b. All proposed water system connections and improvements shall be to City Standards.
- c. Final hydrant locations shall be determined during the engineering design phase and must be approved by the Fire Marshal and Public Works.

Applicant should be advised that the City of Burns is currently under a memorandum of agreement to address identified sewer treatment capacity constraints. Until the obligations in the memorandum of agreement have been satisfied, an analysis demonstrating capacity exists sufficient for the City to issue a capacity statement acceptable to ODEQ may not be feasible.

- 9. 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.
- 10. All proposed sewer system connections and improvements shall be to City Standards.
- 11. A 5-foot wide sidewalk and 5-foot park strip shall be constructed along the north side of Grant Street for the block located between Palmer Loop and S. Imperial Avenue, in accordance with the design standards in Table 18.40.015.1.
- 12. 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.
- 13. 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.
- 14. 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.
- 15. 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).
- 16. 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.
- 17. 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.
- 18. 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.



19. Submittal of final plat for review shall include written verification from the City that water and sanitary sewer service is available to every lot depicted on the plat.
20. 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.
21. 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.
22. 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.
23. 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.
24. No plat shall be recorded until the County Surveyor approves it in the manner provided by ORS 92.

Chairperson Keady asked the applicant if they would like to speak on their behalf. The President of Telos Development Company David Glennie and their Land Use Planner Britany Randall spoke for Telos Development's Palmer Estates Subdivision.

The President of Telos Development Company David Glennie passed out handouts to the Planning Commission (Attached). He then requested approval for a Phase 1 development of 21 lots using a STEP system as an alternative to the traditional gravity system. He said they agreed with just about everything that was in the staff report.

He said they were unaware that a mutual agreement order had ever been issued by DEQ and Burns. They have been rejected twice because it was deemed incomplete and the reason it was deemed incomplete was because they did not have complete engineering for the sewer and the stormwater. They informed the city that they couldn't complete the engineering without knowing where the sewage was going to go. Because of the sewer issues, their engineer Steve Ward suggested that they look at what's called a step system. It's an alternative to the gravity system and pump force main that is currently existing. Their recommendation was for approval of Phase 1, and using the STEP system, as part of that. He made it known that they were not expecting approval that evening and that the hearing may need to be held open because he presented new information, essentially asking for approval only for the first phase, which would be around 21 lots.

David Glennie informed the Planning Commission that he had given them a red-lined and clean copy of the same conditions that staff recommended. The only objections that they had were related to money. The first one was the sewer issue, and the amendment they asked for is that they will contribute \$100,000.00 to help resolve the INI issue, if the city will give them a limited approval, and a conditional



approval on a first phase. He said they will pay that, before the construction starts. The second issue also relates to the step system. He clarified they were not asking for approval that evening but asked them to look into it and see if it's a reasonable alternative.

David Glennie said as far as the storm drainage and the engineering that staff requested, they were basically asking them to do engineering for everything downstream and meet an unspecified water quality issue, and they just can't do that. It's kind of a blank check sort of deal, as far as they were concerned.

Chairperson Keady wanted to know if asking them when it rains, or there's extra water, where's that would go didn't seem like a reasonable thing to ask and if they were going to do that at some point.

David Glennie thought it was a completely reasonable thing to ask. He felt it was not surprising that the city would want this information now, but their frustration is that they can't design anything until they know what's going to happen to the sewage. He said will have to have an approved stormwater plan, but was the city going to allow them to address that before construction instead of in conjunction with approval of the subdivision plan. All they were looking for was a preliminary subdivision plan, and he said they understood this engineering would have to be completed before they were ever able to build anything.

Chairperson Keady did not see where there was an issue because before they can build anything, they are going to have to give the city that.

The Planning Commission then focused on sewer system capacity issues and potential solutions. The commission learned that the city and DEQ are working to resolve INI (inflow and infiltration) issues that could potentially increase sewer capacity. They also addressed ongoing sewer system improvements, with construction planned to begin this year and a path forward being developed through Business Oregon and DEQ to handle increased flows. The main concern centered around balancing the need for new housing with ensuring the existing sewer system can handle additional development.

Chairperson Keady asked if there was anyone in the public that wanted to speak for or in opposition of the project.

Bill Hart, a Hines resident and the County Judge, spoke in favor of the project and asked for the Planning Commission for their support while offering the county's support to work with the city to find these answers.

Rick Stauffer, Harney County Building Official gave the Planning Commission his typed-out comments but spoke in support of the project and encouraged the city to be flexible so they could keep moving forward.

There were no more comments from the public. Chairperson Keady asked if the commission had any more thoughts.

Commissioner Attleberger said it was very transparent that the community, Burns and Hines both, needed housing. She was inclined to want to say yes but with the sewer system issues and the stuff with



DEQ, she felt they needed to address that before they should. She just wanted to find the best path forward that works well for both the applicant and the city.

Public Works Ty Richardson said the city has been working on getting funding to fix the issues and currently has some projects in the foreseeable future to help, but they need to be very aware of the capacity issues even with the current residents in Burns. He informed them that we want to support and help the developments that are wanting to come in while also protecting the current homes the city has

Chairperson Keady asked if they should close the hearing at that time.

Land Use Planner Jay Harland informed him that the city needs to know if Telos and David Glennie were wanting the hearing and the record to remain open, and if so, for how long to try and work this out. He said there was a statute that requires them, if they want the record left open, they would have to, continue it for at least 2 weeks or do, what's called 7, 7, and 7. At the same time the city is subject to the 120-day deadline. They can't ask Telos to extend the time frame if they don't want to extend it.

Chairperson Keady asked where the city was with the time frame at that point.

Land Use Planner Jay Harland said right now the deadline was July 30th for the last day, but they must provide time for that additional time, plus potential appeal for the City Council. He explained they must walk the time back to figure out what that looks like.

Chairperson Keady asked Telos if they would like the hearing to be held open so that they can resolve some of the new information and work through things with the city.

David Glennie informed them that he felt it would be prudent to keep the hearing open and was amenable to a 45-day extension of the 120-day deadline, to give staff time to work on the details and new documents provided that evening.

The commission agreed to hold the record and the hearing open to allow further discussion and resolution of the sewer capacity questions, with continuance at the next meeting scheduled for June 3, 2026.

There was no further discussion.

The next meeting will be June 3, 2026, at 6:00 p.m.

Chairperson Keady made a motion to adjourn at 8:21 p.m. Commissioner Garo seconded the motion. All Ayes.

Tiffany Leffler, City Clerk

Forrest Keady, Chairperson

EXHIBIT A

Recommended Conditions of Approval

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2. 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. A STEP System, if approved by ODEQ, is an acceptable method for collecting and distributing wastewater to the City's WWTP.
3. 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 design year 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).
4. 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.
5. Development phasing of the subdivision shall be arranged such that Lots 53-63 are not platted until S McGowan Avenue is improved up to the Burns Mini Storage facility, providing two street access points so that adequate emergency fire access to said lots will be provided.
6. 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 in design with 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 phase shall be platted within the timeframe required by ORS (10 years)
7. The Applicant may request changes to the approved Prior to construction of public improvements, preliminary plat or conditions of approval following the procedures and criteria provided in Section 18.20.400.
8. the Applicant shall have all public improvement plans prepared by an Oregon Registered Professional Engineer and approved by City of Burns Public Works, specifically including the following:
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 - b. All proposed water system connections and improvements shall be to City Standards.

- c. Final hydrant locations shall be determined during the engineering design phase and must be approved by the Fire Marshal and Public Works.
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13. All streetlights shall be improved to city Structural Standards. Precise locations of street lights will be determined during public improvement plan review.
14. 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.
15. 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 Marchal in the City of Burns).
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Recommended Conditions of Approval

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2. 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. A STEP System, if approved by ODEQ, is an acceptable method for collecting and distributing wastewater to the City's WWTP.
3. 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 design year 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.~~
4. 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.
5. Development phasing of the subdivision shall be arranged such that Lots 53-63 are 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. are fully constructed and connected~~ so that adequate emergency fire access to said lots will be provided.
6. ~~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 in design with 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 phase shall be platted within the timeframe required by ORS (10 years)
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8. the Applicant shall have all public improvement plans prepared by an Oregon Registered Professional Engineer and approved by City of Burns Public Works, specifically including the following:
 - a. All notes on the preliminary engineering plans shall be considered conditions of approval, except where specifically modified by conditions set forth in this section.

- b. All proposed water system connections and improvements shall be to City Standards.
 - c. Final hydrant locations shall be determined during the engineering design phase and must be approved by the Fire Marshal and Public Works.
- 9. 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.
- 10. All proposed sewer system connections and improvements shall be to City Standards.
- 11. A 5-foot wide sidewalk and 5-foot park strip shall be constructed along the north side of Grant Street for the block located between Palmer Loop and S Imperial Avenue, in accordance with the design standards in Table 18.40.015.1.
- 12. All proposed streets shall be improved to City Structural Standards. Reverse 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.
- 13. All streetlights shall be improved to city Structural Standards. Precise locations of street lights will be determined during public improvement plan review.
- 14. 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.
- 15. 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).
- 16. 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.
- 17. 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.
- 18. 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 area, parking, etc.); and other documents pertaining to common improvements recorded and referenced on the plat.
- 19. Submittal of final plat for review shall include written verification from the City that water and sanitary sewer services if available to every lot depicted on the plat.
- 20. 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 93, 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.

21. 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.
22. 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.
23. 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.
24. No plat shall be recorded until the County Surveyor approves it in the manner provided by ORS 92.

ANALYSIS OF DEVELOPMENT COSTS AND IMPACTS FROM CITY EXACTIONS

			Burns Only (71 Lots)	Total Subdivision	Notes
Conditional City Costs					
City related engineering costs	Total Amount	\$	150,000	\$	2,110
Grant Street improvements		\$	1,000,000	\$	14,080
Subtotal		\$	1,150,000	\$	16,190
Water/Sewer SDC		\$	7,100	\$	6,000
Total Conditional City Costs		\$	23,290	\$	12,680
Baseline Development Costs					
Estimated per lot development costs		\$	65,000	\$	65,000
Bare Ground		\$	20,000	\$	20,000
Holding costs, fees, miscellaneous		\$	5,000	\$	5,000
Total Baseline Development Costs		\$	90,000	\$	90,000
Total Baseline Costs w/ Conditional City Costs		\$	113,290	\$	102,680
Impacts of Conditional City Costs					
Assuming 75% LTV, 25-year fixed rate loan @ 6%:					
Additional downpayment from conditional costs		\$	5,823	\$	3,175
Additional monthly expense from conditional costs		\$	113	\$	82
Debt required to cover expense		\$	17,500	\$	12,700
Total cost to potential homeowner		\$	23,320	\$	15,880
Harney County Market Income Data					
Median Family Income (MFI)		\$	55,208		per 2024 Census Bureau info
Median Individual Income		\$	33,320		per 2024 Census Bureau info
Housing & Loan Constraints					
Estimated Max Loan @ MFI		\$	228,500		Based on MFI @ 32% maximum disposable income
Max Home @ 75% LTV		\$	304,600		Loan + downpayment
Comparative Housing Costs (Average Market)					
Bend		\$	733,000		per Zillow.com
Burns		\$	182,000		per Zillow.com
Hines		\$	222,000		per Zillow.com
Conclusions					
1. This hypothetical homebuyer could purchase the same home for \$325,000.					
2. At \$325,000 the ground component represent only 6% of the total cost.					
3. The total estimated development costs are \$11.2 million, all of which is paid by the developer.					

Subject: Telos Subdivision: A Unified Path for Housing, Investment, and Economic Growth.

Dear Members of the Planning Commissions for the City of Burns and the City of Hines,

As the Building Official for Harney County, I am writing to share my professional perspective on the Telos subdivision and to urge both commissions to move this project forward immediately. This is more than a land-use decision; it is a critical economic engine and a necessary solution to our region's housing crisis.

The Telos project represents a significant opportunity to bolster our local economy. Beyond the immediate capital investment and local construction jobs, this subdivision addresses our most pressing obstacle to growth: the urgent need for family and workforce housing. Currently, the lack of available housing serves as a barrier for local employers and families looking to plant roots. By approving Telos, we provide the rooftops necessary to support a stable workforce and expand our property tax base, providing the revenue needed to sustain the public services both the cities and the county rely on.

To maximize this impact, my office has spent the last two years modernizing our operations to provide an efficient plan review and permitting process. By transitioning to digital permitting and virtual inspections, we have ensured the Building Department acts as a proactive partner in growth. This tech-forward approach has been widely embraced by our local contractors, who now benefit from significantly reduced downtime and lower overhead on their job sites.

However, technology alone cannot fix administrative friction. When a project like Telos—spanning both city limits—is forced to navigate two different sets of standards, it creates financial bottlenecks that make housing more expensive and harder to build. By synchronizing our land-use interpretations across Burns, Hines, and Harney County, we can:

- **Establish predictable standards** so the developer can build a cohesive neighborhood without the "hidden tax" of conflicting zoning mandates.
- **Eliminate administrative silos** that cause expensive "carry time" and project delays during the approval phase.
- **Reduce redundant overhead** for both municipalities and the developer by streamlining the path from land-use approval to construction.

This level of coordination is vital when working with partners who have a proven 30-year commitment to our region. The lead developer behind Telos has already brought millions in development to Burns and Hines through local landmarks like Rite Aid and Quail Court. We must honor that history of local investment by providing a consistent and professional regulatory environment.

The Building Department has already laid the tracks for this unified service model. I am asking both the City of Burns and the City of Hines to fast-track this subdivision approval and adopt a synchronized approach to these land-use requirements. Let's move from paperwork to groundbreaking and secure a more prosperous, housed, and economically stable future for our residents.

Sincerely,

Richard Stauffer

Building Official, Harney County



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:

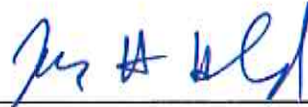
- If the Applicant wishes to proceed with using a STEP system for the Palmer Estates subdivision, the street system within the subdivision will be private which reduces the City's potential long-term liability for this approach to sewer. Water and storm drainage would still be public with maintenance 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 standards 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

¹ Applicant should be advised that the City of Burns is currently under a memorandum of agreement to address identified sewer treatment capacity constraints. Until the obligations in the memorandum of agreement have been satisfied, an analysis demonstrating capacity exists sufficient for the City to issue a capacity statement acceptable to ODEQ may not be feasible.

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 street lights 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.

DRAWINGS FOR:

PALMER ESTATES CITY OF BURNS PRELIMINARY PLAT APPLICATION

FOR:

TELOS DEVELOPMENT
445 MYERS STREET
SALEM, OR 97302

PROJECT
LOCATION

Planning Commission
Memorandum 5/27/26
EXHIBIT B



VICINITY MAP

GENERAL LEGEND

ITEM	PROPOSED	EXISTING
SANITARY SEWER	---	---
STORM DRAIN	---	---
WATER	---	---
GAS	---	---
TELEPHONE	---	---
POWER	---	---
ENCE	---	---
BARRICADE	---	---
TELEPHONE MANHOLE	---	---
TELEPHONE PISTOL	---	---
SANITARY SEWER MANHOLE	---	---
STORM DRAIN MANHOLE	---	---
CATCH BASIN	---	---
FIRE HYDRANT AND VALVE	---	---
WATER METER	---	---
WATER VALVE	---	---
POWER POLE	---	---
POWER POLE W/ARMOR	---	---
POLE W/ARMOR	---	---
LIGHT POLE	---	---
SON POST	---	---
MAILBOX	---	---
HEDGE OR BRUSH	---	---
TREES	---	---

STREET OR ALLEY RIGHT OF WAY	---
PLATTED LOT LINE	---
OWNERSHIP LINE	---
EASEMENT OR TEMPORARY RIGHT OF WAY	---
PROJECT CENTERLINE AND	---

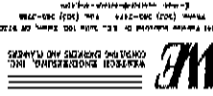


Know what's below.
Call before you dig.

DATE: 5/27/26		DRAWN: [Signature]		CHECKED: [Signature]		APPROVED: [Signature]	
SHEET: 1		SCALE: 1" = 40'		PROJECT: PALMER ESTATES - BURNS		JOB NUMBER: 34-09-0000-0	
DESCRIPTION: VICINITY & LOCATION MAPS		DRAWING: G-1		DATE: 5/27/26		BY: [Signature]	

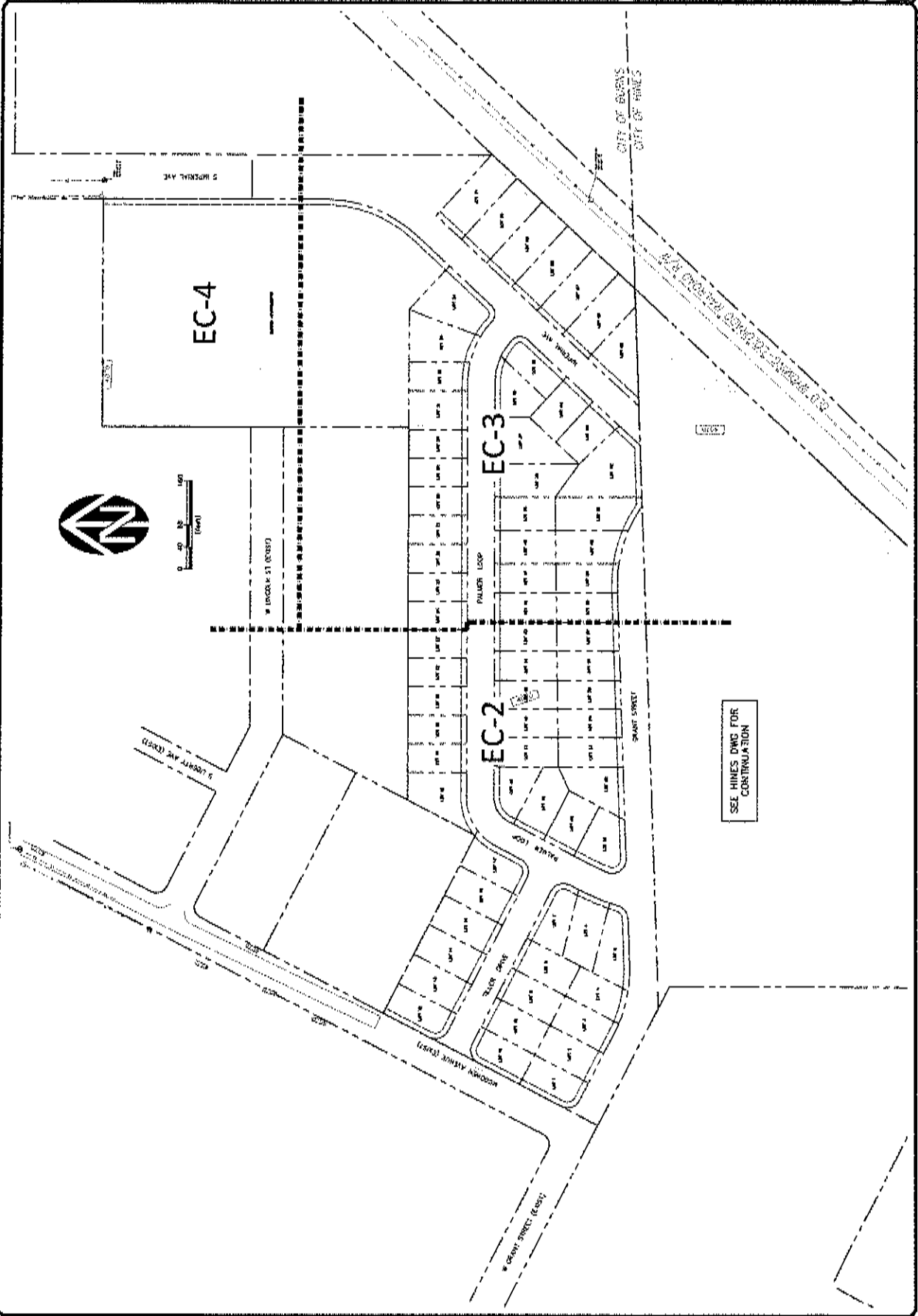
DRAWING INDEX

DWG	TITLE
G-1	COVER SHEET, VICINITY & LOCATION MAPS.
G-2	DRAWING INDEX
G-3	CONSTRUCTION NOTES
G-4	CONSTRUCTION NOTES
G-5	SITE SURVEY
EEC-1	OVERALL EXISTING CONDITIONS, EROSION CONTROL, & DEMOLITION PLAN
EEC-2	EXISTING CONDITIONS, EROSION CONTROL, & DEMOLITION PLAN
EEC-3	EXISTING CONDITIONS, EROSION CONTROL, & DEMOLITION PLAN
EEC-4	EXISTING CONDITIONS, EROSION CONTROL, & DEMOLITION PLAN
C-1	OVERALL LOT LAYOUT
C-2	LOT LAYOUT
C-3	LOT LAYOUT
C-4	LOT LAYOUT
P-1	OVERALL PHASING PLAN
ST-1	TYPICAL STREET SECTIONS
ST-2	SURFACING PLAN
ST-3	SURFACING PLAN
ST-4	SURFACING PLAN
ST-5	GRANT STREET PLAN-PROFILE STA 9+00 TO STA 14+00
ST-6	GRANT STREET PLAN-PROFILE STA 14+00 TO STA 19+00
ST-7	GRANT STREET PLAN-PROFILE STA 19+00 TO STA 23+00
ST-8	PALMER LOOP PLAN-PROFILE STA 29+00 TO STA 34+00
ST-9	PALMER LOOP PLAN-PROFILE STA 34+00 TO STA 39+00
ST-10	PALMER LOOP PLAN-PROFILE STA 39+00 TO STA 43+00
ST-11	MCCONNELL AVENUE PLAN-PROFILE STA 49+00 TO STA 55+00
ST-12	TILLER DRIVE PLAN-PROFILE STA 59+00 TO STA 65+00
ST-13	IMPERIAL AVENUE PLAN-PROFILE STA 69+00 TO STA 75+00
ST-14	IMPERIAL AVENUE PLAN-PROFILE STA 75+00 TO STA 79+00
ST-15	IMPERIAL AVENUE PLAN-PROFILE STA 79+00 TO STA 84+00
SD-1	OVERALL STORM DRAINAGE PLAN
SD-2	STORM DRAINAGE PLAN
SD-3	STORM DRAINAGE PLAN
SD-4	STORM DRAINAGE PLAN
SD-5	STORM DRAINAGE PLAN
SS-1	OVERALL SANITARY SEWER PLAN
SS-2	SANITARY SEWER PLAN
SS-3	SANITARY SEWER PLAN
SS-4	SANITARY SEWER PLAN
SS-5	TYPICAL STEP TANK SETUP
WL-1	OVERALL WATERLINE PLAN
WL-2	WATERLINE PLAN
WL-3	WATERLINE PLAN
WL-4	WATERLINE PLAN

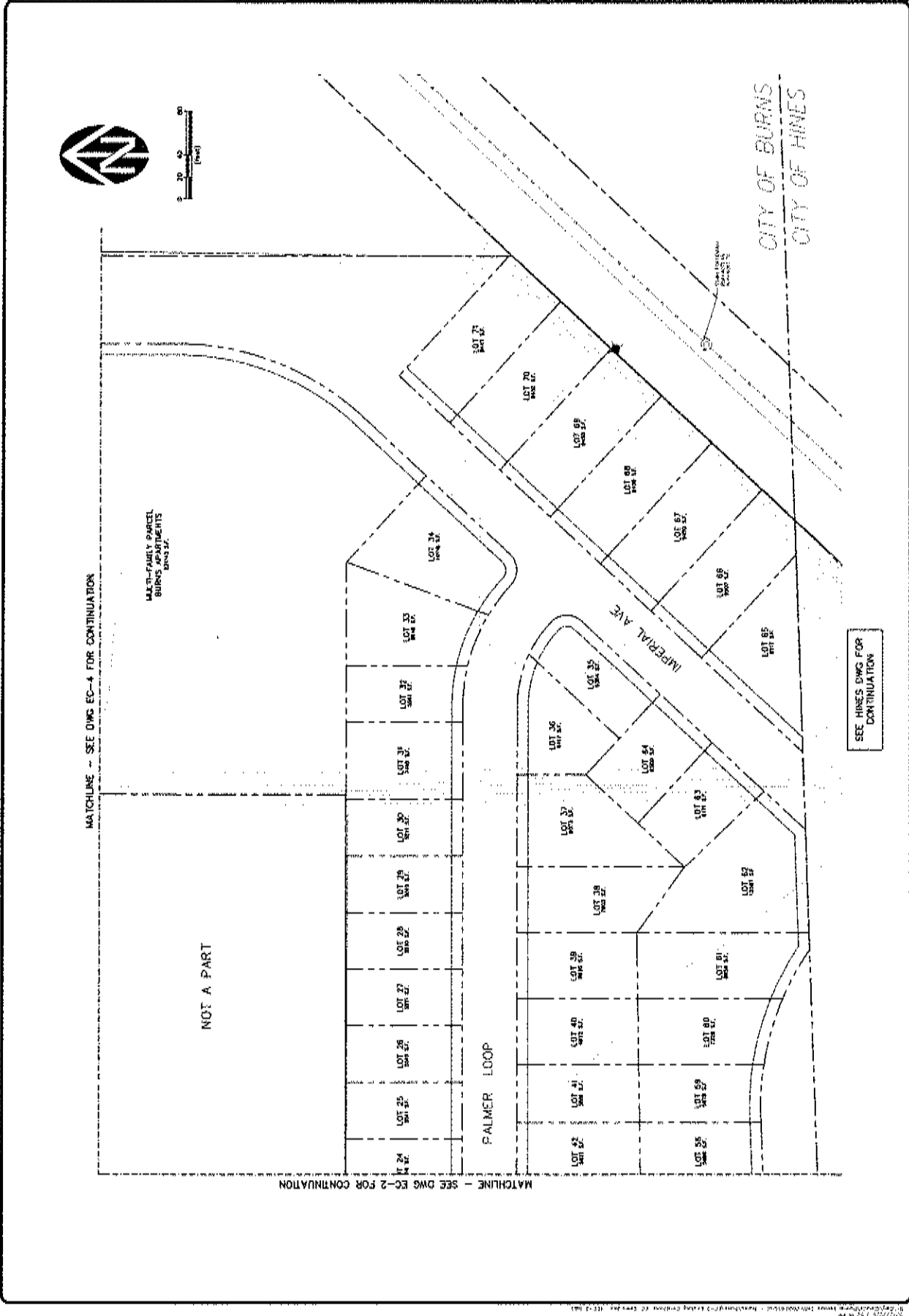


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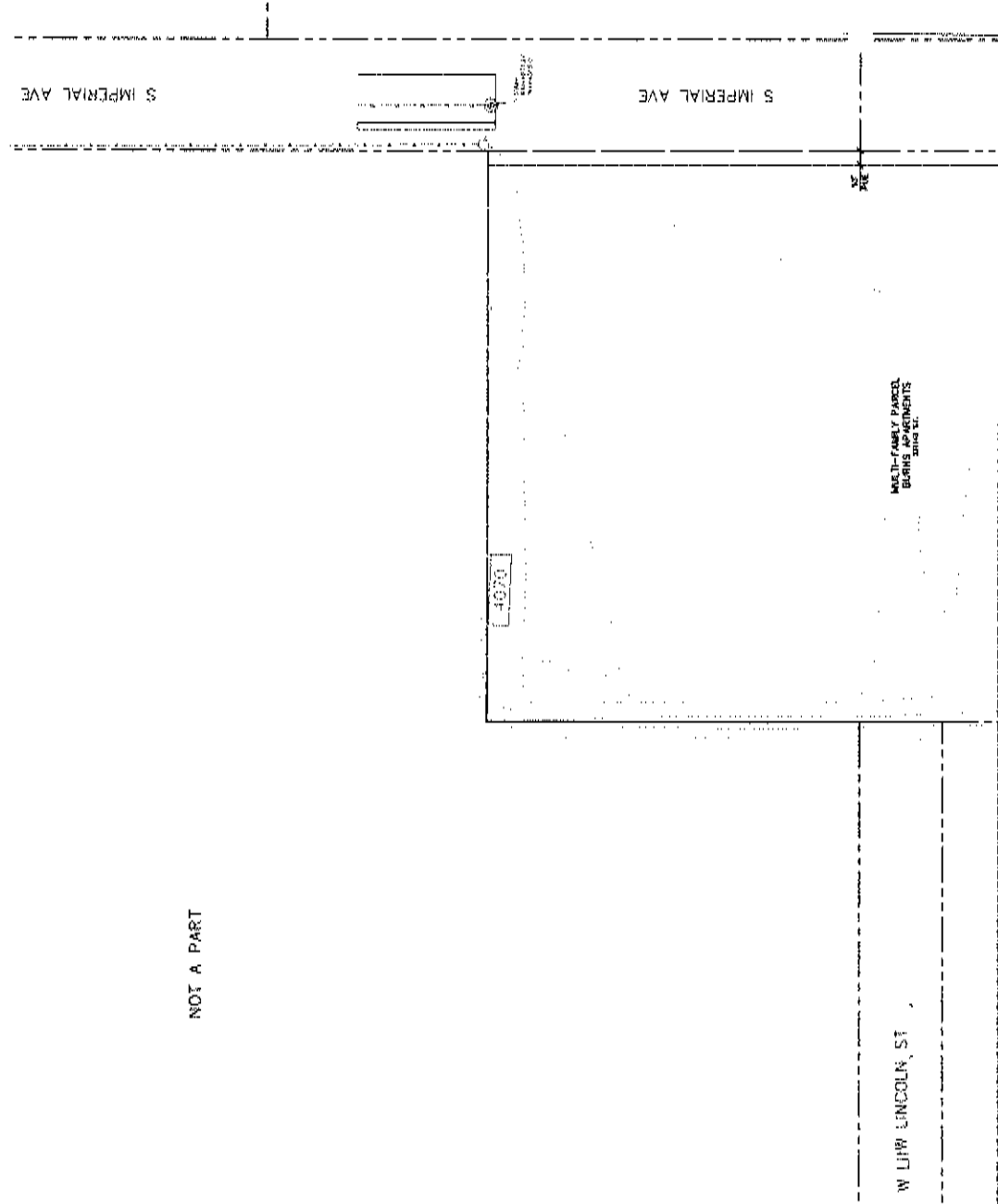
REVIEW REVIEWED BY: _____ DATE: _____		MB MERRILL BROS. & CO. CIVIL ENGINEERS AND PLANNERS 1001 E. 10th St., Suite 100, Des Moines, IA 50319 Phone: (515) 281-1111 Fax: (515) 281-1110 E-mail: merrillbros@earthlink.net		OVERALL EXISTING CONDITIONS, & DEMOLITION PLAN TIGS DEVELOPMENT PALMER ESTATES - BURNS	
PROJECT INFORMATION PROJECT NO.: _____ SHEET NO.: _____ TOTAL SHEETS: _____ DATE: _____ DRAWN BY: _____ CHECKED BY: _____ IN CHARGE: _____		CLIENT INFORMATION CLIENT NAME: _____ CLIENT ADDRESS: _____ CLIENT PHONE: _____ CLIENT FAX: _____ CLIENT E-MAIL: _____		DRAWING DRAWING NO.: _____ DRAWING DATE: _____ DRAWING SCALE: _____	







REVIEW CHECKED BY: [] DATE: []		EXISTING CONDITIONS, EROSION CONTROL, & DEMOLITION PLAN PALMER ESTATES - BURNS		DRAWING EC-4	JOB NUMBER 34019 0000.0
DATE: 12/22/2022 BY: [] FOR: [] PROJECT: [] SHEET: [] OF []		WE WESTERLY ENGINEERING, INC. 1000 N. 10TH ST., SUITE 100, DENVER, CO 80202 TEL: (303) 733-1100 FAX: (303) 733-1101 WWW.WESTERLYENGINEERING.COM		SCALE: 1" = 40'-0" NORTH: []	



NOT A PART

MATCHLINE - SEE DWG EC-3 FOR CONTINUATION

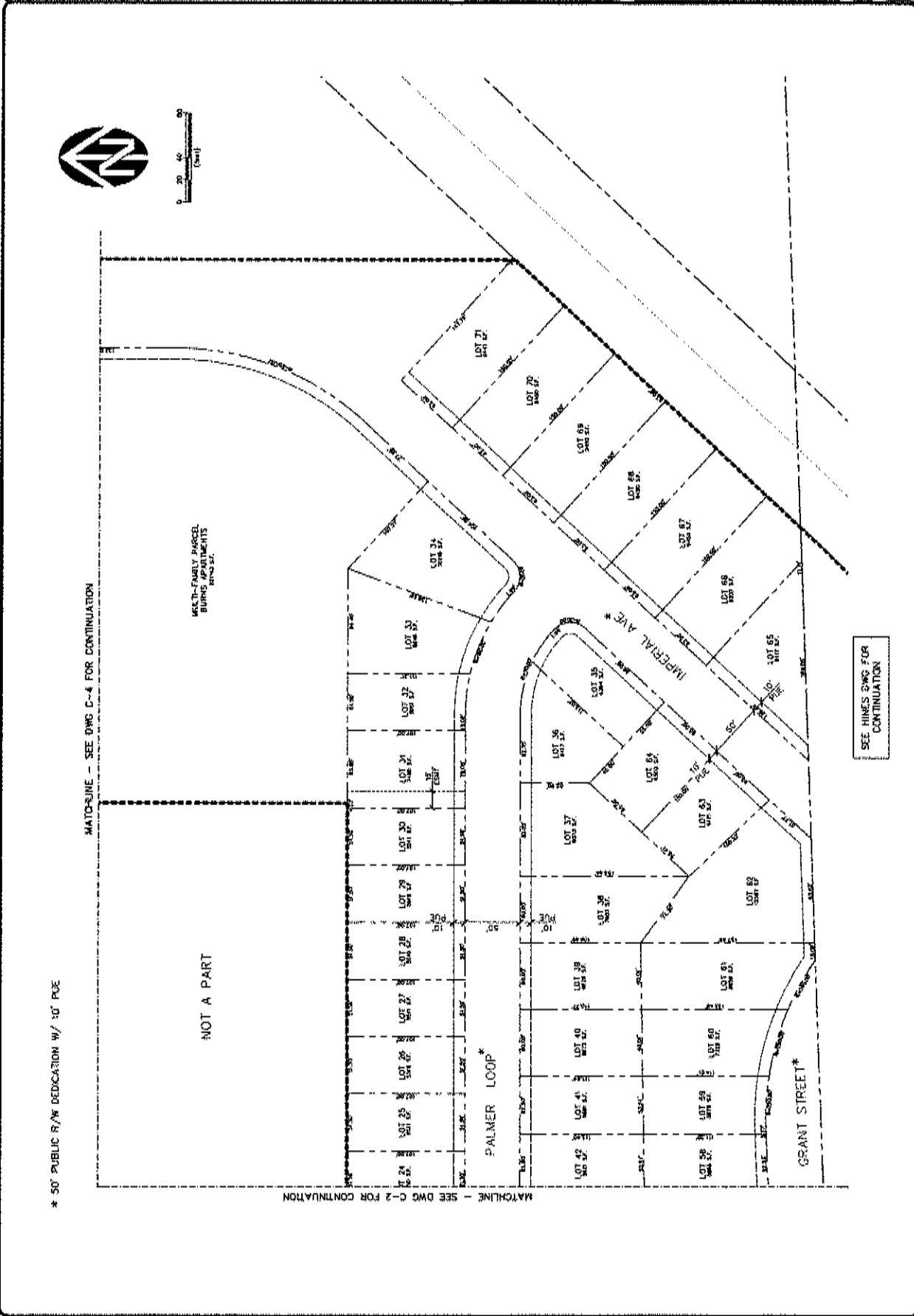
W 11TH LINCOLN ST

S IMPERIAL AVE

MULTI-FAMILY PARCEL
BURNS APARTMENTS
2000 S.E.

40'-0"

		VEATCH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS 1111 Franklin Boulevard, St. Louis, MO 63103 Phone: (314) 241-1111 Fax: (314) 241-1188 E-mail: info@veatcheng.com www.veatcheng.com		LOT LAYOUT PALMER ESTATES - BURNS 174.05 DEVELOPMENT		DRAWING C-3 JOB NUMBER 3409.0000.0	
DATE: 09/20/2024	BY: JAW	CHECKED: JAW	IN CHARGE: JAW	PROJECT: PALMER ESTATES - BURNS SHEET: 1 OF 1 SCALE: AS SHOWN NORTH:			



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The site plan shows a parking lot layout with several lots and a central driveway. The lots are labeled as follows:

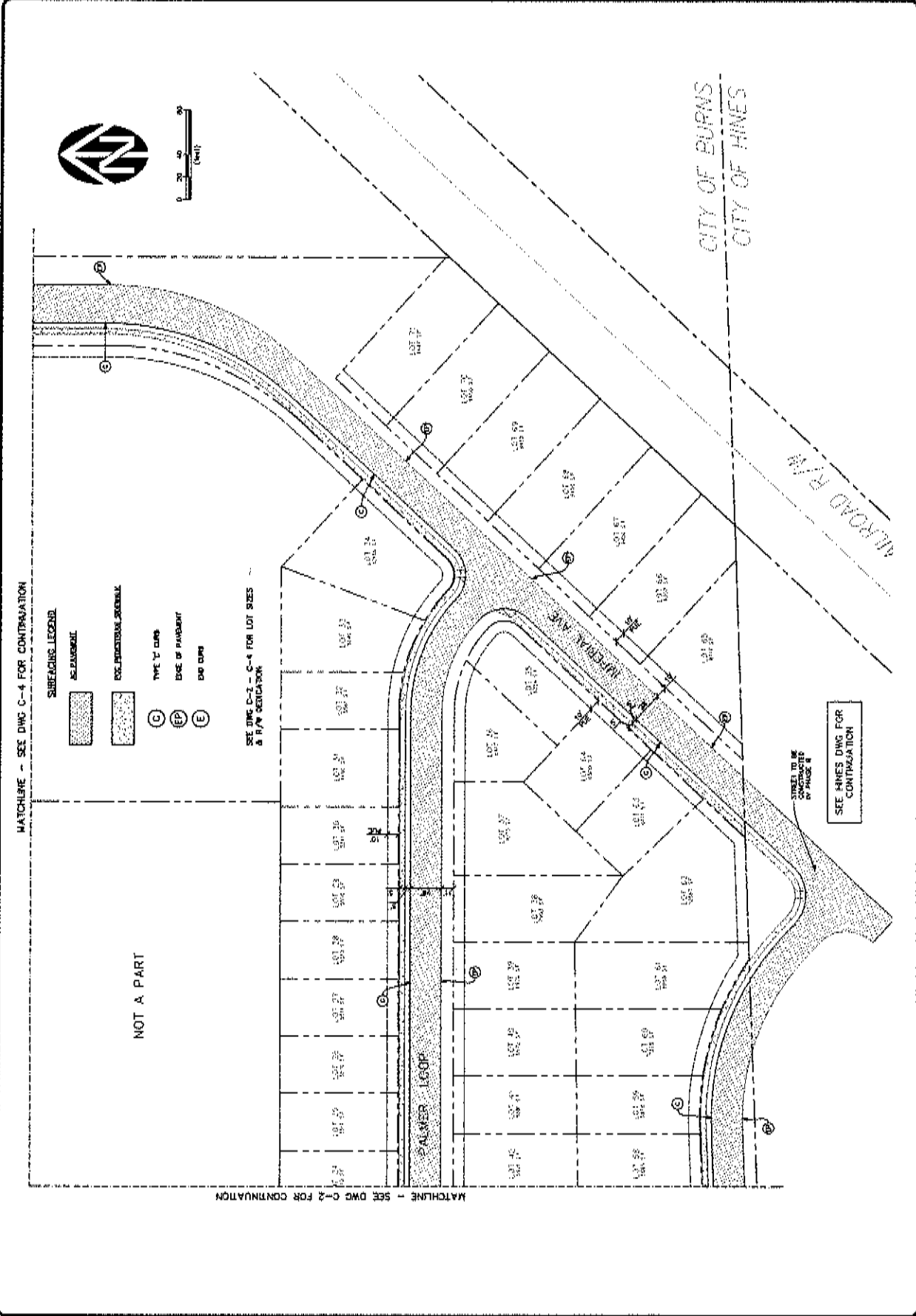
- LOT 151: 80' x 11' (Top Left)
- LOT 169: 80' x 11' (Top Middle)
- LOT 158: 80' x 11' (Top Right)
- LOT 15: 70' x 11' (Bottom Left)
- LOT 16: 70' x 11' (Bottom Middle)
- LOT 17: 70' x 11' (Bottom Right)

The central driveway is labeled "8' IN DRIVEWAY". The main road is labeled "IMPERIAL AVE". The plan includes dimensions for lot widths and lengths, and a note indicating "TYPICAL D/W ACCESS NOT A STREET".

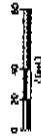
Two cross-sections are provided:

- TYPICAL SECTION @ DRIVEWAY (B)**: This section shows a cross-section of the driveway with a width of 8' IN DRIVEWAY. It includes dimensions for the driveway width (8' IN DRIVEWAY), the width of the parking area (14' and 14'), and the width of the road (10' PLE). It also shows a "PLANTED WALK" area.
- TYPICAL SECTION W/ PARKING ON 1 SIDE (A)**: This section shows a cross-section of the parking area with a width of 10' PLE. It includes dimensions for the parking area (14' and 14'), the width of the road (10' PLE), and the width of the planted walk (5' PLANTED WALK). It also shows a "PLANTED WALK" area.

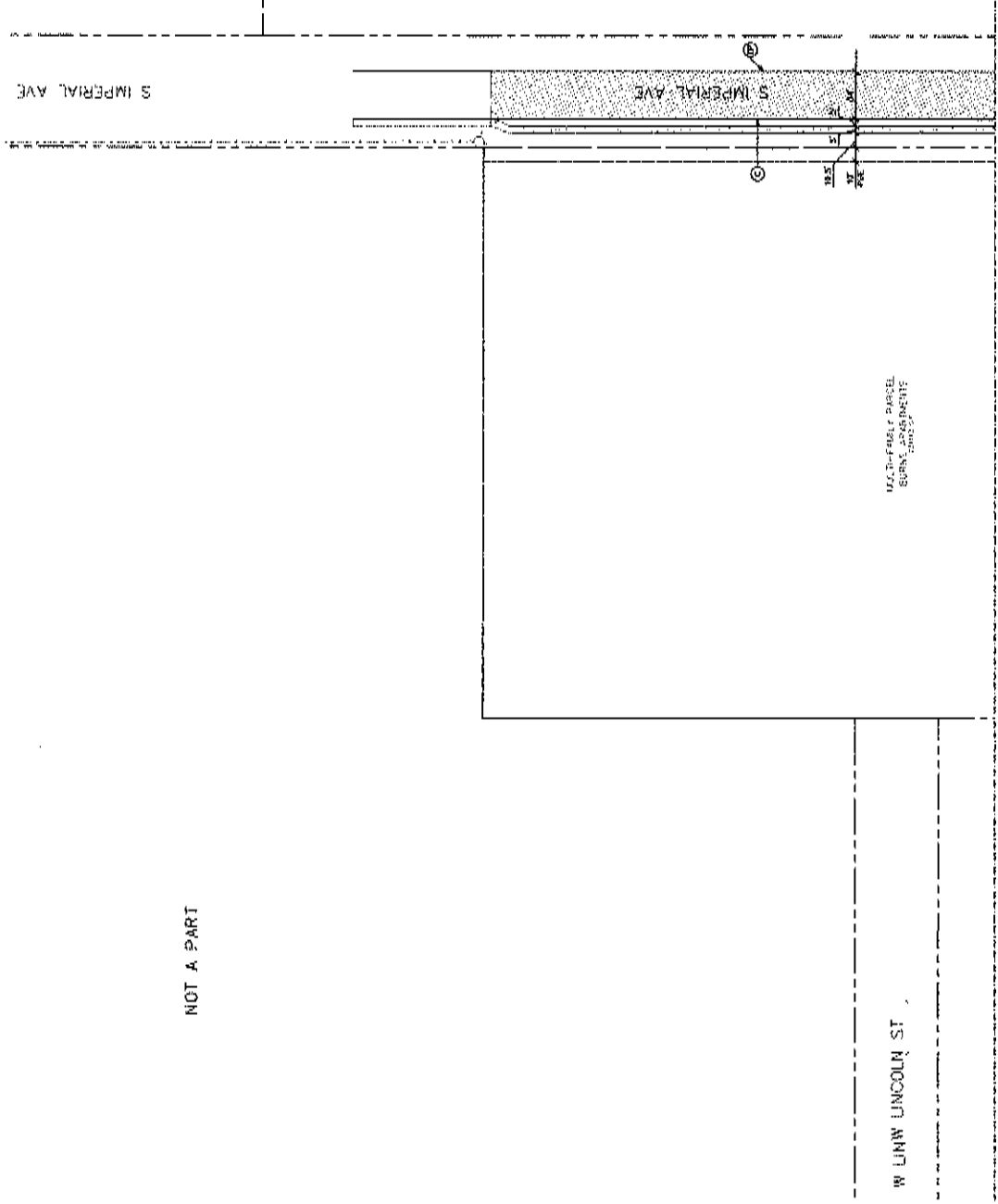
REVIEW CIVIL ENGINEERING 10000 E. 10TH AVE. SUITE 100 DENVER, CO 80231 (303) 751-1000 FAX (303) 751-1001 WWW.MEENGINEERING.COM		ME METTER ENGINEERING, INC. 10000 E. 10TH AVE. SUITE 100 DENVER, CO 80231 (303) 751-1000 FAX (303) 751-1001 WWW.MEENGINEERING.COM		ST-3 SURFACING PLAN PALMER ESTATES - BURNS 10000 E. 10TH AVE. SUITE 100 DENVER, CO 80231 (303) 751-1000 FAX (303) 751-1001 WWW.MEENGINEERING.COM		DRAWING ST-3 JOB NUMBER 3409.0000.0	
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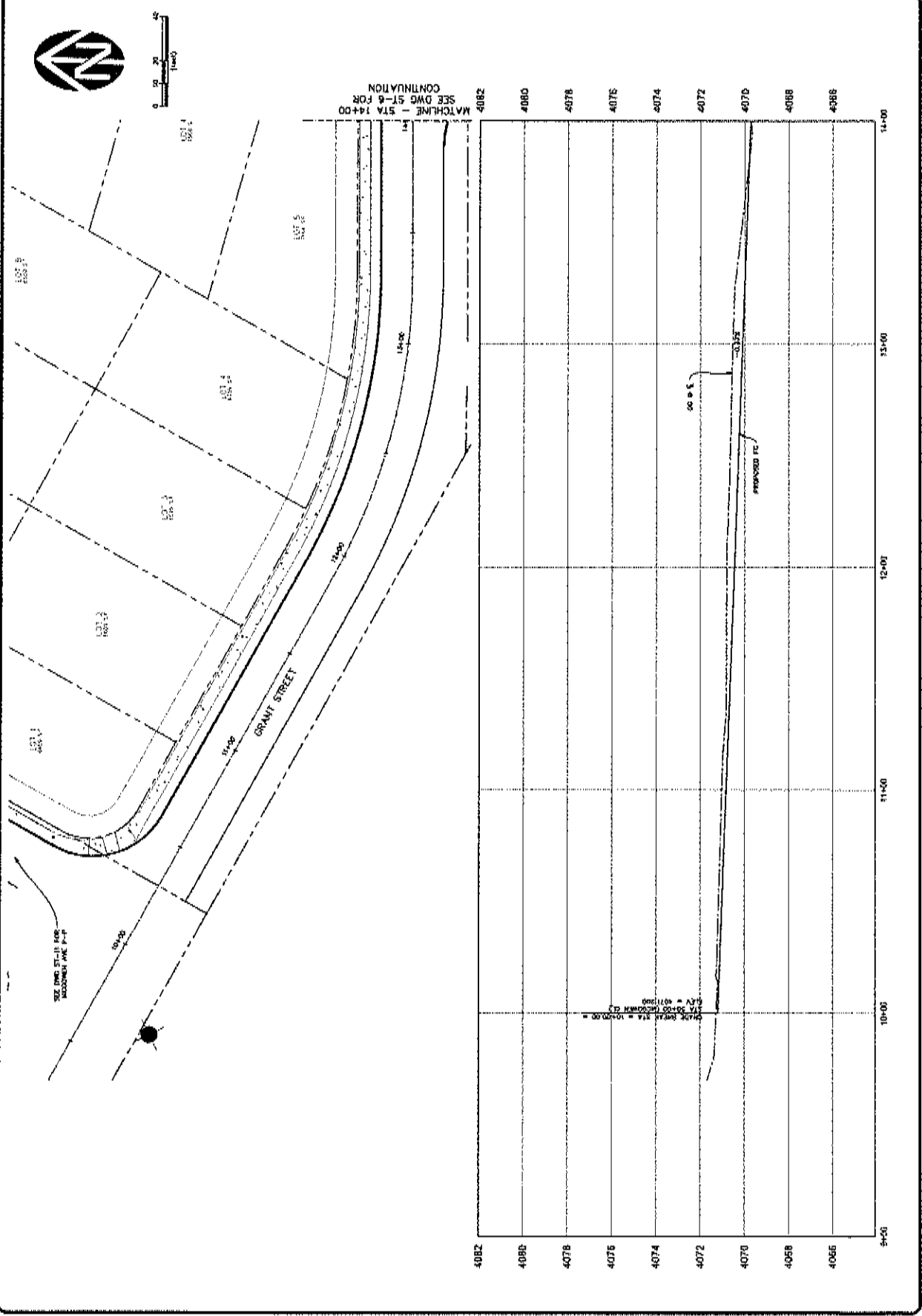
				TELOS DEVELOPMENT PALMER ESTATES - DUMES SURFACING PLAN		DRAWING ST-4	JOB NUMBER 14019.0000.0
DATE: 08/10/2022 DRAWN BY: [Signature] CHECKED BY: [Signature] SCALE: 1" = 40'		DATE: 08/10/2022 DRAWN BY: [Signature] CHECKED BY: [Signature] SCALE: 1" = 40'		PROJECT: PALMER ESTATES - DUMES SHEET: 14019.0000.0		PROJECT: PALMER ESTATES - DUMES SHEET: 14019.0000.0	



- SURFACING LEGEND**
- AC PAVEMENT
 - CONCRETE PAVEMENT
 - TYPE 1.5 CURB
 - EDGE OF PAVEMENT
 - DE DUNE
- SEE DWG C-2 - C-4 FOR LOT SIZES & R/W DEDICATION



REVIEW PROJECT NO. 1409.0000.0 DRAWING ST-5 JOB NUMBER 1409.0000.0		TELUS DEVELOPMENT PALMER ESTATES - BLINDS GRANT STREET PLAN-PROFILE STA 9+00 TO STA 14+00	
PROJECT NO. 1409.0000.0 DRAWING ST-5 JOB NUMBER 1409.0000.0		PROJECT NO. 1409.0000.0 DRAWING ST-5 JOB NUMBER 1409.0000.0	



Scale: 1" = 40'

MATCHLINE - STA 14+00
 SEE DWG ST-6 FOR
 CONTINUATION

DATE: 07/27/2024
 DRAWN BY: [blank]
 CHECKED BY: [blank]
 PROJECT: [blank]
 SHEET: 14 OF 14

REVIEW

DATE: 07/27/2024
 REVIEWED BY: [blank]
 PROJECT: [blank]
 SHEET: 14 OF 14

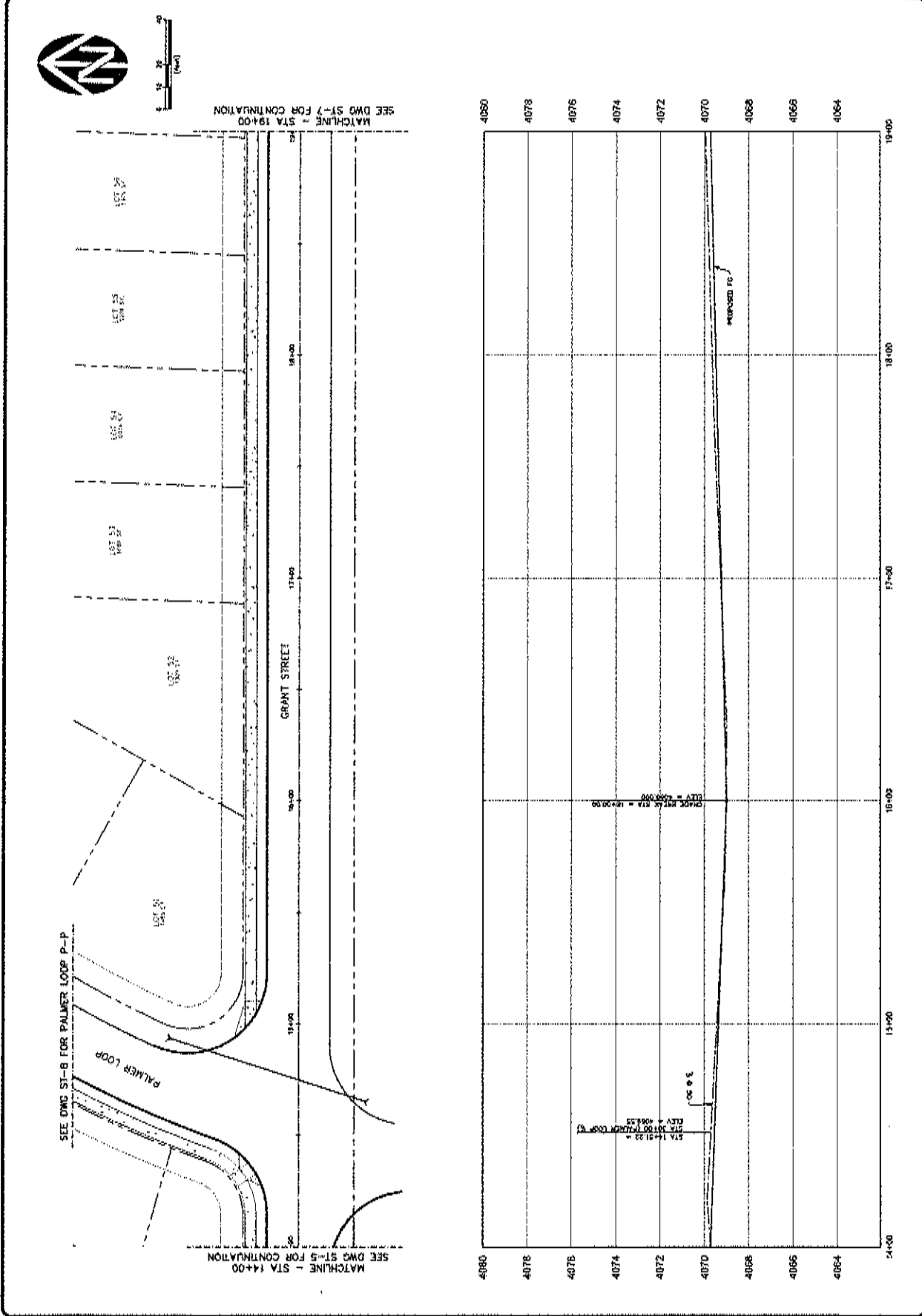
MB

MEYER ENGINEERING, INC.
 CIVIL ENGINEERING
 10000 14TH AVE. S.W.
 SUITE 100
 BURNO, WA 98014
 (206) 835-1234
 FAX: (206) 835-1235
 WWW.MEYERENGINEERING.COM

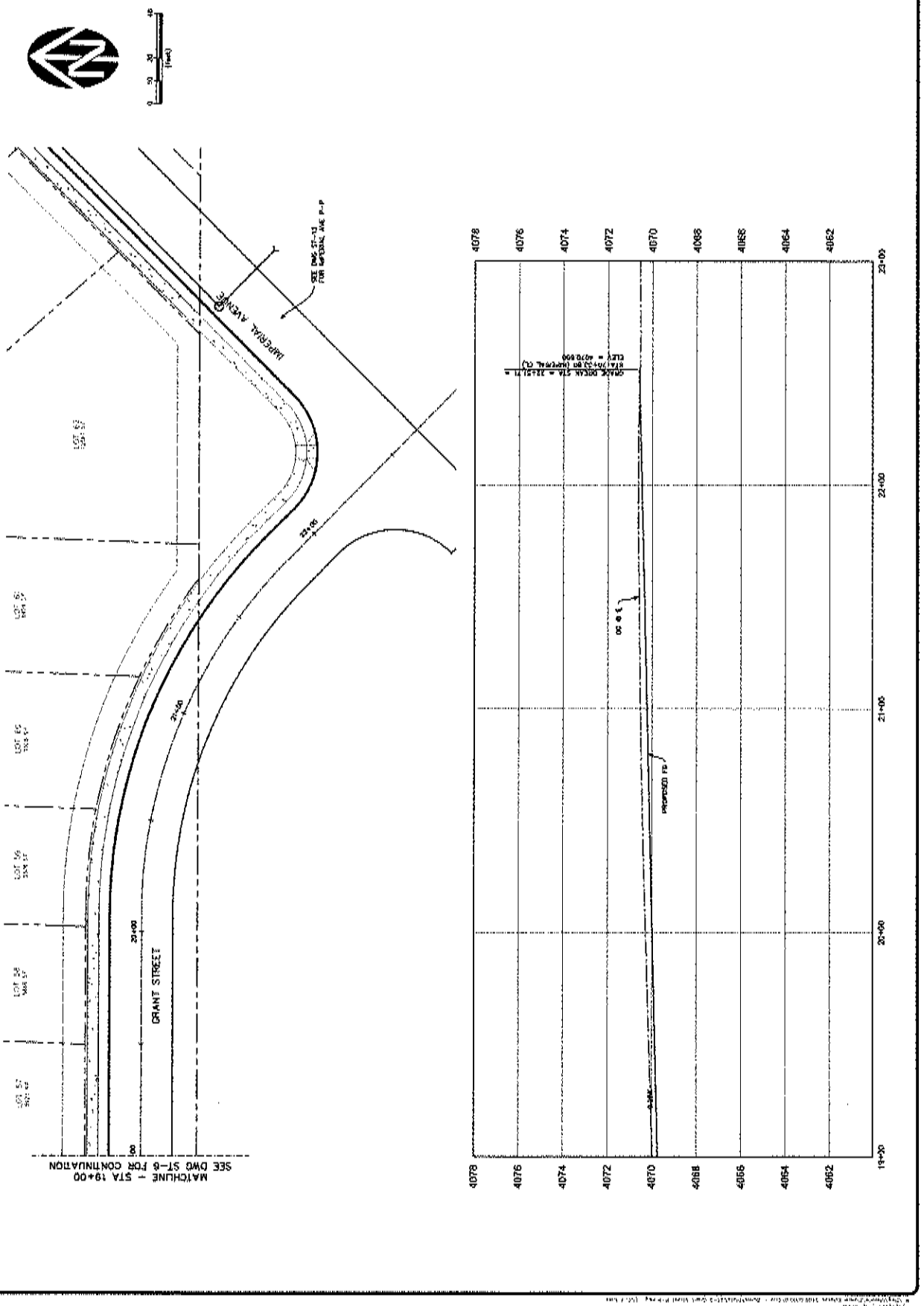
**GRANT STREET
 PLAN-PROFILE
 STA 14+00 TO STA 19+00**

TELUS DEVELOPMENT
 PALMER ESTATES - BURNS

DRAWING
ST-6
 JOB NUMBER
3409.0000.0



REVIEW CHECKED BY: [] DATE: []		W.E. WALTER E. WILSON, INC. CIVIL ENGINEERS 1000 PULASKI AVENUE, SUITE 100 CHICAGO, ILL. 60610 (312) 467-1000		TRLOS DEVELOPMENT PALMER ESTATES - BURNS GRANT STREET PLAN-PROFILE STA 14+00 TO STA 19+00		DRAWING ST-7	JOB NUMBER 34-08-0000-0
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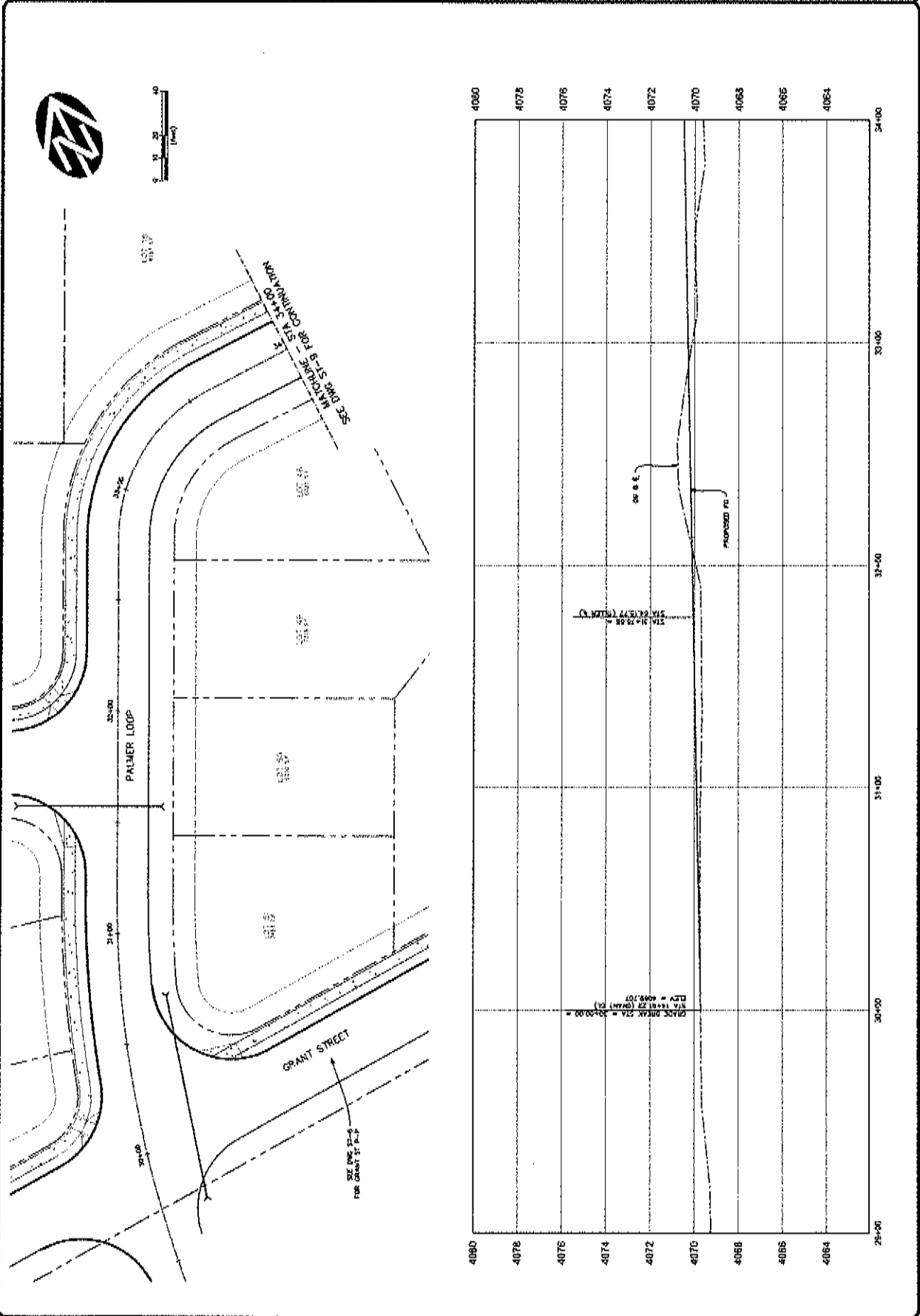
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DESCRIPTION PALMER LOOP STA 29+00 TO STA 34+00		SCALE 1" = 40'		DATE 11/11/11		NO. 1		BY JLB		CHKD JLB	
REVISIONS		DATE		NO.		BY		CHKD		APP'D	
1. PALMER LOOP STA 29+00 TO STA 34+00		11/11/11		1		JLB		JLB		JLB	



WESTON ENGINEERING, INC.
 1001 Capital Boulevard, S.E., Suite 100, Marietta, GA 30067
 Phone: (770) 593-1171 Fax: (770) 593-1170
 Email: weston@weston-engineering.com

PALMER ESTATES - BURNS
PLAN-PROFILE
STA 29+00 TO STA 34+00

DRAWING
ST-8
JOB NUMBER
34-09-0000-0



TELUS DEVELOPMENT
PALMER ESTATES - BURNS
PALMER LOOP
PLAN-PROFILE
STA 34+00 TO STA 39+00



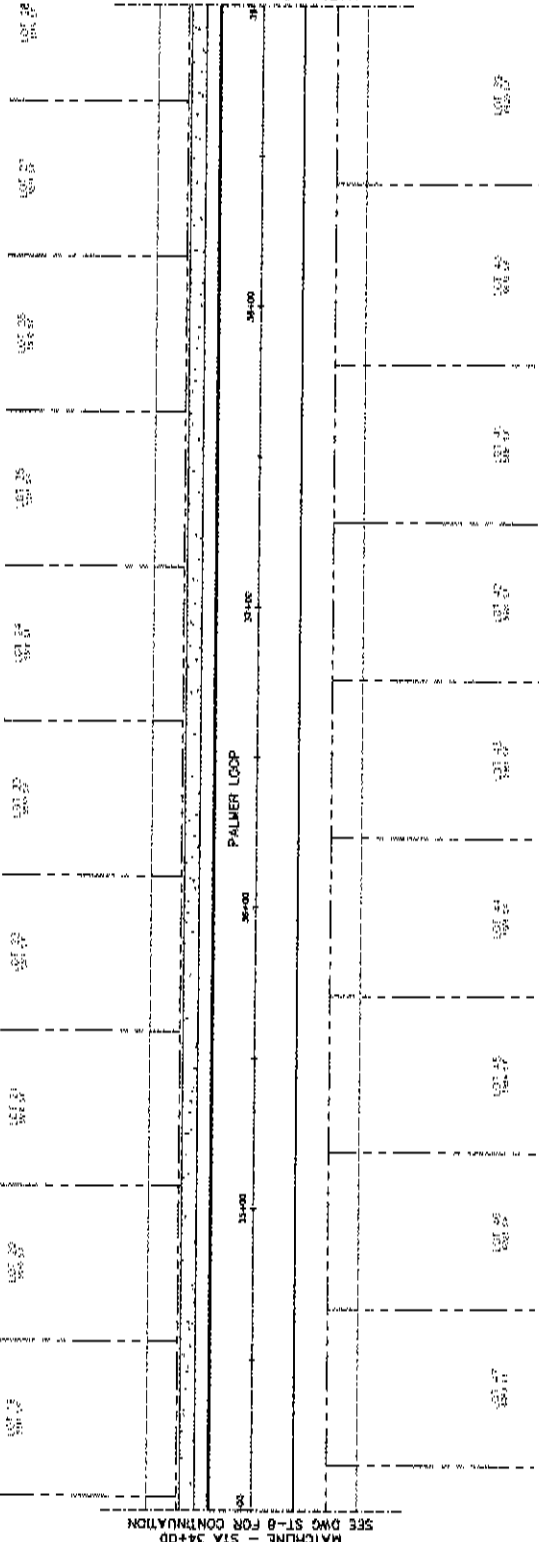
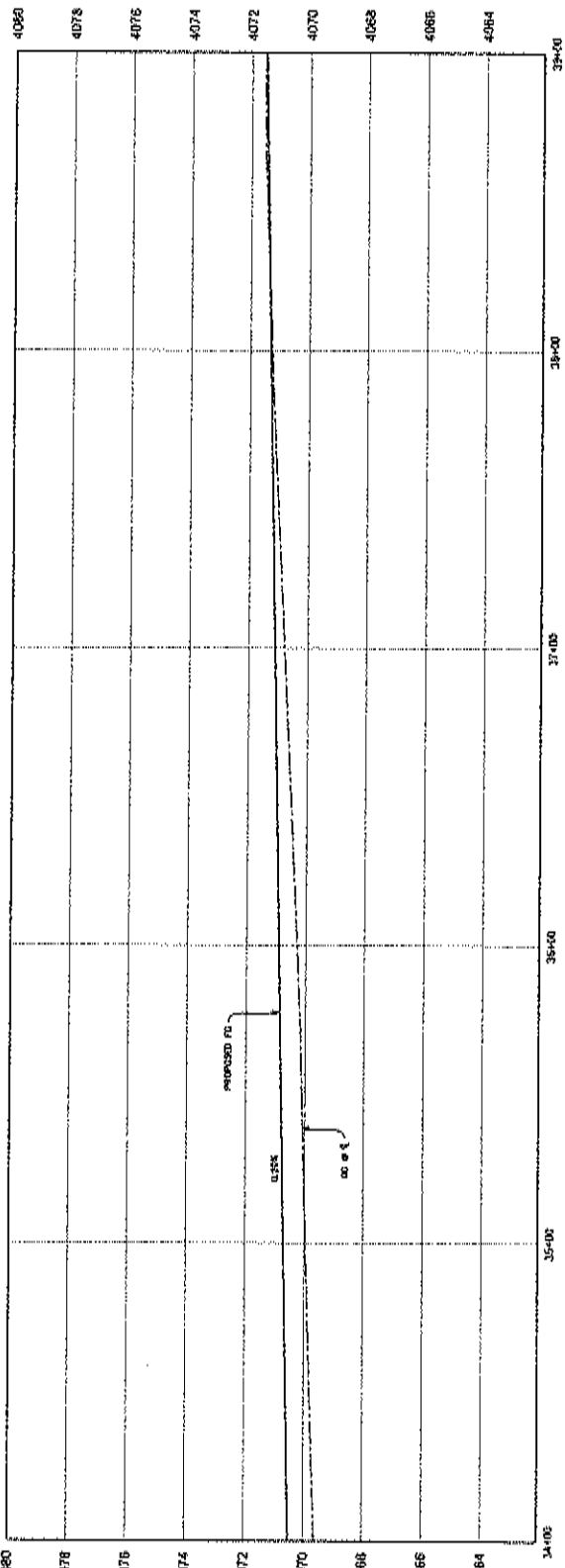
WATERLOO ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
INCORPORATED
10000 14th Avenue, Suite 100
Edmonton, Alberta T6C 2E5
Canada
Tel: (403) 462-2974 Fax: (403) 465-1900
E-mail: info@waterloo-eng.com



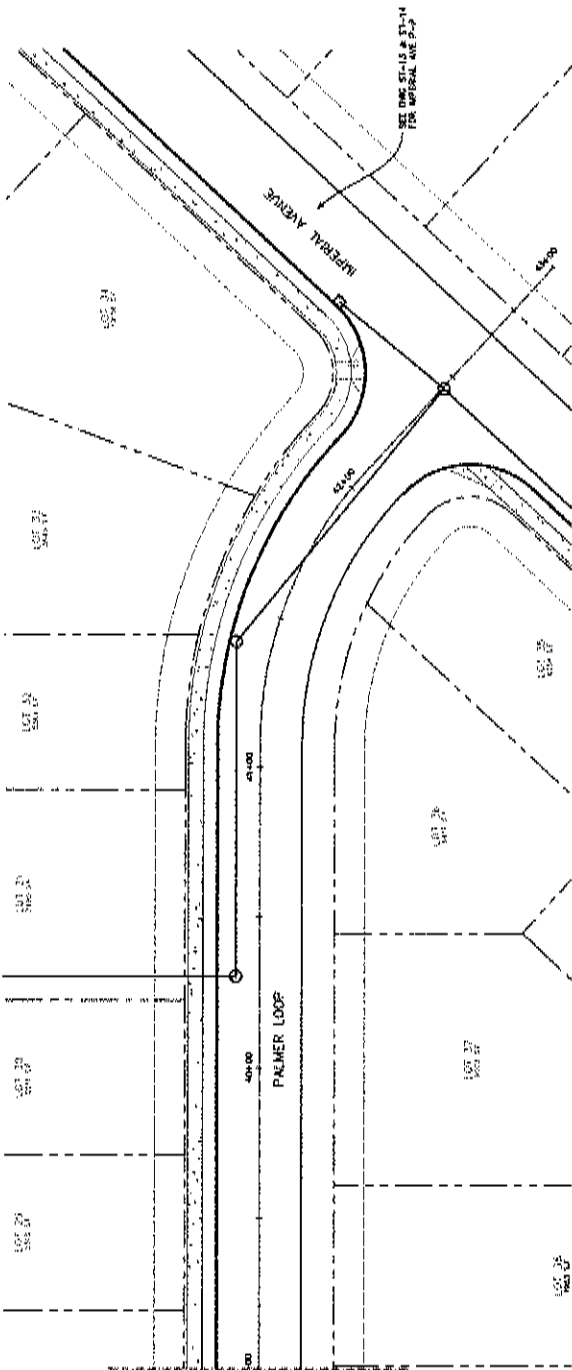
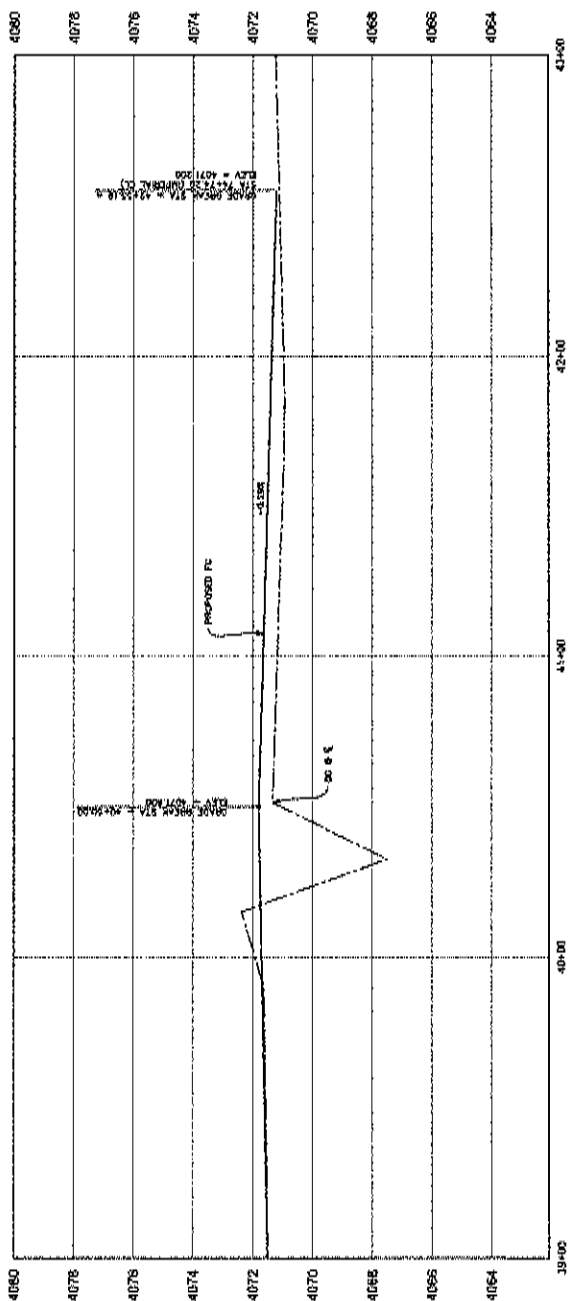
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1. NAME (Last, first, middle initial)										2. DATE OF BIRTH (MM/DD/YYYY)										3. SEX (M/F)										4. RACE (W/B/A/O)										5. HEIGHT (inches)										6. WEIGHT (pounds)										7. EYES (C/B/G)										8. HAIR (B/BK/BL/BR/GR)										9. COMPLEXION (F/FW/T/OT)										10. MARKS (Scars, Tattoos, etc.)										11. SIGNATURE										12. PRINTED NAME										13. DATE										14. TIME										15. LOCATION										16. OFFICE										17. DIVISION										18. UNIT										19. GRADE										20. EMPLOYER										21. ADDRESS (Street, City, State, Zip)										22. PHONE (Area, Number)										23. FAX (Area, Number)										24. E-MAIL (Address)										25. OTHER (Specify)										26. COMMENTS										27. REMARKS										28. NOTES										29. OBSERVATIONS										30. EVALUATION										31. RECOMMENDATION										32. ACTION										33. FOLLOW-UP										34. STATUS										35. DATE										36. TIME										37. LOCATION										38. OFFICE										39. DIVISION										40. UNIT										41. GRADE										42. EMPLOYER										43. ADDRESS (Street, City, State, Zip)										44. PHONE (Area, Number)										45. FAX (Area, Number)										46. E-MAIL (Address)										47. OTHER (Specify)										48. COMMENTS										49. REMARKS										50. NOTES										51. OBSERVATIONS										52. EVALUATION										53. RECOMMENDATION										54. ACTION										55. FOLLOW-UP										56. STATUS										57. DATE										58. TIME										59. LOCATION										60. OFFICE										61. DIVISION										62. UNIT										63. GRADE										64. EMPLOYER										65. ADDRESS (Street, City, State, Zip)										66. PHONE (Area, Number)										67. FAX (Area, Number)										68. E-MAIL (Address)										69. OTHER (Specify)										70. COMMENTS										71. REMARKS										72. NOTES										73. OBSERVATIONS										74. EVALUATION										75. RECOMMENDATION										76. ACTION										77. FOLLOW-UP										78. STATUS										79. DATE										80. TIME										81. LOCATION										82. OFFICE										83. DIVISION										84. UNIT										85. GRADE										86. EMPLOYER										87. ADDRESS (Street, City, State, Zip)										88. PHONE (Area, Number)										89. FAX (Area, Number)										90. E-MAIL (Address)										91. OTHER (Specify)										92. COMMENTS										93. REMARKS										94. NOTES										95. OBSERVATIONS										96. EVALUATION										97. RECOMMENDATION										98. ACTION										99. FOLLOW-UP										100. STATUS										101. DATE										102. TIME										103. LOCATION										104. OFFICE										105. DIVISION										106. UNIT										107. GRADE										108. EMPLOYER										109. ADDRESS (Street, City, State, Zip)										110. PHONE (Area, Number)										111. FAX (Area, Number)										112. E-MAIL (Address)										113. OTHER (Specify)										114. COMMENTS										115. REMARKS										116. NOTES										117. OBSERVATIONS										118. EVALUATION										119. RECOMMENDATION										120. ACTION										121. FOLLOW-UP										122. STATUS										123. DATE										124. TIME										125. LOCATION										126. OFFICE										127. DIVISION										128. UNIT										129. GRADE										130. EMPLOYER										131. ADDRESS (Street, City, State, Zip)										132. PHONE (Area, Number)										133. FAX (Area, Number)										134. E-MAIL (Address)										135. OTHER (Specify)										136. COMMENTS										137. REMARKS										138. NOTES										139. OBSERVATIONS										140. EVALUATION										141. RECOMMENDATION										142. ACTION										143. FOLLOW-UP										144. STATUS										145. DATE										146. TIME										147. LOCATION										148. OFFICE										149. DIVISION										150. UNIT										151. GRADE										152. EMPLOYER										153. ADDRESS (Street, City, State, Zip)										154. PHONE (Area, Number)										155. FAX (Area, Number)										156. E-MAIL (Address)										157. OTHER (Specify)										158. COMMENTS										159. REMARKS										160. NOTES										161. OBSERVATIONS										162. EVALUATION										163. RECOMMENDATION										164. ACTION										165. FOLLOW-UP										166. STATUS										167. DATE										168. TIME										169. LOCATION										170. OFFICE										171. DIVISION										172. UNIT										173. GRADE										174. EMPLOYER										175. ADDRESS (Street, City, State, Zip)										176. PHONE (Area, Number)										177. FAX (Area, Number)										178. E-MAIL (Address)										179. OTHER (Specify)										180. COMMENTS										181. REMARKS										182. NOTES										183. OBSERVATIONS										184. EVALUATION										185. RECOMMENDATION										186. ACTION										187. FOLLOW-UP										188. STATUS										189. DATE										190. TIME										191. LOCATION										192. OFFICE										193. DIVISION										194. UNIT										195. GRADE										196. EMPLOYER										197. ADDRESS (Street, City, State, Zip)										198. PHONE (Area, Number)										199. FAX (Area, Number)										200. E-MAIL (Address)									



MATCHLINE - STA 39+00
SEE DWG ST-10 FOR CONTINUATION

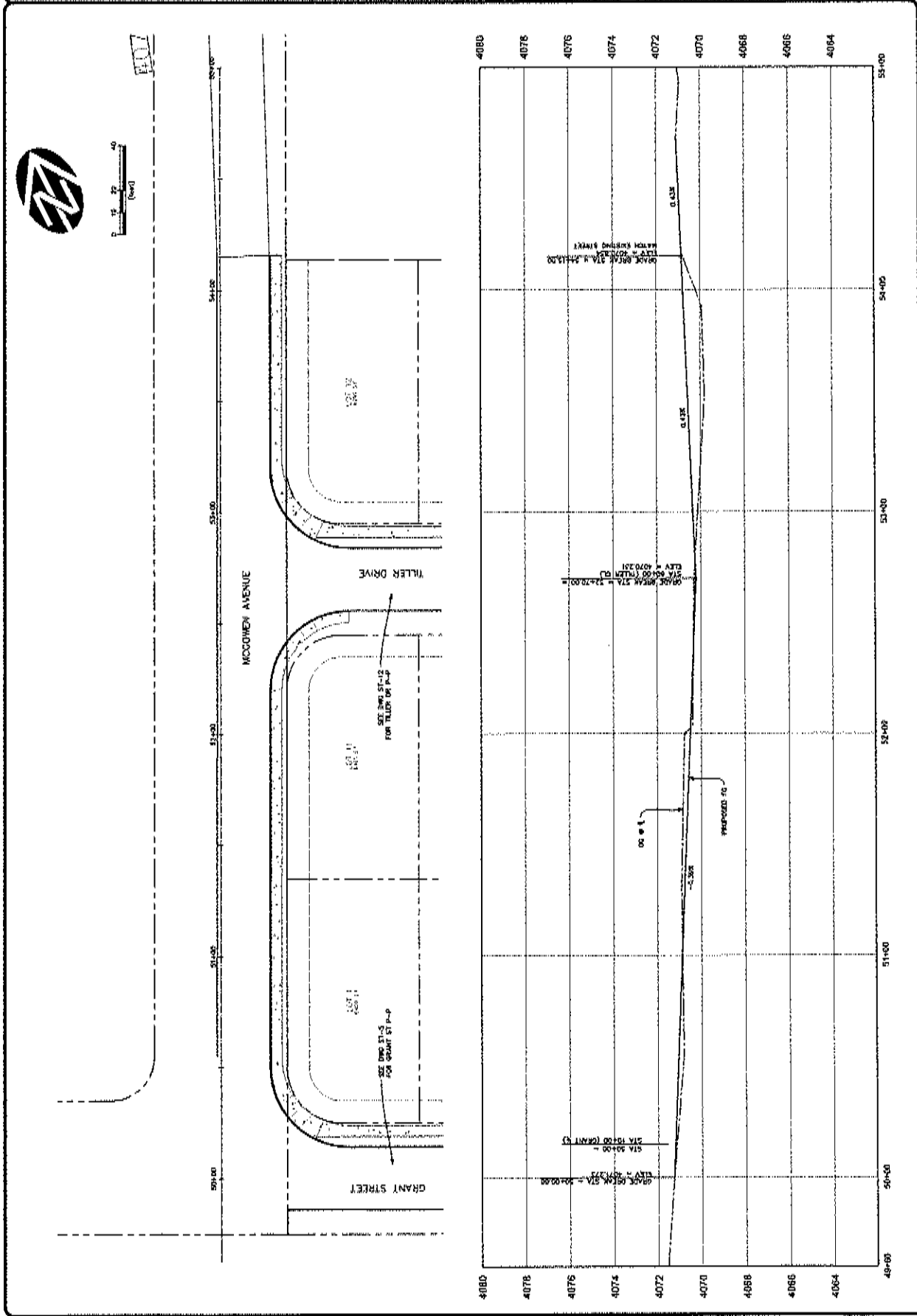


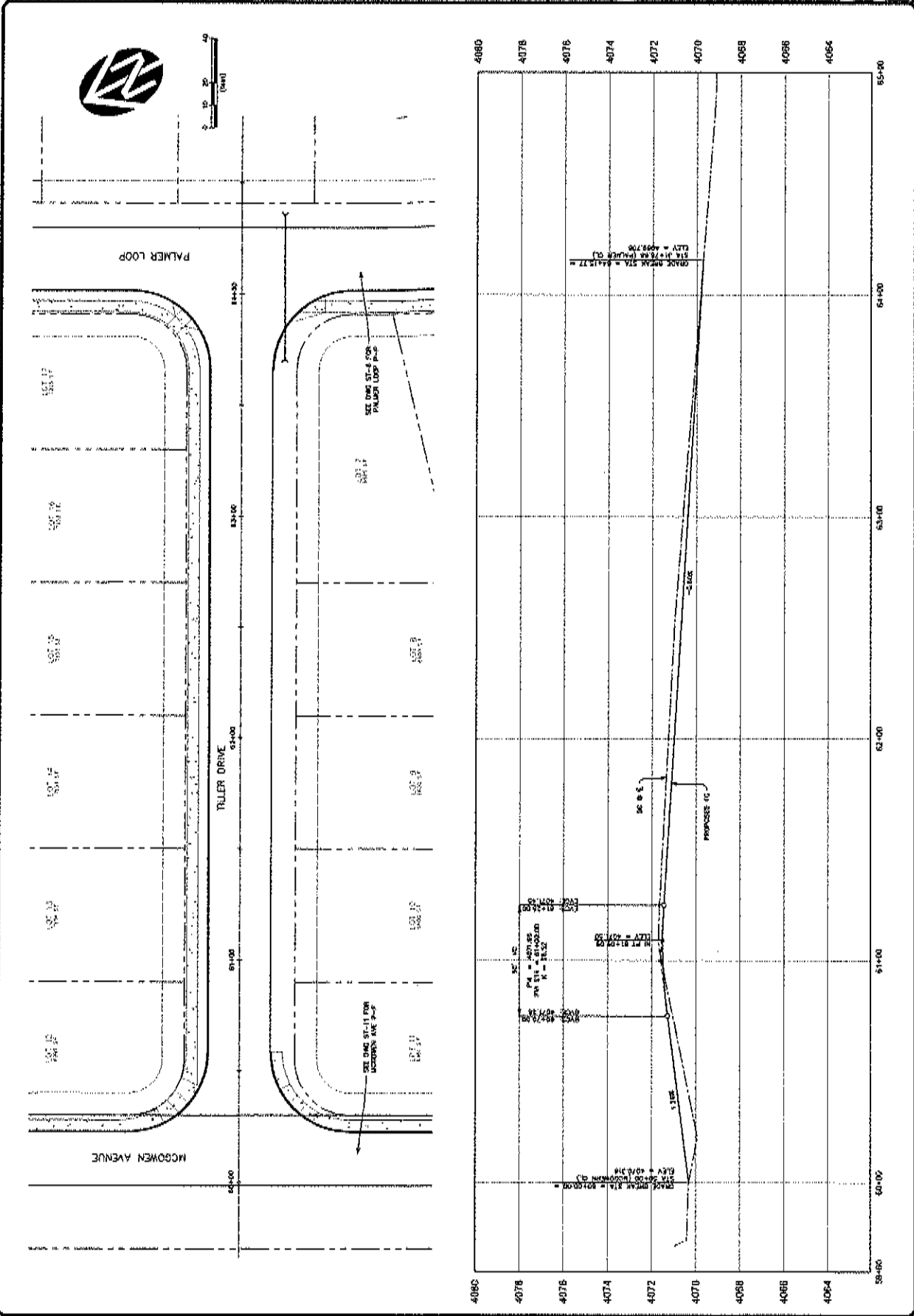
REVIEW CHECKED: [] DATE: [] DRAWN: [] DATE: [] SCALE: [] PROJECT: [] SHEET: [] TOTAL: []		ME METTER ENGINEERING, INC. 10000 BURNING WOOD DRIVE SUITE 100 BURNING WOOD, OHIO 44125 (440) 233-1234 FAX (440) 233-1235 WWW.METTERENGINEERING.COM		PALMER ESTATES - BURNS PALMER LOOP PLAN-PROFILE STA 39+00 TO STA 43+00		DRAWING ST-10 JOB NUMBER 3409.0000.0
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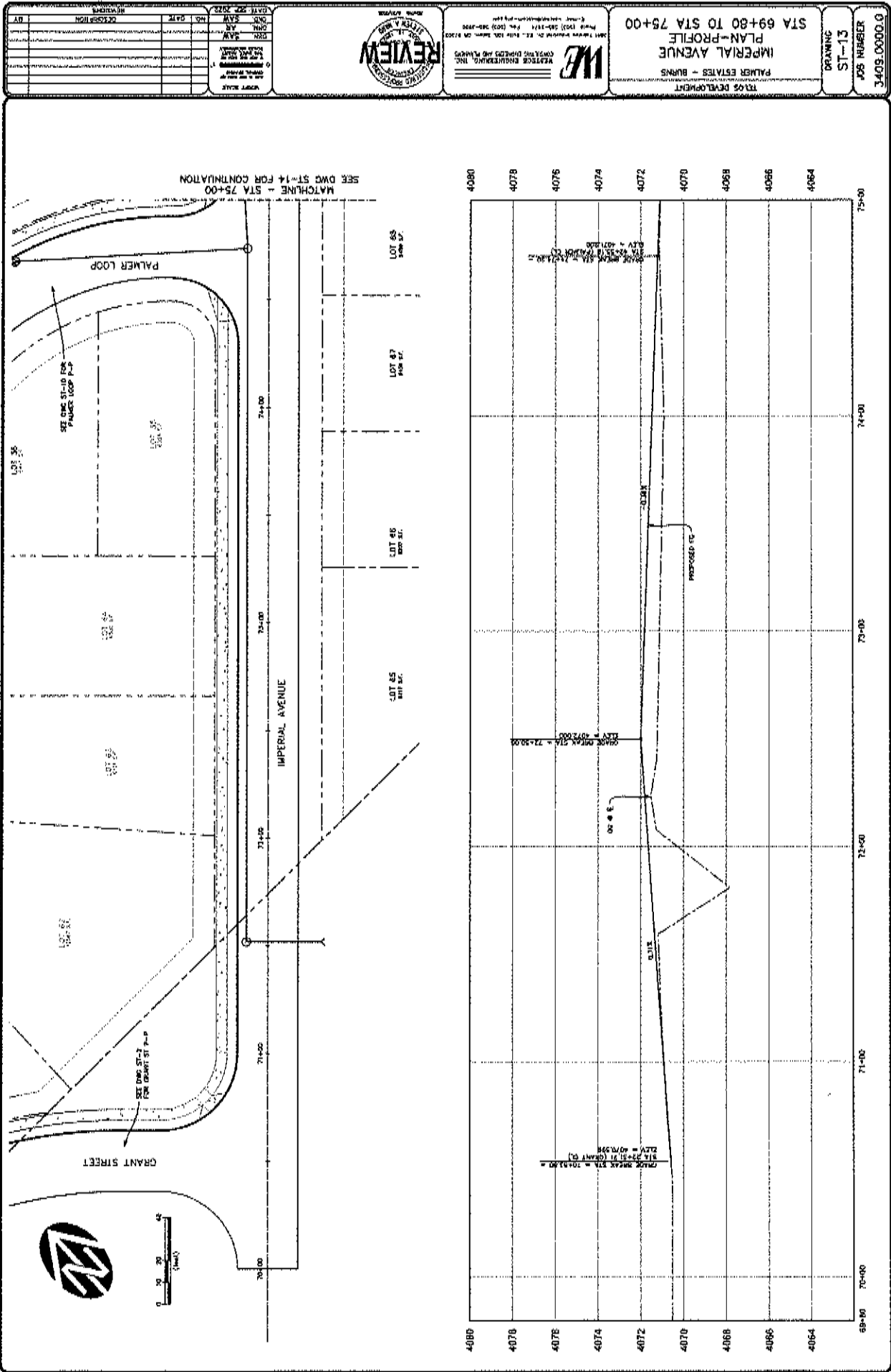


MATCHLINE - STA 39+00
 SEE DWG ST-9 FOR CONTINUATION

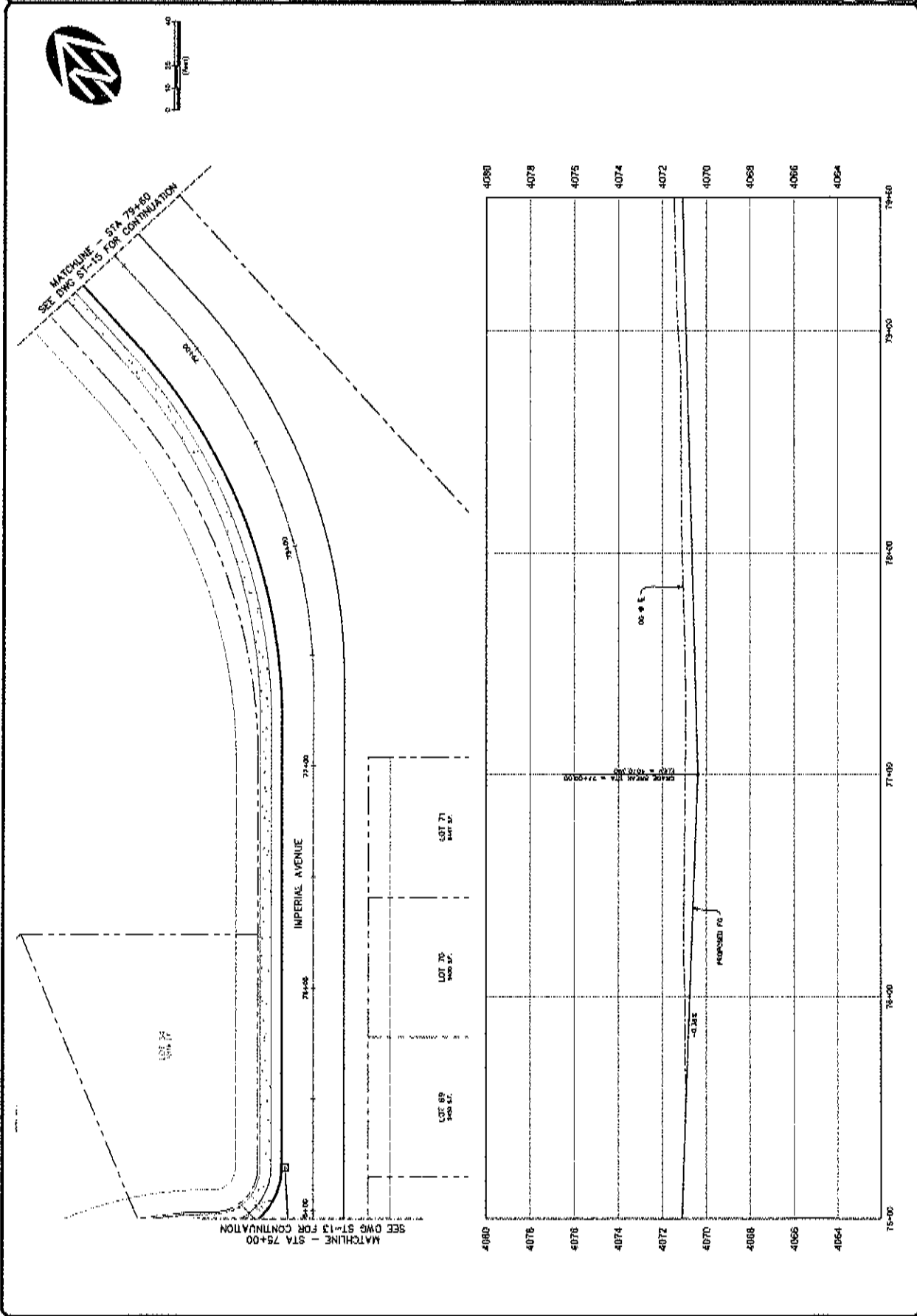
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PROJECT: STA 49+60 TO STA 55+00 DRAWING: STA 49+60 TO STA 55+00 JOB NUMBER: 3409.0000.0		DATE: 10/15/2022 BY: [Signature] CHECKED: [Signature] APPROVED: [Signature]	



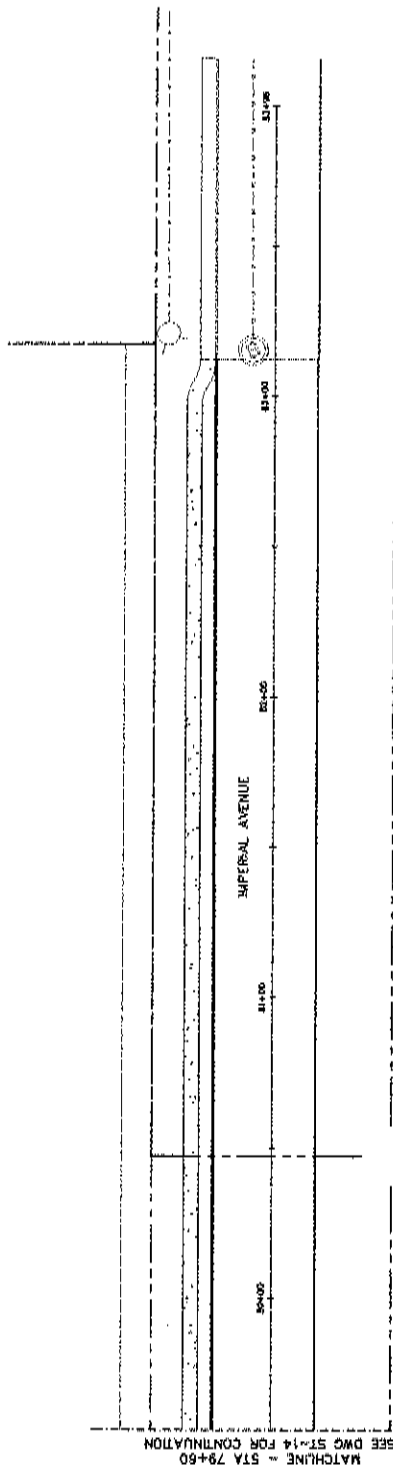




REVIEW DATE: 10/1/14 BY: [Signature] FOR: [Signature] PROJECT: [Signature]		WESTERN ENGINEERING, INC. 10000 1st Avenue, Suite 100 San Diego, CA 92121 Phone: (619) 584-1111 Fax: (619) 584-1111 Email: [Email Address]		IMPERIAL AVENUE PLAN-PROFILE STA 75+00 TO STA 79+60 PALMER ESTATES - BURNS		DRAWING ST-14	JOB NUMBER 3409 0000.0
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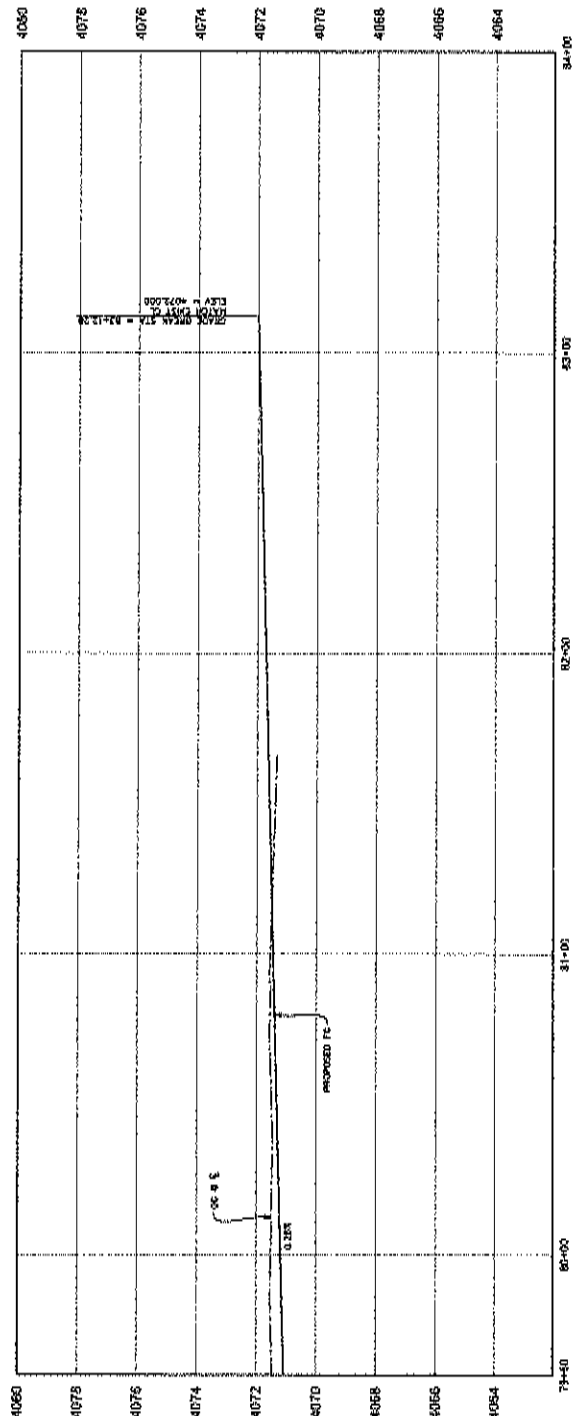


					
REVIEW ENGINEER'S REVIEW DATE: 10/15/2022 BY: [Signature] FOR: [Signature]		WE WILSON ENGINEERING, INC. 1001 Palmdale Boulevard, Suite 100, Palmdale, CA 93550 Phone: (805) 260-1111 Fax: (805) 260-1111 Email: info@wilsoneng.com		TRUCK DEVELOPMENT PALMER ESTATES - BURNS IMPERIAL AVENUE PLAN-PROFILE STA 79+60 TO STA 84+00	
DRAWING ST-15 3409-0000.0		REVISION BOX		0.0000.0	



MATCHLINE - STA 79+60
 SEE DWG ST-14 FOR CONTINUATION

LOT 80
 80+00
 81+00
 82+00
 83+00
 84+00



STA 81+12.38
 ELEV = 4073.00

PROPOSED PG

0.35%

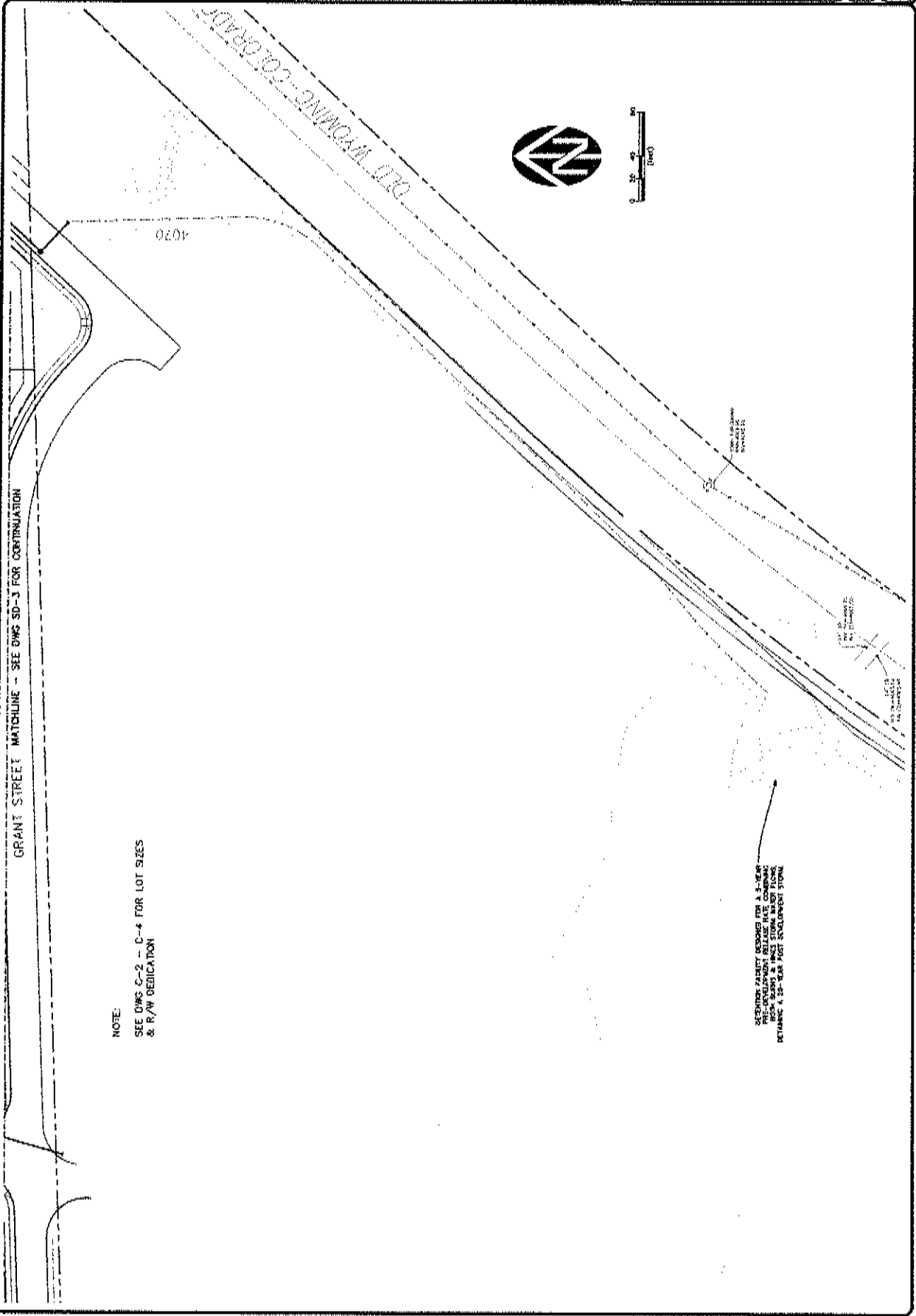
STORM DRAINAGE PLAN PALMER ESTIMATES - BURNS TELOS DEVELOPMENT		3400 JOB NUMBER	SD-2 DRAWING
REVIEW DATE: 10/15/2022 BY: [Signature] FOR: [Signature]		DATE: 10/15/2022 BY: [Signature] FOR: [Signature]	



NOTE:
 SEE DWG C-2 -- C-4 FOR LOT SIZES
 & R/W DEDICATION

STORM DRAINAGE PLAN PALMER ESTATES - BURNS YELOS DEVELOPMENT		REVIEW CITY OF BURNS PLANNING DEPARTMENT 1001 NORTH 1ST ST. SUITE 100, BURNS, OR 97008 PHONE (503) 338-1111 FAX (503) 338-1111 E-MAIL: planning@ci.burns.or.us	DATE 08/11/2011 BY JWB CHECKED BY JWB SCALE 1" = 40'	NO. 0418 DATE 08/11/2011 REVISION 1.0 1.1 1.2 1.3 1.4 1.5 1.6 1.7 1.8 1.9 2.0 2.1 2.2 2.3 2.4 2.5 2.6 2.7 2.8 2.9 3.0 3.1 3.2 3.3 3.4 3.5 3.6 3.7 3.8 3.9 4.0 4.1 4.2 4.3 4.4 4.5 4.6 4.7 4.8 4.9 5.0 5.1 5.2 5.3 5.4 5.5 5.6 5.7 5.8 5.9 6.0 6.1 6.2 6.3 6.4 6.5 6.6 6.7 6.8 6.9 7.0 7.1 7.2 7.3 7.4 7.5 7.6 7.7 7.8 7.9 8.0 8.1 8.2 8.3 8.4 8.5 8.6 8.7 8.8 8.9 9.0 9.1 9.2 9.3 9.4 9.5 9.6 9.7 9.8 9.9 10.0 10.1 10.2 10.3 10.4 10.5 10.6 10.7 10.8 10.9 11.0 11.1 11.2 11.3 11.4 11.5 11.6 11.7 11.8 11.9 12.0 12.1 12.2 12.3 12.4 12.5 12.6 12.7 12.8 12.9 13.0 13.1 13.2 13.3 13.4 13.5 13.6 13.7 13.8 13.9 14.0 14.1 14.2 14.3 14.4 14.5 14.6 14.7 14.8 14.9 15.0 15.1 15.2 15.3 15.4 15.5 15.6 15.7 15.8 15.9 16.0 16.1 16.2 16.3 16.4 16.5 16.6 16.7 16.8 16.9 17.0 17.1 17.2 17.3 17.4 17.5 17.6 17.7 17.8 17.9 18.0 18.1 18.2 18.3 18.4 18.5 18.6 18.7 18.8 18.9 19.0 19.1 19.2 19.3 19.4 19.5 19.6 19.7 19.8 19.9 20.0 20.1 20.2 20.3 20.4 20.5 20.6 20.7 20.8 20.9 21.0 21.1 21.2 21.3 21.4 21.5 21.6 21.7 21.8 21.9 22.0 22.1 22.2 22.3 22.4 22.5 22.6 22.7 22.8 22.9 23.0 23.1 23.2 23.3 23.4 23.5 23.6 23.7 23.8 23.9 24.0 24.1 24.2 24.3 24.4 24.5 24.6 24.7 24.8 24.9 25.0 25.1 25.2 25.3 25.4 25.5 25.6 25.7 25.8 25.9 26.0 26.1 26.2 26.3 26.4 26.5 26.6 26.7 26.8 26.9 27.0 27.1 27.2 27.3 27.4 27.5 27.6 27.7 27.8 27.9 28.0 28.1 28.2 28.3 28.4 28.5 28.6 28.7 28.8 28.9 29.0 29.1 29.2 29.3 29.4 29.5 29.6 29.7 29.8 29.9 30.0 30.1 30.2 30.3 30.4 30.5 30.6 30.7 30.8 30.9 31.0 31.1 31.2 31.3 31.4 31.5 31.6 31.7 31.8 31.9 32.0 32.1 32.2 32.3 32.4 32.5 32.6 32.7 32.8 32.9 33.0 33.1 33.2 33.3 33.4 33.5 33.6 33.7 33.8 33.9 34.0 34.1 34.2 34.3 34.4 34.5 34.6 34.7 34.8 34.9 35.0 35.1 35.2 35.3 35.4 35.5 35.6 35.7 35.8 35.9 36.0 36.1 36.2 36.3 36.4 36.5 36.6 36.7 36.8 36.9 37.0 37.1 37.2 37.3 37.4 37.5 37.6 37.7 37.8 37.9 38.0 38.1 38.2 38.3 38.4 38.5 38.6 38.7 38.8 38.9 39.0 39.1 39.2 39.3 39.4 39.5 39.6 39.7 39.8 39.9 40.0 40.1 40.2 40.3 40.4 40.5 40.6 40.7 40.8 40.9 41.0 41.1 41.2 41.3 41.4 41.5 41.6 41.7 41.8 41.9 42.0 42.1 42.2 42.3 42.4 42.5 42.6 42.7 42.8 42.9 43.0 43.1 43.2 43.3 43.4 43.5 43.6 43.7 43.8 43.9 44.0 44.1 44.2 44.3 44.4 44.5 44.6 44.7 44.8 44.9 45.0 45.1 45.2 45.3 45.4 45.5 45.6 45.7 45.8 45.9 46.0 46.1 46.2 46.3 46.4 46.5 46.6 46.7 46.8 46.9 47.0 47.1 47.2 47.3 47.4 47.5 47.6 47.7 47.8 47.9 48.0 48.1 48.2 48.3 48.4 48.5 48.6 48.7 48.8 48.9 49.0 49.1 49.2 49.3 49.4 49.5 49.6 49.7 49.8 49.9 50.0 50.1 50.2 50.3 50.4 50.5 50.6 50.7 50.8 50.9 51.0 51.1 51.2 51.3 51.4 51.5 51.6 51.7 51.8 51.9 52.0 52.1 52.2 52.3 52.4 52.5 52.6 52.7 52.8 52.9 53.0 53.1 53.2 53.3 53.4 53.5 53.6 53.7 53.8 53.9 54.0 54.1 54.2 54.3 54.4 54.5 54.6 54.7 54.8 54.9 55.0 55.1 55.2 55.3 55.4 55.5 55.6 55.7 55.8 55.9 56.0 56.1 56.2 56.3 56.4 56.5 56.6 56.7 56.8 56.9 57.0 57.1 57.2 57.3 57.4 57.5 57.6 57.7 57.8 57.9 58.0 58.1 58.2 58.3 58.4 58.5 58.6 58.7 58.8 58.9 59.0 59.1 59.2 59.3 59.4 59.5 59.6 59.7 59.8 59.9 60.0 60.1 60.2 60.3 60.4 60.5 60.6 60.7 60.8 60.9 61.0 61.1 61.2 61.3 61.4 61.5 61.6 61.7 61.8 61.9 62.0 62.1 62.2 62.3 62.4 62.5 62.6 62.7 62.8 62.9 63.0 63.1 63.2 63.3 63.4 63.5 63.6 63.7 63.8 63.9 64.0 64.1 64.2 64.3 64.4 64.5 64.6 64.7 64.8 64.9 65.0 65.1 65.2 65.3 65.4 65.5 65.6 65.7 65.8 65.9 66.0 66.1 66.2 66.3 66.4 66.5 66.6 66.7 66.8 66.9 67.0 67.1 67.2 67.3 67.4 67.5 67.6 67.7 67.8 67.9 68.0 68.1 68.2 68.3 68.4 68.5 68.6 68.7 68.8 68.9 69.0 69.1 69.2 69.3 69.4 69.5 69.6 69.7 69.8 69.9 70.0 70.1 70.2 70.3 70.4 70.5 70.6 70.7 70.8 70.9 71.0 71.1 71.2 71.3 71.4 71.5 71.6 71.7 71.8 71.9 72.0 72.1 72.2 72.3 72.4 72.5 72.6 72.7 72.8 72.9 73.0 73.1 73.2 73.3 73.4 73.5 73.6 73.7 73.8 73.9 74.0 74.1 74.2 74.3 74.4 74.5 74.6 74.7 74.8 74.9 75.0 75.1 75.2 75.3 75.4 75.5 75.6 75.7 75.8 75.9 76.0 76.1 76.2 76.3 76.4 76.5 76.6 76.7 76.8 76.9 77.0 77.1 77.2 77.3 77.4 77.5 77.6 77.7 77.8 77.9 78.0 78.1 78.2 78.3 78.4 78.5 78.6 78.7 78.8 78.9 79.0 79.1 79.2 79.3 79.4 79.5 79.6 79.7 79.8 79.9 80.0 80.1 80.2 80.3 80.4 80.5 80.6 80.7 80.8 80.9 81.0 81.1 81.2 81.3 81.4 81.5 81.6 81.7 81.8 81.9 82.0 82.1 82.2 82.3 82.4 82.5 82.6 82.7 82.8 82.9 83.0 83.1 83.2 83.3 83.4 83.5 83.6 83.7 83.8 83.9 84.0 84.1 84.2 84.3 84.4 84.5 84.6 84.7 84.8 84.9 85.0 85.1 85.2 85.3 85.4 85.5 85.6 85.7 85.8 85.9 86.0 86.1 86.2 86.3 86.4 86.5 86.6 86.7 86.8 86.9 87.0 87.1 87.2 87.3 87.4 87.5 87.6 87.7 87.8 87.9 88.0 88.1 88.2 88.3 88.4 88.5 88.6 88.7 88.8 88.9 89.0 89.1 89.2 89.3 89.4 89.5 89.6 89.7 89.8 89.9 90.0 90.1 90.2 90.3 90.4 90.5 90.6 90.7 90.8 90.9 91.0 91.1 91.2 91.3 91.4 91.5 91.6 91.7 91.8 91.9 92.0 92.1 92.2 92.3 92.4 92.5 92.6 92.7 92.8 92.9 93.0 93.1 93.2 93.3 93.4 93.5 93.6 93.7 93.8 93.9 94.0 94.1 94.2 94.3 94.4 94.5 94.6 94.7 94.8 94.9 95.0 95.1 95.2 95.3 95.4 95.5 95.6 95.7 95.8 95.9 96.0 96.1 96.2 96.3 96.4 96.5 96.6 96.7 96.8 96.9 97.0 97.1 97.2 97.3 97.4 97.5 97.6 97.7 97.8 97.9 98.0 98.1 98.2 98.3 98.4 98.5 98.6 98.7 98.8 98.9 99.0 99.1 99.2 99.3 99.4 99.5 99.6 99.7 99.8 99.9 100.0 100.1 100.2 100.3 100.4 100.5 100.6 100.7 100.8 100.9 101.0 101.1 101.2 101.3 101.4 101.5 101.6 101.7 101.8 101.9 102.0 102.1 102.2 102.3 102.4 102.5 102.6 102.7 102.8 102.9 103.0 103.1 103.2 103.3 103.4 103.5 103.6 103.7 103.8 103.9 104.0 104.1 104.2 104.3 104.4 104.5 104.6 104.7 104.8 104.9 105.0 105.1 105.2 105.3 105.4 105.5 105.6 105.7 105.8 105.9 106.0 106.1 106.2 106.3 106.4 106.5 106.6 106.7 106.8 106.9 107.0 107.1 107.2 107.3 107.4 107.5 107.6 107.7 107.8 107.9 108.0 108.1 108.2 108.3 108.4 108.5 108.6 108.7 108.8 108.9 109.0 109.1 109.2 109.3 109.4 109.5 109.6 109.7 109.8 109.9 110.0 110.1 110.2 110.3 110.4 110.5 110.6 110.7 110.8 110.9 111.0 111.1 111.2 111.3 111.4 111.5 111.6 111.7 111.8 111.9 112.0 112.1 112.2 112.3 112.4 112.5 112.6 112.7 112.8 112.9 113.0 113.1 113.2 113.3 113.4 113.5 113.6 113.7 113.8 113.9 114.0 114.1 114.2 114.3 114.4 114.5 114.6 114.7 114.8 114.9 115.0 115.1 115.2 115.3 115.4 115.5 115.6 115.7 115.8 115.9 116.0 116.1 116.2 116.3 116.4 116.5 116.6 116.7 116.8 116.9 117.0 117.1 117.2 117.3 117.4 117.5 117.6 117.7 117.8 117.9 118.0 118.1 118.2 118.3 118.4 118.5 118.6 118.7 118.8 118.9 119.0 119.1 119.2 119.3 119.4 119.5 119.6 119.7 119.8 119.9 120.0 120.1 120.2 120.3 120.4 120.5 120.6 120.7 120.8 120.9 121.0 121.1 121.2 121.3 121.4 121.5 121.6 121.7 121.8 121.9 122.0 122.1 122.2 122.3 122.4 122.5 122.6 122.7 122.8 122.9 123.0 123.1 123.2 123.3 123.4 123.5 123.6 123.7 123.8 123.9 124.0 124.1 124.2 124.3 124.4 124.5 124.6 124.7 124.8 124.9 125.0 125.1 125.2 125.3 125.4 125.5 125.6 125.7 125.8 125.9 126.0 126.1 126.2 126.3 126.4 126.5 126.6 126.7 126.8 126.9 127.0 127.1 127.2 127.3 127.4 127.5 127.6 127.7 127.8 127.9 128.0 128.1 128.2 128.3 128.4 128.5 128.6 128.7 128.8 128.9 129.0 129.1 129.2 129.3 129.4 129.5 129.6 129.7 129.8 129.9 130.0 130.1 130.2 130.3 130.4 130.5 130.6 130.7 130.8 130.9 131.0 131.1 131.2 131.3 131.4 131.5 131.6 131.7 131.8 131.9 132.0 132.1 132.2 1
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				STORM DRAINAGE PLAN PALMER ESTATES - PHASE 1 TELUS DEVELOPMENT		DRAWING SD-4	JOB NUMBER 3409.0000.0
DATE 08/15/2023	BY JLM	CHECKED JLM	IN CHARGE JLM	SCALE 1" = 40'	SHEET NO. 1 OF 1		



REVIEW CHECKED BY: [] DATE: [] DESIGNED BY: [] DATE: [] DRAWN BY: [] DATE: [] IN CHARGE: [] DATE: []		ME METTER ENGINEERING, INC. 10000 100th Ave. N.E. Suite 100, Redmond, WA 98073 (206) 881-1111 www.metter-engineering.com		STORM DRAINAGE PLAN PALMER ESTATES - BURNS 10000 100th Ave. N.E. Redmond, WA 98073		DRAWING SD-5	SHEET NUMBER 3-409.00010.0
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0 10 20 30
(feet)

S IMPERIAL AVE

S IMPERIAL AVE

WALS-FARLEY PARCEL
BURNS APARTMENTS
300000

4000

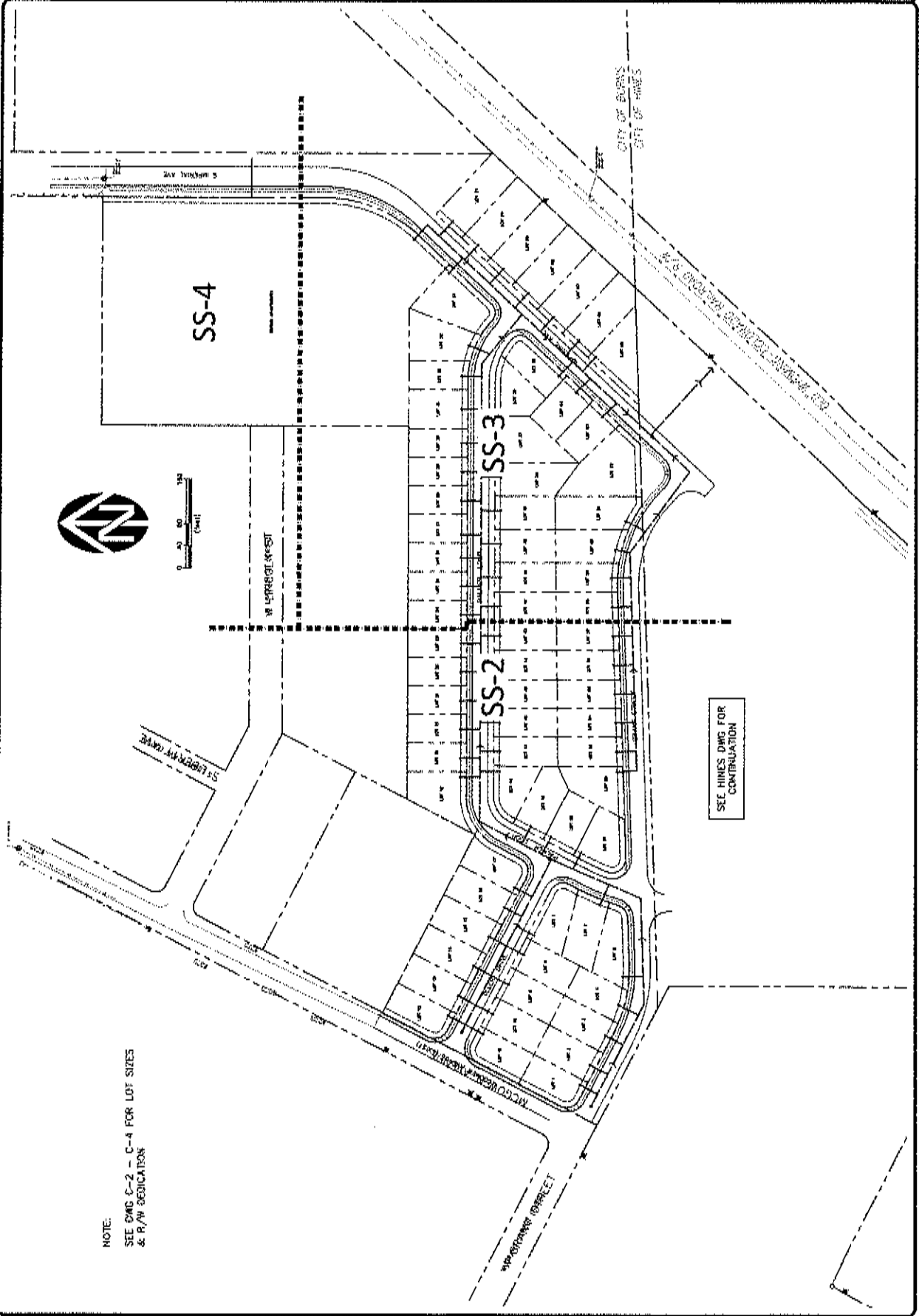
W LINCOLN ST (EXIST)

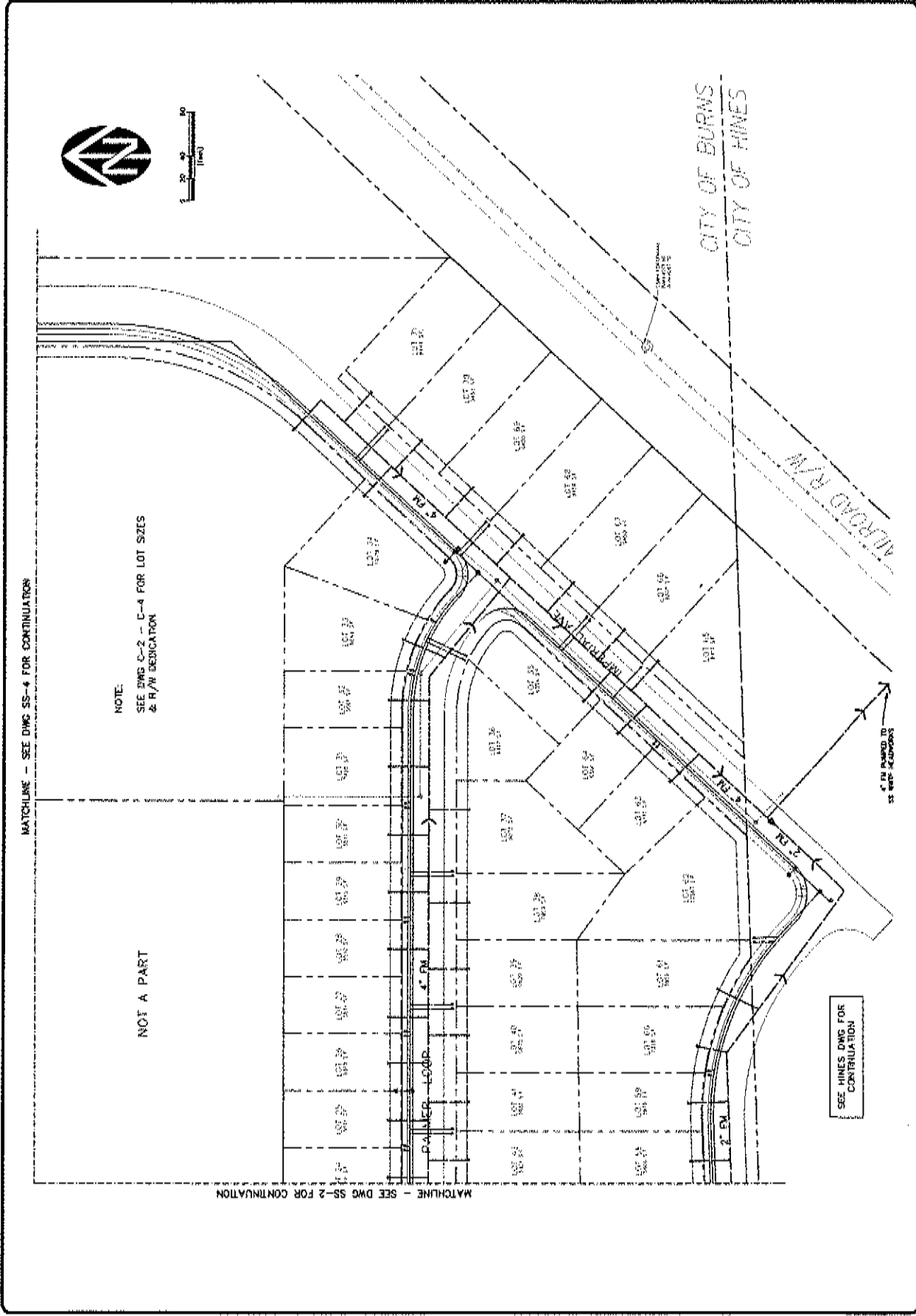
MATCHLINE - SEE DWG SD-3 FOR CONTINUATION

NOT A PART

NOTE:
SEE DWG C-2 - C-4 FOR LOT SIZES
& R/W DEDICATION

				OVERALL SANITARY SEWER PLAN PALMER ESTATES - BURNS TELUS DEVELOPMENT		DRAWING 1-SS	JOB NUMBER 340900000
DATE 10/1/00	BY JWP	CHECKED JWP	SCALE 1" = 100'	PROJECT PALMER ESTATES - BURNS	SHEET 1-SS	0.000000000	





RECOMMENDED STEP SYSTEM O & M RESPONSIBILITIES

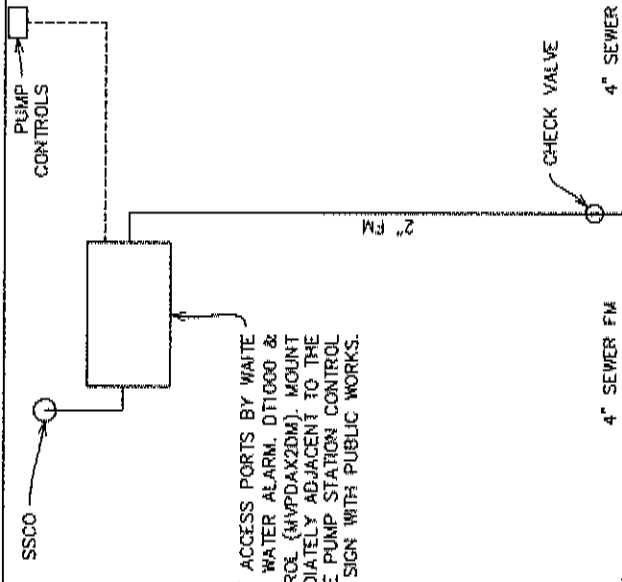
DEVELOPER SHALL INCLUDE IN THE O&M'S THAT THE OWNER (HOMEOWNER OR APARTMENT OWNER) PAY FOR ALL OPERATION AND MAINTENANCE OF THE STEP SYSTEM INCLUDING BUT NOT LIMITED TO THE FOLLOWING.

1. ALL POWER TO OPERATE THE SYSTEM
2. MAINTAIN ALL MECHANICAL AND ELECTRICAL EQUIPMENT UP TO THE R/W LIMITS.
3. MAINTAIN THE SEPTIC TANK
4. PUMP THE SOLIDS FROM THE SEPTIC TANK ON AN AS NEEDED BASIS.

IF THE CITY DETERMINES THE OWNER HAS NOT PROPERLY MAINTAINED THE SYSTEM, THIS CITY, WITH 10 DAYS WRITTEN NOTICE, MAY MAKE THE REQUIRED REPAIRS AND BACK CHARGE THE OWNER. IF THE OWNER DO NOT REIMBURSE THE CITY, THE CITY CAN FILE A LIEN AGAINST THE PROPERTY AND TAKE ALL LEGAL REMEDIES TO BE REIMBURSED.

THIS PROPOSAL WILL SAVE THE CITY SIGNIFICANT LONG TERM O&M COST OVER ANY OTHER ALTERNATIVE, INCLUDING A PUBLIC PUMP STATION

HOUSE



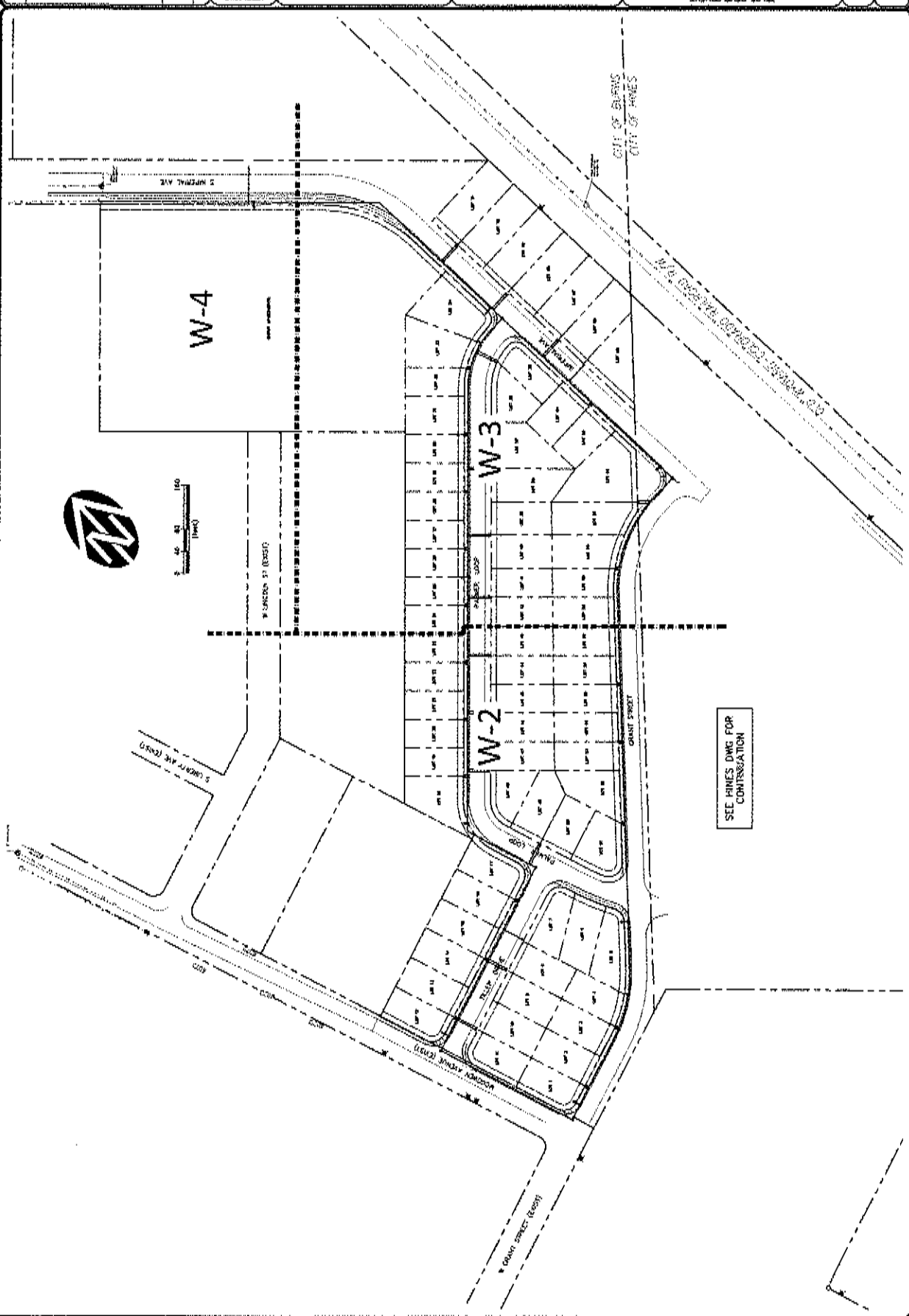
SEPTIC/PUMP TANK W/ 2-24\"/>

NOTES:

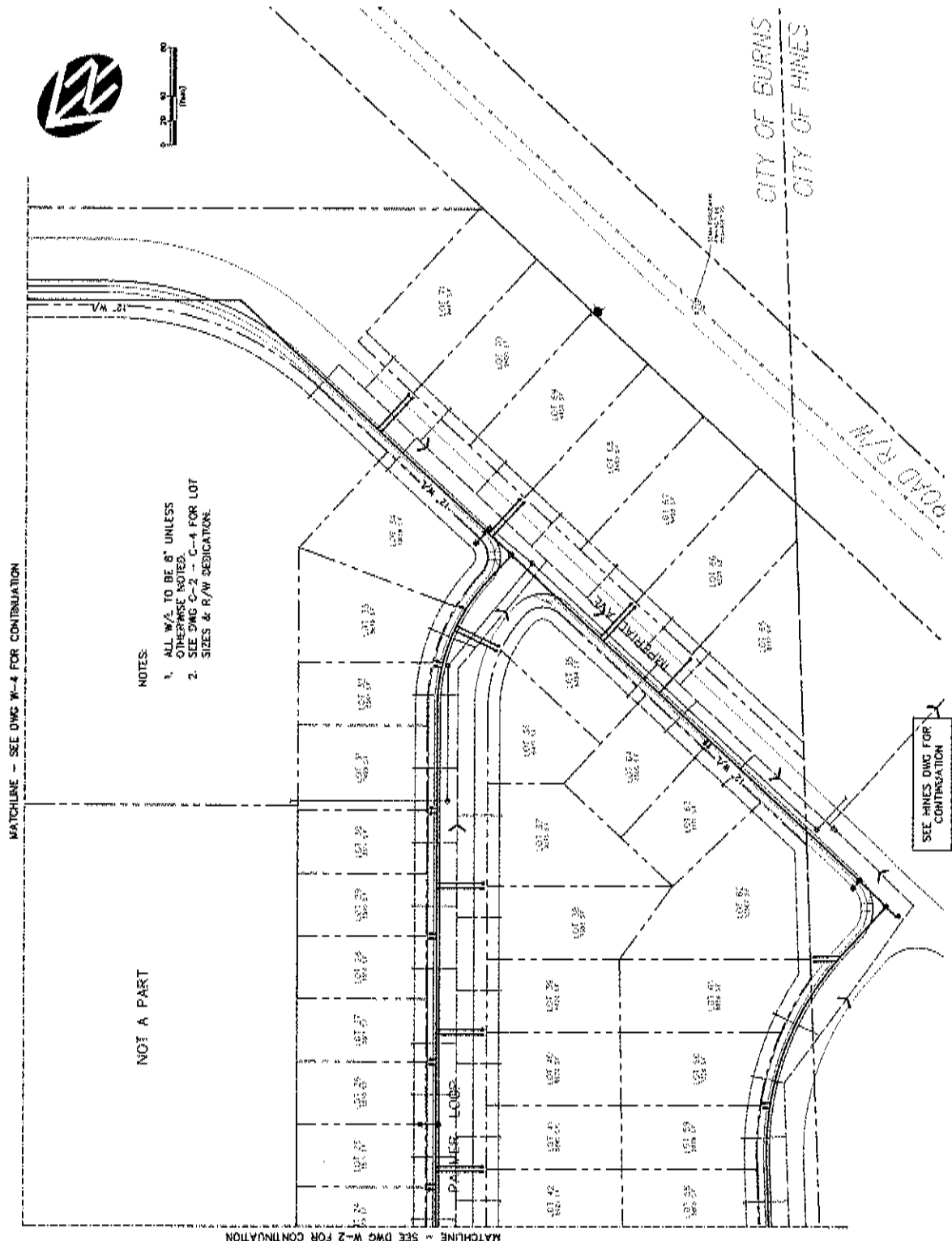
1. ALL SEPTIC TANKS TO BE 1,000 GAL. AS MANUFACTURED BY WAITE CONCRETE PRODUCTS OR EQUAL & IN CONFORMANCE W/ OAR 340-071 & 340-073.
2. SERVICE LINES FROM BUILDING TO SEPTIC TANK TO BE 4\"/>
3. STEP TANK CONSTRUCTION (AND ANY PUMP INSTALLATION), INCLUDING EXCAVATION, BEDDING, BACKFILL, COMPACTION, ETC. SHALL BE PERFORMED IN STRICT COMPLIANCE WITH THE MANUFACTURER'S STANDARDS, OAR 340-71 AND OAR 340-73 ON-SITE WASTEWATER TREATMENT SYSTEM RULES, AND APPLICABLE OREGON BUILDING, PLUMBING, AND ELECTRICAL CODES. THE STEP TANK SHALL BE TESTED AND CERTIFIED WATERTIGHT IN ACCORDANCE WITH OAR 340-71 AND OAR 340-73 ON-SITE WASTEWATER TREATMENT SYSTEM RULES AND TESTING SHALL BE WITNESSED BY THE CITY PUBLIC WORKS DEPARTMENT.
4. SEPTIC TANKS TO BE TESTED FOR WATER TIGHTNESS PER OAR 340-073. APPROVED TANK SECTIONS, DETAILS, & MANUFACTURER'S INSTALLATION NOTES SHALL BE PROVIDED TO PUBLIC WORKS AS A SUBMITTAL PRIOR TO BEGINNING OF MATERIALS & CONSTRUCTION. THE DEC APPROVED TANK SHALL BE SHOWN TO BE RATED FOR H-20 LOADING IF LOCATED IN TRAFFIC AREA.
5. CONTRACTOR SHALL PROVIDE SHOP DRAWINGS IN ACCORDANCE WITH DEC RECOMMENDATIONS.
6. PUMP VALVES AS MFG BY FLOWSERVE OR EQUAL INSTALLED PER MFG RECOMMENDATIONS.
7. CHECK VALVES AS MFG BY PROFFLO OR EQUAL INSTALLED PER MFG RECOMMENDATIONS.
8. CONTRACTOR SHALL PROVIDE CONTROL PANEL SHOP DWGS FOR REVIEW & APPROVAL BY THE ENGINEER. CONTROL PANEL TO INCLUDE TELEMETRY TO AUTO DIAL CITY PW IN THE EVENT OF A HIGH WATER ALARM OR PUMP FAILURE.



DATE	DESCRIPTION	AMOUNT	CHECK NO.	DATE	DESCRIPTION	AMOUNT	CHECK NO.
10/1/78	10/1/78	100.00	100	10/1/78	10/1/78	100.00	100
10/2/78	10/2/78	100.00	101	10/2/78	10/2/78	100.00	101
10/3/78	10/3/78	100.00	102	10/3/78	10/3/78	100.00	102
10/4/78	10/4/78	100.00	103	10/4/78	10/4/78	100.00	103
10/5/78	10/5/78	100.00	104	10/5/78	10/5/78	100.00	104
10/6/78	10/6/78	100.00	105	10/6/78	10/6/78	100.00	105
10/7/78	10/7/78	100.00	106	10/7/78	10/7/78	100.00	106
10/8/78	10/8/78	100.00	107	10/8/78	10/8/78	100.00	107
10/9/78	10/9/78	100.00	108	10/9/78	10/9/78	100.00	108
10/10/78	10/10/78	100.00	109	10/10/78	10/10/78	100.00	109
10/11/78	10/11/78	100.00	110	10/11/78	10/11/78	100.00	110
10/12/78	10/12/78	100.00	111	10/12/78	10/12/78	100.00	111
10/13/78	10/13/78	100.00	112	10/13/78	10/13/78	100.00	112
10/14/78	10/14/78	100.00	113	10/14/78	10/14/78	100.00	113
10/15/78	10/15/78	100.00	114	10/15/78	10/15/78	100.00	114
10/16/78	10/16/78	100.00	115	10/16/78	10/16/78	100.00	115
10/17/78	10/17/78	100.00	116	10/17/78	10/17/78	100.00	116
10/18/78	10/18/78	100.00	117	10/18/78	10/18/78	100.00	117
10/19/78	10/19/78	100.00	118	10/19/78	10/19/78	100.00	118
10/20/78	10/20/78	100.00	119	10/20/78	10/20/78	100.00	119
10/21/78	10/21/78	100.00	120	10/21/78	10/21/78	100.00	120
10/22/78	10/22/78	100.00	121	10/22/78	10/22/78	100.00	121
10/23/78	10/23/78	100.00	122	10/23/78	10/23/78	100.00	122
10/24/78	10/24/78	100.00	123	10/24/78	10/24/78	100.00	123
10/25/78	10/25/78	100.00	124	10/25/78	10/25/78	100.00	124
10/26/78	10/26/78	100.00	125	10/26/78	10/26/78	100.00	125
10/27/78	10/27/78	100.00	126	10/27/78	10/27/78	100.00	126
10/28/78	10/28/78	100.00	127	10/28/78	10/28/78	100.00	127
10/29/78	10/29/78	100.00	128	10/29/78	10/29/78	100.00	128
10/30/78	10/30/78	100.00	129	10/30/78	10/30/78	100.00	129
10/31/78	10/31/78	100.00	130	10/31/78	10/31/78	100.00	130



SEE MINES DWG FOR
CONTINUATION



NOTES:

1. ALL W/A TO BE 8" UNLESS OTHERWISE NOTED.
2. SEE DWG C-2 - C-4 FOR LOT SIZES & R/W DESIGNATION.

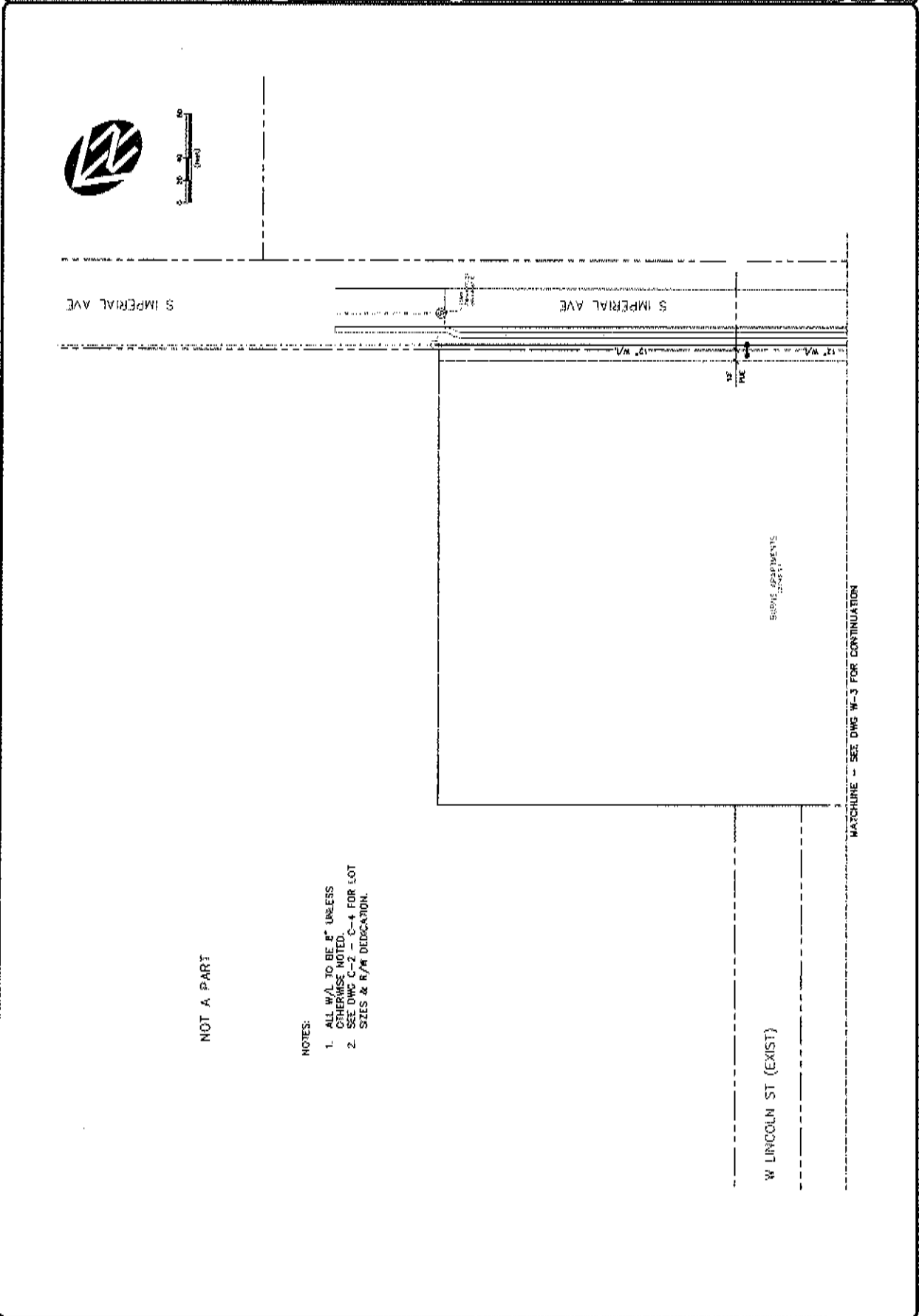
MATCHLINE - SEE DWG W-4 FOR CONTINUATION

NOT A PART

MATCHLINE - SEE DWG W-2 FOR CONTINUATION

SEE HINES DWG FOR CONTINUATION

		WATER PLAN PALMER ESTATES - BURNS TELUS DEVELOPMENT		DRAWING W-4	JOB NUMBER 14009.0000.0
REVIEW CHECKED BY: [Signature] DATE: [Date]		WE WESTERN ENGINEERING, INC. CIVIL ENGINEERS AND PLANNERS 10000 Wilshire Blvd., Suite 1000, Los Angeles, CA 90024 Phone: (310) 351-1111 Fax: (310) 351-1112		PROJECT: [Project Name] DATE: [Date] SCALE: [Scale]	



NOT A PART

NOTES:

1. ALL W/L TO BE 8" UNLESS OTHERWISE NOTED.
2. SEE DWG C-2 - C-4 FOR LOT SIZES & R/W DEDICATION.



Tiffany Leffler <tleffler@cityofburnsor.gov>

Subdivision Public Hearing Notice

Britany Randall <britany@brandlanduse.com>

Wed, May 6, 2026 at 8:18 PM

To: Jay Harland <jay.harland@aks-eng.com>

Cc: Dave Glennie <dave@telosdevelopment.com>, Jay Harland <jay.harland@aks-eng.com>, Tiffany Leffler <tleffler@cityofburnsor.gov>, Steve Ward <sward@westech-eng.com>, William Glennie <william@telosdevelopment.com>, Jay Harland <jay@csaplanning.com>, Seth Adams <seth@csaplanning.com>, Ty Richardson <trichardson@cityofburnsor.gov>, Jesse Christensen <jessec@hecoengineers.com>, Brenda Engebretson <citymanager@cityofburnsor.gov>

Jay,

Please accept a 45-day extension to the jurisdictional deadline for planning file QPCF-001-2025.

Thank you,

Britany Randall

Owner & Principal Planner

Office: (503) 370-8704

Cell: (503) 680-0949

Place: 1720 Liberty Street SE

Salem, OR 97302

www.brandlanduse.com

Britany@brandlanduse.com

From: Jay Harland <jay.harland@aks-eng.com>

Sent: Tuesday, March 24, 2026 9:20 AM

To: Britany Randall <britany@brandlanduse.com>

Subject: RE: Subdivision Public Hearing Notice

This email is sufficient.

Jay Harland

CSA PLANNING, An AKS Company

P: 541-779-0569 | www.aks-eng.com | jay.harland@aks-eng.com

[Quoted text hidden]



Tiffany Leffler <tleffler@cityofburnsor.gov>

Subdivision Public Hearing Notice

Britany Randall <britany@brandlanduse.com>

Tue, Mar 24, 2026 at 8:41 AM

To: "dave@telosdevelopment.com" <dave@telosdevelopment.com>, Jay Harland <jay.harland@aks-eng.com>, Tiffany Leffler <tleffler@cityofburnsor.gov>

Cc: Steve Ward <sward@westech-eng.com>, William Glennie <william@telosdevelopment.com>, Jay Harland <jay@csaplanning.com>, Seth Adams <Seth@csaplanning.com>, Ty Richardson <trichardson@cityofburnsor.gov>, Jesse Christensen <jessec@hecoengineers.com>, Brenda Engebretson <citymanager@cityofburnsor.gov>

Hi Jay,

Unless you have a formal application you need to be completed for an extension to the jurisdictional deadlines; please accept this email as our request to provide a 30-day extension to the 120-day rule. Our team goes to great lengths to prepare for these hearings. In the future, we would appreciate being looped in on the scheduling efforts. If further extensions are needed to accommodate everyone's schedules, we would like to be given the opportunity to provide those extensions.

Thanks for all your work on this.

My best,

Britany Randall

Owner & Principal Planner

Office: (503) 370-8704

Cell: (503) 680-0949

Place: 1720 Liberty Street SE

Salem, OR 97302

www.brandlanduse.com

Britany@brandlanduse.com

From: dave@telosdevelopment.com <dave@telosdevelopment.com>

Sent: Tuesday, March 24, 2026 6:03 AM

To: 'Jay Harland' <jay.harland@aks-eng.com>; 'Tiffany Leffler' <tleffler@cityofburnsor.gov>

Cc: Britany Randall <britany@brandlanduse.com>; 'Steve Ward' <sward@westech-eng.com>; 'William Glennie' <william@telosdevelopment.com>; 'Jay Harland' <jay@csaplanning.com>; 'Seth Adams'

<Seth@csaplanning.com>; 'Ty Richardson' <trichardson@cityofburnsor.gov>; 'Jesse Christensen'

<jessec@hecoengineers.com>; 'Brenda Engebretson' <citymanager@cityofburnsor.gov>

[Quoted text hidden]

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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



 Subject Property

 PF Overlay

BURDEN OF PROOF COMPLIANCE WITH LOCAL CRITERIA

This section of the application summarizes the applicable local criteria and the Applicant's proposed use with respect to these criteria, demonstrating that the proposed map amendment and variance will satisfy all approval standards.

Background:

Harney County submits a proposal calling for a quasi-judicial zone change from single-family residential to public facility and a variance from the parking lot development standards as provided within this burden of proof. The subject tract is currently designated as Single-family Residential (SFR-4). This request is to redesignate to Public Facility Overlay (PF). The land is owned by Harney County and is adjacent to the County Courthouse Campus facilities. Approval of a quasi-judicial zone change for the subject tract would allow for county government to develop and use the property in a way more consistent with a public use – specifically that of a parking lot serving the employees of the campus and the general public visiting and utilizing it for election ballot deposit.

In 2026, Harney County was approved for a Type II land use decision to update the existing county jail building¹. Expansion/updates of the jail will result in net subtraction of spaces within the adjacent parking lot. This proposal seeks to provide a permanent vehicle parking/use solution for Harney County.

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.

Finding: The proposed rezone would expand the existing Public Facility zoning designation associated with the County Courthouse Campus and related governmental activities onto adjacent property intended for relocation and replacement of an existing parking area serving the courthouse and the public. The proposal does not establish a new principal use, but rather facilitates parking associated with an existing governmental use that has historically operated in this location for several decades.

Access to the subject properties would continue to occur via the existing local street network, including N. Court Avenue and W. A Street. Traffic generated by the proposed parking lot is anticipated to be substantially similar in nature and volume to traffic already associated with the courthouse campus and its established operations. The proposal primarily shifts parking activity from one location to another adjacent location and therefore is not expected to create a significant increase in trip generation or materially alter traffic circulation patterns within the surrounding transportation network.

Because the proposal relies upon existing streets and transportation facilities and is not

¹ City of Burns Land Use Approval under local file no. SAZR-041-2025

expected to result in substantial additional traffic impacts beyond those already associated with the courthouse use, the application can be found consistent with the applicable goals and objectives of the City's Transportation System Plan.

- B. For proposed zone changes to SFR-7, the minimum contiguous area of SFR-7 zoning shall be three or more gross acres, and the average lot size of single-family residential parcels developed with dwellings within 250-feet of the proposed zoning district shall be no greater than 7,000 square feet.**

Finding: The proposed rezone calls for a change from SFR-4 to PF. This criteria is not applicable.

- 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.**

Finding: The proposed rezone would expand the existing Public Facility zoning designation associated with the County Courthouse Campus onto adjacent property intended for relocation and replacement of an existing parking area serving the courthouse and the public. The proposed use is limited in scope and would continue to support an established governmental function that has historically operated within the surrounding area.

The subject property is located within the City of Burns and is already situated in an urbanized area served by existing public infrastructure and facilities. Urban services necessary to support the proposed use, including transportation facilities, utility infrastructure, and public services, are currently available to serve the surrounding courthouse campus and adjacent developed properties. The proposal does not establish a new principal use or substantially intensify development on the site, but rather relocates parking facilities associated with an existing use.

Because the proposal consists of replacement and relocation of parking activities associated with an established courthouse campus, demand for urban services and facilities is not anticipated to substantially exceed existing service levels or require significant expansion of public infrastructure. The proposal is therefore capable of being adequately served by existing urban services and facilities and is found consistent with applicable facility master plans and the requirements of this criteria.

- (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.

Finding: The existing lots within the tract have a historical designation for single-family residential and have served in that capacity for both dwellings and a small church. As proposed, a parking lot (or similar use) would not increase the burden on the existing sanitary and water facilities servicing the area given the history or use in that neighborhood/block. No additional capacity is required at this time given the nature of the proposal for a parking lot. It is assumed that if the County desires to establish any permanent accessory structures which provide for occupancy in the foreseeable future that a site-specific determination of capacity for those proposals would be provided to the city along with any requested information regarding stormwater drainage if warranted.

- (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.

Finding: The proposed rezone would expand the existing Public Facility zoning designation associated with the County Courthouse Campus onto adjacent property for the purpose of relocating and replacing an existing parking area serving the courthouse and the public. The proposal does not establish a new principal use or introduce a substantially more intensive use of the property, but instead supports an existing governmental use that has historically generated traffic within the surrounding area.

The subject property is served by the existing local street network, including N. Court Avenue and W. A Street, which currently accommodate traffic associated with courthouse operations and surrounding development. Because the proposal primarily shifts parking facilities from one adjacent location to another, the proposal is not anticipated to substantially increase vehicle trip generation, materially alter circulation patterns, or create transportation impacts beyond those currently associated with the established courthouse campus.

Given the history of the existing parking lot use at the adjacent location being expanded/replaced, it can be demonstrated that the proposal would not result in significant impacts to existing street capacity or create transportation deficiencies requiring additional improvements under OAR 660-012-0060 (Transportation Planning Rule). Because there is no increase in the nature of the proposed use it can be found that transportation improvements

are not necessary to address safety concerns, congestion impacts, or facility adequacy related to the proposed action.

- (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.

Finding: Given the previous findings provided within the submittal, it is assumed that no additional impacts are anticipated for the relocation of the parking lot as it relates to public facilities. Any future plans for County Courthouse related developments will be provided to the City of Burns for evaluation of system impacts. This is logical approach given the scope of the proposal.

18.20.525 Variances

1. Applicability

A Variance is an adjustment that does not otherwise meet the criteria under Section 18.20.520, and is requested for a development standard. Variances cannot be taken to required procedures or any approval criteria.

2. 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;

Finding: The requested variance is necessary because the development standards requiring paving and landscaping for parking areas do not fully account for the unique circumstances associated with the proposed use and surrounding development pattern. The proposal consists of a replacement and relocation of an existing parking area serving the County Courthouse Campus and the public rather than development of a new standalone commercial or higher-intensity use. The subject property is adjacent to an established governmental campus where parking demand and associated traffic patterns have existed for several decades. The proposed parking area is intended to function as a practical public facility accessory use and is not intended to alter the character or intensity of surrounding development. Application of full paving and landscaping requirements to a simple public parking facility serving an existing governmental use would not materially advance the purpose of the standards in relation to the specific characteristics and intended function of the site.

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

Finding: The requested variance is limited in scope and represents the minimum adjustment necessary to allow development of the proposed parking area in a manner consistent with its intended public function. The request does not seek relief from broader development standards unrelated to the parking area and only applies to the landscaping and paving requirements under Section 18.50.315(4). The remainder of applicable development standards would continue to apply. Therefore, the request is narrowly tailored to address the unique circumstances associated with the site and proposed use.

- 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);

Finding: The need for the requested variance has not been self-imposed by the applicant. The request does not arise from a prior property line adjustment, land division, or other action that created a hardship condition. Rather, the request results from the need to relocate and replace parking associated with an existing County Courthouse Campus use and to provide a practical and cost-effective public facility serving courthouse employees and the public.

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

Finding: Approval of the variance would not conflict with other applicable City policies or regulations. The proposal remains consistent with the intended governmental use of the property and with the surrounding courthouse campus development pattern. The variance would not alter the permitted use of the property or create additional land use impacts. The request only modifies specific site development requirements relating to paving and landscaping and does not interfere with the broader purposes of City land use regulations.

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

Finding: No foreseeable harm to adjacent property owners or the public is anticipated as a result of the requested variance. The proposed parking area would continue to serve an existing governmental use with established traffic patterns and operational characteristics. The request does not create additional use intensity, increased traffic impacts, or changes to surrounding land use patterns. Requiring full paving and landscaping improvements for this limited public facility use would increase construction and long-term maintenance costs borne by the County and ultimately by the public without a corresponding increase in public benefit or reduction in identified impacts. The proposed parking area is expected to function similarly to existing parking facilities serving the courthouse campus and surrounding area.

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

Finding: All applicable building code requirements (*Parking lot development does not require a building permit*) and engineering design standards will continue to apply to the proposed development. 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.

PC Staff Report
May 27, 2026
EXHIBIT C



Harney County Courthouse Parking Lot Rezone

1 inch = 47 feet
0 75 150 Feet



Test Lot



HARNEY COUNTY OR
914-024-4455
www.harneycounty.gov

Maple from here Date: 05/13/2026
Note: No warranty is made by Harney County or the Bureau of
Land Management as to the accuracy, reliability or completeness
of the information provided. The information is provided for
informational purposes only. The product may be changed without
notice and is not intended to be used for legal purposes and may be
subject to change without notice.

Harney County Jail - Parking Addition

Project No.
#1946

PERMIT SET

Date:
01/30/26

A-101
Site Plan

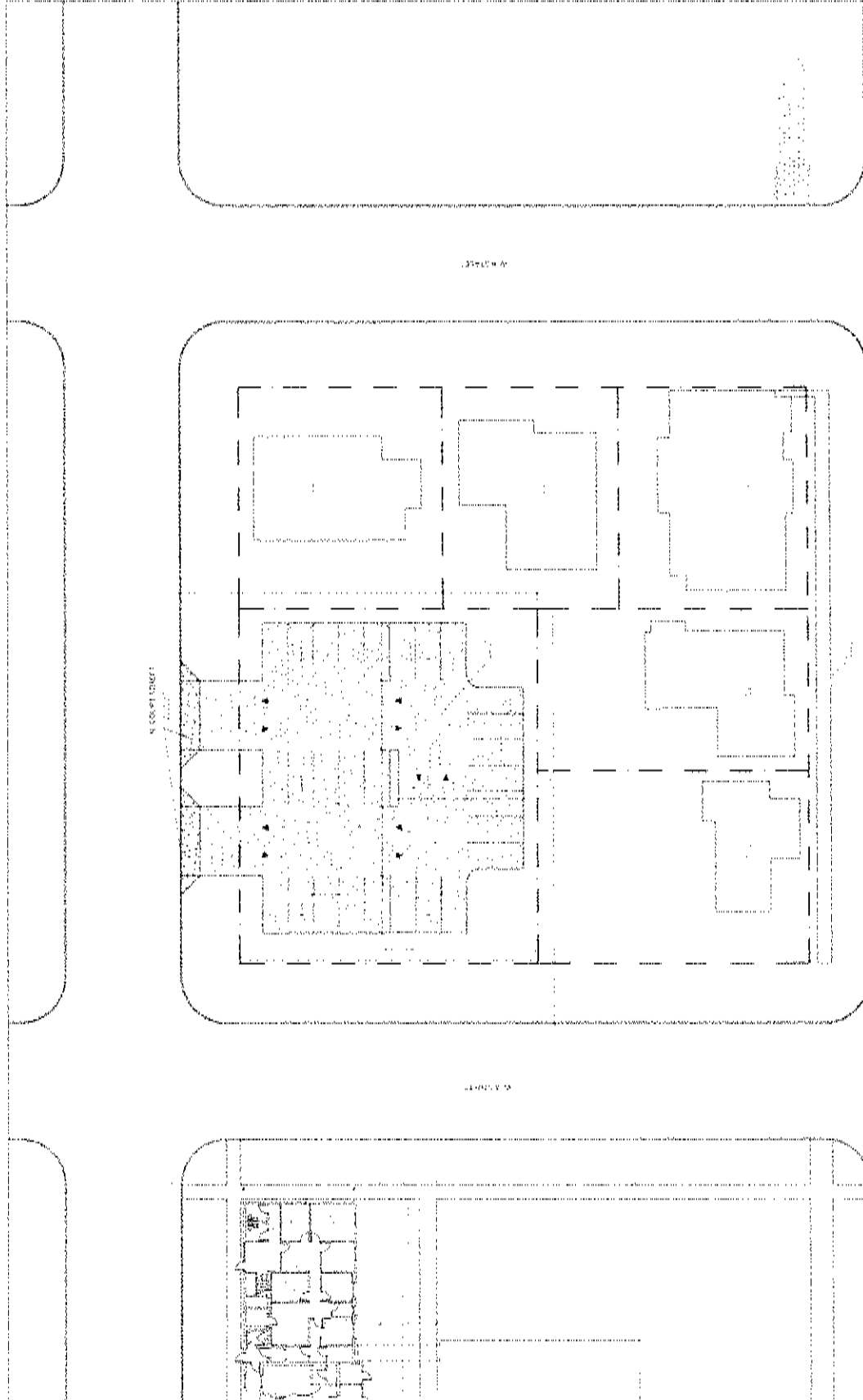
245 N. Court Street, Burns, Oregon 97720

City of Burns
Public Works
100 N. 1st St., Burns, OR 97720

Stamp Place
Holder



HARNEY CO. JAIL EXPANSION - PROPOSED ADDITIONAL PARKING





Department of Land Conservation and Development

05/22/2026

PC Staff Report
May 27, 2026
EXHIBIT D

PAPA Original Submission: Burns - Amendment 002-26

Submitted On-line/Sent To DLCD: 05/13/2026

Local File #: QPCF-002-2026

1st Hearing: 06/03/2026 Days Difference: 21

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: Subject property is vacant land owned by Harney County that has been informally used for overflow parking to serve the County Courthouse and jail uses located across the street. Proposed zone change is to apply the Public Facility (PF) zoning overlay to the property, as was done for the courthouse, jail, and all other publicly owned properties within the city limits but this particular site appears to have been overlooked when the PF overlay was applied in the past. The underlying base zoning district will remain SFR-4.

An exception to a statewide planning goal is proposed: No

Goals Subject to Exception:

Total Acres: 0.36

Locations:

Type	Tax Lot			Acres
Zoning Map Change	05800	Zone: SF Res 4-5 units/ac	Zone: SF Res 4-5 units/ac	0.16
Zoning Map Change	05900	Zone: SF Res 4-5 units/ac	Zone: SF Res 4-5 units/ac	0.20

Contacts:

Jay Harland

Documents:

Uploaded	Document Name
05/13/2026	Proposal_Harney_County_Zone_Change_Aerial_Map_2026-05-13_11-12-28.pdf

PUBLIC HEARING NOTICE

CITY OF BURNS PLANNING COMMISSION

YOU ARE HEREBY NOTIFIED that a public hearing will be held before the City of Burns Planning Commission in the Burns City Hall in Burns, Harney County, Oregon, on the 3rd day of June, 2026, at the hour of 6:00P.M. to consider the application of 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.

The purpose of the PF Overlay Zone 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 assure 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.

The Planning Commission is the decision-making body for the proposed Zoning Map Amendment. 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.

This notice is required by ordinance to property owners within 100 feet of the exterior boundary of the proposed property, which is the subject of the application.

A copy of the application and all documents and evidence relied upon by the applicant, along with the applicable approval criteria, are available for inspection at no cost at Burns City Hall. 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 matter.

Date Mailed: May 14, 2026