



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 Staffs 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 Chritensen, 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