



BURNS PLANNING COMMISSION

January 3, 2024

The Burns Planning Commission held a meeting on January 3, 2024, at 6:00 p.m. Members present were as follows:

Acting Chairperson – Bryan Garo
Commissioner – Forrest Keady – Via Zoom
Commissioner – Jamie Attleberger - Excused

Also, present were City Manager Judy Erwin, City Land Use Planner Jay Harland via Zoom, and City/Planning Clerk Tiffany Leffler.

Acting Chairperson Garo called meeting to order at 6:00 p.m.

AGENDA

Commissioner Keady moved to approve the agenda as presented. Commissioner Garo seconded the motion. All ayes.

MINUTES

August 7, 2023 -

Commissioner Keady moved to approve the minutes as presented. Commissioner Garo seconded the motion. All ayes.

PUBLIC COMMENTS

There was no public comment.

PUBLIC HEARING

Acting Chairperson Garo opened the public hearing at 6:15 p.m.

LUP Jay Harland gave the admonishment.

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



PLANNING COMMISSION REPORT

Adoption of New FEMA Flood Insurance Rate Maps & Associated Development Code Amendment Planning File No. LAPF-002-2023

STAFF REPORT

APPLICANT: City of Burns

PLANNING FILE: LAPF-002-2023

NATURE OF APPLICATION: A proposed legislative amendment to adopt new FEMA Flood Insurance Rate Maps (FIRMs) for the City of Burns, and associated amendments to the flood hazard regulations of Section 18.30.325 of the City of Burns Zoning Ordinance.

STAFF ANALYSIS: The Federal Emergency Management Agency (FEMA) has prepared an updated Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) for Harney County and its incorporated areas. See, Exhibit A. The FIS and related FIRMs revise and update information on the existence and severity of flood hazards within the study area, which includes the City of Burns, and will be used to establish actuarial flood insurance rates and assist communities in their efforts to implement their floodplain management regulations. The updated FIS and FIRMs are slated to take effect on February 8, 2024, and need to be adopted by the City on or before that date in order for the City to remain in compliance with its obligations under the National Flood Insurance Program in which it is a participant. As part of the formal adoption of the updated FIS and FIRMs, an amendment to the Flood Hazard Area regulations in Section 18.30.325 of the Zoning Ordinance is necessary to update the FIS effective date and the FIRM panel numbers that are referenced therein. See, Exhibit B.

I. BACKGROUND INFORMATION

A. Current Flood Hazard Regulations: The City's current flood hazard regulations were drafted in accordance with FEMA and DLCD guidance and first adopted by the City Council in March of 2022. Those regulations were directly carried over to the new City of Burns Development Code that was adopted on September 27, 2023, and took effect on October 27, 2023.

B. Agency Coordination and Public Notice: Pursuant to State legal requirements and the City of Burns Comprehensive Plan, the proposed amendment to the Zoning Ordinance was provided to the Department of Land Conservation and Development, and the Federal Emergency Management Agency (FEMA) for review and comment. The proposed Zoning Ordinance amendment was also posted to the City's website for 242 S. Broadway Street, Burns, Oregon 97720 | (541) 573-5255 | (541) 573-5622 Fax cityofburnsor.gov public review. At the time this report was prepared, staff had not received any comments from notified agencies or members of the public.



II. APPLICABLE CRITERIA

As a legislative amendment proposal, the Planning Commission is authorized to provide a written recommendation to the City Council which will decide whether to adopt the updated FIS and FIRMs, as well as the proposed Zoning Ordinance amendment.

III. KEY ISSUES & TOPICS FOR CONSIDERATION

The proposed text of the Zoning Ordinance simply changes the effective date of the FEMA Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) that pertain to the City of Burns and are referenced in Subsection 18.30.325.3.B of the Zoning Ordinance. The amendment also includes some additional definitions that pertain specifically to the flood hazard regulations. These definitions, like the others in Section 18.30.325, come from FEMA and DLCD guidance and were inadvertently omitted in the version of the new Zoning Ordinance that the City Council adopted in September.

IV. UPDATED FLOODPLAIN ADMINISTRATION RESOLUTION

Staff has also prepared an updated City Council resolution outlining the duties and responsibilities of the Floodplain Administrator. There are no substantive changes within the proposed resolution update as the modifications are limited to section number references that will match those of the recently adopted new Zoning Ordinance. See, Exhibit C.

V. CONCLUSION

The updated FIS and FIRMs were prepared by FEMA and their adoption is necessary to ensure the City's continued participation in the National Flood Insurance Program. The proposed Zoning Ordinance amendment is also necessary to update the text to reference the effective date for the new FIS and the FIRM panel numbers that are applicable to Burns. Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to adopt the new FIS and FIRMs, as well as the proposed Zoning Ordinance amendment. 242 S. Broadway Street, Burns, Oregon 97720 | (541) 573-5255 | (541) 573-5622 Fax cityofburnsor.gov

VI. EXHIBITS

- A.** Revised Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs)
- B.** Proposed Zoning Ordinance Amendment Text
- C.** Proposed Floodplain Administrator Resolution
- D.** Copies of Required Notice Materials



CITY OF BURNS PLANNING & ZONING DEPARTMENT

By: Jay Harland
Contract City Planner

Date: December 26, 2023

LUP Jay Harland informed the commissioners that his associate, Seth Adams, and himself went over the maps and they could not find one property that was added to the new FEMA Flood Insurance Rate Maps in the entire City of Burns. Houses had only come out, which was very rare, so they did not see any negative impact by this change. He said Staff's recommendation was to hear whatever testimony was given that evening and have the Planning Commission make a favorable recommendation to City Council to adopt the new maps and all the study that goes with them, along with little code changes. He also made the Planning Commission aware that there would be a Resolution that would go along with this that designates the City Manager as the Flood Plain Administrator for the city. The city currently has one in place, but it will be updated to reflect the right citations to the new maps and City Ordinances.

Commissioner Keady asked if there was a map that showed the difference between the old map and the new one so they could compare the changes.

LUP Jay Harland said he didn't believe they provided the changed one yet, but his crew did thoroughly look over the map themselves and could not find any being added only taken out. He informed the commissioners that the new maps could be found on pages 124-127.

City Manager Judy Erwin asked if the new maps would be digital as well as paper or if they would just be paper maps.

LUP Jay Harland said they would be digital as well and available after February 8th on NFIP Map Viewer.

The Planning Commission had no further questions or comments.

Acting Chairperson Garo asked if there was anyone in the public that wanted to speak for or against.

There was no public comment given for or against.



Acting Chairperson Garo closed the Public Hearing at 6:15 p.m.

Commissioner Keady made a motion to forward a favorable recommendation for the new Flood Plain, Study, and associated Code of Resolution be adopted by City Council. Acting Chairperson Garo seconded the motion. All ayes.

NEW BUSINESS

1. **Professional Office Uses in Residential Zones** – Some of the Planning Commissioners and Advisory Committee had previously been concerned with the way the prior code read on professional offices being permitted without limitation in residential areas.

LUP Jay Harland said they had previously discussed maybe changing that in the new code but didn't at the time because it would have taken more time due to the Ballot 56 notices they would have had to send out. He informed them that this notice was set in place so when local governments want to make zoning changes in ways that could potentially take away uses that could devalue someone's property, the property owners would have to be notified beforehand. They wanted to know if the Planning Commission wanted them to start working on changing it or fine tuning it. They could prohibit it all together or put some significant limitations on it. If it is decided to move forward with this, they would then send out the Ballot 56 notices to everyone with properties that will be affected. He said Staff's recommendation was for a code amendment to be initiated to look at this.

Commissioner Keady asked what kind of offices would fit under the professional offices category.

LUP Jay Harland informed him it was offices such as, a dentist office, doctors office, an accounting office, and things such as that. He said there are some codes that, to some scale, allow professional office uses to be mixed into the Residential Zone, but as of now, there is no limitation at all. It hasn't been a real issue yet, but it could potentially be one at some point.

Commissioner Keady wanted to know if they were to move forward with recommending the change, if the offices that are already set up in a Residential Zone would be grandfathered in.

LUP Jay Harland said the new code has pretty good protections of none conforming uses. He also informed the Planning Commission that it was really how they and the council wanted to proceed and if they were restricting it all together or just adding limitations.

Commissioner Keady then asked if this had been an issue for code compliance or anyone else.



City Manager Judy Erwin said to her knowledge it hadn't been, but they could discuss it later and address it if it needs to be addressed.

Commissioner Keady said if City Manager Judy Erwin didn't see an issue with it and it wasn't an issue from a city standpoint currently, then he didn't feel they needed to waste any time or money on it right now.

Acting Chairperson Garo said he agreed with Commissioner Keady on not needing to invest any time or resources on it at this point. He felt it was fine being tabled.

LUP Jay Harland said that was completely fine and asked that the council be notified of the Planning Commissions recommendation and confirm that they agree with it as well.

City Manager Judy Erwin said she would notify the council.

LUP Jay Harland also wanted to make the Planning Commission aware that they will be bringing forward a new Zoning Map. With the new code they didn't change any boundaries, but they did change the labels and simplified the code a little bit. With the current Zoning Map, in a few areas, the letters on the map don't match what's in the Zoning Code, so they will bring forward a new Zoning Map that has corresponding labels that match the map. He said they could address it at the next scheduled meeting.

2. **New Planning Application Forms** – LUP Jay Harland said Staff had about an 85% draft of the new forms for application that will line up with the new code. This way everything will be very consistent with the new code. The current forms are not very informative, and they are based off the prior code. He let them know there was nothing the Planning Commission really needed to do, but he wanted to make them aware of it. He felt the new forms would be sent to the Staff at City Hall in the next week or two. If City Manager Judy Erwin and City/Planning Clerk Tiffany Leffler are ok with them, then the old ones can be retired, and they can start using the new forms. It will make it easier for people to know exactly what the city needs from them.

Acting Chairperson Garo asked him if someone was in the middle of an application, would that then change the workflow for them or just the wording on the forms.

LUP Jay Harland said if someone has signed, paid, and submitted one of the old applications, it will be processed using the old form as they are. He said if someone was to come in after with one of the old forms and it was a Type 1 or Type 2, they would probably notify them there is a new form but choose to accept the old one. If it was a bigger project like a subdivision or something such as that, the city will want to have them fill out one of the new forms. City Manager Judy Erwin and City/Planning Clerk Tiffany Leffler can decide how



long they want to accept the old forms. He also wanted to mention that he had noticed the new code wasn't up on the City Website, and it is something that needed to be resolved.

City/Planning Clerk Tiffany Leffler said they had informed her they had but she would check into it.

Commissioner Keady asked if there were any projects or developments in the future that would call for a meeting in the first quarter of the year.

LUP Jay Harland said he was previously on a Zoom meeting with the Telos Development, and he suspected they were going to file a Plan Amendment and Zone Change sometime in the next two to three months.

Commissioner Keady asked if there was anything new received from Miller Springs.

LUP Jay Harland said he had not seen any new plans on it. He then notified City Manager Judy Erwin that Miller Springs had received money for the B Street improvements, and he believed they had come up with a plan for what needs to happen with the B Street project and all the existing lots that will be branched off of that street. He hoped to have something drawn up for her in the next week to week and a half. He said they had done it in a way that all they needed was an agreement from the School District, the County, and the Panoramic Properties.

Commissioner Keady asked if the Telos Development was in the Flood Zone.

City Manager Judy Erwin said she wasn't sure and would have to look at the new maps to give him the correct answer on that.

LUP Jay Harland said yes it was. Even on the new maps he believed there was some that still was, but he said he thinks a lot of it was removed. He also wanted to notify the Planning Commission that Miller Springs did file an Urban Growth Boundary Swap, but he had deemed it incomplete because he needed more information to send to the State on an Urban Growth Boundary Swap. He hadn't seen anything on it since. He did inform that that he was not saying it hadn't been moving forward but he just hadn't heard anything on it since.

Commissioner Keady asked if there were any councilors that may like to be on the Planning Commission.

City Manager Judy Erwin said Chase Patterson had put in a Letter of Interest, and if appointed then she would ask him if he would like to be on the Planning Commission.



Commissioner Keady thought Councilor Hoke would possibly be interested and thought it may be a good idea to check with her on it.


OLD BUSINESS

There was no Old Business.

There was no further discussion.

If needed, the next meeting will be February 7, 2024, at 6:00 p.m.

Commissioner Keady made a motion to adjourn at 6:52 p.m. Acting Chairperson Garo seconded the motion. All ayes.



Tiffany Leffler, City Clerk



Bryan Garo, Acting Chairperson