



City of Florence
A City in Motion

**City of Florence Council
& Planning Commission
Work Session**

Florence City Hall
250 Hwy 101
Florence, OR 97439
541-997-3437
www.ci.florence.or.us

- Meeting materials including information on each agenda item are published at least 24 hours prior to the meeting, and can be found of the City of Florence website at www.ci.florence.or.us/council.
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September 4, 2019

JOINT WORK SESSION AGENDA

1:30 p.m.

Councilors:

Joe Henry, Mayor

Woody Woodbury, Council President
Joshua Greene, Councilor

Ron Preisler, Council Vice-President
Geraldine Lucio, Councilor

Commissioners:

John Murphey, Chairperson

Sandi Young, Vice-Chairperson
Brian Jagoe, Commissioner
Ron Miller, Commissioner

Eric Hauptman, Commissioner
Andrew Miller, Commissioner
Phil Tarvin, Commissioner

With 48 hour prior notice, an interpreter and/or TDY: 541-997-3437, can be provided for the hearing impaired.
Meeting is wheelchair accessible.

CALL TO ORDER – ROLL CALL

1:30 p.m.

1. WORK SESSION DISCUSSION TOPICS

- Residential Housing Code Update Project: Review the potential Land Use Code Amendments as part of the Residential Housing Code Update project, including a review of public outreach performed, amendments proposed, and next steps. – *Discussion continued from July 15, 2019 and August 19, 2019 City Council & Planning Commission Joint Work Sessions*
- Review of Upcoming Agenda Items

COUNCIL CALENDAR

All meetings are held at the Florence City Hall (250 Hwy 101, Florence Oregon) unless otherwise indicated

Date	Time	Description
September 16, 2019	10:30 a.m.	City Council Work Session <i>Tentative</i>
September 16, 2019	5:30 p.m.	City Council Meeting
October 7, 2019	10:30 a.m.	City Council Work Session <i>Tentative</i>
October 7, 2019	5:30 p.m.	City Council Meeting

Florence City Council & Planning Commission

Memorandum

To: Florence City Council and Planning Commission
From: Wendy Farley Campbell, Planning Director
Date: September 4, 2019
Subject: Residential Code Update Project—Joint Work Session #3

On September 4, 2019 the Florence City Council and Planning Commission will hold their 3rd joint work session on the Residential Code Update Project for Titles 10 & 11 of Florence City Code. This meeting is a continuation of the 2nd joint work session held on [August 19th](#) and is Task 4 the final phase of the housing code update project. At the previous meeting CC/PC reviewed the research provided by staff at the direction from the [July 15th](#) work session and continued discussion on the table titled “Planning Commission—Consolidated Input from 7-8-19”. The CC/PC began the discussion on transitional housing. Summarized below are work session #2 accomplishments including decisions on direction given to staff, remaining topics left to discuss, meeting expectations, and next steps options.

Work session #2 Accomplishments

Decisions on Research Direction to Staff

- ❖ Definition for hostel, boarding house and dormitory and identify associated parking criteria for vehicular and bicycle

Hostel

- Definition will not include an ownership type (private, non-profit...) *Staff note: state hostel licensing requires non-profit ownership.*
- Allow for up to 20 occupants
- Parking will be 1 vehicular space per 4 occupancies provided and 1 bicycle space per 2 occupancies provided.

Boarding Lodging, or Rooming House

- Allow for less than or equal to 10 occupants.

Dormitory

- Create opportunity within definition to have common kitchen shared by multiple buildings on one site.

- ❖ Alternative definition for corner lot front lot line
 - Switch to a “2nd frontage” definition whereby the street setbacks provided must total the front and side yard setbacks required by the code (e.g. 20’ front and 10’ side need 30’ total). *Staff note: Recommend no singular dimension be less than the side yard setback required in that district.*

- ❖ Residential Care Facility parking counts
 - **Research Spruce Point and Regency to see how many they provide**

- ❖ Dwelling Unit Density level alternatives
 - Low and Medium: Lot size minimums will set the density limits
 - **High: Research existing apartment complex density levels**

Topics Remaining to Discuss

- ❖ Undersized Lots (10-10-12)
- ❖ Review of bold underlined topics above (Residential Care Facility parking and High Density)
- ❖ Temporary Lodging/Transitional Housing code examples. There are two examples attached to your packet. First, Planning Commissioner Vice Chair Young offered to research other cities’ codes after participating on the CEDC housing subcommittee. She has assembled the various criteria found in other jurisdictions’ code for discussion in a code layout format. Since she conducted that research Coos Bay adopted their temporary housing code (not transitional). Both of these are attached as examples of code criteria to be considered.

Work Session #3 Expectations

CC/PC will continue conversation on the above remaining topics to discuss, confirm amendments as listed, and review and discuss research items accumulated by staff.

Some of the specific code sections identified by CC/PC to change will trigger other code sections needing amendment. Many of these have been identified by staff. Staff has also identified code sections that are either in error (remnants from a previous version), in conflict with comprehensive plan policies or documents for driveway access, stormwater management, and design standards in Old Town or need housekeeping edits. Once final direction is given on pending topics the draft code will be revised and codified throughout all other FCC sections to reflect the “final” decisions. These changes can then be brought back in either a joint work session or provided at the code update initiation hearing.

Next Steps

The code work sessions are an effort to get to a nearly final product ready for public review, comment, and hearings. Additional work sessions and/or public input opportunities can be scheduled as needed. Once the code amendments are ready for public hearing and adoption, they need initiation by either body after which public notice will be prepared and posted in accordance with state law and a 35-day notice will be made to DLCD in advance of the evidentiary hearing on the proposed code. At the conclusion of this joint work session several actions are available:

1. Hold a final joint work session to review additional items or review final code product.
2. Schedule additional work sessions to review Transitional Housing and Temporary lodging and proceed with the initiation hearing on items reviewed and discussed thus far.
3. Direct changes be made to code as identified and set the initiation hearing before the City Council, the Planning Commission or both—if this direction is given:
 - a. Planning Commission initiation hearing date -- September 24th (2 other hearing items scheduled same night)
 - b. City Council initiation hearing date — October 7th
 - c. Joint initiation hearing date — October 7th

The first evidentiary hearing will be one of the following depending on the initiation action:

- a. Planning Commission—November 12th with PC initiation on September 24th
- b. Planning Commission—November 26th with Joint or Council initiation on Oct. 7th
- c. Joint hearing—November 4th with PC Initiation on September 24th
- d. Joint hearing—November 18th with CC or Joint initiation on October 7th

If a PC evidentiary hearing is chosen City Council will hold the final hearing on PC's recommendation on December 9th, with either a Nov. 12th or 26th evidentiary hearing. Code effective date is 30 days after the ordinance adoption, (dates underlined above & assumes no continuation).

Attachments

1. Transitional Housing Code criteria from various sources for use in discussion.
2. Example--Coos Bay Temporary Housing Code—adopted 7/16/2019

More Information

Residential Code Update:

<https://www.ci.florence.or.us/planning/residential-code-update>

Housing and Economic Opportunities Project:

<https://www.ci.florence.or.us/planning/housing-and-economic-opportunities-project-completed-nov-2018>

You're Invited: Staff presenting on housing at Rotary September 17th at noon.

Temporary Lodging/Transitional Housing Draft Code—8-10-19

Prepared by Sandi Young, Vice Chair, Florence Planning Commission

10-4-12

J. Temporary lodging facility. A temporary lodging facility is a building, buildings or area of land used for overnight/short-term (less than 30 consecutive days) accommodations for unhoused families or individuals providing needed shelter and security as a first step to more permanent housing. Such facilities may be hosted and/or managed by faith-based organizations, nonprofits or public agencies or a combination thereof.

1. Indoor Temporary lodging facilities:

a. Such facilities may offer beds, meals, restroom and shower facilities, laundry and other services.

b. Such buildings must comply with life/safety codes and Lane County health regulations.

c. There must be a facility management plan and qualified on-site manager(s).

d. A certificate of liability insurance policy for one million dollars naming the City as an additional insured party

2. Outdoor Temporary lodging facilities

a. Vehicular parking facility. A location where automobiles, trucks and RVs may park between 8 pm and 8 am. Such areas shall have sanitary facilities provided via a temporary facility or within an adjacent building. Showers and laundry may also be provided. Garbage disposal shall be provided. Quiet hours shall be 9 pm to 7 am.

b. Temporary structure facility. A location that allows tent camping between 5 pm and 8 am. Such sites shall have tent platforms and secure lockers for campers' belongings, and sanitary facilities provided via a temporary facility or within an adjacent building. Meals, showers and laundry may also be provided. Garbage disposal shall be provided. Quiet hours shall be 9 pm to 7 am. Such sites shall be setback at least 100 feet from rear and side property lines in or adjacent to residential zones and 20 feet from the rights-of-way.

K. Transitional Housing. Transitional housing is housing for individuals and families for periods up to two years, which may include job and/or self-sufficiency training and other supportive services to help people to transition to independent living. Such housing may be located in either temporary facilities or in building or a combination thereof. The two year period may be extended if significant progress is being made in the resident(s) ability to become self-sufficient. Transitional housing may be hosted and /or managed by faith-based organizations, nonprofits or public agencies or a combination thereof.

1. Temporary structure facility. A location that provides housing through use of temporary structures such as Conestoga huts, yurts, tents on platforms, etc. Such sites shall have a restroom and shower facility, either self-contained in a mobile unit designed for such use, or in a site built structure connected to City sewer and water. Electricity shall be provided as required by City code. Laundry facilities may be included. Meals may be provided, or an onsite kitchen built for use of occupants. Trash removal and recycling services shall be provided. Quiet hours shall be 9 pm to 7 am. Such sites shall be setback at least 100 feet from rear and side property lines within or adjacent to residential zones and 20 feet from the rights-of-way. The site shall have an onsite manager, either a host or managing agency employee or contractor, or an occupant who has been trained to assume management duties. There shall be an operating manual for the site, similar to that used by Opportunity Village, Eugene. Each occupant shall be required to sign a Community Agreement containing rules of personal conduct, similar to that used by Opportunity Village, Eugene.

2. Tiny house/park model, and other similar structures built on block or poured foundations but not regulated by the Uniform Building Code. Such sites shall include a community building connected to City water and sewer that contains a kitchen, restroom and shower facilities, and laundry facilities. Electricity shall be provided as required by city code. Trash removal and recycling services shall be provided. Quiet hours shall be 9 pm to 7 am. Such sites shall be setback at least 100 feet from rear and side property lines within or adjacent to residential zones and 20 feet from the rights-of-way. The site shall have an onsite manager, either a host or managing agency employee or contractor, or an occupant who has been trained to assume management duties. There shall be an operating manual for the site, similar to that used by Opportunity Village, Eugene. Each occupant shall be required to sign a Community Agreement containing rules of personal conduct, similar to that used by Opportunity Village, Eugene.

3. Existing or new buildings meeting the Uniform Building Code. Such facilities shall meet the requirements of the zone within which they are located. The application for approval must include an operating manual and an occupant Code of Conduct.

Chapter 8.45 TEMPORARY LODGING FACILITIES

Sections:

- [8.45.010](#) Applicability.
- [8.45.020](#) Intent.
- [8.45.030](#) Definitions.
- [8.45.035](#) Facility location and permit requirement.
- [8.45.040](#) Authorization process and permitting.
- [8.45.045](#) Standards and requirements for operation.
- [8.45.050](#) Modifications to permit.
- [8.45.055](#) Permit revocation.
- [8.45.060](#) Protection and liability.
- [8.45.065](#) Periodic and annual review.
- [8.45.070](#) Penalty.

8.45.010 Applicability.

This chapter applies to all temporary lodging facilities as defined in CBMC [8.45.030](#) established after August 15, 2019. Existing temporary lodging facilities established prior to adoption of this chapter shall continue to operate under the conditions of approvals and permits granted by the city, all other applicable provisions of the Municipal Code, and any limitations and requirements imposed as a condition of funding. [Ord. 515 § 6 (Exh. 2), 2019].

8.45.020 Intent.

The city recognizes the value and benefit of temporary housing and services until permanent housing can be realized. It is the intent of this chapter to create a process and standards for the establishment of temporary lodging facilities to address individual and family temporary shelter needs. [Ord. 515 § 6 (Exh. 2), 2019].

8.45.030 Definitions.

For the purposes of this chapter, the following mean:

Building – A walled and roofed structure above ground.

Building official – The Coos Bay building official or his/her designee.

City engineer – The Coos Bay city engineer or his/her designee.

City manager – The Coos Bay city manager or his/her designee.

Director – Public works and community development director or his/her designee.

Fire chief – The Coos Bay fire chief or his/her designee.

Guests – Homeless individuals and families in need of temporary shelter.

Lodging facility operator – Any noncommercial entity or entities working together to meet the standards and criteria specified by this chapter to provide temporary lodging at no cost.

Noncommercial – Not engaging in commerce or making a profit.

Property owner – Temporary lodging facility site property owner.

Structure – A building or any piece of work joined together in some definite manner, which requires location on the ground or is attached to something located on the ground.

Temporary – Thirty consecutive days and 90 days in a single calendar year.

Temporary lodging facility – A building, buildings or area of land for parking vehicles on private property for family and/or individual for temporary and noncommercial (less than 30 consecutive or 90 days per family or individual in a single calendar year) overnight accommodations for families and/or individuals transitioning to a long-term housing solution. An indoor lodging facility meeting city fire and life safety requirements may offer beds, meals, shower, laundry or other amenities within a structure of a lodging facility operator subject to an annual inspection by the city for life/safety code compliance and compliance with Coos County health department requirements. Outdoor lodging facilities are parking lots to provide parking for vehicles to be used as shelter on a temporary basis.

Temporary lodging facility permit – A permit issued by the city to provide temporary shelter for families and/or individuals.

Vehicle – A car, truck or recreational vehicle (a) of one hundred square feet or less; (b) occupied by no more than two persons per car or truck and no more than four persons per recreational vehicle; (c) hold current DMV registration; (d) be operational and capable of moving within a four-hour notice on its own power; and (e) have four working tires. [Ord. 515 § 6 (Exh. 2), 2019].

8.45.035 Facility location and permit requirement.

Temporary lodging facilities are permitted on private property with city authorization of either an indoor or outdoor temporary lodging facilities permit. No more than one temporary lodging facilities permit may be secured for any facility. [Ord. 515 § 6 (Exh. 2), 2019].

8.45.040 Authorization process and permitting.

(1) Indoor Temporary Lodging Facility.

(a) Prior to submittal of an application for an indoor temporary lodging facility permit (permit), the

property owner and lodging facility operator shall engage in a pre-application conference with the city building official, fire chief and director and provide a draft facility proposal with a site plan, floor plan and management plan consistent with the requirements of subsection (1)(b) of this section. Additionally, the property owner will provide the building official and fire chief access to the proposed facility for an on-site inspection to assess the structure's layout and compliance with building code requirements. Within 10 working days of the pre-application meeting, the building official will provide a written assessment of the proposed facility to the property owner relative to compliance with building code requirements.

(b) An application to the director can be submitted following the pre-application conference noted in subsection (1)(a) of this section. The indoor temporary lodging facility permit application shall include information consistent with CBMC [8.45.045\(1\)](#) and the following:

(i) A floor plan identifying:

- (A) The location and square feet of sleeping and gathering area;
- (B) Smoke/fire detection and carbon monoxide detectors;
- (C) Restroom amenities, including location and number of sanitation fixtures;
- (D) The route guests would use to exit or enter the proposed sleeping and gathering areas, and the area in square feet proposed for sleeping and gathering.

(ii) A site plan identifying parking location for guest parking on site.

(iii) A facility management plan addressing:

- (A) The number of individuals to be served.
- (B) Eligibility criteria, enforcement rules, and procedures for disruptive guests.
- (C) Number and responsibilities of on-site lodging facility operator staff, training standards, copy of the facilities insurance policy naming the city as an additional insured party, management procedures, security procedures and a primary and secondary contact person.
- (D) Refuse collection.
- (E) Security procedures.
- (F) Compliance with Coos County health department requirements.
- (G) The requirements of CBMC [8.45.045\(1\)](#).

(H) An emergency contact phone number and any additional information requested by the director.

(iv) Insurance. The temporary lodging operator will maintain in force and effect a policy of general liability insurance with limits of not less than \$1,000,000. A copy of the certificate of insurance shall be provided to the city prior to issuance of a temporary lodging facility permit.

(2) Outdoor Temporary Lodging Facility.

(a) Prior to submittal of an application for an outdoor temporary lodging facility permit, the property owner and lodging facility operator shall engage in pre-application conference with the city engineer and director and provide a draft facility proposal to allow on-site vehicle parking for the purpose of sleeping accommodations. Also provided will be a site plan and management plan consistent with the requirements of subsection (2)(b) of this section. Additionally, the property owner will provide the city engineer access to the proposed facility, so s/he may evaluate the parking lot design and site ingress/egress. Within 10 working days of the pre-application meeting, the director will provide the property owner with a written assessment of the proposed facility.

(b) An application for a temporary lodging facility permit can be submitted to the director following the pre-application conference noted in subsection (2)(a) of this section. The outdoor temporary lodging facility permit application shall include:

(i) A site plan identifying compliance with CBMC [8.45.045\(2\)](#) and the following:

(A) Location and distances to residential properties, public transportation, and location of designated overnight parking spaces.

(B) The permitted locations for an amount pre-determined by the property owner during the permitting process with a maximum of five recreational vehicles, automobile or truck parking unless otherwise authorized by the city police chief and fire chief.

(C) ADA restroom amenities, including location and number of sanitation fixtures.

(D) Property ingress and egress.

(E) Property lighting.

(F) Trash and recycling facilities.

(ii) A facility management plan addressing:

- (A) The number of individuals to be served.
- (B) Eligibility criteria, enforcement rules, and procedures for disruptive guests.
- (C) Number and responsibilities of on-site lodging facility operator staff, training standards, other management procedures, and a primary and secondary contact person.
- (D) Refuse collection.
- (E) Security procedures.
- (F) Any additional information requested by the director.
- (G) The requirements of CBMC [8.45.045\(2\)](#).
- (H) An emergency contact phone number and any additional information requested by the director.

(iii) Insurance and Bonding. The temporary lodging operator will maintain in force and effect general liability insurance with a limit of not less than \$1,000,000 and a \$10,000 restoration bond in the event city clean-up is required. A copy of the certificate of insurance and the bond instrument shall be provided to the city prior to issuance of a temporary lodging facility permit.

(3) Action on the Temporary Lodging Facility Permit Application.

(a) Within 10 working days of the receipt of a complete application for a temporary lodging facility permit, the director will notify all owners and occupants within a 500-foot radius of the proposed facility site that an application has been received and is available for 10 working days for public review and comment. At the end of the 10-working-day period, the director shall consider public comments and compliance with this chapter and formulate a recommendation for the city manager's action.

(b) The city manager, upon considering the recommendation of the director and the requirements of this chapter, shall act upon the temporary lodging facility permit within 10 working days. To authorize a temporary lodging facility permit, the city manager must find that the facility proposal (i) meets the requirements of CBMC [8.45.045](#), (ii) will be compatible with the use of adjacent properties, and (iii) will not constitute a nuisance or a threat to the public welfare.

(c) The city manager will notify owners and occupants within 500 feet of the proposed facility site of his/her decision with advisement that the decision can be appealed to the city council within 10 working days of his/her decision date. If the temporary facility permit is authorized, a copy of

the permit will be included in the notification to owners and occupants. If the temporary facility permit is denied, reasons for the denial will be included in the notification.

(d) Should the city manager's decision be appealed, the city shall, within 10 working days of the receipt of the appeal, notify all owners and occupants within a 500-foot radius of the proposed facility site that an appeal has been filed and the date of the appeal public hearing. The city council, in a public hearing, shall affirm, modify or reverse the revocation within 30 days of the date of the appeal of the city manager's decision. [Ord. 515 § 6 (Exh. 2), 2019].

8.45.045 Standards and requirements for operation.

(1) Indoor Facilities.

(a) No indoor temporary lodging facility (indoor facility) shall be located within 500 feet of another lodging facility, kindergarten through 12th grade curriculum school or child care center, or park as measured from the closest property line.

(b) Appropriately sized and located exterior and interior on-site waiting and intake areas shall be provided. When abutting a residentially zoned property all areas for indoor facility activities and uses, including but not limited to waiting and intake, personal storage, facility storage, and recreation, shall be located indoors.

(c) The lodging facility operator will provide on-site management services and security for the guests and staff during all open hours of the indoor facility.

(d) The indoor facility shall comply with city and state health and safety codes.

(e) Maximum occupancy for overnight guests shall be determined by the building official and fire chief.

(f) For indoor facilities, one parking space for every three guests shall be provided on site. One space per employee on the largest shift shall also be provided. A covered and secured area for bicycle parking shall be provided for use by staff and guests commensurate with demonstrated need.

(g) On-site management by the lodging facility operator shall be provided at all times the indoor facility is in operation and at least one hour prior to and after indoor facility operation hours.

(h) Exterior lighting on pedestrian walkways and parking areas on the indoor facility premises are required. All lighting shall be stationary, directed away from adjacent properties and public right-of-way, and of an intensity compatible with the neighborhood.

(2) Outdoor Facilities.

- (a) No outdoor temporary lodging facility (outdoor facility) shall be located within 500 feet of another outdoor temporary lodging facility, kindergarten through 12th grade curriculum school, child care center, residential area or park as measured from the closest property line of the proposed outdoor facility.
- (b) The number of overnight vehicles at the outdoor facility shall not exceed five, unless otherwise authorized by the chief of police and the fire chief with requirements for additional garbage disposal and toilet facilities.
- (c) Sleeping outside a vehicle at the outdoor facility is not permitted.
- (d) Vehicles shall be located on paved areas only.
- (e) Restroom accommodations shall be made available for individual use.
- (f) Garbage disposal services shall be provided. [Ord. 515 § 6 (Exh. 2), 2019].

8.45.050 Modifications to permit.

After receipt of a temporary lodging facility permit, the lodging facilities operator may request modifications to the permit upon application to the city manager. Modifications must meet the intent of this chapter and may not conflict with the facility occupancy and parking requirements nor be in conflict with the health, safety and welfare of the citizens of Coos Bay. CBMC [8.45.040\(3\)](#) requirements for neighboring property notification and appeals shall be applied to modification requests. [Ord. 515 § 6 (Exh. 2), 2019].

8.45.055 Permit revocation.

The temporary lodging facility permit may be revoked by the city manager if:

- (1) The requirements of the permit are violated.
- (2) The facility operator violates any applicable federal, state or city law, ordinance, rule, guideline or agreement.
- (3) The facility activity is determined to be incompatible the quiet enjoyment, health, safety or welfare of adjacent properties or the well-being of the surrounding area and/or the Coos Bay community.

To revoke a permit, the city manager will notify all owners and occupants within a 500-foot radius of the facility site that revocation of the permit is under consideration for 10 working days for public comment. At the end of the 10-working-day period, the city manager shall reach a decision on the action to be taken related to the permit.

The city manager will notify owners and occupants within 500 feet of the proposed facility site of

his/her decision and reasons regarding the revocation and that his/her decision can be appealed to the city council within 10 working days of his/her decision date.

The city council shall, if the city manager's decision is appealed, affirm, modify or reverse the city manager's action regarding the revocation within 30 days of an appeal. Permit revocation appeals are subject to CBMC [8.45.040](#) requirements for neighboring property notification. [Ord. 515 § 6 (Exh. 2), 2019].

8.45.060 Protection and liability.

Nothing in this chapter creates any duty on the part of the city or its agents to ensure property or persons protection regarding the authorized temporary lodging facility. [Ord. 515 § 6 (Exh. 2), 2019].

8.45.065 Periodic and annual review.

(1) Periodic Review. The city may periodically review a lodging facility operator permit and its related facility.

(2) Annual Review. The lodging facility operator shall annually submit to the director an assessment of the temporary lodging facility operation over the prior year, including the number of facility guests served. [Ord. 515 § 6 (Exh. 2), 2019].

8.45.070 Penalty.

A violation of any provision of this chapter is punishable by a fine not to exceed \$500.00. However, if there is a violation of any provision identical to a state statute with a lesser penalty, punishment shall be limited to the lesser penalty prescribed in the state law. Each day a violation continues constitutes a separate offense. [Ord. 515 § 6 (Exh. 2), 2019].