



City of Florence Council Regular Session

In Person & Videoconference
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.
- Items distributed during the meeting, meeting minutes, and a link to the meeting video are posted to the City's website at www.ci.florence.or.us/council after the meeting.
- To be notified of City Council meetings via email, please visit the City's website at <http://www.ci.florence.or.us/newsletter/subscriptions>.

March 4, 2024

AGENDA

5:30 p.m.

Councilors:

Rob Ward, Mayor

Sally Wantz, Council President
Jo Beaudreau, Councilor

Bill Meyer, Council Vice-President
Robert Carp, Councilor

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

Proceedings will be shown live and for rebroadcast on Cable Channel 191 and online at www.ci.florence.or.us/citymanager/public-meetings-live and will be available after the meeting on the City's Vimeo Site.

The Florence City Council meeting will be held in person at Florence City Hall.

In addition, members of the public can listen and view the meeting through the 'GoToWebinar' platform at the following link: <https://attendee.gotowebinar.com/register/8800437630195049564>

Meetings are also shown live on Cable Channel 191 and online at <https://www.ci.florence.or.us/citymanager/public-meetings-live>.

Citizens wishing to express their views may submit comments in writing or verbally. For more information, please see the end of this agenda or visit the [City of Florence website](http://www.ci.florence.or.us).

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

1. PUBLIC COMMENTS

This is an opportunity for members of the public to bring to the Council's attention any item not otherwise listed on the agenda. *Please see the end of this agenda for methods to provide comments on items that are not on the agenda.*

PUBLIC HEARING ITEM

Please see the end of this agenda for methods to provide comments on public hearing items.

2. POLE-VAULT COMPETITION STREET CLOSURE REQUEST

A. PUBLIC HEARING FOR STREET CLOSURE

Hear and consider written and oral testimony regarding the proposed closure along Bay Street between Maple Street and Laurel Street on Wednesday, March 27, 2024 from 6:00 a.m. to 5:00 p.m. for the Street Vault.

Lezlea
Purcell
Finance
Manager

B. STREET CLOSURE APPROVAL

Consider approval of the street closure application as applied for by Chris Johnson, Siuslaw School District Athletic Director.

ACTION ITEMS

Please see the end of this agenda for methods to provide comments on action items.

3. HOUSING CODE UPDATE ADOPTION AND IMPLEMENTATION

*Note: Public Hearing held and closed during the February 5, 2024 City Council Meeting. There will be no public comment for this item. See special timeline at the end of this agenda.**

Consider approval or setting a date certain for adoption of **Ordinance No. 1, Series 2024**, an ordinance adopting legislative amendments to the Florence City Code Title 10, to support missions, emergency shelters, and transitional housing, associated with phase 2 of the Housing Implementation Plan project and reduce lot dimensions for medium density single unit detached dwellings.

Wendy
Farley-
Campbell
Comm.. Dev.
Director

4. **REAFFIRMATION OF THE CITY COUNCIL NORMS DOCUMENT**
 Consider approval of **Resolution No. 3, Series 2024**, a resolution reaffirming the City Council Norms document.

Erin Reynolds
 City Manager

REPORT & DISCUSSION ITEMS

5. **GENERAL REPORTS**– *Council Question & Answer Only – No Presentations*
- January Committee, Commission & Volunteer Reports

6. **DEPARTMENT DIRECTOR UPDATES**

Management Team

7. **CITY MANAGER REPORT & DISCUSSION ITEM**

Erin Reynolds
 City Manager

8. **CITY COUNCIL REPORTS & DISCUSSION ITEMS**

City Council

COUNCIL CALENDAR		
<i>All meetings are held in person with a virtual option unless otherwise indicated</i>		
Date	Time	Description
March 6, 2024	5:00 p.m. to 7:00 p.m.	Rhododendron Drive Realignment & Improvement Project Open House
March 7, 2024	8:45 a.m.	City Council Work Session
March 7, 2024	10:00 a.m.	City Council Executive Session
March 18, 2024	3:30 p.m.	City Council Executive Session
March 18, 2024	5:30 p.m.	City Council Meeting
March 21, 2024	8:45 a.m.	City Council Work Session
April 4, 2024	8:45 a.m.	City Council Executive Session
April 8, 2024	3:30pm	City Council Executive Session
April 11, 2024	8:45 a.m.	City Council Work Session
April 15, 2024	5:30 p.m.	City Council Meeting

PUBLIC MEETINGS PROCEDURES

The March 4, 2024 City Council meeting will be held in person, with the option to view / listen to the meeting virtually through the GotoWebinar platform.

Expressing Views to the City Council: Citizens wishing to express their views to the City Council may do so in both written and verbal formats.

1. **Written Testimony:** Citizens wishing to express their views to the City Council are encouraged to submit written testimony in one of the following ways:
 - a. Submit written comments via email to City Recorder at cityrecorder@ci.florence.or.us;
 - b. Mail written comments to Florence City Hall, Attn: City Council, 250 Hwy 101, Florence, OR 97439
 - c. Drop off written comments at Florence City Hall (250 Hwy 101) during regular office hours (Monday through Friday 8 a.m. – Noon and 1:00 p.m. – 4 p.m.) or at the City of Florence drop box located at Florence City Hall to the right of the main entrance.

Note: Written comments received at least 2 hours prior to the meeting (March 4, 2024 at 3:30 p.m.) will be distributed to the City Council, posted to the City of Florence website, and made part of the record.
2. **Verbal Testimony:** Citizens wishing to express their views to the City Council may participate in the meeting at Florence City Hall or via GoToWebinar. To do so, please complete a speaker's card online at www.ci.florence.or.us/council/request-address-city-council-speakers-card at least 1 hour prior to the meeting (March 4, 2024 at 4:30 p.m.). City staff will then contact the speaker to let them know the process to participate in the meeting.
 - a. **Public Comments on items not on the agenda:** General public comments (on items not on the City Council agenda) will be allowed at each City Council meeting during the public comment agenda item. Comments will be limited to three (3) minutes per person, with a maximum of 15 minutes for all items. In practicality, this means no more than five individuals will be allowed to comment verbally. There is no limit on written public comments.
 - b. **Public Hearing Testimony:** Testimony on public hearing items will be allowed when a public hearing is held. Verbal comments will be allowed on public hearing items after staff has given their report and have allowed time for initial Council questions. In general (with some exceptions for Land Use hearings), comments are limited to five minutes per person with no limit on the number of speakers.
 - c. **Public Comments on Action Items:** Public Comments will be allowed on each action item on the City Council agenda. Verbal comments will be allowed on action items after staff has given their report and have allowed time for initial Council questions. Comments will be limited to three (3) minutes per person, with a maximum of 15 minutes for all comments on each action item. In practicality, this means no more than five (5) individuals will be allowed to comment verbally. There is no limit on written public comments.

For more information on the City of Florence's Public Meeting Policies, visit the City of Florence website at <https://www.ci.florence.or.us/council/rules-procedure>

***Special Note for Agenda Item #3**

On Monday, February 5, 2024, the Florence City Council held a public hearing for Ordinance No. 1, Series 2024, the Housing Code Update Adoption and Implementation. After receiving the presentation and having a discussion on the matter, the Council decided to move the ordinance reading and deliberation of this item to the March 4th City Council meeting. Council closed the public hearing and left the written record open until **February 15th at 4:00pm**. To learn more about this ordinance, please visit the City's website here: <https://www.ci.florence.or.us/council/notice-potential-ordinance-passage-49>. To view the February 5th City Council meeting, visit the City's website here: <https://www.ci.florence.or.us/council/city-council-meeting-258>

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 1
Meeting Date: March 4, 2024
Department: Mayor & Council

ITEM TITLE: Public Comments – *Items Not on the Agenda*

DISCUSSION/ISSUE:

This is an opportunity for members of the audience to bring to the Council's attention any item not otherwise listed on the Agenda. *Please see end of the agenda for methods to provide comments on items not on the City Council agenda.*

AGENDA ITEM SUMMARY**ITEM NO: 2****FLORENCE CITY COUNCIL**

Meeting Date: March 4, 2024

Department: Finance

ITEM TITLE: Request for Temporary Street Closure –
Street Pole Vault

DISCUSSION/ISSUE:

The City of Florence received a request from Chris Johnson for a temporary street closure permit for the 3rd Annual Street Pole Vault scheduled for Wednesday, March 27th, 2024.

The event is a co-ed pole vault competition for high school age children. The applicant is requesting permission to allow for the competition to be held on Bay St. between Maple St. and Laurel St.

Schedule of Events	
The street closure will be on Bay St. between Maple St. and Laurel St.	
Street Closure Times:	
Wednesday, March 27	6:00 a.m. to 5:00 p.m.

The attached application, map, request recommendations, and other materials are included that stipulate the specifics of the temporary street closure. The mailing of the applicable notice as required by code was performed by the City's Finance Office for the public hearing / comment on this agenda item. Notices were mailed to business owners / managers, property owners

and site addresses within 100 feet of the proposed street closure on February 12th and a public hearing notice was published in the Siuslaw News on February 16th.

Street Closure / Special Event Regulation

The City of Florence regulates special events that will affect the ordinary use of city property, public streets, rights-of-way or sidewalks, and those that may require an increased presence of City personnel. This regulation gives the City an opportunity to assess traffic impacts, safety concerns, possible noise violations, fire / ambulance access, and to avoid undue hardship to adjacent businesses.

In order to apply for a street closure, the applicant must submit responses to the criteria listed within the Florence City Code. Enclosed with the materials for this agenda item is a

representation of the code provisions for street closures and how those provisions are addressed via findings. These responses are contained in Attachment 2. In order to approve the application, Staff recommends the following conditions of approval:

Staff Recommendations for Permit Conditions for Approval:	
1.	Applicant is required to post 'no parking' signage in the affected street closure areas for the time periods when the road is to be closed.
2.	Florence Police will not begin enforcement of the prohibited parking posting for all non-participants until Tuesday, March 26, 2024.
3.	Applicant shall permit delivery vehicles access as required.
4.	Applicant shall ensure that no permanent business shall be blocked by the activities and shall make efforts to ensure that foot traffic continues to permanent businesses.
5.	The applicant shall have 2 traffic control points: <ol style="list-style-type: none"> 1. Intersection of Bay Street and Maple. 2. Intersection of Bay Street and Laurel.
6.	All traffic control points shall be staffed at all times by at least one person with communication capability with the applicant or their designee.
7.	There shall be one person "rover", either the applicant or their designee, to supervise the event at all times. This person shall have communication capability with all traffic control points.

FISCAL IMPACT:

Street closure applications affect the City fiscally by the staff time inherent in processing the applications including:

- Meeting(s) with the applicant,
- Mailing notices to surrounding interested parties,
- Reviewing the application and preparing it for Council decision, and
- Increased police presence during the event.

The applicant has paid the \$275 street closure fee.

RELEVANCE TO ADOPTED CITY WORK PLAN:

Goal 1: Deliver efficient and cost-effective city services.

ALTERNATIVES:

1. Approve the request to temporarily close a city street as identified in the application with the conditions specified.
2. Do not approve the request to temporarily close a city street as identified in the application.
3. Approve the request to temporarily close a city street as identified in the application, but modify, change, add, or delete any conditions of the permit or require fees.

RECOMMENDATION:

Approve the request to temporarily close a city street as identified in the application with the conditions specified.

AIS PREPARED BY: Lezlea Purcell, Finance Manager

**CITY MANAGER'S
RECOMMENDATION:**

Approve Disapprove Other

Comments:

ERReynolds

ITEM'S ATTACHED:

- Attachment 1 – Street application including map
Attachment 2 – Applicant response to code criteria and staff findings of code compliance
-

JAN 29 2024

Public Works Department
City of Florence

City of Florence

Street Closure Application

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

Application must be submitted at least 45 days prior to the event.
Please see reverse for information about the street closure approval process.

Name of Event:	3rd Annual Florence Street Vault	
Detailed description of Event: (Including purpose and statement of how the event will benefit the citizens of Florence)	High School Co-Ed Pole Vault Competition	
General Location of Street Closure:	Bay Street from Maple to Laurel.	
Date(s) of Street Closure:	From: 3/27/24	To: 3/27/24
Hour(s) of Street Closure:	From: 6:00 AM	To: 5:00 PM
Please describe admission fees (if any):	No fees will be charged for admission.	

Additional Information Required

Below is a check list of the required information for the City of Florence to complete the review of your application:

<input checked="" type="checkbox"/> The full name and contact information for all event organizers including those that will be at the event during all hours of the event.	<input checked="" type="checkbox"/> Map and description of all streets and rights of way affected by the closure.
<input checked="" type="checkbox"/> A detailed plan for ingress and egress from the closed area including the number of access points, who will be allowed ingress and egress at those points, and how these points will be staffed and controlled. Plan must include consideration for: <ul style="list-style-type: none"> • Delivery trucks • Participants / Attendees • General Public • Residents • Emergency Vehicles 	<input checked="" type="checkbox"/> A detailed security plan including: <ul style="list-style-type: none"> • The number and deployment of security personnel (including qualifications of the personnel for events over 500 people) • Temporary fencing plan • Crowd control plan • Traffic Control Plan • Plan for how first aid will be provided at the event
<input checked="" type="checkbox"/> An estimate as to how many participants and attendees are expected at the event and an explanation of how the estimate was derived.	<input checked="" type="checkbox"/> A sanitation plan providing details on public restrooms and sanitation facilities provided including at least: <ul style="list-style-type: none"> • 1 Standard Unit Restroom & 1 Handicapped Unit Restroom required per City block closure • 1 Handwashing Station per City block closure
<input checked="" type="checkbox"/> Statement as to whether alcohol will be consumed or sold during event, and a copy of OLCC permits if applicable.	<input checked="" type="checkbox"/> If sound producing devices or amplification will be used, Noise Variance Application must be included. – If goods / services will be sold, a Business License Application must be included.
<input checked="" type="checkbox"/> Proof of liability insurance in the form and amount approved by the City Manager naming the City as additionally insured. (if alcohol will be sold, proof of obtainment of commercial liquor liability insurance. - \$500,000 for events of less than 500 people, \$1,000,000 for events greater than 500 people)	<input checked="" type="checkbox"/> A written agreement to indemnify the city against any and all claims related to the applicant's actions or inactions related to the event. Such indemnity shall be approved by the City Manager.

Primary Event Contact Information

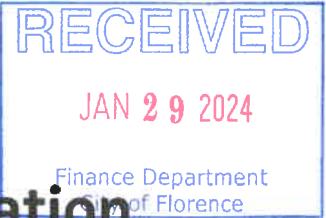
Contact Name:	Christopher Johnson		
Mailing Address:	83489 Woodland Lane	City, State, Zip:	Florence, OR 97439
Contact Phone:	(541) 991-0217	Contact Email:	cjohnson@siuslaw.k12.or.us
Signature:		Date:	1/29/2024



City of Florence

Noise Variance Application

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



Application must be submitted at least 20 days prior to event OR 35 days prior to the event to allow for appeal rights.
Please see reverse for information on when a noise variance is required and the approval process.

Name of Event:	3rd Annual Florence Street Vault	
General Description of Event:	Pole Vault Competition	
Location of Event:	Bay Street between Maple and Laurel	
Detailed Description of Amplified Sound:	We will have a small PV System to introduce competitors and run the competition. This way the spectators are kept informed. We will do a short awards ceremony after.	
Detailed Description of the Nature of the Event, and why a noise variance is requested:	Basically, just keeping spectators informed of who is competing, standings and the height of the crossbar.	
Date(s) of Amplified Sound:	From: 3/27/2024	To: 3/27/2024
Hour(s) of Amplified Sound:	From: 11:45 AM	To: 3:00 PM

Property Owner Information

(if event will be held on private property)

Owner Name:			
Owner Phone:		Owner Email:	
** Please submit written permission from property owner if event will be held on private property **			

Event Contact Information

Contact Name:	Christopher Johnson		
Mailing Address:	83489 Woodland Lane	City, State, Zip:	Florence, OR 97439
Contact Phone:	(541) 991-0217	Contact Email:	cjohnson@siuslaw.k12.or.us
In Case of Emergency regarding your event, please furnish after hours contact information.			
Name:	Christopher Johnson	Phone Number:	(541) 991-0217

- I acknowledge that I will be the primary contact person for the event and will assume responsibility for all complaints, fees or damages.

Signature:		Date:	1/29/2021
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Street Vault Street Closure Request Code Criteria Response and Findings

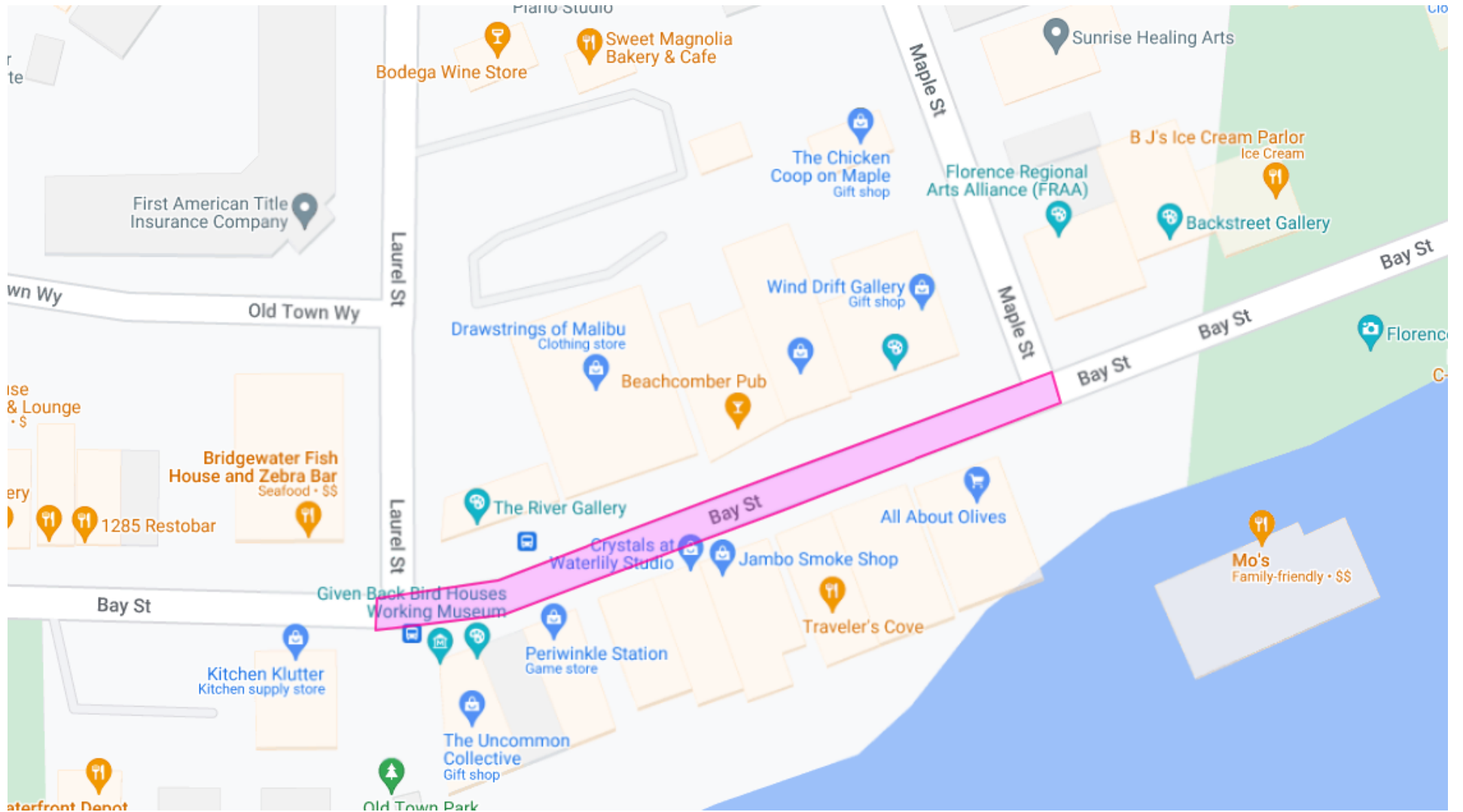
Applicant Response:	
1.	<p><i>The full name and contact information for all event organizers and a detailed description of the event, including dates, hours, admission fees, and purpose, and a statement as to how the event will benefit the citizens of Florence.</i></p> <hr/> <p>Chris Johnson Head Track and Field Coach/Athletic Director Siuslaw High School</p> <p>The event is a pole vault competition organized and sponsored by Siuslaw Athletics and Siuslaw SD 97J. The event is scheduled to be held on Wednesday, March 27. Competition would start at 12:00 PM and set-up would start at 6:00 AM. We should be all clear and cleaned-up by 5:00 PM and possibly much earlier, depending on the total number of competitors.</p> <p>The Pole Vault cannot be contested in heavy rain, so there is a chance of weather-related cancellation, but that would be a game time decision.</p> <p>There will be no charge to the residents of Florence and all other visitors coming into town.</p>
2.	<p><i>A map and description of all streets and rights-of-way affected by the closure with sufficient detail to allow the City to complete the review and assess the impact of the closure.</i></p> <hr/> <p>We would need closure of Bay Street from Maple Street to Laurel Street.</p>
3.	<p><i>A list of all businesses within 100' of the portion of the streets to be closed.</i></p> <hr/> <p>A list of all businesses within 100' of the portion of the streets to be closed was generated and will be used to notify surrounding businesses of the proposed street closure. Currently we have contacted and have the support of the Stich and Sole, Beachcomber, Blue Herron, Wind Drift, Sticks and Stones, Land and Sea and the Kite Shop.</p>
4.	<p><i>A detailed plan for ingress and egress from the closed area including delivery trucks, participants, attendees, the general public, residents, and emergency vehicles. This plan must include the number of access points, who will be allowed ingress and egress at those points, and how these points will be staffed and controlled.</i></p> <hr/> <p>The street will be utilized for event activities. There will be a 120 foot raised runway in the middle of the street and at the end of the runway is a 20x20 PV landing system (PV Pit). The areas next to the landing system will be padded for safety. The competitor area (on the street along the runway, will be roped off. Spectators can bring lawn chairs and watch from outside of the ropes, from the sidewalk, etc. I will provide exact dimensions and can even provide a footprint if needed.</p>

<p>5.</p>	<p><i>An estimate as to how many participants and attendees are expected at the event including an explanation of how the estimate was derived.</i></p> <hr/> <p>It is estimated that we will have about 20 vaulters from various high schools in the area. Co-ed. Most vaulters will have a few family members and friends attend the event. Coaches will also be present and will be allowed inside of the ropes with the vaulters for safety reasons. I would estimate another 50 or so dedicated spectators, but also think Bay Street visitors who see the kids jumping will also spend some time watching. The higher the crossbar gets the more likely it will be that passersby will stay and watch. people will attend the event.</p>
<p>6.</p>	<p><i>A sanitation plan providing details as to how the organizers plan to accommodate the expected attendees and participants with an appropriate number of public restrooms or sanitation facilities.</i></p> <hr/> <p>We think we are close enough to the public restrooms to not have to bring in portable toilets, but can bring them in, if the city deems them necessary.</p>
<p>7.</p>	<p><i>A security plan which must include the number and deployment of security personnel, a temporary fencing plan, a crowd control plan, a traffic control plan, and a plan for how first aid will be provided during the event. For Special Events predicted to have a total attendance of greater than 500 people, the applicant shall supply information concerning the qualifications of the personnel that will provide crowd control and traffic control.</i></p> <hr/> <p>Siuslaw HS Admin will supervise for security. Crowd is limited and the ropes should be ample crowd control. We will have medical professionals on site for first-aid needs or in the event of a medical emergency.</p>
<p>8.</p>	<p><i>A statement as to whether alcohol will be consumed or sold during the special event, a copy of all required OLCC permits, or a statement that all required permits will be obtained and copies provided prior to the special event; and a plan which demonstrates compliance with all state and local laws, rules, and regulations. If alcohol will be sold at the Special Event, the applicant will obtain a commercial liquor liability insurance policy and submit a certificate of insurance to the City. For special events predicted to have total attendance of less than 500 people, the policy shall be for coverage of at least \$5,00,000 combined single limit per occurrence. For special events predicted to have total attendance greater than 500 people, the policy shall be for coverage of at least \$1,000,000 combined single limit per occurrence.</i></p> <hr/> <p>No alcohol will be sold at this event. Spectators may visit our local restaurants before or during which could result in alcohol consumption.</p>
<p>9.</p>	<p><i>A disclosure as to when and whether any sound producing devices including musical instruments will be used during the Special Event and when and where any sound will be amplified for any purpose during the event.</i></p>

	A noise variance application was submitted for limited PA, to introduce competitors and highlight successful performances and perhaps even results and awards after the competition has been completed.
10.	<i>Proof of liability insurance for the Special Event in the form and amount approved by the City Manager naming the City as additional insured.</i>
	Insurance coverage information will be supplied to the City of Florence.
11.	<i>An approved City business license if required by FCC 3-1-4.</i>
	We will sell event t-shirts to competitors and spectators again.
12.	<i>Approvals to place any signage within the rights of way as required by FCC 10-26-6.</i>
	All event signage will be incorporated within the street closure area.
13.	<i>A list of on-site contact persons that will be at the Special Event during all hours of the Special Event. The list shall contain the contact information for each contact person such that the City will be able to reach the contact person during the Special Event.</i>
	A list of on-site contact persons has been provided to the city in the permit.
14.	<i>Consent to attend a pre-special event conference with city staff to prepare for the special event should such conference be requested by the City Manager, or designee.</i>
	Event management will be happy to meet with any and all parties in the time leading up to the event.
15.	<i>A written agreement to indemnify the city against any and all claims related to the applicant's actions or inactions related to the Special Event. Such indemnity shall be in a form approved by the City Manager.</i>
	To be provided by the City for the applicant to execute upon approval of the application by the City Council.

Staff Findings:	
1.	<i>The street closure and/or Special Event will not disrupt traffic within the city beyond practical solution.</i>
2.	<i>The street closure and/or Special Event will not create unreasonable or significant safety issues for the participants, the public, attendees, pedestrians, motorists or others.</i>
3.	<i>The special event will not result in a violation of the City's noise ordinance, FCC 6-1-2-3. If the applicant is planning to use any sound producing devices which may violate the noise ordinance, a separate application for a variance under FCC 6-1-2-3 must accompany the application for a street closure. A final decision on the street closure application will not be made until after a final decision is made on the application for a variance to the noise ordinance.</i>
4.	<i>The Special Event and/or the street closure will not unreasonably interfere with access to fire hydrants.</i>
5.	<i>The special event and/or the street closure will not unreasonably interfere with access to the affected area by police, fire, ambulance, or other emergency services providers.</i>
6.	<i>If alcohol will be served or sold at the Special Event, applicant will obtain or has obtained any and all necessary OLCC permits. Applicant shall include a plan in the application which demonstrates the ability to comply with all state and local laws, rules and regulations.</i>

7.	<p><i>The special event and/or street closure will not cause undue hardship to adjacent businesses, public services including public transit, public buildings, and/or residence which cannot be reasonably mitigated by the applicant. If the special event will create undue hardships for adjacent businesses, public services, or residences, the applicant shall provide and fund a plan to mitigate or avoid these hardships.</i></p>
8.	<p><i>The application is complete as required by this Chapter and contains no false information.</i></p>
9.	<p><i>The applicant has fully paid or guaranteed payment for the cost of any mitigation plan and the cost of any activity the City has agreed to perform in support of the Special Event, if any.</i></p>
10.	<p><i>The applicant has provided proof of insurance in the form and amount as approved by the City Manager sufficient to protect the City and the public from the risk of any liability created by the street closure and/or the Special Event.</i></p>



AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 3
Meeting Date: March 4, 2024
Department: Comm. Dev.

ITEM TITLE: Ordinance No. 1, Series 2024, Making amendments to Florence City Code Title 10 related to Missions, Emergency Shelters, Transitional Housing, and Single Unit Detached Dwelling Lot Dimensions

DISCUSSION/ISSUE:

Proposal: The proposal includes amending Florence City Code (FCC) Title 10 to permit Missions, Emergency Shelters, and Transitional Housing and updating the Medium Density District to reduce lot frontage and lot size requirements for new single unit detached dwelling lots.

Background: On February 5, 2024 the Florence City Council opened their public hearing to receive and consider testimony for Ordinance No. 1, Series 2024. After receiving all the testimony, the City Council closed the public hearing and kept the written record open until 4pm on February 15, 2024 to allow additional time for the public to review and comment on the proposed code amendments.

This proposal is the final step in a project that was funded in 2021 by Department of Land Conservation and Development (DLCD) via a technical assistance. The public input process started in 2022 and included targeted interviews, six Housing Implementation Plan Stakeholder Advisory Committee meetings, one public survey, two public open houses, two joint Planning Commission and City Council work sessions, and two evidentiary hearings. The project objectives were to identify housing development strategies and update City codes to address state statutes and rules.

Ordinance No. 1, Series 2024 includes the transitional housing work product. This process updates the Transitional Housing definition to read as follows and as shown in **Exhibit C: Residential shelter provided for an extended but definite period that is integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of permanent housing.**

Ordinance No. 1, Series 2024 also includes a proposal to reduce the lot size and frontage to 4,000 sq. ft. and 35 ft., respectively for Medium Density single unit detached dwellings in new subdivisions consisting of 5 or more lots. This request was brought to the city by a developer and the choice was made to add it to this process at initiation. It is considered a refinement of the code update work done in 2019 when the Medium Density lot size decreased from 6,500 sq. ft. to 5,000 sq. ft. It was unknown at that time what the public would want and what the market would drive for lot sizes. The 1,500 sq. ft. reduction seemed like a good place to start. This size is not inconsistent with other jurisdictions similar but larger than Florence.

There are two other housing-related code changes and additions that are in different stages of completion and they will be brought to the City Council when they are ready for consideration. These

are related to short term rentals and hazards and coastal goals (FCC Title 10, Chapters 7 and 19). There is also research and staff work being done to consider adopting code related to camping and event-based emergency shelters. None of these items are part of the considerations for the meeting on March 4, 2024.

Process: Land use code updates consist of a three-step review and approval process: Initiation, First Evidentiary Hearing, and a Second Public Hearing. The Florence City Council opened and closed the second and final evidentiary public hearing on February 5, 2024. The written record was kept open for 10 days closing at 4:00 pm on February 15th. An approved ordinance would become effective 30 days after the City Council completes two readings and approval.

FISCAL IMPACT:

Amendment costs included staff time: preparing public notices, reviewing findings of fact, and meeting minutes; attending public hearings and answering inquiries from the public and direct costs: publishing public notices in the newspaper, and preparing findings of fact and meeting packets.

RELEVANCE TO ADOPTED [2023-2025 CITY WORK PLAN](#):

Housing Efforts & Initiatives included in the City’s Work Plan on page 11 under Development Regulations, includes the Objective: Residential Code Updates, Phase 2 – to update the code related to transitional housing.

Land Use and Planning included in the City’s Work Plan on page 20 under Community Development:, includes the Objective: Land Use Updates needed as a result of state legislative requirements; Perform general housekeeping updates to Titles 10 & 11; Miscellaneous City Code review and updates.

ALTERNATIVES:

1. Adopt Ordinance No. 1, Series 2024, as presented; or
2. Adopt Ordinance No. 1, Series 2024, as amended by Council; or
3. Do not adopt Ordinance No. 1, Series 2024 and provide direction to staff.

RECOMMENDATION:

Staff recommends adopting Ordinance No. 1, Series 2024, as presented making amendments to Florence City Code Title 10 related to missions, emergency shelters, transitional housing, and single unit dwelling lot dimensions as recommended by the Planning Commission.

AIS PREPARED BY: Wendy FarleyCampbell, Community Development Director

CITY MANAGER’S RECOMMENDATION: Approve Disapprove Other

Comments:

ERReynolds

ITEM'S ATTACHED:

Attachment 1: Approving Documents:

- Ordinance No. 1, Series 2024:
 - Exhibit A – Findings of Fact, dated March 4, 2024
 - Exhibit B – Proposed modifications Title 10 Chapter 11
 - Exhibit C – Proposed modifications Title 10, Multiple Chapters

Attachment 2: Testimony Received:

- 2a. Brenda Gilmer, Planning Commission hearing January 23, 2024
- 2b. Alan Matisoff, City Council hearing March 4, 2024
- 2c. Elke Dodd, City Council hearing March 4, 2024
- 2d. Pam Wheeler, City Council hearing March 4, 2024
- 2e. Robotech, City Council hearing March 4, 2024
- 2f. Diane Manos, City Council hearing March 4, 2024
- 2g. Tom and Karen Wilson, City Council hearing March 4, 2024
- 2h. Brenda Gilmer, City Council hearing March 4, 2024
- 2i. Kirsten Barquist, City Council hearing March 4, 2024
- 2j. Brenda Gilmer, City Council hearing February 5, 2024
- 2k. Aric Sneddon, City Council hearing March 4, 2024
- 2l. Susy Lacer, City Council Meeting March 4, 2024

Attachment 3: Supporting Documents also [provided at the February 5, 2024 Hearing](#) for Agenda Item #2.

- 3a: MIG Transitional Housing Code Research, July 13, 2022
- 3b: Transitional Housing Community Survey Results, 2022
- 3c: Planning Commission Resolution PC 23 32 TA 06

REFERENCE ITEMS:

- **Housing Implementation Plan (HIP) Project:**
<https://www.ci.florence.or.us/planning/housing-implementation-plan-project>
 - **City Council and Planning Commission Work Session on Transitional Housing meeting held on December 4, 2023:**
<https://www.ci.florence.or.us/council/city-council-planning-commission-work-session-housing-code-updates>
 - **Planning Commission Initiation Meeting held on December 12, 2023:**
<https://www.ci.florence.or.us/bc-pc/planning-commission-meeting-public-hearings-2>
 - **Planning Commission Evidentiary Public Hearing on the Transitional Housing Code held on January 23, 2024:**
<https://www.ci.florence.or.us/bc-pc/planning-commission-meeting-public-hearings-4>
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- **City Council Final Public Hearing on the Transitional Housing Code held on February 5, 2024:**
<https://www.ci.florence.or.us/council/city-council-meeting-258>
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**CITY OF FLORENCE
ORDINANCE NO. 1, SERIES 2024**

AN ORDINANCE ADOPTING LEGISLATIVE AMENDMENTS TO FLORENCE CITY CODE TITLE 10, TO SUPPORT MISSIONS, EMERGENCY SHELTERS, AND TRANSITIONAL HOUSING, ASSOCIATED WITH PHASE 2 OF THE HOUSING IMPLEMENTATION PLAN PROJECT AND REDUCE LOT DIMENSIONS FOR MEDIUM DENSITY SINGLE UNIT DETACHED DWELLINGS.

RECITALS:

1. City Council via their 2021-2023 and the 2023-2025 City of Florence Work Plans, tasked amendments to the -governing documents related to housing and general housekeeping.
2. On December 12, 2023 the Florence Planning Commission initiated legislative amendments to Florence City Code Titles 10.
3. On December 14, 2023 notice was sent to the Department of Land Conservation and Development, not less than 35 days prior to the first evidentiary hearing.
4. On January 10, 2024, notice of hearing was published in the Siuslaw News prior to the Planning Commission hearing on January 23rd and on January 17, 2024, notice of hearing was published in the Siuslaw News prior to the City Council hearing of February 5, 2024.
5. Planning Commission opened and closed their public hearing January 23, 2024 and deliberated to a decision for a recommendation to the City Council.
6. City Council conducted a public hearing on February 5, 2024 then closed the public hearing and left the written record open until February 15th at 4pm.
7. City Council then deliberated on March 4, 2024 and found the amendments consistent with applicable criteria in Florence City Code, Realization 2020 Florence Comprehensive Plan, Oregon Administrative Rules and Oregon Revised Statutes.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. Exhibit A is adopted as findings in support of these Code amendments. A new FCC Chapter 10-11 is adopted as set out in Exhibit B. Amendments to Title 10 are adopted as shown or explained in Exhibit C.
2. This ordinance shall become effective thirty days following adoption. (April 4, 2024).
3. The City Recorder is authorized to administratively correct any reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.

ADOPTION:

First Reading on the 4th day of March, 2024

Second Reading on the 4th day of March, 2024

This Ordinance is passed and adopted on the 4th day of March 2024

AYES

NAYS

ABSTAIN

ABSENT

Rob Ward, Mayor

Attest:

Lindsey White, City Recorder

**EXHIBIT A
FINDINGS OF FACT
City of Florence Ordinance No. 1, Series 2024**

Public Hearing Dates: Planning Commission – January 23, 2024
City Council – February 5, 2024 & March 4, 2024

File Nos.: PC 23 32 TA 06 / CC 23 10 TA 03

I. PROPOSAL DESCRIPTION

The requested action is to adopt amendments to the Florence City Code in order to support development of missions, emergency shelters, and transitional housing, and reduce the lot dimension standards for medium density single unit residential detached dwelling lots as follows:

1. Florence City Code Title 10, Chapter 11 (**Exhibit B**)
2. Florence City Code Title 10, Multiple Chapters (**Exhibit C**)

Exhibit B: Title 10 Chapter 11 Amendments

This chapter is entirely new and all text is proposed as described below:

- Add scope and purpose sections Missions, Emergency Shelters and Transitional Housing.
- Add siting standards for the uses.
- Add allowed structure types
- Add lot and yard dimension and site development standards
- Add operation and management standards

Exhibit C: Title 10 Multiple Chapter Amendments

Proposed Amendments to the Florence City Code text are shown in legislative format in the attached Exhibit C and are described below:

- Chapter 2: Add definitions for missions and emergency shelters, and amend the definition for transitional housing
- Chapter 10: Amend Table 10-10-2-A related to Transitional Housing
- Chapters 14, 15, 16, 27, and 30: Permit Missions, Emergency Shelters, and Transitional Housing conditionally
- Chapters 20, 28, and 31: Permit Missions and Emergency Shelters conditionally
- Chapter 25: Permit Transitional Housing conditionally
- Chapter 10: Reduce the lot width and size for single-unit-detached dwellings in the Medium Density District. Enumerate the last sentence in superscript cell in Table 10-10-4-A with the number “4”, remove word “necessarily”.

II. NARRATIVE

The City's 2017 Housing Needs Analysis (HNA) identified a need for more housing to serve all income levels, with greater variety of options beyond traditional single-family detached homes, including townhouses and apartments. Many changes to address these needs were made in 2019. During this time, it was concluded that it was multi-phase ongoing process. The state's continued adoption of new legislation related to housing prolongs and complicates these changes. Most of the clear and objective criteria issues with code have been remedied. Chapters 7 and 19 remain to be revised.

This phase addresses transitional and emergency housing, a portion of the initial HIP process that was delayed due to the inability to come to a suitable solution. The topic was included with the recent 2022-2023 HIP Phase 2 process. House Bill 2916 (2019) implemented under ORS 446.265 allows jurisdictions to permit transitional housing which they define as "accommodations (that) are intended to be used by individuals or families on a limited basis for seasonal, emergency or transitional housing purposes and may include yurts, huts, cabins, fabric structures, tents and similar accommodations." The accommodations are limited to persons who lack permanent or safe shelter or cannot be placed in other low-income housing. The City has the authority to limit the maximum amount of time that an individual or family may use the accommodations; although no such provision is specified in the proposed code.

The State statutes permit some transitional housing regulations. Accommodations may be required to provide parking, pedestrian walkways, and access to water, hygiene facilities such as showers, toilets, and laundry, and other provisions such as telephone service and cooking facilities. These may be provided on-site or be separate or shared facilities. House Bill 2916 can be implemented inside or outside of Title 10 of Florence City Code.

This proposal includes code criteria related to three types of special needs housing: missions, emergency shelter and transitional housing. The emergency shelter and mission criteria are intended for a similar population as the transitional housing. They are not intended for natural disasters or similar. That sheltering is to be covered under FCC Title 1 once the "camping" regulations are finalized.

III. NOTICE AND REFERRALS

1. Notice:

The notice of a public hearing was published in the Siuslaw News on January 10, 2024 and again in the Siuslaw News on January 17, 2024, as required by state law and the Florence City Code.

Notice of the proposed City Code Amendments was sent to the Department of Land, Conservation and Development (DLCD) on December 14, 2023, not less than 35 days prior to the proposed first evidentiary hearing of January 23, 2024, as required by State law and the Florence City Code. An update was sent on January 19 to include the proposal related to the Medium

Density Lot dimension change.

2. Public Comments:

By the time the record was closed for Ord. 1 Series 2024 the City had received written letters/emails of comments/concerns on this proposal shown in Attachment 2. One was provided for the Planning Commission hearing on January 23, 2024 and one was provided for the City Council hearing on February 5, 2024. The remainder were provided by the close of the written comment period on February 15, 2024 at 4pm.

There are topics raised by testifiers that do not have associated criteria related to Florence City Code, Florence Realization 2020 Comprehensive Plan or state law or rule for this proposal. These are listed below. The concerns are found to not apply and do not have a direct response in the findings.

- Focus on low-cost housing instead of freebies for “homeless”
- Ordinance is a danger to the residents and will increase in crime.
- Allowing homeless camps at all and within 300 ft. of a school.
- Wants proposal to go to a vote. Changing rules to permit something previously opposed.
- Will increase homeless population and public drug use, panhandling, theft, sanitation issues, and unruly conduct.
- Postpone decision until the City of Grants Pass v Johnson (23-175) is decided.
- Housing homeless near children
- Need to spend resources on promoting tourism and attracting retirement age people with high incomes.
- Will encourage people to come to this town that have no way to contribute
- City should focus on expanding infrastructure to improve living conditions.
- Should require churches host shelters at least 3 days a month
- Complaints about SAT member attitudes and agency practices
- Permitted zoning areas do not include residential zones
- Understated need for special need housing in 2017 Housing Needs Assessment, and more needed now.
- Screening of RVs
- PC Meeting and city actions insufficient to understand legality of proposal
- Complaints about how the city criminalizes homelessness, spends on wealthy housing, excludes opportunity for sheltering in park bathrooms etc.
- Proposal does not address federal housing standards related to discrimination and how a Housing Production Strategy will be the solution.
- 300 ft from schools, daycares is more than sufficient.

The topics of public testimony listed below that could be responded to within applicable criteria are included below. These findings of fact represent the City Council’s determinations and evaluation of the evidence taking into account all related testimony on each criterion:

- Require utility hookups: *Staff Comment—proposal requires*
- Meeting notice and materials availability was too short (for 2/5/24 hearing):. *Staff Comment: notice was provided in accordance with FCC 10-1 as stated in the findings & ORS and the hearing materials were posted on the website on 1/29/24 as required by City Charter*
- Fails to provide sufficient opportunity for shelter.: *Staff Comment: presently the only place for sheltering is at churches (FCC 10-4). This proposal makes it legally available in most zones to include the High Density Residential District.*
- Process did not include anyone experiencing homelessness. *Staff Comment: The HIP SAT included agencies representing those experiencing homelessness and also included two individuals who had previously experienced homelessness with their children, which was self-disclosed at the meetings. The process included two open houses (and multiple public meetings) where anyone could be part of the process.*
- Did not seek meaningful citizen input. *Staff Comment: A Public Involvement & Communications Plan, Feb. 1, 2022 was made public via the HIP SAT meeting materials publication and on the HIP SAT project webpage for download. It included a variety of ways citizen input was being sought to include interviews, open houses, citizen advisory committee (28 categories of representation, 36 representatives), survey and public hearings.*
- Asks if manufactured housing siting is in conflict with ORS 197.314: *Staff Comment-This has been addressed in FCC 10-11-4-B and they are treated equally with single unit detached*
- Requiring a conditional use permit to establish the uses.: *Staff Comment: FCC 10-4 offers that some types of uses require a CUP to consider the effect the use will have on an adjoining land use.*
- Table 10-10-4-A is confusing with regard to the lot dimensions not adding up to the related lot sizes in Table 10-10-4-b: *Staff comment: Clarified.*

IV. APPLICABLE CRITERIA

1. **Florence City Code (FCC) Title 10: Zoning Regulations**
 - Chapter 1: Zoning Administration, Section 10-1-1-6-4 Type IV Procedure (Legislative)
 - Chapter 1: Zoning Administration, Section 10-1-3 Amendments and Changes, Section C Legislative Changes
2. **Florence Realization 2020 Comprehensive Plan**
 - Plan Adoption, Amendments, Review and Implementation
 - Chapter 1 Citizen Involvement, Policies 2-6
 - Chapter 2 Land Use, Policies 3 & 7
 - Chapter 10 Housing Opportunities, Policies 7 & 10
 - Chapter 12 Transportation, Policy 26
3. **Oregon Land Use Planning Goals**
 - Goal 10 Housing

4. **Oregon Revised Statutes (ORS)**
 - ORS 197.303
 - ORS 197.307
 - ORS 197.610(1) – (4)

5. **Oregon Administrative Rules (OAR)**
 - OAR 660-012-0060
 - OAR 660-018-0020
 - OAR 660-015-000

6. **State legislation adopted**
 - House Bills: 2916 (2019)
 - Senate Bill: 8 (2021)

V. FINDINGS

Florence City Code (FCC)

Title 10 Zoning Regulations, Chapter 1 Zoning Administration

FCC 10-1-1-6-4 Type IV Procedure (Legislative)

A. A legislative change in zoning district boundaries, in the text of this Title, (Title 10), Title 11, or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council, or by an application for an amendment by a citizen.

D. Notice of Hearing: 1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications (e.g., re-zonings and comprehensive plan amendments).

2. Notification requirements. Notice of public hearings for the request shall be given by the Planning Department in the following manner:

b. At least 10 days before the scheduled Planning Commission hearing date, and 14 days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City.

c. The City Planning Official or designee shall: 1. For each mailing of notice, file an affidavit of mailing in the record as provided by subsection. 2. For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b. d. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and zoning code amendments at least 35 days before the first evidentiary hearing.

2. Content of notices. The mailed and published notices shall include the following information:....

The City of Florence initiated the changes via the Planning Commission on December 12, 2023. There were two hearings scheduled, one before the Planning Commission on January 23, 2024 and one before the City Council on February 5, 2024. The media notices included the required information and were performed as required in these criteria and as discussed elsewhere in the findings.

FCC 10-1-3 Amendments and Changes,

A. Purpose: As the Comprehensive Plan for the City is periodically reviewed and revised, there will be a need for changes of the zoning district boundaries and the various regulations of this Title. Such changes

or amendments shall be made in accordance with the procedures in this Section.

Section C Legislative Changes

- 1. Initiation: A legislative change in zoning district boundaries, in the text of this Title, Title 11 or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council.**

Finding: This legislative change was initiated by a resolution of the Florence Planning Commission, Resolution PC 23 29 TA 05, adopted by the Planning Commission on December 12, 2023.

- 2. Notice and Public Hearing: Such notice and hearing as prescribed by state law and the Comprehensive Plan then in effect.**

Finding: Notification of the Planning Commission and City Council public hearings for this proposal were published in the Siuslaw News on January 10th and 17th, 2024. The notification procedures meet the requirements of Florence City Code, the policies of the Florence Realization 2020 Comprehensive Plan, and state law. DLCD notice was posted on December 14th and then again on January 19th in accordance with state law.

Realization 2020, Florence Comprehensive Plan

Plan Adoption, Amendments, Review and Implementation

Adoption of the Plan represents a commitment by the City to attempt the achievement of what the Plan proposes and is considered by other governmental units, the courts and the public to be a statement of policy. City ordinances covering development and land use must be consistent with the intent of the Plan. Federal, State, County and Special District land use actions must also be consistent with the Plan. (pp. 2-3)

Finding: The proposed amendments to the City zoning and development code support residential development consistent with the Plan and the adopted Housing Needs Analysis (2018). The proposed code amendments are internally consistent. The applicable Plan policies for the proposed amendments are addressed in the policies that follow. These findings are incorporated herein.

Chapter 1: Citizen Involvement

Citizen Involvement Goal: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Policies

2. **A Citizen Advisory Committee, appointed by the City Council, shall serve in an advisory capacity to the Florence Planning Commission to assure the broadest input during periodic review and post acknowledgment Plan and zoning amendments. (pg. I-1)**

Finding: This policy is met. The City Council in 2022 appointed the Housing Implementation Plan Stakeholder Advisory Team HIP SAT to advise on these code updates. The HIP SAT met six times in public meetings during the development of the proposed amendments. The HIP SAT was composed of representation from 28 distinct entities ranging from multiple social service agencies, shelter providers, faith-based organizations, local government, special districts, schools, developers, Title VI, large employers, tribal, health care, etc....

3. **The City Council shall ensure that a cross-section of Florence citizens is involved in the planning process, primarily through their appointments to the Planning Commission, Design Review Board, Citizen Advisory Committee and other special committees. (pg. I-1)**

Finding: This policy is met. The City Council appointed a cross-section of Florence citizens to serve on the HIP SAT, including representatives of the social services, Title VI, tribal, banking, development, education, utility and emergency services providers, healthcare, young adult, and retired adults. It was the stated expectation that the committee members and resulting sub-committee members would consult with Florence citizens for whom they represented to get their input on the public input results, research performed by the consultant and staff, proposed uses and code language additions and changes. The HIP SAT served as the represented cross section of Florence citizens either through direct appointment or through representational appointment.

4. **Official City meetings shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment. (pg. I-1)**

Finding: This policy is met. The proposed code amendments are consistent with this policy because the public hearing was noticed in the newspaper prior to public hearings before the Planning Commission and City Council, as required by state law. Notice was published in the Siuslaw News on January 10th and 17th, 2024. The website calendar states when City meetings are scheduled. Materials for Planning Commission and City Council meetings are posted on the website prior to the meeting. The February 5th Council hearing materials were published on the city website on January 29th. The agendas are also posted in City Hall. The six HIP SAT and two Open House meeting dates and materials were also published on the City website in advance of the meeting dates and emailed to those who signed up for notifications. All agendas provided the opportunity for public comment, sometimes twice per meeting—before and after the committee work.

In accordance with city policy, sub-committees formed from appointed

committees for the purpose of researching topics do not constitute as official city meetings and are not required to be publicized or provide the opportunity for public comment. The subcommittees are intentionally not made up of a quorum of the appointed committee.

5. Records of all meetings where official action is taken shall be kept at City Hall and made available on request to the public. (pg. I-1)

Finding: The proposal for these actions is consistent with this policy because minutes of all meetings are kept at City Hall, posted on the City's website, and made available on request to the public. Additionally, video recordings are available on the city's website and are available at City Hall for all HIP SAT, PC and Council meetings related to this proposal.

6. Planning documents and background data shall be available to interested citizens. (pg. I-1)

Finding: The proposal for these actions is consistent with this policy because the Resolution, Ordinance, Findings of Fact, staff report and proposed amendments were available prior to the public hearing. The studies, surveys, open house results, and draft code amendments were available before and after the HIP SAT meetings on their project website. All of the documents were available to view at the Community Development Department or online on the City's website.

Chapter 2: Land Use

Policies

3. The quality of residential, commercial and industrial areas within the City shall be assured through the enforcement of City zoning, design review, applicable conditions of development approval, parking and sign ordinances, and the enforcement of building, fire, plumbing and electrical codes. (pg. II-1)

Finding: The proposal for these actions is consistent with this policy because the proposed code standards:

- Include zoning standards addressing quality of residential development, including application of standards for special housing applicable to districts for which they are permitted
- Include vehicular parking standards in FCC 10-3 and bicycle parking standards for special housing uses.

7. The City shall determine estimated additional usage and the impacts of proposed development upon maximum capability for sewer, water and stormwater systems. This information is to be included in subdivision and design review staff reports. (pg. II-2)

Finding: The proposal for these actions is consistent with this policy because design review applications must address infrastructure in the following criteria:

- Design review criteria in FCC 10-6 for non-residential development requires public facilities and infrastructure to meet standards set forth in FCC 10-36 Public Facilities.
- Public facility criteria FCC 10-36-4-A and B require new development to address sanitary sewers, water and stormwater systems based on plans approved by the city that are consistent with applicable construction specifications and the Wastewater Master Plan, Water System Master Plan and Stormwater Master Plan, as well as FCC Title 9, Chapters 2, 3 and 5.

Chapter 10, Housing Opportunities

7. **Periodically review development code regulations and the zoning map to ensure they encourage a variety of housing types, such as accessory dwelling units, tiny houses, big houses, senior housing, manufactured homes, etc.** (pg. X-2)

Finding: The proposal for these actions is consistent with this policy because the proposal includes expanding development opportunities to accommodate special needs housing in multiple districts and reducing the size of single unit detached dwelling lots in the Medium Density District. Currently Special Needs Housing as proposed is not permitted in city code. This proposal introduces three new types of sleeping and sheltering accommodations.

10. **Apply plan designations, zoning districts and regulations to implement the mix of housing indicated in the acknowledge Housing Needs Analysis.** (pg. X-2)

Finding: The proposal for these actions is consistent with this policy because the proposed regulations support the addition of special housing to the mix of housing types identified in the 2017 Housing Needs Analysis (HNA). The HNA identified a need for special needs housing. The proposed code amendments support this housing type by adding the opportunity to development missions, transitional housing, and emergency shelters and establishes development standards. The proposed code amendments also permit the opportunity for smaller single unit detached dwellings in the Medium Density District, which is intended to provide more affordable housing options. While there are no proposed changes to the mapped designations or zoning districts, the proposed changes support greater flexibility to build more variety of units across more of the existing zones.

Chapter 12: Transportation

Policies

26. On-site parking for motor vehicles and bicycles is required except in Downtown Districts where some motor vehicle parking can be provided on the street. (pg. XII-5)

Finding: The proposal for these actions is consistent with this policy because on-site parking is required for special needs housing and no changes to parking is proposed for the SUDD in the Medium Density District.

Oregon Revised Statutes (ORS)

The procedures for legislative decisions and public hearings are set out in the Florence City Code, which has been acknowledged by DLCD and these local regulations effectively implement state law. The sections of State statute that relate to the proposed amendments to the city code are listed below with findings to address consistency with these State laws.

ORS 197.303: “Needed housing” defined.

(1) (1) As used in ORS 197.286 to 197.314, “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes the following housing types:

- (a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;**
- (b) Government assisted housing;**
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 (Policy) to 197.490 (Restriction on establishment of park);**
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and**
- (e) Housing for farmworkers.**

Finding: The proposal is consistent with this statute because it provides for additional development of the needed housing types identified in the 2017 Housing Needs Analysis within the Florence UGB. The HNA identified a need for many housing types to include single-unit detached homes and special needs housing units. The proposed amendments provide broader lot sizes for the first and opportunity for provision of the latter.

ORS 197.307: Effect of need for certain housing in urban growth areas.

(3) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing shall be permitted in

one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

Finding: The proposal is consistent with subsection (3) of this statute because it provides for development of the needed housing types identified in the 2017 Housing Needs Analysis within the Florence UGB. The HNA identified a need for single-unit detached homes and special needs housing units. The Buildable Lands Inventory for which the HNA was developed from found there was a suitable quantity of land for all housing needs and no zone changes, UGB amendments, or density changes were required. Regardless the city made changes to the development standards and reduced lots sizes and increased the types of housing permitted. The proposed amendments under this ordinance provide for more opportunities to establish housing for all and no-income levels all but a few zoning districts.

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

(7) Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

Finding: The proposal is consistent with subsections (4), (6) and (7) of this statute because there are no changes to the clear and objective standards related to the proposed Medium Density District single unit detached dwelling lot change. Also, the proposed standards for the missions, emergency shelters, and transitional housing

criteria are clear and objective and include criteria related to time, place and manner reviewable under the conditional use procedure. Development standards for residential development in all residential zones are specified in FCC 10-10, including clear and objective standards for uses, minimum lot dimensions, minimum lot area, lot coverage, yard regulations and setbacks, density, height, and site development.

ORS 197.610: Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development; rules.

(1) Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.

(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review, the local government shall submit the proposed changes as soon as practicable, but may submit the proposed changes after the applicable deadline.

(3) Submission of the proposed change must include all of the following materials:

(a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;

(b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;

(c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;

(d) The date set for the first evidentiary hearing;

(e) The form of notice or a draft of the notice to be provided under ORS 197.763, if applicable; and

(f) Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.

(4) The director shall cause notice of the proposed change to the acknowledged comprehensive plan or the land use regulation to be provided to:

(a) Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and

(b) Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.

Finding: The proposal is consistent with this statute because notice to DLCD was sent on December 14, 2023 at least 35 days prior to the January 23, 2024 (first) public hearing and the notice contained the information required in this statute. An addition was sent on January 19, 2024. The notice of proposed change was circulated widely within the city consistent with subsection (4), as detailed in response to Comprehensive Plan Goal 1.

Oregon Administrative Rules (OAR)

The procedures for legislative decisions and public hearings are set out in the Florence City Code, which has been acknowledged by DLCD and these local regulations effectively implement state law. The sections of State rules that relate to the proposed amendments to the City code are listed below with findings to address consistency with these State laws.

OAR 660-008-0015: Clear and Objective Approval Standards Required

(1) Except as provided in section (2) of this rule, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(2) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in section (1) of this rule, a local government may adopt and apply an optional alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of section (1);

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in section (1) of this rule.

(3) Subject to section (1), this rule does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

Finding: The proposal is consistent with this rule as detailed in the findings for ORS 197.307(4), (6) and (7).

OAR 660-012-0060: Transportation Planning, Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Finding: The proposal to permit special needs housing and reduced detached dwelling lot sizes do not significantly affect any transportation facilities planned or existing as listed in subsections a-c above.

OAR 660-018-0020: Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation

(1) Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 apply, the local government shall submit the proposed change to the department, including the information described in section (2) of this rule. The local government must submit the proposed change to the director at the department's Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.

Finding: The proposal is consistent with this rule as detailed in the findings for ORS 197.610.

OAR 660-015-0000 (Goal 10):

To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

[...]

Needed Housing Units -- means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing units" also includes government-assisted housing. For cities having populations larger than 2,500 people and counties having populations larger than 15,000 people, "needed housing units" also includes (but is not limited to) attached and detached single-family housing, multiple-family housing, and manufactured homes, whether occupied by owners or renters.

[...]

Finding: The proposal is consistent with this rule because it provides for development of the needed housing types identified in the 2017 Housing Needs Analysis within existing buildable lands designated for residential use. The HNA identified a need for single-family detached homes and special needs housing units among many others. The proposed code amendments expand on the 2019 and 2022 housing code updates that supported this full range of housing types and provided for clear and objective criteria. In addition, the 2019 revision added opportunities for triplexes, quadplexes, and cluster housing (FCC Table 10-10-2-A), across four residential zones at differing density ranges (FCC 10-10-2-B for minimum lot sizes and 10-10-4-E for density) to provide for flexibility of housing type and density both within individual zones and across the city as a whole in multiple zones. This proposed change provides opportunities for housing those most in need within the community.

The population of the City of Florence exceeds 2,500 people, so the requirement for various housing types applies. The proposed amendments meet the requirement.

B. IMPLEMENTATION

5. Additional methods and devices for achieving this goal should, after consideration of the impact on lower income households, include, but not be limited to: (1) tax incentives and disincentives; (2) building and construction code revision; (3) zoning and land use controls; (4) subsidies and loans; (5) fee and less-than-fee acquisition techniques; (6) enforcement of local health and safety codes; and (7) coordination of the development of urban facilities and services to disperse low income housing throughout the planning area.

Finding: The proposal is consistent with this rule because it includes proposed zoning and land use controls that support implementation of the adopted HNA, including needed housing types as identified above.

VI. CONCLUSION

The proposed amendments to the Florence City Code Title 10 are consistent with the applicable criteria in the Florence Realization 2020 Comprehensive Plan, Florence City Code, Oregon Revised Statutes and Oregon Administrative Rules.

VII. EXHIBITS

- A. Findings of Fact
- B. Amendments to FCC Title 10, Chapter 11
- C. Amendments to FCC Title 10 Multiple Chapters

Attachment 2: Testimony

Attachment 3: Transitional Housing Code research for HIP, Transitional Housing Public Survey Results & PC 23 32 TA 06 hearing materials.

TITLE 10
CHAPTER 11

MISSIONS, EMERGENCY SHELTERS, AND TRANSITIONAL HOUSING

SECTION:

- 10-11-1: Scope
- 10-11-2: Purpose
- 10-11-3: Siting
- 10-11-4: Allowed Structure Types
- 10-11-5: Lot and Yard Dimensions
- 10-11-6: Site and Development Standards
- 10-11-7: Operations and Management

10-11-1: SCOPE: The criteria below apply to all three uses, Missions, Emergency Shelters and Transitional Housing, unless stated otherwise. The inclusion of emergency shelters in this title and chapter does not apply to those uses qualifying under ORS 197.782 and approved by the City Manager. The applicable criteria include those in this chapter as well as those required under this title.

10-11-2: PURPOSE: The purpose of Chapter 11 is to provide opportunity and development standards for missions, emergency shelters and transitional housing. These uses serve individuals and families experiencing homelessness, providing temporary housing or sleeping accommodations and offer items like food, clothing, and hygiene facilities and typically supportive services such as social services and counseling programs to assist with self-sufficiency.

10-11-3: SITING:

- A.** Missions and Emergency Shelters are allowed to be sited subject to receipt of a conditional use permit on property in commercial and industrial zoning categories as listed on the City of Florence Zoning Map legend, High Density Residential, and on any public property and church, temple, mosque or synagogue property regardless of the underlying zoning designation.
- B.** Transitional Housing is allowed to be sited subject to receipt of a conditional use permit on property in commercial zoning categories as listed on the City of Florence Zoning Map legend, High Density Residential, Professional Office / Institutional, and on any public property and church, temple, mosque or synagogue property regardless of the underlying zoning designation.
- C.** Missions, Emergency Shelters and Transitional Housing are not permitted in any district not listed above. Terminology within the permitted and conditional use sections of code that state other uses similar to those listed are permitted do not apply to these uses.

10-11-4: ALLOWED STRUCTURE TYPES: Regardless of the amenities provided the below are not a “dwelling” as defined under FCC 10-2.

- A.** Missions provide shelter without compensation through shared sleeping quarters, similar to barracks, located in a single structure complying with the Oregon State Building Code for that occupancy type.

- B.** Emergency Shelters and Transitional Housing provide shelter through sleeping quarters. Units may also include cooking and hygiene facilities in any combination of the following structure types:
1. Units in dwelling structures as defined in FCC 10-2-13.
 2. Units in temporary structures complying with the Oregon Transitional Housing Standards
 3. Units in rooms of converted hotel or motel structures
 4. Units in structures with non-residential occupancy classifications and converted to an occupancy classification for residential use using either the Oregon State Building Code or Oregon Transitional Housing Standards
 5. Yurts, Huts, Pallet Shelters, Recreational Vehicles

10-11-5: Lot and Yard Dimensions

- A.** Lot Area: The lot area minimum shall be the same as the district.
- B.** Lot Coverage: Maximum building and impervious coverage shall be the same as the district, unless a preservation credit is achieved in accordance with FCC 10-34-2-4. All permanent and temporary structures as well as impervious surfaces are used to calculate coverage.
- C.** Yard Regulations: All structures shall have a minimum setback of 5 ft. from side and rear property lines, except that if the rear or side yard abuts a residential district, the minimum shall be 10 feet from the abutting property line. The front yard and Highway setbacks shall be the same as the district.

10-11-6: Site and Development Standards:

- A.** Building or Structural Height Limitations: The maximum building or structural height shall be thirty-five feet (35'). Associated/accessory structures refer to Section 10-10-5 of this Title for requirements.
- B.** The following separation distances are required. Distance is measured in a straight-line measurement in a radius extending for the buffered distance in every direction from any point on the boundary line of the real property comprising the buffered use to the boundary line of the real property comprising the Mission, Emergency Shelter, or Transitional Housing use. The distance limitations are based upon the uses surrounding the proposed Mission, Emergency Shelter, or Transitional Housing location at the time the conditional use application is deemed complete. Zoning district boundaries change at the centerline of the rights of way.
1. 300 ft. from the Old Town District
 2. 300 ft. from the public or private elementary or secondary schools described under ORS 339.020 or 339.030.

3. 300 ft. from child care facilities licensed by the Oregon Department of Education (registered family child care homes, certified family child care homes, and certified child care centers).
- C.** Except for hotel or motel conversions, density is limited as follows. Emergency Shelters shall have at least 500 sq. ft. of lot area, rounded to the nearest whole number for each bed. Transitional Housing shall have at least 800 sq. ft. of lot area, rounded to the nearest whole number for each housing unit.
- D.** Minimum Structure Separation. When not located in a single structure, units shall be separated from one another by a minimum of five feet.
- E.** Sanitation:
1. Missions shall provide guests on-site toilet and handwashing through shared facilities.
 2. Emergency Shelters shall provide guests, at a minimum, on-site toilet, handwashing, and trash and recycling in any combination of separate or shared facilities.
 3. Transitional Housing shall provide occupants, at a minimum, on-site toilet, shower, handwashing, trash and recycling in any combination of separate or shared facilities.
- F.** Kitchen: Emergency Shelters and Transitional Housing shall serve meals and/or provide cooking and food preparation area in any combination through separate or shared facilities.
- G.** Utilities: The site shall have permanent water and sewer service connections. Units with sanitation and/or kitchen facilities shall be served from the development's common shared water meter and sewer service. Communal kitchen and sanitation facilities shall be connected to water and sewer systems. Fuel based generator use is not permitted. Utilities shall be installed underground.
- H.** Storage and Screening
1. No outdoor storage is permitted, excluding bicycles. Residents shall be provided with enclosed, secure storage facilities for their belongings. Cargo containers are not permitted, except as granted temporarily under 10-4-12-E.
 2. Trash and recycling receptacles stored outside of an enclosed building shall be located within a trash enclosure of a minimum of five (5') feet high solid wall, wood or similar or slatted chain link fence.
 3. Any shelter, kitchen or sanitation structure that does not comply with Oregon State Building Code must be screened from the street and public view with a minimum six (6) ft. tall fence and evergreen vegetated buffer screening at least 75% of the view at maturity.
- I.** Parking: In addition to the below refer to Chapter 3 of this Title for specific parking requirements.

1. Missions and Emergency Shelters: Vehicular parking shall be provided at a ratio of one space per 6 beds and one space per 400 sq. ft. of office, meeting, or similar staffing support facility space. Bicycle spaces shall be provided at a ratio of one space per four beds.
 2. Transitional Housing Developments: Vehicular parking shall be provided at a ratio of one space for every two units and one space per 400 sq. ft. of office, meeting, or similar staffing support facility space. Bicycle spaces shall be provided at one space per four units.
- J.** Pets: Pet relief area shall be provided if pets are permitted in a Mission, Emergency Shelter or Transitional Housing development and the area will be kept free of feces. Pets must be on leash when not in units, crates or a fenced run area.
- K.** Smoking: Designated areas for smoking shall not be located within the required setback areas and shall be screened from the street and public view.
- L.** Lighting: Refer to Section 10-37 of this Title for requirements.
- M.** Access and circulation: Refer to Section 10-35 of this Title for requirements.
- N.** Public Facilities: Refer to Section 10-36 of this Title for requirements
- O.** Fences, Hedges, Walls and Landscaping: Refer to 10-34 of this Title for requirements

10-11-7: Operations and Management

- A.** Site Manager: Missions, Emergency Shelters and Transitional Housing must have an assigned site manager, who can be an owner-occupant, tenant, lessee or person other than an owner who has possession and/or control of the property. The site manager shall provide local contact information, name and telephone number, to all property owners and residents within 500 feet of the site on an annual basis. The site manager must be available to accept and immediately respond to telephone calls during business hours. Any change in local contact person must be reported to the city and property owners and residents within 500 feet of the site at least seven days prior to the date the change takes effect.
- B.** Management plan: An operations and security plan for Missions and Emergency Shelters and an operations and security plan and case management plan for Transitional Housing and shall be submitted to the city at the time of land use application for review and approval. Plan revisions shall be provided to the city in the annual report.
- C.** Code of Conduct: The site manager shall provide to all occupants and guests a code of conduct. The occupants and guests are expected to also adhere to city code that governs behavior within the city. A copy of the code of conduct shall be submitted to the city at the time of application.
- D.** Eligibility: Preference should be given to individuals in the following order: those originally from Florence or have been living within the Siuslaw School District for the past year.
- E.** Periodic Review. The managing agency shall file an annual report of operations with the city by July 31st. The report shall include information such as the number of occupants served and how the conditions of approval are continuing to be met. Periodic review shall be conducted one

year from occupancy at which time City staff may conduct a site visit to ensure the facility meets the conditions of its land use approval.

Established by Ord. No. 1, Series 2024-effective April 4, 2024

TITLE 10
CHAPTER 2

GENERAL ZONING PROVISIONS

10-2-13: DEFINITIONS:

...
EMERGENCY SHELTER A facility that has the primary purpose of providing shelter for those individuals and families experiencing homelessness in general or specialized populations of homeless and the use does not require occupants to sign a lease or occupancy agreements.
 ...

...
MISSION A facility that provides on-site shelter, basic needs and comprehensive services for individuals and families who are impoverished or experiencing homelessness.
 ...

...
~~TRANSITIONAL HOUSING~~ ~~A congregate facility designed to provide housing to shelter families and individuals offered on a short term basis. The facility may offer meals, lodging and associated services on site, aimed at helping people move towards self-sufficiency. Transitional facilities are not considered bed and breakfast inns / boarding houses, hotels or motels. Residential shelter provided for an extended but definite period that is integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of permanent housing.~~
 ...

**TITLE 10
CHAPTER 10
RESIDENTIAL DISTRICTS**

...
 10-10-2: Residential Uses:

A. Table 10-10-2-A. The following table indicates which uses are permitted in each residential zone.

Uses	LDR	MDR	RMH	HDR
Single-unit detached dwelling	P	P	P	C
Accessory structure	P	P	P	P
Accessory dwelling unit	P	P	P	P
Single-unit attached dwelling	N	SR	SR	P
Duplex	P	P	P	P
Tri-plex	N	C	C	P
Quad-plex	N	C	C	P
Multi-unit (5+ units)	N	N	N	SR
Cluster housing	N	C	C	P
Temporary dwelling/RV – Medical hardship	C	C	C	C
Manufactured home	P	P	P	C
Prefabricated dwelling	P	P	P	C

Manufactured home park/subdivision	N	C	SR	SR
Mobile home park	N	N	SR	SR
Residential Care Facility/Nursing Home	SR	SR	SR	SR
Boarding house/dormitory	N	C	C	SR
Transitional housing	<u>N & E</u>	<u>N & E</u>	<u>N & E</u>	<u>C</u>
Religious institution housing or parsonage	C	C	C	C
Planned Unit Development	D	D	D	D

P=Permitted with Type I review, SR=Type II site review required, C=Type III conditional use review required, ~~and~~ N=Not permitted, D=Type III Planning Commission Review E= Type III conditional use review for publicly owned properties and religious institution use properties only.

...

Additional Code Amendments:

**TITLE 10
CHAPTER**

- 14 NEIGHBORHOOD COMMERCIAL DISTRICT...3: BUILDINGS AND USES PERMITTED CONDITIONALLY:**
- 15 COMMERCIAL DISTRICT...3: BUILDINGS AND USES PERMITTED CONDITIONALLY:**
- 16 HIGHWAY DISTRICT...3: BUILDINGS AND USES PERMITTED CONDITIONALLY:**
- 27 MAINSTREET DISTRICT...3: BUILDINGS AND USES PERMITTED CONDITIONALLY:**
- 30 NORTH COMMERCIAL DISTRICT...3: BUILDINGS AND USES PERMITTED CONDITIONALLY:**

...
Missions, Emergency Shelters and Transitional Housing

...

- 20 LIMITED INDUSTRIAL DISTRICT...3: BUILDINGS AND USES PERMITTED CONDITIONALLY:**
- 28 PACIFIC VIEW BUSINESS PARK DISTRICT...3: BUILDINGS AND USES PERMITTED CONDITIONALLY:**
- 31 SERVICE INDUSTRIAL DISTRICT...3: BUILDINGS AND USES PERMITTED CONDITIONALLY:**

...
Missions and Emergency Shelters

...

- 25 PROFESSIONAL OFFICE / INSTITUTIONAL ZONING DISTRICT...3: BUILDINGS AND USES PERMITTED CONDITIONALLY:**

...

The following uses may be permitted, subject to the procedures and conditions set forth in Chapters 1 and 4 in this Title, and are not required to contain a residential component:

...
7. Transitional Housing

...

TITLE 10
CHAPTER 10
RESIDENTIAL DISTRICTS

SECTION:

....

10-10-4: Lot and Yard Provisions

....

(Add the below rows to the tables as indicated)

10-10-4: LOT AND YARD PROVISIONS:

A. Minimum Lot Dimensions: To be designated a building site, a lot must meet the following minimum lot dimensions:

Table 10-10-4-A. Minimum Lot Dimensions by Development Type¹

Type	MDR	
	Width	Depth
Single-unit detached dwelling (new subdivision plats of 5 or more units)	35 ft.	80 ft.

B. Minimum Lot Area: To be designated a building site, a lot must meet the following minimum lot area:

Table 10-10-4-B. Minimum Lot Area by Development Type¹

Development Type	MDR
Single-Unit detached dwelling (new subdivision plats of 5 or more units)	4,000 sq. ft.

(Modify the superscript reference cell in the below table as shown and adjust the table name accordingly)

Table 10-10-4-A. Minimum Lot Dimensions by Development Type^{1,4}

¹Undersized lots of record with dimensions below the minimum may still be eligible for development. See Section 10-10-12. ² Cluster housing shall meet minimum lot sizes in FCC 10-10-8-C-2-b. ³ The single-unit attached dwelling dimensions shall also apply to single-unit detached dwellings in the HDR zone.

⁴Dimensions in 10-10-4-A are meant to be the minimum for each category and are not intended necessarily to be used together, minimum lot size is required.

....

Sections 10-10-4-A & B amended by Ord. 1 No. 1 Series 2024 – effective April 4, 2024

TITLE 10
CHAPTER 2

Attachment 2-a
Gilmer Testimony-PC 1.23.24

GENERAL ZONING PROVISIONS

10-2-13: DEFINITIONS:

EMERGENCY SHELTER A facility that has the primary purpose of providing temporary housing for homeless in general or specialized populations of homeless and the use does not require occupants to sign a lease or occupancy agreements. *The status of temporary housing is not lost when there is no other available housing, transitional or permanent, for the residents.*

MISSION A *faith based facility* program that provides on-site housing, basic needs and comprehensive services for individuals and families who are impoverished or experiencing homelessness.

Requiring it to be faith based, discriminates on the basis of religion

TRANSITIONAL HOUSING A congregate facility designed to provide housing to shelter families and individuals offered on a short-term basis. The facility may offer meals, lodging and associated services on site, aimed at helping people move towards self-sufficiency. Transitional facilities are not considered bed and breakfast inns / boarding houses, hotels or motels.

Residential shelter provided for an extended but definite period that is integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing.

This definition does not address housing for those disabled and elderly individuals who are unable to transition to self-sufficiency w/ sufficient housing. The status of being certified definite period shall be extended to the date certain when permanent housing is obtained or obtainable in the community.

10-10-2 Residential Uses: shall be extended to the date certain when permanent housing is obtained or obtainable in the community.

TITLE 10
CHAPTER 10
RESIDENTIAL DISTRICTS

Uses	LDR	MDR	RMH	HDR
Single-unit detached dwelling	P	P	P	C
Accessory structure	P	P	P	P
Accessory dwelling unit	P	P	P	P
Single-unit attached dwelling	N	SR	SR	P
Duplex	P	P	P	P
Tri-plex	N	C	C	P
Quad-plex	N	C	C	P
Multi-unit (5+ units)	N	N	N	SR
Cluster housing	N	C	C	P
Temporary dwelling/RV – Medical hardship	C	C	C	C

does this not need removal if all Temporary dwelling/RV medical hardship is to be off the land use category?

Unequal treatment of manufactured homes

Manufactured home	P	P	P	C
Prefabricated dwelling	P	P	P	C
Manufactured home park/subdivision	N	C	SR	SR
Mobile home park	N	N	SR	SR
Residential Care Facility/Nursing Home	SR	SR	SR	SR
Boarding house/dormitory	N	C	C	SR
Transitional housing	N & E	N & E	N & E	E
Religious institution housing or parsonage	C	C	C	C
Planned Unit Development	D	D	D	D

P=Permitted with Type I review, SR=Type II site review required, C=Type III conditional use review required and N=Not permitted, D=Type III Planning Commission Review E= Type III conditional use review on publicly owned properties and religious institution use properties only.

Additional Code Change Proposals:

TITLE 10 CHAPTERS

- 14 Neighborhood Commercial District
- 15 Commercial District
- 16 Highway District
- 27 Mainstreet
- 30 North Commercial

Missions, Emergency Shelters and Transitional Housing permitted conditionally

- 20 Limited Industrial
- 28 Pacific View Business Park
- 31 Service Industrial

Missions and Emergency Shelters permitted conditionally

25 Professional Office / Institutional

Transitional Housing permitted conditionally

THIS SUBJECTS ARE PROJECT TO REVIEW STRICTEST REVIEW WHICH IS GUARANTEED WITH DISCRIMINATORY FERVOR.

Instead adopt the emergency siting rules that focus only on health + safety, adopt public health standards for sanitary + water and do not require permanent sewer + water hookups for non-permanent categories that include emergency + standards

V. FINDINGS

Florence City Code (FCC)

Title 10 Zoning Regulations, Chapter 1 Zoning Administration

FCC 10-1-1-6-4 Type IV Procedure (Legislative)

A. A legislative change in zoning district boundaries, in the text of this Title, (Title 10), Title 11, or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council, or by an application for an amendment by a citizen.

D. Notice of Hearing: 1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications (e.g., re-zonings and comprehensive plan amendments).

2. Notification requirements. Notice of public hearings for the request shall be given by the Planning Department in the following manner:

b. At least 10 days before the scheduled Planning Commission hearing date, and 14 days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City.

c. The City Planning Official or designee shall: 1. For each mailing of notice, file an affidavit of mailing in the record as provided by subsection. 2. For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b. d. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and zoning code amendments at least 35 days before the first evidentiary hearing.

3. Content of notices. The mailed and published notices shall include the following information:.....

The City of Florence initiated the changes via the Planning Commission on December 12, 2023. There were two hearings scheduled, one before the Planning Commission on January 23, 2024 and one before the City Council on February 5, 2024. The media notices included the required information and were performed as required in these criteria and as discussed elsewhere in the findings.

FCC 10-1-3 Amendments and Changes,

A. Purpose: As the Comprehensive Plan for the City is periodically reviewed and revised, there will be a need for changes of the zoning district boundaries and the various regulations of this Title. Such changes

or amendments shall be made in accordance with the procedures in this Section.

Section C Legislative Changes

- 1. Initiation:** A legislative change in zoning district boundaries, in the text of this Title, Title 11 or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council.

Finding: This legislative change was initiated by a resolution of the Florence Planning Commission, Resolution PC 23 29 TA 05, adopted by the Planning Commission on December 12, 2023.

- 2. Notice and Public Hearing:** Such notice and hearing as prescribed by state law and the Comprehensive Plan then in effect.

Finding: Notification of the Planning Commission and City Council public hearings for this proposal were published in the Siuslaw News on January 10th and 17th, 2024. The notification procedures meet the requirements of Florence City Code, the policies of the Florence Realization 2020 Comprehensive Plan, and state law. DLCD notice was posted on December 14th and then again on January 19th in accordance with state law.

Realization 2020, Florence Comprehensive Plan

Plan Adoption, Amendments, Review and Implementation

Adoption of the Plan represents a commitment by the City to attempt the achievement of what the Plan proposes and is considered by other governmental units, the courts and the public to be a statement of policy. City ordinances covering development and land use must be consistent with the intent of the Plan. Federal, State, County and Special District land use actions must also be consistent with the Plan. (pp. 2-3)

Finding: The proposed amendments to the City zoning and development code support residential development consistent with the Plan and the adopted Housing Needs Analysis (2018). The proposed code amendments are internally consistent. The applicable Plan policies for the proposed amendments are addressed in the policies that follow. These findings are incorporated herein.

Chapter 1: Citizen Involvement

Citizen Involvement Goal: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Policies See my comment #7.
 I was not allowed to be involved;
 The HIP Subcommittee had unnotified, unpublicized meeting that offered no

2. A Citizen Advisory Committee, appointed by the City Council, shall serve in an advisory capacity to the Florence Planning Commission to assure the broadest input during periodic review and post acknowledgment Plan and zoning amendments. (pg. I-1)

Finding: This policy is met. The City Council in 2022 appointed the Housing Implementation Plan Stakeholder Advisory Team (HIP SAT) to advise on these code updates. The HIP SAT met six times during the development of the proposed amendments.

Broad input excluded anyone experiencing homelessness. I object and what I thought was missing it was disregard.

3. The City Council shall ensure that a cross-section of Florence citizens is involved in the planning process, primarily through their appointments to the Planning Commission, Design Review Board, Citizen Advisory Committee and other special committees. (pg. I-1)

Finding: This policy is met. The City Council appointed a cross-section of Florence citizens to serve on the HIP SAT, including representatives of the social services, Title VI, tribal, banking, development, education, utility provider, health, young adult, and retirement communities.

People experiencing homelessness were not included.

4. Official City meeting shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment. (pg. I-1)

Finding: This policy is met. The proposed code amendments are consistent with this policy because the notice of the public hearing was noticed in the newspaper prior to public hearings before the Planning Commission and City Council, as required by state law. Notice was published in the Siuslaw News on January 10th and 17th, 2024. The website calendar states when City meetings are scheduled. Materials for Planning Commission and City Council meetings are posted on the website prior to the meeting. The agendas are also posted in City Hall.

The HIP Subcommittee meetings in which the mayor participated were not publicized & a meeting for my attend (if was) never extended.

Records of all meetings where official action is taken shall be kept at City Hall and made available on request to the public. (pg. I-1)

Finding: The proposal for these actions is consistent with this policy because minutes of all meetings are kept at City Hall, posted on the City's website, and made available on request to the public.

formal - you should include the list of non-public mayor attended subcommittee for perspective.

6. Planning documents and background data shall be available to interested citizens. (pg. I-1)

Finding: The proposal for these actions is consistent with this policy because the Resolution, Ordinance, Findings of Fact, staff report and proposed amendments were available prior to the public hearing. The documents were available to view at the Community Development Department or online on the City's website.

The city did not provide underlying data for this. Nothing is supported by data.

Chapter 2: Land Use

Policies

3. The quality of residential, commercial and industrial areas within the City shall be assured through the enforcement of City zoning, design review, applicable conditions of development approval, parking and sign ordinances, and the enforcement of building, fire, plumbing and electrical codes. (pg. II-1)

Finding: The proposal for these actions is consistent with this policy because the proposed code standards:

- Include zoning standards addressing quality of residential development, including application of standards for special housing applicable to districts for which they are permitted
- Include vehicular parking standards in FCC 10-3 and bicycle parking standards for special housing uses.

7. The City shall determine estimated additional usage and the impacts of proposed development upon maximum capability for sewer, water and stormwater systems. This information is to be included in subdivision and design review staff reports. (pg. II-2)

Finding: The proposal for these actions is consistent with this policy because design review applications must address infrastructure in the following criteria:

- Design review criteria in FCC 10-6 for residential development requires public facilities and infrastructure to meet standards set forth in FCC 10-36 Public Facilities.
- Public facility criteria FCC 10-36-4-A and B require new development to address sanitary sewers, water and stormwater systems based on plans approved by the city that are consistent with applicable construction specifications and the Wastewater Master Plan, Water System Master Plan and Stormwater Master Plan, as well as FCC Title 9, Chapters 2, 3 and 5.

Chapter 10, Housing Opportunities

7. Periodically review development code regulations and the zoning map to ensure they encourage a variety of housing types, such as accessory dwelling units, tiny houses, big houses, senior housing, manufactured homes, etc. (pg. X-2)

Finding: The proposal for these actions is consistent with this policy because the proposal includes expanding residential development opportunities to accommodate special needs housing in multiple districts and reducing the size of single-unit detached dwelling lots in the Medium Density District.

From: Brenda Gilmer
To: Kelli Weese
Subject: Public Comment/Testimony, Agenda Item 1, A Request for a zoning change from High Density Residential to Commercial, in conformance with the Florence Realization 2020 Comprehensive Plan Map designation of "Commercial" for Subject Property. (PC 20 04 25)
Date: Monday, May 4, 2020 3:30:50 PM

I am a resident of Florence and wish to testify as follows with respect to various statements made under "OREGON REVISED STATUTES - 197.601(1) , POST-ACKNOWLEDGEMENT PROCEDURES, on pages 12/14 through 14/15 as follows:

In the first paragraph on page 13, it is stated:
"In December of 2017, the City of Florence commissioned a work now entitled, "Housing Needs Analysis and Economic Opportunities Analysis: (Volumes 1 and 1) Technical Report. This report presents a comprehensive analysis of lands within the City as well as the UBG for a variety of land uses including residential, and many of the recommendations directly responded to Oregon's Statewide Planning Goals and Guidelines and were incorporated in the latest Florence Realization 2020 Comprehensive Plan update."

While it is true that the December 2017 HNA did include many recommendations that directly responded to the statewide goals and guidelines, I think it materially misstates the facts to infer that the latest comprehensive plan update incorporated many of them. These are the recommendations from the draft of the HNA and my assessment of why I do not think it is fair to say that many of them were adopted and incorporated in the comprehensive plan:

Housing Goals

1. The Zoning Ordinance shall provide for varying housing types to accommodate development of affordable, decent, safe and sanitary housing opportunities for people at all economic segments of the community. [It does not]
2. The City shall plan for adding 1,664 net new housing units and shall maintain a sufficient supply of buildable land within the Urban Growth Boundary to meet community needs over the next 20 years. [Nothing addresses existing needed housing; most sales are priced beyond the income of most non-wealthy residents; most development is for the high-end market].
3. City codes and standards shall be enforced for the purpose of maintaining and upgrading the housing supply. [Codes are enforced discriminatorily to harass unhoused individuals].
4. The City shall encourage the rehabilitation of substandard housing as a method to meet the high costs of housing and to conserve the housing stock. [It did and is occurring, but to conserve housing stock that is unaffordable to most residents and is sold to new, affluent residents].
5. The City shall recognize workforce housing, mobile homes, manufactured housing and

Resolution PC 23 32 TAG does not either
the situation of discrimination continue

multifamily dwellings as an important part of the overall housing stock, if well situated. [The City's housing

emphasis is high-end housing for new comers, not residents in need of housing

affordable to them]. *The City has taken or attempted to take suitable multifamily property out of the market e.g. the land across from FCC and the ball-field property in Old Town now owned by Homes for Good the*

1. Support a variety of residential types and new concepts that will encourage housing opportunities

to meet the housing needs for households of varying incomes, ages, size, taste and lifestyle. [This objective is unmet. The City's emphasis is new, affluent residents]. *This proposal does nothing to encourage construction through enforcement of the*

2. Maintain a high standard of housing construction through enforcement of the Building Code.

3. Maintain a livable environment by placing open space requirements in residential PUDs.

4. Periodically review development code regulations and the zoning map to ensure they encourage a

variety of housing types, such as accessory dwelling units, tiny houses, big houses, senior

housing, manufactured homes, etc. [Because this is not encouraged, but rather discouraged, a review

if it occurred, would be more perfunctory words on pieces of paper].

5. Periodically update the City's Housing Needs Analysis (HNA) to ensure that there is a sufficient

supply of land to accommodate 20-years of planned housing needs for the community. [The housing needed now by residents

desperate for affordable housing is never quantified or discussed].

6. Apply plan designations, zoning districts and regulations to implement the mix of housing indicated in the adopted Housing Needs Analysis. [This was not done].

[This was not done].

Housing Policies

1. The City shall enforce a fair housing ordinance that forbids discrimination in the rental, sale or

financing of housing based on race, sex, color, religion, national origin, age, or marital status. [A fair housing ordinance was not adopted

and the city itself in its adopted ordinances and enforcement of ordinances discriminates overtly and by creating barriers to housing access that

disproportionately

burden protected classes].

2. Housing programs to meet the needs of the City's workforce, elderly and special needs families

shall be pursued [There is no evidence of this pursuit and certainly no limits on short-term rentals

were adopted that prevent the use of ADUs as more lucrative short-term rentals].

3. Annex where necessary and zone an adequate supply of residential land to accommodate the

city's housing needs.

HUD administrative Agency

it just no longer so actively discourages them

This proposal does not encourage that variety safe + local shelter for those experiencing homelessness. It is not enough with this amendment

This is just ignored and won't change until we officially pass it and new laws kick in

The City said no then found out on an ad line has been adopted several years ago, just not published + included in the code. On the other hand, a repeal of a prohibit on missions had been appear repealed but that repeal not reflected in code

needs of city's workforce, elderly or special needs families and conditional US

Housing needs of the 500+ individuals experiencing homelessness is not at all assured

...

4. Develop and nurture local and regional affiliations and alliances to provide affordable housing. *Not done.*
5. Coordinate with county, state and housing developers to identify, obtain and leverage funding

sources for the development of workforce housing, affordable housing and special needs housing. [There is no evidence of this coordination]. *COVID money was available for housing and*

6. Work with local non-profit organizations, other jurisdictions and health and social service *No public health involvement, no coordination with FEMA for good* organizations to develop a coordinated, regional approach to homelessness. *many units could have been built*

[There is no evidence of this happening that has included any participation by the homeless individuals whose needs are totally unmet and, in fact, the Florence mayor actively seeks their removal]. *Apathy and hostility to supported housing marked at least 5 of the last year since this decision was made*

These new mayor does not speak that way, but when push came to shove the city turned away the Florence Emergency cold shelter proposal and blamed the governor

Housing Recommendations
Housing Supply/Diversity

1. Unsafe or unhealthy housing conditions should be eliminated.
2. The City should encourage innovative design techniques (such as clustering, townhouses or condominiums) in appropriate areas, as a method to preserve open space, to lower the costs of housing and public facilities, and to maintain vegetative cover. [Clustered housing is addressed; nothing but single-family residences and single-family occupancy is permitted outright; all else is a conditional use if it exists anywhere are something other than a defined term].

3. Support periodic UGB expansions within 1 mile of existing city limits to accommodate housing needs and to ensure that cost economies are realized for the city and property owners.

Infrastructure and Development

4. Provide a design and development assistance program (DDAP) to help property owners evaluate redevelopment potential. [Not formally done].
5. Reestablish the downtown preservation and rehabilitation program which will incentivize façade improvements. [FURA was already doing this].
6. Develop an accessory dwelling unit (ADU) Program which will clarify ADU policies in Florence and **allow for increased housing opportunities in and near Old Town.** [No limit on ADU short-term rental; increased housing in and near Old Town not allowed]
7. Conduct a developer/property owner recruitment and outreach campaign to encourage new and innovative developments in Florence [How, if at all, this is being done, is not reported].
8. Conduct an audit of the development code in Florence to **identify and address**

SOS unfriendly to homeless

They are dire and unhealthy and unsafe for even more people experiencing homelessness

barriers to

workforce housing development. [This was not done or, if done, not publicized].

9. Outside established neighborhoods, set parking requirements and building setbacks to the minimum standards that will meet the community's needs in order to **reduce land utilized for**

parking, reduce the cost of housing development, and encourage walking, transit use and a

compact development pattern. [The glut of oversized low-density lots in the City was retained, and, I believe,

expanded; with more low-density subdivisions being approved or built in 2019, 2019 and to date in 2020. Density was

theoretically reduced by minimum lot requirements; nothing benefits residents of moderate- or low-income means].

10. Prioritize capital improvement projects that **support development of affordable homes and neighborhoods.** [If it is occurring, it is not publicized; all Florence Urban Development

programs are designed to aid business; no affordable housing issues or projects are on its agenda].

11. Participate in public/private development projects, in association with the Florence Urban

Renewal Plan. [While this is just about the only way affordable income projects of any size sufficient to meet

the community's could be accomplished, FURA has less than no focus on any housing issues].

12. Encourage **development of a tiny home artist/maker village** with shared common areas and

sustainable energy elements. [Not pursued].

Housing Attainability

13. Explore local and regional funding options to **support development of housing for low- and**

moderate-income households. [If done, unpublicized or discussed in a public forum].

14. Pursue state and federal **grants to design and finance affordable housing.** [If done, unpublicized or discussed in a public forum].

15. Pursue partnerships with Lane Community College to **develop student housing.** [If done, unpublicized or discussed in a public forum] .

16. Set fees and system development charges (**SDCs**) on new construction of affordable housing as

low as possible while ensuring necessary infrastructure to make neighborhoods cost-effective

places to live and good investments for homeowners. [SDCs were temporarily lowered for smaller single family homes and waived for ADUs]

17. Offer expedited review and permitting for residential or mixed-use projects that meet certain

criteria (e.g., **receive local, state or federal affordable housing funding** for development of

workforce housing). [Not done].

18. Offer a **10 or 20-year property tax exemption to low-income rental housing projects** that meet

certain criteria (e.g., receive local, state or federal affordable housing funding and are outside the tsunami inundation zone). [Not done].

done now, thanks to Layne Morrill

19. Involve major employers in efforts to develop and support **housing affordable to their workforce**. [if done, unpublicized or discussed in a public forum].

20. Provide density bonuses and/or reduced parking requirements for **affordable housing**

developments [Not done].

21. Establish an **Affordable Housing Advisory Committee** to establish and oversee an affordable

housing program that identifies specific actions to increase the supply of housing that is

affordable to low- to middle income individuals and families. [Not done].

22. Utilize **affordable housing funds to provide incentives to developers of income-restricted**

dwelling units. [City has no affordable housing funds]. *Still*

23. **Establish an affordable housing funding mechanism**, such as a housing levy or construction

excise tax on new building permits (based on valuation). [Not done]. *Still*

24. **Locate affordable housing throughout the city** and especially in areas with good access to transit,

employment, education and shopping. [No affordable housing, so inapplicable].

25. Consider **pre-approving ADU and other housing designs** to accelerate their development process

and lower housing costs. [Not done, but I hear no complaints about ADU approval issues; anything outside

of ADU's just not done].

26. Periodically examine and revise the municipal code to **reduce barriers to new affordable housing**

development [No barriers were identified or addressed; affordable housing is a term used to imply nonexistent

compliance with any duty to address].

27. Utilize various mechanisms to **ensure the continued affordability of affordable housing** the City

has built, required or incentivized. [Nothing has been done to address the steeply increasing prices or

increased evictions].

Special Needs Housing

28. Encourage housing options for special needs populations, including independent living for

seniors, assisted living, memory care, drug and alcohol rehab and mental health facilities. [The waiting lists are still

very long; if the City has done anything, it has not been publicly discussed].

29. **Integrate housing for people with special needs into neighborhoods** throughout the city, avoid

→ unwanted one to be unseen.

Maybe worse now

*what was set up
CDE was
adverse
HIP
Subcommittee
ineffective*

*No assessment
of public case
for the
who used*

*Window dressing, maybe but
millioner's now getting the time +*

*infrastructure
(Rhoades Dr.)*

*The situation has only worsened
City requiring cost of permanent improvements*

(sewer water)

We are now there with special temporary needs

concentrations. [If new stock is not built, this doesn't apply].

30. Encourage the **development of senior-friendly housing opportunities**, particularly in areas near services and amenities. [The needed senior-friendly housing opportunities I am aware of a need for is a place for elderly women who have lost their existing housing and are now living in their cars to park; that is not allowed in Florence except for parking on a public street by virtue of the 9th Circuit Boise Housing decision. — and here we are with definitions

31. **Promote the provision of support services**, including transportation options, to allow seniors and those with special needs to remain in their own homes or non-institutional settings.

[Transportation opportunities have increased with bus service to Yachats and Eugene].

32. **Support public and private housing and services for people who are homeless**. [If any of this was done, it has never been publicly discussed or publicized].

33. Review municipal code to **ensure compliance with the Affirmatively Fair Housing rule**. [Addressed above; there is no compliance, or options for compliance, with this that have ever been publicly discussed].

Short-term Rentals

34. Establish a cap on the number of **short-term vacation rental properties** available in residential zones. [Not done].

35. Prepare clear and objective city policy that **defines and limits short-term rentals**. [Not done; short term rentals are apparently the most lucrative use of ADUs].

too narrow to address actual needs and likely time period for human emergency to end

Not done

Not done

I would appreciate any clarification with respect to any of these items. I do not wish to misrepresent the city or the actions it has or has not taken.

Brenda Gilmer
3640 Ocean View Dr.
Florence
541-590-5060

[Faint handwritten notes on the left margin]

[Faint handwritten notes on the left margin]

[Faint handwritten notes on the left margin]

[Large block of faint handwritten notes at the bottom left]

[Faint handwritten notes at the bottom center]

City Recorder

From: Alan Matisoff <alanmatisoff5150@gmail.com>
Sent: Friday, February 9, 2024 10:55 AM
To: City Recorder
Subject: New City Housing Ordinance

This email us to let you know that my wife & I are 100% against this new ordinance. We, like many others in this city, are seniors on a fixed income. Because of rising Property Taxes and the growing high cost of living, we are having to draw from our savings account every month to make ends meet. I don't feel we should be responsible for those who have decided to use drugs and don't feel like working. Many of our fast food restaurants have closed dining areas because they can not get enough people to work. The City should concentrate on low cost housing instead of freebies for these "Homeless".

Alan & Ann Matisoff
30 Mariners Way

City Recorder

From: Elke Dodd <elkedodd@gmail.com>
Sent: Friday, February 9, 2024 12:56 PM
To: City Recorder
Subject: Notice of potential ordinance passage

Before jumping the gun and assuming the population of Florence will reach 10,000, please understand that tax paying citizens are closing their businesses, selling their homes and leaving Florence. This is exactly the reason why. This ordinance is a clear danger to the residents of Florence just as it is in all other cities that have passed this ordinance. In many cities such as Grants Pass they are back pedalling quickly as the crime and theft has become unbearable to the residents living there. I know, I've talked to several business owners in Grants Pass while visiting a friend living there. The passage of this ordinance would definitely be a major factor in my decision to leave Florence. Two of my dear friends have already moved to states who don't support this kind of legislation. If this is the path that Florence chooses to take, all you will be left with is non tax paying people and you will have no city left. Enough is enough. Consider the tax payers who vote for you before making such a reckless decision.

Sincerely

Elke Dodd

City Recorder

From: Pam Wheeler <pamwheeler4640@gmail.com>
Sent: Friday, February 9, 2024 2:48 PM
To: City Recorder
Subject: New setback codes.

Am I reading this right? The powers that be want to place homeless camps within 300 feet of schools??? Are these people nuts??? I believe that the Supreme Court will be taking up a case regarding homeless camping brought by the city of Medford. I'm not really up on this matter, although the details are probably somewhere on the internet. I do know that the matter did make news media nation-wide. Many states are faced with these kinds of problems, and the west coast seems to be especially harmed because of the mild weather, and liberal government. On UTube, there are many young people who have turned their old RVs into stylish homes for a lifestyle they can afford. I doubt very much that most of our broken down local RVs would fit that description. We should not bend and create a disaster in this community that we cannot easily reverse. Tread softly, and protect the rights of the citizens who pay the taxes, and protect the children who walk and play in the streets of our community.

Thank you,
Pamela Wheeler

City Recorder

From: robotech1799@gmail.com
Sent: Friday, February 9, 2024 6:31 PM
To: City Recorder
Subject: I strongly oppose this. I demand the city take this matter to a vote. This was already opposed before so now you change zoning rules?? I'm all for a recall of all city council members

Sent from my iPhone

City Recorder

From: Diane Manos <manoswoman@gmail.com>
Sent: Wednesday, February 14, 2024 2:13 PM
To: City Recorder
Subject: Notice of Potential Ordinance Passage

The U.S. Supreme Court is scheduled to hear City of Grants Pass v Johnson (23-175) some time this spring. As you may know, the Ninth Circuit Court sided with the plaintiffs and blocked Grants Pass from enforcing its ordinance in the absence of shelters or other accommodations for the homeless.

This decision applies to nine western states: Alaska, Arizona, California, Hawaii, Idaho, Montana, Oregon and Washington. Of the top 10 states with the highest homeless populations, Oregon ranks Number 6 (17,959), according to a 2022 US News Report.

It is obvious, if one follows the news, that as homelessness increases, public drug use, panhandling, theft, sanitation issues and other unruly conduct increases. We can assume that: 1) Florence will sustain further increase in the homeless population, and 2) crime will accelerate.

If the U.S. Supreme Court upholds the decision of the Ninth, cities will bear the brunt of increasing expenses to maintain these homeless populations, suffer potential harms that often arise from drug use, sustain a reduction in property values, and suffer a possible exodus of some residents to safer areas.

If the Court reverses the Ninth's ruling, municipalities will be free to enforce local laws to ticket or arrest the homeless, without having to have emergency shelters set aside.

According to Stephen Eide, a senior fellow at the Manhattan Institute, "Most people are expecting that the Supreme Court will reverse the Ninth Circuit Court's decision; that it wouldn't have taken up the case if it weren't going to revise it somehow."

Based on this upcoming decision, it would seem prudent to postpone any decision or passage of Ordinance No. 1, Series 2024, until the City of Grants Pass v Johnson case has been decided.

Then, depending on which way it goes, we can review whether to house the homeless near our children, or hire more police to keep our city safe.

Sincerely,
Diane Manos
617 38th Place
Florence, Oregon



Attachment 2-g

Reference potential ordinance 1, series 2024

My comments are as follows:

I do not recommend that Florence pass this ordinance. Florence is primarily a tourist town and a community with a large retirement age population. This is where the majority of the towns financial resources come from. There is no need for additional missions, emergency shelters or transitional housing. The town needs to spend its resources in promoting tourism and in attracting more retirement age people that have the income to purchase houses and buy things in our local stores. Florence should not be encouraging people to come to this town that have no way to contribute to the community. My wife and I recommend that Florence concentrate on expanding infrastructure to improve living conditions for the residents. We would also like to see an upscale senior retirement subdivision where residents could transition to skilled nursing care as the need arises. Senior people moving into that community would vacate apartments and houses that younger families could move into.

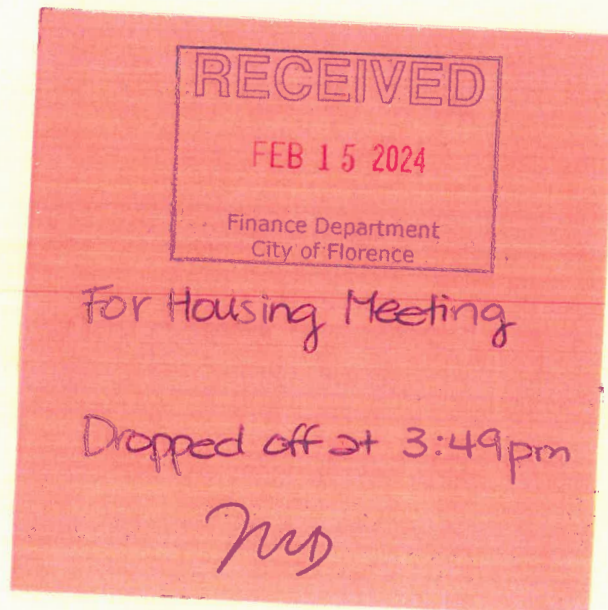
Thanks. Tom and Karen Wilson

Attachment 2-h

(31 pages)

FEBRUARY 15, 2024, additional or expanded written evidence from Brenda Gilmer for City of Florence public hearing for the adoption of Ordinance No 1, Series 2024, an ordinance adopting legislative amendments to the Florence City Code Title 10.

Brenda J. Gilmer
2-15-24



February 15, 2024, additional written evidence by Brenda Gilmer for City of Florence public hearing for the adoption of Ordinance No. 1, Series 2024, an ordinance adopting legislative amendments to the Florence City Code Title 10, to support missions, emergency shelters, and transitional housing, associated with phase 2 of the Housing Implementation Plan project and reduce lot dimensions for medium density single unit detached dwellings.

The following is a transcription of the oral evidence I gave to the City Planning Commission at their public hearing about the same proposal. Having reviewed draft written minutes about that testimony, I offer this as more complete and comprehensible:

FLORENCE PLANNING COMMISSION 1/23/2024

Ms. Brenda Gilmer

“Good evening and thank you for this opportunity to speak to you Commissioners.

My name is Brenda Gilmer. I am a retired tax lawyer who moved to Florence in 2012. I have a background in construction and real estate. So in 2016-2017 when the HEOP came up I thought, geeze I could actually contribute to that, that’s something I could give real value to and I was very disappointed in the end of it because nothing was done. Well, as you will see in that proceeding, the number of homelessness was put in the record at eight, nine, as nine people, homeless people in Florence right now and I thought that type of disingenuousness was difficult to deal with for me from my point of view.

So I did submit a written paper, my computer, my modem’s down, my printer is not working, it’s awful. I’m sorry it’s not more polished. I did misapprehend the full extent of it so there are some paragraphs that don’t matter and some that do. Well in 2017, paragraph A, note the Housing and Needs Analysis specifically only acknowledged the existence of nine people. It’s not like I didn’t complain at the time, I did complain at the time, but that’s the official number. The number was probably about 200 at that time. Collin Morgan who is the Food Share Director, I don’t think he was the director then, but he was the one participated and he put the number at

250. We're now at I think at someplace between 500 to 600 people. Evictions, well we had COVID, we had evictions galore when the support for people who lost their job went away.

So in this proceeding, in this second go around, I really don't think I was given a fair shot at public participation. Well, to speak freely and openly, there was a very curated procedure with people chosen to represent interests and I don't think any of them fairly represented the interests of the people experiencing homelessness.

Ok, I'm going to try that. People are living in absolute misery. Please keep this open and read what I wrote. What I wrote back in 2020 was my assessment at that point in time about where the City was in terms of housing objectives and meeting the housing goals, the set up of State housing goals. So that's why this document, this eight paragraph one, I asked for that document specifically be incorporated by reference. I have had that and I hope you read that because I actually think I set out the situation as it existed in 2020 and in my scribbles I tried to update it to today. So I'm not going to deal with that.

Well, what I hope you do, what I think is a smart thing to do if we care about people, is to take a serious look at what is required under the State Emergency Siting Act and adopt those principles as the principles for emergency housing. Set some kind of reasonable level of solving the problem at which you can maybe stop using those, they're excellent, they're excellent. The health and safety is governed by Public Health and Safety. Why do want to go beyond that and say, oh but you have to have this, and you need this, and you need this, why do you not simply adopt Public Health and Safety standards as in effect in Lane County. You've got people in public health that would be happy to help you. The place I would have you cut that off is maybe when you have half the number of homeless kids in our schools, then you could start putting these standards in, well each site has to have 500 square feet or 1,000 square feet. Maybe that would make sense then. And it is slowing down the ability of anyone to get these people into safe, healthy housing and protection from the cold.

Ok, well the 500 square feet and 1,000 square feet, that just seems crazy to me. It seems crazy to me that any emergency or transitional housing is required to provide permanent sewer and water connections when it's a temporary situation and you want it to be a temporary situation. If you had a different kind of city wherein you take a look at things from the standpoint of what assets do we have, can we put them to a transitional use to build something that would be a value later to the City, then that might make sense. For instance, RV parks. You know how the Port is busy now and if you did use the business park now to build RV parks, that could now be used, would be limited to people experiencing various homelessness and families and start getting those who have kids in the Siuslaw schools back into a stable secure environment, where families can relax and know that they are safe and that their kids don't have to hide the fact that they are homeless from the people in their schools. That you build something that would translate when the emergency ends, it's crazy not to build something to make the emergency end, we're just feeding it. If we hit the problem straight on with how big is our problem now in the 500 person range and commit to that, but then commit in a way that builds something for the future, when the emergency ends, we have permanent housing for these people, that could become a new, like the Port owns the camping ground, the City or some agency of the City could own that RV park within the town, so it's a win-win and that would make sense. It would make sense to put in permanent sewer and water then. But to require permanent sewer and water for social service organizations to put together some type of emergency or transitional housing only to be subject to -- you know there's going to be complaints by neighbors, there's just ill will all around, that they always risk that they will be shoved out after a year, that, well, that's a mismatch and I think it's detrimental to building transitional or emergency housing, to actually do anything to solve our problem. You already caught the deal about the mission being limited to religious organizations.

If, by subjecting the emergency and temporary housing to conditional permit procedures, you open it up to almost certain failure. Well, first meeting of emergency cold weather shelter, first meeting, first proposal, you know, people work to get that done and then public outcry, then oh no, that's the Governor's fault, you know, because Ronald Reagan closed the mental institutions

and then there was allowed drug free-use on the street, so we're not going to have that housing. I mean that made no logical sense to me but we're going to get that result. I haven't seen any good faith coming from the City that way in terms of actually committing, seeing that this is a situation, that these are human beings, and there is a need to solve the problem. So I would say adopt the emergency siting regulations and until some goal of reducing the problem is reached, I will repeat that making sure that 50% of the now number of homeless students are no longer remaining homeless.

-----Chairman asks about cite and if you have it.

No, it's in the ORS.

-----Chairman asks about other questions and says they just got materials.

I know and I apologize. I hope you will read what I said in 2020 and how four years later we are kind of in the lack of progress, if anything. I hope you will, well, like the standards you are seeing here, are they arbitrary and capricious?

Ok, as we are in Lane County and the Lane County Public Health would apply, I would suggest talking to Lane County Housing. They would lay it out for you, what's needed, because they've done it all, they've been there, they did it. They're there for you. If you're going to vary from that, be specific, but they are allowed within the urban growth boundary, so you would be within the City limits. The urban growth boundary is a larger area. But then that would make sense to me. You could address do we want to vary it from that before you say we want to go further. Then you would have a reason for it.

There's another, the rule in place is that you can't, that ruling will not affect the Oregon state law that requires anything regulating, da-di-da, can't remember the exact language, to be reasonable as to time, manner, kind of like what I am addressing here because I don't think

given Florence's past actions, as much by its failure to act, a number of people who could have been helped, particularly with COVID funding, didn't get that help. We didn't build when we could so how do you take reasonableness under that situation? A reasonable standard will remain so I would say I'm going to be fighting on.

I appreciate you, I do."

Blank

Montana Rules of Professional Conduct

PREAMBLE: A LAWYER'S RESPONSIBILITIES

- (1) A lawyer shall always pursue the truth.
- (2) A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice.
- (3) As a representative of clients, a lawyer performs various functions. In performance of any functions a lawyer shall behave consistently with the requirements of honest dealings with others. As advisor, a lawyer endeavors to provide a client with an informed understanding of the client's legal rights and obligations and explains their practical implications. As advocate, a lawyer asserts the client's position under the rules of the adversary system. As negotiator, a lawyer seeks a result advantageous to the client but consistent with requirements under these Rules of honest dealings with others. As an evaluator, a lawyer acts by examining a client's legal affairs and reporting about them.
- (4) In addition to these representational functions, a lawyer may serve as a third-party neutral, a nonrepresentational role helping the parties to resolve a dispute or other matter. Some of these Rules apply directly to lawyers who are or have served as third-party neutrals. See, e.g., Rules 1.12 and 2.3. In addition, there are Rules that apply to lawyers who are not active in the practice of law or to practicing lawyers even when they are acting in a nonprofessional capacity. For example, a lawyer who commits fraud in the conduct of a business is subject to discipline for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation. See Rule 8.4.
- (5) In all professional functions a lawyer should be competent, prompt and diligent. Competence implies an obligation to keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology. A lawyer should maintain communication with a client concerning the representation. A lawyer should keep in confidence information relating to representation of a client except so far as disclosure is required or permitted by the Rules of Professional Conduct or other law.
- (6) A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process. For example, a lawyer may counsel and assist a client regarding Montana's cannabis-related laws. In the event Montana law conflicts with federal or tribal law, the lawyer shall also advise the client regarding related federal and tribal law and policy.
- (7) As a public citizen, a lawyer should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession. As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law and work to strengthen legal education. In addition, a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority. A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel. A lawyer should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest.
- (8) Many of a lawyer's professional responsibilities are prescribed in the Rules of Professional Conduct, as well as substantive and procedural law. However, a lawyer is also guided by personal conscience and the approbation of professional peers. A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession's ideals of public service.
- (9) A lawyer's responsibilities as a representative of clients, an officer of the legal system and a public citizen are harmonious. A lawyer can be a dedicated advocate on behalf of a client, even an unpopular one, but

in doing so must comply with these Rules of Professional Conduct. So also, a lawyer can be sure that preserving client confidences ordinarily serves the public interest because people are more likely to seek legal advice, and thereby heed their legal obligations, when they know their communications will be private.

(10) In the nature of law practice, however, conflicting responsibilities are encountered. Virtually all difficult ethical problems arise from conflict between a lawyer's responsibilities to clients, to the legal system and to the lawyer's own interest. The Rules of Professional Conduct often prescribe terms for resolving such conflicts. Within the framework of these Rules, however, many difficult issues of professional discretion can arise. Such issues must be resolved through the exercise of sensitive professional and moral judgment guided by the basic principles underlying the Rules. These principles include the lawyer's obligation to protect and pursue a client's legitimate interests, within the bounds of the law, while maintaining a professional, courteous and civil attitude toward all persons involved in the legal system.

(11) The legal profession is self-governing. Although other professions also have been granted powers of self-government, the legal profession is unique in this respect because of the close relationship between the profession and the processes of government and law enforcement. This connection is manifested in the fact that ultimate authority over the legal profession is vested in the courts.

(12) Self-regulation helps maintain the legal profession's independence from government domination. An independent legal profession is an important force in preserving government under law, for abuse of legal authority is more readily challenged by a profession whose members are not dependent on government for the right to practice.

(13) The legal profession's relative autonomy carries with it special responsibilities of self-government. The profession has a responsibility to assure that its regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns of the bar. Every lawyer is responsible for observance of the Rules of Professional Conduct. A lawyer should also aid in securing their observance by other lawyers. Neglect of these responsibilities compromises the independence of the profession and the public interest which it serves.

(14) Lawyers play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship to our legal system. All lawyers understand that, as officers of the court, they have a duty to be truthful, which engenders trust in both the profession and the rule of law. The Rules of Professional Conduct, when properly applied, serve to define that relationship. Trust in the integrity of the system and those who operate it is a basic necessity of the rule of law; accordingly truthfulness must be the hallmark of the legal profession, and the stock-in-trade of all lawyers.

(15) The Rules of Professional Conduct are rules of reason. They should be interpreted with reference to the purposes of legal representation and of the law itself. Some of the Rules are imperatives, cast in the terms "shall" or "shall not." These define proper conduct for purposes of professional discipline. Others, generally cast in the term "may," are permissive and define areas under the Rules in which the lawyer has discretion to exercise professional judgment. No disciplinary action should be taken when the lawyer chooses not to act or acts within the bounds of such discretion. Other Rules define the nature of relationships between the lawyer and others. The Rules are thus partly obligatory and disciplinary and partly constitutive and descriptive in that they define a lawyer's professional role. Many of the Comments use the term "should." Comments do not add obligations to the Rules but provide guidance for practicing in compliance with the Rules.

(16) The Rules presuppose a larger legal context shaping the lawyer's role. That context includes court rules and statutes relating to matters of licensure, laws defining specific obligations of lawyers and substantive and procedural law in general. The Comments are sometimes used to alert lawyers to their responsibilities under such other law.

(17) Compliance with the Rules, as with all law in an open society, depends primarily upon understanding and voluntary compliance, secondarily upon reinforcement by peer and public opinion and finally, when necessary, upon enforcement through disciplinary proceedings. The Rules do not, however, exhaust the moral and ethical considerations that should inform a lawyer, for no worthwhile human activity can be completely defined by legal rules. The Rules simply provide a framework for the ethical practice of law.

Professional Rules I remain subject to
-to Brenda Gilman

Blank

FLORENCE
KRISTALLNACHT
September 17, 2018

FLORENCE
KRISTALLNACHT
2018-2024
DID NOT GET INTO THE CITY CODE BUT
COVERT, DEFACTO CRIMINALIZATION

JANUARY 11, 2024:

Siuslaw News coverage, Wednesday, January 31, 2024

“Counselors discussed the possibility of creating a map of allowed areas, rather than subjecting homeless residents to being removed from restricted areas until they find an allowable site.

Reynolds noted that there is currently good communication between Public Works, police and code enforcement personnel and homeless people who are looking for legal places to camp. It was also noted that local homeless also communicate with each other and remain aware of prohibited camping locations.”

WHEN THE POLICE SHOW UP IT IS CRIMINAL,
NOT A CIVIL VIOLATION. DISENGENIOUSNESS.
CASUAL CRUELTY

9/17/2018 Submission #10

<http://www.ci.florence.or.us/print/8523/submission/3451> 1/1

Published on *City of Florence Oregon* (<http://www.ci.florence.or.us>)

Home > Request to Address the City Council (Speaker's Card) > Webform results > Request to Address the City Council (Speaker's Card)

Submission information

Form: Request to Address the City Council (Speaker's Card)

Submitted by Visitor (not verified)

Monday, September 17, 2018 - 11:16am

35.132.167.36

Name

Brenda Gilmer

City Council Meeting Date

09/17/2018

Agenda Item Number

3

Do you wish to speak as a Proponent? Opponent? or Neutral?

Opponent

Brief Overview of What You Wish to Discuss

The proposal appears intended to criminalize homelessness, which would open the City to legal action the likely costs of which would far exceed the enforcement costs of the existing ordinance.

The proposed ordinance does not address the predicate larger emergency of individuals sleeping and defecating in the woods because they have no choice. The City's passing this ordinance would literally amount to the City's beating up homeless people because of its own abysmal past and ongoing failures to acknowledge the fact of local homelessness and deal with its cumulative adverse consequences. Contrast the City's resources with those of a homeless person or of the combined resources of every homeless person in our community. Who deserves a kick with a steel toed boot for where we find ourselves today?

Can't we find a way to purchase some of the tent, shower, and cooking camp equipment and supplies recently used for forest fire personnel and first build a safe, healthy place on available city land for our homeless neighbors to live so that if and when such an ordinance as that proposed is ever passed, it will be used only against scofflaws.

Do you Represent an Organization?

No

Name of Organization

Residence Address

3640 Ocean View Dr., Florence, OR 97439

Email

brendajgilmer@gmail.com

Phone Number

541-590-5060

Source URL: <http://www.ci.florence.or.us/node/8523/submission/3451>

Exhibit A
ORDINANCE NO. 12, SERIES 2018

Additions are shown in red underline and deletions are shown in red strike-out.
[Change Directions are shown in Bold within Brackets]

TITLE 6
CHAPTER 1

GENERAL OFFENSES

SECTION:

6-1-2-4: Prohibited Lodging

6-1-2: DISORDERLY CONDUCT AND RELATED OFFENSES:

6-1-2-4: PROHIBITED LODGING: No person shall lodge on public or private property in a ~~car, outbuilding or other place not intended for that purpose~~ vehicle, trailer, building, structure, tent or by any other means not approved for that purpose through the land use application and permitting processes prescribed in Florence City Code Title 10 Chapter 1.
(Ord. 591, 9-26- 77, modified by Ord. 12, Series 2018)

Amended by Ordinance 6, Series 1991 B effective April 1, 1991
Amended by Ordinance 11, Series 1998 B effective December 8, 1998.
Amended by Ordinance 7, Series 1999 B effective May 19, 1999
Amended by Ordinance 1, Series 2001 - effective May 3, 2001
Amended by Ordinance 12, Series 2002 – effective May 16, 2002
Amended by Ordinance 21, Series 2003 – effective Dec. 4, 2003
Section 6-1-7-Amended by Ordinance 25, Series 2008 – effective Jan. 14, 2009
Section 6-1-2-5-C Amended by Ordinance 12, Series 2009 – effective Aug. 19, 2009
Section 6-1-3-2 Amended by Ordinance 5, Series 2010 – effective June 7, 2010
Section 6-1-7-1-E added and subsequent section renumbered, Section 6-1-7-2, and 6-1-7-5-A amended by Ordinance No. 13, Series 2011 – effective July 9, 2011
Sections 6-1-4-5 & 6-1-4-6 added by Ordinance No. 15, Series 2011 – effective August 19, 2011
Sections 6-1-5 added and all subsequent sections renumbered by Ordinance No. 4, Series 2012 – effective December 8, 2012
Section 6-1-2-4 amended by Ordinance 12, Series 2018--effective September 11, 2018

**CITY OF FLORENCE
ORDINANCE NO. 12, SERIES 2018**

**An Ordinance amending Florence City Code Title 6, Chapter 1 Section 2-4
Regarding Nuisance Lodging and Camping, and declaring an emergency.**

RECITALS:

1. The City of Florence is experiencing an abundance of nuisance code enforcement and policing calls related to illegal camping.
2. The Siuslaw Valley Fire and Rescue and Western Lane Ambulance Districts are responding to higher than normal call outs for illegal fires and medical calls at transient camp locations.
3. There are significant costs borne by the taxing agencies to address the issues created by unregulated lodging.
4. The current disorderly conduct code is sufficiently broad enough to permit lodging nearly anywhere and thus the City wishes to change the code to enable enforcement of illegal camping/lodging
5. The Florence City Council adopted 2017-2018 work plan, Goal 1, Objective 5 of Community Development to "Strengthen Code Enforcement Efforts".

Based on these findings,

THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. The Florence City Code Chapter 1 of Title 6 is amended as shown in Exhibit A.
2. The Council declares an emergency and as such this ordinance shall take effect at a date earlier than the thirtieth day after its enactment as set out in the Florence City Charter Section 31. This Ordinance shall become effective upon adoption.
3. The City Recorder is authorized to administratively correct any reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.

ADOPTION:

First Reading on the 17th day of September 2018.

Second Reading on the _____ day of _____ 2018

This Ordinance is passed and adopted on the _____ day of _____ 2018.

AYES Councilors
NAYS
ABSTAIN
ABSENT

Joe Henry, Mayor

Attest:

Kelli Weese, City Recorder

G. Administration and Enforcement.

1. Upon citation or arrest of a person for a violation of this subsection by a police officer, the officer issuing the citation may seize the sound producing device which was the source of the sound as evidence. The sound producing device, if seized, shall be impounded subject to disposition of the charge and determination by the Court whether the sound producing device shall be returned or deemed contraband, subject to paragraph 6-1-2-9 G.2. of this subsection.
2. In addition to any other penalty, the Court may order any sound producing device found to have been used to violate this subsection seized, confiscated, and destroyed as contraband, or sold with the proceeds of sale to be deposited in the City's general fund.

6-1-2-4: PROHIBITED LODGING: No person shall lodge on private property in a vehicle, trailer, building, structure, tent or by any other means not approved for that purpose through the land use application and permitting processes prescribed in Florence City Code Title 10 Chapter 1. *current language*

6-1-2-5: DRINKING IN PUBLIC

- A. It shall be unlawful for any person to drink alcoholic liquor upon any street, sidewalk, or other public right of way.
- B. It shall be unlawful for any person to have in his or her possession while upon any street, sidewalk, or other public right of way, any bottle, can, or other receptacle containing any alcoholic liquor which has been opened, or the seal broken, or the contents of which have been partially removed.
- C. The prohibitions of this section do not apply to the possession or consumption of alcoholic liquor in sidewalk cafes, which have been issued permits under Section 8-2-4-1-D of this code. (Amended by Ord. 12, 2009)

6-1-2-6: PROHIBITED NUDDITY: It shall be unlawful for any person eight years of age or older to expose his or her genitalia while in a public place or place visible from a public place, if the public place is open or available to persons of the opposite sex. (Ordinance 11, Series 1998)

6-1-2-7: URINATING OR DEFECATING: No person shall urinate or defecate in, or in view of, a public place, except in a lavatory. (Ordinance 11, Series 1998)

6-1-3: WEAPONS AND FIREWORKS:

6-1-3-1: DISCHARGE OF WEAPONS: Except at firing ranges approved by the City Council, no person other than an authorized peace officer shall fire or discharge a gun or other weapon, including spring or air actuated pellet guns, B-B guns, bow and arrow, or any weapon which propels a projectile by use of gunpowder or other explosive, jet or rocket propulsion.

6-1-3-2: FIREWORKS: The following sections of the Oregon Fireworks Law, together with all acts and amendments applicable to cities which are now or hereafter enacted, are adopted by reference and made a part of this Chapter: ORS 480.110, 480.120, 480.130, 480.140(1), 480.150 and 480.170, provided, however, that it shall be unlawful for any person to ignite fireworks, or similar incendiary devices, of any kind anywhere on public and publicly owned property in the following three areas: (1) The area defined in Title 10, Chapter 17 of this Code as Old Town District, Area "A;" (2) The area defined in Title 10, Chapter 17 of this Code as Old Town District, Area "B;" (3) All of the Port property in the City which is adjacent to the Siuslaw River including, but not limited to, the Port dredge spoils area, the Port's docks and boat slips, the Port boat ramp, the Port RV park and facilities, the Port Boardwalk area, and all of the Port parking lots adjacent to the RV park and the Boardwalk area. The three areas in Old Town where all fireworks are banned, on public and publicly owned property are shown on an aerial photograph attached as Exhibit "A" which by this reference is made a part hereof as if set forth herein.

- A. Any peace officer who finds a person in violation of this ordinance may seize any fireworks in the offender's immediate possession to prevent a recurrence and the potential for future violations. Such confiscated fireworks shall be turned over to the local fire department for disposition.

This document is supplemented by agenda packet materials, meeting materials distributed and electronic audio / video recordings of the meeting and may be reviewed upon request to the City Recorder.

**City of Florence
City Council Regular Session
Held at the Florence Events Center
715 Quince Street, Florence, Oregon
Final Action Minutes
September 17, 2018**

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

Meeting called to order at 5:30 p.m.

Councilors Present: Mayor Joe Henry, Councilors Joshua Greene, Ron Preisler, Susy Lacer and Woody Woodbury.

Councilors Absent: None

Staff Present: City Manager Erin Reynolds, Public Works Director Mike Miller, Chief of Police Tom Turner, Planning Director Wendy FarleyCampbell, City Recorder / Economic Development Coordinator Kelli Weese, Project Manager Megan Messmer, Human Resources Analyst Alex Ferguson and Florence Events Center Director Kevin Rhodes.

PRESENTATIONS & ANNOUNCEMENTS

- Constitution Week Proclamation – September 17-23, 2018
- Employee Recognition
 - Communications Officer Kim Greenwood – 40 Years of Service
- Employee Introduction
 - Community & Economic Development Assistant – Sarah Moehrke

Start Time: 5:30 p.m.

Action: Mayor Henry read the Constitution Week proclamation. Ms. Greenwood was celebrated for her years of service and Ms. Moehrke was introduced to the City Council.

1. PUBLIC COMMENTS – Items Not on the Agenda

This is an opportunity for members of the audience to bring to the Council's attention any item not otherwise listed on the Agenda. Persons wishing to address the Council must complete a Speaker's Card available online at <http://www.ci.florence.or.us/council/request-address-city-council-speakers-card>, or at the meeting. Speakers Cards are due at least (5) minutes before the meeting. Comments will be limited to three (3) minutes per person, with a maximum time of 15 minutes for all items. Speakers may not yield their time to others.

Start Time: 5:38 p.m.
Commenter 1: Gregory Abney
Handout: Siuslaw Valley Fire & Rescue Letter Dated 9.12.18
Petition to Remove Fire Danger
Discussion Points: Mr. Abney discussed...
• Fire danger and transient camping near Coastal Highlands development
Response: Mayor Henry

CONSENT AGENDA

2. APPROVAL OF MINUTES

Consider approval of the August 6, 2018 City Council meeting minutes, August 8, 2018 City Council work session minutes, and August 20, 2018 City Council meeting minutes.

Start Time: 5:43 p.m.
Action: Approve the consent agenda items as presented.
Vote: Unanimous

ACTION ITEMS

The public will have an opportunity to offer comments on action items after staff has given their report. Persons wishing to address the Council must complete a Speaker's Card available online at <http://www.ci.florence.or.us/council/request-address-city-council-speakers-card>, or at the meeting. Speaker's cards are due at least five (5) minutes before the meeting. Comments will be limited to three (3) minutes per person. Speakers may not yield their time to others.

3. ILLEGAL LODGING CODE

Consider approval of **Ordinance No. 12, Series 2018**, an ordinance amending Florence City Code Title 6, Chapter 1, Section 2-4 concerning illegal lodging and camping and declaring an emergency.

Start Time: 5:43 p.m.
Handout: Updated Ordinance No. 12, Series 2018
PowerPoint Presentation
Discussion: The City Council discussed...
• Removal of the word public from the ordinance and timeline for inclusion of public property
Comments: Mayor Henry

Commenter 1: Sherry Wilson
 Handout: Speaker's Card Information
 Discussion: Ms. Wilson was unable to attend the meeting. Her comments were read into the record. Comments discussed...

- Transient camping near Old Towne Mobile Home Park
- Panhandlers near entrances of shopping areas

Commenter 2: Brenda Gilmer 28:56
 Handout: Speaker's Card Information
 Discussion: Ms. Gilmer discussed...

- Concern for the criminalization of homelessness - Boise case
- Potential to develop an approved camping site for homeless parties and provide tents, showers, and cooking camp equipment
- fails to address underlying issue of homelessness

Commenter 3: Greg Wood 32:61
 Handout: Speaker's Card Information
 Discussion: Mr. Wood discussed...

- Concern for enforcement of provision without notifying homeless population,

Commenter 4: Sandy Todd 34:26 36.17 shut bathrooms in Old Town
 Handout: Speaker's Card Information
 Discussion: Mr. Todd discussed... 36.40 River blocked to rid

- Concern for lack of empathy for homeless population
- Potential to create a homeless shelter or other housing alternative

Action: 37:05 local homeless - get real about homelessness 34.13 local homeless parking lot - can be built
 Vote: First reading of Ordinance No. 12, Series 2018 as amended
 Unanimous

Action: Second reading of Ordinance No. 12, Series 2018
 Motion: Councilor Preisler
 Second: Councilor Woodbury
 Roll Call Vote: Councilor Woodbury - Aye
 Councilor Preisler - Aye
 Councilor Greene - Aye
 Councilor Lacer - Aye
 Mayor Henry - Aye
 Ordinances passes 5-0

4. CODE OF CONDUCT

Consider approval of **Resolution No. 17, Series 2018**, a resolution establishing a policy for the code of conduct in public city facilities.

Start Time: 6:14 p.m.
Handout: Prezi Presentation
Discussion: The City Council discussed...

- Instances where staff life and safety might be threatened and next steps for police interaction if necessary

Comments: Mayor Henry

Action: Approve Resolution No. 17, Series 2018
Motion: Councilor Lacer
Second: Mayor Henry
Vote: Unanimous

5. OREGON HOUSING PROJECT CODE UPDATE

Consider approving the Memorandum of Understanding (MOU) between the City of Florence and the Oregon Department of Land Conservation and Development (DLCD) for the Oregon Housing Planning Project Code update.

Start Time: 6:26 p.m.
Discussion: The City Council discussed...

- Clarification on the start date for the project

Comments: Councilor Preisler

Action: Enter into a Memorandum of Understanding with the Department of Land Conservation & Development for the 2018/19 Technical Assistant Program.
Motion: Councilor Greene
Second: Councilor Preisler
Vote: Unanimous

6. AIRPORT SEAL COAT AND LIGHTING IMPROVEMENTS PROJECT

Consider accepting the proposal from Kunert Electric in the amount of \$954,705 for the Airport Seal Coat and Lighting Improvements Project.

Start Time: 6:31 p.m.
Handout: PowerPoint Presentation
Discussion: The City Council discussed...

- Airport upgrade presentation at Lane ACT meeting
- Clarification on the removal of the seal coat from the overall project

Comments: Mayor Henry

Action: Accept the proposal from Kunert Electric for \$954,705.
Motion: Councilor Woodbury
Second: Councilor Preisler
Roll Call Vote: Unanimous

Action: Accept the FAA Grant Award of \$1,050,000. Direct staff to issue a deductive change order in the amount of \$212,555 and proceed with a construction contract of \$742,150 with Kunert Electric.
Motion: Councilor Woodbury
Second: Councilor Preisler
Vote: Unanimous

7. MUNICIPAL COURT JUDGE SERVICES CONTRACT

Consider amending the contract for Judge Richard Brissenden for Municipal Court Judge Services.

Start Time: 6:45 p.m.
Discussion: None

Action: Approve Amendment 4 to the Municipal Court Judge Contract, which includes a 2.8% increase to the base compensation for the Judge's services, and increase in the travel allowance to \$250 / month and an increase in the cell phone allowance to \$100/month.

Motion: Councilor Lacer
Second: Councilor Woodbury

Discussion: The City Council discussed...

- Appreciation for Judge Brissenden's services
- Difficulty reviewing performance of Judge

Comments: Councilor Preisler, Greene and Mayor Henry

Vote: Unanimous

REPORT & DISCUSSION ITEMS

8. AUGUST BOARD & COMMITTEE REPORTS

Report on the Boards & Committees for the Month of August 2018.

Start Time: 6:49 p.m.

Discussion: The City Council discussed...

- Applicants received for Central Lincoln PUD Mural Project
- Upcoming Florence Festival of Books
- Change in command for Police Auxiliary
- Florence Urban Renewal Agency work on ReVision Florence

Comments: Councilor Greene

10. CITY MANAGER REPORT & DISCUSSION ITEMS

- Airport Road Affordable Housing Development (NEDCO) Grant Award

Start Time: 6:53 p.m.

Discussion: The City Council discussed...

- City Council and other city upcoming meetings
- City Hall construction update
- Florence to Yachats public transit pilot project
- Florence to Eugene public transit survey
- Airport Road Affordable Housing Development (NEDCO) Grant Award

11. CITY COUNCIL REPORTS & DISCUSSION ITEMS


Start Time: 6:59 p.m.

Discussion: The City Council discussed...


- Council activities in the community and community announcements
- Appreciation for Judge Brissenden's performance
- Habitat for Humanity's new project and change in project designs
- Reminder of 40th Anniversary of Camp David peace talks
- Siuslaw Vision work towards recreation and parks opportunities and upcoming Siuslaw Play Day event
- Lane County waste management plastics round up

Meeting adjourned at 7:06 p.m.

ATTEST:



Joe Henry, Mayor



Kelli Weese, City Recorder

Blank

Brenda Gilmer
3640 Ocean View Dr
Florence, OR 97539-9256
Telephone 541-590-5060
A Florence resident
brendajgilmer@gmail.com

Expanded Written Testimony for Agenda Item 2, titled "Housing Code Update," A. PUBLIC HEARING FOR ORDINANCE NO. 1, SERIES 2024, and B. HOUSING CODE ADOPTION AND IMPLEMENTATION

1. The City's Thursday, February 1, 2024, notice of this meeting and agenda and the posting of the voluminous documents comprising the meeting materials was far too short (intentionally?) to provide meaningful public participation or opportunity to respond.
2. The Planning Commission meeting and the actions of the City preceding this opportunity and hearing have not been sufficient to allow the people of the community, including me, to understand, much less knowledgeably address or respond to the legality of this proposal which fails to provide meaningful opportunity of those experiencing homelessness to obtain safe, legal shelter.
 - a. Neither the SAT advisory team nor the HIP subcommittee included a single person who has experienced or was experiencing homelessness.
 - b. The City did not seek out vibrant citizen input. Just the opposite.
 - i. It created an "advisory team" instead, with representatives of interests. Health represented by a hospital administrator who spoke only of the need for housing for doctors. No public health representation, no actual participation by the Lane Council of Governments. A chairperson who principally represents the interests of the local Chamber of Commerce, which wants the unsightly vermin gone. SOS, which has historically treated many of those experiencing homelessness with contempt and has honored important donor perspectives that a shower and clean clothes must be withheld lest their laziness or other bad characteristics be "rewarded" and which routinely sent people to Eugene by bus without any assurance that safety or help there was available. It limited all, most?, outreach to digital means which left those without computers and wifi any meaningful way to participate. It did not widely publish the input it did receive and, if it were shared with the committee, the committee did not engage in assessing or conveying any conclusions or wisdom or anything to be drawn from it.

- ii. Bob Teter, a SAT and HIP member, Executive Director of Siuslaw Outreach Services, has previously spoken of “them” to me as all “liars” and has shown an inability to comprehend the concept or practice of “trauma informed care.” In the SAT meetings the public was informed about that I was then able to attend, his emphasis was, consistently “**their**” need to “**show** respect”.
 - iii. Russ Pierson, the SAT chairman, from Lane Community College, oversaw an upgrade to the LCC campus during this time that resulted in closure of the building that contained bathrooms and stripped the wooded area of sheltering vegetation that provided shelter and protection, in tandem with the City’s upgrade of Miller Park, which had the similar “salutary” purpose and effect of clearing out the unsheltered, as noted by Public Works director Mike Miller (no toilets, no shelter).
 - c. I submitted a written list to the City of who was NOT on the SAT subcommittee who needed to be at my first opportunity to do so and I incorporate that previous written evidence by reference. I did not receive a response to that letter.
 - d. Several of my attempts at making online contact or comment did not happen because somehow there must have been an unidentified technical glitch.
3. The proposed amendments do not support residential development consistent with the Plan and the adopted Housing Needs Analysis:
- a. Those experiencing homelessness were excluded in all phases of the planning process. Some of the HIP SAT deficiencies are noted above.
 - b. While some formal city meetings were well publicized and there was some opportunity for citizen participation, subcommittees and meetings were held outside of that structure and no notice was given or participation invited, notwithstanding the mayor organization of participation at them.
 - c. Truncated minutes are all that are readily available to the public. Data and items such as response to my concerns about who was not represented or well represented at HIP were not even mentioned in meeting minutes.
 - d. Policy 3 is not met – the city is placing human beings in industrial and nonresidential areas and requiring residential standards for what should be temporary emergency and transitional housing.
 - e. With respect to Finding 7, the city is requiring residential standards for nonresidential emergency and temporary use, i.e., overkill.
 - f. The proposals do not meet the need for transitional and emergency housing.
4. On May 4, 2020 I submitted written evidence as Agenda item 1, for the Elks Lodge Zoning Change public hearing to the City Council and wish to incorporate that written testimony by reference; I did submit it as evidence in the Planning

Commission's January 23, 2024 meeting about Resolution PC 23 32 TA 06 – HIP Phase 2 Housing Code Implementation. It is still relevant to this issue of failure to

5. Since before 2018, the City engaged in restructuring that resulted in committees that notwithstanding nice sounding but absolutely empty words about housing, stated priorities and established work items that eliminated meaningful housing opportunities for any but the wealthy.
6. The City in the 2017 HNA- HIP Phase 2 Housing Code Update knowingly identified a need for 9 places for unsheltered (calling them “special needs individuals”) at a time when the need well exceeded 200 and that need was conveyed by Colin Morgan, now director of the Florence Food Share. The need - now is between 400-600 people.
7. The City, during the ensuing years has massaged and interpreted the word “emergency” to acknowledge only its governmental responsibility for “disasters” and has failed and continues to fail to clearly and reasonably define emergency to accurately and factually include and take responsibility for widespread human suffering. The City’s own actions and inaction since 2017 have increased the widespread suffering of human beings experiencing homelessness. Its tortured treatment in this proposal and difficulty stating things clearly evidence the City’s disingenuousness and lack of candor and truthfulness to the detriment of the rights of those experiencing homelessness to due process and equal protection.
8. In the ensuing years all major City efforts and all of its capital projects and expenditures have focused on accommodating the expansion of housing for the wealthy, including most recently, its plans for improving Rhododendron Drive, which was and continues to be a corridor of gated communities which few in Florence can afford. One only verbally stated goal of the more “public” Miller Park capital project, was to remove those experiencing homelessness from sleeping within its boundaries or using its toilets and sinks for their personal hygiene.
9. The nonverbal communication between Erin Reynolds and Robert Carp at the February 5th meeting of the City Council with respect to partnering with Lane County Health on an emergency resilience project that would fund improvements to the City-owned Senior Center appeared to reference his concern and her assurance that the facility’s use for emergency cold weather events, a bullet point on the staff presentation, would never be interpreted to allow its use for neighbors experiencing homelessness.
10. The presentation by Mike Miller at the February 5th meeting of the City Council with respect to a Rhododendron Drive drain pipe that apparently will be rerouted

through the adjacent Coast Guard infrastructure is relevant to the question of the good faith and reasonableness of the City's actions for the wealthy and against individuals experiencing homelessness. It appears that if all goes well, our federal public tax dollars will be used to stabilize the shoreline property of residents of Sea View. How many hours has he logged searching for and structuring funding that benefits individuals experiencing homelessness?

11. Other items related to reasonableness include:

- a. Comparing when Homes for Good's attempt to buy the property across from FEC and when FURA entered into negotiations to buy it;
- b. Comparing when the Port attempted to buy the property that Homes for Good purchased for its housing project in the Old Town area and when Homes for Good started negotiating to purchase it.
- c. The reason the City attempted to require Homes for Good to use a particular old road as a means of access to the Old Town Property.
- d. What standard of good faith and fair dealing does an Oregon municipality owe its residents?

Miller Park Project Timeline



October 2018

- Bid opening
- Low bid more than entire grant - \$480,000
- Bid rejected

April 2019

- City takes on role as general contractor
- Construction begins

August 2019

- Old structure moved
- Foundation started

Fall 2019

- Hap's Masonry completes brick work for walls
- Doors, Windows and Louvres installed

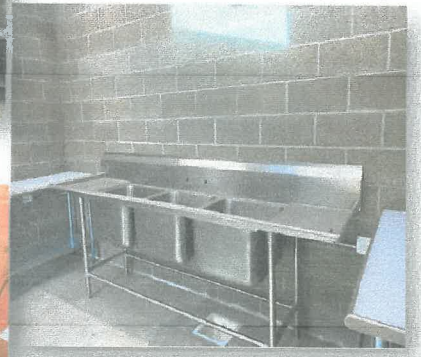
Spring/Summer 2020

- Plumbing progressing
- Electrical completed
- Sidewalks installed

Interior Components

The Miller Park concession and restroom building is a newly constructed facility that will be the home for several local organizations and provide a spacious, organized and comfortable place to recreate.

- Custom commercial kitchen sinks and counters
- Commercial roller window for concessions for added security and ease of use
- Custom wood ceiling through out with skylight for natural light were built and installed by City staff



City of Florence
A City in Motion 

blank

Statement and Evidence for the public hearing at 5:30 p.m. in the Florence Event Center on November 18 regarding the adoption and non-adoption of amendments to Ordinance No. 7, Series 2019 to Florence's Comprehensive Plan, Zoning Map, and City Code Titles 10 and 11 [BG-this document has been edited as you can see to correct typos that were included in the document submitted to the city] [2/15/2024 – BG -It is now also annotated to reflect additional concerns and observations as of 2/15/2024].

Brenda Gilmer
3640 Ocean View Dr.
Florence, OR 97439-9256

November 18, 2019

I am a citizen of Florence who is adversely affected by the City's failure to honor its duty to respect my federal and state constitutional rights to receive the equal protection of the laws (including nondiscriminatory city ordinances) and to receive their guarantee of substantive and procedural due process by creating or participating in the creation of a materially false "record" in this land use matter that misstates facts and omits facts necessary to make its statements not misleading.

Although the "record" and city statements are replete with statements about conforming to the law and standards:

1. The definition of "family" particularly as it is wound into the various definitions of "dwellings" and housing types, discriminates against individuals based on marital status and familial status and injects the concept of "housekeeping unit," an undefined term, causing confusion and ambiguity. The requirement for excluding five or more individuals from the definition of "family" unless related by "blood" or "marriage" deprives people of the equal protection of the law and forecloses equal access to affordable, safe, legal shelter. The definition does not respect all families, continuing the concept of a restrictive sanctioned "family," with "dominant" "male" "husband" and "supportive" "female" "wife" with a "right" to unrestricted breeding for themselves (no limit on size number for families related by marriage or blood for them).
 - a. Both a boarding house and dormitory meet the definition of "Dwelling," but the proposed amendment to "Boarding House/ Dormitory" says they are "**not** occupied as a single family-unit." Neither definition has any basis in law or standards based on public health and safety.
 - b. The definitions of "Dwelling, Duplex," "Dwelling, Four-Plex/Quad" Dwelling, Multiple Multi-family," Dwelling, Single-Family, Detached," "Dwelling, Single-family Attached/Townhouse," and "Dwelling, Tri-Plex," all then include or were amended to include a **requirement** that they be occupied by a "family" or "families" all living independently of each other and having certain "separate facilities for each family as defined under 'DWELLING,'" whereas the definition of dwelling itself has only the requirement that there **be permanent provision for living, sleeping, eating, food preparation, and sanitation.**" The latter definition accurately defines a dwelling, a place of safe habitation for people. With these provisions the permanent affordable

The issues were rectified by the State Legislature

- housing needed for a large unhoused population in the United States, the state of Oregon, and the city of Florence, is not being provided.
- c. **Needed housing** --- housing needed now, as a matter of fact --- is not being included in this zoning rewrite for those, particularly single individuals, unable to afford stand-alone dwellings with their SDUs, separate water and sewer connections and billing, and insurance and maintenance.
 2. Using definitions not to describe a situation, but to limit and create voids, allows the city to function as a “seller” of itself, rather than the governing body responsible for the safety and welfare of its citizens. **Take the definition of “emergency.”** Florence is a “city on the move” that does not have to deal with emergencies because an emergency exists only if it is actually a disaster (which is included as an emergency in the definitions); with the limited exception of a situation dealt with by the local emergency cold weather shelter. If the real, descriptive definition of emergency were included, the city would be required to declare a housing emergency. It is comparable to the city’s treatment of needed housing. If only a total number needed over 20 years is identified or discussed, the number needed NOW disappears. [2/15/2024 BG – now add the definition(s) OR merely different undefined meanings of “transitional housing” to the definition(s) of “emergency.”
 3. **There is no clear and objective path for vitally needed permanent housing and this is coupled with a wholly inadequate, squalid provision for “transitional housing” which is not permitted in any zone under this draft and is a conditional use subject to the provider’s property being taken without due process as one of the provisions for granting a conditional use permit under 10-4-12.**
 - a. Allowing transitional housing **only at churches** as a conditional use (10-4-12) basically, 3 RVs to a church, hooked up to city sewer and water (with SDC charges), and a two-year limit for help – discriminates particularly harshly against LGBTQ youth who are homeless in large part **because of** religious based rejection or hate. They are at heightened risk of violence, abuse and exploitation. Forty percent of homeless youth served by agencies identify as LGBT according to the Williams Institute. Structuring things this way enables hate-based religions to discriminate **by just doing nothing!** No overt hate need be spoken of – all that is needed is to do nothing. It is not unlike like the secrecy that protects tax shelter purchasers -- no one gets to know that the indignant rich man castigating the poor for impoverishing the public treasury is himself sucking it dry with a magic piece of paper he purchased.
 - b. **Florence used the housing code in the past to “disappear” people, and is doing it again. Words are used to hurt people. They create a formula, a list of “permissible housing” that excludes people by offering them no words for their life or place they may dwell.** If discrimination cannot be openly practiced based on income, then by golly, just make each “family” live “independently.” Make sure categories are made, not based on health and safety, but on SDCs, and expensive housing. [2-15-2024 BG – On January 11, 2024, Erin Reynolds describes the City of Florence Code Enforcement, Public Works and the Police as the go to City’s liaison for people experiencing homelessness - calling their being “moved along” as “noncriminal” will sure show us all that Jim Crow remains alive and well in Florence, the amoral but

highly “religious” city that does not comprehend the concepts of good governance or the common good.]

4. The definitions of “Affordable housing and “Affordable Housing Unit,” are not inherently wrong, just not complete enough as used and referred to in other definitions.
5. No clear and objective path is provided for any housing but single-family dwellings, which are unaffordable to those making the Florence median income; ADUs with their temporarily waived SDCs cannot alone begin to meet the need of the over 1,000 existing commuters (Exhibit IV.5: Florence Housing Needs Forecast: Workforce Housing Scenario B, Housing Needs Analysis and Economic Opportunities analysis, page 29).
6. The city documents and web pages are replete with material misstatements. These overt misstatements and omissions include:
 - a. understating pent up demand for needed affordable housing for all income levels, particularly those at or below the federal poverty level in the needs analysis (contrast the November “draft” 2017 and December 2017 Housing Needs Analysis and Economic Opportunities Analyses (https://www.ci.florence.or.us/sites/default/files/fileattachments/planning/page/5391/housing_needs_analysis_and_economic_opportunities_analysis_-_nov._2018.pdf); statements by Todd Chase and Erin Reynolds at December 12, HEOP 2017 open house. [2/15/2024- BG - the pie chart showing the then unhealthily high proportion of large lots and houses as, if I remember right, at 63% when a “healthy” amount of that kind of housing stock in a community was 16%])
 - b. understating the number of individuals and families lacking safe and legal housing (where are they defined to exist – the 9 individuals in need of “special housing” that is projected to grow to 20 over the next 20 years?) [2/15/2024 -BG- this latest housing effort developed what is currently on the table, both for Title 10 and Title 9, without quantifying or understanding the size and nature of our situation. How can anything be said about reasonableness or a good way to do something without knowing that? Honestly, how?]
 - c. by omitting the effect the lack of needed housing is having on Florence's suicide rate (three times higher than that of Lane County), or the housing and food insecurity of local families and the effects they are having on our children and schools and hospitals (the Public Health Department and Peace Health's Community Health Needs Assessments) [2/15/24 BG – Florence has the highest suicide rate for veterans in the entire United States, a fact that likely will not be mentioned in the State of the City next month].
 - d. representing CEDC is a fair cross-section. Whereas the City did appoint a cross-section of Florence residents to serve on the initial stage of the HEOP project, a majority appointed to serve on the CEDC appeared to embrace stereotypes and exhibit hostility toward “families,” non-binary individuals and any effort at providing a clear and objective path for anyone but married man and woman couples living in detached single-family dwellings, and as wholly unsupportive of affordable housing for any but the wealthy able to afford current market-rate

single family dwellings, as shown by their participation in CEDC meetings on May 2, 2019, May 9, 2019 and June 20, 2019. [2/15/24 BG - This stereotyped "family" situation continued long after the legislature specified that the city could not use it - if it still remains in this land use proceeding in any form, it is objectionable and should be removed; it discriminates on the basis of religion and sex.]

- i. HEOP's termination and CEDC's formation and membership are inconsistent with the City's Application for 2018-2019 Oregon Housing Needs Planning Project application and funding and inconsistent with the city web-page statement (The project is funded by the Department of Land Conservation and Development (DLCD) though a grant provided to hire a consulting team, 3J Consulting and JET Planning. The consulting firms are charged in developing code amendments which seek to further the goals of the City to remove regulatory barriers to the construction of a greater variety of housing types and affordable housing options). Neither affordability nor needed housing for all income levels was pursued by CEDC. See attached Exhibits 1 and 2 (the city's application for the 2018-2019 Oregon Housing Needs Planning Project), and 3 and 4 (the "project description" change between CEDC's February 28, 2019 and March 21, 2019) and CDEC's entire record.
- ii. With HEOP, the city had an informed, engaged citizen participation; with CEDC the public engagement was limited and not at all designed to educate or elicit educated input, asking for "votes" without providing those voters with the means of obtaining or understanding the facts.
 1. The formation of CEDC appears to have been motivated by a desire to erase HEOPs wide-spread and engaged public input and record (an unprecedented 700 participants) with its significant subscriber list and create a "new" record of public participation by creation of a replacement entity to which the HEOP subscription list was not carried over, with a quick series of meetings gutting the HEOP work followed by a curated, superficial meeting for an invited crowd on May 23, 2019, at which the mayor noted "the **right** people are here" (I understood his words to mean "not the hoi polloi who had participated in HEOP and were on that notice list"). That open house included an odiferous "homeless" man who, I surmised after sitting next to him (and I may be wrong that an elderly decrepit man I'd never seen in town before, walked into town and that meeting with his long tree branch of a walking stick, was other than he appeared to be), had been hired to attend to create a negative image of the "homeless," mentally ill individual from whom the town needed to be saved.
- e. That committee does not in any manner reflect "multi-cultural, multi-generational, alternative abilities or low income level" participation. [2/15/2024- BG- The absence of a person who has experienced homelessness in the HIP process or on SAT resulted in a final meeting of SAT during which nothing, not a single word or concept from the perspective of the human beings experiencing homelessness

was expressed and the end product of which was similarly devoid of any acknowledgment of the human dignity and respect owed each of us; it was rife with language about the respect THAT NEEDED TO BE SHOWN BY them.]

- f. by representing to the Department of Land Conservation and Development in its application for the 2018-2019 Oregon Housing Needs Planning Project that the code updates have a focus on increasing housing supply and/or improving housing affordability.
 - a. by claiming that housing is its number one priority, when all the documents and committee work plans clearly show it is not. [2/15/2024- BG – the requirement for getting a conditional use permit in all cases, regardless of where shelter would be developed, is tailor made for the continuation of nothing being done; lots of words]
7. A clear and objective path for housing suitable for all income levels- is vitally needed because the city treats land use applicants differently. Contrast the treatment of and attitude of the Planning Commission with respect to the temporary conditional use permit requests of Hyak Siuslaw Broadband at its August 13, 2019 meeting (fawning and “no problem,” you shouldn’t even have to ask us, when there was no clear compliance with any standard, no sewer hookup was required and the company’s plan for a port-a-potty was AOK; “he’s one of us”), with First Step, a nonprofit providing three park model trailers on Presbyterian church property at its September 24, 2019 Commission hearing and the subsequent October 8, 2019, Planning Commission meeting (disrespect and contempt notwithstanding having provided solid, sanitary sewage disposal options – “make them pay SDCs,” make them “rip it out;” they’re one of THEM”). [2/15/2024 BG- by bifurcating housing into the two separate streams, itself a land use decision, removing “emergency” (for some purposes) and “transitional” (for some purposes), with varying definitions and contexts in Chapters 9 and 10, the water is well and truly muddled and certainly offers no benefit at all to our neighbors experiencing homelessness.)
 8. The proposed code fails to comply with required siting of manufactured homes provided in ORS 197.314. The failures are replete throughout the Title 10. [2/15/2024 – BG-how manufactured housing is addressed in the current dual proposals confuses me. Is it being treated differently than stick-build housing in any circumstance?]
 9. By omitting applicable Constitutional, statutory, and regulatory standards, and placing omitting material facts such as HEOP’s dismantling and erasure, the city has created an at best, murky materially false record of this land use procedure and at worst, an intentionally materially false record. If the City does not conform to federal housing standards that forbid discrimination in the rental, sale or financing of housing based on race, sex, color, religion, national origin, age, or marital status, federal funding cannot be obtained and an important avenue for obtaining affordable housing for its low income residents cannot be pursued. If nothing is done, as in the past, the default is discrimination and disenfranchisement of a large segment of Florence’s population. In this regard it would not be unlike the theft of Native American land when in 1855 the Coos, Lower Umqua, and Siuslaw tribes of Oregon negotiated rights and signed the Empire Treaty, and the government simply did not ratify it. The government set things up so that by doing nothing, they got what they

wanted. [2/15/2024 – BG – it seems that taking no affirmative action to address the issue, failing to accurately quantify and invite solutions will again serve(?) the City, but certainly not the peo.ple, at least until it is required to formulate a housing production strategy; surely we are at 10,000, are we not?]

10. By omitting applicable Constitutional, statutory, and regulatory standards, no barriers to development were effectively identified and addressed, much less solved. An opportunity for clarity and simplicity and fairness and equity were and are in danger of being lost. But clarity and simplicity and standards applicable to all do not enable the city to continue to govern by invitation, to “choose” who makes it and who does not, likely holdovers and habit from the bygone days of overt racism and Jim Crow law. [2/15/2024 BG – the proposal to subject the needed housing for those experiencing homelessness to a status of approval only in a conditional use permit proceeding, dooms that type of housing – I refer to Robert Carps convoluted reasoning about why he categorically refuses the use of public property in solving their housing needs, enunciated in voting against the Florence Emergency Cold Weather Shelter’s use of the city property on August 14, 2023].

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Florence Chronic Homeless for Jan 2024

1 message

Rick Chilton <rick.hhc01@gmail.com>
To: Brenda-Florence <brendajgilmer@gmail.com>
Cc: Rick Chilton <rick.hhc01@gmail.com>

Sun, Feb 11, 2024 at 10:44 AM

Recent data as of Jan 2024 reported by Homeless in Lane Co by LC-Human Services Division:

- Status: 235 people homeless (represents 5% of total of 4703 unhoused people in Lane Co in month of Jan 2024.

**Homeless in Lane Co by LC-Human Services Division:
Recent data as of Jan 2024**

235 people homeless (represents 5% of total of 4703 unhoused people in Lane Co in the month of Jan 2024.

235 Population Size

Sub Population Break Down

38%	26%	52%	69%	5%
Chronic	Domestic Violence	Disabled	Unsheltered	Veteran
89	61	122	162	12

Source: https://public.tableau.com/app/profile/lchsd/viz/HomelessnessinLaneCountyOregon_16195399452050/SummaryDashboard

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City Recorder

From: Locuta <locuta@earthlink.net>
Sent: Thursday, February 15, 2024 3:10 PM
To: City Recorder
Subject: Proposed Ordinance No. 1, Series 2024: SUPPORT

I support all of the proposed changes included in this ordinance. Improving utilization and density of land already developed in the urban zone is a wise choice.

The use of recreational vehicles as de-facto accessory dwelling units on residential lots is an easy way and inexpensive to provide safe shelter for those in need. In addition, these "RV-ADUs" can provide housing for caregivers without actually living in the same dwelling as the person(s) receiving care, giving all parties better privacy and security.

A few caveats:

- the RV needs to be parked behind a solid fence for visual screening from the street
- there must be code-compliant sewer and electrical hook-ups available where the RV is parked
- a permit from the City of Florence is required, with the permit renewed at reasonable intervals (every 3 calendar years, for example)

One aspect of concern is having homeless shelters and the like near schools due to the unfortunate reality that a person who has been convicted of a crime against children could be housed there. There may already be laws or other restrictions in place restricting persons with these criminal records from being within 300 feet of a school. If not, a screening process is necessary to re-direct this population to another shelter facility not near a school. Of course, there must be other shelters in operation so such re-direction is viable.

I would like to see the scope of the emergency shelter ordinances expanded to *require* churches and other "house of worship" properties owned and operated by tax-exempt organizations to host such shelters a minimum of three days per month. If they refuse to provide this community service, then they forfeit any reduced fees, property tax reductions, and other considerations extended to them by the City of Florence.

Thank you for your consideration,

Kirsten Barquist
179 Laurel Street
Florence, OR 97439

Attachment 2-j

for Council 2.5.24 hearing

Brenda Gilmer
3640 Ocean View Dr
Florence, OR 97539-9256
Telephone 541-590-5060
A Florence resident
brendajgilmer@gmail.com

Written Testimony for Agenda Item 2, titled "Housing Code Update," A. PUBLIC HEARING FOR ORDINANCE NO. 1, SERIES 2024, and B. HOUSING CODE ADOPTION AND IMPLEMENTATION

1. The City's Thursday, February 1, 2024, notice of this meeting and agenda and the posting of the voluminous documents comprising the meeting materials was far too short (intentionally?) to provide meaningful public participation or opportunity to respond.
2. The Planning Commission meeting and the actions of the City preceding this opportunity and hearing have not been sufficient to allow the people of the community, including me, to understand, much less knowledgeable address or respond to the legality of this proposal which fails to provide meaningful opportunity of those experiencing homelessness to obtain safe, legal shelter.
 - a. Neither the SAT advisory team nor the HIP subcommittee included a single person who has experienced or was experiencing homelessness.
 - b. The City did not seek out vibrant citizen input. Just the opposite.
 - i. It created an "advisory team" instead, with representatives of interests. Health represented by a hospital administrator who spoke only of the need for housing for doctors. No public health representation, no actual participation by the Lane Council of Governments. A chairperson who principally represents the interests of the local Chamber of Commerce, which wants the unsightly vermin gone. SOS, which has historically treated many of those experiencing homelessness with contempt and has honored important donor perspectives that a shower and clean clothes must be withheld lest their laziness or other bad characteristics be "rewarded" and which routinely sent people to Eugene by bus without any assurance that safety or help there was available. It limited all, most?, outreach to digital means which left those without computers and wifi any meaningful way to participate. It did not widely publish the input it did receive and, if it were shared with the committee, the committee did not engage in assessing or conveying any conclusions or wisdom or anything to be drawn from it.

- ii. Bob Teter, a SAT and HIP member, Executive Director of Siuslaw Outreach Services, has previously spoken of “them” to me as all “liars” and has shown an inability to comprehend the concept or practice of “trauma informed care.” In the SAT meetings the public was informed about that I was then able to attend, his emphasis was, consistently “**their**” need to “**show** respect”.
 - iii. Russ Pierson, the SAT chairman, from Lane Community College, oversaw an upgrade to the LCC campus during this time that resulted in closure of the building that contained bathrooms and stripped the wooded area of sheltering vegetation that provided shelter and protection, in tandem with the City’s upgrade of Miller Park, which had the similar “salutary” purpose and effect of clearing out the unsheltered, as noted by Public Works director Mike Miller (no toilets, no shelter).
 - c. I submitted a written list to the City of who was NOT on the SAT subcommittee who needed to be at my first opportunity to do so and I incorporate that previous written evidence by reference. I did not receive a response to that letter.
 - d. Several of my attempts at making online contact or comment did not happen because somehow there must have been an unidentified technical glitch.
3. The proposed amendments do not support residential development consistent with the Plan and the adopted Housing Needs Analysis:
- a. Those experiencing homelessness were excluded in all phases of the planning process. Some of the HIP SAT deficiencies are noted above.
 - b. While some formal city meetings were well publicized and there was some opportunity for citizen participation, subcommittees and meetings were held outside of that structure and no notice was given or participation invited, notwithstanding the mayor organization of participation at them.
 - c. Truncated minutes are all that are readily available to the public. Data and items such as response to my concerns about who was not represented or well represented at HIP were not even mentioned in meeting minutes.
 - d. Policy 3 is not met – the city is placing human beings in industrial and nonresidential areas and requiring residential standards for what should be temporary emergency and transitional housing.
 - e. With respect to Finding 7, the city is requiring residential standards for nonresidential emergency and temporary use, i.e., overkill.
 - f. The proposals do not meet the need for transitional and emergency housing.
4. On May 4, 2020 I submitted written evidence as Agenda item 1, for the Elks Lodge Zoning Change public hearing to the City Council and wish to incorporate that written testimony by reference; I did submit it as evidence in the Planning

Commission's January 23, 2024 meeting about Resolution PC 23 32 TA 06 – HIP Phase 2 Housing Code Implementation. It is still relevant to this issue of failure to

5. Since before 2018, the City engaged in restructuring that resulted in committees that notwithstanding nice sounding but absolutely empty words about housing, stated priorities and established work items that eliminated meaningful housing opportunities for any but the wealthy.
6. The City in the 2017 HNA- HIP Phase 2 Housing Code Update knowingly identified a need for 9 places for unsheltered (calling them "special needs individuals") at a time when the need well exceeded 200 and that need was conveyed by Colin Morgan, now director of the Florence Food Share. The need - now is between 400-600 people.
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Brenda Gilmer
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Florence, OR 97439-9256

November 18, 2019

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2. Using definitions not to describe a situation, but to limit and create voids, allows the city to function as a "seller" of itself, rather than the governing body responsible for the safety and welfare of its citizens. Take the definition of "emergency." Florence is a "city on the move" that does not have to deal with emergencies because an emergency exists only if it is actually a disaster (which is included as an emergency in the definitions); with the limited exception of a situation dealt with by the local emergency cold weather shelter. If the real, descriptive definition of emergency were included, the city would be required to declare a housing emergency. It is comparable to the city's treatment of needed housing. If only a total number needed over 20 years is identified or discussed, the number needed NOW disappears.

3. There is no clear and objective path for vitally needed permanent housing and this is coupled with a wholly inadequate, squalid provision for "transitional housing" which is not permitted in any zone under this draft and is a conditional use subject to the provider's property being taken without due process as one of the provisions for granting a conditional use permit under 10-4-12.

- a. Allowing transitional housing **only** at churches as a conditional use (10-4-12) basically, 3 RVs to a church, hooked up to city sewer and water (with SDC charges), and a two-year limit for help — discriminates particularly harshly against LGBTQ youth who are homeless in large part because of religious based rejection or hate. They are at heightened risk of violence, abuse and exploitation. Forty

percent of homeless youth served by agencies identify as LGBT according to the Williams Institute. Structuring things this way enables hate-based religions to discriminate **by just doing nothing!** No overt hate need be spoken of – all that is needed is to do nothing. It is not unlike like the secrecy that protects tax shelter purchasers – no one gets to know that the indignant rich man castigating the poor for impoverishing the public treasury is himself sucking it dry with a magic piece of paper he purchased.

b. Florence used the housing code in the past to “disappear” people, and is doing it again. Words are used to hurt people. They create a formula, a list of “permissible housing” that excludes people by offering them no words for their life or place they may dwell. If discrimination cannot be openly practiced based on income, then by golly, just make each “family” live “independently.” Make sure categories are made, not based on health and safety, but on SDCs, and expensive housing.

“family”
requirement
prohibited
by
state
legislation

4. The definitions of “Affordable housing and “Affordable Housing Unit,” are not inherently wrong, just not complete enough as used and referred to in other definitions.
5. No clear and objective path is provided for any housing but single-family dwellings, which are unaffordable to those making the Florence median income; ADUs with their temporarily waived SDCs cannot alone begin to meet the need of the over 1,000 existing commuters (Exhibit IV.5: Florence Housing Needs Forecast: Workforce Housing Scenario B, Housing Needs Analysis and Economic Opportunities analysis, page 29).
6. The city documents and web pages are replete with material misstatements. These overt misstatements and omissions include:

- a. understating pent up demand for needed affordable housing for all income levels, particularly those at or below the federal poverty level in the needs analysis (contrast the November “draft” 2017 and December 2017 Housing Needs Analysis and Economic Opportunities Analyses (https://www.ci.florence.or.us/sites/default/files/fileattachments/planning/page/5391/housing_needs_alyis_and_economic_opportunities_analysis_-_nov._2018.pdf); statements by Todd Chase and Erin Reynolds at December 12, HEOP 2017 open house.
- b. understating the number of individuals and families lacking safe and legal housing [BG where are they defined to exist – the 9 individuals in need of “special housing” that is projected to grow to 20 over the next 20 years?]
- c. by omitting the effect the lack of needed housing is having on Florence’s suicide rate (three times higher than that of Lane County), or the housing and food insecurity of local families and the effects they are having on our children and schools and hospitals (the Public Health Department and Peace Health’s Community Health Needs Assessments)
- d. representing CEDC is a fair cross-section. Whereas the City did appoint a cross-section of Florence residents to serve on the initial stage of the HEOP project, a majority appointed to serve on the CEDC appeared to embrace stereotypes and exhibit hostility toward “families,” non-binary individuals and any effort at providing a clear and objective path for anyone but married man and woman couples living in detached single-family dwellings, and as wholly unsupportive of affordable housing for any but the wealthy able to afford current market-rate single family dwellings, as shown by their participation in CEDC meetings on May 2, 2019, May 9, 2019 and June 20, 2019.

CEDC
is now
on
“hiatus”
and, I believe,
has been
since SAT
began. Hiatus,
not gone.

- i. HEOP’s termination and CEDC’s formation and membership are inconsistent with the City’s Application for 2018-2019 Oregon Housing Needs Planning Project application and funding and inconsistent with the city web-page statement (The project is funded by the Department of Land Conservation and Development (DLCD) though a grant provided to hire a consulting team, 3J Consulting and JET Planning. The consulting firms are charged in developing code amendments which seek to further the goals of the City to remove regulatory barriers to the construction of a greater variety of housing types and affordable housing options). Neither affordability nor needed housing for all income levels was pursued by CEDC. See attached Exhibits 1 and 2 (the city’s application for the 2018-2019 Oregon Housing Needs Planning Project), and 3 and 4 (the “project description” change between CEDC’s February 28, 2019 and March 21, 2019) and CDEC’s entire record.
- ii. With HEOP, the city had an informed, engaged citizen participation; with CEDC the public engagement was limited and not at all designed to educate or elicit educated input, asking for “votes” without providing those voters with the means of obtaining or understanding the facts.
 1. The formation of CEDC appears to have been motivated by a desire to erase HEOPs wide-spread and engaged pubic input and record (an unprecedented 700

participants) with its significant subscriber list and create a "new" record of public participation by creation of a replacement entity to which the HEOP subscription list was not carried over, with a quick series of meetings gutting the HEOP work followed by a curated, superficial meeting for an invited crowd on May 23, 2019, at which the mayor noted "the right people are here" (I understood his words to mean "not the hoi polloi who had participated in HEOP and were on that notice list"). That open house included an odiferous "homeless" man who, I surmised after sitting next to him (and I may be wrong that an elderly decrepit man I'd never seen in town before, walked into town and that meeting with his long tree branch of a walking stick, was other than he appeared to be), had been hired to attend to create a negative image of the "homeless," mentally ill individual from whom the town needed to be saved.

- iii. That committee does not in any manner reflect "multi-cultural, multi-generational, alternative abilities or low income level" participation.
 - e. by representing to the Department of Land Conservation and Development in its application for the 2018-2019 Oregon Housing Needs Planning Project that the code updates have a focus on increasing housing supply and/or improving housing affordability.
 - f. by claiming that housing is its number one priority, when all the documents and committee work plans clearly show it is not. *that history continues.*
7. A clear and objective path for housing suitable for all income levels- is vitally needed because the city treats land use applicants differently. Contrast the treatment of and attitude of the Planning Commission with respect to the temporary conditional use permit requests of Hyak Siuslaw Broadband at its August 13, 2019 meeting (fawning and "no problem," you shouldn't even have to ask us, when there was no clear compliance with any standard, no sewer hookup was required and the company's plan for a port-a-potty was AOK; "he's one of us"), with First Step, a nonprofit providing three park model trailers on Presbyterian church property at its September 24, 2019 Commission hearing and the subsequent October 8, 2019, Planning Commission meeting (disrespect and contempt notwithstanding having provided solid, sanitary sewage disposal options – "make them pay SDCs," make them "rip it out;" they're one of THEM").
 8. The proposed code fails to comply with required siting of manufactured homes provided in ORS 197.314. The failures are replete throughout the Title 10.
 9. By omitting applicable Constitutional, statutory, and regulatory standards, and omitting material facts such as HEOP's dismantling and erasure, the city has created an at best, murky materially false record of this land use procedure and at worst, an intentionally materially false record. If the City does not conform to federal housing standards that forbid discrimination in the rental, sale or financing of housing based on race, sex, color, religion, national origin, age, or marital status, federal funding cannot be obtained and an important avenue for obtaining affordable housing for its low income residents cannot be pursued. If nothing is done, as in the past, the default is discrimination and disenfranchisement of a large segment of Florence's population. In this regard it would not be unlike the theft of Native American land when in 1855 the Coos, Lower Umqua, and Siuslaw tribes of Oregon negotiated rights and signed the Empire Treaty, and the government simply did not ratify it. The government set things up so that by doing nothing, they got what they wanted.
 10. By omitting applicable Constitutional, statutory, and regulatory standards, no barriers to development were effectively identified and addressed, much less solved. An opportunity for clarity and simplicity and fairness and equity were and are in danger of being lost. But clarity and simplicity and standards applicable to all do not enable the city to continue to govern by invitation, to "choose" who makes it and who does not, likely holdovers and habit from the bygone days of overt racism and Jim Crow law.

Lindsey White

From: Aric Sneddon <aric@cbcoast.com>
Sent: Wednesday, February 14, 2024 4:33 PM
To: Peighton Allen; Erin Reynolds
Cc: Missy Johnson; Ryan Denning; Justin Young
Subject: Seeking Clarification on Proposed Code Changes

Dear Peighton,

I am currently working on a report to the COCBR board regarding the upcoming proposed city code changes, particularly focusing on the support for these modifications. Missy Johnson forwarded me the information you provided with the relevant links.

As I delve into the details, I am encountering some challenges in deciphering the proposed changes, given the technical nature of the language used. I am reaching out to seek your assistance in clarifying a few points to ensure accurate understanding and representation in the upcoming report. Firstly, concerning Table 10-10-4A, it seems that the minimum lot dimensions for MDR single-unit detached dwellings are changing from 50 ft wide 80 ft deep to 35 ft wide and 80 ft deep, resulting in a square footage of 2,800. Could you confirm if my understanding is correct?

Moving on to Table 10-10-4-B, it appears that the minimum square footage for MDR single-unit detached dwellings is changing from 5,000 to 4,000. Am I interpreting this correctly, and is there any additional information or attachment I should be aware of?

If I am reading the changes correctly, I feel there is a conflict. The new minimum single-unit lot dimensions is 35 ft wide by 80 ft deep minimum results in a total 2,800 square feet when the new single-unit code change has a minimum 4,000 square feet. What is the actual code one is expected to follow? I am looking for clarification on where the standard is.

Regarding Title 10, Chapter 3 on Off-Street Parking and Loading, I am seeking clarification on Section One. Is it accurate to understand that the section is setting standards for minimum garage sizes but not specifying a mandatory size, allowing flexibility as long as the minimum standard is met?

In Section Two-B, the inclusion of "private" and "or sidewalk easement area" is not entirely clear to me. How does this impact property owners when the sidewalk is situated on their property due to constraints within the city right of way? For instance, in areas like the bioswales in Three Mile Prairie, where the sidewalk is on the property with a recorded easement, would this affect the required driveway length?

Moving to Section Three-A, it appears that the changes may restrict the construction of a two-car garage on a minimum lot size in the MDR zoning. If a home is built on a 36 ft wide by 80 ft long lot, would the driveway be limited to a maximum of 17 feet 5 inches due to the "50% of the front property line" constraint? Is my understanding accurate?

I appreciate your time and assistance in providing clarity on these matters. Ensuring a full understanding of the proposed changes is crucial for the upcoming letter from COCBR. If there are any additional documents or details that would aid in my comprehension, please feel free to share them.

Thank you for your prompt attention to this matter, and I look forward to your response.

Best regards

--

Aric C. Sneddon

Coldwell Banker Coast Real Estate
Broker
License# 201224584
(541) 997-7777 office
(541) 999-2343 cell



International Diamond Society Member

Upon Our First Contact Please View the Link Below

https://www.oregon.gov/rea/licensing/Pages/Initial_Agency_Disclosure.aspx

City Recorder

From: Bart Mealer <susybart@live.com>
Sent: Thursday, February 15, 2024 10:09 AM
To: City Recorder
Subject: in support of Ordinance No. 1, Series 2024

Dear Florence City Council,

I am in support of our City allowing much needed transitional housing and shelters in our community, and encourage the Council to pass Ordinance No.1 as proposed. I believe a 300-foot buffer between schools, churches, childcare facilities and a shelter is more than sufficient.

Thank you for your service on behalf of all Florence residents.

Sincerely,

Susy Lacer

City of Florence resident

DRAFT Code Update Attachment A

Transitional Housing

Under provisions that implement HB 2916 (ORS 446.265), the State allows jurisdictions the option of permitting transitional housing. Pursuant to the provision, transitional housing is “accommodations (that) are intended to be used by individuals or families on a limited basis for seasonal, emergency or transitional housing purposes and may include yurts, huts, cabins, fabric structures, tents and similar accommodations.” The transitional housing accommodations are limited to persons who lack permanent or safe shelter or cannot be placed in other low income housing. Pursuant to the provision, the City has the authority to limit the maximum amount of time that an individual or family may use the accommodations.

The State provisions allow some requirements to be placed on transitional housing. Accommodations may be required to provide parking facilities, walkways, and access to water, toilets, showers, laundry, cooking, telephone or other services either through separate or shared facilities.¹

Beyond the definition of transitional housing, there are no standards in Title 10 or 11 that are directly associated with this housing type. Provisions that have been adopted by other jurisdictions include:

City	Use Categories & allowed zones	Types of shelter allowed	Max Stay	Development Standards/misc requirements
Bend	<ul style="list-style-type: none"> Allowed in most zones New is a Type II review, expansion of existing is Type I 	<ul style="list-style-type: none"> Hardship housing Temporary shelter Group shelters Outdoor shelters Multi-room shelters 	180 days (length of time shelter is allowed to operate)	<ul style="list-style-type: none"> “Good neighbor” guidelines On-call or on-site management Underlying zoning requirements apply with some exceptions Waiting/intake areas Transportation access and utility connections required
Portland	<ul style="list-style-type: none"> “Community Service” Allowed in almost all zones 	<ul style="list-style-type: none"> Occupied RVs Group living Short term, mass, and outdoor shelter 	<ul style="list-style-type: none"> Outdoor and mass shelters – 180 days 	<ul style="list-style-type: none"> Occupied RVs are exempt from base zone development standards and density standards. Prohibited from being an STR Parking requirements for occupied RVs are the

¹ Note: According to ORS 446.265, the Oregon Health Authority may develop public health best practices for shared health and sanitation facilities for transitional housing accommodations.

				<p>same as parking requirements for unoccupied RVs</p> <ul style="list-style-type: none"> • No min parking for group living
Salem	<ul style="list-style-type: none"> • Allowed as a “class 1” or “class 2” temporary use permit 	<ul style="list-style-type: none"> • Managed temporary village. Allows: <ul style="list-style-type: none"> ○ Prefab structures, such as tiny homes, yurts, conestoga huts ○ Tents ○ Vehicles and RVs ○ *improvised camps not allowed 		<ul style="list-style-type: none"> • Various operational and on-site standards
Seattle		Transitional Encampments		<ul style="list-style-type: none"> • Various requirements for fire safety/health hazards, utilities/cleaning/cooking facilities, other
Silverton	<ul style="list-style-type: none"> • Allowed on properties owned by religious use • Conditional use process • Required to undergo periodic review and renewal 	<p>Transitional Shelter Community</p> <ul style="list-style-type: none"> • Allows: <ul style="list-style-type: none"> ○ Stick built or prefab structures ○ Must be detached ○ Fabric walls prohibited (tents, yurts) ○ Vehicles, manufactured dwellings, trailers not allowed 	18 months	<ul style="list-style-type: none"> • Various development standards • No outdoor storage allowed • Fencing required • Case management/operations plan required • Code of conduct required • Priority given to individual from Silverton • Occupancy limited to 1 person per shelter

Definitions

Portland

Mass Shelter - . A building that contains one or more open sleeping areas, or is divided only by non-permanent partitions, and furnished with beds, cots, floor mats, or bunks. Individual bedrooms are not

provided. The shelter may or may not have food preparation or shower facilities. The shelter is managed by a public or non-profit agency to provide shelter, with or without a fee, with no minimum length of stay. Where individual bedrooms are provided, the facility is a short term shelter. See also Outdoor Shelter and Short Term Shelter.

Outdoor Shelter - Individual shelters grouped together in an outdoor setting. Examples of individual shelters include tents, yurts, huts, cabins, vehicles or other similar accommodation that do not contain sanitary or cooking facilities, and recreational vehicles with or without cooking and sanitary facilities. The shelter is managed by a public agency or a non-profit agency, with or without a fee, and with no minimum length of stay. An outdoor shelter may or may not include buildings that have food preparation or sanitary facilities. See also Mass Shelter and Short Term Shelter.

Short Term Shelter - A building that contains one or more individual bedrooms, and where occupancy of all rooms may be arranged with no minimum length of stay. The short term shelter facility may or may not have food preparation facilities, and shower or bath facilities may or may not be shared. The facility is managed by a public or non-profit agency to provide shelters, with or without a fee. Examples include transitional housing, and emergency shelters where individual rooms are provided. Where individual bedrooms are not provided, the facility is a mass shelter. See also Mass Shelter and Outdoor Shelter.

Bend

Temporary housing means a permanent facility providing temporary shelter for individuals and/or families who are homeless or in transition. Services may be provided including, but not limited to, accommodations, meals, toilet/bathing facilities, clothing/laundry, case management services and information on or referral to other community resources.

Recreational vehicle means a vehicle with or without motive power that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and as further defined, by rule, by the Director of the Department of Consumer and Business Services Transportation. ***(Underlined added by the Planning Commission on March 8, 2022)***

means a location for overnight accommodation of people who lack housing. A shelter is either a group shelter, outdoor shelter, or a multi-room shelter. See BDC 3.6.600, Shelters. **Shelter**

1. Group shelter means a building that contains one or more open sleeping areas, or is divided only by nonpermanent partitions, furnished with cots, floor mats, bunks, or other sleeping accommodations, for use as a shelter. See BDC 3.6.600, Shelters.

2. Outdoor shelter means a site on which multiple mobile or permanent units including tents, yurts, huts, cabins, manufactured dwellings, recreational vehicles, travel trailers, and other similar structures are placed for use as a shelter. See BDC 3.6.600, Shelters.

3. Multi-room shelter means a building that contains individual sleeping rooms for use as a shelter. See BDC 3.6.600, Shelters.

Shelter, Temporary means group shelters, multi-room, or outdoor shelters used for a limited period. See BDC 3.6.400(I). For temporary hardship housing, see Hardship Housing and BDC 3.6.400(H) .
(Deleted by the City Council on May 18, 2022)

Gresham

Transitional Housing. Housing provided for an extended period and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing.

Seattle

Transitional Encampment. Means a use having tents or a similar shelter, including vehicles used for shelter, that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly-used facilities that are separate from the sleeping shelters.

Silverton

Transitional Housing Communities. Per ORS [446.265](#). Accommodations that may consist of separate facilities, in the form of sleeping pods or other approved structures, for use as living units by one or more individuals or by families. The person establishing the accommodations shall provide access to water and toilet through separate or shared facilities, and may provide access to shower, laundry, cooking, telephone or other services either through separate or shared facilities. The accommodations shall provide parking facilities and walkways. Transitional housing accommodations shall be limited to persons who lack permanent shelter and cannot be placed in other low income housing.

HUD

Transitional Housing (TH) provides temporary housing with supportive services to individuals and families experiencing homelessness with the goal of interim stability and support to successfully move to and maintain permanent housing. TH projects can cover housing costs and accompanying supportive services for program participants for up to 24 months.

Participants in a TH project must have a signed lease, sublease, or occupancy agreement with the following requirements:

- An initial term of at least one month
- Automatically renewable upon expiration, except by prior notice by either party
- A maximum term of 24 months

Sample Code Section

Under provisions that implement HB 2916 (ORS 446.265), the State allows jurisdictions the option of permitting transitional housing. Pursuant to the provision, transitional housing is “accommodations (that) are intended to be used by individuals or families on a limited basis for seasonal, emergency or transitional housing purposes and may include yurts, huts, cabins, fabric structures, tents and similar accommodations.” The transitional housing accommodations are limited to persons who lack permanent or safe shelter or cannot be placed in other low income housing. Pursuant to the provision, the City has the authority to limit the maximum amount of time that an individual or family may use the accommodations.

The State provisions allow some requirements to be placed on transitional housing. Accommodations may be required to provide parking facilities, walkways, and access to water, toilets, showers, laundry, cooking, telephone or other services either through separate or shared facilities.

Beyond the definition of transitional housing, there are no standards in Title 10 or 11 that are directly associated with this housing type. **To start the discussion, we have drafted provisions for transitional housing that are largely based off what other jurisdictions in Oregon are doing. At a minimum, we recommend the City allow transitional housing as a conditional use in all residential, commercial, institutional/office, and commercial zones. Allowing transitional housing in these areas is consistent with the other affordable housing requirements included in the Code update.**

10-38-5 Transitional Housing

- A. Transitional housing is allowed under the following circumstances:
 - 1. On land used as a religious institution or place of worship per FCC 10-2, regardless of the underlying zoning designation.
 - 2. In areas zoned to allow transitional housing, per FCC 10-10
- B. Allowed shelter types.
 - 1. Stick-built detached or attached units
 - 2. Prefabricated or manufactured units
 - 3. Yurts
 - 4. RVs or mobile homes
- C. Maximum Building Footprint. The maximum building floor space for each shelter unit is 400 square feet.
- D. Maximum Number of Units. The maximum number of units per parcel is one for every 1,000 square feet of area of the site the units are to be located on, rounded to the nearest whole number.
- E. Length of stay. An occupant may reside in a transitional housing dwelling for up to 18 months.
- F. Bathrooms and Kitchens. Bathrooms and kitchens are prohibited in the shelter units. Instead, common permanent bathroom facilities available all hours of all days shall be provided for the residents and kitchen facilities may be provided to residents.
- G. Utilities. Water service, sanitary sewer service, natural gas service, propane heaters, and generators are prohibited in the shelter units but are permitted in common facilities. Trash and recycling service is to be provided in the vicinity of the use.
- H. Storage. No outdoor storage is permitted, excluding bicycles. Residents shall be provided with enclosed, secure storage facilities for their belongings.

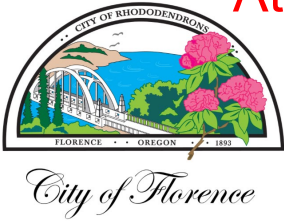
- I. Minimum Rear and Side Yard Depth. The minimum rear and side yard depth is five feet, except that if the rear or side yard abuts a residential district, the minimum shall be 10 feet from the abutting lot line.
- J. Minimum Structure Separation. Structures shall be separated from one another by a minimum of five feet.
- K. Conditional Use. Transitional shelter communities shall be reviewed as a conditional use; however, no fee shall be charged for such review.
- L. Periodic Review and Renewal. Transitional housing developments shall require periodic review and renewal. The first periodic review and renewal shall be conducted one year from occupancy and shall follow the conditional use review procedure. If renewal is approved, periodic review and renewal shall be conducted bi-annually from that point, following the conditional use review procedure.
- M. Financial security (bonds, petitions, cash, etc.) to ensure the removal of the improvements should approval not be renewed shall be provided to the city prior to occupancy.
- N. Site manager. Each transitional housing development must have an assigned site manager, who can be an owner-occupant, tenant, lessee or person other than an owner who has possession and/or control of the property. The site manager shall provide local contact information, name and telephone number, to all property owners and residents within 500 feet of the site on an annual basis. The site manager must be available to accept and immediately respond to telephone calls during business hours. Any change in local contact person must be reported to the city and property owners and residents within 500 feet of the site at least seven days prior to the date the change takes effect.
- O. Management plan. An operations, security, and case management plan for the transitional shelter community shall be submitted to the city at the time of application for review and approval.
- P. Code of Conduct. The managing agency shall provide to all residents of the transitional housing development a code of conduct for living at the transitional shelter community, including information regarding the noise disturbance standards of FCC XX, the chronic nuisance property standards of FCC XX, and the Periodic Review and Renewal timetable. A copy of the code of conduct shall be submitted to the city at the time of application for review and approval.
- Q. Eligibility. Priority should be given to individuals that have been living within Florence or Lane County (excluding Eugene) for the past year.

Other resources

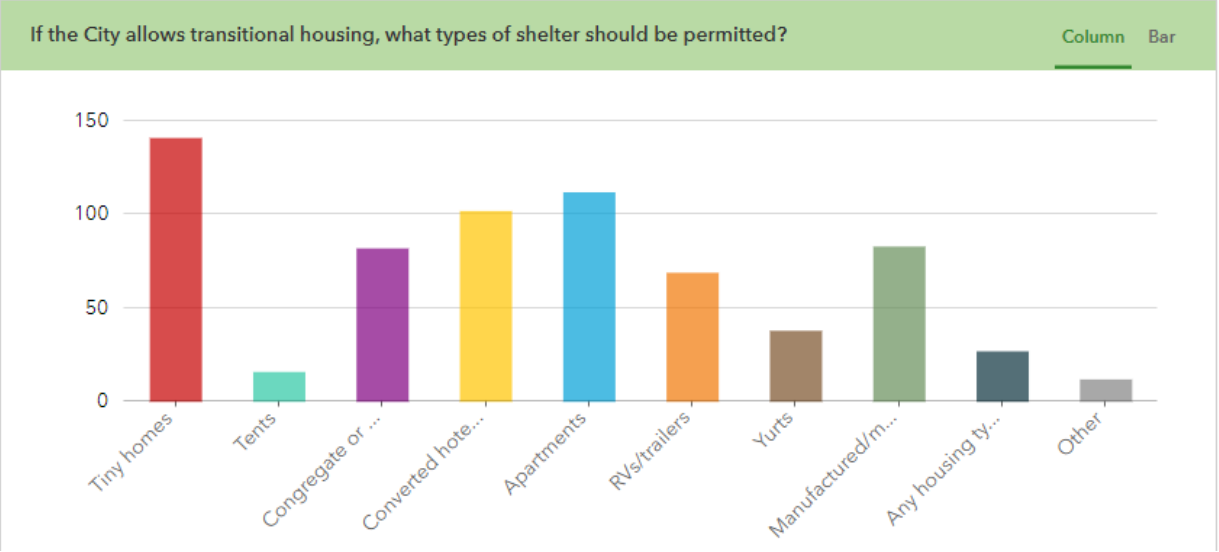
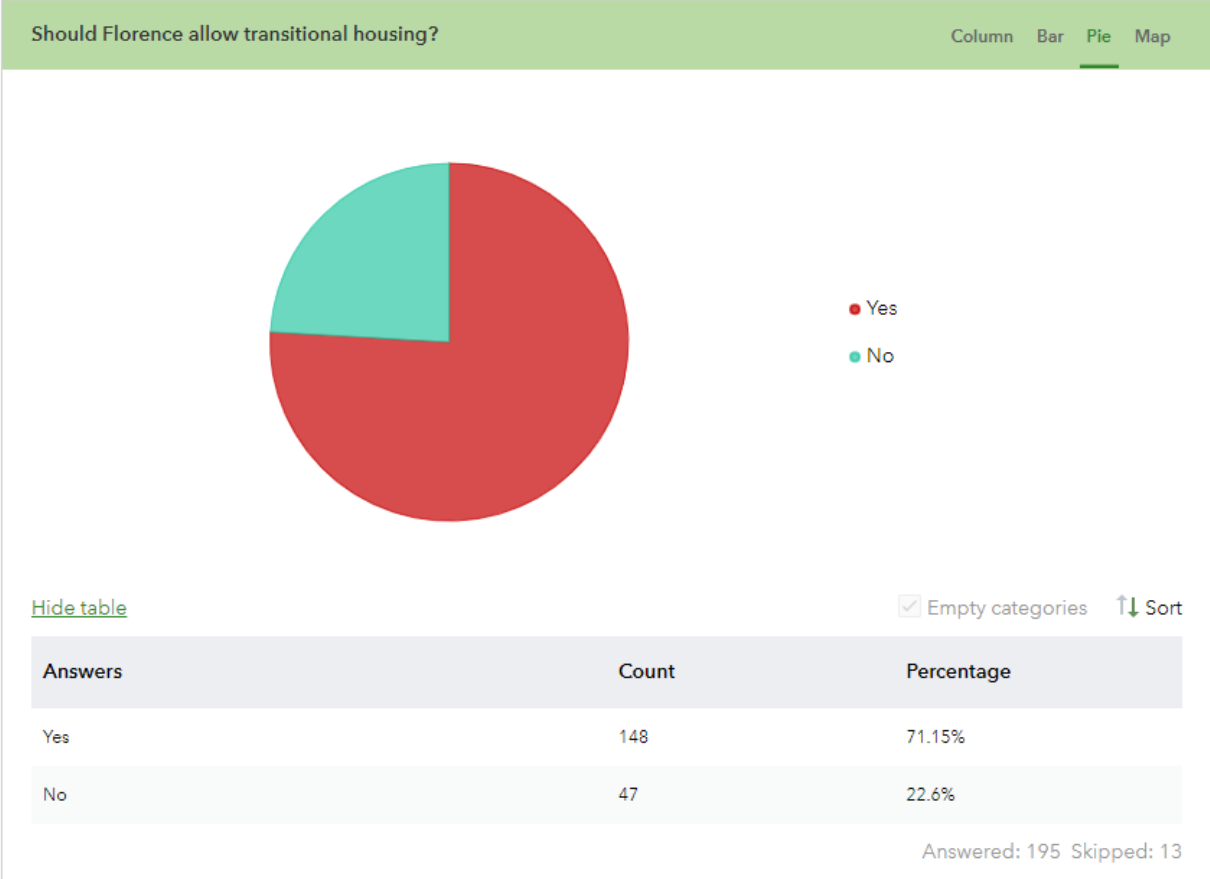
- Rogue Retreats: <https://www.rogueretreat.org/housing-shelter/>
- Portland S2HC: <https://www.portland.gov/bps/planning/s2hc>
- PSU HRAC: <https://www.pdx.edu/homelessness/evaluation-best-practices-village-model>

- Portland Transition Projects: <https://www.tprojects.org/>
- Oregon PSH Program: <https://www.oregon.gov/ohcs/development/Pages/permanent-supportive-housing.aspx>
- Bend Outdoor Shelters Program: <https://www.bendoregon.gov/city-projects/community-priorities/houselessness/outdoor-shelter>
- HUD Exchange Continuum of Care (CoC) Program Eligibility:
<https://www.hudexchange.info/programs/coc/coc-program-eligibility-requirements/>
 - [HUD TH Definition](#)

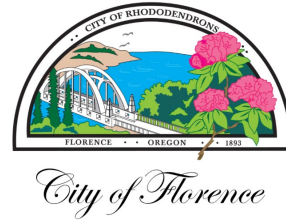
HOUSING IMPLEMENTATION PLAN OPEN HOUSE/SURVEY #1 SUMMARY



TRANSITIONAL HOUSING SURVEY



HOUSING IMPLEMENTATION PLAN OPEN HOUSE/SURVEY #1 SUMMARY



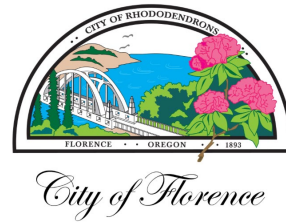
Answers	Count	Percentage
Tiny homes	141	67.79%
Tents	16	7.69%
Congregate or group housing	82	39.42%
Converted hotels or motels	102	49.04%
Apartments	112	53.85%
RVs/trailers	69	33.17%
Yurts	38	18.27%
Manufactured/mobile homes	83	39.9%
Any housing type	27	12.98%
Other	12	5.77%

Answered: 184 Skipped: 24

If you selected "other" in the previous question, what other types of shelter should be allowed as transitional housing?

- Redevelopment of vacant/abandoned buildings
- Designated overnight parking areas for vehicles
- Several comments suggesting no transitional housing should be allowed

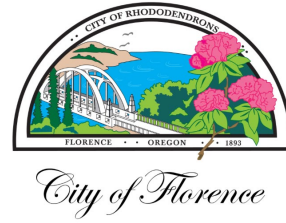
HOUSING IMPLEMENTATION PLAN OPEN HOUSE/SURVEY #1 SUMMARY



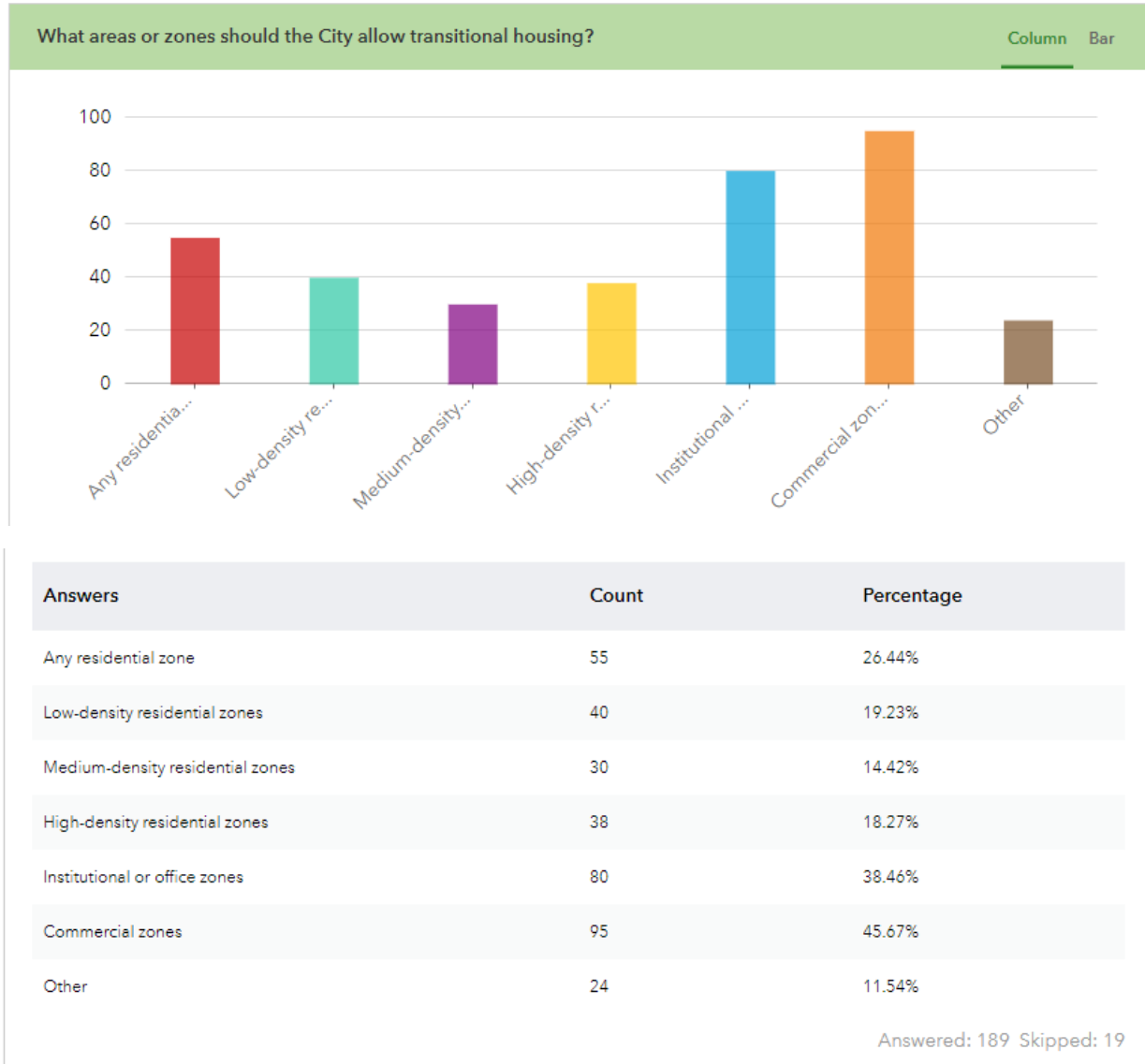
If you selected "other" in the previous question, what do you think the maximum length of stay should be for transitional housing guests?

- Zero
- Under six months
- Indefinitely until the guest finds permanent housing and/or work

HOUSING IMPLEMENTATION PLAN OPEN HOUSE/SURVEY #1 SUMMARY



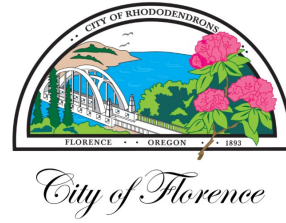
- 45 days
- 18 months



If you selected "other" for the previous question, what areas should allow transitional housing?

- On any vacant property
- Within a certain distance of services
- Outside city limits

HOUSING IMPLEMENTATION PLAN OPEN HOUSE/SURVEY #1 SUMMARY



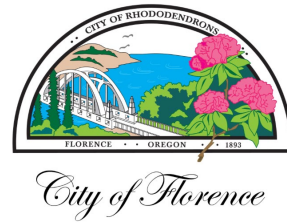
- Land owned by religious institutions
- Anywhere



Answers	Count	Percentage
Landscaping/screening requirements	135	64.9%
Minimum parking	127	61.06%
Bike parking	116	55.77%
Storage facilities	111	53.37%
Minimum open space	68	32.69%
Common spaces/areas	117	56.25%
Must have architectural design requirements	83	39.9%
Other	19	9.13%

Answered: 188 Skipped: 20

HOUSING IMPLEMENTATION PLAN OPEN HOUSE/SURVEY #1 SUMMARY

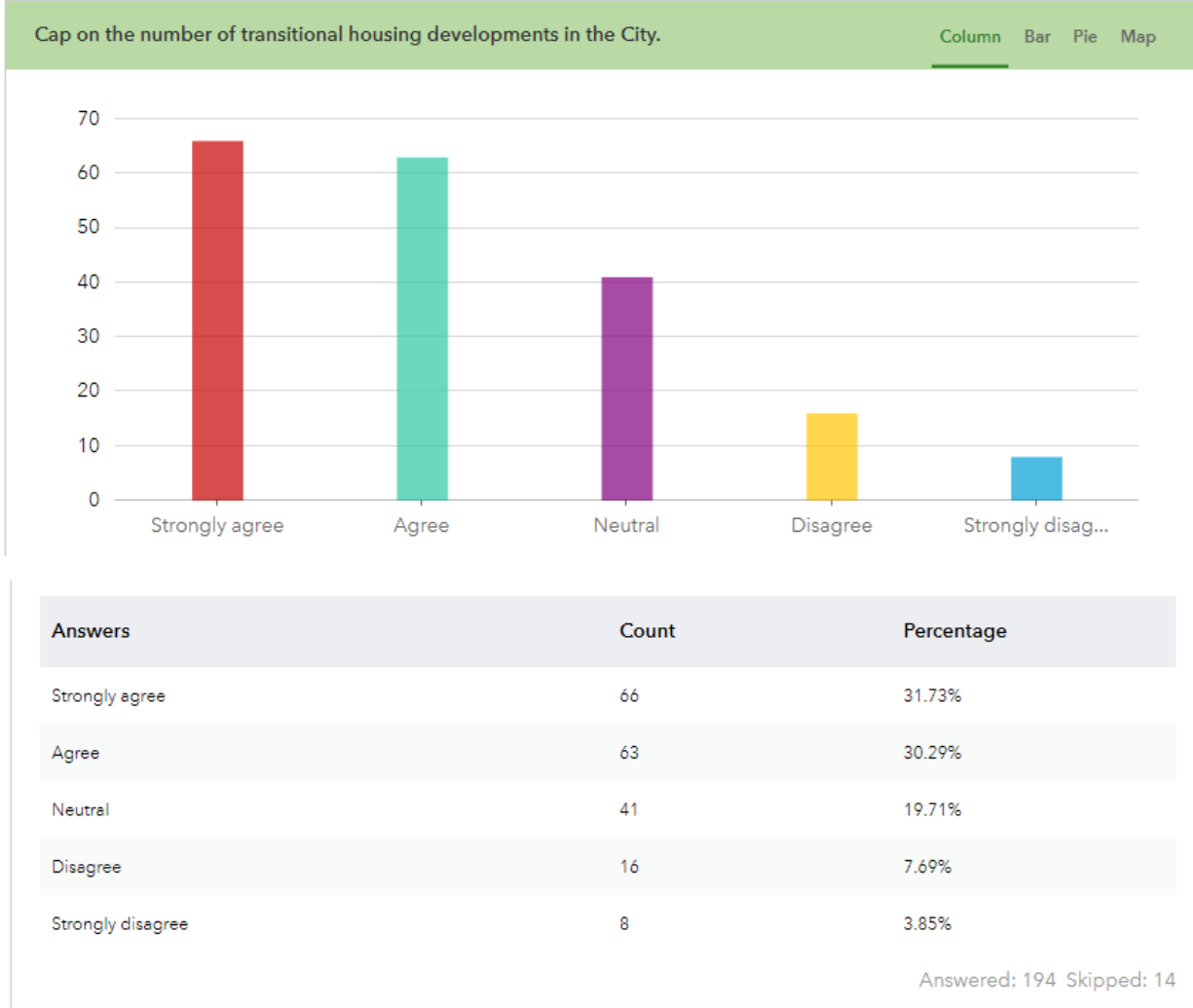
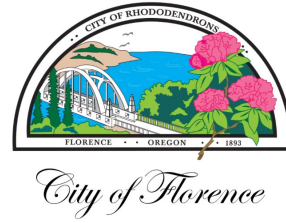


If you selected "other" in the previous question, what kind of development standards or amenities should be required with transitional housing?

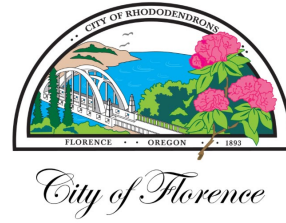
- Security
- Basic amenities (wifi, laundry)
- General maintenance for a clean property
- ADA
- Transit access

Please indicate how much you agree with the following transitional housing strategies:

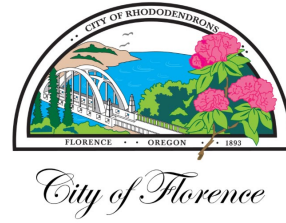
HOUSING IMPLEMENTATION PLAN OPEN HOUSE/SURVEY #1 SUMMARY



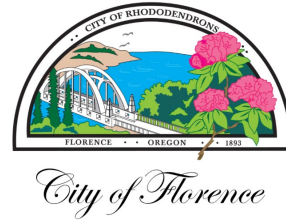
HOUSING IMPLEMENTATION PLAN OPEN HOUSE/SURVEY #1 SUMMARY



HOUSING IMPLEMENTATION PLAN OPEN HOUSE/SURVEY #1 SUMMARY



HOUSING IMPLEMENTATION PLAN OPEN HOUSE/SURVEY #1 SUMMARY



If you have other ideas for how Florence should limit or manage the location and number of transitional housing projects, please write them here.

- Concerns transitional housing will attract more people experiencing homelessness from other areas
- Need supportive wrap-around services
- Must be close to services
- Should be close to transit
- On-site management and operational/maintenance standards

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 23 32 TA 06

A RECOMMENDATION TO THE CITY COUNCIL TO MAKE LEGISLATIVE AMENDMENTS TO THE FLORENCE CITY CODE TITLE 10, TO SUPPORT TRANSITIONAL HOUSING, MISSIONS AND EMERGENCY SHELTERS ASSOCIATED WITH PHASE 2 OF THE HOUSING IMPLEMENTATION PLAN PROJECT AND REDUCE LOT DIMENSIONS FOR MEDIUM DENSITY SINGLE UNIT DETACHED DWELLINGS.

WHEREAS, Application was made through initiation by the Planning Commission to amend Florence City Code, as required by FCC 10-1-3-C; and

WHEREAS, the notice was sent to the Department of Land Conservation and Development on December 14, 2023, not less than 35 days prior to the first evidentiary hearing; and


WHEREAS, the Planning Commission met in a duly noticed public hearing on January 23, 2024 as outlined in Florence City Code 10-1-1-6-4, to consider proposal, evidence in the record, and testimony received; and

WHEREAS, the Planning Commission determined per FCC 10-1-1-6-4, after review of the proposal, findings of fact, testimony and evidence in the record, that the proposal meets the criteria; and

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Florence finds based on the Findings of Fact and evidence in record:

The proposed code amendments shown in Exhibits "B" and "C", meet the applicable criteria in Florence City Code, Florence Realization 2020 Comprehensive Plan, Oregon Revised Statutes and Oregon Administrative Rules. The Planning Commission recommends approval of the code amendments to the Florence City Council.

ADOPTED BY THE FLORENCE PLANNING COMMISSION the 23rd day of January 2024.



SANDRA YOUNG, Chairperson
Florence Planning Commission

January 23, 2024

DATE

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 4
Meeting Date: March 4, 2024
Department: City Manager's
Officer

ITEM TITLE: Reaffirmation of the City Council Norms

DISCUSSION/ISSUE:

The City Council will discuss and consider reaffirming the City Council Norms document, which was initially adopted at the February 27, 2023 City Council meeting. The Norms document was created during a consultant-led training and retreat on February 9 and 10, 2023. The purpose of these norms is to establish a set of guidelines and procedures to govern the interaction of City Council members during Council meetings and other official Council business, promoting a culture of respect, professionalism, and transparency within the Council.

During the 2024 City Council annual retreat held on February 12 and 13, 2024, the City Council reviewed the impacts of their Norms. An outcome of this retreat was to reaffirm the City Council Norms document, emphasizing the importance of adhering to these norms for the efficiency and effectiveness of local government.

It is the City Council's expectation for the City Committees and Commissions to adhere to the reaffirmed City Council Norms document.

FISCAL IMPACT:

The norms document affects the interpersonal relationships of the City Council. They were developed during the City Council Retreat provided by a consulting team. City Council professional development is included within the budget.

RELEVANCE TO ADOPTED CITY WORK PLAN:

- Livability & Quality of Life – being responsive to our community's needs with efficient, effective and sustainable service delivery.
- Communication & Trust – strengthening citizen trust by cooperatively working with one another for the common good of the community.

ALTERNATIVES:

1. Reaffirm the City Council Norms document
 2. Discuss and determine edits to the City Council Norms document
-

RECOMMENDATION:

The City Council will consider approving Resolution No. 3, Series 2024, a resolution reaffirming the City Council Norms document.

AIS PREPARED BY: Lindsey White, City Recorder

CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other

Comments:

ER Reynolds

ITEM'S ATTACHED: Attachment 1 – Resolution No. 3, Series 2024

- Exhibit A: City Council Norms document

**CITY OF FLORENCE
RESOLUTION NO. 3, SERIES 2024**

A RESOLUTION REAFFIRMING THE CITY COUNCIL NORMS DOCUMENT

RECITALS:

1. The Norms document was created during a consultant-led training and retreat on February 9 and 10, 2023. A take away from this training was a creation of a City Council Norms document.
2. The City Council adopted these norms at the February 27, 2023 City Council meeting to establish a set of guidelines and procedures to govern the interactions of City Council members during Council meetings and other official Council business.
3. During the 2024 City Council retreat held on February 12 and 13, 2024, the City Council reviewed the impacts of their Norms. An outcome of this retreat was to reaffirm the City Council Norms document, emphasizing the importance of adhering to these norms for the efficiency and effectiveness of local government.
4. The purpose of these norms is to promote a culture of respect, professionalism, and transparency within the Council, and to ensure that all members have the opportunity to participate fully in the Council's decision-making processes. By promoting a culture of respect and accountability, the Council can build public trust, facilitate productive dialogue, and ensure that decisions are made in the best interests of the community.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE RESOLVES AS FOLLOWS:

1. The City Council reaffirms the norms adopted at the February 27, 2023 City Council meeting as presented in Exhibit A.
2. It is the City Council's continued expectation for the City Committees and Commissions to adhere to the City Council Norms document.
3. This Resolution takes effect immediately upon adoption.

ADOPTION:

This Resolution is passed and adopted on the 4th day of March, 2024.

Rob Ward, Mayor

Attest:

Lindsey White, City Recorder

CITY OF FLORENCE

CITY COUNCIL NORMS

Interpersonal and Behavioral Norms:

- ◆ We assume good intentions.
 - ◆ When we disagree, we will do so without being disagreeable.
 - ◆ We will make space for everyone to speak.
 - ◆ We will be respectful, open, and honest in our work and communications with each other.
 - ◆ We will exercise humility.
 - ◆ When we have concerns with a council colleague, we will address those concerns in a timely, respectful, and constructive manner.
 - ◆ We will check ourselves in adherence to our norms and practice self-regulation; however
- the mayor may nudge us when we need nudging.
 - ◆ Don't personalize policy disagreements, or take offense to what someone says as their truth .
 - ◆ We will not criticize one another in public.
 - ◆ We will seek to build relationships with our council colleagues outside of official duties.
 - ◆ We respect each other by minimizing side conversations in our meetings.

Procedural and Process Norms:

- ◆ We will wait to be recognized by the mayor before speaking.
 - ◆ We will pay attention to each other; listen and don't interrupt.
 - ◆ We don't undermine the decisions made by the council (for example, if you voted against a policy that passed, you will still support the effective implementation of the policy despite not supporting the policy itself).
 - ◆ We will address each other using titles during council meetings.
 - ◆ In public, staff will use titles when speaking to the council and council uses first names for staff.
 - ◆ When past or present elected officials are at council meetings, the mayor will publicly acknowledge their attendance.
 - ◆ As a rule, we will notify staff of media requests
- and/or appearances to avoid surprises and staff will support with messaging and coordination.
 - ◆ The mayor represents the council to the media on issues of "ends" and will consult with council colleagues as appropriate and staff answer questions on the "means".
 - ◆ We will share/repost/link to official city social media but will not engage in debate or dialogue with the public via social media.
 - ◆ Council members may reply directly to emails/calls to acknowledge the message was received; however, they should take the appropriate time to reflect and coordinate with staff and council on an answer before responding.



AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 5
Meeting Date: March 4, 2024
Department: All

ITEM TITLE: Commission, Committee & Volunteers Report – January 2024

DISCUSSION/ISSUE:

Airport Volunteers	
<u>Department:</u> Public Works	<u>Staff:</u> Mike Miller – Public Works Director
<ul style="list-style-type: none">9 volunteers provided a total of 140 hours of labor greeting visiting pilots and their passengers at the airport; answering phone calls; and providing general information and directions to local attractions; checking all entrance/exit gates; visually check taxiways to ensure they are free and clear of debris; cleaned and disinfected the loaner car and collected fees from loaner car users; clean and disinfect the restrooms and office space at the airport office.	
Audit Ad-Hoc Committee	
<u>Department:</u> Finance	<u>Staff:</u> TBD
No report.	
Budget Committee	
<u>Department:</u> Finance	<u>Chairperson:</u> TBD
No report.	
Community & Economic Development Committee	
<u>Department:</u> Administration	<u>Chairperson:</u> Jeff Ashmead
On temporary hiatus. No report.	
Environmental Management Advisory Committee (EMAC)	
<u>Department:</u> Planning	<u>Chairperson:</u> Lisa Walter Sedlacek
On January 10, 2024 the Environmental Management Advisory Committee (EMAC) met for its first meeting of the year. Members reviewed and voted on upcoming expenditures for the next six months, established Arbor Day advertising plans, planned for upcoming events such as No Mow May, and revised subcommittee designations and tasks. Finally, it was established that they would join the Florence Master Recyclers and tour the Florence Transfer Station at an upcoming date.	

Florence Urban Renewal Agency	
<u>Department:</u> Administrative	<u>Staff:</u> NA
<p>The Florence Urban Renewal Agency met in a regular session on January 24th at Florence City Hall. At the meeting, the board introduced newly appointed returning board member Ken Henderson, approved meeting minutes, and received an update on their quarterly financials from Administrative Services Director Anne Baker. The Agency’s next meeting is scheduled for February 28th at 5:30pm.</p>	

Florence Urban Renewal Agency Budget Committee	
<u>Department:</u> Finance	<u>Staff:</u> TBD
<p>No report.</p>	

Parks Volunteers	
<u>Department:</u> Public Works	<u>Staff:</u> Mike Miller – Public Works Director
<p>Adopt-a-Park</p> <ul style="list-style-type: none"> • Hurd Memorial Park: 1 volunteer provided a total of 0.5 hours inspecting the park. Our volunteer noticed and reported a leak at the drinking fountain from the ice storm and once notified, our Parks staff quickly repaired the leak. • Old Town Park: 1 volunteer provided a total of 5.5 hours completing general clean-up activities and tasks. <p>Adopt-a-Street</p> <ul style="list-style-type: none"> • 35th Street (Rhododendron-Hwy 101): 2 volunteers provided a total of 6 hours picking up litter along 35th Street. • Rhododendron (35th-Sebastian): 2 volunteers provided 13 hours of labor picking up a variety of trash and litter along the roadway. 	

Planning Commission	
<u>Department:</u> Planning	<u>Staff:</u> Wendy FarleyCampbell – Planning Director
<p>For 1/9/2024 Myrtle Glen PUD – Resolution PC 25 PUD 01, hearing was continued from December 12, 2023. Application was approved 6-0, with Vice Chair Harris absent</p> <p>1/9/2023 Work Plan items:</p> <ul style="list-style-type: none"> • Regarding short-term rental regulation were discussed. • Childcare Center location HB3109 was discussed • Potential Housing Code Updates were discussed <p>1/23 Planning Commissioned open hearing for Resolution PC 23 30 DR 06 – Hwy 101 Twombly Warehouses, hearing has been continued to a date certain of May 14, 2024.</p>	

1/23/2024 Planning Commission heard Resolution PC 23 32 TA 06 – HIP Phase2 Housing Code Update #2 first evidentiary hearing. Planning Commission approved motion 5-0 with Commissioner. Hauptman and VC Harris absent.

Police Auxiliary

Department: Police

Director: Mike Nielson

The Florence Police Auxiliary volunteered for 17 hours the month of January. Duties consisted of Mail transfer from/to City Hall, vacation checks, school traffic watch, purchasing of supplies for the Police Department, jail checks and meals, patrol, and filing.

Police Reserve Officers

Department: Police

Staff: John Pitcher – Police Chief

Program not active

Public Arts Committee

Department: Administration

Chairperson: Maggie Bagon and

Vice-Chairperson Serena Appel

The Public Arts Committee meeting was held on January 29, 202, at 4 p.m. Meeting materials and information can be found at www.ci.florence.or.us/bc-pac/public-arts-committee-meeting-15.



All members were present for the meeting, which included a Continuing Education presentation by PAC Member Dianna Allison. She spoke about the beauty of Alaska – including the natural landscape, the native peoples, and the garments and art they create.

During the meeting, City Staff reported on the progress of Art Exposed ReVision Florence. This expansion of City of Florence’s Art Exposed Rotating Outdoor Art Gallery, <https://bit.ly/FlorenceArtExposed>, will bring six new pieces of vibrant, large-scale public art to Highway 101. The Call for Art ran from Nov. 2 to Dec. 29, 2023. It received a total of 18 applications from 15 separate artists.

Once the call closed, the Art Exposed Subcommittee reviewed applications based on the criteria in the call. The Subcommittee then provided their recommendations for the Public Arts Committee to review and provide feedback, which took place during this meeting. Based on the discussion, the Committee is considering 12 applications as finalists, which will be discussed further at the next meeting.

Final selections of art pieces will be made during the Public Arts Committee meeting on Thursday, February 14, 2024. Community members are encouraged to attend and submit comments.

The Public Arts Committee meets next on February 15 and March 29. All meetings of the Florence Public Arts Committee are open to the public. People can learn more at www.ci.florence.or.us/bc-pac.

Transportation Committee (TC)

Department: Planning

Chairperson:

Transportation Committee met in a regularly scheduled meeting on January 16, 2024 at 5:00 pm. There were 3 discussion items on the agenda and no action items.

1. The Transportation Committee heard a presentation from Brittany Oxford from the Urban & Community Forestry Program about the TreePlotter inventory project and software that the Transportation Committee will work on in partnership with EMAC.
2. The Transportation Committee had a discussion on the State of the City event. This discussion was to Committee members if they would like to volunteer to attend the event and determine 2023-2025 Work Plan items to Highlight. The Committee had previously approved community service transportation hours to extend Rhody Express service during the event and offer no-fare rides.
3. National Bicycle Safety Month is recognized each May by the U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA). The Committee had a brief overview of the topic and agreed by consensus to work over the next few meetings to work promoting this.

FISCAL IMPACT:

The fiscal impact of the committees and volunteer groups varies depending on their scope of work. Staff time is allocated to support the committees, and ensure committees comply with Oregon public meetings laws by preparing and posting agendas and minutes and/or digital recordings for meetings.

RELEVANCE TO ADOPTED CITY WORK PLAN:

Goal 1: Deliver efficient and cost-effective city services.

AIS PREPARED BY: Report written by Committee members and/or City of Florence staff and compiled by Lindsey White, City Recorder

CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other

Comments: *ER Reynolds*

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 6

Meeting Date: March 4, 2024

Department: City Manager

ITEM TITLE: Department Director Updates

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 7
Meeting Date: March 4, 2024
Department: City Manager

ITEM TITLE: City Manager Report & Discussion Items

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 8
Meeting Date: March 4, 2024
Department: City Council

ITEM TITLE: City Council Reports & Discussion Items
