



City of Florence Council Work Session

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

- Meeting materials including information on each agenda item are published at least 24 hours prior to the meeting, and can be found of the City of Florence website at www.ci.florence.or.us/council.
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April 4, 2024

WORK SESSION AGENDA

~10:00 a.m.

Councilors:

Rob Ward, Mayor
 Sally Wantz, Council President Bill Meyer, Council Vice-President
 Jo Beaudreau, Councilor 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.

In addition to attending in person, members of the public can listen and view the meeting through the 'GoToWebinar' platform at the following link:

<https://attendee.gotowebinar.com/register/375926762367547484>

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

~ 10:00 a.m.

After adjournment of the Executive Session

1. WORK SESSION DISCUSSION TOPICS

The City Council will be discussing proposed code updates related to temporarily sheltering on public and private property and event based emergency shelters as a continuation from the [January 11th](#) and the [March 7th](#) City Council Work Sessions.

COUNCIL CALENDAR

All meetings are held in person with a virtual option unless otherwise indicated

Date	Time	Description
April 8, 2024	3:30 p.m.	City Council Executive Session
April 8, 2024	4:30 p.m.	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
May 6, 2024	5:30 p.m.	City Council Meeting
May 9, 2024	8:45 a.m.	City Council Work Session

PUBLIC MEETINGS PROCEDURES

The April 4, 2024 City Council Work Session will be in person at City Hall.

Expressing Views to the City Council: Work Sessions do not allow time for general public comments (written or verbal). Public Comment periods are provided at City Council regular sessions which are generally held on the 1st and 3rd Mondays of each month beginning at 5:30 p.m. For the latest City Council meeting calendar, visit the City of Florence website at <https://www.ci.florence.or.us/calendar>.

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>.



Memorandum:

To: Florence City Council
From: Wendy Farley Campbell, Community Development Director
Meeting Date: April 4, 2024
Subject: Emergency Shelter Siting and Temporary Sheltering Policies

Introduction

This memo is the third in a series of work sessions held by City Council to consider establishing time, place, and manner policies for emergency shelters and temporary sheltering policies. The council work sessions commenced after a joint one held on [December 4, 2023](#) with the Planning Commission. Council held work session on [January 11, 2024](#) and [March 21, 2024](#). Draft code language has been prepared to incorporate research by the Transitional Housing Sub-committee and direction from Council. The code is proposed to be incorporated into Title 1 of Florence City Code. Council has reviewed and deliberated siting standards, buffers, and exclusion areas. Following the March 21st work session, in coordination with staff recommendations, council provided direction for staff as follows:

- **Update draft code to address formatting issues and convert terminology “camping” to “sheltering”:** Terminology changes have been completed as illustrated in Attachment 1, using underline for additions and ~~strikeout~~ for removal. Formatting changes are not illustrated. Additional staff edits include: 1-9-2-3-A-5-b, changed adjacent to a dwelling to residential districts, 1-9-2-3-A-2, changed reference of Title 10 Chapter 7 to the Wetland and Riparian Inventory. And a few other edits to definitions and noticing provisions to apply local practices and/or address edits suggested by legal counsel.
- **Adjust times in 1-9-2-3-C:** To accommodate school start times to support families experiencing homelessness time was changed to 9 am.
- **Research code about RV storage on private property:** For residential properties Florence City Code [Title 10 Chapter 10 Section 4-D-1](#) cites the following: “The required front and side yards shall not be used for clotheslines, incinerators, storage of trailers, boats and recreational vehicles or of any materials, nor shall said yards be used for the regular or constant parking of automobiles or other vehicles, except as permitted under [10-3-8-A.](#)” Chapter 3 Section 8-J provides the

opportunity for driveway parking in front of covered parking which would be within a required yard. Chapter 3 Section 2-D states that required parking is to be available for parking of passenger vehicles and not to be used for storage. The take away, vehicle camping in the driveway within the front yard adjacent to covered parking is acceptable. All other vehicle camping and parking and storage within a required front or side yard does not meet code.

- **Identify and establish a maximum tent size:** A definition for tent was added to section 1-9-2-1 of Attachment 1. It includes a maximum size of 90 sq. ft. and 6 ft. 5 inches tall. This size sleeps four comfortably or six if some are children and/or pets. Maximum fence height is 6 ft. in residential districts and should screen most of the tent. Smaller options include 20 – 60 sq. ft. and larger are 120 sq. ft.
- **Research Registration Program elements:** Research indicates that jurisdictions that are requiring temporary RV occupancy registration use either an online form or paper submission. Two online examples are [Springfield](#) and [Bandon](#). [Lafayette](#) uses a printed version and limits the duration to four weeks with no sewer connection permitted and access to the residence required. [Salem](#) also uses a paper form and requires a signature from the RV and property owners and limits the stay to 14 days. There are versions with no charge and some a modest charge, with Salem assessing \$45. Information requested is fairly standard across those researched and includes the property owner/applicant/RV owner name, contact information (phone, address, email), property where sheltering will be located, information about the RV (make/model), on-site services used, and a signature or box checked attesting the property owner has read a set of prepared “guidelines” Springfield and Bandon specifically require sheltering person contact info in order to send them a survey.

Items Attached:

- **Attachment 1:** Proposed Code Title 1 Chapter 9
- **Attachment 2:** City of Florence Zoning Map

TITLE 1
CHAPTER 9

EMERGENCY SHELTER SITING AND TEMPORARY SHELTERINGCAMPING

SECTION:

- 1-9-1: Emergency Shelter Siting-Event Based
- 1-9-2: Temporary Sheltering Camping Regulations Purpose
- 1-9-2-1: Definitions
- 1-9-2-2: Temporary Sheltering Camping Program
- 1-9-2-3: Prohibited ShelteringCamping
- 1-9-2-4: Temporary Shelter Site Campsite Cleanup
- 1-9-2-5: Removal, Storage and Retrieval of Personal Property Associated with ShelteringCamping
- 1-9-2-6: Violation, Penalties and Enforcement
- 1-9-2-7: Nonexclusive Remedy
- 1-9-2-8: Interpretation

1-9-1: Emergency Shelter Siting—Event Based

- A. The City Manager may designate sites or allow the siting of tents, temporary shelters, RVs, motorhomes, park models, and similar self-contained mobile structures in areas in which these uses were previously excluded, to provide housing on a temporary basis for disaster victims and response and relief workers until said conditions have been alleviated as determined by the City Manager. The provisions of 1-9-2-2-D are applicable to siting under this sub-section.
- B. The City Council may allow a warming shelter by any nonprofit organization or religious institution entity when low temperatures or adverse weather conditions endanger human life.
- C. The City Manager will review applications for non-event-based emergency shelters made under Oregon Revised Statute 197.782 and on the forms provided by the city. Approval will be granted if the criteria of the ORS are met. The approval is revokable upon finding the statute is not met, to include by not limited to an unreasonable risk to public health or safety is present.

1-9-2: CampingTemporary Sheltering Regulations Purpose. The purpose of this chapter is to protect the health and safety of residents and regulate the use of public and private property by establishing reasonable time, place, and manner regulations.

1-9-2-1: Definitions. As used in this Chaptersection, the following words and phrases mean:

ShelterCamp or shelteringcamping To pitch, erect, create, use, or occupy sheltercamp facilities for the purpose of habitation, as evidenced by the use of sheltercamp paraphernalia

ShelterCamp facilities Includes, but are not limited to, tents, huts, temporary shelters, motor vehicles, and recreational vehicles

<u>ShelterCamp paraphernalia</u>	Includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, and outdoor cooking devices and utensils and similar equipment.
<u>ShelterCampsite</u>	Any place where one or more persons have established temporary sleeping accommodations by use of <u>sheltercamp</u> facilities or <u>sheltercamp</u> paraphernalia.
City manager	The Florence city manager, or the city manager's designee.
Dwelling	<u>One or more A single</u> units providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
Motor vehicle	A vehicle that is self-propelled or designed for self-propulsion and is operative, licensed, registered and insured.
Parking lot	A developed location that is designated for parking vehicles, whether developed with asphalt, concrete, gravel, or other material.
Personal property	Items that can reasonably be identified as belonging to an individual and that have apparent value or utility.
Public property	Any real property or structures owned, leased, or managed by the City, including public rights-of-way.
Public rights-of-way	All property dedicated to the public for transportation purposes and administered by the City , including streets, roads, bridges, alleys, sidewalks, trails, paths, and all other public ways and areas managed by the City .
Right-of-way	Includes public utility easements to the extent that the easement allows use by the permittee planning to use or using the public utility easement. "Right-of-way" includes the subsurface under and airspace over these areas
Recreational Vehicle or RV	A vehicle with or without motive power that is designed for use as temporary living quarters and as further defined by the Oregon Department of Transportation in OAR Chapter 735, Division 022. Examples include motor homes, camping trailers, tent trailers, truck campers and camper vans. The RV must be operative as applicable, licensed, registered and insured.
Solid waste	Any garbage, trash, debris, yard waste, food waste, or other discarded materials.
Store or storage	To put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.
<u>Tent</u>	<u>A portable shelter, not exceeding 90 sq. ft. and 6 ft. 5 inches in height, made of cloth, supported by one or more poles and stretched tight by cords or loops attached to pegs driven into the ground</u>

Vehicle A motor vehicle or recreational vehicle.

1-9-2-2: Temporary ShelteringCamping Program

- A. The prohibitions in Section 1-9-2-3 shall not apply to the following circumstances:
1. The property involved is appropriately zoned and has all necessary approvals for the proposed recreational camping use, in a vehicle or otherwise, as provided in Title 10 (Zoning Regulations) of the Florence City Code; or
 2. ShelteringCamping is occurring in accordance with emergency shelter siting made pursuant to FCC 1-9-1; or
 3. A special event permit has been issued in accordance with FCC 7-5 authorizing shelteringcamping.
- B. ~~Notwithstanding the prohibitions in FCC 1-9-2-3, w~~With written authorization of the property owner, up to one family may use a property developed with an occupied residential dwelling, with further authorization from any tenants of the property, for shelteringcamping by either: using a tent to sheltercamp in the back yard of the residence, or using a single vehicle parked in the driveway of the dwelling.
- C. ~~Notwithstanding the prohibitions in FCC 1-9-2-3, T~~he property owner of a commercial or industrial zoned property, a public entity, or a religious institution, ~~place of worship~~ with written authorization may allow up to 3 (three) total vehicles or tents in any combination.
- D. A property owner who authorizes any person to sheltercamp on property must:
1. Not require or accept the payment of any monetary charge nor performance of any valuable service in exchange for providing the authorization to sheltercamp on the property; provided, however, that nothing in this section will prohibit the property owner from requiring camperspersons sheltering to perform services necessary to maintain safe, sanitary, and habitable conditions at the campsiteshelter site or source of sanitary facilities;
 - ~~32.~~ Ensure vehicles and/or tents are located within an on-premise parking lot, and are spaced at least 10 feet apart, for section B above;
 - ~~43.~~ Provide a storage area for camperspersons sheltering to store any personal items not stored in vehicles or tents so the items are not visible from any public right-of-way or adjacent properties;
 - ~~54.~~ Require campingsheltering facilities to be not less than five feet away from any property line.
 - ~~65.~~ Provide or make access to sanitary facilities, including toilet, hand washing and solid waste disposal facilities, with such facilities except solid waste disposal not being in the front yard and all sanitary facilities being at least 10 feet from the property line of a residential use if not fully contained within a building or RV.

76. Request and receive an inspection performed by the City to confirm that sanitary facilities are in place, required setbacks are met, and any storage areas are screened, before vehicle or tent campingsheltering is commenced.

- E. A property owner who allows campingsheltering pursuant to subsection B or C of this section may revoke that permission at any time and for any reason.
- F. Notwithstanding the provisions of this section, the city manager may:
 - 1. Revoke the right of a property owner to allow campingsheltering on property described in subsections B and C of this section upon finding that the property owner or a camperperson sheltering has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on that property by a camperperson sheltering is incompatible with the use of the property.
 - 2. Revoke permission for a person to campshelter on public property authorized under subsection C upon finding that the person has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on public property by the person is incompatible with the use of the property.
 - 3. A permission revoked by the city manager under this subsection is subject to notice in the manner provided in FCC xx-xx and a right to appeal and hearing procedure as provided in FCC xx-xx.
- G. Any person whose permission to campshelter on property has been revoked pursuant to subsections E or F of this section must vacate and remove all belongings from the property within four hours of receiving such notice.
- H. All persons participating in a campingsheltering program described in subsections B and C of this section do so at their own risk, and nothing in this section or chapter creates or establishes any duty or liability for the City or its officers, employees or agents, with respect to any loss related to bodily injury (including death) or property damage.

1-9-2-3 Prohibited CampingSheltering

- A. Except as expressly authorized by the Florence City Code, at all times it is unlawful to establish, use, or occupy a campsiteshelter site in the following public locations:
 - 1. City of Florence park sites developed with active use recreational facilities, designed as public gathering spaces, hosting community drinking water wells, or containing significant riparian or wetland areas including, but not limited to:
 - a. Miller Park
 - b. Pepperoaks ~~Pocket~~ Park
 - c. Munsel Greenway Park
 - d. Rolling Dunes Park
 - f. 18th ~~Street~~- Pocket Park
 - g. Singing Pines Park (playground and dog park areas)

- h. ~~Bay St. Gazebo Old Town~~ Park
- i. Veterans' Memorial Park
- j. Exploding Whale Memorial Park
- k. Gallaghers Park

l. Munsel Road Park

- 2. Within a Goal 5 significant riparian area or Goal 5 or Goal 17 significant wetland area as determined by the Florence Area Local Wetlands and Riparian Inventory or visual line of sight from a constructed and signed recreational trail on public property;
- 3. The following city-owned facilities, and associated grounds, that are open to the public for the purpose of conducting city business:
 - a. City Hall
 - b. Florence Senior and Activity Center
 - c. Florence Events Center
 - d. Public Works
 - e. Justice Center
 - f. Florence Municipal Airport
- 4. City owned or maintained parking lots unless identified as a vehicle campingsheltering lot;
- 5. Public rights-of-way:
 - a. Near the following uses that serve children and those experiencing homelessness:
 - i. Within 300 feet of a church or religious institution
 - ii. Within 300 feet of, a lot or parcel containing an elementary school, secondary school, day care facility, child care facility
 - iii. Within 300 feet of a facility providing services to those experiencing homelessness persons
 - b. Adjacent to a lot or parcel containing a dwelling Within a residential zoning district;
 - c. The following which are developed and are more heavily trafficked, or that are in areas with industrial activities:
 - i. Oak St. from 21st to 43rd St.
 - ii. Spruce St.
 - iii. 21st Street from Highway 101 to Spruce St.
 - iv. 8th Street from Highway 101 to Quince Street
 - v. Rhododendron Dr.

- vi. 9th Street from Highway 101 to Rhododendron Dr.
- vii. Kingwood Street from 2nd Street to 35th Street
- viii. Munsel Lake Road
- ix. Within 100 feet of the edge of pavement of Hwy. 101 ~~and~~ Hwy. 126
- x. 32nd St. between Oak St. and Hwy 101
- xi. Streets within Old Town District Areas A, B, and C

- B. Any person ~~campingsheltering in a vehicle in a right-of-way~~ must adhere to the parking and street obstruction regulations ~~in a public ROW~~ as outlined in FCC 7-1-~~6 and 7-1-7-4~~.
- C. ~~Except as expressly authorized by the Florence City Code, it~~ shall be unlawful for any person, other than persons ~~campingsheltering~~ in a vehicle, to ~~campshelter~~ or maintain a ~~campsiteshelter site~~ on any publicly owned property during the hours of ~~98:00~~ a.m. to 8:00 p.m.
- D. Except as expressly authorized by the Florence City Code, it shall be unlawful for any person, to store personal property, including ~~campshelter~~ facilities (excepting a vehicle) and ~~campshelter~~ paraphernalia, on any public property during the hours of ~~89:00~~ a.m. to 8:00 p.m.
- E. Notwithstanding the provisions of this section, the City Manager may temporarily authorize ~~campingsheltering~~ or storage of personal property on public property by written order that specifies the period of time and location upon finding it to be in the public interest and consistent with City Council goals and policies.
- F. The City Manager may adopt administrative rules to implement the provisions of this section.

1-9-2-4 CampsiteShelter site Cleanup

- A. Cleanup of illegal ~~campsiteshelter site~~ will be scheduled by the chief of police or designee.
- B. Signs may be posted advising that ~~campingsheltering~~ is prohibited. Whether or not a sign is posted, a specific dated and timed notice will be posted and distributed in the area of a scheduled cleanup at least 72 hours before the cleanup.
- C. Notwithstanding subsections A and B of this section, cleanup of ~~campsiteshelter sites~~ may occur immediately and without notice if the chief of police or designee determine that either of the following conditions exist:
 - 1. An emergency such as possible site contamination by hazardous materials or where there is an immediate danger to human life or safety;
 - 2. Illegal activity other than ~~campingsheltering~~.
- D. At the time of the cleanup, written notice will be posted and distributed announcing the telephone number where information on picking up the stored property can be obtained during normal business hours.
- E. Written notices will be in both English and Spanish.

- F. Copies of all notices shall be provided to the local social service organization providing services to those experiencing homelessness and where there is none then to the Oregon Department of Human Services and/or the Lane County Human Services Department.

1-9-2-5 Removal, Storage and Retrieval of Personal Property Associated with CampingSheltering

- A. Personal property will be separated from solid waste during cleanups. Solid waste will be immediately discarded. Items of personal property will be turned over to the police department and stored. The personal property shall be stored for no less than 30 days, during which time it will be reasonably available to persons claiming ownership of the personal property.
- B. When conducting a campsite shelter site removal, the City shall arrange in advance for a location for personal property to be stored.
- C. Any personal property that remains unclaimed for 30 days after the cleanup may be disposed of, sold, donated, used, or transferred as abandoned personal property, but no waiting period beyond the 30 days is required prior to the disposal, sale, donation, use, or transfer.
- D. Weapons, drug paraphernalia, and items which reasonably appear to be either stolen or evidence of a crime may be retained and/or disposed of by the police department in accordance with the department's written policies and procedures.

1-9-2-6 Violation - Penalty

Violation of this chapter is a civil infraction subject to a civil penalty as provided in FCC 1-4.

1-9-2-7 Nonexclusive Remedy

The remedies described in this chapter shall not be the exclusive remedies of the City for violations of this chapter.

1-9-2-8 Interpretation






This chapter is to be interpreted consistent with applicable state and federal law.

Zoning Map







CITY OF
FLORENCE, OREGON

Zoning Districts






Residential

-  Low Density
-  Medium Density
-  Mobile Home/ Manufactured Home
-  High Density
-  Coast Village




Commercial

-  Neighborhood
-  Mainstreet Area A
-  Mainstreet Area B
-  North Commercial
-  Commercial
-  Highway



Mixed Use

-  Old Town Area A
-  Old Town Area B
-  Old Town Area C
-  Waterfront Marine
-  Professional Office/ Institutional




Industrial



-  Marine
-  Pacific View Business Park
-  Limited Industrial
-  Service Industrial

Other

-  Open Space
-  Public Use Airport

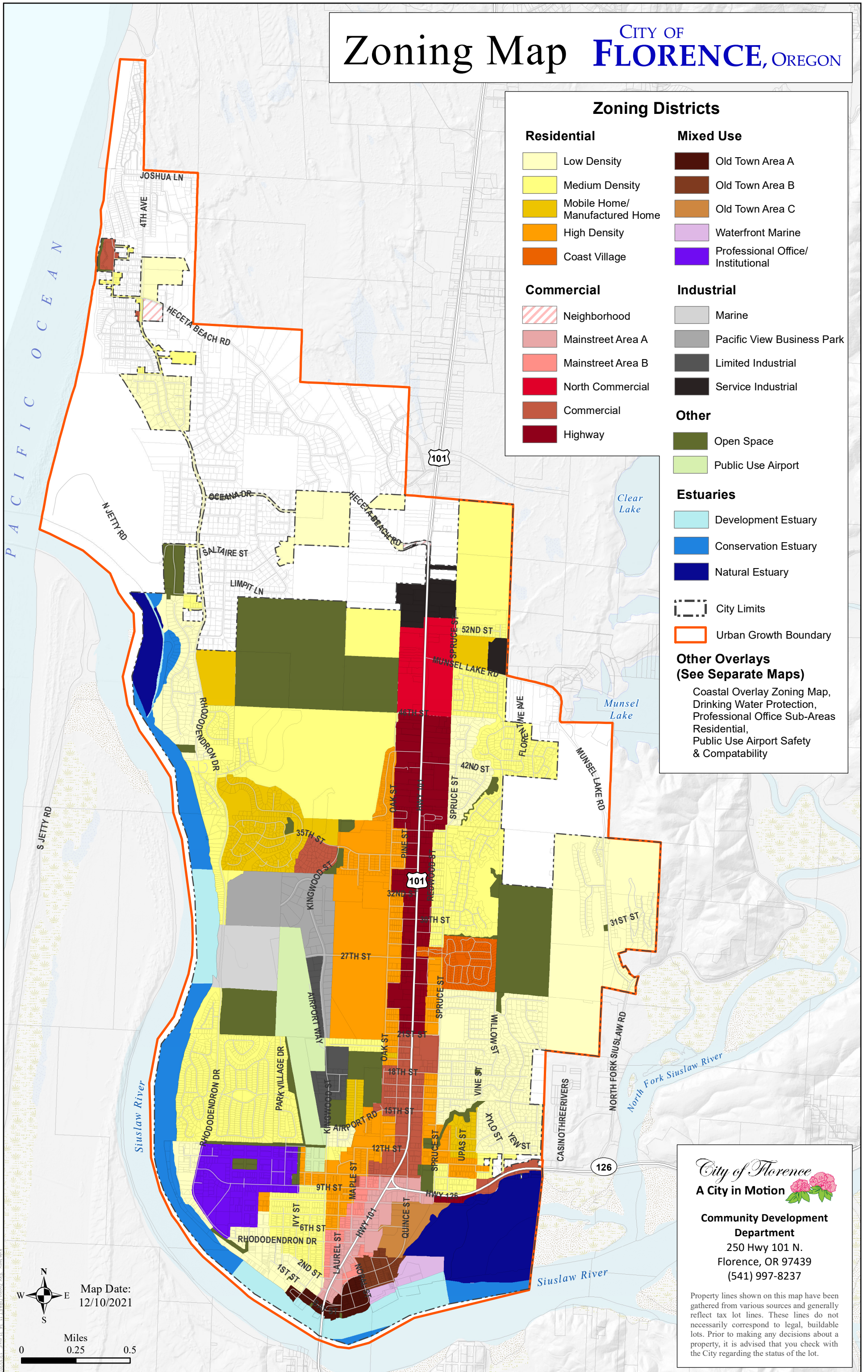
Estuaries

-  Development Estuary
-  Conservation Estuary
-  Natural Estuary

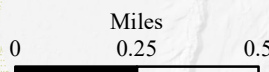
-  City Limits
-  Urban Growth Boundary

Other Overlays (See Separate Maps)

Coastal Overlay Zoning Map,
Drinking Water Protection,
Professional Office Sub-Areas
Residential,
Public Use Airport Safety
& Compatibility



Map Date:
12/10/2021



**Community Development
Department**
250 Hwy 101 N.
Florence, OR 97439
(541) 997-8237

Property lines shown on this map have been gathered from various sources and generally reflect tax lot lines. These lines do not necessarily correspond to legal, buildable lots. Prior to making any decisions about a property, it is advised that you check with the City regarding the status of the lot.