

**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reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.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

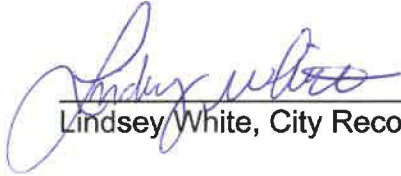
This Ordinance is passed and adopted on the 4th day of March 2024

AYES	4	Councilors: Wantz, Meyer, Carp and Mayor Ward
NAYS	1	Councilor Beaudreau
ABSTAIN	0	
ABSENT	0	



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 dwelling lots in new subdivision plats with five or more lots 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 19th 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 subcommittee 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 church, temple, mosque or synagogue use property regardless of the underlying zoning designation. Notwithstanding the above allowances, city-owned property is excluded, unless it is under contract for purchase and preceding the land use process in a due diligence period.
- 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 church, temple, mosque or synagogue use property regardless of the underlying zoning designation. Notwithstanding the above allowances, city-owned property is excluded, unless it is under contract for purchase and preceding the land use process in a due diligence period.
- 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 or as soon as possible but no less than 1 (one) day after the change is in 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