



December 1, 2023

Florence Emergency Cold Weather Shelter Committee

C/O Kate McClellan
PO Box 3519
Florence, OR 97439

Subject: HB 3395 Emergency Shelter Siting Approval


Project Name and Location: The Bridges Program of Florence at 5260 Highway 101, Florence, OR 97439
(a project of the Florence Emergency Cold Weather Shelter Committee and The Nancy Devereux Center)

Thank you for applying for approval of an Emergency Shelter Siting as allowed by Oregon Law known as House Bill 3395 (2023) Siting of Emergency Shelters. You have applied for approval to site an Emergency Shelter on the property located at 5260 Highway 101 (the subject property). The name of the Emergency Shelter will be known as The Bridges Program of Florence.

HB 3395 allows local governments and certain non-profit organizations to operate emergency shelters in available buildings and/or on open sites. Sections 6 and 7 Emergency Shelter Siting of HB 3395 set out the requirements that must be met in order for the City to approve development of an emergency shelter on the subject property.

Your application addresses the items listed in Sections 7 of HB 3395 and provided sufficient information for approval. Findings addressing compliance with the requirements of the bill are attached to this letter. Your proposal is subject to conditions of approval, which are included within the attached findings. Please note that while the use of the site as an Emergency Shelter is being approved, additional building permits and fees may be required or necessary to comply with other Local, State and Federal requirements related to development of the site.

Approved by:



Erin Reynolds, City Manager
City of Florence

December 1, 2023

Date



City of Florence
250 Hwy 101
Florence, OR 97439
(541) 997-3437
ci.florence.or.us

EMERGENCY SHELTER APPROVAL

APPLICATION NAME: Florence Emergency Cold Weather Shelter

APPLICANT: Florence Emergency Cold Weather Shelter Committee

LOCATION: 5260 Highway 101

MAP NO. / TAX LOT: 18-12-14-20-00201

APPLICATION SUMMARY: Placement of 21 pallet shelters with associated toilet, shower, kitchen, and office facilities on a parcel that is 2.87 acres of land north east of the intersection of Highway 101 and Munsel Lake Road west of Spruce St.

APPLICATION ANALYSIS

In June, 2020, the Oregon Legislature adopted HB 4212 to remove land use barriers that might otherwise prevent emergency shelters from locating on certain sites. The legislation was temporary by making use of a “sunset” provision. The legislation’s sunset provision was extended by the passage of HB 2006 in May, 2021. Then in the most recent 2023 legislative session, HB 3395 extended the legislation again.

In summary, the legislation allows local governments and certain non-profit organizations to develop emergency shelters in available buildings and on open sites without the need for any land use approvals. Thus, an emergency shelter is permitted to make use of property even if the emergency shelter use is not allowed on the property under the City’s land use Shelter Space Tent Camping Population Vehicle Camping Population regulations, or if land use regulations would require certain applications prior to starting the emergency shelter. The City is required to approve the emergency shelter application so long the proposal meets basic approval criteria.

EMERGENCY SHELTER

Under HB 3395, an emergency shelter should be approved if the proposal:

1) includes sleeping and restroom facilities;

Attachment 2 and Plan #2 of Attachment 8 include and illustrate, respectively, 21 pallet shelters that contain beds for occupancy of as many as 30 occupants. Also, on-site provision for toilet and shower facilities are shown. Criterion met.

2) will comply with applicable building codes;

None of the buildings or structures proposed require structural permits. The city has not adopted the temporary structures building codes, whereby the proposed structures would be regulated under a permitting program. However, permits are required for proposed plumbing and electrical improvements in accordance with the Oregon State Building Codes program. The applicant proposes to apply for and



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receive relevant permits to connect to city water and sewer. Additional permitting may be needed for electrical work if using a system other than the extension cords used previously. Criterion met or will be.

3) is located within the City's urban growth boundary;

The property is located within the city limits of the City of Florence. Criterion met.

4) will not result in a new building that is sited within an area designated under a statewide land use planning goal relating to natural disasters and hazards (e.g., flood plains or environmental health hazards) unless the development complies with regulations directly related to the hazard;

The application does not propose placement of any permanent structure on the property. The property is not located within any of the areas designated on the City of Florence' adopted *Flood Insurance Rate Maps, Significant Wetland and Riparian Area Maps, City of Florence Wetland Inventory Map, Tsunami Inundation or Hazard Overlay maps, or the City of Florence Hazards Map*. Appendix 7 Map C, *Natural Resources Conservation Service Soils Map* does illustrate the site to consist of Yaquina loamy fine sand which is unsuitable or conditionally suitable for development. Title 10 Chapter 7 offers the following criterion related to Yaquina soils: "*Yaquina Soils and Wet Areas...: In areas with seasonal standing water, construction of a drainage system and/or placement of fill material shall be required according to plans prepared by a registered engineer and approved by the City.*" The applicant will want to either locate the site in area of the property away from areas of standing water or prepare a drainage system or grading and fill plan in accordance with the city code and submit it in conjunction with the application for plumbing permits for review and approval. Criterion met or conditioned to.

5) has adequate transportation access to medical and commercial services; and

The proposal includes in its budget the purchase, insurance and operation of a van, to provide transportation for shelter occupants. Additionally, public transit is offered locally via the Rody Express southwest of the site at Fred Meyer and via the Link Lane Eugene Connector which has stops at Grocery Outlet, the Three Rivers Casino and Old Town. Both of these transit providers serve medical and commercial services in Florence Monday through Friday and in the case of the Link Lane Eugene bus provide stops on route and connections to those services at the downtown Eugene station. Criterion met.

6) will not pose any unreasonable risk to public health or safety.

Access: The application includes a site plan illustrating use of the existing driveway off of Highway 101 to access the site by vehicle, bike and pedestrian modes. Head in parking is proposed to be increased and will be located between the site fencing and the driveway. The parking space depths and driveway aisle width meet city code. The application includes certification from the Chief of the Western Lane Fire and EMS Authority indicating the ability for fire and EMS services to safely access and serve the site. The drive aisle shall be monitored to ensure it is not blocked or used for parallel parking.

Sanitation: The applicant proposes to connect to water and sewer services for serving trailered shower facility and a food preparation area. Toilets are proposed to be provided by either a toilet trailer or portable units...both are mentioned in different parts of the application. Garbage service via a dumpster



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is proposed adjacent to the parking area which will be served by County Transfer and Recycling. Pet walking areas are proposed on-site but outside the fence. Pet waste signage will be posted and pet waste bags available to the occupants on site. The area around the site and near the pump station shall be monitored daily for illegal dumping or littering. Any trash shall be removed immediately upon discovery.

Safety: The site is proposed to be cleared of shrubs and trees around the shelter area. This will address some of the leaning trees and the attractive nuisance the shrubs create for illegal camping. The site is proposed to be fenced with an 8-foot-high chain link slatted for privacy. Additionally, 24-hour security is proposed using former clients to perform this service. Pets are welcome on the site and the program requires them to be leashed.

Criterion met.



FLORENCE EMERGENCY COLD WEATHER SHELTER COMMITTEE (FECWSC)

P.O. BOX 659, FLORENCE, OREGON 97439
541-305-5548 florenceemergencycold@gmail.com

City of Florence
250 Hwy 101
Florence, Oregon 97439
Via email: wendy.farleycampbell@ci.florence.or.us

October 25, 2023

RE: Emergency Shelter “Super Siting” Application

FECWSC and The Devereux Center have partnered on a proposal for All In funding to operate a shelter on the model of the Coalbank Village program in Coos Bay which The Devereux Center has successfully operated for over two years.

The name of the proposed emergency shelter is The Bridges Program of Florence, a project of The Devereux Center.

ATTACHMENTS

1. Emergency Shelter Application City of Florence.
2. Application Section III responses
3. HB3395 emergency shelter requirements with responses
4. FINAL Fire District Non-Maintained Approval.
5. First Step Lease for the land for the shelter.
6. Proposal for All In Funding (includes operations and budget).
7. Lane County Contract showing funding.
8. Location and Site diagram.



**City of Florence
Emergency Shelter
Siting Application
HB 3395 (2023)**

For official use only:

Date: _____

Application No.: _____

Section I: Applicant Information

FLORENCE EMERGENCY COLD WEATHER SHELTER COMMITTEE

Name of Applicant Organization:

PO BOX 3519 COOS BAY OR 97420

Contact Mailing Address: City State ZIP

408-482-1141

Phone Number:

KMCCLELLX@COMCAST.NET

Email address:

DECEMBER 1, 2023

Anticipated opening date of shelter:

Applicant Organization Status:

- Local Government
- An organization with at least two years experience operating an emergency shelter using best practices that is a:
 - Housing Authority
 - Religious Corporation
 - Public Benefit Corporation (attach a copy of incorporation documents showing charitable purpose including support of homeless individuals and show tax exempt status granted prior to Jan. 1, 2018)
- A Non-profit corporation partnering with:
 - Local Government
 - An organization with at least two years experience operating an emergency shelter using best practices and is either a) a housing authority b) a religious corporation c) public benefit corporation.

Check the box if the applicant is the:

- Shelter Operator
- Title Holder

****Please provide the following information (see page 2) if either the shelter operator or the title holder are not the applicant****

Give a brief description of the shelter layout and purpose:

- See email cover and attachments
- See email cover and attachments
- See email cover and attachments
- See email cover and attachments
- See email cover and attachments

Shelter Operator

THE NANCY DEVEREUX CENTER

Name of Shelter Operator:

TARA JOHNSON, EXECUTIVE DIRECTOR

Shelter Operator Contact Name:

PO BOX 3519 COOS BAY OR 97420

Shelter Operator Mailing Address: City State ZIP

541-888-3202

Phone Number

tarajohnson@learningtodream.org

Email address:

2.3 years

Number of years' experience operating an emergency shelter:

Title Holder

SAME AS OPERATOR

Name of Shelter Operator:

Shelter Operator Contact Name:

Shelter Operator Mailing Address: City State ZIP

Phone Number

Email address:

Section II: Shelter Requirements

Is this new construction?

Yes No

Do you have a pending building permit application?

Yes No

Permit Number(s):

Oregon House Bill 3395 (2023) requires that emergency shelters must meet the following criteria in order to operate:

1) Does the proposed shelter contain sleeping and restroom facilities for clients?

Yes No

2) Does the proposed shelter comply with applicable building codes?

Yes No

3) Is the proposed shelter located within the Urban Growth Boundary?

Yes No

4) Will the proposed shelter result in a new structure sited within an area designated under a statewide land use planning goal relating to natural disasters and hazards (e.g. flood plains or mapped environmental health hazards) unless the development complies with regulations directly related to the hazard?

Yes No

5) Does the proposed shelter have adequate transportation access to medical and commercial services?

Yes No

6) Does the proposed shelter pose any unreasonable risk to public health or safety?

Yes No

** For information on the Urban Growth Boundary and the natural hazards described in requirement #4, visit bit.ly/FlorenceZoningMap. This tool works the best in a desktop browser (non-mobile). For additional assistance, please contact the City of Florence Community Development Department.

Section III: Documentation and Certification

Please provide a narrative statement which addresses the following questions:

1. How the applicants experience and plans for shelter operations demonstrate “best practices for operating an emergency shelter.”
2. Other services to be provided onsite, including number of people anticipated to be served, general site layout details, plans for sanitation, garbage, health and safety, and description of access to transportation and services.
3. How the proposal meets all requirements of Section 3 of HB 3395. If you do not provide sufficient information for the City to determine if all requirements will be met, the City may not deem your application complete until sufficient information is submitted. Any approval is contingent on issuance of a valid building permit, if required, and the facility meeting applicable building code.

Please attach the following documents:

1. A diagram of the facility indicating sleeping and restroom areas and areas for other services identified in narrative statement.
2. A Site Plan showing the building location, access for emergency vehicles and clients, existing water and sewer connections, or intended locations if these systems are not currently connected on site, and other relevant information.
3. Email or other correspondence from Western Lane Fire & EMS Authority (WLFEA) indicating that emergency vehicles can safely access the proposed site. The Fire District can be contacted at (541) 997-9116.
4. Email or other correspondence from the City of Florence Community Development Department that acknowledges that there has been a discussion and that it is reasonably likely that the proposed shelter(s) can meet building code after further discussion. Inquiries should be directed to Wendy Farley Campbell, Community Development Director at wendy.farleycampbell@ci.florence.or.us and (541) 997-8237.
5. If the land is not owned by the applicant, a statement from the property owner and/or the lease document that shows agreement with the planned use.
6. A proposed capital and operations budget for the shelter, including descriptions of the funds that have been secured, applied for, and any needed funds not yet secured.

Self-certification – I certify that:

- I will ensure compliance with applicable building codes, and provide copies of any applicable building permit approvals associated with this application.
- This facility will not pose unreasonable health and safety issues.
- This facility will be providing adequate access to emergency services and for residents to access commercial/medical services.
- The information provided in this application is accurate to the best of my knowledge.

Sign here: Kate McClellan
Digitally signed by Kate McClellan
Date: 2023.10.25 22:05:58 -07'00'
Printed Name / Position Title / Organization Name

Date: 10/25/23

ATTACHMENT 8

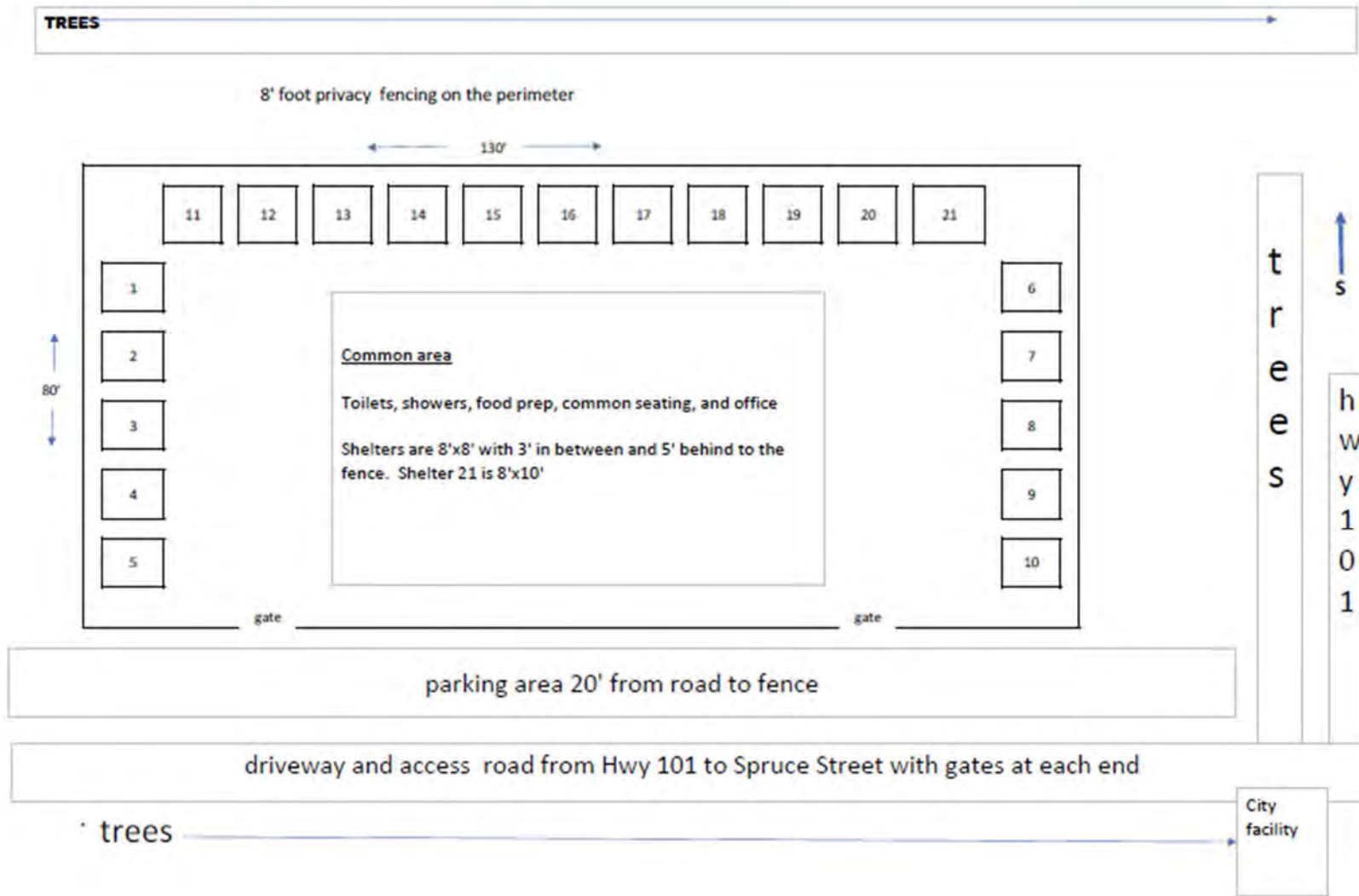
1. Location of site on Parcel
2. Site diagram
3. Fencing example

1. APPROXIMATE LOCATION OF FENCED AREA

NOTE: a lot of the bushes around the shelter will be cleared over the next few months.



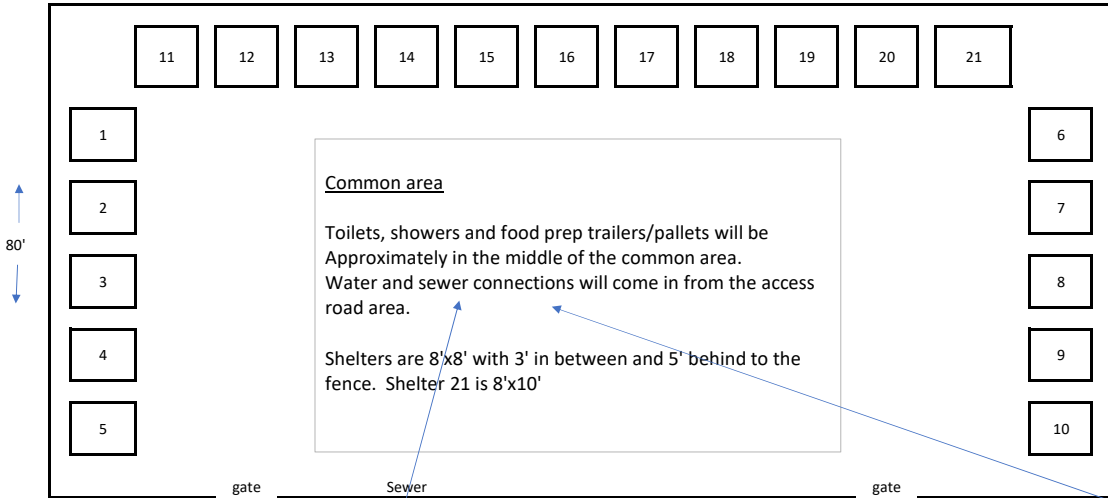
2. SITE DIAGRAM WITH SERVICES



TREES

8' foot privacy fencing on the perimeter

130'



Gravel area 20' from road to fence for parking, dumpster and pet area. Already includes the electrical meter and connections into the fenced area. The sewer connection is within this area as well. The water connection will come from 101 approximately 8 feet to the south of the access road into the site

Water coming from near 101

driveway and access road from Hwy 101 to Spruce Street with gates at each end

City facility

trees

3.FENCING EXAMPLE



ATTACHMENT 2

Section III Documentation and Certification

Please provide a narrative statement which addresses the following questions:

1. How the applicants experience and plans for shelter operations demonstrate “best practices for operating an emergency shelter.”

Coalbank Village has been operated for over two years by The Devereux Center in Coos Bay using best practices for emergency shelters. This proposal is to operate The Bridges Program of Florence in the same way. The County All In funding contract requires best practices.

2. Other services to be provided onsite, including number of people anticipated to be served, general site layout details, plans for sanitation, garbage, health and safety, and description of access to transportation and services.

The proposal is to serve up to 30 people at a time at the shelter in the 21 pallet shelters. In addition, shower/toilet trailer, food preparation area and dumpster service will be provided. The proposal budget includes purchase of a van to provide transportation for guests. In addition, Rhody Express stop is across the street at the Fred Meyer store.

3. How the proposal meets all requirements of Section 7 of HB 3395. If you do not provide sufficient information for the City to determine if all requirements will be met, the City may not deem your application complete until sufficient information is submitted. Any approval is contingent on issuance of a valid building permit, if required, and the facility meeting applicable building code.

See ATTCHMENT 3 HB3395 requirements and answers

Please attach the following documents:

1. A diagram of the facility indicating sleeping and restroom areas and areas for other services identified in narrative statement.

See ATTACHMENT 8

2. A Site Plan showing the building location, access for emergency vehicles and clients, existing water and sewer connections, or intended locations if these systems are not currently connected on site, and other relevant information.

See ATTACHMENT 8 and ATTACHMENT 4

3. Email or other correspondence from Western Lane Fire & EMS Authority (WLFEA) indicating that emergency vehicles can safely access the proposed site. The Fire District can be contacted at (541) 997-9116. *See ATTACHMENT 4*

4. Email or other correspondence from the City of Florence Community Development Department that acknowledges that there has been a discussion and that it is reasonably likely that the proposed shelter(s) can meet building code after further discussion. Inquiries should be directed to Wendy Farley Campbell, Community Development Director at wendy.farleycampbell@ci.florence.or.us and (541) 997-8237.

To be added after submission

5. If the land is not owned by the applicant, a statement from the property owner and/or the lease document that shows agreement with the planned use. *See ATTACHMENT 5*

6.A proposed capital and operations budget for the shelter, including descriptions of the funds that have been secured, applied for, and any needed funds not yet secured.
See ATTACHMENT 6 All In proposal

FECWSC Super Siting Application email questions

From: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
To: Kate MCCLELLAN <kmcclellx@comcast.net>
Date: 11/09/2023 2:02 PM PST
Subject: RE: FECWSC Super Siting Application

Kate,

Good afternoon. Thank you for your application. I have reviewed your materials and have the following comments.

- Attachment 6 Proposal for All In Funding: Do you have an updated version that references the use of the First Step property instead of the publicly owned land? The narrative and the budget still identify the original proposal denied by Council. (Section III, narrative statement #2, & Attachment section #6)

A: The County contract is for a number of beds in an emergency shelter as defined in the All In funding RFP. The County doesn't actually care where it is as long as it is in Florence City limits or the UGB. Therefore, we didn't update anything for the change in location although we did inform the County that is the reason for the delay in starting the project. The emergency shelter is really the same for the two locations except that the shape of the fenced area is a little different – a little wider and narrower.

- Attachment 8 Location and Site Diagram: The narrative includes the provision of garbage and pet rec areas, and a showers. Can you include the proposed location for garbage and pet rec areas and for water and sewer extensions and connection locations? (Section III, attachment sections #1 & #2)

A: We will have garbage service with a dumpster located in the graveled area between the fence and the access road, just outside the gate. It has to be where CRT or whomever can easily access it to dump it.

The pet area will similarly be outside the fence in the graveled area. We will have signage for poo pickup and a good supply of poo bags. Our policy is that dogs must be on leash so I would expect they would be walked around the outside of the fence.

Attached revised diagram shows the approximately way the water and sewer will come into the site.

- The narrative includes a statement that the CD department correspondence will be provided after submission. Can you not include the email I sent to you? Or do you need a new one? When I wrote it I was not thinking it for this purpose. (Section III, attachment section #4)

A: I'm not sure which email but yes, that sounds reasonable.

I will go ahead and write up the findings with the understanding you will drop off or email the revisions to reflect the intended location and the missing info listed above and required under Section III.

ATTACHMENT 3

Enrolled HB 3395 emergency shelter requirements

SECTION 7. Section 3, chapter 18, Oregon Laws 2021, is amended to read:

Sec. 3.

(1) A local government shall approve an application for the development or use of land for an emergency shelter, as defined in [section 2 of this 2021 Act] **ORS 197.782**, on any property, notwithstanding **this chapter or** ORS chapter 195, [197,] 197A, 215 or 227 or any statewide [plan] **land use planning goal**, rule of the Land Conservation and Development Commission or local land use regulation, zoning ordinance, regional framework plan, functional plan or comprehensive plan, if the emergency shelter:

- (a) Includes sleeping and restroom facilities for clients; YES
- (b) Will comply with applicable building codes; YES (no construction planned)
- (c) Is located inside an urban growth boundary or in an area zoned for rural residential use as defined in ORS 215.501; YES inside City Limits
- (d) Will not result in the development of a new building that is sited within an area designated under a statewide planning goal relating to natural disasters and hazards, including flood plains or mapped environmental health hazards, unless the development complies with regulations directly YES no building related to the hazard;
- (e) Has adequate transportation access to commercial and medical services; and YES
- (f) Will not pose any unreasonable risk to public health or safety. YES sanitation and security

(2) An emergency shelter allowed under this section must be operated by:

- (a) A local government as defined in ORS 174.116;
- (b) An organization with at least two years' experience operating an emergency shelter using best practices that is:
 - (A) A local housing authority as defined in ORS 456.375;
 - (B) A religious corporation as defined in ORS 65.001; or
 - (C) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals, that has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code [on or before January 1, 2018] **for at least three years before the date of the application for a shelter**; or YES both The Nancy Devereux Center and FECWSC have current 501(c)3 status since 1979 and 2016, respectively
- (c) A nonprofit corporation partnering with any other entity described in this subsection.

(3) An emergency shelter approved under this section:

- (a) May provide on-site for its clients and at no cost to the clients:
 - (A) Showering or bathing; YES
 - (B) Storage for personal property; YES
 - (C) Laundry facilities; MAYBE might continue to use 37th St Laundry which is fairly close
 - (D) Service of food prepared on-site or off-site; YES
 - (E) Recreation areas for children and pets; YES pets but not children at this site
 - (F) Case management services for housing, financial, vocational, educational or physical or behavioral health care services; YES case management is part of the program
 - (G) Any other services incidental to shelter.
- (b) May include youth shelters, winter or warming shelters, day shelters and family violence shelter homes as defined in ORS 409.290. N/A

(4) An emergency shelter approved under this section may also provide additional services not described in subsection (3) of this section to individuals who are transitioning from unsheltered

homeless status. An organization providing services under this subsection may charge a fee of no more than \$300 per month per client and only to clients who are financially able to pay the fee and who request the services. YES anticipate collaborating with other service providers but there will not be fees charged to guests.

(5)

(a) The approval or denial of an emergency shelter under this section may be made without a hearing. Whether or not a hearing is held, the approval or denial is not a land use decision and is subject to review only under ORS 34.010 to 34.100.

(b) A reviewing court shall award attorney fees to:

(A) A local government, and any intervening applicant, that prevails on the appeal of a local government's approval; and

(B) An applicant that prevails on an appeal of a local government's denial.

(6) An application for an emergency shelter is not subject to approval under this section if, at the time of filing, the most recently completed point-in-time count, as reported to the United States Department of Housing and Urban Development under 24 C.F.R. part 578, indicated that the total sheltered and unsheltered homeless population was less than 0.18 percent of the state population, based on the latest estimate from the Portland State University Population Research Center.

Date Received:

LAND MANAGEMENT DIVISION



CERTIFICATION – Fire District Certification for Non-Maintained Roads (Vacant)

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97408 Planning: 682-3577

Pursuant to Lane Code 15.045(2) and 15.055(2) for development on vacant Parcels

Building or Placement Permit (BP) # _____

Assessor's Map and Tax Lot #: 18 12 14 20 00201 _____

Attach to this form a copy of the Assessor's map clearly marked with the 1) outline of the subject property; and 2) location of the road(s) requiring Fire District certification. Provide directions to Fire District as needed.

Name(s) of the road(s) and/or private easements leading from the subject property to the nearest County-maintained road Highway 101 to the West, Spruce St to the East.

Place an "x" in this space if a private easement serves the property X _____

Authorized Fire District Representative: Initial Section A or B below and return to the property owner.

SECTION A

MS 1. The subject property specified above and shown on the Attachment is located within the boundary or receives fire protection under contract by: Siuslaw Valley Fire & Rescue (Western Lane Fire and EMS Authority); AND

MS 2. The portion of the above-named public and/or private easement road extending from the subject property to the nearest county or state maintained road is adequate for fire and emergency vehicles, provided the roadway is maintained in the condition verified as of the following date of inspection; OR,

3. The referenced public road and/or private easement extending from the Subject Property to the nearest county or state maintained road is not adequate for the following reasons:

SECTION B

_____ The Subject Property specified above is NOT located within or protected under contract by a Fire Protection District. Contact Lane County for additional information.

Authorized Fire Protection District Representative:

Inspection Date: October 11, 2023 _____

Name (print): Michael Schick _____

Signature: Michael Schick _____

Title: Fire and EMS Chief _____

Submit this COMPLETED ORIGINAL FORM and REQUIRED ATTACHMENT to:

Lane County
Land Management Division - Planning Section
3050 N Delta Highway
Eugene, OR 97408

NOTE: It is the responsibility of the property owner and/or applicant to arrange for full completion of this form and proper submittal to Lane County. Failure to submit a completed form will delay your building permit. (Version 7/2018)