
AGENDA ITEM SUMMARY / STAFF REPORT
FLORENCE PLANNING COMMISSION

ITEM NO: 5
Meeting Date: December 12, 2023

ITEM TITLE: Resolution 23 29 TA 05-HIP Phase 2 Housing Code Update Implementation

OVERVIEW:

Background:

On October 6, 2021 the Department of Land Conservation and Development (DLCD) awarded the City of Florence a technical assistance grant to identify housing development strategies, and update City codes to address state statutes and rules.

In March 2022 City Council created a Housing Implementation Plan (HIP) Stakeholder Advisory Team (SAT) made up of community stakeholders. The team met five times since April 2022. Additionally, two Open Houses were held at the Florence Events Center in September and November, whereby the public was solicited for their input via a virtual survey and in-person input session. Two subcommittees were created from the HIP SAT to address Short-Term Rentals and Transitional Housing. There are other housing-related code changes and additions that are in various stages of completion and will be brought to the PC when they are ready for consideration. These are related to short term rentals and hazards and coastal goals (Chapters 7 and 19 of Title 10).

There are two attachments to this AIS.

1. Draft development code for Transitional Housing and Emergency Shelters.
2. Proposed amendments to FCC Title 10, to define transitional housing and emergency shelter, eliminate church RV use under 10-4, and establish withing zoning districts to either permit conditionally or prohibit transitional housing and emergency shelters.

Process and Review: Code updates consist of a three-step review and approval process—Initiation, 1st Evidentiary Hearing, and 2nd Hearing. First, City Code amendments can be initiated by the Florence City Council, Planning Commission or by application from the public. After these code amendments are initiated by Planning Commission, staff prepares and sends the Department of Land Conservation and Development Form 1, 35-day notice. After the 35-day notice period the Planning Commission holds the first evidentiary public hearing prior to making a recommendation to the City Council. After the Planning Commission makes a recommendation, the City Council holds the second public hearing, prior to making a final decision on adopting amendments to the city code.

ISSUES/DECISION POINTS: None identified.

ALTERNATIVES:

1. Initiate code amendments to the City Code as presented.
2. Initiate proposed amendments to the City Code with changes as recommended by Planning Commission
3. Postpone initiating amendments to the City Code to a future date.
4. Do not initiate code amendments.

RECOMMENDATION:

Initiate the proposed amendments to the City Code as proposed or with changes as directed by the Planning Commission.

AIS PREPARED BY:

Wendy FarleyCampbell, Community Development Director

ATTACHMENTS:

Resolution PC 23 29 TA 05
Exhibit 1: Draft Transitional Housing and Emergency Shelter Development Code
Exhibit 2: Title 10, Multiple Chapters Proposed Code Revisions
Other Materials:
Attachment A: Transitional Housing Case Studies, MIG 7-13-22

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 23 29 TA 05

A RESOLUTION TO INITIATE LEGISLATIVE AMENDMENTS TO THE FLORENCE CITY CODE (FCC) TITLE 10 TO ADOPT REVISIONS TO SUPPORT TRANSITIONAL HOUSING AND EMERGENCY SHELTERS AND PERFORM HOUSEKEEPING AMENDMENTS ASSOCIATED WITH PHASE 2 OF THE HOUSING IMPLEMENTATION PLAN PROJECT.

WHEREAS, Florence City Code (FCC) Title 10, Chapter 1, Section 3-C provides that a legislative change in the text of Title 10 may be initiated by resolution of the Planning Commission;

WHEREAS, the Planning Commission has been working with the Florence City Council to update the city zoning code to implement the Realization 2020 Comprehensive Plan and the 2023-2025 City Work Plan to make changes to address housing needs and problems that have come up with the current code;

WHEREAS, the Planning Commission and City Council held a work session on the code updates, and Planning Commission is now proposing initiating amendments to city code;

NOW THEREFORE BE IT RESOLVED that the Planning Commission initiates this process for the legislative amendments to the Florence City Code Text as shown in Exhibits 1 and 2 in order to adopt code supporting transitional housing and emergency shelters and general housekeeping amendments.

ADOPTED BY THE FLORENCE PLANNING COMMISSION the 12th day of December 2023

Sandra Young, Chairperson
Florence Planning Commission

DATE

DRAFT Code Update Attachment A

Transitional Housing

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

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

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

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

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

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

Definitions

Portland

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

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

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

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

Bend

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

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

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

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

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

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

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

Gresham

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

Seattle

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

Silverton

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

HUD

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

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

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

Sample Code Section

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

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

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

10-38-5 Transitional Housing

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

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

Other resources

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

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