

ATTACHMENT 1

Resolution 23 11 TA 02:

- Exhibit A - Findings of Fact
- Exhibit B - Proposed modifications Title 10
- Exhibit C - Proposed modifications Title 11

**EXHIBIT A
FINDINGS OF FACT
City of Florence Ordinance No. 6, Series 2023**

Public Hearing Dates: Planning Commission – June 27 and July 11, 2023
City Council – July 17, 2023

File Nos.: PC 23 11 TA 02 / CC 23 01 TA 02

I. PROPOSAL DESCRIPTION

The requested action is to adopt amendments to the Florence City Code in order to incorporate state legislation related to residential development, implement City of Florence work plan items, and perform general housekeeping items as follows:

1. Amend Florence City Code Title 10 Zoning Regulations (**Exhibit B**)
2. Amend Florence City Code Title 11 Subdivision Regulations (**Exhibit C**)

Exhibit B: Title 10 Zoning Regulations Amendments

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

- Chapter 1: Zoning Administration – Replace “family” with “unit”, & housekeeping edits.
- Chapter 2: General Zoning Provisions – Update definitions for dwellings, affordable housing, and public facilities, add definitions for household, private facilities, prefabricated dwelling, and congregate housing and remove duet, family, and public services, etc.
- Chapter 3: Off Street Parking and Loading – Update the sections concerning bicycle parking, Accessory Dwelling Units, duets, duplexes, congregate housing.
- Chapter 6: Design Review – replace “family” with “unit”
- Chapter 10: Residential Uses – Update Tables 10-10-2-A & B, Sections on Attached Housing, manufactured homes, and mobile/manufactured home parks, replace “family” with “unit” and duet with single unit attached, add section with definitions related to mobile home/manufactured home
- Chapter 15: Commercial District – Sections on residential use building height, and development standards and replace “family” with “unit”, remove “duet”
- Chapter 16: Highway District – Sections on residential use building height, and development standards and replace “family” with “unit”, remove “duet”
- Chapter 17: Old Town District – replace “family” with “unit”, add tri and quad lexes, replace “townhome” with “single unit attached”
- Chapter 23: Planned Unit Development – replace “family” with “unit”, and housekeeping

- Chapter 25: Professional Office Institutional District – Section on residential design standards and replace “family” with “unit”
- Chapter 27: Mainstreet District – replace “family” with “unit”
- Chapter 30: North Commercial – replace “family” with “unit”
- Chapter 34: Landscaping – replace “family” with “unit”
- Chapter 35: Access and Circulation – replace “family” with “unit”

Exhibit C: Title 11 Subdivision Regulations Amendments

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

- Chapter 3: Subdivision Tentative Plan Procedure – establish clear criterion related to utility and access provision
- Chapter 4: Partition and Subdivision Final Plat – remove ambiguous terminology, add specificity by including source policy and regulations
- Chapter 5: Platting & Mapping Standards – remove ambiguous terminology, add lot line orientation to include around encroachments

II. NARRATIVE

The Title 10 code amendments focus on the following: generally, expand permitted residential uses, align definitions with state laws, establish clear and objective criteria for housing in commercial and mixed-use zones, adjust standards for manufactured and mobile home development, reduce parking standards for ADUs. address minimum compliance standards with HB 2001 and OAR 660-046 – middle housing requirements for medium-sized cities. The Title 11 code amendments make standards clear and objective, replacing ambiguous language.

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 Phase 1 of a mutli-phase ongoing process. This is Phase 2 of that code update process with Phase 3 to follow that will address transitional and emergency housing. This proposal continues to achieve the objective of implementing the HNA and Comprehensive Plan goals related to housing, consistent with state law that requires a “clear and objective” review path for all types of housing¹ that does not cause “unreasonable cost or delay” to increase the feasibility and certainty surrounding residential development. (ORS 197.307). This proposal addresses the many additional adoptions to state regulations that have occurred since that time and include: HB 2001 (2019), HB 2583 (2021), SB 8 (2021), HB 2008 (2021), and HB 4064 (2022).

¹ State law requires clear and objective standards for all “needed housing,” which implies a certain subset of residential development, however, recent changes to the definition of “needed housing” expand the term to cover all residential development in residential, commercial and mixed-use zones. (ORS 197.303)

The overarching goal for the code amendments is to remove regulatory barriers to the development of a wide variety of housing types in compliance with both the letter and the spirit of Oregon’s regulations, to better meet the City’s identified needs for housing.

III. NOTICE AND REFERRALS

1. Notice:

The notice of a public hearing was published in the Register Guard on June 21, 2023 and again in the Siuslaw News on June 30, 2023, 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 May 23, 2023, not less than 35 days prior to the proposed first evidentiary hearing of June 27, 2023, as required by State law and the Florence City Code.

IV. APPLICABLE CRITERIA

1. Florence City Code (FCC) Title 10: Zoning Regulations

- Chapter 1: Zoning Administration, Section 10-1-3 Amendments and Changes, Section C Legislative Changes
- Chapter 1: Zoning Administration, Section 10-1-1-6-4 Type IV Procedure (Legislative)

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 and Residential Section 7-9, Commercial Section 3 & 10
- Chapter 10 Housing Opportunities, Policies 7, 10 & 13
- Chapter 12 Transportation, Policies 8, 9, 26, & 27
- Chapter 13 Energy Facilities and Conservation, Policy 3

3. Oregon Land Use Planning Goals

- Goal 10 Housing

4. Oregon Revised Statutes (ORS)

- ORS 197.303
- ORS 197.307
- ORS 197.480
- ORS 197.485(1)
- ORS 197.610(1) – (4)

5. Oregon Administrative Rules (OAR)

- OAR 660-008-0015

- OAR 660-012-0060
- OAR 660-018-0020
- OAR 660-015-000

6. State legislation adopted

House Bills: 2001 (2019), 2585 (2021) 2008 (2021) 4064(2022)
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.

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

The City of Florence initiated the changes via the Planning Commission on May 23, 2023. 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 06 TA 01, adopted by the Planning Commission on May 23, 2023. The resolution noted work by itself and the City Council to update the city zoning code to implement the Florence Realization 2020 Comprehensive Plan, City Work Plans, and state regulations to address housing needs.

- 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 Register Guard on June 21, 2023 and in the Siuslaw News on June 30, 2023. The notification procedures meet the requirements of Florence City Code, the policies of the Florence Realization 2020 Comprehensive Plan, and 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. ^{[[1]]}_{SEP}(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 five times during the development of the proposed amendments.

- 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.** ^{[[1]]}_{SEP}(pg. I-1)

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

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

Finding: This policy is met. The proposed code amendments are consistent with this policy because the notice of the public hearing was noticed in the newspaper prior to public hearings before the Planning Commission and City Council, as required by state law. Notice was published in the Register Guard on June 21, 2023 and in the Siuslaw News on June 30, 2023. Staff also updated the City's website to state when City meetings are scheduled. Materials for Planning Commission and City Council meetings are posted on the website prior to the meeting. The agendas are also posted in City Hall.

- 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.

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

Finding: The proposal for these actions is consistent with this policy because the Resolution, Ordinance, Findings of Fact, staff report and proposed amendments were available prior to the public hearing. The documents were available to view at the Planning 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 revisions to standards for attached housing (FCC 10-10-7), individual manufactured home (FCC 10-10-10) and manufactured home park (FCC 10-10-11) standards, and standards in commercial and mixed-use zones (FCC 10-25, 10-15, 10-16, 10-30, 17, and 18)
- Continue to enforce parking standards in FCC 10-3 and expand bicycle parking standards and reduce parking standards in accordance with state regulations.

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 subdivision and design review applications must address infrastructure in the following criteria:

- Design review criteria in FCC 10-6 for residential development requires public facilities and infrastructure to meet standards set forth in FCC 10-36 Public Facilities.
- Subdivision tentative plan review criteria FCC 11-3 requires that adequate public facilities be available to serve proposed subdivision and clarifies what those standards are.
- Public facility criteria FCC 10-36-4-A and -B requires 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.

Residential

Policies

7. **Residential development shall be discouraged in areas where such development would constitute a threat to the public health and welfare, or create excessive public expense. The City continues to support mixed use development when care is taken such that residential living areas are located, to the greatest extent possible, away from areas subject to**

high concentrations of vehicular traffic, noise, odors, glare, or natural hazards. [L] [SEP] (pg. II-5) [L] [SEP]

Finding: The proposal for these actions is consistent with this policy because residential uses in Commercial and Old Town districts are shielded away from areas with high traffic, noise or other nuisance levels. Residential uses in the Commercial zone (FCC 10-15), Highway zone (FCC-10-16), Old Town zone (FCC 10-17), and North Commercial zone (FCC 10-30) are required to be set back from the street.

- 8.2 An adequate supply and mix of housing types (single family, duplex, multiple family) shall be maintained throughout the 20-year planning period for all projected ages and income levels.** [L] [SEP] (pg. II-5) [L] [SEP]

Finding: The proposal for these actions is consistent with this policy because it provides for housing types identified in the 2017 Housing Needs Analysis (HNA). The HNA identified a need for single-family detached homes, manufactured housing units, townhomes/duplexes, multifamily housing units and special needs housing units. The proposed code amendments support this full range of housing types, in addition to triplexes, quadplexes, and cluster housing, across existing zoning districts (FCC Table 10-10-2-A). While there are no proposed changes to the mapped designations or the extent of the district, the proposed change support greater flexibility to build more variety of units across more of the existing zones.

- 9.2 The City shall permit a manufactured home to be located in any residential area in accordance with Oregon law, the provisions of the City's zoning code and applicable building and specialty codes.** [L] [SEP] (pg. II-5) [L] [SEP]

Finding: The proposal for these actions is consistent with this policy because individual manufactured homes are permitted under the same terms as single-family detached homes in all residential zones, permitted outright in the LDR, MDR and RMH zones and conditionally in the HDR zone (FCC Table 10-10-2-A). Manufactured homes outside of manufactured home parks are subject to proposed revised standards in FCC 10-10-10, which regulates homes consistent with standards in ORS 197.307(8) and new regulations adopted under HB 4064 (2022).

Commercial

Policies

- 3. The City shall promote the efficient use of available lands designated for the establishment of commercial uses.** (pg. II-9)

Finding: The proposal for these actions is consistent with this policy because

² Sic; duplicative numbering is used in this policy section.

it does not change the extent or location of lands designated for commercial uses. Residential unit uses continue to be permitted, outright rather than conditionally, in the Commercial zone (FCC 10-15), Highway zone (FCC-10-16), Old Town zone (FCC 10-17), and North Commercial zone (FCC 10-30), but must be setback 25 feet from the street to promote highly visible commercial uses along the primary façade. Other residential uses are required to comply with the development standards of the districts.

10. **Within the Old Town area, commercial redevelopment or infill shall encourage compatibility with the character of the surrounding area, including architectural characteristics, the unique physical nature of the Old Town area, and views of the Siuslaw River, and shall not adversely impact the development potential of adjoining properties.** (pg. II-10)

Finding: The proposal for these actions is consistent with this policy because any residential or mixed-use projects within the Old Town area will be required to comply with design standards applicable to residential development (FCC 10-6-6-3-C, 10-6-6-4, 10-6-6-5) that are also applied to commercial development, to support compatibility.

Chapter 10, Housing Opportunities

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

Finding: The proposal for these actions is consistent with this policy because the proposal includes expanding residential development opportunities in the Old Town and Mainstreet Districts by expanding the variety of housing types permitted and encouraging their construction through clear and objective standards tailored to each housing type. In particular, the proposal includes new provisions for triplexes and quadplexes. It also revises existing standards for duplexes and manufactured homes in and out of a manufactured home park. Proposed standards encourage development of these varied types through reduced parking standards, and higher density in mixed use and commercial districts.

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 mix of housing types identified in the 2017 Housing Needs Analysis (HNA). The HNA identified a need for single-family detached homes, manufactured housing units, townhomes/duplexes, multifamily housing units and special needs housing units. The proposed

code amendments support this full range of housing types by revising standards for manufactured homes and duplexes to have no greater standards than single family detached homes and adding opportunities for attached housing in the Old Town and Mainstreet districts. While there are no proposed changes to the mapped designations or zoning districts, the proposed change support greater flexibility to build more variety of units across more of the existing zones.

13. **The City shall update codes to support and recognize workforce housing, mobile homes, manufactured housing and multifamily dwellings as an important part of the overall housing stock, if well situated.** (pg. X-2)

Finding: The proposal for these actions is consistent with this policy because it supports a range of housing types suitable for workforce housing including changes to standards for duplex, manufactured homes, and mobile and manufactured home parks. Also, additional housing styles are proposed for Old Town and Mainstreet Districts. Standards for residential uses in commercial and mixed-use zones are proposed to change to meet the standards of those districts rather than be limited to those of the residential districts. Also, they are now offered the density permitted in the High Density district. The new density standard will support development within an expanded building envelope, including expanded provisions for up to 35 feet in height (relative to 28 feet) to support more practical options to build higher-density development.

Chapter 12: Transportation

Policies

8. **The City shall protect the function of existing and planned transportation systems as identified in the TSP through application of appropriate land use and access management techniques.**
 - **Pursuant to the State Transportation Planning rule, any land use decisions which significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, level of service of the facility.** (pg. XII-3)

Finding: The proposal for these actions is consistent with this policy because the amendments are not tied to any one development application and do not affect the functional classification of any street. These amendments do not change allowable uses or change regulations in ways anticipated to result in the generation of additional vehicle trips compared to estimated traffic generation in the adopted Transportation System Plan (TSP); therefore, the amendments will have no measurable impacts on the amount of traffic on the existing transportation system. Because of this, the proposed amendments do not cause a “significant effect” under OAR 660-012-0060.

9. **Land development shall not encroach within setbacks required for future expansion of transportation facilities. At the time of land**

development or land division, the City shall require dedication of adequate right-of-way or easements consistent with the adopted TSP in order to achieve connectivity; maintain adequate street widths, bikeways and walk- ways; and to accommodate transit facilities.

- **New development and redevelopment shall accommodate on-site traffic circulation on the site. For new development and redevelopment, “backing out” maneuvers onto all streets shall be avoided for uses other than single-family and duplex homes. “Backing out” maneuvers shall also be avoided for new single-family and duplexes accessing arterial and collector streets. (pg. XII-3)**

Finding: The proposal for these actions is consistent with this policy because existing standards prohibiting backing onto to the street will continue to apply to residential development, except from single family, duet and duplex dwellings (FCC 10-3-8-1). Backing out is also prohibited, except for single family and duplexes, in existing FCC 10-35-2-7-C.

- 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 will be required for all proposed residential uses (FCC Table 10-3-4-A).

- 27. Bicycle parking facilities shall be provided as part of new development at places of employment, businesses, multi-family residential developments and at public buildings. (pg. XII-5)**

Finding: The proposal for these actions is consistent with this policy because long-term bicycle parking continues to be required for all residential uses with three or more units, including triplexes, quadplexes and multifamily (FCC 10-3-8-B-4 and 10-3-10-C). The proposed policy change clarifies that bicycle parking is required in the same manner as vehicular parking during a change of use that requires additional vehicular parking spaces.

Chapter 13: Energy Facilities and Conservation

Policies

- 3. Energy conservation shall be one of the considerations when planning for transportation systems and land use density requirements. (pg. XIII-1)**

Finding: The proposal for these actions is consistent with this policy because the proposed housing types generally encourage smaller dwelling units on smaller lots (e.g., FCC 10-10-4-B, minimum lot sizes, and FCC 10-10-8, cluster housing with maximum average 1,200-square-foot dwelling size), increasing energy conservation by reducing building materials and ongoing heating

and cooling costs.

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 single-family detached homes, manufactured housing units, townhomes/duplexes, multifamily housing units and special needs housing units. The proposed amendments meet and exceed the requirement for various needed housing types, by providing for attached dwellings in the Old Town, Mainstreet mixed-use commercial districts.

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-

family detached homes, manufactured housing units, townhomes/duplexes, multi-family housing units and special needs housing units. The proposed amendments provide for attached dwellings in the Old Town and Mainstreet Mixed Use zones.

(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 it includes options for both clear and objective review standards and discretionary standards for projects at higher densities. Changes to Title 11 provide for additional clear and objective text amendments. The optional and discretionary Planned Unit Development process remains available for projects seeking higher densities or other modifications to the base zoning standards (FCC 10-23). 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. Residential uses in residential and commercial zones are permitted outright or through a Type II site design review process, against limited residential review standards (FCC 10-6-3-B). Specific approval standards for particular housing types that are clear and objective are established for townhouses, triplexes and quads (FCC 10-10-7), cluster housing (FCC 10-10-8), multifamily

dwelling (FCC 10-10-9), individual manufactured homes (FCC 10-10-10), and mobile home/manufactured home parks (FCC 10-10-11).

(8) In accordance with subsection (4) of this section and ORS 197.314 (Required siting of manufactured homes), a jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:

(a) The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.

(b) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.

(c) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.

(d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

(e) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010 (Definitions for ORS chapter 455).

(f) The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.

Finding: The above criteria is being replaced by language in HB 4064. The proposed amendments to the code implement the new ORS in 197.307 and ORS 197.314. The standards for manufactured homes will be the same for single family detached dwellings. The new ORS language also introduces pre-fabricated structures, which the city has incorporated as required within the proposed code amendments.

ORS 197.480: Planning for parks; procedures; inventory.

(1) Each city and county governing body shall provide, in accordance with urban growth management agreements, for mobile home or manufactured dwelling parks as an allowed use, by July 1, 1990, or by the next periodic review after January 1, 1988, whichever comes first:

(a) By zoning ordinance and by comprehensive plan designation on buildable lands within urban growth boundaries; and

(b) In areas planned and zoned for a residential density of six to 12 units per acre sufficient to accommodate the need established pursuant to subsections (2) and (3) of this section.

(2) A city or county shall establish a projection of need for mobile home or manufactured dwelling parks based on:

(a) Population projections;

(b) Household income levels;

(c) Housing market trends of the region; and

(d) An inventory of mobile home or manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial or high density residential development.

(3) The inventory required by subsection (2)(d) and subsection (4) of this section shall establish the need for areas to be planned and zoned to accommodate the potential displacement of the inventoried mobile home or manufactured dwelling parks.

(4) Notwithstanding the provisions of subsection (1) of this section, a city or county within a metropolitan service district, established pursuant to ORS chapter 268, shall inventory the mobile home or manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial or high density residential development no later than two years from September 27, 1987.

(5)(a) A city or county may establish clear and objective criteria and standards for the placement and design of mobile home or manufactured dwelling parks.

(b) If a city or county requires a hearing before approval of a mobile home or manufactured dwelling park, application of the criteria and standards adopted pursuant to paragraph (a) of this subsection shall be the sole issue to be determined at the hearing.

(c) No criteria or standards established under paragraph (a) of this subsection shall be adopted which would preclude the development of mobile home or manufactured dwelling parks within the intent of ORS 197.286 and 197.475 to 197.490. [1987 c.785 §4; 1989 c.648 §54]

Finding: The code is consistent with this statute because it permits manufactured home parks within lands designated for mobile home and manufactured home parks and simplifies required land use review by making such parks permitted subject to Type II site plan review rather than conditional use review (FCC 10-10-2-A). This proposal does not affect the inventory or need for mobile home or manufactured dwelling parks, which was completed with the 2017 HNA and found adequate acreage within the lands designated for Residential Mobile Home District in the city and UGB to accommodate the projected demand for manufactured housing.

ORS 197.485: Prohibitions on restrictions of manufactured dwelling

(1) A jurisdiction may not prohibit placement of a manufactured dwelling, due solely to its age, in a mobile home or manufactured dwelling park in a zone with a residential density of eight to 12 units per acre.

Finding: The proposal is consistent with this statute because there are no restrictions in the proposed mobile home/manufactured home park standards restricting placement of a dwelling based on age (FCC 10-10-11). Both mobile homes, constructed prior to June 15, 1976, and manufactured homes, constructed after that date, are permitted (as defined in FCC 10-2-13). The proposed code changes expand the opportunities to locate a mobile home or manufactured home park by reducing the minimum project acreage size.

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 May 23, 2023 at least 35 days prior to the June 27, 2023 (first) public hearing and the notice contained the information required in this statute. The notice of proposed change was circulated widely within the city consistent with subsection (4), as detailed in response to Comprehensive Plan Goal 1. (See pg 5.)

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 governments 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 is consistent with this rule as detailed in the findings for Comprehensive Plan Policy 12.8. (See pg 14.)

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, manufactured housing units, townhomes/duplexes, multifamily housing units and special needs housing units. The proposed code amendments expand on the 2019 housing code updates that supported this full range of housing types, in addition it 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 extends the triplex and quadplex uses to Old Town and Mainstreet Districts.

The population of the City of Florence exceeds 2,500 people, so the requirement for various housing types applies. The proposed amendments exceed the requirement, by providing for triplexes and quadplexes in the mixed-use development district of Old Town and Mainstreet Districts. In addition, the proposed amendments permit duplexes with the same standards as single family detached.

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 Titles 10 and 11 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 Zoning Regulations
- C. Amendments to FCC Title 11 Subdivision Regulations
- D. MIG/APG Draft Code Update Memo, July 21, 2022
- E. MIG/APG Code Audit Findings Memo, June 8, 2022
- F. TC Bicycle Parking Memo, May 19, 2023

Exhibit C:

Title 11 Code Modifications

- Chapter 3: Subdivision Tentative Plan Procedure
- Chapter 4: Partition and Subdivision Final Plat
- Chapter 5: Platting & Mapping Standards

TITLE 11
CHAPTER 3

SUBDIVISION TENTATIVE PLAN PROCEDURE

SECTION:

- 11-3-1: Application
- 11-3-2: Tentative Plan Requirements
- 11-3-3: Review of Tentative Subdivision
- 11-3-4: Approval of Tentative Subdivision
- 11-3-5: Acknowledging Tentative Plan Decisions
- 11-3-6: Tentative Plan, Effective Date
- 11-3-7: Tentative Plan, Appeal of Decisions
- 11-3-8: Phased Subdivision Tentative Plan

....

11-3-4: APPROVAL OF TENTATIVE SUBDIVISION: After giving notice as required by FCC 10-1-1-6, the Planning Director or its designee shall grant approval or deny the subdivision tentative plan. The hearing decision and further consideration of a similar application shall be reviewed under a Type II process as defined by paragraph 10-1-1-6 of this Code. If approval involves implications of new or modified standards or policy, the Planning Commission and not its designee shall render a decision. Approval shall be based on compliance with the following criteria.

- C. Adequate public facilities are available or can be provided to serve the proposed parcels pursuant to City requirements, including those in Streets and Sidewalks pursuant to FCC 8-2, Water pursuant to FCC 9-2, Sewer pursuant to FCC 9-3, Solid Waste pursuant to FCC 9-4, Stormwater pursuant to FCC 9-5, and FCC 10-36 Public Facilities and FCC 10-35 Access and Circulation.

....

Amended by Ord. 30, Series 1990
Amended by Ord. 12, Series 1999
Sections 11-3-2 and 11-3-6 Amended by Ord. No. 9, Series 2009
Section 11-3-2-C-15 Amended by Ord. No. 18, Series 2011 (effective 9-19-11)
Sections 11-3-4, 11-3-5, and 11-3-7 amended by Ord. No. 11, Series 2016 (effective 11-16-16)
All Section amended by and Section 11-3-8 amended by Ord. No. 7, Series 2019 (effective 12-18-19)
Section 11-3-4-C by Ord. No. 6, Series 2023 (effective 8-17-23)

TITLE 11
CHAPTER 4

PARTITION AND SUBDIVISION FINAL PLAT

SECTION:

- 11-4-1: Application
- 11-4-2: Requirements
- 11-4-3: Review by Other Agencies and Departments
- 11-4-4: Approval of Final Plat
- 11-4-5: Expiration of Approvals
- 11-4-6: Delivery of Final Plat to County Recorder
- 11-4-7: Delivery of Recorded Final Plat to City

[...]

11-4-2: REQUIREMENTS:

- B. Information Required: The application itself, or the proposed partition or subdivision plat, must contain the following with respect to the subject area:

[...]

- 8. The date, north point and scale of the drawing, and a ~~sufficient~~ description ~~to define~~ defining the location and boundaries of the partition or subdivision.

Amended by Ord No. 30, Series 1990

11-4-2-B13 & 11-4-4-E Amended by Ord 2, Series 2011 (effective 3-11-11)

Sections 11-4-4-C and 11-4-4-H Amended by Ord. No. 18, Series 2011 (effective 9-19-11)

All sections amended by Ord. No. 7, Series 2019 (effective 12-18-19)

Section 11-4-2-B-8 amended by Ord No. 6 Series 2023 (effective 8-17-23)

PLATTING AND MAPPING STANDARDS

SECTION:

- 11-5-1: Streets
- 11-5-2: Lots and Parcels
- 11-5-3: Public Facilities
- 11-5-4: Unsuitable Areas

11-5-1: STREETS:

[...]

C. Reserve Strips: The Planning Commission may require the applicant to create a reserve strip controlling the access to a street, said strip to be placed under the jurisdiction of the City Council and the Planning Commission, when the Planning Commission determines that a strip is necessary:

1. To prevent access to abutting land at the end of a street in order to assure the ~~proper~~ extension of the street pattern and the ~~orderly~~ development of land lying beyond the street, consistent with the planned transportation system and land use; or
2. To prevent access to the side of a street on the side where additional width is required to meet the right of way standards provided in the table under subsection B2 above; or
3. To prevent access to land abutting a street of the partition or subdivision, but not within the partition or subdivision itself; or
4. To prevent access to land unsuitable for building development, in accordance with areas defined in FCC 10-7 and FCC 10-19.

11-5-2: LOTS AND PARCELS:

A. Size and Frontage:

[...]

2. Area: Minimum lot size shall be in conformance with the provisions of the Florence Zoning Ordinance. Where either a community water supply or sewer system are not presently provided, the lot area shall be sufficient to meet State and County health standards and the lot area shall be at least twice the number of square feet normally required in the zoning district where the lot is located. Where an oversize lot as described above is required due to lack of services, the Planning Commission may require the developer to submit a plan for later division of said lot(s) into lots meeting the minimum lot sizes for allowed housing typessingle-family detached dwellings in the underlying zone.

B. Exceptions:

[...]

4. Flag Lots: Flat lots shall be permitted provided they meet the following requirements:

[...]

d. Accessway Design and Emergency Vehicle Access

[...]

iii. Accessways shall be centered within the flag lot accessway ~~to minimize impacts on adjoining lots~~ except in cases to when otherwise warranted to preserve existing vegetation or meet the intent of this subsection.

[...]

5. Lot and Parcel Side Lines: ~~As far as is practicable,~~ !lot and parcel side lines shall run at right angles to the street upon which the lot or parcel faces; except to adjust for encroachments or those that border existing non-right angle lot lines or those on curved streets, they shall be radial to the curve.
6. Suitability for Intended Use: All lots and parcels shall be suitable for the purpose for which they are intended to be used. No lot or parcel shall be of such size or design as to be detrimental to the health, safety or sanitary needs of the residents of the subdivision or partition or of such lot or parcel, pursuant to County or State health, safety, and sanitary standards, as determined by the Planning Director in accordance with the purpose of this Title.

[...]

11-5-1 Amended by Ord 1, Series 1992

Sections 11-5-1 and 11-5-3 Amended by Ord. No. 9, Series 2009

11-5-2-B1 Amended by Ord 2, Series 2011 (effective 3-11-11)

Sections 10-5-2 and 10-5-4 amended by Ord. 7, Series 2019 (effective 12-18-19)

Sections 11-5-1-C-1 and 4, 11-5-2-A-2 and B-4-iii, and B-5 & B-6 amended by Ord No. 6 Series 2023 (effective 8-17-23)