

## Attachment 2:

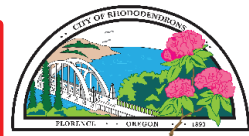
Exhibit D - MIG Memo

Exhibit E - Code Audit Findings Memo

Exhibit F - TC - Bike Parking Memo



# Exhibit D



City of Florence  
A City in Motion

## MEMORANDUM

### DRAFT Code Update Florence Housing Implementation Plan

DATE July 21, 2022  
 TO HIP Stakeholder Advisory Team  
 FROM Darci Rudzinski and Brandon Crawford, MIG|APG  
 CC Florence HIP Project Management Team

## INTRODUCTION

The Florence Housing Implementation Plan (HIP) will provide recommended housing programs and funding strategies that will guide future housing development in the City. The project includes a review of the requirements in the Florence City Code (FCC) Title 10 (Zoning Code) and Title 11 (Subdivision Code) and local compliance with recent State legislation related to residential development. With prior grant funding from DLCD, Florence updated Titles 10 and 11 in 2019 to reduce barriers to development. This project will complete the next step of amendments and reflects more recent guidance on complying with State legislation. The Housing Implementation Plan Stakeholder Advisory Committee discussed the Code Audit Findings (June 8, 2022 memorandum) at their June meeting.

## CODE UPDATE OUTLINE

The Code update recommendations are organized in sequential order by FCC title and chapter. This memorandum is intended to provide preliminary code amendment recommendations based on the issues identified in the Code audit. The code recommended amendments focus on the following:

- State housing definition compliance
- Clear and objective standards for housing in natural resources/hazard areas
- Address inconsistencies between the Zoning and Subdivision Codes related to housing land use permitting
- Incorporate new State housing rules related to affordable housing and emergency shelter
- Minimum compliance standards with HB 2001 and OAR 660-046 – middle housing requirements for medium-sized cities

The City is also exploring Code updates addressing transitional housing. Specific amendments for transitional housing are not included in this memorandum, pending direction and guidance from the Stakeholder Advisory Team (HIP SAT) and the community. The City also anticipates revising the existing definition for Transitional Housing. An attachment to this memorandum provides case studies showing how

other cities implement transitional housing programs. The attachment includes sample code language for the City to consider. In addition to the Transitional Housing attachment, the draft clear and objective amendments for the natural resource and hazard areas are also included as attachments. The draft amendments for these chapters are extensive and are still "working drafts"; they are provided for SAT consideration and comment but are not the focus of this memorandum. The attachments to this memorandum are as follows:

- **Attachment A:** Transitional Housing Case Studies and Sample Code Language
- **Attachment B:** FCC Chapter 7 Special Development Standards Clear and Objective Amendments
- **Attachment C:** FCC Chapter 19 Estuary and Shorelands Clear and Objective Amendments

While not discussed in detail at the HIP SAT June meeting, Florence will soon be subject to House Bill 2001 which passed in 2019. Pursuant to HB 2001, Oregon's medium-sized cities (population over 10,000) are required to allow duplexes on any lot or parcel that allows single-family detached dwellings, and medium cities cannot apply siting and design standards or procedures that are more restrictive than what applies to single family detached. Although Florence does not yet meet the threshold for a medium-sized city, the City's most recent population estimate is approximately 9,600 people.<sup>1</sup> Further, the City's urban growth boundary (UGB) currently contains over 11,000 people.<sup>2</sup> Based on current growth rates and the likelihood of future annexations, Florence will need to comply with HB 2001 in the near future. To prepare for the near-term HB 2001 requirements, this memorandum includes minor amendments related to duplex standards.

A summary and rationale for proposed updates precedes each section in a gray commentary box. Note that many of the referenced Code sections and tables are abbreviated to only show the provisions that will be amended. The recommended Code updates are written as legislative amendments in a ~~strikethrough~~/underline format.

## CODE UPDATE RECOMMENDATIONS

Several definitions in the FCC conflict with housing-related definitions and rules that have been updated per recent State legislation. House Bill 2583 (2021) prohibits jurisdictions from establishing or enforcing occupancy limits based on familial or non-familial relationships. The City should replace "family" with "household" for each dwelling type definition. The term "household" is inclusive of related and non-related dwelling occupants. **The recommendation is to replace the general definition of "family," which includes the non-related occupancy limit with the Census definition for "household."**

Furthermore, the City should distinguish "Household Living" as the residential occupancy of a dwelling unit that contains eight or fewer bedrooms and "Group Living" as the residential occupancy of a dwelling unit that contains more than eight bedrooms or occupancy of a

<sup>1</sup> Portland State University Population Reports: <https://www.pdx.edu/population-research/population-estimate-reports>

“congregate” housing facility. Congregate housing and group housing facilities are generally synonymous, and therefore should be combined into the same definition. In addition, the City should remove the occupancy limits for “Boarding House” to comply with the recent legislation. Overall, these amendments avoid any regulations based on familial relationships or number of residents and instead focuses on the overall residential capacity of dwellings or congregate housing facilities by regulating the number of bedrooms. See the Code Audit Findings for further discussion on HB 2583 and occupancy options.

Recommended minor amendments to the “affordable housing” definition will bring the City into compliance with Senate Bill 8 (SB 8, 2021). The criteria for SB 8 includes income limits below 80% of the Area Median Income (AMI) to qualify for affordable housing, whereas the income limit established in House Bill 2008 (HB 2008, 2021) is 60% AMI. The City should continue to use the 80% threshold in the official definition and clarify the 60% threshold only for affordable housing development that is implemented through HB 2008. Furthermore, the City should reduce the “percent of gross household income” from 40% to 30%. “Affordable” is generally defined as housing costs (rent/mortgage plus utilities, taxes, etc.) being less than 30% of household income. The 30% threshold is used by the U.S. Department of Housing and Urban Development (HUD) in their affordable housing definition.<sup>3</sup>

Finally, the City should add, remove, or revise definitions for the following housing types:

- **Duet:** *Remove* this definition/housing type. A duet is the same as a two-unit single family attached dwelling (townhouse). The duet definition also conflicts with the “duplex” definition, as a duplex is two households/units on a single lot. Removing the duet definition and keeping duplex and single-family attached definitions as is (aside from “family” revisions) will help avoid confusion and redundancy of housing type definitions.
- **Prefabricated dwelling:** *Add* this definition/housing type to be consistent with House Bill 4064 (HB 4064, 2022).
- **Transitional Housing:** *Revise* this definition/housing type to be more specific.

Note that this memorandum does not modify every instance of “family” or “duet” in the Code, rather it offers a general recommendation for removing these terms throughout. Complete amendments that include removal/replacement for these terms will be provided in adoption-ready drafts of the Code amendments at a later stage in this project.

---

<sup>3</sup> HUD Affordable Housing Definition: <https://archives.hud.gov/local/nv/goodstories/2006-04-06glos.cfm>

**10-2-13: DEFINITIONS**

AFFORDABLE HOUSING	Dwellings available for rent or purchase, with or without government assistance, by households who meet applicable maximum income limits, not to exceed 80 percent of the Lane County median income, adjusted for <u>household family</u> size, as determined based on data from the United States Department of Housing and Urban Development or its successor agency, and in a manner so that no more than <del>30</del> <sup>40</sup> percent of the household's gross income will be spent on rent and utilities or on home loan or mortgage payments, amortized interest, property taxes, insurance, and condominium or association fees, if any. Equestrian
BOARDING HOUSE	A building with a single kitchen where lodging, with or without meals, is provided for compensation for any number of <del>10 or fewer</del> occupants, not open to transient and/or overnight guests, in contradistinction to hotels and motels open to transients and/or overnight guests, but, a Boarding House / Dormitory is not occupied as a single <u>household family</u> unit and it shall not include assisted living facilities, or senior housing, group care homes, homes for the aged or nursing homes.
[...]	
<del>DUET</del>	<del>A Duplex as defined under 'DWELLING, DUPLEX' in which each unit is on a separate lot and can be owned separately.</del>
DWELLING	A building or portion thereof which is occupied in whole or in part as a residence, either permanently or temporarily by one or more <u>households families</u> ; but excluding <u>lodging intended to accommodate visitors and recreation, such as the Coast Village, hotels, motels, short term rentals</u> , and tourist courts; with permanent provision for living, sleeping, eating, food preparation, and sanitation. Dwellings include both buildings constructed on-site and manufactured homes.
DWELLING, ATTACHED	A dwelling that shares a common wall or walls, roof, or foundation with adjacent dwellings. Attached dwellings may be on a common lot or with each dwelling on its own lot.
DWELLING, DUPLEX	A building designated or used exclusively for the occupancy of two (2) <u>households families</u> on a single lot living independently from each other and having separate facilities for each <u>household family</u> as defined under "DWELLING" above.

---

DENSITY	<p>Density, Gross: The number of dwelling units per each acre of land, including areas devoted to dedicated streets, neighborhood parks, sidewalks, and other public <u>and private</u> facilities/<u>utilities</u>.</p> <p>Density, Net: The number of dwelling units per each acre of land, excluding from the acreage dedicated streets, neighborhood parks, sidewalks, and other public <u>and private</u> facilities/<u>utilities</u>.</p>
DWELLING, FOUR- PLEX / QUAD-PLEX	A building designed and used for occupancy by four (4) <u>households</u> <del>families</del> on a single lot, all living independently of each other and having certain separate facilities for each <u>household</u> <del>family</del> as defined under 'DWELLING' above.
DWELLING, <del>MULTIPLE</del> MULTI-UNIT <del>FAMILY</del>	A building designed and used for occupancy by five (5) or more <u>households</u> <del>families</del> on a single lot, all living independently of each other and having certain separate facilities for each <u>household</u> <del>family</del> as defined under "DWELLING" above and certain shared facilities such as laundry, open space and other amenities.
DWELLING, SECONDARY	See ACCESSORY DWELLING.

DWELLING, SINGLE-  
UNIT FAMILY  
DETACHED

- A. A dwelling on a single lot either constructed on-site or a modular constructed in accordance with Oregon Building Codes and assembled on site, and designed or used exclusively for the occupancy of one family and having separate facilities for only one household family as defined under “DWELLING” above; or
- B. A manufactured home designed and used exclusively for the occupancy of one household family as defined under “DWELLING” above and which is located and maintained in compliance with Section 10-12 of this Title.
- C. Except as authorized in A and B of this definition, in determining compliance with the provisions and uses of this Code, a mobile home, manufactured home, or a modular resembling a mobile home or manufactured home, is not considered a single-unit family dwelling. (Ord. No. 7, Series 1994)

DWELLING, SINGLE-  
UNIT FAMILY  
ATTACHED

A dwelling constructed in a row of two or more attached dwellings, where each dwelling is located on its own lot and shares a common wall or walls, roof, or foundation with adjacent dwellings. Commonly referred to as a townhouse or row house.

DWELLING, TRI- PLEX A building designed and used for occupancy by three (3) households families on a single lot, all living independently of each other and having certain separate facilities for each household family as defined under ‘DWELLING’ above.

[...]

GROUP OR  
CONGREGATE  
HOUSING

A dwelling that provides nine or more bedrooms and whose occupants share basic household amenities, such as a kitchen, bathroom(s), and other shared living spaces.

HOUSEHOLD FAMILY ~~All the people who occupy a single dwelling unit, regardless of relation or familial status. A household has occupancy for eight or fewer bedrooms. A person living alone or any of the following groups living together as a single non-profit unit and sharing common living area:~~

~~A. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relations.~~

~~B. A maximum of 5 unrelated persons.~~

[...]

PREFABRICATED DWELLING ~~A prefabricated structure, as defined in ORS 455.010, that is relocatable, more than eight and one-half feet wide and designed for use as a dwelling.~~

[...]

PRIVATE FACILITIES ~~Any facility that is owned, leased, operated, or funded by a private entity, including individuals or groups/corporations, which may include but is not limited to buildings, property, recreation areas, and roads.~~

PUBLIC FACILITIES ~~Any facility that is owned, leased, operated, or funded by a governmental body or public entity, which may include but is not limited to buildings, property, recreation areas, and roads.~~

PUBLIC FACILITIES AND SERVICES ~~Projects, activities and facilities which the City of Florence determines to be necessary for the public health, safety and welfare.~~

### 10-3-1 Minimum Required Parking by Use

Cities subject to ORS 197.312 cannot require off-street parking for ADUs, which was an amendment to the existing ORS that was adopted with House Bill 2001 in 2019. The City's current parking requirement for ADU's does not comply with the current State rules, and **therefore the City should remove the minimum parking requirement for this housing type.** In addition, cities subject to HB 2001 cannot require more than two off-street parking spaces for duplexes (i.e., no more than one space per unit). Note that duplexes may be developed with over two off-street parking spaces; cities cannot *require* a minimum over two spaces. **The City should consider reduce minimum off-street parking requirements for duplexes from two spaces per unit to one space per unit.**

**The City should consider applying the existing parking requirement for boarding houses and dormitories to group/congregate housing because these are functionally similar housing types. The City should also base the parking requirement on number of bedrooms, since the number of occupants s impermanent.**



**Table 10-3-1, Minimum Required Parking By Use:**

Single <del>Unit Family</del> Dwelling including attached and detached dwellings and manufactured homes	2 spaces per dwelling unit on a single lot
Accessory Dwelling Units	<del>No minimum parking spaces required. 1 space per unit, see FCC 10-3-8 for additional standards</del>
Boarding houses, group/congregate housing, and dormitories	1 space per each 2 <del>bedrooms</del> occupants at capacity.
Duplex/ <del>Duet</del>	<del>2-1</del> space per dwelling unit

[...]

**N. Parking provided for Accessory Dwelling Units:**

- ~~1. Parking for Accessory Dwelling Units may be covered or uncovered.~~
- ~~2. Provided parking shall be hard surfaced with asphaltic concrete or cement concrete.~~
- ~~3. Parking for Accessory Dwelling Units may be provided on street where on street parking is available along the lot frontage and the street meets the minimum width for local streets with parking available on both sides (greater than 34 feet curb to curb). Site conditions may prevent the use of this specific area for that purpose, but shall not restrict the ability to count on street parking towards the reduction of parking requirements off street.~~

**10-10 Residential Uses**

HB 4064 requires all cities and counties in the state to allow siting of individual manufactured homes or individual prefabricated structures on any land zoned to allow for single-family dwellings. Manufactured homes and prefabricated structures on individual lots cannot be subject to any standards that do not apply to single-family site-built, detached structures, with the exception of any protective measures adopted pursuant to statewide planning goals or for exterior thermal envelope requirements. Therefore, **the City should update the residential use table to include prefabricated dwellings and allowing them wherever manufactured dwellings and single-family detached dwellings are allowed.**

Similar to HB 4064, cities subject to HB 2001 must allow duplexes on any lot or parcel that allows a single-family detached dwelling in all residential zones. Therefore, **the City should update the use table to allow duplexes outright in the LDR zone.**

Table 10-10-2-A. The following table indicates which uses are permitted in each residential zone.

Uses	LDR	MDR	RMH	HDR
Single-household family detached dwelling	P	P	P	C
Accessory structure	P	P	P	P
Accessory dwelling unit	P	P	P	P
Single-household family attached dwelling	N	SR	SR	P
Duplex/duet	<del>P</del>	P	P	P
Tri-plex	N	C	C	P
Quad-plex	N	C	C	P
Multi-household family (5+ units)	N	N	N	SR
Cluster housing	N	C	C	P
Temporary dwelling/RV – Medical hardship	C	C	C	C
Manufactured home	P	P	P	C
Prefabricated dwelling	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>
Manufactured home park/subdivision	N	C	SR	SR
Mobile home park	N	N	SR	SR
Residential Care Facility/Nursing Home	SR	SR	SR	SR
Boarding house/dormitory	N	C	C	SR
Transitional housing <sup>1</sup>	<u>CN</u>	<u>CN</u>	<u>CN</u>	<u>SRN</u>
Religious institution housing or parsonage	C	C	C	C
Planned Unit Development	D	D	D	D

<sup>1</sup>Subject to requirements in FCC 10-38-5

P=Permitted with Type I review, SR=Type II site review required, C=Type III conditional use review required and N=Not permitted, D=Type III Planning Commission Review  
[...]

Table 10-10-4-B. Minimum Lot Area by Development Type.<sup>1</sup>

Development Type	LDR	MDR	RMH	HDR
Single-household family detached dwelling	7,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	2,000 sq. ft.
Manufactured home or prefabricated dwelling on an individual lot	<u>7,500 sq. ft.</u>	<u>5,000 sq. ft.</u>	<u>5,000 sq. ft.</u>	<u>2,000 sq. ft.</u>
Single-household family attached dwelling	N/A	3,000 sq. ft.	3,000 sq. ft.	2,000 sq. ft.
Duplex or Duet (both units)	<u>7,500 sq. ft.</u> N/A	5,000 sq. ft.	5,000 sq. ft.	<u>2,000 4,000</u> sq. ft.
Tri-plex	N/A	7,500 sq. ft.	7,500 sq. ft.	5,000 sq. ft.
Four-plex	N/A	10,000 sq. ft.	10,000 sq. ft.	5,000 sq. ft.
All other development types <sup>2</sup>	7,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.

<sup>1</sup>Undersized lots of record with area below the minimum may still be eligible for development. See Section 10-10-12 of this Title.<sup>2</sup> Cluster housing shall meet minimum lot sizes in FCC 10-10-8-C-2-a.

HB 2001 cities cannot apply design requirements to duplexes that do not apply to single-family detached. FCC 10-10-7 includes design requirements for all attached housing types, which includes duplexes. **The City should remove duplexes from these requirements and consider applying any existing clear and objective design standards for single-family detached to duplexes.**

10-10-7: ATTACHED HOUSING: A. Applicability: Single-~~household family~~ attached dwellings, ~~duplexes~~, tri-plexes, and four-plexes are subject to all of the applicable sections of this Title. Where there is a conflict between these standards and standards elsewhere in the code, the Attached Housing standards shall apply.

### 10-10-10 MANUFACTURED HOMES OUTSIDE OF MH SUBDIVISIONS OR PARKS

Per HB 4064 (2022), cities cannot require siting and design requirements to manufactured homes on individual lots (i.e., outside of MH parks) that do not apply to single-family detached dwellings, with a few minor exceptions relating to building code requirements (e.g., thermal envelope). The City may either remove the non-compliant standards in this FCC section, or remove this section entirely and include the allowed building standards elsewhere in the Code. **The City should retain this section and remove the provisions that do not comply with HB 4064.**

- A. When a manufactured home is placed outside of a manufactured home subdivision or mobile home park in a zone which allows single ~~household family~~ dwellings, in addition to any other requirements that would be imposed were the structure constructed on site, the manufactured home shall comply with the following placement standards:
1. ~~Size: The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.~~
  2. A. Foundation: The manufactured home shall be placed on an excavated and back-filled foundation and skirted in conformance with the requirements of the Building Codes Agency Manufactured Dwelling Administrative Rules in effect at the time of construction.
  3. Roof Pitch: The manufactured home shall have a pitched roof with a nominal slope of at least three feet (3') in height for each twelve feet (12') in width.
  4. ~~Siding and Roofing Requirements: 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.~~

5. B. Thermal Performance: The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single household family dwellings constructed under the State Building Code as defined in ORS 455.010.

~~B. Nothing in this section shall allow a manufactured home to be placed on residential land immediately adjacent to a historic landmark or other property with a historic designation for tax or assessment purposes.~~

### 10-10-11 MOBILE HOME/MANUFACTURED HOME PARKS:

New state rules established by HB 4064 prohibit cities from requiring a minimum lot size greater than one acre for mobile home/manufactured home parks. In addition, cities must allow prefabricated structures in manufactured home parks (see the recommended definition). **Due to the required minimum lot size reduction for MH parks, the City should also consider making a *proportional* reduction for the minimum number of units required in a MH park (1/3 reduction in lot size, and therefore 1/3 reduction in number of units).**

[...]

**10-10-11-2: DESIGN STANDARDS:** The following standards and requirements shall govern the application of a mobile home/manufactured home park development in an area in which it is permitted:

- A. A mobile home/manufactured home park shall not be less than one (1) and one-half (1 1/2) acres in area, nor contain less than ten (10) fifteen (15) rental spaces.  
[...]
- D. No building, structure or land within the boundaries of a mobile home/manufactured home park shall be used for any purpose except for the uses permitted as follows:
- a. Mobile homes/manufactured homes or prefabricated structures for residential uses only, together with the normal accessory buildings such as cabana, ramada, patio slab, carport or garage and storage or washroom building.

### Clear and Objective Standards

As noted in the Code Audit, residential siting and design standards, as well as review/approval procedures, need to be clear and objective, per State regulations. Clear and objective standards also apply to proposed development in areas where there are natural resource or hazard protections. Chapter 7 and Chapter 19 of the FCC apply subjective development and natural resource protection standards to almost all development types, including residential. Therefore, several *preliminary*, working Code updates are recommended for these chapters, many of which either quantify previously

subjective criteria or reference other required City standards (e.g., stormwater design requirements). Some of the newly quantified draft recommendations are largely based on metrics/measures and resource protection or mitigation thresholds that other cities use. In addition, some criteria should defer certain standards and protection requirements to licensed or certified natural resource, engineering, or geotechnical professionals in lieu of adopting a clear and objective standard. It may be necessary to defer to a licensed professional where a certain level of discretion is necessary, as it can be challenging or infeasible to establish a single standard to complex natural resource/hazard circumstances.

Alternatively, the City may elect to prohibit all residential uses from these areas, thereby meeting the clear and objective standards by simply not allowing housing in these areas. The City and SAT will continue to consider and discuss clear and objective options moving forward.

Due to the volume of working/draft amendments in the natural resource/hazard chapters, the recommended updates are provided in Attachment B and Attachment C to this memorandum.

### **10-15-5 Commercial Site and Development Provisions**

Residential structures in commercial zones are required to defer to height limits in residential zones, however there are differing height limits among residential zones. Therefore, the City should use a height limit of 35 feet for residential buildings, which is consistent with the lower height limit in residential zones and the general height limit for all other development in commercial zones.

The City should apply the *highest* density (i.e., 25 du/acre), as opposed to the lowest residential density (5 du/acre). Generally, higher density residential is more compatible with commercial uses, which can help support local businesses. Higher density close to commercial also improves overall access to services to more residents compared to low density residential that is near commercial areas.

The Highway District (FCC 10-16) contains the same criteria that defer to residential standards without specifying which standard. The recommended commercial amendments below should also apply to residential development in the Highway district.

- A. Building or Structural Height Limitations: The maximum building or structural height shall be thirty-five feet (35'). Residential dwellings shall have a maximum height of thirty-five feet (35'), and their associated/accessory structures shall refer to Section 10-10-5 of this Title for requirements.

[...]

- J. Residential and mixed-use development refer to Section 10-6-5-2 of this title for requirements. However, a conditionally approved use may require application of the relevant development standards from a district where the use is permitted outright to include but not limited to setbacks and lot coverage. The less more restrictive standards would apply.

### **10-25-5 Office Institutional Design Criteria**

Some residential uses are allowed in the Professional Office Institutional Zoning District (FCC 10-25). Development in this zone must follow certain design criteria that is subjective (e.g., "Buildings shall generally relate in scale and design features..."). This standard is sufficient for most types of development, however it does not meet clear and objective requirements for residential development. Therefore, the City should add a provision specific to residential development in this zone that defers design standards to applicable clear and objective criteria in FCC 10-10.

Any other zone district that allows residential and applies subjective design criteria should defer to FCC 10-10 in the same manner that is proposed below.

[...]

- G. All residential uses and development shall conform with applicable clear and objective design standards established in FCC 10-10.

## Subdivision Code Updates

The Florence Subdivision Code (Title 11) includes a few instances where standards or procedures could be written to be more clear and objective. Recommend amendments are provided to the following subdivision provisions that will establish clear and objective standards, as well as ensure consistency with other FCC standards and requirements.

### ***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.

### **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.

### **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 types ~~single-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

[...]

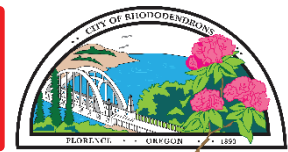
iii. Accessways shall be centered within the flag lot accessway ~~to minimize impacts on adjoining lots~~ except in cases to ~~when otherwise warranted to~~ preserve existing vegetation or meet the intent of this subsection.

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, or ~~parcel~~ as determined by the Planning Director in accordance with the purpose of this Title.



# Exhibit E



*City of Florence*  
**A City in Motion**

---

## MEMORANDUM

### Code Audit Findings

#### Florence Housing Implementation Plan

DATE June 8, 2022  
TO Wendy Farley- Campbell, Planning Director, City of Florence  
FROM Darci Rudzinski and Emma Porricolo, MIG | APG  
CC Florence HIP Project Management Team

---

## INTRODUCTION

---

The Florence Housing Implementation Plan (HIP) will provide recommended housing programs and funding strategies that will guide future housing development in the City. The project includes a review of the requirements in the Florence City Code (FCC) Title 10 (Zoning Code) and Title 11 (Subdivision Code) and local compliance with recent State legislation related to residential development. With prior grant funding from DLCD, Florence updated Titles 10 and 11 in 2019 to reduce barriers to development. This project will complete the next step of amendments and reflects more recent guidance on complying with State legislation.

The intended outcomes of the Florence HIP are:

- Update City policies related to transitional housing, consistent with State Statutes.
- Provide the City with implementable programs to increase the availability of affordable housing in the City.
- Remove inconsistencies in the Zoning Code (Title 10), Subdivision Code (Title 11) related to housing land use permitting and address internal conflicts created by administering required code provisions.
- Ensure that the City codes are consistent with State housing definitions and requirements.
- Provide the City with research, information, and strategies to inform a future new short-term rental housing policy.

This memorandum is intended to provide a summary of the code issues related to residential development and identifying areas of the code that are not in compliance with state requirements. The audit will guide a subsequent step in the project, developing specific code recommendations and amendments.

---

## LEGISLATIVE BACKGROUND

---

### Clear and Objective Standards

Oregon Revised Statute (ORS) 197.307(4) requires that local governments adopt and apply clear and objective standards, conditions, and procedures regulating the development of “needed housing.” This is to ensure that communities do not use discretionary or subjective criteria to deny housing projects. The clear and objective standards, conditions, and procedures can't discourage housing through unreasonable cost or delay. This includes development standards such as setbacks and building height that apply to housing at the time of building permit, as well as land use application criteria that apply to partitions, subdivisions, site reviews, conditional use permits and planned unit developments that will provide housing.

What makes a standard “clear and objective”? Clear and objective standards have definitions and/or measurement that provide for consistent interpretation of the standard. In other words, any two people applying the same standard to a development would get the same result, and there is no need for the reviewer to use their discretion in applying the standard.

Clear and objective **standards** should:

- Address all aspects of building and site design that are important to the City, recognizing that what is important may vary based on the type of residential building or its location (zone) within the City.
- Work for typical sites and circumstances but recognize that the clear and objective track will not work in all situations.
- Ensure that a development meeting the standards will meet the City’s design expectations. The standards should not be set so low that the community is unhappy with the results, but not be so strict that applicants must always opt for the discretionary track.

---

#### *ORS 197.307(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.*

---

**Review criteria** provide the basis for making a decision about an application (i.e., if the criteria are met, the application can be approved). Given this, the applicable review criteria need to be clear and objective as well as the standards.

In addition, the use of discretion in approving or denying an application also impacts whether public notice and opportunity to comment are required – in general, decisions based on clear and objective land use standards do not necessarily require a process that allows the public to review and comment on that decision.

**Alternative Discretionary Track.** Jurisdictions can also offer a discretionary review process or “track” as an alternative to the clear and objective track, provided the applicant retains the option of proceeding under the clear and objective approval process. This second track can provide flexibility and allows for consideration of creative solutions through discretionary review. There are a number of ways this can be accomplished in a Development Code. Three approaches that are often used include:

- Allow discretionary adjustments to individual standards.
- Provide a system of parallel guidelines and standards where for each topic or principle, there are both standards and guidelines.
- Adopt separate sets of standards and guidelines, which are not necessarily parallel in structure or comparable in substance.<sup>1</sup>

### **Natural Resource and Natural Hazard Protection**

Clear and objective standards for residential development also apply to proposed development in areas where there are natural resource or hazard protections. Balancing of the sometimes competing objectives of natural resources preservation and housing development is challenging, especially in a coastal area such as Florence.

In a recent Enforcement Order Advisory, the Land Conservation and Development Commission (LCDC) held that a local government waiving application of code standards that are subjective, (not clear and objective) was no longer in compliance with its responsibilities to protect natural resources under Goal 5. This means that when subjective standards are the only option for a local program to implement a statewide land use goal, a local government must amend its code to include a path with clear and objective standards.<sup>2</sup> In opposition to a jurisdiction’s housing needs objectives, clear and objective standards may result in a de facto prohibition of residential development in natural resource areas

<sup>1</sup> For example, the City of Portland currently uses this approach for development within its Design Overlay for areas outside of the Central City. Portland allows applicants to either meet the objective standards of the Community Design Standards or go through the Design Review process using the Community Design Guidelines. One of the primary criticisms of this approach in the City of Portland is that a development designed following the Community Design Standards will not necessarily meet the Community Design Guidelines. As a result, if an applicant finds they cannot meet all of the Community Design Standards, they may have to fully redesign the building in order to meet the Community Design Guidelines.

<sup>2</sup> *Local Government to Correct Regulations that Limit Housing Development in Natural Resource Areas*, LCDC Enforcement Order Advisory, August 27, 2020.

---

#### *ORS 197.307(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...*

---

subject to protection. Jurisdictions must figure out how to balance providing opportunities for housing development and protection of the natural resources through application of clear and objective standards.

## Recent Housing Legislation

The following recent legislation also relates to residential development, focusing on transitional housing, occupancy limits associated with familial relationships, and affordable housing.

- HB 2916 (2019) – ORS 446.265 allows jurisdictions the option of permitting transitional housing. Pursuant to the provision, transitional housing is “accommodations 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.”
- House Bill 2583 (2021) – eliminates occupancy limits for “families.” This has implications for group living standards.
- Housing and shelter-related legislation (2021):
  - Senate Bill 8 – Affordable Housing on Non-Residential Lands Requirement
  - House Bill 2008 – Affordable Housing on Religious Properties
  - House Bill 3261 – Hotel/Motel Conversions to Emergency Shelters or Affordable Housing
  - House Bill 2006 – Emergency Shelters

The findings in the following section describe pertinent legislation in more detail and summarizes how Florence currently addresses State requirement in city code.

## AUDIT FINDINGS

---

### Clear and Objective

In 2019, the City received grant funds to work with consultants to amend processes and criteria that hinder development of needed housing. This work included updating permitted uses and development standards to ensure that the City’s mix and density of allowed housing can accommodate its housing needs. The resulting amendments updated residential standards to be clear and objective, specifically in Title 10, Chapters 2, 6, 10, and Title 11, Chapter 2.

Some sections of Title 10 and 11 retain discretionary standards for residential development. Also, there has been additional guidance from DLCD and from LUBA decisions regarding clear and objective standards, specifically as it relates to natural resources protection. The clear and objective code audit and update for this project is focused on specific chapters, as described in Project Objective 1:

“Address potential conflicts between clear and objective housing requirements and Goals 5 (Natural Resources) and 17 (Coastal Shorelands) implementing policies; align Professional Office District criteria with clear and objective housing requirements.”

### **Natural Resources and Natural Hazards Protection**

The City has several natural resource and hazard overlay provisions found in Title 10, Chapter 7 (Special Development Standards), and Chapter 19 (Estuary, Shorelands, and Beaches and Dunes) that are related to the Oregon Statewide Planning Goals 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces),<sup>7</sup> (Areas Subject to Natural Hazards), and Goal 17 (Coastal Shorelands).

**Chapter 7** includes regulations for steep slopes, soils, cutbanks, wetlands, riparian, and tsunami hazard areas. For each natural resource or hazard, there are regulations for how to determine where the areas are located and what standards apply to those areas. The three areas regulated by Chapter 7 are: wetlands and riparian areas,<sup>3</sup> potential problem areas, and tsunami hazard overlay areas.<sup>4</sup>

Key findings for Chapter 7 concluded:

- For Potential Problem Areas, some standards in 10-7-3 that apply to the area are not clear and objective. For example, 10-7-3.G. says “In general [Brallier and Heceta Soils] are not suitable for development...” In addition, where the Potential Problem Area standards apply could be more clearly described.
- Wetland and riparian areas have clear and objective applicability and standards.
- In the Tsunami Hazard Overlay Area, the Evacuation Route Improvement Requirements includes standards that leave some discretion when it comes to compliance. For example, FCC 10-7-5-G.1.b. requires “frontage improvements to designated evacuation routes that are located on or contiguous to the proposed development site, where such improvements are identified in the Evacuation Route Plan.” The code does not define “contiguous” to a site is discretionary. And requirements for improvements, such as “all-weather surface paths” and “clearance sufficient to prevent obstructions” require more specifications.
- Site Investigation Reports are required for all development in wetland, riparian, and Potential Problem Areas (FCC 10-7-2 and 10-7-3). The submittal requirements and potential conditions of approval imposed on the development are not clear and objective.

**Chapter 19** regulates three districts and six overlays spread across three categories: estuary, shorelands, and beaches and dunes.<sup>5</sup> Residential development is permitted in five (5) of the nine districts, as shown in Table 1.

---

<sup>3</sup> Maps of Significant Riparian Reaches and Significant Wetlands can be found at <https://www.ci.florence.or.us/planning/local-wetland-and-riparian-inventory>

<sup>4</sup> The Tsunami Hazard Overlay is based on the Tsunami Inundation Map from the Oregon Department of Geology and Mineral Industries (DOGAMI). See the map at: [https://www.ci.florence.or.us/sites/default/files/fileattachments/planning/page/8682/tim\\_1\\_-\\_local\\_source\\_tsunami.pdf](https://www.ci.florence.or.us/sites/default/files/fileattachments/planning/page/8682/tim_1_-_local_source_tsunami.pdf)

<sup>5</sup> To see where the overlays are located, see the [Estuary and Coastal Shorelands Overlays Map](#) and [Beach and Dune Overlay Map](#). See the [City of Florence Zoning Map](#) for estuary district locations,

Table 1. Residential Development Permitting in Estuary, Shorelands, and Beaches and Dunes

District	Residential Development Permitted
<b>Estuary Districts</b>	
Natural Estuary District	Not permitted
Conservation Estuary District	Not permitted
Development Estuary District	Not permitted
<b>Coastal Shorelands Overlay Districts</b>	
Shoreland Residential Overlay District	Permitted (when residential development is permitted in base zone)
Mixed Development Overlay District	Permitted (when residential development is permitted in base zone)
Dredge Materials/Mitigation Site Overlay District	Not permitted
Natural Resource Conservation Overlay District	Permitted
Prime Wildlife Overlay	Permitted
<b>Beach and Dune Overlay District</b>	
Beaches and Dunes Overlay District	Permitted (when residential development is permitted in base zone) <sup>6</sup>

Key findings for Chapter 19 concluded:

- Standards related to clearing of existing vegetation in the Shoreland Residential Overlay District (FCC 10-19-6), Natural Resource Conservation Overlay District (FCC 10-19-10), and Beaches and Dunes Overlay District (FCC 10-19-12) are discretionary.
- Approval criteria in the Mixed Development Overlay District (FCC 10-19-7) require that the benefits of the development outweigh negative environmental impacts (i.e., “the long term economic development or improved public recreational use outweigh the negative impacts...”). This determination is subject to interpretation and therefore is discretionary.
- Requirements for exterior building materials in the Natural Resource Conservation and Prime Wildlife Overlays are discretionary.
- Site Investigation Reports are required for all development in the Beaches and Dunes Overlay District. The Phase 2 Site Investigation Report code reference on the forms is out of date.
- In the Beaches and Dunes Overlays the conditional use approval criteria has several discretionary requirements, specifically related to environmental effects and other adverse effects of the development.

<sup>6</sup> In the Beaches and Dunes Overlay, residential development is permitted only as a conditional use and is prohibited in certain topographical/geological areas per FCC 10-19-12-B-1.

### ***Clear and Objective Audit Summary***

The table below provides a summary of initial key findings from the audit of Title 10, Zoning Code. While the focus of the audit was on Chapters 7, 19 and 25, a more general review was conducted of sections related to housing development and clear and objective standards.<sup>7</sup> Findings are summarized in Table 2.

*Table 2. Title 10 Clear and Objective Audit Summary*

<b>TITLE 10 CHAPTER</b>	<b>KEY FINDINGS</b>
CH. 2 DEFINITIONS	<ul style="list-style-type: none"> <li>• Definition of calculations of density allows omission of utilities from the calculation. However, it does not clarify or differentiate between public vs. private ownership of utilities.</li> </ul>
CH. 7 SPECIAL DEVELOPMENT STANDARDS (WETLANDS, RIPARIAN AREAS AND TSUNAMI HAZARD OVERLAY)	<ul style="list-style-type: none"> <li>• Potential Problem Areas standards in 10-7-3 do not have clear and objective standards. In addition, where the Potential Problem Area standards apply could be more clearly described.</li> <li>• Scope and reach of the transportation improvements required of a development to comply with the Tsunami Evacuation Route Improvement Requirements is not clear. The standards that the improvements must be built to are also vague (e.g., all-weather surface paths).</li> <li>• Submittal requirements and potential conditions of approval imposed on the development per the Site Investigation process are not clear and objective.</li> </ul>
<b>CH 10.</b> <b>RESIDENTIAL DISTRICTS</b>	<ul style="list-style-type: none"> <li>• There may be some procedural requirements to reference appropriate State law, rather than embedding the standards in the code.</li> </ul>
<b>CH 15.</b> <b>COMMERCIAL DISTRICTS</b>	<ul style="list-style-type: none"> <li>• Residential height standards directs readers to FCC 10-10-5, but does not clarify what height standards in that section apply, high density or medium density standards.</li> <li>• References to density standards for single Family/ duplex/duet uses in Commercial and Highway Districts and everywhere they are a conditional use, compared to other zones or where permitted outright, do not specify which density standard applies (i.e. medium or high density). This discrepancy could lead to inconsistent application of the standards on a case-by-case basis. There should be clear direction when and how what standards apply to residential development.</li> </ul>
CH 16. HIGHWAY DISTRICT	<ul style="list-style-type: none"> <li>• See Chapter 15 comment above regarding residential height standards.</li> </ul>

<sup>7</sup> Note that additional comments have been provided to City Staff as part of an annotated review of all comments are summarized in the table.



TITLE 10 CHAPTER	KEY FINDINGS
CH. 19  ESTUARY, SHORELANDS, AND BEACHES AND DUNES	<ul style="list-style-type: none"> <li>Discretionary standards for clearing of and disturbance to existing vegetation.</li> <li>Discretionary standards related to building materials in the Natural Resource Conversation Overlay.</li> <li>Site Investigation reports have code reference error.</li> <li>Approval criteria that site adverse environment effects, do not provide the parameters to make the standard clear and objective.</li> </ul>
CH. 25  PROFESSIONAL OFFICE/INSITUITIONAL ZONING DISTRICT	<ul style="list-style-type: none"> <li>Missing definitions or clarity on certain terms (e.g., Greentrees).</li> <li>Design Criteria and screening standards include discretionary requirements regarding size and materials (e.g., buildings shall generally relate in scale and design features to surrounding buildings).</li> </ul>

Potential approaches to address clear and objective compliance issues:

- Prohibit new dwellings in the resource and hazard zones as a use permitted outright. Residential development can be permitted only as an “exception” in the zone when it meets certain criteria. This approach allows the standards applicable to residential development to be discretionary.
- Revise the standards and criteria in the zones clear and objective for residential development. Encourage pushing discretionary decisions based on natural resource reports to a City Engineers decisions to omit discretion from the development code.

### **Discussion Questions**

*How can the City best balance the protection of natural resources with the need to provide more housing? How can the City meet natural resources protection objectives and provide land for needed housing?*

*What are the implications of prohibiting residential development in the natural resource protections districts and overlays? What overlays and districts could prohibit residential development outright, permitting housing only as an exception once certain discretionary standards are met?*

*What type of design elements are important to require of residential and mixed-use development in the Professional Office Zone (e.g., ground floor windows, building materials, etc.)?*

### **House Bill 2583 (2021)**

HB 2583 prohibits jurisdictions from establishing or enforcing occupancy limits for dwelling units that are based on the familial or nonfamilial relationships among any occupants. The Title 10 definition of family is:

“A person living alone or any of the following groups living together as a single non-profit unit and sharing common living area: A. Any number of persons related by blood, marriage, adoption, guardianship or other duly-authorized custodial relations. B. A maximum of 5 unrelated persons.”

This definition includes familial relationships and is therefore not compliant with House Bill 2583. In addition, “family” is referenced in the definition of dwelling in the code, as well as in the definitions for types of dwellings, including: single family detached, duplex, tri-plex, four-plex/quad-plex, and multiple/multi-family.<sup>8</sup> The definition of “Boarding House” references single family-units. Note that the definition of “Group Care Home” does not include any reference to family and does not conflict with State requirements.

With the passage of HB 2583, the City’s definition of dwelling will need to be revised to omit familial relationships as a basis for occupancy requirements. This will require changing the definition of dwelling and each definition for the types of dwellings permitted in Florence.

To address the issue related to the “Boarding House” definition, some jurisdictions are considering following the City of Portland’s lead and defining “Household Living” as the residential occupancy of a dwelling unit that contains eight or fewer bedrooms and “Group Living” as the residential occupancy of a dwelling unit that contains more than eight bedrooms or occupancy of a congregate housing facility. This approach avoids any regulations based on familial relationships or number of residents and instead focuses on the overall residential capacity of dwellings or congregate housing facilities by regulating the number of bedrooms.

### **House Bill 2916 (2019)**

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.<sup>9</sup>

Note that some elements of House Bill 2916 can be implemented outside FCC Titles 10 and 11, in other sections of the FCC. This project is focused on policy implications for the Zoning and Subdivision Code that sets standards for the physical development of property; those Titles do not regulate operations once constructed.

---

<sup>8</sup> Found in Title 10, Chapter 2.

<sup>9</sup> 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.

Transitional housing is not permitted in residential zones, pursuant to FCC 10-10-2. In Florence, transitional housing is defined as:

“A congregate facility designed to provide housing to shelter families and individuals offered on a short-term basis. The facility may offer meals, lodging and associated services on site, aimed at helping people move towards self-sufficiency. Transitional facilities are not considered bed and breakfast inns / boarding houses, hotels or motels.”

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 of Salem requires a temporary use permit for “managed temporary villages.” “Improvised camps” are not permitted under manager temporary villages standards. The standards include limitations on location, number of units, and a limit on number of residents per unit. Additionally, there are some operational standards that require an on-site manager to be present at all times and requires all villages to have at least two restrooms, handwashing facilities, secure covered storage for belongings and solid waste collection. Minimum setback, fencing, and bicycle parking standards also apply to the “temporary managed villages
- City of Bend is in the process of developing standards that establish different types of non-traditional housing - hardship housing, temporary shelters, and group, outdoor, or multi-room shelters - and standards for each. Standards include, but are not limited to, a maximum number of units and off-street parking requirements.

#### **Discussion Questions**

*What type of transitional housing should the City permit (e.g., shelter buildings, temporary shelters with little to no structures)? What types have previously existed or been attempted in the City?*

*The current Title 10 definition of “transitional housing” is vague on the types of transitional housing permitted. Should Title 10 clearly designate the types of transitional housing are permitted?*

*In what zones should transitional housing be permitted?*

*What standards should be required of transitional housing? Examples include on-site management, storage requirements for personal items, and bicycle parking.*

#### **Housing and Shelter-related Legislation (2021)**

This section describes four housing and shelter-related bills that passed in 2021. Of these, three - Senate Bill 8, House Bill 2008, and House Bill 3261 - could potentially be addressed in Florence’s Zoning and Subdivision Codes (Title 10 and 11).<sup>10</sup>

- **SB 8** requires cities to allow affordable housing, which meets a specific definition and criteria, on a wide range of sites. Affordable housing that is owned by a public body or religious nonprofit must be allowed in any zone. Affordable housing that is owned by other types of organizations must be allowed on property zoned for commercial uses, religious institutions, public lands, or industrial

<sup>10</sup> House Bill 2006 is also a recent state legislation related to housing and shelters. It requires cities to allow siting of qualifying emergency shelters in all zones; however, this section is scheduled to sunset on July 1, 2022.

lands except those specifically for "heavy industrial." SB 8 provides height and density bonuses in areas zoned for residential uses. However, it does not specify any densities for those zones that do not otherwise allow housing.

- **HB 2008** is similar to SB 8 but limited to affordable housing on property that is owned by religious nonprofits and also provides a somewhat different definition of affordable housing. It requires jurisdictions to allow the development of affordable housing on property not zoned for housing provided the property is contiguous to a zone that does allow housing and is not zoned for industrial uses. Density is based on standards for the contiguous zone that allows housing.
- **HB 3261** requires jurisdictions to allow the conversion of a hotel or motel to an emergency shelter or affordable housing when certain criteria and standards are met. HB 3261 provides another specific definition of "affordable housing."
- **HB 4064** requires all cities and counties in the state to allow siting of individual manufactured homes or individual prefabricated structures on any land zoned to allow for single-family dwellings. Manufactured homes and prefabricated structures on individual lots cannot be subject to any standards that do not apply to single-family site-built, detached structures, with the exception of any protective measures adopted pursuant to statewide planning goals or for exterior thermal envelope requirements.

Currently, the Titles 10 and 11 do not include any special provisions specifically related to affordable housing. If the City wished to amend the code to address these new requirements, the following approach could be considered:

- Amend definition of affordable housing to be consistent with criteria set in the housing and shelter-related bills.
- Add a new chapter which includes the affordable housing and shelter provisions required by these statutes.
- Amend base zones sections related to permitted uses, and in most zones the height and density standards as well, to reference a new chapter.
- Where hotels and motels are permitted, include a cross-reference to the standards for conversion in the new chapter.

The following City Code recommendations pertain to manufactured homes:

- Amend definitions in Title 10-2 as needed for consistency with ORS 446.003 for manufactured home, mobile home, manufactured home park, manufactured dwelling park, and mobile home park.
- Add definitions in Title 10-2 for pre-fabricated structure as defined in ORS 455.010, RV Park as defined in ORS 197.492(2), and recreational structure as defined in ORS 215.010(5).
- Remove the following requirements, or set standards for single family detached dwellings and amend 10-10-10 to the same standards for manufactured homes:
  - minimum size standard requirement
  - multi-sectional requirement
  - back fill and skirting requirement
  - siding and roofing (color, material, and appearance) requirements

- Edit Mobile Home/Manufactured Home Residential District purpose statement in 10-10-1-C, removing statement about blending with conventional housing design features.

It should be noted that the House Bill and Senate Bill requirements described above will apply in Florence regardless of whether the City amends the City Code to incorporate them. If not locally codified, the City would be required to apply the State's requirements directly to any applicable permit or land use application.

#### ***Discussion Questions***

*If the standards in the Florence City Code do not conflict with the provisions in SB 8, HB 2008, and HB 3261, is it important to incorporate the standards into the code?*

*Which standards associated with recent State legislation are important to codify?*

## **SUMMARY AND NEXT STEPS**

---

There are various standards throughout the Florence City Code that are not clear and objective. The code audit focused on the standards that apply to natural resources and hazards zones in Chapters 7 and 19, and generally identified other sections of the FCC that would benefit from more objective language and requirements. Specifically, the building design standards for residential development in the Chapter 25, Professional Office/Institutional Zoning District could be updated in order to be clear and objective. In addition, recent State legislation informs some other recommended updates, primarily associated with affordable housing and transitional housing.

This audit and its recommendations are intended to aid Stakeholder Advisory Team (SAT) discussion, focus and refine desired modifications, and inform proposed, specific FCC amendments to follow. Project next steps will include developing draft FCC text for SAT review and discussion. Amendments that will represent significant changes to existing code sections or requirements will require additional community, City Staff, and local decision-makers discussions. These are expected to occur in the scheduled Stakeholder Advisory Team meetings, Open House, and Planning Commission and City Council Work Session for the Florence HIP project.



# Exhibit F

**Memorandum:**

**To:** City of Florence Planning Commission  
**From:** Clare Kurth, Assistant Planner & Staff Ex-Officio  
**Meeting Date:** May 23, 2023

**Subject:** Recommendations to Updated Bicycle Parking & Create Consistency with Vehicular Parking

**Introduction**

On May 16, 2023 the Transportation Committee (TC) met at their regularly scheduled meeting time, date, and location; the 3<sup>rd</sup> Tuesday of each month at 5:00 pm at City Hall. This meeting was properly noticed and followed applicable public meeting rules. Agenda item number 4 was an Action Item to discuss recommended code change to bike parking to create consistency with vehicular and bicycle parking for enlargement of a building and for change of uses as regulated by Florence City Code Title 10, Chapter 3.

The 2012 Florence Transportation System Plan (TSP) states the City should work towards becoming a “Bicycle-Friendly Community.” This includes providing safe accommodations for cycling and encouraging people to bike for transportation and recreation. Providing consistency with bicycle and vehicle parking codes and increasing secure bike parking in Florence can be step towards this objective.

**Action Item and Vote:**

The TC had a quorum present, and of the members present, voted unanimously to recommend the change in FCC 10-3-10 to create consistency with bicycle parking and vehicular parking in regards to required parking for a change of use and expansion of a business rather than for new development only, as required in the current Code.

**Current Code:**

**10-3-2: GENERAL PROVISIONS:**

*B. At the time of new construction or enlargement or change in use of an existing structure within any district in the City, off-street parking spaces shall be provided as outlined in this Chapter, unless requirements are otherwise established by special review or City Council action. Additional parking spaces shall meet current code.*

**10-3-10: BICYCLE PARKING REQUIREMENTS:** *All new development that is subject to Site Design Review, shall provide bicycle parking, in conformance with the standards and subsections A-H, below.*

**Recommended Code Update:**

**10-3-10: BICYCLE PARKING REQUIREMENTS:** *All new **development** construction or enlargement or change of use that is subject to Site Design Review, shall provide bicycle parking, in conformance with the standards and subsections A-H, below.*

**Items Attached:**

- **Attachment 1:** Transportation Committee Agenda May 16, 2023



# City of Florence Transportation Committee Regular Session

In Person & Videoconference  
250 Hwy 101  
Florence, OR 97439  
541-997-3437  
[www.ci.florence.or.us](http://www.ci.florence.or.us)

- Meeting materials including information on each agenda item are published at least 24 hours prior to the meeting, and can be found of the City of Florence website at [www.ci.florence.or.us/council](http://www.ci.florence.or.us/council).
- Items distributed during the meeting, meeting minutes, and a link to the meeting video are posted to the City's website at [www.ci.florence.or.us/council](http://www.ci.florence.or.us/council) after the meeting.
- To be notified of City Council meetings via email, please visit the City's website at <http://www.ci.florence.or.us/newsletter/subscriptions>.

May 16, 2023

## AGENDA

5:00 p.m.

Members:	Joseph Cullivan	Gary Trevisan	Storm Kurth
Lydia Paredes	Ivy Medow	Cheri Payne	
CEDC Kelly Clarke,	Robert Carp,	Clare Kurth,	Melissa Metz, Coos
Ex-Officio, LCOG	Council Ex-Officio	Staff	County Area Transit
Vacant		Ex-Officio	Josh Haring, River Cities Taxi
		Lane Transit District	

With 48-hour prior notice, an interpreter and/or TTY: 541-997-3437, can be provided for the hearing impaired.  
Meeting is wheelchair accessible.

**The Transportation Committee meeting will be held in-person at Florence City Hall.**

In addition, members of the public can listen and view the meeting through the 'GoToWebinar' platform at the following link: <https://attendee.gotowebinar.com/register/6450042403363274333>.

Citizens wishing to express their views may submit comments in writing or verbally. For more information, please see the end of this agenda or visit the [City of Florence website](http://www.ci.florence.or.us).

### CALL TO ORDER – ROLL CALL

#### 1. INTRODUCE NEW COMMITTEE MEMBER

Discuss membership changes starting in June 2023

#### 2. PUBLIC COMMENTS

This is an opportunity for members of the public to bring to the Committee's attention any item not otherwise listed on the agenda. *Please see the end of this agenda for methods to provide comments on items that are not on the agenda.*

### ACTION ITEMS

*Please see the end of this agenda for methods to provide comments on action items.*

#### 3. NOMINATION AND ELECTION OF CHAIR AND VICE-CHAIR: [Committee & Commission Policy Manual](#) (page 11)

#### 4. RECOMMEND CODE CHANGE TO BIKE PARKING: Create consistency with vehicular and bicycle parking for enlargement or change of use as regulated by [Florence City Code Title 10, Chapter 3](#).

Code Section: FCC 10-3-2-B

### REPORT & DISCUSSION ITEMS

#### 5. WORKPLAN UPDATES

Review [2023-2025 Work Plan](#) items related to transportation  
Subcommittees: Review Possible Subcommittee Items

- Consider re-introducing Compact Parking Standards
- Transit Related Topics
- Old Town Wayfinding Signage

#### 6. CITY TRANSPORTATION PROJECTS UPDATES:

- River Cities Taxi rate adjustment request approved by City Council April 3, 2023

- TSP Virtual Open House Closed May 10, 2023

**7. AGENCY TRANSPORTATION PROJECT UPDATES**

- New Link Lane Sign Locations in Town
- Updated Rhody Express Brochure

**8. CLOSING COMMENTS, NEXT MEETING DATES & FUTURE AGENDA TOPICS**

<b>TRANSPORTATION COMMITTEE CALENDAR</b>		
<i>All meetings are held in-person unless otherwise indicated</i>		
<b>Date</b>	<b>Time</b>	<b>Description</b>
June 20, 2023	5:00 p.m.	Transportation Committee Meeting
July 18, 2023	5:00 p.m.	Transportation Committee Meeting
August 15, 2023	5:00 p.m.	Transportation Committee Meeting

**UPDATED PUBLIC MEETINGS PROCEDURES**

The May 16, 2023 Transportation Committee meeting will be held in-person, with the option to view / listen to the meeting virtually through the GoToWebinar platform.

**Expressing Views to the Transportation Committee:** Citizens wishing to express their views to the Transportation Committee may do so in both written and verbal formats.

1. **Written Testimony:** Citizens wishing to express their views to the Transportation Committee are encouraged to submit written testimony in one of the following ways:
  - a. Submit written comments via email to the Planning Dept. at [planningdepartment@ci.florence.or.us](mailto:planningdepartment@ci.florence.or.us) ;
  - b. Mail written comments to Florence City Hall, Attn: Transportation Committee, 250 Hwy 101, Florence, OR 97439
  - c. Drop off written comments at Florence City Hall (250 Hwy 101) during regular office hours (Monday through Friday 8 a.m. – Noon and 1:00 p.m. – 4:00 p.m.) or at the City of Florence drop box located at Florence City Hall to the right of the main entrance.

**\*\* Note:** Written comments received at least 2 hours prior to the meeting (May 16, 2023 at 5:00 p.m.) will be distributed to the Transportation Committee, posted to the City of Florence website, and made part of the record.

2. **Verbal Testimony:** Citizens wishing to express their views to the Transportation Committee may participate in the meeting at Florence City Hall or via GoToWebinar. To do so, please complete a speaker’s card online at <https://www.ci.florence.or.us/bc-tc/transportation-committee-speakers-card> at least 1 hour prior to the meeting (May 16, 2023 at 4:00 p.m.). City staff will then contact the speaker to let them know the process to participate in the meeting.
  - a. **Public Comments on items not on the agenda:** General public comments (on items not on the Transportation Committee agenda) will be allowed at each Transportation Committee meeting during the public comment agenda item. Comments will be limited to three (3) minutes per person, with a maximum of 15 minutes for all items. In practicality, this means no more than five individuals will be allowed to comment verbally. There is no limit on written public comments.
  - b. **Public Hearing Testimony:** Testimony on public hearing items will be allowed when a public hearing is held. Verbal comments will be allowed on public hearing items after staff has given their report and have allowed time for initial Transportation Committee questions. In general (with some exceptions for Land Use hearings), comments are limited to five minutes per person with no limit on the number of speakers.
  - c. **Public Comments on Action Items:** Public Comments will be allowed on each action item on the Transportation Committee agenda. Verbal comments will be allowed on action items after staff has given their report and have allowed time for initial Transportation Committee questions. Comments will be limited to three (3) minutes per person, with a maximum of 15 minutes for all comments on each action item. In practicality, this means no more than five (5) individuals will be allowed to comment verbally. There is no limit on written public comments.

**For more information on the City of Florence’s Public Meeting Policies, visit the City of Florence website at:** <https://www.ci.florence.or.us/council/rules-procedure>.