
AGENDA ITEM SUMMARY
FLORENCE PLANNING COMMISSION

ITEM NO: 5
Meeting Date: January 23, 2024
Department: Comm. Dev.

ITEM TITLE: Resolution PC 23 32 TA 06 – HIP Phase 2 Housing Code Update Implementation -- Recommendation to Florence City Council to Make Legislative Amendments to the Florence City Code Title 10

DISCUSSION/ISSUE:

Proposal: The proposal includes amending Florence City Code Title 10 to permit Transitional Housing, Emergency Shelters, and Missions and updating the Medium Density District to reduce lot frontage and lot size requirements.

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

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

Process: Land use code updates consist of a three-step review and approval process—Initiation, 1st Evidentiary Hearing, and 2nd Hearing. The Florence PC initiated these legislative changes on December 12, 2023 via Resolution PC 23 29 TA 05. Notice was then filed on December 14, 2023 with the Department of Land Conservation and Development 35 days prior to the first scheduled evidentiary public hearing on January 23, 2024. Planning Commission will consider the proposal and make a recommendation via Resolution PC 23 32 TA 06. Then the Florence City Council will make the final decision to adopt the amendments via Ordinance 1, Series 2024 following two readings of the ordinance. The changes become effective 30 days after Council approval.

Packet Overview: The following are included in this AIS.

Resolution, **Exhibit A** Findings of Fact, **Exhibit B** Title 10 Chapter 11 Changes, and **Exhibit C** Medium Density changes and use changes in all other districts addressing transitional housing and emergency shelters.

FISCAL IMPACT:

Amendment costs include staff time: preparing public notices, reviewing findings of fact, and meeting minutes; attending public hearings and answering inquiries from the public and direct costs: publishing public notices in the newspaper, and preparing findings of fact and meeting packets.

RELEVANCE TO ADOPTED [2023-2025 CITY WORK PLAN](#):

“Housing Efforts & Initiatives: Development Regulations: Objective: Residential Code Updates, Phase 2 – transitional,..., special needs housing, emergency housing” (pg. 11)

“Housing Efforts & Initiatives: Housing Development: Objective: Explore Options for accommodating transitional housing and make necessary code updates.” (pg. 11)

“Community Development: Land Use and Planning: Objectives Land Use Updates needed as a result of state legislative requirements; Perform general housekeeping updates to Titles 10 & 11; Miscellaneous City Code review and updates.” (pg. 20)

ALTERNATIVES:

1. Recommend approval of the code amendments as presented in Resolution PC 23 32 TA 06; or
2. Modify the findings and/or amendment language, and recommend approval of the proposed amendments as modified; or
3. Recommend denial of the amendments through resolution with reasons for the recommendation; or
4. Continue the public hearing to a date certain or leave the written record open.

RECOMMENDATION:

Staff proposes the Planning Commission approve the code amendments as present and make a recommendation for approval to City Council.

AIS PREPARED BY: Wendy FarleyCampbell, Planning Director

ITEM'S ATTACHED: **Attachment 1:**
Resolution 23 32 TA 06:

- Exhibit A – Findings of Fact
- Exhibit B – Proposed modifications Title 10 Chapter 11
- Exhibit C – Proposed modifications Title 10, Multiple Chapters

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 23 32 TA 06

A RECOMMENDATION TO THE CITY COUNCIL TO MAKE LEGISLATIVE AMENDMENTS TO THE FLORENCE CITY CODE TITLE 10, TO SUPPORT TRANSITIONAL HOUSING, MISSIONS AND EMERGENCY SHELTERS ASSOCIATED WITH PHASE 2 OF THE HOUSING IMPLEMENTATION PLAN PROJECT AND REDUCE LOT DIMENSIONS FOR MEDIUM DENSITY SINGLE UNIT DETACHED DWELLINGS.

WHEREAS, Application was made through initiation by the Planning Commission to amend Florence City Code, as required by FCC 10-1-3-C; and

WHEREAS, the notice was sent to the Department of Land Conservation and Development on December 14, 2023, not less than 35 days prior to the first evidentiary hearing; and

WHEREAS, the Planning Commission met in a duly noticed public hearing on January 23, 2024 as outlined in Florence City Code 10-1-1-6-4, to consider proposal, evidence in the record, and testimony received; and

WHEREAS, the Planning Commission determined per FCC 10-1-1-6-4, after review of the proposal, findings of fact, testimony and evidence in the record, that the proposal meets the criteria; and

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Florence finds based on the Findings of Fact and evidence in record:

The proposed code amendments shown in Exhibits "B" and "C", meet the applicable criteria in Florence City Code, Florence Realization 2020 Comprehensive Plan, Oregon Revised Statutes and Oregon Administrative Rules. The Planning Commission recommends approval of the code amendments to the Florence City Council.

ADOPTED BY THE FLORENCE PLANNING COMMISSION the 23rd day of January 2024.

SANDRA YOUNG, Chairperson
Florence Planning Commission

DATE

**EXHIBIT A
FINDINGS OF FACT
City of Florence Ordinance No. 1, Series 2024**

Public Hearing Dates: Planning Commission – January 23, 2024
City Council – TBD

File Nos.: PC 23 32 TA 06 / CC 23 10 TA 03

I. PROPOSAL DESCRIPTION

The requested action is to adopt amendments to the Florence City Code in order to support development of missions, emergency shelters, and transitional housing, and reduce the lot dimension standards for medium density single unit residential detached dwelling lots as follows:

1. Florence City Code Title 10, Chapter 11 (**Exhibit B**)
2. Florence City Code Title 10, Multiple Chapters (**Exhibit C**)

Exhibit B: Title 10 Chapter 11 Amendments

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

- Add scope and purpose sections Missions, Emergency Shelters and Transitional Housing.
- Add siting standards for the uses.
- Add allowed structure types
- Add lot and yard dimension and site development standards
- Add operation and management standards

Exhibit C: Title 10 Multiple Chapter Amendments

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

- Chapter 2: Add definitions for missions and emergency shelters, and amend the definition for transitional housing.
- Chapter 10: Amend Table 10-10-2-A related to Transitional Housing
- Chapters 14, 15, 16, 27, and 30 to permit Missions, Emergency Shelters, and Transitional Housing conditionally
- Chapters 20, 28, and 31 to permit Missions and Emergency Shelters conditionally
- Chapter 25 to permit Transitional Housing conditionally.
- Chapter 10 to reduce the lot width and size for single-unit-attached dwellings in the Medium Density District

II. NARRATIVE

The City's 2017 Housing Needs Analysis (HNA) identified a need for more housing to serve all income levels, with greater variety of options beyond traditional single-family detached homes, including townhouses and apartments. Many changes to address these needs were made in 2019. During this time, it was concluded that it was multi-phase ongoing process. The state's continued adoption of new legislation related to housing prolongs and complicates these changes. Most of the clear and objective criteria issues with code have been remedied. Chapters 7 and 19 remain to be revised.

This phase addresses transitional and emergency housing, a portion of the initial HIP process that was delayed due to the inability to come to a suitable solution. The topic was included with the recent 2022-2023 HIP Phase 2 process. House Bill 2916 (2019) implemented under ORS 446.265 allows jurisdictions to permit transitional housing which they define as "accommodations (that) are intended to be used by individuals or families on a limited basis for seasonal, emergency or transitional housing purposes and may include yurts, huts, cabins, fabric structures, tents and similar accommodations." The accommodations are limited to persons who lack permanent or safe shelter or cannot be placed in other low-income housing. The City has the authority to limit the maximum amount of time that an individual or family may use the accommodations; although no such provision is specified in the proposed code.

The State statutes permit some transitional housing regulations. Accommodations may be required to provide parking, pedestrian walkways, and access to water, hygiene facilities such as showers, toilets, and laundry, and other provisions such as telephone service and cooking facilities. These may be provided on-site or be separate or shared facilities. House Bill 2916 can be implemented inside or outside of Title 10 of Florence City Code.

This proposal includes code criteria related to three types of special needs housing: missions, emergency shelter and transitional housing. The emergency shelter and mission criteria are intended for a similar population as the transitional housing. They are not intended for natural disasters or similar. That sheltering is to be covered under FCC Title 1 once the "camping" regulations are finalized.

III. NOTICE AND REFERRALS

1. Notice:

The notice of a public hearing was published in the Siuslaw News on January 10, 2024 and again in the Siuslaw News on January 17, 2024, as required by state law and the Florence City Code.

Notice of the proposed City Code Amendments was sent to the Department of Land, Conservation and Development (DLCD) on December 14, 2023, not less than 35 days prior to the proposed first evidentiary hearing of January 23, 2024, as required by State law and the Florence City Code. An update was sent on January 19 to include the proposal related to the Medium

Density Lot dimension change.

IV. APPLICABLE CRITERIA

- 1. Florence City Code (FCC) Title 10: Zoning Regulations**
 - Chapter 1: Zoning Administration, Section 10-1-1-6-4 Type IV Procedure (Legislative)
 - Chapter 1: Zoning Administration, Section 10-1-3 Amendments and Changes, Section C Legislative Changes

- 2. Florence Realization 2020 Comprehensive Plan**
 - Plan Adoption, Amendments, Review and Implementation
 - Chapter 1 Citizen Involvement, Policies 2-6
 - Chapter 2 Land Use, Policies 3 & 7
 - Chapter 10 Housing Opportunities, Policies 7 & 10
 - Chapter 12 Transportation, Policy 26

- 3. Oregon Land Use Planning Goals**
 - Goal 10 Housing

- 4. Oregon Revised Statutes (ORS)**
 - ORS 197.303
 - ORS 197.307
 - ORS 197.610(1) – (4)

- 5. Oregon Administrative Rules (OAR)**
 - OAR 660-012-0060
 - OAR 660-018-0020
 - OAR 660-015-000

- 6. State legislation adopted**

House Bills: 2916 (2019)
Senate Bill: 8 (2021)

V. FINDINGS

Florence City Code (FCC)

Title 10 Zoning Regulations, Chapter 1 Zoning Administration

FCC 10-1-1-6-4 Type IV Procedure (Legislative)

A. A legislative change in zoning district boundaries, in the text of this Title, (Title 10), Title 11, or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council, or by an application for an amendment by a citizen.

D. Notice of Hearing: 1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications (e.g., re-zonings and comprehensive plan amendments).

2. Notification requirements. Notice of public hearings for the request shall be given by the Planning Department in the following manner:

b. At least 10 days before the scheduled Planning Commission hearing date, and 14 days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City.

c. The City Planning Official or designee shall: 1. For each mailing of notice, file an affidavit of mailing in the record as provided by subsection. 2. For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b. d. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and zoning code amendments at least 35 days before the first evidentiary hearing.

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 December 12, 2023. There were two hearings scheduled, one before the Planning Commission on January 23, 2024 and one before the City Council on February 5, 2024. The media notices included the required information and were performed as required in these criteria and as discussed elsewhere in the findings.

FCC 10-1-3 Amendments and Changes,

A. Purpose: As the Comprehensive Plan for the City is periodically reviewed and revised, there will be a need for changes of the zoning district boundaries and the various regulations of this Title. Such changes

or amendments shall be made in accordance with the procedures in this Section.

Section C Legislative Changes

1. **Initiation: A legislative change in zoning district boundaries, in the text of this Title, Title 11 or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council.**

Finding: This legislative change was initiated by a resolution of the Florence Planning Commission, Resolution PC 23 29 TA 05, adopted by the Planning Commission on December 12, 2023.

2. **Notice and Public Hearing: Such notice and hearing as prescribed by state law and the Comprehensive Plan then in effect.**

Finding: Notification of the Planning Commission and City Council public hearings for this proposal were published in the Siuslaw News on January 10th and 17th, 2024. The notification procedures meet the requirements of Florence City Code, the policies of the Florence Realization 2020 Comprehensive Plan, and state law. DLCD notice was posted on December 14th and then again on January 19th in accordance with state law.

Realization 2020, Florence Comprehensive Plan

Plan Adoption, Amendments, Review and Implementation

Adoption of the Plan represents a commitment by the City to attempt the achievement of what the Plan proposes and is considered by other governmental units, the courts and the public to be a statement of policy. City ordinances covering development and land use must be consistent with the intent of the Plan. Federal, State, County and Special District land use actions must also be consistent with the Plan. (pp. 2-3)

Finding: The proposed amendments to the City zoning and development code support residential development consistent with the Plan and the adopted Housing Needs Analysis (2018). The proposed code amendments are internally consistent. The applicable Plan policies for the proposed amendments are addressed in the policies that follow. These findings are incorporated herein.

Chapter 1: Citizen Involvement

Citizen Involvement Goal: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Policies

2. **A Citizen Advisory Committee, appointed by the City Council, shall serve in an advisory capacity to the Florence Planning Commission to assure the broadest input during periodic review and post acknowledgment Plan and zoning amendments.** ^(L)_{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 six 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.** ^(L)_{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 Siuslaw News on January 10th and 17th, 2024. The website calendar states when City meetings are scheduled. Materials for Planning Commission and City Council meetings are posted on the website prior to the meeting. The 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 Community Development Department or online on the City's website.

Chapter 2: Land Use

Policies

3. **The quality of residential, commercial and industrial areas within the City shall be assured through the enforcement of City zoning, design review, applicable conditions of development approval, parking and sign ordinances, and the enforcement of building, fire, plumbing and electrical codes.** (pg. II-1)

Finding: The proposal for these actions is consistent with this policy because the proposed code standards:

- Include zoning standards addressing quality of residential development, including application of standards for special housing applicable to districts for which they are permitted
- Include vehicular parking standards in FCC 10-3 and bicycle parking standards for special housing uses.

7. **The City shall determine estimated additional usage and the impacts of proposed development upon maximum capability for sewer, water and stormwater systems. This information is to be included in subdivision and design review staff reports.** (pg. II-2)

Finding: The proposal for these actions is consistent with this policy because design review applications must address infrastructure in the following criteria:

- Design review criteria in FCC 10-6 for residential development requires public facilities and infrastructure to meet standards set forth in FCC 10-36 Public Facilities.
- Public facility criteria FCC 10-36-4-A and B require new development to address sanitary sewers, water and stormwater systems based on plans approved by the city that are consistent with applicable construction specifications and the Wastewater Master Plan, Water System Master Plan and Stormwater Master Plan, as well as FCC Title 9, Chapters 2, 3 and 5.

Chapter 10, Housing Opportunities

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

Finding: The proposal for these actions is consistent with this policy because the proposal includes expanding residential development opportunities to accommodate special needs housing in multiple districts and reducing the size of single unit detached dwelling lots in the Medium Density District.

10. **Apply plan designations, zoning districts and regulations to implement the mix of housing indicated in the acknowledge Housing Needs Analysis. (pg. X-2)**

Finding: The proposal for these actions is consistent with this policy because the proposed regulations support the addition of special housing to the mix of housing types identified in the 2017 Housing Needs Analysis (HNA). The HNA identified a need for special needs housing. The proposed code amendments support this housing type by adding standards. The proposed code amendments also permit the opportunity for smaller single unit detached dwellings in the Medium Density District, which is intended to provide more affordable housing options. While there are no proposed changes to the mapped designations or zoning districts, the proposed change support greater flexibility to build more variety of units across more of the existing zones.

Chapter 12: Transportation

Policies

26. **On-site parking for motor vehicles and bicycles is required except in Downtown Districts where some motor vehicle parking can be provided on the street. (pg. XII-5)**

Finding: The proposal for these actions is consistent with this policy because on-site parking is required for special needs housing and no changes to parking is proposed for the SUDD in the Medium Density District.

Oregon Revised Statutes (ORS)

The procedures for legislative decisions and public hearings are set out in the Florence City Code, which has been acknowledged by DLCD and these local regulations effectively implement state law. The sections of State statute that relate to the proposed amendments to the city code are listed below with findings to address consistency with these State laws.

ORS 197.303: “Needed housing” defined.

(1) (1) As used in ORS 197.286 to 197.314, “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes the following housing types:

- (a) Attached and detached single-family housing and multiple family**

- housing for both owner and renter occupancy;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 (Policy) to 197.490 (Restriction on establishment of park);
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and
- (e) Housing for farmworkers.

Finding: The proposal is consistent with this statute because it provides for additional development of the needed housing types identified in the 2017 Housing Needs Analysis within the Florence UGB. The HNA identified a need for many housing types to include single-family detached homes and special needs housing units. The proposed amendments provide broader lot sizes for the first and opportunity for provision of the latter.

ORS 197.307: Effect of need for certain housing in urban growth areas.

(3) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

Finding: The proposal is consistent with subsection (3) of this statute because it provides for development of the needed housing types identified in the 2017 Housing Needs Analysis within the Florence UGB. The HNA identified a need for single-family detached homes and special needs housing units. The proposed amendments provide for these uses in one or more zoning districts.

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:

- (a) May include, but are not limited to, one or more provisions regulating the density or height of a development.
- (b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

- (a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;
- (b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

(7) Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

Finding: The proposal is consistent with subsections (4), (6) and (7) of this statute because there are no changes to the clear and objective standards related to the proposed Medium Density District single unit detached dwelling lot change. Also, the proposed standards for the missions, emergency shelters, and transitional housing criteria are clear and objective and include criteria related to time, place and manner reviewable under the conditional use procedure. Development standards for residential development in all residential zones are specified in FCC 10-10, including clear and objective standards for uses, minimum lot dimensions, minimum lot area, lot coverage, yard regulations and setbacks, density, height, and site development.

ORS 197.610: Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development; rules.

(1) Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.

(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review, the local government shall submit the proposed changes as soon as practicable, but may submit the proposed changes after the applicable deadline.

(3) Submission of the proposed change must include all of the following materials:

(a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;

(b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;

(c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;

(d) The date set for the first evidentiary hearing;

(e) The form of notice or a draft of the notice to be provided under ORS 197.763, if applicable; and

(f) Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.

(4) The director shall cause notice of the proposed change to the acknowledged comprehensive plan or the land use regulation to be provided to:

(a) Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and

(b) Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.

Finding: The proposal is consistent with this statute because notice to DLCD was sent on December 14, 2023 at least 35 days prior to the January 23, 2024 (first) public hearing and the notice contained the information required in this statute. An addition was sent on January 19, 2024. The notice of proposed change was circulated widely within the city consistent with subsection (4), as detailed in response to Comprehensive Plan Goal 1.

Oregon Administrative Rules (OAR)

The procedures for legislative decisions and public hearings are set out in the Florence City Code, which has been acknowledged by DLCD and these local regulations effectively implement state law. The sections of State rules that relate to the proposed amendments to the City code are listed below with findings to address consistency with these State laws.

OAR 660-008-0015: Clear and Objective Approval Standards Required

(1) Except as provided in section (2) of this rule, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(2) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in section (1) of this rule, a local government may adopt and apply an optional alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of section (1);

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in section (1) of this rule.

(3) Subject to section (1), this rule does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

Finding: The proposal is consistent with this rule as detailed in the findings for ORS 197.307(4), (6) and (7).

OAR 660-012-0060: Transportation Planning, Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Finding: The proposal to permit special needs housing and reduced detached

dwelling lot sizes do not significantly affect any transportation facilities planned or existing as listed in subsections a-c above.

OAR 660-018-0020: Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation

(1) Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 apply, the local government shall submit the proposed change to the department, including the information described in section (2) of this rule. The local government must submit the proposed change to the director at the department's Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.

Finding: The proposal is consistent with this rule as detailed in the findings for ORS 197.610.

OAR 660-015-0000 (Goal 10):

To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

[...]

Needed Housing Units -- means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing units" also includes government-assisted housing. For cities having populations larger than 2,500 people and counties having populations larger than 15,000 people, "needed housing units" also includes (but is not limited to) attached and detached single-family housing, multiple-family housing, and manufactured homes, whether occupied by owners or renters.

[...]

Finding: The proposal is consistent with this rule because it provides for development of the needed housing types identified in the 2017 Housing Needs Analysis within existing buildable lands designated for residential use. The HNA identified a need for single-family detached homes and special needs housing units among many others. The proposed code amendments expand on the 2019 and 2022 housing code updates that supported this full range of housing types and provided for clear and objective criteria. In addition, the 2019 revision added opportunities for triplexes, quadplexes, and cluster housing (FCC Table 10-10-2-A), across four residential zones at differing density ranges (FCC 10-10-2-B for minimum lot sizes and 10-10-4-E for density) to provide for flexibility of housing type and density both within individual zones and across the city as a whole in multiple zones. This proposed change provides opportunities for housing those most in need within the community.

The population of the City of Florence exceeds 2,500 people, so the requirement for

various housing types applies. The proposed amendments meet the requirement.

B. IMPLEMENTATION

5. Additional methods and devices for achieving this goal should, after consideration of the impact on lower income households, include, but not be limited to: (1) tax incentives and disincentives; (2) building and construction code revision; (3) zoning and land use controls; (4) subsidies and loans; (5) fee and less-than-fee acquisition techniques; (6) enforcement of local health and safety codes; and (7) coordination of the development of urban facilities and services to disperse low income housing throughout the planning area.

Finding: The proposal is consistent with this rule because it includes proposed zoning and land use controls that support implementation of the adopted HNA, including needed housing types as identified above.

Vi. CONCLUSION

The proposed amendments to the Florence City Code Title 10 are consistent with the applicable criteria in the Florence Realization 2020 Comprehensive Plan, Florence City Code, Oregon Revised Statutes and Oregon Administrative Rules.

VII. EXHIBITS

- A. Findings of Fact
- B. Amendments to FCC Title 10, Chapter 11
- C. Amendments to FCC Title 10 Multiple Chapters

TITLE 10
CHAPTER 11

MISSIONS, EMERGENCY SHELTERS, AND TRANSITIONAL HOUSING

SECTION:

- 10-11-1: Scope
- 10-11-2: Purpose
- 10-11-3: Siting
- 10-11-4: Allowed Structure Types
- 10-11-5: Lot and Yard Dimensions
- 10-11-6: Site and Development Standards
- 10-11-7: Operations and Management

10-11-1: SCOPE: The criteria below apply to all three uses, Missions, Emergency Shelters and Transitional Housing, unless stated otherwise. The inclusion of emergency shelters in this title and chapter does not apply to those uses qualifying under ORS 197.782 and approved by the City Manager. The applicable criteria include those in this chapter as well as those required under this title.

10-11-2: PURPOSE: The purpose of Chapter 11 is to provide opportunity and development standards for missions, emergency shelters and transitional housing. These uses serve individuals and families experiencing homelessness, providing temporary housing or sleeping accommodations and offer items like food, clothing, and hygiene facilities and typically supportive services such as social services and counseling programs to assist with self-sufficiency.

10-11-3: SITING:

- A.** Missions and Emergency Shelters are allowed to be sited subject to receipt of a conditional use permit on property in commercial and industrial zoning categories as listed on the City of Florence Zoning Map legend, High Density Residential, and on any public property and church property regardless of the underlying zoning designation.
- B.** Transitional Housing is allowed to be sited subject to receipt of a conditional use permit on property in commercial zoning categories as listed on the City of Florence Zoning Map legend, High Density Residential, Professional Office / Institutional, and on any public property and church property regardless of the underlying zoning designation.
- C.** Missions, Emergency Shelters and Transitional Housing are not permitted in any district not listed above. Terminology within the permitted and conditional use sections of code that state other uses similar to those listed are permitted do not apply to these uses.

10-11-4: ALLOWED STRUCTURE TYPES: Regardless of the amenities provided the below are not a “dwelling” as defined under FCC 10-2.

- A.** Missions provide shelter without compensation through shared sleeping quarters, similar to barracks, located in a single structure complying with the Oregon State Building Code for that occupancy type.

- B.** Emergency Shelters and Transitional Housing provide shelter through sleeping quarters. Units may also include cooking and hygiene facilities in any combination of the following structure types:
1. Units in dwelling structures complying with Oregon State Building Code
 2. Units in temporary structures complying with the Oregon Transitional Housing Standards
 3. Units in rooms of converted hotel or motel structures
 4. Units in structures with non-residential occupancy classifications and converted to an occupancy classification for residential use using either the Oregon State Building Code or Oregon Transitional Housing Standards
 5. Yurts, Huts, Pallet Shelters, Recreational Vehicles

10-11-5: Lot and Yard Dimensions

- A.** Lot Area: The lot area minimum shall be the same as the district.
- B.** Lot Coverage: Maximum building and impervious coverage shall be the same as the district, unless a preservation credit is achieved in accordance with FCC 10-34-2-4. All permanent and temporary structures as well as impervious surfaces are used to calculate coverage.
- C.** Yard Regulations: All structures shall have a minimum setback of 5 ft. from side and rear property lines, except that if the rear or side yard abuts a residential district, the minimum shall be 10 feet from the abutting property line. The front yard and Highway setbacks shall be the same as the district.

10-11-6: Site and Development Standards:

- A.** Building or Structural Height Limitations: The maximum building or structural height shall be thirty-five feet (35'). Associated/accessory structures refer to Section 10-10-5 of this Title for requirements.
- B.** The following separation distances are required. Distance is measured in a straight-line measurement in a radius extending for the buffered distance in every direction from any point on the boundary line of the real property comprising the buffered use to the boundary line of the real property comprising the Mission, Emergency Shelter, or Transitional Housing use. The distance limitations are based upon the uses surrounding the proposed Mission, Emergency Shelter, or Transitional Housing location at the time the conditional use application is deemed complete. Zoning district boundaries change at the centerline of the rights of way.
1. 300 ft. from the Old Town District
 2. 300 ft. from the public or private elementary or secondary schools described under ORS 339.020 or 339.030.

3. 300 ft. from child care facilities licensed by the Oregon Department of Education (registered family child care homes, certified family child care homes, and certified child care centers).
- C.** Except for hotel or motel conversions, density is limited as follows. Emergency Shelters shall have at least 500 sq. ft. of lot area, rounded to the nearest whole number for each bed. Transitional Housing shall have at least 1,000 sq. ft. of lot area, rounded to the nearest whole number for each housing unit.
- D.** Minimum Structure Separation. When not located in a single structure, units shall be separated from one another by a minimum of five feet.
- E.** Sanitation:
1. Missions shall provide guests on-site toilet and handwashing through shared facilities.
 2. Emergency Shelters shall provide guests, at a minimum, on-site toilet, handwashing, and trash and recycling in any combination of separate or shared facilities.
 3. Transitional Housing shall provide occupants, at a minimum, on-site toilet, shower, handwashing, trash and recycling in any combination of separate or shared facilities.
- F.** Kitchen: Emergency Shelters and Transitional Housing shall serve meals and/or provide cooking and food preparation area in any combination through separate or shared facilities.
- G.** Utilities: The site shall have permanent water and sewer service connections. Units with sanitation and/or kitchen facilities shall be served from the development's common shared water meter and sewer service. Communal kitchen and sanitation facilities shall be connected to water and sewer systems. Fuel based generator use is not permitted. Utilities shall be installed underground.
- H.** Storage and Screening
1. No outdoor storage is permitted, excluding bicycles. Residents shall be provided with enclosed, secure storage facilities for their belongings. Cargo containers are not permitted, except as granted temporarily under 10-4-12-E.
 2. Trash and recycling receptacles stored outside of an enclosed building shall be located within a trash enclosure of a minimum of five (5') feet high solid wall, wood or similar or slatted chain link fence.
 3. Any shelter, kitchen or sanitation structure that does not comply with Oregon State Building Code must be screened from the street and public view with a minimum six (6) ft. tall fence and evergreen vegetated buffer screening at least 75% of the view at maturity.
- I.** Parking: In addition to the below refer to Chapter 3 of this Title for specific parking requirements.

1. Missions and Emergency Shelters: Vehicular parking shall be provided at a ratio of one space per 6 beds and one space per 400 sq. ft. of office, meeting, or similar staffing support facility space. Bicycle spaces shall be provided at a ratio of one space per four beds.
 2. Transitional Housing Developments: Vehicular parking shall be provided at a ratio of one space for every two units and one space per 400 sq. ft. of office, meeting, or similar staffing support facility space. Bicycle spaces shall be provided at one space per four units.
- J.** Pets: Pet relief area shall be provided if pets are permitted in a Mission, Emergency Shelter or Transitional Housing development and the area will be kept free of feces. Pets must be on leash when not in units, crates or a fenced run area.
- K.** Smoking: Designated areas for smoking shall not be located within the required setback areas and shall be screened from the street and public view.
- L.** Lighting: Refer to Section 10-37 of this Title for requirements.
- M.** Access and circulation: Refer to Section 10-35 of this Title for requirements.
- N.** Public Facilities: Refer to Section 10-36 of this Title for requirements
- O.** Fences, Hedges, Walls and Landscaping: Refer to 10-34 of this Title for requirements

10-11-7: Operations and Management

- A.** Site Manager: Missions, Emergency Shelters and Transitional Housing must have an assigned site manager, who can be an owner-occupant, tenant, lessee or person other than an owner who has possession and/or control of the property. The site manager shall provide local contact information, name and telephone number, to all property owners and residents within 500 feet of the site on an annual basis. The site manager must be available to accept and immediately respond to telephone calls during business hours. Any change in local contact person must be reported to the city and property owners and residents within 500 feet of the site at least seven days prior to the date the change takes effect.
- B.** Management plan: An operations and security plan for Missions and Emergency Shelters and an operations and security plan and case management plan for Transitional Housing and shall be submitted to the city at the time of land use application for review and approval. Plan revisions shall be provided to the city in the annual report.
- C.** Code of Conduct: The site manager shall provide to all occupants and guests a code of conduct. The occupants and guests are expected to also adhere to city code that governs behavior within the city. A copy of the code of conduct shall be submitted to the city at the time of application.
- D.** Eligibility: Preference should be given to individuals in the following order: those originally from Florence or have been living within the Siuslaw School District for the past year.
- E.** Periodic Review. The managing agency shall file an annual report of operations with the city by July 31st. The report shall include information such as the number of occupants served and how the conditions of approval are continuing to be met. Periodic review shall be conducted one

year from occupancy at which time City staff may conduct a site visit to ensure the facility meets the conditions of its land use approval.

DRAFT

TITLE 10
CHAPTER 2

GENERAL ZONING PROVISIONS

10-2-13: DEFINITIONS:

...
EMERGENCY SHELTER A facility that has the primary purpose of providing temporary housing for homeless in general or specialized populations of homeless and the use does not require occupants to sign a lease or occupancy agreements.

...

MISSION A faith-based program that provides on-site housing, basic needs and comprehensive services for individuals and families who are impoverished or experiencing homelessness.

...

~~TRANSITIONAL HOUSING A congregate facility designed to provide housing to shelter families and individuals offered on a short term basis. The facility may offer meals, lodging and associated services on site, aimed at helping people move towards self-sufficiency. Transitional facilities are not considered bed and breakfast inns / boarding houses, hotels or motels.~~
Residential shelter provided for an extended but definite period that is integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing.

TITLE 10
CHAPTER 10
RESIDENTIAL DISTRICTS

...

10-10-2: Residential Uses:

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

Uses	LDR	MDR	RMH	HDR
Single-unit detached dwelling	P	P	P	C
Accessory structure	P	P	P	P
Accessory dwelling unit	P	P	P	P
Single-unit attached dwelling	N	SR	SR	P
Duplex	P	P	P	P
Tri-plex	N	C	C	P
Quad-plex	N	C	C	P
Multi-unit (5+ units)	N	N	N	SR
Cluster housing	N	C	C	P
Temporary dwelling/RV – Medical hardship	C	C	C	C

Manufactured home	P	P	P	C
Prefabricated dwelling	P	P	P	C
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	N & E	N & E	N & E	E
Religious institution housing or parsonage	C	C	C	C
Planned Unit Development	D	D	D	D

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 E= Type III conditional use review on publicly owned properties and religious institution use properties only.

...

Additional Code Change Proposals:

TITLE 10
CHAPTERS

- 14 Neighborhood Commercial District**
- 15 Commercial District**
- 16 Highway District**
- 27 Mainstreet**
- 30 North Commercial**

Missions, Emergency Shelters and Transitional Housing permitted conditionally

- 20 Limited Industrial**
- 28 Pacific View Business Park**
- 31 Service Industrial**

Missions and Emergency Shelters permitted conditionally

- 25 Professional Office / Institutional**

Transitional Housing permitted conditionally

TITLE 10
CHAPTER 10

RESIDENTIAL DISTRICTS

SECTION:

....

10-10-4: Lot and Yard Provisions

....

(Add the below rows to the tables on the bottom of the page)

10-10-4: LOT AND YARD PROVISIONS:

A. Minimum Lot Dimensions: To be designated a building site, a lot must meet the following minimum lot dimensions:

Table 10-10-4-A. Minimum Lot Dimensions by Development Type

Type	MDR	
	Width	Depth
Single-unit detached dwelling (new subdivision plats of 5 or more units)	35 ft.	80 ft.

B. Minimum Lot Area: To be designated a building site, a lot must meet the following minimum lot area:

Table 10-10-4-B. Minimum Lot Area by Development Type

Development Type	MDR
Single-Unit detached dwelling (new subdivision plats of 5 or more units)	4,000 sq. ft.

Table 10-10-4-A. Minimum Lot Dimensions by Development Type¹

Type	LDR		MDR		RMH		HDR	
	Width	Depth	Width	Depth	Width	Depth	Width	Depth
All development types including single-unit detached ² , except:	50 ft.	80 ft.	50 ft.	80 ft.	50 ft.	80 ft.	50 ft.	80 ft.
Single-unit attached dwelling	N/A	N/A	25 ft.	80 ft.	25 ft.	80 ft.	25 ft. ³	80 ft. ³
Manufactured Home Park	N/A	N/A	50 ft.	80 ft.	35 ft.	70 ft.	35 ft.	70 ft.
¹ Undersized lots of record with dimensions below the minimum may still be eligible for development. See Section 10-10-12. ² Cluster housing shall meet minimum lot sizes in FCC 10-10-8-C-2-b. ³ The single-unit attached dwelling dimensions shall also apply to single-unit detached dwellings in the HDR zone. Dimensions in 10-10-4-A are meant to be the minimum for each category and are not intended necessarily to be used together, minimum lot size is required.								

Table 10-10-4-B. Minimum Lot Area by Development Type.¹

Development Type	LDR	MDR	RMH	HDR
Single-unit 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	7,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	2,000 sq. ft.
Single-unit attached dwelling	N/A	3,000 sq. ft.	3,000 sq. ft.	2,000 sq. ft.
Duplex	7,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	2,000 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 ²	7,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.
¹ Undersized lots of record with area below the minimum may still be eligible for development. See Section 10-10-12 of this Title. ² Cluster housing shall meet minimum lot sizes in FCC 10-10-8-C-2-a.				