

**FINDINGS OF FACT
FLORENCE PLANNING COMMISSION
Exhibit "A"**

Public Hearing Date: September 27, 2022 **Planner:** Clare Kurth
Application: PC 22 11 CUP 03

I. PROPOSAL DESCRIPTION

Proposal: A temporary conditional use permit to place three recreational vehicles on the existing parking lot of Florence Christian Church, to serve as temporary housing for families in need.

Applicant: Paul Pearson for Florence Christian Church and First Step Florence

Property Owners: Florence Christian Church

Location: 990 W. Second Street, Florence, OR
Site: Map #18-12-27-43, Tax Lot 10900

Comprehensive Plan Map Designation: Medium Density Residential (MDR)

Zone Map Classification: Medium Density Residential (MDR)

Surrounding Land Use / Zoning:

Site: Parking lot for Florence Christian Church (MDR)
North: Residential, Single Family Detached Dwellings (MDR)
South: Gravel parking lot and Church/Worship facility (MDR and LDR)
East: Residential, Single Family Detached Dwellings (MDR)
West: Residential, Single Family Detached Dwellings (MDR)

Streets / Classification:

West – Hemlock / Local; South – None; East – Ivy St. / Local; North – Rhododendron Dr. / Arterial

II. NARRATIVE:

Florence Christian Church, in cooperation with First Step Florence, desires to serve a few of the unhoused families living in the Florence community. They are proposing three (3) temporary housing RVs or trailers on the northern end of the existing church parking lot, west of Ivy Street. This proposal will continue and expand the First Step program serving “people and families without a secure and safe place to live take their first step toward a more stable living situation. The program has helped to establish individual goals, instilled self-responsibility and discipline, and graduated families to more permanent housing.” Families are vetted by First Step when admitted to the program and have included in the application packet policies for drug and alcohol use,

child education requirements, visitor policies, and lease agreements. Families are supported and monitored throughout their tenancy and are required to follow rules provided in **Exhibit E**.

This application and request are consistent with FCC for a conditional use permit to allow a place of worship to apply for up to three (3) RVs or park model homes to be used as temporary housing with a limit of two (2) years and allowing one (1) extension for an additional two (2) years under Title 10, Chapter 4. This application is being processed as a temporary conditional use permit application using criterion for temporary mobile building structures under the basis of church use and more specifically of needed housing as an ancillary church use. Both sets of criteria are in the conditional use chapter, Title 10, Chapter 4. The findings of fact and review do not assume applicability of the State of Oregon Revised Statutes relating to RV Parks, campsites, or RVs outside of parks connected to city utility services. A similar Type III temporary conditional use permit in partnership with First Step Florence was granted in 2019 at the Presbyterian Church at 3996 Hwy 101, Resolution PC 19 12 CUP 05, Provided in **Exhibit F**.

III. NOTICES & REFERRALS:

Notice: On September 6, 2022 notice was mailed to surrounding property owners within 300 feet of the property and a sign was posted on the property. Notice was published in the Siuslaw News on September 21, 2022.

At the time of this report, the City has received written comments (Exhibit G) on the application from the following:

Graham Ross, Sept 12, 2022 - Supports this application. States the need for helping our unhoused population and that the First Step Program has been beneficial to families and the community.

Janet and Paul Hirsch, Sept 14, 2022 – Supports this application and believes it is an opportunity to offer families “necessary support during their time of need.” Served on the First Step Board for five years and reports knowing the program is effective through its rules and guidance with unique goals set for individuals and families.

Valarie J. Niver, September 15, 2022 – Supports this application. States being a member of Florence Christian Church and an Administrative Assistant at Presbyterian Church and believes “that partnership between the Christian Church and First Step will have a positive impact on homeless families in Florence.”

Doug Kopcha, September 15, 2022 - Supports this application. Believes “that partnership between the Christian Church and First Step will have a positive impact on homeless families in Florence.”

Kristina K. Rowel, September 15, 2022 – Supports the Florence Christian Church expansion of the First Step Housing Program.

Rev Greg Woods, September 15, 2022 – Supports this application. Wrote on behalf of the Presbyterian Church of the Siuslaw. Rev. Woods is the Pastor at the Presbyterian Church and has been involved in the current First Step Program at that location. States the congregation is enthusiastic about the First Step Program and success in seeing families come and then move on to stable housing and work. The church has benefited from the program as well from tenants helping discourage car campers on the property. “Overall, the congregation feels that the program has made a positive impact on the community without causing problems to our church or neighborhood.”

Larry Newman, September 15, 2022 – Supports this application. Is a Property Elder for the Presbyterian Church of the Siuslaw and states no issues with the similar First Step Program at that location. The tenants keep an eye on the property during the week and there have been no conflicts with the neighbors. States the need for this type of additional housing and that the support of First Step is a plus.

John and Joan Skarda (email), September 15, 2022 – Supports this application. “We believe that a partnership between the Florence Christian Church and First Step, will have a very positive impact on the homeless families in Florence. There already is a great impact with the partnership with the Presbyterian Church and First Step.”

Diane Burns, September 16, 2022 - Supports this application. “We believe that a partnership between the Florence Christian Church and First Step, will have a very positive impact on the homeless families in Florence.”

Patricia Burke, September 16, 2022 – Supports this application. Stated that with the partnership of First Step’s Program families will have the opportunity to participate fully in our community.

Norma Wood, September 19, 2022 – Supports this application. States that a partnership between Florence Christian Church and First Step will have a positive impact on some of Florence’s currently unhoused families.

Joan M. Taber, September 20, 2022 - Supports this application. Believes “that partnership between the Christian Church and First Step will have a positive impact on homeless families in Florence.”

John and Joan Skarda (mail), September 20, 2022 - Supports this application. Believes “that partnership between the Christian Church and First Step will have a positive impact on homeless families in Florence.”

Response:

- This application has the ability to be in compliance with all criteria in FCC 10-4-12-A for a temporary conditional use permit allowing up to three RVs on site as temporary housing.

- The RV/trailers occupants will be part of a self-sufficiency program as required by FCC 10-4-12-A-4-E.
- Chapter 10, Policy 6 of the Comprehensive plan encourages working with local non-profit organizations to address issues of homelessness. This application meets this policy objective.

Referrals: On September 6, 2022 referrals were sent to the Florence Police Department, Florence Public Works, Siuslaw Valley Fire and Rescue, and Central Lincoln PUD.

At the time of this report, the City had received referral comments from: **None**

IV. APPLICABLE REVIEW CRITERIA

Florence City Code, Title 10:

- Chapter 1: Zoning Administration, Section 1-6-3
- Chapter 3: Off-Street Parking and Loading, Sections 3 through 5
- Chapter 4: Conditional Uses, Sections 3 through 11 and 12-A
- Chapter 10: Residential Districts, Sections 1-A, 1-B, and 2
- Chapter 34: Landscaping, Section 5
- Chapter 35: Access and Circulation, Section 2-12-A and 2-12-B
- Chapter 37: Lighting, Sections 2, 3 and 4

V. PROPOSED FINDINGS

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATRIION

10-1-1-6-3: TYPE III REVIEWS – QUASI-JUDICIAL LAND USE HEARINGS:

- A. Hearings are required for Type III (quasi-judicial) land use matters requiring Planning Commission review. Type III applications include, but are not limited to:**
- 4. An increase in residential density by more than 10 percent, or where the resulting density exceeds that allowed by the land use district.7. Conditional Use Permit.**

A Type III Review is required for the Florence Christian Church application for temporary housing. Temporary dwellings/RVs are allowed in MDR zones through a Type III conditional use permit according to 10-10-2, Table 10-10-2-A with Conditional Use criteria described in 10-4-12-A.

B. Notification of Hearing:

1. **At least twenty (20) days prior to a Type III (quasi-judicial) hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.**
 - a. **Notice shall also be provided to the airport as required by ORS 227.175 and FCC 10-21-2-4 and any governmental agency that is entitled to notice under an intergovernmental agreement with the City or that is potentially affected by the proposal. For proposals located adjacent to a state roadway or where proposals are expected to have an impact on a state transportation facility, notice of the hearing shall be sent to the Oregon Department of Transportation.**
 - b. **For a zone change application with two or more evidentiary hearings, notice of hearing shall be mailed no less than ten (10) days prior to the date of the Planning Commission hearing and no less than ten (10) days prior to the date of the City Council hearing.**
 - c. **For an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.186 and ORS 227.175(8).**
 - d. **Notice shall be mailed to any person who submits a written request to receive notice.**
 - e. **For appeals, the appellant and all persons who provided testimony in the original decision.**
2. **Prior to a Type III (quasi-judicial) hearing, notice shall be published one (1) time in a newspaper of general circulation. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.**

Notice of the public hearing was posted on the subject property and mailed to all property owners within 300 feet of the property on September 06, 2022. Notice was published in the Siuslaw News on September 21, 2022. These criteria are met.

C. Notice Mailed to Surrounding Property Owners - Information provided:

1. **The notice shall:**
 - a. **Explain the nature of the application and the proposed use or uses which could be authorized;**
 - b. **List the applicable criteria from the ordinance and the plan that apply to the application at issue;**
 - c. **Set forth the street address or other easily understood geographical reference to the subject property;**

- d. **State the date, time and location of the hearing;**
- e. **State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;**
- f. **State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;**
- g. **State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;**
- h. **Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.**
- i. **Include the name of a local government representative to contact and the telephone number where additional information may be obtained.**

D. Hearing Procedure: All Type III hearings shall conform to the procedures of Florence City Code Title 2, Chapters 3 and 10.

On September 06, 2022, notice was mailed to surrounding property owners within 300 feet of the property, and signage posted on the property. The public notices contained the information in the above code. The public hearing notice was published in the September 21, 2022 edition of the Siuslaw News. The notification procedures meet the requirements of City Code.

E. Action by the Planning Commission:

- 1. **At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.**
- 2. **Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.**
- 3. **In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.**
- 4. **There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the Planning Commission determines there is not sufficient evidence supporting the major requirements, then the burden has not been met and approval shall be denied.**

The Planning Commission held a public hearing on September 27, 2022 and solicited testimony and evidence. The Planning Commission received all materials provided by the applicant. The findings state whether the application criteria were met.

TITLE 10: CHAPTER 3: OFF-STREET PARKING AND LOADING

10-3-2: GENERAL PROVISIONS:

- A. The provision for and maintenance of off-street parking and loading spaces are continuing obligations of the property owners. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space.**
- 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.**
- C. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Chapter.**
- D. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employees, and shall not be used for storage of materials of any type.**
- E. Ingress and egress for parking and loading shall not endanger or impede the flow of traffic.**
- F. The required off-street parking for nonresidential uses shall not be used for loading and unloading operations during regular business hours.**
- I. The provisions of this Chapter shall be in addition to the provisions for parking design and construction in FCC Title 9 Chapter 5 and, where there are conflicts, Title 9 Chapter 5 shall prevail.**

Florence Christian church has provided images and site plans of their existing parking lot for the primary use of this site, the church and ancillary buildings. The church is not proposing any changes or improvements to the parking lot with the exception of the placement of the temporary RV/trailers and their associated facilities such as tenant parking, tenant storage, and trash and recycling containers. No temporary or permanent RV pads have been proposed. This placement is temporary. Minimum parking requirements are detailed later in this report; even with approximately 11 existing parking spaces temporarily being used for the proposed RV/trailers, Florence Christian Church will still be able to meet minimum required off-street parking according to FCC Table 10-3-1-B

The driveway and parking area are currently pre-existing non-conforming gravel surfacing and will continue to be acceptable since the use is temporary. There is no enlargement of an existing structure nor construction of new uses or expansion of an existing use. If asphalt or cement is installed in the future a stormwater plan meeting City Code and Stormwater Design

Guidelines will be required to be submitted for review by the City prior to installation of paving. (Informational 1)

Currently the entire lot is graveled and the applicant states the “lot will remain graveled for the foreseeable future.” According to the applicant the gravel is firm and compacted from years of use and asphalt or cement are not needed or anticipated. The proposed RV sites are at the northern portion of the main parking lot at Florence Christian Church. They have three parking spaces associated with the three RVs. The parking spaces are oriented north and south and are situated adjacent (to the west of each RV). The spaces when utilized will not endanger or impede the flow of traffic on the remainder of the church parking lot. The parking spaces and maneuver area do not encroach onto other parking spaces and there is adequate access aisle width for safe and functioning maneuvering within the lot and into the parking spaces

10-3-4: MINIMUM REQUIRED PARKING BY USE: During the largest shift at peak season, fractional space requirements shall be counted as the next lower whole space (rounded down). Square footages will be taken from the gross floor area (measurements taken from exterior of building). Applicants may ask the Planning Commission for a reduction for parking spaces as part of their land use application. The applicant will have to provide the burden of evidence to justify the reduction proposed. The Planning Commission and/or staff may require the information be prepared by a registered traffic engineer. Table 10-3-1 lists the minimum parking spaces required by use, with a minimum no less than two (2) spaces for non-residential uses, plus additional space(s) as needed to meet the minimum accessible parking requirement.

B. Institutions and Public Assembly Types:

Elementary, middle school and other children's day schools Daycare, adult or child day care (does not include Family Daycare (12 or fewer children under ORS 657A.250)	1 space per classroom, or as determined by the Planning Commission 1 space per 500 sq. ft. of floor area
High schools Colleges and universities	7 per classroom, or as determined by the Planning Commission
Educational Services, not a school (e.g., tutoring or similar services)	1 space per 500 sq. ft. floor area
Libraries, reading rooms, museums, art galleries and Community Service Facilities	1 space per 200 sq. ft. of floor area
Churches and other places of worship	1 space per 50 sq. ft. of main assembly area; or as determined by the Planning Commission, as applicable
Stadiums, grandstands, coliseums, auditoriums	1 space for each 4 persons of seating capacity, except that on-street parking in non-residential and theaters areas, within 1,000 feet of the main assembly area may be used toward fulfilling this requirement.



According to Table 10-3-1-B Minimum Required Parking for church uses is 1 space per 50 square feet of assembly space. With the addition of the three proposed RV spaces the church will retain an estimated 83 parking places. The proposed application will temporarily reduce parking by approximately 11 off street parking places; from an estimated 94 to 83 spaces. Based on the square footage of the main assembly area provided by the applicant, 74 off-street parking spaces are required. The applicant states that on most Sundays, this lot is not completely full, so there is little impact anticipated to the usual parking needs of regular church services. There is an option for on street parking on the adjacent residential streets if an increased need arises.

Main Assembly Area: 65 x 45 = 2925 sq ft
 Balcony Seating: 37 x 20 = 740 sq ft
 Total Assembly: 2925 + 740 = 3665 sq ft
 Parking Required: 3665 / 50 = 73.3

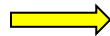
Rounding the required parking spaces to the nearest whole number, 74 spaces are required. Florence Christian Church is expected to exceed required off street parking requirement by 9 spaces after RVs are sited.

The site plan illustrates each RV unit will have one assigned off-street parking south and east of that unit; see **Exhibit D**. On street parking is not anticipated to be needed for the tenants of the proposed RV/trailers.

10-3-5: VEHICLE PARKING - MINIMUM ACCESSIBLE PARKING:

Table 10-3-2 - Minimum Number of Accessible Parking Spaces
 Source: ADA Standards for Accessible Design 4.1.2(5)

Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
	<i>Column A</i>		
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5



ADA laws are not exempted by virtue of a use being temporary. Accommodations are required in accordance with law. Under the current parking code, the church is required to provide 3 ADA designated parking spaces. There are currently 6 ADA spaces, exceeding minimum requirements. While the majority of the parking lot is gravel, the ADA designated

spaces as well as 8 additional spaces nearest the church entrance are paved and striped according to current FCC 10-3-9. Criteria are met.

10-3-10: BYCYCLE 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.

There are currently no parking spaces designated for bicycle parking. There is no new development proposed so this property is not subject to this requirement. This criterion is not applicable.

TITLE 10: CHAPTER 4: CONDITIONAL USES

10-4-3: USE PERMIT PREREQUISITE TO CONSTRUCTION: When a conditional use permit is required by the terms of this Title, no building permit shall be issued until the conditional use permit has been granted by the Planning Commission, and then only in accordance with the terms and conditions of the conditional use permit. Conditional use permits may be temporary or permanent.

10-4-5: PUBLIC HEARING AND NOTICE: The Planning Commission shall hold at least one public hearing on each conditional use permit application.

10-4-6: ACTION: The Planning Commission shall make specific findings for granting or denying a conditional use permit in accordance with the general criteria and/or conditions of Section 10-4-9 of this Title.

10-4-8: EXPIRATION OF CONDITIONAL USE PERMIT:

A. Authorization of a conditional use permit shall be void one (1) year after the date of approval of a conditional use application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation.

The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

- 1. The request for an extension is made in writing prior to expiration of the original approval.**
- 2. There are special or unusual circumstances that exist which warrant an extension.**
- 3. No material changes of surrounding land uses or zoning has occurred.**

The Planning Commission may deny the request for an extension of a conditional use if new land use regulations have been adopted that affect the applicant's proposal. (Ord. 26, 2008)

B. The discontinuance of a conditional use for twelve (12) consecutive months shall constitute expiration of that conditional use. The use occupying the premises thereafter shall conform to the regulations of the zoning district in which it is located.

The proposed development shall be approved through September 27, 2024. The applicant may request one 2-year extension in writing prior to the expiration of this conditional use permit (**Condition 4.1**). Any extension of this approved period will be subject to the above criteria as part of FCC 10-4-8. The Planning Commission may approve or deny the request based on the situation and information available at the time.

10-4-10: GENERAL CRITERIA: A conditional use permit may be granted only if the proposal conforms to all the following general criteria: (Ord. 669, 5-17-82)

A. Conformity with the Florence Comprehensive Plan.

Chapter 10 of the Comprehensive Plan includes in Policy 6, "Work with local non-profit organizations, other jurisdictions and health and social service organizations to develop a coordinated, regional approach to homelessness." The city is working on updating its implementing policies to address the housing needs across various demographics. First Step's proposal includes the involvement of social service organizations to move program participants towards self-sufficiency. The city's consideration of the application within the code criteria available is illustrative of creating a path to support this policy until a permanent code solution is available. The project will assist the city in identifying policies and zoning appropriate to the use.

There are no other applicable comprehensive plan policies related to churches, RVs, homeless, or campgrounds. This criterion is met.

B. Compliance with special conditions established by the Planning Commission to carry out the purpose of this Chapter.

Special Conditions Compliance: The applicant will be required to carry out any conditions of approval or the use will be subject to revocation. Additional conditions are discussed under FCC 10-4-11 & 12.

C. Findings that adequate land is available for uses which are permitted outright in the district where the conditional use is proposed. Available land can be either vacant land or land which could be converted from another use within the applicable zoning district. Land needs for permitted uses may be determined through projections contained in the Florence Comprehensive Plan or other special studies.

Land Availability: The latest research on Florence' land availability was conducted in 2017 and adopted in 2018. The analysis concluded that both Lane County and Florence have had measurable increases in population and an anticipated increase of 2,068 permanent residents over the next 20 years. Section IV.F of the Housing Needs Assessment (HNA) recommended the City "adopt a policy target of accommodating an additional 20-30 year-round beds and 10-20 seasonal beds for special needs population over the next 20 years." The church site is developed with church facilities and the proposed of temporary RV/trailers will assist in accommodating this anticipated need. "Housing options for special needs, including homeless individuals, families and youth experiencing homelessness can be provided by nonprofit agencies, government entities, and faith-based organizations."

The proposed site is currently being used as parking for the Church. The applicant's proposed use for siting temporary RVs/trailers to temporarily house people experiencing homelessness will assist in providing needed housing, according to the 2018 HNA, rather than being used as excess parking above and beyond minimum requirements.

D. Conditional uses are subject to design review under the provisions of Chapter 6 of this Title, except single family and duplex residential use. (Ord. 625, 6-30-80) See Code Section 10-6-3 for Design Review requirements.

Conditional Uses: The land is zoned Medium Density Residential and the proposed temporary housing is directly associated with the church, a conditional use in the zone. The applicant proposes a project for temporary housing through the use of RV/trailers. As temporary structures, the buildings are not subject to Design Review. The site layout is being reviewed against applicable Code. The applicant does not yet have the proposed RV/trailers for this site. The RV/trailers sited shall be dimensions that fit in the proposed area and meet all required setbacks for the underlying zone as proposed by the applicant and approved by Planning Commission/Design Review Board (**Condition 4.2**). This criterion is met or conditioned to be met.

E. Adequacy of public facilities, public services and utilities to service the proposed development.

Public Facilities, Services, and Utilities: Sewer, Water and Electricity proposed to be accessed from Ivy St, with utility lines running through the recessed setback on the northern edge of the site and indicated on the provided and included site plan from the applicant (**Informational 1**). Stormwater is discussed and conditioned under parking. Trash and recycling will be contained at each RV site with locations indicated on site plan provided by the applicant and included. Public Services: The application proposal states tenants will be supported throughout their tenancy by First Step Florence. Policing, Fire and Ambulance facilities and services are available and will be provided in response to calls for service. There is a fire hydrant located at the corner of Ivy and Second St that is approximately 200 feet from the furthest proposed RV site and 170 feet from the proposed RV site nearest to Ivy St. Siuslaw Valley Fire and Rescue's Chief Schick states via email received September 21, 2022 that "according to OFC Appendix C Fire Hydrant Locations and Distribution the maximum distance from any point on street or road frontage to a hydrant is 250 feet when the required water flow is less than 1,750 gpm which it would be for these structures. . . . Consequently, the number of hydrants and their locations with respect to the proposed location of the three RVs is adequate. This criterion is met or conditioned to be met.

F. Adequacy of vehicle and pedestrian access to the site, including access by fire, police and other vehicles necessary to protect public health and safety. (Ord. 669, 5-17-82).

Access: Pedestrian-The church site is situated in the southern portion of the city west of Highway 101. The nearest sidewalk terminates 180 feet to the north at the corner of Rhododendron Dr and Ivy St. There is pedestrian access on the church site serving the church's main entrances. Separate pedestrian access to serve the temporary RV/trailer sites is not proposed. The driveway widths are adequate to provide both vehicular and pedestrian traffic for three temporary RVs. Vehicular-The site is accessible from the east off Ivy St. or from 2nd St to the south for public use and fire, police, and ambulance services necessary to protect public health and safety. Public pedestrian and vehicular traffic to the site can be accommodated within the existing facilities.

The proposed temporary RV/trailer(s) either meet or is conditioned to meet all of the above criteria of FCC 10-4-10 which apply.

10-4-11: GENERAL CONDITIONS: The Planning Commission may require any of the following conditions it deems necessary to secure the purpose of this Chapter. Where a proposed conditional use is permitted in another district, the Planning Commission may apply the relevant development standards from the other district. In addition, conditions may be required by the Design Review Board. Such conditions may include: (Ord 625, 6-30-80; and. Ord 669, 5-17-82)

- A. Regulation of uses, special yard setbacks, coverage and height.**
- B. Requiring fences, walls, screens and landscaping plus their maintenance.**
- C. Regulation and control of points of vehicular ingress and egress.**
- D. Regulation of noise, vibration, odors, and sightliness.**
- E. Requiring surfacing of parking areas.**
- F. Requiring rehabilitation plans.**
- G. Regulation of hours of operation and duration of use or operation.**
- H. Requiring a time period within which the proposed use shall be developed.**
- I. Requiring bonds to insure performance of special conditions.**
- J. Regulation of tree and vegetation removal to maintain soil stability, preserve natural habitat, protect riparian vegetation, buffer conflicting uses, and maintain scenic qualities.**
- K. Such other conditions as will make possible the development of the City in an orderly and efficient manner and in conformity with the intent and purpose of the Florence Comprehensive Plan.**

The temporary RV placement and associated sites are proposed to be used for a period of two (2) years, per the allowed time under FCC 10-4-12-A

A. The proposed site plan and use meets or exceeds setback requirements for the underlying MDR zoning; **Exhibit D.**

B. A fence is currently present on the northern property line, screening the adjacent property and SFR from noise and creating a physical and visual barrier.

C. Florence Christian Church has current curb cutouts for driveway access and no changes to the current parking lot are being proposed by the applicant. The north most curb cut, closest to the proposed RV sites shall be blocked to vehicular traffic to promote improved tenant safety and create a separation from parking uses for the Church and residential uses by the RV tenants. It is anticipated that this curb cutout can be blocked without significant affects to parking lot circulation. **(Condition 8.1)**

D and G. The First Step program will be monitoring and supervising tenants in this temporary housing program, in combination with the existing fence and 20-foot proposed setbacks at all property lines to minimize noise, vibration, odors, and sightliness. Submitted First Step Policy and rules state that alcohol and illegal substances are not permitted on the premises. Policies and rules restrict visitors and hours visitors are allowed on the premise. There are slight inconsistencies observed by staff in the policies and rules, but the overall intent provided by the applicant is to “ensure a safe, healthy, and cooperative environment.” Drugs, alcohol, criminal behavior, violent or intimidating behavior is not tolerated in the First Step program; **Exhibit E.**

E. There are no proposed parking lot improvements at this time. The applicant states the plan is for the existing parking lot to remain gravel for the foreseeable future. This criterion is not applicable.

F. No rehabilitation plans are proposed, this is not applicable

J. There are no proposed changes or affects to existing vegetation with the exception of removing grass to place utility facility and the applicant states the plan is to repair the grass to its previous condition following utility placement. No riparian area, wetlands, streams, excessive slopes, or other fragile lands are present on this proposed lot.

K. This is proposed as a temporary placement for RV/trailers. This is not proposed as a permanent placement of the RV/trailers or development of the property. This proposed use is in line with Chapter 10, Policy 6 of the Comprehensive Plan.

10-4-12: ADDITIONAL CONDITIONS: Some land uses by the nature of the activity associated with them require separate and intense consideration by the Planning Commission prior to their establishment. Such uses and additional conditions are as follows:

- A. Places of Worship:**
- 1. Any building used for worship purposes in a residential district, except freestanding parsonages, shall provide and maintain a minimum setback of twenty feet (20') from any property line which is under a different ownership and is zoned for residential use.**
 - 2. Places of Worship may provide housing or space for housing in a building that is detached from the place of worship, provided:**
 - a. At least 50 percent of the residential units provided are affordable to households with incomes equal to or less than 60 percent of the median family income for Lane County.**
 - b. The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.**
 - 3. Housing and space for housing provided under ORS 227.500 and FCC 10-4-12-A-2 must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit**

contained in the building from selling or renting any residential unit designated as affordable housing as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for Lane County for a period of 60 years from the date of the certificate of occupancy.

4. Places of worship may apply for up to three (3) Recreational Vehicles (RVs) or park models for sleeping or living purposes, provided the following requirements are met:
 - a. The property owner submit a complete application for the conditional use permit together with a basic site plan (scale drawing not necessary) and allow access by city officials to the project site and the location of the recreational vehicles or park models for the purposes of inspection and enforcement of the terms and conditions of the permit, including towing the recreational vehicles or park models and removal of temporary sewer and water service connections, whether or not the permit has expired.
 - b. The conditional use permit must be issued before the RVs or park models are used for sleeping or living purposes.
 - c. Before an RV or park model is used for sleeping or living purposes, the owner and/or occupant of the recreational vehicle or park model must sign a release allowing access to and towing of the recreational vehicle or park model for purposes of inspection and enforcement of the terms and conditions of the permit.
 - d. The property owner shall make available connections to an on-site municipal water line and sanitary sewer line in accordance with all applicable state codes and city regulations.
 - e. The property owner shall make available electrical connections in accordance with all applicable state codes and city regulations.
 1. Electrical connections may be extension cords from an outlet or permitting and installing a pedestal for plug-in per FCC 4-1.
 2. No hard connections or use of generators shall be permitted. FLORENCE CITY CODE TITLE 10 5 CONDITIONAL USES 10-4
 - f. The property owner shall subscribe to and pay for solid waste collection service.
 - g. The RV or park model occupants are associated with a self sufficiency service or program.
 - h. Areas occupied by RVs or park models maintain a minimum fifteen-foot (15') buffer from adjacent single-family residential uses.
 - i. The conditional use is limited to two years and one two (2) year extension.

Per FCC 10-4-12-A-4-h the required setbacks for temporary RVs/trailers at a place of worship is 15 feet from residential uses and the current site plan indicates 20 feet on the west and north property lines, and 10 feet on the east property line. Both the west and the

north property lines abut residential properties occupied by single family dwellings. The east property line is adjacent to Ivy Street. To the south the proposed site is adjacent to portions of the existing graveled parking lot owned by Florence Christian Church and Florence Christian Church itself. While the 10-foot setback required under MDR is marked and met on the site plan, the scaled drawing indicates the RV site nearest Ivy St will meet a 15' setback if required according to FCC 10-4-12-A. The proposed location of utility placement is marked at the north end of the property line between the proposed RV sites and the existing fence. The residents/tenants of the proposed temporary housing will be part of a self-sufficiency program meeting criteria with supporting forms, rental applications, rules, policy and procedures provided; please see **Exhibit E**.

In addition to the RV/trailers and parking, the applicant is proposing wooden stairs for improved safety exiting and entering the units and a shed for personal storage. The stairs will be required to meet permitting requirements if applicable (**Informational 1**). The small storage sheds are proposed to be placed to the north and west of each unit to provide tenant space to store personal items and promote keeping the site clean and tidy. The proposed temporary mobile building space used for residential use requires consideration by the Planning Commission. Criteria are met.

TITLE 10: CHAPTER 10: RESIDENTIAL DISTRICT

10-10-1: RESIDENTIAL ZONES AND PURPOSES

A. Low Density Residential (LDR): The Low Density Residential District is intended to provide a quality environment for low density, urban residential uses and other Planned Unit Development as determined to be necessary and/or desirable.

B. Medium Density Residential (MDR): The Medium Density Residential District is intended to provide a quality environment for medium density, urban residential uses and other compatible land uses determined to be necessary and/or desirable.

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-family detached dwelling	P	P	P	C
Accessory structure	P	P	P	P
Accessory dwelling unit	P	P	P	P
Single-family attached dwelling	N	SR	SR	P
Duplex/duet	N	P	P	P
Tri-plex	N	C	C	P
Quad-plex	N	C	C	P
Multi-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
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	N	N	N
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

Temporary housing is allowed through a Type III, Conditional Use Review by the Planning Commission in the underlying MRD zone for this proposed site and LDR which is the underlying zone for primary use of this lot. The proposed setbacks exceed setback requirements outlined in Table 10-10-4-D. The proposed use will not reach or exceed the 50% maximum building coverage or the 75% maximum coverage by all impervious surfaces. Site development provisions under 10-10-5 do not apply as this is a temporary use.

There is no section in Title 10, Chapter 10 specifically regulating open spaces relating to temporary housing in RV/trailers. However open space is required for accessory dwelling units, triplexes, quadplexes, cluster housing, and multi-family dwellings. These RVs will not be considered any of the above-mentioned housing types, but the applicant will meet minimum open space requirements using **10-10-6-2** and/or **10-10-8-4** as a guideline and provide open space for tenants at a minimum 100 square feet per RV/trailer, taking into consideration:

- c. One hundred square feet (100 sq. ft.) of open space, denoted on a site plan, shall be provided for the use of occupants of the ADU meeting the following criteria:
 - i. Not less than ten feet (10') in width or depth at any point.
 - ii. Located on land with less than a five percent (5%) slope.
 - iii. Cleared sufficiently of trees, brush and obstructions so that intended recreational use proposed is possible.
 - iv. Not used for temporary or regular parking of automobiles or other vehicles.

Open space will be provided as either 100 square feet per unit or a combined area of 300 square feet to be shared by tenants of all proposed RV/trailers (**Condition 5.1**). Criteria met or is conditioned to be met

TITLE 10: CHAPTER 34: LANDSCAPING

10-34-5: FENCES AND WALLS: Construction of fences and walls shall conform to all of the following requirements:

- A. General Requirements. All fences and walls shall comply with the height limitations of the respective zoning district and the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval, approval of a conditional use permit, or design review approval. When required through one of these types of approvals, no further land use review is required. (See also, Section 10-34-3-6 for landscape buffering and screening requirements.)**

No landscaping changes have been proposed on the subject lot or changes to or addition of fences and walls. There is one existing fence on the northern property line and a vegetation buffer on the east property line that will act as a buffer and screen between the RV/trailer sites and the adjacent residential property. The majority residential properties in the nearby neighborhood do not have significant landscaping in the front yards or setbacks. The proposed RV/trailers will be consistent with other residential uses in the vicinity and it is not anticipated landscaping will be required to screen or buffer from adjacent residential uses as the majority of residential properties are screened and buffered similar to the proposed RV/trailer site; fences and vegetation present at rear and side property lines, but not present in the front yard/setback. This is an application for a temporary conditional use. As this is a temporary use landscaping requirements for new and permanent development do not apply. If the applicant determines that additional screening or buffering is required during the duration of this temporary CUP, the applicant shall be allowed to place a fence up to 6 feet in height in the front setback area as proposed by the applicant and approved by the Community Development Director or Planning Commission/Design Review Board (**Condition 7.1**). Any addition of screening or buffering proposed by the applicant shall not interfere with vehicular visibility or circulation in the vision clearance area. Criteria not applicable.

TITLE 10: CHAPTER 35: ACCESS AND CIRCULATION

10-35-2-12: Driveway Design: All openings onto a public right-of-way and driveways shall conform to the following:

- A. Driveway Approaches. Driveway approaches, including private alleys, shall be approved by the Public Work Director and designed and located with preference given to the lowest functional classification street. Consideration shall also be given to the characteristics of the property, including location, size and orientation of structures on site, number of driveways needed to accommodate anticipated traffic, location and spacing of adjacent or opposite driveways.**
FLORENCE CITY CODE TITLE 10 5 ACCESS AND CIRCULATION 10-35

- B. Driveways. Driveways shall meet the following standards, subject to review and approval by the Public Works Director:**
- 1. Driveways for single family residences shall have a width of not less than ten (10) feet and not more than twenty-four (24) feet. Driveways leading to covered parking should be not less than 20 feet in depth from the property line to the structure.**
 - 2. Driveways shall have a minimum width of ten (10) feet, except where a driveway serves as a fire apparatus lane, in which case city-approved driveway surface of 12 feet minimum width shall be provided within an unrestricted, twenty (20) foot aisle, or as approved by the Fire Code Official.**
 - 3. Where a driveway is to provide two-way traffic, the minimum width shall be 18 feet.**
 - 4. One-way driveways shall have appropriate signage designating the driveway as a one-way connection. Fire apparatus lanes shall be so marked (parking prohibited).**
 - 5. The maximum allowable driveway grade is fifteen (15) percent, except that driveway grades exceeding fifteen (15) percent may be allowed, subject to review and approval by the Public Works Director and Fire Code Official, provided that the applicant has provided an engineered plan for the driveway. The plan shall be stamped by a registered geotechnical engineer or civil engineer, and approved by the Public Works Director.**

The proposed RV sites can be accessed by three curb cutout / driveway access points for ingress and egress. The lot adjacent to the Florence Christian Church, tax lot 2000 has adequate access via a vacated portion of a road for emergency vehicle ingress and egress to address fire and life safety concerns of the tenants and congregation members as needed. The lot between 2000 and 10900 is a parking lot for the church and provides adequate space for an emergency vehicle to maneuver. A provided site plan indicates the driveway access to the temporary RV sites are 12 feet, 15 feet, and 24 feet in width, listed from north to south. The 12-foot-wide driveway access at the north end of the parking lot, nearest where the RV/trailers are proposed to be sites will be blocked to vehicular traffic for the duration of this conditional use permit and the duration the RV/trailers are sited in this location (**Condition 8.1**). The other two remaining driveway curb cutouts and portion on the vacated street are anticipated to provide adequate access to both the proposed RV sites and for parking needs for the church. Current drive way access widths exceed design criteria under 10-35-2-12-B. Criteria met.

TITLE 10: CHAPTER 37: LIGHTING

10-37-2: APPLICABILITY: Section 10-37 applies to installation of all lighting fixtures as of the effective date of this Ordinance, except as exempted by provision of this Ordinance. Devices include but are not limited to, lights for: buildings and structures, recreational areas, parking lot and maneuvering areas, landscape areas, streets and

street signs, product display areas, building overhangs and open canopies, holiday celebrations, and construction lights.

- A. **Resumption of Use** - If a property with non-conforming lighting is abandoned for a period of one year or more, then all exterior lighting shall be brought into compliance with this Ordinance before any further use of the property occurs.
- B. **Major Additions or Alterations** - If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be major additions:
 - 1. **Additions of 26 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this Ordinance.**
 - 2. **Single or cumulative additions, modification or replacement of 25 percent or more of installed exterior lighting luminaires existing as of the effective date of this Ordinance.**
 - 3. **Existing lighting on sites requiring a conditional use permit or variance after the effective date of this ordinance.**

FCC 10-37-2-B applies to the Florence Christian Church application for temporary RV dwelling units as a Major Addition or Alterations. 3. This proposed use requires a conditional use permit after the effective date of this ordinance triggering a requirement to bring existing lighting up to current FCC. Under FCC 10-37-5 EXEMPTIONS it appears possible exceptions include Q and R, please see below for details.

A lighting plan was provided by the applicant that indicated two (2) high pressure sodium single bulb lights on wood poles on the east property line and one (1) high pressure sodium single bulb light on a wood pole near the entrance of the Church on W 2nd St that are maintained by Central Lincoln PUD. There is a full cut off LED light at the gable apex of the main Church building and there is one shielded, three blub LED flood light on the western wall of the main FCC building.

The applicant has not yet purchased or had the proposed RV/trailers donated so the exterior light is yet to be determined.

This is a temporary conditional use permit application and requires a lighting plan and product sheets to be submitted to the City for review to bring lighting up to current FCC. The City has received a lighting plan for existing lighting. Based on the photometric sheet provided by the application, lighting that exists on the property appears to be below illumination standards required by this code, please reference **Exhibit D**. Existing exterior lighting on-site shall conform to the requirements of FCC 10-37. (**Condition 6.1**) Applicant is able to meet this criterion with conditions, please see below for details.

10-37-4: LIGHTING STANDARDS:

- A. **All exterior lighting fixtures subject to this code section must be designed as a full cut-off fixture or have a shielding method to direct light emissions downward below the horizontal plane onto the site and does not shine illumination or glare skyward or onto adjacent or nearby property.**

- B. Parking areas shall have lighting to provide at least two (2) foot-candles of illumination at any point in the entire lot with a maximum of five (5) foot-candles over parking spaces and walkways. The Design Review Board may decrease the minimum if the applicant can provide documentation that the overall parking lot has adequate lighting. The Design Review Board may increase the maximum on a case-by-case basis, with no greater than 7 foot-candles measured directly under the light fixture.**

10-37-5: EXEMPTIONS:

- A. Exterior light fixtures, except Mercury Vapor lights, lawfully installed prior to and operable on the effective date of the requirements codified in this Ordinance except as follows:
 - 1. All replacement of outdoor lighting fixtures, as of the date of adoption, shall be subject to the provision of this ordinance.**
 - 2. Until a date ten years after the date of the adoption of this ordinance.****
- B. Lighting within public right-of-way or easement for the purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside the public right of way or easement.**
- C. Fossil Fuel Light. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels.**
- D. Carnivals, fairs and temporary events that require the use of exterior lighting require a special events license. Permanent installations at dedicated sites must conform to the requirements of this Ordinance.**
- E. Seasonal Holiday Lighting - Lights used for decorating during holidays or festivals as defined in this code section and may be blinking or flashing.**
- F. Lighting for a properly displayed U.S. flag is exempt.**
- G. Construction lighting necessary for a roadway, building, or utility construction site except that permanent installations at dedicated sites must conform to the requirements of this Ordinance.**
- H. Up-lighting intended to highlight part of a building or landscaping provided that the light distribution from the fixture is effectively contained by an overhanging architectural element or landscaping element and does not shine beyond the intended target including into the night sky. Such containment elements may include but are not limited to awnings, dense shrubs or year round dense evergreen tree canopies which will contain illumination of the sky.**
- I. Commercial and industrial low wattage lighting used to highlight driveways and landscaping, or applied to a building providing they are properly aimed and shielded down to not shine glare, emit direct illumination, or cast a shadow into the public right of way or onto abutting or nearby properties.**
- J. Lighting for public monuments, murals, and statuary providing lighting is properly aimed and shielded to contain light to the art feature and not shine glare into the public right of way or onto abutting or nearby properties.**

- K. Airport operations lighting and aircraft navigational beacons as established by the Federal Aviation Administration. All other airport outdoor lighting must conform to this ordinance.**
- L. Underwater lighting in swimming pools and other water features.**
- M. Temporary lighting for theatrical, television, and performance areas.**
- N. Athletic field lighting; steps should be taken to minimize glare and light trespass, and utilize sensible FLORENCE CITY CODE TITLE 10 4 LIGHTING 10-37 curfews. Light directed upward is prohibited.**
- O. Correctional Facilities**
- P. Ornamental and architectural lighting of bridges.**
- Q. Temporary exemptions as granted by the City of Florence.**
- R. In addition to exceptions mentioned above the below apply to residential uses.**
 - 1. One partly shielded or unshielded luminaire at the main entry, not exceeding 630 lumens.**
 - 2. Any other partly shielded or unshielded luminaires not exceeding 315 lumens.**
 - 3. Low voltage landscape lighting aimed so that glare is not visible from adjacent properties and not exceeding 525 lumens per fixture.**
 - 4. Shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and not exceeding 1,260 lumens.**
 - 5. Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than 10 minutes after the area is vacated.**
 - 6. Decorative low wattage lights**

The two exceptions that apply to this application are Exception Q; “Temporary exemptions as granted by the City of Florence” and R that applies to residential uses. As the RV/trailers are proposed to be used for temporary to the applicant will meet current code compliance according to FCC 10-37 within an appropriate time frame and that exterior lighting on the RV/trailers be in compliance with 10-37-5-R-1 (**Condition 6.1**). It is encouraged that exterior lighting on the RV/trailers be motion activated to minimize light visible from adjacent properties. There is currently a fence on the north property line and a vegetation buffer on the east property line that will screen light from spilling to adjacent properties.

There is no landscaping or fencing on the east property line and the applicant should ensure light is shielded from the east to minimize effects on traffic on Ivy Street and residential properties to the east along Ivy St. The site plan indicates the entrances into the RV/trailers will be oriented to the west. Because of the RV entrance orientation, proposed exterior residential lights are not anticipated to have a significant impact on adjacent residential properties. As previously stated, the RV/trailers are expected to act as screening to the east and screening is present to the north and west already. If the applicant determines that additional screening or buffering is required during the duration of this temporary CUP, the applicant shall be allowed to place a fence up to 6 feet in height in the front setback area as

proposed by the applicant and approved by the Community Development Director or Planning Commission/Design Review Board. Any addition of screening or buffering proposed by the applicant shall not interfere with visibility or traffic circulation on this lot or adjacent lots. Applicant is able to meet this criterion with conditions.

VI. CONCLUSION

The proposed temporary conditional use permit application meets the requirements of City Code with conditions Subject to conditions outlined in Resolution PC 22 11 CUP 03.

VII. EXHIBITS

"A" Findings of Fact
"B" Land Use Application
"C" Applicant Narrative
"D" Site Plans
"E" Policies, Rules, and Tenant Agreements
"F" Signed Resolution PC 19 12 CUP 05
"G" Public Testimony