
City of Florence
Planning Commission Meeting Minutes
250 Hwy 101, Florence, OR 97439
July 9, 2024

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

Meeting called to order at 5:34 PM.

Commissioners Present: Chair Kevin Harris, Vice Chair Debbie Ubnoske, Commission Sandra Young, Commissioner Renee LoPilato, Commissioner Wendy Kraus, Commissioner Laurie Green

Excused absence: Comm. Hauptman

Staff Present: Community Development Dir. Wendy FarleyCampbell, Planning Technician Sharon Barker, Code Enforcement Officer Dan Frazier

At 5:34 PM, Chair Harris opened the meeting, Sharon Barker took the roll call. Commissioner LoPilato led the flag salute.

1. APPROVAL OF THE AGENDA

Start Time: 5: 34 PM
Action: Approve agenda as presented.
Motion: Comm. Green
Second: Comm. LoPilato
Vote: Unanimous

2. APPROVAL OF MINUTES OF - none

3. PUBLIC COMMENT - none

Chair Harris relayed basic instructions regarding the proceedings and asked if any member wished to disclose a conflict of interest, ex-parte contact, or biases and the right of the public to challenge any commissioner's ability to hear this matter.

Comm. Green said that she went to the site before the previous meeting

Chair Harris read the information regarding tonight's hearing into the record.

4. Resolution PC 24 19 DR 05 – Oak Manor Apartments LP Lighting Exception:
Application submitted by Layne Morrill, requesting design review exception to site illumination levels below and above the minimum and maximum foot-candle levels (2 and 5); located 3944 Oak Street, and this request regulated by Florence City Code Title 10, Chapter 37—Lighting

Re-Opened hearing: 5:40 PM
Close Hearing: 7:17 PM
Discussion: As follows

Chair Harris: Agenda item #4 tonight will be considering and deliberating an application whose hearing was open and continued on June 25th of 2024. This will be Resolution PC 24 19 DR 05, Oak Manor Apartments, LP Lighting Exception. Application submitted by Layne Morrill, requesting an exception to site illumination levels below and above the minimum and maximum foot candles of levels 2 and 5, located at 3944 Oak Street, Florence City Code title 10 Chapter 37 Lighting. On June 25th, 2024, the hearing was opened. Staff report was presented. Testimony was taken. No deliberations were held. A motion was entered that the hearing be continued to a date certain of July 9th, 2024. A second was received and roll call vote was performed. The motion carried 6-0, for the hearing to continue and deliberations to be held July 9th, 2024. We will now resume this continued hearing.

Director FarleyCampbell provided the staff report.

Comm. Green asked if the commission needed to state the time the hearing opened.

Farley Campbell said the time was 5:40 pm

FarleyCampbell explained that the applicant and the electrical engineer are attending via gotowebinar and are available to respond to any comments about the site visit and slide deck and be able to answer the commissions questions.

- The updated resolution and an updated set of findings were on the dais and the presentation tonight is an updated PowerPoint which includes some slides from the previous hearing for context the PowerPoint also included exhibits specific to the site visit that was performed.
- It was also explained that the applicant has requested an exception to the lighting standards and that there is an excerpt from the code where the Design Review Board does have the opportunity to grant an exception to illumination levels above or below the stated foot candles if there is documentation to evidence that the overall parking lot has adequate lighting.
- The Commission will be determining whether they feel that the lighting is adequate.
- FarleyCampbell, Dan Frazier and Jim Stiegler met on site July 3rd at 10pm to observe the dimming of the lights on the buildings. They then took new photometric readings and photos.
- The photometric slide was explained and compared with lighting levels presented June 25th.

The lighting levels were explained as to where they were standing and how they took the photos.

- The lighting levels along northern edge of the parking lot ranged from 0.3, .21, .11 and .12. And then within the middle of the parking lot had levels of .10 and .11 and .12.
- Directly underneath the light fixtures on the south side next to the parking lots the levels are 5.85, 5.7 to 5.8. on the west side as you drive into the site.
- At the stairwells the levels are 2.27, 1.24.
- The trash container enclosure near the north wall has levels of .16, and .55
- The very most eastern building that faces to the West in the staircase the levels are 1.1 and .9.
- The 2 lights adjacent to the building on the south have levels underneath of 6.13, and 6.5.
- The level on the southeast side building is 2.47 in the staircase.
- FarleyCampbell stated that at the last meeting the Commission landed that the wall packs were to be dimmed to 70%, which is what the electrical contractor mentioned and this was put in the Findings and what that ended up being 70% of 700 lumens.
- FarleyCampbell: for the record that Commissioner Young has arrived.
- FarleyCampbell explained the previous hearing was continued so staff could assess levels after dimming the residential pack lights to the maximum 315.
- FarleyCampbell explained how and where she and Dan Frazier went to do the light readings and what the results were. That this is the new evidence that has been provided into the record and that the Commission has several alternatives available to them. They can approve with Conditions. They can modify the findings. They can add any conditions, or modify what is before them tonight.

The alternatives were read and explained that if the Commission finds that this site is not adequately safe, the Commission can continue this hearing and ask for additional information and ask for the applicant to take different measures or install some different lighting. Or, PC can close the hearing and keep the written record open for 7 days or more as needed for the applicant, or staff to provide the information needed for the PC deliberations. If you did either of those options a date certain would be set for the next meeting and then you would come back and have the opportunity to look at the written materials before you and then have deliberations and vote on a decision.

- Chair Harris acknowledged Commissioner Green.
- Comm Green asked if there has been any feedback from the residents on the lighting changing.
- FarleyCampbell said no one spoke to Dan or she but to ask Jim if anyone approached him.
- Comm. Green asked if the trash area light is motion activated.
- FarleyCampbell said that she didn't think so but that the Commission could ask Jim.
- Chair Harris: acknowledged Comm. Ubnoske
- VC Ubnoske asked if the staff feels the stairwell lighting is sufficient at the .2, .21 and .15?
- FarleyCampbell said that the stairwells were all 0.9 or 1.01 and that it is hard to get it just right without a digital dimmer.
- Comm. Ubnoske asked if the lights are on all night.
- FarleyCampbell was not sure that was required; because only commercial lights are required to go off at the close of business.
- Chair Harris acknowledged Comm. LoPilato
- Comm. LoPilato: said that .18 looks very dark to her and questioned whether a person coming out of their unit to get to their car would have adequate lighting. She also asked if this is the typical amount of lighting throughout the rest of the parking around the building.

FarleyCampbell said that she would pass her phone around that contains different photos of the cars that are in the parking lot so that the Commission could see how the illumination look.

- FarleyCampbell said that Jim explained that the color of the cars and buildings make a difference and how the light then works throughout the site.
- LoPilato asked if the particular car colors were making the whole corner darker.
- FarleyCampbell said that they give a perception of making it look darker.

Chair Harris asked if anybody had questions.

- Comm. Young: commented that generally speaking, the lighting closest to the building is much brighter and that the Commission had talked about adding additional low-level lighting on the wall itself to help light that part of the parking area, because the parking near the building appears to be much brighter than the parking against the wall. She thinks they should install some down shielded wall lighting.
- FarleyCampbell said that the Commission hadn't talked about it, but that it seems like the Commission talked about maybe near the trash enclosure, but is not sure if conduit is available from the enclosure, the Commission will have to ask the applicant.
- Comm. Green asked to see the images from the first site visit.

- *The photos were shown from the power point and discussed.*

Chair Harris asked for additional questions

- VC Ubnoske asked if the building wall pack lighting is up lit instead of down lit.
- Comm Green said that she thinks it is just reflecting off of the ceilings.
- FarleyCampbell said that it is definitely up lit but is underneath a cover and that is acceptable in code as long as there is a roof or something to catch the lights.
- VC Ubnoske asked if the lights are shining up and not shining down on the walkway.
- FarleyCampbell said the cover is like what is seen near the bike parking sign.
- VC Ubnoske says that the lights don't shine down so you can't see when you are walking.
- FarleyCampbell agreed and that based on the evening photos, you can see the illumination casting up above the light.
- VC Ubnoske thinks it would make a difference if they were, if the light was shining down, and that she thinks it wouldn't look quite as obtrusive on those buildings.

Chair Harris acknowledged Comm. Green

- Comm. Green said that during the Commission's previous discussions they had mentioned the possibility of putting directed spotlights on the trash enclosure and wanted to know if that was discussed during the site visit, because if it had that could potentially solve the problem along the wall. Because the rest of the parking lot for safety and security and that she doesn't see the same problem on the South side at all.

- Farley Campbell said that the applicant is over the lighting limits and that they would need an exception for the 6.
- Comm. Green said that she has some concerns about the dimness of the north wall and not just from a security standpoint, but for someone with limited mobility, not necessarily using the ADA space, but maneuvering where it is darker and tweaking the wall packs up anymore would put them even farther out of compliance on the high side.

Chair Harris asked for additional questions and if the applicant was attending virtually.

- Barker said that the applicant and lighting contractor were attending virtually.
- Chair Harris asked the applicant Layne Morrill, if he had any comments or responses, he would like to share regarding staff report.
- Layne Morrill said the to the best of his recollection and how things were left at the last meeting was the concerns about the wall packs being above the 315 lumens. The packs are now at 315 lumens and the requirement to get that down to 315 lumens did have some impact, not only on the on the south side, but also on the north side, what he kind of expected in the previous discussion that was had previously and the question is that if what we have here at this point now, is not whether you feel the lighting at the site is livable or whether if you were living there, you would prefer to see it less or more illuminated. The question is whether the lighting is adequate and that he thinks the Commission should rely on the person who knows lighting the best, and that's Jim Steigler, and that he would ask Jim to speak to the question whether, in his professional opinion this lighting is adequate.

Chair Harris asked if Jim Steigler would you like to respond.

[00:43:08.09] – audio was lost

[00:44:02.23] - Speaker 2 – audio was restored

Chair Harris asked Jim to repeat what he had just said because we had lost audio.

- Jim Steigler started over saying that cameras see differently than the human eye and that they can't tell if the lights are up or down or straight out.
- And then as far as the trash enclosure goes, the trash enclosure is on an oxygen sensor and was on during this site visit because somebody took their trash out.
- Comm. Green asked if it was motion activated.
- Steigler said that it is motion activated

Chair Harris asked if Steigler minded answering a question from VC Ubnoske.

- Steigler said he didn't mind.
- VC Ubnoske asked about the slide showing the south side of the parking lot, and that she thought that the lumens were .51 and looks like it was a good level for that parking lot in contrast, then when you go to north side the lumens are quite a bit less and that area looks dark to her, and that they don't look consistent.
- VC Ubnoske says that she understands what is being said about the camera but the lumen readings seem to indicate that the north side is lit less than the south side.

- Steigler said that he has pictures that are different than Director FarleyCampbell's pictures and that site visits are very important so you actually physically see what's being given to you.
- VC Ubnoske asked what he would need to do, to bring the north side to where it has levels of .21, .15, closer to .50 or .40?
- Steigler said that he would have to turn up the lights on the building, which puts us out of compliance, but is a simple solution or put lights along that side with the block wall.
- VC Ubnoske asked if it would be possible to put in low-level lighting landscape lighting along that block wall or is it possible to add, as Commissioner Young mentioned, wall lights or packed lights on the actual wall itself?
- Layne Morrill said that getting away from the question and the question is, is the lighting adequate, and that Jim was there and he says the lighting was adequate and Director FarleyCampbell is not suggesting it is inadequate.

Comm Green asked if Dan Frazier was on the line.

- FarleyCampbell said that he is not but he could be if they wished.

FarleyCampbell said that she took a video of the lighting and she would like to introduce that into the record.

- Comm. Green said that her experience with phone cameras is that the video sometimes gives a truer representation, because when you're taking a still photo it's trying to adjust the lighting scheme trying to optimize it.
- Comm. LoPilato asked if they could also see Jim's photos.

6:15 pm (Director FarleyCampbell handed her phone to Comm. Young and the video on the phone was seen by all the Commissioners)

- FarleyCampbell: asked Steigler to text his photos of the site.
- Comm. Green said that she feels that there not enough consistent information at this time.
- Comm. Krause said that she drove by the site before the first hearing and that the Commission is trying to make a decision on not having been to the site and that she remembers from last time that there was a concern about reducing light pollution.

FarleyCampbell advised the applicant, Layne Morrill that the Commission were looking at the video that was shot during the site visit on July 3rd.

VC Ubnoske said that she is looking at the video not and that there is clearly a big difference between the south side and that north side, and that the north side still looks dark to her

- Comm. Green said that they don't really have a definition of adequate lighting.
- Comm. Young said there should be a legal definition.
- Morrill suggested that Steigler based on his experience is in the best position to answer.
- Steigler said that the site meets their definition of adequate lighting.
- Steigler explained the pictures that he texted over as being the first picture was when he first got to the site and the other picture was just before he left the site.
- FarleyCampbell asked Jim to explain the differences in the photos again.
- Steigler explained that the wall lights on the buildings have been reduced from 700 to 315.

6:31 *The Commission was shown the pictures that the applicant's lighting contractor provided.*

- Comm. Green asked about the difference along the wall if the trash enclosure light is on.
- Steigler said that it will make a difference as far as it can keep *inaudible* and that it is hard to have a subjective opinion on the picture, but it is just about how do you feel when on site, do you feel safe and is it comfortable.
- Comm. Green asked if there was any feedback from the residents.
- Steigler said there was not.
- Lane Morrill said that he asked the rental manager just yesterday if they had had any comments about the lighting one way or the other from any resident. The answer was no.
- Comm. LoPilato wanted to know if the residents were asked.
- Layne Morrill replied that wasn't the question. The question you asked was whether the residents had commented on the lights and no, they hadn't.
- Barker said that no responses were received following a hearing notice mailed to all residents.
- Comm. Young said that it is not pitch black and that people are able to see and that she was trying to sum up what the Commission was thinking.
- FarleyCampbell said that the code enforcement Dan Frazier said he could be available if you would like him, but it would take him about 15 minutes to get here.
- Comm. Green explained that the applicant was out of compliance on both the high and low ends and that the residents were noticed, but that was when it was brilliantly bright and that she would like to hear from Dan.

Farley Campbell said that Dan will be here to answer questions.

Chair Harris asked if there were other questions of the applicant.

- FarleyCampbell said that she has one question for Jim and asked if the pole lights were adjustable, and if a 4.99 could be brought up to a 5.4.
- Steigler said they are not adjustable like that, they would jump *inaudible* but they are adjustable on, on the light itself. But the problem with trying to dim one of them is that they all dim. If we end up trying to dim the trash enclosure, that's a non-dimmable fixture. They can't bring them up incrementally if they tried, they would shoot past it and would end up probably with the numbers that we had before on the initial reading when we were closer to 8.1.
- Comm. Krause said that she was thinking they have the ability to turn the lights up a bit and that if something happens do they have the ability to bring them up even if it's not to the top
- Comm. Young asked if the Commission could include a possible condition that they could raise the lumens on the wall packs by a certain percentage or into a certain lumen if needed.
- Comm. Green said if security and safety became an issue.
- Comm. Krause said they could self-regulate as well.
- Layne Morrill said that yes, they are, you can put them up. The concern with that is the cutoff, you know, the definition of a fully cutoff fixture.

6:40 pm Chair Harris called for a 10-minute break.

Chair Harris resumed the hearing at 7:05pm

Chair Harris asked Dan Frazier, from the City of Florence approach the mic and give his name and address for the record.

Dan Frazier said that he is the code enforcement for the city and that he was at the hearing to answer any questions that the Commissioners might have.

- Comm. Green asked for Dan's impression of the site visit from July 3, 2024
- Frazier said that he took some readings and was more concerned about the back wall and if there was enough light there. He said the area was flooded with light and the first readings were .8 down on the East and that he did not feel anyone could hide there.
- Chair Harris pointed out the map that was displayed on the screen and that the lighting numbers on the north wall were reading .18 and that there is a cluster of .2, 1.2, .15, and asked Frazier if he read the meter in that specific area also and if he found the area adequately lit.
- Frazier answered yes, and that is where he probably stood to take the readings and that he also stood behind the garbage enclosure because it was a shielded area.
- Comm. Green asked Frazier if there was enough light for someone with limited mobility.
- Frazier said that he didn't think there would be a problem.
- VC Ubnoske commented, that when the PC was looking at various exhibits tonight regarding the north end, and the applicant and his representative explained that sometimes it is just the camera that's distorting what is seen. But the north end or at least what we saw on the exhibits look to be not nearly as bright as the South end it, looked like it was maybe half as bright.
- Frazier said that all the light there is coming from the south side.
- VC Ubnoske: asked to see a different photo
- FarleyCampbell said that photo was taken before the adjustment.
- VC Ubnoske wanted to know if people would feel safe in the north end of the parking lot.
- Frazier said that personally he would feel safe and he would feel safe if his mom lived there.

Chair Harris asked if there were any more questions.

FarleyCampbell said that she has a couple more photos that Steigler just sent and would like to add them into the record.

Chair Harris thanked Dan for coming in.

Chair Harris asked the applicant if they would like to respond to any testimony that has been received.

Layne Morrill urged the Commission to keep the eye on the ball here and that is whether or not the lighting is adequate. And that the testimony of everybody who was actually at the site experiencing it with their own senses thinks is that it is adequate. He thinks that gives the Commission the evidence needed to adopt the resolution.

Chair Harris asked to see the staff's response and recommendation again.

FarleyCampbell’s recommendation is option number 1 on the power point, to approve it as included in the Conditions as presented on the dais. If PC decides to give them the opportunity to adjust the wall packs Condition #4 on the Resolution has a limitation on wall pack illumination.

- Comm. Green asked that if approved without conditions, Alternative #1, and they do discover that they have tripping hazards or problems like that, could the applicant come back to the Commission again and request a variance.
- FarleyCampbell said that she didn’t think it would be a variance, but that they could come back and ask for a modification to this approval, they would just need to submit a Design Review
- Comm. Green: if a development does go in on the vacant lot to the north, could that change the lighting constraints on this property and could the applicant come back for a Type I review.
- FarleyCampbell said only if the applicant wanted to change their lighting

Chair Harris closed the hearing at 7:17.

Chair Harris asked the applicant if they wished to waive the submission of final written argument.

Layne Morrill answered Yes

Chair Harris said that this was the time for deliberations and direction of the staff, he asked the Commission if they wanted to discuss the testimony and/or evidence. None did

Chair Harris asked for a motion.

Ubnoske, I move that we approve Resolution PC 24 19 DR 05 – Oak Manor Apartments lighting exception, which is an exception to the site illumination levels below and above the minimum amount foot candle levels 2 and 5 subject to the attached Conditions of Approval.

Comm. Krause seconded.

Vote: Commissioner Young: yes
Commissioner Krause: yes
Commissioner Green: yes
Commissioner LoPilato: yes
VC Ubnoske: yes
Chair Harris: yes
Motion carried 6-0

5. PLANNING COMMISSION REPORTS & DISCUSSION ITEMS DIRECTOR’S REPORT & DISCUSSION ITEMS

Commission Reports: none

Director Report:

