

**CITY OF FLORENCE—PLANNING COMMISSION  
FINDINGS OF FACT  
Design Review  
Exhibit “A”**

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**Hearing Dates:** February 14 and March 14, 2023      **Planner:** Wendy Farley Campbell

**Application:** PC 23 01 DR 01 Lane Community College Lighting Exception

**I. PROPOSAL DESCRIPTION**

**Proposal:** Design Review application requesting exception to lighting illumination levels.

**Applicant:** Lane Community College, represented by Sean Lindh, Project Coordinator

**Property Owner:** Lane Community College

**Location:** 3149 Oak St. Florence, OR 97439  
Assessor’s Map 18-12-22-14, Tax Lot 00200  
General Location: West of Oak St. East of Laurel Way Between the High School  
and New Friends Residential Care Facility

**Site:** Map #18-12-22-14, Tax Lot 00200

**Comprehensive Plan Map Designation:** High Density

**Zone Map Classification:** High Density

**Surrounding Land Use / Zoning:**

Site: College Campus / High Density (HD)  
North: Residential Care Facility / HD  
South: High School Campus / HD  
East: Single-family residences / Highway District  
West: Single Family residences and vacant / HD

**Streets / Classification:**

South – None; West – None; East – Oak St. / Collector; North – None

**II. NARRATIVE:**

In 1974 construction began for the skill center, which is now the Lane Community College (LCC) outreach center. In 1981, LCC received a Conditional Use Permit (CUP) to build a metal building west of the shop wing of the main campus building. In 1998, a CUP was granted to build a 4,850 square

foot addition. In 2009 LCC received another CUP (PC 09 11 CUP 05) to add an attached 1,600 sq. ft. classroom on the west side of Building A (south). The building is currently 12,684 square feet.

In September 2022, Lane Community College received a Type 2 design review approval for exterior changes to the existing buildings to include window, siding, and roof replacements primarily with Building A, and limited upgrades to Building B and associated site improvements such as parking, landscaping, utilities, lighting, fencing, and the addition of stormwater facilities for the new additional vehicular surfacing. These updates required the property to comply with current zoning codes, such as building colors, parking lot plan review to ensure the safety of the college's users and landscaping change review to assess for adequate parking lot buffering and plant material selection and quantities. Those updates were processed as a Type 2-Administrative Design Review rather than Type 1 as they consisted of landscape changes differing from the original approved character and parking lot restriping requiring some minor discretion in code interpretation. One of the conditions of approval required lighting illumination levels to be revised to comply with city code or apply for an exception review to be considered by the Florence Planning Commission.

### III. NOTICES & REFERRALS:

**Notice:** On January 25, 2023, notice was mailed to surrounding property owners within 100 feet of the property and a sign posted on the property.

At the time of this report, the city had received the following written comments:

Public testimony was received by Gary and Dolly Brock on February 6, 2023 stating that in none of the "relevant documents can we find any justification for an exception to the City Code." The testimony also points out that this site is in the middle of a High-Density Residential area with the majority of the light shielding vegetation removed during the remodel.

Staff Comment: They also testified during the 2022 Type 2 design review with concerns about the lighting and off-site impacts it might cause.

#### **Referrals:**

No referrals were sent as there are no utility stakeholders related to this application.

### IV. APPLICABLE REVIEW CRITERIA

**Criteria Applying to this Matter for the application include:**

**Florence City Code, Title 10:** (<http://www.ci.florence.or.us/council/title-10-zoning-regulations>)

Chapter 1: Zoning Administration, Section 1-6-3

Chapter 37: Section 4B and 8

### V. FINDINGS

Code criteria are listed in **bold**, with response beneath. Only applicable criteria have been listed.

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**FLORENCE CITY CODE**

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**TITLE 10: CHAPTER 1: ZONING ADMINISTRATION**

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**10-1-1-4: APPLICATION:**

- A. Applications and Petitions required by Title 10 and 11 of this Code shall be on forms prescribed by the City and include the information requested on the application form.**

The applicant submitted their request on a form prescribed by the city.

- B. Applicability of Review Procedures: All land use and development permit applications, petitions, and approvals shall be decided by using the procedures contained in this chapter. The procedure type assigned to each application governs the decision making process for that permit or approval. There are four types of approval procedures as described in subsections 1-4 below. Table 10-1-1 lists some of the City’s land use and development approvals and corresponding review procedures. Others are listed within their corresponding procedure sections.**

[...]

- 3. Type III (Quasi-Judicial) Procedure (Public Hearing). Quasi-Judicial decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council; [...] Quasi-Judicial decisions involve discretion but implement established policy.**

Title 10 Chapter 37 requires Planning Commission to hear exceptions to lighting code. This application is therefore a Type 3.

**10-1-1-6-3 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: ...**

Discussed above.

**B. Notification of Hearing:**

- 1. At least twenty (20) days prior to a 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.**

- 2. Prior to a quasi-judicial hearing, notice shall be published one (1) time in a newspaper of general circulation.**

Notification of the quasi-judicial land use hearing for this application was mailed on January 25, 2023, 20 days prior to the hearing, to all property owners within 100 feet of the subject property. A notice was also published in the Siuslaw News one time on February 1, 2023. 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 criterion 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 criterion 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.**

The notice mailed to surrounding property owners was consistent with the criteria noted above. The application was properly noticed and these criteria are met.

**D. Hearing Procedure: All quasi-judicial hearings shall conform to the procedures of Florence City Code Title 2 Chapter 10.**

The Planning Commission met on February 14, 2023 in a duly-noticed public hearing, continued to a date certain of March 14, 2023. They acted upon the application in accordance with FCC 2-10 and observed all hearing procedures in accordance to FCC Title 2, Chapter 10.

**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 received all evidence available and deemed relevant at the public hearing and requested additional information continuing the hearing to March 14<sup>th</sup>. The Planning Commission had the option to deny approval if they determined that insufficient evidence had been provided to indicate that the application had not met the applicable criterion. The burden to supply such evidence is upon the applicant.

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**TITLE 10: CHAPTER 37: LIGHTING**

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**10-37-3: LIGHTING PLANS REQUIRED: All applications for building permits and land use planning review which include installation of exterior lighting fixtures, not exempted, shall include the number of luminaires, the number of lamps in each luminaire, a photometric report for each type of luminaire and a site plan with the photometric plan of the lumen output.**

**The City shall have the authority to request additional information in order to achieve the purposes of this Ordinance.**

The applicant submitted the photometric site plan with the proposed footcandles of the lumen output for the development and cutsheets for the fixtures that were used for the Type 2 review. Parking lot, building, and bollard lighting are installed. Key note E29 of the plans states the parking lot fixtures will be mounted on existing poles and bases. No parking lot lighting mount height was

included on the plans for existing or new fixtures. So, the height used to assess the footcandles is unknown.

**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.**

The application included cutsheets for four proposed luminaires. The parking lot luminaire (E1) is a full cut-off fixture and meets this criterion.

**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.**

The photometric site plan submitted for the Type 2 and this application includes illumination levels shown on the entirety of the site. The parking spaces and internal walkways have a maximum foot candle of 8.2 and a minimum of 1.1 within the parking lot. There are many points when the illumination is greater than 5-foot candles over parking spaces and a few places greater than 5 ftc over walkways. Condition 23 of the Type 2 staff review required modification of the lighting fixtures or illumination levels to achieve the requirements of 10-37-4-B or receive approval from the Design Review Board to not meet the code limitations for footcandles. The applicant applied for an exception. The plans appear to indicate that the illumination level may be adjusted on the light fixtures.

On February 14<sup>th</sup> the Planning Commission continued the hearing to provide the applicant the opportunity to measure and adjust the as-built illumination levels to determine the extent the code could be complied with. On March 8, 2023 planning and code enforcement staff met the lighting engineers on-site at 7:30 p.m. to measure the illumination levels before and after adjusting. The rain had stopped and there was no moonlight. Before any adjustments were made the maximum lighting level recorded in the parking and vehicular travel areas was approximately 4.4 footcandles



and thus within allowed limits. The pedestrian walkway adjacent to the bollard lighting and within the parking area at the front entrance was around 12 foot-candles. The walkway where it is in the parking lot is required to comply with the maximum 2-5 range and 7 max under the light footcandle rule. The minimum recorded level in the parking area/lot was under the minimum allowed 2-foot candle range. The Planning Commission may decrease the minimum if the applicant can provide documentation that the overall parking lot has adequate lighting. Some of the areas recording in low and below 1-foot candle range were affected by shadows from trees and shrubs on-site. The lighting engineer was asked during the March 8th site visit the reason for the disparity to the proposed photometric plan and the as-built plan. She stated the constructed placement of the lights was different than the location modeled. Also, the photometric was made with a proposed lower luminaire mounting height. The as-built luminaire mounting height was measured and found to be at or just below 22 feet, two feet above the maximum code height for a residential area and possibly as much as four feet above the photometric calculation amount. For these reasons the as-built maximum foot-candles are lower than modeled. The lower than allowed foot-candles did not seem to be as affected.

The feeling/experience from the site visit, testimony from the neighbors, and applicant’s post site visit response corroborate that the illumination levels are adequate for the site. Therefore, less than 2 footcandles is permitted within the parking area and internal pedestrian walkways. Exceptions to maximum are not necessary or permitted. **(Condition 3)** The bollard lighting shall be adjusted to achieve illumination levels within the 2-to-5-foot candle range on the walkway that is within the parking lot area (inside of the curb area). **(Condition 4)**

**VI. CONCLUSION**

The proposed application meets the exception criteria of City Code with conditions.

**VII. EXHIBITS:**

“A”	Findings of Fact
“B”	Application
“C”	Lighting Plans-Luminaire and Photometric Designs
“D”	Testimony--Brock
“E”	Applicant Post Site Visit Memo, March 13, 2022