

BLAINE COUNTY PLANNING & ZONING COMMISSION
PUBLIC HEARING: July 22, 2021

REGARDING THE APPLICATION OF:

Blaine County for a Public hearing on and consideration of text amendments to the Outdoor Lighting, Chapter 29A, of the Blaine County Code Zoning Regulations.

**FINDINGS AND
RECOMMENDATION**

I. REGARDING TEXT AMENDMENTS TO ZONING REGULATIONS:

Zoning Regulations – Text Amendments related to Outdoor Lighting Regulations. Public hearing and consideration of a county-initiated text amendment to Blaine County Code, Title 9, Chapter 29A, Outdoor Lighting. Amendments include broadening general applicability, adding definitions, clarifying/adding stricter lighting standards, defining/addressing LED color and type, and limiting/updating exemptions to more closely align our regulations with neighboring jurisdictions. The amendments were initiated by the Board of Commissioners on February 2, 2021.

II. APPLICABLE REGULATIONS:

(Included below or made a part hereof by reference)

- Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act
- Blaine County Code, Title 8, Comprehensive Plan
- Blaine County Code, Title 9, Zoning Regulations, Chapter 31, Amendments

III. GENERAL INFORMATION:

1. Notice of the July 22, 2021 Public Hearing was provided as follows:

- A. Published in the Idaho Mountain Express on July 7, 2021;
- B. public service announcement request to area media sent July 6, 2021;
- C. sent to all Blaine County political subdivisions on July 6, 2021;
- D. posted in at least five (5) public places on July 6, 2021, as evidenced by affidavit in file;
- E. mailed to incorporated cities in County pursuant to Area of City Impact Agreements on June 23, 2021 and,
- F. The draft of the proposed amendments was made available on the county web site on July 6, 2021.

► **Finding:** Upon motion by Commissioner Pynn, second by Commissioner Eisenbarth, and by a vote of 7 to 0, the Commission finds notice to comply with applicable regulations, I.C. §67-6509 and §9-31-4 of the Zoning Ordinance.

2. Exhibits- Attached to the staff report and incorporated by reference are the following exhibits:

- A-1: Chapter 29A – Existing
- A-2: Chapter 29A - Redlined

(NOTE: Additions to text are underlined and deleted text is stricken)

- A-3: Chapter 29A – Clean Version (All proposed changes are incorporated/accepted)

IV. GENERAL TEXT AMENDMENT CRITERIA

A. Idaho Code §67-6511(a) and Blaine County Code §9.31.4 (A):

Commission shall evaluate the facts and circumstances of the proposed to determine:

- *Nature and extent & Reasons therefore:*

- ▶ **FINDING:** The “*nature and extent*” of the proposal and the “*reasons therefor*” are not actually criteria for evaluation, but rather are to be well understood by the Commission as part of their review. The proposed changes are summarized above. The Board of County Commissioners initiated this text amendment during a regularly scheduled public hearing on February 2, 2021.

- *Whether it is in accordance with the Comprehensive Plan;*

- ▶ **FINDING:** Outdoor Lighting is addressed in the Comprehensive Plan in Chapter 5, Natural Environment.

Chapter 5 – Natural Environment

Air and night sky

Blaine County has excellent air quality, with only limited exceptions during periods of wildfire. Our clear skies mean not only high air quality, but also an incredible night sky. Viewing the Milky Way is a common occurrence throughout the year – a sight not to be taken for granted. For over two decades, a local astronomy enthusiast has worked tirelessly with the County and its cities to protect our night skies. Careful regulation of exterior lighting by the County through its Outdoor Lighting ordinance and similar regulation by its cities have protected the visibility of our clear night sky, which is a valued local asset.

The Commission found the proposed amendments to align with the applicable sections of the Comprehensive Plan.

- *The effects on potable water sources;*

- ▶ **FINDING:** No negative impacts on potable water sources are foreseen.

- *The impacts of the proposal upon the delivery of services by any political subdivision providing services, including school districts, within the County.*

- ▶ **FINDING:** No negative impacts on delivery of services are foreseen. All traffic control, roadway, vehicular lights and all temporary emergency lighting are proposed as exempt from the provisions of Chapter 29A in the text changes.

B. Idaho Code §67-6511(b) and Blaine County Code §9.31.4 (B):

If the proposal is in conformance with the Plan and it is found that the proposal will not result in demonstrable adverse impacts upon the delivery of services, the Commission may recommend adoption of the amendment.

C. Idaho Code §67-6511(c) and Blaine County Code §9.31.4 (C):

If the proposal is not in conformance with the Plan, or will result in demonstrable adverse impacts upon the delivery of services, the Commission may consider whether it is appropriate to amend the Comprehensive Plan. Notice procedures provided in Idaho Code Section 67-6509 must be adhered to in recommending an amendment to the Comprehensive Plan.

D. Idaho Code §67-6528, Applicability of Ordinances:

"The state of Idaho, and all its agencies, boards, departments, institutions, and local special purpose districts, shall comply with all plans and ordinances adopted under this chapter unless otherwise provided by law. In adoption and implementation of the plan and ordinances, the governing board or commission shall take into account the plans and needs of the state of Idaho and all agencies, boards, departments, institutions, and local special purpose districts. ...

- **Planning & Zoning Commission Finding on B, C, and D:** The proposed amendments are in conformance with the Comprehensive Plan and will not result in demonstrable adverse impacts on the delivery of services. As such, item "C" is not applicable. Public notice of the proposed amendments was sent to political subdivisions including state agencies, in order to take into account their plans and needs. No comments from state agencies were received. As such, the Commission finds standard "D" is met.

V. RECOMMENDATION

► **Recommendation** Upon motion by Commissioner Martin, second by Commissioner Fallowfield, and a vote of 7 to 0, the Commission hereby recommends approval of this application by Blaine County for a text amendment to Title 9, Zoning Regulations, Chapter 29A, Outdoor Lighting, finding the proposed amendments are in conformance with the Comprehensive Plan and will not have demonstrable adverse impacts on potable water or the delivery of services.

IT IS SO ORDERED.

DATED this 19 day of August, 2021

BLAINE COUNTY PLANNING AND ZONING COMMISSION

By: Susan Giannettino
Susan Giannettino, Chair