

BLAINE COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARING: September 21, 2021 at 6:00 p.m.

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.

Staff Report

By: Kristine Hilt

Date: September 9, 2021

**I. REGARDING TEXT AMENDMENTS TO ZONING REGULATIONS
INITIATED BY BLAINE COUNTY:**

Zoning Regulations – Text Amendments related to Outdoor Lighting Regulations. A public hearing and consideration of a county-initiated text amendment to amend Blaine County Code, Title 9, Chapter 29A, Outdoor Lighting. Amendments are proposed to applicability, definitions, lighting standards and exemptions. Staff notes for the Board’s consideration the addition of holiday lighting to the exempted lighting section. This was inadvertently omitted by the P&Z Commissioners.

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. The Board of County Commissioners initiated this text amendment during a regularly scheduled meeting on February 2, 2021.
2. The Commission held a duly noticed public hearing on July 22, 2021, recommending approval on that date.
3. **Notice** of the September 21, 2021 Public Hearing was provided as follows:
 - A. Published in the Idaho Mountain Express on September 1, 2021;
 - B. public service announcement request to area media sent September 1, 2021;
 - C. sent to all Blaine County political subdivisions on August 30, 2021;
 - D. posted in at least five (5) public places on August 30, 2021, as evidenced by affidavit in file;
 - E. mailed to incorporated cities in County pursuant to Area of City Impact Agreements on August 19, 2021 and,
 - F. The draft of the proposed amendments was made available on the county web site on September 9, 2021.

► **Motion:** Upon motion by Commissioner _____, second by Commissioner _____, and by a vote of __ to __, the Board finds notice to comply with applicable regulations, I.C. §67-6509 and §9-31-4 of the Zoning Ordinance.

4. **Exhibits**- The following are attached hereto as referenced:

- A-1: PZ Findings of Fact & Recommendation 07-22-21
- A-2: Chapter 29A – Redlined P&Z Commission recommended
(* Additions to text are underlined and deleted text is stricken)
- A-3: Chapter 29A – Redline with staff edits after PZ recommendation
(* Staff edits are highlighted in yellow)
- A-4: Chapter 29A – Clean Version (All changes are incorporated/accepted, including staff edits)
- A-5: Chapter 29A – Existing/Current

5. **Summary and context of current proposed amendments:**

According to Darksky.org, “Lighting that emits too much light or shines when and where it’s not needed is wasteful. Wasting energy has huge economic and environmental consequences. . . . Quality lighting design reduces energy use and therefore energy dependence. It also reduces carbon emissions, saves money and allows us to enjoy the night sky.” It’s been proven that light pollution has lasting impacts on the nocturnal environment. Light pollution also impacts human health, increasing risks for obesity, depression, sleep disorders, diabetes, breast cancer and more. (Darksky.org)

To minimize the harmful effects of light pollution, lighting should

- Only be on when needed
- Only light the area that needs it
- Be no brighter than necessary
- Minimize blue light emissions
- Be fully shielded (pointing downward)

The existing outdoor lighting regulations were adopted in 2010. Although many provisions may still be applicable to modern day development/uses, many of the regulations are outdated and omit critical guidelines for energy-efficient lighting that tends to produce more blue light.

Staff proposed amendments include broadening general applicability, adding definitions, clarifying/adding stricter lighting standards, defining/addressing LED color and type, and limiting/updating exemptions.

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:*
- ▶ **Staff Comment:** Refer to the summary section above regarding nature and extent & reasons for the proposed text amendment. Further, the Board of County Commissioners initiated this text amendment during a regularly scheduled public hearing on February 2, 2021 and the Planning & Zoning Commissioners recommended approval on July 22, 2021. Refer to Exhibit A-1, PZ Findings of Fact and Recommendation.

Findings need to be made on the following criteria:

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

- ▶ **Staff Comment:** 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.

Policy Statement:

C-11: Outdoor Lighting

- a. Continue to enforce exterior lighting regulations that maintain dark skies and reduce light trespass.
- b. Partner with government and non-governmental agencies to explore the potential for portions of Blaine County to be included in a Dark Sky Reserve or similar designation.

The general public interest in dark sky friendly lighting is broad. In county-initiated subarea surveys, many people mentioned dark sky in their open-ended comments as follows:

- 20 respondents noted dark sky/night sky as something that is important to them
- 13 respondents noted concerns about light pollution and non-compliance with dark sky regulations.

Further, 83 out of 85 respondents in the North Valley/Galena subarea survey noted that the Idaho Dark Sky Reserve, amongst other recreational lands, was “very important” to them.

- *The effects on potable water sources;*

▶ **Staff Comment:** 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.*

▶ **Staff Comment:** No negative impacts on delivery of services are foreseen. All Traffic control, roadway, aviation, vehicular and all temporary emergency lighting are proposed as exempt from the provisions of Chapter 29A.

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.

▶ **Staff Comment:** The P&Z Commission found the proposal in conformance with the Plan, therefore no amendment to the Comprehensive Plan is needed.

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. ...

▶ **Staff Comment:** Not Applicable.

V. DECISION OPTIONS

The Board shall enter its written decision recommending for or against the proposed amendment at the conclusion of the noticed public hearing, or at its next regularly scheduled commission meeting after the conclusion of the public hearing. Upon approval of an amendment as recommended by the commission or as revised by the Board, the Board shall pass an ordinance, making said amendment a part of this title.

(If approved, staff will prepare a finalized ordinance for adoption at the next available meeting.)

► **Motion:** I move to **approve** (or) **deny** this application by Blaine County for a text amendment to Title 9, Zoning Regulations, Chapter 29A, Outdoor Lighting, finding the proposed amendments **are / are not** in conformance with the Comprehensive Plan and will not have demonstrable adverse impacts on potable water or the delivery of services.