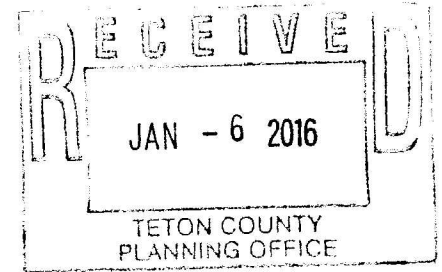


PLANNING PERMIT APPLICATION
Planning & Development Department
Planning Division

200 S. Willow St.
P.O. Box 1727
Jackson, WY 83001

ph: (307) 733-3959
fax: (307) 739-9208
www.tetonwyo.org



per MSC 2015-0040 forwarded

For Office Use Only

Fees Paid _____

Check # _____ Credit Card _____ Cash _____

Application #s AMD 2016-002

PROJECT.

Name/Description: Proposed Amendment of LDR Exterior Lighting Standard

Physical Address: Teton County

Lot, Subdivision: _____ PIDN: _____

OWNER.

Name: _____ Phone: _____

Mailing Address: _____ ZIP: _____

E-mail: _____

APPLICANT/AGENT.

Name: Samuel Singer Phone: (307) 413-4779

Mailing Address: P.O. Box 9584 ZIP: 83002

E-mail: Samuel@WyomingStarazing.org

DESIGNATED PRIMARY CONTACT.

☐ Owner ☒ Applicant/Agent

TYPE OF APPLICATION. Please check all that apply; see Fee Schedule for applicable fees.

Use Permit

☐ Basic Use
☐ Conditional Use
☐ Special Use

Physical Development

☐ Sketch Plan
☐ Development Plan

Interpretations

☐ Formal Interpretation
☐ Zoning Compliance Verification

Relief from the LDRs

☐ Administrative Adjustment
☐ Variance
☐ Beneficial Use Determination
☐ Appeal of an Admin. Decision

Development Option/Subdivision

☐ Development Option Plan
☐ Subdivision Plat
☐ Boundary Adjustment (replat)
☐ Boundary Adjustment (no plat)

Amendments to the LDRs

☒ LDR Text Amendment
☐ Zoning Map Amendment
☐ Planned Unit Development

PRE-SUBMITTAL STEPS. Pre-submittal steps, such as a pre-application conference, environmental analysis, or neighborhood meeting, are required before application submittal for some application types. See Section 8.1.5, Summary of Procedures, for requirements applicable to your application package. If a pre-submittal step is required, please provide the information below. If you need assistance locating the project number or other information related to a pre-submittal step, contact the Planning Department. **If this application is amending a previous approval, indicate the original permit number.**

Pre-application Conference #: PAP2015-0088 Environmental Analysis #: _____
Original Permit #: _____ Date of Neighborhood Meeting: _____

SUBMITTAL REQUIREMENTS. One copy of the application package (this form, plus all applicable attachments) should be submitted to the Planning Department. The initial application submittal may occur electronically, but one hard copy of all materials is required for an application to be found sufficient. Please ensure all submittal requirements are included. The Planning Department will not hold or process incomplete applications. Partial or incomplete applications will be returned to the applicant.

Have you attached the following?

- ☒ **Application Fee.** Fees are cumulative. Applications for multiple types of permits, or for multiple permits of the same type, require multiple fees. See the currently adopted Fee Schedule in the Administrative Manual for more information.
- ☒ **Notarized Letter of Authorization.** A notarized letter of consent from the landowner is required if the applicant is not the owner, or if an agent is applying on behalf of the landowner. If the owner is a partnership or corporation, proof that the owner can sign on behalf of the partnership or corporation is also required. Please see the Letter of Authorization template in the Administrative Manual for a sample.
- ☒ **Response to Submittal Checklist.** All applications require response to applicable review standards. These standards are outlined on the Submittal Checklists for each application type. If a pre-application conference is held, the Submittal Checklists will be provided at the conference. If no pre-application conference is required, please see the Administrative Manual for the applicable Checklists. The checklist is intended as a reference to assist you in submitting a sufficient application; submitting a copy of the checklist itself is not required.

FORMAT.

The main component of any application is demonstration of compliance with all applicable Land Development Regulations (LDRs) and Resolutions. The submittal checklists are intended to identify applicable LDR standards and to outline the information that must be submitted to sufficiently address compliance with those standards.

For some submittal components, minimum standards and formatting requirements have been established. Those are referenced on the checklists where applicable. For all other submittal components, the applicant may choose to make use of narrative statements, maps, drawings, plans and specifications, tables and/or calculations to best demonstrate compliance with a particular standard.

Note: Information provided by the applicant or other review agencies during the planning process may identify other requirements that were not evident at the time of application submittal or a Pre-Application Conference, if held. Staff may request additional materials during review as needed to determine compliance with the LDRs.

Under penalty of perjury, I hereby certify that I have read this application and associated checklists and state that, to the best of my knowledge, all information submitted in this request is true and correct. I agree to comply with all county and state laws relating to the subject matter of this application, and hereby authorize representatives of Teton County to enter upon the above-mentioned property during normal business hours, after making a reasonable effort to contact the owner/applicant prior to entering.

Signature of Owner or Authorized Applicant/Agent

Samuel Singer
Name Printed

Date

1/6/16
Executive Director
Title
of Wyoming Storgis

Introduction

This application proposes to amend Article 5. Physical Development Standards Applicable in All Zones, Div. 5.3. Scenic Standards, 5.3.1. Exterior Lighting Standards as adopted by Teton County/Town of Jackson Land Development Regulations. The current exterior lighting standards used by the Town and County are outdated and do not provide the necessary protections to safeguard the natural resource of dark skies. A much more comprehensive exterior lighting standard is necessary in order reach the goals set forth in Policy 1.3.d: Maintain dark night skies in the Comprehensive Plan's Environmental Stewardship Section. In accordance with requirements set forth in the Land Development Regulations this application will outline how the proposed amendment to the exterior lighting standard:

- Is consistent with the purposes and organization of the LDRs;
- Improves the consistency of the LDRs with other provisions of the LDRs;
- Provides flexibility for landowners within standards that clearly define desired character;
- Is necessary to address changing conditions, public necessity, and/or state or federal legislation;
- Improves implementation of the Comprehensive Plan; and
- Is consistent with other adopted Town Ordinances.

Exterior Lighting Standard Overview: Maintaining Dark Skies

The Exterior Lighting Standard (5.3.1.) is intended "to allow necessary and reasonable lighting of public and private property for the safety, security, and convenience of occupants and the general public, while eliminating or reducing the nuisance and hazards of excessive light and glare." It is a section within the Scenic Standards Division (5.3) of the County/Town LDRs which states that "dark skies are vital to the community's natural character."

Preservation of the community's natural character is the central focus of the Vision and Common Values set forth in the Comprehensive Plan. That Plan states that "to achieve our desired community character, the community must protect and enhance the ecosystem in which we live." Specifically, the Plan highlights the importance of maintaining dark skies in policy 1.3.d. That policy suggests that:

The prominence of nature over the built environment should extend beyond daytime viewsheds. Lighting of individual developments cumulatively impacts the ability to see dark and starry night skies. Although lighting is required for public safety, especially along pedestrian corridors, non-essential lighting will be limited and all lighting will be designed to meet dark skies best practices. Existing development will also be encouraged to implement best practices.

In addition to that specific policy and to the language within the Scenic Standard Division within the LDRs, the following principles of all three Common Values within the Comprehensive Plan support and are supported by the intentions of an exterior lighting standard:

- Maintain healthy populations of all native species (Principle 1.1)
- Protect and steward open space (Principle 1.4)
- Reduce consumption of non-renewable energy (Principle 2.1)
- Promote vibrant, walkable mixed use areas (Principle 4.2)
- Enhance civic spaces, social functions, and environmental amenities to make Town a more desirable Complete Neighborhood (Principle 4.4)
- Measure prosperity in natural and economic capital (Principle 6.1)
- Promote a stable and diverse economy (Principle 6.2)

Proposed Comprehensive Exterior Lighting Standard Overview

Unfortunately, the current Exterior Lighting Standard 5.3.1. is failing to maintain dark skies in the ways that the Scenic Standard 5.3 in the LDRs and Policy 1.3.d. in the Comprehensive Plan suggest that it should be maintained. Two poignant examples are along the new bike path on West Broadway and in the newly paved parking lot next to Miller Park where the skies have become much less dark because of unshielded lighting that was recently installed. In order to maintain and restore Jackson Hole's dark night skies a new comprehensive exterior lighting standard is necessary.

Our proposal is a comprehensive exterior lighting standard that emphasizes the restoration of dark skies in Teton County by requiring fully shielded light fixtures on all luminaires that exceed 1500 lumens of initial light output, by limiting the total light output/acre, by requiring specific color temperature of luminaires, and by regulating new exterior lighting installations with curfews and adaptive controls. Our proposal uses best practice language from the most up-to-date and effective dark sky ordinances used around the country that are in-line with standards set forth by the International Dark Sky Association.

Consistency with LDRs

We have left the structure and placement of the exterior lighting standard intact within the LDRs so that it remains consistent with the purpose and organization of the LDRs. Furthermore, our proposed exterior lighting standard improves consistency with the language in the Scenic Standard Division by more effectively maintaining the "dark skies [that] are vital to the community's natural character." It is also more consistent with the intent of the original exterior lighting standard as it promotes increased safety and security by reducing glare through the use of fully shielded luminaires.

Clear Definitions and Flexibility

Our proposal removes contradictory language, exceptions, and exemptions from the current exterior lighting standard. Doing so improves the clarity of the desired community character that this standard is focused on maintaining, namely dark night skies. The addition of clear and precise definitions assists property owners and developers to easily understand how to be in compliance with the new standards for several specific types of lights and uses. Furthermore, our decision of restricting the requirements of fully shielded fixtures by total output, as well as by only limiting total light output by acre allows a large amount of flexibility for selecting outdoor luminaires below those maximum outputs and the placement of lighting within property boundaries.

Necessity of Addressing Changing Conditions

Development in Jackson including, but not limited to new walkways, new bike pathways, and driving bypasses require extensive new exterior lighting. Careful decision making is necessary to maintain our dark night skies during this development. The current exterior lighting standard fails as an adequate guideline for making those decisions, however, our proposed standard provides that guidance. Furthermore, with new advanced dark sky lighting and adaptive controls becoming more widely available and affordable, a more comprehensive exterior lighting standard, such as our proposed standard, is much more easily implemented as compared to the situation that existed when the original exterior lighting standard was adopted.

Improved Implementation of the Comprehensive Plan

The Comprehensive Plan is clear and direct in its intent to maintain dark night skies as part of preserving ecological aspects of Jackson's community character. Unfortunately, that section of the Comprehensive Plan seems to have been largely unimplemented in decision making regarding exterior lighting at the Town or County levels. Our proposed exterior lighting standard aims to maintain and restore dark night skies using "best practices"--as is proposed in Policy 1.3.d.--that have been approved by the International Dark Sky Association, one of the global leaders in promoting dark sky legislation. If followed, our proposed exterior lighting standard would lead to precise, accurate, and complete implementation of Policy 1.3.d of the Comprehensive Plan.

In addition, our proposed Exterior Lighting Standard supports implementation of other policies from all three common values of the Comprehensive Plan. The adverse effects of outdoor artificial lighting at night on wildlife have been well documented. Implementing our standard will reduce those adverse effects and thus will help to "maintain healthy populations of all native species" (Principle 1.1). Reducing light pollution will also "protect and steward open spaces" (Principle 1.4), as well as "reduce consumption of non-renewable energy" (Principle 2.1). Outdoor lighting in compliance with our standard will lead to increased safety, security, and the outdoor aesthetic of Jackson thus "promoting vibrant, walkable mixed use areas"

(Principle 4.2), as well as “enhanc[ing] civic spaces and environmental amenities [which] make Town a more desirable Complete Neighborhood” (Principle 4.4). Furthermore, restoring and promoting our dark skies will provide an opportunity to “measure prosperity in natural...capital” (Principle 6.1) as many other Amenity West communities have done. Promoting Jackson as a dark sky community will likely help to “promote a stable and diverse economy (Principle 6.2) as it has in those other Amenity West Communities.

Consistency with Town Ordinances

To the best of our knowledge there are no inconsistencies with our exterior lighting standard and any adopted Town or County Ordinances. However, there is currently an inconsistency between the Town and County versions of the current Exterior Lighting Standard. That inconsistency regarding antique or ornamental luminaires would no longer be an issue if our exterior lighting standard is adopted at both the Town and County levels. There is also an unadopted Town Construction Standard for Mid Block Street Lights that would need to be replaced in order for it to be consistent with Policy 1.3.d. of the Comprehensive Plan and our proposed Exterior Lighting Standard.

Summary

Fully implementing the Comprehensive Plan’s objectives pertaining to maintaining dark night skies through compliance of the LDRs will require a large degree of cooperation and committed effort from both the private and public sectors. Due to the development of new walkways, biking pathways, and eventually new roadways that all require new exterior lighting, as well as recent advances in dark sky lighting technology and availability, current Town and County guidance necessitates an amendment to the exterior lighting standard. After a great deal of independent research and correspondence with the International Dark Sky Association we believe that a more comprehensive exterior lighting standard is necessary in order to more fully implement the Vision, Common Values, and specific policies of the Comprehensive Plan regarding maintaining dark night skies. Enhancing the current exterior lighting standard by adopting our proposed amendment will meet that need and will make Jackson a leader among Amenity West Communities in our preservation of this often overlooked natural resource that is a crucial part of our community character.

In summary, approving this amendment:

- **Is consistent with the purposes and organization of the LDRs** by preserving the current Exterior Lighting Standards intent, structure, and placement within the LDRs.
- **Improves the consistency of the LDRs with other provisions of the LDRs** by more closely adhering to the language set forth in the Scenic Standard Division.
- **Provides flexibility for landowners within standards that clearly define desired character** by removing inconsistencies, exemptions, and exceptions from the current

exterior Lighting Standard and additional clear, accurate, and precise definitions of lighting types and uses.

- **Is necessary to address changing conditions** brought on by development of walkways, bike pathways, and upcoming driving bypasses that will require the installation of exterior lighting that is carefully selected with appropriate guidelines found in our proposal.
- **Improves implementation of the Comprehensive Plan** by beginning to implement Policy 1.3.d. and by supporting other policies within all three common values.
- **Is consistent with other adopted Town Ordinances** and will provide guidance on adopting a compliant Town Construction Standard for Mid Block Street Lights.