

Meeting of the Planning Commission

February 5, 2018
Custer County Courthouse
Westcliffe, Colorado

Present:

Planning Commission: Vic Barnes, Bill Donley, Pat Bailey, Dale Mullen, Keith Hood and Chris Nordyke

Absent: Patrick Lynch

Associate Members: James Heath, Lance Ingram, Skip Northcross, Mike Shields and Darrell Windland

Absent: None

Staff: Jackie Hobby, Chuck Ippolito and Vernon Roth

Commissioner: Jay Printz and Tom Flower

County Attorney: Clint Smith

The meeting was called to order at 1:30 P.M. by Jackie Hobby Custer County Planning and Zoning Office, Director/Code Enforcement. Seventy plus people were in attendance.

Pledge

HOBBY: Welcome everyone and thank you for coming, We have a lot to cover. We need to hold elections for the boards. VIC BARNES would like to be re-elected as Chairperson and KEITH HOOD would like to be re-elected as Vice Chairperson.

HOBBY: Introduced the new associate members, JAMES HEATH and DARRELL WINDLAND and asked the remaining members to introduce themselves. JACKIE handed the ballots out to all seated members. All seated members returned their marked ballots. VERNON ROTH counted the ballots. It is unanimous, VIC BARNES, Chairperson and KEITH HOOD, Vice Chairperson for the Planning Commission.

BARNES: Moved to the Chairpersons seat to continue the meeting.

Thank you everyone. We need to decide on a secretary and the location of the official posting for the meeting notices.

DONLEY: I move that the bulletin board, west side of the Treasurer's door in the hallway, be the location for the meeting notices and JACKIE HOBBY be our secretary.

BAILEY: Seconded the motion.

Motion passed unanimously.

BARNES: We need to fill the seated position with an Associate Member. We only have three out of the five gentlemen seated. WINDLAND and HEATH are new, they are not familiar with our procedures and it would not be fair to them to be selected to the seated position.

ROTH: Picked the name out of the hat and announced that INGRAM would move to a seated position.

BARNES: We need to approve the minutes of August 1, 2017. Has everyone had a chance to look at them? Are there any additions or corrections?

Hearing none, August 1, 2017 minutes are approved.

BARNES: This is a public meeting. We are going to discuss the amendment to the Custer County Zoning Resolution. The prior Board of County Commissioners requested the Planning Commission work on amendments to the Zoning Resolution. We are required to have one public meeting and often have various workshops to work out the details. We give a recommendation to the County Commissioners and they have the final say whether to approve the Zoning Resolution or not. This started in August after Commissioner PRINTZ told JACKIE to ask us to start the process to amend the Resolution. We decided to amend the policy and procedure section. We also worked on the building code and now the light pollution. A citizen also requested that we ban shipping containers from Custer County. After the current Board of County Commissioners were sworn in, JACKIE and I told them we did not think it appropriate to amend the Resolution on the containers. They removed that item. So now we are dealing with two issues. We normally have workshops where we take suggestions. We have different drafts of the changes that were recommended. Currently we are on draft 5. This is a long process and it is important to know these are all drafts and are subject to change. Today we will talk about these two issues. The first will be the changes and additions to policy and procedure and then we will work on light pollution.

We have a lot of people here today, so we will have some rigid rules of conduct. The first one will be if anyone would like to speak you need to raise your hand. Then you will have four minutes to speak. If you want to speak again then you can come up after everyone has had a first chance to speak. We want to make sure everyone has a chance to speak. Come up to the podium, state your name and primary place of residence and if you are affiliated with any organization, for example, a Homeowners Association. We would like for you to have a spokesperson so that we do not hear the same thing several different times. The important thing is when you come up to the podium you are speaking to the Planning Commission. Don't turn around and talk to the audience. You are conveying your ideas to the Planning Commission. We do not want people in the audience talking back and forth among themselves.

NORDYKE: Is this county residents only?

BARNES: No, they can speak, but they need to let us know what county they are from.

BARNES: We have two items that we are going to deal with. First, the part of the Zoning Resolution that discusses responsibilities, policies and procedures for the Board of County Commissioners, Planning Commission and Board of Zoning Adjustment. Throughout the year we have ideas and comments that come up. We keep track and then we do an amendment. Last year the former Board of County Commissioners, we had a problem with making appointments. We saw a need to clarify the process. As we went along there was some confusion about the amendment process. In the past the PC was responsible for the amendment part in the Zoning Resolution. In 2017 the Commissioners held a workshop and a public meeting which was not the normal procedure. We want to clarify that in the Zoning Resolution.

I will not go through all the changes because some are very minor like spelling errors or redundancy. There has been a section about the responsibility of the Board of County Commissioners on amending the Resolution. it was paraphrased according to the statutes and we wanted to avoid that. We quoted the statute. The records for terms of appointment would be maintained only in the Planning and Zoning Office for appointments. There are a number of these types of changes made. Are any comments from the audience?

Hearing none

BARNES: Any questions from the Planning Commission concerning Draft 5 of the Zoning Resolution?

Hearing none.

BARNES: There are no comments from the Planning Commission. After we published the last draft we had some new suggestions. There are three different dates as to when we need to publish meeting notices. We need one date and SKIP do you have any other ones you can think of?

NORTHCROSS: Yes, a description about shipping container and absence from the Boards. Some of the definitions need to be removed.

BARNES: So even in Draft 5 there are some more changes. Our suggestion is to vote today on the changes that are present in Draft 5 and then we will make it contingent on the new changes. We will have another public meeting to vote on the new changes. I will entertain a motion.

BAILEY: I make a motion that we accept the changes as written today in Draft 5 and will be contingent on the new changes on Draft 6.

DONLEY: I will second the motion.

Motion passed unanimously

BARNES: We will move on to the next Zoning Resolution item. A proposed change in the Resolution about light pollution. We have had a lot of discussion on light pollution but there has not been a formal proposal made to the Planning Commission. We had one submitted last week from the Vice President of Dark Sky. I will read this to you.

"Degradation of the night sky by artificial light rays above the projected horizontal plane of a light fixture and with a color temperature exceeding 3000 degrees kelvin"

BARNES: I will give you a little bit of background. We have had many meetings and discussions about outdoor lighting. There have been many modifications or suggested revisions submitted by Dark Skies. These were not submitted as a proposal but as a discussion. We had a suggestion to not have light pollution in the document at all. I sent out an e-mail to the Planning Commission members asking them to make a choice. Do we keep draft 4 which had the removal of light pollution or do we go back to the original without any changes? Six out of seven members of the Planning Commission responded. We are going to start fresh with the Zoning Resolution as it stands.

BARNES: Normally, when we have an application we ask for letters. There was not an application, but we have received some letters concerning light pollution.

BAILEY: Do we have an application?

BARNES: No, we only have the proposal that the Vice President of Dark Sky submitted.

HOBBY: What are you saying, the letters don't need to be read?

BARNES: NO

HOBBY: Read the letters

See attached letters.

BARNES: We are getting into the phase where we will take questions from the audience.

The following persons testified.

PEGGY COLLINS, DALLAS ANDERSON, DOROTHY NEPA, LARRY LUIKART, AMY FINGER, BILL PARKER, JACKIE BUBIS, MARTHA DAVIS, LINDA WASHINGTON, MIKE HAGA, ADRIAN WASHINGTON, DONALD VAWTER, TIM STODALA, WILLIAM BROWN, LISA FRANK, CHARLES ELLISON, BRENT BRUSER, MARTIN NEWCOMB, GARY TAYLOR, VANETTE BENESCH, GARY COLEMAN, GLENDA WYLES, KEN PATTERSON, JOHN RUSHER, LOCKETT PITMAN, DARRELL WINDLAND, WILDRA WALKER, WILSON JARVIS, JIM BRADBURN.

Summary of comments: The definition is deceptive concerning the temperature and that LED lighting is the only thing you can buy with the color temperature on that bulb. One of the most welcoming things is when I come up to see the lights of home, I need the protection of lights. They can tell you what they want to about the lights. Being aging and living alone, I need to be able to see, and object to any restriction on lighting. I spent twenty-three years of my career enforcing zoning law and working with the Planning Office, fighting laws and one of the attorneys was very clear about it. Nowhere should a definition, resolution, regulation or statute or any sort of legal document be involved by a technology question, because they change. Any regulations are adverse, and they do not reflect the ranching community. This is a restriction that cannot be enforced and should not be enforced. The amendment of the Constitution protects the right of the people to be free from searches and seizure and procedures and their personal houses, papers and effects. This amendment is the foundation for personal property rights. Rights that permit the people and their property to control how and what occurs on their land. Living in a Federal Republic we all accept a certain degree of government intrusion of our personal property. To maintain a civil society, we accept set-backs, easements because we recognize that there is a benefit to us individually. We accept these but there is a limit when the intrusion must be checked. The Dark Skies organization goal is for government to dictate how our outside lights are displayed. The Dark Skies supporter's rules are essentially benign because no one has ever been fined for not complying with the Zoning Regulation. We reject that comment as ridiculous. All civil and criminal statues on the books are enforceable. The fact that a rule or statue has never been enforced does not mean that it won't. It can be enforced. The purpose of a rule or regulation is for a reasonable benefit to those who must abide by it. We are asking you to stop the government creep and maintain the use of our outside lights as we see fit, not some organization in another state spearheaded by a man that does not live in this county. Economic value to have

this resource available. Don't want too much regulation from the government. We already have dark skies on a voluntary basis through education and they do a good job. We don't need regulations. Do not use the strong arm of the government to enforce. First time they attempted a draconian ordinance right to government without thinking about enhancing their education campaign. Now they want a minor addition to the existing definition in the Zoning Resolution. CLINT SMITH, Vice President of Dark Skies, had a letter published in the Sentinel Newspaper stating they are now asking for nothing. Why is all the valuable time of people being wasted because it is not nothing. Individual freedoms and property rights are being threatened. What's coming next? Light pollution is already mentioned many times in the Zoning Resolution. Dark Skies International wants a county recognition and this will not be enough, and they will be back for more. In the Zoning Resolution under Special Use Permits etc. it states that the project will not result in or cause significant air, water, noise or light pollution. Air, water and noise pollution is not defined in your Zoning Resolution, that is three out of the four that cannot be measured. Light pollution does not exist if you google it and it is the only one that is defined. In 2014 this was put in to appease a small interest group. We have small rescue dogs and need the lights for protection plus I am old and feeble. Just because it's a definition that is not enforceable you are wrong. There are civil courts and I know because I am being sued. After reading the Zoning Resolution, if you put in there 3,000 Kelvin, they will sue over it. Waste of time for the Planning and Zoning Office to take the complaints. The towns have an ordinance for Dark Skies, the County doesn't need one. In other areas where they have a designation they measure the distance from the observatory. One county if you live two and half miles from the observatory, your exterior lights are out by nine P.M. at night. If you live up to thirty-five miles away right now, it's eleven P.M. They are trying to change to ten P.M. This will be neighbor against neighbor. Dark Skies is a 501(C)(3) Arizona Corporation and is nonprofit. The Corporation itself has no power in our state. They come before the Planning and Zoning Commissions in our state to get you to pass what definitions they want in the Regulations. This is an agricultural community. Colorado has a specific statute C.R.S. § 35-3.5-101, it's declared under the statute that it's the declared policy of the State of Colorado to conserve, protect and encourage the development and improvement of its agricultural land to produce food and other agricultural products. When land use extends into the agricultural areas, agricultural areas often become the subject of nuisance. As a result, many agricultural operations are forced to cease operations and many others are discouraged to make investments in farm improvements. It is the purpose of this article to reduce the loss to the State of Colorado and Agricultural resources by limiting the circumstances under this regulation. Agricultural regulations that deem to be a nuisance and further recognize that units of local government may not adopt ordinances or pass resolutions that provide additional protection for agricultural operations with the interest of the agricultural community without diminishing the rights of any real property interests. Lighting is a property interest. Agriculture is not to be infringed by organizations that want to impose regulations that will affect farming and

ranching. Private corporation coming through a public body trying to put regulations and definitions on citizens. Light is something that is good, not bad. Do not be mis-led, you can go to civil court because of a regulation. You are not being asked to consider one thing. We are zoned as an agricultural community by my research agriculture accounts for only eighteen percent or less of our county revenue. Revenue comes mostly from property taxes. We want to preserve our heritage and it's already protected through the other resolutions. There are more and more lights every year. This definition change does not change the resolution. If you want lights, move to the city. Dark Skies are an asset here. Most of the ranches have been subdivided here. More and more people are moving here, and there will be more lights. More lights less dark skies. Sooner or later our property taxes will go up because our county cannot run on what we have. We are polarized on this issue and we need a good neighbor policy and compromise on both sides. The lodging tax does not go to our county coffers it goes to the state. They might buy some groceries and gas. And we get sales tax on that. Now we have a different kind of pollution. The two towns have it. We are on the map now. If you think Dark Skies regulation will stop growth that is foolish. You cannot measure light pollution. Is this only outdoor or will you measure indoor? The lumens that are coming out of our windows? Greenhouses for marijuana its agriculture, how will you regulate them? I want the commission to say no and don't come back. I did a survey of the Inn Keepers in town. It's a slow process since most are closed in the slow season. The range went from, 5% to 35% of visitors that came for dark skies. Lodging tax was nine thousand dollars and two percent goes to the county. This is growing, and Dark Skies is attracting new visitors and they say they will come back. If this becomes an issue that divides us, then it's not worth it. I believe that the Board can solve this issue by taking the facts to resolve this. Is it reasonable to want to protect this? I want my grand kids to see the night sky. You are demonizing the people who brought Dark Skies here. CLINT has done so much, volunteering their time to preserve the light. Its dark now and will always be dark is not always true. I am in favor of Dark Skies and the reserve would be the icing on the cake. We have dark skies because we have two mountain ranges. We have dark skies because of several ranchers who put their property, large tracts of land, thanks to San Isabel and Rocky Mtn. Foundation, into conservation easements. We need to do this through education and if you put this in the Resolution it will be putting a hook in there. Now we have people who are having to go to court with what is already in there. It's the ranchers that have kept large tracts of land intact. Having a definition of three thousand Kelvin, I would think, might help in your law suit if you could prove that they are three thousand Kelvin. The article in the Sentinel just shows how pushy people can be in other places about Dark Skies. I am associated with this group and they are not trying to start some never-ending process. The three thousand Kelvins, is associated with LED and should be in the definition. I support Dark Skies up to a point and we have been good neighbors.

We do not have a lot of light going unnecessarily. We have lights when needed. Electricity is more expensive here than in any of our neighboring counties.

Most of the letters sent in are from those people not here, because they are not residents. They have a cabin here; we are here twelve months a year. We are mostly affected by this. We are going to be ok and light pollution should not even be in the Resolution. Tourism does get some lodging tax. It does nothing in the county except promote more tourism. It's mostly in town with the restaurants, lodging and that revenue stays in the towns and what about sales tax and Custer County Government gets very little sales tax. Passing this County wide thing will increase money into the County for tourism is something of a myth. I tried a hooded light and could not see to my shop. It does not work on my property. I removed the hooded light and not long after I had intruders on my property I could see them, and I called some other ranchers to warn them. REA put these lights in as a security light. Be careful about setting up any legal problems for anybody including agriculture. You have one condition after another condition and if you pass this and my light is grandfathered in and I change my light now, I need to go by the new regulations. This is more money for me and I would have to have two hooded lights instead on one security light. It's just costing the people more money. This is a definition, and this should be in the Master Plan. A lot don't understand the three thousand Kelvins.

BARNES: Many people have come up here and spoke about tourism and taxes. I need to point out, we are a land use committee and we look at open space, we want to have low density and we want a rural atmosphere. We don't want neighbors adversely affected. We do not deal with economic development. The people on the Planning Commission are not against economic development but that is not part of what we utilize for evaluating this Resolution.

BARNES: Now I am going to ask the Planning Commission for their comments.

MULLEN: I would like to hear the issue Dark Skies has before the Planning Commission. What are we considering?

BARNES: What they are proposing now is what you have on that paper, those words to the definition.

MULLEN: We are considering changing in the document the definition as it stands, these five or six words.

BARNES: Yes

INGRAM: Right now, I would say that the definition of light pollution is that the light must be pointed above horizontal. If this light is mounted at nine feet, then it must shine at an angle above it at least nine feet and one inch per fall.

BARNES: That would be pollution.

INGRAM: So, when I read this if this, were to be in place. Not only would it have to shine at nine-foot one inch, but it would also have to be a color temperature of not greater than three thousand Kelvin. So, you could take a two thousand kelvin and shine it straight up in the air and that would not be light pollution, according to this definition.

DONLEY: Yes, if you get something with twenty-seven hundred K without a reflector you are fine.

BARNES: This is only a proposal. We have been talking about this for close to a year. We can accept the proposal, we can reject it, or we can add our own.

HEATH: Night skies by artificial light rays, there is no such thing as light "rays". Just use the word light if we are trying to be correct in the definition. Color temperature exceeding three thousand degrees Kelvin – there is no such thing as "degrees" Kelvin. Its three thousand Kelvin. We need to be as accurate as possible. What is the purpose of this definition and what is to be accomplished by this definition? How are we going to determine the color temperature? Will we be following the CCT, correlated color temperature, or are we using the TM-30-15 color temperature rating?

SHIELDS: I look at this chart that you gave us, three thousand K is a warm light used commonly in restaurants and residential lighting. I would like for someone to follow me around at night in a blizzard trying to save a baby calf.

BAILEY: We are supposed to be dealing with the definition of light pollution in the Zoning Resolution. Right now, their proposal is to add some wording to that. In the past, we had gone through our definitions and have deleted some. Because we have got out of hand by putting too much stuff in there that has nothing to do with the Resolution. It's a definition of light pollution. If you get it from Webster or Funk and Wagnall. Put it in there the way it's supposed to be. Don't add anything else.

HOBBY: Do we need a definition for light pollution?

BAILEY: We have talked about this before. If it's not in the Resolution in some form of a regulation it should not be in the definitions. We have taken some out before.

MULLEN: A month or two ago you had come up with a lot of verbiage that you wanted in the Zoning Resolution. Now you only want these five to six words added. Why, after what found are these words needed to be added to the existing definition? Why not just use the existing definition to satisfy the Dark Skies organization to get what you want?

BRADBURN: I live one mile north of the county line. You asked me to go back to the International Dark Sky's Association. I need to stop and clarify the discrepancies that somehow Dark Skies is a part of the International Dark Skies Association the 501(c) (3) Arizona corporation. We are not. We are a local 501(C)(3) and Colorado corporation. We are local volunteers and except for three, are county residents. We are here primarily to preserve the Dark Skies of this beautiful county. Why the seven words. I went back to Dark Skies' to get direction and I asked if they could accept these words to have a reserve in the Wet Mountain Valley. The conversation lasted one hour and half. At the end he said these regulations, as they stand, are pretty good. We need to address the LED because they are too blue. If you could add that to the present Zoning Resolution, then we could probably move forward.

MULLEN: Hearing what you heard here today are you satisfied with these seven words?

BRADBURN: I am not a lawyer or a wordsmith person. light pollution is any light that shines up into the sky above the horizontal plane of a light fixture and with a color temperature exceeding 3000 degrees Kelvin.

BARNES: I spent a lot of time thinking about this and JACKIE and I spent a lot of time working on this.

Somehow, we have lost track and are now talking about all the technicalities. This is the first time that I can recall a Planning Commission, trying to consider a change based on a special interest group. One of my concerns is that we're in a position now that were concerned about some language. Now we go back and ask this IDA if its ok. If I apply for a grant or something else, I have standards telling me what they require to get what I want. We are going at this the other way and I am not sure that's right. The other thing that bothers me is that we all should be concerned about dark skies. I am a dark sky fan, I knew SMOKEY JACK very well. We ought to do things right and I am not sure we are. We need to focus on the dark skies rather than things like economic development. Forty percent of County is Federal lands, no lights there, and another fourteen thousand acres that are in Conservation Easements. They prohibit development. We have an eighty-acre zone, and a thirty-five-acre zone. Forty percent of our County is in public land and another seventy five percent is agricultural land. We have heard everyone testify here that agricultural land does not have to conform to Dark Skies requirements. Right now, light pollution is only in PUD, SUP, SEP and Home Occupation, and we have Subdivision Regulations that only apply to any land less than thirty-five acres parcels being subdivided. Anything above thirty-five acres the County has no control over. I don't know what we are talking about to regulate. We lost focus of what we need to be working on.

BAILEY: I want to make a motion that we use the definition the way it is. If the definition is not in the document remove it, on the next Draft six. Make sure that the wording used is correct or get it out and make sure the definition is correct.

DONLEY: Seconded the motion

BARNES: Westcliffe has an ordinance and there is nothing in them about Kelvins and that makes me wonder what kind of standards we are dealing with.

HOBBY: A motion was made to keep the definition as it stands and do not add all the extra words and to go through the definitions and if they are not in the document remove them. The definitions, that are used in the Zoning Resolution should be the correct definitions.

BARNES: All in Favor

Six were in favor

All opposed

One against

BAILEY: Made a motion to adjourn

DONELY: Seconded the motion

Meeting adjourned at 5:15 P.M.

Linda Buddenbrock
116 Adams
Westcliffe, Colorado 81252

December 21, 2017

Dear Custer County Planning Commission,

I have multiple properties on the Bluff in Westcliffe, and I enjoy outdoor Christmas lights. I would like to see the trees on Main Street lit at Christmas time. I like Christmas lights outside in the summer. I feel safe with street lights illuminating my street at night. (Law Enforcement will tell you that by lighting around your house theft and crime decrease in neighborhoods.) It is safer to walk outside on your property if illuminated, especially to reduce falls from uneven ground.

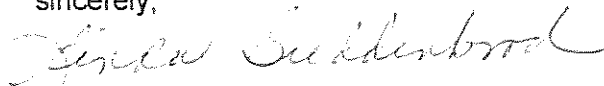
Just as some people do not want lights on their property, I want lights on mine. Why are their wants and needs any greater than mine? (Especially if mandated, not every person in Custer County is an astronomer.)

I am against the issue of light regulations for all! I would not mind a compromise of dark sky after 10 or 11 pm then those who want to star gaze may but those of us who enjoy our lights for beauty safety accessibility and security can have them.

Reflect on why other counties and States have not jumped at the idea of being the first international Dark Sky designation. Please vote NO to an IDA regulated reserve and a light pollution or lighting ordinance definition to the Planning and Zoning Regs.

Thank you for your consideration in this regard.

sincerely,

A handwritten signature in cursive script, appearing to read "Linda Buddenbrock".

Linda Buddenbrock

P.S As an absurd interesting note: Dark Sky advocates don't want light intruding on their property, I live next to the pond and I don't like bad smells drifting to mine.

Elizabeth French

From: "Mike Pach" <michaeljpach@gmail.com>
Date: January 10, 2018 9:35 PM
To: <bill@custercountygov.com>; <jay@custercountygov.com>; <tom@custercountygov.com>; <elizabeth@custercountygov.com>
Subject: Wet Mountain Valley Dark Sky Refuge Designation

Dear Commissioners and Director Hobby,

I am writing to you in support of the effort to designate the Wet Mountain Valley as a dark sky refuge.

I have been visiting the Wet Mountain Valley since I moved to Colorado in 1996. As a photographer and outdoor enthusiast, I enjoy the beauty of the area both day and night. I currently live in Colorado Springs.

Because of the designation of Westcliffe/Silvercliff as a dark sky community, I became interested in night sky photography. Last year, I started conducting night sky photography workshops in and around Westcliffe with the cooperation of a few local property owners who wholeheartedly approved of my plans. Many of my students came to the valley for the very first time because of these workshops and said they would definitely visit again. During our stays, we supported local businesses and restaurants through overnight bookings, meals and other purchases.

When I heard of the plan to make the entire valley a dark sky refuge, I was thrilled. Our dark skies are such a valuable resource, and I am happy that there are people who want to preserve them for future generations. From a photographer's perspective, having the opportunity to photograph the stars and the Milky Way in a location within 2 hours from home is a delight, especially since it's an experience many people in the world will never have. Protecting the valley from light pollution also means that I can keep hosting my workshops in Colorado instead of having to travel to another state or country, and it is important for me to know that I am bringing money to local communities. With the increase in astro-tourism, the new designation will hopefully attract people from all over the world who want to experience what the valley has to offer.

I urge you to back whatever the proposed means are to achieve the designation of the Wet Mountain Valley as a dark sky refuge.

Thank you,
Mike Pach



Virus-free [REDACTED]

Jackie Hobby

From: "Brenda Gaide" <brenda@custercountygov.com>
Date: Thursday, January 11, 2018 8:00 AM
To: "ATTORNEY Smith Clint" <clint@custercountygov.com>; "P&Z DIRECTOR Hobby Jackie" <jackie@custercountygov.com>; "Bill BOCC Canda" <bill@custercountygov.com>; "BOCC Printz Jay" <jay@custercountygov.com>; "Tom BOCC Flower" <tom@custercountygov.com>
Subject: FW: Dark Skies

Brenda Gaide

Administrative Assistant
Board of County Commissioners
Custer County, Colorado
(719) 783-2552

From: Rita E Spier [mailto:ritab428@comcast.net]
Sent: Thursday, January 11, 2018 6:49 AM
To: brenda@custercountygov.com
Subject: Dark Skies

To whom it may concern,

I am an avid photographer who loves to do Milky Way photography and I have had the pleasure of making captures in the Westcliffe – Wet Mountain Valley. It is so important to maintain a Dark Skies refuge so that future generations continue to be able to view the sky as we do today. It is a privilege I value greatly. Please make every effort to make the entire Wet Mountain Valley a dark sky refuge. Thank you for your time.

Rita Eva Spier

Colorado Springs, Colorado 80919
USA

January 19, 2018

Vic Barnes, Chairman
Custer County Planning and Zoning Commission

Dear Mr Barnes,

As proprietor of Dazzler's Best Casita Bed and Breakfast (5001 State Hwy 96), I am writing to support the efforts of the local Dark Skies organization to get our valley designated as a Dark Sky Reserve. Why? It's simple. It's good for business. Plus, I think our dark skies help make Westcliffe a more beautiful, unique and valuable place to live.

I started Dazzler's Best Casita Bed & Breakfast five years ago with the idea of offering alternative lodging to out-of-town travelers. The business gradually increased over the next three years, but starting in 2015, I saw a 10-15% increase in business. I can attribute this directly to Westcliffe becoming designated as an International Dark Sky Community. Callers wanted to know more about our wonderful dark skies and to see for themselves what has become almost extinct in big cities – a starry night sky. Our guests bring telescopes, cameras, binoculars along with a curiosity about the night heavens, the Milky Way, constellations and meteor showers. Many book their reservations based on the lunar calendar. Summer isn't the only time people come here. We have several guests who prefer the winter sky.

It's certainly not exclusively the lodging business that has benefited. Our guests spend money at local businesses. They buy groceries, souvenirs, gasoline, meals, supplies – all of which bring more revenue into the local economy. We have even had guests who, once seeing Westcliffe and all its benefits (including the dark sky), contact realtors seeking real estate either for a place to retire or a weekend get a way. Everyone benefits.

Let's do what we can to help our community prosper and to retain its uniqueness by supporting Dark Skies in its endeavor to make Westcliffe a Dark Sky Reserve.

Allie Neas, Proprietor
Dazzler's Best Casita Bed & Breakfast
719-371-4519
DazzlersBestCasita@gmail.com

Elizabeth French

From: "John Dreves" <jdreves@bellsouth.net>
Date: January 29, 2018 7:14 PM
To: <elizabeth@custercountygov.com>
Subject: Dark Skies in Westcliffe

Dear Members of Custer County Government,

Every person who has visited us in Bull Domingo Ranch during the past 20 some years has remarked about the gorgeous night skies! It only takes being somewhere else for long periods of time to understand the unique beauty we in the Westcliffe area are blessed to have.

Protect, savor and preserve it for our children!

Sincerely,

John P. Dreves
Bull Domingo Ranch and
Knoxville, Tennessee

Sent from my iPhone

346 East 18th St., #3C
New York, NY 10003-2811

as from : 6512 County Road 140
Westcliffe, CO 81252

January 25, 2018

Custer County Planning and Zoning
Jackie Hobby, Director
P.O. Box 203
Westcliffe, CO 81252

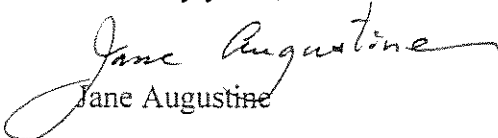
Dear Jackie Hobby.

I am writing in support of the Dark Skies initiative and its many benefits. As a Custer County property owner and resident for fifty-two summers, I with my family have enjoyed star-gazing from our cabin deck near Alvarado campground. We are grateful that the lack of ambient light makes it possible to have this splendid view of the night heavens. We want to thank Jim Bradburn and current volunteers, and we remember with gratitude the original enthusiast, Smoky Jack, who in the beginning was practically a one-woman movement generating Dark Skies through her letters to the editor and the reporting here in the Tribune.

Now the Dark Skies International community designation has brought worldwide acclaim to the towns of Westcliffe and Silver Cliff, attracting star-gazers from everywhere. When the whole Wet Mountain valley is a Dark Skies reserve, even more will come to see the stars without interference of ambient light, because there are so few other places on earth where this view is possible. Dark Skies is a major economic asset for our valley. Because of it property values are going up. It's almost a slogan: Dark Skies makes property values rise. I hope the county commissioners will support the zoning to maintain this vital natural resource and the prosperity it is bringing to everyone.

This letter appeared in the Letters column of the Wet Mountain Tribune January 4, 2018. Please enter it into the record of comments that are to be read on February 5, 2018 at the Planning and Zoning Commission meeting. I'm sorry that distance and recent hip replacement surgery prevent my being at the meeting in person.

Sincerely yours,


Jane Augustine

RE: Planning board on Feb. 7

Editor:

Recently, I've heard and read arguments that our International Dark Sky Community designation has "no real benefit" or represents a "pipedream." I disagree.

I grew up in the San Luis Valley, just over the Sangres, and ran off to the Big City. When my wife and I considered semi-retirement, we wanted to come home to the landscape I love. We looked to invest in several towns in southern Colorado and northern New Mexico. Westcliffe and Silver Cliff stood out. The towns' support for Dark Skies made the difference for us.

We have so far have acquired two homes – one as a residence, the other as a short-term vacation rental. More than half our reservations cite our community's Dark Sky designation as a primary reason to visit. Most of our groups – which range from two to seven folks – have waxed enthusiastically about Smokey Jack Observatory and our stargazing in general. Some have joined public Star Parties or sought private showings manned by Dark Skies volunteers. Nearly all promise to return and stay longer, eager to experience more of our night sky.

A serious amateur astronomer from the East Coast is spending a few days in March as a scouting trip. If he finds our light readings as low as expected, the astronomer and his family will fill their SUV with telescopes and photographic equipment, head west and stay with us four to six weeks surrounding this summer's Perseid Meteor Shower. They would bring plenty of discretionary income to spend here on their extended vacation. They would pay sales and lodging taxes for some 50 days – in Custer County, not on Cape Cod.

While this group stands out among the many visitors we've had, their interest is far from unique. Custer County Lodging Tax collections in 2017 exceeded 2016's by more than 50 percent. This follows a year of national and international news reports about what we have – and do not have – at night.

I am surveying businesses and lodging hosts to determine how many visitors come here to experience what I count among Custer County's prime assets: minimal light pollution. I think most local taxpayers would agree stargazers tend to be low-impact visitors who contribute far more to our community – in sales and lodging taxes alone – than they cost us. They gently extend our tourist season beyond its traditional three or four months.

Hats off to all our considerate neighbors who help preserve what makes our valley a very special place to visit! You make our future brighter by keeping our skies dark.

Charley Ellison
Westcliffe, Owner of Tranquilo Properties

Shadow Ridge

Dear Planning & Zoning Committee, 2-1-18

Thank you for your thoughtful consideration of the many impacts preserving our valley's wonderful natural dark skies bring to the community.

Personally, I am grateful for the consideration and generosity of the many folks that nurture this asset. In addition, to have a non-profit group of reasonable, generous volunteers that arrange for books to be given to school children, present various educational opportunities - inside & out, and donations contributed to reducing unnecessary bright lights, is an invaluable gift.

Cathy Griffin - 365 Pinalone
Westcliffe, CO 720-795-7665

Custer County Planning and Zoning
Jackie Hobby, Director
P.O. Box 203
Westcliffe, CO 81252

719-783-2669

or email: jahobby@westcliffeco.gov

January 31, 2018

Dear Custer County planners and shakers:

One of the saddest aspects of human nature is that we far too often lose sight of the big picture. People once settled in this valley because of the mining opportunities. This was quickly followed by opportunities in farming and ranching. For the last couple of decades, the majority of growth in the wet Mountain Valley has been individuals moving here because of the aesthetic beauty our Valley offers. Additionally, our Valley offers the opportunity to get away from the crowdedness and craziness of the ever-growing cities. Yet, even though many of us came here for the incredible beauty and serenity, once here, far too many of us lose track of why we came here in the first place. Rather it's how much money can I make, how much land can I tear up, I want more shopping, I want better roads, I want a nationally recognized school system. The list goes on. And then you one day wake up, and Silver Cliff and Westcliffe represent the very cities we tried to get away from. More ugly metal buildings, higher traffic, crime increases, people are less friendly, and yes, now when we look up in the sky at night, it's not as easy to see the stars as it once was.

I've been here roughly 22 years, and being a stargazer, my wife and I often take a walk at night with our dogs to take in the beauty of the night sky. One of the observations I seem to make on a regular basis these days is that because we live on a hill in the Sangres, we are able to look out over the entire valley floor that incorporates Silver Cliff and Westcliffe. The number of lights and the number of bright lights appears to have doubled or maybe even tripled in those 22 years. Some people might call that progress. I would only call it progress if you're hoping that our community ends up looking like Florence or Canon City.

There is a group of individuals in our County that is doing everything it can to "economically develop" our community. I read the materials, I've heard their speeches, and you can summarize it in just a few words: grow, build, more jobs, more people, destroy.

Keep it up, Custer County, and you will find less people willing to retire here. And just like the couple I met recently who moved here from Evergreen Colorado, because Evergreen got too big. Many of us will find ourselves once again having to move, to find what we came here for in the first place.

Douglas Schulz, rural Westcliffe.

Elizabeth French

From: <theoldguy@reagan.com>
Date: January 09, 2018 7:28 AM
To: "Clint Smith" <clint@custercountygov.com>; <elizabeth@custercountygov.com>
Subject: FW: Dark-Sky

-----Original Message-----

From: theoldguy@reagan.com
Sent: Monday, January 8, 2018 9:28pm
To: editor@wetmountaintribune.com, "sentinel newspaper" <sdc.sentinel@gmail.com>
Cc: "Tom Flower" <tom@custercountygov.com>, "Jay Printz" <jay@custercountygov.com>, "Bill Canda" <bill@custercountygov.com>
Subject: Dark-Sky

Dear Editor,

I received a very cordial phone call from Jim Bradburn, the president of the Astronomy Club, in which he explained some Dark-Sky guidelines concerning a dark sky reserve which shed more light on the subject than my poor old brain previously picked up.

My main concern was the effect the proposed addition to the zoning resolutions would have on our ranchers. The effect would be nothing because of Resolution 98-14 Establishing a right to ranch and farm policy of Custer County which protects our ranchers and farmers from all complaints having to do with their ranching and farming.

There is a definition on page 24 of the August 17, 2016, Custer County Zoning Resolution entitled LIGHT POLLUTION which states, "Degradation of the night sky by artificial light rays above the projected horizontal plane of a light fixture." From what I gather all concerned ranchers have agreed to place hoods on their outdoor lights.

The International Dark-Sky Association wants the subject of the very bright LED light bulbs addressed by the County Commissioners. The proposed amendment (8.2.G)to the Zoning Resolution states "In order to minimize light pollution, all outdoor lighting shall be of a rated correlated color temperature of 3000 Kelvins or less, and any light source exceeding 500 initial lumens must be fully shielded. ETC. A table is included which shows that in incandescent lighting the watts is 200, fluorescent is 50 watts, LED is 27-43 watts. All of these are 3000 lumens. (All outdoor lighting that now exists is "grandfathered in")

The wording of this amendment would place it in the criminal and civil penalty category because of non-compliance.

Now, then, I must address the concerns of those opposed to the amendment. The idea of having yet another regulation to abide by is repugnant to those who want less government. In this county, that is the majority of the people. It isn't that they don't want to use the proper temperature light bulb or the shields, it is only the proposed regulatory amendment to the Zoning Resolution which is the thorn in the side especially with the penalty which is involved in the only recourse that is available to get the Dark-Sky recognition, our Zoning Resolution. The Zoning Resolution includes penalties. We have no county protocol, management plan, etc. other than the Zoning Resolution. There has got to be another way to word this amendment in order to keep it from becoming yet another burden on the freedoms we cherish.

By the way, a Dark-Sky Reserve consists of (1) a core area meeting the minimum criteria for sky quality and natural darkness, and (2) a "peripheral" or "buffer" area that supports dark sky values in the core and while receiving similar benefits.' Custer County's core area? The Beckwith Ranch? Perhaps?

Sincerely,
Linda Anderson
Rural Custer County

Elizabeth French

From: <theoldguy@reagan.com>
Date: January 09, 2018 7:26 AM
To: "Clint Smith" <clint@custercountygov.com>; <elizabeth@custercountygov.com>
Subject: Attn:Jackie Hobbie, Director

I will send a copy of a letter I sent to the newspapers and the commissioners concerning Dark-Sky. I worked for a city many decades ago as secretary to the Planning and Zoning Boards which meant working with variances. This morning I thought of an Enshrined Variance and wondered if that would keep this out of the realm of penalties. Because our county is so dark I wondered if an invitation to residences in the county outside of the Dark-Sky buffer area to shield their lights if they so wished would be in order. I truly love our dark skies and think that this community effort is a great idea. But, as long as this has penalties and the law attached to it the majority of the people are going to fight it all the way.

This thing would not be permission to do something against code, but, would be permission to do something without a resolution to back it. Would something like this be enough for the IDA?

Sincerely,
Linda Anderson
Rural Custer County

To: Custer County Commissioners and Planning and Zoning Department

Date: 2/4/2018

Re: Dark Skies Initiative

During the summer season, between June and September, Red Rock Ranch does vacation rentals for family reunions. Requests for bookings have increased dramatically since the local Dark Skies chapter achieved status as an official internationally recognized IDA location.

Our valley has always had an amazing astronomy, and night sky viewing context, but I don't think anyone knew this until this recent designation. Almost all of my family reunion bookings now ask about what might be available to enhance their family's night sky gazing adventure while they are here in Westcliffe. Many of them have asked if someone from Dark Skies can be present for an evening during their rental in order to guide them through what they are seeing, and the local Dark Skies chapter has been very accommodating when I get these requests.

The reason I chose to write in regarding the presentations being made tomorrow, is that it strikes me that "Family Vacations" is a demographic of visitors that we want to attract to the valley, that most valley residents probably could all agree on, and I wanted to provide my experience as first hand evidence that what Dark Skies has brought to our valley, is of tremendous importance to this demographic.

The possibility of even more enhanced marketing capabilities of this unique status, as a result of yet an even more prestigious designation as a "Dark Skies Reserve" from light pollution, and the monetary influx to our small economy, could not possibly outweigh any negative aspect of implementing such a program. The color of the light bulbs people use is the core issue here as I understand it, and I cannot imagine how anyone could challenge their choice of the color of light bulbs they are using as being enough to sacrifice the potential positive impact that we might see in improving the economic health of our valley. The "3,000 degree Kelvin" definition provides clear guidance for residents everywhere in the valley to feel great about "doing their part", as a contribution to our community.

I have lived here in Custer County for thirty years, and have always wondered what would be the thing that would finally get our little community "On the map", and who knew it would be an astronomy group who would give us positive press and exposure on an international level? Now that the opportunity that we have waited for so long to find, has evidenced itself, let's not let some small logistical points get in the way of us achieving the true potential that lies before us in creating a thriving tourism economy in Custer County, by becoming a Dark Skies Reserve.

Thank you in advance for considering how important this potential new designation could be for attracting family vacation travelers from far and wide, as an opportunity to share with their children something that has disappeared from every city in America – The simple ability to see the night stars and the Milky Way.

Sincerely,

Rick Prill, Owner: Red Rock Ranch, Westcliffe, CO

Wet Mountain Valley Dark Sky Preserve

**Custer County Planning and Zoning
Attention: Jackie Hobby – Director**

Dear Ms. Hobbs,

Some of the last, best, pristine spaces on the planet exist in areas with dark skies for astronomers and citizens.

Quoting a recent story in the news about the effects of losing a nighttime landscape:

“Here's the thing. We live in a world where the natural rhythms are being eroded. Day and night are actually less and less distinct for many of us. A recent study charted the growth of artificial light in our cities and habitats, and the results are pretty staggering. Human eyes are getting less and less opportunity to adapt to the natural, exterior night. Earlier studies have also suggested that plants and animals are struggling to adapt to the human-lit zones of the planet.

And we are increasingly denying ourselves the ability to see the true night sky, the stars, the cosmos. This is not just a problem for the casual observer, it's a major issue for modern astronomy, with fewer and fewer places on the planet where we can set up telescopes that aren't made less sensitive because of artificial light pollution.”

Back in the 1980's when Custer County had a population density the equal of a being a “Wilderness Designation”, little thought would have been given to the possible effects of the future loss of dark skies.

There appears to be benefits with no detractions for Custer County Planning to embrace Astro-Tourism as a Dark Skies Reserve within its framework of planning. Many demographics support star gazing as a future best practice for its current and future population - both young and old.

Thank you for your consideration,

Alan J Peterson

Elizabeth French

From: "Debbie Adams" <debbieadams@mac.com>
Date: February 05, 2018 11:51 AM
To: <elizabeth@custercountygov.com>
Cc: <info@wetmtndarkskies.org>; <bill@custercountygov.com>; <tom@custercountygov.com>; <jay@custercountygov.com>
Subject: Dark Skies

I am writing in strong support of Dark Skies of the Wet Mountain Valley to encourage Custer County to strongly embrace the treasure we have in the night sky above us so the Wet Mountain Valley is internationally recognized as a Dark Sky Reserve! We are relatively new to the area but delight in the awe of the Milky Way seen so richly here. It was a major factor in our decision to want to live here. There is great opportunity on so many levels for the Wet Mountain Valley to have the ancient magic of the night be an valuable asset to the community.

I include this description from a book called *Let There Be Night: Testimony on Behalf of the Dark* by Paul Bogard

The development of the modern world has brought with it rampant light pollution, destroying the ancient mystery of night and exacting a terrible price--wasted energy, damage to human health, and the sometimes fatal interruption of the life patterns of many wildlife species. Artificial light blocks our view of the stars and mirrors a lack of appreciation for night's gifts of quiet and repose, and it negatively affects ecosystems in ways we are only beginning to understand. In *Let There Be Night* twenty-nine writers, scientists, poets, and scholars share their personal experiences of night and help us to understand what we are losing as dark skies and nocturnal wildness disappear. Their testimonies speak of the emotional and spiritual comforts of night; the awe we experience in the presence of vast, starlit skies; the scientific complexity of earth's diurnal rhythms; and the thrill of witnessing children's discovery of the magic of nighttime. These writers examine the folklore of night and trace the historical devaluation of nighttime as industrialization and technology banished darkness and its companion, silence, from our lives. And they propose ways by which we might restore the beneficence of true night skies to our cities and our culture. *Let There Be Night* examines a precious aspect of human experience in grave danger. The contributors offer an urgent call to awareness and action, and their diverse perceptions and voices also provide a statement of hope that the ancient magic of the night can be returned to our world.

Jackie Hobby

From: "Elizabeth French" <elizabeth@custercountygov.com>
Date: Monday, December 18, 2017 8:48 AM
To: "Jackie Hobby" <Jackie@CusterCountyGov.com>
Subject: Fw: Dark Skies Initiative

From: Leroy Wolfe
Sent: December 16, 2017 6:49 AM
To: elizabeth@custercountygov.com
Subject: Dark Skies Initiative

I am totally opposed to any regulations concerning "Dark Skies"
It is time we sent a clear message to outsiders and special
interests groups that they have no say in Custer County.

Leroy Wolfe
11992 CR 255

Jackie Hobby

From: "Sheron Berry" <sberryccw@hotmail.com>
Date: Tuesday, January 09, 2018 10:46 AM
To: <jackie@custercountygov.com>; "Tom Flower" <tom@custercountygov.com>; "Bill Canda" <bill@custercountygov.com>; <jjay@custercountygov.com>; "Sheron Berry" <sberryccw@hotmail.com>
Subject: Dark Sky

This email is letting you know our objective to Dark Sky Regulations.

First of all I love to look at our beautiful sky at night when there is hardly none or no moon. When the moon is full or bright, it is hard to see the stars.

Putting regulations on everyone because of a few is kind of a taking of private property rights. For those who wish to put hoods on night lights that is their choice.

When I walk to the barn in the middle of the night, I like to have the light spread out. I don't want to be surprised by some animal who wishes to spring out at me or surprise my somehow. I feel much safer. When I come home in a snow storm and I see a light, I know where I am and how far it is until I am home. I feel more secure.

Let those who want it put the hoods on lights, but don't make those of us who are happy with our lights as they are.

Make the right decision for all concerned.

Thank you,

Fred and Sheron Berry

Jackie Hobby

From: "Elizabeth French" <elizabeth@custercountygov.com>
Date: Monday, December 18, 2017 8:48 AM
To: "Jackie Hobby" <Jackie@CusterCountyGov.com>
Subject: Fw: "International" Dark skies

From: Cater Benson
Sent: December 16, 2017 7:01 AM
To: elizabeth@custercountygov.com
Subject: "International" Dark skies

Just say NO!! This is much like the United Nations governing our gun laws. We dont need it. Dont want it.
Thank you
(Custer county native)
Ole Babcock

--
"Faster horses, older whiskey, younger women...and "more money"

Elizabeth French

From: "Randy Hicks" <rphicks46@gmail.com>
Date: January 24, 2018 5:28 PM
To: <bill@custercountygov.com>; <jay@custercountygov.com>; <tom@custercountygov.com>; <elizabeth@custercountygov.com>
Subject: Dark Skies

Zoning Committee and County Commissioners,

I will not be able to attend the Custer County Planning Commission meeting on Monday, February 5th so I would like to express my thoughts in this email.

I am, and have been, a believer and backer of our Dark Skies organization and the beauty that we have in our valley, night and day. I do NOT, however, believe that we need ANY new zoning changes regarding new rules, new regulations, and new fines in order to have "Dark Skies". Our nighttime skies and the Dark Skies organization have been fine, as is, for many years and I see NO need to add zoning changes and putting this subject under local government control. I do not think it is the right of the Commissioners to mess with what's NOT broken.

We need LESS government and LESS meddling in citizen's lives.

Sincerely,
Randy P. Hicks
Cuerno Verde - where the night skies are wonderful, as is!



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Eva Colegate

There are many reasons to oppose Dark Skies the primary reasons are safety and security not only in being able to illuminate your place to see what's going on, or keeping watch over live stock, but also safety and security in finding your own place or neighbor's in low visibility conditions.

Being able to see where you're going or what danger's or obstacles might be in your way.

The added financial burden of installing hooded lights on 30ft polls when one or two flood lights will do a better job and cost Thousands of dollars less.

There are many other reasons for me to oppose Dark Skies however these are the most important to me.

There are many stories in the papers in the last several year's where people's lives have been saved because they saw and followed a yard light or house light to safety.

I oppose Dark Skies wholeheartedly.

Based on the 2017 recall election results, and the results of striking down the adoption of new building codes. The majority of Voters in Custer County also oppose Dark Skies.

Do not take away my right to illuminate the United States of America's Flag at night.

Do not take away my rights Celebratory or Religious of outdoor lighting displays.

Do not take away my right to see at night, feel safe and secure or deter the uninvited.

Thank you.

From: Arthur von Boennighausen <

1.arthurvynb@sangre-de-cristo.net>

Sent: Saturday, February 3, 2018 8:14 AM

To: cjim@ranchobendito.com; clintsmith5555@live.com

Cc: Subject: Re: A Single Candle Can Dispel the Darkness / Arthur von Boennighausen

Friends:

I see that Jim Bradburn has turned off his email so this copy has Clint Smith on it..... If you can't take the heat get out of the Kitchen..... - Arthur

On Feb 3, 2018, at 6:43 AM, Arthur von Boennighausen <arthurvynb@sangre-de-cristo.net> wrote:

Friend Jim Bradburn:

* Image of Westcliffe/Silvercliffe from our Sierra Mojada Ranch that is seven miles to the West of these Villages. We are at the base of Horn Peak.

* The new street lights along main street in Westcliffe are the opposite of Dark Skies compliant.... You can see them in image after my signature.

* The more people we have in Custer County the more difficult it will be to have a harmonious community on any subject. What you are attempting is like getting everybody to belong to the same Religion. I have projected the maximum population that Custer County can support without a negative effect on the Fish and Wildlife to be about 12,000 people. Of the 12,000 about 20% [2400] will live in the Villages where there is already out of control light pollution as I show you. I can only see the stars in the night sky if I look to the West over the un-inhabited Sangre de Cristo Wilderness.

* My suggestion is you focus on the out of control light pollution in the Villages of Westcliffe/Silvercliffe and let those of us in the County make a self directed effort on all this stuff for a few more years.

Thinking allowed.....

Arthur Gerard Michael von Boennighausen - BSIE, MSCS, MRE, Independent Broker

From: Clint Smith [mailto:clintsmith5555@live.com]

Sent: Saturday, February 03, 2018 8:37 AM

To: Arthur von Boennighausen

Cc: *Jim Bradburn

Subject: Re: A Single Candle Can Dispel the Darkness / Arthur von Boennighausen

1. You have the wrong email address for Jim Bradburn. It's

jim@ranchobendito.com not cjim . . .

I'm forwarding your message to him and I'm sure he will respond.

There is no heat as you suggest, just an incredible amount of misinformation. Wrong thinking is allowed too, but it is helpful to have all the facts.

Clint Smith

Dear Mr. von Boennighausen

Clint Smith was good enough to send me your email with your incorrect email address for me. I have learned the hard way in my many years in running my business, that making assumptions based on my own mistake and then drawing conclusions usually leads to some foolish thinking. Enough said.

The new street lights in Westcliffe are horrible. I haven't heard a single resident of the town speak kindly of them, and that includes all of the Town Trustees. As the Town already has dark sky ordinances, Dark Skies was not involved with their selection, other than to strongly suggest that if they were to be LEDs, that their color temperature not exceed 3000 degrees Kelvin...a more warm light. The selection of the light fixture **and the lumen (brightness) output** was between the town and Black Hills Electric. At the direction of the Trustees, Mike Carter of the Town is now working with Black Hills to get them changed. Dark Skies has offered the Town \$5000 to help in that effort. Indeed, Dark Skies is trying to control the light pollution in the towns. So please direct your ire about the new lights in Town at Black Hills, not Dark Skies.

As to your statement that we leave it to the residents of the county to control light pollution, I couldn't agree more. Almost all Dark Skies members are county residents.

So my question to you would be this: based on your assumptions about county population growth, how do you propose to retain our dark skies? We have tried the volunteer route. We have tried education and paying the cost of light fixture replacement, but as you surely can see, more unshielded lights keep popping up in the Valley. The county already requires that new lights be shielded. All we are asking is if they are LEDs, that they be warmer at 3000 degrees or less. But clearly our request is merely a band aid to the problem that you describe. What is your solution? Just hope that the Valley stays dark and doesn't go bright? Hope is not a solution. Proactive, meaningful effort is required. Otherwise our view of the night sky will fade from memory.

With kind regards,

Jim Bradburn

Friend Jim Bradburn:

1. * I have studied the subdivided areas of Custer County. To limit the population to 12,000 you keep Westcliffe/ Silvercliffe the same physical size and let them build it out to the maximum with height restrictions preventing the construction of future skyscrapers. Some day we will have 2400 people in the Villages.

* The rest of the county needs the 80 acre zones changed to 160s and the 35 acre zones to 70s and that is it for these areas.

* The already subdivided 5 acre zones will have development restricted by the lack of water. In other words, no one will build on 50% of these 5 acre lots because of the lack of ground water. The 5 acre zones are already adjudicated for only 50% buildout by the Colorado Division of Water Resources. If this is changed they will still run out of water no matter what some legal document tells us.

* I have already been doing this sort of thing on a voluntary basis with my own real estate developments such as the 1640 acre Sierra Mojada Ranch where I only allow development in 20% of the ranch. The remaining 80% has no development and no lights. We are at the base of Horn Peak with the un-inhabited 266,000 acre Sangre de Cristo Wilderness to the West.

The 3000 acre Maytag Mountain Ranch and 4000 acre Bear Basin Ranch have similar restrictions as the Sierra Mojada Ranch is the prototype for the other two. The remaining large Ranches need to study what we have done.

* Alexander the Great once said: " Even the greatest civilizations eventually turn to dust.....". I can only exert my influence on Custer County during my lifetime which will be about another 20 years. I have lived here for 24 years. [now 63]. Alexander's empire only lasted 2 years after he died. I am planning for the same thing to happen when Arthur passes.

Thinking allowed.....

Arthur Gerard Michael von Boennighausen - BSIE, MSCS, MRE, Independent Broker

Friend Jim Bradburn:

1. * Since our lifetimes are relatively ephemeral, why don't you move to one of the primitive areas of this planet where they do not have electric lights? There are plenty of places like this ready for Jim Bradburn. I moved to a Ranch in rural Custer County to get away from all the people in Boulder, Colorado after living there for 34 years. How about a sailboat in the middle of the Pacific Ocean?

Thinking allowed.....

Arthur Gerard Michael von Boennighausen - BSIE, MSCS, MRE, Independent Broker

