

Ann Leppanen <ann@townofbluff.org>

Re: School lights

1 message

Ron Nielson <rnielson@sjsd.org>

Sat, Jan 1, 2022 at 12:35 PM

To: Ann Leppanen <ann@townofbluff.org>

Ann,

Can you send me a copy of Bluff's new light code. I will work with my maintenance department to see what we need to do to come into compliance.

Thanks
Ron

On Sat, Jan 1, 2022 at 11:45 AM Ann Leppanen <ann@townofbluff.org> wrote:
This is from the house to the north.

----- Forwarded message -----

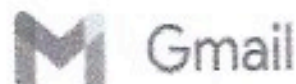
From: **Steve Helgerson** <stevehelgerson24@icloud.com>

Date: Sat, Jan 1, 2022 at 11:14 AM

Subject: School lights

To: <Ann@townofbluff.org>

Sent from my iPhone



Ann Leppanen <ann@townofbluff.org>

Re: APicturesWorthA1000Words

1 message

KAM Hyde <dharmabhum1960@gmail.com>

Sat, Jan 1, 2022 at 12:35 PM

To: Ann Leppanen <ann@townofbluff.org>

Thanks for the update!

Good timing , I guess. I hope ;-)

My suggestions to diminish light pollution while providing security are (as provided by AZ Night Sky org)

- 1) use minimal wattage necessary
- 2) use warm lighting (yellow/orange)
- 2) position lighting at ground level
- 3) aim lighting to where it is required not scattering it all over
- 4) shield lights to further aim brightness at specific targets (like walkways etc) as opposed to creating widespread scatter

Happy New Year 2022 to you and yours.

By the way, I met your hubbie at the Wolfman panel a week ago where he generously shared his binoculars and his expertise.

All the best, Kate

On Sat, Jan 1, 2022 at 10:40 AM Ann Leppanen <ann@townofbluff.org> wrote:
Thanks! I hope to meet with the San Juan School District's Superintendent this next week. I have photos from the Helgerson's as well.

We'll be talking about the plan for Dark Skies compliance on Tuesday. We may have a line on someone to come in to do education etc. in January and February. I'm starting with the major offenders like the school, then UDOT.

Happy New Year!

On Fri, Dec 31, 2021 at 8:57 PM KAM Hyde <dharmabhum1960@gmail.com> wrote:
Dear Ann:

I wanted to share a foto and a video captured at around 3am highlighting the conspicuous amount of light pollution emanating from the elementary school .

https://my.arlo.com/#/viewShared/75EE0B15B80A8E76_202201

How's the dark sky initiative looking?

I read the comments that were sent concerning Desert Rose but I missed the meetings.

All the best, Kate Hyde



Ann Leppanen <ann@townofbluff.org>

Re: FW: Saving the night sky for science

1 message

wshook@charter.net <wshook@charter.net>

Mon, Jan 24, 2022 at 8:34 AM

1. We have noticed the lack of animal life on the vacant property across from the DRI. No rabbits, no chipmunks where we had several before the increase of lighting across the HWY.
2. The street lights who will be responsible for making less light? Willow Ave/UDOT/the 3 at the dairy café?
3. If a business owner says they need it for security how will that be defined or measured?

Thanks Wes

From: "Ann Leppanen"
To: "Westley Shook"
Cc:
Sent: Monday January 17 2022 9:47:32AM
Subject: Re: FW: Saving the night sky for science

Thanks Wes. This is scary. I think I'll send it to the town when we do the blast for next week. Can you help me remember? Are you two headed back?

On Mon, Jan 17, 2022 at 8:20 AM <wshook@charter.net> wrote:
FYI

From: "wes shook"
To: "wshook@charter.net"
Cc:

Sent: Sunday January 16 2022 2:44:38PM

Subject: Saving the night sky for science

http://enewspaper.latimes.com/infinity/article_share.aspx?guid=3846e180-8c8c-45ee-8c70-6a74f888c11c

Sent from [Mail](#) for Windows



Ann Leppanen <ann@townofbluff.org>

Re: Dark Sky

1 message

Jared Berrett <broberrett@gmail.com>

Wed, Feb 16, 2022 at 2:41 PM

To: Ann Leppanen <ann@townofbluff.org>

Cc: Jennifer Davila <ladosadapintada@gmail.com>, Diana Davidson <dianad4440@yahoo.com>, Amer Tumeah <amer_tumeah@yahoo.com>, Steve Simpson <steve@twinrocks.com>

Good afternoon Ann,

I am sending in a comment for this Friday's meeting on Dark Skys. I will be out of town, but wanted to get this to the council for consideration. If you recall, I tried to work with the planning and zoning committee back in 2019 to try to give them input on making the lighting ordinance reasonable and feasible for my business and others in the town of Bluff to implement. I was quite involved for a time and the committee was always cordial and complementary of our property. I know they worked very hard on this ordinance, but never came to our property after my invitation and concerns brought up during the ordinance writing process. (See email threads below). I sent you an email about the lack of engagement 3 months later and you referred me to Sarah whom I never heard from.

Months later I volunteered and applied to be on the planning and zoning committee to try to assist as you recommended but was passed over. For brevity and to be able to move productively forward with the issues at hand, I don't need to rehash the past, but please consider the following moving forward:

Specific Concern: Lumens & Litigation

Though the lumen limit was increased from the 25,000k to 45,000k for C-3 zoning since the first draft of the ordinance, My calculated Lumens when I complete the remaining rooms at Bluff Dwellings Resort will be near ~ 250,000 lumens on our developed land which is ~4 acres. The allowable lumens I'm able to emit in the finalized existing ordinance is ~175,000 per the 45,000 limit per developed acre. I have gone to great lengths to design and install shielded lights fixtures, low lumen lights, natural color, low Killowatt bulbs, etc. We have been very very dark sky minded in all that we have done. I have been so focused on this in fact, that safety concerns have been raised by my guests and staff. I have had a couple of people trip and fall on my property and raise concern that my property is not lit well enough. At this point, safety is a very real and serious concern of mine concerning potential of personal injury. I do not currently intend to increase my lighting design to adjust, but there is no way I can reduce my lighting and maintain a safe experience for our guests. This puts me in a difficult situation since at this time Bluff Dwellings Resort is out of compliance with the existing light ordinance because we are emitting too many Lumens.

I am disappointed that the committee did not deal with this initially and work more closely with the businesses of Bluff. However, I'm hopeful the planning and zoning committee and town council will make some changes now to modify the ordinance. Please modify the ordinance to allow businesses to be compliant without potential costly litigation for either too much light or not enough light. Also, please remove the section of the ordinance that enables townspeople to sue others for compliance. This simply encourages infighting between people in our lovely community. The town needs businesses to be successful, and we all want dark skies. We all live here and work here because we love it here.

Jared Berrett, Owner
Bluff Dwellings Resort and Spa

On Jan 6, 2020, at 8:04 PM, Jared Berrett <broberrett@gmail.com> wrote:

Ann,

Just wanted to drop you a note having not heard back from the Dark Sky's committee since this last correspondence below and knowing they forwarded recommendations to the town council that the way it was written was impossible for Bluff Dwellings Resort to comply. I've been out of the loop since then and hope I am not too late, but since I am a big fan of the Dark Sky as you know, and have spent 10's of thousands of dollars in my lighting design to keep it dark.... please don't pass an ordinance that is impossible for businesses like mine to observe. (See email thread below...)

Thanks,

Jared

Bluff Dwellings Resort

Begin forwarded message:

From: "Robin Cantrell" <rkcantrell@frontier.com>

Subject: Re: Dark Sky

Date: October 2, 2019 at 8:54:00 AM MDT

To: "Jared Berrett" <broberrett@gmail.com>

Mr. Berrett,

Thank you so much for your response. We appreciate your willingness to share information and work with us!

I will wait for direction from my group and see if some others wish to accompany me to meet with you at your convenience.

Again, thank you for your timely response. I look forward to more conversations with you.

Sincerely,

Robin Cantrell

From: Jared Berrett
Sent: Tuesday, October 01, 2019 5:44 PM
To: Robin Cantrell
Cc: Dallin Tait
Subject: Re: Dark Sky

Robin it would be my pleasure to work with you or anyone who I can be of assistance to. Thank you for reaching out to me and responding to my letter.

I'd be happy to give you a little more detail on my efforts to be night sky friendly and share some of my calculations:

First, my development sits on about 3.5 acres and my total property size is ~16 acres.

I have 7 out of 12 buildings complete and lit every night with ~135 total outdoor light fixtures. These are carefully placed and shielded as you are aware. According to accepted approximations of 800 lumens per light this could be as high as 108,000 lumens as the project sits today. I actually don't believe I am casting that much light. I think at most I am at maybe 500 lumens per fixture? My interior lights in my large building are a little too bright for me, and I'm working on that to reduce it but the rest I think if we got some fancy measuring device I think we would find I'm casting about 60-70,000.

Regardless, to light the next 5 buildings with the same design as the first, we will have ~ 115 more lights. The total outdoor light count on my buildings is therefore ~250 which could be calculated at upwards of 200,000 lumens if using 800 per fixture or if we use the 500 lumens x 250 you still get 125,000 lumens which on a 3.5 acer property is well over your current draft limitation of 25,000 per acre.

This is why I wanted to give the committee this heads up. Even for someone who is being as conscientious as I am, the number in your current draft at 25,000 per acre is going to be a challenge for a lodging property. For other properties, its likely not nearly as big of an issue. I totally get the desire to restrict the total lumens, but I've worked hard to make my property very tasteful and use the minimal light I can. Please don't put in place ordinances that are impossible to meet. That doesn't help anyone. I will be forced into litigation if the city were to try to force me to adhere to this requirement which would be silly since I am a total supporter of the dark sky movement and my lighting design that exists I think speaks louder than my words...

So — This gives you a little more detail on my current situation. Happy to get together and brainstorm or contribute in any way I can. I don't have a formal lighting plan. I designed it myself and researched the best balance I could find with the placement, architectural affects, fixture design, etc. that would fit my vision of our small village, budget, and minimalistic lighting footprint.

In thinking through some other commercial properties, If lights were shielded, it would be incredibly helpful and may be enough...?

Jared Berrett, Owner
Bluff Dwellings Resort and Spa

<jared bluff dwellings card.png>

On Oct 1, 2019, at 2:35 PM, Robin Cantrell
<rkcantrell@frontier.com> wrote:

Hello Mr. Berrett,

I am Robin Cantrell from the Bluff P and Z. Based on the letter that you sent to us with comments about the 25,000 lumens per net acre requirement, I went looking to find out more about that. Much to my surprise I discovered that towns like Sedona and Flagstaff, AZ, both Dark Sky designated communities, don't have that 25,000 lumen net acre requirement. I brought that up at our meeting on Sept. 26th. Several members were very shocked at that and it was further discovered that towns can set their own limits. It is required to have a limit.

I told the group that this concerned me as you had obviously tried very hard to be in compliance and yet you indicated that you

could not meet this 25,000 lumen restriction. I asked the group if we could solicit your help on this and they asked me to contact you.

What do you estimate your total lumen output currently is? Did you have a light plan and did you work with someone or develop it yourself? If so, would you share with us? Could some of us possibly meet with you and discuss all of this?

I personally think the Dark Sky idea is a wonderful idea and would be good for our town and good for businesses, but we need to be realistic about it as well. If you could help with giving us some input and ideas that would be greatly appreciated.

Regards,

Robin Cantrell
435-672-2450



Ann Leppanen <ann@townofbluff.org>

Thank you

1 message

Diana Davidson <dianad4440@yahoo.com>

Sat, Jan 22, 2022 at 9:09 AM

To: Ann Leppanen <ann@townofbluff.org>

Hi Ann,

Thank you for listening to my concerns yesterday. Your interest in citizen concerns is such an asset to this community.

I would like to donate a Sky Quality Meter to the Town of Bluff. I have purchased one from Amazon. Although I didn't do an exhaustive search of meters, this one is highly rated and appears to be approved by the International Dark Sky Association. Perhaps Sarah or the U of U folks can confirm if this one can be used for sky quality measurements.

It will be delivered to the Cottonwood. Reed will be on the lookout and will bring it over to you. Delivery in about 7 - 10 days. If you want it to go to someone else, please let me know.

Best regards,

Diana Davidson

 **Meter.pdf**
128K



Ann Leppanen <ann@townofbluff.org>

Re: Dark Sky

1 message

Ann Leppanen <ann@townofbluff.org>

Wed, Feb 16, 2022 at 4:23 PM

To: Jared Berrett <broberrett@gmail.com>

Cc: Jennifer Davila <ladosadapintada@gmail.com>, Diana Davidson <dianad4440@yahoo.com>, Amer Tumeah <amer_tumeah@yahoo.com>, Steve Simpson <steve@twinrocks.com>, Linda Sosa <linda@townofbluff.org>, Luanne Hook <luanne@townofbluff.org>, Jim Sayers <jim@townofbluff.org>, Brant Murray <brant@townofbluff.org>

Bcc: Ann Leppanen <ann@townofbluff.org>

Thank you for the written comments. I will do my best to ensure that everyone's comments are included and made available to Council and Planning and Zoning.

Ann

On Wed, Feb 16, 2022 at 2:41 PM Jared Berrett <broberrett@gmail.com> wrote:
Good afternoon Ann,

I am sending in a comment for this Friday's meeting on Dark Skys. I will be out of town, but wanted to get this to the council for consideration. If you recall, I tried to work with the planning and zoning committee back in 2019 to try to give them input on making the lighting ordinance reasonable and feasible for my business and others in the town of Bluff to implement. I was quite involved for a time and the committee was always cordial and complementary of our property. I know they worked very hard on this ordinance, but never came to our property after my invitation and concerns brought up during the ordinance writing process. (See email threads below). I sent you an email about the lack of engagement 3 months later and you referred me to Sarah whom I never heard from. Months later I volunteered and applied to be on the planning and zoning committee to try to assist as you recommended but was passed over. For brevity and to be able to move productively forward with the issues at hand, I don't need to rehash the past, but please consider the following moving forward:

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lights, natural color, low Killowatt bulbs, etc. We have been very very dark sky minded in all that we have done. I have been so focused on this in fact, that safety concerns have been raised by my guests and staff. I have had a couple of people trip and fall on my property and raise concern that my property is not lit well enough. At this point, safety is a very real and serious concern of mine concerning potential of personal injury. I do not currently intend to increase my lighting design to adjust, but there is no way I can reduce my lighting and maintain a safe experience for our guests. This puts me in a difficult situation since at this time Bluff Dwellings Resort is out of compliance with the existing light ordinance because we are emitting too many Lumens.

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Jared Berrett, Owner
Bluff Dwellings Resort and Spa

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Thanks,

Jared

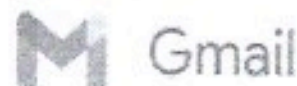
Bluff Dwellings Resort

Begin forwarded message:

From: "Robin Cantrell" <rkcantrell@frontier.com>

Subject: Re: Dark Sky

Date: October 2, 2019 at 8:54:00 AM MDT



Ann Leppanen <ann@townofbluff.org>

Dark Sky Work Session

1 message

Amer Tumeh <amer_tumeh@yahoo.com>

Fri, Feb 18, 2022 at 8:46 AM

To: Ann Leppanen <ann@townofbluff.org>

Cc: Diana Davidson <dianad4440@yahoo.com>, Jennifer Davila <gordodog1@gmail.com>, Steve Simpson <steve@twinrocks.com>, Jared Berrett <broberrett@gmail.com>

Hello Ann,

I am also out of town on my way back from Go West Summit. I will be in Bluff Friday night. I would like the following comments to be part of the discussion this morning regarding improvements to the Outdoor Lighting Ordinance.

(1) Similar to the feedback Jared is getting from his guests, Desert Rose Resort is also getting comments from our guests that it is too dark. Fortunately, we have not had anyone trip and fall yet. So we definitely have concerns with guest safety and possible litigation by our guests.

(2) As you know from previous communication with you and the Town Council, I feel that the clause regarding neighbors suing each other is redundant, counter productive and subjective. As such, I think that clause should be removed from the Ordinance.

(3) Maximum Lumen per developed acre:

I am committed to converting the remainder of our lights (entry and parking lot lights) to full cutoff light fixtures. This will help in eliminating light trespass and glare which are paramount to the Ordinance. However, we won't be able to eliminate any of our light fixtures to comply with the total allowable lumen count. Therefore, I would like the Council to consider removing the lumen requirement all together similar to other towns. We still need to have enough illumination to keep our property safe for our guests.

Thank you for your time and consideration.

Amer Tumeh, Owner
Desert Rose Resort and Cabins

6.60.120 VIOLATIONS.

D. An adversely affected property owner may bring action to enforce this chapter to the same extent as the Town.

A citizen of Bluff needs to wonder why the Business Owners of Bluff [BOB] are so afraid of this part of the ordinance. Why was just one Business Owner who brought this issue to the Town and it was changed without proper procedure to notify the residents of the proposed changes. The notice of this meeting indicated minor changes in the numbering of the ordinance, no notice was made to delete the Section D. The Attorney for the Town indicated hey all is well you are on legal standing in making this draconian change.

Also, another question arises how members of the Council were allowed to vote on this issue while being themselves business owners. It would seem that it would be in their best interest to prevent lawsuits from citizens concerning light trespass. At least one council member is a member of BOB and another runs a rental unit.

If the Town removes the section and refuses to enforce the regulations a private citizen would be better off suing the Town to enforce the regulations of this ordinance. As a member of the community who is greatly impacted by light trespass, I expect the Town to enforce the regulations of the Town. I think that BOB feels that if this is removed citizens will be unable to sue on the Town's behalf. A review of case law would show that private citizens have not been successful in suing individuals for light trespass. Which means that facing lawsuits to enforce regulations which the Town has enacted will cost the town money in defending the violators of the ordinance.

Another way to alleviate the light trespass would be to allow the individual or business responsible for light trespass to fund modifications in residences they affect. This could be drapes, planting of vegetation to reduce light trespass, if the reason for offensive lights is based on security again the proof shall fall on the individual with actual records indicating time and date of property damage or personal injury.

The Town passed this ordinance over 2 years ago and extended the enforcement by an additional 6 months. It is time we moved on with this issue and solve the problem. It is not like the residents and Town officials know who the violators are.

Thanks for listening.

Wes Shook
Bluff West End Resident



Ann Leppanen <ann@townofbluff.org>

Re: Zoom link for BOB Meeting on Friday, 1/21/22, at 11 a.m. MST

1 message

Jared Berrett <broberrett@gmail.com>

Fri, Jan 21, 2022 at 1:05 PM

To: office@recapturelodge.com

Cc: Jennifer Davila <gordodog1@gmail.com>, Amer Tume <amer_tume@yahoo.com>, Andrea <manoandmetate@gmail.com>, Ann Leppanen <ann@townofbluff.org>, Bluff Fort <blufffort@gmail.com>, Cadillac Ranch <cadranch@frontiernet.net>, Ceil McDermott <veryceil@yahoo.com>, Dan Meyers <dmeyers37@gmail.com>, Diana Davidson <dianad4440@yahoo.com>, Frances <frances@twinrocks.com>, Jennifer Davila <ladosadapintada@gmail.com>, Jocelyn Meyers <jocelyn@cedarmesafriends.org>, Kokopelli <kokoinnutah@outlook.com>, Leah <sanjuanriverkitchen@gmail.com>, Liza <cowcanyonbluff@gmail.com>, Marcia Hadenfeldt <farout@frontiernet.net>, Melanie Kranz <bluffgardenscabins@gmail.com>, Nancy <cottonwoodrv_bluffutah@yahoo.com>, Pam/Mike Yearus <CoralSandsRV@gmail.com>, Rick Reeb <rr21148@verizon.net>, Russ Wheeler <russwheeler@hotmail.com>, Stephanie DeGeorge <stephanie@bluffartandcuriosityshoppe.com>, Steve Simpson <steve@twinrocks.com>, Susan DeLorme <delormecabin100@gmail.com>, Tonya Helgersen <Stormytonya@hotmail.com>, Vance <kandcstore@live.com>

Hey Jim I missed your smiling face in the meeting :). Vegas was settled in 650AD?

I'm sure with all of our efforts we can have a dark sky designation, and more importantly a respect for one another in the community that we collectively respect the dark Skys as an important part of the quality of life here.

Jared

On Jan 21, 2022, at 12:22 PM, office@recapturelodge.com wrote:

Thanks all for the spirited conversation today, all your points are good ones. My contribution is that, as a group working with each other while at the same time competing with each other, we agree not to compete with light? You know what I mean, just think about the Las Vegas Strip (I know, not the same thing but Bluff and Las Vegas were settled at the same time!)

Jim



June 19, 2018

Town of Bluff
190 N 3rd East #1
PO Box 324
Bluff, UT 84512

Dear Bluff Town Council Members:

We respectfully request that a member from the Business Owners of Bluff (BOB) be included in the discussions with the University of Utah. We are unclear about the University of Utah process and if and how deliverables from the process will benefit BOB members.

BOB members are a significant stakeholder in this process. Business owners are the largest contributor to the Bluff tax base by far. BOB members will have the most changes to become compliant with Bluff's Outdoor Lighting Ordinance and will incur the greatest cost. We speculate the burden of enforcement issues may involve business owners.

The stay for enforcement of Bluff's Outdoor Lighting Ordinance expires in just over 5 months. We do not currently see a plan that will help BOB members come into compliance by that time. That is why we are requesting to being part of this process now. Having an ordinance is not a plan.

To be clear, BOB understands the ordinance has passed and the town is committed to dark skies. Although we have not formally surveyed our members, most business owners are also in favor of dark skies. BOB knows we will have to make changes to our outdoor lighting and address light trespass.

We have misgivings, however, about the Bluff Outdoor Lighting Ordinance as it stands today. Previously, we have expressed concerns with Bluff's Outdoor Lighting Ordinance in terms of complexity, cost, and ability to comply. We are worried about how we run our businesses, comply with the ordinance, and provide a safe environment for our customers and employees. Recent information we have obtained heightens those concerns.

Bluff's Outdoor Lighting Ordinance is taken in large part from Torrey, Utah's Outdoor Lighting Ordinance. This is understandable as the Town of Bluff exchanged information with Torrey during the incorporation process. However, we have concerns that Torrey's ordinance may not be the best model for Bluff.

Qualitative findings from this review:

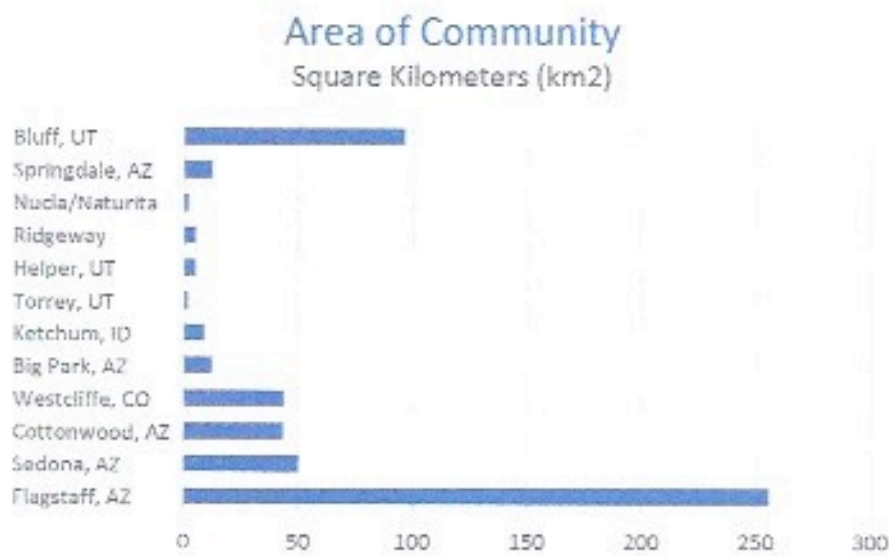
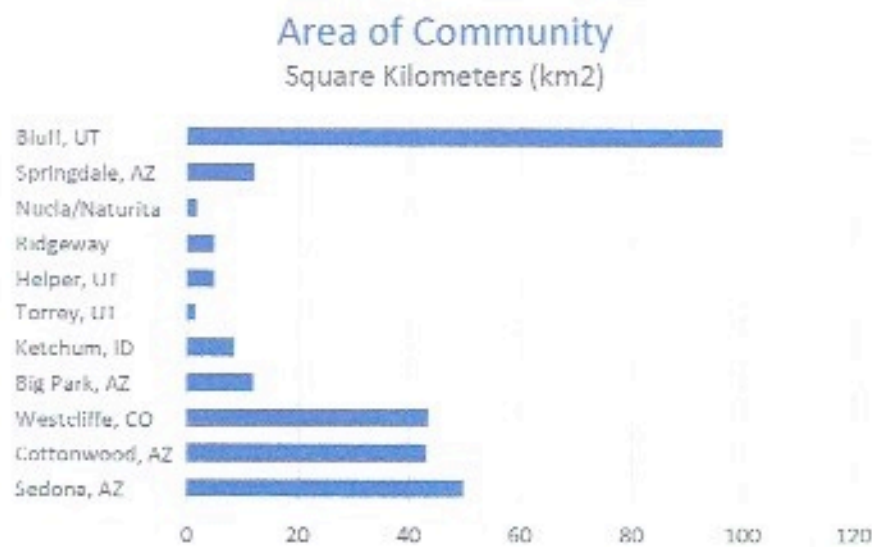
1. All include prevention of "light trespass" or light spillage".
2. All include "full cutoff" fixtures.
3. All had $\leq 3,000$ Kelvin requirement for bulbs.
4. The lumen cap varies widely.
 - a. Several communities have a lumen cap that exceeds Bluff's. Communities with smaller areas have lower lumen caps. One town does not have a lumen cap, but rather addresses it with the full cutoff and light trespass requirements.
 - b. Flagstaff has Zones. In their commercial zone, the lumen cap is 100,000. Other zones outside of the commercial area have lower lumen caps.
5. Some have a specification for "unshielded light", but not all.
6. Most have requirements for gas stations and signs.
7. Most are shorter and simpler compared to Bluff's.
 - a. Flagstaff's ordinance is the longest at 15 pages plus several pages that outline non-conformance. Big Park, AZ ordinance is 14 pages as is Bluff's. Others are much shorter, around 7 – 8 pages. One community had a 2 page ordinance.
8. Some have a grandfather clause (non-conforming).
 - a. The IDA Handbook explains that the ordinance would be in conflict with the State of Arizona laws without this.
9. Compliance periods of 5, 7, or even 10 years were found. The IDA Handbook suggests 5 years as a value for an Outdoor Lighting Code.
10. The variance process did not involve an insurance company except in Torrey.
11. No ordinances had a 'lawsuit' clause.

The IDA website posts each community's area size in km². (See Appendix 1 for an example.) We thought that to be of interest. We were curious as to why the IDA chose the town area as an identifying community characteristic and viewed that as potentially significant metric. After plotting the community areas, it became evident that some communities had very small footprints. The comparison with Bluff's area was quite surprising.

When Flagstaff is removed from the plot, Bluff's area in comparison with other communities comes into clearer focus as shown in Figure 2. Of the communities reviewed, Bluff has the largest area by far.

Torrey has one of the smallest with <2 km². Bluff's area is:

- 2X Sedona
- 8X Springdale
- 20X Helper
- 74X Torrey

Figure 1. Area of Sample Dark Sky Certified Communities**Figure 2. Area of Sample Dark Sky Certified Communities Without Flagstaff**

NOTE: For convenience, the Bluff area of 36.71 square miles was taken from Wikipedia. Square miles were converted to square kilometers. 1 square mile = 2.58999 square kilometers. Bluff area is 95.08 square kilometers (km²).

We know from our own Bluff ordinance that having a larger number of developed acres is associated with a larger number of lumens. We then question, is the Bluff ordinance, which is modeled on Torrey's,

the best fit for Bluff? Or, did Torrey, because of their small footprint, have to establish a very conservative ordinance to achieve Dark Sky certification, and employ rigid methods for variances? With Bluff's large footprint, does Bluff already have mostly dark skies, but with areas of significant light trespass?

The *International Dark Sky Code Handbook* discusses issues relative to outdoor lighting codes, their effectiveness, implementation, and enforcement and reminds planners to:

"At all times, be sure you understand the implications of the approaches chosen, both technically in terms of lighting specifications and practically in terms of applicability, practicality, enforceability, and cost."

We hope you will honor this request and allow a BOB member to be a part of the University of Utah process.

Sincerely,

Jennifer Davila
President
Business Owners of Bluff
Email: businessownersofbluff@gmail.com
C: 435-459-2274

Appendix 1. Sample Entry for Dark Sky Community on IDA Website

<https://www.darksky.org/our-work/conservation/idsp/communities/torrey/>

ABOUT

The Town of Torrey is a small municipality in rural Wayne County, Utah, U.S. It was established by Mormon settlers in the 1880s, who were drawn to the reliable waters of nearby Sand Creek. The town's name traces to Jay L. Torrey (1852-1920), a rancher and former Wyoming legislator. Today, Torrey is best known as the gateway community to nearby [Capitol Reef National Park](#), which was designated an IDA International Dark Sky Park in 2015. Its tree-lined main street, Utah Route 24, draws Capitol Reef visitors, and tourism remains the largest contributor to the local economy.

The Capitol Reef IDSP designation inspired interest among locals about an IDA certification for the Town in its own right as a demonstrable commitment to the long-term protection of dark skies over the national park. Residents have improved their outdoor lighting ordinance, raised funds to retrofit Town-owned street lighting to achieve dark-sky compliance, and undertaken an impressive outreach and education campaign in conjunction with the park and a local nonprofit organization. As a strategy, this is an effective way to deal with the most significant external source of artificial light at night affecting the night sky quality over Capitol Reef.

WEATHER



DESIGNATED

2018

CATEGORY

Dark Sky Community

ADDRESS

100 North 75 East
Torrey, UT 84775 USA

CONTACT

[Ms. Mary Bedingfield Smith](#)
[Website](#)
Tel. +1 435 425 3600

IDA IDSP - 2022-3

1.3 km²

DOCUMENTS

[Application](#)
[Lighting Policy](#)
[Press Release](#)
[Annual Reports](#)



Bluff Office <office@townofbluff.org>

Dark Skies Ordinance

1 message

wshook@charter.net <wshook@charter.net>

Thu, Nov 18, 2021 at 9:35 AM

To: "office@townofbluff.org" <office@townofbluff.org>

Cc: "ann@townofbluff.org" <ann@townofbluff.org>, "jim@townofbluff.org" <jim@townofbluff.org>, "brandt@townofbluff.org" <brandt@townofbluff.org>, "linda@townofbluff.org" <linda@townofbluff.org>, "luanne@townofbluff.org" <luanne@townofbluff.org>

November 18, 2021

Town Council of Bluff, UT

RE: Dark Sky Ordinance

Although I am disappointed with the delay of enforcement of the Dark Sky Ordinance for 6 months at the request of the Business Owners of Bluff. I can at least accept this decision as it was listed on the agenda as an Item for discussion.

I do have a problem with the change to the ordinance concerning the removal of private citizens to be able to contest light pollution. That issue was not addressed in the agenda. My concern is that a new council elected could just refuse to address enforcement of the ordinance and private citizens would not have the ability to sue light trespass. The BOB individual, who brought this to the attention of the Council, received a letter from my attorney upon passage of the ordinance that we would pursue legal action for his light trespass on my property. Upon his urging, the Council now prevents private property owners for seeking legal actions.

I do not believe the action is legally defensible, since that item was not addressed on the agenda, only the delay. I spent over 9 months working with UDOT to remove lights from the HWY 191 ROW and safety hazards the Cruise Ship (DRI) placed inside the ROW.

I invite any of the Council to come to my house and view the light pollution that my family is subjected to every night. The house was built with passive solar as a heat source, hence I have 4 windows facing South on the second story that receive solar heat, however at night they receive the light from DRI. If you go on Google Earth, you will see that when we purchased the residence in 2004 the DRI had not built the addition nor placed lights in the driveway. You can drive by the residences on the

West side including Copper Cliffs and notice the light trespass from the DRI. I am sure the Mayor can attest to the light pollution she receives.

With the action you took, in the future what remedies will I have if the Council refuses to enforce the law, other than having to sue the Council.

Wes Shook
Bluff, UT



Ann Leppanen <ann@townofbluff.org>

Re: Dark Skies and the Council agenda item for Dec. 7 meeting

1 message

wshook@charter.net <wshook@charter.net>

Tue, Dec 7, 2021 at 6:46 PM

To: Ann Leppanen <ann@townofbluff.org>

Cc: "andy@agulliford.com" <andy@agulliford.com>, "edobson@iglide.net"

<edobson@iglide.net>

I wonder if the folks ie; the 3 of us see the letter written by one owner sent a letter in concerning stopping private landowners from asserting their rights over city ordinances. Since this letter is part of an official record and the council acted on this I as well as the other two would like to read it. If we need to file an official request please let me so we can make an official request. Thanks

Wes Shook

From: "Ann Leppanen"

To: "Andrew Gulliford"

Cc: "Edward M Dobson", "Linda Sosa", "Jim Sayers", "Brant Murray", "Luanne Hook", "Westley Shook"

Sent: Tuesday December 7 2021 4:05:25PM

Subject: Re: Dark Skies and the Council agenda item for Dec. 7 meeting

Hello,

In response to 3 comments by community members regarding a revision to the Lighting Ordinance, this will be a work session discussion which will hopefully be scheduled for next Tuesday. I have been out of town and very slow to respond to emails so I apologize for the delayed acknowledgement of the emails.

Ann K. Leppanen

Mayor of Bluff

On Thu, Dec 2, 2021 at 7:44 PM Andrew Gulliford <andy@agulliford.com> wrote:

December 2, 2021

Colleagues,

Like my neighbors Ed Dobson and Wes Shook I am concerned about the change in Bluff's Dark Sky Ordinance without sufficient community input.

That decision needs to be revisited as a substantial right of Bluff citizens appears to have been removed.

Please let me know why that action occurred and when it will be reconsidered. Also, please forward the name and email of the town's attorney so that I may contact that individual and get a better understanding of the ramifications of the council's decision.

Like my neighbor Wes Shook my house is overwhelmed by excessive lighting from the Desert Rose and I have been patiently waiting for the town to take action. Please let me know when the town will begin legal proceedings to address this flagrant violation of one of our most important ordinances and an ordinance that some of you campaigned on. We need and want Dark Skies in Bluff.

I look forward to an email response from the Mayor and from our town councilors. You have been doing a great job and I thank you for all your time and efforts. The absence of Dark Skies is a very critical issue for us on the west side of town and we have been patiently waiting for your leadership.

Andrew Gulliford

888 W. Cottonwood (420+ yards from the Desert Rose and still bothered by light pollution)

andy@agulliford.com

From: Edward M Dobson [mailto:edobson@iglide.net]

Sent: Thursday, December 02, 2021 4:27 AM

To: Mayor Ann Leppanen <ann@townofbluff.org>; Linda Sosa <linda@townofbluff.org>; jim@townofbluff.org; Brant Murray <brant@townofbluff.org>; Luanne Hook <luanne@townofbluff.org>

Subject: Council agenda item for Dec. 7 meeting

It appears that a change was made to the dark sky ordinance, specific to removing the authorization or recognition of the standing of private citizens to bring an action to enforce the ordinance. It also appears that this change was made without the specific notice of such a change on the council meeting agenda.

Taking the latter matter first, when changing an existing ordinance, as opposed to changing a proposed ordinance, best practice is to give notice of the specifics. Moreover, when a substantial right or interest is affected, the council's action is out of order when spontaneously acting without action-item notice. In this instance, the council's action appears to have been out of order as a substantial right or interest was diminished.

It may be said that a private citizen has standing to sue for light encroachment under general nuisance tort law. That is not the same as standing to sue to enforce an ordinance. For example, the plaintiff's burden of proof is easier to carry when the community has recognized in ordinance the value of the protection to the alleged injured. This is a major consideration.

Second, the right of the individuals to unite and pursue a class action against light encroachment is easier to justify, again, when the community has recognized in ordinance the value of the protection to the alleged injured.

Therefore, by acting as it did, the council diminished a substantial right or interest of members of the community to the benefit of alleged perpetrators of ordinance violation. Acting so without action item notice was out of order. Having been out of order, that specific dark sky ordinance change may be null and void. The council should acknowledge same, rather than force citizens to sue the council to restore the protective standing language.

After noticing up and acting on restoring the protective citizen standing language in the dark sky ordinance, the council should notice up a separate action item if it intends an action to remove same.

Further evidence of citizen concern appears to have been brought to the attention of the council immediately after the out-of-order action, as shown below.

Thank you for your attention.

(e-signed)

Ed Dobson

731 E. Navajo Twins Drive / 650 Calf Canyon Road

PO Box 8

Bluff, UT 84512-0008

1-435-672-2467

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November 18, 2021

Town Council of Bluff, UT

RE: Dark Sky Ordinance

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Wes Shook
Bluff, UT



Ann Leppanen <ann@townofbluff.org>

Fwd: Dark Skies and the Council agenda item for Dec. 7 meeting

1 message

Ann Leppanen <ann@townofbluff.org>

Wed, Dec 8, 2021 at 10:36 PM

To: Linda Sosa <linda@townofbluff.org>, Luanne Hook <luanne@townofbluff.org>, Jim Sayers <jim@townofbluff.org>, Brant Murray <brant@townofbluff.org>

Cc: Chris Mcanany <mcanany@dwmk.com>

Bcc: Ann Leppanen <ann@townofbluff.org>

Andy,

Thank you for your questions. We will have the ordinance change discussion on the Tuesday work session which is at 10:00 a.m. We appreciate your thoughtfulness as we continue to build the town structure.

Ann K. Leppanen
Mayor of Bluff

----- Forwarded message -----

From: **Andrew Gulliford** <andy@agulliford.com>

Date: Tue, Dec 7, 2021 at 8:24 PM

Subject: Dark Skies and the Council agenda item for Dec. 7 meeting

To: Ann Leppanen <ann@townofbluff.org>

Cc: Westley Shook <wshook@charter.net>, Edward M Dobson <edobson@iglide.net>

Ann,

Thanks for your involvement with this topic. Here are my questions.

I'm sorry I'm late and may have missed your meeting deadline but it is our last week of classes and I've been teaching and grading papers.

1. Will the town take legal action to enforce the Dark Sky ordinance and if so, when? Time has run out for businesses to be in compliance and we will soon be in to 2022. As I

read the original ordinance there was a time frame for compliance.

2. If the town is not planning legal action does the ordinance read that citizens can do so to uphold the ordinance?

3. If the town is not planning enforcement or legal action will that not impact our other ordinances and their strength or weakness?

Thank you for your consideration. I have sent these questions on to Wes and Ed but they really are for you and the Bluff Town Council. Please forward this email as necessary.

Thanks again,

Andy



Ann Leppanen <ann@townofbluff.org>

Dark Sky Ordinance

1 message

wshook@charter.net <wshook@charter.net>

Mon, Nov 8, 2021 at 8:44 AM

To: "ann@townofbluff.org" <ann@townofbluff.org>, "linda@townofbluff.org" <linda@townofbluff.org>, "luanne@townofbluff.org" <luanne@townofbluff.org>, "brandt@townofbluff.org" <brandt@townofbluff.org>, "jim@townofbluff.org" <jim@townofbluff.org>
Cc: "wshook@charter.net" <wshook@charter.net>

I see that Business Owners of Bluff are requesting a delay in the enforcement of the light trespass ordinance. I oppose this action. The owners have had 2 years to come into compliance with reduction of their light pollution & trespass. For those of us on the West Side no action has been taken to reduce the pollution during this past 2 years.

I suggest rather than doing a blanket change or delay in the enforcement each individual business should request an exemption. They should also provide information on:

- 1) What they have done in the past 2 years to come into compliance.
- 2) What they plan to do to reduce the light pollution in the future.
- 3) The reason for each request.

How long will the council allow the light trespass occur 6 months, a year, or just do away with the ordinance altogether. To say that this is COVID related and businesses have suffered, I would hope that our businesses took advantage of money allocated in the relief bills if not why would the residents of Bluff continue to suffer the light pollution further.

Thank You

Wes Shook / Bluff Resident