

Amelia Brackett Hogstad

From: Ellie Hassan
Sent: Tuesday, August 8, 2023 8:06 AM
To: Amelia Brackett Hogstad
Subject: FW: Dark Sky proposal

Dark Sky public comment from the Planning inbox -

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From: David Blankinship <djb@alumni.rice.edu>
Sent: Monday, August 7, 2023 9:13 PM
To: Planning <planning@Louisvilleco.gov>
Subject: Dark Sky proposal

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Dear Louisville Planning Commissioners,

I am writing to express some personal thoughts on the dark sky lighting proposal that is in front of the planning commission again at the August 10 meeting. I feel like this proposal has not been sufficiently vetted and should be re-evaluated before embarking on something that is likely to be an administrative nightmare whose return on investment is negligible.

First of all, the proposed dark sky ordinance doesn't address any sustainability goals. It focuses on lumens, not wattage (i.e., power and direct carbon utilization) of exterior lighting. As one data point, I have heard that the city's sustainability advisory board isn't unanimously behind this proposal so it does beg the question of what problem is really trying to be solved. In addition, the justification for the proposal doesn't present hard data regarding the impact of nocturnal lighting on people or wildfire and really just operates under the assumption that it is harmful at the levels that are seen within the city. There also seems to have been inadequate cost/benefit analysis to the proposal to factor in the cost of enforcement and additional reviews and scope of building permits.

Furthermore, the proposal focuses on the stick rather than the carrot approach. Rather than punishing residents and businesses when they have non-compliant lighting fixtures or light bulbs, why not encourage people to make simple changes to see the benefits of darker skies themselves. Let's consider providing financial incentives or neighborhood-level competitions to swap out their exterior lights for lower wattage (and lumen) lights, convert to motion-activated lights, and possibly even encourage people to turn off their lights at certain times of day or certain days of the week. I just think that implementing an approach like this is going to trigger reactions of government overreach and residents are very sensitive to this right now during the Marshall Fire rebuild period. We don't want to pile on another regulation that could present financial, supply chain, and other barriers to rebuilding without even addressing sustainability concerns.

I appreciate your listening to my feedback on this topic and hope that the planning commission can see that the dark sky proposal as currently constructed is misguided.

Sincerely,
David Blankinship

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I appreciate what I'm sure was hundreds of hours of staff time to bring the proposed Dark Sky Ordinance forward. Amelia has done a fine job of drafting it for planning commission's review. It's my understanding that Director Zuccaro has stated to council that Louisville will not be able to achieve the dark sky standards that the IDS mandates. If so, have we not spent enough valuable staff time and taxpayer cost against chasing this ambiguous and mystic value?

One can understand why a tourist and or retirement-based community like Flagstaff AZ can reap some tangible and marketable benefit. However, Louisville is part of a major metropolitan area that has a fair amount of industrial base who simply needs lighting to conduct safe operations and security. The IDS claims it's mandates will increase security. I say bull, this is evidenced in the comparative photos in the presentation.

Along my one-mile stretch of Highway 42, there lies Union Jack liquors, Louisville Tire, Quality Metal Fabricators, Old Style Sausage, Louisville Store & Lock, Coal Creek Collision, and Tebo Plaza. Within the last three years every one of these properties has had theft and vandalism issues. Every one!! Do we find this acceptable? We need ample lighting to insure our business and property security.

Just this week it happened again; Louisville Tire was broken in to. They stole a BMW auto and several of the mechanics personal tools. The damage and loss will not only set them back financially but push back their ability to service our residents' cars. Not to mention the two break ins at Louisville Cyclery where tens of thousands of dollars-worth of bikes were stolen.

As I recall, there was great deliberation and study on the connection between lighting and safety on both our McCaslin and Hwy 42 underpasses. Has this criminal element and concern simply gone away? Why does the CAC and planning commission now dismiss this concern?

Sure, this Dark Sky issue has been talked about by council since 2021, it was promoted by our previous mayor. We all know she has been one of the major proponents of the CAC. However, there seems to have been no real deliberation or consideration of any measurable and real or tangible benefits vs cost and sacrifice of our safety and security. Is there a reason this ordinance should be railroaded through and circumvent this process? The cost of conversion is so vast that the city alone cannot get a handle on the real cost of converting our own public properties.

When I sat on planning commission nearly twenty years ago the simple measurement by council and commissions were; What problem does it solve? At what cost? What will be the unintended consequences? Call me old fashioned, but should that still not apply today?

As I watched the July 13th planning commission meeting one has to ask why. Why was the financial and security impact to our businesses not discussed? Why did three of the commissioners present seem oblivious to our business community and not even consider or discuss the issue of safety and security of our community? Why was our chief of police and or safety director not included?

Why does this esoteric dark sky ordinance seem to be a foregone conclusion? Why do we need to pander to the CAC and this dark sky agency? Has there been analysis of any real or measurable benefits? Isn't it councils and commissions job and duty to deliberate the real and tangible benefits and costs of all quasi-judicial actions?

I had not planned on speaking on the dark sky ordinance but felt compelled once the atonement of the meeting appeared to have little if not any real consideration for our struggling small business community.

Chairman Brauneis did a great job of iterating some of the concerns of our business community and was somewhat supported by commissioner Howe. However, I was very disappointed that the other three commissioners present seemed very dismissive of the financial impacts this ordinance would have on our business community.

With that, our planning commission made it abundantly clear that they could care less about our struggling business community. Amelia and April did reach out and our businesses community thought we were heard clearly by our economic vitality director and planning staff. However, on July 13, our planning commissions actions totally negated and dismissed them.

Who is this fear-based political organization who identifies as the CAC? Sure, they choose the trendy, feel good causes like eliminating gas stations and gas-powered mowers to further their political ambitions. However, their self-contrived issues come at the expense of our residents and especially our small businesses.

Sherry Sommers, the lead spokesperson for the CAC speaks to this ordinance as if she holds the final say. She asked that option 3, the one preferred buy our Louisville business be removed. Why did planning commission pander to her demand?

The CAC's totalitarian approach to this ordinance is laden with terms like aggregates offenders, violators, perpetrators and trespassers. They would like to pen neighbor against neighbor and dedicate a light cop on our already staff stressed police force. Should our council allow this less than one tenth of one percent of Louisville's population dictate our city council agenda and the policy's that directly affect the other 99.9% of our residents and businesses?

I've lived in Louisville all my life and for over 50 years have been an avid outdoorsman and custodian of nature. I've never seen as much wildlife in town as we enjoy now. We've never had a time that the population of rabbits and squirrels were this great. On any given day one can see up to 10 species of birds, half of them migratory. Robins, doves, finch, sparrows, starlings, ducks, geese, magpies and crows. A variety of hawks are spotted around town daily. Jean Morgan showed me a live nest this year adjacent to the railroad tracks.

A bobcat's family was just relocated from town by the Division of wildlife. Perhaps if we had greater street lighting the momma bobcat would have not been ran over. Our city has become home to fox, coyote, deer and even bears have frequented town occasionally. Our current lighting standards seem not to bother them. I strongly disagree with the CACs unfounded assertions otherwise.

The members of the CAC suggest that songbirds' haves disappeared, why then has this wonderful yellow finch and his mate returned every summer to eat my sunflowers and sing in my neighborhood? They claim migratory birds are on a decline, why then is the Canadian Goose populations of record numbers along the Front Range. Why then do I hear them fly from Louisville res and harper lake at night to feed at Mayhoffer farms? They seem not to be bothered by the lights and in fact, I believe they utilize the lights to locate destinations in bad weather.

As far as nocturnal animals go, the skunk who navigated my yard last week seemed not bothered at all by my outdoor light and shares the neighborhood with over a dozen brazen raccoons. Whoo, whoo has not seen Marty O'Connor's on-line camera of his annual brood of owlets? Finally, it's abundantly clear, chicken little is alive and well and resides within the membership of the Louisville Citizens Action Council.

Several members of our business community have been hopeful that with our change of leadership on our city council Dias that the CAC would no longer be allowed to make such negatively impacting decisions upon our small businesses. The July 13 planning commission meeting causes me great concern and disappointment for that hope.

Why does it seem that this ordinance is a foregone conclusion? Why has there not been real consideration of its impact on our business community? What is the measurable benefit? What is the real cost impact to our business community? Should we be forced to give up our safety and security to appease the less than 1/10th of 1% of Louisville's residents that support it?

I applaud the multiple efforts by Chairman Braunise to initiate these business impacting conversations in that meeting. However, Commissioners Choi and Baskett we're quick to dismiss it. Do they not realize the value of our local businesses? It will not be the Boulder based billionaire commercial real estate tycoons who shoulder this dark sky expense. Instead, it will be the small businesses who occupy their space and it will be passed on as an assessment or via their triple leases.

The relics of the Empire Restaurant and all our other shuttered business locations should stand to our council and commission as a constant reminder of how fragile and challenging our Louisville small business economy is. We have near Boulder rental rates with only a fraction of the auto and pedestrian traffic. Our labor pool is even more shallow than Boulder's due to the lack of student population and nearly as expensive housing.

Our city and county reap the benefit and windfall of the state and county's 50% increase on commercial property tax. This huge cost increase will be passed on in full to the business operators via triple net, who occupy our retail and commercial spaces. Then, pile on the new energy code, building code and sustainability initiative creates a cost burden our small businesses simply cannot shoulder. And now, the county's mandate to move minimum wage to \$25/hour?

We need to understand that every one of these feel-good CAC, county and or state contrived ordinances puts an additional cost burden on our small businesses they simply cannot bear. Each one is a nail in the coffin of our small businesses. We need to walk the talk when it comes to truly supporting our businesses.

If commissioner Choi and Baskett get their way by eliminating option three and include all existing business, the estimated cost burden on my business alone would exceed \$15k. That is funding that would take away from my ability to give raises to my employees to help them keep pace with inflation. This cost has to come from somewhere folks, and Atlas shrugs!

Planning commission and council also need to understand and accept that the post Covid crime and theft in Louisville is still rampant and has not stopped. It's especially prevalent in our fire rebuild neighborhoods where the street lights have yet to be replaced. The thefts that have occurred in their neighborhoods include lumber packages, siding, electrical components as well as home appliances and

contractors' generators and tools. Most of these occur in the dark of night. All these thefts set back the completion dates on the builds and delay the return of these families to their homes. Have they not been through enough?

9 news reported this week throughout Colorado there is a shortage of police officers. It's very difficult for Louisville to recruit and retain officers. Our police force should not be burdened with this petty task of light trespass. Please let them do their job of preventing and pursuing the rampant real crime and keep this petty nuisance off their plate. The \$100,000 annual cost of enforcement could be much better spent. \$1 million would go a long way to help fund our police force over the next decade.

I'm told boulder has been working on their dark sky initiative for seventeen years and has yet to achieve their goal. Louisville has been focused on our light emission for over a decade and has made great strides without having to comply to the czar of dark sky or having to hire a light cop. Why not simply carry that effort forward and used some of the IDS criteria to set the standard on new builds only moving forward?

As a residential owner I'm comfortable with option 2 and agree the residential trigger for compliance could be lowered to 25%. However, as a business owner, unless the city is willing to front the cost to small businesses in full, the commercial and industrial zoned areas should be limited to new builds only. Not unlike our energy codes. I'm adamantly opposed to any forced compliance on commercial or industrial properties for this Dark Sky ordinance.

I appreciate your consideration.

Mike Deborski
601 Pine Street

Amelia Brackett Hogstad

From: Tiffany Boyd <tiffboyd@gmail.com>
Sent: Thursday, August 3, 2023 8:51 PM
To: Planning
Cc: Amelia Brackett Hogstad
Subject: Dark Skies agenda item

Follow Up Flag: Follow up
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Dear Planning Commission,

Thank you for everything you do for our community.

Citizens appreciate that you help steer our town down a path of sustainability, economic vitality, and livability.

I am writing again to advocate for option one AND two under the dark skies ordinance recommendations.

1. Bringing existing lighting into compliance through amortization (by a specific date)
2. Bringing existing lighting into compliance using “Substantial Alterations and Additions” language

It is important to set dates of compliance of existing lighting AND to make sure these changes meet appropriate alterations and additions.

Thanks again for taking public comment on this topic.

Sincerely,
Tiffany Boyd
550 Grant Ave.

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