

# ***Sustainability Advisory Board***

## ***Agenda***

**March 15, 2023**

**Louisville City Hall, City Council Chambers**

**749 Main Street**

**6:30 PM**

*Members of the public are welcome to attend and give comments remotely; however, the in-person meeting may continue even if technology issues prevent remote participation.*

- You can call in to +1 408 638 0968 or 833 548 0282 (Toll Free)  
Meeting ID #829 8194 5389  
Meeting Password # 741017
- You can log in via your computer. Please visit the City's website here to link to the meeting: [www.louisvilleco.gov/sustainabilityboard](http://www.louisvilleco.gov/sustainabilityboard).

*The Board will accommodate public comments during the meeting. Anyone may also email comments to the Board prior to the meeting at [KBetzold@LouisvilleCO.gov](mailto:KBetzold@LouisvilleCO.gov).*

- I. Call to Order
  - Josh is March secretary.
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes
- V. Public Comments on Items Not on the Agenda (3 minutes per comment)
- VI. Staff Updates (15 minutes)
- VII. Discussion Item: Gas Station Moratorium Recommendation (30 minutes)
  - Staff Update – Rob Zuccaro, Community Development Director

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Persons planning to attend the meeting who need sign language interpretation, translation services, assisted listening systems, Braille, taped material, or special transportation, should contact the City Clerk's Office at 303 335-4536 or [MeredythM@LouisvilleCO.gov](mailto:MeredythM@LouisvilleCO.gov). A forty-eight-hour notice is requested.

Si requiere una copia en español de esta publicación o necesita un intérprete durante la reunión, por favor llame a la Ciudad al 303.335.4536 o 303.335.4574.

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### **City of Louisville**

City Manager's Office 749 Main Street Louisville CO 80027  
303.335.4534 (phone) [www.LouisvilleCO.gov](http://www.LouisvilleCO.gov)

- LSAB Proposed Letter of Support – Josh Cooperman
- Public Comment (2 minutes per comment)
- LSAB Discussion and Recommendation

VIII. Discussion Item: E-Bike Rebate Pilot Program (20 min)

- Staff Update
- Public Comment (2 minutes per comment)
- LSAB Discussion

IX. Sub-Committee and Board Member Updates

X. Administrative Tasks

- Kayla will write April Spotlight
- John is April secretary

XI. Discussion Items for Next Meeting

- Community Decarbonization Plan (Partners in Energy)
- Solar United Neighbors
- Dark Sky Lighting Ordinance

XII. Adjourn

# ***Sustainability Advisory Board***

## ***Meeting Minutes***

**February 15, 2023**  
**Fully Remote (Due to Inclement Weather)**  
**6:30 PM**

**Call to Order** – Chairperson Todd Budin called the meeting to order at 6:32 pm.

**Roll Call** was taken and the following members were present:

Board Members Present: Todd Budin, Megan Ottesen, John Cowley, Josh Cooperman, Dan Mellish and Lev Szentkiralyi, Tiffany Boyd

Board Members Absent: None

Staff Members Present: Kayla Betzold

### **Approval of Agenda –**

Tiffany moved to approve the agenda; Dan seconded the motion. The agenda was approved by all members.

### **Approval of Meeting Minutes –**

Dan moved to approve last meeting's minutes; Tiffany seconded the motion. The minutes from the January 18, 2023 meeting were approved as written.

### **Public Comments –**

RJ Harrington: RJ spoke about air quality on the Front Range and its relation to local fracking sites to the east and north of Louisville. He explained that the Planning Commission is considering a moratorium on new gas stations in

Louisville. He said that if we continue to incentivize the supply of fossil fuels, it incentivizes more fracking and air pollutants.

**Staff Update –**

Dan asked about the timeline and priority for the Dark Sky Ordinance. Kayla explained there is already a draft ordinance and it is slated for the first half of the year. She will keep everyone updated on progress and there is a Dark Skies Open House on Monday, April 10 at the Louisville Public Library. Todd asked if Kayla is the Sustainability Division referred to in the staff update and Kayla confirmed that she is indeed the Division. Dan mentioned that it's great to see so many residents rebuilding to the IECC 2021+ codes. Tiffany asked if the e-bike pilot program flyers will be translated into Spanish. Kayla responded that they will be translated when they are printed. Todd asked if there will be more of a discussion about the e-bike rebate pilot program and Kayla responded that yes, there will be a discussion at the March meeting. Tiffany asked the board to celebrate the number of residents choosing the incentives, rebates and choices for the IECC 2021+ codes for rebuilding.

**Discussion Item – Open Space Tax Task Force – LSAB Appointment**

Kayla started by explaining that City Council is putting together an Open Space Tax Task Force with members from OSAB, PPLAB and LSAB to discuss the Open Space sales tax. The tax is expiring and language about extending the tax needs to be included on the November ballot.

*Public Comment*

None

*LSAB Discussion*

Todd mentioned that this is a great chance to get sustainability built into an ongoing funding source. He asked if LSAB could have a representative and an alternate. Kayla responded that the task force will discuss this in their first meeting. Todd said he is willing to be the LSAB representative on the task force. Lev asked how Todd sees this as an opportunity to raise funding for



sustainability. Todd responded that LSAB's voice on the task force would allow input on how the ballot language is written and if funds from the tax will be divided to include sustainability. Josh added that some of the funding may go towards Parks for natural climate solutions. Todd included that adding sustainability could rename it as a sustainability and parks tax. Josh said he volunteers to be the alternate.

Dan nominated Todd as the LSAB Open Space Tax Task Force representative with Josh as an alternate. Tiffany seconded his motion. The motion was approved by all members.

### **Discussion Item – LSAB Decision Making Process and Expectations**

Todd explained to the group that when it comes to climate solutions, the board can spend a long time getting to the best solutions, but he asked that the board not let perfect get in the way of the best path forward needed to gain momentum, since the board only has 18 hours per year together for discussion.

John added that the board should figure out the most effective strategies to reduce carbon emissions, backed up by research and data.

#### *Public Comment*

Sam (Monarch student) – Sam said he supports the board's approach to prioritize the strategies that reduce the most carbon emissions.

RJ Harrington – RJ agreed with the approach and added that we need to electrify the transportation sector and keep making progress on reducing the most emissions possible.

#### *LSAB Discussion*

Tiffany said that we need to consider the GHG emissions impact and community interest to create buy-in from the public. Todd added that in order for the board to get through the work plan, the board will need to take some risks and perhaps the board can decide on fewer items for the 2024 work plan. Lev said that the board may need to spend more time on its decisions before it recommends approval of projects. Josh agreed that the board should make as informed decisions as it can. Todd explained an example of the US Solar community solar

garden. He said the garden is going to be built with or without LSAB's approval, so there isn't much risk in approving a partnership to support the solar garden. Tiffany said that the pace of the climate crisis is requiring us to move solutions forward. Dan added that people can go deeper into a project idea and do their research before a meeting and email Kayla in advance of a meeting with any questions or feedback. John said the original solar farm that the City of Louisville was partnering with went bankrupt, so we don't want to recommend something for the community to embrace if it's not a well-vetted company. Todd added that people can do more research ahead of time and send questions to Kayla in advance. Megan asked if there is an opportunity to continue a discussion after a topic has been introduced. Todd said that yes, the board can decide not to make a recommendation on a topic if the board isn't prepared to do so. Kayla added that she can be more clear about what she's asking for from LSAB. She will be more explicit in the agenda and slide deck about what kind of feedback is being requested, which should help to frame the conversation better. Megan responded that stating the ask ahead of time would help. She gave the example of the bag tax item and asked what the board will be deciding. Is the board going to pick which program they like the most or are they providing feedback on all programs? Kayla said she would clarify the ask in the packet more clearly in the future.

**Discussion Item – Bag Tax Funded Waste Reduction Programs**

Kayla presented the bag tax funded waste reduction programs to the board and explained that these options will be presented on March 14 to City Council. She added that several other city groups are providing input before the Council meeting. The presentation included 5 proposed waste reduction programs and an additional sustainability staff person to manage the waste reduction programs and support the work of the Sustainability Division, funded through bag tax revenue and the Boulder County Environmental Sustainability Grant. For more information about the presentation, see the February LSAB packet.

Dan asked about the GHG emissions associated with DeliverZero traveling around town to pick up the reusable containers and Kayla said she would look into this. Megan asked if there are other options for composting since A1 Organics is reducing the items accepted into the compost stream. Kayla said that A1 is the only compost processor in the area at this time and the City is discussing this change with many other municipalities to determine the best strategy. She suggested LSAB discuss this in more detail at a future meeting.

*Public Comment*

RJ Harrington – RJ encouraged residents to email Clinton Sander from A1 Organics ([clintonsander@a1organics.com](mailto:clintonsander@a1organics.com)) to get more information about what's happening with composting policy changes. He added that he likes the idea of reusable containers and would be happy to pay \$0.99 per order for reusable containers at restaurants.

*LSAB Discussion*

Josh asked if Republic does a large item pick up. He said it would be good to connect Republic's efforts to the low income and community events. John said that his HOA brings a large roll off for large item events. Lev asked if the City can ask that people pay something towards the community events, as it may help the events from becoming a trash drop off. Kayla said that Eco-Cycle comes the night before and labels large cages with what goes into each receptacle. During the event, Eco-Cycle staff is on site to sort and monitor the items. There will also be a dumpster on site for trash. Tiffany said that it's great to have so many different options. She asked that the City research Ridwell's recycling end-markets before moving forward with a partnership. She asked what actually happens with the items Ridwell collects? She also added that the events at Kestrel and Parco Dello Zingaro are great. Todd asked if the City plans to move forward with all 5 programs. Kayla said that all of the options will remain so that businesses can use the options as a 'menu' to choose from. Todd asked if option 5 only provides grants for containers? Kayla said no, it's a zero waste grant for anything that reduces waste at the business and is a way for the City to find out what businesses want to fund through the incentive. Tiffany said that the since

the ordinance was written more broadly, can we use the bag tax revenue for decarbonization incentives after the commercial waste reduction options? Kayla said the City can look into this and agreed that the ordinance was written broadly. Todd said he agrees that the City should use the flexibility of the ordinance to prioritize decarbonization efforts with the revenue. Lev asked about the longevity of programs 2, 3 and 4. He asked what the likelihood is for a business to continue with these programs when their incentive funds are gone. He asked how effective have these programs been in Boulder? Kayla said that for option 4, PACE can help provide support when the incentive runs out. John added that the City should clearly let the businesses know that these program options are available because of the bag tax! Tiffany agreed with John. Todd suggested the City find out how likely businesses would be to continue their participation in the program. He said that staff should conduct a program analysis after the first year of administering the programs to evaluate effectiveness and impact. Kayla said this is great feedback and thanked the board. Josh asked if the City provided Kayla with any direction to spend the revenue on waste diversion specifically? Kayla responded that past Council communications focused on commercial waste diversion programs with bag tax revenue and said there was \$183,000 from 2022 revenue. Tiffany asked if these programs are a pilot. Kayla said yes and that staff would need to involve Council in the future if there was interest in shifting the funds to decarbonization efforts in the future. Tiffany asked how the bag tax revenue funds the staff position. Kayla said that half of the position's salary is from the Boulder County grant and half is from the bag tax. In January 2024, the bag tax revenue will decrease because plastic bags will be banned.

### **Discussion Item – Spring Cleaning Event**

Todd provided an update about the Spring Cleaning Event to the board and asked the board to sign up to volunteer for this event and ask friends and family to volunteer for the event as well.

### *Public Comment*

RJ Harrington – RJ said that Lafayette’s Earth Day event is the same day as the Spring Cleaning Event (Saturday, April 29).

Sam (Monarch student) – Sam asked if there would be a meeting transcript available, as he needs it for his high school project.

Kayla said she would look into the meeting transcript. John asked Sam about his project. Sam said it’s Project Citizen where students have to go to a city meeting, participate and then discuss what they’ve learned.

*LSAB Discussion*

None

**Sub-Committee and Board Member Updates –**

None

**Administrative Tasks –**

Dan will write the March Sustainability Spotlight, due February 15. Josh is the March secretary.

**Discussion Items for Next Meeting –**

Kayla said that the March meeting would include a discussion about the Community Decarbonization Plan, e-bike pilot program and Earth Day promotions. She said the City is creating an Earth Month flyer for all events that will be available in English and Spanish and it may include a QR code with additional information about events.

**Adjourn –**

Josh moved to adjourn the meeting and Dan seconded the motion. The meeting was adjourned at 8:13 p.m.

## Memorandum

**To:** Louisville Sustainability Advisory Board  
**From:** Kayla Betzold, Sustainability Coordinator  
**Date:** March 15, 2023  
**Re:** Staff Updates

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### *Internal Decarbonization Plan*

- The McKinstry/City of Louisville team has completed audits at all City facilities and has in-depth analysis complete on 3 facilities.
- The team will be presenting preliminary results to City Council on April 4.
- The team will be presenting the final roadmap to City Council on July 11.

### *Dark Sky Lighting*

- The Sustainability division is working with Economic Vitality and Planning to develop a dark sky lighting ordinance, which is scheduled for Council in late spring.
- Visit <https://www.engagelouisvilleco.org/darksky> to learn more about the project and to complete a resident feedback survey by April 15, 2023.
- A Dark Sky Open House will be held on Monday, April 10 at 6:00 p.m. at the Louisville Public Library 1<sup>st</sup> Floor Meeting Room.
- An Open Space Dark Sky educational program will be held on Sunday, April 16 for those interested in learning about the tools used to measure light pollution.

### *Compost Contamination*

- A1 Organics has announced sweeping compost policy changes which will go into effect on April 1, 2023. Compostable serviceware, paper products and compostable bags larger than 3 gallons will no longer be accepted into the compost stream. More information can be found on the [Eco-Cycle website](#). The updated compost guidelines poster is included in the LSAB packet.
- The City of Louisville, in partnership with the City of Lafayette and A1 Organics, will be hosting an informational meeting Get Caught Up with Composting on Tuesday, April 11 from 5:30 – 6:30 p.m. at the Lafayette Library Meeting Room.

### *Resource Central Programs*

- The City is partnering again with Resource Central to provide water conservation programming.
- The Lawn Replacement Program offers residents up to \$500 to remove grass and install low-water plants. Learn more at <https://resourcecentral.org/lawn/>. The deadline to apply for this program (if a resident would like funding for Garden in a Box) is March 17. Residents may apply for physical turf removal through this program after March 17.
- The Garden in a Box program offers professionally designed, waterwise gardens made for Colorado yards and gardens are available starting on March 1. Residents receive a \$25 discount. Learn more at <https://resourcecentral.org/gardens/>. Gardens typically sell out by the end of March.
- Free, online Waterwise Yard Seminars will be hosted by Resource Central and partner organizations throughout 2023 to educate residents about low-water landscaping. Find out more at <https://resourcecentral.org/seminars/>. The City of Louisville seminar will be held on Monday, July 10 from 6:00 – 8:00 p.m. and will be titled Firewise Landscaping: Methods and Design

### *Green Business Program*

- The Green Business Breakfast will be held on Tuesday, April 18 from 8:00 – 9:00 a.m. at the Lafayette Public Library Meeting Room. This event is an opportunity for any business in Louisville to learn more about the Green Business Program and commercial sustainability programs.
- The Green Business Program application will be open May 1 – September 30.

### *Events*

- The virtual Sustainability Film Series will be hosted by Louisville, Lafayette, Superior and Broomfield and will be held April – July 2023 on the third Thursday of each month. Louisville's film is Ice on Fire and will be held on Thursday, May 18 on Zoom.
- The Earth Day events flyer is attached to the LSAB packet.
- The Spring Cleaning Event will be held at Ascent Church on Saturday, April 29 from 9a-12p.
  - Volunteer sign up here - <https://bit.ly/2023SpringCleaningVolunteering>
  - All Louisville residents participating in HHW, electronics or lawn equipment recycling must register using this link - <https://bit.ly/2023SpringCleaningEvent>



# City of Louisville

City Manager's Office

## *Grants*

- The City is applying for Congressionally Directed Spending through Senator Hickenlooper's office and Community Project Funding through Representative Neguse's office to fund electrification, EV charging, and onsite solar at the Louisville Recreation Center.
- The City is applying for the Regional Air Quality Council municipal lawn equipment electrification grant to fund electrification of the remaining PROS gas-powered hand held lawn care equipment (trimmers and backpack blowers).
- The City is applying for the Public Building Electrification Grant through the Colorado Energy Office to fund additional electrification of city facilities.
- The City is applying for the Turf Replacement Program funding through the Colorado Water Conservation Board to expand the residential Lawn Replacement program through Resource Central.
- The City is partnering with Boulder County to apply for Center for Regenerative Solutions' Urban Nature-Based Climate Solutions Accelerator to model urban heat and urban forestry as a climate solution and prepare for natural climate solutions IRA funding.



# Celebrate Earth Day



Each year April 22nd is marked as a day of action with more than a billion people working together towards a cleaner and more resilient environment. Celebrate and get involved this Earth Day by lending a hand or learning more at one of Louisville's many upcoming events and programs during the month of April.

## **Resource Central Waterwise Seminar Series**

Waterwise Yards: Turf Removal | MON 4/3 | 6-8 PM | Virtual

High Altitude Gardening | WED 4/5 | 6-8 PM | Virtual

Navigating your HOA During a Xeriscape Conversion | TUE 4/11 | 6-8 PM | Virtual

Carrots and Cabbage and Kale, Oh My! | WED 4/12 | 6-8 PM | Virtual

Best Practices in Western Horticulture | THR 4/13 | 6-8 PM | Virtual

Earth Day - Feed the Pollinators, Feed the Earth | THR 4/20 | 6-8 PM | Virtual

Water Smarter with Smart Irrigation! | WED 4/26 | 6-8 PM | Virtual

## **Read, Reuse, Recycle: A Book Donation & Recycle Event\***

SUN 4/16 | 9 AM-12 PM | Louisville Public Library

## **Celebrating Earth Month: Magic Trash / Recycled Art Sculptures\***

SUN 4/16 | 1-2:30 PM Ages 4-8 | 3-4:30 PM Ages 8-13 | Louisville Recreation & Senior Center

## **Sustainability Film Series**

THR 4/20 | 6:30 PM | Virtual

## **Earth Day Volunteer Event\***

SAT 4/22 | 9-11 AM | Davidson Mesa Open Space

## **Spring Cleaning Event\***

SAT 4/29 | 9 AM-12:30 PM | Ascent Church parking lot (550 McCaslin Blvd.)

## **Spring Backyard Compost Workshop\***

SAT 4/29 | 2-4 PM | Louisville Public Library

**\*Registration Required**

**Learn more and register at [LouisvilleCO.gov/EarthDay](https://LouisvilleCO.gov/EarthDay)**





# COMPOST



## FOOD SCRAPS / DESPERDICIOS DE COMIDA

Remove stickers, twist ties, rubber bands, and packaging.  
*Sin etiquetas, alambres de plástico, ligas, o empaquetado.*



Coffee grounds and beans  
(no filters)  
*Café molido y en grano  
(sin filtros)*



**NO COMPOST BAGS**  
Small countertop compost bags  
(3 gallons) accepted  
**NO BOLSAS DE COMPOST**  
*Se aceptan bolsas de compost  
chicas (3 galones)*

## YARD & PLANT TRIMMINGS / RECORTES DE JARDÍN Y PLANTAS



Flower bouquets  
no string or elastic bands  
*Ramo de flores: no cuerdas o bandas*



**NO PAPER YARD BAGS**  
**NO BOLSAS DE PAPEL PARA  
CORTES DE SU JARDIN**

**THESE ITEMS ARE NO LONGER ACCEPTED IN COMPOST. PUT THESE ITEMS IN THE TRASH.**  
**ESTOS ARTICULOS YA NO SE ACEPTAN EN COMPOST. PONGA ESTOS ARTICULOS EN LA BASURA.**



**NO FOOD SERVICE WARE**  
including products labeled as  
compostable  
**NO UTENSILIOS DE COMIDA**  
*incluyendo productos etiquetados  
como compostables*



**NO PAPER PRODUCTS**  
**NO PRODUCTOS DE PAPEL**



**NO GREASY PIZZA BOXES**  
Trash greasy side and  
recycle clean side.  
**NO CAJAS DE PIZZA GRASOSAS**  
Ponga la mitad grasosa en la basura  
y la mitad limpia en el reciclaje.



Learn why compost guidelines have changed / Descubra por qué han cambiado las guías de compost



# Louisville Sustainability Advisory Board March 2023

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Kayla Betzold  
Sustainability Coordinator

# Discussion Item: Gas Station Moratorium Recommendation

## Overview

Rob Zuccaro, Community Development Director, to provide the board with an overview of topic.  
Josh Cooperman, LSAB member, to provide the board with an overview of the proposed LSAB memo.

Public comment (2 minutes/each)

## LSAB Discussion

- Questions and comments
- Changes to proposed memo (if necessary)
- Recommendation

# **LSAB Discussion**

*March 15, 2023*

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## **Gasoline and Automobile Service Station Cap**

*Proposed Ordinance 1851, Series 2023*

# Background

- Nov. 1, 2022 – City Adopts Moratorium on New Land Use Applications - Expires September 30, 2023
- Response to Citizen Initiative to Ban New Gasoline and Automobile Service Stations
- Consideration of City-Initiated Ordinance Included in City Council's 2023 Work Plan
- Proposed Limitation in Recognition of Health and Environmental Concerns and to Promote Quicker Transition to EVs.



# Proposal

## Proposed Ordinance:

- Limit of Six Facilities (Current Number of Existing/Approved)
- Requires 1,000 ft. Spacing Between Facilities
- Provides Exception to Number and Spacing Requirements for New Large Retail Centers
- Automatic Expiration of PUD/SRU for New Facilities if Permit Not Issued in 36 Months
- Loss of PUD/SRU Approval if Existing Facility Discontinues Use for 12 Months
- Requires EV Fast Charging Stations for any New Facilities

# Discussion Item: Gas Station Moratorium Recommendation

## LSAB Discussion

- Questions and comments
- Changes to proposed memo (if necessary)

LSAB may choose to take any of the following actions:

- Recommend approval of ordinance as drafted
- Recommend denial of ordinance as drafted
- Recommend approval of ordinance with edits
- Take no action/not provide a recommendation if LSAB believes they do not have adequate information to make such recommendation.

- Motion
- Seconded motion
- LSAB vote
- Record vote



# Discussion Item: E-Bike Rebate Pilot Program

## Overview

- Sustainability Action Plan and Climate Action Goals support transportation electrification
- Boulder County Regional Transportation Electrification Plan and Community Decarbonization Plan
- Updated Boulder County Greenhouse Gas Inventory shows transportation emissions are second largest sector (22% of total)
- Results from Denver's program show reduction in vehicle miles traveled and frequent usage

# Discussion Item: E-Bike Rebate Pilot Program

## Pilot Program Overview

- City is partnering with Lafayette on 2023 pilot program
- Sustainability funding for 10-15 rebates
- Pre and post rebate surveys to gather data and inform program efficacy
- Community Cycles hosts educational classes – is willing to host a class in Louisville in early summer
- Point-of-sale rebates at local retailers
  - \$300 rebate
  - \$600 income-qualified

**Are you a  
Louisville  
or Lafayette  
resident?**



**You could  
qualify for a  
discounted  
e-bike!**

# Discussion Item: E-Bike Rebate Pilot Program

## Eligibility

- Louisville resident
- 18+

Limit one e-bike per household.

To be eligible for an income-qualified rebate you must provide proof of enrollment in one of the below:

- Energy Outreach Colorado's Colorado Affordable Residential Energy Program (CARE)
- Xcel Energy's income-qualified Community Solar Gardens Program
- State of Colorado's Low-Income Energy Assistance Program (LEAP)
- State of Colorado's Supplemental Nutrition Assistance Program (SNAP)



# Discussion Item: E-Bike Rebate Pilot Program

## Participating Retailers

- Cyclerie - 777 Flatiron Meadows Blvd., Erie
- E-Bike Colorado - 544 Front St., Louisville
- Lectrice eBikes - online retailer with a service and repair location in Boulder: REI
- Louisville Cyclery - 1032 E. South Boulder Rd. Ste. 103, Louisville
- Pedego Boulder - 2512 Broadway, Boulder

## Eligible E-bikes

Two classes of e-bikes equipped with an electric motor are eligible:

- Class 1: electric motor provides assistance only when the rider is pedaling. The motor also stops providing assistance once the bike reaches a speed of 20 mph.
- Class 2: electric motor provides assistance at all times, regardless if the rider is pedaling. The motor stops providing assistance once the bike reaches a speed of 20 mph.

Eligible e-bikes must have:

- A motor of 750 watts or less
- Two or three wheels
- Fully operable pedals



# Discussion Item: E-Bike Rebate Pilot Program

## Timeline

- April 3: Application for an e-bike rebate opens
- April 29: Visit Lafayette's Earth Day Every Day to test drive e-bikes from participating bike shops and apply in person for a rebate
- May 5: Application for an e-bike rebate closes
- May 15: Applicants are notified if they received an e-bike rebate
- June 21: Applicants are encouraged to participate in Bike to Work Day and stop by Louisville's breakfast station for a photo at 7:30am

## Application

- Residents may apply for a rebate anytime during application period. City will select recipients via a lottery system, as there is a limited number of rebates available.
- Preliminary requirements may be included, such as willingness to replace regular vehicle trips with e-bike if awarded.
- Data collection from application questions will be compared to post-rebate survey data collection to estimate impact

# Discussion Item: E-bike Rebate Pilot Program

## **Public Comment**

- 2 minutes/comment

## **LSAB Discussion**

- Questions and comments
- Application question recommendations

# LSAB March 2023 Meeting

## Sub-Committee and Board Member Updates

### Administrative Tasks

- Staff to write April Sustainability Spotlight
- John is April secretary

### Discussion Items for Next Meeting

- Community Decarbonization Plan introduction (Partners in Energy)
- Solar United Neighbors
- Dark Sky Lighting Ordinance
- Communications Plan

### Adjourn

**SUBJECT: DISCUSSION - ORDINANCE 1851, SERIES 2023 – AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE CAPPING THE MAXIMUM NUMBER OF GASOLINE AND AUTOMOBILE SERVICE STATIONS**

**DATE: MARCH 15, 2023**

**PRESENTED BY: ROB ZUCCARO, AICP, COMMUNITY DEVELOPMENT DIRECTOR**

**SUMMARY:**

Proposed Ordinance 1851, Series 2023 (see Attachment No. 1) would create the following limitations and requirements for new and existing gasoline and automobile service stations:

- Limit the number of existing or approved gasoline and automobile service stations to six (current number of existing and approved stations), with an exception to allow an increase to a limit of seven stations if the seventh station is part of a new, large single-user retail center.
- Require 1,000-foot spacing of new gasoline and automobile service stations from existing stations, with an exception if the new station is part of a new, large single-user retail center.
- Automatically expire Planned Unit Developments (PUD) and Special Review Use (SRU) approvals for gasoline and automobile service stations that do not pull building permits within three years following approval.
- Automatically expire any PUD and SRU approval of an existing gasoline or automobile service station that discontinues use for one year.
- Require installation of electric vehicle (EV) fast charging stations for any expanded, modified or new gasoline or automobile service station equaling 20% of the number of gasoline pumps at the stations, with no fewer than two such charging stations.

As part of passage of first reading of the ordinance on February 21, 2023, City Council requested that the Sustainability Advisory Board (LSAB) review the proposal prior to second reading and the public hearing for consideration of the ordinance, scheduled for the March 21, 2023 Council meeting. LSAB may choose to take any of the following actions:

- Recommend approval as drafted
- Recommend denial
- Recommend approval with edits
- Take no action/not provide a recommendation if LSAB believes they do not have adequate information to make such recommendation.



**BACKGROUND:**

On November 1, 2022, the City Council adopted Ordinance 1843, Series 2022 as an emergency ordinance, setting a moratorium on the submittal of land use applications for new gasoline or automobile service stations (see Attachment No. 2). City Council initiated the moratorium following the submittal of a citizen-initiated petition that would ban new gasoline and automobile service stations in all zone districts and not allow building permits for new facilities within 2.5 miles of any existing facility (see Attachment No. 3). The moratorium is in effect until September 30, 2023. The City Clerk approved the form of the petition on October 24, 2022 and the moratorium expiration date of September 30, 2023 was set to provide time to allow the petitioners to gather signatures and an election to take place if the petitioners obtain adequate signatures. The City Council has since added to their 2023 work plan consideration of a city-initiated ordinance regulating new gasoline and automobile service stations. While the petitioners could continue with their initiative, a City-adopted ordinance could address many of the petitioners concerns.

The Louisville Municipal Code uses both “Gasoline Service Stations” and “Automobile Service Stations” as terms to denote businesses that sell gasoline and motor fuels.

***Sec. 17.08.200 - Gasoline service station means a building or premises on or in which the principal use is the retail sale of gasoline, oil or other fuel for motor vehicles; and which may include, as an incidental use only, facilities used for the polishing, greasing, washing or otherwise cleaning or light servicing of motor vehicles; but may not include liquefied-petroleum-gas-distribution facilities, facilities for major repairs of motor vehicles, or rental operations.***

***Sec. 17.72.130 - An automobile service station shall be a retail place of business engaged in the sale of motor fuels and in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorists' needs. Major automotive repairs, painting, body and fender work are prohibited.***

The Municipal Code limits “Gasoline Service Stations” to certain commercially and industrially zoned districts (B-O, C-N, C-C, C-B, and I districts) and only allows facilities in those districts through Special Review Use approval. The Planned Community Zone District (PCZD) lists “Automobile Service Stations” as permitted uses in areas designated as Commercial and Office unless restricted through a General Development Plan. Facilities located in the PCZD district are subject to specific development and performance standards outlined in [LMC Sec. 17.12.130](#). “Automobile Service Stations” are distinct from automobile repair and service businesses that do not sell motor fuels (e.g. general auto repair, oil change services, and tire sales and repair).

Currently, there are five gasoline and automobile service stations operating within the city and one that recently received approval at 525 S. McCaslin Boulevard. The ordinance will allow construction and operation of the new station on McCaslin Boulevard, provided they apply for their building permit prior to expiration of the Planned Unit Development (PUD).

**ANALYSIS:**

Banning or limiting new gasoline service stations is a growing trend for local municipalities due to health and environmental concerns with the continued use of gasoline powered vehicles and equipment. Early adopters of bans include Petaluma, Santa Rosa, and Sonoma County in California. Last year, the City of Broomfield passed an ordinance banning new gasoline stations within 1,000 feet of an existing gasoline station. Gasoline station bans may also be seen as promoting the use of Electric Vehicles (EVs), thus, reducing vehicle emissions and encouraging low-carbon and cleaner energy options for transportation. In 2019, the City of Louisville established the following clean energy and carbon emission reduction goals (City Council Resolution No. 25, Series 2019):

1. Meet all of Louisville's municipal electric needs with 100% carbon -free sources by 2025.
2. Reduce core municipal Green House Gas (GHG) emissions annually below the 2016 baseline through 2025.
3. Generate 75% of Louisville' s residential and commercial/industrial electric needs from carbon-free sources by 2030.
4. Reduce core community GHG emissions annually below the 2016 baseline through 2030.

The proposal for a cap but not a full ban on new gasoline and automobile service stations is in recognition that there will continue to be some demand for gasoline and automobile service stations as more EVs enter the market and gasoline vehicles are transitioned out of the market over time. The ordinance also includes an exception for a new large single-use retailer that may require a new gasoline or automobile service station as part of their business model for a new development. This exception would allow flexibility in recognition of a potentially valuable economic development opportunity for the City.

**PUBLIC COMMENT:**

Public comments are included as Attachment No. 4.

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission reviewed the original proposal on February 9, 2023 and recommends approval of the ordinance with conditions, which have been included in attached proposed ordinance. The staff memo for second reading will include the Commission resolution, meeting minutes and video link to the hearing.

**SUBJECT: LSAB DISCUSOIN OF ORDINANCE 1851, SERIES 2023**

**DATE: MARCH 15, 2023**

**PAGE 4 OF 4**

**ATTACHMENTS:**

1. Proposed Ordinance No. 1851, Series 2023
2. Ordinance No. 1843, Series 2022
3. Gas Station Initiative Petition
4. Public Comments

**ORDINANCE NO. XXXX  
SERIES 2023**

**AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE  
CAPPING THE MAXIMUM NUMBER OF GASOLINE AND AUTOMOBILE SERVICE  
STATIONS LOCATED WITHIN THE CITY OF LOUISVILLE**

**WHEREAS**, the City of Louisville is committed to protecting the health, safety, and welfare of its citizens, and safeguarding the environment and wildlife resources; and

**WHEREAS**, the City Council believes it has not only the authority but the responsibility to plan for and regulate the use of land within the City in order to best protect and promote the health, safety, and welfare of present and future inhabitants and residents of the City, and to guide future growth, development, and distribution of land uses within the City; and

**WHEREAS**, the City regulates the use of land by those ordinances codified in Title 17 of the Louisville Municipal Code; and

**WHEREAS**, on November 1, 2022, the City Council approved Emergency Ordinance 1843, Series 2022 providing for a temporary moratorium on the submission, acceptance, processing, or approval of any land use application, or issuance of any special use permit, related to the use of property within the City as a gasoline service station or an automobile service stations; and

**WHEREAS**, as of October 1, 2022, the Colorado Energy Office reports there are 66,599 electric vehicles (EVs) registered in Colorado, 11.71 per 1,000 people, and 9,198 EVs in Boulder County, 27.1 EV's per 1,000 people; and

**WHEREAS**, according to the Colorado Energy Office, EV ownership is currently increasing both statewide and in Boulder County, and in the past six months 8.62% of new vehicle registrations in Boulder County were for EVs; and

**WHEREAS**, the City Council recognizes this trend in EV sales will likely impact the continued viability of gasoline service stations within the City, and thus impact the appropriate mix of land uses within the City; and

**WHEREAS**, the City Council finds and determines it is of critical importance to the City and its residents that the City Council examine the important policy considerations presented by gasoline service stations and automobile service stations in the overall mix of land uses within the City, and that any decisions made be applied to applications that may be filed in the future to develop or construct gasoline service stations or automobile service stations; and

**WHEREAS**, the City of Louisville remains committed to its adopted goals to reduce energy consumption, increase clean energy sources, and support the transition to a low-carbon

community as outlined in the Sustainability Action Plan and Resolution 25, Series 2019, “A Resolution Setting Clean Energy and Carbon Reduction Goals”.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:**

**Section 1.** Louisville Municipal Code Chapter 17.16 – General Regulations is hereby amended with the addition of a new Section 17.16.340 to read as follows:

**Section 17.16.340. – Limitation on New Gasoline and Automobile Service Stations**

- A. The number of gasoline or automobile service stations within the city shall be limited to six (6). Such limitation shall include the combined number of existing gasoline and automobile service stations and those not constructed but approved through a planned unit development land use application that has not expired pursuant to Subsections B or C. This limitation may be increased up to seven (7) gasoline and automobile service stations if approved through a new land use application for a single-user retail center of eighty thousand (80,000) or more square feet that includes a gasoline or automobile service station as an accessory part of the retail center on the same or adjoining parcel.
- B. An approved planned unit development, and when applicable, an approved special review use, for a gasoline or automobile service station shall expire and become void if a building permit is not issued within thirty six (36) months after city council approval of the plan.
- C. If an existing gasoline or service station is discontinued from use for a period of twelve (12) months then further use of the property as a gasoline or automobile service station shall require authorization through a planned unit development, and when applicable, a special review use approval, meeting current city standards for such use.
- D. If at the time of a land use application for a gasoline service station there are fewer than six (6) gasoline service stations operating or approved in the city, the city shall review new applications in the order in which complete land use applications are received.
- E. Any new gasoline or automobile service station shall be spaced from any existing or approved gasoline or automobile service station by a minimum of one thousand (1,000) ft. as measured from the nearest point of each property boundary. This requirement may be waived if the proposed gasoline or automobile service station is approved through a new land use application for a single-use retail center of eighty thousand (80,000) or more square feet that includes a gasoline or automobile service station as an integral part of the retail center on the same or adjoining parcel.
- F. Any new gasoline or automobile service station, or an expansion or modification to a gasoline or automobile station, shall require the installation of level three direct current (DC) or better electric vehicle charging stations. The minimum number of level three DC

charging stations shall be equal to 20% of the number of gasoline pumps installed rounded to the nearest whole number, and no fewer than two charging stations. These charging stations may be credited against, but not fully replace, the minimum total number of EV Installed, Ready, and Capable stations required under Section 17.20.170 of this code.

- G. The City of Louisville Planning Division (Planning) shall maintain the list of operating or approved gasoline or automobile service stations and their locations within the city.

**Section 2.** If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

**Section 3.** The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**Section 4.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED PUBLISHED** this \_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Dennis Maloney, Mayor

ATTEST:

\_\_\_\_\_  
Meredyth Muth, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

Kelly PC, City Attorney

**PASSED AND ADOPTED ON SECOND AND FINAL READING**, this \_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Dennis Maloney, Mayor

ATTEST:

\_\_\_\_\_  
Meredyth Muth, City Clerk

**ORDINANCE NO. 1843  
SERIES 2022**

**AN EMERGENCY ORDINANCE PROVIDING FOR A TEMPORARY MORATORIUM  
ON THE SUBMISSION, ACCEPTANCE, PROCESSING, OR APPROVAL OF ANY  
LAND USE APPLICATION, OR ISSUANCE OF ANY SPECIAL USE PERMIT,  
RELATED TO THE USE OF PROPERTY WITHIN THE CITY AS A GASOLINE  
SERVICE STATION OR AN AUTOMOBILE SERVICE STATION**

**WHEREAS**, the City of Louisville is committed to protecting the health, safety, and welfare of its citizens, and safeguarding the environment and wildlife resources; and

**WHEREAS**, the City Council believes it has not only the authority but the responsibility to plan for and regulate the use of land within the City in order to best protect and promote the health, safety, and welfare of present and future inhabitants and residents of the City, and to guide future growth, development, and distribution of land uses within the City; and

**WHEREAS**, the City regulates the use of land by those ordinances codified in Title 17 of the Louisville Municipal Code; and

**WHEREAS**, the City regulates the construction of buildings and other structures within the City by those codes adopted in Title 15 of the Louisville Municipal Code; and

**WHEREAS**, on October 24, 2022, the City Clerk approved the form of an initiative petition for an Initiative Ordinance that, if approved by the City Council or the City's electors, would prohibit gasoline service stations and automobile service stations in all zone districts within the City and prohibit issuance of a building permit for construction of a gasoline service station within 2.5 miles of an existing gasoline service station; and

**WHEREAS**, as of October 1, 2022, the Colorado Energy Office reports there are 66,599 electric vehicles (EVs) registered in Colorado, 11.71 per 1,000 people, and 9,198 EVs in Boulder County, 27.1 EV's per 1,000 people; and

**WHEREAS**, according to the Colorado Energy Office, EV ownership is currently increasing both statewide and in Boulder County, and in the past six months 8.62% of new vehicle registrations in Boulder County were for EVs; and

**WHEREAS**, the City Council recognizes this trend in EV sales will likely impact the continued viability of gasoline service stations within the City, and thus impact the appropriate mix of land uses within the City; and

**WHEREAS**, the City Council finds and determines it is of critical importance to the City and its residents that the City Council examine the important policy considerations presented by gasoline service stations and automobile service stations in the overall mix of land uses within the



City, and that any decisions made be applied to applications that may be filed in the future to develop or construct gasoline service stations or automobile service stations; and

**WHEREAS**, the City of Louisville remains committed to its adopted goals to reduce energy consumption, increase clean energy sources, and support the transition to a low-carbon community as outlined in the Sustainability Action Plan and Resolution 25, Series 2019, “A Resolution Setting Clean Energy and Carbon Reduction Goals”; and

**WHEREAS**, the City Council further finds and determines it is equally important for the Initiative Ordinance, should the petition be signed by the required number of registered electors and ultimately approved by the City Council or the City’s voters, to be applied to applications that may be filed in the future to develop or construct gasoline service stations or automobile service stations; and

**WHEREAS**, the City Clerk has estimated that, should the petition proposing the Initiative Ordinance be signed by the required number of registered electors and the same is submitted to the City’s registered electors at a special election, such process could take until the end of September of 2023; and

**WHEREAS**, the imposition of a temporary moratorium as set forth herein is reasonable, necessary, and no longer in duration than is needed to allow the City Council and staff to investigate whether new regulations concerning gasoline service stations or automobile service stations should be enacted to protect and preserve the public health, safety, and welfare, or in the alternative, for the City’s registered electors to have the opportunity to vote on the Initiated Ordinance contained in the initiative petition; and

**WHEREAS**, property owners within the City will not be unfairly prejudiced by the imposition of the temporary moratorium imposed by this ordinance, as gasoline service stations and automobile service stations are not uses by right within any zone district within the City; and

**WHEREAS**, the U.S. Supreme Court and the Colorado Supreme Court recognize that, in the field of land use regulation, temporary moratoria of reasonable duration are often employed to preserve the status quo in a particular area while developing a long-term plan for development and while evaluating the sufficiency of current regulations; indeed, in countering the incentive of property owners to develop their property quickly to avoid the consequences of an impending land use plan for the jurisdiction, moratoria are a crucial tool for local governments and, therefore, pursuant to express and implied authority granted by the Colorado Revised Statutes and multiple Colorado and federal appellate decisions upholding temporary moratoria on land use applications while amendments are considered, the City Council has the legal authority to adopt the temporary moratorium set forth herein; and

**WHEREAS**, the City Council finds and declares it has the power and authority to adopt this ordinance pursuant to Amendment 64, C.R.S. § 29-20-101, *et seq.* (the Local Government Land Use Control Enabling Act), C.R.S. § 31-23-301, *et seq.* (concerning municipal zoning

powers), C.R.S. § 31-15-103 (concerning municipal police powers), C.R.S. § 31-15-401 (concerning municipal police powers), C.R.S. § 31-15-501 (concerning municipal authority to regulate businesses), Article XX of the Colorado Constitution (concerning municipal home rule), and the City of Louisville Home Rule Charter; and

**WHEREAS**, an emergency exists because the City Council finds and determines that, in light of the foregoing recitals and findings, circumstances warrant the immediate enactment of this ordinance and imposition of the moratorium set forth herein to protect the public health, safety, and welfare, and to avoid development that may contravene the City's efforts to protect the health, safety, and welfare or the registered electors' efforts to utilize the initiative process to enact legislation, and it is of critical importance to the City and its residents that any regulations adopted by the City Council or approved by the City's registered electors concerning gasoline service stations or automobile service stations be applied to all future applications for such uses within the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:**

**Section 1.** The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the City Council.

**Section 2.** Upon the effective date of this ordinance, and until **September 30, 2023**, no application for land use approval, including but not limited to any zoning, subdivision, or site plan application, filed by or on behalf of any landowner the purpose of which includes development, construction, expansion, reconstruction, or relocation of a gasoline service station or automobile service station shall be received, reviewed, approved or otherwise acted upon, unless otherwise provided in this ordinance. For purposes of this moratorium, an automobile service station shall be considered synonymous with gasoline service station as defined in Section 17.08.200 of the Louisville Municipal Code.

**Section 3.** The restrictions contained in this ordinance shall not be construed to affect any applications for a use by special review, or other land use approval for a gasoline service station or automobile service station for which complete applications were filed prior to the effective date of this ordinance.

**Section 4.** Any person who submitted a complete application for a use by special review, or other land use approval for a gasoline service station or automobile service station prior to the effective date of this ordinance, and who believes that application of the temporary moratorium to such application would be legally invalid, may file with the City Council a request for an exemption from the moratorium. The request shall be in writing and fully set forth the reasons why the exemption should be granted. The City Council may grant the exemption if it finds that application of the moratorium would be legally invalid under the facts presented.

**Section 5.** The temporary moratorium imposed upon receipt of applications as set forth in this ordinance is temporary in nature and may be repealed by subsequent legislative enactment. The temporary moratorium established by this ordinance shall terminate on **September 30, 2023**, unless sooner repealed.

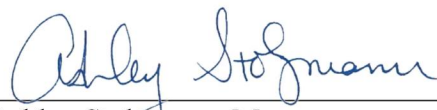
**Section 6.** If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

**Section 7.** The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**Section 8.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**Section 9.** The City Council herewith finds, determines and declares that this ordinance is genuinely and urgently necessary for the immediate preservation of the public health, safety and welfare in order to avoid development that may contravene the City's efforts to protect the health, safety, and welfare or the registered electors' efforts to utilize the initiative process to enact legislation, and it is thus of critical importance to the City and its residents that any regulations adopted by the City Council or approved by the City's registered electors concerning gasoline service stations or automobile service stations be applied to all future applications for such uses within the City. Therefore, City Council herewith further finds, determines and declares that it is necessary for this ordinance to take effect immediately upon adoption, provided the same has been adopted and signed by the Mayor and approved by two-thirds of the entire City Council.

**INTRODUCED, READ, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE BY TWO-THIRDS OF THE ENTIRE CITY COUNCIL, AND ORDERED PUBLISHED** this 1<sup>st</sup> day of November, 2022.

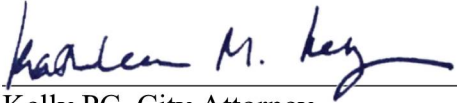
  
\_\_\_\_\_  
Ashley Stolzmann, Mayor

ATTEST:



Meredyth Muth, City Clerk

APPROVED AS TO FORM:



Kelly PC, City Attorney



received  
11/9/22

Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

County of Boulder  
State of Colorado

PUBLIC NOTICE  
ORDINANCE NO. 1843, SERIES 2022

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Louisville, Colorado, held on November 1, 2022 at the hour of 6:00 p.m., at 749 Main Street, Louisville, Colorado, the City Council held a Public Hearing on the passage and adoption of a proposed emergency Ordinance No. 1843, Series 2022.

AN EMERGENCY ORDINANCE PROVIDING FOR A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, OR APPROVAL OF ANY LAND USE APPLICATION, OR ISSUANCE OF ANY SPECIAL USE PERMIT, RELATED TO THE USE OF PROPERTY WITHIN THE CITY AS A GASOLINE SERVICE STATION OR AN AUTOMOBILE SERVICE STATION

INTRODUCED, READ, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE BY TWO-THIRDS OF THE ENTIRE CITY COUNCIL, AND ORDERED PUBLISHED this 1st day of November, 2022.

Ashley Stolzmann, Mayor

ATTEST:  
Meredyth Muth, City Clerk

Published with full ordinance in the Daily Camera 11/6/22.

ORDINANCE NO. 1843  
SERIES 2022

AN EMERGENCY ORDINANCE PROVIDING FOR A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, OR APPROVAL OF ANY LAND USE APPLICATION, OR ISSUANCE OF ANY SPECIAL USE PERMIT, RELATED TO THE USE OF PROPERTY WITHIN THE CITY AS A GASOLINE SERVICE STATION OR AN AUTOMOBILE SERVICE STATION

WHEREAS, the City of Louisville is committed to protecting the health, safety, and welfare of its citizens, and safeguarding the environment and wildlife resources; and

WHEREAS, the City Council believes it has not only the authority but the responsibility to plan for and regulate the use of land within the City in order to best protect and promote the health, safety, and welfare of present and future inhabitants and residents of the City, and to guide future growth, development, and distribution of land uses within the City; and

WHEREAS, the City regulates the use of land by those ordinances codified in Title 17 of the Louisville Municipal Code; and

WHEREAS, the City regulates the construction of buildings and other structures within the City by those codes adopted in Title 15 of the Louisville Municipal Code; and

WHEREAS, on October 24, 2022, the City Clerk approved the form of an initiative petition for an Initiative Ordinance that, if approved by the City Council or the City's electors, would prohibit gasoline service stations and automobile service stations in all zone districts within the City and prohibit issuance of a building permit for construction of a gasoline service station within 2.5 miles of an existing gasoline service station; and

WHEREAS, as of October 1, 2022, the Colorado Energy Office reports there are 66,599 electric vehicles (EVs) registered in Colorado, 11.71 per 1,000 people, and 9,198 EVs in Boulder County, 27.1 EVs per 1,000 people; and

WHEREAS, according to the Colorado Energy Office, EV ownership is currently increasing both statewide and in Boulder County, and in the past six months 8.62% of new vehicle registrations in Boulder County were for EVs; and

WHEREAS, the City Council recognizes this trend in EV sales will likely impact the continued viability of gasoline service stations within the City, and thus impact the appropriate mix of land uses within the City; and

WHEREAS, the City Council finds and determines it is of critical importance to the City and its residents that the City Council examine the important policy considerations presented by gasoline service stations and automobile service stations in the overall mix of land uses within the City, and that any decisions made be applied to applications that may be filed in the future to develop or construct gasoline service stations or automobile service stations; and

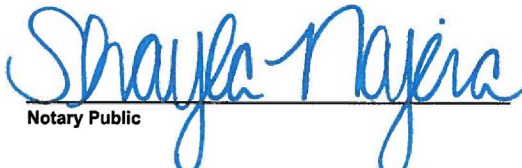
The undersigned, Agent, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Daily Camera*.
2. The *Daily Camera* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Boulder County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Daily Camera* in Boulder County on the following date(s):

Nov 6, 2022

  
Signature

Subscribed and sworn to me before me this 7th day of November, 2022

  
Notary Public

SHAYLA NAJERA  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20174031965  
MY COMMISSION EXPIRES July 31, 2025

(SEAL)

Account: 1048836  
Ad Number: 1933450  
Fee: \$365.64

WHEREAS, the City of Louisville remains committed to its adopted goals to reduce energy consumption, increase clean energy sources, and support the transition to a low-carbon community as outlined in the Sustainability Action Plan and Resolution 25, Series 2019, "A Resolution Setting Clean Energy and Carbon Reduction Goals"; and

WHEREAS, the City Council further finds and determines it is equally important for the Initiative Ordinance, should the petition be signed by the required number of registered electors and ultimately approved by the City Council or the City's voters, to be applied to applications that may be filed in the future to develop or construct gasoline service stations or automobile service stations; and

WHEREAS, the City Clerk has estimated that, should the petition proposing the Initiative Ordinance be signed by the required number of registered electors and the same is submitted to the City's registered electors at a special election, such process could take until the end of September of 2023; and

WHEREAS, the imposition of a temporary moratorium as set forth herein is reasonable, necessary, and no longer in duration than is needed to allow the City Council and staff to investigate whether new regulations concerning gasoline service stations or automobile service stations should be enacted to protect and preserve the public health, safety, and welfare, or in the alternative, for the City's registered electors to have the opportunity to vote on the Initiated Ordinance contained in the initiative petition; and

WHEREAS, property owners within the City will not be unfairly prejudiced by the imposition of the temporary moratorium imposed by this ordinance, as gasoline service stations and automobile service stations are not uses by right within any zone district within the City; and

WHEREAS, the U.S. Supreme Court and the Colorado Supreme Court recognize that, in the field of land use regulation, temporary moratoria of reasonable duration are often employed to preserve the status quo in a particular area while developing a long-term plan for development and while evaluating the sufficiency of current regulations; indeed, in countering the incentive of property owners to develop their property quickly to avoid the consequences of an impending land use plan for the jurisdiction, moratoria are a crucial tool for local governments and, therefore, pursuant to express and implied authority granted by the Colorado Revised Statutes and multiple Colorado and federal appellate decisions upholding temporary moratoria on land use applications while amendments are considered, the City Council has the legal authority to adopt the temporary moratorium set forth herein; and

WHEREAS, the City Council finds and declares it has the power and authority to adopt this ordinance pursuant to Amendment 64, C.R.S. § 29-20-101, et seq. (the Local Government Land Use Control Enabling Act), C.R.S. § 31-23-301, et seq. (concerning municipal zoning powers), C.R.S. § 31-15-103 (concerning municipal police powers), C.R.S. § 31-15-401 (concerning municipal police powers), C.R.S. § 31-15-501 (concerning municipal authority to regulate businesses), Article XX of the Colorado Constitution (concerning municipal home rule), and the City of Louisville Home Rule Charter; and

WHEREAS, an emergency exists because the City Council finds and determines that, in light of the foregoing recitals and findings, circumstances warrant the immediate enactment of this ordinance and imposition of the moratorium set forth herein to protect the public health, safety, and welfare, and to avoid development that may contravene the City's efforts to protect the health, safety, and welfare or the registered electors' efforts to utilize the initiative process to enact legislation, and it is of critical importance to the City and its residents that any regulations adopted by the City Council or approved by the City's registered electors concerning gasoline service stations or automobile service stations be applied to all future applications for such uses within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the City Council.

Section 2. Upon the effective date of this ordinance, and until September 30, 2023, no application for land use approval, including but not limited to any zoning, subdivision, or site plan application, filed by or on behalf of any landowner the purpose of which includes development, construction, expansion, reconstruction, or re-

location of a gasoline service station or automobile service station shall be received, reviewed, approved or otherwise acted upon, unless otherwise provided in this ordinance. For purposes of this moratorium, an automobile service station shall be considered synonymous with gasoline service station as defined in Section 17.08.200 of the Louisville Municipal Code.

Section 3. The restrictions contained in this ordinance shall not be construed to affect any applications for a use by special review, or other land use approval for a gasoline service station or automobile service station for which complete applications were filed prior to the effective date of this ordinance.

Section 4. Any person who submitted a complete application for a use by special review, or other land use approval for a gasoline service station or automobile service station prior to the effective date of this ordinance, and who believes that application of the temporary moratorium to such application would be legally invalid, may file with the City Council a request for an exemption from the moratorium. The request shall be in writing and fully set forth the reasons why the exemption should be granted. The City Council may grant the exemption if it finds that application of the moratorium would be legally invalid under the facts presented.

Section 5. The temporary moratorium imposed upon receipt of applications as set forth in this ordinance is temporary in nature and may be repealed by subsequent legislative enactment. The temporary moratorium established by this ordinance shall terminate on September 30, 2023, unless sooner repealed.

Section 6. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 7. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 8. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 9. The City Council herewith finds, determines and declares that this ordinance is genuinely and urgently necessary for the immediate preservation of the public health, safety and welfare in order to avoid development that may contravene the City's efforts to protect the health, safety, and welfare or the registered electors' efforts to utilize the Initiative process to enact legislation, and it is thus of critical importance to the City and its residents that any regulations adopted by the City Council or approved by the City's registered electors concerning gasoline service stations or automobile service stations be applied to all future applications for such uses within the City. Therefore, City Council herewith further finds, determines and declares that it is necessary for this ordinance to take effect immediately upon adoption, provided the same has been adopted and signed by the Mayor and approved by two-thirds of the entire City Council.

**INTRODUCED, READ, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE BY TWO-THIRDS OF THE ENTIRE CITY COUNCIL, AND ORDERED PUBLISHED this 1st day of November, 2022.**

Ashley Stolzmann, Mayor

ATTEST:  
Meredyth Muth, City Clerk

APPROVED AS TO FORM:  
Kelly PC, City Attorney

Published: Boulder Daily Camera November 6, 2022-1933450



**WARNING:  
IT IS AGAINST THE LAW:**

For anyone to sign any initiative petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE. TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND A RESIDENT OF LOUISVILLE AND REGISTERED TO VOTE.**

Do not sign this petition unless you have read or have had read to you the proposed initiative measure or the summary in its entirety and understand its meaning.

<b>INITIATIVE PETITION REPRESENTATIVES</b>	
Tiffany Boyd 550 Grant Avenue Louisville, Colorado 80027	Joshua Cooperman 216 Griffith Street Louisville, Colorado 80027

**INITIATIVE SUMMARY**

**Summary of Ordinance No. XXX, Series 202X, which is the subject of this initiative petition:**

This proposed citizen initiated ordinance amends Title 17 of the Louisville Municipal Code to make gasoline service stations and automobile service stations a prohibited use in all zone districts in the City. It also amends Title 15 of the Louisville Municipal Code to prohibit the construction of a new gasoline station or the expansion, reconstruction, or relocation of an existing gasoline service station within 2½ miles of an existing gasoline service station.

**INITIATIVE ORDINANCE**

This petition requests that the ordinance presented be submitted to a vote of the people if not passed by the City Council (City Charter Article 7). The ordinance reads as follows.

**Ordinance No. XXX, Series 202X**

**ORDINANCE PROHIBITING NEW GASOLINE SERVICE STATIONS IN THE CITY OF LOUISVILLE**

**WHEREAS**, the combustion of fossil fuels such as gasoline is the primary driver of anthropogenic climate change; and

**WHEREAS**, approximately one fifth of Louisville’s greenhouse gas emissions stem from the combustion of fossil fuels for transportation; and

**WHEREAS**, according to the scientific consensus on climate change, a rapid reduction in greenhouse gas emissions is necessary to mitigate the effects of climate change; and

**WHEREAS**, the effects of climate change are already severely impacting communities worldwide, including Louisville; and

**WHEREAS**, the City’s Resolution Number 25 Series 2019 and the City’s Sustainability Action Plan call for “reduc[ing] core community greenhouse gas emissions annually below the 2016 baseline through 2030”; and



**WHEREAS**, the City’s Sustainability Action Plan sets the goal of “increas[ing] the use of carbon-free energy and transition[ing] away from fossil fuels”; and

**WHEREAS**, the federal government, the Colorado state government, and the City of Louisville have made commitments to support and set goals to achieve a rapid transition from fossil fuel vehicles to electric vehicles; and

**WHEREAS**, the City’s Sustainability Action Plan sets the goals of “provid[ing] and maintain[ing] sustainable and safe transportation choices for all Louisville residents to enhance community connectivity while reducing environmental impact”; and

**WHEREAS**, the City’s Sustainability Action Plan sets the external objective of “support[ing] the public adoption of electric vehicles”; and

**WHEREAS**, the transition from fossil fuel vehicles to electric vehicles will result in the vast majority of gasoline service stations becoming obsolete in the near future; and

**WHEREAS**, remediating obsolete gasoline service stations presents a significant cost to local governments and communities; and

**WHEREAS**, Louisville’s Comprehensive Plan lists as a core community value “A Healthy, Vibrant, and Sustainable Economy” in which “the City is committed to a strong and supportive business climate which fosters a healthy and vibrant local and regional economy for today and for the future”; and

**WHEREAS**, Louisville’s Comprehensive Plan lists as a core community value “Sustainable Practices for the Economy, Community, and the Environment” in which the community “challenges [its] government, residents, property owners, and [its] business owners to be innovative with sustainable practices so the needs of today are met without compromising the needs of future generations”; and

**WHEREAS**, the combustion products of gasoline and the fugitive emissions from gasoline service stations contribute significantly to the formation of ground-level ozone air pollution; and

**WHEREAS**, ground-level ozone air pollution poses significant respiratory health risks especially for children and the elderly; and

**WHEREAS**, much of Colorado’s Front Range, from Fort Collins to Castle Rock including Louisville, is a federally designated region of severe nonattainment for ground-level ozone air pollution; and

**WHEREAS**, climate change and air pollution from the combustion products of gasoline are significant drivers of the current unprecedented loss of biodiversity; and

**WHEREAS**, Louisville’s Comprehensive Plan lists as a core community value “Ecological Diversity” promoted “through . . . [the City’s] development . . . regulations”; and

**WHEREAS**, the City’s Sustainability Action Plan sets the goals of “mitigat[ing] the impact of the built environment and human behavior on our natural systems and improv[ing] the health and resiliency of Louisville’s ecosystems”; and

**WHEREAS**, the City’s Sustainability Action Plan sets the internal objective of “identify[ing] opportunities to enhance policies related to ecological health” by “further integrat[ing] ecosystem health and biodiversity factors in City plans and policies”; and

**WHEREAS**, the City’s Sustainability Action Plan sets the external objective of “minimiz[ing] the volume of pollutants entering Louisville’s terrestrial and aquatic ecosystems”; and

**WHEREAS**, the City of Louisville’s stated mission is “to protect, preserve, and enhance the quality of life in our community”.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:**

**Section 1.** Section 15.04.200 of the Louisville Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

**Sec. 15.04.200 Gasoline Service Stations**

Construction of a new gasoline service station will not be permitted within  $2\frac{1}{2}$  miles of an existing gasoline service station. Expansion, reconstruction, or relocation of an existing gasoline service station will not be permitted within  $2\frac{1}{2}$  miles of an existing gasoline service station.

**Section 2.** Section 17.12.030 of the Louisville Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

**Sec. 17.12.030. - Use groups**

In each zoning district, any use group category not expressly permitted shall be deemed excluded. If there is a question pertaining to interpretation of any specific use as to whether it does or does not come within the following express use groups, any applicant may apply to the board of zoning adjustment for the determination of whether a specific use is expressly permitted. In the following table, uses expressly permitted are designated “yes,” uses prohibited are designated “no,” and uses permitted by special review are designated “R.” For uses designated “A,” “A, R,” and “No, A, R” see explanatory notes in subsection 17.42.020(C) Use group categories expressly permitted within the AO-T zone district and uses permitted by special review within the AO-T zone district are designated in sections 17.13.020 and 17.13.030 of this title.

38	Use Groups	A	A-O	B-O	*	R-RR	SF-R	SF-E	R-R	SF-LD	R-M	R-H	C-N	C-C	C-B	I	**	***	****	
		Gasoline Service Stations	No	No	R No	AO-T	No	No	No	R-E	SF-MD	No	No	R No	R No	R No	R No	PCZD	MU-R	OS
									R-L	SF-HD										
									No	No	No	No	R No	R No	R No	R No	R No	R No	R No	R No

**Section 3.** Section 17.72.090 of the Louisville Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

**Sec. 17.72.090. - Commercial and office.**

A. *Generally.* This section is intended to promote the development of well-planned shopping centers and facilities that provide a variety of shopping, professional, business, cultural and entertainment facilities designed to create an attractive and pleasant shopping atmosphere.

B. *Uses permitted.* The following commercial and noncommercial uses may be permitted within any planning area designated “commercial” on the adopted planned community development general plan:

1. Any retail trade or service business;
2. Professional, business and administrative offices;
3. Motels and hotels;
4. Cultural facilities, such as museums, theaters, art galleries and churches;
5. Pedestrian plazas and pedestrian ways, including such amenities as outdoor art exhibit facilities, statuary, fountains and landscaping features;
6. Outdoor specialty uses, including sidewalk cafes and outdoor marketplaces to provide unique congregating places for sales and shopper interests;
7. Recreational facilities, both indoors and outdoors, such as ice skating and roller skating rinks which may be designed as integral parts of a center;
8. Restaurants, both indoor and drive-in types, food-to-go facilities, sidewalk cafes;
9. Hospitals and medical clinics;
10. Transportation terminals, parking lots and parking buildings;
11. Animal hospitals and clinics;
- ~~12. Automobile service stations, subject to prescribed performance and development standards;~~
- ~~12. 13.~~ 13. Nursing and rest homes;
- ~~13. 14.~~ 14. Small and large child care centers;
- ~~14. 15.~~ 15. Financial offices, including banks and savings and loans;
- ~~15. 16.~~ 16. Accessory structures and uses necessary and customarily incidental to the uses listed in this section;
- ~~16. 17.~~ 17. Governmental and public facilities;
- ~~17. 18.~~ 18. Research/office and corporate uses, and facilities for the manufacturing, fabrication, processing, or assembly of scientific or technical products, or other products, if such uses are compatible with surrounding areas. In addition, such facilities shall be completely enclosed and any noise, smoke, dust, odor, or other environmental contamination produced by such facilities, confined to the lot upon which such facilities are located and controlled in accordance with all applicable city, state, or federal regulations;
- ~~18. 19.~~ 19. Other uses as established by the city council as found to be specifically compatible for commercial and office planning areas.
- ~~19. 20.~~ 20. Limited wholesale sales as defined in section 17.08.262 of this title are allowed as a special review use.
- ~~20. 21.~~ 21. Retail marijuana stores, retail marijuana testing facilities, medical marijuana centers and medical marijuana testing facilities, except the foregoing uses are not allowed in any mixed use lot that includes a residential use.
- ~~21. 22.~~ 22. Reserved.
- ~~22. 23.~~ 23. Health or athletic clubs, spas, dance studios, and fitness studios.

C. *Special review uses.* The following commercial and noncommercial uses may be permitted by special review pursuant to chapter 17.40 within any planning area designated commercial on the adopted planned community development general plan:

1. Mobile food court.
2. Banquet or reception hall.

**Section 4.** Section 17.72.100 of the Louisville Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

**Sec. 17.72.100. - Industrial uses permitted.**



The following industrial and nonindustrial uses may be permitted within any planning area designated “industrial” on the adopted planned community development general plan:

A. All those uses permitted in the I industrial zone of the city;

~~B. Automobile service stations, subject to prescribed performance and development standards;~~

~~B. C.~~ Other uses as established by the city council for industrial planning areas;

~~C. D.~~ Governmental and public facilities.

~~D. E.~~ Retail marijuana products manufacturing facilities, retail marijuana testing facilities, retail marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, and medical marijuana testing facilities, except the foregoing uses are not allowed in any mixed use lot that includes a residential use.

**Section 5.** Section 17.72.130 of the Louisville Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

**Sec. 17.72.130. - Automobile service station standards.**

Automobile service stations are not permitted in a planned community zone district.

~~The following performance and development standards shall apply to all permitted automobile service station uses within a planned community zone district:~~

~~A. *Uses permitted.* An automobile service station shall be a retail place of business engaged in the sale of motor fuels and in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorists’ needs. Major automotive repairs, painting, body and fender work are prohibited.~~

~~B. *Building line regulations.* Building setback lines for all structures shall be 20 feet from the ultimate street right-of-way line, except canopy roofs over pump islands and lighting fixtures may be cantilevered to within five feet of the ultimate street right-of-way line.~~

~~C. *Exterior displays and trash and storage.* No displays or storage of merchandise, automobiles, parts or refuse shall be located closer than 20 feet from the ultimate street right of way line, and all trash and refuse shall be stored in a building or within an area enclosed by a wall at least six feet high.~~

~~D. *Lighting.* All lighting shall be designed and located so as to confine direct rays to the premises.~~

~~E. *Outside activity.* All activities, other than the sale of motor fuels and the normal services incidental thereto, are prohibited outside of the main building.~~

~~F. *Screening.* A masonry wall shall be installed and maintained along property lines where the premises abut a residential area. Such wall shall have a total height of not less than six feet, except within 20 feet of any ultimate street right of way line, where the height shall be not less than three feet nor more than 3½ feet.~~

~~G. *Landscaping.*~~

~~1. Boundary landscaping is required for a minimum depth of five feet along all property lines abutting streets, except for the area required for street openings.~~

~~2. Any landscaped area shall be separated from an adjacent vehicular area by a wall or curb at least six inches higher than the adjacent vehicular area.~~

~~3. Permanent watering facilities shall be provided for all landscaped areas.~~

~~4. Required landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and the regular watering of all plantings.~~

**Section 6.** If any portion of this ordinance is held to be invalid for any reason, such decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

**Section 7.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**Rob Zuccaro**

---

**Subject:** FW: Banning New Gas Stations

**Importance:** High

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**From:** Emma Weber <[ewweber01@bvsd.org](mailto:ewweber01@bvsd.org)>

**Sent:** Thursday, February 9, 2023 3:29 PM

**To:** Planning <[planning@Louisvilleco.gov](mailto:planning@Louisvilleco.gov)>

**Subject:** Banning New Gas Stations

Dear legislators,

I'm writing to advocate for strengthening the ordinance of the citizen's initiative to ban new gasoline stations in Louisville. The ordinance should be strengthened as follows in order to best mitigate Louisville's contribution to climate-change-causing emissions.

1. Eliminate the exception for a seventh gasoline station.
2. Reduce the cap to five if the Murphy Express is not built.
3. Reduce the cap by one each time an existing gasoline station closes.
4. Prohibit gasoline stations in the Phillips 66 Rural Special District.

Thank you for considering these vital changes.

Thank you,  
Emma Weber

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**Rob Zuccaro**

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**Subject:** FW: Comments on ordinance limiting gas stations in Louisville  
**Importance:** High

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**From:** Joshua Cooperman <[jhcooperman@gmail.com](mailto:jhcooperman@gmail.com)>  
**Sent:** Thursday, February 9, 2023 10:05 AM  
**To:** Planning Commission <[PlanningCommission@louisvilleco.gov](mailto:PlanningCommission@louisvilleco.gov)>  
**Subject:** Comments on ordinance limiting gas stations in Louisville

Dear members of the Louisville Planning Commission,

This evening you will consider an ordinance that limits the number of gasoline stations in Louisville. I have argued on a variety of occasions in a variety of settings for limiting the number of gasoline stations in Louisville. My primary arguments have always hinged on the urgent need to mitigate climate change, principally by phasing out fossil fuels.

While I fully support limiting the number of gasoline stations in Louisville, I maintain that the current ordinance does not provide for sufficiently strong limitations on the number of gasoline stations. Accordingly, I request that the Planning Commission recommend that the ordinance be strengthened as follows.

1. Eliminate the exception for a seventh gasoline station as part of a marketplace development.
2. Reduce the cap to five in the event that the recently approved Murphy Express is not built.
3. Reduce the cap by one each time an existing gasoline station closes.
4. Prohibit gasoline stations in the Phillips 66 Rural Special District.

I look forward to commenting further this evening and listening to your deliberations. Thank you for reading and considering my thoughts.

Best,  
Josh

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## Rob Zuccaro

---

**Subject:** FW: Gas Stations in Louisville

**Importance:** High

**From:** Annie Parnell <[parnell.sisterhood@gmail.com](mailto:parnell.sisterhood@gmail.com)>

**Sent:** Thursday, February 9, 2023 9:00 AM

**To:** Planning <[planning@Louisvilleco.gov](mailto:planning@Louisvilleco.gov)>

**Subject:** Gas Stations in Louisville

To the members of the Planning Commission of Louisville, CO:

My name is Channah Horst and I and my family have lived here in Louisville since August of 2000. We live at 136 Hoover Avenue.

I strongly support and encourage you to not allow the further construction of fossil fuel refueling stations (gas) in our community. All of us, not just the citizens of our community, need to move quickly away from fossil fuel consumption.

If you are a climate denier then my plea falls on deaf ears. If you acknowledge the peril our planet is in then it is your responsibility to do what you can to help us make changes in the way we live. In other words--do not make it easier for me and my fellow residents to keep using gasoline.

I am asking you to:

1. Eliminate the exception for a seventh gasoline station.
2. Reduce the cap to five if the Murphy Express is not built.
3. Reduce the cap by one each time an existing gasoline station closes.
4. Prohibit gasoline stations in the Phillips 66 Rural Special District.

Thank you for taking the time to read my email.

Regards,

C. Horst

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**From:** [kengambon@gmail.com](mailto:kengambon@gmail.com)  
**To:** [Austin Brown](#); [Kayla Betzold](#)  
**Subject:** FW: Louisville EVC Wants Your Input!  
**Date:** Wednesday, March 8, 2023 12:35:21 PM

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Louisville continues to lose businesses every year and I don't understand why you would stop ANY economic growth in Louisville with this kind of ordinance. We have so many empty buildings in the TECH center, along the McCaslin Blvd corridor and now with Medtronic's moved to Lafayette – two buildings being emptied along Dillon Road and 2 new empty buildings on highway 42/95 street just north of Dillon Road.

**Economics** will determine IF another gas station is viable and useful and if NOT it will not be built or will close quickly if your electric car push puts it out of business. If you want to do something useful, establish strategies and plans to grow the commercial economic base in Louisville and measure your success every year and report to citizens how successful you have been.

Gas stations must have a 'going out of business' strategy and funded plan that requires all buried gas tanks to be removed and soil reconditioned as your EV strategy successfully forces them to close eventually.

Ken Gambon

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**From:** City of Louisville, CO <[LouisvilleCO@public.govdelivery.com](mailto:LouisvilleCO@public.govdelivery.com)>

**Sent:** Friday, March 3, 2023 1:11 PM

**To:** [kengambon@gmail.com](mailto:kengambon@gmail.com)

**Subject:** Louisville EVC Wants Your Input!

### **Louisville EVC Wants Your Input!**

**Post Date:** 03/03/2023 1:10 PM

Louisville City Council's Economic Vitality Committee (EVC) invites the business community to comment on a proposed Ordinance limiting the number of gas stations in Louisville during its March meeting on **Friday, March 10 @ 1:30 PM**. The EVC wishes to provide an opportunity for the business community to comment prior to the March 21 public hearing at City Council.

Louisville City Council will hold a public hearing for the second reading of [Ordinance No. 1851, Series 2023](#) on Tuesday March 21. This ordinance would cap the number of gasoline and automobile service stations within Louisville to six facilities. The ordinance also requires a minimum number of EV fast charging stations for any new or expanding gasoline or automobile service station to be at least 1,000 feet from any existing station, and any abandoned facility would lose its zoning approval if the use is discontinued for 12 months. The ordinance provides an exception to allow a seventh gasoline or automobile service station and an exception to the spacing requirement if the new facility is part of a new single-user retail center of 80,000 SF or more.

The first reading of this ordinance was held on Tuesday, February 21. Additional information on Ordinance No. 1851, Series 2023 is available [online](#).

[Click here for more information](#)

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**From:** [Emily Hogan](#)  
**To:** [Kayla Betzold](#)  
**Subject:** FW: Louisville Sustainability Advisory Board Wants to Hear from You!  
**Date:** Wednesday, March 8, 2023 9:41:31 AM

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FYI – thanks!

Emily Hogan (She/Her/Hers)  
Assistant City Manager  
City of Louisville  
(In office – Mon, Tues, & Thurs, WFH – Weds & Fri)  
303-335-4528 (office)  
720-668-2658 (cell)  
[ehogan@louisvilleco.gov](mailto:ehogan@louisvilleco.gov)

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**From:** Katherine Richardson <[krichar214@msn.com](mailto:krichar214@msn.com)>  
**Sent:** Tuesday, March 7, 2023 3:34 PM  
**To:** Citizen Inquiries <[info@louisvilleco.gov](mailto:info@louisvilleco.gov)>  
**Subject:** Re: Louisville Sustainability Advisory Board Wants to Hear from You!

We are not in Louisville as we are waiting for our house plan to be finalized and submitted to the city. I would like to make suggestion that as more and more EVs are added to our roads. We need to encourage the existing gas stations to provide more and more multiuse (Tesla, Ford, etc) chargers to their offerings. That way we may avoid the lines and sign up times at these chargers.

In addition, we need some chargers at parking garages and curbside areas.

We should encourage apartment complexes to add destination chargers for their tenants.

Regards,

Katherine Richardson  
835 Trail Ridge Drive  
Louisville, CO 80027

303-809-7184

On Mar 7, 2023, at 4:25 PM, City of Louisville <[info@louisvilleco.gov](mailto:info@louisvilleco.gov)> wrote:

[View this email in your browser](#)



### **LSAB Wants to Hear from You!**

The Louisville Sustainability Advisory Board (LSAB) invites the community to comment on a proposed Ordinance limiting the number of gas stations in Louisville during its March meeting on **Wednesday, March 15 @ 6:30 PM at City Hall (749 Main Street) or via [Zoom](#)**. LSAB wishes to provide an opportunity for the community to comment prior to the March 21 public hearing at City Council.

Louisville City Council will hold a public hearing for the second reading of [Ordinance No. 1851, Series 2023](#) on Tuesday March 21. This ordinance would cap the number of gasoline and automobile service stations within Louisville to six facilities. The ordinance also requires a minimum number of EV fast charging stations for any new or expanding gasoline or automobile service station to be at least 1,000 feet from any existing station, and any abandoned facility would lose its zoning approval if the use is discontinued for 12 months. The ordinance provides an exception to allow a seventh gasoline or automobile service station and an exception to the spacing requirement if the new facility is part of a new single-user retail center of 80,000 SF or more.

The first reading of this ordinance was held on Tuesday, February 21. Additional information on Ordinance No. 1851, Series 2023 is available [online](#).



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## DRAFT Memorandum

**To: Louisville City Council Members**  
**From: Louisville Sustainability Advisory Board**  
**Date: March 21, 2023**  
**Re: Ordinance 1851 – Gas Station Limitations**

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Dear members of the Louisville City Council,

The Louisville Sustainability Advisory Board supports the adoption of an ordinance limiting new gasoline stations in Louisville. We first present several arguments in support of limiting new gasoline stations. Drawing on these arguments, we then present several recommendations for amendments to the City’s draft ordinance. Some of these arguments and recommendations resonate with elements of the City’s Mission Statement, Comprehensive Plan, Sustainability Action Plan, Transportation Master Plan, and Resolutions.

Our arguments in support of limiting new gasoline stations follow just below.

**1. The construction of a new gasoline station would result in an increase in greenhouse gas emissions, and the operation of a new gasoline station would likely result in an increase in greenhouse gas emissions (at least in the long term).** Prohibiting new gasoline stations would not result in a decrease in greenhouse gas emissions in the short term: existing gasoline stations would continue to provide gasoline for gasoline-powered vehicles. Constructing a new gasoline station would result in greenhouse gas emissions associated with the construction process. Operating a new gasoline station would result in greenhouse gas emissions associated with the building’s operations (unless the gasoline station were constructed to be net zero). Combusting gasoline dispensed from a new gasoline station would not result in an increase in greenhouse gas emissions (at least in the short term) unless demand for gasoline increased. Combusting gasoline dispensed from a new gasoline station would likely result in an increase





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in greenhouse gas emissions in the long term: the construction and operation of a new gasoline station represents a considerable cost to its developer; to recoup this cost and reap profits, its developer would be incentivized to operate the gasoline station for as long as feasible; existing gasoline stations have already recouped some or perhaps all of this cost, so their developers are not incentivized to operate their gasoline stations as far into the future. The Comprehensive Plan lists “Sustainable Practices for the Economy, Community, and Environment” as a core community value, noting that City should “challenge[] [its] government, residents, property owners, and [its] business owners to be innovative with sustainable practices so the needs of today are met without compromising the needs of future generations”. The City’s Resolution Number 25 Series 2019 and the Sustainability Action Plan call for “reduc[ing] core community greenhouse gas emissions annually below the 2016 baseline through 2030”, and the Sustainability Action Plan sets the goal of “increas[ing] the use of carbon free energy and transition[ing] away from fossil fuels”.

**2. Prohibiting new gasoline stations would help to convey the message that gasoline-powered vehicles will no longer be an appropriate mode of transportation in the relatively near future.** On the contrary, permitting the construction and operation of new gasoline stations would convey the message that gasoline-powered vehicles will continue to be an appropriate mode of transportation beyond the relatively near future. Again, the City’s Resolution Number 25 Series 2019 and the Sustainability Action Plan call for “reduc[ing] core community greenhouse gas emissions annually below the 2016 baseline through 2030”, and the Sustainability Action Plan sets the goal of “increas[ing] the use of carbon free energy and transition[ing] away from fossil fuels”. Moreover, the Sustainability Action Plan sets the goals of “provid[ing] and maintain[ing] sustainable and safe transportation choices for all Louisville residents to enhance community connectivity while reducing environmental impact” and sets the external objective of “support[ing] the public adoption of electric vehicles”.

**3. The construction and operation of a new gasoline station would further degrade our air quality.** Gasoline stations release fugitive emissions of various gaseous chemicals through their pumps and storage tank vents. These chemicals include the carcinogen benzene and the precursors of ground-level ozone; the Environmental Protection Agency currently classifies our region as a severe nonattainment zone of its standards for ground-level ozone air pollution. While prohibiting new gasoline stations would

not improve our air quality (at least in the short term), a new gasoline station would increase fugitive emissions even if the demand for gasoline does not increase. The City's mission statement calls for "protect[ing], preserv[ing], and enhanc[ing] the quality of life in our community".

**4. The construction and operation of a new gasoline station would further degrade our soil and water quality.** Gasoline stations result in soil and water pollution when gasoline inadvertently spilled during pumping washes into nearby landscaping and sewers. Over a gasoline station's lifetime, gasoline might also leak from its storage tank into the surrounding soil; newer gasoline stations are considerably less prone to such leakage. While prohibiting new gasoline stations would not result in a decrease in this pollution, a new gasoline station would be another source of such pollution. The total amount of such pollution would not increase if the demand for gasoline does not increase, but the spatial extent of such pollution would increase. The Sustainability Action Plan sets the goals of "mitigat[ing] the impact of the built environment and human behavior on our natural systems and improv[ing] the health and resiliency of Louisville's ecosystems", sets the internal objective of "identify[ing] opportunities to enhance policies related to ecological health" by "further integrat[ing] ecosystem health and biodiversity factors into City plans and policies", and sets the external objective of "minimiz[ing] the volume of pollutants entering Louisville's terrestrial and aquatic ecosystems".

**5. Louisville has no identified need for new gasoline stations (as far as we know).** Louisville currently has five gasoline stations with a sixth gasoline station recently approved for construction, and Louisville's neighboring municipalities have a number of nearby gasoline stations. These gasoline stations are not overburdened with customers purchasing gasoline (as far as we know). The Transportation Master Plan does not identify a need for additional gasoline stations. As rates of electric vehicle use continue to increase, the demand for gasoline will continue to decrease. While Louisville is experiencing some population growth, and our neighboring municipalities are also experiencing some population growth, we hope that the increase in electric vehicle use will outpace any increase in demand for gasoline driven by population growth.

**6. New gasoline stations would not be economically sustainable enterprises.** With the continuing transition to electric vehicles, gasoline stations are predicted to become increasingly unprofitable. For instance, a recent study from Boston Consulting Group predicts that eighty percent of gasoline stations



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will be unprofitable by 2035. The Comprehensive Plan lists “A Healthy, Vibrant, and Sustainable Economy” and “Sustainable Practices for the Economy, Community, and Environment” as core community values.

**7. Closed gasoline stations represent an impediment to redevelopment.** The site of a closed gasoline station must be remediated before redevelopment; this remediation cost (normalized by the size of the redevelopment site) typically exceeds that of most other types of businesses in Louisville even before accounting for possible soil pollution from gasoline storage tank leaks.

**8. New gasoline stations would host new convenience stores whose food offerings do not align with the Sustainability Action Plan’s commitments to and goals for local agriculture and food.** Virtually all gasoline stations incorporate convenience stores. As recently explored on the Freakonomics podcast, standalone gasoline stations are not sufficiently profitable businesses. Most of the food typically sold at convenience stores is not sourced locally.

We maintain that these arguments justify strengthening the City’s draft ordinance. The citizens’ initiative to prohibit new gasoline stations—or at least parts thereof—represents one model for strengthening the City’s draft ordinance. We cast our recommendations for amendments to the City’s draft ordinance in the context of this ordinance as currently written.

1. We recommend reducing the cap on the number of gasoline stations to five gasoline stations in the event that the recently approved sixth gasoline station does not come to fruition.
2. We recommend reducing the cap on the number of gasoline stations by one each time an existing gasoline station closes.
3. We recommend eliminating the exception for a seventh gasoline station as part of a marketplace development.

We also present three further arguments in support of our last recommendation.

1. The City’s draft ordinance waives the 1000-foot separation requirement for this seventh gasoline station. If this seventh gasoline station were constructed less than 1000 feet from another gasoline



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station, then the surrounding area would be unfairly overburdened with gasoline stations. The 1000-foot separation requirement is intended precisely to prevent such overburdening.

2. The design of marketplace developments, especially those with associated gasoline stations, typically promotes gasoline-powered vehicular transportation (and electric vehicular transportation) over sustainable modes of transportation like walking and bicycling. The City should match its development goals to its sustainability goals.

3. A marketplace development may not be economically sustainable, especially as its associated gasoline station becomes increasingly unprofitable. Over the past several years, Louisville has lost a few marketplace developments (that did not have associated gasoline stations). Moreover, Louisville's neighboring municipalities already host a few nearby marketplace developments.

Thank you for considering our recommendations.

Sincerely,

The Louisville Sustainability Advisory Board