

PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Chair Gerard.

ROLL CALL

Christie Mathews-Leidal	Jim Lamb	Ron Schuman
Mike Giller	Steve Gerard	
Dan Schroder	Lowell Moore	

APPROVAL OF MINUTES

With no changes, the January 7, 2020 Planning Commission Minutes were approved.

APPROVAL OF AGENDA

Julia Puester added a net zero energy home ready update under Other Matters. With the one amendment, the January 21, 2020 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No comments

CONSENT CALENDAR:

1. McArthur-Klinge Residence Addition (CL), 240 Highlands Drive, PL-2019-0593
2. Walsh Garage – it was noted that this item has been continued to the February 4, 2020 Planning Commission Agenda.

With no call-ups, the Consent Calendar was approved as presented.

OTHER MATTERS:

1. Town Council Summary

Mr. Truckey gave an overview of the January 14, 2020 Town Council Meeting.

Mr. Truckey: The Council called up the East Peak Eight Hotel, so it starts over as a De Novo Hearing, scheduled for the Council's evening meeting on January 28.

Mr. Schroder: Does that mean everything starts over? (Mr. Truckey: Yes, it's a brand new hearing. The Council will have to review the project just like the Planning Commission did.)

Mr. Giller: I can see how they'd want to better understand the membership thing.

Mr. Moore: Does notice go out again? (Mr. Kulick: Yes, it's already went out last Friday.)

Mr. Truckey: All the emails and comments that were sent to you, those don't go to Council because it's a new hearing. They will need to be sent again. (Mr. Kulick: I've already received 30 some comments that will be forwarded to the Council).

Mr. Truckey: Another Council discussion involved transferring density to certain workforce housing projects. As a rule in the past, if someone proposes a deed restricted unit, the Town has transferred density to that unit. In 2011, the JUMP was amended require these transfers to do so to account for the impacts on the overall community. Before 2011 density was free for deed restricted projects. The Council intends to transfer density to residential projects. However, given a recent proposal, the Council is not comfortable transferring density the Town owns to workforce units that are an obligation of another development approval or where the workforce units are built to offset the impacts of new commercial development. Now an emergency ordinance is going to be read at the Council meeting next week to change this to give discretion to the Council on whether or not the Town will transfer the density to a site.

Mr. Schuman: What does it mean when Pinewood I has requested the Town offload the project? (Mr. Truckey: The deed restriction falls off the property after around 25 years due to the type of

- financing. We are working with the current owners to make sure the units in that building are kept in a deed restriction in perpetuity.)
- Mr. Schuman: On the Town recent buy downs. Does the Town actively go out and buy a market rate unit and negotiate with a new owner to determine the amount of the buy down? (Mr. Truckey: As much as we are building new housing, we have an issue with existing housing stock that was used for workforce being sold off and no longer available to our workforce. We have been losing the long term housing for locals. As soon as we buy the unit, we put a deed restriction on the unit and sell it. Each purchase and sale is situational and so the costs may differ some.) See that some is sold for \$35k less while another is \$60k.
- Ms. Puester: The Town has gone out for an RFI for small cell providers. We are going through the information and vetting those internally. We are looking at our options to reduce the amount of poles we see.
- Mr. Gerard: Is there going to be any changes to the short term rental regulations? (Mr. Truckey: The County's rules are flexible. We did use the County's rules for occupancy except for the square footage rule, which in our opinion allowed to many occupants. When the council adopted the occupancy rules, there was pushback from some owners and property management companies. The Council is looking at a process to allow some larger homes to potentially have some more occupants—but it will be limited.)
- Ms. Leidal: What would the sq. ft. include? Wouldn't you be concerned about life safety?
- Mr. Lamb: If the house is sprinkled, then that's one thing. But if not, that's an issue.
- Mr. Truckey: We are getting requests on houses that have differentiating information between the Town's records and the Assessor's. We may have some process for inspections in the future for basic life/safety issues (e.g., egress windows, smoke and CO detectors).
- Mr. Schuman: Inspections are good because there are so many units out there that have done work without permits.
- Mr. Gerard: In our neighborhood, it's like a presidential parade when people come into town and stay at the short term rentals. There is parking all over properties and lots.
- Mr. Schroder: We touched on water issues with short term rentals.
- Mr. Kulick: When they come in with a permit, staff has to sign off on PIFs based on square footage.
- Mr. Schroder: It has to be more impactful when there are lots of people staying in a house.
- Mr. Kulick: A house in the Wellington typically uses more water being constantly occupied versus a short term rental in the Highlands.
- Mr. Moore: Hopefully parking restrictions will influence the amount of people. It's difficult to deal with short term rentals. There has to be some way to combine parking and the occupancy requirements.
- Mr. Giller: Is there an upper cap on larger houses?
- Mr. Truckey: Two occupants per bedroom, plus four is the current cap.

2. Saving Places Conference Coordination

- Ms. Puester: Some staff are going, all but one Planning Commissioner. Just wanted to give an opportunity for coordinating carpools...

3. Net Zero Energy Ready Homes

Mr. Truckey and Ms. Puester gave the Commission an overview of upcoming changes to the Building Code in terms of Sustainability.

- Mr. Truckey: With our sustainability efforts and the Climate Action Plan, we are moving towards making new buildings more efficient. In our recent adoption of the 2018 Building codes we removed some exceptions from the previous code. One of the exceptions is the required R value for windows. The second was regarding providing continuous exterior insulation. The third was requiring a blower door test. This was a first step. We have a working group that includes the

building industry, HC3, and building officials. The next step for the group is to require zero energy ready home construction. Essentially, new efficiencies can come in a number of ways but this is something that will hopefully be put in place in the next few months. With net zero energy ready homes, the home becomes net zero just by adding solar panels or other renewables. Hopefully this will be adopted in March.

Ms. Puester: If you see a house getting constructed without exterior insulation, there's an alternative route that is performance based. They have to hit targets, but they make up the efficiency in a different way.

Mr. Truckey: If the Code is adopted in March, it goes into effect in July. There will be a six month grace period and a process for builders to see if the houses they are building during this period are complying with the net zero energy ready standards. Compliance will be required by January 2021.

Ms. Puester: There are some development code modifications coming because of this like the Energy Policy, Water Conservation Policy, and Landscaping policy with regards to water.

Mr. Truckey: Regarding exterior energy use, Eagle and Pitkin Counties have a program where you can offset energy you are using by paying into a bank that collects money that's dispersed back into the community for energy efficiency projects. We may be moving in this direction because the program has been successful in Eagle and Pitkin in terms of how the money has been leveraged with projects. We are at the early stages of this proposal for consideration.

Mr. Giller: Will we require something in the Development Code addressing solar panels on roof orientation? (Mr. Truckey: We are going to implement a PV/zero energy ready requirement.) It might drive shapes of buildings and roofs to be more efficient. Will end up with simpler roofs, less dormers and wings. (Mr. Truckey: We added a positive point last year for being EV/PV ready. Both of those things are likely to become countywide requirements and our Development Code will be modified at that point to eliminate the positive point.)

Mr. Schuman: Will these changes limit the number of contractors who can build to the new standards? Will the bigger contractors be the only ones left? (Ms. Puester: Contractors, including the Home Builders Association has had representatives in every meeting regarding this. Building officials feel confident this will work and can be accomplished by the builders. Once the new Energy code goes in place, the scenarios they ran resulted in not much of a monetary increase from the codes that will be adopted and being net zero energy ready).

Mr. Truckey: It is likely that owners and builders will have to contract with energy consultants to help address the energy efficiency issues. This is already happening to a large extent with HERS ratings.

Mr. Giller: The products are out there. This isn't that big of a reach. This is great.

Mr. Lamb: Spray foam works well in historic houses.

Mr. Giller: Is this going to apply to building rehabilitations? (Mr. Truckey: This is only proposed for new construction. If the valuation of work is over 50,000 dollars they'll have to go through a HERS rating to see how they can improve but not required to make the improvements.)

Mr. Schuman: Will there be new incentive areas where positive points are given in the Development Code? (Mr. Truckey: If we change it significantly, we will need to look at that.)

ADJOURNMENT:

The meeting was adjourned at 6:16 pm.

Steve Gerard, Chair