

**MINUTES
CITY OF FORT COLLINS
AIR QUALITY ADVISORY BOARD**

Date: Monday, November 21, 2016
Location: Community Room, 215 N. Mason Street
Time: 5:30–8:00pm

For Reference

Mark Houdashelt, Chair
Ross Cunniff, Council Liaison 970-420-7398
Cassie Archuleta, Staff Liaison 970-416-2648

Board Members Present

Mark Houdashelt, Chair
Rich Fisher
Jim Dennison
Tom Griggs
John Shenot
Vara Vissa
Chris Wood

Board Members Absent

Robert Kirkpatrick
Gregory Miller

Staff Present

Cassie Archuleta, Environmental Planner/Staff Liaison
Dianne Tjalkens, Admin/Board Support
Rebecca Everette, Senior Environmental Planner
Jennifer Channel, Associate Environmental Planner
Mike Gebo, Chief Building Official

Guests

None

Call to order: 5:33pm

Public Comments: None

Review and Approval of Minutes:

John moved and Chris seconded a motion to approve the August 2016 AQAB minutes as amended. Motion passed unanimously, 6-0-0. Tom arrived after vote.

John moved and Chris seconded a motion to approve the October 2016 AQAB minutes as amended. Motion passed, 5-0-1. Vara abstained. Tom arrived after vote.
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Agenda Review: Move December meeting discussion to first item.

December Meeting

- Could have informal gathering instead of December meeting.
- Annual report due January 21. If want to review the draft, might want to meet in December. Alternately could review via email and approve at January meeting.
- Some people are moving off the board at the end of the year. Would like to have radon on the agenda, if a December date is selected.

- Many board members are available on December 19.
- Mark will send draft of annual report for comment/edits. Finalize asbestos discussion with a recommendation, and discuss radon at December 19 meeting.

AGENDA ITEM 1: Downtown Plan

Rebecca Everette, Senior Environmental Planner, presented an overview of the Downtown Plan, which will be considered for adoption on January 17. The Board considered drafting a recommendation for the plan.

Ensuring that policies of the board are reflected in the Downtown Plan. Plan covers commercial core of the City and guides programs and projects, funding, infrastructure investments, development patterns, and character and identity. Sets a vision for next 10-20 years, but calls out some action areas. Project started about two years ago—looked at all issues, engaged with community for visioning, and worked with consultant to develop plan. Community engagement included thousands. Plan is currently in public review period.

Plan has 10 character sub-districts including River Corridor, Historic Core, Canyon Avenue, Civic, etc. Vision for downtown is to be unique, innovative, and inclusive. Last time visited AQAB talked about transportation, indoor air quality, lighting, smoke and dust, etc. Plan covers many of these topics in its policies.

Main principle related to air quality: demonstrate and showcase technologies, strategies and innovative approaches that advance the City’s climate goals. Have policies and actions around energy efficiency, renewables, green building, adaptive reuse of existing buildings, environmental quality, and electric vehicles.

Comments/Q&A

- Are city plans the place where you would state that an ordinance or code should change?
 - There are a number of places in the plan that call out code updates. Ex: Outdoor lighting—have plans to updated Land Use code for light pollution. Plan is not a regulatory document. Must have follow up steps to change code.
- Would this document say we should make improvements to reduce exposure to radon, or would it say we should adopt an ordinance?
 - Depends on how much support there is. If the concept requires more vetting, would leave the topic more broad in the plan.
- Prioritization? The plan is extensive.
 - Continuing to refine, but have delineated time frames for each action item (immediate, short-term, mid-term, and ongoing).
- To what extent does CAP guide prioritization?
 - A number of citywide plans that relate to downtown plan. Rely on bigger picture plans to provide overall prioritization. This plan distinguishes where the focus should be for downtown. Ex: Have real opportunity for renewables in downtown area.
- Were there other environmentally related proposals that were brought up but not included?
 - Ex: Poudre River Corridor—had a lot of comments about NISP (Northern Integrated Supply Project) Glade reservoir. Many thought this plan should speak to water supply and storage. Staff felt this topic was out of the scope/scale of Downtown Plan. Had conversations about radon, but guidance in plan is not very specific (“encourage best practices...”).
- Mid-term action on radon?
 - “Require radon testing and mitigation for new development, redevelopment, and remodels.” Should the City consider requiring radon testing and mitigation?
 - Board has discussed and is moving toward supporting requirements. Current requirements are insufficient.
- What is timeframe for this document?
 - Last downtown plan was completed in 1989. Update City Plan about every five years. Trying to get on more regular schedule for subarea plans—to about every 10 years.

- Hits on CAP topic, but in very vague way. That will not get downtown area to 2030 CAP goals. New buildings going in now are not green enough to make long term changes. Language in document is not strong enough to support CAP: “voluntary,” “encourage,” etc.
 - Might be ready to make more things required in next five years.
 - Have opportunity now to put in green infrastructure, especially with old Sports Authority building. Could offer incentives.
 - Could you add an action item?
 - Downtown should be leading the way on reaching the CAP goals.
- FortZED—never heard if it was successful in creating a zero energy district.
 - Zero energy district was not accomplished, but many projects were completed.
 - Demonstrated zero energy on a couple of circuits for a short amount of time. Very difficult work. Had better results than other projects funded by Dept. of Energy.
- Wondering about percentage of commerce/revenue generated in downtown. Also, some things were listed as both assets and threats. Does downtown have plans to attract visitors, especially related to transportation and way-finding? Also, what about center of road being public space, rather than just the alleys.
 - DBA (Downtown Business Association) does marketing to get people to come downtown and shop local. City has some policies about messaging, communications for parking information, way-finding, etc. Public spaces are discussed a lot in Planning—Copenhagen design firm came to talk to Planning about incorporating public spaces into downtown. Plan calls out a couple of locations like Canyon Avenue (doesn’t get a lot of car traffic—could provide more pedestrian opportunities). Have not talked about doing this on College or Mountain—there are many concerns around losing parking.
- What is innovative? What is disruptive? What is incentivized? Goal is to improve air quality. We want people to use public transportation.
 - Have discussed small parks and more pedestrian focused areas with less parking. College is a state highway. Have installed bike parking corrals. Have made progress—will be led by businesses. Ex: Restaurants and stores can request a parking space be converted to bike parking. Encouraging other modes of transportation.
- Concern about the use of the transportation impacts manual being called out as a mid-term action item. Should be short-term. Cannot wait until 2019 to start.
 - Draft is being finalized. Will be incorporated into Transportation Master Plan, starting next year.
- Would like to see more education about waste. Ex: What to recycle, where, etc.
 - In the Management and Maintenance section, have policy on solid waste reductions, including hauling routes, reducing trash hauler vehicles in the area, pairing all trash with recycling, looking for opportunities for collecting organics, etc.

ACTION ITEMS: Rebecca took note of board comments/concerns and will address in revision as appropriate. Mark will draft memo for board review and send to board via email for comments/edits. Board members can submit additional personal comments directly to Rebecca.

AGENDA ITEM 2: Asbestos Discussion

Jim Dennison led a discussion on next steps regarding asbestos testing and mitigation, including gathering information on current practices, potential recommendations for modifications to City forms and policies, and possible future recommendations to Council. Mike Gebo, Chief Building Official, was available to support the discussion.

The City requires submittal of evidence of asbestos testing on remodels and demolitions. The City has a great system for reviewing permits. State code says must test for asbestos before demolition or remodel. Applies even to projects that don’t get permitted, like replacing carpeting. Same regulations apply to remodels depending on the materials being disturbed and the type of building. But the compliance rate is really low. Would like to see contractors submit paperwork to the City that shows compliance with State requirements.

Comments/Q&A

- Asking City to enforce a state regulation?
 - Asking to document compliance with the state regulation.
 - Where does the enforcement action lie?
 - With the state.
 - So municipality and county are out of it.
- City knows that asbestos is regulated at the state level. Have tied into state regulation by not letting municipal demolition permit be issued until state permit is granted. If a building is being demolished want to know that no asbestos. Concerned about contractors in regard to remodel. Know that state can impose hefty penalties for not complying with state regulations. City hands out state-regulation information. Can't answer as to why the compliance rate is low. In 2013 governor signed off that any jurisdiction that can supply a permit should have three questions (check-boxes about asbestos testing) on their permitting forms. City gives code classes and provides information to help contractors be in compliance. If changed form would be a few thousand dollars to changes the form and buy new. Cautious about being too much involved in managing asbestos. Applicants are often contractors, not building owners. City keeps contractors up to date.
 - Contractors should be doing asbestos inspection. Should verify that it has been done.
 - If find out that the inspection hasn't been done, don't have authority to withhold permit. It is managed, maintained and enforced by the state.
- When apply for a demo permit, and don't supply state demo permit, City won't issue permit?
 - For full demolition, contractors know they need asbestos test. Will hold up until state permit is issued because don't want asbestos going airborne in community. Try to not have requirements that are not supportive, not enforceable, not regulated, etc.
- Contractor is requested to check one of three boxes regarding asbestos testing—reason doing this is to create awareness with state requirements. Are we asking the City to create more awareness by adding additional questions?
 - Want state-suggested checkboxes added when the current forms are gone and are reordering. Makes sure everyone signing these forms knows about state regulations around asbestos. Will increase awareness and compliance.
 - Passing along more information is good. But cannot withhold permit. Unenforceable. City is putting forth information.
- Having spent decades as a regulator, we paint ourselves in a box of providing information and asking businesses to self-enforce. What is point of providing information if don't create regulations and enforce it? Not afraid to take small measures that might reduce a few families' exposure. Not bothered if contractors and those doing own renovations need to spend a little more time reading a form. Need to make incremental progress. Find a way to recommend that to Council.
- How does the state enforce?
 - They have 4-5 inspectors covering the state. Probably only issue fines on most wanton/pattern/serious violations. The only checks they make are when someone files a complaint. Ex: If contractor doesn't test in advance and find asbestos mid-demo, the building owner gets stuck with expensive clean-up and the contractor gets away clean.
 - Having both indoor and outdoor asbestos elimination/mitigation is important. The City cannot enforce anything. So, the issue is to better motivate the contractors to comply with state requirements. All the ways we educate people about air quality (energy bill inserts, billboards at train crossings, etc.) can be used to educate the public. Motivation in health threat.
 - Now that educated, if contractor doesn't do anything about it and the City will issue the permit anyway, concern is elevated. Public becomes powerless.
 - State developed the law, but did not grant authority to City to manage it.
- The limited purpose of the added checkboxes is putting something in front of the person applying for the permit that this is something they should be aware of.
- Can collect signatures about being aware of state law—could be used in litigation in the future. Doesn't put in position to deny permit, or enforcing anything. Unless asked Council to adopt an ordinance, don't need to involve Council. Can just add a form with wording from state law and scan in with building file.
 - Acknowledgement that contractor understands state law.
 - Could help homeowner in liability case against contractor.

- But one check box is that the contractor doesn't know anything about the building.
 - True.
 - If contractor checks box and signs that doesn't know if property has been tested, then admitting that not in compliance.
 - On other side, could end up with people not pulling permits who should. When started requiring combustion tests on water heater installations, saw drop in permits requested. Would take ordinance to require signature on form, but can record answer/non-answer nonetheless.
- If objective is to reduce asbestos emissions, do what will have best outcome.
- Agree that there is not good compliance?
 - For full demolition there is great compliance. For demo/remodel, don't know. People who flip houses know what they can do without a permit—sheet rock, new outlets, cabinets, flooring, etc.
- Saw something on an application form that might lead people to believe nothing required of the building constructed after 1975.
 - Asbestos is everywhere. Staff has spoken to contractors to let them know that it is in most building materials today. Willing to have a one-part form for anyone pulling a remodel permit. Can put some additional information about asbestos on the form.
- If a City ordinance is created, that becomes a different tool—wouldn't issue permit until in compliance.
 - Might be useful to inform Council of this discussion and action.
 - They get the minutes.
- Unclear if can consider changing what Mark read on the existing form that misleads people to thinking that newer buildings don't need to be tested.
 - On demolition permit application, not remodel application.
 - Hard enough to get compliance when people understand what they are supposed to do.
- Can City require state demolition permit on all demolitions?
 - Yes. We do. But could be entire building undergoing abatement that City doesn't know anything about. First step with state is to hire abatement contractor. In that case asbestos is removed before demolition permit is applied for. Sometimes only way to abate asbestos is to remove whole building. Agree that statement is misleading and will revise form (even if takes blacking out the line until run out and order more).

ACTION ITEMS: Mike will create a separate 3 question form and share with board. He will review demolition permit application to make sure it isn't misleading regarding construction dates/asbestos testing requirements.

AGENDA ITEM 3: Other Business

Board Updates

Utilities Time of Use Pilot

- Changes electricity cost based on time of use. Right now have tiered rates. Time of use study was to try to get people to use less electricity during peak times. One family was able to reduce electricity bill, but did not reduce overall energy use (no GHG reduction). Council needs to consider full impacts of whichever rate structure they are going to use. Utilities will present results of study to Council in January. Suggest board provide memo to Council on this topic. Unsure what advantages are of reducing peak use.
- Utilities will have outreach to boards after the January Work Session.
- Board agreed to address in future meeting.
 - This board needs to connect the topic to air quality.
- Tiered rates reduce overall use; time of use reduces peak demand.
 - Doesn't have to be either-or.
- Review of national pilot test. Pay higher price if use more (inclining block rate). All national research suggests that has small impact on reducing people's peak demand and cumulative demand. Time of use rate reduces people's peak demand, but not cumulative demand. If combined, get bigger impact. Many other rate designs exist.

- Reducing peak demand makes it easier to include more renewables and remain reliable.
- John Shenot can present on this topic next year.

Staff Updates

CSU Oil & Gas Presentation, January 10

- County has scheduled presentation at their meeting. If have joint meeting, would replace January meeting. If just act as guests, can still hold regular January meeting.
- Will have new board members in January. Suggest attending County oil and gas presentation as guests, and members can attend by choice.

ACTION ITEM: Members agreed to be invited guests at oil and gas presentation.

Superboard Meeting

- November 30: Broadband, Revenue Diversification, Entertainment District

Future Actions & Agenda Items

2017 Meeting Calendar

- January meeting will introduce new members and selves, review Work Plan, discuss priorities, and set 2017 schedule.
- Air Quality Plan will be main topic.
- Would like to understand how Broadcom is one of biggest GHG polluters. New industrial revolution. Chip production is large emitter.
- PSD will have plans for new schools—Can we encourage the school district to use the Transportation Air Quality Impacts manual?
 - Two of the three new schools will not be within Fort Collins.
 - Transportation manual was developed for City projects.
 - Transportation Master Plan is also on the 2017 list.

Council Six-Month Agenda Planning Calendar

- Downtown Plan
- Time of Use Pilot Study Work Session
- Old Town Neighborhood Plan
- Road to 2020 Scenarios

Meeting Adjourned: 8:10pm

Next Meeting: December 19