

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

REGIONAL BUILDING COMMISSION MINUTES

April 27, 2023

2:00 p.m.

MEMBERS PRESENT: Vice-Chair Carrie Geitner, El Paso County Commissioner
(*appeared virtually*)
Todd Dixon, Mayor of Green Mountain Falls, Colorado

MEMBERS ABSENT:

OTHERS PRESENT: Roger Lovell, Regional Building Official
Virginia Koulchitzka, Regional Building Attorney
Jay Eenhuis, Deputy Building Official - Plans
John Welton, Deputy Building Official - Inspections
Erin Garcia, Director of Finance
Matt Matzen, Front Counter Supervisor
Greg Dingrando, Public Information Officer
Linda Gardner, Executive Administrative Assistant

The Regional Building Commission meeting was conducted in a hybrid form, allowing Commission members, Department staff, and the public to attend in person at the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs, Colorado 80910, Room 100-14, or virtually via a program called Microsoft Teams live events, which is accessible via Pikes Peak Regional Building Department's website Boards & Committees' page at: <https://www.pprbd.org/Information/Boards>.

1. CALL TO ORDER: DETERMINATION OF A QUORUM

The meeting was called to order at 2:00 p.m.

2. ELECTION OF OFFICERS

A motion was made by Todd Dixon to **POSTPONE** the Election of Officers to the May 25, 2023 Regional Building Commission meeting, seconded by Carrie Geitner; the motion carried unanimously.

3. CONSIDERATION OF THE MARCH 23, 2023 MEETING MINUTES

A motion was made by Todd Dixon to **APPROVE** the March 23, 2023 Regional Building Commission Minutes as written, seconded by Carrie Geitner; the motion carried unanimously.

4. NEW BUSINESS

- a) Colorado Springs Chamber & EDC Presentation by David Dazlich and Theresa Metcalf.

David Dazlich, Vice President of Government Affairs, and Theresa Metcalf, Vice President of Economic Development, appeared on behalf of the Colorado Springs Chamber & EDC. Mr. Dazlich gave an update on a few select bills currently before the Legislature that are most directly applicable to development, promulgation, building codes, and land use in general:

- SB213 – Governor’s Expansive Land Use Bill;
- SB273 – Urban Renewal Areas;
- HB166 – Wildfire Resiliency Bill;
- HB1075 – Evacuation Clearance Time Modeling;
- HB1115 – Rent Control;
- HB1273 – Wildfire Resilient Homes; and
- HB1192 – Construction Defects.

Theresa Metcalf presented a video recapping 2022, as well as a brief summary of the economic development projects for 2023.

Carrie Geitner welcomed Councilmember Brian Risley, who attended the Building Commission Meeting informally to observe. It is anticipated that Councilmember Risley will be filling the vacancy on the Regional Building Commission as of next month.

5. CHANGES/POSTPONEMENTS/NOTICE OF NEXT MEETING

The next Building Commission Meeting date and time: Thursday, May 25, 2023, beginning at 2:00 p.m. The meeting will be conducted in a hybrid form: in person at the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs, Colorado 80910, Room 100-14, and virtually. Sufficient and timely instructions for public participation will be made available at: <https://www.pprbd.org/Information/Boards>.

6. PUBLIC COMMENTS ON ITEMS NOT SCHEDULED ON THE AGENDA

Public comments on items not scheduled on the agenda shall be limited to three (3) minutes.

Public Comment: The public is invited to provide oral public comment on **any item not scheduled on the agenda**. The Regional Building Commission will not take action on issues discussed during this general public comment period; such matters may be scheduled for further discussion or action at a later date.

There were no public comments.

7. **ADVISORY BOARD REPORT**

Roger Lovell presented the Advisory Board Report. Every 5 to 6 years, the Department undergoes an evaluation through ISO or Verisk to determine the building code effectiveness rating scale classification. The Department went through this evaluation in 2022 and received a letter on March 17, 2023, from ISO and Verisk indicating that the Department had moved from a 2 on commercial and 3 on residential to a 9 on commercial and a 9 on residential classifications. The letter was communicated to each of the Department's member jurisdictions with a follow-up advisement that the Department has appealed the findings.

8. **BUILDING OFFICIAL REPORTS / NON-ACTION ITEMS**

a) Financial Statement through March 31, 2023.

Erin Garcia presented the financial statement for the month of March 2023. She said for the month of March, the operating cash balance ended at \$13,474,977 with a cash balance as a percent of budget of 59 percent. She said the monthly revenue was \$1,674,442, which year-to-date is 18 percent of budget. Ms. Garcia stated the expenditures were \$1,992,126, and year-to-date expenses were at 22 percent of budget. The net loss for March was \$317,510, and year-to-date net loss is \$823,631.

Roger Lovell reminded the Commissioners the Department reduced the 2023 Budget by 5 percent over the 2022 Budget. Many of the existing expenses are hard set expenses that cannot be reduced. Additionally, with the payoff of the COPs for this building, the Department is analyzing the current and future expenses of the building. The windstorm in 2021 resulted in damage to one of the skylights that still needs to be replaced. The initial bid for that skylight was \$94,000; when it went through the RFP process, it came back at \$580,000. There are three skylights on the building, and all three are at the end of their life expectancy and need to be replaced, which would be an approximately \$1.4 million expense. Additionally, RBD staff is involved in the rule making process for Regulation 28, which is the proposed regulation that will apply to buildings over 50,000 square feet such as the PPRDC. Regulation 28 will require building owners to make significant improvements in energy efficiency and/or electrification of natural gas resources by mid-2026. As this was a LEED Certified Building in 2005, when it was constructed, the proposed Regulation 28 will make it difficult to find and improve efficiency as well as very difficult to convert from natural gas to electric. Moving forward, there are "a lot of moving pieces" with the associated and resulting expenses of the PPRDC, including, but not limited to security maintenance. The Department is conducting a capital reserve study. Further, the Department is conducting an internal analysis of the fee structure and considering an adjustment to the current 2013 valuation tables.

b) Building Report through March 31, 2023.

Matthew Matzen presented the Building Report for the month of March 2023. He said there were 235 single-family houses permitted in March, which was 56.16 percent less than this time last year. He stated there were 57 commercial building permits, which was an increase of 11.76 percent from this time last year. Mr. Matzen said the total valuation of permits issued in March for residential homes was \$98,974,073, which was a decrease of 52.08 percent from this same time last year. He stated the total valuation for commercial permits was \$105,572,148 for the month, which was an increase of 5.48 percent from this same time last year. Mr. Matzen stated the total valuation year-to-date across all permits was \$774,059,750, which is a decrease of 32.32 percent from the previous year. He said there were nine projects with a valuation over \$3 million in March.

c) Plan Report through March 31, 2023.

Jay Eenhuis presented the Plan Review Report for the month of March 2023. There were 302 single family plans, which was a decrease of 37 percent compared to March of the previous year; 124 new commercial plans, which was an increase of 276 percent; a total of 1,696 plans for the month of March, which was an increase of 11 percent compared to March 2022; and 3,656 plans year-to-date, which was a decrease of 12 percent over the previous year. Mr. Eenhuis said there were 1,622 electronic submittals in March; and 3,179 electronic submittals year-to-date, which is 87 percent e-plan submittals year-to-date. He said the Plan Review Department performed 4,701 solo reviews in March 2023, and 765 walk-through reviews, for a total of 5,466 logged reviews for March 2023, which was a decrease of 6 percent from the previous year; and 13,814 logged reviews year-to-date, which was a decrease of 12 percent over the previous year. Mr. Eenhuis stated the Department is anticipating an increase of plans prior to the implementation of the new Code on June 30th, and RBD staff is prepared to handle this additional workload.

d) Inspection Report through March 31, 2023.

John Welton presented the Inspection Report for the month of March 2023. He said the inspectors in all departments did a total of 25,996 inspections in March, with a total of 69 field inspectors. Mr. Welton said each inspector averaged 15.7 inspections per day, and the average available time per inspection was 25.5 minutes.

9. **UNFINISHED BUSINESS**

a) Code Adoption Update.

Roger Lovell presented the Code adoption update as follows: He stated RBD staff has appeared before all of the member jurisdictions, and we have final adoption through the City of Manitou Springs, City of Colorado Springs, the Town of Green Mountain Falls, the Town of Palmer Lake, and the City of Fountain. He stated RBD staff is currently

working with the remaining jurisdictions to finalize the Code adoption. He stated the Department is on target to have the Code adoption completed by mid-May.

b) Legislative Update.

Greg Dingrando presented a legislative update on the following proposed Colorado Bills:

HB23-1294 – Pollution Protection Measures. Status: In House appropriations 4/28.

HB23-1302 – Housing Accessibility. Status: Unanimously killed in committee 13-0.

HB23-1304 – Proposition 123 Affordable Housing Programs. Status: Already out of committee and on to the House floor, possibly today.

SB23-213 – Land Use. Status: With the new amendments it finally passed out of committee and will now move on to the Senate Floor.

HB23-1233 – Electric Vehicle Charging & Parking Requirements. Status: Supposed to be on Senate floor for 2nd reading Monday, but it was laid over and continued to be laid over through the week.

SB23-166 – Establishment of a Wildfire Resiliency Code Board. Status: Passed both chambers and is now on to the Governor. Vote in the House was 46-19.

HB23-1075 – Wildfire Evacuation and Clearance Time Modeling. Status: This bill was gutted and turned into a study.

10. COMMISSIONER REPORT(S) OR COMMENT(S)

Todd Dixon stated he has been reviewing the source documents that are being used to create the base lines for the proposed Regulation 28; he has found a number of “flaws” in the source documents; he reviewed a few of the flaws in the source documents for the Commission and Department staff.

11. FUTURE AGENDA ITEM REQUESTS

There were no Future Agenda Item Requests.

12. EXECUTIVE SESSION REQUEST

There were no Executive Session Requests.

Virginia Koultschitzka stated the Department is a designated party in the rule making proceeding of the proposed Regulation 28. As a result of SB23-016, the Air Quality Control Commission has decided to postpone the current rule making schedule that all parties were made aware of and required to comply with, including but not limited to the most recent filing of rebuttal statements for the initially scheduled hearings for May 16th through May 19th, now as postponed and to be conducted during the month of August 2023. We have not yet received a resulting order with the extended deadlines and the rescheduling of the public hearing(s). Upon receipt, the Department will advise all designated witnesses with dates/times for purposes of testimony preparation as well. The important issue that comes out of SB23-016,

at least as currently pending, is that it extends the rule making deadlines for the Air Quality Control Commission specific to the benchmarking and performance standards from June 1, 2023, to September 1, 2023. The Commission has also made a statement that will be beneficial to all parties with designated status, who have opposed the expedited rule making schedule, to fully understand the proposed Regulation 28 and prepare their responses and rebuttals.

13. **ADJOURN**

The meeting adjourned at 2:59 p.m.

Respectfully submitted,



Roger N. Lovell
Regional Building Official

RNL/lfg

Accommodations for the hearing impaired can be made upon request with forty-eight (48) hours' notice. Please call (719) 327-2989.

PPRBD meeting agendas and minutes, as well as archived records, are available free of charge on PPRBD's website at <https://www.pprbd.org/Information/Boards>. Audio copies of the record may be purchased by contacting PPRBD at (719) 327-2989.