

**CITY OF ESSEX JUNCTION
PLANNING COMMISSION
PUBLIC HEARING
MINUTES OF MEETING
February 1, 2024
APPROVED March 7, 2024**

MEMBERS PRESENT: Phil Batalion, Chair; Diane Clemens; Scott McCormick; Elijah Massey.

ADMINISTRATION: Chris Yuen, Community Development Director; Jennifer Marbl, City Planner.

OTHERS PRESENT: Cora Delucia.

1. CALL TO ORDER

Phil Batalion called the meeting to order at 6:35 PM.

2. AGENDA ADDITIONS/CHANGES

Director Yuen requested adding a discussion item pertaining to the rental registry as Business Item #5a.

3. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda
None.

4. MINUTES

a. January 4, 2024

MOTION by SCOTT McCORMICK, SECOND by ELIJAH MASSEY, to approve the minutes of January 4, 2024 as presented. VOTING: unanimous (4-0); motion carries.

5. BUSINESS ITEMS

a. Rental Registry updates

Director Yuen noted that the City Council held a public hearing on the proposed rental registry ordinance last Wednesday, January 24, which was attended by many members of the public. He said that in terms of public engagement, the City had conducted the usual website and social media posts, as well as a mass-mailing to every household in the City. He said that they received feedback from individuals as well as organizations such as Whitcomb Woods (Cathedral Square), stating that they think they should be exempt from the fees and from inspections, given that they are already under heavy regulation and inspection programs. He noted one point they made, which was that their tenants feel that they have inspection fatigue. He noted several messages of support, but that there were many negative comments about the proposal. He said that the negative feedback centered around the cost of the fees and the cost of labor for coordinating inspections. He said that City Council ultimately decided not to move ahead at this juncture, and asked staff to do more work to determine whether this program would fit better within the Fire Department. He said that there is no date warned for the next public hearing, though he anticipates the City Council to discuss this item on February 14, to the extent that the program is included in the proposed FY25 budget.

Commissioner Batalion said that he thinks there may be a communication issues between the Planning Commission and City Council, and said it would be beneficial to schedule joint meetings between the

Planning Commission and City Council to allow space for discussion of these large proposals in advance of warned public hearings, which could help to preempt some of the questions and issues that come up during public hearings. He said that for example, the discussion about how the fees from this could set up a housing trust fund to help landlords and residents may not have been brought to the Council during its public hearing on this, though it was discussed at length by the Planning Commission in its own meetings. He noted that the primary goals of this program were to address health and safety issues in rental units and to establish a rental registry so that the City understands its rental stock. He said that there may be room to address this without the redundancy of inspections and that the City could help facilitate complaints from tenants rather than having the tenants complain at the state level, and potentially have a lower-cost registry program without inspections. Commissioner McCormick suggested a phased approach where the City begins by implementing a rental registry program and database and decide to pursue inspections in later years of the program.

Commissioner McCormick said that he had discussed this with Councilor Certa, who said that he is aware of the desire for joint meetings between the Council and its various boards and committees. He noted that he agrees with Commissioner Batalion on his points, and added that there seems to be confusion about the level of effort for various types of inspections, as fire marshal inspections are different than code enforcement, health, and environmental inspections. He said that clearer articulation of the differences in the types of inspections that would occur at the state and municipal levels would be beneficial to this discussion. He also suggested looking into a staggered or split fee structure, especially for the larger developments with hundreds of units. He further noted that the cost of renovation (raised as a concern) could be offset by a housing trust fund.

Commissioner Clemens noted that though the Planning Commission has had extensive discussions about this proposal over the past year, the City Council and general public may not have that contextual background and likely were hearing about this program for the first time on January 24th. She suggested that future presentations begin with more background and context in order to bring people up to speed and effectively set the stage for the proposal.

Director Yuen agreed that a joint meeting between the City Council and Planning Commission would be beneficial prior to public hearings related to larger proposals. He noted that staff worked closely with the City Council so that they had the background and context of the issue, and said he believes that they understood the recommendations and their rationale, though members of the public may not have had the same understanding. He agreed that there was some confusion about the division of labor between the State and potential City programs, given that some of the changes were implemented by the State very recently. He acknowledged some level of duplication between what the Division of Fire Safety provides and what the City would do in terms of inspection. He said that in terms of a mixed-fee structure, they had played around with fees that would be lower for larger landlords (recognizing efficiencies for inspection buildings with a large number of units), but that in order to make the budgeting work, smaller landlords would have had to have significant fee increases, which did not seem feasible. He said that if this program ultimately ends up in the Fire Department, it could look different than this current proposal of an FTE split between inspection/code enforcement/health officer. He said that the suggestion of phasing this with a registry in the near-term and inspection a few years down the road could be counterproductive.

b. Land Development Code amendments to Chapter 714: Sign regulations

City Planner Marbl noted that changes discussed during the January Planning Commission meeting on sign regulation amendments have been incorporated into the draft amendments for the Commission's further consideration and discussion.

Commissioner Batalion asked about the time limit for string lights and whether 9:00 PM was selected for a reason. City Planner Marbl replied that 9:00 PM seemed like a reasonable limit, given that this is when restaurant establishments begin closing, but welcomed other proposals from Commissioners. Commissioners discussed this and decided that 10:00 PM would be a reasonable limit for string lights.

Commissioner McCormick said that sign requirements are complicated and asked how this (and other components of the LDC) would be enforced. He asked whether all signs would need to be approved by the City. Director Yuen replied that most permanent signs would need to receive a zoning permit and approval. City Planner Marbl noted sign types that are considered temporary and do not need explicit approval from the City, such as sandwich boards, election period signs, and real estate signs. Commissioner McCormick asked how compliance is enforced. Director Yuen replied that proactive enforcement would be more of a possibility if there was a staff member dedicated to code enforcement. He said that even before proactive enforcement, enforcement activities should center on complaints and nuisances.

c. Review examples of E.V. charging regulations for Land Development Code amendments

Director Yuen said that he has sought guidance from the Chittenden County Regional Planning Commission (CCRPC) on recommendations for best practices and current state. He said that the State's Residential Building Efficiency Standards (RBES) and the Commercial Building Efficiency Standards (CBES) are good guidance documents for E.V. regulations. He noted that these standards require one parking space per unit to be Level 2 E.V. charging capable, but that they do not go as far as requiring installation of a charging conduit. He said that the only enforcement mechanism is through private litigation, given that requirements for meeting the standards are self-attestation. He noted that these requirements apply to new buildings, not previously built buildings. He said that though there is not much uptake now of actually installing chargers in spaces, that may go up as the use of EVs increases and the demand for chargers also increases, and developers may be more willing to accommodate more chargers. Commissioner Massey suggested exploring ways to make electric vehicles more attractive, such as the feasibility of installing Level 3 chargers (which are faster chargers). Commissioner McCormick said that Level 3 chargers seem best suited for public charging stations, and that Level 2 charging capabilities should be the minimum requirement for new housing. Commissioner Batalion noted that not every EV has Level 3 charging capabilities. He also noted that renters won't be incentivized to buy electric vehicles if they do not have access to chargers, given that the City does not currently have minimums for the number of actual chargers installed per building. He suggested installing Level 1 outlets at every parking space in addition to having Level 2 capability for every unit. Director Yuen said that developers may feel that this is limiting for their layouts and could increase costs. Commissioner Clemens said that the City should be proactive about aligning their requirements for EV charging with the RBES and CBES at the state level. Commissioner Massey and Commissioner Clemens discussed exploring public (commercial) charging options in addition to the residential access provisions discussed above. City Planner Marbl suggested having unassigned EV charging parking spaces proportional to the number of units in a building, so that residents have the option of charging in those spaces or parking in their normal, assigned parking spaces.

Director Yuen asked several questions regarding moving forward with LDC-level requirements for EV charging in the City. He asked whether the City should align with current best practices and requirements, or whether it should have stricter requirements. Commissioner Clemens suggested at least aligning with the RBES and CBES regulations, and Commissioner McCormick suggested requiring a certain number of charging stations per development based on number of units. Commissioner Batalion said that with the goal of encouraging access to chargers, having EV charger requirements for commercial parking makes sense, and exploring grants for landlords to install chargers may be worth exploring. He said that retrofitting for residential rental unit charging may be trickier, given that common space electrical costs tend to be covered by landlords. Commissioner Clemens pointed out that Green Mountain Power must have some incentives for EV chargers. Director Yuen noted that there are currently grants at the state level to cover 50% of installation costs of EV chargers. Planning Commissioners confirmed that they would like to see a draft proposal of regulations that meet the minimum RBES and CBES requirements and also contain charger requirements that are stricter than those in surrounding municipalities. Commissioner McCormick pointed out that public EV chargers can also make Essex Junction more attractive to visitors.

Director Yuen asked for input on when it would be most beneficial and appropriate to solicit feedback from landlords and developers about this set of LDC amendments. Commissioner McCormick said that the more stakeholders can be engaged proactively and early, the better. Commissioner Batalion said that he would like feedback from landlords and developers about how residential chargers would work for their developments, and whether it would significantly impact their costs. City Planner Marbl replied that she will conduct some research into this. Commissioner Clemens suggested inviting developers to attend a future Planning Commission meeting to discuss these regulations. Director Yuen suggested also engaging nonprofits that advocate for EV uptake in this discussion, as they have a good sense of implementation costs. Commissioner McCormick noted that the Vermont Energy & Climate Action Network, a nonprofit organization that has EV vehicle fairs around Vermont, may be worth engaging.

6. COMMISSIONER UPDATES

Commissioner McCormick spoke about recent activities related to the City's strategic planning and visioning process. He said that there was an open house on Saturday at the community meal and budget discussion event, which had a good turnout. He noted that six pillars for the community were identified, and include housing and density, transportation, economic development, services and facilities, environment, and community engagement. He said that there were additional focus group discussions on Monday and Tuesday around these topics. He said that there is another steering committee meeting on February 9th to discuss the results of the open house and focus group discussions. He noted that there will be a second online community survey fielded in the next several months. Commissioner Massey asked whether those who are working on this have explored how to obtain higher survey response rates and more attendance at community events. Commissioner McCormick noted that postcards were mailed out to residents informing them of these conversations and this initiative. Commissioner Clemens added that one focus of the strategic planning process is around how to engage certain segments of the community and population that have traditionally be underrepresented. She also noted that future focus groups may benefit from a hybrid option in addition to an in-person attendance option.

7. STAFF UPDATES

None.

8. ADJOURNMENT

MOTION by ELIJAH MASSEY, SECOND by SCOTT McCORMICK, to adjourn the meeting.

VOTING: unanimous (4-0); motion carries.

The meeting was adjourned at 8:24 P.M.

RScty: AACoonradt