

## PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 pm by Chair Frechter.

### ROLL CALL

Mike Giller                      Mark Leas                      Allen Frechter                      Susan Propper  
Ethan Guerra - **absent**      Steve Gerard - **remote**      Elaine Gort - **remote**

### APPROVAL OF MINUTES

With no changes, the July 18, 2023, Planning Commission Minutes were approved.

### APPROVAL OF AGENDA

With no changes, the August 1, 2023, Planning Commission Agenda was approved.

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No comments.

### CONSENT CALENDAR:

1. Ploss Residence Plan Changes (SVC), 224 S. Ridge Street, PL-2023-0317

- Ms. Propper:            What is the measurement from the hot tub to the street? (Ms. Crump: The house is 17 feet from the right of way. The hot tub is behind the front of the house and the approximate distance is about 20 feet.) And there is additional landscaping to shield it? (Ms. Crump: This is the previously approved landscape plan, it will remain in place. There are quite a few trees in this corner.) In the precedent example, the lot at 112 N Ridge Street, is raised by several feet from the street level and the house is set further back in the lot; this is going to be a little different. (Ms. Crump: The Handbook does not prohibit a hot tub in the side yard, and they are maintaining the front yard as a defined landscaped yard. We feel the proposal has met the Design Standards.)
- Mr. Gerard:            Mr. Giller had concerns with the side walls and retaining walls in the rear previously. I would look to him but I have no further comment or questions.
- Ms. Gort:                How high are the retaining walls? (Ms. Crump: The retaining walls previously approved were 6 feet in height, the extension will be shorter than the previously approved walls because the slope goes up in the rear of the lot.)
- Mr. Frechter:           I will trust staff. I am not crazy about hot tubs showing from the front. Maybe we should look at code changes to require they be hidden around the side of the home behind a bump out or in the rear. (Mr. Truckey: Staff discussed the hot tub at length. The front yard is being retained and it complies with the Design Standards for this area.)
- Ms. Propper:            I would agree with that code amendment.
- Mr. Leas:                Maybe the applicants can be encouraged to put some landscaping to hide the hot tub? (Ms. Crump: There will be landscaping provided to screen the hot tub. It is shown on a different diagram.)

The Consent Calendar was approved as presented.

### WORK SESSIONS:

1. Net Zero Density Calculation Code Amendment

Ms. Crump presented an overview of proposed amendments to Policy 3R. The following specific questions were asked of the Commission:

1. Does the Commission approve of the proposed code amendment to allow net zero construction or zero energy building density calculations for both residential and commercial buildings to deviate from standard construction density calculations by measuring to the midpoint if utilizing a double wall insulation cavity?
2. Does the Commission agree with the proposed definition of “zero energy building”?
3. Does the Commission have any additional comments or concerns related to this issue that you would like staff to relay to the Council?

*Commissioner Questions / Comments:*

- Ms. Propper: How would a measurement from the mid-point compare to measuring from the exterior wall on regular construction? (Ms. Crump: It depends on the construction. Typical exterior walls are at least 6 inches thick whereas this system is 21 inches thick. By using the midpoint, we are giving a leeway for the extra wall cavity compared to the typical constructed exterior wall. It is a way to calculate most of the wall system without penalizing livable square footage.)
- Mr. Giller: “Net zero energy” versus “zero energy” which anecdotally means no utility connections to me. Should we have the word “net” at the beginning of that paragraph? (Ms. Crump: We can; from my research the terms were used interchangeably in NREL.) (Mr. Truckey: I think we should look at how we wrote the zero energy ready homes in the building code so we’re consistent.)
- Mr. Leas: My only issue is the weak definition of “net zero.” This seems to say that if someone attempts to do the double wall construction etc. they will end up with a net zero building which is not necessarily the case. If the intention is to achieve net zero and they use these techniques then we will grant them the leeway, but to assume that we are going to have net zero building is unrealistic. (Ms. Crump: Are you referring to the density calculation description? We would assume they’re going to create a net zero energy building to use this definition for calculating density. Do you mean they need to prove that later on?) The intention of the building and code, and the architects following the code is to create an entity that achieves a standard if it is net zero, design standards. We should say that if the intention is net zero we allow the gross square footage with this calculation. (Mr. Truckey: I think you are saying to be more explicit in the intention on the building.) (Ms. Crump: If someone proposed a building with a thick exterior wall system, but weren’t going for net zero, we wouldn’t use this definition for calculating density.) How are you going to determine that? You can assume they are trying to achieve net zero. You need to give them the benefit of the doubt. (Mr. Truckey: I probably wouldn’t be supportive if an applicant were only attempting, we need assurance they will achieve net zero.)
- Mr. Frechter: What is the benefit of proposing a net zero building? Does it include government grants or from Xcel? (Ms. Crump: There certainly may be federal grant opportunities, or others, but no points at this time. This is important because for Town initiated workforce housing projects, Town Council wants them to be net zero.) They have to show a calculation for the proposal. Then they can get the benefit of calculating their density this way.
- Mr. Leas: If the building is not net zero, do we go back take away the added allowed density? This would be impossible. (Mr. Truckey: To be certain the project was achieving net zero, an energy consultant would confirm the building is going to achieve net zero. There is still a proofing that has to be done at CO. They have to make adjustments if they do not reach their original target.) For energy consumption, there is a pathway to get back to that standard. Once you have given up that square footage for the calculation though, you are not going to get that back if they fail to meet net zero. With a blower door test, you can change things. With a double-wall system, you would not

be able to go back and revert the construction to gain square footage. Whether they make the net zero building or not, we have given it away on the front end of this. There is no way to go back.

Mr. Giller: There is a process to confirm net zero will be achieved. The design, energy modeling, window glazing, sealing, building wraps, performance standards, all of that is calculated in and the permit would have to follow that. As Mark T mentioned, you perform a blower test at the end and that process works to confirm net zero.

Mr. Leas: The blower door test is just testing the leaking of the building.

Mr. Giller: There are inspections throughout the construction to verify the building components.

Mr. Leas: We are assuming all those standards will be met.

Mr. Giller: But it is a very sound assumption.

Ms. Crump: What if we had a stop gap in the calculation to keep people from abusing the net zero calculation? Like limiting the square footage that can be omitted?

Mr. Leas: I think that we need to recognize that we are not going to go back and remove density. Maybe they won't get their occupancy permit, but we are not going to ask the building to be removed. We are giving this up and we will hold the builders' feet to the fire to get to net zero. At the end of the day, we hope that the builder is building to that.

Mr. Gerard: I propose a policy statement that addresses the concerns. At the end of the definition add: "Using current best design, materials, and construction practices intended to achieve a net zero/zero energy structure." It gives us a statement of intent.

Mr. Gort: Most people have heated garages but at the bottom it says garages are excluded? (Ms. Crump: Parking garages that are not enclosed are not counted as density. We can change to "parking structure" for clarification.)

Mr. Frechter: Would someone try to use this system to make their homes even closer to the property lines? (Ms. Crump: They would still be limited by their envelope or setbacks.)

*Commissioner Questions / Comments:*

Ms. Propper: 1. Agree; 2. With Gerard's amendment, I agree; and 3. No comments.

Mr. Giller: 1. Agree; 2. Yes, with consideration for adding the term "net;" and 3. Yes, this removes the density penalty for constructing to net zero.

Mr. Leas: 1. Agree; 2. The definition of zero energy building is okay with other's comments and amendments added. Assuming that all amendments get put together, I would agree; and 3. I agree that it is a good way to solve a net zero situation. It applies more to duplexes, triplexes, and townhouses.

Mr. Gerard: The net zero/zero energy is really an aspirational matter right now. You can have the best intention, but you don't know how it will end up. 1. I am fully in support of this change, we will not punish you if want to do net zero construction; 1. Yes; and 2. I like the additional language; and 3. I have made my comments.

Ms. Gort: 1. Yes; 2. I agree with Gerard's amendments; and 3. I think this is a good way to encourage this type of construction.

Mr. Frechter: 1. Yes; and 2. I agree with the amendment from Gerard; and 3. I think that we need to revisit this down the road and see how the net zero projects are performing and do we need to revisit the code. If technologies improve, to make the walls systems smaller, we may want to remove this alternate calculation.

**OTHER MATTERS:**

1. Town Council Summary, upcoming State APA conference and Planning Commission field trip to look at workforce housing.

**ADJOURNMENT:**

The meeting was adjourned at 6:28pm.

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Allen Frechter, Chair