

Date: Wednesday, June 09, 2021

Time: 8:00 AM

Location: Lake Estes Conference Room, 200 West Oak St 3rd floor Fort Collins, CO 80521 Virtual Option - Please contact kjames@larimer.org for invite

BOARD OF APPEALS MINUTES

Meeting Number 21-004

Call to Order

In person: Board members Paul Higman, Steve Steinbicker, Staff Eric Fried, Guest Clint Hanna.

Virtual: Board Member Rex Poggenpohl, Staff Jennifer Fling, Lesli Ellis.

With three of five Board members being present, a quorum for conducting business was achieved.

Personal Appearances

Clint Hanna was introduced. Mr. Hanna was appointed to the Board of Appeals, effective July 1, 2021. Mr. Hanna has been an electrician in town since 1984 and is interested in all the building codes including the National Electrical Code. Board members and staff introduced themselves to Mr. Hanna. Chief Building Official Fried explained Board of Appeals processes.

Approval of Minutes

Motion to approve minutes by Board Member Poggenpohl, seconded by Board Chair Higman. Approved 3-0.

Tabled Items – None

Hearing Items – None

Discussion Items – 2021 Building Code Review

Chief Building Official (CBO) Fried gave the Board an update on 2021 code review activities. Larimer County and Fort Collins are engaged in a joint code process for greater efficiency and code alignment where possible. Local CBOs met for some months to review their respective codes, and the formal meetings including community stakeholders began on May 18. The Town of Estes Park has expressed interest in reviewing and adopting the 2021 codes, but their Building Department is short-staffed right now and they have been unable to join the discussions. Loveland has been attending virtually. So far, the committee has considered the International Building Code (IBC) and the International Plumbing Code (IPC).

Fort Collins plans to write one administrative chapter for all the codes and have each code refer to it. The City of Loveland already does that. Larimer County should consider doing the same thing for simplicity.

Fort Collins wants to take the plumbing, mechanical, and fuel gas chapters out of the International Residential Code (IRC) and have the IRC refer to the appropriate individual codes. However, CBO Fried is not sure this would work well for Larimer County, where most construction is residential and accessory, since the IRC is intended as a stand-alone, comprehensive code. This may be one area where the city/county codes differ.

Fort Collins wants to take Land Use Code definitions (such as family) out of the building codes. Larimer County also has building code items more appropriately located in the Land Use Code.

For decades, both Fort Collins and Larimer County have amended the IBC to reduce the maximum allowable unsprinklered Fire Area for most occupancy classifications from 12,000 to 5,000 square feet, at the urging of Poudre Fire Authority. Not all fire districts in the county apply the same 5,000 square foot local amendment. Poudre Fire wants to keep the rule in their fire code and local building codes, since their response plan and staffing is based on it. Larimer County must decide whether to keep the amendment, keep it only within Poudre Fire District, or delete the building code amendment and let Poudre Fire administer it through the Fire Code.

Both Fort Collins and Larimer County have a local code amendment allowing one step at an exterior door for residential occupancies, so long as the door doesn't swing over the step. Both entities plan to keep the amendment. Fort Collins requires exterior door and stair landings to be anchored in place. County inspectors have been requesting a similar amendment. The County plans to adopt Fort Collins's amendment.

Fort Collins allows vinyl and polypropylene siding on new buildings only if it is installed over one-hour fire-rated assemblies. They had originally proposed prohibiting these siding types but were threatened with lawsuits. Larimer County and Fort Collins both added non-structural residential siding replacement to the list of IRC work exempt from building permit. Fort Collins wants to start requiring permits again, Larimer County does not.

Larimer County has for many years required passive radon mitigation systems as a condition of approval of most subdivisions, due to high local radon levels. CBO Fried wants to put the requirement in the IRC and IBC for residential occupancies. Radon systems are much easier to install on new construction than on remodels.

Both Fort Collins and Larimer County require an engineered ventilation system for spaces under below-grade floors. It is hard to find mechanical engineers to design this small job. Fort Collins wants a prescriptive method for such underfloor ventilation rather than require it to be engineered. Larimer County supports the idea.

Fort Collins requires Class 4 Impact Resistant asphalt shingles. Larimer County may want to adopt that.

Fort Collins amended the hazardous location requirement where safety gazing is needed from 60" at the bottom of the stairs and 36" at the top, to 60" in both locations.

Fort Collins added Chapter 36 "Sustainable Building Practices" to their IBC. Larimer County added Wildfire Hazard Mitigation Requirements as IBC Chapter 36, with no above-code sustainability requirements.

Larimer County and its municipalities will implement future construction waste diversion and recycling due to new policies adopted by Solid Waste. Fort Collins already mandates construction waste management in their amended IBC Chapter 36. Larimer County Building plans to adopt administrative procedures for construction waste management, in coordination with Solid Waste, not building code amendments.

Fort Collins Chapter 36 contains requirements for Electrical Vehicle (EV)-ready parking places, and they plan to add new rules making most commercial parking spaces EV-ready or EV-installed. The State of Colorado has adopted ambitious plans to get almost 1,000,000 electric vehicles on the road in the next 10 years, and the federal government is also looking at EV requirements. CBO Fried thinks Larimer County can either catch up or allow state law to drive the requirements.

Discussion ensued among the board members, two of whom (Board Chair Higman and Board Member Steinbicker) also serve on the Joint Code Review Committee and were part of its recent deliberations. Requiring a substantial increase in EV parking spaces would greatly impact service provider Poudre Valley REA, transformers, and electrical panels. Board Member Poggenpohl feels that EV-parking policy direction should come from the County Commissioners rather than the building codes. Once we know the desired policy, we can write code to implement it. A small Board of Appeals subcommittee or the entire Board needs to review these proposals. Board Members are invited to take part in Joint Code Review discussions.

Board Member Steinbicker states that Larimer County does not have the large commercial developments or density typically found in Fort Collins. Community Development Director Ellis reported that County Commissioners are discussing adding EV-ready/EV-charging station requirements to the Land Use Code.

CBO Fried wondered what Board members thought about requiring installation of a passive radon system through the building codes. Board Member Poggenpohl states that radon is quite prevalent throughout the county, including the mountain areas, and supports requiring passive mitigation systems. They are not a high cost. Board Chair Higman agrees that passive systems should be installed during new construction. Board Member Steinbicker agrees it's simple to install a passive system and supports such an amendment.

Another discussion ensued on the local amendment for testing plastic drain, waste, and vent plumbing pipe. Per code, plastic pipe must be tested with water not air, but that presents practical problems in Fort Collins and especially Larimer County, including availability of water at the rough plumbing stage and possible freezing and water damage for much of the year. Pressuring plastic pipe with air can cause pipe explosions and hazardous shards. The State of Colorado removed the prohibition on air testing plastic pipe from the state plumbing code. Lower testing pressures could lower the explosion hazard. Fort Collins would support a compromise, lowering the air test pressure from 5 to 3 PSI and requiring calibrated pressure gages. Board Member Steinbicker is in agreement that in our climate we are susceptible to freezing, and that air testing should be allowed.

With a revised code review schedule of one meeting per week, CBO Fried reported that draft amendments might not be ready until the September Board of Appeals meeting. They could go to the Planning Commission in October and the County Commissioners in November. Ideally, the codes would take effect January 1, 2022.

Board Member Poggenpohl suggested we could add Board of Appeals meetings as needed to allow for more code discussions. Board Member Steinbicker would agree to calling a second monthly meeting.

Board Chair Higman moved to a call special meeting on Wednesday June 23 at 8 am. Board member Poggenpohl seconded. Motion carried 3-0. Mr. Hanna stated he will attend as a guest since his term does not start until July 1. Board Chair Higman will present an update on the Commercial provisions of the International Energy Conservation Code (IECC), which members can access free on-line. Larimer County ordered IECC Significant Changes books in late 2020, but still has not received them.

CBO Fried also mentioned the International Swimming Pool and Spa Code (ISPSC), which Larimer County has not adopted other than pool barrier requirements. Board Member Steinbicker wonders if we should adopt the code in case someone proposes a public pool whose design requirements are found in the ISPSC. Board Member Poggenpohl noted a Short-term Rental near him in Estes Valley with a hot tub that serves 16 people. He feels that large hot tub parties and similar requirements might be more appropriate in the Land Use Code, and policy direction from the Planning Commission would help. At its next meeting, the Estes Valley Planning Advisory Committee will discuss Short Term Rentals. The Planning Director and CBO plan to attend.

Adjourn

Board Member Poggenpohl moved to adjourn. Board Chair Higman seconded. Motion approved 3-0. Since the Board Secretary is attending remotely, she will prepare meeting minutes to be signed by Board Chair Higman and then given to CBO Fried for signature.

CONSIDERATION OF TODAY'S AGENDA AND MINUTES OF BOARD OF APPEALS

Paul Higman, Chair

Eric Fried, Staff Liaison

Per the Americans with Disabilities Act (ADA), Larimer County will provide a reasonable accommodation to qualified individuals with a disability who need assistance. Services can be arranged with at least seven (7) business days'

notice. Please email us at beilbykm@larimer.org, or call (970) 498-7719 or Relay Colorado 711. "Walk-in" requests for auxiliary aids and services will be honored to the extent possible but may be unavailable if advance notice is not provided.