

Date: Wednesday, September 10, 2025
Time: 8:00 AM
Location: Jewell Lake Conference Room, 200 West Oak St., 4th floor, Fort Collins, CO 80521

BOARD OF APPEALS MINUTES 25-009

Call to Order

Board Chair Paul Higman and Board Members Greg Fisher and Steve Steinbicker attended in person. Board Members Clint Hanna and Wyatt Knutson attended remote. Community Development Director Rebecca Everitt, County Building Official (CBO) Eric Fried, Interim Board Liaison Alan Kee and Board Liaison Katie James were present in person. Five board members being present, a quorum for transacting business was reached.

Personal Appearances

There were no personal appearances by members of the public wishing to address the Board in general.

Approval of Minutes

Board Chair Higman moved to approve the minutes of the previous meeting as corrected. Board Member Hanna seconded the motion. The motion passed 5-0.

Tabled Items – There are no tabled items

Hearing Items – There are no scheduled hearings

Discussion Items

1. Building Division Transition Plan

The Department will post the County Building Official position within the next couple of weeks, hoping to hire the Building Official by early next year. There are three teams under the Building Official: Plans Examiners, Inspectors and Permit Technicians. To ease appeals after code adoption, the CBO generally approves design plans using the older code for the first 90 days, then in April all plans will need to be drawn under the new code.

2. Ground Truthing Discussion

Interim Board Liaison Kee shared a discussion about Ground Truthing – What it is, what it could be, with a residential use. Residential construction typically isn't required to bring in a fire engineer, landscape architect or a wildfire professional. Properties in the Unincorporated areas of the County are in the Moderate to High Hazard areas. Board Chair Higman wondered if homeowners can have the local fire jurisdiction sign off on the ground truthing? Who are qualified wildfire professionals? Board member Steinbicker wondered if the report approved by a professional identifies the requirements for hazard areas.

The intent of Ground Truthing is for a homeowner to state "My property is not within the Wildfire Zone. I would like to be exempt from this code". The code will apply to those in the Mulberry Corridor. The state map does not flow to parcels, they use octagons. Homes and parcels might be in part of the zones designated by the Wildfire Zones.

Board Member Fisher would like to know who the experts are and what criteria the state used to determine the three hazard areas.

CBO Fried recalls that there was already extensive mapping and fire modeling by Colorado State Forest Service, among others like the Office of Fire Prevention and Control, and that the Wildfire Code is based on the WUI code – the Wildland Urban Interface code in use by Loveland Rural Fire Authority. It looks at the slope and fuel models on the site, and how much firewood there is. We know that Larimer County has fire weather, and we know we have steep slope, trees, grasses and burning blown embers. The hexagons in the map were created by going out three miles from a fire area.

Board member Hanna wonders how often the map gets updated and if they use information for fire mitigation to reflect changes on the map. CBO Fried believes the map updates should happen every 3 years. Things may come out of or go into the wildfire area. We learned from the Marshall Fire that you can have terrible fires in the grassland areas too. A spark and a high wind and the homes can become the fuel. Board Chair Higman thought this determination is coming from the Insurance industry who look at it for rates or whatever they're looking for.

Board Member Steinbicker wondered if after the meeting with the Commissioners and Planning Commission, was there a ruling on the 35-acre exception? CBO Fried said the Planning commission voted to allow the 35-acre parcels with one residential structure to be exempt from the recommended code to the Board of County Commissioners. Community Development Director Everitt said the Board of County Commissioners will consider it on September 22nd.

The Wildfire Code won't go into effect until at least January.

Questions raised by Board Members: What about neighbors of someone approved for Ground Truthing? Is there liability? Is Ground Truthing an appeal to the CBO or does it go to the Board of Appeals if they are not happy with their determination? Community Development Director Everitt reminded the Board that we have access to experts in the Fire Protection field and within the County. We continue to work with Derek Rosenquist and his team with the Sheriff's Office of Emergency Services. And the building inspectors in the field look at construction material in the building code such as noncombustible siding and ground cover near the home. And our plans examiners work with applicants on the construction hardening part of it. Planting requirements or allowances will need to be publicized as well.

Board Chair Higman wonders if we (the Board) are being asked for help with deciding and writing this as it goes to the commissioners for approval? Do the questions we have raised need to be in the Wildfire Code Adoption?

Interim Board Liaison Kee will propose it as a policy and seeks the support of the Board.

Community Development Director Everette would like us to develop the policies and procedures for how we would meet the code rather than look at additional code changes. We've written the code to make sure it complies with the state requirements. The state gives us leeway to develop what the criteria and procedures look like for us.

Board Chair Higman is concerned that the amendments the county may adopt shows all unincorporated parcels are in the moderate to high (wildfire zone), and, for example, if someone from Berthoud brings in the State map are they allowed to appeal it or can they not?

CBO Fried said the Planning Commission and BCC are on board with us requiring everyone follow the construction hardening and site management requirements, and we took out Class 1 and 2 and made it one thing. That hasn't been adopted yet. We are allowed to go beyond the state minimum. Board Member Steinbicker wonders if that is burdensome.

There is enough flexibility in the code. The building official may develop policies to administer the code, not everything is black and white. Director Everett believes that this may come up more in the commercial areas, the business parks, that they may feel that it doesn't apply to them and may ask for a variance.

In the commercial environment, Interim Board Liaison Kee, a professional would need to be involved.

Adjournment

Board Chair Higman moved to adjourn the meeting. Board Member Steinbicker seconded the motion. The motion passed 5-0.

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

Paul Higman, Chair

Alan Kee, Interim Staff Liaison

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