



Date: Wednesday, March 12, 2024

Time: 8:00 AM

Location: Jewell Lake Conference Room, 200 West Oak St., 4th floor, Fort Collins, CO 80521

BOARD OF APPEALS MINUTES 25-003

Call to Order

Board Chair Paul Higman and Board Members Greg Fisher and Steve Steinbicker attended in person. Board Member Wyatt Knutson joined remotely. County Building Official (CBO) Eric Fried and Board Liaison Katie James were present in person. Four 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 Steinbicker seconded the motion, which passed 3-0. Board Member abstained.

Tabled Items There were no tabled items.

Hearing Item There are no hearing items.

Discussion Items

1. Board members discussed the 2025 Board of Appeals Work Plan. Board member Steinbicker and Board Chair Higman agreed that the work plan for the Board of Appeals is adequate for the expectations. Adoptions of the code, Climate Smart and Future Ready action steps, reviewing updates to the Larimer County Land Use Code and collaborating with other municipalities to align future code amendments, Education for Contractors and the public is an important outreach we do. To hear the appeals is the most important thing we do.

Board chair Higman made a motion to adopt the Board of Appeals Work Plan for 2025. Board member Steinbicker seconded the motion. The motion passed unanimously.

2. Discussion of the Board of Appeals openings from the Staff Report.

Greg Fisher has been approved to fill the remaining term for Board member Rex Poggenpohl, who resigned effective December 31, 2024. There are two board terms expiring June 30. Board member Knutson said he applied for another term, but there are some technical problems that Commissioners' office staff is working on.

There is a 2-term limit, so it will be up to the Commissioners if they allow an exception. Board Chair Higman will apply for a 3rd term.

3. Board members and Building Official Fried reviewed the Power Point presentation for Larimer County: Boards & Commissions Member Training.

Highlights of Board Member Training - Board Chair Higman brought up the difference between our board and other boards is when we have an appeal that is denied, the appellant cannot appeal it to the Board of County Commissioners. As part of our bylaws, the appeal would then go to court.

Each board member is assigned a County Email that will be used for discussions that could be deemed to be public record that is discoverable. Discussing a board matter with two or more members is considered a “public meeting” and the discussion should be made public.

Code of Ethics is pretty self-explanatory. If an appellant is a person you’ve worked with, you will have to recuse yourself from the Appeal.

Board member Steinbicker shared that we used to be an advisory board for the Poudre Fire Authority (PFA), but with the newer fire codes and their code review, we aren’t qualified to handle their appeals and when we adopted the board bylaws the last time we notified PFA that we are no longer their Board for Fire Department Appeals. PFA’s new fire code includes their own board of appeals.

4. Discussion of the Wildfire Resiliency Code

Board member Steinbicker feels this is burdensome to contractors. The county has no option, we have to adopt it. Building Official Fried said it is still in draft form. It is not as big of a change for the county as it will be for the cities and towns. One decision the board could provide feedback on is that the map shows almost all of unincorporated Larimer County as either medium or high fire danger. There are a few pockets of low fire danger in terms of administering the code. It would be much easier if we just decided that all of unincorporated Larimer County has a medium or high fire danger rather than have a parcel that is in a low fire danger surrounded by medium or high. We either adopt the wildfire code as a whole, or what would be more work for our office is to put the wildfire code provisions into the relevant building code sections. Requirements could be appealed to the local building jurisdiction. Requirements could be based on fire intensity. This code applies to new buildings as well as additions that are 50% or more floor area of the main structure. Do we want to petition for a stronger map or just put it in our code? The Fire Districts will need to adopt this code as well.

Board member Steinbicker asked when we need to formalize comments? In the next 10 days, directly to the committee, is what Building Official Fried thinks.

Board Member Knutson left the meeting.

Continuing discussion to determine what the board members should do to share their concerns with the Code. Who is going to administer this, the building departments? The fire departments? Both? Building Official Fried set up a meeting with local fire districts a couple of weeks ago to talk about this, so they would be aware of this. Our County Attorneys are looking at it because it involves overlapping jurisdictions. The Fire Districts may agree that the building department will handle the construction hardening part of it and county Emergency Services will handle the site management because they already have a program. We can come back to this next month. Once the State adopts it July 1st, we need to adopt it October 1st.

Adjournment

Board Chair Higman moved to adjourn the meeting. Board Member Steinbicker seconded the motion. The motion passed unanimously.

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

Paul Higman, Chair

Eric Fried, Staff Liaison

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