

RESOLUTION 2016-009
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING THE
APPEAL OF THE BUILDING REVIEW BOARD DECISION UPHOLDING THE CHIEF
BUILDING OFFICER DETERMINATION REGARDING THE COY HOFFMAN SILOS

WHEREAS, on October 29, 2015, the Building Review Board (the "BRB") upheld the Chief Building Official's determination that the two Coy Hoffman silos (the "Silos") are dangerous structures, but not imminently dangerous (the "Decision"); and

WHEREAS, on November 12, 2015, Woodward, Inc., the owner of the Silos, filed an appeal of the Decision; and

WHEREAS, the Notice of Appeal requested that City Council review whether the BRB properly interpreted and applied certain relevant portions of the Code of the City of Fort Collins ("City Code") in rendering the Decision; and

WHEREAS, on January 19, 2016, the City Council, after notice given in accordance with Chapter 2, Article II, Division 3, of the City Code, considered the Appeal, reviewed the record on appeal and the applicable City Code provisions, and heard presentations from the appellant and other parties-in-interest (the "Council Hearing"); and

WHEREAS, after discussion, the City Council found and concluded based on the evidence in the record and presented at the Council Hearing that pursuant to City Code Section 2-55(f)(2), that further consideration of the effects of natural conditions and events on the silos is necessary for the proper application of that Code provision; and

WHEREAS, City Code Section 2-55(g) provides that no later than the date of its next regular meeting after the hearing of an appeal, City Council shall adopt, by resolution, findings of fact in support of its decision on the Appeal.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that, pursuant to Section 2-55(g) of the City Code, the City council hereby makes and adopts the following findings of fact and conclusions:

Section 1. That the grounds for appeal as stated in the Notice of Appeal conform to the requirements of City Code Section 2-48.

Section 2. That based on the evidence in the record and presented at the Council Hearing, the recitals set forth above are adopted as findings of fact.

Section 3. That based on the evidence in the record and presented at the Council Hearing, and pursuant to City Code Section 2-55(f)(2), the matter shall be remanded to the BRB for rehearing in order for the BRB to receive and consider evidence and analysis regarding the effects of natural conditions and events of a one in ten-year probability on one or both of the

silos to consider whether one or both poses an imminent threat or danger as that term is defined in the International Property Maintenance Code.

Section 4. That adoption of this Resolution shall constitute the final action of the City Council in accordance with City Code Section 2-55(g).

Passed and adopted at an adjourned meeting of the Council of the City of Fort Collins this 26th day of January, A.D. 2016.




Mayor

ATTEST:


City Clerk