



A regular meeting of the City of Delta Planning Commission was held on Monday, October 9, 2023 at 7:00 pm in the City Council Chambers of City Hall at 360 Main Street, Delta, Colorado. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Susan Welk-Valdez, Chair; Fay Mathews, Vice-Chair; Gerald Roberts, Commissioner; Cecilia Tafoya, Commissioner; Ron White, Commissioner; Joe Gillman, Community Development Manager; Lindsay Reed, Planning and Building Technician; Raini Ott, Contract Planner.

ABSENT: Tony Romero, Commissioner; Katie Bowers, Commissioner

CHANGES TO THE AGENDA

There were no changes to the agenda.

MINUTES

A motion was made by Commissioner Mathews, seconded by Commissioner White to approve the minutes of the Planning Commission held on September 11, 2023 as corrected. All voted yes. Motion passed.

CITIZEN COMMENTS

None.

PUBLIC HEARING

Chairman Welk-Valdez opened the public hearing for approval of a Preliminary Plat for the Cunningham Orchards Estates 2022 Subdivision consisting of 14.59 acres total to be divided into 46 residential lots on 11.17 acres, 2.57 acres of dedicated road right-of-way, and tracts for stormwater management, open space, and trails as applied by Delta High Country, LLC and Larry Hinger. Raini Ott, Contract Planner, reviewed the staff report with the Planning Commission.

Subject Request

The subject request is for approval of a Preliminary Plat for the Cunningham Orchards Estates 2022 Subdivision consisting of 14.59 acres total to be divided into 46 residential lots on 11.17 acres, 2.57 acres of dedicated road right-of-way, and tracts for stormwater management, open space, and trails (“the Subject Request”) (Attachment A). The

proposed residential lot sizes range from approximately 8,900 to 15,000 square feet. The subject properties are zoned R-1 Residential and located off Pioneer Road at its intersection with Criterion Street; they are identified as Tract C (park) and Outlots A and B of Cunningham Orchard Estates Final Plat Filing No. 3 (Reception No. 729219) (“the Subject Properties”) (Figure 1). The request is submitted by property owner Delta High Country, LLC, and developer Larry Hinger (“the Applicant”).



Background Information

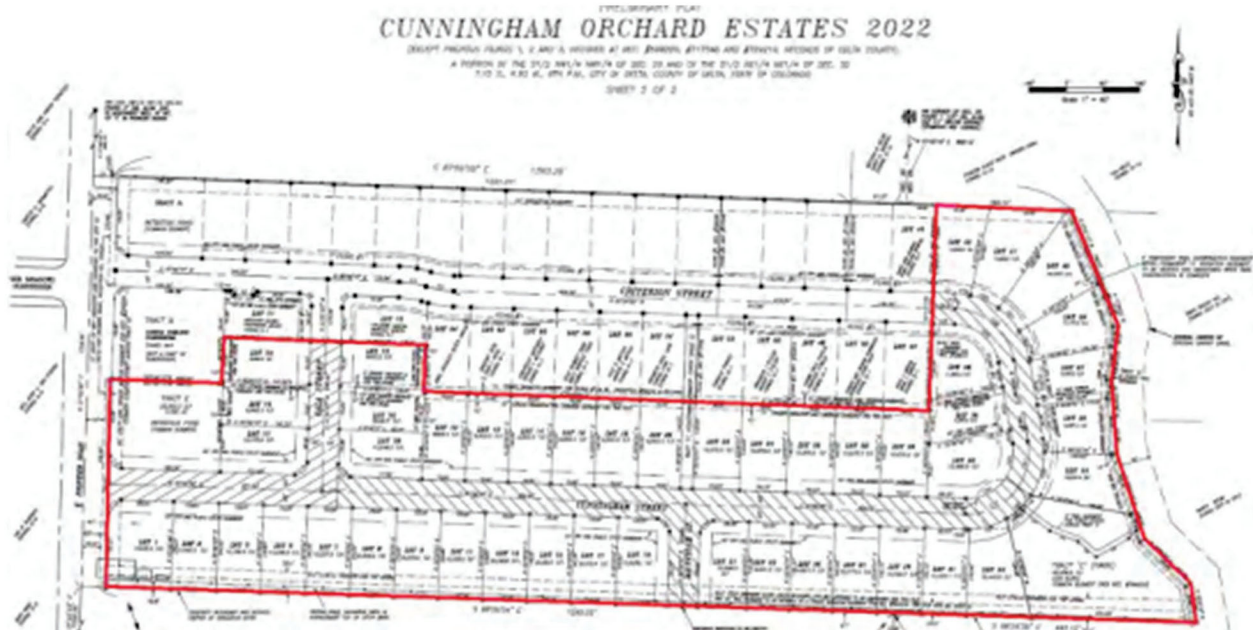
The Subject Properties were previously platted under Final Plat Filing Nos. 1, 2, and 3 of the original Cunningham Orchard Estates Subdivision (“Original Subdivision”) and were most recently used as an orchard. The City-County boundary is located along the southern and eastern boundaries of the Subject Properties, and they are currently occupied by two existing structures which are to be removed at a future phase of development, including a fruit storage building and packing building. The existing land uses to the south and east, outside City limits, consist primarily of agricultural and low-density residential uses. To the north is the Original Subdivision and uses include low- to medium-density residential. Across Pioneer Road to the west, there is a residential subdivision which is zoned R-R Rural Residential for low- to medium density development.

Filing Nos. 1, 2, and 3 of the Original Subdivision created 30 residential lots; Tract A (stormwater retention); Tract C (park); Tract D (open space/ditch canal); Outlots A and B; dedicated City road right-of-way for portions of Criterion Street, Gala Street, and

emergency access; and public and private easements for various purposes (Figure 2). The Subject Request for Preliminary Plat entails replatting Outlots A and B, as well as Tract C, to create the remaining 46 residential lots contemplated by the Original Subdivision in three Final Plat filing phases (Filing Nos. 4, 5, and 6) (Figure 3); however, all approvals for the Original Subdivision have expired, as discussed in more detail below.



The City received referral responses from the Uncompahgre Valley Water Users Association (UVWUA) and US Bureau of Reclamation (BOR) on the Subject Request, which claim that BOR owns, in fee simple, 50 feet of right-of-way on either side of the existing Garnet Canal ditch centerline (Attachment C, pages 5-11). Although sufficient evidence of this claim has not been presented to date, the updated Preliminary Plat submitted by the Applicant excludes the area in its entirety from the Subject Request, including exclusion of Tract D of the Original Subdivision. City staff supports this adjustment, as presented by the Applicant, because it avoids any controversy over whether or not BOR's consent would be required to include the land BOR claims to own within the platted area. In addition, a title report was submitted that indicates the Applicant owns the Subject Properties included on the plat. The City Attorney does not necessarily agree that BOR owns what it claims to own, but the City Attorney will not issue any title opinion on this subject. Ultimately, resolution of BOR's claim might require court action; however, that is avoided here by simply excluding the disputed area from the plat.



The Sketch Plan for the Original Subdivision was approved in December 2003, and the Preliminary Plat was approved in April 2005. Final Plat Filing No. 1 was approved on November 1, 2005 (Reception No. 599229), and Filing Nos. 2 and 3 were approved more than a decade later, in 2020 and 2021 respectively (Reception Nos. 717546 and 729219) (Attachment B, pages 1-6). Section 16.04.05(E)(1) states that no final plat shall be approved if submitted beyond 10 years after approval of the associated preliminary plat. Staff previously allowed Filing Nos. 2 and 3 to move forward in 2020 and 2021, despite the 10-year expiration, given that there were no substantial changes compared to the Preliminary Plat for the Original Subdivision. However, prior to approval of any additional final plats beyond Filing No. 3, the Applicant was required to resubmit a preliminary plat for review and approval as changes to the subdivision design and layout are necessary to comply with current criteria and standards (Attachment B, pages 7-10). At the time of Final Plat Filing No. 3, City staff and the Applicant came to an agreement that the requirement for a new sketch plan would be waived. There is an existing Subdivision Improvements Agreement (SIA) associated with Final Plat Filing No. 1 that was signed and recorded on January 4, 2006 (Reception No. 599230) (Attachment B, pages 11-13). There are several outstanding requirements of the SIA, including for irrigation system, ditch piping, park land, trail, open space, landscaping, and fencing improvements, as well as the installation of a buffer on Tract A along Pioneer Road (Attachment A, page 45). A response from the Cunningham Orchard Estates Homeowners Association (HOA) dated



July 18, 2022, provides an overview of the current status of these improvements (Attachment C, pages 3-4). As part of the Subject Request for the new 46-lot subdivision, staff recommends requiring a new SIA prior to recording any final plat as a condition of approval. As recommended, the new SIA must include any remaining items not yet completed from the Original Subdivision. The Applicant will be responsible for submitting sufficient evidence for any outstanding improvements that have been completed, and the new SIA may require the City to collect additional escrow funds or other security, such as a letter of credit, as the costs are likely very different from 2006.

As part of the Original Subdivision, the Applicant installed utilities through the curve of Criterion Street on the far east side of the development; however, most of these utilities, with the exception of sewer, were never inspected or approved by the City. The Applicant will need to coordinate with City staff to inspect the condition of remaining utilities and remedy any defects found before the City can accept the improvements, and staff recommends a condition of approval to that effect.

Criteria Review

The review procedure for a preliminary plat is outlined under Section 16.04.050(D) and includes posting a sign on the subject properties for adequate public notice. As discussed below in detail, staff recommends the Planning Commission recommend to City Council conditional approval of the Subject Request since staff finds that all requirements and minimum design standards for a preliminary plat can be met, with certain conditions. It is important to note that not all requirements are detailed in this staff report and that the Subject Request's compliance is summarized; discussion is primarily presented in relation to recommended conditions of approval. See Attachment D for relevant code sections.

As part of the review procedure for a preliminary plat, City departments and divisions, relevant external agencies, and members of the public are provided an opportunity to review and comment on the request. In this case, external referrals were sent to Delta County, Colorado Department of Transportation (CDOT), Delta County School District, Delta-Montrose Electric Association (DMEA), US Postal Service, US Army Corps of Engineers, UVWUA, and BOR. Responses received are included in Attachment C and incorporated into the criteria review discussion as appropriate.

For approval of a preliminary plat, requirements under Sections 16.04.050(D)(6) and (D)(7) must be met, including compliance with Required Improvements and Dedications under Section 16.04.060(A) and the Minimum Design Standards under Section 16.04.070. Staff finds that, in general, these requirements and standards have been met or can be met with the recommended conditions of approval. The following segment of



this report discusses specific requirements as they relate to deviations requested from the standards and recommended conditions of approval to ensure full compliance.

Section 16.04.050(D)(7): The following shall be submitted accompanying the preliminary plat together with plans and specifications prepared by a registered professional engineer consistent with City Standards and Specifications, for all required or proposed improvements. All plans and reports shall be wet-stamped by the engineer. Standard details are available from the City in digital format.

(d) Plan and profiles for the storm drainage system showing location, pipe sizes, appurtenances, pond cross sections, grades and discharge points and supporting calculations. Standard details must be included for all storm sewer appurtenances. Storm drainage report and calculations are required. Design of storm sewer and/or storm water systems shall be in accordance with the City of Delta's Stormwater Management Manual, in addition to other applicable standards.

The City Engineer has concerns regarding the long-term adequacy of the stormwater drainage system to prevent negative impacts on proposed lots and adjacent properties and infrastructure, including Pioneer Road, as buildout of the subdivision occurs. To provide greater flexibility for the Applicant while ensuring the protection of public health, safety, and welfare, staff recommends a condition of approval requiring the Applicant to re-evaluate stormwater drainage at a future date but prior to approval of any final plats beyond Filing No. 4.

As recommended, the Applicant must re-evaluate stormwater drainage in the southwest corner of the subdivision on Lot 1 to the retention ponds on tracts A and E and provide sufficient mitigation, measures, as applicable. This must be reflected in the new SIA, to be executed prior to approval of Final Plat Filing No. 4, and will include submitting an updated drainage plan and calculations for City review and approval that demonstrate the adequacy of existing drainage infrastructure to handle anticipated flows in the long term as the subdivision is built out. If existing infrastructure at that time is not adequate to prevent current and future drainage impacts to Pioneer Road, City infrastructure, Lot 1, and any other adjacent properties, then additional mitigation measures will be required which may result in Lot 1 being used to accommodate such facilities and necessitate amendments to the plat and private



covenants to ensure maintenance in perpetuity. Therefore, as conditioned, staff finds this requirement can be met.

(e) Plans for proposed streets, sidewalks, bike paths, trails and walkways showing grade and cross-sections. Grades shall be shown on a plan and profile drawing showing finished grade elevation profiles and left and right top of curb or finished grade elevation profiles. The design shall be based on soils analysis by a qualified geotechnical engineer or soils laboratory, on samples taken in the proposed construction area, which shall be submitted to the City. Street names, street light and street sign locations shall be shown.

As shown on the proposed plat, Macintosh Street will be constructed as a dead-end stub to be extended at some point in the future and to provide additional access to the subdivision in compliance with the Fire Code. Section 16.04.070(C)(5) prohibits dead-end streets unless a temporary turnaround is provided in the interim, except that the City may waive this provision when the length of the street is less than the depth of one abutting lot. Since this is the case with Macintosh Street and since the intersection of Cunningham and Macintosh Streets provides a de facto hammerhead turnaround, the Fire Official and City staff find that a temporary turnaround is not necessary and the temporary barricade proposed instead will suffice. Therefore, as part of this Preliminary Plat approval, staff recommends granting a deviation from Section 16.04.070(C)(5) to address this unique circumstance.

(i) Plans for parks, open space, and recreation facilities, including equipment, fencing, landscaping and irrigation systems.

Based on Sections 16.04.070(G)(7) and (10), a total of 1.9 acres of developed park land is required for the 46 residential lots under the Subject Request and for the Original Subdivision that includes 30 lots. The Applicant has opted to provide this developed park land and dedicate it to the HOA for maintenance in perpetuity instead of paying the park fee in lieu. Dedication of most of the required park land acreage occurred under Filing No. 1, but the improvements were never constructed and the areas remain undeveloped. The remaining acreage is to be dedicated on future Final Plat Filing No. 6, which will provide a total of approximately two acres of developed park land. In the meantime, the Applicant will



construct improvements on the previously dedicated tracts, including in the park on Tract C, as required and as stipulated in their phasing plan (Attachment A, pages 2 and 31).

To fully comply with the requirements for private, HOA-owned and -maintained park improvements, there are a few minor details that must be submitted for review and approval by City staff, including play equipment and security lighting fixture specifications. As such, staff recommends a condition of approval to submit additional details prior to commencement of earthwork or any construction activities for the next phase (Filing No. 4). In addition, the final park plans must be wet stamped by a licensed landscape architect prior to construction. Therefore, as conditioned, staff finds this requirement can be met.

(l) Draft covenants (if applicable).

The draft of covenants submitted for the proposed subdivision do not adequately address concerns about ownership and maintenance responsibility for park, open space, and other common areas since it is unclear if the Applicant has the authority to unilaterally amend the existing covenants in effect for the Original Subdivision (Attachment A, pages 32-40). However, the existing HOA states they are willing to cooperate with the Applicant moving forward (Attachment C, page 2).

As noted under Section 16.04.050(D)(7)(i) above, there are certain requirements for developed park land that is owned and maintained by an HOA. The requirements for park land within a subdivision when not owned and maintained by an HOA, but instead dedicated to the City for public use, are the same as for all City-owned parks and include public restrooms and parking areas. Since the park on Tract C and other open space areas provided cannot meet the requirements for a City-owned park, if HOA responsibility cannot be secured via the covenants then a fee in lieu of providing developed park land would be required as the alternative, per Section 16.04.070(G)(9).

To ensure that developed park land is provided as required, staff recommends requiring the Applicant to submit updated draft covenants that directly address this concern as a condition of



approval prior to Final Plat. The Applicant needs to provide documentation that demonstrates the authority to unilaterally amend the Declaration recorded on July 1, 2022, or evidence that the Declaration has been properly amended with consent of the HOA and existing members. If HOA ownership and responsibility cannot be established, including all current property owners within the Original Subdivision and future property owners of lots under the Subject Request, then the Applicant has a couple of alternative options to satisfy the requirement, including the option to submit a request to City Council to instead pay the parks fee in lieu of providing park land. Therefore, as conditioned, staff finds this requirement can be met.

Public Comments

As part of the review procedure for a preliminary plat, notice of the Subject Request was posted on the property. As of publication of this staff report, staff received one public comment voicing concerns about incomplete improvements from the Original Subdivision (Attachment C, page 1). In addition, staff and the Applicant have received correspondence from the existing HOA regarding the incomplete improvements and stating that the HOA is willing to cooperate with the Applicant moving forward (Attachment C, pages 2-4).

Recommendation

Staff recommends that the Planning Commission recommend to City Council conditional approval of the Subject Request for the Cunningham Orchard Estates 2022 Subdivision Preliminary Plat since it is found that all review criteria under Section 16.04.050(D) can be met and the Applicant can comply with all other requirements, with the conditions listed below. In addition, as part of the recommendation to City Council, staff recommends that the Planning Commission recommend approval of a deviation from Section 16.04.070(C)(5) to allow for Macintosh Street to dead-end with a temporary barricade, as proposed.

- 1. Prior to commencement of any earthwork or construction activities for the next phase of development, the Applicant must:
 - a. Provide detailed drawings and/or manufacturer's specifications for City staff review and approval to demonstrate compliance with Section 2.50.01 for play structures within the park.*
 - b. Provide manufacturer's specifications/cut sheets to verify all new security light fixtures will be downlit and shielded as required.**



Planner Ott responded the 50 feet from the centerline would not be used as public trail or access. The proposed plat shows an easement for public trail in the future.

City Attorney McConaughy explained he believes the prior plat includes a trail in the easement area and is not being addressed on the preliminary plat. There was discussion on who owns the trail and will be sorted out in the future.

Commissioner Roberts questioned the 8-foot easement in the park designation and if it's part of the park. Planner Ott explained it follows the physical trail that will be constructed in the park, specifically to grant public access to future trail system. It was clarified by City Attorney McConaughy the park is private but the trail is public.

Commissioner White asked how the HOA would manage liabilities for the use of the facilities in the park to the general public. City Attorney McConaughy suggested they should have insurance or it could be discussed before final plat.

Commissioner Roberts asks if all requirements have been met in existing subdivision. City Attorney McConaughy stated the conditions are to fix that.

Chairman Welk-Valdez opened the floor to the Applicant presentation.

Larry Hinger, applicant, asked for Randy Fender to speak for him.

Randy Fender, 330 S Main, Montrose, CO, owner of Mesa Engineering, stated he is here to comply with what the city wants and are satisfied with what the recommendations are.

Commissioner White questioned why improvements required by the original plat haven't been met. Mr. Fender asked what the improvements are. Discussion was made on additional emergency access based on the 25-lot regulation.

Chairman Welk-Valdez questioned the new SIA and that it includes things not previously done and asked the reason these were not done. Mr. Fender stated the park was paid fee in lieu. There was discussion on the retention pond and the irrigation system.

Commissioner White stated that there are inconsistencies with the record. Mr. Fender explained putting power in the easements to extend the irrigation. Comment was made on fencing, expired permits and conditions of the first filing.

Mr. Fender stated they didn't get to finish the filings the way they were designed.



Chairman Welk-Valdez questioned the park and CCR's and if there was intent to change them or opting out of the park. Applicant Hinger answered no.

Commissioner Roberts asked why the first filing requirements have not been completed. There was conversation on the fence, irrigation and trail easement as well as the conditions.

City Attorney McConaughy clarified to the Commission, if approved with conditions on Staff Report a new SIA has to be approved by City Council. The SIA will include a list of every improvement that still needs to be done. This has to be completed prior to selling lots or post a letter of credit to the City.

Chairman Welk-Valdez opened the floor to public comment.

Larry Maki, 1443 Criterion St, asked if Commissioners received a copy of the HOA petition. Mr. Maki passed the petition out to Commissioners and read it into the record. Attached as Exhibit A.

Dwayne Albritton, 1485 Criterion St, stated that his general idea is that no one is holding applicant accountable and asked if the Commission can do anything to make Applicant Hinger abide by the agreement in the SIA. Chairman Welk-Valdez stated to refer back to the to the new SIA.

Nancy Stevens, Partial Secretary/ Treasurer of HOA, stated the issue is that they bought their homes in good faith and that the pipes are in but not hooked up. Also commented was that the HOA doesn't have the information that the Planning Commission has and that the sign should be placed in front of the subdivision.

Martin Heerschap, 1437 Criterion St, commented on irrigation water and that the audience screen was not working.

Chairman Welk-Valdez closed the public hearing and asked the Commissioners to begin discussion.

Commissioner White commented on the incomplete SIA and if approvals were premature. He would like more information that the Commission does not have.

Chairman Welk-Valdez questioned why conditions can get done now and not then. Commissioner White discussed that development was started without necessary easements and the satisfaction of requirements.



Commissioner Mathews voiced concern with promises not kept and that the sign was posted where it should have been.

Commissioner Tafoya voiced concerned with how people are going to get water if this doesn't move forward.

There was more discussion on how the improvements will get done with the new SIA and Section 16.04

Commissioner White questioned if the developer can sell the property in bulk. City Attorney McConaughy answered yes and explained different options available.

Manager Gillman commented that there have been a lot of questions about SIA and the requirements set in 2009-2010. The city has some money in escrow in lieu of improvements. City does not have the money to finish improvements but has a vested interest in seeing things get done.

A motion was made by Commissioner White, seconded by Commissioner Tafoya to recommend approval of the Preliminary Plat for the Cunningham Orchards Estates 2022 Subdivision with the conditions set in the presentation tonight by staff to City Council. All voted yes. Motion passed.

There was further conversation regarding a time limit to be put on the improvements for the SIA.

STAFF COMMENTS

No Comments

COMMISSIONER COMMENTS

Commissioners expressed prayers to the Kraai family, commented on the superb job by the Delta Fire Department and the importance of the building the laundromat occupied.

Commissioner Tafoya commented on the great job the City is doing with Main St.

Manager Gillman stated there have been mixed responses from public regarding downtown. There was conversation on decreased traffic speed and the number of businesses on Main Street.

Commissioner Mathews also commented that the Fire Board would like to see the light activated on the Bypass at 348.



ADJOURNMENT

A motion was made by Commissioner White, seconded by Commissioner Mathews to adjourn the regular Planning Commission meeting. All voted yes. Motion passed. The meeting was adjourned at 8:25 pm with no further action taken.

Lindsay Reed
Planning and Building Technician

DRAFT

PETITION REGARDING CUNNINGHAM ORCHARDS SUBDIVISION DEVELOPMENT PLAN

To the Planning Commission, City of Delta:

Homeowners of Cunningham Orchards Subdivision express our OBJECTION to the granting of further development the subdivision by Larry Hinger, doing business as Delta High Country, LLC. until he meets all his prior agreed upon obligations.

1. Since first platted, Mr. Hinger has failed to fulfill his obligations, both to the City of Delta and to those who have purchased homes in the subdivision. In spite of his violations, well documented in research completed by Planning Commission staff, it appears the Planning Commission is willing to forgive and accommodate Mr. Hinger by recommending the Delta City Council that they approve his further development of the subdivision.

However, in doing so, it appears the Planning Commission is in violation of the City's own codified rules and procedures:

Section 16.04.05(E)(1) states that no final plat shall be approved if submitted beyond 10 years after approval of the associated preliminary plat.

Note in Section 16.04.020: INTERPRETATION: "(C) The word 'shall' is mandatory. The word 'may' is permissive."

His plans fall well outside those 10 years. On what legal authority is the Commission allowed to ignore plainly written City of Delta rules and procedures?

2. On December 23, 2005, Mr. Hinger signed a Subdivision Improvements and Lien Agreement promising the City that by November 1, 2009, the private improvements of an irrigation system, park improvements, landscaping and fencing would be completed. Regarding the irrigation system, 17 years have elapsed since that agreement was made without compliance.

16.04.080: SECURITY FOR COMPLETION OF IMPROVEMENTS:

(C) The subdivider shall complete all improvements by the stated completion date. In the event that all required improvements are not completed, inspected and approved by the completion date, the City may withhold further building or occupancy permits, or water taps or sewer taps in such subdivision until such improvements are completed. It shall then be unlawful to sell any further lots in the subdivision until all improvements are completed. The City may take any other lawful action to execute upon its security and otherwise enforce completion of the necessary improvements.

3. In the Covenants written for the subdivision is the following:
"Section 10 -- Irrigation Water -- Underground irrigation lines shall be provided to each lot in the subdivision by declarant."

Persons buying lots and residences had as an expectation that money could be saved with the availability of irrigation. Mr. Hinger not only has failed in that "promise" inherent in a "Covenant" but continually "moves the goalpost" deciding where and when he will install the

promised irrigation system. Homeowners, without the promised system, have for years been forced to use City of Delta potable tap water for the irrigation of lawns and gardens to meet covenant standards.

Mr. Hinger has submitted the following to the Planning Commission:

"FYI.....HOA does not have authority on the subdivision decisions, as we are the Declarant's and we have total control over the subdivision until 51% of the lots are sold."

Is the Homeowner's Association really a non-entity with no rights?

History proves that Mr. Hinger fails to meet his obligations, promises and deadlines, yet the Planning Commission is willing to "give him a pass" ignoring this history? His attitude seems to be "Make me."

For these reasons, we, the homeowners in the Cunningham Estates, INSIST that Mr. Hinger at the least be REQUIRED by the City of Delta to provide a functional irrigation system as was promised prior to any approval of further development. If the City cannot get Mr. Hinger to fulfill his promise contained in the Covenants and stipulated in the Subdivision Improvements and Lien Agreement, who can?

Respectfully submitted for your consideration.

- ~~Raymond Abumiller~~ 1431 Criterion street Delta Co 2-10-23
- ~~Tany Neumiller~~ Brittany Neumiller 1431 Criterion St. Delta, CO 2-10-23
- ~~Lu Heerschaap~~ CANDACE HEERSCHAA? 1437 CRITERION ST. DELTA 2-10-23
- ~~Lu Heerschaap~~ MARTIN HEERSCHAA? 1437 CRITERION DELTA 2/10/23
- ~~John & Jean Brumm~~ 1413 CRITERION ST. DELTA CO 2-10-23
- ~~John & Jean Brumm~~ 1407 Criterion St. Delta, Co 2-10-23
- ~~John & Jean Brumm~~ Pat Kaw 1449 Criterion St Delta, CO 81416 2/10/23
- ~~John & Jean Brumm~~ PAUL LAWE 1472 CRITERION ST DELTA, CO 81416 2/10/23
- ~~John & Jean Brumm~~ JIMMIE J 1479 CRITERION ST DELTA CO 81416 2/10/23
- ~~John & Jean Brumm~~ ALBRITTON, 1485 CRITERION ST. DELTA CO, 81416, 2-10-23
- ~~John & Jean Brumm~~ VANUX STEVENS 1473 CRITERION ST, DELTA, CO 81416 2/10/23
- ~~John & Jean Brumm~~ Marc Manwarren 1455 Criterion St Delta CO 81416 2/10/23
- ~~John & Jean Brumm~~ 1405 CRITERION ST Delta 81416 2/11/23
- ~~John & Jean Brumm~~ Olivia Wear 1419 Criterion St Delta CO 81416 2/12/23
- ~~John & Jean Brumm~~ Isaac Wear 1449 Criterion St Delta CO 81416 2/12/23
- ~~John & Jean Brumm~~ Kyle Melton 1466 Criterion St Delta CO 81416 2/18/23
- ~~John & Jean Brumm~~ Monica Melton 1466 Criterion St. Delta. CO 81416 2/18/23
- ~~John & Jean Brumm~~ 1496 CRITERION ST. Delta CO 81416 2/18/23
- ~~John & Jean Brumm~~ Ryan Bowen 1503 Criterion St, Delta, CO 81416 2/18/23
- ~~John & Jean Brumm~~ iana Griffin 1502 Criterion St. Delta, Co 2-18-23
- ~~John & Jean Brumm~~ 1502 CRITERION ST. DELTA, CO 81416
- ~~John & Jean Brumm~~ Enrique Torres 1478 Criterion St Delta 81416
- ~~John & Jean Brumm~~ MADTELLE B. McEWY 1454 CRITERION ST DELTA 81416
- ~~John & Jean Brumm~~ Steven McEwry 1454 Criterion St Delta 81416
- ~~John & Jean Brumm~~ Ariel Lorenna Reyes 1442 Criterion St
- ~~John & Jean Brumm~~ LYNN P. MAKI 1443 Criterion St. Delta, CO 81416
- ~~John & Jean Brumm~~ L.J. MAKI 1443 Criterion St Delta CO 81416



To: City of Delta Planning Commission
From: Joe Gillman, Community Development Manager; Mike Markus, City Planner; and Raini Ott, Contract City Planner
Date: November 6, 2023
Subject: Soper-Wang Fence Height Variance

Request Summary

The subject request is for approval of a Variance of two feet to the maximum fence height in the A-1 Agricultural Zoning District to allow an eight-foot fence (Attachment A). The subject property is addressed as 10 Hartig Drive (Assessor Account No. R011500) and located on the southeast corner of the Hartig Drive and Hillcrest Drive intersection (Figure 1). The request is submitted by property owners Matthew C. Soper and I-Chu (Sarah) Wang (“Applicant”). Staff recommends careful consideration of conditional approval for the Variance since it is found that all criteria can be met with certain conditions.



Figure 1: Aerial of Subject Property (yellow outline) and Surrounding Area

Background Information

The subject property is zoned A-1 Agricultural and currently occupied by a residence built in 1904, as well as several accessory structures, according to the Delta County Assessor’s records. In the A-1 Zoning District, the maximum fence height is six feet, as required under Section 17.04.240(B)(1) (see Attachment C). The requested Variance of two feet to the maximum height would result in allowing an eight-foot fence to be constructed.





The subject property is almost five acres total in size, with approximately three acres located east of an irrigation lateral being farmed for alfalfa. The remaining acreage is located west of the lateral and includes the 1904 residence and the accessory structures. According to the narrative and site plan provided by the Applicant (Attachment A, pages 3-5), the new eight-foot fence would be located on the portion of the property occupied by the residence near the Hartig Drive and Hillcrest Drive intersection. The increased height of the fence is to serve two purposes: privacy and protection of a high-value agricultural production area from deer (i.e., vegetable garden and vineyard).

Review Procedure

The review procedure for a Variance from provisions of [Chapter 17.04, Zoning Regulations](#), is outlined under Section 17.04.290 and requires a duly noticed public hearing before the Planning Commission. Such requests are also referred to relevant City departments and external agencies for review and comment. The relevant code sections outlining the review procedure are included in Attachment C.

Referral Agency Comments

The request was distributed to the relevant City departments and divisions for review and comment, as well as to external agencies. In this case, the request was sent to the Tri-County Water Conservancy District and Delta-Montrose Electric Association (DMEA). No comments were received from either agency, and City staff generally had no concerns about the request. However, the City Engineer and Public Works Department voiced concerns about maintaining sight distances at the intersection of Hartig and Hillcrest Drives to ensure no traffic hazards are created. See more discussion under criterion (1) of the Criteria Review section.

Public Notice & Comments

Per Section 17.04.290(D), public notice of a hearing is required for a Variance from provisions of Chapter 17.04, including published in the newspaper, posted on the subject property, and delivered to adjacent property owners. For the subject request, public notice was published in the Delta County Independent on October 25, 2023, posted on the property as of October 30, 2023, and sent to adjacent property owners as of October 30, 2023. In addition, notice was provided to the public as a public hearing agenda item for the November 6, 2023, Planning Commission meeting.

All public noticing requirements have been met for the subject request. As of publication of this staff report, public comments received include **two in support** of the request; no specific comments were provided (see Attachment B).

Criteria Review

As discussed below in detail, staff recommends the Planning Commission carefully consider conditional approval of the subject request since staff finds that all review criteria under Section 17.04.260(A) can be met, with certain conditions. Per Section 17.04.290(A), all requests for approval of a Variance from provisions of Chapter 17.04 shall be reviewed by the Planning Commission, and, under Sections 17.04.290(G) and 17.04.260(B), the Code allows the Planning Commission to impose conditions on a Variance approval to ensure the criteria are met. See Attachment C for code sections related to the Variance criteria. Use this link to view [Chapter 17.04, Zoning Regulations](#), in its entirety.





Per Section 17.04.260(A), the Planning Commission may approve a variance from the provisions of this [Chapter 17.04] other than the uses specified for any District or restrictions on the location of factory built housing only if it determines following review pursuant to Section 17.04.290 that the following criteria are substantially met:

(1) The variance will not adversely affect the public health, safety and welfare.

Granting a two-foot Variance from the A-1 Agricultural Zoning District’s maximum fence height and allowing an eight-foot fence to be constructed would not, by itself, adversely affect public health, safety, or welfare. In addition, any fence exceeding six feet in height requires a Building Permit to ensure it is designed to resist wind load and will not fall. However, the City Engineer and Public Works staff have concerns about an opaque fence of any substantial height being located within the sight distance triangles of the Hartig Drive and Hillcrest Drive intersection.

Sight distance triangles are areas defined by the [City Standards and Specifications](#) that should remain clear of obstructions to ensure traffic safety at roadway intersections. Specific requirements depend on the street classifications at a particular intersection. At this location, both Hartig Drive and Hillcrest Drive are designated as Collectors, requiring 15 feet into the subject property from the existing or future right-of-way lines at the intersection to remain clear then tapering over a 210-foot distance, as measured from the centerline of the intersecting street. The sight distance triangles as required by the City Standards and Specifications are demonstrated in Figure 2.

The City Engineer has discretion on how strictly to apply the sight distance requirements considering existing development in the surrounding area and the current width and usage of both streets. In this case, there may be some flexibility, given that neither roadway is constructed to its future width and that Hillcrest Drive dead-ends just east of the property and will likely not extend to 1800 Road, as anticipated on the [City’s Major Street Plan](#), for many years. As such, staff recommends applying a condition to maintain sight distances as determined by the City Engineer if the request is approved.

With the requirement to obtain a Building Permit for any fence exceeding six feet in height and with the condition that sight distances at the intersection be maintained for traffic safety, staff finds the requested Variance will not adversely affect public health, safety, or welfare; therefore, staff finds this **criteria can be met as conditioned.**



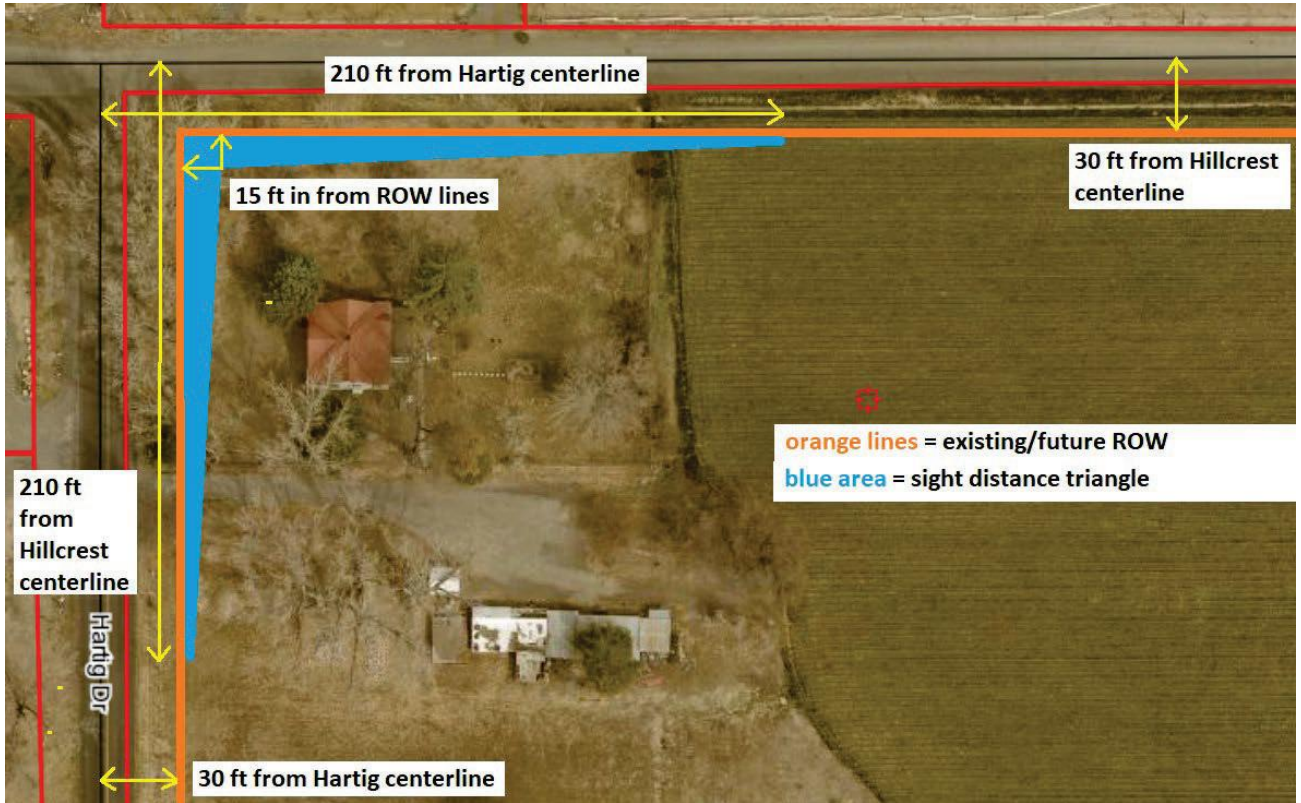


Figure 2: Sight Distance Triangles for the Subject Property at the Hartig/Hillcrest Intersection

(2) Unusual physical circumstances exist, such as unusual lot size or shape, topography, or other physical conditions peculiar to the affected property which make it unfeasible to develop or use the property in conformity with the provisions of this Chapter in question.

The subject property is almost five acres in size with a rectangular shape bisected by an irrigation lateral. The property sits around two feet lower in elevation than the abutting roadways to the north and west. According to the Applicant’s narrative and site plan (Attachment A, pages 3-5), the new eight-foot fence would be located on the portion of the property occupied by the residence near the Hartig Drive and Hillcrest Drive intersection, and the increased height of the fence serves two purposes: privacy and protection of an agricultural production area from deer. Because of the peculiar physical circumstance of the subject property’s elevation in relation to the abutting roadways, an eight-foot fence would appear almost two feet shorter from either Hartig Drive or Hillcrest Drive. In contrast, a six-foot fence from those perspectives would appear closer to four feet tall and would not provide the privacy or protection from deer desired by the Applicant.

Staff finds the lower elevation of the subject property in relation to the abutting roadways to constitute a unique physical circumstance which significantly reduces the effectiveness of six-foot fencing that would be allowed by-right in the A-1 Agricultural Zoning District; therefore, staff finds this **criteria is met**.



(3) The unusual circumstances have not been created as a result of the action or inaction of the applicants, other parties in interest with the applicant, or their predecessors in interest.

The existing topography of the subject property and its elevation approximately two feet lower than the abutting roadways to the north and west was not created directly or indirectly by the Applicant. Instead, it is likely that this unique physical circumstance was created or exasperated at the time when Hartig and Hillcrest Drives were constructed by the City (or Delta County) to meet roadway standards for paving, drainage, and alignment. Staff finds that the unique physical circumstance identified under criterion (2) was not created as a result of the action or inaction of the Applicant or other previous parties in interest; therefore, staff finds this **criterion is met.**

(4) The variance requested is the minimum variance that will afford relief and allow for reasonable use of the property.

The mule deer that populate the area on the outskirts of the City where the subject property is located are capable of jumping over fences less than seven feet tall. According to the Colorado Parks and Wildlife (CPW) guidance on fencing, a fence must be seven to eight feet in height to exclude deer and elk from vegetable gardens, vineyards, or other high-value agricultural production areas (see page 29 of the CPW publication, [Fencing with Wildlife in Mind](#)). Further, CPW illustrates that the effective height of fencing is dependent on the surrounding slope (Figure 3). For example, deer can easily jump a 42-inch (3.5-foot) fence when located on level ground, but increasing the slope to 50% approaching the fence increases the effective height to 75 inches (over six feet), which makes it a more difficult obstacle to overcome. The reverse is also true; deer can more easily jump higher fences when the approaching slope starts at a higher elevation. This is the case on the subject property as discussed under criterion (2).

Since the roadways abutting the property are almost two feet higher in elevation, the effectiveness of a fence located on the property boundary in keeping deer out would be reduced by the same. Based on the Applicant's chosen location and stated purpose for the taller fence being to protect an agricultural production area from the local deer population, in addition to providing privacy, staff finds a six-foot fence located along the perimeter of the property would be ineffective. Given the unique topography of the site and abutting roadways, an eight-foot fence would be needed to protect a vegetable garden and vineyard located as proposed on the Applicant's site plan.

Based on the Applicant's planned location and purpose for the new eight-foot fence, staff finds the requested Variance of two feet from the maximum six-foot fence height in the A-1 Zoning District is the minimum necessary to afford relief and protect high-value crops from deer. As such, staff recommends applying a condition to an approval that it only applies to fencing in the general location and for the specific purposes as presented by the Applicant; therefore, staff finds this **criterion can be met as conditioned.**



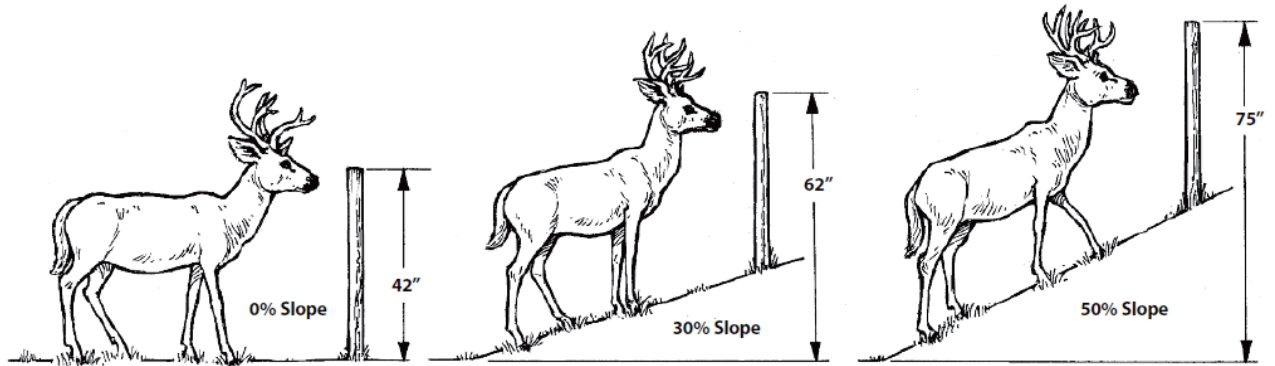


Figure 3: CPW Illustration of Effective Fence Heights on Slopes

(5) The variance will not result in development incompatible with other property or buildings in the area, and will not affect or impair the value or use or development of other property.

A six-foot fence along the boundary of a property zoned A-1 Agricultural is allowed by-right. Since the location of the fence, as presented by the Applicant, will be almost two feet lower in elevation compared to the abutting roadways, the apparent height of an eight-foot fence would be closer to the by-right six-foot height allowed. Considering the unique physical circumstances of the subject property, the nature of the desired agricultural use, and the effective fence height on a slope needed to exclude deer, staff finds that approval of the Variance to allow an eight-foot fence would not be incompatible with the rural character of surrounding properties and development, nor would it impair the values or use of other nearby properties. Therefore, as discussed under other criteria, staff finds this **criterion can be met as conditioned**.

Recommendation

Based on the analysis provided in the Criteria Review section, staff finds all criteria for approval of a two-foot Variance to the maximum fence height in the A-1 Agricultural Zoning District can be met, with certain conditions. Therefore, staff recommends the Planning Commission carefully consider **conditional approval** of the Soper-Wang Fence Height Variance request, subject to the following conditions:

1. Sight distance requirements from the Hartig Drive and Hillcrest Drive intersection, as set forth in the City Standards and Specifications and determined by the City Engineer, must be maintained.
2. The Variance is approved for the specific purposes and in the general location as presented by the Applicant in Attachment A. Additional fencing on the subject property must comply with the requirements in Municipal Code unless otherwise approved at the City's discretion.

Attachments

- A – Application Materials
- B – Public Comments
- C – Relevant Code Sections

**Soper-Wang Fence Height Variance
10 Hartig Drive
City of Delta, CO**

Application Information

Proposal Name: Soper-Wang Fence Height Variance

Proposal Description: Request for approval of a Variance of two feet to the maximum fence height in the A-1 Zoning District to allow an eight-foot fence.

Location: 10 Hartig Drive, Assessor Account No. R011500, located on the southeast corner of the Hartig Drive and Hillcrest Drive intersection, in Section 17, Township 15S, Range 96W.

Zoning: A-1 Agricultural Zoning District

Applicant: Matthew C. Soper and I-Chu (Sarah) Wang (property owners)

Comment Deadline: Mon., Oct. 23, 2023

Aerial of Subject Property





DEVELOPMENT & LAND USE APPLICATION

Subdivision	Fee	X	Land Use	Fee	X	Other	Fee
Boundary Line Adjustment	\$250		Cond Use/Change in Non-Conf. Use	\$200		Fire Hydrant	Time and materials
Lot Split	\$250		Variance	\$200		Parks (PILP)	\$1203/add'l lot
Minor Sub	\$250		Amdmt/Add Zoning Map	\$300		Recording fees	Actual cost
Replat/Plat Amendment	\$250		Travel/Mobile Home Park Development	\$250+ \$10/space		Temporary Use	No fee
Sketch Plan	\$250		Travel/Mobile Home Park License, new owner	\$10/space		Other	
Preliminary Plat	\$500+ \$20/lot						
Final Plat	\$250		Acknowledgement of Fees Form Signed?	Yes	No		
Annex/Disconnect	\$250						

Project Name: Super fence height variance
Site Location: 10 Hartig Drive
Assessor Parcel #: 345577300005
Proposed # of Lots: _____
Application Date: _____
Current Land Use: _____
Current Zoning: _____
Size - Acres/Sq Ft: _____
Project Description: Variance to increase max fence height from 6-feet to 8-feet.

	Property Owner	Developer	Representative
Name	Matthew Soper & I-Chu Wang		
Address	10 Hartig Dr.		
City/State/Zip	Delta, CO 81416		
Phone	970. 210. 9210		
Fax			
E-mail	matthew.soper@gmail.com / Ich.Wang@gmail.com		
Signature	<i>Matthew Soper</i>		
Date	2023.10.04		

It is the applicant's responsibility to provide complete submittals, meet all deadlines, and monitor the progress of the application. Refer to the appropriate checklist for submittal requirements. By signing above, the applicant petitions the City for the requested review, certifies that the information provided is correct to the best of his/her knowledge, and agrees to allow City Staff to enter the project site.

Requestors: Matt Soper & I-Chu (Sarah) Wang, joint owners,
10 Hartig Drive
Delta, CO 81416

To: City of Delta's Planning Commission
360 Main Street
Delta, CO 81416

Date: Monday, October 2, 2023

RE: Request for Variance to Delta fence code

Dear Planning Commission:

We are requesting a variance to the height restriction of the City of Delta Fence Code, 17.04.240, Supplemental regulations. We would like to replace our current fence with an 8-foot fence. Our reason is two-fold: to keep deer out of our yard to allow us to expand our agricultural use of our property, and to create privacy around our home.

Under the Fence Code, “[n]o fence or free-standing wall shall exceed a height of 6-feet in any residential zoning district of the City, including present A-1 [. . .] zones.” Our home, located at 10 Hartig Dr, Delta, Colorado, is within agricultural zone A-1. We are where the City’s “look and feel” changes from residential to agricultural use. Since our part of the City contains many small farms and natural wildlife habitat, we have a substantial deer population which has frustrated our ability to garden, plant fruit trees, establish a vineyard, or grow anything besides weeds and alfalfa.

Our present fence is 4-feet tall. We are seeking a variance to the Fence Code to replace our current fence with an 8-foot fence, to protect our property from deer and other wildlife, and to create privacy to be able to enjoy our own property without the constant stream of onlookers driving or walking past our home.

Our property is 2-feet below road grade. A 6-foot fence would appear as a much shorter fence to any vehicle or pedestrian on the public roadway, thus not providing us with any privacy. Our entire backyard would still be viewable from the road, which would negate the point of a privacy fence.

To prevent deer from jumping into our fenced portion of the property, Colorado Parks and Wildlife recommends an 8-foot fence to keep game in/out.¹ Because our property is below grade, a 6-foot fence would appear as a 4-foot fence and would not allow us to block deer or create private space within our property and around our home. Our plan is to be able to garden, plant a

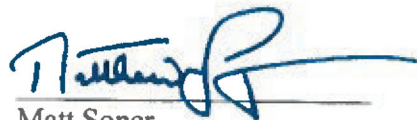
¹ Hanophy, W. 2009. Fencing with Wildlife in Mind. Colorado Parks and Wildlife, Denver, CO.

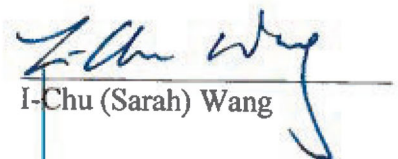
tiny orchard and vineyard, and not have deer destroy our valuable trees, vines, and gardens. An 8-foot fence would also mean that we could ensure our yard is mostly blocked from public view from the roadway. We value our private time at home and want to be able to enjoy our home without being always in the public spotlight.

We plan to have the work done by England Fence from Montrose. We are planning the privacy portion of the new fence to be rusted corrugated steel with a decorative frame between structural posts. The non-privacy portion of the fence would be chain link. We plan to work with the owner of England Fence to ensure the fence is structurally sound to withstand the most extreme weather.

We respectfully request the Planning Commission grant our variance to exceed the Fence Code's 6-foot height restriction to a height not exceeding 8-feet. If the Commission has any questions about our request, we would be happy to provide more information.

Respectfully submitted,

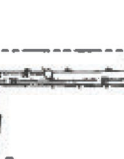
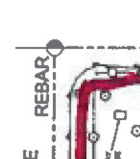
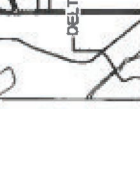

Matt Soper


I-Chu (Sarah) Wang

IMPROVEMENT SURVEY PLAT

10 HARTIG DRIVE

A PORTION OF THE W 1/4 NE 1/4 SW 1/4, SECTION 17,
TOWNSHIP 15 SOUTH, RANGE 95 WEST, SIXTH PRINCIPAL MERIDIAN,
COUNTY OF DELTA, STATE OF COLORADO



LEGAL DESCRIPTION (REC. 8731292)

A PORTION OF THE W 1/4 NE 1/4 SW 1/4, TOWNSHIP 15 SOUTH, RANGE 95 WEST, SIXTH PRINCIPAL MERIDIAN, COUNTY OF DELTA, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING AT THE SOUTHWEST CORNER OF SAID NE 1/4 SW 1/4, THENCE EAST 89 FEET; THENCE SOUTH 350 FEET; THENCE WEST 80 FEET ON THE NORTH LINE OF SAID SURVEY TO THE WEST LINE OF SAID BLOCK; THENCE SOUTH 350 FEET; THENCE WEST 80 FEET TOGETHER WITH ALL WATER AND WATER RIGHTS, ETTICES AND OTHER RIGHTS AND INTERESTS TO THE SOUTHWEST CORNER OF SAID NE 1/4 SW 1/4, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASES OF BEARINGS:

THE WEST LINE OF THE W 1/4 NE 1/4 SW 1/4 IS ADJACENT TO RANGELINE 95 AND IS MONUMENTED AS SHOWN HEREON. ALL OTHER BEARINGS ARE RELATIVE THEREON.

SURVEYOR'S CERTIFICATE:

I, JEREMIAH D. HANNESS, LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION AND SUPERVISION IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYING ACTS OF THE STATE OF COLORADO, AND THAT THE INFORMATION HEREON IS TRUE AND CORRECT.

EXEMPTION:

JEREMIAH D. HANNESS
COLORADO REGISTERED LAND SURVEYOR
DATE: 12-23-2021

MONITORING COUNTY CLERK AND RECORDERS ACKNOWLEDGEMENT:

THIS SURVEY WAS ACCEPTED FOR DEPOSIT IN THE OFFICE OF THE CLERK AND RECORDERS OF MONTROSE COUNTY, COLORADO,
ON THIS _____ DAY OF _____, 20____, AT _____ O'CLOCK _____ P.M.

DEPARTMENT NUMBER: _____

COUNTY: _____

SECTION: _____

TOWNSHIP: _____

RANGE: _____

MERIDIAN: _____

STATE: _____

DATE: _____

BY: _____

TITLE: _____

SCALE: _____

UNIT: _____

DATE: _____

BY: _____

TITLE: _____

SCALE: _____

UNIT: _____

DATE: _____

BY: _____

TITLE: _____

SCALE: _____

UNIT: _____

DATE: _____

BY: _____

TITLE: _____

SCALE: _____

UNIT: _____

DATE: _____

BY: _____

GENERAL NOTES

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE POLICY. THIS SURVEY DOES NOT CONSTITUTE A TITLE SURVEY BY BUCKHORN ENGINEERING.
2. SURVEYOR'S CERTIFICATIONS HEREON SHALL RELY ONLY TO THE EXTENT PROVIDED FOR WHICH THIS SURVEY WAS PREPARED AND ON THEIR OWN PART. THIS SURVEY IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF BUCKHORN ENGINEERING.
3. NO GUARANTEE AS TO THE ACCURACY OF THE INFORMATION PROVIDED HEREON IS MADE BY BUCKHORN ENGINEERING OR ANY OF ITS PROFESSIONAL LAND SURVEYORS HEREON NAMED. ONLY THE PROFESSIONAL LAND SURVEYOR HEREON NAMED SHALL BE RESPONSIBLE TO THE CLIENT FOR ANY ERRORS OR OMISSIONS THAT MAY BE DISCOVERED. THE SURVEYOR NAMED HEREON SHALL BE CONSIDERED TO BE A CONSULTING ENGINEER.
4. UTILITY LOCATES PROVIDED BY HIGH COUNTRY PRIVATE LOCATED ON 08/22/2021.

IMPROVEMENT SURVEY PLAT		BUCKHORN ENGINEERING	V-1
10 HARTIG DRIVE		322 Stone Park Avenue	
MONTROSE COUNTY, COLORADO		MONTROSE, COLORADO 81401	
PLAT NO.	DATE	BY	SCALE
FILE NO.	DATE	BY	SCALE
FILE NO.	DATE	BY	SCALE
FILE NO.	DATE	BY	SCALE

NOTICE TO PROPERTY OWNERS

() Conditional Use/Change in Non-Conforming Use

Variance

() Zoning Amendment/Addition

() Other: _____

Description of action to be considered: To consider a request for approval of a variance of 2 feet to the maximum fence height in A-1 Zone to allow an 8 foot fence for the real property located at 10 Hartig Dr. to prevent deer, other game.

Address of property under consideration: 10 Hartig Dr., Delta, CO 81416

Date of Public Hearing: Nov. 6, 2023 Time: 6:30 p.m.

This letter is addressed to you as an adjacent property owner, within 100 feet of the area under consideration, to inform you that the City of Delta Planning Commission will review the above application on the date and time shown. You are invited to attend and comment at the public hearing, which will be held at the City Council Chambers at 360 Main Street, Delta Colorado.

I as a property owner within 100 feet of the area under consideration have been informed the above request as described in this application and hereby:

Approve

() Object

<u>SIGNATURE</u>	<u>NAME (print)</u>	<u>STREET ADDRESS</u>
<u>Rene Dominguez</u>	<u>RENE Dominguez</u>	<u>70 Hartig Drive Delta Co.</u>

COMMENTS:

Please return this form to the City of Delta Planning Department at 360 Main St before the date of the hearing. Do not email or mail or have any communications directly to the Planning Commission or City Council regarding this hearing. All information must be presented at the hearing and not before the hearing. You may direct all questions to city staff. 970-874-7909 or comdev@cityofdelta.net

NOTICE TO PROPERTY OWNERS

() Conditional Use/Change in Non-Conforming Use

Variance

() Zoning Amendment/Addition

() Other: _____

Description of action to be considered: To consider a request for approval of a variance of 2 feet to the maximum fence height in M-1 Zone to allow an 8 foot fence for the real property located at 10 Hartig Dr. to prevent deer, other game.

Address of property under consideration: 10 Hartig Dr., Delta, CO 81416

Date of Public Hearing: Nov. 6, 2023 Time: 6:30 p.m.

This letter is addressed to you as an adjacent property owner, within 100 feet of the area under consideration, to inform you that the City of Delta Planning Commission will review the above application on the date and time shown. You are invited to attend and comment at the public hearing, which will be held at the City Council Chambers at 360 Main Street, Delta Colorado.

I as a property owner within 100 feet of the area under consideration have been informed the above request as described in this application and hereby:

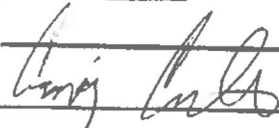
Approve

() Object

SIGNATURE

NAME (print)

STREET ADDRESS

	LIZZY CALLOW	1738 Hillcrest Dr
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COMMENTS:

Please return this form to the City of Delta Planning Department at 360 Main St before the date of the hearing. Do not email or mail or have any communications directly to the Planning Commission or City Council regarding this hearing. All information must be presented at the hearing and not before the hearing. You may direct all questions to city staff. 970-874-7909 or comdev@cityofdeltanet

"B-1" District, payment may be made to the City in lieu of providing required off-street parking spaces in the amount of \$2,700 per space. Such amount shall be kept and utilized by the City to provide public parking in said district.

L. Off-street parking is not required for uses conducted within the "B-1" District except for residential and other specified uses which shall provide off-street parking at all locations. (Ord. 4, §1, 1999; Ord. 31, §2, 2000; Ord. 33, §1, 2002; Ord. 9, §18, 2004; Ord. 7, §14, 2005; Ord. 3, §12, 2008; Ord. 8, §2, §3, 2012; Ord. 2, 2022; Ord. 4, 2022)

17.04.240 Supplemental regulations.

A. Home occupations: Home occupations may be conducted accessory to a dwelling unit in any district as an accessory use only if the following criteria are met:

1. City and State sales tax licenses must be obtained if sales taxable by the City or State sales taxes are to be made.

2. The occupational activity and storage of any items used or sold in the occupation must be entirely within the dwelling unit or accessory garage. Neither the occupation nor any storage may be conducted within or utilize any detached buildings or other place upon the premises other than the residence or accessory garage.

3. Only the residents of the dwelling unit may be engaged in the home occupation.

4. No unreasonable noise, glare, smoke, dust, vibration or odor shall be observable off the premises.

5. The home occupation activity shall not utilize or occupy more than twenty percent (20%) of the floor area of the dwelling unit and accessory garage combined.

6. Off-street parking shall be required for both the residential and the commercial activity in accordance with the requirements of Section 17.04.230.

B. The following fence, hedge, and wall regulations shall apply in addition to those requirements set forth in Delta Municipal Code Section 15.04.060:

1. No fence or free-standing wall shall exceed a height of six (6) feet in any residential zoning district of the City, including the present A-1, R-R, R-1, R-1A, R-2, R-3, R-4, MHR, MR and OR zones. No fence or free standing wall shall exceed a height of ten (10) feet in any other zoning district of

the City including the present B-1, B-2, B-3, B-4, I-1, I-2 and I-R zones.

2. Barbed wire may be used in fences that are necessary and appurtenant to lawful agricultural use within the City. Up to three strands of barbed wire may be installed at the tops of fences allowed in the business and industrial districts within the City, provided that such wire is located no less than six (6) feet above the ground level along the length of each pertinent fence.

3. Electrically charged fences shall be allowed within the City only if another fence or structure located outside of the electrified fence makes the latter inaccessible to all persons except the fence owners and their authorized lessees, employees, licensees and agents.

C. Temporary use permits:

1. The City Council may issue a permit authorizing a temporary use of premises in a district for a use which is otherwise not allowed in such district for a period of up to six months in accordance with this subsection.

2. The temporary use permit may be issued by the City Council only after it determines that unusual circumstances exist, not created by the applicant, such as damage or destruction of applicant's permanent premises, which results in significant hardship and that the temporary use will not unreasonably interfere with the use of other property or result in any permanent adverse effects to other property or create a safety or health hazard.

3. The City Council shall hold such hearings concerning the application and shall provide such notice thereof as the circumstances merit in its opinion. The permit may be granted subject to conditions appropriate to ensure compliance with the criteria of this Section.

D. Family child care homes: Family child care homes may be conducted within a dwelling unit in any zoning district as a residential use provided that they are licensed by the state and county, if applicable.

In accordance with C.R.S. § 26-6-104.5(1)(b), the City Manager, or their designee, may prohibit, on a case-by-case basis, the operation of immediately adjacent residences of two or more large family child care homes, as defined in 12 C.C.R. 2509-8-7.707.22(E), or impose conditions to manage the flow of

17.04.250 Criteria for approval of a conditional use or a change in a non-conforming use.

A. No conditional use or change in a non-conforming use will be allowed unless the Planning Commission determines the following criteria are substantially met with respect to the type of use and its dimensional features:

1. The use will not be adverse to the public health, safety or welfare.

2. The use is not inconsistent with the City's Comprehensive Plan.

3. Streets, pedestrian facilities, water, sewer and other public improvements in the area are adequate.

4. The use is compatible with existing uses in the area and other allowed uses in the district and the type, bulk, height and location of any buildings or structures is compatible with other buildings, structures and the character of the area.

5. The use will not have an adverse effect upon other property values.

6. Adequate off-street parking will be provided for the use.

7. The location of curb-cuts and access to the premises will not create traffic hazards.

8. The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of other property.

9. Landscaping of the grounds and architecture of any buildings will be reasonably compatible with that existing in the neighborhood.

10. Any other criteria specified by other City ordinances or regulations are met.

B. The burden shall be upon the applicant to prove that these requirements are met.

C. The Planning Commission may impose conditions as necessary to ensure that the above criteria are met.

D. A use approved as a "use subject to review" under prior ordinances shall be treated as a previously approved "conditional use" for purposes of this Chapter. (Ord. 4, §1, 1999)

17.04.260 Criteria for approval of a variance.

A. The Planning Commission may approve a variance from the provisions of this Title other than the uses specified for any District or restrictions on the location of factory built housing only if it determines following review pursuant to Section 17.04.290 that the following criteria are substantially met:

1. The variance will not adversely affect the public health, safety and welfare.

2. Unusual physical circumstances exist, such as unusual lot size or shape, topography, or other physical conditions peculiar to the affected property which make it unfeasible to develop or use the property in conformity with the provisions of this Chapter in question.

3. The unusual circumstances have not been created as a result of the action or inaction of the applicants, other parties in interest with the applicant, or their predecessors in interest.

4. The variance requested is the minimum variance that will afford relief and allow for reasonable use of the property.

5. The variance will not result in development incompatible with other property or buildings in the area, and will not affect or impair the value or use or development of other property.

B. The Planning Commission may impose conditions of approval as necessary to insure that the above criteria are met including limitations on the effective term of the variance.

C. The City Manager or designee may approve *di minimus* variances from the dimensional requirements of Section 17.04.220, fence height requirements, of Section 17.04.240(B)(1), and sign height and sign area requirements of Section 17.68 which meet the following criteria:

1. The variance is unnoticeable off the premises or would take a survey or measurements to detect;

2. The variance is not more than 5% of the applicable measurement; and

3. No practical alternative exists.

D. The burden shall be on the applicant to show that the applicable criteria are met. (Ord. 4, §1, 1999)

located upon the lot without a variance to lot area so long as the minimum lot area per unit is met.

6. Homes within a lawful nonconforming mobile home park may be replaced by homes which meet requirements for mobile homes located in the MHR District, without regard to performance standards for siding, permanent foundations, length, width, or eaves which may be otherwise applicable in the zone in question.

D. This Section shall not apply to signs. Nonconforming signs shall be governed by the provisions of Chapter 17.68. (Ord. 4, §1, 1999; Ord. 9, §14 & 15, 2004; Ord. 4, 2022)

17.04.290 Review procedure.

A. All requests for approval of a conditional use, variance, a change in a non-conforming use, or changes to the Zoning Map (rezoning) or other action which is required to be reviewed pursuant to this Section by these regulations or other City ordinances, shall be reviewed by the Planning Commission.

B. The applicant requesting approval of a conditional use, variance, change in a non-conforming use, rezoning or other action shall submit an application upon forms supplied by the City accompanied by any other required information, including a survey when necessary for consideration of the application. A single application may contain a request for more than one action. Application fees shall be set by the City Council as deemed appropriate. No formal application need be submitted or fee paid for an amendment to the Zoning Map initiated by the City Manager, City Council or Planning Commission.

C. A hearing shall be set before the Planning Commission not sooner than fourteen days nor more than fifty days after receipt by the City of a properly completed application form and all required fees and other required information.

D. Notice of the hearing shall be given as follows:

1. The applicant shall be advised of the date set for the hearing and shall be responsible to post a sign or signs supplied by the City upon the property affected, easily legible from abutting streets, which briefly describes the requested action and the time and location of the hearing. Such sign shall be maintained continuously for at least seven (7) days before the hearing and until final action is taken by the Planning Commission.

2. The applicant shall also cause a notice to be published in a legal newspaper at least seven (7) days prior to the hearing, which describes the action or actions requested and the property affected. The property shall be described by street address, or relationship to a street, other property with an address, or other landmarks, and not solely by a legal description.

3. The applicant shall either hand deliver or deposit in the U.S. Mail at least seven (7) days prior to the hearing a copy of the above notice addressed to the owner of record of any property inside the Delta City limits located within one hundred feet plus the width of any intervening public right-of-way of the property affected.

E. At the hearing scheduled, the applicant and other interested parties may appear and present such evidence or testimony as they may desire. Anyone presenting evidence or testimony shall be subject to cross-examination by other interested parties, although the Planning Commission may limit testimony, evidence, and cross-examination which is merely cumulative. The Planning Commission shall not be required to follow any set procedure during the hearing, nor to strictly follow the rules of evidence as applied by the courts. The Chair of the Planning Commission shall make all rulings on admissibility of testimony or evidence. The hearing shall be tape recorded or otherwise recorded. The applicant or other interested party may, if they desire, have the hearing recorded by a court reporter at the applicant's expense. The hearing may be continued from time to time as necessary. The City Manager or designees may appear as a party at the hearing. The burden is upon the applicant in all cases to establish that all applicable criteria for any action are met, including proper notice.

F. The Planning Commission shall announce its decision within thirty-two (32) days of the completion of the hearing. It shall not be necessary for the Planning Commission to provide written findings or conclusions, except upon request of the applicant or other party appearing or participating in the hearing.

G. The Planning Commission may approve the requested action only upon finding that all applicable criteria and requirements of these regulations or other City ordinances have

been met. If it determines that such criteria have not been met, the application shall be denied. The application may be granted upon conditions or limitations which the Planning Commission determines are necessary in order to insure that the applicable criteria are met. Such conditions or limitations shall be provided to the applicant and interested parties in writing as part of the decision.

H. Decisions by the Planning Commission

1. The Planning Commission's decision with respect to requests for changes to the Zoning Map shall be submitted to the City Council as a recommendation. The Council may without further review implement such recommended change by adoption of a rezoning ordinance or take no action if no change is recommended, unless an appeal is filed as set out below, or it may decide in its discretion to hear the matter de novo as set out in Subsection (3) below.

2. The Planning Commission's decision with respect to an application for approval of a conditional use permit for any Medical Marijuana Facility shall be submitted to the City Council as a recommendation, which shall be considered by the City Council at a noticed public hearing to be scheduled at the same City Council meeting as the public hearing for a Medical Marijuana License for the subject property in accordance with Chapter 5.22 of the City Code.

3. The Planning Commission's decision with respect to other applications shall be final unless an appeal is filed as set out below.

4. An appeal of any decision of the Planning Commission may be filed with the City Clerk within 5 days of the date of its decision by the City Manager, the applicant or any interested person appearing at the hearing. The Council shall thereafter decide the matter de novo by holding a new hearing substantially in conformity with the procedures of this section, or by review of the tape-recording or transcript and record of the hearing before the Planning Commission, as Council determines in its discretion.

I. Upon the filing of an appeal or request for review in the courts, the City shall cause a transcript of the tape recording of the hearing to be made and certified to the court, and the party filing such appeal or such review shall pay the City the reasonable cost incurred in producing such transcript,

unless such party has a transcript produced by a court reporter at such party's expense. (Ord. 4, §1, 1999; Ord. 17, §8, 2018)

17.04.300 Enforcement and administration.

A. The City Manager shall be responsible for the interpretation, administration and enforcement of the provisions of the Chapter, as amended, the Official Zoning Map, as amended, and of any decisions entered by the Planning Commission or the City Council pursuant to the Chapter.

B. No building permit, occupancy permit, or other permit or license shall be issued, nor shall any action be taken or allowed by the City which is not in compliance with the provisions of these zoning regulations, and any decision issued by the Planning Commission or City Council pursuant to this Chapter.

C. Whenever convenient to make an inspection to enforce any of the provisions of these zoning regulations, or any provision of a decision entered by the Planning Commission or the City Council pursuant to this Chapter, or whenever there is reasonable cause to believe that a violation of any provision of these zoning regulations, or any decision issued by the Planning Commission or City Council pursuant to this Chapter, exists, the City Manager or an authorized representative shall have the right to enter upon such building or premises at all reasonable times for purposes of inspection or to perform any other duty imposed by this Chapter. Prior to entry they shall identify themselves and request permission to enter from the occupant or person in charge of the premises if they can be found by reasonable efforts. If entry is refused, the City Manager or an authorized representative shall have recourse to any remedy provided by law to secure entry.

D. The City may maintain an action in a court of competent jurisdiction to enjoin any violation of these zoning regulations or of any decision entered by the Planning Commission or City Council pursuant to this Chapter.

E. It shall be unlawful to violate any of the provisions of these zoning regulations, or the terms of any decision entered by the City Council or Planning Commission pursuant to this Chapter. Any person convicted of such a violation may be punished by a fine and/or imprisonment in accordance with



To: City of Delta Planning Commission
From: Joe Gillman, Community Development Manager; Mike Markus, City Planner; and Raini Ott, Contract City Planner
Date: November 6, 2023
Subject: Justin Wet Floodproofing Variance

Request Summary

The subject request is for approval of a Variance from provisions in [Chapter 15.56 of the Municipal Code, Flood Damage Prevention](#), to allow wet floodproofing for a 975-square-foot enclosed portion of a detached accessory structure used for vehicle parking and storage (Attachment A). The subject property is zoned R-1A Residential and addressed as 1551 G96 Lane (Assessor Account No. R025727); it is located immediately south of the G96 Lane and 1550 Road intersection (Figure 1). The request is submitted by property owner Kevin Justin and his engineer, David Schieldt, PE, with Del-Mont Consultants, Inc. (“Applicant”). Staff recommends approval of the Chapter 15.56 Variance since it is found that all criteria are met.



Figure 1: Aerial of Subject Property (outlined in yellow) and Surrounding Area

Background Information

The City of Delta participates in the Federal Emergency Management Agency’s (FEMA) National Flood Insurance Program (NFIP), which forms the basis for floodplain management regulations. In addition, the City has adopted floodplain regulations in conformance with Colorado’s requirements, which are slightly stricter, and currently participates in FEMA’s Community Rating System (CRS) program to provide reduced flood insurance rates in exchange for adopting higher standards. Communities adopt local floodplain management regulations to safeguard public





health, safety, and general welfare and to minimize public and private losses caused by flooding. These regulations specify requirements that apply to all development activities located within the Special Flood Hazard Area (SFHA), including new construction, substantial improvement of structures, repair of substantially damaged structures, site grading, and more. The SFHA is the mapped flood risk area defined and adopted under the NFIP where floodplain regulations apply; it is also referred to as the 1% annual chance floodplain or the 100-year floodplain.

Under the NFIP and CRS program, the City has adopted local regulations that include a “freeboard,” which is an additional height above the Base Flood Elevation (BFE) used as a factor of safety in determining the level at which a structure's lowest floor must be elevated or floodproofed. The City of Delta freeboard is one foot above the BFE. Thus, [Chapter 15.56, Flood Damage Prevention](#), requires that non-residential buildings (i.e., those not used for human habitation) be either elevated or dry floodproofed to at least one foot above the BFE.

For the subject request, the detached garage qualifies as an accessory structure. Since the NFIP regulations do not provide explicit requirements for accessory structures, these types of structures are regulated as non-residential. However, FEMA recognizes that the inherent design and function of some accessory structures correlates to a lower damage potential and, as such, provides guidance on alternative methods of flood protection other than elevation or dry floodproofing that may be appropriate in some circumstances (see [FEMA's Bulletin P-2140](#) for additional information). The alternative method requested by the Applicant for the detached garage is wet floodproofing.

Wet floodproofing, as opposed to dry, intentionally allows the automatic passage of floodwaters through a structure via openings to equalize pressure and prevent additional damage from the forces of water acting on the exterior of a building (i.e., hydrostatic load or pressure). Wet floodproofing uses flood damage resistant materials and construction techniques, including requiring structures to be anchored to resist floatation and lateral movement, have protected mechanical and utility equipment, and have flood openings installed in walls below the BFE. In using this method of flood protection, it is recognized that the interior and contents of a building will get wet during a flood event; consequently, the use of wet floodproofing is allowed only under limited circumstances, including for:

- Enclosed areas used solely for parking, building access, or storage below an elevated building (per [Section 15.56.200\(C\) of the Municipal Code](#));
- Registered historic structures and functionally dependent uses (e.g., boat docking and port facilities), as defined by the NFIP and when authorized by variances; and
- Agricultural structures and accessory structures when authorized in accordance with [FEMA's Bulletin P-2140](#).

Review Procedure

The review procedure for a Variance under Chapter 15.56 does not require referral to external agencies, nor does it require public notice. The relevant code sections outlining the review procedure are included in Attachment B.

Referral Agency Comments

Although referral to external agencies is not required, the request was still distributed to the relevant City departments and divisions for review and comment. No City staff had any concerns about the request.



Public Notice & Comments

Public notice is not required as part of the review procedure for a Variance from provisions of Chapter 15.56; however the request was noticed to members of the public as a regular agenda item for the November 6, 2023, Planning Commission meeting. As of publication of this staff report, no public comments were received.

Criteria Review

As discussed below in detail, staff recommends the Planning Commission approve the subject request since staff finds that all review criteria under Section 15.56.170(J) are met. See Attachment B for code sections related to the Variance criteria. Use this link to view [Chapter 15.56, Flood Damage Prevention](#), in its entirety.

Per Section 15.56.170(A), *the Planning Commission shall serve as the Appeal Board, to hear and render judgment on requests for variances from the requirements of this Chapter [15.56, Flood Damage Prevention].* In addition, per subsection (G), *upon consideration of the factors noted above and the intent of this Chapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Chapter as stated in Article 1, Section 15.56.030.* The prerequisites for granting variances from provisions of Chapter 15.56 are provided under 15.56.170(J)(1) and (2) and Variances shall only be issued upon finding the following:

(1) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

The subject property contains a total of about 0.95 acres, including approximately 0.8 acres within Zone AE of the SFHA (Figure 2). The subject property is currently occupied by a single-family residence built in 1909 according to the Delta County Assessor’s records, which is located outside of the SFHA but within the advisory 0.2% annual chance flood hazard area referred to as Zone X (i.e., the 500-year floodplain).



Figure 2: Special Flood Hazard Area (blue shading), New Garage (solid orange), and Existing Residence (orange outline) on the Subject Property (purple outline)

Because of the existing development on the subject property, there is no alternative location for a detached garage that would be outside of the SFHA; the location chosen by the Applicant is the only realistic option and is barely within Zone AE. Being within Zone AE indicates a 1% annual chance of flooding with a Base Flood Elevation of 4,933.2 feet above mean sea level at this particular location. In addition, according to new flood mapping and data by the state, the risk of flooding at this location over the lifetime of a typical 30-year mortgage is between six and 26%. Other areas on and adjacent to the subject property have a much higher risk over a given 30-year period. For additional information on the state’s new flood risk mapping, see coloradohazardmapping.com.

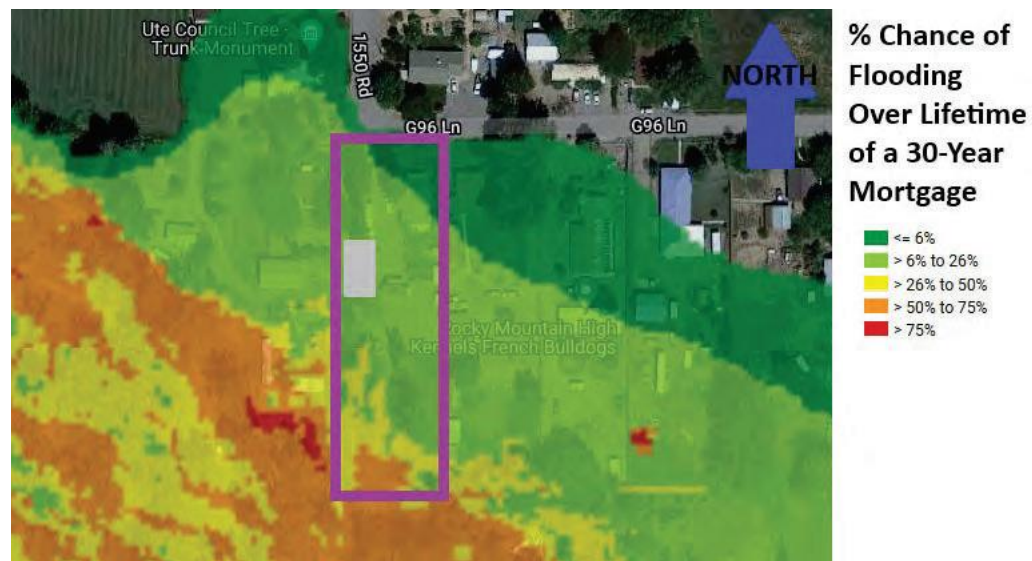


Figure 3: Percent Chance of Flooding Over the Lifetime of a 30-Year Mortgage (Subject Property outlined in purple; New Garage Location in light grey)

The BFE at this location is 4,933.2 feet above mean sea level. As such, the strict application of Chapter 15.56 would require raising the garage floor or dry floodproofing the garage to an elevation of 4,934.2 feet, which is around two feet or more above the existing grades on the property around the garage location (ranging from 4,931.9 to 4,932.6 feet). In using the wet floodproofing method, the Applicant installed engineered flood vents to allow the automatic passage of water, with each vent providing hydrostatic relief for 200 square feet of enclosed area. With five vents total installed, this provides relief for up to 1,000 square feet. Regardless of the flood protection method used, machinery and utilities must be elevated to one foot above the BFE or otherwise protected, and the Applicant has complied with this requirement by raising these facilities to 4,937.4 feet. See the Elevation Certificate, signed and stamped on October 9, 2023, for additional details (Attachment A, pages 7-8).

As discussed in the Background Information section, FEMA recognizes that accessory structures, such as the detached garage in the subject request, can have a lower flood damage potential than principal structures (e.g., commercial buildings, residences). According to FEMA’s guidance document on the subject, [Bulletin P-](#)



[2140 published July 2020](#), small accessory structures used only for vehicle parking and storage and that have low damage potential are eligible for wet floodproofing methods within the A zones of the SFHA, including Zone AE. The size limit defined for a “small” structure is based on a typical one-story two-car garage, which is approximately 600 square feet. Consequently, a 600-square-foot detached garage could be permitted in Zone AE using wet floodproofing by-right, without the need for a Variance; however, since the Applicant’s detached garage includes 975-square-feet of enclosed floor area, a Variance is required for approval.

Considering the flood hazard present on the subject property and the low damage potential of this type of accessory structure used only for parking and storage, staff finds the requested Variance is the minimum necessary to afford relief; therefore, staff finds this **criterion is met**.

(2)(a) Showing a good and sufficient cause;

As discussed under criterion (1), FEMA recognizes that detached garages and similar accessory structures have a lower potential for flood damage. It is also recognized that applying the strict regulations, requiring elevation or dry floodproofing to one foot above the BFE, would create functional difficulties for an accessory structure used to park vehicles (see discussion under criterion (2)(b)). Since a smaller detached garage totaling 600 square feet or less would be allowed by permit only without the need for a Variance, the subject request is to determine if a slightly larger structure, the 975-square-foot enclosed portion of the detached garage, is eligible for wet floodproofing. It is important to note that the detached garage has an attached carport, but this unenclosed area does not require a Variance to utilize wet floodproofing since it lacks exterior walls on multiple sides and is not regulated the same as an enclosed structure.

Based on the analysis under other review criteria, staff finds there is good and sufficient cause for a Variance and that this **criterion is met**.

(2)(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant;

Considering the use of the detached garage for parking vehicles, elevating the structure to one foot above the BFE to meet the City’s freeboard would require the use of a ramp for vehicles to enter and exit. To provide an appropriate slope for such a ramp to the garage floor if elevated to 4,934.2 feet, it would require excessive grading and the footprint of disturbance within the floodplain would be significantly increased. Although dry floodproofing could be used, the construction methods required would be cost prohibitive since all elements would have to be watertight and substantially impermeable to the intrusion of floodwater, and structural components must have the capacity to resist hydrostatic loads. Further, making garage doors watertight while allowing vehicles to easily enter and exit would be infeasible.

Staff finds that failure to grant the Variance to allow wet floodproofing methods instead of requiring the detached garage be elevated or dry floodproofed would result in an exceptional hardship; therefore, staff finds this **criterion is met**.





(2)(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

Granting a Variance to allow wet floodproofing for the 975-square-foot enclosed portion of the detached garage will not involve excessive grading or other site alterations which could increase flood heights. In addition, the required flood vents have been installed to allow the automatic passage of floodwaters through the structure to protect against hydrostatic pressure, which further help ensure there is no increase in flood heights.

The garage is to be used for parking vehicles and storage only, but some materials that could be stored have the potential of threatening public safety. In particular, the storage of hazardous materials within a wet floodproofed structure should be prohibited. However, the Building Code would prohibit the storage of such materials without first obtaining a permit for a change in occupancy and installing appropriate fire protection systems. Similarly, converting the structure to a dwelling unit or other use not allowed under the NFIP and City's Municipal Code for wet floodproofed structures would require significant alterations to meet the Building Code and provisions of Chapter 15.56 for which no Variance can be granted.

With provisions in the Municipal Code prohibiting the storage of hazardous materials or conversion to an unauthorized use without first obtaining the appropriate permits and making extensive alterations, City staff finds the 975-square-foot enclosed portion of the detached garage can be wet floodproofed without resulting in significant negative impacts. Approval of the Variance, as requested, will not increase flood heights, create threats to public safety, cause extraordinary public expense during or after a flood event, create nuisances, cause fraud or victimization of the public, or conflict with other regulations; therefore, staff finds this **criterion is met.**

Recommendation

Based on the analysis provided in the Criteria Review section, staff finds all criteria for approval of a Variance to the provisions of Chapter 15.56, Flood Damage Prevention, to allow wet floodproofing for a 975-square-foot enclosed portion of a detached garage have been met; therefore, staff recommends the Planning Commission **approve** the Justin Wet Floodproofing Variance request.

Attachments

- A – Application Materials
- B – Relevant Code Sections



Justin Wet Floodproofing Variance
1551 G96 Lane
City of Delta, CO

Application Information

Proposal Name: Justin Wet Floodproofing Variance

Proposal Description: Request for approval of a Variance from provisions in Chapter 15.56 of the Municipal Code, Flood Damage Prevention, to allow wet floodproofing for a 975-square-foot enclosed portion of a detached accessory structure used for vehicle parking and storage.

Location: 1551 G96 Lane, Assessor Account No. R025727, located immediately south of the G96 Lane and 1550 Road intersection, in Section 13, Township 15S, Range 96W.

Zoning: R-1A Residential Zoning District; FEMA Flood Zone AE (1% Annual Chance)

Applicant: Kevin Justin (property owner); and David Schieldt, PE with Del-Mont Consultants, Inc. (agent)

Comment Deadline: Wed., Oct. 25, 2023

Aerial of Subject Property





DEVELOPMENT & LAND USE APPLICATION

Subdivision	Fee	X	Land Use	Fee	X	Other	Fee	X
Boundary Line Adjustment	\$250		Cond Use/Change in Non-Conf. Use	\$200		Fire Hydrant	Time and materials	
Lot Split	\$250		Variance	\$200	X	Parks (PILP)	\$1203/add'l lot	
Minor Sub	\$250		Amdmt/Add Zoning Map	\$300		Recording fees	Actual cost	
Replat/Plat Amendment	\$250		Travel/Mobile Home Park Development	\$250+ \$10/space		Temporary Use	No fee	
Sketch Plan	\$250		Travel/Mobile Home Park License, new owner	\$10/space		Other		
Preliminary Plat	\$500+ \$20/lot							
Final Plat	\$250		Acknowledgement of Fees Form Signed?	Yes	No			
Annex/Disconnect	\$250							

Project Name:	GARAGE	Application Date:	10/9/2023
Site Location:	1551 G 96 LANE	Current Land Use:	RESIDENTIAL
Assessor Parcel #:	345713100055	Current Zoning:	
Proposed # of Lots:		Size - Acres/Sq Ft:	

Project Description:
 VARIANCE FOR WET FLOOD PROOF ON GARAGE <1000 SQFT ENCLOSED AREA

Property Owner		Developer	Representative
Name	KEVIN M. JUSTIN		
Address	1551 G 96 LANE		
City/State/Zip	DELTA, CO 81416		
Phone	970-234-4044		
Fax			
E-mail	KJUSTIN1981@GMAIL.COM		
Signature	<i>Kevin M. Justin</i>		
Date	10/9/2023		

It is the applicant's responsibility to provide complete submittals, meet all deadlines, and monitor the progress of the application. Refer to the appropriate checklist for submittal requirements. By signing above, the applicant petitions the City for the requested review, certifies that the information provided is correct to the best of his/her knowledge, and agrees to allow City Staff to enter the project site.

FLOODPLAIN VARIANCE REQUEST

Kevin M. Justin

1551 G 96 LANE

DELTA, CO

Construction of my detached garage at 1551 G 96 lane was approved and issued by the City of Delta Building Dept. 6/27/2022.

Building in the floodplain meant that the concrete slab was required to be at BFE (Base Flood Elevation / 4933.2') plus 1 ft. With my lot being very narrow it would have been almost impossible to enter the garage with a vehicle at this height. This height would have also added a substantial cost for extra fill and concrete. I explored other alternatives and found that the Engineered Wet Flood Vent system would allow a lower concrete height. An onsite meeting with the City of Delta Building Official, John Anderson and City Engineer, David Hood was had and both agreed that the elevated concrete height would be an inconvenience and that the Wet Flood Vent System would be the answer for the uninhabited outbuilding and at that point the building permit was issued.

During the construction process 5 Engineered flood vents were installed into the walls, which would accommodate a 1000 sqft enclosed area on the building. The enclosed area of my garage is 975 Sqft. These engineered flood vents automatically open in the event of rising water and allow water to flow freely through the structure, which allows pressures to equalize on the interior and exterior of the building.

Dry flood Proofing (Total water tight building process) or elevating the structure would have been cost prohibitive and not allowed me to construct the size building, or if at all.

Granting of this variance will not result in increased flood heights or additional threats to neighbors or public safety in the event of a flood as waters would flow freely through the building.

“Dry” Floodproofing

Using dry floodproofing essentially means making the building completely watertight and impermeable to the passage of water below the BFE.

Dry floodproofing can include passive measures such as waterproof sealants and coatings on walls and floors, water barriers, and automatic backflow prevention valves and sump pumps. But it also may include active measures, for instance, flood gates, shields or doors, which must be manually activated when high water is expected.

“Wet” Floodproofing

NFIP regulations require wet floodproofing as an option in non-residential buildings. Costs are lower and human activity is not needed.

Wet floodproofing measures allow water to flow in and out of the uninhabited building such as garages. Installation of flood openings—most commonly flood vents—in the walls allows for the automatic equalization of flood levels on both sides of the walls, preventing the catastrophic damage that can be caused by unbalanced hydrostatic forces created during floods.

When flood water rises against the building enclosure and is unable to flow into the space, or recedes much more quickly than it entered, unequal pressure is created on opposite sides of the walls. The magnitude of hydrostatic pressure increases linearly with water depth. Unless the pressure is equalized or relieved, walls can be damaged or even fail. If they are load bearing walls the building will collapse. Lateral pressure pushes against exterior walls, while vertical force can shift and separate the foundation or walls, and even in some cases literally lift the structure. When significant floodwaters are present, forces of buoyancy can float the entire structure away.

Flood vents equalize the pressure of the forces acting upon the structure, by letting the water flow evenly in and out.

Engineered Automatic Flood Vents: How They Work

Products that have passed the ICC-ES certification process work as follows. A vent frame is inserted in the wall opening. The flood door is contained within the frame. Stainless steel construction meets the requirements for flood resistant material.

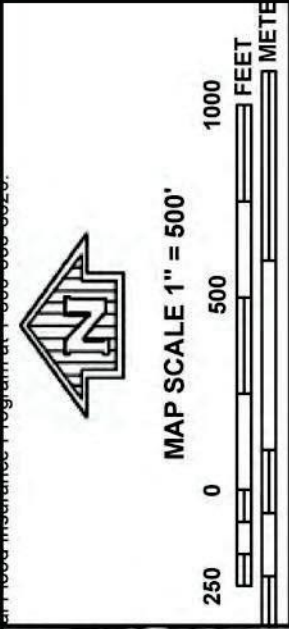
A float system built into the sides of the door locks the door into the frame. As water rises, the flood door automatically pivots open. Since the entire door pivots open, with no obstructing screen or louver, debris can easily flow through the opening.

1551 G 96 LANE DELTA, CO

LOT SIZE 105.13' X 392.23'

SET-BACKS N - 154' S - 176' E - 75' W - 5'





NFIP NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0414D

FIRM
FLOOD INSURANCE RATE MAP
DELTA COUNTY,
COLORADO
AND INCORPORATED AREAS

PANEL 414 OF 725
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS	
COMMUNITY NUMBER	PANEL SUFFIX
DELTA COUNTY, Incorporated Areas 080041	0414 D
DELTA, CITY OF 080043	0414 D

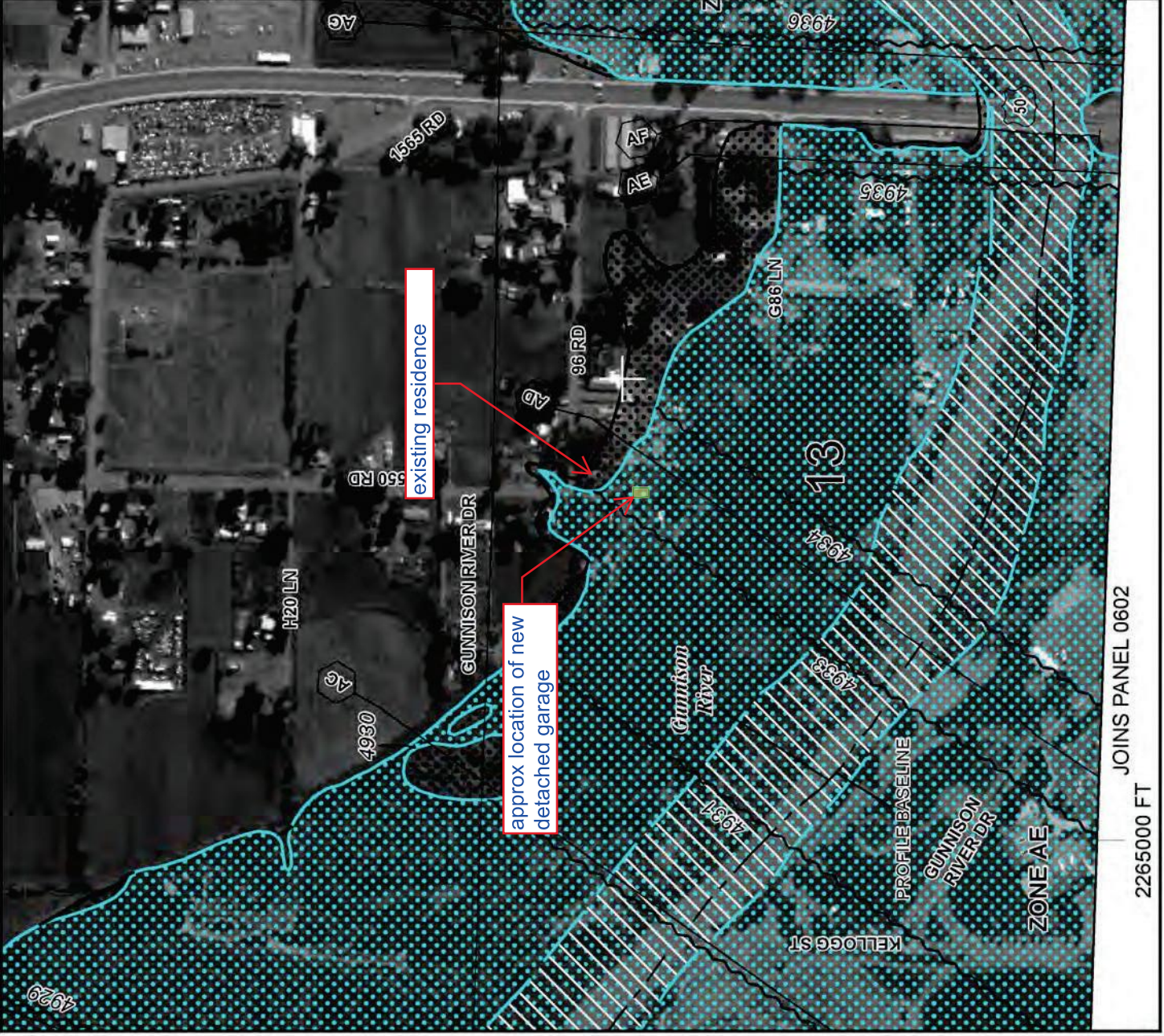
Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
08029C0414D

EFFECTIVE DATE
AUGUST 19, 2010

Federal Emergency Management Agency

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.



JOINS PANEL 0602
 2265000 FT

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name Kevin Justin				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1551 G96 Lane				Company NAIC Number:	
City Delta	State Colorado	ZIP Code 81416			
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Tax Parcel Number 345713100055					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>Accessory Garage</u>					
A5. Latitude/Longitude: Lat. <u>38.754012</u> Long. <u>-108.073867</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number <u>1A</u>					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) <u>N/A</u> sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>N/A</u>					
c) Total net area of flood openings in A8.b <u>N/A</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No					
A9. For a building with an attached garage:					
a) Square footage of attached garage <u>975.00</u> sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>5</u>					
c) Total net area of flood openings in A9.b <u>595.00</u> sq in					
d) Engineered flood openings? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number City of Delta 080043			B2. County Name Delta County		B3. State Colorado
B4. Map/Panel Number 08029C0414	B5. Suffix D	B6. FIRM Index Date 08-19-2010	B7. FIRM Panel Effective/ Revised Date 08-07-2014	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 4933.2
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input type="checkbox"/> FIS Profile <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1551 G96 Lane			Policy Number:
City Delta	State Colorado	ZIP Code 81416	Company NAIC Number

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: Delta Core Station Vertical Datum: NAVD 1988

Indicate elevation datum used for the elevations in items a) through h) below.

NGVD 1929 NAVD 1988 Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE.

Check the measurement used.

- | | | | |
|---|---------------|--|---------------------------------|
| a) Top of bottom floor (including basement, crawlspace, or enclosure floor) | <u>4932.9</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| b) Top of the next higher floor | <u>N/A</u> | <input type="checkbox"/> feet | <input type="checkbox"/> meters |
| c) Bottom of the lowest horizontal structural member (V Zones only) | <u>N/A</u> | <input type="checkbox"/> feet | <input type="checkbox"/> meters |
| d) Attached garage (top of slab) | <u>4932.9</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| e) Lowest elevation of machinery or equipment servicing the building
(Describe type of equipment and location in Comments) | <u>4937.4</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| f) Lowest adjacent (finished) grade next to building (LAG) | <u>4931.9</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| g) Highest adjacent (finished) grade next to building (HAG) | <u>4932.6</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support | <u>N/A</u> | <input type="checkbox"/> feet | <input type="checkbox"/> meters |

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? Yes No Check here if attachments.

Certifier's Name David Schieldt	License Number 47195
Title Design Engineer	
Company Name Del-Mont Consultants, Inc	
Address 125 Colorado Avenue	
City Montrose	State Colorado
	ZIP Code 81401



Signature David Schieldt Date 10-09-2023 Telephone (970) 249-2251 Ext.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)

A9(a) - Building square footage has been reduced from 1052 sf to 975 sf to be more representative of enclosed area.

Engineered flood openings are located 0.83' above finished floor. Each vent (Wood Wall FloodVENT 1540-570) provides 200sf of relief totaling 1,000sf of relief.

C2(e) - Electrical panel is located 4.5' above finished floor.

**INSPECTION WILL NOT BE MADE UNLESS
THIS CARD IS POSTED ON THE JOB**

BUILDING INSPECTION RECORD



CITY OF DELTA BUILDING DEPARTMENT



THIS CARD IS TO BE POSTED SO IT IS PLAINLY VISIBLE FROM THE STREET

PERMIT HOLDER OR AGENT IS RESPONSIBLE FOR NOTIFYING THE
BUILDING DEPARTMENT, FOR THE REQUIRED INSPECTIONS LISTED BELOW.
PLEASE ALLOW 24 HOURS. PHONE INSPECTIONS: 874-7903-7909

DATE ISSUED 6/27/22 PERMIT NO. 202200311

USE New 26x64 Garage/ Carport

ADDRESS 1551 G. 96 Ln.

OWNER Donna Harville CONTRACTOR Kevin Justin

INSPECTION RECORD

* REBAR GROUND FOR ELECTRICAL (concrete encased electrode) <u>7-27-22 / JS</u>	ELECTRICAL ROUGH <u>10/31/22</u>
SEWER LINE/WATER SERVICE	GAS PIPING
* STRUCTURAL SLAB <u>7-22-22 / JS</u>	STUCCO PREPARATION (weeps, paper, fasteners)
* FOOTING <u>7-22-22 / JS</u>	INSULATION
* FOUNDATION	DRYWALL
PLUMBING UNDERGROUND	SHOWER PAN
FLOOR FRAMING (before sheathing)	ELECTRICAL FINAL <u>4-14-23 / JS</u>
* WALL & ROOF SHEATHING <u>8-26-22 / JS</u>	PLUMBING FINAL
FLASHING AT CONCRETE PORCHES	MECHANICAL FINAL
* FRAMING <u>8-26-22 / JS</u>	* FLOOD PLAIN <u>4-14-23 / JS</u>
PLUMBING - ROUGH	OTHER
MECHANICAL - ROUGH	* FINAL/C.O. <u>4-14-23 / JS</u>

ALL LISTED ITEMS MUST BE INSPECTED AND APPROVED BEFORE COVERING
WHETHER INTERIOR OR EXTERIOR, UNDERGROUND OR ABOVE GROUND

THIS PERMIT IS NOT TRANSFERABLE

In consideration of the issuance of the permit, the above hereby agrees to comply with all such laws and regulations related to the zoning, location, construction and erection of the proposed structure for which the permit is granted, and further agrees that if the above said regulations are not fully complied with in the zoning, location, construction and erection of the above described structure, the permit may then be revoked by notice from the BUILDING OFFICIAL and THEN AND THERE IT SHALL BECOME NULL AND VOID.



380 N. Main / Delta, Colorado 81416 / Phone 970.874.7909

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

Date Submitted: 7-1-2022 Parcel Number: 345713100012 Permit #: _____
 Name of Applicant: KEVIN JUSTIN Email: KJUSTIN1981@GMAIL.COM Phone: 970-234-4044
 Address of Applicant: 1551 G96 LANE
 Name of Owner: KEVIN JUSTIN Email: SAME Phone: SAME
 Address of Owner: SAME
 Project Location/Directions: 1551 G96 LANE

Description of Development:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> RESIDENTIAL | <input type="checkbox"/> NON-RESIDENTIAL/COMMERCIAL | <input type="checkbox"/> MANUFACTURED/MOBILE |
| <input checked="" type="checkbox"/> New Construction
<input type="checkbox"/> Addition/Significant Alteration
(Please see last page for calculations)
<input type="checkbox"/> <50%
<input type="checkbox"/> >50% | <input type="checkbox"/> New Construction
<input type="checkbox"/> Addition/Significant Alteration
(Please see last page for calculations)
<input type="checkbox"/> <50%
<input type="checkbox"/> >50% | <input type="checkbox"/> On Single Lot
<input type="checkbox"/> In Mobile Home Park |
| <input type="checkbox"/> WATER COURSE ALTERATION | <input type="checkbox"/> SUBDIVISION | <input type="checkbox"/> FILL |
| <input type="checkbox"/> BRIDGE/CULVERT | <input type="checkbox"/> CHANNELIZATION | <input type="checkbox"/> OTHER: _____ |

PERMIT FEE: \$100.00

Attach to the application the following information as applicable:

- Plans in duplicate, drawn to scale showing the nature, dimensions, and elevations of the area in question;
- Existing or proposed structures, fill, storage of materials, drainage facilities; and,
- The location of the foregoing - specifically, the following information is required:
 - 1) Mean Sea Level (MSL) elevation of the lowest floor (including basement) of all structures;
 - 2) MSL elevation to which any structure is flood proofed;
 - 3) Certification by a registered professional engineer or architect that the flood proofing methods meet the community flood proofing criteria;
 - 4) A description of the extent to which any watercourse will be altered or relocated;
 - 5) Base (100-year) flood elevation data for a development or subdivision greater than 50 lots or 5 acres;
 - 6) Copies of 404 Permit, Mined Land Reclamation Permit, discharge permit, air pollution control permit and other necessary state and federal permits;
 - 7) Certification by a registered professional engineer that development in the floodway will not result in the increase of flood levels during the occurrence of the base flood discharge;
 - 8) Any other information and plans necessary to show compliance with floodplain management regulations;
 - 9) Name, address and telephone number of the owner of the property affected; and,
 - 10) Legal description of the affected property.

Applicant and owner agree that as a condition of permit approval, applicant and owner will provide maintenance within an altered or relocated portion of any watercourse so that flood carrying capacity will not be diminished.

Kevin M. Justin
Applicant

Kevin M. Justin
Owner

Development Documentation

- MAP REVISION DATA.** Certified documentation by a registered professional engineer of as-built conditions for floodplain alterations were received and submitted to FEMA for a flood insurance map revision.
- FILL CERTIFICATE.** A community official certified the elevation, compaction, slope and slope protection for all fill placed in the floodplain consistent with NFIP regulations Part 65.5 for flood insurance map revisions.
- ELEVATION CERTIFICATE.** Certified as-built elevation of the building's lowest floor _____ ; An Elevation Certificate (Part II) completed by a registered professional engineer or land surveyor certifying this elevation is on file.
- FLOOD PROOFING CERTIFICATE.** Certified flood proofing level _____. A Floodproofed Elevation Certificate (Part II) completed by a registered professional engineer or land surveyor certifying this elevation is on file.
- CERTIFICATE OF OCCUPANCY ISSUED** _____ (date).

CONDITIONS OF THIS PERMIT:

1. This permit is issued only pursuant to the Floodplain Management Regulation requirements. All other applicable requirements of ordinances, regulations, statutes and laws of the town, county, state and federal governments shall apply in accordance with their terms.
2. This permit does not grant any authority to enter upon the property of another.
3. This permit may be revoked for failure to comply with the conditions hereof, misrepresentation of any of the information required in the application or failure to comply in all respects with the Floodplain Management Regulations.

CALCULATIONS FOR ADDITION OF SIGNIFICANT ALTERATION RESIDENTIAL

CALCULATIONS FOR ADDITION OF SIGNIFICANT ALTERATION COMMERCIAL

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION		FOR INSURANCE COMPANY USE
A1. Building Owner's Name Kevin Justin		Policy Number:
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1551 G96 Lane		Company NAIC Number:
City Delta	State Colorado	ZIP Code 81416
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Tax Parcel Number 345713100055		
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>Accessory Garage</u>		
A5. Latitude/Longitude: Lat. <u>38.754012</u> Long. <u>-108.073867</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983		
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.		
A7. Building Diagram Number <u>1A</u>		
A8. For a building with a crawlspace or enclosure(s):		
a) Square footage of crawlspace or enclosure(s) _____ sq ft		
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade _____		
c) Total net area of flood openings in A8.b _____ sq in		
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No		
A9. For a building with an attached garage:		
a) Square footage of attached garage <u>1052.00</u> sq ft		
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>5</u>		
c) Total net area of flood openings in A9.b <u>595.00</u> sq in		
d) Engineered flood openings? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

RECEIVED

APR 14 2023

BY: JF

SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number City of Delta 080043			B2. County Name Delta County		B3. State Colorado
B4. Map/Panel Number 08029C0414	B5. Suffix D	B6. FIRM Index Date 08-19-2010	B7. FIRM Panel Effective/ Revised Date 08-07-2014	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 4933.2
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input type="checkbox"/> FIS Profile <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1551 G96 Lane			Policy Number:
City Delta	State Colorado	ZIP Code 81416	Company NAIC Number

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: Delta Core Station Vertical Datum: NAVD 1988

Indicate elevation datum used for the elevations in items a) through h) below.

NGVD 1929 NAVD 1988 Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE.

Check the measurement used.

- | | | | |
|---|---------------|--|---------------------------------|
| a) Top of bottom floor (including basement, crawlspace, or enclosure floor) | <u>4932.9</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| b) Top of the next higher floor | _____ | <input type="checkbox"/> feet | <input type="checkbox"/> meters |
| c) Bottom of the lowest horizontal structural member (V Zones only) | _____ | <input type="checkbox"/> feet | <input type="checkbox"/> meters |
| d) Attached garage (top of slab) | <u>4932.9</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| e) Lowest elevation of machinery or equipment servicing the building
(Describe type of equipment and location in Comments) | _____ | <input type="checkbox"/> feet | <input type="checkbox"/> meters |
| f) Lowest adjacent (finished) grade next to building (LAG) | <u>4931.9</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| g) Highest adjacent (finished) grade next to building (HAG) | <u>4932.6</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support | _____ | <input type="checkbox"/> feet | <input type="checkbox"/> meters |

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? Yes No Check here if attachments.

Certifier's Name David Schieldt		License Number 47195		
Title Design Engineer				
Company Name Del-Mont Consultants, Inc				
Address 125 Colorado Avenue				
City Montrose	State Colorado	ZIP Code 81401		
Signature <i>David Schieldt</i>	Date 04-13-2023	Telephone (970) 249-2251	Ext.	

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)
Engineered flood openings are located 0.83' above finished floor.



NOTE

Flood-resistant materials are discussed later in this chapter.



WARNING

If you are retrofitting a house that has been substantially damaged or is being substantially improved, your community's floodplain management ordinance or law will **not** allow you to have a basement, as defined under the NFIP. The NFIP regulations define a basement as "any area of the building having its floor subgrade on all sides." If your house has such a basement, you will be required to fill it in as part of any wet floodproofing project. Note that the NFIP definition of basement does not include what is typically referred to as a "walkout-on-grade" basement, whose floor would be at or above grade on at least one side.

Considerations

Flood Protection Elevation

All construction and finishing materials in the areas of the house that will be allowed to flood must be resistant to damage caused by direct, and possibly prolonged, contact with flood waters. Areas used for living space contain floor and wall coverings and other finishing materials, furniture, appliances, and other items that are easily damaged by flood waters and expensive to clean, repair, or replace. Therefore, wet floodproofing is practical only for portions of a house that are not used for living space, such as a basement as defined by the National Flood Insurance Program (NFIP) regulations, walkout-on-grade basement, crawlspace, or attached garage. As shown in Figure 6-1, the FPE (including freeboard) should be no higher than your lowest finished floor.

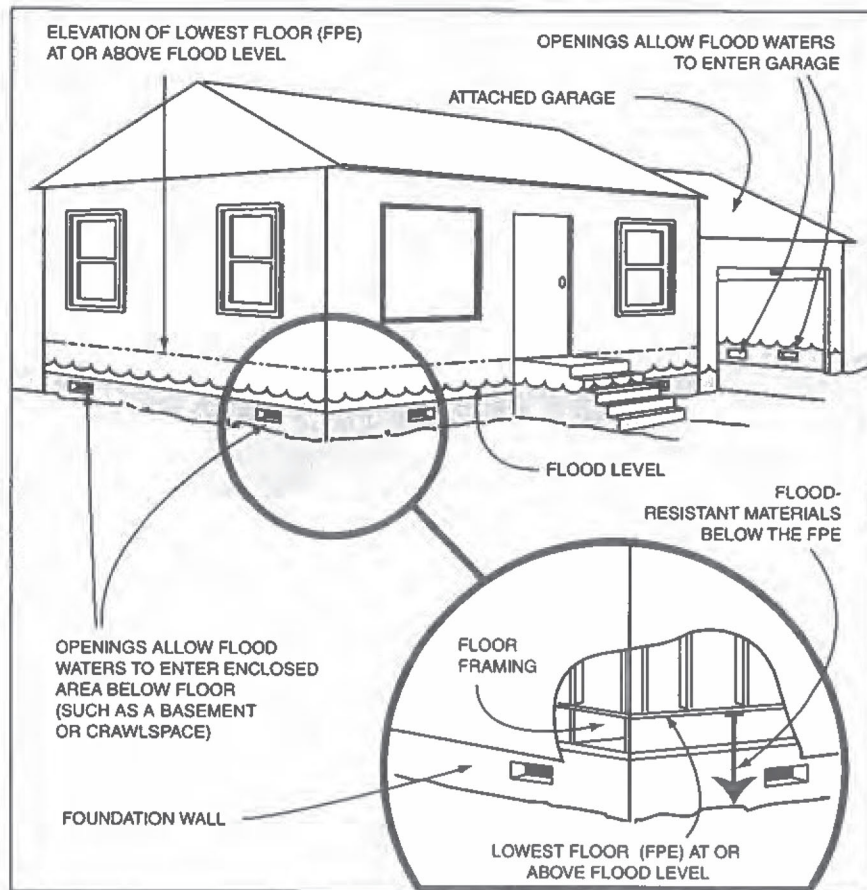
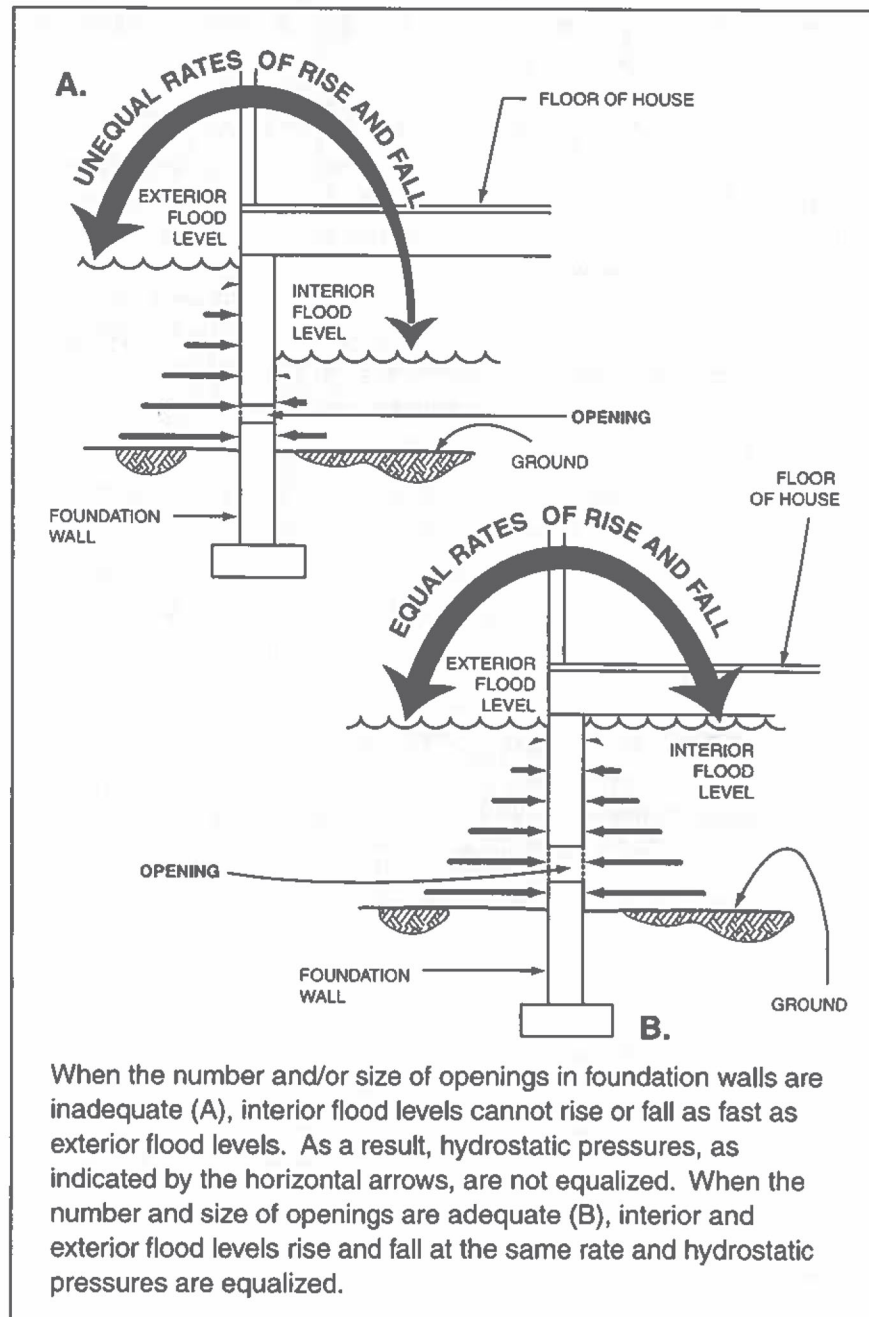


Figure 6-1
A typical wet floodproofed house that is compliant with the minimum requirements of a community's floodplain management ordinance or law.

level inside the house rises and falls at roughly the same rate as the water level outside so that hydrostatic pressures inside and outside are continually equalized. As shown in Figure 6-2, large differences in the interior and exterior water levels allow unequalized hydrostatic pressures and therefore defeat the purpose of wet floodproofing.

*Figure 6-2
Wall openings must allow flood waters not only to enter the house but also to rise and fall at the same rate as flood waters outside.*



When the number and/or size of openings in foundation walls are inadequate (A), interior flood levels cannot rise or fall as fast as exterior flood levels. As a result, hydrostatic pressures, as indicated by the horizontal arrows, are not equalized. When the number and size of openings are adequate (B), interior and exterior flood levels rise and fall at the same rate and hydrostatic pressures are equalized.

requirements provide a margin of safety for wet floodproofed houses subject to flooding with rates of rise and fall as high as 5 feet per hour. If you wish to install openings that do not meet one or more of the requirements listed above, your design must be certified by a registered engineer or other licensed design professional and approved by your local officials. See FEMA's Technical Bulletin 1-93, *Openings in Foundation Walls for Buildings Located in Special Flood Hazard Areas*, for more information about openings requirements.

**NOTE**

For more information about flood-resistant materials, refer to FEMA Technical Bulletin 2-93, *Flood-Resistant Materials Requirements for Buildings Located in Special Flood Hazard Areas*. This bulletin includes a detailed list of common floor, wall, and ceiling materials categorized according to their applicability for use in areas subject to inundation by flood waters.

Using Flood-Resistant Materials

In the areas below the FPE, any construction and finishing materials that could be damaged by flood waters must be either removed or replaced with flood-resistant materials as required by your community's floodplain management ordinance or law. Vulnerable materials include drywall, blown-in and fiberglass batt insulation, carpeting, and non pressure-treated wood and plywood. Flood-resistant materials are those that can be inundated by flood waters with little or no damage. They include such materials as concrete, stone, masonry block, ceramic and clay tile, pressure-treated and naturally decay-resistant lumber, epoxy paints, and metal. In addition to resisting damage from flood waters, these materials are relatively easy to clean after flood waters have receded.

Protecting Service Equipment

When you wet floodproof a house, you must also protect the service equipment below the FPE, both inside and outside the house as required by your community's floodplain management ordinance or law. Service equipment includes utility lines, heating ventilation and cooling equipment, ductwork, hot water heaters, and large appliances. Chapter 8 describes a variety of methods you can use to protect interior and exterior service equipment.

(including crawlspaces) are permitted if used only for parking of vehicles, building access, and storage. Figure 1 illustrates a typical crawlspace foundation wall and a typical framed wall surrounding an enclosed area.

If enclosure walls are not designed with openings to relieve the pressure of standing or slow-moving water against them (called hydrostatic loads), the walls can be damaged or fail during a flood. If the walls are "load-bearing" walls that support the elevated building, failure of the walls may result in damage to, or collapse of, the building. To address this concern, the NFIP regulations require that enclosure walls contain openings that will allow for the automatic entry and exit of floodwaters. These openings allow floodwaters to reach equal levels on both sides of the walls, thereby lessening the potential for damage caused by a difference in hydrostatic loads on opposite sides of the walls. In A zones, the requirement for flood openings applies to all enclosed areas below new elevated buildings and below substantially improved buildings.

Areas of shallow flooding may be shown as AO zones on FIRMs. Rather than BFEs, AO zones have "flood depths" that range from 1 to 3 feet. In these zones, all NFIP requirements related to BFEs apply, including elevation of the lowest floor to or above the designated flood depth and requirements for enclosures with flood openings that are located so that floodwaters will flow in and out.

This Technical Bulletin explains the NFIP requirements for flood openings and provides guidance for prescriptive (non-engineered) openings and engineered openings. Non-engineered openings are used to meet the NFIP's prescriptive requirement of 1 square inch of net open area for every square foot of enclosed area. As an alternative, engineered openings that have characteristics that differ from non-engineered openings may be used provided they are designed and certified by a registered design professional as meeting certain performance characteristics described in this Technical Bulletin.

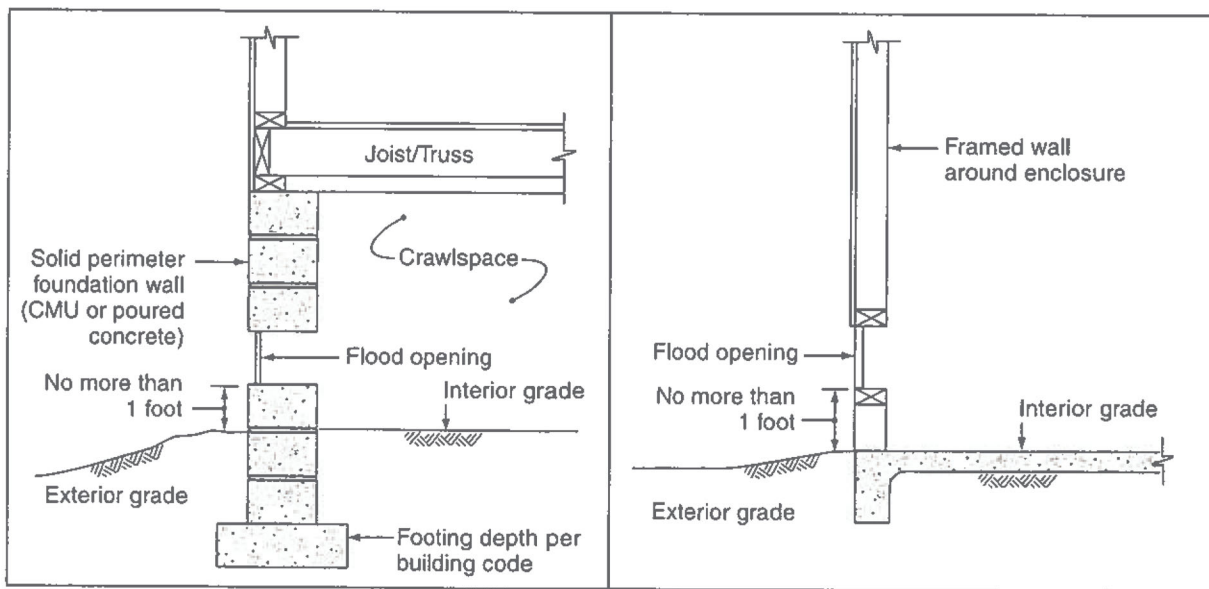


Figure 1. Typical enclosures with flood openings

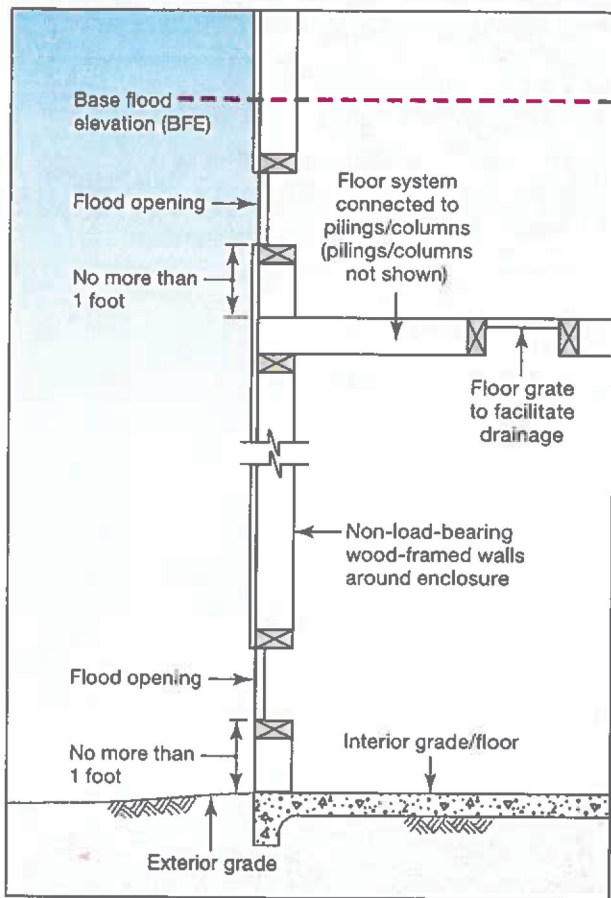


Figure 9: Two-level enclosure with non-load-bearing walls under building elevated on pilings or columns; configuration also applies if walls are load-bearing

Figure 9 shows a two-level enclosure in which the surrounding walls are not load-bearing; the same configuration and requirement apply if the surrounding walls are load-bearing perimeter walls.

Two-level enclosures are unusual and warrant consideration of flood loads based on site-specific flood conditions. Local officials may require that buildings with two-level enclosures be designed and certified by a registered design professional rather than rely on non-engineered foundations and enclosure configurations.

TWO-LEVEL ENCLOSURES AND NFIP FLOOD INSURANCE

Designers and owners should be aware that a building with a two-level enclosure, even if allowed by permit, will have a higher NFIP flood insurance premium than if the building has a one-level enclosure. Even if a two-level enclosure complies with building codes and floodplain management requirements for enclosures, the upper floor of the two-level enclosure will be deemed the lowest floor for insurance rating purposes (the lowest floor for flood insurance purposes is the first floor elevated above ground). Owners should ask their insurance companies to submit requests to the NFIP for a special rating for buildings with two-level enclosures.

7.8 Solid Perimeter Foundation Walls on which Manufactured Homes Are Installed

Manufactured homes may be installed on solid perimeter foundation walls that enclose the space below the homes (see Figure 10). Even if not part of a home's load-bearing support system, a solid perimeter foundation wall is required to have openings; otherwise, hydrostatic loads may damage the wall, which could lead to damage of the home's supporting foundation and anchor system.

DIVISION: 08 00 00—OPENINGS
Section: 08 95 43—Vents/Foundation Flood Vents

REPORT HOLDER:

SMART VENT PRODUCTS, INC.

EVALUATION SUBJECT:

SMART VENT® AUTOMATIC FOUNDATION FLOOD VENTS: MODELS #1540-520; #1540-521; #1540-510; #1540-511; #1540-570; #1540-574; #1540-524; #1540-514 FLOOD VENT SEALING KIT #1540-526

1.0 EVALUATION SCOPE

Compliance with the following codes:

- 2021, 2018, 2015, 2012, 2009 and 2006 *International Building Code*® (IBC)
- 2021, 2018, 2015, 2012, 2009 and 2006 *International Residential Code*® (IRC)
- 2021, 2018 *International Energy Conservation Code*® (IECC)
- 2013 *Abu Dhabi International Building Code* (ADIBC)†

†The ADIBC is based on the 2009 IBC. 2009 IBC code sections referenced in this report are the same sections in the ADIBC.

Properties evaluated:

- Physical operation
- Water flow

2.0 USES

The Smart Vent® units are engineered mechanically operated flood vents (FVs) employed to equalize hydrostatic pressure on walls of enclosures subject to rising or falling flood waters. Certain models also allow natural ventilation.

3.0 DESCRIPTION

3.1 General:

When subjected to rising water, the Smart Vent® FVs internal floats are activated, then pivot open to allow flow in either direction to equalize water level and hydrostatic pressure from one side of the foundation to the other. The FV pivoting door is normally held in the closed position by a buoyant release device. When subjected to rising water, the buoyant release device causes the unit to unlatch, allowing the door to rotate out of the way and allow flow. The water level stabilizes, equalizing the lateral forces. Each unit is

fabricated from stainless steel. Smart Vent® Automatic Foundation Flood Vents are available in various models and sizes as described in Table 1. The SmartVENT® Stacking Model #1540-511 and FloodVENT® Stacking Model #1540-521 units each contain two vertically arranged openings per unit.

3.2 Engineered Opening:

The FVs comply with the design principle noted in Section 2.7.2.2 and Section 2.7.3 of ASCE/SEI 24-14 [Section 2.6.2.2 of ASCE/SEI 24-05 (2012, 2009, 2006 IBC and IRC)] for a maximum rate of rise and fall of 5.0 feet per hour (0.423 mm/s). In order to comply with the engineered opening requirement of ASCE/SEI 24, Smart Vent FVs must be installed in accordance with Section 4.0.

3.3 Ventilation:

The SmartVENT® Model #1540-510 and SmartVENT® Overhead Door Model #1540-514 both have screen covers with 1/4-inch-by-1/4-inch (6.35 by 6.35 mm) openings, yielding 51 square inches (32 903 mm²) of net free area to supply natural ventilation. The SmartVENT® Stacking Model #1540-511 consists of two Model #1540-510 units in one assembly, and provides 102 square inches (65 806 mm²) of net free area to supply natural ventilation. Other FVs described in this report do not offer natural ventilation.

3.4 Flood Vent Sealing Kit:

The Flood Vent Sealing Kit Model #1540-526 is used with SmartVENT® Model #1540-520. It is a Homasote 440 Sound Barrier® (ESR-1374) insert with 21 – 2-inch-by-2-inch (51 mm x 51 mm) squares cut in it. See Figure 4.

4.0 DESIGN AND INSTALLATION

4.1 SmartVENT® and FloodVENT®:

SmartVENT® and FloodVENT® are designed to be installed into walls or overhead doors of existing or new construction from the exterior side. Installation of the vents must be in accordance with the manufacturer's instructions, the applicable code and this report. Installation clips allow mounting in masonry and concrete walls of any thickness. In order to comply with the engineered opening design principle noted in Section 2.7.2.2 and 2.7.3 of ASCE/SEI 24-14 [Section 2.6.2.2 of ASCE/SEI 24-05 (2012, 2009, 2006 IBC and IRC)], the Smart Vent® FVs must be installed as follows:

- With a minimum of two openings on different sides of each enclosed area.

DIVISION: 08 00 00—OPENINGS

Section: 08 95 43—Vents/Foundation Flood Vents

REPORT HOLDER:

SMART VENT PRODUCTS, INC.

EVALUATION SUBJECT:

SMART VENT® AUTOMATIC FOUNDATION FLOOD VENTS: MODELS #1540-520; #1540-521; #1540-510; #1540-511; #1540-570; #1540-574; #1540-524; #1540-514
FLOOD VENT SEALING KIT #1540-526

1.0 REPORT PURPOSE AND SCOPE**Purpose:**

The purpose of this evaluation report supplement is to indicate that Smart Vent® Automatic Foundation Flood Vents, described in ICC-ES evaluation report ESR-2074, have also been evaluated for compliance with the codes noted below.

Applicable code editions:

- 2020 Florida Building Code—Building
- 2020 Florida Building Code—Residential

2.0 CONCLUSIONS

The Smart Vent® Automatic Foundation Flood Vents, described in Sections 2.0 through 7.0 of the evaluation report ESR-2074, comply with the *Florida Building Code—Building* and the *Florida Building Code-Residential*, provided the design requirements are determined in accordance with the *Florida Building Code-Building* or the *Florida Building Code-Residential*, as applicable. The installation requirements noted in ICC-ES evaluation report ESR-2074 for 2018 *International Building Code*® meet the requirements of the *Florida Building Code-Building* or the *Florida Building Code-Residential*, as applicable.

Use of the Smart Vent® Automatic Foundation Flood Vents has also been found to be in compliance with the High-Velocity Hurricane Zone provisions of the *Florida Building Code—Building* and the *Florida Building Code—Residential*.

For products falling under Florida Rule 61G20-3, verification that the report holder's quality assurance program is audited by a quality assurance entity approved by the Florida Building Commission for the type of inspections being conducted is the responsibility of an approved validation entity (or the code official when the report holder does not possess an approval by the Commission).

This supplement expires concurrently with the evaluation report, reissued February 2021 and revised April 2021.



Smart VENT

877-441-8368

www.smartvent.com

INSTALLATION INSTRUCTIONS
& DETAILS
MODEL 1540-570
14.5" WOOD WALL INSULATED
REV. 6-21-16

INSTALLATION INSTRUCTIONS

(SEE DIAGRAM ON BACK PAGE 1 OF 2)

1. FOR EACH VENT CUT A CLEAN, SQUARE, AND LEVEL 14 1/2" X 8 3/4" OPENING IN THE OUTSIDE SHEATHING. ENSURE THAT THE BOTTOM OF THE OPENING IS NO MORE THAN 12" ABOVE THE OUTSIDE FINAL GRADE.
2. REMOVE VENT DOOR FROM VENT FRAME. (TURN UPSIDE DOWN. ROTATE BOTTOM OF DOOR OUTWARD AND SLIDE OUT OF FRAME SLOTS)
3. POSITION THE VENT FRAME IN THE OPENING WITH SERIAL NUMBER LABEL ON THE BOTTOM AND ENSURE THAT IT IS SQUARE AND LEVEL. APPLY A SMALL BEAD OF HURRIBOND GRIP & SEAL OR EQUIVALENT ADHESIVE BEHIND THE VENT FRONT FRAME AS SHOWN IN THE DIAGRAM.
4. USE 4 EACH FLATHEAD STAINLESS STEEL SCREWS TO SECURE THE FRAME THROUGH THE SHEATHING AND INTO THE STRUCTURAL MEMBER.
NOTE: THIS MODEL DOES NOT CONTAIN STRAPS.
5. INSTALL THE DOOR BY INSERTING THE SIDE PINS INTO THE TRACKS AT THE SIDES OF THE VENT FRAME. ENSURE THE BLACK FLOAT PINS ARE FACING DOWNWARD.
6. LET THE BOTTOM OF THE VENT DOOR GO SO THAT IT ROTATES DOWN INTO THE VENT FRAME. CHECK THAT VENT DOOR IS LATCHED ON BOTH SIDES.
7. TO OPEN THE DOOR INSERT 2 CREDIT CARDS INTO THE FLOAT SLOTS AS SHOWN IN THE DIAGRAM.
8. THE OUTSIDE FLANGE AND SCREWS CAN BE COVERED WITH "J" CHANNEL OR ANY SURFACE TREATMENT LIKE BRICK OR STONE. USE CAUTION DO NOT APPLY ANY COVERING THAT WILL IMPEDE THE MOVEMENT OF THE VENT DOOR IN ANY DIRECTION.

DETAIL SPECIFICATIONS:

MATERIAL: STAINLESS STEEL

OPERATION: AUTOMATIC NON-POWERED ACTIVATION AND OPERATION
VENT REMAINS CLOSED AND LOCKED UNTIL ACTIVATED

INSTALLATION:

SECURED W/ 4 STAINLESS STEEL FLATHEAD SCREWS

NOTE: THIS MODEL DOES NOT CONTAIN STRAPS

HYDROSTATIC RELIEF: 200 SQ. FT PER VENT

REQUIREMENTS: MINIMUM OF 2 VENTS PER ENCLOSED AREA
MOUNTED ON OPPOSITE OR ADJACENT WALLS

COLORS: STAINLESS STEEL (STANDARD)

WHITE, WHEAT, GRAY, AND BLACK (AVAILABLE)

MEETS THE REQUIREMENTS FOR ENGINEERED OPENINGS AS SET FORTH BY:
FEMA, NFP, ICC, & ASCE
SUPPORTIVE DOCUMENTS, TB 1-08, 44CFR 60.3(C)(5), ASCE 24-14
ICC EVALUATION # ESR-2074

Attachment A - Page 21

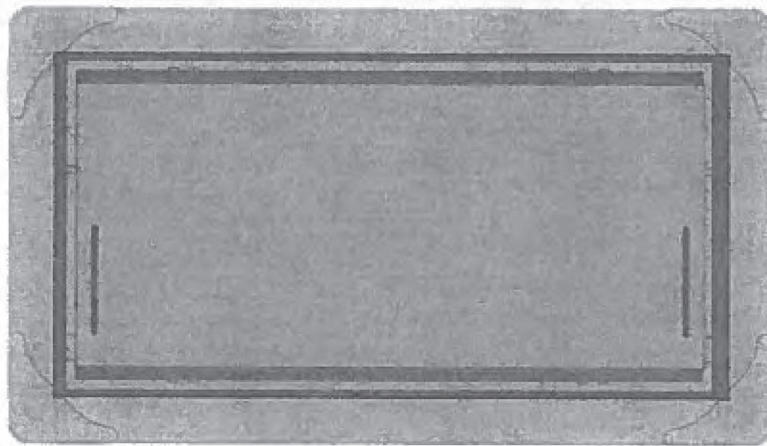


FIGURE 2—SMART VENT MODEL 1540-520

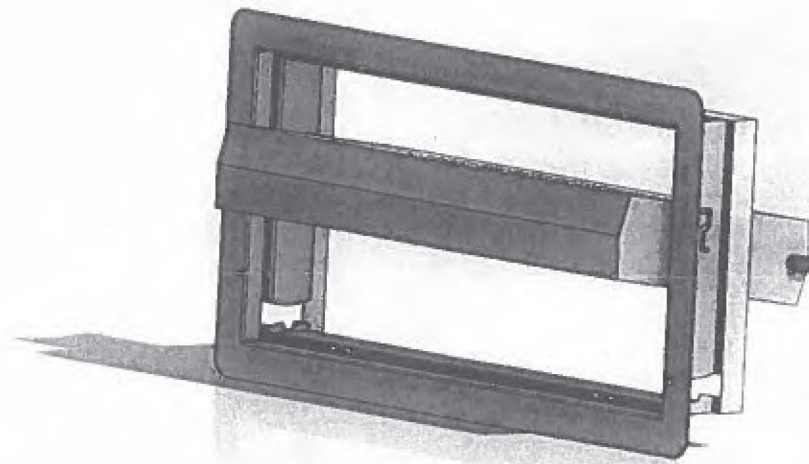


FIGURE 3—SMART VENT: SHOWN WITH FLOOD DOOR PIVOTED OPEN

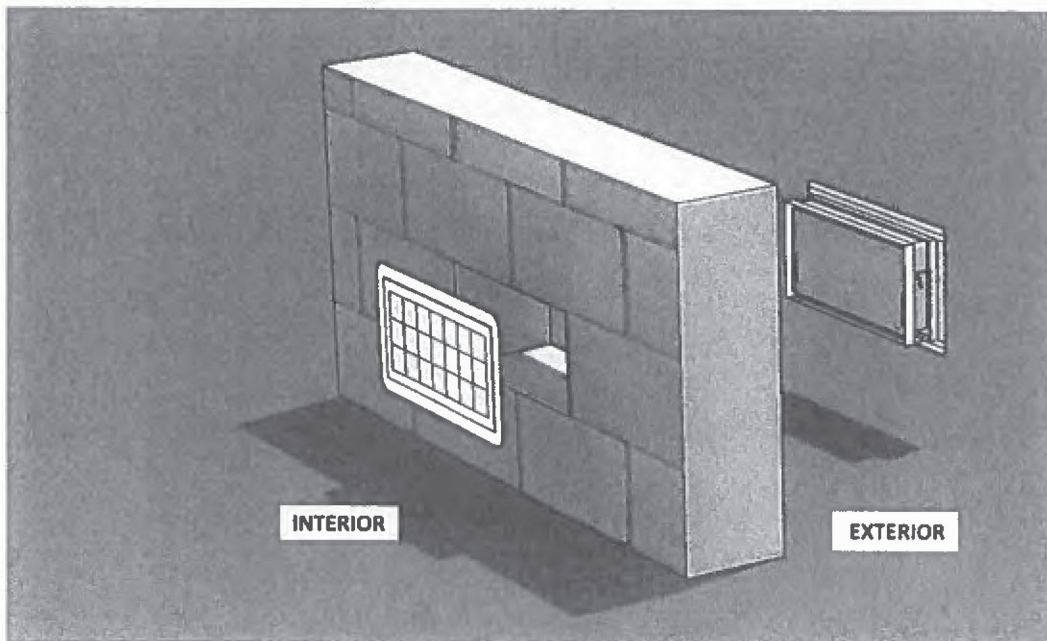


FIGURE 4—FLOOD VENT SEALING KIT



DATE 6-24-22	BUILDING PERMIT APPLICATION	PERMIT NUMBER 202200311
------------------------	------------------------------------	-----------------------------------

1. JOB ADDRESS 1551 G 96 LANE	SUBDIVISION LOT #
---	----------------------

2. PROPERTY OWNER KEVIN M. JUSTIN	MAILING ADDRESS 1551 G96 LANE	PHONE 970-234-4044
		EMAIL KJUSTIN1981@GMAIL.COM

3. CONTRACTOR UNCOMPANGRE VALLEY BUILDERS	MAILING ADDRESS 62326 DAVID RD. OLATHE	PHONE 970-323-5088
		EMAIL UVB.11C@GMAIL.COM

4. USE <input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL	TYPE OF WORK <input checked="" type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input type="checkbox"/> REMODEL <input type="checkbox"/> FOUNDATION <input type="checkbox"/> RE-ROOF <input type="checkbox"/> OTHER
---	--

5. PROJECT DESCRIPTION GARAGE / PARKING	FLOOD ZONE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
---	---

6. SQUARE FOOTAGE:	RESIDENCE _____	GARAGE 1664 SF	BASEMENT _____	OTHER _____
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7. CHANGE OF USE	FROM _____	TO _____
------------------	------------	----------

8. TOTAL VALUATION \$ \$52,000	OR	COST OF MATERIALS \$ _____	SETBACKS FRONT 154' REAR 176' SIDE 5' CORNER _____
--	----	-------------------------------	--

9. By signing below, I acknowledge the following, as applicable:

SEPARATE PERMITS ARE REQUIRED BY THE CITY FOR ELECTRICAL, SOLAR, AND MECHANICAL WORK.

A SEPARATE PERMIT IS REQUIRED BY THE STATE FOR PLUMBING WORK.

This permit becomes **null and void** if work or construction authorized is **not commenced within 180 days**, or if construction or work is **suspended or abandoned for a period of 180 days** at any time after work is commenced.

The issuance of a permit and specifications of terms and conditions therein shall not constitute assumption or create presumption that the local building department or its employees may be liable for the failure of any structure, nor act as certification that the materials used in the structure or any of its components thereof, or that the structure for which the permit was issued insures continuous compliance with the provisions of the Codes as adopted by the City of Delta.

HOMEOWNER CLAUSE: Whenever a homeowner is issued a building permit for any construction within the City of Delta, the homeowner listed on the permit carries the responsibility for all of the construction work, and for ensuring that all facets of the project conform to the applicable regulations and Codes of the City of Delta. Additionally, the homeowner carries the responsibility and liability of scheduling and providing necessary access for inspections.

PERMIT FEES: Building fees are set by City Council, see Resolution 12, 2021. When plan review is required, re-reviews will be charged to the applicant at an hourly rate of \$47.00 per hour or the total cost to the City.

I do not know if an **asbestos** inspection has been conducted on the building materials that will be disturbed by this project

An **asbestos** inspection has been conducted on the building materials that will be disturbed by this project on or about: _____

An **asbestos** inspection has NOT been conducted on the building materials that will be disturbed by this project.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws, Codes, and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local entity regulating construction or the performance of construction.

SIGNATURE: *Kevin M. Justin* DATE: **6/19/2022**

OWNER CONTRACTOR/AGENT

----- FOR OFFICE USE ONLY -----

SITE DEVELOPMENT REVIEW	
Date: _____	Signature: _____
Comments: _____	

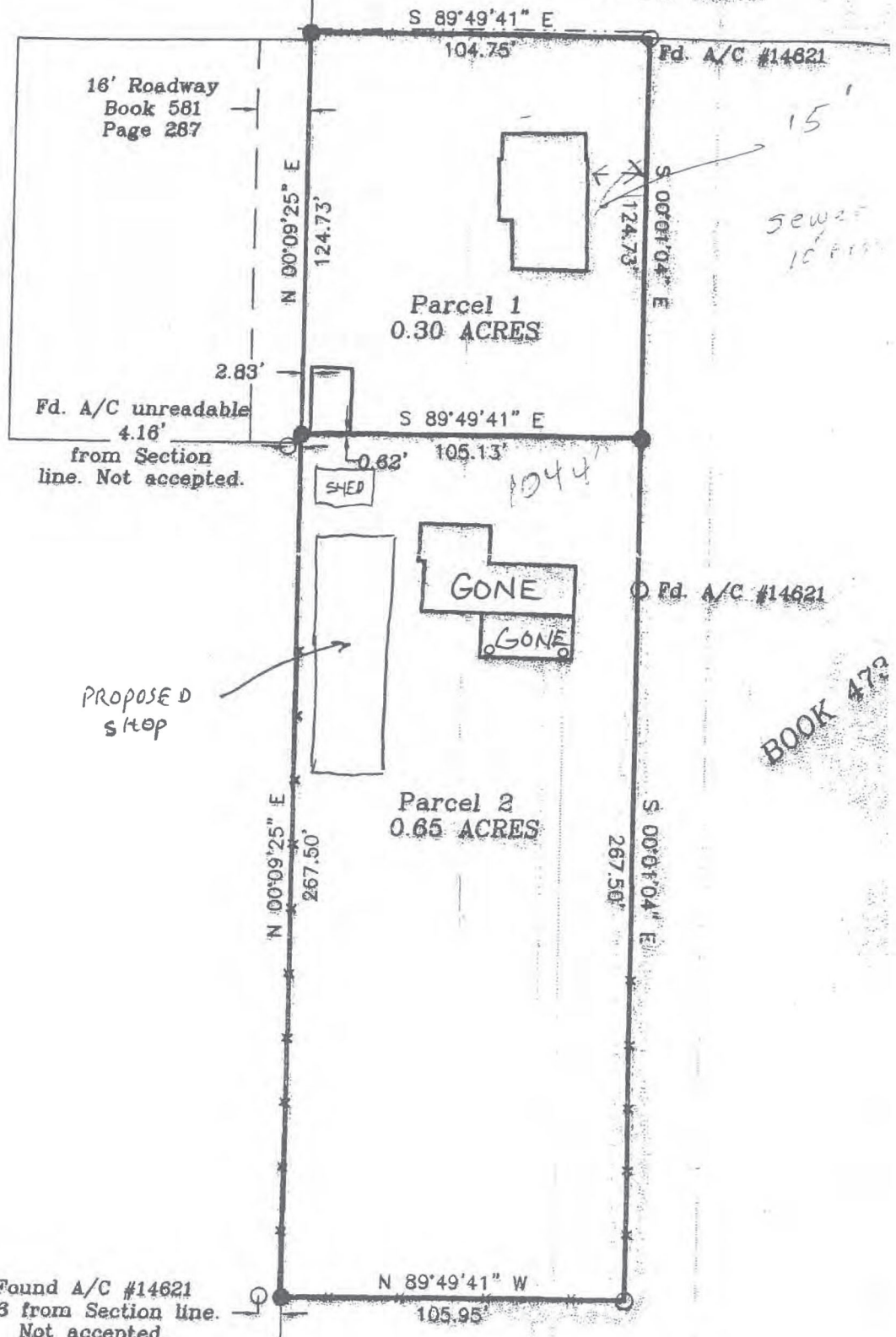
CONSTRUCTION TYPE
<input type="checkbox"/> IA <input type="checkbox"/> IB <input type="checkbox"/> IIA <input type="checkbox"/> IIB <input type="checkbox"/> IIIA <input type="checkbox"/> IIIB <input type="checkbox"/> IV <input type="checkbox"/> VA <input type="checkbox"/> VB <input type="checkbox"/> OTHER _____

OCCUPANCY TYPE	OCCUPANCY LOAD
<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> H <input type="checkbox"/> I <input type="checkbox"/> M <input type="checkbox"/> R <input type="checkbox"/> S <input type="checkbox"/> U	

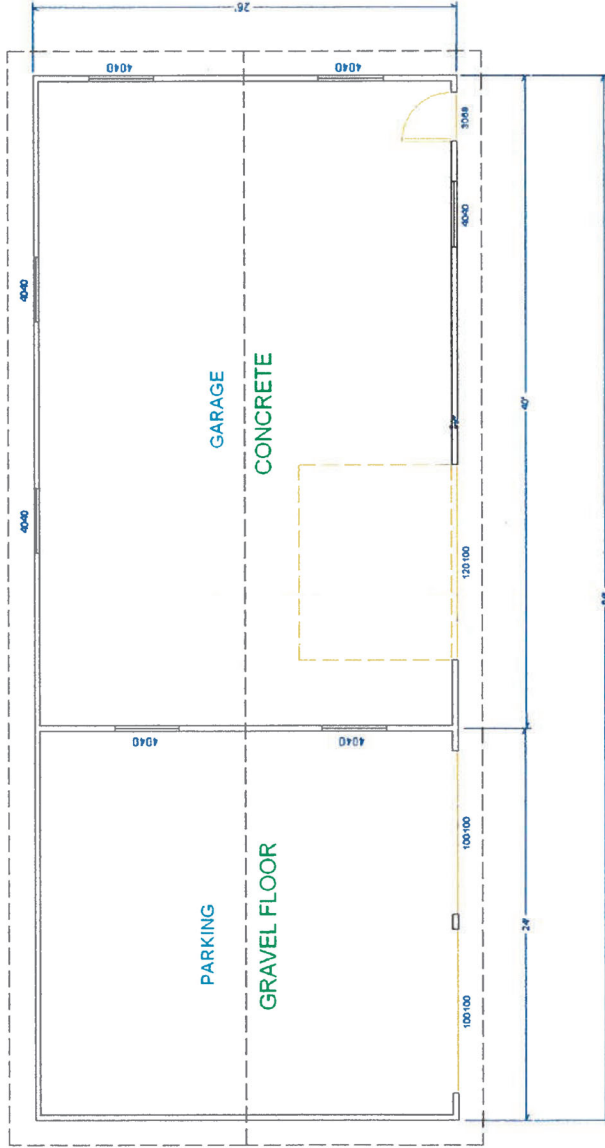
FIRE SPRINKLERS REQUIRED <input type="checkbox"/> YES <input type="checkbox"/> NO	FLOOD PLAIN <input type="checkbox"/> YES <input type="checkbox"/> NO	PLAN REVIEW <input type="checkbox"/> IN-HOUSE <input type="checkbox"/> OTHER	ZONING R-1A
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V1/4

G-96 Lane



(Permit # 202200311)

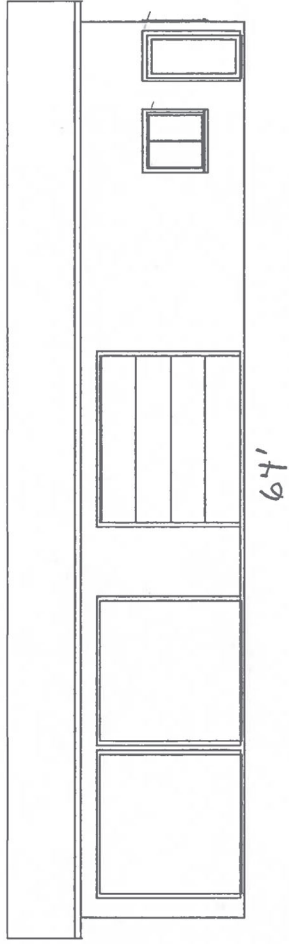


Reviewed for Code Compliance
 By: *[Signature]*
 Date: 6/27/22
 * AS NOTED

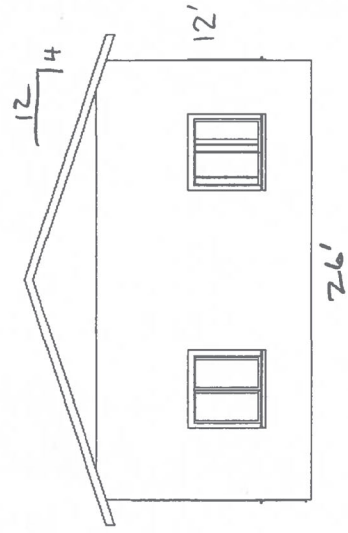
All work must comply with
 2018 International Codes,
 2012 Energy Code, and
 2020 National Electrical Code.

Separate permits are required
 for Electrical and Mechanical
 with the City of Delta.
 Plumbing and gas are regulated
 by the State of Colorado.

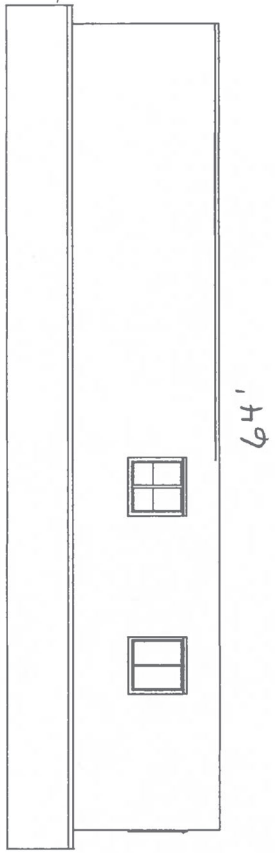
- NEW BUILDING**
12' WALLS
- 1 - 3/0 METAL DOOR
 - 6- 4/0 X 4/0 WINDOWS
 - CUSTOMER SUPPLIED
- TWO TONE METAL SIDING
 METAL ROOFING
 18" OVERHANG



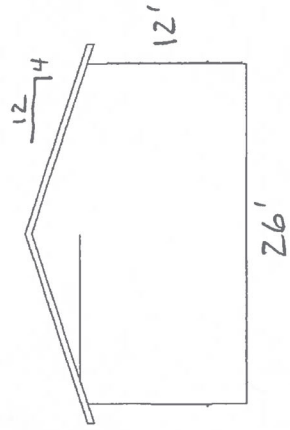
East



North

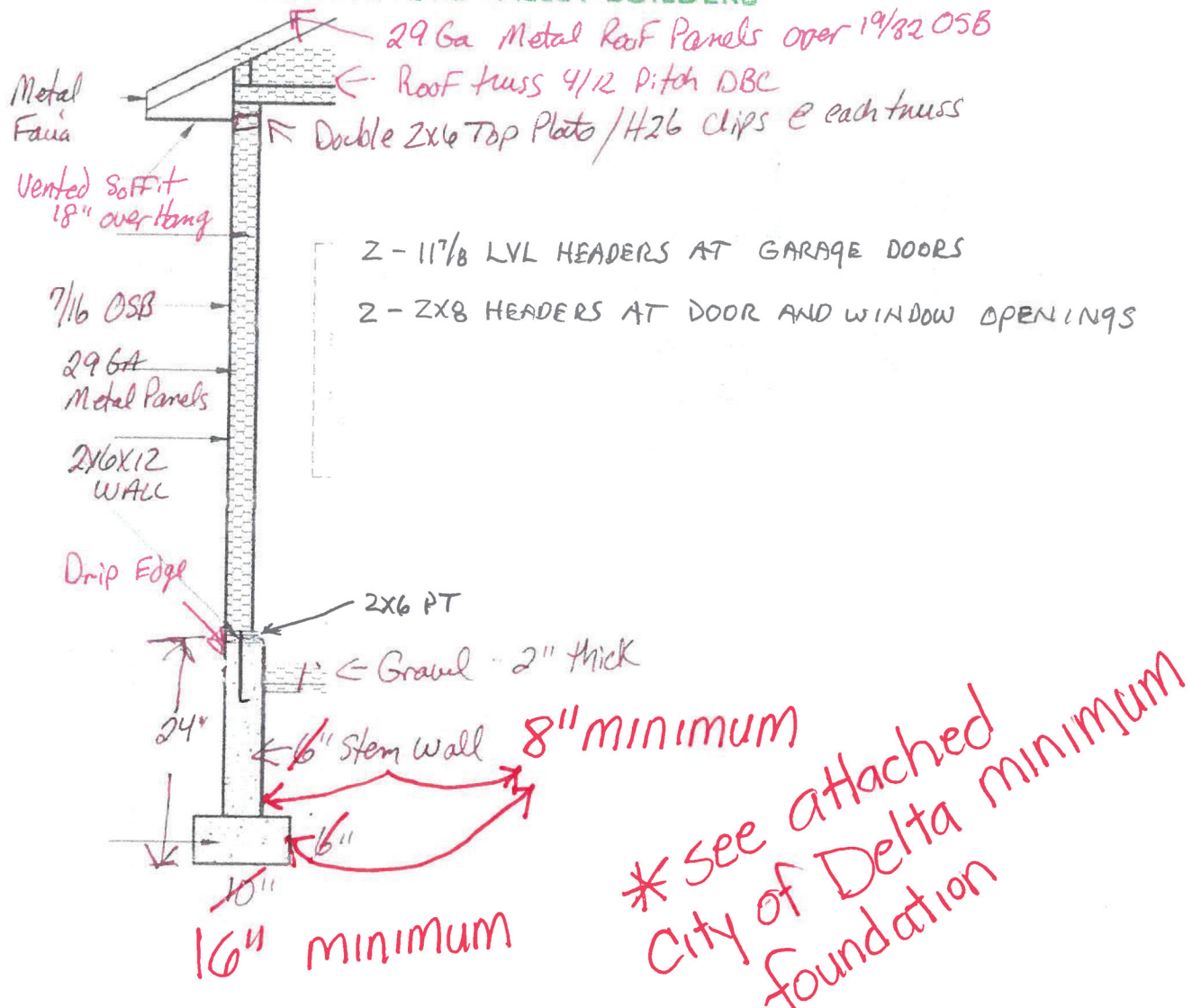


West





UNCOMPAGRE VALLEY BUILDERS



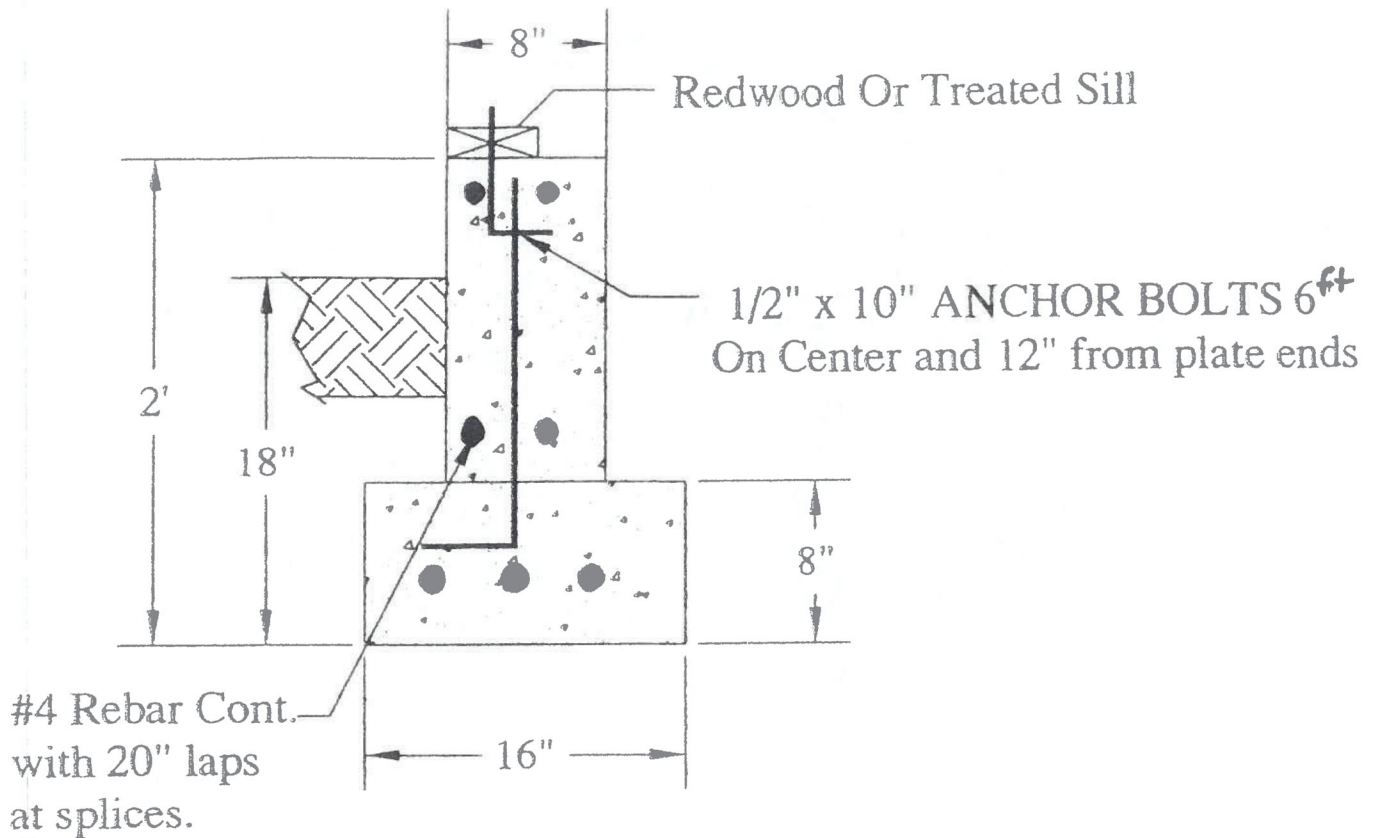
Harville-Justin Shop

Pg.6 of 6

62326 David Road Olathe, Co. 61425 970.323.5088 | 970.708.1248 | avb.ilc@gmail.com

* Provide "UFER" Concrete encased electrode per Article (250.52 #3) 2020-NEC.

Crawlspace Foundation



NOTES:

Maintain 3" Clearance Between Bottom Of Trench And Rebar. Also Maintain 1 1/2" Clearance Between Inside Of Forms And Rebar.

Carefully Establish Elevation So That Ground Will Slope Away From Foundation When Graded. Most Urban Settings Require Finish Grade To Be 12"+2% Above Flow Line Of Gutter.

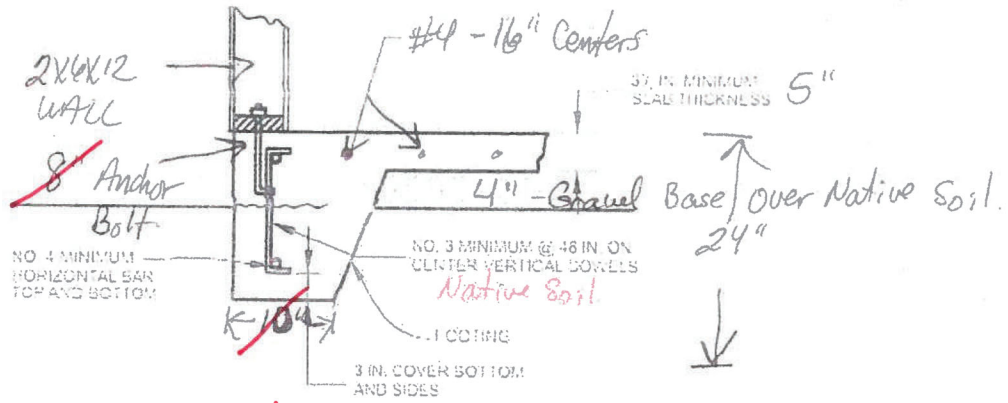
Minimum Footer/Stemwall Requirements

City Of Delta

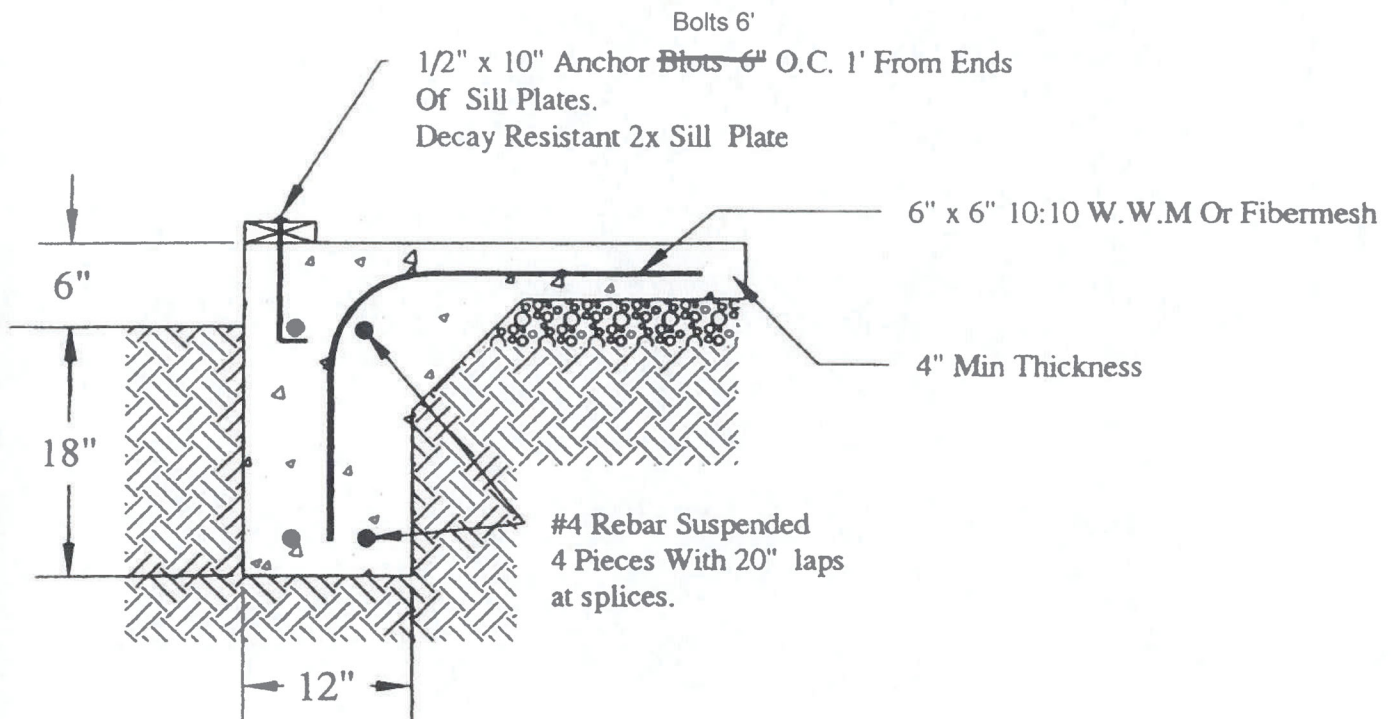
* Or As Approved By The Building Official For Detached Accessory Use Building Only.



UNCOMPAGRE VALLEY BUILDERS



See attached
 * City of Delta
 Minimum mono-slab
 dimensions



NOTES:

Sill plates to be redwood or approved treated wood.

Maintain minimum of 3" between rebar and earth.

Slope ground away from stemwall
After installation.

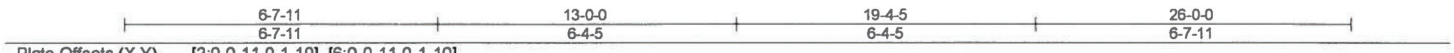
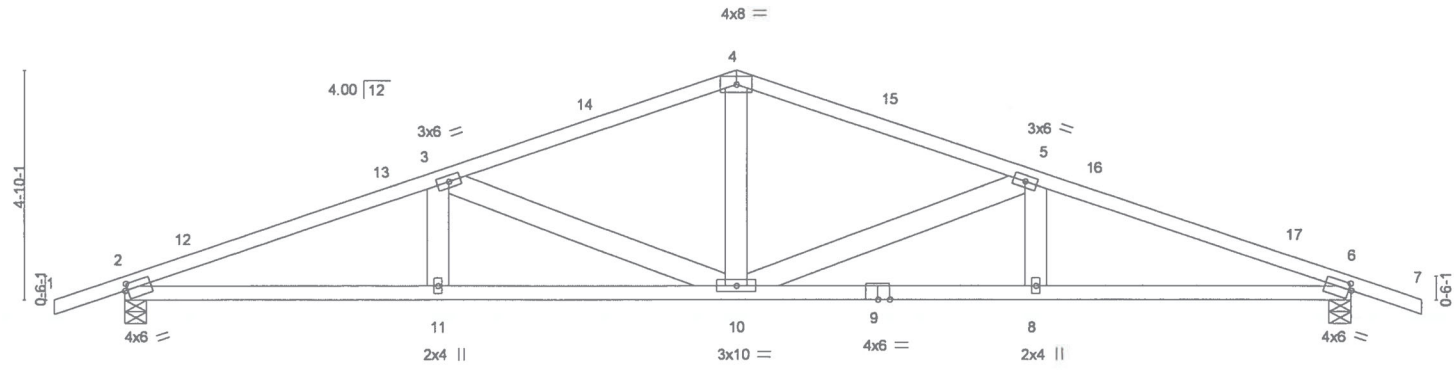
**MINIMUM MONOLITHIC REQUIREMENTS
CITY OF DELTA**

Job ML32792	Truss T01	Truss Type Common	Qty 31	Ply 1	Justin Shop	R71148557
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Delta Building Center, LLC (Delta, CO), Delta, CO - 81416, 8 530 s Dec 6 2021 MiTek Industries, Inc. Thu Jun 9 12:22:16 2022 Page 1
 ID: L_YJuu0d?d9rugxAcisHvOzDFbZ-naf4MgMzsd6NrsW_?slDzstoup?WfY6AiW68p7z80Qr



Scale = 1:46.5



LOADING (psf)		SPACING-		CSI.		DEFL.		PLATES		GRIP	
TCLL	30.0	2-0-0	TC	0.65	in (loc)	l/defl	L/d	MT20	197/144		
(Roof Snow=30.0)		Plate Grip DOL	BC	0.60	Vert(LL)	-0.18	8-10	>999	240		
TCDL	10.0	Lumber DOL	WB	0.37	Vert(CT)	-0.39	8-10	>782	180		
BCLL	0.0	Rep Stress Incr	Matrix-S		Horz(CT)	0.10	6	n/a	n/a		
BCDL	10.0	Code IRC2018/TPI2014								Weight: 103 lb	FT = 20%

LUMBER-		BRACING-	
TOP CHORD	2x4 SPF 1650F 1.5E	TOP CHORD	Structural wood sheathing directly applied or 3-7-11 oc purlins.
BOT CHORD	2x4 SPF 1650F 1.5E	BOT CHORD	Rigid ceiling directly applied or 8-7-7 oc bracing.
WEBS	2x6 SPF 1650F 1.5E		

REACTIONS. (size) 2=0-5-8, 6=0-5-8
 Max Horz 2=50(LC 14)
 Max Uplift 2=-238(LC 10), 6=-238(LC 11)
 Max Grav 2=1449(LC 21), 6=1449(LC 22)

FORCES. (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.
 TOP CHORD 2-3=-3010/813, 3-4=-2014/620, 4-5=-2014/620, 5-6=-3031/805
 BOT CHORD 2-11=-673/2745, 10-11=-673/2745, 8-10=-675/2764, 6-8=-675/2764
 WEBS 4-10=-141/758, 5-10=-1122/318, 5-8=0/282, 3-10=-1103/326, 3-11=0/255

- NOTES-**
- 1) Wind: ASCE 7-16; Vult=115mph (3-second gust) Vasd=91mph; TCCL=6.0psf; BCDL=6.0psf; h=25ft; Cat. II; Exp C; Pr. Enclosed; MWFRS (envelope) and C-C Exterior(2E) -1-6-0 to 1-6-0, Interior(1) 1-6-0 to 13-0-0, Exterior(2R) 13-0-0 to 16-0-0, Interior(1) 16-0-0 to 27-6-0 zone; cantilever left and right exposed; end vertical left and right exposed; C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.00 plate grip DOL=1.00
 - 2) TCLL: ASCE 7-16; Pf=30.0 psf (Lum DOL=1.15 Plate DOL=1.15); Is=1.0; Rough Cat C; Partially Exp.; Ce=1.0; Cs=1.00; Ct=1.10
 - 3) Unbalanced snow loads have been considered for this design.
 - 4) This truss has been designed for greater of min roof live load of 16.0 psf or 1.00 times flat roof load of 30.0 psf on overhangs non-concurrent with other live loads.
 - 5) Plates checked for a plus or minus 5 degree rotation about its center.
 - 6) This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
 - 7) * This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-6-0 tall by 2-0-0 wide will fit between the bottom chord and any other members.
 - 8) Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 100 lb uplift at joint(s) except (jt=lb) 2=238, 6=238.
 - 9) This truss is designed in accordance with the 2018 International Residential Code sections R502.11.1 and R802.10.2 and referenced standard ANSI/TPI 1.

RECEIVED

AUG 26 2022

BY:



June 9, 2022

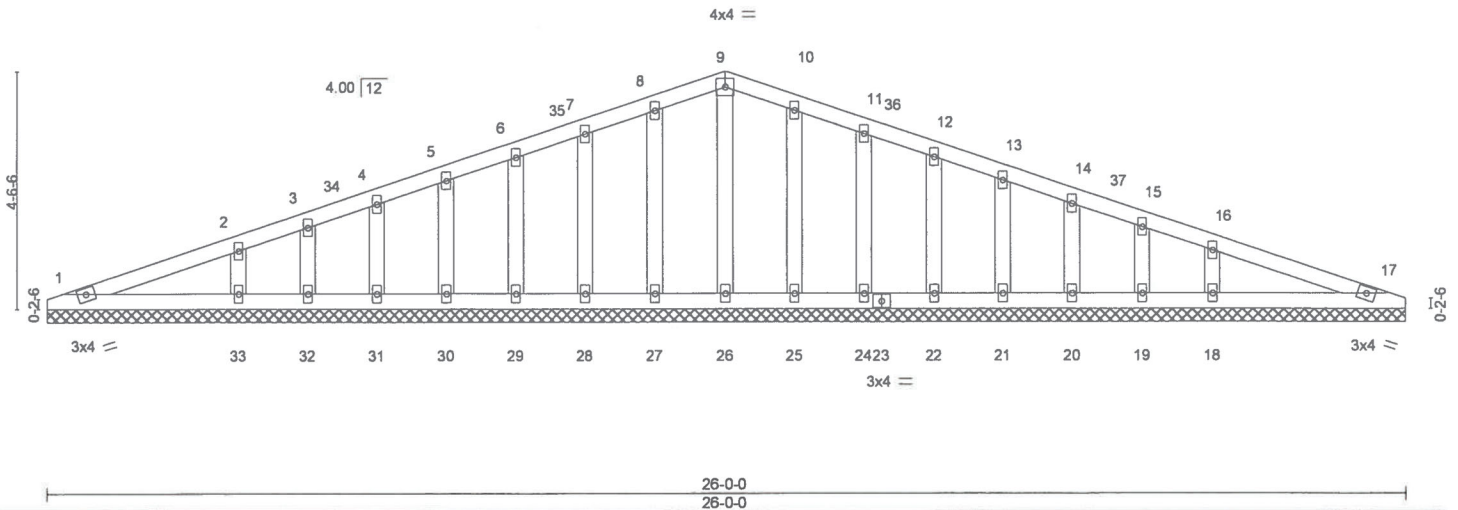
<p>WARNING - Verify design parameters and READ NOTES ON THIS AND INCLUDED MITEK REFERENCE PAGE MIL-7473 rev. 5/19/2020 BEFORE USE. Design valid for use only with MiTek® connectors. This design is based only upon parameters shown, and is for an individual building component, not a truss system. Before use, the building designer must verify the applicability of design parameters and properly incorporate this design into the overall building design. Bracing indicated is to prevent buckling of individual truss web and/or chord members only. Additional temporary and permanent bracing is always required for stability and to prevent collapse with possible personal injury and property damage. For general guidance regarding the fabrication, storage, delivery, erection and bracing of trusses and truss systems, see ANSI/TPI1 Quality Criteria, DSB-89 and BCSI Building Component Safety Information available from Truss Plate Institute, 2670 Crain Highway, Suite 203 Waldorf, MD 20601</p>	 MiTek USA, Inc. 400 Sunrise Avenue, Suite 270 Roseville, CA 95661
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Job ML32792	Truss G01	Truss Type GABLE	Qty 2	Ply 1	Justin Shop	R71148558
----------------	--------------	---------------------	----------	----------	-------------	-----------

Delta Building Center, LLC (Delta, CO), Delta, CO - 81416, 8 530 s Dec 6 2021 MiTek Industries, Inc. Thu Jun 9 12:22:15 2022 Page 1
 ID: I_Juu0d?d9rugxAcisHvOzDFbZ-JN5i9LLK5KzWDixoS8E_QfLmLQopwAA1TsNbHhz80Qs



Scale = 1:42.0



LOADING (psf) TCLL 30.0 (Roof Snow=30.0) TCDL 10.0 BCLL 0.0 * BCDL 10.0	SPACING- 2-0-0 Plate Grip DOL 1.15 Lumber DOL 1.15 Rep Stress Incr YES Code IRC2018/TPI2014	CSI. TC 0.12 BC 0.06 WB 0.03 Matrix-S	DEFL. in (loc) l/defl L/d Vert(LL) n/a - n/a 999 Vert(CT) n/a - n/a 999 Horz(CT) 0.00 17 n/a n/a	PLATES MT20 GRIP 197/144 Weight: 100 lb FT = 20%
---	---	--	---	--

LUMBER- TOP CHORD 2x4 SPF 1650F 1.5E BOT CHORD 2x4 SPF 1650F 1.5E OTHERS 2x4 SPF 1650F 1.5E	BRACING- TOP CHORD Structural wood sheathing directly applied or 6-0-0 oc purlins. BOT CHORD Rigid ceiling directly applied or 10-0-0 oc bracing.
---	--

REACTIONS. All bearings 26-0-0.
 (lb) - Max Horz 1=44(LC 14)
 Max Uplift All uplift 100 lb or less at joint(s) 1, 17, 27, 28, 29, 30, 31, 32, 33, 25, 24, 22, 21, 20, 19, 18
 Max Grav All reactions 250 lb or less at joint(s) 1, 17, 26, 27, 28, 29, 30, 31, 32, 25, 24, 22, 21, 20, 19 except 33=352(LC 1), 18=352(LC 1)

FORCES. (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.
WEBS 2-33=-267/151, 16-18=-267/151

- NOTES-**
- 1) Wind: ASCE 7-16; Vult=115mph (3-second gust) Vasd=91mph; TCDL=6.0psf; BCCL=6.0psf; h=25ft; Cat. II; Exp C; Pr. Enclosed; MWFRS (envelope) and C-C Comer(3E) 0-3-11 to 3-3-11, Exterior(2N) 3-3-11 to 13-0-0, Corner(3R) 13-0-0 to 16-0-0, Exterior(2N) 16-0-0 to 25-8-5 zone; cantilever left and right exposed; end vertical left and right exposed; C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.00 plate grip DOL=1.00
 - 2) Truss designed for wind loads in the plane of the truss only. For studs exposed to wind (normal to the face), see Standard Industry Gable End Details as applicable, or consult qualified building designer as per ANSI/TPI 1.
 - 3) TCLL: ASCE 7-16; Pf=30.0 psf (Lum DOL=1.15 Plate DOL=1.15); Is=1.0; Rough Cat C; Partially Exp.; Ce=1.0; Cs=1.00; Ct=1.10
 - 4) Unbalanced snow loads have been considered for this design.
 - 5) All plates are 2x4 MT20 unless otherwise indicated.
 - 6) Plates checked for a plus or minus 5 degree rotation about its center.
 - 7) Gable requires continuous bottom chord bearing.
 - 8) Gable studs spaced at 1-4-0 oc.
 - 9) This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
 - 10) * This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-6-0 tall by 2-0-0 wide will fit between the bottom chord and any other members.
 - 11) Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 100 lb uplift at joint(s) 1, 17, 27, 28, 29, 30, 31, 32, 33, 25, 24, 22, 21, 20, 19, 18.
 - 12) This truss is designed in accordance with the 2018 International Residential Code sections R502.11.1 and R802.10.2 and referenced standard ANSI/TPI 1.



June 9, 2022

WARNING - Verify design parameters and READ NOTES ON THIS AND INCLUDED MITEK REFERENCE PAGE MII-7473 rev. 5/19/2020 BEFORE USE.
 Design valid for use only with MiTek® connectors. This design is based only upon parameters shown, and is for an individual building component, not a truss system. Before use, the building designer must verify the applicability of design parameters and properly incorporate this design into the overall building design. Bracing indicated is to prevent buckling of individual truss web and/or chord members only. Additional temporary and permanent bracing is always required for stability and to prevent collapse with possible personal injury and property damage. For general guidance regarding the fabrication, storage, delivery, erection and bracing of trusses and truss systems, see **ANSI/TPI1 Quality Criteria, DSB-89 and BCSI Building Component Safety Information** available from Truss Plate Institute, 2670 Crain Highway, Suite 203 Waldorf, MD 20601



1551 696 LN

ENGINEERED TRUSS 2' O.C

DOUBLE 117/8 LVL W/ POST HANGER

6X6 POST OR 3-2X6 LAMINATED

2X6 GIRTS

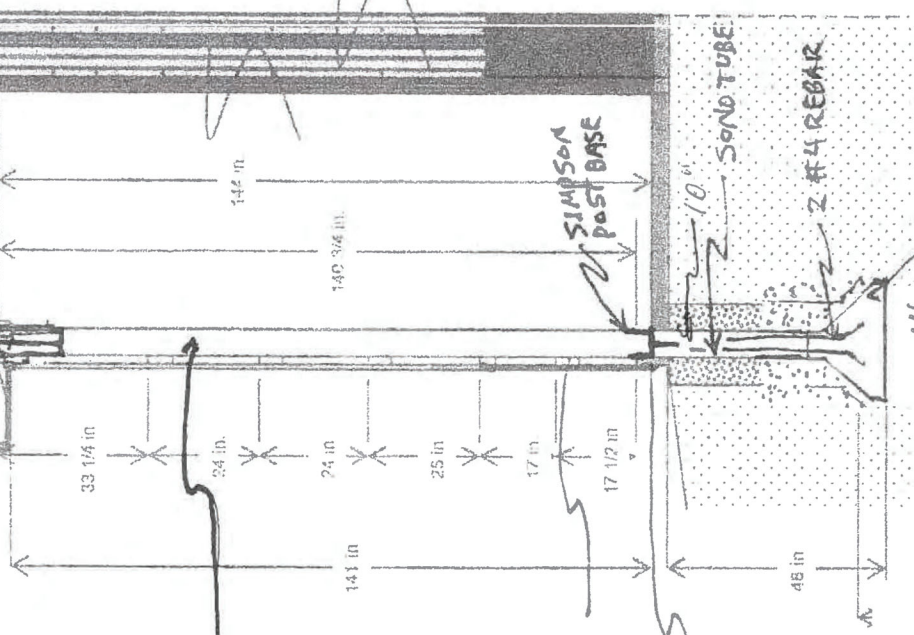
PRESSURE TREATED SKIRT

SIMPSON POST BASE

10" SAND TUBE

2 #4 REBAR

1-24" I- BEAM
BIG FOOT FOOTING

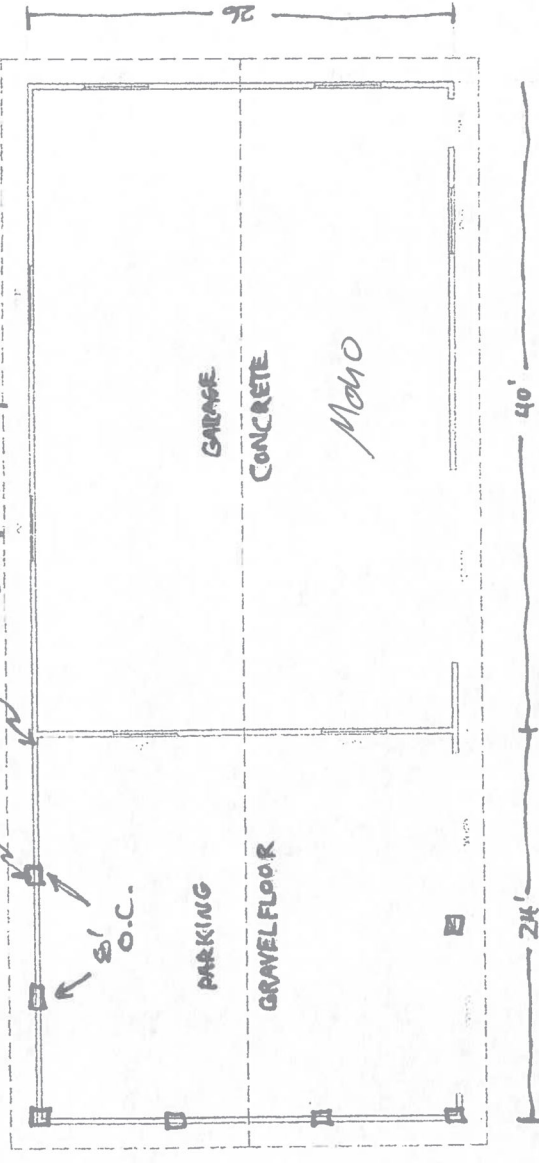


Revised Carport
Foundation & Framing
7/8/22

1551 G96 LN

REVISED PARKING AREA
POLE CONSTRUCTION

6x6 POST
OR 3-2x6 LAMINATED
DOUBLE LVL HEADER
HANGER SIMPSON



- NEW BUILDING
- 12' WALLS
- 1 - 3/0 METAL DOOR
- 6 - 4/0 X 4/0 WINDOWS
- CUSTOMER SUPPLIED
- TWO TONE METAL SIDING
- METAL ROOFING
- 18" OVERHANG



UNCOMPAGRE VALLEY BUILDERS

Harville-Justin shop
EXHIBIT HJS-01
"Scope of Work"

PROJECT DESCRIPTION:

Construct New Shop

REFERENCE DOCUMENTS INCLUDED:

1. Exhibit HJS-01 – Scope of work, Clarification and Exclusions (6- Pages)
2. Exhibit HJS-02 Shop plans provided by Donna

PROJECT SCHEDULE:

Work will take approximately 4 weeks-

A NOTE ABOUT THIS ESTIMATE:

We have utilized our best experiences to ascertain the level of existing conditions. Our pricing includes what work we see to accomplish the end result noted in the detailed scope of work following. There is a possibility for there to be unforeseen or hidden circumstances that will not be known until start of work... Any of this work will be at additional cost, but will be documented and presented prior to start of additional work.

SCOPE OF WORK DETAILS:

The work required has been broken down into different Work Breakdown Structures (WBS). They are as follows:

WBS- 1 Site Work & Excavation

Includes:

1. Dig for slab and footings
2. Supply and install gravel at Garage Concrete floor
3. Supply and install Gravel at Parking area
4. Backfill exterior of shop with onsite native materials

WBS-2 Concrete

Includes:

1. Form-reinforce & Pour Monolithic slab at garage per attached drawing
2. Form -reinforce & pour footing and stem wall per attached drawing at parking area
3. Cut in control joints at garage slab three each way
4. Supply and install Anchor bolts at 6' centers

WBS- 3 Super Structure -Frame

Includes:

1. Supply and install 2x6x16 PT to foundation anchor bolts
2. Supply and install 2x6x12' wall at exterior and interior wall
3. Supply and install 7/16 OSB at all exterior walls
4. Supply and install 2- 11-7/8 LVL headers at three garage door opening

Harville-Justin Shop

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UNCOMPAGRE VALLEY BUILDERS

5. Supply and install 2x8 headers at all door and window openings
6. Supply and install Roof truss by DBC with a 4/12 pitch at 2' centers
7. Supply and install 19/32 OSB over roof truss
8. Supply and install H24 hurricane clips at all walls to truss locations
9. Supply and install Roof truss spaces

WBS- 4 Electrical

Includes:

1. TO BE DONE BY OWNER

WBS- 5 Plumbing

Includes:

1. NONE

WBS- 6 HVAC

Includes:

1. NONE

WBS- 7 Windows & Doors

Includes:

1. Windows and door to be supplied by owner installed by UCV
2. Supply and install 2-1010 , 1- 1210 Insulated OHD to be operated manually (these door could have a long lead time)

WBS- 8 Interior walls-Finish-paint & Trim

Includes:

1. NONE

WBS- 9 Floor Coverings-Cabinets & Glass

Includes:

1. NONE

WBS-10 Exterior Finishes

Includes:

1. Supply and install Drip edge-ridge-J channel & Eve cap at roof
2. Supply and install 29 Ga. Roof panels – owner to choose color
3. Supply and install 29 GA wall metal panels with J channel trim at all windows- doors- corners & top of wall under soffit
4. Supply and install colored aluminum soffit and fascia

5. Maintain a record of all such information in accordance with Article 4, Section 15.56.150.

B. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Chapter and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

3. The danger that materials may be swept onto other lands to the injury of others;

4. The compatibility of the proposed use with existing and anticipated development;

5. The safety of access to the property in times of Flood for ordinary and emergency vehicles;

6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

8. The necessity to the facility of a waterfront location, where applicable;

9. The availability of alternative locations, not subject to Flooding or erosion damage, for the proposed use; and

10. The relationship of the proposed use to the Comprehensive Plan for that area.

15.56.170 Variance procedures.

A. The Planning Commission shall serve as the Appeal Board, to hear and render judgment on requests for variances from the requirements of this Chapter.

B. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.

C. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

D. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Chapter.

F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 15.56.160 of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

G. Upon consideration of the factors noted above and the intent of this Chapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Chapter as stated in Article 1, Section 15.56.030.

H. Variances shall not be issued within any designated Floodway if any increase in flood levels during the base flood discharge would result.

I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance

is the minimum necessary to preserve the historic character and design of the structure.

J. Prerequisites for granting variances:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

2. Variances shall only be issued upon:

a) Showing a good and sufficient cause;

b) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

K. Variances may be issued by a City for new construction and substantial improvements and for other development necessary for the conduct of a Functionally Dependent Use provided that:

1. The criteria outlined in Article 4, Section 15.56.170(A)-(J) are met, and

2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

15.56.180 Penalties for noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. Violation of the provisions of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards