

TOWN OF GRAND LAKE
PLANNING COMMISSION
ONLINE MEETING *(see details at bottom to join)*
6:30 P.M.
June 17, 2020

AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MINUTES
 - a. May 20, 2020
- IV. UNSCHEDULED CITIZEN PARTICIPATION
(This time is reserved for members of the public to make a presentation to the Commission on items or issues that are not scheduled on the agenda. The Commission will not make any decisions on items presented during this time.)
- V. CONFLICTS OF INTEREST
- VI. ITEMS OF BUSINESS
 - a. Ordinance Regarding Definitions for Primary Materials and Accent Materials __-2020
- VII. ITEMS OF DISCUSSION
 - a. Review of Boat Dock Plans for 428 Lakeside Dr.
- VIII. FUTURE AGENDA ITEMS
 - a. Finished Fence Orientation
- IX. ADJOURNMENT

Online meeting information (please log on 15 min early if you anticipate needing any technical support):

Please join my meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/722758709>

You can also dial in using your phone.
United States: +1 (872) 240-3412 Access Code: 722-758-709

MINUTES
PLANNING COMMISSION
REGULAR MEETING
May 20, 2020
6:30 P.M.

CALL TO ORDER: Chairman Hayden Southway called the regular meeting of the Grand Lake Planning Commission to order at 6:32 p.m. on May 20, 2020 online using GoTo meeting software.

ROLL CALL
PRESENT: Chairman Hayden Southway; Commissioners Diane Mahoney, John C. Murray, James Shockey, Robert Canon, Ernie Bjorkman, and Judy Burke; and Town Planner Kimberly White.

ABSENT: NONE

APPROVAL OF
MINUTES: Chairman Southway asked for approval of minutes for April 22, 2020. Commissioner Mahoney and Canon stated there was a misspelling in their names, that Planner White said she would update. Commissioner Murray moved to approve the minutes. Ernie Bjorkman seconded the motion and all were in favor.

UNSCHEDULED
CITIZEN
PARTICIPATION: Chairman Southway asked if there were any unscheduled public comments and noted that comments are limited to 3 minutes.

CONFLICTS OF
INTEREST: There were no unscheduled public comments.

CONFLICTS OF
INTEREST: Chairman Southway asked if any members of the Commission had a conflict of interest, or the appearance of. None of the Commissioners had any conflicts.

ITEMS OF BUSINESS: **CONSIDERATION OF MUNICIPAL CODE LANGUAGE ABOUT AMENDING MUNICIPAL CODE 11-4-8(B)(4) DISPLAY OF MERCHANDISE FOR SALE ON BOARDWALK”.**
Planner White gave a background on the current municipal code describing the amount and type of obstructions that are allowed on the Boardwalk. Planner White stated that currently, owners are allowed to display 6 foot merchandise racks or tables, as long as they don't exceed 10 total feet for their store front. This goes for any store with storefront with anywhere from 15 feet to 100 feet. The Town is recommending that allow the amount of sales rack to increase based on the length of a store front, where 0 to 30 of store frontage equals 10 feet of merchandise; 30 to 60 feet of store frontage equals 20 feet of merchandise; 60 feet or more of store frontage, you can have 30 feet of merchandise as long as the width of the usable boardwalk remains 5 feet, as currently stated in the code. She then asked for questions.

Commissioner Burke questioned if this was for the Covid crisis, or a permanent change and was concerned about merchants moving their entire inventory onto the boardwalk causing congestions and unsightly cardboard boxes. Commissioners Bjorkman and Burke were concerned that there isn't enough room to pass safely on the boardwalk currently. Commissioner Bjorkman suggested that the merchandise only be allowed on a temporary basis through Labor Day for Covid and see if the change in the code is working. Commissioner Burke asked if there was going to be dining tables allowed on the boardwalk. Planner White said the BOT was not discussing that right now, but if it encroached into the 5 feet of walking space that it would not be allowed regardless. Commissioner Murray agreed that a temporary change to the municipal code for the summer would be a good idea. Commissioner Bjorkman agreed that the rack amount should be equitable for the building frontage. Commissioner Canon had concerns about the amount of material being added to the boardwalk. Commissioner Shockey questioned if everyone can get a permit who applies. Planner White responded that all permits will be reviewed, just like we currently do and there is not a limit.

Planner White questioned how the Planning Commission would measure the success of the regulation change. Would it be based on the number of complaints from people on the boardwalk? Commissioner Burke suggested that it would be based on the number of violations and nature of complaint. Chairman Southway questioned if the merchandise could be put in the greenway and Commissioner Burke said it was too dusty for the merchants. Chairman Southway suggested that this be a temporary resolution and recommended that an end date to be added. Commissioner Bjorkman suggested Labor Day, Commissioner Burke suggested Constitution week but agreed with October 31st. Chairman Southway suggested putting a closing time for the removal of merchandise from the Boardwalk. Commissioner Murray made a motion to adopt this as a temporary resolution, through October 31st of 2020. Commissioner Bjorkman seconded the motion and all were in favor except for Commissioner Canon who was opposed.

1204 WEST PORTAL RD (SFR BUILDING PERMIT REQUEST ADJACENT TO NORTH INLET STREAM) FOR CINDY BIERSDORFER AND KEITH NICHOLS:

Planner White presented a map for the location of the parcel, and for the home to be built on the parcel, with the driveway, and flood plain labeled. The parcel touches about 30 feet of the North inlet and the soil disturbance will be at least 50 feet from the FEMA flood zone, while the home will be well over 150' from the FEMA flood zone. The driveway access will be on West Portal Road, because there are no other options to enter the property as there are parcels on all other sides. The municipal code allows for homes to have access via West Portal Road, if there is no other way to access the

parcel. Planner White discussed the other requirements of the new residential build and how the owner was well within the set-backs for their zone and were in compliance with all the rules for building their home including the driveway and the Stream setbacks. Chairman Southway was concerned that in the future, the neighbor to the west may build a home and will want to put in a driveway as well, and it would be good if the owners could work with them to build a joint driveway. Commissioner Murray stated that currently the owner has covered the requirements of on-site parking and snow storage and by trying to anticipate a future driveway would be destructive to this property and the future builders of the adjacent property will just have to figure it out. Commissioner Murray and Chairman Southway discussed the sewer tap location and water tap fees. Chairman Southway said that normally the planning commission would see everything about the house. Planner White said that the owners submitted the entire building permit with the required documentation and met all the other guidelines. Since the only two items that were in question were the driveway and the water setback, she did not believe the entire permit needed to be presented, but only the two points. Commissioner Murray asked if the planning commission was only approving that the building plan fulfills the requirements of the stream inlet setbacks, as well as the other setbacks, since there is not a permit to approve. Planner White said yes, the planning commission is just recommending that the location of the building is acceptable and that the owners can have their driveway on West Portal Road. Commissioner Bjorkman said that since it is their only ingress it is all they can do. Commissioner Murray made a motion to approve the planned location of the House in accordance with the required setbacks and also approve the access to the West Portal Road. Commissioner Canon seconded the motion. All other Commissioners voted aye.

ITEMS OF DISCUSSION: MUNICIPAL CODE LANGUAGE ABOUT EXTERIOR ACCENT MATERIAL ON STRUCTURES (M.C. 12-7-4):

Planner White explained that there is not a definition in the municipal code for Exterior Accent Material. She proposed that a definition for exterior material and primary be inserted to clear up any confusion when builders submit the building material. She asked the commissioners for their opinion on percentages of accent material or other ways to quantify this. Commissioner Canon gave a background on corrugated steel use as a function to keep the snow from rotting the bottom of the houses and suggested 5% to 30% for accent, certainly not over 50%. Commissioner Burke said she thought it was 20%, but there were two instances in town, where the Town paid to have the house resided because they used an accent material on most of the house. She said it makes sense to do that so that it takes the burden off the view of trying to decide. Commissioner Shockey offered to send Winter Park's Town Code verbiage on this topic. Planner White agreed this would be good to see. Commissioner Bjorkman asked Planner White if she would come up with a proposal and bring it back to the Planning commission. Planner White said yes she would see what Commissioner Shockey sends and work from there. Commissioner Burke

questioned if Planner White added White as an accent color, but Planner White stated that she did not change anything in the Code.

TOWN POLICY REGARDING TEMPORARY BUSINESS USE OF THE GREENWAY TO PROVIDE SEATING AREAS (M.C. 11-4-9):

Greenway obstruction permit was updated to make it easier for the public and for the Town Staff to read and comply. Planner White created a Greenway permit, and then found an old permit application online, so she combined them and expanded out the required information checklist. She stated that she is talking to the business owners to request they fill in the application if they haven't already.

CONSIDERATION TO INCLUDE EXPIRATION TIME FRAME ON BUILDING PERMITS:

Planner White stated that it was brought to her attention that there was not a line for expiration on the building permit and questioned if the Town could add one, what the time frame should be, and if the Town needed to work with the County to add the expiration date. The permit does state that it becomes null and void if work or construction is not commenced within 180 days or if construction or work is suspended or abandoned for a period of 365 days at any time after work as commence. So, doesn't that already show that there is an expiration? Commissioner Burke stated: "So, at the end of the 365 days, which is what the permit was for, at that time, they could come back and get it extended, giving a good reason to get it extended without paying any additional fees. I think we need to do what we can do to prohibit things like we're experiencing." She stated that the town has been under construction by one developer for 5 years and we need to find a way to make developers finish projects, like paying water tap fees upfront and an end date. So, it could be extended if it, if it comes back, either to the planning commission or to the board at any time, for another six months, or eight months, or whatever, But is there a way that we can stop our entire town downtown area from being a construction zone? Commissioner Southway said that typically, residential has an inspection every two years to keep the permit active.

Commissioner Shockey: In Winter Park, you have 180 days to execute the permit once in a column for inspection and it's good for up to two years. I think it's best to contact the, probably contact the county and ask them. Commissioner Bjorkman: Seems like, wouldn't the town of Grand Lake have priority, and set their own rules? Commissioner Burke: Grand Lake has the ability to do local amendments to the building code, so we can make any time Frame that we choose so long as the board approves it. Commissioner Bjorkman: I would love to amend it to where we see finalization. Deadlines is to get something done, especially in the downtown area, Commercial.

Chairman Southway agreed with Ernie and stated that residential is a little bit different. The county's always been really good with the second

homeowner that's building the little cabin in the woods and they've been pretty open to letting it go on for years because they know the people are up here on the weekends working on their cabin. Planner White asked if the planning commission thought that a two-year limit of extension without a fee sounded reasonable.

FUTURE AGENDA ITEMS:

Chairman Southway asked if there were any more comments. Planner White said that she did not have any future agenda items. Commissioner Murray said that during the May 14th Task Force meeting, they wanted to have a June 8th joint meeting with the Board of Trustees and the Planning Commissioners to give everybody an update of the status of the comprehensive plan work. He asked if we could have the Task Force meeting on the 25th of June so that the joint meeting could occur and that the Planning Commission and the BOT could meet and discuss anything they needed to prior to the task force meeting. Chairman Southway asked if there were any more future items and mentioned that the Town should do an amendment to the town code about massing and flat roofs and future buildings.

Planner White recognized Mindy Nelson on the phone. Mindy Nelson stated that she is the partner to the builder that Commissioners had been discussing with the construction for 5 years. She discussed the handicap parking around their construction and requested for the town to stop singling them out. She pointed out the many different code violations dealing with cars without plates, upstairs apartments without building permits, dumpsters without permits, all of which, she feels are not being handled. Code Enforcement was discussed.

Chairman Southway: I'd like to talk someday in a Planning Commission about possibly closing a couple of the streets in different places, intersection by the post office, possibly opening up other streets to give better, better egress. Also, trash or storage container within the 30-foot water setback, I think storage containers would be something to talk about in the future. I think we're going to see a lot of trailers this summer people. People find in places to park trailers to sleep. Commissioner Bjorkman: It seems like, hopefully we're going to hire a code enforcer next week, according to John Crone, so I think that that's the beginning of trying to clean up some of the stuff that you're talking about.

Chairman Southway: I don't see why we couldn't have a meeting with social distancing and maybe not, the public in there or keep it limited to 10 or less or I don't know, maybe have the public call in? I think the planning, you know, once we started looking at paper and plans and drawings were going to need weren't going to need to be in person though.

Chairman Southway: I'd like to comment on one really cool thing that I saw in town, and that's our new pavement. And I'd like to thank Keith and Public Works. Commissioner Murray: With regard to phase three streetscape. Did the manager negotiate a contract? Commissioner

Bjorkman: We approved the contract.

Planner White: Mindy Nelson has a comment and she would like to add: She says, can you explain why many others are held up to the standard of code enforcement compliance, but we at the hub and the sunset are. Chairman Southway: Perhaps the reason why large construction operations get more reports or complaints, just because it's a large construction operation.

ADJOURNMENT: Commissioner Shockey moved to adjourn, seconded by Commissioner Canon. All Commissioners voted aye, and the meeting was adjourned at 8:32 p.m.

Hayden H. Southway, Chairman

ATTEST:

Jenn Thompson, Town Clerk

**TOWN OF GRAND LAKE
BOARD OF TRUSTEES
ORDINANCE NO. -2020**

**AN ORDINANCE AMENDING TOWN CODE 12-7-3 REGARDING DEFINITIONS FOR
PRIMARY MATERIALS AND ACCENT MATERIALS**

WHEREAS, the Board of Trustees of the Town of Grand Lake, Colorado, pursuant to Colorado statute and the provisions of the Grand Lake Municipal Code, is vested with the authority of administering the affairs of the Town of Grand Lake, Colorado (“the Town”); and

WHEREAS, the Town of Grand Lake Municipal Code Title 12, Article 7 was adopted to stimulate creative design solutions for individual properties while promoting and preserving a sense of cohesiveness among the entire Town of Grand Lake; and

WHEREAS, the Town Code Municipal Code Title 12, Article 7, Section 3 provides definitions of certain terms in order to facilitate understanding of subsequent sections of the Town Code; and

WHEREAS, the Board of Trustees of the Town of Grand Lake has determined that providing clear definitions of terms will increase the efficacy of the Town Code; and

WHEREAS, the Board of Trustees of the Town of Grand Lake has determined that certain terms in the Town Code lack definitions and, therefore, are difficult to apply when making land-use decisions.;

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE
TOWN OF GRAND LAKE, COLORADO, THAT:**

1. Section 12-7-3 of the Municipal Code of the Town of Grand Lake is hereby amended with the addition of the following two definitions:

Primary Exterior Material: Classification of building material that shall be used on at least 70% of exterior façade.

Accent Exterior Material: Classification of building material that may be used in limited capacity at no more than 30% of total exterior façade.

2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part or parts are declared unconstitutional or otherwise invalid.

3. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced

in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance. Except as specifically amended by this ordinance, all other provisions of the Grand Lake Town Code shall remain in full force and effect.

INTRODUCED, APPROVED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE THIS 22nd DAY OF JUNE 2020.

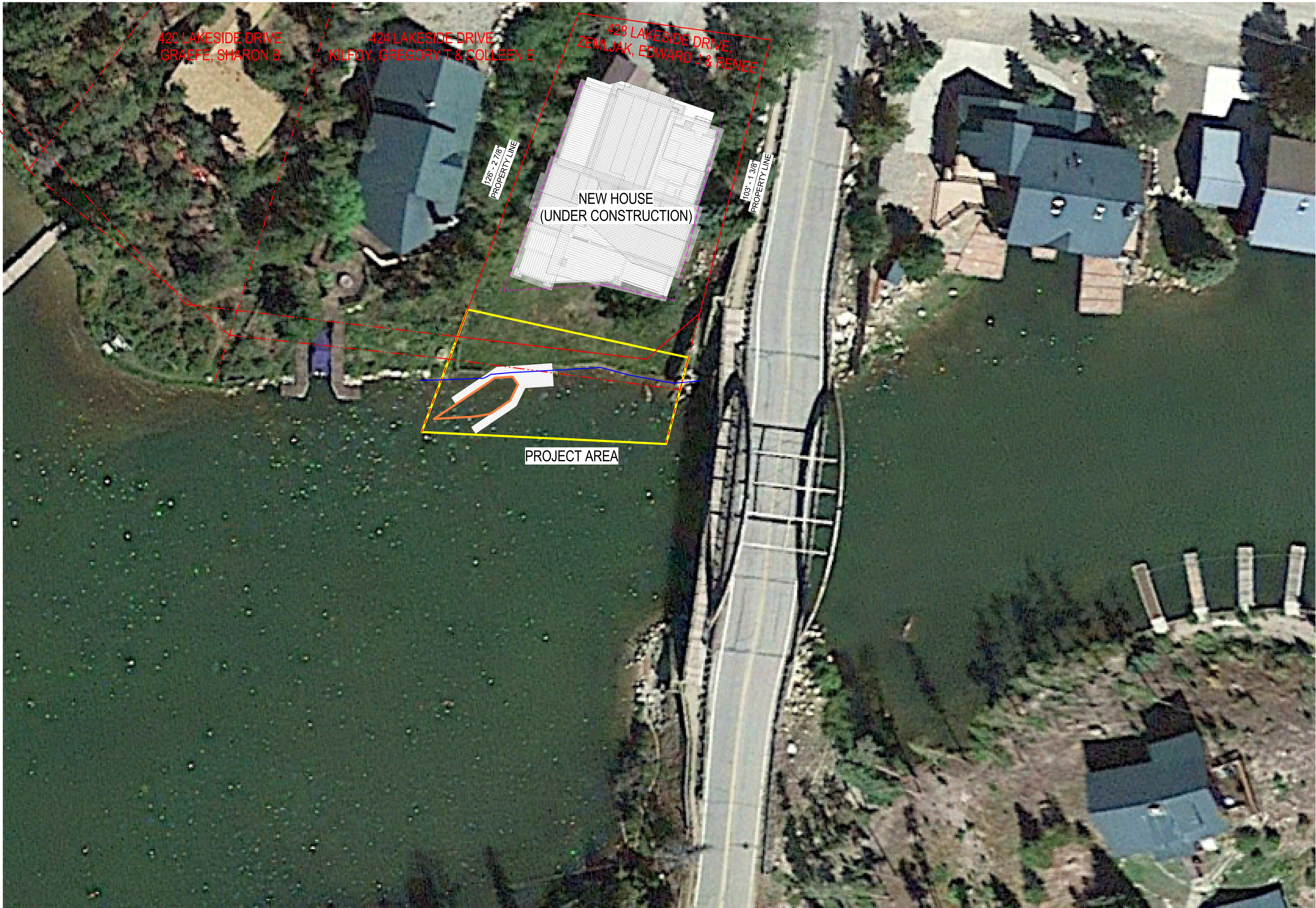
Votes Approving: _____
Votes Opposed: _____
Absent: _____
Abstained: _____

ATTEST:

**BOARD OF TRUSTEES OF THE TOWN
OF GRAND LAKE, COLORADO**

Jennifer Thompson
Town Clerk

By: _____
Stephan Kudron
Mayor



Zemljak Family Cabin
428 LAKESIDE DRIVE
GRAND LAKE, CO 80447

Zachary Zemljak
3740 Eudora street
DENVER, CO 80207
P: 720.235.2780

These drawing were produced by Zachary Zemljak. Written authorization is required for any reproduction.

08-11-2019

Date	Description

DOCK SITE PLAN -
SITE DATA &
VICINITY

A1.05

CALCULATIONS:

Disturbance in Water
boat slip in wetland: 0 sq.ft.
dredging in channel: 220 sq.ft.
TOTAL impacts to Water: 220 sq.ft.
(Alternative 01 = 600 sq.ft.)

Disturbance of USFS
boat slip in USFS: 0 sq.ft.
dredging in channel: 220 sq.ft.
TOTAL impacts to Water: 220 sq.ft.
(Alternative 01 = 640 sq.ft.)

NOTE:
Map is a compilation included an Improvement Location Survey Plat from David Evans Land Surveying, Inc. Dated 26April19, Grand County Assessor Parcel Data from 4June19, and site survey GPS point capture from Grand Environmental June 2019. Wetland Delineation Manual as updated by 2010 Corps of Engineers Mountains, Valleys, and Coastal Supplement.

Alternative 01 Submitted 6/26/2019
(Grand Environmental Services)

Alternative 02
(revisions by Zach Zemljak)

WETLAND PLOT POINT

WETLAND STUDY PLOT WITH SHALLOW GROUNDWATER MONITORING WELL

WETLAND DELINEATION LINE

WETLANDS

LAKE SHALLOWS

WATER EDGE

TOPOGRAPHY (1')

SURVEY REFERENCE

LOT LINE EXTENSION (20')

USGS WATER MONITORING

SETBACK

PROPERTY LINE

PROPOSED BOAT DOCK

ZEMLJAK PROPERTY

PROJECT AREA

DREDGE BOUNDARY

1
A1.05

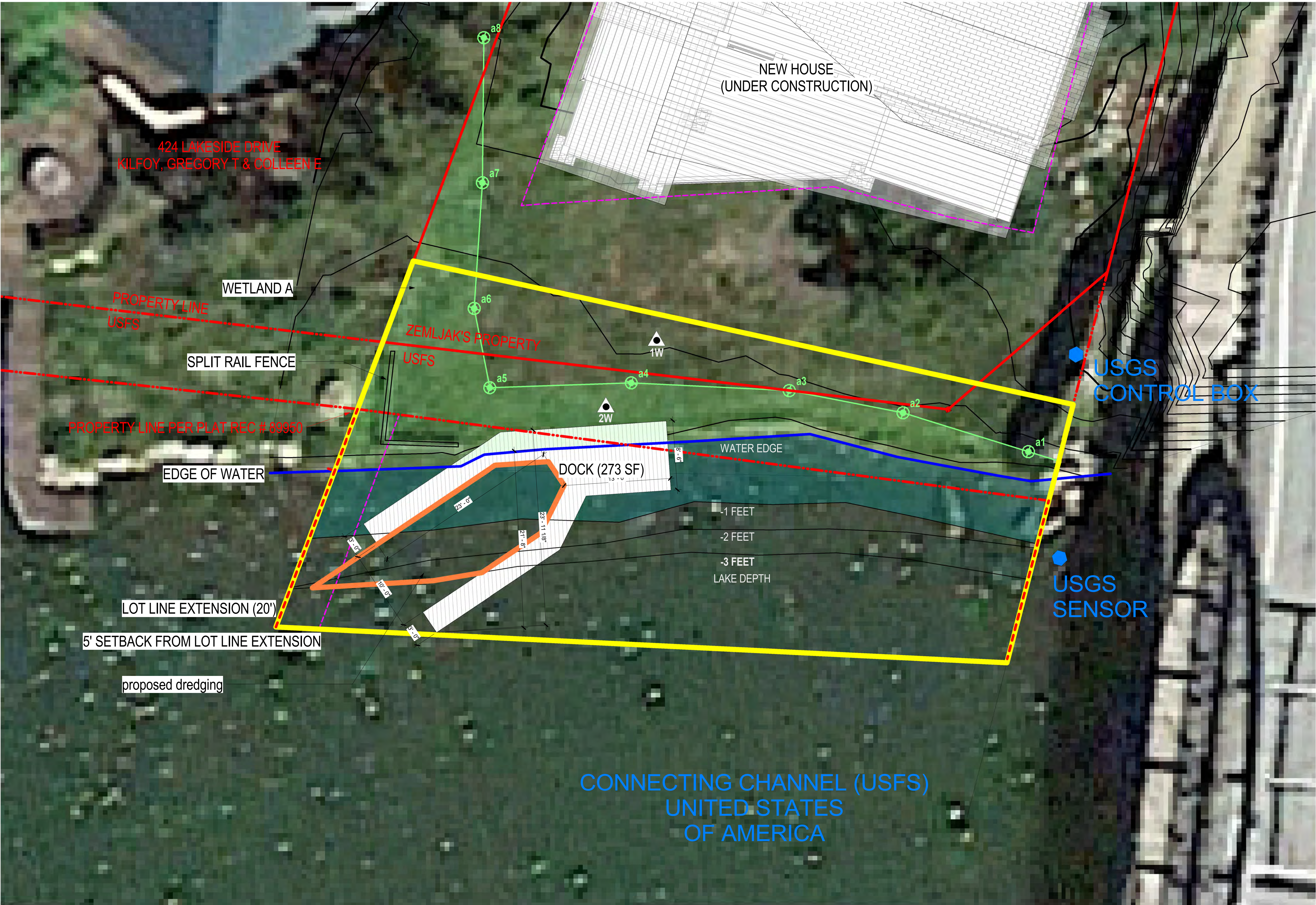
ZEMLJAK DOCK - SITE PLAN - SITE DATA AND WETLAND DELINEATION

1/16" = 1'-0"

TRUE
NORTH

0' 2' 5' 10' 21'4"

SCALE: 3/16" = 1'-0"



Zemljak Family Cabin

428 LAKESIDE DRIVE
GRAND LAKE, CO 80447

Zachary Zemljak
3740 Eudora street
DENVER, CO 80207
P: 720.235.2780

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Zemljak. Written authorization is required
for any reproduction.

08-11-2019

Date	Description

DOCK SITE PLAN -
DIRECT IMPACT
AREA

A1.06

CALCULATIONS:

Disturbance in Water
boat slip in wetland: 0 sq.ft.
dredging in channel: 220 sq.ft.
TOTAL impacts to Water: 220 sq.ft.
(Alternative 01 = 600 sq.ft.)

Disturbance of USFS
boat slip in USFS: 0 sq.ft.
dredging in channel: 220 sq.ft.
TOTAL impacts to Water: 220 sq.ft.
(Alternative 01 = 640 sq.ft.)

NOTE:
Map is a compilation included an Improvement Location Survey
Plat from David Evans Land Surveying, Inc. Dated 26April19,
Grand County Assessor Parcel Data from 4June19, and site
survey GPS point capture from Grand Environmental June 2019.
Wetland Delineation Manual as updated by 2010 Corps of
Engineers Mountains, Valleys, and Coastal Supplement.

Alternative 01 Submitted 6/26/2019
(Grand Environmental Services)
Alternative 02
(revisions by Zach Zemljak)

WETLAND PLOT POINT

WETLAND STUDY PLOT WITH
SHALLOW GROUNDWATER
MONITORING WELL

WETLAND DELINEATION LINE

WETLANDS

LAKE SHALLOWS

WATER EDGE

TOPOGRAPHY (1')

SURVEY REFERENCE

LOT LINE EXTENSION (20')

USGS WATER MONITORING

SETBACK

PROPERTY LINE

PROPOSED BOAT DOCK

ZEMLJAK PROPERTY

PROJECT AREA

DREDGE BOUNDARY

5
A1.06

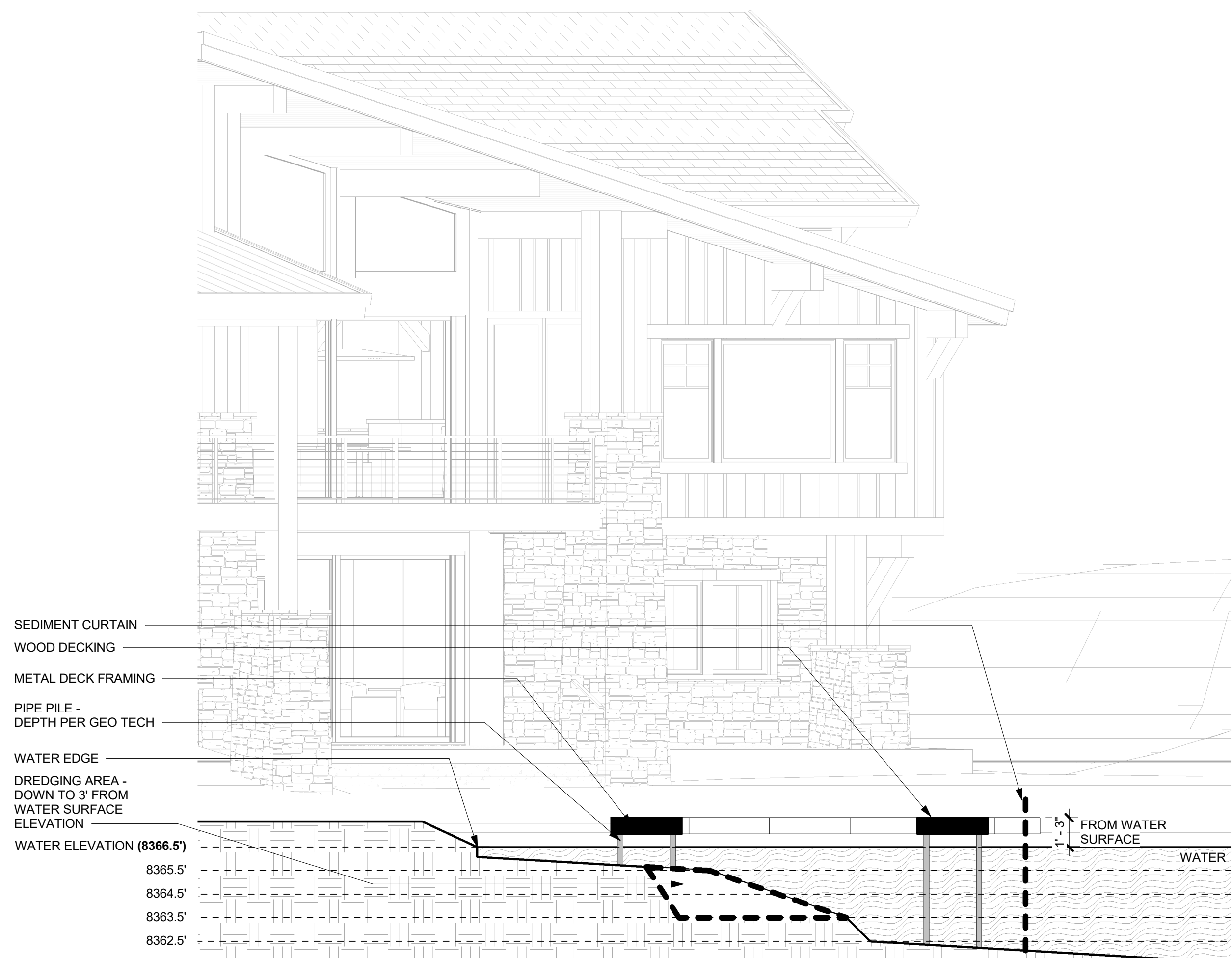
ZEMLJAK DOCK - SITE PLAN - DIRECT IMPACT AREA

3/16" = 1'-0"

TRUE
NORTH

0' 2' 5' 10' 21'4"

SCALE: 3/16" = 1'-0"



4 DOCK SECTION
A1.07
1/4" = 1'-0"
0' 2' 4' 8' 16'
SCALE: 1/4" = 1'-0"



5 DOCK PLAN - 273 SF
A1.07
1/4" = 1'-0"
0' 2' 4' 8' 16'
SCALE: 1/4" = 1'-0"

Zemljak Family Cabin
428 LAKESIDE DRIVE
GRAND LAKE, CO 80447

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08-11-2019

Date	Description

DOCK DETAILS

A1.07

Authorization ID: SUL837
Contact Name: EDWARD AND RENEE ZEMLJAK
Expiration Date: 12/31/2029
Use Code: 111

FS-2700-4 (VER. 03/17)
OMB 0596-0082

**U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE**

SPECIAL USE PERMIT

**Authority: FEDERAL LANDS RECREATION ENHANCEMENT ACT, TITLE VIII, DIV. J, OF PL 108-447
December 8, 2004**

EDWARD AND RENEE ZEMLJAK of 1100 S. HIGH STREET DENVER CO 80210 (hereinafter "the holder") is authorized to use or occupy National Forest System lands in the Arapaho-Roosevelt National Forests, Sulphur Ranger District unit of the National Forest System, subject to the terms and conditions of this special use permit (the permit).

This permit covers .01 acres and is described as T3N R75W SEC6 6thPM, ("the permit area"), as shown on the location map (Appendix A) attached to and made part of the permit.

The permit is issued for the purpose of:

Construction and maintenance of a private boat dock on Shadow Mountain Reservoir with occupancy of no more than 600 square feet of reservoir surface. If the dock is not removed from National Forest System lands in the winter, it must be adequately marked so as to be visible to winter recreationalists. The Arapaho National Recreation Area Private Dock Standards (Appendix B) are attached to and made a part of this permit.

TERMS AND CONDITIONS

I. GENERAL TERMS

A. AUTHORITY. This permit is issued pursuant to the FEDERAL LANDS RECREATION ENHANCEMENT ACT, TITLE VIII, DIV. J, OF PL 108-447 December 8, 2004 and 36 CFR Part 251, Subpart B, as amended, and is subject to their provisions.

B. AUTHORIZED OFFICER. The authorized officer is the Forest or Grassland Supervisor or a subordinate officer with delegated authority.

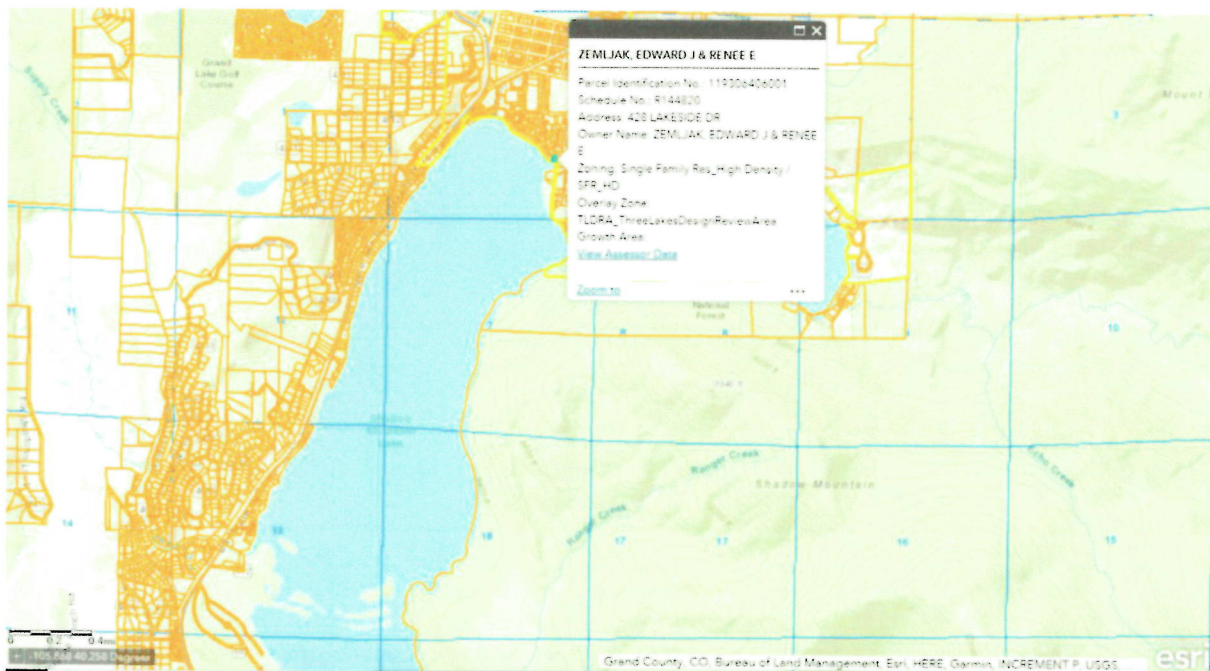
C. TERM. This permit shall expire at midnight on 12/31/2029.

D. CONTINUATION OF USE AND OCCUPANCY. This permit is not renewable. Prior to expiration of this permit, the holder may apply for a new permit for the use and occupancy authorized by this permit. Applications for a new permit must be submitted at least 6 months prior to expiration of this permit. Issuance of a new permit is at the sole discretion of the authorized officer. At a minimum, before issuing a new permit, the authorized officer shall ensure that (1) the use and occupancy to be authorized by the new permit is consistent with the standards and guidelines in the applicable land management plan; (2) the type of use and occupancy to be authorized by the new permit is the same as the type of use and occupancy authorized by this permit; and (3) the holder is in compliance with all the terms of this permit.

Authorization ID: SUL837
Contact Name: Edward and Renee Zemljak
Expiration Date: 12/31/2029
Use Code: 111

APPENDIX A

T3N R75W SEC6 6th PM



APPENDIX B
ARAPAHO NATIONAL RECREATION AREA
PRIVATE BOAT DOCK STANDARDS

An individual private boat dock is defined as a facility providing boat storage for up to two boats in slips exclusively for the use of the owner/occupant of shore front property.

a. An individual private dock (excluding the gangway) and associated boats must occupy no more than 600 square feet of reservoir surface as determined by the exterior dimensions of dock and/or boats. A gangway to the dock may be permitted, if appropriate, but in no case can it exceed 4 feet in width and 20 feet in length.

b. Dock decking should be of a non-slip surface.

c. The dock flotation, if used, must be of a type designed and manufactured for marine use. Flotation must be plastic encased.

d. Non-reflecting coatings and colors must be compatible with the surrounding landscape as determined by the Forest Service.

e. Covered docks will be allowed with designs approved by the Forest Service on a case-by-case basis. Covered docks must have profile and color schemes that blend in with the summer visual desires for the area.

f. Permit individual docks dug into the shoreline on a case-by-case basis.

g. Permit new boat garages on a case-by-case basis which do not have living space and/or storage rooms attached to the structure.



(B) Boathouse and Covered Boat Docks Construction

1. General - **In Grand Lake**, construction of boathouses and covered boat docks is a unique case and requires a public hearing before the issuance of a Building Permit. Boathouse construction and covered boat dock construction does not require a special use or conditional use permit, but any conditions placed on the construction of said boathouses and covered boat docks will constitute conditions for a Building Permit. **Uncovered boat docks are not subject to the provisions of this Section so long as the placement of said uncovered dock meets the provisions of this Section and so long as said uncovered dock does not extend more than thirty-five (35') feet into the lake. Such docks shall be handled administratively through the issuance of a Building Permit.**

2. Boathouse and Boat Dock Design Standards

In addition to the Grand Lake Design Review Standards and any other applicable agency's regulations, all boathouses and covered boat docks shall comply with the following Design Standards unless a site-specific exception is allowed:

Height Limit: No structure shall exceed sixteen feet (16') from the mean water line to the highest point of the structure.

Width Limit: No structure shall exceed thirty feet (30') in width. This width excludes any uncovered dock or decking that is physically attached to the structure. Side setbacks must be satisfied.

Setbacks: All structures, including **uncovered boat docks**, shall meet the side setback requirements of the zoning district. Notwithstanding any other provision of this zoning code, freestanding uncovered docks, or docks attached to the sides of boathouses shall be allowed to encroach five (5') feet into the side setback requirements of the zoning district.

Extension Beyond Shoreline: No structure may extend more than thirty-five feet (35') beyond the natural shoreline, including any **uncovered dock** or decking that is physically attached to the structure. There may be site-specific cases where boathouses and covered boat docks may be dug into the shoreline, with approval of the applicable agency having jurisdiction, to preserve the natural character of the surrounding area.

Notwithstanding any other provisions contained in this section, property within the Town and which borders Shadow Mountain Lake is subject to the jurisdiction of the United States Government as regards the installation of boathouses, covered and uncovered boat docks into Shadow Mountain Lake.

3. Commercial Marinas

In Grand Lake, construction of Commercial Marinas are a unique case and requires a Public Hearing before the issuance of a building permit. To the extent possible, Commercial Marinas shall conform to the Boathouse and Boat Dock Design Standards. The Planning Commission may grant greater height, as well as a greater extension beyond the shoreline, given the commercial considerations.

4. Submission Requirements – Complete applications include a site plan and supplemental information. All proposals must adhere to Boathouse and Boat Dock Design Standards, as identified in the previous Section of this Article.

(a) Site Plan –The minimum site plan data required includes:



1. Name of property owner and applicant
2. Location of property: Legal Description and Street Address
3. Lots and blocks numbered consecutively.
4. Date of preparation, map scale, and north sign.
5. High water line
6. The existing topography of the site shall be shown.
7. Abutting property lines
8. Existing structure(s) – with labels
9. Proposed structure(s) – with labels
 - (i) Dimensions of proposed structure(s) including height
 - (ii) Setbacks from property lines
 - (iii) Square footage of decks

10. Supplemental Information

The following information does not have to be addressed on the site plan but must be included with building permit application. The minimum supplemental information required includes:

- (i) Description of materials (including color samples) for siding, roof, window trim, decks, docks, railings, etc.
- (ii) Erosion and sediment control practices. Silt fencing or equivalent is required on any site adjacent to a body of water or on a steep hillside. Erosion control will be required to insure sedimentation does not leave the site. Town officials have the right to require erosion control on any site.
- (iii) Identify existing landscaping that will be disturbed. Identify landscaping material(s) to be placed on the site after construction.
- (iv) H.O.A. approval, if applicable.
- (v) U.S. Forest Service approval if the proposed development is located on Shadow Mountain Lake.
- (vi) Indemnification Agreement

5. Submission

One complete building permit application, including a site plan, and supplemental information with the appropriate fee/or deposit, as set by resolution by the Town Board of Trustees, must be received twenty-one (21) days prior to the next regularly-scheduled Planning Commission meeting. Staff will have fourteen (14) days to determine completeness. Upon determination of completeness, the applicant must submit an additional ten (10) copies, a CD of all drawings in PDF format, of supplemental information to Town Staff.

- (a) The Town of Grand Lake shall not review requests of this nature unless the applicant (its constituents or members) are current with the Town and all Town enterprises for all fees, assessments, charges, taxes, or amount due of any type.

6. Review Process

The public hearing will be held before the Planning Commission, and such factors as size, lake bed disturbance, surrounding property owners' concerns and other relevant factors will be considered. The date of the hearing will be set by Town Staff and notice



of said hearing will be placed in the newspaper of public record for the Town at least fifteen (15) days prior to the hearing. The Town shall notify by certified mail all property owners within two hundred (200) feet of the property boundary on which the boathouse or covered boat dock will be placed of the date of the hearing, fifteen (15) days in advance of the hearing. After taking evidence in relation to said boathouse or covered boat dock, the Planning Commission shall recommend approval, approval with conditions or denial of the Building Permit application to the Board of Trustees. The Planning Commission may recommend, based on site-specific conditions, approval of a design that exceeds specified parameters of the Boathouse and Boat Dock Design Standards and of applications for multi-family residences with lake frontage, lakefront properties without a residence, and commercial marinas. No recommendation shall be considered grounds for the recommended approval of subsequent applications. The Board of Trustees shall act on the application at their next regularly scheduled meeting.

7. Appeals

Appeals to the Board of Trustees decision may be considered by the Zoning Board of Adjustment.

- (a) Applicants appealing the Board of Trustees denial of the boathouse/covered boat dock building permit application shall file with Town Staff a request for hearing. The form of the appeal shall be in the manner as is prescribed by Town Staff. All appeals shall be accompanied by a non-refundable processing fee set, by resolution, by the Town Board of Trustees. The matter shall be scheduled for the Zoning Board of Adjustment. At that meeting the Board shall determine if the denial is to be sustained or whether a public hearing shall be required. The sustaining of the appeal is a final decision.

1. The Town of Grand Lake shall not review or continue to process requests of this nature unless the applicant (its constituents or members) are current with the Town and all Town enterprises for all fees, assessments, charges, taxes, or amount due of any type.

- (b) If the Board determines a public hearing is appropriate, then at least fifteen (15) days prior to the scheduled date, Town Staff shall cause a legal notice to run in a local newspaper of general circulation advertising the time, date, and location of the public hearing. In addition, at least fifteen (15) days prior to the scheduled date, Town Staff shall cause certified letters to be mailed to all property owners within two hundred (200') feet of any portion of the property proposed indicating the time, date, and location of the public hearing.

8. Permit Approval

The applicant shall comply with all conditions, as are imposed by the Board, as a condition of issuance. One such condition, applicable to all boathouse and/or covered boat dock building permit applications, is Army Corps of Engineers approval.



BOATHOUSE & BOATDOCK PERMIT APPLICATION

