

Pagosa Lakes Property Owners Association
SECTION 5: PERMITS FOR DOCKS
PROJECT PERMIT PROCESS

Application: See the permit application on the website items in this section are samples.

1. Applicants for a dock must execute and submit a License Agreement (see Attachment 1).
2. Applicants must complete a Dock Application Form (see attachment 2).
3. Applicants must submit one copies of a plan drawing showing location, size, configuration, material specifications and anchoring methods.
4. Site Plan showing the location of the dock.
5. Applicants must submit payment of an application fee.
6. All applications will be reviewed by Pagosa Area Water & Sanitation District (PAWSD) for review and approval. PAWSD is primarily concerned with the proposed building materials. As the lakes within Pagosa Lakes are the primary source of drinking water for our area, and PAWSD is the owner of the water contained within our lakes and distributor of the drinking water supply, PAWSD reserves the right to disallow the use of any material which they may deem harmful to the water supply. An approval from PAWSD is part of the approval process within the Association.

Design criteria for structures and improvements

Material specifications are additionally subject to the approval of Pagosa Area Water and Sanitation District.

All docks may be designed to be either floating and seasonally removable, or with permanent supports, anchors, piers, pilings in/on the lake bottom. See disclosure pertaining to permanent docks contained below.

Design and construction requirements:

1. Dock surface area is limited to a maximum of 144 square feet.
2. Walkway and access ramp and dock cannot exceed 25 feet from the high water line into the water.
3. Walkway and ramp maximum width six (6) feet.
4. Support for the dock may be by flotation devices that must be plastic, fiberglass or aluminum, or by a Structure embedded into the lake bottom, or by other means approved by the Committee. Neither bare Styrofoam nor steel drums will be allowed.
5. Anchoring devices for floating docks shall be hinged in such a manner to allow at least 30 inches of fluctuation in the lake water level.
6. Handrails cannot exceed 48 inches in height.
7. Deck materials must be aluminum, redwood, cedar, or Trex® (or similar composite material) finished in natural wood color. No pressure treated wood shall be allowed at or below the water line. Material specifications are subject to the approval of Pagosa Area Water and Sanitation District.
8. Property Owner must carry and maintain personal injury and property damage liability insurance in an amount at least equal to \$100,000.00/\$300,000.00, throughout the life of the dock. PLPOA will be shown as the co-insurer.

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Application Process:

1. The Department of Property and Environment (DPE) manager will review the dock application package and make a recommendation to Pagosa Area Water and Sanitation District (PAWAS) and the ECC. Dependent on the nature of construction and to protect water quality, a storm water mitigation plan and re-vegetation of the area may be necessitated.
2. ECC will consider the application package at a regular meeting and approve or disapprove the dock application as submitted.
3. If approved, DCS will issue a project permit to allow the construction of the dock.
4. After dock construction is completed, a DCS inspector will inspect it to assure compliance with the plans and then the License Agreement will be signed by the PLPOA General Manager, or designated staff member and will be maintained in the property file.

5.1 Shoreline Improvement Permits

- A Permit is required for any significant shoreline improvements or modifications by a lakefront owner. These are free permits which will be issued by the Environmental Control Committee with review and recommendation by the Department of Property & Environment.
 - Significant improvements or modifications include:
 - Installation of rock rip-rap, rock wall or gabion in any area wider than 10 feet along the shoreline.
 - Any project requiring heavy equipment such as backhoe, tractor or similar equipment
 - Any time a grade change of more than 1-foot will occur along the shoreline.
 - Any significant removal of cattails, reeds or willows totaling more than 30% of the shoreline.
- In some cases, such as larger scale projects, approval of the US Army Corps of Engineers may be required. The riparian buffer zone of the lakes is considered federal wetland designation and impacts to areas greater than 1/10th acre may require USACE approval. This will be addressed during the permit approval process.
- Minor improvements such as handwork on a small area of the shoreline, annual maintenance, installing low growing vegetation, placement of medium sized or small rocks in an area less than 10 feet in width generally would not require a permit.
- In some cases, your shoreline may not be entirely within your surveyed property pins.
 - If the shoreline, high water line is reasonably close to your pins (10 feet) it would in essence still be generally considered “your” shoreline and the Association would approve shoreline repairs and stabilization with a permit.
 - Refer to the Lakes Shoreline and Lakefront Policy for more information

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Attachment 1 *sample*

PAGOSA LAKES PROPERTY OWNERS ASSOCIATION, INC.
BOAT DOCK LICENSE AGREEMENT

AGREEMENT made this _____ day of _____, 20____, between the Pagosa Lakes Property Owners Association, Inc. (PLPOA), Licensor, which is the owner of the real property in and under Lake _____ in _____ subdivision, and _____, Property Owner (Licensee) of Lot _____, located in _____, subdivision.

In consideration of the mutual promises herein contained, the parties agree as follows:

SECTION I. GRANT OF LICENSE: DESCRIPTION OF PREMISES

Licensor shall allow Licensee to install and use a dock contiguous to Licensee's premises, Lot _____ extending into the water of Lake _____ for a maximum distance of twenty five feet.

SECTION II. LIMITATION TO DESCRIBED PURPOSE

A portion of the lake may be occupied and used by Licensee solely for a marine dock extending into said lake in accord with the approval and any special instructions issued by the Environmental Control Committee (ECC), for only recreational use and incidental purposes related thereto. This License Agreement is in no way intended to grant Licensee any right, title or interest to lake property. This License agreement shall be in effect beginning the _____ day of _____, 20____; and continuing until this Agreement is terminated as provided herein.

SECTION III. TERMINATION

Either party may terminate this agreement at any time, by giving written notice to the other, specifying the date of termination, provided that such notice must be given not less than thirty (30) days prior to the termination date therein specified. Should the marine dock referred to in Section II above, or any essential part thereof be totally destroyed by fire or other casualty, this Agreement shall immediately terminate and in case of partial destruction, this Agreement may be terminated by either party, as provided above. Further, in the event of total or partial destruction of the said marine dock, which is the subject of this Agreement, the Licensee must remove any and all debris resulting from fire or other casualty within thirty (30) days of such occurrence. If Licensee shall convey, assign or otherwise transfer the Licensee's property contiguous to the property, which is the subject of this License, this Agreement shall be automatically assigned to the entity to which the Licensee's property is conveyed, assigned, or otherwise transferred. The Licensee expressly recognizes that the only right accruing to the Licensee hereunder is a license expressly restricted to the uses and purposes herein and that this License is not and shall never be considered an easement or other property interest. It is understood that Licensor may revoke this License at any time at its discretion.

SECTION IV. LAKE MAINTENANCE

Per Article 4, Section H of the Declaration of Restrictions: "Whenever the Committee shall approve plans and specifications for a pier or similar structure on or extending into any waterway, such approval shall constitute a mere revocable privilege from Declarant or its successor or successors in interest for the construction, placement and maintenance of the proposed structure."

Should Licensee need to utilize the ten-foot easement along said Lot _____, Licensor will use reasonable diligence to avoid damage to Licensee's dock facilities thereon but may require Licensee to temporarily move or remove the dock facilities to permit shoreline maintenance. The Licensor will be held harmless for any damages to the dock facility which may occur during the removal process. In the event of a fixed pier, the Owner will be required to remove any pier supports or structures of a permanent nature which are imbedded in the lake bottom. A notice of time for removal of those items intruding into the lake will be posted by either hand delivered, regular or certified mail stating the time for removal. In the event the Owner does not remove the structures during the stated time period, the Licensor shall remove the structures, solely at the Owners expense. In the event the Owner does not

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comply with the removal or reimbursement for removal, the Licensor shall add the cost of any such removal to the assessment billings of the Owner.

SECTION V. DELIVERY OF NOTICES

Any notice mailed and addressed to Licensee at _____, or delivered to the Licensee, shall be notice hereunder by the Licensor. Any notice mailed or delivered to the PLPOA, 230 Port Avenue, Pagosa Springs, Colorado 81147, shall be notice by Licensee hereunder unless and until Licensor shall designate a different representative or address.

SECTION VI INDEMNIFICATION OF LICENSOR

Licensee shall indemnify and hold harmless Licensor for any and all liability, personal injury, property damage, or for loss of life or property resulting from, or in any way connected with, the condition or use of the property and marine dock covered by this License, or any means of ingress thereto or egress therefrom.

SECTION VII LIABILITY INSURANCE

Licensee shall carry and pay for personal injury and property damage liability insurance in an amount at least equal to \$100,000/300,000, carried for the life of the dock, for the purpose of protecting Licensee and Licensor from any claims or suits for damages resulting from, or in any way connected with, the condition or use of the property covered by this License. PLPOA must be an additionally named insured.

**PAGOSA LAKES PROPERTY OWNERS
ASSOCIATION (GM signature)**

**PROPERTY OWNER
(Owner signature)**

BY: _____

BY: _____

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Attachment 2

PAGOSA LAKES PROPERTY OWNERS ASSOCIATION, INC.

DOCK APPLICATION

NAME _____ **PHONE** _____

MAILING ADDRESS: _____

E-MAIL: _____

CONTRACTORS NAME, PHONE, & EMAIL _____

PROPERTY ADDRESS _____

BLOCK/LOT NUMBER _____ **SUBDIVISION** _____

SCHEDULED START _____ **SCHEDULED COMPLETION** _____

Total length of Dock & Ramp in Water: _____ **Length of Ramp on Shore:** _____

ACCESS RAMP DIMENSIONS: _____

DOCK DIMENSIONS: _____

DESCRIPTIONS OF DOCK ANCHORS OR PIERS:

DESCRIPTION OF FLOATATION DEVICES:

The owner attests that the information above is complete, correct, and all documents needed for approval have been submitted. Owner has read and agrees to abide by the sections of the Project Permit Process that pertains to the project, the Declaration of Restrictions for this subdivision, Boat Dock Agreement, Project Agreement, and the Rules and Regulations of the Association. The owner agrees to keep the dock in good working order. Permit is valid for 6 months. If not completed, an extension must be paid for per the fee schedule. (See Section 9)

FOR PLPOA USE ONLY

DATE APPLICATION AND PLANS RECEIVED & COMPLETE: _____

FEE AMOUNT RECEIVED & TYPE: _____ **ACCOUNT#** _____

PERMIT # _____

Pagosa Area Water & Sanitation District Approval

Date

Pagosa Lakes Property Owners Association (DPE) Manager Approval

Date

APPROVED / DISAPPROVED IN CIRANET PERMITI EXPRES IN SIX (6) MONTHS AFTER APPROVAL