



ROW Encroachment – Administrative Review Application Guide & Checklist

Economic & Community Development Department
101 W. 8th Street
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(970) 384-6411

PURPOSE

The right-of-way encroachment license (license to encroach) procedure is a mechanism by which the City can evaluate proposed encroachments of private property and structures into publicly-owned rights-of-way, such as streets, sidewalks, and other types of City property.

GENERAL OVERVIEW

A license to encroach is required for any private use or structure proposed to be located within the City's right-of-way. The review process depends on the type and extent of the encroachment:

Administrative Review

The following encroachments are reviewed administratively:

- Encroachments that are not permanent in nature
- Encroachments located in the air space above the City's right-of way
- Encroachments that project less than one foot into the right-of-way including awnings, landscaping, balconies, sidewalk signs.

All other encroachments will require the review and approval of City Council. Refer to the ROW Encroachment – City Council Review Application Guide & Checklist.

REVIEW PROCESS

All administrative licenses to encroach are reviewed and decided upon by the Community Development Director following the procedures outlined below:

- 1. Pre-application Conference.** Contact one of the planners in the Community Development Department prior to submitting your ROW Encroachment application. We will discuss the administrative review procedures, application requirements, decision timelines, and the City's goals, policies, and development standards as they relate to your proposed project.

At least 10 days prior to your scheduled conference, please submit one electronic copy of the following items:

- a. A completed Planning Application. The application is available [here](#), or on the City's website at www.cogs.us. It is in "Forms, Permits & Applications" on the Community Development Department page.
- b. A written description of the proposed project.

- c. Conceptual drawings showing the location, layout, and primary elements of the proposal.
- d. Proposed uses, location of uses, and densities, if applicable.

- 2. Prepare Your Application.** During the pre-application conference you will receive a checklist of information that we will need to process your request. This information constitutes your application and may include any, or all the information found on page 5 of this guide.

City staff will evaluate your application based on how well it demonstrates compliance with the Municipal Code, and the City's goals, policies, and plans. You may review the Municipal Code on the City's website at www.cogs.us. Other approved plans also can be found on the City's website under the individual department pages. Community Development staff will help guide you to plans and policies that may be applicable to your project.

- 3. Submit Your Application.** Submit an electronic copy of your completed application to the Community Development Department on or before the 6-week application deadline. Within 5 business days of your submission, Community Development Department staff will review your application to determine whether it is complete. If it is incomplete, we will contact you with a list of the information needed to complete your application. You are encouraged to submit your application well in advance of the application deadline to allow you time to supply any missing information. Submissions after the deadline will delay your review and decision.
- 4. Provide Additional Copies.** After Community Development Department staff deems it complete, you will be asked to supply a final, complete electronic set of your application materials. Staff may request paper copies of your application for distribution to the City's reviewing departments and outside agencies. The number and format of paper copies can vary depending upon the scope of your application. If your application includes any full-sized plan sheets, we may request submission on 11" x 17" or 24" x 36" size paper.
- 5. Development Review Committee Referral and Review.** Prior to rendering a decision on your project, your application may be referred to the Development Review Committee which consists of various City departments, City boards and commissions, and outside agencies such as the Colorado Department of Transportation, and gas and telephone companies. Community Development Department staff relies on these agencies to review your application and comment on any issues or concerns that they may have relating to your project. In some instances, review committee comments may cause you to redesign your project.
- 6. City Department/Applicant Development Review Committee Meeting.** If your application is referred to the Development Review Committee, you will meet with the committee to review and discuss their comments about your project. In some cases, the committee may request revisions or additional information. You will need to submit your revised materials

or additional materials prior to receiving a decision on your project. Staff will distribute your additional information to the committee and will generally allow 2 weeks for their further review and comment.

- 7. Staff Review & Report.** Community Development Department staff may prepare a summary report for the Community Development Director that analyzes how your project meets the Municipal Code, the City's goals, policies, plans, standards and any other pertinent information. The report will include a staff recommendation of approval or denial. If staff recommends approval, usually there also will be a list of recommended conditions. You will receive a copy of this report, usually via email. Make sure that you read the report and review the listed conditions, if there are any.
- 8. Post-approval.** After you have satisfied all applicable conditions of your project's approval, and after construction of your approved encroachment, Community Development Department staff will ask that you provide an as-built drawing or survey of the encroachment. The as-built drawing must be prepared by a licensed surveyor and include a written description of the encroachment. Following receipt of the drawing, the city's Legal Department will draft a Revocable License to Encroach for your signature. This document and the legal description will be recorded with the Garfield County Clerk & Recorder's office. You will be required to pay the applicable recording fees which are detailed on the Clerk & Recorder's page of the Garfield County website: www.garfield-county.com.
- 9. Revocable License to Encroach and Indemnification Agreement.** All ROW encroachments require that the owner of the encroachment execute a Revocable License to Encroach which memorializes the city's approval of the encroachment. All encroachments also require that the owner indemnify the City from any and all damages to property or persons resulting from the encroachment. Following construction of your approved encroachment, City staff will provide you with a Revocable License to Encroach and Indemnification Agreement for your signature. This document and the legal description will be recorded with the Garfield County Clerk & Recorder's office. You will be required to pay the applicable recording fees which are detailed on the Clerk & Recorder's page of the Garfield County website: www.garfield-county.com.

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ROW Encroachment-Administrative Review APPLICATION CHECKLIST

For office use:
 Pre-application Meeting Date: _____ Planning File #: _____
 Applicant: _____ Lead Planner: _____

During or shortly following your pre-application meeting, you will receive this checklist noting the materials that the City will need to process your ROW Encroachment application. This information constitutes your application. Failure to provide the required materials on or before the application deadline will delay your application.

Materials to be Provided by Applicant								
Submittal Requirements		Paper Copy – number and format			PDF	Notes	Required Submission (√)	Submitted by Applicant (√)
		8 ½ x11	11 x 17	24 x 36				
1	Planning Application – completed in full and signed by applicant and all property owners of record	√			√			
2	Ownership - provide proof of ownership such as Deed of Trust, Warranty Deed or Quit Claim Deed. Title commitment will not suffice	√			√			
3	Project Description – narrative describing the project and the need for encroaching into the ROW or onto other types of City property	√			√			
4	Complete Plan Set including:	0	1	1	√			
	Cover Sheet							
	Site Plan							
5	As-built drawing & Legal Description – following construction, provide an as-built drawing and legal description of the encroachment	√			√	Depending on the extent of the encroachment, format may include submission of a 24 x 36-inch drawing		

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		8 ½ x11	11 x 17	24 x 36				
6	Revocable License to Encroach and Indemnification Agreement.					To be provided by Community Development Department staff		
7	Fee	\$ _____				Cash, check or credit card. Check payable to the City of Glenwood Springs		
8	Other Materials							