

**COLORADO CITY METROPOLITAN DISTRICT
RESOLUTION NO. 15-2024**

**RESOLUTION AMENDING RULES AND REGULATIONS TO ESTABLISH
PROCEDURES AND STANDARDS FOR ACCESS AND DRIVEWAYS DIRECTLY OFF
OF COLORADO CITY METROPOLITAN DISTRICT ROADS**

RECITALS

WHEREAS, Colorado City Metropolitan District (the “District”), in the County of Pueblo and State of Colorado, is duly organized and existing under the Constitution and the laws of the State of Colorado; and

WHEREAS, the District is a quasi-municipal corporation and a political subdivision of the State of Colorado, existing as a special district under the Constitution and laws of the State of Colorado and operating pursuant to Title 32, Article 1, Colorado Revised Statutes; and

WHEREAS, the members of the Board of Directors of the District (“Board”) have been duly elected or appointed and qualified; and

WHEREAS, C.R.S. § 32-1-1001(1)(m) states that the District’s Board of Directors (the “Board”) has the power to “adopt, amend, and enforce bylaws and rules and regulations not in conflict with the constitution and laws of this state for carrying on the business, objects, and affairs of the board and of the special district”; and

WHEREAS, pursuant to C.R.S. § 43-2-147(1), local governments are authorized to regulate vehicular access to and from any public streets and roadways under their respective jurisdiction from or to property adjoining the street or roadway; and

WHEREAS, pursuant to C.R.S. § 43-2-147(1), local governments are authorized to regulate vehicular access to and from any public streets and roadways under their respective jurisdiction from or to property adjoining the street or roadway and the District also has powers for safety protection through traffic and safety controls and street improvement pursuant to C.R.S. § 32-1-1004(2)(d, f); and

WHEREAS, public notice of a hearing on December 10, 2024 regarding proposed amendments to the District’s Rules and Regulations was published on November 28, 2024 in a local newspaper of general circulation pursuant to Rule 1.8.2 of the District’s Rules and Regulations; and

WHEREAS, the Board wishes to adopt this Resolution to establish procedures and standards for access to driveways directly off of District roads.

RESOLUTION

**NOW, THEREFORE, BE IT RESOLVED BY THE COLORADO CITY METROPOLITAN
DISTRICT BOARD OF DIRECTORS:**

1. The Board hereby adds the following Sec. 16.6.4 to the Rules and Regulations in Section 16, Subsection 16.6 on **District Streets**, as attached in **Exhibit A**.
2. Effective Date: The Colorado City Board of Directors hereby determines and finds, that to promote the prosperity and improve the comfort and convenience of Colorado City Metropolitan District and its inhabitants, and to best serve the immediate preservation of the public safety, welfare and interests of Colorado City Metro Department and its inhabitants, these Rules amendments shall become effective immediately upon adoption by the Board of the District. The District Manager is directed to update the Rules and post an updated version on the District’s website.

3. Severability: If any portion of these Rules is found to be unconstitutional, invalid, or void for any reason, it shall be deemed severed from this Resolution. Such decision shall not affect the constitutionality or validity of the remaining portions of this Resolution and the remaining portions shall remain valid and in full force and effect. The Colorado City Board of Directors hereby declares that it would have passed these Rules and each part or parts thereof regardless of the fact that any one part or parts may be declared unconstitutional or invalid.

A motion was made and seconded, and, upon a majority vote, this Resolution was **ADOPTED AND APPROVED** by the Board this 10th day of December, 2024.

**COLORADO CITY METROPOLITAN
DISTRICT**

By: 
Neil Elliot, Chairperson

ATTEST:


Sarah Hunter, Secretary

[DRAFT]

Exhibit A

16.6.4 Street Access

16.6.4.1 Authority: Pursuant to Section 43-2-147(1), C.R.S., local governments are authorized to regulate vehicular access to and from any public streets and roadways under their respective jurisdiction from or to property adjoining the street or roadway.

16.6.4.2 Purpose: It is the purpose of this section to provide the procedures and standards necessary to protect the public health, safety and welfare, to maintain smooth traffic flow, to maintain proper roadway drainage, and to protect the functional level of the District street system while meeting local and private transportation needs and interests.

16.6.4.3 Implementation: No person shall construct any access providing direct movement to or from any Colorado City street or roadway to or from property adjoining the street or roadway without an approved access permit issued by the District.

A. Access permits shall be issued only in compliance with this Article. In no event shall an access be allowed or permitted if it is detrimental to the public health, safety, or welfare.

16.6.5 Application for a Permit and Issuance of Permits

16.6.5.1 Persons wishing to apply for direct access to a District street or roadway shall apply to District on a standard form provided by District. In addition to the form, District may require any or all of the following items:

- A. Site plan showing location of proposed access and proposed improvements. The plan shall show any existing access.
- B. Street or roadway and driveway plan and profile.
- C. Drainage plan of the site demonstrating mitigation of impact to the District street and drainage system.

D. Any proposed improvements, modifications, or structures within the City right-of-way.

16.6.5.2 Upon receiving a complete application for an access permit, District shall inspect the site and inform the applicant of the site-specific requirements for construction of the access. Such requirements may include surface treatment of driveway, culvert or other drainage structures, width of access, etc.

16.6.5.3 The actual access permit will not be finalized nor issued to the applicant until construction of the access has been completed in accordance with the specifications of this Regulation and in compliance with the site-specific requirements as determined by District after field inspection.

16.6.5.4 If construction of an access does not commence within 1 year of the date of application, the application will become null and void. Re-application will be required.

16.6.6 Access Control Standards It is the policy of District that private direct access to the public street system will be provided by way of the lowest classified street possible. For example, no private direct access shall be granted to a property from an arterial street when the property can be accessed from a lower classified street. Exceptions to this policy will be made only when it is demonstrated that a severe hardship would be caused to the property owner by strict enforcement of the policy, a hardship arising from the unique circumstances or characteristics of the particular site.

16.6.7 Construction of Access

16.6.7.1 The expected dates of construction and use of the access shall be included in the application for the permit.

16.6.7.2 District may inspect the access during construction as needed and upon completion of construction to ensure that all terms and conditions of the permit application are met.

16.6.7.3 The construction of the access and its appurtenances as required by the terms and conditions of the permit application shall be completed at the sole expense of the applicant. District will not supply either materials or labor for the construction of the access and appurtenances.

16.6.7.4 It is the responsibility of the applicant to complete the construction of the access according to the terms and conditions of the permit. District may order a halt to any unauthorized construction or use of an access.

16.6.7.5 Adequate traffic control and construction signing for local traffic safety is always required during construction of the access. All such traffic control and signing shall be at the applicant's expense and shall not be provided by District.

16.6.7.6 All street access improvements including pavement, curbs, gutters, sidewalks, drainage structures, ditches and auxiliary lanes shall be within the District street right-of-way. Any additional right-of-way required for such improvements must be dedicated or deeded to District prior to construction beginning.

16.6.8 Illegal Accesses

16.6.8.1 An access will be determined illegal if the access was installed or is being used contrary to the terms and conditions of an access permit application or an approved access permit.

16.6.8.2 Upon discovery of an access considered illegal under the terms of this section, District will contact the property owner to make necessary corrections. This notice will include a description of all steps necessary to bring the access into compliance. If the property owner fails to bring the access into compliance within 60 days of the written notice District may, at its option, install barriers across the access or remove the access.

16.6.9 Drainage

16.6.9.1 Drainage structures constructed as part of an access shall not restrict or obstruct the existing drainage system and shall be in accordance with approved drainage plans or studies where applicable. Culverts shall be a minimum of 18 inches in diameter. The length, diameter, cover, type,

and inlet and outlet elevation of all culverts is subject to approval of District.

16.6.9.2 Accesses shall be constructed in such a manner that does not cause erosion and will not result in deposition of silt and debris upon the District street. Accesses which slope down toward the street will be constructed to include suitable means of assuring water does not run onto or across the traveled public way. This may include crown, borrow ditches, pans, etc. along the access sufficient to direct water to the existing drainage facilities along the street.

16.6.10 Geometric Standards

Driveways shall conform to the geometric standards illustrated in Appendix 1, Figures 21 through 23 of Pueblo County Roadway Design and Construction Standards. Any variation from the requirements shown due to physical site restrictions or unusual circumstances must be approved by District.

16.6.11 Location

Location of driveways shall be in accordance with Figure 24 in Appendix 1, of Pueblo County Roadway Design and Construction Standards.

16.6.12 Miscellaneous Requirements

- A. Only one residential access per lot or parcel will be allowed unless lot frontage is of sufficient width to allow a minimum spacing of 50 feet between driveways on one parcel or lot.
- B. Street access be constructed with class 6 aggregate base course material a minimum of 9 inches in depth from the edge of the road to the property line.
- C. If an unlined drainage ditch exists along the street to be accessed, the Applicant must supply and install a culvert pipe in the driveway. The length and diameter of the pipe shall be as determined by District, but in no case shall the pipe be smaller than 18 inches in diameter nor less than 20 feet in length. The pipe will be bedded with a minimum of 6 inches of class 6 aggregate base course material with a minimum of 1 foot of cover over the pipe, compacted to 95% standard at which time the owner will be responsible for Proctor density before inspection. A swale access is a permissible alternative assuming all other conditions are met, at the discretion of District.
- D. Culvert pipes may be required to be given concrete end treatments at both the inlet and outlet ends at the discretion of District.

16.6.13 Driveway Location Limitations

- A. NEW driveway access will not be allowed:
 1. Within 10 feet of any commercial property line except when it is a joint-use driveway serving two abutting commercial properties and access agreements have been exchanged between, and recorded by, the two abutting property owners.
 2. When the total width of all driveways, existing and proposed, serving a given property would exceed 50% of the curb line frontage where such frontage is 100 feet or less.
 3. Within 50 feet of the right-of-way line of an intersecting non-arterial street.
 4. Within 100 feet of a bridge structure.
 5. Within the minimum spacing as established by Figure 24 in Appendix 1 of Pueblo County Roadway Design and Construction Standards; or,
 6. When adequate sight distance cannot be provided to vehicles on the driveway attempting to access the road.
- B. Exceptions may be made by District where the application of these standards would create undue hardship to the abutting property owners.
 1. Applicants for residential accesses serving more than 10 dwelling units, commercial accesses, and industrial accesses shall submit a traffic study which includes estimates of the volume and type of traffic to be using the access at build-out, turning movements into

and out of the access, the effect of the proposed access on the existing traffic on the public road to be accessed, and any other information deemed by District to be necessary to evaluate the specific site requirements.

16.6.14 Application Fees Due at time of application

The application fee is intended to cover the actual cost incurred by District in administration of the permit and inspection of the proposed location of the access and construction of the access for compliance with the standards outlined in this policy.

Type of Access (based on use)	Fee
Residential driveway	\$250.00

16.6.15 Damage to County Roadway and Improvements

Any damage to the pre-existing District street, drainage ways, structures, traffic control devices, etc. within the District right-of-way arising from or occurring during the construction of the street access, or performed on the property served in connection with the use for which the permit is applied, shall be promptly repaired by the applicant prior to the final issuance of the permit. All debris, rubble, excess material, etc. will be removed from the District right-of-way.