

**ROAD REGULATIONS**

**PAN-ARK ESTATES METROPOLITAN DISTRICT**

**ADOPTED JANUARY, 2024**

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## **ARTICLE I. GENERAL**

**Section 1.1 District Authority and Purpose.** The Pan-Ark Estates Metropolitan District (District) is a Colorado special district, organized and operating pursuant to Title 32, Article 1, Colorado Revised Statutes. The principal purpose of the District is to provide for road maintenance, upkeep, and snow removal of the roads throughout the area referred to as “Pan-Ark” or “Pan-Ark Estates.” In providing services in furtherance of these purposes, the District's Board of Directors (Board) has the authority to adopt Rules and Regulations pursuant to Section 32-1-1001(1) (m), C.R.S.

The roads within Pan-Ark were constructed and have been in place since the early 1970's. Because of the mountainous terrain and topography, many of the existing roads are not located precisely between the platted lots in their assigned road and utility easements as described in the subdivision plat. Because the roads have been in their current locations for decades, it is the policy of District that the current existing road and right of way location and utility alignments takes precedence over the platted location of easements or lot lines. The Pan-Ark roads will not be widened to meet County road requirements. These Regulations shall be interpreted and enforced to adhere to this policy to the maximum extent possible.

**Section 1.2 Scope.** These Road Regulations (Regulations) shall govern the use of the internal road system within Pan-Ark. The Regulations are intended to provide for safe travel and efficient maintenance as well as to establish a uniform process and procedures for road development, maintenance, and operation of roads. These Regulations set forth expectations for construction of residential developments or improvements pertaining to the roads. All Regulations shall be construed liberally in order to best carry out the purpose of the District and the determinations and intent of the Board. The Board shall have sole discretion in interpreting and applying the Regulations, and may modify or amend such Regulations as it deems warranted.

**Section 1.3 Additional Information.** For more information regarding the District or these Regulations, see the District's webpage at [ccgcolorado.com/panarkestates/](http://ccgcolorado.com/panarkestates/) or contact the District Manager at [panarkestates@ccgcolorado.com](mailto:panarkestates@ccgcolorado.com) or call (970) 484-0101 ext. 955.

## **ARTICLE II. ENFORCEMENT**

**Section 2.1 Enforcement.** These Regulations may be enforced, by District's designated Operations Manager (“Operations Manager”) contracted by District to enforce these Regulations. Operations Manager shall enforce these Regulations in a manner deemed to be most efficient, exercising their discretion, unless given specific direction by the Board. Generally, the exercise of their enforcement power shall be in accordance with Section 2.2 below, and as specifically provided in other provisions of these Regulations. District Operations Manager may deviate from the general enforcement procedure if they determine it necessary to most effectively and efficiently carry out the purpose and scope of these Regulations.

**Section 2.2 Operations Manager.** Generally, Operations Manager shall be the enforcement authority as regards all matters and activity occurring within District's rights-of-way, and all other District related activity.

**ARTICLE III.  
MOVING AND PARKING REGULATIONS**

**Section 3.1 Speed Regulations.** No person shall drive a vehicle on a road within Pan-Ark at a speed greater than the speed limits imposed by the County for similar roads, except when a special hazard or signs exist that require lower speed. Violators may be subject to fine or other penalties.

**Section 3.2 Parking.** No person shall stop, stand, or park a vehicle in any of the following areas:

1. On any Pan-Ark road, or in any road right-of-way;
2. Within fifteen feet (15) of a fire hydrant;
3. In any private driveways without the permission of the owner of the driveway;
4. In any other location if the parked vehicle interferes with the normal, safe flow of traffic or preventing access by emergency vehicles.

No construction vehicles may be parked on any road within Pan-Ark, including in relation to construction or development taking place on any lot within Pan-Ark, without prior approval of a construction permit as required by Article V of these Regulations.

All roads and roadways in Pan-Ark are snow emergency routes, and it is imperative that all such roads and roadways be plowed, sanded and swept in an expeditious manner. No vehicle shall be parked anywhere within Pan-Ark that interferes with or impedes the snow plowing or road grading activities of the District. If a vehicle is parked due to weather conditions that do not allow safe driving, it is expected that the vehicle be moved within 12-hours or the owner of the vehicle seek assistance in moving the vehicle from its location within 12-house and notify the Operations Manager of the status of such assistance.

Vehicles in violation of this section are subject to immediate removal by being towed at the owner's expense or wheel immobilization at owner's expense. The towing or wheel immobilization of any impermissibly parked vehicle constituting a safety or security hazard, as determined by Operations Manager, shall be enforced by Operations Manager or a designated representative of the District. The Operations Manager shall have the authority to implement fines (in addition to those set forth in Section 3.8) for impermissibly parked vehicles as follows:

|                      |                |                         |
|----------------------|----------------|-------------------------|
| Wheel Immobilization |                | \$ 50.00 per occurrence |
| Towing of Vehicle    | First Offense  | \$ 50.00                |
|                      | Second Offense | \$100.00                |
|                      | Third Offense  | \$250.00                |

The towing of any impermissibly parked vehicle constituting an impediment to the efficient maintenance or operation of District roads during a snow event requiring plowing or sanding, or otherwise as determined by Operations Manager, shall be enforced either by Operations Manager or a designated representative of the District.

**Section 3.3 Obedience to Signage and Devices.** No driver of a vehicle shall disobey or interfere with instructions of any signage or control device within Pan-Ark.

**Section 3.4 Pedestrian Rights.** Traffic control devices are not in place in Pan-Ark for pedestrians, therefore, the driver of a vehicle shall yield to pedestrians by slowing down or stopping as required.

**Section 3.5 Impeding Traffic.** No person shall drive any vehicle within Pan-Ark that impedes or retards the normal and reasonable movement of other traffic without pulling off to the side of the road at the first available place and waiting until all impeded traffic has passed. Violation may be subject to fine. Snow removal vehicles, during normal course of operation, are exempted from this rule.

**Section 3.6 Obedience of Authorized Personnel.** No person shall willfully fail or refuse to comply with any lawful order or direction of any authorized personnel in connection with control or regulation of traffic ordinances. Violation may result in fine.

**Section 3.7 Off-Road Driving.** No off-road driving is allowed in Pan-Ark. Off-road driving pertains to any unauthorized driving on private property. Violation may result in fine.

**Section 3.8 Penalties.** Any violator of any regulation under this Article 3, in addition to any speed violations as posted within the District, shall be cited by Operations Manager, and shall be subject to one or more of the following penalties at the discretion of District's Board of Directors:

1. Fines up to
  - \$ 50.00 for the first violation
  - \$100.00 for the second violation
  - \$250.00 for all subsequent violations
  
2. For commercial access or contractors, permanent or temporary denial of any future access to and use of Pan-Ark roadways. Any violator found using such roadways or pathways during a period of denied access and use shall be subject to prosecution for trespass.

#### **ARTICLE IV. ROAD STANDARDS**

**Section 4.1 Road Standards and Specifications.** The roads of Pan-Ark are not compliant with Lake County standards, primarily due to not meeting minimum width of right of way. This fact was a primary cause leading to formation of the District and its acceptance of the responsibility to own, operate, maintain the Pan-Ark roads as authorized by its Service Plan approved by the Lake County Board of County Commissioners on July 26, 2021. Therefore, the District Board of Directors hereby adopts by reference the Lake County Roadway Design Standards and Specifications, codified in Chapter 10 of the Lake County Land Development

Code and Title 12, Chapter 12.32 of the Lake County Code. The District Board of Directors also adopts by this reference any other Lake County ordinance, regulations, or provision governing operation, maintenance, or use of roadways, unless otherwise inconsistent with these Regulations. The District Board of Directors intends to operate and maintain the Pan-Ark roads in a manner consistent with, as near as possible, to County roads owned and operated by Lake County, Colorado. The Pan-Ark roads will not be widened to meet County road requirements.

**Section 4.2 Driveways.** In order to construct, install, or connect a new driveway or parking area to a road within Pan-Ark, a property owner, developer, contractor, or any other individual must first obtain a permit from the District in accordance with Article V below and a permit from Lake County in accordance with Chapter 10 of the Land Development Code. Modification or regrading of an existing driveway will also require the same permits. Driveways shall not be located within 50 feet of an intersection or curb return. All driveways shall be designed to allow adequate drainage and prevent erosion.

**Section 4.3 Drainage and Culverts.** Proper drainage is one of the most important factors in roadway design and construction because it can minimize maintenance costs and preserve the appearance and drivability of roads. Therefore, all construction or work within the Pan-Ark roads will comply with CDOT and Lake County regulations and the following:

1. Culverts will be located at each natural draw or water course whenever possible to prevent excessive accumulation of flow in roadside ditches or along the toe of slopes. Natural water flowing in roadside ditches shall be diverted away from the roadway as quickly as possible. In no instance will the water remain in the culvert or ditch for a distance greater than 800 feet or a flow of 5 cubic feet per second.
2. The velocity, slope, length, size and bedding of culverts shall be calculated using acceptable design charts or formulas. Culverts shall be designed for the full design storm event for each road classification.
3. Culverts shall be designed to be self-cleaning. Headwalls, rip-rap, or other means of protection are required at inlets and outlets where erosion might occur. If an inlet structure is not provided, culverts shall have flared ends on both the inlets and outlets. Under no condition will the outlet discharge on unprotected fills, unstable material or at adverse angles to streams or open channels. If necessary, velocity dissipaters shall be installed at outlets. The District recommends the use and installation of a plastic ADS pipe.
4. The minimum diameter of any pipes beneath a roadway shall be 24 inches. The minimum rise for arch pipes shall be 18 inches. Pipe, bedding material and installation procedures shall comply with CDOT requirements. Structural Backfill material shall be used within any pipe zone and comply with CDOT and Lake County requirements.

**Section 4.4 Utilities.** Utilities may be located within the Pan-Ark roads and utility easements in connection with approved development or construction, however, the District does not operate or maintain any utilities. In connection with any new development or construction, utilities may not be installed within five feet from the edge of the Pan-Ark roads and utility

easements without prior approval of the District. The District is aware of the following utilities and businesses operating and providing services to owners within Pan-Ark:

1. Mount Elbert Water Association (MEWA)  
<https://www.mountelbertwater.org/>  
312 Mt. Elbert Drive  
Twin Lakes, CO 81251
2. Sangre de Cristo Electric Association  
<https://www.myelectric.coop/>  
29780 U.S. Highway 24 N.  
Buena Vista, CO 81211
3. CenturyLink  
<https://www.centurylink.com/>
4. Aristata Communications  
<https://aristatacommunications.com/>
5. Comfurt Gas  
<https://www.comfurtgas.com/>
6. Ferrellgas  
<https://www.ferrellgas.com/>

**Section 4.5 Road Encroachment.** It is the policy of both MEWA and the District that right of way or easements for all Pan-Ark roads and their associated utility alignments have been established in their present and existing location and shall remain in their present position and that no private encroachment will be allowed on any existing road, right of way, or easement. In all construction activities, standard setbacks in accordance with the Lake County Land Development Code (LCLDC) shall be based on the existing road location and not on platted lot lines. No variation from the existing roads will be approved by MEWA or the District except in extreme circumstances and after thorough review. In the case of encroachment on existing roads, rights of way, or easements by a contractor or lot owner, the offending and/or responsible party will be required to immediately return the road, right of way, and/or utility easement to its original location and condition at their own cost. In addition, if there is damage to any MEWA water lines, curb stops, or other MEWA installations, the offending and/or responsible party will be held accountable for the repair cost for any damage. After notice to the lot owner and 30-days opportunity to restore any such damage, if the offending and/or responsible party fails to restore the road, right of way, or utility easement, MEWA or the District may repair or restore any damage and charge all costs associated with such work to the lot owner and/or their contractor(s), holding the parties jointly and severally liable, to the full extent of the law, including, but not limited to recording a lien against the property.

## ARTICLE V. CONSTRUCTION ACTIVITY

**Section 5.1 General.** The Board desires to provide for the orderly and efficient activity in connection with any construction activity occurring within Pan-Ark that will impact roads or require use of any road or roadway by trucks or other heavy equipment. The District desires to prevent problems and damages resulting from methods and activities of contractors and any construction within or impacting the Pan-Ark roads. The public interest is best served by requiring the licensing and issuance of a permit to any persons, businesses, corporations, or contractors performing construction activity within or affecting the Pan-Ark roads. The Pan-Ark roads will not be permanently narrowed, widened, or altered by construction activities.

To ensure uniformity and adherence to these Road Regulations, the Board hereby requires that all Pan-Ark lot owners shall have a duty and obligation to provide any contractor hired to complete any construction activity in Pan-Ark that will impact the roads a copy of these Regulations. The final adopted and enforceable Road Regulations will be available on the District's webpage at <https://ccgcolorado.com/panarkestates/>.

**Section 5.2 Permit Required.** Any person, business, corporation, developer, or contractor performing any construction activity within Pan-Ark anywhere within Pan-Ark must first obtain a permit by and through the Operations Manager or from the District Board in accordance with these Regulations. Permits are required for any new road construction, upgrades to existing roads, road cuts for utilities, or drainage work, driveway construction, and any other work causing a material impact to roads.

### **Section 5.3 Permit Application Requirements.**

1. Application for construction permits shall be submitted to the District at the address provided in Section 1.3 above.

2. The following information shall be provided by applicants for the permit application to be considered complete:

- a. Name of the property owner and address of the property or properties where construction work is being completed;
- b. Name, business address, state driver's license number and telephone number of the contractor, and any subcontractor, other person, business, or entity performing work under the permit;
- c. A complete list of the work to be completed, describing any driveways, culverts, or work to be completed;
- d. Engineering plans or appropriate site plans with a level of detail necessary to determine compliance with District Regulations and CDOT or Lake County standards and specifications as appropriate;



- e. Make, model, and state license number of any vehicle or machine to be used for construction activity;
- f. Information identifying compliance with insurance and deposit or bond satisfying the requirements of these Regulations.

**Section 5.4 Deposit/Bond Required.** A deposit (or performance bond) of \$5,000 will be required prior to issuance of a construction permit by the District. The deposit (or bond proceeds) may be used by the District to offset any damages to roads, ditches, culverts, or other infrastructure related to the Pan-Ark roads caused by work or activity completed under a construction permit. Following completion of the construction, the applicant/permittee shall notify the District that work is complete and provide evidence in the form of pictures taken before and after construction activities demonstrating completion of all excavation, mitigation, cleanup and restoration work. After inspection, the District will determine, in its sole discretion, whether additional work is required to complete excavations, erosion control, mitigation, cleanup, or restoration of the Pan-Ark roads or associated improvements. If additional work is required, the District may choose to complete such work itself, utilizing the deposit and/or performance bond proceeds to pay for such work. Any additional expenses incurred by the District will be charged to the contractor and/or property owner and shall be paid within thirty-days of receipt. If still unpaid, the District reserves the right to assess and record a lien against the property named in the permit and collect any unpaid amount, plus all costs and attorney fees incurred by the District associated with the collection of delinquent payment.

**Section 5.5 Work Within District Roads.** The contractor agrees to coordinate all utility and other work within the Pan-Ark roads, roadways and all District rights-of-way with Operations Manager and other utilities, specifically including MEWA.

**Section 5.6 Road Cuts and Excavation.** All cuts, fills, or other excavations of the roads or roadways shall be in conformance with District requirements. All excavated areas shall be designed, engineered, and landscaped to control erosion as well to provide stability. Natural drainage patterns shall be preserved and protected from increased water flows that could alter such patterns or subject existing channels and adjacent areas to increased erosion. If any construction activities encroach into any Pan-Ark roads, it is recommended that the contractor performing work survey the roadway for any potential property markers.

**Section 5.7 Erosion and Mitigation.** During construction, the contractor shall prevent erosion of soil on the roads resulting from their activities. Erosion control measures shall be initiated prior to the commencement of clearing, grading, excavation or other operation that will disturb the roads. Temporary erosion control measures shall include the installation of silt fences, hay bales, and check dams.

Should the development or construction activity require more than 10 truck trips (truck defined as loader, dump truck, trailer hauling heavy equipment, concrete trucks etc.) the contractor will be required to control dust created by truck movement on the road(s) leading from the major arterial road (defined as any road directly attached to a County Road leading into the development or defined as a major arterial road such as Quartz Drive, Ridge Road, Pan Ark Drive, Peak View Drive, Sequoia Drive, Gold Drive and Silver Drive). Control of dust can be

accomplished by watering to control dust, application of dust control products, or other District-approved dust control measures.

**Section 5.8 Deliveries, Staging, and Parking.** No deliveries, laydown or staging of construction materials, nor parking on any Pan-Ark roads or roadways shall be permitted without prior written approval of Operations Manager, who must be notified at least one business day in advance of such laydown or staging, and issuance of a permit in accordance with Article V of these Regulations. Parking must not interfere with the District's ability to perform necessary road maintenance functions (e.g. repairs/maintenance, including grading, overlays, and culvert drainage work, etc.). All portable toilets must be placed outside of the District's roadway, maintenance and/or access easements.

**Section 5.9 Snow Removal from Site.** The contractor assumes all responsibility for snow plowing/removal on the construction site. Such snow removal must not interfere with the District's snow plowing operations, adjacent properties or the smooth, safe flow of traffic on roads or roadways in Pan-Ark. Snow may not be pushed onto or into the right-of-way or roadway easements, nor stored on adjacent property without specific written permission of the property owner.

**Section 5.10 Insurance.** Every person or entity issued a permit shall be required to maintain the following types and amounts of insurance at all times:

- a. State minimum workers' compensation insurance coverage for its employees, if any.
- b. General liability, property damage, and automotive liability insurance in the minimum amount of five hundred thousand dollars (\$500,000) for bodily injury, death, or damage to property of any person and two million dollars (2,000,000) for bodily injury, death, or damage to property of more than one person, or the maximum amount that may be recovered under the Colorado Governmental Immunity Act, § 24-10-101, et seq., C.R.S., as from time to time amended (the "CGIA"), whichever is higher.
- c. All insurance policies (except workers' compensation) shall include the District and its elected officials, employees, and agents as additional insureds.
- d. At the request of the Operations Manager or any representative of the District at any time, the applicant/permittee shall provide documentation evidencing such coverages in the form of a certificate of insurance stating that the insurance policies required by these Regulations have been issued to the applicant, listing the minimum limits of each, effective policy numbers, the name of the company, the effective date of the policies and the expiration date.

**Section 5.11 Cleanup and Restoration.** After the completion of construction all roads shall be restored to a condition equal to or better than before work began. Restoration work shall be completed to the satisfaction of the District and the bond may be held until all such restoration work is completed.

**Section 5.12 Permit/Period of Validity.** All permits shall be valid for a period of one calendar year from the date of issuance unless a different date is specified in the permit.

**Section 5.13 Suspension or Revocation of Permit.**

1. In addition to any other penalty herein provided, the permit issued hereunder may be suspended or revoked by the District or its authorized designated representative for cause at any time. Such cause shall exist whenever any permittee fails or refuses to comply with the provision of the construction permit or of these Regulations which may now or hereafter be in force.

2. In the event a permit is suspended or revoked, the permittee may, within three days of such suspension or revocation, request in writing, delivered to the District, a hearing before the District Board. Such hearing shall be held at the next available Board meeting. The permittee shall be given an opportunity to be heard at said hearing and to show cause why the permit should not be suspended or revoked. If, after such hearing, it is determined that the permittee has failed or refused to comply with the rules, regulations and provisions outlined above, without showing good cause, the permit shall either be suspended for a period not to exceed ninety days or revoked. Application for a new permit may not occur until a subsequent year.

3. The District or its authorized designated representative may suspend any permit issued hereunder pending the outcome of the hearing to be held as described above.

4. Administrative remedies of the permittee are deemed to not be exhausted unless the decision of revocation or suspension is first appealed pursuant to this Section 5.14.

**Section 5.14 Penalties.** Any violator of any regulation under this Article 5, shall be cited by Operations Manager, and shall be subject to one or more of the following penalties at the discretion of District's Board of Directors:

1. Fines up to
  - \$ 500.00 for the first violation
  - \$ 750.00 for the second violation
  - \$1,500.00 for all subsequent violations

2. Suspension or revocation of permits, as described in Section 5.14.

3. For commercial access or contractors, permanent or temporary denial of any future access to and use of Pan-Ark roadways. Any violator found using such roadways, sidewalks or pathways during a period of denied access and use shall be subject to prosecution for trespass.