AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Winter Backcountry Travel

Action Requested: Discussion

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Discussion regarding allowing limited motorized use on CR 317 during winter closure

Fiscal Impact: None

Submitted by: Marlene D. Crosby **Submitter's Email Address:** mcrosby@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ○ Required ◉ Not Required

Comments:

Reveiwed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 12/6/2017

○ Consent Agenda ○ Regular Agenda ○ Worksession Time Allotted: 45

Agenda Date: 12/12/2017

Revised April 2015

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO. 18-_____

A RESOLUTION ESTABLISHING A PARTIAL SEASONAL CLOSURE OF COUNTY ROAD #317 ("GOTHIC ROAD"), AND IDENTIFYING CERTAIN EXCEPTIONS TO SUCH CLOSURE

WHEREAS, Gunnison County Road #317 is a county road; and

WHEREAS, pursuant to C.R.S. 42-4-106(1), the Board of County Commissioners may by resolution prohibit the operation of vehicles on a road for a total period of not to exceed ninety days in any one calendar year whenever such road by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited; and

WHEREAS, pursuant to C.R.S. 33-14-118, the Board may regulate the operation of snowmobiles on streets and highways within county boundaries by resolution and by giving appropriate notice thereof; and

WHEREAS, pursuant to C.R.S. 18-9-117, the Board has authority, in addition to any authority granted by any other law, to adopt such orders, rules or regulations as are reasonably necessary for the administration, protection and maintenance of public property including but not limited to restriction or limitation of the use of the public property as to time, manner or permitted activities, and prohibition of activities or conduct on public property which may be reasonably expected to substantially interfere with the use and enjoyment of such places by others, and use of all vehicles as to place, time and manner of use; and

WHEREAS, the Board has determined that general vehicle use on that portion of County Road #317 beyond the northern municipal boundary of Mt. Crested Butte when winter conditions (e.g., snow, mud) exist, will cause serious damage to that portion of the road; and

WHEREAS, the Board has determined that certain seasonal, motorized vehicle use on County Road #317 will be to the detriment of public, health and safety for considerations including but not limited to detrimental impacts on non-motorized and recreation traffic; and

WHEREAS, the Board has determined that the orders, rules and regulations set forth below are necessary to ensure the public's use and enjoyment of County Road #317; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that:

1. Board of County Commissioners of the County of Gunnison, Colorado Resolution No. 01-25 is hereby repealed and rescinded.

2. a. Gunnison County shall install and maintain a closure gate on County Road #317 at the northern municipal town boundary of Mt. Crested Butte. Each year, the Gunnison County Public Works Director shall close and lock the County gate to preclude any snowmobile or other motorized vehicle use beyond the gate, except for emergency fire, ambulance, search and rescue or law enforcement vehicles, and except as identified below, when the Director determines that winter conditions are such that vehicle travel on the portion of the road on the north side of the gate will significantly damage or destroy the road or will substantially interfere with the use and enjoyment of the road by others.

b. A second gate, located north of the townsite of Gothic, is on U.S. Forest Service land, and managed by the Forest Service. Gunnison County will seek coordination with the Forest Service for closure of the second gate.

3. During the closure of the County gate as identified above, there shall be no use whatsoever of a snowmobile or other motorized vehicle on any portion of County Road #317 except that:

a. In an emergency, fire, ambulance, search and rescue or law enforcement personnel may use snowmobiles or any other motorized vehicles, north of the closure gate without a permit and without prior notification to or permission from Gunnison County; and

b. Landowners with a legally permitted structure accessed by County Road #315 may use a snowmobile, but no other motorized vehicles, to access the structure only for emergency maintenance and only with prior written permission from the Gunnison County Director of Public Works, which written permission shall identify the days and hours of the limited access; and

c. Rocky Mountain Biological Laboratory may make no more than one roundtrip access per week, on a regular schedule, pre-arranged with the Director of Public Works, to Laboratory property by snowmobile, but no other motorized vehicle, only between the hours of 3 p.m. and 10 p.m., not on a weekend or holiday. The driver of such snowmobile shall wear clothing/emblem identifying Rocky Mountain Biological Laboratory. The Laboratory shall provide a monthly written report to inform the Director of Public Works identifying the previous month's trips.

d. Grooming for non-motorized recreational purposes may be performed pursuant to a permit issued by the Director of Public Works according to parameters identified by the Board on an annual basis.

4. "Snowmobile" for the purposes of this resolution means a self-propelled vehicle intended for travel solely on snow, with a maximum curb weight of 1,000 pounds (450 kilograms), driven by a track or tracks in contact with the snow, and which may be steered by a ski or skis in contact with the snow. 36 CFR sec. 7.13.

INTRODUCED by Commissioner _____, seconded by Commissioner _____, and adopted this _____ day of _____, 2018.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By: _____
Phil Chamberland, Chairperson

By: _____
Jonathan Houck, Commissioner

By: _____
John Messner, Commissioner

ATTEST:

_____
Deputy County Clerk

GUNNISON COUNTY
PUBLIC WORKS DEPARTMENT

195 Basin Park Drive
GUNNISON, CO 81230
970-641-0044

MEMORANDUM

TO: **Board of County Commissioners**
Matthew Birnie, County Manager
David Baumgarten, County Attorney

FROM: **Marlene Crosby, Public Works Director** Mparlene

DATE: December 5, 2017

SUBJECT: **Back Country Travel-Snowmobile Use on CR #317 (Gothic)**

Ian Billick, on behalf of Rocky Mountain Biological Lab, has submitted a land use change application for a variety of items to the Community Development Department. One of the requests is for winter classes or conferences. The proposal is for the use of snowmobiles to transport supplies for these events. I attended the original presentation to the Planning Commission and last week attended the public hearing.

At the first meeting, I raised the question about use of motorized transportation in the Gothic Corridor. I explained that it had been designated a quiet corridor since the original Gang of Nine recommendations in the 1990's. My comment to the Planning Commission was that if the designation had been done by a formal action of the Board of County Commissioners the Board would need to give direction on how a possible change (if it was requested and approved) would be handled.

After that meeting, we began searching our records to find the background information. We were able to locate the Notice of a Public Hearing in 2001 and the minutes from that meeting, the minutes of a subsequent Board meeting and the Resolution from the Board meeting to support the decision to restrict motorized use in the East River Valley Corridor.

David Baumgarten reviewed the documents and asked me to advise the Community Development Department that they should go ahead with the scheduled public hearing, but that no decision or recommendation should be made until after the Board of County Commissioners had time to discuss the subject. The public hearing was held last Friday and was continued to January 19, 2018, as requested.

I have attached copies of the documents referenced and some newspaper clippings that I save if they accurately reflect the information.

During the meetings I attended it is not clear the number of snowmobile trips that are anticipated. It might be a single machine making multiple trips, or more than one machine. They have discussed moving supplies, accommodating emergency situations, and at the last meeting there was discussion about transporting persons attending the conference that were found not to be physically fit enough to ski in or out.

One of the letters received by the Community Development Department indicated that the writer felt that the subject of motorized travel had already been opened by allowing CMBA to do grooming. I disagree with that assertion because the grooming facilitates non-motorized use.

A related issue that I raised at the Planning Commission meetings is the issue of where people attending the conferences will be parking. There is not adequate space at the existing trailhead for any additional cars parking overnight.

If you would like any additional information, please let me know.

Cc: Cathie Pagano, Neal Starkebaum, and Rachel Sabbato/Community Development

PHONE: (970) 641-0044 **FAX: (970) 641-8120**

Gothic Road winter closure discussion continues

A prohibition on motor vehicles

by Melissa Ruch

CR #317

An action to close a segment of Gothic Road to motorized use in the wintertime is getting closer to an outcome. The Gunnison County commissioners reviewed a draft this week that would place a gate at the winter trailhead on Gothic Road (County Road #317) prohibiting the use of motorized vehicles, specifically snowmobiles.

The discussion was prompted by an official request of the Gunnison County Trails Commission for the county commissioners to take affirmative action prohibiting snowmobiles, except for emergency use, from the county road through the Gothic Townsite.

Currently, snowmobiles are banned on the Forest Service portion of the road that leads to Schofield, but on the county section of the road through the townsite of Gothic, the county has only recommended no snowmobile use.

The gate would be placed late fall, early winter, depending on snowfall, at the cattle guard near the Mt. Crested Butte trailhead. Rocky Mountain Biological Laboratory has voiced their support of the gate to the commissioners.

This week, commissioner Fred Field asked that the draft resolution prohibit motorized vehicles, not just snowmobiles from the county road. Commissioner Jim Starr asked county attorney David Baumgarten why landowners beyond the closure be given keys to the gate.

Baumgarten replied, "You are saying a key might cause mischief we are trying to avoid?"

"Yes," answered Starr.

The commissioners decided this week to continue their discussion on the gate closure and scheduled a public hearing for the evening of Tuesday, June 19 in Crested Butte. Public comment is encouraged.

Winter motor ban to Gothic planned

Closing the Gang of Nine's deal

CR#317

News 6/22/01

by Melissa Ruch

A decision made by the Gang of Nine back in the early 90s is coming to fruition as a gate to close Gothic Road (County Road #317) near the Mt. Crested Butte trailhead this upcoming fall is on line. The Gang of Nine is not a group of defensive backs or Al Capone's hitmen, but a group of diverse users of the public lands which formed to reach consensus on what kind of recreational use should take place in the drainages of the East River Valley.

The group decided and recommended to the U.S. Forest Service that the Gothic Corridor in particular be non-motorized in the winter. Then, two years ago, the forest service implemented that recommendation on the forest past the townsite.

This past Tuesday, the county commissioners moved a step closer to adopting the installation of a winter gate at the Gothic trailhead, by stating their intention to restrict motorized use, including snowmobiles, on the three mile stretch of county road from the cattle guard through the townsite of Gothic. Motorized use will be allowed for emergency purposes and landowners past the gate will be given keys to the gate to access their property by motorized use. The board took public comment on Tuesday and scheduled to take action on their resolution at their July 3 regular meeting.

continued on page 14

Winter motor ban to Gothic near

continued from page 1

The county action was prompted by the Gunnison County Trails Commission, who in April requested the county commissioners to take affirmative action prohibiting snowmobiles, except for emergency use from the county road through the Gothic townsite. Additionally, the trails commission requested an action from the commissioners that would place a winter closure gate at the cattle guard near the Mt. Crested Butte trailhead. The gate would be an attempt to limit late fall, winter, and early spring access, and close the area to snowmobiles.

Over 20 people attended the public hearing. The majority of the comments were in favor of the resolution. Nick Wasser, the president of the Rocky Mountain Biological Laboratory board of trustees expressed to the commissioners the lab's support of the resolution. He also outlined the lab's concerns as motorized use interfering with their non motorized use, the increased chance of disruption to their long term studies and the lab's role of being first responder for people in trouble in the corridor.

Sandy Shea spoke on behalf of high Country Citizens' Alliance, he told the commissioners they were in support of the closure of the road, which is in accordance with the Gang of Nine.

Billy Barr, a year round resident of Gothic said, "A gate is not a closure, but is preventing problems."

He said of the early winter closure, "it is preventing damage to a road and prevented people from making mistakes."

Alec Laird a property owner in the Gothic valley voiced his opposition to the resolution. "Gothic Road was built by hard rock miners, so was the town," he explained. "Gunnison County taxpayers have paid to maintain Gothic Road. If you close gothic county road, are you going to give back tax dollars?"

Laird also opposed the resolution as written does not address ranching or grazing needs in the corridor.

He concluded to the commissioners, "It shows the lack of your knowledge of the people of Gunnison County. If truly people's land why do you want to restrict use. Whose land is it anyway?"

Crested Butte resident Scott Wimmer responded, "This is public land everyone has the right to access. But I feel as the local public owners of this land we have the obligation to be steward for this land…keeping it as pristine as possible."

Allison Brody, a homeowner past Gothic and member of the Gang of Nine urged the board to pass the resolution. "I think all we're doing is following through with the decision of the diverse group, the Gang of Nine."

Crested Butte resident Glo Cunningham commented, "This is a long time coming."

The resolution gives the opportunity for private landowners past the gate to snowmobile to their property. The Forest Service permits motorized use in the corridor as well.

The commissioners instructed staff to make necessary amendments including wording for ranching and grazing purposes and the forest service's special permits. The item has been placed on the commissioner's July 3 agenda for action.

Gothic County Road partially closed to motorized vehicle travel in the winter

CR#317

A very important step 7/6/01

by Melissa Ruch CB News

This week, Gunnison County officially adopted the wintertime gate closure to motorized vehicles on Gothic Road (County Road 317) near the Mt. Crested Butte trailhead.

A winter gate will be placed at the Gothic trailhead, restricting motorized use, including snowmobiles, on the three-mile stretch of county road from the cattle guard through the townsite of Gothic. Motorized use will be permitted for emergency purposes, and landowners past the gate will be given the option of having keys to the gate to access their property by motorized vehicle.

The county action was prompted by the Gunnison County Trails Commission, which in April requested that the county commissioners take affirmative action prohibiting snowmobiles, except for emergency use, from the county road through the Gothic townsite. Additionally, the trails commission requested an action from the commissioners that would place a winter closure gate at the cattle guard near the Mt. Crested Butte trailhead. The gate would be an attempt to limit late fall, winter, and early spring access, and close the area to snowmobiles.

In the 1990s, the Gang of Nine, a group of diverse users of the public lands, came together to reach consensus on what kind of recreational use should take place in the drainages of the East River Valley. The group decided and recommended to the Forest Service that the Gothic corridor in particular be non-motorized in the winter. Then two years ago, the Forest Service implemented that recommendation on the forest past the townsite.

Two weeks ago, the county commissioners held a public hearing on the winter closure. The majority of the comments the board received were in favor of the closure.

This week, the commissioners made one change to their resolution. According to commissioner Jim Starr, now any property owner with property access by County Road 317 can have a key to the gate. He added that if they must pass over Forest Service land, then they must show proper permit from the Forest Service.

The county commissioners passed the resolution unanimously on Tuesday. County resident Sandy Shea commented to the board, "That's an important step. Thank you very much."

GUNNISON COUNTY, COLORADO
PUBLIC WORKS DEPARTMENT
811 RIO GRANDE
GUNNISON, CO 81230

MEMORANDUM

TO: **Kelly Balch**

FROM: Marlene Crosby

DATE: May 25, 2001

SUBJECT: **Public Hearing**

GUNNISON COUNTY BOARD
OF COMMISSIONERS
PUBLIC HEARING NOTICE
Regarding Gothic County Road #317

DATE: Tuesday, June 19, 2001
PLACE: Crested Butte Community School
TIME: 7:00 PM

The Gunnison County Board of Commissioners will hold a public hearing to accept public comments regarding the proposal to: 1) install a winter closure gate on Gothic County Road near the Mt. Crested Butte Town Limits which will be closed when winter conditions are such that travel will damage the road, and 2) to prohibit the use of snowmobiles on Gothic County Road, except when being used for emergency services or when being used by landowners to access parcels immediately adjacent to the road.

Written comments will be accepted at the County Manager's Office, 200 East Virginia, Gunnison, CO 81230 or via FAX to 641-3061 prior to June 19, 2001. For questions regarding the hearing location and format, or directions on how to obtain further information, contact the County Manager's Office at 641-0248.

GUNNISON COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARING MINUTES
Gothic Road (County Road #317) Winter Closure
JUNE 19, 2001

The June 19, 2001 Board of Commissioners public hearing was held in the Crested Butte Town Hall. Present were:

Fred Field, Chairperson
Jim Starr, Vice-Chairperson
Perry Anderson, Commissioner
Marlene Crosby, Public Works Director
Kelly Balch, Administrative Assistant

CALL TO ORDER: Chairperson Field called the public hearing to order at 7:05 p.m. and read the public notice which was in the Crested Butte News and the Gunnison Country Times. A sign in sheet was distributed through the audience, and includes 26 signatures.

GOTHIC COUNTY ROAD: Public Works Director Crosby reported that in the early 1990's, a diverse group called the Gang of Nine met and recommended winter restrictions for travel uses in the various forest drainages. For the Gothic area they recommended that there be no motorized use. The Forest Service was recently preparing to install signage to implement that decision, however, the county road to Gothic currently allows motorized vehicles in the winter. Ms. Crosby continued that the Trails Commission reviews recreational road and trail use throughout the County and is requesting that the Board consider limiting the use of snowmobiles on the county road to Gothic to coordinate with the Forest Service's restrictions. In addition, some people have also requested that a gate be installed on the road to prevent late fall and early spring damage.

Chairperson Field reported that several letters were received in support and against this proposal. These letters are included in the official packet for this hearing. The hearing was opened for public comment.

PUBLIC COMMENT:

Sandy Shea supported closure of the road to snowmobiles as recommended by the Gang of Nine, adding that there are numerous others areas where snowmobiles can go.

Nick Waser, RMBL Board of Trustees President, supported the gating of the Gothic county road and prohibition of motorized vehicles except for landowners needing access. He summarized the increased traffic and use in the area over the past 25 years. He feels that motorized travel interferes with non-motorized travel and increases the chance of impacts to RMBL's properties and experiments. He added that RMBL staff often ends up being the first responders to an emergency in that area and often have to police the forest regulations. He noted the noise and physical impacts to the area due to motorized use.

Alex Laird, landowner in the Gothic valley, stated his opposition to gating of the road and closure to motorized vehicles. He said that taxpayers pay for the maintenance and its use should be available to them. He reported that all landowners in the area were not notified by letter of this proposal. He believes that cattle and sheep ranchers could be affected as well as hunters. He feels that people have a right to use the area for recreation, including snowmobiles. He asked why the tax-exempt RMBL organization has the right to request closure of an area to the taxpaying public.

Chairperson Field said he does not believe that livestock grazing would be affected by the proposed closure, but if there were a situation that livestock needed to be brought out after the road was closed then there would likely be special permission granted to do so. Commissioner Starr suggested changing the resolution allowing for emergency access, including search/rescue and ranching.

billy barr, Gothic resident, believes that a gate closing the road would prevent some problems which have occurred in the past from persons going down the road and getting stuck. The gate would also prevent damage to the road. He said that the valley is closed to snowmobile use except for the road, and is the only valley in the

area where skiers can go without mixing with snowmobiles. He added that the Gang of Nine included snowmobile representatives, and that group did agree to the restriction on motorized use in that valley.

Sue Navy reiterated that the Gang of Nine agreed on the motorized restrictions, and it is common knowledge among locals that snowmobile use should not occur there. She supported passage of the resolution.

Dan Bench, Gothic area property owner, supports the resolution to protect the area.

Allison Brody, Gothic area property owner, reported that she was a member of the Gang of Nine and it took two years of hard work to reach a consensus on the recommended usage in each valley. She requested that the Board adopt the resolution.

Glo Cunningham stated support for the proposal which would provide protection to the environment and to RMBL. She noted that the forest land is already closed to motorized travel, and believes that the gate will help enforce the restriction.

Scott Wimmer agreed with an earlier comment that the public lands are for the enjoyment of all. However, he feels that the locals also have an obligation to be good stewards of the land for the rest of the people in the country who also own the land and come here to enjoy it in as pristine of a state as possible. He added that the Gothic area has been designated as a high altitude laboratory which is used for research by people around the world. He urged adoption of the resolution.

Marcia Dowell asked if the restrictions on motorized access could be amended to meet the needs of the ranchers. She supports the adoption of the resolution with that amendment.

Art Mears, Gothic area property owner, stated that he has accessed his property for eight winters via ski. He feels that winter gating is a good idea because vehicles often get stuck on the road before the road is completely closed by snow. He doesn't need to have a key to the gate, and suggested that those who do need motorized access to their property be required to obtain a permit for that access. He stated that snowmobiles have access to numerous other valleys in the area and the Gothic valley is one of only a few places that skiers can go without motorized interference. He provided the Board with a copy of the Forest Service Winter Recreation Plan which outlines the permissible use in each area.

Ian Billick, RMBL Director, discussed the increased use in the valley in recent years. He reported that in the past two weeks there have been three different search and rescue missions. He said that the RMBL staff is often the first contact for people in an emergency situation and it places an unfair burden on them to respond to those situations. He said that RMBL staff only access by cross country skiing, and he favors closing the road to public snowmobile access. He added that RMBL commits to working with the users of the valley, and it is the official position of RMBL that they do not want to prevent property owners from accessing their properties by snowmobile. He also supports allowing ranchers and emergency services to have access as needed.

Jon Morrissey, U.S. Forest Service Recreation Forester, discussed the special order closure written in 1999 which prohibits snowmobiles on the National Forest in that area, except for those persons who obtain a permit from their office. Jim Dunn, Forest Service Land Forester, added that an access permit can be written for one trip or up to one year.

Paula Lehr, Gothic area property owner, stated that she skis in and out and does not need a key to the gate and does not anticipate her own future need for motorized access. She supports the resolution.

Jo Laird, Gothic area property owner, requested a key to the gate as her right for access to her property.

Alex Laird stated that although he has accessed his property by ski, he feels that growing older is a circumstance that may require snowmobile access to his property. He feels he should continue to have that right to choose.

Chairperson Field noted that the draft resolution allows property owners abutting County Road 317 to access their property via snowmobile. He asked how people would access their property that go from the county road, through forest land onto their property. Commissioner Starr suggested that those property owners who obtain an access permit from the Forest Service could obtain one from the County.

ADJOURN: The public hearing was closed at 8:00 p.m. Chairperson Field announced that the Board will schedule this issue on its July 3 regular meeting agenda for action.

****

_____
Fred R. Field, Chairperson

_____
Jim Starr, Vice-Chairperson

_____
Perry Anderson, Commissioner

Minutes Prepared By:

_____
Kelly Balch, Deputy County Clerk

Attest:

_____
Joanne Reitinger, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING AGENDA

DATE: **Tuesday, July 3, 2001**
PLACE: **~~Commissioners Meeting~~ Room at Courthouse**

8:00 a.m.	•	Call To Order; Agenda Review; Minutes Approval
8:20	•	Commissioners Comments; Review of Follow-up Action Ledger
8:45	•	County Manager's Reports • Correspondence and Scheduling • Boards and Commissions Vacancies • Gunnison 3 Mile IGA; Wastewater Treatment Agreement; Warranty Deed Transferring Property • Region 10 Reorganization • AOPA Letter Regarding Night Landing Resolution #2001-21 • Appoint Board Member to Workforce Development Council • Request for Sage Grouse Mitigation Fund Expenditure • Execution of Marble Bank Project Contracts
9:45	•	BREAK
10:00	•	PUBLIC HEARING: Continuation of May 15 Hearing Regarding Petition to Vacate Certain Streets and Alleys in Tincup
10:30	•	Tomichi Heights Drainage Easement
10:45	•	Gothic Road (County Road 317) Winter Closure Resolution
11:00	•	Upper Gunnison River Water Conservation District Update
11:30	•	Financing Options for County Purchase of Lot 22, Gunnison Center Properties; Consideration of Possible Covenant Changes for Lot 22
12:00 p.m.	•	LUNCH
~~1:15~~	~~•~~	~~Request for Sign Variance; Gunnison County Electric Association~~
1:30	•	Boundary Line Adjustment for Shultz/Robbins on Steuben Creek Road
1:40	•	Joe Puchek Land Use Change; Requested Extension of Temporary Permit for Use of Weatherport for Storage on Parcel North of Gunnison on Hwy 135
2:15	•	Capital Improvement Plan Review
3:00	•	BREAK
3:15	•	County Attorney's Reports and Miscellaneous Contracts • MLRB Hearing Preparation • Airport Land Acquisition Status
3:45	•	Unscheduled Citizens
3:55	•	ADJOURN Meeting of Board of Commissioners
4:00	•	GUNNISON/HINSDALE BOARD OF HUMAN SERVICES MEETING
5:00	•	Adjourn

NOTE: This agenda is subject to change, including the addition of items up to 24 hours in advance or the deletion of items at any time. All times are approximate. The County Manager and County Attorney reports may include administrative items not listed. Regular Meetings, Public Hearings, and Special Meetings are recorded and action can be taken. Work Sessions are not recorded and formal action cannot be taken. For further information, contact the County Manager's office at 641-0248. If special accommodations are necessary, contact 641-0248 or TTY 641-3061 prior to the meeting.

✓

GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
JULY 3, 2001

The July 3, 2001 Board of Commissioners meeting was held in the Commissioners Meeting Room at the Courthouse. Present were:

Fred Field, Chairperson	John DeVore, County Manager
Jim Starr, Vice-Chairperson	Kelly Balch, Administrative Assistant
Perry Anderson, Commissioner	Other Staff Present as Listed In Text

CALL TO ORDER: Vice-Chairperson Jim Starr called the meeting to order at 8:10 a.m. and noted that Chairperson Field was not yet present.

MINUTES APPROVAL: **Moved** by Commissioner Anderson, seconded by Commissioner Starr to approve the June 19 regular meeting Minutes, as amended. Motion passed unanimously.

COMMISSIONER COMMENTS: Commissioner Anderson requested that the Board hold a work session to discuss how the Land Use Resolution is working and to answer questions from the public. He added that the Planning Department is developing a list of typographical and other errors found in the LUR. He also requested that the Board go on field tours of detention facilities in the State prior to making a decision regarding a new facility for Gunnison County. Commissioner Anderson asked if the Commissioners could do a proclamation recognizing a local Eagle Scout, and perhaps schedule a ceremony during a Board meeting.

- Chairperson Field arrived at the meeting.

Commissioner Starr mentioned the poor condition of the grounds at the Health Care Center. Although it was stated that a new groundskeeper has been hired, there is still the need to develop a formal landscaping plan. The food service continues to be of concern as well. A dinner meeting will be scheduled with the Hospital Board to discuss these issues. County Manager DeVore reported that he is having the County's auditors prepare an opinion on whether the Health Care Center finances must be kept separate from the Hospital's.

FOLLOW-UP LEDGER: The Board reviewed, discussed, and updated the follow-up ledger.

AOPA LETTER: County Manager DeVore discussed a June 19, 2001 letter from the Aircraft Owners and Pilots Association (AOPA) regarding Gunnison County Resolution #2001-21. The letters states that AOPA disagrees with specific language in the resolution regarding the reporting of careless and reckless operation of aircraft. Commissioner Starr reported that he met with FBO operator Sandy Bush last week, at which time they discussed what type of emergencies the Federal Aviation Administration (FAA) typically investigates, and whether the County should allow night landings or takeoffs. Although there are restrictions on use of night lighting at the Airport, the County currently does not have the authority to prohibit landing and taking off without lights. Commissioner Starr asked what dissuades pilots from using the Airport. County Manager DeVore stated that the Airport is advertised as being unattended after 10:30 p.m., and there is no snow removal or runway checks during the unattended time period. According to Sandy Bush, numerous other airports operate under the same conditions. Chairperson Field suggested that an option to dissuade night use could be to have the gate to exit the Airport re-programmed at night to require contacting of dispatch for unlocking.

Sandy Bush reiterated his and AOPA's concern that the Airport Manager can report violations of night landings to the FAA as being a reckless and careless operation. He asked when and why the language was added into the resolution which the Board adopted. County Manager DeVore responded that special counsel Mike Morgan has been contacted regarding the addition of that language in the resolution he drafted, but there has not yet been a response.

The Board agreed to schedule further discussion of this topic after its July 9 work session with the FAA regarding airport wetlands.

CORRESPONCE AND SCHEDULING: A work session was also scheduled for July 13, for numerous topics. An informal meeting with the Mountain View Apartments residents will be held in the morning.

BOARDS AND COMMISSIONS: The Board requested that interviews for the Hospital Board be scheduled for July 16. Two alternates are available for appointment to a regular position on the Planning Commission; the Commissioners will make that decision on July 16 as well.

It was noted that the term of a Housing Authority Administrative Board member has expired. That person has requested reappointment. **Moved** by Commissioner Starr, seconded by Commissioner Anderson to reappoint David Owen to the Gunnison County Housing Authority Administrative Board. Motion passed unanimously.

GUNNISON IGA AND WASTEWATER TREATMENT AGREEMENT: City of Gunnison Mayor Jesse Stone was present. County Manager DeVore reported that there have been no new changes to the Three Mile Plan/Urban Growth Boundary Intergovernmental Agreement since a meeting several months ago. The Wastewater Treatment Facility Agreement has also been finalized, and the two required exhibits have been prepared. Mayor Stone reported that City Council unanimously approved these and authorized him to sign the documents if the Commissioners approve them.

Moved by Commissioner Starr, seconded by Commissioner Anderson to authorize execution of the Three Mile Plan Urban Growth Boundary Intergovernmental Agreement between the Board of County Commissioners and the City Council of the City of Gunnison. Motion passed unanimously.

Moved by Commissioner Starr, seconded by Commissioner Anderson to authorize execution of the Wastewater Treatment Facility Agreement between the Board of County Commissioners and the City of Gunnison. Motion passed unanimously.

TRANSFER OF PROPERTY WITH CITY OF GUNNISON: County Manager DeVore requested that the Board adopt a resolution authorizing the Commissioner of Deeds to execute a warranty deed transferring property from the County to the City. This property transfer took place in 1985 regarding the location of the wastewater treatment plant, however, that transaction was never formalized by recorded warranty deed. The County Attorney has recommended that a new warranty deed be recorded. A title commitment has also been issued on the property.

Moved by Commissioner Starr, seconded by Commissioner Anderson to adopt Resolution #2001-24, A RESOLUTION AUTHORIZING THE EXECUTION OF A WARRANTY DEED. Motion passed unanimously. *(See Attachment to Minutes).*

WORKFORCE DEVELOPMENT COUNCIL: A County Commissioner needs to be appointed to the Western Colorado Workforce Development Council. Since it may be difficult for any one to attend every monthly meeting, the Board asked the County Manager to find out if they could all be appointed.

RECREATIONAL SANITARY FACILITIES: County Manager DeVore reported that the County has temporarily placed a porta-potty at a river access location north of the City of Gunnison, due to reports of human waste on the ground in that area. He and the Public Works Director feel that a more permanent plan should be developed for these services at heavily used recreational areas. Last year the County also began placing porta-potties at the Twin Bridges river access location west of Gunnison, at a monthly maintenance cost of approximately $200.

SAGE GROUSE MITIGATION FUND: Public Works Director Crosby reported that the Sage Grouse Mitigation Committee has been meeting and working on the development of procedural guidelines and a candidate conservation agreement with the Fish and Wildlife Service. A study of specific habitat types and acreage of each type affected by the landfill needs to be in place before any projects can be initiated for sage grouse mitigation. The estimated cost of obtaining the necessary study is $2500

- $10,000. The study will be for the area within a two mile radius of the landfill. Ms. Crosby stated that at the end of 2000 approximately $42,000 was available in the Sage Grouse Mitigation Fund. She requested that funding be approved from that account to initiate the required study to be prepared by an environmental group familiar with the Gunnison Sage Grouse.

Moved by Commissioner Anderson, seconded by Chairperson Field to authorize expenditure of up to $10,000 for the requested sage grouse mitigation study. Motion passed unanimously.

MARBLE BANK PROJECT: Public Works Director Crosby reported that the groundbreaking ceremony for the Marble Bank renovation project was last Sunday. The County has previously executed the contract with the State Historical Society. Contracts are nearly ready with the architect and contractor. She requested that staff be authorized to execute those contracts once they are ready, to expedite the process. Funding resources for the project were summarized.

Moved by Commissioner Starr, seconded by Commissioner Anderson to authorize execution by the County Manager of the architectural and general contractor contracts for renovation of the Marble Bank, conditioned upon review and approval of the documents by the County Attorney and Director of Public Works. Also with the condition that the Town of Marble's contribution is committed to the project. Motion passed unanimously.

SHADES FOR BLADES: The Board reviewed and signed letters of support for the Shades for Blades grant applications to three organizations.

EXECUTIVE SESSIONS: County Manager DeVore provided the Board with copies of the new statutes regarding the Open Meetings Law pertinent to Executive Sessions, and the Public Records Act. These will be discussed at the first meeting in August, prior to the August 8 effective date of the statutes.

✓ **TINCUP PETITION FOR VACATION:** Public Works Director Crosby reported that the affected property owner of a petition for vacation of certain streets and alleys in Tincup is obtaining a survey today regarding this request. She recommended continuing today's public hearing to the first meeting in August.

Moved by Commissioner Starr, seconded by Commissioner Anderson to continue today's 10:00 a.m. public hearing to August 7, 2001 at 10:00 a.m. Motion passed unanimously.

TOMICHI HEIGHTS DRAINAGE EASEMENT: Public Works Director Crosby reported on the acquisition of a drainage easement in the Tomichi Heights Subdivision, as discussed by the Board at their August 8, 2000 meeting. She summarized the history of periodic flooding problems and the temporary drainage which has been utilized over the years. The current location of the drainage created a non-buildable parcel for a certain property owner, therefore, the County has worked on a permanent solution to realign the drainage ditch to the boundary of the property which will also allow enough area for a septic and building site. She discussed the width and maintenance of the drainage ditch. The drainage easement will be twenty feet wide, which she believes is adequate for maintenance at this location.

The Board agreed to the proposed drainage easement. Public Works Director Crosby will prepare the necessary agreements for execution by the Board at a later date.

WEED AGREEMENT: A cost share contract with the Forest Service was presented, regarding undesirable weed control.

Moved by Commissioner Anderson, seconded by Commissioner Starr to approve Modification Number 3 to the Challenge Cost Share Agreement No. CCS-04-07-99-076 between the GMUG National Forest and Gunnison County. Motion passed unanimously.

GOTHIC ROAD WINTER CLOSURE RESOLUTION: A draft resolution regarding winter closure of Gothic County Road #317 was prepared following the June 19 public hearing on this matter. Commissioner Starr noted that one change was needed to the

draft, regarding motorized access allowed. In addition to allowing property owners to have motorized access and a key if they directly access their property from the county road, the County will also allow property owners with access from the county road and forest land to have motorized access and a key to the gate if they have a demonstrated Forest Service permit for their access.

Moved by Commissioner Starr, seconded by Commissioner Anderson to adopt Resolution #2001-25, A RESOLUTION EXCLUDING SNOWMOBILE USE ON THE ENTIRETY OF COUNTY ROAD #317, AND CLOSING A SEGMENT OF COUNTY ROAD #317 DURING WINTER SEASON. Motion passed unanimously. *(See Attachment to Minutes).*

UPPER GUNNISON UPDATE: Upper Gunnison River Water Conservancy District Manager Kathleen Curry was present to update the Board on various current issues. She reported that there were 383 filings of opposition against the Black Canyon water quantification case. The United States has asked the Upper Gunnison to assist them in paring down and grouping the list of opposers. UGRWCD is preparing a mailing to the opposers to offer their assistance and developing a web site to post information.

Kathleen Curry also discussed front range water issues, and Black Canyon senior and junior water rights.

The status of the Triennial Water Quality review was summarized. The Division of Water Quality staff withdrew their proposal to make numerous changes in the Gunnison River Basin, and have discussed a settlement with the local stakeholders group. This would result in having three more years before going through the process once again. Ms. Curry noted that County Attorney Baumgarten is meeting with Colorado River Water District staff today to discuss the Division of Water Quality offer, since it is contrary to a position that the Colorado River Water District has taken in recent years.

Kathleen Curry reported that Tyler Martineau has been hired by the UGRWCD to assist with their long-range planning project. The projected completion date is January, 2002, and will include plans for the upcoming five to ten year period. The watershed planning process is a separate project whose steering committee has received a report from a consultant. Ms. Curry stated the difficulty of having two planning processes going on at once.

GUNNISON CENTER PROPERTIES LOT 22 PURCHASE: County Manager DeVore reported that he received an order from the bankruptcy court today approving the sale of Lot 22 in the Gunnison Center Properties to the County. The County now needs to determine a financing package for this purchase. Wells Fargo has developed three options for financing, which were summarized. County Manager DeVore added that the Gunnison County Housing Authority does not have the revenue to make this purchase. The Board has discussed loaning the money to the Housing Authority out of the sales tax fund. The sales tax fund would be fully reimbursed as the property is developed and sold. In the event that the development does not occur, the County can decide whether to keep the property for other purposes or to liquidate it.

County Manager DeVore discussed possible uses of the property for another Mutual Self-Help Build project, with some home sites for County employee housing rental units. He met with the RE1J School District yesterday regarding their consideration of monetary participation in the project in order to provide rental housing for their employees.

The Board discussed the financing options, particularly interest rates and terms. Chairperson Field stated his concern with use of sales tax in this manner, and with the County going into the rental housing business. He also requested that other local lending institutions be provided with the opportunity to make a funding proposal.

County Manager DeVore stated that the closing date for this purchase is currently July 15. However, he believes that deadline could be extended if the County is still in the process of securing financing. He asked the Board to make a decision today on whether to proceed with this purchase, and if so, he will contact the other local banking institutions on Thursday regarding possible financing. The Board agreed to proceed in this manner.

CR#317

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 01-25

A RESOLUTION EXCLUDING SNOWMOBILE USE ON THE ENTIRETY OF COUNTY ROAD #317, AND CLOSING A SEGMENT OF COUNTY ROAD #317 DURING WINTER SEASON

WHEREAS, Gunnison County Road #317 is a county road; and

WHEREAS, pursuant to C.R.S. 42-4-106(1), the Board of County Commissioners may by resolution prohibit the operation of vehicles on a road for a total period of not to exceed ninety days in any one calendar year whenever such road by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited; and

WHEREAS, pursuant to C.R.S. 33-14-118, the Board may regulate the operation of snowmobiles on streets and highways within county boundaries by resolution and by giving appropriate notice thereof; and

WHEREAS, pursuant to C.R.S. 18-9-117, the Board has authority, in addition to any authority granted by any other law, to adopt such orders, rules or regulations as are reasonably necessary for the administration, protection and maintenance of public property including but not limited to restriction or limitation of the use of the public property as to time, manner or permitted activities, and prohibition of activities or conduct on public property which may be reasonably expected to substantially interfere with the use and enjoyment of such places by others, and use of all vehicles as to place, time and manner of use; and

WHEREAS, the Board has determined that general use of snowmobiles on County Road #317 will be to the detriment of public, health and safety for reasons including but not limited to snowplowing of that portion of the road the volume of motor vehicle traffic on that portion of the road between Crested Butte and Mt, Crested Butte, and the volume and type of recreation traffic on that portion of the road north of the cattle guard; and

WHEREAS, the Board has determined that general vehicle use on that portion of County Road #317 beyond the northern municipal boundary of Mt. Crested Butte when winter conditions (e.g., snow, mud) exist, will cause serious damage to that portion of the road; and

WHEREAS, the Board has determined that the orders, rules and regulations set forth below are necessary to ensure the public's use and enjoyment of County Road #317;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that:

1. Gunnison County shall install and maintain a closure gate on County Road #317 at the northern municipal town boundary of Mt. Crested Butte. Each year, the Gunnison County Public Works Director shall close and lock that gate to preclude any motor vehicle use beyond the gate, except for emergency fire, ambulance or law enforcement vehicles, and except as identified below, when the Director determines that winter conditions are such that vehicle travel on the portion of the road on the north side of the gate will seriously damage or destroy the road or will substantially interfere with the use and enjoyment of the road by others.

2. There shall be no use whatsoever of a snowmobile on any portion of County Road #317 except that:

a. In an emergency, fire, ambulance or law enforcement personnel may use snowmobiles north of the closure gate; and

b. Owners of real property north of the closure gate that are accessed by County Road #317 north of the closure gate may access such property from the closure gate north by snowmobile. Any such owner must have whatever Forest Service permit is necessary to access their respective property over Forest Service roads.

INTRODUCED by Commissioner Starr, seconded by Commissioner Anderson, and adopted this 3rd day of July, 2001.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

By _____
Fred Field, Chairperson

By _____
Jim Starr, Commissioner

By _____
Perry Anderson, Commissioner

Attest:

Kelly Balch
Deputy County Clerk

From: ashley sides
To: Planning
Subject: Comments on proposal for development of Gothic, North Pole Basin and Schofield
Date: Thursday, November 30, 2017 3:32:38 PM

To Whom it may concern,

My name is Ashley Sides and I am writing to submit comments regarding the proposal on land use change permit by Rocky Mountain Biologic Laboratory in Gothic, North Pole Basin and Schofield.

I am a current landowner of property in Schofield, Parcel # 299301413013, which is almost directly across the street from the cabin and property owned by RMBL, and where the proposed changes would occur. I am in strong opposition to the proposed changes.

I purchased this property in 2011 primarily because of it's remote location and a desire to enjoy the beauty of the area in solitude. This area is quite unique in it's wildlife habitat and vegetation and I strongly believe that adding an additional 2500 sq feet of development will change that dynamic immensely. The more people (even if they are only conducting research) that are in this pristine area, the greater the change to the existing environment, and the less accurate true research will be. The area is populated enough and trafficked enough with all of the tourists and outdoorsmen that frequent the area of the punchbowls. Developing the area will only bring more and more auto traffic and pollution to the area which also affects the wildlife that lives in the area as well as the other people who own property and have attempted to keep this area pristine. Trying to bring more people in with areas for lodging, increased power and telecommunications as well as meeting and work space will only spoil the uniqueness of the area. The reality is that Gothic (where there is already existing meeting and work space) is not that far away, and I do not know of any good reason that additional lodging would be needed in this area. It may be more convenient, but I fail to see how it is truly necessary.

I also feel the same was about development in the North Pole Basin area, although it would not directly affect me personally as much. I feel that we should strive to keep unique areas such as these as pristine as possible, and building up to 3000 sq ft here (or 6 structures) also would have a significant negative environmental impact to the area.

Regarding the Gothic proposed changes, which also do not affect me personally as much, I also disagree with allowing non-research related events there such as weddings. 10 weddings and 10 additional events/summer would essentially mean that there is at least one or more event of some sort every weekend during the summer months. This only would increase exponentially the traffic to the area which is already extremely heavily used in the summer. This is also a completely unnecessary use and strain on the area and would seem to

only benefit RMBL financially.

In conclusion, I am in strong opposition to all of the proposed land use changes. If Rocky Mountain Biologic Laboratory is sincere in their desire for research in the more untouched areas, and preserving this unique area, they should be willing to sacrifice convenience and profit in order to make this happen.

Sincerely,

Dr. Ashley Sides

RMBL
EMAIL
11-27-17

Dear Planning Commission:

We have been part-time or full-time residents of the East River Valley near Gothic (7990 County Road 317) since 1971; this year we were there from late May to early November. We have spent two winters in our cabin, and made many fall and winter visits in other years. We would like to make the following comments on this permit application:

1) We know how important it is for RMBL to generate income by maximizing use of its current facilities, given the necessity to support a year-round staff with income generated primarily in the 3-4 month field research season. We think it makes sense to allow shoulder-season use of the facilities in Gothic.

2) We think RMBL should be encouraged to require events such as weddings to use buses or vans as a way of minimizing traffic and parking, and (if alcohol is served) impaired drivers.

3) One of the attractions of the off-season in the East River valley is the solitude it can offer, especially in the winter. This is facilitated by the current designation for non-motorized recreation, but threatened by the recent approval of machine grooming to facilitate bicycle riding to Gothic. This increase in activity is potentially detrimental to wildlife that is already stressed by winter conditions. Nobody has studied this yet, but our guess is that ptarmigan that used to be common in areas near the road with willows are less likely to use those areas if there are bikers, hikers (who walk out if the snow is hard enough when it is groomed), and dogs who accompany them. The dogs may also influence the distribution and abundance of small mammals, foxes, and coyotes in the valley, and the occasional elk, moose, or pine marten that overwinter near Gothic. One way to minimize the impact of additional motorized snow vehicles would be to combine trips with the grooming machine, or at least run multiple machines at the same time. Snow machines using the road should be encouraged to stay on one side of the road to leave the rest of it for skiers who prefer to use untracked snow.

4) Given that there are already other private residences in Schofield Park, some of which are used from May through November, and some winter snowmobile use, we don't see the proposed change to the existing structures there as a problem.

5) Similarly, given that structures are already present in North Pole Basin, we don't see a problem with the proposed changes to them. The availability of these facilities in North Pole Basin and Schofield Park may help to reduce some of the traffic on the road, if researchers can spend the night rather than have to drive back to Gothic every day, and will facilitate research in years when the snow prevents opening the road until later than usual.

Thanks for the opportunity to comment on this proposal.

David and Bonnie Inouye

inouye@umd.edu

Email received 12-1-17

We own a cabin that abuts the South Gothic association and received a notice about a Public Hearing on December 1 regarding proposals from Ian Billick of RMBL.
We are concerned about the proposal to allow weekly motorized trips into Gothic to bring in supplies for the increasing number of winter residents and staff.
We would prefer that any trips into Gothic were paired with trips involving regular grooming instead of adding trips separately. We must keep motorized vehicle use of the Gothic Road in winter to a minimum, lest there be created a "slippery slope" of additional users that results in an increase in general recreational traffic.

Robert Enders
7950 County Road 317
Crested Butte, CO

Sent from my iPad