GUNNISON COUNTY
PUBLIC WORKS DEPARTMENT

195 Basin Park Drive
GUNNISON, CO 81230

TO: **Board of County Commissioners**
Matthew Birnie, County Manager
David Baumgarten & Matt Hoyt, Attorney's Office

FROM: **Marlene Crosby, Public Works Director**
Ed Casebolt, Operations Manager

DATE: **December 6, 2019**

SUBJECT: **Kebler Trailhead**

Gunnison County Public Works Department maintains and/or plows over 800 miles of road. It is my understanding after consulting with the County Attorney's Office that the Board of County Commissioners has the sole discretion to determine which roads are maintained and which roads are plowed, and the Public Works Department implements.[1]

The issues that I have identified in discussions with the Irwin residents include the following claims by these residents:

1. County does not have legal right to charge for parking
2. County has a legal responsibility to provide service to the residents
3. County must have a short term plan for Irwin area parking
4. County must have a long term plan for Irwin area parking for future growth in Irwin, Floresta and Bracken Creek
5. County should plow to gravel pit (I suggested maybe they should plow, but it could require a land use change, they would have to pay for plowing, assume liability, and find a way to reserve the area for themselves without impacting recreational users)

There are more and more people living year round in remote areas of the County. Many of the homes were built as seasonal use homes, but the occupancy has changed either by

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[1] I understand from the County Attorney's Office that this statement is supported by the law. *See*, *e.g.*, *Wibby v. Boulder Cty. Bd.*, 2016 COA 104, ¶ 28, 409 P.3d 516, 522-23 (rejecting argument that County has statutory duty to maintain roads; "[t]he General Assembly thus imposed the obligation of developing county road policies — and the oversight of those policies — on the board of county commissioners. In doing so, it entrusted county road issues to the board of county commissioners — not private citizens.")

owners living in them or being rented for certain periods of the year. People are attracted to these areas either by the life style or by the fact that the property is affordable.

I have prepared some information about how comparable areas have handled the winter use issues:

Tincup area – There are 2-3 full-time residents. They park at the area adjacent to the Trading Post in the area that is plowed for snowmobiles and dog sled tours. It is on Forest Service land, and is plowed by Gunnison County when we plow Taylor River Road

Arrowhead Subdivision – Arrowhead is located west of Gunnison, south of HW #50. There are 100 full-time residents occupying 50 homes. They generally average 100 vehicles in their parking lot. It can be up to 150 vehicles during Thanksgiving and Christmas holidays. The HOA plows Forest Service Road #867 from HW 50 to, and including, their parking area, which is a distance of approximately 7 miles. The HOA has their own equipment and staff.

Gold Basin Meadows – This subdivision is located in Saguache County, but is accessed via Gold Basin Road, just south of the City of Gunnison. Even though the residents of this subdivision are located in Saguache County they work in Gunnison, shop in Gunnison, etc. There are 55 lots in the subdivision and 15 of the homes are occupied year round. They have a Gunnison County private plow permit and they hire a private company to plow 6 miles of Gold Basin Road from the end of the asphalt into their subdivision. People either travel over the snow to their residence or they privately plow. They average 2 vehicles per residence. All lot owners pay $500 per year in dues. If additional funding is required for plowing they charge an assessment.

Blue Mesa Estates – This subdivision is located off of CR #25 which is the Pine Creek Road. It is one of the cut-offs between HW #149 and HW #50. I do not know how many full-time residents they have, but the HOA has a private plow permit because it is a County road. The plow from HW #149 to just inside the subdivision, a distance of approximately 5 miles. They have their own equipment and operators. Depending on occupancy they may not plow after January.

Gold Creek – There are full time residents along this road that live beyond the end of County plowing. The owner at the end of the road plows to his residence, and he plows a turn-around for public users. He has the permit, but we do not know how he funds the plowing.

Wilderness Streams – Wilderness Streams is a large subdivision at the north end of Ohio Creek. They have an increasing number of year round residents, some of whom travel to work daily. They privately plow from the intersection at Ohio Creek Road. They plow their own roads and provide all of their own parking.

Hermits Hideaway, Marble Village Drive, and Serpentine Trail - These are subdivisions in the Marble area that were part of the Marble Metro District. When the courts dissolved the Metro District their "assets" were given to the County. Those assets included the roads. There are many homes in each of the areas, and they are primarily occupied year round as opposed to seasonal use. They are neither maintained nor plowed by the County. In heavy snow years, the County motor grader may wing the snow back to widen the roads 1-2 times per year. Other than that, they are privately plowed and maintained.