

1 - Jan 17 2023 BOCC Work Session agenda

2 - Consideration of Further Extending ATV OHV UTV use on CR 3

**GUNNISON COUNTY BOARD OF COMMISSIONERS**  
**MEETING NOTICE**

**DATE:** Tuesday, January 17, 2023

**Page 1 of 1**

**PLACE:** Board of County Commissioners' Meeting Room at the Gunnison County Courthouse  
200 E. Virginia Avenue; Gunnison, CO 81230  
(REMOTE OPTION BELOW)

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS WORK SESSION:**

- 8:30 am
  - Call to Order
  - Emissions Inventory; Update
- 10:00
  - Consideration of further extending ATV, OHV and UTV use on a certain portion of County Road #3
  - Adjourn

Please Note: Packet materials for the above discussions will be available on the Gunnison County website at <http://www.gunnisoncounty.org/meetings> prior to the meeting.

**ZOOM MEETING DETAILS:**

Join Zoom Meeting: <https://us02web.zoom.us/j/82753657556?pwd=MjNDbTZHTFNRVdDemZJdC91aVBIZz09>

Meeting ID: 827 5365 7556

Passcode: 471302

One tap mobile

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**AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM**

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**Agenda Item:** Consideration of further extending ATV, OHV and UT

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**Action Requested:** Discussion

**Parties to the Agreement:**

**Term Begins:**

**Term Ends:**

**Grant Contract #:**

**Summary:**

Please find in this folder for your review: 1) Resolution 2022-20; and 2) a letter from High Country Conservation Advocates (HCCA)

**Fiscal Impact:**

**Submitted by:** Melanie Bollig

**Submitter's Email Address:** mbollig@gunnisoncounty.org

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**Finance Review:**

Required

Not Required

Comments:

Reviewed by:

Discharge Date:

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**County Attorney Review:**

Required

Not Required

Comments:

Legally sufficient. SO 1/13/23

Reviewed by: GUNCOUNTY1\sobaid

Discharge Date: 1/13/2023

Certificate of Insurance Required

Yes  No

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**County Manager Review:**

Comments:

Reviewed by: GUNCOUNTY1\mbirmie

Discharge Date: 1/13/2023

Consent Agenda

Regular Agenda

Worksession

Time Allotted: 45

Agenda Date: 1/17/2023

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BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO: 22-20

A RESOLUTION FURTHER EXTENDING RESOLUTION NO. 21-12 AND  
AUTHORIZING ATV, OHV AND UTV USE ON A CERTAIN PORTION OF COUNTY  
ROAD #3 UNTIL JANUARY 3, 2023

WHEREAS, the Board understands that the public has historically used all-terrain vehicles ("ATVs"), off-highway vehicles ("OHVs") and utility terrain vehicles ("UTVs") on that certain portion of County Road #3 a/k/a Marble Road, beginning at the town limits of the Town of Marble at Beaver Lake to the top of that area known as "Daniel's Hill", a distance of approximately one and a half (1.5) miles, and otherwise described as the intersection of Forest Service Roads 314 and 315; and

WHEREAS, on May 14, 2018, the Board of County Commissioners of the County of Gunnison, Colorado ("Board") adopted Resolution No. 18-14, *A Resolution Repealing Resolution No. 15-15 and Approving Use of ATV's, OHV's and UTV's on a Segment of County Road #3*; and

WHEREAS, Resolution No. 18-14 was recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on May 15, 2018, bearing Reception No.653186; and

WHEREAS, Resolution No. 18-14 provided that use of ATVs, OHVs and UTVs shall be and hereby is authorized on that certain portion of County Road #3 a/k/a Marble Road, beginning at the town limits of the Town of Marble at Beaver Lake to the bottom of that area known as "Daniel's Hill", otherwise described as the intersection of Forest Service Roads 314 and 315; and

WHEREAS, on May 18, 2021, the Board adopted Resolution No. 21-12, providing that use of ATVs, OHVs and UTVs shall be and hereby is authorized on that certain portion of County Road #3 a/k/a Marble Road, beginning at the municipal limits of the Town of Marble at Beaver Lake to the bottom of that area known as "Daniel's Hill", otherwise described as the intersection of Forest Service Roads 314 and 315; and

WHEREAS, by its express terms, Resolution No. 21-12 was set to expire on December 31, 2021; and

WHEREAS, on January 4, 2022, the Board adopted Resolution No. 22-1, which further extended Resolution No. 21-12 until May 3, 2022; and

WHEREAS, since the adoption of Resolution No. 21-12, the Board and the County have collaborated with the Town of Marble, motorized users, the United States Forest Service, proximate property owners and other stakeholders to analyze and address issues



surrounding the continued use of ATVs, OHVs and UTVs on that certain portion of County Road #3; and

WHEREAS, although progress has been made, the aforementioned collaboration remains incomplete; and

WHEREAS, upon any expiration of Resolution No. 21-12, ATVs, OHVs and UTVs will no longer be allowed on the subject County road; and

WHEREAS, the Board desires for the aforementioned process to continue into this year so that the Board may fully analyze and address that process and the efforts surrounding that process; and

WHEREAS, on December 21, 2021, the Board adopted Resolution No. 21-44, temporarily extending Resolution No. 21-12 until January 4, 2022;

WHEREAS, in light of the foregoing considerations and to afford the full Board an opportunity to consider the issues surrounding OHV use on County Road 3, the Board desires to further extend Resolution No. 21-12;

WHEREAS, Col. Rev. Stat. § 33-14.5-108(1)(f) prohibits the use of ATVs, OHVs and UTVs on County roads unless expressly authorized by the County; and

WHEREAS, pursuant to Col. Rev. Stat. §18-9-117(1)(f), the Board has the authority to adopt rules and regulations for use of ATVs, OHVs and UTVs as to place, time and manner of use; and

WHEREAS, continued use of ATVs, OHVs and UTVs on that certain portion of County Road #3 described in this Resolution remains in the best interests of the public; and

WHEREAS, the Board desires to clarify its longstanding intent to continue to permit use of ATVs, OHVs and UTVs to the top of Daniels Hill, at least during the term of this and previous Resolutions enacted by the Board; and

WHEREAS, the public is reminded to comply with all applicable Federal, state and local laws regarding the registration, licensing and use of ATVs, OHVs and UTVs in Colorado and particularly in Gunnison County; and

WHEREAS, the public is reminded and encouraged to operate ATVs, OHVs and UTVs in a legal, safe, courteous, and responsible manner; and

WHEREAS, in order to allow for continued, unimpeded access to residences along County Road 3, the public is reminded that the top of Daniels Hill lacks parking for motor vehicles and therefore users should not attempt to park automobiles (including snow-tracked vehicles) at that location;



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

1. Resolution No. 21-12, *A Resolution Repealing Resolution No. 18-14 and Approving Use of ATV's, OHV's and UTV's on a Segment of County Road #3* recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on May 18, 2021, shall be and hereby is amended and further extended to remain in full force and effect until midnight Mountain Time January 3, 2023, as which point both that Resolution and this one shall expire and no longer remain in effect, unless extended by further Resolution of this Board; and

2. Subject to Paragraph 1 above, the use of ATVs, OHVs and UTVs is and continues to be authorized on that certain portion of County Road #3 a/k/a Marble Road, beginning at the town limits of the Town of Marble at Beaver Lake to the top of that area known as "Daniel's Hill", a distance of approximately 1.5 miles, and otherwise described as the intersection of Forest Service Roads 314 and 315 until midnight Mountain Time January 3, 2023.

INTRODUCED by Commissioner Mason, seconded by Commissioner Smith, and adopted this 3rd day of May, 2022.

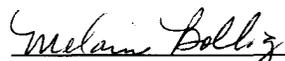
BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO

By   
Jonathan Houck, Chairperson

By   
Roland Mason, Vice Chairperson

By   
Elizabeth Smith, Commissioner

ATTEST:

  
Deputy County Clerk





December 30, 2022

Gunnison County Commissioners  
200 E. Virginia Ave.  
Gunnison, CO 81230  
[bocc@gunnisoncounty.org](mailto:bocc@gunnisoncounty.org)

Re: Marble OHV Exemption

Dear Gunnison County Commissioners,

High Country Conservation Advocates (HCCA) and Wilderness Workshop urge you to remove the exemption which allows OHV/ATV traffic on County Road 3. HCCA has been following this issue since at least August of 2015, when we submitted comments to you expressing concern with Resolution No. 15-15, which opened a segment of County Road 3 near Marble to unlicensed OHVs. In that letter we noted receiving feedback from “local residents and property owners that there was not adequate opportunity to comment on this significant modification of use on county roads, and that increasing OHV activity in Marble is having a negative impact.” Wilderness Workshop has similarly been tracking this issue for the past several years and has heard concerns from many of our members about the ecological impacts of the OHV activity.

The situation has only worsened – significantly – since then. Given the continued impacts from OHV/ATV traffic on County Road 3, and the lack of progress towards addressing those impacts, we ask that you act in the best interest of Gunnison County residents and the environment by lifting the exemption. We understand that a long-term solution needs to be developed for managing the significant increase in OHV use on County Road 3 and the Lead King Loop. However, rather than allowing the problem to continue unmitigated and without a solution in place, Gunnison County should lift the exemption to stop the ecological impacts while a solution can be developed and implemented.

Thank you for your consideration.

Sincerely,

Matt Reed  
Public Lands Director  
High Country Conservation Advocates  
PO Box 1066  
Crested Butte, CO 81224  
970.349.7104  
[matt@hccacb.org](mailto:matt@hccacb.org)

Will Roush  
Executive Director  
Wilderness Workshop  
PO Box 1442  
Carbondale, CO 81623  
970.963.3977  
[will@wildernessworkshop.org](mailto:will@wildernessworkshop.org)

cc: Gunnison County Attorney Matthew Hoyt, [mhoyt@gunnisoncounty.org](mailto:mhoyt@gunnisoncounty.org)