

**GUNNISON COUNTY BOARD OF COMMISSIONERS  
SPECIAL MEETING MINUTES  
April 5, 2007**

The April 5, 2007 Board of Commissioners meeting was held in the Commissioners Meeting Room at the Courthouse. Present were:

Hap Channell, Chairperson  
Paula Swenson, Vice-Chairperson  
Jim Starr, Commissioner

Matthew Birnie, County Manager  
Marlene Crosby, Assistant County Manager  
Katherine Haase, Clerk to the Board  
Others Present as Listed in Text

**CALL TO ORDER:** Chairperson Channell called the meeting to order at 2:33 p.m.

**REPORT AND DISCUSSION REGARDING WASHINGTON GULCH ACCESS ISSUES:** County Attorney David Baumgarten was present for discussion and outlined the primary goal of this meeting as focusing on the access issues of Washington Gulch and not the permit issues. There were no representatives present for this meeting from the Washington Gulch Working Group.

Commissioner Starr disclosed that he received a telephone call from a blood relation of an Elkton property owner, at which time Commissioner Starr informed the party that he could not discuss this issue outside of a Public Hearing. He also suggested that the party submit a letter to the Planning Department outlining their particular concerns.

Chairperson Channell disclosed a letter, including pictures, which he received from the Curtis Allen family on April 2, 2007.

County Manager Birnie disclosed a letter that he received from Harry C. Sherman, M.D. on March 28, 2007.

Representatives from the US Forest Service and the Gunnison Ranger District, Jim Dawson and Kai Allen, presented Order #2006-04, dated March 30, 2006, entitled: "National Forest Occupancy and Use Regulations, Gunnison Ranger District, Grand Mesa, Uncompahgre, and Gunnison National Forests". A map, attached to this Order as Exhibits A and B, outlined snowmobile restricted areas for the Washington Gulch region. Mr. Dawson stated that this Order has given them authority to enforce the regulations associated with winter travel in Washington Gulch.

Mr. Dawson explained that the properties affected by this issue are owned by either private land owners or the Crested Butte Land Trust, and that these properties border on the National Forest boundary line. He also confirmed that the section of Washington Gulch Road extending just above the forest boundary is a national forest-system road that is open to the public.

Citizen Gary W. Christopher stated that he had a placer operation just below the Washington Gulch patented claim and that a large portion of the road is on the Washington Gulch placer. He estimated that the road was formed in approximately 1886. In the 1950's, personal friends of his, now deceased, built the road (originally a horse trail) over the top of the Frame property in order to connect to the Slate River side.

Kai Allen stated that individuals must first request a permit from the US Forest Service before utilizing snowmobiles in this area. These permits are free of cost, without limit and are primarily used by the US Forest Service as a means to convey snowmobile rules and restrictions to users.

County Attorney Baumgarten explained that the Washington Gulch access issues being considered were previously illuminated by the building ISDS and are as follows:

- Who has the winter rights to this road?
- What are the allowable modes of transportation?
- Is there a mode of transportation that is forbidden?
- Are there off-road areas that are in-bounds?
- Are there off-road areas that are out-of-bounds?
- Does this affect the use of snow cats?

Gunnison County Planning Department representative Neil Starkebaum stated that he had previously been informed by the US Forest Service that the parties involved in the Elkton land use issues have requested access permits for snow cat use. Assistant County Manager Crosby stated that Gunnison County has been respectful of US Forest Service findings.

Kai Allen added that, prior to a US Forest Service decision in 1995, it was determined that Washington Gulch could be closed due to snow cat use. In 1999, there was a forest service closure on Washington Gulch Road due to snow cat use, with exception to land owners who were required to obtain a permit from the Forest Service for personal use of snow cats.

A parking area has been provided by the Allen family, located at the trailhead, which is insufficient in size and incapable of accommodating any increases in traffic due to commercial operations. The Allen family has stated an unwillingness to increase the size of this parking area, which is located on their privately-owned land. Gunnison County has been responsible for plowing the snow from this parking area. Current traffic levels in the area create overflow parking on the adjacent county road.

When exiting the parking area, users then travel on a county road that runs through the Allen's private property. Users are allowed to use all forms of transportation. However, because this road crosses through private property, users must stay on the road at all times. Over-the-snow access is not limited by the county and applies whenever the road is not plowed. There was discussion regarding snow cat use and the potential for drivers to have a false sense of security, which could lead to vehicles becoming stranded.

Extending forward from the boundary between the Allen family property and US Forest Service, users are required to possess a permit for snowmobile and/or snow cat use. There was question about the possibility of the Forest Service issuing permits for snowmobile and/or snow cat use for the section of county road between the trailhead and the forest boundary, however Jim Dawson stated that the US Forest Service has no authority to require permits on a county road.

The Washington Gulch Working Group, as reported by Kai Allen, has discussed enforcement issues. The result of those discussions became the Order and attached map outlining the areas that are closed to snowmobile use at special borders. The group created these borders with the assumption that they would be easily definable and understood. Although the Gunnison Rangers currently patrol the areas of restricted snowmobile use, they have allowed this past winter season as a grace period for the community to become aware of the new regulations and, thus, did not issue any citations. Mr. Allen reported that, while on patrol in these areas, he found much less evidence of snowmobile use compared to previous winters. However, he continued to state that snowmobile and ski use is an ongoing problem on private land, which would have to be enforced by the sheriff's office.

There was discussion about the possibility of prohibiting the use of snow cats on the section of county road between the trailhead and the forest boundary, in an effort to maintain consistency. Citizen Art Mears agreed that there should be consistency of permitted use between forest land and county roads. Mr. Mears cited the recent similar situation in the East River Valley when that area was closed to snowmobile use by the US Forest Service, however the road entering Gothic was a county road that allowed snowmobile use. Eventually, snowmobile use was prohibited on the county road as well, which apparently alleviated confusion.

Currently, there is signage at the Washington Gulch trailhead outlining snowmobile permit requirements, yet that sign does not mention the use of snow cats. According to Mr. Allen, this was purposely omitted due to the apparent lack of interest in using snow cats on Washington Gulch Road.

Wayne Meredith, property owner, stated that he has never limited occasional skiers on his property, yet he is concerned about high ski traffic if this area becomes commercialized and would want to close his property to all traffic if this area were commercialized. Mr. Meredith reported that, even in summer months, he has found as many as 20 to 30 hunters a day on his property.

Citizen Luke Danielson expressed that the trailhead parking area is not only overcrowded, but that it has also become a nuisance to neighbors. Complaints included loud music, alcohol use, littering and animal waste. Mr. Danielson also worries about the potential for land damage in the future, if larger and more powerful machines are allowed access to the roads.

Dan Morris, Public Lands Director of High Country Citizens' Alliance, relayed that he has spoken to private land owners at Elkton (other than the Frame's) who expressed concern to him about increased levels of use, irrespective of the type of use. Permitted US Forest Service commercial outfitters in the drainage have also expressed concerns about increased levels of use, competition and uses conflicting with issued permits. Mr. Morris summarized his finding as the intent of the community of users to have a regulated amount of use and to attempt to diminish the types of use in that drainage. High Country Citizens' Alliance is concerned that the involved user groups have worked well with previous verbal arrangements and that this balance looks to be disrupted, possibly to the point of prohibition, by the current circumstances. Mr. Morris suggested that it might be looked at as a responsibility of Gunnison County to support these previous verbal arrangements, which were agreeable by local land owners prior to recent events, in order to maintain the balance that exists.

Lawson Hagler, owner of a 10-acre parcel located near the lower section of the Elkton Townsite, stated that he has owned his property for 31 years and has never employed the use of signage. Nor has he felt the need to deter snowmobilers or skiers from passing through his property. Mr. Hagler stated that his interest is in maintaining the pristine openness of the upper end of the valley, particularly for cross-country ski access and is opposed to circumstances above his property that would either encourage high recreation traffic or cause access limitations.

According to Kai Allen, while he is unsure of the exact number, less than 150 snowmobile permits were issued for this area last winter with the Chamber of Commerce issuing less than 100, and the US Forest Service issuing approximately 45. Mr. Allen had no numbers to provide relative to unpermitted use. County Attorney Baumgarten stated that below the forest service boundary, Gunnison County has the authority to limit the number of permits issued, if it chose to do so.

Kai Allen reported that all user groups were well represented in the Washington Gulch Working Group. The group has discussed land use on non-federal land, which prompted the expressed desire by the Allen family to have all users remain on the road while passing through their property.

Citizen Shannon Sprout pointed out her inability to easily locate the road or trail in heavy snow and questioned whether better road markings would be advisable. Chairperson Channell noted that, according to the photos submitted by the Curtis Allen family, the tracks appear to be in a loop pattern suggesting that they resulted from entertainment rather than an inability to locate the road.

Jim Dawson said that the US Forest Service has concluded gathering information from the working group and that they have no current plans to attend further working groups, which were facilitated by Commissioner Starr and Kai Allen. Per Commissioner Starr, no working group meetings are currently scheduled, however the intent is to reconvene after the conclusion of the current winter season. In the interim, Kai Allen reported that he has received positive feedback from some Washington Gulch property owners saying that conditions have improved.

Jim Dawson has and will provide a mailing list of all attendees of the working group. Chairperson Channell encouraged any interested parties to ensure inclusion of their name and contact information to this mailing list so that they will be kept informed of all future working group meetings.

Attorney Art Tresize, representing Jed and Mary Frame, stated that he is assisting the Frame's with their application and that the Frame's currently have engineering plans for the structure, stamped engineering plans for the yurts, site plans and maps. He also expressed the Frame's desire to follow the county process to obtain the ISDS as well as permits for building, driveway and reclamation.

Attorney Tresize clarified that the Frame's are not proposing a snow cat skiing operation similar to the circumstances in Irwin, Colorado. Their stated desire is not to transport people in their two-person snow cat, rather their intended use of the snow cat would be to gain access for their own transportation of supplies and their children.

Attorney Tresize acknowledged the Frame's mistake in not obtaining required permits prior to purchasing the yurts and states that they were unaware of the correct process at that time. Attorney Tresize also stated that the Frame's may or may not desire to pursue a commercial application for this project, which is why the Frame's have not requested a land use change as of yet.

Questions arose regarding how many structures (residential or storage) may be built on this property without obtaining additional building permits, whether or not a yurt can be classified as a residence, how to clarify overlapping mining claims and how the permitting and land use change processes will be affected if the Frame's pursue a commercial operation. Attorney Tresize suggested that he meet with representatives from the County Attorney's office and the Planning Department to determine how to sequentially proceed with this project.

Lawson Hagler submitted that, while he hasn't physically seen the structures in question, he has seen photos of them and believes them to be extremely close to his property line. He is also concerned about the drainage impact to his property resulting from these structures. As well, he is concerned that these structures are degrading the pristine and historic nature of the area.

Chairperson Channell acknowledged that Gunnison County will proceed with the meeting requested by Attorney Tresize and that Commissioner Starr will reconvene the working group in June 2007 after the conclusion of the current winter season. Chairperson Channell also encouraged written letters from any interested parties so that the statements in those letters can be made part of the permanent record and looked upon throughout this process for opinions.

**ADJOURN: Moved** by Commissioner Swenson, seconded by Commissioner Starr to adjourn this special meeting. Motion passed unanimously. Meeting adjourned at 3:53 p.m.

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Hap Channell, Chairperson

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Paula Swenson, Vice-Chairperson

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Jim Starr, Commissioner

Minutes Prepared By:

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Katherine Haase, Deputy County Clerk

Attest:

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Stella Dominguez, County Clerk