



**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO**

RESOLUTION NO: 24-34

A RESOLUTION SETTING FORTH A REVISED *KEBLER PASS WINTER TRAILHEAD MANAGEMENT PLAN AND PERMITTING SYSTEM* DUE TO THE MT. EMMONS LAND EXCHANGE AND TO REGULATE USE OF SNOWMOBILES AND OVER-THE-SNOW VEHICLES AT THE KEBLER PASS TRAILHEAD

WHEREAS, Gunnison County previously administered a winter trailhead parking area(s) adjacent to and part of County Road 12 (a/k/a Kebler Pass Road) pursuant to an easement granted to the County by the United States on September 5, 1979;

WHEREAS, on or about August 23, 2024, Mt. Emmons Mining Company, through a land exchange with the United States Forest Service, received a portion of County Road 12 and the adjacent winter trailhead parking area(s) ("Kebler Pass Trailhead"), and Mt. Emmons Mining Company contemporaneously deeded this portion of the aforementioned road and parking area(s) to Gunnison County, thereby rendering them County property under the County's jurisdiction and control;

WHEREAS, in order for the land exchange to satisfy federal policy and regulation, Gunnison County has issued parking permits for the Keber Pass Trailhead containing terms and conditions substantially similar to those permits issued by the United States Forest Service: CB Motor Sports Inc. (USFS Permit No. GUN1313); Action Adventures, LLC (USFS Permit No. GUN1336); Colorado Adventure Rentals (USFS Permit No. GUN1522); Burt Rentals, LLC (USFS Permit No. GUN1337); Colorado Backcountry LLC (USFS Permit No. GUN1391); Irwin Backcountry Guides LLC (USFS Permit No. GUN1396); Gunnison County Sno Trackers (USFS Permit No. GUN1512);

WHEREAS, historically users have experienced issues with parking availability at the Kebler Pass Trailhead during the winter season;

WHEREAS, on November 14, 2014, this matter was brought to the attention of the Board of County Commissioners of the County of Gunnison, Colorado ("Board");

WHEREAS, pursuant to Col. Rev. Stat. § 18-9-117, the Board has the authority to adopt rules and regulations for the administration, protection and maintenance of public buildings and property including:

1. Restriction or limitation of the use of such public property as to time, manner, or permitted activities; and



2. Use of all vehicles as to place, time and manner of use;

WHEREAS, C.R.S. § 33-14-101(11) defines a “snowmobile” as a “self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats”;

WHEREAS, the Board has the authority pursuant to C.R.S. § 33-14-118 to regulate the use of snowmobiles on public lands, waters and property under Gunnison County’s jurisdiction and on public roads and highways within County boundaries;

WHEREAS, pursuant to C.R.S. § 33-14-119, every peace officer of the State of Colorado and the political subdivisions of Colorado shall have the authority to enforce the provisions of a resolution adopted pursuant to C.R.S. § 33-14-118;

WHEREAS, C.R.S. § 42-4-106(3)(d)(II) permits the County, when snow-packed conditions exist or otherwise during a seasonal period on Kebler Pass Road, designate all or a portion of Kebler Pass Road for over-snow use only and to place restrictions on such over-snow use;

WHEREAS, C.R.S. § 42-4-106(3)(d)(III) defines “over-snow use” as “travel on top of snow by human-powered or animal-powered means or by an off-highway vehicle [“OHV”] that is primarily designed or altered for use over snow and runs without tires on a continuous belt track or on one or more skis while in use over snow”;

WHEREAS, pursuant to C.R.S. § 42-4-106(8)(a), a violation of County restrictions on a County Road regarding over the snow use constitutes a class B traffic infraction;

WHEREAS, C.R.S. § 42-4-1803 provides that “[n]o person shall abandon any motor vehicle upon public property”;

WHEREAS, C.R.S. § 42-4-1803 empowers law enforcement and other public officials to move or cause to move any vehicle or trailer that obstructs a public road in order to eliminate any such obstruction;

WHEREAS, after conducting public meeting(s) and receiving public comments, the Board approved a policy for the *Kebler Pass Winter Trailhead Management Plan Permitting System* which is set forth in the October 1, 2024 Memorandum attached hereto and incorporated herein by reference as Appendix “A”;

WHEREAS, the Board has agreed to continue, with modifications due to the land exchange, the *Kebler Pass Winter Trailhead Management Plan Permitting System*;



NOW THEREFORE BE IT RESOLVED that the Board wishes to reaffirm and ratify the continuance of the *Kebler Pass Winter Trailhead Management Plan Permitting System* as follows:

1. For purposes of this Resolution:
 - a. "Property Owner" means a person that has a legal, beneficial, or equitable interest in residential real property subject to C.R.S. § 38-13-102 ("Property").
 - b. "Property" further means property that is:
 1. Complies with all Federal, State, and Gunnison County regulations, including but not limited to the County's Land Use Resolution, applicable Building and Onsite Wastewater Treatment System Codes, and remains in compliance during the entire term of the Property Owner's permit;
 2. Fit for human occupation throughout the winter season;
 3. Not the subject of, nor becomes the subject of during the term of the Property Owner's permit, any Notice of Violation, Stop Work Order, or other regulatory or civil action in relation to Federal, State or County law or regulation; and
 4. Located within the applicable geographic area bounded by the Bracken Creek Drainage and the Coal Creek Drainage and the Splain's Gulch Drainage (including the Floresta townsite plat) where there is only over-the-snow access to the subject property during the winter months. Such applicable area is generally described by the map set forth on page 4 in the memorandum attached to this Resolution as Appendix A.

2. Certain Currently Permitted Commercial Parking Due to Mt. Emmons Land Exchange. The rules governing parking for the following commercial entities shall be set forth in such entities' respective permits and this Resolution. Should any conflict exist between the provisions of this Resolution any entities' respective permit, the express terms of said permit shall control. Such entities are as follows:

- a. CB Motor Sports Inc.;
- b. Action Adventures, LLC;
- c. Colorado Adventure Rentals;
- d. Burt Rentals, LLC;



- e. Colorado Backcountry, LLC;
- f. Irwin Backcountry Guides LLC; and
- g. Gunnison County Sno Trackers.

Upon expiration of the foregoing entities' current permits, the terms of this Resolution, any future resolution on this subject matter, and any new permit issued by Gunnison County shall control. For the avoidance of doubt, nothing in the foregoing entities' permits provides any such entity any right, privilege or entitlement beyond the express terms of their respective permits.

3. Other Commercial Parking: All commercial entities that receive a commercial parking permit from Gunnison County, including but not limited to the foregoing, shall:

- a. obtain a permit from Gunnison County prior to using the Kebler Pass Trailhead for commercial operations or purposes;
- b. Submit a work plan to Gunnison County that contains at least the following:
 - i. A description of the permittee's commercial operation;
 - ii. Information setting forth estimated use; total days and quantities of users;
 - iii. A Safety Plan;
 - iv. A Resource Protection Plan that addresses, at a minimum:
 - 1. Latrines
 - 2. Trash or refuse
 - 3. Trailhead etiquette and interaction with other users; and
 - 4. Leave No Trace ethics
 - v. Insurance covering the operations of the permittee during the term of the permit;
- c. Display a logo or other commercial business or company identification on any vehicle(s) or trailer used pursuant to the operator's permit;
- d. Display a copy of the entity's permit in the dashboard or other visible area;
- e. Park only in those designated commercial parking spots set forth in the map and vertical signage provided by Gunnison County; and
- f. Comply with all applicable Federal, State and local laws and regulations related to their use of the Kebler Pass Trailhead.



- g. Acquisition of a permit for operations from another Federal or State agency does not automatically guarantee that a County Commercial Parking Permit shall be issued.

4. Property Owner Parking: The following requirements and restrictions shall apply to Property Owners:

- a. Property Owners shall obtain a permit from Gunnison County for a fee set by the Board, which for the 2024-25 season shall be as set forth in the Memorandum attached as Appendix A to this Resolution. Such fee may be adjusted in future seasons by duly adopted motion of the Board or amendment of this Resolution.
- b. Each Property Owner may obtain no more than two (2) annual vehicle permits per Property. Such permits will allow for overnight parking of a motor vehicle in a specified area of the Kebler Pass Trailhead, designated by a map provided by and vertical signage installed by the County. Such quantity may be adjusted in future seasons by duly adopted motion of the Board or amendment of this Resolution.
- c. Each Property Owner may obtain no more than five (5) annual over-the-snow vehicle permits per Property. Such permits will allow for overnight parking of an over-the-snow vehicle in a specified area of the unplowed portion of the Kebler Pass Trailhead, designated by a map provided by the County. Such quantity may be adjusted in future seasons by duly adopted motion of the Board or amendment of this Resolution.
- d. Property Owners shall display the permits in the locations designated by Public Works at all times the overnight parking is in use by any private vehicle. Failure to properly display the permits may result in warnings, tickets, or removal of the vehicle at the sole expense of the owner.
- e. Property Owners are prohibited from parking trailers overnight at the Kebler Pass Trailhead, including but not limited to parking trailers in either of the permitted spaces.
- f. Property Owners shall comply with all applicable Federal, State and local laws and regulations related to their use of the Kebler Pass Trailhead.
- g. The County reserves the right to suspend or revoke any Property Owner permit where the Property is the subject of any regulatory, administrative or civil action regarding the Property's compliance with any Federal, state or County law or regulation.



5. Public Day Use Parking: Parking at the Kebler Pass Trailhead not otherwise reserved for commercial or Property Owner permittees may be used by the public as follows:

- a. Member of the public may employ any space not otherwise designated for commercial or Property Owner use. The County shall designate such spaces on a map and on vertical signage located at the Kebler Pass Trailhead.
- b. Public parking is for day use only. Overnight public parking is prohibited.
- c. The public may park vehicles with trailers for day use in either designated areas at the Kebler Pass Trailhead, or along Kebler Pass Road so long as such parking complies with federal, state and county regulations, including but not limited to the Gunnison County Uniform Traffic Code.
- d. Members of the public shall comply with all applicable Federal, State and local laws and regulations related to their use of the Kebler Pass Trailhead.

6. Snowmobiles and over-the-snow OHVs: Use of snowmobiles and OHVs designed or outfitted for over-the-snow use is permitted at the Kebler Pass Trailhead, with the following restrictions:

- a. Snowmobiles and OHVs are not permitted on that portion of the Kebler Pass Road open to vehicular travel during the winter season.
- b. Due to potential interference with plowing operations and the safety of the public, Snowmobiles and OHVs shall be offloaded from any motor vehicle or trailer only within the boundaries of the Kebler Pass Trailhead and may not be offloaded at any parking space along Kebler Pass Road.
- c. Use of Snowmobiles and OHVs and other over-the-snow vehicles at the Kebler Pass Trailhead shall carry all licenses or permits necessary under State and Federal law, and use of such vehicles shall comply with all Federal, State, and County law and regulations, including but not limited to those rules set forth in this Resolution.

7. Except as expressly set forth in this Resolution, the County reserves the right to suspend or revoke any permit issued pursuant to this Resolution for any reason, or no reason at all.



8. Any vehicle that fails to comply with the foregoing regulations may be deemed to be abandoned, or otherwise deemed to create an obstruction of a County Road, and towed or moved to the fullest extent permitted by law in order to address any abandonment or eliminate any obstruction.

9. This Resolution repeals and replaces all prior resolutions regarding this subject matter, including but not limited to Resolution No. 18-09. Such repeal shall have no effect on any action taken pursuant to such prior resolutions.

10. Nothing in this Resolution shall be construed to afford any person or entity any cause of action against the County or any of its officials, officers, employees, agents or attorneys, nor create any intended or incidental third-party beneficiaries.

11. All orders, instructions, motions and resolutions, or parts thereof, expressly inconsistent with this Resolution are hereby repealed to the extent only of such inconsistency. This Resolution shall not be construed to revive or revise any motion, order, or resolution, or part thereof, heretofore repealed. To the extent any ambiguity exists between any ordinance, resolution, motion, order, statement or instruction by the Board, whether existing before or after passage of this Resolution, this Resolution shall control. No statement or writing by any Board member, whether in a meeting of the Board or not, shall purport to amend, alter, supplement or override the express terms of this Resolution, and no such statement or writing may be relied upon by any person in relation to this Resolution.

12. If any section, subsection, paragraph, clause or other provision of this Resolution for any reason is held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this Resolution, the intent being that the same are severable.

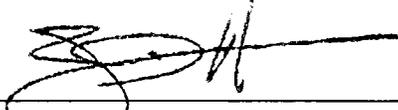
13. This Resolution shall take effect immediately upon its passage and approval, and shall remain in effect unless and until repealed or amended by subsequent Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado, that the continued use of the *Kebler Pass Winter Trailhead Management Plan Permitting System* shall be and hereby is reaffirmed and ratified until a further resolution is adopted by the Board.

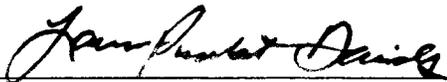
INTRODUCED by Commissioner Puckett Daniels, seconded by Commissioner Smith, and adopted this 17 day of October.

BOARD OF COUNTY COMMISSIONERS

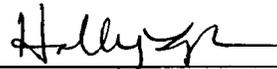
OF THE COUNTY OF GUNNISON, COLORADO

By 
Jonathan Houck, Chairperson

By 
Elizabeth Smith, Vice Chairperson

By 
Laura Puckett Daniels, Commissioner

ATTEST:


Deputy County Clerk



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MEMORANDUM

TO: BOCC and Matthew Birnie
FROM: Martin Schmidt, Assistant County Manager for Public Works
DATE: October 1, 2024
SUBJECT: Kebler Pass Trailhead Parking Reassessment

This second memo is to provide clarity from the Work session on 8/13/24 based on questions from the public.

Staff Recommendation:

The staff recommendation remains the same for the 2024-2025 season: two (2) permits are offered per qualifying residential property until no spots are available. With a parking permit, the following will be made available: up to five (5) snowmobile tags per property. Staff is recommending no trailer tags be issued. Permits will only be issued for the specific area from the Winter Trailhead, heading west to the Beckwith Mountain Drainage (near Horse Ranch Park), the Bracken Creek Drainage and including the Coal Creek Drainage, and allows for the maximum number of occupied residences in the area to be served (map attached). Permits will be issued on a first-come, first-served basis starting **October 29, 2024 at 8 am**. Ticketing and towing will begin on December 2nd, 2024.

Plow day Parking for permitted users:

Staff will communicate directly with permittees to coordinate a location for alternate parking for the 24 hours prior to plowing of the overnight lot. Communication about plowing the overnight lot will continue to be sent 48 hours prior to plowing to allow residents to move their vehicles. Staff is anticipating new software that would allow alerts via text and email, but it has not been activated for this use yet. It may come online during this winter.

Stakeholder Meeting:

Staff and stakeholders have identified the need for a series of meetings beginning in the spring of 2025 to discuss the previous winter and process moving forward. The land exchange has changed the possibilities at the trailhead and now that it has actually been executed additional discussions are warranted. These meetings will be public and allow for problem solving and idea exchanges. The notices for the meetings will be sent to all permittees.

Appendix A



Graduated Spot Fees:

Staff performed an analysis of the effect that a graduated fee structure would have on users of the overnight lot. The following was the output:

Avg purchase 21-23	
1 spot	2 spot
10	22
17.9%	82.1%

Using \$300 proposed	
Spot cost	\$300
56 Spot rev	\$16,800
Cost for 2	\$600

Historic Permit Revenue	
56 spots	56
2020	\$6,750
2021	\$7,000
2022	\$7,000
2023	\$10,200
Actual cost	\$18,466

Using average	
1st spot cost	\$200
2nd spot cost	\$465
1st spot rev	\$6,400
2 spot rev	\$10,385
Revenue	\$16,785
Cost for 2	\$665

Using average	
1st spot cost	\$150
2nd spot cost	\$535
1st spot rev	\$4,800
2 spot rev	\$11,948
Revenue	\$16,748
Cost for 2	\$685

Using just 2023	
1st spot cost	\$200
2nd spot cost	\$530
1st spot rev	\$6,200
2 spot rev	\$10,600
Revenue	\$16,800
Cost for 2	\$730

Using just 2023	
1st spot cost	\$150
2nd spot cost	\$605
1st spot rev	\$4,650
2 spot rev	\$12,100
Revenue	\$16,750
Cost for 2	\$755

Using 2024 projection	
1st spot cost	\$200
2nd spot cost	\$480
1st spot rev	\$7,200
2 spot rev	\$9,600
Revenue	\$16,800
Cost for 2	\$680

Using 2024 projection	
1st spot cost	\$150
2nd spot cost	\$570
1st spot rev	\$5,400
2 spot rev	\$11,400
Revenue	\$16,800
Cost for 2	\$720

2024 Projection	
#tags	56
1 spot	2 spot
16	20
29%	71%

It is clear that the preference is for 2 spots. This breakdown shows that any cost progression causes the total cost for 2 spots to increase in order to provide similar revenues.

Fee Breakdown:

A more detailed fee breakdown was requested. This list represents the costs of the overnight lot.

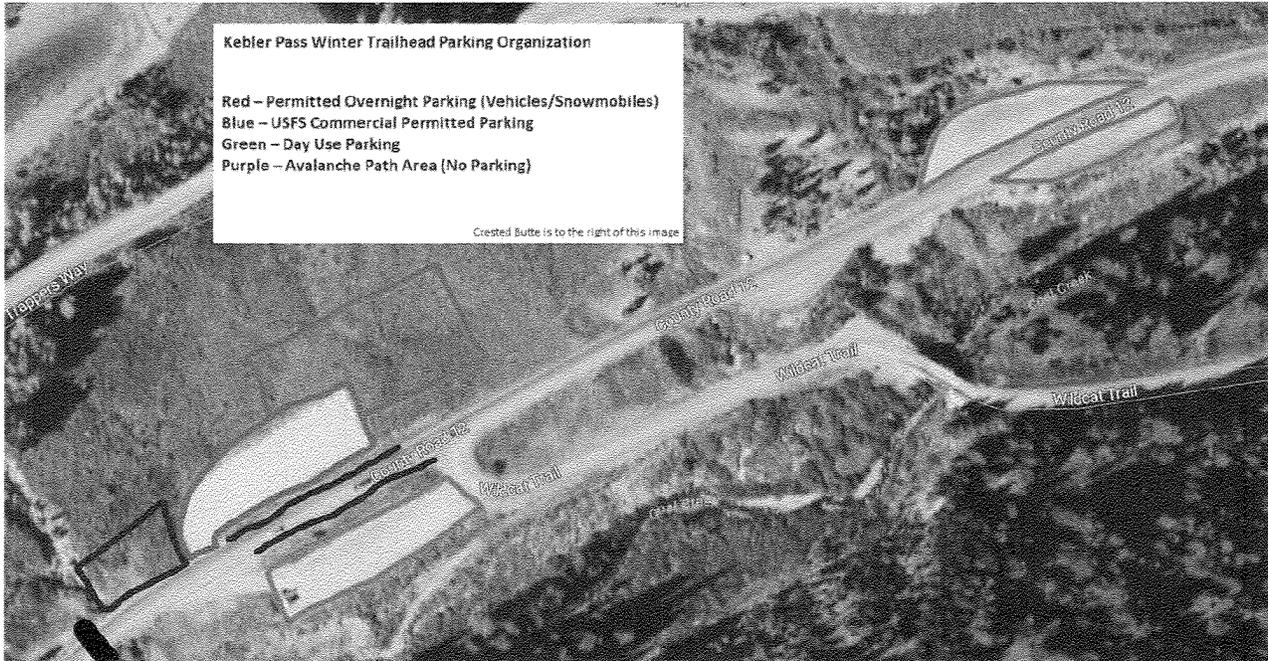
Data for 6 winter seasons	
Signing - SI05 Total	\$4,679
Shouldering - RM26 Total	\$1,405
R-O-W Maintenance Total	\$1,409
R-O-W Maintenance - SI04 Total	\$922
Sanding and/or Plowing Total	\$435
Plowing Total	\$39,845
Misc Snow/Ice Total	\$69
General Maintenance Total	\$10,653
Drainage - SI03 Total	\$902
Check Roads - SI11 Total	\$5,090
Admin Total	\$25,325
Total	\$90,735

Build Trailhead Total	\$66,869
20-year mortgage	\$3,343 per year
Average Annual Cost	\$18,465.88
Per spot cost	\$329.75

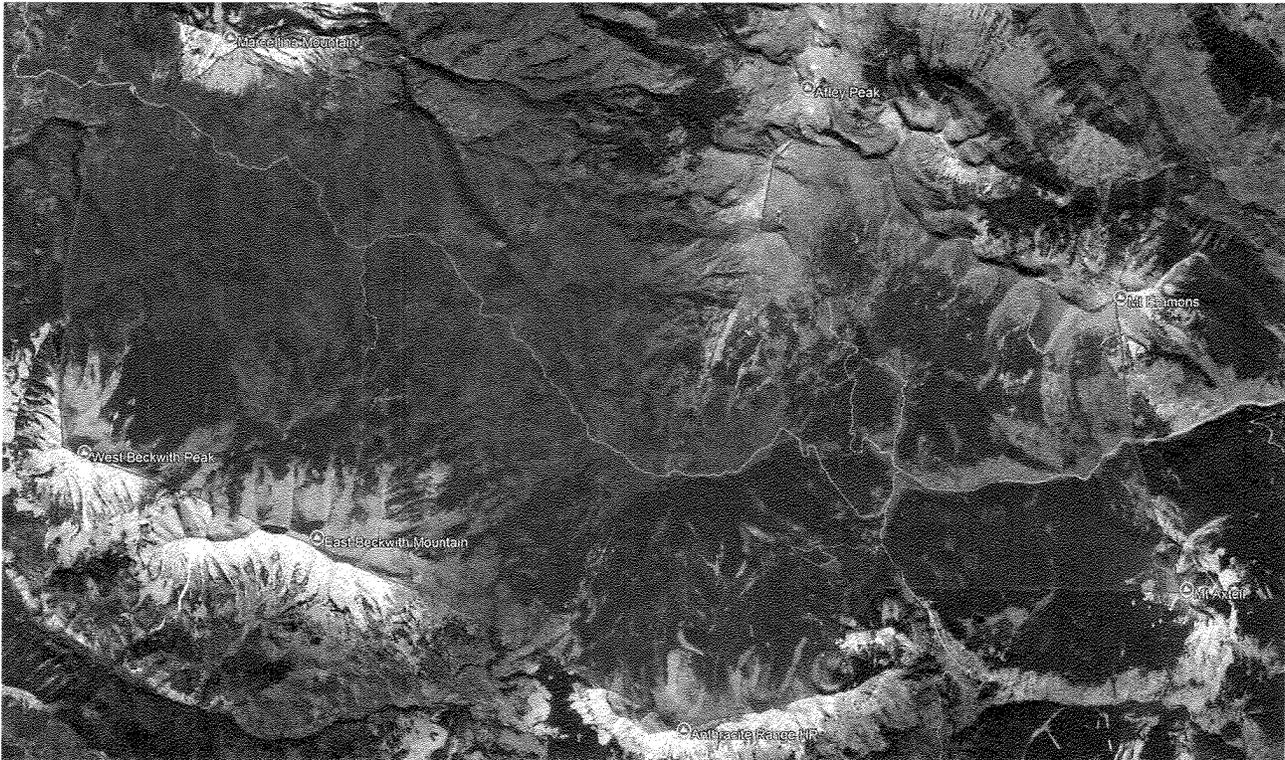
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Parking Lot Organization Plan.



Updated Geographic Boundary Map that more accurately follows the verbiage in the memo.