

# UPPER FRYING PAN VALLEY CAUCUS

## MEETING MINUTES

August 12, 2024

Thomasville Firehouse

Executive Board: Dale Coombs – Chairman; John Crowley – Vice Chairman;

Pat Crowley – Treasurer; Melanie Buchholz - Secretary – all present

Board Members: Marilyn Lee, Jean Dodd, Pam Woolley, and Mary Whalen; – present

Members attended: Terry Langley, Debbie Dillon, Mary Jane Sledge, Carolyn Helman, Monroe Dodd, Gail Coombs, Ron Bain, Debbie Bain, Buck Buchholz, Troy Rhudy, Mary Whalen, Abby Stern, Reuben Sadowsky, Kathy Block, Steve Block, Dick Shell, Carolyn Shell, and Danny Hundert.

Guests: Peter Boyatt, District Wildlife Manager, Colorado Parks & Wildlife (CPW)

- The meeting was called to order at 7:10 pm. The minutes of the July 8, 2024 meeting were approved, with minor changes (e.g. adding member attendee name, etc.) by motion by Marilyn, seconded by majority and then approved.
- Pat Crowley gave the Treasurer's Report with a current balance of \$8,030.59. A motion was made and seconded, the report was then approved.
- Peter Boyatt from CPW joined us as a guest and discussed, in part, the following:
  - o Status regarding introduction of Wolves: The Covill Tribe in Washington has rescinded their offer for CPW to secure the wolves for the next release this year. Therefore, CPW no longer has a source for this year's capture season, unless negotiations or things change with other states, which is what CPW leaders are actively pursuing. However, there will not be anymore wolf releases until additional wolves can be obtained by CPW. The wolves still have not been tracked south of I-70.
  - o Proposed Hunting Ban on Mountain lion, Bobcat and Lynx will be on the November ballot in Colorado: Peter confirmed currently no one can hunt lynx in Colorado. Once this issue hit the ballot, CPW is no allowed to have a stance on the issue. Therefore, he could only answer biological questions and could not provide an opinion on the proposed ban. If this ban passes, there would be zero active wildlife management and CPW could only step in reactively regarding mountain lion conflict management. Mountain lions, just like every other big game species in Colorado, has been managed for decades through regulated hunting to establish sustainable populations of cats. It is CPW's goal to have stable populations of wildlife. A member asked the how many lions are harvested on average by hunters. Peter noted CPW allows up to 33 lions to be taken annually over 4 units that extend to Carbondale, Vail, and the Frying Pan Valley. Peter believes that last year they might have seen the highest total of lions taken, 15 of the 33. That 33 number,

if taken, is what the number is that would be a sustainable population; however, they aren't even close to hitting that 33 lion benchmark. One member asked if voters were to keep going in the direction, would there be any wildlife for CPW to manage? Discussed was the number of sheep in our valley (extends to Carbondale, Vail, Frying Pan) seen 5 years ago was about 70 sheep. In the last 5 years that number has dropped to 45 or 50. It appears the leading cause of death for these sheep is mountain lion depredation. There are other things such as some disease and bacteria carried by the sheep but not really seeing the sheep dying from these other causes. However, specific to this group of sheep, they have been seeing a ton of lion depredation.

- Peter again confirmed CPW is not allowed to have an opinion on the ballot issue and must remain neutral. He can only provide facts about the sheep herd or numbers of lion kills x amount of deer per year or that type of thing. However, he encouraged everyone to do their own research and noted there are a lot of great resources online for both sides.
  - Hunting season to start: Peter reminded us that private land and sheep hunting season starting the following week so we may be seeing hunters in the area.
  - Bears: It's been a pretty bad bear year in the Roaring Fork Valley in town, including Aspen, Carbondale, Glenwood as well as the over the hill in the Eagle valley. It's been rougher than in years past years. Down in town, the berry crops have been awful. Peter suggested being mindful that we may see more bears near homes and if we have any trouble to please let him know. He can provide some rubber buck shot or other things to try to deter bears. Members noted there have been bears in the Meredith dumpsters this summer as well as on cabin porches and in garbage around residents. One of CPW's best resources for managing wildlife populations is hunting. Bear season starts September 2<sup>nd</sup> and over the counter bear tags are available if anyone is interested.
    - A member noted a couple of years ago, CPW had requested we report where and when bear and moose were sighted, and did CPW still want these reports? Peter confirmed don't really need to report unless there is a conflict.
  - Nothing new regarding status of wolverine introduction.
- Corn Boil Committee report provided by Carolyn Shell and Marilyn Lee:
- A big THANK YOU to Dale, Gail, Leah and Casey for hosting the corn boil.
  - Thank you to Jacque Schoon, Mary Whalen, Pam Woolley for doing the food!
  - Thank you to Jean & Monroe Dodd for the signs and trash!
  - Thank you to Dick Shell and his crew who did the set up!
  - Thank you to Marilyn and her group who did the registration!
  - Everyone helped clean up, that was great!
  - And next year they would like more volunteers, and preferably younger volunteers!
  - Pat provided report on the finances:
    - Total cost was \$2,101.20 (a member noted that many of the costs were for items that can be used again at the next Corn Boil).
    - \$1,379 received in donations for Corn Boil.
    - A big thank you to Jean & Monroe who paid more than \$700 dollars for the signs but only charged \$368.04, donating the rest of the cost. These signs are renewable and can be used year after year. Thanks to the Dodds!!!

- The Corn Boil was a great success! It appears additional members were able to attend this year because the date of the Corn Boil was moved back to the traditional first Saturday in August. Thank you to everyone for their support!

- **New Business:**

- Lea Vasten has resigned from the Board as discussed at the last Caucus meeting. We thank her for her many years of service and contributions! Dale noted Mary Whalen had stepped forward to be on the Board to serve the rest of Lea's term until next year's elections, a motion to approve seconded by Pam and as approved by all, there were no comments of opposition.
- Dale invited Reuben and Abby of Beyul to talk a little about the meeting they had invited caucus members which was to take place the following night. Reuben noted they just wanted to hang out and have an open dialog about any questions, concerns, curiosity about Beyul. Beyul will be at the church to discuss. Reuben said they'd would, "just love to open ourselves up for anyone who wants to chat about what we're doing over there." Reuben noted he thought there was a request by the Caucus to keep their meeting separate since it didn't seem that it was specific to Caucus business.
- A member noted he had seen a video of a Pitkin Board of County Commissioners (BOCC) meeting where he watched Reuben give a presentation to the commissioners and now believes some of the issues that may be discussed at Beyul's open chat was a Caucus issue and so should be discussed at the caucus meeting. The member noted before seeing the video, there was an impression that the issues Beyul wanted to discuss were more regarding conflict between homeowners and neighbors, but it's really more than that. Reuben said that if they move forward with any kind of land use revisions, "there will absolutely be presentation, like, to the full Caucus, to Board of County Commissioners there will be a mini multi-year presentation." Link to BOCC video (Reuben starts at addressing BOCC at time stamp 3:09:10 of the 6/4/2024 BOCC Work Session): <https://pitkincounty.ompnetwork.org/embed/sessions/294418/bocc-work-session-06-04-2024>
- After it became clear what may be discussed at Beyul's meeting was a Caucus issue, the members along with Reuben and Abby agreed to discuss now during the Caucus meeting. Below is bullet point summary for the approximately one hour long discussion with Reuben and Abby of Beyul and the other Caucus members in attendance. Following the discussion, the members in attendance wondered if Beyul would still have their meeting the following night. A member was aware of at least two people that were unable to attend the Caucus meeting but had planned on attending Beyul's meeting the following night. Beyul and the members agreed that many issues were discussed at length during this Caucus meeting, and if anyone was unable to attend tonight's Caucus meeting, they would see the detailed minutes and could also reach out directly to Reuben and/or Abby with any issues, questions or concerns. It was the intension of both Beyul and the Caucus that communication and discussions were ongoing. The summary below of the general

transcript was included in these minutes to make sure all members that had planned on attending Beyul's meeting the following night were not left out of the discussion.

- Members agree that Beyul's application to Amend Land Use Code would be amending our Upper Frying Pan Valley (UFPV) Master Plan which addresses Land Use Code, and; therefore, their application to Amend the Land Use Code is a Caucus issue.
- Beyul confirmed they have already filed an application to Amend the Land Use Code with Pitkin County Department of Community Development. It is unclear when the application was filed, but it was filed before June 2024. Beyul stated they are currently zoned as RS-30 in Pitkin County.
- While their application to Amend the Land Use Code is being considered, the Pitkin County Board of County Commissioners have extended Beyul's permit for the temporary COVID tent until the end of the year to allow them time to complete all the items requested in their application to Amend the Land Use Code and make the tent a permanent structure. Some members were confused because the Temporary COVID Tent Permit listed online shows Beyul's permit expired in September 2022. Abby confirmed there was a period when Beyul's Temporary COVID Tent Permit lapsed but the County Commissioners gave them a grace period till the end of this year, 180 days.
- Currently Beyul is working with Community Development and the Building Department. They are currently waiting on the structural engineering architect, the PE engineering company that they bought the tent structure from to update their already submitted application. The Pitkin County building inspector will be coming for a site visit as well. Reuben noted the tent structure has also been inspected over the years by Roaring Fork Fire & Rescue.
- Beyul confirmed the current tent is actually a permanent structure (but for there not being a concrete floor) they built under a permit for a temporary tent for COVID use for social distancing to expand the area where they could serve food from their restaurant to guests, this does not allow them to expand the capacity at Beyul. Reuben noted, "Within that first year, after the first year, we have gone back in front of the Board of County Commissioners every time. We've made it clear since then that we are using it for much more than just expanded seating." Reuben noted later in the discussion that Beyul has been clear with Pitkin County starting in 2022 that the tent is used for all their events and it's essential to their business' success.
- Reuben confirmed Pitkin Community Development has asked them for Beyul's plan of what they intend to do on their property as part of their application to the county. Beyul has submitted their 10-year plan to the county but they currently are not requesting any other additional buildings but are focused on the tent now because it is vital to their business. It will take time for permits, design and funding to get a permanent building so in the meantime, they are trying to get the

tent approved as permanent and then they can go to their investors and over time, obtain the funds to pursue a soundproof building. The tent is just Phase 1 of Beyul's 10-year plan. Reuben noted Beyul would like to possibly consider the following in the future over the next ten years in Phase 2 and Phase 3: a permanent soundproof building to replace the tent, employee housing, more storage, greenhouses, a small preschool, yurts, and a bathhouse "built out and robust" to replace their little sauna building and hot tub.

- A member commented she had seen a video on the internet of a wedding concert inside of the COVID tent and if there were back to back people in there is not the same amount of people. Abby noted, they haven't had huge amounts of people on site because they don't sleep that many people. Beyul is very careful with their septic system, so the number of people that they can fit on tables in the tent is something like 108.
- Reuben noted they are very clear that they do not ever want anybody drinking and driving. There have been shuttles arranged in the past when guests are staying at Air B&Bs at other locations.
- Abby confirmed they have sold glamping tents in the past but are no longer doing it. Their last event where they sold camping and glamping was an Ape Co. event in July this summer. Reuben noted they only had one camping & glamping event this summer because there were complaints, and they had to shut it down. He noted, "We've had one this summer because of neighbors calling in about it, we had to shut it down. And then yeah, we have had some events. We do have some campers, like the one that we did last time, we don't like sell the camping we sell, like, passes to our events. The Community Development Board made it clear that they've been up there for events in the past, like when they're up there for a wedding and set up their own tents. And so, it's not something that we can like sell or push, and we are as part of our like longer plan, we're looking into, like, can you do glamping? Can you have camping impact? Like RV sites? We're not zoned for it right now. So, there was like a gray area." A member commented, "I think what they're worried about is your footprint, the amount of people that are coming onto the property, and when so many people are up there and that's where, when I have had conversation with them, so that's what they are more worried about, is the footprint." Someone asked what Beyul's capacity was, Abby said they weren't sure now because when they bought it, there were so many beds and couches crammed in that they moved some out as well as transitioning some of the rooms into offices, so they have lessened the amount of beds on site since they Beyul took over. Abby thought that it was maybe 100 beds currently. It was unknown if staff was included in the maximum capacity for Beyul.
- There was discussion between Beyul and their nearest neighbor's regarding the music at events and concerts and complaints communicated to each other and the County. A member noted that noise complaints had been made two years ago but it didn't seem like Beyul cared because it wasn't until the complaints were filed

with the police that Beyul seems to have done anything. Abby said they have cared every step of the way and every time they get a complaint her heart drops. Beyul said they do care and are constantly thinking and talking about the sound level and talking about it every single time they have an “around the show meeting.” Beyul has worked very hard to mitigate the sound level from the tent and have put a lot of time, attention and financial investment to work on this issue. Both of their closest neighbors said it has gotten better but music and sound continue to be an issue. Beyul noted they are continuing to work on it and would like to continue a dialog with the community, especially Beyul’s closest neighbors. At a later point in the discussion, Reuben noted they are a wilderness community who also thinks about the wildlife as well when it comes to sound levels, “We have more neighbors than just humans, and so, yeah, we’re really open to feedback.”

- Beyul has talked with the Historical Society and the cabins could be potentially zoned historic. Beyul loves those buildings and wants to preserve them. Abby noted that one route they have encouraged them to take, although Beyul is unsure of this route because there is a lot that goes into maintaining an historic building, but one route would be to restore and then they could potentially get that square footage back.
- A member noted they tried to expand at Norrie, but they have 15 cabins, and they can’t have anymore. Norrie is 50 acres and the member noted you have to go by your acres too. Reuben noted they spoke to Suzanne Wolfe with Pitkin County Development before they purchased the Diamond J to get an idea of what they could do and asked if they could build a bathhouse at Beyul? Reuben said, “What she said then, and seems to still be true, is that things that can, like, build resilience for your business, often have a more, still a long and difficult pathway, but like a more clear pathway than adding more room, more keys, like, more occupancy.” For example, there are several things Beyul would like to update like laundry facilities and employee housing. Beyul has had the same person that did the hydro engineering for the Iron Mountain Hot Springs, Jeffrey, look at the Beyul property and it is possible that they could do a small micro hydro from their irrigation ditch that would feed right back into the river to get some energy, also solar panels to be more energy resilient. This is one way to attract business, by being a regenerative design example. Reuben said they didn’t know very much, but a few land planners have said that’s this one way you can get more square footage. Reuben said it is unclear with a commercial business what you can add and how that adds to floor plans. He noted they are not trying to build a huge resort, “Certainly, like, we wouldn’t get anything passed if we needed a 10,000 square foot horse arena. But things that are fitting on the property, sitting up like our capacity, we’re getting at least like a yellow-green light to pursue.” Reuben said they are quite clear that this would have to go by the Caucus so everyone can review and look at it. Reuben said they are not trying to glide anything past the Caucus, and they not only want support but also input from the Caucus and community.

- A Member noted that she thinks the rules would be what they have been for Beyul because it is a working guest ranch grandfathered in under the Master Plan.
- Members expressed their concerns that this was the first time the Caucus was hearing that Beyul has requested an Amendment to the Land Use Code and also the first time hearing about Beyul's 10-year plan.
- A member noted that many Caucus members, some at the meeting tonight, previously spent a great deal of time on our Upper Frying Pan Valley (UFPV) Master Plan to encompass our whole valley, not just next door. As they went through the process of the UFPV Master Plan, they considered "every little thing; therefore, our UFPV Master Plan is a guideline to keep our little community from growing." It was noted our UFPV Master Plan is Pitkin County adopted and approved. The member made it clear that they were not at all saying they did not want Beyul to succeed, they were just bringing out the Master Plan and wanted it to be considered and applied to everyone following the same rules.
- Reuben confirmed he had read the UFPV Master Plan when they moved up here and noted, "I can't say, like, I deeply read it all and I haven't really considered it in this plan. I know it's out there." Members confirmed for everyone that the UFPV Master Plan is available online though Pitkin County's website and has been modified a couple of times (most recently Adopted by Pitkin County in 2016).
- Members agreed that they would like one piece of property to be treated like another and it is only fair for everyone to go through the same steps and follow the rules and guidelines outlined in the UFPV Master Plan.
- A member asked with the need for soundproofing and bands that have played there, if Beyul was a concert venue. Reuben confirmed that is not their primary business, but they have had concerts there including electronic music but most of the time it's folk music like the band Rising Appalachia, who are also on Beyul's board. A member asked about the bands, "Have they played at Red Rocks? Have they gone on to play at Red Rocks? I'm just trying to get the caliber of [sic] trying to figure out what what [sic] bands are up there. And the reason I'm just bring this up is you may want to look specifically in the Master Plan about new business and in kind of, how the Caucus wants to be involved in any, you know, consideration of a new business, and I think a concert venue, potentially, I don't know enough about what you're doing, could potentially be a new business."
- Abby and Reuben noted that they have invited people who live up here to come to concerts as well as invited people for food. Some members have asked Beyul in the past to have more dinner available to the community. Reuben noted that going through this process, the County has let them know that it's actually "illegal" and they are not allowed to have anyone coming for dinner that is not staying overnight.

- Reuben said people were allowed to come over anytime to hang out and to their shop anytime. However, Reuben said they've been learning more about the liquor license as well and have learned that no one can bring their own alcohol onto the property because of their liquor license. And he does not think anyone can buy alcohol if they are not staying onsite, which is not the way Beyul has been operating. In the past if people showed up from Norrie or Champman campground and wanted to grab some beers and some potato chips they could do that, but moving forward they cannot sell alcohol or food to people that are not staying on site.
- Reuben confirmed they got a visit from the Liquor Board and are working with them right now to figure out if they have the right designation. Under their current designation they would need to be serving food from 8am to 8pm from their kitchen. Reuben said it's not that they can't have a liquor license, but the Liquor Board is trying to figure out if they have to give them a violation or if they need to switch to a different type of liquor license.
- A member noted that they were glad we had this discussion at the Caucus meeting because Amendments to the Land Use Code is a Caucus issue. The member also noted that in watching the video, there was a statement by a commissioner something like, "Thank you for finally bringing some life to that valley." The member noted the Commissioner's statement made them think about, "You know, we basically have the kind of life we want up here right now, and whatever kind of life he considers life, I don't want that." Many members took offense of the Commissioner's suggestion that "a little life" needed to be added to this valley.
- The member noted that the Upper Frying Pan Valley is one of the few places left in the United States that has not changed that much in the last 75 years and that is what we all love about this place and what we would like to have maintained here. Another member noted that our little valley has been so unique for so many years.
- Also discussed was Reuben's comment on the BOCC video where he told the BOCC there was an age gap of about 40 years between them and the other members of our Caucus. A member noted, "I mean, maybe you don't see it in here, but I see it. Yes, there may be not as many young people sitting here in this room, but these cabins are owned by families, and kids and their grandkids are coming. And they care deeply. And if they aren't up here at meetings...they really deserve to know what's happening, that's all of their history as well, and they get frustrated that they don't hear it. I mean, they'll ask me, what's going on at Beyul?" Another member added, "We want to know, we want to be informed."
- Abby suggested that they could do a report at the first Caucus meeting next June. A member suggested that not everything about their general business would necessarily be appropriate in the Caucus venue. The member noted it could help

from a Caucus perspective, and may relieve some anxiety about the unknown, if Beyul could forward a copy of the application to Amend the Land Use Code which Beyul has already submitted to the County. Another member noted the Caucus could always call a special meeting. Reuben noted, “The process and the cadence of information is, you know, one thing I’ll say is on our side is Abby and I have, do have partners that are much, you know, that have a lot more business experience than us, and they’re not here on the ground, and they get like, scared of, oh, let’s, you know, let’s keep information back because we don’t want it to be against us.” Reuben stated, “That in so many ways, we are just very clear with other people that, like, part of the reason that we’re doing this, is like, teach people about community and that it’s really interesting and kind of vibrant that we’re out here with people who are from different, whether it’s age group or background, and we felt that like the way that you meet as a Caucus and get together, it’s really communal up here too. And so we certainly don’t want to be like an enclave or a little Vatican with this we want to be part of this valley.”

- Members all agreed that it would be great if Beyul could be open with the members about Caucus issues. Beyul agreed that they want to be as transparent as possible. Reuben noted that if anyone wants to learn more about their business or future plans, they really are open and will continue to work really hard with the Caucus.
- Dale noted it’s great if we can keep an open dialog amongst everyone with Abby and Reuben.

- Caucus meeting was adjourned at 8:50 pm.

The UFPV Caucus website: <https://caucus.ufpv.net/>

Respectfully submitted,

Melanie Buchholz  
Upper Frying Pan Valley Caucus Secretary