

CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION

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Covenant Amendment Steering Committee (CASC)

Meeting Minutes-DRAFT

Thursday – October 3, 2019

5 pm – 6:30 pm

In attendance: Sue Wallace – POA Compliance Coordinator/Secretary; Dom Eymere-POA Manager; Committee Members Matt Barker, Susan Duffy, Elise Meier, Mark Ewing, Mark Tardiff, and Tim Williamson. Winnie Haver, Judy Thies, Nicole Del Sasso, Jeremy Herzog, and two other community members were in attendance to discuss animals in the new covenants. We did not have them sign in, so don't know who the other two community members were. We will have all public members sign in for meetings hereon.

Motion carried to approve minutes from August 1, 2019 meeting.

Next meeting will be our regularly scheduled standing meeting on Thursday, November 7, 2019.

We welcomed Mark Tardiff and Tim Williamson as the newest members of CASC.

Sue prepared a powerpoint presentation for the meeting, and we began by reviewing the Reorganized Articles. This reorganized version contains 11 Articles and the group agreed to use this version moving forward. Table of Contents for the Reorganized Articles is included at the end of the minutes.

Next, we reviewed the proposed timeline through August 2020 for reviewing the 26 covenants and many amendments. Our goal is to complete the review, public engagement, and drafting of the Reorganized Articles in time to present the new document at the annual meeting on August 9, 2020. The timeline identifies the work to be done by when, and what topics will be considered at each CASC meeting so that the public may be made aware of opportunities for providing comment. The Committee approved of the work plan and timeline, attached. Sue also shared a "Cheat Sheet" for referring between the original covenants and amendments, and the Reorganized Articles.

We then reviewed proposed new language for Article 6, specifically:

Section 6.1 Animals. No animals of any kind shall be bred or kept commercially on any lot in Crested Butte South. At no time shall any Owner allow their dogs/cats/animals to create a nuisance, excessively bark or cry, disturb, threaten, or injure any person or other animal. At all times, the Owner shall be personally liable and responsible for all actions of any animal and any damages caused thereby.

The discussion centered on:

- **Commercial breeding.** There is agreement that this activity is not appropriate on residential lots, and I heard a general discouragement of commercial breeding, even in the commercial area, as well as the sale of puppies from "backyard" or accidental breeding. While we may not be able to legally limit this activity (question for Beth?) in the commercial area, we agreed that commercial breeding would require licensing by the state and POA Board approval.
- **Number of Dogs Allowed/Informal/Licensed Doggie Day Care.** Two pertinent issue here: 1) residents hosting dogs, either with (which would be a commercial use) or without pay; and 2) Fully Licensed Doggie Day Care. Re: 1) We agreed that without stating a limit, a "certain number of dogs" should be allowed on a residential lot with

Board approval, given the number, size, and nature of dogs that are being kept on any lot. Point being here that residents on residential or commercial lots who can do it with no/minimal impact to adjacent neighbors should be able to, regardless of pay/no pay arrangements. Re: 2) We agreed that Licensed Doggie Day Care in the commercial area would provide a needed service for CB South residents, and the licensure requirement would provide legal recourse to the Board if the business failed to comply with State noise, odor, safety, and animal care regulations.

- **Emotional Support Animals, Exotic Animals, Horses.** We agreed to strike Section 6.5-Emotional Support Animals, since we saw no problem getting fixed with this language.

The intent of addressing Exotic Animals in the Articles is to prevent the keeping of large, game, or predatorial animals (ex. lions, tigers, and bears oh my), and it was agreed that we need a better definition for “Exotic Animals” than the current definition we are using in Article 2 of the Reorganized Articles:

“Exotic Animal means a wild or domesticated animal, other than livestock, introduced from outside the Rocky Mountain region.”

We agreed that having horses in CB South is not a practical or relevant land use any longer, and we will strike Section 6.6-Horses.

- **Livestock Prohibited.** The group agrees that hens for egg production should be allowed with Board review and approval, along with the establishment of requirements for their care and housing. There was discussion about allowing some forms of livestock, in addition to hens, such as goats, pigs, and miniature horses. The group would like to see a process created that would allow for Board review and approval of these types of animals/pets on a case-by-case basis.
- **Impoundment.** The group wanted to include language in Section 6.6 stating that impoundment could include POA staff, in addition to County Animal Control, taking animals to an impound facility.

We agreed to modify (in red) the new Article language to:

*Section 6.1 Animals. No animals of any kind shall be bred or kept commercially on any **residential lot** in Crested Butte South. At no time shall any Owner allow their dogs/cats/animals to create a nuisance, excessively bark or cry, disturb, threaten, or injure any person or other animal. At all times, the Owner shall be personally liable and responsible for all actions of any animal and any damages caused thereby. Additionally, Owners keeping or maintaining dogs within Crested Butte South shall be subject to Gunnison County’s current regulations regarding the control and licensing of dogs in unincorporated Gunnison County.*

Section 6.2 remains as is.

Section 6.3 Dogs and Cats. An Owner may keep and maintain a reasonable number of dogs and cats, as determined by the Board, within the Lot. ~~Owners keeping or maintaining dogs within Crested Butte South shall be subject to Gunnison County’s current regulations regarding the control and licensing of dogs in unincorporated Gunnison County.~~

Section 6.4 Other Pets. Other pets kept exclusively indoors are permitted as each Owner sees fit, with the exception of Exotic or Wild Animals.

Section 6.5 ~~Emotional Support Animals.~~ (Striking section completely)

Section 6.5 Livestock Prohibited. The keeping and maintaining of livestock is prohibited, with the exception of hens raised for domestic egg production.

~~Section 6.6 — Horses.~~ (Striking section completely)

Section 6.6 Impoundment. The Association is specifically empowered to impound any animal running at large, being abused or neglected, or being suspected of being abused or neglected within Crested Butte South. Upon impoundment, the owner of the animal, if known, shall be immediately notified and the animal taken to the nearest facility which accepts impounded animals. It is the duty of the owner of such animal to recover the animal from such facility and to pay all costs and fees incurred in the impoundment of the animal. If the animal is not recovered by the Owner in accordance with the rules and regulations of the impoundment facility, the facility may destroy the animal without liability to the Association, any other Owner, or the facility.

Sue and Dom will pursue language and definition updates, and will research other models for backyard livestock in residential settings and present findings at the November meeting.

Also on the agenda was a review and discussion of new Article 7- Assessments. As we ran out of time for this discussion, it will be moved to the November meeting.

Meeting Adjourned at 6:45 pm.

For reference:

**AMENDED AND RESTATED DECLARATION
OF PROTECTIVE COVENANTS OF THE
CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION**

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