

CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION

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Covenant Amendment Steering Committee (CASC)

Meeting Minutes for Thursday – January 9, 2020 5 pm – 7:30 pm

In attendance: Dom Eymere-Association Manager, Sue Wallace – POA Compliance Coordinator/Secretary; Committee Members: Matt Barker, Elise Meier, Mark Ewing, Kathy Norgard, Mark Tardiff, Tim Williamson, and Joe Frank.

Motion carried to approve minutes from December 5, 2019 meeting.

Next meeting will be on Thursday, February 6, 2020, and we will continue taking public comment on campers and RVs.

General questions included: Mark T asked about the balance of the Reserve Fund and Dom stated it is currently around \$370K. Mark E asked what have been the historic increases in dues and Dom stated that he believed they were 2-4% annually. Dom also shared that the BOD is interested in equalizing the vacant land and built land annual dues amounts. Currently there are 3 types of assessments made: commercial, residential (Single and multi-family), and vacant land.

For the 2020 budget, the BOD approved a 9% increase in dues for vacant land, and a 4% increase in dues for built land. Some members objected to this increase, and Sue explained that dues and budget-setting are done by the BOD, and that members do not vote on them. The group has expressed an interest in allowing for public review and comment prior to budget adoption, and Sue explained that if process changes were to be pursued, they would need to be done through a revision to the By-laws.

In advance of tonight's meeting, Sue asked the group to provide comment on Sections 7.3-7.13. With that feedback, Sue prepared revised language for the group to review in the meeting.

Matt offered the following language for Section 7.1.5, now Section 7.1.4, and the group agreed on it:

7.1.4 Any other purpose not stated above, that concerns the operations and maintenance related to the Association and is approved by a two-thirds vote of the Board and within the current budget.

We also reviewed Sections 7.3 and 7.4:

Section 7.3 Determination of Regular Assessments and Dues. Annual assessments and dues are based on and determined by the annual Common Expense budget. The budget and the regular assessments and dues proposed by the Board do not require approval by the Owners, but in no event shall any increase in annual assessments exceed 10% in any year without the affirmative vote by the Owners.

Within thirty (30) days of adoption of the Common Expense budget, the Board shall post notification of the new assessments and dues to all Owners on the Association's website and via email to Owners, using most current email Owner addresses on file.

The Board of Directors may allocate assessments differently for lots based on the vacancy of, the type of structures built upon, and the specific uses taking place on, the lot. This allocation will consider the type of lot (residential, commercial, vacant) and the use associated with the lot (Single-family, Multi-family, Duplex, Accessory Dwelling Units, Commercial).

The group continues to express concern over the 10% maximum stated in first paragraph, above. Matt suggested “a max of 4% or the BLS CPI, whichever is higher”. They would like to see a real-world basis for the 10% max increase in assessments, not just an arbitrary maximum. Sue and Dom will review and report back to the committee by the February meeting on what have been the historic increases for the budget and dues, and how these track with CPI and inflation.

Section 7.4 Determination of Special Assessments. In addition to assessments for Common Expenses as set forth above, the Association, acting through its Board, may from time to time determine and levy one or more Special Assessments. All special assessments shall be allocated among all Lots by the Board of Directors, who shall have reasonable discretion in apportioning responsibility to pay such special assessments, based on the relative benefit to each lot. The Board shall hold a public meeting at least sixty (60) days prior to issuing any special assessment, and shall obtain an affirmative majority vote of the community ~~vote~~ if the special assessment is in excess of ~~50% of the current Common Expense budget.~~ \$50,000.

We discussed 7.4 briefly because of public comment session starting at 6 pm. Kathy suggests we define in the Restated Articles what is a “majority” per the CCIOA definition. Mark T suggests using an absolute amount (\$50,000 is a placeholder for continued discussion) versus a percentage of the budget. We will continue discussion of Section 7.4-7.13 at the February 6 meeting.

At 6:00 pm, we opened the public comment session on Campers and RV’s with Sue giving a brief introduction to the community members who joined the meeting to express their opinions. In attendance:

Nancy Gruber Meier and Skip Meier-54 Bryant
Peter and Mo Hylander – 147 Huckeby
Doug Parker- 332 Shavano
Wendi Birchler- 84 Zeligman
Tim Kaetz – 95 Escalante
Steve Van DeVelde – 1025 Cascadilla
Bill Sage-606 Cascadilla
Michelle Fitzgerald- 148 Elcho
Bryan Hawley-171 Shavano
Brian and Jackie Levine-169 Luisa Lane
John Stenmark-200 Kubler
Bob Goettge- 277 B Blackstock
Pat Del Tredici-311 Cement Creek Rd
Zach Matthias-421 Teocalli Unit A
Thomas Hein-131 Floyd
Sue Williamson-33 Gillaspey Ave Unit 1
Spence Schneider-no CBS address provided

Sue shared that CASC’s objective is to simplify and modernize the 50-year old covenants and the many amendments and resolutions associated with them. After thorough review and preparation of a draft set of Restated Covenants, the community will vote to adopt them. She also shared that the CASC is interested in hearing from the community about the many issues that are up for review, campers and RVs being but one of them. The Feb 6, 2020 meeting will also be a public comment session on campers and RVs.

I (Sue Wallace) tried to record comments as accurately as possible, while also listening and facilitating the comment session, so if others in attendance remember things that have been left out or recorded incorrectly, please bring this to my attention and I will correct the minutes.

Comment Summary

All public comments appear at the end of this document, with the main take-aways being summarized here, and the most often-mentioned appearing first:

Convenient access to campers for loading/unloading, cleaning, prepping for trips is very important to camper owners during camping season (March-Nov).

Regs seem arbitrary, i.e., allowing Sprinter vans (which can be longer than 19' in length and are acceptable if they are a primary vehicle), but not allowing campers under 19' in length because they may be "capable of habitation" and are not primary vehicles. People who prefer smaller campers or pull-behind campers to Sprinter vans should not be penalized for their choice.

There should be a limit on the allowable length of stay for visiting campers, maybe 1-2 weeks max.

There should be no water supply or discharge allowed for any campers.

"Capable of habitation" seems to require a better definition, as this is a somewhat subjective concept. Everyone agrees that "living in" (a more permanent situation) and "staying in" (temporarily) are different things with different impacts. Most agree there should be no "living in" permitted, but we should allow temporary "staying in" by residents and guests.

The POA should provide a permit system to monitor personal and visiting camper activity.

Total Camper length should be limited to 23-25 feet.

POA may want to consider an aesthetic standard for campers so "junk" doesn't end up creating visual impacts.

POA may want to consider imposing a limit on the number of allowable items parked and kept in driveways at any given time. Folks are concerned about seeing a driveway loaded with rafts, boats, sleds, campers, vehicles, trailers and other things occupying every designated parking and turn-around space.

Full Public Comments by Commenter

Brian Levine stated his opposition to allowing campers because he fears the impacts (trash, people living in them, increase in water demand) will get out of control. He feels that when people buy or rent homes in CBS, they are essentially agreeing to the covenants as they are.

Mark Ewing clarified that the CASC is a volunteer citizen committee with no decision-making authority.

Spence Schneider said that Gunnison and Grand Junction have lots of personal campers parked on streets. He feels there should be absolute limits on allowing people to live in them. He understands the parking challenges with some driveways being constricted due to slope. He feels that the two main issues that should be considered are the size- 19' long seems reasonable- and the allowable duration for "living in" the camper, maybe 1-2 weeks max. Perhaps there should be a limit on the number of items that are allowed to be parked on lots, and all must be parked on improved surfaces.

Skip Meier feels that if "living in" is permitted, it should not exceed 1 week, and that no water/plumbing should be supplied to the camper. He feels campers and some toys are "ugly", including his own van. What would community standards for aesthetics look like?

Mark Ewing stated he feels the issue is **What is capable of habitation?** Hard-sided vs pop-ups? Sue Wallace said there are likely different tolerances for different people regarding what could be "lived in". We need a better definition of "Capable of Habitation", but there seems to be firm agreement that no water/plumbing would be permitted in any camper/RV considered for parking in CBS.

Steve VanDeVelde has a 16' pull-behind camper. It is smaller than most Sprinter vans, but it is not permitted by current covenant or regulations, because it could be considered "capable of habitation". He feels the regs don't really make sense since he cannot park his 16' camper at his home, but someone else can park a Sprinter van, which could also be capable of habitation and may also be someone's primary vehicle.

Michelle Fitzgerald also feels that the covenant/regs are being applied inequitably. She owns a small pull-behind camper and would like to be able to park it at her condo in the summer so that they can easily access it for frequent use. She did not want to buy a Sprinter van, and feels she is being penalized for having chosen another type of camper.

Mo Hylander feels the issue is really more about people actually living in the camper vs what is "capable" of being lived in. Perhaps CBS considers a permitting system that allows visitors to use their campers for a defined period of time and for a fee? Peter also feels it is important to allow convenient access to personal campers by allowing them to be stored on site in the summer.

Zach Matthias brings up two issues: 1) visual impacts and 2) impact of living in the camper on the community.

Several people agreed that while CBS is not a campground, there is a new need to accommodate visitors in campers. There is interest in a pilot program this summer, yet Jackie is concerned that once it is started, it will be nearly impossible to retract.

Jackie Levine feels that there needs to be a shared community vision for aesthetic standards.

Thomas Hein stated that he is a builder and he has a lot of "stuff" that he would like convenient access to. Some of his "toys" are longer than 19' (the current max length allowed for trailers) and he is asking what are the real visual and physical differences between a 19' and a 26' trailer parked on someone's lot? He feels access to campers and toys is an important need. He objects to allowing people to live in their campers -even for a short time period, like a pilot program- if it jeopardizes the possibility of being able to park them on your own property.

Skip Meier suggests limiting 1) the number of items that can be parked on one's property to a max of two, and 2) the total length of camper/trailer.

Tim Williamson agrees owner access to personal campers is needed, but to have a max length limit and not allow "living" in.

Joe Frank suggests reviewing the latest camper/RV survey....from 2011?

There is agreement from most that it is time to do another community survey re: campers. Sue will draft one for CASC to review prior to Feb 6 meeting.

Brian Hawley wants to purchase a camper at some point down the road and would like to know he will be able to park it at his home.

Questions raised by almost everyone include:

- limit on # of items allowed to be parked on lot....max of 2 based on parking space and season?
- regs must be clear enough to allow for clear enforcement

Meeting adjourned at 7:30 pm.