

CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION

61 TEOCALLI ROAD, CRESTED BUTTE, CO 81224
PHONE (970) 349-1162, WEBSITE: www.cbsouth.net, FAX (970) 349-1163

Covenant Amendment Steering Committee (CASC)

Meeting Minutes-FINAL

Thursday – September 3, 2020 5 pm – 6:30 pm

In attendance: Sue Wallace – POA Compliance Coordinator/Secretary; Dom Eymere-Association Manager; Committee Members: Matt Barker and Tim Williamson.

Meeting began at 5:05 pm and was conducted online using Uberconference.

A motion was made to approve the July 9, 2020 meeting minutes and the motion carried.

NOTE: Next CASC meeting will be Thursday, October 8 via UberConference. Normally, it would take place on Thursday, Oct 1, but Matt asked that we move it to October 8. At this meeting, we should discuss if the first Thursday of the month still works for most.

On August 25 and September 1, Sue emailed the group and included several attachments, including July 9 draft minutes, Sept 3 agenda, and the working copy of restated declaration Article 4-Land Use, and asked the group to provide questions and comments on Sections 4.0-4.6 ahead of the Sept 3 meeting. Thank you all for the great feedback!

We began our review of Sections 4.0-4.6 of new Article 4-Land Use.

Common Association Property: Open Space, Community Buildings, Negligence, Recreation, Roads

Matt suggested a different numbering system for Sections 4.0-4.6 that are a bit simpler and more logical, and the working copy of Article 4 (and the language below) has been revised to reflect that. Only the content from the following sections was discussed as follows; if it doesn't appear here we decided language is acceptable as is.

4.1.2 Common Open Space. Common Open Space is considered to be Outlots 30, 46, and 59 on the plats.

We talked about the potential use of open space for community purposes....such as for a solar farm. Another example is a pedestrian path winding from the top to bottom of CB South that cuts through the Outlots, which are only accessible through private property. Any use of these areas would require the POA to obtain easements/permissions from land owners. Might be harder to obtain than we imagine, and likely with cost to the POA. We decided to leave this language as is, without any use specified, for the time being.

4.1.8 Lot Appearance. The appearance of every lot in Crested Butte South shall be maintained in a neat and attractive manner. Owners are to complete required maintenance of all structures, landscaping, decks, patios, and driveways and parking areas. Garbage will be kept indoors or in animal-proof containers, and emptied at reasonable intervals. All lots shall be kept free of excessive exterior storage, noxious weeds, litter, refuse, discards, garbage and any vegetation that encroaches on easements, or poses a falling hazard due to age, neglect, or poor health.

We made some minor changes to this to remove the subjective nature of “unsightly growth” and tried to use language that states more clearly what we’re trying to avoid.

4.1.9 Abandoned or Inoperable Vehicles. Abandoned or inoperable vehicles shall not be stored or parked on any Lot or portion of a Lot, except in a fully enclosed garage. An abandoned or inoperable vehicle is one that has not operated three months or longer and is not registered.

We revised language and moved this to the section on Prohibited Uses.

4.1.9 Exterior Storage. The exterior storage of household and/or recreational items is permitted only when there is sufficient space on the Lot to accommodate a reasonable number of items requiring storage. The storage of any allowable item must occur on hardscapes or approved, designated parking surfaces, and not on landscaping, or in setbacks or easements. No storage of any item is permitted on undeveloped lots.

“Allowable item” will need to be determined by the BOD, similarly to the policy they adopted in 2011 for “What’s Allowable and What’s Not”-which many in the community feel was arbitrarily developed. We can leave this up to the Board but they need to make every effort to remove the arbitrary nature of such a policy. Perhaps CASC can suggest possible language for a revision to the 2011 rule-making mentioned above?

4.1.10 Nuisances. No obnoxious or offensive activity shall be carried on within the Property, nor shall anything be done or permitted which shall constitute a public nuisance. No noise, including without limitation incessant barking dogs, exterior horns, drones, car alarms, whistles, bells, music, or other audible nuisance shall be permitted upon the Property which is offensive or detrimental to any other part of the Property or its Owners or occupants; provided however that this section shall not apply to security devices used to protect the security of persons and improvements on any Lot, or any reasonable, usual noise or other activity involving construction of any improvements approved by the Design Review Committee.

Mark Tardiff was not present at the meeting, but provided comments prior to the meeting. He stated that this language from above seems odd: “**No noise, including without limitation incessant barking dogs,shall be permitted upon the Property which is offensive or detrimental to any other part of the Property or its Owners or occupants.**” He feels it is suggesting that owners might be annoying themselves? I interpret this to mean an owner of one side of a duplex or a multi-family unit is not permitted to cause nuisance to the other property owners. Should we consider adding “duplex” or “MF” to this sentence? Other interpretations? Need clarity?

Joe Frank was not present at the meeting, but provided comments prior to the meeting. He is asking if fireworks are to be prohibited, and if so, does this language belong under Nuisances? Or Prohibited Uses?

Section 4.1.11 Parking on Residential Lots. Every Owner shall provide on-site parking on each developed residential lot. No vehicle, motorcycle, trailer, or OHV, shall be parked overnight on or in any residential street or road in Crested Butte South.

Matt suggested “parking” should apply to licensed vehicles, trailers, campers, and possibly motorcycles. He thought that we could include language that limits the number of vehicles being parked on any given lot, and a limit on the size of the vehicles being parked, say 23 feet, for example. Parking is limited by the size and configuration of the lot, the number of bedrooms of the structure on the lot, and if it is a duplex or multi-family. It could be problematic to allow a maximum number of vehicles, campers, and trailers to, for example, let’s say two. For a multi-family lot, there may not be sufficient space for a car and a camper, or a large work truck and a trailer (these would count as two), but if it’s in the covenant, then we would have to allow it.

4.1.11.1 Parking of Vehicles Used for Camping.

Here we are again with the campers. Mark Tardiff suggested we use language from the Camper Pilot Program for this section. This seems reasonable and appropriate, given significant community input and support for campers when we were developing the pilot.

4.1.11.2 Parking of Trailers: Utility, Recreational, Horse

Currently, the policy regarding the parking of trailers- Utility, Recreational, Horse- is permitted if they are no longer than 19 feet. This is a policy enacted by the Board. If we impose limits on the number and size of vehicles in the covenants, that is pretty absolute. Dom is suggesting we use language that gives the Board the option of creating rules and regs around the parking issue. Sue and Dom will propose language for this section for the group to review prior to, and to discuss at, the October 8 meeting.

Note: This section is being moved out of Section 4.1 to Section 4.2-Residential Land Use.

Section 4.5 ***Setbacks.*** ***No building shall be erected or maintained closer than 25 feet to any street, nor closer than 25 feet to the rear line of any lot. A minimum width of 15 feet shall be left on both sides of a residential structure.***
~~*Unenclosed covered porches or entryways, entrance steps, bay windows, balconies, and roof overhangs shall not be included in determining setbacks if the same do not extend more than six feet from the basic structure.*~~ ***The Design Review Committee shall in all cases have the right to determine ~~which are the~~ location of front and rear lot lines, and this determination shall be final and binding.***

The group could not find any compelling reason to change side setbacks to 10 feet, so we will keep 15 feet in language, but this section will move to Section 4.2-Residential Land Use.