

CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION

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Covenant Amendment Steering Committee (CASC)

FINAL Meeting Minutes

Thursday – November 5, 2020 5 pm – 6:30 pm

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

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

A motion was made, and carried, to approve the October 8, 2020 meeting minutes.

Next meeting will take place December 3, 2020 at 5 pm on Uberconference.

We finished our review and discussion of Section 4.2 – Residential Land Use. Only revisions agreed to by the group at tonight's meeting are reflected in these minutes.

Section 4.2.1 Residential Lots. We struck the language excepting the residential lots in Blocks 4, 5, and 6, and are now addressing residential use in the commercial area in Section 4.2.2. and referring to the design standards and restrictions put in place through CAMP.

Section 4.2.3 Accessory Dwelling Unit. The group agreed that multi-family structures are too small to accommodate ADU's and to strike this language. ADU's will only be permitted with single family structures.

Section 4.2.5 Parking on Residential Lots. Matt feels the current max length allowed at 28 feet is too long. He would like to revise this section since there are so many aspects included in it: providing parking, what type of vehicles may be parked there, and that parking must take place on an approved surface. The group feels it will be clearer if we separate some of these aspects from each other. Matt will provide revised language week of Nov 9.

Section 4.2.8 Signs on Residential Lots. Sue confirmed that political signs are permitted per the above-referenced Colorado statute.

Section 4.2.9 Use of Family Residence as Rental Property. Tim suggested to add ADU's as a permitted STR use. Matt feels we may want to consider restricting STR's to primary residences only. There are questions about the legality of the BOD implementing a restriction in STR use to only primary residences. Matt and Sue will draft revised language for Dave Neben to take to the Board for discussion, and Sue will speak with Beth Appleton, legal counsel, about this as well at a Dec 1 meeting.

Next, we reviewed:

Section 4.3 Permitted Commercial, Light Industrial, and Limited Manufacturing Land Uses. Originally, Sections 4.3 and 4.4 contained all of the commercial and limited manufacturing uses described in the Special Area Regulations and CAMP: retail, service, auto-related, restaurants, Farmer's Markets, etc. We struck all of this language as it is highly specific, and let this section just point to the CAMP and what it allows and where.

Section 4.4 Easements.

Section 4.4.1 Blanket Easements. The group struggled a bit with the intent of this section. There are questions about who is “benefiting” and what is the benefit? Sue and Dom will get clarification from Beth on 12/1/20 and report back. Dom noticed that the original plat (like from 1970?) encourages the development of a pedestrian easement connecting all four filings, sometimes by accessing private property. Adding a sentence that refers to historic uses indicated on the plat provides some planning precedent for pursuing a connected walking path from top to bottom of subdivision.

Section 4.4.3 Easements and Licenses. The group feels we should refer to the “Association” rather than “Declarant”. Both terms are defined in Section 2-Definitions.

Section 4.5 Prohibited Land Uses

The group agreed to strike the language describing “Adult-Oriented Businesses” since this is already covered in CAMP.

Section 4.5.3 Fractional Ownership. The group is favoring not allowing fractional ownership in CB South. During the meeting it came to the group’s attention that the new Cement Creek Condo expansion has already offered fractional ownership to buyers. The group feels the covenants should not permit further development with fractional ownership, and so Sue and Dom will discuss with Beth the legal issues with this restriction. If okay, we’ll suggest language exempting already-approved fractional ownership units but not permitting new ones.

Section 4.5.4 Habitation Outside of Residential or Commercial Dwelling or In Any Temporary Structure. The group feels allowing people to stay in their campers-locals or visiting family/friends-is setting a bad precedent and is not supportive of this use. Sue reminded the group that the camper survey issued in March indicates there is large community support for this use, especially during a pandemic requiring social isolation. Many visitors drove this summer to visit family, and staying in their campers allowed them to visit safely. Sue will share the survey results again with CASC, and at Dec meeting we will continue this discussion. If the group is not in favor of allowing campers to be used as temporary structures, then we will retain this language. If after reviewing the survey results and the group prefers to allow this use, we will revise the above language.

Section 4.5.5 Hazardous Activities. Joe and Elise brought up their concerns about the hazards presented by allowing fireworks in a residential development, especially here where there is so much dry fuel and high potential for fire to spread quickly. We added language about fireworks to address this concern, and to provide for an approval process if someone wants to pursue having a fireworks show.

Section 4.5.6 Heavy Industrial. The group agrees that this section can be simplified to refer only to heavy equipment, not trailers.

Section 4.5.7 Mobile Vehicles and Structures. Mobile homes, Class A campers, and Recreational Vehicles are prohibited in Crested Butte South. The group agrees on this language.

Sections 4.5.8-Manufacturing, 4.5.10-Non-Explicit Use, and 4.6.14-Propane Tanks were struck. These are covered under the Special Area Regulations, CAMP, and Residential Design Guidelines.

Section 4.5.11 Recreational Uses. Joe raised the concern of licensed motorcycles “cutting” some roads and switchbacks, so we added language prohibiting off-road use in the subdivision.

The group discussed the best way to manage an increase in drone use and other flying objects. Some of these are already governed by FAA, but the group preferred to not specify limitations on these items in the covenants, and rather allow the Board to regulate through policy.

Meeting adjourned at 7 PM.