

# **CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION**

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**61 TEOCALLI ROAD, CRESTED BUTTE, CO 81224**  
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## **FEBRUARY 15, 2007 – REGULAR P.O.A. BOARD MONTHLY MEETING MINUTES**

At 6:10 pm, Al Smith, President of the Board, called the meeting to order.

Board Members Present: Al Smith, Peter Carey, Don Montgomery, Erin Dellaporta

Staff Member Present: Chris Behan, Louise Johnson

Others Present: John Murphy

Approval of P.O.A. Board Meeting Minutes from Previous Regular P.O.A. Board Meeting: Copies of the January 10, 2007, Regular Board Meeting Minutes were presented to the Board Members for review prior to the meeting. Don made a motion to approve the January 10<sup>th</sup> meeting minutes as presented. Erin seconded the motion. All Board Members voted in favor of the motion to approve the January 2007 meeting minutes.

Financial Report: Financial reports presented to the Board included the Monthly Budget Summary; Cash on Hand as of January 31, 2007; and additional detailed reports of cash in the bank for the Money Market, Operating, Hockey Rink, and Performance Deposit Accounts for the month of January. A summary of CD accounts was included in the financial package, as well as Bank Reconciliation statements for the month of January. It was explained that the high expenses for the period were for insurance and the 05 audit. A question was raised as to whether it is necessary to have an audit done every year. It was also reported that dues collection for 2007 is going well. After reviewing the presented materials, Don made a motion to approve the financial report as presented. Pete seconded the motion. All Board Members present voted to approve the financial report.

Unscheduled Property Owners Comments: John Murphy, who is the owner of a commercial lot in CB South and owner of property in Riverland Industrial Park, wanted to express his concern about the promotion of the Whetstone Business Park. The concern is that no one is mentioning CB South. The Whetstone group is proposing to provide the same thing that CB South wants for its commercial area. The proposed business park has changed its scope from industrial to shops and offices such as professional and dental offices. It is a different plan than what they had two months ago, and they are going through the approval process with the County to change it from industrial to mixed use commercial. The plan out there is to initially build two buildings for shops and offices. John feels that CB South should be more vocal in the community. Whetstone Business Park is making the argument that there is no other area between Crested Butte and Gunnison where these businesses can be provided; no one is mentioning CB South. There should be a voice for CB South. A letter needs to be written to the Planning Commission saying that we already have what they are proposing. The Whetstone Business Park is the direct competition to CB South's Commercial District. Anyone owning commercial property might want to pay attention to it because it will have an impact. The Board agreed that something

should be said to the Gunnison County Planning Commission, perhaps during the scheduled meeting (2-16-07) regarding the Special Area Regulations.

**New/Continued Business:**

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**2007 Dues Increase Ballot Amendment (i.e. a detailed expenditure plan for the potential future revenue)**

To get additional positive response to the ballot amendment, we need to show property owners what the dues increase would be used for. This could be done via an amended ballot that could be emailed out to all owners whose email addresses we have. This potentially would reach less than half of the owners, but maybe we could let the word spread through those email addresses we currently have. We could allow call-in voting and even votes to be changed over the phone. The Board agreed upon the following outline of how the potential new revenue of approximately \$100,000 from the dues increase could be spent:

1. **30% or \$30,000** of the revenue from the 2007 dues increase will be used to hire staff and/or necessary equipment to better enforce the existing rules and regulations of CB South, to include neighborhood cleanup.
2. **25% or \$25,000** of the revenue from the 2007 dues increase will be used for various common area improvements, including, but not limited to, right-of-way beautification programs, tree planting programs, weed eradication in R.O.W.'s and common areas, park and playground improvements, and possibly for the purchase of new or improved recreational amenities.
3. **30% or \$30,000** of the revenue from the 2007 dues increase will be used to study, create, or to help pay for a transportation/bus/shuttle system for the residents of CB South, with the goal of providing the residents of CB South with a free transportation service from CB South to the 4-way stop in Town.
4. **15% or \$15,000** of the revenue from the 2007 dues increase will be placed in an interest-bearing account in order to increase our reserve funds.

During the discussion of the use of funds, it was suggested that we could have a winter festival with a bon-fire, perhaps in the gravel lot behind the fire hall when hockey season is over.

Pete made a motion to send out letters via email and letters to the two newspapers regarding the proposed use of funds from a dues increase. Al seconded the motion. All Board Members present were in favor of the motion.

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**P.O.A. Board of Directors Letter of Support to the Board of County Commissioners petitioning the realignment of the Cement Creek Road intersection with Highway 135 and supporting the RTA Park-and-Ride land acquisition at that same intersection**

Cement Creek Road has become the second busiest road in Gunnison County. The intersection with Highway 135 is poorly aligned and has caused many near-misses and many safety concerns for its users. It needs to be realigned so that Cement Creek Road is perpendicular with the Highway for at least 150 yards. The current angle allows vehicles to turn onto Cement Creek Road at speeds beyond the posted 35 mph speed limit. Additionally, there is a walking lane along Cement Creek Road and an RTA bus stop at the intersection. The County has the

opportunity to realign the intersection to make it safer, while obtaining some land for a future park-and-ride.

A recent meeting with two members of the Gunnison RTA was held to determine a course of action for getting CB South Residents to use a public transportation system resulted in the following ideas:

1. The Board of Directors of the CB South P.O.A., representing at least 1,100 Gunnison County residents, needs to strongly, and perhaps more vocally, encourage the Board of County Commissioners to actively pursue the objectives of their adopted Ground Transportation Task Force's Strategic Plan, which is land acquisition for the creation of park-and-ride lots. For CB South Residents, the area of focus for land acquisition would be at the intersection of Cement Creek Road and Highway 135.
2. The Board of Directors of the CB South P.O.A., representing at least 1,100 Gunnison County residents, needs to strongly, and perhaps more vocally, encourage the Board of County Commissioners to actively work towards the realignment of Cement Creek Road onto Highway 135, and at the same time, acquire land and set it aside for a park-and-ride in the area. Based on the number of residents in CB South, the continual growth of CB South, the documented traffic volume on Cement Creek Road, and numerous safety concerns, the CB South Board of Directors should also get on a BOCC meeting agenda to present their concerns and requests.

With the above information in mind, letters and petitions could be started to get the CB South residents involved. Al made a motion to authorize Chris to get on the agenda for the Board of County Commissioners. Pete seconded the motion. All Board Members present voted in favor of the motion.

#### **Adoption of the current draft version of the CB South *Special Area Regulations* for pending commercial project proposals**

A motion is needed to approve the current Draft *Special Area Regulations* as the commercial design guidelines for CB South for procedural purposes, so that the P.O.A. can process applications for commercial construction in CB South according to our *Special Area Regulations*, while the County works towards their approval. We have at least two potential applicants who want to begin commercial construction in 2007. Al made a motion to approve the current draft of *Special Area Regulations* as commercial design guidelines for CB South. Pete seconded the motion. All Board Members present approved the motion.

#### **Adoption of a New Design Review Committee Process**

A new, more efficient design review process was proposed by the P.O.A. Manager. The proposed process is as follows:

##### **5. Review Sequence**

Although these Guidelines are quite specific in a number of areas, they should not be simply viewed as a "recipe" which, if followed to the letter, will result in an

acceptable design for every circumstance – studied design creativity remains the essential catalyst which will spawn interest and variety from this family of options.

We recognize that no compilation of Guidelines can possibly address or foresee every potential set of circumstances or conditions. Therefore, variances from these individual precepts may be granted on occasion for a quality design solution which is consistent in the aggregate with our stated goals, even though it does not conform exactly to every stipulation. However, variance option must be applied judiciously and with restraint; applicants must avoid any attempt to misapply the variance process in the hopes of the endorsement of a design which contravenes our stated goals. In the final analysis, the Review Board shall remain the indisputable judge of the suitability of any design solution.

Our review procedure is an interactive process by design. Thus we have incorporated several mileposts from conception to completion to provide opportunities for the exchange of ideas and information between the Owners, his or her Architect or Designer, and the Board or its Agent(s). Ongoing communication helps keep us all on the same page, so to speak, thereby reducing your potential for costly digressions in pursuit of an unacceptable design solution. The progressive phases of the Crested Butte South Design Review Process are as follows:

- **The Pre-Design Conference:** Prior to preparing preliminary plans for any proposed improvement, it is mandatory that the Architect or Designer and Owner meet with the Association Manager to discuss proposed plans and to resolve any questions regarding building requirements in CB South. This informal review is to offer guidance prior to initiating preliminary design, and may occur on site. A copy of the survey should be available for review at this meeting.
- **Preliminary Submittal and Review:** When the preliminary design is complete, plans are to be submitted to the Association Manager for review with their conformance to these Guidelines. No review will commence until the submittal is complete. The Review Board and/or its representative(s) will then meet to review the submittal and respond in writing within 10 days after their meeting, barring unavoidable delays, but no later than 30 days after the effective date of submittal. Results of reviews will not be discussed over the telephone by members of the Review Board, only with the Association Manager (a.k.a. the Review Board's Representative). No Owner, architect or builder shall have the right to attend any meeting of the Review Board unless specifically permitted by the Association Manager. Any Response an Owner may wish to make regarding the results of the design review must be addressed to the Association Manager in writing.
- **Final Submittal and Review:** After preliminary approval is obtained from the Review Board the applicant's must submit with their revised plans a cover

letter stating how all conditions of the preliminary approval letter have been addressed. All Submittals must be received at the designated address of the Association Manager (61 Teocalli Road, Crested Butte, Colorado, 81224). Then the Design Review Board and/or its representative(s) will meet to review the submittal and will respond in writing within 10 days after their meeting, barring unavoidable delays, but no later than 30 days after the effective date of submittal. Results of reviews will not be discussed over the telephone by members of the Review Board, only with the Association Manager. No Owner, architect or builder shall have the right to attend any meeting of the Review Board unless specifically permitted by the Association Manager. Any response an Owner may wish to make regarding the results of the design review must be addressed to the Association Manager in writing.

- **P.O.A. Board of Directors Approval:** Prior to the final approval meeting with the P.O.A. Board of Directors, the Association Manager will publish in the *Crested Butte News* the most appropriate elevation and post the property in order to receive public comment at that next regularly scheduled monthly P.O.A. Board meeting. Once final approval is obtained from the Review Board, the applicant will be immediately scheduled on the first available P.O.A. Board meeting Agenda, for official P.O.A. Design Approval. One (1) full-set of construction drawings must be available for this meeting. This approval may be with or without conditions and stipulations at the sole discretion of the P.O.A. Board. If construction of an approved application does not commence within nine (9) months of P.O.A. Board Approval, it may be eligible for an approval extension. Extension request must be given in writing to the P.O.A. Manager at least four (4) weeks prior to project approval's expiration date. Approval extensions are subject to a \$100.00 resubmitted fee and must be reviewed for compliance with the then current Design Guidelines. If an Owner fails to begin construction with this nine (9) month time period, any approval given shall be automatically revoked.
- **Re-Submittal of Plans:** in the event of any disapproval of plans by the Association Manager and/or the Review Board of either preliminary or a final submittal, a resubmission of plans must follow the same procedure as an original submittal. The Association may assess an additional design review fee upon subsequent submittals. The minimum re-submittal fee is \$100.00.
- **Pre-Construction Conference:** Prior to commencing construction, the builder must meet with a representative of the Review Board, on-site, to review construction procedures and coordinate their activities in CB South. If a builder should begin any construction activities prior to this meeting, a fine of \$250.00 will be imposed.
- **Subsequent Changes, Remodels, Additions:** Additional construction or other improvements to a residence, structure, or property, or changes during construction or after completion of an approved structure, including

landscaping and color modification, must be submitted to the Association Manager for approval prior to making such changes or additions. The review fee for any change, remodel, or addition will be \$50.00 minimum with a greater fee to be determined, which correlates to the relative cost for duplicated review efforts upon subsequent submittals which diverge substantially from previously reviewed applications for the same site, whether previously approved or denied. This includes any color modifications to the structure. To receive a review of any change, a submittal must be made in writing outlining the intended improvement. All drawings must be of professional quality with sufficient design detail.

This review sequence is required for all improvements within the Crested Butte South Subdivision. At times, there will be requests for minor modifications or additions to existing buildings or site improvements, which will not warrant the full review process. The information and process required to review minor modifications will be determined by the Association Manager based on the magnitude, potential visibility and impact of the improvement. A building permit may be required for even seemingly minor modifications. It is important to check with the Building Department of Gunnison County, Colorado prior to making any modification to existing buildings, interior or exterior.

#### 6. Review Board

The Board of Directors of the Association shall serve as the Design Review Board until such time as the Board of Directors may appoint a committee to act as the Design Review Board. This appointment may include the Board's appointment of the Association Manager to act independently as the Design Review Board, or together with the Board appointed Design Review committee members.

#### 7. Review and Approval

No new structure or external improvement of any kind shall be commenced, constructed, erected, maintained, altered or changed upon any Lot, nor shall any Landscaping or fencing be commenced nor shall any exterior addition, change or alteration be commenced, until the plans and specifications therefore have been submitted to and approved in writing by the P.O.A Board of Directors or the Association Manager in the manner hereafter set forth.

#### 8. Submittal Material

8.1 The applicant shall submit to the CB South Association Manager an application for architectural approval which may be obtained from the P.O.A office, or the P.O.A.'s website at [www.cbsouth.net](http://www.cbsouth.net), along with the appropriate application fee and supporting documents.

- 8.2 The following documents and exhibits must be submitted along with the application, copy of the property's deed, and application fee:

8.2(a) Initial required plan submitted/review.

The required architectural plans shall be at a minimum scale of 1/8 inch = 1 foot (preferably 1/4 inch = 1 foot), and site plans submitted shall be a minimum scale of 1 inch = 20 feet (preferably 1 inch = 10 feet) and shall include:

- 8.3(a)(1) An accurate site plan and a professional (stamped) survey of existing conditions, including streets, utilities and easements, ditches, proposed improvements, proposed landscaping and landscaping schedule, driveway location, driveway surface, parking areas, snow storage, minimum and actual setbacks, site grading (proposed and existing), drainage, existing trees or groups of trees having trunks with diameters of 2 inches or more (as measured 3 feet above natural grade) and other natural features or topography.
- 8.3(a)(2) Roof and floor plans, including decks, patios, fences, retaining walls, room labels and dimensions, and make and model of woodstove, if applicable.
- 8.3(a)(3) Architectural elevations including both, existing, and approximate proposed grade lines, finished floor elevations, top of slab elevations, all exterior finishes labeled, roof pitch labeled, USGS Height on all roof ridges, typical overhang dimensioned and labeled, overall height and direction.
- 8.3(a)(4) Building cross sections.
- 8.3(a)(5) Color samples.
- 8.3(a)(6) Copy of recorded deed showing title vested in the applicant.
- 8.3(a)(7) One set of full sized architectural plans that are to scale.
- 8.3(a)(8) Such other plans or models as determined necessary by the Association Manager or Review Board.
- 8.3(a)(9) Signed Notice of Architectural Review Conditions
- 8.3(a)(10) Performance Deposit, payment is just prior to P.O.A. Approval letter being written.

Al made a motion to adopt the new process as outlined. Pete seconded the motion. All Board Members present voted in favor of the motion.

**Adoption of a “triple charge” (3 X’s the original application fee) policy for any/all work done without a permit in CB South**

As a deterrent to unauthorized exterior additions and modifications, the CB South P.O.A. would like to add a formal regulation that says if a property owner or tenant does any exterior modifications or improvements without documented P.O.A. approval, the offending property owner would be charged a fee that is equal or greater to at least three times the amount of the cost for prior approval for all exterior modifications. Pete made a motion to adopt a triple charge policy for any and all work done without a permit in CB South. Al seconded the motion. All Board Members present approved the motion. The regulation should be included in the newsletter. A press release could also be sent out. The more press coverage we can generate the better.

**Association Manager’s Report:**

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**YTD Overview**

**Teocalli Pedestrian Path Preparation and Construction Plan for 2007**

We have received a pedestrian path survey of the entire 100-foot Teocalli R.O.W. from Norman Whitehead. The aerial survey was presented to the Board. The proposed path along Teocalli Road would be from the intersection with Cement Creek Road to Cascadilla Street. If Norm would stake the line, this summer we could mow and clean the whole right of way, irrigate it and install some pedestrian lights at street crossings. A road base could be installed with a loader and skid this summer to begin “Phase One” of this project.

The Board made additional requests to the Association Manager to call Gary Garland and ask him how plans for his hockey rink are coming along. Chris should also look into building a new garage for the Zamboni near the current rink to avoid having to drive it back and forth from the office.

With no further matters of discussion, Al Smith adjourned the Regular Board Meeting at 8:15pm.