AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Resolution; Amending Resolution No. 2008-38, A Res

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

A RESOLUTION AMENDING RESOLUTION NO. 2008-38, A RESOLUTION DESIGNATING CRESTED BUTTE SOUTH AS A SPECIAL AREA

Fiscal Impact:

Submitted by: Laura Seymour for David Baumgarten **Submitter's Email Address:** lseymour@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 2/27/17

Reveiwed by: Discharge Date: 2/28/2017 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 3/3/2017

◉ Consent Agenda ○ Regular Agenda ○ Worksession Time Allotted: 0

Agenda Date: 3/7/2017

Revised April 2015

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO

RESOLUTION NO. 2017-___

A RESOLUTION AMENDING RESOLUTION NO. 2008-38, A RESOLUTION DESIGNATING CRESTED BUTTE SOUTH AS A SPECIAL AREA

WHEREAS, pursuant to the Gunnison County Land Use Resolution, Section 1-110: Process for Designating Special Areas, the Board of County Commissioners of Gunnison County, Colorado (herein, the "Board of County Commissioners") adopted Resolution No. 2008-38, A Resolution Designating Crested Butte South As A Special Area; and

WHEREAS, the Board of County Commissioners currently intends to clarify which covenants, restrictions, resolutions, rules or regulations of the Crested Butte South Board of Directors will be given effect by the Board of County Commissioners;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that Resolution No. 2008.38, Exhibit A Section 106 is amended to read in full:

> "Section 106: ADOPTION OR AMENDMENT OF COVENANTS, RESTRICTIONS, RESOLUTIONS, RULES AND REGULATIONS. No Covenant, Restriction, Resolution, Rule or Regulation, and no portion of any of them, of the Crested Butte South Board of Directors, shall be adopted or amended to be less restrictive than the requirements of the Gunnison County Land Use Resolution, Section 1-105, or the corresponding requirement of the Gunnison County Land Use Resolution, without the prior approval by written resolution of the Board of County Commissioners. Any adoption or amendment made without such prior approval by the Board of County Commissioners shall be null and void, shall be given no effect by the Board of County Commissioners, and shall be beyond the approval granted by the Board of County Commissioners in designating Crested Butte South as a Special Area pursuant to the Gunnison County Land Use Resolution."

INTRODUCED by Commissioner _____, seconded by Commissioner _____, and adopted this _____ day of _____, 2017.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

_____
Phil Chamberland, Chairperson

_____
Jonathan Houck, Commissioner

Attest:

_____
John Messner, Commissioner

_____
Deputy County Clerk

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO

RESOLUTION NO. 2017-_____

A RESOLUTION APPROVING THE CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION "AMENDED NOISE GUIDELINES FOR CRESTED BUTTE SOUTH SPECIAL AREA"

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado (the "Board") has adopted Resolution No. 2017-____" A Resolution Amending Resolution No. 2008-38, A Resolution Designating Crested Butte South As A Special Area." And,

WHEREAS, Resolution No. 2017-_____ reads at Section 106: "No Covenant, Restriction, Resolution, Rule or Regulation, and no portion of any of them, of the Crested Butte South Board of Directors, shall be adopted or amended to be less restrictive than the requirements of the Gunnison County Land Use Resolution, Section 1-105, or the corresponding requirement of the Gunnison County Land Use Resolution, without the prior approval by written resolution of the Board of County Commissioners. Any adoption or amendment made without such prior approval by the Board of County Commissioners shall be null and void, shall be given no effect by the Board of County Commissioners, and shall be beyond the approval granted by the Board of County Commissioners in designating Crested Butte South as a Special Area pursuant to the Gunnison County Land Use Resolution." And,

WHEREAS, the Crested Butte South Board of Directors is requesting the Board to approve, in writing, the Crested Butte South Property Owners Association "Amended Noise Guidelines for Crested Butte South Special Area", dated October 12, 2016, (the "Amended Noise Guidelines"), a copy of which is attached hereto and incorporated herein as Exhibit A. And,

WHEREAS, the Board finds the Amended Noise Guidelines to be a reasonable exercise of the authority granted by Resolution No. 2017-____;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO that the "Amended Noise Guidelines For Crested Butte South Special Area", attached hereto, be and are approved, effective this date.

INTRODUCED by Commissioner _____, seconded by Commissioner _____, and adopted this _____ day of _____, 2017.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

_____
Phil Chamberland, Chairperson

_____
Jonathan Houck, Commissioner

Attest:

_____
John Messner, Commissioner

_____
Deputy County Clerk

EXHIBIT A

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

AMENDED NOISE GUIDELINES FOR CRESTED BUTTE SOUTH SPECIAL AREA

Any previously adopted and approved Noise Guidelines for Crested Butte South shall be superseded and replaced in entirety with the following.

MAXIMUM PERMISSIBLE NOISE LEVELS

I. Every permitted use in Crested Butte South Special Area to which this regulation is applicable shall be conducted in a manner so that any noise produced is not objectionable due to intermittence, beat frequency, or shrillness. Sound levels of noise radiating from a property line at a distance of 25 feet or more therefrom in excess of the db(A) established for the time periods and zones below shall be a violation, subjecting the property owner and/or user causing such excess noise to fines:

ZONE	7:00 AM TO 7:00 PM	7:00 PM TO 7:00 AM
RESIDENTIAL	55 db(A)	50 db(A)
COMMERCIAL/BUSINESS	60 db(A)	55 db(A)

II. In the hours between 7:00 AM and the next 7:00 PM, the noise levels permitted above may be increased by ten (10) db(A) for a period not to exceed ten (10) minutes in any given one-hour period.

III. Periodic, impulsive or shrill noises shall be a violation when such noise levels are at a sound level of 5 db(A) less than those listed above.

IV. Construction projects shall be subject to the maximum permissible noise levels for identified for light industrial of 70 db(A) according to the permissible hours of construction for Crested Butte South.

V. Measurements with sound level meters shall be made when the wind velocity, at the time and place of such measurement, is not more than five miles per hour.

VI. The maximum permissible noise levels shall not be applicable to the use of Association property by Crested Butte South Property Owners' Association for the purpose of promoting, producing, or holding cultural, entertainment, athletic or patriotic events, including, but not limited to music festivals, concerts, and firework displays.

VII. All applicable businesses shall comply with the Allowable Business Hours, adopted by the Board of Directors, on August 4, 2015 including amendments thereto.

ENFORCEMENT

Fines for violations of the permissible noise levels above shall be subject to the Association's policy on imposition of fines and hearing, and shall be as follows:

First Violation:	Warning
Second Violation:	$100.00
Third Violation	$200.00
Fourth Violation:	$400.00

Additional violations will be assessed in additional $200.00 increments.

Except that the following Fine Schedule shall apply to the CB South Business District (Commercial Area) where commercial/business properties exist.

First Violation:	$200.00
Second Violation:	$400.00
Third Violation:	$800.00
Fourth Violation:	$1,600.00

Additional violations for commercial zones will be assessed in additional $400.00 increments. Owners who accumulate four (4) or more violations within a 12-month period shall be deemed habitual offenders and shall be subject to the fine for habitual offenders in addition to the fining schedule set forth herein.

APPROVED AND ADOPTED BY THE CRESTED BUTTE SOUTH BOARD OF DIRECTORS THIS 12TH DAY OF OCTOBER, 2016

Crested Butte South Property Owners Association, Inc.

By: _____
Kevin Van Horn, President

By: _____
Mark Trautman , Secretary