

Rob / Kate - Commenting on the proposed STR policy:

As future permanent residents, we understand the need for rules and regulations around STR/LTRs. And as a former HOA board member I do understand how difficult it is to please everyone while looking out for the community so we do appreciate the boards efforts to come to some reasonable and fair regulations around rentals. In short, we do support some form of proactive Rental regulations, albeit fair and reasonable. We fear that this proposed policy may be trying to solve problems that don't exist.

We are familiar with various STR rules and regulations that other communities and cities implement. However compared to some, what is proposed in this new policy seems overbearing and egregious in our opinion. I'll try to keep this to the point to respect your time:

NOT in support of:

1. Requiring a deposit to enable me to rent my home, or part of my home, even in a LTR fashion, doesn't seem fair and reasonable. Not understanding why this is this needed ? If there is damage to HOA property, Fines are meant to be a reactive measure if and when needed. Why not use rules, and regulations as designed and err on the side of trusting those in the community to self-police themselves.

Just assuming here, If we consider the 80/20 rule, for example, we'd probably find that something like 80% of your fines around rentals are likely only going to 20% of the homeowners, maybe less. Punish the few bad actors, not the majority of the community, and only when needed;

To add to this, the fine schedule (or lack thereof) is not detailed and very vague with regards to rental policy here, as well as the fines proposed seem out of line/high. What specifically are we assuming HOA property-wise, is particularly susceptible to flagrant damage by renters ? There aren't really any amenities. Will we get fined \$500 because we accidentally knocked over a wooden post on HOA property ? The fine should fit the "crime" if you will... again, maybe not the intent, but this appears to be structured in such a way as to be a deterrent to rent... a scare tactic if you will...

a. Reference: "K. The Board of Directors has the discretion to modify the fine amount based on the circumstances of the violation". —> Very vague and not defined.

Suggestion: Punish the few bad actors, not the majority of the community by applying fines when needed, no deposits necessary; Develop fair and reasonable basic fine schedule at the very least. Please, no standby fine accounts (where I won't be earning any interest per CPI) for the ability to encourage compliance. That's what liens are for are they not ?

2. Requiring a notice of every person to stays at our home, renter or not, is invasive. Needing that info so as to "have contact info" on the people staying on the premises doesn't make sense

when you are also requiring someone local as a contact that can respond in a reasonable manner. We do understand there needs to be a mechanism to track the number of pure STR days per year.

a. If you require tracking STR days, what is the protocol for when a scheduled STR is cancelled ? it's not defined. How will this all be tracked for accuracy ?

b. REF: Notification items #2 - #6 —> All pose an unreasonable administrative burden on all parties involved

A. it's not reasonable to predict every rental for a given month.

B. Why does the HOA need the renter info when they have primary and secondary homeowner contact info, who are responsible for the renters.

c. REF: Notification #7 - "so that the Association can communicate with the occupants if necessity dictates." —>Doesn't make sense again Contact the primary or secondary homeowner contacts, or the contact you are requiring to be local.

d. REF: Notifications #8 - Again, doesn't make sense; Most people will not realistically be able to predict an entire calendar year of friends and family visits. Nor should we have to in order to be in compliance with HOA rules on whom we allow to privately stay at our home.

e. REF: Notification #9 - unreasonable to expect a 20 min response time from a local contact 24/7 ; what problem is trying to be solved here ?

f. This is big privacy issue. We personally do not want to feel like the HOA is being "Big-Brother" watching our every move; doesn't give us a feeling of community and more importantly TRUST that we as homeowners respect our neighbors and associated property. We should not have to explain to the HOA how or when our friends and family use our home as long as we and they abide by the rules and regs. We are accountable as homeowners and there is a level of trust here in who we let into our home.

Suggestion: Request owner contact info local or abroad, as well alternate local contacts for ICE situations easily added to our property mgmt portal profile; no need to have contact info for every single person staying on prem - admin burden = more increased cost , just minimal info required to track STR days; Eliminate requirement to be notified of friends and family staying on the premises;

IN support of:

1. Requiring a rental license; and the cost of a license should be reasonable and fair to cover administrative costs. Not excessive so as to be a deterrent to get a rental license.
2. Reasonable Fines, when applied appropriately, and fairly, to fit the violation at hand.
3. Add distinction b/t houses with ADUs and those w/out ,Home/ADU: either can be rented but the rental license can only be applied to one of the dwellings on the property. Can you have LTR license for ADU, and STR for primary home ?

4. STR max: Up to 120 days w/out homeowners on prem ; Additional 30 days w/homeowners on prem —> 120 Days/year total for entire rental (add or home). Reasonable info requirement (Dates of STR maybe) to track STR days/year along with accurately tracking cancellations to ensure the STR/Year is accurate.
5. Allow rentals of spare room for an unlimited number of nights as long as homeowners are staying at the property;
6. All residents can be aware of STRs by checking the homeowner HOA portal ?

In some ways, it feels like the original proposed rules were forged in such a way as to deter folks from renting their property vs relying on responsible homeowners to self-police and be accountable for their actions. One would hope that there's an understanding that some homeowners while 2nd homeowners, do intend to be in BHR full time. Hopefully the comments from homeowners will shape this policy in a reasonable manner for everyone. Again we appreciate everyone's time and due diligence on this!

We hope STRs will continue to be an option in BHR as we are hoping to have this as one small tool to help offset unforeseen skyrocketing build costs. We are not millionaires like many other folks coming to CB lately; Just someone who's been coming here for 17 years and finally found a chance to make it a permanent visit.

Thank you everyone so much for taking time out of your busy schedules to address/update the STR policies. We did not get our comments for the first draft of the STR rules/regulations, but wanted to give some feedback on the second draft. We also were not at the last board meeting but one of us will be attending this next one on Tuesday.

We do believe it is a good thing to update the rules and regulations for STR, however, we also support STR and oftentimes we stay in them with our two young kids when we go on vacation. We all know it is way more convenient than a hotel for many reasons. There are a few things we would like to comment on and recommend.

1.) We think it is a great idea to have a license. We would suggest for the license fee to be more than \$50 a year (if I'm reading that correctly). It seems like it would be a bit of a paperwork nightmare/cost to the association to have to deal with knowing who is in each STR at a given time. Make it simple, if the rules/regs are broken, take away the license with no return of license fee.

2.) We live next door to a STR, a majority of the time there are no issues. However, this past weekend there were 12 cars parked in the driveway. Yes all the cars were parked in the driveway, however, it is a bit much. I'm also assuming there were more than 12 people residing there for the weekend. We ask that you please make a reasonable number of cars that are allowed in the driveway at any given time. This has happened several times this past summer as well.

3.) We think it is a great idea for the speed limit to be enforced for everyone in the subdivision, however realistically who is doing this? These rule/reg need to be easily measured/managed.

4.) We would also highly recommend that the exterior lighting be placed on a timer system that would coincide with the quiet hours of 10pm. We have been dealing with this issue a lot. The STR next door to us leaves their exterior lighting on for weeks at a time with or without people residing there. The lighting is also a flood light which is not in compliance with county regulations. These lights shine directly into three out of four of our bedrooms (picture attached from last week at 4am)

5.) Again all the "fees, violations, fines" seems like a real paperwork nightmare, I might just suggest giving one or two warnings and then the license (have that license be more like town is) be taken away until the following year where an application can be submitted for a new license. Some may not care much about the fee/fines? It also seems like a little bit

of a grey area to be able to fine a person for the first warning but have the discretion to not fine others, it should be consistent. As this subdivision grows there should be no questions about who is getting fines/and who is not, should the board decide to implement fees/fines. It really should be the same for all, either use the first violation as a warning or a fee.

Thanks again for allowing us to comment and thanks for everyone's time,

My family is one of the homeowners at Buckhorn Ranch over many years and wish to make some comments about the proposed restrictions on Short Term Rentals.

Over many decades I note that the very worst things that have happened in the past, and can happen presently or in the future to Buckhorn Ranch is ongoing litigation, of which at Buckhorn Ranch there has been more than any other subdivision in the Crested Butte area to the best of my knowledge.

Kate is cautious to state that these new rules do not involve the Covenants nor Declarations, since it would take 67% of the membership to amend them, but fails to state that court decisions and CCIOA have already addressed this issue and have ruled that this particular subject needs to be a part of the HOA Covenants and/ or Declarations in order to be valid and enforceable. And that merely changing the Rules and Regulations are invalid and unenforceable.

The biggest question is “why are we trying to resolve a problem that does not even exist”, or “ why are you raising an issue that is destined to head the HOA into litigation, whereby the only parties that will benefit from the outcome of such litigation are the attorneys. The old saying is” if it ain’t broke, don’t fix it.”

Other homeowners have already questioned why more research from the other homeowners have not been solicited how they feel about where the Board is headed with this proposed amendment, when they should all realize that the outcome of such litigation will greatly diminish the value of their homes and homesites without question, regardless of the prevailing party. In fact, how many homes are even renting through vrbo and/or airbnb, which frankly are great companies and helping owners of recreational property survive and prosper throughout the world.

There are many legal issues that this proposed amendment presents, besides the above that questions whether the Board even has such authority to proceed on a firm legal basis. There are severe privacy invasions suggested by demanding information on not only renters, but also on the members of the actual owners family members and guests.

Mandating that a third party company, which has a conflict of interest in that that company is involved in rentals of other properties is outlandish and violates any logical principles of privacy.

Lets consider how beneficial it is for Buckhorn Ranch to just tear up this proposal and be above other areas in the valley, which might be struggling with issues not pertinent to Buckhorn Ranch. Then our values will rise rather than drop like a rock, as has occurred in the past, when litigation loomed. Then, if there is a specific property that is a problem, deal with that property and leave the rest of the subdivision alone.

Dear Board Members,

Thank you for your thoughtful consideration of Short Term Rental policies over the last year. This has been quite the undertaking to both preserve a neighborhood and also allow some homeowners to make money from renting their properties. I have expressed my opinions formally before to the Board, consequently I would just like to request an addition to the new policy. While the policy has many tools included to deter noise, light pollution, excessive parking, etc. There is not a feature to limit the number of STR licenses.

I propose a limit to the number of licenses issued per calendar year. Perhaps 10% of build out/ completed homes, initially that might look like 15 licenses for 2022 and at final build out that might look like 35 licenses. When you consider the total number of homes that will exist in Buckhorn, an unlimited number of licenses would be detrimental to the neighborhood and it would be very difficult to effectively manage the fees and issues related to the volume of STR's.

Thank you for considering a limit to the number of licenses issued annually.

Hi Rob,

Feedback for you:

I very much believe in rules, regulations and compliance when it comes to the STR business at Buckhorn Ranch and everywhere else.

When the Town of CB passed the 2018 STR Ordinance the business of vacation renting in Town became better for everyone. Rules and regulations made it safer, less of a nuisance for full time residents and better for owners and guests.

I do think we need similar rules and regulations at Buckhorn.

I do not think it is appropriate to require owners to pay deposits. Buckhorn Ranch has become punch drunk on collecting performance deposits for everything. Our performance deposits for building are ridiculous..the highest in the County. The road fees and road assessment are not benefitting all owners or the entire community equally.

I also do not think it is appropriate to force homeowners to divulge the names of each guest that stays...and its seems to me it'd be an accounting /admin nightmare and perhaps it borders on the edge of privacy matters.

I do think we need to implement a STR license program - like the Town of CB - and charge a fee to get a license to STR...in town its \$1K. If you break the rules you lose the license. Each house should be inspected - just like Town - and if the property checks out - parking, bedroom county, fire safety etc - then a homeowner gets a license.

Stop with the collection of onerous "deposits" and start with licensing and compliance measures. It is easier to pull a license from a non-compliant homeowner than to keep their \$2500 and create a legal issue.

Best regards,

Please pass the following comments on to the HOA Board:

Aside from my surprise that the Board may, and sees fit, to impose new rules on several hundred owners who invested in property when there were no such rules, I have the following comments.

I just can't believe that there is a necessity to impose cumbersome rules on all non-owner occupancy when surely most if not all past "issues" were a result of short term rentals. Is there any reason to believe that if I loan my house to someone for a month that they will be any nosier than I? I can't imagine that any owner would loan or rent their house on a long-term basis to someone that wouldn't respect the house and the neighborhood.

Which leaves us with short term rentals, which I suppose does need addressed. I suggest that we try "guidelines" rather than rules. Perhaps something like:

- Owners which offer short term rentals should provide Toad with contact information of someone that can address any issues with the renters.
- Owners should provide renters with a list of "Neighborhood Rules", either a paper copy or preferably in the rental agreement. Those "rules" might include:
 - Quiet Hours
 - Parking restrictions
 - Occupancy limit (maybe)
 - Any other rules that apply to all of us.

I think it would be helpful for Buckhorn property owners understand that we have STR policy/rules today which the new rules are built off of. Some or a good portion of what's in the new policy comes generally/directly from the old policy but it is all now more detailed and specific to address the changing nature of STRs.

2) Having some data and what other CB HOAs are doing for STRs could be helpful for everyone.

When big policy changes are made or when sensitive topics are addressed it is usually helpful to share with those impacted where our new policy stands in relation to lets say CB STR guidelines in general. For example, I heard the other day that an HOA near the back of the mountain does not allow STRs. Ok, their choice. The ability to say that we are not the most strict or the most lenient, I think would be helpful to the overall community understanding of where our rules are headed and how they compare.

Example - the rule that says 90 day STR limit per year might be very accommodating or maybe it is the strictest in CB but that kind of stuff can be helpful for one's understanding as our policy evolves. There are probably 4-5 key big point rules in the STR policy that the Board drafted that in my opinion would be helpful to know where our policy stands in relation to others. I would personally want to know that as we seek middle ground for the Buckhorn community.

3) Creating a side by side comparison (in Powerpoint for example) making it really easy for people to see what is changing.

Having implemented a lot of change in my HR career, it is always helpful to have a chart/grid usually on the medium to major points which visually shows and compares the current policy to the new policy, i.e, What's Changing. It just makes it easier for people to digest and focus.

- a) this is the rule from the current policy.
- b) this is how that rule has been updated.
- c) this is a new rule that the current policy did not address.

4) Is this a Board voting matter or a vote for all property owners?

If the updating of this current policy is a Board matter for the Board to vote on as per Beth's legal advice and oversight than that is what it is. I believe this is what was said on the call regarding voting on this matter. This matter of who votes on this STR policy was not or is not understood by most property owners so maybe some additional communication on this would also be helpful...

If some property owners want to get an attorney (threatening legal action to address their agenda) than sobeit.

5) Implementation Timing and Policy Process Management Thoughts

I think it would be helpful if there was some guidance on when an updated policy would go into effect given that some STRs are rented out into the future and how might that work so folks do not have to scramble so as not to be in violation but we can get the new policy implemented. Also, how will existing home owners engage the STR process violations in an easy, timely and effective way. Having this process worked out to some degree would be super helpful OR this could be somewhat frustrating to us existing home owners when we need to address issues or violations.

That is about all I have. I hope some of these suggestions are helpful and yes I imagine already on your radar screen.

Happy New Year!!

Hello Rob:

As per our email exchange from last week, here are some comments from [REDACTED] and I regarding STRs. Please share this doc with the Board.

I would like to give you and the Board our comments on what we would like to see as full time Buckhorn residents on this matter and then also add a few "hopefully" helpful comments as to the process that you and the Board are going through right now in light of the call that we had over the holidays.

Our comments:

The current guidelines on STRs that I read from the Toad website signed March 2017 are very basic and inadequate when it comes to a topic like STRs in today's world which is why this is currently being addressed. We support updating the guidelines and/or rules that provide much more specific detail around what is allowed and not allowed along with how the HOA manages the STR process for all residents in a fair and efficient way. It is important for all existing and prospective homeowners and lot owners to have a very clear understanding of the STR rules so that there is no confusion on this topic so that everyone will be treated the same in the management of this process. It is extremely helpful to those of us that do not rent our homes to have these up to date and crystal clear guidelines where again we are all treated the same but also held accountable when things do not go well with STRs. I am also not interested in dealing with other homeowners over and over again when it comes to their STR customers who violate our rules and misbehave. There is no guarantee that other homeowners will see the other homeowner's point of view on noisy or unruly STR folks, therefore, we need to update the existing policy with guidelines and rules for everyone that is current (and fair) for today's environment. That is the right thing to do and good for all on such a topic.

Frankly, it would not bother me if Buckhorn did away with STRs as other CB HOA's have done but I do understand that this is probably not the middle of the road solution for our community which is fine but having an updated STR policy is needed and the right thing to do which Anne and I fully support. We would support the first draft of the new policy as written but clearly there needs to be some give and take on this matter which we also support.

Helpful comments section:

The call from a few weeks back did not go super well and I think the Board heard and received the feedback on "the process" which is important. Certain homeowners or lot owners not liking where this topic is headed is a different matter. I created a list of thoughts below thinking it might be easier for you all to digest.

1) This is not a new STR policy but an updating of our current STR rules that are 5 years old and very basic regarding an ever evolving STR process in the US. (it is the Board's job to stay on top of this stuff and the community elected you all to handle such matters.....sometimes folks forget this...)

Rob and Kate,

I'm currently dialed into the board meeting on 12/29. It seems like it's very unlikely that everyone who wants to speak will get a chance to speak, so I'm opting to send you an email as well.

Firstly, let me say I understand the intent to limit the impact of problem short term rentals and I think that is a fair and reasonable goal to have.

That being said, I feel that the draft document overreaches very broadly in the amount of restriction it imposes. I do not currently rent my home, but I did choose to buy and build in Buckhorn Ranch in part because the HOA covenants explicitly allowed rentals, including short term. The value of my home is in part the optionality allowed by the existing covenants and I would feel deeply betrayed if those options were taken away from me and others like me without our voice or our vote.

Secondly, the most troubling part of the document as proposed is the proposal to require permits and approvals from the HOA for friends, family and non-commercial visitors. The idea that an owner should need pre-approval from the board to use their property for friend and family visiting feels deeply invasive and restrictive. I find it hard to believe that friends and family (non-commercial) guests can possibly account for the problems you are trying to solve. If one of my guests were to violate a rule, you have a remedy which is to fine me. Why is that not a sufficient control? What gives the HOA the right to decide who does or doesn't get to enjoy their property in *a private way?*

Lastly, just a more macro observation based on my three years of ownership and my journey through the building process. While everyone is very respectful in face to face conversation, it feels like the association is run by the full time residents, for the benefit of full time residents. When people say "community" in the calls, it is very clear to all of the non-local owners (which is the majority of the ownership) that we aren't included in that group. It doesn't feel like an inclusive place at all for me.

Thanks,

Rob, Beth, Board -

We asked counsel to look at what is being proposed. Pls see the below.

Thank you.

In addition to what has been sent already:

1. It is important for the policy to define 'family' in this context as a limited liability company, a trust and similar entities do not have 'family'. Yet, it would not seem the intent is to punish people for engaging in estate planning using, for example, a trust. Typically, the term 'family' would include persons related by blood or marriage to the owner or the owner of an owner (such as a member, beneficiary or trustee).
2. If there is a concern about Pacaso type ownership, a regulation could be drafted to limit the number of owners for purposes of identifying family. For that matter, if the intent is to address Pacaso type ownership, it should be more straightforward and expressly state that an owner is the owner of legal title and the owners of an entity such as a limited liability company or trusts are not considered owners and their stay will be considered rental. If that is not the intent, it should expressly state that the regulation does not apply to such usage. Obviously, if the owners of an LLC that is an owner are all family, they shouldn't be treated as tenants when they use the property.
3. The three-day minimum stay would prohibit any overnight houseguest if the policy applies to house guests. As a short term rental is any 'non-owner occupancy or rental of less than 30 days on any given rental' this is not clear. A "non-owner occupancy" implies that there does not have to be consideration, i.e. it would apply to a houseguest rather than a paying tenant, but the "on any given rental" implies there is a paying tenant. This is not clear and should be expressly clarified. If it applies to persons regardless of whether they are paying rent, this is bad because houseguests that aren't paying rent should not be prohibited.
4. The occupancy limit references different standards for children. This is dangerous. What is the age

of 'children'? Moreover, why are children treated differently than other age groups? Can this be done legally?

Hi All,

Hope all is well. I am unable to attend the meeting tonight but did have some questions about the STR policy. I was surprised to see that the proposed STR policy restricts rentals to no more than 90 days per year. I know this is a sensitive topic and I go back and forth on the matter myself. That being said, shouldn't this be left to the homeowners to decide by way of a property owner vote as opposed to a policy adopted by the board? When the property owners voted on the covenants three years ago, STRs were allowed, subject to rules of course. It seems that restricting the period of time to 90 days is in contradiction to the overall theme of the covenants that state "STRs are allowed", and is a departure from what the HOA voted on 3 years ago. My main concern here is the use of rules and regs, whether it's related to STRs or other HOA matters, that circumvents or contradicts the property owners vote. Am I off on my thinking here?

As an aside, you may get a bunch of flack for the snow on tonight's call. Just know, I LOVE the berm and all things berm related. I live for the BERM! All joking aside, the crews are doing a great job keeping up with the snow, and so is the board. Thank you for ALL you do!

All the best,

Thank you, Rob. I'd like to expand upon my concerns, if you wouldn't mind passing these thoughts along to the board to provide additional detail.

I understand the desire to protect our neighborhood from excessive short-term rentals, and commend the board for taking on this challenging topic. However, there are several points in the proposed policy that I believe are overly burdensome.

1. Short-term rentals vs private use. The draft combines short-term rental usage with friends and family 'free' usage. These types of use need to be separated at minimum, and truly the 'free' usage sections should be struck. Short-term renting is a business, and as a business, it is expected to comply with licensing and regulations. In this type of usage the homeowner is presumably making some level of profit, and it is to be expected that they take extra measures to ensure proper behavior and upkeep at their property. However, 'free' usage, or usage by friends and family, is not a business. No homeowner should ever need to explain the fact that their family or friends are being allowed to use their property. The homeowner is still paying all their costs - mortgage, taxes, HOA dues, and should have every right to occupy their own home as they see fit when they are not generating income. This point also brings up many questions around enforcement - what qualifies as a friends or family stay? Does the homeowner need to be present at all times? What happens when a homeowner is on vacation and a friend or family member housesits? Please beware that provisions like this that are unique within our real estate market can have ill effects on property values - we've all been

fortunate to ride the wave of increasing home values in this neighborhood and it would be a shame to apply excessive policies that may endanger our appreciation relative to the greater Crested Butte market.

2. Within the short-term rental language there are several concerns. First, the draft requires a property manager available within 20 minutes 24/7/365. This is absurd. People in this valley are out of range for longer than this time when traveling between Crested Butte and Gunnison - and sometimes even when within Buckhorn, like yesterday when the snow caused a 30 minute traffic jam at the entrance to the community. Let's be reasonable with this requirement and use a standard timeframe like 2 hours. Secondly, the draft places a 90 day cap on short-term renting each year. What is this meant to accomplish? A well-run short term rental property abiding by the rules set forth by the board should have no caps. Instead, perhaps consider a set of caps for violations to short-term rental policy. Finally, this policy effectively "moves the goalposts" significantly for existing property owners. It's likely there are parties within this neighborhood who have made considerable investments to our community with short-term rental income as a basic assumption. Existing homeowners should be 'grandfathered' into the rules as they existed when they purchased their property to avoid economic harm to those owners. This is a common practice and should be strongly considered by the board.

My family has all types of friends in this neighborhood - locals, and second home owners alike. We have a vibrant, engaging community, and we should not put regulations into place that are punitive to any set of owners. Rather than assuming all short term rentals are negative, let's respond appropriately when renters (or locals) negatively impact others. After all, it's not only short-term renters who throw the occasional loud and late party. I can think of multiple incidents when full-time residents would have objected to the proposed 10pm quiet time (maybe consider 11pm on weekends).

Thank you for your attention to my comments.

Hi Rob,

Happy Holidays!

I was hoping I understood the AMENDED AND RESTATED POLICY ON NON-OWNER OCCUPANCY OF PROPERTY, RULES AND REGULATIONS AND FINE SCHEDULE as applying only to Non-owner occupied property, not applying to those of us who have a long-term lease for our ADU or the short term rental of rooms in our owner-occupied home. Thank you for the clarification.

Best,

Rob,

Can you share this with the board? I didn't find any contact info to include them on this email so they will have this before the meeting tomorrow.

Unfortunately I will be attending the Alamo Bowl game at the same time as the board meeting (my son attends OU and is in their marching band). I have some general questions/clarifications I'd like to pose in regards to the Policy for Non-Owner Occupancy Draft.

Before reviewing the questions I'd like to provide a little back ground on me and my husband. We currently live in the Dallas/Ft. Worth area. We purchased the lot at 14 Buckhorn Way in the fall of 2018. I have been wanting to have the opportunity to live in the mountains for as long as I can remember. We finally came to a point in our life where it was a possibility and we fell in love with the CB area after looking at options there and knew it was the location. Our intent with a future home is for it to be a longer term retirement home but until then it will be a second home. We don't want to have to wait until we can actually both retire at 65 but instead we want the option to build sooner so we can enjoy that area for as many years as possible. However, as we all know the pandemic has skyrocketed costs of building (every where) and in order to make this dream possible and build in the next couple of years, the option to potentially rent our property and make some rental income is a key to that puzzle. We are not one of those people that have millions readily available but instead are a family that has been saving/investing for a long time to make this dream a reality. Costs are a key concern and we hope to find as many ways to control those costs while being in compliance with the HOA design guidelines but it will still be expensive, especially

compared to where we currently live.

As far as when we have a place built, our rental intent would be to focus on families and have strict rental agreements and rules because it will be our home as well and we are going to prefer to host families that would enjoy and respect the home (and yes there is risk of a bad renter for any rental property). And our intent is not to rent out every week of the year since we would be spending time there as much as possible - which includes hosting family while we are there and likely weeks when we can't be there. Our dream is to provide a place not just for us, but for our family and close friends so we can extend the blessing of enjoying the area and all that it offers. At some point in the future, this would shift to our primary home and full retirement which provides different financial options and rental income may no longer be a financial tool needed. But until that point, having the option for rental income from time to time will help ensure we can build in the next couple of years.

We agree there should be some sort of rental policy and we agree that our guests should be aware of and follow the HOA guidelines and be respectful of those. We like the fact that Buckhorn is a family oriented neighborhood. We also are not in favor of developers coming in and building with the intent to only rent the property so I'm not sure how that is covered in the covenants or policy if at all. However, the policy does feel/read to provide strong reasons to discourage the effort of renting for owners that have a second home in Buckhorn. I am sure the board has had lots of discussion but I have no idea how much input they have had outside of those that are able to live there full time. I know the policy has to be written with a general intent to cover as many scenarios as possible but I ask that you review the questions/clarifications I've attached and consider them as final discussions and adjustments are made to the policy before a final vote by the board. I would have preferred to attend the board meeting directly so I could explain in person vs. trying to do it in writing. I'll be happy to provide any clarifications you might need based on what is in the attached or in this email.

Thanks for taking the time to read this and review the questions/clarifications on the policy that are attached. Feel free to call me if needed as well. My cell phone is 214-226-1047. I am open to the work

Ratherby Investments (403 S. Avion, Lot 89) agrees with [REDACTED] comments below. It is absurd to have a license for family and guest to occupy a property. Since an LLC owns our property, does that mean we need a license to be there? That does not seem right and seems to violate property rights.

I also agree with the comments on a property manger being there in 20 minutes. Even before the "global talent shortage," property managers do not show up in 20 minutes. They should be able to be on the phone in one hour and inform the HOA of the steps being taken. The proposal as worded is not realistic.

One of us will be on the phone tonight but all the members of our partnership concur.

Thank you for sharing with the Board Rob.

Thank you, Rob. I'd like to expand upon my concerns, if you wouldn't mind passing these thoughts along to the board to provide additional detail.

I understand the desire to protect our neighborhood from excessive short-term rentals, and commend the board for taking on this challenging topic. However, there are several points in the proposed policy that I believe are overly burdensome.

1. Short-term rentals vs private use. The draft combines short-term rental usage with friends and family 'free' usage. These types of use need to be separated at minimum, and truly the 'free' usage sections should be struck. Short-term renting is a business, and as a business, it is expected to comply with licensing and regulations. In this type of usage the homeowner is presumably making some level of profit, and it is to be expected that they take extra measures to ensure proper behavior and upkeep at their property. However, 'free' usage, or usage by friends and family, is not a business. No homeowner should ever need to explain the fact that their family or friends are being allowed to use their property. The homeowner is still paying all their costs - mortgage, taxes, HOA dues, and should have every right to occupy their own home as they see fit when they are not generating income. This point also brings up many questions around enforcement - what qualifies as a friends or family stay? Does the homeowner need to be present at all times? What happens when a homeowner is on vacation and a friend or family member housesits? Please beware that provisions like this that are unique within our real estate market can have ill effects on property values - we've all been fortunate to ride the wave of increasing home values in this neighborhood and it would be a shame to apply excessive policies that may endanger our appreciation relative to the greater Crested Butte market.

2. Within the short-term rental language there are several concerns. First, the draft requires a property manager available within 20 minutes 24/7/365. This is absurd. People in this valley are out of range for longer than this time when traveling between Crested Butte and Gunnison - and sometimes even when within Buckhorn, like yesterday when the snow caused a 30 minute traffic jam at the entrance to the community. Let's be reasonable with this requirement and use a

standard timeframe like 2 hours. Secondly, the draft places a 90 day cap on short-term renting each year. What is this meant to accomplish? A well-run short term rental property abiding by the rules set forth by the board should have no caps. Instead, perhaps consider a set of caps for violations to short-term rental policy. Finally, this policy effectively "moves the goalposts" significantly for existing property owners. It's likely there are parties within this neighborhood who have made considerable investments to our community with short-term rental income as a basic assumption. Existing homeowners should be 'grandfathered' into the rules as they existed when they purchased their property to avoid economic harm to those owners. This is a common practice and should be strongly considered by the board.

My family has all types of friends in this neighborhood - locals, and second home owners alike. We have a vibrant, engaging community, and we should not put regulations into place that are punitive to any set of owners. Rather than assuming all short term rentals are negative, let's respond appropriately when renters (or locals) negatively impact others. After all, it's not only short-term renters who throw the occasional loud and late party. I can think of multiple incidents when full-time residents would have objected to the proposed 10pm quiet time (maybe consider 11pm on weekends).

Thank you for your attention to my comments.

Buckhorn Ranch

Re: STR Feedback

While recognizing the need for some type of updated STR Policy to address potential community concerns, the overly broad definitions and rules within the proposed STR Policy should give us all pause. We have not yet built, and haven't decided whether renting a portion of our home when we do build would be practical. However, it seems that this concept of just getting something in place that can be changed in future seems somewhat short-sighted and rushed.

The proposed Policy seems to indicate a bias toward all owners who are not full-time residents of the community. As lot owners who have been coming to Crested Butte since 1965 but will be second home owners, this is disheartening.

Further, the proposed Policy has a strong potential for extensive and costly litigation on multiple fronts - costs that will be shouldered collectively by all owners, not just the Board, as individual owners, who created and pushed it through despite some strong opposition.

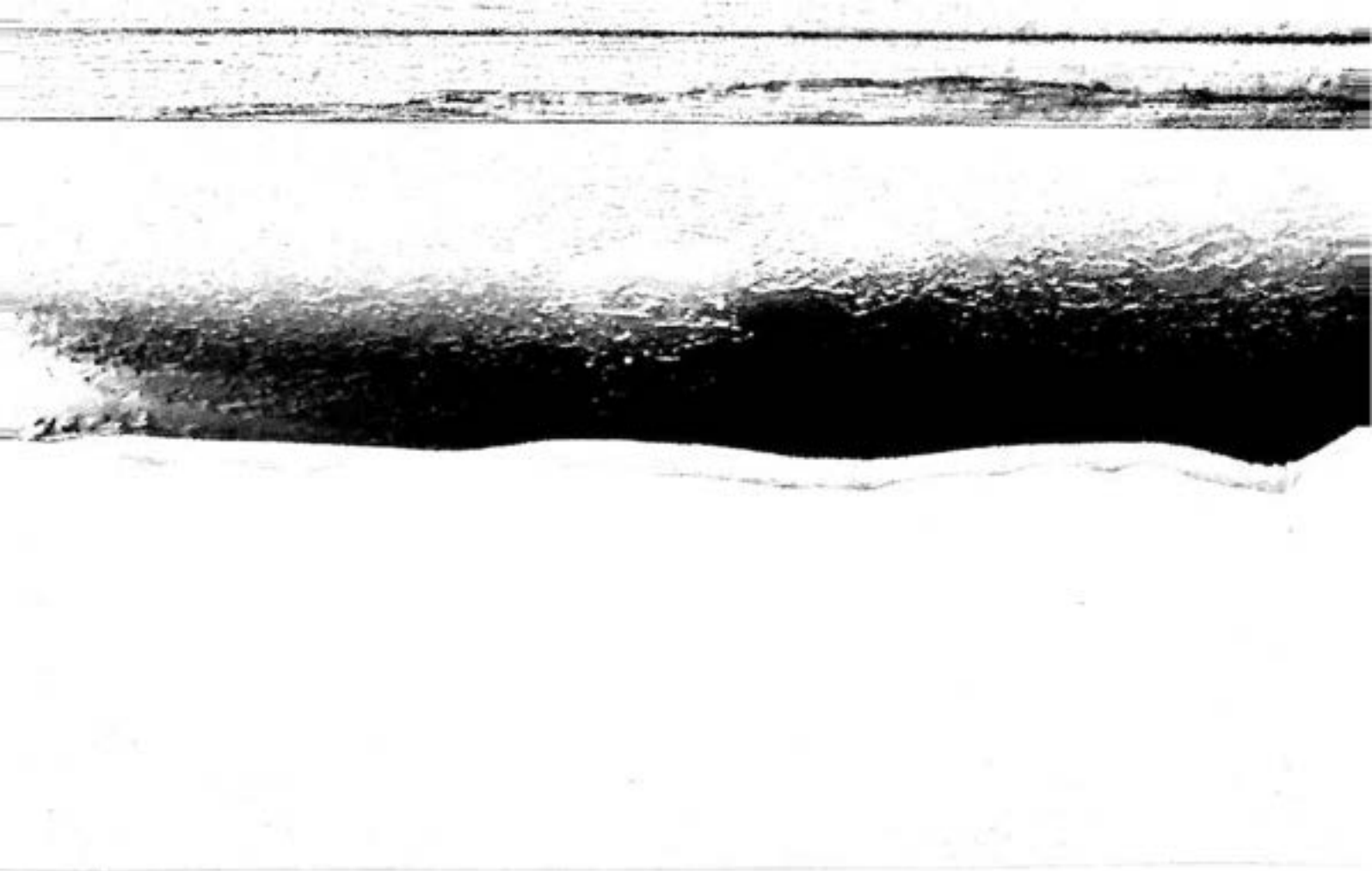
Others have clearly stated the need for further thought before a revision of the proposed Policy. Without going into painstaking detail on a line-by-line basis of the proposed Policy, some of those matters that seem ripe for challenge include:

- Required payment of *presumptive* fines for future alleged violations of policy that is poorly defined – or subject to additional fine; there is an established collection policy for assessments.
- Required local contact *available to respond within 1 hour* – which requirement is impossible to fulfill in the Colorado mountains during parts of the year - so subject to fine;
- Quiet Hours requirements that are unrealistic; and, therefore, impossible to fulfill – so subject to fine;
- Notice and Hearing procedure should be automatic upon receipt of an alleged violation – and the BOD doesn't seem the best option for impartial decision maker;
- Conflicts between the Policy and CCIOA.

Again, not an exhaustive list but just some of the issues that jump out as concerning within the proposed Policy. While we don't have the answers to the issue, it just seems the proposal is heavy-handed and too invasive with regard to an individual's bundle of property rights. We would urge the Board to continue to review and refine the proposed Policy before adopting any changes to the existing Policy.

Regards,

████████████████████



I think it seems reasonable. I would take issue with the comments of some that this would create a hit to values, I seriously doubt that. And those of us who are permanent here bought to enjoy it, not to max investment potential. Perhaps a hit to their projected CF, but I don't think that needs to be our primary concern.

Two minor comments. Unclear if STRS would provide contact info to surrounding homeowners, or to who. It would be nice to know who to call if there is an issue, vs having to bother you guys.

2.5 people per bedroom sounds like a lot. 10 people in a four bedroom is a recipe for a lot of noise.

I have similar question about snow issues - who to call. Not for berms, I get that's simply the way it is. But our cul de sac was simply not plowed a couple times this year when all the other streets were, and it also happen last year. Would like to know who to call when that happens.

Thank you.

Good morning, Kate. We haven't met before, but I wanted to commend you on maintain your composure and grace during the call last night. While I have not yet built anything at Buckhorn, I have owned multiple lots going back to 2006. My dad was one of the original investors in Buckhorn, so I've had the opportunity to watch everything unfold with the community since it's inception. It was interesting to see "investors" surface last evening, who clearly have a singular interest in profiting from rentals in Buckhorn, rather than working to preserve the integrity of the neighborhood for fulltime residents. I don't remember the last time I heard both Brian and Dick voice in on a call, and the intoxicated doctors from Texas were an unfortunate reminder of the sign of the times. I appreciate the efforts of the board to focus on the long-term health of Buckhorn. You have my full support, and I'm guessing you'll also have the support of everyone else who is reasonably minded, and no solely focused on the community as an investment.

Be well,

To Buckhorn Ranch HOA Board:

My name is [REDACTED]. I have owned a home and lived in Buckhorn Ranch for the past 10 years. In that time I believe the HOA Board has gone from being a true disaster to being a working board that has the community at heart. This alone has increased our property values and ensured that we have valuable lots and homes for sale here. Although I missed the first bit of the meeting last week I wanted to reach out and show my support of what you are doing. I know that it's a thankless job and I appreciate all that each of you are doing to help us have a safe, desirable and functioning community here in Buckhorn. I feel like STR regulations are the last piece of this puzzle for us. We can and should create regulations with penalties that protect our neighborhood from the influx of random outsiders using our community for their playground. I am not against STR 100% and I truly understand the importance of tourism in our valley however, regulations are meant to protect the people who live here full time. They are not meant to punish those who want to rent their homes, as many people on the call suggested. Many other HOA's (and the Towns of CB and Mt. CB) have regulations for a reason - as you know CB South is struggling with this issue right now as well. I urge you as a board to truly consider how to create regulations that are fair for those of us who have actually made this community our home and plan on staying here. I worry that Buckhorn will be ruled by those who want only to use Crested Butte for their playground, not their community and who aren't truly interested in protecting the values that we hold dear. Please stay the course, discuss and amend the proposed document if needed, but please don't give in to the scare tactics and threats of lawyers, selling out of the development or just the squeaky wheel. We live in a desirable place, Buckhorn will always be a wonderful place to live, you do not have to bow to demands, there will always be people wanting to live here. I would love to be a part of this process, please let me know how I can help, if at all.

I look forward to the discussion.

I don't plan to rent my home, but I have some questions.

1. How are children counted? 1 or less? In what age range are they considered children?
2. Requiring people to park in the driveway with all their equipment and not park beside the road seems very limiting.
3. Do these parking rules apply to those owning a home that is not being used for rental? In other words can I or my guests park beside the road since I am not renting my home?

As someone not planning to rent, I can see that it will better protect the neighborhood integrity and the adjacent neighbors.

For owners that ARE planning to rent, I can see the item about listing all the month's occupants at the beginning of each month as a big constraint. They will be unable to take advantage of people calling during the month to rent. The fine process has lots of room to be administered either laxly or punitively. I know you wish to have some wiggle room to be nice and give people the benefit of multiple unintended rule breaking, but I fear lawsuits from those who egregiously offend. "A local contact who is able to respond to issues regarding the subject property within an hour of being notified." seems to require that an owner not currently residing locally or on vacation will have to hire a local company to administer this policy. That seems overly restrictive.

I applaud your noise restrictions and see that you have made a good start on the regulations.