Resolution
Dallas Meadows Community Association
Resolution Number 2021-001

Short-Term Rentals within the Dallas Meadows Community

Whereas, Article V Section 2 of the Bylaws of the Dallas Meadows Community Association, Inc. ("Bylaws") assigns the Board of Directors ("Board") all powers and duties specified by the Colorado Revised Non-Profit Corporation Act, unless limited by the Declaration or Articles of Incorporation;

Whereas, the Common Interest Community Declaration of the Dallas Meadows Community Association (CCD-DMCA) provides the requirements for nightly rentals (referred to as "short-term rentals, STR) and Lot Owners must also conform to Ouray regulations.

Whereas, there is a need to adopt a clarifying policy regarding short-term rentals within the Dallas Meadows Community;

Whereas, this policy regarding short-term rentals is applicable to all lot owners of the Dallas Meadows Community Association ("DMCA");

Now therefore be it resolved, that the Board hereby adopts the following short-term rental requirements:

- Lot Owners that conduct STR, in addition to meeting the requirements of section 8 of the CCDs (see page 2 for excerpts), shall submit annually, prior to the beginning of the rental year:
    - A copy of the STR permit;
    - The plan to address any potential impacts to the neighborhood, including but not necessarily limited to, offensive noise, parking, demonstration that vehicle traffic to and from the property will not create hazards (e.g., speed limit adherence to 20 mph) or nuisance, and trash management and disposal. All parking for renters must be located off-street and not within any public right-of-way, including the right-of-way for county roads.

IN WITNESS HEREOF, the Board of Directors has adopted this RESOLUTION this 23rd day of August, 2021.

Vince Snowbarger, DMCA President

Gordon Mull, DMCA Secretary

Supporting Information

- Subset of DMCA CCDs Section 8 -
  - § 8.1.1 Each Lot is intended for residential single family use, whether occupied by the Owner or as a rental, and accessory uses as permitted herein. No more than three (3) separate structures shall be permitted on any Lot and only one (1) of these shall be designated as the primary residence. At a minimum, all permitted uses shall comply with Ouray County Zoning Regulations.
  - § 8.2 Prohibited Uses. The following uses shall be prohibited for all Lots:
  - § 8.2.5 No home occupation and/or home business as defined by Ouray County is permitted with the exception that home professional pursuits without employees, public visits, or non-residential storage, mail or other use of a Lot. No industry, business, trade or commercial activities, other than described above, shall be conducted, maintained or permitted in any part of any Lot. Any other transient, hotel or motel purposes shall be strictly prohibited.
  - § 8.2.7 "Owner occupied" rentals are the only nightly rentals that will be allowed. All other rentals shall be for a term of six (6) months or longer. For purposes of this section only, an "Owner occupied" rental is a rental in which at least one Lot Owner, or the Owner of a majority of shares or membership interests of a Lot Owner, or the Trustee of a Lot Owner resides in the residence of that Lot that is being rented.
  - § 8.4.1 All leases and rental agreements shall be in writing, and shall be provided to the Board of Directors of the Association and shall be subject to the requirements of the Association.
  - § 8.4.2 All leases of a Lot Owner shall include the following provisions: the tenant will recognize and attorn to the Association, solely for the purpose of having the power to enforce a violation of the provisions of the Declarations and/or Bylaws against the tenant, provided the Association gives the Owner of such leased Lot notice of the Association's intent to enforce and a reasonable opportunity to cure the violation directly prior to the commencement of an enforcement action.
  - § 8.4.3 Owners are required to deliver to the Association an agreement prepared by the Association wherein all tenants acknowledge they have read and are familiar with all the policies, resolutions, procedures, rules, regulations or guidelines of the Association and acknowledge they are bound by such. No such agreement shall be necessary for enforcement of the Declaration or other policies against Owner or tenant.
  - 8.5 Tenants Bound. Owners are required to deliver to the President an agreement prepared by the Association wherein all tenants acknowledge they have read and are familiar with all policies, resolutions, procedures, rules, regulations or guidelines of the Association and acknowledge they are bound by such.
- Ouray County Requirements
  - Effective January 1, 2017, all property owners currently engaging in, or desiring to engage in, the short-term rental of a legal residence in unincorporated Ouray County must first apply for a Short-Term Rental Permit from the Ouray County Land Use Department.
  - The latest update by the County Commissioners of the regulations affecting short-term rentals is found in Ordinance No. 2018-003 (effective as of 1/5/19) and can be viewed here: Ordinance-2018-003-STR-Regulations---EFFECTIVE-JAN-5-2019 (ouraycountyco.gov)
    - § 8 requires the Lot Owner to "...notify the HOA of the application to the County for a Short Term Rental Permit."
    - § 9 states many requirements that the Lot Owner must evaluate regarding the suitability of a STR in a community.