



82 East Coach Drive, Antonito, Colorado, 81120

PROPERTY RENTAL POLICY

Policy Procedure 2017-5

This policy replaces Policy 2014-14-3. It outlines actions to be taken and responsibilities of Bear Creek Landowners Association (BCLOA) and Property Owners in the event Property Owners wish to lease or rent their residence, or rooms within their residence.

SECTION 1 - PURPOSE

- 1) Bear Creek subdivision is located in a Conejos County Residential Zone District and as such the property can only be used for a single-family dwelling. Conejos County does not permit other uses such as over-night lodging and home occupations without first obtaining a Special Use Permit from the County for any rental under 30 days (short-term rentals). See Attachment A, which is incorporated into this Policy. The Permit application consists of notice to all landowners, posting, public hearings, state agency involvement, and other requirements. The BCLOA Board of Directors (the Board) expressly reserves the right to intervene and to object to the issuance of a permit.
- 2) The Board maintains that one of the most important benefits to BCLOA members is being able to find a comfort level with their neighbors and their visitors without disturbances created by short-term rentals to third parties. Short-term rental does not include use of the property by family members.

SECTION 2 – POLICY: Owners may lease or rent their residence for third party, single-family residential purposes, so long as the following conditions are met:

- 1) As used in this policy “Tenant” means a tenant, lessee, renter, boarder, or any third party not related to the owner who pays the owner anything of value to utilize or reside in the owner’s residence within Bear Creek or the Peninsula. “Owner” means “Owner” or “Lot Buyer” as defined in Article, Section 1(B) of the Declaration of Covenants, Restrictions, Easements, Charges and Liens for Bear Creek.
- 2) No residence shall be advertised as a Bed & Breakfast, boarding house, retreat, or as a vacation rental for less than 30 days, unless a special use permit has been issued by Conejos County prior to the advertisement being published by any means. This includes advertisement in any form of media, including internet sites, rental or vacation sites, Facebook, or similar sites.
 - a) The Owner must notify the Board of the BCLOA in writing no later than five calendar days from the date of filing an application for a special use permit with Conejos County.
 - b) No Tenant shall occupy the residence until a special use permit has been issued, and

- appeals, if any have been exhausted.
- c) The BCLOA Board reserves the right to intervene and oppose the issuance of a special use permit.
 - d) If a special use permit is issued, the owner shall comply with Section 3a) through 3i of this Policy.
- 3) An Owner may enter into a rental agreement or lease for thirty (30) days or longer, but the Owner must comply with the following requirements:
- a) The property shall be maintained as a single-family residence,
 - b) The rental agreement or lease must require that the Tenant comply with all BCLOA Rules and Regulations, and upon request the Owner will provide the Board with a copy of the short term lease agreement,
 - c) The current BCLOA Rules, Regulations and Fines shall be attached to or referenced in the rental agreement and posted in a prominent location in the residence.
 - d) The Owner must provide written notice to the Board by mail or email that a Tenant is arriving along with the Tenant's contact information including name(s), phone number(s), email address, expected arrival time, and the duration of the rental. Verbal notification is not acceptable,
 - e) The Owners agrees they shall be responsible at all times for their Tenant's actions and the Owner shall be responsible for any violation and fines assessed against the tenants while they occupy the residence. The Board will notify the Owner of any noncompliance with BCLOA rules and regulations and the Owner agrees to take immediate action with the Tenant to rectify the issue,
 - f) The Owner is responsible for any damages to BCLOA common areas or private property,
 - g) The Owner shall remain responsible for all assessments and fines,
 - h) Tenants shall have no association membership voting privileges,
 - i) BCLOA and the Board shall be indemnified against any unlawful or inappropriate actions on the part of the Owner's tenants, and for any claims asserted against the BCLOA arising in whole or in part from the conduct of a Tenant. Indemnification shall include the payment of all settlements, judgements, attorney fees and costs.
- 4) Lots without a residence shall not be rented or leased for camping, or trailer or recreational vehicle use, or similar purposes for any length of time.
- 5) In addition, the Owners should be aware that the County and State may impose additional requirements against their property including increased property taxes, lodging taxes, etc.

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SECRETARY'S CERTIFICATION: The undersigned, Secretary of Bear Creek Landowners' Association, a Colorado non-profit corporation, certifies that the foregoing Policy Resolution was adopted by the Board of Directors of the Association, at a duly called and held meeting of the board on January 28, 2017. In witness, the undersigned has subscribed his/her name.

Bear Creek Landowners Association

John Bannerman

ATTACHMENT A to Policy 2017-5



Conejos County Land Use Office

P.O. Box 197 • Conejos, CO 81129 • (719) 376-2014 • Fax: (719) 376-6769

June 4, 2012

RE: Over-night Lodging Violation

Dear Subdivision Landowners:

This letter is to provide all subdivision landowners with some County Zoning information.

The _____ **Subdivision** is located in a Residential Zone District. Our Zoning regulations restrict the number of dwellings allowed on each lot, the Setback Requirements, Lot Coverage, Height of all structures, and Uses.

Please note that Conejos County allows one single family dwelling (*A building which is occupied or arranged, designed and intended to be occupied, by one family and containing only one kitchen plus living, sanitary and sleeping facilities. It does NOT include overnight-lodging, hotels, motels, seasonal cabins, camper/trailer living, or other structures designed for temporary occupancy. The dwelling must have ind./or plumbing and be serviced by adequate water, sewer and public utilities.*)

Property located in residential zone districts can only be used for a single family dwelling. Other uses such as overnight-lodging, home occupations, commercial activities are not permitted without first obtaining a Special Use Permit.

If you are conducting a Use that is not permitted please cease that activity immediately. If you wish to continue to use your property for other uses, such as over-night lodging, please contact our office immediately to get information on a Special Use Permit.

If you have questions about Residential Zone Districts or any other County Zoning regulation, please contact our office at 719-376-2014.

Sincerely,

A handwritten signature in cursive script that reads "Linda L. DeHerrera".

Linda L. DeHerrera
Land Use Administrator

The same Special Use Requirement for Short Term Rentals is set for in the Annual Property Tax Assessment Notice sent to Members by the County.