Lake Dabinawa Association Board of Directors MEMORANDUM

TO: Lake Dabinawa Association Board of Directors and Association Members

FROM: Kelly Woodward, Secretary

DATE: September 4, 2024

SUBJECT: **DRAFT AMENDMENTS TO RULES AND REGULATIONS**

At the August 7, 2024 Board meeting, a motion was approved to present a proposal at the September 4, 2024 Board meeting to amend Section 1 – General Internal Operating Procedures of the Rules and Regulations to include the three criteria this Board established for use of Reserve Funds. I recommend we include language to clarify what a Reserve Fund is and where it is to be established so that this is clear to future Boards.

At the same meeting, I presented the necessity of amending the Rules and Regulations to remove such environmental standards as may be adopted as amendments to the Bylaws and Covenants at the Member vote on August 10, 2024. Such amendments were adopted by a majority of Members voting.

Upon further review, I have determined that additional amendments to the Rules and Regulations are needed as a result of the approval of all proposed bylaws amendments at the Member vote on August 10, 2024 as follows.

As a result of the adoption of the amendment to **Article VII – Budget, Assessments, Interest, Fees and Liens, Section 11 – New Member Access Fee**, it is advisable to include an additional internal operating procedure in the Rules and Regulations to clarify where such monies will go and how they will be used per the limitations adopted. This will be invaluable as a guide for future boards.

As a result of the adoption of the amendment to **Article IX – Land Use Restrictions, Section 14 – Building Permit Requirements, Subsection (D)**, which requires Lot Owners to pay a nonrefundable construction deposit with any new construction requiring a permit, and states that the amount will be specified in the adopted Rules and Regulations, we must amend the Rules and Regulations to specify the amount of the nonrefundable deposit and where such deposits will be transferred (applicable roads fund). I have proposed that the amount of the construction deposit remain at $500 in the attached draft amendment to the Rules and Regulations.

Please see accompanying draft amended Rules and Regulations with annotations for discussion on September 4. SEE NEXT PAGE FOR IMPORTANT NEW PERMIT INFORMATION!!

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Construction that requires a permit, and would therefore trigger the requirement to pay the nonrefundable construction deposit per the amended Bylaws includes the following:

1. New principal dwelling
2. Residential addition
3. Accessory buildings that are:
    a. Site built with a permanent foundation; and
    b. 120 square feet or more in area; and/or
    c. Exceed 15 feet in height and/or are more than one story in height
4. Accessory Structures on On-shore lots that are intended to be setback less than 20 feet from the Rear Lot Line
5. Other Accessory Structures that exceed 35 feet in height.

<u>Permit Notes</u>

- #3 above, keep in mind that "Buildings" are defined as site-built structures enclosed with roof and walls with a permanent foundation (paraphrased). So Accessory Buildings do not include those that are on skids and are brought in as one piece, and which do not need a permit or pay construction deposit.
- #3 above, construction that meets the definition of an "Accessory Building", BUT is UNDER 120 square feet in area and does not exceed 15 feet and one story in height, is exempt from permits and would not be required to pay the construction deposit.
- #4 above, the definition of "structure" does not include buildings.
- #4 above, permits are needed for Accessory structures that are setback less than 20 feet from the Rear Lot Line of On-shore lots to ensure such structures meet the requirement not to exceed 15 feet height and 120 square feet area. This is for view protection.
- #5 above, permits are needed for Accessory structures that exceed 35 feet in height (such as wind turbines) because they are required to be setback from all Lot Lines a distance equal to their height.

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