

2021 OFFICIAL AMENDED COVENANT RESULTS Rev Sept 20a

Many Lakes Homeowners Association (HOA)

Annual Meeting Saturday, September 25, 2021

10 am to Noon, Creston School Gym, 4495 MT Hwy 35, Kalispell, MT 59901

VOTING INSTRUCTIONS:

Homeowners are allocated one vote per owned lot. HOA records indicate you own _____ lot(s)

Proposed deletions from covenants are shown in ~~strikeout~~.

Proposed amendments to clarify the covenants are **highlighted**.

Please mark whether you vote in favor of or against the proposed amendments as outlined below.

After you have voted, place your ballot in the Secret Ballot Envelope and place the Secret Ballot Envelope inside outer envelope provided.

YOU MUST SIGN the outer envelope to validate your vote per Covenant 26(c).

Mail or submit the return pre-addressed outer envelope to the MLHOA or to a member of MLHOA board at

MLHOA P.O. Box 2032, Bigfork, MT 59911.

Ballots must be turned in or post-marked no later than September 25, 2021.

Ballot Issue summary Covenant NO. 30:

Covenant 30: Allows for Reorganization of amendments into 1 document.

***Rationale:** Allows ratified covenants (by majority vote) to be incorporated into the re-organized covenant documents (without calling for another reorganization vote) on an as needed basis when covenants are approved in order to continuously maintain our MLHOA CC&R's as a readable and understandable single document.*

Proposed Amendment

Covenant NO. 30:

Covenant Reorganization (Origination: New 2021)

A. As amendments and other updates are made to the MLHOA covenants, a reorganization shall be performed as needed to ensure that a combined, readable, and understandable version of the covenants will be available to all members, real estate professionals, and Flathead County.

B. The reorganization shall not require a vote of the members, provided the wording and sentence structure are not altered. Further, in the reorganization process, spelling and punctuation may be corrected without deeming the updated copy as an amendment.

C. To ratify any reorganization, an affirmative majority vote of the Covenant Committee and the HOA Board shall be required.

D. When completed, the reorganization shall be filed with Flathead County and be made available on the MLHOA website. A postcard shall be mailed to all members reflecting the update.

Vote in Favor of adding Covenant 30 **74** **Passed**

Vote Against adding Covenant 30 2

Ballot Issue summary Covenant 10A1:

10A1:New rules concerning buried propane tanks and or septic drain fields.

Rationale: *Allows some buried propane tanks to be located in setbacks (if no other suitable location) promoting fire safety)*

Note: Septic drain fields are excluded from this covenant exception due to the large swath of vegetation needed to be removed for their installation.

The original 1973 Covenants state "This declaration of restrictions being designed for the purpose of insuring only attractive residential use of the property without undue disturbance of its natural esthetic qualities:"

Note: You should select to vote for either 10A1 or 10A2 or vote against both.

**Proposed Amendment
Covenant NO. 10A1
RESIDENTIAL USE, SUBDIVISION...(Origination: 2017 Amendments)**

A. No lot shall be used for more than one-residential building and its ancillary buildings and no residential building shall be used to house more than one family, provided, however, that the construction of a single guest house and its use by bonafide guests shall be permitted so long as not more than one kitchen facility is constructed on any lot. No building or development above or underground (including wells, septic fields, and tanks) shall be constructed nearer than thirty (30) feet to the closest edge of any surveyed right of way (Flathead County Property) nor nearer than fifteen (15) feet to any other property boundary line of any lot.

Exception: Due to wildland fire danger in our wildland urban interface (WUI), propane storage tanks are currently recommended to be buried. If the owner can demonstrate no other practical location for the propane storage tank placement other than to be located within the setback area, the Architectural Committee may recommend to allow a waiver for the propane storage tank to be buried within the 30 ft setback area, but shall be no closer than 10 ft from the property line or as required by current County regulations.

Note As required by NFPA 58 (National Fire Protection Association "Liquid Petroleum Gas Code"

Vote in Favor of the propane tank only exception modification to 10A1 **Re-vote Necessary. Lots of people voted for both 10A1 & 10A2**

Vote Against the propane tank only exception modification to 10A1 **Re-vote Necessary. Lots of people voted for both 10A1 & 10A2**

Note: The 30 ft setback as stated may change to 20 ft depending on the vote in favor or against reducing the 30 ft setback to a 20 ft setback.

Ballot Issue summary Covenant 10A2:

10A2:New rules concerning buried propane tanks and septic drain fields.

Rationale: Allows some buried propane tanks and some septic drain fields to be located in setbacks (if no other suitable location)

Note: You should select to vote for either 10A1 or 10A2 or vote against both.

**Proposed Amendment
Covenant NO. 10A2**

RESIDENTIAL USE, SUBDIVISION...(Origination: 2017 Amendments)

A. No lot shall be used for more than one-residential building and its ancillary buildings and no residential building shall be used to house more than one family, provided, however, that the construction of a single guest house and its use by bonafide guests shall be permitted so long as not more than one kitchen facility is constructed on any lot. No building or development above or underground (including wells, septic fields, and tanks) shall be constructed nearer than thirty (30) feet to the closest edge of any surveyed right of way (Flathead County Property) nor nearer than fifteen (15) feet to any other property boundary line of any lot.

Exception #1 : Due to wildland fire danger in our wildland urban interface (WUI), propane storage tanks are currently recommended to be buried. If the owner can demonstrate no other practical location for the propane storage tank placement than to be located within the setback area, the Architectural Committee may recommend to allow a waiver for the propane storage tank to be buried within the 30 ft setback area, but shall be no closer than 10 ft from the property line or as required by current County regulations.

Note As required by NFPA 58 (National Fire Protection Association "Liquid Petroleum Gas Code")

Exception # 2 : If the owner can demonstrate no other practical location for the septic drain field placement other than to be located within the setback area, the Architectural Committee may recommend to allow a waiver for the septic drain field placement to be located within the 30 ft setback area, but shall be no closer than 10 ft from the property line.

Vote in Favor of the propane tank and septic drain fields exception modification to 10A2 Re-vote Necessary. Lots of people voted for both 10A1 & 10A2

Vote Against the propane tank and septic drain fields exception modification to 10A2 Re-vote Necessary. Lots of people voted for both 10A1 & 10A2

Note: The 30 ft setback as stated may change to 20 ft depending on the vote in favor or against reducing the 30 ft setback to a 20 ft setback.

Ballot Issue summary Covenant No. 10 C:

10C: Allows size changes to multiple individually owned contiguous lots.

**Proposed Amendment:
Covenant NO. 10C:
RESIDENTIAL USE, SUBDIVISION...(Origination: 2017 Amendments)**

Rationale: Allows boundary line adjustment / re-sizing to be compliant with our covenants and to make better use of our land.

~~C. No lot shall be subdivided into smaller tracts or lots conveyed or encumbered in any size less than the full dimensions shown on the recorded plats.~~

C. No individually owned lot shall be subdivided into smaller tracts creating additional lots. Multiple individually owned contiguous lots may have boundary lines adjusted, providing that all lots in the boundary line adjustment process continue to be in compliance with all applicable covenants including setbacks.

Vote in Favor of Covenant 10C modification **61 Passed**

Vote Against Covenant 10C modification 12

Ballot Issue summary Covenant No. 10A:

10.A. Changes 30' setback to 20' setback from the closest edge of any surveyed right of way.

**Proposed Amendment:
Covenant NO. 10A:
RESIDENTIAL USE, SUBDIVISION...(Origination: 2017 Amendments)**

Rationale: Allows property owners to have a larger usable portion of their property. In the original 1973 covenants, the set back from the road was described as "No building shall be erected nearer than thirty (30) feet to any street". In 2017 amendments this was revised to "thirty (30) feet to the closest edge of any surveyed right of way (Flathead County Property)". Placing the setback at 20 feet to the closest edge of any surveyed right of way (Flathead County Property)" restores the setback to approximately its original intended distance as described in the original 1973 covenants.

A. No lot shall be used for more than one-residential building and its accessory buildings and no residential building shall be used to house more than one family, provided, however, that the construction of a single guest house and its use by bonafide guests shall be permitted so long as not more than one kitchen facility is constructed on any lot. No building or development above or underground (including wells, septic fields, and tanks) shall be constructed nearer than ~~thirty (30)~~ **twenty (20) feet** to the closest edge of any surveyed right of way (Flathead County Property) nor nearer than fifteen (15) feet to any other property boundary line of any lot.

Vote in Favor of setback modification to 10A **48 Passed**

Vote Against setback modification to 10A 22

Ballot Issue summary Covenant No. 12E6:

12E6: Expands allowable fencing.

**Proposed Amendment:
Covenant NO. 12E6:
RESIDENTIAL USE, SUBDIVISION...(Origination: 2017 Amendments)**

Rationale: Allows for a greater property area to be fenced.

(6) Fences that enclose the entire property or metal chain-link/cyclone fences are not allowed to be installed or replaced. Dog fences, garden fences, and small decorative fences are allowed only if they do not enclose the perimeter of the lot and are no larger than ~~ten~~ **thirty percent** (10%) **(30%)** of the square footage of the lot on which they occur.

Vote in Favor of Covenant 12E6 modification **59** **Passed**

Vote Against Covenant 12E6 modification _____ 16 _____

Ballot Issue summary Covenant 16:

Covenant 16: Rules governing R.V. and other storage.

Rationale: *Eliminates an outdated covenant that impacts many lots and has not been enforced in the past.*

Note: Mobile Homes are currently separately prohibited under Covenant 12 E2

**Proposed Amendment
Covenant NO. 16:
MOBILE HOMES, TRUCKS AND TRAILERS (Origination: 2003 Amendments)**

~~Covenant No. 16: MOBILE HOMES, TRUCKS AND TRAILERS~~

~~16: No mobile homes, trucks exceeding 1 ton capacity, trailers, or commercial vehicles shall at any time be parked or allowed to remain on any of said lots, provided, however, that camp trailers not to exceed 18 feet in length, campers for pickup trucks not in use, and boats and boat trailers not to exceed 19 feet in length may be stored in a garage or behind the rear building line of the dwelling. Vehicles used in an allowed home occupation shall not be treated as commercial vehicles under this Covenant.~~

Vote in Favor of Covenant 16 removal **58** **Passed**

Vote Against Covenant 16 removal _____ 17 _____

END OF BALLOT