

BACKGROUND RE DEVELOPMENT POLICIES

At the upcoming Annual Meeting we wanted to give everyone some background on development policies that the Board is considering adopting to help guide future lot development at Timbrshor.

Over the past 15 years the HOA has called upon four outside attorneys (Coleen Dowdal, Phil Grainey, John Tabaracci and Rob Erickson) for advice and counsel on dealing with various development problems that our community has been saddled with. Those attorneys have all given us the same consistent advice on one very important point—which is to never assume the role of the Developer lest the HOA also assume the Developer’s significant liability. Your Boards have taken that advice to heart and have been very careful not to step over that line. Such policy served the HOA very well in recent litigation where a litigant unsuccessfully tried to claim that the HOA was responsible for issues that were caused by the Developer.

Consequently, when the moratorium is lifted we think that the safest, correct and fairest course of action is to view the undeveloped lot owners as the developers of their property. Per Section 3 of the Amended Declaration they will need to locate their building sites “approximately” where shown on the plat of record, and they will need to be careful not to intrude upon the property of others or nearby water, sewer and other utility lines. It will remain the responsibility of these developers to work with the various governmental authorities to get all the necessary approvals to develop their lots, including sufficient driveway access for the Fire Department. And if a new access road needs to be designed and built to reach a building site, then that’s the owner’s responsibility--not the HOA’s. Our Architectural Control Committee will continue to review development plans in the future the same way that they have in the past. While the governing documents don’t have any limitations on the size of residences, under our septic plan new residences are limited to three bedrooms and three baths, and, per Section 10 (c) of the Amended Declaration, they need to “blend” with other nearby residences and the landscape. Lastly, we are again asking that all undeveloped lot owners have preliminary surveys completed for your lots so that those locations are known to your neighbors and can be taken into account as our water plan is finalized. Preliminary surveys will be posted on the HOA web site so that everyone has that information.

We look forward to hearing your views.