

Water Management Analysis

How the 1984 Original and 2026 Draft 9 Documents Handle Water for Lake of the Woods

Prepared for Our Neighborhood — July 2026

Draft 9 edition; updates and supersedes the March 2026 (Draft 6) analysis.

Important: This document is a plain-language comparison prepared for informational purposes only. It is not legal advice. Every claim includes the specific article, section, and page number so you can verify it in the source documents yourself. We encourage every homeowner to read the original documents.

What changed in Draft 9 (water topics): a new ban on stocking fish or waterfowl is added; the Association's dredging obligation no longer mentions water treatment; the Board's final-say power over maintenance disputes now expressly includes *apportioning* costs between the Association and owners; the Board's lake-use rulemaking becomes discretionary ("may adopt rules" instead of "shall"); and — the one owner-favorable revision — fishing is removed from the banned-activities list. Everything else described below carries forward from Draft 6.

1. Why Water Management Matters at Lake of the Woods

Lake of the Woods was built around a 1.5-acre storm water retention lake, along with streams and ponds that form part of an approved Storm Water Management Plan. This infrastructure controls flooding, manages runoff, and protects downstream properties and the City of Akron's storm water system. Both the 1984 and 2026 documents devote significant attention to who maintains the water features, what homeowners can and cannot do near them, and how costs are shared.

Key context: the 1984 Exhibit "A" (Maintenance Costs) estimated the annual water management budget at \$3,000 of a \$4,200 total (71% of all Association spending). Water has always been the neighborhood's largest financial obligation. [1984 Declaration, Exhibit "A", p. 18]

2. Side-by-Side Overview

Topic	1984 Original	2026 Draft 9 (Final)
Storm Water Plan protection	Cannot be altered without written approval of Developer AND governing authorities including the City of Akron Director of Public Service	Formally defined (Art. II, §2(v)). Alteration requires Board AND City approval. Board's determination on maintenance disputes is final — and may apportion costs. [Art. VI, §4, p. 28]
Who maintains the lake	Association: sediment removal (8-yr cycles), landscape repair, water treatment — dollar amounts in Exhibit "A"	Association responsible for dredging and periodic sediment removal "as the Board may determine to be reasonably necessary." DRAFT 9 The Draft 6 reference to water treatment is deleted. [Art. VI, §2(b), p. 28]
Individual owner duties (Water Lots)	Owners of lots containing/bounded by water remove debris and maintain banks (two sentences)	10 numbered obligations under the "Water Lot" category; bridge maintenance added; adjacent-lot owners also bound. [Art. IV, §3(h), pp. 11–13]
Structures near water	Piers, decks, floats, docks "strictly prohibited"	Carried forward and expanded (bridges, shelters, any temporary/permanent structure near water)
Recreational use	No swimming or boating	No swimming, ice skating, or similar activities; watercraft ban names canoes, paddle boats, rowboats, kayaks, windsurfers, sailboats. DRAFT 9 Fishing — banned in Draft 6 — is no longer prohibited. [Art. IV, §3(h)(5)–(6), p. 12]
Stocking	Not addressed	NEW IN DRAFT 9 Stocking or restocking any fish, waterfowl, or other aquatic life is prohibited. [Art. IV, §3(h)(8), p. 12]
Grading & drainage	Developer establishes grades with "due regard for natural contours and drainage"	Grades/slopes/drainage cannot be altered without Board and City approval; owners must maintain all storm water drainage ways, ducts, pipes, and conduits on their lot — even if they serve multiple lots. [Art. VII, §1, pp. 29–30]
Enforcement backstop	Three tiers: owner → Association charge-back → City charge-back	Four tiers: owner → Association → City → Summit County or other agency; Board's good-faith determination is final
Financial provisions	\$50/yr minimum; Exhibit "A" budgets \$3,000/yr for water (sediment \$1,125 + landscape \$875 + treatment \$1,000)	Board sets assessments (member majority may adjust; >20%/yr increases need member approval — new in Draft 9). Common Expenses expressly include lake and storm water management facilities; special assessments available for unexpected water costs. [Art. II, §2(j); Art. VIII, §1, pp. 32–33]

3. The "Water Lot" Rules — A Major Expansion

The single most significant change from 1984 remains the creation of a formal "Water Lot" category in Article IV, Section 3(h): any lot adjacent and contiguous to a lake, pond, or stream that is part of the Storm Water Management Plan. If your property borders any water feature, these rules apply to you. [Draft 9, Art. IV, §3(h), p. 11]

The 10 Water Lot Owner Obligations

#	What It Requires	Comparison to 1984 / Draft 6
1. Debris removal	Remove debris/blockage from streams, ponds, lakes within any part of your lot	Carried forward from 1984 (Art. I, §D.6)
2. Bank maintenance	Maintain banks of each stream, pond, or lake on your property	Carried forward from 1984
3. Bridge maintenance	Maintain/repair any bridge on your lot across a stream, incl. future damage from installation	NEW vs. 1984 (Draft 9 narrows to bridges "across a stream")
4. No structures	No temporary or permanent structures near water (bridges, piers, decks, floats, shelters, docks)	Expanded from 1984
5. No watercraft	No launching/operating canoes, paddle boats, rowboats, kayaks, windsurfers, sailboats	Expanded from 1984's general "no boating"
6. No recreation	No swimming, ice skating, or similar recreational/sport activities on, in, or about any water	DRAFT 9 Fishing deleted from this list (Draft 6 included it)
7. No water removal	No pumping/removing water or acts affecting level, volume, or amount	NEW vs. 1984
8. No depositing / no stocking	No depositing sediment, soil, sand, fish, animal, or other material; no stocking/restocking fish, waterfowl, or aquatic life	NEW vs. 1984; stocking ban added in Draft 9
9. No chemicals	No chemicals to treat water or affect plant life without written consent of Board, City, and any authority with jurisdiction	NEW vs. 1984
10. No alteration	No altering banks, size, course, or flow without written approval of Board, City, and other authorities	Strengthened from 1984 (was Developer + City)

■ Verify: Draft 9 Decl., Art. IV, §3(h)(1)–(10), pp. 11–13

Adjacent lots too: the restrictions extend beyond waterfront owners — "No Owner of any Lot adjacent to a Water Lot shall directly or indirectly permit or engage in conduct that is proscribed in respect of any Owner of a Water Lot." Even if your lot doesn't touch the water, if it adjoins one that does, you are bound. [Draft 9, Art. IV, §3(h), p. 13]

DRAFT 9 The Board's authority to adopt rules governing lake/pond/stream maintenance and use is now discretionary — "the Board *may* adopt rules" (Draft 6: "shall adopt"). [Art. IV, §3(h), p. 11]

4. Drainage Infrastructure — A New Owner Burden (Unchanged from Draft 6)

Owners must "maintain, repair, and replace all storm water drainage ways, ducts, pipes, and/or conduits" on their lot — even when those facilities serve multiple lots — and keep them clear of debris "to enable the free flow of storm water between Lots as originally designed." Draft 9 clarifies that *each* lot's owner along a shared drainage path bears this duty. Owners are also responsible for "all grading, drainage, sump pumps." The 1984 documents place no comparable infrastructure burden on individual owners. [Draft 9, Art. VII, §1, pp. 29–30; 1984 Decl., Art. I, §D.3, p. 9]

5. Who Decides? — The Board's Final Say

When there is "uncertainty or good faith dispute" about whether the Association or an owner is responsible for maintenance, repair, or replacement, the Board's good-faith determination "is final" — and **Draft 9 adds** that the Board may decide the work is "to be apportioned between or among the Association and any individual Owner(s)." Under the 1984 documents there is no comparable provision; disputes would go to court. Under Draft 9, you would effectively need to show bad faith to overturn the Board's allocation. [Draft 9, Art. VI, §4, p. 28]

6. Financial Impact on Homeowners

Topic	1984 Financial Framework	2026 Draft 9 Framework
Assessment structure	\$50/yr minimum; scope of work defined by Exhibit "A"	Board sets amounts via budget; DRAFT 9 member majority may raise/lower the annual assessment and Board increases >20%/yr require member approval. Special and enforcement assessment categories remain (specials may target specific lots). [Art. VIII, §1, pp. 32–33; Art. II, §2(a)(7), p. 3]
Sediment dredging	Budgeted \$1,125/yr (3,000 CY on 8-year cycles at \$3.00/yd)	Association responsible, but frequency and cost at Board discretion ("as the Board may determine to be reasonably necessary"). [Art. VI, §2(b), p. 28]
Water treatment	Budgeted \$1,000/yr (2 treatments at \$500)	DRAFT 9 The dredging clause no longer mentions water treatment at all (Draft 6 said "water treatment if any"). Whether/how treatment happens is left to general maintenance discretion. [Art. VI, §2(b), p. 28]
Landscape repair	Budgeted \$875/yr	Not separately budgeted; general Common Expenses
Drainage infrastructure	Not an individual owner cost	Owner must maintain, repair, and REPLACE storm water infrastructure on their lot, even if it serves multiple lots. [Art. VII, §1, pp. 29–30]

7. Additional Water-Related Rules

Provision	1984 Rule	2026 Draft 9 Rule
Wildlife feeding	Not addressed	Feeding wildlife (incl. fish in the lake/pond/stream) prohibited. DRAFT 9 Bird-feeding exception narrowed to feeding "from a bird feeder located on a Lot." [Art. IV, §3(dd), p. 24]
Landscaping & drainage	Not addressed	Stone may be used to promote drainage; artificial turf prohibited. [Art. IV, §3(i), p. 13]
Grading plan review	Grading plan submitted with architectural approval	Board may deny building applications for "objection to the grading plan." [Art. V, §3, p. 26]
Chemical use	Not addressed	No chemicals in water features without written consent of Board, City, and authorities. [Art. IV, §3(h)(9), p. 12]
Right of entry	Developer could enter lots for dredging, filling, grading, drainage work	Association right of access to enter any lot for maintenance/repair/replacement duties; 48-hour notice except emergencies. [Art. VI, §5, p. 28; Art. X, §6, p. 41]

8. What Stayed the Same

- The Storm Water Management Plan remains foundational; changes require governmental approval.
- Structures in or over the water remain prohibited; swimming and boating bans continue.
- Waterfront owners remain responsible for debris removal and bank maintenance.
- The Association retains step-in rights; the City retains backstop authority; assessments continue to fund water-related common expenses.

9. Summary of Key Changes (1984 → Draft 9)

#	Change	Impact
1	"Water Lot" designation with 10 obligations	Formal regulatory framework for lots near water; far more restrictions than 1984
2	Adjacent-lot owners also bound	Extends restrictions beyond waterfront owners
3	Owners maintain shared drainage infrastructure	Individual owners bear maintenance/replacement cost even for shared facilities
4	Board final say on maintenance disputes — now incl. apportionment	Practical ability to challenge Board cost allocations is limited to bad-faith claims
5	Assessment structure replaced — with new Draft 9 checks	Board budgeting replaces the 1984 scope-anchored system, but members may adjust the annual assessment and >20% increases need member approval
6	New prohibitions: water removal, deposits, chemicals, alteration, stocking	Activities not addressed in 1984 are now expressly banned
7	Recreation ban expanded — but fishing dropped in Draft 9	Ice skating and named watercraft banned; fishing (banned in Draft 6) is permitted again
8	Dredging discretionary; water-treatment reference deleted	1984's budgeted 8-year cycle becomes "as the Board may determine"; treatment no longer mentioned

Prepared for Our Neighborhood — July 11, 2026. Draft 9 edition; updates and supersedes the March 2026 (Draft 6) analysis. Sources: 1984 Declaration Art. I §§C.15, D.3, D.5–D.6, Art. II §B, Exhibit "A"; Draft 9 Declaration ("FINAL FOR MEMBERSHIP APPROVAL," June 10, 2026) Art. II, Art. IV §3(h)–(i), Art. V §3, Art. VI §§2, 4–5, Art. VII §1, Art. VIII §1, Art. X §6. All claims reference specific sections and printed page numbers for independent verification. Informational only; not legal advice.