

MBR Board Meeting August 2025

Saturday, August 16, 2025 3:18 PM

Friday, August 15, 2025

Note: We are using a new Zoom series, which is found at the end of this document, below.

To facilitate meeting efficiency, all presenters will be limited to floor time for each of their sections/topics:

- Please keep muted if you do not have the floor.
- Maximum time allowed:
 - Members two mins presentation per item, plus three mins Q&A;
 - Staff four minutes; and
 - Board members four minutes.
- Everyone: please be succinct and efficient with our time.

1. UPON A MOTION DULY MADE, SECONDED AND CARRIED WITH NO OBJECTIONS, the MBR August 2025 Board Meeting Commences @ 19:03
2. Present
 - a. For the Board: Hamed, Grant, Steve, Deborah, Jolie, Cam, dshill
 - b. For membership: [18028], [15010/11], [12029.5/30/31/32]; joined after meeting commenced: [14005]
 - c. For Staff: n/a
3. "In-Person" Member Comments (2 min. time limit)
 - a. [12029.5/30/31/32] - Requesting a variance to allow 60 foot drainage pipe as part of [12031/32 new build] to remain in place. Original approval and plans were for a 20 foot pipe which member said they would rectify. Now wants to leave it in place.
 - b. [18028] - just attending; nothing to raise.
 - c. [15010/11] - just attending; nothing to raise.
4. Consent Agenda Items
 - a. Minutes, July 2025: [MBR Board Meeting July 2025](#)
 - b. Financials: [Review Items - Default](#)
 - c. President
 - a. I noticed both pickleball courts in use at the same time Saturday and Sunday
 - b. Pool safety equipment looks in good order.
 - c. Noticed some expansion boards on the pool deck that are wood are warping and rising. They need repair and probably should be treated wood if they are not already.
 - d. Conflict of Interest Policy (attached):

 - e. Conflict-of-Interest-F...
 - f. Request to approve two to four commercial picnic tables to replace old tables on the pool eating area. Also need a sign facing the pool that says Picnic Area so people can see where to go rather than eating in the pool area. Approximate cost \$7,000. (have staff check to make sure 2, 8ft will fit).

https://www.lowes.com/pd/UltraPlay-96-in-Blue-Steel-Rectangle-Picnic-Table/5013851491?user=shopping&feed=yes&srsId=AfmBOoqMckptpH7Rvh3iZqggRSNeiP2UyGLjddayU11NwwID4hti4_XUHps&gQT=1
- d. Legal & Insurance - n/a

e. Violations: [sheet for violation tracking](#)

- a. [13022] - Fine, excessive noise
- b. [13016] - Warning, incomplete rental registration
- c. [12016] - overgrown yard
- d. [14020] - warning, excessive noise
- e. [14026] - warning, unregistered vehicle

f. Secretary - n/a

g. Treasurer - n/a

h. G&M - n/a

i. Property Standards

a. Hazardous trees requested for removal by owners and approved during the month:

- i. [14025] - owner requested additional trees for removal (2) after he was issued a haz tree warning for a 3rd tree. All were removed by owner during the month. The rim (Thor) removed 2 dead trees on rim property at this owners roadway border.
- ii. [19007] - 4 haz trees approved for removal

b. Hazardous trees on Rim property

- i. [11059] - two large trees behind house on rim property have already fallen and are being held up by canopy. Cam has received quotes and will be removing imminently.
- ii. [14004] - dead tree at roadway on rim property will be removed. Cam has received quote and will be removing imminently.

c. Hazardous tree notifications sent to members

- i. Previous Haz tree notification progress:
 - 1) [12027] - owner removed haz trees
 - 2) [12036] - owner removed haz tree
 - 3) [16021/22] - owner removed haz trees

d. Project permit updates

- i. [14004] - minor project permit issued for installation of rooftop solar
- ii. [13017] - minor project permit issued for installation of shed
- iii. [13020] - minor project permit issued for installation of roof over existing concrete pad
- iv. [14039] - notified owner that PERC holes are still open and minor project permit / damage deposit cannot be closed/returned until they are filled.
- v. [12031/32] - Whatcom Co issued final occupancy. Documentation retained. Owner notified of items that are outside of min property standards and not per approved build that must be remedied before general dev permit may be closed out.

e. Items of note for the board

- i. [14009] large tree fell and severely damaged shed. Emailed owner and he affirmed receipt of email.
- ii. [14039] emailed with owner regarding stormwater drainage requirements for general development of lot.
- iii. [13018] retrieved gate cards and delivered to owner
- iv. [19012] owner will have a small dump trailer on lot to clean up lot for the next month or so
- v. [13012] - owner notified us that interior work is required due to water damage. They will have a construction trailer or dumpster on site as water damaged needs to be gutted and repaired.

f.

j. NO ITEMS PULLED FROM CONSENT AGENDA AND CONSENT AGENDA STANDS WITH NO CHANGES.

5. New and Continuing Business

a. Property Standards

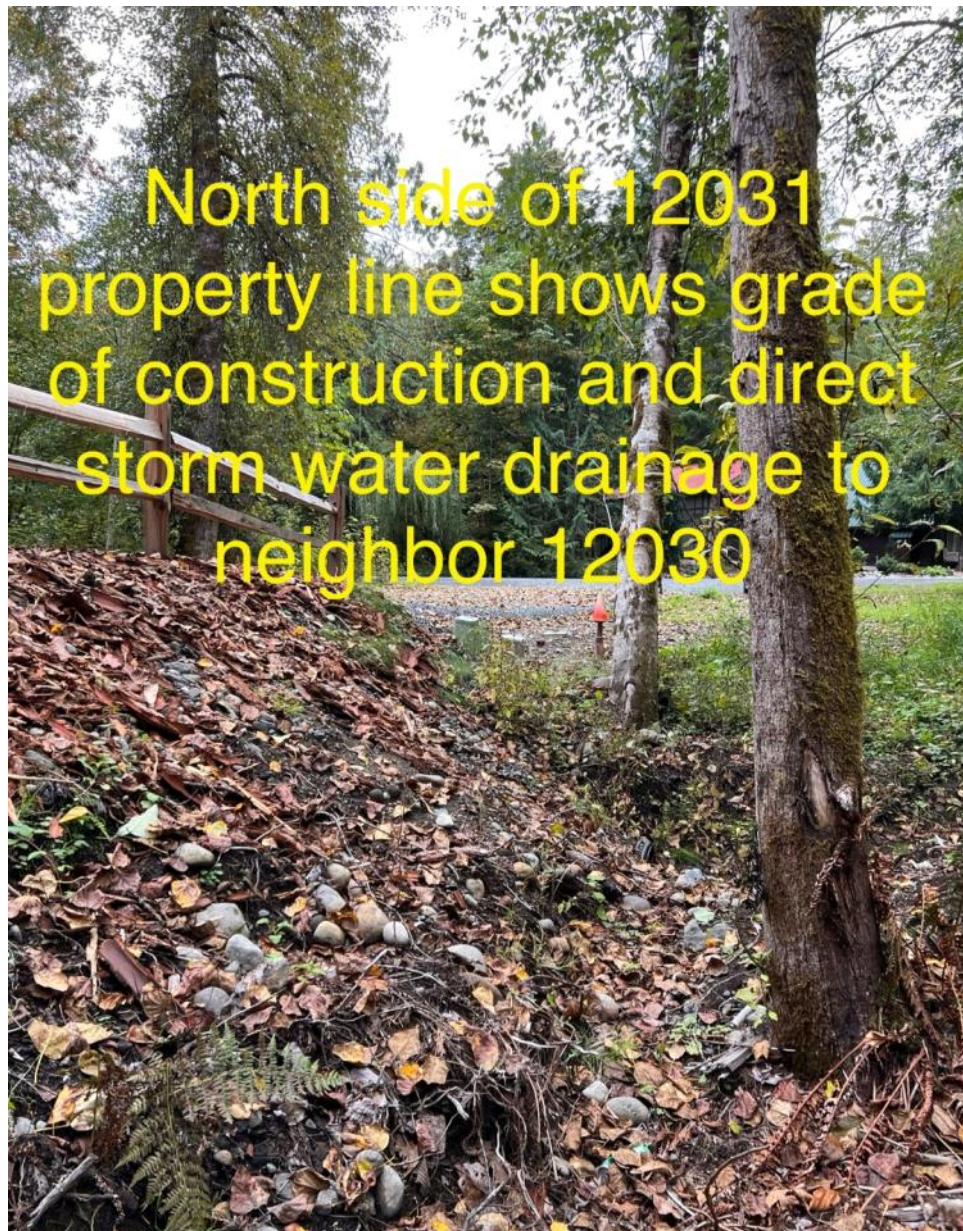
- a. 12031/2 Request for variance. Jolie goes into summary and details. Outlines 60' culvert. She emailed text that she is going over.

i. Photos

1)



ii.





iii.



iv.



v. Jolie goes over the history of this property development.

Variance Request Summary – 12031/32 - 60' culvert drain pipe

Property: Mt. Baker Rim Division 1, Lots 31 & 32 (12031 Shuksan Rim Drive)

Owners: Nohzhat & Farid Rahimi

Board Meeting Date: August 15, 2025

Prepared by: Property Standards Director – For Board Review & Decision

Summary & Process

The owners of 12031/32 have submitted a formal variance request to allow an existing 60-foot driveway culvert to remain in place.

- Their approved construction plans allow a 20' culvert drain pipe.
- Past practice and recent construction have never approved a culvert drain pipe over 20' on member lots.
- During construction, the owners were notified that they were not permitted to have a culvert drain pipe over 20' and the owners affirmed the pipe would be restored to 20' before

their construction was completed.

- MBRCC Minimum Property Standards limiting culverts to 50 feet unless a catch basin is installed.
- Under MBRCC procedures, variance requests are not automatically granted and are “discouraged” in our bylaws.
- The board’s role is to review the request against existing standards, consider any justifications provided by the owner, and decide whether to grant or deny the variance.
- A decision must be recorded in the meeting minutes and the property’s permanent file.

1. MBRCC Standards – Culvert Requirements

Source: Minimum Property Standards, Section 1.2.e – Site Plan

- One 20-foot maximum access crossing per lot from MBRCC streets.
- 12-inch minimum culvert diameter may be required to convey runoff.
- No culvert or addition to a culvert may extend beyond 50 feet without a catch basin installed as approved by MBRCC.
- Past practice/precedence has been that culvert pipes are only installed where a culvert drain ditch is present to allow stormwater conveyance to not be disrupted.

2. 12031/32 Construction History

- 11/15/22 - General development permits were approved by MBRCC president
 - Construction included approval for one 20’ length of 12” culvert drain pipe under a 15’ wide driveway.
- 1/22/23, Ben Williamson (previous property standards director) emailed the owners that the approved plan allowed for one 20’ culvert under a 15’ driveway, but he observed approximately 60’ of culvert on site. He advised that variations from the approved plan require board approval and could result in fines or required removal at owner’s expense. The following day, the owner and owner’s contractor confirmed that 20’ of culvert would be installed per plan and that all development would follow the approved site plan.
- 10/1/24, owners were notified four items of on-site construction not completed per the approved plans or MBRCC’s Minimum Property Standards.
 - 1. The culvert drainpipe under the Property is significantly longer than the approved 20’ at approximately 60’ length.
 - 2. The grade of construction is substantially higher than the originally approved plans and was installed without appropriate drainage to keep stormwater on site. This difference in grade is impacting neighbors to the north and south (Lots 12030 and 12033).
 - 3. An unapproved drainage trench was excavated across the entire front of Lot 12030 at the northern terminus of the Property’s culvert drainpipe. Such activity was not approved by the MBRCC.
 - 4. Compacted gravel was installed on approximately 400 square feet of MBRCC property on both the north and south sides of the Property’s 20’ driveway. Such activity was not approved by the MBRCC. Additionally, this installation impedes proper stormwater drainage.
- 4/7/25 - owners submitted a plan to mitigate the 4 items that was approved by the board pending neighbor and whatcom county approval.
- 6/26/25 to 7/18/25 - owners notified board that lots 12029/30 were purchased by 12031/32 and they have established a conservation easement on those two lots to mitigate the stormwater drainage issues per the stormwater engineering company. In addition the work on

south property line was completed. They requested to keep the 60' culvert drain pipe at this time.

Driveway Access Width: ~15 feet — within 20-foot maximum allowed.

- Culvert Installed: 60 feet long, 12-inch diameter, corrugated polyethylene pipe with smooth interior.
- Layout: Installed in a straight line; accessible for maintenance from both ends.
- Catch Basin: None installed.
- Hydraulic Calculation Provided by Owner's Engineer:
- Slope: 3.7%
- Capacity: 4.0 cubic feet/second at 50% depth (assumes sediment build-up).
- Determined by engineer to be "more than adequate" for drainage area.

3. Variance Request

- Request: Allow the 60-foot culvert to remain without a catch basin.
- Owner's Justifications (per engineer's letter):
 1. Standards do not limit culvert length except for the >50'/catch basin requirement.
 2. Straight alignment allows maintenance access from both ends.
 3. Typical catch basin spacing standard (~150 ft or changes in direction) does not apply here.
 4. Hydraulic capacity exceeds site needs.
 5. Driveway width is compliant — excess length is not from widening driveway.
- Additional owner's justifications (per email 8.15.25)
 - Original 20-foot culvert approval deemed ineffective for stormwater management at this location.
 - Stormwater engineer supports keeping 60-foot culvert due to clear functional and environmental benefits.
 - March 12, 2025 removal plan was prepared only in response to prior Board objections and the former Lot 30 owner's refusal to accept stormwater flow.
 - Circumstances have changed: owner now owns Lots 29 and 30 (in addition to existing 31 and 32), with a conservation easement in place.
 - Retaining culvert avoids additional costs and preserves established mitigation plantings on Lots 31 and 32.
 - Removal would require clearing successful plantings and replanting, causing vegetation loss and expense.
 - Current culvert is functioning properly and provides stormwater conveyance for multiple properties and the road to its natural low point to the north.

4. Board Considerations

- Variances are "discouraged" per the bylaws.
- In the past three years, the board has approved only one variance, which involved replacing an existing shed in its original location.
- The board should base its decision objectively on the reasons provided in the application for the variance.

1) Discussion

- a) Grant asks about location of culvert viz MBR roadway. Also why did adjacent owner sell lots to owner because of water shedding onto their lot.
- b) Owner chimes in that the two purchased lots are not buildable.
- c) Cam asks if there are maintenance costs associated with those two lots (reference was

to conservation easement lots).

d) Owner asks if lots can be given to MBR. Steve says MBR takes some and has turned down others. [Time Stamp: 19:23]

i) Half of 29 is owned by her and half by another owner. Whatcom County years ago (potentially with the MBR board approval, although no documentation has been uncovered to this point) allowed an illegal subdivision of 12029.

ii) half of 29 is wetland

iii) Septic setback is 100' from wetlands; therefore,

iv) Owner claims no septic could be installed on these lots.

e) Hamed -

i) Asks about rationale for shorter culvert pipes -> it's in the covenants

ii) What is the risk to MBR of removing the 60' culvert to the 20'. Steve says the risk is not relevant since our concern is to focus on our property standards and MBR covenants

iii) Hamed doesn't see any reason to grant variance.

2) Steve asks who is in favor of approving the variance: NONE. All board members deny granting this variance, therefore variance request is denied.

b. G&M

a. Thor has been asked to reach out to tennis court people for info to install a backboard on one tennis court.

b. Picnic tables

i. As Steve mentioned earlier, we need to purchase commercial picnic tables for grass area on field and for the eating area next to pool. [Ed Note: food is not allowed in the fenced pool area, therefore having an area where people can consume food is needed. Old seating area is in extreme disrepair.]

ii. Need to install an 8" sign stating there is an eating area next to pool for eating.

c. Paving Project - Scheduled to begin the first week of September. Will attempt to leave one lane open on all roads and provide members with advance notice as to schedule.

c. Treasurer - n/a

d. Secretary -

a. Bank cards. Resolution approved by all. David - add Cam, Grant, Steve

b. David goes over gate

e. Steve goes into quick Ziply overview

f. Violations - n/a

g. Legal & Insurance - n/a

h. President - n/a

6. Other - n/a

7. Date of Next BOD Meeting: Sep-19

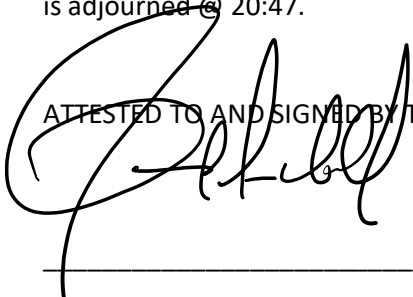
8. UPON A MOTION DULY MADE, SECONDED AND CARRIED WITH NO OBJECTIONS, the MBR August 2025 Board Meeting goes into Exec Session @ 20:10

9. UPON A MOTION DULY MADE, SECONDED AND CARRIED WITH NO OBJECTIONS, the MBR August 2025 Board Meeting goes Back to regular session a 20:32

a. UPON A MOTION DULY MADE, SECONDED AND CARRIED WITH NO OBJECTIONS, the MBR August 2025 Board Meeting approves the resolution to approve a budget of \$3.780K for repairs to Clubhouse heat pumps. Work to be done by Marrs HVAC.

10. UPON A MOTION DULY MADE, SECONDED AND CARRIED WITH NO OBJECTIONS, the MBR August 2025 Board Meeting is adjourned @ 20:47.

ATTESTED TO AND SIGNED BY THE MBRCC BOARD SECRETARY ON AUGUST 16, 2025



7 _____
David S. Hill

