

MBR Board Meeting September 2023

Friday, September 15, 2023 6:59 PM

Friday, September 15, 2023 @ 19:00

Minutes taken by Jolie Matkowski as Sec'y was OOF.

Link to meeting at end of note.

FOLLOWING OUR RULES, THE PERIOD FOR MEMBER COMMENTS IS FOR MEMBERS TO PROVIDE COMMENTS TO THE BOARD. THIS IS NOT Q&A OR TIME FOR BOARD RESPONSES TO MEMBER QUESTIONS.

ALL QUESTIONS AND OFFICIAL CORRESPONDENCE FROM MEMBERS MUST BE SUBMITTED BY EMAIL OR SNAIL MAIL.

To facilitate moving the meeting along, all presenters (Members, Staff, Board Members) will be limited to floor time for each of their sections:

- Members two mins presentation per item.
- Staff and board members: five minutes.
- Everyone: please be succinct and Do not waste everyone's time.
- **Everyone: keep your mic muted unless you have the floor.**

1. Meeting Commencement - UPON A MOTION DULY MADE, SECONDED AND CARRIED WITH NO OBJECTIONS, it was resolved to call September 2023 meeting to order at 7 PM
 - a. In attendance - Dawn, Rob, Steve, Rheannon, Jolie
 - b. Member in attendance - Dave Clements
 - c. Not in attendance - David, Arnost, Brad R. (violations), Brad M.
2. "In-Person" Member Comments (2 min. time).
 - a. **Dave Clements- would like the board to reconsider 5' setbacks**
3. Consent Agenda Items - No changes made to consent agenda.
 - a. Financials: [2023 Monthly 8Financials](#)
 - b. Secretary
 - a. July 2023 Minutes: [MBR Board Meeting July 2023](#)
 - b. Aug 2023 Minutes: [MBR Board Meeting August 2023](#) - Skip notes review until notes are finalized to be sent out
 - c. Violations:
 - d. Legal:
 - a. Clarification of language Property Standards Setbacks

There is a need for clarification on one line of the Minimum Property Standards to close a loophole, related arguments and be consistent with other language in the document, Bylaws and Covenants

Previous Standard: "No construction in setbacks"

Current: No construction may occur in the MBRCC setbacks except as provided in these documents or Whatcom County Code.

Modification: No construction may occur in any setback unless specifically provided in the MBRCC Minimum Property Standards and the construction is in compliance with all other MBRCC Bylaw , Covenants, and Whatcom County Code.

Change in Minimum Property Standards Permit form language:

Requirements of this permit form are based on the building permit requirements of Whatcom County **and MBRCC.**

By signing this document, the Property Owner agrees to abide by all Covenants, Rules, Bylaws and Property Standards of MBRCC and any and all Whatcom County Building Codes applicable. In addition, the Property Owner acknowledges that any variance from the Covenants, Rules, Bylaws and Property Standards of MBRCC and any and all Whatcom County Building Code

must be approved by the Board in writing. The Property Owner Acknowledges that they are responsible for surface and subsurface water control related to their own property. The presence of two signatures of MBRCC Board Members as indicated on this permit constitutes final MBRCC Board of Directors approval to begin lot development for construction of a dwelling unit. **It does not constitute a waiver of violation of any Covenants, Bylaws, Property Standards and Rules. Property Owner remains strictly bound by all Covenants, Bylaws, Property Standards and Rules. Property Owner expressly acknowledges that MBRCC has NOT approved any plans for purposes of deviations from the Covenants, Bylaws, Property Standards and Rules or approved any variances by issuing MBRCC permits and Property Owner will correct any deviation that occurs at their own expense.**

The approved Lot development and dwelling unit construction must be completed as stated in Section 1.4 of the Minimum Property Standards document. The original of this permit will be placed in the MBRCC office files for the applicable lot. A copy of the permit will be given to the owner. A third bright color copy of this permit will be posted in a conspicuous place on the construction site where it is to remain for the duration of construction. Construction activity may not begin until such time as this permit is posted on the lot.

Change in Minimum Property Standards

1.3 MBRCC LOT DEVELOPMENT PROCEDURES The MBRCC required procedural steps, in order, begin with submission of the General Development Permit application (APPENDIX B). This is followed by contacting MBRCC to clarify the contents and scope of the permit. The owner will then be requested to stake the lot in accordance with site plans showing location, at least, of the building foundation, the parking area, and the on-site sewage system. A MBRCC representative will 'walk' the site with the owner in order to observe setbacks and location of construction areas. The staked areas must illustrate that the plans for construction are the same as those shown on the site plan. The MBRCC Board will provide formal approval to proceed with lot development or construction. Formal approval is considered final when recorded in the minutes of the regular monthly Board meeting, and/or by signatures as required on the MBRCC permit(s). The owner is responsible for posting a brightly colored copy (obtained from the MBRCC Office) of the approved MBRCC permit(s) in a conspicuous place on the lot.

Change In Minimum Property Standards material description. **Until final completion and acceptance by the Board, Property Owner remains strictly bound by all Covenants, Bylaws, Property Standards and Rules. Property Owner expressly acknowledges that MBRCC has NOT approved any plans for purposes of deviations from the Covenants, Bylaws, Property Standards and Rules or approved any variances by issuing MBRCC permits and Property Owner will correct any deviation that occurs at their own expense.**

e. Property Standards

- Approved hazardous tree removal by consensus between owner, PSD, and CM

- [12005]
- [22005]
- [14023]
- [17011]
- Approved completion of minor project for fence replacement at [11101] and return of damage deposit.
- Approved PERC test for [14039]- Landfill and Grade Permit received from Whatcom County for lot. [ED NOTE: BOARD NEEDS TO CHECK ON THIS. WHATCOM APPROVED LANDFILL OF WET LAND/SURFACE AREA??
- Items of note for the board:
 - [15007] requesting upgrade / better pickle ball courts
 - 2 other requests for upgraded/better pickle ball courts from other owners (lots not known)
 - [11025] request for expanding garage/accessory building. No documentation received regarding request
 - Hazardous trees identified on lots, letters sent to owners to notify of liability: [14040], [14024], [16001], [14047], [14023]

*** END OF CONSENT AGENDA ***

4. New and Continuing Business

- a. Secretary - n/a
- b. Violations - n/a
- c. Treasurer - No update. Financials look as good as they can. Still look pretty good overall, but not sure about pool deck cost or when it will be done. Next expensive thing.
 - a. Hannah's notes in late, sent via email. We are going to have to buy a new tractor. Might have been in reserve study..
- d. President - Only thing, member asked about more than 4 gate cards, several board members weighed in... no more than 4 gate cards per lot. Can't have more than 4, unless the board approves. Complaint is that, property managers have 6-7.
 - a. Discussion around doing another audit and waiting for the new gate system. Laura knows how many each member has (at least knew how many Dawn had). Question - if someone comes forward and asks for more than 4, we should tell them no. Do we care?
 - i. Are vendors paying for each card and they are registered to each vendor? Yes
 - ii. Owners have to pay for extra cards as well. The argument is that if vendors have it, owners should be allowed to have more.
 - iii. How many people are asking for cards? A couple, but Laura has said no.
 - iv. Dawn says that they can come to the board if they need a card for the family member. If someone has a card, register the number. Rheannon says we do that already, but do we want to allow more than 4? If we hand out another 100 cards, it's another 100 we have to deal with when we close the system to implement a new system. The thing is, it's not that you're handing out 100 cards, people have kids, grandparents, as long as they have the card, it's up to the owner. If we give out more cards, we will have to manually replace all because cards are proprietary. All those will have to be replaced.
 - v. Rheannon says we can stick with the current. Do we want to address the vendors that have more and address after we get the new gate situation. Should we address the vendors? Rob says leave it as is for now, we need to clean all this up. Vendor might have a reason for the people. Things will change a lot when Arnost is done with the new system.
 - vi. Stick with what we have for now
- e. Legal - Tree Policy, further discussion
 - a. Wanted to discuss new tree policy in next couple meetings. Wanted to get more

- information from board members on how they want to deal with that. Comments made, Arnost isn't here to explain the comment. If someone wants to cut down a tree we should let them. Land has been logged multiple times, very few trees over 36" diameter.
- b. Rheannon thinks leaving it to an extreme can't barely build a house and whatever without removing trees and super ridiculous is over the top. But preserving large trees, most people live here because they like the trees. I do think it's ridiculous they can't even build a house because they have to keep a certain number of trees. We should be reasonable to an extent. Try to preserve what trees we can. To keep feel of the neighborhood.
 - c. Dawn doesn't agree fully with Arnost. If it's over 9" above 5' base. (Jolie clarified requirements). Dawn is the only board member that sees a lot from the socials. One fella came to Dawn and said, why won't the board let me cut down a tree that interferes with drain field. We should approve.
 - d. Jolie mentioned trees that weren't allowed to be taken down on previous CM. Steve clarified that it was related to the previous policy that required the arborist to certify. The previous policy was so strict, it prevented taking down any trees other than trees building on the lot. It was VERY strict and made things difficult on the PSD and the PSD wasn't paying attention to it anymore.
 - e. Steve - there were some that wanted more flexibility for native trees vs invasive trees. Tried to look at what the agreement is what is native in Washington. Depending on what website, you get different opinion. It's not 1:1. If we go that route, would have to list that route, list specific trees preserved to what we don't want preserved. Are our CM and PSD able to identify these species? That creates another level of problem. Maybe we have a PSD or CM that can do that, but more often than not we won't. And then you get back to having an arborist identifying a tree? A mess of making it more expensive for members vs members saying it's a problem tree.
 - f. Jolie agrees the current policy isn't too cumbersome.
 - g. Steve commented that the current tree policy is what's current approved. He will have the final touches on that in a position to review and vote on it... it will be more reasonable to review and
 - h. Steve said we did pass the bylaw amendment for membership to vote on that really dead trees falling on other lots that are falling on other people's property MBRCC will be able to force them to remove dangerous trees.
 - i. Steve says there are a number of trees that are BEYOND bad. Dawn says especially the ones on vacant lots.
 - j. Dawn asked about Zippy and their posts... their lines and stuff... they are supposed to be maintaining those trees, branches... have you ever seen them cleaning up.
 - k. Dawn says again that lot next to her and adjacent to Steve, had to take down 6-7.
 - l. Steve asks, can Rheannon take to Hannah to get out and trim? There are several dead trees ready to take down. That lot is worthless. Several attempts to sell it. Wetlands, won't pass PERC test. No incentive to do anything, but hasn't donated to the Rim like other folks with worthless lots. If there were dangerous trees previously Dawn, they billed the lot. Previously we had the ability to do that, Dawn says. Steve says hopefully we have that again.
 - m. Rheannon says we could do board vote on healthy tree because lot full of healthy trees. Could have 3/4 board vote. As it's drafted, says Steve, majority of presence of members in this meeting 3 votes to take out the tree. Rheannon thinks if it's a healthy tree. Under current policy, you can take out anything under 9", anything over 9" has to be a sick tree or interfering with your build, or you can't take it out at all. Rheannon says one thing we could consider, we had trees under 9" between houses, right on property line, by agreement?
 - n. Steve said 2 other things
 - i. Implementation of rule for the trash policy. We have rules for the trash bins on the signs, but there is no rule in our rules. Rheannon says violation that says anything else that doesn't follow our rules. Maybe our posted signs aren't good enough. We have had problems around the dumpsters again. Steve will draft a rule and send it out

incorporating what the sign says on the dumpsters to be sent out for a vote before the next meeting and get it into our rules and take care of that.

- ii. Will let Jolie discuss rule change to Accessory buildings.
- f. ARNOST JOINED at 19:30
- g. G&M - Brad couldn't make it.
 - a. Update on the investigation for levee maintenance
 - b. Rheannon updated on Hannah's minutes, update calendar for staff and board to review on what schedules would be. Setup 1:1 meeting with Kenny without cell phone signal. She is working on mapping the trees. Made/finished last fall/spring, but lost, so she's re-doing tree maps. Keep as top priority to mark all the dead trees that are MBRCC problems to see how much it will cost. Culvert repair down Shukson hill is scheduled for the 19th. And tractor will be replaced, Rob says it's in the budget.
- h. Property Standards
 - a. Proposal to add to section 2.1 ACCESSORY BUILDINGS of Minimum Property Standards for Mount Baker Rim.
 - Propose to add after this sentence: No building of any kind, including temporary or accessory structures may be placed on MBRCC property. "No more than 2 accessory buildings can be placed on any lot."
 - Propose to also add to "CHECKLIST FOR ACCESSORY BUILDING CONSTRUCTION:"
 - "5. Documentation that there are not already 2 or more accessory buildings on the lot"
 - i. Jolie reviewed and asked for comments, concerns, thoughts... Steve/Rheannon said good idea. Steve is going to covenants... Rheannon said someone has 6-7 sheds already. Dawn says you can have a shed and your home. Steve says nothing limits it to that. Rob - If someone buys a new home, can they tear down one and put in a bigger one. Steve says the only limitation is covenants under land and building restrictions "lot shall be used for no other purposes... and outbuildings for accessory buildings.." we have people asking, but not answering that because they have to do their due diligence to see if it's permissible. To the point, Steve says reasonable accessory use is up to interpretation, so the idea to put in the standard is a good idea. Dawn says the problem is to a shed and a wood shed was you also have drain fields from septic. Drain field and reserve. Normally on the lots, not room for other things. Steve says it's still subject to sitting sheds in setbacks. The fact of the matter, still subject to permeability requirements. Rob asked if it was put on gravel not permeability issue, right? Yes, the roof of the shed is NOT permeable, so footprint of shed impacts overall permeability surface. Rob used to argue with Mike a bit. Yes the water won't drain straight on top of gravel, but will seep under it. You can make that same argument the water will run off driveway. Jolie clarified that her interpretation is that roof is considered impervious because of roof. Arnost says impervious is only covered ground. Rheannon asks - does everyone agree more than 2 is too much? Sheds are supposed to be more than 10' apart.
 - ii. UPON A MOTION DULY MADE, SECONDED AND CARRIED WITH NO OBJECTIONS, it was resolved to limit lots to 2 accessory buildings. Steve will draft a rule, and circulate. Dawn says maybe we should limit size. Rheannon, Steve, Jolie says they are limited in size.
- i. Member at large- Arnost
 - a. Nothing special, just work on the gate area. Would meet with Brad and draw out schematic. Need concrete guys to cut new trench for conduit to each site. Between the existing intercom and the gate, and then we can use this as a temporary future location of the intercom because we need to keep it functional the entire time. Conduit will be pulled and prepped, then we can remove the existing. Two directions, 1, system will not be down, and 2, can remove old one and get extra 2' of space for turning radius of big trucks. He spoke about it last time and will explain in detail.

- i. Dawn asked - will still have codes in phones? Will friends of ours be able to put the code in to call our phone? Yes, no change in function. Will use renter card/code. Gets us ability to update access.
 - ii. Arnost - guy can't do anything because conduit is collapsed to building. Full of debris/concrete. Can't use it. No other way. Plus existing wiring questionable. Will be prudent to install new conduit, new wiring, new intercom.
 - b. Personal nature - daughter is getting married and she was thinking about making a family get together in the club house. Is there a rule? Wednesday, not about to block the club house, just to have a place to get together. Dawn says it's opened. Rheannon says we voted to not rent it. But the rule in the past was less than 25 people, free, when we rented it. If hundreds of people? No, small direct family. Nothing big. If he could use kitchen, serving food. Not cleaned in there yet. Not sure if oven works. Dawn will be down 1st week in October to check it out. He won't be able to make food or use kitchen.
 - i. Rheannon says we have told several no in the past to kitchen. We need to be consistent. Members can come in, have to use your own heating equipment for food.
 - j. Member relations - Dawn
 - a. Did anyone get the list for events? No one had. Can't find word [Ed Note: this is unclear]. She will send to Rheannon to see how it works out.
5. Other - n/a
6. Exec Session @ 19:51
7. Back to regular session @ 20:51
- a. Raises approved for staff, matters were discussed regarding potential litigation, and advertise for new person. When we talk about hiring a new person, should be included in regular meeting minutes. Concept of hiring new person, how much to pay is on executive session. Our agenda should be set 14 days before the meeting and items like hiring should be on the agenda so we don't have to go back and forth, says Steve. Steve says this has to deal with open public records act.
 - b. In executive session we agreed to keep Club house cleaning through November board meeting to be done Monday and Friday.
 - c. Rob motioned to adjourn, Steve seconded at 20:55
8. Date of Next BOD Meeting: October-20-2023@ 19:00
- a. Rob will not be able to attend, Dawn isn't sure. Jolie can be there. Rheannon says plan on that for now, but can update via email.
 - b. UPON A MOTION DULY MADE, SECONDED AND CARRIED WITH NO OBJECTIONS, it was resolved to close September 2023 Board meeting 19:51

ZOOM LINK

Mt Baker Rim Community Club is inviting you to a scheduled Zoom meeting.

Topic: MBRCC Monthly Board Meeting

Time: Aug 18, 2023 07:00 PM Pacific Time (US and Canada)

Every month on the Third Fri, 4 occurrence(s)

Aug 18, 2023 07:00 PM

Sep 15, 2023 07:00 PM

Oct 20, 2023 07:00 PM

Nov 17, 2023 07:00 PM

Please download and import the following iCalendar (.ics) files to your calendar system.

Monthly: <https://us06web.zoom.us/join/98tyKuGgrTkrHdSWsxiERpw-A4jod-3ziHZeJfpepDnKBDYGQyfiHNBIB4JeEtnW>

Join Zoom Meeting

<https://us06web.zoom.us/j/88321703313?pwd=VW4reTdXUTJPOGRTOUx5WGJFYXBZQT09>

Meeting ID: 883 2170 3313

Passcode: 934455

One tap mobile

+12532158782,,88321703313#,,,,*934455# US (Tacoma)

+12532050468,,88321703313#,,,,*934455# US

Dial by your location

- +1 253 215 8782 US (Tacoma)
- +1 253 205 0468 US
- +1 720 707 2699 US (Denver)
- +1 346 248 7799 US (Houston)
- +1 669 444 9171 US
- +1 719 359 4580 US
- +1 312 626 6799 US (Chicago)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 646 558 8656 US (New York)
- +1 646 931 3860 US
- +1 689 278 1000 US
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US

Meeting ID: 883 2170 3313

Passcode: 934455

Find your local number: <https://us06web.zoom.us/j/kcMz76MI0t>