

1.4 DEVELOPMENT SCHEDULE REQUIREMENTS

It is required that a development time schedule be shown on the MBRCC permit. Approval will not be granted if this schedule is not shown, and no further processing by the MBRCC Board will continue. The governing documents of MBRCC require that no more than 12 calendar months are allowed from clearing of a lot to completion of exterior construction of a building. The allowance of up to 12 months for landscaping applies to a landscaping plan included with lot development plans. Landscaping may include allowing the lot to develop naturally without the addition of lawns, and shrub or flower plantings. Owners will be notified, in writing, if these scheduling requirements are exceeded, and may be subject to a fine.

MARKUP #1 ->

1.5 NEAT & ORDERLY CONSTRUCTION SITE

It is required that construction activity will be diligently pursued. A neat and orderly construction site will be maintained throughout the construction period. Sani-cans and construction materials will be stored within the confines of the owner’s property.

1.6 HOURS OF WORK

On-site construction or development work, which holds a valid MBRCC issued General Development Permit, On-site Sewage System Permit, or other MBRCC Permit, as outlined in the Guidelines for Minimum Property Standards, is allowed during the Allowed Times, as set forth in the MBRCC Rules & Regulations.

All construction and development work shall be done in a manner that minimizes impact on MBRCC members and property.

2.0 LOT USE

WCC RR-3 zoning designation, MBRCC, single-family dwelling.

ISSUE #1

2.1 ACCESSORY BUILDINGS

Accessory buildings are defined as any structure detached from the main residence other than retaining walls. Accessory buildings must be approved by MBRCC prior to the commencement of construction. Accessory buildings may require both a Whatcom County building permit and MBRCC General Development Permit (APPENDIX B), or a MBRCC Certificate of Minor Project Approval. Accessory buildings must be built on a lot that contains a Dwelling Unit as defined in the Covenants. Lots identified as combined by Whatcom County must still abide by MBRCC Covenant Requirements. No more than two accessory buildings may be built on any lot or combined lots. No Accessory building may be built prior to the main residence unless it is included in the Whatcom County Building Permit of the residence. No Accessory building may be constructed in a right-of-way. No buildings of any kind, including temporary or accessory structures, may be placed on a MBRCC property. Rental of or the use of any accessory buildings or outbuildings as an accessory dwelling unit or for human habitation is prohibited.

2.2 PLACEMENT OF VEHICLES AND MATERIALS ON MBRCC LOTS

Any motorized or towed vehicle present in and operated on MBRCC streets, or parked on MBRCC lots, must be currently licensed and registered consistent with Washington State laws. No motor vehicle that is unlicensed or uninsured is allowed on any MBR property or road. Unlicensed automobiles and light trucks must be stored within an approved structure or concealed within an approved, fenced enclosure.

An approved, permanent structure or approved, fenced enclosure is required for off- season storage of snowmobiles (from May 1st to Oct. 31st), and boats on trailers under 17’ (from Nov. 1st to

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE BOARD & COUNSEL REVIEW

Sec. 2.1 (p. 6): Leasing, Retroactive Rental Cap, ADU Prohibition, or Tenant Screening Overreach: Clause imposes retroactive rental caps on non-consenting owners, bans statutory ADUs/JADUs, compels prohibited tenant screening disclosures, or authorizes summary eviction exceeding WA statutory authority.

Statutory / Legal Reference: RCW Ch. 64.90 (WUCIOA), RCW Ch. 64.38 (HOA Act) & WAC 308-124C (WA DOL Association Management Rules)

Statutory Comparison: Under RCW Ch. 64.90 (WUCIOA), RCW Ch. 64.38 (HOA Act) & WAC 308-124C (WA DOL Association Management Rules), an association may not enforce newly adopted rental caps retroactively against existing non-consenting owners where protected by statute, prohibit statutory Accessory Dwelling Units (ADUs/JADUs), compel prohibited tenant credit/criminal reports, or execute non-judicial summary evictions without statutory authority.

CURRENT WORDING IN DOCUMENT:

County Building Permit of the residence. No Accessory building may be constructed in a right-ofway. No buildings of any kind, including temporary or accessory structures, may be placed on a MBRCC property. Rental of or the use of any accessory buildings or outbuildings as an accessory dwelling unit or for human habitation is prohibited.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section 2.1 to grandfather existing non-consenting Owners as required by RCW Ch. 64.90 (WUCIOA), RCW Ch. 64.38 (HOA Act) & WAC 308-124C (WA DOL Association Management Rules), exempt statutory ADUs/JADUs, and conform tenant registration and lease enforcement to RCW Ch. 64.90 (WUCIOA), RCW Ch. 64.38 (HOA Act) & WAC 308-124C (WA DOL Association Management Rules).