



MEMBER RESOLUTION
2024-01



Resolution proposed by: Jennifer Plombon

Resolution Title: Rescinding Amendment 43, addressing Maintenance of Undeveloped Lots

Resolution: Rescind Amendment 43, remove it from the CC&Rs, and revert the Guidelines for Maintenance of Undeveloped lots to the previous guidelines.

CC&R to be Amended:

Article X - Architectural and Design Standards for Developed and Undeveloped Sites; 10.10.03 Lot Maintenance. "All undeveloped lots and all undeveloped portions of developed lots that are next to a developed lot with a residence must cut back all weeds, bushes, or other wild vegetation and undergrowth, excluding trees, to ground level or a maximum height of three (3) feet."

Reason to rescind:

This maintenance requirement is:

- 1) So vague as to be unenforceable. Nowhere does it state **whom** shall decide the height to which vegetation shall be removed, whether "ground level" or up to "three (3) feet." Nowhere does it state how often or by whom the lot in question shall be inspected to stay within said limit.
- 2) Damaging to Semiahmoo proper. Clearing land to ground level risks erosion of said lot, and may have adverse effects on stormwater drainage and catchwater basins which will fill with soil.
- 3) At risk of being in violation of the WA State Shoreline Management Act, which controls the clearing, building upon, and use of chemicals on land within 200 feet of the normal high water mark on protected waters. Drayton Harbor is one such waterway and lots in The Aerie, Boundary Ridge I & II, Drayton Cove and Drayton Hillside I, II and III are subject to the SMA, which takes precedence over local laws such as Amendment 43.

Current Guidelines for Maintenance of Undeveloped Lots are stated here:

<https://tinyurl.com/yxmwf8bx>

Note that #7 contains wording addressing Amendment 43 and the steps that would be taken if a resident requested application of this amendment. Rescinding this Amendment would rewrite the Guidelines to the previous iteration (before the Amendment was added), such that #7 would state: "*Undeveloped lots will be reviewed by the SRA on an annual basis and owners contacted if maintenance is required.*" There would then be no #8.

Economic impact:

Leaving this amendment in place can create costs to staff if a complainant requests that a lot be cleared and there is confusion or disagreement as to the height to which it must be cleared and legal counsel is sought. There will be costs if frequent inspections are requested by the complainant to keep vegetation to a specific height.

Allowing clearing of a lot in violation of the SMA could incur costs to staff if legal counsel is required to answer questions by the City of Blaine.

There will be a small cost of clerical time and effort to change the CC&Rs and Guidelines.