

The MEADOWS-FERNDALE HOMEOWNERS' ASSOCIATION  
RESOLUTION 2020-02  
WETLAND AREA DESIGNATION AND MANAGEMENT

**WHEREAS** the Covenants, Conditions, Restrictions, and Reservations ("CC&Rs") of the Meadows-Ferndale Homeowners' Association ("MFHOA") designate Tracts G, H, and I variously as "Open Space", "Common Areas", and/or "Wetlands" while also designating Tracts J, O, P, Q, R, and S variously as "Open Space" and/or "Common Areas"; and

**WHEREAS** Tracts G, H, I, J, O, P, Q, R, and S are designated as "Conservation Areas" by the Meadows-Ferndale Plats while also being designated "Native Growth Protection Areas" ("NGPA") by the signage mandated by the US Army Corps of Engineers ; and

**WHEREAS** the terms "Open Space", "Wetland", "Conservation Area", and "Native Growth Protection Area" are used interchangeably; and

**WHEREAS** special condition "c" of the individual permit issued by the City of Ferndale on 12 February 2015 to The Meadows, LLC requires that we implement and abide by the mitigation plan titled "Revised Mitigation Plan: The Meadows-2717 Thornton Road, Ferndale, Washington," dated October 2014 for all areas designated as NGPA; and

**WHEREAS** the Revised Mitigation Plan specifies that the term Native Growth Protection Area (NGPA) is a designation for permanently, and legally (on title), protecting property that contains a critical area, a critical area buffer or both; and

**WHEREAS** the oversight authorities for our stewardship of Tracts G, H, I, J, O, P, Q, R, and S are: City of Ferndale (Municipal Code), Washington State Department of Ecology ("WA-DOE"), and US Army Corps of Engineers; and

**WHEREAS** the US Army Corps of Engineers requires the application of the Revised Mitigation Plan for our management and stewardship of all NGPA tracts, regardless of the terms used in our CC&R's; and

**WHEREAS** the WA-DOE requires the application of WA-DOE Publication 90-31 for our management and stewardship of all Wetland areas; and

**WHEREAS** unrestrained dogs and cats can pose a threat to wetland wildlife and vegetation by their unrestrained actions and by destroying nests or preying upon adults and their young; and

**WHEREAS** our performance in the management and steward ship of the NGPA/Wetland tracts is periodically evaluated and reported to the aforementioned oversight organizations.

**THEREFORE, BE IT RESOLVED THAT**

- A. Tracts G, H, I, J, O, P, Q, R, and S shall be called Wetlands and shall be managed as such – subject to all applicable guidance from those organizations with oversight responsibility and authority; and
- B. All Wetland Tracts shall be subject to the rules and conditions specified, not only in the MFHOA CC&Rs, By-Laws, and Rules and Regulations, but also in (1) the City Ferndale permits, and (2) the Washington State Department of Ecology Publication 90-31 (“At Home with Wetlands – A Homeowners Guide”) including the summary document called “Homeowner’s Guide to Wetlands and Buffers”; and
- C. The following conditions shall apply to the use and stewardship of the Meadows-Ferndale Wetlands:
  - 1. People and pets must at all times stay on the pathways and bridges provided.
  - 2. Pets are not allowed in the Wetlands unless controlled with a leash by a homeowner or approved guest.
  - 3. Concerning animal control, the MFHOA will abide by the stipulations of Ferndale Municipal Code section 6.02 which states that “any animal is subject to confiscation and impoundment if it is found to be an animal at large, where “animal at large” means any domestic animal or livestock off the property of its owner, unless restrained by leash, tether or other physical control device not to exceed eight feet in length and under the physical control of a responsible person.
  - 4. People may be allowed off the footpaths as part of a “clean-up” organized by the MFHOA Board of Directors – provided they are careful to avoid damage to the trees and shrubs.

Entered this 10<sup>th</sup> day of February 2020.

Signed   
Charles A. Millard, President

Attest   
Rick Horsman, Vice President

  
Kathy Young, Secretary