

**FIRST SUPPLEMENT TO THE MASTER DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS OF
ACCOMMODATION PINE 43 SUBDIVISION NO. 1**

THIS FIRST SUPPLEMENT to the Master Declaration of Covenants, Conditions and Restrictions of Pine 43 Subdivision (hereinafter referred to as "First Supplement") is made on the date hereinafter set forth, by C&O Development, Inc., an Idaho corporation ("Declarant").

WHEREAS, Declarant is the owner of certain real property in Ada County, State of Idaho, hereinafter referred to as the "First Supplement Property", more particularly described Pine 43 Subdivision No. 1, according to the official plat thereof, recorded on the 1st day of August, 2019, in Book 116 of Plats, pages 17597 through 17604 as Instrument No. 2019-069833, records of Ada County, Idaho; and

WHEREAS, Declarant has heretofore filed that certain Master Declaration of Covenants, Conditions and Restrictions of Pine 43 Subdivision (hereinafter the "Master Declaration"), which Master Declaration was recorded on 09/25/2019 as Instrument No. 2019-091660, records of Ada County, Idaho; and

WHEREAS, the Master Declaration provided for the recordation of Supplemental Declarations setting forth more specific and/or additional covenants, conditions and restrictions to be applicable to portions of the Properties described therein;

NOW, THEREFORE, Declarant hereby declares that the First Supplement Property shall be held, sold, conveyed and subject to the Master Declaration, which Master Declaration is hereby incorporated by reference as if fully set forth herein except in so far as the covenants, conditions and restrictions of the Master Declaration are hereinafter supplemented or modified.

1. Common Area: The Common Area to be owned by the Master Association is described as follows:

Lot 1, Block 1, Lot 29, Block 2, Lot 1, Block 3, Lot 1, Block 4 and Lot 1, Block 5, Pine 43 Subdivision No. 1, according to the official plat thereof.

2. Lot Uses: Single family detached homes.

3. Building Restrictions: The building restrictions applicable to the First Supplemental Property shall be as follows:

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1. Common Area: The Common Area to be owned by the Master Association is described as follows:

Lot 1, Block 1, Lot 29, Block 2, Lot 1, Block 3, Lot 1, Block 4 and Lot 1, Block 5, Pine 43 Subdivision No. 1, according to the official plat thereof.

2. Lot Uses: Single family detached homes.

3. Building Restrictions: The building restrictions applicable to the First Supplemental Property shall be as follows:

- A. Building Type and Size: With the exception of Common Area Lots, no building shall be erected, altered, placed or permitted to remain on any Lot other than one detached single-family dwelling, which may not exceed forty feet (40') in height, and a private garage for two (2) or more motor vehicles. Each such Dwelling Unit shall contain a minimum of 1,500 square feet of interior living space (excluding the garage). Dwelling Unit may not be occupied by more than one family.
- B. Setbacks: No improvements may be constructed or maintained on a Lot within the minimum building setback lines as follows:
- Per Meridian City code.
- C. Construction Requirements: Subject to the requirements of Article XIII of the Master Declaration (which requirements include, without limitation, written approval from the Architectural Control Committee prior to commencement of construction), each Dwelling Unit shall have wood, masonite, or concrete composition true-lap siding (with 6" to 8" true lap) or a combination of such siding, brick, stone, manufactured or synthetic stone or stucco. Each Dwelling Unit must have exterior brick, stone, manufactured or synthetic stone or stucco on the front elevation. All roofs shall be comprised of 40 year architectural asphalt composition shingles or other materials (as may be approved by the Architectural Control Committee) and shall be of such colors and specifications as may be approved by the Architectural Control Committee, with a minimum 6/12 pitch or as approved by the Architectural Control Committee which may approve flat roof designs. The exterior surfaces of each Dwelling Unit shall have such colors as may be approved by the Architectural Control Committee. All fireplace chimneys must be of masonry or metal and, if metal, shall be wrapped with the same materials as exist on other areas of the exterior of the unit to within one-foot (1') of the top cap. Each Dwelling Unit must have at least two (2) exterior lights illuminating the garage door openings, one exterior light for the front entryway, and a photosensitive pole light designed to switch on automatically at sunset and off at sunrise with a minimum bulb power of 60 watts located in the front yard within five feet (5') of the front boundary line, or such other location as may be approved by the Architectural Control Committee.
- D. Landscaping: Upon the earlier of substantial completion or occupancy of the Dwelling Unit located thereon, each Lot shall have installed the following landscaping improvements: (i) in the

front yard thereof a rolled sod lawn, at least one (1) conifer tree a minimum of eight feet (8') in height or one (1) deciduous tree a minimum of two and one-half inches (2 ½") caliper and twelve (12) shrubs or bushes, a minimum of two (2) gallon in size planted in planter beds. (ii) in the rear yard thereof a rolled sod lawn and at least one (1) conifer tree, a minimum of eight feet (8') in height or one (1) deciduous tree, a minimum of two and one-half inches (2 ½") caliper and twelve (12) shrubs or bushes a minimum of two (2) gallon in size planted in planter beds. (iii) in the street side yard of a corner lot a rolled sod lawn, at least one (1) conifer tree, a minimum of eight feet (8') in height or one (1) deciduous tree a minimum of two one-half inches (2 ½") caliper and twelve (12) bushes or shrubs a minimum of two (2) gallon in size planted in planter beds. A fully automatic underground sprinkler system shall be installed throughout the landscaped areas of each Lot. A landscape plan showing the location, type and size of trees, plants, groundcover, shrubs, berms and mounding, grading, drainage, sprinkler system, fences, free-standing exterior lights, driveways, parking areas and walkways shall be submitted to and approved by the Architectural Control Committee prior to commencement of any landscaping work.

- E. Fences: No fences, including fences around swimming pools, dog runs or other uses may be permitted except those constructed only of metal, or vegetation, not exceeding the height of five feet (5'), the materials, design, color and location of which shall be approved, in advance, by the Architectural Control Committee. No fence shall extend beyond the front plane of the Dwelling Unit constructed or to be constructed on the Lot.

4. Storm Water Drainage and Retention System:

A. Ada County Highway District Storm Water and Drainage Easement: Portions of Lots 1 and 2 of Block 3 and Lot 1 of Block 5, Pine 43 Subdivision No. 1 are servient to and contain an Ada County Highway District Storm Water Drainage System. This lot is encumbered by that certain Master Perpetual Storm Water Drainage Easement recorded on November 10, 2015, as Instrument No. 2015-103256, official records of Ada County, and incorporated herein by this reference as if set forth in full (the "Master Easement"). The Master Easement and the Storm Water Drainage System are dedicated to the Ada County Highway District pursuant to Section 40-2302, Idaho Code. The Master Easement is for the operation and maintenance of the Storm Water Drainage System.

B. Operation and Maintenance: Operation and maintenance of the storm water drainage facilities shall be governed by the Operation and Maintenance Manual of the Storm Water Drainage System in Pine 43 Subdivision, which manual may only be modified with the written approval of the Ada County Highway District.

C. Approval of Amendments: Any amendment of this Declaration, the Covenants, Conditions and Restrictions contained herein, or the manual referred to in Section 2, above, having any direct impact or affect on the Ada County Highway District's storm water drainage facilities shall be subject to prior review and approval by the Ada County Highway District.

D. Grading: There shall be no interference with the established drainage pattern over any portion of the Properties, unless an adequate alternative provision is made for proper drainage and is first approved in writing by the Architectural Control Committee and ACHD. For the purposes hereof, "established" drainage is defined as the system of drainage, whether natural or otherwise, which exists at the time the overall grading of any portion of the Properties is completed by Declarant, or that drainage which is shown on any plans approved by the Architectural Control Committee and/or ACHD, which may include drainage from the Common Area over any Lot in the Properties.

5. The covenants, conditions and restrictions contained in this First Supplement are in addition to those covenants, conditions and restrictions contained in the Master Declaration, except insofar as the covenants, conditions and restrictions of the Master Declaration are herein modified. It is specifically intended that all provisions of the Master Declaration not inconsistent herewith be by this reference incorporated herein as if set forth in full. The provisions set forth in this First Supplement shall, however, control and prevail over any conflicting provisions contained in the Master Declaration.

IN WITNESS WHEREOF, the Declarant has caused its name to be hereunto subscribed this 24th day of September 2019.

DECLARANT:

C&O Development, Inc.

By 

Dennis M. Baker, President

