

AFTER RECORDING RETURN TO:

Channel View, LLC

P.O. Box 302

Bow, WA 98232



200312170067

Skagit County Auditor

12/17/2003 Page 1 of 10 3:06PM

COVER SHEET

Document Title: Declaration of Easement

Reference Number(s) of Documents Assigned or Released: N/A

Grantor(s): Channel View, LLC

Grantee(s): Channel View LLC
Public

Abbreviated Legal Description: Lots 1-11, CHANNEL VIEW, AFN 200009190049
Lot 1 of Short Plat 95-037, AFN 9602020036

Assessor's Property Tax Parcel/Account Number(s):

4761-000-001-0000/P117189
4761-000-002-0000/P117191
4761-000-003-0000/P117193
4761-000-004-0000/P117195
4761-000-005-0000/P117197
4761-000-006-0000/P117198
4761-000-007-0000/P117199
4761-000-008-0000/P117200
4761-000-009-0000/P117201
4761-000-010-0000/P117202
4761-000-011-0000/P117203
350112-1-002-0000/P31430

Channel View LLC
P.O. Box 650
Burlington, WA 98233

DOCUMENT TITLE: PROTECTIVE COVENANTS, CONDITIONS AND
RESTRICTIONS.

DECLARANT: CHANNEL VIEW LLC

LEGAL DESCRIPTION: Portions of the PLAT OF CHANNEL VIEW

PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS

For the purpose of providing a desirable residential area, CHANNEL VIEW LLC, ("Declarant") hereby establishes the following protective covenants, conditions and restrictions (CC&R's) which shall hereafter apply to and protect the real property situated in the County of Skagit, State of Washington, consisting of Lots 1-11 of the Plat of Channel View an Lot A of Short Plat No. 98-037, and excluding Lot 12 of the Plat of Channel View. The legal descriptions for the 12 lots subject to these CC&R's are legally described on the attached Exhibit A.

1. Enforcement of Provisions. The Declarant and/or owner of any lot or lots subject to this Declaration, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now hereafter imposed by the provision of this declaration; provided however, that the Declarant's right to enforce the provisions of this declaration shall terminate at such time as the Declarant shall cease to be an owner of a lot or lots subject to this declaration; and provided further, however, the termination of the Declarant's power to enforce this declaration shall in no way affect the power of any other lot owner to enforce the terms and conditions of this declaration. Failure of the Declarant or any such owner or contract purchaser to enforce any covenant, conditions or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.



200312170067
Skagit County Auditor

2. Validity of Provisions. Invalidation of any one of these covenants, conditions or restrictions by judgment or court order shall in no way effect any other provision, which shall remain in force and effect.

3. Binding on Heirs, Successors and Assigns. The covenants, conditions and restrictions of this declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by the owner of any lot subject to this declaration including the Declarant, their respective legal representatives, heirs, successors and assigns, for a term of thirty (30) years from the date this declaration is recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years, unless an instrument terminating all covenants, conditions and restrictions, which is signed by not less than seventy-five (75) percent of the owners of the property subject to the declaration, shall have been recorded with the Skagit County Auditor. Amendments may be adopted if the instrument is signed by not less than seventy-five (75) percent of the owners. Amendments shall take effect when they have been recorded with the Auditor of the County of Skagit.

4. Restricted Activities.

(a) *No Storage of Inoperative Vehicles.* There shall be no storage or retention of any automobile hulk, whether abandoned or not, or equipment of any nature, or used furniture or appliances of any nature unless the same are completely enclosed within a building or at all times not visible from the road, street or other parcels. Automobile hulks and equipment referred to herein shall include any wrecked, dismantled or inoperative motor vehicles or equipment or any part thereof which cannot be made an operative motor vehicle or operative piece of equipment without the addition of parts or mechanisms and the application of a substantial amount of labor to effect repairs. Substantial amount of labor to effect repairs shall mean mechanical labor in excess of eight (8) hours of time.

(b) *No Trash or Waste.* No lot shall be used as a dump for trash or rubbish of any kind. All garbage and other waste shall be kept in appropriate containers for proper disposal. Yard rakings, such as rocks, lawn and shrub clippings, and dirt and other material resulting from landscaping work shall not be dumped into or upon the roads, ditches or



200312170067

Skagit County Auditor

the adjacent property. The removal and proper disposal of all such material shall be the sole responsibility of the individual parcel owner. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

(c) *No Nuisance Activities.* No noxious or offensive activity shall be carried on upon any lot. No activity shall be allowed to become an annoyance or nuisance or decrease the value of the property of any neighbor or of the neighborhood in general.

(d) *Control of Animals.* Animals, including cats, dogs, birds or other household pets shall not be kept in numbers or under conditions so as to become a hazard to health, safety and/or quiet enjoyment of any lot subject hereto. All dogs must be kept so as to minimize excessive noise from barking or they shall be considered a nuisance according to the terms of these covenants, conditions and restrictions.

5. Restrictions on Buildings and Improvement.

(a) *Residential purpose.* Each lot shall be used primarily for residential purposes. All buildings and structures shall be constructed in accordance with applicable Skagit County building code regulations. The primary residential structure to be allowed upon a residential lot shall have at least 1400 square feet, as measured to the outside walls, not including porches, decks, patios, garage or any other accessory building(s). The residential dwelling shall be stick built as to all lots except Lots 9, 10, 11 and Lot A. During construction of a residential structure, a construction office and construction materials may be placed on a residential lot. All buildings and structures shall be completed on the exterior, including paint or other suitable finish, within nine (9) months of commencement of construction. Buildings and structures shall be located on each lot in accordance with the Skagit County codes. Mobile homes can be used as a temporary residence for a period not to exceed a total of twelve (12) months during the period of construction of a permanent residence. After such 12 month limit, the mobile home must be removed from the property.

(b) *Limitations on Mobile Homes (Lots 9, 10, 11 and Lot A).* Mobile homes shall be allowed on Lots 9, 10, 11 and Lot A, provided they have at



200312170067

Skagit County Auditor

least 1100 square feet as measured to the outside walls, not including porches, decks, or patios. Mobiles must be located on a permanent foundation and less than 5 years old when first placed on lot.

(c) *Roofs.* Roofs shall have a minimum 3/12 slope on all structures. Roofs shall be of asphalt composition, cedar shake or shingle (or substitute), metal or tile.

(d) *Siding.* House siding shall be of cedar, L.P. type siding, beveled siding, Masonite type hard board siding, channeled siding, Hardi Plank or vinyl siding. Plywood T-111 siding is NOT an approved siding. All metal fireplace chimneys shall be wrapped in either wood or stone. The entire house must be painted or stained. The colors shall be consistent with an in general conformity to the remainder of the neighborhood. Color schemes shall be selected to provide a homogeneous nature and neutral look to the property.

(e) *Limitations on Fences.* Fences shall NOT exceed six (6) feet in height. Fences shall be well constructed of suitable fencing material. No fence, wall or hedge over three (3) feet in height shall be erected, placed or altered on any lot nearer to any street than the building setback line, except that nothing shall prevent the erection of a necessary retaining wall, the top of which does NOT extend more than two (2) feet above the finished grade at the back of said wall. No radio or television antennas shall be permitted to extend more than fifteen (15) feet above the roof line of any residence.

(f) *Required Landscaping.* The builder or owner shall install or have installed within twelve (12) months of occupancy of any home, landscaping of at least twenty five (25) feet in the front of the house, at least fifteen (15) feet in the back of the house and at least eight (8) feet through the side yards. Said measurements shall run from the foundation outward. Yards shall be regularly and neatly maintained at all times.

(g) *No Business Use.* No trade, craft, business, profession, commercial or manufacturing enterprise or business or commercial activity of any kind shall be conducted or carried upon any lot, or within any building located on a lot, unless said activity is in compliance with a permit issued by Skagit County regarding home based businesses or a Conditional Use Permit has been obtained from Skagit County.



200312170067

Skagit County Auditor

(h) *Storage of Vehicles.* Any roads within the plat of Channel View, or any portion thereof, shall not be used for storage of automobiles, boats, trucks, trailers or recreational vehicles. No owner of any lot shall permit any automobiles, boats, trucks, trailers or recreational vehicle owned by such owner, any member of the lot owner's family or any guest, acquaintance, or invitee to be parked upon any road for a period in excess of forty-eight (48) hours in any consecutive 30 day period. Recreational vehicle(s) and boat(s) must be stored in a garage, carport or a screened parking area.

(i) *Other Storage Limitations.* No goods, equipment, trailers of any description, or materials or supplies used in connection with any trade, service or business, wherever the same may be conducted, be kept, parked, stored, dismantled or repaired upon any residential lot, street or road, unless said goods, equipment, trailers, materials or supplies be enclosed or screened in such a manner that the same are not visible from any street, road or any other lot in the plat, except for construction material and a construction office for residential constructions during the construction period which shall not exceed one year.

(j) *Height Restrictions.* Lots 1-A, 1-B, 2-A, 2-B, 3-A, 3-B, 4-A, 4-B and 5 have had view easement and restrictions for protection of views recorded separately under Skagit County Auditor file 200312170066

6. Homeowner's Association and Architectural Review Committee. The value of the properties is dependent on each lot owner complying with the terms of these CC&R's. Therefore to ensure that any improvement complies with the provisions of paragraph 5(a)-(e), each lot owner shall submit its proposed plans to the Architectural Review Committee (ARC). The ARC shall consist of the then current officers for the Channel View Water Association (CVWA). The ARC's decision shall be final as to any interpretation of the CC&R's. If there is any need for assessments needed for any common areas of the lots, the CVWA shall act as a homeowner's association and hereby has all authority necessary to collect such assessments.

7. These Restrictions Supercede Special Uses Allowed by Zoning. Under the applicable Rural Reserve Zoning application for the lots subject

to these CC&R's, there are certain other "permitted uses" and "special uses" that are allowed, as described on the attached Exhibit B. These CC&R's shall supercede any uses allowed by such zoning that conflict with the CC&R's. In the event of any dispute as to whether a use is permitted, the ARC is designated to resolve any such dispute.

8. Binding Agreement. This Agreement shall be binding on the heirs, successors and assigns to each of the 12 lots covered by these CC&R's. Nothing herein contained shall impair or defeat the lien or any mortgage or deed of trust now or hereafter recorded covering any lot or lots. Title to any property obtained as a result of any foreclosure proceeding shall specifically be held subject to all of the provisions herein.

9. Attorney's Fees for Prevailing Party. In any action to enforce the terms and conditions of this declaration, the party prevailing shall be entitled to an award of such party's costs, including attorney's fees, against the non-prevailing party for all costs incurred with respect to the enforcement of this declaration.

DATED this 17th day of December, 2003.

DECLARANT:

CHANNEL VIEW, LLC

By: Michael M. Fohn
Michael Fohn, Managing Member



200312170067

Skagit County Auditor

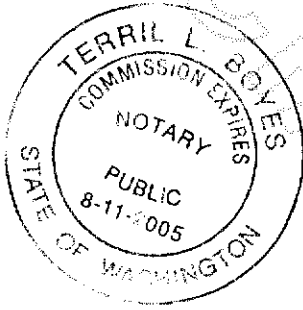
STATE OF WASHINGTON)

: ss

COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that MICHAEL V. FOHN is the person who appeared before me, and said person acknowledged that he signed this instrument and on oath stated that he is authorized to execute the instrument and acknowledged it as managing member of CHANNEL VIEW, LLC, a Washington limited liability company, to be the free and voluntary act of such parties for the uses and purposes mentioned in this instrument.

Dated: December 17th, 2003.



Terril L. Boyes

Printed Name: Terril L. Boyes
NOTARY PUBLIC in and for the State of
Washington, residing at Amir

My appointment expires: 8-11-05



CHANNEL VIEW LLC
Protective Covenants, Conditions and Restrictions
Portions of Plat of Channel View
Exhibit A

<u>Legal Description</u>	<u>Assessors Property Tax Parcel/Account Number(s)</u>
Channel View Lot 1	4761-000-001-0000/P117189
Channel View Lot 2	4761-000-002-0000/P117191
Channel View Lot 3	4761-000-003-0000/P117193
Channel View Lot 4	4761-000-004-0000/P117195
Channel View Lot 5	4761-000-005-0000/P117197
Channel View Lot 6	4761-000-006-0000/P117198
Channel View Lot 7	4761-000-007-0000/P117199
Channel View Lot 8	4761-000-008-0000/P117200
Channel View Lot 9	4761-000-009-0000/P117201
Channel View Lot 10	4761-000-010-0000/P117202
Channel View Lot 11	4761-000-011-0000/P117203
LT 1 S/P 95-037	350112-1-002-0000/P31430



200312170067

Skagit County Auditor

**CC&R's of Portion of the Plat of Channel View
Exhibit B
Skagit County Rural Reserve Zoning Summary**

PURPOSE.

The purpose of the Rural Reserve district is to allow low density development and to preserve the open space character of those areas not designated as resource lands or as urban growth areas. Lands in this zoning district are transitional areas between resource lands and non-resource lands for those uses that require moderate acreage. They establish long-term open spaces and critical area protection using CaRD's as the preferred development pattern.

PERMITTED USES.

- Agriculture.
- Agricultural accessory uses.
- Campground, primitive.
- Co-housing, as part of a CaRD, subject to SCC 14.168.300.
- Cultivation, harvest and production of forest products or any forest crop, in accordance with the Forest Practice Act of 1974, and any regulations adopted pursuant thereto.
- Detached single-family dwelling units.
- Family day care provider.
- Home Based Business 1.
- Residential accessory uses

SPECIAL USES. -

ADMINISTRATIVE

- Bed and breakfast, subject to SCC 14.16.900(3)(c).
- Minor Utility Developments.
- Parks - specialized recreational facility.
- Temporary manufactured home.
- Temporary outdoor events.
- Trails and primary and secondary trailheads

SPECIAL USES -

HEARING EXAMINER

- Adult group day care facility.
- Aircraft landing field, private.
- Animal clinic hospital.
- Animal preserve

- Campground, developed..
- Cemetery.
- Church.
- Community Club/Grange Hall.
- Display gardens.
- Expansion of existing major public uses up to 3,000 square feet.
- Festival site.
- Fish hatchery.
- Golf Course.
- Group care facility.
- Historic sites open to the public.
- Home Based Business 2.
- Impoundments greater than 1 acre feet in volume.
- Indoor Shooting Clubs.
- Kennels
- Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
- Major Utility Developments.
- Manure lagoon.
- Minor public uses.
- Natural resources training/research facility.
- Off-road vehicle park.
- Outdoor Outfitters Enterprises.
- Outdoor recreational facilities.
- Outdoor storage of processed and unprocessed natural materials in quantities greater than 500 cubic yards that do not have a potential health hazard.
- Outdoor storage of processed and unprocessed natural materials in quantities greater than 50 cubic yards that may have a potential health hazard. Does not include storage of hazardous materials.
- Parks-community.
- Personal wireless services towers, subject to SCC 14.16.720.
- Pre-school.
- Public marinas, with no more than 20 slips.
- Racetrack - recreational.
- Retail and wholesale nurseries/greenhouses.
- Retriever/dog training facility.
- Seasonal roadside stands over 300 square feet.
- Seasonal worker housing.

- Stables and riding clubs.
- Storage of unlicensed/inoperable vehicles.
- Temporary asphalt/concrete batching, subject to the applicable provisions of 14.16.440

DIMENSIONAL STANDARDS.

Setbacks:

- Front: 35 feet
- Side: 8 feet on interior lot
- Rear: 25 feet
- **Accessory Structures:**
 - Front: 35 feet.
 - Side: 8 feet, 3-foot setback is permitted from the side and rear lots when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line.
 - Rear: 25 feet, 3-foot setback is permitted from the side and rear lots when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line.
- Setbacks from NRL lands shall be provided per SCC 14.16.810(7).

Maximum Height: 30 feet or shall conform to the Skagit County Building Code.

- **Height Exemptions:** (I) Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in 14.16.720. (II) If adjacent to a BR-I zone, the maximum height shall not exceed 40 feet, unless limited by SCC 14.16.210, Airport Environs.

Minimum Lot Size: 10 acres or 1/64th of a section, unless created through a CaRD.

Minimum Lot Width: 150 feet.

Maximum Lot Coverage: 35 percent

Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County

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