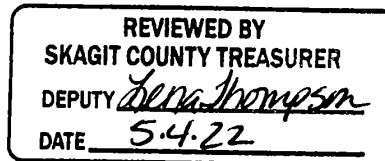




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05/04/2022 10:04 AM Pages: 1 of 6 Fees: \$208.50
Skagit County Auditor

AFTER RECORDING RETURN TO:
KRISTEN C. REID
BELCHER SWANSON LAW FIRM, PLLC
900 DUPONT STREET
BELLINGHAM, WA 98225



Document Title: First Amendment to Declaration of Covenants, Conditions, Restrictions and Reservations for Chuckanut Scenic Estates
Declarant/Grantor/Grantee: BS 80, LLC, a Washington limited liability company
Legal Description: NW ¼ NE ¼, Section 23, T36N, R3E
Assessor's Tax Parcel ID#: P48085
Related Documents: AF# 202010280215, 202010280212

**FIRST AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS AND RESERVATIONS
FOR CHUCKANUT SCENIC ESTATES**

PURPOSE: To Exercise Development Rights to Add Additional Phase of Development (Phase 2).

THIS AMENDMENT is made and entered into this 18th day of February, 2022 by BS 80, LLC, a Washington limited liability company ("Declarant").

RECITALS:

WHEREAS, the Declarant executed certain Governing Documents establishing Chuckanut Scenic Estates, a Plat Community, in the City of Bow, Skagit County, Washington and caused the Declaration of Covenants, Conditions, Restrictions and Reservations for Chuckanut Scenic Estates to be recorded in the land records of said County at Auditor's File No. 202010280215 ("Declaration") and Plat Map recorded in the land records of said County at Auditor's File No. 202010280212 ("Plat Map"); and

WHEREAS, the Declaration subjects the real property described therein and establishes the Chuckanut Scenic Estates Owners' Association ("Community"); and

WHEREAS, pursuant to Sections 3.3.1 of the Declaration, the Declarant may unilaterally amend the Governing Documents from time to time to exercise Development Rights; and

WHEREAS, in Section 3.3.1 of the Declaration, the Declarant reserved Development Rights to develop the Community with Phase 2 by adding improvements to the Community and creating additional Lots, Common Elements within Real Property included in the Community; and

WHEREAS, the Declarant now wishes to exercise portions of its remaining Development Rights and has created additional improvements, Lots, and Common Elements as more particularly described below; all for the purpose of creating an additional phase of development, known as "Phase 2", consisting of ten (10) additional Lots, but only subjecting nine (9) of the ten (10) Lots to the Community and a continuation of a private road consistent with Subsection 3.3.1 of the Declaration; and

WHEREAS, the Declarant wishes to amend the Declaration in order to add the platted Lots to the Community, and has satisfied all Skagit County requirements associated with such Plat; and

WHEREAS, Chuckanut Scenic was approved as a plat community and proposed to be developed in two (2) phases; the first phase of which was created with recording of the original Declaration and Plat Map; and

WHEREAS, the Declarant desires to provide the means to enforce the rights, reservations, easements, liens and charges provided for in the original Declaration which by this First Amendment to Declaration will be applied to Phase 2; and

WHEREAS, the Declarant has now received final approval of Phase 2 and desires to add the Phase 2 Lots to the Community.

NOW, THEREFORE, pursuant to and in compliance with Section 3.3 of the Declaration, RCW 64.90.250 and RCW 64.90.285, the Declarant hereby amends, adds, and replaces, the following sections of the Declaration as follows:

* * * * *

Article I (a): The name of the common interest community is Chuckanut Scenic Estates.

* * * * *

2.2 "Allocated Interest" means one nineteenth (1/19th) of the Common Expense Liability Votes in the Association and Common Element undivided interest allocated to each Lot pursuant to RCW 64.90.235, and subject to reallocation based on section 9.5.

* * * * *

2.15 "Declaration Map" or simply "Map" means the map attached as Exhibit "A" to the Declaration.

* * * * *

2.23 "Lot" means a physical portion of the Community that is created by a municipal subdivision process pursuant to RCW 58.17 and applicable Ordinance that is designated for separate ownership; the term "Lot" is intended to be coextensive with the term "Unit" as defined in the Governing Law, unless the context clearly evidences a different intent. The term "Lot" does not include Lot 11 of the Plat of Samish Height or Lot 10Z of the Plat of Blanchard Knob.

2.31 "Plat Map" means the recorded final plat map entitled the Plat of Samish Heights, and the plat map entitled the Plat of Blanchard Knob, which are more particularly described in section 18.

2.31.1 "Phase 2" means the real property legally described, and shown on, the Plat of Blanchard Knob which is more particularly described in section 18.

2.32 "Property", "the Property" or "Real Property" means Lots 1 through 10 inclusive Plat of Samish Heights, Lots 1A, 2B, 3C, 4D, 5E, 6F, 7G, 8H, and 9T inclusive Plat of Blanchard Knob, and certain easements as per the Map thereof, more particularly described in section 18. This term does not include Lot 11 of the Plat of Samish Heights and does not include Lot 10Z of the Plat of Blanchard Knob.

3.1 Development Plan.

3.1.1 Development Plan. The Community has been developed in accordance with the conditions of approval for the Plat of Samish Heights PL13-0067 and the Plat of Blanchard Knob PL10-0383. The Plat of Samish Heights and the Plat of Blanchard Knob were approved by the Skagit County Council pursuant to Skagit County Code Chapter 14.18.

3.1.2 Continued Consistency with Development Plan Required. All further use and development of the Property shall be consistent with the Subdivision Ordinance, and conditions of approval for the Plat of Samish Heights and the Plat of Blanchard Knob.

3.3. Development Rights.

3.3.1. Description. Pursuant to RCW 64.90.225(1)(g), the Declarant reserves Development Rights that are personal to the Declarant and may be exercised, or not exercised, at the sole discretion of the Declarant. These include the rights: (a) to add real property or improvements to the Community; (b) to create Lots, Common Elements, or Limited Common Elements within real property included in or added to the Community; (c) to subdivide or combine Lots or convert Lots into Common Elements.

3.3.2. Procedure for Exercise. To exercise any reserved Development Right, the Declarant must prepare, execute, and record an amendment to the Declaration in accordance with the requirements of RCW 64.90.285(3).

4.1 Number and Location of Lots.

- 4.1.1 Number of Lots. The Community consists of nineteen (19) Lots and easement rights to and within the private road named Blanchard Knob Trail. The locations and dimensions of the Lots are shown on the Plat Map.

- 6.4.2 Special Provisions Related to Development Rights. In the event that the Declarant exercises a Development Right that results in an increase in the number of Lots to the Community, the new Lots shall have Votes allocated to them such that all Lots will continue to have equal voting power in the Association where the Vote allocated to any Lot, expressed as a fraction, will always be the numeral one over the number of Lots in the Community.

15.1 Easements. The Declarant hereby reserves, grants, and conveys the following easements:

15.1.1 Easements for Association Functions. There is hereby granted to the Association, or its duly authorized agents, contractors and representatives, such easements as are necessary to perform the duties and obligations of the Association as are set forth in the Governing Documents, Governing Law and Bylaws.

15.1.2 Easement for Emergency Access. A non-exclusive perpetual easement is hereby granted on, over, under and across the Common Elements to all police, fire, ambulance and other rescue personnel for the lawful performance of their functions during *bona fide* emergencies.

15.1.3 Easement for Individual Septic, Sewage, and Drainfield. A non-exclusive perpetual easement is hereby granted on, over, under and across a portion of Lot 10Z located in Phase 2 as shown on the Plat Map for the Plat of Blanchard Knob for the purpose of constructing, maintaining, repairing and replacing an individual off-site septic, sewage, and drainfield system as follows:

15.1.3.1 Easement for Benefit of Lot 9T. The area shown within "Exhibit D" on the Plat of Blanchard Knob shall be for the sole benefit of Lot 9T. Lot 9T shall be solely responsible to maintain the septic system and drainfield located thereon. Any resulting damage to Lot 10Z shall be repaired by the benefitted owner. The benefitted owner shall have the right to enter upon the easement area, and surrounding area to the extent necessary, for routine maintenance, repair and replacement.

15.1.3.2 Easement for Benefit of Lot 8H. The area shown as "Exhibit C" on the Plat of Blanchard Knob shall be for the sole benefit of Lot 8H. Lot 8H shall be solely responsible to maintain the septic system and drainfield located thereon. Any resulting damage to

Lot 10Z shall be repaired by the benefitted owner. The benefitted owner shall have the right to enter upon the easement area, and surrounding area to the extent necessary, for routine maintenance, repair and replacement.

15.1.3.3 Easement for Benefit of Lot 1A. The area shown as "Exhibit B" on the Plat of Blanchard Knob shall be for the sole benefit of Lot 1A. Lot 1A shall be solely responsible to maintain the septic system and drainfield located thereon. Any resulting damage to Lot 10Z shall be repaired by the benefitted owner. The benefitted owner shall have the right to enter upon the easement area, and surrounding area to the extent necessary, for routine maintenance, repair and replacement.

* * * * *

ARTICLE XVIII

PLAT MAP

18. PLAT MAP RECORDING.

The Declarant previously recorded a final Plat Map for the Plat of Samish Heights, showing the location and dimensions of various Lots within the Property, together with other required information; the Plat Map for the Plat of Samish Heights, together with any and all amendments, is recorded under Auditor's File No. 202010280212, records of Skagit County, Washington, and is part of this Declaration.

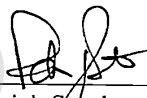
Contemporaneously herewith, the Declarant has recorded with the Auditor of Skagit County, Washington, a final plat map for the Plat of Blanchard Knob showing the location and dimensions of various Lots within the Property, together with other required information; the Plat Map for the Plat of Blanchard Knob, together with any and all amendments, is recorded under Auditor's File No. 202205040044, records of Skagit County, Washington, and is part of this Declaration. Collectively, these Plat Maps show all of the Lots created within the Property.

* * * * *

Except as modified by this First Amendment, all of the terms and provisions of the Declaration are hereby expressly ratified and confirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has caused this First Amendment to be executed as of the date first set forth above.

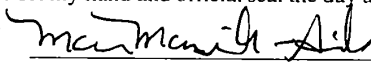
BS 80, LLC


By: Patrick Stephens, Manager

STATE OF WASHINGTON)
 : ss.
COUNTY OF SKAGIT)

On this 15th day of February, 2022, before me personally appeared Patrick Stephens, to me known to be a Member of the limited liability company that executed the within and foregoing instrument to be the free and voluntary act and deed of said limited liability company for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.


PRINTED NAME: Marianne Manville-Ailles
Notary Public in and for the State of Washington,
residing at ~~Bellingham~~ Burlington
My Commission Expires: 10-13-2025

