

95003723  
95003723

SHURTLIFF ENGINEERING  
95 MAR 17 11:30

95003723

7-1  
AGREEMENT

636  
EE-21.00  
DW

ARTICLES OF PROTECTIVE COVENANTS  
PARTRIDGE RIDGE SUBDIVISION

KNOW ALL MEN by these presents that Satterfield Realty and Development, Inc., a corporation existing under the laws of the State of Idaho and having its principal office in Pocatello, Idaho, does hereby certify that it is the owner of the following described property, to wit:

Blocks 1,2,3,4 5,6, and 7 of Partridge Ridge Subdivision, a subdivision in the City of Pocatello, Bannock County, Idaho, according to the official plat on file at the Office of the Recorder of Bannock County, Idaho.

That for and in consideration of the benefits to be derived therefrom by Grantors hereof, said Grantors do hereby impose the following Protective Covenants upon said described property:

- (1) All the lots in the subdivision shall be known and described as residential lots for single family dwellings only. No dwelling may be used as a primary residence for more than four adults for a period of more than ninety (90) days unless each person is related by blood or marriage.
- (2) No noxious or offensive trade shall be carried on upon any lot nor shall anything be done which may be or become an annoyance or nuisance to the neighborhood. No dwelling shall be used primarily for commercial or rental purposes. This restriction does not preclude an owner from renting or leasing a dwelling on a temporary basis, not to exceed 18 months.
- (3) No trailer, mobile home, motor home, basement house, tent, shack, garage, barn or other outhouse building, erected in the tract shall at any time be used as a residence temporarily or permanently, except that such building may be used temporarily while the permanent building is being built, but not to exceed one year of use.
- (4) No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing the location of the structure with a lot drainage plan has been approved by the architectural control committee as to quality of material, workmanship and harmony of external design with existing structures and as to location with respect to topography and finished grade elevation.
- (5) No structure shall be built on any lot unless it meets with the approval of the committee hereinafter referred to, or if there is no committee it shall conform to be in harmony with the existing structures in the subdivision.
- (6) No obtrusive exterior structures such as, television, radio or ham radio antennae, television satellite dishes, or any towers used to receive or transmit radio signals shall be allowed in this subdivision except that a satellite "mesh type" dish may be mounted on the ground if it is located in the area of the lot between the back of the home and the back property line and does not rise higher than surrounding trees or a privacy fence shielding the dish from general view may be approved by the architectural control committee.
- (7) No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

## Protective Covenants - Partridge Ridge Subdivision

- (8) Any fencing by homeowners shall comply with Pocatello City code. Fencing shall not extend in front of the front set-back of the home. Chain-link type fencing is NOT allowed. Fencing materials shall be of wood or masonry products, or any new materials of durable construction which look like wood or masonry. All fences to be maintained in good working order and appearance.
- (9) Residents shall park or store any recreation vehicles, trailers, trucks, snowmobiles, boats, campers, etc. on their own property. All such vehicles shall be kept at least 25 feet from the front property line and shall be screened from street view. Incidental use of these items in the street for up to two days is precluded from this requirement.
- (10) The architectural review committee is to be aided by a set of guidelines and checklist to review and use to approve all building plans for this subdivision to include driveway placement and design, solar access for each lot, drainage plan for each lot, structural components of the home, and aesthetic impact of the home in the subdivision.

These guidelines include the following: a) Outside finishing of homes will generally have some brick, metal siding, tile and/or "drivit" type of stucco. b) Roof materials shall generally be shake or quality asphalt shingles. Roof pitches on two-story homes shall be 5/12 or greater. Roof pitches on ranch style homes should be 6/12 or greater. c) No fences will be allowed between the street and the front set-back of any home. Lots 2 and 3 of Block 5 are excluded from these requirements, but require architectural review committee approval prior to any construction.

- (11) Each builder/homeowner will design on-site lot grading to facilitate protection of his home from run-off. Lot grading should be completed in accordance with or similar to those designs provided by HUD-FHA in their manual (4140.1) which includes provision for any run-off waters to drain along each side lot line and along back lot lines. A drainage easement exists along all lot lines. Lot grading is to include sloping the yard away from the home in all directions eliminating the possibility of run-off waters running to the house foundation. (See Attached Detail)

- (12) The architectural committee is composed of Kenneth A. Satterfield, Steven H. Satterfield and H. Jack Satterfield, all of Pocatello, Idaho. A majority of the committee may designate a representative to act for it. In the event of death or resignation of a member of the committee, the remaining members may have full authority to designate a successor. Neither of the members of the committee or its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. At any time the then recorded owners of the majority of the lots shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or to restore it to any of its powers and duties.

The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee, or designated representatives, fail to approve or disapprove within thirty (30) days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

- (13) Easements for installation and maintenance of utilities and drainage facilities are reserved and shown on the recorded plat.

## Protective Covenants - Partridge Ridge Subdivision

- (14) Homeowners are responsible for the maintenance of the "Park Strip" between the curb and the sidewalk on Satterfield Drive, and are to plant, care for and maintain three (3) trees per lot evenly spaced in the park strip. Trees will be of the species Little Leaf Linden (Tilia cordata) and will be planted within the first growing season possible following completion of construction of the home on these specific lots.
- (15) All corner lots on Satterfield Drive must have driveways access to side streets and cannot access Satterfield Drive.
- (16) Certain species of trees will not be allowed in this subdivision. These include Siberian elm (Ulmus pumila), American elm (Ulmus americana), Russian Olive (Eleagnus Spp.), all cottonwood and poplar species (Populus spp.) except quaking aspen (P. tremuloides). Trees are not to exceed 40 ft. in height. At the time any tree exceeds this height of 40 feet, it must be trimmed or removed. Attached is a list of recommended species to be used.
- (17) All yards shall be landscaped in a professional-like manner and appearance, with fencing permitted only in the back and side yards with no fencing closer than 25 feet from the front property line. Landscaping shall be installed no later than the beginning of the first growing season after the completion of home construction.
- (18) Minimum sideyards for this subdivision will be 10 feet. Any foundation must be at least 10 feet from the side property line.
- (19) These covenants and restrictions are to run with the land and shall be lawful for any other person or persons owning any other lot in said development or subdivision to prosecute any proceeding at law or inequity against the person or persons violating or attempting to violate such.
- (20) If the parties hereto, or any of them or their heirs or assigns shall violate or attempt to violate any of the covenants or restrictions herein, it shall be lawful for any other person or persons owning any other lot in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate such covenants or restrictions and either to prevent him or them from so doing to recover damages or other dues for such violations.
- (21) These protective covenants shall be subject to amendments only by the constituted municipal governing body in which this subdivision is located, together with a minimum of two-thirds (2/3) vote of legal property owners in the subdivision.
- (22) Invalidation of any one of these covenants by judgment or court order shall in no wise effect any of the other provisions which shall remain in full force and effect.
- (23) Requirements pertaining to Blocks 1 and 7 (all lots east of Summit Drive): No dwelling shall be permitted in Blocks 1 and 7 of this subdivision having a ground floor area of the main structure, exclusive of one-story open porches and garages, of less than 1800 square feet for a one-story dwelling, and less than 2200 square feet on the first two floors of a full two-story dwelling.

For split-level homes, the upper levels directly under exterior roof must collectively contain at least 1800 square feet. It is further required that each home have a minimum of a two car garage having an interior width of not less than 24 feet attached to the home. Said Garage may only be used for the storage of automobiles or other personal property and may not be converted to living area unless a new garage is built at the same time of garage conversion and is approved by both the architectural review committee and the city.

Protective Covenants - Partridge Ridge Subdivision

(24) Requirements pertaining to Blocks 2,3,4,5 and 6 (all lots southwest of Summit Drive): No dwelling shall be permitted in Blocks 2,3,4,5 and 6 of this subdivision having a ground floor area of the main structure, exclusive of one-story open porches and garages, of less than 1600 square feet for a one-story dwelling, and less than 2000 square feet on the first two floors of a full two-story dwelling. For split-level homes, the upper levels directly under exterior roof must collectively contain at least 1600 square feet. It is further required that each home have a minimum of a two car garage having an interior width of not less than 24 feet attached to the home.

However, if homes located in Blocks 2,3,4,5 and 6 are constructed with 3 car garages of at least 30 feet of width (with either 3 separate single garage door openings, or a double garage door opening in conjunction with a single garage door opening), then minimum square footage shall be reduced to 1450 square feet for one-story dwelling, 1450 square feet for the upper levels under direct roof for the split-level home, and 1850 square feet for the combined upper two floors of a 2-story home. As in the entire subdivision, garages may only be used for the storage of automobiles or other personal property and may not be converted to living area unless a new garage is built at the same time of garage conversion and is approved by both the architectural review committee and the city.

IN WITNESS WHEREOF, the parties hereunto have set their hands and seals this 17<sup>th</sup> day of MARCH, 1995

SATTERFIELD REALTY AND DEVELOPMENT, INC.

*Steven H. Satterfield*  
STEVEN H. SATTERFIELD - PRESIDENT

*Kenneth A. Satterfield*  
KENNETH A. SATTERFIELD - SECRETARY

CORPORATE SEAL

STATE OF IDAHO  
COUNTY OF BAYNOCK

On this 17<sup>th</sup> day of MARCH, 1995 before me, the undersigned, a Notary Public, in and for the State of Idaho, personally appeared Steven H. Satterfield and Kenneth A. Satterfield known to me to be the President and Secretary of said Corporation.

*Elizabeth [Signature]*

My Commission Expires May 13 1997

(SEAL)

NOTARY SEAL

PARTRIDGE RIDGE SUBDIVISION

75  
Recommended Tree Species

95003723

MAPLES

Acer platanoides	Crimson Sentry
Acer platanoides Drummondii	Silver Variegated
Acer platanoides Globosum	Globe Norway Maple
Acer platanoides Royal Red	

BIRCH

Betula nigra	River Birch
Betula nigra	Heritage

HAWKBERRY

Cellitis occidentalis

HAWTHORNE

Crataegus crugalli	Cockspin Hawthorne
Crataegus crugalli inermis	
Crataegus laevigata	Crimson cloud Hawthorne

ASH

Fraxinus americana	Autumn Applause
Fraxinus americana	Autumn Purple
Fraxinus americana	Champaign County
Fraxinus opycarpa	Raywood Ash

HONEYLOCUST

Gleditsia tricanthos	Christie
Gleditsia tricanthos	Imperial

CRAB

Malus spp.	several fruitless or persistent varieties
------------	---

FLOWERING CHERRY

Prunus spp.	several species (check hardiness)
-------------	-----------------------------------

WILLOW

Salix "Prairie Cascade"	Prairie Cascade Weeping Willow
-------------------------	--------------------------------

MOUNTAIN ASH

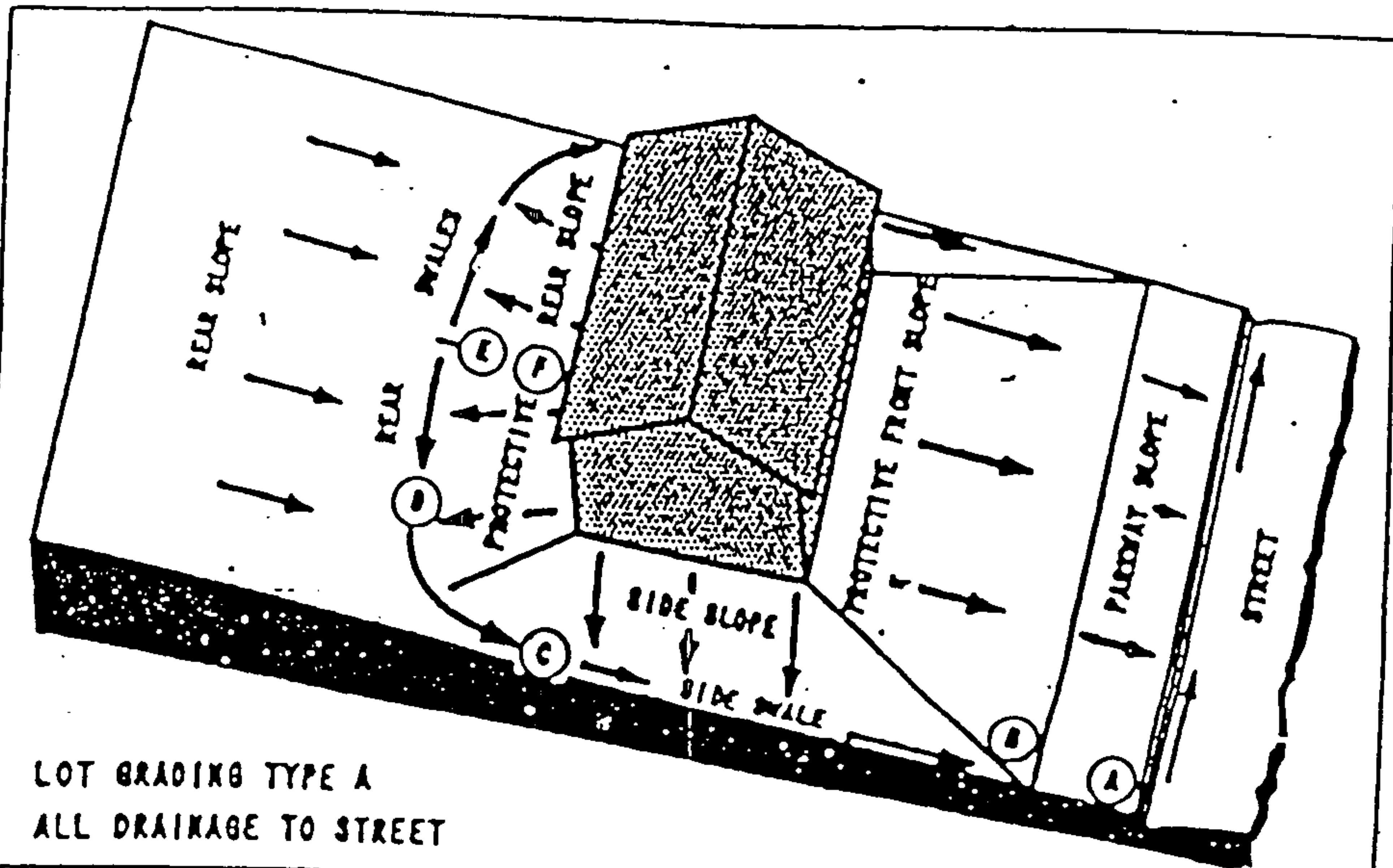
Sorbus alnifolia	Korean Mountain Ash
------------------	---------------------

LILAC

Syringa reticulata	Ivory Silk Japanese Tree Lilac
--------------------	--------------------------------

LINDEN

Tilia americana	'Wandell'	Legend Linden
Tilia cordata	'Chancellor'	Chancellor Linden
Tilia cordata	'Greenspire'	Greenspire Linden
Tilia cordata	'Olympic'	Olympic Linden



LOT GRADING TYPE A  
ALL DRAINAGE TO STREET

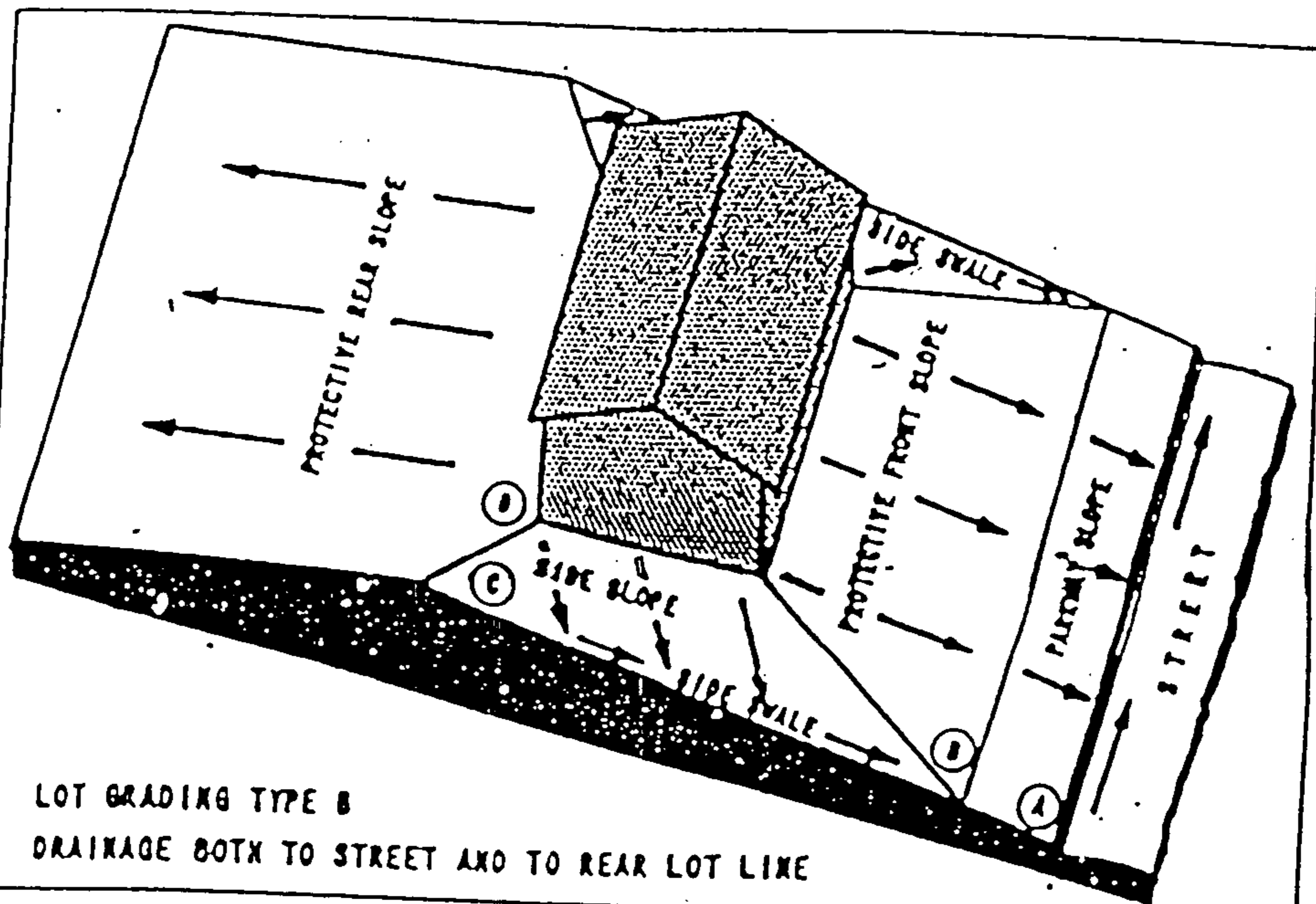
SAMPLE COMPUTATION OF GRADING CONTROL LINE A-F FOR A 60' LOT ON AN 0.65 STREET, WITH 28' SETBACK, 28' BUILDING DEPTH AND 25 SWALES

RESULTS USING 15 SWALES

A	Curb-top on lot-line extension at high lot corner		
A-B	Parkway slopes: 12' grass and walk at 1/4" ft. (2%)	3" (0.3)	3" (0.3)
B-C	Side swale: 56' grass at 1/4" ft. (2%)	14" (1.2)	7" (0.6)
C-D	Swale turn with 10' radius: 16' grass @ 1/4" ft.	4" (0.3)	2" (0.2)
D-E	Rear swale: 13' grass at 1/4" ft. (2%)	3" (0.3)	1" (0.1)
E-F	Protective rear slope of 6" from rear wall to rear wall	3" (0.3)	3" (0.3)
	Sub-total A-F from curb-top to rear wall at rear wall	27" (2.3)	16" (1.4)
	Minimum rise from curb-top to slab floor: 27" + 8"	35" (2.9)	24" (2.0)
	Minimum rise for walk-floor using 8" (slab: 27" + 19")	46" (3.8)	35" (2.9)

\* Where there is a high bank nearby or a long slope toward house, a minimum 6" protective slope is required.  
 \*\* Length D-E =  $X \left[ \text{lot width} - (2 \times \text{swale turn radius}) - (\text{lot width} \times \text{street gradient} + \text{swale gradient}) \right]$

Figure CC. Lot Grading Type A: All Drainage to Street



LOT GRADING TYPE B  
DRAINAGE BOTH TO STREET AND TO REAR LOT LINE

SAMPLE COMPUTATION OF GRADING CONTROL LINE A-D  
FOR A 60' LOT WITH 28' SETBACK, 28' BUILDING DEPTH AND 2% SWALES

RESULTS USING  
1% SWALES

A	Curb-top on lot-line extension at high lot corner		
A-B	Parkway slopes: 12' grass and walk at 1/2" / ft. (2%)	3" (0.37)	3" (0.37)
B-C	Side swale: 56' grass at 1/2" / ft. (2%)	7" (1.27)	7" (0.67)
C-D	Protective side slope at extension of rear lot line	3" (0.37)	3" (0.37)
	Sub-total A-D from curb-top to street	13" (1.77)	13" (1.17)
	Minimum rise from curb-top to sidewalk floor: 20" + 8"	28" (2.37)	21" (1.87)
	Minimum rise for walk-floor using 8" joists: 20" + 19"	39" (3.27)	32" (2.77)

\* Where there is a high bank nearby or a long slope toward house, a minimum 6" protective slope is required.

Figure DD. Lot Grading Type B: Drainage Both to Street and to Rear Lot Line

95003724

PLAT FOR PARTRIDGE RIDGE  
PREPARED BY SHURTLIFF ENGINEERING

LOCATED IN THE NW $\frac{1}{4}$  SEC. 18 AND  
SW $\frac{1}{4}$  SEC. 7 T6S R 35 EBM

OWNERS: SATTERFIELD REALTY & DEVELOPMENT, INC.

RECORDED IN THE RECORD OF PLAT  
BOOK 12 PAGE 81

NO. **95003724**  
RECORDED IN THE RECORD OF PLAT

SHURTLIFF ENGINEERING  
95 W. 17th Ave. Denver, CO

PLAT NO. 636  
RECORDED IN THE RECORD OF PLAT  
BOOK 12 PAGE 81