

**DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
CLEARWATER RESERVE SUBDIVISION CC&Rs

TETON COUNTY, IDAHO**

THIS DECLARATION made this _____ day _____, 2023.

When used hereinafter, the term “**CLEARWATER RESERVE SUBDIVISION**”
Will mean all that property in Teton County, Idaho more particularly described as:

1. GENERAL PURPOSES

This declaration is executed to enhance and protect the value, desirability and attractiveness, as well as to provide a pleasant environment for the benefit of all owners of the property.

2. DECLARATION

Declarant hereby declares that the property described on the Final Plat accompanying these covenants hereto, and any part thereof, shall be owned, sold, conveyed, encumbered. Used, occupied and developed subject to the following covenants, covenants and restrictions. The covenants shall run with the property and any lot thereof and shall be binding upon all parties having or acquiring any legal or equitable interest of every owner of any part of the property.

3. ASSOCIATION MEMBERSHIP

Every owner of a lot of the above described subject property shall be a member of the association. Membership shall be appurtenant to and may not be separated from ownership of any lot within **CLEARWATER RESERVE SUBDIVISION**. Each lot is subject to assessment.

4. PROPERTY SUBDIVISION

No lot within **CLEARWATER RESERVE SUBDIVISION** shall be further subdivided or split.

5. **ASSESSMENTS**

Both lots will share equally in the maintenance costs of shared improvements.

6. **DEVELOPMENT AND LAND USE RESTRICTIONS**

a. County land use regulations: Conformity with all applicable land use regulations of Teton County, Idaho, shall be required in addition to the requirements of these covenants. In case of any conflict, the more stringent requirements shall govern.

b. Residential use: Both lots are hereby restricted for residential purposes and only those uses allowed by conformance to Teton County, Idaho ordinances and codes. Illegal or immoral purpose and no nuisance shall be maintained or permitted to exist thereon.

c. Garbage collection: No lot shall be used or maintained as a dumping ground for rubbish or trash. Garbage and other waste shall be kept in sanitary containers. The cost of garbage collection will be paid by each owner.

d. All outdoor lighting, including on residents' outbuildings, shall comply with Teton County, Idaho's Dark SKy Lighting Ordinance, specifically low wattage, lighting downward directed.

e. Setbacks: structures shall comply with Teton County, Idaho's zoning setback requirements.

f. Maintenance: Each lot and all improvements thereon shall be maintained in a clean, safe and sightly condition.

g. Weed control: both lot owners will be responsible to control and eradicate all noxious weeds.

h. Right to Farm Act: all lot owners will recognize Idaho as an "Agriculture First" state and the Idaho Right to Farm Act protects all agricultural operations within the neighboring areas, including noise, odors and movement of farm machinery which are inherent to farming and ranching operations.

i. Sanitary Rules and Restrictions: All requirements of Eastern Idaho Public Health are in force for the installation of all septic systems within **Clearwater Reserve** subdivision with only septic systems approved by that agency being installed on each lot. EIPH has overriding authority regarding sanitary practices over the **Clearwater Reserve** Subdivision Homeowners Association. Each lot owner will maintain their individual septic systems with regular pumping of each septic tank by a septic tank pumping service.

j. Maintenance buildings: Maintenance and storage buildings are allowed on each lot.

k. Animals are allowed on each lot.

l. The following conditions cannot be changed by the Clearwater Reserve Subdivision Homeowners Association:

*weed maintenance and control

*Teton County dark sky requirements

*No further splitting of lots

*County setbacks and heights

*Right to Farm Act

*The authority of EIPH over the **Clearwater Reserve** Homeowners Association.

7. All garbage and trash will be collected in bear proof containers.