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BEFORE THE KITTITAS COUNTY BOARD OF ADJUSTMENT

Brewer Variance Appeal)
VA-12-00002)
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BRIEF OF KITTITAS COUNTY

INTRODUCTION

Comes Now, Respondent Kittitas County, by and through its attorney of record, Deputy Prosecutor Neil A. Caulkins, and submits this brief in the appeal of its denial of a setback variance. The County's variance denial comports with the applicable law. The Appellant has not met the statutory threshold to either receive a variance or have this board overturn the denial and grant the variance. The Board of Adjustment should affirm the denial of Brewer's setback variance application.

FACTS

The Brewer's lot was originally subject to a ten foot setback requirement and is encumbered with a wellhead protection zone. There appear to be nine wells involved in this plat and the wellhead protection zones associated therewith encumber about half of the lots in the plat. AR 9, pg. 8 (A true and correct copy is attached hereto as Exhibit "A.") WAC 246-291-

1 100(4) provides for "Sanitary Control Areas" of 100 feet in diameter ("wellhead protection
2 zones") around wells and prohibits construction within those areas without special State
3 Department of Health approval. Ms. Brewer built a house and garage upon the property, and
4 then years later submitted this application for a variance to build a shop. The proposed shop is
5 both within the 100-foot wellhead protection zone and only five feet from the property line. In
6 other words, this request is for something that could never legally have been built. The zoning of
7 the Brewer's property was changed between the time the lot was platted and when they made
8 application for variance so as to now require a fifteen-foot building setback from property lines.

9 Neither in the variance application nor in this appeal have the Brewers demonstrated that
10 a proposed shop must be located where they indicate nor that a smaller shop would be
11 impossible. Neither in the variance application nor in this appeal have the Brewers demonstrated
12 that having a shop, in addition to a garage, is common within their plat or constitutes a
13 substantial property right. The Brewers appear to admit that the manner in which they cited their
14 house and garage, and the size thereof, limit where another structure could be.

16 STANDARD OF REVIEW

17 Variances to the zoning code in Kittitas County are governed by Ch. 17.84 KCC.

18 Chapter 17.84 KCC provides in its entirety:

19 17.84.010 Granted when.

20 Pursuant to Title 15A of this code, Project permit application process, the
21 administrator, upon receiving a properly filed application or petition, may permit
22 and authorize a variance from the requirements of this title only when unusual
23 circumstances cause undue hardship in the application of it. The granting of such
24 a variance shall be in the public interest. A variance shall be made only when all
25 of the following conditions and facts exist:

1. Unusual circumstances or conditions applying to the property and/or the intended use that do not apply generally to other property in the same vicinity or district, such as topography;

2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district;
3. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located;
4. That the granting of such variance will not adversely affect the realization of the comprehensive development pattern. A variance so authorized shall become void after the expiration of one year if no substantial construction has taken place;
5. Pursuant to Title 15A of this code, the board of adjustment, upon receiving a properly filed appeal to an administrative determination for approval or denial of a variance, may permit and authorize a variance from the requirements of this title only when unusual circumstances cause undue hardship in the application of it. The granting of such a variance shall be in the public interest. A variance shall be made only when all of the conditions and facts identified within subsections A through D of this section are found by the board of adjustment to exist.

It is clear that the Appellant has not met the statutory burden to receive a variance. The variance committee was correct in denying the Brewer's variance request and this board must affirm the denial of the Brewer's variance request.

ARGUMENT

KCC 17.84.010 states that the Board of Adjustment may grant the Brewer's variance only if all the elements found in subsection (1) through (4) are met and if there is an unusual circumstance that causes an undue hardship. KCC 17.84.010(5). The Brewers, as the variance committee found, have failed to show any of the four statutory factors necessary for granting a variance. There is no showing of unusual circumstance applying to this property unlike others in the vicinity. There is no showing that having a shop of this size and in this location, or at all, is a substantial property right of anyone, much less one enjoyed by others in the vicinity.

Construction in a wellhead protection zone will be detrimental to the public welfare and injure neighboring property owners. There is no discussion of how the proposed variance would adversely affect the comprehensive development pattern. The Brewers have failed to meet the

1 statutory requirements for granting a variance, as the variance committee found, and this board
2 must affirm that denial.

3 **No unusual circumstances or conditions apply to this property that do not apply in**
4 **the vicinity.**

5 The Brewers try and argue that the presence of a wellhead protection zone and the
6 rezoning of their property so as to now require a fifteen foot setback are the two unusual
7 circumstances creating undue hardship for them, thereby justifying granting a variance. Neither
8 of these is legally sufficient. The Board must affirm the denial of the Brewer's variance request.

9 The presence of a wellhead protection zone does not legally constitute an unusual
10 circumstance causing undue hardship that is not experienced by other property owners in the
11 vicinity. There are nine wellhead protection zones in this plat and they encumber twenty one of
12 the fifty two lots in the plat. AR 9, pg. 8. In other words, almost half of the lots in this plat are
13 encumbered by wellhead protection zones. Hence, there is nothing unusual about the presence of
14 a wellhead protection zone, and there is certainly nothing about it creating an undue hardship not
15 experienced by other property owners in the vicinity. Almost half the property owners in this
16 plat have restrictions upon their uses determined by the presence of wellhead protection zones.

17 The presence of a wellhead protection zone in a plat is an example of governmental
18 protection of health, safety, and welfare, and cannot be construed as an unusual circumstance
19 creating an undue hardship. The very purpose of platting "is to regulate the subdivision of land
20 and to promote the public health, safety, and welfare in accordance with standards established by
21 the state to...facilitate adequate provision of water." RCW 58.17.010. Similarly, RCW
22 58.17.110(2) provides that "a proposed subdivision and dedication shall not be approved unless
23 the...county legislative body makes written findings that appropriate provisions are made for the
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1 public health, safety, and general welfare and for ...potable water supplies...and the public use
2 and interest will be served by the platting of such subdivision and dedication. “ Given that, as a
3 matter of state law, platting and the provision of potable water are basic matters of public health,
4 safety, and welfare and that plats are only approved if the public use and interest are served
5 thereby, the platting of land designating a series of nine wellhead protection zones on the face of
6 the plat cannot be considered an unusual circumstance causing an undue hardship. As a matter
7 of state law, the presence of wellhead protection zones in this plat and their encumbrance upon
8 almost half of the lots in this plat serves the public use and interest and cannot be considered an
9 unusual circumstance or undue hardship.

10 The subsequent rezoning of the Brewer’s property, and the larger setback required
11 pursuant to such, is irrelevant to the Brewer’s variance request and appeal. It is a red herring.
12 When the parcel was platted and when the Brewers purchased the lot, it was subject to a ten-foot
13 setback. The Brewers wish to build within five feet of the property line. The fact that the
14 parcel’s current zoning requires a fifteen-foot setback is irrelevant to the Brewer’s need for a
15 variance because under either the old or current zoning, a variance would have been required to
16 build within five feet of the property line. The County’s rezoning of the property is not what
17 created the need for the variance, it is the Brewer’s desire to build five feet from the line. The
18 fact that the zoning now requires a fifteen foot setback is not what causes the need for a variance.
19 Hence the County’s zoning cannot be considered an unusual circumstance creating an undue
20 hardship on this parcel not experienced by other properties in the vicinity. They are all under the
21 same zoning and so subject to the same regulation. There is nothing unusual or unique about the
22 requirement the Brewers are subject to nor anything about it creating an unusual hardship.
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1 Zoning has been considered an appropriate exercise of governmental power to promote
2 the public health, safety, and welfare since at least the US Supreme Court case of Village of
3 Euclid v. Ambler Realty Co. in 1926. Zoning designation, and hence the uses available on
4 parcels, can change as the municipality continues to focus and develop its vision of public good.
5 This is evident in Washington's law because a plat will vest to zoning/use regulations in place at
6 the date of final approval only for a limited number of years. RCW 58.17.170(3). Therefore,
7 should a municipality's vision of public good change, it can enforce those new policies upon
8 previous platted lands rather than have those older plats receive a guaranteed right to some older
9 regulation that undercuts the municipality's exercise of the public good forever. In other words,
10 vesting is limited to promote public good and limit the creation of nonconforming uses and
11 structures. The fact that the County has now rezoned this property to now require fifteen-foot
12 setbacks is a more focused manifestation of the public good than what previously existed. It
13 cannot be argued that, because the county, at the time of plat approval, considered a ten-foot
14 setback in this area a sufficient expression of public use and necessity, that such a setback still
15 constitutes an adequate protection of public welfare when the County has now said that fifteen
16 feet is the required minimum.

18 The Brewers argue that the placement of their house contributes to the unusual
19 circumstance and undue hardship that justifies the requested variance. However, KCC
20 17.84.010(1) contemplates an unusual circumstance "applying to the property...such as
21 topography." This is contemplating something that uniquely applies to the subject property that
22 is not of the making of the applicant. It would make no sense for an applicant to bring upon
23 themselves some hardship because of a choice they made and then receive a variance from
24 generally applicable regulation allowing them to provide less protection/benefit to the public
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1 welfare. A variance is available to property owners who, through no fault of their own, find
2 themselves in some unusual circumstance that creates an undue hardship. A variance is not for
3 those to go out and create the weird circumstance and the hardship and then get a variance so
4 they can get away with it anyway. The Board must affirm the variance committee's denial of the
5 Brewer's variance request.

6 **The Requested Variance is Not Necessary to Preserve a Substantial Property Right**
7 **Possessed by Property Owners in the Vicinity.**

8 Appellants make no showing, and the record contains no evidence showing, that having a
9 shop, or one of the size or in the location requested by the Brewers is a substantial property right.
10 It is not the job of a tribunal to search for authority for a party's arguments that are unsupported
11 by authority. *Orwick v. Seattle*, 103 Wn.2d 249, 256, 692 P.2d 793 (1984). Without citation to
12 authority, it is presumed that none exists and the issue will not be considered. In *re Rosier*, 105
13 Wn.2d 606, 616, 717 P.2d 1353 (1986). At page nine of their brief, the Brewers actually argue
14 that other lots in their plat have been developed in accordance with the then-current setback-ten
15 feet. Hence, the Brewers themselves argue that being able to build five feet from the property
16 line is not a right possessed by property owners in the vicinity. If all the lots in their plat are
17 developed according to the old ten-foot setback, then being able to build five feet from the
18 property line is not a right enjoyed by the owners of property in the vicinity or district as the
19 statute requires. To receive a variance, each element from KCC 17.84.010 must be met. Since
20 the Brewers fail to meet this element, the Board must affirm the variance committee's denial of
21 the variance request.
22

23 **The Variance Will Be Materially Detrimental to the Public Welfare and Injurious to**
24 **Property In the Vicinity.**
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1 The Appellants assert without citation to authority, that the requested variance will not be
2 detrimental to the public welfare or to neighboring properties. It is not the job of a tribunal to
3 search for authority for a party's arguments that are unsupported by authority. *Orwick v. Seattle*,
4 103 Wn.2d 249, 256, 692 P.2d 793 (1984). Without citation to authority, it is presumed that
5 none exists and the issue will not be considered. *In re Rosier*, 105 Wn.2d 606, 616, 717 P.2d
6 1353 (1986). The authority is actually to the contrary demonstrating that the Brewer's requested
7 variance is detrimental to the public welfare and neighboring properties.

8 At page five of their brief, the Brewers assert without authority that variance do not
9 undercut zoning. Actually an exception to a standard does obviously compromise the level of
10 compliance with that standard. That is why they are called "variances" because they are
11 exceptions that reduce the standard that the applicable zoning establishes, and thereby undercut
12 it.

13 Similarly at page five and nine of their brief the Brewers baldly assert that safety
14 concerns about snow load and setbacks are baseless. RCW 19.27.020 states that the state
15 building code (which regulates snow load and establishes a basis for setbacks) was created to
16 promote the public health, safety, and welfare by requiring minimum performance standards that
17 are consistent with accepted standards of engineering, fire, and life safety. Similarly, Ch. 58.17
18 RCW's purpose is to promote the public health safety and welfare and to further the public use
19 and interest. RCW 58.17.010; 58.17.110(2). This is the basis for zoning. Hence, snow loads
20 and setbacks are, as a matter of state law, there to protect the public health, safety, and welfare, a
21 variance from such standards will be detrimental thereto, and there is no showing or evidence in
22 this matter to the contrary. Being detrimental to the public welfare, the variance fails to meet the
23 requirement of KCC 17.84.010(3) and must be denied.
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1 The Brewers try and argue that the encroachment of a building into a wellhead protection
2 zone is not relevant to variance consideration, that the County has no jurisdiction to protect
3 wellhead protection zones, and that the presence of another requirement obviates the County's
4 need to show that granting its variance is not detrimental to public welfare. All of these
5 arguments fail because they are contrary to the law, and this Board must affirm the variance
6 committee's denial of the Brewer's variance request.

7 Encroachment into a wellhead protection zone is a matter of public welfare concern and
8 so is per se relevant to the variance inquiry under KCC 17.84.010(4). The purpose of the chapter
9 of the Washington Administrative Code that establishes and regulates wellhead protection zones
10 is "to protect the health of consumers." WAC 246-291-001(1). Similarly, the platting statutes
11 which regulated the original creation of this plat were created to promote the public health,
12 safety, and welfare and to serve the public use and interest. RCW 58.17.010; 58.17.110(2). It
13 cannot be said, as the Brewers try and argue at page six of their brief, that encroachment into a
14 wellhead protection zone is irrelevant to the public welfare, and so not injurious to it. KCC
15 17.84.010(3) requires that a variance not be detrimental to the public welfare or neighboring
16 properties. There is no showing or evidence in this matter that encroaching upon this wellhead
17 protection zone will not injure the public welfare or harm neighboring properties who depend
18 upon this well for potable water. This inquiry is relevant to granting the variance, and without
19 demonstrating the lack of harm, the variance must be denied.

21 The Brewers try and argue that the County has no authority to protect a wellhead
22 protection zone or to determine encroachment thereof at page six of their brief. The Washington
23 Supreme Court has held otherwise. In Kittitas County v. Eastern Washington Growth
24 management Hearings Board and JZ Knight v. City of Yelm, the Supreme Court has held that a
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1 municipality's GMA responsibility to protect the quantity and quality of ground and surface
2 water requires it to make a broad range of determinations, from finding if the exempt well statute
3 has been violated to determining the adequacy of a water right, which are usually relegated to
4 other entities. The GMA mandate to protect ground and surface water, coupled with the
5 County's responsibilities for public welfare under the platting and variance regulations,
6 particularly as seen through the guidance of these recent Supreme Court cases, requires the
7 County to protect the public welfare by protecting wellhead protection zones against intrusion by
8 variance requests. Hence, the Board must affirm the variance committee's denial of this request.

9 The Brewers argue that the granting of this variance is not detrimental to the public
10 welfare because, before anything can be built, other easements and permissions will need to be
11 obtained. This does not answer the statutory question. The statutory question is - does the
12 granting of the variance itself work a detriment to the public welfare? Saying that there are other
13 questions that need to be answered first before the public welfare is compromised does not
14 answer the question of whether granting the variance itself is detrimental to the public welfare.
15 The possible presence of other permissions being needed is irrelevant to whether or not the
16 variance is detrimental to the public welfare. It is like saying failure to wear a seatbelt does not
17 endanger me because I would have to hit something with my car before I would be harmed. No,
18 not wearing a seatbelt places me in a more dangerous position whether I hit something or not.
19 Similarly, granting a variance that would approve construction within a wellhead protection zone
20 is, by definition, detrimental to the public welfare and other property owners who rely upon that
21 well for their potable water, whether additional requirements need to be satisfied before
22 construction can commence or not. There is also no showing of the inquiry involved in
23 obtaining these other permissions or whether the public interest is protected or considered by
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1 them. The Board must affirm the variance committee's determination to deny this variance
2 request because there is no showing that the requested variance itself is not detrimental to the
3 public welfare.

4 **The Requested Variance Will Adversely Affect a Comprehensive Development**
5 **Pattern.**

6 The Brewers do not even argue that their variance will not adversely affect a
7 comprehensive development patter. By not making one of the required showings found in KCC
8 17.84.010, the variance cannot be granted. This plat has nine wells and almost half of the lots in
9 the plat are encumbered by the wellhead protection zones. Allowing this variance would
10 adversely affect the development pattern because it would literally pave the way for one of these
11 protection zones to be encroached upon. This series of wells and their associated wellhead
12 protection zones is part of the development pattern that the County, pursuant to RCW 58.17.110,
13 found to serve the public use and interest by providing adequate provision for potable water. To
14 grant the variance would adversely affect this comprehensive development pattern that was
15 found to provide for the public health, safety, and welfare by providing adequate potable water to
16 the plat residents. By adversely affecting this comprehensive development pattern, and having
17 no showing, evidence, or even argument to the contrary, the necessary statutory prerequisite for a
18 variance is not satisfied and this Board must affirm the variance committee's denial of the
19 Brewer's variance request.
20

21 **The Record Supports Denial of The Variance Request.**

22 The Brewers try and argue, at page four of their brief, that the comments do not support
23 denial. It is important to recognize that of the seven comments on the variance that were
24 received, four oppose the variance, two take no position, and one is in support of the variance. A
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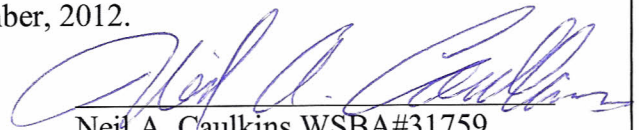
1 variance is to be granted under KCC 17.84.010 only if all four elements are made and there is a
2 showing of unusual circumstances causing an undue hardship. As demonstrated above, not only
3 is there no showing in the record that any of the elements are met, but the evidence in the record-
4 these comments-supports the denial of the variance.

5 **Having Met No Applicable Statutory Requirement For A Variance, The Brewers**
6 **Argue That Simply Complying With The Law Is An Unusual Circumstance That Creates**
7 **An Undue Hardship For Them.**

8 The Brewer's argument for unusual circumstances and undue hardship boils down to the
9 following: comporting with the law creates an undue hardship for them and so they must be
10 granted a variance. They have wanted this shop for years, even though it was never legally
11 possible, and for the County to now require them to follow the law is such an unusual
12 circumstance creating an undue hardship, that they must be granted a variance so as to not have
13 to comply with regulation everyone else in the County is subject to. By having made no showing
14 whatsoever of any of the four elements required to obtain a variance, their argument does
15 actually reduce to "because the law keeps them from getting what they want, it creates a
16 hardship, and so a variance must issue." This is not how it works. One gets a variance by
17 demonstrating unusual circumstances and undue hardship by using the statutory criteria, not by
18 complaining that complying with the law keeps them from realizing their dream.

19 There has been no showing that any of the statutory elements for a variance have been
20 met. The Brewers are simply saying that comporting with the law thwarts their plans and so
21 must constitute an undue hardship for which a variance must issue. There having been no
22 showing of the statutory elements nor of unusual circumstances of undue hardship, this Board
23 must affirm the variance committee's denial of the Brewer's request.
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Respectfully submitted this 25th day of September, 2012.



Neil A. Caulkins WSBA#31759
Deputy Prosecuting Attorney

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EXHIBIT "A"

LAKE EASTON ESTATES - WELL EASEMENTS
SEC. 3, T. 20 N., R. 13 E., W.M.

580770

20-219

GRAPHIC SCALE



LEGEND

- SET PIN & CAP
- FOUND PIN & CAP
- FENCE

NOTES:

1. THIS SURVEY WAS PERFORMED USING A TOPCON GTS-35 TOTAL STATION. THE CONTROLLING MEASUREMENTS AND PROPERTY CORNERS SHOWN HEREON WERE LOCATED, STAKED AND CHECKED FROM A CLOSED FIELD TRAVELER IN EXCESS OF 5,100.00 LINEAR CHAINAGE, AFTER ADJUSTMENT.
2. THIS SURVEY MAY NOT SHOW ALL EASEMENTS WHICH MAY PERTAIN TO THIS PROPERTY.
3. BASIS OF BEARINGS - PLAT OF LAKE EASTON ESTATES.
4. THE PURPOSE OF THIS SURVEY IS TO DETERMINE THE LOCATIONS OF THE EXISTING WELLS AND THE 100' PROTECTING RADIUS FOR EACH WELL WITHIN THE PLAT OF LAKE EASTON ESTATES, AS FILED IN BOOK 8 OF PLATS, PAGES 22-26, RECORDS OF KITITAS COUNTY, WASHINGTON. THESE LOCATIONS SUPERCEDE THOSE LOCATIONS ILLUSTRATED ON THE AFORESAID PLAT.
- EASEMENTS ON LOT 7 AND LOT 31 AS SHOWN ON THE AFORESAID PLAT HAVE BEEN REINCLUDED.
- EASEMENTS A, D, H AND J REMAIN AS PREVIOUSLY SHOWN ON THE SUBJECT PLAT OF RECORD.
- EASEMENTS B, C, E, F AND G HAVE BEEN ADDED.

AUDITOR'S CERTIFICATE

Filed for record this 4th day of April, 1995, at 9:02 A.M., in Book 20 of Surveys at page(s) 2-12 at the request of Cruse & Nelson.

BEVERLY H. ALDRICH BY: [Signature]
KITITAS COUNTY AUDITOR

SURVEYOR'S CERTIFICATE

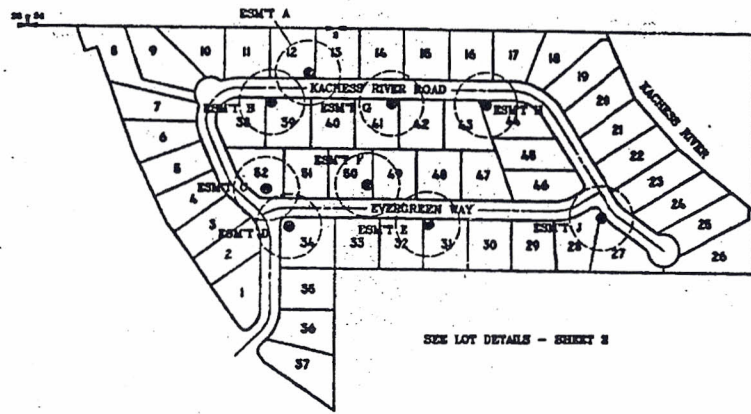
This map correctly represents a survey made by me or under my direction in accordance with the requirements of the Survey Recording Act of the request of TMH BTH of March of 1995.

[Signature]
DAVID P. NELSON
Professional Land Surveyor
License No. 18022



APR 4 1995
DATE

CRUSE & NELSON
PROFESSIONAL LAND SURVEYORS
317 East Fourth Street P.O. Box 850
Ellensburg, WA 98926 (509) 923-6747
LAKE EASTON ESTATES



SEE LOT DETAILS - SHEET 2

EASEMENT DESCRIPTIONS

EASEMENT A
EASEMENT A AS DELINEATED ON THAT CERTAIN SURVEY RECORDED APRIL 4, 1995 IN BOOK 20 OF SURVEYS AT PAGES 2-12, 2-13 UNDER AUDITOR'S FILE NO. 272270 RECORDS OF KITITAS COUNTY, WASHINGTON; BEING ACROSS PORTIONS OF GOVERNMENT LOTS 2 AND 3, SECTION 3, TOWNSHIP 20 NORTH, RANGE 13 EAST, IN THE COUNTY OF KITITAS, STATE OF WASHINGTON; AFFECTING LOTS 12, 13, 39 AND 40, LAKE EASTON ESTATES, AS PER PLAT THEREOF RECORDED IN BOOK 8 OF PLATS, PAGES 22-26, RECORDS OF SAO COUNTY.

EASEMENT B
EASEMENT B AS DELINEATED ON THAT CERTAIN SURVEY RECORDED APRIL 4, 1995 IN BOOK 20 OF SURVEYS AT PAGES 2-12, 2-13 UNDER AUDITOR'S FILE NO. 272270 RECORDS OF KITITAS COUNTY, WASHINGTON; BEING ACROSS PORTIONS OF GOVERNMENT LOT 3, SECTION 3, TOWNSHIP 20 NORTH, RANGE 13 EAST, IN THE COUNTY OF KITITAS, STATE OF WASHINGTON; AFFECTING LOTS 11, 12, 38 AND 39, LAKE EASTON ESTATES, AS PER PLAT THEREOF RECORDED IN BOOK 8 OF PLATS, PAGES 22-26, RECORDS OF SAO COUNTY.

EASEMENT C
EASEMENT C AS DELINEATED ON THAT CERTAIN SURVEY RECORDED APRIL 4, 1995 IN BOOK 20 OF SURVEYS AT PAGES 2-12, 2-13 UNDER AUDITOR'S FILE NO. 272270 RECORDS OF KITITAS COUNTY, WASHINGTON; BEING ACROSS PORTIONS OF GOVERNMENT LOT 3, SECTION 3, TOWNSHIP 20 NORTH, RANGE 13 EAST, IN THE COUNTY OF KITITAS, STATE OF WASHINGTON; AFFECTING LOTS 3, 51 AND 52, LAKE EASTON ESTATES, AS PER PLAT THEREOF RECORDED IN BOOK 8 OF PLATS, PAGES 22-26, RECORDS OF SAO COUNTY.

EASEMENT D
EASEMENT D AS DELINEATED ON THAT CERTAIN SURVEY RECORDED APRIL 4, 1995 IN BOOK 20 OF SURVEYS AT PAGES 2-12, 2-13 UNDER AUDITOR'S FILE NO. 272270 RECORDS OF KITITAS COUNTY, WASHINGTON; BEING ACROSS PORTIONS OF GOVERNMENT LOT 3, SECTION 3, TOWNSHIP 20 NORTH, RANGE 13 EAST, IN THE COUNTY OF KITITAS, STATE OF WASHINGTON; AFFECTING LOTS 2, 34, 51 AND 52, LAKE EASTON ESTATES, AS PER PLAT THEREOF RECORDED IN BOOK 8 OF PLATS, PAGES 22-26, RECORDS OF SAO COUNTY.

EASEMENT E
EASEMENT E AS DELINEATED ON THAT CERTAIN SURVEY RECORDED APRIL 4, 1995 IN BOOK 20 OF SURVEYS AT PAGES 2-12, 2-13 UNDER AUDITOR'S FILE NO. 272270 RECORDS OF KITITAS COUNTY, WASHINGTON; BEING ACROSS PORTIONS OF GOVERNMENT LOT 2, SECTION 3, TOWNSHIP 20 NORTH, RANGE 13 EAST, IN THE COUNTY OF KITITAS, STATE OF WASHINGTON; AFFECTING LOTS 31, 32, 48 AND 49, LAKE EASTON ESTATES, AS PER PLAT THEREOF RECORDED IN BOOK 8 OF PLATS, PAGES 22-26, RECORDS OF SAO COUNTY.

EASEMENT F
EASEMENT F AS DELINEATED ON THAT CERTAIN SURVEY RECORDED APRIL 4, 1995 IN BOOK 20 OF SURVEYS AT PAGES 2-12, 2-13 UNDER AUDITOR'S FILE NO. 272270 RECORDS OF KITITAS COUNTY, WASHINGTON; BEING ACROSS PORTIONS OF GOVERNMENT LOT 2, SECTION 3, TOWNSHIP 20 NORTH, RANGE 13 EAST, IN THE COUNTY OF KITITAS, STATE OF WASHINGTON; AFFECTING LOTS 49 AND 50, LAKE EASTON ESTATES, AS PER PLAT THEREOF RECORDED IN BOOK 8 OF PLATS, PAGES 22-26, RECORDS OF SAO COUNTY.

EASEMENT G
EASEMENT G AS DELINEATED ON THAT CERTAIN SURVEY RECORDED APRIL 4, 1995 IN BOOK 20 OF SURVEYS AT PAGES 2-12, 2-13 UNDER AUDITOR'S FILE NO. 272270 RECORDS OF KITITAS COUNTY, WASHINGTON; BEING ACROSS PORTIONS OF GOVERNMENT LOT 2, SECTION 3, TOWNSHIP 20 NORTH, RANGE 13 EAST, IN THE COUNTY OF KITITAS, STATE OF WASHINGTON; AFFECTING LOTS 14, 15, 41 AND 42, LAKE EASTON ESTATES, AS PER PLAT THEREOF RECORDED IN BOOK 8 OF PLATS, PAGES 22-26, RECORDS OF SAO COUNTY.

EASEMENT H
EASEMENT H AS DELINEATED ON THAT CERTAIN SURVEY RECORDED APRIL 4, 1995 IN BOOK 20 OF SURVEYS AT PAGES 2-12, 2-13 UNDER AUDITOR'S FILE NO. 272270 RECORDS OF KITITAS COUNTY, WASHINGTON; BEING ACROSS PORTIONS OF GOVERNMENT LOT 2, SECTION 3, TOWNSHIP 20 NORTH, RANGE 13 EAST, IN THE COUNTY OF KITITAS, STATE OF WASHINGTON; AFFECTING LOTS 16, 17, 43 AND 44, LAKE EASTON ESTATES, AS PER PLAT THEREOF RECORDED IN BOOK 8 OF PLATS, PAGES 22-26, RECORDS OF SAO COUNTY.

EASEMENT J
EASEMENT J AS DELINEATED ON THAT CERTAIN SURVEY RECORDED APRIL 4, 1995 IN BOOK 20 OF SURVEYS AT PAGES 2-12, 2-13 UNDER AUDITOR'S FILE NO. 272270 RECORDS OF KITITAS COUNTY, WASHINGTON; BEING ACROSS PORTIONS OF GOVERNMENT LOT 2, SECTION 3, TOWNSHIP 20 NORTH, RANGE 13 EAST, IN THE COUNTY OF KITITAS, STATE OF WASHINGTON; AFFECTING LOTS 22, 23, 24, 37 AND 38, LAKE EASTON ESTATES, AS PER PLAT THEREOF RECORDED IN BOOK 8 OF PLATS, PAGES 22-26, RECORDS OF SAO COUNTY.