

Charles A. Rohrman

Nov 19 11:22 AM '62

HIGHLAND VALLEY ESTATES
DIVISION NO. 1VERNER MILLER, AUDITOR
DEPUTYRECORDED IN VOL. *Deeds*RESTRICTIONS AND PROTECTIVE COVENANTS

Know all men by these presents that Alma Rohrman, a single woman, A. F. Rohrman and Constance Ellen Rohrman, his wife, and Charles A. Rohrman and Elva G. Rohrman, his wife, who are the present owners and developers of the following described real property:

That portion of the north half of the northeast quarter lying north of the Kennewick Irrigation District canal, except the north fifty feet and the east thirty feet thereof and that portion of the east half of the northeast quarter of the northwest quarter lying north and east of the Kennewick Irrigation District canal all in Section 9, Township 8 North, Range 2 East, Willamette Meridian, Benton County, Washington.

do hereby declare that the following protective covenants and restrictions until January 1, 1958, shall run with the land and shall be binding on all parties and all persons claiming the property, at which time said covenants shall be automatically extended for successive periods of five years, unless by a vote of a majority of the then future owners of the subdivisions it is agreed to change said covenants in whole or in part:

In the event that the present owners, or their successors in interest, to any of the property, which said successors are recognized as parties hereto, or if any of said parties, or any of them, or their heirs or assigns, shall violate or attempt to violate any of the covenants or restrictions hereof, it shall be lawful for any other person or persons owning any of said estates to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions and either to prevent him or them from so doing or to recover damages or other dues for such violation.

Invalidation of any one of these covenants or restrictions by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

Purpose

It is the intent and purpose of these provisions to assure the initial development of this property in the form of individual small acreages with high quality residences where the future owners and their families may pursue small scale, part time agricultural and animal husbandry activities such as may be characterized by ownership and use of riding horses and 4-H or FFA projects for young people. It is further the intent and purpose of these restrictions and covenants to assure the high quality of dwellings and other structures now and in the future, to protect the health, safety, welfare, security of monetary investment, and to further all things conducive to harmony and compatibility among neighbors. And finally, it is the purpose and intent of these provisions to assure the orderly and eventual conversion of this property into a high quality residential area which can be readily integrated with the anticipated growth of the adjacent community.

Classification of land

On the "Kennewick Urban Area - Existing Zoning" map revised October, 1962, by the Benton Regional Planning Commission, the property to which these restrictions and covenants apply is identified as "Agricultural," therefore, in keeping with the classifications as identified in "Zoning Ordinance of Benton County," this property shall be regarded as in "Agricultural District, A." However, the more limiting restrictions as delineated herein shall be controlling. In addition, such uses as specifically identified in Section V, Suburban District (S) Items B, C, D, and I-1, 2, 3, 4, and in Section VI Agricultural District, (A) Items E, G, H-2, 3*, 4, 5* are not permitted.

*However, this type of activity may be allowed under conditions as specified in these covenants under "Livestock" and "Agricultural Uses."

VOLUME *200* PAGE *491*
INDEXED BY *[Signature]*
CHECKED BY *[Signature]*

Future Subdivision of Estates

All of the presently platted estates have at least one full dimension fronting on a road. Any of these estates may be subdivided by description and without platting into two lots, each with frontage equal to one-half that of the unsubdivided estate. One of these subdivisions may be in kind, as about one quarter the area of the original estate. All such subdivisions shall be of regular form with boundaries parallel to the original estate boundaries except, of course, in those cases where a boundary may be irregular such as along the canal right of way, in which situation the new boundary of the subdivision shall be parallel to the appropriate straight side. In order to provide some measure of latitude and flexibility, dimensions of subdivided sections may vary within ten percent of the half dimensions of the original estate measurements, including end easements. The resulting area of the subdivision may also vary by more than ten percent from a half or a quarter of the original estate area. Although it is not an essential requirement, it should be obvious that in future subdivision in accordance with the above requirements, dwellings and other permanent structures should be appropriately oriented and placed to be used comprising very nearly a quarter of an original estate and which may thus eventually be disposed of later as one of the minimum sized areas as specified above.

Two of the estates (Nos. 1, 17 and 18) of the present division have approximately equal frontage on two intersecting roads. These estates may be subdivided at present into as many as three lots, two of which would have minimum areas as specified above; the other would be very nearly one-half that of the original estate.

With installation of roads by future property owners on the easements as provided on this plat, all estates may be divided into four lots of the minimum size as described above.

If the future owners elect to subdivide their estates for sale as lots as indicated above, they shall provide easements or rights of way for the delivery of domestic and irrigation water to each of such subdivisions.

Dwellings and Structures

No dwelling, barn, shed or shelter of any kind with a covered area greater than twenty-five square feet shall be placed on any of the property by moving thereon such a structure or building which had earlier been erected at any other location.

No trailer, basement, tent, shack, garage, barn or other outbuilding erected or placed on the property shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

No structure or dwelling shall exceed two stories in height. Residences shall be single unit dwellings having an enclosed, ground-floor, projected living area of not less than 1250 square feet for single floor plan and not less than 1000 square feet for other than single floor plan structure. Such area does not include porches, garages, patios, breezeways, etc. No outbuildings shall have a sheltered area greater than that of the dwelling.

Dwellings shall comply with not less than minimum F.H.A. requirements and specifications. The estimated value of dwellings exclusive of land shall be not less than \$13.50 per square foot. The appropriate Building Cost Index as recorded in the "Engineering News Record" for the week including the first day of July, 1962, shall be used as the basis for determining an adjusted dollar per square foot value in the future in accordance with the change of the index as recorded at subsequent six-month intervals.

Outbuildings shall be set away from dwellings by a distance of not less than thirty feet.

Garages shall be no larger than adequate for three cars.

Any dwelling or other structure erected or placed on the property shall be completed as to external appearances, including finished painting, within twelve months of commencement of construction.

Until such time as a sanitary sewer system shall have been extended to serve the area, sewage disposal facilities for dwellings shall be provided in accordance with the requirements of Benton County Ordinance No. 72 and the Health Authority with jurisdiction.

Location of Dwellings and Structures

No dwelling, bath, garage or other structure shall be constructed nearer than 30 feet to the edge of any street or road easement or nearer than 12 feet to the estate boundaries. In addition, no permanent building shall be placed in the space between the dwelling and the street.

Fencing

No barbed wire fencing shall be used between the street line and the dwelling and within 12 feet on either side of the dwelling. Any other fencing from this area to the street line, if provided, shall be of a decorative nature with a height of not more than four feet.

Property Owners Association

When ownership of five estates of this subdivision has been transferred from the developers to five new owners, it is suggested that these five new owners and all subsequent and additional owners form a property owners association, or similarly titled group. It shall be the purpose and responsibility of the association to:

1. Serve as a group in all relationships with the Kennebec Irrigation District (K.I.D.) regarding the delivery of irrigation water. It shall be improper for an owner to communicate individually and without authority of the group in such matters where the subject relates to the problems of the group.*
2. Plan and propose modifications to future restrictive or protective covenants and communicate in writing with the developers in matters relating to the imposition of such covenants on the additional subdivisions as they are developed.
3. Enforce existing covenants.
4. Take other action to assure the high quality of dwellings and other structures and the use of the property for the protection of health, safety welfare, and security of monetary investment, and for the promotion of all things conducive to harmony among owners and the orderly and eventual integration of the property as a desirable part of the future community.

Livestock

It is the intent that owners may conduct limited livestock and poultry operations, the extent of which would be controlled essentially by the capability of the land to support such activities. In recognition of such capabilities, owners of estates shall not maintain more than four large animals, either cattle or horses, twenty sheep (including lambs), or four goats on the property. Resident 4H members, with the written approval of their club leader, and FFA members enrolled in a high school vocational agriculture program, with the written approval of their advisor, may maintain one sow for breeding. Up to 300 chickens or other poultry may also be kept. All such animal husbandry efforts must be conducted in a creditable manner such that they will be of essential minimum offensiveness or nuisance to neighbors, with particular reference to shelter, confinement, noise, and disposal of wastes.

If an owner elects to dispose of a portion of his estate, the numbers of animals and poultry permitted shall be reduced essentially in proportion to the area of the property for which the owner has use. For owners of property which comprises about one quarter of an original estate, no livestock operations may be conducted and poultry shall be limited to a flock of not more than fifty birds.

Agricultural Uses

The property may be used for the production of crops including other horticultural activities such as nurseries. Signs, ** display and sales stands will be permitted only for products grown on this property and placed between the dwelling and the street line temporarily and only for the duration of the selling season.

*It should be understood that the only responsibility of the K.I.D. is to deliver a measured flow of water during the customary irrigation season (April 1 to Oct. 15) across the measuring weirs which serve the property.

**Not larger than six square feet in area.

Irrigation Water Usage

Facilities have been provided in this development for the delivery of irrigation water to each estate. Distribution and use of such water is the exclusive responsibility of the new owners. In order to assure the equitable distribution of the continuous flow of water allocated to each estate, pumps, if installed, shall be connected into an open sump into which the appropriate amount of water is delivered. Provision of such facilities is also the responsibility of the new owner. As a matter of information, the average continuous flow allocated to each estate of regular dimensions can be expected to be nearly ten gallons per minute. This rate will vary in accordance with the delivery schedule as administered to all lands served by the K.I.D. Since the water delivery for all estates is interconnected, reasonably close liaison between the water users is essential. Reasonably prompt repair of breaks or significant leaks is the responsibility of the owner on whose property the break or faulty line exists, or the user, if he is the only user or users of the water from that section of line. Continuous use of water by the owner or diversion by him for agreed use by others is essential in order to avoid backup, wastage, aggravated mosquito problems and possible damaging overflow at weirs or diversion boxes.

Restrictions on Other Uses

This property shall not be used for storage of construction machinery or rental equipment.

No public garage, manufactory, mercantile business, repair or craft occupation may be conducted as a significant part of the activity on any of these estates.

No inoperable farm machinery, including tractors, trucks, or automobiles may be held on the property for more than six months.

No used machinery or scrap equipment, implements, automobiles, or conspicuous parts of such equipment which serve no purpose in operation of the estate may be held or accumulated on the property.

No trash shall be dumped or allowed to accumulate on any part of the property. This includes excess excavation material which cannot be beneficially utilized for fill, driveways, or other construction purposes. No excavating shall be carried out farther than necessary to place any portion of any estate on grade or for building on said premises.

Variances

The developers of this property recognize that changes may take place in living habits, customs and preferences of future owners. Accordingly, the covenants and restrictions contained herein may be waived, terminated, or modified for application to the property of the new owners by the written consent of the owners of two-thirds of the estates. No such waivers, terminations, or modifications shall become effective prior to January 1, 1968, and until an appropriate instrument in writing shall have been executed and recorded in the office of the Auditor of Benton County, Washington.

Easements

Easements as indicated on the plat have been dedicated for irrigation water lines, future roads, and for public utility purposes. As long as these easements are not employed for the intended uses, the owners of the land affected by said easements shall have the use of same. It should be understood, of course, that any structures or fencing erected thereon are subject to removal whenever these easements are employed for the intended public uses.

Submitted by *Chas. A. Robinson*
11/15/62

