AGENDA REQUEST FORM

Return completed form and complete agenda item to the Clerk of the Board
Yakima County Commissioners' Office, Room 232

Prepared by: Tua Vang

Department: Public Services

Requested Agenda Date: 12/27/2022

Presenting: Lisa Freund

Board of County Commissioners Record Assigned

010-2022

APPROVED FOR AGENDA:

☐ Consent ☐ Regular

Board of County Commissioners Determined

Document Title:

IN THE MATTER OF AMENDING BOTH THE YAKIMA COUNTY COMPREHENSIVE PLAN - HORIZON 2040 AND YAKIMA COUNTY CODE TITLE 19 – UNIFIED LAND DEVELOPMENT CODE PERTAINING TO THE 2022 BIENNIAL MAP AMENDMENT CYCLE.

Action Requested: *Check Applicable Box*

☐ PASS RESOLUTION ☐ EXECUTE or AMEND **AGREEMENT** CONTRACT or GRANT

☐ ISSUE PROCLAMATION ☒ PASS ORDINANCE ☐ OTHER_____

Describe Fiscal Impact:

None.

Background Information:

Per Yakima County Code 16B.10.040(3), Yakima County shall accept paid applications for Biennial Comp Plan amendments for consideration. The Planning Commission held open record public hearings for the four map amendments and submitted their recommendations to the Board. The Board held a public hearing to take testimony on December 13, 2022 and deliberated on December 23, 2022. This ordinance will finalize the 2022 Biennial proposals.

Summary & Recommendation:

Pass this ordinance as decided upon for each map amendment (LRN21-005, LRN22-002, -003, & -004) by the Board to finalize this action and sign the development agreements.

Motion:

I move to approve Ordinance 7-2022 as decided upon by the Board for the 2022 Biennial Map Amendments.

Department Head/ Elected Official

Signature

AGREEMENT Attached Is Approved as to Form
Corporate Counsel Initial TC

Late Agenda Requests Require BOCC Chairman Signature:

BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE 10-2022

IN THE MATTER OF AMENDING BOTH THE YAKIMA COUNTY COMPREHENSIVE PLAN - *HORIZON 2040* AND YAKIMA COUNTY CODE TITLE 19 – UNIFIED LAND DEVELOPMENT CODE PERTAINING TO THE 2022 BIENNIAL MAP AMENDMENT CYCLE.

GENERAL

WHEREAS, in compliance with the Washington State Growth Management Act (GMA), Chapter 36.70A RCW, the Board of Yakima County Commissioners (Board) adopted the Yakima County Comprehensive Plan - ***Horizon 2040*** on June 27, 2017, and adopted development regulations – Yakima County Code (YCC) Title 19 on May 5, 2015; **and,**

WHEREAS, RCW 36.70A.130 requires that Yakima County, as a "fully planning" county, shall update its comprehensive plan and development regulations, as necessary, to reflect local needs, new data, and current laws; **and,**

WHEREAS, under RCW 36.70A.130, the plan and development regulations are subject to continuing review and evaluation, but the plan may be amended no more than one time per year; **and,**

WHEREAS, the GMA, RCW 36.70A.130(2)(b), requires Yakima County to establish procedures and schedules whereby comprehensive plan amendments are considered by the Board; **and,**

WHEREAS, under YCC 16B.10.040, applications for plan amendments, apart from Urban Growth Area (UGA) boundaries, will be considered on a biennial basis starting 2013 and must be submitted in writing to the Planning Division no later than January 31, in order to be considered for that biennium's amendment process; **and,**

WHEREAS, Resolution No. 439-2012 suspended the 2013 biennial plan amendment cycle in accordance with 16B.10 to allow for the Code Update/Simplification Project (CU/SP) and update of the County-wide Planning Policies (CWPP), and rescheduled the biennial amendment cycle to start in the 2014 calendar year; **and,**

WHEREAS, Resolution No. 103-2015 resolved a scheduling conflict between the 2016 biennial amendment cycle and June 30, 2017, deadline for the GMA periodic update cycle, by moving up the next scheduled biennial amendment cycle from 2016 to 2015, thus keeping the next biennial amendment cycle for the calendar year 2018, then every other year after that; **and,**

WHEREAS, as part of its comprehensive plan and development regulations update process, the County has established a public participation program, YCC 16B.10, which

sets forth minimum requirements for ensuring adequate public notification and opportunities for comment and participation in the amendment process; **and,**

2022 BIENNIAL MAP AND TEXT AMENDMENTS

WHEREAS, on December 13, 2021, the Yakima County Planning Division published in the Yakima Herald-Republic a legal notice and display ads to inform the public of the opportunity to submit formal applications for comprehensive plan map & text and development regulation text amendments by the January 31, 2022, deadline; **and,**

WHEREAS, prior to the deadline, four applications were submitted for proposed site-specific map amendments to ***Horizon 2040***: LRN2021-00005/SEP2020-00004 (Caton/Strutner), LRN2022-00002/SEP2022-00004 (Granite/Rowley Family Trust), LRN2022-00003/SEP2022-00005 (Jr. Achievement/Borton), and LRN2022-00004/SEP2022-00006 (Arellano, formerly Orozco); **and,**

WHEREAS, in accordance with YCC 16B.10.040, on March 09, 2022, the Planning Commission was presented the following site-specific map amendment; **and,**

LRN2022-00002/SEP2022-00004 (Granite)

WHEREAS, on October 12, 2022, Yakima County provided a 60-day notice to the Department of Commerce for LRN2022-00002, as required by RCW 36.70A.106; **and,**

WHEREAS, LRN2022-00002 was presented to the Planning Commission for a study session and their review on October 26, 2022; **and,**

WHEREAS, in accordance with said public participation program, a Notice of Open Record Public Hearing was mailed on October 26, 2022, to property owners within a ½ mile of the proposed subject properties and to agencies with environmental expertise; **and,**

WHEREAS, the Planning Commission conducted a properly advertised and noticed public hearing on November 9, 2022, to hear testimony on the proposed map amendment; **and,**

WHEREAS, the Planning Commission held their deliberations on November 9, 2022, immediately after the close of the open record public hearing; **and,**

WHEREAS, the Planning Commission, having carefully considered the applicant's justifications, the staff recommendation, and the written and oral testimonies in its deliberations, approved their Findings and Recommendations on November 9, 2022, for the LRN2022-00002 comprehensive plan map amendment; **and,**

State Environmental Protection Act (SEPA)

WHEREAS, site-specific map amendments must be processed in compliance with the SEPA; **and,**

WHEREAS, the Yakima County SEPA Responsible Official issued a Determination of Nonsignificance on December 12, 2022 for LRN2022-00002 (SEP2022-00004); **and,**

WHEREAS, all SEPA reviews analyzed the environmental and growth management impacts of all proposed actions and considered all submitted comments from agencies and parties of record; **now, therefore,**

BE IT HEREBY ORDAINED by the Board of Yakima County Commissioners:

Section 1. Reasons for Action. The 2022 biennial amendment before the Board of Yakima County Commissioners are as follows:

A. LRN2022-00002/SEP2022-00004 is a fee-paid site-specific comprehensive plan map amendment submitted as part of the 2022 Yakima County biennial plan amendment cycle.

B. The Planning Commission held an open record public hearing on this legislative map amendment proposal before providing recommendations to the Board of Yakima County Commissioners.

C. The Planning Commission presented their Findings of Fact and Recommendation to the Board of Yakima County Commissioners for their consideration.

D. The Board of Yakima County Commissioners reviewed said amendment request, held a public hearing, and decided to approve, modify and/or deny the proposed amendments.

Section 2. Findings.

A. Compliance with Growth Management Act. The Board of Yakima County Commissioners find that the amendments to Yakima County Comprehensive Plan - ***Horizon 2040***, and YCC Title 19, adopted by this ordinance are in substantial compliance with RCW 36.70A, the Growth Management Act. The Comprehensive Plan is internally consistent and policies within and among elements are complementary, not contradictory. The Comprehensive Plan contains policies, implementation measures, and procedures which provide for its review and adjustment if internal conflicts are discovered.

B. State Environmental Policy Act (SEPA). Yakima County adopted ***Horizon 2040*** on June 27, 2017, and adopted by reference ***Plan 2015's***, Chapter III Environmental

Analysis. ***Plan 2015*** was originally designed to integrate SEPA and GMA consistent with the provisions of WAC 197-11-210 through 197-11-235. The proposed comprehensive plan map amendment was reviewed for environmental impacts and issued a Final Determination of Nonsignificance (DNS).

C. The Board of Yakima County Commissioners accepted oral and written comments at a properly advertised public hearing held on December 13, 2022, on the proposed map amendment to ***Horizon 2040*** and the YCC Title 19 zoning map.

D. The Board of Yakima County Commissioners deliberated on December 23, 2022, regarding LRN2022-00002/SEP2022-00004.

E. The Board of Yakima County Commissioners having carefully considered the record and all public comments and testimony in its deliberations hereby makes the following decision regarding LRN2022-00002, the proposed site-specific comprehensive plan map amendment, as follows:

i. LRN2022-00002/SEP2022-00004 (Granite) to add the Mineral Resource Overlay (MRO) and Mining (MIN) zone to the eastern portions of the subject parcels in Area 1. Correct an error on Parcel 191306-24003 by adding the MRO and MIN, except for the area where the fruit storage warehouse is located (see Exhibit 1). And, remove the MRO from Area 2 and rezone it to Rural-10/5 (R-10/5) (see Exhibit 2).

Section 3. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the resolution, or the validity of its application to any other persons or circumstances.

Section 4. Effective Date. Pursuant to the Growth Management Act (RCW 36.70A), Yakima County must publish a Notice of Adoption within 10 days after the Board's approval of this ordinance, thus starting the required 60-day appeal period. Therefore, this ordinance becomes effective after the later of the following dates:

1. 60 days after the date of publication of notice of adoption as provided in RCW 36.70A.290(2); or

2. If a petition for review to the growth management hearings board is timely filed, upon issuance of that board's final order.

BOARD OF YAKIMA COUNTY COMMISSIONERS

APPROVE ✓ DENY _____ MODIFY _____

DONE

DEC 27 2022

Amanda McKinney, Chair

Attest:

Julie Lawrence, Clerk of the Board
Erin Franklin, Deputy Clerk of the Board

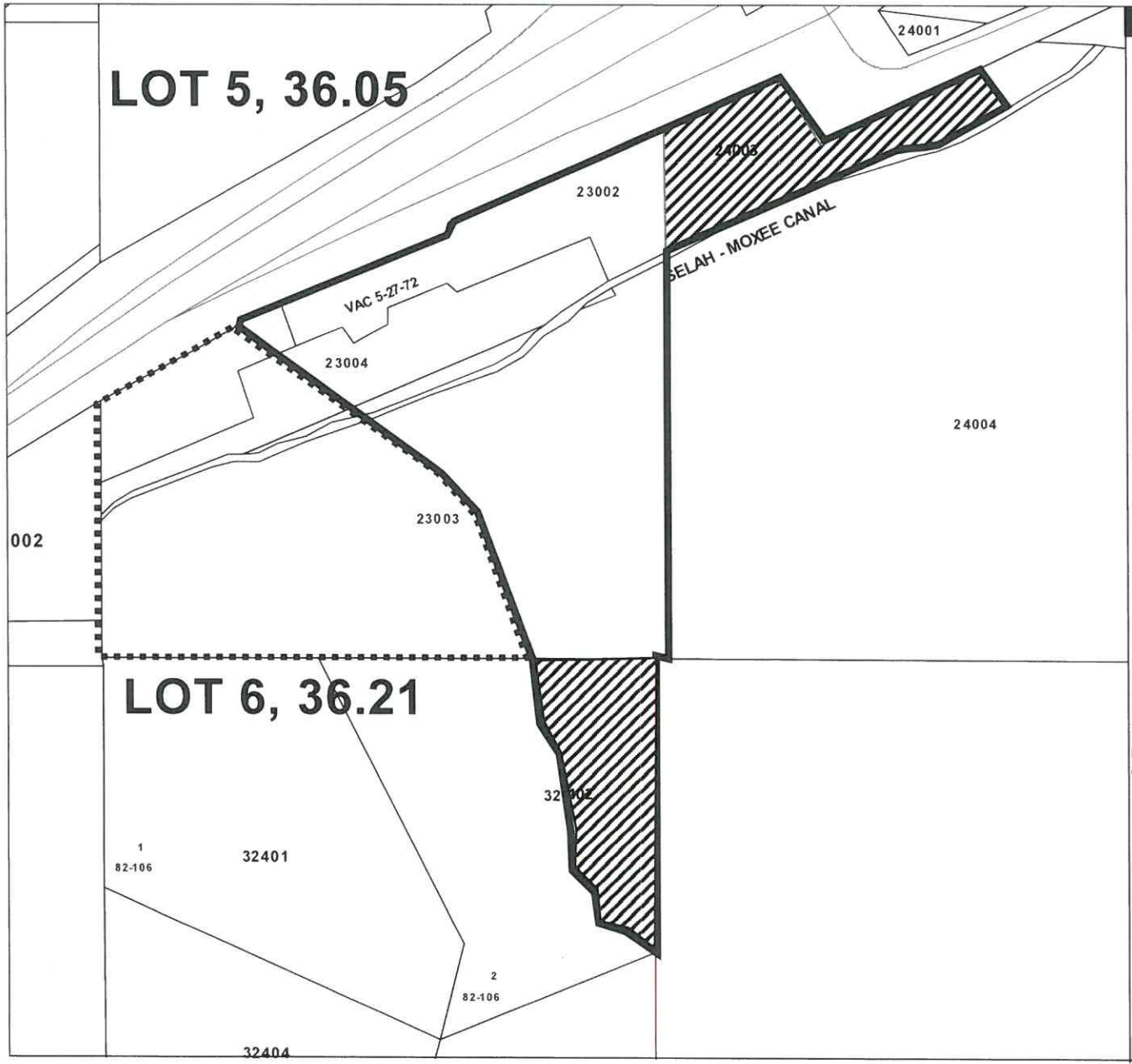
LaDon Linde, Commissioner

Ron Anderson, Commissioner
Constituting the Board of County Commissioners for Yakima County, Washington

SEAL OF THE BOARD OF YAKIMA COUNTY COMMISSIONERS STATE OF WASHINGTON

Exhibit 1 – LRN22-002 Granite Area 1 Map

Exhibit 2 – LRN22-002 Granite Area 2 Map



YAKIMA COUNTY

GEOGRAPHIC INFORMATION SERVICES

Exhibit 1
LRN22-002 - Granite

Area 1

- Remove MRO
- Add MIN Zone
- Add MRO

Parcel Nos.: 191306-23002, -23003, -23004, -24003, and -32402

Parcel Lot lines are for visual display only. Do not use for legal purposes.

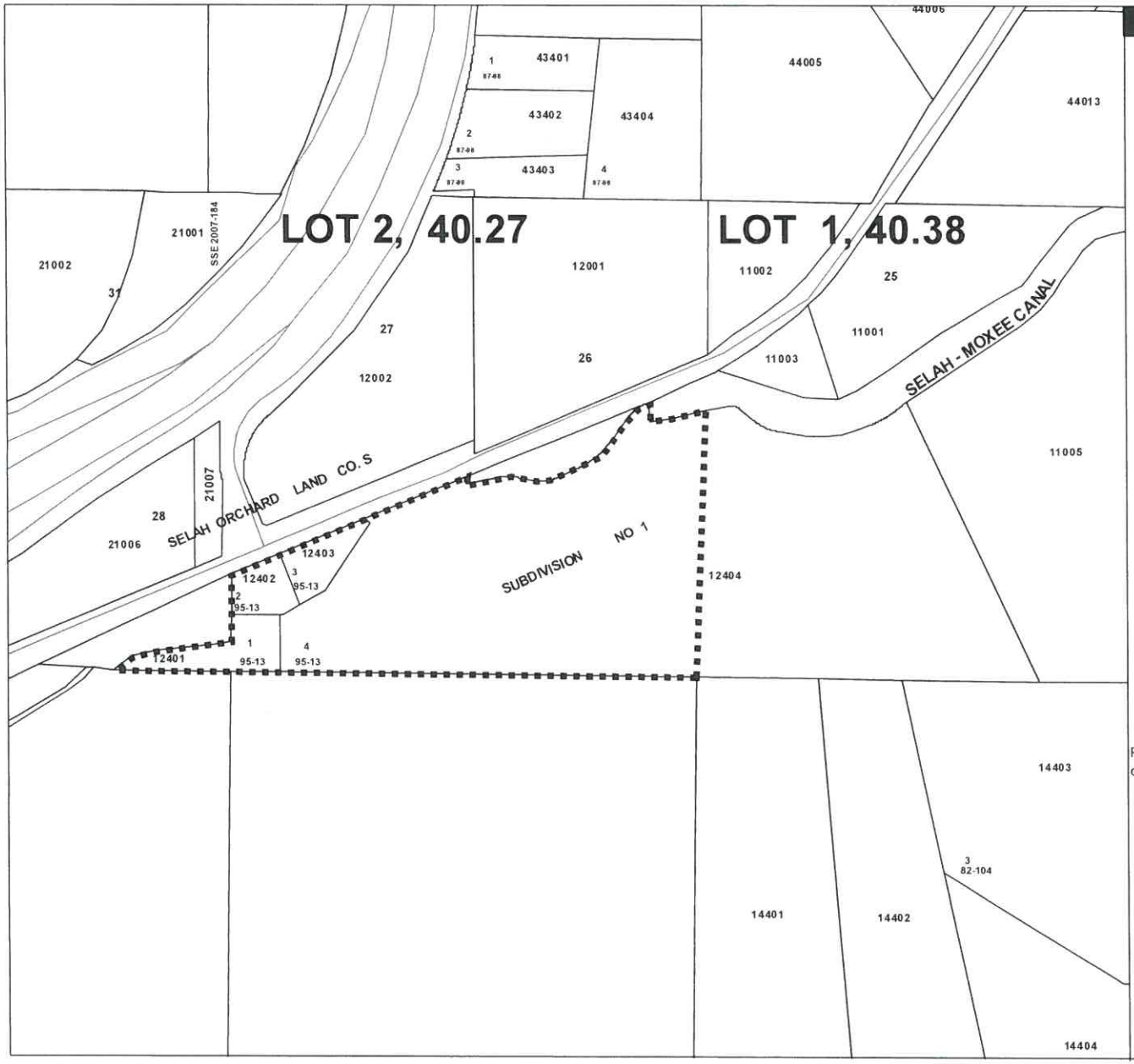
0 100 200 300 400 Feet

1" = 300 feet

Yakimap.com

Copyright (C) 2022 Yakima County
This map was derived from several databases. The County cannot accept responsibility for any errors. Therefore, there are no warranties for this product.

Plot date: Nov 16, 2022, LRN22-002 Granite Comp Plan Amendment



YAKIMA COUNTY

GEOGRAPHIC INFORMATION SERVICES

Exhibit 2
LRN22-002 - Granite

Area 2

Remove MRO,
Remove Mining Zone,
Add Rural-10/5 Zone

Parcel Nos.: 191306-12401, -12402, -12403, and -12404

Parcel Lot lines are for visual display only. Do not use for legal purposes.

0 100 200 300 400 Feet

1" = 300 feet

Yakimap.com

Copyright (C) 2022 Yakima County
This map was derived from several databases. The County cannot accept responsibility for any errors. Therefore,there are no warranties for this product.

Plot date: Nov 16, 2022; LRN22-002 Granite Comp Plan Amendment

After Filing Return to:
Yakima County Public Services Department
128 N. Second Street, Fourth Floor
Yakima, WA 98901
Attention: Planning Division Manager

DEVELOPMENT AGREEMENT
BETWEEN
GRANITE CONSTRUCTION COMPANY, ROWLEY FAMILY TRUST and YAKIMA COUNTY

Parties:	Granite Construction Company, Rowley Family Trust and Yakima County, a municipal corporation
Additional Legal Description:	As described in attached Exhibit A "Subject Property"
Assessor's Property Tax Parcel Account Numbers:	191306-32402, 191306-23002, 191306-23003, 191306-23004, and 191306-24003 "Subject Property"

THIS DEVELOPMENT AGREEMENT ("Agreement"), is entered into between YAKIMA COUNTY, a municipal corporation duly organized and existing under the laws of the State of Washington, and GRANITE CONSTRUCITON COMPANY AND ROWLEY FAMILY TRUST, the owner of the property described herein ("Subject Property"), and is specifically conditioned on the amendment of the Official Yakima County Comprehensive Plan – ***Horizon 2040*** with respect to Subject Property.

This Agreement is entered into based on the following understanding of the parties for the purposes of implementing:

I. Description of Property

1.1 The property subject to this Agreement ("Subject Property") is legally described in Exhibit A and its location is depicted on the map in Exhibit B, both of which are attached and incorporated in this agreement. It is located on the south side of Interstate

82, approximately 150 feet from the on/off ramp to I-82 (Exit 29), and about 1,000 feet east from the city limits of Selah.

II. Purposes

2.1 This proposal will cause the lots to have more than one zoning on each lot, creating split zoned lots. YCC 19.34.020(5)(i) does not allow split zoned lots to be created.

2.2 An approved BLA with a recorded survey for the subject parcels is required to prevent split zoning and to be finalized before the MRO designation changes and the MIN zoning district will be applied.

III. Conditional Approval

3.1 Granite Construction and the Rowley Family Trust has received the County's conditional approval to apply a Mineral Resource Overlay and Mining zone approximately 19.29 acres of the subject property;

3.2 Since this Agreement is entered into by the Board of Yakima County Commissioners and the applicant, it must be filed and recorded with the Yakima County Auditor prior to becoming effective;

3.3 Granite Construction Company and the Rowley Family Trust shall have a period of two (2) years from the effective date of Ordinance No. 10-2022 (Exhibit C) to finalize the BLA requirements and record with the Yakima County Auditor an official survey of the boundary line changes to effectively apply the new plan designation and zoning district;

3.4 It is understood that the new plan designation and zoning district will be limited to just the area identified by the legal description and the map (Exhibits A and B);

3.5 This Agreement, once executed, will only be in effect for a period of two (2) years from the effective date of the adopted Ordinance No. 10-2022; and

3.6 No extensions of time for performance will be granted.

IV. Applicability

4.1 The implementation of designating the Mineral Resource Overlay and concurrent rezone is incorporated into this agreement under section "III. Conditional Approval" above.

4.2 The designation of the Mineral Resource Overlay and the application of the Mining (MIN) zoning district shall be effective upon meeting all of the conditions as described

within this Agreement under section "III. Conditional Approval" and as determined by the Planning Official.

V. General Provisions

5.1 This Agreement may be amended only upon mutual written agreement of the parties following public review and comment period and the procedures for a major rezone provided in YCC 19.36.040 and 16B.10.090.

5.2 In accordance with RCW 36.70B.190, this Agreement shall be recorded with the Yakima County Auditor promptly after execution and during the term of the agreement, the agreement is binding on the parties and their successors.

5.3 Waiver of any breach or default on any occasion shall not be deemed to be a waiver of any subsequent breach or default. Any waiver shall not be construed to be a modification of the terms and conditions of this Agreement. Only a majority vote of a quorum of the Yakima County Board of County Commissioners has the authority to waive any term or condition of this Agreement on behalf of the County.

5.4 If any term of this Agreement is held invalid by any court, the remainder of the Agreement remains valid and in full force and effect.

5.5 This Agreement shall be governed by the laws of the State of Washington. Any action, suit, or judicial proceeding for the enforcement of this Agreement shall be brought in the Superior Court for the State of Washington in Yakima County, Washington.

5.6 This Agreement contains all terms and conditions agreed upon by the parties. No change or addition to this Agreement shall be valid or binding upon either party unless such change or addition is in writing and executed by both parties.

IN WITNESS WHEREOF, this Agreement has been entered into between the parties on the date last signed below.

List of Exhibits:
Exhibit A – Legal Description of Subject Property
Exhibit B – Map of Subject Property
Exhibit C – Ordinance No. 10-2022

(Granite Construction Company and Rowley Family Trust, LLC LRN2022-00002/SEP2022-00004)

DONE DEC 2 7 2022

BOARD OF YAKIMA COUNTY COMMISSIONERS

Amanda McKinney, Chair

LaDon Linde, Commissioner

Ron Anderson, Commissioner

DATED: DEC 2 7 2022

Attest:

Julie Lawrence, Clerk of the Board
Erin Franklin, Deputy Clerk of the Board

Approved as to Form:

Deputy Prosecuting Attorney

James Essig, individually and as director and agent of Granite Construction

Susan Rowley, individually and as director and agent of Rowley Family Trust

STATE OF WASHINGTON)
) ss.
COUNTY OF YAKIMA)

On this 27th day of December, 2022, before me, a Notary Public in and for the State of Washington, personally appeared Amanda McKinney, LaDon Linde, and Ron Anderson, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons who executed this instrument, on oath stated that they were authorized to execute the instrument, and acknowledged it as the Board of Commissioners of County of Yakima to be the free and voluntary act of said County for the uses and purposes mentioned in the instrument.

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

_____

NOTARY PUBLIC in and for the State of Washington, residing at Yakima, WA

My appointment expires 1/19/2026

Print Name Erin K. Franklin Erin K. Franklin

Erin K Franklin MY COMM. EXP. 01/19/2026 NOTARY PUBLIC COMM. #22006316 STATE OF WASHINGTON

STATE OF WASHINGTON)
) ss.
COUNTY OF YAKIMA)

On this 13 day of December, 2022, before me, a Notary Public in and for the State of Washington, personally appeared James Dale Essig

_____,

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) who executed this instrument, on oath stated that he/she/they executed the instrument as a voluntary act for the uses and purposes mentioned in the instrument.

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

_____

NOTARY PUBLIC in and for the State of Washington, residing at Yakima

My appointment expires 10-15-24

Print Name Karri Espinoza Karri Espinoza

KARRI ESPINOZA MY COMM. EXP. 10-15-24 NOTARY PUBLIC COMM. NO. 162258 STATE OF WASHINGTON

STATE OF WASHINGTON)
) ss.
COUNTY OF YAKIMA)

On this 13th day of December, 2022, before me, a Notary Public in and for the State of Washington, personally appeared Susan Rowley,

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) who executed this instrument, on oath stated that he/she/they executed the instrument as a voluntary act for the uses and purposes mentioned in the instrument.

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

NOTARY PUBLIC in and for the State of Washington, residing at Yakima

My appointment expires 10-15-24

Print Name Yarri Espinoza / Yarri Espinoza

YARRI ESPINOZA
MY COMM. EXP. 10-15-24
NOTARY PUBLIC
COMM. NO. 182258
STATE OF WASHINGTON

Exhibit A

Legal Description of Subject Property

PARCEL 191306-32402

Lot 2 of Short Plat 82-106, recorded under Auditor's File No. 2651826, records of Yakima County, Washington.

PARCEL 191306-24003, -23002, -23003

All that certain portion of the SE ¼ of the NW ¼ of S 6, T 13 N, R 19, E.W.M., lying North of the Old State Highway; EXCEPT that portion lying Southerly of SR82; EXCEPT portion conveyed to State of Washington for SR82, by instrument recorded under Auditor's File No. 2068003, records of Yakima County, Washington; EXCEPT that portion lying Northerly of E. Selah Road right of way.

PARCEL 191306-23004

That part of the SE ¼ of the NW ¼ of S 6, T 13N, R 19, E.W.M, lying South of the present right of way of State Highway and North of the right of way of the Selah and Moxee Canal as said right of way exists August 8, 1944. Parcel "B" as described in that portion of Lot 5 (SW ¼ of the NW ¼) S 6, T 13 N, R 19 E.W.M., lying between right of way of Primary State Highway #3 as existed March 31, 1955, and the right of way of the Selah and Moxee Canal and East of a line beginning at Engineer's Station 1688 + 50 as shown on map attached to deed recorded in Volume 536 of Deeds under Auditor's File No. 1529987, said point being marked on the ground by an iron stake and being that point of intersection of the South line of the right of way of the old state highway and of present State Road #3, said line running thence South to the right of way of the Selah and Moxee Canal, together with all water and water rights thereunto belonging, and together with the appurtenances thereunto belonging.

Exhibit B

Map of Subject Property

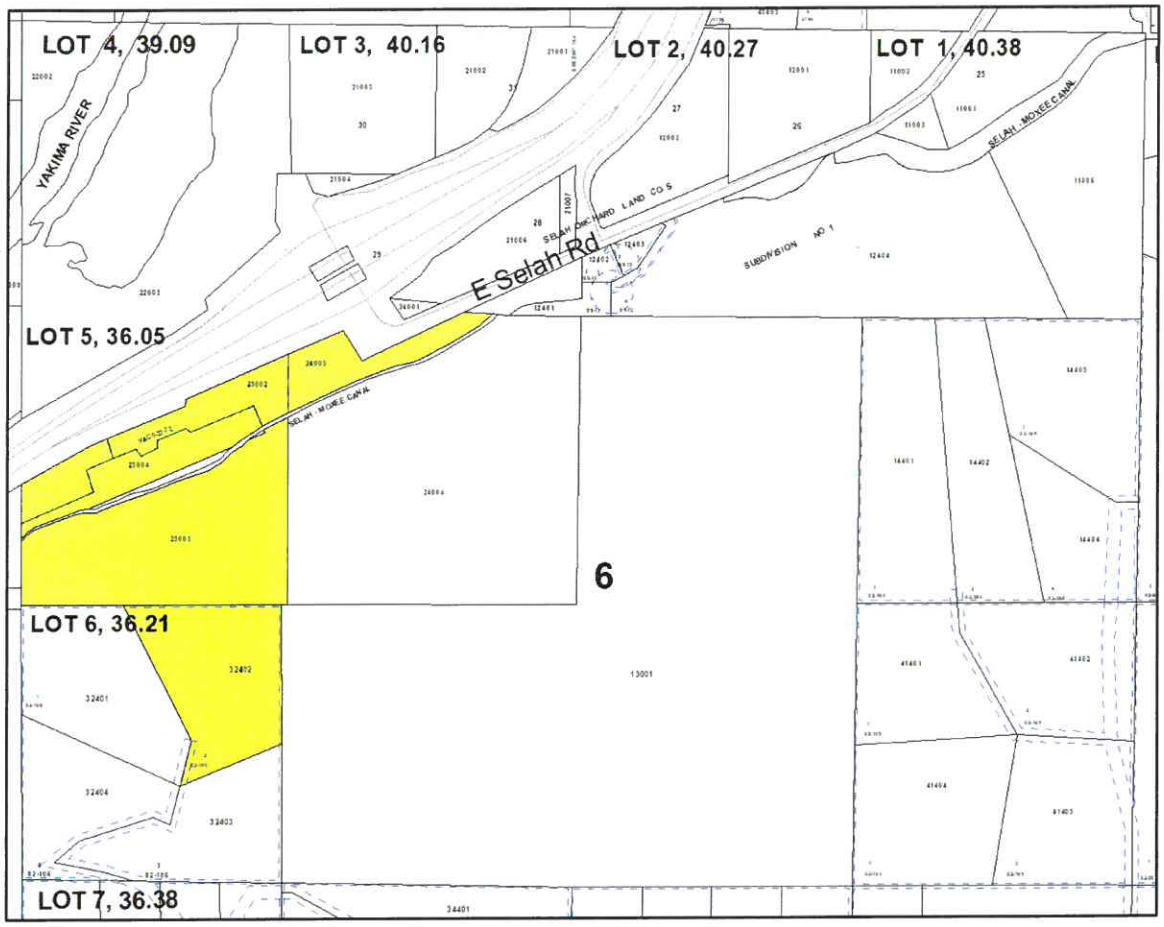


Exhibit C

Ordinance No. 10-2022

After Filing Return to:
Yakima County Public Services Department
128 N. Second Street, Fourth Floor
Yakima, WA 98901
Attention: Planning Division Manager

AGREEMENT
BETWEEN
GRANITE NORTHWEST, INC. and YAKIMA COUNTY

Parties:	Granite Northwest, Inc. and Yakima County, a municipal corporation
Abbreviated Legal Description:	SP 95-13: Lot 4
Additional Legal Description:	As described in attached Exhibit A "Subject Property"
Assessor's Property Tax Parcel Account Number:	191306-12404 "Subject Parcel"

THIS DEVELOPMENT AGREEMENT ("Agreement"), is entered into between YAKIMA COUNTY, a municipal corporation duly organized and existing under the laws of the State of Washington, and GRANITE NORTHWEST, INC., the owner of the property described herein ("Subject Property"), and is specifically conditioned on the amendment of the Official Yakima County Comprehensive Plan – ***Horizon 2040*** with respect to Subject Property.

This Agreement is entered into based on the following understanding of the parties for the purposes of implementing:

I. Description of Property

1.1 The property subject to this Agreement ("Subject Property") is legally described in Exhibit A and its location is depicted on the map in Exhibit B, both of which are attached and incorporated in this agreement. It is located on the south side of Interstate 82, approximately 150 feet from the on/off ramp to I-82 (Exit 29), and about ¾ miles east from the city limits of Selah.

II. Purposes

2.1 This proposal will remove the subject property from the Mineral Resource Overlay (MRO) and Mining (MIN) zoning district.

2.2 The subject property obtained land use approved under CUP2015-00037 (still under appeal) to include it in a mining operation.

2.3 Removal of the MRO and MIN zoning district from the subject property will eliminate the land use approval, regardless of the outcome of the pending appeal.

III. Agreement

3.1 Granite Northwest, Inc. has received the County's approval to remove the Mineral Resource Overlay and Mining zone from the subject property (tax parcel number 191306-12404);

3.2 Since this Agreement is entered into by the Board of Yakima County Commissioners and the applicant, it must be filed and recorded with the Yakima County Auditor prior to becoming effective;

3.3 Due to this, Granite Northwest, Inc. has now forfeited the land use approval (CUP2015-00037) for a mining operation on the subject property, regardless of the outcome of the appeal.

IV. Applicability

4.1 The removal of the Mineral Resource Overlay designation and concurrent rezone to Rural-10/5 (removing the mining zoning district) is incorporated into this agreement under section "III. Agreement" above.

4.2 The forfeiture of previously approved land use approval on the subject property is effective upon signing and recording of this document and upon the approval of Ordinance 10-2022, pending appeal.

V. General Provisions

5.1 This Agreement may be amended only upon mutual written agreement of the parties following public review and comment period and the procedures for a major rezone provided in YCC 19.36.040 and 16B.10.090.

5.2 In accordance with RCW 36.70B.190, this Agreement shall be recorded with the Yakima County Auditor promptly after execution and during the term of the agreement, the agreement is binding on the parties and their successors.

5.3 Waiver of any breach or default on any occasion shall not be deemed to be a waiver of any subsequent breach or default. Any waiver shall not be construed to be a modification of the terms and conditions of this Agreement. Only a majority vote of a quorum of the Yakima County Board of County Commissioners has the authority to waive any term or condition of this Agreement on behalf of the County.

5.4 If any term of this Agreement is held invalid by any court, the remainder of the Agreement remains valid and in full force and effect.

5.5 This Agreement shall be governed by the laws of the State of Washington. Any action, suit, or judicial proceeding for the enforcement of this Agreement shall be brought in the Superior Court for the State of Washington in Yakima County, Washington.

5.6 This Agreement contains all terms and conditions agreed upon by the parties. No change or addition to this Agreement shall be valid or binding upon either party unless such change or addition is in writing and executed by both parties.

IN WITNESS WHEREOF, this Agreement has been entered into between the parties on the date last signed below.

List of Exhibits:
Exhibit A – Legal Description of Subject Property
Exhibit B – Map of Subject Property
Exhibit C – Ordinance No. 10-2022

(Granite Northwest, Inc.; LRN2022-00002/SEP2022-00004)

DONE DEC 2 7 2022

BOARD OF YAKIMA COUNTY COMMISSIONERS

Amanda McKinney, Chair

LaDon Linde, Commissioner

Ron Anderson, Commissioner

DATED: DEC 2 7 2022

Attest:

Julie Lawrence, Clerk of the Board
Erin Franklin, Deputy Clerk of the Board

SEAL OF THE BOARD OF YAKIMA COUNTY COMMISSIONERS STATE OF WASHINGTON

Approved as to Form:

Deputy Prosecuting Attorney

James Essig, individually and as director and agent of
Granite Northwest, Inc.

STATE OF WASHINGTON)
) ss.
COUNTY OF YAKIMA)

On this 27th day of December, 2022, before me, a Notary Public in and for the State of Washington, personally appeared Amanda McKinney, LaDon Linde, and Ron Anderson, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons who executed this instrument, on oath stated that they were authorized to execute the instrument, and acknowledged it as the Board of Commissioners of County of Yakima to be the free and voluntary act of said County for the uses and purposes mentioned in the instrument.

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

_____

NOTARY PUBLIC in and for the State of Washington, residing at Yakima, WA

My appointment expires 1/19/2026

Print Name Erin K. Franklin Erin K. Franklin

Erin K Franklin MY COMM. EXP. 01/19/2026 NOTARY PUBLIC COMM. #22006316 STATE OF WASHINGTON

STATE OF WASHINGTON)
) ss.
COUNTY OF YAKIMA)

On this 13 day of December, 2022, before me, a Notary Public in and for the State of Washington, personally appeared James Dale Essig

_____,

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) who executed this instrument, on oath stated that he/she/they executed the instrument as a voluntary act for the uses and purposes mentioned in the instrument.

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

_____

NOTARY PUBLIC in and for the State of Washington, residing at Yakima

My appointment expires 10-15-24

Print Name Karri Espinoza / Kari Esp

NOTARY PUBLIC STATE OF WASHINGTON KARRI ESPINOZA COMM. NO. 162258 MY COMM. EXP. 10-15-24

Exhibit A

Legal Description of Subject Property (Parcel 191306-12404)

Lot 4 of Short Plat 95-13, recorded under Auditor's File No. 3082403, records of Yakima County, Washington.

Exhibit B

Map of Subject Property

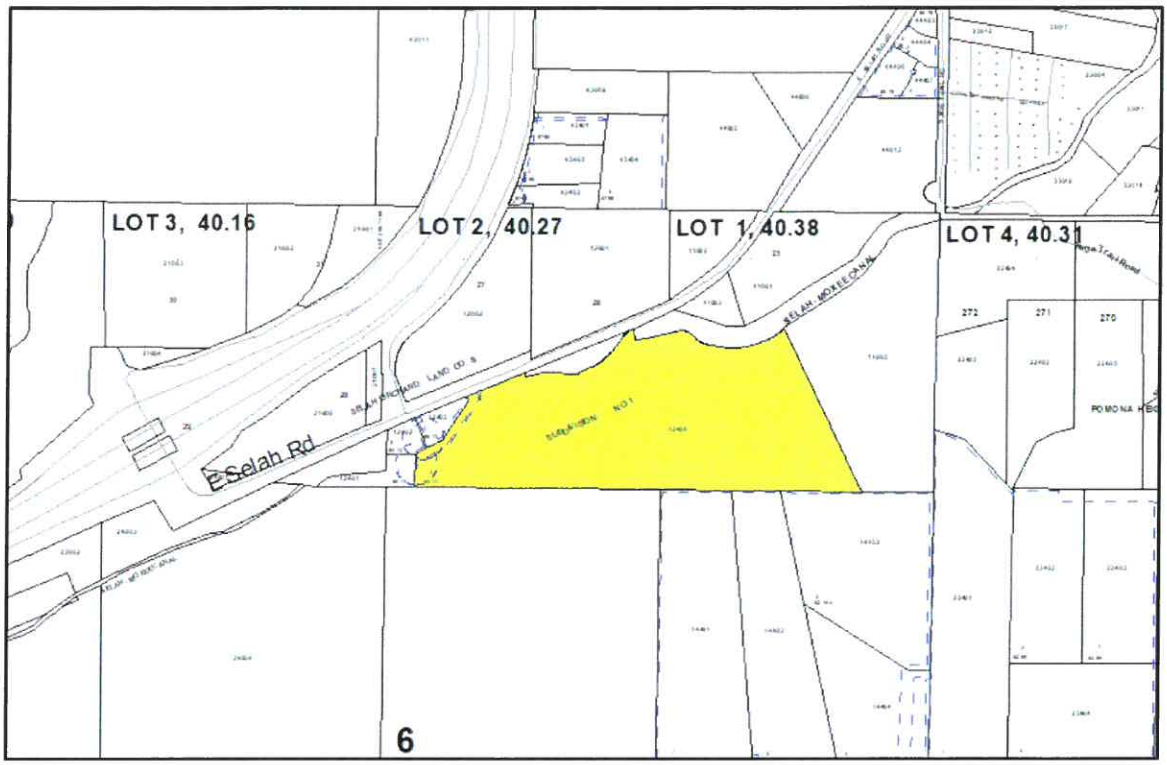


Exhibit C

Ordinance No. 10-2022