

 <p>YAKIMA COUNTY WASHINGTON</p>	COMPREHENSIVE PLAN MAP AMENDMENT
	CASE NUMBER(S): LRN2022-00004/SEP2022-00006
	STAFF REPORT
	DRAFTED BY: Tua Vang

April 13, 2022

1

Applicant:	Jesus Orozco		
Representative:	Bill Hordan, Hordan Planning Services		
Request:	Type of Amendment:	Comprehensive Plan Map Amendment	
	Land Use Designation	From:	Urban Residential
		To:	Urban Commercial
	Zoning	From:	Multi-Family Residential (R-3)
		To:	General Commercial (GC)
Parcel No(s):	201004-34408 (subject property R-3)	201004-34011 (interested property GC)	
Parcel Sizes:	1.98 acres	0.58 acres	
Location:	The adjoining properties are located in the City of Toppenish's Urban Growth Area (UGA), adjacent to the intersection of Linden Street and W. 1st Street, and approximately 436 feet west from the City of Toppenish.		
Proposal:	The applicant is requesting a change to the underlying land use designation with a concurrent rezone of an approximate 0.61 acres of the subject property to sell to the south adjoining property for a future expansion of the convenience store/gas station. If approved, a condition of approval will require a Development Agreement to finalize and record Boundary Line Adjustment to implement the map amendment.		

2

A. SUMMARY OF RECOMMENDATIONS

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4

5 Staff recommends Approval of the requested comprehensive plan amendment from Urban Residential
6 to Urban Commercial and Approval of the concurrent rezone from R-3 to GC, subject to consideration
7 of testimony from neighbors and interested parties.

8

B. SUMMARY OF REQUEST

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10 The applicant requests: (1) a change in *Horizon 2040*'s Future Land Use Map from Urban Residential
11 to Urban Commercial; and (2) a concurrent rezone from R-3 to GC. (See Appendix A for maps.)

12

C. SUBJECT PROPERTY HISTORY

13

14 Subject parcel 201004-34408 was zoned One-Family Residential (R-1) prior to adoption of Yakima
15 County Comprehensive Plan in 1997, which designated the subject property Urban. In February 2000,
16 it was re-zoned from One-Family Residential (R-1) to Multi-Family Residential (R-3) to be consistent
17 with and implement the Comprehensive Plan. In May 2015, the subject property zoning remained R-
18 3 as part of the development of the new Yakima County Code (YCC) Title 19 - Unified Land
19 Development Code. On January 1, 2016, Ordinance 8-2015 became effective and assigned new Urban
20 Designations to Yakima County UGAs which redesignated the subject property from Urban to Urban
21 Residential (UR).
22

23

24

1 **D. CURRENT COMP PLAN DESIGNATIONS, ZONING AND LAND USE**

2
3 The current Yakima County Comprehensive Plan - ***Horizon 2040*** designations, zoning, and land uses
4 for the subject property and adjoining parcels are indicated in table below:

Location	Zoning	Comp Plan	Acres	# of Parcel s	Land Use
Subject Property	R-3	UR	1.98	1	Single-family residence and carport.
North of the subject property	R-3	UR	1.26	1	Vacant.
South of subject property	GC	UC	0.58	1	Interested Property. Topp Mart – convenience store/gas station.
East, Northeast, of subject property	R-3	UR	0.48	1	Single-family residence.
East, East of subject property	GC	UC	0.61	1	Nonconforming single-family residence and detached garage.
East, Southeast of subject property	GC	UC	1.00	1	Nonconforming single-family dwelling, eatery, and detached carport and garage.
West of subject property	R-1	UR	17.81	1	Yakama Nation Tribal School – Stanley Smartlowit Education Center – Home of the Eagles.

5
6 **E. INTENT OF PLAN DESIGNATIONS AND ZONES (CURRENT AND PROPOSED)**

7
8 • **Current Land Use Designation – Urban Residential - UR:**

9 **Horizon 2040 – Land Use Element 5.8.3.2**

10 The intent of the Urban Residential land use category, adopted as part of the future land use map,
11 is to provide for a full range of urban housing types, from single and multi-family development to
12 high density family housing. The Urban Residential land use designation is a general designation
13 intended to accommodate all the urban residential land use designations listed in each of the
14 fourteen cities' and towns' future land use maps.

15
16 • **Current Zoning – Multi-Family Residential - R-3:**

17 **YCC 19.12.020(1)(b)**

18 The R-3 district contains a variety of attached or clustered multi-family dwellings in close
19 proximity to neighborhood shopping facilities. The R-3 district is intended to:

20
21 (i) Provide for and protect medium and high-density residential districts by excluding activities
22 not compatible with residential uses;

23
24 (ii) Locate high-density residential development, more than 12 dwelling units per acre, in areas
25 receiving the full range of urban services;

26
27 (iii) Locate high-density residential development near neighborhood shopping facilities;

1
2 (iv) Locate high-density residential development so traffic generated by the development does
3 not pass through lower-density residential areas; and

4
5 (v) Require full urban standards for developments within Urban Growth Areas, meeting the
6 County's minimum urban standards or the respective city's standards, whichever are higher.

7
8 • **Proposed Land Use Designation – Urban Commercial - UC:**

9 **Horizon 2040 – Land Use Element 5.8.3.2**

10 The intent of the Urban Commercial land use category, adopted as part of the future land use map,
11 is to provide for commercial areas where a wide range of retail activities and services are permitted.
12 The Urban Commercial land use designation is a general designation intended to accommodate all
13 the urban commercial land use designations listed in each of the fourteen cities' and towns' future
14 land use maps.

15
16 • **Proposed Zoning – General Commercial - GC:**

17 **YCC 19.13.020(1)(c)**

18 The purpose of the General Commercial (GC) district is to accommodate wholesale and retail
19 activities with some high-density residential development. This district is located only in Urban
20 Growth Areas, primarily near and along the major arterials as designated in the Comprehensive
21 Plan. The GC district is additionally intended to:

22
23 (i) Provide sites for more diversified business types including non-retail commercial and
24 business uses which are primarily related to automotive traffic; and

25
26 (ii) Require the County's minimum urban development standards for commercial developments,
27 or the respective city's standards, whichever are higher.

28
29 **F. PLAN MAP AMENDMENT AND MAJOR REZONE APPROVAL CRITERIA**

30
31 The approval criteria set forth in YCC 16B.10.095 shall be considered in any review and approval of
32 amendments to Yakima County Comprehensive Plan Future Land Use Map. YCC 16B.10.090 (Major
33 Rezones) are legislative rezones necessary to maintain consistency between the comprehensive plan
34 policy plan map and the official zoning map and shall be completed concurrently with the plan
35 amendment process wherever appropriate. Rezones completed as part of the plan amendment process
36 shall be reviewed against the criteria as for plan amendments in Section 16B.10.095 of this code, and
37 YCC Section 19.36.040 (Major Rezones) and must be consistent with the requested plan designation
38 as indicated in Table 19.36-1. The **approval criteria** are listed below in **bold font** and the
39 corresponding *Staff Findings* are *italicized*.

40
41 • **CONSISTENCY WITH 16B.10.095 APPROVAL CRITERIA:**

42 (1) **The following criteria shall be considered in any review and approval of amendments to**
43 **Yakima County Comprehensive Plan Future Land Use Map:**

44
45 (a) **The proposed amendment is consistent with the Growth Management Act [GMA]**
46 **and requirements, the Yakima County Comprehensive Plan and applicable sub-area**
47 **plans, applicable city comprehensive plans, applicable capital facilities plans and**
48 **official population growth forecasts and allocations;**

1 ○ **GMA CONSISTENCY** - This major rezone is consistent with nine of the
2 thirteen GMA Planning goals (RCW 36.70A.020) without any order of priority.
3

4 **RCW 36.70A.020 (1) Urban growth.** Encourage development in urban areas
5 where adequate public facilities and services exist or can be provided in an
6 efficient manner.
7

8 *Staff Findings:* The proposal is consistent with this GMA goal because the subject
9 property and interested property are located within the City of Toppenish's urban
10 growth boundary where urban public facilities and services are available. The subject
11 property has access from a private road (Linden Road) to a County paved urban road
12 (W. 1st Ave). The residence is served by an individual well and septic system but does
13 have access to city water lines in Linden Road if needed. The interested property is on
14 municipal water and has direct access onto W. 1st Ave. Both properties are served by
15 electricity and telephone. They lie in the Toppenish School District, Toppenish Fire
16 District, and served by the Yakima County Sheriff's Department.
17

18 **RCW 36.70A.020 (2) Reduce sprawl.** Reduce the inappropriate conversion of
19 undeveloped land into sprawling, low-density development.
20

21 *Staff Findings:* The proposal is consistent with this GMA goal because the residence
22 was built when the subject property was zoned single-family residential (R-1) before it
23 was rezoned to multi-family residential (R-3) in February 2000. The proposal will not
24 create sprawl. The current General Commercial (GC) zoning of the interested property
25 is consistent with the previously Commercial (C) zone and developed for high-density
26 urban services.
27

28 **RCW 36.70A.020 (3) Transportation.** Encourage efficient multimodal
29 transportation systems that are based on regional priorities and coordinated with
30 county and city comprehensive plans.
31

32 *Staff Findings:* The proposal is consistent with this GMA goal because the subject
33 property and interested property both have available multi-modal transportation
34 systems including public transit (i.e. Pahto Public Passage and People for People).
35

36 **RCW 36.70A.020 (4) Housing.** Encourage the availability of affordable housing
37 to all economic segments of the population of this state, promote a variety of
38 residential densities and housing types, and encourage preservation of existing
39 housing stock.
40

41 *Staff Findings:* Does not apply. The applicant is not proposing housing and the
42 residence is not being removed.
43

44 **RCW 36.70A.020 (5) Economic development.** Encourage economic development
45 throughout the state that is consistent with adopted comprehensive plans,
46 promote economic opportunity for all citizens of this state, especially for
47 unemployed and for disadvantaged persons, promote the retention and expansion
48 of existing businesses and recruitment of new businesses, recognize regional
49 differences impacting economic development opportunities, and encourage

1 growth in areas experiencing insufficient economic growth, all within the
2 capacities of the state's natural resources, public services, and public facilities.
3

4 *Staff Findings:* The proposal is consistent with this GMA goal because the map
5 amendment will support the expansion of the existing convenience store/gas station.
6

7 **RCW 36.70A.020 (6) Property rights.** Private property shall not be taken for
8 public use without just compensation having been made. The property rights of
9 landowners shall be protected from arbitrary and discriminatory actions.
10

11 *Staff Findings:* The proposal is consistent with this GMA goal because no private
12 property would be taken for public use.
13

14 **RCW 36.70A.020 (7) Permits.** Applications for both state and local government
15 permits should be processed in a timely and fair manner to ensure predictability.
16

17 *Staff Findings:* The proposal is consistent with this GMA goal because the land uses
18 under the current zoning/land use designation or proposed map amendment will
19 require any future state and local permits to be processed in a timely and fair manner.
20

21 **RCW 36.70A.020 (8) Natural resource industries.** Maintain and enhance natural
22 resource-based industries, including productive timber, agricultural, and
23 fisheries industries. Encourage the conservation of productive forestlands and
24 productive agricultural lands, and discourage incompatible uses.
25

26 *Staff Findings:* Does not apply. The applicant is not proposing a natural resource map
27 amendment which would be inconsistent with uses in the UGA.
28

29 **RCW 36.70A.020 (9) Open space and recreation.** Retain open space, enhance
30 recreational opportunities, conserve fish and wildlife habitat, increase access to
31 natural resource lands and water, and develop parks and recreation facilities.
32

33 *Staff Findings:* Does not apply. The proposed map amendment is a non-project action
34 that does not require open space and recreation.
35

36 **RCW 36.70A.020 (10) Environment.** Protect the environment and enhance the
37 state's high quality of life, including air and water quality, and the availability of
38 water.
39

40 *Staff Findings:* The proposal is consistent with this GMA goal because this non-project
41 action requires review under the State Environmental Policy Act (SEPA). The
42 associated SEPA review case number is SEP22-006. The applicant has submitted a
43 SEPA checklist that will provide noticing to request comments from agencies of
44 expertise. Comments received will be provided to the applicant to address or
45 conditioned to be mitigated to ensure compliance so that there are no adverse impacts.
46

47 **RCW 36.70A.020 (11) Citizen participation and coordination.** Encourage the
48 involvement of citizens in the planning process and ensure coordination between
49 communities and jurisdictions to reconcile conflicts.
50

Staff Findings: The proposal is consistent with this GMA goal because the Yakima County Biennial Amendment process is a legislative action that requires public participation and coordination to be implemented in accordance with YCC 16B.10.080 (Public Process and Notice). This process will provide opportunities for the public to submit comments and participate in open record hearings.

RCW 36.70A.020 (12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

Staff Findings: The proposal is consistent with this GMA goal because future development proposals will require review to ensure no level of service decreases below locally established minimum standards.

RCW 36.70A.020 (13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

Staff Findings: There is no planning history that determines whether a cultural resource, historical, or archaeological survey was conducted or required for either property. Future proposals may require review.

- **HORIZON 2040 CONSISTENCY** - This map amendment is consistent with the following Yakima County Comprehensive Plan – **Horizon 2040** goals and policies, without any order of priority. The relevant goals and policies to the subject application are considered below (**Horizon 2040** language is **bolded**; and *Staff Findings* are *italicized*):

ECONOMIC DEVELOPMENT ELEMENT GOALS AND POLICIES

Goal ED 2: Encourage economic growth within the capacity of the region's public services and public facilities.

Policy ED 2.4: Through planning, zoning and infrastructure investments, encourage commercial and industrial development to locate in concentrations to promote the most efficient use of land, utilities, and transportation facilities in the concentrated area.

Goal ED 3: Ensure an adequate supply of commercial and industrial sites to provide opportunity for new and expanding firms wishing to locate or remain in Yakima County.

Policy ED 3.3: Support the maintenance and improvement of existing commercial facilities in preference to creation of new commercial areas.

Goal ED 6: Retain and expand existing Yakima County businesses.

Policy ED 6.1: Support the efforts of County-wide business expansion and job retention programs.

1 **LAND USE ELEMENT GOALS AND POLICIES**

2 **Goal LU-U 1: Encourage urban growth within designated urban growth areas.**

3

4 **Policy LU-U 1.2:** Urban growth should occur within urban growth areas only
5 and not be permitted outside of an adopted urban growth area except for new
6 fully contained communities, master planned resorts, and major industrial
7 sites. (RCW 36.70A.350)

8

9 **Policy LU-U 1.7:** Infill development, higher density zoning and small lot sizes
10 should be encouraged where services have already been provided and
11 sufficient capacity exists.

12

13 **Policy LU-U 1.8:** The County, cities, or interested citizens may initiate an
14 amendment to property within an existing urban growth area through the
15 comprehensive plan amendment process; however, amendments will
16 normally be processed every other year. Only the County, cities, and towns
17 may initiate amendments to UGA boundaries, which will normally be
18 processed every five years.

19

20 **Goal YKLU-U 8: Make commercial areas a desirable place to shop and work.**

21

22 **Policy YKLU-U 8.1:** Commercial uses and developments should be designed
23 to be compatible with surrounding land uses, especially to avoid
24 encroachment into residential areas.

25

26 **Policy YKLU-U 8.5:** Ensure compatibility between commercial structures
27 and adjoining residential uses. Require commercial structures to use building
28 scale, roof style, and building materials similar to, or compatible with, the
29 adjoining residential structures.

30

31 **Policy YKLU-U 8.6:** Commercial uses adjacent to residential areas should
32 use effective landscape buffers with living plant vegetation such as evergreen
33 trees, bushes, open space or other design controls to minimize noise, glare,
34 and other impacts associated with commercial land use to ensure that their
35 location will not adversely affect the residential areas.

36

37 **Policy YKLU-U 8.7:** Parking lots for commercial land uses that are adjacent
38 to residential housing should be screened from the view of residents using
39 vegetation, fences, berms or other screening devices.

40

41 **Goal THLU-U 2: Allow a mixture of commercial and residential land uses.**

42

43 **CAPITAL FACILITIES GOALS AND POLICIES**

44 **Goal CF 2: Provide a variety of responses to the demands of growth on capital
45 facilities.**

46

47 **Policy CF 2.2:** Make the most efficient use of existing capital facilities,
48 including such techniques and programs as: encouraging development that
49 uses existing facilities.

Goal CF 4: Ensure that capital facilities necessary for development are available and adequate to serve the development, based on the County's adopted minimum level of service standards.

Staff Findings: The proposal is consistent with the above **Horizon 2040** goals and policies since urban capital facilities and services are available. The convenience store/gas station is currently being served by city water. The **Horizon 2040** goals and policies further support this proposal by stressing the importance of retaining local businesses seeking expansion as a commercial infill location; creating economic development opportunities. Future proposals will require review to ensure additional urban standards and that the existing capital facilities and services can accommodate future uses.

○ SUB-AREA PLAN CONSISTENCY

Staff Findings: Does not apply. There is no applicable sub-area plan that affects this proposal.

○ CITY OF TOPPENISH 2018 COMPREHENSIVE PLAN UPDATE CONSISTENCY

Staff Findings: A review of the City of Toppenish's Comprehensive Plan finds no inconsistencies with this proposal.

○ CAPITAL FACILITIES PLAN CONSISTENCY

Staff Findings: A review of **Horizon 2040**'s Capital Facilities Element finds no inconsistencies with this request.

○ YAKIMA COUNTY POPULATION PROJECTIONS AND ALLOCATION CONSISTENCY

Staff Findings: The proposed map amendment does not affect population projections and allocations.

(b) The site is more consistent with the mapping criteria for the proposed map designation than it is with the criteria for the existing map designation;

Staff Findings: Does not apply. There is no mapping criteria for proposed urban land use designations.

(c) The map amendment or site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity;

Staff Findings: There is no lack of appropriately designated alternative sites. The proposed 0.61 acre portion is the most sensible area for Topp Mart to expand its business into since the southwestern portion, west of the gas station, is already being used for parking. The gas station cannot expand to the south due to the County 60-foot right-of-way or to the east which would edge closer to existing residence.

(d) For a map amendment, substantial evidence or a special study has been furnished that compels a finding that the proposed designation is more consistent with comprehensive plan policies than the current designation;

Staff Findings: There is no substantial evidence or a special study provided, however, the GMA and **Horizon 2040** review criteria above supports the retention and expansion of businesses in urban growth areas.

(e) To change a resource designation, the map amendment must be found to do one of the following:

- (i) Respond to a substantial change in conditions beyond the property owner's control applicable to the area within which the subject property lies; or
- (ii) Better implement applicable comprehensive plan policies than the current map designation; or
- (iii) Correct an obvious mapping error; or
- (iv) Address an identified deficiency in the plan. In the case of Resource Lands, the applicable de-designation criteria in the mapping criteria portion of the Land Use Element of the Yakima County Comprehensive Plan – *Horizon 2040* shall be followed. If the result of the analysis shows that the applicable de-designation criteria has been met, then it will be considered conclusive evidence that one of the four criteria in paragraph (e) has been met. The de-designation criteria are not intended for and shall not be applicable when resource lands are proposed for re-designation to another Economic Resource land use designation;

Staff Findings: Does not apply. The proposal is a request to change an urban designation and not a resource designation.

(f) A full range of necessary public facilities and services can be adequately provided in an efficient and timely manner to serve the proposed designation. Such services may include water, sewage, storm drainage, transportation, fire protection and schools;

Staff Findings: As discussed in GMA Goal 1, the property is located within the City of Toppenish's UGA where urban services are available.

(g) The proposed policy plan map amendment will not prematurely cause the need for nor increase the pressure for additional policy plan map amendments in the surrounding area.

Staff Findings: The proposal is site specific to the property and will not prematurely cause the need for nor increase the pressure for additional plan map amendments in the surrounding area.

(2) The following criteria shall be considered in any review and approval of changes to Urban Growth Area (UGA) boundaries:

Staff Findings: Does not apply. The proposal is not requesting a change to the UGA boundary.

(3) Land added to or removed from Urban Growth Areas shall be given appropriate policy plan map designation and zoning by Yakima County, consistent with adopted comprehensive plan(s).

Staff Findings: Does not apply. The proposal is not requesting a change to the UGA boundary.

(4) Cumulative impacts of all plan amendments, including those approved since the original adoption of the plan, shall be considered in the evaluation of proposed plan amendments.

Staff Findings: The cumulative impacts will be addressed as part of the overall SEPA environmental review process for the 2022 Biennial Comprehensive Plan Amendments.

(5) Plan policy and other text amendments including capital facilities plans must be consistent with the GMA, SMA, CWPP, other comprehensive plan goals and policies, and, where applicable, city comprehensive plans and adopted inter-local agreements.

Staff Findings: Does not apply. The proposal is for a Comprehensive Plan map amendment.

(6) Prior to forwarding a proposed development regulation text amendment to the Planning Commission for its docketing consideration, the Administrative Official must make a determination that the proposed amendment is consistent with the GMA, CWPP, other comprehensive plan goals and policies, and, where applicable, city comprehensive plans and adopted inter-local agreements.

Staff Findings: Does not apply. The proposed map amendment is not a regulation text amendment.

G. YCC 19.36.040 MAJOR REZONES:

YCC 16B.10.090 states that major rezones shall be reviewed against the criteria in YCC 19.36.040 (Major Rezones), which states:

“Amendments to the zoning map that are contingent upon legislative approval of a comprehensive plan amendment shall be considered a major rezone and are subject to the procedures outlined in YCC Chapter 16B.10.”

Staff Conclusion: The procedures for amending **Horizon 2040** outlined in YCC 16.10 are being followed in the matter of rezoning the subject property.

H. ALLOWABLE USES

The applicant requests a change in the Future Land Use Map on the subject property from Urban Residential to Urban Commercial. If the comp plan amendment is approved, a concurrent rezone from Multi-Family Residential (R-3) to General Commercial (GC) is also requested. For a full list of Type 1, 2, 3, and 4 uses that would be allowed if the property were rezoned to GC please see YCC Chapter 19.14 Allowable Land Use Table.

Staff Conclusion: The site does meet the criteria for rezoning to GC and therefore suitable for the allowable GC uses. The “convenience store including automotive fuel dispensing services” is currently a Type 1 use in the GC zone.

1 **I. DISCUSSION OF ENVIRONMENTAL ANALYSIS (SEPA)**

2
3 Staff has completed an assessment of the potential environmental impacts associated with the proposed
4 plan and zoning amendment and proposes mitigation, where appropriate.

5

6 ○ **LRN22-004/SEP22-006: Orozco/Hordan.** The Environmental Checklist submitted by the
7 applicant discloses no direct adverse environmental impacts associated with the proposal.
8 However, if approved, the increased number of possible uses and greater development
9 potential allowed on the property could potentially create significant adverse
10 environmental impacts. When future development applications are submitted, additional
11 environmental review may be required of most projects. Depending on the type of
12 expansion in the future, a project SEPA may be required to mitigate for ground disturbance,
13 lot coverage, parking, and water quality.

14

15 **J. CONCLUSIONS**

16

17 1. Subject to additional comments and information to be received during the request for comment
18 periods and open record public hearings, the comprehensive plan map amendment and rezone
19 meets the approval criteria of YCC 16B.10.095. The proposal is consistent with the goals and
20 policies of the Growth Management Act (RCW36.70A), the Yakima County Comprehensive Plan
21 (**Horizon 2040**), and the City of Toppenish's Comprehensive Plan.

22

23 2. Environmental review is currently being conducted to determine if any probable significant
24 environmental impacts will result from approval.

25

26 **K. RECOMMENDATIONS**

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28 The Yakima County Planning Division recommends **APPROVAL** of the **Horizon 2040** map
29 amendment and rezone request, subject to consideration of testimony from neighbors and interested
30 parties.

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**Current Plan
Designations**

**Jesse Orozco
201004-34408**

Appendix A

Subject Property
Horizon 2040 Designations
Urban Residential
Urban Commercial
Urban Industrial
Tax Lots
All Roads

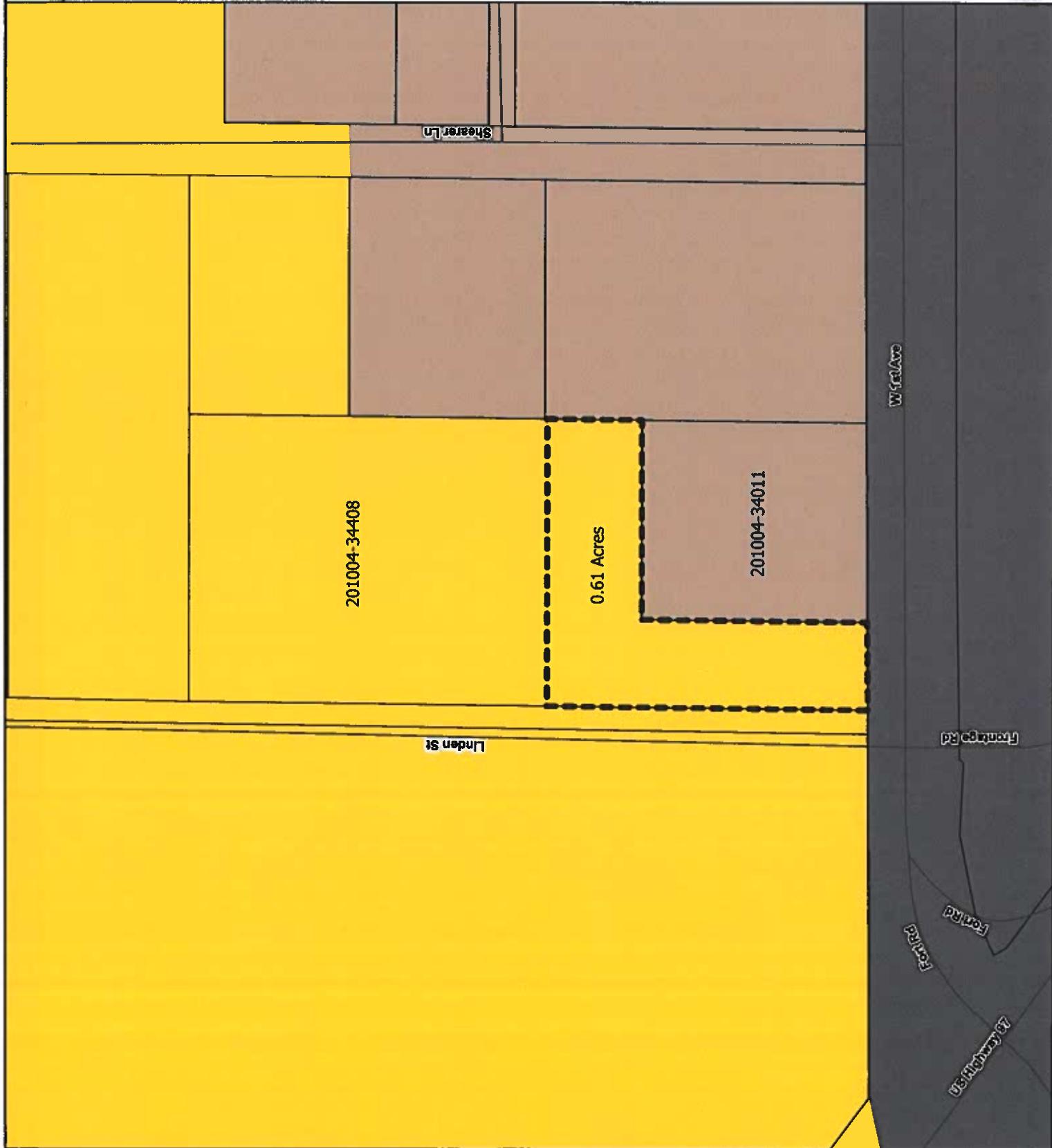
1 inch equals 100 feet

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Feet



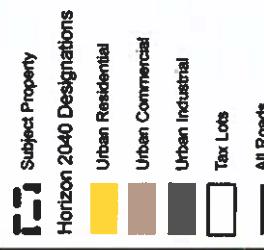
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Date: 1/20/2022



**Proposed Plan
Designations**

**Jesse Orozco
201004-34408**



1 inch equals 100 feet



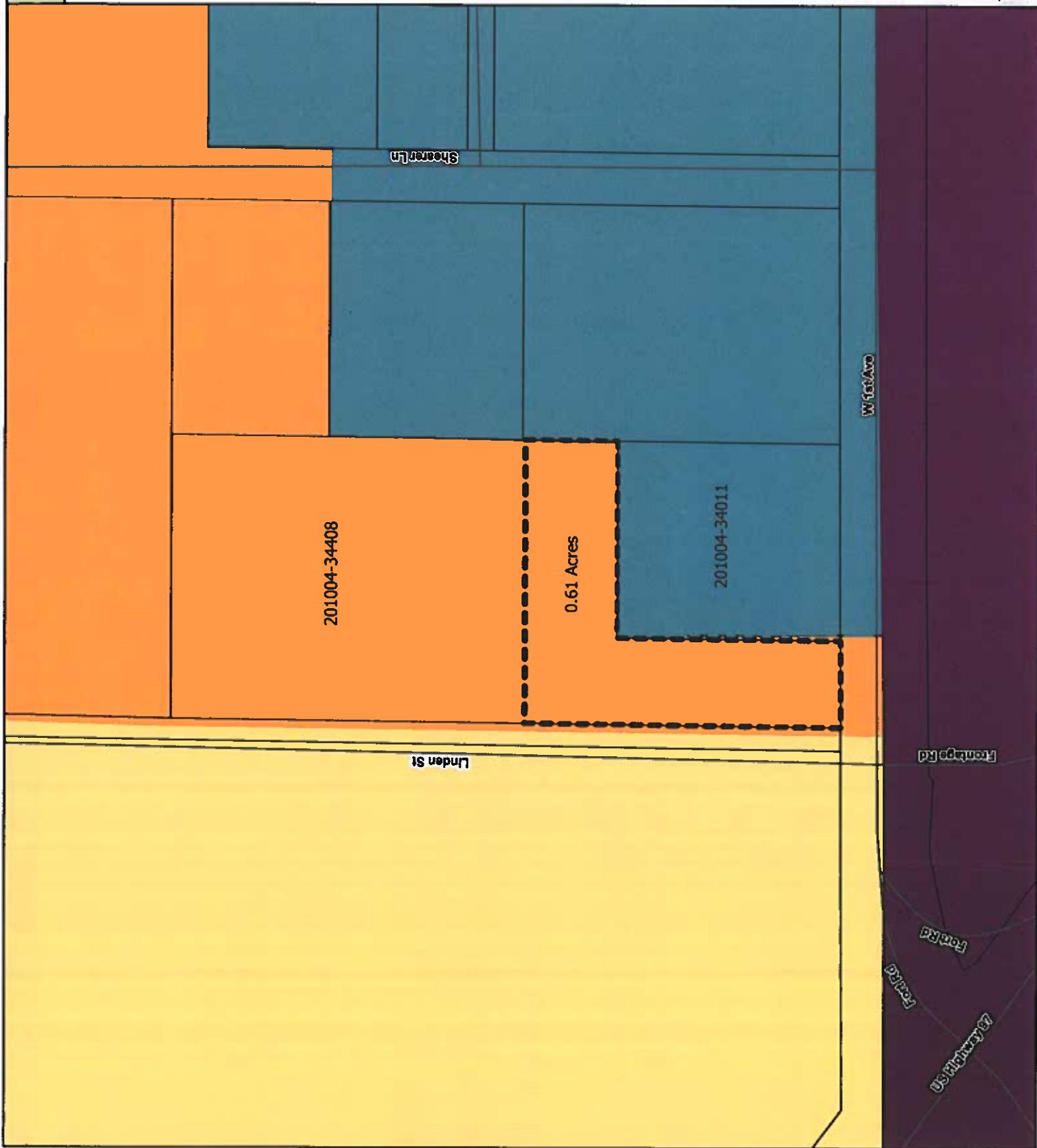
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Current Zoning

Jesse Orozco
201004-34408



Proposed Zoning

Jesse Orozco
201004-34408

