	COMPREHENSIVE PLAN MAP AMENDMENT		
	CASE NUMBER(S): LRN2022-00004/SEP2022-00006		
	STAFF REPORT DRAFTED BY: Tua Vang		
	June 8, 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 southern adjoining property for a future expansion of the convenience store/gas station. If approved, a condition of approval will require a Development Agreement (Appendix C) to finalize and record Boundary Line Adjustment to implement the map amendment.		

2

3

A. SUMMARY OF RECOMMENDATIONS

4

5

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

8

9

B. SUMMARY OF REQUEST

10

11

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

12

13

14

C. SUBJECT PROPERTY HISTORY

15

16

17

18

19

20

21

22

23

24

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

D. CURRENT COMP PLAN DESIGNATIONS, ZONING AND LAND USE

The current Yakima County Comprehensive Plan - *Horizon 2040* designations, zoning, and land uses 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.

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

- **Current Land Use Designation – Urban Residential - UR:**
Horizon 2040 – Land Use Element 5.8.3.2

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

- **Current Zoning – Multi-Family Residential - R-3:**
YCC 19.12.020(1)(b)

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

- (i) Provide for and protect medium and high-density residential districts by excluding activities not compatible with residential uses;
- (ii) Locate high-density residential development, more than 12 dwelling units per acre, in areas receiving the full range of urban services;
- (iii) Locate high-density residential development near neighborhood shopping facilities;

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

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

- **Proposed Land Use Designation – Urban Commercial - UC:**
Horizon 2040 – Land Use Element 5.8.3.2

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

- **Proposed Zoning – General Commercial - GC:**
YCC 19.13.020(1)(c)

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

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

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

F. PLAN MAP AMENDMENT AND MAJOR REZONE APPROVAL CRITERIA

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

- **CONSISTENCY WITH 16B.10.095 APPROVAL CRITERIA:**

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

(a) **The proposed amendment is consistent with the Growth Management Act [GMA] and requirements, the Yakima County Comprehensive Plan and applicable sub-area plans, applicable city comprehensive plans, applicable capital facilities plans and 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

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

6
7 **RCW 36.70A.020 (12) Public facilities and services.** Ensure that those public
8 facilities and services necessary to support development shall be adequate to serve the
9 development at the time the development is available for occupancy and use without
10 decreasing current service levels below locally established minimum standards.

11
12 *Staff Findings: The proposal is consistent with this GMA goal because future*
13 *development proposals will require review to ensure no level of service decreases*
14 *below locally established minimum standards.*

15
16 **RCW 36.70A.020 (13) Historic preservation.** Identify and encourage the
17 preservation of lands, sites, and structures, that have historical or archaeological
18 significance.

19
20 *Staff Findings: There is no planning history that determines whether a cultural*
21 *resource, historical, or archaeological survey was conducted or required for either*
22 *property. Future proposals may require review.*

- 23
24 ○ **HORIZON 2040 CONSISTENCY** - This map amendment is consistent with
25 the following Yakima County Comprehensive Plan – **Horizon 2040** goals and
26 policies, without any order of priority. The relevant goals and policies to the
27 subject application are considered below (**Horizon 2040** language is **bolded**;
28 and *Staff Findings* are italicized):

29
30 **ECONOMIC DEVELOPMENT ELEMENT GOALS AND POLICIES**

31 **Goal ED 2: Encourage economic growth within the capacity of the region’s public**
32 **services and public facilities.**

33
34 **Policy ED 2.4: Through planning, zoning and infrastructure investments,**
35 **encourage commercial and industrial development to locate in concentrations**
36 **to promote the most efficient use of land, utilities, and transportation facilities**
37 **in the concentrated area.**

38
39 **Goal ED 3: Ensure an adequate supply of commercial and industrial sites to**
40 **provide opportunity for new and expanding firms wishing to locate or remain in**
41 **Yakima County.**

42
43 **Policy ED 3.3: Support the maintenance and improvement of existing**
44 **commercial facilities in preference to creation of new commercial areas.**

45
46 **Goal ED 6: Retain and expand existing Yakima County businesses.**

47
48 **Policy ED 6.1: Support the efforts of County-wide business expansion and job**
49 **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.**

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

4
5 *Staff Findings: The proposal is consistent with the above **Horizon 2040** goals and*
6 *policies since urban capital facilities and services are available. The convenience*
7 *store/gas station is currently being served by city water. The **Horizon 2040** goals and*
8 *policies further support this proposal by stressing the importance of retaining local*
9 *businesses seeking expansion as a commercial infill location; creating economic*
10 *development opportunities. Future proposals will require review to ensure additional*
11 *urban standards and that the existing capital facilities and services can accommodate*
12 *future uses.*

13
14 ○ **SUB-AREA PLAN CONSISTENCY**

15
16 *Staff Findings: Does not apply. There is no applicable sub-area plan that affects this*
17 *proposal.*

18
19 ○ **CITY OF TOPPENISH 2018 COMPREHENSIVE PLAN UPDATE**
20 **CONSISTENCY**

21
22 *Staff Findings: A review of the City of Toppenish's Comprehensive Plan finds no*
23 *inconsistencies with this proposal.*

24
25 ○ **CAPITAL FACILITIES PLAN CONSISTENCY**

26
27 *Staff Findings: A review of **Horizon 2040's** Capital Facilities Element finds no*
28 *inconsistencies with this request.*

29
30 ○ **YAKIMA COUNTY POPULATION PROJECTIONS AND**
31 **ALLOCATION CONSISTENCY**

32
33 *Staff Findings: The proposed map amendment does not affect population projections*
34 *and allocations.*

35
36 **(b) The site is more consistent with the mapping criteria for the proposed map**
37 **designation than it is with the criteria for the existing map designation;**

38
39 *Staff Findings: Does not apply. There is no mapping criteria for proposed urban land use*
40 *designations.*

41
42 **(c) The map amendment or site is suitable for the proposed designation and there is a**
43 **lack of appropriately designated alternative sites within the vicinity;**

44
45 *Staff Findings: There is no lack of appropriately designated alternative sites. The proposed*
46 *0.61 acre portion is the most sensible area for Topp Mart to expand its business into since*
47 *the southwestern portion, west of the gas station, is already being used for parking. The*
48 *gas station cannot expand to the south due to the County 60-foot right-of-way or to the east*
49 *which would edge closer to existing residence.*
50

- 1 (d) For a map amendment, substantial evidence or a special study has been furnished
2 that compels a finding that the proposed designation is more consistent with
3 comprehensive plan policies than the current designation;
4

5 *Staff Findings: There is no substantial evidence or a special study provided, however, the*
6 *GMA and Horizon 2040 review criteria above supports the retention and expansion of*
7 *businesses in urban growth areas.*
8

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

- 11 (i) Respond to a substantial change in conditions beyond the property owner's
12 control applicable to the area within which the subject property lies; or
13 (ii) Better implement applicable comprehensive plan policies than the current
14 map designation; or
15 (iii) Correct an obvious mapping error; or
16 (iv) Address an identified deficiency in the plan. In the case of Resource Lands, the
17 applicable de-designation criteria in the mapping criteria portion of the Land Use
18 Element of the Yakima County Comprehensive Plan – *Horizon 2040* shall be
19 followed. If the result of the analysis shows that the applicable de-designation
20 criteria has been met, then it will be considered conclusive evidence that one of
21 the four criteria in paragraph (e) has been met. The de-designation criteria are
22 not intended for and shall not be applicable when resource lands are proposed for
23 re-designation to another Economic Resource land use designation;
24

25 *Staff Findings: Does not apply. The proposal is a request to change an urban designation*
26 *and not a resource designation.*
27

- 28 (f) A full range of necessary public facilities and services can be adequately provided in
29 an efficient and timely manner to serve the proposed designation. Such services may
30 include water, sewage, storm drainage, transportation, fire protection and schools;
31

32 *Staff Findings: As discussed in GMA Goal 1, the property is located within the City of*
33 *Toppenish's UGA where urban services are available.*
34

- 35 (g) The proposed policy plan map amendment will not prematurely cause the need for
36 nor increase the pressure for additional policy plan map amendments in the
37 surrounding area.
38

39 *Staff Findings: The proposal is site specific to the property and will not prematurely cause*
40 *the need for nor increase the pressure for additional plan map amendments in the*
41 *surrounding area.*
42

- 43 (2) The following criteria shall be considered in any review and approval of changes to Urban
44 Growth Area (UGA) boundaries:
45

46 *Staff Findings: Does not apply. The proposal is not requesting a change to the UGA boundary.*
47
48
49

- 1 (3) Land added to or removed from Urban Growth Areas shall be given appropriate policy
2 plan map designation and zoning by Yakima County, consistent with adopted
3 comprehensive plan(s).
4

5 *Staff Findings: Does not apply. The proposal is not requesting a change to the UGA boundary.*
6

- 7 (4) Cumulative impacts of all plan amendments, including those approved since the original
8 adoption of the plan, shall be considered in the evaluation of proposed plan amendments.
9

10 *Staff Findings: The cumulative impacts will be addressed as part of the overall SEPA*
11 *environmental review process for the 2022 Biennial Comprehensive Plan Amendments.*
12

- 13 (5) Plan policy and other text amendments including capital facilities plans must be
14 consistent with the GMA, SMA, CWPP, other comprehensive plan goals and policies,
15 and, where applicable, city comprehensive plans and adopted inter-local agreements.
16

17 *Staff Findings: Does not apply. The proposal is for a Comprehensive Plan map amendment.*
18

- 19 (6) Prior to forwarding a proposed development regulation text amendment to the Planning
20 Commission for its docketing consideration, the Administrative Official must make a
21 determination that the proposed amendment is consistent with the GMA, CWPP, other
22 comprehensive plan goals and policies, and, where applicable, city comprehensive plans
23 and adopted inter-local agreements.
24

25 *Staff Findings: Does not apply. The proposed map amendment is not a regulation text*
26 *amendment.*
27

28 **G. YCC 19.36.040 MAJOR REZONES:** 29

30 YCC 16B.10.090 states that major rezones shall be reviewed against the criteria in YCC 19.36.040
31 (Major Rezones), which states:
32

33 “Amendments to the zoning map that are contingent upon legislative approval of a
34 comprehensive plan amendment shall be considered a major rezone and are subject to the
35 procedures outlined in YCC Chapter 16B.10.”
36

37 *Staff Conclusion: The procedures for amending Horizon 2040 as outlined in YCC 16.10 are being*
38 *followed in the matter of rezoning the subject property.*
39

40 **H. ALLOWABLE USES** 41

42 The applicant requests a change in the Future Land Use Map on the subject property from Urban
43 Residential to Urban Commercial. If the comp plan amendment is approved, a concurrent rezone from
44 Multi-Family Residential (R-3) to General Commercial (GC) is also requested. For a full list of Type
45 1, 2, 3, and 4 uses that would be allowed if the property were rezoned to GC please see Appendix B –
46 YCC Chapter 19.14 Allowable Land Use Table.
47

48 *Staff Conclusion: The site does meet the criteria for rezoning to GC and therefore suitable for the*
49 *allowable GC uses. The “convenience store including automotive fuel dispensing services” is currently*
50 *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**

27
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.
31

32 ###
33

34 **APPENDICES: A – Maps**

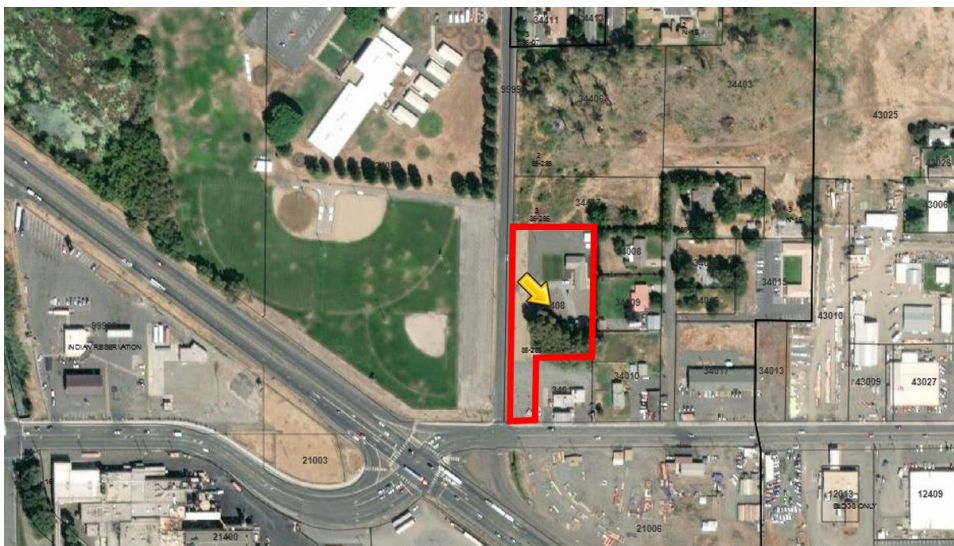
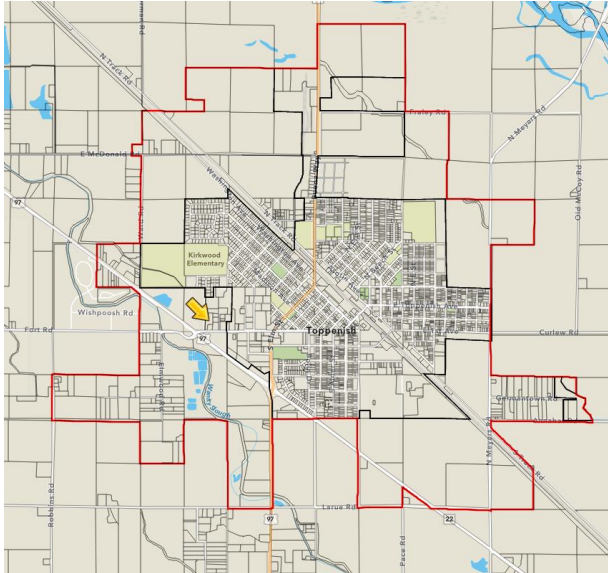
35 **B – YCC Chapter 19.14 Allowable Land Use Table**

36 **C – Draft Development Agreement**
37
38
39
40
41
42
43
44

45 \\nt2\Planning\Long Range\Projects\Plan Amendments\2022 Plan Amendments\LRN2022-00004_SEP2022-00006_Orozco Map
46 Amendment\PC\Hearing\LRN22-004_Staff Report_PC Hearing.docx

Rezone Location, Zoning, and Plan Designation

Appendix A



Current Zoning

Jesse Orozco
201004-34408



Subject Property

Yakima County Zoning

Single-Family Residential

Multi-Family Residential

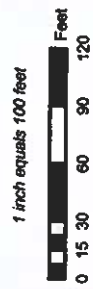
General Commercial

Light Industrial

Tax Lots

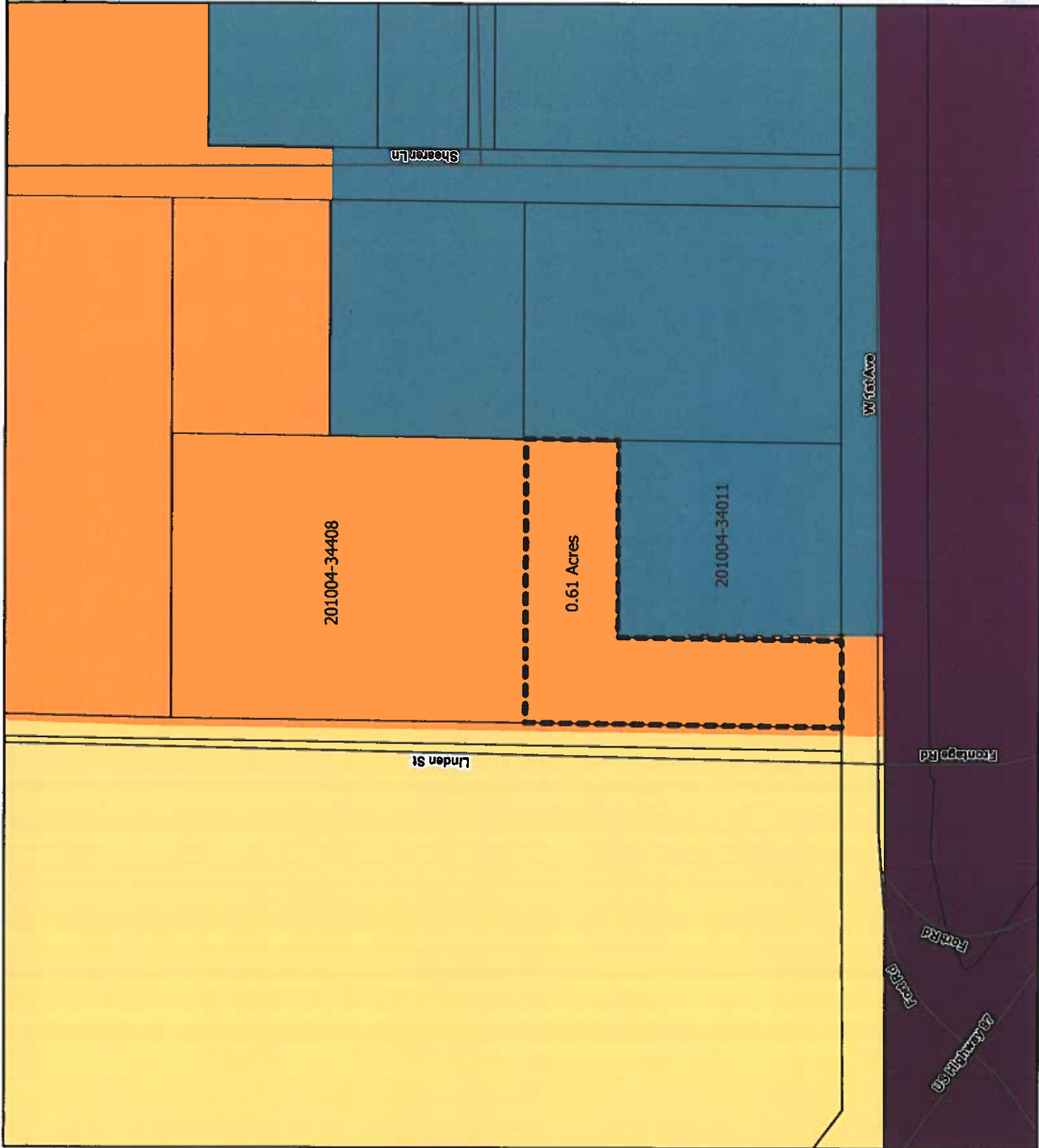
All Roads

Appendix A
LRN22-004/SEP22-006



Yakimap.com

Copyright (C) 2021 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.
Date: 1/18/2022



Proposed Zoning

Jesse Orozco
201004-34408



Subject Property

Yakima County Zoning

Single-Family Residential

Multi-Family Residential

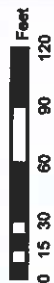
General Commercial

Light Industrial

Tax Lots

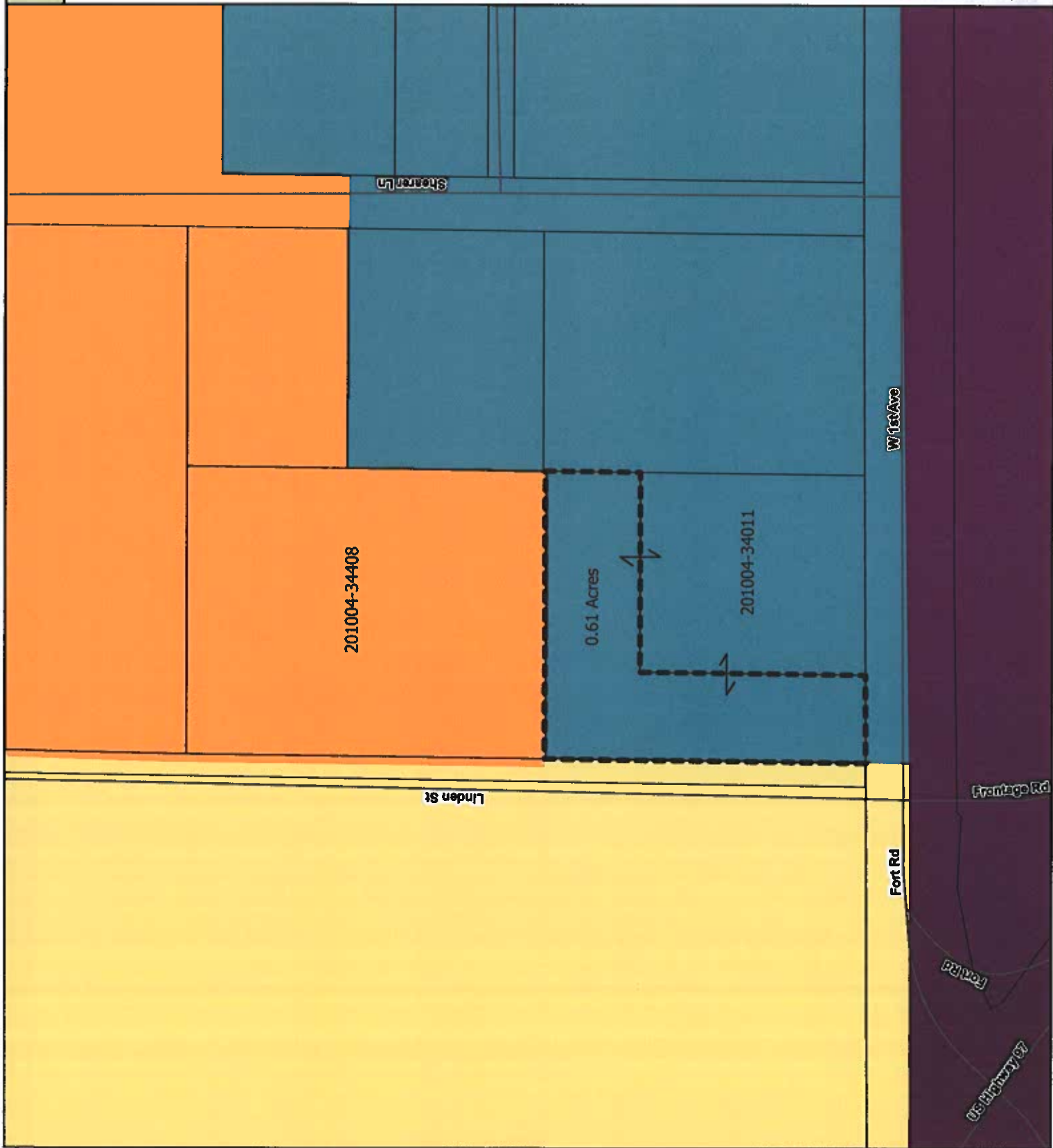
All Roads

1 inch equals 100 feet



Yakimap.com

Copyright (C) 2021 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.
Date: 1/20/2022



Current Plan
Designations

Jesse Orozco
201004-34408

Subject Property

Horizon 2040 Designations

Urban Residential

Urban Commercial

Urban Industrial

Tax Lots

All Roads

Appendix A
LRN22-004/SEP22-006

1 inch equals 100 feet



Yakimap.com

Copyright (C) 2021 Yakima County
This map was created from several databases. The
County cannot accept responsibility for any errors.
Therefore, there are no warranties for this product.
Date: 1/20/2022



Proposed Plan
Designations

Jesse Orozco
201004-34408

Appendix A
LRN22-004/SEP22-006



Subject Property

Horizon 2040 Designations

Urban Residential

Urban Commercial

Urban Industrial

Tax Lots

All Roads

1 inch equals 100 feet



Yakimap.com

Copyright (C) 2021 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.
Date: 1/20/2022



Chapter 19.14

ALLOWABLE LAND USE TABLE

Sections:

19.14.010 Allowable Land Use Table.

19.14.010 Allowable Land Use Table.

(1) The following Table 19.14-1 indicates those uses which may be permitted through Type 1, 2, 3 or 4 review in the various zoning districts defined in this title. In addition to Table 19.14-1, reference to the individual zoning districts and, where indicated, the notes following the table and definitions of 19.01.070, is necessary in order to determine if any specific requirements apply to the listed use.

(2) Uses. The uses set out in Table 19.14-1 are examples of uses allowed in the various zoning districts defined in this title. The appropriate review authority is mandatory. See YCC Title 16B for more explicit definitions of Type 1, 2, 3, and 4 uses/reviews.

“Type 1”	Uses allowed subject to approval of applicable permits where required. Type 1 uses usually require Type 1 review, but may require Type 2 review under certain conditions.
“Type 2”	Uses allowed upon Type 2 administrative review and approval as set forth in Section 19.30.030 uses subject to review and approval. Type 2 uses require administrative review by the Administrative Official and may be referred to the Hearing Examiner.
“Type 3”	Uses which may be authorized subject to the approval of a conditional use permit as set forth in Section 19.30.030. Type 3 conditional uses are not generally appropriate throughout the zoning district. Type 3 uses require Hearing Examiner review of applications subject to a Type 3 review under the procedures of Section 19.30.100 and YCC Subsection 16B.03.030(1)(c).
“Type 4”	Uses which may be allowed subject to the approval of a project permit as set forth in Section 19.30.030. Type 4 uses require both the Hearing Examiner and Board of County Commissioners review of applications subject to a Type 4 review under the procedures of Sections 19.30.080, 19.36.030, and YCC 16B Subsection 16B.03.030(1)(d).
“Blank”	Uses specifically prohibited.

A higher level of review may be required for a use located within one or more overlay districts, designated in Chapter 19.17, or where circumstances merit a higher level of review as described in Section 19.30.030. Where a use is not listed, it is specifically prohibited or subject to a similar use interpretation in Chapter 19.31.

***The **highlighted yellow** below represents a new use, lower, or higher level of review if rezoned from R-3 to GC.

Table 19.14-1 Allowable Land Uses

	R-3	GC
AGRICULTURE & FORESTY (COMMERCIAL)		
Agricultural building*†	1	
Agricultural market*		1
Agricultural stands*† not exceeding 1,000 square feet in area		
Agricultural service establishments*		
Agricultural tourist operation*† (ATO):		
(1) Retail ATO*		
(2) Destination ATO*		
(3) Resort ATO*		
Agriculturally related industry*		
Agriculture*, silviculture, wholesale nurseries*†, and animal feeding operations*† (Excluding: concentrated animal feeding operations*, livestock auction/sale yards, rendering plants and slaughter houses)	1	
Aquaculture*		
Brewery, domestic*		2
Brewery, micro*		1
Concentrated animal feeding operations*		
Distillery*		
Distillery*, craft*		2
Farm Labor housing:		
Farm labor center*†		
Farm labor shelter*†		
Seasonal duration temporary worker housing†		
Forest industries*		
Irrigation distribution/drainage facilities*	1	1

**LRN22-004/SEP22-006 Orozco/Hordan Map Amendment
R-3 and GC Zoning Districts – Land Use Comparison**

Appendix B

Livestock auction/sale yards*		
Winery*		2
AMUSEMENT AND RECREATION		
Adult entertainment facilities*†		
Amusement park (permanent) fairgrounds, racetracks and other outdoor amusements*†		3
Aquatic center†		3
Bowling alleys		1
Campground*† and RV park*†		2
Drive-in theatres†		2
Exercise Facilities, gymnasiums		1
Game rooms*, electronic game rooms*, excluding social card rooms*		1
Social card room*, including casinos†		3
Golf courses, clubhouses, pro shops, driving ranges	3	
Miniature golf courses†		1
Historic landmark* allowable use permits†	3	2
Hunting and fishing services, horse rental, pony rides		2
Livestock event facilities		
Movie theaters, auditoriums, exhibition halls		1
Off-road vehicle recreation facilities*†		
Parks, playgrounds, greenways and other public or private outdoor recreational facilities	2	2
Public or private camps* and guest ranches*		
Recreational services including equipment sales and rentals		
Shooting range, indoor		3
Shooting range, outdoor		
Sporting goods, Retail		1
Sports facility, indoor		1
COMMUNITY SERVICES		

**LRN22-004/SEP22-006 Orozco/Hordan Map Amendment
R-3 and GC Zoning Districts – Land Use Comparison**

Appendix B

Cemetery†, crematorium columbaria and mausoleums	3	
Church or other place of worship*	2	1
Community center*	2	1
Correctional facilities		3
Crisis residential facilities*	2	3
Day care center, child*	2	2
Family home services*, other than safe/shelter home	1	1
Safe/shelter home* (see Family Home Services)	2	2
Fraternal organizations*, lodges and clubs, meeting/reception hall*		2
Funeral home, without cemetery or crematorium		1
Funeral homes with crematorium		2
Grange halls and other agriculturally related clubs and organizations		
Group care facilities (large)**, foster family homes (large)**, or licensed boarding homes for more than six residents** (**Exceed definitions under Family Home Services)	2	2
Halfway house/clean and sober facility*	2	3
Health care facilities*	3	2
Libraries	3	1
Museums, art galleries	3	1
Opiate substitution treatment facility defined under RCW 36.70A.200†		3
Police, fire station, ambulance service†	3	1
Public buildings and uses*	2	2
Residential care facility*	2	
Residential care facility* within five road miles of a year-round responding fire station		
Retirement homes*	2	
School bus storage & maintenance facilities	2	2

**LRN22-004/SEP22-006 Orozco/Hordan Map Amendment
R-3 and GC Zoning Districts – Land Use Comparison**

Appendix B

Schools: Elementary and middle*, senior high school*	3	2
Business incubator facilities, single- or multi-tenant		2
Business school*	3	2
Commercial education services and studios		1
Community college/university	3	2
Vocational school*	3	1
Treatment centers for drug and alcohol rehabilitation		3
MANUFACTURING		
Agricultural product support		2
Aircraft, aircraft parts		
Aircraft, commercial and industrial uses		
Apparel and accessories		2
Bakery products (wholesale)		2
Beverage industry*, not including wineries		2
Canning, preserving, processing and packaging fruits vegetables and other foods not with definition of ag. related industry		2
Cement and concrete plants		
Chemicals (industrial, agricultural, wood, etc.)		
Concrete, lime, gypsum and plaster		
Confectionery and related products (wholesale)		2
Drop forge products		
Drugs and pharmaceutical products		
Electrical transmission and distribution equipment		
Electronic components and accessories		2
Engineering, medical, optical, dental and scientific instruments		2
Explosives and ammunition		
Fabricated structural metal products		

**LRN22-004/SEP22-006 Orozco/Hordan Map Amendment
R-3 and GC Zoning Districts – Land Use Comparison**

Appendix B

Fertilizer, chemical		
Food processing		3
Furniture and custom cabinet shops		2
General hardware, including hand tools, cutlery, etc.		2
Glass pottery and related products		2
Grain mill products		3
Heating apparatus, wood stoves		
Leather products		2
Leather tanning and finishing		
Machinery and equipment		2
Major industrial development*		
Meat, poultry and dairy products		3
Metal, plastic or glass containers		
Paints, varnishes, lacquers, enamels and allied products		
Paperboard containers and boxes		3
Petroleum products, refining and manufacture		
Plastic products		3
Prefabricated structural wood products and containers		
Printing, publishing and binding		2
Printing trade (service industries)		2
Rendering plants, slaughterhouses		
Rubber products		3
Rubber reclaiming		
Sawmills and planing mills		
Sheet metal and welding shops		3
Sign manufacturing*		1
Signs, printed, painted or carved		1
Stone products (includes finishing or monuments for retail sales)		3
Transportation equipment, including camping and recreational vehicles		3
Vehicle assembly, including automobile, truck, farm, heavy equipment, etc.		
Woodworking, not otherwise listed		3

MINING/REFINING/OFFSITE HAZARDOUS WASTE TREATMENT		
The following mining related uses within areas designated Mineral Resource by the comprehensive plan:		
Chemical washing, blending, or extraction of precious or semi- precious minerals		
Manufacture, fabrication and sale of concrete, asphalt, and mineral products		
Mineral batching* (Long-term)†		
Mineral batching* (Temporary)†		
Mineral processing*, mining site/operation (Long-term or temporary) †		
Recycled asphalt or concrete, stockpiling or storage of, (when accessory to an approved mining site/operation)†		
The following mining related uses within areas not designated Mineral Resource by the comprehensive plan:		
Chemical washing, blending, or extraction of precious or semi- precious minerals		
Manufacture, fabrication and sale of concrete, asphalt, and mineral products		
Mineral batching* (Long-term)†		
Mineral batching* (Temporary) †		
Mineral processing*, mining site/operation* (Long-term) †		
Mineral processing*, mining site/operation* (Temporary) †		
Recycled asphalt or concrete, Stockpiling or storage of†		
Additional Uses:		

**LRN22-004/SEP22-006 Orozco/Hordan Map Amendment
R-3 and GC Zoning Districts – Land Use Comparison**

Appendix B

Extraction of mineral resources as part of a federal or state approved fish or wildlife habitat restoration/enhancement project (Temporary)	2	2
Federal or state approved wetland mitigation projects requiring extraction of mineral resources (Temporary)	2	2
Hazardous waste treatment and storage facilities subject to the state siting criteria of Chapter 70.105 RCW: Offsite, and storage of chemicals and empty chemical containers		
Hazardous waste treatment and storage facilities subject to the state siting criteria of Chapter 70.105 RCW: Onsite, and storage of chemicals and empty chemical containers	1	1
Petroleum, natural gas and geothermal exploration and production		
Recycling center*		1
Refuse landfills*		
Solid waste drop box site*†	2	2
Solid waste transfer stations*†		
Stockpiling of earthen materials not within FEMA Flood Plain*†	2	1
RESIDENTIAL†		
Accessory dwelling unit*† – Attached	1 ⁽²⁾	
Accessory dwelling unit*† – Detached	3 ⁽²⁾	
Dwelling for occupancy by guards, watchmen, caretakers or owners of non-residential permitted use†		1
Manufactured/Mobile home parks*†	2	

**LRN22-004/SEP22-006 Orozco/Hordan Map Amendment
R-3 and GC Zoning Districts – Land Use Comparison**

Appendix B

Manufactured or mobile or homes*† of any size in approved or existing mobile/manufactured home parks*	1	
Mixed use building/dwellings in mixed-use multi-family residential/commercial development†		1
Multi-family dwelling*, 12 dwellings per acre or less	1	2
Multi-family dwelling*, 13 to 18 dwellings per acre	2	2
Multi-family dwelling*, more than 18 dwellings per acre	2	2
Multi-wide manufactured home*† on an individual lot:		
Previously Titled (Used)		
Not Previously Titled (New)		
Second farm dwelling on a parcel at least 20 acres in size, in addition to the owner's single-family residence, that is in active agricultural use†		
Single-family attached dwelling* (common wall)	1	
Single-family detached dwelling (zero lot line)*	1	
Single-family site built or modular* dwelling		
Single-wide manufactured home*†, on an individual lot:		
Previously Titled (Used)		
Not Previously Titled (New)		
Temporary sales office within a residential or mixed-use project while units in the project are sold by the developer	1	1
Two-family dwelling (duplex)*	1	
RETAIL TRADE AND SERVICE		
Addressing, mailing, and stenographic services		1

**LRN22-004/SEP22-006 Orozco/Hordan Map Amendment
R-3 and GC Zoning Districts – Land Use Comparison**

Appendix B

Administrative offices, not otherwise listed		1
Agricultural implements, parts, tools and machinery		1
Amateur radio antenna and support structure*†, communication tower*†, anemometer*† or personal wind energy tower*† and related facilities	Note 1	Note 1
Antique store*		1
Art Supplies		1
Auction house/yard*, excluding livestock		2
Automobile, motorcycle, truck, trailer, manufactured home & RV sales		1
Auto wrecking, dismantling, salvage or junk yard		
Bail Bonds		1
Bakery, butcher shop, delicatessen, specialty food store		1
Beauty and barber shops		1
Bed and breakfast inn* with a maximum of five guest bedrooms and/or receptions, group meetings and/or special gatherings†	2	2
Bed and breakfast inn* with a maximum of two guest bedrooms and without receptions, group meetings or special gatherings†	1	1
Boarding or lodging house*	3	1
Boats and marine accessories		1
Books, stationery, office supplies		1
Building and trade contractors†, not qualifying as home occupations*		1
Call center		1
Candy store		1
Car wash†, detailing		1
Clothing and accessories		1
Commercial services*		1

**LRN22-004/SEP22-006 Orozco/Hordan Map Amendment
R-3 and GC Zoning Districts – Land Use Comparison**

Appendix B

Computer, camera and electronic stores		1
Convenience* store*†		1
Department, discount, variety stores, 25,000 square feet or less		1
Department, discount, variety stores, more than 25,000 square feet		1
Drive-through food, espresso/coffee and beverage vendor*†		2
Mobile food vendor located on a site longer than four hours within a 24 hour period.		2
Drug stores*, pharmacies, optical goods, orthopedic supplies		1
Espresso/coffee stand*		1
Fabric store		1
Farm and ranch supplies		1
Financial institutions		1
Florist		1
Fuel oil and coal distributors†		3
Furniture, home furnishings, appliances, including service		1
Gift shop*, souvenirs, coins, stamps, toys, hobby store		1
Grocery Store		1
Hardware, garden equipment and supplies, farm and ranch supplies, building and trade retailers (e.g., plumbing, glass, heating, electrical, lumber, paint, wallpaper)		1
Heavy construction equipment sales and rental		1
Heavy construction equipment storage, maintenance, repair and contracting services		3
Home business, major*†	2	
Home business, minor*†	1	
Jewelry, watches, silverware		1
Kennels*†		2

**LRN22-004/SEP22-006 Orozco/Hordan Map Amendment
R-3 and GC Zoning Districts – Land Use Comparison**

Appendix B

Laundries, laundromats and dry cleaners		1
Liquor stores†		1
Lumber yards		1
Maintenance and repair shops, including specialized repair (radiator, etc.)		1
Marinas* (may include accessory sales of marine products)		
Massage therapy/spa*		1
Medical and dental laboratories, offices and clinics		1
Motorcycle repair and maintenance		1
Music stores		1
Nursery, retail*†		1
Opiate substitution treatment facility		3
Outdoor advertising (billboard)		2
Overnight lodging facilities*		1
Paint and body repair shops		1
Parking lots and garages		2
Parking lots and garages accessory to another allowed use		1
Parts and accessories (tires, batteries, etc.)		1
Pawnbroker		1
Pet daycare*, grooming, animal training*		1
Pet stores, pet supplies		1
Photographic studios		1
Printing services, commercial		1
Printing, photocopy service		
Professional, scientific, technical or other services (i.e., advertising, architects, attorneys, engineers, real estate, insurance, surveyors, employment agencies), may include multi-tenant and administrative offices not otherwise listed		1
Radio/TV Studio		1

Railroad switch yards, maintenance and repair facilities, etc.		
Rental agencies: Auto, truck, trailer, fleet leasing services		2
Repairs: Re-upholstery and furniture, small engines and garden equipment, golf carts, refrigerators, large items, etc.		1
Repairs: Small appliances, TVs, business machines, jewelry, locksmiths, gunsmiths, watches, etc.		1
Restaurant, café and drive-in eating facilities		1
Roller skating or ice skating rink		2
Seamstress, tailor, shoe repair		1
Second hand store*		
Second hand store* without outdoor storage		2
Service station, automotive*†		1
Shoe repair		1
Stone products (includes finishing or monuments for retail sale)		3
Tasting room*		2
Taverns*†, bars†, dance establishments		2
Technical equipment sales*		1
Towing services*		2
Veterinarian/animal clinic/hospital* (see also Ag. Service)		1
Video sales/rental		1
Waste material processing and junk handling*		
Zoo†		3
TRANSPORTATION		
Air, rail, truck terminals (for short-term storage, office, etc.)		
Airports and landing fields, personal or restricted use*†		3
Airports and landing fields, public use*†		

**LRN22-004/SEP22-006 Orozco/Hordan Map Amendment
R-3 and GC Zoning Districts – Land Use Comparison**

Appendix B

Bus storage and maintenance facilities, excluding school buses		
Bus terminals		2
Contract truck hauling, rental and trucks with drivers		3
Taxicab terminals, maintenance and dispatching centers, etc.		3
Transportation brokerage offices*; with truck parking		2
Transportation brokerage offices*; without truck parking		1
Truck service stations, washes and shops		3
UTILITIES		
Impoundment of water, including dams and frost ponds		
Linear transmission facilities*†	2	2
Power generating facilities		3
Sewage treatment plants	3	3
Utility services* (substations, reservoirs, etc.), when no building or series of buildings exceeds 120 sq. ft. and the SEPA threshold is not exceeded	3	3
Utility services* (substations, reservoirs, etc.), when the building or series of buildings exceeds 120 sq. ft. or the SEPA threshold is exceeded	3	3
Wastewater lagoons and sprayfields*		
WHOLESALE TRADE – STORAGE		
Agricultural chemical sales/storage		
Mini-storage*†	3	2
Storage facilities: bulk* (see also agriculturally related industry)		3
Storage facilities: Commercial*		2
Vehicle storage*		2
Warehouse*		2
Wholesale trade*		2

Notes:

* References to a definition in Section [19.01.070](#)

†Refers to a special use and standard in Section 19.18

- (1) The type of review of towers and associated structures varies depending on height, diameter and other factors listed in Section [19.18.490](#).
- (2) Allowed as an accessory uses to an existing detached, single-family residence.
- (3) Seasonal-duration temporary worker housing, located on a rural worksite, is limited to review only for height, setback and access requirements under RCW [70.114A.050](#).
- (4) In the Agricultural district, boarding/lodging houses and overnight lodging facilities are allowed only where accessory to an agricultural tourist operation.

(Ord. 5-2020 § 2(F) (Exh. 6), 2020; Ord. 9-2019 (Exh. 5), 2019; Ord. 6-2018 §§ 2(F)(ii), (G)(i)(1), (2) (Exhs. 5, 6(1), (2)(c)), 2018; Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 4-2016 § 2 (Exh. 1), 2016; Res. 80-2016 (Exh. A) (part), 2016; Ord. 8-2015 § 2 (Exh. 4) (part), 2015; Ord. 7-2013 § 1 (Exh. A) (part), 2015).

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
JESUS CHAVEZ OROZCO and YAKIMA COUNTY**

Parties:	Jesus Chavez Orozco and Yakima County, a municipal corporation
Abbreviated Legal Description:	SP 85-285 LOT 4.
Additional Legal Description:	As described in attached Exhibit A “Subject Property” (Limited to 0.61-acres)
Assessor’s Property Tax Parcel Account Numbers:	201004-34408 “Subject Parcel” (approximate 1.98 acres)

**DEVELOPMENT AGREEMENT
BETWEEN
JESUS CHAVEZ OROZCO and YAKIMA COUNTY**

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 JESUS CHAVEZ OROZCO, described herein as the owner of the (“Subject Property”), and is specifically conditioned on the amendment of the Official Yakima County Comprehensive Plan – *Horizon 2040* and Yakima County Code (YCC) Title 19 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

Appendix C

- 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 lies in the City of Toppenish UGA, adjacent to the northeast corner of the Linden Street and West First intersection, and approximately 436 feet west of the City of Toppenish.

II. Purposes

- 2.1 YCC 19.34.020(5) states that “the Reviewing Official’s review of boundary line adjustments (BLA) shall use the following criteria for approval” such as in Subsection (j) which “will correct spit zoned or designated lots with two or more zoning designations.”
- 2.2 An approved BLA with a recorded survey for the subject 0.61-acre portion is required to be finalized before the new Urban Commercial (UC) plan designation and General Commercial (GC) zoning district will be applied.

III. Conditional Approval

- 3.1 Jesus Orozco has received the County’s conditional approval to apply the Urban Commercial (UC) plan designation and General Commercial (GC) zoning district on the subject 0.61-acre portion;
- 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 Jesus Orozco shall have a period of **two (2)** years from the effective date of Ordinance No. X-2022 (Exhibit **C**) to finalize the BLA requirement 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 by both parties that the new plan designation and zoning district will be limited to just the 0.61-acre portion as proposed by the applicant;
- 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. X-2022 and becomes null and void thereafter; and
- 3.6 No extensions of time for performance will be granted.

IV. Applicability

Appendix C

- 4.1 The implementation of applying the Urban Commercial (UC) and General Commercial (GC) zoning district is incorporated into this agreement under section “III. Conditional Approval” above.
- 4.2 The application of the Urban Commercial (UC) and General Commercial (GC) shall be effective upon meeting all of the conditions as described within this Agreement under section “III. Conditional Approval” and as determined by the Reviewing 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. X-2022

(Orozco & LRN2022-00003/SEP2022-00005)

DONE this day of 2022

BOARD OF COUNTY COMMISSIONERS

Amanda McKinney, Chair

LaDon Linde, Commissioner

Ron Anderson, Commissioner

DATED:

Attest:

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

Approved as to Form:

Deputy Prosecuting Attorney

Jesus Orozco, individually and as director and agent of
Subject Property

Appendix C

STATE OF WASHINGTON)
) ss.
COUNTY OF YAKIMA)

On this ____ day of _____, 2022, before me, a Notary Public in and for the State of Washington, personally appeared Amanda McKinley, 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 _____

My appointment expires _____

Print Name _____

STATE OF WASHINGTON)
) ss.
COUNTY OF YAKIMA)

On this ____ day of _____, 2022, before me, a Notary Public

in and for the State of Washington, personally appeared Jesus Orozco, 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 _____

My appointment expires_____

Print Name _____

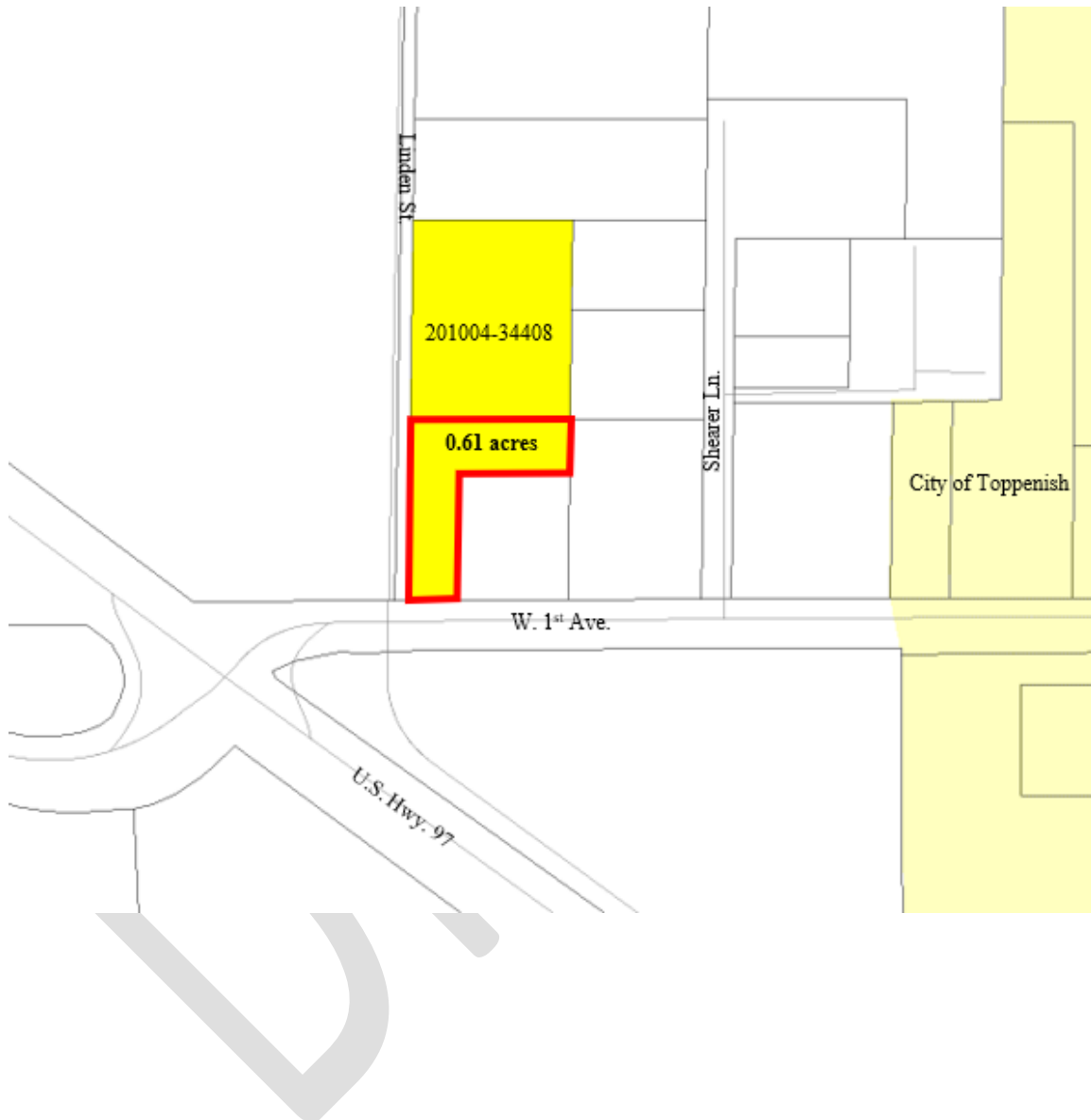
Legal Description of Subject Property

Yakima County Assessor's Parcel No. 201004-34408 (0.61-acre portion):

**LOT 4 OF SHORT PLAT NO. 85-285, RECORDED UNDER AUDITOR'S FILE
NUMBER 2748614, RECORDS OF YAKIMA COUNTY, WASHINGTON.**

DRAFT

Map of Subject Property



Ordinance No. X-2022

DRAFT