

Televised Live and Streamed at the link below:

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1. Regular Session Call to Order

Pledge of Allegiance, Roll Call, and Welcome

2. Approve Agenda

3. Proclamation

- a. AB 26-23: Proclamation No. 2026-02 Honoring the Top-Hi Wildcats Wrestlers and their Coaches.

4. Public Comment

The City Council welcomes public attendance at Council meetings. This meeting is for the conduct of regular City business. With very few exceptions, RCW 42.17A.555 prohibits government agencies from allowing the use of public facilities, directly or indirectly, for campaign purposes. At this time, citizen comments and inquiries about agenda business or general City matters are encouraged. If you wish to address the City Council, please stand or raise a hand so you can be called upon. After you are recognized, please come forward to the lectern and state your name for the public record. Your remarks must be limited to three minutes or less. Please use the microphone.

5. Consent Agenda

All matters on the consent agenda have been provided to each Councilmember for review and are considered to be routine or have been previously discussed and will be adopted by one motion and vote without discussion. However, if a Councilmember desires, any item on this agenda will be discussed before any action is taken on it.

- a. Approve Minutes of the February 23, 2026, Regular Meeting.
- b. Approve Minutes of the March 2, 2026, Study Session.
- c. Approve Payroll Checks and Bank Drafts as listed in the attached register in the total amount of \$178,987.04 dated March 6, 2026.
- d. Approve Claims Checks and Bank Drafts as listed in the attached register in the total amount of \$235,653.21 dated March 9, 2026.

6. Public Hearing

- a. AB 26-24: Public Hearing for Proposed Amendment to the Toppenish Municipal Code to Create Provisions for the Allowance of Accessory Dwelling Units. Receive Staff Presentation and Public Comments on Proposed Code Updates.

7. New Business

- a. AB 26-25: [Proposed] Ordinance No. 2026-06, Amendment to the Toppenish Municipal Code to Create Provisions for the Allowance of Accessory Dwelling Units.

- b. AB 26-26: [Proposed] Resolution No. 2026-09, Accepting the Public Safety Building Remodel Project as Complete.
- c. AB 26-27: [Proposed] Resolution No. 2026-10, Accepting the Rentschler Lane Improvements Project as Complete.
- d. AB 26-28: [Proposed] Resolution No. 2026-11, Approve Amendment to Local Agency Agreement for Electric Street Sweeper.

8. Council Meeting Reports and Community Announcements

9. Executive Session

- a. Purpose: To review the performance of a public employee [RCW 42.30.110(1)(g)]
Time: 45 minutes
Action: Potential Action

10. Adjournment

Next Council Meeting Will Be Held on March 23, 2026.

City Council meetings are accessible to persons with disabilities. For individuals who may require special accommodations, please contact City Hall at (509) 865-6754, 24 hours in advance.

Meeting Date: March 9, 2026

Subject: AB 26-23: Proclamation No. 2026-02 Honoring the Top-Hi Wildcats Wrestlers and their Coaches.

Attachments: 1. Proclamation No. 2026-02 Honoring Top-Hi Wildcats Wrestlers and their Coaches

Presented By: Heidi Riojas, City Clerk

Approved for Dan Ford, City Manager

Agenda By:

Discussion:

During the past ten years, the City Council has recognized the Toppenish High School (Top-Hi) wrestlers and their coaches for their continued success at the State Mat Classic in Tacoma, Washington. This year continues that tradition and is highlighted by a historic achievement by the girls wrestling team, which secured its fifth consecutive State Championship title and set both state and school records.

Two Top-Hi wrestlers also reached a remarkable milestone by earning their fourth consecutive individual state championship title. They are Adalyne Montiel and Justyce Zuniga. In addition, three other Top-Hi wrestlers won individual state titles: Aaliyah Gonzalez, Evette Esquivel, and Charlene Underwood.

To formally honor these wrestlers and their coaches, the Mayor will recite a proclamation designating the week of March 9, 2026, through March 13, 2026, as Top-Hi Wildcats Wrestling Week.

Fiscal Impact:

n/a

Recommendation:

n/a

Alternatives:

n/a

PROCLAMATION NO. 2026-02

**HONORING THE
TOP-HI WILDCATS WRESTLERS
AND THEIR COACHES**

WHEREAS, members of the Toppenish High School Girls Wrestling Team competed in the 2026 State Wrestling Championship Tournament in Tacoma, Washington, including Aaliyah Gonzalez, Sophia Torrez, Shaniya Tarula, Adalyne Montiel, Linsey Ortega, Jocelyn Chavez, Jazmine Botello, Tayen Grover, Sara Ortega, Octavea John, Amari Johnson, Islah Alcalá, Evette Esquivel, and Charlene Underwood; and

WHEREAS, the Toppenish High School Girls Wrestling Team achieved a historic milestone by winning the 2026 State Girls Wrestling Team Championship Title for the fifth consecutive year, setting both state and school records; and

WHEREAS, four members of the Toppenish High School Girls Wrestling Team earned individual 2026 State Wrestling Championship Titles at the tournament in Tacoma, including first-time state champions Aaliyah Gonzalez, Evette Esquivel, and Charlene Underwood, and four-time state champion Adalyne Montiel, who set both state and school records; and

WHEREAS, Justyce Zuniga of the Toppenish High School Boys Wrestling Team also won an individual 2026 State Wrestling Championship Title, becoming a four-time state champion for Top Hi; and

WHEREAS, the success of these teams reflects the dedication and leadership of their coaches, including Jose Pepe Segovia, Sergio Morales, Jennifer Gonzalez, Jefferson Stancliffe, Mike Torrez, Miguel Montiel, Felipe Arriaga, Marcos Torrez, Josue Rodriguez, Alexi Rubio, Manuel Arambul, Rocco Clark, Abel Nava, Steve Romero, and Anthony Zuniga; and

WHEREAS, the achievements of these student athletes demonstrate the values of teamwork, perseverance, discipline, and determination, bringing pride and positive recognition to their school and the Toppenish community;

NOW, THEREFORE, we recognize the outstanding accomplishments of these wrestlers and their coaches and proclaim March 9, 2026, through March 13, 2026, as

“TOP-HI WILDCATS WRESTLERS WEEK”

We encourage the community of Toppenish to congratulate these student athletes and their coaches for their remarkable achievements and for bringing honor to their school and our community.

THE OFFICE OF THE MAYOR, I have hereunto set my hand and caused the Seal of the City of Toppenish to be affixed this 9th day of March, 2026.

Elpidia Saavedra, Mayor

**TOPPENISH CITY COUNCIL
Regular Meeting Minutes
February 23, 2026**

Mayor Pro Tem Belton called the meeting to order at 7:00 p.m.

ROLL CALL

Attendees: Mayor Pro Tem Loren Belton and Councilmembers Laura Canfield, Naila Prieto Duval, George Garcia, Josh Garza, and Cristian Sanchez.
Absent: Mayor Elpidia Saavedra.
Staff: City Manager Dan Ford, City Attorney Daniel B. Heid, ACM/Finance Director Adam Vaughn, Public Safety Director Joseph Mehline, Deputy Fire Chief Dale Northrup, Public Works Supervisor Dan Musgraves, Police Sergeant Zackary Williams, Firefighter Trevor Oswalt, Police Officer Jaclyn Adams, Information Technologies Services Manager Van Donley, City Clerk Heidi Riojas (CC Riojas), and Communications Manager Sean Davido.

CC Riojas conducted roll call for each City Councilmember to respond to their attendance at the meeting. Mayor Pro Tem Belton, and Councilmembers Canfield, Prieto Duval, Garcia, Garza, and Sanchez responded during roll call. Mayor Saavedra was not present at the meeting.

Councilmember Garza moved, seconded by Councilmember Sanchez to excuse Mayor Saavedra from the February 23, 2026, Regular Meeting. Motion carried unanimously.

APPROVE AGENDA

Councilmember Sanchez moved, seconded by Councilmember Garcia to approve the February 23, 2026, Agenda. Motion carried unanimously.

EMPLOYEE RECOGNITION

Swearing in of Police Officer Jaclyn Adams.

CC Riojas administered the Oath of Office to Police Officer Adams.

PUBLIC COMMENT

The City Council received no comments from the public during the meeting.

CONSENT AGENDA

Councilmember Prieto Duval moved, seconded by Councilmember Canfield to approve Consent Agenda items a through c:

- a. Approve Minutes of the February 9, 2026, Regular Meeting.
- b. Approve Payroll Checks and Bank Drafts as listed in the attached register in the total amount of \$285,607.31 dated February 19, 2026.
- c. Approve Claims Checks and Bank Drafts as listed in the attached register in the total amount of \$492,441.14 dated February 23, 2026.

Motion carried unanimously.

NEW BUSINESS

Mayor Pro Tem Belton Read Ordinance No. 2026-05: An Ordinance of the City of Toppenish, Washington, Amending Section 3.17.050 of the Toppenish Municipal Code Relating to Equipment Rental and Revolving Funds.

Councilmember Prieto Duval moved, seconded by Councilmember Garza to adopt Ordinance No. 2026-05. Motion carried unanimously.

Resolution No. 2026-06: A Resolution of the City Council of the City of Toppenish, Washington, Adopting and Approving the City of Toppenish Procurement Manual.

Councilmember Garza moved, seconded by Councilmember Sanchez to approve Resolution No. 2026-06. Motion carried unanimously.

Resolution No. 2026-07: A Resolution of the City Council of the City of Toppenish, Washington, Approving Task Order Amendment No. 1 to Connetix Engineering Inc Task Order No. 2026-01 for Services Associated With the Wastewater Treatment Plant Control Systems, Software, and Hardware.

Councilmember Prieto Duval moved, seconded by Councilmember Canfield to approve Resolution No. 2026-07. Motion carried unanimously.

Resolution No. 2026-08: A Resolution of the City Council of the City of Toppenish, Washington, Approving the Purchase of Supervisory Control and Data Acquisition Software From Inductive Automation for Wastewater Treatment Plant Operations.

Councilmember Canfield moved, seconded by Councilmember Garza to approve Resolution No. 2026-08. Motion carried unanimously.

COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

The City Councilmembers provided reports of their activities since the last meeting and community announcements.

ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 7:31 p.m.

LOREN BELTON, MAYOR PRO TEM

HEIDI RIOJAS, CMC, CITY CLERK

**TOPPENISH CITY COUNCIL
Study Session Minutes
March 2, 2026**

CALL TO ORDER

Mayor Saavedra called the meeting to order at 5:00 p.m.

ROLL CALL

Attendees: Mayor Elpidia Saavedra, Mayor Pro Tem Loren Belton, and Councilmembers Laura Canfield, Naila Prieto Duval, George Garcia, Josh Garza, and Cristian Sanchez.

Staff: City Manager Dan Ford (CM Ford), City Attorney Daniel Heid (CA Heid), Public Safety Director Joseph Mehline, ACM/Finance Director Adam Vaughn (ACM Vaughn), Deputy Fire Chief Dale Northrup, Public Works Supervisor Daniel Musgrave, Information Technology Services Manager Van Donley, Firefighter Trevor Oswalt, Executive Assistant Elvia Cisneros (EA Cisneros), and Communications Manager Sean Davido.

EA Cisneros conducted roll call for each City Councilmember to respond to their attendance at the meeting. Mayor Saavedra, Mayor Pro Tem Belton, and Councilmembers Canfield, Prieto Duval, Garcia, Garza, and Sanchez, responded during roll call.

At 5:02 p.m., Councilmember Prieto Duval arrived at the meeting.

APPROVE AGENDA

Councilmember Sanchez moved, seconded by Councilmember Garza to approve the March 2, 2026, Agenda. Motion carried unanimously.

PUBLIC COMMENTS UPDATE

CM Ford updated Council on the public comments received in February 2026.

PUBLIC COMMENT

The City Council received comments from the public during the meeting.

PRESENTATION

Update on Fire District Contract.

ACM Vaughn summarized the actions City Council has taken over the past two years to address the City's budget deficit, which has been reduced from \$2.25 million in 2024 to a projected \$800,000 in 2026. As part of the effort to find a long-term solution, staff

evaluated options for fire service delivery after regional fire authority discussions stalled and developed a draft contract proposal with Yakima County Fire District 5.

Under the proposed agreement, District 5 would provide all fire suppression, protection and emergency medical services for the City of Toppenish. Current city firefighters would transition to become district employees to maintain continuity of service. The proposed annual contract cost of \$848,000 represents an estimated savings of more than \$500,000 compared with the current fire budget, improving the City's financial outlook.

ACM Vaughn also commended the local IAFF union for suggesting the City explore contracting with District 5. The draft proposal includes a three year contract term, District 5 purchasing some City fire equipment, and the potential for a fire station property swap that would give the City a new asset. At the end of the contract period, the City would plan for a public vote to annex into District 5.

CM Ford added that staff will coordinate meetings with Councilmembers later this week to review details of the draft proposal and answer questions.

Update on Condemnation Report on Blighted Property.

CA Heid reported that the court approved condemnation of one of three properties Council designated as blighted in September 2025. Using nuisance-abatement authority under RCW 35A.35.080, the City presented a collection of photo evidence from Code Enforcement, Police, and Fire staff showing the property was vacant, unsafe, and the site of repeated fires and illegal drug activity. The Judge authorized the City to proceed, requiring payment of \$4,000 for the Clerk's Deed and the estimated \$32,000 for cleanup costs, which together equal the property's land assessed value. Once cleaned and secured, the City will take ownership, eliminating a long-standing hazard to the surrounding neighborhood.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 5:49 p.m.

ELPIDIA SAAVEDRA, MAYOR

ELVIA CISNEROS, EXECUTIVE ASSISTANT

Payroll Check Register

Payroll for Period: 2/16-2/28, 2026

Description	Payment Type	Payment Number	Amount
ACH Payroll 2/16-2/28, 2026	Bank Draft	ACH Payroll	\$113,692.71
Benefits only	Regular	38661-38667	\$0.00
City of Toppenish - Longevity	Regular	38668	\$405.00
Toppenish Police Officer Association	Regular	38669	\$955.50
Treasurer IAFF #2328	Regular	38670	\$244.50
United Way Of Yakima Co.	Regular	38671	\$3.00
Aflac (EFT)	Bank Draft	DFT0000312	\$64.29
Aflac (EFT)	Bank Draft	DFT0000313	\$131.73
MissionSquare (EFT)	Bank Draft	DFT0000314	\$4,960.22
Nationwide Retirement Solutions (EFT)	Bank Draft	DFT0000315	\$1,893.77
Dept of Retirement Systems (EFT)	Bank Draft	DFT0000316	\$19,961.56
Internal Revenue Service	Bank Draft	DFT0000317	\$36,674.76
Grand Total			\$178,987.04

Payroll Checks

Payroll Checks 38661-38671 and Electronic Transfers DFT0000312-DFT0000317.

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Toppenish, and that I am authorized to authenticate and certify to said claim.

Adam Vaughn, Finance Director

March 6, 2026
Date

AP Check Register

March 1st Council Period

Description	Payment Type	Payment Number	Amount
Per Diem - T. Hickman	Regular	38601	\$ 430.00
Per Diem - T. Hickman	Regular	38602	\$ 131.00
Roy & Eleanor Clark	Regular	38603	\$ 114.83
Abadan Tri Cities	Regular	38604	\$ 4,982.01
Aerzen USA Corporation	Regular	38605	\$ 15,276.00
Alba Enterprises	Regular	38606	\$ 160.00
Amazon Capital Services	Regular	38607	\$ 1,900.03
American Water Works Association	Regular	38608	\$ 285.00
Anatek Labs, Inc.	Regular	38609	\$ 47.00
Axon Enterprise, Inc.	Regular	38610	\$ 6,656.21
Capitol Path Consulting LLC	Regular	38611	\$ 5,000.00
Cascade Natural Gas Corp.	Regular	38612	\$ 2,027.05
CenturyLink	Regular	38613	\$ 833.03
CenturyLink - Lumen	Regular	38614	\$ 1,629.13
Charter Communications	Regular	38615	\$ 1,508.49
Cintas Corporation #605	Regular	38616	\$ 179.44
City of Sunnyside - Finance Dept.	Regular	38617	\$ 49,549.32
City of Toppenish	Regular	38618	\$ 3,120.10
Columbia Cleaners	Regular	38619	\$ 80.46
Correct Equipment, Inc.	Regular	38620	\$ 6,674.19
Dell Financial Services LLC	Regular	38621	\$ 28.84
DeVries Business Records Management, Inc.	Regular	38622	\$ 32.00
Federal Express Corporation	Regular	38623	\$ 35.21
First Responder Outfitters, Inc.	Regular	38624	\$ 560.58
Fry, Dana	Regular	38625	\$ 5.46
GMP Consultants LLC	Regular	38626	\$ 9,002.50
Hays Electric, LLC	Regular	38627	\$ 2,608.20
Howard's Tire Factory Inc	Regular	38628	\$ 264.01
Intermountain Cleaning Service, Inc.	Regular	38629	\$ 1,930.00
Kazcade Engraving & Trophies	Regular	38630	\$ 244.08
LEAF Capital Funding LLC	Regular	38631	\$ 2,353.58
Masters Telecom LLC	Regular	38632	\$ 16.70
MES Service Company LLC	Regular	38633	\$ 849.05
Moon Security Service, Inc.	Regular	38634	\$ 68.96
N-able Technologies LTD	Regular	38635	\$ 32.08
Orkin Pest Control	Regular	38636	\$ 108.67
Paul Deccio Installations	Regular	38637	\$ 553.35
Pitney Bowes Global Financial Services	Regular	38638	\$ 506.67
Randall Danskin P.S.	Regular	38639	\$ 2,581.50
Rathbun Iron Works, Inc.	Regular	38640	\$ 24.26
Ringolde	Regular	38641	\$ 155.22
Safeguard Business Systems	Regular	38642	\$ 176.45
SHC Medical Center Toppenish	Regular	38643	\$ 3,146.97
The Bunker Tri-Cities LLC	Regular	38644	\$ 2,404.65
Inc.	Regular	38645	\$ 270.52
U.S. Bank Safekeeping	Regular	38646	\$ 22.00
Verizon Wireless	Regular	38647	\$ 1,580.45
VESTIS	Regular	38648	\$ 52.37
Walker Car Wash Inc.	Regular	38649	\$ 208.00
Washington State Auditor's Office	Regular	38650	\$ 5,644.00

Washington State Patrol	Regular	38651	\$	12.00
Weinmann, Gene E.	Regular	38652	\$	2,014.35
Yakima County Department of Corrections	Regular	38653	\$	20,874.19
Yakima County Elections	Regular	38654	\$	15,201.08
Yakima County Financial Services	Regular	38655	\$	599.50
Yakima County Fire District 5	Regular	38656	\$	6,232.41
Yakima County Treasurer	Regular	38657	\$	6.00
Yakima Humane Society	Regular	38658	\$	1,000.00
Yakima Valley Tourism	Regular	38659	\$	800.00
Yakima Waste Systems, Inc.	Regular	38660	\$	49.82
USDA RD DCFO Loan (EFT)	Bank Draft	DFT0000310	\$	11,852.00
Internal Revenue Service	Bank Draft	DFT0000311	\$	40,962.24
Grand Total			\$	235,653.21

Payroll Checks

Accounts Payable Checks 38601-38660 and Electronic Transfers DFT0000310-DFT0000311.

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Toppenish, and that I am authorized to authenticate and certify to said claim.

Adam Vaughn, Finance Director

3/6/2026

Date

Meeting Date: March 9, 2026

Subject: AB 26-24: Public Hearing for Proposed Amendment to the Toppenish Municipal Code to Create Provisions for the Allowance of Accessory Dwelling Units. Receive Staff Presentation and Public Comments on Proposed Code Updates.

Attachments: 1. March 9 ADU Public Hearing Notice
2. Ordinance No. 2026-06 ADUs Final

Presented By: Andrew Hattori, CED Director

Approved for Dan Ford, City Manager

Agenda By:

Discussion:

The City of Toppenish currently does not have provisions for the allowance of Accessory Dwelling Units (ADUs). Given the state laws requiring that ADUs be allowed it is the best interest of the City to create our own code within the legal framework of what must be allowed. Staff has done extensive research into the applicable WACs and RCWs and has presented this at Planning Commission, including a public hearing.

ADUs are smaller dwellings that may be constructed on residential property that already contain a single-family dwelling unit (SFDU). They are intended to provide additional housing on an already developed site for the use as a "mother-in-law" suite for family members or rental units for additional revenue sources. ADUs have the ability to provide additional housing options within our community which has considerable constraints for expansion and therefore limited ability to add additional housing stock through historical development patterns. It should be noted that there currently exists a substantial amount of "illegal" ADUs within our community, these are typically seen as shops that have been illegally converted into dwellings without going through the required permitting and planning processes. This can lead to substantial issues for property owners in terms of code cases and potential requirements to demolish the often expensive improvements that have been completed. Additionally, since these structures have not gone through the required permitting processes there is no way to ensure that the building was constructed in a safe and habitable fashion. This can cause issues for the illegal structures occupants safety. To address these concerns staff has drafted the attached code language which is summarized below, it is also important to recognize that many of the provisions within this draft code are required by law, and we are often limited in what we can require.

- ADUs would only be permitted on lots with an existing SFDU.
- ADUs will be limited to a maximum of two units, these may be attached or detached.*
- Attached ADUs must use the primary dwellings utility connections, new detached

ADUs may install new services and meters.

- Maximum size is 1,000 sq. ft. per unit.*
- One off-street parking stall must be provided per unit unless it is within one-half mile walking distance to a major transit stop.*
- Setbacks would be the same as the primary dwelling unit unless the lot abuts a public alleyway, in which case no setback to the alleyway is required.*
- New ADUs that exceed lot coverage will be denied, existing structures that already exceed lot coverage will be allowed to be converted into an ADU.*
- Must maintain SFDU appearance, and overall lot appearance of residential in nature.
- Existing illegal ADUs will have an "amnesty period" of six months to either permit the unit as an ADU or to convert the structure back into a storage building etc.

*Denotes a state requirement and that we must allow at least this provision.

It should be noted that RCW 36.70A.680 "Accessory dwelling units-Local regulation" requires that cities adopt the requirements of RCW 36.70A.680 and RCW 36.70A.681 "Accessory dwelling units-Limitations on local regulation". These sections of code require that cities allow ADUs with specific limitations to how cities may regulate them, we are obligated to adopt an ordinance considering these provisions by our next Comprehensive Plan Update, meaning by the end of 2026, otherwise we are required to operate strictly based off of RCWs. Having a specific ordinance for ADUs makes the review process easier and makes it easier for our residents to find and research the requirements that need to be met.

Fiscal Impact:

N/A.

Recommendation:

N/A.

Alternatives:

CITY OF TOPPENISH NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Toppenish City Council will hold an open record public hearing on March 9, 2026, at 7:00 p.m., or as soon thereafter as possible. The public hearing will be held in the Toppenish Council Chambers at City Hall, located at 21 West First Avenue in Toppenish, Washington to take comment on a proposed amendment to the Toppenish Municipal Code to create provisions for the allowance of Accessory Dwelling Units.

Any residents wishing to comment and/or request copies of the proposed amendments are welcome to attend the open record public hearing, send a letter by regular mail to the City of Toppenish, City Clerk, 21 West First Avenue Toppenish, Washington 98948 or, send an email to Andrew.Hattori@cityoftoppenish.us. The Planning Commission may make recommendations to the Toppenish City Council.

The Council Chambers is handicap accessible. Additional arrangements to reasonably accommodate special needs and/or interpreter needs will be made upon receiving twenty-four (24) hour advance notice. Contact Heidi Riojas at (509) 865-6754 for assistance.

CIUDAD DE TOPPENISH AVISO DE AUDIENCIA PÚBLICA

SE NOTIFICA que la Consejo Municipal de Toppenish llevará a cabo una audiencia pública de registro abierto el 9 de marzo de 2026 a las 7:00 p.m., o tan pronto como sea posible. La audiencia pública se llevará a cabo en las Cámaras del Concejo de Toppenish en el Municipio, ubicado en 21 West First Avenue en Toppenish, Washington, para recibir comentarios y testimonios públicos sobre una propuesta de enmienda al Código Municipal de Toppenish para establecer disposiciones que permitan Unidades de Vivienda Accesorias.

Cualquier residente que desee comentar y / o solicitar copias de las enmiendas propuestas puede asistir a la audiencia pública de registro abierto, enviar una carta por correo regular a la Ciudad de Toppenish, Secretario Municipal, 21 West First Avenue Toppenish, Washington 98948 o enviar un correo electrónico a Andrew.Hattori@cityoftoppenish.us. La Comisión de Planificación puede hacer recomendaciones al Concejo Municipal de Toppenish.

Las Cámaras del Consejo son accesibles para discapacitados. Se harán arreglos adicionales para las necesidades especiales y/o necesidades de intérpretes al recibir un aviso con veinticuatro (24) horas de anticipación. Comuníquese con Heidi Riojas al (509) 865-6754 para obtener ayuda.



Andrew Hattori, CED Director

PUBLISH: Sunnyside Sun: February 18, 2026

ORDINANCE NO. 2026-06

**AN ORDINANCE OF THE CITY OF TOPPENISH,
WASHINGTON ENACTING A NEW CHAPTER 17.94
OF THE TOPPENISH MUNICIPAL CODE AND
AMEND EXISTING SECTIONS 17.28.020, 17.32.020,
17.32.030 AND 17.40.020, ESTABLISHING
ACCESSORY DWELLING UNIT REGULATIONS IN
THE TOPPENISH MUNICIPAL CODE**

WHEREAS, in 2018, Council adopted the City of Toppenish Comprehensive Plan which includes an updated Housing Element establishing policies to meet the community's housing needs; and,

WHEREAS, the Comprehensive Plan estimates that an additional 224 dwelling units will be needed by 2040; and,

WHEREAS, Housing Element Goal 1 Policy 1.3 of the Comprehensive Plan states that the city should consider allowing accessory apartments as conditional uses in single-family residential zoning classifications; and,

WHEREAS, Land Use Element Goal 1 Policy 1.3 of the Comprehensive Plan states that the city should Encourage urban infill where possible to avoid sprawl and the inefficient leapfrog pattern of development; and,

WHEREAS, the City Council recognizes that there are structures in the City being utilized as dwellings that do not meet minimum habitability standards; and,

WHEREAS, the adoption of regulations that allow accessory dwelling units will allow for additional dwelling units to be created on existing lots, create an additional income stream for property owners, improve habitability standards and conditions for the City's residents, provide a regulatory framework for the city to bring illegal and substandard ADUs up to code, create additional residential development within the City's already existing utility service area, and support the policies, goals, and objectives of the Comprehensive Plan; and,

WHEREAS, the City Council deems it to be in the best interest of the City to enact accessory dwelling unit regulations to promote public safety, and the general welfare of City residents.

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF TOPPENISH,
WASHINGTON DOES ORDAIN AS FOLLOWS:**

Section 1. New Chapter to City Code. A new Chapter 17.94 Accessory Dwelling Units is hereby enacted to read as follows:

Chapter 17.94 Accessory Dwelling Units

Sections:

- 17.94.010 Purpose and legislative intent.
- 17.94.020 Definitions.
- 17.94.030 Permitted Locations.
- 17.94.040 Utility requirements.
- 17.94.050 Size, lot siting, and driveway requirements.
- 17.94.060 Compliance with applicable codes.
- 17.94.070 Application and accessory dwelling unit permit fee.
- 17.94.080 Inspection.
- 17.94.090 Affidavit and recording requirements.
- 17.94.100 Accessory dwelling unit permit issuance.
- 17.94.110 Building plan review.
- 17.94.120 Conditions for legalizing pre-existing accessory dwelling units.
- 17.94.130 Amnesty period.
- 17.94.140 Enforcement.

17.94.010 Purpose and legislative intent.

This chapter establishes the standards for the location and development of accessory dwelling units (ADUs). The purpose of ADUs is to better utilize existing infrastructure and community resources such as sewer and water while providing a housing type that allows flexibility to respond to changing needs and lifestyles. ADUs provide an additional supply of affordable housing units which under the provisions of this chapter protect the character, stability, and compatibility of neighboring land uses.

17.94.020 Definitions.

A. "Accessory dwelling unit" means a residential living unit providing complete, independent living facilities and permanent provisions for sleeping, cooking, sanitation, and living on the same lot as a single-family house. ADU shall be synonymous with the term Accessory Dwelling Unit.

B. "Illegal accessory dwelling unit" is an ADU that was installed without the required permits and that does not qualify for legal nonconforming status pursuant to Chapter 17.72 TMC.

C. "Primary dwelling unit" means the larger or main dwelling unit located on a lot that also contains an accessory dwelling unit.

17.94.030 Permitted Locations.

A. ADUs are permitted in all zoning districts that permit single-family dwellings and where an existing legally conforming single-family dwelling exists.

B. ADUs are only permitted on a lot in conjunction with a single-family residence.

C. A parcel/lot shall contain no more than one single-family residence and two ADUs which may be detached from, or attached to, the primary dwelling or shop structure.

D. An ADU is allowed in addition to a primary dwelling for any lot and shall not be considered an extension of, or an addition to a nonconforming condition under Section 17.72.020 TMC.

E. ADUs shall not be allowed on lots that do not meet the minimum lot size requirements of their respective zoning code.

17.94.040 Utility requirements.

A. Existing ADUs which are permitted under Section 17.94.080 shall be allowed to continue with the water and sewer services as they exist at the time they are permitted subject to the following condition;

1. For any lot that has a primary dwelling and an ADU, where both dwellings are served by the same utility service, at such time that service fails shall be required to have separate water and sewer services installed for each dwelling unit.

B. A new ADU that is separate from the primary dwelling may have separate water and sewer services from the primary dwelling.

1. The general facility charges outlined in Sections 13.04.090 and 13.46.020 TMC shall not apply to the ADU when separate services are required under Subsection B of this Section.

C. A new ADU that is attached to the primary dwelling shall share a single water and sewer connection.

17.94.050 Size, lot siting, and driveway requirements.

A. An ADU shall not exceed 1,000 square feet in size.

B. One off-street parking stall must be provided per ADU unless:

1. The ADU is located within one-half mile walking distance of a major transit stop.

C. The ADU may utilize the primary dwellings driveway, new driveways may only be permitted on frontages or alleyways adjacent to the lot where a driveway does not already exist. Driveways must be constructed in accordance with the Toppenish Construction and Design Standards.

D. Where a lot abuts a public alleyway there shall be no setback to the alley.

E. ADUs shall be considered towards the lot coverage total of the property, and shall adhere to the following:

1. Construction of a new ADU structure that exceeds the lot coverage allowance of the underlying zone shall be denied.

2. Existing structures on properties that exceed the lot coverage as of the March 9, 2026, shall be permitted to be converted into a new ADU provided that the overall lot coverage for the property does not increase.

17.94.060 Compliance with applicable codes.

A. The accessory dwelling unit shall comply with all standards for health and life safety as outlined in the International Building Code, International Residential Code, Uniform Plumbing Code, National Electrical Code, International Mechanical Code,

International Fire Code, and Washington State Energy Code as each code is adopted by the city; and any other applicable codes or regulations, except as provided in this chapter.

B. The accessory dwelling unit shall comply with the Toppenish Municipal Code and all zoning code provisions for single-family residences, including height, setbacks, accessory buildings, and lot coverage, except as provided in this chapter.

17.94.070 Application and accessory dwelling unit permit fee.

A. The property owner shall apply for an accessory dwelling unit permit on a form provided by the city.

B. Fees required under this Chapter shall be established by a resolution of the City Council.

17.94.080 Inspection.

After receipt of a complete application and before permit issuance, the city shall inspect the property to confirm that the proposed accessory dwelling unit meets all requirements of this chapter and other applicable codes or regulations.

17.94.090 Affidavit and recording requirements.

Before issuance of the permit by the administrator or planning commission, the applicant shall record an affidavit with the Yakima County Auditors' Office and provide a copy of the recorded affidavit. Said affidavit shall identify the address, parcel number, and legal description of the property and state the following: the owner will notify any prospective purchaser of the property of the limitations and requirements of this chapter, and that the permit will be revoked if the accessory dwelling unit at any time fails to meet the requirements of this chapter. The affidavit shall also contain the restriction for lot subdivision pursuant to Section 17.94.045 TMC. The document shall run with the land and bind all current and future property owners, and the owner's assigns, beneficiaries, and heirs.

17.94.100 Accessory dwelling unit permit issuance.

A permit for an accessory dwelling unit will be issued upon compliance with the provisions of this chapter. Once the accessory dwelling unit permit is issued, the applicant will need to apply for a city building permit, when applicable.

17.94.110 Building plan review.

The administrator will review the submitted building plans to ensure adherence to the criteria of this Chapter.

17.94.120 Conditions for legalizing pre-existing accessory dwelling units.

Any dwelling unit that existed on March 9, 2026, may be legally established and may continue to be used as an accessory dwelling unit if the following conditions are met:

A. The property owner applies for an accessory dwelling unit permit. The administrator may waive the size limitations to bring the pre-existing unit into compliance, as well as other zoning requirements if they are impractical to achieve.

B. Before issuance of a permit, the property owner allows inspection of the accessory dwelling unit by the city to ensure the minimum requirements of this chapter

relating to fire, life safety, and public health are met, as determined by the administrator. All improvements necessary to bring the pre-existing accessory dwelling unit into compliance with applicable fire, life safety, and public health requirements shall be identified and made within 30 days of permit issuance.

C. Before the issuance of a permit, the property owner shall complete and record an affidavit consistent with Section 17.94.065 TMC.

17.94.130 Amnesty period.

A. Any existing illegal ADU existing on March 9th, 2026, will not be subject to any enforcement action if an application to legalize the accessory dwelling unit is submitted within 6 months of the adoption of these regulations.

B. Any illegal ADU identified 6 months after the date this code takes effect, shall have an application to legalize the accessory dwelling unit submitted within 30 days of the owner receiving notices from the city. Failure to submit an application shall constitute a violation of the Municipal Code and the owner shall be subject to fines and/or penalties.

17.94.140 Enforcement.

A. The city retains the right (with reasonable notice) to inspect the accessory dwelling unit for compliance with this chapter.

B. The city retains the right with reasonable notice to withdraw occupancy approval if the ADU is found to violate this Chapter. In the event the city withdraws occupancy, the property owner may:

1. Convert the use of the structure to any other legal use allowed under this Chapter.
2. Remove the structure from the lot.

Section 2. Amendment to City Code. Section of Chapters 17.28.020 is hereby amended to read as follows.

17.28.020 Permitted uses.

After June 20, 1964, no building, structure or land shall be used and no building or structure shall be erected, altered, enlarged or maintained in this district except for the following uses:

A. A single-family dwelling consisting of a residential home built to current building codes or a new manufactured home or new modular home conforming to the development standards specified in TMC 17.28.035;

B. A two-family dwelling (duplex), limited to one per lot, consisting of two attached residential homes built to current building codes or two new attached manufactured or modular homes conforming to the development standards specified in TMC 17.28.035;

C. Farming, horticulture or nurseries, provided no retail or wholesale office is maintained on the premises and provided no livestock is maintained on the premises;

D. Accessory buildings such as are ordinarily appurtenant to the permitted uses in this district;

E. In-home daycare licensed by the state of Washington for no more than 12 children after obtaining a city of Toppenish business license, ~~and~~;

F. Special property uses specifically allowed in this district as listed in Chapter 17.56 TMC; ~~and~~;

G. Accessory dwelling unit as specified in Chapter 17.94 TMC.

(Ord. 2020-12 § 1, 2020; Ord. 2008-25, 2008; Ord. 88-10 § 1, 1988; Ord. A-580 § 14(1), 1964).

Section 3. Amendment to City Code. Section of Chapters 17.32.020 is hereby amended to read as follows:

17.32.020 Permitted uses.

No building, structure or land shall be used and no building or structure shall be erected, altered, enlarged or maintained after June 20, 1964, in this district except for the following uses:

A. A single-family dwelling, limited to one per lot, consisting of a residential home built to current building codes or a new manufactured home or new modular home conforming to the development standards specified in TMC 17.28.035;

B. A two-family dwelling (duplex), limited to one per lot, consisting of two attached residential homes built to current building codes or two new attached manufactured or modular homes conforming to the development standards specified in TMC 17.32.035;

C. Multiple-family dwellings and apartment dwellings;

D. Farming, horticulture and nurseries; provided, that no retail or wholesale office is maintained on the premises; and provided, that no livestock is maintained on the premises;

E. ~~Accessory buildings such as are ordinarily appurtenant to the permitted uses in this district~~ Accessory dwelling unit as specified in TMC 17.94;

F. In-home daycare licensed by the state of Washington for no more than 12 children after obtaining a city of Toppenish business license; ~~and~~;

G. Special property uses specifically allowed in this district as listed in Chapter 17.56 TMC.
(Ord. 2020-12 § 1, 2020; Ord. 2008-25, 2008; Ord. 88-10 § 1, 1988; Ord. A-580 § 15(1), 1964).

Section 4. Amendment to City Code. Section of Chapters 17.32.030 is hereby amended to read as follows

17.32.030 Area regulations – Lot size and percent of coverage.

A. Single-Family Dwelling. No single-family dwelling shall be erected after June 20, 1964, upon any lot or plot having an area of less than 7,200 square feet or an average width of less than 60 feet, nor shall the building, including its accessory buildings, occupy or cover more than 50 percent of the total lot area.

B. Two-Family Dwelling. No two-family single-story dwelling shall be erected after June 20, 1964, upon any lot or plot having an area of less than 8,200 square feet

or an average width of less than 80 feet; nor shall the building, including its accessory buildings, occupy or cover more than 60 percent of the total lot area.

C. No multiple-family dwellings of three or more residential units shall be erected after June 20, 1964, upon any lot or plot having an area of less than 9,200 square feet or an average width of less than 90 feet, nor shall an apartment or multiple-family dwelling of any type be erected in such a manner as to provide less than 2,000 square feet of land area for each living unit including the land on which the unit is built. No multiple-family or apartment dwelling, including its accessory buildings, shall occupy or cover more than 60 percent of the total lot area. (Ord. 2020-12 § 1, 2020; Ord. 2008-25, 2008; Ord. A-580 § 15(2)(a), 1964).

Section 5. Amendment to City Code. Section of Chapters 17.40.020 is hereby amended to read as follows

17.40.020 Permitted uses.

No building, structure or land shall be used and no building or structure shall be erected, altered, enlarged or maintained after June 20, 1964, in this district except for the following uses:

A. A single-family dwelling consisting of a residential home built to current building codes or a new manufactured home or new modular home conforming to the development standards specified in TMC 17.40.035;

B. A two-family dwelling, limited to one per lot, consisting of two attached residential homes built to current building codes or two new attached manufactured or modular homes conforming to the development standards specified in TMC 17.40.035;

C. Multiple-family dwellings and apartment dwellings;

D. Automobile service stations;

E. Business or professional offices;

F. Financial institutions;

G. Kindergarten and nursery schools;

H. Medical or dental clinic;

I. Motels;

J. Laundry and dry-cleaning pick-up station;

K. Personal service shops;

L. Retail store or business;

M. Restaurant;

N. Self-service laundry and dry cleaning using nonexplosive and noninflammable cleaning fluid;

O. Veterinary clinic provided all facilities are within an enclosed building;

P. Florist shop including an area for the growing of flowers and plants for sale through said shop;

Q. Any other use similar to the above uses as approved by the planning commission;

R. Special property uses specifically allowed in this district as listed in Chapter 17.56 TMC;

S. Automobile sales agencies, excluding garages and parts distributors; provided, that such agencies are constructed and maintained in a manner in harmony

with and not detrimental to existing or reasonably expected future development of the neighborhood in which located;

T. In-home daycare licensed by the state of Washington for no more than 12 children after obtaining a city of Toppenish business license; and

U. Accessory dwelling units conforming to the requirement as specified in Chapter 17.94 TMC.

(Ord. 2020-12 § 1, 2020; Ord. 2008-25, 2008; Ord. A-588 § 1, 1964; Ord. A-580 § 17(1), 1964).

Section 6. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this chapter.

Section 7. Effective Date. This Ordinance shall become effective five (5) days after publication of a summary thereof.

PASSED by the Toppenish City Council at its regular meeting held on March 9, 2026.

ELPIDIA SAAVERDRA, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:

DANIEL B. HEID, City Attorney

Date of Publication: _____

Meeting Date: March 9, 2026

Subject: AB 26-25: [Proposed] Ordinance No. 2026-06, Amendment to the Toppenish Municipal Code to Create Provisions for the Allowance of Accessory Dwelling Units.

Attachments: 1. Ordinance No. 2026-06 ADUs Final

Presented By: Andrew Hattori, CED Director

Approved for Dan Ford, City Manager

Agenda By:

Discussion:

The City of Toppenish currently does not have provisions for the allowance of Accessory Dwelling Units (ADUs). Given the state laws requiring that ADUs be allowed it is the best interest of the City to create our own code within the legal framework of what must be allowed. Staff has done extensive research into the applicable WACs and RCWs and has presented this at Planning Commission, including a public hearing.

ADUs are smaller dwellings that may be constructed on residential property that already contain a single-family dwelling unit (SFDU). They are intended to provide additional housing on an already developed site for the use as a "mother-in-law" suite for family members or rental units for additional revenue sources. ADUs have the ability to provide additional housing options within our community which has considerable constraints for expansion and therefore limited ability to add additional housing stock through historical development patterns. It should be noted that there currently exists a substantial amount of "illegal" ADUs within our community, these are typically seen as shops that have been illegally converted into dwellings without going through the required permitting and planning processes. This can lead to substantial issues for property owners in terms of code cases and potential requirements to demolish the often expensive improvements that have been completed. Additionally, since these structures have not gone through the required permitting processes there is no way to ensure that the building was constructed in a safe and habitable fashion. This can cause issues for the illegal structures occupants safety. To address these concerns staff has drafted the attached code language which is summarized below, it is also important to recognize that many of the provisions within this draft code are required by law, and we are often limited in what we can require.

- ADUs would only be permitted on lots with an existing SFDU.
- ADUs will be limited to a maximum of two units, these may be attached or detached.*
- Attached ADUs must use the primary dwellings utility connections, new detached ADUs may install new services and meters.
- Maximum size is 1,000 sq. ft. per unit.*

- One off-street parking stall must be provided per unit unless it is within one-half mile walking distance to a major transit stop.*
- Setbacks would be the same as the primary dwelling unit unless the lot abuts a public alleyway, in which case no setback to the alleyway is required.*
- New ADUs that exceed lot coverage will be denied, existing structures that already exceed lot coverage will be allowed to be converted into an ADU.*
- Must maintain SFDU appearance, and overall lot appearance of residential in nature.
- Existing illegal ADUs will have an "amnesty period" of six months to either permit the unit as an ADU or to convert the structure back into a storage building etc.

*Denotes a state requirement and that we must allow at least this provision.

It should be noted that RCW 36.70A.680 "Accessory dwelling units-Local regulation" requires that cities adopt the requirements of RCW 36.70A.680 and RCW 36.70A.681 "Accessory dwelling units-Limitations on local regulation". These sections of code require that cities allow ADUs with specific limitations to how cities may regulate them, we are obligated to adopt an ordinance considering these provisions by our next Comprehensive Plan Update, meaning by the end of 2026, otherwise we are required to operate strictly based off of RCWs. Having a specific ordinance for ADUs makes the review process easier and makes it easier for our residents to find and research the requirements that need to be met.

Fiscal Impact:

None.

Recommendation:

Adopt Ordinance No. 2026-06, creating TMC Chapter 17.94 Accessory Dwelling Units, and amending applicable TMC zoning sections to permit Accessory Dwelling Units.

Alternatives:

ORDINANCE NO. 2026-06

**AN ORDINANCE OF THE CITY OF TOPPENISH,
WASHINGTON ENACTING A NEW CHAPTER 17.94
OF THE TOPPENISH MUNICIPAL CODE AND
AMEND EXISTING SECTIONS 17.28.020, 17.32.020,
17.32.030 AND 17.40.020, ESTABLISHING
ACCESSORY DWELLING UNIT REGULATIONS IN
THE TOPPENISH MUNICIPAL CODE**

WHEREAS, in 2018, Council adopted the City of Toppenish Comprehensive Plan which includes an updated Housing Element establishing policies to meet the community's housing needs; and,

WHEREAS, the Comprehensive Plan estimates that an additional 224 dwelling units will be needed by 2040; and,

WHEREAS, Housing Element Goal 1 Policy 1.3 of the Comprehensive Plan states that the city should consider allowing accessory apartments as conditional uses in single-family residential zoning classifications; and,

WHEREAS, Land Use Element Goal 1 Policy 1.3 of the Comprehensive Plan states that the city should Encourage urban infill where possible to avoid sprawl and the inefficient leapfrog pattern of development; and,

WHEREAS, the City Council recognizes that there are structures in the City being utilized as dwellings that do not meet minimum habitability standards; and,

WHEREAS, the adoption of regulations that allow accessory dwelling units will allow for additional dwelling units to be created on existing lots, create an additional income stream for property owners, improve habitability standards and conditions for the City's residents, provide a regulatory framework for the city to bring illegal and substandard ADUs up to code, create additional residential development within the City's already existing utility service area, and support the policies, goals, and objectives of the Comprehensive Plan; and,

WHEREAS, the City Council deems it to be in the best interest of the City to enact accessory dwelling unit regulations to promote public safety, and the general welfare of City residents.

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF TOPPENISH,
WASHINGTON DOES ORDAIN AS FOLLOWS:**

Section 1. New Chapter to City Code. A new Chapter 17.94 Accessory Dwelling Units is hereby enacted to read as follows:

Chapter 17.94 Accessory Dwelling Units

Sections:

- 17.94.010 Purpose and legislative intent.
- 17.94.020 Definitions.
- 17.94.030 Permitted Locations.
- 17.94.040 Utility requirements.
- 17.94.050 Size, lot siting, and driveway requirements.
- 17.94.060 Compliance with applicable codes.
- 17.94.070 Application and accessory dwelling unit permit fee.
- 17.94.080 Inspection.
- 17.94.090 Affidavit and recording requirements.
- 17.94.100 Accessory dwelling unit permit issuance.
- 17.94.110 Building plan review.
- 17.94.120 Conditions for legalizing pre-existing accessory dwelling units.
- 17.94.130 Amnesty period.
- 17.94.140 Enforcement.

17.94.010 Purpose and legislative intent.

This chapter establishes the standards for the location and development of accessory dwelling units (ADUs). The purpose of ADUs is to better utilize existing infrastructure and community resources such as sewer and water while providing a housing type that allows flexibility to respond to changing needs and lifestyles. ADUs provide an additional supply of affordable housing units which under the provisions of this chapter protect the character, stability, and compatibility of neighboring land uses.

17.94.020 Definitions.

A. "Accessory dwelling unit" means a residential living unit providing complete, independent living facilities and permanent provisions for sleeping, cooking, sanitation, and living on the same lot as a single-family house. ADU shall be synonymous with the term Accessory Dwelling Unit.

B. "Illegal accessory dwelling unit" is an ADU that was installed without the required permits and that does not qualify for legal nonconforming status pursuant to Chapter 17.72 TMC.

C. "Primary dwelling unit" means the larger or main dwelling unit located on a lot that also contains an accessory dwelling unit.

17.94.030 Permitted Locations.

A. ADUs are permitted in all zoning districts that permit single-family dwellings and where an existing legally conforming single-family dwelling exists.

B. ADUs are only permitted on a lot in conjunction with a single-family residence.

C. A parcel/lot shall contain no more than one single-family residence and two ADUs which may be detached from, or attached to, the primary dwelling or shop structure.

D. An ADU is allowed in addition to a primary dwelling for any lot and shall not be considered an extension of, or an addition to a nonconforming condition under Section 17.72.020 TMC.

E. ADUs shall not be allowed on lots that do not meet the minimum lot size requirements of their respective zoning code.

17.94.040 Utility requirements.

A. Existing ADUs which are permitted under Section 17.94.080 shall be allowed to continue with the water and sewer services as they exist at the time they are permitted subject to the following condition;

1. For any lot that has a primary dwelling and an ADU, where both dwellings are served by the same utility service, at such time that service fails shall be required to have separate water and sewer services installed for each dwelling unit.

B. A new ADU that is separate from the primary dwelling may have separate water and sewer services from the primary dwelling.

1. The general facility charges outlined in Sections 13.04.090 and 13.46.020 TMC shall not apply to the ADU when separate services are required under Subsection B of this Section.

C. A new ADU that is attached to the primary dwelling shall share a single water and sewer connection.

17.94.050 Size, lot siting, and driveway requirements.

A. An ADU shall not exceed 1,000 square feet in size.

B. One off-street parking stall must be provided per ADU unless:

1. The ADU is located within one-half mile walking distance of a major transit stop.

C. The ADU may utilize the primary dwellings driveway, new driveways may only be permitted on frontages or alleyways adjacent to the lot where a driveway does not already exist. Driveways must be constructed in accordance with the Toppenish Construction and Design Standards.

D. Where a lot abuts a public alleyway there shall be no setback to the alley.

E. ADUs shall be considered towards the lot coverage total of the property, and shall adhere to the following:

1. Construction of a new ADU structure that exceeds the lot coverage allowance of the underlying zone shall be denied.

2. Existing structures on properties that exceed the lot coverage as of the March 9, 2026, shall be permitted to be converted into a new ADU provided that the overall lot coverage for the property does not increase.

17.94.060 Compliance with applicable codes.

A. The accessory dwelling unit shall comply with all standards for health and life safety as outlined in the International Building Code, International Residential Code, Uniform Plumbing Code, National Electrical Code, International Mechanical Code,

International Fire Code, and Washington State Energy Code as each code is adopted by the city; and any other applicable codes or regulations, except as provided in this chapter.

B. The accessory dwelling unit shall comply with the Toppenish Municipal Code and all zoning code provisions for single-family residences, including height, setbacks, accessory buildings, and lot coverage, except as provided in this chapter.

17.94.070 Application and accessory dwelling unit permit fee.

A. The property owner shall apply for an accessory dwelling unit permit on a form provided by the city.

B. Fees required under this Chapter shall be established by a resolution of the City Council.

17.94.080 Inspection.

After receipt of a complete application and before permit issuance, the city shall inspect the property to confirm that the proposed accessory dwelling unit meets all requirements of this chapter and other applicable codes or regulations.

17.94.090 Affidavit and recording requirements.

Before issuance of the permit by the administrator or planning commission, the applicant shall record an affidavit with the Yakima County Auditors' Office and provide a copy of the recorded affidavit. Said affidavit shall identify the address, parcel number, and legal description of the property and state the following: the owner will notify any prospective purchaser of the property of the limitations and requirements of this chapter, and that the permit will be revoked if the accessory dwelling unit at any time fails to meet the requirements of this chapter. The affidavit shall also contain the restriction for lot subdivision pursuant to Section 17.94.045 TMC. The document shall run with the land and bind all current and future property owners, and the owner's assigns, beneficiaries, and heirs.

17.94.100 Accessory dwelling unit permit issuance.

A permit for an accessory dwelling unit will be issued upon compliance with the provisions of this chapter. Once the accessory dwelling unit permit is issued, the applicant will need to apply for a city building permit, when applicable.

17.94.110 Building plan review.

The administrator will review the submitted building plans to ensure adherence to the criteria of this Chapter.

17.94.120 Conditions for legalizing pre-existing accessory dwelling units.

Any dwelling unit that existed on March 9, 2026, may be legally established and may continue to be used as an accessory dwelling unit if the following conditions are met:

A. The property owner applies for an accessory dwelling unit permit. The administrator may waive the size limitations to bring the pre-existing unit into compliance, as well as other zoning requirements if they are impractical to achieve.

B. Before issuance of a permit, the property owner allows inspection of the accessory dwelling unit by the city to ensure the minimum requirements of this chapter

relating to fire, life safety, and public health are met, as determined by the administrator. All improvements necessary to bring the pre-existing accessory dwelling unit into compliance with applicable fire, life safety, and public health requirements shall be identified and made within 30 days of permit issuance.

C. Before the issuance of a permit, the property owner shall complete and record an affidavit consistent with Section 17.94.065 TMC.

17.94.130 Amnesty period.

A. Any existing illegal ADU existing on March 9th, 2026, will not be subject to any enforcement action if an application to legalize the accessory dwelling unit is submitted within 6 months of the adoption of these regulations.

B. Any illegal ADU identified 6 months after the date this code takes effect, shall have an application to legalize the accessory dwelling unit submitted within 30 days of the owner receiving notices from the city. Failure to submit an application shall constitute a violation of the Municipal Code and the owner shall be subject to fines and/or penalties.

17.94.140 Enforcement.

A. The city retains the right (with reasonable notice) to inspect the accessory dwelling unit for compliance with this chapter.

B. The city retains the right with reasonable notice to withdraw occupancy approval if the ADU is found to violate this Chapter. In the event the city withdraws occupancy, the property owner may:

1. Convert the use of the structure to any other legal use allowed under this Chapter.
2. Remove the structure from the lot.

Section 2. Amendment to City Code. Section of Chapters 17.28.020 is hereby amended to read as follows.

17.28.020 Permitted uses.

After June 20, 1964, no building, structure or land shall be used and no building or structure shall be erected, altered, enlarged or maintained in this district except for the following uses:

A. A single-family dwelling consisting of a residential home built to current building codes or a new manufactured home or new modular home conforming to the development standards specified in TMC 17.28.035;

B. A two-family dwelling (duplex), limited to one per lot, consisting of two attached residential homes built to current building codes or two new attached manufactured or modular homes conforming to the development standards specified in TMC 17.28.035;

C. Farming, horticulture or nurseries, provided no retail or wholesale office is maintained on the premises and provided no livestock is maintained on the premises;

D. Accessory buildings such as are ordinarily appurtenant to the permitted uses in this district;

E. In-home daycare licensed by the state of Washington for no more than 12 children after obtaining a city of Toppenish business license, ~~and~~;

F. Special property uses specifically allowed in this district as listed in Chapter 17.56 TMC; ~~and~~;

G. Accessory dwelling unit as specified in Chapter 17.94 TMC.

(Ord. 2020-12 § 1, 2020; Ord. 2008-25, 2008; Ord. 88-10 § 1, 1988; Ord. A-580 § 14(1), 1964).

Section 3. Amendment to City Code. Section of Chapters 17.32.020 is hereby amended to read as follows:

17.32.020 Permitted uses.

No building, structure or land shall be used and no building or structure shall be erected, altered, enlarged or maintained after June 20, 1964, in this district except for the following uses:

A. A single-family dwelling, limited to one per lot, consisting of a residential home built to current building codes or a new manufactured home or new modular home conforming to the development standards specified in TMC 17.28.035;

B. A two-family dwelling (duplex), limited to one per lot, consisting of two attached residential homes built to current building codes or two new attached manufactured or modular homes conforming to the development standards specified in TMC 17.32.035;

C. Multiple-family dwellings and apartment dwellings;

D. Farming, horticulture and nurseries; provided, that no retail or wholesale office is maintained on the premises; and provided, that no livestock is maintained on the premises;

E. ~~Accessory buildings such as are ordinarily appurtenant to the permitted uses in this district~~ Accessory dwelling unit as specified in TMC 17.94;

F. In-home daycare licensed by the state of Washington for no more than 12 children after obtaining a city of Toppenish business license; ~~and~~;

G. Special property uses specifically allowed in this district as listed in Chapter 17.56 TMC.
(Ord. 2020-12 § 1, 2020; Ord. 2008-25, 2008; Ord. 88-10 § 1, 1988; Ord. A-580 § 15(1), 1964).

Section 4. Amendment to City Code. Section of Chapters 17.32.030 is hereby amended to read as follows

17.32.030 Area regulations – Lot size and percent of coverage.

A. Single-Family Dwelling. No single-family dwelling shall be erected after June 20, 1964, upon any lot or plot having an area of less than 7,200 square feet or an average width of less than 60 feet, nor shall the building, including its accessory buildings, occupy or cover more than 50 percent of the total lot area.

B. Two-Family Dwelling. No two-family single-story dwelling shall be erected after June 20, 1964, upon any lot or plot having an area of less than 8,200 square feet

or an average width of less than 80 feet; nor shall the building, including its accessory buildings, occupy or cover more than 60 percent of the total lot area.

C. No multiple-family dwellings of three or more residential units shall be erected after June 20, 1964, upon any lot or plot having an area of less than 9,200 square feet or an average width of less than 90 feet, nor shall an apartment or multiple-family dwelling of any type be erected in such a manner as to provide less than 2,000 square feet of land area for each living unit including the land on which the unit is built. No multiple-family or apartment dwelling, including its accessory buildings, shall occupy or cover more than 60 percent of the total lot area. (Ord. 2020-12 § 1, 2020; Ord. 2008-25, 2008; Ord. A-580 § 15(2)(a), 1964).

Section 5. Amendment to City Code. Section of Chapters 17.40.020 is hereby amended to read as follows

17.40.020 Permitted uses.

No building, structure or land shall be used and no building or structure shall be erected, altered, enlarged or maintained after June 20, 1964, in this district except for the following uses:

A. A single-family dwelling consisting of a residential home built to current building codes or a new manufactured home or new modular home conforming to the development standards specified in TMC 17.40.035;

B. A two-family dwelling, limited to one per lot, consisting of two attached residential homes built to current building codes or two new attached manufactured or modular homes conforming to the development standards specified in TMC 17.40.035;

C. Multiple-family dwellings and apartment dwellings;

D. Automobile service stations;

E. Business or professional offices;

F. Financial institutions;

G. Kindergarten and nursery schools;

H. Medical or dental clinic;

I. Motels;

J. Laundry and dry-cleaning pick-up station;

K. Personal service shops;

L. Retail store or business;

M. Restaurant;

N. Self-service laundry and dry cleaning using nonexplosive and noninflammable cleaning fluid;

O. Veterinary clinic provided all facilities are within an enclosed building;

P. Florist shop including an area for the growing of flowers and plants for sale through said shop;

Q. Any other use similar to the above uses as approved by the planning commission;

R. Special property uses specifically allowed in this district as listed in Chapter 17.56 TMC;

S. Automobile sales agencies, excluding garages and parts distributors; provided, that such agencies are constructed and maintained in a manner in harmony

with and not detrimental to existing or reasonably expected future development of the neighborhood in which located;

T. In-home daycare licensed by the state of Washington for no more than 12 children after obtaining a city of Toppenish business license; and

U. Accessory dwelling units conforming to the requirement as specified in Chapter 17.94 TMC.

(Ord. 2020-12 § 1, 2020; Ord. 2008-25, 2008; Ord. A-588 § 1, 1964; Ord. A-580 § 17(1), 1964).

Section 6. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this chapter.

Section 7. Effective Date. This Ordinance shall become effective five (5) days after publication of a summary thereof.

PASSED by the Toppenish City Council at its regular meeting held on March 9, 2026.

ELPIDIA SAAVERDRA, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:

DANIEL B. HEID, City Attorney

Date of Publication: _____

Meeting Date: March 9, 2026

Subject: AB 26-26: [Proposed] Resolution No. 2026-09, Accepting the Public Safety Building Remodel Project as Complete.

Attachments: 1. Resolution No. 2026-09 Accepting the Public Safety Building Remodel Project as Complete

Presented By: Andrew Hattori, CED Director

Approved for Dan Ford, City Manager

Agenda By:

Discussion:

After operating from temporary facilities for some years, the Toppenish Public Safety Department (PSD) purchased an existing building at 220 W 1st Avenue to become their permanent base of operations.

This building had numerous prior uses and needed extensive renovations to meet the needs of the PSD, as such, the City engaged Tri-Ply Construction, LLC (Tri-Ply) to complete the necessary remodel improvements. As of now Tri-Ply has completed the contracted construction activities and has met the needs and requirements of the City. To begin the construction/contract close-out process the first step is to determine by Resolution that the work has been completed and is acceptable. City staff and the City's hired architect, CKJT, have reviewed the construction work and determined that it meets the construction drawings and contracting requirements provided to Tri-Ply and are recommending that the City accept the work as completed.

Fiscal Impact:

Once all necessary close-out steps have been taken, the City will need to pay the retainage for the project. This will amount to \$70,181.75 and is a part of the construction contract.

The Finance Director has reviewed this item and money is available to pay final costs.

Recommendation:

Approved Resolution No. 2026-09, accepting the Public Safety Building Remodel Project as Complete.

Alternatives:

RESOLUTION NO. 2026-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON, APPROVING THE ACCEPTANCE OF THE PUBLIC SAFETY BUILDING REMODEL PROJECT AS COMPLETE WITH TRI-PLY CONSTRUCTION, LLC AND ESTABLISH AN EFFECTIVE DATE

WHEREAS, the City of Toppenish (City) entered into a contract with Tri-Ply Construction, LLC for the remodel of the new Public Safety Building; and,

WHEREAS, the work included the necessary improvements and updates to an existing building to provide a workspace for the Toppenish Public Safety Department in accordance with project plans and specifications prepared by CKJT Architects, PLLC; and,

WHEREAS, CKJT Architects and city staff have reviewed the work performed by Tri-Ply Construction, LLC and have determined that the work has been satisfactorily completed; and,

WHEREAS, the City Council finds it to be in the best interest of the City of Toppenish to formally accept the project as complete, authorizing the necessary steps to close out the project in accordance with state and local requirements.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON AS FOLLOWS:

Section 1. Approval: The remodel construction project completed by Tri-Ply Construction, LLC is accepted as complete. The City Manager or their designee is authorized to execute and submit all necessary close-out documentation, including the Notice of Completion of Public Works Contract, to the appropriate state agencies.

Section 2. Corrections: The City Clerk is authorized to make necessary corrections to this Resolution, including, but not limited to, the correction of scrivener's/clerical errors, references, Resolution numbering, section/subsection numbering, and any references thereto.

Section 3. Effective Date: This Resolution shall be effective immediately upon passage and signatures hereto

PASSED by the Toppenish City Council at its regular meeting held on March 9, 2026.

ELPIDIA SAAVEDRA, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:

DANIEL B. HEID, City Attorney

Meeting Date: March 9, 2026

Subject: AB 26-27: [Proposed] Resolution No. 2026-10, Accepting the Rentschler Lane Improvements Project as Complete.

Attachments: 1. 2026 - 02-20 - 25098 - Project Acceptance
2. Resolution No. 2026-10 Accepting the Rentschler Lane Improvements Project as Complete

Presented By: Andrew Hattori, CED Director

Approved for Dan Ford, City Manager

Agenda By:

Discussion:

In an effort to assist an existing business, Busy Bees Child Development Center (Busy Bees), the City assisted in obtaining funds from the Yakima County Development Association's (YCDA) Supporting Investment in Economic Development (SIED) program. The SIED program requires that local jurisdictions manage the funds and project which is why the City was involved throughout these improvements. After obtaining the grant funding the City contracted with HLA Engineering and Land Surveying, Inc. (HLA) for development of civil improvement plans and later contracted with Interwest Construction Inc. (Interwest) to build the improvements.

As of now, Interwest Construction has completed the contracted activities and has met the needs and requirements of the City. To begin the construction/contract close-out process, the first step is to determine by Resolution that the work has been completed and is acceptable. City staff and HLA have reviewed the construction work and determined that it meets the construction drawings and contracting requirements provided to Interwest Construction and are recommending that the City accept the work as completed.

Fiscal Impact:

Once all necessary close-out steps have been taken, the City will need to pay the retainage for the project. This will amount to \$14,608.04 and is a part of the construction contract.

The Finance Director has reviewed this item and funds are available for this project.

Recommendation:

Approve Resolution No. 2026-10, accepting the Rentschler Lane Improvements Project as Complete.

Alternatives:

February 20, 2026

City of Toppenish
21 W. 1st Avenue
Toppenish, WA 98948

Attn: Andrew Hattori
Director, Community and Economic Development

Re: City of Toppenish
Rentschler Lane Improvements
HLA Project No. 25098
Final Progress Estimate and Project Acceptance

Dear Mr. Hattori:

This letter serves as our recommendation for acceptance of the above-referenced project by the City of Toppenish. We have reviewed the work performed by Interwest Construction, Inc. and believe it has been completed satisfactorily. Please notify our office of the City of Toppenish's acceptance date.

Once the project has been accepted as complete, the required "Notice of Completion of Public Works Contract" will be completed by our office and sent to the Department of Revenue (DOR), Department of Labor and Industries (L&I), and Employment Security Department (ESD), through our access to the City's L&I Awarding Agency Portal. If the City prefers to submit the Notice of Completion, please notify our office.

Retainage in the amount of \$14,608.04 shall be released to Interwest Construction, Inc. after acceptance of the project, when lien releases have been received from DOR, L&I, and ESD, and when the City has confirmed no liens have been received related to this project.

Once the above items have occurred, this project may be considered complete.

The City will receive the following from HLA Engineering and Land Surveying, Inc. (HLA) in a One Drive Link for download:

- A completed copy of project punch list items identified during the final walk-through inspection.
- A PDF set of Record Drawings for the project.
- Final Contract Voucher Certification from the Contractor certifying all labor and materials furnished on this project have been paid for.

- Required project labor and equal employment opportunity documents including:
 - Requests to Sublet and verifications for the Prime Contractor and all subcontractors who performed work on this project.
 - Statements of Intent to Pay Prevailing Wages and Affidavits of Wages Paid approved by the Washington State Department of Labor and Industries.

Our office will retain an electronic copy of the project files should the City need them in the future.

Thank you for the opportunity to assist the City of Toppenish with the completion of this project. If you have any questions or need additional information, please contact our office at (509) 966-7000.

Sincerely,

Marla E. Meza, PE

MEM/jds

Enclosures

Copy: Elpidia Saavedra, Daniel Musgrave, Heidi Riojas (City of Toppenish)
Jesse Chavez, Maximiliano Sanchez (Interwest Construction, Inc.)
Taylor Denny, Angie Ringer (HLA)

RESOLUTION NO. 2026-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON, APPROVING THE ACCEPTANCE OF THE RENTSCHLER LANE IMPROVEMENTS PROJECT AS COMPLETE WITH INTERWEST CONSTRUCTION INC. AND ESTABLISH AN EFFECTIVE DATE

WHEREAS, the City of Toppenish (City) entered into a contract with Interwest Construction Inc. for the Rentschler Lane Improvements project; and,

WHEREAS, the work included the necessary street improvements for Rentschler Lane in accordance with project plans and specifications prepared by HLA Engineering and Land Surveying, Inc.; and,

WHEREAS, HLA Engineering and Land Surveying, Inc. has reviewed the work performed by Interwest Construction Inc. and has determined that the work has been satisfactorily completed; and,

WHEREAS, the City Council finds it to be in the best interest of the City of Toppenish to formally accept the project as complete, authorizing the necessary steps to close out the project in accordance with state and local requirements.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON AS FOLLOWS:

Section 1. Approval: The street improvements project completed by Interwest Construction Inc. is accepted as complete. The City Manager or their designee is authorized to execute and submit all necessary close-out documentation, including the Notice of Completion of Public Works Contract, to the appropriate state agencies.

Section 2. Corrections: The City Clerk is authorized to make necessary corrections to this Resolution, including, but not limited to, the correction of scrivener's/clerical errors, references, Resolution numbering, section/subsection numbering, and any references thereto.

Section 3. Effective Date: This Resolution shall be effective immediately upon passage and signatures hereto

PASSED by the Toppenish City Council at its regular meeting held on March 9, 2026.

ELPIDIA SAAVEDRA, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:

DANIEL B. HEID, City Attorney

Meeting Date: March 9, 2026

Subject: AB 26-28: [Proposed] Resolution No. 2026-11, Approve Amendment to Local Agency Agreement for Electric Street Sweeper.

Attachments: 1. Resolution No. 2026-11 Street Sweeper LAA amendment
2. LAA - 140-039 - Rev 092025 Toppenish Sweeper

Presented By: Andrew Hattori, CED Director

Approved for Dan Ford, City Manager

Agenda By:

Discussion:

In 2025, the City of Toppenish was awarded a \$400,000 grant through the Yakima Valley Conference of Governments Carbon Reduction Program for the purchase of a new street sweeper that meets or exceeds current federal clean air standards. The grant is funded through a combination of federal and state dollars.

In July 2025, the City Council authorized the City to enter into an Local Agency Agreement for the purchase of a propane fueled street sweeper in the amount of \$400,000. In November 2025, this authorization was updated following the State’s determination that only electric street sweepers were eligible for funding under the program. In 2025, Council also authorized the City to seek bids once grant funds were allocated to the City.

The City submitted all required grant documentation to the Washington State Department of Transportation for review in December 2025. In February 2026, WSDOT completed its review and notified the City that a \$500 State Service Fee is required in addition to the \$400,000 grant amount.

This Council action is to authorize an amendment to the Local Agency Agreement to include the required \$500 State Service Fee. In addition, staff is requesting authorization for a \$1,000 contingency to cover any unanticipated state service fees. The State Service Fee covers direct costs incurred by state staff in overseeing the City’s compliance with federal funding requirements.

Fiscal Impact:

The City will have a direct financial impact of \$500 with a contingency of an additional \$1,000. The LAA is a prerequisite for accessing the \$400,000 grant for the sweeper purchase. Note that the City’s match dollars for the \$400,000 grant will be covered with State Toll Credits.

The Finance Director has reviewed and approved this item.

Recommendation:

Adopt Resolution No. 2026-11, authorizing the City Manager to execute the amended Local Agency Agreement with the Washington State Department of Transportation to include a State Service Fee of \$500 for the purpose of securing the YVCOG Carbon Reduction Program grant funding for the electric street sweeper acquisition and authorize the a State Fee contingency of \$1,000.

Alternatives:

RESOLUTION NO. 2026-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDED LOCAL AGENCY AGREEMENT WITH THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION TO INCLUDE A STATE SERVICE FEE RELATED TO THE YAKIMA VALLEY CONFERENCE OF GOVERNMENTS CARBON REDUCTION PROGRAM GRANT

WHEREAS, in 2025 the City of Toppenish was awarded a \$400,000 grant through the Yakima Valley Conference of Governments Carbon Reduction Program for the purchase of an electric street sweeper, funded through a combination of federal and state funds; and,

WHEREAS, on July 28, 2025, the City Council authorized the City to enter into an Local Agency Agreement with the Washington State Department of Transportation for the purchase of a street sweeper; and,

WHEREAS, in November 2025, the Council's authorization was updated following the State's determination that only electric street sweepers were eligible for funding under the program; and,

WHEREAS, the City submitted all required grant documentation to the Washington State Department of Transportation in December 2025; and,

WHEREAS, in February 2026, the Washington State Department of Transportation completed its review and notified the City that a \$500 State Service Fee is required to cover direct costs associated with State oversight and compliance with federal funding requirements; and,

WHEREAS, execution of the amended Local Agency Agreement is required in order for the City to access the \$400,000 grant funds; and,

WHEREAS, the City's required match for the grant will be fully covered through the use of State Toll Credits.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON, AS FOLLOWS:

Section 1. Approvals:

- A. The City Council authorizes the City Manager to execute an amended Local Agency Agreement with the Washington State Department of Transportation to include a State Service Fee in the amount of \$500 related to the Yakima Valley Conference of Governments Carbon Reduction Program grant.

B. The City Council further authorizes a State Service Fee contingency in an amount not to exceed \$1,000 to cover any unanticipated state service fees associated with the grant.

Section 2. Corrections: The City Clerk is authorized to make necessary corrections to this Resolution including, but not limited to, the correction of scrivener's/clerical errors, references, Resolution numbering, section/subsection numbering and any references thereto.

Section 3. Effective Date: This Resolution shall be effective immediately upon passage and signatures hereto.

PASSED by the Toppenish City Council at its regular meeting held on March 9, 2026.

ELPIDIA SAAVEDRA, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:

DANIEL B. HEID, City Attorney



Agency

Address

ALN No. 20.205 - Highway Planning and Construction

(Assistance Listing Number)

Federal Highway Administration (FHWA)

Project Number

Agreement Number

For WSDOT Use Only

The Local Agency having complied, or hereby agreeing to comply, with the terms and conditions set forth in (1) Title 23, U.S. Code Highways, (2) the regulations issued pursuant thereto, (3) 2 CFR Part 200, (4) 2 CFR Part 180 – certifying that the local agency is not excluded from receiving Federal funds by a Federal suspension or debarment, (5) the policies and procedures promulgated by the Washington State Department of Transportation, and (6) the federal aid project agreement entered into between the State and Federal Government, relative to the above project, the Washington State Department of Transportation will authorize the Local Agency to proceed on the project by a separate notification. Federal funds which are to be obligated for the project may not exceed the amount shown herein on line r, column 3, without written authority by the State, subject to the approval of the Federal Highway Administration. All project costs not reimbursed by the Federal Government shall be the responsibility of the Local Agency.

Project Description

Name

Length

Termini

Description of Work

Project Agreement End Date

Advertisement Date

Indirect Cost Rate

Yes No

Type of Work	Estimate of Funding		
	(1) Estimated Total Project Funds	(2) Estimated Agency Funds	(3) Estimated Federal Funds
PE			
%			
a. Agency			
b. Other			
Federal Aid Participation Ratio(s) for PE			
c. Other			
d. State Services			
e. Total PE Cost Estimate			
Right of Way			
%			
f. Agency			
g. Other			
Federal Aid Participation Ratio(s) for RW			
h. Other			
i. State Services			
j. Total R/W Cost Estimate			
CN			
%			
k. Contract			
l. Other			
m. Other			
Federal Aid Participation Ratio(s) for CN			
n. Other			
o. Agency			
p. State Services			
q. Total CN Cost Estimate			
r. Total Project Cost Estimate			

Agency Official

By

Title

Agency Date

Washington State Department of Transportation

By

Director, Local Programs

Date Executed

Construction Method of Financing (Check Method Selected)

State Ad and Award

Method A - Advance Payment - Agency Share of total construction cost (based on contract award)

Method B - Withhold from gas tax the Agency's share of total construction cost (line 5, column 2) in the amount of

\$ _____ at \$ _____ per month for _____ months.

Local Force or Local Ad and Award

Method C - Agency cost incurred with partial reimbursement

The Local Agency further stipulates that pursuant to said Title 23, regulations and policies and procedures, and as a condition to payment of the federal funds obligated, it accepts and will comply with the applicable provisions set forth below. Adopted by official action on _____, _____, Resolution/Ordinance No. _____.

Provisions

I. Scope of Work

The Agency shall provide all the work, labor, materials, and services necessary to perform the project which is described and set forth in detail in the "Project Description" and "Type of Work."

When the State acts for and on behalf of the Agency, the State shall be deemed an agent of the Agency and shall perform the services described and indicated in "Type of Work" on the face of this agreement, in accordance with plans and specifications as proposed by the Agency and approved by the State and the Federal Highway Administration.

When the State acts for the Agency but is not subject to the right of control by the Agency, the State shall have the right to perform the work subject to the ordinary procedures of the State and Federal Highway Administration.

II. Delegation of Authority

The State is willing to fulfill the responsibilities to the Federal Government by the administration of this project. The Agency agrees that the State shall have the full authority to carry out this administration. The State shall review, process, and approve documents required for federal aid reimbursement in accordance with federal requirements. If the State advertises and awards the contract, the State will further act for the Agency in all matters concerning the project as requested by the Agency. If the Local Agency advertises and awards the project, the State shall review the work to ensure conformity with the approved plans and specifications.

III. Project Administration

Certain types of work and services shall be provided by the State on this project as requested by the Agency and described in the Type of Work above. In addition, the State will furnish qualified personnel for the supervision and inspection of the work in progress. On Local Agency advertised and awarded projects, the supervision and inspection shall be limited to ensuring all work is in conformance with approved plans, specifications, and federal aid requirements. The salary of such engineer or other supervisor and all other salaries and costs incurred by State forces upon the project will be considered a cost thereof. All costs related to this project incurred by employees of the State in the customary manner on highway payrolls and vouchers shall be charged as costs of the project.

IV. Availability of Records

All project records in support of all costs incurred and actual expenditures kept by the Agency are to be maintained in accordance with local government accounting procedures prescribed by the Washington State Auditor's Office, the U.S. Department of Transportation, and the Washington State Department of Transportation. The records shall be open to inspection by the State and Federal Government at all reasonable times and shall be retained and made available for such inspection for a period of not less than three years from the final payment of any federal aid funds to the Agency. Copies of said records shall be furnished to the State and/or Federal Government upon request.

V. Compliance with Provisions

The Agency shall not incur any federal aid participation costs on any classification of work on this project until authorized in writing by the State for each classification. The classifications of work for projects are:

1. Preliminary engineering.
2. Right of way acquisition.
3. Project construction.

Once written authorization is given, the Agency agrees to show continuous progress through monthly billings. Failure to show continuous progress may result the Agency's project becoming inactive, as described in 23 CFR 630, and subject to de-obligation of federal aid funds and/or agreement closure.

If right of way acquisition, or actual construction of the road for which preliminary engineering is undertaken is not started by the close of the tenth fiscal year following the fiscal year in which preliminary engineering phase was authorized, the Agency will repay to the State the sum or sums of federal funds paid to the Agency under the terms of this agreement (see Section IX).

If actual construction of the road for which right of way has been purchased is not started by the close of the tenth fiscal year following the fiscal year in which the right of way phase was authorized, the Agency will repay to the State the sum or sums of federal funds paid to the Agency under the terms of this agreement (see Section IX).

The Agency agrees that all stages of construction necessary to provide the initially planned complete facility within the limits of this project will conform to at least the minimum values set by approved statewide design standards applicable to this class of highways, even though such additional work is financed without federal aid participation.

The Agency agrees that on federal aid highway construction projects, the current federal aid regulations which apply to liquidated damages relative to the basis of federal participation in the project cost shall be applicable in the event the contractor fails to complete the contract within the contract time.

VI. Payment and Partial Reimbursement

The total cost of the project, including all review and engineering costs and other expenses of the State, is to be paid by the Agency and by the Federal Government. Federal funding shall be in accordance with the Federal Transportation Act, as amended, 2 CFR Part 200. The State shall not be ultimately responsible for any of the costs of the project. The Agency shall be ultimately responsible for all costs associated with the project which are not reimbursed by the Federal Government. Nothing in this agreement shall be construed as a promise by the State as to the amount or nature of federal participation in this project.

The Agency shall bill the state for federal aid project costs incurred in conformity with applicable federal and state laws. The agency shall minimize the time elapsed between receipt of federal aid funds and subsequent payment of incurred costs. Expenditures by the Local Agency for maintenance, general administration, supervision, and other overhead shall not be eligible for federal participation unless a current indirect cost plan has been prepared in accordance with the regulations outlined in 2 CFR Part 200 - Uniform Admin Requirements, Cost Principles and Audit Requirements for Federal Awards, and retained for audit.

The State will pay for State incurred costs on the project. Following payment, the State shall bill the Federal Government for reimbursement of those costs eligible for federal participation to the extent that such costs are attributable and properly allocable to this project. The State shall bill the Agency for that portion of State costs which were not reimbursed by the Federal Government (see Section IX).

1. Project Construction Costs

Project construction financing will be accomplished by one of the three methods as indicated in this agreement.

Method A – The Agency will place with the State, within (20) days after the execution of the construction contract, an advance in the amount of the Agency's share of the total construction cost based on the contract award. The State will notify the Agency of the exact amount to be deposited with the State. The State will pay all costs incurred under the contract upon presentation of progress billings from the contractor. Following such payments, the State will submit a billing to the Federal Government for the federal aid participation share of the cost. When the project is substantially completed and final actual costs of the project can be determined, the State will present the Agency with a final billing showing the amount due the State or the amount due the Agency. This billing will be cleared by either a payment from the Agency to the State or by a refund from the State to the Agency.

Method B – The Agency's share of the total construction cost as shown on the face of this agreement shall be withheld from its monthly fuel tax allotments. The face of this agreement establishes the months in which the withholding shall take place and the exact amount to be withheld each month. The extent of withholding will be confirmed by letter from the State at the time of contract award. Upon receipt of progress billings from the contractor, the State will submit such billings to the Federal Government for payment of its participating portion of such billings.

Method C – The Agency may submit vouchers to the State in the format prescribed by the State, in duplicate, not more than once per month for those costs eligible for Federal participation to the extent that such costs are directly attributable and properly allocable to this project. Expenditures by the Local Agency for maintenance, general administration, supervision, and other overhead shall not be eligible for Federal participation unless claimed under a previously approved indirect cost plan.

The State shall reimburse the Agency for the Federal share of eligible project costs up to the amount shown on the face of this agreement. At the time of audit, the Agency will provide documentation of all costs incurred on the project. The State shall bill the Agency for all costs incurred by the State relative to the project. The State shall also bill the Agency for the federal funds paid by the State to the Agency for project costs which are subsequently determined to be ineligible for federal participation (see Section IX).

VII. Audit of Federal Consultant Contracts

The Agency, if services of a consultant are required, shall be responsible for audit of the consultant's records to determine eligible federal aid costs on the project. The report of said audit shall be in the Agency's files and made available to the State and the Federal Government.

An audit shall be conducted by the WSDOT Internal Audit Office in accordance with generally accepted governmental auditing standards as issued by the United States General Accounting Office by the Comptroller General of the United States; WSDOT Manual M 27-50, Consultant Authorization, Selection, and Agreement Administration; memoranda of understanding between WSDOT and FHWA; and 2 CFR Part 200.501 - Audit Requirements.

If upon audit it is found that overpayment or participation of federal money in ineligible items of cost has occurred, the Agency shall reimburse the State for the amount of such overpayment or excess participation (see Section IX).

VIII. Single Audit Act

The Agency, as a subrecipient of federal funds, shall adhere to the federal regulations outlined in 2 CFR Part 200.501 as well as all applicable federal and state statutes and regulations. A subrecipient who expends \$1,000,000 or more in federal awards from all sources during a given fiscal year shall have a single or program-specific audit performed for that year in accordance with the provisions of 2 CFR Part 200.501. Upon conclusion of the audit, the Agency shall be responsible for ensuring that a copy of the report is transmitted promptly to the State.

IX. Payment of Billing

The Agency agrees that if payment or arrangement for payment of any of the State's billing relative to the project (e.g., State force work, project cancellation, overpayment, cost ineligible for federal participation, etc.) is not made to the State within 45 days after the Agency has been billed, the State shall effect reimbursement of the total sum due from the regular monthly fuel tax allotments to the Agency from the Motor Vehicle Fund. No additional Federal project funding will be approved until full payment is received unless otherwise directed by the Director, Local Programs.

Project Agreement End Date - This date is based on your projects Period of Performance (2 CFR Part 200.309).

Any costs incurred after the Project Agreement End Date are NOT eligible for federal reimbursement. All eligible costs incurred prior to the Project Agreement End Date must be submitted for reimbursement within 60 days after the Project Agreement End Date or they become ineligible for federal reimbursement.

X. Traffic Control, Signing, Marking, and Roadway Maintenance

The Agency will not permit any changes to be made in the provisions for parking regulations and traffic control on this project without prior approval of the State and Federal Highway Administration. The Agency will not install or permit to be installed any signs, signals, or markings not in conformance with the standards approved by the Federal Highway Administration and MUTCD. The Agency will, at its own expense, maintain the improvement covered by this agreement.

XI. Indemnity

The Agency shall hold the Federal Government and the State harmless from and shall process and defend at its own expense all claims, demands, or suits, whether at law or equity brought against the Agency, State, or Federal Government, arising from the Agency's execution, performance, or failure to perform any of the provisions of this agreement, or of any other agreement or contract connected with this agreement, or arising by reason of the participation of the State or Federal Government in the project, PROVIDED, nothing herein shall require the Agency to reimburse the State or the Federal Government for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Federal Government or the State.

XII. Nondiscrimination Provision

No liability shall attach to the State or Federal Government except as expressly provided herein.

The Agency shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract and/or agreement or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts and agreements. The WSDOT's DBE program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Agency of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S. C. 3801 et seq.).

The Agency hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the rules and regulations of the Secretary of Labor in 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance, or guarantee or understanding pursuant to any federal program involving such grant, contract, loan, insurance, or guarantee, the required contract provisions for Federal-Aid Contracts (FHWA 1273), located in Chapter 44 of the Local Agency Guidelines.

The Agency further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, that if the applicant so participating is a State or Local Government, the above equal opportunity clause is not applicable to any agency, instrumentality, or subdivision of such government which does not participate in work on or under the contract.

The Agency also agrees:

- (1) To assist and cooperate actively with the State in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and rules, regulations, and relevant orders of the Secretary of Labor.
- (2) To furnish the State such information as it may require for the supervision of such compliance and that it will otherwise assist the State in the discharge of its primary responsibility for securing compliance.
- (3) To refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, government contracts and federally assisted construction contracts pursuant to the Executive Order.
- (4) To carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the State, Federal Highway Administration, or the Secretary of Labor pursuant to Part II, subpart D of the Executive Order.

In addition, the Agency agrees that if it fails or refuses to comply with these undertakings, the State may take any or all of the following actions:

- (a) Cancel, terminate, or suspend this agreement in whole or in part;
- (b) Refrain from extending any further assistance to the Agency under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Agency; and
- (c) Refer the case to the Department of Justice for appropriate legal proceedings.

XIII. Liquidated Damages

The Agency hereby agrees that the liquidated damages provisions of 23 CFR Part 635, Subpart 127, as supplemented, relative to the amount of Federal participation in the project cost, shall be applicable in the event the contractor fails to complete the contract within the contract time. Failure to include liquidated damages provision will not relieve the Agency from reduction of federal participation in accordance with this paragraph.

XIV. Termination for Public Convenience

The Secretary of the Washington State Department of Transportation may terminate the contract in whole, or from time to time in part, whenever:

- (1) The requisite federal funding becomes unavailable through failure of appropriation or otherwise.
- (2) The contractor is prevented from proceeding with the work as a direct result of an Executive Order of the President with respect to the prosecution of war or in the interest of national defense, or an Executive Order of the President or Governor of the State with respect to the preservation of energy resources.
- (3) The contractor is prevented from proceeding with the work by reason of a preliminary, special, or permanent restraining order of a court of competent jurisdiction where the issuance of such order is primarily caused by the acts or omissions of persons or agencies other than the contractor.
- (4) The Secretary is notified by the Federal Highway Administration that the project is inactive.
- (5) The Secretary determines that such termination is in the best interests of the State.

XV. Venue for Claims and/or Causes of Action

For the convenience of the parties to this contract, it is agreed that any claims and/or causes of action which the Local Agency has against the State of Washington, growing out of this contract or the project with which it is concerned, shall be brought only in the Superior Court for Thurston County.

XVI. Certification Regarding the Restrictions of the Use of Federal Funds for Lobbying

The approving authority certifies, to the best of his or her knowledge and belief, that:

- (1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit the Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed \$100,000, and that all such subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification as a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

XVII. Assurances

Local agencies receiving Federal funding from the USDOT or its operating administrations (i.e., Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration) are required to submit a written policy statement, signed by the Agency Executive and addressed to the State, documenting that all programs, activities, and services will be conducted in compliance with Section 504 and the Americans with Disabilities Act (ADA).

Additional Provisions

Instructions

1. **Agency Name and Billing Address** – Enter the Agency of primary interest which will become a party to the agreement.
2. **Project Number** – Leave blank. This number will be assigned by WSDOT. Not including all fund program prefixes (ex. “STBGR”), Project Number is defined as the Federal Award Identification Number (FAIN).
3. **Agreement Number** – Leave blank. This number will be assigned by WSDOT.
- 4.

a. **Project Description** – Enter the project name, total length of the project (in miles), and a brief description of the termini. Data entered here must be consistent with the name, length, and termini noted in the STIP and Project Prospectus

Example: (Name) “Regal Road”, (Length) “1.2 miles”, (Termini) “Smith Road to Main Street”

b. **Description of Work** – Enter a concise statement of the major items of work to be performed. Statement must be consistent with the description of work noted in the STIP and Project Prospectus.

Example: “Overlay Regal Road; install curb, gutter, and sidewalk; illumination; and traffic signal at the intersection of Regal Road and Dakota Avenue.”

c. **Project Agreement End Date** – Enter the Project Agreement End Date (mm/dd/yy). This date is based on the project’s Period of Performance (2 CFR 200.309).

For Planning Only projects – WSDOT recommends agencies estimate the end of the project’s period of performance and add three years to determine the “Project Agreement End Date”.

For PE and RW – WSDOT recommends agencies estimate when the phase will be completed and add three years to determine the “Project Agreement End Date”. For Construction – WSDOT recommends agencies estimate when construction will be completed and add three years to determine the “Project Agreement End Date”.

d. **Advertisement Date** – At construction authorization only, enter the proposed project advertisement date (mm/dd/yy).

e. **Claiming Indirect Cost Rate** – Check the Yes box if the agency will be claiming indirect costs on the project. For those projects claiming indirect costs, supporting documentation that clearly shows the indirect cost rate being utilized must be provided with the local agency agreement. Indirect cost rate approval by your cognizant agency or through your agency’s self-certification and supporting documentation is required to be available for review by FHWA, WSDOT and /or State Auditor. Check the No box if the agency will not be claiming indirect costs on the project. See section 23.5 for additional guidance.

4. Type of Work and Funding (Round all dollar amounts to the nearest whole dollar)

a. **PE** – Lines a through d show Preliminary Engineering costs for the project by type of work (e.g., consultant, agency, state services, etc.).

*Federal aid participation ratio for PE – enter ratio for PE lines with amounts in column 3.

- **Line a** – Enter the estimated amount of agency work in columns 1 through 3.
- **Line b & c** – Identify user, consultant, etc., and enter the estimated amounts in columns 1 through 3.
- **Line d** – State Services. Every project must have funding for state services. Enter the estimated amounts in columns 1 through 3.
- **Line e** – Total of lines a + b + c + d.

b. **Right of Way** – If a Right of Way phase is authorized on the project, the appropriate costs are shown in lines f through i.

*Federal aid participation ratio for RW – enter ratio for RW lines with amounts in column 3.

- **Line f** – Enter the estimated amount of agency work in columns 1 through 3.
- **Line g & h** – Identify user, consultant, etc., and enter the estimated amounts in columns 1 through 3.
- **Line i** – State Services. Every project must have funding for state services. Enter the estimated amounts in columns 1 through 3.
- **Line j** – Total of lines f + g + h + i.

c. **Construction** – Lines k through p show construction costs for the project by type of work (e.g., contract, consultant, agency, state services, etc.).

*Federal aid participation ratio for CN – enter ratio for CN lines with amounts in column 3.

- **Line k** – Enter the estimated cost of the contract.
- **Lines l, m, & n** – Enter other estimated costs such as utility and construction contracts or non-federally matched contract costs.
- **Line o** – Enter estimated costs of all construction related agency work.
- **Line p** – State Services. Every project must have funding for state services. Enter the estimated amounts in columns 1 through 3.
- **Line q** – Total Construction Cost Estimate. Total of lines k + l + m + n + o + p.

d. Total Project Cost Estimate

- **Line r** – Total Cost Estimate of the Project. Total of lines e + j + q.

*Please remember, if the federal aid participation rate entered is not the maximum rate allowed by FHWA, then the participation rate entered becomes the maximum rate allowed.

6. **Signatures** – An authorized official of the local agency signs the agreement and enters their title and date of signature (mm/dd/yy). **Note:** Do NOT enter a date on the Date Executed line.
7. **Method of Construction Financing** – Choose the method of financing for the construction portion of the project.
 - a. **Method “A”** is used when the state administers the contract for the agency.
 - b. **Method “B”** is also used when the state administers the contract for the agency.
 - c. **Method “C”** is used with projects administered by the local agency. The agency will submit billings monthly through the state to FHWA for all eligible costs. The billings must document the payment requests from the contractor. If state-force work, such as audit and construction engineering, is to receive federal participation, it will be billed to the agency and FHWA simultaneously at the indicated ratio. To show continuous progress agencies should bill monthly until agreement is closed.
8. **Resolutions/Ordinances** – When someone other than the County Executive/Chairman, County Commissioners/Mayor is authorized to sign the agreement, the agency must submit to WSDOT with the agreement a copy of the Resolution/Ordinance designating that individual.