

- 1. Call to Order**
- 2. Roll Call**
- 3. Approve Agenda**
- 4. Approval of Minutes**
 - a. Consider the Minutes of the August 20, 2025, Meeting.
- 5. New Business**
 - a. Accessory Dwelling Unit Code Amendment.
- 6. Other Business**
 - a. Nonconforming and Unpermitted Signage in Right of Way.
 - b. Caretaker Residence Code Amendment.
- 7. Adjournment**

Next Planning Commission Meeting Will Be Held on October 15, 2025.

Planning Commission 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.

TOPPENISH PLANNING COMMISSION
Meeting Minutes
August 20, 2025

Chairperson Mayer called the meeting to order at 5:30 p.m.

ROLL CALL AND ATTENDANCE

Present: Chairperson Mayer and Commissioners Jesus M. Aguirre, Gabriela Guel and Benita Polina.

Absent: Vice-Chairperson Doonan

Staff: Community Economic Development (CED) Director Andrew Hattori, Permit Coordinator Tami Colley

Permit Coordinator Colley conducted a roll call for each Planning Commissioner to respond to their attendance at the meeting. Chairperson Mayer and Commissioners Aguirre, Guel, and Polina responded with their presence.

Commissioners unanimously approved Vice-Chairperson Doonan's absence.

APPROVAL OF AGENDA

Commissioner Aguirre moved, seconded by Commissioner Guel to approve the August 20, 2025, meeting agenda. Motion carried unanimously.

PUBLIC COMMENT

The Planning Commission received comments from the public.

APPROVAL OF MINUTES

Commissioner Aguirre moved, seconded by Commissioner Guel to approve the minutes of the July 16, 2025, meeting. Motion carried unanimously.

PUBLIC HEARING

A Public Hearing was opened at 5:35pm to discuss Comprehensive Plan Capital Facilities Amendment. No discussion or comments from the public were received. Public Hearing was closed at 5:42pm.

A motion was made by Commissioner Aguirre, seconded by Commissioner Polina to send the Amendment to City Council for consideration.

NEW BUSINESS

CED Director Hattori presented a Caretaker Residence Code Amendment. This will be moved to the next meeting to allow the commission more time for review.

OTHER BUSINESS

CED Director Hattori reviewed Downtown Nonconforming and Unpermitted Signage in Right of Ways and will bring back to the next meeting to allow time for public response.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:08 p.m.

Janet Mayer, Chairperson

Andrew Hattori, Community Economic
Development Director

Meeting Date: September 17, 2025
Subject: Accessory Dwelling Unit Code Amendment.
Attachments: 1. DRAFT ADU Ordinance
2. LUA2025-0004 DNS
3. Submittal-Receipt-Email-2025-S-9826
Presented By: Andrew Hattori, CED Director
Approved for Andrew Hattori, CED Director
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 wishes to present the potential code amendment to the Planning Commission with a subsequent public hearing planned for the October 15, 2025 meeting as well.

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 atleast this provision.

Staff began the review period with the Department of Commerce on September 4, 2025 which will take a minimum of 60 days before any adoption of the code may occur. During this time we have the ability to review the code language with Planning Commission and hold public hearings. Staff is anticipating adopting this code at the City Council Regular Meeting on November 24, 2025.

Fiscal Impact:

None.

Recommendation:

None.

Alternatives:

ORDINANCE 2025-XX

AN ORDINANCE OF THE CITY OF TOPPENISH, WASHINGTON TO ENACT A NEW CHAPTER AND AMEND EXISTING CHAPTERS IN TITLE 17 OF THE TOPPENISH MUNICIPAL CODE TO ESTABLISH ACCESSORY DWELLING UNIT REGULATIONS

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, 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, 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. Chapter 17.94 Accessory Dwelling Units is hereby enacted to read as follows.

**Chapter 17.94
Accessory Dwelling Units**

17.94.005 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.

17.94.010 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.

17.94.015 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.

17.94.020 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.

17.94.025 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 **DATE** shall be permitted to be converted into a new ADU provided that the overall lot coverage for the property does not increase.

17.94.030 Architectural design.

The addition of an accessory dwelling unit shall be allowed only if the single-family appearance and character of the lot and neighborhood are maintained. The design of the accessory dwelling unit shall be consistent with the design of the principal dwelling unit and shall maintain the style, appearance, and character of the main building, and shall use similar materials, colors, window style, and comparable roof appearance.

17.94.035 Entrances and stairs.

A. Only one entrance per dwelling unit shall be allowed per fronting street.

B. Exterior stairways of two-story ADUs shall face the interior of the lot.

17.94.040 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.

17.94.045 Subdivision restrictions.

A lot containing an ADU shall not be subdivided, or otherwise segregated in ownership, in a way that separates the ADU and the primary dwelling unit on different lots of which one or both will not meet minimum setback, dimension, and area standards for new residential lots and structures.

17.94.050 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.

17.94.055 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.

17.94.065 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.

17.94.070 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.

17.94.075 Building plan review.

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

17.94.080 Conditions for legalizing pre-existing accessory dwelling units.

Any dwelling unit that existed on **DATE** 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.

17.94.085 Amnesty period.

A. Any existing illegal ADU existing on **DATE** 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.

17.94.090 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. Sections of Chapters 17.28, 17.32, and 17.40 are 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. Accessory dwelling unit as specified in Chapter 17.94 TMC;

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.

17.28.030 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 40 percent of the total lot area.

B. Two-Family Dwelling. No two-family 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.

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 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.

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.

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 nonflammable 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.

Section 3 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 4. 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 **DATE XX**, 2025.

ELPIDIA SAAVERDRA, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM

DANIEL B. HEID, City Attorney

DRAFT

CITY OF TOPPENISH
DETERMINATION OF NON-SIGNIFICANCE

File Number: LUA2025-0004
Applicant: Andrew Hattori, CED Director, City of Toppenish
Location of Proposal: Applicable citywide

Description of Proposal:

Currently Toppenish does not have code language or standards for the development of ADUs. As such the City is seeking to create clear guidelines and allowances for the construction of ADUs to provide additional means of property owners to increase housing stock and provide additional rentable units.

Lead Agency: City of Toppenish
Responsible Official: Andrew Hattori, CED Director

Findings:

1. The City finds that the proposed creation of ADU code language and provisions will not result in adverse impacts to the environment.

Threshold Determination:

The lead agency for this proposal has determined that this proposal will not have a probable significant impact on the environment that cannot be mitigated through compliance with the conditions of the Toppenish Municipal Code and other applicable regulations. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. The responsible official finds this information reasonably sufficient to evaluate the environmental impacts of this proposal. This information is available to the public upon request.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date of issuance. You may submit comments on this proposal to the address below before **5:00 PM, September 19, 2025**.



21 West 1st Avenue
Toppenish, WA 98948

Staff Contact: For information on this proposal, contact Andrew Hattori, at (509) 829-4083 or Andrew.hattori@cityoftoppenish.us

Signature: _____

Date: _____

Appeal:

Any agency or person may appeal the lead agency’s environmental determination as set forth in WAC 197-11-680. Appeals of this decision will be accepted until **September 19, 2025.**

THANK YOU

We have received your amendment submission. Please allow 1-3 business days for review. Please keep the Submittal ID as your receipt and for any future questions. We will also send an email receipt to all contacts listed in the submittal.

Submittal ID: 2025-S-9826

Submittal Date Time: 09/04/2025

Submittal Information

Jurisdiction City of Toppenish
Submittal Type 60-day Notice of Intent to Adopt Amendment
Amendment Type Development Regulation Amendment

Amendment Information

Brief Description

Proposed creation of a new chapter in the Toppenish Municipal Code creating regulations and guidelines for the allowance and construction of Accessory Dwelling Units.

Yes, this is a part of the 10-year periodic update schedule, required under RCW 36.70A.130.

Planning Commissions Date 10/15/2025

City Council Date 11/24/2025

Anticipated/Proposed Date of Adoption 11/24/2025

Categories

Submittal Category
Design Standards/Design Review
Development Regulations
Housing
Zoning Code

Attachments

Attachment Type	File Name	Upload Date
Development Regulation Amendment - Draft	DRAFT ADU Ordinance.docx	09/04/2025 12:09 PM

SEPA Materials	LUA2025-0004 SEPA Checklist.pdf	09/04/2025 12:09 PM
SEPA Materials	LUA2025-0004 DNS.pdf	09/04/2025 12:10 PM

Contact Information

Prefix Mr.
First Name Andrew
Last Name Hattori
Title Community and Economic Development Director
Work (509) 829-4083
Cell (509) 854-8518
Email Andrew.Hattori@cityoftoppenish.us

Yes, I would like to be contacted for Technical Assistance.

Certification

I certify that I am authorized to submit this Amendment for the Jurisdiction identified in this Submittal and all information provided is true and accurate to the best of my knowledge.

Full Name Andrew Hattori
Email andrew.hattori@cityoftoppenish.us

Meeting Date: September 17, 2025
Subject: Nonconforming and Unpermitted Signage in Right of Way.
Attachments: 1. Draft ROW Sign Code
Presented By: Andrew Hattori, CED Director
Approved for Andrew Hattori, CED Director
Agenda By:

Discussion:

The City of Toppenish’s downtown core currently has a significant amount of nonconforming and unpermitted signage. The installation of this signage is not a new issue, for many years signs have been installed by business owners who likely didn’t know that permits were required, which has resulted in our current situation. A special emphasis has recently placed on signage that has been installed in holes within the sidewalk or placed directly on the sidewalk itself. Staff presented examples of unpermitted signage at the June 18, 2025 Planning Commission meeting and stated that they would work with spreading word about signage requirements to local businesses that have such signage present. Additionally at the August 20, 2025 Planning Commission meeting staff presented the details again hoping that business owners in the community would be in attendance for input as the letters had been passed out in the two weeks preceding the meeting. Unfortunately no public comments were provided and no business owners were in attendance for the meeting.

It was recently brought to staffs attention that there had been holes drilled into the sidewalk which are currently being utilized for signage, typically “feather” style signage. Additionally, “sandwich” signs have also been placed on sidewalk within the right of way. The Toppenish Municipal Code does not permit any signage at all within public right of way, including sidewalk areas.

Reasons for this include regulations such as the Americans with Disabilities Act (ADA), sight visibility, design district, and liability purposes. The placement of tall signs with considerable surface area can impede individuals ability to maneuver along the sidewalk, impact visibility along the street for vehicles and pedestrians, and may cause tripping hazards.

Toppenish’s Code Enforcement official has been visiting local businesses as part of a yearly review, for any business that has signage in the right-of-way they were provided the attached Public Announcement detailing that the signage is not allowed and that we would be discussing this at future meetings. Staff will continue to make announcements related to this signage to garner public input. At this time staff wishes to continue discussion on what code requirements can be put in place to ensure safety, cover

liability, and comply with various laws and regulations. Example options for this include:

1. Maintaining existing code, all signage within the right-of-way would need to be removed immediately.
2. Modifying the Municipal Code to include provisions that would allow some signage to remain as they exist.
3. Modifying the Municipal Code to include provisions that would allow some signage to remain provided they comply with new/additional design requirements.

After discussion at the August Planning Commission meeting staff was instructed to bring an example code amendment for review by the Planning Commission as attached. This can be summarized as:

- Signage may be permitted through a right-of-way use permit which would last 180 days.
- Must be placed between the curb and the property line, and approved by abutting business owner.
- Must be made of nondurable materials.
- Max four feet in height and six feet of surface area, height measured from grade.
- Cannot block view of traffic.
- Must meet ADA accessible route standards.
- Dilapidated or nuisance signage would be removed at owner's expense.

Fiscal Impact:

None

Recommendation:

None.

Alternatives:

None.

15.10.100 – Signs in public right of way.

- A) Permanent signage that is anchored or otherwise attached to any portion of public right of way is prohibited. Installation of such signage shall be deemed a violation und TMC 15.10.090 and is subject to immediate removal by the city. Removal of such signage by the city shall be at the owner’s expense.
- B) Temporary signage will be allowed provided that they meet the following conditions:
1. A right-of-way use permit must be obtained for placement of any signage. All right-of-way use permits for temporary signage shall expire after 180 days.
 2. Signage must be placed between the property line and the back of the nearest curb or, where no curb exists, between the property line and nearest edge of the pavement. Signs may not be placed on traffic islands or on sidewalks, driveways, or other paved areas designed for pedestrian or vehicular use or as conditioned in a right-of-way use permit. The abutting business owner must approve of the signs placement, no signage will be allowed abutting properties with a residential use.
 3. Signage may only be constructed out of nondurable materials including, but not limited to, paper, corrugated board, flexible, bendable, or foldable plastics, foam core board, and vinyl canvas or vinyl mesh products.
 4. Signage may be a maximum of four feet in height and may only have a surface area of six square feet. Height shall be measured from grade.
 5. No signage shall be permitted to block the view of traffic and must adhere to the vision triangle indicated within the Toppenish Design and Construction Standards.
 6. Signage located on sidewalks and walking paths must be placed such that a minimum three feet clear accessible route is maintained in conformance with ADA standard 403.5.1.
 7. Any signage that is dilapidated or a nuisance shall be removed at the owner’s expense.

Meeting Date: September 17, 2025
Subject: Caretaker Residence Code Amendment.
Attachments: 1. DRAFT Caretaker's Residence Code
Presented By: Andrew Hattori, CED Director
Approved for Andrew Hattori, CED Director
Agenda By:

Discussion:

The City of Toppenish currently outright permits caretaker/watchmen residences within the B-2, M-1, and M-2 zoning districts. The intent of these structures is to provide a designated living facility for guards and security persons to operate from at all hours of the day and night. Unfortunately, the code has been used to operate these structures as primary dwelling units for owners, even after the function of the main business has ended. This results in dwellings existing on lots not intended to have any residential elements. In the worst case this could result in multiple dwelling existing on industrial lots as a small housing community or rv park, both are generally expressed as being prohibited. After identifying this loophole in our code staff has worked to create clear requirements and regulations to be utilized for the intended purpose of caretaker residences.

The proposed amendments can be summarized as:

1. Create a new definition for caretaker residences withing TMC 17.08 "Definitions"
2. Remove watchman's quarters, caretakers residences, shelters, etc. from the Permitted Uses sections of the B-2, M-1, and M-2 zoning districts. Code sections TMC 17.44.020, 17.48.020, and 17.52.020 respectively.
3. Make the approval of a caretakers residence by Hearing Examiner only by adding a new section, TMC 17.56.090, to the Special Uses chapter in TMC.
4. Only allow one caretakers residence per lot that may only be used by one person.
5. Provide size, setback, and construction regulations for the structure or recreational vehicle.
6. Provide accountability requirements for potential caretakers.
7. Provide limitations to the situations in which a caretakers residence could be utilized.

Due to increasing cases where our current code is being utilized as a loop hole for residential long-term purposes staff is hoping to bring this before City Council for consideration in a timely manner.

Fiscal Impact:

None.

Recommendation:

Recommend approval of amendments to Toppenish Municipal Code as contained in the draft code language attached to the August 20, 2025, Planning Commission Agenda Packet.

Alternatives:

Continue the item for further discussion at the October 15, 2025 Planning Commission Meeting.

Chapter 17.08 DEFINITIONS

17.08.005 Accessory living quarters.

"Accessory living quarters" mean living or watchman's quarters within a principal building or an accessory building other than a mobile home, unless otherwise permitted, for the sole use of the family or of persons employed on the premises, for the temporary use of guests of the occupants of the premises. Such quarters are not to be rented or otherwise used as a separate dwelling unit.

(Ord. B-120 § 2, 1978).

17.08.010 Accessory use or accessory building.

"Accessory use" or "accessory building" means a building, part of a building or structure or use which is subordinate to, and the use of which is incidental to, that of the main building, structure or use on the same lot.

(Ord. A-580 § 24, 1964).

17.08.020 Agriculture.

"Agriculture" means the tilling of the soil and the raising of crops.

(Ord. A-580 § 24, 1964).

17.08.030 Alley.

"Alley" means a public thoroughfare or way having a width of not more than 20 feet which affords only a secondary means of access to abutting property.

(Ord. A-580 § 24, 1964).

17.08.040 Amendment.

"Amendment" means a change in the wording, context or substance of this title or change in the district boundaries upon the zoning map, which map is a part of this title when adopted by resolution passed by the city council in the manner prescribed by law.

(Ord. A-580 § 24, 1964).

17.08.050 Apartment dwelling.

"Apartment dwelling" means a building or a portion of a building designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

(Ord. A-580 § 24, 1964).

17.08.060 Auto court.

"Auto court" means a group of attached or detached buildings containing individual sleeping or living units where a majority of such units open individually and directly to the outside, and where a garage is attached or a parking space is conveniently located to each unit, all for the temporary use by automobile tourists or transients. Such definition shall also include "motels," "tourist court" and "motor lodges".

(Ord. A-580 § 24, 1964).

17.08.062 Automobile.

"Automobile" means motor vehicles used for personal transportation including cars, pickup trucks, and recreational vehicles.

(Ord. 90-30 § 1, 1990).

17.08.064 Automobile body shop.

"Automobile body shop" means a garage or shop for automobile body and frame repairs, including painting.

(Ord. 90-30 § 1, 1990).

17.08.066 Automobile garage.

"Automobile garage" means a garage or shop for automobile service, including engine, transmission, driveline and electrical system repair.

(Ord. 90-30 § 1, 1990).

17.08.070 Automobile, truck and/or trailer sales area.

"Automobile, truck and/or trailer sales area" means uncovered premises used for display, sale or rental of new or used automobiles, trucks and trailers.

(Ord. A-580 § 24, 1964).

17.08.080 Automobile wrecking yard or junkyard.

"Automobile wrecking yard" or "junkyard" means premises used for the storage and/or sale of used automobile parts or for the storage, dismantling or abandonment of junk, automobiles, trailers, machinery or parts thereof.

(Ord. A-580 § 24, 1964).

17.08.090 Building.

"Building" means any structure built for the support, shelter or enclosure of persons, animals or chattels, and when separated by division walls without openings from the ground up, each portion of such structure shall be deemed a separate building.

(Ord. A-580 § 24, 1964).

17.08.100 Caretaker’s residence.

“Caretaker’s residence” means a structure solely intended to provide security for the established principal permitted use of the property and occupied by no more than one person.

~~17.08.100~~110 Conditional use.

"Conditional use" means a use listed among those classified in any given district but permitted to locate only after review by the board of adjustment, and the granting of a conditional use permit imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and use district and assure against imposing excessive demands upon public utilities, provided the city ordinances specify the standards and criteria that shall be applied.

(Ord. A-580 § 24, 1964).

~~17.08.110~~120 Dwelling.

"Dwelling" means a building or portion thereof designed exclusively for residential purposes, including one-family, two-family and multiple-family houses, but shall not include hotels, motels, or apartments.

(Ord. 2000-2 § 1, 2000; Ord. A-580 § 24, 1964).

~~17.08.120~~130 Dwelling unit.

"Dwelling unit" means one or more rooms in a dwelling or apartment house or apartment hotel designed for occupancy by one family for living or sleeping purposes, and having only one kitchen.

(Ord. A-580 § 24, 1964).

~~17.08.130~~140 Dwelling, single-family.

"Single-family dwelling" means a detached building containing one and only one dwelling unit.

(Ord. A-580 § 24, 1964).

~~17.08.140~~150 Dwelling, two-family.

"Two-family dwelling" means a building containing under one roof two and only two dwelling units. Such definition shall also include the term "duplex".

(Ord. A-580 § 24, 1964).

~~17.08.150~~160 Dwelling, multiple family.

"Multiple family dwelling" means a building containing under one roof three or more dwelling units.

(Ord. A-580 § 24, 1964).

17.08.160170 Family.

"Family" means an individual, or two or more persons related by blood or marriage, or a group of not more than five persons, excluding servants, who are not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.

(Ord. A-580 § 24, 1964).

17.08.162172 Hazardous waste.

"Hazardous waste" means all dangerous and extremely hazardous waste as defined in RCW 70.105.010(15), except for moderate risk waste as set forth in RCW 70.105.010(17).

(Ord. 88-11 § 6, 1988).

17.08.164174 Hazardous waste generator.

"Hazardous waste generator" means any person or site whose act first causes a dangerous waste to become subject to regulation under the Dangerous Waste Regulations, Chapter 173-303 WAC.

(Ord. 88-11 § 6, 1988).

17.08.166176 Hazardous waste storage.

"Hazardous waste storage" means the holding of hazardous waste for a temporary period, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC.

(Ord. 88-11 § 6, 1988).

17.08.168178 Hazardous waste treatment.

"Hazardous waste treatment" means the physical, chemical or biological processing of hazardous waste for the purpose of rendering these wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC.

(Ord. 88-11 § 6, 1988).

17.08.170180 Home occupation.

"Home occupation" means any use customarily conducted within a dwelling which use is clearly incidental and secondary to the use of the premises as a dwelling place and does not change the character thereof. This occupation shall be carried on or conducted only by members of a family residing in the dwelling with no outside help employed. Clinics, hospitals, tea rooms, animal hospitals and the display or sale of materials or products shall not constitute a home occupation.

(Ord. 88-10 § 2, 1988; Ord. A-580 § 24, 1964).

17.08.180190 Hospital.

"Hospital" means an institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and injured persons and licensed by state law to provide facilities and services in surgery and obstetrics and general medical practice as distinguished from treatment of mental and nervous disorders, but not excluding surgical and postsurgical treatment of mental cases.

(Ord. A-580 § 24, 1964).

17.08.190200 Lot.

"Lot" means land occupied or to be occupied by a building and its accessory buildings, including such open spaces as are required under this title and having frontage upon a public street.

(Ord. A-580 § 24, 1964).

17.08.200210 Lot area.

"Lot area" means the total horizontal area within the boundary lines of a lot or parcel. For the purpose of determining area in the case of an irregular, triangular or gore-shaped lot or parcel, a line 10 feet in length within the lot or parcel and farthest removed from the front lot line and at right angles to the line comprising the depth of such lot or parcel shall be used as the rear lot line.

(Ord. A-580 § 24, 1964).

17.08.210220 Lot depth.

"Lot depth" means the horizontal length of a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line.

(Ord. A-580 § 24, 1964).

17.08.220230 Lot lines.

"Lot lines" means the boundaries of a lot as a lot is defined in this chapter.

(Ord. A-580 § 24, 1964).

17.08.230240 Lot of record.

"Lot of record" means a lot as shown on an officially recorded plat or subdivision, or a parcel of land the deed to which is officially recorded, considered as a unit of property and described by metes and bounds.

(Ord. A-580 § 24, 1964).

17.08.240250 Lot width.

"Lot width" means the mean horizontal distance between the sides of the lot measured at the front lot line.

(Ord. A-580 § 24, 1964).

17.08.250260 Nonconforming use.

"Nonconforming use" means a building, structure or land use lawfully existing as of June 20, 1964, but which does not conform to the use regulations, setbacks or other provisions herein established for the district in which it has been classified by this title.

(Ord. A-580 § 24, 1964).

17.08.253263 Off-site hazardous waste treatment and storage.

"Off-site hazardous waste treatment and storage" means hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facility is located.

(Ord. 88-11 § 6, 1988).

17.08.256266 On-site hazardous waste treatment and storage.

"On-site hazardous waste treatment and storage" means hazardous waste treatment and storage facilities that treat and store wastes generated on the same property.

(Ord. 88-11 § 6, 1988).

17.08.260270 Outdoor advertising.

"Outdoor advertising" means any card, paper, cloth, metal, glass, wooden or other display or device of any kind whatsoever placed for outdoor advertising purposes on the ground or on any tree, wall, rock, structure or thing whatsoever.

(Ord. A-580 § 24, 1964).

17.08.270280 Service station.

"Service station" means a building to supply motor fuel and other petroleum products to motor vehicles, including lubrication facilities, and providing minor repair service and sales of motor vehicle accessories.

(Ord. A-580 § 24, 1964).

17.08.280290 Sign.

"Sign" means any outdoor advertising display or outdoor advertising structure, or any indoor advertising display or indoor advertising structure designed and placed so as to be readable principally from the outside.

(Ord. A-580 § 24, 1964).

17.08.290300 Special exceptions.

"Special exceptions" means a special use that would not be appropriate generally or without restriction throughout the use district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or

general welfare. Such uses may be permitted in such use districts as special property uses, if specific provisions for such special property uses are made in this title.

(Ord. A-580 § 24, 1964).

17.08.295305 State siting criteria.

"State siting criteria" means criteria for the siting of hazardous waste treatment and storage facilities adopted pursuant to the requirements of RCW 70.105.210.

(Ord. 88-11 § 6, 1988).

17.08.300310 Street.

"Street" means a public thoroughfare, avenue, road, highway, boulevard, parkway, drive, lane, court, cul-de-sac or private easement providing the roadway for ingress and egress from property abutting thereon.

(Ord. A-580 § 24, 1964).

17.08.310320 Structural alterations.

"Structural alterations" means any substantial change in the supporting members of a building, such as bearing walls, columns, beams or girders.

(Ord. A-580 § 24, 1964).

17.08.320330 Structure.

"Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground but not including fences or walls used as fences less than six feet in height.

(Ord. A-580 § 24, 1964).

17.08.325335 Temporary facility.

"Temporary facility" means any room or place within a dwelling which is used or occupied by not more than two people other than the owner and family thereof, who pay compensation for meals or lodging, or for both meals and lodging (including, but not limited to, room and board, sleeping quarters, or a room or rooms with a dwelling for residential purposes). The term "temporary facility" shall be deemed synonymous with such a room or place in a boarding house, rooming house, or lodging house.

(Ord. 2000-2 § 2, 2000).

17.08.330340 Trailer court, park, or camp.

"Trailer court, park, or camp" means any area or tract of land used or designed to accommodate two or more automobile trailers. A "trailer" means a vehicle without motor power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach and any self-propelled vehicle having a body designed for the same use as an automobile trailer without motor power.

(Ord. A-580 § 24, 1964).

17.08.340350 Use.

"Use" means the purpose for which land or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

(Ord. A-580 § 24, 1964).

17.08.350360 Use district.

"Use district" means a portion of the incorporated territory of the city within which certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited, or within which certain yards and other open spaces are required, or within which certain lot areas are established, or within which a combination of such aforesaid regulations are applied, all as set forth and specified in this title, as designated and delineated by the official zoning map.

(Ord. A-580 § 24, 1964).

17.08.360370 Variance.

"Variance" means a modification of the specific regulations of this title in accordance with the terms of this title for the purposes of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and same zone.

(Ord. A-580 § 24, 1964).

17.08.370380 Yard.

"Yard" means an open space, other than a court, on the same lot with the building, unoccupied from the ground upward.

(Ord. A-580 § 24, 1964).

17.08.380390 Yard, front.

"Front yard" means the required yard extending along and parallel to the entire length of the front line of the lot which is the street line, and measured from the street to the building.

(Ord. A-580 § 24, 1964).

17.08.390400 Yard, rear.

"Rear yard" means the required yard at the rear of the building, extending the entire width of the lot and measured from the building in the direction opposite from the front yard.

(Ord. A-580 § 24, 1964).

17.08.400410 Yard, side.

"Side yard" means an open unoccupied space on the same lot with a building, between the side wall line of the building and the side line of the lot.

(Ord. A-580 § 24, 1964).

B-2 Zoning District

17.44.020 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:

1. Agricultural supplies and machinery sales;
2. Amusement parks, drive-in theaters, skating rinks, dance halls and other lawful commercial amusements;
3. Automobile sales agencies, garages and parts distributors;
4. Automobile service stations;
5. Restaurants or taverns;
6. Boat and motor sales and repair;
7. Business or professional offices;
8. Businesses, retail, wholesale or service, catering directly to the consumer;
9. Dry cleaning and laundry;
10. Feed, seed and garden supplies;
11. Financial institutions;
12. Frozen food lockers;
13. Fuel distributors; provided, that all storage tanks for liquid petroleum fuels shall be located underground;
14. Glass sales and installation;
15. Hotels, motels and apartment dwellings;
16. Kindergarten, nursery or vocational schools;
17. Manufacturing clearly incidental to a retail business lawfully conducted on the premises and not prohibited in an "M" district;
18. Medical or dental clinics;
19. Nursery or greenhouse;
20. Outdoor advertising displays;
21. Parking lots or structures;
22. Personal service shops;

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23. Pet shops;
 24. Plumbing and sheet metal shops;
 25. Trailer parks and trailer sales agencies;
 26. Undertaking establishments;
 27. Veterinary clinic, provided all facilities are within an enclosed building;
 28. Any other use similar to the above uses as approved by the planning commission;
 29. Special property uses specifically allowed in this district as listed in Chapter 17.56 TMC;
 30. [On-site hazardous waste treatment and storage; provided, that such facilities meet state siting criteria adopted pursuant to the requirements of RCW 70.105.210;](#)
 - ~~30.—Accessory uses which are clearly incidental to permitted uses and which will not create a nuisance or hazard, including:
 - a.—Living or watchman's quarters for the operator or an employee of the permitted primary use;
 - b.—On-site hazardous waste treatment and storage; provided, that such facilities meet state siting criteria adopted pursuant to the requirements of RCW 70.105.210;~~
 31. In-home day care licensed by the state of Washington for no more than 12 children after obtaining a city of Toppenish business license.

(Ord. 2008-25, 2008; Ord. 88-11 § 2, 1988; Ord. B-120 § 1, 1978; Ord. A-701 § 1, 1972; Ord. A-580 § 18(1), 1964).

M-1 Zoning District

17.48.020 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. Agricultural supplies, machinery and equipment sales;
- B. Automobile and trailer sales and service agencies;
- C. Automobile service stations;
- D. Boat and motor sales, repair and manufacture;
- E. Draying, freighting and trucking yard or terminal;
- F. Dry cleaning and laundry, rug and carpet cleaning, dyeing works;
- G. Feed, seed and garden supplies;
- H. Fuel distributors;
- I. Glass sales and installation;
- J. Nursery or greenhouse;
- K. Outdoor advertising;
- L. Professional, executive and administrative offices;
- M. Research, experimental or testing laboratories;

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- N. Restaurants;
 - O. Veterinary clinics;
 - P. Wholesale businesses, storage buildings and warehouses;
 - Q. The manufacturing, processing, compounding, packaging or treatment of such products as drugs, bakery goods, candy, food and beverage products, dairy products, cosmetics and toiletries;
 - R. The manufacture, assembly, compounding or treatment of articles or merchandise from the following materials: bone, cellophane, canvas, cloth, cork, feathers, felt fiber, fur, glass, hair, horn, leather, metal, paper, plastics, precious or semiprecious metals or stones, shell, textiles, tobacco, wood (except planing mills), yarns and paint;
 - S. On-site hazardous waste treatment and storage; provided, that such facilities meet state siting criteria adopted pursuant to the requirements of RCW 70.105.210;
 - ~~S. Uses customarily incidental to any of the above listed uses, or uses of a similar nature when approved by the planning commission, including:

 - 1. Dwellings or shelters for the occupancy of guards, watchmen or caretakers;
 - 2. Dwellings for the occupancy of the operators and employees necessary to the operation of a farm or agricultural use; or
 - 3. On-site hazardous waste treatment and storage; provided, that such facilities meet state siting criteria adopted pursuant to the requirements of RCW 70.105.210;~~
 - T. Special property uses specifically allowed in this district as listed in Chapter 17.56 TMC.

(Ord. 2002-7 § 1, 2002; Ord. 88-11 § 3, 1988; Ord. A-580 § 19(1), 1964).

M-2 Zoning District

17.52.020 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. Agricultural supplies, machinery and equipment sales;
- B. Automobile and trailer sales and service agencies;
- C. Automobile service stations;
- D. Boat and motor sales, repair and manufacture;
- E. Draying, freighting and trucking yard or terminal;
- F. Dry cleaning and laundry, rug and carpet cleaning, dyeing works;
- G. Fuel distributors;
- H. Nursery or greenhouse;
- I. Outdoor advertising;
- J. Research, experimental, or testing laboratories;
- K. Veterinary clinics;

- L. Wholesale businesses, storage buildings and warehouses;
- M. Any other industrial or manufacturing use similar to those listed when approved by the planning commission;
- N. On-site hazardous waste treatment and storage; provided, that such facilities meet state siting criteria adopted pursuant to the requirements of RCW 70.105.210;
- ~~N. —Uses customarily incidental to any of the above listed uses, including:
 - 1. —Dwellings or shelters for the occupancy of guards, watchmen or caretakers;
 - 2. —Dwellings for the occupancy of the operators and employees necessary to the operation of a farm or agricultural use; or
 - 3. —On-site hazardous waste treatment and storage; provided, that such facilities meet state siting criteria adopted pursuant to the requirements of RCW 70.105.210;~~
- O. Special property uses specifically allowed in this district as listed in Chapter 17.56 TMC.

(Ord. 88-11 § 4, 1988; Ord. A-580 § 20(1)(a - l), (n - p), 1964).

Chapter 17.56 SPECIAL PROPERTY USES

17.56.010 Permit — Issuance conditions generally.

All of the uses set forth in TMC 17.56.016 through 17.56.110 and all matters directly related thereto are declared to be uses possessing characteristics of such unique and special form as to make impractical their being included automatically in any class of use as set forth in the various use districts defined in this title, and the authority for the location and operation thereof shall be subject to review and the issuance of a special property use permit by the hearing examiner; provided, that special use permits may not be granted for a use in a district from which it is specifically excluded. Special property use permits may contain conditional limitations.

(Ord. 2019-17 § 1, 2019).

17.56.014 Time limits.

A special property use permit shall become null and void if the permitted use ceases to exist during any six-consecutive-month period or for a total of six months during any 12-consecutive-month period.

(Ord. 2019-17 § 1, 2019).

17.56.015 Annual review of special use permits.

The permit coordinator shall annually review each special property use permit issued after January 1, 2020, to determine whether any and all conditional limitations or other requirements are being adhered to, and to determine whether the special property use continues to be utilized. In the event that any conditional limitation or requirement of special property use permit is not being adhered to, the permit coordinator shall initiate steps to achieve compliance with the permit.

(Ord. 2019-17 § 1, 2019).

17.56.016 Automobile garages and body shops.

Special property use permits may be issued for automobile garages and body shops within M1, M2, and B1 districts; provided, that such garages and shops 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, subject to the following provisions:

- A. Parts, equipment and materials shall not be permitted in front, side, or rear yards in the B1 district.
- B. All service and repair work shall be done within an enclosed building.
- C. Conditions of operation such as noise, hours, odors, and lighting shall not be detrimental to the neighborhood.
- D. Location within the B1 district shall require additional sight screening and related mitigation whenever adjacent to residential uses or residential zoning districts.

(Ord. 2019-17 § 1, 2019).

17.56.020 Mobile home park.

Special property use permits may be issued for mobile home park; provided, that these uses shall be specifically excluded from the R1, R2, B1, M2 and M3 use districts; and further provided, that the requirements in Chapter 17.60 TMC are met.

(Ord. 2019-17 § 1, 2019).

17.56.030 Churches, fraternal organizations, lodges, grange halls and clubs.

Special property use permits may be issued for churches, fraternal organizations, lodges, grange halls and clubs; provided, that the following requirements are met and also providing that such uses are specifically excluded from M1 and M2 districts of the zoning ordinance:

- A. The proposed location of the plan for entrances and exits will not create traffic hazards on public streets;
- B. The proposed use will not be detrimental to principal uses permitted in the district for which the special property use permit is requested;
- C. Churches may exceed the height limit of the district in which they propose to locate by not more than 20 feet; provided, that such buildings are set back from all property lines at least one additional foot for each foot of excess height;
- D. The height of the spire, tower, or similar feature may exceed the height limit of the district in which the church may propose to locate; provided, that it is not intended for human occupancy and further providing it is removed not less than 20 feet from any adjoining property line.

(Ord. 2019-17 § 1, 2019).

17.56.040 Philanthropic institutions.

Special property use permits may be issued for hospitals, sanitariums, convalescent and nursing homes, other than correction; provided, that these uses shall be specifically excluded from the R1 and R2, M1 and M2 districts.

(Ord. 2019-17 § 1, 2019).

17.56.050 Home occupations.

Special property permits may be issued for home occupations as defined in TMC 17.08.170, by the zoning administrator or his/her designee, within R1 and R2 residential districts only, subject to the following provisions:

- A. There must be a residence on site, and the proprietor of the home occupation business must reside in that residence.
- B. The home occupation must be of a service character or service-oriented only. Retail sales of goods are permissible only if incidental and directly pertaining to the service being offered.
- C. The home occupation shall be allowed in any attached portion of the dwelling unit or in a detached accessory building. All aspects of the conduct of a home occupation shall be confined, contained and conducted within the dwelling or within a completely enclosed accessory building.
- D. The aggregate of all space within any or all buildings devoted to a home occupation shall not occupy more than the lesser of: (1) 500 square feet in floor area; or (2) 30 percent of the residence's floor area.
- E. Only one accessory building, including detached garages, shall be allowed on the premises. One storage structure of 120 square feet or less shall be excluded from this provision.
- F. The premises shall at all times be maintained as residential in appearance, cleanliness and quietness.
- G. Where customers are served on the premises of the home occupation a minimum of one off-street parking space shall be provided in addition to any and all spaces required for the principal use as provided by this title.
- H. Any home occupation which is objectionable due to unsightliness or an emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall be prohibited.
- I. One unlighted sign not exceeding two square feet in area pertaining to the home occupation shall be permitted in lieu of, not in addition to, any name plate provided for in Chapters 17.28 and 17.32 TMC. Such sign shall not be located in the required front or side yards.
- J. A home occupation special property use permit may contain such other conditions as the hearing examiner may deem necessary to preserve the district and to assure compatibility with permitted uses.
- K. The city shall notify the adjacent property owners and applicant of its intent to approve or deny a home occupation special property use permit, together with any conditions. Notification shall be made by mail only. The notice shall include:
 - 1. A description of the proposal and decision of the city, including any conditions of approval;
 - 2. A place where further information may be obtained; and
 - 3. A statement that the decision of the city will be final, unless an appeal requesting a public hearing is filed with the city clerk within 15 days of the date of the notice.

(Ord. 2019-17 § 1, 2019).

17.56.060 Crematories.

Special property use permits may be issued for crematories provided such use shall be located in B1 and B2 districts.

(Ord. 2019-17 § 1, 2019).

17.56.070 Schools and day care centers.

Special property use permits may be issued for schools, including private schools in which prescribed courses of study are given and which are graded in a manner similar to public schools or, in a manner of a higher degree thereto, physical training facility, kindergarten and nursery schools, institutions of higher learning, and licensed day care centers; provided, that these uses shall be specifically excluded from the M1 and M2 zoning districts.

(Ord. 2019-17 § 1, 2019).

17.56.080 Recycling centers.

Special property use permits may be issued for recycling centers in B2 and M1 zoning districts; provided, that in the B2 zoning district, recycling operations, including storage, vehicles, or facilities, shall be within a screened or enclosed area and shall be limited to light recycling of aluminum cans, glass bottles and newspapers. Large objects, including but not limited to appliances and automobiles or truck parts shall be prohibited from recycling centers within B2 and M1 zoning districts.

(Ord. 2019-17 § 1, 2019).

17.56.090 Caretaker's residence.

In the M-1 and M-2 Industrial Districts, a single caretaker's residence may be permitted by the Hearing Examiner as an accessory use, provided all of the following circumstances are substantially met and demonstrated by the applicant:

- A. The caretaker's residence is accessory to an existing and operating permitted primary use and is intended solely to provide security for the primary use.
- B. The caretaker's residence shall be either a motor home, travel trailer, truck camper, or accessory building and must meet the setback requirements of the underlying zoning.
- C. The caretaker's residence shall not be greater than 500 sq. ft.
- D. The caretaker's residence shall be constructed to meet all applicable codes, standards, and laws.

Applications for a caretaker's residence shall include:

- A. A completed application form provided by the City.
- B. One electronic and one hard copy site plan showing the location of the primary use, proposed caretaker's residence, and distances between structures and property lines.
- C. If applicable, a set of construction drawings of the caretaker's residence meeting all applicable codes, standards, and laws.
- D. Any other items deemed necessary by the Building Official.
- E. A signed and notarized affidavit stating the applicant will:

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1. [Vacate the caretaker's residence within 30 days after the primary use has ceased to operate.](#)
 2. [Notify the city of the initial occupant's contact information, and that the applicant shall notify the City upon any changes of occupancy.](#)
 3. [Adhere to the requirements of all applicable codes, standards, and laws for utilizing the caretaker's residence.](#)
 4. [Obtain a building permit from the City for the construction or placement of the caretaker's residence.](#)

[The Building Official may also request the Hearing Examiner to review the special use permit and the imposed conditions annually.](#)

17.56.090 Temporary facility.

Subject to all of the provisions set forth in subsections A through H of this section, special property use permits may be issued for temporary facilities, as defined in TMC 17.08.325, except that dwellings with five or more temporary facilities shall be permitted only in an R2 residential district, or in a local business district (B1); and dwellings with four or less temporary facilities shall be permitted only in an R1 residential district or in either of the above described zones.

- A. The temporary facility shall be allowed only in an attached portion of the dwelling unit.
 1. All aspects of the conduct of a temporary facility shall be confined, contained and conducted within the main dwelling structure.
 2. The maximum number of users or occupants per each temporary facility shall be two; provided, that the maximum number of users or occupants in the dwelling shall not exceed 150 percent of the number of temporary facilities, rounded to the lowest whole number (for example, if five temporary facilities exist in the dwelling, the maximum number of users shall be seven).
- B. The dwelling in which the temporary facility is located, including its accessory buildings and any required parking area, shall not occupy or cover more than 60 percent of the total lot area. Only one accessory building, excluding a detached garage, may be allowed on the premises by the hearing examiner after the hearing. One storage structure of 120 square feet or less shall be excluded from this provision.
- C. The premises shall at all times be maintained as residential in appearance.
- D. Parking and loading space shall be as specified in Chapter 17.64 TMC, and provided:
 1. A minimum of one off-street parking space shall be provided for each unit, in addition to any and all spaces required for the principal use as provided by this title;
 2. Any required off-street parking space shall not be permitted in the required front yard and side yard;
 3. Each such space shall be provided with adequate ingress and egress;
 4. Off-street parking areas shall be paved or surfaced and maintained graded and dust free with screened gravel, crushed rock or better.
- E. Any dwelling in which a temporary facility is located which is, or becomes, objectionable due to unsightliness, noise, traffic or similar causes discernible on the outside of any structure shall be prohibited.

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- F. One unlighted sign not exceeding two square feet in area pertaining to the boarding, rooming, and/or lodging house shall be permitted in lieu of, not in addition to, any name plate provided for in Chapters 17.28 and 17.32 TMC. Such sign shall not be located in the required front or side yard setback.
 - G. A temporary facility special property use permit may contain such other conditional limitations after hearing as the hearing examiner may deem necessary to preserve the district and to assure compatibility with permitted uses.
 - H. Once a special property use permit has been issued as set forth above, the permit shall be deemed revoked immediately if the facility shall fail to comply with any of the provisions in subsections A through G of this section.

(Ord. 2019-17 § 1, 2019).

17.56.100 Permitted special uses in B3 zones.

Special property use permits may be issued for other special property uses, not inconsistent with the character of said zone, in the professional office district of B3 zone provided they meet the criteria established for special property use permits as provided in this title.

(Ord. 2019-17 § 1, 2019).

17.56.110 Reserved.

(Ord. 2019-17 § 1, 2019).

17.56.120 Yard requirements.

Unless otherwise specified by the hearing examiner, the provisions for required front and side yards applicable to the particular district in which any such use is proposed to be located shall prevail.

(Ord. 2019-17 § 1, 2019).

17.56.130 Height and area regulations.

Unless otherwise specified by the hearing examiner, the provisions for height, area requirements, and lot coverage applicable to the particular district in which any such use is proposed to be located shall prevail.

(Ord. 2019-17 § 1, 2019).

17.56.140 Permit — Additional issuance conditions.

Applications for special property use shall be reviewed under the requirements in Chapter 2.50 TMC as if it was a conditional use permit. In granting a permit for any of the above-listed special property uses in TMC 17.56.016, 17.56.020, 17.56.030, 17.56.040, 17.56.060, 17.56.070, 17.56.080, and 17.56.090 and appeals of TMC 17.56.050 the hearing examiner shall ascertain that the present and future needs of the community will be adequately served by the proposed development and that the community as a whole will be benefited rather than injured. The hearing examiner may attach additional conditions to the issuance of a special property use permit to ensure that structures and areas proposed are surfaced, arranged and screened in such a manner that they are in harmony with and not detrimental to existing or reasonable expected future development of the neighborhood. In the case of those special property uses for which no requirements have been listed, the hearing examiner may allow any

reasonable height, yard dimensions or lot size; provided, that it is satisfied that there is adequate off-street parking, playground area in the case of schools, and the height restrictions and yard requirements and other conditions imposed are sufficient to prevent detrimental effects on adjoining land or structures.

(Ord. 2019-17 § 1, 2019).