

- 1. Call to Order**
- 2. Roll Call**
- 3. Approve Agenda**
- 4. Approval of Minutes**
  - a. Consider the Minutes of the September 17, 2025, Meeting.
- 5. New Business**
  - a. Western Design Theme Color Table Update for White Paint.
  - b. Residential Property On-Site Parking Limitations.
- 6. Other Business**
  - a. Accessory Dwelling Unit Code Amendment.
- 7. Adjournment**

**Next Planning Commission Meeting Will Be Held on November 19, 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**  
**September 17, 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, and Benita Polina.

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, and Polina responded with their presence.

Commissioners unanimously approved Commissioner Guel's absence.

**APPROVAL OF AGENDA**

Commissioner Aguirre moved to amend the agenda to add Public Comment. Seconded by Commissioner Polina. Motion carried unanimously.

Commissioner Aguirre moved, seconded by Commissioner Polina to approve the September 17, 2025, meeting agenda. Motion carried unanimously.

**PUBLIC COMMENT**

None.

**APPROVAL OF MINUTES**

Commissioner Aguirre moved, seconded by Commissioner Polina to approve the minutes of the August 20, 2025, meeting. Motion carried unanimously.

**NEW BUSINESS**

CED Director Hattori presented the Accessory Dwelling Unit Code Amendment and will bring it to next meeting for a public hearing.

**OTHER BUSINESS**

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

CED Director Hattori discussed Caretaker Residence Code Amendment. Commissioner Aguirre

moved, seconded by Commissioner Polina to send the Code Amendment to City Council for consideration.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:15 p.m.

---

Janet Mayer, Chairperson

---

Andrew Hattori, Community Economic  
Development Director

**Meeting Date:** October 15, 2025  
**Subject:** Western Design Theme Color Table Update for White Paint.  
**Attachments:** 1. Design District Color Guide  
**Presented By:** Andrew Hattori, CED Director  
**Approved for  
Agenda By:** Andrew Hattori, CED Director

---

**Discussion:**

The City of Toppenish currently utilizes a design district for much of its commercial lands and downtown areas. Within this design district only certain colors of paint are allowed to be used for signage and facades, a copy of the allowed colors is attached to this agenda. Recently, business owners have inquired about painting their buildings white, however, white is not an approved color for the design district. As such, a request has been made for the allowed colors to be reviewed to see if white would be an acceptable building color in the design district.

The Planning Commission has the authority to amend the allowed color selections, in which the "Building Inspector" applies for minor alterations. After reviewing the current allowed colors and existing buildings within the design district, it is staffs recommendation to add white 000C to the allowable colors.

**Fiscal Impact:**

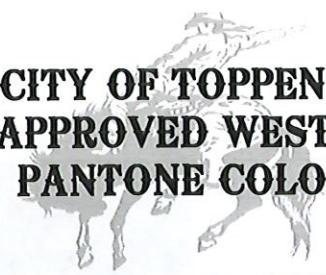
**Recommendation:**

Approve the addition of the color white "Panton Code 000C" to the allowed design district color list.

**Alternatives:**

# CITY OF TOPPENISH

## LIST OF APPROVED WESTERN THEME PANTONE COLORS



The following is the list of approved colors, based on the Pantone sign color and name system.

**CAUTION, EXTRMELY IMPORTANT:** *The colors depicted are approximate and only for illustrative purposes. The exact color match must be made to the Pantone system.*

PANTONE COATED	PANTONE UNCOATED	APPROXIMATE COLOR ( <i>SEE BELOW</i> )
193C	193U	[Red]
1935C	1935U	[Red]
195C	1955U	[Red]
199C	199U	[Red]
200C	200U	[Red]
5395C	5395U	[Dark Red]
717C	717U	[Orange]
726C	726U	[Light Orange]
4325C	4325U	[Dark Brown]
7526C	7526U	[Dark Brown]
724C	724U	[Brown]
463C	463U	[Brown]
4645C	4645U	[Brown]
465C	465U	[Brown]
4655C	4655U	[Brown]
7508C	7508U	[Light Brown]
7406C	7406U	[Light Brown]
7411C	7411U	[Light Brown]
331C	331U	[Teal]
393C	393U	[Yellow]
376C	376U	[Light Green]
399C	399U	[Olive Green]
371C	371U	[Dark Green]
3278C	3285U	[Dark Green]
363C	363U	[Dark Green]
357C	357U	[Dark Green]
2975C	2975U	[Light Blue]
3125C	3125U	[Light Blue]
322C	322U	[Dark Blue]
316C	3165U	[Dark Blue]
291C	291U	[Light Blue]
299C	2995U	[Light Blue]
300C	300U	[Light Blue]
301C	301U	[Light Blue]
2955C	2955U	[Dark Blue]
2635C	2645U	[Light Blue]

**Meeting Date:** October 15, 2025  
**Subject:** Residential Property On-Site Parking Limitations.  
**Attachments:** 1. DRAFT 17.64.050\_\_\_Parking\_\_\_Location\_requirements.  
**Presented By:** Andrew Hattori, CED Director  
**Approved for** Andrew Hattori, CED Director  
**Agenda By:**

---

**Discussion:**

While Toppenish regulates a set minimum amount of off-street parking stalls for residential properties, the Municipal Code (TMC) does not regulate the maximum allowed on-site parking of vehicles, a common practice amongst cities in Washington State. After identifying issues with overparked residential properties, staff began researching potential options for amending the code and wishes to present the attached amendment. The proposed code would set a maximum amount of four vehicles per lot, provided more vehicles may be present as long as they are entirely enclosed within a structure, such as a shop or garage. Provisions have also been included in the instance that there is more than four residents at a property that have proof of residency at said address and the cars are registered to the address. In this case the property would be allowed to have an additional vehicle present above the four vehicle maximum for each person above four residents. A breakdown of calculations to show how this would impact properties with varying amounts of residents can be displayed as:

# of Residents	Allowed Vehicles (unsheltered)
1	4
2	4
3	4
4	4
5*	5*
6*	6*

\* ALL residents of the property must be able to show their drivers licensed as listing the subject property as their place of residence and each vehicle's registration must match the address of the subject property.

Additionally, with the TMC not having provisions for vehicle maximums there has been a resultant amount of properties with significant amounts of vehicles that are not parked on approved surfaces. Where an approved surface is any impervious surface such as gravel, asphalt, and/or concrete. This has resulted in complex and difficult code cases for having junk vehicles (cannot be driven or not registered to property owner) or lots without the proper surfacing or lots installing surfacing above and beyond maximum lot

coverages. The adoption of an amendment to the TMC that sets maximum vehicle allowances would resolve issues with code enforcement cases and potential impacts to the environment.

**Fiscal Impact:**

**Recommendation:**

Recommend approval of the proposed amendments to TMC Section 17.64.050 to the Toppenish City Council.

**Alternatives:**

---

### 17.64.050 Parking — Location requirements.

Off-street parking facilities shall be located according to the following:

- A. For one, two, or multiple family dwellings, parking facilities shall be located on the same lot or building site as the buildings they are required to serve.
  - a. A maximum of four vehicles, not including motorcycles or mopeds, may be parked on a lot with a residential use unless vehicles in excess of the allowed number are kept within an enclosed structure. Additional vehicles may be allowed if:
    - i. More than four licensed drivers reside at the same address, an additional motor vehicle for each licensed driver over the four may be parked at that specific address, provided that each licensed driver and said vehicle are registered to that same address.
    - ii. The lot contains more than one legally established residence, including accessory dwelling units. In such cases, the maximum number of vehicles allowed is calculated based on the number and type of dwelling units, as provided in TMC 17.64.030.
- B. For hospitals, sanitariums, convalescent, nursing or rest homes, rooming and lodging houses, fraternal organizations and club rooms parking facilities shall be located not more than 150 feet from the buildings they are required to serve.
- C. For uses other than specified above parking facilities shall be located not over 500 feet from the buildings they are required to serve.
- D. Required parking or loading spaces not within a garage, carport or other structure may be located within the required front, side or rear yard or courts on the lot of the primary use in any district, unless otherwise specified herein.

(Ord. A-580 § 22(2)(b), 1964).

**Meeting Date:** October 15, 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. However, Commerce has shared some additional information for future proofing our potential ADU code so that we won't have to do another amendment in 2026. These changes can be summarized as:

- Remove any requirements for the ADU to match the architecture and design of the primary dwelling and the location of the entrances to the ADU. This would have caused issues with RCW 36.70A.681(1)(h) which seeks to reduce the cost of construction by limiting the design features that cities may impose on ADUs.
- Remove subdivision limitations as all cities will need to allow "unit lot subdivisions" by 2027. Removing the prohibition of subdivisions will allow for a more seamless transition in the future.

Staff is anticipating a re-review by Commerce and subsequent Council presentations occurring starting in November and going through December of this year.

**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 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.

**17.94.040 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.

**17.94.045 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.

**17.94.050 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.

**17.94.060 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.

**17.94.065 Building plan review.**

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

**17.94.070 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.

**17.94.075 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.

**17.94.080 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

**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