

1. Call to Order
2. Roll Call
3. Approve Agenda
4. Public Comment

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

5. Approval of Minutes
 - a. [Consider the Minutes of the April 16, 2025, meeting.](#)
6. New Business
 - a. [Amendments to TMC Title 16 Subdivisions.](#)
7. Other Business
 - a. [Amendment to TMC 17.56 Special Property Uses and Creation of TMC 17.54 Home Occupancies.](#)
8. Adjournment

Next Regular Planning Commission Meeting Will Be Held on June 18, 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
April 16, 2025

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

ROLL CALL AND ATTENDANCE

Present: Vice-Chairperson Christy Doonan and Commissioners Jesus M. Aguirre, Gabriela Guel and Bonita Polina.
Absent: Chairperson Janet Mayer
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. Vice- Chair Doonan and Commissioners Aguirre, Guel, and Polina responded with their presence.

Commissioner Aguirre moved, seconded by Commissioner Guel to excuse Chairperson Mayer from the April 16, 2025, meeting. Motion carried unanimously.

APPROVAL OF AGENDA

Commissioner Aguirre moved, seconded by Commissioner Guel to approve the April 16, 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 March 19, 2025, meeting. Motion carried unanimously.

NEW BUSINESS

CED Director Hattori discussed amendment to TMC 17.56 Special Property Uses and Creation of TMC17.54 Home Occupations. Commissioners to review for discussion at next meeting.

CED Director Hattori presented a sign at Heggie’s Place bar for approval in the Design District. Commissioner Aguirre moved, seconded by Commissioner Guel, to approve the signage at Heggie’s Place bar. Motion carried unanimously.

OTHER BUSINESS

CED Director Hattori discussed the Design District Code Update and suggested social media outreach and open house for community feedback.

ADJOURNMENT

There being no further business the meeting was adjourned at 6:11 p.m.

Christy Doonan, Vice-Chairperson

Andrew Hattori, Community Economic
Development Director

REQUEST FOR PLANNING COMMISSION REVIEW

Meeting Date: May 21, 2025

Subject: Minor Updates to TMC 16 Subdivisions

Attachments: Proposed Code Language

Presented by: Andrew Hattori, CED Director

Approved For Agenda By: Andrew Hattori, CED Director

Background:

Toppenish Municipal Code (TMC) Title 16 related to Subdivisions includes provisions for manner in which land may be subdivided, the requirements for applications, and varying design requirements. Significant portions of Title 16 have not been updated since 1986 creating outdated requirements that do account for advancements in technology and conflicts with state codes/laws that have been updated since.

Discussion:

Technology has advanced to a degree such that hard copy versions of surveys and plans are needed to a lesser extent. Our current subdivision code requires 15 hard copies of the different types of survey applications to be submitted per application, which is considerably more than is needed or is required by similar jurisdictions. Additionally, certain parts of our code related to bonding and resubdividing land is outdated in terms of consideration of inflation and state law. State proposes to amend various portions of Title 16 to reduce the amount of hard copies needed per application, update bonding amounts to consider inflation over time, and provide additional avenues for resubdivision in accordance with state law.

A summary of proposed code modifications follows:

- Amend TMC 16.12.015 from 15 hard copies per short plat application to 3 hard copies and 1 electronic copy.
 - o 15 hard copies is excessive when 3 hard copies is sufficient when submitted with an electronic copy.
- Amend TMC 16.12.055 to include a provision allowing resubdivision of land up to 4 total lots over the lifetime of the short plat.
 - o State law, RCW 58.17.060(1), has been updated such that jurisdictions must allow resubdividing of land up four total lots.
- Amend TMC 16.16.030 from 15 hard copies per preliminary plat application to 3 hard copies and 1 electronic copy.
 - o 15 hard copies is excessive when 3 hard copies is sufficient when submitted with an electronic copy.
- Amend TMC 16.16.040(M) to include recording numbers of easements detailed on the face of plats.
 - o Recording numbers are necessary for historical searches of easements and related information, adding this as a requirement ensures that easements are properly researched and accounted for during the review process/

- Amend TMC 16.16.025(1)(a) and 16.16.045(C) to detail the type of days for timeline of reviews.
 - o Current code only lists “days”, adding “working days” provides a clear understanding to applicants about the timeline for their submittal.
- Amend TMC 16.16.065(C) to have the full review period set to 90 calendar days instead of 60 calendar days.
 - o RCW 58.17.140 allows jurisdictions up to 90 days to complete the review process for plats, given the increase in laws and state requirements for plats, allowing ourselves the state limit gives us more time to properly review plats. It should be noted that staff anticipates reviews to be completed well within 90 days, but having this buffer is helpful.
- Amend TMC 16.16.075 from 15 hard copies per final plat application to 3 hard copies and 1 electronic copy.
 - o 15 hard copies is excessive when 3 hard copies is sufficient when submitted with an electronic copy.
- Amend TC 16.16.105 to increase the bond or surety amount for bonds prior to final plat approval from 100% to 125% of the estimated construction cost.
 - o At the time a bond or surety would need to be called upon, it is highly likely that construction costs for the bonded improvements would be greater than the time the bond or surety was submitted. The 25% increase accounts for inflation and other rising cost variables.

Staff is seeking approval of the proposed amendments to be brought to City Council for action.

Recommendation: Recommend approval of Title 16 Code Amendments to City Council for approval via Ordinance.

Chapter 16.12

SHORT SUBDIVISIONS – PROCEDURE

Sections:

16.12.005 Approval required.

16.12.010 Administration.

16.12.015 Application for a short subdivision – Requirements.

16.12.020 Land survey requirements.

16.12.025 Short plat contents.

16.12.030 Allowance of bond in lieu of actual construction of improvements prior to approval of short plat.

16.12.035 Notification.

16.12.040 Determination.

16.12.050 Approval of short subdivisions – Filing.

16.12.055 Resubdivision restricted.

16.12.060 Short plat amended.

16.12.065 Short subdivisions – Variances.

16.12.070 Short plat – Decision appeals.

16.12.005 Approval required.

It is unlawful for any person to divide land so as to constitute a short subdivision within the city or to enter into any contract for the sale or lease of any part of such land, without first complying with the provisions of this title applicable to such division of land. Any person violating this section shall be guilty of a misdemeanor, and any such land shall be deemed to be undivided. (Ord. 86-26 § 2, 1986).

16.12.010 Administration.

A. The administrator is vested with the duty of administering and interpreting the short subdivision provisions of this title and with the authority to summarily approve, disapprove, or return for modifications proposed short subdivisions.

B. The administrator may prepare and require the use of such forms as deemed necessary to administer this chapter. (Ord. 86-26 § 2, 1986).

16.12.015 Application for a short subdivision – Requirements.

A. An application for a short subdivision may be made by an owner or owners of land, or by an authorized agent of an owner or owners, or by a representative of any governmental agency if the

short subdivision is sought for a governmental purpose and such application shall be filed with the city manager's office.

B. Each application for a short subdivision shall include the following:

1. A written application on a form provided by the administrator and signed by the land owner, or his authorized agent;
2. A report from a title company listing all parties having any interest in the property to be divided and a legal description thereof;
3. The proposed short plat prepared in accordance with the provisions of this chapter and ~~15~~[three hard and one electronic](#) copies thereof;
4. A reproducible scale drawing showing:
 - a. Lots, dedicated streets and easements,
 - b. Size and location of water, sewer, drainage, irrigation, and utility easements, including all private utilities, proposed to serve the lots to be created and their point of connection with the existing services,
 - c. Size and location of all existing utilities, public and private, including the grade and elevation of sewer mains, and distances or proposed extensions to provide service to the subdivision,
 - d. If requested by the administrator, contour lines at two-foot elevation intervals for slopes less than 10 percent and five-foot intervals for slopes more than 10 percent. Elevations shall be based on United States Coast and Geodetic Survey datum;
5. A nonrefundable application fee shall be established by resolution of the city council, as amended from time to time. (Ord. 2017-01 § 1, 2017; Ord. 86-26 § 2, 1986).

16.12.020 Land survey requirements.

- A. A proposed short plat of land shall be prepared by, or under the supervision of, a registered land surveyor of the state of Washington as a result of a land survey.
- B. All proposed short plats shall be surveyed in accordance with Chapter [58.09](#) RCW, Survey Recording Act, as it exists or is hereafter amended.
- C. All lot corners determined as a result of a land survey shall be established by the placement of a permanent survey monuments.
- D. Short plats are subject to all other requirements of this title, particularly Chapter [16.20](#) TMC. (Ord. 86-26 § 2, 1986).

16.12.025 Short plat contents.

The short plat shall be clearly and legibly delineated upon tracing cloth of good quality polyester film .003 inch thick or a direct positive photographic reproducible polyester .003 inch thick. All lines, letters, figures, certificates, acknowledgments and signatures shall be made in black waterproof acetate ink of good quality (Pelikan T or equal) except that affidavits, certificates and

acknowledgments may be stamped or printed upon the plat with black nonsmearing opaque ink. The map shall be to a suitable and appropriate scale, not less than one inch to 100 feet, or as approved by the administrator. The map shall be 18 inches by 24 inches. It shall show:

- A. The entire lot or parcel constituting the applicant's land;
- B. The taxation parcel number or numbers as assigned to the land proposed to be divided by the Yakima County assessor;
- C. The names or recording numbers of all contiguous subdivisions or short subdivisions;
- D. Lot corners and lines marking the division of the land into four or less lots;
- E. Location, size, purpose and nature of existing roads, streets, rights-of-way, and easements adjacent to, or across, the land;
- F. Location of any roads, rights-of-way or easements proposed to serve the short plat with a clear designation of their purpose and nature, including whether they will be private or dedicated public roads, rights-of-way or easements:
 - 1. Right-of-way for public roads of a minimum width of 50 feet shall be dedicated if the short subdivision contains two or more lots which are contiguous to:
 - a. An existing subdivision where partial street right-of-way has been dedicated, or
 - b. An existing partial right-of-way deeded for public road purposes, or
 - c. A location where an ordinance, or long-range road program, or comprehensive plan indicates the need for a future road or street,
 - 2. Right-of-way for all private roads, whether existing or proposed, shall be of a width to be determined by the administrator, of not less than 30 feet nor more than that required for regular plats;
- G. North arrow and scale;
- H. The acknowledged signatures of all fee simple owners and other parties having an interest in the lands being subdivided, as well as the acknowledged signatures of all owners of property over which access or utility easements pass, unless such easements are previously or simultaneously recorded by separate instrument in the county auditor's office, certifying the following:
 - 1. In the case of a short subdivision not containing a dedication:
 - a. A full and correct legal description of the land to be divided as it appears on the short plat;
 - b. A statement of free consent to substantially the following form, the reference to easements to be omitted where not applicable:

Know all men by these presents that the undersigned are the fee simple owners of the land hereon described; have with their free consent and in accordance with their desires caused the same to be surveyed and short platted as shown hereon; and do hereby grant and reserve the easements as shown hereon for the uses indicated hereon.

(Name)

(Name)

2. In the case of a short subdivision containing a required dedication:
- a. A full and correct legal description of the land to be divided as it appears on the short plat;
 - b. A statement of free consent and waiver of claims for damages in substantially the following form:

DEDICATION AND WAIVER OF CLAIMS

Know all men by these presents that the undersigned are the owners and all other parties having any interest in the land hereon described; have with their free consent and in accordance with their desires caused the same to be surveyed and short platted as shown hereon; do hereby dedicate these roads and/or rights-of-way shown as public dedications hereon to the use of the public; do hereby waive on behalf of themselves and their successors in interest all claims for damages against the City of Toppenish, and any other governmental authority, which may be occasioned to the land by the established construction, drainage and maintenance of said dedicated roads and/or rights-of-way; and do hereby grant and reserve the easements as shown hereon for the uses indicated.

(Name)

(Name)

3. If an offer to dedication includes, or is required to include, a waiver of direct access to any street from any property, the appropriate certificate shall additionally recite such waiver;
- I. A certificate by a surveyor certifying to the accuracy of the survey and short plat in substantially the following form:

I, the undersigned, Professional Land Surveyor, do hereby certify that the short plat as shown is based upon an actual survey in accordance with the requirements of the Survey Recording Act, that the distances, courses and angles are shown hereon correctly, and that the monuments and lot corners have been set on the ground as shown hereon.

Surveyor's Signature, Seal and Number

Dated this ____ day of ____, 19__.

- J. County treasurer's office certificate in substantially the following form:

I hereby certify that all chargeable regular and special assessments collectible by this office that are due and owing on the property described hereon on the date of this certification have been paid.

Dated this ____ day of ____, 19__.

By: _____
Yakima County Treasurer's Office

K. If the short plat lies wholly or in part in an irrigation district, a statement evidencing irrigation water right-of-way in substantially the following form:

The property described hereon is wholly, or in part, within the boundaries of the _____ Irrigation District and all lots within the short plat are subject to the terms, conditions, reservations and obligations in the present and future concerning irrigation water rights-of-way and easements as may be imposed by said district in accordance with the law.

By: _____
Signature and title

Dated this ____ day of ____, 19__.

L. Spaces for approval by the administrator, director of public works and fire chief. (Ord. 86-26 § 2, 1986).

16.12.030 Allowance of bond in lieu of actual construction of improvements prior to approval of short plat.

The subdivider shall, if approved by the administrator as an alternative to actual construction of required improvements, provide a surety bond, or other secure method approved by the city, according to the procedure outlined in TMC [16.16.105](#). (Ord. 86-26 § 2, 1986).

16.12.035 Notification.

Upon receipt of the short plat, the administrator shall notify by mail all adjacent property owners as shown by the records in the Yakima County assessor's office, at least 10 days prior to reaching a decision on the short plat. (Ord. 86-26 § 2, 1986).

16.12.040 Determination.

The administrator shall, after conferring with appropriate officials, determine within 30 days after submission of the short plat, unless the applicant consents to an extension, whether the short plat should be approved, disapproved or returned to the applicant for changes in light of the following criteria requirements:

- A. The proposed short subdivision conforms to the comprehensive plan and zoning requirements;
- B. The parcels in the proposed short subdivisions are provided access from an existing or proposed (in the plat) dedicated public right-of-way of sufficient width, in conformance with any city comprehensive street plan;
- C. The proposed short subdivision meets the requirements of this chapter;
- D. The public use and interest will be served by permitting the proposed division of land. (Ord. 86-26 § 2, 1986).

16.12.050 Approval of short subdivisions – Filing.

A. The administrator shall, after determining that the requirements of this chapter have been met and that the short plat has been signed by all proper individuals, approve the short plat by signing on the face of the short plat.

B. Each short plat approved by the administrator shall be filed for record in the office of the Yakima County auditor, and shall not be deemed approved until so filed. The subdivider shall be responsible for payment of all filing fees. (Ord. 86-26 § 2, 1986).

16.12.055 Resubdivision restricted.

No lot within a recorded short plat shall be further divided within a period of five years from the date of recording of the short plat, unless a final plat has been approved and filed for record [except that when the short plat contains fewer than four parcels, the owner who filed the short plat may file for an alteration within the five-year period to create up to four lots within the original short plat boundaries.](#) (Ord. 86-26 § 2, 1986).

16.12.060 Short plat amended.

An approved and recorded short plat may be amended or vacated in whole, or in part, in a manner not involving a resubdivision by recording an amended short plat in accordance with the following provisions:

A. The amended short plat must comply with procedures and requirements of this chapter for original short plat approval.

B. The title of the amended short plat shall be:

Short Plat No. _____

Amended Short Plat No. _____.

C. The amended short plat shall show all of the land shown on the original short plat, shall show all deleted original lot lines as dashed lines, and shall bear the acknowledged signatures of all current fee simple owners and contract purchasers of the affected lots within the original short plat as shown by a current title certificate.

D. The amended short plat shall not increase the number of lots included in the original short plat.

E. Minor errors not involving a change in lot lines may be corrected by a surveyor upon approval of the administrator by recording an affidavit with the Yakima County auditor specifically referencing the short plat by number and describing the correction. (Ord. 86-26 § 2, 1986).

16.12.065 Short subdivisions – Variances.

A. The planning commission may grant, after a public hearing, a variance from the provisions of this chapter on a finding that undue hardship may result from strict compliance with specific provisions or requirements of this chapter, or the application of such provisions as a requirement is impractical or undesirable in a specific instance. The planning commission shall only grant variances that it deems necessary, or which it finds desirable from the standpoint of public interest.

B. In considering a variance request, the planning commission shall take into account: (1) the nature of the proposed use of the land and the existing use of land in the vicinity; (2) the number of persons to reside or work in the proposed subdivisions; and (3) the probable effects of the proposed short subdivision upon conditions in the vicinity.

C. No variance shall be granted unless the planning commission finds the following:

1. That there are such special circumstances or conditions affecting such property that the strict application of the provisions of this chapter would clearly be impractical, unreasonable, or undesirable to the general public. In such case, the subdivider shall first state his reasons in writing as to the specific provision or requirement involved and submit them to the planning commission;
2. That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated;
3. That such variance will not have the effect of nullifying the intent and purpose of this title or other ordinances or the comprehensive plan of the city.

D. The planning commission shall include in its official minutes its findings and the specific reasons for its action.

E. The hearing procedure shall be set forth in Chapter [17.20](#) TMC for classification. (Ord. 86-26 § 2, 1986).

16.12.070 Short plat – Decision appeals.

Any decision may be appealed to the superior court of the county pursuant to RCW [58.17.180](#). (Ord. 86-26 § 2, 1986).

Chapter 16.16**SUBDIVISIONS – PLATTING PROCEDURE AND REQUIREMENTS**

Sections:

16.16.005 Approval required.

16.16.010 Administration.

16.16.015 Conference.

16.16.020 General purpose.

16.16.025 Application plat.

16.16.030 Preliminary plat.

16.16.035 Preliminary plat preparation.

16.16.040 Preliminary plat contents.

16.16.045 Review by affected agencies and departments.

16.16.050 Hearing date established.

16.16.055 Notice of public hearing.

16.16.060 Review by planning commission – Recommendation required.

16.16.065 Preliminary plat – Council determination at public hearing – Procedure for change of recommendation – Time limitation for approval or disapproval.

16.16.070 Preliminary plat – Expiration of approval – Conditions.

16.16.075 Final plat – Submission for approval required – Copies – Fees.

16.16.080 Final plat – Preparation.

16.16.085 Final plat – Conformance with preliminary plat approval.

16.16.090 Final plat – Requirements.

16.16.095 Final plat approval – Approval of subdivision agreement by the city council.

16.16.100 Final plat – Recording.

16.16.105 Subdivision agreement – Bonds filed prior to approval of final plat.

16.16.110 Maintenance bond.

16.16.115 Concurrent building upon bonding of improvements.

16.16.120 Submission of plans and specifications and notice prior to construction of improvements.

16.16.005 Approval required.

It is unlawful for any person to divide land so as to constitute a subdivision within the city, or to enter into any contract for the sale or lease of any part of such land, without first complying with the provisions of this chapter applicable to such division of land. (Ord. 86-26 § 2, 1986).

16.16.010 Administration.

The administrator is vested with the duty of administering the provisions of this title. (Ord. 86-26 § 2, 1986).

16.16.015 Conference.

The subdivider is encouraged to request conferences with the city staff to discuss the area proposed, traffic patterns, sewer, water, flood zones, drainage, irrigation, etc., and any other questions the subdivider or city staff may have, pertinent to the area to be considered for subdivision. No fee is to be charged for these conferences. (Ord. 86-26 § 2, 1986).

16.16.020 General purpose.

A. General Purpose. The preparation, submission, review and official action concerning all subdivision plats located within the limits of the city shall proceed through the following steps: application plat, preliminary plat, final plat.

1. The application plat is intended as an initial step in subdivision procedure. It provides the subdivider and city staff the opportunity to discuss the subdivision proposal and to review the comprehensive plan; provides the administrator with information concerning the proposed development; and provides the subdivider with guidelines concerning development policies of the city, as well as providing him the opportunity to inform himself of other agencies' requirements as regards his subdivision.

2. The preliminary plat is intended to aggregate all subdivision design information on one or more maps in a manner which will accurately inform the administrator and planning commission. This information shall be supplemented by that provided during the application plat stage.

3. The final plat is intended as a legal recording document, which will accurately indicate the actual property subdivision and its attendant rights-of-way, easements, boundaries and monumentation. (Ord. 86-26 § 2, 1986).

16.16.025 Application plat.

The subdivider shall submit three [hard and one electronic](#) copies of the application plat and supplemental information to the administrator which shall contain the following:

A. A sketch plan of the entire development area drawn to scale shall be submitted; the boundary of the applicant's property intended for ultimate development and boundaries of that parcel selected for the first plat within the property, if the entire property is not to be developed at once. The sketch shall also indicate approximate location and size of existing structures, fences, access roads, and water courses; approximate location of wells, utilities and topographic features; and location of proposed lots, blocks, streets and utility systems.

B. Existing conditions and characteristics of the land and the area within 300 feet of the boundaries of the site shall be indicated.

C. The area proposed or required to be set aside for schools, parks, or other community facilities shall be indicated.

D. A statement in writing of the intended use of property shall be submitted.

E. Additional information as might be required by the administrator shall be completed.

F. There shall be no fee required with the application plat.

1. Review of Application Plat.

a. The administrator shall review the plat and provide a written response within 10 [working](#) days of submission. This written response shall include comments upon the general acceptability of the proposal, suggested changes, requests for additional data, and an indication of when the plat should be submitted for preliminary plat review and approval. The platting officer may request that copies of the application plat be submitted to other agencies.

b. The administrator shall review the plat with the subdivider and such professionals employed by him to prepare the plat.

c. The administrator's approval of the application plat does not assure approval of the plat. (Ord. 86-26 § 2, 1986).

16.16.030 Preliminary plat.

After the administrator reviews and approves the application plat, the preliminary plat containing the following shall be submitted:

A. ~~Fifteen copies~~ [Three hard and one electronic copies](#) of the preliminary plat of the property;

B. A completed application, including SEPA review per Chapter [18.04](#) TMC;

C. An application fee, [which](#) shall be established by resolution of the city council, as amended from time to time;

D. If proposed, copies of protective covenants, deed restrictions and/or home association bylaws affecting the proposed subdivision;

E. A title certificate and report from a title company showing the legal and equitable owners (including mortgages, contract purchasers and fee owners) of the land to be platted, plus all grants, reservations, covenants, deed restrictions and easements of record which may condition the use of the property;

F. A certified copy of the deed to the property;

G. A soils report, prepared by a professional engineer, surveyor, architect or geologist with demonstrated training in soils mechanics may be required when deemed necessary by the administrator. The report should state what the soil characteristics in the area are and indicate their capacities to support the proposed development;

H. Groundwater report prepared by a professional engineer, hydrologist, or geologist when deemed necessary by the administrator;

I. Additional reasonable information, as might be required by the administrator. (Ord. 2017-01 § 1, 2017; Ord. 86-26 § 2, 1986).

16.16.035 Preliminary plat preparation.

A preliminary plat shall be prepared by or under the supervision of a registered land surveyor of the state of Washington and a registered professional engineer. (Ord. 86-26 § 2, 1986).

16.16.040 Preliminary plat contents.

A preliminary plat shall be legibly drawn at a scale of one inch equals 100 feet (smaller if all information can be shown legibly) and shall be at least 18 inches by 24 inches in size. It shall show:

- A. The entire lot or parcel constituting the applicant's land;
- B. North arrow and date;
- C. Boundary lines based upon the land proposed to be subdivided and boundary lines of all proposed lots and streets;
- D. Dimensions and sizes of each lot of the proposed subdivision;
- E. Existing zoning of the plat and of adjacent properties;
- F. Size and location of water, sewer drainage, irrigation and utility easements, including all private utilities, and the grade and elevation of sewer main, where required by the city, as proposed to serve the lots created by the subdivision. Profile drawings will not be required unless specifically requested by the city to demonstrate feasibility;
- G. Building locations, existing or proposed, and points of access shall be indicated in residential subdivisions;
- H. Location, size, purpose of and physical description of improvements to existing roads, streets, rights-of-way and easements adjacent to, or across, the land. A physical description of existing street improvements shall be provided, including ballast and surfacing information;
- I. Location of any streets, rights-of-way, or easements proposed to serve the lots within the proposed subdivision with a clear designation of their size and purpose;
- J. Parcels of land intended or required to be dedicated for streets or other public purposes;
- K. The general location of streams, lakes, swamps and drainage courses meandering through the subdivision including the location of floodplain areas as defined in TMC [16.04.005](#) and the homes of all known individuals using these waters beside and downstream from the proposed subdivision;
- L. A title block shall be located in the lower right hand corner of the first page. If more than one page is used, this title block and information contained therein shall appear on all subsequent pages, containing: horizontal scale, date and name of proposed subdivision, legal description of location

of subdivisions, names and addresses of the subdivisions, owners of the land, and the surveyor and/or engineer preparing the plat;

M. Recording number of any previous subdivisions [and easements](#). (Ord. 86-26 § 2, 1986).

16.16.045 Review by affected agencies and departments.

Upon the filing of an application for a subdivision with the office of the city manager, the administrator shall supply a copy of the preliminary plat for their review and comment to: the city fire, police and public works departments; appropriate private utilities; affected irrigation districts; where a state highway is involved, to the Washington State Department of Transportation; and where flood control considerations are involved, to the U.S. Army Corps of Engineers and/or Bureau of Reclamation.

A. The administrator shall review the preliminary plat and the responses received from the above agencies.

B. If other agencies require permits for the proposed action, copies of those permits shall be submitted at this time.

C. The administrator together with appropriate governmental agencies shall review the submitted preliminary subdivision plat for completeness. If the plat does not meet the requirements of these regulations, the administrator shall notify the applicant by letter stating the additional information needed. If after 10 [working](#) days of the date of mailing, exclusive of Saturdays, Sundays, and official holidays, the additional information is not submitted, the officer shall place the preliminary plat on the agenda of the planning commission with a recommendation for disapproval. (Ord. 86-26 § 2, 1986).

16.16.050 Hearing date established.

Upon receiving an application for a subdivision, the administrator shall set a date for a public hearing on the application before the planning commission. The administrator may establish deadlines for submittal of applications prior to regular monthly planning commission meetings, however, the hearing date shall not be set more than 60 days from the date of completion of environmental review. (Ord. 86-26 § 2, 1986).

16.16.055 Notice of public hearing.

A. Notice of public hearing before the planning commission shall be given in the following manner:

1. By publication of at least one notice not less than 10 calendar days prior to the hearing in the official city newspaper;
2. By notice given at least 10 calendar days prior to the date of the hearing by mailing such notice to the owners of all properties within 300 feet of the exterior boundaries of the proposed subdivision, as such owners are shown on the records of the Yakima County assessor, and by posting on the property included in the proposed subdivision;
3. Additional notice of such hearing shall be mailed to the board of Yakima County commissioners, the Yakima County planning department, and the Yakima Valley conference of governments upon

the filing of a preliminary plat of a proposed subdivision adjoining the municipal boundaries of the city; and

4. Additional notice of such hearing shall be mailed to the Washington State Department of Highways upon the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a state highway.

B. Each notice required by this section shall include the date, hour and location of the public hearing, a legal description of the proposed subdivision, and a vicinity location sketch and a location description in nonlegal language. (Ord. 86-26 § 2, 1986).

16.16.060 Review by planning commission – Recommendation required.

A. The planning commission shall review the preliminary plat of the proposed subdivision during a public hearing and determine whether the following standards are satisfied by the proposed subdivision:

1. Conformance with the provisions of the city zoning ordinance;
2. Conformance with the Toppenish area comprehensive plan;
3. Conformance with the provisions of this chapter;
4. Appropriate provisions for:
 - a. Public health, safety and welfare,
 - b. Open spaces,
 - c. Drainage systems,
 - d. Streets, alleys and other public ways,
 - e. Water supplies,
 - f. Sanitary waste disposal,
 - g. Parks and playgrounds;
5. Based upon standards (A)(1) through (4) of this section, that the public use and interest will be served.

B. The planning commission shall submit a recommendation for approval or disapproval with its findings regarding all standards contained in subsection A of this section to the city council no later than 60 days following its action. (Ord. 86-26 § 2, 1986).

16.16.065 Preliminary plat – Council determination at public hearing – Procedure for change of recommendation – Time limitation for approval or disapproval.

A. Upon receipt of the recommendation of the planning commission on any preliminary plat of a proposed subdivision, the city council shall set the date for a public hearing where it may adopt or reject the recommendations of the planning commission.

B. A record of such meetings and hearings shall be kept and shall be open to public inspection.

C. Each preliminary plat of a proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ~~60~~90 calendar days from the date of filing thereof with the administrator unless the applicant consents to an extension of such time period; provided, that time taken to satisfy SEPA requirements in RCW 43.21C.030 shall not be included in the ~~60~~90-day period.

D. A preliminary plat which has been disapproved by the council shall not be accepted for rehearing for a period of one year following the denial if the administrator feels that the proposed plat being resubmitted is essentially the same as that denied by the city council, or if no substantial new evidence or change in circumstances has occurred. If the developer insists on submitting a preliminary plat against the advice of the administrator, the preliminary plat shall be placed on the agenda of the planning commission with a recommendation for disapproval.

E. One copy of the approved preliminary plat shall be retained in the office of the city manager and one copy shall be given to the subdivider or his agent along with the conditions of approval noted thereon. (Ord. 86-26 § 2, 1986).

16.16.070 Preliminary plat – Expiration of approval – Conditions.

A. Approval of preliminary plats of proposed subdivisions shall expire one year from the date of city council approval thereof. The council may, upon application of the subdivider prior to such expiration, grant an extension for a maximum period of one year from the expiration date.

B. Any extension of time granted pursuant to this section shall be conditioned upon the proposed subdivision's meeting all subdivision requirements in effect on the date that such extension is granted.

C. Phasing will be allowed to permit orderly growth. Each phase must be a complete subdivision by itself and not be dependent upon future phases, with respect to streets, access, utilities, etc. (Ord. 86-26 § 2, 1986).

16.16.075 Final plat – Submission for approval required – Copies – Fees.

A. A final plat of a proposed subdivision shall be submitted for approval by the city council by filing the proposed final plat with the city manager's office within one year from the date of approval of the preliminary plat or within the time prescribed by an extension granted by the city council.

B. Each final plat submitted for approval shall be accompanied by one mylar reproducible drawing of the subdivision, ~~15~~three hard and one electronic copies thereof, and a current title certificate.

C. Each final plat shall be subject to a fee to cover the expense of plan review and inspection. The fee shall be established by resolution of the city council, as amended from time to time. Field inspection will be provided by the subdivider during construction under the supervision of the city or its representative. The engineer supervising inspection shall submit a certificate of compliance with approved plans of construction on all improvements to be deeded to the city, including water, sewer, streets, drainage, etc.

D. Each application for final plat shall be accompanied by a subdivision agreement, which shall include the estimated costs of all required improvements. The subdivision agreement shall be a legally executed document prior to final plat approval. (Ord. 2017-01 § 1, 2017; Ord. 86-26 § 2, 1986).

16.16.080 Final plat – Preparation.

A. Each final plat shall be prepared by a land surveyor registered in the state of Washington and certified by the surveyor to be a true and correct representation of lands actually surveyed by him or under his direction.

B. The final plat shall be prepared by the surveyor in accordance with the provisions of the Survey Recording Act (Chapter [58.09](#) RCW) as it now exists or is hereafter amended.

C. The land survey of the final plat shall be referenced from two monumented section or quarter section corners, or if the land lies within an existing subdivision, from two controlling monuments within the existing subdivision.

D. Survey lot corner pins in accordance with city standards shall be placed at all lot corners and permanent survey monuments shall be placed at street intersections. (Ord. 86-26 § 2, 1986).

16.16.085 Final plat – Conformance with preliminary plat approval.

Each final plat submitted for approval shall be in conformance with the conditions of preliminary plat approval. (Ord. 86-26 § 2, 1986).

16.16.090 Final plat – Requirements.

Each final plat submitted for approval shall be clearly and legibly delineated upon tracing cloth of good quality polyester film .003 inch thick or a direct positive photographic reproducible polyester .003 inch thick. All lines, letters, figures, certificates and acknowledgments and signatures shall be made in black waterproof acetate ink of good quality (Pelikan T or equal) except that affidavits, certificates and acknowledgments may be stamped or printed upon the plat with black nonsmearing opaque ink. The map shall be to a suitable and appropriate scale, not to exceed one inch equals 100 feet. The map shall be 18-inch by 24-inch. It shall show:

A. Date, north arrow and scale;

B. Name of the subdivision;

C. Accurate and complete legal description of the subdivision;

D. The location of lines delineating the intermediate regional flood (100-year flood) and the floodway within it, if delineated, such lines being vertically located to an accuracy of plus or minus one foot;

E. Boundary lines of the subdivision; of the proposed lots therein; of the rights-of-way for any streets, highways, roads, easements or other uses; and of dedications; all to be indicated by accurate dimensions, bearing or deflection angles, and radii, arcs, and central angles of all curves;

F. Notation and description of any protective improvements or dedications required by the city council or otherwise provided for;

G. Reference by name to any recorded subdivision or short subdivision adjoining the subdivision;

H. Name and right-of-way width of each street or other right-of-way;

I. Location, dimensions, and purpose of any easements;

J. Number to identify each lot and block;

K. Purpose of which sites, other than residential lots, are dedicated or reserved;

L. Plats filed for the purpose of reverting subdivided land to acreage shall be conspicuously marked by the title "The purpose of this plat is a reversion to acreage;"

M. Certificate by the surveyor certifying to the accuracy of the survey and plat in substantially the following form:

I, _____, a Professional Land Surveyor, do hereby certify that the plat of _____ is based upon an actual survey of the property herein described and that the distances, courses, and angles are shown thereon correctly and that monuments and lot corners have been set on the grounds as shown on the plat.

(Surveyor's signature and seal)

N. Acknowledged certificate of free consent executed by all parties having any interest in the lands being subdivided as shown by a current title report, and also, in the case of plats containing a dedication of roads, streets, or other areas, the dedication, waiver of claims for damages, and, if required, a waiver of direct access, all pursuant to RCW [58.17.165](#) and in a form substantially the same as specified by TMC [16.12.025\(H\)](#);

O. A statement evidencing irrigation water rights-of-way if the subdivision lies wholly or in part in an irrigation district;

P. Dedication by the owner of streets, rights-of-way, easements, and any sites for private, semiprivate, or public use;

Q. The signature of the director of public works and fire chief;

R. The signature of the city engineer or other licensed engineer acting on behalf of the city;

S. The signature of the administrator which shall certify that the final plat conforms with the conditions of approval for the preliminary plat of the subdivision;

T. A space for the signature of the mayor whose signatures shall evidence the approval of the final plat by the city council. (Ord. 86-26 § 2, 1986).

16.16.095 Final plat approval – Approval of subdivision agreement by the city council.

A. The city council shall review the final plat during a public hearing and shall approve the final plat if the council determines that the final plat conforms to the conditions of preliminary plat approval, that the final plat meets the requirements of this chapter, and that the public use and interest will be served by the subdivision; provided, that no plat shall be approved by the council for any land situated in a flood control zone as provided by Chapter [86.16](#) RCW without prior written approval of the Washington State Department of Ecology.

B. Upon approving the final plat, the city council authorizes the mayor to sign the final plat. (Ord. 86-26 § 2, 1986).

16.16.100 Final plat – Recording.

All final plats approved by the city council shall be filed for record immediately, or in accordance with approved construction completion schedule, or as soon as possible, by the subdivider in the Yakima County auditor's office. The subdivider shall be responsible for all filing fees. All final plats shall be accompanied by a current title report. (Ord. 86-26 § 2, 1986).

16.16.105 Subdivision agreement – Bonds filed prior to approval of final plat.

A. The subdivider shall provide a surety bond or other secure method acceptable to the city council (letter of credit, cash deposit, etc., approved by the city attorney) which provides for and secures to the city the actual construction of the improvements.

B. The value of the bond or surety shall be ~~100~~[125](#) percent of the value of the estimated improvements.

C. An application for use of a surety bond or other acceptable method of security shall be made to the administrator and shall describe the method of security to be provided and the estimated cost of the required improvements. The application, including the estimated cost of improvements and the general terms of the security agreement, shall be subject to review and approval by the administrator who shall notify the subdivider of tentative approval or rejection of the application within 14 days after its filing. (Ord. 86-26 § 2, 1986).

16.16.110 Maintenance bond.

The subdivider shall file with the city or propose some other method of security providing for and securing to the city the successful performance of required improvements for one year after acceptance and assuring the correction or repair of any defects in workmanship or material appearing within that one-year period, all as set forth in the city's standard specifications. (Ord. 86-26 § 2, 1986).

16.16.115 Concurrent building upon bonding of improvements.

In the event that improvements required by the city are bonded by the developer as a condition of final plat approval, concurrent building of structures and installation of required improvements shall be permitted. Occupancy permits will not be issued for homes so constructed until subdivision improvements are accepted by the city. (Ord. 86-26 § 2, 1986).

16.16.120 Submission of plans and specifications and notice prior to construction of improvements.

In the event that the improvements required by the city are to be commenced subsequent to preliminary plat approval, all plans and specifications for such improvements shall be provided to the city for approval and prior to the commencement of installation of such improvements five working days' notice shall be provided to the city. (Ord. 86-26 § 2, 1986).

REQUEST FOR PLANNING COMMISSION REVIEW

Meeting Date: May 21, 2025

Subject: Home Occupations

Attachments: Proposed Code Language

Presented by: Andrew Hattori, CED Director

Approved For Agenda By: Andrew Hattori, CED Director

Background:

Planning Commission discussed the potential modifications to Home Occupancies at the April 16, 2025 Planning Commission meeting, directing staff to revise the code to make it easier to understand and include provisions for a slight increase in allowable square footage. These modifications were made, and staff additionally presented the preliminary work for Council consideration at the May 5, 2025 City Council Study Session meeting. City Council relayed some concerns over the removal of neighbor considerations and the potential of excluding certain types of businesses.

Discussion:

A summary of proposed code modifications from the April 16, 2025 Planning Commission meeting:

- Repeal TMC section 17.56.050.
 - o TMC chapter 17.56 is for Special Property Uses that are heard by the Hearing Examiner, the intent of this code was to be administrative and should be removed entirely and placed elsewhere.
- Creation of TMC chapter 17.54.
 - o Creating a separate chapter for the home occupations provides ease when searching for this code and increased clarity to potential applicants.
- Remove conflicting language related to approvals and notices.

A summary of proposed additional code modifications after the April 16, 2025 Planning Commission meeting:

- Rewording TMC chapter 17.54 to be more user friendly.
- Increase allowable floor area for the home occupancy from 30 percent to 35 percent.

Staff presents this updated code for further discussion on additional amendments to the code to fit Toppenish's needs. Should this code amendment inevitably receive recommendation for approval, and City Council approval, extensive education opportunities for this amendment shall be implemented, including but not limited to:

- Public building postings.
- Social media postings.
- Pamphlets and fliers.
- Open house events to assist existing and potential business owners.

Staff is seeking guidance on the approval criteria and proposed amendments. Following such guidance the proposed amendment will be brought back to Planning Commission for further considerations.

Recommendation: Not Applicable

Chapter 17.54 Home Occupations

Sections:

17.54.010 Purpose

17.54.020 Application

17.54.030 Administrative decision

17.54.040 Approval Criteria

17.54.050 Appeal

17.54.060 Revocation of license and appeal

17.54.010 Purpose

This chapter is established to provide a means to provide a means for the conduct of business to be permitted as an accessory to an established residence within a residential district. The purpose is to create an administrative framework to authorize such uses that do not pose a disruption to or conflict with the existing and planned residential environment.

17.54.020 Application

Applications for a home occupation shall be submitted to the City on forms provided by the Development Services department with a fee as required, that may be amended from time to time, contained with the City's fee schedule.

17.54.030 Administrative decision

~~Special Property~~Home occupation permits may be issued as defined in TMC 17.08.170, by the zoning administrator or ~~his/her~~ their designee, within the R1 and R2 residential districts only.

17.54.040 Approval criteria

Applications for a home occupation shall be approved following the review by the zoning administrator or their designee once the applicant has shown that their business conforms with all of the following criteria:

- A. There must be a residence on site, and the ~~proprietor of the home occupation business must reside in that residence~~ property owner must provide approval for the home occupation business.
- 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~~³⁵ 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 setback areas.

~~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.~~

17.54.050 Appeal

Appeals of the zoning administrator's decision to the conditions of approval or the denial of a home occupation shall be submitted to the zoning administrator and reviewed by the Hearing Examiner in accordance with TMC 2.50.080. Appeals may only be filed by the applicant.

17.54.060 Revocation of license and appeal

A home occupation permit may be revoked by the zoning administrator if the zoning administrator find the home occupation no longer complies with the approval criteria set forth in 17.54.040 or the home occupation permit's approval criteria. The permit holder may file a written appeal to the revocation in accordance with TMC 17.54.050.