

## **REQUEST FOR PLANNING COMMISSION REVIEW**

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**Meeting Date:** April 19, 2025

**Subject:** Design District Code Discussion

**Attachments:** Proposed Code Amendment

**Presented by:** Andrew Hattori, CED Director

**Approved For Agenda By:** Andrew Hattori, CED Director

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### **Background:**

At the February 19, 2025 Planning Commission meeting a discussion related to the proposed amendment to the design district area and a comparison to the City of Winthrop's design district occurred. Ultimately it was determined that it was not in the best interest of the City to create a design district code mirroring that of Winthrops, however, our code needs to be updated to provide explicit requirements and instructions to benefit staff, applicants, and the planning commission. After discussing the materials staff was directed to modify and present an updated code chapter for the design district for review.

### **Discussion:**

Staff presents the attached proposed code amendment that can be summarized as:

- Change of “building inspector” to “building official” in all sections.
  - Toppenish does not employ a building inspector but has a building official.
- Amend TMC 17.26.040(B) to include the most recent verbiage for criteria from the National Trust for Historic Preservation.
  - Two-word modification to be verbatim with the criteria.
- Amend TMC 17.26.080 to include signage wording in section.
  - Clarifies that signage must follow the same procedure as building modifications.
- Amend TMC 17.26.080 to exempt all residential structures from the design criteria instead of just single family residential structures.
  - Current code only exempts single family structures, extending exemption to other residential structure types could benefit Toppenish's housing stock in the future.
- Amend TMC 17.26.100(A) to change the use of “insure” to “ensure”
  - Fixing grammatical error.
- Amend TMC 17.26.110 to modify design criteria.
  - Current design criteria is implicit and leaves significant “gray” area in determining if construction is or is not western themed. The proposed design criteria are those from the February 19, 2025 planning commission meeting.
- Amend TMC 17.26.120(D) to change who shall advise the building official on final determinations.
  - The planning commission currently does not have a secretary, a modification for the chair to report would be sufficient.

- Amend TMC 17.26.130(B) to include the design criteria as a reason for denying an application.
  - While it is implied that an application could be denied for not meeting the design criteria, the addition of the specific section would provide more clarity to staff, applicants, and the commission.
- Amend TMC 17.26.140(B) to determine the roles for approving or denying extension requests.
  - The amendment would have the building official receive any requests for extension and to clarify that the planning commission has the sole deciding factor on an approval or denial.
- Amend TMC 17.26.160(A) to change the appeal period and clarify day “types”
  - The amendment would change the appeal period to two weeks (10 working days) and clarifies that the period is for working days, not calendar days, as that has caused issues in the past.
- Amend TMC 17.26.160(B) to remove second appeal level to city council and set RCW 36.70C as the highest appeal level.
  - First appeals of the planning commissions determination would be heard by the hearing examiner, should the applicant wish to appeal further they would then be heard at superior court, this provides the highest level of legal processing of appeals and would be most beneficial to the process in adhering to our code and all applicable laws.
- Amend TMC 17.26.170 to include signage requirements and repeal TMC 15.10 relating to signage theming requirements.
  - Requiring signage to be approved by the planning commission in a manner similar to building modifications will provide extra accountability to businesses in ensuring that their signage meets the goals and requirements of the design district. Repealing the design district from the “sign code” in TMC 15 centralizes the location and requirements to provide an easier experience for users of the TMC.

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**Recommendation:** Not Applicable

**Alternatives:** Not Applicable

**Chapter 17.26**  
**DESIGN REVIEW DISTRICT**

Sections:

- [17.26.010 Creation – Purpose.](#)
- [17.26.020 Responsible agency.](#)
- [17.26.030 Boundaries.](#)
- [17.26.040 General criteria for determination of design district.](#)
- [17.26.050 Criteria evaluation for the design district.](#)
- [17.26.060 Permitted uses.](#)
- [17.26.070 Permit approval required.](#)
- [17.26.080 Application procedure.](#)
- [17.26.090 Application requirements.](#)
- [17.26.100 Criteria evaluation for permit approval or disapproval – Generally.](#)
- [17.26.110 General criteria – Western design.](#)
- [17.26.120 Powers – Duties – Jurisdiction.](#)
- [17.26.130 Findings.](#)
- [17.26.140 Expiration of approval.](#)
- [17.26.150 Enforcement.](#)
- [17.26.160 Appeal and city council review.](#)
- [17.26.170 Signs.](#)
- [17.26.180 Compliance.](#)

**17.26.010 Creation – Purpose.**

In order that the city and buildings within the city may not be injuriously affected; to promote the public welfare and to provide for the enhancement of the city and its structures thereby contributing to the social, cultural and economic welfare of the citizens of the city by developing an awareness of its historical heritage; to return unproductive structures to useful purposes and to attract visitors to the city, to allow for a reasonable degree of control to be exercised over the site development and architecture of the private and public buildings erected therein, recognizing the interdependence of land values, aesthetics and good site planning; to promote economic and environmental well-being as they are affected by the distinctive character and natural attractiveness which contributes substantially to the recreational resort area and regional trade center of the city; to enrich the lives and well-being of the citizens by promoting harmonious, safe, attractive and compatible development of the private and public buildings and therefore being in

furtherance of the public peace, health, safety and social, cultural and economic welfare of the citizens of the city; there is created a design review district, hereinafter called “design district.” (Ord. 2008-15 § 1, 2008; Ord. B-64 § 3, 1975).

#### **17.26.020 Responsible agency.**

The planning commission, which is the advisory commission created by Chapter [2.30](#) TMC, is designated as the official body on matters concerning the design district and the buildings and structures within its bounds. The planning commission shall review and act upon all architectural and historic preservation matters, applying the criteria as set forth in TMC [17.26.040](#) through [17.26.110](#), as such matters apply to buildings and structures, site plans, interdependence of land uses and values, and aesthetics, except as to “minor work” as provided in TMC [17.26.080](#). (Ord. 2008-15 § 1, 2008; Ord. B-64 § 4, 1975).

#### **17.26.030 Boundaries.**

The boundaries of the design district shall be as shown on a map, entitled “Design District Map,” which, together with all explanatory matter thereon, is incorporated herein by this reference. The design district map shall be identified by the signature of the city manager, attested by the city clerk with the seal of the city under the following words:

This is to certify that this map is the Design District map referred to in TMC [17.26.030](#).

(Ord. 2008-15 § 1, 2008; Ord. 93-32, 1993; Ord. 85-26 § 1, 1985; Ord. B-64 § 5, 1975).

#### **17.26.040 General criteria for determination of design district.**

The following criteria as proposed by the National Trust for Historic Preservation for determination of historic districts are adopted as general guidelines for the design district. Districts, sites, buildings, structures, and objects of national, state, and local importance are of historic significance if they possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

A. That are associated with events that have made a significant contribution to the broad patterns of our history; or

B. That are associated with the lives of persons significant ~~in history~~ [in our past](#); or

C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

D. That have yielded or may be likely to yield information important in prehistory or history. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 6, 1975).

#### **17.26.050 Criteria evaluation for the design district.**

A. The western design has played a significant role in the development of the city, the Yakima Valley and the state in that it is representative of settlements established to support the early growth of the cattle and range industry, the trade center of the Indian reservation in this region, and was a focus of industry and trade in the Yakima Valley since the late 1880s.

**Commented [AH1]:** To match the relevant Trust criteria which has been updated since 2008.

B. The design district is associated with the lives of many of the pioneers through property, business and commercial activities that were concentrated in that area.

C. Many of the buildings within the district embody the distinctive characteristics of the western style. For these and other reasons, the buildings combine to create an outstanding example which is significant and distinguishable in style, form, character, and construction, representative of its era. The district possesses integrity of location, original construction, and of feeling and association.

D. The restoration and preservation of the district will yield information of educational significance regarding the way of life and the architecture of the late nineteenth century as well as adding interest and color to the city. Restoration of the district will preserve the environment which was characteristic of an important era of the city's history and will be considerably more meaningful and significant educationally than if done for individual buildings. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 7, 1975).

#### **17.26.060 Permitted uses.**

Any use permitted by the existing zones over which this design district is superimposed shall be allowed. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 8, 1975).

#### **17.26.070 Permit approval required.**

The building inspector shall not issue any permit which by this chapter requires approval of the planning commission until such approval has been obtained, or until the passage of 180 days from the date of the hearing on the application for permit where the applicant has been heard, whichever is shorter. The cost and burden of obtaining planning commission approval shall be borne by the applicant. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 9, 1975).

#### **17.26.080 Application procedure.**

Any application for a permit for the erection or construction of a new building ~~or~~ structure, signage or modification, addition, alteration, moving or demolition of existing structures and signage which would affect the exterior appearance of any existing building. ~~or~~ structure, or signage located within the district shall be filed with the building ~~inspector~~ official. Upon preliminary approval by the building ~~inspector~~ official, the application shall be forwarded to the planning commission for review and the applicant shall be notified of the time and place thereof and he shall be heard; provided, that forwarding of applications to the planning commission shall not be required in the case of modification or alteration of the interior of a building or structure; provided further, that forwarding of applications to the planning commission shall not be required in the case of minor work, modifications, alterations, repairs or maintenance to the exterior of a building or structure which do not materially change the appearance of such building or structure with respect to any of the criteria set forth in TMC 17.26.100 and 17.26.110; provided further, that forwarding of applications to the planning commission shall not be required in the case of ~~single-family dwellings~~ residential structures or noncommercial buildings. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 10(a), 1975).

**Commented [AH2]:** Specifically adding signage to add extra clarification that it is included.

**Commented [AH3]:** Cleaning up word choice as we do not have a "building inspector" and should we have one in the future, they likely wouldn't be doing the plan review.

**Commented [AH4]:** Including all residential construction types.

#### **17.26.090 Application requirements.**

The planning commission may require the applicant to submit to it any or all of the following items:

A. Color photographs showing external views of all existing structures, both on the site and within the land use zone;

B. A development plan showing:

1. The legal description of the property;
2. The elevation by colored rendering;
3. The architectural design of the proposed buildings, structures or additions to existing buildings or structures, including signs, or the modification or alteration of existing buildings or structures in relationship to property lines, abutting streets and alleys;
4. The dimension of the property;
5. The traffic circulation within the area, including points of ingress and egress;
6. The location of usable open space;
7. Other information as may be required;

C. Nothing in this chapter shall be construed to reduce or alter any other building, plumbing, electrical, structural or other requirements as may be required by the building ~~inspector~~official. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 10(b), 1975).

**17.26.100 Criteria evaluation for permit approval or disapproval – Generally.**

In considering any application for planning commission approval, the planning commission shall be guided by the following criteria:

A. The planning commission shall examine the application to ~~insure~~ensure that all provisions of this chapter and all other ordinances, master plans, general plans and standards of the city shall be complied with where applicable.

Commented [AH5]: Grammatical cleanup.

B. The proposal shall not have any detrimental effect upon the general health, welfare, safety, and convenience of persons residing or working in the neighborhood; or shall not be detrimental or injurious to the neighborhood.

C. The proposal shall promote a desirable relationship of structures to one another, to open spaces and topography both on the site and in the surrounding neighborhood, all in keeping with the western design.

D. The height, area, setbacks, and overall mass, as well as parts of any structure (buildings, walls, signs, lighting, etc.) and landscaping shall be appropriate to the proposal, the neighborhood and the community.

E. Ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas and pedestrian ways shall be so designed as to promote safety and convenience.

F. The architectural character of the proposed structure shall be in harmony with, and compatible to, those structures in the neighboring environment, and the architectural character adopted for any given area, avoiding excessive variety or monotonous repetition.

G. All mechanical equipment, appurtenances and utilities, shall be concealed from view and integral to the building design.

H. The architectural character of a proposal shall take cognizance of the unique climatological and other environmental factors of this region and promote an indigenous architectural feeling. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 11(1), 1975).

#### **17.26.110 General criteria – Western design.**

The following general criteria is set forth for western design:

~~A. Western architecture of the 1800s and early 1900s usually involved wooden false front effects and usually contained a wooden post-supported, shake shingle marquee. Building styles also included exteriors of masonry, brick, and stone.~~

~~B. The false fronts normally used gave the viewer a square impression, although many buildings had gabled roof lines which were often hidden by the false fronts. The masonry and stone buildings used during that period were predominately flat-roofed, although residences infrequently had pitched roofs.~~

~~C. Shake shingles were often used on the face of the building forming a parapet of varying proportions but usually the parapet did not extend downward past the top of the windows.~~

~~D. Marquees were usually pitched and often covered with shake shingles; however, many of these porches were flat to allow for a sun deck which was usually enclosed by an ornate wooden fence and handrail. Sometimes, wrought iron was used for fencing of the sun deck.~~

~~E. Window shapes during this period were often square, arched, or rectangular and frequently were large enough to extend from floor to ceiling. Bay windows protruding outward from the main building walls were often used in four-to six-sided extensions. Window frames were usually simple and plain—free from ornate designs.~~

~~F. Doors were usually centered equidistant from the sides of the building front; however, buildings on corner lots often had entrances at the corner. Plain designs were predominate and glass doors were infrequent.~~

~~G. Street lighting and the exterior lighting on buildings usually were enclosed by carriage lamp fixtures. Gas lights of wrought iron and glass were frequent and lamps on the exteriors of buildings were usually of the same type but more infrequent.~~

A. Building exteriors shall be constructed using either masonry, brick, stone, and/or wood and wood-like materials.

B. Shake shingles shall be used on the face of buildings when forming a parapet. These shingles shall not extend past the top of windows.

C. Pitched marquees shall be covered with shake shingles. Flat covered porches shall include a sun deck and shall be enclosed by an ornate wooden or wrought iron fence and handrail.

D. Windows shall either be square, arched, or rectangular. New buildings shall construct windows that extend from floor to ceiling levels. Bay windows protruding outward from the main building

**Commented [AH6]:** Adding “specific” verbiage to the code to provide guidance to applicants and the planning commission.

walls shall be used in either four- to six-sided extensions. Windows shall be plain, ornate design are not permitted.

E. Doors on min-block buildings shall be centered equidistant from the side of the building front. Doors on corner buildings shall face towards the intersection of roads. Doors shall be constructed with materials that give the appearance of a wood finish.

F. Exterior lighting shall be constructed to include ornate lamp fixtures matching those from the Design District time period. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 11(2), 1975).

#### **17.26.120 Powers – Duties – Jurisdiction.**

A. The planning commission shall have the power to approve, conditionally approve, or disapprove all applications for permits as required by this chapter basing its decision on the criteria as set down in TMC 17.26.100 and 17.26.110.

B. It shall be the responsibility of the applicant to prove that the intent and purpose of the design district will be accomplished.

C. The planning commission, upon hearing an application, may impose such reasonable conditions as it may deem necessary in order to fully carry out the provisions and intent of this chapter. Violation of any such condition shall render any permit null and void as of the date of such violation.

D. The ~~secretary~~ chair of the planning commission shall advise the building inspector of any final action taken by the planning commission. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 12, 1975).

**Commented [AH7]:** Planning Commission no longer has a secretary. Replacing with “chair”.

#### **17.26.130 Findings.**

A. The planning commission shall approve, with or without conditions, an application or portion thereof, if they find that:

1. All provisions of ordinances of the city have been complied with.
2. Where applicable, all provisions of the master plans, the general plan and development policies and standards of the city have been complied with.

B. The planning commission shall deny an application or a portion of an application if they find that any ordinance of the city, the general plan, ~~the design criteria in TMC 17.26.110~~, or the development policies and standards of the city have not been complied with. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 13, 1975).

**Commented [AH8]:** Specifying the design section to add further clarification.

#### **17.26.140 Expiration of approval.**

A. The approval of an application shall expire and become null and void six months from the date of approval, providing that a building permit has not been issued, unless a different time period is made a condition of planning commission approval.

B. An extension of approval for an additional six-month period may be granted if the applicant files for the extension ~~with the building official~~ prior to the approval becoming void and the applicant shows reasons which justify extension of approval. ~~The planning commission shall have sole~~

**Commented [AH9]:** Clarifying who should receive requests for extensions.



jurisdiction in granting or denying a request for extension. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 13, 1975).

**Commented [AH10]:** Clarifying that planning commission is the authority in granting extensions.

#### **17.26.150 Enforcement.**

A. Prior to issuance of any required permit, under the ordinances of the city, if planning commission approval is required the building ~~inspector~~official shall ascertain that the planning commission has approved plans which are in conformance to those presented with the permit application and that the time limitations imposed by this chapter upon the planning commission have not elapsed.

B. The building ~~inspector~~official of the city shall insure that all matters approved by the planning commission are undertaken and completed according to the approval of the planning commission and is authorized to enforce the requirements set forth in this chapter, including the authority to issue a notice of civil infraction as set forth in TMC 17.26.180. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 14, 1975).

#### **17.26.160 Appeal and ~~city council~~hearing examiner review.**

**Commented [AH11]:** Appeals to hearing examiner instead of city council.

A. The approval, with or without conditions, or denial by the planning commission of an application may be appealed within ~~20~~10 working days from the date of the planning commission's decision. Any appeal therefrom shall be in writing to the hearing examiner of the city. Such appeal shall be filed with the ~~city clerk~~building official and shall indicate where, in the opinion of the appellant, the planning commission was in error. The ~~city clerk~~building official shall schedule the appeal for a hearing examiner agenda, and the hearing examiner shall uphold, modify, or reverse the decision of the planning commission.

**Commented [AH12]:** Two weeks is pretty standard and aligns with other project determination appeal periods. This also allows staff the ability to add the item to the next hearing on schedule, at 20 days it would be pushed two months out. Also clarifying the type of days applied.

B. Any applicant, or the city building inspector, having completed the appeal process described in subsection A of this section, and having further complaint, may appeal the decision of the hearing examiner ~~in accordance with RCW 36.70C, directly to the city council. Such appeal shall be in writing and filed with the city clerk within 20 days from the date of the decision by the hearing examiner. Such appeal shall indicate where, in the opinion of the appellant, the planning commission or the hearing examiner was in error. The city clerk shall schedule the appeal for a city council agenda and the city council shall uphold, modify, or reverse the decisions of either the planning commission or the hearing examiner. The decision of the city council shall be final.~~ (Ord. 2008-15 § 1, 2008; Ord. B-64 § 15, 1975).

**Commented [AH13]:** Appeal after hearing examiner would go to a superior court rather than to city council.

#### **17.26.170 Signs.**

~~All signs erected within the boundaries of the design district must comply with the provisions of Chapter 15.10 TMC.~~

A. All signage within the design district, regardless of structure or paint style, shall follow the process as detailed within TMC 17.26.080 and must be reviewed by the planning commission prior to painting or installation.

B. All signage that is not painted directly on a building or structure shall be constructed using either dimensional lumber or materials made to represent a dimensional lumber aesthetic.

C. Signage lettering, font, and color shall conform to a list of approved fonts and colors determined by the planning commission and maintained by the building official.

D. Artwork and other non-font related depictions contained on or within signage shall substantially contribute to the western design theming established within this chapter.

E. Signage utilizing adhesive materials to stick to window or door glass shall not be permitted. Signage to be displayed in windows or doors shall be hung with the attachment point outside of the window surface.

(Ord. 2008-15 § 1, 2008).

#### **17.26.180 Compliance.**

Any person who violates or fails to comply with any of the provisions of this chapter, or who counsels, aids or abets any such violation or failure to comply, shall be deemed to have committed a civil infraction, punishable as set forth in Chapter 2.90 TMC, Civil Infractions. The procedural requirements for issuing a notice of civil infraction, the duties and rights of the parties, the hearing procedures, penalties, restitution, and all other matters regarding processing a civil infraction notice shall be as set forth in Chapter 2.90 TMC. (Ord. 2008-15 § 1, 2008; Ord. 2008-8, 2008; Ord. B-64 § 16, 1975. Formerly 17.26.180).

#### **~~15.10.035 Western theme requirements:~~**

~~In addition to the requirements set forth elsewhere in this chapter, all signs must comply with the following requirements:~~

~~A. Except as may be approved by the planning commission for corporate logos, as specifically set forth below in subsection E of this section, lettering and colors shall conform to the list of fonts and colors as approved by the planning commission and maintained by the building official, which list shall include the corresponding Pantone color numbers that have been approved by the planning commission. Colors of paint, plastic, vinyl or other material must match the appropriate Pantone matching system color number that is equivalent to the color on the planning commission's list that has been approved, but if an exact match cannot be made because the manufacturer of the colored material does not use the Pantone system, then a color may be used that substantially matches the approved Pantone system number, if approved by the planning commission.~~

~~B. Hot, fluorescent, or neon colors are not allowed.~~

~~C. Artwork on signs, including bordering, pictures or graphics, is not required but if used must complement the western theme. Examples of artwork which have been approved by the planning commission are maintained by the building official.~~

~~D. Signs shall not distract or otherwise take away from the overall appearance of the western theme. See TMC 15.10.036.~~

~~E. The planning commission shall have the authority to approve corporate logos which have lettering, fonts, and colors other than those described in subsection A of this section, if they are~~

part of a graphic design used by commercial enterprises, organizations or institutions on their signs as unique icons, marks, emblems or words by which they can easily be recognized by the public; provided they comply with subsections B, C and D of this section. (Ord. 2012-5 § 2, 2012; Ord. 2010-4, 2010);