The City of Zillah is proposing several changes to Title 17 (Zoning Code) of the Zillah Municipal Code. The proposed changes include placing the correction of typographical errors throughout the Title, minor text and chart formatting throughout the Chapter, minor changes related to federal regulations within the Wireless Communications portion of Chapter 17.44, the new addition of text regarding Essential Public Facilities in Chapter 17.21, and the new addition entitled "Temporary Homeless Encampments" in Chapter 17.73.

Title 17

ZONING

Chapters:

17.02 General Provisions
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Chapter 17.04

DEFINITIONS

Sections:
17.04.010 Introduction.
17.04.020 Definitions.

17.04.010 Introduction.
For the purposes of this title, words used in the present tense also include the future; words or phrases used in the singular also include the plural; and words in the plural also include the singular. The word "shall" is mandatory and not permissive; and "may" authorizes the exercise of discretion. The words "used" or "occupied" include within their meanings "intended," "arranged," or "designed to be used or occupied." The word "person" includes a corporation, partnership, or other entity. (Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009)

17.04.020 Definitions.
A. Any word not specifically defined in this title and ZMC Title 15 shall have the meaning as defined by:
1. Webster's dictionary;
2. Black's Law Dictionary legal terms;
3. Chapters 36.70, 36.70A, and 36.70B RCW or as amended;
4. WAC 197-11-700 or as amended; and
5. The North American Industry Classification System (NAICS) Manual – United States, 20122002 (replaced the U.S. Standard Industrial Classification (SIC) system).

B. The following definitions shall apply to this title:
1. "Abandonment" or "abandoned" (as it relates to wireless communication facilities) means to:
a. Cease operation for a period of 60 or more consecutive days;
b. Reduce the effective radiated power of an antenna by 75 percent for 60 or more consecutive days;
c. Relocate an antenna at a point less than 80 percent of the height of an antenna support structure; or
d. Reduce the number of transmissions from an antenna by 75 percent for 60 or more consecutive days.
"Abandonment" or "abandoned" (as it relates to Land Use) means to:
a. A land use (use or structure) may be determined abandoned if the property owner expressly states in writing to the Planning Official the intent to abandon the land use, or engages in action which unambiguously expresses the intent to abandon (ie: closure of business, vacating site),

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

3. "Administrative decision" means a decision made by one of the planning or building official or his/her designee.

4. "Adult family home" means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

5. "Alley" means a dedicated narrow service way, not more than 20 feet wide, providing a secondary means of public access to abutting properties.

6. "Alterations" means as applied to a building or structure:
a) A change or rearrangement of the structural or nonstructural parts in the existing facilities; or
b) An enlargement or addition on a building or structure; or
c) Moving a building or structure from one location or position to another; or
d) A change of use.

47. "Amendment" means a change in the wording content, or substance of this title, or change in the district boundaries on the official zoning map.

8. "Antique" means a piece of furniture, glassware, silverware, art work or other items that are at least 60 years old and are distinguished from general secondhand personal property and collectibles by educational value, historic value, artistic value, ornamental character or intrinsic aesthetic merits.

~~5~~9. "Appeal" means a request for review of a reviewing official's decision, determination, order or interpretation of any provision of this title.

~~6~~10. "Application" means a request for any land use permit required from the city for proposed development or action, including without limitation building permits, conditional uses, commercial site development plans, planned developments, subdivisions, variances, site plan reviews, permits or approvals required by critical area ordinances, and site-specific rezones.

~~7~~11. "Attached" means, in the case of dwellings, two or more dwellings connected by a common vertical wall(s) or roofline or in the case of multistory buildings by a common ceiling/floor(s).

~~8~~12. "Automobile, truck, manufactured home and/or travel trailer sales" means a place used for the display, sale or rental of new or used automobiles, trucks, manufactured and mobile homes, travel trailers, and campers.

~~9~~13. "Base flood elevation" means that elevation, expressed in feet above adjacent grade, determined by the Federal Emergency Management Agency to which floodwater can be expected to rise on a frequency of once in every 100 years.

14. ~~10.~~ "Bed and breakfast inn" means a residential structure providing individuals with lodging and meals for not more than 30 days. For home occupations, such suites are limited to having not more than five lodging units or guest rooms.

15. ~~11.~~ "Boarding house" means an establishment providing both lodging and meals for not more than 10 persons residing in the facility on a permanent or semi-permanent basis.

16. ~~12.~~ "Building code" means the International Building Code and related codes as amended and adopted by the city of Zillah.

17. ~~13.~~ "Caretaker dwelling" means a single-family dwelling unit accessory to a professional, commercial or industrial use for occupancy by the caretaker, guards, or watchmen consisting of a dwelling unit not exceeding 800 square feet of living area and occupied by a caretaker, guards, or watchmen. Dwelling unit must be attached or inside the existing structure and only be in the commercial, commercial-tourism, manufactured-light and public lands and churches zone.

18. ~~14.~~ "Class 1 ~~uses~~" not requiring Class 2 or Class 3 review are permitted; provided, that zoning standards are met. The building/planning official shall use the procedures in Chapter 17.06 ZMC to review Class 1 uses and associated site improvements for compliance with the provisions and standards of the zoning district in which they are located. Class 1 uses require Class 2 review when:
   a. ~~a.~~ All or part of the development, except for agricultural buildings, single-family dwellings and duplexes, is in the floodplain; or
   b. ~~b.~~ The proposed use includes hazardous materials; or
   c. ~~c.~~ The applicant requests adjustment of one or more of the specific development standards pursuant to Chapter 17.22 ZMC.

19. ~~15.~~ "Class 2 ~~uses~~" are generally permitted in the zone; however, the compatibility between a Class 2 use and the surrounding environment cannot be determined in advance, and occasionally a Class 2 use may be incompatible at a particular location. Therefore, Class 2 review by the hearing examiner is required in order to promote compatibility within intent and character of the zone and the objectives and development criteria of the Zillah urban area comprehensive plan. The hearing examiner may approve, deny or impose conditions on the proposed use and site improvements. The procedures in Chapter 17.06 ZMC shall be used to review and evaluate Class 2 uses.

20. ~~16.~~ "Class 3 ~~uses~~" are generally not permitted in a particular zone, but may be allowed by the city council after Class 3 review and a public hearing. The city council may approve, deny, or impose conditions on the proposed use and site improvements, to promote compatibility with the intent and character of the zone and the objectives and development criteria of the Zillah urban area comprehensive plan. The procedures in Chapter 17.06 ZMC shall be used to review and evaluate Class 3 uses.

21. ~~17.~~ "Closed record appeal" means an appeal on the record with no new evidence or information allowed to be submitted and only appeal argument allowed.

22. ~~18.~~ "Centerline of right-of-way" means mid-point between the future alignments of the opposite edges of right-of-way.

23. ~~19.~~ "Compatibility" means the characteristics of different uses or development that permit them to be located near each other in harmony.

24. ~~20.~~ "Condition(s) of approval" means restrictions or requirements, imposed by a review official pursuant to authority granted by this title.

2~~1~~5. "Conditional use" means a use listed among those classified as a conditional use, but permitted to locate only after review by the hearing examiner, and the granting of a conditional use permit in a manner prescribed by Chapter 17.68 ZMC. In granting the permit, the hearing examiner may impose such performance standards as will make the use compatible with other permitted uses in the same vicinity and use district and assure against imposing excessive demands upon public utilities.

2~~2~~6. "Co-location" means the placement and arrangement of multiple wireless communication providers' antennas and equipment on a single support structure or equipment pad area.

2~~3~~7. "Day care center, nursery school, preschool" means any type of group day care programs, for children or adults, including nursery schools for children under the minimum age for education in public schools, parent cooperative nursery schools, playgroups for preschool children, covering after

school care for school children, and programs which provide organized learning and education experiences, provided such establishments are licensed by the state and conducted in accordance with state requirements. For the purpose of this title, the following shall also apply to day care centers, nursery schools or preschools:

a) "Babysitting care" means a dwelling which provides occasional custodial care to children, for periods of less than 24 hours, who do not reside within the residence of the person providing the care. Babysitting care is not necessarily provided in exchange for compensation.

b) "Home-based day care" means a home licensed by the Department of Social and Health Services and in which day care is regularly provided for not more than 12 children or adults for periods of less than 24 hours. Home-based day care requires a conditional use permit and permitted to be located in any home regardless of its zoning classification.

c) "Mini-day care center" means a place, other than the home of the provider, which provides regular custodial care for one to 12 children or adults for periods of less than 24 hours.

d) "Day care center" means a place which provides regular custodial care for 12 or more children or adults.

e) "Preschool/nursery schools" means a place that provides regular custodial care and/or organized learning and educational experiences for children.

~~"Day care center" means any nursery, nursery school, child care nursery or other building or premises used for the day care, apart from their parents or guardians, of more than six children, governed by the state day care center licensing provisions and conducted in accordance with state requirements.~~

248. "Development" or "development activity" means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

29. "Discontinuance" means the intentional or inadvertent cessation of a nonconforming use or the same or a more restrictive use of a nonconforming building including, but not limited to, the termination of a nonconforming tenancy and non-occupancy of the building for the required period or the cessation of a nonconforming business use of a building for the prescribed period.

30. ~~25.~~ "Division of land" for purposes of this title is any transaction or action, not otherwise exempt or provided for under the provisions of this title, which alters or affects the shape, size or legal description of any parcel. Sale of a condominium apartment and rental or lease of a building, facility or structure which does not alter or affect the legal description of an owner's "land" shall not institute a division of land.

31. ~~26.~~ "Domestic animal/pet" means dogs, cats, birds, snakes, small rodents, and rabbits, which can be and are continually kept or raised in a home or on a lot. Animals not considered being domestic animals include, but are not limited to, livestock and any endangered or exotic species of animals.

32. ~~27.~~ "Dripline" means a vertical plane defined by the eave, roof overhang, cornice or other permanent ornamental feature extending furthermost from the building.

33. ~~28.~~ "Dwelling, single-family" means a structure designed to contain a single dwelling unit. Single-family dwellings are further classified by their nature of construction as follows:

a. Site Built. Constructed primarily at the occupancy site and permanently affixed to the ground by a foundation.

b. Modular Home. See "Modular home."

c. Manufactured Home. See "Manufactured home" and "Mobile home."

34. ~~29.~~ "Dwelling, multifamily" means a single structure designed exclusively for occupancy by three or more families living independently of each other, and containing three or more dwelling units. Such definition may also include the terms "triplex," "apartments," etc.

35. "Dwelling, two-family. Two-family dwelling" means a building designed for or occupied exclusively by two families living independently of each other, except that common laundry facilities are allowed.

36. ~~30.~~ "Dwelling unit" means a structure or portion thereof designed exclusively for residential purposes.

37. ~~31.~~ "Electric vehicle battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by Chapter 19.28 RCW (electricians and electrical installations) and consistent with rules adopted under RCW 19.27.540 (electric vehicle infrastructure requirements)

38. "Electromagnetic field (EMF)" means the field produced by the operation of wireless communication equipment used in transmitting and receiving radio frequency signals.

39. ~~32.~~ "Environmental review" means the procedures and requirements established by the State Environmental Policy Act, Chapter 197-11 WAC and Chapter 43.21C RCW as they now exist or are hereafter amended.

40. ~~33.~~ "Equipment shelter" means the structure associated with a wireless communication facility that is used to house electronic switching equipment, cooling systems, and back-up power systems.

41. "Essential public facilities" means those facilities that are typically difficult to site, such as airports, state education facilities, state and local correctional facilities, state or regional transportation facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, and group homes not falling under the purview of fair housing laws, such as adult correctional work release facilities; and those facilities appearing on the list maintained by the State Office of Financial Management pursuant to RCW 36.70A.200(4).

42. ~~34.~~ "Exotic pets" means any animal not native to or not usually found as domestic pets in the United States, including but not limited to lions, tigers, bears, gorillas, chimpanzees, lynx, cougars, jaguars, venomous snakes, and including "wild animals" such as, but not limited to, wolves, raccoons, skunks, foxes, coyotes, and hybrid wolves and coyotes.

43. ~~"35.~~ Family" means an individual or two or more persons related by blood, marriage, or legal adoption, or a group of not more than five persons unrelated by blood, marriage, or legal adoption, but, subject to International Property Maintenance Code provisions regarding minimum area requirements per number of people in living spaces, living together as a single housekeeping unit and doing their cooking on the premises of the dwelling unit; provided, however, that dormitories, clubs, rooming houses having over two rooms, motels or hotels, and like groups of individuals shall not be considered a family.

~~"Family day care provider" means a child day care provider who regularly provides child day care and early learning services for not more than 12 children in the provider's home in the family living quarters.~~

44. ~~36.~~ "Finding" is a conclusion of fact reached by the reviewing official in a review process and based on the evidence available therein.

45. ~~37.~~ "Foster home" means an agency which regularly provides care on a 24-hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed. Foster-family home does not include homes for individuals residing in halfway houses, crisis residential centers (as defined in RCW 74.15.020(1)(c)), group homes licensed for juvenile offenders, or other facilities, whether or not licensed by the state, where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel. Foster-family homes shall be considered a residential use of property for zoning and public and private utility rate purposes. Foster-family homes shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family residential dwellings. ~~means a dwelling unit in which foster care is provided for unrelated children as part of the family where the total number of children, 18 years of age or less, does not exceed six, the total number of people residing on the premises does not exceed eight, and the dwelling unit is governed by the state foster care home licensing provisions and conducted in accordance with state requirements~~

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46. ~~38.~~ "Freestanding support structure," or "support structure," or "freestanding wireless communication facility (WCF)" means any built structure, including any guy wires and anchors, to which antenna and other necessary associated hardware is mounted.

47. ~~39.~~ "Game room" means a commercial facility, or portion thereof, open to the general public, in which card games, pool, electronic games, bingo, etc., are played. Also, see "Meeting hall."

48. ~~40.~~ "Garage (public)" means a building or portion of a building used for equipping, repairing, servicing, hiring, selling, or storing motor driven vehicles; but excluding private garages.

49. ~~41.~~ "Grade" means the average elevation of the finished ground level at the center of all walls of the building.

50. ~~42.~~ "Group care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a 24-hour basis. Group care facility does not include homes for individuals residing in halfway houses, crisis residential centers (as defined in RCW 74.15.020(1)(c)), group homes licensed for juvenile offenders, or other facilities, whether or not licensed by the state, where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel. Group care facilities shall be a permitted use in areas zoned for commercial purposes (C-1). Group care facilities are not permitted in the Old World Design overlay district as described in ZMC 15.30.170.

51. "Group home" means a residence that is licensed as either a boarding home or an adult family home by the Washington State Department of Social and Health Services under Chapter 388-76 or 388-78A WAC. Group homes provide community residential instruction, supports, and services to two or more clients who are unrelated to the provider. Group home does not include homes for individuals residing in crisis residential centers (as defined in RCW 74.15.020(1)(c)), group homes licensed for juvenile offenders, or other facilities, whether or not licensed by the state, where individuals are incarcerated or otherwise required to reside pursuant to court order

under the supervision of paid staff and personnel. Group homes shall be a permitted use in all areas permitting single-family homes (R-1, R-2, & R-3).

~~"Group home" means a place for handicapped, physically or developmentally disabled adults, or dependent or predelinquent children, providing special care in a homelike environment. This definition does not include homes of this nature for six or fewer persons, excluding house parents.~~

52. ~~43.~~ "Halfway house" means a home for juvenile delinquents and adult offenders leaving correctional and/or mental institutions; or a rehabilitation center for alcohol and/or drug users; which provides residentially oriented facilities for the rehabilitation or social adjustment of persons who need supervision or assistance in becoming socially reoriented, but who do not need institutional care.

53. ~~44.~~ "Height (building)" means the vertical distance between the grades as defined in this chapter and the highest part of the coping on a flat roof, or the deck line on a mansard roof, or the average height of the highest gable of a pitched or hipped roof.

54. ~~45.~~ "Homeless encampment" means an emergency homeless encampment, sponsored by a religious organization and managed by said religious organization or other managing agency, which provides temporary housing to homeless persons either within buildings located on the property owned or leased by a religious organization or located elsewhere on said property outside of buildings. The term "homeless encampment" shall not apply to the provision of indoor temporary housing or indoor sleeping accommodations to homeless persons where the period of accommodation lasts less than 48 consecutive hours.

55. "Home occupation" means the accessory use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services in the home.

56. ~~46.~~ "Home occupation, business administration" means the accessory use of a dwelling as an administrative office for an occupation conducted away from the home. The home is used for phone calls, mail and completing paperwork associated with a business. This definition does not include manufacturing sales, repair or other services.

~~47.~~ "Impervious surface" means any material which reduces or prevents absorption of stormwater into previously undeveloped land. mainly artificial structures—such as pavements (roads, sidewalks, driveways and parking lots) that are covered by impenetrable materials such as asphalt, concrete, brick, and stone--and rooftops.

57. ~~48.~~ "Irrigation and/or drainage facilities" means all irrigation and/or drainage structures, including, but not limited to, standpipes, weir boxes, pipelines, ditches, pump houses, culverts, etc.

58. ~~49.~~ "Landscaping" means the arrangement and planting of trees, grass, shrubs and flowers, and the placement of fountains, patios, street furniture and ornamental concrete or stonework and artificial turf.

59. ~~50.~~ "Land use" means the manner in which land and structures are used.

60. ~~51.~~ "Livestock" means animals not meeting the definition of domestic animal/pet kept either in open fields or structures for training, boarding, home use, sales, or breeding and production use

or profit, including horses, mules, donkeys, ponies, cattle, llamas, emus, goats, pygmy goats, sheep, or other animals as determined by the planning official to be similar in nature and size.

61. ~~52.~~ "Lot" means a division of land:
   a. ~~a.~~ Having defined boundaries and shown on a final plat or short plat officially recorded in the Yakima County auditor's office; or
   b. ~~b.~~ Which is a legally recognized prior division or parcel under the provisions of Yakima County's subdivision ordinance ~~(title)~~ or Chapter 17.26 ZMC, Subdivisions.

62. ~~53.~~ "Lot (corner)" means a lot situated at the intersection of two or more streets, providing the angle of the intersection does not exceed 135 degrees. Lots situated on intersections where the angle of the intersection exceeds 135 degrees shall not be considered corner lots.

63. ~~54.~~ "Lot of record" means a lot shown on an officially recorded plat or subdivision, or a parcel of land the deed or contract of sale of which is officially recorded, is considered as a unit of property, and legally described. "Officially recorded" includes either official recordation with the county auditor or payment of excise tax to the county treasurer, so long as the date of payment, if officially stamped on the document and that date is prior to the effective date of Ordinance 475, May 1981.

64. ~~55.~~ "Lot width" means the horizontal distance between the side lot lines measured at the rear of the required front setback.

65. ~~56.~~ "Manufactured home" means a residential unit which is a single-family dwelling built according to the United States Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national preemptive building code. A manufactured home also: (A) includes plumbing, heating, air conditioning, and electrical systems; (B) is built on a permanent chassis; and (C) can be transported in one or more sections with each section at least 10 feet wide and 32 feet long when transported, or when installed on the site is 320 square feet or greater.

~~is at least 32 feet in length and 10 feet in width, having been transported to the site location on wheels or by truck, and designated to be used with an approved foundation in accordance with HUD standards as a dwelling unit on a year-round basis, which bears an insignia issued by a state or federal regulatory agency indicating that the home complies with all applicable construction standards of the U.S. Department of Housing and Urban Development's definition of a manufactured home. In the absence of the insignia, certification must be received from the State Department of Labor and Industries that the manufactured home is in compliance with the Federal Manufactured Housing Standards.~~

66. ~~57.~~ "Meeting hall" means a private or quasi-private facility in which defined groups or organizations come together for meetings and social events. Includes private bridge club type card rooms, Grange Halls, etc.

67. "Micro-brewery" means a business engaged in the production of beer and licensed by the Washington State Liquor Board as a B1 Domestic Brewery, producing less than 60,000 barrels annually.

68. "Micro-winery" means a business licensed by the Washington State Liquor Board as a W1 Winery, producing less than 99,999 liters annually.

5870. "Minor WCF facility" means a wireless communication facility consisting of up to six antennas, each of which is either:

a. A panel antenna six feet in height and with an area of not more than 580 square inches;

b. A whip antenna, no more than four inches in diameter and no more than six feet in length;

c. A tubular antenna no more than 18 inches in diameter and six feet in height; and an associated equipment cabinet that is six feet or less in height and no more than 48 square feet in floor area.

Slight size, type, and dimensional variances may be allowed by the city as technology changes occur. A minor facility does not include the construction or erection of a new freestanding support structure though it may include the installation of such facility on an existing support structure.

71. ~~59.~~ "Minor modification" means a modification to a WCF facility that causes no expansion of the nature or intensity of the existing facility, contains six or less antennas, and does not create or significantly increase environmental impacts.

72. ~~60.~~ "Mobile home" means any vehicle or portable structure built prior to the enactment of the National Manufactured Home Construction and Safety Standards Act of 1974, designed for mounting on wheels and intended for use as a residence, except parked and unoccupied recreational vehicles, which meet the standards of the Washington State Department of Labor and Industries.

73. ~~61.~~ "Mobile/Mmanufactured ~~home park~~Home Park" means a parcel, or contiguous parcels of land under a single ownership, which has been planned and improved, for the placement of two or more mobile/manufactured homes for residential purposes.

74. ~~62.~~ "Mobile/manufactured home space" means a designated area of ground within an established or approved mobile home park that is leased or rented for the accommodation of one mobile/manufactured home.

75. ~~63.~~ "Modular home (kit built)" means a residential structure which meets the requirements of the International Building Code and is constructed in a factory and transported to the building site. This definition does not include a mobile home, manufactured home, commercial coach, recreational vehicle or motor home. The same standards shall apply to modular homes as are applied to manufactured homes. See "manufactured home."

A. A factory-built structure that was constructed in accordance with the U.S. Department of Housing and Urban Development requirements and bearing an appropriate Department of Labor and Industries insignia indicating such compliance; or

B. A factory-built structure designed for human occupancy, which is entirely or substantially prefabricated or assembled at a place other than a building site and is transported to a building site on streets or highways and there affixed to a permanent foundation. A factory-assembled home must be constructed to International Building Code standards as adopted by the city of Zillah for on-site construction, the Washington State Energy Code and all other uniform codes adopted by the city of Zillah governing the construction of residential structures.

76. ~~64.~~ "Nonconforming lot" means a use of land or a structure(s) which was lawfully established and maintained at the effective date of the ordinance codified in this title, but does not conform to this title for the district in which it is located.

77. ~~65.~~ "Nonconforming use" means a building, structure or land use that existed prior to the effective date of the provisions of the ordinance codified in this title, but which, because of the application of this title to it, no longer conforms to the use, setback, maximum lot coverage or other regulations prescribed in this title for the district in which it is situated. A "legal nonconforming use" means a use that was lawfully established in full compliance with the laws in effect at the time it was created.

78. ~~66.~~ "Nuisance" means any use, activity or structure that interferes with the enjoyment and use of one's property by endangering personal health or safety, offending the human senses and/or failing to conform with the provisions, intent, or standards of the district in which the use, activity or structure occurs.

79. "Nursing or convalescent home" means any building where persons are housed or lodged and furnished with meals and nursing care and which premises are licensed by the state of Washington.

80. ~~67.~~ "Occupancy" means the purpose for which a structure, portion of a structure, or lot is used or intended to be used. For purposes of this title, a change of occupancy is not intended to include a change of tenants or proprietors, but is intended to indicate a change in the type of uses.

81. ~~68.~~ "Open record hearing" means a hearing that creates the record through testimony and submission of evidence and information. An open record hearing may be held on an appeal if no open record hearing has previously been held on the application. (See "Closed record appeal.")

82. ~~69.~~ "Outdoor advertising" means any structure or portion thereof, recognized as a billboard, used to advertise goods or services not generally available on the premises on which the display is located.

83. ~~70.~~ "Party of record" means the applicant and any other person who has submitted written comment on any action or proposed action, or who has appeared at a public hearing or public meeting and signed an official register requesting notice of further action.

84. ~~71.~~ "Pet shop" means any person, partnership, company or corporation, whether operated separately or in connection with another business enterprise, which buys, sells or boards any species of animal.

85. ~~72.~~ "Permit" means written governmental approval issued by an authorized official, empowering the holder thereof to take some action permitted only upon issuance of written approval.

86. ~~73.~~ "Personal services" means technical services and specialized care services such as tattooing, massage parlors, lawn and garden care, delivery services, except as otherwise regulated.

87. ~~74.~~ "Personal wireless service facility" or "wireless communication facility (WCF)" or "wireless facility" or "facility" means a wireless communication facility for the transmission and/or reception of radio frequency signals and which may include antennas, equipment shelter or

cabinet, transmission cables, a support structure to achieve the necessary elevation, and reception and transmission devices and antennas.

88. ~~75.~~ "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in Title 47 USC Section 332(c)(7)(C).

89. ~~76.~~ "Plat" is a map or representation of a division, showing thereon the division of a tract or parcel of land into lots, blocks, streets, alleys or other division and dedications.

90. ~~77.~~ "Planned development" means a development involving variations from provisions of a given zoning district, particularly with respect to use, density, height, and setbacks, to permit flexibility that will encourage a more creative approach in the development of land and will result in a more efficient, aesthetic and desirable environment. A planned development is permitted only if approved by the city council upon the recommendation by the hearing examiner.

91. ~~78.~~ "Preliminary plat" is an orderly and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other intents of a subdivision consistent with the requirements of this title. The preliminary plat will serve as the basis for the approval or disapproval of the general layout of a subdivision.

92. ~~79.~~ "Professional business" means a business primarily engaged in administrative or service related functions and dependent upon professional staff such as lawyers, doctors, realtors, travel agents, bankers, accountants, engineers, and consultants; or providing administrative governmental services.

93. ~~80.~~ "Recreational vehicle" means a vehicle-type unit designed for temporary living quarters for recreational camping or travel; which either has its own motive of power or is mounted on or drawn by another vehicle and which has a body width of no more than eight feet and a body length not to exceed Department of Transportation limits when factory equipped for the road. Different classes of recreational vehicles shall include but not be limited to the following:

a. ~~a.~~ "Travel trailer" means a trailer or other vehicular portable structure designed as a temporary dwelling for travel, recreational or vacation uses to be used upon the public streets and highways and which is 45 feet or less in length and eight feet in width.

b. ~~b.~~ "Camper" means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and/or vacation.

c. ~~c.~~ "Motor home" means a portable, temporary dwelling constructed as an integral part of a self-propelled vehicle to be used for recreational camping, travel and/or vacation.

d. ~~d.~~ "Camping trailer" means folding structure mounted on wheels and designed for travel, recreation and vacation.

e. ~~e.~~ "Dependent RV" means an RV containing sanitary facilities and devices for connecting said facilities to a community waste disposal system.

94. ~~81.~~ "Recreational vehicle lot/site" means a plot of ground within a recreational vehicle park intended for temporary location of a recreational vehicle as a dwelling unit.

95. ~~82.~~ "Recreational vehicle park" means a tract or parcel of land upon which sites are located, for the occupancy by recreational vehicles as temporary living quarters.

96. ~~83.~~ "Recycling center" means a facility where discarded household products such as aluminum and tin cans, glass, paper, and other similar individual consumer products are deposited and stored for future reprocessing.

97. ~~84.~~ "Retail businesses" means those uses primarily engaged in the sale of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

98. ~~85.~~ "Retail services" means uses providing services, as opposed to products, to the general public. Examples are eating and drinking establishments, motels, real estate and financial offices and uses providing health education and social services.

99. ~~86.~~ "Retail trade" means those uses primarily engaged in the sale of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Lumberyards, office supply stores, nurseries, butcher shops, paint stores and similar uses shall be considered as retail trade establishments even though a portion of their business may be contractors or other business establishments.

100. ~~87.~~ "Retirement home" means an establishment operated for the purpose of providing domiciliary care for a group of persons who by reason of age are unable or choose not to provide such care for themselves and who are not in need of medical or nursing treatment except in the case of temporary care. Convalescent or rest homes, hospitals and sanitariums shall not be construed to be included in this definition.

101. "Secondhand dealer" means an establishment having any portion of its stock-in-trade in "secondhand personal property" as that term is defined in secondhand personal property.

102. "Secondhand personal property" means any item (or part thereof) of secondhand personal property, regardless of condition, age or value, including scrap and melted metals, excepting the following: stamps, coins, books, reconditioned appliances, empty food containers, compact discs, computer software, goods used in trade-ins on the purchase of other merchandise of the same or greater value, used automobiles, unclaimed goods sold to collect mechanics' liens and antiques.

103. ~~88.~~ "Secure community transition facility (SCTF)," consistent with the requirements and state limitations of state law, shall mean a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A SCTF has supervision and security, and either provides or ensures the provision of sex offender treatment services. SCTF include, but are not limited to, facilities established pursuant to RCW 71.09.250 or as it may be amended, and any community based facilities established under RCW Title 71, and operated by or under contract with the Secretary of the Department of Social and Health Services.

104. ~~89.~~ "Setback" means the minimum horizontal distance required between the property line and a structure as measured by a perpendicular line extending from the property line to the closest wall line of the structure. In the case of carports, covered porches, patios and similar structures, the wall line shall be considered the roof drip line with a maximum three-foot overhang.

105. ~~90.~~ "Short subdivision" or "short plat" is the division or re-division of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

106. ~~91.~~ "Sign" means any structure, or portion thereof, or device identifying the premises on which it is located or the occupant(s) thereof, or relating to goods or services manufactured, produced or available.

107. ~~92.~~ "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it. The space between such floor and the ceiling next above it shall be considered a story.

108. ~~93.~~ "Structural alterations" means any change in the supporting members of a building such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or changes in the roof or exterior lines if such changes result in any enlargement of the building.

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

110. ~~95.~~ "Subdivision" or "long plat" is the division or re-division of land into 10 or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

111. ~~96.~~ "Temporary caretaker unit" means a residential use accessory in the R-1, R-2, R-3 and SR zone ~~to a nonresidential use~~ consisting of a dwelling unit not exceeding 800 square feet of living area and occupied by a caretaker ~~or watchperson~~ for a period not to exceed six months with the intent to remove such structure after the time period expires.

112. ~~97.~~ "Temporary sign" means a sign used to advertise an event or use of a temporary nature and/or duration such as political and other election campaign signs including school levies, or legal temporary commercial uses such as properly licensed yard sales.

113. ~~98.~~ "Used mobile home" means a mobile home which has been previously sold at retail and has been subjected to tax under Chapter 82.08 RCW or as it may be amended, or which has been previously used and has been subjected to tax under Chapter 82.12 RCW or as it may be amended, and which has substantially lost its identity as a mobile unit at the time of sale by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities.

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

115. ~~100.~~ "Waste" means for purposes of the Hazardous Waste Management Act the following:

a. ~~a.~~ "Hazardous waste" means all dangerous and extremely hazardous waste as defined in RCW 70.105.010(15) or as it may be amended.

b. ~~b.~~ "Hazardous waste generator" means any person or site whose act first causes a dangerous waste to become subject to regulation under the state dangerous waste regulations.

c. ~~c.~~ "Hazardous waste storage" means the holding of hazardous waste for a temporary period, as regulated by the state dangerous waste regulations.

d. ~~d.~~ "Hazardous waste treatment" means the physical, chemical, or biological processing of hazardous waste for the purpose of rendering these wastes nondangerous or less

dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, as regulated by the state dangerous waste regulations.

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

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

g. ~~g.~~ "State siting criteria" means criteria for the siting of hazardous waste treatment and storage facilities adopted pursuant to the requirements of RCW 70.105.210 or as it may be amended.

116. ~~101.~~ "Zero lot line" means the location of a dwelling on a lot in such a manner that one of the sides of the dwelling rests directly on a side lot line. (Ord. 1316 § 1 (Exh. A), 2012; Ord. 1289 § 1 (Exh. A), 2011; Ord. 1213 §§ 14, 15, 2009; Ord. 1202 § 2 (Exh. A), 2009)

Chapter 17.05

APPLICATION FORMS

Sections:
17.05.010 Application forms.

17.05.010 Application forms.

A. An application shall be made using the appropriate form provided by City Hall.

B. Each application form shall, at a minimum, include the following:

1. The application form shall be filled out legibly, in blue or black ink, either hand printed or typewritten;
2. The name, mailing address and telephone number of each applicant;
3. The name, mailing address and telephone number of the applicant's representative, if any;
4. The name, mailing address and telephone number of each owner of the subject property, if different than the applicant(s);
5. The name, mailing address, telephone number and contractor registration number of the applicant's prime contractor, if any;
6. The parcel number, legal description and assessor's parcel map for each parcel which is the subject of the proposed development;
7. The signatures of each applicant or the applicant's representative, and each property owner if different than the applicant(s);
8. Any other information, documents or materials, as determined by the ~~director~~Planning Official, which may be required in the body of the form or by an attachment to the form, e.g., a narrative description of the project.

C. Each application form shall require designation of a single person or entity to receive determinations and notices required under this code or by Chapter 36.70B RCW or as it may be amended. Where a determination or notice to the "applicant" is required by this code or Chapter 36.70B RCW, "applicant" shall mean the person or entity so designated. (Ord. 1316 § 1 (Exh. A), 2012; Ord. 1289 § 1 (Exh. A), 2011)

E. It shall be the duty of the planning official(s) to administer the provisions of ZMC Title 15 and this title and to coordinate the implementation of all planning requirements and activities in the city, and to interpret the provisions of this code. The planning official(s) and all authorized city representatives are hereby empowered to cause any structure or tract of land to be inspected and examined, and to order, in writing, the remedying of any condition found to exist in violation of any provision of the Zillah Municipal Code or city ordinances; and

F. The city attorney shall advise the planning commission, hearing examiner, city council, mayor, and city staff regarding the legal interpretations, applications, and the enforcement of this title. (Ord. 1316 § 1 (Exh. A), 2012; Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009)

17.06.020 Project review classifications.

Three classes of review are established for the purposes of administering this title. These three classes, their appropriate decision-maker, hearing body, appellate body, and the types of permits included in each class are contained in the following table:

Class of Review	Types of Land Use Actions and Permits	Open Record Hearing Body	Closed Record Hearing Body	Decision Maker	Appellate Body
Class 1	– Building Permits[1] – Certificates of Occupancy – Certificates of Zoning Compliance – Fence Permits[1] ~~– Roofing Permits[1]~~ – Notice of Violations – Stop Work Orders[1] – Title Elimination – Administrative Interpretations/or Decisions – Minor Amendments to Approved Project Plans – Boundary Line Adjustments – Administrative Short Plats (4 lots or less) – Administrative Site Plan Review – SEPA Determinations/Actions – Utility Easement Release- No Plat involved – Special/ Temporary Use Permits – Time Extensions – Critical Areas – Qualified Exemption – Other Permits as Required – Telecommunication Facilities (minor modifications)	None	None	Planning Official	Hearing Examiner[1]/City Council[2]/Superior Court
Class 2	– Appeals of Class 1 Decisions – Commercial Site Development – Conditional Uses	Hearing Examiner	None	Hearing Examiner	City Council[2]/Superior Court

Class of Review	Types of Land Use Actions and Permits	Open Record Hearing Body	Closed Record Hearing Body	Decision Maker	Appellate Body
	– Short Plats-(5 to 9 lots) --Short Plat Amendments – Variances – PUD Amendments – Technical – Telecommunication Facilities (major modifications)				
Class 3	– Comprehensive Plan Amendments/Text – Development Regulations – Annexation	Planning Commission	City Council	City Council	City Council[2]/Superior Court
Class 3	– Appeals of Class 2 Decisions – Planned Developments-new – PUD Amendments – Concept – Rezones – Long Plat (10 or more lots) – Telecommunication Facilities (new)	Hearing Examiner	City Council	City Council	City Council[2]/Superior Court
Special	– Street Vacations	City Council	None	City Council	City Council[2]/Superior Court

Footnotes:

1. Appeals shall be heard by the hearing examiner.
2. A request for reconsideration must be filed before an appeal of a city council decision can be filed in superior court.

(Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009)

E. Within 28 days of submittal, the city shall conduct a review of all application materials to determine if the application is complete and ready for processing. The city shall then make a determination of completeness and shall provide the applicant with written notification which states:

1. The application is complete and ready for processing, or that the application is incomplete and what is necessary to make the application complete;
2. To the extent known by the city, other permits that may be required for the proposed project; and
3. To the extent known by the city, the identity of other agencies with jurisdiction over the application.

F. Nothing in this title shall limit the planning official from incorporating the notice of application and determination of completeness into one document.

G. The issuance of a determination of completeness shall not preclude the city from requesting additional information from the applicant in order to complete the processing of an application.

H. If the city determines an application is not complete, or that additional information is necessary to complete the review of the application, and the applicant fails to respond to the request from the city in the established time frames, the city shall notify the applicant in writing that the application has lapsed and become void. (Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009. Formerly 17.06.070)

17.06.090 Application vesting.

A project permit application shall vest upon the submission of a fully completed project permit application, as defined in ZMC 17.06.080. Vesting shall apply to land use regulations in effect on the land at the time a fully completed project permit application(s) has been accepted as complete pursuant to ZMC 17.06.080. (Ord. 1289 § 1 (Exh. A), 2011)

17.06.100 Notice of application.

Following the issuance of a determination of completeness, the city shall issue a notice of application for all Class 2 and Class 3 project permit applications.

Notices of application shall include:

A. A description of the proposed action;

B. Identification of the permits and approvals that may be required and opportunities for public review and comment; and

C. SEPA actions taken or preliminary SEPA threshold determinations, if any. (Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009. Formerly 17.06.080)

17.06.110 Preliminary SEPA determination.

A preliminary SEPA threshold determination or preliminary SEPA action may be included with notice of application if such preliminary actions have been made at the time the notice of application is issued. A preliminary SEPA threshold determination, or preliminary SEPA action, does not substitute, or in any way circumvent, the process for making a final SEPA threshold determination or in taking a SEPA action. Preliminary SEPA determinations are intended to encourage early public comment on project applications. (Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009. Formerly 17.06.090)

17.06.120 SEPA threshold determinations.

A threshold determination is required for any proposal that is not categorically exempt within 90 days that an application has been deemed complete. All threshold determinations shall result in a determination of non-significance (DNS), or a determination of significance (DS); provided, that the city may also issue a mitigated determination of non-significance (MDNS) based on conditions attached to the proposal, or on changes to, or clarifications of, the proposal made by the applicant:

A. After submission of an environmental checklist and prior to a threshold determination, an applicant may ask whether the city is considering issuing a DS. If so, the applicant may clarify or change features of the proposal to mitigate the impacts which make the DS likely. If a proposal continues to have a probable significant adverse environmental impact, even with the mitigating measures, an EIS shall be prepared.

B. If a preliminary SEPA threshold determination was not made in conjunction with a notice of application, and no probable significant adverse impacts are anticipated, a determination of non-significance shall be issued and at least a 14-day comment period may be required (WAC 197-11-340(2)(a) or as it may be amended).

C. If an ~~predecision~~ open record public hearing is required, the SEPA threshold determination must be issued at least 15 days before the hearing.

D. Except for a determination of significance (DS), the city may not issue a decision on a project application until the expiration of the public comment period on the notice of application.

E. If the city makes a SEPA determination of significance (DS) concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice.

F. Whenever the city makes a threshold determination, it shall seek to include the public notice for this SEPA action with the notice of application or notice of decision for any associated land use application(s) or permits.

1. If no public notice is required for the permit or approval, the city shall give notice of the DNS or DS by publishing a notice in the city's newspaper of record.
2. Whenever the city issues a DS, all public notices shall state the scoping procedure for the required EIS.
3. Whenever the city issues a DEIS, or SEIS, notice of the availability of those documents shall be given by:
    a. Indicating the availability of the DEIS or SEIS in any public notice required for an associated land use application or permit;
    b. Posting the property, for site-specific proposals;
    c. Publishing notice in the city's newspaper of record;
    d. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
    e. Notifying the news media; and/or
    f. Publishing notice in agency newsletters and/or sending notice to agency mailing lists.

G. Mitigation measures incorporated in the MDNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city. (Ord. 1316 § 1 (Exh. A), 2012; Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009. Formerly 17.06.100)

17.06.130 Determination of consistency.

This consistency review will consist of a review of the type of land use(s) permitted at the site, the level of development allowed, infrastructure analysis, and the character of the development.

A. Consistency should be determined in the project review process by considering four factors found in applicable plans and regulations:

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2. The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs and resources to the end that the state and its citizens may:

a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

b. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

d. Preserve important historic, cultural, and natural aspects of our national heritage;

e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources. (Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009)

17.08.030 Adoption of SEPA rules.

The city adopts Chapter 197-11 WAC by reference unless otherwise noted or modified by the provisions of this title. (Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009)

17.08.040 Categorical exemptions.

All proposed projects or development activities are subject to the provisions of this chapter and Chapter 197-11 WAC or as it may be amended except those activities that are identified in WAC 197-11-800 as being categorically exempt from SEPA; *except* as follows ~~provided, that~~:

A.

(a) The proposal is not exempt under WAC 197-11-908, critical areas.

(b) The proposal is a segment of a proposal that includes:

(i) A series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not; or

(ii) A series of exempt actions that are physically or functionally related to each other, and that together may have a probable significant adverse environmental impact in the judgment of an agency with jurisdiction.

~~The following new construction activities are exempt from the provisions of this chapter and Chapter 197-11 WAC or as it may be amended, unless the site contains critical areas:~~

~~1. The construction or location of up to 20 dwelling units;~~

~~2. The construction of a barn, loafing shed, farm equipment storage building, produce storage, or packing structure, or similar agricultural structure, covering up to 30,000 square feet; provided, that said structure complies with all other provisions of the city code and is to be used by the property owner or his or her agent in the conduct of permitted farming of the property;~~

~~3. The construction of an office, school, commercial, recreational, service, or storage building with up to 12,000 square feet and associated parking facilities designed for no more than 40 automobiles;~~

~~4. The construction of a parking lot designed for up to 40 automobiles; or~~

~~5. Any landfill or excavation of 500 cubic yards throughout the total lifetime of the fill or excavation.~~

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Chapter 17.14

ZONING DISTRICTS

Sections:

17.14.010 Zoning districts established.
17.14.020 Unclassified areas.
17.14.030 Boundary interpretations.
17.14.040 Table of permitted uses.

17.14.010 Zoning districts established.

In order to classify, segregate, and regulate the use of land, buildings and structures, the following zoning districts are created:

A. Low Density Residential (R-1). This zone is established to provide for lower density single-family residential developments in a traditional neighborhood setting. Nonresidential uses should be nonintrusive to protect and preserve the neighborhood character and property values. The district is characterized by single-family units. The density in the district is generally seven dwelling units or less per acre.

B. Moderate Density Residential (R-2). This zone is established to provide for moderate density residential developments in a traditional neighborhood setting. Nonresidential uses should be nonintrusive to protect and preserve the neighborhood character and property values. The district is characterized by single-family units and duplexes. The density in the district generally ranges from seven to 12 dwelling units per acre.

C. High Density Residential (R-3).This zone is established to provide for higher density residential developments. The district is characterized by single-family units, duplexes and multifamily. The density in the district generally ranges from 13 or more per net residential acreage.

D. Suburban Residential (SR). This zone is generally established to provide a transitional area between the low, medium, and high density residential zones and the outlying agricultural areas; an opportunity for suburban residential living in areas close to town where there will not be a conflict with active agricultural production; a buffer between urban areas and those areas reserved for continued agricultural production; a transitional area into which future suburban development can expand as needed; and areas for a continued mixture of low density residential development and hobby farming activities.

E. Commercial (C-1). This zone is established to preserve a general business district having a wide range of retail and service businesses, entertainment, government and professional offices and places of amusement in a setting that is safe, convenient, comfortable, and attractive for both pedestrian and automobile access. It is not the intent to promote residences as a primary use in this zone. Uses which by nature are noisy or emit excessive odors, dust and fumes are not appropriate in this zone.

F. Commercial-Tourist (C-T). This zone is established to provide areas for commercial establishments, which generally offer accommodations, supplies, services or recreational opportunities for the traveling public. Such zones shall only be located on or near interchanges, state highway intersections, or along any generally recognized tourist route.

G. Light Manufacturing Zone (M-1). This zone is established to ensure that suitable land will be available for businesses and industries. The intent of the light manufacturing zone (M-1) is to:

1. Establish and preserve areas near designated truck routes, freeways and the railroad for light industrial uses;
2. Direct truck traffic onto designated truck routes and off residential streets; and

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3. Minimize conflicts between uses in the light manufacturing zone and surrounding land uses.
For light manufacturing, processing, research and wholesale trade, storage and distribution facilities. Uses permitted in this district should not generate noise levels, light, odor or fumes that would constitute a nuisance or hazard.

H. Public Land/Church Zone (P/C). The purpose of this zone is to provide areas for public and private noncommercial parks, churches, synagogues, temples and open space. These areas are intended to provide Zillah area citizens with a variety of recreational and religious opportunities and areas for open space. (Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009)

17.14.020 Unclassified areas.
All lands not shown or classified according to the official zoning map, unclassified and pending further classification shall be subject to the regulations of the R-1 district. (Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009)

17.14.030 Boundary interpretations.
When uncertainty exists as to the boundaries of any use zone shown on the zoning maps, the city shall use the following rules of interpretation:
A. Where zone boundaries are indicated as approximately following the centerline of streets, alleys or highways, the centerline shall be construed to be the boundary;

B. Where zone boundaries are indicated as running approximately parallel to the centerline of a street, the boundary line shall be construed to be parallel to the centerline of the street;

C. Where zone boundaries are indicated on such map as approximately following the lot or tract lines, the actual lot or tract line shall be construed to be the boundary of such use district;

D. Where a zone boundary on such zoning map divides a tract of land, the location of such zone boundary shall be determined by use of the scale appearing on such zoning map; and

E. When uncertainty exists, which cannot be determined by application of the foregoing rules, the hearing examiner shall recommend, and the city council shall determine, the location of such use zone boundaries. (Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009)

17.14.040 Table of permitted uses.
Land uses shall be permitted in accordance with the following table of permitted uses; provided, that:
A. Only those uses identified with a P (permitted), C (permitted only through the issuance of a conditional use permit), S (permitted only through a special use permit), or A (permitted only as an accessory use) may be approved;

B. Uses not specifically identified as permissible (P, C, S, or A), or authorized through an administrative code interpretation, may not be approved;

C. The permissibility of uses not specifically listed, or any questions about the interpretation of this table, shall be addressed through an administrative code interpretation utilizing the 2002 North American Industry Classification System (NAICS) Manual and the intent of each zoning district.

D. No use(s) or business(es) that is illegal under local, state, or federal law or as amended shall be allowed in any zone within the city limits.

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Table of Permitted Uses

	R-1[10]	R-2	R-3	SR[10]	C-1[9]	C-T[9]	M-1[9]	P/C[9]
Accessory structure, use or building	A[4]	A[4]	A[4]	A[4]	A	A	A	A
Adult Family Homes/ Group Homes	P	P	P		P			
Cemeteries – Mausoleums	C	C	C	C				P
Churches, temples, places of worship	C	C	C	C	C			C
Clubs or fraternal societies and memorial buildings					P	P		
~~Collective garden~~	~~P[19]~~	-	-	~~P[19]~~				
Community center, meeting/reception halls					P	P		P
Day care, nurseries, and preschools/family care providers	C	C	C	C	C	C		C
Domestic pets	A	A	A	A				
Electric vehicle charging stations	A	A	A	A	A	A	A	A
Essential Public Facilities					C[8]		C[8]	
Government buildings, including fire and police stations and administrative offices					P	P	P	P
Halfway houses			C	C				
Home occupation	C	C	C	C				
"Home occupation, business administration"	P	P	P	P				

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	R-1[10]	R-2	R-3	SR[10]	C-1[9]	C-T[9]	M-1[9]	P/C[9]
Hospitals, sanitariums, nursing homes, adult foster homes, convalescent homes, retirement home	C	C	C	C	C			
Libraries	C	C	C	C	C	C		C
Livestock				C[5]			P	
Livestock – Temporary 4-H/FFA				S[5,6]				
"Manufactured home"	P[10/12]	P[12]	P[12]	P[10/12]				
"Mobile/manufactured home park"			P[12/18]		P[12/18]			
Modular home (kit built)	P[10/12]	P[12]	P[12]	P[10/12]				
Model homes	P[15]	P[15]	P[15]	P[15]				
Multifamily dwellings			P					
Museums, art galleries					P	P		P
Noncommercial gardening and fruit raising, floriculture, horticulture, grape vines and fruit trees	P	P	P	P	P[11]	P[11]	P[11]	P[11]
Noncommercial greenhouses and horticultural collections	P[1]	P[1]	P[1]	P[1]				
Noncommercial recreational and meeting building, including manager's office		A	A					
One dwelling unit for each business establishment for the occupancy of the owner, operator or caretaker of the establishment					C[14]	C[14]	C[14]	C[14]
Public parks, playgrounds, and	P	P	P	P	P	P		P

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	R-1[10]	R-2	R-3	SR[10]	C-1[9]	C-T[9]	M-1[9]	P/C[9]
noncommercial recreational facilities								
Public transportation terminals					P	P	P	P
Public utilities	C[3]	C[3]	C[3]	C[3]	P	P	P	P
Renting of rooms	P[2]	P[2]	P[2]	P[2]				
Schools	C	C	C	C	C			C
Secure community transition facilities					C[8]		C[8]	
Single-family dwelling	P[10]	P	P	P[10]				
Structures ordinarily appurtenant to public recreational facilities (i.e., bathrooms)	A	A	A	A	A	A	A	A
Temporary Homeless Encampments			C	C	C		C	C
Temporary manufactured home for care of aged/infirm relatives	C[12]	C[12]	C[12]	C[12]				
Temporary structures for major construction projects	A[13]	A[13]	A[13]	A[13]	A[13]	A[13]	A[13]	A[13]
Temporary travel trailers	C	C	C	C				
Two-family dwellings (duplex)		P	P					
Commercial								
Adult entertainment businesses					C[7]	C[7]	C[7]	
All chemical manufacture, storage and/or packaging, including repackaging							C	
All manufacture, storage,							C	

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	R-1[10]	R-2	R-3	SR[10]	C-1[9]	C-T[9]	M-1[9]	P/C[9]
packaging, processing and cleaning of radioactive materials								
Amusement parks, theme parks, water parks, baseball and softball parks, soccer fields, and other recreational activity parks consistent with the purpose of this zone					C	C		
Animal and livestock auction and sales							C	
Arcades and video game rooms					P	P	P	
Asphalt and concrete manufacture, mixing or refining							C	
Assembly of electrical appliances, electronic instruments and devices							P	
Assembly, fabrication and electroplating of metal products including welding and machine shops						P	P	
Automobile and truck washes					P	P	P	
Automobile dismantling, wrecking or junkyards							C	
Automobile, truck and/or RV sales area					P	P	P	
Automotive and truck: car wash, maintenance and repair shop, parts and accessories (tires, batteries, etc.), rental agencies, service stations, towing services, vehicle					P	P	P	

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	R-1[10]	R-2	R-3	SR[10]	C-1[9]	C-T[9]	M-1[9]	P/C[9]
storage								
Automobile and truck reconditioning, painting, upholstering, motor rebuilding and body and fender work					P		P	
Bakery, butcher shop, delicatessen, specialty food shop, groceries					P	P	P	
Barber or beauty shops					P	P	P	
Bars, taverns and cocktail lounges when accessory to a cafe or restaurant					P	P		
Battery exchange stations (electric vehicle)					A	A	A	
Bed and breakfast inns	C	C	C		P	P		
Brewery, distillery, and winery					P	P	P	
Clothing and accessories					P	P	P	
Commercial parking lots, and garages and storage facilities					P	P	P	
Contractors' equipment storage yard, repair and rental							P	
Convenience and general merchandise store					P	P	P	
Craft shows					S	S	S	S
Curio, gift, antique, handicraft, boutique and souvenir shops, but not to include flea markets or auction yards					P	P	P	

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	R-1[10]	R-2	R-3	SR[10]	C-1[9]	C-T[9]	M-1[9]	P/C[9]
Drive-through food and beverage vendor, e.g., espresso stand, juice bar, mobile food vendor					P	P	P	
Drop forges industries							C	
Eating and drinking establishments					P	P	P	
Exercise facilities, gymnasiums					P	P	P	
Explosives storage or manufacture							C	
Farm supplies					P		P	
Farmers markets					S	S	S	S
Fast food services, cafes and restaurants					P	P	P	
Fertilizer and pesticide sales and services							P	
Florist					P	P	P	
Food or drug stores					P	P	P	
Fruit and produce stands					P	P	P	
Funeral homes and undertaking establishments					P		P	
Game room eight (8) or more tables					C[16]	C[16]	C[16]	
Game room up to seven (7) tables					A[16]	A[16]	A[16]	
Gasoline service stations and automotive and truck repair garages					P	P	P	
Gasoline service stations; provided, that no open space may be used for					P	P	P	

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	R-1[10]	R-2	R-3	SR[10]	C-1[9]	C-T[9]	M-1[9]	P/C[9]
storage, display or sale of used vehicles or equipment								
General medical practice					P	P	P	
Golf courses, clubhouses, pro shops, golf driving ranges						C		
Hotels and motels					P	P	P	
Indoor theaters, movie theaters, bowling alleys, skating rinks, electronic game arcades and other lawful indoor commercial amusements					P	P	P	
Laundry and dry cleaning establishments					P	P	P	
Manufacture, compounding, assembling or treatment of articles of merchandise from previously prepared materials, such as bone, cellophane, canvas, cloth, metals, and glass							P	
Manufacture, compounding, assembling or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, and food and beverage products							P	
Mobile home and farm equipment rental and sales lots					P	P	P	
Nurseries, greenhouses and landscaping contractors and supplies					P	P	P	

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	R-1[10]	R-2	R-3	SR[10]	C-1[9]	C-T[9]	M-1[9]	P/C[9]
Offices, banks, professional services and financial institutions					P	P	P	
Off-site hazardous waste treatment and storage facilities							C	
On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone					A	A	A	
Outdoor concerts					S	S	S	S
Parades					S	S	S	S
Personal services					P	P	P	
Pet shops					P		P	
Plants for the processing and storage of agricultural products, such as fruit packing plants, canneries, milk plants, warehouses, fruit and vegetable cold storage plants							P	
Printing and photocopy establishments					P	P	P	
Recreational equipment sales and rentals, to include motorized vehicles					P	P		
Recreational marijuana establishment (process, produce or retail)						~~C[20]~~ C[19]		
Recycling operations center							C	

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	R-1[10]	R-2	R-3	SR[10]	C-1[9]	C-T[9]	M-1[9]	P/C[9]
Repair and storage of heavy equipment, including farm equipment							P	
Residential and commercial mini-storage					P	P	P	
Retail businesses					P	P	P	
Retail lumber and building materials					P	P	P	
RV parks						C		
Self-service laundromats					P	P	P	
Sheet metal and cabinet shops							P	
Smelting, reduction or refining of metallic ores							C	
Storage and distribution facilities for bulk fuel, coal and oil							C	
Tire retreading and recapping							C	
Transportation brokerage offices, with truck parking						C	P	
Transportation brokerage offices, without truck parking					P	P		
Truck service stations, washes and truck shops						C		
Upholstery and furniture repair shops					P	P	P	
Veterinary clinics and animal hospitals; provided, that all animal holding facilities are indoors					P	P	P	

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	R-1[10]	R-2	R-3	SR[10]	C-1[9]	C-T[9]	M-1[9]	P/C[9]
Video stores					P	P	P	
Wholesale businesses, warehouses and storage buildings							P	
Wineries and wine tasting rooms					P	P	P	
Wireless communication facilities					C[17]		C[17]	

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Footnotes:

1. No greenhouse or combination thereof shall exceed 150 square feet of floor area.
2. Only for accommodation and not to exceed two persons.
3. Not subject to minimum lot size requirements.
4. Incidental to the principal use including private garages and storage sheds, providing that no accessory building or combination thereof shall occupy more than 15 percent of the total lot area.
5. As defined in ZMC 17.04.020(B)(51) and meeting the provisions of the animal control ordinances, and:

a. The planning official is authorized to interpret all provisions of this title regarding livestock, including but not limited to determinations whether an animal meets the definition of a permitted livestock. Decisions of the planning official may be appealed to the hearing examiner in accordance with the provisions of this title;

i. The planning official may establish such conditions of special use permit for 4-H and FFA projects approval as may be necessary to ensure compliance with the requirements of this title, to promote compatibility with neighboring uses, and to protect environmentally sensitive areas.

b. Fowl (chickens, ducks, geese, etc.) shall not be permitted in any zone under any circumstances;

c. Only one horse, mule, donkey, pony or other animal as determined by the planning official to be similar in nature and size per two acres of irrigated pasture; only one cow, llama, emu or other animal as determined by the planning official to be similar in nature and size per one acre of irrigated pasture; five sheep, goats, pygmy goats or other animals as determined by the planning official to be similar in nature and size per one acre of irrigated pasture based on a finding that the amount of land available is adequate and that all other requirements can reasonably be met;

d. Under no circumstances will livestock be allowed on lots less than one acre of irrigated pasture;

e. Pastures must be fenced and maintained;

f. All livestock, barns, animal shelters, and livestock byproducts must be set back at least 50 feet from property lines; provided, that the setback may be reduced to 10 feet on the side and rear setback and 20 feet on the front when the adjoining property is also zoned SR. At the discretion of the planning official/planning commission, the above-referenced setbacks may incorporate off-site physical features such as, but not limited to, road rights-of-way, railroad rights-of-way and canal rights-of-way as part, or all, of the setback requirements, when in the determination of the planning official/planning commission, the setback meets the intent of the provision;

g. Barns and shelters for housing livestock must be maintained in a clean, healthful, and sanitary condition;

h. Offspring of permitted livestock shall be removed within six months of birth, if their presence exceeds permit conditions.

6. Swine may only be permitted in the SR zone in accordance with the following provisions:

a. The swine may only be kept for a period not to exceed five months in a calendar year and only in conjunction with an approved FFA or 4-H approved project/event; and

b. No more than four swine per parcel may be permitted.

c. The fees for a special use permit associated with keeping livestock in conjunction with an approved FFA or 4-H activity or event shall be listed on the city of Zillah's current land use fee schedule.

7. Only if more than 600 lineal feet from any public park or open space, residentially zoned property, publicly owned building or property opened to the general public on a regular schedule, church, or school property used by any number of enrolled students during the regular school year. Distances shall be measured from closest property line to closest property line.

8. Consistent with the requirements and state limitations of state law (RCW 71.09.250 or as it may be amended, and any community based facilities established under Chapter 71 RCW, and operated by or under contract with the Secretary of the Department of Social and Health Services).

9. Any and all construction, alteration or modifications to buildings, structures, walkways, signs, landscaping or lighting, and designs on properties located within the boundaries designated on the design district maps 1 and 2, except for existing single-family residence dwellings not used for commercial purposes, shall conform in exterior design to the Old World European architectural theme adopted by the city (Chapter 15.30 ZMC). All such areas shall be designated as being in the Old World European design district. These requirements shall include, but are not limited to, any painting, signage, doors, windows, wall finish, fencing, exterior improvements or substantial alteration or remodeling of structures as well as new construction.

10. The design standards per ZMC 17.22.060(G) shall apply to all newly constructed or newly placed dwellings in the R-1 and SR zones.

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11. Landscaping shall be continuously maintained in a neat and orderly fashion such that it presents a well kept, visually pleasing appearance at all times. Landscaping shall be maintained insect free. Recommended planting materials are listed in the design standards for the Old World European theme for the city of Zillah.
12. The placement of a manufactured home shall comply with ZMC 15.20.090(D).
13. The placement of a temporary structure(s) per ZMC 17.82.040(A) for the housing of equipment or containing supervisory offices in connection with major construction projects.
14. Single-family dwelling unit accessory to a professional, commercial or industrial use for occupancy by the caretaker, guards, or watchmen consisting of a dwelling unit not exceeding 800 square feet of living area and occupied by a caretaker, guards, or watchmen. Dwelling unit must be attached or inside the existing structure and only be in the commercial, commercial-tourist, light manufacturing and public land/church zones.
15. Model homes shall be established subject to ZMC 15.20.120 criteria.
16. Game rooms or meeting halls shall be established subject to the current or amended Chapter 9.46 RCW or as it may be amended, for the state of Washington and any current or amended city of Zillah regulation on gambling.
17. Nothing in this title shall operate to restrict or limit the city's ability to adopt and enforce all appropriate ordinance requirements for telecommunications carriers' and providers' use of the rights-of-way and public property, procedures for application and approval of telecommunication business registrations, telecommunications rights-of-way use authorizations, franchises and facilities leases, and describing violations and establishing penalties. Nothing in this chapter shall operate to release in whole or in part any applicant for a WCF facility from the obligation to comply with such ordinances, rules and regulations of the city of Zillah.
18. Recreational vehicles may be used as a permanent residence only within legally established mobile/manufactured home park(s) if meeting the following requirements allowed by RCW 35A.21.312 or as it may be amended:
    a. A working smoke detector shall be installed:
        i. Per NFPA 1192, current edition, Section 6.3 for recreational vehicles; or
        ii. Per ANSI A119.5, current edition, Section 3-3 for recreational park trailers;
    b. A working carbon monoxide (CO) alarm shall be installed:
        i. Per NFPA 1192, current edition, Section 6.4.6 for recreational vehicles; or
        ii. Per ANSI A119.5, current edition, Section 3-5 for recreational park trailers;
    c. There shall be egress directly from the sleeping area consisting of a door, or an egress window with a minimum size of 24 inches by 17 inches:
        i. Per NFPA 1192, 2008 Edition, Section 6.2 for recreational vehicles; or
        ii. Per ANSI A119.5, current edition, Section 3-2 for recreational park trailers;
    d. A recreational vehicle or recreational park trailer electrical cord shall be protected within rigid conduit;
    e. The unit shall be connected to the water supply provided within the park, in accordance with the applicable plumbing provisions of the adopted Uniform Plumbing Code, and all applicable fees shall be paid;
    f. The unit shall be connected to the sanitary sewer system provided within the park, in accordance with the plumbing provisions of the adopted Uniform Plumbing Code, and all applicable fees will be paid;
    g. All steps, landings, stairways, decks, and balconies shall meet the requirements of the International Residential Code and shall be independently supported;
    h. Recreational vehicles or recreational park trailers shall be equipped with an internal toilet and an internal shower; or the manufactured home park shall provide a common toilet and shower facility for the residents of the park; and
    i. Skirting shall be attached to the bottom of the recreational vehicle or recreational park trailer upon completion of installation.
19. ~~Must be in compliance with Chapter 8.38 ZMC.~~ Must be in compliance with Chapter 8.40 ZMC

~~20. Must be in compliance with Chapter 8.40 ZMC.~~

(Ord. 1356 § 4, 2014; Ord. 1316 § 1 (Exh. A), 2012; Ord. 1289 § 1 (Exh. A), 2011; Ord. 1241 § 3, 2010; Ord. 1227 § 1 (Att. A), 2010; Ord. 1213 § 16, 2009; Ord. 1202 § 2 (Exh. A), 2009)

Chapter 17.22

DEVELOPMENT STANDARDS

Sections:

17.22.010 Purpose.
17.22.020 Parking and loading.
17.22.030 Lighting and landscaping.
17.22.040 Fences.
17.22.045 Vision Triangle Clearence
17.22.050 Swimming pools.
17.22.060 Development design standards.
17.22.070 Architectural design standards.
17.22.080 Home occupations.
17.22.090 *Repealed.*
17.22.100 Open.
17.22.110 Shoreline master program.

17.22.010 Purpose.

The purpose of this chapter is to describe requirements, restrictions and standards of general application to all development within all zoning districts unless otherwise provided. (Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009)

17.22.020 Parking and loading.

The parking standards set out in this chapter are intended to assure adequate off-street parking, reduce on-street parking, increase traffic safety, maintain smooth traffic flow, and reduce the visual impact of parking lots.

A. The following provisions apply to all parking and loading facilities:

1. The off-street parking and loading facilities required by this chapter shall be provided as a part of any addition to the floor area of a structure or change in use. Required facilities shall be provided before the occupancy of any new or enlarged structure is permitted.

2. Required off-street parking spaces shall provide vehicle parking only for residents, customers, patrons and employees, unless otherwise permitted in this section. Off-street parking areas shall not be used for storage of materials in commercial and industrial zones, or for the sale, repair or servicing of any vehicle.

3. Any area once designated for required off-street parking shall not be used for other purposes until equal facilities are provided elsewhere or the use of the property is changed to a new use requiring less off-street parking.

4. All parking required by this title shall be installed prior to occupancy or commencement of use, unless otherwise approved by planning official. No permanent certificate of occupancy shall be issued until all required parking improvements are completed.

5. Lighting of parking facilities and loading areas shall be hooded and/or arranged to reflect away from adjoining properties and streets.

B. Driveway and parking stalls shall conform to the following table, which is hereby adopted as the schedule of minimum parking dimensions:

C. For corner lots, the following shall apply:

1. Any fence, wall or hedge shall not exceed a height of four feet within the applicable street setback;

2. Fences, walls, and hedges having a maximum height of six feet shall be permitted on side yards so long as they are not placed within the applicable street setback and do not come in conflict with the vision clearance triangle;

3. Side yard fences of the proper height may extend in front yards to a point equal to the front of any building on an adjoining lot if the adjoining lot is in an R-1, R-2, R-3, or SR zone;

4. No fence may be constructed on any lot that does not comply with the vision clearance triangles described in this title; and

5. Rear yard fences shall not exceed a height of six feet; provided, that by conditional use permit fences of any height may be permitted for special uses such as tennis and handball courts, swimming pool, etc.

D. Any fence abutting the intersection of an alley with a street shall not exceed a height of four feet within the applicable street setback.

E. All fence construction requires a building permit. (Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009)

17.22.045 Vision Triangle Clearence

A. Vision Clearance Triangle

No fence, wall, hedge, shrub, structure or other obstruction to view which is over 42 inches in height shall be erected, placed or maintained within a triangle formed by the property line immediately adjacent to a street, road, railroad right-of-way, or non-residential drives

17.22.050 Swimming pools.

In all districts, a three-foot setback from the side and rear property lines shall be maintained. Applicable front and side setbacks from street rights-of-way shall be observed. The area around the pool shall be enclosed by a protective fence of not less than six feet in height. (Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009)

17.22.060 Development design standards.

Any street plan requirements, water system, irrigation system, sewer system, or stormwater system shall be designed in accordance with the adopted city design and construction standards and specifications for public work improvements. Any alleys, easements, blocks, lots, building materials, roof pitch, public sites and open spaces within any proposed plat or development shall be designed in accordance with the following provisions.

A. Alleys shall be provided in commercial and industrial districts, except that the city may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed:

1. The minimum width of an alley shall be 20 feet;

2. Alley intersections and sharp changes in alignment shall be avoided, but where necessary corners shall be cut off sufficiently to permit safe vehicular movement; and

3. Dead-end alleys shall be avoided where possible, but, if unavoidable, may be approved with adequate emergency vehicle turnaround facilities at the dead-end.

Chapter 17.44

WIRELESS COMMUNICATION FACILITIES

Sections:

17.44.010 Purpose.
17.44.020 Exemptions.
17.44.030 Prohibited devices.
17.44.040 WCF locations.
17.44.050 Project application review.
17.44.060 General provisions.
17.44.070 Site development standards.
17.44.080 Co-location.
17.44.090 Facility removal.
17.44.100 Electromagnetic field (EMF) standards compliance.
17.44.110 Application requirements.
17.44.120 Permit limitations.
17.44.130 Rules and regulations of the city.

17.44.010 Purpose.

This chapter addresses the issues of location and appearance associated with wireless communication facilities (WCF) or personal wireless service facilities (PWSF). It provides adequate opportunities through a range of site locations and options that minimize the visual impacts sometimes associated with wireless communications technologies. The siting of facilities on existing buildings or structures, co-location of several providers' facilities on a single support structure or site, and visual mitigation measures are encouraged to maintain neighborhood appearance and reduce visual clutter in the city. (Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009)

17.44.020 Exemptions.

The following are exempt from the provisions of this chapter and shall be permitted in all zones:

A. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communications Commission (FCC);

B. Antennas and related equipment no more than three feet in height that are being stored, shipped, or displayed for sale;

C. Facilities used for purposes of public safety, such as, but not limited to, police and the 911 system;

D. Wireless radio utilized for temporary emergency communications in the event of a disaster;

E. Licensed amateur (ham) radio stations;

F. Satellite dish antennas less than two meters in diameter, including direct to home satellite services, when used as a secondary use of the property;

G. Wireless communication facilities which legally existed or had a vested application on or prior to the effective date of the ordinance codified in this chapter; except that this exemption does not apply to modifications of existing facilities;

H. Routine maintenance or repair of a personal wireless service facility and related equipment (excluding structural work or changes in height or dimensions of antennas, towers, or buildings); provided, that compliance with the standards of this chapter are maintained; and

I. Subject to compliance with all other applicable standards of this chapter, a building permit application need not be filed for emergency repair of a personal wireless service facility until 30 days after the completion of such emergency activity. (Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009)

17.44.030 Prohibited devices.

Except as exempted pursuant to ZMC 17.44.020, personal wireless service facilities (PWSF) that are not permanently affixed to a support structure and which are capable of being moved from location to location (e.g., "cell on wheels") are prohibited. (Ord. 1289 § 1 (Exh. A), 2011)

17.44.040 WCF locations.

A. Nonresidential Zoning Districts. WCFs that require a new freestanding support structure may be located in any of the following types of zoning districts, as they exist now or in the future, within the city: manufacturing, commercial, highway tourism, and public lands.

B. Residential Districts. Except as provided in ZMC 17.44.080, freestanding wireless facilities are not allowed in any of the residential zoning districts. The hearing body may approve a freestanding WCF in a residential zoning district if the provisions of ZMC 17.44.070 and 17.44.080 can be met.

C. Existing Structures. WCFs may be placed in any zoning district on the following existing structures subject to ZMC 17.44.080:

1. On any freestanding support structure currently used by a permitted WCF; or

2. Minor facilities located on legally conforming nonresidential buildings and structures including, but not limited to, water towers, clubhouses, office buildings, retail buildings, industrial buildings, government buildings, churches, light standards in parking lots and sports fields, bridges, power poles and towers.

D. Rights-of-Way. Wireless facilities may be placed in the city right-of-way provided the WCF is a minor facility consisting of a whip or tubular antenna placed on a light standard or power pole and the equipment cabinet is placed in the ground. (Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009. Formerly 17.44.030)

17.44.050 Project application review.

WCF applications shall be processed as follows:

A. All new construction of WCFs shall be processed as a Class 3 and require a commercial site development permit and approval from city council.

B. All WCF existing facilities applications that do not meet the definition of a minor facility shall require a commercial site development permit and be processed as a Class 2.

C. WCFs that do not include the construction of a freestanding support structure and are defined as a minor facility or minor modification shall be processed as a Class 1 permit. (Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009. Formerly 17.44.040)

17.44.060 General provisions.

A. Principal or Accessory Use. Wireless communication facilities will be considered either principal or accessory uses. A different use of an existing structure on the same lot shall not preclude the installation of a WCF on that lot.

B. FCC Licensing. The applicant must demonstrate that it is licensed by the FCC if it is required to be licensed under FCC regulations. The applicant if not the telecommunications service provider shall submit proof of lease agreements with a FCC-licensed telecommunications provider if they are required to be licensed by the FCC.

C. Lot Size. For purposes of determining whether the installation of a wireless telecommunications facility complies with district development standards, such as, but not limited to, setback and lot coverage requirements, the dimensions of the entire lot shall control, even though a wireless telecommunications facility is located on a leased parcel within that lot.

D. Signs. No wireless telecommunications equipment shall be used for the purpose of mounting signs or message displays of any kind.

E. Lighting. Wireless facilities shall not be artificially lighted unless required by the FAA or other applicable authority.

F. Permanent Mounting Required. All commercial wireless telecommunications facilities shall be installed, erected, or mounted in a manner that is intended to be permanent. Temporary and mobile commercial facilities are not allowed.

G. Cumulative Effects. The city shall consider the cumulative visual effects of wireless facilities mounted on existing structures and/or located on a given permitted site in determining whether the additional permits can be granted so as to not adversely affect the visual character of the city.

H. Business License Registration. All WCFs shall obtain and maintain a city of Zillah business license prior to issuance of any permits.

I. Site Screening. Wireless facilities shall be screened or camouflaged by employing the best available technology. This may be accomplished by use of compatible materials, location, color, stealth technologies, and/or other tactics to achieve minimum visibility of the facility as viewed from public streets or residential properties. All screening and camouflaging is subject to the approval of the city. (Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009. Formerly 17.44.050)

17.44.070 Site development standards.

All WCFs shall be constructed, erected or built in accordance with the following site development standards:

A. Minor wireless facilities may be mounted on certain nonresidential buildings or structures in accordance with the limitations of ZMC 17.44.040(C)(2); provided, that the following conditions are met:

1. The WCF is co-located on an existing WCF freestanding support structure; or
2. The WCF consists of a minor facility as follows:
    a. The combined antenna(s) and support structure shall not extend more than 15 feet above the existing or proposed roof structure. Antenna(s) may be mounted to rooftop appurtenances provided they do not extend beyond 15 feet above the roof proper; and

b. The antennas are mounted on the building such that they are located and designed to minimize visual and aesthetic impacts to surrounding land uses and structures and shall, to the greatest extent practical, blend into the existing environment.

B. New freestanding wireless facilities, all exempt repairs and maintenance, and all other WCFs not meeting the definition of a minor facility shall conform to all of the following site development standards:

1. Monopoles and lattice towers shall be the only freestanding support structures allowed in the city unless the applicant submits supporting evidence and the hearing body agrees in written findings that another type of structure is needed to meet the applicant's technical and network location requirements;

2. Installation of a new freestanding facility shall only be accepted in residential zoning districts if the applicant can show that other nonresidential zoning districts within the city cannot meet the applicant's technical and network location requirements;

3. Installation of a freestanding facility shall be denied if placement of the antennas on an existing structure can meet the applicant's technical and network location requirements;

4. The applicant shall demonstrate that the WCF is the minimum height required to function satisfactorily. For the purpose of future co-location the city may allow freestanding support structures to be built higher than the minimum required for the technical and networking requirements of the applicant if the applicant guarantees future co-location of other WCFs on the freestanding support structure. Height shall be measured to the top of the antenna(s);

5. A freestanding WCF, including the support structure and associated electronic equipment, shall comply with all required setbacks of the zoning district in which it is located. Larger setbacks shall be encouraged for freestanding WCFs requesting location next to residential uses or zones;

6. Freestanding wireless facilities shall be designed and placed on the site in a manner that takes maximum advantage of existing trees, mature vegetation, and structures so as to:

a. Use existing site features to screen as much of the total facility as possible from prevalent views; and/or

b. Use existing site features as a background so that the total facility blends into the background with increased sight distances;

7. In reviewing the proposed placement of a wireless facility on the site and any associated landscaping, the city may make a condition of the permit that the applicant supplement existing trees and mature vegetation to more effectively screen the facility; and

8. Support structures, antennas, and any associated hardware shall be painted a nonreflective color or color scheme appropriate to the background against which the facility would be viewed from a majority of points within its view shed. A proposed color or color scheme shall be approved by the city.

C. Electronics equipment enclosures shall conform to the following:

1. Screening of WCF equipment enclosures shall be provided with one or a combination of the following: underground, fencing, walls, landscaping, structures, or topography which will block the view of the equipment shelter as much as practicable from any street and/or adjacent properties. Screening may be located anywhere between the enclosure and the above-mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition; and

2. No wireless equipment reviewed under this section shall be located within required building setback areas.

D. Security fencing, if used, shall conform to the following:

1. No fence shall exceed six feet in height;

2. Security fencing shall be effectively screened from view through the use of appropriate landscaping materials; and

3. Chain-link fences shall have a minimum three-foot-deep outside area to be planted with approved plant species in a manner that will completely screen the fencing. (Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009. Formerly 17.44.060)

17.44.080 Co-location.

The intent of co-location is to encourage several providers to use the same structure or site to keep the number of wireless facilities sites to a minimum as a means of reducing the overall visual effects throughout the community. The following procedures are required to further the intent of WCF co-location:

A. An applicant shall cooperate with other WCF providers in co-locating additional antennas on support structures and/or on existing buildings and sites provided said proposed co-~~locatees~~locates have received a permit for such use at said site from the city. An applicant shall allow other providers to co-locate and share the permitted site, provided such shared use does not give rise to a substantial technical level impairment of the permitted use (as opposed to a competitive conflict or financial burden).

B. A signed statement indicating that the applicant agrees to allow for the potential co-location of additional WCF equipment by other providers on the applicant's structure or within the same site location shall be submitted by the applicant as part of the permit application. If an applicant contends that future co-location is not possible on its site, the applicant must submit a technical study documenting that such co-location is not possible. (Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009. Formerly 17.44.070)

17.44.090 Facility removal.

In instances where a WCF is to be removed, the removal shall be in accordance with the following procedures:

A. The operator of a WCF shall notify the city upon the discontinued use of a particular facility. The WCF shall be removed by the facility owner within 90 days of the date the site's use is discontinued, it ceases to be operational, the permit is revoked, or if the facility falls into disrepair or is abandoned. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts; and

B. If the provider fails to remove the facility upon 90 days of its discontinued use, the responsibility for removal falls upon the landholder on which the facility has been located. (Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009. Formerly 17.44.080)

17.44.100 Electromagnetic field (EMF) standards compliance.

All WCFs shall be operated in compliance with the following standards:

A. The applicant shall comply with federal standards for EMF emissions. Within six months after the issuance of its operational permit, the applicant shall submit a project implementation report which provides cumulative field measurements of radio frequency (EMF) power densities of all antennas installed at the subject site. The report shall quantify the EMF emissions and compare the results with established federal standards. Said report shall be subject to review and approval by the city for consistency with the project proposal report and the adopted federal standards. If on review the city finds

that the WCFs do not meet federal standards, the city may revoke or modify the permit. The applicant shall be given a reasonable time based on the nature of the problem to comply with the federal standards. If the permit is revoked, then the facility shall be removed pursuant to ZMC 17.44.090.

B. The applicant shall ensure that the WCFs will not cause localized interference with the reception of area television or radio broadcasts. If on review of a registered complaint the city finds that the WCF interferes with such reception, the city may revoke or modify the permit. The applicant shall be given a reasonable time based on the nature of the problem to correct the interference. If the permit is revoked, then the facility shall be removed pursuant to ZMC 17.44.090. (Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009. Formerly 17.44.090)

17.44.110 Application requirements.

Applications for a WCF shall be on a form prescribed by the city. Applications shall be processed in accordance with Chapter 17.06 ZMC as presently constituted or hereafter amended. In addition to the information required by the city, the applicant must provide any combination of site plans, maps, surveys, technical reports, or written narratives that operate to convey all of the following information:

A. Photo simulations of the proposed facility as viewed from affected residential properties and public rights-of-way at varying distances;

B. A signed statement indicating that (1) the applicant and landowner agree they will diligently negotiate in good faith to facilitate co-location of additional wireless communication facilities by other providers on the applicant's structure or within the same site location and (2) the applicant and/or landlord agree to remove the facility within 90 days after abandonment;

C. If the proposal is the installation of a freestanding facility, the applicant shall demonstrate in writing that the placement of the antennas on an existing structure cannot meet the applicant's technical and network location requirements;

D. Copies of any environmental documents required by any federal or state agency, including the city if applicable. These shall include the environmental assessment required by FCC Paragraph 1.1307 or State Environmental Policy Act (SEPA), if required by the city. In the event that a FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment;

E. A full site plan shall be required for all sites, showing the tower, antenna, antenna support structure, building, fencing, buffering, access, and all other items required in this chapter. The site plan shall clearly indicate the location, the specific placement of the facility on the site, the type and height of the proposed WCF, on-site land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed facility, the location of existing structures, trees, and other significant site features, the type and location of plant materials used to screen the facility, fencing, proposed color(s), and any other proposed structures. The site plan shall not be required if the antenna is to be mounted on an existing structure;

F. A current map showing the location and service area of the proposed WCF, and a map showing the locations and service areas of other wireless communication facilities operated by the applicant and those proposed by the applicant that are close enough to impact service within the city;

G. A legal description of the parcel(s) and parcel number(s);

H. The approximate distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and un-platted residentially zoned properties;

I. The method of fencing, the finished color, and, if applicable, the method of camouflage and illumination, if required;

J. A letter signed by the applicant stating the WCF will comply with all FCC regulations and Electronic Industries Alliance (EIA) standards and all other applicable federal, state and local laws and regulations;

K. A statement by the applicant as to whether construction of the WCF will accommodate co-location of additional antennas for future users;

L. Certification that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions;

M. At the time of site selection, the applicant should demonstrate how the proposed site fits into its overall network within the city. This shall include a service area coverage chart for the proposed facility that depicts the extent of coverage and corresponding signal quality at the proposed facility height and at least one height lower than that proposed. (Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009. Formerly 17.44.100)

17.44.120 Permit limitations.
Approved permits issued by the city for WCFs shall be restricted by the following permit limitations:

A. The city reserves the right to review any currently approved WCF use under federal, state, or local regulations as they exist now or may be amended in the future. If the city reviews any WCF, it shall give the operator of the facility at least three months' written notice to prepare any information needed to review the WCF. The renewal application will be under an administrative Class 1 review. In ruling on said renewal, the city shall consider all the existing regulations and law affecting the application that is appropriate to the technology and use.

B. Construction of a WCF shall commence within one year from the date of the city's approval, with opportunity for a six-month extension. If not used within one year, or within the extension period, the permit shall become null and void.

C. The applicant/operator of the WCF shall and does, upon approval of the permit, agree to indemnify, protect, defend, and hold harmless the city, its council members, hearing examiner, officers, employees, agents, and representatives from and against any and all liabilities, losses, damages, demands, claims, and costs, including court costs and attorney's fees incurred by the city arising directly or indirectly from (1) the city's approval and issuance of the permit; (2) the city's approval or issuance of any permit or action, whether discretionary or nondiscretionary, in connection with the use contemplated in the permit; and (3) applicant's installation and operation of the facility allowed by the permit, including, without limitation, any electromagnetic fields of other energy waves or emissions. Applicant/operator compliance with this indemnity provision is an express condition of the permit, and this indemnity provision shall be binding upon any and all of the applicant/operators, successors, and assigns. By signing the application for a WCF, the applicant agrees to be bound by this provision. (Ord. 1289 § 1 (Exh. A), 2011; Ord. 1202 § 2 (Exh. A), 2009. Formerly 17.44.110)

17.44.130 Rules and regulations of the city.
Nothing in this title shall operate to restrict or limit the city's ability to adopt and enforce all appropriate ordinance requirements for telecommunications carriers' and providers' use of the rights-of-way and public property, procedures for application and approval of telecommunication business registrations, telecommunications rights-of-way use authorizations, franchises and facilities leases, and describing violations and establishing penalties. Nothing in this chapter shall operate to release in whole or in part

Chapter 17.73
TEMPORARY HOMELESS ENCAMPMENTS

Sections:

17.73.010 Purpose.
17.73.020 Homeless encampment.
17.73.030 Managing agency.
17.73.040 Sponsoring agency.
17.73.050 Religious organization.
17.73.060 Who may apply.
17.73.070 Applicable procedures.
17.73.080 Homeless encampment – Criteria/requirements.

17.73.010 Purpose.

To provide within the Zillah Municipal Code an equitable process, with reasonable conditions and an associated permit, to meet the need for temporary shelter for local homeless persons consistent with state and federal mandates and laws including the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) and Chapter 175 of the 2010 Law of Washington, temporary encampment permit and regulations for the same are hereby established. A temporary encampment permit shall be required for any homeless encampment in the city.

17.73.020 Homeless encampment.

"Homeless encampment" means an emergency homeless encampment, sponsored by a religious organization and managed by said religious organization or other managing agency, which provides temporary housing to homeless persons either within buildings located on the property owned or leased by a religious organization or located elsewhere on said property outside of buildings. The term "homeless encampment" shall not apply to the provision of indoor temporary housing or indoor sleeping accommodations to homeless persons where the period of accommodation lasts less than 48 consecutive hours.

17.73.030 Managing agency.

"Managing agency" means an organization identified as the manager of a temporary homeless encampment that has the capacity to organize and manage a temporary homeless encampment that is the subject of an application for a city temporary encampment permit and assumes responsibility for providing basic services and support to temporary emergency homeless encampment residents, such as

hot meals, and coordination of other needed donations and services. A managing agency may be the same entity as the sponsoring agency.

17.73.040 Sponsoring agency.

"Sponsoring agency" means an organization that: (1) is recognized by the Internal Revenue Service as exempt from federal income taxes as a religious organization; (2) expresses its religious mission, in part, by organizing living accommodations for the homeless; and (3) joins in an application with a managing agency for a city temporary encampment permit and assumes responsibility, either directly or via an agreement with a managing agency, for providing basic services and support to temporary emergency homeless encampment residents, such as hot meals, and coordination of other needed donations and services.

17.73.050 Religious organization.

"Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

17.73.060 Who may apply.

Homeless encampments shall be permitted only as an accommodation of religious exercise by a managing agency and sponsoring agency. Each managing agency and sponsoring agency shall jointly apply for a permit under this section and shall jointly certify compliance with all applicable requirements for approval and conditions of this chapter and the application.

17.73.070 Applicable procedures.

In addition to the requirements for administrative decisions found elsewhere in the Zillah Municipal Code, the following procedures apply:

(1) Advance Notice Required. The managing agency and sponsoring agency shall notify the city of the proposed homeless encampment a minimum of 30 days in advance of the proposed date of establishment for the homeless encampment. The advance notification shall be in the form of an application for a temporary encampment permit and shall contain the following information:

(a) The date the homeless encampment will commence;

(b) The length of encampment;

(c) The maximum number of residents proposed;

(d) The managing location;

(e) The names of the managing and sponsoring agencies; and

(f) The manner in which the homeless encampment will comply with the requirements of this chapter.

The sponsoring and/or managing agency shall also provide before-encampment photos of the sponsoring site with the application. If the sponsoring agency is not the owner of the property that is the proposed encampment location, proof of the sponsoring agency's leasehold interest shall be provided with the application. The application shall be accompanied by a fee established in the city's current fee resolution.

(2) Informational Meeting Required. The managing agency and sponsoring agency shall conduct at least one informational meeting within, or as close to, the location where the proposed homeless encampment will be located, within two weeks following the filing of the temporary encampment permit application. The time and location of the meeting shall be agreed upon between the city and the managing agency and sponsoring agency. All property owners within 1,000 feet of the proposed homeless encampment shall be notified by mail 14 days in advance of the meeting by the managing agency and/or sponsoring agency. In lieu of notice by mail, an alternative means of notice may be provided that is reasonably calculated to notify the neighboring property owners within 1,000 feet of the proposed encampment.

(3) Signs Required. The applicant(s) shall also provide notice of the application within the same timeframe identified above by posting two signs or placards on the site or in a location immediately adjacent to the site that provides visibility of the signs to motorists using adjacent streets. The planning official or their designee shall establish standards for size, color, layout, design, working, placement, and timing of installation and removal of the signs or placards.

17.73.080 Homeless encampment – Criteria/requirements.

The planning official or their designee may issue a temporary and revocable permit for a homeless encampment subject to the following criteria and requirements:

(1) Site Criteria.

(a) If the managing agency is not the sponsoring agency of the site, the managing agency shall submit a written agreement with the sponsoring agency allowing the homeless encampment and clarifying the obligations of the managing and sponsoring agencies.

(b) The property must be sufficient in size to accommodate the encampment, whether indoors or in tents, and assure that all applicable public health regulations, including but not limited to the following, will be met at/for:

(i) Sanitary toilets, whether portable or permanent, in the number required to meet capacity guidelines;

(ii) Hand washing stations by the toilets and by the food areas;

(iii) Refuse receptacles;

(iv) Food preparation and service facilities;

(v) Smoking in public places; and

(vi) Security facilities.

(c) The managing and sponsoring agencies shall provide an adequate water source to the homeless encampment, as approved by the city.

(d) No homeless encampment shall be located within a sensitive/critical area or its buffer as defined in the Zillah Municipal Code.

(e) No permanent structures will be constructed for the homeless encampment under the provisions of this chapter.

(f) No more than 60 residents shall be allowed at any one encampment, including those who live in vehicles. The city may further limit the number of residents as site conditions dictate.

(g) Adequate on-site parking shall be provided for the homeless encampment. No off-site parking will be allowed. If the homeless encampment is located on a site that has another preexisting use, it shall be shown that the homeless encampment parking will not create a shortage of on-site parking for the other uses on the property.

(h) The homeless encampment shall comply with applicable state and local laws and regulations concerning, but not limited to, water, fire, solid waste disposal, human waste, electrical systems and stormwater quality. The sponsoring and managing agency shall permit inspections by any state or local inspectors to ensure compliance and shall implement all directives within the specified time.

(i) The homeless encampment shall be adequately buffered and screened from adjacent rights-of-way and properties. Screening shall be a minimum height of six feet and may include, but is not limited to, a combination of fencing, landscaping, or the placement of the homeless encampment behind buildings. The type of screening shall be approved by the city.

(j) All sanitary portable toilets shall be screened from adjacent properties and rights-of-way. The type of screening shall be approved by the city and may include, but is not limited to, a combination of fencing and/or landscaping.

(2) Security.

(a) An operations and security plan for the homeless encampment shall be submitted to the city at the time of application.

(b) The managing agency shall provide to all residents of the homeless encampment a code of conduct for living at the homeless encampment. A copy of the code of conduct shall be submitted to the city at the time of application and shall be in substantially the following form or address the following issues:

(i) Possession or use of illegal drugs is not permitted.

(ii) No alcohol is permitted.

(iii) No weapons are permitted.

(iv) All knives over three and one-half inches must be turned into the managing or sponsoring agency's on-site encampment manager for safekeeping.

(v) No violence is permitted.

(vi) No open flames are permitted

(vii) No trespassing into private property in the surrounding neighborhood is permitted.

(viii) No loitering in the surrounding neighborhood is permitted.

(ix) No littering on the temporary encampment site or in the surrounding neighborhood is permitted.

Nothing in this section shall prohibit the managing agency, sponsoring agency or encampment manager from imposing and enforcing additional code of conduct conditions not otherwise inconsistent with this section.

(c) All homeless encampment residents must sign an agreement to abide by the code of conduct and failure to do so shall result in the noncompliant resident's immediate expulsion from the property.

(d) The managing or sponsoring agency shall keep a log of all people who stay overnight in the encampment, including names and birth dates, and dates of stay. Logs shall be kept a minimum of six months.

(e) The managing or sponsoring agency shall take all reasonable and legal steps to obtain verifiable ID, such as a driver's license, government-issued identification card, military identification, or passport, from prospective and existing encampment residents.

(f) The managing or sponsoring agency will use identification to obtain sex offender and warrant checks from the police department.

(i) If said warrant and sex offender checks reveal either (A) an existing or outstanding warrant from any jurisdiction in the United States for the arrest of the individual who is the subject of the check; or (B) the subject of the check is a sex offender, required to register with the county sheriff or their county of residence pursuant to RCW 9A.44.130, then the managing or sponsoring agency will reject the subject of the check for residency to the homeless encampment or eject the subject of the check if that person is already a homeless encampment resident.

(ii) The managing or sponsoring agency shall immediately contact the Zillah police department if the reason for rejection or ejection of an individual from the homeless encampment is an active warrant or a match on a sex offender check, or if, in the opinion of the managing agency, sponsoring agency, or encampment manager, the rejected/ejected person is a potential threat to the community.

(g) The managing or sponsoring agency shall self-manage its residents and prohibit alcohol, drugs, weapons, fighting, and abuse of any kind, littering, or disturbing the neighbors while located on the property.

(h) No children under 18 shall be allowed to stay overnight in the encampment unless accompanied by a parent or guardian or unless the sponsoring or managing agency has proof of the minor's legal emancipation. If an unemancipated child under the age of 18 without a parent or guardian present

attempts to stay at the encampment, the sponsoring or managing agency or encampment manager shall immediately contact child protective services and shall actively endeavor to find alternative shelter for the child.

(i) The managing or sponsoring agency will appoint a designated representative to serve on duty as an encampment manager at all times to serve as a point of contact for the police department and will orient the police as to how the security tent operates. The name of the on-duty designated representative will be posted daily in the security tent. The city shall provide contact numbers of non-emergency personnel which shall be posted at the security tent.

(3) Timing.

(a) The duration of the homeless encampment shall not exceed 120 days.

(b) No additional homeless encampments may be allowed on the same parcel of property in any 12-month period beginning on the date the homeless encampment locates on a parcel of property.

(c) Only one homeless encampment permit shall be in effect in the city at any time with 40 being the maximum number of residents to be served under any permit. The sponsoring and/or managing agency may divide the resident population for said encampment between more than one site; provided, that all sites meet the requirements of this chapter.

(4) Health and Safety.

(a) The homeless encampment shall conform to all applicable fire requirements, including:

(i) There shall be no open fires for cooking without pre-approval by the city's fire code official and no open fires for heating;

(ii) No heating appliances within the individual tents are allowed without pre-approval by the fire code official;

(iii) No cooking appliances other than microwave appliances are allowed in individual tents;

(iv) An adequate number, with appropriate rating, of fire extinguishers shall be provided as approved by the fire code official;

(v) Adequate access for fire and emergency medical apparatus shall be provided. This shall be determined by the fire code official;

(vi) Adequate separation between tents and other structures shall be maintained as determined by the fire code official; and

(vii) Electrical service shall be in accordance with governing law. Electrical cords shall not be strung together and any cords used must be approved for exterior use.

(b) The managing agency and sponsoring agency shall permit inspections by city staff and the Yakima County health department at reasonable times without prior notice of compliance with the conditions of the temporary encampment permit.

(5) Planning Official's Decision.

(a) Purpose. The development services Planning Official shall review the proposal to ensure compliance with the provisions of this chapter and all other applicable laws, to ensure that the health, safety and welfare of the citizens of the city are preserved, and to provide an expedient and reasonable land use review process for decisions and interpretations of this chapter.

(b) Planning Official Authority. The Planning Official may modify the submittal requirements as deemed appropriate to achieve the purpose of this chapter. In addition, because each homeless encampment has unique characteristics, including but not limited to size, duration, uses, number of occupants and composition, the Planning Official shall have the authority to impose conditions to the issuance of the permit for homeless encampments to mitigate effects on the community upon finding that said effects are materially detrimental to the public welfare or injurious to the property or improvements in the vicinity. Conditions, if imposed, must relate to findings by the Planning Official and must be calculated to minimize nuisance-generating features in matters of noise, waste, air quality, unsightliness, traffic, physical hazards and other similar matters that the homeless encampment may have on the area in which it is located.

(c) Notice of Decision. The Planning Official shall notify the sponsoring and managing agencies of his or her decision to approve, modify or deny the application within a timely manner, but not prior to 14 days after the neighborhood informational meeting. This decision is a final decision of the city. Appeals of decisions to approve or deny a temporary encampment permit shall be to Yakima County superior court.

(d) Deference to Decision of Planning Official. The decision of the Planning Official shall be accorded substantial deference and shall not be disturbed absent a well-grounded conclusion that the decision is an erroneous application of the law, after allowing for such deference as is due the construction of governing law by the city of Zillah, which shall be deemed a local jurisdiction with expertise.

(6) Termination of Permit. If the managing agency or sponsoring agency fails to take action against a resident who violates the terms and conditions of this permit, it may result in immediate termination of the permit. If the city learns of uncontrolled violence or acts of violence by residents of the encampment and the managing agency or sponsoring agency has not adequately addressed the situation, the temporary use permit may be immediately terminated.

(7) Revocation. Upon determination that there has been a violation of any approval criteria or condition of application, the Planning Official of development services or their designee may give written notice to the permit holder describing the alleged violation. Within 14 days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the 14-day period, the Planning Official of development services or their designee shall sustain or revoke the permit. When a temporary homeless encampment permit is revoked, the Planning Official of development services or their designee shall notify the permit holder by certified mail of the revocation and the findings upon which revocation is based. Appeals of decisions to revoke a temporary encampment permit shall be to Yakima County superior court.

(8) Vacation of Encampment. Upon vacation of the temporary encampment, all temporary structures and debris shall be removed from the site within one calendar week, or obtain a written extension from the Planning Official of Planning & Community development.