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Division I. General Provisions

Chapter 18.02

GENERAL PROVISIONS

Sections:

18.02.010 Purpose and authorization.
18.02.020 Title.

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18.02.040 Conflict.

18.02.050 Severability.

18.02.060 Effective date.

18.02.010 Purpose and authorization.

This title is adopted for the purpose of promoting public health, safety, and general welfare and for regulating and determining the areas within which certain uses of land and buildings may be conducted, so as to provide for orderly community growth. This title is in accordance with Chapter 35.63 RCW. (Ord. 359 § 1.010, 1988)

18.02.020 Title.

The ordinance codified in this title shall be known and cited as "The Zoning Ordinance of the Town of Rosalia, Washington." (Ord. 359 § 1.020, 1988)

18.02.030 Scope.

The regulations set forth in this title shall apply to all lands within the existing and future corporate boundaries of the town of Rosalia. Hereafter, no building or structure shall be erected, structurally altered, enlarged or relocated, and no building, structure or premises shall be used in any zoning district except in compliance with the provisions of this title and then only after securing all required permits and licenses. Any building, structure or use lawfully existing at the time of passage of the ordinance codified in this title, although not in

18.02.040 Conflict.

compliance therewith, may be continued as provided for in Chapter 18.52 RMC. (Ord. 359 § 1.030, 1988)

18.02.050 Severability.

If any section or portion of this title is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section or portion of a section shall be deemed a separate provision of this title, and such holding shall not affect the validity of the remaining portions of this title. (Ord. 359 § 1.050, 1988)

18.02.060 Effective date.

The ordinance codified in this title shall be effective immediately upon its passage and publication. (Ord. 359 § 1.070, 1988)

Chapter 18.04

HISTORIC PRESERVATION

Sections:

18.04.010 Purpose.

18.04.020 Short title.

18.04.030 Definitions.

18.04.040 Rosalia historic preservation

commission.

18.04.050 Register of historic places.

18.04.060 Review of changes to Rosalia

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properties.

18.04.070 Relationship to zoning.

18.04.080 Review and monitoring of

properties for special property tax

valuation.

18.04.010 Purpose.

The purpose of this chapter is to provide for the identification, evaluation and protection of historic resources within the town of Rosalia to encourage preservation and rehabilitation of eligible historic properties within the town of Rosalia for future generations through special valuation, a property tax incentive, as provided in Chapter 84.26 RCW in order to:

A. Safeguard the heritage of the Rosalia, Washington, in Whitman County as represented by those buildings, districts, objects, sites and structures which reflect significant elements, persons or events of the town of Rosalia's history;

B. Foster civic and neighborhood pride in the beauty and accomplishments of the past, and a sense of identity based on the town of Rosalia's history;

C. Stabilize or improve the aesthetic and economic vitality and values of such sites, improvements and objects;

D. Assist, encourage and provide incentives to private owners for preservation, restoration, redevelopment and use of outstanding historic buildings, districts, objects, sites and structures;

18.04.020 Short title.
The following sections shall be known and may be cited as the "Historic Preservation Ordinance of the Town of Rosalia." (Ord. 486 § 3, 2003)

18.04.030 Definitions.

The following words and terms when used in this chapter shall mean as follows, unless a different meaning clearly appears from the context:

A. "Town of Rosalia historic inventory" or "inventory" means the comprehensive inventory of historic resources within the boundaries of the town of Rosalia.

B. "Town of Rosalia historic preservation commission" or "commission" means the commission created by RMC 18.04.040.

C. "Town of Rosalia register of historic places," "local register," or "register" means the local listing of properties provided for in RMC 18.04.050.

D. "Actual cost of rehabilitation" means costs incurred within 24 months prior to the date of application and directly resulting from one or more of the following:

1. Improvements to an existing building located on or within the perimeter of the original structure; or

2. Improvements outside of but directly attached to the original structure which are necessary to make the building fully useable but shall not include rentable/habitable floor space attributable to new construction; or

E. Promote and facilitate the early identification and resolution of conflicts between preservation of historic resources and alternative land uses; and

F. Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment. (Ord. 486 § 2, 2003)

3. Architectural and engineering services attributable to the design of the improvements; or

4. All costs defined as "qualified rehabilitation expenditures" for purposes of the federal historic preservation investment tax credit.

E. A "building" is a structure constructed by human beings. This includes both residential and nonresidential buildings, main and accessory buildings.

F. "Certificate of appropriateness" means the commission has reviewed the proposed changes to a local register property or within a local register historic district and certified the changes as not adversely affecting the historic characteristics of the property, which contribute to its designation.

G. "Certified local government" or "CLG" means the local government has been certified by the State Historic Preservation Officer as having established its own historic preservation commission and a program meeting federal and state standards.

H. "Class of properties eligible to apply for special valuation in the town of Rosalia" means (all types) properties listed on the National Register of Historic Places or certified as contributing to a National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW, until the town of Rosalia becomes a certified local government (CLG). Once a CLG, the class of properties eligible to apply for special valuation in the town of Rosalia means only (all types) properties listed on the Local and National Register Historic District, which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.

I. "Cost" means the actual cost of rehabilitation, which cost shall be at least 25 percent of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation.

J. A "district" is a geographically definable area urban or rural, small or large – possessing a significant concentration, linkage, or continuity of sites buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.

K. "Emergency repair" means work necessary to prevent destruction or dilapidation to real property or structural appurtenances thereto immediately threatened or damaged by fire, flood, earthquake or other disaster.

L. "Historic property" means real property together with improvements thereon (except property listed in a register primarily for objects buried below ground), which is listed in a local register of a certified local government or the National Register of Historic Places.

M. "Incentives" are such rights or privileges or combination thereof which the Rosalia town council, or other local, state, or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of registered properties. Examples of economic incentives include but are not limited to tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, beneficial place-ment of public improvements or amenities, or the like.

N. "Local review board" or "board" used in Chapter 84.26 RCW and Chapter 254-20 WAC for the special valuation of historic properties means the commission created in RMC 18.04.040.

O. "National Register of Historic Places" means the national listing of properties significant to our cultural history because of their

documented importance to our history, architectural history, engineering, or cultural heritage.

P. An "object" is a thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Q. "Ordinary repair and maintenance"

means work for which a permit issued by the town of Rosalia is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure appropriate to the real property and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage.

R. "Owner" of property is the fee simple owner of record as exists on the Whitman County assessor's records.

S. "Significance" or "significant" used in the context of historic significance means the following: a property with local, state, or national significance is one which helps in the understanding of the history of the local area, state, or nation (whichever is applicable) by illuminating the local, statewide, or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The local area can include the town of Rosalia, Whitman County, or Inland Northwest, Washington, or a modest geographic or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

T. A "site" is a place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupation or activities that may be marked by physical

ical remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may be the location of ruined or now nonextant building or structure of the location itself possesses historic cultural or archaeological significance.

U. "Special valuation for historic properties" or "special valuation" means the local option program which when implemented makes available to property owners a special tax valuation for rehabilitation of historic properties under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to 10 years, the actual cost of the rehabilitation. (Chapter 84.26 RCW).

V. "State Register of Historic Places" means the state listing of properties significant to the community, state, or nation but which do not meet the criteria of the National Register.

W. A "structure" is a work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an engineering project.

X. "Universal transverse mercator" or UTM means the grid zone in metric measurement providing for an exact point of numerical reference.

Y. "Waiver of a certificate of appropriateness" or "waiver" means the commission has reviewed the proposed whole or partial demolition of a local register property or in a local register historic district and failing to find alternatives to demolition has issued a waiver of a certificate of appropriateness which allows the building or zoning official to issue a permit for demolition.

Z. "Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties" or "State Advisory's Council's Standards" means the rehabilitation and maintenance standards used by the town of Rosalia historic preservation

commission as minimum requirements for determining whether or not an historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified. (Ord. 486 § 4, 2003)

18.04.040 Rosalia historic preservation commission.

A. Creation and Size. There is hereby established a Rosalia historic preservation commission, consisting of three members, as provided in subsection B of this section. Members of the Rosalia historic preservation commission shall be appointed by the mayor of Rosalia and approved by the Rosalia town council and shall be residents of Rosalia, Washington, except as provided in subsection B of this section.

B. Composition of the Commission.

1. All members of the commission must have a demonstrated interest and competence in historic preservation and possess qualities of impartiality and broad judgment.

2. The commission should always

include at least one professional who has experience in identifying, evaluating, and protecting historic resources and is selected from among the disciplines of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography, American studies, law and real estate (choose one, several or all disciplines listed above). The commission action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or all of the professional positions, unless the commission action is related to meeting certified local government (CLG) responsibilities cited in the certification agreement between the mayor of Rosalia and the State Historic Preservation Officer. Furthermore, exception to the residency requirement of commission members may be granted by the mayor of Rosalia and the Rosalia town council in order

to obtain representatives from these disciplines. 3. In making appointments, the mayor of Rosalia may consider names submitted from any source. The mayor of Rosalia shall notify the local historical related organization regarding openings.

C. Terms. The original appointment of members to the commission shall be as follows: Position 1 for two years and Positions 2 and 3 for three years. Thereafter, appointments shall be made for a three-year term. Vacancies shall be filled by the mayor of Rosalia for the unexpired term in the same manner as the original appointment.

D. Powers and Duties. The major responsibility of the historic preservation commission is to identify and actively encourage the conservation of Rosalia's historic resources by initiating and maintaining a register of historic places and reviewing proposed changes to register properties; to raise community awareness of Rosalia's history and historic resources; and to serve as Rosalia's primary resource in matters of history, historic planning, and preservation.

In carrying out these responsibilities, the historic preservation commission shall engage in the following:

1. Conduct and maintain a comprehensive inventory of historic resources within the boundaries of Rosalia and known as the town of Rosalia historic inventory; publicize and periodically update inventory results. Properties listed on the inventory shall be recorded on official zoning records with an "H" (for historic inventory designation). This designation shall not change or modify the underlying zone classification.

2. Initiate and maintain the town of Rosalia's register of historic places. This official register shall have historic significance worthy of recognition by the town of Rosalia and encouragement of efforts by owners to maintain, rehabilitate, and preserve properties.

11. Perform other related functions assigned to the commission by the Rosalia town council.
12. Provide information to the public on methods of maintaining and rehabilitating historic properties. This may take the form of pamphlets, newsletters, workshops or similar activities.
13. Officially recognize excellence in the rehabilitation of historic buildings, structures, sites and districts, and new construction in historic areas; and encourage appropriate measures for such recognition.
14. Research and provide information to the public and the town of Rosalia departments on incentives for preservation of historic resources including legislation, regulations and codes which encourage the use and adaptive reuse of historic properties.
15. Submit nominations to the State and National Registers of Historic Places.
16. Research and report to the Rosalia town council on funding sources available to promote historic resource preservation in the town of Rosalia.
17. Serve as the local review board for special valuation and:
 - a. Make determination concerning the eligibility of historic properties for special valuation;
 - b. Verify that the improvements are consistent with the Washington State Advisory Council's Standards for Rehabilitation and Maintenance;
 - c. Enter into agreements with property owners for the duration of the special valuation period as required under WAC 254-20-070(2);
 - d. Approve or deny applications for special valuation;
 - e. Monitor the property for continued compliance with the agreement and statutory eligibility requirements during the 10-year special valuation period; and

3. Review nominations to the town of Rosalia's register of historic places according to criteria in RMC 18.04.050 and adopt standards in its rules to be used to guide this review.
4. Review proposals to construct, change, alter, modify, remodel, move, demolish, and significantly affect properties or districts on the register as provided in RMC 18.04.050; and adopt standards in its rules to be used to guide this review and the issuance of a certificate of appropriateness or waiver.
5. Provide for the review either by the commission or the town of Rosalia clerical staff of all applications for approvals, permits, environmental assessments or impact statements, and other similar documents pertaining to identified historic resources or adjacent properties.
6. Conduct all commission meetings in compliance with Chapter 42.30 RCW, Open Public Meetings Act, to provide for adequate public participation and adopt standards in its rules to guide this action.
7. Participate in, promote and conduct public information, educational and interpretive programs pertaining to historic resources.
8. Establish liaison support, community programs and cooperation with federal, state or other local government entities which will further historic preservation objectives, including public education, within the town of Rosalia area.
9. Review and comment to the Rosalia town council on issues related to historical resources of Rosalia such as land use, housing and redevelopment, municipal improvement and other types of planning and programs undertaken by any Whitman County, state of Washington or federal governmental agencies.
10. Advise the Rosalia town council generally on matters of the town of Rosalia history and historic preservation.

cial, economic, political, aesthetic, engineering, or architectural history.

5. Is associated with the lives of person significant in national, state, or local history.

6. Has yielded or may be likely to yield important archaeological information related to history or prehistory.

7. Is a building or structure removed from its original location but which is significant primarily for architectural value, or which is the only surviving structure significantly associated with an historic person or event.

8. Is a birthplace or grave of an historical figure of outstanding importance and is the only surviving structure or site associated with that person.

9. Is a cemetery which derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns.

10. Is a reconstructed building that has been executed in a historically accurate manner on the original site.

11. Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural or historical categories.

B. Process for Designating Properties or Districts to the Rosalia Register of Historical Places.

1. Any person may nominate a building, structure, site, object, or district for inclusion in the Rosalia register of historic places. Members of the historic preservation commission or the commission as a whole may generate nominations. In its designation decision, the commission shall consider the town of Rosalia historic inventory and the town of Rosalia comprehensive plan.

2. In the case of individual properties, the designation shall include the UTM reference and all features – interior and exterior – and outbuildings which contribute to its designation.

f. Adopt bylaws and/or administrative rules and comply with all other local review board responsibilities identified in Chapter 84.26 RCW.

E. Compensation. All members shall serve without compensation.

F. Rules and Officers. The commission shall establish and adopt its own rules of procedure, and shall select from among its members a chairperson and such other officers as may be necessary to conduct the commission's business.

G. Commission Staff. Commission and professional staff assistance shall be provided by the mayor or Rosalia or a qualified consultant with additional assistance and information to be provided by other town departments as may be necessary to aid the commission in carrying out its duties and responsibilities under this chapter. (Ord. 486 § 5, 2003)

18.04.050 Register of historic places.

A. Criteria for Determining Designation of the Register. Any building, structure, site, object, or district may be designated for inclusion in the Rosalia register of historical places if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the community; if it has integrity; is at least 50 years old, or is of lesser age and has exceptional importance; and if it falls in at least one of the following categories:

1. Is associated with events that have made a significant contribution to the broad patterns of national, state, or local history.

2. Embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction.

3. Is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art.

4. Exemplifies or reflects special elements of the town of Rosalia's cultural, special

D. Effects of Listing on the Register.

1. Listing on the Rosalia register of historic places is an honorary designation, denoting significant association with the historic, archaeological, engineering, or cultural heritage of the community. Properties are listed individually or as contributing properties to an historic district.

2. Prior to the commencement of any work on a register property, excluding ordinary repair and maintenance (as defined in RMC 18.04.030(Q)), and emergency measures (as defined in RMC 18.04.030(K)), the owner must request and receive a certificate of appropriateness from the commission for the purposed work. Violation of this rule shall be grounds for the commission to review the property for removal from the register.
3. Prior to whole or partial demolition of a register property, the owner must request and receive a waiver of a certificate of appropriateness.
4. Once the town of Rosalia is certified as a certified local government, identified selected type properties listed on the Rosalia register of historic places may be eligible for a special tax valuation on their rehabilitation. (Ord. 486 § 6, 2003)

18.04.060 Review of changes to Rosalia register of historic places

A. Review Required. No person shall change the use, construct any new building or structure, or reconstruct, alter, restore, remodel, repair, move, or demolish any existing property of the Rosalia register of historic places or within a historic district on the Rosalia register of historic places without review by the commission and without receipt of a certificate of appropriateness, or in the case of demolition, a waiver, as a result of the review.

The review shall apply to all features of the property, interior and exterior, that contributes to its designation and are listed on the nominal

3. In the case of districts, the designation shall include description of the boundaries of the district; the characteristics of the district which justifies its designation; and a list of all properties including features, structures, sites, and objects which contribute to the designation of the district.
4. The historic preservation commission shall consider the merits of the nomination, according to the criteria in RMC 18.04.040 and according to the nomination review standards established in rules, at a public meeting. Adequate notice will be given to the public, the owner(s) and the authors of the nomination, if different, and lessees, if any, of the subject property prior to the public meeting according to standards for public meetings established in rules and in compliance with Chapter 42.30 RCW, Open Public Meetings Act. Such notice shall include publication in a newspaper of general circulation in the town of Rosalia and posting of the property. If the commission finds that the nominated property is eligible for the Rosalia register of historic places, the commission will make recommendations to the town council that the property be listed in the register with the owner's consent. The public, property owner(s) and the authors of the nomination, if different, and lessees, if any, shall be notified of the listing.

5. Properties listed on the Rosalia register of historic places shall be recorded on official zoning records with an "HR" designation. This designation shall not change or modify the underlying zone classification.

C. Removal of Properties from the Register. In the event that any property is no longer deemed appropriate for designation to the Rosalia register of historic places, the commission may initiate removal from such designation by the same procedure as provided for in establishing the designation. A property may be removed from the Rosalia register without the owner's consent.

tions within 30 days of the date of receipt of the application. If the commission is unable to process the request, the commission may ask for an extension of time.

The commission's recommendations shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. If the owner agrees to the commission's recommendations, a certificate of appropriateness shall be awarded by the commission according to standards established in the commission's rules. The commission's recommendations and, if awarded, the certificate of appropriateness shall be transmitted to the building or zoning official. If a certificate of appropriateness is awarded, the building or zoning official may then issue the permit.

3. Demolition. A waiver of the certificate of appropriateness is required before a permit may be issued to allow whole or partial demolition of a designated Rosalia register property or in a Rosalia register historic district. The owner or his/her agent shall apply to the commission for a review of the proposed demolition and request a waiver. The applicant shall meet with the commission in an attempt to find alternatives to demolition. These negotiations may last no longer than 45 days from the initial meeting of the commission, unless either party requests an extension. If no request for an extension is made and no alternative to demolition has been agreed to, the commission shall act and advise the official in charge of issuing a demolition permit of the approval or denial of the waiver of a certificate of approval. Conditions in the case of granting a demolition permit may include allowing the commission up to 45 additional days to develop alternatives to demolition. When issuing a waiver, the board may require the owner to mitigate the loss of the Rosalia register property by means determined by the commis-

tion form. Information required by the commission to review the proposed changes is established in rules.

B. Exemptions. The following activities do not require a certificate of appropriateness or review by the commission: ordinary repair and maintenance – which includes painting – or emergency measures defined in RMC 18.04.030.

C. Review Process.

1. Request for Review and Issuance of a Certificate of Appropriateness or Waiver. The building or zoning official shall report any application for a permit to work on a designated Rosalia register property or in a Rosalia register of historic places district to the commission. If the activity is not exempt from review, the commission shall notify the applicant of the review requirements. The building or zoning official shall not issue any such permit until a certificate of appropriateness or a waiver is received from the commission, but shall work with the commission in considering building and fire code requirements.

2. Commission Review. The owner or his/her agent (architect, contractor, lessee, etc.) shall apply to the commission for a review of proposed changes on a Rosalia register property or within a Rosalia register historic district and request a certificate of appropriateness or, in the case of demolition, a waiver. Each application for review of proposed changes shall be accompanied by such information as is required by the commission established in its rules for the proper review of the proposed projects. The commission shall meet with the applicant and review the proposed work according to the design review criteria established in rules. Unless legally required, there shall be no notice, posting, or publication requirements for action on the application, but all such actions shall be made at regular meetings of the commission. The commission shall complete its review and make its recommen-

sion at the meeting. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permit granted. After the property is demolished, the commission shall initiate removal of the property from the register.

4. Appeal of Approval or Denial of a Waiver of a Certificate of Appropriateness.

The commission's decision regarding a waiver of a certificate of appropriateness may be appealed to the town of Rosalia council within 10 days. The appeal must state the grounds upon which the appeal is based.

The appeal shall be reviewed by the council only on the records of the commission. Appeal of council's decision regarding a waiver of a certificate of appropriateness may be appealed to superior court. (Ord. 486 § 7, 2003)

18.04.070 Relationship to zoning.

Properties designated to the register shall be subject to the provisions set forth herein, as well as the bulk, use, setback, and other controls of the zoning district in which they are located. Nothing contained herein shall be construed to be repealing, modifying, or waiving any zoning provisions. (Ord. 486 § 8, 2003)

18.04.080 Review and monitoring of properties for special property tax valuation.

A. Time Lines.

1. Applications shall be forwarded to the commission by the assessor within 10 days of filing.

2. Applications shall be reviewed by the commission before December 31st of the calendar year in which the application is made.

3. Commission decisions regarding the applications shall be certified in writing and filed with the assessor within 10 days of issuance.

B. Procedure.

1. The assessor forwards the application(s) to the commission.

2. The commission reviews the application(s) consistent with its rules of procedure, and determines if the application(s) are complete and if the properties meet the criteria set forth in WAC 254-20-070(1).

a. If the commission finds the properties meet all the criteria, then on behalf of the town of Rosalia, it enters into a historic preservation special valuation agreement (set forth in WAC 254-20-120) with the owner. Upon execution of the agreement between the owner and commission approves the application(s).

b. If the commission determines the properties do not meet all the criteria, then it shall deny the application(s).

3. The commission certifies its decision in writing and states the facts upon which the approvals or denials are based and files copies of the certifications with the assessor.

4. For approval applications:

a. The commission forwards copies of the agreements, applications, and supporting documentation (as required by WAC 254-20-090(4) and identified in RMC 18.04.050) to the assessor.

b. Notifies the state review board that the properties have been approved for special valuation; and

c. Monitors the properties for continued compliance with the agreements throughout the 10-year special valuation period.

5. The commission determines, in a manner consistent with its rules of procedure, whether or not properties are disqualified from special valuation either because of:

a. The owner's failure to comply with the terms of the agreement; or

b. Because of a loss of historic value resulting from physical changes to the building or site.

6. For disqualified properties, in the event that the commission concludes that a

property is no longer qualified for special valuation, the commission shall notify the owner, assessor, and state review board in writing and state the facts supporting its findings.

C. Criteria.

1. Historic Property Criteria. The class

of historic property eligible to apply for special valuation in the town of Rosalia means all properties listed on the National Register of Historic Places or certified as contributing to a National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW, until the town of Rosalia becomes a certified local government (CLG). Once a CLG, the class of property eligible to apply for special valuation in the town of Rosalia means all properties listed on the Rosalia register of historic places or properties certified as contributing to Rosalia register historic district which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.

2. Application Criteria. Complete applications shall consist of the following documentation:

a. A legal description of the historic property;

b. Comprehensive exterior and interior photographs of the historic property before and after rehabilitation;

c. Architectural plans or other legible drawings depicting the completed rehabilitation work;

d. A notarized affidavit attesting to the actual cost of the rehabilitation work completed prior to the date of application and the period of time during which the work was performed and documentation of both to be made available to the commission upon request; and

e. For properties located within historic districts, in addition to the standard application specified in local administrative rules or

properties meet all the following criteria:

a. The property is historic property;

b. The property is included within a class of historic property determined eligible for special valuation by the town of Rosalia under this section;

c. The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) (and identified in this section) within 24 months prior to the date of application; and

d. The property has not been altered in any way which adversely affects those elements which qualify it as historically significant as determined by applying the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties (WAC 254-20-100(1) and listed in this section).

4. Rehabilitation and Maintenance Criteria. The Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties in WAC 254-20-100 shall be used by the commission as minimum requirements for determining whether or not a historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.

D. Agreement. The historic preservation special valuation agreement in WAC 254-20-120 shall be used by the commission as the minimum agreement necessary to comply with the requirements of RCW 84.26.050(2).

E. Appeals. Any decision of the commission acting on any application for classification as historic property, eligible for special valuation, may be appealed to superior court under Chapter 34.04.130 RCW in addition to any other remedy of law. Any decision on the disqualification of historic property eligible

For special valuation, or any other dispute, may be appealed to the county board of equalization. (Ord. 486 § 9, 2003)

Chapter 18.08

DISTRICTS ESTABLISHED

Sections:

18.08.010 Purpose of division.

18.08.020 Establishment of zoning districts.

18.08.010 Purpose of division.

This division has two purposes:

A. To establish and describe zoning districts and the uses which may be located within them; and

B. To establish zoning district boundaries by adoption of a zoning map. (Ord. 359 § 2.010, 1988)

18.08.020 Establishment of zoning districts.

The following zoning districts are hereby established:

District	Designation
Residential	R
Commercial	C
Industrial	I

(Ord. 359 § 2.020, 1988)

Chapter 18.12

ZONING MAP

Sections:

18.12.010 Zoning district boundaries.

18.12.020 Adoption of map.

18.12.030 Filing.

18.12.040 Changes.

18.12.050 Replacement.

18.12.060 Zoning of newly annexed land.

18.12.010 Zoning district boundaries.

Unless otherwise specified, zoning district

boundaries defined by the zoning map are

topographical contour lines, section lines, or

the center lines of streets, railroad rights-of-

way, or such lines extended. In case uncer-

tainty exists which cannot be determined by

application of the foregoing rules, the planning

commission shall recommend, and the town

council shall determine, the location of such

use district boundaries. (Ord. 359 § 2.031,

1988)

18.12.020 Adoption of map.

The designation, location and boundaries of

the zoning districts established by this title are

as shown and depicted on the official zoning

map of the town, which is hereby adopted by

reference and incorporated herein. (Ord. 359

§ 2.032, 1988)

18.12.030 Filing.

The zoning map shall be located in the

Town Hall and shall be the final authority as to

the current zoning status of land within the

town. The zoning map shall bear the signature

of the mayor and the date of the most recent

ordinance adopting or amending the map. Any

amendments passed by the town council shall

be duly recorded on the zoning map by the

town clerk-treasurer as expeditiously as possi-

ble after the action of the town council. (Ord. 359 § 2.033, 1988)

18.12.040 Changes.

No changes of any nature shall be made in

the original map or matters thereon, except in

conformity with the procedures set forth in

Division IV of this title, Administration and

Enforcement. (Ord. 359 § 2.034, 1988)

18.12.050 Replacement.

In the event the zoning map becomes dam-

aged, destroyed, lost or difficult to interpret

because of the nature of the changes or addi-

tions thereto, the town council may, by resolu-

tion, adopt a new zoning map in whole or in

part, which shall supersede the prior zoning

map. The new zoning map may correct errors

or omissions in the prior map, but no such cor-

rections shall have the effect of amending the

original ordinance or any subsequent amend-

ment thereof. (Ord. 359 § 2.035, 1988)

18.12.060 Zoning of newly annexed land.

Any lands annexed to the town shall be

deemed to be included on the zoning map as

being in the rural residential district. Within 60

days following annexation, the planning com-

mission shall make its recommendation to the

town council for the zoning of the area. The

zoning procedure for annexed land shall com-

ply with the provisions of Division IV of this

title, Administration and Enforcement. (Ord. 359 § 2.036, 1988)

PERMITTED AND CONDITIONAL USES IN ZONING DISTRICTS

Chapter 18.16

Sections:

- 18.16.010 Description of chart.
- 18.16.020 Interpretation of chart.
- 18.16.030 Permitted and conditional uses by zoning district.

18.16.010 Description of chart.

Chart 18.16.030 lists specific uses which are permitted (indicated by "P" on the chart), conditional (indicated by "C" on the chart), or not permitted (left blank on the chart), in each zoning district. Permitted uses are allowed outright, while conditional uses require review and a public hearing before approval. The review procedure for conditional uses is described in RMC 18.68.030. (Ord. 359 § 2.041, 1988)

18.16.030 Permitted and conditional uses by zoning district.

Chart 18.16.030 is intended for administrative convenience only. Guidelines in the text for each district should be consulted for uses not specified in the chart. In the case of a question as to the inclusion or exclusion of a particular proposed use in a particular use district, the planning commission shall recommend and the town council shall make the determination. The recommendation shall be made according to the characteristics of the operation of the proposed use and based upon the commission's interpretation of the Rosalia comprehensive plan and of this title. (Ord. 359 § 2.042, 1988)

Chart 18.16.030 – Permitted and Conditional Uses by Zoning District

Uses			
Agricultural Uses			
Cultivation agriculture ¹	C		
Horticulture ¹	C		
Nurseries (wholesale)	C	C	C
(retail)			C
Residential Uses			
One-family dwellings (includes mobile homes) ²	P		
Two-family dwellings	P		
Multiple-family dwellings	C		
Mobile/Mannufactured home parks ²	C		
Group homes	C		
Commercial Uses			
Day care centers	C		P
Funeral homes	C		P

Uses		Zoning Districts	
Industrial Uses ⁵	Gas stations or garages	R	C
	Home occupations ³ (including day care homes)	R	C
	Hotels or motels	R	C
	Nursing homes	R	C
	Personal service shops (including barbers, beauty parlors, car washes and laundromats)	R	C
	Professional services ⁴	R	C
	Restaurants or taverns	R	C
	Retail sales ⁴	R	C
	Roominghouses	R	C
	Churches	R	C
	Clubhouses or other similar buildings	R	C
	Parks, playgrounds or recreation areas	R	C
	Schools	R	C
	Public buildings	R	C
		R	C

Notes:

1. For commercial use.
2. See Chapters 18.44 and 18.48 RMC for mobile/manufactured home and mobile/manufactured home park requirements.
3. See Chapter 18.40 RMC for requirements for home occupations.
4. Except for the on-site storage of hazardous materials (see RMC 18.24.020(A)).
5. See Chapter 18.28 RMC for permitted conditional and accessory uses in the industrial district.

(Ord. 359 § 2.043, 1988)

Chapter 18.20

RESIDENTIAL DISTRICT

Sections:

18.20.010 Purpose.

18.20.020 Permitted uses.

18.20.030 Accessory uses.

18.20.040 Conditional uses.

18.20.050 Development requirements.

18.20.010 Purpose.

The purpose of the residential district is to

provide a rural residential environment which

accommodates limited agricultural activities.

The district is intended to preserve a rural life-

style, allowing residential development as well

as agricultural uses; provided, that no such

agricultural use would present a danger to the

health or safety of neighboring residences or

would be a nuisance because of continuing

noise, odor, or air pollution. (Ord. 359 § 2.051,

1988)

18.20.020 Permitted uses.

The following are permitted uses within the

residential district:

A. Single-family dwellings, including

mobile homes (see Chapter 18.44 RMC for

special requirements for mobile/manufactured

homes);

B. Two-family dwellings. (Ord. 359

§ 2.052, 1988)

18.20.030 Accessory uses.

The following are accessory uses within the

residential district:

A. The usual accessory structures located

on the same lot with single-family dwellings;

B. A garage or group of garages containing

space for private storage and maintenance of

vehicles; excluding heavy commercial equip-

ment. (Ord. 359 § 2.053, 1988)

18.20.040 Conditional uses.

The following are conditional uses within

the residential district:

A. Multiple-family dwellings;

B. Mobile/manufactured home parks; pro-

vided, that they meet the requirements set forth

in Chapter 18.48 RMC;

C. Home occupations of the type usually

engaged in by individuals within their dwell-

ings, including family day care homes (see

Chapter 18.40 RMC for special requirements

for home occupations);

D. Schools, including nursery schools, and

churches;

E. Group homes;

F. Roominghouses;

G. Funeral homes;

H. Nursing homes;

I. Buildings necessary for government or

public utility functions;

J. Public parks, playgrounds or recreational

areas;

K. Private parks, playgrounds or recre-

ational areas; provided, that they shall be oper-

ated by a nonprofit organization as a

community facility;

L. Private clubhouses or other similar

buildings for private or public use;

M. All agriculture, horticulture, general

farming, nurseries, and other similar enter-

prises excluding retail sales of agricultural

products and agricultural uses which would

present a danger to the health or safety of

neighboring residences or which would be a

nuisance because of continuing noise, odor or

air pollution problems, such as feed lots, ferti-

lizer or petroleum products storage, or com-

mmercial poultry operations;

N. The keeping but not the propagating of

useful livestock and poultry for solely domes-

tic purposes; provided, that structures for the

housing of such livestock shall be located

within a rear yard and at a sufficient distance

Chapter 18.24**COMMERCIAL DISTRICT**

Sections:

18.24.010 Purpose.

18.24.020 Permitted uses.

18.24.030 Accessory uses.

18.24.040 Conditional uses.

18.24.050 Development requirements.

18.24.010 Purpose.

The purpose of the commercial district is to provide an area for business and commerce to serve the needs of Rosalia residents and the surrounding farming community. (Ord. 359 § 2.071, 1988)

18.24.020 Permitted uses.

The following are permitted uses within the commercial district:

A. Businesses providing retail sales or professional services, except for the on-site storage of products which, by their nature, are a potential hazard to densely populated areas because of the possibility of explosion, fire or leakage;

B. Restaurants or taverns;

C. Motels, hotels, or roominghouses;

D. Nursing homes;

E. Funeral homes;

F. Personal service shops including barbers, beauty parlors, car washes, laundromats and similar uses.

G. Day care centers. (Ord. 359 § 2.072, 1988)

18.24.030 Accessory uses.

The following are accessory uses within the commercial district:

A. The usual accessory structures located on the same lot with a permitted use. (Ord. 359 § 2.073, 1988)

from neighboring properties to prevent a nuisance (see Chapter 18.64 RMC for animal density regulations);

O. Farm equipment shops. (Ord. 359 § 2.054, 1988)

18.20.050 Development requirements.

Area and dimensional requirements are listed in Chart 18.32.020, and regulations applying to specific structures or activities are described in Division III of this title. All lots, structures and activities shall conform to these requirements. (Ord. 359 § 2.055, 1988)

Chapter 18.28

INDUSTRIAL DISTRICT

Sections:

- 18.28.010 Purpose.
- 18.28.020 Permitted uses.
- 18.28.030 Accessory uses.
- 18.28.040 Conditional uses.
- 18.28.050 Development requirements.

18.28.010 Purpose.

The purpose of the industrial district is to provide an area for the location of industrial activities; provided, that no such use causes hazardous or obnoxious conditions due to emissions or outdoor storage of materials. (Ord. 359 § 2.081, 1988)

18.28.020 Permitted uses.

The following are permitted uses within the industrial district:

- A. Commercial wholesale sales;
- B. Businesses providing sales or services related to transportation, construction, warehousing or agriculture;
- C. Manufacture, processing, assembly, compounding, storage, packaging or treatment of products similar to the following: food products; scientific, business, agricultural or industrial machinery or instrumentation; finished hardware products or construction specialties; mobile or modular homes; recreational equipment; and clothing;
- D. Trucking terminals;
- E. Railroad yards;
- F. Grain, seed, or agricultural chemical storage;
- G. Warehouses storing wholesale, retail or industrial bulk products;
- H. Research, experimental or testing laboratories;
- I. Businesses providing services to industries and businesses, such as repair, technical or facility maintenance services. (Ord. 359 § 2.082, 1988)

18.24.040 Conditional uses.

The following are conditional uses within the commercial district:

- A. Gas stations or garages.
- B. Schools, including nursery schools, and churches;
- C. Public parks, playgrounds or recreational areas;
- D. Private parks, playgrounds, or recreational areas;
- E. Private clubhouses or other similar buildings for private or public use;
- F. Buildings necessary for government or public utility functions. (Ord. 359 § 2.074, 1988)

18.24.050 Development requirements.

Area and dimensional requirements are listed in Chart 18.32.020, and regulations applying to specific structures or activities are described in Division III of this title. All lots, structures and activities shall conform to these requirements. (Ord. 359 § 2.075, 1988)

Division III. Development Requirements

Chapter 18.32

DIMENSIONAL REQUIREMENTS

Sections:

18.32.010 Purpose of division.

18.32.020 Dimensional requirements for lots

and buildings.

18.32.030 Vision clearance at intersections.

18.32.010 Purpose of division.

The purpose of this division is to set forth minimum standards for development in each of the zoning districts. All lots, structures, and activities shall conform to these requirements. Where any provisions of this chapter are in conflict, the stricter of the provisions shall apply. (Ord. 359 § 3.010, 1988)

18.32.020 Dimensional requirements for

lots and buildings.

Chart 18.32.020 sets forth the dimensional requirements for each zoning district.

Chart 18.32.020 – Dimensional

Requirements for Lots and Buildings

Zoning District:	Size/Dimension/ Measure (sq. ft./ft.)			Minimum lot dimensions:			
	R	C	I	Area: ¹	Width and depth:	Minimum setbacks:	
	10,000	3,000	None	75	50 ³	20	None ³
	5,000 ²	None	None	25	None	20 ⁵	None ³
						Side yard:	10
						Rear yard:	10 ⁴
						Front yard:	10 ⁴
						Maximum building height:	35

The following are accessory uses within the industrial district:
A. The usual accessory structures located on the same lot with the permitted uses. (Ord. 359 § 2.083, 1988)

18.28.030 Accessory uses.

The following are conditional uses within the industrial district:

A. Manufacture, treatment or storage of materials or products which emit hazardous fumes or are volatile or explosive;
B. Rock crushing or quarrying;
C. Housing for persons required to live on the site of a permitted use for management, maintenance, or security purposes;

D. On-site hazardous waste treatment and storage facilities accessory to a permitted use; provided, that such facilities meet the state siting criteria adopted pursuant to RCW 70.105.210. (Ord. 380 § 2, 1992; Ord. 359 § 2.084, 1988)

18.28.050 Development requirements.

Area and dimensional requirements are listed in Chart 18.32.020, and regulations applying to specific structures or activities are described in Division III of this title. All lots, structures and activities shall conform to these requirements. (Ord. 359 § 2.085, 1988)

FLOOD MANAGEMENT OVERLAY ZONE

Chapter 18.36

Sections:

18.36.010 Purpose.

18.36.020 Map.

18.36.030 Development permit required.

18.36.010 Purpose.

Chapter 18.36 RMC establishes a flood

management overlay zone and minimum standards for development within that zone. The flood management overlay zone is intended to

minimize public and private losses due to flood conditions in certain areas defined by the

zone, and to meet the requirements of the federal government to maintain the town's eligibility for resident participation in the regular

flood insurance program. The flood management overlay zone, which overlays zoning districts defined in this title, does not add to uses

specified in this title, but may restrict certain specified uses. The provisions of the flood

management zone are not intended to repeal, abrogate, or impair the restrictions of this title,

or vice versa. However, where the restrictions established in this title and those defined in

Chapter 18.36 RMC overlap or conflict, the more stringent restrictions consistent with

flood protection shall prevail. (Ord. 359 § 3.031, 1988)

18.36.020 Map.

The areas within the flood management

overlay zone are designated on the town of Rosalia's flood insurance rate map (FIRM), on

file with the town clerk-treasurer. (Ord. 359 § 3.032, 1988)

18.36.030 Development permit required.

A development permit must be obtained

before construction or development begins within any area of special flood hazard, as

Notes:

1. See Chapter 18.48 RMC for mobile home

park regulations.

2. One-family dwellings.

3. Unless in flood management zone (see

Chapter 18.36 RMC).

4. Or 20 feet if abutting residential property.

5. No setback from alleys for existing accessory structures, and five-foot setback from any

real lot line for newly constructed accessory buildings.

(Ord. 472 § 1, 1999; Ord. 359 §§ 3.020, 3.021, 1988)

18.32.030 Vision clearance at intersections.

In all zoning districts, owners of corner lots

at street intersections or railroads shall maintain a triangular area for safe vision clearance.

The corner angle formed by the intersection of the property line and the street property shall

have sides of 10 feet. The third side of the triangle is the straight line connecting the two 10-

foot sides. Nothing within the triangular area which blocks vision shall be erected, placed,

planted, or allowed to grow within two and one-half and eight feet above the centerline of

the grades of intersecting streets and/or railroads. (Ord. 359 § 3.022, 1988)

Chapter 18.40

HOME OCCUPATIONS

Sections:

18.40.010 Requirements.

18.40.010 Requirements.

The establishment of a home occupation requires a conditional use permit granted by the town council. The applicant must prepare an application which states that the applicant will comply with the following conditions:

A. The occupation or profession will be carried on wholly within the principal building or other structure accessory thereto, and it shall utilize no more than 25 percent of the gross floor area of the building.

B. Not more than two persons, or two full-time equivalents, who are not residents of the applicant's home may be employed.

C. No use shall require structural alterations to the interior or exterior of the building which changes the residential character thereof.

D. There shall be no exterior indication of a home occupation or variation from the residential character of the premises with the exception of two signs, each of which is not to exceed eight square feet in area.

E. The use shall not create a demand for traffic which significantly exceeds that which is normal to the neighborhood.

F. The home occupation shall not involve the use of more than two commercial vehicles per week, other than those owned by the applicant for delivery of products or materials to and from the premises. (Ord. 359 § 3.040, 1988)

defined in Chapter 15.10 RMC. Application for a development permit shall be made to the town clerk-treasurer. (Ord. 359 § 3.033, 1988)

MOBILE/MANUFACTURED HOMES

Chapter 18.44

18.44.060 Pit set.

Mobile/manufactured homes on individual lots shall be pit set and conform to all current building codes. Partial pit set may be acceptable upon discretion of building inspector due to topography. (Ord. 396 § 1, 1993; Ord. 359 § 3.050, 1988)

18.44.070 Construction standards.

Mobile/manufactured homes must bear an insignia issued by a state or federal regulatory agency indicating that it complies with the construction standards of the U.S. Department of Housing and Urban Development Standards of 1976. (Ord. 396 § 1, 1993; Ord. 359 § 3.050, 1988)

18.44.080 Dimensional requirements.

Lot dimensions and minimum setback requirements for mobile/manufactured homes on individual lots shall be the same as all buildings in the residential zone. (Ord. 396 § 1, 1993; Ord. 359 § 3.050, 1988)

Sections:
18.44.010 Skirting.

18.44.020 Removal of wheels and tongue.

18.44.030 Minimum floor area.

18.44.040 Maximum age.

18.44.050 Roof.

18.44.060 Pit set.

18.44.070 Construction standards.

18.44.080 Dimensional requirements.

18.44.010 Skirting.

Each home shall be installed either with skirting or with a perimeter masonry foundation within 60 days after placement of the mobile/manufactured home. (Ord. 396 § 1, 1993; Ord. 359 § 3.050, 1988)

18.44.020 Removal of wheels and tongue.

Wheels and tongue of all mobile homes shall be removed or camouflaged to the extent that they are not exposed within 60 days after placement of the mobile home. (Ord. 396 § 1, 1993; Ord. 359 § 3.050, 1988)

18.44.030 Minimum floor area.

Mobile/manufactured homes on individual lots shall have a minimum of 980 square feet floor area as originally manufactured. (Ord. 396 § 1, 1993; Ord. 359 § 3.050, 1988)

18.44.040 Maximum age.

Mobile/manufactured homes on individual lots shall be no more than 10 years old on the date of placement. (Ord. 396 § 1, 1993; Ord. 359 § 3.050, 1988)

18.44.050 Roof.

Mobile/manufactured homes on individual lots must have a straight pitched roof as originally manufactured. Flat or domed roofs are specifically prohibited. (Ord. 396 § 1, 1993; Ord. 359 § 3.050, 1988)

Chapter 18.48 MOBILE/MANUFACTURED HOME PARKS

Sections:

- 18.48.010 Area and placement specifications.
- 18.48.020 Other requirements.
- 18.48.030 Mobile/manufactured home park plan.
- 18.48.040 Changes or alterations to M/MH plan.

18.48.010 Area and placement

specifications.

All mobile/manufactured home (M/MH) parks shall comply with the following specifications:

A. Area of Park. The minimum area of any

M/MH park shall be one acre.

B. Area of Space. A M/MH space shall be a

minimum of 2,800 square feet in area or three times the area of the M/MH situated thereon, whichever is greater.

C. Width of Space. A M/MH space shall be at least 30 feet wide.

D. Setback. All homes in a M/MH park shall be placed at least 20 feet from any property line.

E. Space Between Homes. All M/MHs shall be placed at least 15 feet from other M/MHs or accessory buildings in the M/MH park; provided, however, that two M/MHs may be placed a minimum of 10 feet apart if end-to-end.

F. Floor Area. There shall be no minimum floor area requirement for mobile/manufactured homes within M/MH parks. (Ord. 359 § 3.061, 1988)

18.48.020 Other requirements.

All M/MH parks shall comply with the following additional requirements:

- A. Name and address of owner;
- B. Legal description and dimensions of the tract of land;
- C. The location and dimensions of all M/MH spaces;
- D. The location and width of all roadways and walkways;

18.48.030 Mobile/manufactured home

park plan.

As part of the conditional use permit application for establishing a mobile/manufactured home park, the owner of the park shall file with the town council a plan of the proposed M/MH park containing but not limited to the following information:

- A. Recreation Area. A M/MH park must have a recreation or play area of at least 2,500 square feet in area, plus an additional 100 square feet for each M/MH in excess of 10.
- B. Access Roads. Hard-surfaced access roads at least 25 feet wide shall be provided to each M/MH space. Each access road shall connect with a street or highway and shall be well marked in the daytime and adequately lighted at night.
- C. Walkways. Walkways shall be provided to all service buildings and to all recreation, play, and other areas reserved for general occupant use. The walkways shall be at least five feet wide, of which at least three feet will be surfaced.
- D. Parking. One parking space of at least nine feet by 20 feet shall be provided for each mobile home space.
- E. Accessory Buildings. Buildings accessory to individual M/MHs are permitted. Buildings accessory to the M/MH park as a whole, and intended for the use of M/MH park occupants, are permitted; provided, that the building area does not exceed one-third of the common open space and that all buildings are located at least 10 feet away from any M/MH lot line. (Ord. 359 § 3.062, 1988)

NONCONFORMING USES, STRUCTURES AND SITES

Chapter 18.52

Sections:

- 18.52.010 Purpose.
- 18.52.020 Continuation of a nonconforming use, structure or site.
- 18.52.030 Abandonment of a nonconforming use.
- 18.52.040 Change of a nonconforming use.
- 18.52.050 Maintenance and repair.
- 18.52.060 Destruction of nonconforming structure or use.
- 18.52.070 Nonconforming agricultural uses.

- E. The locations of all buildings and structures; and
- F. The sizes and locations of all play spaces, recreational spaces, and all other areas reserved for general occupant use. (Ord. 359 § 3.063, 1988)

18.48.040 Changes or alterations to M/MH

plan.

After approval of a M/MH park by the town council, no changes, alterations, or additions may be made to any part of the M/MH park as shown in the required plan without approval of a revised conditional use permit by the town council. (Ord. 359 § 3.064, 1988)

18.52.010 Purpose.
Invariably, at the time the zoning ordinance is adopted or amended, certain uses which existed prior to the adoption or amendment will not conform to the regulations of the ordinance. These are known as nonconforming uses, and in order to feasibly adopt this title and so as not to cause undue economic hardship on owners of nonconforming uses, these uses are allowed to continue under special conditions as outlined in the following sections. (Ord. 359 § 3.071, 1988)

18.52.020 Continuation of a nonconforming use, structure or site.
Subject to the provisions of this chapter, a nonconforming use, structure or site may be continued and maintained in reasonable repair, but shall not be altered or extended. (Ord. 359 § 3.072, 1988)

18.52.030 Abandonment of a nonconforming use.

If a nonconforming use of a structure or site is discontinued for a period of one year or more following the effective date of the ordinance codified in this title, that nonconforming use is considered abandoned, and subsequent

18.52.070 Nonconforming agricultural**uses.**

Agricultural uses of property which existed prior to the ordinance codified in this title shall be allowed to continue provided they meet other town ordinances that may apply. (Ord. 359 § 3.077, 1988)

uses shall conform to this title, with the following exception: An abandoned one-family dwelling shall not be considered abandoned if and only if the lapse in use of the building is occasioned by the good faith, continuing effort to sell or rent said building for use as a one-family dwelling. (Ord. 359 § 3.073, 1988)

18.52.040 Change of a nonconforming use.

If a nonconforming use is replaced by another use, the new use shall conform to this title. (Ord. 359 § 3.074, 1988)

18.52.050 Maintenance and repair.

Ordinary maintenance and repair of a nonconforming structure and its equipment or fixtures is permitted; provided, the value of the repair does not exceed 25 percent of the assessed value of the building as determined by the county assessor for the year in which the work is completed. (Ord. 359 § 3.075, 1988)

18.52.060 Destruction of nonconforming**structure or use.**

If a nonconforming structure or a structure containing a nonconforming use suffers damage or is destroyed by any cause, including intentional destruction, exceeding 75 percent of its assessed value, a future structure or use on the site shall conform to this title. If a nonconforming structure or a structure containing a nonconforming use suffers damage amounting to less than 75 percent of its assessed value, the structure may be repaired and the use continued; provided, such repair begins no more than six months from the date of such damage and shall not result in the structure being in greater nonconformity than it was prior to being damaged. (Ord. 359 § 3.076, 1988)

Chapter 18.56
SIGNS

18.56.050 Setback.
The minimum yard setbacks for all signs shall be the same as the minimum setbacks for permitted uses in each district. (Ord. 359 § 3.085, 1988)

18.56.060 Prohibited signs.

The following signs shall be prohibited:

- A. Signs which interfere with the view of traffic signs, signals, or devices and approaching or merging traffic;
- B. Signs containing flashing, moving, or intermittent lights;
- C. Signs with animated parts;
- D. Signs erected, maintained, or painted upon trees, rocks, or other natural features.

(Ord. 359 § 3.086, 1988)

18.56.070 Safety hazards.

Marking and lighting of safety hazards shall be exempt from jurisdiction. (Ord. 359 § 3.087, 1988)

18.56.080 Regulations of other jurisdictions.

Nothing in this section shall be construed to permit the erection of signs which are prohibited by the Revised Code of Washington, the U.S. Code or any amendments thereto. (Ord. 359 § 3.088, 1988)

Sections:
18.56.010 Purpose.
18.56.020 Height.
18.56.030 Area.
18.56.040 Home occupations.
18.56.050 Setback.
18.56.060 Prohibited signs.
18.56.070 Safety hazards.
18.56.080 Regulations of other jurisdictions.

18.56.010 Purpose.

This chapter is intended to protect the public health, safety and welfare by regulating the use of signs and displays, thus promoting traffic safety, protection of property values, and preservation of natural and aesthetic community assets. (Ord. 359 § 3.081, 1988)

18.56.020 Height.

No sign shall exceed the height of the highest point of elevation of the principal permitted use or structure on the premises. (Ord. 359 § 3.082, 1988)

18.56.030 Area.

The total area of outdoor signs on each parcel shall not exceed the area prescribed for each use district as follows:

District	Maximum Area
Residential	16 sq. ft.
Commercial	32 sq. ft.
Industrial	80 sq. ft.

(Ord. 359 § 3.083, 1988)

18.56.040 Home occupations.

Signs associated with home occupations in any zoning district shall be limited to two signs each of which is not more than eight square feet in area. (Ord. 359 § 3.084, 1988)

Chapter 18.60

PARKING

Sections:

18.60.010 Parking space requirements.
18.60.020 Requirements for nonspecified uses.

18.60.030 Location.
18.60.040 Grading and surfacing requirement.

18.60.050 Screening.
18.60.060 Loading space.

18.60.010 Parking space requirements.

At the time of construction of any new building, off-street parking spaces of at least nine feet by 20 feet shall be provided in all districts as follows:

Use	Parking Spaces Required
One- and two-family dwellings	One per dwelling
Church, auditorium or similar enclosed place of assembly	One per 5 seating spaces
Hospital, nursing home or institution	One per 3 beds
Motel/hotel	One per sleeping unit
Professional offices	One per 200 sq. ft. gross floor area
Restaurants, taverns and similar establishments	One per 100 sq. ft. gross floor area
Food stores and markets	One per 400 sq. ft. gross floor area
Retail establishments	One per 500 sq. ft. gross floor area; provided, that each establishment must have at least 2 spaces
Industrial uses	One per permanent employee and one per every 2 seasonal employees
Mobile home parks	One per mobile home space

(Ord. 359 § 3.091, 1988)

18.60.020 Requirements for nonspecified uses.

Where the parking requirements for a use are not specifically defined in this chapter, the parking requirements for such use shall be determined by the administrative official, and such determination shall be based upon the requirements for the most comparable use defined in this chapter. (Ord. 359 § 3.092, 1988)

18.60.030 Location.

For residential uses, parking shall be located on the same parcel as the buildings they are required to serve. For all other uses, parking shall be located not over 300 feet from the buildings they are required to serve. (Ord. 359 § 3.093, 1988)

18.60.040 Grading and surfacing requirement.

Off-street parking areas shall be surfaced with screened gravel, crushed rock or better, and shall be graded and drained so as to dispose of all surface water. In no case shall such drainage be allowed across a public sidewalk. (Ord. 359 § 3.094, 1988)

18.60.050 Screening.

Every parking area with a required capacity of five or more vehicles which abuts a residential use on adjoining property shall be separated from such property by a sight-obscuring fence or compact landscaping such as a hedge, to be not less than six feet in height. (Ord. 359 § 3.095, 1988)

18.60.060 Loading space.

On every lot except those utilized exclusively for residential and/or farming purposes, off-street loading space shall be provided with access to an alley, or if no alley adjoins the lot, then with access to a street, such that no vehi-

Chapter 18.64**ANIMAL DENSITY**

Sections:

18.64.010 Density requirements.

18.64.010 Density requirements.

Livestock and poultry kept in the residential district shall be managed in such a way that they do not congregate in numbers exceeding the following density requirements:

A. Poultry and rabbits kept for home consumption or educational projects shall not have restrictions; provided a nuisance is not created to owners of surrounding property;

B. Horses and cattle or a combination of each shall be permitted at a density of 20,000 square feet living area per animal; provided, that vegetation is maintained in the area of confinement of such animals in the spring, summer and fall; and provided a nuisance is not created to owners of surrounding property;

C. Sheep, swine and goats or a combination of each shall be permitted at a density of 10,000 square feet per animal, not including young under one year of age; provided, that vegetation is maintained in the area of confinement in the spring, summer and fall; and provided a nuisance is not created to owners of surrounding property. (Ord. 385 § 1, 1992; Ord. 359 § 3.100, 1988)

cle occupying the space projects onto a public road. Additional loading space must be provided as follows:

A. Commercial district: one space either outside or inside a building, with a minimum of 15 feet in width, 30 feet in length and 15 feet in height;

B. Industrial district: one space for each 20,000 square feet of gross floor area or fraction thereof, with a minimum of one space per lot, which space shall be of sufficient length, width and height to accommodate the largest vehicle loading or unloading, but in no case less than 15 feet in width, 30 feet in length and 15 feet in height. (Ord. 359 § 3.096, 1988)

Division IV. Administration and Enforcement

Chapter 18.68

PROCEDURES AND PERMITS

Sections:

18.68.010 Purpose of division.

18.68.020 Amendment.

18.68.030 Conditional use permits.

18.68.040 Variances.

18.68.050 Appeals of administrative

decisions.

18.68.010 Purpose of division.

This division has two purposes:

A. To set forth procedures to amend the

Rosalia comprehensive plan and this title; and

B. To set forth the responsibility, procedures and requirements for the general administration and enforcement of this title. (Ord.

359 § 4.010, 1988)

18.68.020 Amendment.

Whenever public necessity, health, safety or general welfare requires amendment to this title, the procedures described hereinafter shall be followed.

A. Initiation. Amendments to the Rosalia comprehensive plan, this title, or the official zoning map may be initiated by:

1. Any person or group with an interest in the proposed amendment;

2. The planning commission, upon their own initiative, or at the request of the town council by motion; or

3. A motion of the town council.

B. Planning Commission Action. Upon receipt of application or motion for amendment, the planning commission shall begin the following process:

1. Public Hearing. The planning commission shall hold at least one public hearing for any change in the comprehensive plan, this

title, or the official zoning map. Notice of the public hearing shall be published in at least one newspaper of general circulation at least 10 days prior to the meeting. Written notice of proposed changes to the zoning map shall be addressed through the United States mail to all property owners of record within a radius of 300 feet of the exterior boundaries of the subject property. The written notice shall be posted marked not less than 12 days prior to the hearing.

2. Findings of Fact. Prior to the hearing, the planning commission shall conduct an investigation on the matters involved in the amendment. At the public hearing the planning commission shall review the proposed amendment, take public testimony, and prepare written findings of fact and recommendations on the proposed amendment. These findings of fact and recommendations must be forwarded to the town council within 90 days after the receipt of the proposal.

3. Voting. A recommendation for amendment shall be valid if passed by the affirmative vote of a majority of the total members of the commission.

C. Town Council Action. Upon receipt of the town council shall take the following actions:

1. Public Hearing. The town council must hold at least one public hearing for any change in this title, the comprehensive plan, or the official zoning map. Notice of the public hearing shall be published in a newspaper of general circulation at least 10 days prior to the hearing.

2. Findings of Fact. The town council shall adopt a listing of factors considered in their decision on the proposed amendment. In preparing their list, they shall consult the findings of fact prepared and transmitted to them by the planning commission.

3. Procedure. The town council may, upon its own motion, approve, modify, or deny

with the standards set out in this title for the use district applicable to the proposed use;

c. That the findings of fact adopted by the town council to support their decision clearly indicate that the above-listed criteria have been fulfilled.

2. The town council may impose any conditions or safeguards upon granting a conditional use permit which are necessary to ensure conformity with the provisions of this title and protection of the public health, safety and welfare. Failure to fulfill any condition imposed by the town council shall be a violation of this title, and said permit may be revoked. Conditions may include but are not limited to any of the following:

a. Specify a time limit within which action, for which the conditional use permit is required, shall be begun or completed, or both;

b. Require a periodic review of an issued permit to assure compliance with any imposed conditions;

c. Increase the required lot size or yard dimensions;

d. Limit the height or total lot coverage of buildings;

e. Control the number and location of vehicular access points to the property;

f. Control the number of off-street parking or loading spaces;

g. Require suitable landscaping or drainage control;

h. Control signing;

i. Control the hours of operation;

j. Control nuisance generating features in matters of noise, air pollution, wastes, vibration, traffic, physical hazards and glare.

1. If no other time limitations are imposed as a condition of the permit, a conditional use authorized by the town council shall become void after the expiration of six months if, within that six-month period:

a. No building permit has been obtained;

the application for amendment as recommended by the planning commission, or may refer the matter back to the planning commission for further review to be returned to the council within 60 days.

4. Effect. Action by the council shall be final and conclusive unless within 10 days from the date of said action, the applicant or a party adversely affected makes proper application to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition, a writ of mandamus, or other action as may be provided and allowed by law to review the action of the town council. (Ord. 359 § 4.021, 1988)

18.68.030 Conditional use permits.

A. Purpose. Certain uses because of their unusual size, infrequent occurrences, special requirements, possible safety hazards or detrimental effects on surrounding properties or other similar reasons, are designated conditional uses. The purpose of a conditional use permit shall be to assure, by means of imposing special conditions and requirements on developments, that these designated uses (see Division II of this title) are compatible with the other uses in the districts in which they are permitted.

B. Procedures. The town council shall hear and decide all applications for conditional use permits.

C. Limitations and Conditions. The following limitations and conditions shall apply to any conditional use permit authorized by this title:

1. A conditional use permit may only be granted for those uses specifically identified and allowed in the applicable use district, subject to the following limitations:

a. That the conditional use and any conditions imposed by the town council will not adversely affect the public health, safety and welfare;

b. That the proposed use, with any conditions imposed, will be in compliance

b. No excavation or grading has been commenced pursuant to the conditional use authorization; or

c. In situations where no construction or excavation is required, the conditional use approved has not been commenced.

2. A conditional use authorized by the town council shall become void upon expiration of a building permit obtained if no construction has been commenced before the expiration date of the permit.

3. A conditional use authorized by the town council shall become void if said conditional use terminates or ceases for a period of six months.

4. The town council may grant an extension of the expiration date of a conditional use permit at the request of the permit holder at any time prior to the original expiration date.

E. Effect. The action by the town council on an application for a conditional use permit shall be final and conclusive, unless within 10 business days from the date of said action, the applicant or any party adversely affected makes application to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition, or a writ of mandamus. (Ord. 359 § 4.022, 1988)

18.68.040 Variances.

A. Purpose. The purpose of a variance is to provide relief when a strict application of the zoning requirements would impose unusual practical difficulties or unnecessary physical hardships on the applicant. Practical difficulties and unnecessary hardships may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other conditions on the site or in the immediate vicinity. No variance shall be granted to allow the use of property for a use not authorized by this title nor for economic reasons.

B. Procedure. The town council shall hear and decide all applications for variances from the requirements of this title. Applications to the town council shall be filed with the administrative official on approved forms. Upon receipt of application for a variance, the administrative official shall set the date, time, place, and purpose for a public hearing, and written notice thereof shall be addressed through the United States mail to all property owners of record within a radius of 300 feet of the exterior boundaries of the subject property. The written notice shall be postmarked not less than 12 days prior to the hearing.

C. Conditions and Limitations. Any variance granted shall be subject to such conditions as will ensure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the standards and limitations applied to other properties in the use district in which the subject property is situated, and that the findings of fact adopted by the town council to support their decision indicate that each of the following circumstances apply:

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict interpretation of the zoning standards is found to deprive the subject property of rights and privileges enjoyed by other properties under identical zone classifications;

2. That the granting of the variance will not be detrimental to the public health, safety and welfare or be injurious to other properties and improvements in the vicinity of the subject property;

3. That the variance is not required solely due to actions by the applicant which prevent direct compliance with use standards applicable to the subject property;

4. That the variance is not required simply for economic benefit constituting a grant of special privilege to the subject property.

Chapter 18.72

POWERS OF ADMINISTRATIVE AGENCIES AND OFFICIALS

Sections:

18.72.010 Administrative official.
18.72.020 Planning commission.
18.72.030 Town council.

18.72.010 Administrative official.

The administrative official shall make available to the public application materials for approvals and amendments authorized by this title, and shall issue zoning permits under the limitations of this title. If it is found that any provision of this title is being violated, the administrative official shall notify in writing the person responsible for such violation indicating the nature of the violation and the action necessary to correct it. The administrative official shall order discontinuance of illegal use of land, buildings, or structures; removal thereof; and discontinuance of any illegal work being done. (Ord. 359 § 4.031, 1988)

18.72.020 Planning commission.

A. Appointment. The planning commission consists of five members, each of whom shall serve terms of six years, subject to resignation or removal. No person shall hold the office of member of the planning commission unless that person is a resident of the town of Rosalia. Members shall be appointed by the mayor upon the confirmation by a majority of the council, and shall be selected without respect to political affiliations and shall serve without compensation. Planning commission members may be appointed to successive terms.

B. Organization. The commission shall elect its own chairman and create and fill such other offices as it may determine it requires. The commission shall hold at least one regular meeting in each month for not less than nine months in each year. It shall adopt rules for transaction of business and shall keep a written

18.68.050 Appeals of administrative

decisions.

D. Effect. The action by the town council on an application for a variance shall be final and conclusive unless, within 10 business days from the date of said action, the applicant or any party adversely affected makes application to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition, or a writ of mandamus. (Ord. 359 § 4.023, 1988)

When an applicant believes the zoning administrator has committed an error in any order, requirement, decision or determination in administering this title, then the applicant may petition the town council for appeal. The appellant shall specify in writing, in such form as may be required by the rules of the council, facts in support of the appeal and shall include information necessary for the proper identification of the land, the proposed use and the reason for claiming an error in the administrative determination of the zoning administrator. Persons objecting to the relief sought by the appellant should likewise set forth the facts in support thereof in writing which shall contain the signature of the person or persons opposing the petition. The petition or objection shall be submitted to the council within the time provided in its rules or procedure. (Ord. 359 § 4.024, 1988)

Chapter 18.76

PENALTIES AND FEES

Sections:

18.76.010 Enforcement.

18.76.020 Fees.

18.76.010 Enforcement.

The existence of a civil penalty or pendency of any proceedings to enforce and collect such a civil penalty under the provisions of this title shall not be construed to affect the right of the town to proceed with the enforcement of the provisions of this title by other civil proceedings, either at law or equity in any court of competent jurisdiction. Compliance may be enforced by injunctive order at the suit of the town or by an owner or owners of land affected or anyone who may otherwise demonstrate that standing has been conferred upon them by law. The town, at its option, may also seek revocation of any permit or license previously granted pursuant to the provisions of this title.

(Ord. 359 § 4.042, 1988)

18.76.020 Fees.

No building permit, conditional permit, variance, or rezone shall be issued nor shall any action be taken on proceedings before the board of adjustment or planning commission unless or until all charges and fees have been paid in full. Said fees shall be set by council resolution. Modification of the fee schedule may be made no more than once a year following a duly noticed public hearing. (Ord. 359 § 4.043, 1988)

record of its meeting, resolutions, transactions, findings and determinations which record shall be a public record.

C. Powers. Upon receipt of an application

or motion for amendment of this title, the Rosalia comprehensive plan, or the official map, the commission shall act in accordance with RMC 18.68.020. The commission may also act as the research and fact finding agency of the municipality. To that end it may make such surveys, analyses, researches and reports as are generally authorized or requested by the town council, or by the state with the approval of the town council, and other such actions as authorized by RCW 35.63.060. (Ord. 359 § 4.032, 1988)

18.72.030 Town council.

The Rosalia town council shall act in the capacity of a board of adjustment, and in that capacity shall have the following powers:

A. To make and permit, subject to reasonable conditions and restrictions as enumerated in RMC 18.68.040, certain variances to the regulations in this title;

B. To receive, grant, modify or deny applications for conditional use permits based on the restrictions and guidelines enumerated in RMC 18.68.030;

C. To hear and decide appeals, as required by this title, when it is alleged that there is an error in any order, requirement, decision or determination made by the zoning administrator. (Ord. 359 § 4.033, 1988)

Division V. Definitions

Chapter 18.80

DEFINITIONS

Sections:

18.80.010 Definitions.

18.80.010 Definitions.

"Accessory use or structure" means any structure or use incidental, appropriate, and subordinate to the primary use of the property, and located on the same lot, or in the same building as the primary use.

"Administrative official" means the building inspector for the town of Rosalia.

"Boundary" means the lot lines describing a lot of record.

"Building" means any structure built for support, shelter, or enclosure of persons, animal, or property of any kind.

"Building height" means the vertical distance from the grade of a building site to the highest point of the structure or building thereon.

"Conditional use" means a use which requires individual case review and which may be subject to such special conditions and requirements as are necessary to ensure that the use is compatible with the other uses in the districts in which they are permitted.

"Day care center" means a facility furnishing care, supervision and guidance of seven or more children 12 years of age or under for a period of four or more hours per day. Includes mini-day care centers but not family day care homes.

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

"Dwelling, multiple-family" means a building containing three or more dwelling units.

"Dwelling, single-family" means a building containing one dwelling unit, including mobile/manufactured homes and factory-built homes.

"Dwelling, two-family" means a building containing two dwelling units.

"Dwelling unit" means an independent living unit within a dwelling structure designed and intended for occupancy by not more than one family and having its own housekeeping and kitchen facilities. Hotel, motel, room and boarding units which are used primarily for transient tenancy shall not be considered as dwelling units.

"Factory-built housing" means a structure constructed in a factory of factory assembled parts and transported to the building site in whole or in units which meets the requirements of the Uniform Building Code. The completed structure is not a mobile/manufactured home.

"Family day care home" means a home in which care is regularly provided during part of the 24-hour day to six or fewer children at any one time, and which is the family dwelling of the person under whose direct care and supervision the child is placed.

"Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Grade" means average ground level around a building; for the purposes of measuring building height, "grade" is defined as the average elevation of the finished surface of the ground or paving where it touches the building.

"Grade, centerline" means the elevation on the surface of a street at its centerline.

"Hazardous waste" means and includes all dangerous and extremely hazardous waste as set forth in RCW 70.105.010.

"Home occupation" means an activity carried out for hire or a business conducted within a dwelling by the residents thereof, which is clearly secondary to the dwelling's use for living purposes and does not change the dwelling's character. A garage sale is not a home occupation unless carried out in excess of 10 days per year.

"Hotel" or "motel" means a building or portion thereof, or a group of buildings on the same lot, designed or used for the transient rental of six or more units for sleeping purposes. A central kitchen and dining room and accessory shops and services catering to the general public may be provided. Not included are institutions housing persons under legal restraint or requiring medical attention or care. "Lot area" means the total horizontal land area within the lot lines of a parcel of land, exclusive of public or private roads and easements of vehicular access to other property.

"Lot depth" means the mean dimensions of a lot from the front street line to the rear line. "Lot line, front" means a line separating the lot from the street, or public right-of-way other than an alley if a street does not exist. In the case of a corner lot, the shortest continuous line separating the lot from the street or public right-of-way shall be the front lot line. In case of corner lots having equal lines abutting a street or public right-of-way, that property line which when extended creates the front property lot line. Where a lot does not abut a public right-of-way or street the front lot line shall be the lot line nearest to a street or public right-of-way.

"Lot line, rear" means a lot line which is opposite and most distant from the front lot line. "Lot line, side" means any lot boundary line not a front lot line or a rear lot line. "Lot width" means the mean dimension of a lot measured between the side lot lines, approximately parallel to the street frontage.

"Mobile/manufactured home" means a residential unit on one or more chassis for towing to the point of use and designed to be used with a foundation as a dwelling unit on a year-round basis. A commercial coach, recreational vehicle, or motor home is not a mobile/manufactured home.

"Mobile/manufactured home park" means a tract of land under single ownership or control upon which three or more mobile/manufactured homes occupied as dwellings may be located. "Nonconforming use" means any use, building, structure, or portion thereof which was legally established before the effective date of the ordinance codified in this title, but because of the application of this title, does not conform to the regulations contained herein.

"Nursery school" means a private agency, school, or institution engaged in educational work with preschool children and in which no child is enrolled on a regular basis for four or more hours per day. Enrollment of preschool children for four or more hours per day shall classify the facility as a "day care center." "Off-site" means hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located. "On-site" means the same, geographically contiguous, or bordering property. On-site hazardous waste treatment and storage facilities treat and store wastes generated on the same property. "Permitted use" means any use authorized or permitted alone or in conjunction with another use in a specified district and subject to the limitations of the regulations of such use district.

"Private club" means a nonprofit social organization whose premises are restricted to its members and their guests, and which premises may include certain structures and buildings used primarily for the accommodation of its members.

“Yard, side” means a space open to the sky, extending from the front yard to the rear yard and from the nearest point of any building to the side lot line. (Ord. 380 § 1, 1992; Ord. 359 Ch. 5, 1988)

“Public building” means a building constructed for public purposes and usage by agencies and departments of local, county, state, or federal government.

“Recreational vehicle” means a vehicular-type unit designed as temporary living quarters for recreational camping or travel uses, with or without motive power.

“Roominghouse” means a residential-type building, or portion thereof, other than a hotel or motel, where, for compensation, lodging, with or without meals, is provided for not less than three nor more than 10 persons, not including members of the owner-occupant or tenant-occupant family.

“Setback” means the distance from a structure or use to the nearest lot line.

“Structure” means a combination of materials constructed and erected permanently on or under the ground or attached to something having a permanent location on or under the ground. Not included are residential fences, retaining walls less than three feet in height, rockeries and similar improvements of a minor character.

“Treatment and storage” means hazardous waste management facilities requiring a state dangerous waste permit under the provisions of Chapter 173-303 WAC.

“Variance” means permission which may be granted by the board of adjustment to vary from the requirements of this title; such variance may not amount to the permission of a use where otherwise excluded by this title.

“Yard, front” means a space open to the sky, extending from the front lot line to the nearest point of a building on the lot and including the full width of the lot to its side lines.

“Yard, rear” means a space open to the sky, extending from the rear lot line to the nearest point of a building on the lot and including the full width of the lot to its side lines.