

# **WOODLAND PLANNING COMMISSION AGENDA**

Planning Commission Regular Meeting – 7:00 PM

THURSDAY, APRIL 16, 2015

Woodland City Council Chambers  
200 E Scott Avenue, Woodland, Washington

## **CALL TO ORDER – 7:00 PM**

## **APPROVAL OF MINUTES**

- March 19, 2015 meeting minutes

## **WORKSHOP/DISCUSSION**

- Non-Conformities
  - Staff Report
  - Draft Code
- Golf Cart Zone
  - Staff Report
  - Draft Code

## **UPDATE**

- Project status - Report

## **ADJOURN**

cc: Post (City Hall Annex, Library, Post Office, City Hall)  
City of Woodland website  
Planning Commission (5)  
City Council (7)  
Mayor  
Department Heads

# WOODLAND PLANNING COMMISSION MINUTES

Planning Commission Regular Meeting – 7:00 PM

THURSDAY, MARCH 19, 2015

Woodland City Council Chambers  
200 E Scott Avenue, Woodland, Washington

## CALL TO ORDER – 7:02 PM

### Roll Call.

**Present:** David Simpson, Tel Jensen, Sharon Watt, Paula Bosel, Amanda Smeller (Not voting), Kasey Smith (Not voting).

**Absent:** Bart Stepp.

**Excused:** Deborah Deans.

## APPROVAL OF MINUTES

- February 19, 2015 meeting minutes **Motion:** Minutes Approval, **Moved by** Paula Bosel, **Seconded by** Sharon Watt.
- **Motion passed unanimously.**

## WORKSHOP/DISCUSSION

- **Shoreline Management Program Update** – Distribution of second draft.
  - Update given by Eric Eisemann, Consultant
  - Commission discussed the required elements to be included in the Comprehensive Plan with Eric Eisemann.
  - Commission would like to review the proposal and schedule a special workshop to discuss each item. Workshop tentatively scheduled for April 3, 2015 at 6pm.
- **Non-Conformities**
  - Staff Report given by Amanda Smeller
  - Draft Code – Changes were made as discussed in the previous meeting and the commission approved the code as written. Amanda Smeller will provide a clean copy for review at the next meeting for final approval.
- **Golf Cart Zone**
  - Staff Report given by Amanda Smeller
  - Draft Code – Dave Simpson requested to have input from City Council prior to Planning Commission getting into the details of writing a code.
  - Commission discussed changing speed limit to 25mph on 503 and the need to involve the police department for inspecting carts for street legality.

- **Planning Commission Rules & Procedures**
  - Updated rules were signed by all attending members.
- **Comprehensive Plan Update Policies**
  - Staff Report given by Amanda Smeller
  - Amanda Smeller requested any comments be given to her by May 14<sup>th</sup>, 2015. The deadline to adopt is June 30, 2015.
  - Notice of a Comprehensive Plan open house will be posted on the city website as well as neighboring properties will be notified via postcard.

#### **MISCELLANEOUS**

- 2014 Building & Planning Department Expenditures/Revenues – Amanda will provide to Commission at the regular April Planning Commission meeting.

#### **UPDATE**

- Project status – Report given by Amanda Smeller

- Motion:** Move to Adjourn, **Moved by** David Simpson, **Seconded by** Tel Jensen
- **Motion passed unanimously.**

**Adjourn 8:40pm**

## Chapter 17.60: Pre-Existing Non-Conforming Uses, Structures, and Lots

- 17.60.010 Purpose
- 17.60.020 Definitions
- 17.60.030 Abatement
- 17.60.040 Completion of Structure
- 17.60.050 Non-Conforming Uses
- 17.60.060 Non-Conforming Structures
- 17.60.070 Non-Conforming Lots
- 17.60.080 Single-family dwellings
- 17.60.090 Inquiries Concerning Non-Conforming Status

### 17.60.010 – Purpose

The purpose of this Chapter is to establish regulations applicable to non-conforming lots, uses and structures. These regulations distinguish legally established non-conforming lots, uses and structures from illegal non-conforming lots, uses and structures. The intent of this Chapter is to discourage the expansion, enlargement or intensification of legal non-conforming uses and to establish a procedure to recognize legal non-conforming lots, uses and structures (provided they are not expanded, enlarged, intensified, removed or abandoned). The intent is not to discourage owners from performing routine maintenance or making improvements to a structure or a lot. Furthermore, with respect to illegal non-conforming lots, uses and structures, the intent of this Chapter is to prohibit and abate illegal non-conforming lots, uses and structures.

### 17.60.020 – Definitions

(1) "Non-conforming lot" means a lot that, at the time of its establishment, met the minimum lot size requirements for the zone in which it is located but which, because of subsequent changes to the minimum lot size applicable to that zone, no longer complies with requirements.

(2) "Non-conforming structure" means structure that complied with zoning and development regulations at the time it was built but which, because of subsequent changes to the zoning and/or development regulations, no longer fully complies with those regulations in regards to height, setbacks, lot coverage, size, or area.

(3) "Non-conforming use" means a use of property that was allowed at the time the use was established but which, because of changes in zoning regulation, is no longer permitted.

(4) "Lot of record" means (a) an undeveloped lot, tract or parcel of land shown on an officially recorded short plat or subdivision or (b) a parcel of land officially recorded or registered as a unit of property with the County Auditor, Assessor or Treasurer and described by platted lot number or by metes and bounds and lawfully established for conveyancing purposes on the date of recording of the instrument that first references the lot. Use of the term "lot of record" does not mean that the lot was created in conformity with the legal regulatory requirements for subdivision of property in accordance with Chapter 58.17 RCW.

(5) "Expansion," "enlargement," or "intensification" means any increase in a dimension, size, area, volume, or height, any increase in the area of use, any placement of a structure or part thereof where none existed before, any addition of a site feature such a deck, patio, fence,

driveway or parking area, any improvement that would allow the land to be more intensely developed, any move of operations to a new location on the property, or any increase in intensity of use based on a review of the original and historical nature, function or purpose of the non-conforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, noise, area of operation, number of employees, and other factors deemed relevant by the City.

(6) "Intensification of use, non-residential" includes, in addition to the description in WMC 17.60.020(5), any change or expansion of a non-residential use that results in both a greater than 10% increase in parking need or the Director of Public Works determines there is a material likelihood the use will have a negative impact regarding traffic generation, noise, smoke, glare, odors, hazardous materials, water use, and/or sewage generation, shall be an "intensification of use" for the purposes of this Chapter.

(7) "Intensification of use, residential" includes, in addition to the description in WMC 17.60.020(5), any change to a residence use which will result in an increase in the number of bedrooms is an "intensification of use" for the purposes of this Chapter.

(8) "Pre-Existing" means that which existed prior to the adoption of the ordinance codified in this title.

(9) "Alteration of nonconforming structures" means any change or rearrangement in the supporting members of existing buildings, such as bearing walls, columns, beams, girders, or interior partitions, as well as any changes in doors, windows, means of egress or ingress or any enlargement to or diminution of a building or structure, horizontally or vertically, or the moving of a building from one location to another. This definition excludes normal repair and maintenance, such as painting or roof replacement, but includes more substantial changes.

#### **17.60.030 – Abatement of Illegal Non-Conforming Use, Structure or Lot.**

The City may take such action as it deems necessary to abate or to enjoin any illegal non-conforming use, structure, lot or other site improvement when the owner or the owner's agent, successor, tenant, occupant or assignee fails to discontinue such use or fails to remove such non-conforming structure after written notice from the City. Such notice shall be sent to the owner at the address shown in the current online records of the County Treasurer and Assessor.

#### **17.60.040 – Completion of Structure**

Nothing contained in this title shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been legally issued and construction commenced prior to the adoption of the ordinance codified in this title and subsequent amendments thereto.

#### **17.60.050 – Non-Conforming Uses**

- A. A non-conforming use may not increase in intensity or be made more non-conforming without special permission from the Hearing Examiner set forth in a Conditional Use Permit obtained as per Chapter 17.72.
- B. A structure containing a non-conforming use may be enlarged or extended only by special permission of the Hearing Examiner through a Conditional Use Permit as per

Chapter 17.72. The extension of a non-conforming use within a structure existing on the date this ordinance was amended that was built for the non-conforming use is not considered an extension of a non-conforming use. For example, if a building was constructed for the non-conforming use, but the use did not fill the entire building, expanding the use into the empty portion of the building does not constitute the extension of the non-conforming use.

- C. No non-conforming use shall be moved in whole or in part to any other portion of the lot or zoning district in which it is located. If moved, it must be to a district in which the use is permitted.
- D. If any non-conforming use ceases for any reason for a period of one year, any subsequent use shall conform to the regulations specified by this title for the district in which such use is located.
  - a. Standard evidence that the use has been maintained over time includes:
    - i. Utility bills;
    - ii. Income tax records
    - iii. Business licenses
    - iv. Listings in telephone, business, and Polk directories;
    - v. Advertisements in dated publications, e.g. trade magazines; and/or
    - vi. Building, land use, or development permits.
- E. The Hearing Examiner may recognize a legal non-conforming use and/or may authorize reinstatement of a non-conforming use. The procedure for recognizing and/or reinstatement shall be the same as for Conditional Use Permits as outlined in Chapter 17.72 and conditions may be imposed as part of reinstatement.
- F. A non-conforming use cannot be changed to another kind of non-conforming use. The non-conforming use must remain either the prior non-conforming use legally established or a use permitted in the zoning district. If a non-conforming use is changed to a conforming use, the use cannot be changed back to the prior non-conforming use, unless permitted by the Hearing Examiner.
- G. If a structure containing a non-conforming use is destroyed by any cause to an extent exceeding fifty percent of the cost of replacement of the structure, using new materials, a future use of the property shall conform to the provisions of this title. See Section 17.60.080 for single-family dwelling exemptions.

#### **17.60.060 – Non-Conforming Structures**

- A. A non-conforming structure may be continued and maintained in reasonable repair and safe condition, provided that the structure is not enlarged, extended, or increased without special permission from the Hearing Examiner through a Conditional Use Permit as per Chapter 17.72. A non-conforming structure may not be made more non-conforming.
- B. A non-conforming structure may not be moved in whole or part to any other portion of the lot of zoning district in which it is located, unless the move brings the structure into conformance.
- C. A non-conforming structure may be used for a use permitted in the zoning district where the structure is located. In order to accommodate a permitted use, the structure may be repaired, modified, or altered, internally and externally; provided such repairs and modifications (1) do not increase the non-conformance of the structure and (2) that such repairs and modifications satisfy the International Building Code standards.

- D. In addition, a non-conforming structure as described in Section C may be modified or altered in such a manner that it conforms to the standards of the district, this title, and the International Building Code.
- E. If a non-conforming structure is destroyed by any cause to an extent exceeding fifty percent of the cost of replacement of the structure, using new materials, a future structure of the property shall conform to the provisions of this title. See Section 17.60.080 for single-family exemptions.
- F. A non-conforming structure that is made conforming will not be allowed to become non-conforming again, without following the Variance process outlined in Chapter 17.81.

#### **17.60.070 – Non-conforming Lots**

Any permitted use may be established on an undersized lot that cannot satisfy lot size or width requirements of this Title, provided that:

- A. All other applicable zoning development standards, such as building setback requirements and lot coverage requirements, are met or a variance has been granted;
- B. The lot was legally created and satisfied the lot size and width requirements applicable at the time of creation;
- C. No unsafe condition is created by permitting development on the non-conforming lot; and
- D. The lot was not created as a “special tract” to protect critical areas, provide open space, or as a public or private access tract.

#### **17.60.080 – Single-Family Dwellings**

- A. Single-family dwellings, including manufactured homes, existing in the C-1, C-2, C-3, I-1, or I-2 districts at the time of passage of the ordinance codified in this title shall be allowed to remain, and any addition or improvements thereto shall meet the standards of the LDR-6 zoning district.
- B. In any zone, a single-family dwelling destroyed by any cause to any extent, shall be allowed to be improved or reconstructed, provided the setback standards of the LDR-6 district are maintained or provided that the original footprint of the destroyed dwelling is maintained.

#### **17.60.090 - Inquiries Concerning Non-Conforming Status**

An owner or agent claiming a legal non-conforming use, structure or lot may petition the City to formally recognize the legal non-conforming use, structure or lot. Initial City review will be by the Development Review Committee and is the sole method to obtain recognition. The owner/agent has the burden of showing legal non-conforming status. Establishing legal non-conforming status is done by application to the City of Woodland and shall be accompanied by the following:

1. A narrative including the following information:
  - a. Date the use was established, or lot was created, and date the structure was completed;
  - b. Initial use at time of establishment, creation, or completion;
  - c. Chronological list of subsequent uses;
  - d. Other information as determined by the DRC or the applicant that is necessary to demonstrate non-conforming status.

2. Proof of business operation if a business use is claimed. Proof of business operation includes, but is not limited to, state and local business licenses, state business and occupancy tax returns, and state sales tax returns.
3. Certificate of Occupancy
4. If the property has been leased, a copy of the leases.
5. Any advertisement for sale of the property; any advertisement for lease of the property.
6. If multi-family use is claimed, proof of use as a multi-family unit during the prior 24 months and proof of compliance with RCW \_\_\_\_\_ and WAC \_\_\_\_\_.
7. A filing fee as determined by the city council.

The owner/agent may provide narrative statements to establish facts for which there is insufficient documentary evidence. Narrative statements shall be provided in affidavit or certificate form.

Once the application packet is deemed complete, a Notice of Application will be published in the newspaper of record, posted on site, and sent to all adjacent property owners within 300' of the subject property. A 14-day public comment period is provided. The Development Review Committee will issue a Notice of Decision at the close of the 14-day comment period, after considering all documentation provided by the applicant and any comments or documentation provided by the public or other agency.

Official written recognition by City officials or the planning staff of legal non-conforming shall be given greater weight than informal oral statements by City officials or the planning staff. Oral statements which identify the date and time of the oral statement, the persons present, the question asked will be given greater weight than general statements lacking such details. There is a rebuttable presumption that a business was not operated on the property and the business use was abandoned unless the documentary proof described in Subsection 5 is provided. "Leasing" property is not a separate independent business use for purposes of this Chapter but is considered a form of title.

The owner/agent shall have 20 days to appeal the decision to the Hearing Examiner. The Hearing Examiner shall review the decision based on the materials submitted by the owner/agent at the time of application and on any supplementary material provided by the City. The petitioner shall pay a filing fee in an amount set by City Council Resolution. The Petitioner shall reimburse the City for 50% of the Hearing Examiner expense for this or any other review, application or petition under this Chapter.

No building permit will be issued on a non-recognized non-conformity.

## Staff Report: Golf Cart Zone

**Date:** April 9, 2015

**To:** Planning Commission

**From:** Amanda Smeller, Community Development Planner

**Re:** Golf Cart Zone

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The topic of Golf Cart Zone regulations came before the Planning Commission during the March 2015 meeting. The Planning Commission requested the City Council confirm their interest in moving forward with regulations. At the March 23, 2015 City Council workshop, Council confirmed their interest in moving forward with Golf Cart Zone regulations.

Planning Commission also requested input from Public Works Director Bart Stepp and Police Chief Phil Crochet. Mr. Stepp provided the following input: RCW 46.08.175 (9) states that signage needs to be placed at the beginning and end of each golf cart zone. Depending on the zone decided upon that could cost from a couple hundred dollars to several thousand dollars if all 25 mph streets are golf cart eligible as our proposed ordinance states.

Some 25 MPH streets clearly should not be in the zone. River Rock, Misty Lane, Cherry Blossom, and McKenzie only connect to SR 503 which is a 35 mph zone. Similarly, our industrial area has 25 MPH streets but they shouldn't be in a golf cart zone.

Planning Commission really needs to identify a specific area. Pacific, Atlantic, and Lewis River Road are 35 mph zones so a golf cart can't cross I-5. To keep them out of the industrial area they shouldn't be able to be west of the railroad tracks. I could see defining a zone around the residential westside and downtown core. Then the limits would be Davidson at 6<sup>th</sup>, S. Pekin at Twin Flower, Lakeshore at Island Aire, Goerig at Buckeye, CC at Goerig, Dale at Washington and Pacific, Hoffman at Washington, Beechwood at Pacific, Glenwood at Mitchell, and Columbia at Pacific. Keep in mind doing Columbia at Pacific allows somebody to get to Safeway and that area using Glenwood but that is a truck route for industrial folks getting to Pacific from Mitchell and Down River so we would be mixing those two uses a little there. I'd estimate it would probably cost about a \$1,000 to place signage for this zone.

Since the east side residential is pretty fragmented between 35 mph zones (Atlantic, Lewis River Road, Old Pacific Highway) there isn't a way for residents to get from their house to commercial areas. You could have a zone on the east side from Hillshire to the Intermediate School bounded by Lewis River Road but they could only travel in residential areas. It could help people get to parks maybe, but not the store.

Mr. Crochet provided the following input: There are several important aspects: solid description of "golf cart"; a mandate that state law be followed regarding lights, mirrors, etc; proper City licensing; and, signage. Further, we should only allow drivers who hold a valid and current DL to operate the carts.

Attached is a map showing the potential Golf Cart Zone areas. Also attached is RCW 46.08.175. All of the materials provided from last month's meeting are also attached, including ordinances from Cowlitz County, City of Langley, and the City of La Conner, as well as Paul Anderson's submitted packet from early 2014.

RECEIVED

JAN 08 2014

CITY OF WOODLAND

This is a request  
that The Woodland  
City limits be  
designated a golf cart  
zone.

38308 Lakeshore Dr.

workshop  
- research\*

Paul Anderson  
Oaks Trailer Park  
RCW 46.08.175

My wife is handicapped. She has a breathing problem. I bought her a scooter and built a air tank holder on it, to give her a little freedom.

She is afraid of rideing her scooter around cars. So she doesn't want to leave the house on her own. Yes I

can drive her but she want's to be on her own. She would like to go to th postoffice, Safeway, beauty shop, etc. Meet friends fore lunch again. I bought her a golf cart.

she drove it around the trailer court, she loved it. I put lights on it, turn signals, brake lights, horn, seat belts, windshield wiper, Its all electric. It is an electric car

②

I have even bought her a 12 volt breathing machine to go on the golf cart. She is looking forward to her independance, it means a lot to her.

This is why I am asking the city council fore a permit to operate this electric car in the city limits. This kind of car would help other handicap and retired older people on fixed incomes,

THANKS

Paul Anderson











## Spokane Golf Cart Zone Fact Sheet

There has been a growing public interest in using low-speed four-wheeled electric vehicles to make short trips for shopping, social, and recreational purposes. In 2009, Washington State established RCW 46.08.175, allowing local governments to create "golf cart zones." In 2010, the Hillyard/Whitman/Bemiss neighborhoods, through the

GHNEPA planning process, identified an interest in pursuing a neighborhood electric golf cart zone as a way to increase mobility at a low-cost and encourage local business development.

The proposed ordinance sponsored by Councilwoman Waldref would create a pilot Golf Cart Zone in Northeast Spokane (see boundaries on reverse), allowing residents 16 and over to operate electric golf carts on streets with a speed limit of less than 25 miles/hour after registering their cart with the city and meeting other driver education and safety equipment requirements.

### Frequently Asked Questions

*Am I eligible to drive my golf cart in Spokane?*

You must be 16 years of age or older and have completed a driver education course or have previous experience driving as a licensed driver. Persons with revoked license under RCW 46.20.285 may not operate a golf cart on the public roadway. (RCW 46.08.175)

*Why don't we require a driver's license to operate a golf cart?*

RCW 46.04.1945 defines a golf cart as a gas-powered or electric-powered four-wheel vehicle originally designed and manufactured on a golf course for sporting purposes and has a speed attainable in one mile of not more than 20 miles per hour. Similar to a bicycle, a golf cart is NOT considered a motor vehicle under state law, but it must follow the rules of the road. Thus, a golf cart does not require a driver's license to operate and does not require motor vehicle licensing by the state.

*Where and when can I drive my golf cart in Spokane?*

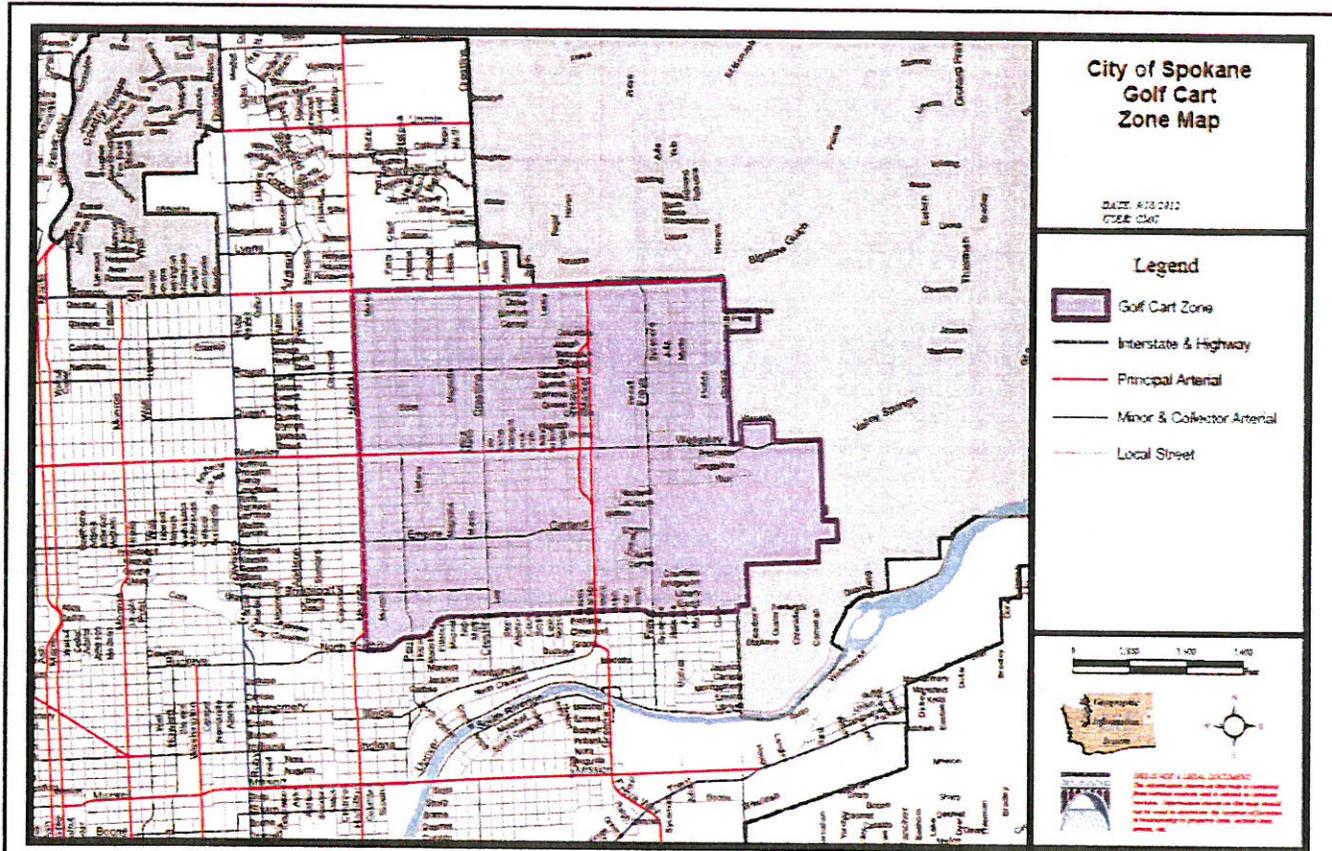
This ordinance permits you to operate an electric golf cart in Spokane within the boundaries outlined in the proposed Golf Cart Zone (see reverse for map). It may be operated on a street or highway with a speed limit of 25 mph or less. A golf cart may cross over a street within the Golf Cart Zone with a speed limit greater than twenty-five miles per hour when safe to do so at street intersections.

The following requirements/restrictions for operation of a golf cart also apply (RCW 46.08.175):

- A person is prohibited from operating a golf cart in a designated bicycle lane within a golf cart zone.
- City-issued registration decal should be displayed at all times on the golf cart in accordance with the city ordinance.

When can I drive my cart and what kind of safety equipment do I need?

Golf carts may be operated from one half hour before sunrise to one half hour after sunset when equipped pursuant to the requirements of chapter 46.37 RCW, and may only operate beyond those hours when equipped with headlamps, tail lamps and turn signals meeting the minimum requirements of chapter 46.37 RCW. All golf carts must be equipped with appropriate reflectors, seat belts and rear view mirror(s), regardless of the hours of operation.



## RCW 46.08.175 Golf cart zones.

- (1) The legislative authority of a city or county may by ordinance or resolution create a golf cart zone, for the purposes of permitting the incidental operation of golf carts, as defined in RCW 46.04.1945, upon a street or highway of this state having a speed limit of twenty-five miles per hour or less.
- (2) Every person operating a golf cart as authorized under this section is granted all rights and is subject to all duties applicable to the driver of a vehicle under chapter 46.61 RCW.
- (3) Every person operating a golf cart as authorized under this section must be at least sixteen years of age and must have completed a driver education course or have previous experience driving as a licensed driver.
- (4) A person who has a revoked license under RCW 46.20.285 may not operate a golf cart as authorized under this section.
- (5) The legislative authority of a city or county may prohibit any person from operating a golf cart as authorized under this section at any time from a half hour after sunset to a half hour before sunrise.
- (6) The legislative authority of a city or county may require a decal or other identifying device to be displayed on golf carts authorized on the streets and highways of this state under this section. The city or county may charge a fee for the decal or other identifying device.
- (7) The legislative authority of a city or county may prohibit the operation of golf carts in designated bicycle lanes that are within a golf cart zone.
- (8) Golf carts must be equipped with reflectors, seat belts, and rearview mirrors when operated upon streets and highways as authorized under this section.
- (9) A city or county that creates a golf cart zone under this section must clearly identify the zone by placing signage at the beginning and end of the golf cart zone on a street or road that is part of the golf cart zone. The signage must be in compliance with the department of transportation's manual on uniform traffic control devices for streets and highways.
- (10) Accidents that involve golf carts operated upon streets and highways as authorized under this section must be recorded and tracked in compliance with chapter 46.52 RCW. The accident report must indicate that a golf cart operating within a golf cart zone is involved in the accident.

[2010 c 217 § 4.]

## Chapter 12.45 RYDERWOOD GOLF CART ZONE

Sections:

- [12.45.010](#) Title.
- [12.45.020](#) Purpose and intent.
- [12.45.030](#) Definitions.
- [12.45.035](#) Operation of golf carts on public roads – Conditions and safety.
- [12.45.040](#) Minimum required equipment.
- [12.45.050](#) Operating requirements.
- [12.45.060](#) Penalty.
- [12.45.065](#) Dissolution of golf cart zone.
- [12.45.070](#) Severability.

### **12.45.010 Title.**

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This chapter shall be known and may be cited as the “Ryderwood golf cart zone ordinance.” [Ord. 15-011 § 1 (Exh. A), 1-27-15.]

### **12.45.020 Purpose and intent.**

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It is the purpose and intent of this chapter to establish a golf cart zone over all public roads, as defined below, and within the unincorporated area of Ryderwood which have a speed limit of 25 miles per hour or less, as set forth in RCW [46.08.175](#). Golf carts, as defined below, were not designed or manufactured for use on public roads, and Cowlitz County in no way advocates for their use and operation on such roads. The county in adopting regulations on use of golf carts on specific public roads is merely addressing ongoing safety issues of golf cart use on such specific public roads. Any person who operates or is a passenger in a golf cart operated on a public road does so at their own risk and peril, and must be observant of and attentive to the safety of themselves and others, including: passengers, motorists, bicyclists and pedestrians. This chapter shall not be construed to create any special relationship between Cowlitz County and any person or class of persons, nor to protect any person or class of persons, and accepts no liability under any theory of law for golf carts operating on public roads under the provisions of RCW [46.08.175](#) and this chapter. [Ord. 15-011 § 1 (Exh. A), 1-27-15.]

### **12.45.030 Definitions.**

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A. “Golf cart” means, in accordance with RCW [46.04.1945](#), a gas-powered or electric-powered four-wheeled vehicle originally designed and manufactured for operation on a golf course for sporting purposes and has a

speed attainable in one mile of not more than 20 miles per hour. A golf cart is not a nonhighway vehicle or off-road vehicle as defined in RCW [46.04.365](#). A golf cart is not considered a vehicle, except for purposes of Chapter [46.61](#) RCW.

B. "Golf cart zone" or "zone" means the geographically described area in which the Cowlitz County Board of Commissioners has approved the use of golf carts on roadways of public roads within the unincorporated area of Ryderwood (as shown in Figure 12.45-1, on file with the County Department of Public Works).

C. "Public road" means the entire right-of-way width between the boundary lines of every publicly maintained right-of-way or any publicly maintained place open to the public for vehicular use by the public for purposes of pedestrian, bicycle or vehicular travel, including parking, excepting United States Postal Service property.

D. "R.I.S.A." means the Ryderwood Improvement and Service Association, Inc.

E. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder even though such sidewalk or shoulder is used by persons riding bicycles. In the event a highway includes two or more separated roadways, the term "roadway" shall refer to any such roadway separately but shall not refer to all such roadways collectively. [Ord. 15-011 § 1 (Exh. A), 1-27-15.]

#### **12.45.035 Operation of golf carts on public roads – Conditions and safety.**

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A. It shall be unlawful for any person to operate a golf cart on or over any public road in unincorporated Cowlitz County, except as provided for in this chapter.

B. No roadway of any public road in unincorporated Cowlitz County shall be designated or recognized for golf cart operation if the posted speed limit for the road is greater than 25 miles per hour.

C. Maximum occupancy of a golf cart operating on roadways of public roads will be one person per designated seat.

D. Every person operating a golf cart on roadways of public roads is subject to all duties applicable to a driver of a vehicle under Chapter [46.61](#) RCW, Rules of the Road, including but not limited to driving or being in physical control of the golf cart while under the influence of intoxicating liquor or drugs. [Ord. 15-011 § 1 (Exh. A), 1-27-15.]

#### **12.45.040 Minimum required equipment.**

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A. Every golf cart operated in the golf cart zone shall be equipped with reflectors, seat belts and rearview mirrors, in accordance with RCW [46.08.175](#) and the following:

1. Reflex reflectors shall be mounted as one red on each side, as far to the rear as practicable, and two red on the rear on either side; and

2. To provide an operator a 200-foot view to the rear, an exterior rearview mirror shall be mounted on the driver's side of the golf cart, and an additional mirror mounted either inside the golf cart or outside the golf cart on the right side; and

3. Seat belts of a Type 1 or Type 2 seat belt assembly conforming to CFR Title 49, Section 571.209, Federal Motor Safety Standard No. 209, Seat Belt Assemblies, shall be installed at each designated seating position; and

4. If the golf cart is not equipped with lights and turn signals, operators must use hand signals to signal turns and stops. [Ord. 15-011 § 1 (Exh. A), 1-27-15.]

#### **12.45.050 Operating requirements.**

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Golf cart operation on roadways of public roads in the golf cart zone shall be in accordance with the following:

A. All residents within the Ryderwood golf cart zone at the time of passage of the ordinance codified in this chapter, and all future residents, at such time as a resident moves into the zone, shall be provided with a copy of this chapter by R.I.S.A. R.I.S.A. shall maintain signature acknowledgement in the resident file that such documentation was provided.

B. Any person operating a golf cart as authorized by this chapter shall be at least 16 years of age and have completed a driver education course or have previous experience as a licensed driver.

C. No person shall operate a golf cart at any time from a half hour after sunset to a half hour before sunrise, unless the golf cart is equipped with headlights and taillights, as well as turn signals, meeting the requirements of Chapter [46.37](#) RCW.

D. Any person operating a golf cart in a golf cart zone shall have all the rights and shall be subject to all the duties applicable to the driver of a vehicle under Chapter [46.61](#) RCW.

E. Any person operating a golf cart as authorized by this chapter shall be familiar with and adhere to all rules of the road applicable to motor vehicles set forth in Chapter [46.61](#) RCW, Chapter [308-330](#) WAC and Chapter [11.04](#) CCC.

F. Any person operating a golf cart as authorized under this chapter shall not transport more passengers than the manufacturer's designed capacity. Every occupant shall be seated at all times during the operation of the cart, and shall use a seat belt.

G. No items shall be placed or attached to the top of the golf cart. All items shall be carried inside the cart and secured in a manner so as to prevent the item from falling out of the cart when the cart is moving.

H. Accidents that involve golf carts operated on public roads must be reported, recorded and tracked in compliance with Chapter [46.52](#) RCW. The accident report must indicate that the golf cart was operating within a golf cart zone and is involved in the accident. [Ord. 15-011 § 1 (Exh. A), 1-27-15.]

#### **12.45.060 Penalty.**

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Any operation of a golf cart constituting a violation of Chapter [46.61](#) RCW, Rules of the Road, shall be punishable as either a criminal traffic violation or a civil traffic infraction, as applicable. Violation of equipment requirements shall be punishable as a civil traffic infraction under Chapter [46.37](#) RCW. Any other violation of this chapter shall be a Class 1 civil infraction under Chapter [7.80](#) RCW. The Cowlitz County Sheriff and the Washington State Patrol shall have authority to enforce the provisions of this chapter. [Ord. 15-011 § 1 (Exh. A), 1-27-15.]

#### **12.45.065 Dissolution of golf cart zone.**

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The golf cart zone, once established, may be dissolved through any of the following:

A. Nonpayment of Signage and Administration Fees. If it is determined by the Board of Commissioners that fees have not been paid to the county for any two years, the Board may resolve that the ordinance codified in this chapter has sunset and the golf cart zone be dissolved; or

B. Golf Cart Collisions or Citations. If it is determined by the Board of Commissioners there is a significant history of golf cart collisions, or traffic citations or violations, the Board may resolve that the ordinance codified in this chapter has sunset and the golf cart zone be dissolved. A significant history will be defined as five or more collisions, or citations or violations within three successive years; or

C. R.I.S.A. requests that the Board of Commissioners resolve that the ordinance codified in this chapter has sunset and the golf cart zone be dissolved; or

D. The Board of Commissioners, on its own motion, resolves that the ordinance codified in this chapter has sunset and the golf cart zone be dissolved. [Ord. 15-011 § 1 (Exh. A), 1-27-15.]

**12.45.070 Severability.**

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If any section, subsection, clause, phrase or word in this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section shall be deemed a separate provision and such holding shall not affect the validity of the remaining portion of this chapter. [Ord. 15-011 § 1 (Exh. A), 1-27-15.]

## **Chapter 9.50 GOLF CART ZONE**

Sections:

**9.50.010 Golf carts – Defined.**

**9.50.020 Golf carts authorized.**

**9.50.030 Obedience to rules of the road/traffic control devices.**

**9.50.040 Additional requirements.**

**9.50.050 Golf cart registration.**

**9.50.010 Golf carts – Defined.**

“Golf cart” means a gas powered or electric powered four-wheeled vehicle originally designed and manufactured for operation on a golf course for sporting purposes, and has a speed attainable in one mile to not more than 20 miles per hour. A golf cart is not a nonhighway vehicle or off-road vehicle as defined in RCW [46.09.020](#). [Ord. 1050 § 1, 2010.]

**9.50.020 Golf carts authorized.**

Subject to the provisions of this chapter, the operation of golf carts is hereby authorized upon the public roadways of the town of La Conner. [Ord. 1050 § 1, 2010.]

**9.50.030 Obedience to rules of the road/traffic control devices.**

Any person operating a golf cart upon the public roadways as authorized in this chapter shall be subject to all of the duties and obligations applicable to the operator of a motor vehicle as per the Washington model traffic ordinance (Chapter [308-330](#) WAC). [Ord. 1050 § 1, 2010.]

**9.50.040 Additional requirements.**

Any person operating a golf cart within the town of La Conner shall comply with the following:

(1) Vehicle Operator License. No person may operate a golf cart unless such person carries upon his or her person a valid Washington State vehicle operator’s license.

(2) Daylight Operation. No person may operate a golf cart at any time from a half hour after sunset to a half hour before sunrise.

(3) Registration. A golf cart may not be operated without first being registered with the town of La Conner and the registration number conspicuously displayed upon the back of the golf cart.

(4) Violation – Penalty. Any person who violates the provisions of this section shall be guilty of a civil infraction resulting in a \$50.00 fine. [Ord. 1050 § 1, 2010.]

**9.50.050 Golf cart registration.**

All golf carts shall be registered with the town of La Conner prior to the operation upon the public roadways within the town of La Conner. The sole purpose of the registration is to identify the owners of the golf carts being operated as provided herein. Registration of a golf cart is not intended to and shall not operate to warrant or guarantee that the golf cart meets any particular standard or condition or that it may be safely operated upon the public roadways within the town of La Conner. Registration shall be made in the manner that follows:

(1) Application for a golf cart registration shall be made upon a form provided by the town of La Conner.

(2) A golf cart number will be issued upon the approval of the completed application and the payment of a \$15.00 annual fee. [Ord. 1050 § 1, 2010.]

## Chapter 10.24 GOLF CART ZONE

Sections:

- [10.24.010](#) Definitions.
- [10.24.020](#) Regulation of golf cart use.
- [10.24.030](#) Registration.
- [10.24.040](#) Penalty for noncompliance.

### **10.24.010 Definitions.**

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“Daytime hours,” for the purposes of the ordinance codified in this chapter, means those hours between one-half hour before sunrise and one-half hour after sunset.

“Golf cart,” for the purposes of this chapter, is defined as an electric-powered or gas-powered four-wheeled vehicle originally designed and manufactured for operation on a golf course for sporting purposes and has a speed attainable in one mile of not more than 20 miles per hour. A golf cart is not a nonhighway vehicle or off-road vehicle as defined in RCW [46.09.020](#). A golf cart is not considered a motor vehicle, except for the purposes of Chapter [46.61](#) RCW.

Golf Cart Zone. Under the authority granted to the city pursuant to Section 4 of Chapter 217 of the Laws of 2010, codified at RCW [46.08.175](#), the city hereby creates and designates a golf cart zone described as those portions of the public streets and rights-of-way located within the jurisdictional boundaries of the city of Langley, as exist now or as may be hereinafter amended, having a speed limit of 25 miles per hour or less. Said zone may be hereinafter referred to and known as the “golf cart zone.”

“Operator” means any person who is at least 16 years of age and completed a driver’s education course or has previous experience driving as a licensed driver, and is licensed as a driver. Operator does not include any person who has a revoked license under RCW [46.20.285](#).

“Sidewalk” shall be that area paved with concrete, asphalt or other similar material located within the right-of-way adjacent to a street intended for the public purpose of pedestrian or bicycle travel.

“Street” means the entire right-of-way width excluding the sidewalk (if present) and between the curb boundary lines and shoulder or swale of public property when any part thereof is open to the use of the public for purposes of pedestrian, bicycle or vehicular travel including parking. (Ord. 977B § 1, 2012; Ord. 968 § 1, 2012)

## **10.24.020 Regulation of golf cart use.**

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The following provisions apply to all golf carts, except that gas-powered golf carts shall only be used in association with a valid special event permit:

A. All golf carts shall comply with Chapter [46.37](#) RCW regarding vehicle lighting and other equipment, including two operating headlights (one on each side of the front of the golf cart) and two operating taillights with brake lights and turn signals (one on each side of the rear of the golf cart) which are visible from a distance of 500 feet. Headlights shall be in use at all times, including both day and nighttime use, during operation of the golf cart.

B. All operators of golf carts must be at least 16 years of age and must have a valid driver's license issued by the state of Washington.

C. All operators of golf carts shall adhere to all rules of the road applicable to motorized vehicles as set forth in Chapter [46.61](#) RCW and Chapter [308-330](#) WAC. Specific attention is to be paid to the intent of RCW [46.61.502](#), "Driving under the influence," and to RCW [46.61.519](#), "Alcoholic beverages – Drinking or open container in vehicle."

D. No person may operate a golf cart in the city unless the person is insured under a liability policy with liability limits of at least the amounts provided in RCW [46.29.090](#). Written proof of financial responsibility must be provided on the request of a law enforcement officer.

E. Any person operating a golf cart shall not transport more passengers than the manufacturer's designed seating capacity.

F. All occupants shall be seated during the operation and use of seat belts shall be mandatory while the golf cart is operated in the golf cart zone.

G. The golf cart shall be equipped with the following equipment:

1. At all times with seatbelts anchored to the frame for driver and in use by all passengers;
2. At all times with two rearview mirrors capable of reflecting for a distance of at least 200 feet to the rear of such vehicle and mounted to the golf cart:
  - a. One on the left hand side of the cart; and

b. One on the right hand side of the cart; or

c. One in the middle of the cart;

3. One four-foot red safety flag mounted on the rear of the golf cart which extends at least five feet above the surface of the street.

H. The use of golf carts shall be prohibited on all city sidewalks and designated bicycle lanes that are within the golf cart zone.

I. Golf carts shall not be operated on a street in a negligent manner. For the purpose of this subsection, "to operate in a negligent manner" is defined as the operation of a golf cart in such a manner as to endanger any person or property, or to obstruct, hinder, or impede the lawful course of travel of any motor vehicle or the lawful use by any pedestrian of public streets, sidewalks, paths, trails, walkways, or parks.

J. The golf cart has all of the standard safety features provided by the manufacturer and has not been modified to exceed a speed of 20 mph nor otherwise modified in any way that creates a hazard. (Ord. 977B § 1, 2012; Ord. 968 § 1, 2012)

### **10.24.030 Registration.**

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All golf carts, except gas-powered golf carts being used in connection with a valid special event permit, shall be registered with the city prior to operation upon the public roadways within the city of Langley. The sole purpose of the registration is to identify the owners of the golf carts being operated as provided herein. Registration of a golf cart is not intended to and shall not operate to warrant or guarantee that the golf cart meets any particular standard or condition or that it may be safely operated upon the public roadways within the city of Langley.

Registration shall be made in the manner set forth as follows:

A. Application for a golf cart registration shall be made upon a form provided by and to the city chief of police or his/her designee. An annual license fee as prescribed by the city council shall be paid before each registration or renewal thereof is granted.

B. The city chief of police upon receiving proper application therefor is authorized to issue a golf cart registration number which shall be effective for one calendar year. A golf cart number will be issued upon the approval of the completed application and the payment of a \$30.00 annual fee.

C. The city chief of police shall verify that the vehicle has not been modified to allow speeds in excess of 20 mph.

D. The city chief of police shall not issue a golf cart registration number for any golf cart when he/she knows or has reasonable grounds to believe that the applicant is not the owner of, or entitled to the possession of, such golf cart.

E. The city chief of police shall keep a record of the number of each registration, the date issued, the name and address of the person to whom issued, and a record of all registration fees collected by him/her.

F. The city chief of police, upon issuing a registration number, shall also issue a decal bearing the registration number assigned to the golf cart.

G. Such decal shall be firmly attached to the rear of the golf cart for which issued in such position as to be plainly visible from the rear.

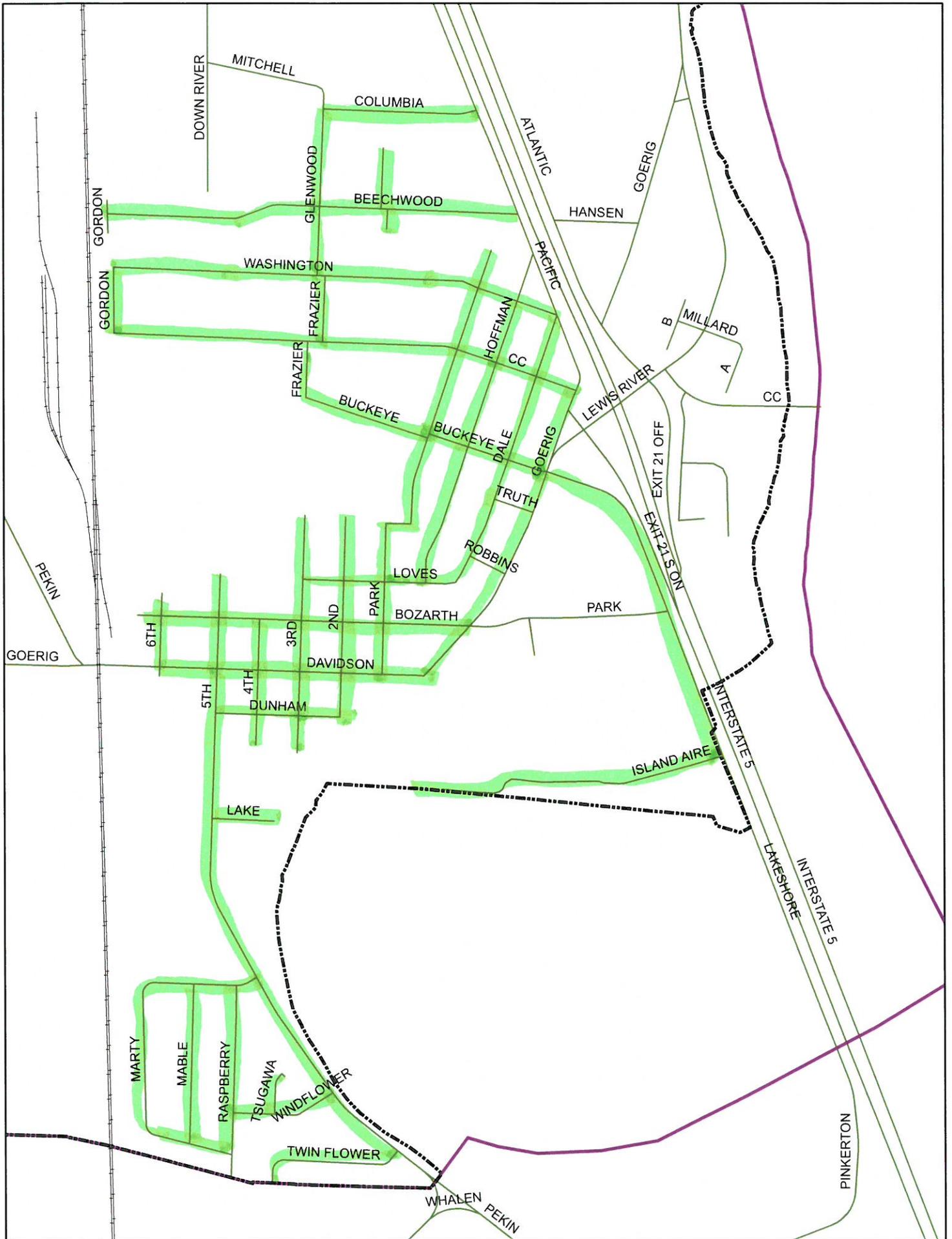
H. No person shall remove a license plate or decal from a golf cart during the period for which issued except upon a transfer of ownership or in the event the golf cart is dismantled and no longer operated upon any roadway within the jurisdiction of the city.

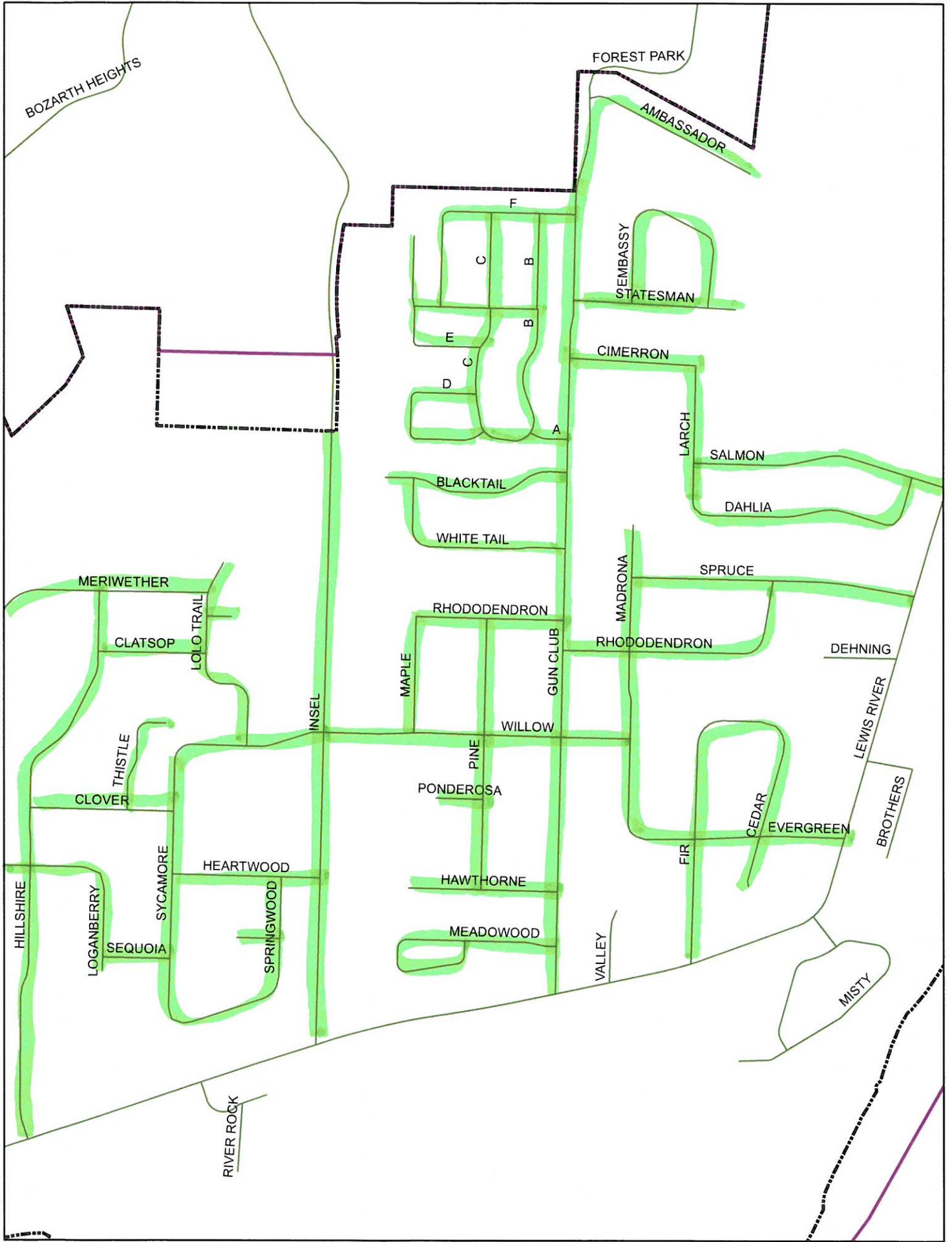
I. Upon the expiration of any golf cart registration, the same may be renewed upon application and payment of the same fee as upon an original application. (Ord. 977B § 1, 2012; Ord. 968 § 1, 2012)

#### **10.24.040 Penalty for noncompliance.**

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No person may operate a golf cart on public streets or roads located outside those areas designated as golf cart zones or within the golf cart zone without registration (except gas-powered golf carts used in connection with a valid special event permit) or in violation of the regulations adopted in this chapter. Upon a determination that a violation of this chapter has occurred, law enforcement officers may, pursuant to Chapter [7.80](#) RCW, et seq., issue a Class I civil infraction with a fine not to exceed \$250.00 to any included person, including parent or guardian, found in violation of the provisions of this chapter; provided: golf cart operators shall also be subject to all duties, infractions and penalties as set forth in Chapter [46.61](#) RCW et seq. (Ord. 977B § 1, 2012; Ord. 968 § 1, 2012)





## Chapter 10.XX GOLF CART ZONE

### Sections:

- 10.XX.010 Authorization and Applicability
- 10.XX.020 Definitions
- 10.XX.030 Operation of golf carts on public roads
- 10.XX.040 Required equipment
- 10.XX.050 Registration
- 10.XX.060 Violation – Penalty
- 10.XX.070 Severability

### **10.XX.010 Authorization and Applicability**

Subject to the provisions of this chapter, the operation of golf carts are authorized upon the city streets within the City of Woodland. The provisions of this chapter shall apply to all golf carts.

### **10.XX.020 Definitions**

A. "City Street" means every public highway, alley or alleyway as defined in Chapter 46.04 of part thereof, located within the city limits of the City of Woodland.

B. "Golf cart" means, in accordance with RCW [46.04.1945](#), a gas-powered or electric-powered four-wheeled vehicle originally designed and manufactured for operation on a golf course for sporting purposes and has a speed attainable in one mile of not more than 20 miles per hour. A golf cart is not a nonhighway vehicle or off-road vehicle as defined in RCW [46.04.365](#). A golf cart is not considered a motor vehicle, except for the purposes of Chapter [46.61](#) RCW.

C. "Golf cart zone" means the portions of the public streets and rights-of-way located within the jurisdictional boundaries of the City of Woodland, as exist now or as may be hereinafter amended, having a speed limit of 25 miles per hour or less.

D. "Operator" means any person who is at least 16 years of age and completed a driver's education course or has previous experience driving as a licensed driver, and is licensed as a driver. Operator does not include any person who has a revoked license under RCW [46.20.285](#).

### **10.XX.030 Operation of golf carts on public roads**

### **10.XX.040 Required Equipment**

### **10.XX.050 Registration**

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### **10.XX.060 Violation - Penalty**

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- A. Any person violating the provisions of this chapter shall be deemed to have committed a traffic infraction, the monetary penalty for which shall be assessed in an amount not less than one hundred dollars.
- B. In lieu of the infraction and monetary penalty described above, any Woodland police officer may utilize the following penalty provision for a person under sixteen years of age found operating a motorized foot scooter in a manner contrary to this chapter:
  - a. The officer may take custody of the device. If the officer does not impound the device, he may release it only to the parent or legal guardian of the violator or to the adult owning the scooter;
  - b. Upon taking custody of the device, the officer shall provide the violator with written notice setting forth the procedure, including the right provided in this chapter, for reclaiming the device;
  - c. If a hearing is not conducted as authorized by this chapter, any device which is not retrieved by the adult owner or parent/legal guardian of a violator within thirty days after receiving the written notice described in subsection (B)(2) of this section shall be declared unclaimed property and shall be disposed of in accordance with state and local law;
  - d. Only the parent or legal guardian of a violator or an adult owner may reclaim a motorized foot scooter impounded pursuant to this section;
  - e. For the second and subsequent impounds of the same motorized foot scooter, a one hundred dollar fee for costs of impounds and administrative processing shall be paid to the city clerk-treasurer prior to the release of any property impounded under this alternative penalty.
- C. Any parent of any child, and the guardian of any ward, who shall authorize or knowingly permit any such child or ward to violate any provision of this chapter shall be subject to a civil nontraffic monetary penalty in an amount not less than one hundred dollars.

### **10.XX.070 Severability**

If any section, subsection, sentence, clause, phrase or word of the ordinance codified in this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this chapter.

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## **Building & Planning Project Update (highlights)**

**(As of April 9, 2015 – supplement to DRC notes)**

- Comprehensive Plan Update:
  - The Planning Commission met on April 3, 2015 to begin review and discussion of the Goals, Policies, and Objectives for the update.
  - A public survey was sent out with the February 20 utility bill. The survey closed on March 31, 2015 with a total of 108 surveys returned.
- Two single-family residence permits were issued in March, located at 312 Sycamore and 912 Hoffman.
- The final land use approval for Red Leaf Organic Coffee, located at 740 Goerig, was issued on April 1, 2015.
- The Notice of Application was issued for Carl's Jr, located at 1519 Pacific Avenue, on March 30, 2015.