

**OKANOGAN COUNTY
COMMISSIONERS'**

ORDINANCE 2017 - 4

*An ordinance designating certain roads located primarily in Okanogan County
Commissioner District #3 open to use by wheeled All-Terrain Vehicles.*

WHEREAS: Engrossed Substitute House Bill 1632 states the legislature finds that off-road vehicle users have been overwhelmed with varied confusing rules, regulations, and ordinances from federal, state, county, and city land managers throughout the state to the extent standardization statewide is needed to maintain public safety and good order, and

WHEREAS: Engrossed Substitute House Bill 1632 states it is the intent of the legislature to : (a) Increase opportunities for safe, legal, and environmentally acceptable motorized recreation; (b) decrease the amount of unlawful or environmentally harmful motorized recreation; (c) generate funds for use in maintenance, signage, education, and enforcement of motorized recreation opportunities; (d) advance a culture of self-policing and abuse intolerance among motorized recreationists; (e) cause no change in the policies of any governmental agency with respect to public land; (f) not change any current ORV usage routes as authorized in chapter 213, Laws of 2005; (g) stimulate rural economies by opening certain roadways to use by motorized recreationists which will in turn stimulate economic activity through expenditures on gasoline, lodging, food and drink, and other entertainment purposes; (h) and require all wheeled all-terrain vehicles to obtain a metal tag, and

WHEREAS: Consistent with Revised Code of Washington 46.09.455(c)(i) A person may not operate a wheeled all-terrain vehicle on a public roadway within the boundaries of a county, not including non-highway roads and trails, with a population of fifteen thousand or more unless the county by ordinance has approved the operation of wheeled all-terrain vehicles on county roadways, not including non-highway roads and trails, and

WHEREAS: Okanogan County Code 10.10 authorizes the operation of off-road vehicles on county roads designated for that purpose, and

WHEREAS: Okanogan County has conducted a public review, which included meetings with personnel from the Washington Department of Fish and Wildlife, United States Forest Service, and Department of Natural resources on a proposal to open certain county roads located primarily in County Commissioner District #3 with a posted speed limit of 35 miles-per-hour or less that are not already designated for WATV use, and

WHEREAS: As a result of the aforementioned meetings roads that were otherwise eligible for use by WATV's were excluded from the proposal due to the high likelihood of damage to critical areas brought about by illegal ridership, and

WHEREAS: The SEPA Responsible Official for Okanogan County prepared an environmental checklist and conducted a SEPA review on the proposal consistent with the requirements of RCW 43,21c, WAC 197-11, and OCC 14.04 and after review of the comments received issued a final mitigated determination of non-significance which was published in the official county newspaper on November 1, 2017, and

WHEREAS: The conditions found in the Mitigated Determination of Non-Significance include a requirement for signs installed as follows: the beginning and end of WATV routes

will be designated with signs anticipated to be 6" colored circles (dots) on 8" square signs. Green dots will designate the beginning of a WATV route, and red dots will designate the end of a WATV route or that a road intersecting a WATV route is not open to WATVs. Regulatory signs will be placed at locations deemed attractive and with a high potential for damage to sensitive areas informing the public that WATVs must not leave the roadway, and will include the potential fines. Additional regulatory signs will be erected in areas that show a high incidence of WATV's leaving the roadways. Information regarding the signs to be used and the routes opened to WATV use will be posted to the County website. The objective of the requirement is to minimize confusion for the public and heighten protection for critical areas and property off the designated roadways, and

WHEREAS: A notice of public hearing was published in the official county newspaper on November 1, 2017 and conducted before the Okanogan Board of County Commissioners on November 13, 2017, and

WHEREAS: The Okanogan Board of County Commissioners considered the materials presented and testimony received and continued the public hearing to November 20, 2017 to allow for review of additional public comment and deliberation by the BOCC, and

WHEREAS: After review of the materials in the record the BOCC removed roads from the proposal that provided no demonstrated connectivity or recreational opportunities to the public and to avoid impacts to neighboring critical areas and public/private property, and

WHEREAS: After further deliberation the BOCC determined it was in the public's interest to designate certain county roads located primarily in Commissioner District #3 to use by wheeled all-terrain vehicles and directed staff to prepare enabling documents to be considered in a continued public hearing on November 27, 2017,

BE IT THEREFORE ORDAINED: The following county roads listed in attachment A and depicted in Attachment B are open to use by wheeled all-terrain vehicles, and

BE IT FURTHER ORDAINED: The conditions found in Attachment C Mitigated Determination of Non-Significant are required for the implementation of this ordinance.

DATED this 27 day of November, 2017, at Okanogan, Washington.



ATTEST

Laleña Johns, Clerk of the Board

**BOARD OF COUNTY COMMISSIONERS
OKANOGAN COUNTY, WASHINGTON**

Jim DeTro
Jim DeTro, Chairman

Chris Branch
Chris Branch, Vice Chairman

Andy Hover
Andy Hover, Member

Ordinance 2017-4

		Exhibit A		
		Beginning	Enging	
Road				
Number	Road Name	Milepost	Milepost	Length
2133	HAPPY HILL RD	0.000	3.631	3.631
2289	GREEN LK RD	0.000	5.368	5.368
2297	WOODWARD RD	0.000	1.534	1.534
2310	POECHMANN RD	0.000	1.386	1.386
2446	TARBERT LOOP RD	0.000	0.618	0.618
2458	GLOVER LANE	0.000	1.450	1.450
2470	CHERRY LANE	0.000	0.252	0.252
2482	ROOT LANE	0.000	0.380	0.380
2494	DANKER CUT-OFF RD	0.000	1.577	1.577
2511	POGUE RD	0.000	1.386	1.386
2522	DOUGLAS RD	0.000	0.290	0.290
2547	WEATHERSTONE RD	0.000	1.998	1.998
2559	HENDRICK LOOP RD	0.000	0.930	0.930
2613	HUBBERT RD	0.000	0.494	0.494
2621	BLACK RD	0.000	0.379	0.379
2630	VIC SMITH RD	0.000	0.355	0.355
2637	SOUTH KIRKPATRICK RD	0.000	0.149	0.149
2639	N KIRKPATRICK RD	0.000	0.817	0.817
2644	HAHN RD	0.000	0.279	0.279
2646	HENDRICK RD	0.000	1.506	1.506
2658	DIXON RD	0.000	0.568	0.568
2665	BRESHEARS RD	0.000	0.505	0.505
2673	DALTON RD	0.000	0.533	0.533
2678	CAUDILL RD	0.000	0.545	0.545
2681	JOHNSON CR RD	0.000	0.553	0.553
2689	FIKER RD	0.000	1.001	1.001
2697	GREEN RD	0.000	0.729	0.729
2704	SOREN PETERSON RD	0.000	1.053	1.053
2713	SIMMONS RD	0.000	0.439	0.439
2720	MILLER RD	0.000	1.510	1.510
2721	VALLEY VIEW DRIVE	0.000	0.337	0.337
2722	GEORGE RD	0.000	0.497	0.497
2728	NICHOLS RD	0.000	2.255	2.255
2735	WOODS RD	0.000	1.004	1.004
2751	JAKUISH RD	0.000	0.991	0.991
2752	JOHN PETERSON RD	0.000	0.753	0.753
2763	HOPFER RD	0.322	0.573	0.251
2772	SHUMWAY RD	0.326	1.120	0.794
2781	ROBINSON CANYON RD	0.188	3.091	2.903
2789	ORCHARD VIEW DR	0.378	0.511	0.133
2790	ENGH RD	0.379	2.623	2.244
2791	VISTA VU DR	0.000	0.742	0.742
2792	MUNDINGER LANE	0.000	0.154	0.154
2793	SAND FLAT RD	0.000	0.500	0.500
2794	W PARKWAY RD	0.000	0.124	0.124

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Exhibit A

Road Number	Road Name	Beginning Milepost	Enging Milepost	Length
2795	MILLION ST	0.000	0.199	0.199
2796	E PARKWAY RD	0.000	0.200	0.200
2797	KRUSE ST	0.000	0.502	0.502
2798	RIVER OVERLOOK ST	0.000	0.382	0.382
2800	COPPLE RD	0.000	0.809	0.809
2820	GRIMM RD	0.000	0.437	0.437
2832	CHEROKEE RD	0.000	1.229	1.229
2832	CHEROKEE RD	1.854	1.996	0.142
2844	BIDE-A-WEE RD	1.057	2.111	1.054
2880	OMAK RIVER RD	0.000	4.173	4.173
2881	WEST RIVER RD	0.000	0.307	0.307
3785	LYMAN LK-MOSES MDWS RD	14.316	20.297	5.981
3797	KEYSTONE RD	0.000	3.506	3.506
3808	CHEWILIKEN VALLEY RD	0.000	8.934	8.934
3817	KNOX RD	0.000	1.590	1.590
3819	KNOX RD EXT.	0.000	1.029	1.029
3822	ED FIGLENSKI RD	0.000	1.827	1.827
3827	HOSHEIT RD	0.000	1.690	1.690
3827	HOSHEIT RD	1.690	2.483	0.793
3833	J.H. GREEN RD	0.000	6.985	6.985
3845	ANDERSON RD	0.000	0.648	0.648
3849	FRITZ RD	0.000	1.782	1.782
3882	WARWICK RD	0.000	0.839	0.839
3891	S JANIS RD	0.000	0.460	0.460
3900	MCLAUGHLIN CANYON RD	0.000	7.673	7.673
3911	HARDY RD	0.000	3.001	3.001
3917	CLARKSON MILL RD	0.000	1.649	1.649
3919	S FRONTAGE RD	0.000	1.826	1.826
3920	TONASKET SHOP RD	0.110	0.392	0.282
3923	LONGANECKER RD	0.000	0.931	0.931
3925	N FRONTAGE RD	0.000	0.500	0.500
3927	MCLAUGHLIN AVE	0.000	0.070	0.070
3945	TALKIRE LK RD	0.000	4.767	4.767
3951	UPPER CHEWILIKEN VALLEY ACC	0.000	0.289	0.289
3960	BENCH CR RD	0.000	2.640	2.640
4290	FISH LK RD	1.600	3.434	1.834
4299	STALDER RD	0.000	2.837	2.837
4307	PINE CR CEMETERY RD	0.000	0.218	0.218
4311	CRUMBACHER RD	0.000	2.145	2.145
4319	HAGOOD CUTOFF RD	0.000	5.451	5.451
4345	LEMANASKY RD	0.000	5.652	5.652
4347	N LEMANASKY RD	0.000	5.901	5.901
4353	HENRY RD	0.000	2.503	2.503
4371	HORSE SPRING COULEE RD	1.584	12.229	10.645
4373	BEEMAN RD	0.000	2.530	2.530

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Exhibit A

Road Number	Road Name	Beginning Milepost	Enging Milepost	Length
4380	WELLER RD	0.000	0.072	0.072
4385	WEBER RD	0.000	0.306	0.306
4389	PERRY RD	0.000	0.268	0.268
4395	TONASKET AIRPORT RD	0.000	2.588	2.588
4451	MAIN ST - LOOMIS	0.000	0.373	0.373
4456	BIGHORN DRIVE - LOOMIS	0.000	0.264	0.264
4457	FIRST ST. - LOOMIS	0.000	0.041	0.041
4458	SECOND ST. - LOOMIS	0.000	0.066	0.066
4464	COLUMBIA DRIVE - LOOMIS	0.000	0.183	0.183
4466	LOOMIS AVE-LOOMIS	0.000	0.276	0.276
4472	HAMILTON AVE - LOOMIS	0.000	0.065	0.065
4474	HAMILTON AVE EAST - LOOMIS	0.000	0.089	0.089
4476	PALMER AVE - LOOMIS	0.000	0.078	0.078
4481	THIRD ST - LOOMIS	0.000	0.116	0.116
4485	WASHBURN LK RD	0.000	2.712	2.712
4491	WANNACUT LK RD	4.226	9.207	4.981
4510	BLUE LK RD	0.000	3.471	3.471
4517	GOLDEN RD	0.000	2.076	2.076
4524	ELLEMEHAM MTN RD	0.000	12.371	12.371
4527	ELLIS-BARNES RD	0.000	1.904	1.904
4532	HART RD	0.000	0.800	0.800
4539	GAYES POINT RD	0.000	0.480	0.480
4609	REHMKE RD	0.000	3.600	3.600
4618	SIWASH CR RD	0.000	6.193	6.193
4623	FANCHER RD	0.000	2.932	2.932
4629	N FORK SIWASH CR RD	0.000	6.582	6.582
4630	S OBERG RD	0.000	1.010	1.010
4643	FANCHER DAM RD	0.000	1.321	1.321
4648	N OBERG RD	0.000	0.600	0.600
4657	O'NEIL RD	0.000	2.616	2.616
4662	SWANSON MILL RD	0.000	11.323	11.323
4663	DWINNELL CUTOFF RD	0.000	0.207	0.207
4666	SUMMIT LK RD	0.000	2.294	2.294
4685	BOB NEIL RD	0.000	0.212	0.212
4687	JENNINGS LOOP RD	0.000	0.705	0.705
4695	EASTSIDE OROVILLE RD	0.000	1.980	1.980
4700	BALMES RD	0.000	0.159	0.159
4706	SAWTELL RD	0.000	1.258	1.258
4712	AIRPORT RD	0.000	0.240	0.240
4714	DEMERCHANT RD	0.000	0.370	0.370
4715	SPROUSE RD	0.000	0.415	0.415
4719	EASTLAKE RD	0.000	2.500	2.500
4723	THORNDIKE LOOP RD	0.000	0.602	0.602
4751	DRY GULCH EXT. RD	0.000	0.652	0.652
4759	DRY GULCH RD	0.000	6.391	6.391

Ordinance 2017-4

		Exhibit A		
		Beginning	Enging	
Road				
Number	Road Name	Milepost	Milepost	Length
4764	W WILDERMUTH RD	0.000	0.372	0.372
4768	E WILDERMUTH RD	0.000	0.247	0.247
4777	NINE MILE RD	0.000	8.585	8.585
4784	CIRCLE RD	0.000	1.299	1.299
4791	RISE RD	0.000	2.474	2.474
4804	MOLSON CEMETERY RD	0.000	0.236	0.236
4810	LOE RD	0.000	0.268	0.268
4815	DAVIES RD	0.000	5.974	5.974
4819	ROWTON RD	0.000	0.559	0.559
4820	FLETCHER RD	0.000	2.165	2.165
4825	FIELDS RD	0.000	2.777	2.777
4839	MARY ANN CREEK RD	0.000	7.960	7.960
4850	W LOST LK RD	0.000	0.847	0.847
4854	DAMMEL RD	0.000	1.410	1.410
4861	NEALEY RD	4.231	9.337	5.106
4865	GRANGE RD	0.000	1.617	1.617
4872	PRATTS RD	0.000	0.875	0.875
4874	BARTROFF RD	0.000	1.952	1.952
4878	BYERS RD	0.000	1.175	1.175
4883	BOLSTER RD	0.452	3.365	2.913
4887	MYERS CR RD	0.000	3.132	3.132
4895	PONTIAC RIDGE RD	0.000	6.878	6.878
4916	FROSTY CR RD	0.000	4.526	4.526
4925	CAPE LABELLE RD	0.000	8.608	8.608
4927	N CAPE LABELLE RD	0.000	1.506	1.506
4953	BONAPARTE LK RD	0.000	6.302	6.302
4959	SUMMER RD	0.000	2.462	2.462
4960	MT ANNIE RD	0.000	0.915	0.915
4965	DIAMOND BELL RD	0.000	2.619	2.619
4975	BUNCH RD	0.000	2.220	2.220
4984	COUGAR CR RD	0.000	4.825	4.825
9244	ROSS CANYON RD	0.583	1.555	0.972
9246	EPLEY RD	0.000	0.995	0.995
9251	DUCK LK RD	0.000	2.385	2.385
9320	TUNK CR RD	16.047	18.634	2.587
9410	PINE CR RD	5.204	14.649	9.445
9437	HIGHWAY 7	2.720	5.704	2.984
9437	HIGHWAY 7	21.269	21.991	0.722
9448	TONASKET BRIDGE RD	0.252	0.322	0.070
9455	AENEAS VALLEY RD	13.974	18.429	4.455
9467	HAVILLAH RD	15.712	17.350	1.638
9480	CHESAW RD	0.488	2.021	1.533
9480	CHESAW RD	19.303	20.633	1.330
			Total Miles	364.401



WATV Routes Ordinance 2017-4, Exhibit 8

RTV Information

County Road RTV Routes Public Routes

Ohio 302.1 - Open to Ohio & outside

Ohio 302.1 - RTV Routes

County Road RTV Routes

State RTV Routes - Not Open to RTV

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State Environmental Policy Act (SEPA) WAC 197-11-350 Final Mitigated Determination of Non-Significance (MDNS)

Project Name: Wheeled All Terrain Vehicles-designated open roads

Proponent(s): Okanogan County Public Works
2nd Ave
Okanogan, WA 98840

Agent(s): Josh Thomsen
County Engineer
Okanogan, WA 98840

Project Summary

The proposal/project is an ordinance which if adopted as proposed would open approximately 367.78 miles of county roads located primarily in Commissioner District 3 with a speed limit of 35 mph or less to use by wheeled all-terrain-vehicles (WATV). Approximately 85.128 miles of county roads in the district are already open to WATV's. 59.497 miles eligible to be opened to WATV use were removed from the proposal due to environmental concerns caused by the possibility of illegal ridership. The county currently manages a road system of 1337.662 miles.

Location

Primarily County Commissioner District 3

Final Determination

- ☐ **DNS:** Okanogan County Planning & Development issued a Final Determination of Non-Significance in accordance with WAC 197-11-340, identifying the proposal would not have a probable, significant, and adverse environmental impact.
- ☒ **MDNS:** Okanogan County Planning & Development issued a Final Mitigated Determination of Non-Significance in accordance with WAC 197-11-350, identifying this proposal would not have a probable, significant, and adverse environmental impact if mitigation measures are imposed.
- ☐ **DS:** Okanogan County Office of Planning & Development made a Final Determination of Significance in accordance with WAC 197-11-360, identifying this proposal would have a probable, significant, and adverse environmental impact.

The date of publication in Okanogan County's legal periodical of record is November 1, 2017.

Administrative Approval

Lead Agency: Okanogan County
Responsible Official: Perry Huston
Position/Title: Director of Planning
Phone: (509) 422-7160
Address: 123 5th Avenue North, Suite 130
Okanogan, Washington 98840

Signature:

Perry D Huston
(Perry Huston, Director)

10-27-17
Date

"C"

Mitigation Measure – Final MDNS

Project Name: Wheeled All Terrain Vehicles-designated open roads

Review of the proposal indicates that there may be potential for significant adverse environmental impacts. The impacts may be mitigated by conditioning the proposal. Mitigation measures are intended to address and mitigate the environmental impacts to a point of non-significance.

Probable Significant Environmental Impacts and Mitigation Measures:

1. Critical Areas

Only certain existing county roads with a posted speed limit of 35 mph or less are proposed for opening to use by WATV's. Damage to critical areas such as wetlands, sensitive plant species, or highly erodible areas can occur if riders leave the roadway and illegally operate their WATV's in such a manner that damage to critical areas occurs. To minimize the possibility of damage caused by illegal ridership the following conditions must be met:

- a) Roadways opened to WATV use must be signed to inform the motoring public that the roadway is open to use by WATV's and that WATV riders must remain on the traveled portion of the roadway.
- b) In addition to the legally required signage additional signs will be erected in areas adjacent to critical areas where the roadway and surrounding topography results in a high likelihood that those riders operating their vehicles illegally will leave the traveled portion of the roadway.
- c) Maps of roadways open to WATV use will be maintained on the Okanogan County Public Works website.
- d) Okanogan County Public Works will apply for funding for WATV signs from the Multiuse Roadway Safety Account as established by RCW 46.09.540.

2. Traffic

In addition to normal traffic enforcement the Okanogan Board of County Commissioners will review and consider adopting an ordinance specifically outlawing the illegal operation of WATV's with enhanced penalties for illegal off road operation.

3. The Okanogan Board of County Commissioners will consult with the WDFW, DNR, and USFS prior to public review of the proposed ordinance to gather information regarding enforcement concerns the agencies may have.

3. Annual review

The Board of County Commissioners will invite the resource agencies and local law enforcement to provide feedback regarding the impacts to critical areas, service delivery, and other issues regarding WATV use by March of each year beginning in 2018.