

OKANOGAN COUNTY

ORDINANCE 2017 - 6

An ordinance closing certain roads in Okanogan County Commissioner District #3 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, and

WHEREAS: Ordinance 2017-04 was approved by the BOCC on November 27, 2017, and

WHEREAS: Since the adoption of Ordinance 2017-04 the BOCC has further reviewed three of the roads opened to WATV use, and

WHEREAS: The BOCC has received additional input from neighboring landowners regarding road #3817, 3819, 3822, and 3833 as depicted in attachment A of ordinance 2017-04 and finds these roads provide no connectivity and create a high likelihood of illegal ridership which can cause damage to private property and critical areas, and

WHEREAS: The BOCC finds the added expense of the additional signage and enforcement patrol for the roads above listed is not commensurate with the public benefit received by opening the roads to WATV use,

BE IT THEREFORE ORDAINED: The following county roads will be closed to use by WATV's:

Road 3817 Knox Road from milepost 0.000 – 1.590
Road 3819 Knox Road Extension from milepost 0.000 – 1.029
Road 3822 Ed Figlenski Road from milepost 0.000 – 1.827
Road 3833 J H Green Road from milepost 0.000 – 6.985

BE IT FURTHER ORDAINED: Ordinance 2017-04 is amended by deleting the above listed roads from attachment A.

DATED at Okanogan, Washington this _____ day of _____ 2017.

**BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON**

Jim DeTro, Chairman

Chris Branch, Member

ATTEST

Andy Hover, Member

Laleña Johns, Clerk of the Board