ORDINANCE NO.\_\_\_\_\_\_\_\_\_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF SISKIYOU

**Amending Title 3 “Public Safety”, Chapter 4 “Traffic” of the Siskiyou County Code to Add Article 16 “Off-Highway Vehicles” Sections 3-4.1601 Through 3-4.1603**

**Regarding The Authorized Combined Use Of Certain Unpaved County Roads With Motor Vehicles And Off-Highway Vehicles**

**The Board of Supervisors of The County of Siskiyou Ordains As Follows:**

 **SECTION I:** Article 16 “Off-Highway Vehicles”, Sections 3-4.1601 through 3-4.1603 of Title 3, Chapter 4 of the Siskiyou County Code is hereby added to read as follows:

**Sec. 3-4.1601. Definitions.**

(a) For the purpose of this section "Off-Highway Vehicles" (OHV) shall be defined as off-highway motorized wheeled vehicles including but not limited to "All-Terrain Vehicle" (ATV), "Utility Vehicle" (UTV), "Trail Bike", "Dune Buggy", "Off-Road Motorcycle", and Jeep-type vehicles, - pursuant to Sections 38006, 38010, and 38012 of Division 16.5, "Off-Highway Vehicles" of the California Vehicle Code. This definition applies to off-highway motorized wheeled vehicles that are not licensed for on-highway use as well as highway licensed vehicles while operated off-highway.

(b) For the purposes of this section, "rural recreation areas" shall be defined as those portions of Siskiyou County that lie outside of residential areas, and that are, and have been commonly utilized for motorized outdoor recreation purposes, including, but not limited to, the operation of motorized vehicles such as Jeep-type vehicles, dune buggies, ATVs, UTVs, trail bikes, off-road motorcycles, or similar on- and off-highway vehicles.

(c) For the purposes of this section, "roughly graded roads within the Siskiyou County Maintained Mileage System which are within or connecting to rural recreation areas", shall be designated pursuant to Section 38001 of Division 16.5, "Off-Highway Vehicles" of the California Vehicle Code (CVC). Pursuant to the CVC roughly graded surfaces, upon which vehicular travel by the public is permitted, is excluded from the classification as a highway. Furthermore, the design of these specified unpaved roads allows for the safe operation of regular vehicular traffic and off-highway vehicle use (i.e., are low volume, low speed roadways which are minimally maintained and which provide access to rural recreation areas and public lands).

**Sec. 3-4.1602. Off-Highway Vehicles: Allowable Uses**

Off-Highway Vehicles may be operated at the operator's own risk on the unpaved county roads, or portions of unpaved roads, within the Siskiyou County Maintained Mileage System which are within or connecting to rural recreation areas identified in Siskiyou County Code Section Sec. 3-4.1603.

**Sec. 3-4.1603. Designated Roads for OHV Use**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **County Road Number** | **County Road Name** | **Starting Location** | **Ending location** |
|  | 7J002 | Hawkinsville Humbug Road | Mile Post 4.69 | Canal Gulch Road (7J018) |
|  | 8G004 | Walker Road | Walker Bridge Conn Road (8G002) | Klamath River Road (8J001) |
|  | 8G002 | Walker Bridge Conn Road | Walker Road (8G004) | State Highway 96 |
|  | 8D006 | Walker Creek Road | State Highway 96 | Grider Creek Road (8D001) |
|  | 8D001 | Grider Creek Road | Walker Creek Road (8D006) | Mile Post 2.41 (USFS 46N66) |
|  | 7C002 | China Grade Road | Elk Creek Road (7C001) | Mile Post 1.22 (USFS 45N85) |
|  | 7C001 | Elk Creek Road | State Highway 96 | Curly Jack Road (7C006) |
|  | 7C006 | Curly Jack Road | Elk Creek Road (7C001) | Mile Post 0.36 (Campground) |
|  | 7C035 | Lower Airport Road | State Highway 96 | Mile Post 0.18 (Usfs 16N30) |
|  | 8C001 | South Fork Road | Mile Post 0.15 (USFS17N32) | Mile Post 0.57 (Usfs 18n30) |
|  | 7J002 | Hawkinsville Humbug Road | Humbug Creek Road (8J002) | Mile Post 4.69 |
|  | 7J001 | Yreka Walker Road | Klamath River Road (8J001) | Yreka City Limits (M.P. 17.92) |
|  | 8J002 | Humbug Creek Road | Yreka Walker Road (7J001) | Klamath River Road (8J001) |
|  | 7H002 | Middle Fork Humbug Road | Yreka Walker Road (7J001) | Mile Post 1.80 (End) |
|  | 7J031 | Eliza Gulch Road | Yreka Walker Road (7J001) | Mile Post 1.62 (End) |
|  | 8J001 | Klamath River Road | Yreka Walker Road (7J001) | State Highway 96 |
|  | 8F001 | Horse Creek Road | Mile Post 2.76 (USFS 12) | Mile Post 3.09 (USFS 46N60) |

**SECTION II:** Constitutionality: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

**SECTION III:** This ordinance shall become effective 30 days after its passage and shall, within 15 days of adoption, be published once in a newspaper of general circulation, printed and published in the County of Siskiyou.

**SECTION IV:** CEQA Exemption: Roadways (paved, gravel, or dirt) that are classified within the County roadway system are improved roads that have similar impacts to a road that is accessed and utilized by a standard operating vehicle. Therefore, the project is exempted under Categorical Exemption (Class 1), Existing Facilities, Section 15301 as the roads are disturbed surfaces that have a longstanding history of use. This project is exempt because the roadways are currently constructed and in place whether that be paved, gravel, or dirt, and are currently being used by the public for access. Additionally, the project is exempt under the common-sense exemption as the project does not have the potential for causing a significant effect on the environment because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**PASSED AND ADOPTED** this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 2023 at a regular meeting of the Board of Supervisors by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ED VALENZUELA, CHAIR

Board of Supervisors

County of Siskiyou

State of California

ATTEST:

LAURA BYNUM, CLERK,

Board of Supervisors

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deputy