

RESOLUTION NO: _____

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF LASSEN, STATE OF CALIFORNIA, IN SUPPORT OF A DESIGNATION OF A PORTION OF "THE STRAND," A COUNTY ROAD, AT SPALDING, CALIFORNIA FOR OFF HIGHWAY VEHICLE USE

WHEREAS, the County of Lassen desires off-highway motorized vehicles (OHV) to have a safe and legal means of accessing recreation and commercial areas designated for legal OHV use (OHV areas); and

WHEREAS, the potential for illegal use of public roadways by OHV exists whether local roads, recreation and commercial areas, are designated and open OHV use or not; and

WHEREAS, to facilitate legal access to OHV areas, Lassen County Code Chapter 10.54 Off-highway Vehicles provides for OHV travel in rural recreation areas that lie outside residential areas to use specified unpaved roads within the County maintained mileage system which are within or connecting to rural recreation areas pursuant to California Vehicle Code (CVC) Section 38001 of Division 16.5, "Off-Highway Vehicles"; and

WHEREAS, pursuant to the Lassen County Code Chapter 10.54, OHV may be operated at the operator's own risk on designated county roads, or portions of unpaved roads, which are within or connecting to rural recreation areas and public lands; and

WHEREAS, the basic speed law of the State of California for motor vehicles is found in CVC Section 22350. It reads: "No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property." and,

WHEREAS, CVC Section 22352 sets the prima facie speed limits for motor vehicles operated in California. The term "prima facie", as used in the CVC, is a speed limit that applies when no other specific speed limit is posted. It is a Latin term meaning "at first face" or "at first appearance". It sets two speed limits covering six classes of location. The first speed limit is 15 mph; and it is applicable to uncontrolled railway crossings; blind, uncontrolled intersections; and alleyways. The second speed limit is 25 mph; and it is applicable to business and residential areas without other posted speed limits; school zones, and areas immediately around senior centers; and

WHEREAS, for OHV, CVC Section 38305 provides that "no person shall drive an off-highway motor vehicle at a speed greater than is reasonable or prudent and in no event at a speed which endangers the safety of other persons or property", and CVC Section 38310 sets the "the prima facie speed limit within 50 feet of any campground, campsite, or concentration of people or animals shall be 15 miles per hour"; and

WHEREAS, to designate a paved highway (local road) segment of less than 3 miles in length, a County Board of Supervisors may designate a highway (local road) or a portion of a local road, for legal combined use of licensed OHV and highway licensed motorized vehicles pursuant to CVC Section 38026; and,

WHEREAS, pursuant to CVC Section 38026, the County must notify the Commissioner of the California Highway Patrol, and shall not designate any local road which, in the opinion of the commissioner, would create a potential traffic safety hazard; and

WHEREAS, Spalding is a small rural unincorporated community with an estimated population of 206 people in 2020 according to the U.S. Census. Spalding is remote but proximate to rural recreation areas, located on the western shore of Eagle Lake, and mostly surrounded by federally managed public lands containing roads that are lawfully open for use by high-clearance vehicles, off-highway vehicles, where passenger car traffic is not a consideration (OHV routes); and

WHEREAS, County Road A1 is the sole county-maintained paved road that provides access to Spalding. Most privately-owned parcels in Spalding receive access from unpaved low volume, low speed private roadways which are minimally maintained and which provide access to the county-maintained road system of County Road A1 or local county paved roads. Lawful travel by OHV users is extremely-limited and regulated by the CVC, unless so designated for lawful OHV travel by a local or state agency; and

WHEREAS, the Spalding Community Service District (CSD) owns and operates the Spalding Marina located on a paved county-maintained road "The Strand." The marina contains boat launching ramps into Eagle Lake and has approximately 6 acres of paved public parking area that is designed for vehicles with trailers, and has visitor serving facilities and bathrooms. Because the surface elevation of Eagle Lake is too low to allow for the launching of motorized watercraft, marina parking is vacant and unused by watercraft users. Marina parking is open and available for use by the public and the CSD does not prohibit staging by off-highway vehicles; and.

WHEREAS, lawful OHV routes can also provide access to Spalding from federal and private lands, however, there is not a designated "connecting link" for lawful off-highway vehicle travel by using paved county-maintained roads; and

WHEREAS, a connecting link for lawful OHV travel would support recreational uses such as an OHV event on May 9, 2024, that requires use of "The Strand" as a "connecting link" to and from the community, OHV parking, the CSD marina, and public rural recreation areas;" and

WHEREAS, The Strand is a designated paved county-maintained road (County Road 247) of approximately 1.5 miles in length (road segment) that could be so designated for combined use pursuant to state law; and.

WHEREAS, the County is the legal owner of "The Strand", desires to support off highway recreational uses in the area, and wants off-highway vehicles to have a safe and legal means of assembling and accessing off-highway vehicle facilities, private and public recreation and commercial uses, and rural recreation public lands containing roads that are open and available for lawful use by OHV and combined use of OHV and passenger vehicles; and

WHEREAS, as of March 15, 2024, the County confirmed with the California Highway Patrol, Susanville Area office, that since 2022 in the community of Spalding there has been one vehicle injury collision in Spalding (all vehicle types), no reported property damage only (PDO) collisions, and two traffic complaints concerning OHV use.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of the County of Lassen hereby finds that "The Strand" is located in a manner that provides a connecting link between off-highway motor vehicle trail segments/off-highway motor vehicle recreational use area and necessary service facilities and requests for combined use and shall prescribe rules and regulations therefor.

BE IT FURTHER RESOLVED that the Board:

- (1) authorizes the County Administrative Officer, or his designee, to submit a copy of this resolution, and any other relevant documentation, to the California Highway Patrol Commissioner for consideration of designating Lassen County Road 247 ("The Strand"), consisting of approximately 1.5 miles of paved roadway for legal combined use by OHV pursuant to the California Vehicle Code, and any other applicable State law or regulation.
- (2) respectfully requests that if the Commissioner does not consent to allowing the County to make a permanent designation of legal combined use, that the Commissioner consider authorizing the County to authorize a temporary designation of legal combined use on an as needed basis to be determined by the Lassen County Board of Supervisors.
- (3) respectfully requests that the Lassen County Sheriff, or his designee, be the primary point of contact and communication with the California Highway Patrol Commissioner and local CHP, as necessary and appropriate, regarding discussions of resources for traffic enforcement, programs and information regarding this request.
- (4) acknowledges that the prescribed rules and regulations for vehicle and OHV use of "The Strand" shall be the State of California's existing California Off-Highway Motor Vehicle Laws and Regulations.
- (5) further acknowledges that the statutory and prima facie speed law is applicable and may be enforced by local, state and federal law enforcement pursuant to CVC Sections 22350, 22352, 38305, and 38310.

The foregoing Resolution was adopted at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, held on the 26th day of March 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF LASSEN, STATE OF CALIFORNIA

ATTEST:

JULIE BUSTAMANTE
Clerk of the Board

BY:

MICHELE YDERRAGA, Deputy Clerk of the Board

I, MICHELE YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the 26th day of March, 2024.

Deputy Clerk of the County of Lassen
Board of Supervisors