

Board Response to Race Track Issue

Situation

The owner of Lot 39 in Division 4 has constructed and begun operating an unauthorized motor vehicle race track on their property, including inviting members of the public to attend weekly racing events. The track was built without prior contact with the Board or ACC, without required ACC approval, and without obtaining county permits.

Actions Taken

The Board has taken the following formal enforcement steps so far:

- Issued a Notice of Violation to the lot owner identifying CC&R violations and demanding compliance.*
- Adopted a formal Off-Road Vehicular Use Rule on March 10, 2026, explicitly prohibiting recreational off-road vehicle use on lots.*
- Engaged legal counsel (Ken Miller & Associates, PLLC, Okanogan).*
- Issued a formal Notice of Fines for documented CC&R violations.*
- Filed a Complaint for Injunctive Relief in Okanogan County Superior Court on March 17, 2026, seeking an immediate court order prohibiting operation of the race track and any similar activity within Nine Mile Ranch. The Complaint also includes asking the court to award all attorneys fees and costs to the HOA.*

Member Financial Notice

Members should be aware that legal fees associated with this enforcement action are being drawn from HOA operating funds. The Board is committed to pursuing this matter as efficiently as possible. The CC&Rs provide that reasonable attorney fees and costs incurred in enforcement proceedings may be recovered from the offending lot owner. The Board will keep members informed of any material financial developments as the matter progresses.

Note Regarding Adjacent Properties

A separate matter involving alleged trespass on private lots adjacent to the race track is a private property dispute between the lot owners involved. The HOA is not a party to that dispute and has no authority over private property trespass. That matter is being handled by the affected lot owner and law enforcement independently of the HOA's enforcement action. The Board is asking HOA legal counsel to advise how or if the alleged property trespasses are violations of our CCRs given that HOA roads were used to commit the trespasses and ensuing CCR violations.

Additionally, contrary to claims made publicly by the lot owner, no member of the HOA Board of Directors is involved in the adjacent property dispute in their capacity as a board member.

Contact

This matter is now in active litigation. The Board is unable to comment on the specifics of the proceedings while they are ongoing. However, the Board will post publicly-available documents and updated reports regarding this issue to the HOA website. Members with questions should contact the Board at bod@9mileranchhoa.org.