

**KITTITAS COUNTY
BOARD OF COMMISSIONERS
SPECIAL MEETING
UPPER DISTRICT COURT – CLE ELUM, WASHINGTON**

WEDNESDAY

6:30 P.M.

JULY 13, 2005

Board members present: Chairman Perry Huston, Commissioners David Bowen and Alan Crankovich.

Others: Julie Kjorsvik, Clerk of the Board; Patti Johnson, Interim Public Works Director; Joy Potter, Public Works Staff and approximately 35 members of the public.

PUBLIC HEARING

ORV-KACHESS LAKE RD.

PUBLIC WORKS

At approximately 6:43 p.m. **CHAIRMAN HUSTON** opened the special meeting to consider amending Kittitas County Code Chapter 10.36 and Opening Kachess Road and Via Kachess Road to Off Road Vehicle Use.

JOY POTTER, PUBLIC WORKS STAFF reviewed an Engineer's Report. She explained that upon approval of House Bill 1003 their department received several requests to allow for off-road vehicles to be on Kachess Lake Road and Via Kachess Road. She explained that the County receives state gas tax dollars for maintenance of the roads, and receives various regular maintenance activities. She said in accordance with RCW 46.090.020 definitions, "non-highway road" means any road owned or managed by a public agency or any private road for which the owner has granted an easement for public use for which appropriations from the motor vehicle fund were not used for (a) original construction or reconstruction in the last twenty-five years; or (b) maintenance in the last four years. According to Al King, PE, Inter-Governmental Policy Manager for the County Road Administration Board (CRAB) concurred that "non-highway" means roads not regularly maintained on the county road system. She said that after legal review of the language from House Bill 1003 from the Prosecutors office and the definition's listed in RCW 46.09.020, Kittitas County can not authorize ORV's to operate on county maintained roads and recommends that the Board deny the requests.

13TH DISTRICT LEGISLATIVE REPRESENTATIVE BILL HINKLE explained how the County previously approved opening up the roads for snowmobiles. He felt by opening up the roads to ORV's, it would enhance opportunities for a wider variety of outdoor recreation activities. He thought the proposal was a good idea as long as there was coordination with the Forest Service. He said that legislative staff researched and determined that the County's legislative authority has the ability to allow for the use. He offered to provide the Board copies of their research and legal findings.

THOSE PRESENT & TESTIFYING: **MIKE AIKIN** said he has been an off road enthusiast for many years and was not against ORV's, but felt there was a place for them and it was not on residential highways. He was concerned with the safety and lack of

enforcement in the area. **ROBERT ANGRISANO** said he was one of the people that had submitted a request to the Public Works Department. He felt by approving the request, it would provide an opportunity to address safety standards as noted in House Bill 1003 (lights, mufflers limit, helmets, and proper brake devices). He said it would also provide residents in the two communities egress and ingress to the forest service roads. He noted they were not requesting to open it up for an ORV park. **RICHARD DYER** was concerned with the lack of parking for people using ORV's. He also expressed concerns of endangering children and animals lives due to those types of impacts to the neighborhood. **RON NELSON** expressed his concerns relating to safety, noise and increased congestion if the Board approved the request. **ROBERT LARSON** was in support of the requests. He felt if the roads were open to ORV's that it would not necessarily bring in additional people, but it would enhance the quality of the lives of people living in the area. He strongly urged the Board's support of the requests. **MIKE FUDGE** urged the Board to approve the request. He felt by opening the roads for additional recreation it would bring in additional tax dollars for the County. **BILL BABOVSKI** spoke against the request. He said if the Forest Service roads were opened up it would bring a lot more people into the area rather than just residents. He was concerned with the safety of the people living in the area and the evident abuse on ORV's that is currently going on. He said that due to non-policing and by legalizing ORV's it would only further increase abuse. **PHELPS WELLS** supported legalizing ORV's on the roads. He said he was in favor of a speed limit to ensure safety. **TRACEY DONOVAN** said she had hoped that if the Commissioners approved the request it would allow for additional activities for families. She felt the same laws should be adhered to as snowmobiles. **JANET NELSON** said she was concerned with the safety of ORV's. She said in the wintertime, snowmobiles tend to be safer but was worried about ORV's excessive speeds in the summertime. **WESS WARD** supported opening the roads for ORV use. He said people already run ORV's in the area, but there is no enforcement in the area. He felt by allowing ORV's, it would allow the County to instill safety standards. **MONTY MOORE** said he was the Kachess Fire Chief as well as a City Police officer in Cle Elum. He supported opening the roads to ORV's. He felt if they were legalized and standards set in place, it would actually be safer for citizens than it currently is. **THERE BEING NO ADDITIONAL TESTIMONY THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

CHAIRMAN HUSTON reviewed various RCW and Code citations as well as language included in House Bill 1003. He felt the definition of "non-highway" was unclear. He felt there was some merit for allowing ORV's, but there needed to be more of a global discussion regarding parking in the area, as well as a coordinated effort with the Forest Service. He said there was more assistance needed from the legislature and appreciated the offer to provide copies of research and findings from Representative Hinkle. He encouraged those citizens in favor of the proposal to be the "think tank" and work with legislature this next year.

COMMISSIONER BOWEN said the County would need the ability to enforce if approved because he thought there would be an additional draw of non-county residents. He agreed that it would be safer if there were speed limits in place. He said at the current

time, the Board has no authority to allow it to happen, and noted the Forest Service hadn't decided if they will be opening the roads up. He encouraged the legislature to clear up language.

COMMISSIONER CRANKOVICH felt the intent of the bill was good, but it had a missing section because the Forest Service roads are not currently open. He agreed that the proposal has merit but it would take some time to get there. He encouraged both sides of the issue to get together and work on the proposal including the Forest Service and the Department of Natural Resources.

CHAIRMAN HUSTON moved to deny the request to allow off road vehicles on Kachess Lake Road and Via Kachess Road. **COMMISSIONER BOWEN** seconded.

Motion carried 3-0

Meeting adjourned at 7:50 p.m.

CLERK OF THE BOARD

**KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**

Julie A. Kjorsvik

Perry D. Huston, Chairman