



Kitsap County Department of Community Development

Staff Report for the Hearing Examiner

Report Date: 5/31/2017

Application Submittal Date: 02/13/2017

Hearing Date: 06/08/2017

Application Complete Date: 02/13/2017

Permit Number: 17 00534

Project Name: KITSAP RIFLE/REVOLVER CLUB - Appeal

Type of Application: Shooting Facility Operating Permit

This staff report was prepared by David Lynam, Kitsap County Fire Marshal and Deputy Building Official based on information available up until the time the report was prepared. New information relevant to review of this application may become available prior to the hearing or at the hearing. Staff may wish to change their analysis based upon that new information, and reserves the right to do so.

Proposal Summary:

The applicant proposes to obtain a Shooting Facility Operating Permit for shooting activities on the various ranges at the Kitsap Rifle and Revolver Club site.

Project Request:

The specific request of the applicant is to extend the expiration date of the permit application.

Project Location:

4900 Seabeck Highway NW
Bremerton, WA 98312

Assessor's Account #:

362501-4-002-1006

Applicant/Owner of Record:

Kitsap Rifle and Revolver Club
4900 Seabeck Highway NW
Bremerton, WA 98312

Regulations Applicable to the Subject Proposal:

1. Kitsap County Code Chapter 10.25 Article 2 - Shooting Ranges
2. Kitsap County Code Section 10.25.090(2) (Requirements for operating permit)
3. Kitsap County Code Section 10.25.090(9) (Application of Title 21 provisions)
4. Kitsap County Code Section 21.04.200.F.1 (Establishing application expirations)
5. Kitsap County Code Section 21.04.200.F.2 (Applying for and granting extensions)

Documents Consulted in the Analysis:

A complete index of exhibits is located in the project file. To date, the index to the record consists of Exhibits 13. –

Exhibit #	Document	Date or date stamped
1	Ordinance 515-2014	09/22/14
2	16 01041 Application – Shooting Facilities Operational Permit	03/16/16
3	16 01041 Review Summary	05/03/16
4	Notice of Expiration	08/23/16
5	16 04424 Application – Shooting Facilities Operational Permit	09/26/26
6	16 04424 Application Summary	10/17/16
7	16 04424 Request for Certification	01/09/17
8	16 04424 Email: Dave Lynam and Barbara Butterton	01/12/17
9	16 04424 Extension Request	01/12/17
10	DCD Response to Request for Clarification	01/12/17
11	DCD Response to Extension Request	01/23/17
12	Letter from KRRC	01/31/17
13	Staff Report	05/31/17

Public Comments:

None Received.

Analysis:

On September 22, 2014 the Kitsap County Board of County Commissioners adopted ordinance 515-2014 establishing the requirement for operating permits for new or established shooting facilities. Existing facilities were required to apply for the required operating permit 90 days after the effective date of the ordinance. Kitsap County Code section 10.25.090(2). On March 16 of 2016 Kitsap Rifle and Revolver Club submitted application 16 01041 for a shooting facility operating permit. The department completed the application review on May 3, 2016 and provided the applicant with a review summary, a list of required corrections and a request for information required to complete the application. The applicant did not respond to the request for information or provide corrected materials and on August 23, 2016 the department notified the applicant that pursuant to Kitsap County Code Section 21.04.200.F.1 the application had expired and no further processing would occur. The notification also advised the applicant of their right to reapply under a new application.

On September 29, 2016 Kitsap Rifle and Revolver Club again applied for a shooting facility operating permit by submitting application 16 04424. The application was substantially the same as that submitted in March 2016 as the applicant resubmitted the same information provided in the March 2016 application with minor modification and the addition of a modified site plan. The department completed the initial review of the application on October 17, 2016 and provided a letter to the applicant informing them of the 90-day limitation prescribed by code for response to the review summary and information request.

The department received no correspondence or other contact from the applicant until January 9, 2017, when the department received an email from the applicant with a request for clarification of some of the items in the department's review summary. On January 11, 2016, the department sent an email to the applicant advising them that the review period would expire on

January 15, 2016 and if they intended to apply for an extension it had to be received by the department no later than January 15. On January 12, 2016, the department sent a written response to the applicant's request for clarification via email and also received the applicant's request for an extension – via email. On January 23, 2017, the department notified the applicant via email that their request for extension had been denied but that they could submit another application for a shooting facility operating permit.

On January 31, 2017, the department received a "Final Reply to Permit Application 16 04424 Review –Range operating Permit from the applicant" letter dated January 29, 2017 together with approximately thirty-five additional documents in support of their application. These documents, arriving after the request for extension was denied and the permit application expired, have not received an in-depth examination by department staff.

Staff Evaluation

1. Kitsap County Code Section 21.04.200.F.2 establishes that prior to the expiration date an applicant may request, in writing, a 90-day extension in order to provide required information or make corrections. The applicant provided a written request for extension on January 12, 2017 prior to the expiration date of January 15, 2017. The applicant's request was timely.
2. The department is not however compelled to grant an extension based solely on its timely submittal. Kitsap County Code Section 21.04.200.F.2 authorizes the department to grant as many as two 90-day extensions if it is determined that the required information warrants additional time. The code language is permissive—establishing that the department "may" grant an extension if it (the department) determines that additional time is "warranted".
3. The applicant's first permit application (16 01041) expired in August 2016, after the applicant did not respond in a timely manner to staff's request for additional information and corrections. The September 2016 shooting facility permit application included much of the same information submitted in the March 2016 application. After its initial review of the September 2016 application (16 04424), the department sent the applicant a request for correction and additional information that requested essentially the same corrections and information as the request sent to the applicant after the March 2016 application.
4. The department received no response or contact from the applicant concerning the September 2016 application until January 9, 2017—six days before the permit application was scheduled to expire. The applicant's January 9, 2017 letter was a request for clarification of the department's request for information and correction that did not provide any of the requested information or required corrections.
5. The department responded with answers to the requested clarifications on January 12, 2017, the same day the department received the applicant's extension request. The applicant's request for extension stated that they needed the department's response to their request for clarification before they could complete the application. After responding to the applicant's request for clarification, the department received no further communication from the applicant prior to the expiration date (January 16, 2017). At no time did the applicant advise the department that they needed additional time to complete their application response after receiving the department's response to their clarification request.
6. Because the March and September applications were essentially the same and the corrections required and additional information requested was essentially the same for both applications, the applicant has had almost 300 days to make the necessary

changes to the application and to supply the required additional information. The applicant has not responded in a timely fashion or demonstrated a good faith effort in submitting required corrections or additional information sufficient for the department to reasonably conclude that extending the expiration date of the current application will result in a timely response to the department's requests for additional information and corrections necessary for the department to complete its review and final determination on the permit application.

Recommendation:

Based upon the information above, the Department of Community Development recommends that the request to extend the expiration date for permit application # 16 04424 - Kitsap Rifle and Revolver Club Shooting Facility Operating Permit be denied.

Attachments:

Exhibits detailed above



David Lynam, Fire Marshal and Deputy Building Official

5/31/17

Date

CC: KITSAP RIFLE/REVOLVER CLUB info@gunsafety.org
Barbara Butterson bjbutterson@hotmail.com
Marcus Carter marcus@gunschool.com
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Interested Parties:
Terry Allison tncallison@q.com
CK Safe & Quiet cksafeandquiet@gmail.com
Kevin Gross kevinandgail@wavecable.com
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff: David Lynam
DCD File (17 00534)
DCD Building Permit File (16 01041 & 16 04424)