Executive Summary

Issue Title: Amendments to Kitsap County Code (KCC) Title 10.24
Meeting Date: June 18, 2014
Time Required: Two hours
Attendees: Gary Simpson, Chief of Patrol, Sheriff's Office; Larry Keeton, Director, DCD; Shelley Kneip, Deputy Prosecuting Attorney, Prosecutor’s Office; Heather Adams, Associate Planner, DCD

Action Requested At This Meeting: Decide which proposal should be scheduled for the Public Hearing.

Issue: The Board of County Commissioners has deemed it necessary to consider an operational permit process for the bullet containment and safe processes to ensure the public health and safety of the those properties adjacent to and in the vicinity of rifle ranges.

Recommendation: For the Board of County Commissioners to evaluate the two proposals based on the following criteria:

- Meets the primary objectives of safety issues (round containment, storage containment, safety plans, etc.), addresses environmental controls, and noise concerns.
- Code clearly defines the standards.
- Feasibility of an applicant to meet code requirements (requirements are not burdensome).
- Ability of the County to enforce the code.

Attachments:
Appendix 1- 10.24 Review Committee Report
Appendix 2- Staff's Proposal
Appendix 3- Comparison Matrix
APPENDIX 1

10.24 REVIEW COMMITTEE REPORT
June 9, 2014

Board of County Commissioners
Commissioner Charlotte Garrido, Chair
Commissioner Robert Gelder
Commissioner Linda Streissguth

Re: Report on the 10.24 Review Committee Process and Recommendation

Dear Board of County Commissioners:

After 22 months and attending 15 meetings, the Title 10.24 Review Committee (Appendix 2) has completed its work. The information enclosed in this report includes the Kitsap County Code (KCC) Title 10.24 Review Committee’s recommended ordinance requiring an operational permit by shooting facilities. Included are two Minority Reports.

I. Recommendation by the 10.24 Review Committee:
The 10.24 Review Committee recommends the Board of Commissioners use the proposed ordinance (Appendix 1) for public hearing. The Committee’s final vote on April 19, 2014 making this recommendation was:

- 4 in favor (Poulsbo Sportsman’s Club, Bremerton Trap and Skeet, Citizen Representative from Commissioner District 2, Citizen Representative from District 3)
- 2 abstained (Sheriff’s Office and the Department of Community Development)
- 1 absent (Citizen Representative from Commissioner District 1)
- 1 disapproval (Kitsap Rifle and Revolver Club)

II. Background:
Per KCC 10.24.105, the Board of County Commissioners commenced the 10.24 Review Committee to provide proposed amendments to Kitsap County Code Title 10.24 “Weapons” and establish requirements for an Operational Permit.

Per KCC 10.24.105(a) the committee consists of the Sheriff’s designee as chair, Director of Community Development, presidents or their designees from Bremerton Rifle Club, Kitsap Rifle and Revolver Club, and Poulsbo Sportsman Club, and
three citizens at large. Originally Bremerton Trap and Skeet was not included in the membership of the Review Committee, however on January 14, 2014 the Board adopted Ordinance 500-2013 which amended Title 10.24.105(a) to include Bremerton Trap and Skeet as a part of the Review Committee’s membership.

The committee met initially on July 14, 2012. During that meeting, the committee approved conducting two public comment sessions prior to beginning the work of reviewing the county’s proposal. The public comment sessions were held on August 15, 2012 and October 31, 2012 in which 36 citizens testified. The result of the comment sessions was the development of an issues list (Appendix 3). This list was a guide used by the committee in its review.

In the first meeting following the public comment period, Kitsap Rifle and Revolver Club and Poulsbo Sportsman Club submitted their own versions of an operational permit ordinance (Appendices 4 and 5). On January 16, 2013, the 10.24 Review Committee voted to use the Poulsbo Sportsman’s Club as the “base document” for the review process.

On April 19, 2014, the Review Committee agreed it had addressed the issues, had a proposal to present to the County Commissioners, and voted to adjourn.

III. Key Issues Addressed by the 10.24 Review Committee:
The “key issues” that are addressed and identified below were developed from Appendix 3 (Review Committee Major Issues List).

1. Safety: The safety issues that were addressed through the Review Committee’s efforts were items such as bullet containment, rapid fire, training for Range Safety Officers, access and control, etc. The proposed ordinance promotes the safe operation of ranges and bullet containment by utilizing the NRA Sourcebook as a bullet containment standard. The proposed ordinance recognizes the need for gun clubs to operate in a manner that precludes the “escape” of rounds given the change in velocity and range of weapons being used. A major issue was who would certify the clubs as to compliance.

2. Environmental Controls (i.e., toxic waste): Proposed ordinance addresses Health District’s concerns. The clubs currently have environmental program for lead extraction, etc.

3. Noise: This was, and remains, the major area of contention for the proposed ordinance. The clubs argue they are exempt from noise regulations based on Washington Administrative Code 173-60-050 while the county contends they can be subject to noise regulations if the Department of Ecology approves the change. The ordinance proposes outdoor shooting facilities implement economically feasible noise controls suitable to range design and operation. Appendix 6 provides a detailed history of “noise” issues discussed during the Committee’s review process.
IV. Minority Reports: Two reports were submitted.
   1. Ms. Linda Paralez Appendix 7.
   2. KRRC Appendix 8.

V. Findings
The Review Committee concludes the following findings. The Proposed Ordinance:

1. is within the scope of KCC 10.24.105 and recommended to the Board of
   County Commissioners.
2. addresses bullet containment by requiring engineered structures that meet
   the NRA Sourcebook's Standard.
3. addresses environmental controls by stating that each
   gun club shall be required to develop and implement a written plan to
   reclaim the lead deposited by shooting activities utilizing the
   recommendations of the Environmental Protection Agency Best
   Management Practice for lead at outdoor ranges.
4. addresses noise by using economically feasible methods
   including reductions of hours and baffling.

I am disappointed the committee was unable to come to a consensus on a final,
complete, and comprehensive document. However, I am pleased to report that all
committee members and staff were attentive to their charge, passionate and dedicated
to completing all aspects of the task at hand, and were willing to diligently serve their
organizations, our communities, and Kitsap County.

Sincerely,

Gary Simpson
Patrol Chief

For

Stephen A. Boyer
Kitsap County Sheriff

VI. Attachments:
   Appendix 1 – Review Committee’s Final Proposed Operational Shooting Ordinance
   Appendix 2 – 10.24 Review Committee Membership List
   Appendix 3 – Review Committee Major Issues List
   Appendix 4 – Kitsap Rifle and Revolver Club Proposed Ordinance
   Appendix 5 – Poulsbo Sportsman Club Original Proposed Ordinance
   Appendix 6 – Noise History Timeline
   Appendix 7 – Minority Report (Linda Paralez)
   Appendix 8 – Minority Report (Kitsap Rifle and Revolver Club)
   Appendix 9 – 10.24 Review Committee Meeting Minutes
ORDINANCE NO. ____-2014

AN ORDINANCE AMENDING KITSAP COUNTY CODE CONCERNING
SHOOTING RANGES

WHEREAS, Kitsap County has experienced a substantial increase in population density in areas proximate to its existing shooting ranges and the County has an interest in ensuring the compatibility of shooting ranges with their surroundings and in minimizing potential safety hazards created by the operation of shooting ranges; and

WHEREAS, shooting ranges benefit Kitsap County by providing its residents the opportunity to learn firearm safety, to practice shooting and to participate in amateur recreational firearm sports in a safe, controlled setting; and

WHEREAS, the Washington Constitution, Article XI, Section 11, confers upon county legislative authorities the police power to adopt regulations necessary to protect the health, safety and well-being of its residents; and

WHEREAS, RCW 36.32.120(7) provides that the county legislative authorities shall make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law; and

WHEREAS, RCW 9.41.290 provides that the State of Washington fully occupies and preempts the entire field of firearms regulations within its boundaries and counties may only enact ordinances as expressly authorized by RCW 9.41.300; and RCW 9.41.300(2) provides that a county may also, by ordinance, restrict the discharge of firearms in any portion of its jurisdiction where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized so long as such ordinance shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

WHEREAS, the Kitsap County Board of Commissioners (Board) finds that the requirement of an operating permit for the establishment and operation of all shooting ranges provides assurance of the safe conduct of recreational and educational shooting activities in Kitsap County.

BE IT ORDAINED:

Section 1. Kitsap County Code Chapter 10.24, Paragraph 10.24.100 (2) is hereby amended as follows:

(2) On a shooting range, provided that any such range shall comply with the criteria for shooting ranges adopted by the Kitsap County board of commissioners pursuant to Article 4 of this chapter;

Section 2. Kitsap County Code Chapter 10.24, Article 3 is hereby amended as follows:

Section 3. A new paragraph (a)(5) is added to Kitsap County Code Section 10.24.107 “Designation of no-shooting areas through petition method” as follows:

10.24.107 (a)(5) Ranges permitted under Article 4 of this chapter shall not be declared a no-shooting area by petition method.

Section 4. New Article. A new Article 4 is added to chapter 10.24 Kitsap County Code, “WEAPONS,” as follows:

Article 4 – Shooting Ranges

10.24.120 Purpose.

The purpose of this Article is to provide for and promote the safety of the general public by establishing a permitting procedure and rules for the development and operation of shooting range facilities. The shooting range standards adopted herein are intended to protect and safeguard participants, spectators, neighboring properties and the public, while promoting the continued availability of shooting ranges for firearm education, practice in the safe use of firearms, and recreational firearm sports.

10.24.121 Definitions.

The following definitions shall apply in the interpretation and enforcement of the ordinance codified in this article:

(1) “Firearm” means any weapon or device by whatever name known which will or is designed to expel a projectile by the action of an explosion. The term “firearm” shall include but not be limited to rifles, pistols, shotguns and machine guns. The term “firearm” shall not include devices, including but not limited to “nail guns”, which are used as tools in the construction or building industries and which would otherwise fall within this definition.

(2) “Shooting facility” or “facility”, means an entity with a site having one or more shooting ranges, but does not include residential property.

(3) “Shooting range” or “range” means a place set aside and designated for the safe discharge of firearms for individuals wishing to practice, improve upon or compete as to their shooting skills. There may be one or more ranges located at a shooting facility.

(4) “Range Officer (RO)” or “Range Safety Officer (RSO)” or “safety officer” means a person or persons appointed by the operators of a shooting facility to oversee the safe discharge of firearms in accordance with any conditions of permit approval and any other additional safety rules and procedures adopted by the operators of the shooting facility.
(5) “Safety Plan” means the written procedures and or policies of a shooting facility specifically defining the safety requirements utilized at that facility.

(6) “Baffles” means barriers to contain bullets and/or to reduce, redirect or suppress sound waves. Baffles are placed either overhead, alongside or at ground level to restrict or interrupt errant or off-the-target shots.

(7) “Backstop” means a device constructed to stop or redirect bullets fired on a range, usually directly behind the target line.

(8) “Berm” means an embankment used for restricting bullets to a given area, or as a protective or dividing wall between shooting areas.

(9) “Firing Line” means a line parallel to the targets from which firearms are discharged.

(10) “Firing point” means a location from which one individual fires at an associated target down range.

(11) “Target Line” means the line where targets are placed.

(12) “Rules and Regulations” means standards used in the operation of a Facility. Rules and regulations are set up to govern the Facility operations.

(13) “Ballistic trauma” means a form of physical trauma sustained from the discharge of arms or munitions. Commonly it is the penetration of the body by a bullet, marked by a small entrance wound and a larger exit wound. The wound is usually accompanied by damage to blood vessels, bones, and other tissues.

10.24.125 Ranges – Operating Permit required.

(a) Shooting facilities shall be authorized and operated in accordance with an operating permit issued by the Kitsap County Department of Community Development (DCD). The operating permit shall govern the facilities and scope of operations of each shooting facility, and shall be issued, denied or conditioned based upon the standards set forth in this Article. No proposed or existing shooting facility may operate without an operating permit issued pursuant to this chapter, except as provided in section (b) herein. This operating permit is not intended to alter the legal nonconforming use status and rights of existing ranges, which are governed by Title 17 Kitsap County Code (KCC) and the common law, nor shall this operating permit authorize expansion of range uses which otherwise require approval pursuant to a Conditional Use Permit or other land use permits per Title 17 KCC.

(b) Each owner or operator of a shooting facility shall apply for and obtain an operating permit. The owner or operator of a proposed new shooting facility shall apply for the facility operating permit at the time of application for any necessary building or land use permits. The owner or operator of an established shooting facility in active use at the time of enactment of this ordinance shall apply for the initial facility operating permit not later than (insert date 90 days after adoption of ordinance). A shooting facility operating permit is valid for five (5) years from
the date of issuance or renewal. The owner or operator of each facility shall apply for a permit
renewal at least thirty (30) days prior to the date of current permit expiration.

(c) In reviewing a new application for a shooting facility operating permit, or renewal of an
existing permit, DCD shall be guided by the current edition of the “NRA Range Source Book”
published by the National Rifle Association. Reference to the NRA Range Source Book may not
be used as the basis for any claim of civil liability against the NRA or against Kitsap County or
its officers, directors, employees, agents or representatives based upon deviation from, citation
to, or reliance upon the NRA Range Source Book.

(d) Shooting facilities shall meet the following standards:

i) Each shooting range within a shooting facility shall be designed, operated and maintained
to contain bullets, shot or other discharged projectiles within the facility property. A shooting
facility shall use the NRA Range Source Book, or other engineered specifications that meet
or exceed the standards established by the Source Book, as a minimum to develop and
implement institutional and facility controls for the safe operation, improvement and
construction of shooting ranges. Rifle and pistol ranges that allow modern smokeless powder
cartridges shall provide adequate physical structures to contain projectiles (e.g. baffles, side walls or
berms and impact berms behind the target line) in addition to any institutional controls.

(ii) Each shooting range shall have a Safety Plan as described herein. Each shooting range
shall be used only for the shooting activities identified in the Safety Plan.

(iii) Designs and safety procedures shall be evaluated by an NRA Range Technical Team
Advisor (RTTA) or by a professional engineer or other qualified professional consultant with
experience and expertise in the evaluation and design of shooting ranges.

(iv) A shooting facility shall have at least one qualified safety officer present when open to
the public. When the facility is closed to the public, a facility member who has passed the
minimum training requirements of the range shall be present.

(v) Shooting facilities shall meet all applicable local fire codes when storing explosives.

(vi) A shooting range may not be used for training of personnel of any branch of the United
States military, National Guard or Reserve Forces, or Homeland Security, unless the facility’s
application identifies all proposed activities, types and calibers of firearms to be used, and the
facility is certified by the regional command as meeting the service’s range safety manuals
and standards.

(vii) All exploding targets (e.g. Tannerite, etc.) must meet the parameters defined and
identified in the Safety Plan. Exploding targets shall only be used within the parameters
defined by the manufacturer.

(viii) If a facility utilizes cannon(s) strictly for audio effect purposes, a noise variance per
10.28 shall be required.
(ix) All shooting facilities shall provide a means for participants and spectators to readily contact emergency services such as fire or medical aid.

(e) Application contents. The application for an initial shooting facility operating permit shall include the following documents:

1. A Safety Plan, which shall include:
   a. Firearm handling rules, general range rules, specific range rules and administrative rules and regulations established by the owner/operator to include any firearms and or caliber restrictions on specific shooting areas.
   b. Emergency Plan, to include provision for timely notification to the Kitsap County Sheriff’s Office and to DCD of any type of ballistic trauma with initial notification within a 96 hour time period. The accidental or unintended release of a bullet from a shooting area shall be documented by the facility and available for inspection by the Department of Community Development as requested.
   c. Brief description of the facility training plan for Range Safety Officers and others.

2. Shooting facility layout and design which shall include:
   a. Dimensional drawings of physical layout to include orientation of each shooting area, location and description of terrain and any natural vegetation, and locations of critical areas, buildings, structures, fences, gates, roadways, trails, foot paths, major lighting, signage, and parking areas.
   b. Locations of firing lines or firing points, target lines and impact areas to include any backstops, berms, containment structures and any baffles or side containment structures.

3. An evaluation of the facility design and Safety Plan.
   a. The evaluation must be performed by a NRA Range Technical Team Advisor (RTTA) or a Professional Engineer with expertise in the design of shooting ranges that reports any safety issues or proposed uses which are inconsistent with the NRA Range Source Book for facility designs and institutional controls. The evaluation must be in written form and signed by the evaluator.
   b. DCD may, at County expense, arrange for an additional or independent inspection and evaluation of the shooting facility, including the facility’s uses and institutional controls described in an application for an operating permit. In cases where there is dispute between the evaluation provided by the facility and the evaluation performed at the option of the county, the dispute shall be decided by the Hearing Examiner pursuant to KCC Title 21.

(f) Each owner or operator of a shooting facility must apply to DCD for an amendment to the operating permit when additional firing lines, firing lanes, or shooting ranges are proposed or the
design of any facility range is altered beyond the scope of the original permit approval. Such proposed changes shall not be implemented prior to DCD approval.

1) Routine maintenance of existing berms, backstops, structures and facilities shall not be construed as a change requiring an amendment to an operating permit.

2) Changes to shotgun range configuration or Safety Plan procedure shall not be construed as a change requiring an amendment to an operating permit if the discharged shot is wholly contained on the shooting facility property.

3) Changes to rifle or pistol range configuration or Safety Plan procedure shall not be construed as a change requiring an amendment to an operating permit if the direction of fire and safety structures are not altered and the safety procedures are not reduced.

(g) An application for renewal of an operating permit shall include a current copy of the facility Safety Plan. Permit renewal does not require the submittal of layout and design documents or a written evaluation by an RTTA or Professional Engineer if the shooting facility range design has not been altered from previously approved submittals. However, the application must include a written statement by the owner of the facility declaring that no such changes have been made.

(h) During the operating permit review process, DCD shall inspect the facility to determine that the ranges are consistent with the application descriptions and to assess any deficiencies or corrective actions necessary to meet the intent of this Article. DCD shall inform the applicant of any deficiencies or corrective actions to be taken and allow a reasonable time for the owner/operator to take corrective action. DCD may re-inspect the facility to verify corrective action.

(i) Application for a new or renewed operating permit shall be processed, reviewed and be appealable under the procedures for a Type I Director’s Decision pursuant to KCC Title 21. Permit renewals shall be issued without additional restrictions provided there have been no substantial changes to range design or operation. Permit renewals may not be unreasonably withheld. Shooting facilities shall be allowed to continue operations while a review of a permit renewal is performed.

(j) Upon receiving evidence of noncompliance with the operating permit or receiving evidence of a reasonable likelihood that humans, domestic animals, or property have been or will be jeopardized, DCD will contact the shooting facility within 24 hours and will give the facility a written notice of the complaint. The owner/operator shall make the facility available for inspection not later than 48 hours after receiving a request for an inspection.

(1) If DCD concludes there is a life safety violation of this Article or the terms of the operating permit, DCD may suspend or modify the permit to close the range or modify range operations and shall provide the owner/operator a written notice that shall set forth each claimed violation with a specific reference to the applicable Article provision and/or permit condition. The owner or operator shall have thirty (30) days to respond in writing
and to take any necessary corrective measures. The DCD shall be provided access to the
shooting facility to verify compliance after providing notice and scheduling an
appointment.

(2) A DCD decision to suspend, modify, or revoke an operating permit may be appealed
to the Hearing Examiner pursuant to Title 21 KCC.

(k) Nothing in this section or any other provision of this Article shall be construed as authorizing
an application or a permit for a shooting facility to be located in whole or in part in an area
designated as an area where the discharge of firearms is prohibited under 10.24 Article 3.
Shooting ranges in such areas are expressly prohibited. Nothing in this Article shall be construed
as permitting the discharge of firearms the ownership or possession of which is otherwise
prohibited by law. Nothing in this Article shall be construed as permitting the use or possession
of a firearm by an individual who is otherwise prohibited by law from owning or possessing that
firearm.

10.24.130 Shooting facility noise and environmental controls.

a) Outdoor shooting facilities shall implement economically feasible noise controls suitable
to range design and operation. A shooting facility may implement any or all of the
following noise controls:

(i) Limiting hours of operation.

(ii) Erecting baffles or containments that reduce or re-direct noise.

(iii) Planting trees or foliage that absorb or restrict noise.

(iv) Installing noise barriers or noise dampening insulation.

(v) Using approved firearm silencers.

(vi) Other engineering controls as deemed feasible.

b) Upon obtaining a ruling from a Washington State Court that a shooting facility has been
found to be or cause a noise nuisance under RCW 7.48, the DCD may require additional
feasible noise controls listed in subsection a) above, as a condition of continuing a
shooting facility operating permit unless and until that court ruling is overturned on
appeal.

c) Each shooting facility operator shall develop and implement a written plan to reclaim the
lead deposited by shooting activities utilizing the recommendations of the Environmental
Protection Agency Best Management Practice for Lead at Outdoor Shooting Ranges.
10.24.135 Review committee.

The Kitsap County Board of Commissioners may direct the Director of Community Development to establish a review committee to evaluate proposed changes to the shooting facility requirements governed by this Article. Substantial changes to 10.24 Article 4 shall not be implemented without prior review by this review committee. The committee will consist of the Director of the Department of Community Development or the Director’s designee (chair), Kitsap County Sheriff or the Sheriff’s designee, a representative of each currently permitted shooting facility in unincorporated Kitsap County and an equal number of citizens-at-large appointed by the Kitsap County Board of Commissioners. The citizens-at-large shall go through the appropriate application process. An appointed citizen-at-large may not be a member of or affiliated with any established shooting facility in unincorporated Kitsap County.

Section 5. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional, the remainder of the ordinance or its application to other persons or circumstances shall not be affected.

Section 6. Recitals. The recitals herein shall be findings of fact and are incorporated herein by reference.

Section 7. Effective Date. This Ordinance shall take effect immediately.

ENACTED this ____ day of ________________, 2014.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

CHARLOTTE GARRIDO, Chair
LINDA STREISSGUTH, Commissioner
ROBERT GELDER, Commissioner

Dana Daniels
Clerk of the Board
APPROVED AS TO FORM BY THE PROSECUTING ATTORNEY’S OFFICE
## 10.24 REVIEW COMMITTEE MEMBERSHIP

<table>
<thead>
<tr>
<th>Representation</th>
<th>Main Review Committee Attendee</th>
<th>Alternate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kitsap Rifle and Revolver Club</td>
<td>Marcus Carter</td>
<td>Brad Smith</td>
</tr>
<tr>
<td>Bremerton Trap and Skeet</td>
<td>Tom Hamilton</td>
<td>George Voss</td>
</tr>
<tr>
<td>Poulsbo Sportsman Club</td>
<td>Doug O’Conner</td>
<td>Jim Reynolds</td>
</tr>
<tr>
<td>Department of Community Development</td>
<td>Larry Keeton</td>
<td>Jeff Rowe</td>
</tr>
<tr>
<td>Kitsap County Sheriff’s Office</td>
<td>Gary Simpson</td>
<td></td>
</tr>
<tr>
<td>Citizen at Large</td>
<td>Linda Paralez</td>
<td></td>
</tr>
<tr>
<td>Citizen at Large</td>
<td>Jim Sommerhauser</td>
<td></td>
</tr>
<tr>
<td>Citizen at Large</td>
<td>Karanne Gonzalez</td>
<td></td>
</tr>
</tbody>
</table>
# 10.24 REVIEW COMMITTEE
"Ordinance Categories"

<table>
<thead>
<tr>
<th>Subject</th>
<th>Comments:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety Issues</td>
<td>- Bullet containment&lt;br&gt;- Control of access&lt;br&gt;- Records keeping&lt;br&gt;- Rapid fire&lt;br&gt;- Types of targets used&lt;br&gt;- Design and uses of defined shooting areas&lt;br&gt;- Access and control&lt;br&gt;- Signage&lt;br&gt;- Safety Training for Range Safety Officers and users&lt;br&gt;- Reporting of incidents/violations&lt;br&gt;- Safety maintenance&lt;br&gt;- Inspections&lt;br&gt;- Monitoring of shooting areas while in use&lt;br&gt;- Storage of explosives and ammunition&lt;br&gt;- Lighting and time of day&lt;br&gt;- Safety records basis needs to be on factual evidence&lt;br&gt;- Public's needs for controlled and designated places to obtain skills and training&lt;br&gt;- Standards for Range Officer supervision and berms</td>
</tr>
<tr>
<td>Environment</td>
<td>- Waste management&lt;br&gt;- Targets&lt;br&gt;- Spent cartridges&lt;br&gt;- Bullet/Lead&lt;br&gt;- Retention materials&lt;br&gt;- General debris&lt;br&gt;- Regulatory authority&lt;br&gt;- Restroom facilities&lt;br&gt;- Cleaning/cutting of vegetation (land use issue?)&lt;br&gt;- Hazardous waste handling/storage&lt;br&gt;- Regulatory authority&lt;br&gt;- Should follow State Law regarding the environment&lt;br&gt;- Basis for factual evidence for environmental concerns&lt;br&gt;- Scientific sample testing of all outflows&lt;br&gt;- Reclamation programs</td>
</tr>
<tr>
<td>Noise</td>
<td>- Measurement tools&lt;br&gt;- Acceptable levels&lt;br&gt;- Regulatory authority</td>
</tr>
<tr>
<td>Kitsap County should follow state law</td>
<td></td>
</tr>
<tr>
<td>Sound reduction devices</td>
<td></td>
</tr>
<tr>
<td>- Baffles</td>
<td></td>
</tr>
<tr>
<td>- Silencers</td>
<td></td>
</tr>
<tr>
<td>Hours of operation</td>
<td></td>
</tr>
<tr>
<td>- Exemptions</td>
<td></td>
</tr>
<tr>
<td>- July 4th/others?</td>
<td></td>
</tr>
<tr>
<td>Should follow State Law regarding noise</td>
<td></td>
</tr>
<tr>
<td>Quantifiable method of measuring noise</td>
<td></td>
</tr>
<tr>
<td>Idea of a &quot;release form&quot; requirement for people who purchase real estate next to an existing range</td>
<td></td>
</tr>
<tr>
<td>Utilization of scientific testing methods for noise concerns</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food handling/sales</td>
</tr>
<tr>
<td>Committee membership</td>
</tr>
<tr>
<td>Notification process</td>
</tr>
<tr>
<td>- When changes are made (range vs. facility)</td>
</tr>
<tr>
<td>There should be a process to review the legitimacy of complaints prior to requiring action from the ranges</td>
</tr>
<tr>
<td>Process for appeal and variance</td>
</tr>
<tr>
<td>Grandfathering</td>
</tr>
<tr>
<td>- Correction to Title 17 &quot;Zoning&quot; to recognize existing Shooting Ranges</td>
</tr>
<tr>
<td>- Existing property rights for gun ranges to operate, due to already being an existing enterprise</td>
</tr>
</tbody>
</table>
ORDINANCE NO. ___-2012
AN ORDINANCE AMENDING KITSAP COUNTY CODE CONCERNING
SHOOTING FACILITIES AND COMMUNITY SAFETY

WHEREAS, RCW 9.41.290 provides that the state of Washington fully occupies and 
preempts the entire field of firearms regulations within its boundaries and counties may 
only enact ordinances as expressly authorized by RCW 9.41.300 and, RCW 9.41.300(2) 
provides that a county may also, by ordinance, restrict the discharge of firearms in any 
portion of its jurisdiction where there is a reasonable likelihood that humans, domestic 
animals, or property will be jeopardized so long as such ordinance also promotes the right 
of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms 
in defense of self or the State; and

WHEREAS, the Kitsap County Board of Commissioners (Board) finds the requirement 
to provide for the health, safety, and welfare of the citizens of Kitsap County by 
promoting the safe and responsible enjoyment of the shooting sports and defensive 
training among the citizens, residents and visitors of the county and by protecting the 
locations of and investment in shooting facilities for the use of all lawfully owned 
firearms;

BE IT ORDEIGNED:

Section 1. Kitsap County Code Chapter 10.24, Article 3 is hereby amended as follows:

Article 3 Firearms Discharge

Section 2. New Section. A new section is added to chapter 10.24 Kitsap County Code,

"WEAPONS," as follows:

10.24.075 Purpose.

The purpose of this Article is to provide for and promote the safety of the general public 
by establishing a permitting procedure and rules for the development and operation of 
new shooting facilities while maintaining and protecting the historic use of existing 
shooting facilities. The standards adopted herein are intended to protect and safeguard 
participants, spectators, neighboring properties and the public, while protecting the 
continued availability of shooting facilities for firearm education, practice in the safe and 
responsible use of firearms, and recreational firearm sports. Nothing in this ordinance 
shall be construed to alter the legal nonconforming use status and rights of existing 
shooting facilities.

Section 3. Kitsap County Code Section 10.24.080 last amended by Ordinance 50C-1993, 
is hereby amended as follows:
10.24.080 Definitions.

The following definitions shall apply in the interpretation and enforcement of the ordinance codified in this article:

(1) “Firearm” means any weapon or device by whatever name known which will or is designed to expel a projectile by the action of an explosion. The term “firearm” shall include but not be limited to rifles, pistols, shotguns and machine guns. The term “firearm” shall not include devices, including but not limited to “nail guns”, which are used as tools in the construction or building industries and which would otherwise fall within this definition.

(2) “Shorelines” means all of the water areas of the state, as defined by Chapter 90.58 RCW, including reservoirs, and their associated wetlands, together with the lands underlying them; except (a) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (b) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

(3) “ Ordinary high water mark” means that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition existing on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department; The definition is further guided by the additional criteria to clarify this mark in salt and fresh water environments, as contained in WAC 173-22-030, as now or hereafter amended.

(4) “Shooting facility” or “facility”, means an entity with a site having one or more shooting ranges, but does not include residential property...

(5) “Shooting range” or “range” means a place set aside and designated for the responsible discharge of firearms for individuals wishing to practice, improve upon or compete as to their shooting skills. There may be one or more ranges located at a shooting facility.

(6) “Range Officer (RO)” or “Range Safety Officer (RSO)” means a person or persons appointed by the operators of a shooting facility to promote the safe use of a shooting range in accordance with the Standard Operating Procedure (SOP) established by the operators of the shooting facility.

(7) “Safety Plan” means the written procedures and or policies of a shooting facility specifically defining the safety requirements utilized at that facility.

(8) “Baffles” are structures intended to contain or re-direct bullets and/or to reduce, redirect or suppress sound waves.
(9) “Backstop” means a device constructed to stop or redirect bullets fired on a range, usually directly behind the target.

(10) “Berm” means an embankment used as a backstop or for restricting bullets to a given area, or as a protective or dividing wall between shooting areas.

(11) “Firing Line” means a line parallel to the targets from which firearms are discharged.

(12) “Firing point” means a location from which one individual fires at an associated target down range.

(13) “Target Line” means the line where targets are placed.

(14) “Standard Operating Procedures” or “SOP” means the standards used in the operation of a particular facility. SOP’s are developed and modified to assure the most efficient and responsible facility operations.

(15) “Nonconforming land use or grandfathered use” means a use or activity that was lawfully occurring prior to the adoption, revision or amendment of the county code but fails by reason of such adoption, revision or amendment to conform to the present requirements of the code.

Section 4. Kitsap County Code Section 10.24.103, last amended by Ordinance 50G-2000, is amended as follows:

10.24.103 Shooting Facilities

(a) Planning -- effect on shooting facilities. The laws of this county concerning planning, master plans, or comprehensive plans may not be construed to authorize an ordinance, resolution, or rule that would:

(1) prevent the operation of an existing shooting facility as a nonconforming use;

(2) prohibit the establishment of new shooting facility, but it may regulate the construction of shooting facilities to specified zones; or

(3) prevent the erection or construction of safety improvements on existing shooting facilities.

(4) prohibit an existing shooting facility from enjoying the same general types of shooting activities on its property as it did prior to the enactment of this ordinance.

(b) A shooting facility that is in operation at the time of the enactment of this ordinance is grandfathered.
(1) A shooting facility that is in existence as of the effective date of this ordinance shall specifically be able, but not limited to, do all of the following within its preexisting geographic boundaries:

   (A) Repair, remodel or reinforce any improvement, facilities, building, structure, range, berm, backstop or baffle as may be necessary in the interest of public safety, noise abatement or to secure the continued use of the same;

   (B) Reconstruct, repair, restore, or resume the use of a nonconforming buildings damaged by accident, vandalism, fire, collapse, explosion, act of God, or act of war occurring after the effective date of this section. The reconstruction, repair, or restoration should be completed within 1 year following the date of the damage or settlement of any property damage claim.

   (C) Do anything recognized as generally accepted operational practices for modern shooting ranges, including, but not limited to:

      (i) Expand or increase its membership or opportunities for public participation and access.

      (ii) Change, add, expand or increase events and activities.

      (iii) Alter, increase, enlarge or expand any range, berm, backstop or baffle within their historic footprints.

(c) New shooting facilities shall be authorized and operated in accordance with an operating permit issued by the Kitsap County Department of Community Development (DCD).

1) Each owner or operator of a new shooting facility shall apply for and obtain an operating permit. The owner or operator of a proposed new shooting facility shall apply for the facility operating permit at the time of application for any necessary building or land use permits. The owner or operator of an established shooting facility in active use at the time of enactment of this ordinance shall not be required to obtain an operating permit.

   (A) In reviewing an application for a new shooting facility operating permit, DCD shall be guided by generally accepted operating practices such as those published by the National Rifle Association or by rules promulgated by the National Shooting Sports Foundation.

   (B) New shooting facilities shall meet the following standards:
(i) Each shooting facility shall be designed, operated and maintained to contain bullets, shot or other discharged projectiles within the facilities property.

(ii) Each shooting facility shall have a Safety Plan as described herein. A shooting facility shall be used only for the shooting activities identified in the Safety Plan.

(iii) Each shooting facility shall have at least one qualified Range Operator or Range Safety Officer on duty at all times when shooting activities occur.

(iv) Shooting facilities shall meet all applicable local fire codes when storing explosives.

(v) All exploding Tannarite targets must meet the parameters set forth in state and federal laws and be defined in the Safety Plan.

(vi) If a facility utilizes cannon strictly for audio effect purposes, a noise variance per 10.28 is required prior to use.

(vii) All shooting facilities shall provide a means for participants and spectators to readily contact emergency services such as fire or medical aid.

(d) Application contents. The application for an initial shooting facility operating permit for a new shooting facility shall include the following documents:

(1) A Safety Plan, which shall include:

   a. Firearm handling rules, general range rules, specific range rules and administrative rules and regulations established by the owner/operator to include any firearms and/or caliber restrictions on specific shooting areas.

   b. Emergency Plan, to include provision for timely notification to the Kitsap County Sheriff’s Office and to DCD of any firearm-related injuries or the accidental or unintended release of a bullet from a shooting area.

   c. Training Plan for Range Officers.

(2) Shooting facility layout, design and documents, which shall include:

   a. Dimensional drawings of physical layout to include orientation of each shooting area, location and description of terrain and any natural vegetation, and locations of critical areas, buildings, structures, fences, gates, roadways, trails, foot paths and parking areas.
b. Locations of firing lines, target lines and impact areas to include any backstops, berms, containment structures and any baffles or side containment structures.

c. For each firing line, designation of the type and caliber of firearm and ammunition to be allowed, and the institutional controls and physical facilities necessary to prevent the escape of bullets from a shooting area.

d. A plan for ongoing and future maintenance of the shooting areas, including the grading and management of berms and backstops. This plan does not replace any permit requirements under Title 12 of the Kitsap County Code.

(e) Application for a new operating permit shall be processed, reviewed and be appealable under the procedures for a Type I Director’s Decision pursuant to KCC Title 21.

(f) A range safety officer or other person responsible for the shooting facility shall, within twenty-four (24) hours of a serious incident resulting from the purposeful, accidental or unintended discharge of a firearm on the facility, submit a written incident report to the Kitsap County Sheriff's Office (KCSO).

(g) Upon receiving evidence that humans, domestic animals, or property have been injured or damaged from activities that have taken place at a shooting facility KCSO may inspect the shooting facility. The owner/operator shall make the facility available for inspection not later than 24 hours after receiving a request. If, after its investigation, KCSO determines that there appears that a reasonable likelihood does exist that humans, domestic animals, or property have been injured or damaged from activities at the facility, KCSO shall refer the matter to DCD.

(1) DCD shall investigate the incident in conjunction with the police authorities and the owner/operator to determine the root cause. The investigation shall be documented and any deficiencies that are identified shall be reported to the owner/operator who shall then have thirty (30) days to respond in writing and take corrective measures or contest the findings. If an owner/operator fails to adequately respond within the thirty day requirement, DCD may request that the Superior Court, pursuant to RCW 9A.36.050: Reckless Endangerment, suspend the operating permit, or specific activities within the Facility, until corrections are completed and verified. DCD shall be provided access to the Facility to verify compliance after providing notice and scheduling an appointment. The owner/operator shall make the shooting facility available for inspection not later than 24 hours after receiving a request.

(2) Upon investigation by the Kitsap County Sheriff’s Office, the Director or designee may immediately suspend only the specific shooting practice that is found to be highly likely the root cause of the incident at a shooting facility upon
a finding that activities at the shooting facility have likely injured humans, animals or damaged property or upon a finding that humans, animals, or property are in imminent danger of being further injured or damaged as a result of the specific shooting activity at the range.

(3) A DCD decision to suspend, modify, or revoke an operating permit may be appealed to the Hearing Examiner pursuant to Title 21 KCC.

(4) If the investigation concludes the reason for the damage or injury was due to an individual(s) violating the facilities SOP’s, the individual(s) will be held responsible and the operator/owner will not be held responsible or further affected.

(h) Closure of shooting facilities -- limitations -- relocation cost.

(1) If for any reason an agency seeks to close an established shooting facility, a court of competent jurisdiction must find that the following conditions have been met:

(A) The existence of a pressing public need has been documented through hearings, testimony, and a clear and precise statement of need by the agency, unit of local government, along with a unanimous finding by the BOCC and a majority vote of registered voters within the County;

(B) The agency or unit of local government obtaining the closure pays for the complete relocation of the facility with improvements to a location within the county. The new facility shall contain shooting ranges and infrastructure facilities at least as comprehensive as those on the original location. The relocation of the facility to its new location within the county shall be completed prior to cessation of operations at the original site. In return the shooting facility operators and owners shall relinquish their interest in the property to the agency or unit of local government obtaining the closure and the agency or unit of local government obtaining the closure shall accept all responsibility for any remaining clean-up at the original facility.

(C) Any grandfathered shooting facility relocated under the provisions of this section shall retain their legal nonconforming use status and rights of existing ranges at the new facilities geographical location.

(D) The County will incur all costs associated with any legal challenges resulting from the closure and relocation of any shooting facility pursuant to the above.

(i) Nothing in this Article shall be construed as permitting the use or possession of a firearm by an individual who is otherwise prohibited by law from owning or possessing that firearm.
Section 5. New Section. A new section is added to chapter 10.24 Kitsap County Code, "WEAPONS," as follows:

10.24.104 Shooting facility noise and environmental controls.

a) Outdoor shooting facilities are encouraged to implement economically feasible noise controls suitable to range design, activities and operation. A shooting facility may implement any or all of the following noise controls:

   (1) Limiting hours of specific operations.

   (2) Erecting baffles or containments that reduce or re-direct noise.

   (3) Planting trees or foliage that absorb or diminish noise.

   (4) Installing noise barriers or noise dampening insulation.

   (5) Using approved firearm suppressors.

   (6) Other engineering controls as deemed feasible.

b) Upon obtaining a court ruling that a shooting facility has violated RCW 7.48 and is thereby declared a nuisance, the DCD may require additional financially feasible noise controls as a condition of continuing a shooting facility operating permit unless and until that ruling is overturned on appeal.

c) Each shooting facility operator shall have a metals recycling program and utilize the recommendations of the Environmental Protection Agency Best Management Practices for Lead at Outdoor Shooting Ranges.

Section 6. Kitsap County Code Section 10.24.105, last amended by Ordinance 50B-1993, is amended as follows:

10.24.105 Review committee.

(a) A review committee is created for the purpose of recommending to the county board of commissioners the appropriate criteria for new shooting facilities, for petitions to establish additional "no shooting" areas within Kitsap County, and any modification to this article... Such committee shall consist of the following:

   (1) Kitsap County Sheriff or the Sheriff's designee (Chair),
(2) the Director of the Department of Community Development or the Director's
desigee,

(3) a representative appointed by each shooting facility currently in operation in
unincorporated Kitsap County and,

(4) a number of citizens-at-large, equal to those representing the shooting
facilities, appointed by the Kitsap County Board of Commissioners.

Section 7. Severability. If any provision of this ordinance or its application to any person
or circumstance is held invalid or unconstitutional, the remainder of the ordinance or its
application to other persons or circumstances shall not be affected.

Section 8. Recitals..... The recitals herein shall be findings of fact and are incorporated
herein by reference.

Section 9..... Effective Date. This Ordinance shall take effect immediately.

ENACTED this _____ day of ________________, 2012.

ATTEST:

BOARD OF COUNTY COMMISSIONERS

KITSAP COUNTY, WASHINGTON

ROBERT GELDER, Chair

CHARLOTTE GARRIDO, Commissioner

Dana Daniels

Clerk of the Board

JOSH BROWN, Commissioner

APPROVED AS TO FORM BY THE PROSECUTING ATTORNEY'S OFFICE
ORDINANCE NO. ___ -2012
AN ORDINANCE AMENDING KITSAP COUNTY CODE CONCERNING
SHOOTING RANGES

WHEREAS, Kitsap County has experienced a substantial increase in population density in areas proximate to its existing shooting ranges and the County has an interest in ensuring the compatibility of shooting ranges with their surroundings and in minimizing potential safety hazards created by the operation of shooting ranges; and

WHEREAS, shooting ranges benefit Kitsap County by providing its residents the opportunity to learn firearm safety, to practice shooting and to participate in amateur recreational firearm sports in a safe, controlled setting; and

WHEREAS, the Washington Constitution, Article XI, Section 11, confers upon county legislative authorities the police power to adopt regulations necessary to protect the health, safety and well-being of its residents; and

WHEREAS, RCW 36.32.120(7) provides that the county legislative authorities shall make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law; and

WHEREAS, RCW 9.41.290 provides that the state of Washington fully occupies and preempts the entire field of firearms regulations within its boundaries and counties may only enact ordinances as expressly authorized by RCW 9.41.300 and, RCW 9.41.300(2) provides that a county may also, by ordinance, restrict the discharge of firearms in any portion of its jurisdiction where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized so long as such ordinance shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

WHEREAS, the Kitsap County Board of Commissioners (Board) finds the requirement of an operating permit for the establishment and operation of all shooting ranges provides assurance of the safe conduct of recreational and educational shooting activities in Kitsap County.

BE IT ORDAINED:

Section 1. Kitsap County Code Chapter 10.24, Article 3 is hereby amended as follows:

Article 3 Firearms Discharge

Section 2. New Section. A new section is added to chapter 10.24 Kitsap County Code,

“WEAPONS,” as follows:

1
10.24.075 Purpose.

The purpose of this Article is to provide for and promote the safety of the general public by establishing a permitting procedure and rules for the development and operation of shooting range facilities. The standards adopted herein are intended to protect and safeguard participants, spectators, neighboring properties and the public, while promoting the continued availability of shooting ranges for firearm education, practice in the safe use of firearms, and recreational firearm sports. This operating permit is not intended to alter the legal nonconforming use status and rights of existing ranges, which are governed by Title 17 Kitsap County Code (KCC) and the common law, nor shall this operating permit authorize expansion of range uses which otherwise require approval pursuant to a Conditional Use Permit or other land use permits per Title 17 KCC.

Section 3. Kitsap County Code Section 10.24.080 last amended by Ordinance 50C-1993, is hereby amended as follows:

10.24.080 Definitions.

The following definitions shall apply in the interpretation and enforcement of the ordinance codified in this article:

(1) “Firearm” means any weapon or device by whatever name known which will or is designed to expel a projectile by the action of an explosion. The term “firearm” shall include but not be limited to rifles, pistols, shotguns and machine guns. The term “firearm” shall not include devices, including but not limited to “nail guns”, which are used as tools in the construction or building industries and which would otherwise fall within this definition.

(2) “Shorelines” means all of the water areas of the state, as defined by Chapter 90.58 RCW, including reservoirs, and their associated wetlands, together with the lands underlying them; except (a) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (b) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

(3) “Ordinary high water mark” means that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition existing on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department. The definition is further guided by the additional criteria to clarify this mark in salt and fresh water environments, as contained in WAC 173-22-030, as now or hereafter amended.
(4) “Shooting facility” or “facility”, means an entity with a site having one or more shooting ranges, but does not include residential property.

(5) “Shooting range” or “range” means a place set aside and designated for the safe discharge of firearms for individuals wishing to practice, improve upon or compete as to their shooting skills. There may be one or more ranges located at a shooting facility.

(6) “Range Officer (RO)” or “Range Safety Officer (RSO)” means a person or persons appointed by the operators of a shooting facility to oversee the safe discharge of firearms in accordance with any conditions of permit approval and any other additional safety rules and procedures adopted by the operators of the shooting facility.

(7) “Safety Plan” means the written procedures and or policies of a shooting facility specifically defining the safety requirements utilized at that facility.

(8) “Baffles” means barriers to contain bullets and to reduce, redirect or suppress sound waves. Baffles are placed either overhead, alongside or at ground level to restrict or interrupt errant or off-the-target shots.

(9) “Backstop” means a device constructed to stop or redirect bullets fired on a range, usually directly behind the target line.

(10) “Berm” means an embankment used for restricting bullets to a given area, or as a protective or dividing wall between shooting areas.

(11) “Firing Line” means a line parallel to the targets from which firearms are discharged.

(12) “Firing point” means a location from which one individual fires at an associated target down range.

(13) “Target Line” means the line where targets are placed.

(14) “Rules and Regulations” means standards used in the operation of a Facility. Rules and regulations are set up to govern the Facility operations.

Section 4. Kitsap County Code Section 10.24.103, last amended by Ordinance 50G-2000, is amended as follows:

10.24.103 Ranges – Permit required.

(a) Shooting facilities shall be authorized and operated in accordance with an operating permit issued by the Kitsap County Department of Community Development (DCD). The operating permit shall govern the facilities and scope of operations of each shooting facility, and shall be issued, denied or conditioned based upon the standards set forth in this Article. No proposed or existing shooting facility may operate without an operating permit issued pursuant to this chapter, except as provided in section (b) herein.
(b) Each owner or operator of a shooting facility shall apply for and obtain an operating permit. The owner or operator of a proposed new shooting facility shall apply for the facility operating permit at the time of application for any necessary building or land use permits. The owner or operator of an established shooting facility in active use at the time of enactment of this ordinance shall apply for the initial facility operating permit not later than (insert date 90 days after adoption of ordinance). A shooting facility operating permit is valid for five (5) years from the date of issuance or renewal. The owner or operator of each facility shall apply for a permit renewal at least thirty (30) days prior to the date of current permit expiration.

(c) In reviewing an application for a shooting facility operating permit or renewal of this permit, DCD shall be guided by the current edition of the “NRA Range Source Book” published by the National Rifle Association. Reference to the NRA Range Source Book may not be used as the basis for any claim of civil liability against Kitsap County or its officers, directors, employees, agents or representatives based upon deviation from, citation to, or reliance upon the NRA Range Source Book.

(d) Shooting facilities shall meet the following standards:

i) Each shooting range shall be designed, operated and maintained to contain bullets, shot or other discharged projectiles within the facility property. A shooting facility shall use the NRA Range Source Book as a minimum to develop and implement institutional and facility controls for the safe operation, improvement and construction of shooting ranges. Designs and safety procedures shall be evaluated by an NRA Range Technical Team Advisor (RTTA) or by a professional engineer with experience and expertise in the evaluation and design of shooting ranges, or other qualified professional consultants.

(ii) Each shooting range shall have a Safety Plan as described herein. A shooting range shall be used only for the shooting activities identified in the Safety Plan.

(iii) Each shooting facility shall have at least one qualified Range Operator or Range Safety Officer on duty at all times when shooting activities occur.

(iv) Shooting facilities shall meet all applicable local fire codes when storing explosives.

(v) A shooting range may not be used for training of personnel of any branch of the United States military, National Guard or Reserve Forces, or Homeland Security, unless the facility’s application identifies all proposed activities, types and calibers of firearms to be used, and the facility is certified by the regional command as meeting the service’s range safety manuals and standards;

(vi) All exploding taranite targets must meet the parameters set forth in state and federal laws and be defined in the Safety Plan.

(vii) If a facility utilizes cannon strictly for audio effect purposes, a noise variance per 10.28 is required prior to use.
(viii) All shooting facilities shall provide a means for participants and spectators to readily contact emergency services such as fire or medical aid.

(e) Application contents. The application for an initial shooting facility operating permit or renewal of the permit shall include the following documents:

1. A detailed description of shooting activities to be allowed, and any restrictions proposed for the facility.

2. A Safety Plan, which shall include:

   a. Firearm handling rules, general range rules, specific range rules and administrative rules and regulations established by the owner/operator to include any firearms and or caliber restrictions on specific shooting areas.

   b. Emergency Plan, to include provision for timely notification to the Kitsap County Sheriff’s Office and to DCD of any firearm-related injuries or the accidental or unintended release of a bullet from a shooting area.

   c. Training Plan for Range Officers.

3. Shooting facility layout, design and documents, which shall include:

   a. Dimensional drawings of physical layout to include orientation of each shooting area, location and description of terrain and any natural vegetation, and locations of critical areas, buildings, structures, fences, gates, roadways, trails, foot paths and parking areas.

   b. Locations of firing lines, target lines and impact areas to include any backstops, berms, containment structures and any baffles or side containment structures.

   c. For each firing line, designation of the type and caliber of firearm and ammunition to be allowed, and the institutional controls and physical facilities necessary to prevent the escape of bullets from a shooting area.

   d. A plan for ongoing and future maintenance of the shooting areas, including the grading and management of berms and backstops. This plan does not replace any permit requirements under Title 12 of the Kitsap County Code.

4. Written Evaluation by a NRA Range Technical Team Advisor (RTTA) or a Professional Engineer with expertise in the design of shooting ranges that reports any safety issues or proposed uses which are inconsistent with the NRA Range Source Book for facility designs and institutional controls. DCD may, at County expense, arrange for an additional or independent inspection and evaluation of the shooting facility, including the facility’s uses and institutional controls described in an application for an operating permit.
(f) During the review process DCD shall inspect the facility to determine that the ranges are consistent with the application descriptions and to assess any deficiencies or corrective actions necessary to meet the intent of this Article. DCD shall inform the applicant of any deficiencies or corrective actions to be taken and allow a reasonable time for the owner/operator to take corrective action. DCD may re-inspect the facility to verify corrective action.

(g) Application for a new or renewed operating permit shall be processed, reviewed and be appealable under the procedures for a Type I Director’s Decision pursuant to KCC Title 21. Permit renewals shall be issued without any additional restrictions provided there have been no substantial changes to range design or operation. Permit renewals may not be unreasonably withheld.

(h) Each owner or operator of a shooting facility must apply to DCD for an amendment to the operating permit when additional firing lines, firing lanes, or shooting ranges are proposed or the design of any facility range is altered beyond the scope of the original permit approval. Such proposed changes shall not be implemented prior to DCD approval. Routine maintenance of existing structures and facilities shall not be construed as a change requiring an amendment to an operating permit.

(i) A range safety officer or other person responsible for the shooting range shall, within twenty-four (24) business hours of a serious incident resulting from the accidental or unintended discharge of a firearm on the facility, submit a written incident report to DCD via email to the Director.

(j) Upon receiving evidence of noncompliance with the operating permit or receiving evidence of a reasonable likelihood that humans, domestic animals, or property have been or will be jeopardized, DCD may inspect the shooting facility. The owner/operator shall make the facility available for inspection not later than 24 hours after receiving a request.

(1) If DCD concludes there is a life safety violation of this Article or the terms of the operating permit, DCD may suspend or modify the permit to close the range or modify range operations and shall provide the owner/operator a written notice that shall set forth each claimed violation with a specific reference to the applicable Article provision and/or permit condition. The owner or operator shall have thirty (30) days to respond in writing and to take any necessary corrective measures or appeal the decision to the Hearing Examiner per Title 21 KCC. The DCD shall be provided access to the shooting facility to verify compliance after providing notice and scheduling an appointment. The owner/operator shall make the shooting facility available for inspection not later than 24 hours after receiving a request.

(2) In the event that the Kitsap County Sheriff’s Office or other police agency reports that a bullet or projectile may have left the Facility, DCD shall investigate the incident in conjunction with the police authorities and the owner/operator to determine the root cause. The investigation shall be documented and any deficiencies that are identified shall be reported to the owner/operator who shall then have thirty (30) days to respond in
writing and take corrective measures or contest the findings. If an owner/operator fails to
dedately respond within the thirty day requirement, DCD may suspend the operating
permit, or specific activities within the Facility, until corrections are completed and
verified. DCD shall be provided access to the Facility to verify compliance after
providing notice and scheduling an appointment. The owner/operator shall make the
shooting facility available for inspection not later than 24 hours after receiving a request.

(3) Upon investigation by the Kitsap County Sheriff’s Office or DCD, the Director or
designee may immediately suspend shooting operations at a shooting range upon a
finding that activities at the shooting range have injured persons or damaged property or
upon a finding that humans, animals, or property are in imminent danger of being injured
or damaged as a result of shooting activities at the range. Furthermore, DCD may
immediately suspend, or may modify or revoke the permit, to correct or abate the unsafe
condition leading to the department action.

(4) A DCD decision to suspend, modify, or revoke an operating permit may be appealed
to the Hearing Examiner pursuant to Title 21 KCC.

(k) Nothing in this section or any other provision of this Article shall be construed as authorizing
an application or a permit for a shooting facility to be located in whole or in part in an area
designated as an area where the discharge of firearms is prohibited. Shooting ranges in such
areas are expressly prohibited. Nothing in this Article shall be construed as permitting the
discharge of firearms the ownership or possession of which is otherwise prohibited by law.
Nothing in this Article shall be construed as permitting the use or possession of a firearm by an
individual who is otherwise prohibited by law from owning or possessing that firearm.

Section 5. New Section. A new section is added to chapter 10.24 Kitsap County Code,

“WEAPONS,” as follows:

10.24.104 Shooting facility noise and environmental controls.

a) Outdoor shooting facilities shall implement economically feasible noise controls suitable
to range design and operation. A shooting facility may implement any or all of the
following noise controls:

(i) Limiting hours of operation.

(ii) Erecting baffles or containments that reduce or re-direct noise.

(iii) Planting trees or foliage that absorb or restrict noise.

(iv) Installing noise barriers or noise dampening insulation.

(v) Using approved firearm silencers.
(vi) Other engineering controls as deemed feasible.

b) Upon obtaining a court ruling that a shooting facility has violated RCW 7.48 and is thereby declared a nuisance, the DCD may require additional feasible noise controls as a condition of continuing a shooting facility operating permit unless and until that ruling is overturned by appeal.

c) Each shooting facility operator shall reclaim the lead deposited by shooting activities and develop a lead plan utilizing the recommendations of the Environmental Protection Agency Best Management Practice for Lead at Outdoor Shooting Ranges.

d) .

Section 6. Kitsap County Code Section 10.24.105, last amended by Ordinance 50B-1993, is amended as follows:

10.24.105 Review committee.

The Kitsap County Board of Commissioners may direct the Director of Community Development to establish a review committee to evaluate proposed changes to the shooting facility operating permit process governed by this Article. The committee will consist of the Director of the Department of Community Development or the Director’s designee (chair), Kitsap County Sheriff or the Sheriff’s designee, a representative of each currently permitted shooting facility in unincorporated Kitsap County and an equal number of citizens-at-large appointed by the Kitsap County Board of Commissioners. An appointed citizen at-large may not be a member of or affiliated with any established shooting facility in unincorporated Kitsap County.

Section 7. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional, the remainder of the ordinance or its application to other persons or circumstances shall not be affected.

Section 8. Recitals. The recitals herein shall be findings of fact and are incorporated herein by reference.

Section 9. Effective Date. This Ordinance shall take effect immediately.
ENACTED this _____ day of ______________, 2012.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

ROBERT GELDER, Chair

CHARLOTTE GARRIDO, Commissioner
Dana Daniels
Clerk of the Board

JOSH BROWN, Commissioner

APPROVED AS TO FORM BY THE PROSECUTING ATTORNEY’S OFFICE
March 2013:

- 10.24 Review Committee asked for a noise study to be conducted by the County for PSC and KRCC

July 2013:

- Noise tests were performed by sound engineers at PSC and KRRC (This test was conducted without the involvement or direction of the Review Committee. The Chair invalidated the protocols used for the test, due to the Review Committee not being apart of this process.)

In September 2013:

- Kerrie Standlee gave a presentation on noise to the 10.24 Review Committee
- Board of County Commissioners executed an amendment to the previous contract with Daly-Standlee & Associates to perform additional Kitsap County shooting range noise measurements
- County initiated discussion with PSC and KRRC regarding the protocol of how testing should occur, Clubs wanted time to ponder how to move forward

In October 2013:

- A proposal was sent to the committee on October 10th, asking for input before October 23rd so that a meeting could occur with County staff for how to move forward with the tests. The County received responses from the gun clubs saying they had questions prior to a meeting occurring. The County asked them to put their specific questions in writing by November 7th.
In November 2013:

- Received questions from KRRC which requested an understanding on how Mr. Standlee will be collecting his data. KRRC conveyed that they have not responded as of yet to meeting with the County, due to the fact that they were still awaiting answers to prior outstanding requested information.
- Answer to questions sent KRCC sent by County end of November
- Noise engineers conveyed to County that window of testing is getting slim, due to the availability of daylight and winter weather conditions

In December 2013:

- Detailed answers provided by the County to more of the Club’s questions

Holiday Season

In January 2014:

- More detailed questions from County staff and the Clubs regarding testing logistics sent to noise engineers

In February 2014:
• Meeting held with County staff, PSC and KRCC on February 7th regarding a controlled noise test at PSC and KRCC
• KRCC stated that they did not want controlled testing, however that they wanted the test to occur under a “typical operating day”, at concerned citizen’s properties, and at the range property lines. Staff would follow up with engineers for KRCC ideas.

In February- March 2014:

• KRRC decided not to participate in the noise study, so Dr. Schomer prepared a proposed decibel level based on literature. After further discussions, the Review Committee decided that enforcement of a decibel level is not feasible at this time.

In April 2014:

• Jim Sommerhauser proposed noise be regulated through muzzle energy. He prepared language for this concept, however the Review Committee voted down the proposed language at the last Review Committee meeting.
ORDINANCE NO. ____-2014
AN ORDINANCE AMENDING KITSAP COUNTY CODE CONCERNING
SHOOTING RANGES

WHEREAS, Kitsap County has experienced a substantial increase in population density in areas proximate to its existing shooting ranges and the County has an interest in ensuring the compatibility of shooting ranges with their surroundings and in minimizing potential safety hazards created by the operation of shooting ranges; and

WHEREAS, shooting ranges benefit Kitsap County by providing its residents the opportunity to learn firearm safety, to practice shooting and to participate in amateur recreational firearm sports in a safe, controlled setting; and

WHEREAS, the Washington Constitution, Article XI, Section 11, confers upon county legislative authorities the police power to adopt regulations necessary to protect the health, safety and well-being of its residents; and

WHEREAS, RCW 36.32.120(7) provides that the county legislative authorities shall make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law; and

WHEREAS, RCW 9.41.290 provides that the State of Washington fully occupies and preempts the entire field of firearms regulations within its boundaries and counties may only enact ordinances as expressly authorized by RCW 9.41.300; and RCW 9.41.300(2) provides that a county may also, by ordinance, restrict the discharge of firearms in any portion of its jurisdiction where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized so long as such ordinance shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

WHEREAS, the Kitsap County Board of Commissioners (Board) finds that the requirement of an operating permit for the establishment and operation of all shooting ranges provides assurance of the safe conduct of recreational and educational shooting activities in Kitsap County.

BE IT ORDAINED:

Section 1. Kitsap County Code Chapter 10.24, Paragraph 10.24.100 (2) is hereby amended as follows:

(2) On a shooting range, provided that any such range shall comply with the criteria for shooting ranges adopted by the Kitsap County board of commissioners pursuant to Article 4 of this chapter;

Section 2. Kitsap County Code Chapter 10.24, Article 3 is hereby amended as follows:

Section 3. A new paragraph (a)(5) is added to Kitsap County Code Section 10.24.107 “Designation of no-shooting areas through petition method” as follows:

10.24.107 (a)(5) Ranges permitted under Article 4 of this chapter shall not be declared a no-shooting area by petition method.

Section 4. New Article. A new Article 4 is added to chapter 10.24 Kitsap County Code, “WEAPONS,” as follows:

Article 4 – Shooting Ranges

10.24.120 Purpose.

The purpose of this Article is to provide for and promote the safety of the general public by establishing a permitting procedure and rules for the development and operation of shooting range facilities. The shooting range standards adopted herein are intended to protect and safeguard participants, spectators, neighboring properties and the public, while promoting the continued availability of shooting ranges for firearm education, practice in the safe use of firearms, and recreational firearm sports.

10.24.121 Definitions.

The following definitions shall apply in the interpretation and enforcement of the ordinance codified in this article:

(1) “Firearm” means any weapon or device by whatever name known which will or is designed to expel a projectile by the action of an explosion. The term “firearm” shall include but not be limited to rifles, pistols, shotguns and machine guns. The term “firearm” shall not include devices, including but not limited to “nail guns”, which are used as tools in the construction or building industries and which would otherwise fall within this definition.

(2) “Shooting facility” or “facility”, means an entity with a site having one or more shooting ranges, but does not include residential property.

(3) “Shooting range” or “range” means a place set aside and designated for the safe discharge of firearms for individuals wishing to practice, improve upon or compete as to their shooting skills. There may be one or more ranges located at a shooting facility.

(4) “Range Officer (RO)” or “Range Safety Officer (RSO)” or “safety officer” means a person or persons appointed by the operators of a shooting facility to oversee the safe discharge of firearms in accordance with any conditions of permit approval and any other additional safety rules and procedures adopted by the operators of the shooting facility.
(5) "Safety Plan" means the written procedures and or policies of a shooting facility specifically defining the safety requirements utilized at that facility.

(6) "Baffles" means barriers to contain bullets and/or to reduce, redirect or suppress sound waves. Baffles are placed either overhead, alongside or at ground level to restrict or interrupt errant or off-the-target shots.

(7) "Backstop" means a device constructed to stop or redirect bullets fired on a range, usually directly behind the target line.

(8) "Berm" means an embankment used for restricting bullets to a given area, or as a protective or dividing wall between shooting areas.

(9) "Firing Line" means a line parallel to the targets from which firearms are discharged.

(10) "Firing point" means a location from which one individual fires at an associated target down range.

(11) "Target Line" means the line where targets are placed.

(12) "Rules and Regulations" means standards used in the operation of a Facility. Rules and regulations are set up to govern the Facility operations.

(13) "Ballistic trauma" means a form of physical trauma sustained from the discharge of arms or munitions. Commonly it is the penetration of the body by a bullet, marked by a small entrance wound and a larger exit wound. The wound is usually accompanied by damage to blood vessels, bones, and other tissues.

10.24.125 Ranges – Operating Permit required.

(a) Shooting facilities shall be authorized and operated in accordance with an operating permit issued by the Kitsap County Department of Community Development (DCD). The operating permit shall govern the facilities and scope of operations of each shooting facility, and shall be issued, denied or conditioned based upon the standards set forth in this Article. No proposed or existing shooting facility may operate without an operating permit issued pursuant to this chapter, except as provided in section (b) herein. This operating permit is not intended to alter the legal nonconforming use status and rights of existing ranges, which are governed by Title 17 Kitsap County Code (KCC) and the common law, nor shall this operating permit authorize expansion of range uses which otherwise require approval pursuant to a Conditional Use Permit or other land use permits per Title 17 KCC.

(b) Each owner or operator of a shooting facility shall apply for and obtain an operating permit. The owner or operator of a proposed new shooting facility shall apply for the facility operating permit at the time of application for any necessary building or land use permits. The owner or operator of an established shooting facility in active use at the time of enactment of this ordinance shall apply for the initial facility operating permit not later than (insert date 90 days after adoption of ordinance). A shooting facility operating permit is valid for five (5) years from
the date of issuance or renewal. The owner or operator of each facility shall apply for a permit renewal at least thirty (30) days prior to the date of current permit expiration.

(c) In reviewing a new application for a shooting facility operating permit, or renewal of an existing permit, DCD shall be guided by the current edition of the “NRA Range Source Book” published by the National Rifle Association. Reference to the NRA Range Source Book may not be used as the basis for any claim of civil liability against the NRA or against Kitsap County or its officers, directors, employees, agents or representatives based upon deviation from, citation to, or reliance upon the NRA Range Source Book.

(d) Shooting facilities shall meet the following standards:

   i) Each shooting range within a shooting facility shall be designed, operated and maintained to contain bullets, shot or other discharged projectiles within the facility property. A shooting facility shall use the NRA Range Source Book, or other engineered specifications that meet or exceed the standards established by the Source Book, as a minimum to develop and implement institutional and facility controls for the safe operation, improvement and construction of shooting ranges. Rifle and pistol ranges that allow modern smokeless powder cartridges shall provide adequate physical structures to contain projectiles (e.g. baffles, side walls or berms and impact berms behind the target line) in addition to any institutional controls.

   (ii) Each shooting range shall have a Safety Plan as described herein. Each shooting range shall be used only for the shooting activities identified in the Safety Plan.

   (iii) Designs and safety procedures shall be evaluated by an NRA Range Technical Team Advisor (RTTA) or by a professional engineer or other qualified professional consultant with experience and expertise in the evaluation and design of shooting ranges.

   (iv) A shooting facility shall have at least one qualified safety officer present when open to the public. When the facility is closed to the public, a facility member who has passed the minimum training requirements of the range shall be present.

   (v) Shooting facilities shall meet all applicable local fire codes when storing explosives.

   (vi) A shooting range may not be used for training of personnel of any branch of the United States military, National Guard or Reserve Forces, or Homeland Security, unless the facility’s application identifies all proposed activities, types and calibers of firearms to be used, and the facility is certified by the regional command as meeting the service’s range safety manuals and standards.

   (vii) All exploding targets (e.g. Tannerite, etc.) must meet the parameters defined and identified in the Safety Plan. Exploding targets shall only be used within the parameters defined by the manufacturer.

   (viii) If a facility utilizes cannon(s) strictly for audio effect purposes, a noise variance per 10.28 shall be required.

Comment [LPA]: Evaluated and approved by? I am concerned about review of each of the range’s access controls. Particularly during operation; e.g., adequate fencing to keep people, animals, etc. from inadvertently walking into hazard areas. Also control of such “reviews” when a facility frequently changes its configuration of firing range.
(ix) All shooting facilities shall provide a means for participants and spectators to readily contact emergency services such as fire or medical aid.

(e) Application contents. The application for an initial shooting facility operating permit shall include the following documents:

1. A Safety Plan, which shall include:
   
   a. Firearm handling rules, general range rules, specific range rules and administrative rules and regulations established by the owner/operator to include any firearms and or caliber restrictions on specific shooting areas.
   
   b. Emergency Plan, to include provision for timely notification to the Kitsap County Sheriff’s Office and to DCD of any type of ballistic trauma with initial notification within a 96 hour time period. The accidental or unintended release of a bullet from a shooting area shall be documented by the facility and available for inspection by the Department of Community Development as requested.
   
   c. Brief description of the facility training plan for Range Safety Officers and others.
   
2. Shooting facility layout and design which shall include:
   
   a. Dimensional drawings of physical layout to include orientation of each shooting area, location and description of terrain and any natural vegetation, and locations of critical areas, buildings, structures, fences, gates, roadways, trails, foot paths, major lighting, signage, and parking areas.
   
   b. Locations of firing lines or firing points, target lines and impact areas to include any backstops, berms, containment structures and any baffles or side containment structures.
   
3. An evaluation of the facility design and Safety Plan.
   
   a. The evaluation must be performed by a NRA Range Technical Team Advisor (RTTA) or a Professional Engineer with expertise in the design of shooting ranges that reports any safety issues or proposed uses which are inconsistent with the NRA Range Source Book for facility designs and institutional controls. The evaluation must be in written form and signed by the evaluator.
   
   b. DCD may, at County expense, arrange for an additional or independent inspection and evaluation of the shooting facility, including the facility’s uses and institutional controls described in an application for an operating permit. In cases where there is dispute between the evaluation provided by the facility and the evaluation performed at the option of the county, the dispute shall be decided by the Hearing Examiner pursuant to KCC Title 21.

(f) Each owner or operator of a shooting facility must apply to DCD for an amendment to the operating permit when additional firing lines, firing lanes, or shooting ranges are proposed or the
design of any facility range is altered beyond the scope of the original permit approval. Such proposed changes shall not be implemented prior to DCD approval.

1) Routine maintenance of existing berms, backstops, structures and facilities shall not be construed as a change requiring an amendment to an operating permit.

2) Changes to shotgun range configuration or Safety Plan procedure shall not be construed as a change requiring an amendment to an operating permit if the discharged shot is wholly contained on the shooting facility property.

3) Changes to rifle or pistol range configuration or Safety Plan procedure shall not be construed as a change requiring an amendment to an operating permit if the direction of fire and safety structures are not altered and the safety procedures are not reduced.

(g) An application for renewal of an operating permit shall include a current copy of the facility Safety Plan. Permit renewal does not require the submittal of layout and design documents or a written evaluation by an RTTA or Professional Engineer if the shooting facility range design has not been altered from previously approved submittals. However, the application must include a written statement by the owner of the facility declaring that no such changes have been made.

(h) During the operating permit review process, DCD shall inspect the facility to determine that the ranges are consistent with the application descriptions and to assess any deficiencies or corrective actions necessary to meet the intent of this Article. DCD shall inform the applicant of any deficiencies or corrective actions to be taken and allow a reasonable time for the owner/operator to take corrective action. DCD may re-inspect the facility to verify corrective action.

(i) Application for a new or renewed operating permit shall be processed, reviewed and be appealable under the procedures for a Type I Director’s Decision pursuant to KCC Title 21. Permit renewals shall be issued without additional restrictions provided there have been no substantial changes to range design or operation. Permit renewals may not be unreasonably withheld. Shooting facilities shall be allowed to continue operations while a review of a permit renewal is performed.

(j) Upon receiving evidence of noncompliance with the operating permit or receiving evidence of a reasonable likelihood that humans, domestic animals, or property have been or will be jeopardized, DCD will contact the shooting facility within 24 hours and will give the facility a written notice of the complaint. The owner/operator shall make the facility available for inspection not later than 48 hours after receiving a request for an inspection.

(1) If DCD concludes there is a life safety violation of this Article or the terms of the operating permit, DCD may suspend or modify the permit to close the range or modify range operations and shall provide the owner/operator a written notice that shall set forth each claimed violation with a specific reference to the applicable Article provision and/or permit condition. The owner or operator shall have thirty (30) days to respond in writing
and to take any necessary corrective measures. The DCD shall be provided access to the shooting facility to verify compliance after providing notice and scheduling an appointment.

(2) A DCD decision to suspend, modify, or revoke an operating permit may be appealed to the Hearing Examiner pursuant to Title 21 KCC.

(k) Nothing in this section or any other provision of this Article shall be construed as authorizing an application or a permit for a shooting facility to be located in whole or in part in an area designated as an area where the discharge of firearms is prohibited under 10.24 Article 3. Shooting ranges in such areas are expressly prohibited. Nothing in this Article shall be construed as permitting the discharge of firearms the ownership or possession of which is otherwise prohibited by law. Nothing in this Article shall be construed as permitting the use or possession of a firearm by an individual who is otherwise prohibited by law from owning or possessing that firearm.

10.24.130 Shooting facility noise and environmental controls.

a) Outdoor shooting facilities shall implement economically feasible noise controls suitable to range design and operation. A shooting facility may implement any or all of the following noise controls:

(i) Limiting hours of operation.

(ii) Erecting baffles or containments that reduce or re-direct noise.

(iii) Planting trees or foliage that absorb or restrict noise.

(iv) Installing noise barriers or noise dampening insulation.

(v) Using approved firearm silencers.

(vi) Other engineering controls as deemed feasible.

b) Upon obtaining a ruling from a Washington State Court that a shooting facility has been found to be or cause a noise nuisance under RCW 7.48, the DCD may require additional feasible noise controls listed in subsection a) above, as a condition of continuing a shooting facility operating permit unless and until that court ruling is overturned on appeal.

c) Each shooting facility operator shall develop and implement a written plan to reclaim the lead deposited by shooting activities utilizing the recommendations of the Environmental Protection Agency Best Management Practice for Lead at Outdoor Shooting Ranges.
10.24.135 Review committee.

The Kitsap County Board of Commissioners may direct the Director of Community Development to establish a review committee to evaluate proposed changes to the shooting facility requirements governed by this Article. Substantial changes to 10.24 Article 4 shall not be implemented without prior review by this review committee. The committee will consist of the Director of the Department of Community Development or the Director’s designee (chair), Kitsap County Sheriff or the Sheriff’s designee, a representative of each currently permitted shooting facility in unincorporated Kitsap County and an equal number of citizens-at-large appointed by the Kitsap County Board of Commissioners. The citizens-at-large shall go through the appropriate application process. An appointed citizen-at-large may not be a member of or affiliated with any established shooting facility in unincorporated Kitsap County.

Section 5. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional, the remainder of the ordinance or its application to other persons or circumstances shall not be affected.

Section 6. Recitals. The recitals herein shall be findings of fact and are incorporated herein by reference.

Section 7. Effective Date. This Ordinance shall take effect immediately.

ENACTED this _____ day of ______________, 2014.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON
CHARLOTTE GARRIDO, Chair
LINDA STREISSGUTH, Commissioner
ROBERT GELDER, Commissioner
Dana Daniels
Clerk of the Board
APPROVED AS TO FORM BY THE PROSECUTING ATTORNEY'S OFFICE
Appendix 8: Minority Report (Kitsap Rifle and Revolver Club)

Minority Report: Kitsap Rifle & Revolver Club (KRRC)
28 May 2014
Position Statement

The Kitsap County Board of County Commissioners (BOCC) should reject any code revisions that restrict the historic activities of the shooting ranges within Kitsap County and rather adopt meaningful range protection provisions and a policy of working with our ranges to help them best accommodate the communities they serve.

Gun ranges nationwide have been coming under fire as population growth and suburban sprawl have moved closer to established ranges. In recent years, this has resulted in hundreds of lawsuits and complaints filed by newcomers against range owners/operators and in the passage of local ordinances whose goal is not safer operations, but the granting of political favors for a few that seek closure of ranges for their own gain. These ordinances take many forms and generally each have many layers, including: unreasonable regulations on sound; hours of operation; facility improvement necessary to accommodate a growing population; limiting the type of legal firearms that may be used, and etc. Without adequate range protection laws, shooting ranges that offer valuable and rare public services and recreational opportunities will be vulnerable to arbitrary sanctions, creative lawsuits, and eventual closure through attrition. Such is the case here in Kitsap County. Two ranges have already been closed in Kitsap County due to direct governmental action (Kingston Junior Marksman and Sheridan Parks indoor range) and the remaining have been forced to spend valuable resources fighting a small group of determined and active political assailants.

For well over twenty years now, some within the County have been engaged in an effort to move or eliminate KRRC from the property it has occupied since 1926. From the early 1990’s the County Parks plans have excluded KRRC with statements made by County officials that KRRC was “being shut down” while some actively pushed KRRC to move “out of the county”. For the last two years, a draft modification of Kitsap County Code (KCC) concerning shooting range regulations has been pursued. It is clearly apparent that the sole purpose is not safety, but to specifically end the operations of Kitsap Rifle & Revolver Club. This has come about at the behest of a small group of individuals who hope to realize substantial personal gain should the range close.

There is perhaps no better illustration of this than the DCD’s own staff report on gun ranges. Although purported to be the justification for a new ordinance, it was drafted long after the ordinance process itself was initiated. This report is so devoid of facts that it could only have been written by people being purposely deceptive or by those who are as unfamiliar with firearms and modern shooting ranges and activities as to be incompetent to regulate them. This is compounded when one looks at the fact that after multiple invitations, County staff has NEVER visited KRRC during shooting events. Even the range ordinance committee cut their site visit to KRRC short. Another example is when the County hired a contractor to gather sound information off site on our nearest neighbor’s property to use against the range, only to have the County squelch the findings. When asked if any of the tens of thousands of data points registered showed any violation of noise ordinances, the County only responded with “the data was not checked for those parameters”. This all speaks volumes to intent and the current political climate and purpose of the County’s proposed ordinance changes. There are many other irregularities concerning the County’s handling of KRRC.

Good law cannot be created on a foundation of falsehoods and bad faith. If safety were the real issue, the county would have encouraged all ranges to emulate the policies and staff training in place at
KRRC as does the National Shooting Sports Foundation (NSSF). The safety program at KRRC far exceeds that of any gun club in the county. All first time visitors who wish to shoot at the range must undergo a substantial safety briefing and take a written test. Repeat visitors and club members are likewise required to attend an extended safety briefing and take a written test at least once a year. Each shooting station is under closed circuit video surveillance any time shooting is occurring and all shooting is monitored by the range safety officers to ensure accountability for every round of ammunition fired. The training of the range officers is extraordinary, so much so in fact, that for the past three years KRRC has been tasked with providing the range layout design and range safety officers to competitions held by Joint Base Lewis-McChord (JBLM) and have received the Commanding Officers commendation as a result of very successfully ran events.

Additionally, Shaun Lane, one of the KRRC range officers was able to prevent a tragedy last summer when a deranged man had been running through the community making several attempt to hurt himself or others (See; Gun club employee tackles man who ran on firing range http://www.kitsapsun.com/news/2013/aug/27/gun-club-employee-tackles-man-who-ran-on-firing/#ixzz2v4Xfsgtb ). For his heroism and quick action KRRC Range Officer Shaun Lane received a meritorious service award, with valor, from the Kitsap County Sheriff’s Office. The first and only recognition of its kind to be awarded in Kitsap County. Mr. Lane credited his training at KRRC for the ability to act quickly.

No amount of county regulation can come close to the safety procedures already in place at Kitsap Rifle & Revolver Club. Indeed, the interference and micromanagement proposed by some will only serve, and has already served, to impede the safety protocols already in place at KRRC.

Since 1926, Kitsap Rifle & Revolver Club has proudly and safely provided training and recreational opportunities to civilians, local law enforcement officials and military personnel. We have a long tradition of service to a wide variety of citizen groups in the local community. Ours is the only range in the county which offers effective and complete defensive firearm and hunter education and safety courses. We provide invaluable hands-on instruction in the safe and proper handling and use of firearms for shooting club members and citizens who wish to exercise their fundamental right to self-protection. KRRC also serves as a location to hold both formal and informal practice sessions and organized competitions for those engaged in recreational shooting.

Kitsap County should not consider establishing a requirement that the historic ranges must obtain permission to continue to operate as it would violate the rights of thousands of Kitsap County residents and will pull untold resources from each of these not-for-profit organizations, with no guarantee that their applications would be approved. It will only add new and expensive legal battles, when budgets should be spent enhancing the facilities and working with all involved. Reckless endangerment and nuisance laws already exist and apply to shooting ranges.

Without effective range protection laws, responsible shooting ranges such as KRRC that offer valuable and irreplaceable public services and facilities at which those that choose a firearm for defense of themselves and their families can receive training and practice, as well as varied recreational opportunities, will be vulnerable to arbitrary sanctions by local unelected bureaucrats. We urge Kitsap County to forgo the attempts by some at administrative over reach and instead adopt the proposed range protection ordinance offered by Kitsap Rifle and Revolver Club.
ORDINANCE NO. ____-2014
AN ORDINANCE AMENDING KITSAP COUNTY CODE CONCERNING
SHOOTING FACILITIES AND COMMUNITY SAFETY

WHEREAS, RCW 9.41.290 provides that the state of Washington fully occupies and
preempts the entire field of firearms regulations within its boundaries and counties may
only enact ordinances as expressly authorized by RCW 9.41.300 and, RCW 9.41.300(2)
provides that a county may also, by ordinance, restrict the discharge of firearms in any
portion of its jurisdiction where there is a reasonable likelihood that humans, domestic
animals, or property will be jeopardized so long as such ordinance also promotes the right
of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms
in defense of self or the State; and

WHEREAS, the Kitsap County Board of Commissioners (Board) finds the requirement
to provide for the health, safety, and welfare of the citizens of Kitsap County by
promoting the safe and responsible enjoyment of the shooting sports and defensive
training among the citizens, residents and visitors of the county and by protecting the
locations of and investment in shooting facilities for the use of all lawfully owned
firearms;

BE IT ORDAINED:

Section 1. Kitsap County Code Chapter 10.24, Article 3 is hereby amended as follows:

Article 3 Firearms Discharge

Section 2.ch .New Section A new section is added to chapter 10.24 Kitsap County Code,

“WEAPONS,” as follows:

10.24.075 Purpose.

The purpose of this Article is to provide for and promote the safety of the general public
by establishing a permitting procedure and rules for the development and operation of
new shooting facilities while maintaining and protecting the historic use of existing
shooting facilities. The standards adopted herein are intended to protect and safeguard
participants, spectators, neighboring properties and the public, while protecting the
continued availability of shooting facilities for firearm education, practice in the safe and
responsible use of firearms, and recreational firearm sports. Nothing in this ordinance
shall be construed to alter the legal nonconforming use status and rights of existing
shooting facilities.

Section 3. Kitsap County Code Section 10.24.080 last amended by Ordinance 50C-1993,
is hereby amended as follows:
10.24.080 Definitions.

The following definitions shall apply in the interpretation and enforcement of the ordinance codified in this article:

(1) “Firearm” means any weapon or device by whatever name known which will or is designed to expel a projectile by the action of an explosion. The term “firearm” shall include but not be limited to rifles, pistols, shotguns and machine guns. The term “firearm” shall not include devices, including but not limited to “nail guns”, which are used as tools in the construction or building industries and which would otherwise fall within this definition.

(2) “Shooting facility” or “facility”, means an entity with a site having one or more shooting ranges, but does not include residential property.

(3) “Shooting range” or “range” means a place set aside and designated for the responsible discharge of firearms for individuals wishing to practice, improve upon or compete as to their shooting skills. There may be one or more ranges located at a shooting facility.

(4) “Range Officer (RO)” or “Range Safety Officer (RSO)” means a person or persons appointed by the operators of a shooting facility to promote the safe use of a shooting range in accordance with the Standard Operating Procedure (SOP) established by the operators of the shooting facility.

(5) “Safety Plan” means the written procedures and or policies of a shooting facility specifically defining the safety requirements utilized at that facility.

(6) “Baffles” are structures intended to contain or re-direct projectiles and/or to reduce, redirect or suppress sound waves.

(7) “Backstop” means a device constructed to stop or redirect bullets fired on a range, usually directly behind the target.

(8) “Berm” means an embankment used as a backstop or for restricting bullets to a given area, or as a protective or dividing wall between shooting areas.

(9) “Firing Line” means a line parallel to the targets from which firearms are discharged.

(10) “Firing point” means a location from which one individual fires at an associated target down range.

(11) “Target Line” means the line where targets are placed.

(12) “Standard Operating Procedures” or “SOP” means the standards used in the operation of a particular facility. SOP’s are developed and modified to assure the most efficient and responsible facility operations.
(13) "Nonconforming land use or grandfathered use" means a use or activity that was lawfully occurring prior to the adoption, revision or amendment of the county code but fails by reason of such adoption, revision or amendment to conform to the present requirements of the code.

Section 4. Kitsap County Code Section 10.24.103, last amended by Ordinance 50G-2000, is amended as follows:

10.24.103 Shooting Facilities

(a) Planning -- effect on shooting facilities. The laws of this county concerning planning, master plans, or comprehensive plans may not be construed to authorize an ordinance, resolution, or rule that would:

(1) prevent the operation of an existing shooting facility as a nonconforming use;

(2) prohibit the establishment of new shooting facilities, but it may regulate the construction of shooting facilities to specified zones; or

(3) prevent the erection or construction of safety improvements on existing shooting facilities.

(4) prohibit an existing shooting facility from enjoying the same general types of shooting activities on its property as it did prior to the enactment of this ordinance.

(b) A shooting facility that has operated and/or has been recognized as grandfathered at the time of the enactment of this ordinance will be protected and encouraged in their operations even if the shooting facility at a later date does not conform to a new ordinance or an amendment to an existing ordinance.

(c) A shooting facility is not subject to an action for nuisance, and the county shall not enjoin the use or operation of the facility on the basis of noise or noise pollution, if the facility is in compliance with any noise control laws or ordinances that applied to the facility and its operation at the date of construction or initial operation of the range.

(d) A person who acquires title to or who owns real property adversely affected by the use of property with a permanently located and improved shooting facility shall not maintain a nuisance action against the owners or operators of the shooting facility to restrain, enjoin, or impede the use of the facility where there has not been a substantial change in the nature of the use of the shooting facility. This subsection does not prohibit actions for negligence or recklessness in the operation of the range or by a person using the range.

(1) A shooting facility that is in existence as of the effective date of this ordinance shall specifically be able, but not limited to, do all of the following within its preexisting geographic boundaries:

(A) Repair, remodel or reinforce any improvement, facilities, building,
structure, range, berm, backstop or baffle as may be necessary in the interest of public safety, noise abatement or to secure the continued use of the same;

(B) Reconstruct, repair, restore, or resume the use of a nonconforming buildings damaged by accident, vandalism, fire, collapse, explosion, act of God, or act of war occurring after the effective date of this section. The reconstruction, repair, or restoration should be completed within 1 year following the date of the damage or settlement of any property damage claim.

(C) Do anything recognized as generally accepted operational practices for modern shooting ranges, including, but not limited to:

(i) Expand or increase its membership or opportunities for public participation and access.

(ii) Change, add, expand or increase events and activities.

(iii) Alter, increase, enlarge or expand any range, berm, backstop or baffle within their historic footprints.

(c) New shooting facilities shall be authorized and operated in accordance with an operating permit issued by the Kitsap County Department of Community Development (DCD).

1) Each owner or operator of a new shooting facility shall apply for and obtain an operating permit. The owner or operator of a proposed new shooting facility shall apply for the facility operating permit at the time of application for any necessary building or land use permits. The owner or operator of an established shooting facility in active use at the time of enactment of this ordinance shall not be required to obtain an operating permit.

(A) In reviewing an application for a new shooting facility operating permit, DCD shall be guided by generally accepted operating practices such as those published by the National Rifle Association or by rules promulgated by the National Shooting Sports Foundation.

(B) New shooting facilities shall meet the following standards:

(i) Each shooting facility shall be designed, operated and maintained to contain bullets, shot or other discharged projectiles within the facilities property.

(ii) Each shooting facility shall have a Safety Plan as described herein. A shooting facility shall be used only for the shooting
activities identified in the Safety Plan.

(iii) Each shooting facility shall have at least one qualified Range Operator or Range Safety Officer on duty at all times when shooting activities occur.

(iv) Shooting facilities shall meet all applicable local fire codes when storing explosives.

(v) All exploding Tannarite targets must meet the parameters set forth in state and federal laws and be defined in the Safety Plan.

(vi) If a facility utilizes cannon strictly for audio effect purposes, a noise variance per 10.28 is required prior to use.

(vii) All shooting facilities shall provide a means for participants and spectators to readily contact emergency services such as fire or medical aid.

(d) Application contents. The application for an initial shooting facility operating permit for a new shooting facility shall include the following documents:

(1) A Safety Plan, which shall include:

   a. Firearm handling rules, general range rules, specific range rules and administrative rules and regulations established by the owner/operator to include any firearms and or caliber restrictions on specific shooting areas.

   b. Emergency Plan, to include provision for timely notification to the Kitsap County Sheriff’s Office and to DCD of any firearm-related injuries or the accidental or unintended release of a bullet from a shooting area.

   c. Training Plan for Range Officers.

(2) Shooting facility layout, design and documents, which shall include:

   a. Dimensional drawings of physical layout to include orientation of each shooting area, location and description of terrain and any natural vegetation, and locations of critical areas, buildings, structures, fences, gates, roadways, trails, foot paths and parking areas.

   b. Locations of firing lines, target lines and impact areas to include any backstops, berms, containment structures and any baffles or side containment structures.

   c. For each firing line, designation of the type and caliber of firearm and ammunition to be allowed, and the institutional controls and physical
facilities necessary to prevent the escape of bullets from a shooting area.

d. A plan for ongoing and future maintenance of the shooting areas, including the grading and management of berms and backstops. This plan does not replace any permit requirements under Title 12 of the Kitsap County Code.

(e) Application for a new operating permit shall be processed, reviewed and be appealable under the procedures for a Type I Director’s Decision pursuant to KCC Title 21

(f) A range safety officer or other person responsible for the shooting facility shall, within twenty-four (24) hours of a serious incident resulting from the purposeful, accidental or unintended discharge of a firearm on the facility, submit a written incident report to the Kitsap County Sheriff’s Office (KCSO).

(g) Upon receiving evidence that humans, domestic animals, or property have been injured or damaged from activities that have taken place at a shooting facility KCSO may inspect the shooting facility. The owner/operator shall make the facility available for inspection not later than 24 hours after receiving a request. If, after its investigation, KCSO determines that there appears that a reasonable likelihood does exist that humans, domestic animals, or property have been injured or damaged from activities at the facility, KCSO shall refer the matter to DCD.

(1) DCD shall investigate the incident in conjunction with the police authorities and the owner/operator to determine the root cause. The investigation shall be documented and any deficiencies that are identified shall be reported to the owner/operator who shall then have thirty (30) days to respond in writing and take corrective measures or contest the findings. If an owner/operator fails to adequately respond within the thirty day requirement, DCD may request that the Superior Court, pursuant to RCW 9A.36.050: Reckless Endangerment, suspend the operating permit, or specific activities within the Facility, until corrections are completed and verified. DCD shall be provided access to the Facility to verify compliance after providing notice and scheduling an appointment. The owner/operator shall make the shooting facility available for inspection not later than 24 hours after receiving a request.

(2) Upon investigation by the Kitsap County Sheriff’s Office, the Director or designee may immediately suspend only the specific shooting practice that is found to be highly likely the root cause of the incident at a shooting facility upon a finding that activities at the shooting facility have likely injured humans, animals or damaged property or upon a finding that humans, animals, or property are in imminent danger of being further injured or damaged as a result of the specific shooting activity at the range.

(3) A DCD decision to suspend, modify, or revoke an operating permit may be
appealed to the Hearing Examiner pursuant to Title 21 KCC.

(4) If the investigation concludes the reason for the damage or injury was due to an individual(s) violating the facilities SOP’s, the individual(s) will be held responsible and the operator/owner will not be held responsible or further affected.

(h) Closure of shooting facilities-- limitations -- relocation cost.

(1) If for any reason an agency seeks to close an established shooting facility, a court of competent jurisdiction must find that the following conditions have been met:

(A) The existence of a pressing public need has been documented through hearings, testimony, and a clear and precise statement of need by the agency, unit of local government, along with a unanimous finding by the BOCC and a majority vote of registered voters within the County;

(B) The agency or unit of local government obtaining the closure pays for the complete relocation of the facility with improvements to a location within the county. The new facility shall contain shooting ranges and infrastructure facilities at least as comprehensive as those on the original location. The relocation of the facility to its new location within the county shall be completed prior to cessation of operations at the original site. In return the shooting facility operators and owners shall relinquish their interest in the property to the agency or unit of local government obtaining the closure and the agency or unit of local government obtaining the closure shall accept all responsibility for any remaining clean-up at the original facility.

(C) Any grandfathered shooting facility relocated under the provisions of this section shall retain their legal nonconforming use status and rights of existing ranges at the new facilities geographical location.

(D) The County will incur all costs associated with any legal challenges resulting from the closure and relocation of any shooting facility pursuant to the above.

(i) Nothing in this Article shall be construed as permitting the use or possession of a firearm by an individual who is otherwise prohibited by law from owning or possessing that firearm.

Section 5. New Section. A new section is added to chapter 10.24 Kitsap County Code, “WEAPONS,” as follows:
10.24.104 Shooting facility noise and environmental controls.

a) Outdoor shooting facilities are encouraged to implement economically feasible noise controls suitable to range design, activities and operation. A shooting facility may implement any or all of the following noise controls:

(1) Limiting hours of specific operations.

(2) Erecting baffles or containments that reduce or re-direct noise.

(3) Planting trees or foliage that absorb or diminish noise.

(4) Installing noise barriers or noise dampening insulation.

(5) Using approved firearm suppressors.

(6) Other engineering controls as deemed feasible.

b) Upon obtaining a court ruling that a shooting facility has violated RCW 7.48 and is thereby declared a nuisance, the DCD may require additional financially feasible noise controls as a condition of continuing a shooting facility operating permit unless and until that ruling is overturned on appeal.

c) Each shooting facility operator shall have a metals recycling program and utilize the recommendations of the Environmental Protection Agency Best Management Practices for Lead at Outdoor Shooting Ranges.

Section 6. Kitsap County Code Section 10.24.105, last amended by Ordinance 50B-1993, is amended as follows:

10.24.105 Review committee.

(a) A review committee is created for the purpose of recommending to the county board of commissioners the appropriate criteria for new shooting facilities, for petitions to establish additional “no shooting” areas within Kitsap County, and any modification to this article... Such committee shall consist of the following:

(1) Kitsap County Sheriff or the Sheriff’s designee (Chair),

(2) the Director of the Department of Community Development or the Director’s designee,

(3) a representative appointed by each shooting facility currently in operation in unincorporated Kitsap County and ,
(4) a number of citizens-at-large, equal to those representing the shooting facilities, appointed by the Kitsap County Board of Commissioners.

Section 7. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional, the remainder of the ordinance or its application to other persons or circumstances shall not be affected.

Section 8. Recitals..... The recitals herein shall be findings of fact and are incorporated herein by reference.

Section 9...... Effective Date. This Ordinance shall take effect immediately.

ENACTED this _____ day of ________________, 2014.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

CHARLOTTE GARRIDO, Chair

LINDA STREISSGUTH, Commissioner

ROBERT GELDER, Commissioner

Dana Daniels
Clerk of the Board

APPROVED AS TO FORM BY THE PROSECUTING ATTORNEY’S OFFICE
Kitsap County Review Committee Meeting KCC 10.24 – July 24, 2012

MINUTES
KITSAP COUNTY REVIEW COMMITTEE MEETING
Administration Building - Commissioners Chambers
July 24, 2012 2:00 PM

These minutes are intended to provide a summary of meeting decisions and, except for motions made, should not be relied upon for specific statements from individuals at the meeting. If the reader would like to hear specific discussion, they should visit Kitsap County's Website at http://www.kitsapgov.com/doc/community_plan/Gun_range_ordinance/grop.htm and listen to the audio file (to assist in locating information, time-stamps are provided below)

The Kitsap County Review Committee Meeting KCC 10.24 met on the above-stated date at the Kitsap County Administrative Building Commissioner's Chambers, 619 Division Street, Port Orchard, WA

Members present: Gary Simpson, Larry Keeton, Linda Paralez, Karanne Gonzalez-Harless, Jim Sommerhauser, Brad Smith and Doug O'Connor

Staff present: Jeff Rowe, Heather Adams and Committee Secretary Karen Ashcraft

2:02
A. Welcome comments by Sheriff Steve Boyer

B. Chair Simpson read the current ordinance (Ord. 50-B (1993) 5. 1993) 10.24.105 Review Committee

C. Introduction of Committee Members and their backgrounds.

D. Chair Simpson stated this is a planning meeting to discuss public input either by written or verbal comment, meeting process, meeting dates and times.

2:15
E. Larry Keeton stated in 2011 the Board of County Commissioners requested the Department of Community Development to draft an update Ordinance to Kitsap County Code Title 10. Title 10 is the ordinance for public peace, safety and morals. This ordinance will be an addition to Title 10.24. Initially a stakeholders group was established consisting of members of the various gun clubs and Kitsap County citizens.

2:17
F. Discussion is held regarding Public Input and Public Information.

Action Item: Staff will receive written public comment. Staff will create a matrix one week prior to the next meeting for the Committee's review. The matrix will be on the website. The next meeting is scheduled on August 1st for gun club site visits. Public comment will be received at the August 15th meeting.

2:22
A motion is made by Doug O'Connor and seconded by Brad Smith to include the President of Bremerton Trap and Skeet Club to sit as a voting member of this committee.
Discussion is held regarding the ability to include the Bremerton Trap and Skeet Club as a member of the committee; according to the Ordinance the members are established.

Doug O'Connor amended his motion to include the President of Bremerton Trap and Skeet Club as a participating member and their vote would be advisory.

Action Item: The motion is tabled until the KC Department of Prosecutors have reviewed the motion.

2:28

A motion is made by Brad Smith and seconded by Doug O'Connor that this committee be given the opportunity to visit all of the gun ranges in Kitsap County and review those gun ranges in person along with the law enforcement ranges. Also, I would like to be given the opportunity to take this (proposed Ordinance) before our own council, club and our own board to really review this more thoroughly. I would like to ask the board (Committee) to consider a motion that we suspend this process for at least 30 days; to give us the opportunity to visit the ranges and to give us the opportunity to review this document thoroughly so we can make proper input.

Discussion is held regarding the goals and expectations of site visits. Also, a site visit is just that a site visit not a time to pitch the facility. The Committee will not make site visits to facilities that the Ordinance will not regulate. Site visits of the facilities should show the safety perimeters incorporated in the use of weapons.

Discussion is held regarding two separate motions in Brad Smith's initial motion. The first motion is to allow KRRK to have more time to review the draft Ordinance. The second motion is to have the Committee make site visits to various gun ranges.

Discussion is held regarding the necessity of visiting sites that this Ordinance will not regulate, i.e. incorporated cities or military ranges or law enforcement ranges.

Action Item: Review if Law Enforcement ranges are affected by this Ordinance.

Discussion is held regarding the "Best Management Practices" for the various gun ranges. In making a site visit Committee members will learn about the operation, safety perimeters, and the construction of the various facilities.

2:41:31

A motion is made by Brad Smith and seconded by Doug O'Connor for the Committee to do site visits to the various gun range facilities in unincorporated Kitsap County.

Larry Keeton asks if the committee will also visit the adjacent property owners of the various gun club sites.

Part of this Ordinance is to protect the public, as such, do we visit their properties and listen to the noise created by the adjacent gun range. The Committee needs to be aware that if an adjacent neighbor request the Committee visit their property its, "Equal opportunity under the Law." Cities are exempt from this Ordinance and that includes law enforcement sites.
Brad Smith stated that the neighbors are not being regulated, but the gun ranges will be. Also, he
doesn’t think there has ever been a noise study done by an adjacent property owner.

2:46:05
Jim Sommerhauser made a motion to table the site visits until we get input from County legal. What
gun ranges would this Ordinance effect.

Discussion is held regarding not to table this motion.

Jim Sommerhauser has a question to the motion he is trying to table. I would be willing to amend my
motion to visit all of those ranges in unincorporated Kitsap County, privately owned ranges and to
do those immediately and to get input on any other ranges. I will withdraw my motion to amend.

Brad Smith stated that if in the future to include the other ranges, I would be agreeable to that.

Jim Sommerhauser withdraws his motion to table. The amended motion is for the Committee to visit
Kitsap Rifle and Revolver, Poulsbo Sportsman’s Club and Bremerton Trap and Skeet gun ranges.

The Vote:
Yes: 6
No: 1
Motion carries.

2:49:30
Chair Simpson: Another motion is on the floor to suspend the meetings for 30 days.

A discussion is held regarding the suspension of Committee meetings for 30 days.

2:55:49
Jim Sommerhauser: Amended the motion to read August 1st meeting be scheduled for site visits.
Close the record written input from the public on August 9th and staff will have a comment matrix
available for review by the Committee on August 15th meeting.

Linda Paralaz seconded the amended motion.

The Vote:
Yes: 7
No: 0
Motion carries.

3:00:15
Chair Simpson stated August 1st will be the site visits, the written record will close on August 9th with
a comment matrix prepared by staff for August 15th meeting. At the August 15th meeting, the
Committee will take public comment.

Chair Simpson requests input on how to receive public comment. Also, what are our goals during site
visits?

Linda Paralaz suggested a sign in sheet if the person wants to testify and allow three minutes per
person for their comments.
Brad Smith suggested that we schedule the August 15th meeting in the evening to allow the public to attend.

Jim Sommerhauser suggested the August 15th meeting start at 6:00 pm. Starting with the review of the comment matrix and then the public input.

Chair Simpson requests suggestions of what the Committee would like to see at the site visits.

Unda Paralaz suggested the Committee see the design, operation with safety plan, management plan and maintenance plan.

Jim Sommerhauser suggested a short time of observing actual shooting and a time for non-shooting for down range review.

Discussion is held regarding the result of the impending Ordinance on the operations of the gun ranges.

Discussion is held regarding the legality of a meeting of the Committee at the various gun ranges.

3:15:16

A motion was made by Chair Simpson and seconded by Doug O'Connor to make a checklist of what the Committee observes at each gun range.

The Vote:

Yes: 7
No: 0
Motion carries.

Discussion is held regarding the impending August 1, 2012 site visits and time.

Tom Hamilton from Bremerton Trap and Skeet will open the gun range for the Committee visit.

Time of Adjournment: 3:22:12

EXHIBITS:
  A. Agenda with attachments

MINUTES approved this _______ day of _______ 2012.

Gary Simpson Committee Chair

Karen Ashcraft, Secretary

Upcoming Review Committee Meeting
  • August 1, 2012 Gun Range Site Visits
  • August 15, 2012 at 6:00 pm BOCC Chamber
The Kitsap County Review Committee Meeting KCC 10.24 met on the above-stated date at the Kitsap County Administrative Building Commissioner’s Chambers, 619 Division Street, Port Orchard, WA.

Members present: Larry Keeton, Linda Paralez, Karanne Gonzalez-Harless, Jim Sommerhauser, Brad Smith, Doug O’Connor

Staff present: Heather Adams and Committee Secretary Karen Ashcraft

6:04:55
Larry Keeton, Director of KC Department of Community Development stated Committee Chairman Simpson is attending a funeral. He suggested the Committee designate or appoint a temporary Chairperson for this meeting.

6:05:49
Brad Smith extended condolences to sheriff’s deputy and family. KCC Ordinance 10.24.105 states County’s Sheriff or designee will chair this Committee.

6:06:20
A motion is made by Brad Smith to suspend the regular agenda and just carry on for public comment. Legally we don’t have a Chair and nothing in the Ordinance regarding a quorum.

Discussion is held regarding this motion.
Motion fails for lack of a second.

The intent of a temporary Chairperson for this meeting is to take public testimony.

6:11:33
A motion is made by Linda Paralez and seconded by Jim Sommerhauser to suspend the items on the agenda and simply have a public hearing. I will be happy to run the meeting for the purpose of just having the public hearing. Simply having a public hearing this evening is my intent. We will suspend the rest of the agenda until our next meeting with Gary (Simpson). That’s the proposal on the table. Sound sufficient?

6:12:25
Doug O’Connor wants to amend the motion. There are outstanding motions on the floor. If there are additional motions, the Committee should be able to hear them and postpone them to the next meeting, but to get them on the agenda now.
Kitsap County Review Committee Meeting KCC 10.24 – August 15, 2012

1  Brad Smith disagrees with the amended motion.

2

3

4  6:13:08
5  A motion is made by Doug O’Connor that we are going to be postponed because just for the issues
6  about the legality which may or may not be there’s no point in feeding into a problem to start with.
7
8  Doug O’Connor amends the motion to suspend the rest of the agenda other than taking testimony
9  to the next meeting. The Committee will take the motions and seconds, but voting on them will be
10  postponed until the next meeting.
11
12
13  6:16:10
14  Linda Paralez stated we are proposing to move forward with this meeting revised so we will have
15  just a public testimony and capture public testimony in respect to those people who have come
16  here this evening and we will accept motions without voting on them. We will hold those over until
17  our next meeting. We will capture them in the record but we will not vote on them, if there are
18  motions.
19
20  Brad Smith objects to the motion. Public comment is one thing, but getting motions read into the
21  public record is another. If the Committee is going to suspend the agenda, suspend the agenda.
22
23  Brad Smith stated there is no authority in the Ordinance to give someone the Chairman of this
24  Committee and move forward. I object.
25
26
27  The Vote:
28  Yes: 2
29  No:  3
30  The motion fails.
31
32  6:17:38
33  The main motion is to modify our agenda for this evening and accept public hearing from these folks
34  and get that in the record for this meeting.
35
36  The Vote:
37  Yes: 5
38  No:  1
39  The motion carries.
40
41  6:18:06
42  Linda Paralez gave an explanation of the procedure for public testimony. The Committee may ask
43  clarifying questions only.
44
45  6:20:50
46  Wilhelm Spicker is a residence of Kitsap County and a member of the Kitsap Revolver and Rifle Club
47  since 1985. He is concern about the legal aspects of this meeting.
48
49  6:21:54
50
51
Randall Bragge is a resident of Belfair, a retired Naval Petty Officer and a former licensed fire arms
dealer involved in shooting sports since 1990. He has concerns about the Staff Report.
Brad Smith – Do you think the Staff Report has numerous errors. Yes.
Jim Sommerhouse - Did you submitted written comments. No

6:25:20
Michael Overfield is US Navy Marksmen Team, Firearms Instructor, Safety Officer at the Kitsap
Revolver and Rifle Club and resident of Kitsap County. He is concerned about the need for updating
the Ordinance and the Staff Report mistakes.
Brad Smith – Do you think the Staff Report is incompetent. Yes.
Larry Keeton – Do you have any issue with safe containment of ranges. No need to change current
Ordinance. The change in hours, etc. will cause ranges to have to close.
Jim Sommerhouser – Do you think urbanization has caused issues, since the creation of gun ranges.
Yes, the encroachment on gun range properties is a problem throughout the country.

6:34:39
Martin Harris is a resident of Seabeck. The box on the floor represents six years and $30,000 for a
private shooting range in Kitsap County. He is concerned that he hasn’t received any notification of
this proposed Ordinance.
Brad Smith – You spent six years and $30,000 for a gun permit. Correct.
Larry Keeton - Who uses your gun range? The only ones using the range are family and friends.

6:37:48
Loran Todd is an archer by trade and a Forensic Examiner. He has lived in Kitsap County for 35 years.
My children and grandchildren have used the range for over 32 years. They have been taught safety in
handling firearms and hunter education for my friends and family. The gun range is a benefit to the
community; and the members are great people. The cost of the Improvements required in the new
Ordinance will be prohibitive in bringing the ranges up to these standards.
Linda Paralez - What needs to be done to bring the ranges up to standards. The overhead things make
it impossible for projectiles to leave the range.

6:41:44
Kevin Magnuson has own guns since he was sixteen. We purchased our home off Newberry Hill in
2001; I was unaware that there is a gun range in the area. The noise from the gun range has increased
over the past several years; I can hear them inside my home with the windows closed.
Brad Smith - How far away from the gun range do you live? I think approximately 1.2/1.3 miles away.
This past year it has been quieter.

6:45:22
Gary Curran is a member of the Poulsbo Sportsman Club and the NRA. My concerns regard the
restriction of operating hours, restriction on calibers and noise levels. He suggested modification of
sound barriers from concrete walls to two rows of fencing. The new Ordinance would close
Bremerton Trap and Skeet Club (except 410 shoot gun) and Poulsbo Gun Club shoot gun shooting.
Karanne Gonzalez-Harless -- Did you submit written comments. Yes.
Jim Sommerhauser - Did you give any other caliber explanations in your written comments. Yes,
there is a chart attached to my letter.
Kitsap County Review Committee Meeting KCC 10.24 - August 15, 2012

Brad Smith – What is the muzzle velocity for a .22 caliber. I am commenting on damage to the ranges and the surrounding community.
Doug O’Connor – Are you aware that the Poulsbo Sportsman Club doesn’t allow 50 bmg. Yes, a 50 bmg could cause a lot of damage to the berm.

6:52:62
Zeb Breuckman is a member of the Bremerton Trap and Skeet Club. He has concerns regarding the restrictions of the Ordinance for all gun ranges, i.e. the use of a 20 gauge shot gun with bird shot weighting fractions of an ounce and not traveling miles shouldn’t be a part of this Ordinance. He is also concerned about the time restraints.
Larry Keeton - What hours of operation would be good for that range. I don’t think the 5:00pm to 7:00pm would work for people who have a 9-5 job.
Brad Smith – Do you think the Ordinance is grossly overreaching. I do think so.
Jim Sommerhauser - What about the boundary line between the City of Bremerton and un-incorporated Kitsap County. I hope I don’t have to stop shooting at either area.

6:58:25
Merton Cooper is concerned the new Ordinance is unnecessary and not well written.

7:00:57
Erik Nervik is from Port Orchard. During a Kitsap Revolver and Rifle Gun Club competition, he went to Eldorado Hills (Whisper Ridge) area and just listened. He didn’t hear any noise from the gun range. He has been able to have a normal conversation at the parking lot or club house at the Kitsap Revolver and Rifle Gun Club.

7:02:36
Charles Ely is a resident of Central Kitsap. He explained the various types of target shooting (it isn’t just standing in one position and punching holes in a piece of paper) it is from rapid fire shooting targets and surprise target shooting, running deer target matches. In 1950, John Dean Cooper taught the modern technique of the pistol. Military and law enforcement agencies adopted the technique of civilian shooters.

7:07:00
Matt Sroka is a resident of Central Kitsap and Vice-President of Kitsap Revolver and Rifle Club. The Staff Report indicates that the public is in danger from the area gun ranges. Between Kitsap Revolver and Rifle Club, Poulsbo Sportsman Club and Bremerton Trap and Skeet Club have over 200 years of safety records. He read a thank you letter from a Tukwila Police Officer.
Karanne Gonzalez-Harless – What is the name of the club. The name of the club is Paul Bunyan Sportsman Club located in Pullayup.
Brad Smith stated Paul Bunyan Sportsman Club is similar to KRRC.
Jim Sommerhauser - Is the Paul Bunyan fenced. Yes, it is.

7:14:19
Dan Daniels is a resident of Mason County and a Range Officer at Kitsap Revolver and Rifle Club. He is the Chair of the Environmental Stewardship Committee. He examined the north end berm of KRRC range for projectiles; at 100 feet line (high powered rifle are shot) the first 12 inches there were several projectiles, at 18 inches a few fragments beyond 18 inches there was nothing at all.
Kitsap County Review Committee Meeting KCC 10.24 – August 15, 2012

Larry Keeton - Where would the bullet go if shot over the berm. I thought the question was through the berm not over.

7:20:05

Bonnie Becke is representing the member of CK Safe and Quiet group. This Ordinance is about property rights issues. There are two objectives: Projectiles containment and noise mitigation.

Brad Smith - Has any round ever left any of these three gun ranges and struck any home or person to cause harm or damage. Pierce County Superior Court found that to be so.

7:23:26

Shaun Lane is a resident of Lake Symington area. He is concerned about the Ordinance (including the committee members) since Washington State RCW 941 governs gun ranges. A noise survey has not been done by Kitsap County in relation to the gun ranges. No round from a gun range has ever been found outside of the gun range.

7:29:15

Michael House is a resident of Bremerton. He is a member of the Kitsap Revolver and Rifle Club and Kitsap Alliance of Property Owners. He has concerns regarding the Ordinance and people’s property rights. This Staff Report and Ordinance should be disregarded.

Break 7:35:40

Reconvene 7:47:33

7:47:55

Doc Collins is concerned about private property rights and grandfathering. The new Ordinance has a statement that grandfather rights will be preserved. A noise study should be done. In the new Ordinance, the definition section needs to be review.

Larry Keeton – Did your “grandfather” statement come from KCC Title 17. Yes.

7:56:54

Rul Fidalgo is a resident of Kitsap County. He was in the Marines for almost 10 years and understands the need for safety. He read a letter from Bruce Gary sent to KRRC.

7:59:56

George Voss is a Range Officer of Poulsbo Sportsman Club. He has concerns about the Staff Report. In 74 years of operation there have been no safety issues at the Bremerton Trap & Skeet Club. All three clubs operate on a volunteer basis, without the volunteers the clubs wouldn’t exist (do have two paid employees). We pay property taxes, sales taxes, personnel taxes. Fire Department inspects us every year for free.

Karanne Gonzalez-Harless – the BTSC property is half in the county and half in the city and the Bremerton Police Range is SKIA property. I believe it’s in the watershed, I don’t know where the exact property lines are. Does the Police Range have set hours? I don’t know. How many nights do you shoot? We only open on Wednesday nights.

Jim Sommerhauser – Are you open to the public? Yes.

8:06:17
Mike Crouch has concerns about the Staff Report. We shoot firearms at our range, rifles, pistols and revolvers. Noise isn’t an issue.

Jayson Gould has concerns about the new Ordinance. He would like both groups to work together to reach a conclusion.

Dave Osborn is a retired naval officer, living in the area for over 30 years. He requested background information and experience from Larry Keeton regarding running a gun range. As an Army Colonel in Fort Jackson, South Carolina, he had the operations responsibility for the construction and maintenance of ranges. My Public Works Department would build and inspect those ranges. I was the Safety Officer, when I ran the ranges.

Rob Potter has concerns regarding the new Ordinance.

Mark Miller is a retired law enforcement officer with 17 years of fire arms instructor experience. He would like to see each individual range have engineering and sound abatement studies done instead of one Ordinance for all ranges.

Linda Paralez – Other than weapon type; do you have any other issues with the Ordinance. Review the entire Ordinance for connectivity throughout the document.

Jim Sommerhauser – Do you think a sound test should be done. Yes. In order to have a sound study standard, a sound test needs to be done.

Should there be muzzle energy restrictions. That’s based on range design.

Brad Smith – Do you think this is arbitrary and capricious. One size Ordinance doesn’t fit all ranges. An actual study needs to be done showing what type of munitions, weapons each range can handle. If there are restrictions on weapons at the ranges where military and law enforcement personnel practice, this will cause issues in their ability to train to protect the public.

Larry Keeton – In the Ordinance, the military Regional Command has to certify the range. Yes, if a captain takes his troop to an uncertified range and something happens, he will be court marshaled.

Ron Barlow is a resident of Port Orchard. He has concerns with the Staff Report for justification for an Ordinance. There is no documented case of any projectile leaving our range or injury to anyone off our range. We have had rapid fire weapons for years.

Brad Smith – Are there any newer or more modern weapons that you are aware of those. There is AR 2 South and or 223’s. Platform was invented 1950’s by Eugene Stoner. It is false that the rounds travel further.

Larry Keeton – What is the maximum range of the 5.53 round. I don’t know. Maximum horizontal distance is 4100 feet. Discussion is held regarding distance of rounds.

Marcus Carter is the Executive Officer of Kitsap Revolver and Rifle Club. He is requesting that the Committee re-open public comment since the Staff Report came out so late. He has concerns about the Staff Report. The use and training of fire arms goes from civilian sector to the military sector. KRRC was founded for sport and national defense.
Bruce Gergen has 27 years in the military as a heavy arms instructor. He is the ICP FOP secretary for Lodge 1 in Silverdale for Fraternal Order of Police. He suggested noise studies be done at the single family residences of those concerned about the gun range noise. Also let's find proof of any safety violation have occurred. It is necessary to get the facts. He wants the ranges to remain open so area law enforcement and military have a place to practice.

Linda Parazel closed the Public Hearing.

A motion was made by Jim Sommerhauser and seconded by Brad Smith to close the meeting.

Adjourned: 8:58:15

Upcoming Review Committee Meetings
- September 26, 2012 6:00 PM
- October 10, 2012 6:00 PM
8:57
CLOSED

The Vote:
Yes:
No:
Motion carries.

Time of Adjournment:

EXHIBITS:

MINUTES approved this _____ day of _____ 2012.

Gary Simpson Committee Chair

Karen Ashcraft, Secretary

Upcoming Review Committee Meeting
Kitsap County Review Committee Meeting KCC 10.24 – September 26, 2012

MINUTES

KITSAP COUNTY REVIEW COMMITTEE MEETING
Administration Building - Commissioners Chambers
September 26, 2012 6:00 PM

These minutes are intended to provide a summary of meeting decisions and, except for motions made, should not be relied upon for specific statements from individuals at the meeting. If the reader would like to hear specific discussion, they should visit Kitsap County’s Website at http://www.kitsapgov.com/dcd/community_plan/Gun_range_ordinance/rosp.htm and listen to the audio file (to assist in locating information, time-stamps are provided below)

The Kitsap County Review Committee Meeting KCC 10.24 met on the above-stated date at the Kitsap County Administrative Building Commissioner’s Chambers, 619 Division Street, Port Orchard, WA

Members present: Deputy Sheriff Gary Simpson, Linda Paralez, Karanne Gonzalez-Harless, Jim Sommerhauser, Brad Smith, Doug O’Connor and Jeff Rowe

Staff present: Heather Adams and Committee Secretary Karen Ashcraft

6:02:21

A. Comments from the Chair Simpson
In Larry Keeton’s absence, Jeff Rowe is his designated representative.
He thanked Linda Paralez for facilitating the meeting on August 15, 2012.
The August 15, 2012 meeting was for public comment; no business was conducted.
This is a working committee with advisory status only to the Board of County Commissioners.

B. Approval of July 24, 2012 minutes
A motion is made by Jim Sommerhauser and seconded by Linda Paralez to approve the minutes as presented.

The Vote:
Unanimous
The motion carries.

C. Approval of August 15, 2012 minutes
A motion is made by Linda Paralez and seconded by Jim Sommerhauser to approve the minutes as presented.

The Vote:
Yes: 6
Abstain: 1
The motion carries.

D. Outstanding Motion
6:07:44
A tabled motion from the July 24, 2012 meeting was:
A motion by Doug O’Connor and seconded by Brad Smith to have the President of Bremerton Track and Skeet Club sit on this Committee and be a voting member.
Doug O’Connor amended his motion to include the President of the Bremerton Track and Skeet Club to sit on the Committee and their his vote would be advisory.

The motion was tabled until it was reviewed by the Kitsap County Prosecutors Department. This motion can now go forward. The representative can sit on the committee but as an ex-officio member and a non-voting member.

6:08:51

The amendment to the motion a second time by Doug O’Connor and seconded by Jim Sommerhauser that the President of the Bremerton Track and Skeet Club be a participating member of this advisory Committee recognizing that they can advise us of their thoughts but may not vote.

Discussion is held regarding the need for the BTSC member to be able to vote since the club will be regulated by this ordinance.

The Vote: Numbers of the vote?

Unanimous

The motion carries.

6:13:11

Tom Hamilton, President of Bremerton Track and Skeet Club is welcomed to the Committee.

6:14:09

E. Re-cap of Range Site Visits

Chair Simpson recap the meetings of the Committee. Initial meeting on July 18, 2012 was postponed to July 24, 2012. A motion was made to include a representative of Bremerton Trap and Skeet Club and was addressed at this meeting. A motion was made for the Committee members to visit three of the Gun Ranges in unincorporated Kitsap County. A motion was made to receive written comments until August 9, 2012 and oral comments at August 15, 2012 meeting. The members of the Committee made a site visit to the three existing gun clubs. Each member observed the following items: Safety Plans, Operating Plans, Maintenance Plans, Hours and Dates of Operation, Weapon Restrictions, Communications, Membership Requirements (including dues, background checks, orientation, applications, enforcement of rule breakers and annual requirements), Shooting Areas’ were reviewed for type of shooting areas, descriptions, noise assessment, noise abatement, defined uses and target uses, Training Education (type of education provided), Storage of Hazardous Materials and Non-Hazardous Materials, Training Equipment, General Supplies. We asked questions about fire and law responses. We looked at Parking Issues, transition of participants entering and exiting the range, if there was or wasn’t a spectator areas, and provision for guests of non-shooting members.

We asked if there was a Managing Officer, Safety Officer, Fencing and Safety and containment of the facility, Signage of the Facility, Animal Control (domestic or otherwise), Competition or Special Events Management, Public Health regarding food/restaurant, restrooms and equipment cleanliness. Projectile protocol for misfires and stray projectiles and corrective measures if this occurred. Each Committee member could add their own personal observations.

6:18:36
Doug O’Connor suggested adding an agenda item for New Business. Chair Simpson added New Business to the agenda before proposed future meetings.

6:19:18

F. Discussion of Written Input/Oral Comments
Discussion is held regarding the oral and written comments received from the public.

6:21:12
A motion is made by Brad Smith and seconded by Doug O’Connor to open up the oral and written comments for the duration of this process.

6:30:15
Discussed is held regarding the importance of receiving the oral and written comments from the public. The Committee is given an explanation of the process of public comments.

An amendment to the motion by Jim Sommerhauser and seconded by Doug O’Connor to allow written comment through close of business on October 18, 2012 and to allow additional public comment at our meeting that is tentatively scheduled for October 10, 2012.

6:38:12
An amendment to the amendment is made by Jim Sommerhauser and seconded by Doug O’Connor to meet on October 31, 2012 for oral comments, after making public notifications of the date for closing written comments will be close of business on November 8, 2012.

Work Study would be scheduled for November 14, 2012 with staff providing us a synopsis of the oral and written comments in a Matrix. Staff would make normal Work Study recommendations from the Matrix, and the Committee could start deliberations.

Chair Simpson requested the November 14, 2012 date be removed until future meeting dates are determined.

The Vote:
Yes: 7
No: 0
The motion carries.

6:40:38
A motion is made by Brad Smith and seconded by Doug O’Connor for the Committee to visit the Bremerton Police Department Shooting Range. It’s because of the type of range and the type of training that they do that is different from two of the three ranges that we have already visited.

Discussion on this motion will be held under New Business.
G. Discussion of Written Input/Oral Comments
Discussion is held regarding written and oral information. Linda Paralez suggested the matrix (provided by staff) be separated by types of comments, i.e. noise, ammunition and so on. Doug O’Connor suggested an overview of the Ordinance not line by line.

Action Item: Matrix will be completed by the November work study meeting. The next meeting date will be determined at the October 31, 2012 meeting.

H. New Business:
A motion is made by Brad Smith and seconded by Doug O’Connor for the Committee to visit the Bremerton Police Department Shooting Range. The purpose is to establish “Best Practices” and compare the safety procedures and physical safety measures of a professional range and civilian ranges.

Discussion is held regarding the availability of the BPDSR to visit (by the Committee). Review of this range would show the Committee how a publically owned and operated range is managed.

The Vote:
Yes: 4
No: 2
Abstain: 1
The motion carries.

Action Item: Staff will make arrangements to visit the Bremerton Police Department Shooting Range.

The ad hoc Committee member will voice his opinion prior to future votes.

A motion is made by Doug O’Connor and seconded by Karanne Gonzalez-Harless for the Advisory Committee (which is us) appeal to the Kitsap County Board of Commissioners to make an emergency amendment to the current Gun Range Ordinance to admit Bremerton Trap and Skeet Club as a full voting member to this Committee.

Discussion is held regarding that Bremerton Trap and Skeet Club will be regulated under the new Gun Range Ordinance.

A motion is made by Doug O’Connor and seconded by Karanne Gonzalez-Harless appeal to the Kitsap County Board of Commissioners to make an amendment to the current Ordinance to admit the Bremerton Trap and Skeet Club as a full voting member. Our purpose is to allow Bremerton Trap and Skeet Club to fully participate in the current amendment process.

The Vote:
Yes: 7
No: 0
The motion carries.
Action Item: Staff will draft an emergency amendment to the current Ordinance to present to the KC Board of Commissioners.

7:04:17

A motion is made by Brad Smith and seconded by Doug O’Connor that an economic study be done to determine if the rural or existing ranges can survive economically if this Ordinance is passed as written.

Discussion is held regarding how the proposed Ordinance is going to impact the Gun Ranges.

Discussion is held regarding whether the proposed Ordinance will have SEPA (Environmental) review.

Action Item: Staff will check with legal to see if SEPA is required on the proposed Ordinance.

The Vote:
Yes: 1
No: 6
The motion fails.

7:10:01

I. Proposed Future Meeting Schedule
Discussion is held regarding future meetings.

J. Good of the Order
Doug O’Connor suggested the Committee review the letter he submitted from the Poulsbo Sportsman Club.

Discussion is held regarding e-mails from Interested Parties that were submitted to the members of the stake-holders committee and the need to incorporate those e-mails into this Committee’s Matrix.

Action Item: Staff will contact the public that submitted comments to the stake-holders committee to re-submit their comments to this Advisory Committee.

Action Item: Staff should get an analysis from Kitsap County legal regarding Gig Harbor Sportsman Club versus City of Gig Harbor decision and how that decision applies to this Ordinance.

Chair Simpson requested that all information be shared equally with each Committee member by submitting the information to Heather Adams in the Department of Community Development.

Action Item: Staff will get the regulations for the Paul Bunyan Club regulations and the City of Puyallup or County Code in relationship to the Paul Bunyan Club. Also, a Land Use Decision with the regulations.

Discussion is held regarding references to maps discussed during the August 18th meeting.

7:25:56

5
Kitsap County Review Committee Meeting KCC 10.24 – September 26, 2012

A motion was made by Jim Sommerhauser and seconded by Brad Smith to close the meeting.

Time of Adjournment: 7:25:57

EXHIBITS:

A. Operational Shooting Permit Ordinance – Comment Matrix with Attachments

MINUTES approved this ______ day of ______ 2012.

_________________________________________________
Gary Simpson Committee Chair

_________________________________________________
Karen Ashcraft, Secretary

Upcoming Review Committee Meeting

• October 31, 2012 at 6:00 pm
MINUTES
KITSAP COUNTY REVIEW COMMITTEE MEETING
Administration Building - Commissioners Chambers
October 31, 2012 6:00 PM

These minutes are intended to provide a summary of meeting decisions and, except for motions made, should not be relied upon for specific statements from individuals at the meeting. If the reader would like to hear specific discussion, they should visit Kitsap County's Website at http://www.kitsapgov.com/dcd/community_plan/Gun_range_ordinance/grosp.htm and listen to the audio file (to assist in locating information, time-stamps are provided below).

The Kitsap County Review Committee Meeting KCC 10.24 met on the above-stated date at the Kitsap County Administrative Building Commissioner’s Chambers, 619 Division Street, Port Orchard, WA

Members present: Gary Simpson, Larry Keeton, Linda Paralez, Karanne Gonzalez-Harless, Jim Sommerhauser, Brad Smith, Doug O’Connor and Tom Hamilton

Staff present: Heather Adams and Committee Secretary Karen Ashcraft

6:02:58

A. Chair Simpson requested the public to sign in for the public hearing.

6:03:28

A motion is made by Jim Sommerhauser and seconded by Linda Paralez to accept the minutes as submitted.

The Vote:
Yes: 7
No: 0
The motion carries.

6:04:11

B. Oral Comments by the Public
Written comments can be submitted to Heather Adams by the end of business on November 8, 2012.

6:06:00

Mark Miller from Olalla is concerned about range design and engineering principles that includes noise testing.

6:08:06

Gary Curran is in support of the draft revision submitted by the Poulso Sportsman Club. He suggested a review of funding options to support the local gun ranges, particularly Kitsap Rifle and Revolver Club.
Chair Simpson asked about funding for what purpose; to bring KRRC up to current safety standards and privacy fencing.
Tom Hamilton asked where Mr. Curran had reviewed the Poulso Sportsman Club proposed Ordinance; He read it on Poulso Sportsman Club web site.
Doug O’Connor noted that Mr. Curran has technical knowledge of gun ranges and is an active Range Safety Officer.

6:14:21

David Reynard explained the difference of a noise study at Poulsbo Sportsman Club and the Hot Rod “Sound Off Competition.”

6:17:18

Matt Sroka comments on the lack of a noise study and safety issues. He submitted two photos of the surrounding area of Kitsap Rifle and Revolver Club.

6:21:41

Marcus Carter comments on the “No Shooting Zones” in the old Ordinance compared to the new Ordinance.

Jim Sommerhauser asked if any of the competitive shooting sports allow the use of suppressors; Mr. Carter isn’t aware of anyone shooting one during a competition.

Tom Hamilton asked if a suppressor reduced muzzle velocity or power; Mr. Carter stated if it does it would be very minor.

Randal Bragge stated that suppressors reduce noise, doesn’t make the firearm less accurate and doesn’t reduce muzzle velocity. Suppressors can be very expensive. There is a $200.00 federal tax on each one when an unlicensed person purchases or makes one.

6:30:06

Charlie Ely is concerned about the proposed Ordinance and the effects it will have on the current gun ranges in Kitsap County.

6:33:40

Jim Reynolds is a representative from the Poulsbo Sportsman Club. The Club has submitted comments in writing with 14 points, a draft revised Ordinance with language for the Committee’s consideration and a letter from our attorney. A meeting has been arranged between the Poulsbo Sportsman Club’s attorney and Kitsap County’s Prosecutor to discuss the county’s ability to regulate hours and caliber of weapons.

Jim Sommerhauser asked if Kitsap Rifle and Revolver Club would currently meet Poulsbo Sportsman Club’s draft Ordinance suggested regulations regarding sound baffling and other containment; Mr. Reynolds stated he didn’t know if they have recently done a NRA evaluation.

6:38:01

Randal Bragge is concerned the proposed Ordinance will cause the current gun ranges to close.

Larry Keeton asked about the military use of weapons on ranges. Are you aware of any military regulations when the military can use private or public ranges; Mr. Bragge said no.

6:41:45

Marcus Carter stated Kitsap Rifle and Revolver Club are affiliated with the National Rifle Association. Kitsap Rifle and Revolver Club have received an evaluation by the National Shooting Sports Foundation and National Association of Shooting Ranges.

No further public comment.
C. Status of Review Committee Requested Items, Heather Adams, Assistant Planner, DCD
   • Written comment period has been extended to November 8, 2012
   • SEPA will be done prior to the Public Hearing before the Board of County Commissioners
   • City of Bremerton Police Range isn’t open to the public
   • Analysis of Gig Harbor Sportsman Club Decision – currently in process by the Kitsap County Prosecutors
   • Notified Interested Parties and updated the web site regarding the extension of the written comment period to November 8, 2012
   • Legal Notice
   • Researching the Paul Bunyan Shooting Range
   • Analysis will be done by staff on the public comments
   • Bremerton Trap and Skeet Club request to be a permanent member under Title 10.24.105 will have a Work Study before the Board of County Commissioners on November 28, 2012

Chair Simpson reminded everyone that written comment is open until close of business on November 8, 2012.

D. New Business
   Discussion is held regarding the SEPA process.
   Chair Simpson would like to be allowed to attend November 7, 2012 meeting between the Poulsbo Sportsman Club and Kitsap County Prosecutor.

E. Proposed Future Meeting Dates:
   A motion is made by Jim Sommerhauser and seconded by Linda Paralez that the next meeting will be held on Wednesday, December 19, 2012 at 4:30 P.M. in the Port Blakley Conference Room.

The Vote:
   Yes: 7
   No: 0
   The motion carries.

A motion is made by Doug O’Connor and seconded by Jim Sommerhauser to set a time-line for completion of our process and additionally as part of that discussion to determine the form and format of our finished product.
   Discussion is held regarding the time-line and the recommendation of the proposed Ordinance.

An amendment to the motion is made by Doug O’Connor and seconded by Jim Sommerhauser to remove the “form and format” from the motion since it’s understood by the professionals and we postpone establishing a time-line until the meeting of December 19, 2012.
Kitsap County Review Committee Meeting KCC 10.24 – October 31, 2012

The Vote:
Yes: 7
No: 0
The motion carries.

Time of Adjournment: 7:27:04
EXHIBITS:
A. September 26, 2012 Review Committee Follow Up

MINUTES approved this ______ day of ______ 2012.

________________________________________
Gary Simpson Committee Chair

________________________________________
Karen Ashcraft, Secretary

Upcoming Review Committee Meeting
• December 19, 2012 4:30 P.M. Port Blakely Conference Room
MINUTES

KITSAP COUNTY REVIEW COMMITTEE MEETING
Administration Building – Port Blakely Conference Room
January 16, 2013 5:00 PM

These minutes are intended to provide a summary of meeting decisions and, except for motions
made, should not be relied upon for specific statements from individuals at the meeting. If the
reader would like to hear specific discussion, they should visit Kitsap County’s Website at
http://www.kitsapgov.com/dcd/community_plan/Gun_range_ordinance/groom.htm and listen to
the audio file (to assist in locating information, time-stamps are provided below)

The Kitsap County Review Committee Meeting KCC 10.24 met on the above-stated date at
the Kitsap County Administrative Building Port Blakely Conference Room, 619 Division
Street, Port Orchard, WA

Members present: Gary Simpson, Larry Keeton, Linda Paralez, Karanne Gonzalez-Harless, Jim
Sommerhauser, Brad Smith, Doug O’Connor and George Voss for Tom Hamilton

Staff present: Heather Adams and Committee Secretary Karen Ashcraft

5:02:21
A. Chair Simpson opens the meeting with introductions.

5:05:26
B. A motion is made by Jim Sommerhauser and seconded by Karanne Gonzalez-Harless
to accept the minutes as submitted for October 31, 2012.

The Vote:
Yes: 7
No: 0
The motion carries.

5:06:10
C. Heather Adams stated that at the Work Study before Kitsap County Board of Commissioners
regarding the amendment to Kitsap County Code 10.24.105 to add Bremerton Trap and Skeet
Club to the Review Committee are approved and effective immediately.

5:07:32
D. Discussion is held regarding future meeting date for the Review Committee to meet.

5:09:42
A motion is made by Jim Sommerhauser and seconded by Linda Paralez to meet on Wednesday,
every week from 5:00 P.M. to 7 P.M. in the Port Blakely Conference Room.

The Vote:
Yes: 2
No: 5
The motion fails.
Kitsap County Review Committee Meeting KCC 10.24 – January 16, 2013

A motion is made by Jim Sommerhauser and seconded by Linda Paralez to meet on Wednesday every two weeks from 5:00 P.M. to 7:00 P.M. in the Port Blakely Conference Room.

The Vote:
Yes: 7
No: 0
The motion carries.

The meeting dates will be January 30, 2013, February 13, 2013 and February 27, 2013.

Discussion is held regarding increasing the length of the meetings to three hours or 3.50 hours if necessary.

5:14:14

E. Review of Public Comments and Process

Larry Keeton explained the Operational Shooting Permit Ordinance Work Plan Timeline

Discussion is held regarding the Matrix and the process of incorporating these issues into a proposed Ordinance.

Suggested topics of discussion are Noise, Safety and Environmental.

5:24:32

A motion is made by Jim Sommerhauser and seconded by George Voss that the working draft is the Poulsbo Sportsman Club proposal.

Discussion is held regarding the review of the Poulsbo Sportsman Club proposal as a starting point and incorporating previous information received during prior meetings.

The Vote:
Yes: 7
No: 1
The motion carries.

5:35:00

Discussion is held regarding the actual process of the recommendation to the Board of County Commissioners.

5:52:01

A motion is made by Doug O’Connor and seconded by Larry Keeton that we begin the discussion with the higher level elements by agreement are Noise, Safety and Environment in our discussion.

The Vote:
Yes: 8
No: 0
The motion carries.

5:52:52

Discussion is held regarding Kitsap Public Health Department comments.
Kitsap County Review Committee Meeting KCC 10.24 – January 16, 2013

1 Recess: 5:58:20
2 Reconvene: 6:08:27
3
4 6:09:22
5 Linda Paralez explained a “Good Neighbor Agreement” that could be incorporated into the
6 recommendations to the Board of Commissioners in regards to Noise, Safety and Environmental
7 Protection. This would be an official part of the document within a geographical boundary of the
8 range.
9
10 6:22:23
11 Discussion is held regarding Safety.
12  • Bullet Containment
13  • Record Keeping
14  • Rapid Fire Weapons
15  • Type of Targets Used
16  • Design and Uses of Define Shooting Areas
17  • Access and Control
18  • Signage
19  • Safety Training (Range Safety Officers & Users)
20  • Reporting of Violations or Instances
21  • Safety Maintenance
22  • Inspections
23  • Monitoring (On the Range)
24  • Storage of Explosives and Ammunition
25  • Lighting and Time of Day
26
27 Discussion is held regarding each Committee Member may send an e-mail to Heather Adams with
28 their suggested “Topics of Discussion” for Noise and Environment. The end date for these e-mails is
29 Friday, January 25, 2013.
30
31 Doug O’Connor gave a report of the meeting between Kitsap County Prosecutor’s office and Poulsbo
32 Sportsman’s Club Attorney.
33
34 Discussion is held regarding what is the current Poulsbo Sportsman Club proposed Ordinance.
35
36 The next meeting will be held on January 30, 2013 starting at 5:00 P.M. to 8:00 P.M. in the Port Blakely
37 Conference Room.
38
39 Time of Adjournment: 7:10:29
40
41 EXHIBITS:
42  A. Operational Shooting Permit Ordinance Work plan
43  B. Shooting Range Operational Permit Ordinance Catalogue of Comments for 7/2/12 Draft
44  C. Kitsap County’s Original Proposal
45  D. Poulsbo Sportsman Club Ordinance Proposal
46  E. Kitsap Rifle & Revolver Club Ordinance Proposal
MINUTES approved this ______ day of ______ 2012.

__________________________
Gary Simpson Committee Chair

__________________________
Karen Ashcraft, Secretary

Upcoming Review Committee Meeting

- January 30, 2013 at 5:00 P.M. Port Blakely Conference Room
- February 13, 2013 at 5:00 P.M. Port Blakely Conference Room
- February 27, 2013 at 5:00 P.M. Port Blakely Conference Room
Kitap County Review Committee Meeting KCC 10.24 – January 30, 2013

MINUTES
KITSAP COUNTY REVIEW COMMITTEE MEETING
Administration Building – Port Blakely Conference Room
January 30, 2013 5:00 PM

These minutes are intended to provide a summary of meeting decisions and, except for motions made, should not be relied upon for specific statements from individuals at the meeting. If the reader would like to hear specific discussion, they should visit Kitsap County’s Website at http://www.kitsapgov.com/dcd/community_plan/Gun_range_ordinance/grop.htm and listen to the audio file (to assist in locating information, time-stamps are provided below)

The Kitsap County Review Committee Meeting KCC 10.24 met on the above-stated date at the Kitsap County Administrative Building Port Blakely Conference Room, 619 Division Street, Port Orchard, WA

Members present: Gary Simpson, Larry Keeton, Karanne Gonzalez-Harless, Jim Sommerhauser, Brad Smith, Doug O’Connor and George Voss for Tom Hamilton

Members absent: Tom Hamilton and Linda Paralez

Staff present: Heather Adams and Committee Secretary Karen Ashcraft

5:02:07
A. Chair Simpson opens the meeting with introductions.

5:03:25
B. A motion is made by Jim Sommerhauser and seconded by Doug O’Connor to accept the minutes as submitted for January 16, 2013.

The Vote:
Yes: 7
No: 0
The motion carries.

5:04:26
Chair Simpson stated that George Voss is attending this meeting for Tom Hamilton and Linda Paralez is absent from this meeting.

Topics of discussion for this meeting are:
- Safety – Public’s needs for controlled and designated places to obtain skills and training;
- Standards for Range Officer supervision and berm; Safety Plan
- Environment – Scientific sample testing of all areas
- Noise -
- Other – ADA accessibility; Good Neighbor Agreement

5:06:34
Discussion is held regarding “Spent Cartridges” under Environment.

46
Discussion is held under Environment to change scientific sample testing of all outflows to “Scientific sample testing of all areas.”
Kitsap County Review Committee Meeting KCC 10.24 – January 30, 2013

5:12:14
A motion is made by Brad Smith to re-open that issue and take the time to look at each draft of each ordinance and then make a fair and honest decision from that.

5:15:19
Motion fails due to lack of a second.

Discussion is held regarding what standards are applicable for gun range operation and facility.

5:22:15
Discussion is held regarding “Bullet Containment” under Safety.

5:57:25
Discussion is held regarding mitigation for gun range.

6:02:30
Discussion is held regarding the use of the NRA or NSF standards for physical design.

6:10:32
Recess: 6:10:32

6:27:14
Reconvene: 6:27:14

6:27:58
Discussion is held regarding “Rapid Fire” moved to the Noise section of the proposed Ordinance.

6:28:36
Discussion is held regarding “Safety Maintenance.” Further Facility Maintenance and Facility Modifications will be discussed under the heading of “Other.”

6:36:33
Discussion is held regarding “Access and Control.” This will be included under the Administrative Rules.

6:49:42
Discussion is held regarding “Record Keeping.”

6:52:48
Discussion is held regarding “Types of Targets Used.”

7:07:06
Discussion is held regarding “Design and Uses of Defined Shooting Areas.”

7:07:18
Discussion is held regarding “Signage.”

7:07:20
Discussion is held regarding “Safety Training for Range Safety Officers and users.”

7:18:10
Recess: 7:18:10

7:31:11
Reconvene: 7:31:11

7:31:45
Discussion is held regarding “Reporting of Incidents/Violations.”
Kitsap County Review Committee Meeting KCC 10.24 – January 30, 2013

8:03:16

Topics of discussion under “Other” section are: ADA Accessibility and Good Neighbor Agreement, Facility Maintenance, Definitions, Facility Modifications; “Noise” Exploding Targets; “Environment” Rapid Firing.

Good of the Order: Jim Sommerhauser will be unavailable after February 22nd. Brad Smith will have a substitute attending the February meetings for him.

The next meeting will be held on February 13, 2013 starting at 5:00 P.M. to 8:00 P.M. in the Port Blakely Conference Room beginning with the discussion of inspections under Safety.

Time of Adjournment: 8:05:59

EXHIBITS:
   A. 10.24 Review Committee “Ordinance Categories”

MINUTES approved this ______ day of ______ 2013.

_________________________________________________________
Gary Simpson Committee Chair

_________________________________________________________
Karen Ashcraft, Secretary

Upcoming Review Committee Meeting:
   • February 27, 2013 at 5:00 P.M. Port Blakely Conference Room
MINUTES
KITSAP COUNTY REVIEW COMMITTEE MEETING
Administration Building – Port Blakely Conference Room
February 13, 2013 5:00 PM

These minutes are intended to provide a summary of meeting decisions and, except for motions made, should not be relied upon for specific statements from individuals at the meeting. If the reader would like to hear specific discussion, they should visit Kitsap County’s Website at http://www.kitsapgov.com/dcd/community_plan/Gun_range_ordinance/grosp.htm and listen to the audio file (to assist in locating information, time-stamps are provided below)

The Kitsap County Review Committee Meeting KCC 10.24 met on the above-stated date at the Kitsap County Administrative Building Port Blakely Conference Room, 619 Division Street, Port Orchard, WA

Members present: Larry Keeton, Linda Paralez, Karanne Gonzalez-Harless, Jim Sommerhauser, Markus Carter for Brad Smith, Doug O’Connor and Tom Hamilton

Members absent: Gary Simpson and Brad Smith

Staff present: Heather Adams and Committee Secretary Karen Ashcraft

5:02:17
A. Larry Keeton for Chair Simpson opens the meeting with introductions.

5:05:26
B. A motion is made by Jim Sommerhauser and seconded by Doug O’Connor to accept the minutes as submitted for February 13, 2013.

The Vote:
Yes: 6
No: 0
Abstain: 1

The motion carries.

5:03:40
C. Discussion is held regarding the Proposed Revised Revision of the ordinance

5:04:57
Discussion is held regarding the use of the NRA Range Source book to be reviewed as a minimum physical standard for gun ranges.

5:25:45
Discussion is held regarding the presence of a Range Safety Officer on duty during shooting activities.

5:37:41
Discussion is held regarding exploding tanarite targets.

5:53:24
Discussion is held regarding the use of cannons.
Discussion is held regarding signage.

6:03:11

Discussion is held regarding the submittal of an incident report.

Recess: 6:12:35
Reconvene: 6:23:21

6:24:04

Further discussion is held regarding the submittal of an incident report.

6:27:35

Discussion is held regarding training plan.

6:32:11

**Discussion is held regarding noise variance. Further discussion will be held during the review of the Noise section of this proposed Ordinance.

6:49:07

Discussion is held regarding inspection of a facility due to life safety violation.

**Further discussion will be held regarding under what circumstances there would be a Sheriff Department investigation.

7:43:10

New Business:
Discussion is held regarding the upcoming meeting schedule.
Jim Sommerhauser will miss the February 27, March 13 and 27 meetings.

Time of Adjournment: 7:51:00

EXHIBITS:

A. Ordinance Amending Kitsap County Code Concerning Shooting Ranges - 2/12/13
B. 10.24 Review Committee “Ordinance Categories”

MINUTES approved this _______ day of ________ 2013.

______________________________
Gary Simpson Committee Chair

______________________________
Karen Ashcraft, Secretary

Upcoming Review Committee Meeting
• March 13, 2013 at 5:00 P.M. Port Blakely Conference Room
• March 27, 2013 at 5:00 P.M. Port Blakely Conference Room
Kitsap County Review Committee Meeting KCC 10.24 – February 27, 2013

MINUTES
KITSAP COUNTY REVIEW COMMITTEE MEETING
Administration Building – Port Blakely Conference Room
February 27, 2013 5:00 PM

These minutes are intended to provide a summary of meeting decisions and, except for motions made, should not be relied upon for specific statements from individuals at the meeting. If the reader would like to hear specific discussion, they should visit Kitsap County’s Website at http://www.kitsapgov.com/dcd/community_plan/Gun_range_ordinance/grosp.htm and listen to the audio file (to assist in locating information, time-stamps are provided below)

The Kitsap County Review Committee Meeting KCC 10.24 met on the above-stated date at the Kitsap County Administrative Building Port Blakely Conference Room, 619 Division Street, Port Orchard, WA

Members present: Gary Simpson, Jeff Rowe for Larry Keeton, Karanne Gonzalez-Harless, Jim Sommerhauser, Linda Paralez, Marcus Carter for Brad Smith, Doug O’Connor and George Voss for Tom Hamilton

Members absent: Larry Keeton, Tom Hamilton and Brad Smith

Staff present: Heather Adams and Committee Secretary Karen Ashcraft

A. Chair Simpson opens the meeting with introductions of Committee Members and members from the public.

5:06:39

5:09:36

B. A motion is made by Linda Paralez and seconded Jim Sommerhauser to accept the minutes as submitted for February 13, 2013.

The Vote:
Yes: 7
No: 0
Abstain: 1

The motion carries.

Heather Adams gave an overview of the February 13th meeting.

Discussion is held regarding the “inspections”. Chair Simpson requests to hold further discussion of Sheriff Department involvement in inspections when Larry Keeton is in attendance to the meeting.

Discussion is held regarding monitoring of shooting areas while in use as a safety issue. There are two parts Public shooting hours and Members only shooting hours.

Discussion is held regarding the storage of explosives and ammunition.
Discussion is held regarding lighting and time of day.

Discussion is held regarding safety records basis needs to be on factual evidence.

Discussion is held regarding public need for controlled and designated places to obtain skills and training.

Discussion is held regarding safety plan of gun ranges.

Recess: 6:00:43
Reconvene: 6:13:58
Discussion is held regarding standards for Range Officer supervision and berms.

Discussion is held regarding waste management under the Environment section (Targets, Retention of Materials and General debris were removed from the list).
- Request the Kitsap Public Health District attend the February 27th meeting to discuss their criteria on lead.

Discussion is held regarding cleaning/cutting of vegetation.

Discussion is held regarding regulatory authority.

Discussion is held regarding rapid fire under noise.
- The Committee request's Larry Keeton submit the Department of Community Development’s point of view on the noise and hours element of the proposed ordinance.

Discussion is held regarding committee membership.

Discussion is held regarding notification process.

Discussion is held regarding appeals and variance was discussed during the February 13th meeting.

Discussion is held regarding “grandfathering” of ranges.
- Heather will send the RCW for the Committee to review “grandfathering”.
Kitsap County Review Committee Meeting KCC 10.24 – February 27, 2013

7:49:04

- Heather will distribute the “Good Neighbor Agreement” for Committee members to review.

7:50:31

The next two meetings are scheduled for March 13th and March 27th.

Time of Adjournment: 7:54:04

EXHIBITS:

A. 10.24 Review Committee “Ordinance Categories”
B. Ordinance Amending Kitsap County Code Concerning Shooting Ranges
C. Ordinance Amending Kitsap County Code Concerning Shooting Ranges
D. Revised Code of Washington (excerpted) WAC 173-60-040
E. Letter from Margaret Y. Archer, Attorney Poulsbo Sportsman Club

MINUTES approved this 17th day of APRIL 2013.

Gary Simpson Committee Chair

Karen Ashcraft, Secretary

Upcoming Review Committee Meeting:

- March 13, 2013 at 5:00 P.M. Port Blakely Conference Room
Kitsap County Review Committee Meeting KCC 10.24 – March 13, 2013

MINUTES
KITSAP COUNTY REVIEW COMMITTEE MEETING
Administration Building – Port Blakely Conference Room
March 13, 2013 5:00 PM

These minutes are intended to provide a summary of meeting decisions and, except for motions made, should not be relied upon for specific statements from individuals at the meeting. If the reader would like to hear specific discussion, they should visit Kitsap County’s Website at http://www.kitsapgov.com/dcd/community_plan/Gun_range_ordinance/grosp.htm and listen to the audio file (to assist in locating information, time-stamps are provided below)

The Kitsap County Review Committee Meeting KCC 10.24 met on the above-stated date at the Kitsap County Administrative Building Port Blakely Conference Room, 619 Division Street, Port Orchard, WA

Members present: Gary Simpson, Larry Keeton, Linda Paralez, Karanne Gonzalez-Harless, Jim Sommerhauser, and Marcus Carter for Brad Smith, Jim Reynolds for Doug O’Connor and George Voss for Tom Hamilton

Staff present: Heather Adams and Committee Secretary Karen Ashcraft

5:03:40
A. Chair Simpson opens the meeting with introductions of Committee members and community.

5:06:37
Chair Simpson and Larry Keeton’s discussion regarding Section J. Section 2 is in regards to Sheriff’s office investigation and Section 3 will be removed from the proposed Ordinance.

5:12:33
A motion is made by Jim Sommerhauser and seconded by Linda Paralez to delete in its entirety paragraph 2 and reference to the county chair in paragraph 3.

Jim Sommerhauser amended his motion and seconded by Linda Paralez to remove paragraph 2 and paragraph 3.

Vote:
Yes: 7
No: 0
The motion passes.

5:13:41
Discussion is held regarding page 8 “H” really belongs in 10.24 103E – B&C. This is in regard to a shot gun club firing points.

5:22:35
A motion is made by Jim Sommerhauser and seconded by Linda Paralez to use the phrase firing lines or firing area of paragraph B.
Kitsap County Review Committee Meeting KCC 10.24 – March 13, 2013

1 Vote:
2 Yes: 7
3 No: 0
4 The motion passes.
5
6 5:23:18
7 Chair Simpson item J struck paragraph 2 and 3.
8 5:24:48
9 Discussion is held regarding the section on Noise in the proposed Ordinance.
10
11 6:25:31
12 A motion is made by Jim Sommerhauser and seconded by Karanne Gonzales-Harless that the
13 Committee recommends to the Board of County Commissioners the approval of funding and DCD to
14 contract unannounced short term sound study at all three ranges so the Committee can use the
15 results of those noise study to establish a base line for the items in this section and for whatever
16 section to cover days and hours.
17
18 Jim Sommerhauser amends his motion to the two clubs in the residential zone. Karanne Gonzales-
19 Harless agrees.
20
21 Vote:
22 Yes: 3
23 No: 3
24 Abstain: 2
25 The motion fails.
26 6:35:23
27 Discussion is held regarding nuisance abatement.
28   • Larry Keeton will discuss with KC Prosecutor the aspects of a court injunction.
29
30 Recess: 6:45:00
31 Reconvene: 6:59:43
32
33 6:59:43
34 Introduction of Keith Greliner, Director of Environmental Health, Richard Bazzell and Grant Holdcroft
35 from Solid & Hazardous Waste Program of Kitsap Public Health District
36
37 Overview is given regarding the Health District’s role in solid and hazardous waste public complaints.
38 KPHD subcontract’s with WS Department of Ecology doing site visits for hazardous assessment. KPHD
39 is the solid and hazardous waste enforcement authority for Kitsap County. KPHD requests that the
40 gun ranges establish a Lead Recovery Plan for each range in this proposed Ordinance.
41 7:25:43
42 A motion is made by Linda Paralez and seconded by Jim Reynolds that each shooting facility
43 operator shall reclaim the lead deposited by shooting activities and develop a lead plan utilizing the
44 recommendations of the Environmental Protection Agency’s “Best Management Practice” for lead
45 at outdoor shooting ranges.
Kitsap County Review Committee Meeting KCC 10.24 – March 13, 2013

1 Vote:
2 Yes: 5
3 No: 2
4 The motion carries.

7:27:18
5 Discussion is held regarding the language for noise control.
6 • Good Neighbor Agreement and other exemptions (Industrial zone) language will be
7 reviewed and presented at March 27, 2013 meeting.

7:38:50
8 A motion is made by Marcus Carter and seconded by George Voss to include the letter dated
9 September 7, 1993 and signed by WIn Granlund, Kitsap County Commissioner specially naming four
10 gun range clubs as “grandfathered non-conforming uses” to be included into the Review Committee
11 record.

12 Vote:
13 Yes: 7
14 No: 0
15 The motion carries.

7:40:26
16 Discussion is held regarding the days that the gun ranges would be closed.

7:48:21
17 Good of the Order:
18 Review of the proposed Ordinance
19 Discussion of Grant issuance for KRRC
20 Review Committee Meetings are April 10 and April 24
21
22 The next meeting will be held on March 27, 2013 starting at 5:00 P.M. to 8:00 P.M. in the Port Blakely
23 Conference Room.

24 Time of Adjournment: 7:53:23

36 EXHIBITS:
37 A. 10.24 Review Committee – Ordinance Categories
38 B. Letter from Margaret Y. Archer, Attorney for Poulsbo Sportsman Club
39 C. Ordinance No. 50-A-1985
40 D. Ordinance 50-B- 1993
41 E. Ordinance 50-C- 1994
42 F. Ordinance 50-E-1997
43 G. Ordinance 50-G-2000
44 H. Revised Code of Washington (Excerpted) WAC 173-60-050
45 I. Ordinance Amending Kitsap County Code Concerning Shooting Ranges
46 J. Good Neighbor Agreements
47 K. Larry Keeton Letter with Court of Appeals Ruling Denying Review gig Harbor Sportsman’s
48 Club
Kitsap County Review Committee Meeting KCC 10.24 – March 13, 2013

L. Letter from Keith Grellner, Director of Environmental Health, Kitsap Public Health District, July 19, 2012
M. RCW 70.107 Noise Control from Jim Reynolds
N. CRM Cases
O. Letter from Kitsap County Commissioner Win Granlund dated September 7, 1993

MINUTES approved this ___ day of ____ , 2013.

Gary Simpson Committee Chair
Karen Ashcraft, Secretary

Upcoming Review Committee Meeting
- March 27, 2013
- April 10, 2013
Kitsap County
Board of Commissioners

September 7, 1993

Kitsap Rifle & Revolver Club, Inc.
4900 Seabeck Highway
Bremerton, WA 98330

Poulsbo Sportsman Club, Inc.
10990 Clear Creek Road NW
Poulsbo, WA 98370

Kingston Junior Marksmen Club, Inc.
c/o Mike Hastings
25846 Norman Road
Kingston, WA 98346

Bremerton Trap & Skeet Club, Inc.
3956 State Highway #3 SW
Port Orchard, WA 98366

Re: Ordinance 50-B-1993

Dear Sirs:

Pursuant to your requests, this letter is to confirm that the shooting ranges your organizations currently have in use, which are listed above, are considered by Kitsap County to be lawfully established, non-conforming uses (grandfathered).

We are requesting that you submit a legal description of the parcel that your range is located on. Please send these to Mark H. Grimm, Kitsap County Community Development, 614 Division Street, MS #36, Port Orchard, WA 98366. This should help avoid any problems in the future.

Thank you for your assistance. I look forward to working with you on this matter.

Sincerely,

Win Granlund, Chairman
KITSAP COUNTY BOARD OF COMMISSIONERS

WG:MHG:jcf
614 Division Street • Port Orchard, Washington 98366 • (206) 870-7149
SCAN 203-7149 • FAX (206)895-3832
Toll Free from • Poulsbo, Kingston 779-1008 • Olalla 891-4147 • Belfordridge Island 862-2082
Kitsap County Review Committee Meeting KCC 10.24 - April 17, 2013

MINUTES
KITSAP COUNTY REVIEW COMMITTEE MEETING
Administration Building - Port Blakely Conference Room

April 17, 2013 5:00 PM

These minutes are intended to provide a summary of meeting decisions and, except for motions made, should not be relied upon for specific statements from individuals at the meeting. If the reader would like to hear specific discussion, they should visit Kitsap County's Website at http://www.kitsapgov.com/dcd/community_plan/Gun_range_ordinance/proc.htm and listen to the audio file (to assist in locating information, time-stamps are provided below)

The Kitsap County Review Committee Meeting KCC 10.24 met on the above-stated date at the Kitsap County Administrative Building Port Blakely Conference Room, 619 Division Street, Port Orchard, WA

Members present: Gary Simpson, Larry Keeton, Karanne Gonzalez-Harless, Jim Sommerhauser, Linda Paralez, Marcus Carter for Brad Smith, Doug O’Connor and George Voss for Tom Hamilton

Members absent: Tom Hamilton and Brad Smith

Staff present: Heather Adams and Committee Secretary Karen Ashcraft

5:07:06

Discussion is held regarding outside recordings of this meeting. The official audio will be on the web site tomorrow morning (April 18, 2013).

A. Chair Simpson opens the meeting with introductions of Committee Members and members from the public.

5:12:28

B. A motion is made by Jim Sommerhauser and seconded by Linda Paralez to accept the minutes as submitted for February 27, 2013.

The Vote:
Yes: 7
No: 0
The motion carries.

5:13:27

C. A motion is made by Marcus Carter and seconded by Doug O’Connor to correct the minutes of March 13, 2013 regarding his motion; to state the letter of September 7, 1993 signed by Commissioner Win Granlund, Kitsap County Commissioner specially naming four gun range clubs as “grandfathered non-conforming uses” to be included into the Review Committee record.

The Vote:
Yes: 7
No: 0
The motion carries.
5:15:15  
Presentation on Using a Public Nuisance “Trigger” for Noise-Related Permit Conditions by Larry Keeton  
Discussion is held regarding noise as a public nuisance.

6:10:29  
A motion is made by Doug O’Connor and seconded by George Voss to postpone further discussion on amendments to the proposed ordinance until and when DCD comes forward with its recommendation of precise language pertaining to section 10.24.104.

6:13:07  
The Vote:  
Yes: 7  
No: 0  
The motion carries.

6:13:07  
Linda Paralez presented an explanation of the Good Neighbor Agreement.  
Discussion is held regarding the “Good Neighbor Agreement.”

Recess: 6:44:42  
Reconvene: 7:03:34

Discussion is continued regarding the “Good Neighbor Agreement.” Linda Paralez will submit a draft of a “Good Neighbor Agreement.”

7:06:43  
The next Review Committee meetings will be held on May 8, 2013 and May 22, 2013. Discussion was held regarding using the Chambers giving more space for the community and leaving the left front door open until 6:00 P.M.

7:10:05  
Discussion is held regarding inviting a Sound Engineer to give an overview regarding noise.

7:32:49  
A motion is made by Jim Sommerhauser and seconded by George Voss that the Review Committee drafts a letter to “Safe and Quiet” asking what their expectations are regarding noise.

Doug O’Connor amended the motion and George Voss seconded the amendment to read that DCD draft the letter.

A motion is made by Jim Sommerhauser and seconded by George Voss that the Committee draft a letter you are assigning DCD to do, to send to “Safe and Quiet” ask what their expectation are on noise.

The Vote:  
Yes: 7  
No: 0  
The motion carries.
Kitsap County Review Committee Meeting KCC 10.24 – April 17, 2013

7:34:08

Action Items: DCD to prepare a letter to “Safe and Quiet”.
Linda Paralez will provide language regarding “Good Neighbor Agreement”
Sound Engineer to give a presentation on noise.
Larry Keeton will check with Development Engineering regarding stormwater re-design.

Upcoming Items to Discuss: Definitions, Facility Maintenance [lead], Facility Modification, Noise (Holidays) Re-design modifications.

7:45:57

Good of the Order:
Doug O’Connor request the material be sent to Committee members at least a week in advance for review.
Marcus Carter has concerns regarding Heritage Park and boundary line of KRRC.

Time of Adjournment: 7:50:38

EXHIBITS:
A. 10.24 Review Committee
B. Ordinance Amending Kitsap County Code Concerning Shooting Ranges
C. Presentation on Using a Public Nuisance “Trigger” for Noise-Related Permit Conditions
D. Bremerton Trap & Skeet Club – range Safety Rules

MINUTES approved this 18th day of APR, 2013

Gary Simpson Committee Chair

Karen Ashcraft, Secretary

Upcoming Review Committee Meeting:
May 8, 2013 at 5:00 P.M. Port Blakely Conference Room
Kitsap County Review Committee Meeting KCC 10.24 - September 18, 2013

MINUTES
KITSAP COUNTY REVIEW COMMITTEE MEETING
Administration Building - Port Blakely Conference Room
September 18, 2013 5:00 PM

These minutes are intended to provide a summary of meeting decisions and, except for motions made, should not be relied upon for specific statements from individuals at the meeting. If the reader would like to hear specific discussion, they should visit Kitsap County’s Website at http://www.kitsapgov.com/dcd/community_plan/Gun_range_ordinance/rosp.htm and listen to the audio file (to assist in locating information, time-stamps are provided below).

The Kitsap County Review Committee Meeting KCC 10.24 met on the above-stated date at the Kitsap County Administrative Building Port Blakely Conference Room, 619 Division Street, Port Orchard, WA

Members present: Gary Simpson, Larry Keeton, Karanne Gonzalez-Harless, Jim Sommerhauser, Linda Paralez, Marcus Carter, Jim Reynolds and Tom Hamilton

Members absent: Doug O'Connor

Guests: Shelley Kneip, KC Deputy Prosecutor and Kerrie Standlee, Acoustical Engineer, Daly Standlee & Assoc., Inc.

Staff present: Heather Adams and Committee Secretary Karen Ashcraft

5:03:53

A. Chair Simpson opens the meeting with introductions of Committee Members and members from the public.

B. A motion is made by Jim Reynolds and seconded by Marcus Carter to approve the corrected minutes submitted for March 13, 2013.

The Vote:
Yes: 7
No: 0
The motion carries.

5:06:02

C. A motion is made by Jim Sommerhauser and seconded by Tom Hamilton to approve the minutes as submitted for April 17, 2013.

The Vote:
Yes: 7
No: 0
The motion carries.

5:07:10

Chair Simpson introduced Kerrie Standlee, Acoustical Engineer from Daly-Standlee & Associates located in Beaverton, Oregon. He is a registered Acoustical Engineer in the state of Oregon. He has
been working in the field of acoustics since 1975 and has performed noise studies for several shooting
ranges in Oregon and Washington.

Mr. Standlee was contacted by Dr. Paul Schomer (located in Illinois), to help collect data for noise
study criteria for Kitsap County Ordinance.

Dr. Schomer was contacted by Kitsap County Prosecutor to do a noise analysis presentation

- Kitsap County Acoustics 101 by Kerri Standlee
- Conducting the test: Request the gun ranges submit a representation of their loudest firearms
- Measurements will be conducted: Forward, Both Sides & Rear
- Request from the ranges: What area is used for different type of firearm, i.e. shot gun, pistol, etc.

Discussion is held regarding the noise study process.

6:14:16

A motion is made by Jim Sommerhauser and seconded by Tom Hamilton to put sound back on the
table and let rest there while they go and develop their testing plan and once they have got that
done, if DCD could forward that to us and again in enough time, probably two weeks ahead of any
meeting date, so that the clubs, the citizen, whoever has a chance to look at it before we sit down
and talk about it.

6:15:19

A motion is made by Marcus Carter and seconded by Tom Hamilton that the data that has been
collected to date be provided to this committee.

The Vote:
Yes: 2
No: 5
The motion fails.

6:17:23

We put the sound discussion on the table. The next time it will come up is two weeks after we are
provided whatever the testing plan that the professionals are proposing.

The Vote:
Yes: 6
No: 0
Abstain: 1
The motion carries.

Recess: 6:17:49
Reconvene: 6:32:59
Kitsap County Review Committee Meeting KCC 10.24 – September 18, 2013

1. Action Items: Larry Keeton sent a letter to Safe and Quiet. (Safe and Quiet sent a response). Linda Paralez submitted language for “Good Neighbor Agreement.” Larry Keeton will check with Development Engineer regarding storm water redesign.

6:34:46

Larry Keeton explained the Pierce County adoption of county code ordinance protecting five gun ranges.

6:45:44

Marcus Carter reminded the committee of the proposed additional language from the KRRC to be reviewed during future committee meetings especially noise.

6:47:26

Good of the Order: Chair Simpson

Discussion is held regarding future meeting dates.

Chair Simpson suggested the committee members consider what type of testing results they would like to see, i.e. calibers, type of circumstances, conditions, environmental issues, etc.

Discussion is held regarding the preliminary test that was done by Mr. Standlee.

Discussion is held regarding the remaining issues are major issues on sound and facility maintenance and modifications. Also, is there anything else in the ordinance that the committee needs to review and address.

6:57:32

A motion is made by Jim Reynolds and seconded by Tom Hamilton that we accept all of the changes that are in the current draft document and not include the noise section at this time.

The Vote:

Yes: 6

No: 1 – Correction to vote by Marcus Carter

The motion carries.

Heather Adams will re-send letter from CK Safe & Quiet, the link to the contract, the “Good Neighbor Agreement" KCC Title 10.24 revision one and Stormwater re-design.

Time of Adjournment: 7:01:14

EXHIBITS:

A. MINUTES approved this day of , 2013.

Gary Simpson, Committee Chair

Karen Ashcraft, Secretary
Upcoming Review Committee Meeting:

- May 8, 2013 at 5:00 P.M. Port Blakely Conference Room
MINUTES

KITSAP COUNTY REVIEW COMMITTEE MEETING
Administration Building – Port Blakely Conference Room
February 19, 2014 6:00 PM

These minutes are intended to provide a summary of meeting decisions and, except for motions made, should not be relied upon for specific statements from individuals at the meeting. If the reader would like to hear specific discussion, they should visit Kitsap County’s Website at http://www.kitsapgov.com/dcd/community_plan/Gun_range_ordinance/gros.htm and listen to the audio file (to assist in locating information, time-stamps are provided below)

The Kitsap County Review Committee Meeting KCC 10.24 met on the above-stated date at the Kitsap County Administrative Building, Port Blakely Conference Room, 619 Division Street, Port Orchard, WA

Members present: Deputy Sheriff Gary Simpson, Linda Paralez, Karanne Gonzalez-Harless, Jim Sommerhauser (By Telephone), Marcus Carter, Tom Hamilton, Jim Reynolds and Larry Keeton

Staff present: Heather Adams and Committee Secretary Karen Ashcraft

6:02
A. Chair Simpson opens the meeting with introductions of Committee Members and members from the public.
B. Approval of September 18, 2013 minutes
Correction of the minutes by Chair Simpson on page 3 and correction to the vote by Marcus Carter regarding the acceptance of the changes of the current draft document and not include the noise section at this time. Marcus Carter had voted no.

A motion is made by Jim Sommerhauser and seconded by Linda Paralez to approve the minutes as amended.

The Vote:
Unanimous
The motion carries.

Discussion is held regarding the initial invalid noise test and future noise studies. No other noise studies will be completed. Jim Reynolds submitted a “Sound Pressure/Sound Pressure Level” sheet.

Action Item: Chair Simpson will submit an e-mail from (Kerrie Standlee or Dr. Paul Schomer).

Discussion is held regarding various page corrections to the Ordinance (i.e. page 7 item #4 typo corrections, page 5 Signage).

Discussion is held regarding Signage according to the NRS Source Book, wetland/buffer areas for signage. This information will be located in the “Shooting Facility & Layout” section of the code.

Discussion is held regarding the maintenance of interior/exterior berms and re-arrangement of the interior berms each month.
Discussion is held regarding the movement/maintenance of dirt. If more then 150 c.y. is moved then a Site Development Activity Permit is required for grading.

Action Item: Larry Keeton will request from Kitsap County Department of Community Development Engineering section KCC for the movement of dirt.

Discussion is held regarding WS Department of Ecology regulations for noise.

Letter dated March 10, 2013 from Larry Keeton was re-submitted by Jim Reynolds.

A motion is made by Jim Reynolds and seconded by Karanne Gonzalez-Harless that the committee schedule a teleconference with Breeden McFarland of WS Department of Ecology to discuss DOE’s position regarding RCW.70.107.060 (4).

An amendment to the motion by Jim Reynolds and seconded by Tom Hamilton that Poulsbo Sportsman Club will request a written response from WS Department of Ecology regarding RCW.70.107.060 (4).

The Vote:
Yes: 8
No: 0

The motion carries.

Discussion is held regarding request to review the Kitsap Rifle & Revolver Club’s current Rules of Functioning. The Committee agreed to use the Poulsbo Sportsman Club proposed ordinance language.

Further discussion is held regarding the noise study. Dr. Schomer didn’t accept the requested testing criteria.

Discussion is held regarding the determination of 90 decibels.

C. Chair Simpson: Good of the Order

Letter from WS Department of Ecology – Jim Reynolds
Letter from Dr. Schomer – Larry Keeton
Minority Report
Letter from Safe & Quiet – Heather Adams
Language regarding Maintenance of dirt/Stormwater – Larry Keeton

Next meeting will be March 12, 2014 at 6:00 P.M.

Time of Adjournment: 7:28

EXHIBITS:
A. Sound Pressure/Sound Pressure Level
B. Letter from Larry Keeton with Attachment (March 10, 2013)
C. Letter from David S. Mann, Attorney CK Safe & Quiet, LLC (5/21/13)
MINUTES approved this 12th day of March 2014.

Gary Simpson Committee Chair

Karen Ashcraft, Secretary

Upcoming Review Committee Meeting

- March 12, 2014 at 6:00 P.M.
Kitsap County Review Committee Meeting KCC 10.24 – March 12, 2014

MINUTES

KITSAP COUNTY REVIEW COMMITTEE MEETING
Administration Building – Port Blakely Conference Room
March 12, 2014 6:00 PM

These minutes are intended to provide a summary of meeting decisions and, except for motions made, should not be relied upon for specific statements from individuals at the meeting. If the reader would like to hear specific discussion, they should visit Kitsap County’s Website at http://www.kitsapgov.com/dcd/community_plan/Gun_range_or[...]e file (to assist in locating information, time-stamps are provided below)

The Kitsap County Review Committee Meeting KCC 10.24 met on the above-stated date at the Kitsap County Administrative Building, Port Blakely Conference Room, 619 Division Street, Port Orchard, WA

Members present: Deputy Sheriff Gary Simpson, Linda Paralez, Karanne Gonzalez-Harless, Jim Sommerhauser, Marcus Carter, George Voss, Doug O’Connor and Larry Keeton

Staff present: Heather Adams and Committee Secretary Karen Ashcraft

6:01:54

A. Chair Simpson opens the meeting with introductions of Committee Members and members from the public.

B. Approval of February 19, 2014 minutes

A motion is made by Linda Paralez and seconded by Jim Sommerhauser to approve the minutes as amended.

The Vote:

Unanimous

The motion carries.

An e-mail has been submitted from Kerrle Standlee explaining the 90 decibels in the Cowlitz County Ordinance.

Discussion is held regarding Chapter 12.10 “the movement of dirt” and the need for an explanation in the gun range application (operating permit) regarding maintenance plan.

Discussion is held regarding what is considered “Grandfathered” of a facility.

Discussion is held regarding the shooting directions in the initial permit.

Discussion is held regarding the movement of dirt/maintenance of berms and Stormwater control needs to be included in the permit application. If more then 150c.y. is moved then a Site Development Activity Permit is required for grading.

Discussion is held regarding WS Department of Ecology (RCW 70) regulations for noise. The WSDOE comments are forth coming.
Kitsap County Review Committee Meeting KCC 10.24 – March 12, 2014

Discussion is held regarding the Noise Matrix to address noise in the Ordinance.

Discussion is held regarding the e-mail from Kerrie G. Stanlee. Cowlitz County Code 10.22.040 is the explanation of noise and historical established gun clubs.

Discussion is held regarding the Noise Matrix to address noise in the Ordinance.

Recess: 7:07:42

ftp://kcwppub3.co.kitsap.wa.us/dcd/audio/cy2014/Gun Club Hearing 20140312PM-Pt1.wma

Reconvene: 7:19:45

Discussion is continued regarding the Noise Matrix.

Marcus Carter commented on United State Constitution Title 18 to the rights of the citizens.

Discussion is held regarding the Cowlitz County Gun Range and the noise study results.

Discussion is held regarding the letter from Dr. Schomer and the determination of 86 DB.

A motion is made by Marcus Carter and seconded by Linda Paralez to schedule the next meeting for April 2, 2014. Since three Committee members are unavailable on April 2, 2014, the next meeting will be held on April 9, 2014 at 6:00 P.M. with a proposed teleconference call with Dr. Schomer.

C. Chair Simpson: Good of the Order

ftp://kcwppub3.co.kitsap.wa.us/dcd/audio/cy2014/Gun Club Hearing 20140312PM-Pt2.wma

Time of Adjournment: 8:46:35

EXHIBITS:

A. E-mail from Kerrie G. Standlee
B. Kitsap County Code 12.10 Permits SDAP & 12.16 Grading
C. Options Related to Noise Matrix 3-12-14
D. Recommended Metric & Criterion to be Used for Firing Range Regulation from Dr. Paul Schomer, Schomer & Associates, Inc. 3/10/14
E. Kitsap County Proposed Noise Language
F. Ordinance Amending Kitsap County Code Concerning Shooting Ranges – Revised 2/19/14

MINUTES approved this ___ day of ___ 2014

Gary Simpson, Committee Chair
Karen Ashcraft, Secretary
1. Upcoming Review Committee Meeting
   2. April 9, 2014 at 6:00 P.M.
Kitsap County Review Committee Meeting KCC 10.24 – April 9, 2014

MINUTES

KITSAP COUNTY REVIEW COMMITTEE MEETING
Administration Building – Port Blakely Conference Room
April 9, 2014 6:00 PM

These minutes are intended to provide a summary of meeting decisions and, except for motions made, should not be relied upon for specific statements from individuals at the meeting. If the reader would like to hear specific discussion, they should visit Kitsap County’s Website at http://www.kitsapgov.com/dcd/community_plan/Gun_range_ordinance/grosp.htm and listen to the audio file (to assist in locating information, time-stamps are provided below)

The Kitsap County Review Committee Meeting KCC 10.24 met on the above-stated date at the Kitsap County Administrative Building, Port Blakely Conference Room, 619 Division Street, Port Orchard, WA

Members present: Deputy Sheriff Gary Simpson, Linda Paralez, Karanne Gonzalez-Harless, Jim Sommerhauser, Marcus Carter, Tom Hamilton, Doug O’Connor and Larry Keeton

Staff present: Heather Adams and Committee Secretary Karen Ashcraft

6:01:57

A. Chair Simpson opens the meeting with introductions of Committee Members.

B. Approval of March 12, 2014 minutes.

A motion is made by Linda Paralez and seconded by Jim Sommerhauser to approve the minutes as presented.

Marcus Carter would like to have the minutes include US Code Title 18 regarding deprivation of rights action.

Jim Sommerhauser amended the motion second by Doug O’Connor to include Marcus Carter’s statement to the minutes regarding US Code Title 18.

The Vote:
Yes: 6
No: 1

The motion carries.

Discussion is held regarding where the local gun ranges are incorporated into Dr. Schomer’s report.

Discussion is held regarding the questions submitted to Dr. Schomer.

A. Recommendation of 86 DB on scientific studies of flat feet measurement, what would be the impact to the 90 DB used?

B. Please explain the relative difference between 86 flat peak wave compared to the 90 A-weighted use in Cowlitz County.

C. Would an 86 flat peak wave be approximately the same as a standard A-weighted 90 DB? or would it be relatively quieter?

Your document seems to suggest that an A-weighted SEL or 50 to 60 DB would be roughly equivalent to a weighted 80 to 90 peak level.
D. Please explain further the correlation between a flat weighted peak and an A-weighted measurement.

Marcus Carter requested the submitted five specific questions from Kitsap Rifle and Revolver Club be submitted to Dr. Schomer for a response.

Point of Order: 10.24 Committee will submit to Dr. Schomer the questions from Kitsap Rifle and Revolver Club.

6:29:48

A motion is made by Doug O’Conner to postpone further discussion regarding the questions from Marcus Carter, Kitsap Rifle and Revolver Club until Good of the Order.

Jim Sommerhauser presented a compromise (distributed Ballistic Tables from the web) to establish muzzle energy. The proposal is to limit time and use above certain muzzle energy. Above 6998 for rifle cartridges eliminates five guns and above 2000 pistol cartridges eliminates two guns. Instead of prohibiting use, we review these calibers and use them Monday-Saturday from 10:00 A.M. to 6:00 P.M. And propose 10:00 A.M. to 6:00 P.M., Monday-Saturday for rapid fire this would include more then three long guns shooting rapid fire and more then eight hand guns shooting rapid fire. If a club decides to go outside this time frame then make an application for a waiver (15 per year).

Discussion is held regarding Jim Sommerhauser’s proposal.

ftp://kcwppub3.co.kitsap.wa.us/dcd/audio/cy2014/Gun Club Hearing 20140409PM-Pt1.wma

Recess: 6:52:31

Reconvene: 7:04:44

Terry Allison, Representative from Safe and Quiet would like to review the concept and have the opportunity to express an opinion.

Discussion continues on Jim Sommerhauser’s proposal.

Discussion is held regarding a “Good Neighbor Agreement”.

7:20:21

A motion is made by Jim Sommerhauser and seconded by Doug O’Connor for Jim Sommerhauser and Jim Reynolds to write language for the Jim Sommerhauser proposal. This will be submitted to the Safe and Quiet Group for review and comment.

Doug O’Connor amends the motion that Safe and Quiet be provided the language “off line” since they are not part of the Committee.

The Vote:

Yes: 6

No: 1

The motion carries.

Discussion is held regarding Dr. Schomer’s Report; no further review at this time.
Discussion is held regarding tabling the Noise Matrix.

A motion is made by Doug O'Connor and seconded by Jim Sommerhauser to approve the up to date official draft Ordinance. To make it the official Draft, so we are working off one Ordinance.

Discussion is held regarding the draft Ordinance that the Committee had accepted a document up to a certain point and this incorporates the loose ends and some language updates. This new draft Ordinance remains silent on noise.

The motion is to accept the new Draft Ordinance as the latest working copy. This copy is “PSC Add Article 4 – April 8, 2014. This is the discussion Draft Ordinance.

A discussion is held regarding what the purpose is for Shooting Ranges.

The Vote:
Yes: 4
No: 3
The motion carries.

Discussion is held regarding the No Shooting section of the Draft Ordinance.

Next meeting: April 23, 2014

C: Chair Simpson: Good of the Order

Marcus Carter request the five questions be submitted to Dr. Schomer. Chair Simpson request Marcus Carter send the questions to Heather Adams (See Attached).

ftp://kcwp.gov3.co.kitsap.wa.us/dcd/audio/cy2014/Gun Club Hearing 20140409PM-Pt2.wma

Time of Adjournment: 7:37:12

EXHIBITS:
A: Draft Ordinance Revised 2/19/14
B: Noise Matrix
C: Selecting a Gun Range Metric and Criterion and its Enforcement – Final Draft 4/7/14
D: Draft Ordinance – PSC Add Article 4 – 4/8/14
E: Rifle Ballistics Summary – 4/9/14
F: Handguns/Cartiridges/Ballistics – 4/9/14

MINUTES approved this day of 2014.

Gary Simpson Committee Chair

Karen Ashcroft, Secretary

Upcoming Review Committee Meeting
- April 23, 2014 at 6:00 P.M.
MINUTES
KITSAP COUNTY REVIEW COMMITTEE MEETING
Administration Building – Port Blakely Conference Room
April 23, 2014 6:00 PM

These minutes are intended to provide a summary of meeting decisions and, except for motions made, should not be relied upon for specific statements from individuals at the meeting. If the reader would like to hear specific discussion, they should visit Kitsap County’s Website at http://www.kitsapgov.com/dcd/community_plan/Gun_range_ordinance/grop.htm and listen to the audio file (to assist in locating information, time-stamps are provided below)

The Kitsap County Review Committee Meeting KCC 10.24 met on the above-stated date at the Kitsap County Administrative Building, Port Blakely Conference Room, 619 Division Street, Port Orchard, WA

Members present: Deputy Sheriff Gary Simpson, Karanne Gonzalez-Harless, Jim Sommerhauser, Marcus Carter, Tom Hamilton, Doug O’Connor and Larry Keeton

Member absent: Linda Paralez

Staff present: Heather Adams and Committee Secretary Karen Ashcraft

6:00:15
A. Chair Simpson opens the meeting with introductions of Committee Members.
B. Approval of April 9, 2014 minutes.

A motion is made by Jim Sommerhauser and seconded by Doug O’Connor to approve the minutes as presented.

The Vote:
Yes: 6
No: 0
Abstain: 1
The motion carries.

6:03:12
C. Proposed Language by Poulsbo Sportsman Club and Jim Sommerhauser/Response from Central Kitsap Safe and Quiet Letter
Jim Sommerhauser gave an explanation of the proposed language for “Rapid Fire” plan. Rapid Fire plan would consisting of 4 or more rifles shooting rapid fire or 9 or more hand gun shooters shooting rapid fire. Not before 10:00 A.M. to 6:00 P.M. Monday- Saturday.

Discussion is held regarding muzzle energy. Sound is a measure of movement of shock wave in air from an explosion.

Discussion is held regarding the submittal of a waiver request to the Department of Community Development. Each club is allowed 15 waivers within one year.

Discussion is held regarding the CK Safe and Quiet two alternative proposals.
A motion is made by Jim Sommerhauser to adopt the two (three) alternative proposals from CK Safe and Quiet in place of his language.

Discussion is held regarding notification of an event at the various clubs.

The motion died due lack of a second on the motion by Jim Sommerhauser.

A motion is made by Jim Sommerhauser and seconded by Doug O'Connor to include Jim's language an addition to the working document “Proposed Changes to Range Ordinance – additional restrictions by Jim Sommerhauser.”

Doug O'Connor amended the motion and seconded by Jim Sommerhauser that we consider each item one at a time rather than en masse.

The Vote:
Yes: 6
No: 1
The motion carries.

A motion is made by Jim Sommerhauser and seconded by Doug O'Connor move to adopt 10.24.121 Definitions Item 14 “Rapid Fire” means multiple gun shots from the same weapon fired at the speed of less than one shot every two seconds.

Tom Hamilton explained the use of skeet shooting regarding the two shot use.

Doug O'Connor amended the motion to read: Rapid fire means multiple gun shots from the same semi-fired weapon at the speed of more than one shot every two seconds. Shotguns, of any gauge are exempt from this definition. This amended motion is seconded by Tom Hamilton.

Discussion is held regarding the experience of the three gun range clubs shooting rapid fire weapons.

The Vote:
Yes: 4
No: 2
Abstain: 1
The motion carries.

d) Each shooting facility shall include the following limitations in their Rules and Regulations

A motion is made by Jim Sommerhauser and seconded by Larry Keeton to adopt d) #1.

The shooting of rifles cartridges with a known (published) muzzle energy greater than 6995 ft. lb. and/or handgun cartridges with a known (published) muzzle energy greater than 2000 ft. lb. shall be prohibited before 10:00 A.M. or after 6:00 P.M. Monday through Saturday, and all day on Sunday.
Discussion is held regarding published ballistic tables/muzzle energy tables between long guns and short guns.

The Vote:
Yes: 2
No: 4
Abstain: 1
The motion fails.

A motion is made by Jim Sommerhauser and seconded by Larry Keeton of Rapid Fire shooting by four or more rifle shooters and/or nine or more handgun shooters shall be prohibited before 10:00 A.M. or after 6:00 P.M. Monday through Saturday, and all day on Sunday.

Discussion is held regarding d) 2.

Discussion is held regarding the number of rapid fire shooters.

The Vote:
Yes: 1
No: 6
Abstain: 0
The motion fails.

Doug O’Connor amends the initial motion to not consider d) 3 of d, seconded by Tom Hamilton.

No Discussion.

The Vote:
Yes: 7
No: 0
The motion carries.

Good Neighbor Policy is found in PSC Add Article 4 March 27, 2014.
ftp://kcwppub3.co.kitsap.wa.us/dcd/audio/cy2014/Gun Club Hearing 20140423PM-Pt1.wma

Recess: 6:53:29
Reconvene: 7:08:53

A motion is made by Jim Sommerhauser and seconded by Doug O’Connor to remove Rapid Fire from the definition section has any meaning any more. I move to removing it.

Discussion is held regarding that the draft ordinance will not have a definition for “Rapid Fire”.

The Vote:
Yes: 7
No: 0
The motion carries.

Discussion is held regarding the proposed “Good Neighbor Policy Language”.

A motion is made by Jim Sommerhauser to approve the “Good Neighbor Policy” as printed. There is no second to the motion. The motion failed due to lack of a second.

7:14:55

A motion is made by Doug O’Connor and seconded by Jim Sommerhauser to remove the second half of the sentence regarding the “Impacted Community”.

The Vote:
Yes: 7
No: 0

The motion carries.

7:17:07

A motion is made by Larry Keeton and seconded by Doug O’Connor to remove the first half of the sentence regarding the “Impacted Community”.

The Vote:
Yes: 7
No: 0

The motion carries.

7:18:50

A motion is made by Jim Sommerhauser and seconded by Karanne Gonzalez-Harless to remove (G) “Good Neighbors” from the Ordinance.

Discussion is held regarding the removal of the Good Neighbor Policy.

The Vote:
Yes: 7
No: 0

The motion carries.

7:20:06

A motion is made by Jim Sommerhauser and seconded by Karanne Gonzalez-Harless to adopt the agreement as it currently stands and forward it to the Commissioners. The PSC Add Article 4 dated April 8, 2014.

Jim Sommerhauser comment regarding the Ordinance Amending Kitsap County Code Concerning Shooting Ranges especially the safety design, revised language for noise (10.24.130), Marcus Carter comment regarding applying the revised ordinance to historical ranges and range use will be difficult. This doesn’t apply to Grandfathered facilities, because their operations were in place before the code was in place. If the Committee recommends to the County Commissioners that they pass this ordinance, a Deprivation of Rights law suit may be forth coming. Kitsap Rifle and Revolver Club are against this ordinance. This ordinance could be applied to new ranges.

The Vote:
Kitsap County Review Committee Meeting KCC 10.24 – April 23, 2014

Yes: 4
No: 1
Abstain: 2
The motion carries.

7:27:03

Chair Simpson: Good of the Order

Chair Simpson will submit to the Board of Commissioners an overview of the Sub-Committee's process for this Ordinance and the Ordinance dated PSC Add Article 4 – April 8, 2014.

Larry Keeton explains the process of the 10.24 Ordinance with recommendations from the Sub-Committee to the County Commissioners.

Discussion is held regarding the State Environmental Policy Act (SEPA) process.

Discussion is held regarding the submittal of a Minority Report.

A motion is made by Jim Sommerhauser to disband the committee. No second to the motion. Chief Simpson stated only the Board of Commissioners can disband this committee.

7:46:41

A motion is made by Tom Hamilton and seconded by Karanne Gonzalez-Harless to adjourn this meeting.

Time of Adjournment: 7:47:05

ftp://kcwppub3.co.kitsap.wa.us/dcd/audio/cy2014/Gun Club Hearing 20140423PM-Pt2.wma

Exhibits:
A. Proposed changes to Range Ordinance – Additional Restrictions
B. CK Safe & Quiet, LLC letter
C. PSC Add Article 4 – March 27, 2014
D. PSC Add Article 4 – April 8, 2014

MINUTES approved this ___ day of May, 2014.

Gary Simpson Committee Chair

Karen Ashcraft, Secretary
APPENDIX 2

10.24 REVIEW COMMITTEE REPORT
ORDINANCE NO. ___-2014

AN ORDINANCE AMENDING KITSAP COUNTY CODE CONCERNING
SHOOTING RANGES

WHEREAS, Kitsap County has experienced a substantial increase in population density in areas proximate to its existing shooting ranges and the County has an interest in ensuring the compatibility of shooting ranges with their surroundings and in minimizing noise impacts and potential safety hazards created by the operation of shooting ranges; and

WHEREAS, shooting ranges benefit Kitsap County by providing its residents the opportunity to learn firearm safety, to practice shooting and to participate in amateur recreational firearm sports in a safe, controlled setting; and

WHEREAS, the Washington Constitution, Article XI, Section 11, confers upon county legislative authorities the police power to adopt regulations necessary to protect the health, safety and well-being of its residents; and

WHEREAS, RCW 36.32.120(7) provides that the county legislative authorities shall make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law; and

WHEREAS, RCW 9.41.290 provides that the State of Washington fully occupies and preempts the entire field of criminal firearms regulations within its boundaries and counties may only enact ordinances as expressly authorized by RCW 9.41.300; and

WHEREAS, RCW 9.41.300 provides that a county may, by ordinance, restrict the discharge of firearms in any portion of its jurisdiction where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized so long as such ordinance shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

WHEREAS, the Kitsap County Board of Commissioners (Board) finds that the requirement of an operating permit for the establishment and operation of all shooting ranges provides assurance of the safe conduct of recreational and educational shooting activities in Kitsap County; and

WHEREAS, every citizen has the right to reasonable use and enjoyment of real property without intrusion of excessive noise and that permitting shooting facilities is necessary to protect, promote and preserve the public health, safety and welfare. It is the express intent of the Board to control the level of noise in a manner which promotes commerce; the use, value and enjoyment of property; sleep and repose; and the quality of the environment; and
WHEREAS, the record reflects that the County has received recurrent complaints from residents concerning noise originating from nearby shooting ranges in the County. On the basis of the record and knowledge of conditions within the County, the Board finds that special conditions exist within the County which make necessary any and all differences between this chapter and the regulations adopted by the Department of Ecology; and

WHEREAS, the Board finds that this ordinance will protect the health, safety, and welfare of owners and users of private and public property located in proximity to shooting ranges.

BE IT ORDAINED:

Section 1. Kitsap County Code, Chapter 10.24.100, last amended by Ordinance 500-2013 is hereby repealed in its entirety.

NEW SECTION. Section 2. A new Chapter 10.25 “Firearms Discharge” is added to the Kitsap County Code as follows:

Article 1 – General Provisions
10.25.010 – Purpose
10.25.020 – Definitions
10.25.030 – Violation – Penalty
10.25.040 – Liability for Damages

Article 2 – No-Shooting Areas
10.25.060 – Discharge of Firearms – Areas where Prohibited
10.25.070 – Exceptions
10.25.090 – Designation of Additional No-Shooting Areas

Article 3 – Ranges
10.25.110 – Ranges – Operating Permit required.
10.25.130 – Shooting facility noise and environmental controls.
10.25.150 – Review Committee

Article 1 – General Provisions
Section 10.25.010 Purpose

The purpose of this Chapter is to provide for and protect the health and safety of the general public by establishing no-shooting areas and by adopting procedures and rules for the development and operation of shooting range facilities. The standards adopted herein protect and safeguard participants, spectators, neighboring properties and the public, and promote the quiet enjoyment of nearby properties, while promoting the continued availability of shooting ranges for firearm education, practice in the safe use of firearms, and recreational firearm sports.

Section 10.25.020 Definitions

The following definitions shall apply in the interpretation and enforcement of the ordinance codified in this chapter:

(1) “Backstop” means a berm or structure constructed to stop or redirect bullets fired on a range, usually directly behind the target line.

(2) “Baffles” means engineered barriers to contain bullets and/or to reduce, redirect or suppress sound waves. Baffles are placed overhead, alongside or at ground level to restrict or interrupt errant or off-the-target shots.

(3) “Ballistic trauma” means a form of physical trauma sustained from the discharge of arms or munitions. Commonly it is the penetration of the body by a bullet, marked by a small entrance wound and a larger exit wound. The wound is usually accompanied by damage to blood vessels, bones, and other tissues.

(4) “Berm” means an embankment used for restricting bullets to a given area, or as a protective or dividing wall between shooting areas.

(5) “Department” means the Kitsap County Department of Community Development.

(6) “Exploding target” means a device that is designed or marketed to ignite or explode when struck by firearm ammunition or other projectiles.

(7) “Firearm” means any weapon or device by whatever name known which will or is designed to expel a projectile by the action of an explosion. The term “firearm” shall include but not be limited to rifles, pistols, shotguns and machine guns. The term “firearm” shall not include devices, including but not limited to “nail guns,” which are used as tools in the construction or building industries and which would otherwise fall
within this definition.

(8) "Firing Line" means a line parallel to the targets from which firearms are discharged.

(9) "Firing Point" means a location from which one individual fires at an associated target down range.

(10) "Ordinary high water mark" means that mark on all lakes, streams and tidal water which will be found by examining the bed and banks in ascertaining where the presence and action of waters are so common and usual and so long continued in all ordinary years as to mark upon the soil a characteristic distinct from that of the abutting upland in respect to vegetation; provided, that in any area where the ordinary high water mark cannot be found the ordinary high water mark adjoining salt water shall be the line of mean higher high tide.

(11) "Range Officer (RO)" or "Range Safety Officer (RSO)" or "safety officer" means a person or persons appointed by the operators of a shooting facility to oversee the safe discharge of firearms in accordance with any conditions of permit approval and any other additional safety rules and procedures adopted by the operators of the shooting facility.

(12) "Routine maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition and means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction.

(13) "Rules and Regulations" means standards used in the operation of a Facility. Rules and regulations are set up to govern the Facility operations.

(14) "Safety fan" applies only to rifle and pistol firing ranges. The safety fan of a firing range consists of three parts: the direct fire zone, the safety zone, and the ricochet zone. The direct fire zone is that area into which all shots are fired during the normal course of shooting. This zone includes all directions and angles of fire used on a firing range while shooting at a specific target, either stationary or moving, from a specific firing point. The length of the direct fire zone extends to the maximum range of the ammunition and firearm used on the firing range, but can be shortened by physical barriers or other devices which reduce the maximum distance of a bullet’s trajectory. The safety zone extends 10 degrees to the left and right of the direct fire zone and protects against errant bullets caused by cross fire or accidental discharge of a firearm. The ricochet zone is that area 45 degrees to the left and right of the firing line, and extended a certain distance dependent on the type of firearm and ammunition allowed on the range.
(i.e., 85 yards for air guns, and up to 1,200 yards for high-powered rifles). The line is then extended parallel to each side of the safety zone downrange to the intersection of a line extended from the terminus of the direct fire zone through the outer corner of the safety zone.

(15) “Shooting facility” or “facility,” means a site having one or more shooting ranges.

(16) “Safety Plan” means the written procedures and or policies of a shooting facility specifically defining the institutional controls and safety requirements governing the facility.

(17) “Shooting range” or “range” means a place set aside and designated for the safe discharge of firearms for individuals wishing to practice, improve upon or compete as to their shooting skills. There may be one or more ranges located at a shooting facility.

(18) “Shoreline” means the border between a body of water and land measured by the ordinary high water mark.

(19) “Target Line” means the line where targets are placed.

10.25.030 Violation – Penalty.

Violation of this chapter is a misdemeanor punishable as provided in Section 1.12.010 of this code. In addition to or as an alternative to the criminal penalty, any violation of this chapter shall constitute a Class I civil infraction or a civil violation. Each violation shall constitute a separate offense for each and every day or portion thereof during which the violation is committed, continued or permitted. Infractions or civil violations shall be processed in accordance with the provisions of the Civil Enforcement Ordinance as it now exists or is hereafter amended or superseded. The choice of enforcement action taken and the severity of any penalty shall be based upon the nature of the violation and the damage or risk to the public.

10.25.040 Liability for damages.

The ordinance codified in this chapter shall not be construed to hold the Kitsap County, or any officer or employee thereof, responsible for any damages to persons or property by reason of the certification, inspection or non-inspection of any building, equipment or property as herein authorized.
Article 2 – No-Shooting Areas

10.25.060 Discharge of firearms – Areas where prohibited.

(1) The discharge of firearms is prohibited within five hundred yards of any shoreline in the unincorporated areas of Kitsap County.

(2) The discharge of firearms in the unincorporated areas of Kitsap County is further prohibited in the following instances:

(a) In any area designated as a “no shooting” area pursuant to Section 10.25.090 of this chapter; specifically:

(i) Section 23, Township 25, Range 1 West, Willamette Meridian, Kitsap County, Washington, except for the following area: The southwest quarter except that portion lying northeast of the Seabeck Highway, of Section 23, Township 25, Range 1 West, Willamette Meridian;

(ii) That area bounded on the west by Bethel-Burley Road, on the north by Burley-Olalla Road, on the east by Bandix Road, and on the south by the Kitsap County/Pierce County line;

(iv) That area bounded on the west by a line that begins at the southwest corner of tax parcel number 252301-4-012-1009, thence in a straight line northeasterly to the northeast corner of tax parcel number 252301-1-019-1008, thence north along the east boundary of tax parcel number 252301-1-018-1009 to its intersection with the south boundary of tax parcel number 252301-4-013-1009, thence west along said south boundary to the southwest corner of said tax parcel, thence north along the western boundary of said tax parcel to the intersection of Southwest Lake Flora Road, thence easterly along the southerly right-of-way of said road to its intersection with J. M Dickenson Road Southwest, thence westerly along the westerly right-of-way of said road to its intersection with the eastern boundary of tax parcel number 252301-4-018-1003, thence north along said boundary to the northeast corner of said parcel, thence west along the northern boundary of said parcel to the Alpine Lake No-Shooting Area.

(b) On any parcel of land less than five acres in size;

(c) Towards any building occupied by people or domestic animals or used for the storage of flammable or combustible materials where the point of discharge is
within five hundred yards of such building;

(d) From one-half hour after sunset to one-half hour before sunrise;

(e) Within five hundred yards of the following lakes located, in whole or in part, in the unincorporated areas of Kitsap County: Long Lake, Kitsap Lake, Wildcat Lake, Panther Lake, Mission Lake, Tiger Lake, William Symington Lake, Tahuya Lake, Island Lake, Horseshoe Lake, Carney Lake, Wye Lake, Buck Lake, Fairview Lake and Bear Lake.

(3) Nothing in this section shall be construed or interpreted as abridging the right of the individual guaranteed by Article I, Section 24 of the state Constitution to bear arms in defense of self or others.

10.25.070 Exceptions.

The provisions of Section 10.25.060 shall not apply to the discharge of firearms:

(1) By law enforcement officers, including Washington State Department of Fish and Wildlife officers, or security personnel in the course of their official duties;

(2) On a shooting range, provided that any such range shall comply with the criteria for shooting ranges adopted by the Kitsap County board of commissioners pursuant to Article 3 of this chapter;

(3) In the course of farm slaughter activities;

(4) Pursuant to RCW 77.12.265;

(5) When such discharge is pursuant to and in compliance with any other valid state or federal law.

10.25.090 Designation of additional no-shooting areas through petition method.

(1) The establishment or disestablishment of a “no shooting” area in addition to those described in Section 10.25.060 may be requested by petition by the registered voters residing in such proposed additional areas. Such petition may include a request that the discharge of certain types of firearms be nevertheless allowed during certain times and under certain conditions. The superintendent of a school district may also request by petition that school property within that district which is located in the unincorporated area of Kitsap County and on which a building having an occupancy classification of “E” under the Uniform Building Code is situated, together with the area within five hundred
yards of the school property’s perimeter, be designated as a “no shooting” area. Any such petition shall be presented to the Kitsap County board of commissioners and shall substantially comply in content with the following criteria:

(a) The proposed area shall contain a minimum of fifty dwelling units or, in the alternative, a minimum area of one square mile;

(b) The proposed area shall have readily identifiable boundaries, which shall be shown on a map attached to the petition;

(c) A petition requesting that the discharge of certain types of firearms be nevertheless allowed during certain times and under certain conditions shall set forth with specificity the types of firearms, times and conditions being proposed;

(d) The petition for the proposed area shall bear the signatures of at least fifty-one percent of the proposed area’s registered voters; provided, however, that a petition for a “no shooting” area involving school property need be signed only by the superintendent of the school district in which the school property is located.

(2) A petition for a “no shooting” area shall be in substantially the following form:

PETITION TO CREATE A “NO SHOOTING” AREA

To: The Kitsap County Board of Commissioners

We, the undersigned citizens of Kitsap County, State of Washington, being legally registered voters within the respective precincts set opposite our names, do hereby respectfully request that the area generally known as __________________ be established as a “No Shooting” area pursuant to Kitsap County Code Section 10.25.060.

We further request that the discharge of certain types of firearms, commonly known as __________________, be nevertheless allowed during certain times of the year, namely, __________________, under the following conditions:

1. __________________

2. __________________

3. __________________
4. 

5. 

The proposed area's boundaries are shown on the attached map and are generally described as follows:

[Here insert proposed area boundary description]

Each of us says:

(1) I am a legally registered voter of the State of Washington in the precinct written after my name below.

(2) The portion of such precinct within which I reside is included within the proposed "No Shooting" area.

(3) My residence address is correctly stated below.

(4) I have personally signed this petition.
<table>
<thead>
<tr>
<th>Name and Signature</th>
<th>Precinct Name</th>
<th>Residence Address Number and Street</th>
<th>City.</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Failure of a petition to comply with any of the above format shall not automatically invalidate such petition but shall be a matter for consideration by the Kitsap County board of commissioners as to whether the intent and standards of this section have been met.

(3) Upon the receipt of such a petition, the board of commissioners shall forward the petition to the Kitsap County auditor for verification of the signature requirements of this section. Upon the return of area verification from the auditor, the board shall set the matter for consideration at the next regularly scheduled public hearing or as soon thereafter as it may appropriately be heard.

(4) At any time after one year from the effective date of the establishment of a “no shooting” area pursuant to this section, the residents of such area may seek abrogation of such by the same procedure provided in this section for the establishment of a “no shooting” area, provided however, that in the event of such abrogation, Section 10.25.060 of this chapter shall remain in full force and effect as to that area.

(5) Ranges permitted under Article 3 of this chapter shall not be declared a no-shooting area by petition method.
Article 3 – No-Shooting Areas

10.25.110  Ranges – Operating Permit required.

(1) Shooting facilities shall be authorized and operated in accordance with an operating permit issued by the department. The operating permit shall govern the facilities and scope of operations of each shooting facility, and shall be issued, denied or conditioned based upon the standards set forth in this Article. No proposed or existing shooting facility may operate without an operating permit issued pursuant to this chapter, except as provided in subsection (2) herein. The operating permit is not intended to alter any legal nonconforming use status and rights of existing ranges that are governed by Title 17 of this code and the common law; nor shall this operating permit authorize expansion of range uses which otherwise require approval pursuant to a Conditional Use Permit or other land use permits per Title 17 KCC.

(2) Each owner or operator of a shooting facility shall apply for and obtain an operating permit. The owner or operator of a proposed new shooting facility shall apply for the facility operating permit at the time of application for any required building or land use permits. The owner or operator of an established shooting facility in active use at the time of enactment of this ordinance shall apply for the initial facility operating permit not later than 90 days after the effective date of this ordinance. A shooting facility operating permit is valid for five (5) years from the date of issuance or renewal. The owner or operator of each facility shall apply for a permit renewal at least sixty (60) days prior to the date of current operating permit expiration.

(3) In reviewing a new application for a shooting facility operating permit, or renewal of an existing permit, the department shall be guided by the current edition of the “NRA Range Source Book” published by the National Rifle Association. Reference to the NRA Range Source Book may not be used as the basis for any claim of civil liability against the NRA or against Kitsap County or its officers, directors, employees, agents or representatives based upon deviation from, citation to, or reliance upon the NRA Range Source Book.

(4) Shooting facilities shall meet the following standards:

(a) Each shooting range within a shooting facility shall be designed, constructed, engineered and maintained to contain bullets, shot or other discharged projectiles within the facility property. A shooting facility shall use the NRA Range Source Book, or other engineered specifications that meet or exceed the minimum specifications established by the Source Book to develop and implement facility controls for the containment of rounds on the range. Rifle and pistol ranges shall
provide adequate physical structures to contain projectiles through the use of baffles, side walls, berms and impact backstops, in addition to any institutional controls.

(b) Each shooting facility shall adopt a Safety Plan, consistent with the NRA Source Book.

(c) Designs and safety procedures shall be evaluated by an NRA Range Technical Team Advisor (RTTA) or by a professional engineer with experience and expertise in the evaluation and design of shooting ranges. This evaluation shall be set forth in a written report as a part of the facility’s application.

(d) A shooting facility shall have at least one qualified safety officer present when open to the public. When the facility is closed to the public, a facility member who has passed the minimum training requirements of the range shall be present.

(e) Shooting facilities shall meet all applicable local fire codes when storing ammunition and explosive materials.

(f) A shooting range may not be used for training of personnel of any branch of the United States military, National Guard or Reserve Forces, or Homeland Security unless:

(i) the facility’s application identifies all proposed activities, types and calibers of firearms to be used;

(ii) the facility is certified by the regional command as meeting the service’s range safety regulations, manuals and standards; and

(iii) this use is allowed or pursuant to the terms of a Conditional Use Permit

(g) The use of exploding targets (e.g. Tannerite, etc.) shall be prohibited.

(h) If a facility utilizes cannon(s), a noise variance under KCC 10.28 shall be required prior to use.

(i) All shooting facilities shall provide a means for participants and spectators to readily contact emergency services such as fire or medical aid.

(j) Each shooting range shall also comply with any additional terms and conditions required by any other applicable permits and regulatory approvals, including a Conditional Use Permit issued under Title 17 KCC.
(5) Application contents. The application for an initial shooting facility operating permit shall include the following documents:

(a) Shooting facility layout and design which shall include:

(i) Dimensional drawings of physical layout to include orientation of each shooting area, location and description of terrain and any natural vegetation, and locations of critical areas, buildings, structures, fences, gates, roadways, trails, foot paths, major lighting, signage, and parking areas.

(ii) Locations of firing lines or firing points, target lines and impact areas to include any backstops, berms, containment structures and any baffles or side containment structures.

(iii). Each firing point must show the following:

(A) Type of firearm(s) being used at that point

(B) The safety fan for that firearm

(C) The maximum range of a projectile fired from that firearm unimpeded

(D) The containment structure to prevent the projectile from leaving the property

(b) A Safety Plan, which shall include:

(i) Firearm handling rules, general range rules, specific range rules and administrative rules and regulations established by the owner/operator to include any firearms and or caliber restrictions on specific shooting areas.

(ii) Emergency Plan, to include provision for immediate notification to 911 for any type of ballistic trauma or shooting incident in which a round has left the range property; and to the department within 96 hours of the incident. The accidental or unintended release of a bullet from a shooting area shall be documented by the facility and available for inspection by the department as requested.

(iii) A brief description of the facility training plan for Range Safety Officers and others.

(c) An evaluation of the facility design and Safety Plan
(i) The evaluation must be performed by an NRA Range Technical Team Advisor (RTTA) or a Professional Civil Engineer with expertise in the design of shooting ranges certifying that engineering controls and institutional controls each satisfy the standards and objectives of this ordinance. The evaluation must be in written form and signed by the evaluator.

(ii) The department may require additional or independent review, inspection and evaluation of the shooting facility, including the facility’s uses, engineering controls, and institutional controls described in an application for an operating permit. In cases where there is dispute between the evaluation provided by the facility and the evaluation performed at the option of the county, the dispute shall be decided by the Hearing Examiner pursuant to KCC Title 21 as a Type II decision.

(6) Each owner or operator of a shooting facility must apply to department for an amendment to the operating permit when additional firing lines, firing lanes, or shooting ranges are proposed or the design of any facility range is altered beyond the scope of the original permit approval. Such proposed changes shall not be implemented prior to department approval.

(a) Routine maintenance of existing berms, backstops, structures and facilities shall not be construed as a change requiring an amendment to an operating permit. Routine maintenance may require a Site Development Activity Permit pursuant to per Title 12 KCC. Routine maintenance may be subject to other applicable federal, state or local regulations.

(b) Changes to shotgun range configuration or Safety Plan procedure shall not be construed as a change requiring an amendment to an operating permit if the discharged shot is wholly contained on the shooting facility property.

(7) An application for renewal of an operating permit shall include a current copy of the facility Safety Plan. Permit renewal does not require the submittal of layout and design documents or a written evaluation by an RTTA or Professional Engineer if the shooting facility range design has not been altered from previously approved submittals. However, the application must include a written certification by the owner of the facility declaring that no such changes have been made.

(8) During the operating permit review process, the department shall inspect the facility to determine that the ranges are consistent with the application descriptions and to assess any deficiencies or corrective actions necessary to meet the intent of this Article. The department shall inform the applicant of any deficiencies or corrective actions to be taken.
and allow a reasonable time for the owner/operator to take corrective action. The department may re-inspect the facility to verify corrective action.

(9) Application for a new or renewed operating permit shall be processed, reviewed and be appealable under the procedures for a Type I Director’s Decision pursuant to KCC Title 21. Shooting facilities shall be allowed to continue operations while a review of a permit renewal is performed.

(10) Upon receiving evidence of noncompliance with the operating permit or receiving evidence of a reasonable likelihood that humans, domestic animals, or property have been or will be jeopardized, the department will contact the shooting facility. The owner/operator shall make the facility available for inspection not later than 24 hours after receiving a request for an inspection.

(a) If the department concludes there is a life safety violation of this Article or the terms of the operating permit or the terms of a conditional use permit, the department may suspend or modify the permit to close the range or modify range operations and shall provide the owner/operator a written notice that shall set forth each claimed violation with a specific reference to the applicable Article provision and/or permit condition. The owner or operator shall have thirty (30) days to respond in writing and to take any necessary corrective measures. The department shall be provided access to the shooting facility to verify compliance after providing notice and scheduling an appointment.

(b) A department decision to suspend, modify, or revoke an operating permit may be appealed to the Hearing Examiner pursuant to Title 21 KCC as a Type II decision.

(11) Nothing in this section or any other provision of this Article shall be construed as authorizing an application or a permit for a shooting facility to be located in whole or in part in an area designated as an area where the discharge of firearms is prohibited under Article 2 of this chapter. Shooting ranges in such areas are expressly prohibited. Nothing in this Article shall be construed as permitting the discharge of firearms the ownership or possession of which is otherwise prohibited by law. Nothing in this Article shall be construed as permitting the use or possession of a firearm by an individual who is otherwise prohibited by law from owning or possessing that firearm.

10.25.130  Shooting facility noise and environmental controls.

(1) For outdoor shooting facilities, in non-industrial zones, notwithstanding the provision of WAC 173-060-050(1)(b), all firing line locations shall be located such that the sound levels generated by the discharge of firearms on the range do
not exceed a C-weighted peak sound pressure level of 85dB with a 3dB margin of error measured at the receiving property line. The burden of proof that the proposed range will meet this standard shall rest with the applicant. All noise studies shall be performed by a professional engineer registered in the State of Washington or by a person with a degree in a discipline related to acoustics. Alternatively, a shooting facility is exempt from the foregoing standard where it has submitted a noise abatement plan and has implemented the following noise abatement measures for each range consistent with the NRA Range Sourcebook on sound abatement, and approved by the Department:

(a) Erecting overhead cover and baffles to reduce or re-direct noise;

(b) Installing noise barriers, berms, or walls connected to the backstop and runs along the sides to the firing lines:

(c) Other engineering controls as approved.

(2) Each shooting facility operator shall develop and implement a written plan to reclaim the lead deposited by shooting activities utilizing the recommendations of the Environmental Protection Agency Best Management Practice for Lead at Outdoor Shooting Ranges.

10.25.150 Review committee.

The Kitsap County Board of Commissioners may direct the Director of the department to establish a review committee to evaluate proposed changes to the shooting facility requirements governed by this Article. Such committee will consist of Kitsap County Sheriff (chair) or the Sheriff’s designee, Director of the Department of Community Development or the Director’s designee, a representative of each currently permitted shooting facility in unincorporated Kitsap County and an equal number of citizens-at-large appointed by the Kitsap County Board of Commissioners. An appointed citizen-at-large may not be a member of or affiliated with any established shooting facility in unincorporated Kitsap County.

Section 3. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional, the remainder of the ordinance or its application to other persons or circumstances shall not be affected.
Section 4. Recitals. The recitals herein shall be findings of fact and are incorporated herein by reference.

Section 5. Effective Date. This Ordinance shall take effect on ____.

DATED this ___ day of ______________, 201__.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

CHARLOTTE GARRIDO, Chair

ROBERT GELDER, Commissioner

LINDA STREISSGUTH, Commissioner

ATTEST:

Dana Daniels, Clerk of the Board

APPROVED AS TO FORM:

Deputy Prosecuting Attorney
APPENDIX 3
COMPARISON MATRIX
<table>
<thead>
<tr>
<th></th>
<th>COMMITTEE RECOMMENDATION</th>
<th>PARALEZ MINORITY REPORT</th>
<th>KRRC MINORITY REPORT</th>
<th>STAFF RECOMMENDATION</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Format</td>
<td>Needs to be reformatted in compliance with Kitsap County legislative drafting manual</td>
<td></td>
<td></td>
<td>Reforms and renumbers entire chapter</td>
<td>To meet legislative drafting and codification requirements</td>
</tr>
<tr>
<td>Recitals</td>
<td>Cite reasons and authority for ordinance;</td>
<td></td>
<td>-Cites state law as preempting field and county may only enact ordinance to restrict where there is a reasonable likelihood of harm so long as ordinance also promotes right to arms guaranteed by state constitution; -BOCC finds it is within health safety and welfare to promote safe shooting facilities and protecting investments</td>
<td>-Includes committee recitals -Adds recitals re noise control -Removes recital re operation of hours</td>
<td>KRRC recital slightly misstates RCW 9.24.300 (shall not abridge rights; rather than promote)</td>
</tr>
<tr>
<td>General Section</td>
<td></td>
<td></td>
<td></td>
<td>Reformatted to include purpose; violation and liability for damages that apply to entire chapter</td>
<td>Included for provisions that cover both no-shooting areas and range operations</td>
</tr>
<tr>
<td>Repeal Articles 1 and 2</td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
<td>Needed for compliance with state law</td>
</tr>
<tr>
<td>Planning/Non-conforming Use Status</td>
<td></td>
<td></td>
<td></td>
<td>States that county comp. plans etc. may not be construed to prevent legal nonconforming ranges, establishing of new ranges, prevent safety improvements, or prohibit an existing facility from changing; -Allows existing facilities to</td>
<td>Essentially exempts existing facilities from any regulation</td>
</tr>
<tr>
<td>COMMITTEE RECOMMENDATION</td>
<td>PARALEZ MINORITY REPORT</td>
<td>KRRC MINORITY REPORT</td>
<td>STAFF RECOMMENDATION</td>
<td>COMMENTS</td>
<td></td>
</tr>
<tr>
<td>--------------------------</td>
<td>-------------------------</td>
<td>----------------------</td>
<td>----------------------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td>No Shooting Areas</td>
<td>Cannot include permitted ranges (amends current 10.24.100(2))</td>
<td>Repair, remodel, reconstruct, and &quot;do anything recognized as generally accepted operational practices for modern shooting ranges&quot;</td>
<td>Same as committee (except cross reference changed for new numbering)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No Shooting Areas – Petition method</td>
<td>Cannot include permitted shooting ranges in a no-shooting area through the petition method (amends current 10.24.107 (a))</td>
<td></td>
<td>Same as committee; Also slightly revised chart for petition</td>
<td>Existing version asked for &quot;city or P.O. Box&quot;</td>
<td></td>
</tr>
</tbody>
</table>

**RANGE REGULATIONS**

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Promote safety while promoting continued availability of shooting ranges for education, practice and recreational</th>
<th>Includes maintaining and protecting historic use of existing facilities; Adds &quot;nothing in this ordinance shall be construed to alter the legal nonconforming use status and rights of existing shooting facilities&quot;</th>
<th>Slightly changed from committee version</th>
<th>Staff version strengthens language</th>
</tr>
</thead>
<tbody>
<tr>
<td>Definitions</td>
<td>Adds detailed definitions for range regulations</td>
<td>Uses current definition section; Slightly alters definition of Range Officer; Removes description of baffles; Slight change to &quot;backstop&quot; and &quot;berm&quot; definitions Removes &quot;rules and regulations&quot; and &quot;ballistic trauma&quot; definitions</td>
<td>-Combines definitions for entire chapter into single section -Adds definition for department -Adds definition for routine maintenance -Adds definition for safety fan</td>
<td>Staff version changes references throughout from &quot;DCD&quot; to &quot;department&quot;</td>
</tr>
<tr>
<td>COMMITTEE RECOMMENDATION</td>
<td>PARALEZ MINORITY REPORT</td>
<td>KRRC MINORITY REPORT</td>
<td>STAFF RECOMMENDATION</td>
<td>COMMENTS</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-------------------------</td>
<td>----------------------</td>
<td>----------------------</td>
<td>----------</td>
</tr>
</tbody>
</table>
| Operating Permit Required | Operating permit required  
- Does not alter legal nonconforming use status of existing ranges;  
- Does not authorize expansion of ranges | Applies only to new ranges | Same as committee | |
|                          | - New facilities apply in conjunction with land use permit;  
- Existing facilities must apply within 90 days from ordinance  
- Permits valid for 5 years  
- Permit review to be "guidied by" NRA Range Sourcebook | - Permit review to be guided by NRA or National Shooting Sports Foundation | Same as committee except must apply to renewal 60 days prior to permit expiration (rather than 30 days) | |
| Minimum Standards for Shooting facilities | - Designed, operated and maintained to contain bullets etc.  
- Shall meet or exceed standards in NRA Source Book for institutional and facility controls | Similar standards, but deletes some detailed language re design and reference to NRA Source Book | - Includes requirement for construction in addition to design;  
- Changed language to include controls for containment of rounds;  
- Require physical structures for all rifle and pistol ranges (rather than limit to those "that allow modern smokeless powder cartridges") | |
<p>| Safety Plan; facility may only be used for the activities in Safety Plan | Same as committee | - Removed language stating facility may only be used for the activities in Safety Plan | Staff feels language was superfluous | |
| Designs and safety procedures shall be evaluated by NRA RTTA or engineer or other qualified professional consultant | Removed this requirement | - Removed &quot;other qualified professional&quot; from review | Staff feels &quot;other qualified professional consultant&quot; is too vague | |</p>
<table>
<thead>
<tr>
<th>COMMITTEE RECOMMENDATION</th>
<th>PARALEZ MINORITY REPORT</th>
<th>KRRC MINORITY REPORT</th>
<th>STAFF RECOMMENDATION</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Must have one qualified safety officer present when open to the public; if closed, member who meets minimum training requirements</td>
<td>Requires qualified Range Operator or Safety Officer at all times when shooting occurs</td>
<td>Same as committee</td>
<td>Same as committee</td>
<td></td>
</tr>
<tr>
<td>Must meet all fire codes for storing explosives</td>
<td>Same as committee</td>
<td>Restructured and requires that CUP be in place for military training</td>
<td>Same as committee</td>
<td></td>
</tr>
<tr>
<td>May not be used for military training unless application shows all activities and is certified by regional commander</td>
<td>Removed</td>
<td>Prohibits exploding targets</td>
<td>Staff feels this type of activity is a departure from normal recreational range and needs more regulation</td>
<td></td>
</tr>
<tr>
<td>Exploding targets must meet manufacturer’s parameters and in accordance with Safety Plan</td>
<td>Removed requirement for compliance with manufacturer’s parameters, meet state and federal laws</td>
<td>Prohibits exploding targets</td>
<td>Staff concerns re: excessive noise; source of wildfire; injuries from shrapnel (are becoming increasingly regulated throughout the US)</td>
<td></td>
</tr>
<tr>
<td>Use of a cannon strictly for audio purposes requires a noise variance</td>
<td>Same as committee</td>
<td>Removed “strictly for noise purposes”</td>
<td>Staff felt language can create ambiguity for enforcement</td>
<td></td>
</tr>
<tr>
<td>Must have a means for emergency contact for the public</td>
<td>Same as committee</td>
<td>Same as committee</td>
<td>Added language that shooting ranges must comply with any other applicable permit or regulation</td>
<td></td>
</tr>
<tr>
<td>COMMITTEE RECOMMENDATION</td>
<td>PARALEZ MINORITY REPORT</td>
<td>KRRC MINORITY REPORT</td>
<td>STAFF RECOMMENDATION</td>
<td>COMMENTS</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Application Contents</td>
<td></td>
<td>Similar, removes 96 hour timeframe for notification of “firearm-related injuries” but requires notification; removes language allowing DCD to inspect; changes range safety officer to ranger officer</td>
<td>Reordered application contents</td>
<td>Changed emergency plan to require immediate notification to 911 and to department within 96 hours</td>
</tr>
<tr>
<td>Safety Plan:</td>
<td>-Firearm handling rules; rules and regulations;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>-Emergency plan; requires timely notification to Sheriff and DCD re ballistic trauma</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>-Describe facility training plans for Range Safety Officers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Facility Layout and Design:</td>
<td></td>
<td>Removes requirements to show major lighting and signs in site plan</td>
<td>Same as committee</td>
<td></td>
</tr>
<tr>
<td></td>
<td>-Dimensional drawings and physical layout</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>-Location of firing lines and firing points, targets, impact areas</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evaluation of Design and Safety Plan:</td>
<td></td>
<td>Concern about RTTA evaluation; should be more on access</td>
<td>Removed</td>
<td>-Require civil engineer;</td>
</tr>
<tr>
<td></td>
<td>-By NRA RTTA or professional engineer;</td>
<td></td>
<td></td>
<td>-Require certification that controls satisfy standards in the ordinance</td>
</tr>
<tr>
<td></td>
<td>-Report inconsistency with NRA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COMMITTEE RECOMMENDATION</td>
<td>PARALEZ MINORITY REPORT</td>
<td>KDRC MINORITY REPORT</td>
<td>STAFF RECOMMENDATION</td>
<td>COMMENTS</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Range source Book</td>
<td>control to prevent inadvertent entry by people and animals; Concern about reviews upon changes in reconfiguration</td>
<td></td>
<td>- May require additional or independent review but not necessarily at county expense</td>
<td>- Specify that disputes on evaluation are appealable as a Type II decision</td>
</tr>
<tr>
<td>Operating Permit Amendment</td>
<td>Required when additional firing lines, firing lanes, or shooting ranges are proposed</td>
<td>-Specified that routine maintenance may still require SDAP;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Not required for routine maintenance;</td>
<td>-Changes to shotgun configuration or safety plan do not require amendment;</td>
<td>- Removed changes to pistol range configuration exemption as not requiring amendment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Changes to rifle or pistol range configuration or safety plan do not require an amendment if direction of safety structures are not altered or safety procedures are not reduced</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Permit Renewal</td>
<td>Requires only current copy of Safety Plan; does not require site plan and design unless alteration; required statement by owner that no alterations have been made</td>
<td></td>
<td>- Changed slightly to require written certification</td>
<td></td>
</tr>
<tr>
<td>Inspection</td>
<td>DCD may inspect during permit review process;</td>
<td></td>
<td>Same as committee</td>
<td></td>
</tr>
<tr>
<td>COMMITTEE RECOMMENDATION</td>
<td>PARALEZ MINORITY REPORT</td>
<td>KRRC MINORITY REPORT</td>
<td>STAFF RECOMMENDATION</td>
<td>COMMENTS</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-------------------------</td>
<td>----------------------</td>
<td>----------------------</td>
<td>----------</td>
</tr>
</tbody>
</table>
| Process                  | Permit applications processed as Type I under KCC title 21  
-no additional restrictions may be added at permit renewal unless there has been a substantial change;  
-Permit renewals may not be unreasonably withheld;  
-Facilities may continue operations during permit renewal process | Same (but only applies to new facilities) | -Removed language that no additional restrictions may be imposed  
-Removed language that permit renewals may not be unreasonably withheld | -Staff feels this language is too limiting, there may be changes in other laws requiring new restrictions  
-Staff feels language is vague and ambiguous |
| Noncompliance            | -DCD must contact facility within 24 hours and give facility written notice of complaint;  
-Operator must make facility available for inspection within 48 hours of request for inspection  
If DCD concludes there is a life safety violation, may suspend or modify the permit with written notice; Operator has 30 days to respond; DCD shall be provided access to verify compliance  
-A DCD decision to suspend, modify or revoke appealable to Hearing Examiner. | -States a serious incident must be reported to KCSO w/in 24 hours;  
-Allows KCSO to inspect facility if there is evidence that injury or damage has taken place; if KCSO concludes that there is a reasonable likelihood of danger, KCSO can refer to DCD;  
-DCD investigates in conjunction with law enforcement to determine the cause; if owner fails to adequately respond within 30 days, DCD may request that the superior court suspend the operating permit pursuant to RCW 9A.36.050 (reckless | -Removed 24 hour requirement  
-Removed requirement for written notice  
-Changed requirement that operator make facility available for inspection within 24 hours if requested  
-Specified that appeal is a Type II process | -Staff is concerned that time limits may not be practical and should be addressed depending upon factual situation at hand |
<table>
<thead>
<tr>
<th>COMMITTEE RECOMMENDATION</th>
<th>PARALEZ MINORITY REPORT</th>
<th>KRRC MINORITY REPORT</th>
<th>STAFF RECOMMENDATION</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>endangerment); DCD provided access after notice and scheduling an appointment; - DCD may suspend “shooting practice” that caused problem; - DCD decision appealable to Hearing Examiner; - If it was an individual violating facility’s SOP, then individual is held responsible rather than owner/operator</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Closure of Facility**

If agency seeks to close an established facility a court must find:
- public need by agency, unanimous finding of BOCC; and a majority vote of registered voters;
- agency must pay for complete relocation of facility and improvements to a new location with infrastructure;
- new facility must be in place prior to shutting down operations;
- agency will assume ownership and cleanup responsibility of facility that is shut down;
- any grandfathered facility relocated retains its
<table>
<thead>
<tr>
<th>COMMITTEE RECOMMENDATION</th>
<th>PARALEG MINORITY REPORT</th>
<th>KRRC MINORITY REPORT</th>
<th>STAFF RECOMMENDATION</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>No-Shooting Area</td>
<td>Nothing in this section authorizes a shooting facility where otherwise prohibited under Article 3; or as otherwise prohibited by law</td>
<td>Nothing in this article shall be construed as permitting the use or possession of a firearm by an individual otherwise prohibited by law from owning or possessing</td>
<td>Same as committee (except cross reference changed)</td>
<td></td>
</tr>
<tr>
<td>Noise &amp; Environmental Controls</td>
<td>Outdoor shooting facilities shall implement economically feasible noise controls suitable to range design and operation; may include: -Limiting hours; -Baffles or containment; -Planting trees or foliage; -Installing noise barriers; -Installing insulation; -Using approved silencers; -Other engineering as feasible</td>
<td>Outdoor shooting facilities &quot;encouraged&quot; to implement; otherwise is the same</td>
<td>Added noise limitation derived by consultant, but with an alternative to install other noise abatement measures. -Removed optional noise abatement measures that were too vague</td>
<td>Staff feels that having a numerical standard makes it easier to measure compliance; but also recognizes that some institutional, construction and design measures can vitiate the need for such standards</td>
</tr>
<tr>
<td>If a court ruling that a facility is a noise nuisance; DCD may require additional feasible noise controls as a permit condition</td>
<td></td>
<td>Slightly altered language, references RCW 7.48; allows financially feasible noise control conditions to operating permits</td>
<td>-Removed</td>
<td>-KRRC version would not apply to existing facilities as they do not need an operating permit -Staff believes that this provision is not necessary or germane to</td>
</tr>
<tr>
<td>COMMITTEE RECOMMENDATION</td>
<td>PARALEZ MINORITY REPORT</td>
<td>KRRC MINORITY REPORT</td>
<td>STAFF RECOMMENDATION</td>
<td>COMMENTS</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Facility must have a plan to reclaim lead utilizing EPA BMPs</td>
<td>Alters from written plan to a &quot;metals recycling program&quot; utilizing EPA BMPs</td>
<td>Same as committee</td>
<td>an ordinance.</td>
<td></td>
</tr>
<tr>
<td>Review Committee</td>
<td>- BOCC may direct Director to establish committee to evaluate proposed changes to facility requirements; - Substantial changes to Article 4 may not be implemented without prior review of committee; - Committee = DCD director (chair); Sheriff; representative of each currently permitted facility; and equal number of at-large (who cannot be affiliated with facility)</td>
<td>Review committee is created for both new facility criteria and petitions for no-shooting areas; Sheriff (chair); DCD director; representative from each operating facility and equal number to representative of shooting facilities of citizens at large (removes language that states citizens shall not be affiliated with facility).</td>
<td>- Removed provisions that no substantial changes to article may be made without prior review by committee; - Designates Sheriff as chair</td>
<td>- Staff believes language created conflict: review committee is at the discretion of the BOCC</td>
</tr>
<tr>
<td>Effective Date</td>
<td>Immediate</td>
<td>Immediate</td>
<td>Need to have Ordinance approved by Dept. of Ecology so delayed effective date</td>
<td></td>
</tr>
</tbody>
</table>