TO: Planning Commission

FROM: Director, Department of Community Development

SUBJECT: Staff Report - Ordinance Amending Kitsap County Code (KCC) Title 17 and adding a chapter for the Regulation of Shooting Facilities and Ranges

Purpose: This staff report proposes the adoption of a new development ordinance related to the permitting, construction, and use of new shooting facilities.

Applicability: This ordinance would apply to requests for new shooting facilities and their ranges, or expansion of current shooting facilities and their subordinate ranges, within Kitsap County’s jurisdiction.

Issue:

Kitsap County Code (KCC) Title 17, Zoning, does not specifically regulate shooting facilities within the County, although it authorizes private recreational facilities under an administrative conditional use permit or conditional use permit. Recreational facilities are defined as: “a place designed and equipped for the conduct of sports and leisure-time activities. Examples include athletic fields, batting cages, amusement parks, picnic areas, campgrounds, swimming pools, driving ranges, skating rinks and similar uses. Public recreational facilities are those owned by a government entity.”

Issues related to what is considered an expansion of a facility, concern over containment of projectiles on a facility’s ranges, noise, and environmental issues caused the County to sue a local shooting facility in Superior Court. The County won. The case was appealed and the Appeals Court affirmed the Superior Court decision. It became apparent during the legal process there exists a need for clear guidance for shooting facilities and the public as to what can be allowed, how ranges should be constructed to prevent errant projectiles from leaving a facility and endangering nearby neighbors.

An established and well run shooting facility better serves the public in that firing is occurring in a controlled environment. Kitsap County Code (KCC) Title 10 allows for shooting on private property that exceeds five acres, and while it is known that Department of Natural Resource lands are often used for target practice, the preferred alternative are shooting facilities.

Major Elements of the Ordinance:

Establishes the requirement for a Conditional Use Permit (CUP) for new shooting facilities or the modification of a current facility operating within Kitsap County.
Establishes the safety requirements a facility must meet to contain projectiles on its property.

Establishes environmental requirements to protect shorelines, wetlands, and adjacent property.

Establishes environmental requirements related to sound management and lead management.

**Public Participation:**

Beginning in May 2011 through early 2012, the Department of Community Development conducted stakeholder meetings with Bremerton Trap and Skeet, Kitsap Rifle and Revolver Club, Poulsbo Sportsman Club, and CK Safe and Quiet to devise an ordinance to address issues that surfaced with the County’s lawsuit. No agreement was reached.

The Department prepared a proposed ordinance related to public safety and beginning in July, 2012, a Title 10.24 Committee met to discuss the proposed ordinance. These meetings continued until April 2014. During the course of these meetings, two nights were dedicated to taking public comment early in the process which identified four main categories of issues: Safety, Environment, Noise, and Other. In April, the committee made its recommendation to the Board of Commissioners and subsequently, the Board held a public hearing in July 2014, with final adoption of this public safety ordinance in September 2014.

The proposed development ordinance is based off this public input and comments. Therefore, no specific stakeholder group was consulted and initiated for the purposes of this ordinance.

**Consistency with County Comprehensive Plan (2006) Governing Goals and Policies:**

Kitsap County Code (KCC) Title 21.08.100 specifies proposed ordinances must be consistent with the County’s Comprehensive Plan vision statement, goals, objectives and policy directives. The Comprehensive Plan does not specifically address shooting facilities. Therefore, inference must be made to selected vision statements, goals and policies would be related to these operations.

The Revised Code of Washington (RCW) 36.70A.020 establishes Open Space and Recreation as one of the thirteen (13) goals of the act. Specifically the goal states “Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreational facilities.” This ordinance promotes the safe development of recreational facilities.

Kitsap County’s Comprehensive Plan (2006) Land Use Goal 25 states “Maximize quality of life in Kitsap County by providing public facilities to meet the needs of today and 2035.” The two subordinate policies reflect this:

- Policy LU-118 Encourage the design of facilities to meet the service levels appropriate for today and tomorrow.
- Policy LU-119 Encourage the location of public facilities that will maximize efficiency of services, minimize costs and impacts to the environment.
While it is not expected that the public will construct and operate a shooting facility, such facilities are necessary in Kitsap County. This ordinance meets the intent of public facilities by allowing future development of such recreation facilities to meet current and future population needs.

The Parks, Recreation, and Open Space Element of the Comprehensive Plan states as Goal 7: “Preserve open space lands in a targeted manner to meet specific goals.” Shooting facilities would meet his goal. Additionally, Policy POS-119 states “Retain integrated open space network in the county that protects natural, cultural, and historical resources; protects water supplied; buffers land uses; provides recreational opportunities; and enhances the quality of life of County residents.” Here again, the encouragement of recreational areas is made. This ordinance allows for such development.

SEPA:

At the time of this staff report a SEPA checklist has been submitted for permit review. The expected outcome is a Determination of Non-Significance (DNS) due to the ordinance is programmatic. Needless to say, SEPA would be required for project level applications.

Recommendation:

Planning Commission conducts a public hearing on the proposed ordinance. Upon the conclusion of the hearing, make findings and recommendation to the Department to be forwarded to the Board of Commissioners to determine if steps should be taken to change Title 17, Zoning, by adding this section to it.