Kitsap County Planning Commission – February 17, 2015

MINUTES

KITSAP COUNTY PLANNING COMMISSION
Administration Building – Commissioner’s Chambers
February 17, 2015 5:30 p.m.

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/po/default.htm and listen to the audio file (to assist in locating information, time-stamps are provided below).

The Kitsap County Planning Commission met on the above-stated date at the Kitsap County Administration Building, Commissioner’s Chambers 619 Division Street, Port Orchard, WA

Members present: Robert Baglio, Karanne Gonzalez-Harless, Erin Leedham, Aaron Murphy, Tom Nevins, Linda Paralez, Jim Sommerhauser, and Jim Svensson

Members absent: Joe Phillips

Staff present: Jeff Rowe, Assistant Director DCD and Planning Commission Secretary Constance Blackburn

The dialogue provided below is being provided in a rough-draft format from the transcriptionist. Communication Access Realtime Translation (CART) is provided in order to facilitate communication accessibility and may not be a totally verbatim record of the proceedings.

5:49:20
A. Call Meeting to Order, Introductions by Chair Sommerhauser

5:49:48
B. Agenda accepted as presented.

5:50:31
C. Meeting Minutes for 1/20 and 2/03 approved

5:50:55
D. Public Hearing – Title 17 Shooting Development Regulation – Jeff Rowe, Assistant Director, Department of Community Development

MR. ROWE: Good evening. Jeff Rowe with the Office of Community Development. We’re here to conduct a public hearing over proposed changes for Title 17 and Kitsap County Code. Title 17 is the zoning code that needs to be amended specifically to recognize shooting facilities. As you recall, the current language only looks at public or private facilities and doesn’t really differentiate between a golf club or something similar. It’s silent completely on the issue or the topic of shooting facilities. Last year the Board of County Commissioners adopted a new code regulating the operations of existing shooting facilities. And with that adoption it became apparent that Title 17 needed to have these changes to recognize shooting facilities. And you know this is not a constitutional issue, but just a
means of allowing new shooting facilities, expansions -- expansion of existing facilities and permitting for private facilities. The language within this also looks at indoor shooting facilities. So in general captures the idea of shooting enthusiasm doesn't count. We met with you, the planning commission in January, and have addressed the comments that are in the current version in front of you. The red line comments are language taken directly from the shooting facility operational permit. You'd asked us to do that so you could see the consistency between the two bits of code. And with that, are there any questions? (none)

5:53:24

E. Public Testimony (see attached submitted documents)

MR. GROSS: Good evening, ladies and gentlemen of the Kitsap County Planning Commission. My name is Kevin Gross, and I'm a resident of central Kitsap County. You want to know my address as well? (No thank you) I come before you this evening to strongly support the proposed ordinance amending Kitsap County Code Title 17 adding a chapter for the regulation of shooting facilities and ranges as submitted by the director of community development. This proposed ordinance is patterned on and compliments Kitsap county ordinance in title 10.25 which became effective on September 22\textsuperscript{nd}, 2014. While the new title 10.25 code established the permitting procedures and rules for development of sports shooting range facilities in Kitsap County, the proposed Title 17 code provides the zoning and enforcement provisions required to fully implement the shooting range operational permit ordinance. This proposed ordinance has become imperative in order to assure that well-designed and operated shooting facilities can function without adverse impact on their neighbors. We believe that positive projectile containment is a requirement of the proposed ordinance. These ordinances are necessary due to the disregard of existing laws and regulatory authority by one sports shooting club and the desire of the surrounding community to enjoy safety in their homes and a reasonable quality of life. I and many other residents of Kitsap County, therefore, strongly recommend your approving and passing the proposed Title 17 amendment to the Board of County Commissioners for enactment with few changes and without hesitation. Thank you for your time this evening.

5:55:20

MS. EVANS: Good evening. My name is Molly Evans, and I live at 5537 Northwest High Point Court in Bremerton, which is about a mile -- little over a mile northeast of the Kitsap Rifle and Revolver Club. I lived there since buying my home in 1991. And at that time it and for many years to follow I was a pretty typical worried type of parent. As my kids grew up there, I worried about things like stranger danger, car accidents, things like that. At our house we had bike helmets, Mr. Yuck stickers, cars with seatbelts, smoke detectors. earthquake kits, first aid supplies, shin guards, normal stuff. We talked about looking both ways to cross the street. And, as my kids grew, alcohol, drugs, and peer pressure. Typical things. After raising my children with normal parent concerns, a bullet struck our house shattering glass and our peace of mind. You can imagine what ifs that went through my mind after that. I wasn't alone in our neighborhood. Four houses over you could imagine what Pam and Craig thought after a bullet whizzed past Craig's head as he worked in the backyard. Two houses down Susan and Colby patched the living room wall just above the couch where their daughters sat. KRRC patched their window but couldn't replace the feelings of safety. Debbie, just down the hill, had to patch up her dining room wall after it was shot through. Arnie, a neighbor on the corner, had his car pierced. What do you
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think Arnie was thinking as his daughter and grandchildren just left the house? What do you suppose those neighbors and I think whenever we hear gunfire now.

I do have normal grandma worries. I worry about my grandson’s fever, and I worry my kids will get stuck by a bullet. I should not have to worry about that. I want my home back now. I want no more delays in this long frustrating process that should have been, in the words of my friends and coworkers and family, a no brainer. I did not buy a home in an unsafe place. It became unsafe with the expansion of KRRC. The ordinance passed by the commissioners last year, if enforced, can ensure that. I’m asking that you please do your part in moving this forward. Thank you.

CHAIR SOMMERHAUSER: Any questions?

COMMISSIONER SVENSSON: Do you think this proposed code is a reasonable attempt to address your concerns?

MS.EVANS: Absolutely. If there’s positive — as they say positive projectile containment, that’s all I need. Just keep your bullets to yourself.

CHAIR SOMMERHAUSER: Molly, would you step back to the microphone so we can pick that up on the tape, please.

MS. EVANS: Yes, sir.

CHAIR SOMMERHAUSER: Just to reiterate, your distance from your property.

MS. EVANS: It’s about a mile .1, 1.1 miles.

CHAIR SOMMERHAUSER: And the neighbors that you referenced —

MS. EVANS: All of the neighbors pretty much — if I use my loud mom voice to call my kids, my kids could hear me from any of those houses, with the exception of Debbie Slaton down the hill who is about — I don’t know. She’s a little bit farther away. But not much. We’re all very tightly packed those of us who have been struck.

>> Okay. So give or take a block in either direction?

MS. EVANS: Exactly.

COMMISSIONER MURPHY: You’re all about a mile? Okay. Thank you.

MS. EVANS: I’d be happy to walk anybody around our neighborhood and show you who’s been hit.

CHAIR SOMMERHAUSER: Any other questions?

COMMISSIONER GONZALEZ-HARLESS: Do you have a map so we can see where that is in relation to what she’s talking about?

JEFF ROWE: I didn’t bring one.
Can Cathy and Gail bring one?

MS. EVANS: We have numerous maps showing the exact lines from the ranges to our homes. I didn’t teach math. But I get geometry, and there’s a straight line.

>> Thank you, Molly.

MS. EVANS: Thank you.

6:00:34

MS. GROSS: Good evening. I’m Gail Gross, and I live in the central Kitsap area. 1.61 miles down range from Kitsap Rifle and Revolver Club. One thing that I need to make clear is that I am not anti-gun. My husband served in the military for nearly 25 years, and we own a number of firearms.

I am here tonight to ask that you recommend adoption of the proposed Title 17 regulation of shooting facilities and ranges as presented by the Department of Community Development in an expedient manner with very few, if any, changes suggested in the wording. Please note that the section 10.25 firearms discharge contains much the same language and was adopted by the Board of County Commissioners after more and this two years of development, debate, research, and many opportunities for public comment and resolution. Several years ago a group of local residents formed KC Safe and Quiet, LLC, to try and protect our homes and daily lives from unacceptable and illegal encroachment on our property rights by KRRC. We believe there is a need for public shooting ranges that are compatible with surrounding communities and run legally, lawfully, and safely.

The process of developing the ordinances that will protect and preserve existing lawful ranges in conjunction with protecting the health, safety, and welfare of the community while at the same time forcing rogue ranges to eliminate the nuisance and safety impacts created by their own actions has gone on for far too long and needs to be completed. Tonight I’m sure that you’ll be hearing from a number of supporters of Kitsap Rifle and Revolver Club. In the past KRRC has employed three basic tactics in attempts to limit any regulation or imposition of law to their range. Listen very carefully for these three tactics that are used. Delay, deny, and divert.

I have, for each of the commissioners of the planning commission, a summary sheet of the tactics often used by KRRC to help categorize comments made by those representing Kitsap Rifle and Revolver Club. Thank you for your attention to this and to please consider very minimal or no recommendations for changes to Title 17 and to pass this on to the Board of County Commissioners for their consideration in the very near future.

6:04:01

MR. CARTER: Good evening, ladies and gentlemen of the planning commission. Appreciate this opportunity. My name is Marcus Carter. I am the executive officer of Kitsap Rifle and Revolver Club. Please pardon my scruffiness. We just moved back to the south end, and still haven’t found my box with a razor from it yet, but getting there. I’m encouraging this planning commission to not recommend the adoption or passage of this Title 17 amendment because it simply is unworkable. It is not in keeping with the best traditions of this county, and there were aspects of it that showed that it was obviously put together by people that do not have any relationship to or spend any time working alt a shooting range.

Kitsap Rifle and Revolver Club has been in the community since 1926. We have had a very
proud heritage and history. Several of our youngsters have gone on to college for their ability to shoot a .22 rifle. And we have helped young men and young women in their preparedness to join the Armed Forces and to move forward there. It appears that the county is continuing to try or at least some elements within the county are continuing to try to put Kitsap Rifle and Revolver Club into a box. And we can’t be placed into a box. We’re not a sportsman’s club. Kitsap Rifle and Revolver Club was founded for sport and national defense. That’s more than just playing sports. Practical shooting is something that had been brought up by Mr. Keaton at the -- one of the previous hearings. And he -- evidently, he doesn’t understand what practical shooting is. It’s not just a sport. It’s the idea of training people to exercise practical skill sets to defend their lives, their community, their nation as necessary.

This is not taken into account at all in this ordinance. There are several aspects. They talk about practical shooting meaning a sport or an activity. Certainly there are sports referred to as practical shooting. But it is not just a sport. There were aspects of -- of the definitions and terms they have such as expansion, which means any change to a shooting facility is considered expanse. It is important to note that while Kitsap County just recently sued Kitsap Rifle and Revolver Club, as I’m sure everyone here is aware of, there was not a single finding -- they took the three best examples that they thought of were projectiles that allegedly had left our facility and going to other homes. Please make note that Judge Circo did not find that a projectile had entered any of those homes that it came from Kitsap Rifle and Revolver Club. The county seems to be missing the fact that a lot of people shoot at places that aren’t ranges. All throughout. Just recently in the development of the Heritage Park, they just pulled out at least -- there were two or three car carcasses that were bullet riddled. Absolutely bullet riddled. When Kitsap Rifle and Revolver Club was shut down not too long ago, there were two reports of people shooting and getting struck by bullets. It didn’t come from Kitsap Rifle and Revolver Club.

We’re being attacked by a group of people that for a number of reasons, either because they want their property values to go up or they don’t have any interest in shooting, one or two of them perhaps don’t even care for me personally, which is hard to understand. But we have a rich heritage that this county needs to embrace. And rather than fighting the gun clubs, this county needs to be embracing Kitsap Rifle and Revolver Club and working to solutions that need to happen. Not trying to force something down the throats of the club that will, without question, lead to very expensive and long drawn out lawsuits. Practical shooting, expansions. There was a -- I was looking at the safety fan definition. This is -- I’m sorry the page isn’t numbered. But it is under definitions, Z, safety fan. And about half way down the paragraph it says the safety zone extends 10 degrees to the right or left. Why 10 degrees? Is there a stop that keeps people from going 20, 30 degrees? 40 degrees? People have said well gee, you’ve got to make it really hard for a bullet to leave the range? How difficult is it for you to wreck your vehicle? Pretty easy, isn’t it? Turn the wheel and you’ve hurt something or hit somebody. How easy it is for a projectile to leave the range facility? Pretty easy when people abuse what they have and don’t use their skill sets. What is the reason for a 10-degree or 45-degree for ricochet? 1200 yards for high powered rifles? Where did any of this come from? Where did any of it come from?

Clark County, which is a county which our county had taken a lot of the shooting range ordinance from, even there they say that their new ordinance does not apply to historic facilities. It is also important to note -- and I’ll leave you with this -- and that is with an invite. Because, ladies and gentlemen, to this day, not a single individual from the Department of Community Development, not a single one of the county commissioners, or I believe of this planning commission has ever come to Kitsap Rifle and Revolver Club while we were operational, while we had an event going on. And where we were not invited to participate in this, we would invite you and ask that you would -- I hate to use the term brought up by one of our neighbors -- but delay this until you have the opportunity to
come to our range and watch us while we are operational. At least do that at a minimum. People
shoot all over this county. We've been working hard for years to get them to come to the gun ranges
so that they have positive education, enforcement of rules, and an engineered facility that will stop
cannon fire when used properly. And I'm proud to say that Kitsap Rifle and Revolver Club is used
properly. And repeatedly. Almost a 90 year history, folks. 90 years. And the three best examples that
Kitsap County can bring to trial, the judge could not find that any one of those projectiles came from
Kitsap Rifle and Revolver Club. It's unfortunate, but those are the facts. I'm concerned about my
children, too, and the fact that I live in the area and family lives in the area. But we have to -- if we are
going to pass a statute, you need to pass a statute based on factual information and not a knee jerk or
emotional reaction. So I do extend that invitation. Please come see our facility before voting to
regulate it. Thank you very much.

CHAIR SOMMERHAUSER: Any questions for Mr. Carter? Aaron.

COMMISSIONER MURPHY: For those of us who never used a firearm, is it realistic to think that in a
one block width a mile away, there could be consistent ricochet issues off-site?

MR. CARTER: Are you talking about consistently into an area or home?

COMMISSIONER MURPHY: I'm referring to the fact that somebody else took the microphone and said
within four or five houses either way everyone has been hit. The argument appeared to be that it was
ricochet related. Is that realistic? 16 blocks away or --

MR. CARTER: No, it is not realistic at all. Kitsap Rifle and Revolver Club is very fortunate in that where
it is located is in one of the best areas for trapping projectiles, sandy, loamy soil. And when it gets hit,
it absorbs projectiles. I would suggest that when you looked at where these old car carcasses had
been taken from and from one neighbor that's a member of Kitsap Safe and Quiet where they've been
shooting, are far more inline with the homes in these neighborhoods they're speaking of than Kitsap
Rifle and Revolver Club. But, no, it is unreasonable to think that a ricochet is going to travel 1.1 miles.

CHAIR SOMMERHAUSER: Jim.

COMMISSIONER SVENSSON: Jim Svensson, for the record. Mr. Carter, I see in some background
information that the Bremerton Trap and Skeet Club and the Poulsobo Sportman's Club were involved
with your organization in developing some regulations. I guess one question is are any
representatives of those organizations here tonight and, to the best of your knowledge, do they share
your contention that basically this whole thing should be thrown out?

MR. CARTER: Well, I don't see anybody from those organizations here this evening. This -- the original
ordinance was actually called the Poulsobo Sportman's Club document because one of the Poulso
Sportsman's Club officers had worked hard with the county prosecutor to try to develop this
ordinance even before they called a group of these folks to come meet.

Doug O'Connor, the president of Poulsobo Sportman's Club, has repeatedly told me that this
whole process was a joke, that it was aimed at Kitsap Rifle and Revolver Club and they just felt that
they needed to do what they could to make it as palatable as possible for their organization.
Regardless of what happened everywhere else. Which, by the way, Doug O'Connor happens to be a
member of Kitsap Rifle and Revolver Club and comes to our range to shoot and do things responsibly
that he can do at our range that he can't do at Poulsobo's Sportman's Club because we are not a
sportsman’s club.

CHAIR SOMMERHAUSER: Robert?

COMMISSIONER BAGLIO: Just for clarity, are you actually -- do you have specific changes you recommend to this? Or do you think it’s not necessary? I mean, I guess I would also question what would the impacts of passing this ordinance be to your club?

MR. CARTER: I appreciate that question, very much so. Because looking at many of the issues here -- and, quite frankly, again, I just moved and the last two weeks it has been finding boxes of all my notes and everything else. This -- there are many things in here that, when you look at terminology, under outdoor ranges, 040 subset a3, it talks about impact berm material being of a sufficient height. What is that? What is a sufficient height? Is it what somebody comes up with because of what they’ve read in the manual somewhere? Because you can stop a projectile in four or five feet of soil if you’re aiming right at the bottom of it. You have a 10-foot tall berm is that not high enough because they feel it needs to be 20 feet, according to who? Mr. Keaton, contrary to what was led -- what many folks were led to believe, really had no involvement in designing or operating shooting ranges for the military or anybody else. There were, for example, overhead baffles. This is again under outdoor ranges: "Design and operational standards, overhead baffles 3. Shall be constructed of a material sufficient design to stop and contain any projectile fired from the most powerful cartridge authorized for use in that range."

Well, that definition by itself negate the $1.2 million baffle system, overhead baffle system that the Paul Bunyan Club just put into place because it doesn’t contain projectiles. It redirects them. It doesn’t -- again, the people that put this together have no operational knowledge of how a range works. And even the visit when the ordinance committee came out to Kitsap Rifle and Revolver Club, they cut their visit to our range short and didn’t allow us the opportunity to fully explain how our facility works.

And again, to this day, Commissioner Garrido and the rest of the county commissioners have never been out there while we’ve been operational. The safety fan -- again, where do these numbers come from? The -- I had been told after the last meeting by Larry Keeton that we were going to receive a complaint from a member of CK Safe and Quiet because we were shooting at his house and his house is 300 yards from our facility. I told him if we were shooting at his house -- there are some of us that have bad days. I hang out with pretty good marksmen. If we were aiming at his house, we would have hit it. Nobody is shooting at his house. And yet, if they use the safety fan formula to where within any d stance, no matter where that house or home happens to be, you can’t shoot in a specific direction, around wetlands -- well, our range is right next to wetlands. According to this, we would not be able to operate if this is passed. And, if it applies to us, I’d say that there’s really good argument and the courts have upheld recently that grandfathered status means a whole lot. But, if they were to apply this, we told -- I was actually invited to be a part of 50c93 when they were first coming up with the first range ordinance that they tried to -- that they passed at that point. And according to that ordinance and this one here, if I’m 500 yards and one inch away from someone’s house, according to this, I can take a 30 00 6 rifle and point it at living room and squeeze the trigger and that’s okay. That doesn’t make sense. That doesn’t make sense at all. There there’s no safe distance for pointing a gun at somebody’s house. You’ve got to know where a projectile is going to come to rest. And at Kitsap Rifle and Revolver Club we have those impact berms to make that happen.

There was another aspect of this, as you -- the noise aspect. The noise under 16 must be part of A for outdoor ranges. Talks about how that sound levels generated from a discharge from firearms
on the range should not exceed 65C weighted level at the property line. You can reach a portion of
your property line -- not that there's any homes close to it. You can reach a portion of our property
line that's within probably 100 feet of our rifle line. And where did that 85 come from? Where have they applied it anywhere in the nation to an outdoor range? They haven't. This is all new ground. And it is going to cost the club and the county a lot of money fighting through these details. Something that hasn't happened that I mentioned to the chair that I would ask for a formal opportunity for Kitsap Rifle and Revolver Club to make a presentation extended with the invite for you to come out and look at our facilities and discuss how it is that we'd operate and how it is in keeping with all of the ranges that you'll find in this state. In Western Washington, there is not a single outdoor facility that would be able to operate under this without spending a ton of money. And even then we don't even know that they would, ultimately.

So, between the noise, between the -- again, missed definitions, baffles, overhead baffles, the application of firing point in a firing line -- something they don't take into consideration as well. They're taking -- like there's one spot where you shoot and there's a target and a target line. Many times in our facility, with sports and training activities that we do, there will be a target line and people are moving all through the bay. There's not just one shooting point. There's many -- and that changes time after time after time from one weekend to the next. From one day to the next, shooting positions and shooting points change on a facility like ours. Please understand that Kitsap Rifle and Revolver Club has had the honor of being asked by Joint Base Lewis-McChord to come run what they consider to be a highly dangerous activity. We've been asked back three times now. And just this last year the special forces side of the Air Force that the Joint Base Lewis-McChord had us come, design and run a training exercise for -- called the cascade challenge for the Air Force special forces Ford air controllers. We have talent here that's just unbelievable. But it's like everyone wants to attack Kitsap Rifle and Revolver Club when we truly have hundreds upon hundreds of years of experience at that club. We have club members that are not only have shot at ranges throughout the nation but have won championships, national championships, world championships. We've got youngsters right now going to college, again, on their ability to shoot because of what they've learned at our club. The attacks against our club have been unfounded. And, unfortunately, as we've seen here once again from Mr. Rowe's presentation and Mr. Keaton and those here today, the attack seems to be on Kitsap Rifle and Revolver Club.

Come see it for yourself, folks. Please. Come see it while it's operational. And if you haven't shot before, we can make that happen, too. But come see for yourself before you pass something that's going to be very costly to one of the state's oldest and most successful not for profit shooting organizations out there. So please come see our facility. Come see us while we're operational.

CHAIR SOMMERHAUSER: Robert, did that answer your question?

COMMISSIONER BAGLIO: Probably and more.

MR. CARTER: Sorry

CHAIR SOMMERHAUSER: Tom.

COMMISSIONER NEVINS: You know, I did participate in a run shoot operation myself when I was in the military. I think the military base is a really good place to do that. I'm not sure that rural Kitsap is exactly where I'd like to see that happen. But that's just a point of view. And I have -- I've done that and enjoyed it a whole lot. Stories to that. The concern about where did this number come from and
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million dollar Paul Bunyon baffle wouldn’t stop a bullet, well, essentially to me, that kind of is about
the same thing. Contain and redirect, if it’s being redirected down to the ground, I’m fine with that.
I don’t know what – I have no idea where Paul Bunyan is. But there’s quite a few figures that are in
here, like you mentioned, the 85-decibel unit. I’m not going to question that. I don’t know where it
came from. I’m not sure that I need to know that. It’s a noise level that is chosen by somebody. And
probably my neighborhood probably exceeds that from time to time because I live close to a
reservation where fireworks are sold and go off quite a lot.

In any case, a lot of the objections you’re presenting seem to have had a fair amount of time
to be aired by a subcommittee that dealt with these problems. And there’s several people here in this
group that have been involved in that. I’d like to hear from them about what the process might have
been and whether it seemed to be a fair process to you. But we’ll do that during deliberations.

MR. CARTER: If I can just answer your question about something redirecting. You’re exactly right.
That’s what they were designed to do. My whole point is the definition in here would not allow for
those baffles to meet their -- I’m trying to find the -- where is that again? Safety baffles.
It was under outdoor ranges. "Overhead baffles shall be corrected of materials sufficiently designed
to stop and contain any projectile." Doesn’t say to redirect. Now, it may be a minor issue. If you
understand, that’s just one of the points I was making is that even the definitions haven’t been
thought out very well. Again, the idea that this -- the ordinance committee that did come out to Kitsap
Rifle and Revolver Club did not do it while we were operational. They didn’t watch anything that we
were doing there. And they cut their visit short because of time constraints, they said, at that point.
The other issue that I would like to point out is you made mention that the running and gunning
should be left to a military facility. Well, to be quite frank, the Article II of the Bill of Rights and Article
I section 24 of the state constitution, has to do with us, the general population being prepared to fight
off any sort of invasion, whether it’s a single person invading your home or whether it’s to respond in
support of the Governor if the state gets attacked. It sounds like you enjoyed the activity. And it’s lots
of fun, and it can be done safely. And that is why Joint Base Lewis McChord has asked your Kitsap
Rifle and Revolver Club to come and host those facilities or activities.

CHAIR SOMMERHAUSER: Tom.

COMMISSIONER NEVINS: Looking at baffles barriers to contain bullets and/or to produce, redirect or
suppress sound base. So that would be a very easy piece to alter.

6:28:29

MR. ELLIS: I’m Terry Ellis, neighbor of Kitsap Rifle and Revolver Club that they claim is doing all the
nasty things to all of our neighborhood and all the communities around it. You guys have read the
trial document. You will see that that is all discussed and debunked in great detail. The numbers that
we’ve been discussing here from the 10 degrees, the 1200 yards., the 45-degree -- those all come out
of the best manual in the world for the maintenance, construction and operation of shooting ranges.
And that’s the Army Manual 38563. That’s the base document for the entire world.
The issues that have got us here and caused all of this problem are land use violations. When I
moved here in 1988, there were two ranges at the Kitsap Rifle and Revolver Club. One rifle line, one
pistol line. They were very well defined. They had fixed firing points. They had fixed targets. Not that
way any more. Lost my train of thought again.
Everything that you’re looking at in this particular ordinance has been beat to death. Has been
debated, has been researched, evaluated. The only thing that is really new in here is 85-decibel that is
not in 1025. 85-decibel if you look at your own Kitsap County Code is in there for all residential areas, all non-shooting range sound levels. Cowlitz County, Clark County. 85 decibels in there in the range ordinance. It's not new. It's not something that we invented that the county invented specifically for Kitsap Rifle and Revolver Club.

Think about why we're here. We're all -- we are all -- I don't know how much shooting you've done, Tom. But I've done a lot. I've been at ranges all over the world. 26 years in the military. I enjoy it. I still go every chance that I get. The purpose isn't to shut down Kitsap Rifle and Revolver Club. The purpose is to get ranges to contain projectiles within the boundaries of their range. One last one, if you look at the 2005 issue of the Kitsap Rifle and Revolver Club Bulletin which is their newsletter, you will see an adoption -- excuse me, a change to their charter from sport and education to sport and national defense. That's not been around forever. That's been around for what? Eight years now? That's all I have. Thank you.

6:31:50
Closed Public Testimony Portion

6:32:15
Questions for Jeff Rowe

COMMISSIONER SOMMERHAUSER: Based on testimony, any questions for Mr. Rowe from the department of community development or the ordinance or anything else? Starting right here next to me. Karanne.

COMMISSIONER GONZALEZ-HARLESS: One thing that's not clear to me is -- having worked on both documents, what are the actual differences or -- okay. KRRC needs to get an operational permit, which most of this is going to apply to them. So, if it's determined that they've done an expansion, what are the additional burdens or requirements they're going to have to meet?

MR. ROWE: There would be more choices involved in that than the way you put it forward. But, if I could say that differently, I'd say a permit -- if a permitted expansion came in, that's what this is designed to allow.

COMMISSIONER NEVINS: Take for instance overhead baffles. Are they required to overhead baffle now under the new permit?

MR. ROWE: Containment will be part of those operational permits.

COMMISSIONER NEVINS: So that overhead baffling would be part of the operational permit?

Mr. Rowe: Correct.

COMMISSIONER NEVINS: So, even though it's in the ordinance for expansion, it's still going to get covered under the --

MR. ROWE: We use the example of expansion, but also envision a new range that would want to come in and locate on ground that hadn't been previously used. So a brand new application not previously expanding and existing but a brand new application, so it was trying to look at any of those options.
COMMISSIONER NEVINS: So are there things in this ordinance that would apply that aren't going to be applied to the permit?

MR. ROWE: Yes.

COMMISSIONER NEVINS: What would those be?

MR. ROWE: Well, to go through each and every one of those, I mean, I don't know if I could summarize that here this evening.

COMMISSIONER NEVINS: Well, not here. But could you do that for us? Because I don't really --

MR. ROWE: There's the difference between what the operational permit would require and what this would -- well, obviously, the conditional use permit is the first thing that comes to mind. But --

COMMISSIONER NEVINS: I'm talking more about the range itself and design and, you know, specifically contain. Noise would be applied. I know that would be one big difference.

MR. ROWE: Mm-hmm. But other issues would be like any new -- you'd evaluate parking. There would be other things. Access to the site. I mean, there's all sorts of things that might be evaluated. But an expansion would still have to be impacted by parking and all those things.

MR. ROWE: Depending on what that was. Certainly. We'll do a comparison of the operational permit to the shooting facility in 17.

COMMISSIONER SVENSSON: Jim Svensson. Jeff, Mr. Carter intimated that many of the numbers in this code are arbitrary or not founded based on reasonable criteria. The last gentleman who testified, Mr. Allison, I believe it was, indicated where some of them came from. But do you have any comments you want to share with us about where some of these numbers like the 10-degree --

MR. ROWE: Those specific numbers I couldn't really tell you exactly where it came from. But the ordinance itself says the designs -- if you look on -- again, I agree with everyone this evening we should have number those. But it's 17xx .04 on outdoor ranges. If you look at the second page of that document, you can see the designs of safety procedures shall be evaluated by an NRA technical team advisor or by a professional engineer with experience in these facilities. We then also recognize the NRA handbook, if you look a few -- or excuse me, the NRA sourcebook -- I can't remember where I saw all that. But it talked about the year that it was -- the addition or as previously or after that time amended. So we looked back to the NRA safety manual for that sourcebook itself. And there would be specifics on each range about how and what they were shooting. That's why you couldn't say this would be the answer to any weapon or firearm being used. It would have to look at what you were doing within those given days.

CHAIR SOMERHAUSER: Other questions? Robert?

COMMISSIONER BAGLIO: So I guess the subcommittee that was formed that reviewed this, no one is here to give any input on that.
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MR. ROWE: On the operational side of that, yes. This was put into place strictly because 17 did not -- was silent. The current Title 17 that we have is silent on shooting facilities. And so we were looking at if someone were coming in with an expansion, we'd have to get 17 so that it -- recognize them and then also that that copy what was required for an operational permit and then if someone wanted to build a new one on bare ground, these other shooting facilities, private ranges and indoor shooting ranges.

COMMISSIONER PARALEZ: I think it's important being a member of that subcommittee to clarify that we in no way reviewed this document or had a hand in drafting it. The content of the details here are not our creation. Sorry about that.

COMMISSIONER NEVINS: As I read this document, this is not the reason I would vote against it. But there is in the outdoor ranges, number 1), would seem to prohibit variable point shooting as you -- as described in Mr. Carter's testimony. Because -- which, to me, does not seem to have a place in rural Kitsap close to housing. So I would not vote against this for that reason. But he does have a point that that running, dropping, shooting image that I have -- there's a popup target over there, shoot at it, run over here and shoot at it, I -- I do believe that's real important to have a military compound ability to do that. But rural Kitsap, I -- that's not where I want it.


COMMISSIONER MURPHY: Is it safe to assume -- or maybe it's not and you can just explain. Where it was covered there was a discussion about, you know, user error, right? How like do you have to turn your car wheel before you get in an accident? Where is it covered -- and maybe you know in the operational side of things that -- I mean, what happens if there's user error? In the sense of 10 degrees, for example.

MR. ROWE: What this evaluation would look at is what one could expect on a given day based on the position of the shooter and relationship to what safeguards are put in there, side berms, overhead baffles, taller berms as mentioned by others. These could all be elements that would focus projectile containment. And, you know, that's -- that's the key to what this language is trying to get at is to keep those rounds as reasonable as possible on the range itself.

CHAIR SOMMERHAUSER: Aaron, Linda, and Karanne, and I were members of the subcommittee on the operational ordinance. We also made a visit to the Paul Bunyan range that Mr. Carter referred to that has an overhead baffling system. If you go to Poulsbo, they have -- instead of earth and side berms, they have the great big cement blocks that they run down the sides of the shooting lanes. So side containment is one way. The way that it was explained to us when we did our tour at Poulsbo and then Karanne and I at Paul Bunyan, is, if you're at the shooting line, that, when you fire at a target down range, if you slip and elevate the barrel too high, the design of the overhead baffle is such that the bullet will impact the baffle instead of exiting the range. And the baffle runs far enough down range from the firing point that you either hit the target berm or the baffle. The side walls are the same thing. Not every range has side walls like that. C has big earthen berms on the side. But that is the goal is to contain the bullets within the range. So --

COMMISSIONER MURPHY: Mr. Rowe, you suggested -- the owner of KRRC suggests that there's a challenge in the language with regard to of good enough design being by what standard and if -- you
know, there's always an issue of implementation after you pass something. Can you just remind us again who would be visiting and, you know, making the decision about what is good enough.

MR. ROWE: Well, the design and safety procedures shall be evaluated by the NRA, technical team advisor, RTTA, or professional engineer with expertise in shooting facilities or other qualified professional consultant. The department then -- I mean, it comes down to a drawing like anything else where you know, are the berms 10 feet high? Are the baffles placed two feet apart and are 12 inches thick? It's a construction project from my point of view at that point. Short of that, I don't know what else I could tell you. It's measuring angles. Might be a little more difficult, but we would have a surveyor go in and be able to measure those things. So it becomes, someone said earlier, a geometry practice.

COMMISSIONER PARALEZ: It does seem odd to me that we would rely so heavily on the NRA sourcebook for all the criteria until you get to this military standard that we've now discovered. And would apply to this one section. And then we have a noise criteria that also doesn't come from NRA. So it seems an odd inconsistency that we have this one relies on military and then the NRA and then inconsistency. So I would suggest that we either make it transparent about our sources and why and why we think they're really important for a land use criteria. The other issue that occurred to me is does it matter in terms of the criteria of use what the purpose of the range is for? If the range is for the purpose of education, or sport or recreation, does it have different criteria? Versus if it's purpose is for Homeland Security and cowboy activities, does it have a higher standard of use might be something that we consider or think about in terms of higher standards of quo safety or baffling or containment because of the nature of the use.

MR. ROWE: My impression is you're evaluating the range as it's being used. So in that example of let's say it was a 22 planking range, it might have a different set of standards.

COMMISSIONER PARALEZ: So from a trap and skeet club, for instance, has a specific narrow definition of use. And has a different safety standard because of that use. Less likely to kill somebody because they're --

MR. ROWE: I understood. Thank you. In the noise, I believe that's in the noise standards as they are. So that decibel rating of property line is a current standard. I recently had someone with a lawn mower who was complaining about how much noise that made. Actually, I'm sorry. To be fair, it was about the condensing unit for the heating ventilation and cooling. And, when I looked at the decibel rating, an older mower was probably putting out the same. So taken technically, we'd be going out on lawnmower complaints.

CHAIR SOMMERHAUSER: Any other questions? Robert.

COMMISSIONER BAGLIO: I was curious and ordinance draft stakeholder the gentleman indicated -- was that not done with this? Are there folks that maybe operate other ranges providing input and feedback and comments on that?

>> I don't believe sc, Robert.

And I think it's in recognition of the time frame associated and with so much of the language being, you know, directly from the operational permit. So --
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CHAIR SOMMERHAUSER: Okay. Seeing no more questions from our friends, Jeff, what’s our timeline for deliberation?

MR. ROWE: Caught me flat footed on that. Jim, I don’t have an answer for you. We have the room for some time.

CHAIR SOMMERHAUSER: Okay. Well I’m just looking at the agenda for today. We’re -- Constance, were we noticed to do deliberations on this today? I don’t see it so I’m assuming that we were going to do deliberations on another day. Constance -- Larry, hadn’t talked to you about --

CONSTANCE BLACKBURN: Our next meeting is March 3rd, which is also a public hearing.

CHAIR SOMMERHAUSER: Okay. We’ve got several requests for information from Jeff. That we would have the opportunity to get back from the department prior to our time of deliberations. And I assume Constance and Mr. Keaton will inform us when after that they will be ready. What’s the druthers of my friends here as far as additional discussion?

COMMISSIONER PARALEZ: I would suggest March 3rd if we can fit it in.

CHAIR SOMMERHAUSER: Okay. Are we sufficient for noticing for that? Constance? My friends would be happy to do deliberations on March 3rd. So Jeff, we’ll need to see your information back to us probably at least a week before.

6:48:58

F. Good of the Order

CHAIR SOMMERHAUSER: All right? Okay. Anything for good of the order? Tom?

TOM NEVINS: Yes, I have a couple things. I think I can only remember one right now. One of them has to do with Jeff because we had been exposed to billable lands report and indication it was in satisfaction of the Growth Management Act. And that requires no code changes. And we would not have too much to do with that. However, it was presented. We were also supplied a letter from Jerry Harless that indicated some significant difficulties including time frame and numbers that I don’t think follow too closely. But is his letter being considered part of the public input, or is it is there some action that the county will take in reference to that letter?

MR. ROWE: Yes, it is part of the public input. And I believe we’re responding to that or it’s of iterative nature where some of the response has been made. But I’ll follow up on that for you, Tom.

6:51:30

G. Meeting Adjourned.

Planning Commission Public Hearing on March 3rd regarding Flood Code

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Exhibits:

A.) Written testimony from Kevin Gross
B.) Written testimony from Molly Evans
C.) Written testimony from Gail Gross
D.) Document from Gail Gross

MINUTES approved this 17th day of March 2015.

Jim Sommerhauser, Planning Commission Chair

Constance Blackburn, Planning Commission Secretary
Kitsap County Planning Commission Meeting
Feb. 17, 2015, beginning at 5:30pm
Public Hearing Testimony—Kitsap County Code, Title 17—Regulation of Shooting
Facilities and Ranges

Good evening ladies and gentlemen of the Kitsap County Planning Commission. My
name is Kevin Gross and I am a resident of Central Kitsap County. I come before you
this evening to strongly support the proposed ordinance amending Kitsap County Code
(KCC) Title 17 adding a chapter for the regulation of shooting facilities and ranges, as
submitted by the Director of Community Development. This proposed ordinance is
patterned on and compliments Kitsap County ordinance in Title 10.25, which became
effective on 22 December 2014. While the new Title 10.25 code established the
permitting procedures and rules for development of sport shooting range facilities in
Kitsap County, the proposed Title 17 code provides the zoning and enforcement
provisions required to fully implement the shooting range operational permit ordinance.

This proposed ordinance has become imperative in order to assure that well designed
and operated shooting facilities can function without adverse impact on their neighbors.
We believe that positive projectile containment is a paramount requirement of the
proposed ordinance. These ordinances have become imperative due the disregard of
existing laws and regulatory authority by one sport shooting club and the desire of the
surrounding community to enjoy safety in their homes and quality of life.

I and many other residents of Kitsap County therefore strongly recommend your
approving and passing the proposed Title 17 amendment to the Board of County
Commissioners for enactment with few changes, without hesitation.

Thank you for your time this evening
My name is Molly Evans. I live at 5537 NW High Point Ct., Bremerton, and have since buying my home in 1991.

At that time, and for years that followed, I worried about all of the normal things that parents do as their kids grow up. So, at our house, we had bike helmets, Mr. Yuk stickers, cars with seatbelts, smoke detectors, an earthquake kit, first aid supplies and shin guards. We talked about looking both ways to cross the street, stranger danger, and, later, safe driving, peer pressure, alcohol and drugs.

After years of living in my home and raising my children with the normal protectiveness of a parent, things changed. A bullet stuck our house, shattering glass and our peace of mind. You can imagine the "what ifs" that started then, and I wasn't alone: Four houses over, can you imagine what parents Craig and Pam thought after a bullet whizzed past Craig as he worked in his backyard. Two houses down, Susan and Colby patched the hole in their family room wall just above the couch that their daughters sat on every day. (KRRC paid to replace their broken window, but do you think they ever felt safe in their home again?) In the years that followed, Debbie, just down the hill, made her dining room wall whole after a bullet shattered it. Arnie’s garage wall and car was fixed after being pierced by a errant projectile. What do you guess went through his mind, since his daughter and grandchildren had just visited? What do you suppose these neighbors and I think of whenever the sound of gunfire shakes our neighborhood now?

Currently, I worry about things like my grandson's fever or whether my granddaughter will wear a life jacket when she should. And, I worry that they'll be shot when staying at my house. I shouldn't have to. I have spent years trying to return my neighborhood to safety, and I want my home back NOW. I want no more delays in this long, frustrating process that should have been, in the words of my friends, family and co-workers, a "no-brainer". I did not buy a home in an unsafe place, it became unsafe. I simply want to know that bullets can't leave the gun range. The ordinance passed by the commissioners last year, if enforced, can ensure that. Please do your part to make sure that happen NOW.

Molly E. Evans
Kitsap County Planning Commission Meeting  
Feb. 17, 2015, beginning at 5:30pm  
Public Hearing Testimony—Kitsap County Code, Title 17—Regulation of Shooting Facilities and Ranges

Good evening. My name is Gail Gross and I live in the Central Kitsap area 1.61 miles downrange from the Kitsap Rifle and Revolver Club. One thing that I need to make clear is that I am not anti-gun. My husband served in the military for nearly 25 years and we own a number of firearms.

I am here tonight to ask that you recommend adoption of the proposed Title 17, Regulation of Shooting Facilities and Ranges as presented by the Department of Community Development in an expedient manner with very few, if any, suggested changes in wording. Please note that the section found in Title 10.25, Firearms Discharge, contains much the same language and was adopted by the Board of County Commissioners after more than two years of development, debate, research, and many opportunities for public comment and resolution.

Several years ago a group of local residents formed CK Safe & Quiet LLC to try to protect our homes and daily lives from unacceptable and illegal encroachment on our property rights by KRRC. We believe there is a need for public shooting ranges that are compatible with surrounding communities and run legally, lawfully, and safely.

The process of developing the ordinances that will protect and preserve existing lawful ranges in conjunction with protecting the health, safety, and welfare of the community, while at the same time forcing rogue ranges to eliminate the nuisance and safety impacts created by their own actions has gone on for far too long and needs to be completed.

Tonight I'm sure you will be hearing from a number of supporters of Kitsap Rifle and Revolver Club. In the past, KRRC has employed three basic tactics in attempts to limit any regulation or imposition of law to their range. Listen carefully for these three tactics that are used: DELAY, DENY and DIVERT.

I have for each member of the Planning Commission a summary sheet of the tactics often used by KRRC to help categorize comments made by those representing Kitsap Rifle and Revolver Club.

Thank you for your attention to this and to please consider very minimal or no recommendations for changes to Title 17 and to pass this on to the Board of County Commissioners for their consideration in the very near future.
TACTICS OFTEN USED BY KITSAP RIFLE AND REVOLVER CLUB IN AN EFFORT TO PREVENT REGULATIONS FROM BEING ADOPTED, ENFORCEMENT OF RULES AND REGULATIONS OR IMPOSITION OF LAW TO THEIR RANGE:

- **DELAY** any decisions, create controversy without offering any solution, and divide the community with irrelevant nonsense.

- **DENY** any responsibility, culpability, or right of outside authority to impose or enforce regulations.

- **DIVERT** attention from the real issues of land use, property rights, and legal obligations by erroneous arguments, worn-out analogies and claims of gun rights and 2nd Amendment violations.

A NOTE TO THE PLANNING COMMISSION FROM CK SAFE AND QUIET LLC:

Experience has taught us the hard lesson that if there is no well-defined regulation of shooting ranges, then unscrupulous, or possibly just uninformed, range operators will expand their ranges without regard for the law, for safety off-range, or for the welfare of the community.

The process of developing the ordinances that will protect and preserve existing lawful ranges in conjunction with protecting the health, safety, and welfare of the community, while at the same time forcing rogue ranges to eliminate the nuisance and safety impacts created by their own actions has gone on for far too long and needs to be completed in the very near future. Please consider very minimal or no recommendations for changes to Title 17 and to pass this on to the Board of County Commissioners for their consideration in the very near future.