



Proposed Amendments to the UDC, Title 18 Relating to Shooting Facilities in Unincorporated Jefferson County

Staff Report to the Jefferson County Planning Commission

Purpose of the Proposed Amendments

The Jefferson County Department of Community Development (“DCD”) proposes amendments to the Unified Development Code, (Jefferson County Code, Title 18) relating to shooting facilities within unincorporated Jefferson County. Currently, the Unified Development Code (“UDC”) has inconsistent and outdated definitions relating to shooting facilities, fails to differentiate between non-commercial and commercial shooting facilities, and does not expressly permit indoor commercial shooting facilities in any zoning classification. The proposed amendments clarify the UDC relating to shooting facilities, while providing more consistent land use regulations.

Background

On December 18, 2017, the Jefferson County Board of Commissioners approved a one-year moratorium on new and the expansion of existing commercial shooting facilities in unincorporated Jefferson County. The moratorium was passed in order to protect the public safety and ensure future viability of commercial shooting facilities. The moratorium prohibits the “submission, acceptance, processing or approval of any Jefferson County permit application for any proposed use, development, proposal or project for the siting, construction or modification of any commercial shooting facility, during the period of development of an ordinance.” Jefferson County Ordinance No. 05-1218-17. The moratorium defines a commercial shooting facility as a “commercial facility have one or more shooting ranges that for use of the facility require a contract, charge a fee, or require membership.”

In August 2018, the Jefferson County Board of Commissioners was briefed on a proposed draft Commercial Shooting Facility Ordinance (“CSFO”) under Health and Safety, Title 8, of the Jefferson County Code. The proposed draft CSFO is an operational ordinance requiring new or existing commercial shooting facilities to obtain an operating permit. The operating permit, as currently drafted, would require items, such as a facility design plan, safety plan, operations plan, and noise abatement plan. Also, it requires, as currently drafted, inspections, insurance, and a professional evaluation. As currently drafted, the CSFO requires new commercial shooting facilities to obtain an operating permit. As currently drafted, the CSFO requires existing facilities to obtain an operating permit or a provisional operating permit within one-year of adoption. As currently drafted, non-commercial shooting facilities would not require compliance with the proposed CSFO or operation permit requirements. This section is

meant as a high-level summary of the proposed CSFO and does not represent a full analysis of the proposed CSFO. For more information on the proposed CSFO please see the agenda and attached items for the October 24, 2018 Hearing at <https://media.avcaptureall.com/session.html?sessionid=89dec599-b497-41c9-81cc-a2d49d786c0d&prefilter=845,5958>. The detailed history of the work of the review committee that helped prepare the proposed CSFO is at <https://co.jefferson.wa.us/1291/Commercial-Shooting-Facility-Review-Comm>.

On September 9, 2018, the Jefferson County Board of Commissioners referred these UDC updates to the Jefferson County Planning Commission for review and action. The proposed amendments to the UDC relating to shooting facilities does not require that the CSFO be adopted before considering this proposal. This proposal clarifies definitions, clarifies the small-scale tourist and recreation uses, and updates allowable and prohibited uses under the JCC 18.15.40 Table 3-1 "Allowable and Prohibited Uses". This proposal is independent of the proposed CSFO.

Currently, the UDC permits shooting facilities as a Conditional Use in the Commercial Forest, Rural Forest, and Inholding Forest zones as a small-scale tourist and recreational use. Currently, applicants must demonstrate compliance with the Conditional Use approval criteria, located in JCC 18.40.530 and the small-scale tourist and recreational uses, located in JCC 18.20.350(8). This Conditional Use Permit is a Type III permit, requiring public notice, an open public hearing, and adjudication by the Jefferson County Hearing Examiner.

The Conditional Use approval criteria require that the applicant demonstrate compliance with twelve individual approval criteria. Of importance are the following approval criteria:

- (b) The conditional use will be served by adequate infrastructure including roads, fire protection, water, wastewater disposal, and stormwater control;
- (c) The conditional use will not be materially detrimental to uses or property in the vicinity of the subject parcel;
- (d) The conditional use will not introduce noise, smoke, dust, fumes, vibrations, odors, or other conditions or which unreasonably impact existing uses in the vicinity of the subject parcel;
- (g) The conditional use complies with all other applicable criteria and standards of this code and any other applicable local, state, or federal law; and more specifically, conforms to the standards contained in Chapter 18.20 and 18.30 JCC; and
- (i) The conditional used will not cause significant adverse impacts on the human or natural environments that cannot be mitigation through conditions of approval.

Please see JCC 18.40.530 for an exhaustive list of Conditional Use approval criteria.

Proposed Amendments to Unified Development Code

1. Summary of Proposal and Amendments

- Selected definitions are updated, improved, and consistent.
- Outdoor commercial shooting facilities become a Conditional Use Permit (Type III) in Commercial Forest, Rural Forest, and Inholding Forest.
- Non-commercial shooting facilities continue to require a Conditional Use Permit (Type III) in Commercial Forest, Rural Forest, and Inholding Forest. This changes JCC 18.15.040, Table 3-1,

Allowable and Prohibited Uses from “outdoor shooting ranges” to “non-commercial shooting ranges”. This use still requires compliance with the small-scale tourist and recreation use criteria.

- Consistency updates to the small-scale tourist and recreation use criteria, JCC 18.20.350(8).

2. Definitions (underlines are additions and ~~strikethroughs~~ are proposed deletions)

18.10.030 C definitions.

(1) “Commercial shooting facility” means an indoor facility or outdoor facility designed and specifically designated for safe shooting practice with firearms, whether open to the public, open only to private membership, open to organizational training for law enforcement officers or organizational training for members of the armed forces, or any combination of the above. There may be one or more shooting ranges located at a commercial shooting facility. The term commercial shooting facility does not include:

- (a) Shooting facilities that are both owned and operated by any instrumentality of the United States, the State of Washington, or any political subdivision of the State of Washington;
- (b) Any portion of a privately-owned property used for lawful shooting practice solely by its owner or the owner’s guests without payment of any compensation to the owner of the privately owned property or to any other person.

18.10.060 F definitions.

“Firearm” means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. The definition of “firearm” includes the terms pistol, rifle, short-barreled rifle, shotgun, short-barreled shotgun, machine gun, and antique firearm as those terms are defined in RCW 9.41.010. The term “firearm” shall not include: (a) 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; or, (b) a “destructive device” as defined in 18 U.S.C. §921(a)(2)..

18.10.090 I definitions.

“Indoor facility” means a commercial shooting facility within a fully enclosed structure.

18.10.140 N definitions.

“Non-commercial shooting facility” means any portion of a privately owned property used for lawful shooting practice solely by its owner or the owner’s guests without payment of any compensation to the owner of the privately owned property or to any other person.

“NRA Range Source Book” means the most current version of The NRA Range Source Book published by the National Rifle Association.

18.10.150 O definitions.

Outdoor Shooting Range. (See “Shooting range.”)

“Outdoor commercial shooting facility” means a commercial shooting facility that is not an indoor facility.

18.10.160 P definitions.

“Projectile” means an object fired from a firearm.

18.10.190 S definitions.

“Shooting range” consists of a firing line or firing points, and an impact area. A commercial shooting facility may include multiple shooting ranges.

3. Table 3-1, Allowable and Prohibited Use Table (“Use Table”) (underlines are additions and strikethroughs are proposed deletions)

	Resource Lands		Other Zones Types	
	Agricultural – Prime and Local	Forest – Commercial, Rural and Inholding	Other Zones Where Only Indoor Commercial Shooting Facility Allowed	Other Zones Where No Shooting Facility Allowed
Specific Land Use	AG	CF/RF/IF	Rural Residential – 1 DU/5 Acres (RR 1:5), Rural Residential – 1 DU/10 Acres (RR 1:10), Rural Residential – 1 DU/20 Acres (RR 1:20), Convenience Crossroad (CC), Neighborhood/Visitor Crossroads (NC), General Crossroad (GC), and Recreation, Irondale and Port Hadlock Urban Growth Area (UGA), Parks, Preserves and Recreation (PRR)	Resource-based Industrial, Light Industrial/Commercial (LI/C), Light Industrial (LI), Light Industrial/Manufacturing (LI/M), Heavy Industrial (HI)
<u>Indoor commercial shooting facility</u>	<u>No</u>	<u>C</u>	<u>C</u>	<u>No</u>
<u>Outdoor commercial shooting facility</u>	<u>No</u>	<u>C</u>	<u>No</u>	<u>No</u>
<u>Outdoor shooting ranges</u>	<u>No</u>	<u>E</u>	No	No
<u>Non-commercial shooting facility</u>	<u>No</u>	<u>C</u>	<u>No</u>	<u>No</u>

1. Modifications to the small-scale tourist and recreation uses (JCC 18.20.350(8)) (underlines are additions and strikethroughs are proposed deletions)

(8) ~~Outdoor Shooting Ranges~~Non-commercial shooting facilities. ~~Outdoor shooting ranges~~Non-commercial shooting facilities are subject to the following standards:

(a) They shall be located, designed, constructed and operated to prevent the likelihood of discharge of ~~ammunition~~projectiles beyond the boundaries of the parcel where they occur;

(b) The ~~National Rifle Association's Range Manual~~ ~~Sections I and II of the NRA Source Book~~ shall be consulted and used in the development and operation of ranges; ~~Articles 1, 2, and 3 of the safety recommendations for outdoor shooting ranges shall be used as minimum guidelines in the design, and construction and operation of shooting ranges;~~

(c) Warning and trespass signs advising of the range operation shall be placed on the perimeter of the property at intervals no greater than 50 feet;

(d) The ~~shooting areas~~ ~~shooting ranges~~ shall be surrounded by an eight-foot-high noise barrier in the form of an earth berm or wall, or be located in a minimal eight-foot deep depression;

(e) The minimum lot size for an outdoor rifle, trap, skeet, or pistol range used by an organization shall be 10 acres. For an outdoor archery range used by an organization, minimum lot size shall be five acres;

(f) No structure or ~~shooting areas~~ ~~shooting ranges~~ associated with a ~~shooting range~~ ~~non-commercial shooting facility~~ shall be located closer than 100 feet to any lot line;

(g) A minimum location of 500 feet is required from any occupied dwelling other than the dwelling of the owner;

(h) All ~~shooting areas~~ ~~shooting ranges~~ must be completely fenced; and

(i) In the consideration of an application for permit, the approval authority shall take into account both safety and noise factors, and may prescribe additional conditions with respect thereto.

Consistency with the Jefferson County Comprehensive Plan

After a review of the Jefferson County Comprehensive Plan, Jefferson County Department of Community Development staff finds that the proposed amendments are consistent with the Jefferson County Comprehensive Plan. The following goals and policies, as applied, are consistent with this proposal:

- Small-Scale Recreation and Tourist Uses.
 - LNG 7.0 Small-scale recreational or tourist-related uses.

The proposal continues to permit non-commercial shooting facilities as a Conditional Use Permit in the Rural Forest, Commercial Forest, and Inholding Forest zones. The Conditional Use approval criteria requires that the applicant demonstrate compliance with this Goal and associated policies.

- Legally Established Nonconforming Uses.
 - LNG 8.0 Support the continued existence of legally established [nonconforming] uses.

The proposal continues to respect legally established nonconforming land uses. Jefferson County Code 18.20.260 establishes development regulations for legally established nonconforming uses. This proposal is consistent with this Goal and associated policies and does not recommend any changes relating to the rights associated with legally established nonconforming uses under the UDC.

- Natural Resource Lands.

- LNG 13.0 - Conserve and manage the forest ... resources of Jefferson County for sustainable resource-based economic activities that are compatible with surrounding land uses.
- NRG 3.0 – Conserve and protect forest resource lands for long-term economic use.
- NRG 4.0 – Minimize potential conflicts between forest management activities and land use activities within or adjacent to designated forest lands.

This proposal continues to ensure that Jefferson County's forest resources are used in a sustainable manner and compatible with surrounding land uses. This proposal requires all new shooting facilities obtain a Conditional Use Permit. Individual applications must prove consistency with applicable regulations, such as the Conditional Use approval criteria and other applicable ordinances.

- Rural Character.

- LNG 18.0 Preserve rural character.

This proposal continues to ensure that new shooting facilities are consistent with Jefferson County's rural character. This proposal requires all new shooting facilities to obtain a Conditional Use Permit. Individual applications must prove consistency with applicable regulations, such as the Conditional Use approval criteria and other applicable ordinances. Factors, such as noise and environmental issues are considered during the Conditional Use Permit process.

- Environmental Quality

- Environmental goals 1 through 14.

This proposal continues to ensure that new shooting facilities are consistent with Jefferson County's environmental goals, policies, and regulations, such as the Jefferson County Comprehensive Plan, Critical Areas Ordinance, and Shoreline Master Program. This proposal requires that all new shooting facilities obtain a Conditional Use Permit. Individual applications must prove consistency with applicable regulations, such as the Conditional Use approval criteria and other applicable ordinances. Most individual proposal will be subject to the State Environmental Policy Act ("SEPA"), unless an exemption applies. SEPA allows another level of environmental review.

Environmental Review

Consistent with the State Environmental Policy Act rules, Jefferson County issued an Environmental Checklist and Notice of Application on October 24, 2018. Jefferson County is accepting written comments relating to the pending SEPA determination from October 24 until November 9, 2018 at 4:30. Following the close of comments, Jefferson County will review the Environmental Checklist, comments, and other applicable documents in making a threshold determination.

Staff Report Attachments

Attachment 1: Appendix 1 – An Ordinance Amending Title 18 JCC relating to Shooting Facilities (draft)