

Chris Endresen
DISTRICT 1

Win Granlund
DISTRICT 2

Billie Eder
DISTRICT 3

Kitsap County
Board of
Commissioners



September 7, 1993

Kitsap Rifle & Revolver Club, Inc.
4900 Seabeck Highway
Bremerton, WA 98380

Poulsbo Sportsman Club, Inc.
16990 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.
5956 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,

A handwritten signature in black ink, appearing to read "Win Granlund".

Win Granlund, Chairman
KITSAP COUNTY BOARD OF COMMISSIONERS

WG:MHG:jef

614 Division Street • Port Orchard, Washington 98366 • (206) 876-7146
SCAN 262-7146 • FAX (206)895-3932
Toll Free from • Poulsbo, Kingston 779-1095 • Olalla 851-4147 • Bainbridge Island 842-2061





April 29, 1994

Dear Commissioner Ryan,

The Kitsap Rifle & Revolver Club, a Washington State non-profit corporation, was founded November 11th, 1926 and has been granted tax exempt status under section 501(C)7 of the Internal Revenue Code.

Our Bylaws direct that our object "shall be the encouragement of organized rifle and pistol shooting among citizens of the U.S. resident in our community, with a view toward better knowledge on the part of such citizens of the safe handling and proper care of firearms, improved marksmanship, and for recreational use."

The Club has been a pioneer within the county for the safe and proper use of firearms and has provided an adequate range at our current location for at least the past 65 years.

In addition to providing a range for our membership (which is open to all), we conduct competitive matches, open to the public, in all the shooting disciplines involving rifle and pistol. For the past several decades, with support and assistance from the county Prosecutors Office and the Sheriff's Department we have presented the NRA Personal Protection Course or equivalent, training approximately 200 students each year in the safe, proper, and legal use of firearms. Each year we devote two entire weekends to the annual Hunters Sight-In so that local hunters may enter the field with known accurate sight settings. We also conduct the Washington State Hunter Safety Education Classes and Black Powder Education Classes. We have a Youth Smallbore Shooting program leading, for some, into NCAA and Olympic style competition and have worked closely with the Boy Scouts in their firearms training programs.

These programs are conducted using the services of dedicated, trained, and certified volunteers. Fees charged are adequate only to cover costs.

Commissioner Granlund has, at several hearings, expressed his support for proper ranges. In July of last year the Club was pleased to present to Commissioner Eder our plans for modernization and improvement of our range and received her assurance of support. At Commissioner Eder's suggestion we met with Ms. Holtz and Mr. Cote of County Parks Department on July 23, 1993. We were assured at that meeting that we would be invited to participate as an interested group in the development of the Kitsap County Regional Park Development Plan.

We have not been contacted in any way since then and have had no input on the Development Plan of 6 April 1994. We had no knowledge of that plan until the announcement in the Bremerton Sun the evening of Friday, April 8, announcing public forums at Kitsap Mall and several area schools.

The Regional Park Elements of the April Development Plan show our range and buffer zone overlaid with Mountain Bike Trails, Hiking Trails, and Bridle Trails. Ms. Holtz and Mr. Cote have each stated that in the future we would have to move to another location to accommodate these activities. It has even been said that this section of land would become Open Space in an area of intense urban development.

The Kitsap Rifle and Revolver Club respectfully but urgently requests a meeting with the Board of Commissioners so that we may contribute to and cooperate with the recreational planning of our area.

Very sincerely yours,

Marcus Carter, President

Official Statement KRRC

Rec'd 6-21-93
@ P.H. ha

My name is Roy Hocker, President and official spokesman for the 800 plus members of the KRRC.

Our position is that this ordinance should not be passed into law.

Aside from restricting the personal freedoms of law abiding citizens this proposed ordinance is seriously flawed by omitting several important points some of which but not all are;

1. Existing organized shooting facilities are not allowed to continue operation without first gaining approval
2. Strict guidelines for "Inspection" should be spelled out in the ordinance
3. A qualified "Range Inspector" should be employed to perform the "Inspection" and not a "Political Designee"
4. Hunting should be allowed to continue in the existing areas now used.

If there are legitimate concerns perhaps they would be better served by enforcing the existing **Reckless endangerment** and **Noise** ordinances already on the books.

October 18, 1993

To: Kitsap County Board of Commissioners
From: President Kitsap Rifle and Revolver Club
President Poulsbo Sportsman Club
Re: PARTICIPATION IN ORDINANCE REVIEW COMMITTEE

RECEIVED

OCT 20 1993

KITSAP COUNTY COMMISSIONERS

After serious thought and deliberation we have come to the reluctant conclusion that the Review Committee is not able to function as intended. Outside forces have unduly influenced and corrupted the process of the Review Committee.

Rewriting of the ordinance each week has resulted in the committee being repeatedly presented with wording we did not request and omissions of wording we did request. The net result: the "product" is not that of the Review Committee.

Until the integrity of the committee is restored by closing it to ALL outside influences, yourselves included, Kitsap Rifle and Revolver Club and Poulsbo Sportsman Club will no longer participate in this process.

If the Committee wishes to continue on its present course, without our participation, the Poulsbo Sportsman Club will gladly continue to make the facility available for use.

Roy R. Hocker President KRRC

F. G. Reitmeyer President PSC

October 18, 1993

RECEIVED

OCT 20 1993

KITSAP COUNTY COMMISSIONERS

To: Kitsap County Board of Commissioners

From: President Kitsap Rifle and Revolver Club
President Poulsbo Sportsman Club

Re: PARTICIPATION IN ORDINANCE REVIEW COMMITTEE

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If the Committee wishes to continue on its present course, without our participation, the Poulsbo Sportsman Club will gladly continue to make the facility available for use.

Roy R. Hocker President KRRC

F. G. Reitmeyer President PSC

Wai ✓
Billie ✓
Chris ✓
File —



AGENDA SUMMARY

BOARD OF COMMISSIONERS

12-3-90 11:45
~~9-10-90~~ ~~11:30~~

TITLE: Proposed amendment to Ordinance Prohibiting Firearms In Proscribed Areas of Kitsap County EXHIBITS: Proposed Ordinance No. 50-B-1990	FOR AGENDA OF: 10/22/90 August 27, 1990		ITEM NO. 2110 <i>2110</i>	
	CLEARANCES	CONCERNED DEPTS.	INITIALS	REMARKS
		Prosecutor	DBP	ORIGINATOR
APPROVED FOR AGENDA				
EXPENDITURE REQUIRED: \$	AMOUNT BUDGETED: \$	APPROPRIATION REQUIRED: \$		

SUBMITTED BY: Douglas B. Fortner DATE: August 21, 1990 DEPT. OF ORIGIN: Prosecutor

SUMMARY STATEMENT:

A proposal to amend the ordinance dealing with prohibiting firearms to include the North Kitsap Hansivlle area.

RECOMMENDED ACTION: (Word Like Motion)

Move that the Board enact Ordinance No. 50-B-1990 thereby amending the present ordinance prohibiting firearms in proscribed areas of Kitsap County.

Continuation Public Hearing
 Decision Only

COPY

RPS:12-15-93

ORDINANCE 50-C-1994

AN ORDINANCE AMENDING AN ORDINANCE PROHIBITING THE DISCHARGE
OF FIREARMS IN PROSCRIBED AREAS OF KITSAP COUNTY

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; and

WHEREAS, RCW 9.41.300 further provides that any 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 has, through Ordinances 50-A (1985) and 50-B (1993), previously prohibited the discharge of firearms in proscribed areas of Kitsap County; and

WHEREAS, Ordinance 50-B (1993) established a review committee for the purpose of making certain recommendations to the Kitsap County Board of Commissioners with regard to certain further amendments to Ordinance 50-A (1985); and

WHEREAS, such review committee has now concluded its work and presented various recommendations to the Kitsap County Board of Commissioners; and

WHEREAS, Kitsap County is experiencing continuing growth in population and developmental density, resulting in a reasonable likelihood that humans, domestic animals, or property will be jeopardized by the discharge of firearms in certain unincorporated areas of the county; and

WHEREAS, it is appropriate that the discharge of firearms be restricted in certain areas of Kitsap County in order that humans, domestic animals, and property not be jeopardized; and

WHEREAS, it remains appropriate to allow the discharge of firearms in certain designated places and under certain conditions;

NOW, THEREFORE, be it ordained by the Kitsap County Board of Commissioners:

Section 1. Amendment to Section 1. Definitions. Ordinance 50-A, Section 1, is hereby amended to read as follows:

The following definitions shall apply in the interpretation and enforcement of this chapter:

a. Firearm: Any weapon or device by whatever name known which will or is designed to expel a projectile by the rapid combustion of a propellant or 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.

b. Range: A place set aside and designated for the discharge of firearms for individuals wishing to practice, improve upon or compete as to their shooting skills.

Section 2. Amendment to Section 2. Discharge of firearms prohibited. Ordinance 50-A, Section 2, is hereby amended to read as follows:

(1) The discharge of firearms is prohibited within 500 yards of any saltwater 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 4 of this amendatory ordinance;
- (b) On any parcel of land less than five (5) 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 (500) yards of such building;
- (d) From 1/2 hour after sunset to 1/2 hour before sunrise.
- (e) Within 500 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.

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.

Section 3. Amendment to Section 3. Ordinance 50-A, Section 3, is hereby amended to read as follows:

Exceptions. The provisions of Section 2 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 range, provided that any such range shall comply with the criteria for ranges adopted by the Kitsap County Board of Commissioners pursuant to Section 5 of this amendatory ordinance.
- (3) In the course of farm slaughter activities.
- (4) Pursuant to RCW 77.12.265.

- (5) Where such discharge is pursuant to and in compliance with any other valid state or federal law.

Section 4. Addition or Deletion of No-shooting Areas through Petition Method. Section ___ (created as a new section by Section 6 of Ordinance 50-B (1993)) of Ordinance 50-A is hereby amended to read as follows:

(1) The establishment or disestablishment of a "No shooting" area in addition to those described in Section 2 may be requested by petition by the registered voters residing in such proposed additional area. 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 500 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 50 dwelling units or, in the alternative, a minimum area of one (1) 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 (51%) 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 Ordinance 50-C-1993.

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:

Section 5. New Section. Ranges. Ordinance 50-A is hereby amended by the addition of a new section to read as follows:

Ranges. The discharge of firearms shall be allowed on ranges which meet the criteria of this section. The property owner shall apply for and obtain a permit for a range. The application shall be submitted to the Kitsap County Department of Community Development (DCD). An application for a range shall indicate whether the firearms to be used at the range are of the rim fire, elevated shot or other type or variety and whether the proposed range is to be a private or public range. Upon receipt of the application DCD or its designated agent shall inspect the proposed range to ensure the suitability of the intended use, taking into consideration the most currently available guidelines for ranges promulgated by the National Rifle Association. Notice of the permit application shall be provided by DCD to adjacent property owners within 300 feet of the proposed range. In addition, DCD shall post the property on which the proposed range is to be located with a notice of the intended use. No permit shall be issued for a range unless the proposed range is first inspected and approved by a certified range technical advisor or equivalent.

Permit applications for private ranges may be processed administratively by DCD. Permit applications for all other ranges shall be processed in accordance with existing procedures for the processing of Unclassified Use Permits.

Ranges shall be divided into two categories as more fully described herein.

(1) Private Ranges. A range shall be deemed a private range if it meets the following criteria:

- (a) No fee is charged for use of the range or for membership in the group of individuals allowed to use the range.
- (b) Use of the range is limited to family members and up to two guests of the property owner at any one time, provided, however, that the property owner may apply to DCD up to twice annually for a special event exemption allowing in excess of two guests at a shooting event.
- (c) A permit has been issued for the use of that property as a private range.

The provisions of this subsection shall be available to and apply equally to property being rented on at least a month-to-month basis from the property owner, provided, however, that both the individual renting the property and the property owner shall sign any application for a private range permit or special event exemption as to that property.

(2) Public Ranges. All ranges which do not meet the criteria for a private range shall be deemed to be public ranges.

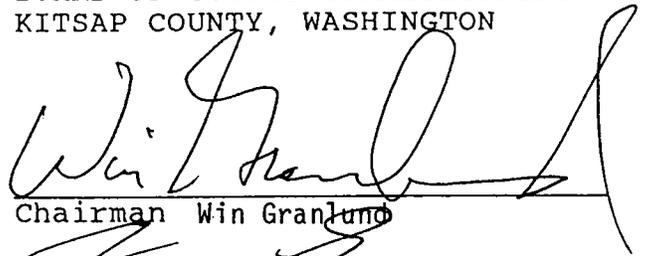
Nothing in this section shall be construed as permitting the discharge of firearms the ownership or possession of which is otherwise prohibited by law. Nothing in this section shall be construed as permitting the discharge of a firearm by an individual who is otherwise prohibited by law from owning or possessing a firearm.

Section 6. Severability. If any portion of this amendatory ordinance or its application to any person or circumstances is held invalid, neither the remainder of the ordinance nor the application of the entirety of the ordinance to other persons or circumstances shall be affected.

Section 7. Effective Date. This amendatory ordinance shall be of full force and effect immediately upon its passage.

DATED this 14th day of February, 1994.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON



Chairman Win Granlund



Commissioner Billie Eder

Voted No

Commissioner Matt Ryan

Attest:



Holly Anderson
Clerk of the Board

file

COPY

RPS: 7-30-93

ORDINANCE 50-B-1993

AN ORDINANCE AMENDING AN ORDINANCE PROHIBITING THE DISCHARGE OF FIREARMS IN PROSCRIBED AREAS OF KITSAP COUNTY

WHEREAS, the Kitsap County Board of Commissioners has, through Ordinance 50-A (1985), previously prohibited the discharge of firearms in proscribed areas of Kitsap County; 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; and

WHEREAS, RCW 9.41.300 further provides that any 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, Kitsap County's continued growth in both population and developmental density has resulted in a reasonable likelihood that humans, domestic animals, or property will be jeopardized by the discharge of firearms in certain additional unincorporated areas of the county; and

WHEREAS, such growth accordingly requires that the discharge of firearms be further restricted in those areas of Kitsap County in order that humans, domestic animals, and property not be jeopardized; and

WHEREAS, it remains appropriate to discharge firearms in certain designated places and under certain conditions;

NOW, THEREFORE, be it ordained by the Kitsap County Board of Commissioners:

Section 1. Amendment to Section 1. Definitions. Ordinance 50-A, Section 1, is hereby amended to add the following definition:

- d. Range: A place set aside and designated for the discharge of

firearms for individuals wishing to practice, improve upon or maintain their shooting skills.

Section 2. Amendment to Section 2. Discharge of firearms prohibited. Ordinance 50-A, Section 2, is hereby amended as follows:

(1) The discharge of firearms is prohibited within 500 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 6 of this amendatory ordinance;
- (b) On any parcel of land less than five (5) acres in size;
- (c) Towards and from within five hundred (500) yards of any building occupied by people or domestic animals or used for the storage of flammable or combustible materials;
- (d) From 1/2 hour before sunset to 1/2 hour after sunrise.

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.

Section 3. Amendment to Section 3. Ordinance 50-A, Section 3, is hereby amended to read as follows:

Exceptions. The provisions of Section 2 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 range, provided that any such range shall comply with the criteria for ranges adopted by the Kitsap County Board of Commissioners pursuant to Section 5 of this amendatory ordinance.
- (3) In the course of farm slaughter activities.
- (4) Pursuant to a permit issued by the Washington State Department of Fish and Wildlife under RCW 77.12.265

Section 5. New Section. Review Committee. Ordinance 50-A is hereby amended by the addition of a new Section to read as follows:

Review Committee. A review committee is hereby created for the purpose of recommending to the Kitsap County Board of Commissioners the appropriate criteria for ranges and for petitions to establish additional "no shooting" areas within Kitsap County. Such committee shall consist of seven persons as follows:

- (1) The Kitsap County Sheriff, who shall chair such committee, or his designee.
- (2) The Director of the Kitsap County Department of Community Development, or his designee.
- (3) The presidents of the Kitsap Rifle and Revolver Club and the Poulsbo Sportsman Club, or their designees.
- (4) Three citizens-at-large to be appointed by the Kitsap County Board of Commissioners.

Upon the receipt of the Review Committee's recommendations, the Board of Commissioners shall set such matters for consideration at the next regularly scheduled public hearing or as soon thereafter as they may appropriately be heard.

Section 6. New Section. Designation of Additional No-shooting Areas through Petition Method. Ordinance 50-A is hereby amended by the addition of a new Section to read as follows:

Designation of Additional No-shooting Areas through Petition Method. "No shooting" areas in addition to those described in Section 2 may be requested by petition by persons residing in or owning all or part of such proposed additional areas. School officials may also request by petition that the area around a school located in the unincorporated area of Kitsap County be designated as a "no shooting" area. Such petitions shall be presented to the Kitsap County Board of Commissioners and shall

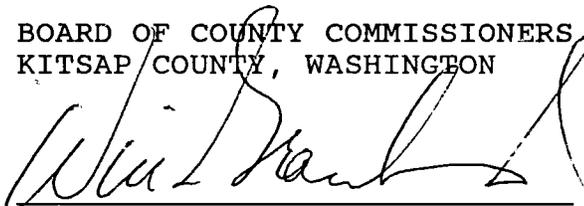
substantially comply in form and content with the criteria for petitions adopted by the Kitsap County Board of Commissioners pursuant to Section 5 of this amendatory ordinance. Upon the receipt of such a petition, the Board of Commissioners shall set the matter for consideration at the next regularly scheduled public hearing or as soon thereafter as it may appropriately be heard.

Section 7. Severability. If any portion of this amendatory ordinance or its application to any person or circumstances is held invalid, neither the remainder of the ordinance nor the application of the entirety of the ordinance to other persons or circumstances shall be affected.

Section 8. Effective Date. This amendatory ordinance shall be of full force and effect immediately upon its passage.

DATED this 2nd day of August, 1993.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON



Chairman



Commissioner

NOT PRESENT

Commissioner

Attest:

Karen Halbeck, deputy for
Holly Anderson
Clerk of the Board

ORDINANCE 50-B-1993

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OF FIREARMS IN PROSCRIBED AREAS OF KITSAP COUNTY

WHEREAS, the Kitsap County Board of Commissioners has, through Ordinance 50-A (1985), previously prohibited the discharge of firearms in proscribed areas of Kitsap County; 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; and

WHEREAS, RCW 9.41.300 further provides that any 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, Kitsap County's continued growth in both population and developmental density has resulted in a reasonable likelihood that humans, domestic animals, or property will be jeopardized by the discharge of firearms in certain additional unincorporated areas of the county; and

WHEREAS, such growth accordingly requires that the discharge of firearms be further restricted in those areas of Kitsap County in order that humans, domestic animals, and property not be jeopardized; and

WHEREAS, it remains appropriate to discharge firearms in certain designated places and under certain conditions;

NOW, THEREFORE, be it ordained by the Kitsap County Board of Commissioners:

Section 1. Amendment to Section 1. Definitions. Ordinance 50-A, Section 1, is hereby amended to add the following definition:

d. Range: A place set aside and designated for the discharge of firearms for individuals wishing to practice, improve upon or maintain

their shooting skills.

Section 2. Amendment to Section 2. Discharge of firearms prohibited. Ordinance 50-A, Section 2, subsections (a) through (k), are hereby amended as follows: All references within subsections (a) through (k) to yardage distances are hereby amended to read "500 yards".

Section 3. Amendment to Section 2. Discharge of firearms prohibited. Ordinance 50-A, Section 2, is hereby amended by the addition of a new subsection as follows:

(1) The discharge of firearms in the unincorporated areas of Kitsap County is further prohibited in the following instances:

- (1) In any area designated as a "no shooting" area pursuant to Section 6 of this amendatory ordinance;
- (2) On any parcel of land less than five (5) acres in size;
- (3) From within five hundred (500) yards of and towards any building occupied by people or domestic animals or used for the storage of flammable or combustible materials;
- (4) From 1/2 hour before sunset to 1/2 hour after sunrise;

provided, however, that 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.

Section 3. Amendment to Section 3. Ordinance 50-A, Section 3, is hereby amended to read as follows:

Exceptions. The provisions of Section 2 shall not apply to the discharge of firearms:

- (1) By law enforcement or security personnel in the course of their official duties.
- (2) On a range operated by a regularly constituted shooting club, provided that any such range shall comply with the criteria for ranges established by the Review Committee pursuant to Section 5 of this amendatory

ordinance.

- (3) In the course of farm slaughter activities.

Section 5. New Section. Review Committee. Ordinance 50-A is hereby amended by the addition of a new Section to read as follows:

Review Committee. A review committee is hereby created for the purpose of recommending to the Kitsap County Board of Commissioners the appropriate criteria for ranges and for petitions to establish additional "no shooting" areas within Kitsap County. Such committee shall consist of five persons as follows:

**Should we set time limit for reporting back to Board?*

- (1) The Kitsap County Sheriff, who shall chair such committee, or his designee.
- (2) The Director of the Kitsap County Department of Community Development, or his designee.
- (3) The president of the _____ (local gun club), or his designee.
- (4) Two citizens-at-large to be appointed by the Kitsap County Board of Commissioners.

Section 6. New Section. Designation of Additional No-shooting Areas through Petition Method. Ordinance 50-A is hereby amended by the addition of a new Section to read as follows:

Designation of Additional No-shooting Areas through Petition Method. "No shooting" areas in addition to those described in Section 2 may be requested by petition by persons residing in such proposed additional areas. School officials may also request by petition that the area around a school located in the unincorporated area of Kitsap County be designated as a "no shooting" area. Such petitions shall be presented to the Kitsap County Board of Commissioners and shall substantially comply in form and content with the criteria established by the Review Committee. Upon the receipt of such a petition, the Board of Commissioners shall set

the matter for consideration at the next regularly scheduled public hearing or as soon thereafter as it may appropriately be heard.

Section 7. Severability. If any portion of this amendatory ordinance or its application to any person or circumstances is held invalid, neither the remainder of the ordinance nor the application of the entirety of the ordinance to other persons or circumstances shall be affected.

Section 8. Effective Date. This amendatory ordinance shall be of full force and effect immediately upon its passage.

DATED this ____ day of _____, 1993.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

Chairman

Commissioner

Commissioner

Attest:

Holly Anderson
Clerk of the Board

Date 2-05-94

TO: Kitsap County Commissioners

Billie Eder

Win Granlund

Matt Ryan

RECEIVED

FEB 08 1994

KITSAP COUNTY COMMISSIONERS

KITSAP COUNTY SHOOTING ORDINANCE

The Shooting Ordinance imposed upon Kitsap County residents by the Kitsap County Board of Commissioners is not acceptable. Therefore, the undersigned propose that the Shooting Ordinance be revised to set parameters for safe use of legal firearms in rural hunting and target practice with deference given to public and private lands. We propose that this ordinance revision be done by a committee chaired by the Presidents of both the Poulsbo Sportsmen's Club and the Bremerton Rifle and Pistol Club, or their delegates, with input and consideration given to all citizens, including sportsmen, stock owners, competition shooters, etc., and that the Kitsap County Board of Commissioners review and promptly ratify the ordinance as amended by the committee.

NAME	ADDRESS	CITY	COUNTY
Harry Baughman	18667 9 th Ave.	Poulsbo	Kitsap
D. Sordahl	3542 Mathews Dr. NE.	Brem.	"
B. Rackwood	1126 1375	TAB WA	Pierce KITSAP
L. ACKERLUND	33569 HANSVILLE RD		KINGSTON
K. Gates	5076 Raccoon Ct	Poulsbo	Kitsap
J. J. Loring	POB 774	Silverdale	KITSAP
R. P. Sulholy	708 NORMANDY DR	BREM WA.	KITSAP
D. L. Reynolds	38090 N.E. ALDER PL	Hansville	KITSAP 98340

NAME	ADDRESS	CITY	COUNTY
EJ M	10907 N.E. Forest Lane	B.I.	KITSAP
Richard Hill	1400 Tahuya RVD	Tahuya	Mason
Martin Murphy	2950 AEGEAN BLVD N.E.	BREMERTON	KITSAP
Mike Connelly	6255 Seabeck Holly Rd.	Brem.	KITSAP
Alanna Jawalski	3542 Mathews Dr NE	Brem	KITSAP
Annie Jawalski	3542 MATHEWS DR NE	BREM	KITSAP
MARY SEAN LAVALSI	3542 MATHEWS DR NE	BREM	KITSAP

Matt Ryan

DISTRICT 1

Win Granlund

DISTRICT 2

Phil Best

DISTRICT 3

**Kitsap County
Board of
Commissioners**



614 Division Street MS-04 • Port Orchard, WA 98366-4678
(360) 876-7146

September 8, 1995

Teresa Stedman
6573 Bondale Lane
Silverdale, WA 98383

Dear Ms Stedman,

Enclosed is a copy of Ordinance 50-C-1994, the latest version of the County's ordinance prohibiting the discharge of firearms in proscribed areas of Kitsap County.

It would be helpful to yourself and your neighbors if you dealt with the question as to whether combining smaller parcels to achieve a minimum of 5 acres meets the intent of the ordinance and also what the County's rationale was with regard to establishing minimum acreage for the safe discharge of firearms in rural neighborhoods. In your case, you have three families on 7 ½ acres as opposed to one family on 5 acres.

In short, the Prosecutor's office recommends that since this is a civil matter, you retain an attorney if you so desire, showing them the enclosed ordinance and have the attorney ascertain answers to the above questions and determine what your legal rights are in order to mitigate discord with the neighbor who is opposed to your target practice activity.

I trust this information is helpful to you.

Sincerely,

Holly Anderson, Clerk of the Board
KITSAP COUNTY BOARD OF COMMISSIONERS

Enclosure

HPA:hpa

Holly Anderson, Clerk of the Board

SCAN 262-7146 • FAX (360) 895-3932

Toll Free from • Poulsbo, Kingston (360) 779-1095 • Olalla (206) 851-4147 • Bainbridge Island (206) 842-2061



R E C E I V E D

JAN 28 1994

KITSAP COUNTY COMMISSIONERS

26 January, 1994

Dear Kitsap County Board of Commissioners:

My husband and I live on and own 6.5 acres in a rural area of South Kitsap county. I am very concerned about the prevalence of guns in this area. Hardly a weekend goes by that I don't hear a gunshot nearby, and read about a dangerous situation involving a gun in this area.

I understand that there are many responsible gun owners and users in this area, but I am extremely concerned about those who are not. With the amazingly rapid growth in South Kitsap, property owners are being forced to live closer and closer together. That spells danger when firing guns.

I worry about the possibility that someone will go into a wooded area near my house to practice shooting and that a bullet, which can have a range of more than one mile, will strike something or someone on my property. Many gun users don't realize how far their bullets go - just listen to the number of folks that shoot into the air on New Year's eve! They don't wonder where their bullet will end up - but I do.

Shooting and hunting are a big part of the Northwest's heritage and tradition. Areas determined safe for shooting with trained supervision should be set aside for this purpose. But we live too close together to allow shooting to continue to go on in our more and more crowded neighborhoods.

I am a volunteer for several water quality projects and I worry that I'll run into someone firing a gun while I'm doing one of my shoreline or stream collection, mapping or clean-up projects. How will they know I'm there? Will they see me? Will their bullet travel a mile to find me? At this point I don't know - and that scares me. And what about the ever-growing number of children who build forts, run races, and play in our lovely rural areas? How can we protect them from the dangers of guns?

I strongly urge you to support stronger gun control measures in fast-growing Kitsap County.

Sincerely,



Leslie Banigan
901 SW Harper Road
Port Orchard, WA 98366

enclume design products inc.

p.o. box 700, port hadlock, wa 98339
(206) 385-6100 Fax (206) 385-6156

FAX COVER LETTER

Date: 2/9/94

Please deliver the following pages to:

Name: Coburny Permissiioners Office

Firm: Kitsap County

Including this page we are sending a total of 2 pages. If you do not receive all pages please call or fax us to request retransmission.

From: ENCLUME DESIGN / DIANA EVERIST COX

MESSAGE

Fire arm Prohibition
Ordinance

February 8, 1994

Diana Everist Cox
24650 Iaka Lane
Kingston, WA 98346

Kitsap County Commissioners
Port Orchard, WA
Fax # 206-895-3932

Re: Firearm prohibition ordinance.

Our family (3 voters) firmly supports the prohibition of firearm use on smaller acreage and we do not feel that it should be made any more lenient. Over the last 7 months we have seen a dramatic improvement in the problem related to people inappropriately firing guns near our property. I assume this is at least in part due to publicity on the law. Last fall, winter, and spring we had problems with people firing guns on and near our property at all hours of the day and night. This made it impossible to feel safe walking or riding horses through our wooded paths. At times I had to go out to yell at people to get them to realize that they were blasting shotguns very near a home and livestock.

I firmly believe people should have the right to hunt and practice with guns, but not at the risk of the safety and peace of others. I believe the County needs a good gun range where individuals can go to learn to use guns correctly and safely from skilled instructors. I am certain that in the long run this would increase their satisfaction with the sport. I myself was trained by an expert marksman on a gun range and within one classroom and 2 range lessons learned to safely shoot 98% (bull's-eye). Based on what I've seen of the average person using a gun only bolsters my fear of allowing uncontrolled use of guns in even moderate density areas without any controls or supervision.

In addition, I do not believe that this area is ripe with game. My family has a history of hunting and yet I can't even imagine them wasting their time tracking down the minimal amount of game to be had here. If people really want to hunt they should seek out more appropriate areas such as those on the Olympic Peninsula.

Finally, if there is to be any change to prohibition of firearm use in this county it should be in the direction of more stringent control. I would personally support licensing similar to that required to drive a vehicle.



TO: Kitsap County Commissioners

SUBJECT: Proposed Ordinance Governing discharge of firearms in the unincorporated areas of Kitsap County.

Dear Sirs,

I recently became aware of the specifics of the proposed regulations.

These regulations are excessive in several areas.

#1 - The 500-yard no-shooting zone from salt-water shoreline makes no sense at all. I happen to live within 500 yards of salt water and I occasionally fire a pistol into a dirt bank in the opposite direction from the water. This ordinance would make this practice illegal!!

#2 - The 500-yard distance from buildings restriction may be acceptable for rifle class cartridges, however, handguns being fired into a dirt bank 500 yards from the nearest building can hardly be considered a threat. I urge you to make exceptions for handguns on private property. Shotguns at 500 yards are also harmless.

#3 - This ordinance will restrict hunting and result in an exploding deer population. People will be afraid of violating the salt water or building restriction.

#4 - This country has enough laws and ordinances on the books. If a person is endangering others, then prosecute them under existing laws. We Do Not Need More Laws

I view this ordinance as another attempt to curtail the use of firearms under the excuse of "Public Safety".

If you enact this ordinance I will note you out of office.

Thank You for you time,

Brian E. Gilmore

476-1727

Thomas M. Ritley, President

EMPLOYEE BENEFIT DESIGN AND ANALYSIS

RECEIVED

FEB 03 1994

KITSAP COUNTY COMMISSIONERS

February 1, 1994

Kitsap County Commissioner Matt Ryan
614 Division
Port Orchard, WA 98366

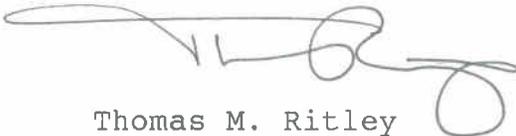
Dear Commissioner Ryan,

Recently my family and I were shocked to hear gunfire in our neighborhood. While not knowing all the details of the new restrictions, I went to the home the shots were coming from, and talked to the homeowner. He was embarrassed by not being aware of the new rules, and was glad to comply by stopping his friends from further discharge of the weapons.

Living in an area which has seen many new homes built in the past ten years, with many more to come, my family and I are grateful for regulations which help protect our safety and sense of peace. I am enclosing a newspaper article that appeared in the Bremerton Sun, I believe the same day as the article titled, "Proposed gun rules draw fire".

Please don't change the firearm discharge rules. I am opposed to allowing gun fire on less than five acre lots, and I do not believe our bays and water front are appropriate for hunting.

Best Regards,



Thomas M. Ritley

Firearms deaths nearing traffic toll

ATLANTA (AP) — Shootings will surpass traffic accidents as the nation's leading cause of death by injury in a few years if current trends continue, according to a federal study released today.

The study said motor vehicle-related deaths totaled 43,536 in 1991, down 21 percent from 1968, while annual deaths from firearms rose by 60 percent to 38,317 over the same period. From 1988 to 1991, firearm deaths increased 9

percent while motor vehicle deaths declined 14 percent.

If those three-year rates continue, firearm deaths will top motor vehicle deaths by the mid-1990s.

That is already the case in some states. In 1991, the most recent year for which figures were available, firearms-related deaths were the top injury-related killer in New York, California, Texas, Louisiana, Maryland, Nevada, Virginia and the District of Columbia.

Matt Ryan
DISTRICT 1

Win Granlund
DISTRICT 2

Billie Eder
DISTRICT 3

Kitsap County
Board of
Commissioners



FAX TRANSMITTAL

TO: Megan

FROM: Holly Anderson

DATE: 2-14-94

SUBJECT: Firearms Ord 50 B & C

NUMBER OF PAGES, INCLUDING COVER PAGE: 14

MESSAGE

BOARD OF COMMISSIONERS FAX NUMBER: (206) 895-3932



ORDINANCE 50-B-1993

AN ORDINANCE AMENDING AN ORDINANCE PROHIBITING THE DISCHARGE
OF FIREARMS IN PROSCRIBED AREAS OF KITSAP COUNTY

WHEREAS, the Kitsap County Board of Commissioners has, through Ordinance 50-A (1985), previously prohibited the discharge of firearms in proscribed areas of Kitsap County; 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; and

WHEREAS, RCW 9.41.300 further provides that any 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, Kitsap County's continued growth in both population and developmental density has resulted in a reasonable likelihood that humans, domestic animals, or property will be jeopardized by the discharge of firearms in certain additional unincorporated areas of the county; and

WHEREAS, such growth accordingly requires that the discharge of firearms be further restricted in those areas of Kitsap County in order that humans, domestic animals, and property not be jeopardized; and

WHEREAS, it remains appropriate to discharge firearms in certain designated places and under certain conditions;

NOW, THEREFORE, be it ordained by the Kitsap County Board of Commissioners:

Section 1. Amendment to Section 1. Definitions. Ordinance 50-A, Section 1, is hereby amended to add the following definition:

d. Range: A place set aside and designated for the discharge of

firearms for individuals wishing to practice, improve upon or maintain their shooting skills.

Section 2. Amendment to Section 2. Discharge of firearms prohibited. Ordinance 50-A, Section 2, is hereby amended as follows:

(1) The discharge of firearms is prohibited within 500 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 6 of this amendatory ordinance;
- (b) On any parcel of land less than five (5) acres in size;
- (c) Towards and from within five hundred (500) yards of any building occupied by people or domestic animals or used for the storage of flammable or combustible materials;
- (d) From 1/2 hour before sunset to 1/2 hour after sunrise.

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.

Section 3. Amendment to Section 3. Ordinance 50-A, Section 3, is hereby amended to read as follows:

Exceptions. The provisions of Section 2 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 range, provided that any such range shall comply with the criteria for ranges adopted by the Kitsap County Board of Commissioners pursuant to Section 5 of this amendatory ordinance.
- (3) In the course of farm slaughter activities.
- (4) Pursuant to a permit issued by the Washington State Department of Fish and Wildlife under RCW 77.12.265

Section 5. New Section. Review Committee. Ordinance 50-A is hereby amended by the addition of a new Section to read as follows:

Review Committee. A review committee is hereby created for the purpose of recommending to the Kitsap County Board of Commissioners the appropriate criteria for ranges and for petitions to establish additional "no shooting" areas within Kitsap County. Such committee shall consist of seven persons as follows:

- (1) The Kitsap County Sheriff, who shall chair such committee, or his designee.
- (2) The Director of the Kitsap County Department of Community Development, or his designee.
- (3) The presidents of the Kitsap Rifle and Revolver Club and the Poulsbo Sportsman Club, or their designees.
- (4) Three citizens-at-large to be appointed by the Kitsap County Board of Commissioners.

Upon the receipt of the Review Committee's recommendations, the Board of Commissioners shall set such matters for consideration at the next regularly scheduled public hearing or as soon thereafter as they may appropriately be heard.

Section 6. New Section. Designation of Additional No-shooting Areas through Petition Method. Ordinance 50-A is hereby amended by the addition of a new Section to read as follows:

Designation of Additional No-shooting Areas through Petition Method. "No shooting" areas in addition to those described in Section 2 may be requested by petition by persons residing in or owning all or part of such proposed additional areas. School officials may also request by petition that the area around a school located in the unincorporated area of Kitsap County be designated as a "no shooting" area. Such petitions shall be presented to the Kitsap County Board of Commissioners and shall

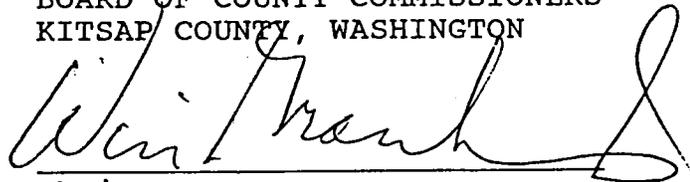
substantially comply in form and content with the criteria for petitions adopted by the Kitsap County Board of Commissioners pursuant to Section 5 of this amendatory ordinance. Upon the receipt of such a petition, the Board of Commissioners shall set the matter for consideration at the next regularly scheduled public hearing or as soon thereafter as it may appropriately be heard.

Section 7: Severability. If any portion of this amendatory ordinance or its application to any person or circumstances is held invalid, neither the remainder of the ordinance nor the application of the entirety of the ordinance to other persons or circumstances shall be affected.

Section 8. Effective Date. This amendatory ordinance shall be of full force and effect immediately upon its passage.

DATED this 2nd day of August, 1993.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON



Chairman



Commissioner

NOT PRESENT

Commissioner

Attest:

Karen Halbeck, deputy for
Holly Anderson
Clerk of the Board

ORDINANCE 50-C-1993

AN ORDINANCE AMENDING AN ORDINANCE PROHIBITING THE DISCHARGE
OF FIREARMS IN PROSCRIBED AREAS OF KITSAP COUNTY

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; and

WHEREAS, RCW 9.41.300 further provides that any 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 has, through Ordinances 50-A (1985) and 50-B (1993), previously prohibited the discharge of firearms in proscribed areas of Kitsap County; and

WHEREAS, Ordinance 50-B (1993) established a review committee for the purpose of making certain recommendations to the Kitsap County Board of Commissioners with regard to certain further amendments to Ordinance 50-A (1985); and

WHEREAS, such review committee has now concluded its work and presented various recommendations to the Kitsap County Board of Commissioners; and

WHEREAS, Kitsap County is experiencing continuing growth in population and developmental density, resulting in a reasonable likelihood that humans, domestic animals, or property will be jeopardized by the discharge of firearms in certain unincorporated areas of the county; and

WHEREAS, it is appropriate that the discharge of firearms be restricted in certain areas of Kitsap County in order that humans, domestic animals, and property not be jeopardized; and

WHEREAS, it remains appropriate to allow the discharge of firearms in certain designated places and under certain conditions;

NOW, THEREFORE, be it ordained by the Kitsap County Board of Commissioners:

Section 1. Amendment to Section 1. Definitions. Ordinance 50-A, Section 1, is hereby amended to read as follows:

The following definitions shall apply in the interpretation and enforcement of this chapter:

a. Firearm: Any weapon or device by whatever name known which will or is designed to expel a projectile by the rapid combustion of a propellant or 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.

b. Range: A place set aside and designated for the discharge of firearms for individuals wishing to practice, improve upon or compete as to their shooting skills.

Section 2. Amendment to Section 2. Discharge of firearms prohibited. Ordinance 50-A, Section 2, is hereby amended to read as follows:

(1) The discharge of firearms is prohibited within 500 yards of any saltwater 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 4 of this amendatory ordinance;
- (b) On any parcel of land less than five (5) 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 (500) yards of such building;
- (d) From 1/2 hour after sunset to 1/2 hour before sunrise.
- (e) Within 500 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.

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.

Section 3. Amendment to Section 3. Ordinance 50-A, Section 3, is hereby amended to read as follows:

Exceptions. The provisions of Section 2 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 range, provided that any such range shall comply with the criteria for ranges adopted by the Kitsap County Board of Commissioners pursuant to Section 5 of this amendatory ordinance.
- (3) In the course of farm slaughter activities.
- (4) Pursuant to RCW 77.12.265.

- (5) Where such discharge is pursuant to and in compliance with any other valid state or federal law.

Section 4. Addition or Deletion of No-shooting Areas through Petition Method. Section __ (created as a new section by Section 6 of Ordinance 50-B (1993)) of Ordinance 50-A is hereby amended to read as follows:

(1) The establishment or disestablishment of a "No shooting" area in addition to those described in Section 2 may be requested by petition by the registered voters residing in such proposed additional area. 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 500 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 50 dwelling units or, in the alternative, a minimum area of one (1) 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 (51%) 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 Ordinance 50-C-1993.

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:

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.

Petitioners Name and Signature	Precinct Name	Residence Address Number and Street	City or PO Box No.	Zip Code

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 such 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 herein for the establishment of a "No Shooting" area, provided however, that in the event of such abrogation, Section 2 of this ordinance shall remain in full force and effect as to that area.

Section 5. New Section. Ranges. Ordinance 50-A is hereby amended by the addition of a new section to read as follows:

Ranges. The discharge of firearms shall be allowed on ranges which meet the criteria of this section. The property owner shall apply for and obtain a permit for a range. The application shall be submitted to the Kitsap County Department of Community Development (DCD). An application for a range shall indicate whether the firearms to be used at the range are of the rim fire, elevated shot or other type or variety and whether the proposed range is to be a private or public range. Upon receipt of the application DCD or its designated agent shall inspect the proposed range to ensure the suitability of the intended use, taking into consideration the most currently available guidelines for ranges promulgated by the National Rifle Association. Notice of the permit application shall be provided by DCD to adjacent property owners within 300 feet of the proposed range. In addition, DCD shall post the property on which the proposed range is to be located with a notice of the intended use. No permit shall be issued for a range unless the proposed range is first inspected and approved by a certified range technical advisor or equivalent.

Permit applications for private ranges may be processed administratively by DCD. Permit applications for all other ranges shall be processed in accordance with existing procedures for the processing of Unclassified Use Permits.

Ranges shall be divided into two categories as more fully described herein.

(1) Private Ranges. A range shall be deemed a private range if it meets the following criteria:

- (a) No fee is charged for use of the range or for membership in the group of individuals allowed to use the range.
- (b) Use of the range is limited to family members and up to two guests of the property owner at any one time, provided, however, that the property owner may apply to DCD up to twice annually for a special event exemption allowing in excess of two guests at a shooting event.
- (c) A permit has been issued for the use of that property as a private range.

The provisions of this subsection shall be available to and apply equally to property being rented on at least a month-to-month basis from the property owner, provided, however, that both the individual renting the property and the property owner shall sign any application for a private range permit or special event exemption as to that property.

(2) Public Ranges. All ranges which do not meet the criteria for a private range shall be deemed to be public ranges.

Nothing in this section shall be construed as permitting the discharge of firearms the ownership or possession of which is otherwise prohibited by law. Nothing in this section shall be construed as permitting the discharge of a firearm by an individual who is otherwise prohibited by law from owning or possessing a firearm.

Section 6. Severability. If any portion of this amendatory ordinance or its application to any person or circumstances is held invalid, neither the remainder of the ordinance nor the application of the entirety of the ordinance to other persons or circumstances shall be affected.

Section 7. Effective Date. This amendatory ordinance shall be of full force and effect immediately upon its passage.

DATED this _____ day of _____, 1994.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

Chairman

Commissioner

Commissioner

Attest:

Holly Anderson
Clerk of the Board

ORDINANCE 50-B-1993

AN ORDINANCE AMENDING AN ORDINANCE PROHIBITING THE DISCHARGE OF FIREARMS IN PROSCRIBED AREAS OF KITSAP COUNTY

WHEREAS, the Kitsap County Board of Commissioners has, through Ordinance 50-A (1985), previously prohibited the discharge of firearms in proscribed areas of Kitsap County; 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; and

WHEREAS, RCW 9.41.300 further provides that any 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, Kitsap County's continued growth in both population and developmental density has resulted in a reasonable likelihood that humans, domestic animals, or property will be jeopardized by the discharge of firearms in certain additional unincorporated areas of the county; and

WHEREAS, such growth accordingly requires that the discharge of firearms be further restricted in those areas of Kitsap County in order that humans, domestic animals, and property not be jeopardized; and

WHEREAS, it remains appropriate to discharge firearms in certain designated places and under certain conditions;

NOW, THEREFORE, be it ordained by the Kitsap County Board of Commissioners:

Section 1. Amendment to Section 1. Definitions. Ordinance 50-A, Section 1, is hereby amended to add the following definition:

d. Range: A place set aside and designated for the discharge of

firearms for individuals wishing to practice, improve upon or maintain their shooting skills.

Section 2. Amendment to Section 2. Discharge of firearms prohibited. Ordinance 50-A, Section 2, is hereby amended as follows:

(1) The discharge of firearms is prohibited within 500 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 6 of this amendatory ordinance;
- (b) On any parcel of land less than five (5) acres in size;
- (c) Towards and from within five hundred (500) yards of any building occupied by people or domestic animals or used for the storage of flammable or combustible materials;
- (d) From 1/2 hour before sunset to 1/2 hour after sunrise.

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.

Section 3. Amendment to Section 3. Ordinance 50-A, Section 3, is hereby amended to read as follows:

Exceptions. The provisions of Section 2 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 range, provided that any such range shall comply with the criteria for ranges adopted by the Kitsap County Board of Commissioners pursuant to Section 5 of this amendatory ordinance.
- (3) In the course of farm slaughter activities.
- (4) Pursuant to a permit issued by the Washington State Department of Fish and Wildlife under RCW 77.12.265

Section 5. New Section. Review Committee. Ordinance 50-A is hereby amended by the addition of a new Section to read as follows:

Review Committee. A review committee is hereby created for the purpose of recommending to the Kitsap County Board of Commissioners the appropriate criteria for ranges and for petitions to establish additional "no shooting" areas within Kitsap County. Such committee shall consist of seven persons as follows:

- (1) The Kitsap County Sheriff, who shall chair such committee, or his designee.
- (2) The Director of the Kitsap County Department of Community Development, or his designee.
- (3) The presidents of the Kitsap Rifle and Revolver Club and the Poulsbo Sportsman Club, or their designees.
- (4) Three citizens-at-large to be appointed by the Kitsap County Board of Commissioners.

Upon the receipt of the Review Committee's recommendations, the Board of Commissioners shall set such matters for consideration at the next regularly scheduled public hearing or as soon thereafter as they may appropriately be heard.

Section 6. New Section. Designation of Additional No-shooting Areas through Petition Method. Ordinance 50-A is hereby amended by the addition of a new Section to read as follows:

Designation of Additional No-shooting Areas through Petition Method. "No shooting" areas in addition to those described in Section 2 may be requested by petition by persons residing in or owning all or part of such proposed additional areas. School officials may also request by petition that the area around a school located in the unincorporated area of Kitsap County be designated as a "no shooting" area. Such petitions shall be presented to the Kitsap County Board of Commissioners and shall

substantially comply in form and content with the criteria for petitions adopted by the Kitsap County Board of Commissioners pursuant to Section 5 of this amendatory ordinance. Upon the receipt of such a petition, the Board of Commissioners shall set the matter for consideration at the next regularly scheduled public hearing or as soon thereafter as it may appropriately be heard.

Section 7. Severability. If any portion of this amendatory ordinance or its application to any person or circumstances is held invalid, neither the remainder of the ordinance nor the application of the entirety of the ordinance to other persons or circumstances shall be affected.

Section 8. Effective Date. This amendatory ordinance shall be of full force and effect immediately upon its passage.

DATED this 2nd day of August, 1993.



BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

Chairman

Commissioner

NOT PRESENT

Commissioner

Attest:

Karen Halbeck, deputy for
Holly Anderson
Clerk of the Board

ORDINANCE 50-B-1993AN ORDINANCE AMENDING AN ORDINANCE PROHIBITING THE DISCHARGE
OF FIREARMS IN PROSCRIBED AREAS OF KITSAP COUNTY

WHEREAS, the Kitsap County Board of Commissioners has, through Ordinance 50-A (1985), previously prohibited the discharge of firearms in proscribed areas of Kitsap County; 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; and

WHEREAS, RCW 9.41.300 further provides that any 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, Kitsap County's continued growth in both population and developmental density has resulted in a reasonable likelihood that humans, domestic animals, or property will be jeopardized by the discharge of firearms in certain additional unincorporated areas of the county; and

WHEREAS, such growth accordingly requires that the discharge of firearms be further restricted in those areas of Kitsap County in order that humans, domestic animals, and property not be jeopardized; and

WHEREAS, it remains appropriate to discharge firearms in certain designated places and under certain conditions;

NOW, THEREFORE, be it ordained by the Kitsap County Board of Commissioners:

Section 1. Amendment to Section 1. Definitions. Ordinance 50-A,

Section 1, is hereby amended to add the following definition:

d. Range: A place set aside and designated for the discharge of

firearms for individuals who wish to practice, improve upon or maintain their shooting skills.

Section 2. Amendment to Section 2. Discharge of firearms prohibited. Ordinance 50-A, Section 2, is hereby amended as follows:

(1) The discharge of firearms is prohibited within 500 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 5 of this amendatory ordinance;
- (b) On any parcel of land less than five (5) acres in size;
- (c) Towards and from within five hundred (500) yards of any building occupied by people or domestic animals or used for the storage of flammable or combustible materials;
- (d) From 1/2 hour before sunset to 1/2 hour after sunrise.

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.

Section 3. Amendment to Section 3. Ordinance 50-A, Section 3, is hereby amended to read as follows:

Exceptions. The provisions of Section 2 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 range, provided that any such range shall comply with the criteria for ranges adopted by the Kitsap County Board of Commissioners pursuant to Section 5 of this amendatory ordinance.
- (3) In the course of farm slaughter activities.
- (4) Pursuant to a permit issued by the Washington State Department of Fish and Wildlife under RCW 77.12.265

The Peoples' Opinion Line **RECEIVED**

19689 7th Ave. NE, Suite 115
Poulsbo, WA 98730-7576

JUL 08 1993

KITSAP COUNTY COMMISSIONERS

Issue: SHOULD THE KITSAP COUNTY SHOOTING BAN
BE REVISED?

Of the calls we received, 33 % voted yes 67 % voted no.

For your review: In addition, we have enclosed comments, if any, from those who voted.

Dated 7/7/93

COPIES ROUTED

Poulsbo Sportsman Club, Inc.
16990 Clear Creek Road
Poulsbo, WA 98370

*Firearms
2/12*

July 12, 1993

B. Elder
C. Endresen
W. Granlund
Kitsap County Commissioners
614 Division Street
Port Orchard, WA 98366

Dear Kitsap County Commissioners:

I am writing to you on behalf of the over 200 members and the Officers and Board of Directors of the Poulsbo Sportsman Club, in opposition to the proposed Ordinance 50-A-1993.

This proposed ordinance conflicts with state law in several areas. RCW 9.41.300 allows counties to restrict discharge where there is reasonable likelihood of jeopardy to people or property. By no stretch of the imagination could all, or even the majority, of Kitsap County fall into that narrow definition. Hunting licenses are issued by the state, and state law preempts any county ordinance. State law also allows farmers and ranchers to shoot predators that attack their livestock.

This ordinance is intrusive of people's rights on several levels. Restricting people's use of their property as they see fit is taking part of the value of that property without compensation. Our constitutional right to keep and bear arms includes and encompasses the practice with our weapons. The facts are that people have a right to practice shooting on their property as long as they do not physically endanger other people or property. A neighbor's dislike of hearing gunshots is no reason to restrict shooting.

Another issue addressed in this ordinance is the regulation of shooting ranges. At this time the County apparently has no standard or building codes that address the requirements for a shooting range. Until such time as standards exist, there are no legal means of requiring an inspection. Asking a law enforcement officer to do such inspections is improper use of authority. Requiring people to pay for exercising a constitutional right and to use their own property is ludicrous. Poulsbo Sportsman Club is the only range open to the general public for individual practice. We have approximately 5,000 nonmember users of our range per year. Several different law enforcement agencies use our range for their qualifications. We have operated this range for over 30 years without incident. Requiring us to get an unclassified use

Kitsap County Commissioners

July 12, 1993

Page 2

permit and be inspected annually is totally unnecessary. We have served the community for over 30 safe years without government interference.

This ordinance is unnecessary. We have statutes which address reckless endangerment. RCW 9.41.230 deals with reckless discharge of a firearm. Civil liability laws make persons who damage property liable for their actions. At the public hearing on this ordinance, only one specific incident of property damage could be cited. No injuries to people could be cited. By no means is it reasonable to abridge people's constitutional rights and take their property rights because of the act of one irresponsible person.

This ordinance is unenforceable. State law preemption allows discharge of firearms for several reasons cited above. A deputy cannot come running every time someone fires a gun. Several people at the public hearing testified that response by law enforcement to complaints of dangerous discharges was poor. More laws won't improve that response.

Education of shooters is the key to solve the problem of dangerous discharge of firearms. You need to work with the 4 organized clubs in the county, not simply pile more government interference on us. We all want people to use firearms safely. Trampling our rights in the name of safety will not be tolerated. The public hearing reflected that the people of this county will not tolerate this ordinance. Let's work together, not against each other.

Sincerely,



F. G. Reitmeyer, President
Poulsbo Sportsman Club, Inc.
Home phone: 779-5374

B
ORDINANCE 50-A-1993

AN ORDINANCE REGULATING THE DISCHARGE OF FIREARMS
IN THE UNINCORPORATED AREAS OF KITSAP COUNTY

WHEREAS, the Kitsap County Board of Commissioners has, through Ordinance 50-A (1985), previously prohibited the discharge of firearms in certain portions of Kitsap County; 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; and

WHEREAS, RCW 9.41.300 further provides that any 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, Kitsap County's recent growth in both population and developmental density has resulted in a reasonable likelihood that humans, domestic animals, or property will be jeopardized by the discharge of firearms; and

WHEREAS, such growth accordingly requires that the discharge of firearms be further restricted throughout Kitsap County in order that humans, domestic animals, and property not be jeopardized; and

WHEREAS, it remains appropriate to discharge firearms in certain designated places and under certain conditions;

NOW, THEREFORE, be it ordained by the Kitsap County Board of Commissioners:

Section 1. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

a. Firearm: Any weapon or device by whatever name known, including but not limited to pistols, rifles, shotguns and machine guns, from which a

projectile may be fired by an explosive such as gunpowder.

b. Range: A place set aside and designated for the discharge of firearms for individuals wishing to practice, improve upon or maintain their shooting skills.

Section 2. Discharge of firearms prohibited. The discharge of firearms is prohibited in the unincorporated areas of Kitsap County; provided, however, that nothing in this section shall not 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.

Section 3. Ranges. The provisions of Section 2 shall not apply to a range which has been inspected and approved by the Sheriff of Kitsap County or his designee. Applications for such inspection and approval shall be made to the Sheriff. The Sheriff shall charge a fee of \$ 25.00 for such inspection. In the event an approval is issued, follow-up inspections shall thereafter be made on an annual basis . Written notice of the approval, its term and its scope shall be furnished by the Sheriff and conspicuously posted upon the range premises. Nothing in this Section shall be construed as allowing a range to be operated without first obtaining an Unclassified Use Permit.

Section 4. Law Enforcement. The provisions of Section 2 shall not apply to law enforcement or security personnel who discharge a firearm in the course of their official duties.

Section 5. Penalty. Violation of the provisions of Section 2 is a misdemeanor punishable as provided in Section 1.12.010 of the Kitsap County Code.

Section 6. Repealer. Ordinance No. 50-A-1985 and its

codification, Kitsap County Code Sections 10.24.080 through 10.24.110, are hereby repealed.

Section 7. Severability. If any portion of this ordinance or its application to any person or circumstances is held invalid, neither the remainder of the ordinance nor the application of the entirety of the ordinance to other persons or circumstances shall be affected.

Section 8. Effective Date. This ordinance shall be of full force and effect immediately upon its passage.

DATED this ____ day of _____, 1993.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

Chairman

Commissioner

Commissioner

Attest:

Holly Anderson
Clerk of the Board



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20036

RECEIVED

JUN 21 1993

KITSAP COUNTY COMMISSIONERS

June 21, 1993

The Honorable Billie Eder ✓
Kitsap County Board of Commissioners
614 Division Street
Port Orchard, Washington 98366

Dear Commissioner Eder:

On behalf of our members in Kitsap County, I wish to inform you of the National Rifle Association's opposition to Ordinance No. 50-A-1993. That proposal, which is to be the subject of a public hearing this morning, would prohibit the discharge of firearms in the unincorporated areas of the county.

The NRA recognizes the problems which arise when an area experiences substantial population growth. In such changing circumstances, however, it is critical that elected officials work to ensure the rights of all residents of the area.

As a result, we view Ordinance No. 50-A-1993 as needless and excessive. Properly trained hunters, target shooters, and other gun enthusiasts are responsible and pose no threat to persons undertaking activities where firearms are being discharged. If vigorously enforced, current state reckless endangerment laws can provide your constituents with the safeguards necessary to protect all concerned parties.

We also strongly object to the empowering of the Sheriff of Kitsap County to "inspect" and "approve" shooting ranges within his jurisdiction. While undoubtedly trained to fight crime, sheriffs are not trained to undertake the responsibilities enumerated in the proposed ordinance. Thus, because of a lack of knowledge as to what constitutes a safe and properly equipped and maintained range, the owners of such facilities, as well as the county residents who visit them, may be needlessly inconvenienced. The training necessary to allow sheriffs to undertake such duties would not only represent a squandering of already scarce law enforcement resources but also divert the Kitsap Sheriff's Office from its primary responsibility of crime control.

I appreciate your consideration of the concerns of NRA members in Kitsap County on this issue. Should you have any questions or wish to discuss this matter further, please feel free to contact me at (202) 828-6309. Working together, I am confident we can reach a proper and workable remedy to the concerns which prompted the filling of this ordinance.

Sincerely,


John C. Lenzi
Washington State Liaison

Mark Carter
Referred into Record



Reid 6-21-93
@ P.H. ha

NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20036

COPIES ROUTED

June 21, 1993

The Honorable Win Granlund
Kitsap County Board of Commissioners
614 Division Street
Port Orchard, Washington 98366

Dear Commissioner Granlund:

On behalf of our members in Kitsap County, I wish to inform you of the National Rifle Association's opposition to Ordinance No. 50-A-1993. That proposal, which is to be the subject of a public hearing this morning, would prohibit the discharge of firearms in the unincorporated areas of the county.

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Sincerely,

John C. Lenzi
Washington State Liaison

Poulsbo Sportsman Club, Inc.
16990 Clear Creek Road
Poulsbo, WA 98370

*Fuearims
Ord.*

RECEIVED

AUG 12 1993

KITSAP COUNTY COMMISSIONERS

August 10, 1993

Mr. W. Granlund, Chairman
Kitsap County Commission
614 Division Street
Port Orchard, WA 98366

Dear Mr. Granlund:

I am writing to you about the recently passed Ordinance 50-B-1993. According to Section 5, I am on your review committee as I am the President of the Poulsbo Sportsman Club. I have received no notice of what you expect of me. I have a lot of questions as I intend to do a good job for the citizens of Kitsap County.

My first question concerns the reasons that the Bremerton Trap and Skeet Club, the Kingston Junior Marksmen Club, and the Bainbridge Island Sportsman Club are excluded from representation under this ordinance. Only Bainbridge Island sportsmen lie within an incorporated area, but they are still in the county and are truly qualified to give you competent advice. Why are these clubs excluded?

I would also like some background on the present ordinance. As it has no relationship to the ordinance that was originally presented in early June, I am hereby officially requesting the notes of meetings of the commission on this ordinance, a description in plain non-legal language of the intent of the ordinance, and a copy of the minutes of the meetings on this ordinance. I also need the plans for enforcement of this ordinance.

I also question the status of the existing ranges of the various clubs. What is your intention as to these ranges operated by the clubs? Why were these ranges not written into the law so as to preserve the best and safest places for the citizens of Kitsap County to exercise their constitutionally defined right to keep and bear arms? If you were truly concerned with shooting safety, it seems to me that all clubs, Poulsbo Sportsman Club, Kitsap Rifle and Revolver Club, Bremerton Trap and Skeet Club, Kingston Junior Marksmen Club, and the Bainbridge Island Sportsman Club, would be protected by law, so as to ensure safe places for people to shoot. Anything short of protecting these safely operated clubs reveals that safety is not the motivating force in play here, but only a ploy to remove the clubs as "undesirable" neighbors.

Mr. W. Granlund
August 10, 1993
Page 2

I also have a concern as to the three "at-large" members on this committee. What qualifications are you going to require to serve in these positions? The people who serve on this committee should have some practical knowledge of the subject matter. I am concerned that some well-meaning but ignorant person who does not understand the reality of firearms safety could in their ignorance violate citizens' basic constitutionally defined rights in a belief that they were promoting public safety.

I need to know when and where you need me to attend meetings of the "Review Committee." I would like to volunteer the Poulsbo Sportsman Club clubhouse as a possible meeting place. I do need some advance notice so I can clear my schedule to serve on this committee.

I look forward to a speedy reply.

Very truly yours,



F. G. Reitmeyer
President
Poulsbo Sportsman Club, Inc.
Home address: 21448 Viking Way
Poulsbo, WA 98370
(206) 779-5374

cc: Kitsap Rifle & Revolver Club, Inc.
Bremerton Trap & Skeet Club, Inc.
Bainbridge Island Sportsman Club, Inc.
Kingston Junior Marksmen Club, Inc.

5-9816
evening for
contact

RECEIVED

JUL 14 1993

KITSAP COUNTY COMMISSIONERS

COPIES ROUTED

Poulsbo Sportsman Club, Inc.
16990 Clear Creek Road
Poulsbo, WA 98370

firearms
8/2

July 12, 1993

B. Elder
C. Endresen
W. Granlund
Kitsap County Commissioners
614 Division Street
Port Orchard, WA 98366

Dear Kitsap County Commissioners:

I am writing to you on behalf of the over 200 members and the Officers and Board of Directors of the Poulsbo Sportsman Club, in opposition to the proposed Ordinance 50-A-1993.

This proposed ordinance conflicts with state law in several areas. RCW 9.41.300 allows counties to restrict discharge where there is reasonable likelihood of jeopardy to people or property. By no stretch of the imagination could all, or even the majority, of Kitsap County fall into that narrow definition. Hunting licenses are issued by the state, and state law preempts any county ordinance. State law also allows farmers and ranchers to shoot predators that attack their livestock.

This ordinance is intrusive of people's rights on several levels. Restricting people's use of their property as they see fit is taking part of the value of that property without compensation. Our constitutional right to keep and bear arms includes and encompasses the practice with our weapons. The facts are that people have a right to practice shooting on their property as long as they do not physically endanger other people or property. A neighbor's dislike of hearing gunshots is no reason to restrict shooting.

Another issue addressed in this ordinance is the regulation of shooting ranges. At this time the County apparently has no standard or building codes that address the requirements for a shooting range. Until such time as standards exist, there are no legal means of requiring an inspection. Asking a law enforcement officer to do such inspections is improper use of authority. Requiring people to pay for exercising a constitutional right and to use their own property is ludicrous. Poulsbo Sportsman Club is the only range open to the general public for individual practice. We have approximately 5,000 nonmember users of our range per year. Several different law enforcement agencies use our range for their qualifications. We have operated this range for over 30 years without incident. Requiring us to get an unclassified use

Kitsap County Commissioners

July 12, 1993

Page 2

permit and be inspected annually is totally unnecessary. We have served the community for over 30 safe years without government interference.

This ordinance is unnecessary. We have statutes which address reckless endangerment. RCW 9.41.230 deals with reckless discharge of a firearm. Civil liability laws make persons who damage property liable for their actions. At the public hearing on this ordinance, only one specific incident of property damage could be cited. No injuries to people could be cited. By no means is it reasonable to abridge people's constitutional rights and take their property rights because of the act of one irresponsible person.

This ordinance is unenforceable. State law preemption allows discharge of firearms for several reasons cited above. A deputy cannot come running every time someone fires a gun. Several people at the public hearing testified that response by law enforcement to complaints of dangerous discharges was poor. More laws won't improve that response.

Education of shooters is the key to solve the problem of dangerous discharge of firearms. You need to work with the 4 organized clubs in the county, not simply pile more government interference on us. We all want people to use firearms safely. Trampling our rights in the name of safety will not be tolerated. The public hearing reflected that the people of this county will not tolerate this ordinance. Let's work together, not against each other.

Sincerely,



F. G. Reitmeyer, President
Poulsbo Sportsman Club, Inc.
Home phone: 779-5374



April 29, 1994

Dear Commissioner Eder,

The Kitsap Rifle & Revolver Club, a Washington State non-profit corporation, was founded November 11th, 1926 and has been granted tax exempt status under section 501(C)7 of the Internal Revenue Code.

Our Bylaws direct that our object "shall be the encouragement of organized rifle and pistol shooting among citizens of the U.S. resident in our community, with a view toward better knowledge on the part of such citizens of the safe handling and proper care of firearms, improved marksmanship, and for recreational use."

The Club has been a pioneer within the county for the safe and proper use of firearms and has provided an adequate range at our current location for at least the past 65 years.

In addition to providing a range for our membership (which is open to all), we conduct competitive matches, open to the public, in all the shooting disciplines involving rifle and pistol. For the past several decades, with support and assistance from the county Prosecutors Office and the Sheriff's Department we have presented the NRA Personal Protection Course or equivalent, training approximately 200 students each year in the safe, proper, and legal use of firearms. Each year we devote two entire weekends to the annual Hunters Sight-In so that local hunters may enter the field with known accurate sight settings. We also conduct the Washington State Hunter Safety Education Classes and Black Powder Education Classes. We have a Youth Smallbore Shooting program leading, for some, into NCAA and Olympic style competition and have worked closely with the Boy Scouts in their firearms training programs.

These programs are conducted using the services of dedicated, trained, and certified volunteers. Fees charged are adequate only to cover costs.

Commissioner Granlund has, at several hearings, expressed his support for proper ranges. In July of last year the Club was pleased to present to Commissioner Eder our plans for modernization and improvement of our range and received her assurance of support. At Commissioner Eder's suggestion we met with Ms. Holtz and Mr. Cote of County Parks Department on July 23, 1993. We were assured at that meeting that we would be invited to participate as an interested group in the development of the Kitsap County Regional Park Development Plan.

We have not been contacted in any way since then and have had no input on the Development Plan of 6 April 1994. We had no knowledge of that plan until the announcement in the Bremerton Sun the evening of Friday, April 8, announcing public forums at Kitsap Mall and several area schools.

The Regional Park Elements of the April Development Plan show our range and buffer zone overlaid with Mountain Bike Trails, Hiking Trails, and Bridle Trails. Ms. Holtz and Mr. Cote have each stated that in the future we would have to move to another location to accommodate these activities. It has even been said that this section of land would become Open Space in an area of intense urban development.

The Kitsap Rifle and Revolver Club respectfully but urgently requests a meeting with the Board of Commissioners so that we may contribute to and cooperate with the recreational planning of our area.

Very sincerely yours,


Marcus Carter, President

Bremerton, Wash., Sunday, September 28. The ceremonies took place on the Kitsap Rifle and Revolver Club range not far from the city's corporate limits. Easily accessible and situated as it is in a natural spot of beauty, the Kitsap range also afforded spectators an excellent opportunity to view the spectacular maneuvers with absolute safety to themselves.

The all-day program held under the auspices of the U. S. Marine Corps, Puget Sound Division, and the Kitsap Rifle and Revolver Club, of Bremerton, Wash., opened at 8 o'clock in the morning and continued throughout the day.

Wesley Harris, local Marine, to whose memory the camp was dedicated, enlisted in the Marine Corps on October 16, 1916. He received preliminary training at Mare Island, Seattle, Galveston, and Quantico, and in August, 1918, sailed for France to join and serve with the famous Fifth Regiment. In the St. Mihiel encounter during the drive of September 11, 1918, he was seriously wounded and died five days later in a nearby hospital.

Most of the morning was devoted to the firing of a special rifle match for the Barowski Service Teams trophy, in which the following six teams competed: Navy and Marine Teams from both the U. S. S. *California* and U. S. S. *Lexington*, and a team representing Marine Barracks, Navy Yard at Puget Sound, and the local Kitsap Rifle and Revolver Club aggregation. From noon until 4 o'clock in the afternoon visitors were privileged to inspect the model Marine camp, set up for the occasion by Marines from Puget Sound Navy Yard.

At 1 o'clock the annual Junior Championship for the Camp Wesley Harris challenge trophy was fired, and at 2 o'clock the special dedication ceremonies got under way with Judge James W. Carr in the chair as master of ceremonies.

Col. R. A. Hooker, U. S. M. C., Commanding Marine Barracks, Navy Yard at Puget Sound, and Chairman of the Kitsap Club Executive Committee, delivered the address of welcome, following which little Miss Rose Marie Ziegemeier unveiled the memorial gate of the picturesque camp and range.

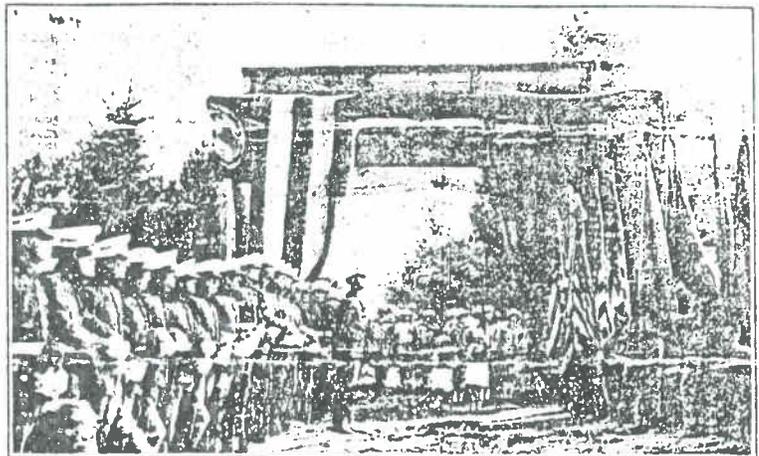
Rear Admiral H. J. Ziegemeier, U. S. N.,

Commandant of the 13th Naval District, and in charge of the Puget Sound Navy Yard, then delivered a short but well-directed address in which he expressed the appreciation of the Navy for the opportunity to participate in the ceremonies.

Hon. James F. Miller, representing the First Congressional District of Washington in the Congress of the United States, and Brig. Gen. Robert Alexander, U. S. A., retired, spoke of the value of promoting patriotism and of the need of preparedness as a means of preserving peace.

The most spectacular event on the program was the combat problem, of mimic warfare put on by the Marines, similar to the Infantry Combat Match annually fired at Camp Perry, except that the offense was supported by machine-gun fire, the Marines advancing in battle formation on the "enemy" located at the 300-yard butts. About 3,000 ball cartridges were fired from machine guns and rifles, and the continued rising dust at the targets showed the extreme accuracy of the fire. Spectators viewed the "attack" with real interest and applauded heartily at the conclusion of the battle.

Like past Kitsap activities, the success of the Camp Wesley dedication was due in no small measure to the whole-hearted cooperation of the newspapers in the Puget Sound district. They gave freely of their columns to advance publicity about the gathering, which undoubtedly accounted for the splendid turnout at the ceremonies. The Bremerton *Press*, which commented editorially on the dedication, commended the Kitsap Club for the active part it has taken in the development of the range and asked for continued public support of the local rifle club. "In addition to furthering patriotism and preparedness, it is good, sound business to do so, (to support the club)," concluded the editorial.



The Wesley Harris Memorial Gate, just before it was unveiled by little Miss Rose Marie Ziegemeier.

MARINES JOIN KITSAP IN DEDICATING HARRIS MEMORIAL CAMP

Two thousand enthusiastic visitors turned out for the dedication of Camp Wesley Harris, Bremerton's new Memorial Camp, near

file
COPY

ORDINANCE PROHIBITING THE DISCHARGE OF FIREARMS IN
PROSCRIBED AREAS OF KITSAP COUNTY, WASHINGTON

Section 1. Definitions. The following definition shall apply in the interpretation and enforcement of this chapter:

a. Firearm: 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 include rifles, pistols, shotguns and machine guns.

b. Shoreline: the border between a body of water and land measured by the Ordinary High Water Mark.

c. Ordinary High Water Mark: 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.

Section 2. Discharge of firearms prohibited. The discharge of firearms is prohibited in the following described areas. These areas are illustrated in Exhibits A through G.

a. Dyes Inlet, Sinclair Inlet, Port Washington Narrows and the surrounding metropolitan area excluding that part of Dyes Inlet and Sinclair Inlet which is 150 yards offshore all as depicted on

Exhibit A more particularly described as:

Beginning at the intersection of Lidstrom Hill Road and Waterman Beach Road, running thence westerly following the shoreline to the Gorst area and the intersection of State Highway S.R. 3 and the Old Belfair Valley Road; thence westerly along the Old Belfair Valley Road to Jarstad Park and Bremerton city limits; thence northerly following the city limits to the section corner common to Sections 20, 21, 28, and 29, Township 24 North, Range 1 East, W.M.; thence west along the south line of said Section 20 to the Southwest corner; thence north along the west line of Sections 20, 17, 8, and 5 of Township 24 North, Range 1 East, W.M., and Sections 32, 29, and 20 of Township 25 North, Range 1 East, W.M., to the northwest corner of Section 20, Township 25 North, Range 1 East, W.M.; thence east on the north line of said Section 20 and the Bucklin Hill Road to the intersection of Tracyton Boulevard; thence southerly on Tracyton Boulevard to Riddell Road; thence southerly on Tracyton Beach Road to the Bremerton city limits; thence following the Bremerton city limits northerly, easterly, and southerly, to Port Orchard Bay; thence across Port Orchard Bay to beginning.

b. Liberty Bay excluding that part of Liberty Bay which is 150 yards offshore all as depicted on Exhibit B more particularly described as:

Beginning at the dock at the north end of Washington Avenue in the Plat of Keyport, running thence south to intersect State Highway S.R. 303; thence westerly to Central Valley Road; thence northerly to Scandia Road; thence westerly to State Highway S.R. 3; thence northerly to the intersection of State Highway S.R. 3 and State Highway S.R. 305; thence southeasterly to Poulsbo city limits; thence following the Poulsbo city limits easterly and southerly back to State Highway S.R. 305; thence southeasterly along State Highway S.R. 305 to Delate Road; thence south on Delate Road and its prolongation to Liberty Bay; thence across Liberty Bay to the Keyport Dock and point of beginning.

c. Apple Tree Cove and Point Jefferson as depicted on Exhibit C more particularly described as:

Beginning at the meander post between section 18, Township 26 North, Range 3 East, W.M., and Section 13, Township 26 North, Range 2 East, W.M., running thence westerly following the shoreline to the north-south centerline of Section 13, Township 26 North, Range 2 East, W.M., also

being the south-east boundary corner of Port Madison Indian Reservation; thence north along the centerline to the northeast corner of the south half of the Southwest quarter of Section 12, Township 26 North, Range 2 East, W.M., thence west approximately one-half mile to the west section line of said Section 12; thence north approximately one-quarter mile to the west one-quarter corner of said Section 12, thence east approximately one-half mile to the center of Section 12, thence running north along the centerline of Section 12 and Section 1, Township 26 North, Range 2 East, W.M. along Seatter Road to Jefferson Point Road, thence west on Jefferson Point Road to its intersection with South Kingston Road, thence northerly along South Kingston Road around the head of Appletree Cove to the Southwest corner of the northeast one quarter of the southeast one quarter of Section 26, Township 27 North, Range 2 East, W.M., thence north to State Highway S.R. 104, and continuing north along Lindberg Road to the north section line of said Section 26, thence east along the north section line of Section 26 and Section 25, Township 27 North, Range 2 East to Puget Sound; thence southerly following the shoreline to the point of beginning.

d. Within 100 yards of the shoreline both inland and waterward of Olalla Bay as depicted on Exhibit D more particularly described as:

Beginning at the intersection of Nelson Road and Crescent Valley Road, thence East to the West shoreline of Colvos Passage and the true point of beginning, thence North along said shoreline to Olalla Bay, thence along the South shoreline of said Olalla Bay to Olalla Creek, thence along the North shoreline of said Olalla Bay to a point lying 200 feet East of said Crescent Valley Road.

e. Within 100 yards of the shoreline both inland and waterward of Burley Lagoon as depicted on Exhibit E more particularly described as:

That portion of said Burley Lagoon lying within the West half of Section 12, Township 22 North, Range 1 East, W.M.

f. Within 100 yards of the shoreline both inland and waterward of Eagle Harbor as depicted on Exhibit F more particularly described as:

Beginning at the Southeast corner of Section 35, Township 25 North, Range 2 East, W.M.; thence East to the West shoreline of Puget Sound and the true point of beginning; thence Northerly along said shoreline to the South shoreline of Eagle Harbor; thence Westerly along said shoreline to the most Northwesterly point of said Eagle Harbor; thence Easterly along the North shoreline of said Eagle Harbor to Wing Point.

g. Within 100 yards of the shoreline both inland and waterward from Waterman to Southworth Point as depicted on Exhibit G more particularly described as:

Beginning at the intersection of Lidstrom Hill Road and Waterman Beach Road; thence Northerly and Southerly along the shoreline to Southworth Point.

h. Long Lake which is located in Section 12, 13, 17, 18, 19, 20 of Township 23 North, Range 2 East in Kitsap County and that area within 150 yards inland of the shoreline of Long Lake.

i. That portion of Panther Lake in Kitsap County located in Section 31, Township 24 North, Range 1 West and that area 150 yards inland of the shoreline of that portion of Panther Lake located in Kitsap County.

j. That portion of Tiger Lake in Kitsap County which is located in Section 32, Township 24 North, Range 1 West and that area 150 yards inland of the shoreline of that portion of Tiger Lake located in Kitsap County.

k. That portion of Mission Lake in Kitsap County which is located in Section 29 and 32, Township 24 North, Range 1 West and that area 150 yards inland of the shoreline of Mission Lake.

Section 3. The provisions of Section 2 shall not apply to a rifle or a pistol range which has been inspected and approved by either the sheriff of Kitsap County, the police chief of the city of

Bremerton or the police chief of the city of Poulsbo respectively. Written notice of the approval shall be furnished and conspicuously posted upon the rifle or pistol range.

Section 4. Penalty. Violation of Section 2 of this chapter is a misdemeanor punishable as provided in Section 1.12.010 of this code.

Section 5. Repealer. Ordinance No. 50-1972 and its codificaton, Kitsap County Code Sections 10.24.075 through 10.24.100 are hereby repealed.

Section 6. Severability. If any portion of this ordinance or its application to any person or circumstances is held invalid, the remainder or application to other persons or circumstance shall not be affected.

Section 7. Effective Date. This ordinance shall be of force and effect immediately upon passage.

DATED this 8th of July, 1985.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

John Horsley
Chairman

Ray Caspell
Commissioner

[Signature]
Commissioner



ATTEST:

Janet R. Banach
JANET R. BANACH
Clerk of the Board

15 NOV 1990

Dear Mrs. Eder,

We would like to express our support for the ban against discharge of firearms of any kind in the Hansville area.

Sincerely,

Gary Nelson

Daria Nelson

Hansville

34047 Shoreview Dr
Hansville, WA 98340



America the Beautiful USA 15

COPY

Billie Eder
County Commissioner
614 Division St.
Port Orchard, WA 98366

Commissioner John Horsley
Kitsap County Commissioners
614 Division St.
Port Orchard, Wash

Dear Sir:

For the past year, the Hansville community north of 360 St. NW has petitioned the commissioners to have the area included in the specified zones where the discharge of firearms is banned under Kitsap County Ordinance 15-A-1985. We would like to have the area platted under Hood Canal Tracts No. 1 and 2, south of the Shorewoods Development along Hood Canal Drive, which is included in the Hansville telephone exchange, Water District, Fire District, and Post Office, added to this area under petition for firearms discharge prohibition. The combination of narrow lots (90 feet to 105 feet wide), extensive shorelines and tidelands, larger number of vehicles on the road and boats on the water, and increasing population of permanent residents means there is a growing threat to public safety if firearm discharge continues to be allowed in this area.

The applicability of this change would be immediate. A new property owner has set up a firing range in his front yard, on a bluff overlooking Hood Canal, and facing the water. Here he and his guests discharge 12 gauge shotguns, .357 revolvers, and .22 automatic pistols to their heart's content and their neighbors' apprehension. A complaint to the County Sheriff resulted in a request to put up backstop between himself and the water, which he usually hits (except when taking shots at crows and other convenient flying targets) and his guests sometimes hit. It is also the only "legal" firing range in Kitsap County stocked with a refrigerator full of beer, and on summer weekends the once-peaceful area takes on the atmosphere of a gang neighborhood, with tense adults, scared children, spooked pets, and bullets flying out over the water to Jefferson County a mile away.

Thank you for your consideration of this matter.

Yours truly,

HEATHER D. CARRELL
& PETER F. BRAZILIS
36033 Hood Canal Dr. NE.
Hansville, WA 98340

July 26 (cont)	4:50 ^{PM}	1 shot *	
	5:22 ^{AM}	2 shots *	
	6:02	2 photos	1 round
	8:57 AM	6 shots *	
July 28 th	9:49 AM	1 shot	
	9:56	1 shot	
	10:42	2 shots	
	11:56	2 shots	12 Rounds
	11:58	1 shot	
	1:52	1 shot *	
	3:47	2 shots *	
	~ 9:00	2 shots	
July 29 th	4:36	2 shot	4 rounds
	4:49	2 shots	
July 30 th	11:30	1 shot	1 round
July 31 st	1:19	3 shots	3 rounds
Aug 15	(supper hour)	1 shot	1 round
Aug 17	12:49 ^{PM}	1 shot	1 round
Aug 19	2:50	2 shots *	
	2:02	4 shots *	1 round
	2:09	1 shot *	
	2:36	1 shot *	
	2:47	3 shots *	

- 1) Breithaupt
 Moved in Labor Day '89 - began shooting that afternoon
 - Shot into our bank + tree
 - Husband talked to Breithaupt on Sunday when shooting again into our tree + bank
- 2) Reported shooting - ~~mid~~ June (?) } We had been told it was illegal to shoot within 150 ft (yds?) of water, so we called
 TO Sheriff's office
 (Deputy Martin came out + told him to pick up backstop)

3) Shot record after ~~visit~~ ^{sheriff's visit} (Large Caliber $357 = \star$)

July 4th - off + on all day - usually in 6 shot bursts
 plus 12 rounds went off after 11 pm (fireworks had gunshots interspersed)

July 5th - ~8:30 AM - 2 shots* (2 rounds)

July 7th { 9:48 AM 2 shots* (Low tide)

2:06 PM 1 shot*

4:06 PM 2 shots*

4:37 PM 6 shots* (11 rounds)

July 11th 3:47 PM 1 shot (1 round)

July 14th 11:50 AM 2 shots (2 rounds)

July 15th { 7:01 AM 3 shots* (4 rounds)

~~11~~ 11:26 AM 1 shot

July 17th 4:47 PM 1 shot (1 round)

July 23rd 6:59 PM 2 shots (2 rounds)

July 25th 2:54 PM 2 shots* (2 rounds)

July 26th { 3:19 PM 5 shots* (21 rounds)

3:38 PM 1 shot*

3:41 PM 1 shot*

4:22 PM 1 shot

4:29 PM 1 shot*

4:46 PM 1 shot*

(cont)

These are just the shots that we've been around in from.

(Deputy Martin) →
 Called Sheriff when Breithaupt shot 5 times into our tree - branches + needles fell.
 given Case # 90-11139 for calling 911 next time he shot

RECEIVED

SEP 10 1990

9/10/90

KITSAP COUNTY COMMISSIONERS

Please deliver this message to the 2:40 PM Commissioner's meeting. I would appreciate having my letter included in the file on the "firearm discharge ban". If possible, I would appreciate having Heather Carroll read my letter into the record.

Thank You,



Thomas M. Ritley
35551 Hood Canal Dr. NE
Hansville, WA 98340

September 10, 1990

Mr. John Horsley, Commissioner
FAX 895-3932

Dear Mr. Horsley,

As a resident in the Hansville area, I support the ban on the discharge of firearms. I believe the ban should include areas south of Hansville, including Hood Canal Drive NE through the Cliffside area.

Residential areas are not compatible with the discharge of guns. As a parent, I immediately think of my children's safety when I hear the sound of a gun echoing through the neighborhood.

Thank you for considering my point of view in your deliberations.

Best Regards,


Thomas M. Ritley

RECEIVED

SEP 14 1990

September 13, 1990

KITSAP COUNTY COMMISSIONERS

Kitsap County Board of Commissioners
614 Division Street
Port Orchard, Wa. 98366

Re: Public Hearing September 10, 1990 to consider
amending Ordinance No. 50-A-1985 in the
North Kitsap Hansville area

Attention Mr. John Horsley

Gentlemen:

My wife and I attended the above hearing and want
to thank you for the way in which it was handled.

The few of us who were in favor of some kind of
restrictions in the use of firearms near neighbors
and water were out-numbered by those that did not
want any restrictions in the use of their guns.
I think most people at the meeting, however, agreed
that something must be done to address the problems
we and others have on Hood Canal Drive in the
Hood Canal Shores No. 1 and No. 2 area and elsewhere.

I believe that we and our neighbors would be
satisfied if there were a law stating that it was
illegal to use firearms unless one is more than
150 yards from the water or the nearest neighbor's
residence, even though the range of most guns now
is far greater than that.

Because of prior commitments, we can not attend the
October 22 meeting so we are giving you an opinion
in this letter which we hope you will consider.

Our summer residence is a cabin at 35975 Hood Canal
Drive N. E. and our permanent residence is 29282
Brownlee Pl. N. E., Poulsbo, Washington.

Very truly,



Clare E. Johnson
29282 Brownlee Pl. N. E.
Poulsbo, Wa. 98370

5214 NE Ponderosa Ln. W.
Hansville, WA 98346
September 10, 1990

Kitsap County Commissioners
614 Division
Port Orchard, WA. 98364

RECEIVED
SEP 13 1990

KITSAP COUNTY COMMISSIONERS

Dear Commissioners:

I support the prohibition of the discharge of firearms in the Hansville area from the Eglon/Little Boston Road north in short plots and subdivisions in which lot size is less than five acres. (The 100 yard provision of ordinance 50-A-1985 would be acceptable to me.) I would favor allowing qualified, inspected gun ranges as set forth in ordinance 50-A-1985.

I also would favor prohibiting hunting in that same area because of the risk to those of us who live along wooded areas.

I own lots in Cliffside and Shorewoods and have recently purchased 2½ acres nearby ^(WILDWOOD BEACH DIV. 2) and do not feel hunting or target shooting is safe or desirable in any of those locations on small parcels.

Sincerely,
Barbara L. Meredith

Oct. 3, 1990

Kitsap County Commissioners
County Courthouse
Port Orchard, Wn.

RECEIVED
OCT 04 1990

KITSAP COUNTY COMMISSIONERS

Dear Sirs and Billie,

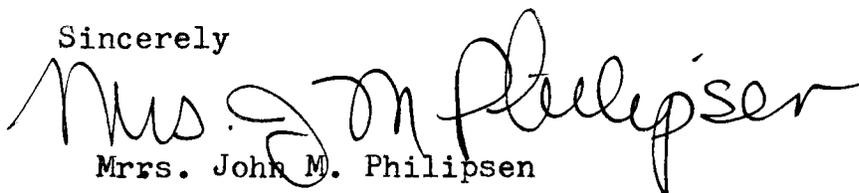
As I understand it from the stories in the newspaper, you are considering a ban on all gun use in the extreme northernmost tip of the Kitsap peninsula.

I also understand that the reason this request was made by local citizens was indiscriminate shooting of deer in what has become a fairly densely populated area.

I agree with a ban on deer hunting, bear, rifles whatever, but I do not see why this ban should include duck hunting on the several areas where this sport can be enjoyed.

Duck hunters are nowhere near homes, and do not use high calibre weapons that reach distances that could hurt someone. I hope you will bear in mind that the primary reason the ban was asked was to stop the deer hunting, and that it had nothing to do with duck hunting. A total ban on all hunting would be too broad, I think.

Sincerely



Mrs. John M. Philipsen

P.O. box 69

Hansville, Wn. 98340

OPPOSE A FIREARMS ORDINANCE TO PROHIBIT
THE DISCHARGE OF FIREARMS IN THE
HANSVILLE AREA

MR. & MRS. GENE GOOCH — DRIFTWOOD KEY — HANSVILLE
638-2075

MR. & MRS. JOHN SWANSON — TWIN SPITS ROAD — HANSVILLE
638-2423

MR. & MRS. LEE PETERSON — DOWNTOWN HANSVILLE
638-2565

MR. & MRS. CLARK CRAWFORD — FOLLWEATHER BLUFF — HANSVILLE
638-2600

BARBARA DUKES — END OF TWIN SPITS RD. — HANSVILLE
638-2406

BETH MORELAND — END OF TWIN SPITS RD. — HANSVILLE
638-2406

MR. & MRS. DICK LONDERVILLE — FOLLWEATHER BLUFF — HANSVILLE
638-2658

MR. & MRS. DAN KONOPASKI — FOLLWEATHER BLUFF — HANSVILLE
638-2706

#1

WE THE PROPERTY OWNERS OF HOOD CANAL SHORES #1 ON HOOD CANAL DRIVE
IN HANSVILLE AND KINGSTON, WASHINGTON REQUEST THAT NO SHOOTING OF
FIREARMS BE PERMITTED IN ACCORDANCE WITH COUNTY ORDINANCE ^{50th} 15-A-1985,
EXCEPT FOR THE PROTECTION OF LIFE, LIMB OR PROPERTY.

The combination of narrow lots (90' - 105'), extensive shoreline and
tidelines, larger numbers of vehicles on the road, and increasing
population of permanent residents means there is a growing threat to
public safety if firing of firearms is allowed.

We would encourage the development of private shooting clubs for
people who like to target shoot, if the clubs were away from populated
areas and met safety standards.

PRINT NAME	SIGNATURE	ADDRESS
Larry Pippinger	Larry Pippinger	36253 Hood Canal Dr NE Hansville
Rita Pippinger	Rita Pippinger	36253 Hood Canal Dr NE Hansville
James E. Knode	James E. Knode	35847 Hood Canal Dr NE Hansville
Shilda Dunlop	Shilda Dunlop	4991 NE Hood Canal Pl.
Henry Dunlop	Henry Dunlop	4991 NE Hood Canal Pl.
GARY SHAWNON	Gary Shanon	36648 Hood Canal Dr
Marilyn Hansen Hoeft	MARILYN HANSEN HOEFT	36511 Hood Canal Dr NE
John B. Lofsrud	John B. Lofsrud	36157 Hood Canal Dr NE
Irene Lofsrud	Irene Lofsrud	36151 Hood Canal Dr NE
Karen L Langston	KAREN L LANGSTON	36132 Hood Canal Dr NE ^{HANSVILLE}
Janet L. Whobrey	JANET L. WHOBREY	36132 Hood Canal Dr NE Hansville
Ivar Pedersen	IVAR PEDERSEN	36791 Hood Canal Dr NE Hansville
Tordis A. Pedersen	Tordis A. Pedersen	36791 Hood Canal Dr
Peter W. Wood	PETER W. Wood	36175 Hood Canal Dr.
Trudy W. Miller/Wood	Trudy W. Miller/Wood	36175 Hood Canal Dr NE ^{HANSVILLE}
RICHARD R. SAULSMAN	R. R. Saulsman	4995 NE HOOD CANAL PLACE
ELEANOR E. SAULSMAN	Eleanor E. Saulsman	4995 N.E. Hood Canal Pl.

November 11, 1990

Board of County Commissioners
County Administration Building
614 Division Street
Port Orchard, WA 98366

RECEIVED
NOV 19 1990

KITSAP COUNTY COMMISSIONERS

Dear County Commissioners,

We are opposed to the discharge of firearms in the Hansville area. We request you pass the extension of the firearm ordinance at your December 3, 1990 meeting.

<u>Printed Name</u>	<u>Signature</u>	<u>Address</u>
ELEANOR Z BINGHAM	<i>Eleanor Z Bingham</i>	6152 Twin Spits Rd Hansville 98340
Mary Ellen McCaffree	<i>Mary Ellen McCaffree</i>	7020 NE Twin Spits Rd Hansville 98340
BETTY GARRISON	<i>Betty Garrison</i>	37339 NE Hazel Pl. Hansville 98340
Wenice Fite	<i>Wenice Fite</i>	6752 - N.E. Twin Spits Rd. Hansville 98340
Rebecca B Reynolds	<i>Rebecca Reynolds</i>	5828 TWINSPITS RD NE Hansville 98340
Virginia E. Edwards	<i>Virginia E. Edwards</i>	6148 N.E. Twin Spits Rd. Hansville 98340
Charles W. Edwards	<i>Charles W. Edwards</i>	6148 N.E. Twin Spits Rd. Hansville 98340
Jennifer Householdree	<i>Jennifer Householdree</i>	37805 Hillview Ln N.E. Hansville 98340
Harry Householdree DOROTHY L. LEE	Harry Householdree <i>Dorothy L. Lee</i>	37805 Hillview Ln. N.E. Hansville 98340
Loraine L Lee	<i>Loraine L Lee</i>	5240 NE Admiralty Way Hansville 98340
MARY M. MARLER	<i>Mary M. Marler</i>	6756 NE Twin Spits Rd Hansville 98340
Michael H. Schiewe	<i>Michael H. Schiewe</i>	6828 NE Twin Spits Rd, Hansville 98340
Helen Osborne	<i>Helen Osborne</i>	PO Box 391 - Kingston
HAROLD OSBORNE	<i>Harold Osborne</i>	PO Box 391 Kingston
VIRGINIA H. MARSHALL	<i>Virginia H. Marshall</i>	P.O. Box 146 Hansville

November 11, 1990

Board of County Commissioners
County Administration Building
614 Division Street
Port Orchard, WA 98366

Dear County Commissioners,

We are opposed to the discharge of firearms in the Hansville area. We request you pass the extension of the firearm ordinance at your December 3, 1990 meeting.

<u>Printed Name</u>	<u>Signature</u>	<u>Address</u>
<u>WILBUR L. GARRISON</u>	<u>Wilbur Garrison</u>	<u>37339 NE Hazel Pl.</u>
<u>Barbara A. Lund</u>	<u>BARBARA A. LUND</u>	<u>4180 N.E. Twin Spits Rd.</u>
<u>Martin Lund</u>	<u>MARTIN LUND</u>	<u>4180 NE Twin Spits Rd</u>
<u>A. V. Bingham</u>	<u>A. V. BINGHAM</u>	<u>6152 TWINSPITS RD N.E</u>
<u>Richard L. Groat</u>	<u>RICHARD L. GROUT</u>	<u>8604 NE Pt-no. Pt Rd.</u>
<u>Donna L. Groat</u>	<u>DONNA L. GROUT</u>	<u>8604 NE Pt-no Pt. Rd</u>
<u>SIDNEY C. KNUTSON</u>	<u>Sidney C. Knutson</u>	<u>5100 NE ADMIRALTY WAY</u>
<u>JEANNE L. Knutson</u>	<u>Jeanne L. Knutson</u>	<u>5100 n.e. admiralty way</u>
<u>Rose A Farnsworth</u>	<u>Rose A Farnsworth</u>	<u>33170 Hansville Rd. NE, Kingston 98346</u>
<u>BARBARA JONES</u>	<u>Barbara Jones</u>	<u>34247 Budge View Kingsto.</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

15082 NW. Maple Lane
Seabeck, WA. 98380

October 25, 1990

RECEIVED
OCT 25 1990

Kitsap County Commissioners
Courthouse
614 Division St.
Port Orchard, WA. 98366

KITSAP COUNTY COMMISSIONERS

Honorable Commissioners,

I appreciate the opportunity to continue my testimony against the proposed extension of the area in which the discharge of firearms is forbidden to the Hansville region of North Kitsap.

I should also mention that I admire the commission's patience with those of us who tend to ramble in our presentations.

I do not regard this restriction as any sort of Second Amendment problem. But possibly an abridgement of even more basic freedoms as we take one more small step toward the totalitarian concept of "Everything not specifically permitted is forbidden."

I concede that Ms. Carrol has a legitimate complaint. I recognize that this extension would make it easier for the County Prosecutor. There is however, NOTHING wrong with the discharge of firearms - under the proper circumstances. Even this though would now become illegal.

The incidents in Hansville seemed to violate several existing ordinances. Please try to use the existing laws rather than add new ones.

Very sincerely yours,



Frank A. Munroe

RECEIVED
OCT 30 1990

KITSAP COUNTY COMMISSIONERS

Star Route 2, Box 267
Kingston, Washington 98346
October 28, 1990

*Firearms
Ord*

Commissioner J. Horsley
Kitsap County Courthouse
Port Orchard, Washington

Dear Commissioner Horsley:

I would like to go on record as supporting the ban of gun shooting along the shoreline between Port Gamble and Point No Point. As I often walk along these areas I have felt in danger when I hear gun shots nearby. I would like to see the ban cover a far wider area, both along the shoreline south of Point No Point and between Gamble Bay and Puget Sound. Please consider, most strongly, a ban on gun shooting at this end of Kitsap County.

Sincerely,

Marion I. Kling

Marion I. Kling

RECEIVED

OCT 30 1980

October 24, KITSAP COUNTY COMMISSIONERS

Kitsap County Board of Commissioners
614 Division Street
Port Orchard, Wa. 98366

Re: The October 22 meeting to consider again amending
Ordinance No. 50 A 1985 in the North Kitsap Hansville
area

Attention Mr. John Horsley, Mrs. Billie Eder & Mr. W. Granlund

Dear County Commissioners:

I was not able to attend the above meeting due to recent surgery but I understand that on December 3, you will act on the above amendment to include the Hansville area (including Shorewoods, Driftwood Key etc.) on this issue.

I and others in the Hood Canal Shores area were the ones responsible for the petition which Heather Carroll presented you at the September 10 meeting.

I would like to again present another like petition covering other areas concerned but due to my health at this particular time, I will not be able to. I feel that there are many others who like myself and my husband, would like to see a gun-free area surrounding the water in this area.

We do not want to restrict the use of firearms completely but just in areas around the water and residences. I believe the logic leans toward some kind of law as above considering the range of the weapons nowadays and the amount of traffic and people that have moved into this area. I imagine this must be a difficult decision for you to make considering the opposition that was represented at the two previous hearings but I hope you will feel that now is the time - the time is right for taking precautions so there will not be a disastrous accident from the unrestricted use of weapons in such a now populated area.

Thank you.

Lucille Johnson

Mr. and Mrs. Clare E. Johnson
29282 Brownlee Pl. N. E.
Poulsbo, Wa. 98370

Summer residence: 35975 Hood Canal Drive. N. E.

JOAN R. LEWIS

40775 Foulweather Bluff, Hansville, Wa. 98340 638-2978

RECEIVED
NOV 07 1990

November 5, 1990

KITSAP COUNTY COMMISSIONERS

Mr. John Horsley
Kitsap County Commissioner
Kitsap County Courthouse
614 Division Street
Port Orchard, WA 98366

Dear John:

I want to add input into the proposed ban on firearms in Hansville that I read about in the October 31 Kitsap Herald.

I urge you to support a ban **before** some tragedy occurs that makes you wish you had. I'll cite 2 such circumstances that could have been disasters as example. Thank God we got out of these okay.

When we first bought our property, which includes the North Spit just south of Foulweather Bluff, we and the other owners posted the property welcoming walkers but not hunting, clamming, oystering or fires. Our signs were pleasant requesting that people respect our property rights. We did not post No Trespassing signs, though we certainly could have, because it has never been our intent to keep people from enjoying the beach.

We were confronted with several angry citizens who had no real intention of respecting our property. People came to our door and threatened us saying they had hunted there since childhood and they had the rights, we did not. It was many months and I suspect only legal advice that finally convinced them they really didn't have any rights on private property.

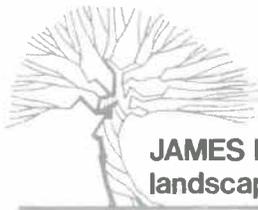
I didn't understand then, and I don't now, why it wasn't clear that this area is no longer isolated and it has just become too dangerous. What if my grandchildren, or even my dogs, were down there for a walk!?

More recently we were sitting on our deck and heard gunshots. Bob traced the sound to a neighbor who was shooting toward the beach at trees, doing target practice. (We have actually experienced this with inland neighbors as well.) It never occurred to our neighbors that bullets can ricochet and hit innocent bystanders.

John, we all spend many hours each week dealing with the realities of growth. One of them is that we are no longer isolated and therefore we must take all appropriate precautions to keep our neighborhoods and its residents safe. **PLEASE** ban the use of firearms in Hansville before it is too late.

Thank you.





JAMES KNODE
landscape architecture

35847 HOOD CANAL DRIVE NE • HANSVILLE • WA 98340 • 206 638-1414

RECEIVED
NOV 14 1990

12 November 1990

KITSAP COUNTY COMMISSIONERS

Board of Kitsap County Commissioners
614 Division Street
Port Orchard, WA 98366

Dear Ms. Eder, Mr. Horsley and Mr. Granlund:

I trust I've addressed this correctly, as I infrequently correspond with elected officials.

There's an issue here in the Hansville area that I believe requires your attention. I'm referring to the need to curb the recent increase in the discharge of firearms along the shoreline of Hood Canal adjacent Hood Canal Drive. This is an area rapidly emerging as a residential neighborhood in the classic sense. It's no longer the dominion of the retired or of the weekender - working families with children are here in abundance and for good reason; in essence, quiet country life. Houses are no longer separated by vacant land and over the fence conversations are becoming the rule rather than the exception, that is, if one can hear over the outbursts of gunfire that at times dominate the day. This is not an exaggeration. It would be best if those that wish to blast away at clay pigeons and crows (which as you know is illegal) find a spot to do it some distance from our neighborhood. I would very much like to see an ordinance established that would protect the area between Hood Canal Drive and the beach from shooting - for safety, aesthetic and wildlife protection reasons.

This brings up the issue of wildlife protection. The entire beachfront region along Hood Canal Drive is a significant resting and refueling spot for migratory birds. The continued increase in the discharge of firearms could seriously alter this activity.

There are about ten nesting pairs of Bald Eagles in the Puget Sound Area. We are fortunate to have one of them here. They, along with a family of Osprey (rare and endangered) fly the rim of the beach nearly every day. They appear unexpectedly and at blufftop level, exactly where most of the shooting takes place. One day a tragedy will happen.

Encounters with these beautiful birds of prey and other wildlife are not only for those of us who live here, but for weekenders as well, for in most all cases they are welcome to cross our beaches. To kill or in any way infringe on their habitat would be a travesty.

I strongly urge you to legislate gunplay away from Hood Canal Drive - a distance of at least 250 feet from the top of the bluff. Times and communities change and adjustment to such change is often in order, however unpopular to some. Other communities have recognized the value of shooting ordinances. Many of us along Hood Canal Drive also agree with such a concept. This is a neighborhood, not a shooting gallery.

Sincerely,

✓
Kitsap County Administration Bldg
614 Division St.
Port Orchard, WA 98366

COPY

firearms
1/2/3

Dear Sirs:

I am writing this letter in regard to Ordinance #50-B-1990, prohibiting the discharge of firearms in the Hansville area. I am against this ordinance.

It is my understanding that one of the proponents of this ordinance is Heather Carol, who is our next door neighbor.

I think that it is important at this time to inform you that my husband and myself are engaged in an ongoing disagreement over a tree which is on their property. Our home is on a bluff overlooking Hood Canal, and our view is breathtaking. The subject tree obscures our view by approximately 30%, and from the enclosed pictures, you can see that it is in the process of falling over the edge of the bluff. My husband asked that the tree be cut down, in fact, we offered to pay for it if they were willing to allow us to do so. Heather Carol and her husband have refused our offers. On occasion, my husband has shot at the bank under the subject tree. From the photos, you can see the target is a sand cliff. It is important for you to know that both myself and my husband have extensive training and experience in firearms safety and procedures.

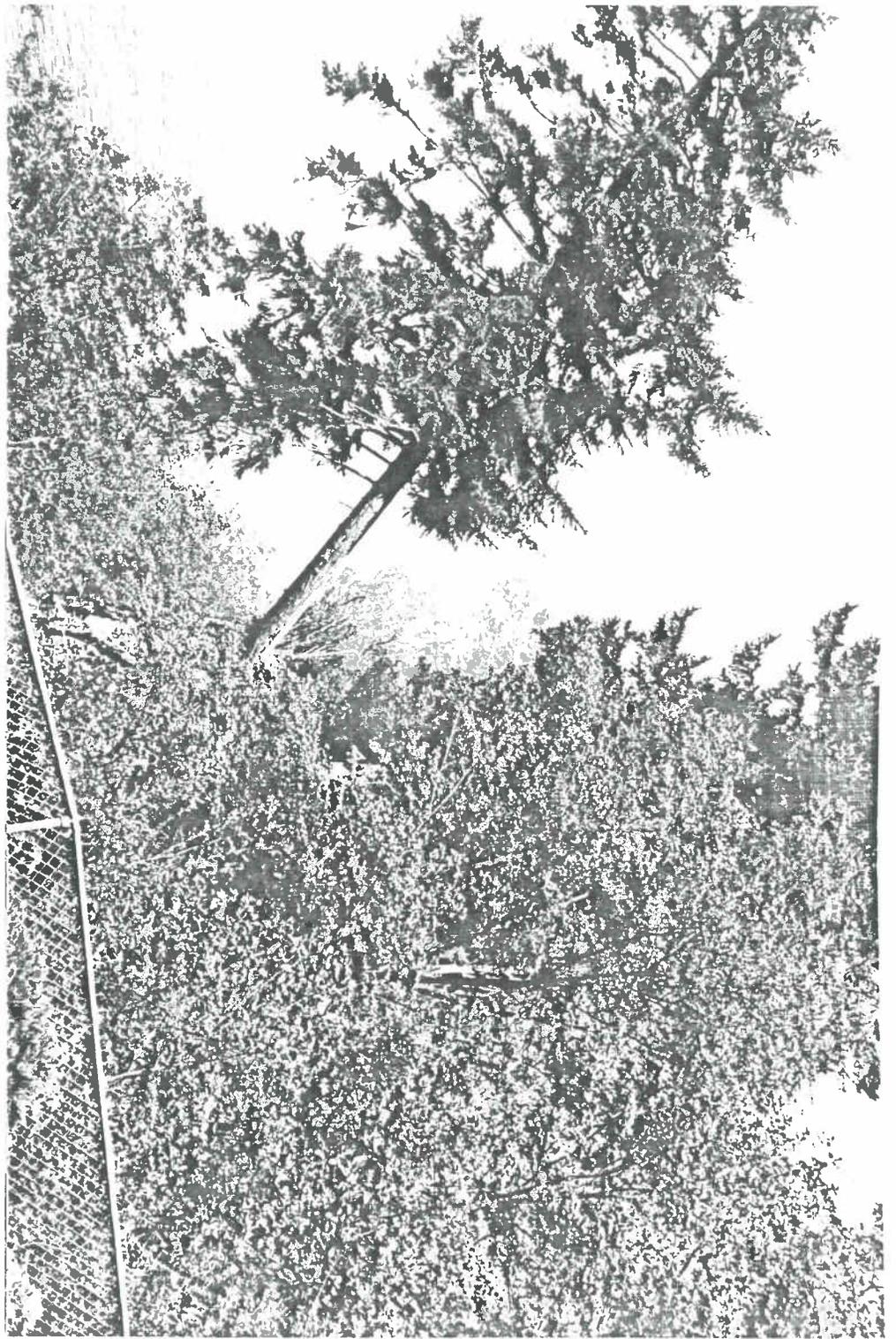
The shooting that takes place on our property consists of clay target shots off the bluff and pistol shots into a backstop constructed of railroad ties stacked four high and three deep. At no time has there been more than one person shooting.

It is my understanding that statements made by Heather Carol describe shooting parties, ricocheting bullets, and general disregard for safety. I categorically deny this to be true.

The testimony by Heather Carol is, in my opinion, self-serving and has nothing to do with the question that Ordinance #50-B-1990 addresses. That is the constitutional right for all Americans to keep and bear arms, as well as to discharge firearms as long as there is no danger to individuals or property. It is my guess that Heather Carol knows very little about firearms, hunting, and firearm safety procedures.

I ask that you take her opinions for what they are worth. Her only concern is with a tree that is falling off a bluff... and the argument over that tree is between my husband and her husband.

Thank you,



Breithaupt
19 Ave. S.E.
WA 98006



Commissioner Win Grandland
Kitsap County Admin. Building
614 Division Street
Port Orchard, Wash. 98366

ing Ordinance No 50-B-1990

of the Discharge of Firearms in the N. Kitsap Hansville Area

Regarding proposed ordinance
#50-B-1990 To Prohibit discharge of firearms
in North Kitsap - Hansville area
on regard to discharge of

fire arms in NK. It seems
that because of two people
who can't get along, that NK
and Hansville area should be penalized.
This household is against any
ordinance.

RECEIVED
NOV 19 1990

John & Helen Swanson

KITSAP COUNTY COMMISSIONERS

SWANSON
4577 NE Twin Spits RD
Hansville, WA 98340



Kitsap County Administration Bldg.
614 Division St
Port Orchard, WA 98366

The Kitsap County Board of Commissioners
614 Division Street
Port Orchard, WA 98366

RECEIVED
NOV 19 1990

KITSAP COUNTY COMMISSIONERS

Attn: Mr John Horsley, Mr Win Granlund and Ms
Billie Eder

Re: Ordinance No. 50A 1985 - ammended to include
the Hansville area.

My wife and I would like to express our
support for the about measure. As we
see it, the issue is not a question of
gun control but one of controlling indiscriminate
shooting in a residential area. ~~This~~^{It's} is a
residential neighborhood with houses existing
or being built on nearly every lot.

In this quiet relatively serene setting we
have one individual who regards the area
as an outdoor shooting gallery. Not an
occasional shot at an intruding racoon, but
a full scale small arms range. On
occasion, hundreds of rounds have been
fired in the course of a Sunday after-

noon. It is not possible to see the direction of the shooting at all times but we often hear rounds hitting in the Hood Canal several hundred yards from shore. I would not like to be fishing there when the firing starts.

This excessive shooting does not give us a feeling of security inside our own home much less outside in the yard.

We believe it is time for you members of the Commission to ask yourselves what you would feel if this activity were occurring in your neighborhoods.

Respectfully

Peter W. Alford
Judith Wood Miller

36175 Hood Canal Drive NE
Hansville WA 98340

RECEIVED

OCT 30 1990

Date: 10-28-90

KITSAP COUNTY COMMISSIONERS

To: Kitsap County Commissioners

From: James P. and Terrie L. Cole, 11990 William Hgts Ln SW

Subj: Restriction of Firearms Discharging Within The County

Dear Officials,

It was brought to our attention yesterday that there is a move to limit firearms discharge within the county. I just happen to run across this information. It seems that it wasn't publicized very well. I even found out there had been a public meeting and a decision pending. I would hope there would be another public hearing with better public notification.

As for my wife and I, we shoot for sport on our property. We have a bunker for pistol shooting set up as I do believe many others do. We feel we offer no threat to the community and operate safely. I feel it a shame that we could loose this right by the actions of an individual who used poor judgement. I feel that if poor judgement is used it should be dealt with on a case basis. We have laws that support such action.

I am requesting that there be no change. If change is paramount on your minds, then I request another public hearing with good community notice.

Thank You,


James P. Cole

Cole
William Ht Ln SW
Port Orchard WA 98366



Billie Eder
Kitsap County Commissioners
614 Division St.
Port Orchard WA
98366

40199 Foulweather Bluff Rd. N.E.

Hansville, Wa 98340

November 16, 1990

The Honorable John Horsley

Kitsap County Commissioner for District 1

614 Division Street, Kitsap County Courthouse

Port Orchard, Wa 98366

RECEIVED
NOV 19 1990

KITSAP COUNTY COMMISSIONERS

Dear Commissioner Horsley,

We urge you to declare a ban on shooting in the Hansville area because of the denser population and narrowness of so many of the parcels, even though the properties are usually deep. Our shoreline property, where our home stands, back up in the woods, is only 50 feet wide. (800' deep) We have two deep pieces on Skunk Bay Road, only about 170 feet wide each. (900' deep)

We frequently walk through our woods, and our intention is to preserve the trees and wildlife in them, and to hand them on to our children to do the same. Our small grandchildren are learning a growing appreciation of the woods and beaches, and we want them to be safe from hunters and practice shooters.

Sincerely yours,

Barbara A. Parker
David T. Parker

Mr. & Mrs. David T. Parker

November 15, 1990

to: Kitsap County Commissioners

From: Gary Erickson
PO Box 172
Hansville, Wa. 98340

RECEIVED
NOV 19 1990

KITSAP COUNTY COMMISSIONERS

re: proposed shooting ban Hansville

I oppose the ban because there are areas with sufficient room for safe shooting. People must be responsible for their actions. When a gun is pointed the person must know how far the projectile will reach and what is in that area. They should not be shooting over other peoples property. However, one incident is no reason to ban a whole area.

I have two parcels of property of 20 and 30 acres. Having eleven head of cattle, I need to be able to fire a warning shot with a shotgun if a pack of dogs chases or attacks them. This is a safe practice with the area that I have as long as I don't shoot toward a road or peoples houses.

②

For some people, target practice is an enjoyable recreation. If there is a high enough bank of dirt to shoot into and other safety precautions are observed, this is a safe activity.

I hope you will consider my reasons and deny this ban.

Sincerely

Gary Erickson

Win

Kitsap County Administration Bldg
614 Division St.
Port Orchard, WA 98366

RECEIVED
NOV 19 1990

firearms
12/3

Dear Sirs:

KITSAP COUNTY COMMISSIONERS

I am writing this letter in regard to Ordinance #50-B-1990, prohibiting the discharge of firearms in the Hansville area. I am against this ordinance.

It is my understanding that one of the proponents of this ordinance is Heather Carol, who is our next door neighbor.

I think that it is important at this time to inform you that my husband and myself are engaged in an ongoing disagreement over a tree which is on their property. Our home is on a bluff overlooking Hood Canal, and our view is breathtaking. The subject tree obscures our view by approximately 30%, and from the enclosed pictures, you can see that it is in the process of falling over the edge of the bluff. My husband asked that the tree be cut down, in fact, we offered to pay for it if they were willing to allow us to do so. Heather Carol and her husband have refused our offers. On occasion, my husband has shot at the bank under the subject tree. From the photos, you can see the target is a sand cliff. It is important for you to know that both myself and my husband have extensive training and experience in firearms safety and procedures.

The shooting that takes place on our property consists of clay target shots off the bluff and pistol shots into a backstop constructed of railroad ties stacked four high and three deep. At no time has there been more than one person shooting.

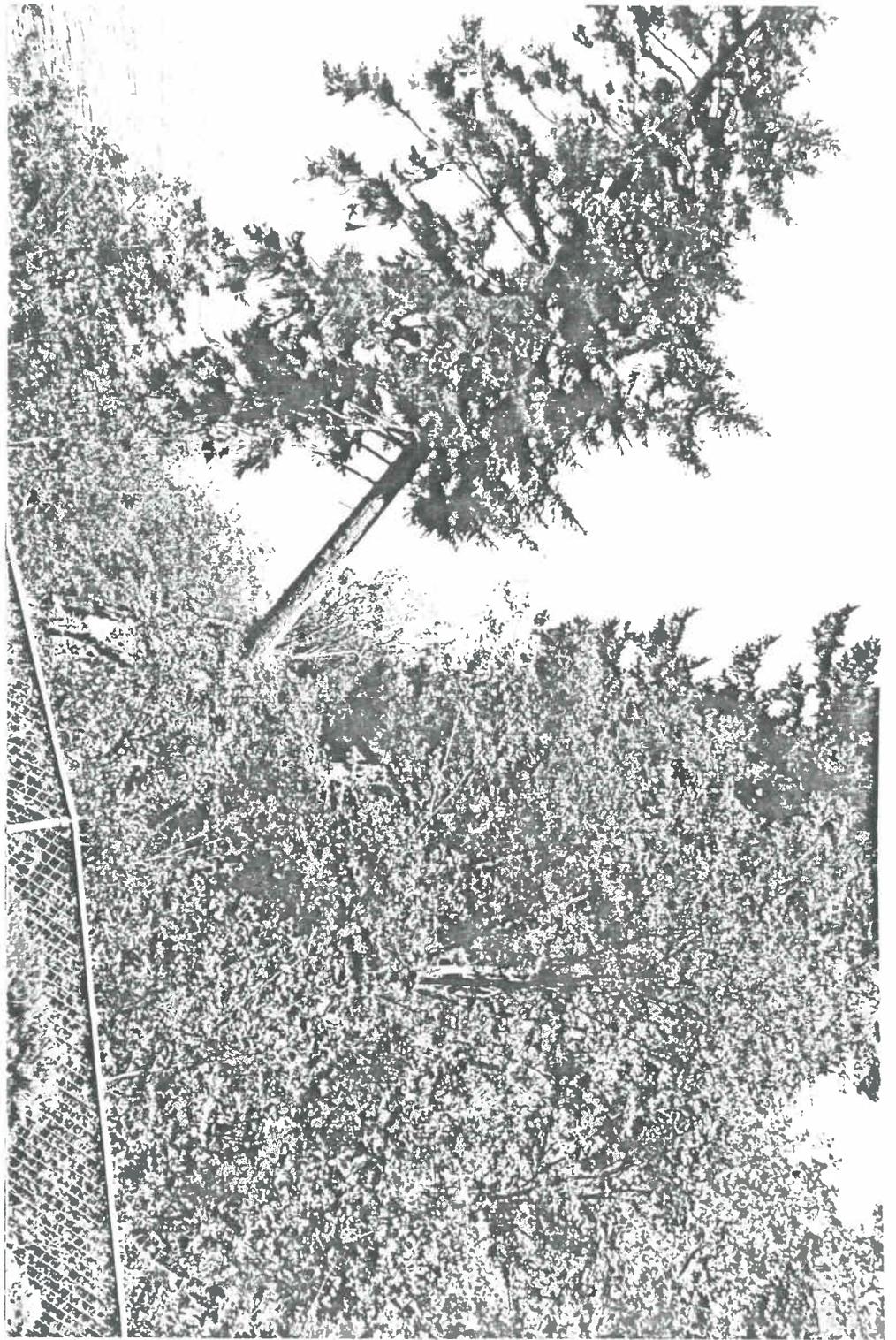
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The testimony by Heather Carol is, in my opinion, self-serving and has nothing to do with the question that Ordinance #50-B-1990 addresses. That is the constitutional right for all Americans to keep and bear arms, as well as to discharge firearms as long as there is no danger to individuals or property. It is my guess that Heather Carol knows very little about firearms, hunting, and firearm safety procedures.

I ask that you take her opinions for what they are worth. Her only concern is with a tree that is falling off a bluff... and the argument over that tree is between my husband and her husband.

Thank you,



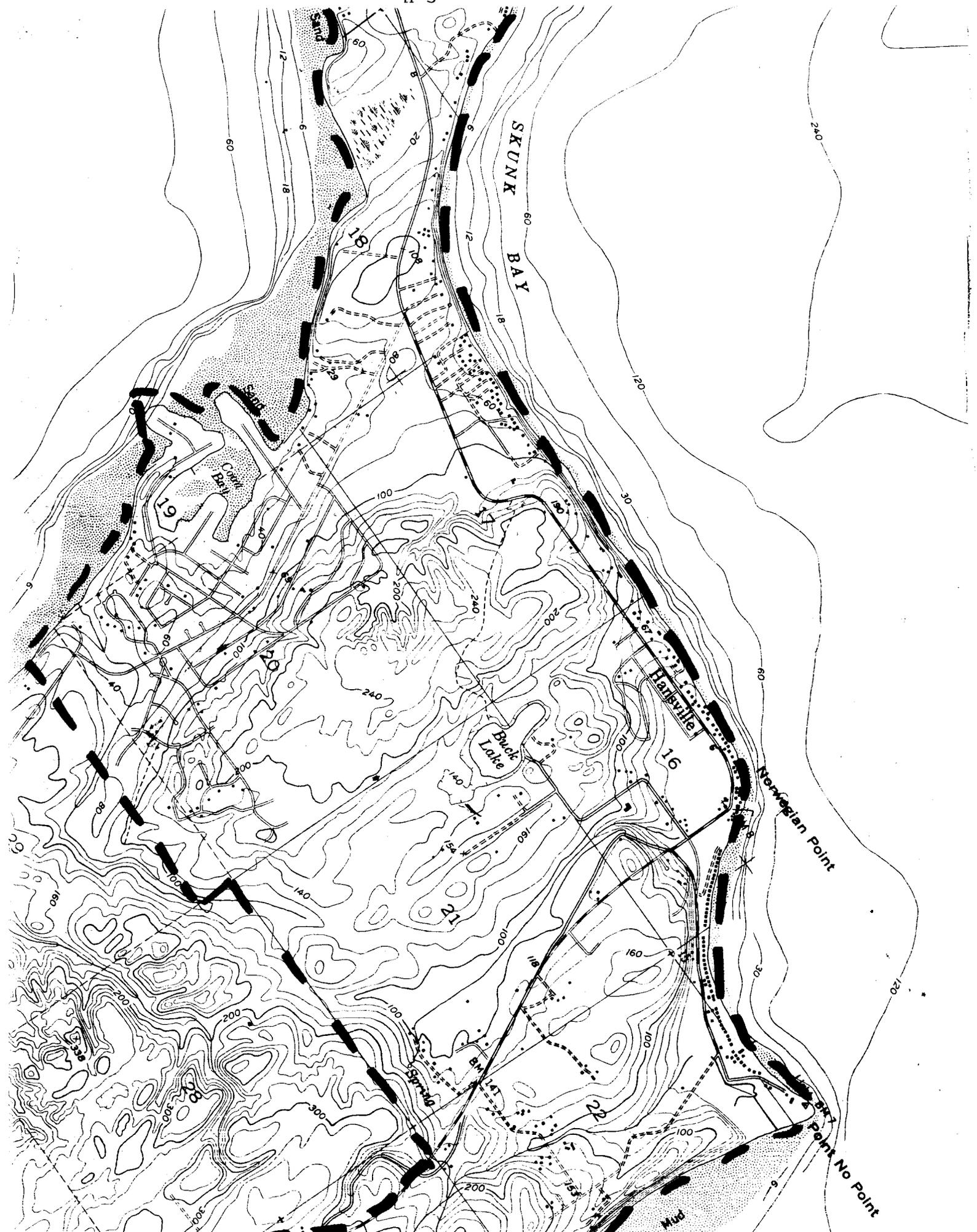


1 Breithaupt
19 Ave. S.E.
WA 98006



Commissioner John Horsley
Kitsap County Admin. Building
614 Division Street
Port Orchard, Wash. 98366

Ordinance No 50-B-1990, To Prohibit the Discharge of Firearms in N. Kitsap
Hansville area





John Horsley
DISTRICT 1
Win Granlund
DISTRICT 2
Billie Eder
DISTRICT 3

**Kitsap County
Board of
Commissioners**



August 24, 1990

The Bremerton Sun
545--5th Street
Bremerton, WA 98310

Gentlemen:

Please publish the enclosed "NOTICE OF PUBLIC HEARING"
Ordinance Amendment No. 50-B-1990 in your newspaper
on August 28, 1990 and send two (2) copies
of the Affidavit of Publication to the Commissioner's Office.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Holly A. Anderson'.

Holly A. Anderson, Clerk of the Board
KITSAP COUNTY BOARD OF COMMISSIONERS

Enclosure (1)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Kitsap County Board of Commissioner will hold a public hearing on September 10, 1990, at 2:40 P.M., in its Chambers, County Administration Building, 614 Division Street, Port Orchard, Washington, to consider the following ordinance:

ORDINANCE NO. 50-B-1990

**AMENDMENT TO ORDINANCE PROHIBITING THE DISCHARGE
OF FIREARMS IN PROSCRIBED AREAS OF KITSAP COUNTY WASHINGTON**

Section 1. Section 2 of Ordinance 50-A-1985 is hereby amended to read as follows:

The discharge of firearms is prohibited in the following described areas. These areas are illustrated in Exhibit A through & H.

- a. (No change)
- b. (No change)
- c. (No change)
- d. (No change)
- e. (No change)
- f. (No change)
- g. (No change)
- h. (No change)
- i. (No change)
- j. (No change)
- k. (No change)

1. North Kitsap Hansville area as depicted on Exhibit H, more particularly described as follows:

Beginning at the intersection of Hansville Road and 360th Street Northeast, thence Northerly along Hansville Road to the South line of Section 22, Township 28 North, Range 2 East; thence Westerly along the South line of Sections 22 and 21, Township 28 North, Range 2 East, to the corner common to Sections 20, 21, 28 and 29 of Township 28 North, Range 2 East; thence South along the Western line of Section 28, Township 28 North, Range 2 East, 1/4 mile, thence due West to the Eastern shoreline of Hood Canal; thence Northerly along the shoreline to the tip of Foul Weather Bluff; thence Easterly along the shoreline to Point No Point, thence Southerly to a point opposite the intersection of Hansville Road and 360th Street Northeast on the shoreline, thence Westerly along such line to the point of beginning.

Section 2. Effective Date. This Ordinance shall be of force and effect immediately upon passage.

ALL THOSE INTERESTED are welcome to attend.

HOLLY ANDERSON
Clerk of the Board
of County Commissioners

Publication Date: August 28, 1990

Kitsap County Administration Bldg
614 Division St.
Port Orchard, WA 98366

COPY

12/3
firearms

Dear Sirs:

I am writing this letter in regard to Ordinance #50-B-1990, prohibiting the discharge of firearms in the Hansville area. I am against this ordinance.

It is my understanding that one of the proponents of this ordinance is Heather Carol, who is our next door neighbor.

I think that it is important at this time to inform you that my husband and myself are engaged in an ongoing disagreement over a tree which is on their property. Our home is on a bluff overlooking Hood Canal, and our view is breathtaking. The subject tree obscures our view by approximately 30%, and from the enclosed pictures, you can see that it is in the process of falling over the edge of the bluff. My husband asked that the tree be cut down, in fact, we offered to pay for it if they were willing to allow us to do so. Heather Carol and her husband have refused our offers. On occasion, my husband has shot at the bank under the subject tree. From the photos, you can see the target is a sand cliff. It is important for you to know that both myself and my husband have extensive training and experience in firearms safety and procedures.

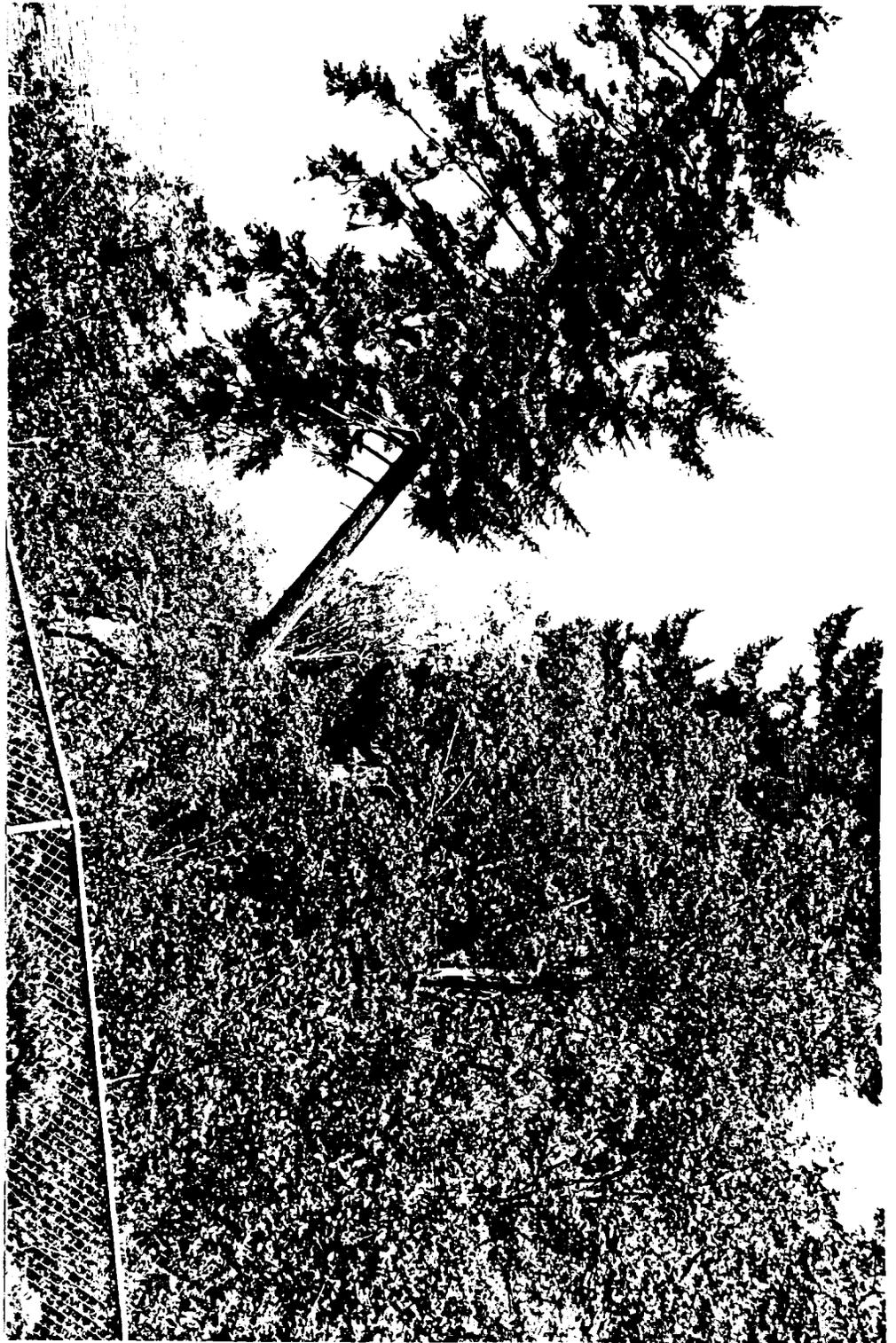
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It is my understanding that statements made by Heather Carol describe shooting parties, ricocheting bullets, and general disregard for safety. I categorically deny this to be true.

The testimony by Heather Carol is, in my opinion, self-serving and has nothing to do with the question that Ordinance #50-B-1990 addresses. That is the constitutional right for all Americans to keep and bear arms, as well as to discharge firearms as long as there is no danger to individuals or property. It is my guess that Heather Carol knows very little about firearms, hunting, and firearm safety procedures.

I ask that you take her opinions for what they are worth. Her only concern is with a tree that is falling off a bluff... and the argument over that tree is between my husband and her husband.

Thank you,





Commissioner Billie Eder
Kittap County Admin. Building
614 Division Street
Port Orchard, Wash 98366

Regarding Ordinance No 50-B-1990
To Assist the Recovery of Funds in N. Kittap Homestead Area

11-14-90

firearms

COPY

Dear Commissioner Eder,

In reference to proposed Ordinance 50-B-1990 which would prohibit the discharge of firearms: Please do not pass it.

The only problem of a firearm discharge has been between two neighbors, Carrell, the accuser, and Breithaupt, the defendant, who both live within 250 feet of me. Breithaupt was being a nuisance by shooting his pistol and shotgun at all hours and did shoot into Carrell's dirt bank which is completely away from Carrell's house and no possible danger to anyone. But this is trespass which is a crime.

Carrell complained to the Sheriff, who came out; Breithaupt apologized to Carrell, and the obnoxious shooting has stopped.

There is no longer a problem.

If Carrell feels she still needs recourse she can take Breithaupt to court on a trespass charge, but she has not done so. All Carrell has done is to try to restrict everyone in the whole area from enjoying safe shooting, rather than to pursue her own problem with her neighbor (if it even now needs pursuing).

I have had a place here since 1960 and enjoy shooting in a safe place. The area here, south of Driftwood Key and Shore Woods, is high bank up to 100 feet and shooting against these banks is perfectly safe.

The law is not intended to punish everyone for the misdeed of one person (who if necessary can be punished). A person who has a safe place to shoot and uses discretion as to the time violates no laws and should not be punished.

Areas such as Hansville, Shore Woods, and Driftwood Key (where I have a lot also) have smaller lots of 1/4 acre or less, but south of Shore Woods where I live the lots along the waterfront where I live are 1 acre with a safe place to shoot. The lots across Hood Canal Drive from me are even bigger and border on Pope timberland.

If the people in Hansville, Driftwood Key, and Shore Woods want to limit the discharge of firearms let them do it. (I believe Shore Woods has a covenant to this effect now.) But let the rest of the areas south of Shore Woods alone as there is no problem and all you will do if you pass this ordinance is to interfere with the lawful right of people to enjoy shooting in a safe place in a reasonable manner.

The Sheriff has much more urgent things to do than to try to enforce such an unnecessary ordinance.

Sincerely yours,

James E. Mauser

James E. Mauser
36101 Hood Canal Dr. N.E.
Hansville, WA 98340
Ph. 638-1334

11-14-90

Sullivan

COPY

Dear Commissioner Eder,

This letter is being written to you in the hope that you will see fit not to pass proposed Ordinance No. 50-B-1990, which would ban the discharge of firearms. This ordinance is wholly unnecessary and should not have been brought to you in the first place. The basis for this is simply a quarrel between two neighbors. Unless the object is revenge by the complainant, Carrell, against the accused, Breithaupt, the case is now moot, as no more objectionable shooting has been done by the accused.

The complainant has not yet exhausted the legal means at her disposal even if revenge is her goal, as no formal written complaint requiring the accused to appear in court has been filed nor has any letter by an attorney for the complainant to the accused been written (to my knowledge and of this date). Instead, the complainant, rather than take personal responsibility to resolve her complaint against one person, has chosen to involve the whole county and to attempt to deprive many law abiding people of important rights to the use and enjoyment of their own property in a safe and legal way that is harming no one.

My husband and I have talked to both parties, who live within a couple of hundred feet of us. In fact, we know the complainant quite well and have considered her a friend. However, this is unreasonable and is going way too far. We could hear the shooting from our place, too. But, we have talked to the accused neighbors and have been assured that no more incidents will occur. We believe them, have no quarrel with them, and believe that no problem exists.

This complaint appears to be an effort by the complainant to control the whole neighborhood. This is not a new kind of behavior. She and her husband have a number of friends and acquaintances in the area and it is quite a simple matter for any one of them to get up a petition practically in a matter of minutes. I have seen this happen before with very effective results. The problem is, in a case of this kind, that many of the people who have a stake in the matter are not notified and have no idea that their rights to the use of their property may be taken from them without their ever being able to know, let alone comment. Certainly, the complainant did not inform us of the petition, already knowing our position on the matter.

This is not a heavily populated area, as was implied at the last hearing. Many of the lots are vacant. Many others contain summer homes. These property owners have no way of knowing that this proposed ordinance even exists.

Not only is this area not heavily populated (the area comprising Hood Canal Shores #1 and Hood Canal Shores #2), but nearly all of the lots are at least an acre in size and are on top of 50-100 foot cliffs. The beaches here are not heavily used, even in summer. At any given

time it is unlikely that anyone will be found on the beach nor even any footprints showing that someone has been by recently. These beaches, being below steep cliffs, are very safe places to shoot.

The original area encompassed by the proposed ordinance was much larger, encompassing also the Foul Weather Bluff and Eglon areas. However, these areas were dropped from the proposal. I submit that the Hood Canal Shores #1 and #2 areas are every bit as safe places to shoot, and also should be dropped from the area of the proposed ordinance. I have been shooting safely up here since 1957 and would appreciate being able to continue to do so. I would invite anyone to come and look at my property to see what these conditions are.

The Kitsap County Sherrif already has enough to do. His deputies are overloaded trying to keep up with the soaring crime rate and to help people who really need help. They do not need an unnecessary law on the books which will require them to rush out here to investigate every time some panicky or vindictive person even thinks they might possibly have heard a shot.

If this ordinance passes it will make a criminal even of people who do what the complaintant's own husband had to do last year at Halloween. He hit a deer with his car, went to get a rifle, and shot the deer to put it out of its misery. A very unfortunate incident, but one in which a merciful deed would have become a crime.

Please do not pass proposed Ordinance No. 50-B-1990.

Sincerely yours,



Joy Mauser
36101 Hood Canal Drive N.E.
Hansville, WA 98340
Phone 638-1334

NELSON
39047 SHOREVIEW DR
HANSVILLE, WA 98340



COPY

America the Beautiful USA 15

Win Granlund
County Commissioner
614 Division St.
Port Orchard, WA 98366

E4851005

Dear Mr. Granlund, X

We would like to express our support for the ban against discharge of firearms of any kind in the Hansville area.

Sincerely,

Daria Nelson
Gary Nelson
Hansville

11-14-90

COPY

Dear Commissioner Granlund, X

This letter is being written to you in the hope that you will see fit not to pass proposed Ordinance No. 50-B-1990, which would ban the discharge of firearms. This ordinance is wholly unnecessary and should not have been brought to you in the first place. The basis for this is simply a quarrel between two neighbors. Unless the object is revenge by the complaintant, Carrell, against the accused, Breithaupt, the case is now moot, as no more objectionable shooting has been done by the accused.

The complaintant has not yet exhausted the legal means at her disposal even if revenge is her goal, as no formal written complaint requiring the accused to appear in court has been filed nor has any letter by an attorney for the complaintant to the accused been written (to my knowledge and of this date). Instead, the complaintant, rather than take personal responsibility to resolve her complaint against one person, has chosen to involve the whole county and to attempt to deprive many law abiding people of important rights to the use and enjoyment of their own property in a safe and legal way that is harming no one.

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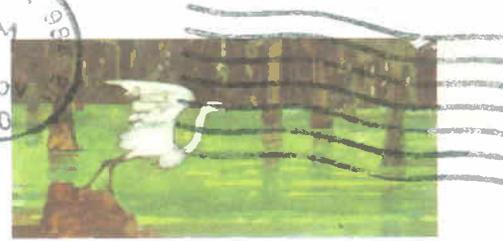
Please do not pass proposed Ordinance No. 50-B-1990.

Sincerely yours,



Joy Mauser
36101 Hood Canal Drive N.E.
Hansville, WA 98340
Phone 638-1334

NELSON
39047 SHOREVIEW DR NE
HANSVILLE, WA 98340



RECEIVED
NOV 16 1990

America the Beautiful USA 15

KITSAP COUNTY COMMISSIONERS

John Horsely
County Commissioner
614 Division St.
Port Orchard, WA 98366

Dear Mr. Harsely,

We would like to express our support for the ban against discharge of firearms of any kind in the Hansville area.

Sincerely,

Gary Nelson

Daria Nelson

Hansville

RCW 9.41.290

[1985 c 428 §1, 1983 c 282 §12]

Board of County Commissioner's Minutes of December 3, 1990

No further discussion being heard, a motion was made by Chairman Horsley and seconded by Commissioner Eder that the Board continue this matter until December 17, 1990, at the hour of 3:45 p.m.; for decision only. NOTE: Written input will be received through December 16, 1990. Motion carried unanimously.

11:45) Continuation of a Public Hearing to consider amending Ordinance No. 50-A-1985 dealing with prohibiting the discharge of firearms to include the North Kitsap Hansville area; for decision only.

Chairman Horsley explained that a petition from the Hansville area had prompted the Board to consider amending this Ordinance. He said that the County did not have the authority to regulate hunting and that the issue would have to be addressed with the Department of Wildlife. Chairman Horsley then said that upon review of amending this ordinance, the Prosecuting Attorney's office identified RCW 9.41.290 that states the State of Washington fully occupies and preempts the entire field of firearms regulations and that cities, towns and counties or other municipalities may enact only those laws and ordinances relating to firearms that are specifically authorized by state law and are consistent with this chapter. Therefore, Chairman Horsley noted that a statute was in effect and that shooting unsafely was a misdemeanor that the Sheriff's office could enforce.

Following Chairman Horsley comments, a motion was made by Chairman Horsley and seconded by Commissioner Eder that the Board take no action on this matter since it falls under the Sheriff's jurisdiction. Motion carried unanimously.

1:30) Continuation of a Public Hearing to consider certain amendments and changes to Ordinance No. 108-D-1990, An Ordinance Relating to Short Subdivisions. NOTE: This matter has been continued until December 17, 1990, at the hour of 1:30 p.m.

3:00) Public Hearing to consider the Final Assessment Roll for County Road Improvement District No. 26 which was created to finance improvements to NE Canal Lane, North Kitsap County.

Burt Thatcher, County engineer, explained that CRID 26 was formed to improve 350 linear feet of roadway to County standards and the project was located in North Kitsap County outside Driftwood Keys. He said the estimated cost was \$22,000, but the project actually cost \$19,900.

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NOV 16 1990

11-14-90

KITSAP COUNTY COMMISSIONERS

Dear Commissioner Horsley,

In reference to proposed Ordinance 50-B-1990 which would prohibit the discharge of firearms: Please do not pass it.

The only problem of a firearm discharge has been between two neighbors, Carrell, the accuser, and Breithaupt, the defendant, who both live within 250 feet of me. Breithaupt was being a nuisance by shooting his pistol and shotgun at all hours and did shoot into Carrell's dirt bank which is completely away from Carrell's house and no possible danger to anyone. But this is trespass which is a crime.

Carrell complained to the Sheriff, who came out; Breithaupt apologized to Carrell, and the obnoxious shooting has stopped.

There is no longer a problem.

If Carrell feels she still needs recourse she can take Breithaupt to court on a trespass charge, but she has not done so. All Carrell has done is to try to restrict everyone in the whole area from enjoying safe shooting, rather than to pursue her own problem with her neighbor (if it even now needs pursuing).

I have had a place here since 1960 and enjoy shooting in a safe place. The area here, south of Driftwood Key and Shore Woods, is high bank up to 100 feet and shooting against these banks is perfectly safe.

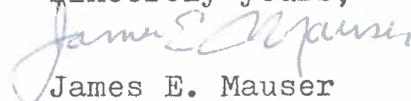
The law is not intended to punish everyone for the misdeed of one person (who if necessary can be punished). A person who has a safe place to shoot and uses discretion as to the time violates no laws and should not be punished.

Areas such as Hansville, Shore Woods, and Driftwood Key (where I have a lot also) have smaller lots of 1/4 acre or less, but south of Shore Woods where I live the lots along the waterfront where I live are 1 acre with a safe place to shoot. The lots across Hood Canal Drive from me are even bigger and border on Pope timberland.

If the people in Hansville, Driftwood Key, and Shore Woods want to limit the discharge of firearms let them do it. (I believe Shore Woods has a covenant to this effect now.) But let the rest of the areas south of Shore Woods alone as there is no problem and all you will do if you pass this ordinance is to interfere with the lawful right of people to enjoy shooting in a safe place in a reasonable manner.

The Sheriff has much more urgent things to do than to try to enforce such an unnecessary ordinance.

Sincerely yours,



James E. Mauser
36101 Hood Canal Dr. N.E.
Hansville, WA 98340
Ph. 638-1334

11-14-90

COPY

Dear Commissioner Granlund,

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36101 Hood Canal Dr. N.E.
Hansville, WA 98340
Ph. 638-1334

11-14-90

RECEIVED
NOV 16 1990

KITSAP COUNTY COMMISSIONERS

Dear Commissioner Horsley,

This letter is being written to you in the hope that you will see fit not to pass proposed Ordinance No. 50-B-1990, which would ban the discharge of firearms. This ordinance is wholly unnecessary and should not have been brought to you in the first place. The basis for this is simply a quarrel between two neighbors. Unless the object is revenge by the complaintant, Carrell, against the accused, Breithaupt, the case is now moot, as no more objectionable shooting has been done by the accused.

The complaintant has not yet exhausted the legal means at her disposal even if revenge is her goal, as no formal written complaint requiring the accused to appear in court has been filed nor has any letter by an attorney for the complaintant be the accused been written (to my knowledge and of this date). Instead, the complaintant, rather than take personal responsibility to resolve her complaint against one person, has chosen to involve the whole county and to attempt to deprive many law abiding people of important rights to the use and enjoyment of their own property in a safe and legal way that is harming no one.

My husband and I have talked to both parties, who live within a couple of hundred feet of us. In fact, we know the complaintant quite well and have considered her a friend. However, this is unreasonable and is going way too far. We could hear the shooting from our place, too. But, we have talked to the accused neighbors and have been assured that no more incidents will occur. We believe them, have no quarrel with them, and believe that no problem exists.

This complaint appears to be an effort by the complaintant to control the whole neighborhood. This is not a new kind of behavior. She and her husband have a number of friends and acquaintances in the area and it is quite a simple matter for any one of them to get up a petition practically in a matter of minutes. I have seen this happen before with very effective results. The problem is, in a case of this kind, that many of the people who have a stake in the matter are not notified and have no idea that their rights to the use of their property may be taken from them without their ever being able to know, let alone comment. Certainly, the complaintant did not inform us of the petition, already knowing our position on the matter.

This is not a heavily populated area, as was implied at the last hearing. Many of the lots are vacant. Many others contain summer homes. These property owners have no way of knowing that this proposed ordinance even exists.

Not only is this area not heavily populated (the area comprising Hood Canal Shores #1 and Hood Canal Shores #2), but nearly all of the lots are at least an acre in size and are on top of 50-100 foot cliffs. The beaches here are not heavily used, even in summer. At any given

time it is unlikely that anyone will be found on the beach nor even any footprints showing that someone has been by recently. These beaches, being below steep cliffs, are very safe places to shoot.

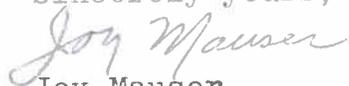
The original area encompassed by the proposed ordinance was much larger, encompassing also the Foul Weather Bluff and Eglon areas. However, these areas were dropped from the proposal. I submit that the Hood Canal Shores #1 and #2 areas are every bit as safe places to shoot, and also should be dropped from the area of the proposed ordinance. I have been shooting safely up here since 1957 and would appreciate being able to continue to do so. I would invite anyone to come and look at my property to see what these conditions are.

The Kitsap County Sherrif already has enough to do. His deputies are overloaded trying to keep up with the soaring crime rate and to help people who really need help. They do not need an unnecessary law on the books which will require them to rush out here to investigate every time some panicky or vindictive person even thinks they might possibly have heard a shot.

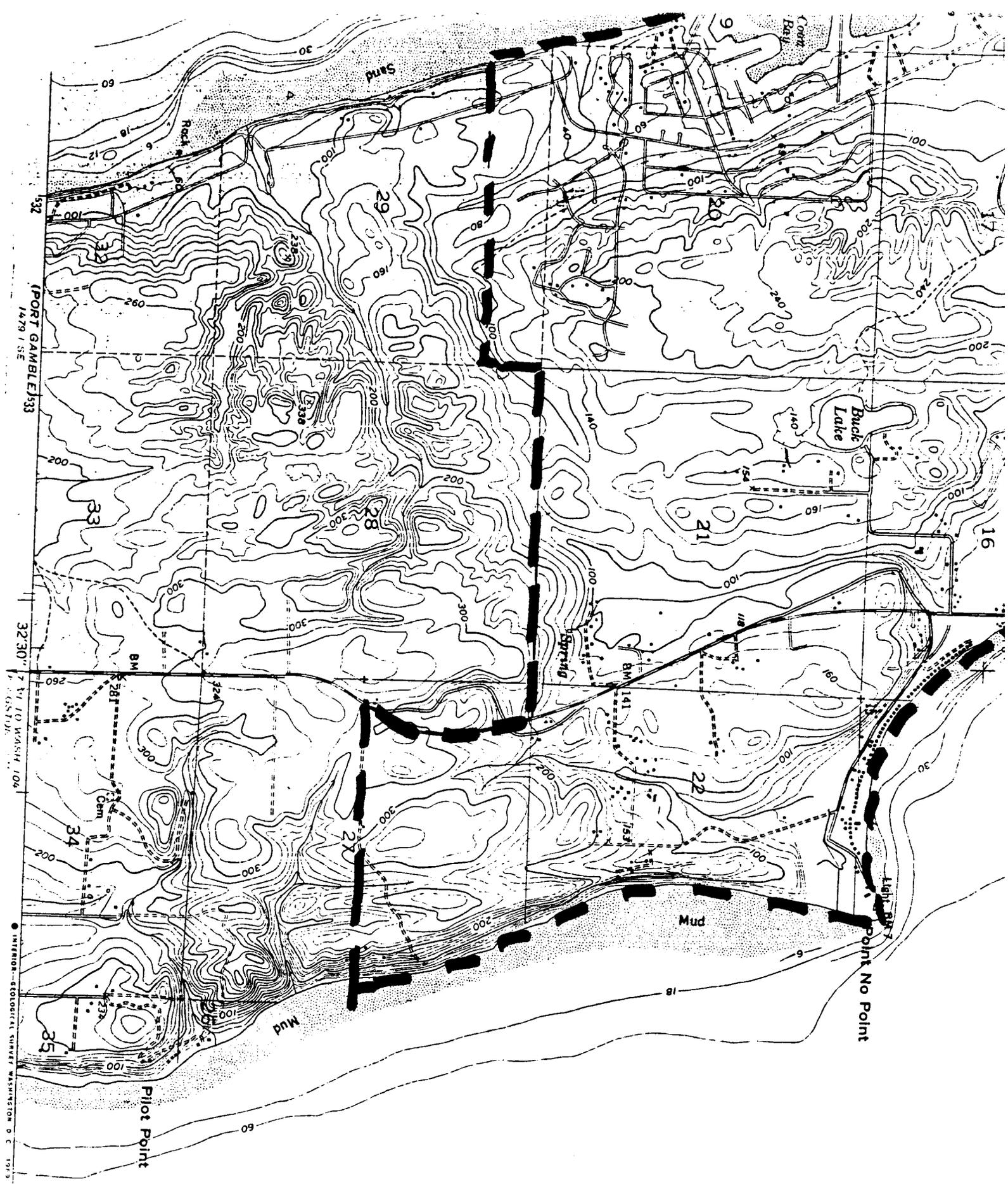
If this ordinance passes it will make a criminal even of people who do what the complaintant's own husband had to do last year at Halloween. He hit a deer with his car, went to get a rifle, and shot the deer to put it out of its misery. A very unfortunate incident, but one in which a merciful deed would have become a crime.

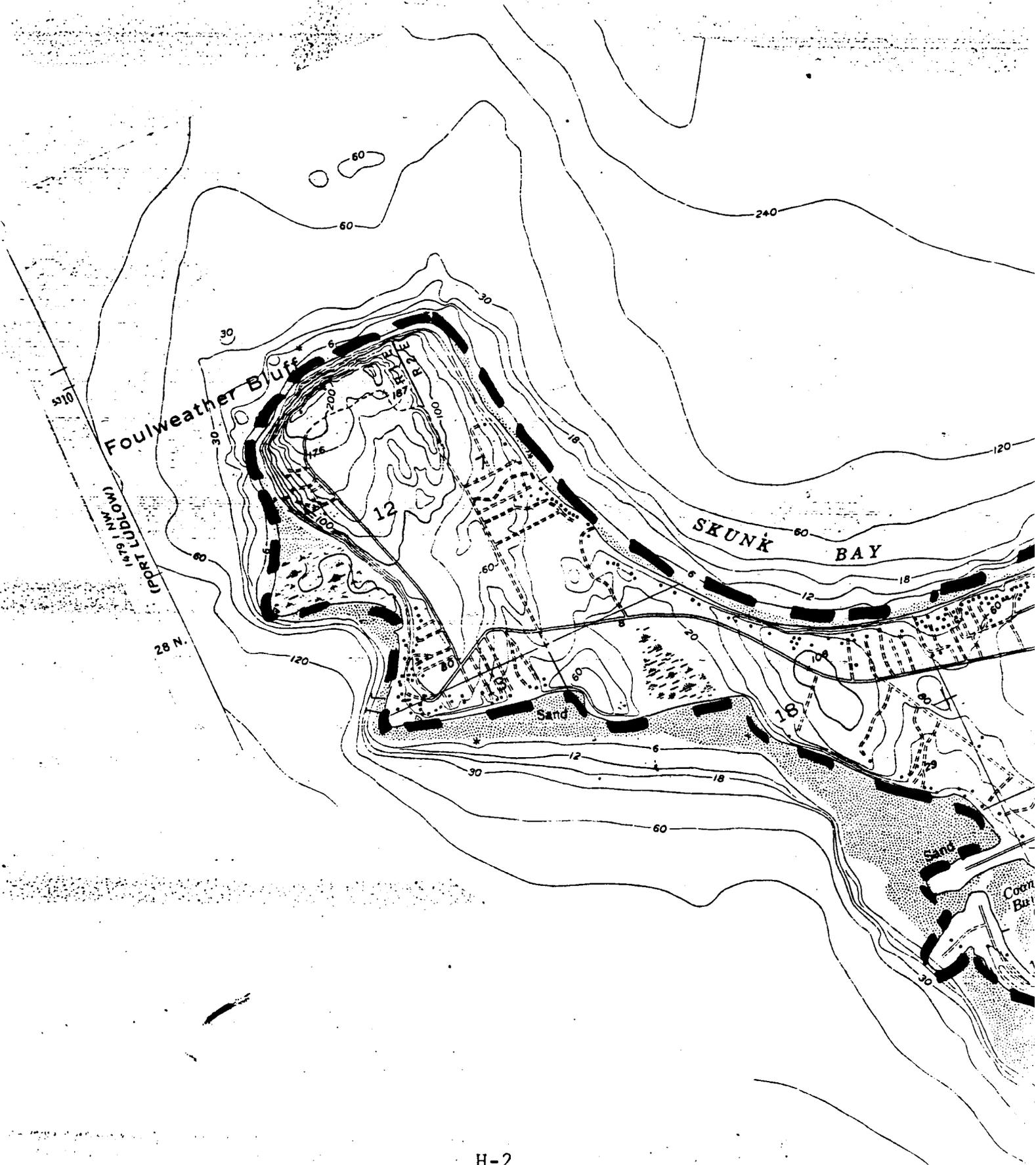
Please do not pass proposed Ordinance No. 50-B-1990.

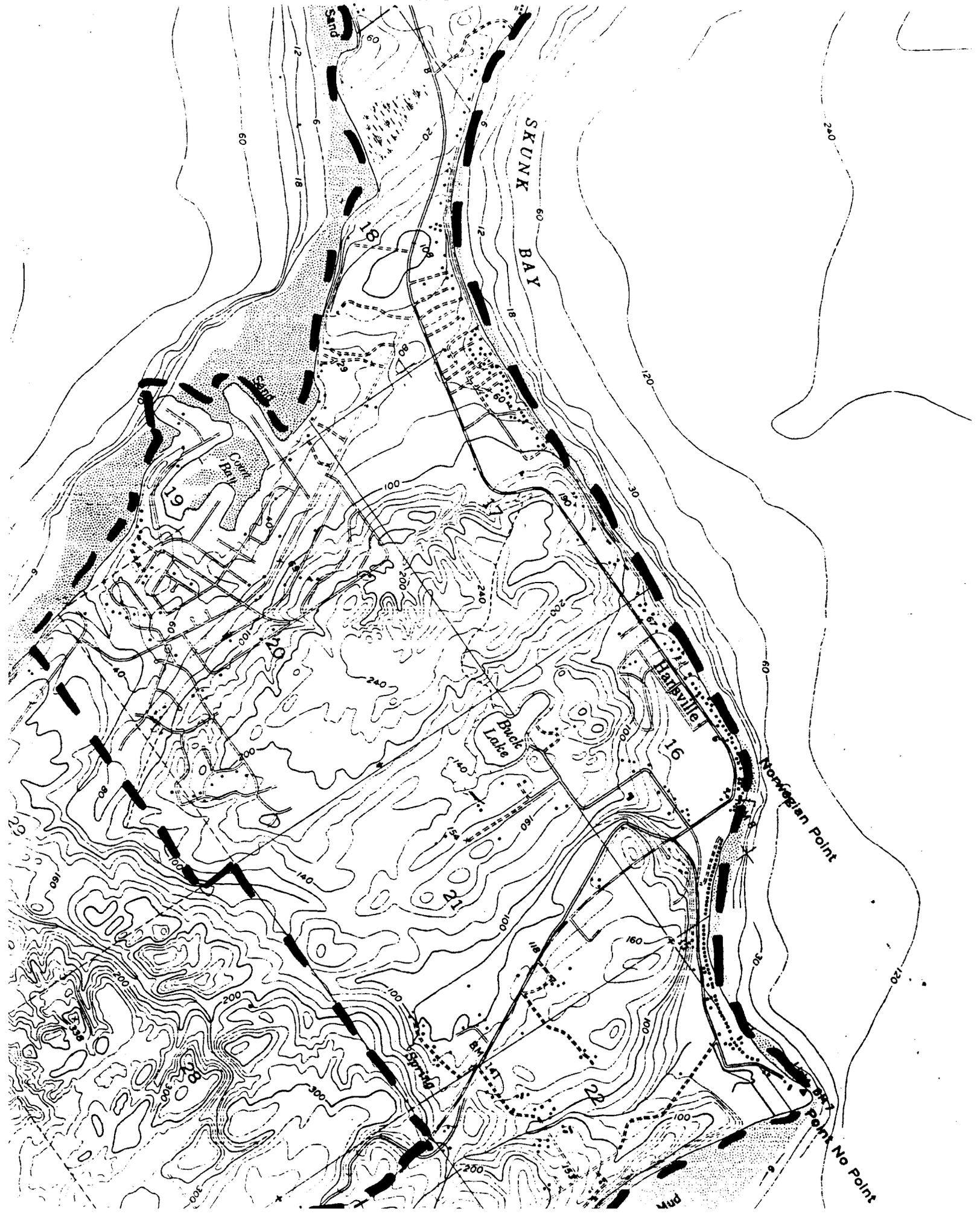
Sincerely yours,



Joy Mauser
36101 Hood Canal Drive N.E.
Hansville, WA 98340
Phone 638-1334







Except that Firing on a marked shooting range located at the base of high bank (35 feet or greater) waterfront for which there is a letter on file with the Sheriff's Office, shall be allowed provided that such firing not violate the provisions of RCW 9.41.290.

Title 9 RCW: Crimes and Punishments

9.41.270

(3) Subsection (1) of this section shall not apply to or affect the following:

- (a) Any act committed by a person while in his place of abode or fixed place of business;
- (b) Any person who by virtue of his office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, while in the performance of such duty;
- (c) Any person acting for the purpose of protecting himself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person;
- (d) Any person making or assisting in making a lawful arrest for the commission of a felony; or
- (e) Any person engaged in military activities sponsored by the federal or state governments. [1969 c 8 § 1.]

9.41.280 Students carrying dangerous weapons on school premises—Penalty—Exceptions. (1) It is unlawful for an elementary or secondary school student under the age of twenty-one knowingly to carry onto public or private elementary or secondary school premises:

- (a) Any firearm; or
- (b) Any dangerous weapon as defined in RCW 9.41.250; or
- (c) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means; or
- (d) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect; or
- (e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas.

(2) Any such student violating subsection (1) of this section is guilty of a gross misdemeanor.
Any violation of subsection (1) of this section constitutes grounds for expulsion.

(3) Subsection (1) of this section does not apply to:
(a) Any student of a private military academy; or
(b) Any student engaged in military activities, sponsored by the federal or state governments while engaged in official duties; or

9.41.290 State preemption. The state of Washington hereby fully occupies and preempts the entire field of firearms regulation within the boundaries of the state, including the registration, licensing, possession, purchase, sale, acquisition, transfer, discharge, and transportation of firearms, or any other element relating to firearms or parts thereof, including ammunition and reloading components. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to firearms that are specifically authorized by state law and are consistent with this chapter. Such local ordinances shall have the same or lesser penalty as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality. [1985 c 428 § 1; 1983 c 232 § 12.]

Severability—1985 c 428: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1985 c 428 § 6.]

Application—1983 c 232 § 12: "Section 12 of this act shall not apply to any offense committed prior to July 24, 1983." [1983 c 232 § 13.]

Severability—1983 c 232: See note following RCW 9.41.010.

9.41.300 Firearms prohibited in certain places—Local laws and ordinances—Exceptions—Penalty.

(1) It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a firearm:

(a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) charged with being or adjudicated to be a juvenile offender as defined in RCW 13.40.020, (iii) held for extradition or as a material witness, or (iv) otherwise confined pursuant to an order of a court, except an order under chapter 13.32A or 13.34 RCW. Restricted access areas do not include common areas of egress or ingress open to the general public;

(b) A courtroom or judge's chamber, while either is being used for any judicial proceeding. This does not include common areas of egress and ingress of the courthouse;

(c) The restricted access areas of a public mental

OFFICE OF THE

Kitsap County Prosecuting Attorney

C. Danny Clem, Prosecuting Attorney

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SEP 20 1990

Kitsap County Courthouse
614 Division Street MS-35
Port Orchard, WA 98366-4676
(206) 876-7174
Scan 262-7174

Fax No. (206) 895-4949

KITSAP COUNTY COMMISSIONERS

Victim / Witness Division
(206) 895-4988 (206) 895-4989
Child Support / Paternity Division
(206) 876-6029
Scan 262-7020

M E M O R A N D U M

TO: John Horsley, Chairman, Kitsap County Board of Commissioners
FROM:  Douglas B. Fortner, Deputy Prosecuting Attorney
SUBJECT: UPDATE ON SHOOTING AND HUNTING BANS
DATE: September 18, 1990

At the Commissioners' hearing on September 10, 1990, a lot of new information was gathered concerning the proposal to limit hunting in the north end of the County. It appeared that there were those who wish to ban hunting, those who wish to ban shooting, and those who wish to preserve their right to fire their weapons on their own property. Reference was made to RCW 9.41, which I have since reviewed. This memo will update you on the status of state law regarding the discharge of firearms.

RCW 9.41 is a comprehensive regulation controlling firearms within the State of Washington. There are provisions for the licensing of dealers, prohibitions on children owning guns, bans on machine guns, and the general licensing scheme for obtaining a weapons permit. In addition, RCW 9.41.230 states:

Every person who shall aim any gun, pistol, revolver or other firearm, whether loaded or not, at or towards any human being, or who shall wilfully discharge any firearm, air gun or other weapon, or throw a deadly missile in a public place, or in any place where any person might be endangered thereby, although no injury result, shall be guilty of a misdemeanor.

This seems to be a very comprehensive crime, and for the life of me I cannot see why the person that we heard so much about at the hearing could not be charged with a violation of this section.

RCW 9.41.290 does state, as the NRA representative stated, that the State of Washington fully occupies and preempts the entire field of firearms regulations. However, it also goes on to state:

Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to firearms that are specifically authorized by state law and are consistent with this chapter.

John Horsley
September 18, 1990
Page Two

RCW 9.41.300(2) allows the cities, towns and counties to restrict the discharge of firearms in any portion of their jurisdiction where there is a reasonably likelihood that humans, domestic animals, or property will be jeopardized. The only qualifications on that power is that we must post the perimeter of any specific location covered, something I don't believe that we have done for the areas which we have already banned from discharging of firearms.

We have several options at this point. We can re-work the boundaries of the Hansville proposal to simply include the areas where people are complaining about discharge of firearms, which would be the Hood Canal area, north of Little Boston; we could re-work the entire discharge of firearms ordinance so that it more closely parallels what is allowed under RCW 9.41; or we could take no action at all, and let the Sheriff enforce the state law as it exists.

I have heard from Mr. Neff, who still wants a no hunting ban, and a representative of the Pope Resources group that owns the majority of the property in the area. Pope Resources continues to object to have any type of ban on hunting on their property, as they consider it important to be able to weed out the deer on their property when it becomes necessary. I believe Mr. Neff's concerns must be dealt with by letter to the Department of Wildlife, and there is nothing the County can do to prohibit hunting at this point.

I await further instruction from you as to what you would like this office to do.

DBF/cmb

ORDINANCE NO. 50-B-1990

AMENDMENT TO ORDINANCE PROHIBITING THE DISCHARGE
OF FIREARMS IN PROSCRIBED AREAS OF KITSAP COUNTY WASHINGTON

Section 1. Section 2 of Ordinance 50-A-1985 is hereby amended to read as follows:

The discharge of firearms is prohibited in the following described areas. These areas are illustrated in Exhibit A through & H.

- a. (No change)
- b. (No change)
- c. (No change)
- d. (No change)
- e. (No change)
- f. (No change)
- g. (No change)
- h. (No change)
- i. (No change)
- j. (No change)
- k. (No change)

1. North Kitsap Hansville area as depicted on Exhibit H, more particularly described as follows:

Beginning at the intersection of Hansville Road and 360th Street Northeast, thence Northerly along Hansville Road to the South line of Section 22, Township 28 North, Range 2 East; thence Westerly along the South line of Sections 22 and 21, Township 28 North, Range 2 East, to the corner common to Sections 20, 21, 28 and 29 of Township 28 North, Range 2 East; thence South along the Western line of Section 28, Township 28 North, Range 2 East, 1/4 mile, thence due West to the Eastern shoreline of Hood Canal; thence Northerly along the shoreline to the tip of Foul Weather Bluff; thence Easterly along the shoreline to Point No Point, thence Southerly to a point opposite the intersection of Hansville Road and 360th Street Northeast on the shoreline, thence Westerly along such line to the point of beginning.

Section 2. Effective Date. This Ordinance shall be of force and effect immediately upon passage.

PASSED this ____ day of _____, 1990.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY

JOHN HORSLEY, Chairman

BILLIE EDER, Commissioner

WIN GRANLUND, Commissioner

ATTEST:

Holly Anderson
Clerk of the Board

Dear Kitsap County Commissioners,

By now you are aware of the abject failure of the shooting ordinance. A citizen lies wounded in the hospital, despite the fact that an ordinance that met with overwhelming opposition was passed FOR OUR OWN GOOD!

As one of the people who served on the committee to amend the proposed ordinance, I gave and heard testimony that the approach used in this ordinance would not make it any safer for the citizens of this county, but gave the illusion of safety at the expense of grossly trampling the RIGHTS of responsible shooters.

At this point in time the public has few details as regards the incident in north Kitsap. Most of the lots in this area are over 5 acres. In most cases houses are more than 500 yards apart. In short, the errant shooter in this incident was PROBABLY in compliance with this ordinance, yet a potentially fatal incident occurred. This ordinance does not meet the basic requirement for shooting safety; you are responsible for your bullet until it stops.

The present ordinance violates the RIGHTS of responsible shooters to use their own property as long as they do not pose a PHYSICAL threat to their neighbors. By passing an ordinance that met with overwhelming opposition from both the community and by a majority of the actual members of the ordinance committee commissioners GRANLUND and EDER did a severe disservice to the community. Only commissioner RYAN voted against this inadequate piece of legislation.

Kitsap county needs a shooting ordinance that FIRST, recognizes the RIGHTS of responsible citizens to shoot on their own property in a responsible manner. SECOND, this ordinance must stipulate that the shooter is responsible for his bullet until it comes to a stop, on his property or property he has permission to shoot on or over. THIRD, densely populated urban areas which are unsuitable for any shooting should be specifically designated by amendment as no shooting areas.

All shooters and hunters are being incorrectly lumped together and blamed for this incident. (hunting season is closed) There are those who will call for VIOLATING THE RIGHTS OF ALL SHOOTERS to punish the misdeed of one irresponsible person by imposing a total ban on shooting. That would be a VIOLATION OF CONSTITUTIONAL RIGHTS AS WELL AS STATE LAW. Counties are only allowed to restrict discharge where there is a REASONABLE LIKELIHOOD of injury. As the majority of the county is rural, only the densely populated urban areas should be restricted. FAILURE TO ABIDE BY RESPONSIBLE SHOOTING PRACTICES SHOULD BE SEVERELY PUNISHED.

I am making a call for a new ordinance to be written by a committee of shooters. Only shooters have the technical expertise to protect the public from unsafe practices without violating individual inalienable rights. As demonstrated by the present ordinance, allowing government bureaucrats into the process resulted in an ordinance that neither protects the public nor respects the rights of responsible citizens to exercise their Constitutional rights.

I would like to extend my sympathies to the shooting victim, Tony Cole.

If you would like to take constructive action on this matter, contact me by phone or fax at 779 5374.

F G (Rick) Reitmeyer
21448 Viking Way
Poulsbo WA 98370

RECEIVED

NOV 16 1995

KITSAP COUNTY COMMISSIONERS

16 November 95

ORD Firearms

8/2

COPIES ROUTED

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JULY 7 1993

JUL 08 1993

KITSAP COUNTY COMMISSIONERS

COMMISSIONER W. GRANDLUND
614 DIVISION STREET
PORT ORCHARD WA.

IT IS MY UNDERSTANDING THAT THE COUNTY COMMISSIONERS ARE SPONSORING A BILL WHICH WOULD STOP THE SHOOTING OF HANDGUNS IN THIS COUNTY. IT IS MY OPINION THAT THIS BILL WOULD RADICALLY AND NEEDLESSLY LIMIT SPORT SHOOTING IN IN THIS COUNTY.

MY FAMILY GOES BACK EIGHT GENERATIONS IN THIS COUNTY AND SETTLED IN THIS COUNTY IN 1884. I BELIEVE THAT YOU WILL FIND THAT MY FAMILY IS ONE OF THE FEW EIGHT GENERATION FAMILIES RESIDING IN THIS STATE. I HAVE BEEN AND AVID HUNTER AND LEGAL GUN OWNER FOR THIRTY-FIVE YEARS AND TAKE EXCEPTION THE THE KIND OF ORDINANCE THAT IS TRYING TO BE PASSED. THIS ORDINANCE AND IT'S PROPOSALS ARE AIMED AT THE HONEST LAW ABIDING CITIZENS OF THE COUNTY AND NOT AT THE CRIMINAL ELEMENT WHICH HAS MOVED INTO THE COUNTY IN THE PAST FIFTEEN YEARS. I SEE THIS ORDANANCE AS AN EFFORT TO TAKE AWAY THE RIGHTS GUAREENTED ME BY THE SECOND AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES.

WHAT ARE YOU COMMISSIONERS THINKING? WHY ARE LEGAL GUN OWNERS BEING SINGLED OUT ? THIS ORDANANCE IS NEEDLESS !!!

I AM NO LONGER GOING TO ALLOW MYSELF OR MY SECOND AMENDMENT RIGHTS TO BE USED AS AN EXCUSE. ELECTED OFFICALS MUST FIND THE COURAGE TO DECLARE WAR ON THE REAL PROBLEM, CRIME AND CRIMINALS.

I WILL BE FOLLOWING THIS ORDANANCE VERY CLOSLY. IF I FIND THAT YOUR SUPPORT IS BEING GIVEN TO THIS ORDANANCE, I WILL DO THE FOLLOWING:

1. I WILL ACTIVELY SUPPORT ANY CANIDATE THAT CHOOSES TO RUN AGAINST YOU.
2. I WILL FOWARD A COPY OF THIS LETTER TO ALL MY FRIENDS AND ACQUAINTANCES.
3. I WILL ENCOURAGE ALL FRIENDS AND ACQUAINTANCES TO SUPPORT ANY CANIDATE THAT CHOOSES TO RUN AGAINST YOU.

PLEASE BE REMINDED THAT YOU ARE AN ELECTED OFFICAL WHICH IS THERE TO REPRESENT THE PEOPLE. AN ALTERNANT OFFICAL CAN ALWAYS BE ELECTED.

Harry Birkenfeld

HARRY BIRKENFELD
4134 N.E. CANOE TRAIL
BREMERTON, WA.
98310
(206) 692-3678

File later letter

MAY RANCH NO-SHOOTING AREA

AN ORDINANCE AMENDING KITSAP COUNTY CODE SECTION 10.24.090 TO ADD A NEW MAY RANCH NO-SHOOTING AREA

WHEREAS, the RCW 91.41 authorizes Counties to designate certain areas within the County as “no-shooting” areas; and

WHEREAS, Kitsap County has adopted and codified ordinances establishing “no-shooting” areas, including a process for petitioning for the establishment of new areas; and

WHEREAS, the Kitsap County Board of Commissioners has received a valid petition for a new Alpine Lakes No-Shooting Area; and

WHEREAS, the Kitsap County Board of Commissioners held a public hearing on the petition on March 11, 2002, at which testimony was given regarding the need to protect persons, domestic animals and property from shooting; and

WHEREAS, the Kitsap County Board of Commissioners adopted Resolution 161-2002 on April 1, 2002 finding that there is a reasonable likelihood that the failure to establish a no-shooting area in a portion of the petition area will jeopardize humans, domestic animals or property in the May Ranch community, and approving the petition with alternative boundaries; and

WHEREAS, the Kitsap County Board of Commissioners held a public hearing on April 22, 2002 to take comments on a proposed ordinance to implement the new May Ranch No-Shooting Area; following which they instructed staff to prepare a new resolution with revised boundaries from those in Resolution 161-2002; and

WHEREAS, the Kitsap County Board of Commissioners adopted Resolution 161-2002 on May 6, 2002, with the revised boundaries; and

WHEREAS, the Kitsap County Board of Commissioners wish to implement the decision in the resolution by amending the County Code to add the May Ranch No-Shooting Area;

NOW, THEREFORE, BE IT ORDAINED BY THE KITSAP COUNTY BOARD OF COMMISSIONERS:

Section 1. A new section is added to the Kitsap County Code at 10.24.090.(b).(1).(C) to read as follows:

(C) 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 southwesterly 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.

Section 2. Severability. If any provision of this ordinance, or its application to any person, entity or circumstance is for any reason held invalid, the remainder of the ordinance, or the application of the provision to other persons, entities or circumstances is not affected.

Section 3. Only Section 1 of this ordinance shall be codified.

DATED this 6th day of May, 2002.

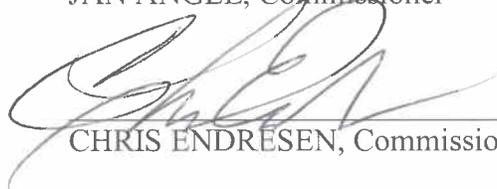
BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON



TIM BOTKIN, Chair

no vote 

JAN ANGEL, Commissioner



CHRIS ENDRESEN, Commissioner



ATTEST:



HOLLY ANDERSON
Clerk of the Board

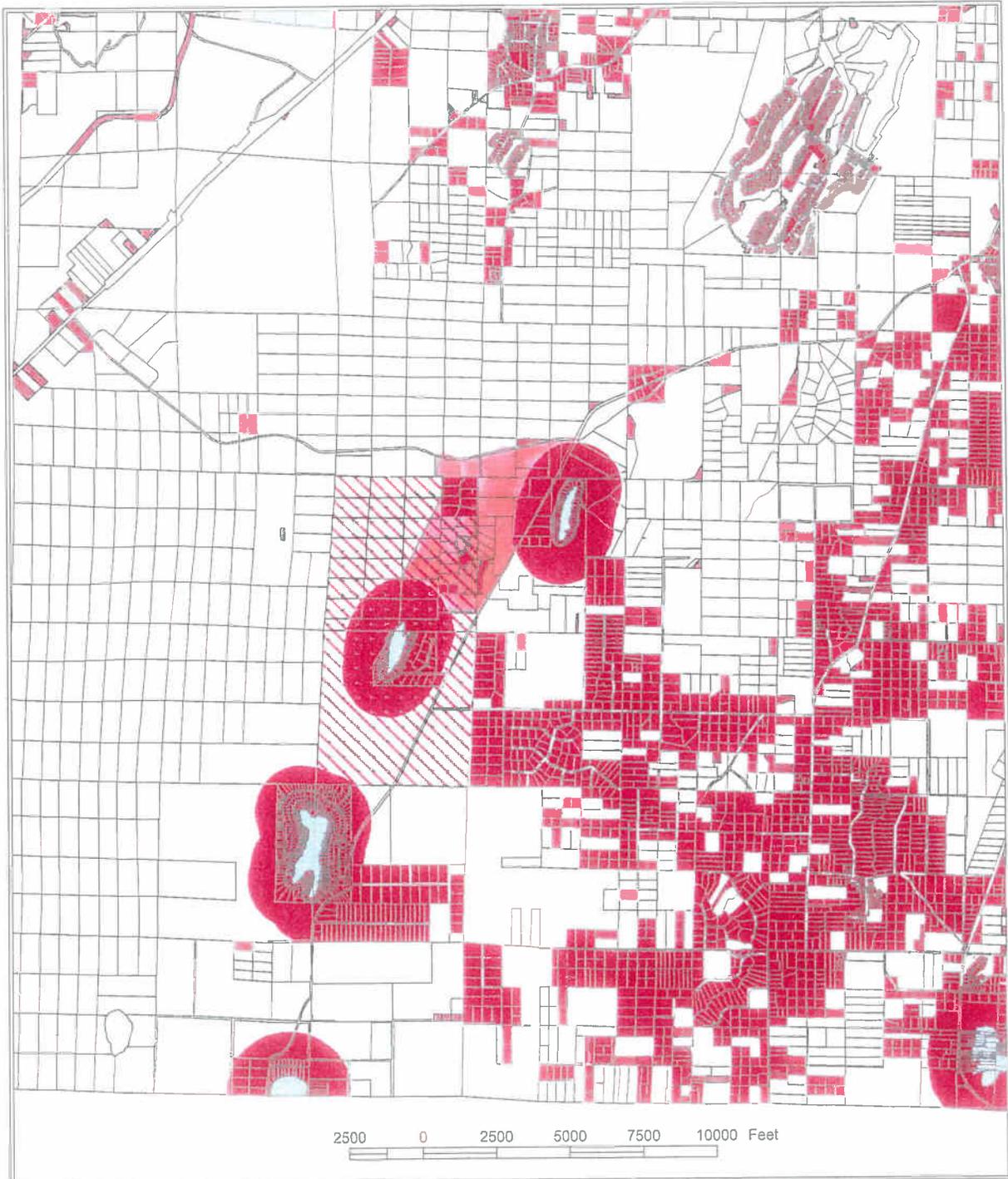


MAY RANCH NO-SHOOTING AREA

May 6, 2002



- Parcels
- Military.shp
- Incorporated Areas
- Areas of Prohibited Shooting
- Alpine Lake Proposal





Meeting Date:
Agenda Item No.

5/6/02 - Dec. only
~~4/22/02~~

10:00 F

Kitsap County Board of Commissioners

Department: Community Development
Staff Contact: Kelly Robinson

FILE

Title: New May Ranch No-Shooting Area

Recommended Action:

Enact an ordinance amending Section 10.24.090 of the Kitsap County Code to add a new May Ranch No-Shooting Area.

Summary:

This action is in response to a petition to establish a two-square mile Alpine Lake No-Shooting Area, which was the subject of a public hearing on March 11, 2002 and continued to April 1, 2002. At the April 1, 2002 hearing the Board adopted a resolution accepting the petition, but for an alternative no-shooting area around the May Ranch community. This amendment would implement that decision.

Attachments:

- Staff Report
- Two Maps
- Resolution 061-2002
- Proposed Ordinance

Fiscal Impact

Expenditure Required (for this specific action): None
 Total Cost (including all related costs):
 Related Revenue:
 Cost Savings:
 Net Fiscal Impact:
 Source of Funds :

Clearances

Affected Departments	Department Representative
Department of Community Development	Kelly Robinson
Kitsap County Sheriff	

April 11, 2002

AT ISSUE: Shall the Board Adopt an ordinance amending KCC 10.24.090 to add a new May Ranch No-Shooting Area?

BACKGROUND:

KCC 10.24.107 offers an opportunity for registered voters to petition the Board to establish new No-Shooting areas in the County. The Board received such a petition for a two-square mile area surrounding, and north of, Alpine (Bear) Lake. The Auditor confirmed the validity of the petition and the Board conducted a public hearing on March 11, 2002. The record was kept open until March 22. The Board reconvened the Hearing on April 1, 2002 to consider alternative responses. Following discussion, the Board adopted Resolution # 060-2002, accepting the petition and finding evidence to establish a no-shooting area with a different boundary surrounding the May Ranch community. This boundary is shown on Map A.

DISCUSSION:

To implement to Board's April 1, 2002 decision requires enactment of an ordinance amending KCC 10.24.090 – which describes the areas in the County where the discharge of firearms is prohibited – to add the new May Ranch No-Shooting Area.

During the discussion leading up to the adoption of the Resolution, the Board considered alternative boundaries for the new no-shooting area, including the option of prohibiting shooting within 1,500 feet of any building in the May Ranch Community. The Board expressed the desire to revisit this option before amending the Code. This alternative boundary is shown on Map B. If this board chooses this option, they must adopt a new resolution, confirming acceptance of the petition, with the same findings, but with the new boundary.

The principal argument favoring the boundaries on Map A is that the area is defined using property lines and roads in such a way that its limits could be more easily identified on the ground by a hunter or property owner. The disadvantage is that it provides uneven protection based on the evidence that 1,500 feet is a reasonable safe separation between the shooter and persons or property. Some properties are closer and some are further than this distance from the boundary. However, this shortcoming is partly mitigated by the fact that the County already prohibits directional shooting within 1,500 feet of these buildings (KCC 10.24.090.(b).(3)).

RECOMMENDATION:

That the Board Enact an ordinance, amending KCC 10.24.090 to add to the list of areas in which shooting is prohibited a new May Ranch No-Shooting Area as described in Resolution 061-2002, and shown on Map A.

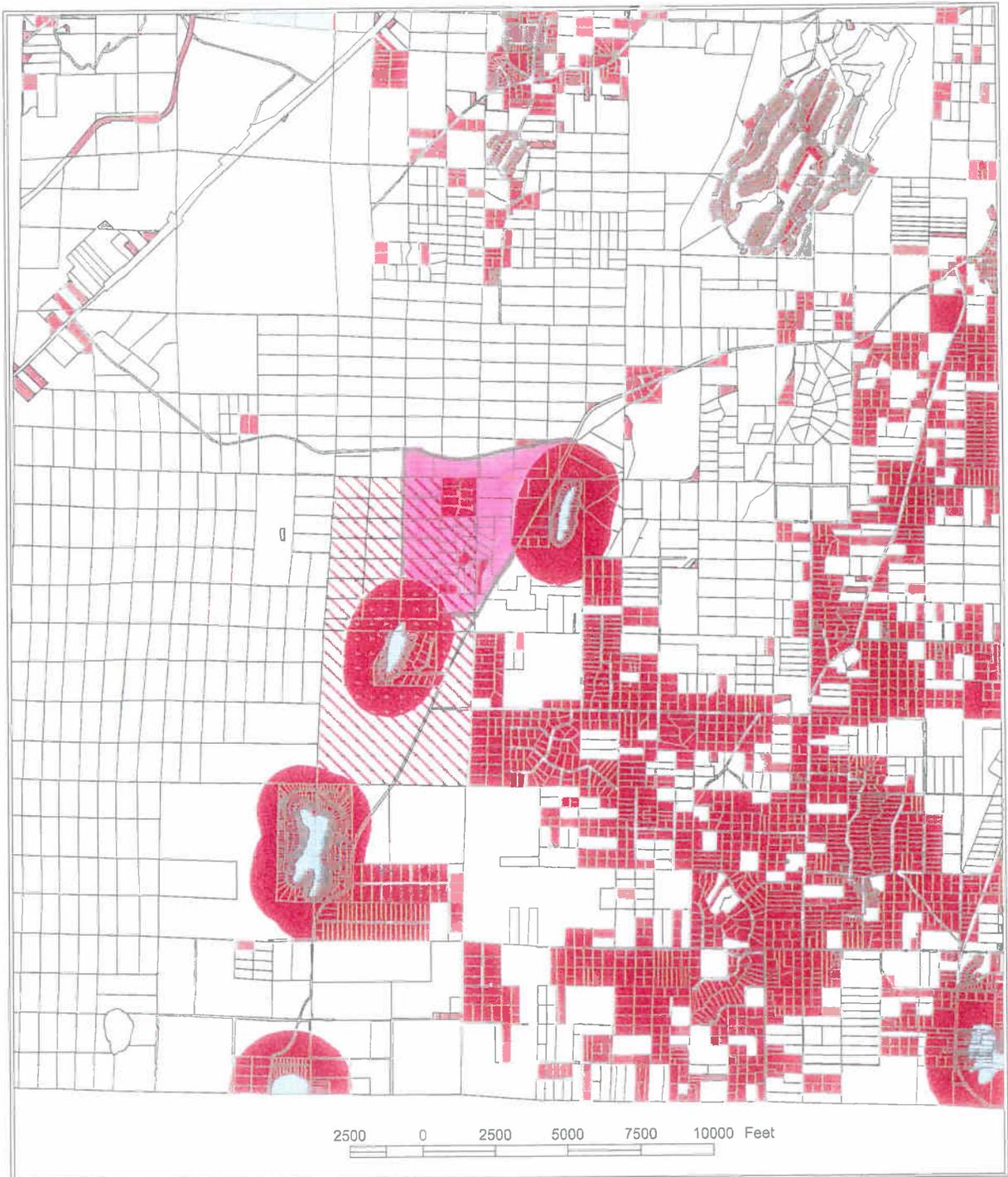
Attachments:

Map A. Boundaries of the proposed May Ranch No-Shooting Area as described in adopted Resolution 060-2002

MAP A
NEW MAY RANCH NO-SHOOTING AREA
AS DESCRIBED IN THE RESOLUTION ADOPTED ON APRIL 1, 2002

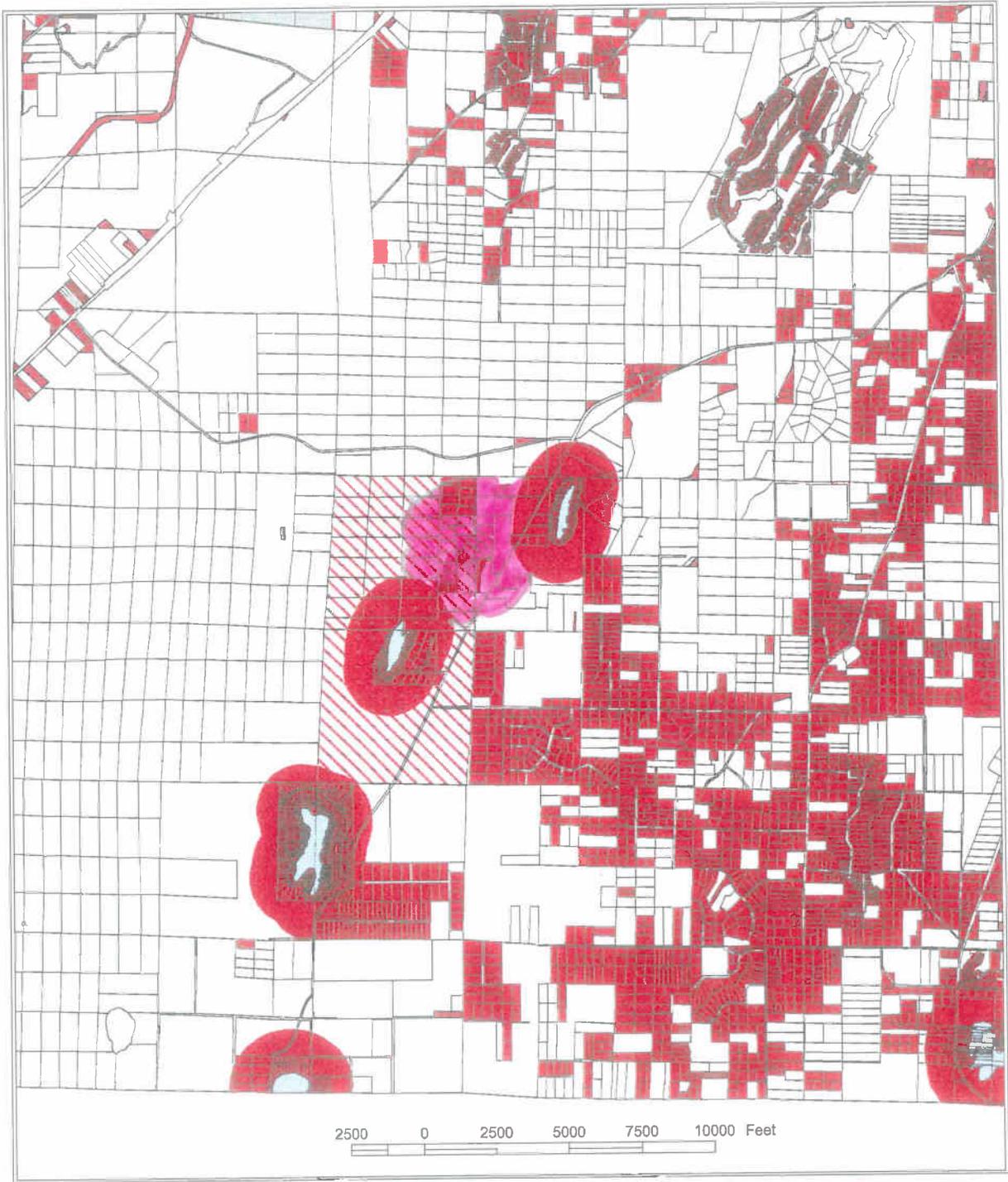
-  Parcels
-  Military.shp
-  Incorporated Areas
-  Areas of Prohibited Shooting
-  Alpine Lake Proposal

 **NEW NO SHOOTING AREA**



MAP B

ALTERNATIVE MAY RANCH NO-SHOOTING AREA APPLYING THE 1,500 FOOT SEPARATION STANDARD



April 11, 2002

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During the discussion leading up to the adoption of the Resolution, the Board considered alternative boundaries for the new no-shooting area, including the option of prohibiting shooting within 1,500 feet of any building in the May Ranch Community. The Board expressed the desire to revisit this option before amending the Code. This alternative boundary is shown on Map B. If this board chooses this option, they must adopt a new resolution, confirming acceptance of the petition, with the same findings, but with the new boundary.

The principal argument favoring the boundaries on Map A is that the area is defined using property lines and roads in such a way that its limits could be more easily identified on the ground by a hunter or property owner. The disadvantage is that it provides uneven protection based on the evidence that 1,500 feet is a reasonable safe separation between the shooter and persons or property. Some properties are closer and some are further than this distance from the boundary. However, this shortcoming is partly mitigated by the fact that the County already prohibits directional shooting within 1,500 feet of these buildings (KCC 10.24.090.(b).(3)).

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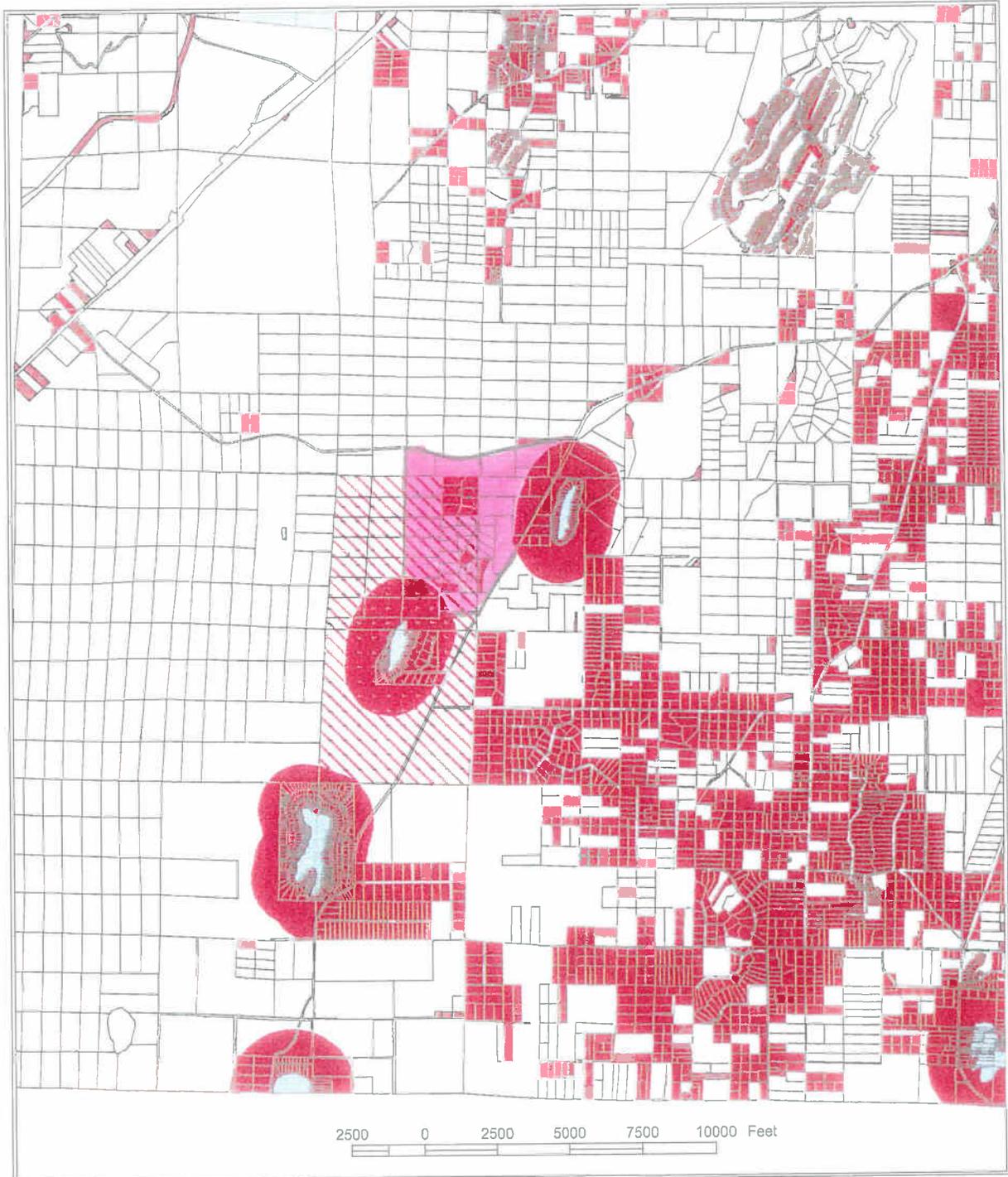
Attachments:

Map A. Boundaries of the proposed May Ranch No-Shooting Area as described in adopted Resolution 060-2002

MAP A
NEW MAY RANCH NO-SHOOTING AREA
AS DESCRIBED IN THE RESOLUTION ADOPTED ON APRIL 1, 2002

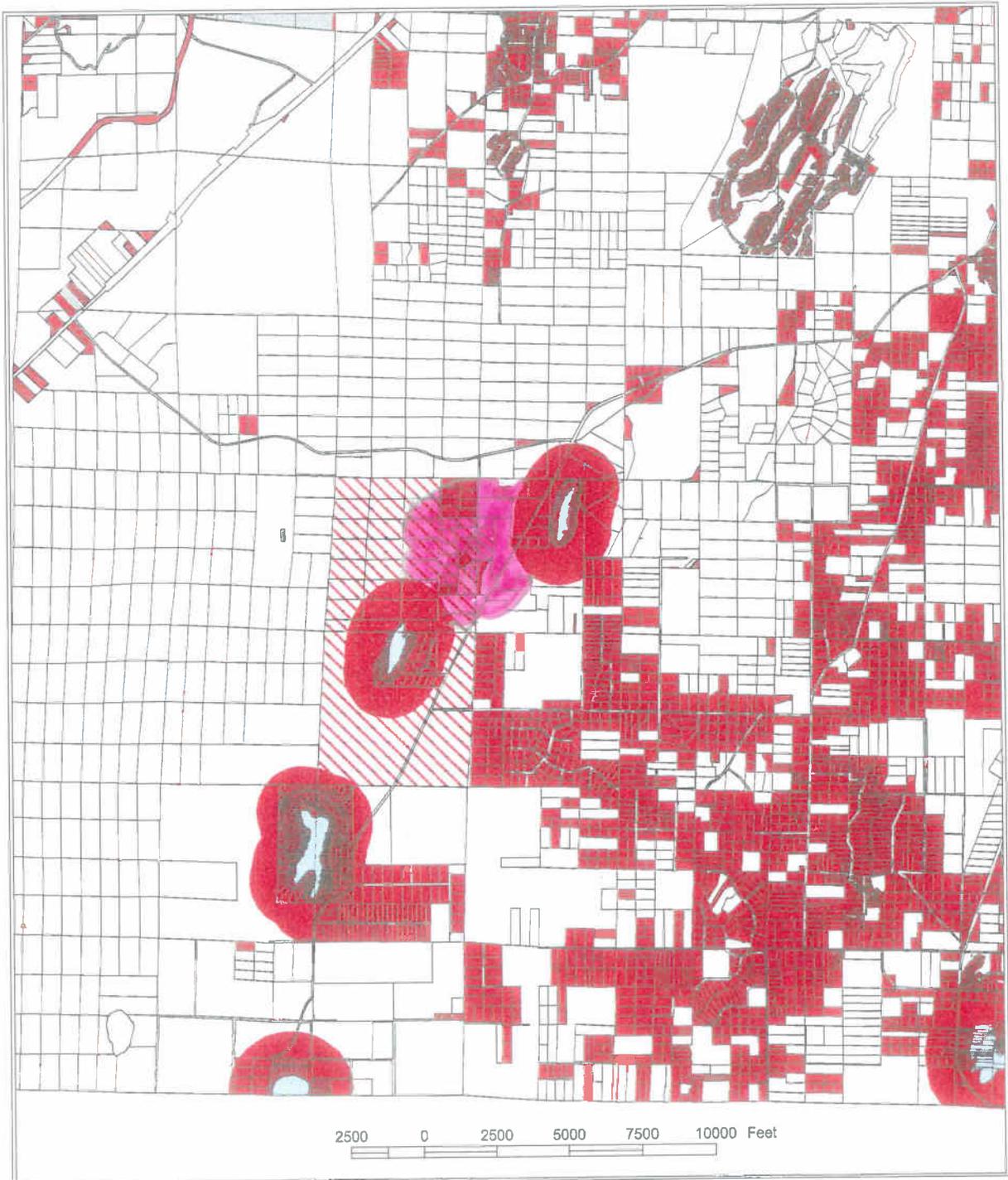
-  Parcels
-  Military.shp
-  Incorporated Areas
-  Areas of Prohibited Shooting
-  Alpine Lake Proposal

 **NEW NO SHOOTING AREA**



MAP B

ALTERNATIVE MAY RANCH NO-SHOOTING AREA APPLYING THE 1,500 FOOT SEPARATION STANDARD



OLYMPIC SPORTSMAN'S CLUB
13915 52nd Avenue NW
Gig Harbor, WA 98332
(253) 857-4888 Fax: (253) 858-6752

April 17, 2002

Commissioner Chris Endresen
Commissioner Tim Botkin
Commissioner Jan Angel
Kitsap County Courthouse
614 Division Street
Port Orchard, WA 98366

Subject: Bear/Alpine Lake and May Ranch No-shooting Area Petition

Dear Commissioners:

As you are considering the above-referenced petition, we would like to convey to you some observations, some recommendations, and some options you may have available. We appreciate fully your considerable amount of time and effort regarding this issue, and we are hopeful that a satisfactory solution for all parties can be resolved.

Observations.

1. It appears clear from the comments of the petitioners this request has been filed solely in response to a proposed shooting range in the vicinity. (Please see attached articles.)
2. The ordinance was drafted originally to comply with State law delegating to local governments the right of "restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals or property will be jeopardized."
3. The neighbors had never requested the designation prior to the proposed range.
4. Please see the attached sheriff's report. Though we have not been able to get details regarding specific incidents, it is clear that though there has been considerable law enforcement activity in the vicinity, very few reports (5 in 5 years) reference gun violations. The nature of these violations may well be unrelated to shooting in the area.

5. The prior testimony regarding the shooting of a dog and a cat did not specifically claim these unfortunate incidents were the result of stray gunfire. The likelihood seems remote when considering that no such event has been reported involving much larger stationary objects like buildings or vehicles.

6. A range by definition is a safe place to shoot. Kitsap County requires ranges to meet the criteria for safe design of ranges contained in the extremely detailed NRA manual. The manual calls for fully baffled "no blue sky" pistol and rifle ranges. The baffles ensure the likelihood of a round leaving the range approaches zero and the baffles reduce noise as well. The NRA Manual also includes detailed safety operations procedures for user training.

7. The petitioners are turning the ordinance upside down when they say the petition is about stopping a range. Very few of their comments addressed safety, even when they were reminded this is the issue. They are using a safety-related ordinance to influence land use issues. The land use issue of a range is covered by the Conditional Use Permit and Public Shooting Range permit.

8. We are not opposed to the creation of no-shooting areas. As growth and development occur, it becomes even more necessary to provide a safe venue to practice shooting sports and firearms safety training. A well-operated and safely designed range serves the public interest in many ways, not least of which is to provide a safe alternative to uncontrolled shooting.

9. In response to an earlier proposal, the Board revised the ordinance disallowing ranges in no-shooting areas. This contravened staff's original position that ranges were specifically allowable in no-shooting areas. The original interpretation and the existing language were consistent with State law. The revision of Section 10.24.104(d) of the County code compromises due process for range permitting and we do not believe it is compliant with State law. As there was no opposing testimony against this revision proposed by a former commissioner, it is understandable the ordinance revision passed. However, we believe the revision should be rescinded to comply with State law.

10. Both Bear Lake and May Ranch are currently protected under the ordinance. Bear Lake has a 500 yard no-shooting area *around* the lake. May Ranch is protected by the restriction prohibiting shooting in the *direction* of habitable buildings at a discharge point within 500 yards.

11. Section 10.24.107 establishes the format for a petition. The language includes a provision of allowing the discharge of certain firearms under certain conditions. It appears possible for the Board of Commissioners to exempt a permitted range as a condition of approving the no-shooting area. As there is no existing approved no-shooting area in place, exempting a range as part of the Commissioner's decision does not appear to contradict Section 10.24.104(d).

Recommendations.

1. We feel it is appropriate to deny the petition as there has not been a convincing case made that there is an existing safety hazard. Adequate safeguards are already in effect and it seems clear the petition was filed purposely to block a land use proposal.
2. We feel the revision adding the first sentence of Section 10.24.104(d) should be repealed to comply with State law. This restores the range approval process while at the same time allows the restriction of the uncontrolled shooting of firearms in unsafe areas. The Conditional Use Permit and the Public Shooting Range permit fully and adequately assess environmental, safety, habitat, and noise issues.

Options.

1. The Board can deny the petition.
2. The Board can exempt ranges from the modified area of Map D.
3. The Board could place a 500 foot *non-directional* prohibition along the May Ranch boundary. This option was described in Mr. Kelly Robinson's staff report and is the code in King County.

Again, we would like to thank you for your considered and thoughtful evaluation of the issue before you. Our intent is to work with all parties to achieve a reasonable solution to this dilemma, and to resolve the paradox of making an allegedly unsafe shooting area (something we firmly dispute, but for the sake of argument) into a safe and controlled shooting area.

Sincerely,



Phil Canter
Project Manager

cc: William T. Lynn

2/27/2002

The Peninsula Gateway

Shooting club meets resistance in Kitsap

BY JAY PATRICK

of The Peninsula Gateway

Residents of the Bear Lake community in Kitsap County are challenging that jurisdiction's recent ruling to allow establishment of a shooting range near their neighborhood.

If developed, the club proposed by Gig Harbor developer Phil Canter would likely serve as the new home for the Gig Harbor Sportsman Club, a facility currently embroiled in an alleged stray-bullet incident last fall.

Kitsap County Land-use Manager Kelley Robinson said several owners of property in the area about six miles west of Port Orchard have filed a request for reconsideration — basically asking Kitsap's hearing examiner to review his recent decision allowing development of the club despite a previous county staff determination that the range would not be permitted in the area.

Robinson said the examiner could consider a petition not presented during previous hearings. The petition to establish a no-shooting zone in the Bear Lake area apparently circulated last November when residents became aware of Canter's plans.

"The petition, on the surface, is technically valid," Robinson said, adding that the examiner will determine if the paperwork and signatures are legally sound.

A similar no-shooting zone was established near Olalla last year when Canter attempted to develop a range there.

If the petition is valid, Robinson said it would be forwarded to the county board of commissioners for consideration.

Brass shell casings litter the ground and tables at the Port Orchard Police Department's soon-to-be-replaced firing range, which officers have dubbed the "ghetto."

Police target range OKed by city

as the industrial park grows," Townsend said.

The price of a new range is not cheap, though. Townsend estimates a brand-new indoor range could cost between \$500,000 and \$1 million, depending on what type of facility and extra amenities the department wants. Townsend is very enthusiastic about including classroom space for training workshops and adding enough target stalls to give Port Orchard the legitimacy to rent range time to other agencies.

He also envisions the possibility of the range eventually being open to public use.

"The public has a need, as well,"

SEE RANGE, PAGE A2

Townsend said. The Washington State Patrol shares Port Orchard's current facilities, other Kitsap County agencies primarily rent practice time at the Bremerton Police Department's range. However, if Port Orchard was to build a new range, Townsend said he expects agencies south of the city, such as the Gig Harbor Police Department, to want a share in the facilities. He said Gig Harbor specifically has already expressed interest, even though the range hasn't been started yet.

"They don't have anything, so they're

bones outdoor range the Port Orchard Police Department maintains at the South Kitsap Industrial Park.

The range, which officers unashamedly call "ghetto," has also become a public hazard. Police Chief Al Townsend said there have been several incidents of unwary civilians hiking or riding on horseback straight through the path of gunfire.

Although the road to the range is gated and locked, the encroaching industrial park allows people to unlawfully access the range site from the sides or back.

"It's adequate for what we use it for, but there's a concern for liability issues

▼ \$10,000 needed for design approved at council meeting.

By ELIZABETH WILLIAMS Staff Writer

After years of letting it cool on the back burner, the Port Orchard City Council last week approved the \$10,000 needed to design a new, indoor police firing range.

The facility, which would be used for target practice and tactical training, would replace the motley, archaic, bare-

Revised Bear Lake no-shoot zone gets go-ahead

▼ Approved zone is smaller than proposed, breaks down on landmarks

By ELIZABETH WILLIAMS Staff Writer

Kitsap County Commissioners on Monday approved a petition requesting a no-shooting area encompassing the May Ranch and Bear Lake neighborhoods in South Kitsap County, possibly putting a clamp in plans to develop a gun club in that community.

The commissioners altered the pro-

a no-shooting area was necessary.

Although public comments referred to four separate incidents of stray gunfire between 1986 and 1989, Angel said she didn't feel fewer than a half dozen reported incidents constituted a serious threat.

She pointed out many of the houses affected by the proposed no-shooting area were already covered by the county's two existing rules — no shooting within 1,500 feet of any lake or on any parcel smaller than five acres. Angel said that was sufficient to protect the health and safety of area residents.

"I think the county has a very good existing rural policy right now," she said. "I don't feel it's been proven there's an adequate likelihood that those proper-

ties are in danger. I don't see we have a problem here."

Commissioner Chris Endresen and Commissioner Tom Botkin disagreed.

Endresen appeared very bothered at the reports of stray gunfire, particularly those in which residents' pets were killed or injured as a result. She said four incidents in three years should be considered very serious and indicated a need for no-shooting restrictions beyond those already covered by rural policies.

"Any one of those four incidents could have been serious," Endresen said. "I certainly believe these people have a right to be protected and feel safe in their homes."

SEE NO-SHOOT PAGE A2

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Kitsap Shelton,

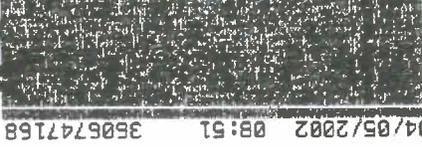
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itive informa-

gh said. "The rail with the eared civil fib at concern as were worked ing the pack-

l to the House naly Security, th daily and izations, the id the gover closure tak-

PK



Scott... thought you'd want to read this see you tonight. Rick F

NO-SHOOT

Canter thinks county's decision 'challengeable.'

CONTINUED FROM A1

The boundaries of the approved no-shooting zone, which include Lake Flora Road to the north, Dickenson Road to the southeast and the Fairview Lake no-shooting perimeter to the east, enclose

approximately two-thirds of the land proposed to be developed as the Olympic Gun Club.

Reactions from May Ranch residents and gun club developer Phil Canter were ambivalent at best.

Community spokeswoman Kathleen Olterson said she was very confused by the commission's actions Monday. Because a map of the modified no-shooting zone boundaries was not available for display at the meeting, Olterson said she still has no idea whether the changes will benefit the community at all. She said, however, she was bothered by the commissioners'

choice to decide the matter without public input on the alterations.

"I sort of shakes me up a little," Olterson said. "They haven't discussed whether we'd want an amended area or whether it would help us. It seems like we don't matter anymore."

She did say the key issue was whether the zone prevented the gun club from going in or not, and on that would likely hinge whether or not the community accepted the commission's changes.

Canter didn't see the decision as having a serious effect on the development plans, although it has the potential to complicate them somewhat. He indicated the establishment of a no-shooting zone wasn't the same as establishing a no-gun club zone, despite county staff's interpretation of county code.

"I'm not upset at all with the position the commissioners are taking on this, Canter said. "By definition, ranges are safe places to shoot."

He added: "There's a lot that's been going on that's challengeable."

Canter did say he has been consulting with the club's lawyers to find the best way with handling the sea of petitions, appeals and reconsiderations which are now swirling around the club's permit application — which hasn't even been submitted to the county yet.

At Monday's meeting, the commissioners also took steps toward doing away with the public's ability to petition for a no-shooting zone in their area. Instead, the commissioners proposed establishing a general 1,500-foot no-shooting setback from all inhabited buildings. The commissioners said this would allow communities to maintain protection from stray bullets while at the same time relieving county staff from the responsibility of continuing to re-drafting the no-shooting ordinance.

In essence, the commissioners said, they would be creating a blanket policy which would grow with development and prevent any household from being put in danger by madmen or hangers.

EXPANSION

McCormick Woods plan gets OK from county

CONTINUED FROM A1

could take three to six months.

Chris Endresen was the only commissioner to oppose the modified alternative plan. Although she apologized to McCormick Land Co. president Linda Niehauck, who was in the audience, and said it was the hardest decision she'd ever

that the city could hold back and wait for the Kitsap County Sheriff's Department to build its own range, which the Port Orchard Police could then borrow.

"It just seems we can't sit around and wait for someone to do this for us," Powers said.

The only objection came from Commissioner Bob Geiger, who believed the money shouldn't be spent without the approval of the finance committee, of which he is chair.

Councilman Rick Wyatt rebutted Geiger's objection, pointing out other cases in which municipal reserve money — the source of the range's design money — was spent without finance committee approval.

"I totally agree with (Powers)," Wyatt said. "It's time to step up to the plate."

Endresen voiced her concerns about the preferred alternative, but later said she felt the commission voiced much of what had been left unsaid in the original plan.

She pointed out "Smart Growth" had not been adopted as a policy when the plan was being developed in the late 1980s. If it had, Niehauck said, it likely would have been wrapped into one or more of the proposed alternatives.

"Everything is there, but somehow the picture never got drawn," she said. "We can certainly live with what the commission came up with today. It's not wonderful, but it's better than it could have been."

RANGE

City police getting a new place to shoot.

CONTINUED FROM A1

currently having to use Pierce County, but they have to cross the Tacoma Narrows Bridge to accomplish that," Townsend said. "That's more trouble than it's worth. One thing that's lacking in this county is training facilities."

The main sponsor of the range proposal was Councilwoman Carolyn Powers, who chairs the public property committee.

She rallied support for the idea at the city council's March 25 meeting, quashing actions

new population projection for 2022 is being done this year, which could make the 207 numbers look like a drop in the bucket. Bolkin talked about the Tacoma Narrows Bridge Bill, which recently passed in the state legislature, and the amount of growth a new bridge could potentially bring to the area.

"We know the growth is coming," he said. "If you don't plan for it, you have economic and environmental wreckage."

He added: "You have to put it somewhere. What are the alternatives? It's going to be a big jump no matter where you put it."

Niehauck looked annoyed as

made, Endresen said she felt the plan put too much of South Kitsap's population allocation in one spot.

According to state projections, South Kitsap is expected in about approximately 10,000 new residents by 2017.

The proposed McCormick developments are expected to handle 6,400 people — Port Orchard is expected to take the balance.

"The addition of 6,400 additional people in this area is, in my opinion, creating a small city," Endresen said. "If we were planning a new town, this is not where we'd put it."

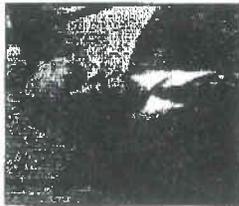
Commissioner Tim Bolkin disagreed. He pointed out a

TRIBUTE Paid Notice

James Edward Shields

March 28, 2002

The Masonic Family of Poulsbo mourns the loss of their Brother - Friend and Teacher.



James Edward Shields who was a Mason for 58 years and an excellent example of what a Mason should be. His dedication of service to his community, church and our fraternity is unparalleled.

A public Memorial Service for Ed will be at the Warren G. Harding Masonic Lodge Building, 18024-3rd Ave., Poulsbo at 6:30pm, Thursday April the 4th.

Rest in deserved peace, brother.

• Paid for by the Warren Harding Masonic Lodge #860 of Poulsbo, WA.

Nilsen's Appliance Centers

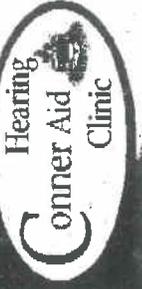
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January 1, 1996 - December 13, 1999 Incident Reports

SW CUB DRIVE.....	10 REPORTS
SW ALPINE LAKE RD.....	21 REPORTS
SW ALPINE DR.....	25 REPORTS INCL 1 GUN VIOL
SW MAY RANCH LN.....	10 REPORTS

December 13, 1999 - March 22, 2002 CenCom Calls for Service

SW CUB DRIVE.....	19 INCIDENTS
SW ALPINE LK & ALPINE DR..... (these include 63 traffic stops)	169 INCIDENTS INCL 3 GUN VIOL
SW MAY RANCH LN..... (these include 59 traffic stops)	87 INCIDENTS INCL 1 GUN VIOL

January 1, 1996 - December 13, 1999 Incident Reports

SW CUB DRIVE.....	10 REPORTS
SW ALPINE LAKE RD.....	21 REPORTS
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Meeting Date: ~~February 26, 2002~~
Agenda Item No.

4-1-02
~~3/25/02~~
10:00 B

Kitsap County Board of Commissioners

Department: Department of Community Development
Staff Contact: Laura Ditmer (X4848)

Title: South Kitsap UGA: ULID #6 Sub-Area Plan/Final Supplemental Environmental Impact Statement.

Recommended Action: The Board of County Commissioners conduct a Public Hearing to receive public testimony and consider the recommendations of the Kitsap County Planning Commission on the South Kitsap UGA: ULID #6 Sub-Area Plan.

Summary: The sub-area encompasses the entirety of Utility Local Improvement District (ULID) #6 in unincorporated Kitsap County, and involves land immediately adjacent and to the south of a portion of the Bremerton UGA, and to the west in proximity to the City of Port Orchard. The proposed sub-area plan would expand the existing limits of the South Kitsap UGA to encompass the McCormick West portion of the South Kitsap UJPA.

Attachments: Draft South Kitsap UGA/ULID #6 Sub-Area Plan and Draft Supplemental Environmental Impact Statement and Appendix. Final Supplemental Environmental Impact Statement for the South Kitsap UGA/ULID #6 Sub-Area Plan. Planning Commission Findings of Fact, Conclusions and Recommendations.

Fiscal Impact

Expenditure Required: \$0
Total Cost (including all related costs): \$0
Related Revenue: \$0
Cost Savings: \$0
Net Fiscal Impact: The additional cost of implementation of the Plan is unknown.

Clearances

Affected Departments	Department Representative
DCD	Bruce Freeland
Contract Number:	
Contract Amendments	
Approval Date of Original Contract:	
Amount of Original Contract:	
Total Amount of Amended Contract:	

1 FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATIONS OF THE
2 PLANNING COMMISSION OF KITSAP COUNTY, WASHINGTON, TO THE
3 BOARD OF COUNTY COMMISSIONERS OF KITSAP COUNTY,
4 WASHINGTON, REGARDING THE PROPOSED ADOPTION OF THE SOUTH
5 KITSAP UGA/ULID #6 SUB-AREA PLAN.
6

7 The Planning Commission of Kitsap County, Washington, finds as follows:
8

- 9 1. After extensive public review and a recommendation from the Kitsap County
10 Planning Commission (the Planning Commission), the County's current
11 Comprehensive Plan (the Plan or the Comprehensive Plan) was adopted by the
12 Kitsap County Board of Commissioners (the BoC) on May 7, 1998, to comply
13 with the Washington State Growth Management Act (GMA) of 1990 (Chapter
14 36.70A RCW), and to facilitate the orderly and coordinated growth and
15 development of Kitsap County.
16
- 17 2. Among other policy initiatives, the Plan established a special land use overlay
18 designation entitled "Urban Joint Planning Area" (UJPA) to be applied to areas
19 considered potentially suitable for inclusion within Urban Growth Areas (UGAs),
20 but where further coordinated planning was needed to resolve outstanding land
21 use and capital facilities issues. The designation was applied to unincorporated
22 areas with an underlying land use designation of Urban Reserve (1 d.u. per 10
23 acres) or Urban Industrial Reserve (see the Kitsap County Comprehensive Plan,
24 as amended, at pages 18 through 25).
25
- 26 3. The UJPA process described in the Plan was intended to address the location and
27 amount of land outside of currently designated UGAs that may be necessary to
28 support future urban growth. The UJPA designation was intended to
29 acknowledge each City's UGA proposal and allow time for resolution of planning,
30 infrastructure and governance issues (ibid. at page 18).
31
- 32 4. The Plan specifically identifies a "South Kitsap Urban Joint Planning Area"
33 which includes the following areas:
34 a. The McCormick West area, lying immediately adjacent and to the west of
35 the McCormick Woods portion of the existing South Kitsap UGA; and
36 b. Intervening areas lying between the City of Port Orchard and the existing
37 South Kitsap UGA (i.e., the McCormick East and Anderson Hill/Berry
38 Lake areas) (ibid. at page 20).
39
- 40 5. The Plan indicates that the South Kitsap UJPA is potentially considered suitable
41 for inclusion within Port Orchard's UGA, but that numerous issues remain
42 unresolved. The primary issues to be addressed through the UJPA process
43 include:
44 a. Population allocations/reallocations relied on by the City of Port Orchard
45 to justify the size of the proposed UGA;
46 b. Planned urban densities and land uses;

1 (KRCC) held a public hearing to accept public testimony on proposed population
2 allocations for the period 2013 to 2017.

3
4 12. On July 10, 2001, and following timely and effective public notice, the KRCC
5 voted to update the county-wide population forecast and allocation. Specifically,
6 the KRCC extended the 1.77% average annual growth rate adopted in the Plan for
7 the period 2013 to 2017, and allocated 10,000 in additional urban growth to South
8 Kitsap County, to be planned for and accommodated within existing or expanded
9 UGAs.

10
11 13. In May of 2001, and in compliance with Plan policies UGA-6 through UGA-13, a
12 draft Memorandum of Agreement (MoA) was developed by County and City of
13 Port Orchard staffs to guide the planning process for the South Kitsap UJPA. The
14 MoA was formally approved by the BoC and the Port Orchard City Council on
15 October 15, 2001, and directed a "phased" planning process for the South Kitsap
16 UJPA, as follows:

- 17 a. Phase One of the process was to involve the preparation of a sub-area plan
18 for the ULID #6 area, including the McCormick West portion of the
19 UJPA;
- 20 b. Phase Two was to involve a separate planning process to resolve
21 outstanding issues and land use designations for the Anderson Hill/Berry
22 Lake and McCormick East portions of the UJPA;
- 23 c. Phase Three was to address the possible inclusion of the South Sedgewick
24 Urban Reserve Area (i.e., designated Urban Reserve, without the UJPA
25 overlay), within the South Kitsap UJPA.

26
27 14. In addition to directing a phased planning effort for the South Kitsap UJPA, the
28 MoA indicated that Phase One of the UJPA planning process would determine
29 what portion of the 10,000 in urban growth allocated by the KRCC to South
30 Kitsap County should be accommodated within the ULID #6 area, with any
31 remaining portion of the urban population allocation to be planned for and
32 accommodated in Phase Two of the process.

33
34 15. Further, the County acknowledged within the MoA that the ULID #6 area, though
35 not contiguous to the City of Port Orchard, was considered as part of the City's
36 potential future UGA, and that Phase Two of the UJPA process would address the
37 establishment of a physical and functional link between the City's incorporated
38 UGA and the South Kitsap UGA/ULID #6 UGA.

39
40 16. In June of 2001, County and City of Port Orchard staffs and the consultant team
41 began substantive work on Phase One of the UJPA planning effort. Specifically,
42 staffs and the consultant team worked to develop potential South Kitsap
43 UGA/ULID #6 land use alternatives for community and environmental review.
44 The "action" alternatives were based upon varying assumptions regarding the
45 amount of urban growth allocated by the KRCC that could be accommodated
46 within the South Kitsap UGA/ULID #6 Sub-Area. After County and City staffs

- 1 23. Between August and late October 2001, County and City of Port Orchard staffs
2 and the consultant team worked to prepared the integrated Draft Sub-Area Plan
3 and DSEIS. The Draft Sub-Area Plan component of the integrated SEPA/GMA
4 document was based upon Alternative 3 - "Urban Mixed-Use Community." On
5 October 26, 2001, Kitsap County formally released the Draft South Kitsap
6 UGA/ULID #6 Sub-Area Plan and DSEIS for public and agency review.
7
- 8 24. On October 29, 2001, and following timely and effective public notice, Kitsap
9 County and City of Port Orchard staffs hosted a Community Open House and
10 Public Workshop to present the Draft Plan/DSEIS document, discuss key issues
11 and recommendations in the draft, answer questions, and describe future
12 opportunities for public participation.
13
- 14 25. On October 30, 2001, and following timely and effective public notice, the
15 Planning Commission held a work/study public meeting to review the draft sub-
16 area plan and DSEIS in advance of their scheduled public hearing.
17
- 18 26. On November 7, 2001, and following timely and effective public notice, the
19 Planning Commission held an open record public hearing to accept oral and
20 written public testimony on the proposed South Kitsap UGA/ULID #6 Sub-Area
21 Plan. At the close of testimony, the Planning Commission voted to continue the
22 public hearing on November 13, 2001 for receipt of additional public testimony.
23
- 24 27. On November 13, 2001, the Planning Commission held a continuation of its
25 November 7, 2001 open record public hearing to accept public testimony on the
26 proposed sub-area plan, to deliberate upon the testimony received, and to begin
27 preparing findings, conclusions, and a recommendation for the BoC.
28
- 29 28. On November 26, 2001, the comment period on the environmental review
30 component of the integrated SEPA/GMA sub-area plan/DSEIS closed.
31
- 32 29. On December 4, 2001, and following timely and effective public notice, the
33 Planning Commission held a second open record public hearing to accept public
34 testimony on the proposed South Kitsap UGA/ULID #6 Sub-Area Plan, deliberate
35 upon the testimony received, and to continue the preparation of findings,
36 conclusions, and a recommendation for the BoC.
37
- 38 30. On January 9, 2002, Kitsap County will formally release a Final Supplemental
39 Environmental Impact Statement (FSEIS) for public and agency review. The
40 FSEIS will summarize the land use alternatives, impacts and proposed mitigation
41 contained in the DSEIS, and provide responses to all comment letters received on
42 the DSEIS component of the integrated SEPA/GMA plan/EIS document.
43
- 44 31. The Planning Commission finds that public comment and testimony regarding the
45 proposal has consistently revealed widespread disapproval of the phased approach
46 to UJPA planning embodied in the proposed sub-area plan. Moreover, only

1 Port Orchard, and could effectively preclude other more suitable areas from
2 accommodating urban growth.

3
4 34. The Planning Commission has considered the goals and requirements of the GMA
5 (Chapter 36.70A RCW) and finds that, while technically consistent and
6 compatible with the 13 state-wide planning goals contained within the GMA
7 (§36.70A.020 RCW), greater consistency with the purposes of the GMA could be
8 achieved through a planning effort that seeks to address all potential urban areas
9 in South Kitsap County in one concurrent planning process. The Planning
10 Commission specifically finds that greater consistency could be obtained with
11 regard to the following goals set forth in §36.70A.020 RCW:

- 12 a. Goal #1 - Urban Growth;
13 b. Goal #2 - Reduce Sprawl; and
14 c. Goal #11 - Citizen Participation.

15
16 35. Based upon the foregoing findings, the Planning Commission finds unanimously
17 that the proposed South Kitsap UGA/ULID #6 Sub-Area Plan does not promote
18 the public interest and welfare of the citizens of Kitsap County, and therefore,
19 should not be approved.

20
21 **NOW THEREFORE**, the Kitsap County Planning Commission in regular session
22 assembled hereby unanimously concludes and recommends as follows:

23
24 **RECOMMENDATION 1: ADOPT DSEIS ALTERNATIVE #1, "NO ACTION."**
25 Alternative #1, "No Action" described in the integrated draft sub-area plan/DSEIS should
26 be adopted. This alternative will maintain existing land use designations and UGA
27 boundaries pending additional study, as set forth in Recommendation 2, below.

28
29 **RECOMMENDATION 2: COUNTY STAFF SHOULD BE DIRECTED BY THE**
30 **BOARD TO STUDY ALL AREAS POTENTIALLY SUITABLE FOR URBAN**
31 **GROWTH IN SOUTH KITSAP COUNTY IN ONE CONCURRENT PLANNING**
32 **PROCESS.** The following areas should be subject to review for potential inclusion
33 within expanded UGA boundaries in one integrated and concurrent, rather than phased,
34 planning process:

- 35 1. The entirety of the South Kitsap UJPA (i.e., including the Anderson Hill/Berry
36 Lake, McCormick East and McCormick West areas);
37 2. The South Port Orchard Urban Reserve area; and
38 3. The Sidney/Sedgwick Road intersection area (i.e., in proximity to the SR 16
39 intersection and currently designated "Rural Protection").

40
41 Unanimously approved by the Planning Commission of Kitsap County,
42 Washington, at a regular meeting thereof, held this 8th day of January, 2002.

43
44
45 By


46 John S. Ahl, Chair

Tim



Meeting Date: ~~February 26, 2002~~
Agenda Item No.

3/25/02

10:00 H

Kitsap County Board of Commissioners

Department: Department of Community Development
Staff Contact: Laura Ditmer (X4848)

Title: South Kitsap UGA: ULID #6 Sub-Area Plan/Final Supplemental Environmental Impact Statement.

Recommended Action: The Board of County Commissioners conduct a Public Hearing to receive public testimony and consider the recommendations of the Kitsap County Planning Commission on the South Kitsap UGA: ULID #6 Sub-Area Plan.

Summary: The sub-area encompasses the entirety of Utility Local Improvement District (ULID) #6 in unincorporated Kitsap County, and involves land immediately adjacent and to the south of a portion of the Bremerton UGA, and to the west in proximity to the City of Port Orchard. The proposed sub-area plan would expand the existing limits of the South Kitsap UGA to encompass the McCormick West portion of the South Kitsap UJPA.

Attachments: Draft South Kitsap UGA/ULID #6 Sub-Area Plan and Draft Supplemental Environmental Impact Statement and Appendix. Final Supplemental Environmental Impact Statement for the South Kitsap UGA/ULID #6 Sub-Area Plan. Planning Commission Findings of Fact, Conclusions and Recommendations.

Fiscal Impact

Expenditure Required: \$0
Total Cost (including all related costs): \$0
Related Revenue: \$0
Cost Savings: \$0
Net Fiscal Impact: The additional cost of implementation of the Plan is unknown.

Clearances

Affected Departments	Department Representative
DCD	Bruce Freeland
Contract Number:	
Contract Amendments	
Approval Date of Original Contract:	
Amount of Original Contract:	
Total Amount of Amended Contract:	

1 FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATIONS OF THE
2 PLANNING COMMISSION OF KITSAP COUNTY, WASHINGTON, TO THE
3 BOARD OF COUNTY COMMISSIONERS OF KITSAP COUNTY,
4 WASHINGTON, REGARDING THE PROPOSED ADOPTION OF THE SOUTH
5 KITSAP UGA/ULID #6 SUB-AREA PLAN.
6

7 The Planning Commission of Kitsap County, Washington, finds as follows:
8

- 9 1. After extensive public review and a recommendation from the Kitsap County
10 Planning Commission (the Planning Commission), the County's current
11 Comprehensive Plan (the Plan or the Comprehensive Plan) was adopted by the
12 Kitsap County Board of Commissioners (the BoC) on May 7, 1998, to comply
13 with the Washington State Growth Management Act (GMA) of 1990 (Chapter
14 36.70A RCW), and to facilitate the orderly and coordinated growth and
15 development of Kitsap County.
16
- 17 2. Among other policy initiatives, the Plan established a special land use overlay
18 designation entitled "Urban Joint Planning Area" (UJPA) to be applied to areas
19 considered potentially suitable for inclusion within Urban Growth Areas (UGAs),
20 but where further coordinated planning was needed to resolve outstanding land
21 use and capital facilities issues. The designation was applied to unincorporated
22 areas with an underlying land use designation of Urban Reserve (1 d.u. per 10
23 acres) or Urban Industrial Reserve (see the Kitsap County Comprehensive Plan,
24 as amended, at pages 18 through 25).
25
- 26 3. The UJPA process described in the Plan was intended to address the location and
27 amount of land outside of currently designated UGAs that may be necessary to
28 support future urban growth. The UJPA designation was intended to
29 acknowledge each City's UGA proposal and allow time for resolution of planning,
30 infrastructure and governance issues (ibid. at page 18). *on own merits in rel. to cnty.*
31
- 32 4. The Plan specifically identifies a "South Kitsap Urban Joint Planning Area"
33 which includes the following areas:
34 a. The McCormick West area, lying immediately adjacent and to the west of
35 the McCormick Woods portion of the existing South Kitsap UGA; and
36 b. Intervening areas lying between the City of Port Orchard and the existing
37 South Kitsap UGA (i.e., the McCormick East and Anderson Hill/Berry
38 Lake areas) (ibid. at page 20).
39
- 40 5. The Plan indicates that the South Kitsap UJPA is potentially considered suitable
41 for inclusion within Port Orchard's UGA, but that numerous issues remain
42 unresolved. The primary issues to be addressed through the UJPA process
43 include: *X*
44 a. Population allocations/reallocations relied on by the City of Port Orchard
45 to justify the size of the proposed UGA;
46 b. Planned urban densities and land uses;

1 (KRCC) held a public hearing to accept public testimony on proposed population
2 allocations for the period 2013 to 2017.

3
4 12. On July 10, 2001, and following timely and effective public notice, the KRCC
5 voted to update the county-wide population forecast and allocation. Specifically,
6 the KRCC extended the 1.77% average annual growth rate adopted in the Plan for
7 the period 2013 to 2017, and allocated 10,000 in additional urban growth to South
8 Kitsap County, to be planned for and accommodated within existing or expanded
9 UGAs.

10
11 13. In May of 2001, and in compliance with Plan policies UGA-6 through UGA-13, a
12 draft Memorandum of Agreement (MoA) was developed by County and City of
13 Port Orchard staffs to guide the planning process for the South Kitsap UJPA. The
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34 15. Further, the County acknowledged within the MoA that the ULID #6 area, though
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36 potential future UGA, and that Phase Two of the UJPA process would address the
37 establishment of a physical and functional link between the City's incorporated
38 UGA and the South Kitsap UGA/ULID #6 UGA. *not here*

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3 and DSEIS. The Draft Sub-Area Plan component of the integrated SEPA/GMA
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9 in South Kitsap County in one concurrent planning process. The Planning
10 Commission specifically finds that greater consistency could be obtained with
11 regard to the following goals set forth in §36.70A.020 RCW:

- 12 a. Goal #1 - Urban Growth;
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16 35. Based upon the foregoing findings, the Planning Commission finds unanimously
17 that the proposed South Kitsap UGA/ULID #6 Sub-Area Plan does not promote
18 the public interest and welfare of the citizens of Kitsap County, and therefore,
19 should not be approved.

20
21 **NOW THEREFORE**, the Kitsap County Planning Commission in regular session
22 assembled hereby unanimously concludes and recommends as follows:

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24 **RECOMMENDATION 1: ADOPT DSEIS ALTERNATIVE #1, "NO ACTION."**

25 Alternative #1, "No Action" described in the integrated draft sub-area plan/DSEIS should
26 be adopted. This alternative will maintain existing land use designations and UGA
27 boundaries pending additional study, as set forth in Recommendation 2, below.

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30 **BOARD TO STUDY ALL AREAS POTENTIALLY SUITABLE FOR URBAN**
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39 intersection and currently designated "Rural Protection").

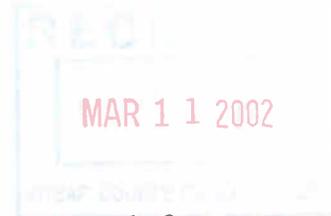
40
41 Unanimously approved by the Planning Commission of Kitsap County,
42 Washington, at a regular meeting thereof, held this 8th day of January, 2002.

43
44
45 By


46 John S. Ahl, Chair

March 8th, 2002
Kitsap County Board of Commissioners
Written input for ULID #6

COPIES INDIVIDUALLY
ADDRESSED TO ALL
THREE (3):



Please have the prosecutor's office research these items for comment before your decision. The best decisions are well-informed decisions.

The proposed ULID#6 Sub-Area Plan, which expands the UGA capacity by 6,000 people for the 2013-2017 planning period (preferred alternative) cannot be held valid under the Growth Management Act (GMA) due to fatal errors in procedure and content:

1. The Comprehensive Plan does not allocate population growth beyond the year 2012
 - a. The GMA requires countywide planning policies to be adopted by the legislative authority of the County, not simply the Kitsap Regional Coordinating Council (KRCC). *RCW 36.70A.210(2)*
 - b. The GMA requires that countywide planning policies include population allocations and UGA designation methodologies. *RCW 36.70A.210(3)(a), (b) and (f) and RCW 36.70A.110.*
 - c. The GMA requires that the County Comprehensive Plan include a population allocation based upon the OFM forecast for the 20-year planning period and that it designate Urban Growth Areas sufficient to accommodate that population. *RCW 36.70A.110*
 - d. The current Kitsap County Countywide Planning Policies (CWPP) contain a population allocation for the 1992-2012 planning period based upon the OFM mid-range forecast issued in 1995. They do not contain a population allocation for any period subsequent to 2012. CWPP; Comprehensive Plan Chapter 2 (Land Use) and Appendix 3 (Population)
 - e. The Kitsap Regional Coordinating Council in July 2002 approved population allocations of 10,000 people to South Kitsap and 3,000 to Kingston for the 2013-2017 planning period. The legislative authority of Kitsap County did not adopt this allocation either as an amendment to the Countywide Planning Policies or to the Comprehensive Plan.
2. The ULID#6 Sub-Area Plan does not amend the population allocation of the Countywide Planning Policies or Comprehensive Plan.
 - a. The ULID#6 Sub-Area Plan seeks to expand the size and capacity of the UGA west of Port Orchard based not upon the 1992-2012 population allocation contained in the Countywide Planning Policies and Comprehensive Plan, but upon the KRCC 2012-2013 allocation.

- b. The ULID#6 Sub-Area Plan does not contemplate amendment of the Countywide Planning Policies.
 - c. The ULID#6 Sub-Area Plan does not contain amendments to the population allocation found in Chapter 2 (Land Use) and Appendix 3 (Population) of the Comprehensive Plan.
 3. The Urban Joint Planning Agreement Memorandum of Agreement for South Kitsap County (SKUJPA/MOA) between Kitsap County and the City of Port Orchard was not legally adopted.
 - a. The Kitsap County Comprehensive Plan requires that “affected property owners...shall” be parties to the development of Urban Joint Planning Agreements. *Policy UGA-9, UGA-10*
 - b. The SKUJPA/MOA was drafted and approved by City and County staff between March 2001 and October 2002 without the direct or indirect involvement of *any* property owner save the McCormick Land Company although the three-phase planning structure specified in the SKUJPA/MOA directly affects lands owned by many individuals. City and County staff and elected officials made public promises to include these property owners in such planning decisions (*e.g. public meeting March 8, 2001, L Weatherill/J Angel Letter March 23, 2001*).
 - c. The Kitsap County Comprehensive Plan requires that Urban Joint Planning Agreements be adopted as amendments to the Comprehensive Plan (ergo through the procedures required for plan amendment). *Policies UGA-10, UGA-14*
 - d. The SKUJPA/MOA was not adopted by the legislative authority of Kitsap County as an amendment to its Comprehensive Plan, but was approved without a public testimony or single public hearing or notice to affected property owners or parties of record. *Kitsap County Board of Commissioners Minutes October 15, 2001, Other Business and Consent Item 7) A.*
 - e. By contrast, the UJPA (“Inter-local Agreement”) for Poulsbo is currently advertised for public hearing before the legislative authority of Kitsap County in conjunction with a sub-area plan. The legal notice expressly acknowledges the Comprehensive Plan requirement that such agreements be adopted as amendments to the Comprehensive Plan. . *Kitsap County Board of Commissioners Agenda February 11, 2002, 10:00 Item B.*
 4. The SKUJPA/MOA specifies a priority ranking for UGA designation that conflicts with the Growth Management Act and Comprehensive Plan

- a. The Growth Management Act specifies priorities for the types of land which may be included in unincorporated Urban Growth Areas based upon existing urban development and the existing or future availability of public facilities and services. *RCW 36.70A.110(3)*.
- b. The Kitsap County Comprehensive Plan expressly acknowledges these same priorities and asserts that UGA are designated accordingly. *Policy UGA-2*
- c. The SKUJPA/MOA sets forth three chronological “phases” for consideration of three separate geographic areas for inclusion in an expanded UGA. The first phase, the subject of the ULID#6 Sub-Area Plan, sets as the first priority 619 acres of vacant land currently in use as a tree farm, completely lacking the “characterized by existing urban growth” criterion of *RCW 36.70A.110(3)*. The rationale for its preeminence is the existence of ULID financing for sanitary sewer extension. The second phase is an existing low-density rural neighborhood lacking most urban services and facilities. The third phase, reserved for the 2018-2022 planning period, is an existing urbanized neighborhood with medium-density plats, a school, County maintenance shop, Fred Meyer store and existing streets, water, and (to some properties), sanitary sewers. The SKUJPA/MOA makes no reference to the requirements of *RCW 36.70A.110(3)* and its phasing is directly at odds with them.

Conclusions: The ULID#6 Sub-Area Plan cannot legally be adopted in its present form due to fatal flaws in both procedure and content, most significant of which is the lack of a duly adopted population allocation to support expansion of the UGA. Should Kitsap County adopt this sub-area plan, the Growth Management Hearings Board will certainly invalidate it after the inevitable appeal. This eventuality would set back progress on sub-area planning by several months. A far more practical, as well as GMA-compliant alternative is to ratify the Planning Commission recommendation and authorize a truly community-based planning process that adheres to the requirements of the GMA and Comprehensive Plan. The Manchester planning process is a good example of what can be done with ALL the local residents having the ability to partake in the process. Please consider putting a committee together as soon as possible to start the process. It is needed.



Fred Depee
360-895-5218 Direct
360-876-0836 Fax
South Kitsap

