

**JEFFERSON COUNTY  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
UNIFIED DEVELOPMENT CODE  
TYPE I LAND USE PERMIT**

**APPLICANT:** JEFFERSON COUNTY SPORTSMAN'S ASSOC  
PO BOX 737  
PORT TOWNSEND WA 98368

**DATE ISSUED:** 7/6/2011  
**DATE EXPIRES:** 7/6/2012

**MLA NUMBER:** MLA10-00297

**PROJECT PLANNER:** Contract

**PROJECT DESCRIPTION:**

**FIRING LINE COVER:** Wood & Composite Shed Roof Post & Beam structure with one full length wall, over a concrete floor with an integrated shooting bench, 10' x 133'  
Proposed is a minor expansion of an existing shooting range, a legal nonconforming use.  
Applicant proposes to excavate and berm a 200x160 ft. (32,000 s.f.) target area and construct a covered and paved firing line for a competition handgun range.

**PROJECT LOCATION:**

Parcel number 001 083 012, Jefferson County Fire Protection Short Plat, Lot 1, Section 8, Township 30N, Range 1W, WM, located at 116 Gun Club Rd, Port Townsend 98368

**CONDITIONS:**

- 1.) The proposed pistol range shall be developed consistent with the site plan, building permit and stormwater management plan submitted on July 29, 2010, subject to the following conditions of approval and SEPA mitigations, and as approved by the County Zoning Administrator.
- 2.) The NRA Manual being utilized by the Jefferson County Sportsmen Association for the design of the new pistol range and for safety operations at the range is: The Range Source Book, A Guide to Planning and Construction, National Rifle Associate Range Department, Fairfax VA 22030, Revised January 2004. Section I, General Information, Chapters 1-7 pertain to development and management of ranges; and Section II Outdoor Ranges provides information specific to outdoor ranges, and also includes sections on outdoor range operation and maintenance and developing a "Range Operations Guide", including a safety plan, organization records, maintenance guide, etc. Applicable sections of this Guide, as may be amended, are incorporated by reference as a condition of approval.
- 3.) If any new signage is proposed, a sign permit will be required pursuant to JCC 18.30.150 Signs.
- 4.) The proponent has submitted a Jefferson County Stormwater Site Plan Template dated 7/26/2010 that analyzes stormwater management issues related to the proposed development. The Template includes the elements of a Construction Stormwater Pollution Prevention Plan. The proponent shall implement the best management practices from the Template while constructing the pistol range.
- 5.) Prior to commencing land disturbing activity, the proponent shall notify Public Works by calling 385-9162.
- 6.) Prior to final project approval, the proponent shall request an inspection of the facility by Public Works, by calling 385-9262.
- 7.) Prior to final project approval, the proponent shall pay all costs related to Public Works' review and inspection. Public Works' development review fee is currently \$65 per hour. In the event that approval for the proposal is denied by Jefferson County or the proposal is not completed, the proponent shall still be responsible for paying the Department's fees.
- 8.) The Jefferson County Unified Development Code, Section 18.30.070 Stormwater Management Standards adopts the standards and minimum requirements of the Washington Department of Ecology Stormwater Management Manual for Western Washington. These requirements are adequately addressed in the site plan review for the project and resulting standard conditions of approval.
- 9.) If it is determined by the ongoing EPA site assessments that the presence of lead is significant enough to warrant site cleanup or other mitigation, their requirements will extend to the subject new pistol range as may be appropriate.
- 10.) Applicable sections of Best Management Practices for Lead at Outdoor Shooting Ranges, EPA-902-B-01-001, January 2001, as may be amended, are incorporated by reference as SEPA mitigation for the pistol range. This EPA/BMP manual is available at: <http://www.epa.gov/region2/waste/leadshot/>. The manual describes methods

to prevent lead migration in its four-step process outlined in Chapter 3. These include monitoring and adjusting soil pH, immobilizing lead and controlling runoff. A lead mitigation implementation plan specific to the pistol range is required, at minimum incorporating the following four steps. Forms and methodology for documentation shall be developed and submitted to the County prior to Certificate of Occupancy for the building permit (and this plan also may be incorporated into the future management plan for the entire range). This is not intended to delay construction of the project.

Step 1 - Control and contain lead bullets and bullet fragments.

" The upper 1-2 feet of the constructed earthen berm shall be free of large rocks and other debris, to reduce ricochet potential. This is typically accomplished by sifting of soil prior to berm construction, as described in the BMP manual.

" Lead and larger rock or debris particles should be regularly removed from the impact area to prevent ricochet bullets. Inspection and scheduling shall be documented in the range management manual retained on site.

Step 2 - Prevent migration of lead to the subsurface and surrounding surface water bodies.

" Analysis for initial baseline pH and soil chemistry in the berm area and drainage ways by an approved method (or by Ecology), is required prior to construction permit approval to determine appropriate soil amendments. [Applicant has provided this baseline information].

" A range management plan shall be developed which shall incorporate, at minimum, methodology based on EPA/BMPs to

- a. Adjust soil pH (e.g., assess soil pH and spread lime) on an annual basis as described in the EPA/BMPs.
  - b. Immobilize lead (e.g. phosphate spreading) on a regular and documented basis.
  - c. Add lime and phosphate during the periodic earthen berm rebuilding process, based on soil testing for pH and concurrence with EPA or qualified range design consultant.
  - d. In the detention area and drainage ditches subject to lead accumulation, periodically remove the upper 1-2 feet of soil, sift to remove lead particles, incorporate prescribed soil amendments, and replace the soil with reconstruction of the pond and ditches, pursuant to the EPA/BMP manual guidelines and soil characteristics.
- " Additional erosion control shall be provided on the berm surface, utilizing planted vegetation and organic ground cover that will not interfere with lead removal practices.

Step 3 - Remove the lead from the range and recycle.

" An active lead management program to recover lead shall be developed by the club which, at the minimum, includes annual inspection and maintenance of the berm and impact areas; periodic removal of upper 1-2 feet of the earth berm area, and hand raking and sifting, screening, or other measure to remove lead bullets as discussed under Sec. 3.3 of the EPA/BMP.

" The NRA recommends a frequency of one to five years for lead cleanup. After lead removal the soils may be reused -- replaced and re-compacted into place. The frequency of reclamation is based on lead quantity estimated by the number of rounds fired, use frequency, type of bullet containment, etc. A lead reclamation company may be employed.

" On-site storage and recycling of sorted lead shall be managed pursuant to RCRA requirements (discussed in Appendix D of EPA/BMP) and shall not be exposed to the elements; shall be managed so as to prevent releases to the environment; shall be stored in containers in good condition, with regular inspections of the container condition; and records of inspections shall be maintained and readily available.

Step 4 - Documenting activities and keeping records

" At a minimum, annual documentation shall be provided citing when reclamation was last conducted; use frequency of range; estimated number of rounds shot; results of soil pH testing and soil characteristics. The documentation will enable determination of timing and effectiveness of mitigation measures implemented through range management.

" In addition documentation of the type of BMPs implemented to control lead migration, the date of service, and who did the services is required. The forms for tracking these activities shall be retained on site with the site's range management plan. Such records shall be retained for the life of the range.

" Information from annual monitoring and maintenance undertaken pursuant to the EPA Manual shall be submitted to the County and may be considered at the time of lease renewal.

- 11.) Under 173-60-050 RCW, sounds created by the discharge of firearms on authorized shooting ranges shall be exempt from the provisions of WAC 173-60-040 between the hours of 7:00 a.m. and 10:00 p.m. Shooting shall be restricted to these hours and may be further limited by club membership.
- 12.) Signage shall be provided at the site entrance, at each building and firing line, and posted on the website clearly indicating hours of operation. Special events also shall be similarly posted and published in the local paper.

**FINDINGS:**

- 1.) The Administrator finds that this application complies with applicable provisions of the Unified Development Code, all other applicable ordinances and regulations, and is consistent with the Jefferson County Comprehensive Plan and Land Use map.
- 2.) The staff report prepared by Linda C. Mueller, Review Consultant, City of Poulsbo, dated June 20, 2011 is incorporated in the permit by reference.
- 3.) The gun range has been in operation since 1962. Adequate gun safety measures are provided by the existing gun range operations and in fact are promoted in its training programs. The design and orientation of the range(s) consider safety of adjoining uses. Noise issues are discussed in more detail under environmental review as a result of public comment. While under WAC 173-60-040 and RCW 70.107.080 the State provides exemptions for permissible noise levels for recreational shooting during specific hours, the NRA Range Manual recommends addressing noise reduction where the range is close (i.e. within ¼ mile) to residential uses. Section I, Chapter 6 of the NRA Range Source Book discusses sound abatement on outdoor shooting ranges. In addition to the existing and proposed berms and buffers surrounding the pistol range, the applicant is proposing a back wall for the shooters' shed to block sound, which is consistent with NRA Source Book, Section 3.04.3 (p. I-6-14). However, "sound will still propagate to the neighboring community due to diffraction and reflections from downrange obstacles, e.g., the hillside, berms, and trees", unless sound absorption material inside the shed is attached, as recommended in NRA Source Book, Section 3.04.4. For this reason we recommend the applicant research reasonable, low cost sound absorption materials which can be secured inside the shooting shed, after it is constructed. An acoustical engineer may be helpful in providing appropriate sound mitigation measures.
- 4.) Reviewed under the State Environmental Policy Act (SEPA) by Jefferson County acting as lead agency. Mitigated Determination of Non-Significance (MDNS) issued on July 6, 2011.
- 5.) NOTICE: This permit does not excuse the proponent from complying with other local, state, and federal ordinances, regulations, or statutes applicable to the proposed development, but consistent with RCW 90.58.

Development pursuant to this permit shall be undertaken subject to the applicable policies and performance standards of the Jefferson County Shoreline Management Master Program and the Jefferson County Unified Development Code.

If during excavation or development of the site an area of potential archaeological significance is uncovered, all activity in the immediate area shall be halted, and the Administrator shall be notified at once.

The Federal Endangered Species Act rules to protect threatened Chinook and Summer-run Chum salmon became effective on January 8, 2001. Bull trout have been listed as threatened since early 2000. Under the ESA, any person may bring lawsuit against any individual or agency that "takes" listed species (defined as causing harm, harassing, or damaging habitat for the listed species). In addition, the National Marine Fisheries Service can levy penalties. All areas in Jefferson County are included as "critical habitat" for a listed species. Development of property along any marine shoreline, freshwater shoreline, or floodplains could harm habitat if protective measures are not taken. To minimize the potential to damage habitat, all property owners developing adjacent to marine shoreline, freshwater shoreline, or floodplains are advised to do the following:

- All development activities should avoid unstable slopes, wetlands, and forested areas near surface waters
- Remove minimal vegetation for site development, especially large trees
- Allow trees that have fallen into surface waters to remain there
- Infiltrate stormwater from buildings and driveways onsite through drywells rather than discharging directly into surface waters or roadside ditches

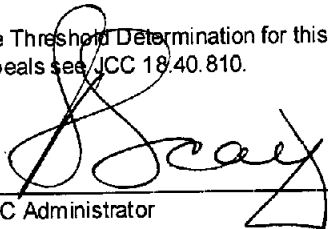
The Federal Bald and Golden Eagle Protection Act requires landowners within 660 feet (1/8th of a mile) of an eagle nest to consult with the US Fish and Wildlife Service. This Eagle Act prohibits anyone from "taking" bald eagles. This federal law defines the term "take" and describes the possible legal consequences when a "take" occurs. Among other actions, "take" includes a disturbance of bald eagles or their habitat. Under federal law a permit may still be required for activities that impact bald eagles or their habitat. Contact the US Fish and Wildlife Service (<http://www.fws.gov/pacific/eagle/>) to learn more about how this law affects your project.

Any individual, group, or agency can bring suit for a listed species "taking", even if you are in compliance with Jefferson County development codes. The risk of a lawsuit against you can be reduced by consulting with a professional fisheries habitat biologist, and following the recommendations for site development provided by the biologist. For more information, contact the National Marine Fisheries Service in Seattle, or the U.S. Fish and Wildlife Service.

#### APPEALS:

Pursuant to RCW 36.70C, the applicant or any aggrieved party may appeal this final decision to Jefferson County Superior Court within twenty-one (21) calendar days of the date of issuance of this land use decision. For more information related to judicial appeals see JCC 18.40.340.

The Threshold Determination for this Type I Permit may not be appealed to the Hearing Examiner. For more information related to SEPA appeals see JCC 18.40.810.



UDC Administrator  
MLA10-00297