

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA REQUEST**

TO: Board of County Commissioners

FROM: Mark McCauley, County Administrator

DATE: July 5, 2022

SUBJECT: **DISCUSSION AND POTENTIAL ACTION** re: Proposed Greater Jolie Way and Silver Berry Place No Shooting Area under Chapter 8.50 of the Jefferson County Code

STATEMENT OF ISSUE:

The County received a no shooting area petition for the Greater Jolie Way and Silver Berry Place, Precinct 1201 – North Jacob Area.

JCC 8.50.050(4) says that after petition signatures for a proposed no shooting area have been verified by the Jefferson County auditor-elections and the Board of County Commissioners find the petition warrants consideration, the Board of County Commissioners have three choices: (1) Hold a public hearing regarding the petition; (2) Facilitate an amicable solution within the proposed area; or; (3) Assign a review committee to consider the merit of the petition specific to the area under consideration. The Board of County Commissioners may have the review committee consider the petition before establishing a date for the public hearing. Treaty tribes must be contacted by the County to identify any concerns and invite their participation in any review committee. A public hearing would take public testimony from all interested persons for or against establishing the Greater Jolie Way and Silver Berry Place, Precinct 1201 – North Jacob Area No Shooting Areas.

ANALYSIS:

State law preempts local regulation of the discharge of firearms. *See* RCW 9.41.270. There is an exception to local preemption in RCW 9.41.030(3), which authorizes municipalities to restrict the discharge of firearms in any portion of the municipality where there is a “a reasonable likelihood that humans, domestic animals, or property will be jeopardized.” Chapter 8.50 JCC was designed to fit within this exception.

On June 14, 2022 under JCC 8.50.050(1)(a), a petition was submitted to the Board of County Commissioners by residents of the Greater Jolie Way and Silver Berry Place – North Jacob area located in voting, Precinct 1201. The petition asked the Commissioners to establish a no shooting area consistent with the attached map.

The County Auditor, upon reviewing the petition, certified it met the requirement of containing the signatures of at least 20 elector-residents of each voting precinct in the area under consideration. Pursuant to state law (RCW 9.41.300) and county code (Chapter 8.50 JCC) the county can restrict the discharge of firearms where there is a reasonable likelihood that humans, domestic animals, or property may be jeopardized.

Under JCC 8.50.050(6), the test for a formation, alteration or dissolution of the area of a petition is whether the area of the petition for a no shooting area is "beneficial to the public health, safety or general welfare." The Board of County Commissioners shall consider the location, terrain and surrounding land use of the petitioned area. The Board of County Commissioners shall determine the final boundaries for the creation of a no shooting area. The Board of County Commissioners also must apply the requirements of RCW 9.41.030(3), which requires that the area selected as a no shooting area be limited to an area where there is "a reasonable likelihood that humans, domestic animals, or property will be jeopardized."

FISCAL IMPACT:

None, other than the cost of publishing a hearing notice.

RECOMMENDATION:

Pass a motion to approve a process to move forward with the described above: 1) Hold a public hearing regarding the petition; (2) Facilitate an amicable solution within the proposed area; or; (3) Assign a review committee to consider the merit of the petition specific to the area under consideration.

REVIEWED BY:


Mark McCauley, County Administrator

6/30/22
Date

Contact #'s: Dahr Jamail
360-643-3931

Paula Schmidt
~~360~~ - 427-4601
607

Date: June 12, 2022

To: Board of County Commissioners, Jefferson County, Washington

From: The Neighborhood of Jolie Way and Silver Berry Place,
Port Townsend, WA 98368

RECEIVED

JUN 14 2022

**JEFFERSON COUNTY
COMMISSIONERS**

Dear Commissioners,

We, the undersigned, are requesting that our neighborhood of Greater Jolie Way and Silver Berry Place, which are private roads consisting of 41 households including those within close proximity to these two roads, be designated as a no shooting zone under Jefferson County Code Title 8.50.030. There have been multiple unsafe shooting situations that threatened us, our animals, and our properties. Despite past efforts to stop this, the threats continue and have recently increased to the point where we need to act before a serious accident happens.

First, those of us making this request are not anti-gun. Many of us own guns and some of us are ex - military with a clear understanding of gun safety. Many of us have lived in this neighborhood or in rural areas of the country for many years and are aware of the expectations of a rural lifestyle.

Our request comes because multiple problems have occurred on our streets spanning over the past 12 years or more, with a sharp increase in problems over the past two years. Listed below are just a few of the incidences:

- An individual repeatedly rode a dirt bike along both roads, drunk and shooting a handgun into the road and into a neighbor's yard
- Target shooting was conducted on a property line with the guns aimed directly into another person's yard and along a walking trail. No backstop existed. This happened quite a few times at multiple residences
- Random shooting occurs at all hours of the day and night and include shots heard from handguns, rifles, semi-automatic assault rifles, and an unidentified extremely loud and powerful firearm
- We often hear shooting parties where people sound drunk while shooting multiple weapons
- One group shoots directly into a hill and the shooting becomes so intense that neighbors higher up the hill can feel the ground shake beneath them. This is an ongoing problem
- Another family has heard bullets whiz through their woods onto their property. This is an ongoing problem, too, and the residents are very frightened.
- Every year during hunting season, hunters park along Jolie Way and Hastings Ave. They enter our private properties with guns without our knowledge or awareness

Though our properties may contain acreage, the houses themselves are mostly clustered within 500 feet of another house. We also butt up to properties on Hastings Avenue, Lindsay Lane, Arabian Lane, and J Popper Way. Jolie Way and Silver Berry Place contain six curves where most of our homes are located, and the houses are not evenly spaced along the road (see included map and bubble chart). Farm animals, children and pets live here with us, putting them at high risk, even within their own yards. Also, many people from adjoining neighborhoods walk along the wooded trails that wind through our properties and they can be hard to see through the trees. People from outside our neighborhood freely use the roads and trails to jog, walk their dogs or ride horses. For all these reasons, our neighborhood is an active, densely populated region, making this an unsafe area to shoot weapons.

Weapons have become more powerful over the past 40 years, yet our gun laws don't reflect this. For example, according to the NRA, the range of a bullet shot from the old-style AK-47 semi-automatic military assault rifle was 400 meters, while the range of today's AR-15 is 2.2 miles. A 9 mm handgun bullet has a range of 1.2 miles. For this reason, Washington State public land laws declare no shooting be allowed within 500 feet of any public structure (WAC 332.52.45) because they have deemed this zone as extremely hazardous and unsafe for the public. Many of our surrounding counties have some version of this law for privately owned properties as well. Our homes, pets and properties are well within 500 feet of each other, but in Jefferson County, our only option to keep our homes, ourselves and our animals safe is to apply for this no-shoot designation.

For all the above reasons, the likelihood of a serious accident happening in our neighborhood has increased exponentially. Many shooters are not following gun safety laws or permitting requirements. Often, the problems come from renters who don't own property here. The police have been called on numerous occasions and by numerous people, but they state we need this zone designation for them to act. It is upon their suggestion that we are applying.

We understand that several residential communities in unincorporated Jefferson County (i.e., Kala Point, Port Ludlow, Ocean Grove) have already been declared no-shooting areas under Jefferson County Code Title 8.50.030. We are requesting that the county also designate the area of Greater Jolie Way and Silver Berry Place as outlined in the included map be designated as no-shooting.

Along with other enclosures, we are also including a breakdown of properties by type and residency. Please note that the overwhelming majority of 91.17 % of residents we contacted voted in favor of the no-shooting designation.

We will be happy to provide anything else that you need. Thank you for your time and consideration,

The Residents of Greater Jolie Way and Silverberry Place

Enclosures (6)

1. nine sheets of signatures; 2. a map of the proposed no-shoot designation zone; 3. a written description of the boundaries; 4. a bubble map proving our homes are within the hazardous and unsafe distance of 500 feet from each other; 5. a chart of bullet ranges by gun type; and 6. WAC 332-52-145.

Below please find the breakdown of households/properties as compared to votes within the outlined area of Greater Jolie Way and Silverberry Road. As you can see, the overwhelming majority of people living within the requested no shoot zone voted in favor of assigning the designation:

Numbers:

Households/Properties: 41

Jefferson County owners: 36

Non-Jefferson County owners: 5 – Texas, Alaska, Clark, Kitsap and King Counties

Properties without dwellings: 2

Number of yes votes: 46

Number of no votes: 1

Number of votes to abstain: 1

Number undecided: 1

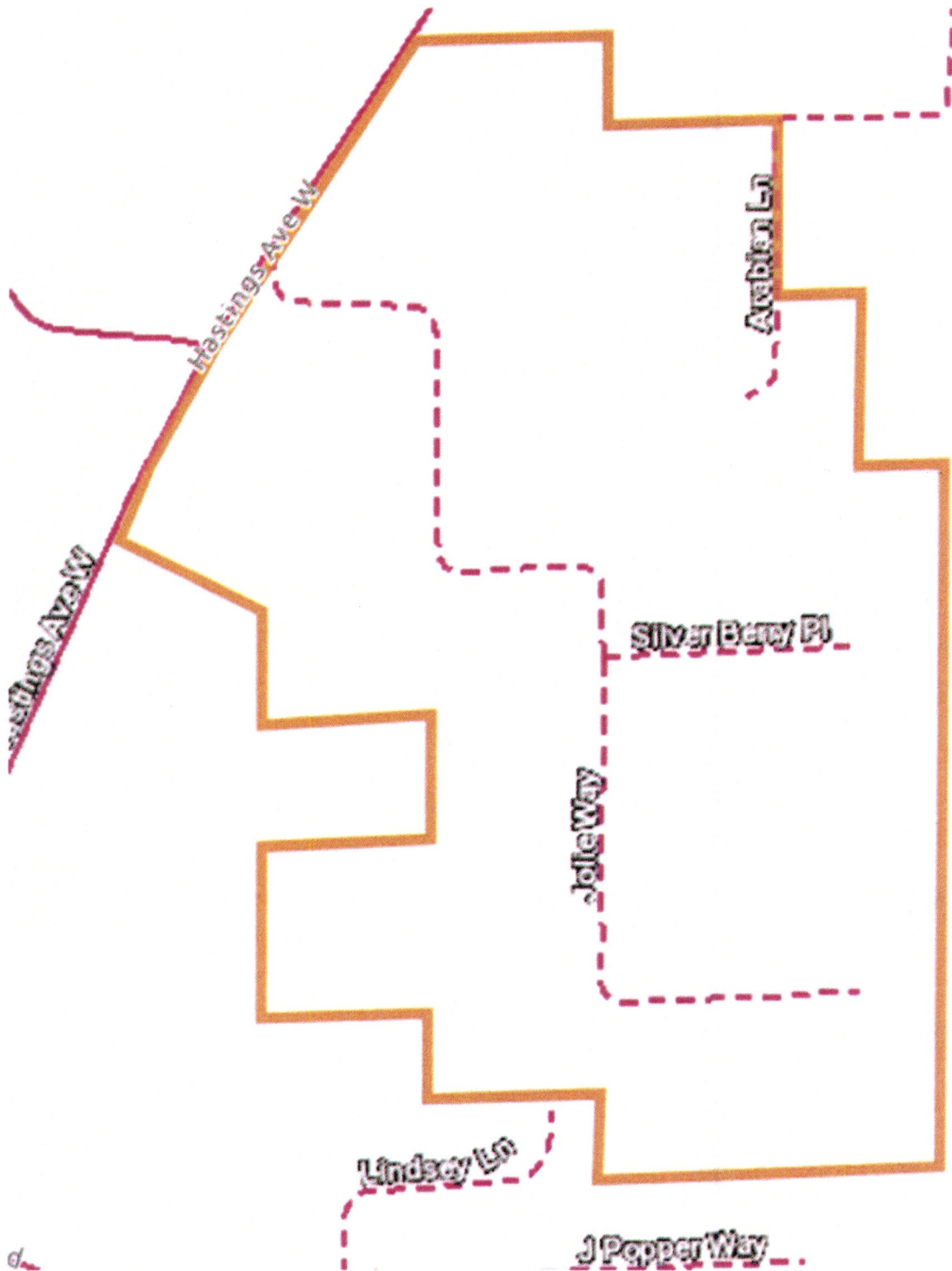
Number of households we were able to contact: 34

Number of households voting yes: 31

Number of households we could not contact: 7

Percentage of households/property owners we contacted who voted in favor: 91.17%

Proposed greater Jolie Way / Silverberry PL No-Shooting Designation



Greater Jolie Way/Silverberry Place --- No-Shooting Proposed Area Description

All properties are poetion of the following PLATs for Jefferson County in the State of Washington:

SE SEC 06 TWP 30N REG 1W

NE SEC 07 TWP 30N REG 1W

SE SEC 07 TWP 30N REG 1W

NW SEC 07 TWP 30N REG 1W

Starting at the intersection of (3511) Hastings Ave W and the NW corner of parcel 001064022 head east along the northern boundaries of 0010644022 and 001064009 to its NE corner then;

Head south along eastern boundary of parcel 001064009 to its SE and its intersection with the NW corner of parcel 001071002 then;

Head east along the northern boundary of parcel 001071002 its NE intersection of the NW corner of parcel 001071037 then;

Head south along the eastern boundary of parcel 001071002 to its SE intersection with the NW corner of 001071038 then;

Head east along the nothern boundary of parcel 001071038 to its NE intersection with the NW corner of 001071031

Head south along the eastern boundary of parcel 001071038 to its SE intersection wit the NW corner of 001071014 then;

Head east along the nothern boundary of parcel 001071014 to its NE intersection with parcel 001082020 (DNR Land) then;

Head south along the eastern boundaries of parcels 001071014, 001071003, 001074036, and 001074025 to its SE intersection with parcel 992000007 then;

Head west along the southern boundaries of parcels 001074025, 001074037, 001074027, 001074026 to its SW corner intersection with parcel 001074024 then;

Head north along the western boundary of parcel 001074026 to its NW corner intersection with the SE corner of parcel 001074032 then;

Head west along the southern boundary of parcel 001074032 to its intersection with parcel 001074029 then;

Head north along the a western boundary of parcel 001074032 to the intersection with the NE corner of parcel 001074029 then;

Head west along a southern boundaries of parcels 001074032 to NW its intersection with the SW parcel 001073007 then;

Head north along the western boundary of parcel 001074033 to NW intersection with the SW corner of parcel 001071006 then;

Head east along the northern boundary of parcel 001071033 to its NE intersection with the SW corner of parcel 001071042 then;

Head north along the western boundaries of parcels 001071023 to its intersection with the SE corner of parcel 001071036 then;

Head west along the southern boundaries of parcels 001071036 and 001071035, to its SW intersection with the SW corneror parcel 001072010 then;

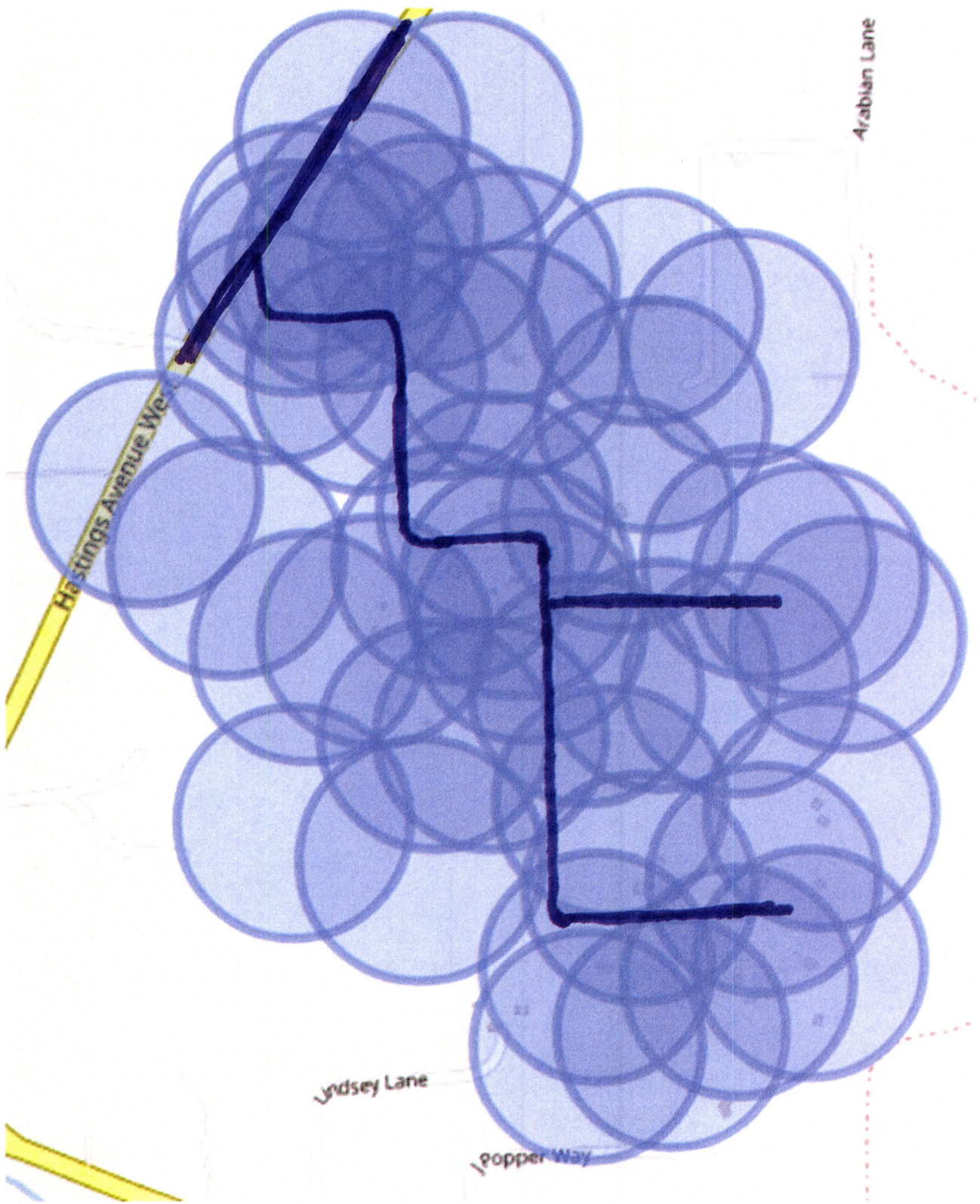
Head north along a western boundary of parcel 001071035 to the intersection with the NE corner of parcel 001072010 then;

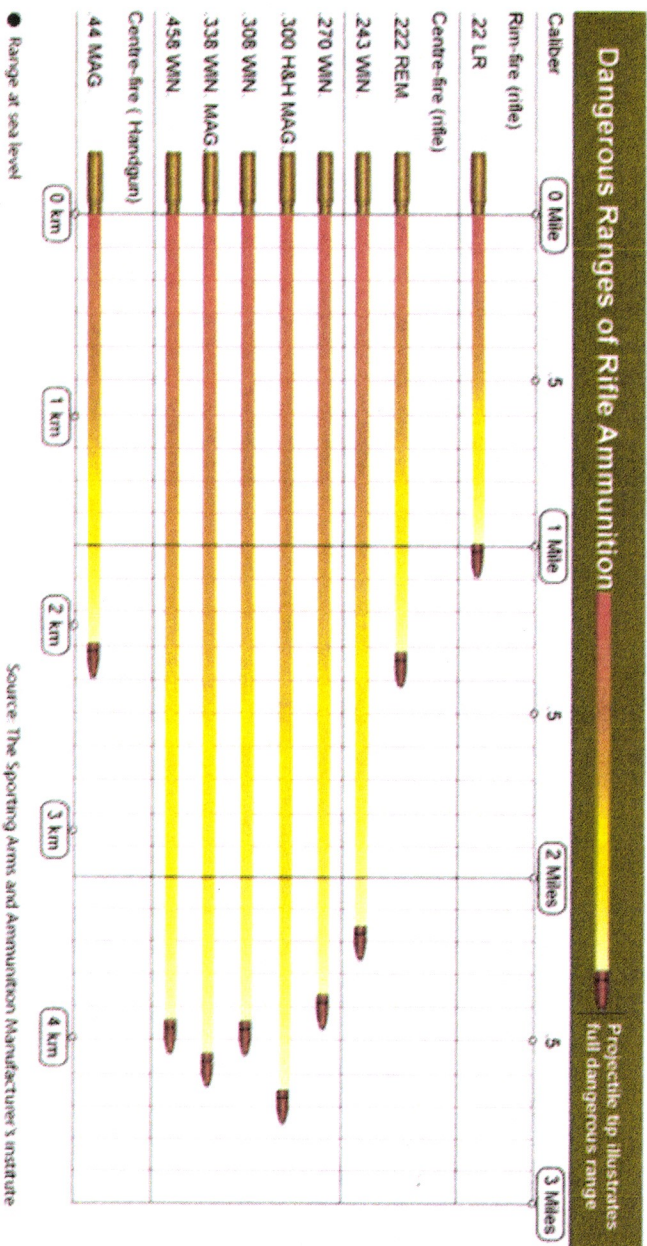
Head northwest along a southern boundaries of 001071008 and 00107011 to the SW intersection of 001072011 with (3651) Hastings Ave W then;

Head northeast along Hastings Ave W to the point of origin at NW corner of parcel 001071022 with (4393) Hastings Ave W

This defined area includes all of the parcels within the outline described , including any not directly mentioned above in the perimeter boundary description

Each circle represents a 500-foot area around an occupied structure.
Crossovers happen within the 500 foot range of another structure.
WAC332.52.45 (3 B and C) states this cross-over as unsafe for shooting





18. HTML has links - PDF has Authentication

PDF WAC 332-52-100

Managing recreation and public use.

- (1) Can DNR limit recreational activities and public use on department-managed land?
 - (a) The department may limit any recreation activity or public use on department-managed lands to:
 - (i) Protect public safety, natural resources, or other property.
 - (ii) Execute its management and administrative obligations if any recreation activities or public use unreasonably interferes with the department's ability to carry out those obligations.
 - (b) All persons shall comply with any department-posted restrictions that limit recreational activities.
- (2) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 43.30 RCW and RCW 43.12.065. WSR 09-05-034, § 332-52-100, filed 2/11/09, effective 3/14/09.]

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PDF WAC 332-52-145

Firearms and target shooting.

(1) What is recreational target shooting? Recreational target shooting is the use of a firearm or bow and arrow on targets and the sighting in of rifles or other firearms on department-managed lands. The department regulates and enforces target shooting on department-managed lands.

(a) The department may restrict target shooting for the reasons set forth in WAC 332-52-100.

(b) Persons shall not target shoot carelessly, recklessly, or without regard for the safety of any person, or in a manner that endangers, or is likely to endanger, any person, pet, livestock, wildlife or property.

(c) Persons shall not discharge tracer or incendiary ammunition or projectile devices on department-managed lands. For purposes of this subsection, "incendiary" means causing or designed to cause fires, such as certain substances or bombs. "Tracer ammunition" means a bullet, projectile, or shell that traces its own course in the air with a trail of smoke, chemical incandescence, or fire, so as to facilitate adjustment of the aim.

(2) Does recreational target shooting include hunting? No. This section does not apply to hunting activities, which are subject to the rules and regulations administered by the Washington state department of fish and wildlife.

(3) Where is target shooting permitted?

(a) Persons may target shoot in:

(i) Developed recreation facilities specifically designed for target shooting; or

(ii) Areas with an unobstructed, earthen backstop capable of stopping all projectiles and debris in a safe manner. Persons shall not target shoot in any other location.

(b) Persons shall not shoot within, from, along, across, or down roads or trails.

(c) Persons shall not shoot on, at, across, along, down, from, or within five hundred feet, of:

(i) Recreational facilities that are not specifically designed for target shooting;

(ii) Residences;

(iii) Businesses;

(iv) Structures;

(v) Other areas as restricted;

(vi) Areas designated or posted as no shooting.

(4) What may be used as a target?

(a) Items that are commercially manufactured for the specific purpose of target shooting or similar targets privately manufactured by the person(s) engaging in target shooting that are consistent with this section.

(b) Unauthorized targets include but are not limited to:

(i) Natural features, except earthen berms or banks used as backstops for target shooting;

(ii) Vegetation;

(iii) Structures;

(iv) Gates;

- (v) Vehicles;
- (vi) Signs;
- (vii) Other department improvements;
- (viii) Appliances;
- (ix) Furniture;
- (x) Glass;
- (xi) Privately owned or occupied structures;
- (xii) Pets, service animals or livestock;
- (xiii) Wildlife;
- (xiv) Explosive and incendiary items;
- (xv) Garbage of any kind.

Persons shall not target shoot at unauthorized targets.

(5) When is target shooting permitted? Unless otherwise posted, persons shall not target shoot one-half hour after sunset to one-half hour before sunrise.

(6) Is possession of a loaded firearm in or on a motor vehicle permitted on department-managed lands? Persons shall not possess a loaded firearm in or on a motor vehicle, except as provided by state law.

(7) Who is responsible for disposing of spent items resulting from target shooting? Persons who target shoot shall dispose of spent items and remove all shell casings, targets, ammunition packaging, or target fragments resulting from their activity, with the exception of biodegradable clay targets. Failure to remove any such debris is prohibited.

(8) Any violation of this section is a misdemeanor except a violation of subsection (7) of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 43.30 RCW and RCW 43.12.065. WSR 09-05-034, § 332-52-145, filed 2/11/09, effective 3/14/09.]

Legal Description Greater Jolie Way and Silver Berry Place No Shooting Zone Petition 06/14/2022

That portion of Southeast $\frac{1}{4}$ of Section 6, Township 30 North, Range 1 West, W.M., and Northeast $\frac{1}{4}$ of Section 7, Township 30 North, Range 1 West, W.M., and Southeast $\frac{1}{4}$ of Section 7, Township 30 North, 1 West, W.M., Jefferson County, Washington described as follows:

Beginning at the Southwest corner of Lot 2 of Cook Short Plat, as per plat recorded in Volume 1 of Short Plats, page 157, records of Jefferson County, Washington; Thence East along the southerly line of Lots 2, 3, and 4 of said Cook Short Plat to the Northwest corner of Lot 1 of Schroeder & McGee Short Plat, as per plat recorded in Volume 5 of Short Plats, pages 118 and 119, records of Jefferson County, Washington; Thence South along the Westerly line of Lot 1 of said Schroeder & McGee Short Plat to the Northerly line of Section 7, Township 30 North, Range 1 West, W.M.; Thence East to the Northeast corner of the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 7; Thence South to the Northwest corner of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 7; Thence East to the Northeast corner of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 7; Then South along the easterly line of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ said Section 7 to the Northwest corner of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 7; Thence East to the Southeast corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 7; Thence South to the Southeast corner of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 7; Thence West to the Southwest corner of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 7; Thence North to the Northeast corner of the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 7; Thence West to the Northwest corner of the South half of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 7; Thence North to the Northeast corner of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 7; Thence West to the Westerly line of the Southeast $\frac{1}{4}$ of said Section 7; Thence North to the Northwest corner of the Southeast $\frac{1}{4}$ of said Section 7; Thence East to the Southwest corner of the West $\frac{1}{2}$ of the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of said Section 7; Thence North to the Southeast corner of the Fox/Maland/McCormick Short Plat, as per plat recorded in Volume 2 of Short Plats, page 125, records of Jefferson County, Washington; Thence along the Southerly line and Westerly line of said Fox/Maland/McCormick Short Plat to the Northwest corner of said Plat; Thence North $65^{\circ}37'20''$ West, 611.80 feet to the East line of the county road. Thence Northeasterly along the East line of county road to the point of beginning.

Situate in the County of Jefferson, State of Washington.



Greater Jolie Way and Silver Berry Place No Shooting Area Proposal

Submitted June 14, 2022

