



**MINUTES OF THE  
PLANNING COMMISSION**

*APRIL 15, 2009*

*Council Chambers, City Hall  
833 S. Spruce Street, Burlington, WA*

**MEMBERS:** Rebecca Bradley-Lowell, Chair; Marianne Manville-Ailles, Steve Sexton, Jana Vater, Brian Hanson and Ed Tjeerdsma. Ken Frye is excused.

**STAFF:** Margaret Fleek

The meeting was called to order by **Bradley-Lowell**. Flag Salute.

Motion by **Vater/Tjeerdsma** to approve the minutes of February 18, 2009 as written.

**PUBLIC HEARING**

**CONDITIONAL USE PERMIT #1-09**

**TO ALLOW AN INDOOR SHOOTING RANGE IN THE C-2 ZONE**

**590 FISHER LANE**

**BRENT STRAIGHT, APPLICANT**

**SKAGIT SURVEYING & ENGINEERING, REPRESENTATIVE**

*Marianne Manville-Ailles* will be representing the project and stepped down from the Planning Commission.

Public hearing on conditional use permit to establish an indoor shooting range located in the C-2, Heavy Commercial zoning district.

*Fleek* stated that the C-2, Heavy Commercial zoning district allows the following uses outright: "Bowling alleys, bingo halls, skating rinks and other commercial recreation". Because an Indoor Shooting Range is a very specialized type of recreation, and significantly different than the examples in the code, a determination was made that the Conditional Use Permit process would be the correct procedure to follow to ensure that any unique and necessary requirements would be put in place.

Municipal Research Services Center provided a good example of the types of standards that should be in place to ensure a safe facility from the City of Redmond. The recommended conditions are taken from that code.

The conditions in Staff Report have been reviewed by the Police Department and they are in support of this project overall. As far as the Conditional Use Permit goes, noise control, odor, fumes, smoke, vibration will all be addressed in the design and operation of the facility. This will be a good location this type of use.

Staff recommends approval of the indoor shooting range subject to the following conditions:

1. Liability Insurance Required. The operator of the shooting sports facility must possess comprehensive general liability insurance against liability for damages on account of bodily injury or property damage arising out of the activities authorized by this permit. The comprehensive general liability insurance must be maintained in full force and effect throughout the duration of the operation. The minimum coverage amount required is one million dollars for each occurrence (bodily injury and property damage) combined single limit. This specified insurance amount is the minimum deemed necessary by the City to justify issuance of a permit for a shooting sports facility and in no way represents a determination by the City that this amount of insurance is adequate to protect the owners and operators of the shooting sports facility from claims or to protect members of the public who may be harmed by the activities authorized by the permit. The operator of the shooting sports facility is encouraged to assess their own risk and to obtain additional liability insurance if they deem it warranted.
2. Range site design features and safety procedures shall be installed and maintained to prevent errant rounds from escaping all shooting positions, when such positions are used in accordance with range safety rules and practices.
3. A site plan shall be submitted with the building permit application which shows the location of all buildings, parking areas and access points; safety features of the firing range; elevations of the range showing target area, backdrops or butts. The site plan shall also include the location of all hazardous material storage and use locations. Such locations shall be keyed to inventories identified in a Hazardous Materials Inventory Statement or Hazardous Materials Management Plan, whichever is called for by the International Fire Code based upon the quantities identified by the Fire Code permit application.
4. An Operations Plan shall be submitted that includes the rules for the range, sign-in procedures, and restrictions on activities in the use of the range. The Operations Plan shall prohibit loaded firearms except as provided by the range safety specifications and operating procedures.
5. A management guidebook shall be maintained that includes procedures for operations, maintenance, and lead management and recovery. The management guidebook shall be kept on-site and shall be accessible at all times to those using the shooting sports facility.
6. The shooting sports facility, its plans, its rules, its procedures, and its management and staff shall comply with the applicable safety guidelines and provisions in the latest edition of *The Range Source Book* (National Rifle Association of America: Fairfax, Virginia) or its successor, as appropriate to the type of facility involved.
7. The shooting sports facility shall have a designated range master or masters. A designated range master must be present whenever the shooting sports facility is open for shooting activities and may oversee as many as three simultaneous events within a shooting sports facility. The range master shall be trained in shooting safety, the safe operation of shooting sports facilities, first aid, and the facilities' emergency response procedures.
8. The shooting sports facility shall be used for the shooting activities is designed to accommodate unless redesigned to safely accommodate new shooting activities.
9. The shooting sports facility operator shall report in writing to the Burlington Police Department all known on-site and off-site gunshot wounds resulting from activity at the shooting sports facility and any measures that are proposed to address any deficiencies that may have contributed to the wounds. The report shall be made within forty-eight hours after the existence of the gunshot wound or wounds become known to the operator.
10. All shooting sports facilities shall provide an operating telephone available to range participants and spectators for the purpose of contacting emergency medical services.
11. A first-aid kit containing the items recommended by a certified expert in emergency medical treatment shall be readily available at the shooting sports facility for emergency treatment or care of minor injuries.
12. Storage and handling of explosive materials, including ammunition when applicable, shall be in accordance with the International Fire Code. Unless exempt, storage and handling shall be by permit issued.
13. No noise associated with shooting shall be allowed outside the building.
14. No alcohol, non-prescription narcotics, or other non-prescription controlled substances shall be permitted on or in use at any shooting sports facility during any time that the facility is open for shooting.
15. The use of steel targets at a shooting sports facility is strictly prohibited.
16. No automatic weapons or multiple projectile rounds may be used at a shooting sports facility unless under the control and use of a licensed official of the United States, State of Washington, or a political subdivision of the State of Washington in an official capacity, provided, that multiple projectile rounds customarily associated with shotgun use, e.g. buckshot and birdshot, may be used if the downrange area guidelines for such use set forth in the latest edition of *The Range Source Book* (National Rifle Association of America:

Fairfax, Virginia), or its successor, are met on that portion of the facility where the rounds are used and the facility has been licensed for shotgun use as provided in this Chapter.

**Marianne Manville-Ailles, Skagit Surveyors & Engineers, representative** – stated that noise appears to be the biggest concern with these types of projects, and passed a sample of the noise baffling material that will be in the walls to provide sound dampening as well as catch bullet fragments. **Manville-Ailles** explained that an indoor gun range constructed today, under today's standards must meet OSHA's stringent requirements for abatement of lead. This will be an airtight building with concrete walls, so the sounds of guns will not leave the building. This is not like the older gun range where you built a barn, it is very high tech, and the HVAC system that will be in place will protect from lead exposure. The location is adjacent to I-5, not in a single family neighborhood.

**Manville-Ailles** requests a change to two of the conditions: Condition #13 - "No noise associated with shooting shall be allowed outside the building". Applicant requests this condition be amended to read "**Noise associated with shooting will comply with the City of Burlington Noise Ordinance.**" Condition #15 – "The use of steel targets at a shooting sports facility is strictly prohibited." **Manville-Ailles** stated the concern with this is the fragmentation of the steel plates at certain distances and with certain type of shooting, but for exhibition shooting it enhances the competition. They would like to amend this condition to read "**The use of steel targets at a shooting sports facility is strictly prohibited except for exhibition shooting.**"

Applicant, Brent Straight will speak on the issue of how the facility will be monitored to meet OSHA (*Occupational Safety and Health Administration*) requirements.

**Brent Straight, Skagit Shooting Sports** – in regards to lead abatement program from OSHA it was written in 1978 and NRA has recognized that through their NRA source book which is the basic guidelines for range design and operation. OSHA monitors it every six months. There are requirements for the employer and the employee; checklists have to be maintained. The air handling system is part of the HVAC designs to vacate 100% of the air from the range separate from the rest of the building.

Noise absorbing product that was passed around is placed on the outside of the concrete containment inside the range it is also in the baffling on the steel plates that direct the bullets toward the backstop. Current standards for containment are military US Marine Corps, which are 8 inch reinforced concrete wall that will withstand 50 caliber at 30 feet, 35 continuous rounds and it will not penetrate.

Bullet trap is 1-1/2 inches of recycled rubber, which is also a noise absorbing material, it is 3 feet thick. 60 tons are in the back of the range, it is also fire retardant (Class 1 fire rating), and it will withstand US Marine Corps standards, 50 caliber at 30 feet. They will limit arms fire to small bore, .308 and pistols, no automatic weapons. Facility will also be used for local law enforcement training. (Conditional #16) They are a licensed facility of the state to fire automatic weapons. When they are in training they have their own training officers and they will be in an isolated area separate from the public area when shooting semi-automatic pistols, rifle and bolt action.

**Lowell** asked where law enforcement agencies go to practice. **Mr. Straight** – they use the Plantation Shooting Range in Whatcom County, it is a 38 year old facility and 24 agencies train at that facility.

Public hearing opened.

**James Simmons, 865 Peterson Road, Burlington** – is in favor of the gun range, stating county has been trying for years to get a gun range, but have always hit a road block. This facility will have up to date standards.

**Chad Peterson, Farm to Market Road, Mount Vernon** – served in Marine Corps for four years and has been to facilities such as what is being proposed. The ventilation system they are talking about works extremely well and the noise is very well contained.

**Mel Mocabee, 860 Peterson Road** – BEHS has a small bore and air rifle team in their ROTC program, it would be a great venue for them to use. We can't forget our youth and this will be an asset for the youth shooting sports.

**K.B. Johnson, 889 Carriage Court, Sedro Woolley** – retired military and fired on a small pistol team. Mr. Johnson stated shooting practice creates confidence in the individual and it is a good competition. He agrees this use is a very good idea and a great recreation. The places where we used to shoot are no longer available.

**Don Monks, 9578 March Point Road, Anacortes** – Stated this is an ideal location; the economic benefit to Burlington will be tremendous; the safety and education that will be provided will be phenomenal. There are no areas in Skagit County that are safe for shooting. At this time, law enforcement has to do a lot of traveling to practice shooting; this will bring all local agencies to Burlington.

**Ed Oczkewicz, 18268 Valentine Road, Mount Vernon** – Is in support of the shooting range. He has four sons; they like the sport and enjoy shooting.

**Rick Miles, 10494 Warfield Road, Sedro Woolley** – is in favor of the range. Since our state is a shall issue state for concealed carry permits, currently no place in county who have received a concealed carry permit to be trained. It will be an opportunity for us to receive professional training.

Public hearing closed.

**Bradley-Lowell** stated a few conditions the applicant asked to be revised. **Fleek** commented the proposed change Condition #13 to read “comply with the Burlington Noise Ordinance”, but is adding that we are going to require they hire an acoustical engineer to make sure that the building meets standards and they field test it before they open so there is no unforeseen acoustical problems. **Mr. Straight** - concurs.

**Fleek** in regards to Condition #15 add to the end of it: except exhibitions.

Motion by **Tjeerdsma/Sexton** to recommend approval of the Conditional Use Permit subject to the conditions listed in the Staff Report with Conditions #13 and #15 amended as follows:

**Amended Condition #13:** Noise associated with shooting shall comply with the Burlington Noise Ordinance, and an acoustical engineer shall be hired to make sure that the building meets standards and they field test it before they open so there is no unforeseen acoustical problems.

**Amended Condition # 15:** The use of steel targets at a shooting sports facility is strictly prohibited except for exhibition shooting.

Motion carried.

**Manville-Ailles** rejoined the Planning Commission.

**PUBLIC MEETING  
ADMINISTRATIVE REVIEW  
200 RIO VISTA AVENUE  
REAL ESTATE OFFICE IN MR-NB ZONE  
DAVE BERENTSON, APPLICANT**

Public meeting for administrative review of whether a proposed real estate office should be permitted to be located in the MR-NB, Medium Density Residential and Neighborhood Business Zoning District, a use not listed in the code.

*Fleek* stated the MR-NB allows professional services, corporate and other offices with minimal customer services on the premises. They do have room for off street parking in the back, and if approved we want to make sure they provide off street parking. *Fleek* explained this zoning district was developed by a task force comprised mostly of small business owners who needed opportunities that are more affordable. There a variety of uses in this zoning district.

*Dave Berentson, 11181 Walker Road, Mount Vernon, property owner* – stated there are some off street parking stalls with more room in back of the property. *Manville-Ailles* asked how many realtors would have an office in the building. *Mr. Berentson* is not sure, but the building is less than 2000 square feet.

*Manville-Ailles* asked if this is in an area we are looking at rezoning. *Fleek* – no, these are all existing buildings and it is working well.

*Lowell* stated if we were to say yes to this use, this could open it up to other high traffic uses. *Fleek* explained there is nothing in ITE handbook (Institute of Traffic Engineers) that projects traffic flow. *Sexton* suggested requiring additional off-street parking; realtors are not in the office that much.

Motion by *Manville-Ailles/Sexton* to approve the real estate office in the MR-NB zone. Motion carried.

## **DISCUSSION**

### **Electronic Message Centers**

Discussion of Electronic Message Centers, the significant issue in the sign code updates. An article from the Planners magazine was provided for review by the Planning Commissioners. *Fleek* has been hesitant to move ahead on the sign code as there is not very good information out there for electronic codes. The article basically says there are no good codes out there. We will keep looking. *Fleek* suggested to proceed with the electronic text message signs for noncommercial public service, messages would be changed every (x) hours, and be allowed for churches, schools, and government offices, except in Downtown. Also does not object to gas station showing gas prices only in the commercial zoning districts. The video board, how fast you change the picture, the scrolling, flashing, blinking stuff will not be allowed, as we have a hard enough time doing code enforcement now, how would we enforce the bright lights at night, we are not going to go in a cease computers if they don't comply. *Fleek* explained we will layout what is allowed; keep it simple and really controllable for noncommercial public service electronic text messages.

*Fleek* stated the signs in Mount Vernon are out of control. *Manville-Ailles* can electronic signs come before the Planning Commission prior to issuing the sign permit. *Fleek* – great idea; we will also notify the adjacent property owners. *Lowell* asked if we could make these (electronic text message signs) an Administrative Conditional Use Permit so we can add conditions. *Fleek* will write up code language and bring back to Planning Commission in the next few months. *Vater* stated is our vision for our community we will be affecting.

**Mark Kramer, 506 S. Cherry Street, Burlington** – stated if it was his preference, he would say NO to all electronic signs. Ms. Fleek did an excellent job in finding job in streetscapes we would like to see in Downtown (from Bellingham), and would like to see examples from the sign industries so we can visually see what we might like and what we would definitely not want. Also there are a couple of ways to illuminate these signs and would like to see interior illuminated or with fluorescent fingers. Is there a way to zone these, to specify the places these signs might be appropriate, block by block, building by building; zone signs for a certain areas and other zones would be not allowed at all? Mr. Kramer doesn't care if it is a church or library, if it is in a residential zone – NO sign. Mr. Kramer is concerned that this code on electric text signs must be very specific.

Meeting adjourned.