



COUNTY OF

For the meeting of: 5/25/202

File #: 21-606

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Introduction of amendments to the Discharge of Firearms Ordinance to address safety concerns of target shooting occurring within densely populated residential and recreational areas of the County, and formation of an ad hoc committee to address community safety concerns (Case # PLN-2020-16592)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce and waive the first reading of Ordinance No. _____ [Attachment 1], An Ordinance of the Board of Supervisors of the County of Humboldt Amending Sections 915-6 of Chapter 5 and Section 915.5-7 of Chapter 5.5 of Division 1, Title IX of Humboldt County Code Relating to Shooting of Firearms;
2. Receive and consider the staff report, open the public hearing, and accept public comment; and
3. Close the public hearing;
4. Deliberate on the proposed Ordinance amendments;
5. Set for adoption the Ordinance amendments [Attachment 1] at least one week from this hearing date;
6. Direct the Clerk of the Board to publish the required pre-adoption summary of the Ordinance amendments [Attachment 2] and to post a certified copy of the full text of the proposed Ordinance amendments in the office of the Clerk of the Board, both the publication and posting to be done at least five (5) days prior to the Board meeting at which the Ordinance amendments will be adopted [Government Code Section 25124 (b)(1)];
7. Direct the Clerk of the Board, within 15 days after the adoption of the Ordinance amendments, to publish a postadoption summary of the Ordinance amendments [Attachment 2] with the names of the Supervisors voting for and against the Ordinance amendments, and to post in the office of the Clerk of the Board a certified copy of the full text of the adopted Ordinance amendments along with the names of those Supervisors voting for and against the Ordinance amendments [Government Code Section 25124 (b)(1)]; and
8. Direct Planning staff to work with the McKinleyville Municipal Advisory Committee to address firearm shooting safety concerns as part of their Town Center Planning effort, and to work with other communities to address firearm shooting safety concerns as part of the community plan update process

SOURCE OF FUNDING:

General Fund (1100)

DISCUSSION:

This item follows up the Board of Supervisor's direction from Item G-1 of the February 4, 2020 meeting when the Board directed Planning and Building Department staff to, "come back with language to amend the existing ordinance to include the prohibition of shooting within a (sic) 150 yards from any occupied structure and heavily used recreational areas, and expands the prohibition of shooting of a firearm on the Samoa Peninsula and direct staff to provide the Board language to establish an ad hoc committee within communities."

The staff report and public comment and Board's deliberation for the February 4, 2020 item described how the frequent discharge of firearms for target practice on the Samoa Peninsula (and other densely populated residential and recreational areas of the county) has become an immediate concern for residents who are worried about their safety because shots are fired so close to their homes and public places.

The staff report noted the cities of Eureka and Arcata have ordinances restricting target shooting within city limits, but there are no such restrictions on target shooting in the residential districts of the unincorporated areas of the county. Hunters are prohibited by state law from discharging any firearm or other deadly weapon within a 150-yard safety zone protecting occupied buildings located anywhere in the county (Fish and Game Code Section 3004(a)), and adoption of an ordinance restricting target shooting in residential areas could provide for a similar safety zone to help ensure that target shooting is conducted safely. During the meeting a pointed comparison was drawn to the setback requirements for cannabis cultivation (30 feet from property lines) compared to target shooting, which has no setback requirements.

During the meeting, the Board clarified how an ad hoc Citizen's Advisory Committee (CAC) may help the Board with this matter. The Board expressed they did not want to form another CAC for firearm shooting because there is already an abundance of CAC's and the Board is having difficulty finding persons interested to serve on them due in part to "community meeting fatigue". On the other hand, the Board wants to be responsive to public testimony and consider requests for community level firearm shooting prohibitions similar to those that apply in the cities of Eureka and Arcata.

The Board directed staff to return with three items:

- 1) Ordinance language to prohibit shooting of firearms within 150 yards of any occupied structure and "heavily used recreation areas" countywide; and
- 2) An expansion of the firearm shooting prohibition ordinance that currently applies to the Mad River Slough area to include the Samoa Peninsula beginning at a line that extends from the Highway 255 bridge across the Mad River Slough to the Pacific Ocean, and then south to the end of the Peninsula; and
- 3) Proposed language to establish an ad hoc committee (or committees) to enable communities to request shooting prohibitions in their areas.

The draft ordinance language in Attachment 1 accomplishes the first two items of the Board's direction. It involves proposed amendments to Section 915-6 of Chapter 5 to prohibit target shooting, "within 150 yards of any occupied dwelling, residence, or other building, or within 150 yards of a barn or other outbuilding used in connection with an occupied dwelling, residence, or other building, other than by the owner, person in possession of the premises, or a person having the express permission of the owner or person in possession of the premises." This 150-yard area is described as a "safety zone".

The Ordinance also amends Section 915.5-7 of Chapter 5.5 of Division 1, Title IX of Humboldt County Code (Public Peace Safety and Welfare) to prohibit shooting of firearms on, into, or over any public place, including waterways, on the Samoa Peninsula south of the Highway 255 bridge across the Mad River Slough. Sheriff Honsal was consulted on this Ordinance language and expressed it was acceptable.

For the third item (an ad hoc CAC), the following policies in Chapter 2 of the County's General Plan (Public Guide) provide useful guidance:

PG-P5 Citizen Committees. The County shall encourage the formation of working groups, citizen organizations and citizen committees to provide input on specific matters in a format consistent with the adopted policies and procedures.

PG-P6. Community Plans. The County shall encourage the development of Community Plans consistent with overall County policies in the General Plan.

PG-P7. Community Input. The County shall encourage a variety of views, within an area, are taken into consideration in the development of Community Plans.

PG-P8 Community Plans-Local Input. The County shall seek out and give consideration to input from affected communities, ensuring that their views are heard and respected.

Based on the policies in the General Plan, staff recommends the Board direct staff to work with the McKinleyville Municipal Advisory Committee to address firearm shooting safety concerns as part of their Town Center Planning effort. The Board has already directed Planning staff to initiate community planning in the Blue Lake/Glendale area, Willow Creek and Jacoby Creek. At the Board's direction, Planning staff could address firearm shooting safety concerns as part of the community plan update process in these other areas as well.

Environmental Review

This project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 1061. The Common Sense Exemption which states CEQA applies only to projects which have the potential for causing a significant effect on the environment.

FINANCIAL IMPACT:

Funding for preparing this staff report is included in the General Fund contribution to the Long-Range Planning, 1100-282. Staff costs and other expenses related to preparation and review of this agenda item total approximately \$3,000.

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STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by creating opportunities for improved safety and health .

OTHER AGENCY INVOLVEMENT:

Humboldt County Sheriff

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Board discretion.

ATTACHMENTS:

1. Ordinance Amending Section 915-6 of Chapter 5 and Section 915.5-7 of Chapter 5.5 of Division 1, Title IX of Humboldt County Code Relating to Shooting of Firearms
2. Pre and Post Adoption Summaries

PREVIOUS ACTION/REFERRAL:

Board Order No.: 20-129

Meeting of: 2/4/2020