

## **Ricochet Bullets - No Problem!**

Public Safety Apparently Not a Concern to City or County

February 19, 2011

### ***Summary***

The 2010-2011 Grand Jury (GJ) conducted an investigation into the lease and operation of the Ukiah Rifle and Pistol Club, a.k.a. the Ukiah Gun Club (UGC) to discover what services are utilized by law enforcement agencies and if there is any possible danger to the public or liability to public agencies. The GJ discovered the property is owned by the City of Ukiah (City) and leased to the UGC, a private non-profit organization. Access is by membership only and members can bring guests.

### ***Methods***

The GJ reviewed ordinances, zoning, and the permit process for the UGC. The GJ conducted various interviews with City and County officials, including law enforcement. Numerous documents were inspected, including the July 1, 2005 Agreement between the County and UGC (reportedly being updated). The GJ was denied access to tour the UGC facilities. The UGC declined to participate in the GJ interview process.

### ***Background***

The UGC, established in 1945, is currently located on Vichy Springs Road. In 1982, the facilities were *grandfathered in* with approximately 80 members. The UGC is used by various law enforcement agencies to maintain their professional skill levels. The UGC hours of operation are 7 a.m. to sunset, seven days a week, year round.

The UGC is located on property owned by the City and leased to UGC.

The UGC is used for rifle and pistol target practice (including Black Powder) and trap shooting. The physical property is comprised of multiple buildings, one of which is a clubhouse used for meetings and events.

There are also frequent weekend events during the summer attended by a number of members and guests.

Vichy Springs Road is a 2-lane road that serves as access to the UGC, a large housing development and leads to Vichy Springs Resort. The road has no outlet

and only one entrance/exit into the UGC property. There is no turn lane into the UGC private road.

### **Findings**

1. The UGC leases 96.82 acres of property owned by the City located outside city limits in Mendocino County.
2. The Sherriff's Office, functioning as an agent of the County, is operating under the Agreement with the UGC, which expired on July 7, 2005.
3. The Ukiah Police Department (UPD) does not have an Agreement with UGC.
4. The County and the City each disclaim responsibility as to who has planning/zoning jurisdiction over the property leased from the City and located outside the City limits.
5. When the City purchased the 96.82 acre property in 1993, for \$650,000; "the **appraised** value was \$800,000 to \$1,200,000<sup>1</sup>".
6. The **assessed** value for the 96.82 acres, which the UGC leases from the City, is \$40,000.
7. The UGC rent to the City is \$5,000 annually plus 2% per year.
8. The lease between the UGC and the City terminates in 2044.
9. The UGC pays \$739.06 in property taxes annually to the County per the lease agreement with the City.
10. Only members and guests are allowed to use the facilities of the UGC.
11. Mendocino County Sheriff's Office (MCSO) deputies are signed in as guests and pay \$5 each per day.
12. Training for UPD officers is conducted at a Windsor police training facility and Chamberlain Creek Conservation Camp.
13. UPD Range Masters train new recruits at the UGC. The Range Masters' membership is paid by the City.
14. The UGC has one 1200-gallon septic system that serves one mobile home and the clubhouse. There are two port-a-potties on the property.
15. There are two restrooms and a kitchen at the clubhouse.
16. The Ukiah Valley Sanitation District staff stated there is no sewer hook up.
17. In 1993, the UGC requested the County to issue a Use Permit for an archery range.
18. In March 1994, the County issued Use Permit 27-93 to the Ukiah Archers for a range on the UGC property. The permit was withdrawn on October 17, 1994 at Ukiah Archer's request.
19. Metal targets and metal-framed targets are used at the ranges.
20. The ammunition rounds impact a rock-ridden hillside.
21. Ricochets have been reported and a gunshot wound from a ricochet bullet has been documented in the press.
22. A UGC internal newsletter verified that a ricochet problem exists.
23. Vichy Springs Road is one way in and one way out.
24. In 1982, the UGC was *grandfathered in* with non-conforming use.

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<sup>1</sup> Minutes of the City Council – December 15, 1993

25. The lease states that, "The lessee (UGC) shall not, without the lessor's (the City) prior consent, make any alterations, improvements, additions, changes or modification to, on, in, or upon the leased premises."
26. The October 2010 UGC newsletter addressed the construction of a new pistol range, a second pistol range, and re-terracing the shotgun range. All three would be violations of the lease.

### ***Recommendations***

The Grand Jury recommends that:

1. the City and County resolve the disagreement over planning/zoning jurisdiction, (Finding 4)
2. the BOS enact an ordinance barring use of metal targets and metal framed targets, (Findings 19-21)
3. the BOS enact an ordinance requiring use of bullets, other than metal jacketed rounds for target practice, (Findings 19-21)
4. the BOS enact an ordinance requiring erection of hay bales or sand berms behind targets to alleviate possibility of ricochets, (Findings 19-21)
5. the City designate a department to oversee and enforce provisions of the lease, (Findings 2, 25-26)
6. the City or the County Planning Commissions ensure all buildings modified or built after 1982 be inspected for compliance, (Findings 2, 14-16, 26)
7. the Environmental Health Department inspect the kitchen premises for health code compliance, (Finding 15)
8. the County Planning and Building Department perform all required inspections of septic systems. (Findings 14-15)

### ***Discussion***

The UGC is a private, non-profit organization and although the MCSO trains and practices at the UGC, access to the UGC was denied to the GJ. Given the number of safety concerns and lack of oversight by either the City or County, the GJ feels an obligation to address these issues.

The City and County have been disputing jurisdiction regarding code enforcement. In March 1994, the County, at the request of the UGC Archery club, processed a request for a User Permit and issued that permit (U27-43) which indicates that the County has jurisdiction. The permit was withdrawn at the

request of the Archery club. Their denial has resulted in confusion and concern over whether the facilities are up to code and safe.

Both City and County officials stated that unless there was a nuisance complaint they are content with the status quo. That is not acceptable since there are real safety issues. There is also concern about the County's failure to regulate this gun range, which potentially creates a liability for the County.

News articles have shown that lately other cities and counties have discovered this liability as an additional expense. A number of news articles have reported that several outdoor gun ranges have been shut down because of liability concerns including stray bullets and ricochets.

In addition, the City does not have a designated department to monitor and ensure adherence to the lease provisions. There have been alterations, improvements, changes, and modifications to, on, in, or upon the leased premises. The City will not address this issue unless there are specific complaints. This is not acceptable since a lease is a legal contract.

The GJ recognizes that this report can raise questions about other issues that are not addressed at any real extent in this report. This does not mean these issues are not important or substantial. However, these issues are not within the scope of this report – lead contamination, air quality, assessment, traffic and other issues.

### ***Required Responses***

Mendocino County Board of Supervisors (Findings 2, 4, 14-15, 17-21; Recommendations 1-4, 6-8)

Mendocino County Chief Executive Office (Findings 2, 4, 14-15, 17-21; Recommendations 1-4, 6-8)

Mendocino County Sheriff's Office (Findings 2, 11, 19-21; Recommendations 2-4)

Mendocino County Environmental Health Department (Findings 14-16; Recommendation 7)

Mendocino County Planning Department (Findings 2, 4, 14-15, 17-18; Recommendations 1, 6, 8)

Mendocino County Assessor Office (Findings 5-6, 9)

City of Ukiah City Council (Findings 1, 3-9, 15, 21-26; Recommendations 1, 5-6)

City of Ukiah, City Manager (Findings 1, 3-9, 15, 21-26; Recommendations 1, 5-6)

City of Ukiah Police Department (Findings 3, 12-13, 19-22)

City of Ukiah Planning Department (Findings 2, 4, 19-22, 24-26; Recommendations 1, 5-6)

***Requested Responses***

Ukiah Gun Club (Findings 1-3, 5-11, 13-15, 17-26; Recommendations 2-8)

Vichy Springs Resort (Findings 19-26; Recommendations 1-8)