

By: Assemblymember Boeve
Adopted: 09/17/19

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 19-083**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REQUESTING THAT STAFF DEVELOP A CONDITIONAL USE PERMIT PROCESS FOR COMMERCIAL, EDUCATIONAL, AND NONPROFIT OUTDOOR SHOOTING FACILITIES

WHEREAS, Alaska Statute 29.35.145 provides that the authority to regulate firearms and knives is reserved to the state, except as specifically provided by statute, and a municipality may not enact or enforce an ordinance regulating the possession, ownership, sale, transfer, use, carrying, transportation, licensing, taxation, or registration of firearms or knives; and

WHEREAS, Alaska Statute 29.35.145(b)(2) allows municipalities to enact and enforce ordinances restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that people, domestic animals, or property will be jeopardized, not abridging the right of the individual guaranteed by Art. I, sec. 19 of the Alaska Constitution to bear arms in defense of self or others; and

WHEREAS, Alaska Statute 29.40.010(a) requires that a second class borough provide for land use regulation as a mandatory areawide power; and

WHEREAS, Alaska Statute 29.35.145 does not preempt second-class boroughs from regulating land use concerning,

commercial, educational, or nonprofit outdoor shooting facilities (hereafter "shooting facilities"); and

WHEREAS, MSB 15.04.010 establishes the Planning Commission to perform the areawide function of planning, platting, and zoning in the Borough; and

WHEREAS, MSB 15.04.015 provides that the Planning Commission shall recommend to the Assembly a zoning ordinance to implement the comprehensive plan; and

WHEREAS, the Borough has experienced a substantial increase in population density in areas proximate to existing shooting facilities and therefore has a substantial interest in ensuring the compatibility of shooting facilities with surrounding land uses and in minimizing potential safety hazards created by the operation of shooting facilities; and

WHEREAS, public concerns have been raised over the safety and land use compatibility of shooting facilities located in increasingly populated areas; and

WHEREAS, shooting facilities benefit the Borough by providing its residents the opportunity to learn firearm safety, to practice shooting, and to participate in recreational firearm sports in a safe, controlled setting; and

WHEREAS, the Borough finds that it is in the public interest to protect and preserve the continued viability of shooting

facilities in the Borough in the face of increasing population pressure and conflicting land uses; and

WHEREAS, uniform provisions for the establishment and operation of shooting facilities within the Borough, in the form of a conditional use permit process, would provide assurance of the safe conduct of shooting facilities, provided these provisions: (1) promote safety by establishing a permitting procedure and rules for the siting, design, and operation of shooting facilities that safeguard participants, spectators, neighboring properties and the public; (2) do not abridge the right of the individual guaranteed by art. I, sec. 19, Constitution of the state of Alaska, to bear arms in defense of self or others; (3) involve measures designed to make the discharge of firearms safe; (4) protect from lead contamination; (5) ensure compatibility with neighboring land use; and (6) promote the continued availability of shooting facilities.

NOW, THEREFORE, BE IT RESOLVED, that the Assembly requests that staff develop a conditional use permit process for commercial, educational, and nonprofit outdoor shooting facilities to be reviewed by the Planning Commission and adopted by the Assembly.

ADOPTED by the Matanuska-Susitna Borough Assembly this 17 day
of September, 2019.

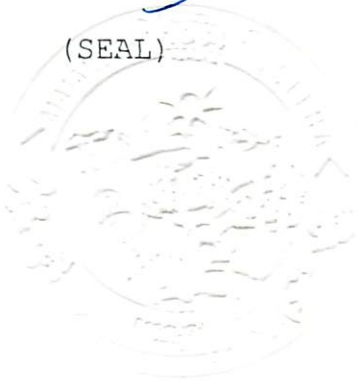


VERN HALTER, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)



YES: Sykes, Beck, Mayfield, and Boeve

NO: McKee, Leonard, and Sumner