

**SUBJECT:** A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY RESCINDING RESOLUTION SERIAL No. 19-083, WHICH REQUESTED THAT STAFF DEVELOP A CONDITIONAL USE PERMIT REGULATING SHOOTING RANGES

**AGENDA OF:** February 18, 2020

**Assembly Action:**

2.18.2020 Defeated with JS, TL & GM in support. KBJ

**MANAGER RECOMMENDATION:** Present to the Assembly for consideration.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:**

Route To:	Department/Individual	Initials	Remarks
	Originator	JA	JA for J. Sumner and D. Mayfield
	Borough Attorney	KS	
	Borough Clerk	JM 2/10/20	

**ATTACHMENT (S) :** Fiscal Note: YES \_\_\_\_\_ NO X  
Resolution Serial No. 20-018 (2 pg)  
IM No. 19-157 (2 pg)  
Resolution Serial No. 19-083 (4 pg)

**SUMMARY STATEMENT:**

This resolution is coming forward in order to rescind MSB Resolution Serial No. 19-083 which requested MSB staff develop a conditional use permit for the regulation of shooting ranges within the borough.

The MSB Planning Department has limited resources and those resources would be better used on other pressing projects such as the deadlines for compliance with requirements of the Metropolitan Planning Organization, MSB Title 17 rewrite, processing permits,

etc.

The regulation of shooting ranges is better left to the State of Alaska rather than the Borough.

With limited financial resources the Borough should expend its resources on other matters of more critical importance for its residents.

Since the draft of the ordinance regulating shooting ranges was put out for public comment there has been a mass demonstration in opposition to the regulation of shooting ranges in particular and in general any regulation involving the discharge of firearms within the borough.

When this matter was previously taken up by the Borough there were few if any applicants for a working group to create recommendations for the regulation of shooting ranges.

The proposed regulation of shooting ranges and the discharge of firearms is a contentious issue, and these regulations will not benefit borough residents and therefore the borough should focus its attention on other matters.

This resolution rescinds the previous resolution MSB Resolution Ser. No. 19-083. In effect, this resolution directs staff to cease working on any ordinance regulating shooting ranges.

**RECOMMENDATION OF ADMINISTRATION:** Staff respectfully recommends adoption of Resolution No. 20-018.

## MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM

IM No. 19-157

SUBJECT: 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.

AGENDA OF: September 17, 2019

## Assembly Action:

Adopted with Assembly members  
McKee, & Sumner opposed. 9-17-19  
Leonard

MANAGER RECOMMENDATION: Present to the Assembly for consideration.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:

Route To:	Department/Individual	Initials	Remarks
	Originator-A. Bradway	AB	
	Planning and Land Use Director	EP	
	Finance Director	CF	
	Borough Attorney	DAWNS	
	Borough Clerk	DA for IRM	

ATTACHMENT(S): Fiscal Note: YES \_\_\_\_\_ NO x  
Resolution Serial No. 19-083 (4 pp)

## SUMMARY STATEMENT:

This resolution is coming forward as a follow-up and alternative to efforts made in the last year to form a working group, dedicated to the development of recommendations for commercial, educational and nonprofit outdoor shooting facilities (shooting facilities). This group was intended to consider input from the public, do volunteer research on aspects of shooting facility ordinance, and make recommendations to the Assembly and administration on any issue related to the regulation of such facilities. Due to a lack of applicants, this working group was never formed and the enabling ordinance for the group sunset August 7, 2019. The details of this effort were presented to the Assembly on August 6, 2019 in IM 19-137.

This resolution directs staff to do the same types of research proposed for the working group, to gather input from the public, and to use this information to develop a conditional use permit process for shooting facilities subject to review by the Planning Commission and adoption by the Assembly.

**RECOMMENDATION OF ADMINISTRATION:**

Staff respectfully recommends adoption of resolution 19-083.

IM 20-046  
RS 20-018



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

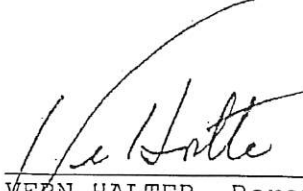
WHEREAS, the Borough finds that it is in the public interest to protect and preserve the continued viability of shooting

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