

**PC Reso 20-12 Packet  
Outdoor Shooting Range Ordinance  
Comments/Emails received**

**HANDOUTS**



**Karol Riese**

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**From:** Stafford Glashan <SJG@shanwil.com>  
**Sent:** Thursday, July 30, 2020 2:52 PM  
**To:** Karol Riese  
**Subject:** FW: Comments and suggested changes to Safe Gun Range Ordinance.  
**Attachments:** Letter to the Planning Commission DM.docx; OR 20-025 Amended by DM.docx

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

FYI

-----Original Message-----

**From:** Dave Musgrave <fbksdave@gmail.com>  
**Sent:** Thursday, July 30, 2020 2:43 PM  
**To:** Stafford Glashan <SJG@shanwil.com>  
**Subject:** Comments and suggested changes to Safe Gun Range Ordinance.

Dear Mr. Glashan,

Please see my written comments on Ordinance 20-025 and my amendments to the ordinance attached.

Thank you for your time and efforts on the Planning Commission and thank you for your consideration.

Dave Musgrave

**Karol Riese**

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**From:** Mary Anderson <msbpcd1@gmail.com>  
**Sent:** Saturday, August 1, 2020 1:06 AM  
**To:** Karol Riese; Planning Commission  
**Subject:** Fwd: Comments and suggested changes to Safe Gun Range Ordinance.  
**Attachments:** Letter to the Planning Commission DM.docx; OR 20-025 Amended by DM.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Hi Karol:

Received this email but did not read. Forwarding to you.

Mary

----- Forwarded message -----

**From:** Dave Musgrave <[fbksdave@gmail.com](mailto:fbksdave@gmail.com)>  
**Date:** Thu, Jul 30, 2020 at 2:37 PM  
**Subject:** Comments and suggested changes to Safe Gun Range Ordinance.  
**To:** <[msbpcd1@gmail.com](mailto:msbpcd1@gmail.com)>

Dear Ms. Anderson,

Please see my written comments on Ordinance 20-025 and my amendments to the ordinance attached.

Thank you for your time and efforts on the Planning Commission and thank you for your consideration.

Dave Musgrave

--

Mary P. Anderson  
MSB Planning Commissioner  
District #1

**COMMENTS ON OR 20-025 OUTDOOR SHOOTING****Submitted by:****Dave Musgrave, 6176 E Altra Dr, Palmer Alaska 99645  
[fbksdave@gmail.com](mailto:fbksdave@gmail.com), 982-7553**

Dear Members of the Planning Commission,

I would like to address this ordinance before you on Monday, August 3, which addresses current and future issues with outdoor shooting facilities. It attempts to protect and enhance the public safety, health, and welfare of the Borough residents and maintain environmental quality.

I commend the Planning Department's work on the ordinance, and I support most of the provisions, with some amendments that provide for consistency within the ordinance, with other Borough ordinances, Alaska Statutes, and corrects for some provisions that fall short of protecting public safety, health, and welfare of residents.

I am providing a draft of my amendments and changes, which if you view in "All Markup" mode in Word, you will see the changes from the original proposed ordinance.

**Summary**

1. Stray bullets from an outdoor shooting range can jeopardize neighbors, their pets and livestock, and property. This ordinance addresses that issue.
2. The Surface Danger Zone, where a projectile could potentially land, must be within the boundaries of the property where the shooting facility is location.
3. The application process should be that of Conditional Use Permit procedures with exemptions to conform to Alaska Statutes.
4. Noise levels from a shooting facility The sound levels in the proposed ordinance are much higher and not consistent with existing sound levels in Borough statutes for amplified noise.
5. The requirements for lead mitigation are adequate and necessary.
6. Signage should be required at the boundary of the Surface Danger Zone.
7. A Safety Range Officer should be required to be on site during operating hours.

## Why is this ordinance needed now?

The population and population density in the Borough is the fastest growing in the state of Alaska and this trend will only continue. Whereas in the past, the potential for conflict due to shooting facilities among nearby residents was lower, but still existent, that is no longer true. There have been several ranges in which nearby residents have objected to the siting of a shooting facility including ones in Sutton (Hintze, 2019) and (Frontiersman, 2015).

I would like to refute the argument that issues of stray bullets on adjacent property should be handled by enforcement of existing statutes. Consider a situation, which has happened in the Fishhook area, in which a stray bullet strikes a building on adjacent property. When a law enforcement officer is shown physical evidence of a stray bullet, there is no way to prove where it came from, and no action can be taken. Many times there is no physical evidence of a stray bullet.

I will address the ordinance in sections: Safety, Lead Abatement, Noise, Application Procedures, and Non-Conforming Uses. Some of these overlap.

## Safety

### *Stray Bullets*

I would like to refute the argument that issues of stray bullets on adjacent property should be handled by enforcement of existing statutes. Consider a situation, which has happened in the Fishhook area, in which a stray bullet strikes a building on adjacent property. When a law enforcement officer is shown physical evidence of a stray bullet, there is no way to prove where

it came from, and no action can be taken. Many times there is no physical evidence of a stray bullet.

The general standards in section **17.68.50** are a good start on protecting neighbors from stray bullets. However, they are not adequate to protect the health and safety of residents and people in the Borough and I offer the following amendments.

The issue of stray bullets is significant. A quick Google Search Results for “stray bullets” and “outdoor shooting ranges” returned 26 instances of issues regarding stray bullets on adjacent property. This is by no means exhaustive as other search words would have provided more instances.

In addition to the requirements in **17.68.50 General Standards**, adequate measures (backstop, berms, baffling, etc) should be taken to keep the “Surface Danger Zone” on the property of the shooting range.

The language in the proposed ordinance *does not explicitly state that stray bullets should be contained within the property on which the facility resides*. The only requirements that address where a stray bullet may land is in the two passages 17.68.050(A)(3)(b) “backstops” and (4)(d) “side berms”, which use the language “be designed to contain all projectiles within the designated shooting area”. However, the “designated shooting area” is never defined in the ordinance.

The ordinance defines the Surface Danger Zone in **17.68.020** as the area extending from a firing point to “distance downrange” based on the projectiles fired. This language is found in

Attachment 1  
Attachment 1-2

Range Design Criteria  
June 2012

Range Design Criteria  
June 2012

Attachment 1  
Attachment 1-7

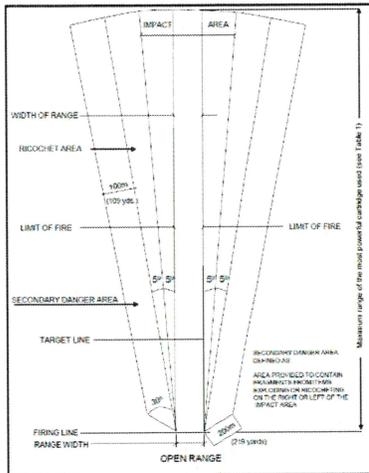


Figure 1  
Surface Danger Zone for Small Arms  
Firing at Fixed Ground Targets

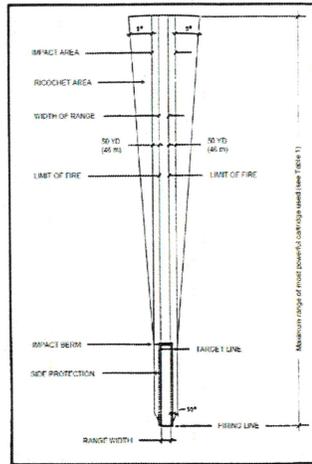


Figure 6  
Open Range with Impact Berm and Side  
Protection Surface Danger Zone for Small Arms  
Firing at Fixed Ground Targets

Range Design Criteria  
June 2012

Attachment 1  
Attachment 1-9

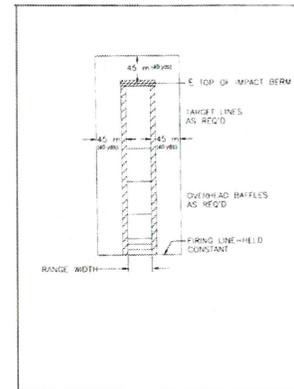


Figure 6  
Surface Danger Zone for Fully Baffled Range  
(Small Arms Firing at Fixed Ground Targets)

*Surface Danger Zones (United State Department of Energy, Office of health, Safety and Security, 2013)*

numerous documents on range design and there is conflicting definitions of the Surface Danger Zone. Some define it as a depiction of the *mathematically* predicted area a projectile will return to earth either by direct fire or by ricochet the theoretical. This is the language used in the proposed ordinance. But that may imply (as do some definitions) that it does not account for backstops, side berms, baffles, or natural barriers such as hills and cliff faces that may make the effective Surface Danger Zone much more compact. The accompanying Informational Memorandum 20-047 includes the Range Design Criteria by the United State Department of Energy Office of Health, Safety, and Security, which discusses Surface Danger Zones in the presence backstops, side berms, and baffles (United State Department of Energy, Office of health, Safety and Security, 2013). This should be explicitly cited in the definition of Surface Danger Zone so that there is no ambiguity.

The NRA says that a bullet from the most popular handgun, the 9 mm, and rifle, the AR-15, will travel up to 1.2 and 2.2 miles, respectively (Dykstra, 2019), and without mitigation, the surface danger zone would be beyond the target area and extend to the left and right of the target.

The ordinance should provide for the Surface Danger Zone to be contained on the property on which the facility resides. See the language I have included under **17.68.050 GENERAL STANDARDS**. *This could greatly reduce the area of concern for a shooting facility.* This change would make Section 17.68.050(A) moot since by design, there is no possibility of a stray bullet landing off the property within which the Surface Landing Zone.

The NRA Range Source Book, Section II Chapter 2, Outdoor Range Design Criteria, 2.06 Safety Baffles, p II-2-12 (National Rifle Association, 2012), gives explicit design criteria for safety baffles to eliminate the “blue-sky gap” so that regardless of shooting position and aim, the shooter cannot see any blue sky, thus eliminating off-property stray bullets even in confined areas. This would permit the construction of outdoor gun ranges on smaller lots. For example, baffles are used at the Matanuska Valley Sportsmen’s outdoor shooting range.

### ***Signage***

The ordinance should require signage along the perimeter of the Surface Landing Zone that indicates that the area is an active gun range with live fire. My addition, **17.68.050(A)(10)**.

### ***Safety Range Officer***

All shooting facilities must abide by safe shooting practices and must have a Safety Range Officer designated by the management of the facility on site during all hours of operation. My addition, **17.68.060(D)**.

## Lead Abatement

The site-specific environmental stewardship for managing shooting-associated materials, in accordance with EPA Best Management Practices [**17.68.040(2)(f)**], should adequately address the potential for lead and other waste to contaminate soils and ground and surface water in the Borough. Lead is a major concern as the Information Memorandum (20-047) has stated. However, there is no requirement that a certified (by a profession engineer) plan be submitted and the cost of review of the plan would fall on the Borough.

## Noise

High sound levels have shown to degrade mental, emotional, and physical health. Please see the Rutgers Community Noise Enforcement pamphlet in your packet. Persons with Post-Traumatic Stress Disorder and behavior health issues like autism are more likely to be jeopardized by gun fire than the general public.

The Operating Standard [**17.68.60 (B)**] for the maximum sound level of 90 decibels is far too permissive and is not consistent the amplified noise ordinance **8.52.015 (C)**, which states that the maximum permissible sound level is 60 decibels. Additionally, ordinance **8.52.015(C)** states that the maximum permissible sound level limit during the permissible shooting facility operating hours (8 AM to 9 PM) is 5 decibels *above ambient sound levels* as measured using the C-weighted sound level, which captures the extremely short time of a gun report.

There is no reason that a different standard for noise level should be set for shooting facilities. See my addition to correct this inconsistency in the Borough ordinances in **17.68.060(B)** and **(C)**, which takes the language from the amplified noise ordinance **8.52.015(C)** and **(D)**.

## Application Procedure

I support the requirement that an application must be certified by a professional engineer that the application addresses Sections 17.68.050 (A). The cost of certification is estimated to about \$2,000-4,000, which is insignificant compared to the total cost of a facility. The requirement would prevent future issues involving stray bullets from the range. As mentioned above, this is important since enforcement of public endangerment due to stray bullets by law enforcement entities would be nearly impossible to enforce after a shooting facility is installed.

For the same reason, after-the-fact enforcement of sound levels is difficult, and a certification by a qualified professional registered in the United States (within Alaska may be too restrictive to locate such a person) that the facility design conforms to the sound levels in the ordinance.

**The permitting process should be changed back to a Conditional Use Permit.** The Planning Commission in the Information Memorandum (20-047) state that the provisions to make the process conform to a Conditional Use Permit went beyond standards that pose a “likelihood of jeopardy to people, domestic animals, or property”, which is the language used the Alaska Statute 29.35.145(B)(2) that grants municipalities the power to regulate the discharge of firearms. I emphatically disagree with this statement for the following reasons.

Neighboring residents have a right to see and comment on applications for a permit that **jeopardize** their family, pets, or property through bullets that stray off-property. They have a right to comment on whether the applications complete and accurate.

Nobody wants to hear a war zone next to them. And nobody in the right mind would buy property next to an unregulated commercial outdoor shooting facility. Building a range in a

neighborhood will certainly **jeopardize** property (buildings and infrastructure) and property values.

The noise associated with an outdoor shooting facility, even if it conforms to the above sound levels, would **jeopardize** those with PTSD or behavior health issues. Certainly, the permit should account for people with these disabilities.

If the clause in the Conditional Use standard such as **17.60.100(A)(1)**, which states “the conditional use will preserve or not detract from the value, character, and integrity of the surrounding area”, then the ordinance could explicitly waive that standard and similar ones that conflict with Alaska Statute 29.35.145.

I have attempted to make changes in the revised ordinance to reflect that the applications should conform to a Conditional Use Permit process but the document will need further changes to account for all the implications of change from an administrative level approval.

**The notification area should be 2.5 miles.** In the Application Procedure **17.68.40 (D)** the public notification area is set at one-half mile and the information above states the actual range that a bullet can travel can be up to 2.2 miles.

## **17.68.100 NONCONFORMING USES**

The provisions under (A) and (B) exempt facilities that are under “actual construction”, without defining actual construction. However, MSB 17.125 states

*“Commencement of construction or placement” means the first placement of permanent construction of a building on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a building upon a foundation.*

This should be explicitly referenced in **17.68.100**.

**Thank you for your consideration of the above.**

*Dave Musgrave*

**Dave Musgrave**

**6176 E Altra Dr**

**Palmer AK 99645**

## References

Dykstra, J. (2019, September 19). *How far can a bullet travel?* Retrieved April 14, 2020, from

Grunge: <https://www.grunge.com/166830/how-far-can-a-bullet-travel/>

Frontiersman. (2015, August 3). *Shooting range controversy reloads*. Retrieved from

Frontiersman: [https://www.frontiersman.com/news/shooting-range-controversy-reloads/article\\_612eb0a2-3a5b-11e5-b088-cb48c27b8d8f.html](https://www.frontiersman.com/news/shooting-range-controversy-reloads/article_612eb0a2-3a5b-11e5-b088-cb48c27b8d8f.html)

Hintze, H. (2019, May 2). *Sutton works to improve safety, clean up trash at Jonesvill shooting*

*area*. Retrieved from KTVA: <https://www.ktva.com/story/40402577/sutton-works-to-improve-safety-clean-up-trash-at-jonesville-shooting-area>

National Rifle Association. (2012). The Range Source Book. In *The Range Source Book*. Fairfax,

Virginia: The National Rifle Associaton.

United State Department of Energy, Office of health, Safety and Security. (2013). *Range Design*

*Criteria*.

Google Search Results for “stray bullets” and “outdoor shooting ranges” (edited to show only results where stray bullets occurred on adjacent parcels).

[Woman shot in head finds 1lb of stray bullets in yard from ...](#)

[www.theguardian.com › us-news › feb › neighbour-gun-range-shot-h...](#)

Feb 4, 2015 - Woman shot in head finds 1lb of **stray bullets** in yard from nearby gun ... was hit by a stray bullet from the Clark Rifles **outdoor shooting range**.

[Vandalia man sues shooting range, alleges stray bullets hit land](#)

[www.daytondailynews.com › news › crime--law › gun-range-suit-van...](#)

Sep 14, 2017 - Spencer's lawsuit alleges bullets from the **outdoor shooting range** are landing on his property. “It's a terrible feeling,” Spencer said in an ...

[FedEx Files Suit Against Gun Club, Saying Stray Bullets Keep ...](#)

[www.ttnews.com › articles › fedex-files-suit-against-gun-club-saying-...](#)

Sep 27, 2017 - FedEx Files Suit Against Gun Club, Saying **Stray Bullets** Keep ... fired on the range so that none would leave the **outdoor shooting range** area.

[MSP closes Northville gun range after concerns about stray ...](#)

[www.hometownlife.com › story › news › local › northville › 2018/07/03](#)

Jul 3, 2018 - The Michigan State Police **outdoor shooting range** in Northville ... reported incidents of **stray bullets** at homes near the range in the last two ...

[Woman says stray bullet from shooting range grazed her head ...](#)

[www.sandiegouniontribune.com › ...](#)

Feb 4, 2015 - ... was hit by a stray bullet from the Clark Rifles **outdoor shooting range**. ... was not opposed, although he said **stray bullets** went over his house.

[Grand Haven gun club begins improvements to shooting ...](#)

[www.mlive.com › news › grand-rapids › 2012/12 › grand\\_haven\\_gu...](#)

Dec 7, 2012 - Grand Haven gun club begins improvements to shooting range where **stray bullets** hit ... The club's **outdoor shooting range** closed Sept.

[Gun Club closed following GVPD accidental shooting – Grand ...](#)

[lanthorn.com › news › gun\\_club\\_closed\\_following\\_gvpd\\_accidental ...](#)

... announced its decision to keep its **outdoor shooting range** closed indefinitely after a recent string of complaints about **stray bullets** hitting neighboring homes.

[Board shuts down outdoor shooting range | | tctimes.com](#)

[www.tctimes.com › board-shuts-down-outdoor-shooting-range](#)

Jan 14, 2007 - Board shuts down **outdoor shooting range**. Fenton Twp. ... She also said she did not believe the **stray bullets** came from the club. Krug said the ...

[BLM shuts down outdoor shooting range near Saratoga Springs](#)

[fox13now.com › 2012/08/21 › blm-shuts-down-shooting-area-near-s...](#)

Aug 21, 2012 - BLM shuts down **outdoor shooting range** near Saratoga Springs ... Resident Lisa Lowery says it is a victory after **stray bullets** hit her home.

[Fort Worth schools take issue with gun range | Fort Worth Star ...](#)

[www.star-telegram.com › news › local › fort-worth › article3848580](#)

Mar 5, 2014 - Voicing concerns about **stray bullets** zipping around and an increased ... The **outdoor shooting range** lost a lawsuit over the issue, and was ...

[Neighbors livid over flying bullets | | tctimes.com](#)

[www.tctimes.com > neighbors-livid-over-flying-bullets](#)

Apr 23, 2008 - ... Estates, are furious and frightened for their lives after **stray bullets**... .. of the pictures, that looking from the **outdoor shooting range** to the left ...

[Shooting range shut down in Taylors](#)

[www.greenvilleonline.com > story > news > 2016/01/29 > shooting-ra...](#)

Jan 29, 2016 - ... mile, but I know that folks have been injured and killed (by **stray bullets**). ... County spokesman Bob Mihalic said an **outdoor shooting range** is ...

Apr 26, 2019 - Residents claim they're dodging **stray bullets** from a nearby gun range. ... So, what you're saying is that if I build an **outdoor shooting range** I ...

[Spruce Grove Gun club loses latest volley to save outdoor ...](#)

[www.cbc.ca > news > canada > edmonton > spruce-grove-gun-club-lo...](#)

Feb 3, 2016 - ... latest bid to reopen its **outdoor shooting range** after the Alberta Court ... Board after complaints by area residents over noise and **stray bullets**.

[USA TODAY US Edition: 2010-12-17 - Outdoor ... - PressReader](#)

[www.pressreader.com > usa > usa-today-us-edition](#)

Dec 17, 2010 - ... from the Del-Tone/ Luth Gun Club, an **outdoor shooting range** half a ... shut down in 2007 after neighbors sued over noise and **stray bullets**.

[Spruce Grove Gun Club focused on reopening after lawsuit ...](#)

[ca.news.yahoo.com > spruce-grove-gun-club-focused-012454452](#)

Apr 12, 2017 - ... over complaints of noise and **stray bullets** included a million-dollar lawsuit filed ... They said it came from the nearby **outdoor shooting range**.

[Aiming to train | Local News | journalnow.com](#)

[www.journalnow.com > news > local > aiming-to-train](#)

Mar 30, 2012 - ... the police department's **outdoor shooting range** on Gun Club Road closed. **Stray bullets** from the Clemmons range had struck nearby houses.

[F WPDOCS BOC Minutes October 4, 2010.wpd - Vance ...](#)

[www.vancecounty.org > uploads > 2012/03 > minutes\\_10-10-04](#)

... range and was told that his barn has been hit numerous times by **stray bullets**. ... the adoption of an **outdoor shooting range** ordinance in Vance County.

[Kitsap Rifle and Revolver Club's Closing Arguments - Michel ...](#)

[michellawyers.com > wp-content > uploads > 2012/07 > Kitsap-v.-KR...](#)

PDF

Safety and alleged **stray bullets** from the Club striking residential properties; ... Court held that the possibility of errant bullets leaving an **outdoor shooting range**.  
or pets legally using the ... of any **outdoor shooting range**, whether in the plains or in the ...

[Dem Bill in VA Could Limit Number of Outdoor Gun Ranges](#)

[www.westernjournal.com > dem-bill-va-limit-number-outdoor-gun-ra...](#)

Jan 20, 2020 - ... an **outdoor shooting range** within 500 yards of any property zoned for ... "Loudoun County has seen over eight incidents of **stray bullets** from ...

[Green Party calls for investigation of shooting ranges as ...](#)

[www.theguardian.pe.ca > news > local > green-party-calls-for-investig...](#)

Jul 14, 2010 - ... shut down because of lead contamination, noise and **stray bullets**. ... "An **outdoor shooting range** closed down in Caledonia last year and I've ...

[Washington Woman Shot in Head Finds 1lb of ... - Mikeb302000](#)

[mikeb302000.blogspot.com](#) › [2015/02](#)

Feb 5, 2015 - Washington Woman Shot in Head Finds 1lb of **Stray Bullets** in Yard ... she was hit by a stray bullet from the Clark Rifles **outdoor shooting range**.

[Gun Range in Cook Coounty under fire. - Armed Polite Society](#)

[www.armedpolitesociety.com](#) › ...

During an NBC Channel 5 report, residents blamed the range for **stray bullets** ... John Howard, operator of the USI Bureau **Outdoor Shooting Range**, disputes ...

[Bill would outlaw home shooting ranges - TCPalm](#)

[archive.tcpalm.com](#) › [news](#) › [politics](#) › [bill-would-outlaw-home-shoot...](#)

Feb 25, 2015 - TALLAHASSEE — A homemade **outdoor shooting range** stirred tension ... His neighbors complained of noise and **stray bullets**, according to a ...

[Pennsylvania Firearm Owners Association Discussion Forum](#)

[forum.pafoa.org](#) › [showthread](#)

Feb 28, 2008 - ... that he knows of other cases of a home being hit by **stray bullets** from ... less than a mile and in direct line with an **outdoor shooting range**.

[First range report with new 1860 Army | The High Road](#)

[www.thehighroad.org](#) › ... › [Tools and Technologies](#) › [Blackpowder](#)

Apr 3, 2010 - What safe **outdoor shooting range** would have a backstop without a built in margin ... A total of 19 **stray bullets** have been found in the abutting ...

[Quarry shooting range](#)

[mobiusenclosures.com](#) › [ahbhho](#) › [quarry-shooting-range](#)

Very relaxed day with friends Sep 18, 2019 · Suit over **stray bullets** in Keizer ends ... miles away **Outdoor shooting range** that offers License To Carry classes and ...



CODE ORDINANCE

Sponsored by:  
 Introduced:  
 Public Hearing:  
 Action:

**MATANUSKA-SUSITNA BOROUGH  
 ORDINANCE SERIAL NO. 20-025**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ~~ADOPTING MSB 17.68 OUTDOOR SHOOTING FACILITIES IN ORDER TO ESTABLISHING A CONDITIONAL USE PERMIT PROCESS FOR STANDARDS FOR~~ COMMERCIAL, EDUCATIONAL, AND NONPROFIT OUTDOOR SHOOTING FACILITIES.

WHEREAS, ~~the rationale and intent of this ordinance are found in IM NO. 20-047 which accompanies this ordinance. This needs reworded to reflect the change back to a CUP process~~

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Adoption of Chapter. MSB 17.68 is hereby adopted as follows:

- 17.68 OUTDOOR SHOOTING FACILITIES
- 17.68.010 INTENT
- 17.68.020 DEFINITIONS
- 17.68.030 APPLICABILITY
- 17.68.040 APPLICATION PROCEDURES
- 17.68.050 GENERAL STANDARDS
- 17.68.060 OPERATING STANDARDS
- 17.68.070 APPEALS

17.68.080 TERMINATION OF PERMIT

17.68.090 TRANSFER OF PERMIT

17.68.100 NONCONFORMING USES

17.68.110 VIOLATIONS, ENFORCEMENTS, AND PENALTIES

**17.68.010 INTENT**

(A) It is the intent of this chapter to allow outdoor shooting facilities to operate within the Borough while minimizing the likelihood that people, domestic animals, or properties will be jeopardized.

**17.68.020 DEFINITIONS**

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Outdoor Shooting Facility" means real property used for commercial, educational, or non-profit shooting activities, typically involving rifles, shotguns, pistols, silhouettes, skeet, trap or black powder.

"Firing Position (Point)" means an area where firearms are discharged, having a specified width and depth that is occupied by a shooter, their equipment and, if appropriate, an instructor.

"Firing Lane" means the expected path of gunfire from the firing position to the target.

"Firing Line" means a line parallel to the targets behind which firearms are discharged.

"Surface Danger Zone (SDZ)" means a depiction of the mathematically predicted area a projectile will return to earth either by direct fire or by ricochet as defined in the Range Design Criteria by the United State Department of Energy Office of Health, Safety, and Security. The SDZ is the area extending from a firing point to a distance downrange based on the projectiles fired.

"Designated Shooting Area" means...?

#### **17.68.030 APPLICABILITY**

(A) This chapter applies in all areas of the Borough including special land use districts and residential land use districts. Where this chapter is in conflict with the conditions of a special land use district or residential land use district, the most restrictive conditions shall apply.

(B) This chapter does not apply within the cities of Houston, Palmer, or Wasilla.

(C) This chapter applies to all outdoor shooting facilities except outdoor shooting facilities that are used exclusively for:

(a) archery or air guns;

(b) law enforcement or United States Military purposes; or

(c) fully enclosed facilities designed to offer a completely controlled shooting environment.

(D) This chapter does not regulate the discharge of firearms on private property where the property is not open to the public on a commercial, education, nonprofit, or membership basis.

**17.68.040 APPLICATION PROCEDURES This should be changed to be consistent with a Conditional Use Permit.**

(A) An application for an outdoor shooting facility permit may be initiated by a property owner or the owner's authorized agent and shall be filed on a form provided by the Borough.

(1) The application for an outdoor shooting facility permit shall be accompanied by an appropriate

filing fee as established by the assembly, payable to the Borough.

(2) The application shall include the following:

(a) a certified site plan drawn to scale showing a complete layout of the range including location of backstops, firing lanes, firing positions, firing lines, side berms, target areas, and baffles;

(b) identification of all buildings within 1,000 feet of the firing positions;

(c) dimensions and construction materials of all backstops, baffles, firing lanes, and side berms; ~~and~~

(d) maximum caliber and type (handgun, rifle, etc) of firearm to be allowed at the range, if any.

(e) certification by a professional civil engineer or other qualified professional registered in the state of Alaska under AS 08.48 that the facility is designed to meet the requirements of 17.68.050(A)(2) - (6)

(f3) and certification by a qualified professional registered in the United States of Amerca that the facility is designed to meet the requirements of 17.68.060 (B) and (C)..

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(fg) A site-specific environmental stewardship plan for managing shooting-associated materials, in accordance with EPA Best Management Practices.

(gh) Surface danger zones as determined by a professional engineer registered in the state of Alaska under AS 08.48.

~~(B) The director or designated staff shall determine whether an application for an outdoor shooting facility is complete. The director shall provide the applicant with a written explanation of application deficiencies within 10 working days of the date the application is received.~~

(EB) Notification for outdoor shooting facilities shall be in accordance with MSB 17.03, public notification, except that the notification area will be one-half two and one-half miles.

Replace with the procedures for Conditional Use Permit. ~~(D) Within 45 calendar days of receipt of a complete application the director shall approve the permit upon determination that the standards of this chapter have been met.~~

#### 17.68.050 GENERAL STANDARDS

(A) ~~In granting a permit under this chapter, the director shall make findings that all of the following standards have been met:~~ Replace with Conditional Use Permit procedures.

(1) Firing positions are located at least one thousand feet from all habitable buildings which are not on the same parcel.

~~(a) This standard only applies to buildings which were in existence at the time that application was made for the outdoor shooting facility.~~

(2) There are no habitable buildings within the surface danger zone.

(3) The proposed backstops are a minimum of twenty feet in height and are constructed behind all targets. The backstops shall be:

(a) impenetrable to all calibers used at the facility;

(b) designed to contain all projectiles within the designated shooting area;

(c) constructed of material that does not cause unintended ricochet of projectiles; and

(d) connected to each side berm.

(4) The proposed side berms shall:

(a) be constructed parallel to firing lanes:

(b) extend the length of the firing lanes, from the backstop to the firing line;

(c) be a minimum of eight feet in height;

(d) be designed to contain all projectiles within the designated shooting area;

(e) be impenetrable to all calibers used at the facility;

(f) be constructed of material that does not cause unintended ricochet of projectiles.

(6) The proposed baffles shall:

(a) be designed to contain all projectiles within the designated shooting area;

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(b) be impenetrable to all calibers used at the facility;

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(c) be constructed of material that does not cause unintended ricochet of projectiles.

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(4) The Surface Safety Zone should be contained within the boundaries of the property on which the shooting facility resides.

~~(5)~~ The director may waive the requirement for side berms if it is determined they are not necessary because of natural topographic features.

~~(6)~~ Shotgun-only ranges are exempt from paragraphs (3) through (5) of this subsection.

~~(7)~~ Outdoor shooting facilities may not be designed in a manner that directs projectiles into or over waterbodies or wetlands.

(8) Outdoor shooting facilities shall post signage along the perimeter of the Surface Landing Zone that indicates that the area is an active gun range with live fire.

**17.68.060 OPERATING STANDARDS**

(A) Hours of operation shall not to exceed 8:00 AM  
- 9:00 PM.

(B) No sound resulting from the outdoor shooting facility is allowed to exceed 90-60 dB(a) as measured at or within the boundary of the property of the receiving land.

(C) No sound resulting from the outdoor shooting facility is allowed to exceed 5 dB(C) above ambient sound levels as measured using the C-weighted sound level with the sound level meter set for C-weighting, "fast" response.

(Dg) The outdoor shooting range shall have a Safety Range Officer, designated by the management of the facility, on site during all hours of operation.

**17.68.070 APPEALS**

(A) Appeals from a decision of the director granting or denying a permit under this chapter shall be filed and conducted in accordance with MSP 15.39-Change to be consistent with a Conditional Use Permit process.

**17.68.080 TERMINATION OF PERMIT**

(A) Except as otherwise specified by code, a permit issued under this chapter will become null and void under the following conditions:

(1) notification of termination of the permit for failure to comply with an order to correct violations of a permit;

(2) failure to initiate the use for which the permit was issued within five years of the date of the permit issuance;

(3) cessation of the use for which the permit was issued for a period exceeding five consecutive years.

**17.68.090 TRANSFER OF PERMIT**

(A) Except as otherwise specified by code, the privileges and requirements of a permit issued under this chapter shall run with the land.

(B) Within 90 days of recording the transfer of ownership of the subject land, the new owner must provide written notification and a signed acknowledgment that the new owner assumes responsibility for compliance with the requirements of the permit.

**17.68.100 NONCONFORMING USES**

(A) Within the borough there may be outdoor shooting facilities that have commenced actual construction (defined in MSB 17.125.010) or are in existence as of the effective date of this chapter. Such facilities which were lawful before the effective date of this chapter, but which would otherwise be prohibited, regulated or restricted under this chapter, are allowed to continue but shall not be expanded except as provided in this chapter.

(B) No nonconforming use shall be constructed or operated except in accordance with these regulations, except to the extent it was in existence or under actual construction (defined in MSB 17.125.010) as of the effective date of the ordinance codified herein or amendment thereto.

**17.68.110 VIOLATIONS, ENFORCEMENTS, AND PENALTIES**

(A) Remedies, enforcement actions, and penalties shall be consistent with the terms and provisions of MSB 1.45.

(B) In addition to other applicable penalties, failure to correct the violation of code, after

reasonable notice, may result in revocation of the permit.

(C) Complaints received by the Borough of violations of state or federal law will be forwarded to the appropriate agency for enforcement.

(D) Authorized representatives of the borough shall be allowed to inspect the site and related records at reasonable times for the purpose of monitoring compliance with all permit conditions.

(E) The permittee shall assist and cooperate with authorized inspections upon reasonable notice from the borough.

Section 3. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2020.

\_\_\_\_\_  
 VERN HALTER, Borough Mayor

ATTEST:

\_\_\_\_\_  
 LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)



**Karol Riese**

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**From:** Beverly Cutler <bevcut@gmail.com>  
**Sent:** Sunday, August 2, 2020 6:58 AM  
**To:** Planning  
**Subject:** For Planning Clerk and Planning Commissioners for 8/3  
**Attachments:** [MSB 20-025.pdf](#)

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Attached please find my comments regarding Agenda Item X for the Planning Commission's regular meeting scheduled August 3 at 6:00 p.m. Can you please confirm for me that these have been received and distributed? Thank you very much.

Beverly W. Cutler, 8470 N. Russet Rd., Palmer, AK 99645 (bevcut@gmail.com)



To: Members of the Mat-Su Planning Commission  
From: Valley resident Bev Cutler  
Subject: OUTDOOR SHOOTING RANGE RESOLUTION PC-20-12,  
Date: Public Hearing August 3, 2020 (Agenda Item X.)

MY COMMENTS ON PC-20-12 AND MY "3 MINUTE STATEMENT" FOR PUBLIC HEARING ARE SET FORTH BELOW IN THE FORM OF QUESTIONS REGARDING THE APPLICATION OF PROPOSED MSB 20-25

Section 17.68.010 INTENT

(A) It is the intent of this chapter to allow outdoor shooting facilities to operate within the Borough while minimizing the likelihood that people, domestic animals, or properties will be jeopardized.

What does "jeopardized" mean at the end of this sentence? For property, does it include diminution in the value of the property? For people, does it include jeopardy to their mental health?

Section 17.68.030 APPLICABILITY

(D) This chapter does not regulate the discharge of firearms on private property where the property is not open to the public on a commercial, education, nonprofit, or membership basis.

Is the following example included in any of the four categories listed above? If not, why not, and should these categories be enlarged to cover such?

"An owner of unimproved land bordering occupied residential lots constructs an access road on his property and installs multiple targets and a backstop. He allows friends to come shoot, often when he is not there. He owns a gun shop 10 miles away and allows customers to come shoot, often when he is not there. He never constructs a home nor lives on this property. He occasionally hosts shooting contests. "

## Section 17.68.050. GENERAL STANDARDS

(A) (1) Firing positions are located at least one thousand feet from all habitable buildings which are not on the same parcel.

Does “habitable building” mean only human residential habitability, or does it include workshops, greenhouses, and barns housing livestock?

## Section 17.68.100 NONCONFORMING USES

(A) Within the borough there may be outdoor shooting facilities that have commenced actual construction or are in existence as of the effective date of this chapter. Such facilities which were lawful before the effective date of this chapter, but which would otherwise be prohibited, regulated or restricted under this chapter, are allowed to continue but shall not be expanded except as provided in this chapter.

Who determines past lawfulness? In assessing past lawfulness, will whether such facility constituted a legal nuisance before enactment of the chapter be considered? Will the assessment include whether such facility in the past has been violating government soil and water pollution protections, rendering its past operation not “lawful”?

What legal mechanism exists for neighboring residential landowners to contact the Borough to require a permit for such a facility?

*Thank you for letting me be heard. In general, I am strongly opposed to shooting ranges in residential neighborhoods.*

*Beverly W. Cutler, 8470 North Russet Road, Palmer, AK 99645*

**Karol Riese**

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**From:** psfisher@gci.net  
**Sent:** Monday, August 3, 2020 10:07 AM  
**To:** Planning  
**Subject:** Comments on MSB Ordinance 20-025 Outdoor Gun Facilities

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

I am pleased that the gun range ordinance addresses so many safety issues. That is exactly what is needed for an issue that effects neighborhood and residents.

Two items are still necessary in the ordinance:

- 1) 1) The application procedure should go through a **Conditional Use Permit process**, which would take into account the values of the surrounding neighborhoods through testimony, instead of just an **Administrative Permit** process, in which the surrounding neighbors could only comment whether they have a building within 1000 ft of a range. A Gun Range Facility effects
- 2) 2) A requirement should be added that **lead disposal must conform to EPA standards which will protect our water supply, especially since many of us use wells for our drinking water.** tricia Patricia Fisher,  
2360 Larry Trail, Meadow Lakes

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**From:** [Mary Olson](#)  
**To:** [Planning](#)  
**Subject:** Safe Gun Range ordinance  
**Date:** Monday, August 3, 2020 12:23:32 PM

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**[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]**

Please provide the following written testimony to the Mat-Su Borough Planning Commission before the meeting today at 6 pm. If you are not able to get this to the commission to be considered in their deliberations please reply to this email address immediately. Thank you.

Dear Planning Commission,

I am writing in support of a borough ordinance related to shooting facilities in the borough. I am in support of the ordinance with a few changes.

I am concerned about the noise, the danger and the possible problems with water quality that allowing unregulated

I have a right to have live without excessive noise from neighbors who chose to engage in activities that are noisy – above 60 db.

I have a right to be safe on my property from stray bullets or gunfire because safety measures are not established when people are shooting on their property

I want my well water to be protected from ground water contamination from lead caused by shooting activities.

Please pass Ordinance 20-025 with amendments noted below

-bring the required noise level to under 60 decibels, which matches the current borough noise ordinance. 90 db is the sound of a hairdryer. That is too loud to allow from 8am -9 pm each day.

-increase the neighborhood notification areas to distance that is greater than the maximum distance a bullet would travel from any firearm that might be used at the range. range

- conform to EPA standards for lead disposal to protect groundwater wells, and . All neighbors who are within range of a stray or misfired bullet need to be notified before the permit is issued. We all depend on well water for drinking and other personal use in our neighborhood. We cannot afford for it to be compromised.

Amend the ordinance to require a Conditional Use permit to allow neighbor's values to be considered before issuing the permit

Thank you for providing this ordinance to protect the people of the borough.

Sincerely,

Mary Olson  
1150 Golden Hills Drive  
Palmer, AK 99645