

FOR SETTLEMENT PURPOSES ONLY

BEFORE THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU

VETERANS FOR PEACE, Ch. 100, Juneau,

Appellant

vs.

CBJ PLANNING COMMISSION, Appellee

and

JUNEAU MERCANTILE AND ARMORY. LLC

Appellee/Intervener

Appeal of

NOTICE OF DECISION

CDD File No. USE 2012-016

**SETTLEMENT PROPOSAL
Offered by Appellant Veterans for Peace**

This Agreement is entered into by and between Veterans for Peace, Chapter 100 (VFP), the CBJ Planning Commission (Commission), and the Juneau Mercantile and Armory, LLC (JMA), who are the Parties to the above-captioned appeal related to the permitting of an indoor gun range in Juneau. Each party has made efforts to recognize the interests and concerns of the other parties, and agree with the following recitations:

*All of the Parties care about the health and safety of Juneau citizens.

*All of the Parties will benefit from a prompt and final resolution to this litigation.

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1 *The public notice of the various hearings related to permitting the gun range met minimum
2 legal requirements, but likely failed to alert many interested parties.

3
4 *The publicly provided information on the permitting of the gun range did not include
5 mention of semi-automatic, automatic and assault-style weapons, which information would have
6 concerned many public members and did concern many public members when they learned of it.

7
8 *The JMA may have plans for addressing the public health and safety of the gun range, but
9 lack of public knowledge of such measures is of concern to VFP and to many members of the
10 public.

11
12 **NOW, THEREFORE,** the Parties do hereby agree as follows:

13
14 1. The Commission will notice and hold one or more public hearings on the JMA's
15 application for a conditional use permit, as though the Assembly had remanded the matter. The
16 scope of the hearing(s) will be limited to issues of public health and safety in and around the gun
17 range. The Commission will invite one or more public safety representative(s) from the Juneau
18 Police Department and/or other public safety experts and one or more public health expert(s)
19 (e.g., mental health clinician, pediatrician, epidemiologist, etc.) to attend, and to speak at, the
20 hearing.

21
22 2. JMA agrees to attend such hearing(s), and to submit a written plan to explain to
23 the Commission, and to the public, the health and safety plans for the gun range, to include
24 architectural security features, staff background and training and certification requirements,
25 customer controls (e.g., background checks, psychological challenges, age restrictions, etc.), and
26 firearms training plans, including instructor qualifications, definition of training equipment.
27 JMA further agrees to comply with any health and safety recommendations (or permit
28 conditions) that may be imposed by the Commission, as instructed by the testimony of law
29 enforcement and public health professionals.

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1 4. JMA and Veterans for Peace agree to submit to the Assembly a joint letter asking
2 the Assembly to convene a task force to address firearms-related public health and safety
3 measures in Juneau. The letter will ask that members of the the task force include, among others,
4 a representative from the public school system, the police department, a public health agency,
5 VFP, and (should they care to participate) JMA.

6
7 3. Upon satisfaction of the terms set out above, VFP agrees to withdraw its appeal of
8 the Commission's decision to permit the gun range and agrees it will not appeal any subsequent
9 approval of the JMA's application for a conditional use permit for its gun range or the
10 Assembly's approval of same.

11
12 5. Each Party hereby releases and holds harmless the other Parties from any appeal,
13 cross-appeal, claim or counterclaim it had or could have had arising out of this appeal.

14
15 6. Each Party to this Agreement will bear its own costs and attorneys fees related to
16 this appeal and Settlement Agreement.

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18 Respectfully Submitted, this 12th day of March, 2013, at Juneau, Alaska.

19 VETERANS FOR PEACE -- Chapter 100, Juneau, Appellant

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21 Philip J. Smith, President
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