

**Exhibit B**  
**January 18, 2018**  
**Planning and Zoning**  
**Commission Staff Report**



## **PLANNING AND ZONING COMMISSION REPORT**

**Meeting** January 18, 2018

**Date:**

**Agenda Item:** 5R

**Case Name:** Study Session - Z16-0013: Cowtown Rezoning

**Case** Z16-0013  
**Number(s):**

### **General Application Information**

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*Proposal:*

The Applicant is requesting to rezone the property to clarify the allowed uses, development standards, and operational criteria for the Cowtown Range.

*Location:*

10402 W. Old Carefree Highway

*Project Acreage:*

Approximately 78 Acres

*Applicant:*

Brian Greathouse Esq. of Burch & Cracchiolo

### **Project Description**

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A request to rezone approximately 78 acres from Special Use (SU) and Floodplain (FP) to the Cowtown Planned Area Development (PAD) to clarify the allowed uses, development standards and operational criteria for the Cowtown Range.

### **Recommendations:**

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This item is for discussion only, no action will be taken at this time.

### **ATTACHMENTS:**

Description

Staff Report

Exhibit A - Vicinity Map

Exhibit B - Current Zoning Map

Exhibit C - Cowtown PAD Standards and Guidelines Report

Exhibit D - Preliminary Site Plan with Aerial

Exhibit E - Conceptual Fence Plan

## Exhibit F - Letter of Opposition



## City of Peoria

### PLANNING DEPARTMENT

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Peoria, Arizona 85345  
T 623-773-7200  
[planning@peoriaaz.gov](mailto:planning@peoriaaz.gov)

# Memorandum

**Meeting Date:** January 18, 2018

**To:** Planning & Zoning Commission

**From:** Lorie Dever, Principal Planner

**Re:** Item 6R  
Study Session – Z16-0013: Cowtown Rezoning

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Cowtown has been the host of movie and television productions, western shooting clubs, corporate events, festivals and parties, shooting competitions, firearm training classes, and advanced training in long range marksmanship classes for police, military and civilian instructors. These uses continue on the property presently; however, said uses were not clearly defined in sufficient detail within the initial zoning case to adequately reflect the character and nature of Cowtown. Accordingly, the Applicant is requesting to rezone the approximately 78 acre Cowtown Property from Special Use (SU) and Flood Plain (FP) to Cowtown Planned Area Development (Cowtown PAD), to better define the particular unique land uses, development standards, and operational criteria for Cowtown.

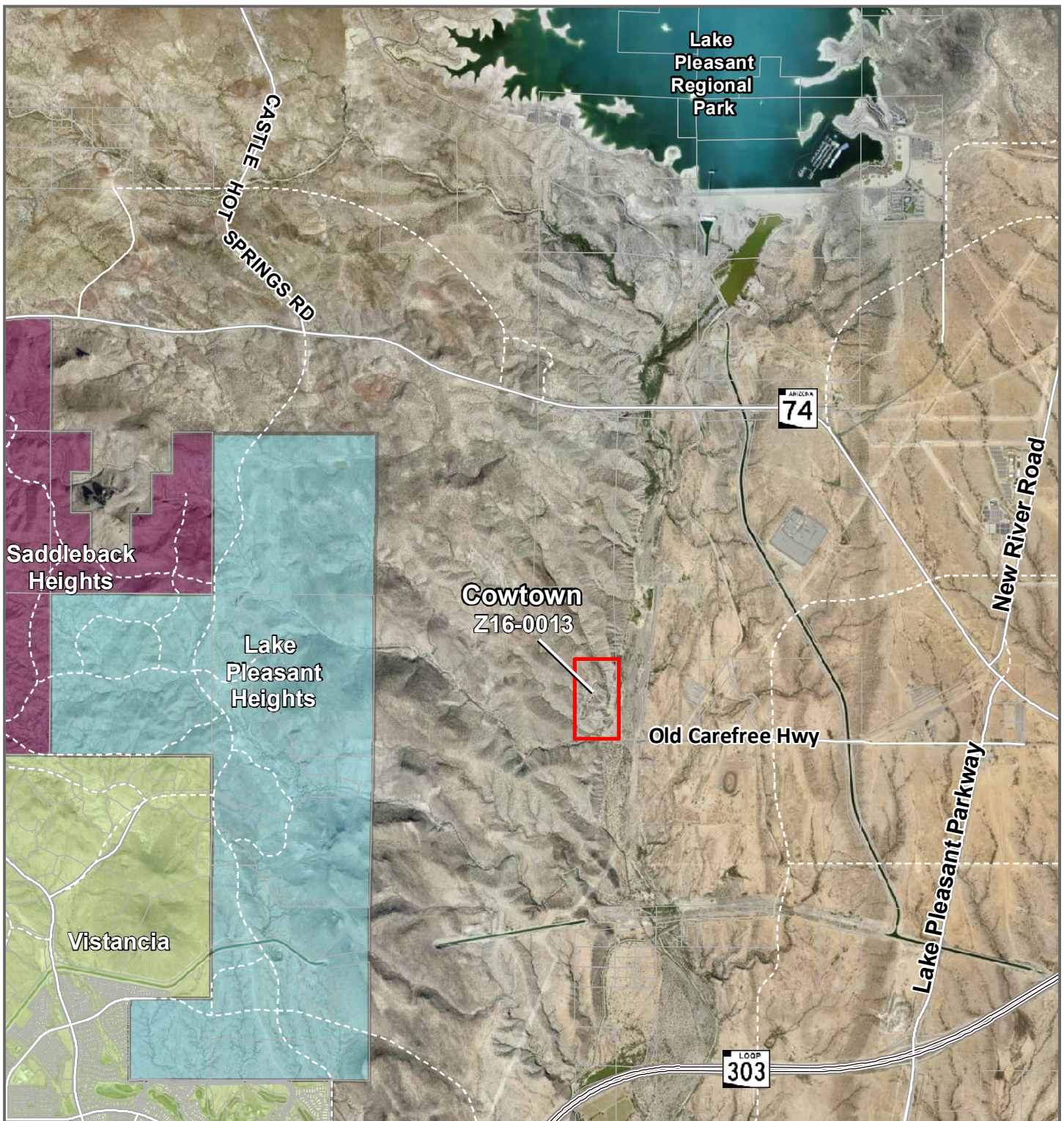
Given the complex characteristics of the land uses and unique setting of the property, staff will provide the Planning and Zoning Commission (Commission) an overview of the project. Additionally, staff will provide an update to the Commission regarding the status of a potential agreement between the Applicant and Arizona State Land Department to address the areas of concern noted within ASLD's letter of opposition.

This item will be for discussion only, and no action will be taken at this time.

Prepared by: Lorie Dever  
Principal Planner



# Vicinity Map



Not to Scale

## Z16-0013 Cowtown

**Applicant:** Brian Greathouse on behalf of Westward Ho Adventures LLC

**Request:** Rezone request from Special Use (SU) and Floodplain (FP) to Cowtown Planned Area Development (PAD) to to better define the particular unique land uses, development standards, and operational criteria for Cowtown.

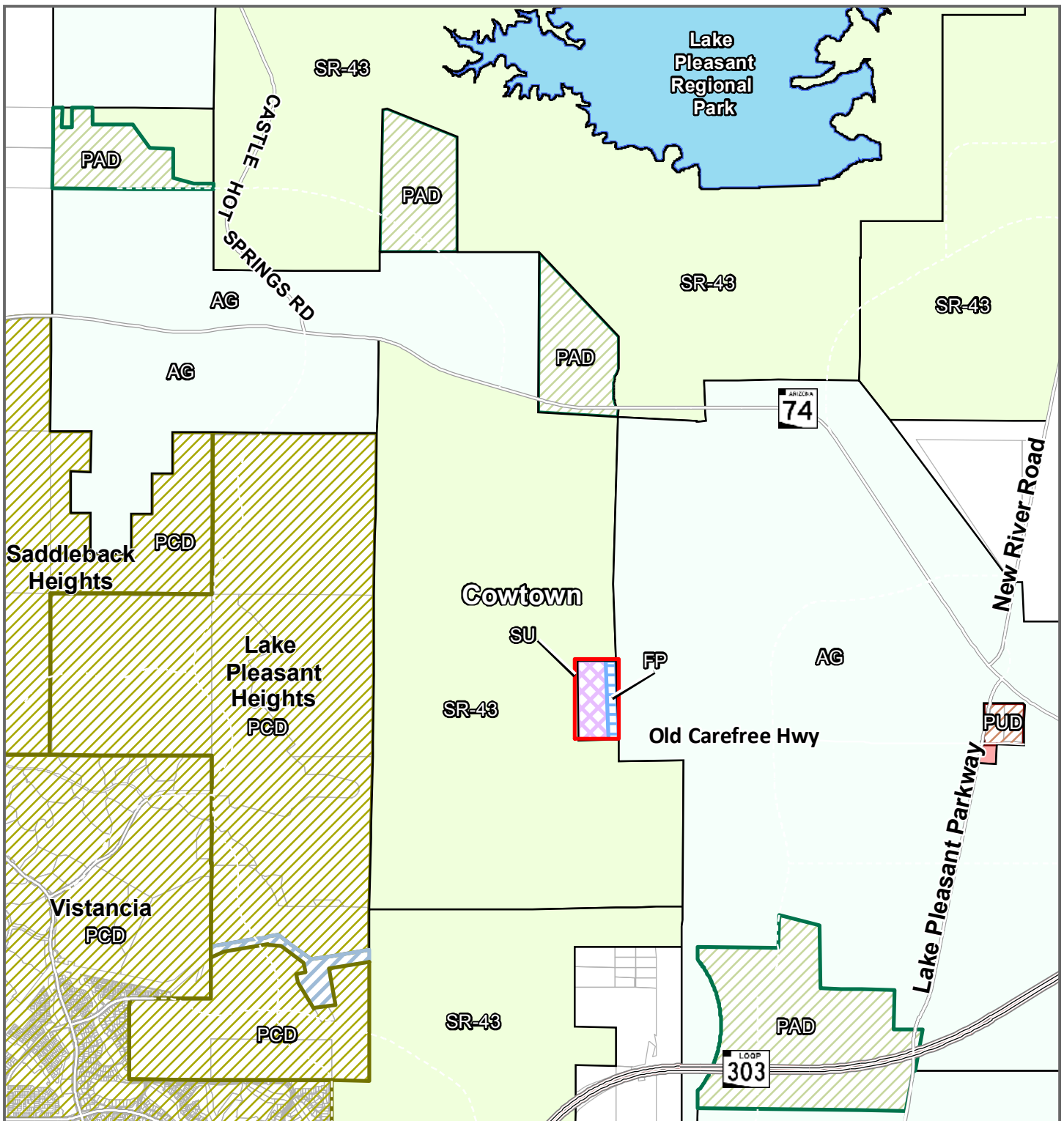
**Location:** The property is generally located at the northwest corner of Old Carefree Highway and 104th Avenue.



## Exhibit A



# Existing Zoning



Not to Scale

## Z16-0013 Cowtown

**Applicant:** Brian Greathouse on behalf of Westward Ho Adventures LLC

**Request:** Rezone request from Special Use (SU) and Floodplain (FP) to Cowtown Planned Area Development (PAD) to to better define the particular unique land uses, development standards, and operational criteria for Cowtown.

**Location:** The property is generally located at the northwest corner of Old Carefree Highway and 104th Avenue.



**Exhibit B**



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October 11, 2017



**Planned Area Development  
Standards & Guidelines Report**

*Case # Z16-0013*

## Project Information

### Cowtown Planned Area Development

10402 West Carefree Hwy, Peoria AZ

**Gross Area:** 77.80 acres

**APN:** 201-18-001

#### Legal:

East ½ of the Southwest Quarter of Section 5,  
Township 5 North, Range 1 East of the Gila and  
Salt River Base and Meridian, Maricopa,  
Arizona

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- A – Letter from City of Peoria Letter from City  
Manager dated January 25, 1994
- B – Operations Handbook, Don Turner’s  
Resume

## Development Team

#### *Applicant*

#### **Westward Ho Adventures LLC**

26020 N 82nd Street  
Scottsdale, Arizona 85255  
602-741-8245

#### *Planning Consultant*

#### **Kevin Kerpan**

1374 E. Grand Canyon Drive  
Chandler, Arizona 85249  
602-329-0192

#### *Legal Counsel*

#### **Ed Bull**

#### **Brian Greathouse**

Burch & Cracchiolo, P.A.  
702 E. Osborn Road, Suite 200  
Phoenix, AZ 85014  
602-234-9903

## 1-Introduction

"Cowtown" is located within the northern area of the City of Peoria ("City") on approximately 78 acres of real property located at the west end of Old Carefree Highway, bordering the west bank of the Agua Fria River (the "Cowtown Property" or "Property"). In approximately 1974, the Cowtown Property was purchased by a veteran stunt performer and western film producer. At the time, the Cowtown Property was located within an unincorporated area of Maricopa County. Thereafter, the Cowtown Property was primarily developed for promoting entertainment events of all types, such as old west activities and film productions that occasionally included the use of helicopters, and other uses such as a stunt school, restaurant, rodeo competitions, corporate events, horseback riding, fast draw shooting competitions, a live fire shooting gallery and cowboy shooting (shooting with pistol, rifle and shotgun), as well as other events, and trap shooting began in the late 1970's.

In approximately 1993, a new ownership group took over the Cowtown operations. Since the new ownership acquired the Cowtown Property, the recreational and entertainment uses have continued, such as various western shooting, sport shooting and training related activities. The new ownership group also owned and operated Shooter's World at the time (since sold) which had significant firearm training and education programs for private citizens as well as police and military agencies. Similar firearm training activities to those offered at Shooter's World were subsequently integrated at Cowtown. The topography of Cowtown offers safe shooting against the cliffs and canyons within the Property and offers a unique and desired location for specialized tactical training. Consequently, the number of military, federal and state agencies training at Cowtown has steadily increased, including the United States Army, United States Navy, United States Marine Corps, United States Air Force, and various Special Forces Units of those services (e.g. Seal Team 6 and Delta Force) along with Los Angeles County SWAT, Las Vegas SWAT, Scottsdale SWAT, and the Phoenix Police Department.

The objective of the Cowtown Planned Area Development ("PAD") is to formalize and better define the land uses currently operating, such as those land uses recognized and grandfathered by the initial rezoning case (Case Number Z94-06) and certain annexation agreements. This PAD will identify the specific allowable land uses, relevant development standards, and operational criteria that will solidify Cowtown's operational requirements and provide a long-term vision for the property.



## 2–Site Context

Cowtown encompasses approximately 78 acres of real property and is located near Old Carefree Highway and the 104<sup>th</sup> Avenue alignment. The Property is accessed from Lake Pleasant Parkway via Old Carefree Highway (see **Figure 1**, Aerial Map). Prior to 2015, visitors to Cowtown and the neighboring Canyon Raceway had been using an existing water diversion structure as a crossing over the intervening Maricopa Water District (MWD) canal to access the Property. In 2015, a new bridge crossing on the Old Carefree Highway alignment was completed and became operational.

Surrounding the Property to the south, west, and north are undeveloped Arizona State Land Dept. (“ASLD”) properties. Just beyond the ASLD parcels to the west are three large future master planned communities, Lake Pleasant Heights (1.2 miles away), Saddleback Heights (2.5 miles away), and Vistancia (2.9 miles away). There are many mountains, hills, and canyons located between Cowtown and the future master planned communities located more than 1.2 miles away. Therefore, not only is there vast distance between Cowtown and the future residential land uses, but the existing terrain and topography provide a physical barrier between Cowtown and these properties.

To the east of the Cowtown Property is the Agua Fria Wash. Beyond the Agua Fria Wash is an undeveloped 420+ acre parcel of land, an unoccupied APS substation, and Canyon Raceway. Turf Soaring School is also in the vicinity at the northwest corner of Lake Pleasant Parkway and Old Carefree Highway.

## 3–Entitlement History

The Property has supported a variety of recreational and entertainment uses, such as movie and television filming, firearm training, and outdoor entertainment events, which existed prior to annexation into Peoria in 1994. The following is a brief overview of the Property’s entitlement history:

### **Maricopa County:**

- Maricopa County approved a Special Use Permit (Z77-114) for an “amusement park” on the Cowtown Property (12/8/77).
- Maricopa County approved a new Special Use Permit (Z86-95) to allow sand & gravel extraction in the eastern 330 feet of the site (3/2/87).
- Maricopa County approved an Amendment to the Special Use Permit (Z77-114) to allow three new movie sets at the northeast corner of the site (1993).

### **Annexation into Peoria:**

- In 1993, the City of Peoria entered discussions with the former owners of Cowtown relative to annexation of the property as part of a regional annexation plan. When the City requested that Cowtown consider joining the City as a part of its northern expansion plans, the former and present ownership (then under contract to purchase the Cowtown Property) agreed, with the understanding that all of the land uses then enjoyed, would be recognized by the City as a condition of accepting annexation.

- City Council adopted Ordinance 94-03 on January 25, 1994. The Cowtown Property was part of a 35 square-mile annexation.
- Peoria City Manager, Peter Harvey, issues a letter dated January 25, 1994 to Mr. Harold Berg and Mr. Chris Shaw to “outline the basic position of City Staff” on a variety of issues, including the following: (*See Appendix A*)
  - The City determined the Zoning District most analogous to the Property’s County zoning was the Special Use District (“SU”). The City’s SU Zoning District contains a site plan requirement and City Staff accepted the Plot Plan (with list of existing uses) on file with Maricopa County as the initial Cowtown Site Plan.
  - Future changes in land use would be processed as Site Plan Amendments under the City’s Zoning Ordinance in recognition that the Property would be transferring ownership, and that “additional site planning may be required as the Property is more intensely developed.”
  - The Letter acknowledges *“upon annexation, all existing uses, buildings and structures and means of servicing the property will be grandfathered... with the following types of uses as illustrative of the type of use of the Property”* – sand and gravel extraction (eastern 330’); movie-shooting and “western town activities”; restaurant and specialty retail; horseback riding, haystack rides and western activities; cookouts, gatherings and dances; repelling, hiking and other water and western theme recreational activities; paintball, sporting clays and training activities; other “cowboy” and western theme amusement and recreational uses.

#### **Initial Zoning:**

- City Council adopts Ordinance 94-12 on April 6, 1994 (Case Z 94-06)
  - The City adopted Special Use (SU) and Flood Plain (FP) Zoning Districts as the initial zoning on the Property.
  - The Flood Plain District was applied to the eastern 330 feet of the site (approximately 20 acres)

#### **Conditional Use Permit:**

- The City’s Planning & Zoning Commission approved a Conditional Use Permit (SU 95-08) to allow the sale of beer and wine (Series #6 License) at Cowtown’s facility.

## **4–General Plan Analysis**

The General Plan’s Land Use Map designates the Property as Park/Open Space and Estate Residential (0-2 du/ac, target of 1du/ac). *See Figure 2 – Existing General Plan Land Use Map.* The General Plan’s land use map designations are the same designations as when the Property was annexed into the City. Cowtown is considered a private outdoor recreation facility, which is analogous to the Park/Open Space land use designation. Shooting Ranges are a permitted use under Section 21-502 (non-residential districts) of the Zoning Ordinance, and under Chapter 13 of the Peoria City Code.



## 5–The Request

Cowtown’s existing land uses that have been “grandfathered” under County zoning and City annexation and initial zoning processes have not been clearly defined in sufficient detail within the City’s initial zoning case (1994) to adequately reflect the unique character and nature of Cowtown. Further, there are special operational and development considerations given the particular unique land uses, operations and events that have prompted Cowtown and the City to seek appropriate development standards and operational criteria. The purpose of this PAD is to rezone the Cowtown Property from Special Use (SU) and Flood Plain (FP) to PAD, and among other things, to define the particular unique land uses, operations, events, development standards, and operational criteria for Cowtown. An Existing Zoning Map and a Proposed Zoning Map are provided at **Figure 3** and **Figure 4**, respectively.



## 6–Land Uses

Land uses not specifically listed below or deemed inconsistent with the intent of the Cowtown PAD by the Zoning Administrator shall be prohibited.

### A. Permitted Principal Uses

1. Cattle and Livestock Grazing
2. Commercial Equestrian Boarding and Paddocks
3. Film, Photography, Video and Music Productions
4. Hiking and Rappelling
5. Horseback Riding
6. K-9 training and Tracking Exercises
7. Non-shooting Tactical Training, such as bomb squad training and tactical medical training
8. Military and Police Training, such as door breaching exercises, securing the perimeter of an area, disarming suspects, and other military and police field simulations.
9. Paintball/Airsoft/Speedball
10. Archery
11. Restaurant (any new restaurants will be required to go through the City’s site/design review, permitting and inspection process)
12. Classroom/office

## **B. Permitted Principal Uses with Conditions**

1. *ATV Rides, Convoy and Off-Road Driving (Excluding Racing); Concerts, Festivals, Music Performance and Western/Horse/Rodeo Shows; and Corporate Events/Team Building, Obstacle/Mudrun events, and Private Parties (e.g. weddings)* will be permitted subject to the following conditions:
  - a. ATV Rides, Convoy and Off-Road Driving shall be allowed only in designated areas and trails.
  - b. The sale of alcohol shall be in compliance with State and City requirements. (Refer to B.2.d below regarding sale of alcohol when shooting events or shooting related activity will occur on the same day.)
  - c. Onsite parking areas shall be clearly and visibly defined using a method such as, but not limited to: chalk, rope, and pylons.
  - d. Designated parking areas shall not impact, restrict or diminish ingress/egress of vehicular traffic within and around property.
  - e. No parking is permitted on the roadway (Old Carefree Highway).
  - f. Entry/exit gates on the Property shall remain unobstructed at all times.
  - g. Fires and grills are permitted in designated areas only. The property owner or their designated representative ("Property Owner") will ensure users will observe "No Burn" days.
2. *Outdoor Shooting* is permitted subject to the following conditions:
  - a. Outdoor shooting will only occur within areas designated as "shooting range/training" in **Figure 5**, Preliminary Site Plan. Proposed modification(s) to the boundary resulting in either an individual or cumulative change in area that is greater than 10% of the total "outdoor shooting" area will be submitted to the Planning Manager for review in accordance with Section 21-604.D.
  - b. Use of Cowtown's ranges for outdoor shooting is limited to shooting clubs, competition events, registered user groups, tactical organizations, military/police organizations, and private members. Should the Property Owner desire to open the outdoor shooting facilities for shooting by the general public, it shall be deemed a significant increase in land use intensity and require an amendment to the Cowtown PAD to address the additional facility requirements and increased demand on existing infrastructure. (Refer to Section 14 – Amendments to PAD.)
  - c. Outdoor shooting occurring after dark will comply with applicable Arizona Revised State Statutes.
  - d. The sale of alcohol for a shooting event or shooting related activity is prohibited. Should a non-shooting event be held on the same day as a shooting event or shooting related activity, the sale of alcohol may be permitted when the following conditions are met:
    1. A liquor license has been obtained for the non-shooting related event.

2. The point of purchase and area where consumption can occur is clearly delineated, secured, and separated to the greatest extent possible from the shooting event/activity.
3. Security measures will be in place prohibiting persons who have consumed alcohol to enter into a designated shooting event area, and/or participating in any shooting event for that day.
- e. Retail sales of any guns and/or munitions or incendiary materials will be conducted in a manner in accordance with all applicable City of Peoria, State and Federal regulations. (For purposes of this PAD, retail gun and munition sales may include sales customary at State authorized gun shows, such as typical gun shows held at Ben Avery and Arizona State Fairgrounds. Gun and munition sales may include dealer-to-dealer, dealer-to-person, and person-to-person sales, such as those customary at typical gun shows.)
- f. Operation and management of Cowtown's Outdoor Shooting Ranges shall be in accordance with the Cowtown Operations Handbook ("Handbook"), as submitted by the Property Owner and included in Appendix C as reference only. The Property Owner is responsible for regularly reviewing and updating the Handbook as necessary to reflect on-going operational changes and advancements, or refinements to industry safety practices. As changes are made, the Property Owner will submit a dated copy to the City of Peoria Planning Department to be placed on file. Updating the Handbook for the foregoing will not require or be deemed to be an amendment of this PAD.
3. *Camping, Barracks, Trailers and RV Facility* provided that:
  - a. The Use is limited to the invitees of Cowtown in connection with the permitted uses.
  - b. Maximum days allowed on the Site is 30 days.
  - c. Property Owner shall clean up and remove all refuse and debris, restoring the area back to the condition prior to the activity.
  - d. Camping activities will be located outside of designated shooting range areas, and a safe distance from inhabitable and uninhabitable buildings.
  - e. Property Owner or their designated representative will ensure users will observe "No Burn" days. Fires and grills are permitted in designated areas only.

### **C. Permitted Accessory Uses**

1. Caretaker and Watchman Facilities
2. Catered Food Service including portable food vendors
3. Retail Merchandise Sales, such as sporting goods, water bottles, and other types of merchandise
4. Equipment rentals, such as ATV rentals and steel target rentals
5. Storage Facilities, such as non-occupied sheds to store miscellaneous equipment
6. Parking Facilities

7. Workshop, Assembly or Repair (related to movie props, firearms, paintball, and tactical equipment) for employees and private party group leaders only

**D. Uses Subject to a Fire Department Operational Permit**

1. Explosives storage, handling, training and/or testing may be permitted on-site subject to obtaining an Operational Permit from the City of Peoria Fire Department. Operational Permits are required to be renewed annually, unless otherwise indicated on the Operational Permit.
2. Magazine types and separation distances shall be in compliance with the International Fire Code, Section 56 and NFPA 495.

**E. Uses Subject to a Temporary Use Permit**

1. Application Criteria
  - a. Prior to the specified uses below from occurring on-site, the Property Owner or authorized designee shall obtain a Temporary Use Permit ("TUP") from the City of Peoria for each and every occurrence.
  - b. These uses are excluded from the maximum allowed number of TUPs per year.
  - c. The TUP application shall be prepared in accordance with Article 14-30-13 of the City's Zoning Ordinance and submitted at least thirty (30) days prior to the start of the specific occurrence, occasion or event.
  - d. Property Owner or designee submitting the TUP application will provide:
    - i. A detailed site plan for the subject occurrence, occasion or events requiring a temporary use permit.
    - ii. The Site Plans shall be prepared in accordance with applicable City of Peoria standards, and at a minimum show the location of the event, areas used for parking, fencing, entry/exit points, tents/canopies (include dimensions), stages (include dimensions), generators, bars, tables/chairs, portable restrooms, signs, etc.
    - iii. A route map for all distance events such as walks, runs, rides, and driving events.
  - e. The TUP application shall satisfy all applicable City of Peoria licensing and permitting requirements for events requiring temporary signage, tents, electricity / generators, pyrotechnics, stages or similar equipment.
  - f. Each occurrence, occasion or event shall pass applicable permit inspection(s) by the Peoria Fire Marshall for all tents, canopies, membrane structures, and similar structures such as, but not limited to, staging and merchandise displays.
2. Uses and Event Equipment permitted with a TUP.
  - a. Helicopter tactical and shooting training (for government training purposes only).
    - i. Helicopter operations are limited to fast rope/rappelling and shooting from hovering aircrafts for specialized training for military, law enforcement groups, and Department of Defense contractors (with active DOD contracts) only.

- ii. Groups performing this type of training are required to begin the training with an Orientation Class providing instructions with the respect to the boundary of the Site.
- iii. Only rotary wing personnel transport helicopters are allowed.
- iv. The direction of long-range firing shall occur in the north-south direction within the various canyons located on the Site.
- v. Ammunition greater than .50 caliber is prohibited.
- b. Binary Explosives – a TUP is required when binary explosives such as tannerite and similar ATF defined explosives materials are to be brought on-site, handled or used for any reason on the property.
- c. Event Equipment – If any occurrence, occasion or event on the property involves any of the following:
  - i. The use of tents/canopies or membrane structures four hundred (400) square feet or larger;
  - ii. Use of generators at events requiring a Temporary Use Permit; or
  - iii. Use of fires or grills outside of the designated areas shown on the site plan.

## **7–Architectural Style and Appearance**

There are two distinct architectural styles within Cowtown. The first and oldest area encompasses the movie sets, special event area, and stables within the southern portion of the property. One of the original purposes underlying the development of Cowtown was to promote entertainment events of all types, but in particular old west activities and western film productions. To support the film productions, complete western town/movie sets were constructed. The town/movie sets are comprised of a Hotel, Saloon, General Store, Post Office, Sheriff's Office, Jail, Newspaper Office, Barber Shop, Dentist and Blacksmith Shops. Additionally a Mexican village and restaurant was added for later movie productions, but are not in use at this time. The natural patina and textures of the materials and structures found on site make Cowtown Studios highly desirable for Casting Location Scouts and photographers.

General Architectural Style and Design Requirements are as follows:

- Improvements or enhancements to existing structures, along with construction of new buildings or structures within the town area shall be architecturally compatible in size, scale and current theme as illustrative within the adjacent photos.
- The town consists of flat roof single and two story structures that often have either a zero lot line or minimal spacing between the buildings. Improvement or enhancement of existing structures shall be retrofitted in a manner in keeping with established street character. Placement of new buildings shall be consistent with the established street character, while recognizing and responding to natural topographic conditions and applicable building codes.
- Building materials and colors shall be consistent with the established Western theme. Existing building materials and colors include, but are not limited heavy use of wood elements such as natural wood or plank siding, wood posts supporting covered walkways that run the entire

length of the building. Painted elements have been designed to appear rustic and/or exposed to the elements gives the buildings a weathered look.



The second architectural style encompasses the three outdoor shooting ranges and paintball fields. They are more utilitarian in nature given the unique operational requirements. Building materials for training houses, shooting bays and accessory structures consist of corrugated metal roofs and metal. Improvements or enhancements to existing structures, along with construction of new buildings or structures within these areas shall be made of durable materials that shall meet the operational and safety needs of the environment. Enhancements or improvements to structures shall be consistent with the above and below photos.







## 8–Rehabilitating Existing Structures

The existing movie sets were never intended to be accessible by the general public. Given their inherent nature and constant exposure to the elements over the years, they have become rundown. The existing movie sets will require periodic strengthening or restoration, or removal. Work on any existing building(s) or structure(s) will be in conformance with Article 14-26-4 (B) (except that the cost may exceed 50% of the most recent assessor’s full cash value) and permitted without bringing the entire site into conformance with the Zoning Ordinance. Given the existing condition of the movie sets, it may be acceptable to City Staff to allow the Property Owner to retain the street façade, demolishing the rest of the structure and utilizing temporary storage facilities behind the façade to maintain operable movie sets. The property owner shall obtain all necessary permits and licensing requirements prior to commencing work.

## 9–Operational and Design Standards

### *Cultural Resources*

Improvements to the property or construction of new buildings/structures shall avoid, to the extent reasonably possible, any cultural resources found on site as documented by Archaeological Consulting Services, Ltd. If avoidance is not reasonably possible, eligibility testing for

historic/modern components will be completed prior to ground disturbing activities to determine possible historic significance. If any cultural resources are encountered during project construction, work shall stop in the vicinity of the find and ASM will be contacted.

#### *Shooting Range Protocols*

The Cowtown Range is a professionally managed and operated shooting and training facility venue providing a quality and customized experience for a variety of professional shooting activities and events. Cowtown management is responsible for range safety along with tenant relations including Cowtown Paintball and Cowtown Cowboy Action Shooters. Cowtown management has prepared a Range Rules Handbook (the Handbook), which outlines the safety rules, code of conduct and operations policies currently in place and must be adhered to during Cowtown shooting events. In addition, this Handbook was evaluated for “best management practices” by NRA Instructor and Range Technical Team Advisor Don Turner, who also has extensive experience managing the Clark County and Ben Avery ranges. Additional modifications were made and subsequently adopted for use at the range. Mr. Turner’s resume and Cowtown’s Range Handbook are included in Appendix C.

In general, there are six programmatic areas for the management of shooting facilities. They are Safety, Security, Public and Employee Health, Sanitation, Administration, Operations and Maintenance. Cowtown management will periodically re-evaluate the Handbook and modify any regulations or procedures as necessary to accommodate evolving technology and market requirements. Such update will not require or be deemed an amendment to the PAD.



In addition to the Handbook, Cowtown management has developed an Environmental Stewardship Plan (ESP). The ESP will ensure there is no direct or indirect migration of waste from the site. New range users and prospective clients are required to schedule a site tour, and will be issued a safety package, and a safety and rules liability/acknowledgement form to sign. Lastly, individuals or groups utilizing the property are required to sign the Cowtown Rental Agreement, which affirms they are responsible for reading and adhering to the Cowtown Park “Rental Rules and Procedures”.

#### *Parking Facilities shall:*

- Occur in designated areas with appropriate dust control measures.
- Be regularly cleared of trash, debris and decaying vegetation.
- Be graded in a manner than minimizes water runoff and site erosion. (Grading permits shall be required unless otherwise indicated by the City Engineer.)
- Ingress/egress access points and the extent of the parking area will be clearly defined.
- Incorporate dust control measures. The property owner will reduce airborne dust and particulate matter, utilizing City acceptable methods within parking areas and unpaved roads.



City acceptable dust suppressants or other methods will be employed and re-applied as needed.

## **10–Environmental Considerations**

Cowtown was entitled within the City of Peoria prior to the establishment of the Hillside Overlay or the Desert Lands Conservation Overlay (DLCO). This rezone request only seeks to clarify and recognize existing uses permitted onsite, along with establish special operational and development considerations given the particular uses and events that occur onsite. Consequently, the Hillside Overlay and DLCO are not applicable at this time. Should the Property Owner propose significant changes to the underlying land uses that would be deemed by the Planning Manager as a major amendment to the PAD, then the area impacted by the amendment would be subject to the provisions of the Hillside Overlay and DLCO.

Nonetheless, the applicant recognizes the unique character and nature of Cowtown and proposes the following environmental guidelines to oversee building improvements and structural enhancements:

- Maintain to the extent possible the existing fowl and wildlife habitat within and around the natural pond.
- Significant vegetation, such as mature cactus or trees adjacent to proposed improvements shall be protected in place using best construction practices during the construction process.
- Walls shall utilize materials and colors that are consistent with the existing character of the Property and surrounding desert.
- Any new or improved habitable buildings shall be situated outside of wash or drainage corridors.

## **11–Circulation**

Visitors to Cowtown and the neighboring Canyon Raceway access their properties from Old Carefree Highway which is a City of Peoria maintained roadway.

## **12–Utilities**

### *Water*

No registered drywells or drinking water systems are available on-site. The City does not have water lines that serve this area. Currently the Property has three wells onsite; however, only one is partially in operation. Additional water is brought in to the site on an “as needed basis” when special events are held. Onsite water storage will be increased to meet the needs of any future enhancements or expansion of the facilities, in conformance with applicable Peoria Fire and Building Codes at the time of development.

### *Wastewater*

The City does not have wastewater lines that serve this area. Portable toilets are brought onsite to accommodate special events. The Property Owner will work with the City on possible options to

expand capacity or create permanent facilities to meet the needs of any future enhancements or expansion when specific improvements are identified.

#### *Electric*

Electricity is provided by generators and limited solar units, since the Property is not currently served by APS. The Applicant will work with adjacent property owners and APS to provide a cost effective means to bring power to the area before any significant future expansion of the facilities will occur. Additional solar units may also be utilized until permanent power is established. Permits may be required prior to installing solar facilities on the Site.

#### *Gas and Cable*

Natural gas and cable are not available.

### **13-Phasing**

At this time, there are no specific plans for future development or expanding operations on the site other than what is depicted in Figure 5, Preliminary Site Plan. Should that change, the property owner will notify the City as to the nature and type of desired improvements, and obtain all necessary approvals or permits (as applicable), prior to commencement of work. That being said, the Applicant desires to conduct general site maintenance and rehabilitation of existing structures to improve the overall condition of the Property. The general description and approximate order of those enhancements is as follows:

1. *General clean-up of the property* - This includes but is not limited to removal of trash and debris, and removal of dead or decaying vegetation within common areas.
2. *Improvement and enhancement of parking area* - These improvements shall include clearing of trash and dead or decaying vegetation within the designated parking area. Ingress/egress access points and the extent of the parking area will be clearly defined. (If required, Grading permits will be obtained unless otherwise indicated by the City Engineer.)
3. *Incorporation of dust control* - The property owner will reduce airborne dust and particulate matter, utilizing City acceptable methods within all parking areas and unpaved roads. City acceptable dust suppressants or other methods will be employed and re-applied as needed.,
4. *Rehabilitation of existing buildings* – Strengthening or restoration of any existing building(s) or structure(s) will be in conformance with Section 21-862 of the Zoning Ordinance (with the exception that the cost may exceed 50% of the most recent assessor’s full cash value). The property owner shall obtain all necessary permits and licensing requirements as necessary prior to commencing work.

### **14-Amendments to PAD**

Amendments to the Cowtown PAD may be needed in the future to further clarify permitted uses, redefine, add or subsequently delete development standards and operational requirements for the property. An amendment to the approved PAD may be requested by the applicant or its successors, and will be prepared in accordance with the applicable City of Peoria requirements. Unless

otherwise defined within the Cowtown PAD, the Peoria Planning Manager shall determine if the amendment constitutes a major or minor amendment and process the request in accordance with Article 14-33-4 of the Zoning Code. Moving and relocating specific land uses shown on Figure 5, Preliminary Site Plan, is a Minor Amendment to the PAD.

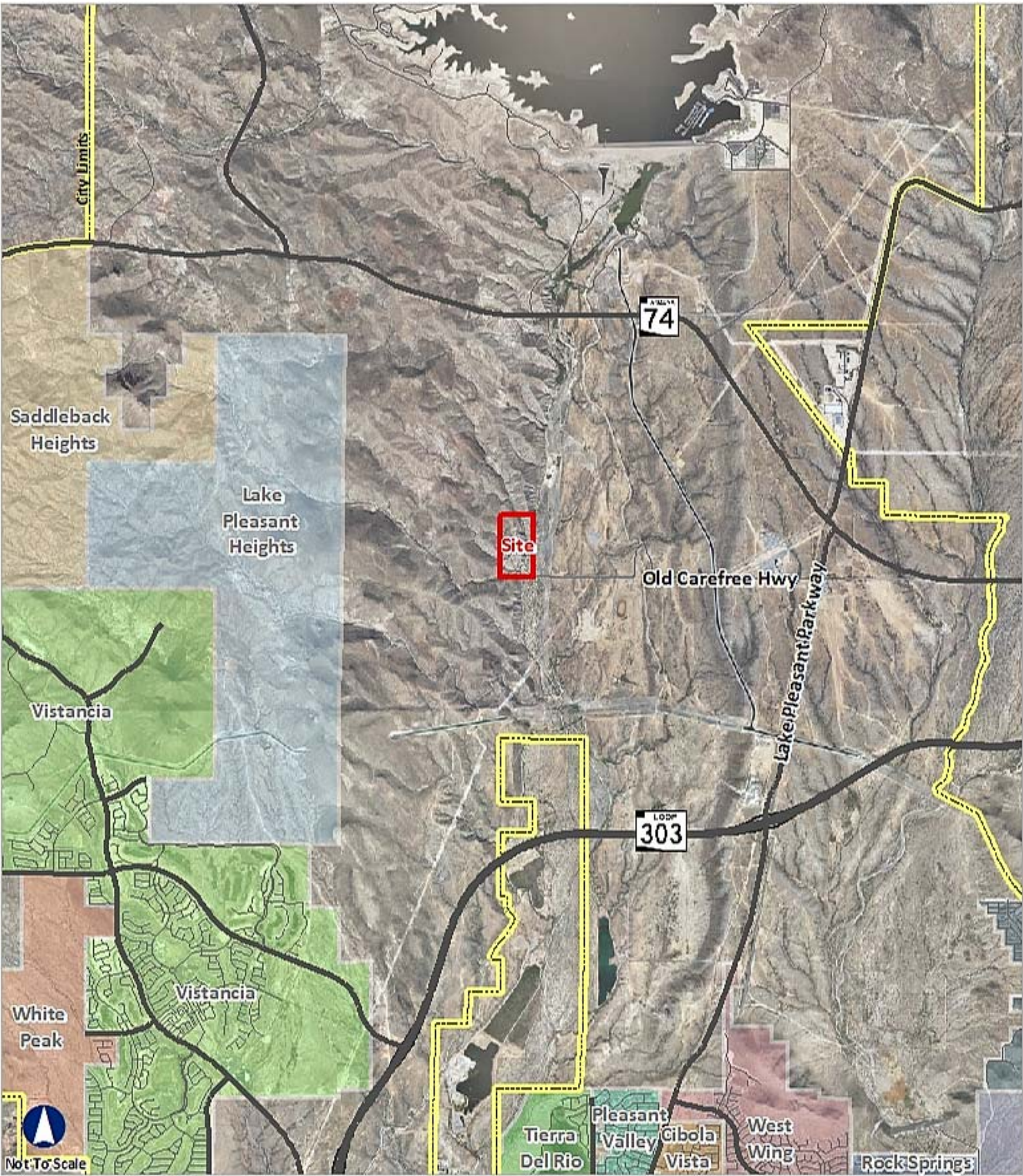
## **15-Conclusion**

Cowtown has had significant local, national, and international appeal since its inception. Although originally designed to promote entertainment events oriented toward old west activities and film productions, the Property has served as an outdoor concert and entertainment venue, and is home to several firearm and tactical training organizations. These uses were not clearly defined in sufficient detail within the initial zoning case to adequately reflect the unique character and nature of Cowtown. This has created ambiguity and inconsistent interpretation of development expectations between City staff and the property owner. Consequently, the Applicant is requesting to rezone the property from Special Use (SU) and Flood Plain (FP) Districts to Planned Area Development (PAD). Rezoning the property to PAD will assist in clearly defining the grandfathered land uses approved in conjunction with the initial zoning case, as well as identify the relevant development standards and operational criteria that will solidify Cowtown's current operational requirements. Finally, this Cowtown PAD provides a long-term vision for the property while increasing its future business development potential.

Figures

# **Exhibit 1**





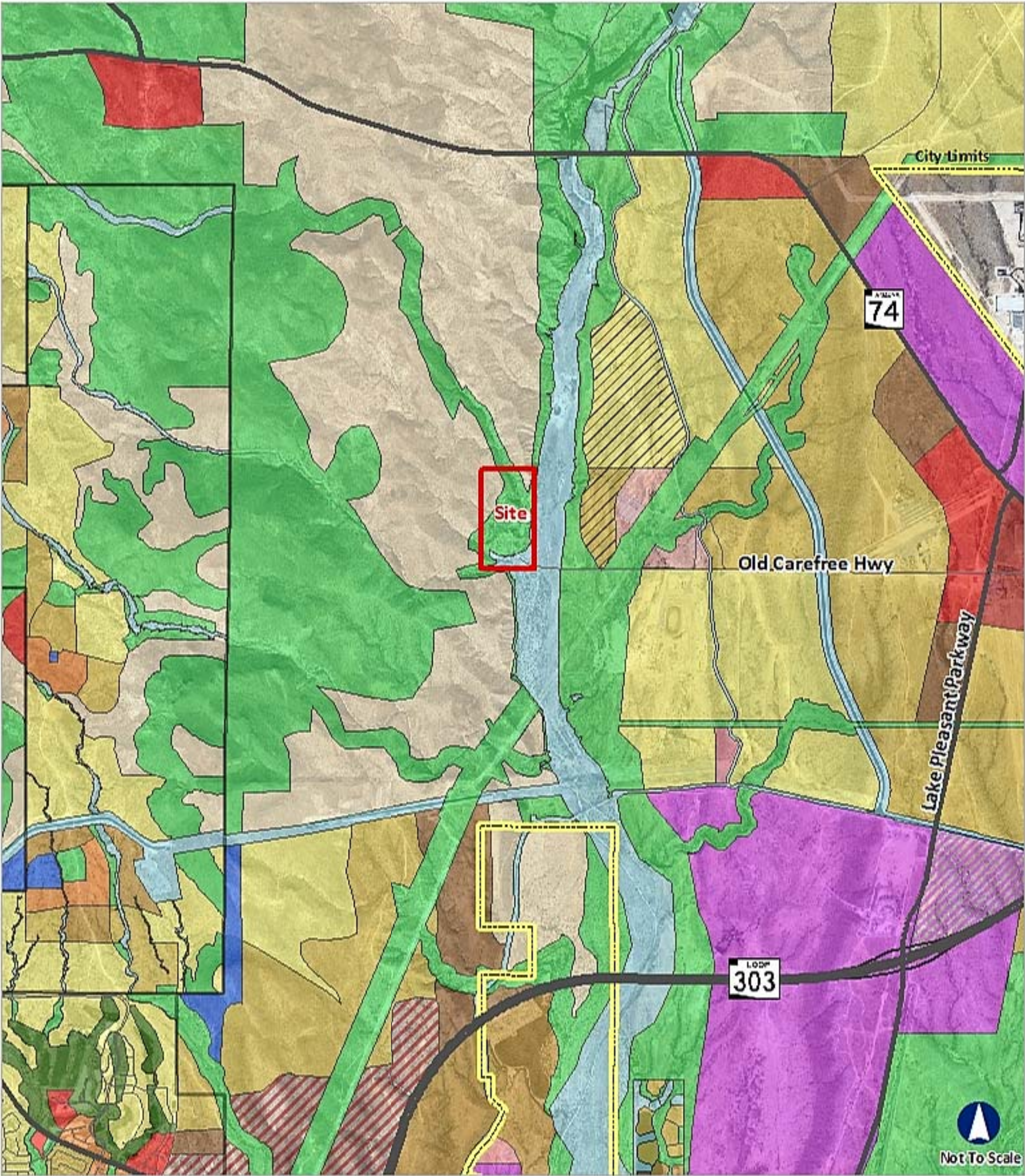
**Figure 1 - Context Aerial Map**  
Cowtown Planned Area Development





# **Exhibit 2**



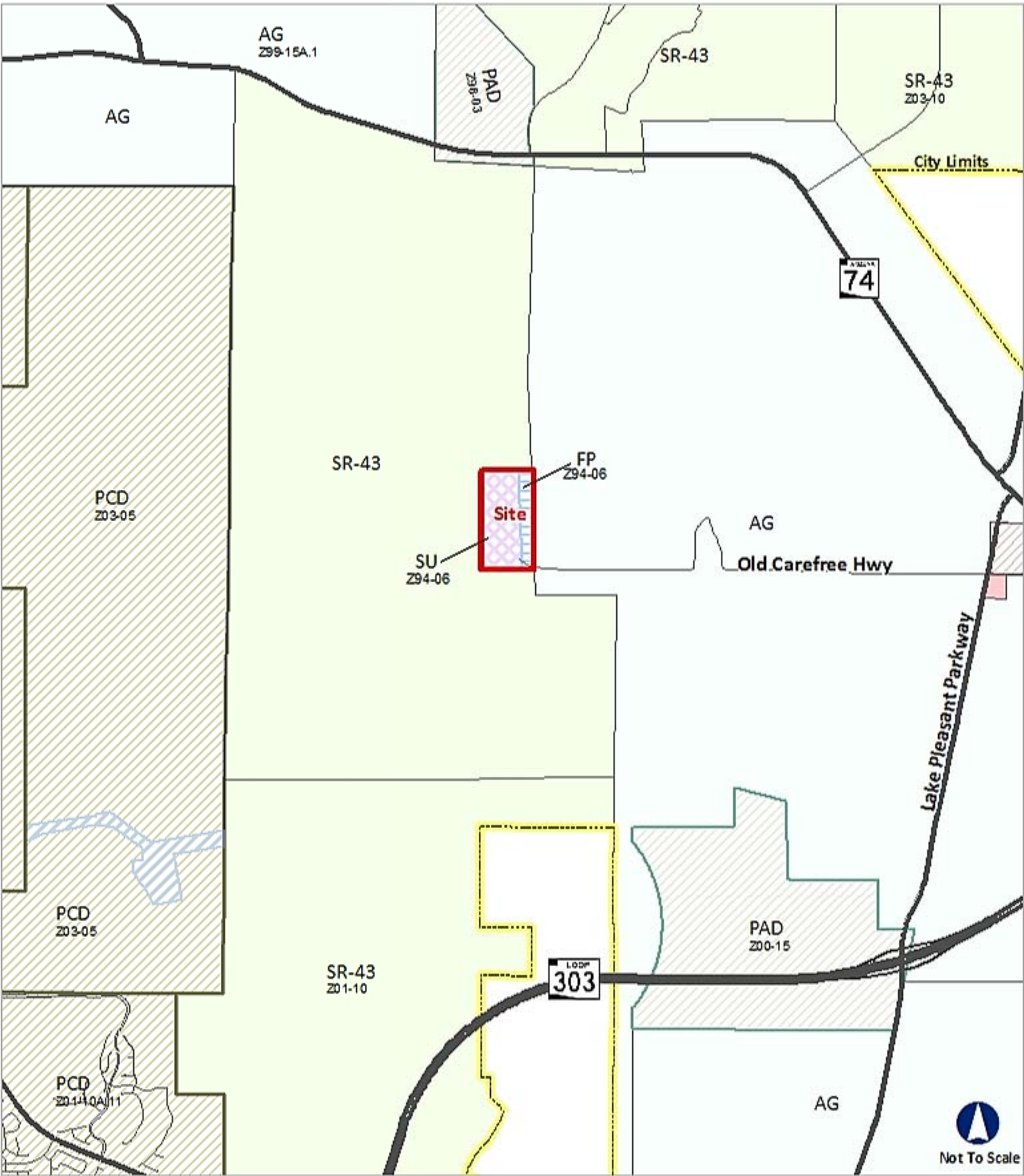


**Figure 2 - Existing General Plan Map**  
Cowtown Planned Area Development





# **Exhibit 3**

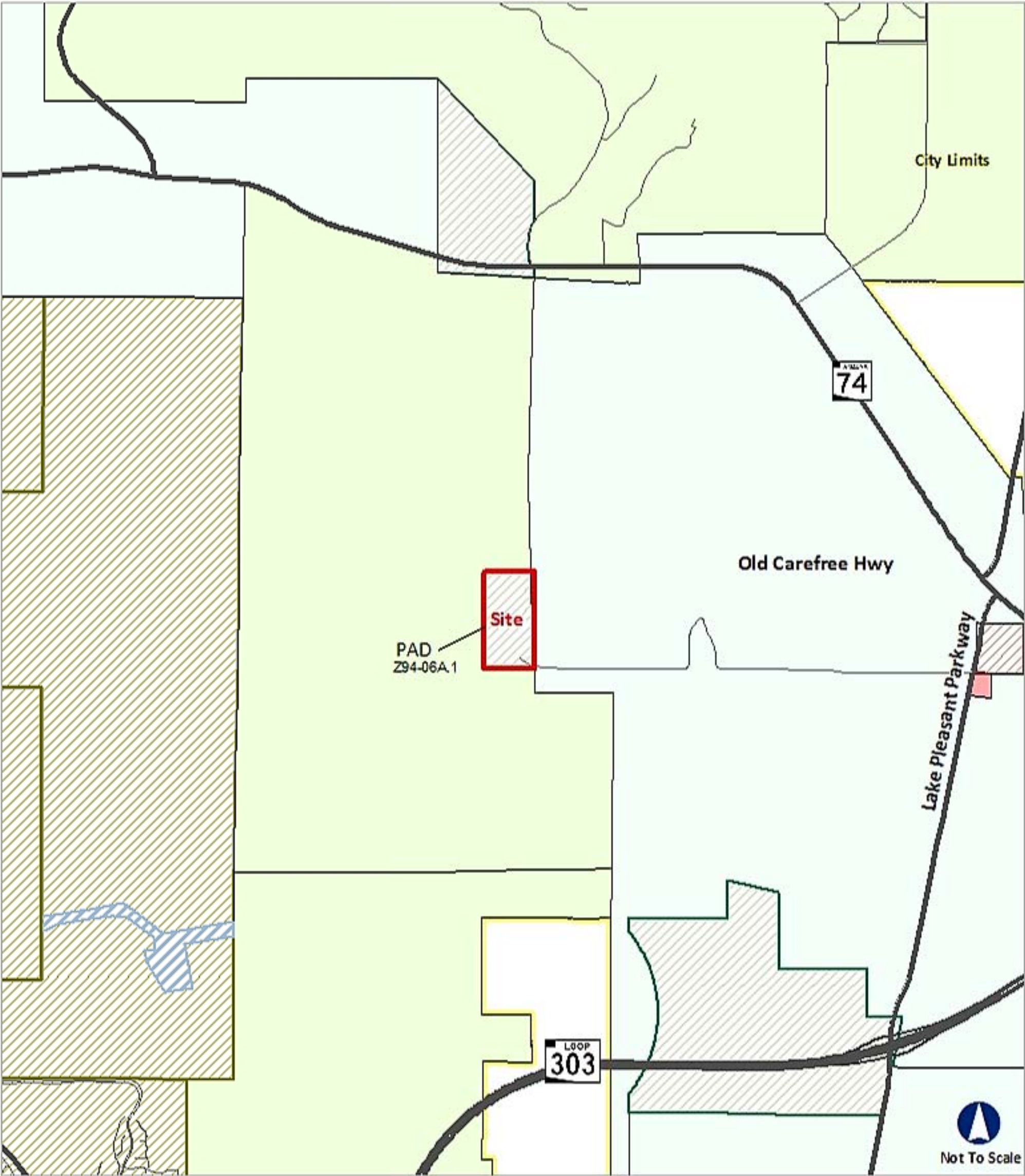


**Figure 3 - Existing Zoning Map**  
Cowtown Planned Area Development



# **Exhibit 4**





**Figure 4 - Proposed Zoning Map**  
Cowtown Planned Area Development



# Appendix A

**Appendix A**

January 25, 1994

Letter from City of Peoria  
City Manager



# City of Peoria

8401 West Monroe Street, Peoria, Arizona 85345

## OFFICE OF THE CITY MANAGER

TELEPHONE  
FACSIMILE

602-412-7300  
602-412-7309

January 25, 1994

Mortgage Investor's Service, a  
division of Harold L. Berg &  
Assoc., Limited  
P.O. Box 32965  
Phoenix, Arizona 85064

Chris Shaw  
The Pensus Group  
3828 North 28th Avenue  
Phoenix, AZ 85017

Re: Maricopa County Assessor's Parcel No. 201-18-001  
(the "Property")

Dear Mr. Berg and Mr. Shaw:

It is our understanding that Mortgage Investor's/Berg & Assoc. is an Arizona corporation, and as such, acts as the attorney in fact for the owners of the above-referenced parcel (the "Owners"). As the City Attorney and Deputy City Manager discussed at a meeting with Messrs. Mickey Oksner, Owner's representative, Chris Shaw and Ed Bull (Purchaser's representatives), the City is in the process of annexing a large area including your Property prior to February 1, 1994.

The Owner's and the Purchaser have expressed concern regarding the City's position pertaining to the future use, development and servicing of the Property after it is annexed into the City. Upon annexation, all existing uses, buildings and structures and means of servicing the Property will be "grandfathered" to the extent permitted by law and may be continued. Following the annexation, the City will proceed with placing the City's initial zoning on the property in the manner provided in A.R.S. §9-471.L. While only the City Council can grant zoning, the purpose of this letter is to outline the basic position of City Staff in this regard on the following issues:

### PLANNED USES BY OWNER/DEVELOPER

The Property is being planned for development as an amusement area with the following types of uses as illustrative of the type of use on the Property.

1. Movie Shooting and Western Town Activities
2. Restaurant and Specialty Retail
3. Horseback Riding, Hayrack Rides and "Western" Activities

4. Cookouts, Gatherings and Dances
5. Rappelling, Hiking and other water and western theme recreational activities
6. Paintball, Sporting Clays and Training Activities
7. Other "Cowboy" and "Western" theme amusement and recreational uses.
8. Sand and Gravel Operation on a portion of the Property

City Staff is supportive of these types of uses and will recommend that they are consistent with the current City's Comprehensive Master Plan.

#### PUBLIC SAFETY

The Property will be served from existing police and fire facilities in the City. At such time that the area is developed more intensely, the City may devote additional public safety resources subject to budgetary and financial limitations.

#### TRANSPORTATION

1. The City is considering improvement plans for Carefree Highway west of Lake Pleasant Road. The City anticipates that these improvements will be phased over approximately five years, with Phase 1 expected to occur within the next year or two. The phasing and construction of the improvements will be dependent on the budgetary and financial constraints of the City.
  - (a) Phase 1 -- Carefree Highway from Lake Pleasant Road to the east end of the existing loop over the Beardsley Canal.
  - (b) Phase 2 -- Carefree Highway west from the east end of the existing loop over the Beardsley Canal, west over the canal to the west end of the loop.
  - (c) Phase 3 -- Carefree Highway west from the west end of the loop over the Beardsley Canal to a point to be determined.
2. It should be noted that the Development Agreement between the City and Group Three Properties envisions Carefree Highway being improved to the North-South Arterial (located west of the Agua Fria) through the Group Three Properties.



3. The City has no intentions at this time to require access to/from the Property other than by way of Carefree Highway, for now as it exists today and later as it may be improved by the City as described above.

#### UTILITIES

1. The City does not have water or sewer lines that serve this area. Connection to city utilities would not occur until those utilities are available.
2. There is an existing private well on the Property. The Property may use the well for its uses so long as it does not provide water to property not owned by the same party and not part of this parcel. Obviously the well must comply with the rules and regulations of the appropriate County and State regulatory agencies.
3. In the future, the City may be interested in discussing with the Property owner the acquisition and redevelopment of the Well through an assessment district or another means of financing to provide a local water system.
4. The Property may continue using its existing sewage disposal system until such time as:
  - (a) a sewer line is readily available for connection, or
  - (b) an expansion/change of the uses of the Property requires additional sewage disposal improvements for health-safety based reasons, or
  - (c) Owners are compelled by a governmental agency having jurisdiction other than the City to make modifications to its existing sewage disposal system.

At such time, if connecting to a City sewer line is not readily available, the City will cooperate with the Owner/Developer to the extent permitted by law in permitting an on-site or other appropriate sewage disposal system.

5. Necessary changes to utilities and other infrastructure serving the Property may be phased as required by the needs of the Property as it expands/changes over time and taking into account the development of adjacent areas and the city's need and responsibility to provide such utilities and infrastructure.

ZONING

1. The current county zoning is R-43 with a Special Use Permit for an amusement park. The City has reviewed the illustrative uses and considers the City's Special Use District (SU) for an amusement park to be the City zoning district most analogous to the Property's current zoning. Upon Annexation, the City will proceed to initiate a request for rezoning pursuant to A.R.S. §9-471.L for the 60 western acres of the Property to SU-Special District for an amusement park. A copy of the City Zoning Code pertaining to the District is attached as Exhibit "A".
2. The City's SU-zoning district contains a site plan requirement. At the initial City rezoning from County, staff will accept the plot plan on file with Maricopa County as the initial site plan. Subsequent changes in use will be handled as site plan amendments under the City Zoning Code, recognizing that the property will be transferring ownership and that additional site planning may be required as the Property is more intensely developed.
3. There is a closed Sand and Gravel operation on the Property. Such operations are permitted within the City in its FP-Flood Plain District. Upon Annexation pursuant to A.R.S. §9-471.L, City Staff will initiate an application for FP zoning on that portion of the Property (20 Acres not subject to the County special use permit in the manner provided by the City Code. A copy of the City Zoning Code pertaining to the District is attached as Exhibit "B". City Staff will cooperate with the Developer/Owner in meeting and/or modifying as appropriate by Variance or otherwise, unnecessary FP requirements such as, for example that roads be paved.
4. The FP district will require the owner/operator to comply with the regulations of the Maricopa County Air Quality Control District pertaining to dust and particulate emissions. Additionally, if there is subsequent residential development adjacent to the site in the future, the City will likely require noise mitigation measures at that time regarding truck traffic.
5. The City acknowledges that the potential FP portion of the Property may be used not only for a sand and gravel operation but also for parking and other types of uses illustratively described above. City Staff will

Mortgage Investor's Service  
January 25, 1994  
Page 5

cooperate with the Developer/Owner to the extent permitted by law in structuring the SU and/or FP zoning and requirements thereof so that (subject to City Council approval of the zoning) such uses, activities and improvements may co-exist.

The City is looking forward to working with you on the development of this unique recreational use in the Lake Pleasant Area. With the other recreational uses in this area, such as Canyon Raceway, Turf Soaring and Lake Pleasant this development adds yet another dimension to the recreational opportunities available.

Finally, under the City's existing development agreement with Group Three Properties, the city is required to act on a specific zoning plan for the Group Three Area by March 1, 1994. Therefore we will be proceeding to complete the annexation of this area by January 27, 1994 in order to provide the thirty (30) day waiting period.

On behalf of the Mayor, Council and Staff of the City of Peoria, we look forward to working with you in the future.

Sincerely,

CITY OF PEORIA

  
Peter C. Harvey  
City Manager

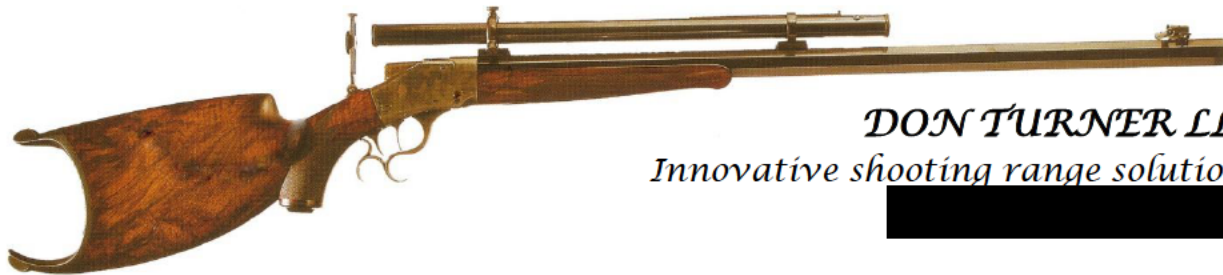
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# Appendix B

**Appendix B**  
Cowtown Operations Handbook  
Don Turner’s Resume





**DON TURNER LLC**  
*Innovative shooting range solutions*

May 15, 2017

Westward Ho Adventures, LLC  
5350 N. 16<sup>th</sup> Street #106  
Phoenix, AZ 85016

RE: Review of Cowtown Documents

Per your request, I have reviewed your most recent documents (Operations Handbook dated April 19, 2017 and Site Plan dated April 28, 2017) in view of Best Management Practices for outdoor shooting ranges.

Best Management Practices ensure that shooting ranges are safe due to a combination of management practices, safety rules, operations and physical design. Based on the documents provided and reviewed, Cowtown demonstrates that their operations will meet these criteria and be in compliance with appropriate safety and management concerns.

In addition, these documents and practices will be continuously reviewed and updated as circumstances change or needs are identified.

Sincerely,

Don Turner LLC

**RESUME**      **Donald M. Turner**  
7602 Lake Louise Ave.  
Las Vegas, Nevada 89131  
(602) 799-6466  
[REDACTED]

## **PROFESSIONAL EXPERIENCE**

1992 to Present:      DON TURNER LLC CONSULTANT SERVICES [REDACTED]

2000- present: NRA Board of Directors, Range Development Committee

2000-present: NRA Range Technical Team Advisor assigned to governmental range analysis issues.

2000-present: Shooting Range consultations and best management practice analysis.

2010-present: Instructor NRA Range Development Conferences (Strategic and Operational Planning, Governmental Relationships and Developing Customer Service Program)

2010-2016: Range Action Specialist, National Shooting Sports Foundation

January 2005 to September 2010:      CLARK COUNTY, NEVADA

### **SHOOTING PARK MANAGER**

Responsible for the management of the Clark County Shooting Park including developing and operationalizing the conceptual master plan, business plan, marketing plan, merchandising plan, operational plan, environmental stewardship plan, and financial plan. Provided support and guidance to the Clark County Shooting Park Citizen's Advisory Committee. Serve as Shooting Park expert for County. Prepare Board of County Commission agenda items and presentations. Represent the County to national and local shooting groups and professional organizations. Testify in federal court and at Board of County Commission meetings. Work with design team, prepare park for operations including \$913,000 startup budget, establishment of 10 positions and operational budgets, including two pro shops and one snack bar. Developed and trained staff on procedural and safety manuals. Oversee outreach program and developed Cornerstone Project customer service training program. Supervise daily operations.

July 1974 to January 2005:      ARIZONA GAME AND FISH DEPARTMENT

July 1, 1996 to January 12, 2005:      PROJECT LEADER, STATEWIDE SHOOTING RANGES PROJECT

This position includes additional responsibility as Chief Rangemaster, Ben Avery Shooting Facility. The Facility is a 1650 park dedicated to shooting recreation. This position supervises nine permanent employees (3 Rangemasters, 2 Assistant Rangemasters, Office Manager, Customer Service Representative, Maintenance Specialist, Grounds Specialist) as well as 20 park hosts and 90+ volunteers. The facility provides services to 220 user groups (clubs) and provides approximately 150,000 recreation days annually to rifle, pistol, shotgun, and archery shooters. Duties include supervision, facility management, budgeting (\$800,000 annual expenses), training, marketing, worker safety procedures and policies, property protection, media relations, and public safety. The rangemasters are certified Peace Officers. As Statewide Shooting Range Project Leader, oversees range operations on four other Department ranges operated by citizen organizations. Prepared technical reports and publications for the project and for the Arizona Game and Fish Commission. Administers a \$100,000 shooting range development grants program. The project leader is also involved in assisting other ranges statewide with all aspects of range operations, and represents the Department on national committees.

April 1995 - June 30, 1996:

### **SPECIAL ASSIGNMENT**

In addition to regular duties, was assigned to the Director's office to oversee the transition of the Ben Avery Shooting Facility from Maricopa County operation to full Department operation. Involved in all aspects of facility and project management including: Established a new federal aid five year project, budget, and plans for Statewide Shooting Ranges; Supervised, hired and trained new personnel (including law enforcement officers). Prepared facility development plans and facility procedures, guidelines and standards; Evaluated resources, program results and effectiveness; Wrote and edited reports on program activities and projects; Coordinated program with other department divisions and branches as well as other governmental agencies,

and news media; Authorized and monitored expenditures including purchase of new equipment; Established and coordinated facility redevelopment projects; Coordinated with various user groups and public, as well as with managers of other shooting ranges; Oversaw bid for new trap and skeet operation, and coordinated transition of operators.

1991 - June 30, 1996

FIELD OPERATIONS COORDINATOR

Assigned as Chief of Staff to the Assistant Director of Field Operations, which oversees six regions statewide, approximately 140 enforcement officers and respective budgets. Served as Federal Aid Project Leader for the Statewide Wildlife Area Project. Directly supervised the Aviation Branch, which consisted of four aircraft, four pilots and a mechanic. Taught and developed department courses related to supervision, policy, officer tactics, police firearms, and watercraft patrol. Other statewide duties included: enforcement, first aid kit program, firearms purchasing, issue and inventory, ammunition evaluation, purchase and issue, equipped and supplied all new officers, chief instructor for basic and advanced firearms and police rifle schools.

1981 - 1991

REGIONAL SUPERVISOR, REGION VI

Promoted to plan, design, organize, and staff this unit created in April of 1981. Worked with the Assistant Director of Operations and the Director to obtain funding for the facility. Devised and implemented all aspects of unit set-up, including design and construction of the large office complex with attendant security compound, parking and fueling facilities, warehouse, and other support requirements. Supervised full complement of customer service, staff specialists, law enforcement and watercraft personnel, and four wildlife areas. Prepared and administered multi-program budgets for six funds of approximately \$1,000,000.00. Provided standards, plans, and programs for all activities of the Mesa regional office as well as Region VI. Developed Department wide training programs. Designed First Responder Kits, Wildlife Manager III program, watercraft patrol technique course, advanced firearms and rifle training courses, as well as many other programs and projects.

1979 - 1981

REGIONAL LAW ENFORCEMENT SPECIALIST

Supervised up to 10 officers as program supervisor for the Region III law enforcement program. Trained personnel in firearms, first aid, watercraft and related department programs. Authored two handbooks on Law Enforcement which became the department's enforcement procedures manual. Developed Department standards for firearms training and proficiency testing. Served as Regional Supervisor on an assigned basis, and as his field representative.

1976 - 1979

WILDLIFE MANAGER

As a State Peace Officer, enforced Arizona State laws, regulations and Commission Orders. Investigated crimes, served search and arrest warrants. Established and conducted public relations programs.. Co-authored book: "Protected Reptiles of Arizona, A Field Guide for Southern Arizona Peace Officers."

1974 - 1976

STRATEGIC PLANNER

Utilized strategic planning abilities in coordinating activities with other local State and Federal agencies. Conceived and coordinated "Pilot Planning Study." Established master data storage and retrieval systems. Provided a series of recommendations for statewide department planning.

1972 - 1974:

STATE OF UTAH HIGHWAY DEPARTMENT

As the Wildlife Biologist for the Highway Department, supervised up to 40 state employees involved in collection and analysis of environmental data. Prepared Environmental Impact Statements, and served as Liaison with the Utah Department of Wildlife.

1969 - 1972:

UNIVERSITY OF ARIZONA

RESEARCH ASSOCIATE

Responsibilities encompassed supervision of the toxicology research laboratory, animal colony, and technicians. Conducted experiments in toxicology and prepared statistics for publishable data.

CERTIFIED LABORATORY ANIMAL TECHNICIAN

Responsibilities encompassed the care and feeding of laboratory animals used for research, and the supervision of disease free breeding colonies. Additional duties included instructing classes to animal technicians and conducting necropsies.

**EDUCATION**

Arizona State University, State of Arizona  
Certified Public Manager, 1984  
Management by Objectives

Cochise Community College  
     Police Supervision  
 University of Utah  
     Graduate Study  
 University of Arizona  
     Bachelor of Science, Wildlife Biology, 1969  
 William and Mary College  
     Computer Science  
 Belmont Abbey College  
     Liberal Arts, 1965-69

## TRAINING

### Management Training:

Management of Patrol Functions (ALEOAC)  
 Law Enforcement Stress (FBI)  
 Supervision (Padgett-Thompson)  
 Law Enforcement Supervision (ALEOAC)  
 Middle Management (ALEOAC)  
 Executive Development (FBI)  
 Staff Skill Development (ALEOAC)  
 Disciplinary Actions and Civil Liabilities (ALEOAC)  
 Disciplinary Actions (AZ Attorney General)  
 Human Communications (ALEOAC)  
 Public Manager Development Levels 4-6 (ASU)  
 Assertiveness for Professionals (Career Track)  
 Executive Skills Seminar Series (ASU)  
 Manager Skills Seminar Series (ASU)  
 Privacy and Security Act (ALEOAC)  
 State and Legislative Processes (U of A)  
 Affirmative Action (AZ Attorney General)  
 Introduction to IBM PC and DOS (AZ DOA)  
 Dealing with the Difficult Employee (Career Track)  
 Word Perfect (AZ DOA)  
 Project Management (National Seminars)  
 Influencing Key People (AZ Govt. Training Service)  
 Staff Skill Development (ASU)  
 Law Enforcement Productivity Standards (Van Meter & Associates)  
 Excellence in 1992 (Career Track)  
 Lessons in Leadership (U of A, Dennis Waitley)  
 Emerging Leadership Institute (CTK)  
 Violence in the Work Place (Phoenix Police Dept.)  
 Total Quality Leadership Program (Bottom Line, Inc.)  
 Range Management and Operations School (NRA)  
 Commissions, Boards and Ethics (AZ Govt. Training Service)  
 Customer Service (Skill Path)  
 Leadership Development (Skill Path)  
 Step up to Leadership (Dale Carnegie)  
 Range Development and Operations Seminar (NRA)  
 Lessons in Leadership (Peter Lowe)  
 Customer Excellence (Fish Market)  
 TV & Marketing (ASBA)  
 Disney Keys of Excellence (Disney, Inc.)  
 Innovative Marketing (Fred Pryor Seminars)

### Firearms Training

Police Firearms Instructor School (ALEOAC)  
 Basic Pistol (American Pistol Institute, Gunsite)  
 Special Pistol (American Pistol Institute)  
 Law Enforcement Rifle School (NRA)  
 Sig Sauer Transition (Mesa Police)  
 Rifle, Pistol, Shotgun, and Home Firearms Safety Instructor School (NRA)

Hunter Safety School (AGFD)  
 Hunter Education Instructor School (AGFD)  
 Semi-Auto Instructor School (ALEOAC)  
 Armorer School (Sig Sauer)  
 Concealed Weapons Instructor School (AZDPS)  
 Tactical Firearms Instructor School (ALEOAC/NRA)  
 Peace Officer Training:  
   Officer Survival (ALEOAC)  
   Boating Skills and Seamanship (US Coast Guard)  
   Street Survival (Caliber Press)  
   Social Psychology for the Peace Officer (ASU Police)  
   Terrorism (FBI)  
   Side Handle Baton (AGFD)  
   First Responder (ALEOAC)  
   Watercraft Skills and Tactics (Florida Marine Patrol)  
   The Bullet Proof Mind (Dave Grossman)  
 Field Craft Training:  
   Open Water Diver School (PADI)

## PUBLICATIONS

Behind the Curve, Recreational Shooting in the Western US. Gun Week Magazine. February 2009  
How to Write a Policies and Procedures Manual. NSSF. 2001  
Supervision of Watercraft Patrol Officers, Police and Security News, February 1991  
Watercraft Patrol and Survival Tactics, Charles C. Thomas Publisher, December 1990  
A First Aid Kit System for Conservation Officers. International Game Warden. Fall 1990

## SPECIAL REPORTS

Nevada Legislature. Naming Rights and Enterprise Fund 2006  
 SB 1008: Arizona Legislature, Range Protection Act, 2002  
Strategic Plan for Arizona Shooting Ranges. AGFD. 2001  
Ten Year Plan, Ben Avery Shooting Facility. AGFD. 2000  
A Workbook for Building Shooting Ranges in Arizona. AGFD. 1998  
Shooting Range Development Grants Manual. AGFD. 1996.  
Ben Avery Five Year Development, Budget and Staffing Plan. AGFD. 1996  
Ben Avery Shooting Facility Assessment and Transition Management Plan. AGFD. 1995.  
 Lesson Plans for AGFD  
   Vicarious Liability Advanced Firearms, Police Rifle, Remedial Firearms, Water Safety, Watercraft Operation. Watercraft Tactical Techniques. Tactical Firearms  
 Clark County NV. Conceptual Master Plan, Marketing, Business and Financial Plan, Enterprise Fund Plan Operational and Management procedures, County Code and County Commission Rules & Regulations for Clark County Shooting Park 2003 to 2010.

## RECOGNITION AWARDS

NRA Range Service Award, 2001  
Service Award, Cactus Match League, 1997, 1998, 1999, 2000, 2001, 2002, 2003  
Certificate of Achievement, Arizona Game and Fish Department, 1996, 1998, 1999.  
Commendation for Excellence, Arizona Game and Fish Department, 1997.  
Special Recognition Award, Arizona Game and Fish Commission. January, 1996.  
Certificate of Achievement, Arizona Administrator's Association. October 1986, 1989.

## CERTIFICATIONS

Certified Public Manager, State of Arizona, 1984  
 AZ POST/ALEOAC Certifications  
   State Peace Officer  
   General Instructor  
   Police Firearms Instructor



Semi-auto Instructor  
Police Rifle Instructor  
Watercraft Tactics Instructor  
Hunter Education Instructor (AGFD)  
Concealed Weapons Instructor (DPS)  
Tactical Rifle Instructor (NRA)  
Tactical Firearms Instructor (NRA)  
Rifle, Pistol, Shotgun Instructor (NRA) (current)

## **COMMUNITY SUPPORT/SERVICE**

President Nevada Firearms Coalition, 2011 to present

President Nevadans for State Gun Rights PAC 2015 to present

President NVFAC Foundation and NVFAC PAC 2013 to present

President and member Executive Committee, National Association of Shooting Ranges, a Division of the National Shooting Sports Foundation. 1999 to 2015.

Range Action Team, NSSF, 2010 to 2015.

National Shooting Sports Roundtable, 2008 to present.

Range Technical Team Advisor, National Rifle Association. 2000 to present.

Range Development Committee, National Rifle Association. 2003 to present.

Board of Governors, National Shooting Sports Foundation 2009 to 2010.

Board of Director's National Rifle Association. 2005 to 2008.

Board of Directors, Woods & Waters, Las Vegas Chapter 2006 to 2015.

Board of Directors, Good Gun Foundation. 2003 to 2009.

North Gateway Village Planning Council, City of Phoenix. 2003 to 2004.

Appointed by Arizona Governor Hull to Joint Legislative Study Committee on Firearms Safety and Shooting Ranges, which successfully introduced and passed statewide shooting range protection legislation. 2000-2003.

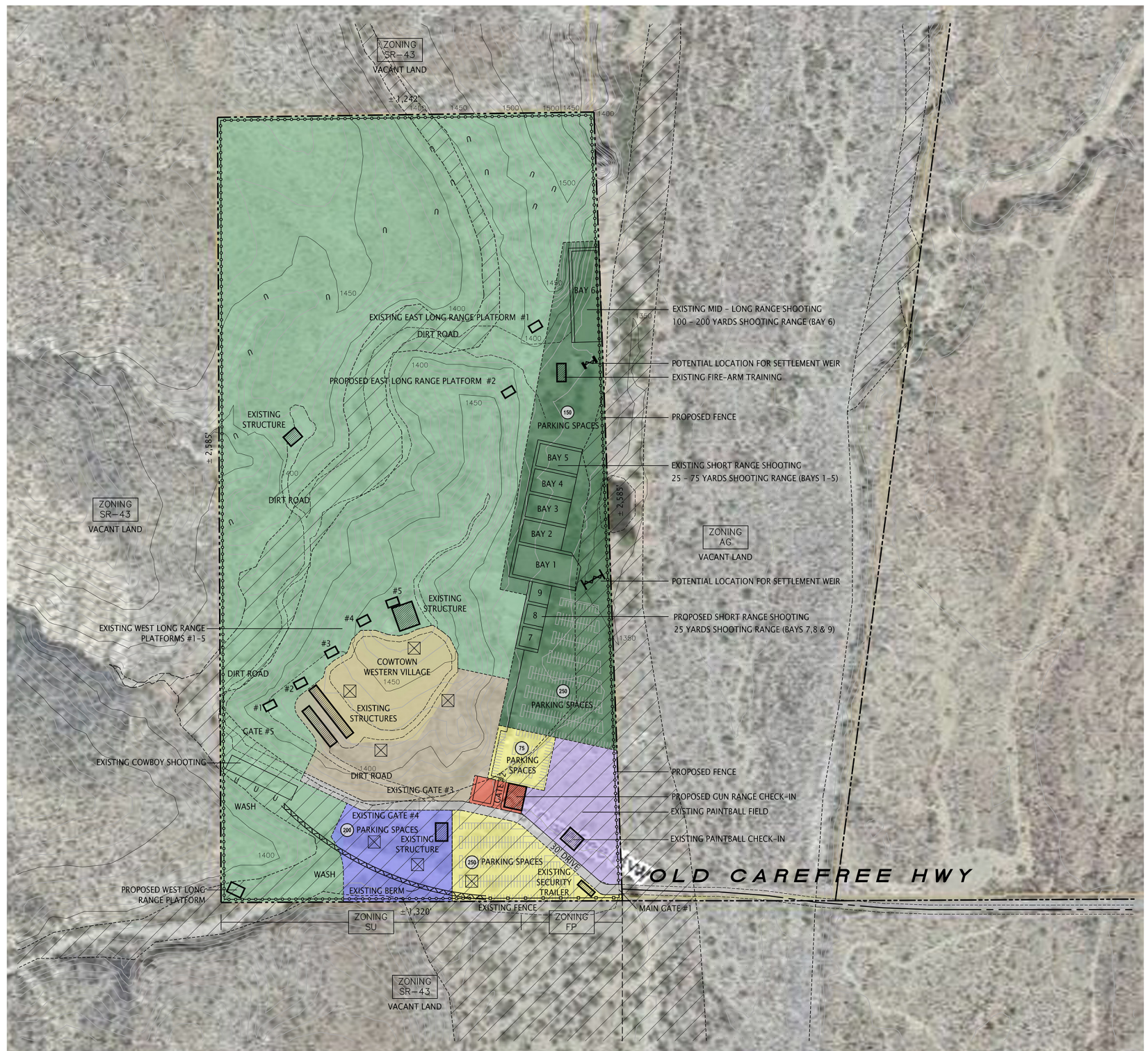
Seton High School Board member and Board President (1988-1990).

## **REFERENCES**

References available on request.

**Exhibit D**  
**Preliminary Site Plan**  
**with Aerial**





**legend - uses**

- AUTOMOBILE / RV PARKING AREAS
- SHOOTING RANGE / TRAINING AREAS
- SHOOTING RANGE / TRAINING AREAS AND PARKING AREAS
- CAMPING / RV RECREATION AREA & PARKING
- PAINTBALL
- PLANNED OFFICE / CLASSROOM / PRO-SHOP AREA
- COWTOWN WESTERN VILLAGE (NON-SHOOTING AREA)
- MAIN DRIVE
- EXISTING BERM
- EXISTING FENCE
- PROPOSED FENCE: (SEE CONCEPTUAL FENCE PLAN FOR MORE INFORMATION)
- PROPOSED BULLET CONTAINMENT AREA
- POTENTIAL LOCATION FOR SETTLEMENT WEIR
- CAMPFIRE / GRILLING AREAS
- REGULATORY FLOODWAY
- FLOOD PLAIN

**project directory**

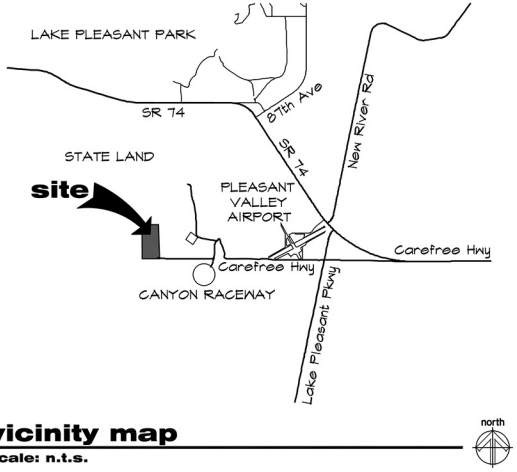
OWNER:  
WESTWARD HO ADVENTURES, LLC  
26020 N. 82ND STREET  
SCOTTSDALE, ARIZONA 85255  
CONTACT: RICHARD SHAW  
PHONE: (602) 741-8245

PLANNING AND DESIGN:  
KERPAN PLANNING AND DESIGN, LLC  
1374 E. GRAND CANYON DRIVE  
CHANDLER, ARIZONA 85249  
CONTACT: KEVIN D. KERPAN  
PHONE: (602) 329-0192  
E-MAIL: kevin@kerpanplanningdesign.com

**site data (overall)**

EXISTING ZONING: WEST PORTION - SU (SPECIAL USE)  
EAST PORTION - FP (FLOOD PLAIN)

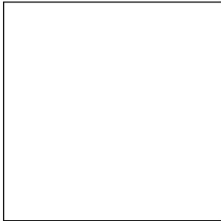
NET SITE AREA: +/- 76 ACRES



NOTE:  
THIS SITE PLAN HAS BEEN PREPARED WITHOUT THE AID OF A SURVEY. ALL PROPERTY BOUNDARIES ARE ROUGH APPROXIMATIONS. THIS DRAWING IS TO BE USED FOR CONCEPTUAL PURPOSES ONLY AND IT IS NOT TO BE THE BASIS FOR ANY LEGALLY BINDING DOCUMENTATION.

**Kerpan**  
planning and design

1374 E. Grand Canyon Drive  
Chandler, Arizona 85249  
Phone: (602) 329-0192



**Cowtown**  
10402 W. Carefree Highway  
Peoria, Arizona

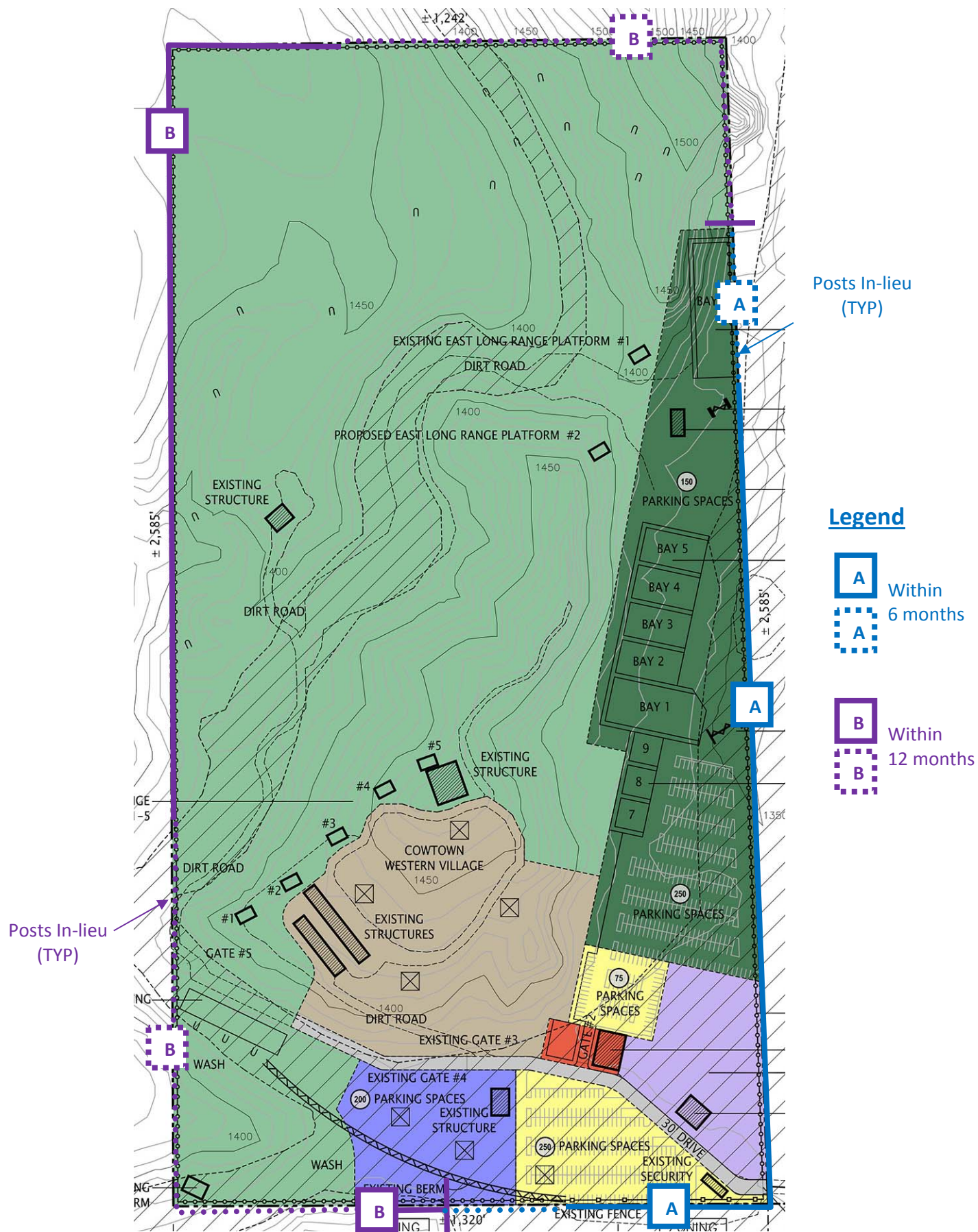
PRELIMINARY  
NOT FOR  
CONSTRUCTION OR RECORDING

**Westward Ho Adventures, LLC**

Project number: 09007.5	<b>SP-1</b>
Date: October 11, 2017	



**Exhibit E**  
**Conceptual Fence Plan**





**Exhibit F**  
**Letter of Opposition**

Douglas A. Ducey  
Governor



Lisa A. Atkins  
Commissioner

## Arizona State Land Department

October 31, 2017

1616 West Adams, Phoenix, Arizona 85007  
(602) 542-4631

Chris Jacques, Director  
City of Peoria Planning and Community Development Department  
9875 North 85<sup>th</sup> Avenue  
Peoria, Arizona 85345

Re: **Cowtown PAD (Z16-0013)**

Dear Mr. Jacques:

I am writing to formally object to the zoning case referenced above. As the fiduciary charged with managing approximately 9.2 million acres of State Trust land on behalf of Arizona's K-12 schools and 12 additional Beneficiaries, the Arizona State Land Department (ASLD) proactively guards against changes in land use, policy or zoning that would detract from the value of the Trust's holdings. In this instance, inadequate steps have been taken to address questions of the proposed use on adjacent property, including important health and safety concerns.

As the adjacent property owner on three sides of the Cowtown property, the Trust has been directly affected by certain of Cowtown's operations and activities. Past instances have included trespass onto State Trust land with roads, fences and shooting targets. This past summer, ASLD commissioned a Phase 1 Environmental Site Assessment (Phase 1) on the State Trust land adjacent to Cowtown, which confirmed the trespasses and noted the presence of lead contamination on portions of Trust Land surrounding the Cowtown property.

ASLD has followed the subject zoning case closely and has interacted with both City staff and representatives from Cowtown's ownership. We remain concerned that the Cowtown property is not appropriately sized to contain the impacts of onsite shooting activities, and believe that the aforementioned Phase 1 study bears this out. This does not include impacts on sound attenuation, which would also significantly affect nearby land.

Specifically, ASLD's Phase 1 shows that shooting activities near the Cowtown-ASLD property line have negatively impacted State Trust land with lead contamination, and we believe that long-range platform shooting and shooting from helicopters described in the Cowtown documents have a high probability of producing similar trespass impacts on surrounding State Trust land. Exhibit 1 in the Cowtown Operations Handbook (Long Range Platform Shooting) purports to show a Surface Danger Zone contained by ridgelines on the Cowtown property, but does not look past the Cowtown property line to examine potential impacts on adjacent State Trust land or contemplate that ridgelines and possibly surface danger zones extend beyond Cowtown's property line. We believe that this is a significant oversight, especially given the complicated terrain of the site and its surroundings and the tactical firearms and large-caliber ammunition that would be utilized from platforms and helicopters.

ASLD does not believe that Cowtown's recent uses are consistent with existing entitlements, and that Cowtown has operated in violation of law. Approving of such uses would have a material adverse impact on surrounding Trust Land.

Accordingly, we request that the City deny the proposed PAD, and at a minimum, in considering the rezoning, the City should require the following of Cowtown:

- Immediately remove any roads or fences that are in trespass on State Trust land and restore grading and vegetation to match adjacent undisturbed areas;
- Conduct lead sampling and remediation at the location identified in ASLD's Phase 1 report;
- Identify measures to safeguard against a recurrence of physical trespass and lead contamination in the areas noted by ASLD's Phase 1 report;
- ASLD believes that the tactical training and use of large-caliber ammunition and weapons systems contemplated in the Cowtown Operations Manual requires an appropriate study of the effects of those activities. Accordingly, require Cowtown to produce range fan studies and surface danger zone diagrams from all potential firing points in conformance with the Department of the Army's Range Safety manual (Pamphlet 385-63, dated January 30, 2012) or its current version, consistent with best practices of professionally operated facilities of this kind. As stated in this manual:

*Every weapon system and the ammunition/ordnance related to that weapon system requires a danger zone... They are three-dimensional areas derived from computer modeling and/or laboratory data. Danger zone size and shape are dependent on the performance characteristics of the weapon system, ammunition, training requirements, geographical location, and environmental conditions.*

- The City should not allow configuration or uses that allow surface danger zone areas on State Trust land, or that would materially affect the value of such Trust Land.
- Cowtown should be required to remediate any prior encroachment.

ASLD, on behalf of the Beneficiaries, seeks to be a good neighbor and ask that our neighbors acknowledge their impacts on Trust Land and appropriately compensate the Trust for those impacts.

Should you have any questions, you may contact Mark Edelman by phone at 602-542-6331, or by email at [medelman@azland.gov](mailto:medelman@azland.gov).

Sincerely,



Lisa A. Atkins  
Commissioner  
Arizona State Land Department

cc: Mayor Carlat, Mark Edelman, Wesley Mehl, David Jacobs, Lorie Dever (Peoria staff planner)