

**MINUTES OF THE ARAPAHOE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
TUESDAY, JANUARY 16, 2018**

At a public meeting of the Board of County Commissioners for Arapahoe County, State of Colorado, held at 5334 South Prince Street, Littleton, Colorado 80120 there were:

<b>Jeff Baker, Chair</b>	<b>Commissioner District 3</b>	<b>Present</b>
<b>Kathleen Conti, Chair Pro-Tem</b>	<b>Commissioner District 1</b>	<b>Present</b>
<b>Nancy Sharpe,</b>	<b>Commissioner District 2</b>	<b>Present</b>
<b>Nancy Jackson</b>	<b>Commissioner District 4</b>	<b>Present</b>
<b>Bill Holen</b>	<b>Commissioner District 5</b>	<b>Present</b>
<b>Ron Carl</b>	<b>County Attorney</b>	<b>Present</b>
<b>Matt Crane</b>	<b>Clerk to the Board</b>	<b>Absent and Excused</b>
<b>Joleen Sanchez</b>	<b>Asst. Clerk to the Board</b>	<b>Present</b>

when the following proceedings, among others, were had and done, to-wit:

**CALL TO ORDER**

Commissioner Baker called the meeting to order.

**INTRODUCTIONS**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MODIFICATION(S) TO THE AGENDA**

There were no modifications to the agenda.

**ADOPTION OF THE AGENDA**

**The motion was made by Commissioner Sharpe and duly seconded by Commissioner Conti to adopt the Agenda as presented.**

**The motion passed 5-0.**

**APPROVAL OF THE MINUTES**

**There were no minutes to approve on this date.**

**CEREMONIES**

**There were no ceremonies on this date.**

#### **CITIZEN COMMENT PERIOD**

**There were no citizen comments on this date.**

#### **CONSENT AGENDA**

**The motion was made by Commissioner Holen, duly seconded by Commissioner Jackson to approve the consent agenda as presented.**

**The motion passed 5-0.**

#### **GENERAL BUSINESS ITEMS**

##### **Item 6.a. – Resolution No. 180071 – U17-004 Silver Creek Sporting Club USR**

Robert Hill, Senior Assistant County Attorney, established jurisdiction for the Board to hear this case.

Jason Reynolds, Current Planning Manager, introduced this case and introduced the applicant's representative. The conditions of approval were reviewed as were recommended practices per Tri County Health. Citizens' concerns were noted.

Commissioner Sharpe asked if Byers Fire District and the Byers School District provided input. She also asked about debris in the creek bed and the effects of lead on the creek.

Mr. Reynolds stated that the applicant would be required to provide an analysis of what would be done to manage lead. Byers Fire District did not comment and the school district did not receive a referral.

Commissioner Sharpe said she is concerned about additional traffic and the impact to school buses in the area.

Chuck Haskins, County Engineering Manager, explained where the shooting activity would occur in relation to the flood plain and discussed traffic concerns.

Commissioner Jackson asked about the impacts to wildlife and asked for more detail regarding the road improvements and notifications to the neighbors.

Mr. Haskins explained what road improvements would have to be done. There was discussion regarding whether or not the road improvements should meet county road standards or private road standards.

Commissioner Jackson asked for information regarding property values.

Paul Howald, representing the applicant, Charles Whipple, detailed Mr. Whipple's experience. He presented various photos of the site, the site plan, and the layout of the shooting stations and the topography of the land.

Mr. Howald explained that the Silver Creek Sporting Club would be a sporting clay course. He then explained the size of the shot that would be allowed on the course and stated that rifles and handguns would not be allowed.

There was discussion regarding how the applicant would ensure people would use the correct shot size on the course. Mr. Howald stated that there is not a 100% guarantee, but the correct ammunition would be sold on site.

Commissioner Holen asked about membership fees.

Charles Whipple, applicant, said the membership fee would be \$250.00 per year, or there would be a daily charge. He anticipates 250 members the first year.

Mr. Howald then explained how the game preserve would operate.

The site plan was displayed and shooting patterns were explained.

There was discussion regarding the sound study that was conducted.

An aerial view of the surrounding homes was displayed and the distances were noted.

Mr. Howald referenced a list of common noises and their decibel levels and said no homes would hear the shots above the state decibel level of 55.

There was discussion regarding the public notices and it was stated that the applicant met all the County requirements.

Emergency vehicle access was addressed.

There was discussion regarding the road access. The applicant disagreed with Commissioner Sharpe's comment that the applicant should improve the road. Mr. Howald clarified that the road is not private.

Mr. Howald addressed concerns regarding wildlife and ground water and discussed cleanup practices on the site.

Mr. Howald discussed a last minute letter from Tri County Health stating that the applicant had to provide a study before obtaining permits. He listed the requirements of the study and said the applicant does not agree and would not comply with Tri County's requirements.

Mr. Howald stated that at the initial public hearing, the public was given the opportunity to speak, which they did. He felt that it would be unfair and prejudicial to allow the public to have a second public comment period.

Mr. Hill stated that there is no statute that identifies parameters and it would be at the Chair's discretion. He further stated that the applicant's representative was asked if he objected to public comment at that time and he said no. He said there is new information and it would be fair to allow people to comment.

Mr. Howald objected.

Commissioner Sharpe asked about the open space and the conservancy area.

Mr. Howald referenced the area on a map. He said Arapahoe County Open Space staff withdrew their objection to this application.

Commissioner Sharpe clarified that at the December hearing, she had stated that people would have the opportunity to testify again if any new information came up. She asked Mr. Howald to reference the Walls residence and the closest shooting station to that house.

There was discussion regarding the direction shooting would be done at each station.

It was stated that the sale of this land is dependent on the decision made by the Board today and that the contract for this sale expires tomorrow.

Joe Henderson, Sustainable Traffic Solutions, explained why a traffic study was not done, but a trip-generation chart was created instead.

Travis Harris, Colorado Parks and Wildlife, explained the potential impact on wildlife.

Kathy Boyer, Tri County Health, addressed the recommendations that were made on Friday.

Commissioner Jackson asked why these best practices were not researched earlier in the process and were only presented to the applicant this past Friday. She noted that Tri County was included in the referrals.

Ms. Boyer stated that Tri County commented before the first hearing but had limited information and decided to look at this case further.

Commissioner Jackson said Tri County knew this was a shooting range and asked what triggered further research.

Ms. Boyer said after the December hearing, lead became a concern of the neighbors.

Sheila Lynch, Tri County Health, added that the best management documents were provided to staff and the applicant and certain areas that Tri County wanted addressed were drawn out.

Commissioner Conti asked if there is concern about contamination after a torrential rain or flood.

Ms. Lynch said there is a concern, and that is why the study was requested.

Commissioner Jackson said she is troubled about the late submission of the request, not what is included in the document.

Ms. Lynch stated that Tri County had limited information.

Commissioner Baker clarified that these are not requirements, but are recommendations for the operations and maintenance plan yet to be created by Public Works.

Mr. Howald referenced page 18, of Chapter 3, of the EPA manual, which he said deals with best management practices.

Mr. Reynolds explained that the Tri County letter can be tied to the operations plan that Engineering staff is requiring prior to development in the flood plain.

Mr. Howald stated that the applicant agrees that there has to be a flood plain plan as part of the operation, but the applicant didn't know, until the last minute, that testing would be necessary to establish a baseline.

Commissioner Conti asked why the applicant didn't forward the noise study to County staff and Tri County.

Mr. Howald said he didn't get the study until December 11<sup>th</sup> and there was a lack of timing. He provided a copy of the noise study to Ms. Lynch and Ms. Boyer.

**The Public Comment period was opened.**

Dustin Wager – Supports

Danny Upton – Supports

Brenda Bunner – Opposed

Rachel Lei – Opposed

Jerry Walls – Opposed

Lindsay Walls – Opposed

Kayle Walls – Opposed

Heather Walls – Opposed

Ann Haselbalg – Opposed

Tim Wolf – Opposed

Cecil Elpers – Opposed

(Inaudible) – Opposed

**The Public Comment Period was closed.**

Mr. Harris addressed questions about wildlife, the water way, and the size of the shot that would be used.

**The motion to go into Executive Session, pursuant to CRS 24-6-402 (4)(b) for legal advice on the Board's options and authority in approving or denying the application for Use by Special Review and Planning Case No. U17-004 was made by Commissioner Jackson, duly seconded by Commissioner Sharpe.**

**The motion passed 5-0.**

**There was a 10-minute recess.**

**The motion to return from Executive Session was made by Commissioner Holen, duly seconded by Commissioner Sharpe.**

**The motion passed 5-0.**

Mr. Howald addressed comments from the citizens:

- The applicant agreed to widen the road
- Public notices were sent in accordance with County requirements
- There are no pending applications in the County to build homes on nearby properties
- He asked that a residential broker be allowed to speak on the applicant's behalf
- The study by Virginia Tech indicated that lead does not seep into the ground more than three or four inches
- Shooting stations limit the angle of the shots
- He stated that Bijou Creek is over 2,000 feet away and would not be contaminated
- The decibel rating on the Walls's house would be 45 decibels
- The applicant has followed the County's procedures
- The clays would include non-toxic materials that are biodegradable

Mr. Whipple addressed hunting and the shot size.

Mr. Howald noted that the sound test provided by the applicant was done professionally.

Rhonda Wager, representing the applicant discussed housing values; her opinion is that this project would not have a negative impact on housing values.

Commissioner Sharpe asked if Ms. Wager has direct experience with properties next to a shooting range.

Ms. Wager said the property values around shooting ranges do not fall off.

There was further discussion regarding the noise study.

Commissioner Sharpe explained why she would not support this application.

Commissioner Baker discussed compatibility with surrounding land uses.

**The motion was made by Commissioner Baker, duly seconded by Commissioner Sharpe in the case of U17-004, Silver Creek Sporting Club Use by Special Review, that the Board has reviewed the staff report, including all exhibits and attachments, and has listened to the applicant's presentation and the public comment as presented at the hearing, and hereby moves to deny this application based on the following findings:**

**That the application does not assure the compatibility between the current uses of the land, that the question of health and safety of the lead has not been completely answered to date, and that the noise study, based on single shots, not on multiple shots from multiple locations all contribute to the motion to deny.**

Commissioner Jackson said this was a very difficult decision and she referenced Conditions B and E on the staff report, and she would vote against this application and in favor of the motion to deny.

**The motion passed 5-0.**

#### **COMMISSIONER COMMENTS**

There were no Commissioner comments on this date.

**There being no other business before the Board, Commissioner Baker adjourned the meeting at 12:50 P.M.**

#### **ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS**

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**MATT CRANE, CLERK TO THE BOARD  
BY JOLEEN SANCHEZ, ASSISTANT CLERK TO THE BOARD**