

**MINUTES OF THE ARAPAHOE COUNTY
BOARD OF COUNTY COMMISSIONERS
OCTOBER 25, 2005**

State of Colorado, County of Arapahoe. At a public hearing of the Board of County Commissioners for Arapahoe County, Colorado held at 5334 S Prince St. Littleton CO 80166 there were:

Lynn Myers, Chair	Present
Bernard L. Zimmer, Chair Pro Tem	Present
Susan Beckman, Commissioner	Present
Rodney Bockenfeld, Commissioner	Present
Frank Weddig, Commissioner	Present
Kathryn Schroeder, County Attorney	Present
Nancy A. Doty, Clerk to the Board	Absent & Excused
Jennifer Gayer, Deputy Clerk	Present

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF THE AGENDA

County Attorney Kathryn Schroeder said there would be two changes made to the agenda. She said there would be an item added to the Consent Agenda as Item 7 as a resolution to incur expense to borrow and finance capital expenditures for the Fairgrounds in an amount not to exceed \$2.5 million and to reimburse the County for the portion of the expenditures incurred. She explained the County would finance with legally available funds. She explained the County intends to participate in a taxable or tax-exempt borrowing within 18 months of the date of the expenditure of money. She said the resolution would also authorize Janet Kennedy to execute all the necessary documentation to accomplish the goals of the resolution.

Ms. Schroeder said there is also a change to Consent Agenda Item 4 concerning abatements and refunds. She said all properties that deal with Heritage Eagle Bend Master Association should be removed including the following parcels: 2073-36-1-07-001, 2073-36-1-01-001, 2071-31-3-22-001, 2073-36-4-03-001, 2073-26-4-02-016, 2073-36-4-02-015, 2071-31-2-06-001, 2071-31-3-21-021+75.

Commissioner Bockenfeld asked to have Consent Agenda Item 5 for a separate discussion and vote.

The motion was made by Commissioner Weddig and duly seconded by Commissioner Beckman to adopt the Agenda as amended with:

1. The addition of Consent Agenda Item 7 as a resolution to incur expense to borrow and finance capital expenditures for the Fairgrounds in an amount not to exceed \$2.5 million and to reimburse the County for the portion of the expenditures incurred. She explained the County would finance with legally available funds. She explained the County intends to participate in a taxable or tax-exempt borrowing within 18 months of the date of the

expenditure of money. She said the resolution would also authorize Janet Kennedy to execute all the necessary documentation to accomplish the goals of the resolution.

2. Change consent Agenda Item 4 concerning abatements and refunds to exclude the following properties related to Heritage Eagle Bend: 2073-36-1-07-001, 2073-36-1-01-001, 2071-31-3-22-001, 2073-36-4-03-001, 2073-26-4-02-016, 2073-36-4-02-015, 2071-31-2-06-001, 2071-31-3-21-021+75.
3. Remove Consent Agenda Item 5 regarding the 2006 Holiday schedule for a separate discussion and vote.

The motion passed unanimously.

ADOPTION OF THE MINUTES

The motion was made by Commissioner Beckman and duly seconded by Commissioner Zimmer to adopt the minutes of the October 4, 2005 Public Hearing.

The motion passed unanimously.

CEREMONIES

There were no ceremonies.

CITIZEN COMMENTS

There were no citizen comments.

CONSENT AGENDA

The motion was made by Commissioner Bockenfeld and duly seconded by Commissioner Zimmer to approve the Consent Agenda with the following modifications:

1. The addition of Consent Agenda Item 7 as a resolution to incur expense to borrow and finance capital expenditures for the Fairgrounds in an amount not to exceed \$2.5 million and to reimburse the County for the portion of the expenditures incurred. She explained the County would finance with legally available funds. She explained the County intends to participate in a taxable or tax-exempt borrowing within 18 months of the date of the expenditure of money. She said the resolution would also authorize Janet Kennedy to execute all the necessary documentation to accomplish the goals of the resolution.
2. Change consent Agenda Item 4 concerning abatements and refunds to exclude the following properties related to Heritage Eagle Bend: 2073-36-1-07-001, 2073-36-1-01-001, 2071-31-3-22-001, 2073-36-4-03-001, 2073-26-4-02-016, 2073-36-4-02-015, 2071-31-2-06-001, 2071-31-3-21-021+75.
3. Remove Consent Agenda Item 5 regarding the 2006 Holiday schedule for a separate discussion and vote.

The motion passed unanimously.

Item 5 – Holiday Schedule

Commissioner Bockenfeld said that Item 5 is the 2006 Holiday schedule for staff members. He said the holiday schedule is pretty much aligned with the state schedule except for one particular holiday, which is the day after Thanksgiving. He said in his experience in corporate America is that traditionally that day is not given as a holiday. He said it is many times taken as a vacation day by staff to extend their weekend. He would like to open this up for further discussion from Board members and staff. He said if that particular holiday should remain on the holiday schedule.

The motion was made by Commissioner Beckman to approve the 2006 Holiday Schedule with the exception of Friday November 24, 2006.

Seconded by Commissioner Bockenfeld.

Commissioner Weddig wondered if the Board should pull this item for some further investigation and have it considered at a later hearing date. He suggested a two-week delay.

Commissioner Beckman withdrew her motion.

The motion was made by Commissioner Weddig to continue Consent Agenda Item 5, 2006 Holiday Schedule be continued to November 8, 2005.

Seconded by Commissioner Zimmer.

The motion passes unanimously.

GENERAL BUSINESS AGENDA

Item A – Resolution No. 050624 – Public Hearing, 2006 Budget for Arapahoe County, Arapahoe Law Enforcement Authority, Arapahoe County Recreation District, and the Arapahoe County Water and Waste Water Public Improvement District

County Attorney Kathryn Schroeder established jurisdiction for the Board to consider this Item. .

Todd Weaver of the Finance Department presented a power point presentation, a copy of which has been retained for the file.

Commissioner Beckman asked for clarification regarding what the County is doing regarding the Building Finance Fund this year and the amount of money the County is taking out for the debt service.

Mr. Weaver said there was a balance in that fund from prior years for some capitalized interest from when the COP's were first issued. He explained in addition the County sold some of the existing properties of the buildings that these new buildings replaced. He said there are proceeds from those sales that have been deposited into the Building Finance Corporation Fund. He said the debt service schedule was set to pay the debt service and at the same time spend down some of the balance of this fund. He explained instead of transferring the full \$4.7 million from the general fund to make the debt payment to the Building Finance fund, the County is only transferring \$3.5 - \$3.6 million and spending down about \$1.1 - \$1.2 million per year in the Building Finance Fund to ease the burden on the general fund. He explained in 2006 the County realized it could spend a little bit more over the next few years of that balance and made recommendations to the Executive Budget Committee to reduce that transfer further

from the General Fund by \$785,000, which has been recommended by the Executive Budget Committee so that the County, instead of transferring \$3.5 million this year the County will only transfer \$2.7 million. He qualified the County would still be making the full debt service payment.

The motion was made by Commissioner Zimmer to as the Board of County Commissioners of the Arapahoe County Budget and as the governing Board of the Arapahoe County Law Enforcement Authority, the governing Board of the Arapahoe County Recreation District and the ex-officio Board of the Arapahoe County Water and Waste Water Public Improvement District, accepts the budgets as submitted, subject to the right to review and increase or decrease any item necessary prior to adoption and continue this public hearing for all four budgets until December 13, 2005 at 9:30 AM.

Seconded by Commissioner Weddig.

The motion passed unanimously.

Commissioner Beckman wondered if the citizen's budget committee recommendations would be included in the Budget document.

Mr. Weaver said yes. He explained the Citizens Budget Committee would review the recommended budget and would compile a final recommendation to be included in the budget document.

Commissioner Beckman said it is important that the public understand that. She said for years there has been the budget report that has been presented by the Citizen's Budget committee to the Board and the public has access to that document, but has not been heavily distributed in the past. She said this year that would be included in the actual budget document.

Item B– Resolution No. 050625 – Public Hearing, Case No. W05-003, Amendment to the Arapahoe County Land Development Code increasing the number of children allowed in a Day Care Home.

Assistant County Attorney Tom McNish explained this item is a continued from the October 11, 2005 Public Hearing where jurisdiction was already established. He said the Board has jurisdiction to proceed.

Tammy King of the Zoning Division presented the staff report a copy of which has been retained for the file. She said the purpose is to allow experienced family childcare providers and large childcare home as definitions and allowable use amend the County's regulations for home occupation. She said these are both items that would be processed through the Board of Adjustment as a Special Exception Use, which is a posted public hearing for each individual property that would be asking for either of these categories. She said the County's definitions have been designed and meet identically to the State requirements under Section 7.707.1 of the regulations of the Colorado Department of Human Services. She said the facility would also need to have licensing from the Department above and beyond the County's approval and must meet the County's approval prior to even obtaining those licenses from the State. She said this item has been referred to all of the homeowner's associations and all of the Fire Districts, ACCORD, CENCON, Colorado Department of Human Services, and Arapahoe County Building Official, Engineering Division, Planning Division, Mapping and Sheriff. She said the biggest concern from the Fire Districts and the Building Official was that each individual home be based on its own merit. She said that this not be a blanket approval or use that is allowed in residential area and that each individual home has to meet the fire code,

building code and input of the neighborhood before it's approved. She said the special Exception Use meets all of those requirements requested.

Commissioner Weddig asked about signage. He wondered about the maximum size.

Ms. King explained that the County's requirement is that these homes would not be allowed to have signage.

Commissioner Weddig wondered if that could be changed without a change in the County's Code.

Ms. King said the County's home occupation does not allow signage. She explained the County would have to change that in the County's regulations to allow signage.

Commissioner Weddig suggested it might be good to look at that signage issue.

Ms. King added that this was considered by the Planning Commission On October 18, 2005 and was recommend favorably to the BOCC.

Commissioner Beckman said as each individual home would come through as a Special Exception Use through the Board if Adjustment. She wondered if there is a public notification requirement.

Ms. King said yes. She said a sign would be posted on the property for 30 consecutive days and mailings to all adjacent properties and homeowner's associations.

Commissioner Beckman asked about the fire codes and allowing twelve children. She wondered if there was a requirement for sprinklers.

Ms. King said her understanding is that it depends on the year the house was built, the type of construction of the house, the square footage of the house, etc. She explained that is why the fire districts want to look at each individual house on its own merit, as does the building official.

Commissioner Beckman said the South Metro Fire had a concern about the process being clearly defined.

Ms. King said the process has been clearly defined. She said the Fire Districts would be part of the referral process for the Board of Adjustment as well. She said the Fire District would receive a referral packet. She further explained that through the building permit process, if there are any changes that need to be made through a permit the Fire District would be a part of that process as well.

Commissioner Beckman asked how would the County deal with complaints after the fact.

Ms. King said the County could enforce any stipulations that are not being followed that were included in the Board of Adjustment approval as a zoning violation. She said it would be handled at the Board of Adjustment level.

Commissioner Beckman confirmed also through the Department of human Services as well.

Commissioner Bockenfeld asked how would the Board of Adjustment deal with whether there are already high volume day care providers in the area and whether the additional children would generate a fair amount of traffic in a subdivision. He wondered if the Board would automatically review traffic or if it would need to be brought to the attention of the Board of Adjustment.

Ms. King said it would have to be brought to the attention of the Board of Adjustment. She said that staff could certainly do that if that is recommended, but it is not part of the requirements now.

Commissioner Weddig said he would expect that the neighborhood would bring any concerns to the attention of the Board. He speculated that most instances would arise when the childcare is looking to just add a 7th child to make the operation work better.

Ms. King confirmed that applicant would not have to ask for 12 children, but would be subject to his process for any children above 6.

There was no public comment.

The motion was made by Commissioner Beckman to approve Case No. W05-003, Amendment to the Arapahoe County Land Development Code, increasing the number of children allowed in a day care home.

Seconded by Commissioner Weddig.

Commissioner Bockenfeld said he is supportive of daycare. He said he is concerned with the process presented today that appears to be one size fits all. He said there are some residential communities in which the County could approve a high volume day care center and later find out it after the fact in has become a hindrance to the community because there was not proper due diligence. He said he would like to see this tied to the eastern area of the County where it might be less of an issue than it is in a high density community where people are trying to get out of their community in the morning to go to work. He said the current policy of the County is adequate. He stated the County could revisit the policy and make some adjustments to make it better where one shoe doesn't fit all through out all of Arapahoe County. He said the County could polish the County's existing policy a little bit more to minimize the potential future impacts on a community.

Commissioner Weddig understood that a small daycare facility does not require notice for the neighborhood.

Ms. King said that is correct. She explained if an entity has a state license under a small daycare, it is allowed in residential area as a home occupation currently.

Commissioner Weddig said right now the County has six children in a small daycare with absolutely no input, but to have a 7th child added there would be more regulations. He said the proposal before the Board is very reasonable. He understood a jump from 6 to 12 children would be a big difference, but qualified there are state regulations as well.

Ms. King said the lady who requested the County look at this change was in a situation where the mother of the child that she was currently taking care of had another child, which would have meant the provider would have had to turn that family away.

Commissioner Beckman said she is going to support this because there are situations that need to allow for a few more children into a daycare. She said with public posting, for as long as it would be posted, if there is concern with traffic and congestion in the neighbor, the residents will come out in full force to the hearing. She said there is a problem with an existing facility; the residents would bring those to the attention of the Board of Adjustment. She said she would not support signage for a daycare center.

Commissioner Myers said she spoke with the woman who brought forward. She said the woman's comment was that she wanted to do things properly. She said she respects people that want to do that.

The motion passed 4-1, Bockenfeld.

County Attorney Kathryn Schroeder said she forgot to remind the Chair that the Budget Item A was a public hearing and the Board should have allowed any public comments. She suggested that the Board re-open the item

for public comment and unless anything that is stated changes the Board's resolution, it would not be a problem. She said the Board should take public comment and then again close the public hearing.

Item A – Public Comment

Sam Drury, 210 East Stern Blvd., said he is speaking in favor of the recommended budget. He recognized from the presentation that there would be adjustments. He said he is in favor of the process that the County has been using, especially this year. He said he expected one year ago that the County would need to go to the voters this November and ask for a de-brucing. He said he did not favor that in previous years but recognized where the County was financially, especially in terms of cost pressures on the general fund, he thought the County would have to. He said he has reviewed the budget, not in the detail of the Executive Budget committee or the Department Chairs, but enough to renew his confidence in the competence of the Financial Management for Arapahoe County. He said there are a number of things that haven't changed in the past year. He said one is the openness of Arapahoe County Government to citizen input. He said the County has had a good track record and it hasn't changed even with the new membership on the Board. HE stated he values that because it allows him, as a citizen what is going on. He said a second area that has continued is the support for the City of Centennial. He said he is a Centennial resident. He said Centennial is out of the "intensive care" area with regard to financial matters. He qualified that Centennial is not necessarily completely free of any financial problems, but thanks to the support of Arapahoe County, in a variety of ways, Centennial is now well on the road to recovery. He is glad for the partnership that the County used with intergovernmental agreements and have helped provide some of the stability. He said a third area, that hasn't changed except, maybe gotten a little bit harder is the pressure on the general fund. He said he has served as a member of the fiscal information team this spring that looked at several different ways of providing additional revenue. He said some of the considerations were de-brucing and general obligation bonds. He said the team found that the timing for this year was not right. He said the registered voters are happy with the services provided by Arapahoe county, but would be very unlikely to favor increases in taxes. He said it was a wise decision this summer to not go for de-brucing or some other kind of voter approved tax increase. He thanked the Board. He said he could speak to the budget in more detail, but would just say that he was impressed with the presentation of Todd Weaver this morning both with regard to the process and the participation and to the continuing need to look at the budget in the next month and one half. He said he would reserve his comments regarding specifics of the budget once he has heard the citizen budget committee speak tonight and give some more thought. He thanked the Board for the opportunity this morning.

Item C – Resolution 050629 – Public Hearing, Case NO. U05-003, Lead Valley Range, Use By Special Review

Assistant County Attorney Tom McNish established jurisdiction for the Board to consider this item

Carol Kuhn of the Planning Division presented the staff report, a copy of which has been retained for the file. She said this is a proposal to develop an outdoor shooting range on approximately 7 acres of a 462.88-acre parcel located in the eastern portion of Arapahoe County. She said the proposal is for skeet and trap areas, five stand areas, and short /long range pistol ranges. She said in December of 2004, the Board approved a Code amendment to allow shooting range as a use By Special Review in the AE Zone District. She said in efforts to keep the project moving forward, staff submitted a staff report to the Board with a number of outstanding concerns. She said a discussion regarding those items and a statement that staff would provide an update to the Board of County commissioners at the hearing. She said she would give the update as well as revised conditions of approval and revised draft motion. She said the County has received all the necessary documentation. She said on October 13, 2005 the applicant met with Tri-County Health to discuss plans for waste water management and to discuss elements for an acceptable environmental stewardship plan. She said on October 19, 2005 the applicant forwarded a copy of the draft of the environmental stewardship plan to staff and Tri-County Health for review. She said in an e-mail dated October 20, 2005 from Tri-County Health Department indicated that the draft environmental stewardship plan is acceptable. She said Carol McClennon with Tri-county Health Department is present and Sammy Mulinara with the Soil conservation District is also present to answer any questions that the Board may

have. She said in correspondence to staff dated October 18, 2005, the applicant has indicated that the berms will be inspected quarterly and that an appropriate action would be taken to correct any item that appears to be an anomaly. She said such action might include re-dressing the berms; adding lime to adjust the soil pH, re-seed the grasses to stop erosion or any other action that might be needed. She said with that staff has reviewed the environmental stewardship plan and also finds that it is acceptable and discusses the necessary maintenance schedule and even though it is a draft at this time, staff felt that the quarterly inspection of the berms and the bi-annual inspection of the remainder of the fields is appropriate for a maintenance schedule at this time. She said staff concern at the time the staff report was written was that there was not a maintenance schedule and that there was not an environmental stewardship plan. She explained that staff had to have something on the Use By Special Review application itself, on the plans that would show a maintenance schedule because it was not the intent of the county to record the environmental stewardship plan at any time, but just needed it tied down to the plans with a note. She said staff would work with the applicant on that note. She said staff has a revised discussion and a revised staff finding that are contained in the handout, a copy of which has been retained for the file. She understood that the Board does not like to receive information the day of the hearing. She apologized for that but explained the idea was to keep the application moving forward for the applicant. She said she would review at a later time the staff recommendation and the draft motion. She said regarding the request for a fee reduction, a waiver of fees, staff is not in support of a waiver of fees at this time. She said a significant amount of work has gone into this application in staff time. She said Staff finds the Use By Special Review conforms with the comprehensive plan, the project proposed is a structured outdoor recreational shooting range and while the remaining majority of that property would be used for agricultural purposes, the Use By Special review appears to satisfy the Arapahoe County zoning Regulations. She said the applicant has agreed to add a phasing plan, show the planting area along the southern property line of 300 feet per the soil conservation district's guidelines of certain placement of trees with the wheat barrier and the bunny barrier, and add additional notes including checking the pH of the soil in the shot fall zones of the shot gun ranges twice per year, inspecting the pistol and rifle berms and backstops quarterly for degradation and lead accumulation and harvesting of accumulated lead when warranted. She said any necessary maintenance and repair such as re-dressing the berms, the addition of lime to the soil to address the pH, re-seeding the grass for erosion control and any other necessary actions based on these inspections. She said included in the plans would be a note regarding the applicant keeping written requests and written records of routine inspection and maintenance activities and any actions to prevent environmental hazards and providing a copy of the records to Tri-County Health Department on an annual basis with the first copy being due on December 31st of the initial year of the shooting range begins operation. She said the applicant would need to address Planning and Engineering divisions comments and concerns and make minor modifications to the mylar and a note regarding the number of port-a-lets will be adjusted to provide the appropriate number needed for the visitors at the time.

Commissioner Bockenfeld recalled the Sheriff's department had some concerns regarding the storage of the ammunition. He asked if this has been reviewed further by the Sheriff's office since the environmental review.

Ms. Kuhn said the environmental stewardship plan has not been reviewed by the sheriff's Office. She said the applicant has indicated that he has spoken with the sheriff's office and could provide a better insight. She said the County has not received any revised correspondence from the Sheriff. She said staff believes based on what the applicant has told staff, there would not be any storage of ammunition at this time. She understood this would be a small start up at the beginning and this would be done in phases, which is the reason staff wanted the phasing plan. She speculated there would be revisions to the Use By Special Review at a later date that would show small concession area, sales of guns, rifles and shooting paraphernalia. She said the applicant could address that. She further said any additional structures on the property would require the Use By Special Review be modified.

Commissioner Beckman understood that the applicant could not have ammunition stored there.

Ms. Kuhn said she did not think the applicant would be storing ammunition out there. She said that could be added as a note. She said in her conversation with the applicant regarding the Sheriff's comment, the applicant indicated there would not be a big ammunition store. She qualified the applicant would be living in the house and would have personal ammunition.

Commissioner Beckman explained her concern is that the Sheriff has concerns.

Ms. Kuhn again stated that any sales or storage of ammunition in additional structures would require the Use By Special Review to come back to the board for an amendment. She again said it is anticipated the applicant would be believing out there and would have a range officer walking around doing "range officer things" like collecting money and fees, but not having a concession building where things could be sold like ammunition. She said there could be a note added that no ammunition would be stored and forward the environmental stewardship plan to the sheriff for review.

Commissioner Beckman confirmed there is an understanding with the applicant that no ammunition would be stored.

Ms. Kuhn said yes.

Commissioner Beckman said she wondered about the process since the Board did not get any response from the sheriff.

Ms. Kuhn said she understood the applicant spoke with the sheriff and could speak to that conversation.

Commissioner Myers said it would be appropriate to add a note to the plans.

Ms. Kuhn said that there could be a note # 6 added that there would be no ammunition stored on the property if that is something that the Board chooses, with the understanding that the applicant would be living in the house and would most likely have ammunition stored in the applicant's home.

Commissioner Beckman said the defining line would be storing ammunition for personal use or storing ammunition for business use.

Glenn Rotkovich, 1420 E. Temple Drive, said the history of how they got to this point. He said a number of years back, when the conceal and carry laws changed in this state there were requirements for residents to get instruction. He said he got involved with that because there was a void and in doing that he discovered some major issues. He said he discovered tremendous number of people have very little or no formal education. He said as a result he started a company called Fast Ink. He said it has been in business for a number of years and the principals of that company are NRA Trained instructors. He explained across the United States NRA has approximately 50,000 instructors, of which there are only 1300 training counselors that teach instructors. He said all of the principals in his company are training counselors. He said through this process he also found out there is demand for additional instruction that is much more involved than just the basic safety instruction required by the State to obtain and conceal and carry permit. He said he also discovered that a lot of ranges have limitations and are not up to date ranges that are dangerous and less viable. He also discovered that the majority of ranges in the area are private clubs that have a limiting ability and have a membership that is limited. He said there is tremendous need for additional ranges in the area. He further said that the area would be losing ranges in the area because of encroachment. He said really only the only public range in the area is Cherry Creek and there are problems. He said without adequate places to shoot, people start shooting in places that they probably shouldn't. He said a properly designed range generates tremendous good use and a safe environment to fire a firearm and to continue a sport of the history of our nation. He said site selection. He said the proposed range is located approximately one hour from Denver, which meets the qualification of most of his students as far as travel distance. He said another concern was to be an adequate distance from inhabitants to have a safe environment and reduce the possibility of development in the area. He explained the proposed site has no wells and no water. He said the applicant would truck water in for personal use as well as for the use of the range. He said the property adjacent to this site would not be sold as 35-acre lots because of the water issue. He further explained there is no running water and no standing water. He said the nearest resident is 3 miles from the property. He said most ranges are located on 40-60 acres and he has purchased 460 acres for that reason. He said it is 1.25 mile from most of the firing lines beyond the s to stop any projectiles that should bounce off the s from ever leaving the property. He qualified eh does not believe there would be that problem because of the design. He further explained the corner where the proposed facility would be located is a little valley, which provides additional protection. He said he has identified the most comprehensive design and it comes from the NRA's Range Source Book. He said the concept is also to be a part of the community and have the area community be happy with the proposed location. He said also explained that the

largest growing segment of shooting sports is women. He explained that the facility has to be aesthetically pleasing to the women, or it would not be successful. He described the activity that would take place on the ranges. He explained the concept is to fit the needs of the entire community, including pistols and rifles as well as shotguns. He said the idea is to build safety and work proactively and set some standards. He said safety is the number one concern on an operating range. He said there would be an emergency plan in place. He said he and his son are both experienced in landing helicopters and getting emergency equipment in if necessary. He said rules would be posted on the range and there would be a required orientation. He explained everyone using the range would know the rules, read the rules, and sign the rules. He said there would be a no tolerance policy. He said signage would be posted on the perimeter of the range. He said the gate would be locked at all times and the only people with access will be people with membership and understand the rules. He said there would be days that it would be open to the public but that would only happen when there is a certified NRA trained safety officer that is available. He said personal ID's would be required. He said environmental issues. He said all of the information he has comes from a variety of sources, including the NRA Range Source Book, EPA Best Management Practices for Lead and Outdoor shooting ranges, Shooting Sports Foundation Book, the Interstate Technology and Regulatory Council on Small Arms Fire Range Team paper relating to small outdoor firing ranges, and Ray's Development and Operations conferences conducted by the NRA General Operations and Range Department. He said he has read everyone of those books and documents. He said the sources and the information is there to develop a good range, to put things together properly and do it to have safe shooting sports. He said the NRA has less than 100 incidents per year on shooting ranges in the United States. He said accidents do not happen at shooting ranges. He said the majority of accidents happen at home and other places because it's always the "unloaded gun" that is the problem. He said one of the things that is always a concern is the noise levels and how it would affect people and the area. He said site selection had a lot to do with that and the way the range is laid out. He said on the northern edge of the property the sound levels at that point are 64 decibels; on the western side the decibels are also 64 decibels; and the eastern side it is much lower because it is 1.25 miles away. He said the highest noise level is to the south, which are 90 decibels. He clarified the only use of that land to the south is grazing. He said cattle and wildlife get used to the noise. He said erosion is always a concern. He explained all areas that are disturbed would be re-planted with natural grasses. He said this proposal would only disturb about 7 acres out of 463 acres. He further explained the s are slanted and sloped toward the back stop slightly, which helps them act as retention ponds at the same time, preventing any off the water that should come down from a storm from rushing anything off the property. He said any lead would powder of dust would stay in the s where it belongs. He again said the s would be re-dressed and planted as needed for aesthetic, but also to keep the s in condition to prevent deterioration. He acknowledged the backstops would deteriorate regularly because the impact of the bullets. He said it is re-dressed regularly. He said the lead and the environmental stewardship program is a new attitude across the country. He thought the facility would be the first in Colorado to deal with environmental stewardship. He said eh is trying to deal in a proactive way with all of the environmental issues.

Commissioner Bockenfeld said he did not want to cut Mr. Rotkovich off, but acknowledged the Board has a good feel for the project and probably needs to ask a few questions to narrow the focus.

Commissioner Bockenfeld said apparently the applicant had some discussions with the Sheriff's Office.

Mr. Rotkovich said the Sheriff's reference was worrying about fires in terms of explosion. He said there are set regulations by an organization that shows how to store ammunition and what to do. He said the Deer Trail Fire Department is not concerned or worried about the storage of ammunition as long as those rules were followed. He further explained those rules state it is not a problem or hazard unless storing in excess of 1000 lbs of ammunition. He said he does not foresee ever getting anywhere near storing those amounts. He said he owns a fair amount of his own ammunition. He said he would sell some. He used the analogy of a baseball game without hotdogs. He said ammunition is a part of this game. He posed the questions would he sell large quantities. He said no, he doubted that. He explained most people come to a range with their own ammunition to shoot because of cost. He said he is not into high volume and would not be a low cost competitor with Walmart. He said he would have ammunition available because someone will decide they want to shoot one more box. He further clarified that would only be available later on. He said in the beginning there would be very little there while developing. He said just as he has to sell target, he would sell ammunition. He further reminded the Board of the location. People could not "run into town" to pick up one more because he is sixteen miles from, the nearest facility.

Commissioner Bockenfeld said he reviewed the file further and the Sheriff's Department acknowledges that their concerns were fire concerns. He said Deer Trail Fire District did not return comments at that time. He asked about the applicant's request for waiver of normal County fees.

Mr. Rotkovich said the County's fee structure is based upon acreage. He said he is being charged a fee as if he is developing a 25-acre site, the same fee someone would pay for developing a 25-acre site on Arapahoe Road. He said his costs could not possibly be the same with four sheets of plans. He said he is developing 7-acres, and all he is doing is pushing dirt around. He understood it is taking additional time to review because he is an "anomaly." He suggested there is a learning curve to understand this development but said he should not have to pay to educate the County.

Commissioner Zimmer he would like to address the storage and sale of ammunition. He understood that initially the applicant would have very limited storage. He asked about future storage of ammunition.

Mr. Rotkovich said the initial storage would be minor. He said three to five boxes per caliber. He said the storage would be some form of very secure temporary container near the home where he could control it and know where it was. He said there are a couple of buildings that exist right now that could be used for this purpose. He speculated during the first six month there would not be any need.

Commissioner Zimmer asked if those storage options have been discussed with the Sheriff.

Mr. Rotkovich answered no. He again stated the Sheriff's concern was about fire. He said he spoke with the fire department and the fire department asked to be notified in advance if there was going to be a large amount of ammunition stored. He explained the fire department's concern is that the fire department would arrive at this location at least ½ hour after an emergency called was placed. He explained the fire department is volunteer and usually rolls in 15 minutes and this facility is about 20 miles from the department.

Commissioner Zimmer said he is not necessarily concerned with fire events. He said firearms and ammunition don't set fire themselves, just as guns don't kill. He said theft is a concern, which is what prompted his question about storage outside of the home.

Mr. Rotkovich said the storage would be in one of the buildings and would be secure like in a metal container. He also said the gate is locked and it is ½ mile to the facility from the gate. He speculated criminals are lazy and are not likely to "huff-it" in to get something to then carry it out.

Commissioner Zimmer understood even if the criminals were willing to come into the property that far, the probability of their willing to break in to a building and then carry the ammunition back out is slim to none.

Mr. Rotkovich added there would only be a few members that would know the ammunition is even there.

Mr. Rotkovich said he is working very hard with the environmental protection program. He said he has worked with the organizations very closely and set some standards. He said he wants to be an aid to this County, but also to the State as well. He hopes to set some standards to become a premier organization in the state. He thanked the Board/

There were no public comments.

Ms. Kuhn said during the application process staff did not refer the application to the building department due to there not being any additional structures. She said however, with Mr. Rotkovich's statement that the ammunition would be stored in one of the sheds, staff would like to have the applicant work with the building division and Steve Byer to discuss any modifications that may be necessary.

Commissioner Weddig hoped the County would not subject this applicant to any more paperwork. He said there should be some basic guidelines. He said many people have ammunition stored in their homes and suggested this should be kept in the appropriate context. He acknowledged as the business grows the County should keep track of

the ammunition storage, but suggested at this beginning point a reasonable look at where the ammunition is stored would be appropriate, but cautioned.

Ms. Kuhn agreed. She said nothing in detail with the requirement of plans being submitted, but simply a discussion with the building division. She said the Chief building official might have some suggestions about how to secure the shed, or placement of other materials next to the ammunition.

Ms. Kuhn said staff is recommending approval of this case subject to the three conditions of approval and five notes. She said staff is not recommending reduction of fees.

Commissioner Myers wondered if staff is recommending adding another note for the applicant to confer with the building department regarding ammunition storage?

Ms. Kuhn said a note could be added.

Commissioner Weddig asked about the fee waiver request.

Ms. Kuhn said the planning fees are set up per page, not by acre. She said planning staff said the submitted pages were actually four sheets, which should have been \$8500 fee. She explained some of those pages were actually engineering details like the berms, which is more of grading detail. She said staff only charged the applicant for 3 sheets, which was \$6500. She said Ashley Byerly could speak to the engineering fees. She said the applicant paid a total of \$10,500 in fees.

Jonah Martin with Engineering Service Company, the applicant's engineer for this project, asked to address the Board. He said the fee reduction was actually introduced in conceptual idea meetings with Ashley Byerly and Carol Kuhn. He said it was their suggestion that the applicant propose a waiver of fees. He said as Mr. Rotkovich as already discussed, this is a large piece of property, but the development is relatively small. He said he is familiar with the process from the development standpoint regarding the level of detail necessary for a set of plans and how the review process is normally worked. He said from his prospective this process has gone relatively smoothly. He said it has been an education process for most involved and there has been a lot of good interaction, but it has not gone above and beyond the normal realm of the review process. He said the timing and efficiency of the progress has been within reason and he hoped to continue to take into account the applicant is developing a relatively small piece of a large property.

The motion was made by commissioner Zimmer to approve Case No. U05-003, Lead Valley Range, Use By Special Review subject to the following conditions:

1. The applicant must make all minor modifications to the Use By Special Review exhibit as requested by Public Works and Development Department, prior to completion of the mylars.
2. The applicant must address the Division of Engineering's comments and concerns.
3. The applicant shall add the phasing plan area along the southern property line and adding additional notes on the plan set. These notes shall include:
 - i. The pH of the soil in the shot fall zones of the shotgun ranges shall be checked twice a year and any accumulated lead shall be harvested, when warranted.
 - ii. The pistol and rifle s and backstops shall be inspected quarterly for degradation and lead accumulation and any accumulated lead shall be harvested when warranted.
 - iii. Necessary maintenance and repair such as redressing the s, addition of lime to the soil to adjust [H, reseeding the grass for erosion control, as well as any other necessary actions shall be completed based on the results of the inspections.
 - iv. The applicant shall keep written records of routine inspection and maintenance activities and of any actions to prevent environmental hazards, and shall provide a copy of these records to Tri-County Health Department on an annual basis, with the first copy being due on December 31st of the initial year the shooting range begins operation.
 - v. The applicant shall work with Tri-County Health Department to determine the appropriate number of port-o-lets, based on the anticipated number of visitors.

Seconded by Commissioner Beckman.

Commissioner Bockenfeld said there was a sixth condition of approval that review of ammunition storage with the Building Department.

Commissioner Zimmer said his motion intentionally left that condition out with the understanding the Mr. Rotkovich would discuss with staff. He said he does not think the Board should burden the applicant with at this point.

Commissioner Beckman said she does and she would therefore withdrawal her second. She said it is always better to give the staff direction.

Commissioner Weddig said he would urge Commissioner Zimmer to include the general direction of discussions with the appropriate authorities regarding storage of ammunition.

Commissioner Zimmer said he does not have a problem with providing general direction, but does not want to put specifics in the motion. He agreed to add the condition:

- vi. The applicant would meet with the County's Building Department for general direction on ammunition storage.

Commissioner Beckman seconded the motion.

The motion passed unanimously.

The motion was made by Commissioner Beckman to deny the request to reduce or waive the fees associated with Case No. U05-003, Lead Valley Range, Use By Special Review.

Seconded by Commissioner Zimmer.

Commissioner Beckman said the County has been subjected lately to so many requests for fee reductions for a variety of reasons. She said the Board has not reduced fees and has been very consistent. She said it is important to have that consistency or the Board will hear testimony with every case about less work than average, less complicated than an average case. She said it is not appropriate to decide fees that way.

Commissioner Weddig agreed the Board does not want a lot of these requests coming forward. He wondered if the Board should revisit the fee schedule, as it may not be appropriate for some of these small projects. He said today he would not support the fee reduction, but would like the County to look at the existing fee schedule.

The motion passed unanimously.

COMMISSISONER COMMENTS

Commissioner Bockenfeld said he has written comments that he would provide to the Clerk to be a part of the record. He said he would like to take this opportunity to recognize the Arapahoe County Community Corrections Board. He said last week they dealt with a high profile case that came before their board in a very dignified and professional manner. He said the Board members are all appointed by the Arapahoe County commissioners. He said aside from the Board members themselves, there are also a number of County staff members who also need to

be recognized for the preliminary work that was done that made the handling of this high profile case a success. He said those people include:

Don Klemme, Community Resources Director
Andrea Rasizer, Communications Services Director
Carla Hoffmeir, Judicial Services Division Manager
Ron Carl, Legal Department Advisor
Linda Mullen, Judicial Services Clerical Specialist
Mindy Edstrom, Communications Services Specialist

He again thanked those people for their hard work and for making the County proud to be a part of Arapahoe County Government.

There being no other business before the Board, the Chair adjourned the hearing at 11:25 AM.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

**NANCY A. DOTY, CLERK TO THE BOARD
BY JENNIFER GAYER, DEPUTY**