



# COUNTY OF ELBERT

## COMMUNITY & DEVELOPMENT SERVICES OFFICE

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June 19, 2008 for the Board of County Commissioner Meeting of June 25, 2008

**TO:** ELBERT COUNTY Board OF COUNTY COMMISSIONERS

**FROM:** Richard L. Miller, AICP  
Director – Community & Development Services Office

**RE:** TU 08-0025 Temporary Use – Boy Scouts of America, Peaceful Valley Scout Ranch – Travis Shooting Sports Facility

**SUMMARY OF REQUEST:** The Denver Area Council, Boy Scouts of America (the “Scouts”), are requesting a Temporary Use Permit to allow use of the existing Travis Shooting Sports Facility (as shown on the enclosed map), by scouts and scouting participants. The Temporary Use Permit is being requested for the summer season through August 9, 2008, with shooting Monday through Friday, from 8:00 AM to 5:30 PM, for traditional scouting programs, such as credits for shooting merit badges. No fund-raising events will be allowed under the requested Temporary Use Permit.

**APPLICANT:** Denver Area Council, Boy Scouts of America

**REPRESENTATIVE:** Carolynne C. White, Attorney at Law  
Brownstein/Hyatt/Farber/Schreck, LLP

**SITE DESCRIPTION:** The Peaceful Valley Scout Ranch consists of approximately 3,300 acres located on North Delbert Highway. The Travis Shooting Sports Facility is located in the southern portion of the camp, approximately ½ mile east of North Delbert Highway. The Travis Shooting Sports Facility consists of shooting sports programs for archery, shotguns, 22 caliber rifles, and tomahawk throwing. The subject property consists of grassland meadows, forested areas and several drainages.

**EXISTING ZONING:** The subject property is currently zoned “Agricultural” (“A”).

**PROPOSED ZONING:** The zoning for the subject property is to remain “Agricultural” (“A”). The applicant does intend to apply for a Special Use Permit to allow the firing/shooting ranges and facilities, once the Temporary Use Permit application has been decided upon.

**SURROUNDING LAND USES & ZONING:** To the north of the subject property, the surrounding properties are zoned “Agricultural” (“A”). Properties to the east are zoned “Agricultural” (“A”) and “Agricultural-One” (“A-1”). To the south of the subject property, surrounding properties are zoned “Agricultural” (“A”) and

"Agricultural-One" ("A-1"). Properties to the west are zoned "Agricultural" ("A"), "Agricultural-One" ("A-1"), and "Residential Agricultural" ("RA"). All surrounding properties appear to be larger acreage parcels with residential uses on some of the properties. The properties located on the west side of North Elbert Highway and south of the scout camp are the properties that are located closest to the shooting facilities and thus, are the properties most impacted by the noise generated from the shooting activities.

**SUBSEQUENT APPLICATION FOR A SPECIAL USE PERMIT:** As with any Temporary Use Permit, the applicant must submit a formal application for a Special Use Permit within thirty (30) days of the issuance of any Temporary Use Permit, by the Board of County Commissioners. The Scouts do intend to apply for the Special Use Permit within the required thirty (30) day period, should the Temporary Use Permit be granted. According to Carolynne White, the Scout's representative, the Special Use Permit application will include the following conditions:

1. All existing shooting ranges will be moved to a new location to be determined, subject to the results of various tests at the alternate sites;
2. Upon approval of the requested Special Use Permit, the Scouts plan to close the existing shooting ranges and remediate the lead from the existing shooting ranges, subject to the requirements of applicable local, state, and federal laws; and
3. The Scouts will provide all the requisite reports as part of the Special Use Permit application, including: a noise study, updated traffic report, wildlife report, lead management best practices plan, and other reports the County deems necessary to adequately evaluate the proposed new location.

**SUPPORT/OPPOSITION OF THE TEMPORARY USE PERMIT:** Numerous letters and e-mails in support of the Temporary Use Permit have been received by the Community & Development Services Office. These letters of support are included as attachments to this staff report.

Additionally, several phone calls were received by the Community & Development Services Office from surrounding property owners in opposition to the granting of the Temporary Use Permit. Most of the opposition expressed concern over the noise generated by the shooting events and possible lead contamination on surrounding properties.

**FINDINGS:** While the Elbert County Zoning Regulations are silent on the review standards for a Temporary Use Permit application, the Zoning Regulations do provide criteria for review of a Special Use Permit application. The Special Use Permit review standards are perhaps the most applicable for a Temporary Use Permit, since the firing/shooting range will ultimately require application for a Special Use Permit. The following criteria are to be considered by the Board of County Commissioners when reviewing Special Use Permit applications:

- 1.) *"Whether the proposed Special Use complies with the requirements of the Elbert County Master Plan, Elbert County Zoning Regulations and the Elbert County Subdivision Regulations."*

The Elbert County Master Plan mentions "noise" in the *Environmental Quality* section of the Plan.

On Page 30 of the Plan the following information is provided relative to noise:

- a.) *Land uses that generate significantly higher levels of noise than surrounding areas may be considered incompatible, unless actions are taken that effectively mitigate noise levels.*
- b.) *The County shall encourage the use of existing and manmade topography and/or vegetation to help reduce noise levels.*
- c.) *The County shall encourage the use of construction materials and design techniques, which reduce outside or inside noise levels.*

Community & Development Services Office Response: The Travis Sport Shooting Facility clay shooting course is located in the southern portion of the Scout Ranch, in close proximity to several residential properties on larger acreage and the Jewish Community Camp facility. If granted, the Temporary Use Permit will allow Scouts to use the facilities which will generate noise and have an impact on the surrounding properties in the immediate vicinity. The Community & Development Services Office evaluated the impact of Scout's use of the facility during the summer months with the long-term benefit of relocating all existing shooting-related uses and ranges to a more suitable location on the Scout camp. The conditions of the Special Use Permit as indicated above would solve several issues that have developed through the use of the existing shooting facilities. First, the existing shooting facilities will be closed and proper lead remediation conducted at the ranges, should the future Special Use Permit be granted. This would also allow the Scouts to bring all shooting related activities and ranges in compliance with County regulations, through the Special Use Permit application. An alternate site could be evaluated for the shooting related activities that have little or no noise impact on surrounding properties and one that allows for the effective remediation and ultimate removal of lead from the environment. The long-term benefit of moving all shooting-related facilities and ranges to a more suitable location on the camp seemed to outweigh the impact of the Scout's use during the summer camp season.

- 2.) *"Whether the proposed Special Use is in harmony and compatible with the surrounding area and neighborhood."*

Community & Development Services Office Response: While it is difficult to argue that a shooting range is in harmony and compatible with the surrounding area and neighborhood, the long-term benefit of relocating the entire shooting program to a more suitable location will have a positive impact on those properties located west and south of the existing facilities.

- 3.) *"Whether the proposed Special Use will adversely impact the provision of public services."*

Community & Development Services Office Response: Since the requested Temporary Use Permit is for Scout use only, the impact to public services should have no more impact than the on-going summer camp activities

- 4.) *"Whether the proposed Special Use will adversely impact the environment."*

Community & Development Services Office Response: The proposed Temporary Use will have minimal negative impact on the environment. The noise generated from the Scout's use of the

existing facility and ranges will have a temporary impact of area wildlife and citizens.

- 5.) *"Whether the proposed Special Use will increase traffic congestion or burden the existing road system."*

Community & Development Services Office Response: The proposed Temporary Use Permit should not generate unmanageable amounts of traffic for the North Delbert Highway. As proposed, there should be no more traffic generation above and beyond traffic normally associated with summer camp events at the Scout camp.

- 6.) *"Whether the proposed Special Use will be adequately landscaped, buffered and screened."*

Community & Development Services Office Response: The Scouts are proposing using the existing ranges and shooting facility for only the 2008 summer camp season. The follow-up Special Use Permit proposes to move all shooting operations and facilities to a new location, which should take into account the adequacy of buffering and screening, and reduce the impact to surrounding properties.

- 7.) *"Whether the proposed Special Use will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of Elbert County."*

Community & Development Services Office Response: Several surrounding property owners have expressed concerns over the impact of noise and the effect it has on their well-being. Safety is always a concern at such facilities. Detailed safety standards have been developed and provided to all Scouts participating in shooting functions.

Additionally, Elbert County Resolution 00-81 addresses noise on public and private property in unincorporated Elbert County. The resolution states that "It is hereby declared to be the policy of the County of Elbert that the peace, health, safety and welfare of its citizens require protection from excessive, unnecessary and unreasonable noise. It is the intent of this resolution to control such noise in the unincorporated territory of the County." The resolution further clarifies that "...it shall be unlawful for any person or persons to make, permit, continue, or cause to be made or to create any unreasonably loud and disturbing noise in the County." The resolution does allow an exemption for "Special events as authorized by permit, licensing or the Elbert County Commissioners".

**RECOMMENDATION:** The Community & Development Services Office is recommending that the Board of County Commissioners grant the Temporary Use Permit to allow the Scouts to use the ranges and existing Travis Shooting Sports Facility for the 2008 summer camp season subject to the following conditions:

- 1.) The Temporary Use Permit is to allow use of the existing Travis Shooting Sports Facility (as shown on the enclosed map), by scouts and scouting participants. The Temporary Use Permit is being requested for the summer season through August 9, 2008, with shooting Monday through

Friday, from 8:00 AM to 5:30 PM, for traditional scouting programs, such as credits for shooting merit badges. No fund-raising events will be allowed under the requested Temporary Use Permit.

2.) The applicant must submit a formal application for a Special Use Permit within thirty (30) days of the issuance of any Temporary Use Permit, by the Board of County Commissioners. The Special Use Permit application will include the following conditions:

- a.) All existing shooting ranges and shooting related activities will be moved to a new location (to be determined), subject to the results of various tests at the alternate sites and approval of the Special Use Permit;
- b.) Upon approval of the requested Special Use Permit, the Scouts will close the existing shooting ranges and remediate the lead from the existing shooting ranges, subject to the requirements of applicable local, state, and federal laws; and
- c.) The Scouts will provide all the requisite reports as part of the Special Use Permit application, including: a noise study, updated traffic report, wildlife report, lead management best practices plan, and other reports the County deems necessary to adequately evaluate the proposed new location.

Respectfully submitted,

Richard L. Miller, AICP  
Director – Community & Development Services Office

enclosures: Copy of Carolynne White letter dated June 2, 2008  
Copies of letters received regarding the Temporary Use Permit