



# Land Use

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## **Docket DC-15-0003: Proposed Boulder County Land Use Code Amendments to Article 4 and Article 18 regarding firing ranges**

Request: Land Use Code Text amendments drafting a use definition for firing or shooting range and related definition and process changes. (Staff planners: Amy Oeth and Dale Case)

Dear Stakeholder/Interested Party,

On June 9, 2015, the Board of County Commissioners authorized Land Use staff to pursue text amendments to the Boulder County Land Use Code specific to firing ranges. This is the initial referral draft of the proposed regulations. We value your comments and ideas for improvement.

**Why:** The present regulations do not offer enough protections to health and safety and thus, the County has drafted the attached regulatory amendments.

A collaborative effort to address issues around dispersed shooting in the mountains along the Front Range has been ongoing for several years. The stated purpose of the collaborative effort is:

To develop a landscape-level, multi-jurisdictional strategy to provide safe, responsible and accessible recreational sport shooting opportunities while addressing conflicts near residential areas and with other recreation users across the northern Colorado Front Range.

The County's partners in this effort are U.S. Forest Service, Arapaho & Roosevelt National Forests and Pawnee National Grassland, Colorado Parks & Wildlife, Northeast Region, Boulder County, Clear Creek County, Gilpin County, and Larimer County.

The County recognizes the potential impacts to residents and recreational users in any area near a proposed range. However, the County is also deeply concerned with the impacts of dispersed shooting on the safety and the general ability of members of the public to enjoy the outdoors. Dedicated locations with proper safety and noise requirements would better protect values and allow the Forest Service to reduce the areas available for dispersed shooting.

In order to provide shooting opportunities as identified above, each of the involved partner counties agree to present at least one option for a shooting or firing range.

Boulder County has not yet decided on any particular site, although there are five on Forest Service Land which are under preliminary consideration. This regulatory amendment is to address the unique issues a shooting range use presents from a land use perspective. The current draft regulations would permit a shooting range by right in Transitional, Business, Commercial, Light Industrial, and General Industrial Zoning Districts. And it could be allowed through Special Review in Forestry, Agricultural and Mountain Institutional Zoning Districts.

This initial referral draft is to garner feedback and make necessary changes to the draft before it starts the public hearing process.

A draft of the proposed text amendments is attached to this letter for your review. You may also view the proposed draft text amendments and future revisions in our office or online at: <http://www.bouldercounty.org/property/build/pages/lucodeupdatedc150003.aspx>

The docket review process for the proposed amendments will include a public hearing before the Boulder County Planning Commission, tentatively scheduled for September 21, 2016, and a public hearing before the Boulder County Board of County Commissioners, to be scheduled within a month or two after Planning Commission. Public comments will be taken at both hearings. Confirmation of hearing dates and times will be published online at the link above and in local newspapers.

The Land Use staff and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter or email with your comments. All comments will be made part of the public record. If you have any questions regarding this docket, please contact us at (303) 441-3930. [dcase@bouldercounty.org](mailto:dcase@bouldercounty.org) or [aoeth@bouldercounty.org](mailto:aoeth@bouldercounty.org).

Please return responses to the above address by August 31, 2016. Late responses will be reviewed as the process permits.

We have reviewed the proposal and have no conflicts.

Letter is enclosed.

Signed \_\_\_\_\_ PRINTED Name \_\_\_\_\_

Agency or Address \_\_\_\_\_

## ATTACHMENT - PROPOSED TEXT CHANGES

### Article 18 DEFINITIONS – ADD DEFINITIONS

**18-xxx Shotfall Zones:** The area of a shotgun firing range where spent shotgun shot falls to the earth and where development, other than trap or skeet houses or the equivalent facilities for other types of shotgun events, and human occupancy, other than operators of the trap, skeet or equivalent facilities, is prohibited during active shooting.

**18-xxx - Surface Danger Zone:** The area, determined by an applicant's Professional Engineer, that may reasonably expect projectile impact. The zone spans the area that could receive projectile impact resulting from direct fire, including misdirected and accidental discharges, and ricochets from any firearm or bow. The boundaries of the zone (i.e., the length of the range and the width of the firing point or points) accommodate the ballistics of highest powered firearms, and the range of ammunition that may be used in the permitted firing activities. Spatial requirements may be reduced in consideration of natural topographic features or manmade improvements, including but not limited to backstop and side berms, bullet traps, ricochet catchers, and overhead or ground safety baffles which will provide sufficient safety measures to protect adjacent properties.

### Article 4-510- ADD NEW USE DEFINITION

#### I. Firing Range, Outdoor

- A. Definition: A facility, including its component shooting ranges, Surface Danger Zone or shotfall zones, parking areas, all structures for classrooms, administrative offices, ammunition storage areas and other associated improvements, for which the primary use is to provide a place for the discharge of various types of firearms or the practice of archery. The definition excludes hunting and shooting activity occurring outside of identified and approved shooting ranges, and occasional target practice by individuals on property owned or leased by the individuals.
- B. Districts Permitted: By Special Review in F, A ,GI, LI,
- C. Parking Requirements: to be determined through review
- D. Loading requirements: none
- E. Additional Provisions:
  1. Shooting and target area setbacks
    - a. In the direction of fire and potential shotfall zone, at least the distance of travel of the largest caliber weapon to be fired. This distance can be reduced based on an engineered study and proper mitigation which reduces the Surface Danger Zone, but in no case shall it be closer than 1,320 feet from residential, lodging or other occupied structures not on the subject property, a County platted subdivision, recreational trails, and campgrounds. This setback may be reduced with a signed agreement with the adjoining property owner.
    - b. Default zoning district setbacks are applicable to office, restrooms, classroom space, or other related range areas where weapons are not being fired.

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### ADD TO 4-602 SPECIFIC CRITERIA/DEVELOPMENT STANDARDS:

#### 4-602.

- F. The following standards shall apply to the development of proposed outdoor firing ranges upon application for a special use permit. The County may vary from these standards where the applicant has demonstrated and a County-approved engineer has verified that the proposed facility includes alternative designs and features, either natural or manmade, that will otherwise mitigate the potential adverse impacts to the health, safety and welfare of owners or users of neighboring properties and the general public.
  1. Range Design

- a. Pistol and Rifle Firing Ranges. Pistol and rifle firing range design shall include sufficient land area under control of the applicant for a safety fan (direct fire zone, safety zones, and ricochet zones) to accommodate the ballistics of the highest powered firearms and ammunition to be used on the range. Such geographic areas shall be based on industry-accepted range design guidelines, standards, and best practices. Such spatial requirements may be reduced in consideration of natural topographic features or manmade improvements, including but not limited to, backstop and side berms, bullet traps, ricochet catchers, and overhead or ground safety baffles which will provide sufficient safety measures to protect persons or adjacent properties. The range design and operation will impact the setbacks through defining the Surface Danger Zone.
  - b. Shotgun Ranges. Trap ranges shall have a shotfall zone on property under control of the applicant, as established by a line which extends 50 yards to the right and 50 yards to the left of, and perpendicular to, the centerline of the trap house. From each end of said line, boundary lines having interior angles of 130 degrees shall extend down range for 300 yards. Skeet ranges shall have shotfall zones on property under control of the applicant which are a complete semi-circle with its center point located at the center point of a defined station and a radius of the semi-circle being 300 yards. Shotfall zones for crazy quail, sporting clays, or other shotgun firing ranges shall be determined on a case-by-case basis.
2. Security. The entire perimeter of Firing Range shall be fenced and signed to reduce the potential for trespass on to the property. In some areas topography or natural barriers may make fence placement unnecessary. In addition, warning signs identifying the range shall be posted around the perimeter of the parcel or parcels on which the shooting range is located such that each sign is visible and legible from the next (generally 200 yards but more frequently placed, depending on topography and vegetation). Fencing where wildlife is a concern should be designed and installed to be wildlife safe
  3. Parking. At a minimum, there shall be \_\_\_ TBD \_\_\_ parking places for each firing position.
  4. Noise. All firing line locations shall be located and maintained such that the sound levels generated by the discharge of firearms on the range do not exceed a 65 dB peak impulse response at the property line. The burden of proof that the proposed range will meet this standard shall rest with the applicant. All noise studies shall be performed by a professional engineer registered in the State of Colorado or other qualified individual.
  5. Range Orientation. All firing lines should be aimed at target lines to the northeast, north or northwest unless there is sufficient screening, natural or manmade, to eliminate the effects of glare from the sun.
  6. All backstops shall have sufficient depth of sand or other similar soft earthen material that is free of rocks, stones and other hard objects that may result in ammunition ricochets. All manmade berms shall be vegetated to reduce the potential for erosion. A manmade, mechanical backstop may be substituted upon approval. All backstops and berms shall be maintained to perform their intended functions.

7. Firing ranges shall be developed such that there are no traveled roadways, trails, streams, ponds, lakes, or other watercourses or wetlands located within the Surface Danger Zone or within any Shotfall Zone.
8. The developer/operator of the firing range facility shall provide to the Land Use Department at the time of application for the building permit final inspection a certification prepared by a Colorado registered engineer that the firing range facility has an environmental stewardship plan. The environmental stewardship plan may include semi-annual soil and water sampling, regular liming of the soil to prevent lead migration, reclamation and recycling of expelled ammunition and lead, and must comply with the Best Management Practices, specifically relating to lead management, as specified by the Environmental Protection Agency's (EPA's) most current edition of Best Management Practices for Lead at Outdoor Shooting Ranges.
9. Operational Requirements
  - a. Hours of operation shall be determined through the review process to minimize impacts to surrounding areas.
  - b. Alcohol or drugs must not be permitted on site.
  - c. No tracer rounds or incendiary rounds permitted.
  - d. Fire Safety and Response Plan file with local fire protection district and Sheriff.
  - e. Safety Plan must be filed with Land Use Department and the Sheriff and range rules posted.
  - f. On site emergency communication system required.
  - g. Through the Special Review process the Board of County Commissioners (BOCC) may require periodic reviews to assure effective monitoring and operation of the range to protect the health and safety of those in the area. If at any time the BOCC finds the operation does not meet the design or operational expectations they may modify existing conditions or impose additional conditions to address concerns. (Require on site range staff, cameras, etc).
10. Enforcement.
  - a. Shooting range noise ordinance violations will be enforced if the following criteria are met:
    - i. A civil action or criminal penalty shall be sought against an approved range or its owners or operators on the grounds of noise emanating from such range that results from the normal operation or use of the range only upon a written complaint from a resident of Boulder County.
    - ii. Written complaints must contain the name and address of the complainant, how long the complainant has resided at the address indicated, and the times and dates upon which the alleged excessive noise occurred. Complainants must have established residence within Boulder County on or before January 1, 1985. See C.R.S. § 25-12-109.
  - b. Notwithstanding 10.a., above, any other of the provisions of this section may be enforced under Article 17 of the Code or by any legal or equitable means recognized by the Colorado State Statutes and the Colorado Court Rules, as amended.
11. Any future expansion that results in additional firing positions, a lengthened daily period of operations or increasing the length of the direct fire zone or the area of the shotfall

zone in order to accommodate the use of firearms not identified in the then existing special use permit application would constitute a substantial modification under 4-603 of this Code.