

Regular Meeting Agenda  
February 21, 2023 ~ 6:30 pm

Remote Meeting using the Zoom Platform Meeting ID: 868 7950 5735 Passcode: 258796  
<https://us02web.zoom.us/j/86879505735?pwd=R1Y2bDRRMTE0NkM3WVBIQnpRVnN0dz09>

*If you would like to address The Board of Trustees at this meeting, please place your name on the sign-up sheet or indicate that through the chat function on the online Meeting Platform. You will be recognized to speak during the "Public Comment" portion of the agenda. Discussion is limited to 5 minutes and please state your name and address your comments to the Board. Thank you for your cooperation. Also, please silence your phones and do not use them during the meeting out of consideration for your Board Members and Staff who are presenting information during the meeting.*

1. **Call Meeting to Order**
2. **Roll Call** – The Empire Board of Trustees requires a simple majority of four trustees present at the meeting for a quorum.
3. **Approval of Agenda**
4. **Approval of Minutes: January 17<sup>th</sup>, 2023**
5. **Ordinances:**
  - a. **Ordinance 267: An Ordinance of The Town of Empire, Colorado, Approving an Application for The Rezoning of Empire Coupon Placer #1298 Parcel One, Within the Town of Empire, From The Residential District ("R-1") to The Residential Commercial District ("R-C")**  
Recommendation from Planning Commission
6. **Vote to approve the Renewal of the Local Marijuana License for Serene Wellness LLC**
  - a. Report from Police Chief Lorenz
  - b. Report from Town Clerk Piel
7. **Announcement:** The Town of Empire provided a letter of support for the Clear Creek and Gilpin County Governments' application for a Shooting Range Grant from the Colorado Department of Parks and Wildlife. This Grant will be used for the completion of an accessible and responsible regional public shooting facility.
8. **Update:** Empire Wildlife Overpass from Peak Consulting on behalf of CDOT  
The Final Office Review (FOR) meeting is scheduled for April 10. The project plans to go to bid in June with construction kicking off in September and continuing through 2024. Of note, the fence alignment and rockfall fence design has shifted since the last update and field review:
  - a. The wildlife fence west of the overpass on the south side of US 40 will not run along Mountain Avenue as previously discussed. This alignment would have required the removal of many trees and was deemed too impactful. Instead, the fence will run on the slope beneath the highway. They sought to find the "least steep" parts of the slope with the fewest interferences. There are some construction and maintenance challenges with the fence on steep slopes and some concerns about snow loading on the fence. They plan to address these issues through a custom design, e.g., more closely spaced fence posts (12' vs 16') or possible additional fence stays.
  - b. The rockfall fence around the wildlife overpass on the north side of US 40 has been redesigned so that the fence runs entirely along the roadway instead of partially up on the cliffs to ease construction, maintenance and avoid gaps in the fence between fence types. To manage this, two types of rockfall fence will be used, 1) ground nail fence where the cliffs abut the roadway, and 2) concrete barrier topped with fencing in areas with debris flows.

9. **Update:** US 40 Resurfacing and Improvement Project set for 2024

CDOT, Michael Baker Intl., & Pinyon Environmental Inc., along with the Town of Empire, will have our 3rd planning team meeting next week to continue refining the design for crosswalks, parking, access points, ADA curb ramps, and other design improvements throughout the Town as part of the resurfacing project. Of note, the current plans include conduit to be installed under the highway to allow the Town to run water lines and electricity to the two Traffic Calming Medians on each end of Town. This will facilitate brighter street lighting and the ability to install license plate readers as well as more attractive landscaping that can be better maintained.

10. **Update:** Ball Placer Project

The Town is working with Diane KIELTY of the Clear Creek Watershed & Forest Health Partnership (CCWFHP, The Partnership), in the hopes of securing a grant for an updated feasibility study for the Bard Creek Water Rights that are associated with the Ball Placer Property. We have previous feasibility and engineering studies from over twenty years ago when Clear Creek County owned the water rights and was investigating a possible project. Water volumes have changed and may have an impact on our ability to access water. Phase one of this long-term project was to show community interest and do our Due Diligence in filing an application in 2021 to hold conditional water rights. "Conditional" means that we have legal requirements to keep these water rights while they are not actively being used. Phase two will be to obtain updated studies to evaluate what is possible as far as water rights, water storage, a water pipeline to transport the water, and an engineering report on whether the land could support a reservoir or water storage of any kind. These issues all need to be addressed before any infrastructure work can be completed in the Ball Placer and before any development projects can be considered. We are hopeful that we can find grant funding available for each of these items over the next several years, and CCWFHP is committed to helping Empire look for these opportunities.

11. **Reports:**

a. Mayor: (CCEDC, CDOT, CCFA)

b. Police:

- i. Chief Lorenz will provide a monthly report with stats and updates.
- ii. All Short-Term Rentals within Town limits must be licensed with the Town of Empire. Please contact Town Hall if you have been operating a Short-term Rental and need to apply for a license.
- iii. Code Enforcement and Town Clean-Up activities will start this Spring, with a clean-up day scheduled this summer with dumpsters to help residents get rid of unwanted items that are too large for your regular trash service.
- iv. "WAYS THE COMMUNITY CAN HELP:" If you see something that you would like to complain about, you need to fill out a complaint form so that we have an official complaint to respond to. Mentioning it in passing to a staff member is not an official complaint. Mentioning it in Public Comment in the Board Meeting is not an official complaint. You must fill out a complaint with the Police Department. That is the best, most efficient way to communicate your concerns to the Police Department. We can provide you with a complaint form after the Board Meeting if you need one.

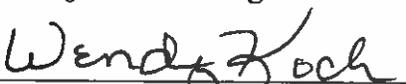
c. Events:

- i. We are hosting an Easter Egg Hunt in Theobald Park on Saturday, April 8<sup>th</sup>, 2023 from 2-3 pm. If you would like to help us plan something fun for the kids, please email [Clerk@EmpireColorado.us](mailto:Clerk@EmpireColorado.us).

d. Admin:

- i. 2023 OHV Permit Renewals have been sent out, with an extension on the due date to March 1<sup>st</sup>, 2023.

- ii. 2023 Business License Renewals have been sent out, with an extension on the due date to March 1<sup>st</sup>, 2023.
  - iii. You may see some rearranging in Town Hall as we are creating additional workspaces to accommodate additional staff members. Please be patient as we make important changes.
- e. Planning Commission:
- i. All Planning Commission meetings are in-person with remote access.
  - ii. The Regular Meeting will be held on Wednesday, February 22<sup>nd</sup>, 2023, at 6:30 pm.
12. **Public Comment:** Public comment is limited to 5 minutes per person. The Board does not respond to questions during this time. For operational questions, please email the clerk.
13. **New Business from Board of Trustee Members:**
14. **The Next Board of Trustees Regular Meeting is March 21<sup>st</sup>, 2023, at 6:30 pm. In-person with remote access**
15. **Adjourn Meeting**

  
\_\_\_\_\_  
(Mayor Wendy Koch)

  
\_\_\_\_\_  
(Town Clerk Jeannette Piel)

TOWN OF EMPIRE  
30 East Park Avenue – P.O. Box 100 Empire CO 80438-0100  
303/569-2978 – 303/569-2282 fax

**Board of Trustees Regular Meeting**  
February 21, 2023

**1. Call to Order**

The meeting was called to order at 6:32 PM.  
The meeting was held in person and through Zoom.

**2. Roll Call**

**Present:** Mayor Wendy Koch, Mayor Pro-Tem Linda Robertson, Trustee Denise Tennant, Trustee Susan Owen, Trustee Lorrain Singmaster, Police Chief Andrew Lorenz, Attorney Colleen McCroskey, Town Clerk Jeannette Piel.

**Absent:** Trustee Shannon Hickman.

**A quorum was present at the meeting.**

**3. Approval of Agenda**

**TRUSTEE ROBERTSON MOTIONED TO APPROVE THE AGENDA FOR FEBRUARY 21, 2023, TRUSTEE TENNANT PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.**

**4. Approval of Minutes: January 17<sup>th</sup>, 2023**

**TRUSTEE ROBERTSON MOTIONED TO APPROVE THE JANUARY 17, 2023, MEETING MINUTES, TRUSTEE TENNANT PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.**

**5. Ordinances:**

- a. **Ordinance 267: An Ordinance of The Town of Empire, Colorado, Approving an Application for The Rezoning of Empire Coupon Placer #1298 Parcel One, Within the Town of Empire, From The Residential District (“R-1”) to The Residential Commercial District (“R-C”)**

**TRUSTEE ROBERTSON MOTIONED TO TABLE ORDINANCE 267: AN ORDINANCE OF THE TOWN OF EMPIRE, COLORADO, APPROVING AN APPLICATION FOR THE REZONING OF EMPIRE COUPON PLACER #1298 PARCEL ONE, WITHIN THE TOWN OF EMPIRE, FROM THE RESIDENTIAL DISTRICT (“R-1”) TO THE RESIDENTIAL COMMERCIAL DISTRICT (“R-C”) UNTIL THE MARCH 21, 2023 BOARD OF TRUSTEE REGULAR MEETING, TRUSTEE OWEN PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, FOUR WERE IN FAVOR, ONE WAS NOT, MOTION PASSED.**  
Comments were made concerning commercial zoning being in the middle of a residential zone. Trustees would like more information.

**6. Vote to approve the Renewal of the Local Marijuana License for Serene Wellness LLC**

- a. Report from Police Chief Lorenz -No issues
- b. Report from Town Clerk Piel – Current on all Town bills

**TRUSTEE TENNANT MOTIONED TO APPROVE THE RENEWAL OF THE LOCAL MARIJUANA LICENSE FOR SERENE WELLNESS LLC, TRUSTEE OWEN PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.**

**7. Announcement:** The Town of Empire provided a letter of support for the Clear Creek and Gilpin County Governments’ application for a Shooting Range Grant from the Colorado Department of Parks and Wildlife. This Grant will be used for the completion of an accessible and responsible regional public shooting facility.

**8. Update: Empire Wildlife Overpass from Peak Consulting on behalf of CDOT**

The Final Office Review (FOR) meeting is scheduled for April 10. The project plans to go to bid in June with construction kicking off in September and continuing through 2024. Of note, the fence alignment and rockfall fence design has shifted since the last update and field review:

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## **10. Update: Ball Placer Project**

The Town is working with Diane Kielty of the Clear Creek Watershed & Forest Health Partnership (CCWFHP, The Partnership), in the hopes of securing a grant for an updated feasibility study for the Bard Creek Water Rights that are associated with the Ball Placer Property. We have previous feasibility and engineering studies from over twenty years ago when Clear Creek County owned the water rights and was investigating a possible project. Water volumes have changed and may have an impact on our ability to access water. Phase one of this long-term project was to show community interest and do our Due Diligence in filing an application in 2021 to hold conditional water rights. "Conditional" means that we have legal requirements to keep these water rights while they are not actively being used. Phase two will be to obtain updated studies to evaluate what is possible as far as water rights, water storage, a water pipeline to transport the water, and an engineering report on whether the land could support a reservoir or water storage of any kind. These issues all need to be addressed before any infrastructure work can be completed in the Ball Placer and before any development projects can be considered. We are hopeful that we can find grant funding available for each of these items over the next several years, and CCWFHP is committed to helping Empire look for these opportunities.

## **11. Reports:**

- a. Mayor: (CCEDC, CDOT, CCFA)
- b. Police:
  - i. Chief Lorenz and Officer Whillock discussed the shots fired call, with two suspects in custody. For the month of February, the department had 3 agency assists, 3 animal calls, 24 case reports, 1 ticket, 2 auto accidents, 1 protection order and 1 death.
  - ii. All Short-Term Rentals within Town limits must be licensed with the Town of Empire. Please contact Town Hall if you have been operating a Short-Term Rental and need to apply for a license.
  - iii. Code Enforcement and Town Clean-Up activities will start this Spring, with a clean-up day scheduled this summer with dumpsters to help residents get rid of unwanted items that are too large for your regular trash service.
  - iv. "WAYS THE COMMUNITY CAN HELP:" If you see something that you would like to complain about, you need to fill out a complaint form so that we have an official complaint to respond to. Mentioning it in passing to a staff member is not an official complaint. Mentioning it in Public Comment in the Board Meeting is not an official complaint. You must fill out a complaint with the Police Department. That is the best, most efficient way to communicate your concerns to the Police Department. We can provide you with a complaint form after the Board Meeting if you need one.
- c. Events:
  - i. We are hosting an Easter Egg Hunt in Theobald Park on Saturday, April 8<sup>th</sup>, 2023, from 2-3 pm. If you would like to help us plan something fun for the kids, please email [Clerk@EmpireColorado.us](mailto:Clerk@EmpireColorado.us).

d. Admin:

- i. 2023 OHV Permit Renewals have been sent out, with an extension on the due date to March 1<sup>st</sup>, 2023.
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- iii. You may see some rearranging in Town Hall as we are creating additional workspaces to accommodate additional staff members. Please be patient as we make significant changes.

e. Planning Commission:

- i. All Planning Commission meetings are in-person with remote access.
- ii. The Regular Meeting will be held on Wednesday, February 22<sup>nd</sup>, 2023, at 6:30 pm.

**12. Public Comment**

- Margi Kaspari – Thanked Town Hall. Requested update on Ball Placer. North and South Main Street need to be fixed and requested letter reflecting responsibility is Clear Creek County. She is against the Croke zoning change to R/C. The Town should not want to be known for OHV's and Jeeps, but rather to be known for hiking and skiing.
- Eileen Wheelock – She did not receive shelter in place notification with the shots fired incident, as suspects were already in custody. Update on CDOT FOR Meeting. Question on the US40 resurfacing adding additional lighting. Concerns about parking between Dairy King and the gas station. Concerns about the light at the storage units.
- Randy Wheelock – Enforce parking issues. Concerns about speeding and statistics. Good decision on the Board of Trustees needing more information on the zoning change to R/C. He does like the affordable housing option.
- Robin Raulf-Sager - Asked about the time shots were fired and number of suspects. Agrees with Margi's comments. Concerns about the parking behind the gas station.

**13. New Business from Board of Trustee Members:**

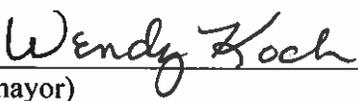
Trustee Robertson asked about the Farmers Market. The Town is expecting to have this in 2023 and will need a produce vendor.

**14. The Next Board of Trustees Regular Meeting is March 21<sup>st</sup>, 2023, at 6:30 pm. In-person with remote access.**

**16. Adjourn Meeting**

**TRUSTEE TENNANT MOTIONED TO ADJOURN THE MEETING, TRUSTEE ROBERTSON PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.**

The meeting was adjourned at 7:33 PM.

  
(mayor)

  
(town clerk)

**TOWN OF EMPIRE,  
COLORADO**

**ORDINANCE 267**

**AN ORDINANCE OF THE TOWN OF EMPIRE, COLORADO, APPROVING AN APPLICATION FOR THE REZONING OF EMPIRE COUPON PLACER #1298 PARCEL ONE, WITHIN THE TOWN OF EMPIRE, FROM THE RESIDENTIAL DISTRICT (“R-1”) TO THE RESIDENTIAL COMMERCIAL DISTRICT (“R-C”)**

**WHEREAS**, pursuant to C.R.S. § 31-23-301, the Town of Empire possesses the authority to zone, rezone, change, supplement and revise the zoning classifications or designation of property and to regulate land uses within the Town; and

**WHEREAS**, Board of Trustees (the “Board”) shall hold a public hearing and act upon an application for proposed zoning amendments; and

**WHEREAS**, the Applicant has submitted an application for the rezoning of EMPIRE COUPON PLACER #1298 PARCEL ONE (the “Subject Property”) from the Residential District (“R-1”) to the Residential Commercial (“R-C”) (the “Application”); and

**WHEREAS**; the Empire Planning Commission held a public hearing on October 26<sup>th</sup>, 2022 and issued a recommendation to approve the Application; and

**WHEREAS**, the Board conducted a public hearing following the provision of lawfully required notice to the public; and

**WHEREAS**, the Board hereby finds that the Application for the proposed rezoning meets the criteria established by Empire Municipal Code Art. VII, Section 3 for approval; and

**WHEREAS**, the Board finds that the proposed rezoning would “encourage the most appropriate use of land throughout” the Town consistent with C.R.S. § 31-23-301(1); and

**WHEREAS**, the Board hereby approves the Application with the conditions provided herein.

**THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF EMPIRE, THAT:**

**Section 1.** The recitals set forth above are incorporated as if set fully forth herein.

**Section 2.** The Town of Empire Board of Trustees hereby approves the Application for rezoning from Residential (R-1) to Residential Commercial (R-C).

**Section 5.** The Town Clerk and other appropriate Town Staff are authorized and instructed to revise the official zoning map for the Town of Empire so that the zoning designation

described in this Ordinance is illustrated in graphic form. Failure to amend the official zoning map in accordance with this Ordinance shall not, however, have the effect of limiting, preventing or precluding the effect or effective date of this Ordinance.

Section 6. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 7. Repeal. Any and all ordinances, resolutions, or codes, or parts thereof, which are in conflict or inconsistent with this ordinance are repealed, to the extent of such conflict or inconsistency exists. The repeal of any such ordinance, resolution, or code or part thereof, shall not revive any other section or part of any ordinance, resolution, or code provision. This repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to this ordinance taking effect.

Section 8. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage.

**INTRODUCED AND PASSED ON FIRST READING THIS 21ST DAY OF FEBRUARY 2023.**

**INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON SECOND READING THIS \_\_\_ST DAY OF \_\_\_\_\_ 2023.**

TOWN OF EMPIRE, COLORADO

\_\_\_\_\_  
Wendy Koch, Mayor

ATTEST:

\_\_\_\_\_  
Jeannette Piel, Town Clerk

January 29, 2023

Empire Board of Trustees  
ATTN: Wendy Koch, Mayor  
Empire, CO 80438

RE: AMENDED Recommendation to the Board of Trustees  
Re-Zoning Empire Coupon Placer #1298 Parcel One

Mayor Koch:

Please forward this recommendation to the Empire Board of Trustees to continue the approval process regarding this zoning change.

The Empire Planning Commission recommends that the Empire Board of Trustees approve the zoning change on Empire Coupon Placer #1298 Parcel One (owner Robert Croke) to Residential Commercial (RC Zone).

Furthermore, the PC recommends that the property development be consistent with the Comprehensive Master Plan and fit contextually within the surrounding zoning classifications.

Sincerely,  
Sally Rush, Chairperson  
Empire Planning Commission  
Empire, CO 80438

**7. Residential-Commercial District (R-C)**

**7.1 Intent**

This district is intended to provide for the development of commercial, office, recreational, cultural, entertainment, and governmental facilities serving as a center of community activity. It is the further intent of this district to conserve and enhance the existing central business area for the benefit of the community as a whole, while still preserving the historic nature of the Town by permitting the continuation of single family residences within the commercial center.

**7.2 Use Regulations**

A building or parcel of real estate may be used for the following purposes.

**7.2.1 Principal uses permitted by right.**

The following principal uses shall be permitted; provided however, any use with a substantial impact to the Town, including, but not limited to uses that increase the level of parking by 50% or more, as determined by the zoning officer, shall require operational plans as provided in Article V, Section 6, pg 34.

7.2.1(a) Any use permitted by right in the Single Family Residential R-1 District, so long as such use is in compliance with all other general and specific requirements of this and any other applicable Town ordinance.

7.2.1 (b) Any use permitted by right in the Single Family Attached Residential R-2 District, so long as such use is in compliance with all other general and specific requirements of this and any other applicable Town ordinance.

7.2.1(c) Any use permitted by right in the Multi-Family Residential R-3 District, so long as such use is in compliance with all other general and specific requirements of this and any other applicable Town ordinance.

7.2.1(d) Mixed use - A combination of commercial and multi-family use

7.2.1 (e) Boarding Houses

7.2.1(f) Retail

7.2.1(g) Customer service establishments

7.2.1(h) Business and professional offices

7.2.1(i) Churches

7.2.1(j) Public office and service buildings

7.2.1(k) Hotels and Motels

7.2.1(l) Bed and Breakfast

**7.2.2 Permitted Accessory uses**

7.2.2(a) Any Accessory use permitted in the Single Family Residential R-1 District, Single Family Attached Residential R-2 District, Or Multi- Family Residential R-3 District.

7.2.2(b) Signs, subject to the provisions of Article XII

7.2.2(c) Parking and service areas.

7.2.2(d) Office, storage, power supply, and other structures or uses clearly incidental to and commonly associated with the operation of Principal uses permitted by right.

**7.3 Limitations of External Effects of Uses**

7.3.1 No use or activity shall be permitted to produce hazardous conditions or noxious influences such as noise, vibration, heat, glare, radiation, fumes, smoke or other pollutant to a degree detrimental to existing or prospective adjacent uses, or to existing or prospective development of the community.

7.3.2 All fuel, raw materials and products stored outdoors shall be enclosed by a solid fence or wall adequate to conceal such fuel, raw materials and products from adjacent residential and commercial property, consistent with all applicable safety codes..

**7.4 Density**

Minimum parcel area per dwelling unit: four thousand eight hundred (4,800) square feet.

**7.5 Building Location**

7.5.1 Minimum setback:

For all streets and highways ten (10) feet.

7.5.2 Minimum offset: five (5) feet

7.5.3 Minimum open space commercial use is:

20%. Including parking areas.

**7.6 Off-Street Parking Requirement** - As provided in Article VIII, Section 2, pg 76.

**7.7 Off-Street Loading Requirements** – As provided in Article VIII, Section 3, pg 78.

# Town of Empire

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30 East Park Avenue, Empire, CO, 80438 | 303-569-2978 | clerk@empirecolorado.us

January 30, 2023

Colorado Parks and Wildlife  
Shooting Range Development Grant Program

Re: Clear Creek and Gilpin County "Regional Public Shooting Range" Grant Application

To Whom It May Concern:

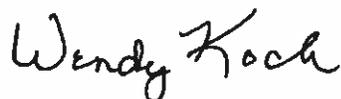
The Town of Empire is happy to provide this letter of support for the Clear Creek and Gilpin County Governments' application for a Shooting Range grant from Colorado Department of Parks and Wildlife (CPW). This grant will be used for the completion of an accessible and responsible regional public shooting facility.

There is an increasing need for shooting opportunities that are safe and affordable to different types of shooters, due to people recreating closer to their homes as a result of the pandemic and the growing population of the front range. Clear Creek and Gilpin Counties are in close proximity to the Denver area and dispersed recreational shooting on U.S. Forest Service property is causing safety concerns and impacts to the natural resources.

By constructing a club house with restrooms and a classroom, sport shooting opportunities will be provided that have not previously been available in the region.

We encourage you to support this application to provide recreational shooters of all ages with a safe, designated location in a facility designed and managed for shooting within the I-70 corridor.

Sincerely,



Wendy Koch

Mayor of Empire

