

BEFORE THE BOARD OF BINGHAM COUNTY COMMISSIONERS

In regards to: The meeting to hear an Appeal filed by Jeff and Julie Krueger, relating to the Planning & Zoning Commission's decision to deny the Conditional Use Permit (CUP) for a private outdoor firearms training range on 147.5 acres, zoned Agriculture, located North of 1676 W. 700 N., Blackfoot, Idaho.

Board of County Commissioners Meeting Date: September 12, 2025

At the onset of the meeting Ms. Olsen explained that the Planning & Zoning Commission heard the Application on June 11, 2025 and an Appeal was timely filed by Jeff and Julie Krueger pursuant to Bingham County Code 10-10-2.

Chairman Manwaring stated that he had reviewed the Staff Report and Appeal document submitted to the Board and there were several concerns voiced and at the end of the Planning & Zoning Commission Public Hearing, the votes were split. Chairman Manwaring reviewed that upon completion of the Public Hearing and based on the record before the Planning & Zoning Commission, Commissioner Bingham moved to approve the Conditional Use Permit Application requested by Jeff and Julie Krueger to develop and operate a Gun Range-indoor/outdoor, located North of 1676 W 700 n, Blackfoot, Idaho in an "A" Agriculture Zoning District as proposed, subject to the conditions stated:

1. Install a fire barrier around the berms and target areas to further reduce the risk of fire;
2. Clear a thirty-foot wide strip of sagebrush around the property perimeter and replant it with Crested Wheatgrass to act as a firebreak.

Commissioner Watson seconded the motion.

Commissioner Carroll stated that he did not believe that the criteria in Bingham County Code Section 10-8-3(A)(4) had been discussed enough. Commissioner Bingham thought it was not unduly disturbing because people already shoot guns in that area, stating that this is a private operation with safety protocols, and did not feel his motion needed to be amended.

Commissioners Carroll, Johns, and Jolley voted in opposition to the motion.

Commissioner Carroll voted in opposition to the motion as he believed the request was unduly hazardous or disturbing to existing or future neighboring uses.

Commissioner Johns voted in opposition to the motion as he also believed the request was unduly hazardous or disturbing to existing or future neighboring uses.

Commissioner Jolley voted in opposition to the motion as he believed the request was unduly hazardous or disturbing to existing or future neighboring uses and had concerns with the floodplain and the possibility of lead leaching.

The motion failed with a two-to-three vote.

Commissioner Jolley then moved to deny the Conditional Use Permit as the proposed land use is unduly hazardous or disturbing to existing or future neighboring uses, and concerns with floodplain and the possibility of lead leaching.

Commissioner Johns seconded the motion. Commissioners Jolley, Johns and Carroll voted in favor of the denial.

Commissioner Bingham and Watson voted in opposition.

Commissioner Bingham voted in opposition to the motion as he believed the request was in line with the existing use.

Commissioner Watson voted in opposition to the motion as he believed the request was not unduly hazardous or disturbing to existing or future neighboring uses, as they have a plan in place and would be a benefit to Bingham County.

The motion to deny the Conditional Use Permit passed with a three-to-two vote.

Chairman Manwaring referred to 1) Clarification of County Code Interpretation of the Appeal Filed by Mr. Krueger, which states the denial of the permit appeared to rest heavily on the Commission's interpretation of Bingham County Code Section 10-8-3 (A)(4):

"Not be duly hazardous or disturbing to existing or future neighboring uses; nor involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to persons, property or the general welfare of the public by reason of excessive production of traffic, noise, smoke, fumes, odors or other pollutants."

The Appeal states that based on the discussion during the hearing, it seems the Commission interpreted this sentence as three separate and independent standards:

1. That the proposed use is not "unduly hazardous,"
2. That it is not "unduly disturbing," and
3. That does not involve uses that will be detrimental by reason of excessive traffic, noise, smoke, fumes, odors or other pollutants.

Further, the Appeal stated the actual structure and punctuation of the sentence suggested a single cohesive standard. The phrase "unduly hazardous or disturbing" is tied directly to the listed detriments that follow, namely excessive traffic, noise, smoke, fumes, odors, etc. In other words, the standard is not whether a use is "disturbing" in general, but whether it is disturbing by reason of those listed impacts.

Chairman Manwaring explained that in reading the submitted Appeal and the testimony presented at the Planning & Zoning Commission Public Hearing, one thing that stuck out to him was that Mr. Krueger felt there were several concerns that were not addressed or questions that could have been answered if the Applicant had been asked.

Commissioner Jackson asked Ms. Olsen in regards to testimony provided regarding a water tank that was positioned closed to the boundary of the proposed range. Chairman Manwaring added that within testimony provided by the Applicant, he stated that he was not aware of the location of the water tank.

Tiffany Olsen stated that Planning & Development was not able to locate a water tank nor are there photographs of a water tank but reiterated that it is not located on the Krueger's property but is located on the property to the North.

Discussion was held in regards to the floodplain map (Exhibit S-5), wherein Chairman Manwaring asked if there was sufficient room in order to stay out of the flood plain. Tiffany Olsen stated the Applicants submitted a proposed site plan that is subject to change and Mr. Krueger reiterated within the Appeal that he would ensure the backstop areas are not within the floodplain. Ms. Olsen stated if she recalls correctly, that would affect two backstops and those could be placed on the site to where they are not within the floodplain area.

Chairman Manwaring stated there was testimony in regards to the ground elevating up to the North but another portion of testimony stated that it did not elevate and asked Ms. Olsen how much the property elevates from the South to the North. Ms. Olsen stated that she does not recall elevation changes but there is quite a bit of slope and the intended area to shoot does decrease in elevation. Ms. Olsen stated towards the northern portion of the property, it slight rising slope but it is not significant.

Chairman Manwaring asked how far from the end of the property is the backstop proposed, wherein Ms. Olsen referred to the site plan (Exhibit A-3), which states that the backstop is at 1,300 yards and is close to the North end of the property line.

Commissioner Jensen asked how tall the berm used for the backstop will be, wherein Ms. Olsen again referred to testimony provided by Mr. Krueger he provided a presentation, wherein there is an image of what the berm would look like. Paul Rogers, reiterated for the record, that there are two different kind of berms that will be used and the largest that will be used is 1300 yards out. Chairman Manwaring confirmed that there will be a berm behind each of the backstops and the very last berm will be taller than the others for safety matters, which Ms. Olsen stated was correct.

After further searching, Ms. Olsen stated it was determined that the specific portion of the presentation referred to was not properly copied and provided within the Boards packet. At that time, Commission Clerk, Lindsey Gluch, made a copy of the remaining portion of the presentation, which was provided to the Board for review.

Mr. Rogers referred to page 17 of said presentation, which explains the pistol range berm (25-yard berm), rifle range berm (every 100 yards, alternating offset) and final containment berm (larger berm at northern end).

Chairman Manwaring referred to testimony provided by Mr. Krueger (page 4 of the Planning & Zoning Commission Reason & Decision), wherein Mr. Krueger explained that decibel tests were conducted on-site with multiple firearms utilizing muzzle brakes, which resulted in a decibel range

between sixty-three decibels and seventy-three decibels, comparable to background noise in a restaurant or a vacuum cleaner ten feet away, which to him is not a lot of noise.

Chairman Manwaring stated there was testimony in regards to livestock and Mr. Krueger stated that he has property in Oregon that is adjacent and does not cause too much stress with livestock. Chairman Manwaring stated that he would like to speak from experience where he owns livestock and has two canals, wherein he allows people to goose hunt, there has not been any issues with the noise. Commissioner Jensen stated that he would agree with Chairman Manwaring.

Commissioner Jackson stated that he would agree and that he lives not far from the Snake River and can hear gunshots from his home during dove season or goose hunting season but it is never an issue of being too much and it is not every day.

Chairman Manwaring stated in looking at the photographs, it does not appear that there is an actual feedlot but that there may be livestock calving around February or March timeframe. Chairman Manwaring stated there is a feedlot close to the county property used for a gun range where the Sheriff's Office and Police Department conduct their trainings and when bringing in weaned calves, it is a high stress time and the trainings do not occur during those times. Chairman Manwaring stated it would be good for the Applicant to work with the owner on this matter. Commissioner Jensen in his opinion as a rancher, he would guess that when they are all calved they would be hauled to the early spring grass and added that on his personal ranch, during hunting season, it is not the noise that is a disturbance but more of the traffic involved.

Commissioner Jackson referred to testimony provided by Steve & Sandy Perschon (Exhibit T-3), which states, *"We are urgently concerned, as we own adjacent property which we use to pasture cattle. First and foremost, our property is directly down range. This will place our cattle, their water tank, and at times ourselves in an unsafe situation. At 1300 yards, a berm will not save us or our cattle if a beginner marksman has made an incorrect calculation, if a scope is faulty, or countless other possibilities"*. Commissioner Jackson stated that his main concern is the possibility of a stray bullet hitting a person, cattle or the water tank.

Commissioner Jensen referred to number 4 of the submitted Appeal, it states, *"the Bingham County Sheriff's Tactical Team has performed an onsite assessment and review of our strict long-range firing safety protocols and has advised that it would be feasible and safe to have a gun range at this location"*. Commissioner Jensen stated that he believes having a place to have that young kids could go and be trained correctly, guided and supervised is beneficial and to him if the water tank was next to where the range is proposed, he would be concerned but that has not been confirmed.

Paul Rogers referred to Page 11 of 19 within the Planning & Zoning Reason & Decision, specifically rebuttal testimony of Mr. Krueger, he stated that he could not see a water tank in line with the range and that the well was off to the side. With the placement of landscaping and impact berms, no one would be shooting at the land. Mr. Rogers stated that is the one instance within testimony that he can see refers to the water tank.

Chairman Manwaring stated that he believes it would be beneficial to have the clear space and it was mentioned that crested wheatgrass may be planted but he would be more in favor of keeping the space sprayed with no weeds or have dirt due to fire hazards.

Commissioner Jackson referred to Exhibit S-8 and asked how close the home owned by James Goodrich, is to the first firing stage. Ms. Olsen stated the first firing stage is quite a distance from the home and stated that the Applicants will eventually be constructing a home that would be the closest home to the range. Paul Rogers referred to page 8 of 19, wherein Mr. Goodrich states that his horses are 10 yards from the property line.

Commissioner Jackson asked if in order to access the range, traffic would need to go through the property to the south, wherein Ms. Olsen stated there is a private road and the Krueger's have ownership of that property with an easement to get to the property.

Chairman Manwaring asked if the property will be fenced, to which Ms. Olsen stated that it would be fenced and within the Application, there is a signage plan that it will be marked as private property. Chairman Manwaring asked what type of fencing there would be, wherein Mr. Rogers referred to Page 6 of the Planning & Zoning Commission Reason & Decision, in which Mr. Krueger stated that there is a fence with gated access and barbed wire.

REASON

The Board of County Commissioners reviewed the Application, and the evidence in support and opposition of said Application found the following:

1. The Application met the requirements of Bingham County Code Section 10-8-2 as the contents of the Application were complete; and
2. The proposed land use complies with the following areas of Bingham County Code Section 10-8-3(A) in that it:
 - a. 10-8-3(A)(1): "Constitute[s] a conditional use as established on the official schedule of zoning regulations or as determined by the Board to be a conditional use for the zone involved;"
 - b. 10-8-3(A)(2): Is "in accordance with the general objectives or with any specific objection of the Comprehensive Plan and/or this title;"
 - c. 10-8-3(A)(5): Does not "create excessive additional requirements at public cost for public facilities and services will not be detrimental to the economic welfare of the county;"
 - d. 10-8-3(A)(6): Is "served adequately by essential public facilities and services or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide such services;"
 - e. 10-8-3(A)(7): There is "legal access to the subject property for the development," and the property has "Vehicular approaches to the property that are designed to eliminate a traffic hazard on adjacent public thoroughfares,"
 - f. 10-8-3(A)(8): Will not "result in the destruction, loss or damage to a scenic or historic feature of major importance;" and,

3. The Planning & Zoning Commission was divided on whether the proposed land use could comply with the following areas of Bingham County Code Section 10-8-3(A) in that it:
- a. 10-8-3(A)(3): It “designed, constructed operated and maintained to be appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area as far as it possible;”
 - i. *Chairman Manwaring stated that the Planning & Zoning Commission agreed that the essential character of the area would change as a result of a private outdoor gun range. Chairman Manwaring referred to Bingham County Code 10-5-3, which states that an outdoor gun range is allowed in an Agriculture zone with an approved Conditional Use Permit and that he does not feel that it will change the character of the parcel.*
 - ii. *Commissioner Jackson stated he would disagree and believes this is an agriculture community. He would not feel safe having farming operations on both sides of the proposed range and it is unduly hazardous to the surrounding homes.*
 - iii. *Commissioner Jensen stated around the proposed area is permitted to use firearms as anyone desires and as a result using firearms on this property would not change the look or the feel of the property. Commissioner Jensen stated the proposed range would be in an organized teaching environment and he does not feel that it would be harmful but would in fact be helpful in teaching people to utilize firearms in a safe manner.*
 - iv. *Chairman Manwaring stated the proposed range would be a well-controlled environment where the bullets go versus if it was an open area and is allowed in an Agriculture zone with a Conditional Use Permit. Chairman Manwaring reiterated that he does not believe the proposed range will change the character of the parcel.*
 - v. *Commissioner Jensen agreed with Chairman Manwaring and it appears that Jeff & Julie Krueger have reached out to their neighbors to reach common goals and have diligently worked to make peace with the neighbors but have not had a lot of individuals respond.*
 - vi. *Chairman Manwaring referred to the rebuttal testimony provided by Jeff Krueger, wherein it was stated that they had reached out to surrounding neighbors.*
 - b. 10-8-3(A)(9): To the extent it is applicable, has “adequate water, sewer, irrigation, drainage, and stormwater drainage facilities, and will have utility systems provided to accommodate said use.”

Chairman Manwaring briefly reviewed the proposed conditions that he would like to place on the Conditional Use Permit, if approved, which were as follows:

1. Install a fire barrier around the berms and target areas to further reduce the risk of fire;
2. Clear a thirty-foot-wide strip of sagebrush around the property perimeter and the area be sprayed for weeds.
3. The perimeter of the property being fenced;
4. The gravel road surrounding on the east and north sides be maintained;

5. The final berm on the end is to be larger, a 15-foot high, 80-foot-wide and 12-foot-deep, for safety;
6. The targets should be placed outside of the floodplain

Chairman Manwaring stated if the cattle of the neighbors are in calving season, that particular two months should have no shooting occurring as it is a stressful time duration or the Krueger's work with the neighbors pertaining to the specific timing and cutback on noise. Commissioner Jensen stated that he would agree to have Mr. Krueger work closely with the neighbors on this matter as the months could vary.

Commissioner Jensen stated in looking at the provided photographs, he believes that it is not a calving operation and if that property was Perschons on the North side, he knows that Reid Ranch is calving up Blackfoot River and they are trucked out once calving is complete.

There was no further discussion and Chairman Manwaring entertained a motion.

Decision: Commissioner Jensen moved to reverse the Planning & Zoning Commission Decision and approve the Conditional Use Permit submitted by Jeff and Julie Krueger to develop and operate an outdoor firearm range at the approximate location North of 1676 W 700 N, Blackfoot, Idaho, 83221, with the following conditions:

1. Install fire barrier around the berms and the target areas to further reduce the risk of fire.
2. To clear a 30-foot-wide strip of sagebrush around the property.
3. Maintain the gravel road on the north and east side of the property so that the berms can be serviced and removal of lead.
4. The targets should be outside of the floodplain.
5. The furthest berm should be 15-foot-high, 80-foot-wide and 12 feet deep.
6. That the perimeter of the property be fenced with signage.

Chairman Manwaring seconded. Those in favor: Commissioner Jensen and Chairman Manwaring. Those opposed: Commissioner Jackson. The motion carried.

Commissioner Jackson stated that he voted in opposition to the motion as he believes the request is unduly hazardous or disturbing to the existing or future neighboring uses of the area and does not fit within an Agriculture area.

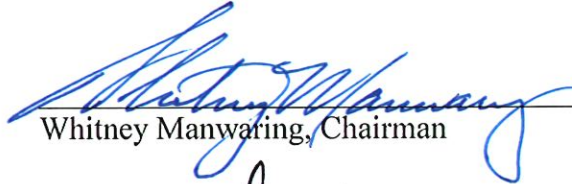
Commissioner Manwaring stated that he voted in favor as this particular use is allowed in an Agriculture Zone with a Conditional Use Permit and he does not feel that it is unduly hazardous.

Commissioner Jensen agreed with Chairman Manwaring.

Regulatory Takings: Additionally, the Applicant may request a regulatory takings analysis as per Idaho Code Section 67-8003. An affected person aggrieved by a final decision concerning matters identified in Section 67-6521(1)(a), Idaho Code may within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek Judicial Review as provided by Chapter 52, Title 67, Idaho Code.

Dated this 6th day of October, 2025.

**Board of Bingham County Commissioners
Bingham County, Idaho**


Whitney Manwaring, Chairman


Eric Jackson, Commissioner


Drew Jensen, Commissioner

CERTIFICATE OF SERVICE

I certify that on the 6th day of October 2025, I served a true and correct copy of the Reason & Decision for Jeff & Julie Krueger CUP Appeal Meeting upon the following person(s) in the manner(s) indicated:

- ☐ Mail
- ☒ Email: jmgoodwitch@yahoo.com
- ☐ Hand Delivered
- ☐ Designated Courthouse Box

Jeff & Julie Krueger
Applicant

- ☐ Mail
- ☒ Email: tolsen@binghamid.gov
- ☐ Hand Delivered
- ☐ Designated Courthouse Box

Tiffany Olsen
Planning & Development Director


Lindsey Gluch, Commission Clerk