

BINGHAM COUNTY COMMISSIONERS

Whitney Manwaring, Chairman

Eric Jackson

Drew Jensen



Lindsey Gluch, Commission Clerk

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BOARD OF BINGHAM COUNTY COMMISSIONERS REASON & DECISION

In regard to: The Motion for Reconsideration filed by Jeff & Julie Krueger, by and through Legal Counsel, Matthew C. Parks of Clark Wardle LLP, in regard to the Reason & Decision signed by the Board of County Commissioners for the modification the conditions applicable to the Conditional Use Permit for the proposed private firearms training range. The submitted Motion for Reconsideration is limited to specific deficiencies relating to Condition 5, Condition 10, Condition 13, and the procedural basis for the Board's modification of the previously approved mediated conditions.

Applicant: Jeff & Julie Krueger

Board of County Commissioners meeting date: July 1, 2026

Prior to the meeting, the Board of County Commissioners reviewed the Motion for Reconsideration and materials submitted by Matthew C. Parks, Legal Counsel for Jeff & Julie Krueger.

Paul Rogers, County Legal Counsel, explained the procedural history, which was as follows:

1. On November 13, 2025, the Board heard an appeal filed by Jeff & Julie Krueger in regard to the Planning & Zoning Commission's denial of a Conditional Use Permit for a private firearm training range, wherein they approved the Conditional Use Permit with eight (8) conditions. Mr. Rogers confirmed that those eight (8) conditions are still in effect.
2. Affected parties or Applicant, were granted the time to file for Judicial Review.
3. Before the time expired, Jeff & Julie Krueger, by and through counsel, requested mediation under applicable code. The County agreed and paused the Judicial Review timeline. Therefore, the Judicial Review time has not expired.
4. Mediation was held and resulted in twelve (12) proposed conditions.
5. Under Idaho Code, a public hearing was held on May 6, 2026, wherein the Board did not adopt the mediated terms but modified and issued a decision with fourteen (14) conditions.
6. Jeff & Julie Krueger, through Legal Counsel, filed a Motion for Reconsideration alleging that:
 - a. Certain conditions, specifically Condition 13, effectively restricted previously approved use of the property.
 - b. Some testimony presented during the May 6, 2026, hearing addressed issues outside the mediation.
 - c. The Applicants' substantial rights have been directly and materially prejudiced within the meaning of Bingham County Code Section 10-10-3(c).

The Motion for Reconsideration focuses on Conditions 5, 10, and 13 from decision made on May 6, 2026. Mr. Rogers stated that the proposed conditions provided by Applicants Legal Counsel are not very different but more so provide clarification. Mr. Rogers explained if an agreement can be made, it would be beneficial for the parties not to go through the litigation process. Mr. Rogers stated the other option is that if the Applicants decide to not proceed to Judicial Review, they currently have granted use already under the eight (8) original conditions. Mr. Rogers stated the last option is to deny the Motion for Reconsideration and uphold the previous decision made on May 6, 2026, but there is a potential for litigation if that occurs.

Commissioner Jensen asked Mr. Rogers for clarification and that the Applicants do not necessarily have an issue with Conditions 5, 10 and 13 but reworded for further clarification. Mr. Rogers confirmed that to be correct.

Discussion was held in regard to the proposed conditions submitted by Legal Counsel for the Applicant's, wherein Mr. Rogers reviewed the following:

- 1) **May 6, 2026 Condition 5:** The furthest berm from the shooting area shall be 20-feet high, 80 feet wide and 12 feet deep and clear of rock, shall be compacted and the rock in front of the targets should be removed to prevent ricocheting.

Proposed Condition 5- Berm Requirements: The furthest berm from the shooting area shall be 15 feet high, 80 feet wide, and 12 feet deep. The projectile impact surfaces of the berms shall be constructed and maintained as earthen backstops designed to absorb and contain projectiles consistent with generally accepted NRA range safety practices. The exposed impact surfaces shall be periodically inspected and maintained free of visible large rocks, concrete, metal, or other hard surface materials that could increase ricochet potential. Berms shall be maintained to approved dimensions and stabilized as reasonably necessary for erosion control and structural integrity, but nothing herein shall require compaction or stabilization measures inconsistent with the intended projectile-absorption and projectile-capture function of the berm impact surfaces.

Mr. Rogers stated that the Applicants are asking to add more restriction to the condition but are proposing that the berm be 5-foot shorter. Commissioner Jackson asked how the Board should know if these items are standard or the best procedure, as this is new information and asked what studies have been done to confirm these proposals? Mr. Rogers stated within the Motion for Reconsideration the Applicants reviewed how they determined the proposed changes. Commissioner Jackson stated there was no testimony verifying the standards as official. Ms. Olsen stated the subject information was contained within the record and that during the Planning & Zoning Commission public hearing, Stan Pate, who is a designer of these types of ranges and a safety expert. Mr. Olsen stated that Mr. Pate also wrote a letter which is attached to the Motion for Reconsideration reiterating that he has the qualifications for these specific designs and that 15 foot high is acceptable in his expert opinion. Commissioner Jackson stated that testimony was also provided that the individuals in opposition went off of standard ranges as well, which was 20-foot high and compacted. Ms. Olsen stated the point within the Motion for Reconsideration, to address that, is that the material, although it was part of the public's testimony, was not provided to you to be verified or documented that those were state standards.

Ms. Olsen referred to page four (4) of the Motion for Reconsideration, is the specific section in regard to Condition 5 for berm requirements, which will provide the justification of the reconsideration.

Commissioner Jensen referred to the portion in regard to compaction and stated that he had not thought about this issue until this spring when he and his grandsons went to the mountains and were shooting ground squirrels. While doing so, it was on hard compacted ground, and the ricochet could be heard. Therefore, he understands that a softer backdrop would be safer than a compacted backdrop.

Chairman Manwaring stated some of the conversation that led to this issue with compaction was the deterioration with mother nature and the shooting, but it makes sense and he would agree that

a softer surface will absorb but that softer surface should be maintained and remain that that particular height.

- 2) **May 6, 2026 Condition 10:** The Applicant shall install a 20-foot wide gravel road from the entrance to the subject property to the shooting stations and extension 50 feet back toward the targets.

Proposed Condition 10-Roadway and Turnaround Requirements: The Applicant shall install and maintain a minimum of twenty (20) foot wide all weather gravel access road extending from the property entrance to the shooting stations, together with a turnaround approved by the Bingham County Fire Marshall for emergency vehicle access and maneuverability.

The Board was in favor of the proposed condition as long as approval was given by the Fire Marshall.

- 3) **May 6, 2026 Condition 13:** The neighboring property owners will be in contact with the Krueger's, in the event of calves being born surrounding the property and there will not be any shooting allowed from March through June or until the cattle go to the summer pasture. The dates may change year to year, depending on mother nature.

Proposed Condition 13- Livestock Restrictions: The Applicants shall reasonably coordinate organized long-range rifle training activities with affected agricultural operators during periods of active calving operations occurring on affected agricultural property. Because calving activities are seasonal and may vary year to year based on weather, herd management practices, and agricultural conditions, this condition shall apply during periods when active calving operations are actually occurring and shall not operate as a fixed annual prohibition of range activities.

For purpose of this condition:

"affected agricultural property" means agricultural property located within 300 feet of the boundary of the range property on which active livestock calving operations are occurring.

"active calving operations" means periods of time during which cattle are actively engaged in birthing and immediate post-birth care activities and does not include the mere seasonal presence of cattle, calves, breeding stock, or livestock grazing following completion of active calving activities.

Reasonable coordination shall be required only after the affected agricultural operator has provided notice to the Applicants that active calving operations are occurring on the affected agricultural property.

Chairman Manwaring stated originally there were specific months listed but the timing would be dependent on the neighbors and being a good neighbor in checking when calving will occur. Chairman Manwaring stated every situation could be different from year to year, due to weather. Mr. Rogers referred to the proposed condition and stated that the definitions included are important in understanding the intention.

Mr. Rogers stated within the May 6, 2026, condition it stated there was to be no shooting allowed from March through June or until the cattle go to the summer pasture but within the proposed condition, the Applicants are to coordinate organized long-range rifle training activities with the affected agricultural operators during periods of active calving operations occurring on affected agricultural property. Mr. Rogers stated this is not in reference to all shooting but to long range rifle shooting specifically, wherein the definition of long range rifle shooting was not provided.

Therefore, it is not known what would be considered as long range rifle training activities, but the Board could add the definition if they choose.

Chairman Manwaring reiterated that the Applicants could currently function on the original eight (8) conditions from the November 13, 2025, decision but have made proposed conditions in order to add further clarification.

Chairman Manwaring asked Commissioner Jackson and Commissioner Jensen if they were in favor of Conditions 1-4, as there were no proposed changes provided. Both confirmed.

Chairman Manwaring referred to Condition 5 and reiterated that the only difference within the newly proposed condition is that the furthest berm is to be 15 feet high instead of the previously approved 20 feet high. The Board was in favor of the proposed condition.

Chairman Manwaring further reviewed Conditions 6-9, wherein there were no proposed changes provided by the Applicant.

Chairman Manwaring referred to the proposed Condition 10, wherein verbiage was added that the Applicant shall install and maintain a minimum of twenty (20) foot wide all weather gravel access road extending from the property entrance to the shooting stations, together with a turnaround, which is to be approved by the Bingham County Fire Marshall. The Board was in favor of the proposed condition.

Chairman Manwaring reviewed Conditions 11 and 12, wherein there were no proposed changes provided by the Applicant.

Chairman Manwaring referred to the proposed Condition 13 and stated within the original condition the months of March through June were added but those dates are depending on calving, but the most important part is communication between all parties. Chairman Manwaring referred to the restriction of long range rifle training activities during calving, but he is not sure that he would be in favor of any shooting occurring during calving. Commissioner Jensen stated there has been an application to build a \$14 million dollar feedlot next to the gun range by Cedar Hill Gun Club and being close to a gun range must not have been a concern to them. Chairman Manwaring stated when a cow is calving, they are sensitive to any movement or noise.

Ms. Olsen stated that she does not believe there is information contained within the record or testimony provided by the adjacent parties, how close their calving sheds or areas for calving, are to the subject property but she believes that it is some distance. Commissioner Jackson asked Ms. Olsen how she would know that if the information was not provided, to which Ms. Olsen stated the photographs that have been taken on site do not show calving sheds. Chairman Manwaring stated that he understands but the issue is depending on mother nature and where calving or feeding is occurring, the locations could change.

Commissioner Jensen stated the application was approved with eight (8) conditions allowed operation without a seasonal shutdown. Therefore, he feels that if the Board states the gun activities cannot operate for several months, that will change the original condition and would open the county up to potential litigation. Commissioner Jensen stated that he feels that the Applicants have tried reasonably to be good neighbors and meet expectations put in place and if they wanted to, they could revert back to the original eight (8) conditions and operate accordingly.

Mr. Rogers referred to Bingham County Code 10-10-3(c) and stated if the Board is wanting to modify or reverse decision from May 6, 2026, there are elements to be met in order to do so, which are as follows:

- 1) The Board finds that the substantial rights of the Appellant or affected party have been prejudiced;

- 2) The underlying decision is in violation or excess of constitutional or statutory authority; made upon unlawful procedure; not supported by substantial evidence; or arbitrary, capricious, or an abuse of discretion.

The Board found that those elements had been met and would be in favor of proceeding with modification of the fourteen conditions approved on May 6, 2026.

DECISION

Commissioner Jensen moved to approve that the Motion for Reconsideration in regard to the Boards May 6, 2026 decision, be granted and that all fourteen (14) conditions remain except the following modifications:

- 1) **Condition 5 be modified to the following: The furthest berm from the shooting area shall be 15 feet high, 80 feet wide, and 12 feet deep. The projectile impact surfaces of the berms shall be constructed and maintained as earthen backstops designated to absorb and contain projectiles consistent with generally accepted NRA range safety practices. The exposed impact surfaces shall be periodically inspected and maintained free of visible large rocks, concrete, metal, or other hard surface materials that could increase ricochet potential. Berms shall be maintained to approved dimensions and stabilized as reasonably necessary for erosion control and structural integrity, but nothing herein shall require compaction or stabilization measures inconsistent with the intended projectile-absorption and projectile-capture function of the berm impact surfaces;**
- 2) **Condition 10 be modified to the following: The Applicant shall install and maintain a minimum of twenty (20) foot wide all weather gravel access road extending from the property entrance to the shooting stations, together with a turnaround approved by the Bingham County Fire Marshall for emergency vehicle access and maneuverability;**
- 3) **Condition 13 be modified to the following: The Applicants shall reasonably coordinate organized long-range rifle training activities with affected agricultural operators during periods of active calving operations occurring on affected agricultural property. Because calving activities are seasonal and may vary year to year based on weather, herd management practices, and agricultural conditions, this condition shall apply during periods when active calving operations are actually occurring and shall not operate as a fixed annual prohibition of range activities.**

For purpose of this condition:

***“affected agricultural property”* means agricultural property located within 300 feet of the boundary of the range property on which active livestock calving operations are occurring.**

***“active calving operations”* means periods of time during which cattle are actively engaged in birthing and immediate post-birth care activities and does not include the mere seasonal presence of cattle, calves, breeding stock, or livestock grazing following completion of active calving activities.**

Reasonable coordination shall be required only after the affected agricultural operator has provided notice to the Applicants that active calving operations are occurring on the affected agricultural property.

Commissioner Jackson seconded. All voted in favor. The motion carried.

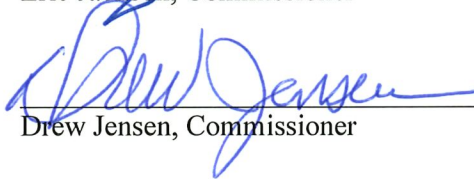
Regulatory Takings: Additionally, the Applicant may request a regulatory takings analysis as per Idaho Code Section 67-8003. An affected person aggrieved by a final decision concerning matters identified in Section 67-6521(1)(a), Idaho Code may within twenty-eight (28) days after all remedies have been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

Dated this 24 day of July 2026.

**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 24 day of July 2026, I served a true and correct copy of the Reason & Decision for the Krueger CUP Motion for Reconsideration in regard to the mediated conditions upon the following person(s) in the manner(s) indicated:

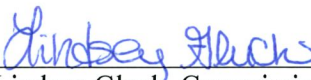
- | | |
|---|----------------------|
| ☐ Mail | Jeff & Julie Krueger |
| ☒ Email: jmgoodwitch@yahoo.com | Applicant |
| ☐ Hand Delivered | |
| ☐ Designated Courthouse Box | |

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|---|------------------------|
| ☐ Mail | Matt Parks |
| ☒ Email: mparks@clarkwardle.com | Attorney for Applicant |
| ☐ Hand Delivered | |
| ☐ Designated Courthouse Box | |

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|---|---------------------------------|
| ☐ Mail | Tiffany Olsen |
| ☒ Email: tolsen@binghamid.gov | Planning & Development Director |
| ☐ Hand Delivered | |
| ☐ Designated Courthouse Box | |

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|---|---------------------|
| ☐ Mail | Perschon Farms, LLC |
| ☒ Email: perschonfarms@gmail.com | |
| ☐ Hand Delivered | |
| ☐ Designated Courthouse Box | |

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|--|------------------------|
| ☒ Mail | Ace & Gillian Cook |
| ☐ Email: | 1616 W. 700 N. |
| ☐ Hand Delivered | Blackfoot, Idaho 83221 |
| ☐ Designated Courthouse Box | |



Lindsey Gluch, Commission Clerk