

**BINGHAM COUNTY PLANNING & ZONING COMMISSION  
REASON AND DECISION**

**APPLICATION OF:** Conditional Use Permit Application for a Private Outdoor Gun Range in an "A" Agriculture Zoning District

**PROPERTY OWNERS & APPLICANTS:** Jeff & Julie Krueger

---

**Requested Action:** Property owners and Applicants, Jeff & Julie Krueger, requested to develop and operate a private outdoor firearms training range on a portion of approximately 147.50 acres of bare ground, zoned Agriculture, located north of 1676 W 700 N, Blackfoot, ID According to Bingham County Code Section 10-5-3 *Land Use Chart*, an Outdoor Gun Range is allowed in an Agriculture Zone with an approved Conditional Use Permit. The Comprehensive Plan Map designation for the land is Agricultural, which supports the Application.

**Approx. Location:** North of 1676 W 700 N, Blackfoot, Idaho 83221. Parcel Numbers RP0113901, RP0113904, RP0113905, & RP0113906. Township 1 South, Range 33 East, Section 29, consisting of approx. 147.50 acres

**Applicable Regulations:** Bingham County Comprehensive Plan, dated November 20, 2018, and Bingham County Zoning Ordinance 2012-08, as amended

**Public Hearing Date:** June 11, 2025

**I. PUBLIC HEARING RECORD AND INFORMATION**

1. The following was reviewed by the Commission:
  - a. Application and materials submitted by the Applicant; and
  - b. Staff Report and supplemental maps, notice, and other materials.
2. At the Public Hearing, Planning and Development Services Assistant Director/Lead Planner Addie Jo Jackman presented the Staff Report for the Application. She reviewed the requested action and acknowledged that before the Public Hearing, the Commissioners were provided the record of written testimony received, which included:
  - (T-1) Bingham County Public Works submitted testimony in a neutral position stating they have no objections or concerns.
  - (T-2) Bingham County Surveyor submitted testimony in a neutral position and has no concerns with the application, but noted a portion of the property is in the floodplain.

- (T-3) Steve Perschon, Sandy Perschon, Patrick Perschon, Alycia Perschon Adams, and Bailey Perschon (no address provided) submitted testimony in opposition stating they have concerns with the safety of themselves, their cattle, their water tank, and impacts to property values.
- (T-4) Michael Dillard, President of the Douglas Ridge Rifle Club located in Eagle Creek Oregon, submitted testimony in support, which addressed Jeff Krueger's experience, knowledge, instructor capabilities, high demand, focus on safety, and professionalism.
- (T-5) Clerice Hampton (of the Salt Lake City, Utah area) submitted two separate testimonies in support stating there is a need for private, well-regulated firearms training ranges that offer safe, focused environments for people entrusted with protecting others, especially children, to continue developing and refining their skills. She included that the proposed application would be a great small business addition to the community and commended the Applicants for their commitment to doing it the right way.
- (T-6) Stewart White (no address provided), a member of the Douglas Ridge Rifle Club in Eagle Creek, Oregon, submitted testimony in support stating he has known the Applicants for six years. He addressed Jeff's commitment to training and safety, and addressed concerns relating to livestock, wildlife, property values, air quality, shooting hours, and agricultural economy.
- (T-7) Katy Voss (no address provided) submitted testimony in support and stated she has been a student of Jeff's for 3 years. She started as a novice gun handler with no prior experience. Jeff instilled confidence in her and has changed her life. She believes this range has the ability to change people's lives.
- (T-8) Gloria Saiz Rosales (of Pocatello, Idaho) submitted testimony in support and stated there are limited local resources for private, professional firearms training, and even fewer that are welcoming to women who are new to shooting and looking to build their confidence in a supportive, low-pressure environment. Private ranges like the Kruegers are essential and Jeff is knowledgeable, patient, and respectful.
- (T-9) Stanley C. Pate, Oregon Association of Shooting Ranges (OASR) Vice Chairman, provided testimony in support explaining his background, his knowledge of the Applicants, their dream, their character, and integrity.
- (T-10) Chinh Nguyen (of Sherwood, Oregon), Owner Operator of Iron Sight LLC, P.O.S.T Certified Pistol Instructor, Utah Firearms Instructor, and NRA Pistol and Rifle Firearms Instructor, provided testimony in support addressing Jeff's professionalism, instructional expertise, and commitment to safe and effective firearms training. He acknowledged the Applicant's commitment to doing things the right way. He believes the proposed facility will be an asset to the community.



- (T-11) Scott Wright (no address provided), APF-I, S.W. Farrier Services LLC, provided testimony in support which addressed their character both personally and professionally. He explained his and his mother's experience in taking lessons from Jeff. He believes the range would be a tremendous benefit to the local community.
- (T-12) Phil & Kendra Gram (of Chubbuck, Idaho) provided testimony in support, attesting to the Applicant's character both personally and professionally, their commitment to proper planning of the project, and the benefit the training range would be to the community.
- (T-13) Duane Phillips (of the Salt Lake City, Utah area) provided testimony in support, stating the private training range is a unique opportunity to provide structured and safe firearms instruction in a controlled and professional setting. He explained that he has followed the planning process of the project and is impressed with the thoughtful approach they have taken to ensure this range is safe, respectful to neighbors, and in line with best practices.
- (T-14) Mark Durand (of Oregon City, Oregon) provided testimony in support, stating he has known Jeff for over thirty years personally and professionally. He addressed Jeff's commitment to training and safety with his students, respect for firearms, and support in building a structured training facility that reflects best practices in range safety and instruction.
- (T-15) Fred Weaver (no address provided), past Douglas Ridge Rifle Club President, NRA certified Chief Range Safety Officer, provided testimony in support, stating the Applicant stresses the NRA rules on safe firearm handling. Additionally, the livestock goats, horses, and cattle, as well as wildlife, deer, elk, coyotes, and raptors, do not seem to mind the noise.
- (T-16) Justin Harmer (of Tualatin, Oregon) provided testimony in support, stating he spent 21 years in the military as an Army Ranger. When he got off active duty, he went to college, and after 5 years hadn't shot a gun. He took some classes from the Applicant and found him to be extremely professional at all times, and was ahead of the class and ensuring everyone was safe. The Applicant's care for the environment and safety for his students will enable the range to have a very low environmental footprint and raise awareness for the community.
- (T-17) JD Potynsky (no address provided), CEO, Northern Red, Inc., provided testimony in support, stating he has observed the Applicant's meticulous attention to safety, their ability to effectively communicate under pressure, and their deep respect for both the laws that govern firearm use and the individuals they serve.

3. With no questions from the Commission for Staff, testimony was given by (T-18) Applicant, Jeff Kreuger, of 16159 Front Ave, Oregon City, Oregon, who testified he

believed there had been misinformation spread on social media and wanted to clarify that this Application was for a private appointment only range and not for commercial operation. Mr. Krueger provided a PowerPoint presentation, which was entered into the record as Exhibit T-18A. He testified that he is a full-time pharmacist from a small town called Estacada, Oregon. Shooting has always been a passion of his, and he has been a firearms trainer in safety and marksmanship for over thirty-five (35) years, highlighting his accreditations and experience in the firearms industry. Mr. Krueger started a small-scale side business, Hollow Point Defense, LLC, in 2018. He acknowledged that in Bingham County, property owners are allowed to shoot on their property for personal enjoyment. However, in Mr. Krueger's case, he would like to charge a fee for training and other courses which require a Conditional Use Permit Application for an Outdoor Sports Gun Range.

Mr. Krueger provided the Commission with an overview of their 147.5-acre property, which is located approx. fifteen (15) miles from Blackfoot and surrounded by farm fields, ranching, and free-range land. He explained that the desired location of their future home would be at the southern end of the property. The property is approximately a quarter of a mile wide and a mile long, with the proposed gun range situated down the center of the property in a fairly narrow strip. Mr. Krueger referred to his PowerPoint presentation, which showed photos of the undeveloped property of sagebrush and grass, the access road, and the proposed firing line. He testified that there is currently a security fence and security cameras on the front, rear, and sides of the property to monitor the access points. He explained there is also a natural ridge that drops down before rising back up, which provides a natural sound barrier and would help keep bullets on the range.

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 (63dB) and seventy-three decibels (73dB), comparable to background noise in a restaurant or a vacuum cleaner ten (10) feet away. Mr. Krueger testified that they want to be good neighbors, and while there are no specific noise ordinances in the area, these preliminary tests showed the sound levels would not be disruptive. Mr. Krueger spoke to the noise impacts on nearby horses and his experience with livestock on other gun ranges where cattle and horses routinely linger unaffected within twenty (20) yards of the firing line. He referred to Cedar Hills Gun Club (in Oregon) being located directly adjacent to a cattle feed lot, which does not seem to have any issues with stressed livestock. He testified that there are protocols in place to ensure that if an animal enters the range, all firing will immediately stop until the animal walks off or is ushered off the range. Mr. Krueger expressed his desire to create a safe environment for people and native wildlife. He stated that this range was designed to create wide visibility to shooters, and range staff would be able to easily spot animals entering or leaving the range.

Mr. Krueger explained that lead contamination has been a top priority for him, as this is the location of his future home, and he does not want to contaminate the water on his property, or for any of his neighbors. Mr. Krueger testified that they are developing an environmental stewardship plan with proper berm design to maximize lead capture and



containment, as well as best management practices for lead reclamation and recycling to prevent soil or groundwater contamination. He and his wife have consulted with Stan Pate, an industry expert who specializes in environmentally responsible range construction and maintenance. Mr. Krueger provided Mr. Pate's extensive background and expertise, and that Mr. Pate worked directly with the Environmental Protection Agency, EPA, to write Best Management Practices for Lead at Outdoor Shooting Ranges.

Mr. Krueger next discussed berms, backstop distances, and locations for the pistol range, rifle range, and what the final containment berms would look like. He testified that the final containment berms would be one of the several safety measures implemented to ensure that all projectiles remain safely within the range boundaries. Long-range shooting is highly controlled and follows specific protocols, including having to zero rifles at the 100-yard berm and walking the shots out through subsequent berms to ensure no shots go over. These safety protocols were discussed with the Sheriff's tactical team, who conducted an on-site visit and provided recommendations, all of which were incorporated into the plan. The Applicant obtained a well map from the Idaho Department of Water Resources website, which showed no wells within the direct firing line.

Mr. Krueger testified that the training he offers will include scheduled classes, private instruction, and training by appointment only, with emphasis on safety, proper firearms handling, focusing on accuracy, proficiency, and building confidence. Vehicle traffic will be minimal, and some days may generate no traffic associated with the proposed range. He said he has installed multiple security cameras, there is gated access, and clear signs will be posted along the perimeter. This range will promote firearm safety, and participants will be briefed on range safety rules before any training begins; violations will not be tolerated. To maintain a safe and professional training environment, a verified NRA Range Safety Officer will be present on-site during all training activities to oversee all safety aspects during firearm use. There will be an emergency plan in place, which includes detailed protocols for fire or medical emergencies.

He explained that Bingham County Fire Marshal Verl Jarvie conducted a site visit and provided recommendations for an all-weather gravel access to the shooting stations, ensuring that emergency vehicles can reach any area if needed. He also suggested clearing a 30-foot strip of sagebrush around the perimeter and reseeding it with crested wheatgrass to create a natural firebreak that would slow potential fire spread.

Mr. Krueger testified that he strongly believed that a well-managed private training range offered important benefits to the community and gun owners, for public safety, and to promote firearm safety. He added that education and structured training are the cornerstone of responsible firearm ownership; this space would allow teaching and modeling standards in a safe and controlled environment. The professional setting for skill building would not only be for civilians but law enforcement and first responders who rely on regular practice and ongoing training to maintain their lifesaving skills. He explained that by offering training on an appointment-only basis, personalized and focused instructions are provided, which build confidence and competence. As a small business owner, Mr. Krueger stated he is committed to investing in the community in multiple ways.

Commissioner Bingham clarified that the existing natural swell on the ground will be used to their advantage. Mr. Kruger agreed, as the property is approximately a mile long with a natural ridge. He testified that the shooting would be from a high part of the ground. Commissioner Jolley asked if there is a fence or barrier along 800 N, to which Mr. Krueger stated that there is a fence with gated access and barbed wire.

4. Testimony in support of the Application was received from:

(T-19) Julie Krueger, 16159 Front Ave, Oregon City, Oregon, explained she cared deeply for the community and provided a history of her roots in Eastern Idaho. She discussed her and her husband's full-time employment as healthcare professionals and their passion for quality firearms training. She explained that her husband is a patient, intentional, and principled instructor. He helps people feel confident, safe and build skills when handling firearms in a calm and empowering environment. She explained her frustration with a recent petition and news article, which contained inaccurate and incomplete information, and that no one had reached out to them to learn about the project before that evening. Mrs. Krueger testified that the goal for the range is to provide a safe, professional, and private space for training. The proposed range is private, by appointment only, with strict protocols, oversight, and safeguards in place. Mrs. Krueger testified that they have gone through great lengths to carefully design the range and safety protocols, as well as the proposal being in full compliance with both Bingham County Code and applicable Idaho State laws. She concluded by inviting anyone in the community to reach out and have a conversation, and that they are willing to learn and work together.

(T-20) Kenneth Phillips, 1522 S 2600 W, Aberdeen, Idaho, has lived in Aberdeen most of his life, is an avid hunter, a responsible firearms owner. He testified that the range would bring value to the community. Mr. Phillips stated that firearms are a part of everyday life in multiple ways, and it is important to know how to use them safely and effectively. He believed this private training facility would be run by individuals who are serious about safety and have gone above and beyond to plan proper berms, provide safety officers, and establish emergency protocols. He was excited about the specialized training opportunities for hunters, new gun owners, law enforcement, and first responders to practice and keep their skills sharp. Mr. Phillips concluded by testifying that at the end of the day, this is about responsible use, safety, education, and should be something to be proud of.

(T-21) Stan Pate, 16625 S Williams Rd., Beavercreek, Oregon, is the Vice Chair of the Oregon Association of Shooting Ranges. He assists ranges with their development, addresses environmental or safety issues, guides range personnel on working with state agencies, and helps make ranges cleaner. Mr. Pate is a member of the Douglas Range Rifle Club, which has 5,300 members. He believed the Douglas Range Rifle Club was one of the cleanest ranges in the United States and explained that it is registered with the Environmental Protection Agency (EPA). He testified that Mr. Krueger has been very willing to follow high standards. Mr. Pate also mentioned working with the EPA to develop Best Management Practices for Lead at Outdoor Shooting Ranges, now a nationwide standard for managing lead on property. He described how lead migrates from a range via



leaching and attachment to turbidity, and how these issues can be mitigated, which were a part of Mr. Krueger's plan. With his shooting experience, Mr. Pate shared the ranges he has visited, emphasizing the importance of zeroing in a rifle at 100 yards to ensure accuracy and keep projectiles within the range. He explained that participation in the Environmental Stewardship Program helps protect community water and safety; this program defines what the range is, how it's constructed, how it operates, including the building and maintenance of berms, lead reclamation, safety protocols, and orientation. It is a living document that is used during audits by state agencies.

Commissioner Adams acknowledged that there were procedures in place and asked if Mr. Pate was aware of any safety protocols that had not worked that he thought could be built upon. Mr. Pate agreed that there was a reason why the book was developed, explaining that the book helps mitigate those issues to ensure they do not happen again and provided a few examples.

Commissioner Jolley referred to an aerial map showing adjacent pivots. He asked Mr. Pate, given the safety protocols that have been outlined, if he would feel comfortable running a swather while there is live firing, to which Mr. Pate said he would. Mr. Pate explained that a "cone of safety" is adhered to during active firing, and nothing is allowed inside of that designated area or direction, including any access roads. There are 250 yards proposed on each side of the firing line, which would create a safety zone well beyond the "cone of safety."

(T-22) Marletta McClain, 5024 Jake Ave, Chubbuck, Idaho, was born and raised in American Falls and expressed her support as firearm training benefits people of all ages and backgrounds. She testified that there may be individuals who do not have access to training or feel intimidated. She believed this range is designed in a calm, respectful, and professional setting and that safety, protecting land and wildlife, were a top priority. She appreciated that this range would not be open to the public, but a place where people would go to learn and sharpen skills. She concluded that this range would be a positive asset to our community and that it had met the criteria of the Bingham County Code.

5. Testimony in a neutral position was not presented.
6. Testimony in opposition to the Application was received by:

(T-23) Patrick Adams, 281 N 1100 W, Blackfoot, Idaho, provided a map of the area and a sound decibel chart, which was entered into the record as Exhibit T-23A. Mr. Adams testified that he works for Perschon Farms, is an avid hunter, firearms enthusiast, and taught Hunter's Education for twelve (12) years. He explained that the cattle are located directly down range from the project site and provided the location of their water tank, which is directly in line with the proposed firing line. Mr. Adams provided a brief description of the topography in the area and believed there to be an approximate thirty-foot (30') increase in elevation from the beginning to the end of the firing line. He testified he was concerned that shooters would be firing thirty feet (30') uphill and there would not be a backstop, and if the scope did not track correctly, that would cause a significant error, and a bullet would

end up on their property. Mr. Adams did not feel they should have to ask permission to maintain fences, in danger of being shot, as many modern rifles are capable of hitting targets at approximately 2,000 yards. Mr. Adams testified that he had reached out to a company about their precision cartridges and explained the proposed application. The company stated they would not feel comfortable shooting unless there was a 50-foot-tall backstop. Mr. Adams stated that a rifle can produce 160-175 decibels, and he asked AI to calculate what that would be at 1,300 yards, which was around 97.9 decibels. He believed the decidable levels created with repeated shots, possibly up to 100-1,000 shots a day, would disturb the cattle. If that happened, it would push the cattle to the north of the property, resulting in the loss of grazing ground to the south. Mr. Adams testified that they would not be able to utilize the feed in that area, and it would ultimately force them to purchase hay, which would become expensive. If the cattle migrated to the north, it may put too much pressure on that end of the property, and cattle could break through the fence that borders Highway 26. Mr. Adams concluded his testimony with an explanation that no one would want to live behind a gun range. He would not want his daughter or workers maintaining the fence and risking their lives, which is what they were being asked to do.

Commissioner Adams asked for clarification on the topography of the area. Mr. Adams explained the natural slopes of the land and believed the natural backstop at the north end was on Perschon Farm's side of the fence. Commissioner Watson asked how many hours a week are spent at or near the fence line, in that general area, or at the water tank. Mr. Adams testified that the water tank and cattle are checked twice a week, and the fence is checked twice a week for two months out of the year. He also testified that he recreates in this area as well. Commissioner Watson asked what months those were, to which Mr. Adams stated it was during breeding season and that he spends roughly forty-five minutes a week in the area of the fence and water tank. Commissioner Bingham asked if there had been any communication with the Krueger's to which Mr. Adams stated there had not been any direct communication between them.

(T-24) James Goodrich, 1676 W 700 N, Blackfoot, Idaho, recently purchased the home to the south and testified that he believes in teaching gun safety as he is a father who raised concerns about the security cameras pointing at his home. Mr. Goodrich testified that he and his wife are trying to love their new home, teach their kids good morals, and how to work with horses. He has worked with horses for many years and testified that the horses will become accustomed to their surroundings. He was worried that a new horse might be ultra-sensitive and be startled by a gunshot when working with the horse and his children. He stated that he intends to reach out to the Kruegers.

Commissioner Bingham clarified that Mr. Goodrich's property is up range, to the south, and that his biggest concern would be noise. Mr. Goodrich verified that to be correct, and that his horses are kept roughly ten (10) yards from the property line.

(T-25) Charlie Cook, 4124 N 5000 W, Teton, Idaho, who has property in the area, testified that he has invested a lot of money in his property and trains highly sensitive horses on the land. Mr. Cook testified that he has been around horses, guns, and cattle his whole life and that he believed the proposed range would be noisy and disruptive to the



livestock. Mr. Cook purchased his property as a homesite for his kids and grandkids and questioned why the testimony provided in support was from individuals who did not live in this area, and further, why his sons were not approached with the proposal from the Applicants. Mr. Cook testified he is a property rights advocate, but believed this Application was asking too much, and that there are properties further west for this kind of activity to take place without impacting the neighbors. Mr. Cook concluded his testimony by stating that he has visited many gun ranges that are surrounded by hills or mountains to reduce the noise, and this location will have an impact on the surrounding farming and ranching community.

At the request of Commissioner Bingham, Mr. Cook identified his property on Exhibit A-2, which contained pivots, homesites, and potential future home sites.

(T-26) Eric Larson, 713 N 1800 W, Blackfoot, Idaho, testified he has two nearby pivots, recreates with his family in the area, and expressed that although there are proposed safety measures, he would not be comfortable with a gun range nearby. He also raised concerns that they had not been contacted about this proposal, and they were not aware of it until recently. Commissioner Bingham asked about the location of his property. Mr. Larson stated it was roughly a mile from the gun range, they have permission to ride motorbikes on that property, and as a parent, it is not worth it, no matter the risk.

(T-27) Andy Cook, 1616 W 700 N, Blackfoot, Idaho, testified he moved to the area in March of 2003 with his family, and that his brother also lives in the same area. Together, they calve cows, draft colts, and shoe horses for a living. He testified that not every horse wants to listen to guns going off, contrary to the testimony presented by the Applicant. Mr. Cook was concerned that lead would be moving downstream and would not be trapped in a berm, citing that after a big winter, there could be enough water in the gun range portion of the Applicant's land to put a boat in. Mr. Cook testified that he did not believe that the neighbors would have built or purchased their homes if there were an existing gun range at this particular location. He said he lives where he does to enjoy the peace and quiet on a dead-end road. Mr. Cook testified that he and his family fix fences, put up hay, pick rocks, harrow, and drag fields. Although he loves guns and hunting, he also appreciates safety. He would not want to have to put on a high-visibility vest every time he is working on his land.

Commissioner Bingham commented that he also loves shooting guns on his property in Firth and asked if Mr. Cook also shoots guns. Mr. Cook said that he does as well as the neighbors and individuals from town, but that it is not being done as a business in an agricultural area.

(T-28) Tate Benson, 1687 W 700 N, Blackfoot, Idaho, testified with the location of his home that the gun range would be in his backyard. Mr. Benson spoke about the location of a water tank directly behind the line of fire. He testified that he likes to hunt and shoot. When learning Hunter's Ed, the first rule he was taught was not to shoot unless you know what is directly behind your target. Mr. Benson testified that he loves the area, his neighbors, and helps them when he can. Mr. Benson would not want to send his wife or

daughter to work right next to a shooting range, nor cut grain in an adjacent field. He explained the adjacent field is a potato and wheat barley operation, and is next to cows. Mr. Benson testified that there are enough complications in agriculture, and he did not think they should have to schedule time to work in the fields.

(T-29) Nick Benson, 1604 W 700 N, Blackfoot, Idaho, testified he owns fields up range of the proposed gun range, and his son, and eventually his grandkids, will be close to the gun range. Mr. Benson testified that the proposed berms, crested wheat grass, and the safety measures sound great, but he did not believe the crested wheat grass would grow, as the property does not have water rights. Mr. Benson also drives wide farm implements down that road (presumed to be Vincent Road) at two miles an hour, and was concerned that if he were not able to get off the road, an individual might get mad and get out a gun. Mr. Benson testified that he thought that the Applicant may have alternative motives, and that there are thousands of other acres in different places that would be a better location.

At this point during testimony, Commissioner Adams interjected and recused himself from the Application. Commissioner Adams stated he has had no ex parte conversations, but that he was not aware until testimony was being presented that he had personal ties and relationships to many landowners and land caretakers in the Application area. Commissioner Adams did not believe he could be unbiased in deciding on the Application. The Commission discussed his recusal and agreed to accept his request to be excused for this Application item. Commissioner Adams left the Commission table and sat in the audience for the remainder of the Public Hearing for this Application item.

(T-30) Kristi Larsen, 713 N 1800 W, Blackfoot, Idaho, testified she is concerned that the Kruegers are employed full-time out of state. She provided concerns about the shooting range being a hobby, being membership only, questioned the long-term plan, frequency of appointments, and if it would turn into something more. Mrs. Larsen testified that, being on a dead-end road, the addition of one more car would be impactful to their community. She explained they have had guns shot at their house, from individuals shooting in the desert, and that those people will not be the ones going to the range when they can shoot at no cost somewhere else. Mrs. Larsen testified that in her opinion, this proposal is not bringing more safety, but rather more attention. She concluded by stating that she and her family moved out there to keep a lifestyle they love, raise 4H steers, ride motorbikes, and are currently not concerned about the safety of their kids.

(T-31) Michael Munro, 67 S 515 W, Blackfoot, Idaho, questioned what damage would be done to property values if someone wanted to sell their property, and the safety in the area if the Application is approved. Mr. Munro testified that this was too much of an investment to be a hobby and that it would grow to be bigger and affect a lot of people.

(T-32) Sherice Benson, 1604 W Taber Rd, Blackfoot, Idaho, testified she talked with the Browns, who were the previous owners of 1676 W 700, where the Goodrich's live now, and that Mrs. Brown commented that the entrance gate must remain open, as that is her easement access to her former home. Mrs. Benson relayed that she was unsure if the Goodrich's were aware of any easement when they purchased the property. Mrs. Benson



testified she was concerned that individuals may get trigger-happy and shoot street signs, their pivots, and their machinery. She reiterated that she was in deep opposition and they are trying to protect their livelihood.

8. Rebuttal testimony was offered by Mr. Krueger, who responded to comments or questions presented during the Public Hearing. He reiterated that individuals would be required to zero their rifles at 100 yards and would walk their shots out. Being off by six feet at 1,300 yards, and screws coming loose, is not something that he had ever seen.

Mr. Krueger addressed the water tank location and 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. He stated that he and his wife are respectful of the neighbors, have never had any problems with neighbors, and that they are genuinely good people.

Mr. Krueger referred to the comment about shooting ammunition accurately at a long distance citing 2,000 yards. He stated that although that is possible, it does not happen regularly, and the required dope sheet will show what the drop will be. The bullets are not being fired blindly as these shots are walked out to every berm, which are 100 - 200 yards apart. In the event a bullet did launch over the last berm, it would be coming down at a steep angle.

Concerning homes near the range, Mr. Krueger mentioned in Bisley, England, there are homes 100 - 200 yards on the other side of the gun range's 1,000-yard berm. He mentioned that homes are being built right next to the Douglas Ridge Rifle Club in Eagle Creek, Oregon. Mr. Krueger questioned the distance from the natural backstop and the berms to the water tank.

Mr. Krueger explained that there are no alternative motives and confirmed that shooting would not be a daily occurrence. Shooting is a passion of his, and he would not turn it into a commercial type of business.

Mr. Krueger testified that there are cameras pointed at the home to the south because there have been concerns of property damage and police reports filed since their ownership. It was recommended by the police to get security cameras to monitor access.

With regard to horses being startled, Mr. Krueger reminded the Commissioners of the video in his PowerPoint presentation of the previous owners' horses (the Browns), which showed they were not startled, being 100 yards from where they were firing, and that the proposed firing line is actually at 250 yards. He also emphasized that he did not want to add stress or startle anyone's livestock.

Concerning testimony where individuals stated they have not been contacted, Mr. Krueger testified that he has contacted immediate neighbors, Mr. Jason Cook, and the Browns (who used to live adjacent to the subject property) were contacted. Mr. Krueger understood that the Browns believed this was going to be a large range, bringing in massive amounts of

traffic and noise, based on their inaccurate representations to others in the area. Mr. Krueger testified that he contacted Mr. Jason Cook roughly a year ago to obtain a section of property to bypass the easement and help alleviate any access concerns with the Browns. At that time, Mr. Jason Cook told him that noise would not be an issue, as calf screams could be heard a mile away when he is calving, and that they also shoot on their property. Therefore, Mr. Krueger was surprised that a Petition was started and the information it contained was so inaccurate. Mr. Krueger said he understood that the neighbors had a tight community, and he assumed they would talk to each other.

Mr. Krueger said there is a lot of research on how the noise would affect animals, and he stated that the research shows the animals don't care. He has personally witnessed multiple times animals coming onto the range in Oregon. Mr. Krueger testified he had posted signs on the property to provide notice of a possible gun range coming to the area to allow individuals not to be blindsided. He did not have phone numbers for neighbors to reach out, and with some properties having dogs, he was not comfortable with driving up and getting out.

Mr. Krueger testified that a small portion of the property was in the floodplain, and with a recent observation of a berm on Mr. Cook's property, he believed it could be beneficial to keep water from running at a high rate of speed.

With regard to planting of crested wheatgrass, he reiterated that it was a suggestion from the local Fire Marshal, but was not a requirement. Mr. Krueger plans on planting it to see how it grows.

Regarding Mrs. Larsen's concerns, Mr. Krueger reiterated that the proposed range would be private, not open to the public, and that they plan to build a home there for long-term residency. He testified that they had tried to communicate with neighbors, but it seemed they had already made up their minds on their position and did not want to have any further discussion. Mr. Krueger agreed there may be a few additional cars on the private road, but it would not be to a level that would be disturbing to the community or the immediate surrounding areas, noting again it is a private road.

Mr. Krueger readdressed the decibel data. He testified that he conducted a Google search because of testimony about property values being affected, and found that Realtor.com cited property values are affected 3.2% by a hospital, 3.7% by a shooting range, 5.3% by a power plant, 6.5% by a funeral home, 12.3% by a cemetery, and 22% by a bad school. He stated that he is training people to be safe and responsible, and did not think it would equate to trigger-happy people shooting road signs. He offered that he is willing to talk to people, he is not an aggressive person, and he believed his private gun range operation was reasonable.

Mr. Krueger reminded the Commission that this property is not around a lot of homes, is almost a mile long and a quarter mile wide, and that he does not see the problems with the concerns that are being raised. Mr. Krueger concluded with his desire to work with his



agricultural neighbors, but did not want to be locked into a set schedule, as that would be a disrespect of his property rights.

Commissioner Bingham asked if blinders are placed for a “cone of safety.” Mr. Krueger replied that there are range limits that are designated by markers. Mr. Krueger provided an example of yellow posts at Douglas Ridge Rifle Club and added that Mr. Pate has been out to the subject property and felt good about the space to operate their private gun range.

9. After Mr. Krueger’s rebuttal, the Public Hearing for the Application was closed.

## II. REASON

The Commissioners reviewed the Application, and the evidence in support and opposition of said Application in the context of Bingham County Code Section 10-8-3 *Conditional Use Permit, Review of Application*, and made the following findings and determinations:

1. *Constitute a conditional use as established on the official schedule of zoning regulations or as determined by the commission to be a conditional use for the zone involved.* The Commission determined that the proposed use is consistent with the official schedule of zoning regulations and qualifies as a conditional use within the applicable zoning district, as according to Bingham County Code Section 10-5-3 *Land Use Chart*, an Outdoor Gun Range is allowed in an Agriculture Zone with an approved Conditional Use Permit, and the Application met this requirement.
2. *Be in accordance with the general objectives or with any specific objection of the Comprehensive Plan and/or this title.* The Commission found the Application to be consistent with the general objectives and did not address any specific provisions outlined in the County’s Comprehensive Plan that the Application did not meet. Therefore, the Commission agreed that the Application satisfied this element.
3. *Be 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 is possible.* The Commission engaged in extensive discussion regarding whether the proposed use is compatible with the existing or intended character of the general vicinity, which included:

Commissioner Johns who expressed concern that the essential character of the area would be altered, emphasizing that while firearms are already discharged in the area, a formal gun range is significantly different in scope and use, particularly when located between active farms and residential properties.

Commissioner Watson questioned the interpretation of “*character*,” noting that gun ranges are commonly situated in rural areas such as this. He highlighted that the Applicant is proposing to create a controlled facility with established safety protocols, contrasting it with the unregulated recreational shooting that currently occurs in the area. He emphasized the importance of maintaining the Applicant's property rights, and asserted that the proposed land use is consistent with the land's current zoning and shooting activity in the surrounding area. Chairman Aullman confirmed Commissioner Watson's position, affirming that Commissioner Watson did not believe the proposed use would fundamentally alter the area's existing character.

Commissioner Bingham supported Commissioner Watson's perspective, stating that the area already experiences recreational firearm use and that the proposed facility would enhance the safety of shooting in a controlled environment, which is not altering the existing or intended character of the area.

In contrast, Commissioner Carroll cited public opposition and testimony as evidence that the proposed development would change the area's essential character and impact neighboring property owners.

The majority of the Commission agreed that such use would change the essential character of the area, with the exception of Commissioners Watson and Bingham, who recalled testimony that similar shooting activities were already occurring in the area in an uncontrolled or unregulated fashion and that this facility would be a benefit to the area.

4. *Not be unduly 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 Commission discussed at length whether the proposed use would pose hazards or disturbances to current or future neighboring uses:

Commissioner Watson acknowledged that this section of the Code is where he heard neighbors express concerns and understood how, depending on interpretation, this could be disturbing to some. He provided a personal example of being shot at while hunting and not knowing where the shots were coming from. He questioned how long farmers would be in the area and whether scheduling coordination of anticipated shooting activity with neighbors could be a solution. Commissioner Watson added that the gun range is an outdoor range that will likely be used in the spring, summer, and fall, in a controlled environment.

Chairman Aullman testified that he believed the *essential character* of the area would change if neighbors had to check with Mr. Krueger to determine if there is an upcoming event, as they do not have to do that currently. Commissioner Watson thought that would be something that they could work together on.

Commissioner Jolley referred to Bingham County Corporal VanOrden's testimony, where he stated he felt this would be a safe facility. Commissioner Jolley did not think this would be



unduly hazardous, as there is already recreational shooting in that area. He commented that this facility would be safer than what is occurring already. Commissioner Jolley testified that the community believed this would be disturbing to existing or future neighborhood uses. He thought it was unfortunate that the Applicant and the community did not have more interaction or details shared, and felt there would have been less opposition, and more acceptance of conditions placed on an approval.

Commissioner Jolley also referred to floodplain-designated areas and said that the berms could disappear with high water flow. Commissioner Jolley testified that the possibility of lead in those berms leaching could be high, and did not believe the Applicant appropriately demonstrated how that would be mitigated. Commissioner Johns agreed with Mr. Jolley, noting that this use is disturbing to existing and future residents.

Ultimately, the majority of the Commission agreed that the requested land use would be unduly hazardous or disturbing to existing or future neighboring uses and involve conditions of operation that would be detrimental to persons, property, or the general welfare of the public by reason of excessive production of traffic, noise, and/or other pollutants.

5. *Not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the County.* The Commission unanimously agreed that the proposed development would not impose excessive public costs for infrastructure or services, nor would it harm the County's economic welfare. This requirement was met.
6. *Be 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.* The Commission determined that the proposed use would be adequately served by existing or available public services and that the Applicant or responsible parties could provide necessary services. This criterion was satisfied.
7. *Have legal access to the subject property for the development. Have vehicular approaches to the property that are designed to eliminate a traffic hazard on adjacent public thoroughfares.* Upon inquiry from Commissioner Watson, Staff confirmed that the property has legal access via an existing easement from the county road to a private road, being a minimum of fifty feet (50') in width. Staff also confirmed that the easement could be improved and maintained by the Applicant. The Commission did not identify any concerns and found this condition was met.
8. *Not result in the destruction, loss or damage to a scenic or historic feature of major importance.* The Commission found no evidence indicating that the proposed land use would negatively impact any scenic or historic features of major importance, and this criterion was satisfied.
9. *If applicable, have adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and have utility systems provided to accommodate said use.* The Commission

discussed the adequacy of utilities and environmental concerns, particularly related to water drainage and a floodplain designation on a portion of the Applicant's property:

Commissioner Watson raised questions regarding the location of the floodplain on-site and whether further improvements may be necessary in that area.

Commissioner Bingham expressed skepticism about the severity of the floodplain concerns but acknowledged public testimony on the risk of lead contamination during high-water events. He was impressed that the Applicant had an industry expert who helped write a book with the EPA, and provided testimony in support, stating that the Applicant is willing to be environmentally friendly.

Chairman Aullman emphasized that environmental concerns, particularly the potential for lead leaching during flood events, were raised by multiple parties.

Commissioner Jolley added that he has witnessed significant flooding occur near his home and that the berms, if compromised, could result in contamination from lead leaching. He found that the Applicant had not sufficiently demonstrated a plan for mitigating this risk.

Commissioner Johns reinforced the point that water is unpredictable and that environmental safeguards must be credible and enforceable.

While expert testimony supporting the Applicant's environmental approach was noted, the Commission remained divided on whether the Application adequately addressed potential risks.

In response to these concerns, Commissioner Watson proposed that a condition could be added requiring a Water Study. Director Olsen clarified that such a requirement must be incorporated before a decision is made, but a Water or Floodplain Study could be pursued if the Application were tabled. Director Olsen further explained that any construction in the floodplain would be required to meet base flood elevation standards, but the availability of existing water quality data is limited without a formal study.

The Commission considered tabling the Application to allow for community engagement and further development of operational conditions. However, Commissioner Johns cautioned that imposing restrictive conditions could conflict with the property rights of both the Applicant and surrounding landowners.

The majority of the Commission shared concerns with inadequate drainage plans to accommodate potential flooding impacts and lead contamination to neighboring properties.



#### IV. FINDINGS

In consideration and with reference to the Reasons set forth above, the Planning and Zoning Commission made the following findings:

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 commission 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 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): Is "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 is possible;" *The majority of the Commission agreed that the essential character of the area would change as a result of a private outdoor gun range, Commissioners Bingham and Watson disagreed.*
  - 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." *The majority of the Commission agreed with concerns relating to drainage, stormwater, and flooding, causing potential lead contamination and leaching to neighboring properties. Commissioner Bingham did not share this concern.*
4. The proposed land use does not comply with Bingham County Code Section 10-8-3(A)(4):
  - a. 10-8-3(A)(4): Is not "unduly 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 majority of the Commission agreed that the proposed land use would be unduly hazardous or disturbing to existing or future neighboring uses. The Commission agreed with concerns relating to drainage, stormwater, and flooding, causing potential lead contamination and leaching to neighboring properties and potential impacts to the general welfare of the public.*

5. The Commission found that sufficient information had been provided with the Application and there was no need to request additional studies relating to social, economic, fiscal, or environmental effects of the proposed CUP before making a decision; and
6. The Public Hearing notice met the requirements of Idaho Code and Bingham County Code Title 10 Chapter 3; and

### III. DECISION

Based on the record, 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 following conditions:

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.

Commissioners Bingham and Watson voted in opposition.

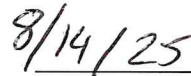
Commissioner Bingham voted in opposition to the motion as he believed the request was in line with the existing use.

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.



William Aullman, Chairman  
Bingham County Planning and Zoning Commission



Date