



 ORIGINAL

**Boise County Planning and Zoning Commission
CROWFOOT RANGE, INC. - CUP #2021-007
Findings of Fact, Conclusions of Law, Conditions of Approval and Order**

April 21, 2022

The Boise County Planning and Zoning Commission (Commission”) held public hearings on October 21, 2021, February 17, 2022, and April 7, 2022 to consider Crowfoot Range, Inc.’s application for a Conditional Use Permit (CUP), application number CUP #2021-007, pursuant to Boise County Amended Unified Land Use Ordinance #2016-001 (ULO) Section 2.5 and Avimor Development Ordinance # 2021-02 (ADO) Section 7-4-2.

FINDINGS OF FACT

Based upon the file, hearing, and evidence received in the above-noted matter, the Commission issues the following Findings of Fact and Conclusions:

A. Documents Received Into the Record

1. The Planning and Zoning Department’s file and record in this matter:
 - a. Crowfoot Range, Inc.’s Conditional Use Permit Application #2021-007.
 - b. Exhibits 1-137.
 - c. Shooting Range Map.
 - d. Site Plan.
 - e. Planning and Zoning Staff Report dated October 21, 2021.
 - f. Planning and Zoning Staff Report dated April 7, 2022.

B. Procedural History

1. The Commission held a public hearing on October 21, 2021. Crowfoot Range, Inc. (“Applicant”) and the public provided testimony regarding the CUP. The Commission tabled the hearing in order to allow the Applicant and the public to provide additional information.
2. The Commission held a special meeting on November 18, 2021, at the shooting range and Webster’s Ranch residences.
3. The Commission held a special meeting on November 18, 2021, at the Garden Valley shooting range and nearby residential areas.
4. The Commission held a public hearing on February 17, 2022, and immediately tabled the hearing to a date certain in order to allow the applicant and the public to provide additional information.
5. The Commission held a public hearing on April 7, 2022. The applicant and the public provided testimony regarding the CUP.
6. After hearing all testimony from the applicant and the public, the Commission approved the CUP with site-specific conditions.

C. Facts

1. The public had the opportunity to provide testimony at the October 21, 2021 and April 7, 2022 public hearings. No member of the public was prevented from testifying.
2. The property subject to this CUP is located on Pearl Road approximately one mile west of Highway 55, Parcel # RP06N02E303050.

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3. The property is owned by First American Title Company Trustee, Dual Beneficiary, Trust 8562.
4. The property is part of the Avimor Planned Community.
5. The property consists of 40.8 acres of agricultural and grazing land.
6. The surrounding property uses consist of agricultural and grazing land.
7. The owner of the land is leasing the property to Applicant for use as a shooting range.
8. The property has been designated as a shooting range in the Avimor Planned Community, which has been approved by Boise County.
9. Applicant is seeking a CUP to operate a shooting range at the location previously approved in the Avimor Planned Community. The proposed shooting range will support pistol, rifle, and archery.
10. Use of the shooting range will be restricted to members of the shooting range.
11. Membership will be open to the public with an emphasis on law enforcement training to qualified agencies, 4H sponsored shooting sports competition, and 4H/Idaho State Fish and Game hunter safety training programs.
12. The range will be accessed off of Pearl Road through a locked gate. The gate will have a key code that will be provided to members of the shooting range for access.
13. The proposed shooting range will have four shooting bays at final build out.
14. The first shooting bay will be 90 feet by 300 feet and will have 10-foot high berms on each side of the bay down the entire length of the bay. The bay will also have a 10-foot high berm at the end of the shooting bay to provide a safety backstop.
15. The second shooting bay will be 226 feet by 600 feet and will have 10-foot high berms on each side of the bay down the entire length of the bay. The bay will also have a 10-foot high berm at the end of the shooting bay to provide a safety backstop.
16. The third shooting bay will be 150 feet by 600 feet and will have 10-foot high berms on each side of the bay down the entire length of the bay. The bay will also have a 10-foot high berm at the end of the shooting bay to provide a safety backstop.
17. The fourth shooting bay will be designed for long rifles and will be 600 yards in length and will have a 10-foot high berm on the northeast side of the bay. Due to the length and topography of the bay, Applicant does not intend to construct the berm down the entire length of the bay. The bay will shoot into a large 130-foot hillside that will act as a safety backstop.
18. All shooting bays will be located so that shooting occurs in a southeast direction towards a large 130-foot hillside.
19. The shooting bays will be vegetation free for the life of the shooting range for fire control purposes.
20. The shooting bays will be internally drained.
21. Applicant anticipates that the shooting range will accommodate around 40-50 shooting lanes.
22. The shooting bays will be constructed in three phases.
23. In Phase 1, Applicant will construct the first and third shooting bays and a seventy-car parking lot.
24. In Phase 2, Applicant will construct the second shooting bay.
25. In Phase 3, Applicant will construct the fourth shooting bay, which is the long rifle shooting bay.
26. Applicant will construct a wildlife friendly livestock fence around the perimeter of the property.
27. The shooting range will not have power.
28. The shooting range will not have water.
29. The shooting range will be unmanned and will not have an on-site employee to supervise shooting.

30. The shooting range will have portable chemical toilets for guests of the shooting range.
31. The nearest occupied residence is located 9,160 feet, or approximately 1.7 miles, from the shooting range.
32. The nearest residential property boundary is approximately 1 mile from the shooting range.

CONCLUSIONS OF LAW

Based on the facts contained in the record, including the facts identified above, the Commission makes the following conclusions of law:

- A. The record contains sufficient facts for the Commission to make the following findings and conclusions regarding the Required Findings in ADO • 7-4-3.
 1. The Commission finds that the proposed use will, in fact, constitute a conditional use as established in Chapter 2 of the ADO for the Land use district involved. Specifically, the proposed use of a shooting range qualifies as a conditional use in Table 2.1 of the ADO.
 2. The Commission finds that the proposed use will be harmonious with and in accordance with the general objectives or with any specific objective of the ADO (including any applicable specific use standards described in the Avimor Ordinance, Chapter 4). The proposed use meets the goals and objectives of the Avimor Ordinance. Specifically, as set forth in Section 1-2 of the Avimor Ordinance, this use will help inspire an active lifestyle, provide managed land use and growth (a safe area for shooting rather than on uncontrolled land), provide a mixture of land uses, and bring economic benefit to the County. Furthermore, the following specific use standards (Chapter 4.4.XX. Shooting Ranges/Gun Clubs (Outdoors)) were either met, or do not apply:
 - a. The applicant or owner shall obtain written approval from the Federal Bureau of Alcohol, Tobacco, and Firearms (ATF).
 - i. The Commission finds that the ATF does not provide such approval.
 - b. Accessory uses such as gun sales, gun repair, and training courses may be allowed when such uses take up no more than 25% of the gross floor area of the building.
 - i. The Commission finds that Applicant is not proposing such use.
 - c. The applicant shall provide written documentation that the proposed target backstops conform to the standards for indoor ranges in “The NRA Range Source Book” published by the National Rifle Association.
 - i. The Commission finds that Applicant has provided written documentation that the proposed target backstops will conform to the standards for outdoor ranges in the NRA Range Source Book.
 3. The Commission finds that, with site-specific conditions imposed, the proposed use will be designed, constructed, operated, and maintained to be harmonious and 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 same area.
 4. The Commission finds that, with site-specific conditions imposed, the proposed use will not be hazardous or disturbing to existing or future neighboring uses. Current surrounding uses consist of agricultural and grazing uses. Applicant will construct a livestock fence surrounding the shooting range to prevent livestock from entering the range. Other surrounding uses include residential uses, with the nearest residential property boundary approximately 1 mile away and the nearest residential home approximately 1.7 miles away. With site-specific conditions imposed, the shooting range will not be hazardous or disturbing to surrounding residential uses. Specifically, Applicant must comply with the state uniform noise standard articulated in Idaho Code section 67-9102. Idaho law prohibits the Commission from imposing a more restrictive standard than the uniform noise standard. The Commission finds that

compliance with the uniform noise standard will ensure that the shooting range is not hazardous or disturbing by way of noise production. Further, Applicant must construct berms, shelters, and overhead baffles in order to operate shooting lanes. These site-specific conditions will prevent errant shots from leaving the shooting range. Additionally, Applicant must construct and maintain a fire break and comply with all Eagle Fire Department requirements for fire safety. The Commission finds that these site-specific conditions will ensure that the shooting range is not hazardous or disturbing to existing or future neighboring uses.

5. The Commission finds that, with site-specific conditions imposed, the proposed use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services. The proposed use will be served by the Eagle Fire Department. Site-specific conditions require Applicant to comply with all recommendations and requirements imposed by the Eagle Fire Department. With these site-specific conditions imposed, the Eagle Fire Department does not object to the proposed use. Further, the proposed use will be served by Ada County Paramedics for emergency services, including ambulance services. The proposed use will also be served by the Boise County Sheriff's Department, which did not object to the proposed use. The proposed use will have chemical toilets for its guests. Central District Health does not object to the use of chemical toilets for this proposed use. Accordingly, the Commission finds that the proposed use will be served adequately by public facilities and services.
6. The Commission finds that the proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. Specifically, the proposed use will not require additional public costs. Further, the record contains no evidence demonstrating that the proposed use will be detrimental to the economic welfare of the community.
7. The Commission finds that the proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. Specifically, Applicant must comply with the state uniform noise standard articulated in Idaho Code section 67-9102. Idaho law prohibits the Commission from imposing a more restrictive standard than the uniform noise standard. The Commission finds that compliance with the uniform noise standard will ensure that the shooting range will not be detrimental by reason of excessive production of noise. The Commission also finds that the evidence in the record shows that the proposed shooting range will not produce excessive traffic, smoke, fumes, glare, or odors.
8. The Commission finds that the proposed use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Access to the property is accomplished by first turning off of Highway 55 onto Pearl Road and second by turning off of Pearl Road onto the shooting range. Highway 55 is under the jurisdiction and authority of the Idaho Transportation Department ("ITD"). ITD did not object to the proposed use. With site-specific conditions imposed, Pearl Road will be improved and maintained in accordance with the Eagle Fire Department's recommendations and the recommendations of a geotechnical report. With such site specific conditions imposed, the proposed use will have proper vehicular approaches.
9. The Commission finds that the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

SITE-SPECIFIC CONDITIONS OF APPROVAL

The Commission approves the CUP with the following site-specific conditions:

1. This conditional use permit is non-transferable to another property and is only valid at Pearl Road, Boise, Idaho (RP06N02E303050)
2. No public use shall be allowed until 10 foot high berms are constructed along the full length of the Phase 1 and Phase 2 shooting bays in use in order to prevent errant bullets from leaving the shooting bays. The Phase 3 shooting bay, which is the long rifle shooting bay, shall not be operable until a 10 foot high berm is constructed on the northeast side of the shooting bay, and such berm shall be 300 feet in length.
3. Applicant shall construct shooting shelters and overhead baffles for each shooting lane in order to prevent errant bullets from leaving the shooting lanes. Applicant may not commence operation of a shooting lane until a shelter and overhead baffle is constructed for that shooting lane.
4. Applicant shall comply with the conditions set forth in the Eagle Fire Department's letters dated October 8, 2020 and February 9, 2022, including any future seasonal restrictions imposed by the fire department or any orders regarding operations regarding to fire danger.
5. The days and hours of operation shall be 6 days a week, with operations commencing at 8:00 a.m. or one hour after sunrise, whichever is later, and operations ceasing at 6:00 p.m. or one hour before sunset, whichever is earlier.
6. Applicant shall comply with the uniform noise standard articulated in Idaho Code section 67-9102 as may be amended from time to time.
7. To prevent errant shots and to reduce the risk of fire, no fully-automatic fire shall be allowed at the range. Additionally, tracers, incendiary, or steel core ammunition, as well as incendiary targets shall be prohibited. Metal targets shall be prohibited unless approved by the Eagle Fire Department for use on the long rifle shooting bay only. Metal targets shall be prohibited on all other shooting bays.
8. Applicant shall comply with the conditions set forth in Idaho Power's letter dated February 4, 2022.
9. Applicant shall apply for a construction general permit from the Idaho Department of Environmental Quality and produce a SWPPP, which will help mitigate some of Fish and Game's concerns.
10. Per Idaho Fish and Game's comments dated February 7, 2022 and March 31, 2022, applicant shall 1) use best management practices to minimize stream bank erosion, sedimentation, unintended runoff, and destruction of riparian habitat, and 2) work with the Avimor Conservation Director to conduct restoration efforts and identify potential species that may be present and come up with specific mitigation plans for those species as appropriate.
11. Applicant shall keep all structures and grounds in a clean and orderly condition.
12. Applicant shall apply for a sign permit, if a sign(s) is to be installed, with the applicable fees paid; and, any on-site signage shall comply with the Avimor Ordinance. No signs are permitted within any public right-of-way.
13. Applicant shall provide the Planning and Zoning Department with a copy of their current paid insurance policy suitable to this type of business, and maintain insurance each year.
14. Applicant shall obtain and maintain any and all licenses and permits from the necessary authorities to operate such a facility in addition to the Boise County CUP.
15. Applicant shall maintain Pearl Road in conformance with the geotechnical report dated October 7, 2021 and Eagle Fire Department's requirements.
16. Proof of compliance with all conditions shall be provided to the Planning and Zoning Department in order to obtain a Certificate of Completion and may not commence operations until the same is received.
17. Applicant shall submit a full plan of operations to the Planning and Zoning Department which shall include details surrounding the public use of the shooting range.
18. Applicant shall maintain a fire break at the shooting range with a width recommended by the

Eagle Fire Department. Applicant shall ensure that the fire break is maintained in accordance with the direction of the Eagle Fire Department.

REQUIRED STANDARD CONDITIONS OF APPROVAL

Approval of the CUP is subject to the Required Standard Conditions of Approval identified in ULO Section 4.3.D. In the event a Required Standard Condition of Approval conflicts with a Site-Specific Condition of Approval contained herein, the Site-Specific Condition of Approval shall control. The Required Standard Conditions of Approval are:

- 4.3.D.1** The property must be in compliance, or brought into compliance by this action, with all applicable Idaho State Statutes and Boise County Ordinances prior to commencement of approved conditional use activity. All permits must be secured prior to commencement of work subject to permit approval.
- 4.3.D.2** Applicant must provide proof of property ownership or valid leasehold from the property owner.
- 4.3.D.3** All property taxes, including current year (prepaid) taxes, shall be paid in full.
- 4.3.D.4** Prior to commencement of work, applicant must provide proof of legal access and proof of the authority to alter/improve the access to accommodate fire and ambulance services.
- 4.3.D.5** Fire Department vehicular access shall meet the standards as set forth in this Ordinance.
- 4.3.D.6** The applicant shall comply with any required conditions imposed by Central District Health Department.
- 4.3.D.7** The applicant shall identify the days and hours of operation of the conditional use permit activity.
- 4.3.D.8** Building construction shall meet the requirements of the Idaho Building Code Act, Idaho Code Title 39, Chapter 41.
- 4.3.D.9** Applicant shall prepare and present to the Planning & Zoning Department its Emergency Services Action Plan, specifically, but not limited to, fire and ambulance services.
- 4.3.D.10** The conditional use shall be considered null and void if not started within a period of twelve (12) months from the date of approval by the Commission.
- 4.3.D.11** Prior to the expiration of the conditional use permit, the Administrator may, upon written request by the holder, grant a one (1) year time extension. Any extension request beyond one (1) year shall be subject to the review and approval by the Commission. A review before the Commission shall be scheduled for public hearing and with public notice. The hearing shall be for the purpose of modifying, amending or revoking approval of the Applicant's Conditional Use Permit. A maximum of three (3) extensions may be granted if good cause is shown. The Commission shall make the final decision on the extension request.
- 4.3.D.12** CUP approval does not include approval of any signage. A separate Sign Permit will be required from the Boise County Planning and Zoning Department prior to installation of a sign(s).
- 4.3.D.13** The Applicant shall comply with any and all applicable requirements of the U.S. Army Corps of Engineers.
- 4.3.D.14** No change in the terms and conditions of the conditional use approval shall be valid unless in writing and signed by the applicant or an authorized representative. Any change in the terms and conditions shall be reviewed and approved or denied by the Commission.

- 4.3.D.15** Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest advises the County of its intent to change the planned use of the property;
- 4.3.D.16** All development authorized by this conditional use approval must be completed within four (4) years from the date of the Commission's approval; and
- 4.3.D.17** Failure to abide by any condition of this Conditional Use Permit shall be grounds for revocation by the Commission.
- 4.3.D.18** The Applicant shall comply with all local, state and federal rules and regulations.

ORDER

Based upon the Findings of Fact, Conclusions of Law, Site-Specific Conditions, and Required Standard Conditions of Approval contained herein, the Planning and Zoning Commission approves Crowfoot Range, Inc. CUP #2021-007, a conditional use permit located on Pearl Road approximately one mile west of Highway 55, Parcel # RP06N02E303050.

APPROVED this 21 day of April, 2022.

PLANNING AND ZONING COMMISSION
BOISE COUNTY, IDAHO



Nathan Greenway, Chair

APPEAL OF PLANNING AND ZONING DECISION

ULO SECTION 2.10 APPEALS PROCEDURES:

Any decision or action may be appealed as set forth in this Ordinance. The appellant shall be an affected person as defined in Idaho Code §67-6521(1) (a). Any request for reconsideration or appeal must be filed on an application as provided by the P&Z Department such request for reconsideration or appeal must identify specific deficiencies in the decision for which reconsideration or appeal is sought, and must otherwise comply with Idaho Code §67-6535(b).

2.10.B APPEAL OF PLANNING AND ZONING COMMISSION DECISION:

- 2.10.B.1** An affected person aggrieved by a decision of the Commission that was made pursuant to the provisions of this Ordinance may appeal to the Board.
- 2.10.B.2** A request for reconsideration or appeal shall be filed with Planning and Zoning Department within fourteen (14) calendar days after the date of the Findings, Conclusions and Order were signed by the Commission or the Findings, Conclusions and Order were reconsidered and a final reconsidered decision is made.
- 2.10.B.3** For an appeal, the Board shall hold a public hearing to consider the decision of the Commission and any additional evidence that may be offered by the public, applicant or Administrator.
- 2.10.B.4** The Board may affirm, reverse or modify, in whole or in part, the

Commission's decision.