

**BINGHAM COUNTY PLANNING AND ZONING COMMISSION**  
**THIRD PUBLIC HEARING DATE: DECEMBER 11, 2024 at 6:00 p.m.**  
**(and continuing through Thursday, December 12, 2024 if not concluded)**

**STAFF REPORT**

Issued December 2, 2024

**APPLICATION OF:** Conditional Use Permit for a Reception Center/Wedding Venue in an “A/NR” Agriculture/Natural Resource Zoning District

**PROPERTY OWNER & APPLICANT:** Edward Stolworthy

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**REQUESTED ACTION:** Property owner Edward Stolworthy requested a Conditional Use Permit to build an 80’ x 80’ facility to operate as a reception hall and/or meeting hall with a living space within the structure, located on approx. one (1) acre of the 3.40-acre parcel at the May 22, 2024 Planning and Zoning Commission Public Hearing pursuant to Bingham County Code Section 10-5-3 *Land Use Chart* and the Specific Use Performance Standards of Bingham County Code Section 10-7-27, *Reception Center, Wedding (outside commercial zone)*.

The Application was heard by the Planning and Zoning Commission on May 22, 2024 and again on September 11, 2024 where the Commission tabled their decision pending the Applicant’s ability to obtain legal access from the adjacent landowner, the Gerald E. Stolworthy Family Limited Partnership-A, to the specified alternative approach as proposed in the Approach Study conducted by HLE, Inc.

In accordance with the above tabled action, the purpose of the third Public Hearing is to receive the information requested by the Planning and Zoning Commission. Documentation related thereto, identified herein as Exhibit A-14, is a letter received by Bingham County Planning and Development Services on November 1, 2024 from Mr. G. Brent Stolworthy, Trustee of the Gerald E. Stolworthy Family Limited Partnership-A, denying the specified alternative approach to be used for the Applicant’s Reception Center/Wedding Venue facility.

**PARCEL INFORMATION:**

Approx. Parcel Location:	954 E 600 N Wolverine Road, Firth, Idaho 83236
Parcel Information:	RP0542502
Township, Range & Section	Township 2 South, Range 37 East, Section 3
Total Acreage:	Approx. 1 acre of a 3.40-acre parcel
Flood Plain:	No
City Impact Area:	No
High Nitrate Priority Area:	Yes
Fire District:	Shelley/Firth
School District:	Firth School District

**ZONING AND COMPREHENSIVE PLAN:**

Zoning: Agriculture/Natural Resource

Comprehensive Plan  
Map Designation: Agriculture

Surrounding land uses: Agriculture/Natural Resource zoning to the North, East, South and West. There are very few single-family residential parcels in the vicinity with one residential parcel adjacent to the subject parcel. The remainder of the area features large agriculture farm parcels to the north, south, east, and west with Presto Bench located to the west.

**NOTICE OF PUBLIC HEARING:** In compliance with Idaho Code Title 67 Chapter 65 and Bingham County Code Section 10-3-6:

1. On November 18, 2024, notice of this Third Public Hearing was sent to Government Agencies, Property Owners within 300' of the property, and four individuals who testified at the May 22, 2024 Public Hearing and one individual who testified at the September 11, 2024 Public Hearing.
2. Notice was published in the Idaho State Journal and Post Register newspapers on November 16, 2024.
3. Notice was posted on-site in two (2) places and current photographs of the property were taken on November 21, 2024.

**TESTIMONY RECEIVED AFTER THE FIRST PUBLIC HEARING ON SEPTEMBER 11, 2024 AND PRIOR TO THE PLANNING AND ZONING COMMISSION'S THIRD PUBLIC HEARING:**

(T-5A) Southeastern Idaho Public Health stated Mr. Stolworthy applied for a Permit to install a Subsurface Sewage Disposal System to accommodate wastewater flows from a structure containing a 2-bedroom apartment and an event venue designed for a capacity of 150 persons in April of 2024. SIPH evaluated the proposed site of the structure and approved installation of the septic system (Permit #4 1946-2). The final installation of the septic system will be inspected and reported by SIPH. Additionally, attached to the testimony was a copy of the Permit-Subsurface Sewage Disposal #41946-2, the Letter of Intended Use provided by Mr. Stolworthy and previous correspondence.

(T-1B) Bingham County Surveyor had no comments or concerns.

(T-2B) Bingham County Public Works stated that with considering the Approach Study completed by HLE, and Idaho Transportation Department or Federal Highway Administration standards for the skew of an approach. According to these standards 45-degrees from a 90-degree approach is the maximum skew and the existing approach is 24-degrees, just under

twice the maximum skew. Keeping in mind the safety of everyone traveling on Wolverine Road and the letter from Brent Stolworthy not allowing an easement for an approach in the safer location. Also considering the amount of traffic that could be generated from an event center. The recommendation of Public Works is to deny the CUP and included an attachment for ITD standard drawing for skew on rural approaches.

(T-3A) Idaho Department of Environmental Quality stated the Applicant should be made aware that a water system serving 15 or more connections or serving an average of at least 25 individuals for at least 60 days out of the year, regardless of configuration, qualifies as a public water system as defined in the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08). This includes water used for drinking and personal hygiene. If the water system could be used to provide water to 25 or more individuals for 60 or more days out of the year, it would qualify as a public drinking water system and the applicant must contact DEQ to request additional information regarding the construction and operation of a public water system. Additionally, any proposed public water system construction plans and specifications must be prepared by a professional engineer and must be submitted to DEQ for review and approval prior to construction in accordance with Idaho Code 39-118. The applicant must contact Southeast Idaho Public Health district for information about permitting and constructing septic systems. Large or complex septic systems would also need to be designed by a licensed professional engineer and be reviewed and approved by DEQ, as part of the health district permitting process.

**PLANNING AND ZONING COMMISSION STANDARDS FOR CONSIDERATION:**

The Commission shall follow Bingham County Code Section 10-8-3: *Review of Application* as follows:

- A. The commission shall review the particular facts and circumstances of each proposed conditional use permit in terms of the following standards and shall find adequate evidence showing that such use at the proposed location will:
  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.
  2. Be in accordance with the general objectives or with any specific objection of the Comprehensive Plan and/or this title.
  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.
  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.

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.
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.
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.
8. Not result in the destruction, loss or damage to a scenic or historic feature of major importance.
9. If applicable, have adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and have utility systems provided to accommodate said use.

**COMPLIANCE WITH THE FOLLOWING SPECIFIC USE PERFORMANCE STANDARDS ARE REQUIRED FOR THE REQUESTED LAND USE:**

**10-7-27: RECEPTION CENTER, WEDDING (OUTSIDE COMMERCIAL ZONE):**

With a Conditional Use Permit, these facilities may be located on land outside a commercial zone, containing no less than three (3) acres and shall meet the following:

- A. Located with full consideration of their proximity and effect to adjacent use of property and the surrounding area, and to the reduction of such nuisance factors as lights, traffic and noise.
- B. Be adequately maintained with housekeeping practices to prevent the creation of a nuisance.
- C. Subject to the health authority requirements for adequate lavatory and hand washing facilities based on the maximum number of guests.
- D. All food preparation and service on the premises will be subject to health authority requirements.
- E. Dust controlled parking facility will be required with adequate ingress and egress as approved by the Public Works Department. Parking area will be marked and have a minimum of one space for every five (5) guests, plus one for every delivery and service vehicle.
- F. Any other applicable restrictions deemed by the commission for safety.

**STATUS OF CURRENT CONSTRUCTION:** Mr. Stolworthy has an Accessory Structure with Living Space Building Permit for the 80' x 80' which will remain as an Accessory Structure if the Conditional Use Permit is denied. The most recent inspections were completed for HVAC Rough-In on October 22, 2024 and a Gas Pressure Test on November 1, 2024.

If the Conditional Use Permit is approved, a change of use to a Commercial Building Permit will be required.

**DECISION:** The Commission may approve, approve with conditions, or deny the request for a Conditional Use Permit. If more information is needed for a determination to grant the Application, the Commission may request information from the Planning and Development Staff. The Commission may attach conditions that include but are not limited to those listed in Bingham County Code Section 10-8-7(B). The Planning and Zoning Commission Decision may be appealed to the Board of County Commissioners in writing within 10 days from the date of the Reason and Decision.

**Sample Motion for Approval with Conditions:** Based on the record, I move to approve the Conditional Use Permit Application requested by Edward Stolworthy to construct and operate a Reception Center, Wedding/Event venue located at 954 E Wolverine Road, Firth, Idaho in an "A/NR" Agriculture/Natural Resources Zoning District as proposed with compliance with Bingham County Code Section 10-7-27, utilizing the current approach, and SUBJECT to the following conditions:

1. That a stop sign be installed and maintained at the expense of Mr. Stolworthy at the intersection of the access and Wolverine Road; and
2. Mr. Stolworthy apply for and receive a Commercial Building Permit for an Event/Venue Facility pursuant to the International Building Code. A Certificate of Occupancy shall be obtained prior to the operation of the Reception Center, Wedding/Event venue;
3. Apply for and receive a Fence Building Permit. A Certificate of Completion shall be obtained prior to occupancy/operation of the Reception Center, Wedding/Event venue;
4. Maximum occupancy shall be 75 event attendees, 5 employees, and includes a 2-bedroom living area within the structure. This occupancy complies with the number of persons/uses in the Idaho Public Health Department's Septic Permit for the size of the septic system and is between 70 and 80 guests as suggested by Chief Randy Adams;
5. Place signage on the property directing event attendees where parking/overflow parking areas exist. The private road extending access from 600 N Wolverine Road shall be clear of obstructions at all times in the event Fire/EMS response is necessary and shall be identified as an area of *No Parking*;
6. Comply with the Shelley/Firth Fire Marshal's requirements in Exhibit T-4;
7. Provide written verification from Idaho Department of Environmental Quality that the culinary well system is installed and compliant with all public water drinking regulations; and
8. If the kitchen is to be used as anything other than a warming kitchen, specifically used for commercial purposes, notification to Bingham County Planning and Development

and to the Idaho Department of Public Health is required for further review and approval.

9. Any other condition if deemed appropriate by the Planning and Zoning Commission, if applicable such as hours of operation, etc.

**Sample Motion for Denial:** Based on the record, I move to deny the Conditional Use Permit Application requested by Edward Stolworthy to construct and operate a Reception Center, Wedding/Event venue located at 954 E Wolverine Road, Firth, Idaho in an “A/NR” Agriculture/Natural Resources Zoning District based on: Bingham County Code or Idaho Code (the Commissioners shall specifically state which section and basis for denial) Additionally, the Commission advises the Applicant with notice that in denial of this Application:

1. The structure cannot be used as an Event Venue/Reception Facility and has acknowledged the same in an *Acknowledgment of Structure Use and Agreement of Compliance* dated May 17, 2024, by Mr. Edward Stolworthy. Any use of the structure as an Event Venue/Reception Facility will be subject to investigation of code enforcement violation in accordance with Bingham County Code Title 10 Chapter 13 and may be subject to criminal citation and/or penalties.
2. A fence permit will be required to be obtained by the Applicant as it was constructed without a permit.

**MAY 22, 2024**

**EXHIBIT #**

**PLANNING AND ZONING COMMISSION  
PUBLIC HEARING RECORD**

Application and documents provided by the Applicant	A-1 – A-4
Documents provided by Planning & Development Services	A-5 – A-8
Maps	S-2 – S-7
Staff Report	S-1
Verification of compliance with notice requirements for the May 22, 2024 hearing and photographs of the subject parcel	S-8 – S-12
Testimony Received Prior to the May 22, 2024 Hearing	T-1 – T-5
Oath or Affirmation Sheets & Testimony Submitted at the May 22, 2024 Hearing	T-6 – T-10
Sign In Sheet from the May 22, 2024 Hearing	PZ-1
May 22, 2024 Public Hearing Reason and Decision & Minutes	S-13 – S-14
Audio Recording of the Public Hearing	



**SEPTEMBER 11, 2024  
 SECOND PLANNING AND ZONING COMMISSION EXHIBIT #  
 PUBLIC HEARING RECORD**

<i>Acknowledgment of Structure Use and Agreement of Compliance</i> dated May 17, 2024, by Mr. Edward Stolworthy, in order to obtain a Building Permit for an Accessory Structure with Living Space	A-9
New Documents Provided by the Applicant	A-10 – A-13
Staff Report	S-1A
Verification of compliance with notice requirements for the September 11, 2024 Second Public Hearing and photographs of the subject parcel	S-8A, S-9A, S-10A, S-11A and S-12A
Testimony received prior to the Planning and Zoning Commissions Second Public Hearing	T-1A – T-2A
Oath or Affirmation Sheets & Testimony Submitted at the September 11, 2024 Hearing	T-11 – T-14
Sign In Sheet from September 11, 2024 Hearing	PZ-1
September 11, 2024 Public Hearing Reason and Decision & Minutes	S-13A – S-14A
Audio Recording of the Public Hearing	

**DECEMBER 11, 2024  
 THIRD PLANNING AND ZONING COMMISSION EXHIBIT #  
 PUBLIC HEARING RECORD**

Letter from G. Brent Stolworthy	A-14
Staff Report	S-1B
Verification of compliance with notice requirements for the December 11, 2024 Third Public Hearing and photographs of the subject parcel	S-8B, S-9B, S-10B, S-11B and S-12B
Testimony received prior to the Planning and Zoning Commissions Third Public Hearing	T-5A, T-1B, and T-2B



Attn: Ms. Tiffany Olsen  
Bingham County Planning & Zoning  
490 N Maple, Suite A  
Blackfoot, ID 83221



**RE: Proposed New approach location**

Ms. Olsen,

I had an opportunity to evaluate the location of the proposed approach as discussed by the Planning & Zoning Commission. At this time, I feel like the proposed location would be too close to our agricultural operation, specifically our existing cellars. Many eighteen wheelers use this area to load and unload potatoes at different times of year. I believe the proposed location would impact our operation negatively in this area during these times. I also understand from HLE Inc's report that shifting the approach uphill reduces the site distance compared to the existing approach. We ask that the Planning & Zoning Commission allow Eddy Stolworthy to continue to use his existing deeded easement and approach as he has done for many years. We also ask that he be allowed to use the existing approach for his proposed reception center.

Sincerely,

A handwritten signature in cursive script, reading "G. Brent Stolworthy", written over a horizontal line.

G. Brent Stolworthy, Trustee

Gerald E. Stolworthy Family Limited Partnership-A



  
**BINGHAM COUNTY**  
**PLANNING & DEVELOPMENT SERVICES**

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**NOTICE OF POSTING**

I hereby certify that on November 21, 2024, I personally posted the Bingham County, Planning & Development Department Notice for File No. 3229 at the following location(s):

**Approx. Location: 3 S 250 E, Blackfoot, ID. Four-Seasons Ranch Subdivision Division 2, Block 1, Lot 1. Parcel No. RP8076600, T3S, R36E, Sec 04, consisting of approx. 0.89 acres.**



Posted at the access to the property line near  
Wolverine Road

Posted on the Southwest corner of the  
Stolworthy property



*Addie Jo Jackman*  
Addie Jo Jackman  
Assistant Director/Lead Planner

**Exhibit  
S-8B**

FACING NORTHEAST FROM THE SOUTHWEST CORNER OF  
STOLWORTHY PROPERTY

Proposed Event Center  
80' x 80' Building



Exhibit  
S-9B

11.21.2024

FACING NORTHEAST FROM THE SOUTHWEST CORNER OF  
STOLWORTHY PROPERTY

Proposed Event Center  
80' x 80' Building

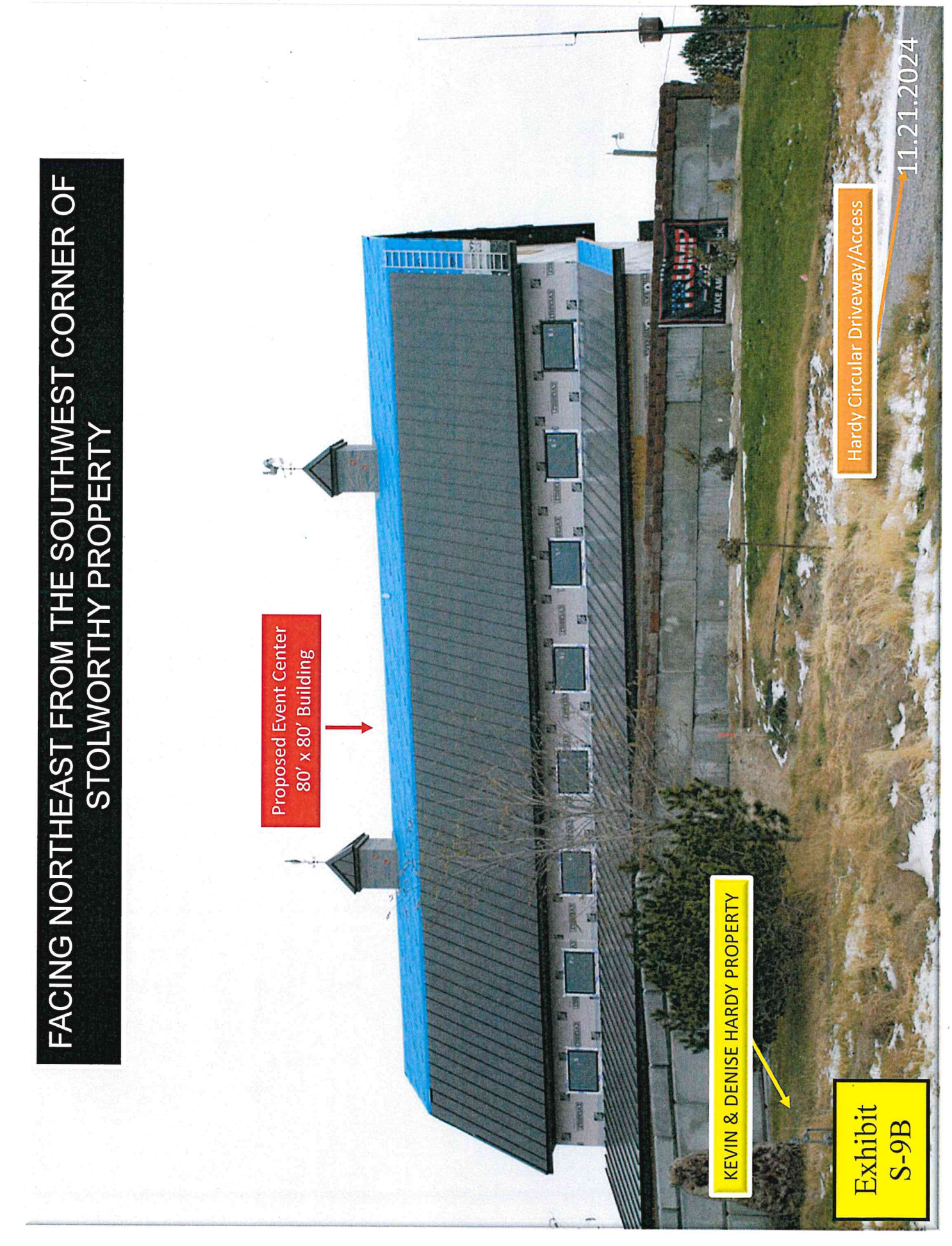


KEVIN & DENISE HARDY PROPERTY

Exhibit  
S-9B

Hardy Circular Driveway/Access

11.21.2024



FACING NORTHEAST FROM THE STOLWORTY PROPERTY

Proposed Event Center  
80' x 80' Building

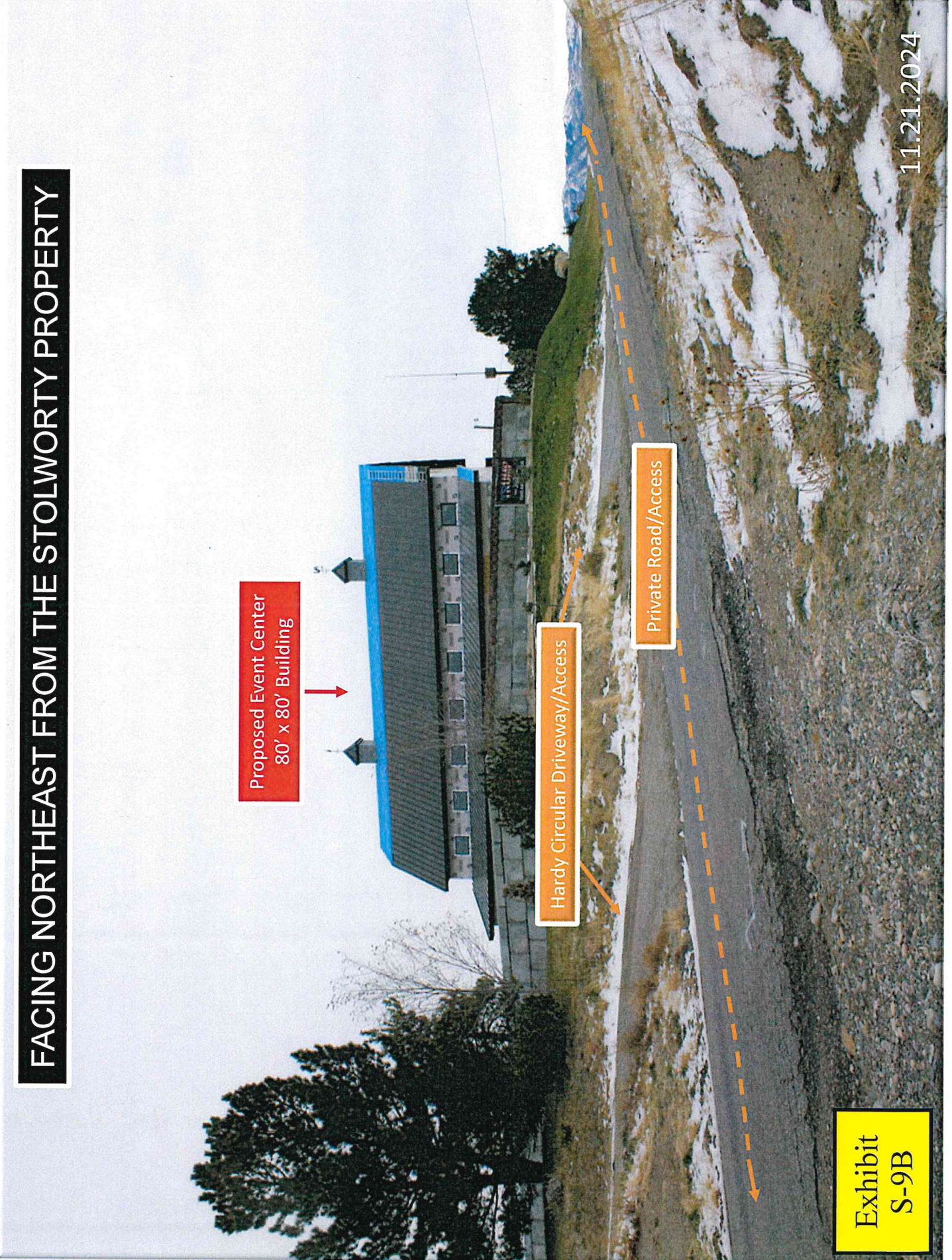


Hardy Circular Driveway/Access

Private Road/Access

Exhibit  
S-9B

11.21.2024



**FACING NORTH FROM THE PRIVATE ROAD/ACCESS**

**Proposed Event Center  
80' x 80' Building**



Private Road/Access

11.21.2024

**Exhibit  
S-9B**

**FACING NORTHWEST FROM THE PRIVATE ROAD/ACCESS**

Proposed Event Center  
80' x 80' Building



Exhibit  
S-9B



11.21.2024





# PROOF OF PUBLICATION Idaho State Journal and Post Register

State of Idaho  
County of Bingham

I, Collins Crapo first being duly sworn, depose and say: That I am the Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of The Idaho State Journal and Post Register, a newspaper of general circulation, published 4 days, Tuesday, Wednesday, Friday and Saturday, at Pocatello and Idaho Falls, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Idaho State Journal and Post Register and on IdahoPublicNotices.com for 1 day(s), first publication having been made on 11/16/2024 last publication having been made on 11/16/2024, and that the said notice was published in the regular and entire issue of said papers on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

*[Signature]*

Subscribed and sworn to before me, on this 18th day of November, 2024

*Beth Crossley*

Notary Public  
My commission expires:

\_\_\_\_\_ attached jurat \_\_\_\_\_

STATE OF IDAHO

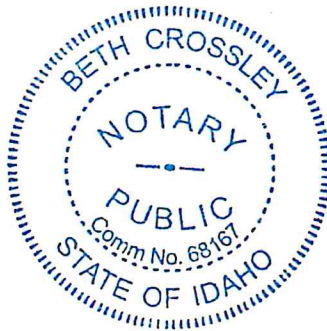
ss.

COUNTY OF BINGHAM

On this 18th day of November, 2024 before me, the undersigned, a Notary public for said state, personally appeared Collins Crapo, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

*Beth Crossley*  
Notary Public for APG of the Rockies  
Residing: Idaho Falls, Idaho  
Commission expires: 7/28/28



**BINGHAM COUNTY  
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Bingham County Planning & Zoning Commission will hold a Public Hearing, beginning on December 11, 2024 at 6:00 p.m. and continuing through December 12, 2024 at 6:00 p.m. if not concluded. The meetings will take place in Courtroom #1, Bingham County Courthouse, 501 N. Maple, Blackfoot, Idaho. For more information on the Applications please refer to <https://www.binghamid.gov/departments/planninganddevelopment/PublicHearings>

A. The following Public Hearing Application will be heard:  
**THIRD PUBLIC HEARING RE: CONDITIONAL USE PERMIT FOR A RECEPTION CENTER/WEDDING VENUE IN AN "A/NR" AGRICULTURE/NATURAL RESOURCE ZONING DISTRICT (ACTION ITEM: DECISION)** Property Owner: Edward Stolworthy. Approx. Location: 954 E 600 N Wolverine Rd., Firth, ID, Parcel No. RP0542502, T2S, R37E, Sec 3, consisting of approx. 3.40 acres.

All persons interested or persons who are affected are invited to attend said Public Hearings to show cause, if any, if the requested Applications meet Bingham County Code and may give testimony in favor, neutral, or in opposition of said requests. According to Bingham County Code Section 10-3-6(7) no more than two pages of written testimony will be accepted less than eight calendar days before a hearing. Written testimony can be provided via mail at 490 N. Maple, Suite A, Blackfoot, ID 83221 or by email at [planningtestimony@binghamid.gov](mailto:planningtestimony@binghamid.gov) Individuals who need accessible communications or other accommodations in order to participate are invited to make their needs known to the Bingham County Clerk, 3 to 5 days in advance. ADA/504 Compliance.

Dated this 14th day of November, 2024.

*/s/Tiffany G. Olsen*  
Tiffany G. Olsen

Planning & Development Director  
Bingham County, Idaho

Published: November 16th, 2024 (PR/ISJ26092-581520)



## Shelley Government Agency Notice

Company Name	Attention	Address	City	St	Zip
Bingham County Appraisal		Service By Email			
Bingham County Assessor		Service By Email			
Bingham County Building Official		Service By Email			
Bingham County Parks & Recreation		Service by Email			
Bingham County Public Works		Service By Email			
Bingham County Sheriff		Service By Email			
Bingham County Surveyor		Service By Email			
Bingham County Treasurer		Service By Email			
Aberdeen/Springfield Canal Co.		P.O. Box 857	Aberdeen	ID	83210
Bureau of Land Management	Land & Realty	4350 S. Cliffs Dr.	Pocatello	ID	83204
Bureau of Land Management	Land & Realty	1405 Hollipark Dr.	Idaho Falls	ID	83401
Bureau of Reclamation	Laura Crandall	470 22nd Street	Heyburn	ID	83336
City of Firth	Mayor/City Council	P.O. Box 37	Firth	ID	83236
City of Shelley	Mayor/City Council	101 E. Emerson	Shelley	ID	83274
Department of Environmental Quality	Allan Johnson	444 Hospital Way #300	Pocatello	ID	83201
Department of Water Resources		900 N. Skyline Dr. #A	Idaho Falls	ID	83401
Eastern Idaho Regional Waste Water Authority	Scott Barry	618 E 1250 N	Shelley	ID	83274
Eastern Idaho Water Company		279 N 400 E	Blackfoot	ID	83221
Firth Post Office	Postmaster	323 N Main	Firth	ID	83274
Firth School District	Superintendent	319 Lincoln	Firth	ID	83236
Firth/Shelley Fire District	Randy Adams	924 E 1400 N	Shelley	ID	83274
Fort Hall Business Council		PO Box 306	Fort Hall	ID	83203
Idaho Department of Lands	Pat Brown	3563 Ririe Highway	Idaho Falls	ID	83401
Idaho Department of Transportation		5151 S. 5th Ave	Pocatello	ID	83204
Idaho Fish & Game	Becky Johnson	1345 Barton Rd	Pocatello	ID	83201
Idaho Irrigation District		496 E. 14th Street	Idaho Falls	ID	83404
Idaho Public Health Department	Ken Keller	1901 Alvin Ricken Dr.	Pocatello	ID	83201
Intermountain Gas Co	Pocatello Marketing	12584 N Tyhee Rd.	Pocatello	ID	83202
Lavaside Canal	Von Cornelison	66 E. River Rd.	Blackfoot	ID	83221
New Sweden Irrigation		2350 W 17th S	Idaho Falls	ID	83402
People's Canal		1050 W. Hwy 39	Blackfoot	ID	83221
Qwest Engineering	Jon Davidson	930 W. Cedar St	Pocatello	ID	83201
Riverside Canal Co		379 W 150 N	Blackfoot	ID	83221
Rocky Mountain Power	Bill Brabec	852 E. 1400 N.	Shelley	ID	83274
Shelley Post Office	Postmaster	244 W Pine	Shelley	ID	83274
Shelley School District	Superintendent	545 Seminary Ave	Shelley	ID	83274

**Exhibit  
S-11B**

## Shelley Government Agency Notice

Shoshone Bannock Tribal Land Use Commission		PO Box 306	Fort Hall	ID	83203
Snake River Valley Irrigation		P.O. Box 70	Basalt	ID	83218
United Canal Co.		762 W Hwy 39	Blackfoot	ID	83221
United Canal Company	Spencer Larsen	864 W 650 N	Blackfoot	ID	83221
U.S. Army Corps of Engineers Walla Walla District Idaho Falls Regulatory Office		900 N Skyline Road, Suite A	Idaho Falls	ID	83402
Woodville Canal Co		7475 S 35 W	Idaho Falls	ID	83402
Woodville Water & Sewer District	Maureen Anderson	704 E 1550 N	Shelley	ID	83274

### 43 Government Agencies

### NOTICE OF MAILING

I hereby certify on November 18, 2024, I, Addie Jo Jackman, personally mailed notice of the proposed request to the above named Government Agencies.

*Addie Jo Jackman*

Addie Jo Jackman  
Lead Planner/Assistant Director



# BINGHAM COUNTY

## PLANNING & DEVELOPMENT SERVICES

### NOTICE TO PROPERTY OWNERS WITHIN 300 FEET & NOTICE TO GOVERNMENT AGENCIES PER BINGHAM COUNTY CODE SECTION 10-3-6

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#### BINGHAM COUNTY NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that the Bingham County Planning & Zoning Commission will hold a Public Hearing **Wednesday, December 11, 2024 and continuing through Thursday December 12, 2024 if not concluded prior to** in Courtroom #1, Bingham County Courthouse, 501 N. Maple, Blackfoot, Idaho. The meeting will start at 6:00 pm or as soon as it may be heard.

**THIRD PUBLIC HEARING RE: CONDITIONAL USE PERMIT FOR A RECEPTION CENTER/WEDDING VENUE IN AN “A/NR” AGRICULTURE/ NATURAL RESOURCE ZONING DISTRICT (ACTION ITEM: DECISION)** Property Owner Edward Stolworthy requested a Conditional Use Permit to build an 80’ x 80’ facility to operate as a reception hall and/or meeting hall with a living space within the structure, located on approx. one (1) acre of a 3.40-acre parcel, pursuant to Bingham County Code Section 10-5-3 *Land Use Chart* and the Specific Performance Use Standards of Bingham County Code Section 10-7-27, *Reception Center, Wedding (outside commercial zone)*. The Application was heard by the Planning and Zoning Commission on May 22, 2024 and again on September 11, 2024 where the Commission tabled their decision pending the Applicant’s ability to obtain legal access from the adjacent landowner, the Gerald E. Stolworthy Family Limited Partnership-A, to the specified alternative approach as proposed in the Approach Study conducted by HLE, Inc. The Application is set for a 3<sup>rd</sup> Public Hearing for further consideration by the Planning and Zoning Commission as the adjacent landowner has provided written denial to use the specified alternative approach for the requested land use. **Approx. Location: 954 E 600 N Wolverine Rd., Firth, ID. Parcel No. RP0542502, Township 2 South, Range 37 East, Section 3, consisting of approx. 3.40 acres.**

All persons interested or persons who are affected are invited to attend said Public Hearing to show cause, if any, if the requested Application meets Bingham County Code and may give testimony in favor, neutral or in opposition of said request. According to Bingham County Code Section 10-3-6(7), no more than two pages of written testimony will be accepted less than eight calendar days before a hearing. You may send testimony by mail to 490 N. Maple, Suite A, Blackfoot, ID 83221 or email to [planningtestimony@binghamid.gov](mailto:planningtestimony@binghamid.gov) Individuals who need accessible communications or other accommodations in order to participate are invited to make their needs known to the Bingham County Clerk, 3 to 5 days in advance. ADA/504 Compliance.

Please refer to our website <https://www.binghamid.gov/planning-zoning-commission> to review Public Hearing Procedures and <https://www.binghamid.gov/departments/planninganddevelopment/PublicHearings> to review the Agenda which details the order of the meeting and for more information on the subject Application.

Dated this 18<sup>th</sup> day of November, 2024.

Tiffany G. Olsen  
Planning & Development Director

**PROPERTY OWNERS LIST  
EDWARD STOLWORTHY RECEPTION CENTER CUP**

OWNER	ADDRESS	CITY   STATE   ZIP
EDWARD BRENT STOLWORTHY	954 E 600 N	FIRTH ID 83236-0000
GERALD STOLWORTHY FAMILY	453 E 1000 N	FIRTH ID 83236-0000
KEVIN & DENISE HARDY	PO BOX 178	FIRTH ID 83236-9801

**3 PROPERTY OWNERS**

**INDIVIDUALS WHO TESTIFIED AT THE MAY 22, 2024 PLANNING &  
ZONING COMMISSION PUBLIC HEARING**

OWNER	ADDRESS	CITY   STATE   ZIP
KEVIN HARDY	PO BOX 178	FIRTH ID 83236
DENISE HARDY	PO BOX 178	FIRTH ID 83236
JOYCE MONSON	817 E PRESTO RODA	FIRTH ID 83236
CHARLOTTE REID	213 LITTLE INDIAN ROAD	FIRTH ID 83236

**4 PROPERTY OWNERS**

**INDIVIDUALS WHO TESTIFIED AT THE SEPTEMBER 11, 2024  
PLANNING & ZONING COMMISSION PUBLIC HEARING**

OWNER	ADDRESS	CITY   STATE   ZIP
KEVIN HARDY	PO BOX 178	FIRTH ID 83236
DENISE HARDY	PO BOX 178	FIRTH ID 83236
BRENT STOLWORTHY	453 E 1000 N	FIRTH ID 83236

**3 PROPERTY OWNERS**

**NOTICE OF MAILING**

I hereby certify on November 18, 2024 I, Addie Jo Jackman, personally mailed notice of the proposed request to the above named individuals. (Notice was only provided once to those that are duplicated)

*Addie Jo Jackman*

Addie Jo Jackman  
Assistant Director/Lead Planner

Exhibit  
S-12B

# BINGHAM COUNTY

## PLANNING & DEVELOPMENT SERVICES

### NOTICE TO PROPERTY OWNERS WITHIN 300 FEET & NOTICE TO GOVERNMENT AGENCIES PER BINGHAM COUNTY CODE SECTION 10-3-6

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#### BINGHAM COUNTY NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that the Bingham County Planning & Zoning Commission will hold a Public Hearing **Wednesday, December 11, 2024 and continuing through Thursday December 12, 2024 if not concluded prior to** in Courtroom #1, Bingham County Courthouse, 501 N. Maple, Blackfoot, Idaho. The meeting will start at 6:00 pm or as soon as it may be heard.

**THIRD PUBLIC HEARING RE: CONDITIONAL USE PERMIT FOR A RECEPTION CENTER/WEDDING VENUE IN AN “A/NR” AGRICULTURE/ NATURAL RESOURCE ZONING DISTRICT (ACTION ITEM: DECISION)** Property Owner Edward Stolworthy requested a Conditional Use Permit to build an 80' x 80' facility to operate as a reception hall and/or meeting hall with a living space within the structure, located on approx. one (1) acre of a 3.40-acre parcel, pursuant to Bingham County Code Section 10-5-3 *Land Use Chart* and the Specific Performance Use Standards of Bingham County Code Section 10-7-27, *Reception Center, Wedding (outside commercial zone)*. The Application was heard by the Planning and Zoning Commission on May 22, 2024 and again on September 11, 2024 where the Commission tabled their decision pending the Applicant's ability to obtain legal access from the adjacent landowner, the Gerald E. Stolworthy Family Limited Partnership-A, to the specified alternative approach as proposed in the Approach Study conducted by HLE, Inc. The Application is set for a 3<sup>rd</sup> Public Hearing for further consideration by the Planning and Zoning Commission as the adjacent landowner has provided written denial to use the specified alternative approach for the requested land use. **Approx. Location: 954 E 600 N Wolverine Rd., Firth, ID. Parcel No. RP0542502, Township 2 South, Range 37 East, Section 3, consisting of approx. 3.40 acres.**

All persons interested or persons who are affected are invited to attend said Public Hearing to show cause, if any, if the requested Application meets Bingham County Code and may give testimony in favor, neutral or in opposition of said request. According to Bingham County Code Section 10-3-6(7), no more than two pages of written testimony will be accepted less than eight calendar days before a hearing. You may send testimony by mail to 490 N. Maple, Suite A, Blackfoot, ID 83221 or email to [planningtestimony@binghamid.gov](mailto:planningtestimony@binghamid.gov) Individuals who need accessible communications or other accommodations in order to participate are invited to make their needs known to the Bingham County Clerk, 3 to 5 days in advance. ADA/504 Compliance.

Please refer to our website <https://www.binghamid.gov/planning-zoning-commission> to review Public Hearing Procedures and <https://www.binghamid.gov/departments/planninganddevelopment/PublicHearings> to review the Agenda which details the order of the meeting and for more information on the subject Application.

Dated this 18<sup>th</sup> day of November, 2024.

Tiffany G. Olsen  
Planning & Development Director



# Southeastern Idaho Public Health

November 20, 2024

Bingham County Planning and Development  
490 North Maple Street Suite A  
Blackfoot, ID 83221

**RE: CUP for Reception Center/Wedding Venue Edward Stolworthy**

To All Concerned Parties:

Southeastern Idaho Public Health (SIPH) is writing in response to your request for comments on the request by Property Owner Edward Stolworthy for a Conditional Use Permit to build an 80' x 80' facility to operate as a reception hall and/or meeting hall with a living space within the structure, located on approx. one (1) acre of a 3.40-acre parcel, pursuant to Bingham County Code Section 10-5-3 Land Use Chart and the Specific Performance Use Standards of Bingham County Code Section 10-7-27, Reception Center, Wedding (outside commercial zone). Approx. Location: 954 E 600 N Wolverine Rd., Firth, ID. Parcel No. RP0542502, Township 2 South, Range 37 East, Section 3, consisting of approx. 3.40 acres.

Mr. Stolworthy applied for a Permit to install a Subsurface Sewage Disposal System to accommodate wastewater flows from a structure containing a 2-bedroom apartment and an event venue designed for a capacity of 150 persons in April of 2024. SIPH evaluated the proposed site of the structure and approved installation of the septic system (Permit #41946-2). The final installation of the septic system will be inspected and reported by SIPH.

Attached is a copy of the Permit -Subsurface Sewage Disposal #41946-2, and the Letter of Intended Use provided by Mr. Stolworthy.

SIPH has no further comment on this project.

If you have any questions or comments, please feel free to contact me at [kprice@siph.idaho.gov](mailto:kprice@siph.idaho.gov) or (208) 221-3421.

Sincerely,

Kathleen Price  
Onsite Coordinator, EHS

# PERMIT-Subsurface Sewage Disposal



**Public Health**  
Prevent. Promote. Protect.

Southeastern Idaho Public Health  
1901 Alvin Ricken Dr  
Pocatello ID 83201  
(208) 239-5270

Permit #: 41946-2  
Date: 04/16/2024  
Parcel #: RP0542502

## Idaho Public Health Districts

Applicant's Name: Devin Bowman  
 Owners Name: Ed Stolworthy  
 Property Address: 954 E 600 N Firth ID 83236  
 Legal Description: Township 2 S Range 37 E Section 03  
 Subdivision: Lot Block Size(acres): 3.4

Type of Installation	Type of System (check all that apply)				Water Supply
<input type="checkbox"/> Tank Only <input checked="" type="checkbox"/> New System <input type="checkbox"/> Expansion <input type="checkbox"/> Repair <input type="checkbox"/> LSAS Repair <input type="checkbox"/> LSAS New	<input type="checkbox"/> Absorption Bed <input type="checkbox"/> Capping Fill <input type="checkbox"/> Central System <input type="checkbox"/> Composting Toilet <input type="checkbox"/> Drip Distribution <input type="checkbox"/> ETPS <input type="checkbox"/> Experimental <input type="checkbox"/> Extra Drainrock <input type="checkbox"/> Evapotranspiration <input type="checkbox"/> Gravel Drainfield	<input type="checkbox"/> Gravelless Drainfield <input type="checkbox"/> Gray Water Sump <input type="checkbox"/> Gray Water System <input type="checkbox"/> Holding Tank <input type="checkbox"/> Incinerator Toilet <input type="checkbox"/> Individual Lagoon <input type="checkbox"/> Intermittent SF <input type="checkbox"/> Intrench SF <input type="checkbox"/> Tank Only <input type="checkbox"/> Pit Privy	<input type="checkbox"/> Pressurized DF <input type="checkbox"/> Recirculating GF <input type="checkbox"/> RV Dump Station <input type="checkbox"/> Sand Mound <input type="checkbox"/> Seepage Pit <input type="checkbox"/> Steep Slope Drainfield <input type="checkbox"/> Two Cell Lagoon <input type="checkbox"/> Vault Privy <input type="checkbox"/> Other (see below)	<input checked="" type="checkbox"/> Private <input type="checkbox"/> Shared <input type="checkbox"/> Public	
<input checked="" type="checkbox"/> Basic System <input type="checkbox"/> Complex System					Water Source
				<input checked="" type="checkbox"/> Well <input type="checkbox"/> Spring	

**Conditions of Approval:**

Inspection required before cover. 48 Hours advanced notice required for inspection. Install drainfield between 2 and 4 feet below ground surface. Maximum depth of excavation of drainfield is 4 feet below ground surface. Install septic system according to IDAPA 58.01.03. Septic system sized for 625 gallons of wastewater per day. Drainfield and replacement area must be minimum 100 feet from any well, minimum 50 feet from any canal or ditch, minimum 25 feet from any waterline, minimum 20 feet from basement, minimum 10 feet from crawl space or slab and minimum 5 feet from property line. Septic system must be installed by either the property owner or a septic system installer, licensed in Idaho. Install drainfield parallel with the contour of the slope, keeping the trench bottom level.

<input checked="" type="checkbox"/> Residential permit	2 + venue	Bedrooms
	200 + 425	Gallons Per Day
<input checked="" type="checkbox"/> Non-residential permit		Gallons Per Day
Soil Type:	B-2	USDA
The minimum septic tank capacity is:	1750	Gallons
The minimum effective drainfield absorption area is:	1389	Square Feet
The drainfield can be no closer to permanent/intermittent surface water than:	200	Feet

**Note: Final approval of this permit requires inspection of the uncovered system.**

**See page 2 for additional terms and conditions.**

EHS Signature

04/16/2024

Date Issued

# PERMIT-Subsurface Sewage Disposal



**Public Health**  
Prevent. Promote. Protect.

Southeastern Idaho Public Health  
1901 Alvin Ricken Dr  
Pocatello ID 83201  
(208) 239-5270

Permit #: 41946-2  
Date: 04/16/2024  
Parcel #: RP0542502

## Idaho Public Health Districts

Applicant's Name:	Devin Bowman		
Owners Name:	Ed Stolworthy		
Property Address:	954 E 600 N Firth ID 83236		
Legal Description:	Township 2 S	Range 37 E	Section 03
Subdivision:	Lot	Block	Size(acres): 3.4

This permit expires if the system is not constructed as approved within two years from the date issued. Once the system is constructed and approved by the Health District, all requirements of the approved plans and specifications, permit and permit application (including operations, maintenance, monitoring, and reporting) are applicable indefinitely and convey through transfer of property ownership unless the system is abandoned, removed, replaced, or the permit is renewed. A permit may be renewed if the permit application is received on or before the expiration date of the previous permit. Prior to a transfer of property, the transferor must inform the transferee of all applicable requirements of the permit and application. Failure to satisfy the permit or application requirements may result in enforcement action.





# Southeastern Idaho Public Health

## LETTER OF INTENDED USE

As the Technical Guidance Manual (TGM) for Individual and Subsurface Sewage Disposal Systems section 3.3.1, all nonresidential septic permit applications need to include a letter of intended use that provides information regarding the type of establishment served, nature and quantity of wastewater the system will receive, and documentation that substantiates that the proposed system will comply with IDAPA 58.01.03..

Applicant Name: Devik Bowman

Type of Business: Event Barn

Description of all wastewater generation sources (i.e., water fixtures, equipment, appliances, etc.):

10 Sinks, 2 clothes washer, 8 Toilets, 4 dishwashers,  
5 bath/shower

Any floor drains (Circle one):  Yes  No

If so, where are these drains located and what will these drains accept?: Mechanical Room, hallways  
Water

Projected gallons of wastewater produced per day (Per IDAPA 58.01.03.007 or TGM 3.3.2.): ?

Maximum Number of Employees: 5

Maximum number of customers per day: 150

Public restrooms provided (circle one):  Yes  No

If yes, approximate number of people served per day: 150

Signature: [Handwritten Signature] Date: 4-3-2024

Note: Additional wastewater information may be required. If the wastewater flows that are to be discharged to the septic system are determined to not be "domestic strength", a non-domestic wastewater checklist must be completed and submitted before the septic application can be processed. An engineer is usually needed to complete this checklist.

## Kathleen Price

---

**From:** Elisha Mabey  
**Sent:** Monday, May 20, 2024 11:00 AM  
**To:** buildingpermits@binghamid.gov (buildingpermits@binghamid.gov)  
**Cc:** Ken Keller  
**Subject:** Ed Stolworthy septic permit

Good morning-

On April 3, 2024, Ed Stolworthy applied for a septic permit for a 2-bedroom apartment as well as an "event barn." The number of people using the system listed on the application was 150 people.

Building plans indicate the following:

- A two-bedroom apartment
- An exercise room
- A Commercial type of kitchen including two dishwashers, 3-compartment sink, BBQ grill, fryer, griddle, range, etc.
- Venue space with stage and balcony
- Bridal suite with kitchenette and full bathroom
- Groom room with full bathroom, and sitting room
- Men's bathroom with two (2) toilets and one (1) shower
- Women's bathroom with three (3) toilets and one (1) shower
- Additional laundry room (separate from the apartment)

I advised Mr. Stolworthy that if this kitchen was to be used for commercial purposes it may require a food license and health inspection. Additionally, if the kitchen is used commercially, the septic system may need to be increased to handle the additional flows. He informed me it would be used more like a warming kitchen for the events and then for his own personal use outside of events. He also indicated the exercise room is for personal use only.

After initial discussion regarding the sizing of the septic system as based on the above-mentioned 150 people, fixtures, and usage, Mr. Stolworthy revised the application on April 15, 2024. The application as updated now lists 75 people for the venue sizing.

A septic permit was issued on April 16, 2024, based on this event barn hosting 75 people in addition to 5 regular employees as well as the 2-bedroom apartment. At this time the system requires a 1750-gallon septic tank and 1389 square feet of disposal area (drain field).

If there are further questions, please contact me at 208-479-3081.

Thanks,

Elisha Mabey, REHS

Southeastern Idaho Public Health  
145 W Idaho Street  
Blackfoot, Idaho 83221  
Desk: 208-239-5274  
Cell: 208-479-3081



# BINGHAM COUNTY

## PLANNING & DEVELOPMENT SERVICES

### NOTICE TO PROPERTY OWNERS WITHIN 300 FEET & NOTICE TO GOVERNMENT AGENCIES PER BINGHAM COUNTY CODE SECTION 10-3-6

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Please refer to our website <https://www.binghamid.gov/planning-zoning-commission> to review Public Hearing Procedures and <https://www.binghamid.gov/departments/planninganddevelopment/PublicHearings> to review the Agenda which details the order of the meeting and for more information on the subject Application.

Dated this 18<sup>th</sup> day of November, 2024.

Tiffany G. Olsen  
Planning & Development Director

**From:** [Gwen Inskeep](#)  
**To:** [PlanningTestimony](#)  
**Subject:** December P&Z Hearing\_Surveyor Comments  
**Date:** Monday, November 25, 2024 9:48:04 AM

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**Stolworthy** – No comments or concerns

**Austin ZC** – The legal description in Personal Representative’s Deed Instrument Number 763900 and Warranty Deed Instrument Number 763901 does not close. Assessor’s Department has not accepted these deeds and will not combine RP0360202 with RP0360204 until appropriate corrections are made. Wendy Mecham has notified Pioneer Title and applicant is aware.

**North River Estates** – Please update typical road section to include 2’ shoulders and ensure all existing irrigation lines are covered by an easement.

**Bishop Estates** – All comments have been addressed

Gwen Inskeep, PLS  
Bingham County Surveyor  
501 N. Maple St.  
Blackfoot ID 83221  
208-782-3172

*My email address has recently changed to [-ginskeep@binghamid.gov](mailto:ginskeep@binghamid.gov)*

**From:** [June Thelin](#)  
**To:** [Boyd Jensen](#); [Ashley Taylor](#)  
**Cc:** [Dusty Whited](#)  
**Subject:** RE: Notices  
**Date:** Monday, November 25, 2024 1:24:55 PM  
**Attachments:** [ITD Approach Skew Standard.pdf](#)

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### **Austin Zone Change**

Clark Road is a local Rd. It must meet all Bingham County Approach Standards. Bingham County has reviewed the zone change request and there are no objections or concerns at this time.

### **Bishop Estates**

Porterville Road is a major collector and it is posted at 40 mph.  
Groveland Road is a minor arterial and is posted at 50 mph.  
Minimum spacing between approaches on both roads is 60ft.  
All irrigation road crossings must be built to ISPWC standards.  
If Groveland water and/or sewer is required, those water and sewer lines must be within the road cross section and built to ISPWC Standards.

### **North River Estates**

The private access easement through the middle of this subdivision creates multiple issues. If the subdivision is approved, we recommend paving a minimum 8ft of the private easement as it approaches both county roads.  
The issue with this private access easement would be the inability to control the number of lots using it to access New Sweden Road. Private easements are not required to have stop signs; however, we believe this one should be required to have a stop sign at the developers expense.

### **Ed Stolworthy CUP**

With considering the approach study completed by HLE, and the Idaho Transportation Department or Federal High Way Administration standards for the skew of an approach. According to the above standards 45-degrees from a 90-degree approach is the maximum skew and the existing approach is 24- degrees just under twice the maximum skew. Keeping in mind the safety of everyone traveling on Wolverine road and the letter from Brent Stolworthy not allowing an easement for an approach in the safer location. Also considering the amount of traffic that could be generated from an event center.

The recommendation of Public Work is to deny the CUP.

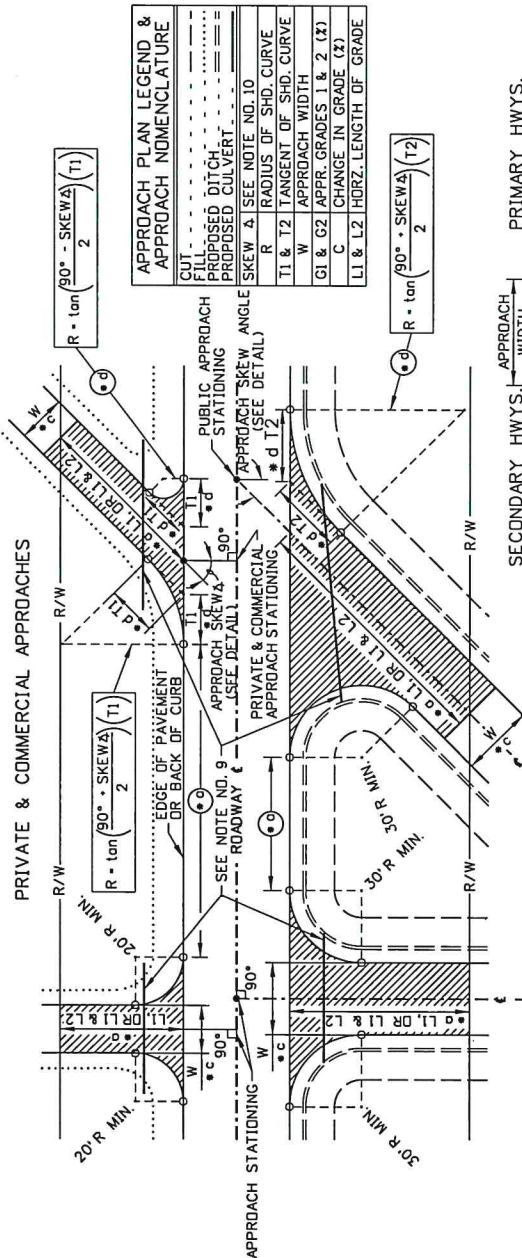
See attachment for ITD standard drawing for skew on rural approaches.

-  
-

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**From:** Boyd Jensen <BJensen@binghamid.gov>  
**Sent:** Monday, November 25, 2024 12:05 PM  
**To:** June Thelin <JThelin@binghamid.gov>

Exhibit  
T-2B

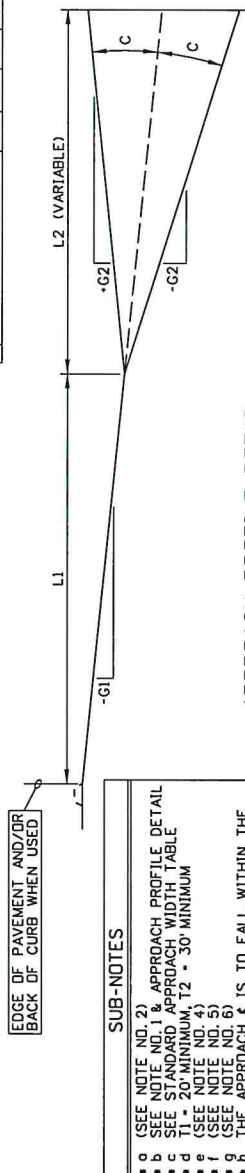


**APPROACH GRADE TABLE**

TRAFFIC TYPE	GRADE PARAMETER	MAX. CHANGE IN GRADE	MINIMUM LENGTH L1
HIGH VOLUME (COMMERCIAL, INDUSTRIAL)	-2% TO -3%	±3%	40'
LOW VOLUME (COMMERCIAL, INDUSTRIAL)	-2% TO -5%	±3%	40'
SINGLE RESIDENTIAL, FARMYARD, FIELD	-2% TO -8%	±6%	10'
MULTIPLE RESIDENTIAL	-2% TO -8%	±5%	20'
PUBLIC ROAD	-2%	±1	20'

**STANDARD APPROACH WIDTH TABLE**

TRAFFIC TYPE	POSTED SPEED (mph)	MIN./MAX. WIDTH	
		MIN.	MAX.
MULTIPLE RESIDENTIAL	25	28'	40'
SINGLE RESIDENTIAL, FARMYARD, FIELD	20	20'	40'
COMMERCIAL (ONE-WAY)	15	30'	30'
COMMERCIAL (TWO-WAY)	25	40'	25'
PUBLIC ROAD	28	N/A	28'



**SUB-NOTES**

- (SEE NOTE NO. 2) APPROACH PROFILE DETAIL
- (SEE NOTE NO. 1) APPROACH WIDTH TABLE
- SEE STANDARD APPROACH WIDTH TABLE
- T1 - 20' MINIMUM, T2 - 30' MINIMUM
- (SEE NOTE NO. 4)
- (SEE NOTE NO. 5)
- (SEE NOTE NO. 6)
- THE APPROACH IS TO FALL WITHIN THE ALLOWABLE OR DESIRABLE LIMITS. THE DESIRABLE LIMIT IS CONSIDERED THE "SAFEST OPTION."

**REVISIONS**

NO.	DATE	BY	NO.	DATE	BY
1	01-00	NSM	6	12-05	NSM
2	01-02	NSM	7	06-07	NSM
3	07-02	NSM			
4	10-02	NSM			
5	10-04	NSM			

SCALES SHOWN AS PER PLAN X 17" PRINTS ONLY  
 CADD FILE NAME: 405-1\_0607.dgn  
 DRAWING DATE: SEPTEMBER, 1993

**IDAHO TRANSPORTATION DEPARTMENT**

BOISE, IDAHO

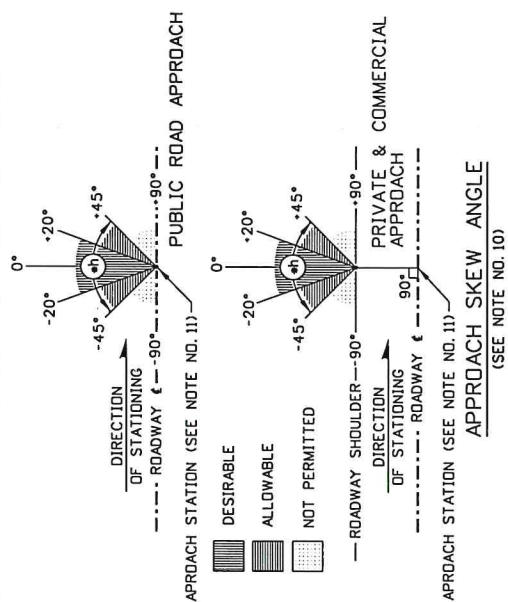
ORIGINAL SIGNED BY: LOREN THOMAS  
 ASSISTANT CHIEF ENGINEER (DEVELOPMENT)

ORIGINAL SIGNED BY: STEVEN HUTCHINSON  
 CHIEF ENGINEER

**STANDARD DRAWING**

**RURAL APPROACHES**

English  
 STANDARD DRAWING NO. 405-1  
 SHEET 1 OF 1



**NOTES**

- RURAL, PRIVATE, COMMERCIAL, AND PUBLIC APPROACHES SHALL BE PAVED TO THE EDGE OF THE SHOULDER CURVE (APPROACH RADIUS) UNLESS OTHERWISE SPECIFIED. UNPAVED APPROACHES ON EXISTING UNPAVED HIGHWAYS ARE EXEMPT.
- REFER TO THE ITD ADMINISTRATIVE POLICY 5005 FOR ADDITIONAL INFORMATION ON LOCATION OF APPROACHES.
- WITHIN THE CLEARZONE THE SIDE SLOPES OF APPROACHES SHALL BE A MINIMUM OF 6:1 FOR SECONDARY HIGHWAYS AND A MINIMUM OF 10:1 FOR PRIMARY HIGHWAYS.
- WHEN THE "MAXIMUM CHANGE IN GRADE" (APPROACH GRADE TABLE) "C" IS EXCEEDED, A MINIMUM 10' VERTICAL CURVE SHALL BE USED IN THE APPROACH PROFILE.
- THE "Z" GRADE OF "G2" SHALL BE A MAXIMUM OF 7% FOR FLAT TERRAIN, 11% FOR ROLLING TERRAIN, OR 15% FOR MOUNTAINOUS.
- APPROACH GRADES EXCEEDING 10% ARE NOT RECOMMENDED BECAUSE EMERGENCY VEHICLES MAY BE IMPEDED.
- THE BALLAST REQUIREMENTS OF RURAL APPROACHES SHALL BE AS SHOWN ON THE PLANS.
- WHEN A MAILBOX TURNOUT IS INSTALLED WITH A RURAL APPROACH, STD. DWG. 405-2 IS REQUIRED.
- ALL RURAL, PRIVATE AND COMMERCIAL APPROACHES SHALL BE DESIGNED AND CONSTRUCTED IN A MANNER THAT THE APPROACH DRAINAGE IS INDEPENDENT AND DOES NOT CONTRIBUTE TO EXISTING HIGHWAY DRAINAGE. ALL RURAL, PUBLIC APPROACHES SHALL BE DESIGNED AND CONSTRUCTED TO ADDRESS BOTH THE MAIN HIGHWAY AND APPROACH DRAINAGE.
- THE APPROACH SKEW ANGLE IS THE DEFLECTION ANGLE BETWEEN A LINE PERPENDICULAR TO THE HIGHWAY CENTERLINE AND THE APPROACH CENTERLINE.
- RURAL, PRIVATE AND COMMERCIAL APPROACHES ARE REFERENCED LEFT OR RIGHT OF THE HIGHWAY CENTERLINE STATION TO THE CENTER OF THE APPROACH OPENING WHICH IS AT THE EDGE OF PAVEMENT OR BACK OF CURB. A PUBLIC APPROACH STATION OCCURS WHERE THE PUBLIC APPROACH CENTERLINE INTERSECTS THE HIGHWAY CENTERLINE.
- NOT TO SCALE.

ORIGINAL STORED AT: ITD, 3311 West State Boise, Idaho

REGISTERED PROFESSIONAL ENGINEER \* LAND SURVEYOR

STATE OF IDAHO

MILFORD

444 Hospital Way #300  
Pocatello, ID 83201 • (208) 236-6160



Brad Little, Governor  
Jess Byrne, Director

November 27, 2024

Ms. Addie Jo Harris, Planner  
[planningtestimony@co.bingham.id.us](mailto:planningtestimony@co.bingham.id.us)  
Bingham County Planning & Zoning  
501 N. Maple #203  
Blackfoot, ID 83221

Subject: Third Public Hearing for Conditional Use Permit – Reception Center/Wedding Venue in  
an “A/NR” Agricultural/Natural Resource Zoning District – Stolworthy

Dear Ms. Harris:

The Idaho Department of Environmental Quality (DEQ) has previously commented on this proposal and would like to reiterate the following:

The applicant should be made aware that a water system serving 15 or more connections or serving an average of at least 25 individuals for at least 60 days out of the year, regardless of configuration, qualifies as a public water system as defined in the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08). This includes water used for drinking and personal hygiene.

If the water system could be used to provide water to 25 or more individuals for 60 or more days out of the year, it would qualify as a public drinking water system and the applicant must contact DEQ to request additional information regarding the construction and operation of a public water system. Additionally, any proposed public water system construction plans & specifications must be prepared by a professional engineer and must be submitted to DEQ for review and approval prior to construction in accordance with Idaho Code 39-118.

The applicant must contact the Southeast Idaho Public Health district for information about permitting and constructing septic systems. Large or complex septic systems would also need to be designed by a licensed professional engineer and be reviewed and approved by DEQ, as part of the health district permitting process.

Exhibit  
T-3A

General recommendations for land development projects are also attached.

If you have questions or comments, please contact me at (208) 236-6160 or via email at [Allan.Johnson@deq.idaho.gov](mailto:Allan.Johnson@deq.idaho.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Allan Johnson', written in a cursive style.

Allan Johnson, P.E.  
Regional Engineering Manager  
DEQ Pocatello Regional Office

EDMS# 2024AGD7106

Attachments: DEQ General Recommendations for Land Development Projects.

c: Katy Bergholm, Regional Administrator, DEQ Pocatello Regional Office  
Tiffany Olsen, Bingham County Planning & Development Director



## General Recommendations

The following comments are generally applicable to land development projects or other land use activities with the potential to cause impacts to ground water, air quality or surface water. DEQ provides this guidance in lieu of more site-specific comments when information regarding the land use proposal is limited.

### Engineering

DEQ recommends consolidation of drinking water and/or wastewater services wherever feasible especially in areas where ground water used for public drinking water supplies is potentially impacted. DEQ considers the following alternatives generally more protective of ground water resources than using individual well and septic systems for each lot, and we recommend that the county require the developer to investigate the following options:

- Provide either a centralized, community drinking water or centralized community wastewater system or both, or
- Connect each lot to an existing community drinking water system or to an existing community wastewater system or both.

In accordance with Idaho Code 39-118, construction plans & specifications prepared by a professional engineer are required for DEQ review and approval prior to construction if the proposed development is to be served by either a community drinking water or sewer system. DEQ requires that a water system serving 10 or more connections is constructed and operated in compliance with IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems."

### Air Quality

New emission sources are generally required to follow applicable regulations for permitting or exempting new sources. These are outlined in the Rules for the control of Air Pollution in Idaho.

Of particular concern is IDAPA 58.01.01.200-228 which establishes uniform procedures and requirements for the issuance of "Permits to Construct".

Sections 58.01.01.220-223 specifically may be used by owners or operators to exempt certain sources from the requirements to obtain a permit to construct.

Land development projects are generally required to follow applicable regulations outlined in the Rules for the control of Air Pollution in Idaho. Of particular concern is IDAPA 58.01.01.650 and 651 Rules for Control of Fugitive Dust.

Section 650 states, "The purpose of sections 650 through 651 is to require that all reasonable precautions be taken to prevent the generation of fugitive dust."

Section 651 states "All reasonable precautions shall be taken to prevent particulate matter from becoming airborne. In determining what is reasonable, consideration will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions which might affect the movement of particulate matter. Some of the reasonable precautions may include, but are not limited to, the following:

01. Use of Water or Chemicals. Use, where practical, of water or chemicals for control of dust in the demolition of existing building or structures, construction operations, the grading of roads, or the clearing of land.
02. Application of Dust Suppressants. Application, where practical of asphalt, oil, water, or suitable chemicals to, or covering of dirt roads, materials stockpiles, and other surfaces which can create dust.

03. Use of Control Equipment. Installation and use, where practical, of hoods, fans and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations.

04. Covering of Trucks. Covering, when practical, open bodied trucks transporting materials likely to give rise to airborne dusts.

05. Paving. Paving of roadways and their maintenance in a clean condition, where practical.

06. Removal of Materials. Prompt removal of earth or other stored materials from streets, where practical.”

### **Surface Water Quality**

Land disturbance activities associated with development (i.e. - road building, stream crossings, land clearing) have the potential to impact water quality and riparian habitat.

If this project will ultimately disturb one or more acres and there is a possibility of discharging stormwater or site dewatering water to Surface Waters of the United States, the operator may need to submit a Notice of Intent (NOI) for coverage under the Idaho Pollutant Discharge Elimination System (IPDES) 2022 Construction General Permit (CGP). NOIs can be submitted via the IPDES E-Permitting System (<https://www2.deq.idaho.gov/water/IPDES/>). The 2022 IPDES CGP requires a Storm Water Pollution Prevention Plan (SWPPP), implementation of Best Management Practices (BMPs) to reduce the sediment and other pollutants discharged and requires regular site inspections by persons trained and knowledgeable about erosion, sediment control, and pollution prevention.

Site contractors should remove equipment and machinery from the vicinity of the waterway to an upland location prior to any refueling, repair, or maintenance. After construction is completed, disturbed riparian areas should be re-vegetated.

### **Waste Management - Hazardous Material - Petroleum Storage**

With the increasing population in southeast Idaho, to ensure sufficient solid waste capacity and service availability. It is recommended that subdivision developers be instructed to contact the appropriate solid waste collection provider and landfill for solid waste disposal coordination.

Accidental surface spills of hazardous material products and petroleum hydrocarbon products (i.e., fuel, oil, and other chemicals) are most associated with the transportation and delivery to work sites or facilities. The following Idaho, storage, release, reporting and corrective action regulations may be applicable:

- Hazardous and Deleterious Material Storage IDAPA 58.01.02.800
- Hazardous Material Spills, IDAPA 58.01.02.850
- Rules and Standards for Hazardous Waste IDAPA 58.01.05
- Petroleum Release Reporting, Investigation and Confirmation IDAPA 58.01.02 .851
- Petroleum Release Response and Corrective Action IDAPA 58.01.02.852

Please note, The Idaho Release, Reporting and Corrective Action Regulations, IDAPA 58.01.02.851; require notification within 24 hours of any spill of petroleum product greater than 25 gallons and notification for the release of lesser amounts if they cannot be cleaned up within twenty-four (24) hours. The cleanup requirements for petroleum are also contained in these regulations.

For reporting requirements of hazardous substances please see Idaho Statute Title 39 Chapter 7, Hazardous Substance Emergency Response Act including section 39-7108 Notification of Release is Required.