

Bingham County

Planning & Zoning Department

501 N. Maple #203, Blackfoot, ID 83221

Phone: (208) 782-3178 Fax: (208) 782-3868

No. _____

3257

Application Date _____



APPLICATION FOR CONDITIONAL USE PERMIT

Applicant: Eddy Stolworthy

Phone (208) 589-1033

Address: 954 E. Wolverine Road Firth Id 83236

City/Zip Firth ID 83236

Location: RP0542502

(Physical location if mailing address different.)

Property Owner: Edward Stolworthy

Location and Legal Description

NOTE: Attach "Recorded" Deed.

2S

Township

37 E

Range

3

Section

Existing Zone

NR

Acreage

3.40

(see attached exhibits)

Submit:

- ☒ Completed Application
☒ Detailed Site Plan
☒ Narrative: on a separate sheet of paper

Identifying existing use,

Reason for special use request

Evaluating effects of proposed Conditional Use on adjoining property,

General compatibility with other properties and uses. ei. Noise, odor, fumes, vibration, etc.

Evaluating effects of proposed Conditional Use on public facilities

☒ Fees

Application Fees:

Application Fee

Deposit for Mailing & Publication

\$350

Appointment of Designated Agent

I/We the undersigned owner(s) of the property described throughout this Application, hereby appoint the following person as my/our representative for all transactions regarding this Application between myself/ourselves, as owner(s), and Bingham County.

Property Owner(s): Ecl Holworthy

3-25-25

Date

Property Owner(s): _____

Date

Designated Agent: HLE Inc.

In granting a Conditional Use Permit the Planning & Zoning Commission may prescribe appropriate conditions and safeguards in conformity with the current Bingham County Zoning Ordinance. Violation of such conditions and safeguards, when made part of the terms under which the Conditional Use Permit is granted shall be deemed a violation of the Ordinance. The approval of a Conditional Use Permit does not permit the violation of any section of the Building Code, or any other County Ordinance. All Conditional Use Permits, whether approved or denied have a ten(10) day appeal period and must be appealed in writing at the Bingham County Planning & Zoning Office.

DECLARATION: By signing this application, it is understood and agreed that permission is hereby given to the duly authorized representative of Bingham County to, place & remove signs on the subject property and verify authenticity of the applicant(s) and property owner(s). It is further understood that the Zoning Administrator and staff may inspect the subject property, take photographs and obtain any verifications and data necessary for preparation of its report to the Planning & Zoning Commission. I hereby acknowledge that I have read this application and understand the contents. I also state that the above information is correct.

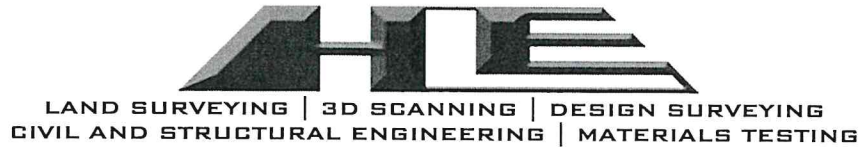
Applicant(s):

Signature: [Signature]

Date: 3-25-25

Signature: _____

Date: _____



IDENTIFY EXISTING USE

The existing parcel is a 3.4-acre single family residence. It has an existing house with a large yard, out-buildings, equipment parking and open areas that have been used for parking and storage.

REASON FOR SPECIAL USE REQUEST

The owner wants to use an 80 X 80 facility on approximately 1 acre of their existing parcel, as a reception hall and/or meeting hall. The structure will also include a living space. The residential portion of the structure will be less than 50% of the gross floor area. The parcel lies within a Natural Resource zone in which this use is allowed through the Bingham County conditional use permit approval process.

(SEE ACCOMPANYING SITE PLAN OF PROPOSED IMPROVEMENTS)

EVALUATING EFFECTS OF PROPOSED USE ON ADJOINING PROPERTY

Installation of a 9' high privacy fence along the Westerly property line, between the subject property and the only other residential Parcel in the vicinity, will help contain light and noise from the facility. Also, the new building will be over 30 feet away from the fence. The hours of operation will be set to open at normal business hours in the morning, and to close by 10:00 pm to reduce any late-night use. It is anticipated that there will be an increase in traffic on days when the facility is being used as a reception hall. It will also increase traffic on the driveway during these periods. The expected maximum number of guests is in the range of 80 people, and the building and facilities, including parking availability will be more than required for this number. It is expected that events will be scheduled only occasionally and not on a daily basis.

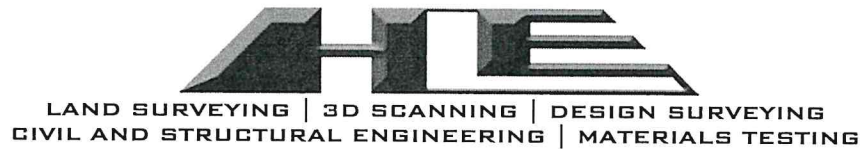
Maintenance of the property and yards will be done by the owner and others. Snow removal, parking lot and building facilities will be kept up and maintained to attract events and create a beautiful and fun location. No increase in adverse effects to the adjoining property is expected.

GENERAL COMPATABILITY WITH OTHER PROPERTIES USES

Areas surrounding the property have multiple uses. The nearest single-family Residence is directly adjacent to the West. The properties to the North and East are agricultural fields, the property to the South is used for potato storage. There is adequate space for the proposed use.

EVALUATING EFFECTS OF PROPOSED USE ON PUBLIC FACILITIES

The new facility will use the existing well on the owner's property and will have a new individual septic system for which there is adequate room and setback from existing wells in the vicinity and has been sized and designed, through the Southeast Idaho Health Department Septic Permit process. The septic system is designed to handle the requirements of the living quarters as well as the 80 guests. The Septic



permit number is 41646-2. The culinary water supply for the building will be from the existing well located on the property. The Department of Environmental Quality has been contacted by an Engineer, to establish the requirements to obtain approval for the well to be used, through the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08). Upon Conditional Use approval, the owner will follow through with DEQ to make the required improvements and testing.

The power requirement for the proposed use will not have a significant effect on the existing power supply. The reception hall will have a kitchen for serving food but is not intended for food preparation or sales. Events will require catered food, prepared at other locations.

Regarding the public road, Wolverine Road is designated by the county, as a Major Collector, and is more than adequate for the increase of traffic during events. Access to the public roadway will be through an existing driveway and approach that has been inspected and approved by the Bingham County Road and Bridge. See Approach Permit # AP-25-17. The existing driveway is wide enough for two-way traffic, and the proposed parking area will have more than the required number of spaces.

Parking and areas around the building will have sufficient lighting for safety and will be compacted gravel to support traffic and keep the dust down. Snow removal equipment will be on sight and operated and maintained by the owner.

Regarding fire safety, there is a fire suppression water supply tank, a pressure pump and fire hose on site, and there will be fire suppression in the building as well.

Any other items regarding safety that are brought forth by the Planning and Zoning board will be considered.

Proposed Wedding Reception Area will be subject to Bingham County Ordinance 10-7-27: RECEPTION CENTER, WEDDING



SCALE 1"=20' (22X34)
SCALE 1"=40' (11X17)



EXPECTED MAXIMUM OCCUPANCY: 80
PARKING REQUIRED: 1 PER 8 PEOPLE = 16
PLUS PARKING FOR ANY DELIVERIES = 1 OR 2
TOTAL REQUIRED PARKING: 19
PARKING PROVIDED: 44 TOTAL SPACES WITH
ADDITIONAL OVERFLOW AREAS AND 2 ADA
ACCESS PARKING SPACES

**Exhibit
A-3**

GENERAL LAYOUT #1

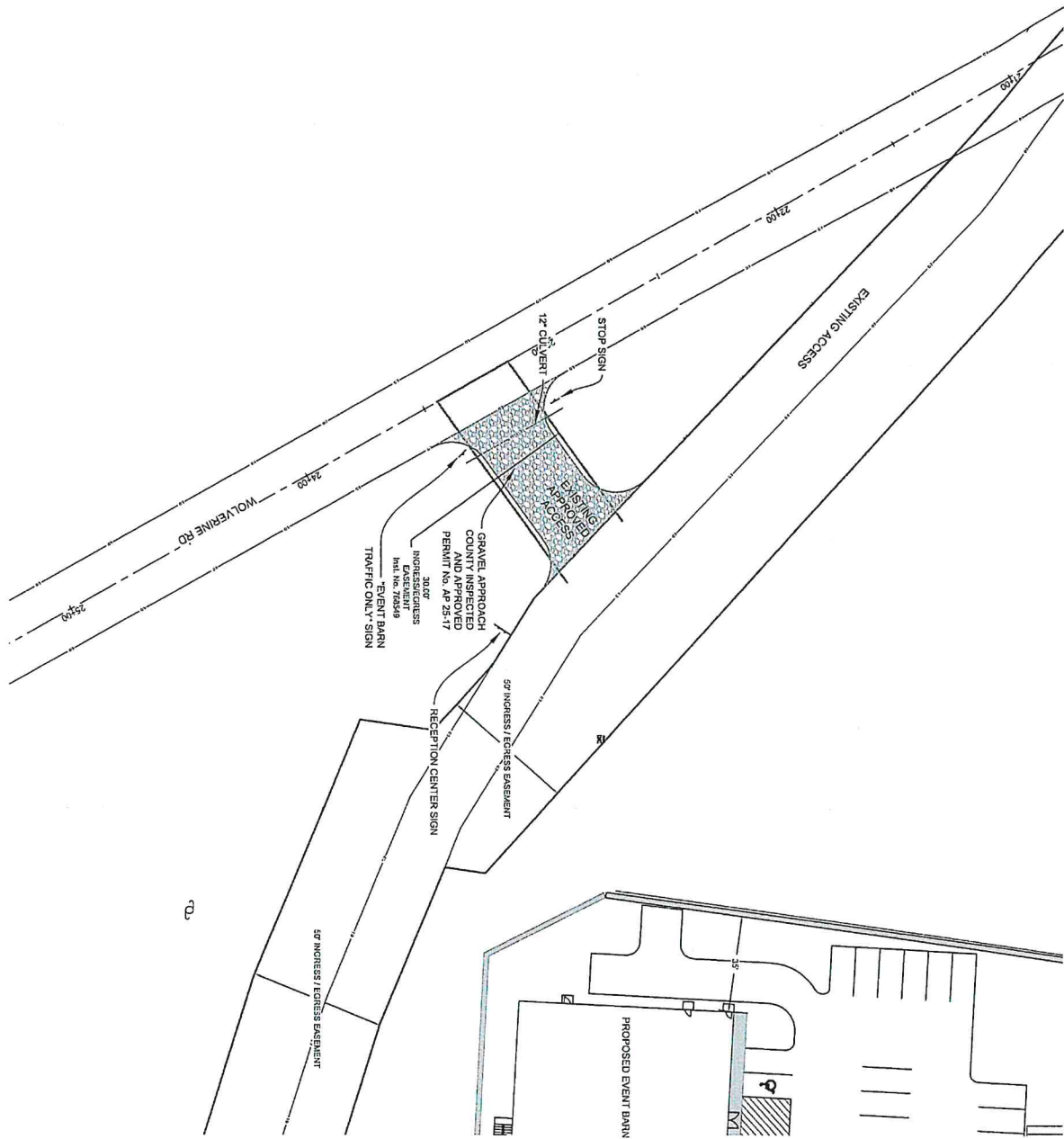
STOLWORTHY EVENT BARN

BINGHAM COUNTY, IDAHO

CIVIL & STRUCTURAL ENGINEERING
MATERIALS TESTING & LAND SURVEYING
101 S. Park Avenue, Idaho Falls, ID 83402, (208)524-0212
600 W. Judicial Street, Blackfoot, ID 83221, (208)785-2977

DATE: 07/20/2023
BY: JAMIE RYAN
CHECKED BY: JAMIE RYAN
DATE: 07/20/2023

PROJECT NO: 2023-202
SHEET NO: 1 OF 2




SCALE 1"=20' (22X34)
SCALE 1"=40' (11X17)

APPROACH

STOLWORTHY EVENT BARN

BINGHAM COUNTY, IDAHO

DATE	BY	DESCRIPTION
2023-05-01	ME	DESIGN
2023-05-01	ME	DESIGN
2023-05-01	ME	DESIGN



CIVIL & STRUCTURAL ENGINEERING
MATERIALS TESTING & LAND SURVEYING
101 S. Park Avenue, Idaho Falls, ID 83402, (208)524-0212
800 W. Judicial Street, Blackfoot, ID 83221, (208)785-2977

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GRANT OF EASEMENT

~~A~~ Re-Recorded to ADD Dimension

Instrument # 767319
 BENCHAM COUNTY
 12-23-2024 03:21:01 PM No. of Pages: 1
 Recorded for: 1783 HARRIS LEWITT ENGINEERING
 PAMELA W. ECKHAUS
 Fee: 10.00
 Ex-Officio Recorder Deputy *M*

THIS INDENTURE, made this 19 day of December, 2024, between the Gerald E. Stolworthy Limited Partnership - A, hereinafter referred to as "GRANTOR", and Edward Brent Stolworthy, whose address is 954 E 600 N Firth, Idaho 83236, hereinafter referred to as "GRANTEE".

WITNESSETH

For and in consideration of the sum of One and No/100 Dollars(\$1.00) and other good and valuable consideration paid by GRANTEE, the receipt of which is hereby acknowledged, GRANTORS hereby convey, release, remise non-exclusive ingress/egress easement, situated in the County of Bingham, State of Idaho, to-wit:

Part of the NE1/4 of Section 3, T. 2 S., R. 37 East, B.M., Bingham County, Idaho, a 30 foot wide Ingress / Egress Easement, described as:

1234

52115

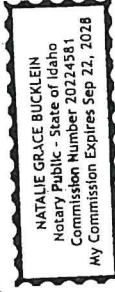
Commencing at the NE corner of said Section 3, Thence along the North line of said Section, N 89° 47' 03" W 1877.35 feet, Thence S 07° 54' 26" W 1231.61 feet to Southwesterly corner of Deed Inst. No. 7605112; Thence S 85° 13' 36" W to an angle point on the Southery line of an Easement recorded as 764945; Thence along said 764945, N 47° 52' 37" W 14.17 feet, to the Point of Beginning; Thence S 54° 08' 16" W 82.59 feet, more or less, to the centerline of Wolverine Road; Thence N 29° 35' 12" W, along said centerline, 30.18 feet, Thence N 54° 08' 16" E 72.90 feet, more or less, to the South line of said Easement Inst. No. 764945; Thence along said South Easement line, S 47° 52' 37" E 30.67 feet, to the Point of Beginning.

IN WITNESS WHEREOF, GRANTORS have hereunto subscribed their hands and seals on this day and year first above written.

G. Brent Stolworthy
G. Brent Stolworthy, Trustee

State of Idaho)
SS.)
Instrument # 768549
BINGHAM COUNTY
Recorded for : 09-16:58 AM No. of Pages: 1
PAMELA W. ECKHARDT Fee: 10.00
Ex-Office Recorder Deputy *P Davis*

On this 19 December 2014, before me, a Notary Public in and for said State, personally appeared 66 Grant Stollmeyer,
Known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed the same.



Notary Public for Idaho
Residing at: Backst-1D
Commission Expires: 9/22/2028

KBR Revised 8-23-2013 -
Form - DS-517/99 RF Ackn.-7-1-2013

Page 1 of 1

Exhibit
A-4

QUIT CLAIM DEED

Instrument # 760512
BINGHAM COUNTY
2-27-2024 03:43:37 PM No. of Pages: 1
Recorded for : 1563 HARPER LEAVITT ENGINEERING
PAMELA W. ECKHARDT Fee: 15.00
Ex-Officio Recorder Deputy

THIS INDENTURE, made this 26 day of February, 2024, between Eddy Stoltworthy hereinafter referred to as "GRANTOR", and Edward Brent Stoltworthy, whose address is 954 E 600 N Firth, Idaho 83236, hereinafter referred to as "GRANTEE".

WITNESSETH

For and in consideration of the sum of One and No/100 Dollars(\$1.00) and other good and valuable consideration paid by GRANTEE, the receipt of which is hereby acknowledged, GRANTORS hereby convey, release, remise and forever quit claim the following described real estate, situated in the County of Bingham, State of Idaho, to-wit:

Commencing at the NE corner of said Section 3, T2S, R37E, in Bingham County, Idaho. Thence along the North line of said Section, N 89° 47' 03" W 1877.35 feet; Thence S 07° 54' 26" W 905.92 feet to a point on the East line of Deed Inst. No. 734613, said point being the Point of Beginning, Thence, S 82° 05' 08" E 109.19 feet; Thence, S 26° 30' 23" E 29.25 feet; Thence, S 22° 18' 27" E 35.89 feet; Thence, S 42° 17' 45" E 37.33 feet; Thence, S 57° 13' 28" E 51.02 feet; Thence, S 66° 01' 09" E 47.67 feet; Thence, S 79° 34' 43" E 42.61 feet; Thence, S 87° 17' 16" E 46.64 feet; Thence, S 89° 56' 00" E 64.39 feet; Thence, N 89° 14' 10" E 127.89 feet; Thence, S 14° 10' 06" W 122.15 feet; Thence, S 15° 54' 50" W 47.67 feet; Thence, S 21° 40' 52" W 49.60 feet; Thence, S 34° 33' 54" W 43.32 feet; Thence, S 56° 31' 28" W 26.90 feet; Thence, S 76° 07' 56" W 25.34 feet; Thence, N 83° 07' 07" W 144.97 feet; Thence, N 77° 47' 33" W 72.51 feet; Thence, N 76° 06' 40" W 110.61 feet; Thence, N 72° 39' 59" W 62.19 feet; Thence, N 67° 32' 19" W 62.26 feet; Thence N 07° 54' 26" E 325.79 feet to the Point of Beginning.

Parcel Contains 3.40 Acres more or less

Together with a nonexclusive easement for access, ingress and egress to said parcel described as follows:

A roadway easement 50 feet in width, the centerline of which is described as follows: Beginning at the NorthEast corner of Section 3, Township 2 South, Range 37 East of the Boise Meridian; running thence West 1877.35 feet along the section line; thence S.7°41'29"W. 1216.50 feet; thence S.41°54'26"W. 25.0 feet to the TRUE POINT OF BEGINNING; running thence N.48°05'34"W. 412 feet.

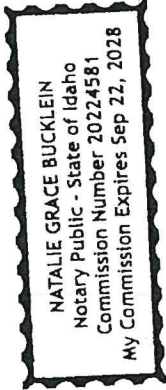
IN WITNESS WHEREOF, GRANTORS have hereunto subscribed their hands and seals on this day and year first above written.

Eddy Stoltworthy
Eddy Stoltworthy

State of Idaho)
County of Bingham)

On this 26 February 2024, before me, a Notary Public in and for said State, personally appeared Eddy Stoltworthy, is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed the same.

Natalie Grace Bucklein
Notary Public for Idaho
Residing at: Blackfoot ID
Commission Expires: 9/22/2028





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: Devon 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, bathrooms
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: [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.

Bannock County • 1901 Alvin Ricken Dr. • Pocatello, Idaho 83201 • Phone 208.233.9080 • Fax 208.234.7169

siphidaho.org • twitter.com/siphidaho • facebook.com/siphidaho

Every day, in every way, empowering & improving health!

Exhibit
A-5

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

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.

☒ Residential permit

☒ Non-residential permit

Soil Type:

The minimum septic tank capacity is:

The minimum effective drainfield absorption area is:

The drainfield can be no closer to permanent/intermittent surface water than:

2 + venue	Bedrooms
200 + 425	Gallons Per Day
	Gallons Per Day
B-2	USDA
1750	Gallons
1389	Square Feet
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

Revision Date 03/05/2021

PERMIT-Subsurface Sewage Disposal



Public Health
Prevent. Promote. Protect.

Idaho Public Health Districts

Permit # : _____
Date : _____
Parcel # : _____

Applicant's Name: _____
Owners Name: _____
Property Address: _____
Legal Description: _____
Subdivision: _____

Township	Range	Section
Lot	Block	Size(acres)

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.



FINAL / AS-BUILT – Subsurface Sewage Disposal

[illegible]

Owners Name: Ed Stolorz	Septic / Trash Tank: Size: 2000 Mfg: Old Castle Manhole Lid Depth: 36"	Drainfield: System Mfg: Arc36 (5' domes) # of Sections/Domes: 70 D. Area Installed Sq Ft: 1050
Address: 954 E 600 N	Standpipe / Riser length: 36"	Effective area Sq Ft: 1400
Township: 2S Range: 37E Section: 3	Depth to Tank Lid: At grade	Installation Depth: 41-48"
Subdivision: Lot: / Block: /	Lat: 43 27 38.8	Width: 3' Length: 350'
Tech Allowance Granted? Yes <input checked="" type="radio"/> No <input type="radio"/> N/A	Long: -112.107746	Yards of Gravel: /
Tech Allowance for:	Pump Tank: Size: / Mfg: /	Yards of Sand: / Rock Under Pipe: /
	Well to Tank: > 50'	Dist-Box: <input checked="" type="radio"/> Y <input type="radio"/> N
	Well to Drainfield: > 100'	Drop-Box: Y / <input checked="" type="radio"/> N
	Installers Name: Ed Stolorz Homeowner	Valve: Y / <input checked="" type="radio"/> N
Well installed at time of inspection: <input checked="" type="radio"/> Y <input type="radio"/> N		Date: 11/7/24 Inspector: Elise M...

Application & Permit to Use Bingham County Right of Way for Approaches, Mailboxes & Addressing

Property Owner Information

Owner/Agent: <u>EDWARD BRENT STOLWORTHY</u>	Approach Permit #: <u>AP-25-17</u>
Mailing Address: <u>954 E 600 N</u>	Road Grid # & Name: _____
City/State/Zip: <u>FIRTH ID 83236</u>	Approach Address #: _____
Contact Phone #: <u>208-589-1033</u>	Approved by: _____ Date: _____

2-12-25

Planning & Development

Frontage: <u>50 feet</u>	RP #: <u>RP0542502</u>	Building Permit #: _____	Access From: _____
Type of Building: _____	Setback Requirement: _____		
Notes: _____			
Contractor Contact Name: <u>EDWARD BRENT STOLWORTHY</u>			
Contractor Contact Phone Number: <u>208-589-1033</u>			

Road & Bridge

Initial Visit Date: <u>2-19-25</u>	Time: <u>12:00</u>	By: <u>Boyd Jensen</u>
Road Classification: <u>Major Collector</u>	R.O.W. Width: <u>70</u>	Site Distance Adequate: (Y) or (N) _____
Address Posted Date: <u>Already up</u>	Time: _____	By: _____
Mailbox Location Verified: _____	Date: _____	Approved By: _____
Approach Type: (Circle One)	<u>Gravel</u>	Asphalt Concrete
Notes/Comments: <u>30 ft gravel approach with 12 inch culvert. Perpendicular approach is 175 ft from planned approach. Approach will have 30" stop coming onto w/other side Rd.</u>		
Bingham County Public Right of Way Standards And Approach Ordinance Requirements & Restrictions, including Mailbox Placement, Approach Placement & Material, Culverts, Removal of Tree/Vegetation, Fencing, Ornaments, Landscaping and Maintaining of Address Posting, has been explained and provided to the home owner by the following designated Bingham County Representative:		
Bingham County Representative: <u>Boyd Jensen</u>	Date: <u>2-19-25</u>	
In accepting this permit, the permittee, its successors and assigns, agrees to hold Bingham County harmless from any liability caused by the installation, construction, maintenance or operation of the approach(es).		
I certify that I am the owner or authorized representative of the proposed property to be served and agree to do the work required hereon and in accordance with the General Requirements and Restrictions printed on the reverse side with the Special Conditions and any Restrictions listed above.		
This permit shall not be valid for excavation until, or unless, the provision of Idaho Code Title 55, Chapter 22 have been complied with. PRIOR TO EXCAVATION, call the Digline Location Service at Telephone No. 1-800-342-1585 or https://exactix.digline.com/login .		
Accepted by (Printed): <u>Ed Stolworthy</u>	Signature: <u>[Signature]</u>	
Date: <u>2-19-25</u>	Witnessed By: <u>Boyd Jensen</u>	

Final Inspection Prior to Issuance of a Certificate of Occupancy

___ Approved

___ Disapproved

Comments: _____

Bingham County Representative: _____ Date: _____

Exhibit
A-6

Untitled Map

Write a description for your map.

Legend

954 Wolverine Rd

Google Earth

Image © 2025 Airbus

954 Wolverine Rd

gravel

port culvert

300 ft

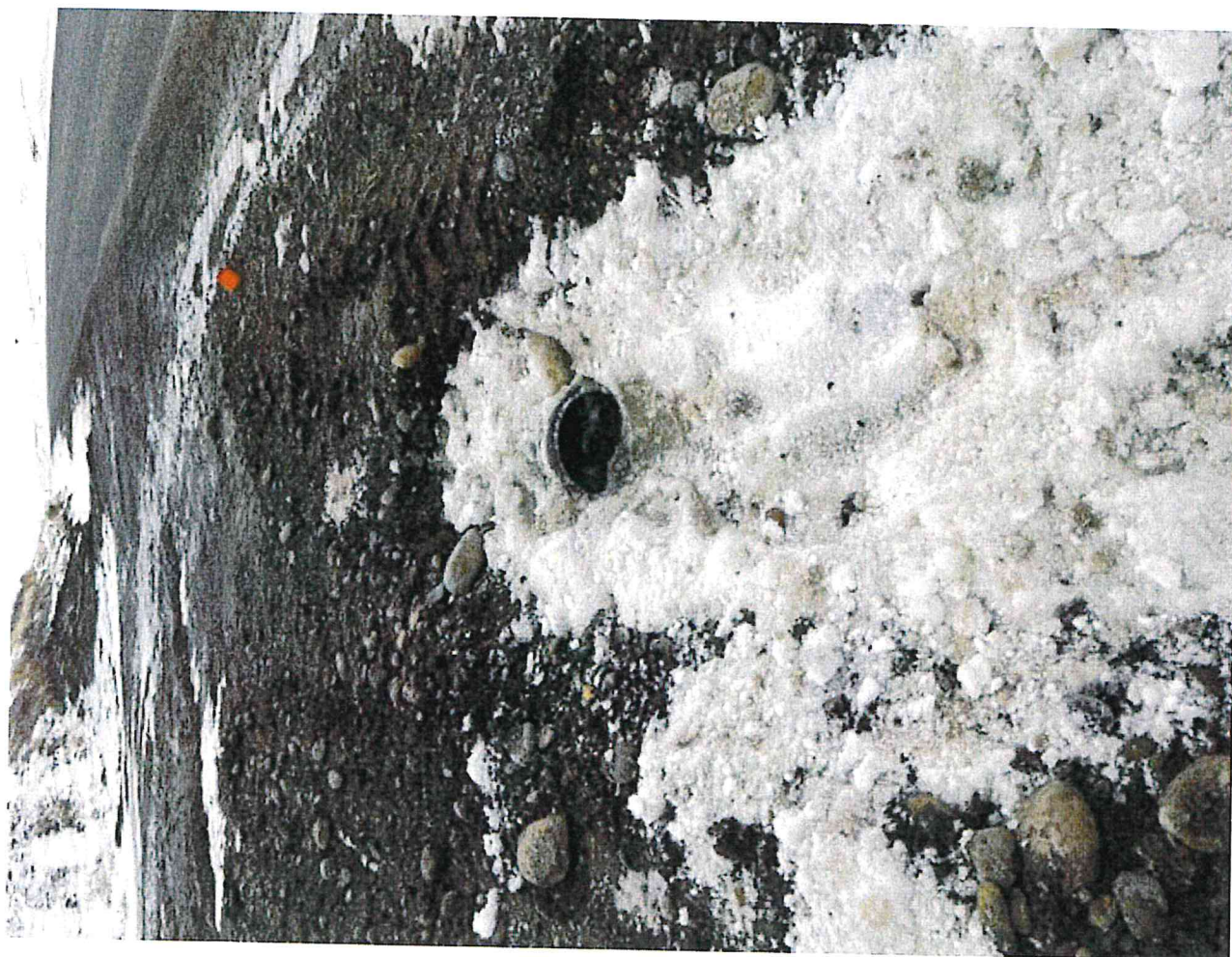
N



Boyd Jensen

From: Boyd Jensen <boyddeejensen@icloud.com>
Sent: Wednesday, February 19, 2025 1:24 PM
To: Boyd Jensen
Subject: 954 E 600 N

CAUTION: This email originated from outside the organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.



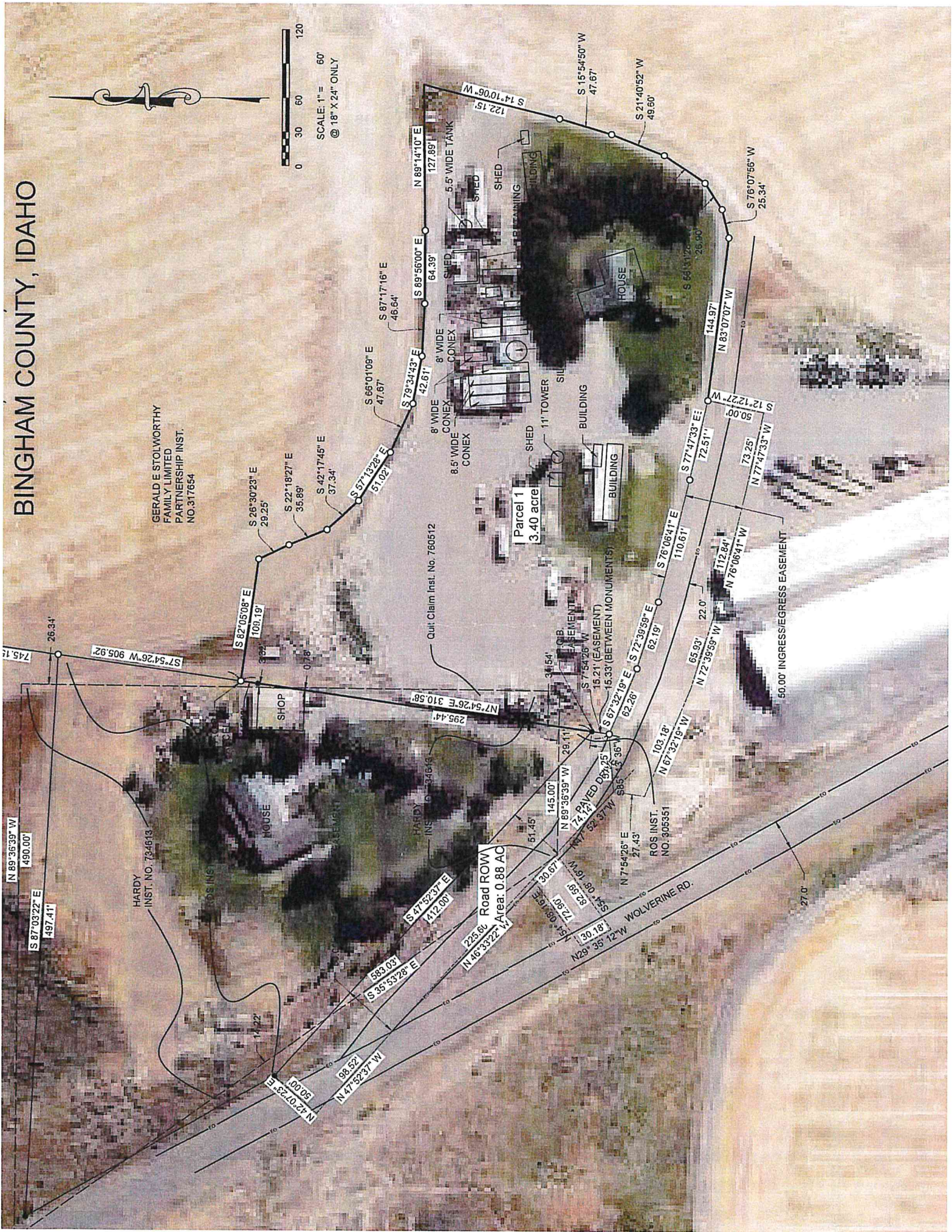
Looking uphill





Sent from my iPhone

Looking Down Hill

[illegible][illegible][illegible][illegible][illegible][illegible]



Dusty Whited
Bingham County Public Works
245 N 690 W
Blackfoot, ID 83221
208 782-3864 office
208 785-8063 fax
dwhited@co.bingham.id.us

Date: 8/28/2024

Subject: Eddy Stolworthy

After reviewing the HLE Approach study:

It can be seen that the extreme skew of the existing approach does not meet the ITD or FHWA standards for skew and sight distance, though, the new proposed approach does. However, after meeting with legal counsel over the multiple easement issues pertaining to both approaches, I cannot make a recommendation until the easement issues are sorted out. Due to this, currently my only recommendation can be to deny the CUP application and have the applicant reapply after all easement issues are corrected and contain an approach location that meets all current standards.

Thank you,
Dusty Whited,
Bingham County Public Works Director,



**CIVIL & STRUCTURAL ENGINEERING
MATERIALS TESTING & LAND SURVEYING**
101 S. Park Avenue, Idaho Falls, ID 83402, (208)524-0212
800 W. Judicial Street, Blackfoot, ID 83221, (208)785-2977

Eddy Stolworthy Approach Study Scope of Work

Luke Jolley of HLE met with Dusty Whited (Public Works Director of Bingham County) on May 28th to discuss the Scope of Work for the Approach Study Memo that was a requirement of the Planning and Zoning Commission meeting on May 22nd, 2024. Below is the outline of the scope of work discussed.

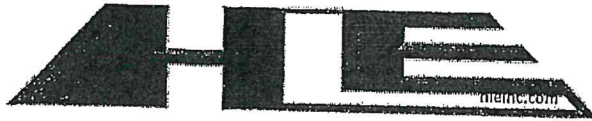
- Look at the existing approach skew compared to Local and State Code
- Look at the existing Sight distance of the approach, including vertical and horizontal
- Approach location alternative
- Traffic Volumes, Vehicle Speed

If you have any questions please contact me at (208) 785-2977.

Sincerely,

B. Luke Jolley, PE

HLE, Inc.



June 12, 2024

Re: Eddy Stolworthy Approach Study

To whom Concerned,

Per the P&Z recommendations on May 22, 2024, and from the scope of work discussed with Dusty Whited (Bingham County Public Works Director) on May 28, 2024, HLE has prepared the following Memorandum. The safety of the existing approach located at 954 E 600 N, Firth Idaho was reviewed. The approach in question is part of the original roadway that has since been turned into an approach after the roadway was relocated. The existing approach comes into Wolverine Road at a 24-degree angle. In years past the back slopes east of Wolverine Road were lowered to add additional site distance for vehicles leaving this approach. Wolverine Road is classified as Collector Street. HLE performed a Topographical Survey of Wolverine Road from Presto Road to the east side of the curve on top of Presto Bench. Wolverine Road has a posted speed limit of 50 MPH. The approach in question is located in the middle of these two locations. An aerial view and plan view of this area is included in Appendix A.

There is an existing 807' Radius curve (currently posted with a 35 MPH curve warning sign from both directions) to the NW of the approach in question and a 1427' existing curve to the SE of said approach. Neither of these two curves currently have any superelevation. Between these two curves lies a hill with an approximate grade of 10% to the NW of the approach and a 5.4% grade to the SE of the approach as shown on sheet 2 in Appendix A. AASHTO's *A policy on Geometric Design of Highways and Streets 7th Edition* was used in calculations of the Stopping Sight Distance. Table 3-2 Stopping Sight Distance on Grades (shown on Sheet 1 of Appendix A) was used to establish the distances required. The southerly bound lane has a 10% upgrade coming into the existing approach. For this Southerly bound lane Table 3-2 shows that the safe Stopping Sight Distance is 375 feet. The available sight distance is approximately 2000 feet. The Northerly bound lane has a 5.4% downgrade coming into the approach. From the same table the safe Stopping Sight Distance is 474 feet. The available sight distance is 540.50 feet horizontally and 607.5 following the roadway slope.

HLE set up traffic counters from May 31st to June 7th. A copy of all the data is available in Appendix B.

Table 1 Traffic Counter Data

LOCATION	DIRECTION	SPEED (MPH) 85 th PERCENTILE	ADT VEHICLES/DAY	PM PEAK V/HR
SOUTH PC OF N CURVE AT BOTTOM OF HILL	SOUTH BOUND	48		
SOUTH PC OF N CURVE AT BOTTOM OF HILL	NORTH BOUND	47		
AT APPROACH	SOUTH BOUND	46	160	15
AT APPROACH	NORTH BOUND	50	176	18

CONCLUSION

The Centerline profile view on Sheet 2 in Appendix A shows that the existing approach has more than the required visibility in both directions. Changing the approach angle to be more perpendicular to Wolverine Road and still allow maneuverable turning movements on the existing access would shift the approach up the hill approximately 250 feet and would decrease the sight distance to the south approximately 70 feet, but still meets the required sight distance in both directions. Per the Idaho Transportation Department Standard Drawing 405-1 Rural Approaches the recommended desired skew is no more than 70 degrees and the maximum allowable is 45 degrees rotated off of the centerline of the roadway. FHWA also prepared a study called Impact of Intersection of Angle on Highway Safety January 2021 that looks at the safety of approaches/intersections onto roadways. The conclusion of the FHWA report is similar to ITD's recommendations in the Standard Drawing.

The existing approach does not meet and would not be permitted under the ITD Standard Drawing or the FHWA report. The new proposed approach location shown in Appendix A is within the desirable 70 degree limit of ITD and FHWA. If the Planning and Zoning Commission and/or Public Works makes the decision to recommend the relocation of the approach, the existing approach would need to be completely abandoned and asphalt removed from the new approach tie in, to the edge of Wolverine Road. The traffic volume of Wolverine Road at this location (160-176 ADT) is at the low end of the volume of Collector Street (150 to 2600 ADT). It is recommended with this approach changing from residential to commercial that a stop sign be installed at the end of the approach. This sign would be located on Private property and would be maintained at the landowners expense.

If you have any questions, please contact me at (208) 785-2977.

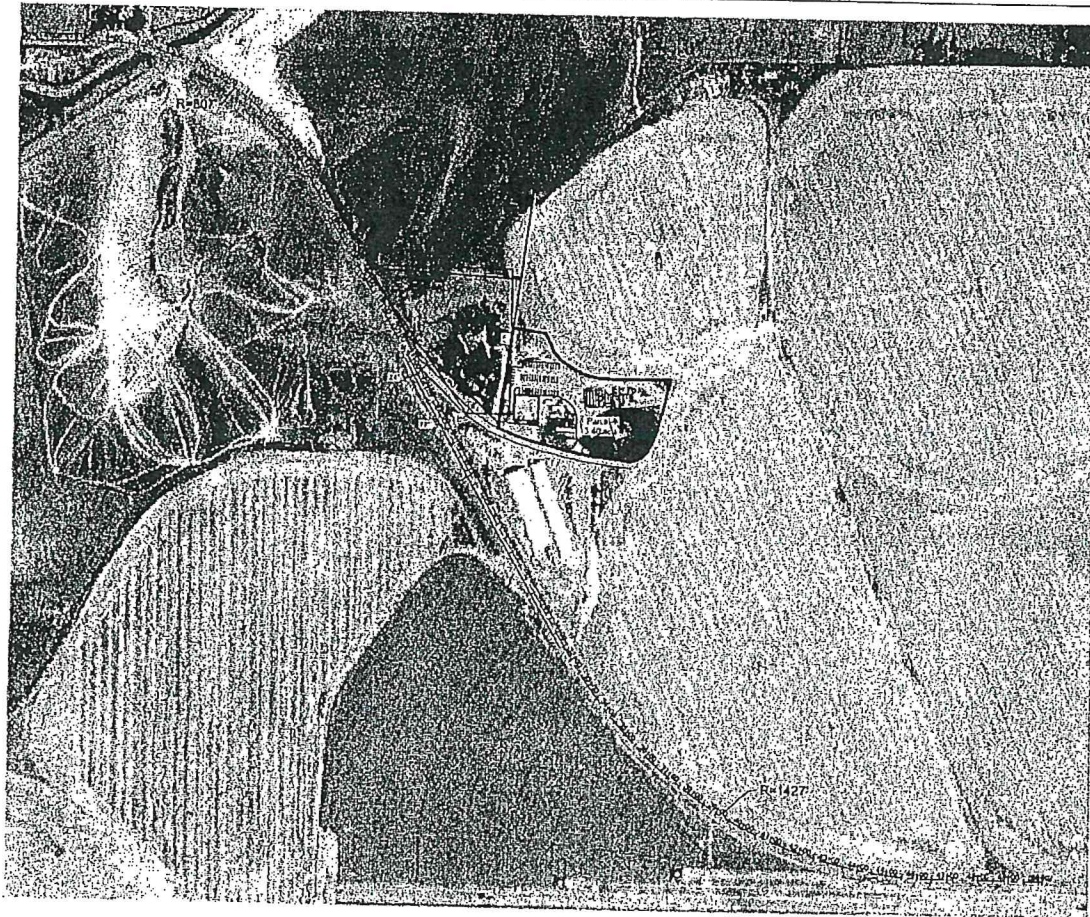
Sincerely,

B. Luke Jolley, PE

HLE, Inc.



APPENDIX A



SCALE 1"=150' (28X34)
SCALE 1"=300' (11X17)

Table 1.1. Summary of Data Collected

Station	Station	Station	Station	Station	Station	Station	Station	Station	Station
1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100

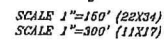
WOLVERINE ROAD
STOLWORTHY EVENT BARN
BINGHAM COUNTY, IDAHO



WOLVERINE ROAD
STOLWORTHY EVENT BARN
BINGHAM COUNTY, IDAHO

WOLVERINE ROAD
STOLWORTHY EVENT BARN
BINGHAM COUNTY, IDAHO

WOLVERINE ROAD
STOLWORTHY EVENT BARN
BINGHAM COUNTY, IDAHO



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[illegible]

WOLVERINE ROAD
STOLWORTHY EVENT BARN
BINGHAM COUNTY, IDAHO

2	
	2 σ

APPENDIX B

For Project:
Project Notes:
Location/Name:
Report Generated:
Speed Intervals
Time Intervals
Traffic Report From
85th Percentile Speed
85th Percentile Vehicles
Max Speed
Total Vehicles
AADT:

SOUTH PC

Incoming
6/10/2024
10:14:49 AM

1 MPH
Instant
5/31/2024
12:00:00 PM
through
6/7/2024
12:59:59 PM

48 MPH
983
68 MPH
on
6/1/2024
6:29:02 PM
1156
164

Volumes -
weekly counts

Time	5 Day	7 Day
Average Daily	137	154
AM Peak	12	13
PM Peak	14	15

Speed

Speed Limit:	50					
85th Percentile Speed:	48					
50th Percentile Speed:	42					
10 MPH Pace Interval:	38.0 MPH	to	48.0 MPH			
Average Speed:	40.35					
Count over limit	13	8	14	22	11	23
% over limit	12.9	5.1	9.2	11.0	7.3	9.1
Avg Speeder	53.8	53.4	54.8	54.2	53.8	53.9
Avg Speed	40.2	39.5	40.2	41.2	39.3	40.8

Class Counts

Number	%
VEH_SM	52
VEH_MED	955
VEH_LG	149
(VEH_SM=motorcycle,	VEH_MED = sedan,
	VEH_LG = truck]

For Project:
Project Notes:
Location/Name:
Report Generated:
Speed Intervals:
Time Intervals:
Traffic Report From:
85th Percentile Speed:
85th Percentile Vehicles:
Max Speed:
Total Vehicles:
AADT:

SOUTH PC

Outgoing
6/10/2024
10:14:49 AM

Instant
5/31/2024
12:00:00 PM
through
6/7/2024
12:59:59 PM

on
6/1/2024
5:06:53 PM

1281
181

Volumes -
weekly counts

Time	5 Day	7 Day
Average Daily	148	170
AM Peak	9	10
PM Peak	18	18

Speed

Speed Limit:
85th Percentile Speed:
50th Percentile Speed:
10 MPH Pace Interval:
Average Speed:

50
47
39
35.0 MPH
37.76
to
46.0 MPH

Count over limit	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
% over limit	9	10	9	15	16	20	8
Avg Speeder	8.0	5.6	5.7	7.2	9.0	7.4	4.4
Avg Speed	56.2	55.2	54.2	53.9	55.1	55.2	53.1
	39.2	36.7	38.2	37.8	35.4	38.9	38.0

Class Counts

VEH_SM	Number	%
VEH_MED	39	3
VEH_LG	1034	80.7
[VEH_SM=motorcycle,	208	16.2
VEH_MED = sedan,		
		VEH_LG = truck)

For Project:
Project Notes:
Location/Name:
Report Generated:
Speed Intervals
Time Intervals
Traffic Report From
85th Percentile Speed
85th Percentile Vehicles
Max Speed
Total Vehicles
AADT:

Eddy Stollworthy @ Approach

Incoming
6/10/2024 10:26:54 AM
1 MPH
Instant
5/31/2024 12:00:00 PM Through 6/7/2024 12:59:59 PM
46 MPH
960
66 MPH on 6/7/2024 11:17:44 AM
1129
160

Volumes -
weekly counts

Time	5 Day	7 Day
Average Daily	133	151
AM Peak	12	13
PM Peak	13	15

Speed

Speed Limit:
85th Percentile Speed:
50th Percentile Speed:
10 MPH Pace Interval:
Average Speed:

50
46
38
34.0 MPH to 44.0 MPH
37.76

Count over limit	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
% over limit	6	5	11	11	9	16	12
Avg Speeder	6.0	3.3	7.1	5.8	6.3	6.6	8.1
Avg Speed	54.0	54.8	55.5	54.6	55.7	53.5	53.6
	37.2	36.3	37.0	38.2	37.0	38.3	39.6

Class Counts

VEH_SM	Number	%
VEH_MED	10	0.9
VEH_LG	988	87.5
[VEH_SM=motorcycle,	131	11.6
VEH_MED = sedan,		
		VEH_LG = truck]

For Project:
Project Notes:
Location/Name:
Report Generated:
Speed Intervals
Time Intervals
Traffic Report From
85th Percentile Speed
85th Percentile Vehicles
Max Speed
Total Vehicles
AADT:

Eddy Stollworthy @ Approach

Outgoing
6/10/2024 10:26:54 AM
1 MPH
Instant
5/31/2024 12:00:00 PM through 6/7/2024 12:59:59 PM
50 MPH
1059
70 MPH on 6/4/2024 10:54:05 AM
1246
176

Volumes -
weekly counts

Average Daily
AM Peak
PM Peak

Time	5 Day	7 Day
10:00 AM	143	166
4:00 PM	9	10
	18	18

Speed
Speed Limit:
85th Percentile Speed:
50th Percentile Speed:
10 MPH Pace Interval:
Average Speed:

50
50
42
39.0 MPH to 49.0 MPH
40.82

Count over limit
% over limit
Avg Speeder
Avg Speed

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
19	20	23	24	18	31	22
18.4	11.6	14.9	11.7	11.2	11.6	12.1
54.8	54.7	55.0	54.9	55.9	54.6	53.4
42.0	39.1	41.1	40.3	40.3	40.9	42.3

Class Counts

VEH_SM
VEH_MED
VEH_LG
[VEH_SM=motorcycle,

Number	%
42	3.4
1031	82.7
173	13.9
VEH_MED = sedan,	VEH_LG = truck]

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

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

PROPERTY OWNER & APPLICANT: Edward Stolworthy

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 their 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 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, was tabled to receive (1) a Traffic Study that included updated and multiple approach options; and (2) to obtain the Fire Marshal’s approval and updated occupancy for the structure.

A second Public Hearing was held on September 11, 2024 to receive the requested information. The Planning and Zoning Commission held a second Public Hearing on September 11, 2024, to receive the requested information but tabled action on the Application 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 for the Applicant’s Reception Center/Wedding Venue facility as recommended in the Approach Study conducted by HLE, Inc.

A third Public Hearing was held on December 11, 2024 to receive a letter 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.

Property Location: 954 E Wolverine Road, Firth, Idaho, Parcel No. RP0542502, Township 2S, Range 37E, Section 3, consisting of approx. 1 acre of a 3.40-acre parcel

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

Third Public Hearing Date: December 11, 2024

I. THIRD PUBLIC HEARING RECORD AND INFORMATION

1. The following was reviewed by the Commission:

a. First Public Hearing record consisting of the following items:

<u>DOCUMENT</u>	<u>EXHIBIT #</u>
Staff Report	S-1
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
Verification of compliance with notice requirements and photographs of the subject parcel	S-8 – S-12
Testimony received prior to the Planning and Zoning Commissions Public Hearing	T-1 – T-5
May 22, 2024 Public Hearing Oaths of Affirmation and submitted written documents	T-6, T-7, T-7A, T-8, T-9, and T-10
May 22, 2024 Public Hearing Planning and Zoning Commissions Reason and Decision	S-13
May 22, 2024 Public Hearing Planning and Zoning Commission Minutes	S-14
May 22, 2024 Planning and Zoning Meeting Sign-In Sheet	PZ-1
May 22, 2024 Public Hearing Audio Recording	

b. Second Public Hearing record consisting of the following items:

<u>DOCUMENT</u>	<u>EXHIBIT #</u>
Staff Report	S-1A
Documents provided by the Applicant	A-9 – A-11
Documents provided by Planning & Development Services and HLE	A-12 – A-13

Verification of compliance with notice requirements and photographs of the subject parcel	S-8A – S-12A
Testimony received prior to the Planning and Zoning Commissions Public Hearing	T-1A, T-2A, T-11, and T-11A
September 11, 2024 Public Hearing Oaths of Affirmation and submitted written documents	T-13 and T-14
September 11 Public Hearing Planning and Zoning Commissions Second Reason and Decision	S-13A
September 11 Public Hearing Planning and Zoning Commission Minutes	S-14
September 11, 2024 Planning and Zoning Meeting Sign-In Sheet	PZ-1
September 11, 2024 Public Hearing Audio Recording	

- c. Third Public Hearing record consisting of the following items received prior to the Third Public Hearing:

<u>DOCUMENT</u>	<u>EXHIBIT #</u>
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 presented prior to the third Public Hearing included:

(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.

(T-15) Kevin and Denise Hardy submitted a letter in opposition on December 5, 2024.

2. After Addie Jo Jackman, Assistant Director/Lead Planner, presented the Staff Report, the Commission heard from the Applicant's Representative (T-16) Chris Street, Professional Land Surveyor with HLE, Inc., said the reasoning for the tabled action item from last meeting was so that Mr. Brent Stolworthy was aware of the exact location of the proposed secondary access. It was marked out on site and a letter was submitted. Mr. Ed Stolworthy wanted the Commission to know he has been maintaining the side slopes to make this a

safer intersection. Mr. Street stated although the proposed approach would meet the County's Road Approach Standards, Mr. Ed Stolworthy is unable to obtain that access.

No Testimony was received in favor or in a neutral position on this Application.

Testimony in Opposition was received from the following:

(T-17) Kevin Hardy, 948 E Wolverine Road, Firth, ID, who expressed his concerns with the traffic situation as the approach has been deemed unsafe and there will be pedestrians and an increase in traffic. He questioned who would be liable if the application is approved and an accident occurred? He pointed out there is not a feasible or safe entrance for an Event Center. Mr. Hardy referred back to his testimony and the excessive noise with music, explosives, fog horns and non-shielded use of bright lights which are very disruptive to their family. Commissioner Jolley asked if Mr. Hardy could think of anything that the Commission could consider as a condition to mitigate some of their concerns. Mr. Hardy wasn't able to come up with an enforceable condition and just wanted to see the retaliation stop.

(T-18) Denise Hardy, 948 E Wolverine Road, Firth, ID, who stated she is opposed to a commercial use of the land and had been affected emotionally, physically, and financially with the construction and activities occurring on the Stolworthy property. In recent communications with a realtor, Mrs. Hardy was informed that the addition of an Event Center will affect their property value negatively. Mrs. Hardy further addressed concern with traffic, wrecks, chaos and partying associated with the operation of an event center. Ms. Hardy also added that when they quitclaim deeded a small sliver of property to Mr. Stolworthy, it extended his property closer to their home.

Commissioner Jolley asked the same question of Mr. Hardy to Mrs. Hardy regarding if conditions could be placed to mitigate their concerns and gave examples of operational timeframes, fences, etc. Mrs. Hardy stated some time ago there may have been something that could be done, but currently there is loud music all night long and lights shining into their house. It has only gotten worse since complaints have been made and they have tried hard to resolve this out of court.

3. With no further testimony from the public, the Applicant's Representative Chris Street returned to the podium for rebuttal. Mr. Street offered potential conditions for the Commission to consider; he questioned if modifying the existing approach so it connects to Wolverine Road at a better angle would resolve some concerns, however, he added with that option there may need to be concessions made between landowners. Mr. Street concluded with the location being beautiful for a Reception Center.

Commissioner Jewett asked about the trees Mr. Stolworthy removed. Mr. Street explained the location of the survey markers and that Mr. Stolworthy removed trees that be believed were on his property.

Chairman Aullman said he felt that the Commission was being strong armed by the Applicant to which Commissioner Butler agreed as stated in the last Public Hearing. Chairman Aullman asked if the CUP is denied, would his client's retaliation increase? Mr. Street said he hoped it wouldn't and believed the building would be used for private get togethers. Chairman Aullman asked what concessions could be made? Mr. Street suggested modifying the existing approach to meet the current standards.

4. Following Mr. Street's rebuttal, the Public Hearing for this Application was closed. Commission discussion included Commissioner Jewett who questioned if a condition could be placed limiting traffic and if Chairman Aullman has ever seen an Application like this in the time he has been on the Planning and Zoning Commission, which he had not. Commissioner Bingham said his opinion would be to deny the Application and have Mr. Stolworthy return with another Application once the boundary and neighbor disputes had been resolved. Chairman Aullman was worried if the Application was denied, the retaliation would get worse. Commissioner Jolley stated that neighbor disputes are challenging.

II. REASON

The Planning and Zoning Commission:

1. found the record from the first Public Hearing on May 22, 2024 and the second Public Hearing on September 11, 2024 are incorporated herein; and
2. found that access to the second approach location as proposed in the Approach Study was denied by the landowner, the Gerald E Stolworthy Family Limited Partnership-A;
3. heard testimony in all three Public Hearings that the operation of a Reception Center Wedding/Event Venue would change the essential character of the area from agricultural land uses in a Natural Resource/Agriculture Zoning District and limited residential population which is inconsistent with the requirements of Bingham County Code Section 10-8-3(A)(3). The Commission continued to question if this land use is better fit in another Zoning District; and
4. found concerns with the existing approach to the property if it is used as the access to the Reception Center Wedding/Event Venue. Further, that the existing approach does not meet current approach specifications and has potential to create a traffic hazard based on the Approach Study which is in conflict with Bingham County Code Section 10-8-3(A)(4). These concerns were confirmed by the Bingham County Public Works Director who recommended denial of the Application using the existing approach for the desired land use; and
5. found that a Reception Center would not comply with Bingham County Code Section 10-8-3(A)(4) as it is currently under construction causing disturbances to neighbors and would continue to be unduly hazardous or disturbing to existing or future neighboring uses if in operation. The Commission also found that future conditions of operation would be

detrimental to persons, property or the general welfare of the public by reason of excessive production of traffic, noise, and lighting. Testimony was received that neighboring property values have already been diminished by construction of the accessory structure near a shared property boundary. There was mention of hazardous conduct and disturbing activity as a result of this application such as loud music, heavy equipment operation, construction noise, discharge of a fog horn, unnecessary explosion causing damage to neighboring property and discharge of a firearm. Additionally, the Commission discussed concerns with the general welfare of the public regarding potential dangers with the existing access to the property; and

6. found the Specific Use Performance Standards for a *Reception Center, Wedding (Outside Commercial Zone)* of Bingham County Code Section 10-7-27 (A) cannot be met. Testimony was presented at each of the three Public Hearings from the adjacent landowners and/or others that live in the surrounding area that the proposed Application will affect adjacent uses of property, the surrounding area, and will create an increase in nuisance factors such as lights, traffic and noise at this location; and
7. discussed possible conditions that may be applicable to address safety concerns expressed as stated in Bingham County Code Section 10-7-27(F). Such considerations included adding fences, landscaping, stop signs, and limiting hours of operation. The Commission determined that such conditions would not be adequate to mitigate concerns; and
8. the third Public Hearing notice met the requirements of Idaho Code and Bingham County Code Title 10 Chapter 3.

III. DECISION

Based on the discussion, Commissioner Butler moved 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 the following:

1. The recommendation of Public Works to deny the Conditional Use Permit; and
2. The Application does not meet Bingham County Code Section 10-8-3(4) which states the land use shall “*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.*”

Commissioner Butler further advised the Applicant of the following:

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; and

2. A fence permit will be required to be obtained by the Applicant as it was constructed without a permit.

Commissioner Carroll seconded the motion. Commissioners Butler, Carroll, Bingham, Jewett, Johns, and Jolley voted in favor and the motion carried.

William Aullman, Chairman
Bingham County Planning and Zoning Commission

Date

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

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

PROPERTY OWNER & APPLICANT: Edward Stolworthy

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 their 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 Performance Use Standards of Bingham County Code Section 10-7-27, *Reception Center, Wedding (outside commercial zone)*. After the Planning and Zoning Commission considered the record prior to the Public Hearing, the testimony and evidence presented at the Public Hearing, and deliberated, the Commission tabled action to receive the following information:

- (1) A Traffic Study that includes updated and multiple options of approach standards; and
- (2) Obtain the Fire Marshal’s approval with updated occupancy.

In accordance with the above, the purpose of the second Public Hearing was to receive the above information at the request of the Planning and Zoning Commission and testimony related thereto, as follows:

- (1) The Traffic Study was determined to be an Approach Study with a Scope of Work agreed to between HLE, Inc. and Bingham County Public Works Director. The Approach Study was completed by Luke Jolley, PE, dated June 12, 2024 and provided, in summary, that the existing approach be completely abandoned as it does not meet and would not be permitted under the Idaho Transportation Department Standard Drawing 405-1 *Rural Approach* or the Federal Highway Administration Impact of Intersection of Angle on Highway Safety. If the Planning and Zoning Commission and/or Public Works makes the decision to recommend the relocation of the existing approach, the existing approach would need to be completely abandoned and asphalt removed from the new approach tie in at approx. 250 feet up the hill to be more perpendicular to the edge of Wolverine Road per Mr. Jolley’s conclusion. which would then meet the Idaho Transportation Department Standard Drawing 405-1 *Rural Approaches* and the Federal Highway

Administrations Impact of Intersection of Angle on Highway Safety. The Approach Study also recommended with the new approach change from residential to commercial with a stop sign being installed at the end of the approach and be maintained at the landowner's expense. The Approach Study is included herein as Exhibit A-11

- (2) Correspondence was received from the Shelley/Firth Fire Chief Randy Adams who stated the way the plans sit now, without any furnishings or decorations, the structure would allow a maximum capacity of 125 people. Chief Adams estimates with furnishings and chairs that the Builder expressed will be in the structure once complete, a more realistic capacity will likely be closer to 75 - 80 people, however, he is unable to verify the capacity of guests/attendees at the proposed Reception Center/Wedding Venue until construction is completed and furnishings/decorations are installed. A copy of Chief Adam's email, dated July 23, 2024, is included herein as Exhibit A-12.

Property Location: 954 E Wolverine Road, Firth, Idaho, Parcel No. RP0542502, Township 2S, Range 37E, Section 3, consisting of approx. 1 acre of a 3.40-acre parcel

Applicable Regulations: Bingham County Comprehensive Plan, Dated November 20, 2018
Bingham County Zoning Ordinance 2012-08

Second Public Hearing Date: September 11, 2024

I. SECOND PUBLIC HEARING RECORD AND INFORMATION

1. The following was reviewed by the Commission:

- a. First Public Hearing record consisting of the following items:

<u>DOCUMENT</u>	<u>EXHIBIT #</u>
Staff Report	S-1
Application and documents provided by the Applicant	A1 – A4
Documents provided by Planning & Development Services	A5 – A8
Maps	S2 – S7
Verification of compliance with notice requirements and photographs of the subject parcel	S8 – S12
Testimony received prior to the Planning and Zoning Commissions Public Hearing	T1 – T5

May 22, 2024 Public Hearing Oaths of Affirmation and submitted written documents	T6, T7, T7(A), T8, T9, and T10
May 22, 2024 Public Hearing Planning and Zoning Commissions Reason and Decision	S13
May 22, 2024 Public Hearing Planning and Zoning Commission Minutes	S14
May 22, 2024 Planning and Zoning Meeting Sign-In Sheet	PZ-1

b. Testimony presented prior to the second Public Hearing included:

(T-1A) Bingham County Surveyor who stated the Applicant needs to obtain and record ingress/egress easement to Wolverine Road as necessary, provided pertinent and/or required standards and/or recommendations. There appears to be a gap between the existing recorded easement (Inst. No. 760129 & 759522) and Parcel No. RP054502. *Staff Comment: the parcel number referenced was missing a number and is RP0542502. Additionally, a Grant of Easement was recorded for the gap referenced (Inst. No. 764945) which was recorded on September 9, 2024 and supplemented on September 11, 2024 (Exhibit A-13).*

(T-2A) Bingham County Public Works stated that after reviewing the HLE Approach Study, it can be seen that the extreme skew of the existing approach does not meet the ITD or FHWA standards for skew and sight distance, though, the new proposed approach does. However, after meeting with legal counsel over the multiple easement issues pertaining to both approaches, Public Works Director Dusty Whited cannot make a recommendation until the easement issues are sorted out. Due to this, currently his only recommendation can be to deny the CUP application and have the applicant reapply after all easement issues are corrected and contain an approach location that meets all current standards.

2. After Addie Jo Jackman, Assistant Director/Lead Planner, presented the Staff Report, the Commission heard from the Applicant's Representative (T-11) Chris Street, Professional Land Surveyor with HLE, Inc., 800 West Judicial, Blackfoot, ID, provided a larger copy of a Record of Survey recorded on September 9, 2024 which was introduced as Exhibit T-11A and closes the gap in ownership referenced by the County Surveyor in T-1A. Mr. Street addressed final occupancy counts, the Approach Study recommendations, access considerations, traffic safety, Bingham County site distance and skew standards versus ITD and Federal Highway standards, access for the Hardy's and obtaining easement at an alternate location. Commissioner Adams summarized that the recommendation was to not remove the existing approach but only to do so if a condition was placed to add a new approach. Mr. Street stated that the existing approach meets sight distance standards but doesn't meet the ITD and Federal Highway standards for skew. Bingham County doesn't have an approach standard for skew. They were instructed to do the report based on the highway standards which is a higher standard than Bingham County. Mr. Street explained that the new approach location referenced in the Approach Study would shorten the sight distance by 70 feet. Furthermore, that it was HLE's understanding that the distance between

the existing approach and proposed approach would not meet the Bingham County Approach Spacing Standards.

Commissioner Bingham stated the biggest hazard is not necessarily the skew but the elevation changes. Mr. Street explained this information is included in the report and that a topographical survey was completed and compared those elevations. Chairman Aullman clarified that the proposed approach does not belong to Mr. Stolworthy but rather it is owned by the Gerald Stolworthy Family Limited Partnership farm.

Testimony in a neutral position was presented by:

(T-12) Brent Stolworthy, 453 E 1000 N, Firth, ID, who stated the property being discussed belongs to the Gerald Stolworthy Family Trust to which he is the General Partner and holds control. Mr. Stolworthy directed the Commissioners to an image from the Approach Study that showed the current access and the proposed access locations. Mr. Stolworthy said he would not allow access by the potato storage to the East to be used as he uses it for harvest staging and potato sorting. He also commented that he isn't aware of any accidents at that intersection. Mr. Stolworthy suggested that a speed limit sign and possibly a truck crossing sign before the cellars headed down Wolverine Road would help slow down traffic. Commissioners Jolley and Adams discussed with Mr. Stolworthy if he would be willing to grant easement at the proposed new access location depicted on the Approach Study to which was left undetermined.

Testimony in opposition was presented by:

(T-13) Kevin Hardy, 948 E Wolverine Road, Firth, ID, was concerned with traffic safety, increased traffic on their access from the Event/Reception Center, losing their easement access, and being landlocked. Commissioner Bingham asked if lighted signs, better signage, or a wider lane would improve this access for the public. Mr. Hardy said a 35-mph speed limit sign at the top of the hill could help but he would like to see a Private Road sign on their access to detour traffic away from their access road and a sign that would redirect wedding traffic to another access. Commissioner Adams asked if the new proposed access location with less of an angle would be safer for Mr. Hardy to travel to and from Wolverine Road, which Mr. Hardy confirmed it would. Mr. Hardy also added that a merging traffic sign could be helpful.

(T-14) Denise Hardy, 948 E Wolverine Road, Firth, ID, expressed her concerns regarding preservation of agricultural land, traffic safety, noise, lights, dust, the existing wall being insufficient, their property value decreasing, alcohol and the security of her property from wandering guests.

4. Mr. Street returned to provide a rebuttal statement. Mr. Street said that adding the new proposed approach would not meet Bingham County Approach Spacing Standards and that the current approach should be left. Mr. Street explained that the capacity for the on-site septic system is approved for 75 people which is the number of guests anticipated. Commissioner Bingham asked Mr. Street if it was presumptuous for construction to begin without this Application being approved. Mr. Street stated the prescriptive access has been there and that legal counsel advised that the access be deeded instead of prescriptive access

adding that Mr. Stolworthy has the right to build on his property and Mr. Street believes he is fully aware of any risk involved. Furthermore, that the commercial use of the structure is the reason for this Application and he may use the building for personal use if the Conditional Use Permit is not approved.

5. Prior to the closure of the Public Hearing for this Application, the Commission wished to ask Bingham County Public Works Director, Dusty Whited, questions regarding access. Mr. Whited was in attendance on Zoom. Commissioner Adams understood that the State and Federal regulations would like the approach be close to a 90-degree angle and asked Mr. Whited his opinion as it seems an easement may not be granted at the new proposed location. Mr. Whited stated that an allowance for up to a 70-degree skew approach is allowed by both agencies. With the studies completed, the current approach intersection has a skew greater than 70-degrees which is classified as unsafe. He also believed that Mr. Brent Stolworthy did not fully understand where the proposed new approach location is and believed if it were to be staked out, he would better understand the location. Mr. Whited discussed the site distances of the proposed access location being slightly less but that it would still meet all site distance requirements. He concluded with stating he would be much more concerned with the degree of the angle than the site distance at these locations. Commissioner Adams asked if the suggested new approach is safer for the Hardy's to which Mr. Whited agreed noting it would be safer for everyone using that approach as well as those traveling on Wolverine Road. Commissioner Bingham asked Mr. Whited his opinion on the road being posted at 35 mph with better signage. Mr. Whited said there is a current speed limit posted as 50 mph with recommended speed limits posted at 35 mph and is confident that these speed limits posted and recommended guidelines are in line with MUTCD (Manual on Uniform Traffic Control Devices) requirements. Commissioner Bingham asked if the increased traffic from the proposed use would change the requirements of MUTCD. Mr. Whited stated that the faster the speed limit, the higher the distance requirement is to allow a greater reaction time. With the current road classification and the posted speed limit, there is not a County Ordinance that states the existing residential approach cannot remain. He stated that for everyone's safety, it is recommended that existing approach be abandoned.

Mr. Street asked to provide additional rebuttal after Mr. Whited's testimony which was granted as the Public Hearing had not been closed. Mr. Street stated that the recommendation on the Approach Study was to abandon the existing approach because the new approach would not meet current approach spacing standards. Mr. Street was hesitant to say that an agreement can be worked out between the Stolworthy family and the Hardy's to use the same approach. Commissioner Jolley asked for clarification that the Approach Study determined the existing and proposed approach could not both exist because they would not meet the current distance requirements between approaches. Mr. Whited replied that the distances between the existing approach and the proposed approach would meet distance requirements.

6. After Mr. Street's testimony, the Public Hearing for this Application was closed. The Commissioners discussion included Commissioner Adams suggesting the use of the existing approach be designated as a private approach for the Hardy's use and the newly proposed approach be used as a public or commercial approach for the proposed use.

Chairman Aullman pointed out there is no easement currently for the newly proposed approach. Commissioner Adams agreed and said it was up to Mr. Edward Stolworthy to obtain the easement access which could be a condition of approval. He also added that previous testimony stated the existing approach is not safe and that another approach is needed. Commissioner Adams vacillated between placing a condition or tabling the application to obtain the easement.

Prosecutor Ryan Jolley discussed the practicality of placing a condition on the approval but advised it would be better to table the Application rather than try to create a condition that would be narrow enough to satisfy their concerns. Chairman Aullman confirmed with Prosecutor Jolley that a decision cannot be made that would force the Hardy's to abandon their easement and approach but that this Application may be tabled to allow Mr. Edward Stolworthy time to procure an easement for the newly proposed approach shown in the Approach Study. Chairman Aullman reminded the Commission that they had heard from Mr. Brent Stolworthy that he would not allow a new approach to Wolverine Road.

The Commission discussed with Prosecutor Jolley what the options were for approval, conditional approval, tabling the application or denial.

The Commission reviewed potential conditions or items of concern as follow:

1. *That the existing northwesterly approach be abandoned and asphalt removed and a new approach be established at the location identified on Sheet 2 in Appendix A of the Approach Study (not a Traffic Study) perpendicular to Wolverine Road;* The Commission agreed this section had been met. Furthermore, it was determined that the existing easement cannot be abandoned.
2. *That legal easement access be established and recorded for RP0542501 with an address of 948 E Wolverine Road, Firth, Idaho owned by Kevin and Denise Hardy as well as RP0542502 with an address of 954 E Wolverine Road, Firth, Idaho owned by Edward Stolworthy;* The Commission agreed this section had been met as it was determined that a new approach will need to be established and recorded.
3. *That a stop sign be installed and maintained at the expense of Mr. Stolworthy at the intersection of the newly established access and Wolverine Road;* The Commission agreed that a legal easement had been procured to the exiting approach which was deemed unsafe. Chairman Aullman further explained he believed access would not be granted for the new approach location but that was still undetermined.
4. *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;* The Commission agreed this section had not been met but would be applied for if an approval for this Application was received.
5. *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;* The Commission agreed this section had not been met.

6. *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;* The Commission agreed this section had not been met but would be provided by the Chief once the building is complete and the furnishings are placed.

Chairman Aullman concluded the Commission discussion with adding that there are a lot of challenges but they would not need to be addressed if a new approach is not procured.

II. REASON

The Planning and Zoning Commission:

1. received Chief Adams written testimony that he is unable to verify the capacity of guests/attendees at the proposed Reception Center/Wedding Venue until construction is completed and furnishings/decorations are installed but gave an estimate that the capacity will likely be closer to 75-80 guests/attendees; and
2. found an Approach Study (not a Traffic Study) was completed by Luke Jolley, Professional Engineer with HLE, Inc. dated June 12, 2024, and included the following four (4) tasks within the Scope of Work set by Bingham County Public Works Director, Dusty Whited:
 - *Look at the existing approach skew compared to local and state code.* The Study identified skew for the alternative approach. Ultimately, the Study found the existing approach fails to meet the Idaho Transportation Department Standard Drawing 405-1 *Rural Approach* or the Federal Highway Administration Impact of Intersection of Angle on Highway Safety.; and
 - *Look at the existing Sight distance of the approach, including vertical and horizontal.* The Approach Study utilized AASHTO's *Policy on Geometric Design of Highways and Street 7th Edition* and found the existing approach has more than the required visibility in both directions.
 - *Approach location alternative.* The Approach Study found if a new approach was established approx. 250 feet up the hill, it would decrease the sight distance to the south approx. 70 feet but would still meet the required site distance in both directions.
 - *Traffic Volumes, Vehicle Speed.* The Study found the traffic volume of Wolverine Road at the location is at the low end of the volume for a Collector Street with an average daily traffic count of 160-176. The classification of a Collector Street can accommodate between 150 and 2600 average trips per day.
3. found the Approach Study also provided that if the Planning and Zoning Commission and/or Public Works makes the decision to recommend the relocation of the existing approach to the proposed new approach location approximately 250 feet up the hill to be

more perpendicular to the edge of Wolverine Road (which would meet the Idaho Transportation Department Standard Drawing 405-1 *Rural Approaches* and the Federal Highway Administrations Impact of Intersection of Angle on Highway Safety regulations), then the existing approach would need to be completely abandoned and asphalt removed from the new approach tie in. The Study also recommended with the new approach change from residential to commercial, that a stop sign be installed at the end of the approach and be maintained at the landowner's expense; and

4. heard from the Applicant's Representative Chris Street, Professional Land Surveyor with HLE, Inc., that the Approach Study stated the existing approach would need to be abandoned but after listening to Bingham County Public Works Director Dusty Whited's testimony, he modified the engineer's recommendation, on the record, that if both approaches could exist and meet the Bingham County Road Approach Standards, then both approaches could be allowed; and
5. determined it was important for the existing access to remain in its current state as it is a shared access between the Applicant and Kevin and Denise Hardy who reside at 948 E Wolverine Road, Firth, Idaho; and
6. found that legal access to the desired second approach location has yet to be obtained by the Applicant as the land is owned by the Gerald E Family Stolworthy Limited Partnership; and
7. found the Application as presented with the additional requested information was still insufficient to render a decision on the Conditional Use Permit. The Commission found legal access to the subject property for the operation of a Reception Center Wedding/Event Venue utilizing the recommended second approach location had not been satisfied pursuant to Bingham County Code Section 10-8-3(A)(7); and
8. did not provide any further reasoning on Application compliance or approvals and determined until legal access set forth in item no. 7 above is obtained, and the Application should be tabled; and
9. the second Public Hearing notice met the requirements of Idaho Code and Bingham County Code Title 10 Chapter 3.

III. DECISION

Based on the discussion, Commissioner Jolley moved to table the Application with condition numbers 2-11 provided in the Staff Report excepting out condition 4 and the motion carried. Commissioner Adams seconded the motion. Commissioners Jolley, Adams, Bingham, Carroll, Jewett and Johns voted in favor and the motion carried.

After the Commission took a brief recess, Chairman Aullman advised the Commission to reopen the Stolworthy Application Public Hearing to clarify the motion made. Commissioner Adams moved to reopen the Application, Commissioner Johns second the motion. Commissioners Adams, Johns, Bingham, Carroll, Jewett and Jolley voted in favor and the motion carried.

Commissioner discussion resumed with Chairman Aullman stating that not all of the conditions placed on the motion can be completed unless an approval of the Conditional Use Permit is received. He advised there was a need to revote on the Application to include that a safer approach needs to be received and recorded.

Commissioner Bingham clarified with Director Olsen that the existing access for Hardy's easement cannot be abandoned as recommended in the Approach Study and the testimony received from Mr. Street. Director Olsen added that Mr. Whited's testimony via Zoom was that the distances between approaches is satisfactory to support both approaches.

Based on the additional discussion, Commissioner Jolley moved to table the Application 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 requested by Edward Stolworthy pending the Applicant's ability to obtain legal access to the alternative approach as proposed in the Approach Study.

Commissioner Adams seconded the amended motion. Commissioners Jolley, Adams, Bingham, Carroll, Jewett, and Johns voted in favor and the motion carried.

Commissioner Carroll then moved to rescind the first motion and adopt Commissioner Jolley's second motion. Commissioner Jolley seconded the motion to rescind the first motion. Commissioners Carroll, Jolley, Adams, Bingham, Jewett and Johns voted in favor and the motion carried.

William Aullman, Chairman
Bingham County Planning and Zoning Commission=

Date