

**BINGHAM COUNTY PLANNING & ZONING COMMISSION**  
**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

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**Requested Action:** Property owner Edward Stolworthy requested consideration of a second Application for a Conditional Use Permit to operate a constructed 80' x 80' structure/facility 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)*.

**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

**Public Hearing Date:** May 14, 2025

**Prior Application Information:** The Applicant applied for a Conditional Use Permit for a Reception Center/Wedding Venue on February 27, 2024. After three (3) Public Hearings before the Planning and Zoning Commission, on December 11, 2024, the Application was denied based upon the following reasons:

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."

The Applicant has since obtained access from the facility to 600 N Wolverine Road through a new private approach with access granted by the G. Brent Stolworthy Trust and has been approved by Bingham County Road and Bridge. Therefore, the Applicant has submitted a second Conditional Use Permit Application for the Planning and Zoning Commission's consideration.

## **I. PUBLIC HEARING RECORD AND INFORMATION**

1. The following was reviewed by the Commission:
  - a. Application;
  - b. Staff Report and exhibits; and
  - c. Record from the Applicant's first Conditional Use Permit Application;
  - e. Acknowledgement of Structure Use and Agreement of Compliance; and
  - f. Testimony presented before the Public Hearing which included:

(T-1) Bingham County Surveyor submitted testimony in a neutral position with no comments or concerns.

(T-2) Idaho Department of Environmental Quality submitted testimony in a neutral position stating they have been contacted by a consultant who is representing the proposed facility regarding the creation of a public drinking system. The public water system construction and plans specifications must be prepared by a professional engineer and be submitted to DEQ for review and approval prior to construction in accordance with Idaho Code 39-118. Additionally, source water sampling and routine water quality monitoring will be required for the public water system. General recommendations for land development were also submitted.

(T-3) Bingham County Public Works submitted testimony in a neutral position and stated the location meets all current standards, as well as sight and stopping distance requirements, and has been issued an approach permit.

(T-4) Planning and Development received anonymous testimony in opposition on May 12, 2025, that stated the following:

- The venue plans to operate until 10:00 PM, which may align with business hours in a commercial zone but not in an Agriculture/Natural Resource (A/NR) zone.
- Local residents chose this area for peace and natural surroundings, not proximity to a late-night business/event center.
- Existing lighting at the event center is excessive, shining in all directions and impacting neighboring properties. Interior lights remain on 24/7.
- Other potential code violations include the use of a large ship air horn that sounds at random times.



- Allowing a conditional use permit could encourage continued or increased disruptive behaviors.
- Bingham County owns 25 acres across from the proposed event center, which is regularly used for recreation by locals, including riding vehicles, shooting, and having fires. While residents have accepted the existing activity, they are concerned that adding 80 more people from the event center would increase traffic and noise beyond what they already experience from nearby public land.

(T-5) Planning and Development received testimony in opposition on May 13, 2025, from Kevin and Denise Hardy, 948 E Wolverine, Firth, ID, stating the following:

- As neighbors to the reception center under construction, we strongly oppose its placement in our quiet, rural farming community. The area lacks essential support services like catering, hotels, and transportation, making such a venue impractical and disruptive. Unlike urban areas with adequate oversight, rural communities have limited resources to monitor noise, traffic, alcohol use, and safety, raising concerns about enforcement and accountability.
  - They moved here for peace, privacy, and a slower pace of life—all of which are now threatened by increased traffic, noise, bright lights, and ongoing construction. The reception center is already affecting our daily lives and may significantly reduce our property's value and appeal to future buyers.
  - Additionally, they've experienced retaliation from Mr. Stolworthy for opposing the project and have yet to receive compensation for previous property damage related to the dispute.
  - They urge the Commission to consider if there are better locations and opportunities for the reception center that would be more suitable and less harmful to residents, the local environment, and the community's rural character.
  - The Hardy's also provided police reports from civil complaints dated October 11, 2024 and November 17, 2024, regarding the fog horn and generator.
2. At the Public Hearing, the Staff Report, which included the above-mentioned testimony, was presented by Tiffany Olsen, Planning and Development Services Director.
  3. Testimony was received from (T-6) Applicant's Representative, Chris Street, Professional Land Surveyor with HLE Inc., 800 Judicial, Blackfoot, ID, who mentioned that one of the main concerns during the previous Conditional Use Permit Application was the location and safety of the existing approach. He testified that Mr. Stolworthy had obtained an easement and built a new approach, which had been inspected and approved by Bingham County Public Works. Mr. Street testified that the second concern was the issues that Mr. Stolworthy had been causing with the neighbors, and he did not believe that they had gotten any better. He mentioned this venue is in a good location and that there may be some conditions placed to help mend this relationship. Mr. Street, living a quarter of a mile away, testified that he had noticed the lights at the proposed Event Center being on 24 hours a day, 7 days a week, and was unsure if this was being done in retaliation.

Mr. Street expressed his curiosity about what conditions the Hardys believed might help the situation. Mr. Street explained that the building has been constructed and will be used for family gatherings, celebrations of life, family reunions, or weddings, which will increase traffic. However, he noted that it will not be in use all the time and that Mr. Stolworthy had addressed many of the concerns the County had. Mr. Street stated that he has heard many times from his own home, but it is not connected to the Event Center. He was aware of the police reports and that the frequency of use had increased since this Application was first submitted. He believed a condition may be placed on the approval of the Application that the lights need to be down-shielded to prevent light pollution, adding that he would like to see conditions agreeable to all parties.

Mr. Street did not believe the anonymous letter of opposition received was appropriate. He is a proponent of someone speaking their mind, but did not appreciate being grouped in this letter, as he is part of the Goshen/Presto Community.

Chairman Aullman asked Mr. Street if the Application was to be approved with conditions, if Mr. Stolworthy was aware that if he does not follow the conditions, the Conditional Use Permit may be revoked. Mr. Street responded that he had explained this to Mr. Stolworthy in a very blunt conversation. He is aware and has signed an Acknowledgement of Structure Use and Agreement of Compliance. This document states that if the Planning and Zoning Commission denies the Conditional Use Permit Application to operate an Event/Reception Venue on his property, he will continue to use the structure for personal use only.

4. With no further questions for the Applicant's Representative, testimony from the public was requested. Testimony in a position of support or neutral was not received.

Testimony in opposition to the Application was received from:

(T-7) C. Denise Hardy, 948 E Wolverine, Firth, ID, who believed the new easement location would be beneficial to the safety of the public, Wada Farms, and Mr. Stolworthy. Mrs. Hardy testified the Event Center was not compatible with the surrounding areas and mentioned that there are no other compatible commercial buildings in the area.

Mrs. Hardy testified that the issues created by Mr. Stolworthy have not ceased since the last Planning and Zoning Commission meeting and that peaceful life no longer exists for her and her husband. She discussed the lights from the building being on non-stop, horn blaring over seventy (70) times in the last six (6) months, and how this situation has affected them physically, mentally, emotionally, and financially. Mrs. Hardy believed the nine-foot (9') wall had not mitigated the noise, and was concerned with the increased noise levels when events are held potentially late into the evening, as her family had been in the wedding business for over thirty (30) years. Mrs. Hardy mentioned the police reports and that it is clear that Mr. Stolworthy does not care how this is affecting them and the surrounding neighbors, and feared it may get worse.

Commissioner Adams asked if the shielding of the lights might mitigate the issue of light pollution. Mrs. Hardy mentioned there are trees that mitigate some of the light, but it is still



able to shine into their bedroom. She did not know if shielding would mitigate the lights coming from the building, and that Mr. Stolworthy uses the lights on his tower and a spotlight to shine into their bedroom.

Chairman Aullman explained that conditions may help mitigate these issues and allow Mr. Stolworthy to use his property. Mrs. Hardy was appreciative of the consideration and testified that they have had substantial damage to their property with trees and landscaping being torn out, foundations being damaged, and windows blown out with the use of Tannerite by Mr. Stolworthy.

Chairman Aullman asked Director Olsen what steps would be taken by Planning & Development if there were a violation of a Conditional Use Permit. Director Olsen stated if it is found that conditions of an approved permit are being violated, Bingham County Code requires that the Applicant be provided written notification from her Department that they're out of compliance with the terms and regulations of their permit approval and per the Code, the Applicant must be provided an opportunity to cure the violation. However, should the violation continue, based on the results of an investigation, an action may be brought before the Planning and Zoning Commission to revoke the Conditional Use Permit. Director Olsen added that there are also remedies in Bingham County Code that support a criminal citation for violating a Conditional Use Permit and potentially civil remedies between the parties. Mrs. Hardy asked how many condition violations have to occur to begin an investigation, and who would be responsible for checking to ensure conditions of an approved permit are in compliance. Chairman Aullman stated that a neighbor or property owner would likely report a lack of permit compliance to Planning and Development Services, who would then begin an investigation. Chairman Aullman testified that if Mr. Stolworthy is found to be out of compliance, he stands to lose his Conditional Use Permit and the opportunity to use the facility for its desired purpose.

Paul Rogers, Bingham County Civil Attorney, mentioned in December of 2024 that the Applicant's first Conditional Use Permit Application was denied due to concerns regarding compatibility with Bingham County Code Section 10-8-3(4), which states that it "*should not be unduly hazardous or disturbing to existing or future neighboring uses; the Application should also not involve uses, activities, processes, materials, equipment, and conditions of operation that would be detrimental to individuals, property, or the general welfare of the public due to excessive traffic, noise, smoke, fumes, odors, or other pollutants.*" Mr. Rogers explained that the Commission's discussion should focus on how this second Application meets or does not meet this code requirement. Chairman Aullman and Commissioner Bingham agreed with Mrs. Hardy that the location, safety of the existing access, light pollution, and noise were all concerns from the last Conditional Use Permit Application meeting, as documented in the previous record. Commissioner Bingham believed the concerns about access were resolved, but did not see evidence that any other issues had been addressed. Chairman Aullman affirmed that this could be managed with conditions attached to an approval.

Commissioner Jolley suggested conditions such as a taller fence, specific hours of operation, and possible notifications to the neighbors regarding the event center for the additional noise and traffic that would be generated.

(T-7) Kevin Hardy, 948 E Wolverine, Firth, ID, testified he has lived at his residence for thirty-six (36) years. He discussed concerns about retaliation and believed that would have also been the case for the individuals who submitted anonymous testimony. He testified that the access for the Event Center was moved from the front of the cellars, which is at the top of the hill, to the back of the cellars, which is in the middle of the hill, and is the location where trucks are loaded. Mr. Hardy stated that drivers accelerate going up the hill. He did not think the new access location would reduce the amount of potential accidents due to sight limitations. He testified that a turning lane would need to be added to solve this issue, with there being approximately 150 feet of stopping distance.

Mr. Hardy testified that Mr. Stolworthy's horn sounds almost identical to the San Francisco 49ers' touchdown celebration horn and that they have to use ear protection when outside in fear of hearing loss. Mr. Hardy mentioned that their grandkids do not visit for fear of that horn being used when outside playing, as well as their dog being very scared and hiding under the bed. Mr. Hardy stated he has concerned that there would be additional noise and lighting impacts if this Application were approved.

Commissioner Jolley asked Mr. Hardy what conditions he would like to see on a potential approval. Mr. Hardy asked for compensation for the property damage, which Director Olsen and Chairman Aullman stated would not be allowed. Mr. Hardy questioned how lights are shielded and was unsure whether a taller fence would help with the increased noise. Chairman Aullman asked Mr. Hardy if the airhorn and explosives were used before their Event Center opposition. Mr. Hardy stated Mr. Stolworthy had used explosives, but the airhorn was a recent addition. Mr. Hardy concluded that the airhorn is used for celebration and was concerned about its use for the celebrations held at the Event Center.

5. With no additional testimony in opposition, rebuttal testimony was offered by the Applicant's Representative, Chris Street, who stated that Mr. Stolworthy hosts a yearly 4<sup>th</sup> of July celebration and spoke to the use of explosives and the noise they create. To address the concerns about the lights being shielded, he explained how commercial lights use a shield to direct the light downwards. He believed the access concerns had been addressed as recommended in the traffic study, and discussed conditions to address the noise and light pollution concerns.

Commissioner Bingham recalled at the last hearing, there were concerns with Bingham County Code Sections 10-8-3(A)4, and 10-7-27(A) and the Commission found that future conditions of the operations were detrimental to persons, property, and general welfare both because of excessive production of new traffic, noise, and lighting. He was concerned that this new Application did not provide any changes or responses to cure those concerns. Mr. Street stated that the lights would be shielded, the access has been addressed, and the



noise was addressed with the retaining wall being used as a buffer, as well as the operational hours of the facility. He questioned if Commissioner Bingham did not feel those were adequate. Chairman Aullman stated that it would be up to the Commission to work through those concerns.

After Mr. Street's rebuttal testimony, the Public Hearing portion for this Application was closed.

6. During Commission discussion, Commissioner Jolley believed this was an unfortunate circumstance, but in reviewing why the first Application was denied, the Commission needed to determine if the second Application meets Bingham County Code Section 10-8-3(A)(4). He acknowledged that the building exists as an accessory building and there may be some ways to mitigate the concerns expressed.

Chairman Aullman asked the Commission if they felt that specific conditions could be placed to mitigate or remove some of their concerns. Commissioner Adams wanted to clarify that the conditions to review would be specific to the Event Center and not that of being a nice neighbor. Commissioner Adams testified that noise travels in a straight line, and a fence was not reasonable to mitigate that noise. He questioned if the air horn was part of this Application and the use of it with the proposed Event Center, or if it was for private use. He reiterated that in his opinion, the noise associated with the Event Center would be traffic and people in the area, which would be ground level.

Because Commissioner Watson was not on the Commission for the first Application, he asked if Mr. Stolworthy built this structure intending to use it as an Event Center and what that process looked like. Director Olsen explained that Mr. Stolworthy applied for a Commercial Building Permit, and while it was under review, it was determined that with the current zoning designation, an Event Center would require a Conditional Use Permit. The Commercial Building Permit Application was then placed on hold pending the outcome of a Conditional Use Permit Application Public Hearing. In order to proceed with construction, Mr. Stolworthy identified the structure as an accessory structure with a living area; this structure is allowed on a parcel of two (2) acres or greater, with a living space that does not exceed 50% of the structure. Meeting both the permitting and land use requirements, a Building Permit was issued for an accessory structure with a living area.

Commissioner Watson explained that his family is currently in the wedding business, and there may be events Mr. Stolworthy cannot accommodate with the limited-sized septic system. He explained that events can go beyond their allotted time and was curious how that would be handled and enforced. Commissioner Watson stated that a lot of time, effort, and money had been invested in the structure thus far, but was unsure if the Commission could place enough conditions on the use of an Event Center to alleviate the Hardys' concerns as an adjacent property owner.

Commissioner Winder testified he lives roughly five (5) miles North of the subject property, has heard the horn referenced, and can sympathize with the brightness of the lights on the interior and exterior of the structure from that distance. In his opinion, he believed the Application could either be denied, which could result in possible retaliation to the community, or be approved with conditions, which could potentially make the situation better. Commissioner Winder suggested installation of parking lot motion lights, down shielding lights, mirrored glass, and things of that nature to assist with the lighting concerns. He testified that the Application should not be denied based on the Applicant's history of being a bad neighbor. If the Application was approved with conditions, and those conditions were not followed, the Applicant could be subject to a revocation of the approval. Commissioner Winder testified he was also concerned with the speed of traffic on the road, and the addition of more people and vehicles, as both access roads will be used, and the proposed stop sign may not be sufficient for safety. He believed that adding signage to the top and bottom of the hill would be needed to notify drivers. Commissioner Jolley suggested temporary signage could be placed when events are in progress to make the traveling public more aware. Commissioner Adams believed signage was spoken about at the last hearing from Dusty Whited, Bingham County Public Works Director, who he recalled stating that any signage placed would have to be official signage from Bingham County, and because of this, it could not be a condition.

Mr. Rogers discussed Idaho Code Section 10-6409, which defines disturbing the peace as a misdemeanor citation. He explained that if the Application was denied and the Event Center is used, it would be a potential criminal charge; versus if the Application was approved with conditions, and the conditions are not met, it would be an infraction or misdemeanor charge with the possibility of a criminal investigation if there is a Conditional Use Permit and it's egregious.

Commissioner Bingham explained that this same conversation regarding various conditions had been documented in the previous Application, and the Commission determined that such conditions would not be adequate to mitigate the concerns and was not sure what had changed with the submission of the second Application. Chairman Aullman questioned if the Application needed to be tabled and sent back to Mr. Stolworthy for his idea of what conditions needed to be placed to address the concerns.

Commissioner Jolley responded that instead of tabling the Application, the approval could be conditioned to set the expectation of what is required to obtain a Conditional Use Permit for this land use on this property.

Chairman Aullman proceeded with reviewing the following potential conditions prepared by Staff:

1. *That a regulatory official street stop sign be installed and maintained at the expense of Mr. Stolworthy at the intersection of the approach access and 600 N Wolverine Road*



*in compliance with the Manual on Uniform Traffic Control Devices (MUTCD) standards and approved by Bingham County Public Works;*

Commissioner Jolley testified this was a great condition, and placing a temporary "Event Ahead" sign would be appropriate. He also testified he was concerned that vehicles coming from the top of the hill would not see the traffic as easily as vehicles coming from the bottom of the hill. Director Olsen testified that a sign cannot exist in the public Right-of-Way without County approval. Commissioner Jolley stated that he has placed warning signs for construction in the Right-of-Way, and that there is a legal way to do it. Commissioner Adams mentioned that Mr. Stolworthy does not own the property at the top of the hill and did not want to overstep the Commission's ability to place this condition. Commissioner Bingham believed that placing signs should be at the top and bottom of the hill. Chairman Aullman confirmed that he also believed temporary signs to be beneficial.

2. *Mr. Stolworthy applies for and receives a Commercial Building Permit for an Event/Venue Facility according to the International Building Code. A Certificate of Occupancy shall be obtained before the operation of the Reception Center, Wedding/Event Venue Facility;*

The Commission agreed this condition was appropriate.

3. *Maximum occupancy shall be seventy-five (75) event attendees, five (5) employees, and 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 seventy (70) and eighty (80) guests, as suggested by Chief Randy Adams;*

Commissioner Watson clarified that this would be the maximum occupancy for the structure. Commissioner Jolley understood that although the structure has an occupancy, there would be a parking lot and lawn, and that events could be for 150-200 people. The Commission agreed this condition was appropriate.

4. *Place signage on the property directing event attendees to where parking/overflow parking areas exist. All 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;*

Chairman Aullman mentioned the shared driveway would be accessible to event attendees, and suggested placing temporary signage during every event to indicate that use of the private driveway is not for event attendees. Director Olsen added that when this condition was prepared, it was intended to be in response to the Fire Marshal's testimony to prevent vehicles from parking on the private road and to ensure clear access to the structure in the event of an emergency, and not to direct traffic. Commissioner Jolley questioned why there was a new access and believed it would not be used and Commissioner Adams reminded him that it was a recommendation of the Traffic Study for safety reasons.

Mr. Rogers referred to Bingham County Code Section 10-7-31(B)(7) *Traffic or other signs required by law, railroad crossing signs, legal notices, and such temporary emergency or non-advertising signs as may be authorized by the Board*. He stated that if this condition were placed, it would be heard by the Board of County Commissioners. Commissioner Adams wanted to add temporary signage to condition number one, and proposed it would read *"signage to show previous access point, private drive, and arrows to direct traffic to public access."* He asked if the Commission would like to add *"and provide temporary signage for every event at the top and bottom of the hill,"* and the Commission agreed. Mr. Rogers suggested adding a distance, and the Commission agreed that a 400-foot distance was appropriate.

Commissioner Watson asked if there were proposed designated parking spaces for emergency services. Director Olsen did not recall this being referenced in the Fire Marshal's testimony or on the Applicant's Site Plan, but that parking to be compliant with Fire Code could be added as a condition. Commissioner Bingham stated that when there are large events, people tend to park on the edge of the road, and asked if this needs to be addressed. Commissioner Adams mentioned it was illegal to park on the edge of the road and wanted to avoid being redundant about what the County Code already enforces. Commissioner Jolley suggested it say *"place permanent signage."*

5. *Comply with the Shelley/Firth Fire Marshal's requirements;*

Commissioner Watson and Adams suggested adding *"and Fire Code."*

6. *Comply with Bingham County Code Section 10-7-27 Reception Center, Wedding (outside commercial zone) Specific Use Performance Standards and 10-6-10 Parking and Unloading Regulations.*

The Commission did not express any concerns with this proposed condition.

7. *Provide written verification from the Idaho Department of Environmental Quality that the culinary well system is installed and compliant with all public water drinking regulations;*

The Commission agreed to include this condition without further discussion.

8. *Down-shield all outdoor lighting on the property to prevent light from spilling onto other properties. Turn all interior lights off when not in use;*

The Commission discussed adding more specific wording, such as *"when in use"*, *"during hours of operation"*, *"no light pollution to adjacent properties"*, *"no light shall be emitted from a lot that is unreasonably bright or causes unreasonable glare for any adjacent lot owner"*, etc. Other options, such as motion sensors and frosted lighting, were considered.



The Commission also discussed whether a condition regarding noise, such as hours of operation, decibel limitations, no outside dancing, no fireworks, no airhorns, no car horns, and no explosives in celebrating needed to be addressed, or if noise is to be expected at an event venue and should be regulated by Idaho Code Section 18-6409, *Disturbing the Peace*. Potential conditions for alcohol restrictions and notification of upcoming events to all boundary-sharing properties were also discussed.

Commissioner Watson stated that in his experience in the wedding/event business, he has left venues as late as 11:00 p.m., but that it is also the burden of the venue attendees to ensure they are out on time. He believed that most receptions are between 6:00 to 8:00 p.m. and thought that if there were no hours of operation, the event could last until 11:00 p.m. to 12:00 a.m.

Commissioner Jolley suggested that the Hardys be notified of upcoming events, as they are most affected by the land use. Chairman Aullman asked if such notice would only be provided to the Hardys. Commissioner Jolley then suggested notification to all boundary-sharing properties.

9. *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 the Idaho Department of Public Health is required for further review and approval;*

The Commission agreed with this condition without further discussion.

Chairman Aullman asked what, if any, other conditions should be considered or discussed by the Commission. Chairman Adams suggested adding a condition limiting hours of operation for events and use of the reception center to not exceed 10:00 p.m., and another condition stating the venue shall prohibit the use of horns, fireworks, explosions, or any other similar excessive noise pollution. Commissioner Jolley sought clarification on how the 48-hour written notice would be given. He discussed the use of text messages, email, and mailed letters, stating that emails, text messages, and/or mailed notices are time-stamped.

7. With the extent of the Commission discussion and potential conditions, the Commission wished to hear from the Hardys; therefore, Commissioner Jolley motioned to reopen the public hearing. Commissioner Bingham seconded that motion. Commissioners Jolley, Bingham, Adams, Carroll, Johns, Watson, and Winder voted in favor. The Public Hearing was reopened.

Chairman Aullman asked Mrs. Hardy if she felt the conditions discussed were sufficient to which she stated that Mr. Stolworthy would do whatever he was going to do anyway and may end up making the situation worse for them. Chairman Aullman asked if they were willing to give it a try to which she testified she was but reiterated that they have already had seven (7) or eight (8) police reports and multiple instances of retaliation which seem to continue. Commissioner Winder reiterated that the Commission cannot regulate being a

good neighbor, but that extra steps are being taken to hopefully help the situation and hoped that the Applicant would recognize that. Chairman Aullman asked Commissioner Adams to read the lighting condition as he had it written, which read “*down-shield all outdoor lighting on the property to prevent light spilling onto other properties, no light shall be emitted from a lot that is unreasonably bright or causes unreasonable glare for any adjacent lot owner.*”

After Ms. Hardy's testimony, no additional testimony was received from those in the audience, and the Public Hearing portion of the Application was closed.

8. Commission discussion resumed with Commissioner Watson, who stated that the Commission is providing the Applicant a roadmap of what the Event Center can accomplish and the parameters of operation; anything outside of those parameters is then prosecutorial. Commissioner Jolley did not believe that these conditions would cause any undue hardship to the Applicant and were well within the purview of the Commission to impose.

The Commission discussed temporary signage, how the signage would be placed, and in what locations along the Right-of-Way. The Commission confirmed the signage would be at the top and bottom of the hill for the approaching traffic and that the Applicant would be required to work with Bingham County Public Works to effectuate this condition.

## II. REASON

The Planning and Zoning Commission:

1. found the proposed land use of a Reception Center/Event Venue is an allowed land use in a Natural Resources/Agriculture Zoning District with an approved Conditional Use Permit pursuant to Bingham County *Land Use Chart*, Section 10-5-3; and
2. found the Application met the requirements of Bingham County Code Section 10-8-2 as the contents of the Application were complete; and
3. heard testimony 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 with a minimal residential population to a commercial type of land use which is inconsistent with the requirements of Bingham County Code Section 10-8-3(A)(3) and that the Application lacked compatibility with adjacent uses as provided in Bingham County Code Section 10-4-2(A)(4). The Commission determined that the land use is allowed with a Conditional Use Permit in this zoning designation and that by adding conditions to address the concerns expressed by the adjacent property owners who to stand to be the most affected by Event Center operations, there may be an opportunity for the Applicant to utilize his requested land use; and



4. heard testimony that the new easement location would be beneficial to the safety of the public and Mr. Stolworthy. Additionally, testimony was received that the access is in the middle of the hill and is the location where farm trucks are loaded. These concerns were addressed and supported by Bingham County Public Works testimony stating that an Approach Permit had been approved and that the approach location meets all current standards as well as sight and stopping distance requirements in compliance with Bingham County Code Section 10-8-3(A)(4); and
5. heard testimony that lighting, noise, and traffic concerns were unduly hazardous or disturbing to the existing neighboring uses and detrimental to persons, property, and/or the general welfare of the public from retaliation resulting in multiple discharges of a fog horn, explosives, and bright lighting on at all times during the day and night. The Commission found these concerns to be valid and discussed mitigating these issues by placing conditions that could be regulated and to require compliance with Bingham County Code Section 10-8-3(4) as opposed to denying the Application; and
6. the Applicant provided a Septic Permit from Southeastern Idaho Public Health approving a private septic system to service the facility for up to seventy-five (75) guests and five (5) regular employees, as well as the two-bedroom apartment. Additionally, the Commission found that the Applicant will continue to work with the Department of Environmental Quality regarding the conversion of his culinary well to a public water drinking system; and
7. that no necessary improvements or modifications were identified to the County roadway as a part of the Application; therefore, the Application was in compliance with Bingham County Code Section 10-8-3(A)(5-6) and (9) as well as 10-7-27(C); and
8. the Reception Center Wedding/Event Venue complies with Bingham County Code Section 10-8-3(A)(7) as the Applicant provided a recorded Grant of Easement establishing legal access to the subject property for the development; and
9. testimony was received with concerns regarding the protection of property rights and the use of property while not adversely impacting neighboring property values as required in the objectives of the Comprehensive Plan; and
10. the Public Hearing notice met the requirements of Idaho Code and Bingham County Code Title 10 Chapter 3.

### III. DECISION

Based on the record, Commissioner Adams moved to approve the Conditional Use Permit Application requested by Edward Stolworthy to 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 regulatory official street stop sign be installed and maintained at the expense of Mr. Stolworthy at the intersection of the approach access and 600 N Wolverine Road in compliance with the Manual on Uniform Traffic Control Devices (MUTCD) standards and approved by Bingham County Public Works; and provide signage to include previous access point as a private drive and arrow to direct traffic to public access; and provide signage to show event in process during use of venue to be located on Wolverine Road at uphill and downhill locations. Sign type, size, and location to be approved by Bingham County Road & Bridge prior to permit issuance; and
2. Mr. Stolworthy applies for and receives a Commercial Building Permit for an Event/Venue Facility according to the International Building Code. A Certificate of Occupancy shall be obtained before the operation of the Reception Center, Wedding/Event Venue Facility; and
3. Maximum occupancy shall be seventy-five (75) event attendees, five (5) employees, and a two-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 seventy (70) and eighty (80) guests, as suggested by Chief Randy Adams; and
4. Place signage on the property directing event attendees to where parking/overflow parking areas exist. All 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; and
5. Comply with the Shelley/Firth Fire Marshal's requirements, and Fire Code; and
6. Comply with Bingham County Code Section 10-7-27 Reception Center, Wedding (outside commercial zone) Specific Use Performance Standards and 10-6-10 Parking and Loading Regulations.
7. Provide written verification from the Idaho Department of Environmental Quality that the culinary well system is installed and compliant with all public water drinking regulations; and
8. Down-shield all outdoor lighting on the property to prevent light from spilling onto other properties. No light shall be omitted from a lot that is unnecessarily bright or cause unreasonable glare for any adjacent lot owners; and
9. 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 the Idaho Department of Public Health is required for further review and approval; and



10. Limit hours of operation for events and public use of the event center to not exceed 10:00 p.m.
11. Prohibit at all times the use of horns, fireworks, explosions, and or any other similar excessive noise pollution.
12. Provide 48-hour advance notice to neighboring properties of expected use with the use of email, text, or a hand-delivered letter.

Commissioner Jolley suggested that condition number one to say “*before a Certificate of Occupancy instead of permit issuance.*” Commissioner Bingham was concerned that the hours of operation did not have a start time. Commissioner Adams proposed to change condition number ten to limit hours of operation or events and public use of the reception center for the duration of 9:00 a.m. to 10:00 p.m.

Commissioner Adams read the conditions as:

1. That a regulatory official street stop sign be installed and maintained at the expense of Mr. Stolworthy at the intersection of the approach access and 600 N Wolverine Road in compliance with the Manual on Uniform Traffic Control Devices (MUTCD) standards and approved by Bingham County Public Works; and provide signage to include previous access point as a private drive and arrow to direct traffic to public access; and provide signage to show event in process during use of venue to be located on Wolverine Rd at uphill and downhill locations. Sign type, size, and location to be approved by Bingham County Road & Bridge prior to issuance of the Conditional Use Permit; and
2. Mr. Stolworthy applies for and receives a Commercial Building Permit for an Event/Venue Facility according to the International Building Code. A Certificate of Occupancy shall be obtained before the operation of the Reception Center, Wedding/Event Venue Facility; and
3. Maximum occupancy shall be 75 event attendees, 5 employees, and 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; and
4. Place signage on the property directing event attendees to where parking/overflow parking areas exist. All 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; and
5. Comply with the Shelley/Firth Fire Marshal’s requirements and Fire Code; and

6. Comply with Bingham County Code Section 10-7-27 Reception Center, Wedding (outside commercial zone) Specific Use Performance Standards and 10-6-10 Parking and Loading Regulations.
7. Provide written verification from the Idaho Department of Environmental Quality that the culinary well system is installed and compliant with all public water drinking regulations; and
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9. 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 the Idaho Department of Public Health is required for further review and approval; and
10. Limit hours of operation for events and public use of the event center for the duration of 9:00 a.m. to 10:00 p.m.
11. Prohibit at all times the use of horns, fireworks, explosions, and or any other similar excessive noise pollution.
12. Provide 48-hour advance notice to neighboring properties of expected use with the use of email, text, or a hand-delivered letter.

Commissioner Jolley seconded the motion. Commissioners Adams, Jolley, Bingham, Carroll, Johns, Watson, and Winder voted in favor. The motion passed.



William Aullman, Chairman  
Bingham County Planning and Zoning Commission



Date