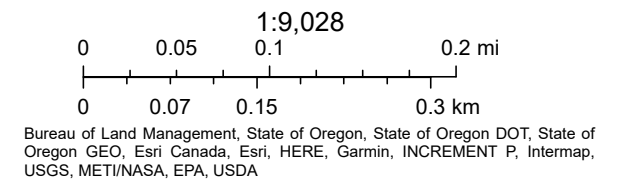
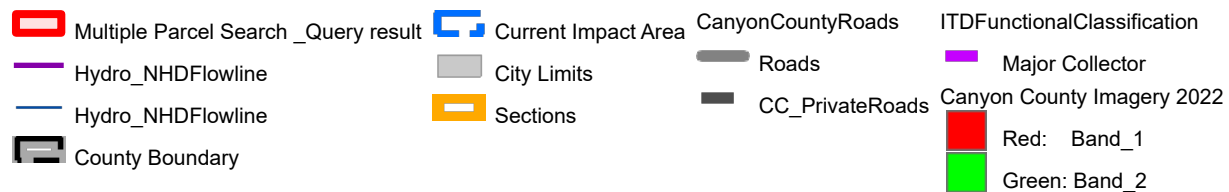


# Canyon County, ID Web Map



8/28/2023, 2:03:58 PM





**CONDITIONAL USE PERMIT**  
**PUBLIC HEARING - MASTER APPLICATION**

<b>PROPERTY OWNER</b>	OWNER NAME: <u>Scott &amp; Denise Smith</u>
	MAILING ADDRESS: <u>6390 Schmidt Lane, Star ID 83669</u>
	PHONE: [REDACTED] EMAIL: [REDACTED]
<b>I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If the owner(s) is a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.</b>	
Signature: <u>[Signature]</u> Date: <u>28 Aug 2023</u>	

<b>APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER</b>	APPLICANT NAME:	
	COMPANY NAME:	
	MAILING ADDRESS:	
	PHONE:	EMAIL:

<b>SITE INFO</b>	STREET ADDRESS: <u>6394 Schmidt Lane</u>	
	PARCEL NUMBER: <u>R3377401500</u> Sect: <u>01, 4N, 2W</u>	
	PARCEL SIZE: <u>10 acre</u>	
	REQUESTED USE: <u>Event Center</u>	
	FLOOD ZONE (YES/NO) <u>No</u>	ZONING DISTRICT:

**FOR DSD STAFF COMPLETION ONLY:**

CASE NUMBER: <u>CU2023-0018</u>	DATE RECEIVED: <u>8/28/23</u>
RECEIVED BY: <u>Ivan K.</u>	APPLICATION FEE: <u>\$950</u> <input checked="" type="checkbox"/> CK <input type="checkbox"/> MO <input type="checkbox"/> CC CASH





# 

### 

THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS APPLICATION TO BE DEEMED COMPLETE (PLEASE CHECK OFF THE ITEMS REQUIRED):

Description	Applicant	Staff
Master Application completed and signed	DRS	[Signature]
Letter of Intent (see standards on next page)	DRS	[Signature]
Site Plan (see standards on next page)	DRS	[Signature]
Land Use Worksheet	DRS	[Signature]
Neighborhood Meeting sheet/letter completed and signed	DRS	[Signature]
Proof of application/communication with (varies per application):	DRS	[Signature]
Southwest District Health	DRS	[Signature]
Irrigation District	DRS	[Signature]
Fire District	DRS	[Signature]
Highway District/ Idaho Transportation Dept.	DRS	[Signature]
Area of City Impact	DRS	[Signature]
Deed or evidence of property interest to the subject property	DRS	[Signature]
Fee: \$950.00	DRS	[Signature]
\$600.00 (CUP Modification)	DRS	[Signature]
**Fees are non-refundable**		

An application that requires additional Use Standards per Chapter 7, Article 14 of the Canyon County Code:

- ☐ Contractor Shop
- ☐ Mineral Extraction (Long Term)
- ☐ Wind Farm
- ☐ Staging Area
- ☐ Manufacturing or processing of hazardous chemicals or gases
- ☐ Ministorage Facility

\*If applicable, review the Additional Use Standards Below, if not applicable, please disregard them.

**\*DISCLAIMER:** The subject property shall be in compliance with the public nuisance ordinance, the building code and the zoning code before the Director can accept the application.

SOL INVICTUS VINEYARD  
Sol Invictus Vineyard, LLC  
6394 Schmidt Lane  
Star, ID 83669

## COMPREHENSIVE PLAN & LETTER OF INTENDED USE FOR CONDITIONAL USE PERMIT

This plan is amended as of May 14, 2024 based on neighbor feedback provided to Canyon County Development Services, Planning and Zoning.

Sol Invictus Vineyard is a small to medium size winery with accompanying vineyard to serve as a location for consumers to taste wine, socialize, listen to music, and hold events. Current/existing winery-related events (normal winery operations) include, but not limited to, ticketed and non-ticketed events such as wine dinners, wine classes, wine industry related events, wine releases, wine club releases and gatherings, or special tastings. These events may or may not include music.

**Proposal:** Designation as an Event Center, use all of the existing 30' x 100' building to host events and conduct wine tastings, and to have hours of operation designated as 7 days per week from 9:00 a.m. to 10:00 p.m. Events associated with the Event Center are proposed to be limited to a maximum of 250 guests at any given time. We are requesting events with 150 or fewer guests be unlimited in the number of events allowed. Events between 151 and 250 guests are proposed to be limited to no more than 12 events annually.

We anticipate the following:

Large events (151-250) - Such as: Annual Grape Stomp to be held in Sep or Oct and no more than four additional ticketed music events per year, with remaining events being non-ticketed (portable restrooms will be added for special events)

Medium events (50-150) – Such as: wine releases with or without catered dinners, music, weddings, holiday celebrations, other celebrations

Small events (less than 50) – Such as: catered dinners with wine pairings, sip and learns, and small group gatherings

**Employees:** Current number of part-time employees is 10, with increases up to 15 based on activities or customer traffic. This fluctuates throughout the year depending on the expected number of visitors and maintaining traffic control. This number of employees should be sufficient for near-term operations. We expect to add 3-4 employees in the next year or two to support wine production growth as well as site maintenance.

**Time Requirements:** We are requesting approval of a Conditional Use Permit for a Winery and Indoor/Outdoor Event Center. These uses are allowed in the proposed RR zoning district. We have previously received approval for a Conditional Use Permit through Canyon County and operate within the limitations of the existing permit. A neighborhood meeting was held on August 4<sup>th</sup>, 2023, in



compliance with the application submittal requirements. Notice of this neighborhood meeting was mailed to property owners within six-hundred feet (600') of the property boundary.

**Commencement of the operations:** The business was established in September 2015 and began with winery production and agricultural operations. Public operating hours were approved and tasting room business began in October 2019. This application is a request to alter the hours of operation and include authorization for an Indoor/Outdoor Event Center.

**Hours of Operation:** The winery tasting room is currently operating public hours from 12:00 p.m. to 7:00 p.m., Saturday and Sunday. Winery production and agricultural operations currently function daily, with no time limitations. The Conditional Use Permit for a Winery and Indoor/Outdoor Event Center seeks to gain approval of public operating hours from 9:00 a.m. to 10:00 p.m., daily, with 24 hours a day, seven days a week for the winery production and agricultural operations. While we don't intend to be consistently open outside the hours of 12 pm until 7 pm, it's necessary to have operating hours starting at 9:00 a.m. to allow set-up activities, private events, or enable people to be in the facility to support daily activities such as cleaning or decorating, as examples. Similarly, we would like the option to remain open until 10:00 p.m. to enable wedding activities, tear down, cleaning, or private events (birthdays, catered dinners, graduation celebrations, etc.). We request these hours to also hold/host activities that the community commonly expects from wineries. The requested hours allow us to host painting parties, dancing classes, flower arranging classes, and many learning events. We also host live music for our guests to enjoy. These times enable us to host live music for various activities.

**Property:** The parcel consists of 10 acres of which approximately 5 acres is dedicated to agriculture (vineyard), additional space for a caretakers dwelling (owner's living space), and the remainder to winery and tasting room operations. On the property, there are two permanent structures. One is the caretakers dwelling and one is a 30' x 100' building consisting of the tasting room, wine storage, and production space. The winery has an adjacent concrete pad with pergola (12' x 18') that serves many functions, mainly as a space for musical performers. We have added noise reduction backdrops to decrease the impact on our neighbors.

Future plans (\*) include building a separate 30' x 80' building dedicated primarily to wine production/storage and the existing facility would then be dedicated to wine tasting and event center activities.

**Public and private facilities:** Primary Residence – (existing) 5,000 square feet Caretakers Dwelling. Currently lived in by owners. Current personal residential activities not associated with the winery or event center are expected to continue to be allowed. Public facilities include an existing 3,000 square feet wine tasting facility and production area, including two restrooms. Three additional outside public areas are utilized: 1) 900 square feet patio space with pergola adjoining the tasting facility, 2) 2,000 square feet open grass area which includes a 250 square feet patio space with pergola, and 3) 1,400 square feet deck with railing.

Future plans (\*) include expanding the existing deck and/or building a new deck (east of existing structure) to augment customer wine tasting operations.

Future plans (\*) may include expanding the grass area to the west.

Future plans (\*) may include allowing limited camping within existing property boundaries.

**Facility Utilities:** A Culligan drinking water filtration system has been added to the tasting room to meet Southwest District Health requirements to purify our well water for guests. Bottled water will also be made available to support customer water consumption. The current septic system which is solely dedicated to the 30' x 100' building will support an average of 50 people per day, 7 days a week. Owners will use restrooms in the caretakers dwelling located on the property, which operates on a separate septic system. Additional portable restrooms will be added as necessary to support growth and during special events. There is no known impact to irrigation, drainage and stormwater drainage based on our request.

**Food:** We are approved to and currently offer a small assortment of prepackaged foods commonly paired with wine. Examples include dried fruit, crackers, trail mix, and prepackaged cheeses. We propose to serve additional items typically expected as part of a charcuterie option. These items include, but are not limited to, meat, cheese, crackers, chocolate, dried fruit, ready to eat fresh fruit, pickles, olives, trail mix, candy, and other pre-packaged snacks. Surface areas, where food is prepared, will be cleaned regularly using appropriate disinfectants. In addition to charcuterie food, we will also offer catered meals, wine and food pairings, and invite food trucks throughout the year. When hosting catered events, catered dinner attendance will not exceed the maximum guest allowance as defined in this proposal. Catered dinners will be prepared offsite.

**Site improvements:** Beginning 2015, we transformed an underutilized agricultural site into a productive 5-acre vineyard. Additionally, we transformed a 30'x100' workshop/carport facility into a wine production and tasting room center. As a requirement to operate the improved facility, we improved the approach apron between Foothill Road and Schmidt Lane as well as upgraded Schmidt Lane to handle any increased traffic. An additional road was created from Schmidt Lane to the production/tasting facility to meet Fire Department access requirements. We added an extra septic system to support Health District requirements.

Future plans (\*) include building a gravel turn around alongside Schmidt Lane (within the current property boundaries) approximately 500 feet from the current winery entrance. This is designed to enable drivers, who missed the well-posted entrance to winery, sufficient space to turn around and not proceed farther down Schmidt Lane and potentially inconvenience neighbors. We are also agreeable to sharing the cost of installing a gate on Schmidt Lane near this turn around if the majority of the residents beyond our property on Schmidt Lane are in favor of a gated entrance.

**Roads:** There are two existing roads on the property. A paved road exists for egress support. A gravel road also exists for in-bound/out-bound traffic. The paved road leads from the tasting room and exits onto Schmidt Lane with approximately 300' to reach Foothill Road. The gravel road leads from the tasting room and exits almost directly onto Foothill Road (less than 100").



**Parking:** Parking in front of the existing building consists of 14 marked spaces (mix of paved and hard packed gravel) and 1 handicap spot. Immediately prior to the building is an additional 6 marked spaces on hard packed gravel. Additional parking spaces (hard pack gravel) are available to the east and west of the existing gravel road. The total parking spaces for the winery will accommodate 75 vehicles. The gravel road has sufficient width to accommodate parking and enable rescue/emergency vehicles access to all facilities on site. A parking circulation plan has been created and submitted to Star Fire for review and approval.

**Traffic:** We consistently monitor Schmidt Lane and Foothill Road to ensure no winery traffic is parked on these roads and to protect neighbors unobstructed access to and from their homes. We have added traffic signs (5 metal signs) to deter guests looking for the winery from proceeding down Schmidt Lane. We have purchased golf carts to enable us to quickly engage with incoming/outgoing traffic, control the number of vehicles, and turn away vehicles when the traffic exceeds available parking spaces. We will provide traffic control for large and ticketed events.

**Buffering/Noise levels:** The majority of buffering to the south and east are vineyards or native vegetation. Structures exist to provide additional noise buffering to the north and west of the outside winery public areas. Additional noise buffering barriers (walls, grasses, landscaping) have been added to aid in noise reduction.

**Dust Levels:** The main area around the winery tasting room, proposed event center, and production facility is asphalt. The gravel road to the facility meets the requirements of the existing Conditional Use Permit. For additional dust control, we are seeking to use dust palliatives (water, hygroscopic compounds, and organic non-petroleum products). Dust palliatives are products that are applied to surfaces to minimize airborne dust. Within the vineyard, we utilize native vegetation practices to reduce airborne dust.

Future plans (\*) include paving (asphalt) the gravel road as part of phase 1. The current gravel parking areas will be similarly paved as part of a long-term phase 2.

**Air and water quality:** No known issues. The existing well has been tested by a commercial entity to validate the safety of well water. All drainage will be retained on site.

**Material delivery:** Raw materials are delivered directly from offsite vineyards and the onsite vineyard to the onsite production facility using vehicles with trailers up to 52' in length. The larger vehicle deliveries occur typically three times a year, with 2 – 3 deliveries each event. The larger vehicle deliveries typically consist of grapes, juice, and bottles. All other deliveries for material are provided through smaller vans commonly utilized by USPS, FedEx or UPS. We expect that to remain typical with proper planning.

**Finished product and distribution:** Our products are available primarily on-site. We are proposing and currently exploring distribution options to restaurants, but it will be at least 1 to 2 years before any serious exploration of distribution outside of a few local restaurants. Additionally, we are frequently requested to support and pour/provide our products at local off-sites, fund-raising events, and musical venues. Additionally, we remain committed to responsible growth by restricting club memberships: 0

in 2019-2020, 100 memberships in 2021, 200 memberships in 2022, and 300 in 2023. We will not increase memberships in 2024 and will re-evaluate in 2025.

Future plans (\*) include distribution of wine to states outside of Idaho. This will increase the number of times smaller delivery vans such as USPS, Fed Ex or UPS will stop at the winery to pick up out-going parcels.

**Marketing/Off-site Community Activities:** While our products are available primarily on-site, we frequently support off-site events. This area will expand as we gain more brand awareness. As an example, we will continue to support the Military Order of the Purple Heart (Idaho Chapter), Star Police, Star/Middleton Fire Department, Star Outreach Food Bank, Life's Kitchen, Rocky Mountain Elk Foundation, Southwest Idaho Business Alliance, and many others. We are strong supporters of our community and will remain dedicated to these efforts. We self-limit marketing for the winery by using only social media sites (Facebook, Instagram, and a website).

**Growth:** We recognize the tremendous growth occurring within the immediate, surrounding area with new subdivisions and businesses being built frequently. We worked hard to control our own growth and avoid impacting our neighbors unnecessarily. We have limited marketing and rely primarily on word of mouth for new customers. We restricted club memberships and will turn away prospective club members as an additional means to ensure limited growth. New club memberships will only be available as current members cancel their memberships. Based on 2021-2022 turnover rates, we anticipate a turnover of no more than 50 memberships per year.

**Local businesses and development:** With the proper traffic controls, the impact on adjacent properties is minimal. There are many factors that contribute to the character of our area. To our north is an event center (High Desert Station) that is within 1,000 feet of our property lines. Their main traffic route is via Blessinger Road to Highway 44. This site is frequently utilized for large scale events, to include outdoor events. Also within proximity to our property is an airstrip currently utilized by a commercial company offering skydiving options. Air traffic is frequent, and this is an active business used nearly year-around. A go-kart track is within this area and can be heard when the site is utilized. Our area is also impacted by Firebird Raceway, which can be clearly heard from our location. There are also plans for a golf course (Willowbrook Golf Course) to be developed within our immediate impact area that will be relevant to our area. We propose that the operation of our winery and vineyard is compatible with the other uses in the general area. In addition to sparse, existing rural single family uses, the surrounding area includes a mixture of existing and future approved uses including the Eagle Rodeo, future Eagle Sports Complex, and BLM land with public access.

Star has grown significantly in the past 4 years. What was once a sea of fields is now rooftops. Once a quaint, small town is now a bustling city and Foothill Road traffic is not a quiet back road, but used extensively by construction equipment, trucks, new neighbors and as a throughfare to avoid Highway 44/State Street. We have witnessed the additional residential subdivisions along Can-Ada Road (Pristine Springs, Aliso Creek, etc), and along New Hope Road (Haven, Trapper Ridge, Hope Springs, Greendale Grove, Cresta Del Sol, and many others). We also recognize the expansion of Highway 16 and Highway



44 that will have a significant impact. Our impact on existing and future traffic patterns, schools, irrigation facilities, and emergency services is negligible.

These factors contribute to the character of our area.

It is the intent of this land use designation to help to preserve Star's rural feel. Huge manicured "Rural Residential" lots are discouraged and therefore manicured home site areas on these properties should not exceed 1/2 acre. Uses may include active agriculture, viticulture, equestrian, and residential. Uses include native open space and small-scale active farmland. The Rural Residential land use is not amenity based (sewer, water, schools) and will usually be located away from goods and services. These areas encourage the keeping and raising of crops and/or animals and do not necessarily include manicured yards, sidewalks, bike paths, or planned park and recreation facilities.

We believe that this proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community. To the contrary, wineries provide a positive economic impact to the community. The proposed use will not involve activities or processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors. The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance.

We propose that the design, construction, operation, and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area. The proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

We have included potential future plans and identified them with an asterisk (\*). All plans will be presented to the proper County and local district officials to obtain the proper permits. All future improvement phases are subject to review of a Certificate of Zoning Compliance, as required. All current building and fire codes will be complied with prior to any public occupancy. The conditional use permit is intended for the sole use of the current Sol Invictus Vineyard LLC owners and their immediate family members.

In summary, we respectfully submit this application for a conditional use permit identifying Sol Invictus Vineyard LLC, located at 6394 Schmidt Lane, Star ID 83669 be designated as an Event Center, be approved for use of the existing 30' x 100' building (to include the outside supporting space) to host events and conduct wine tastings, and to have our hours of operation designated as 7 days per week from 9:00 a.m. to 10:00 p.m.





# LAND USE WORKSHEET

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

## GENERAL INFORMATION

1. **DOMESTIC WATER:** ☒ Individual Domestic Well ☐ Centralized Public Water System ☐ City

☐ N/A – Explain why this is not applicable: \_\_\_\_\_

☐ How many Individual Domestic Wells are proposed? \_\_\_\_\_

2. **SEWER (Wastewater)** ☒ Individual Septic ☐ Centralized Sewer system

☐ N/A – Explain why this is not applicable: \_\_\_\_\_

3. **IRRIGATION WATER PROVIDED VIA:**

☐ Surface ☒ Irrigation Well ☐ None

4. **IF IRRIGATED, PROPOSED IRRIGATION:**

☒ Pressurized ☐ Gravity

5. **ACCESS:**

☒ Frontage ☐ Easement Easement width \_\_\_\_\_ Inst. # \_\_\_\_\_

6. **INTERNAL ROADS:**

☐ Public ☐ Private Road User's Maintenance Agreement Inst # \_\_\_\_\_

7. **FENCING** ☐ Fencing will be provided (Please show location on site plan)

Type: \_\_\_\_\_ Height: \_\_\_\_\_

8. **STORMWATER:** ☒ Retained on site ☐ Swales ☐ Ponds ☐ Borrow Ditches

☐ Other: \_\_\_\_\_

9. **SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY:** (i.e. creeks, ditches, canals, lake)

\_\_\_\_\_

## RESIDENTIAL USES

### 1. NUMBER OF LOTS REQUESTED:

- ☐ Residential \_\_\_\_\_ ☐ Commercial \_\_\_\_\_ ☐ Industrial \_\_\_\_\_  
☐ Common \_\_\_\_\_ ☐ Non-Buildable \_\_\_\_\_

### 2. FIRE SUPPRESSION:

- ☐ Water supply source: \_\_\_\_\_

### 3. INCLUDED IN YOUR PROPOSED PLAN?

- ☐ Sidewalks ☐ Curbs ☐ Gutters ☐ Street Lights ☐ None

## NON-RESIDENTIAL USES

### 1. SPECIFIC USE: Event Center

### 2. DAYS AND HOURS OF OPERATION:

- ☒ Monday 9 am to 10 pm  
☒ Tuesday 9 am to 10 pm  
☒ Wednesday 9 am to 10 pm  
☒ Thursday 9 am to 10 pm  
☒ Friday 9 am to 10 pm  
☒ Saturday 9 am to 10 pm  
☒ Sunday 9 am to 10 pm

### 3. WILL YOU HAVE EMPLOYEES? ☒ Yes If so, how many? 12 ☐ No

### 4. WILL YOU HAVE A SIGN? ☒ Yes ☐ No ☒ Lighted ☐ Non-Lighted

Height: \_\_\_\_\_ ft Width: \_\_\_\_\_ ft Height above ground: \_\_\_\_\_ ft

What type of sign: \_\_\_\_\_ Wall \_\_\_\_\_ Freestanding X Other

### 5. PARKING AND LOADING:

How many parking spaces? 100

Is there is a loading or unloading area? yes

**ANIMAL CARE-RELATED USES**

**1. MAXIMUM NUMBER OF ANIMALS:** \_\_\_\_\_

**2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?**

☐ Building    ☐ Kennel    ☐ Individual Housing    ☐ Other \_\_\_\_\_

**3. HOW DO YOU PROPOSE TO MITIGATE NOISE?**

☐ Building    ☐ Enclosure    ☐ Barrier/Berm    ☐ Bark Collars

**4. ANIMAL WASTE DISPOSAL**

☐ Individual Domestic Septic System    ☐ Animal Waste Only Septic System

☐ Other: \_\_\_\_\_



Jul 24, 2023

Dear Neighbor,

We are in the process of submitting an application for a Conditional Use Permit to Canyon County Development Services (DSD). One of the requirements necessary prior to submitting the application is to hold a "neighborhood meeting" and provide information to our surrounding neighbors (Canyon County Zoning Ordinance 07-01-15).

This meeting is for informational purposes and to receive feedback from you as we move through the application process. This is not a Public Hearing before a governing body of the County. Once our application has been submitted and processed, a public hearing date will be scheduled. Prior to the scheduled date you will receive an official notification from Canyon County DSD regarding the Public Hearing via postal mail, newspaper publication, and/or a display on the property for which the Conditional Use Permit is applied.

The Neighborhood Meeting details are as follows:

Date: Aug 4, 2023

Time: 7pm

Location: 6394 Schmidt Lane, Star, ID 83669

Property description: Sol Invictus Vineyard LLC

The project is summarized below:

Site location: Sol Invictus Vineyard LLC, 6394 Schmidt Lane, Star, ID 83669

Proposed access: extend winery hours of operation to include Thu and Fri; and request designation as an event center to conduct events on site.

Total acreage: 10

Proposed lots: N/A

We look forward to the neighborhood meeting and encourage you to attend. At that time we will answer any questions you may have.

Please do not call Canyon County Development Services regarding this meeting. This is a PRE-APPLICATION requirement and we have not submitted this application for consideration at this time. Our previous application has been withdrawn. The County currently has no information on this project.

If you have any questions prior to the meeting, please contact me at phone: 208-286-7401, email: [denise@solinvictusvineyard.com](mailto:denise@solinvictusvineyard.com), or Sol Invictus Vineyard, 6394 Schmidt Lane, Star, ID 83669.

Sincerely,

A handwritten signature in blue ink that reads "Scott & Denise Smith". The signature is written in a cursive, flowing style.

## NEIGHBORHOOD MEETING SIGN-UP

### CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11<sup>th</sup> Avenue, #310, Caldwell, ID 83605

[zoninginfo@canyoncounty.id.gov](mailto:zoninginfo@canyoncounty.id.gov)

Phone: 208-454-7458

Fax: 208-454-6633



## NEIGHBORHOOD MEETING SIGN UP SHEET

### CANYON COUNTY ZONING ORDINANCE §07-01-15

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

#### SITE INFORMATION

Site Address: 6394 Schmidt Lane	Parcel Number: R3377401500	
City: Star	State: ID	ZIP Code: 83669
Notices Mailed Date: Jul 24, 2023	Number of Acres: 10	Current Zoning:
Description of the Request: Event Center and Extended Hours		

#### APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Scott and Denise Smith		
Company Name: Sol Invictus Vineyard		
Current address: 6390 Schmidt Lane		
City: Star	State: ID	ZIP Code: 83669
Phone: [REDACTED]	Fax: [REDACTED]	
Email: [REDACTED]		

#### MEETING INFORMATION

DATE OF MEETING: Aug 4, 2023	MEETING LOCATION: 6394 Schmidt Lane	
MEETING START TIME: 7pm	MEETING END TIME: 8:15pm	
ATTENDEES: 8 total people		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. CRIS / NAUCH	[Signature]	6306 FEASTALL RD
2. JASON LAASE	[Signature]	6543 SCHMIDT LN
3. STEVE JONES	[Signature]	6743 SCHMIDT LN
4. Sheri Jones	[Signature]	6743 Schmit Ln.
5. BRANDY RUDOLPH	[Signature]	6770 Schmit Ln
6. ERIC RUDOLPH	[Signature]	6770 Schmitt Ln
7. Luke Ertebach	[Signature]	6745 Willis Rd.
8.		
9.		

10.
11.
12.
13.
14.
15.
16.
17.
18.
19.
20.

**NEIGHBORHOOD MEETING CERTIFICATION:**

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

Denise R. Smith

APPLICANT/REPRESENTATIVE (Signature):

Denise R. Smith

DATE: 8/4/23



## AGENCY ACKNOWLEDGMENT

Date: 08/01/2023  
Applicant: Sol Invictus Vineyard, LLC  
Parcel Number: R3377404500  
Site Address: 6394 Schmidt Ln

SIGNATURES DO NOT INDICATE APPROVAL OR COMPLETION OF OFFICIAL REVIEW  
The purpose of this form is to facilitate communication between applicants and agencies so that relevant requirements, application processes, and other feedback can be provided to applicants early in the planning process. Record of communication with an agency regarding the project can be submitted instead of a signature. After the application is submitted, impacted agencies will be sent a hearing notification by DSD staff and will have the opportunity to submit comments.

### Southwest District Health:

☒ Applicant submitted/met for informal review.

Date: 08/01/2023 Signed:

Anthony Lee  
Authorized Southwest District Health Representative  
(This signature does not guarantee project or permit approval)

### Fire District:

☒ Applicant submitted/met for informal review.

Date: 7/26/23 Signed:

District: STAR FPD  
[Signature] O. ISHS  
Authorized Fire District Representative  
(This signature does not guarantee project or permit approval)

### Highway District:

☒ Applicant submitted/met for informal review.

Date: 8/15/23 Signed:

District: CHD 4  
[Signature]  
Authorized Highway District Representative  
(This signature does not guarantee project or permit approval)

### Irrigation District:

☒ Applicant submitted/met for informal review.

Date: 6/9/23 Signed:

District: Farmers Union Ditch Co.  
[Signature]  
Authorized Irrigation Representative  
(This signature does not guarantee project or permit approval)

### Area of City Impact

☒ Applicant submitted/met for informal review.

Date: 7-26-23 Signed:

City: 7601  
[Signature]  
Authorized AOCI Representative  
(This signature does not guarantee project or permit approval)

DISCLAIMER: THIS ACKNOWLEDGMENT IS ONLY VALID SIX MONTHS FROM THE DATE ISSUED

## Dan Lister

---

**From:** Denise Smith <denise@solinvictusvineyard.com>  
**Sent:** Tuesday, October 17, 2023 8:27 AM  
**To:** Debbie Root  
**Subject:** [External] FW: Expansion Individual Sewage Permit Residential at SCOTT & DENISE SMITH [016768] [023828]  
**Attachments:** 6394 Schmidt Ln - Revised Plot Plan.pdf; Letter.of.Intended.Use.10.10.2023.pdf; 6394 Schmidt Ln - #16768.pdf

Good morning Deb,

I wasn't sure if you needed this. The Southwest Health District updated their portion of our intent of use letter that I dropped off at P & Z. They said they didn't forward your department a copy of their edits so I thought I probably should before it goes out to the neighbors.

Regards,  
Denise Smith  
Sol Invictus Vineyard, LLC  
6394 Schmidt Lane  
Star, ID 83669

Sent from [Mail](#) for Windows

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**From:** [Anthony Lee](#)  
**Sent:** Monday, October 16, 2023 7:46 AM  
**To:** [Denise Smith](#)  
**Subject:** FW: Expansion Individual Sewage Permit Residential at SCOTT & DENISE SMITH [016768] [023828]



Check out our new online self-service portal here! [PORTAL](#)

**Anthony Lee, BS/REHS | Land Development Senior | Southwest District Health**  
13307 Miami Lane | Caldwell ID 83607 | ph: 208.455.5384 | cell: 208.899.1285  
[Anthony.Lee@phd3.idaho.gov](mailto:Anthony.Lee@phd3.idaho.gov) | **Healthier Together** | [www.swdh.org](http://www.swdh.org)



---

**From:** Anthony Lee  
**Sent:** Monday, October 16, 2023 7:45 AM  
**To:** Scott & Denise Smith <scott@solinvictusvinryard.com>  
**Cc:** Savanha Rodriguez <Savanha.Rodriguez@phd3.idaho.gov>  
**Subject:** Expansion Individual Sewage Permit Residential at SCOTT & DENISE SMITH [016768] [023828]

Hi Denise,



See attached permit, plot plan, and updated letter of intended use.

Let me know if you have any questions.

Thank you,



Check out our new online self-service portal here! [PORTAL](#)

**Anthony Lee, BS/REHS | Land Development Senior | Southwest District Health**

13307 Miami Lane | Caldwell ID 83607 | ph: 208.455.5384 | cell: 208.899.1285

[Anthony.Lee@phd3.idaho.gov](mailto:Anthony.Lee@phd3.idaho.gov) | **Healthier Together** | [www.swdh.org](http://www.swdh.org)



## Expansion Individual Sewage Permit

## Subsurface Sewage Disposal



## Southwest District Health

13307 Miami Ln  
Caldwell ID 83607  
United States

Permit #: 016768

Date: 10/16/2023

Parcel #: R33774015 0

Applicants Name: Scott &amp; Denise Smith

Land Owner Name: Scott &amp; Denise Smith

Property Address: 6394 Schmidt Ln  
Star ID 83669

## Legal Description

Township: 4N Range: 2W Section: 01

## Subdivision:

Lot: Block: Size (acres): 10.0

## Type of Installation:

Expand Individual Sewage  
Permit

Basic

Type of System:

Intrench Sand Filter

Additional System Type:

Optional System Type:

Water Supply:

Private

Water Source:

Well

## Conditions of Approval

- Over-excavate to 72" and backfill with 24" of approved ASTM C-33 sand to reach A-2b receiving soils. If A-2b soils are not encountered at the specified depth, please call SWDH to evaluate the soils. Installation depth of the new trenches MUST be level to the existing drainfield trench.  
Install three (3) 6 feet wide x 54 feet long trenches per approved plot plan to meet minimum effective drainfield adsorption area for a total of 206 linear feet (to include 264 square feet of the existing drainfield area).  
MUST follow all applicable rules & regulations of the technical guidance manual and IDAPA 58.01.03 to include the letter of intended use.  
Installation of a new 1000 gallon septic tank + existing 1000 gallon septic tank is required to meet minimum septic tank capacity.
- Install no deeper than 48 inches.
- If soil conditions differ from test hole when installing tank/drainfield, contact SWDH before installation.
- Call SWDH for trench inspection before gravel or sand is placed into the trench(s).
- Confirm all surrounding well locations.
- If Lift Station/Pump is needed Complex Installer is required.
- Effluent flows must be equalized with use of distribution box or "Hard-T"

**Unless otherwise stated within this permit, all requirements of IDAPA 58.01.03 shall be met upon system installation.**

Number of Bedrooms: 0 Bedroom(s)

Design Flow: 740+185 (existing) Gallons Per Day

Soil Type (USDA)/ Loading Rate (Gal/ Sq. Ft./ Day): A-2b / 0.75 Adjusted Loading Rate:

The minimum septic tank capacity is: 1480+750 (existing) Gallons

The minimum effective drainfield absorption area is: 972+264 (existing) Square Feet

The drainfield can be no closer to permanent/ intermittent surface water than: 300 Feet

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

All plans, specifications, and conditions contained in the approved permit application are hereby incorporated into, and are enforceable as part of the permit. The permit will expire (2) years from date of issuance. The permit may be renewed if the renewal is applied for on or before the expiration date.

Permit Approved By:

*Anthony Lee*  
Anthony Lee

10/16/2023

Permit Issue Date:

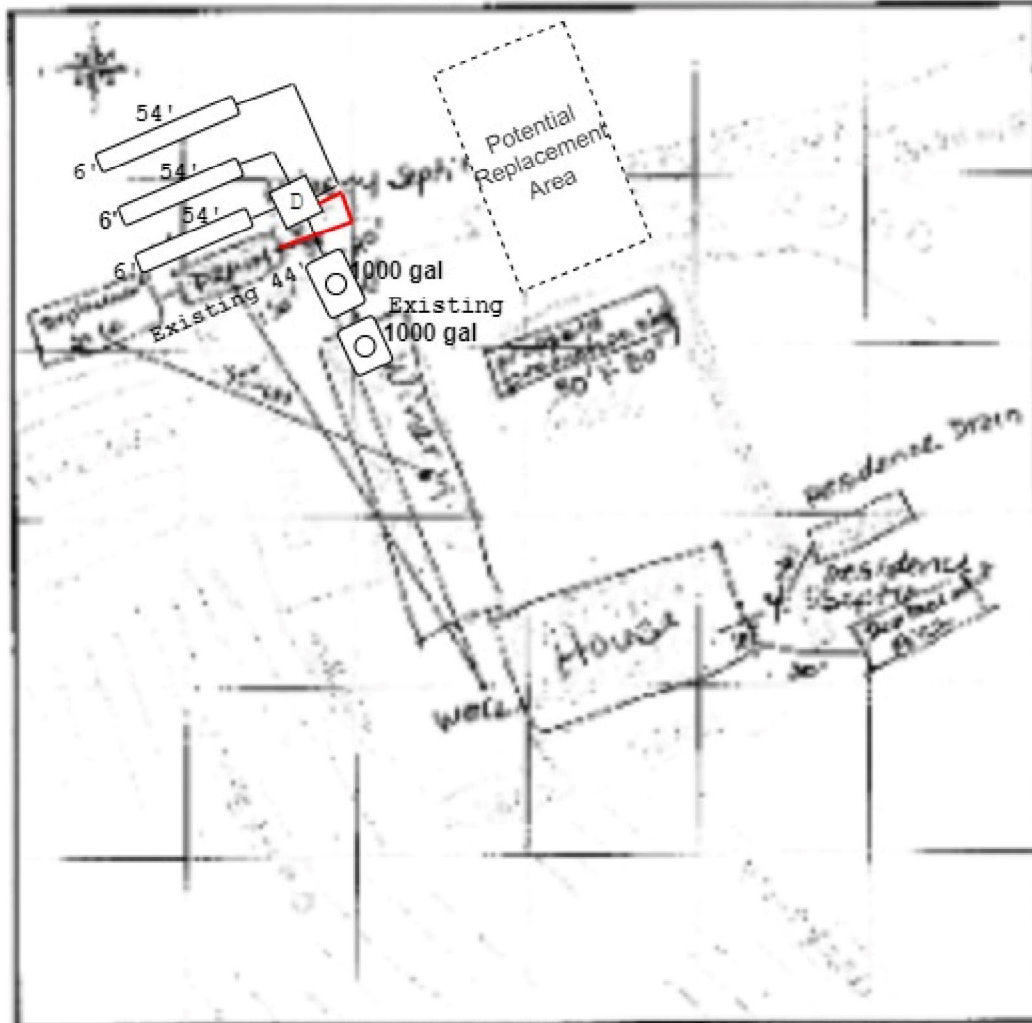


**Public Health**  
**Idaho Public Health Districts**

Please draw an aerial view of the property showing the location of buildings, parking areas, well locations, water lines, location of septic tank and riser, location of drains, driveway, area, street and driveway, water lines, location of water, driveway and parking area, culverts, and location of water lines. Indicate dimensions and location of distances of each item from the well.

**PLOT PLAN**

SCALE: 1" = 20'



Southwest District Health, 13307 Miami Lane, Caldwell, ID 83407

Phone: 208.455.5400 Fax: 208.455.5405

SIGNATURE: *Anthony R. Smith*

DATE: 7/1 Sep 2023

I, the undersigned, certify that the statements and documents on this application are true and complete to the best of my knowledge. I understand that should any false or fraudulent information be provided, my application may be rejected and my permit canceled. I understand that any false information, misstatements, and specifications, is prohibited and is subject to prosecution by the District or its designee. I hereby authorize the Health District to have access to the property for the purpose of conducting a site evaluation.

(Official Use Only)

Plot Plan Approval Date: 10/10/23

PHS Name: Anthony Lee

PHS #: 035

**Return To:**  
Document Management  
Quicken Loans, LLC  
1050 Woodward Ave  
Detroit, MI 48226-1906

**Prepared By:**  
Charlie Wasczenski  
1050 Woodward Ave  
Detroit, MI 48226-1906  
(313)373-0000

70023904 7220405 [Space Above This Line For Recording Data] 3474815035  
**DEED OF TRUST**  
MIN 100039034748150358  
VA Case Number: 47-4760230146

#### DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

(A) **"Security Instrument"** means this document, which is dated May 11, 2021, together with all Riders to this document.  
(B) **"Borrower"** is Scott E. Smith and Denise Rivera Smith, husband and wife

Borrower is the trustor under this Security Instrument.

(C) **"Lender"** is Quicken Loans, LLC

Lender is a Limited Liability Company  
organized and existing under the laws of the State of Michigan

6111509967  
IDAHO Single Family-Fannie Mae/Freddie Mac UNIFORM INSTRUMENT WITH MERS  
VMP ©  
Wolters Kluwer Financial Services

Form 3013 1/01 (rev. 7/08)  
VMP6A(ID) (1302).00  
Page 1 of 17  
Initials: *AKS*



Lender's address is 1050 Woodward Ave, Detroit, MI 48226-1906

(D) "Trustee" is First American Title

(E) "MERS" is Mortgage Electronic Registration Systems, Inc. MERS is a separate corporation that is acting solely as a nominee for Lender and Lender's successors and assigns. **MERS is the beneficiary under this Security Instrument.** MERS is organized and existing under the laws of Delaware, and has an address and telephone number of P.O. Box 2026, Flint, MI 48501-2026, tel. (888) 679-MERS.

(F) "Note" means the promissory note signed by Borrower and dated May 11, 2021. The Note states that Borrower owes Lender Eight Hundred Seventy Thousand and 00/100 Dollars

(U.S. \$ 870,000.00 ) plus interest. Borrower has promised to pay this debt in regular Periodic Payments and to pay the debt in full not later than June 1, 2051.

(G) "Property" means the property that is described below under the heading "Transfer of Rights in the Property."

(H) "Loan" means the debt evidenced by the Note, plus interest, any prepayment charges and late charges due under the Note, and all sums due under this Security Instrument, plus interest.

(I) "Riders" means all Riders to this Security Instrument that are executed by Borrower. The following Riders are to be executed by Borrower [check box as applicable]:

<input type="checkbox"/> Adjustable Rate Rider	<input type="checkbox"/> Condominium Rider	<input type="checkbox"/> Second Home Rider
<input type="checkbox"/> Balloon Rider	<input type="checkbox"/> Planned Unit Development Rider	<input type="checkbox"/> 1-4 Family Rider
<input checked="" type="checkbox"/> VA Rider	<input type="checkbox"/> Biweekly Payment Rider	<input checked="" type="checkbox"/> Other(s) [specify] Legal Attached

(J) "Applicable Law" means all controlling applicable federal, state and local statutes, regulations, ordinances and administrative rules and orders (that have the effect of law) as well as all applicable final, non-appealable judicial opinions.

(K) "Community Association Dues, Fees, and Assessments" means all dues, fees, assessments and other charges that are imposed on Borrower or the Property by a condominium association, homeowners association or similar organization.

(L) "Electronic Funds Transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, computer, or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account. Such term includes, but is not limited to, point-of-sale transfers, automated teller machine transactions, transfers initiated by telephone, wire transfers, and automated clearinghouse transfers.

(M) "Escrow Items" means those items that are described in Section 3.

(N) "Miscellaneous Proceeds" means any compensation, settlement, award of damages, or proceeds paid by any third party (other than insurance proceeds paid under the coverages described in Section 5) for: (i) damage to, or destruction of, the Property; (ii) condemnation or other taking of all or any part of the Property; (iii) conveyance in lieu of condemnation; or (iv) misrepresentations of, or omissions as to, the value and/or condition of the Property.

(O) "Mortgage Insurance" means insurance protecting Lender against the nonpayment of, or default on, the Loan.





(P) "Periodic Payment" means the regularly scheduled amount due for (i) principal and interest under the Note, plus (ii) any amounts under Section 3 of this Security Instrument.

(Q) "RESPA" means the Real Estate Settlement Procedures Act (12 U.S.C. Section 2601 et seq.) and its implementing regulation, Regulation X (12 C.F.R. Part 1024), as they might be amended from time to time, or any additional or successor legislation or regulation that governs the same subject matter. As used in this Security Instrument, "RESPA" refers to all requirements and restrictions that are imposed in regard to a "federally related mortgage loan" even if the Loan does not qualify as a "federally related mortgage loan" under RESPA.

(R) "Successor in Interest of Borrower" means any party that has taken title to the Property, whether or not that party has assumed Borrower's obligations under the Note and/or this Security Instrument.

#### TRANSFER OF RIGHTS IN THE PROPERTY

The beneficiary of this Security Instrument is MERS (solely as nominee for Lender and Lender's successors and assigns) and the successors and assigns of MERS. This Security Instrument secures to Lender: (i) the repayment of the Loan, and all renewals, extensions and modifications of the Note; and (ii) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in the \_\_\_\_\_ County \_\_\_\_\_ [Type of Recording Jurisdiction] of \_\_\_\_\_ Canyon \_\_\_\_\_ [Name of Recording Jurisdiction] :

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.  
SUBJECT TO COVENANTS OF RECORD.

Parcel ID Number: 33774015 0 which currently has the address of  
6390 Schmidt Ln \_\_\_\_\_ [Street]  
Star \_\_\_\_\_ [City], Idaho 83669-6161 [Zip Code]

("Property Address"):

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property." Borrower understands and agrees that MERS holds only legal title to the interests granted by Borrower in this Security Instrument, but, if necessary to comply with law or custom, MERS (as nominee for Lender and Lender's successors and assigns) has the right to exercise any

IDAHO-Single Family-Fannie Mae/Freddie Mac UNIFORM INSTRUMENT WITH MERS  
VMP ©  
Wolters Kluwer Financial Services

Form 3013 1/01 (rev. 7/08)  
1 VMP6A(ID) (1302).00  
Initials: \_\_\_\_\_ Page 3 of 17



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or all of those interests, including, but not limited to, the right to foreclosure and sell the Property; and to take any action required of Lender including, but not limited to, releasing and canceling this Security Instrument.

**BORROWER COVENANTS** that Borrower is lawfully seised of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

**THIS SECURITY INSTRUMENT** combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

**UNIFORM COVENANTS.** Borrower and Lender covenant and agree as follows:

**1. Payment of Principal, Interest, Escrow Items, Prepayment Charges, and Late Charges.** Borrower shall pay when due the principal of, and interest on, the debt evidenced by the Note and any prepayment charges and late charges due under the Note. Borrower shall also pay funds for Escrow Items pursuant to Section 3. Payments due under the Note and this Security Instrument shall be made in U.S. currency. However, if any check or other instrument received by Lender as payment under the Note or this Security Instrument is returned to Lender unpaid, Lender may require that any or all subsequent payments due under the Note and this Security Instrument be made in one or more of the following forms, as selected by Lender: (a) cash; (b) money order; (c) certified check, bank check, treasurer's check or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency, instrumentality, or entity; or (d) Electronic Funds Transfer.

Payments are deemed received by Lender when received at the location designated in the Note or at such other location as may be designated by Lender in accordance with the notice provisions in Section 15. Lender may return any payment or partial payment if the payment or partial payments are insufficient to bring the Loan current. Lender may accept any payment or partial payment insufficient to bring the Loan current, without waiver of any rights hereunder or prejudice to its rights to refuse such payment or partial payments in the future, but Lender is not obligated to apply such payments at the time such payments are accepted. If each Periodic Payment is applied as of its scheduled due date, then Lender need not pay interest on unapplied funds. Lender may hold such unapplied funds until Borrower makes payment to bring the Loan current. If Borrower does not do so within a reasonable period of time, Lender shall either apply such funds or return them to Borrower. If not applied earlier, such funds will be applied to the outstanding principal balance under the Note immediately prior to foreclosure. No offset or claim which Borrower might have now or in the future against Lender shall relieve Borrower from making payments due under the Note and this Security Instrument or performing the covenants and agreements secured by this Security Instrument.

**2. Application of Payments or Proceeds.** Except as otherwise described in this Section 2, all payments accepted and applied by Lender shall be applied in the following order of priority: (a) interest due under the Note; (b) principal due under the Note; (c) amounts due under Section 3. Such payments shall be applied to each Periodic Payment in the order in which it became due. Any remaining amounts shall be applied first to late charges, second to any other amounts due under this Security Instrument, and then to reduce the principal balance of the Note.

If Lender receives a payment from Borrower for a delinquent Periodic Payment which includes a sufficient amount to pay any late charge due, the payment may be applied to the delinquent payment and the late charge. If more than one Periodic Payment is outstanding, Lender may apply any payment received from Borrower to the repayment of the Periodic Payments if, and to the extent that, each payment can be

paid in full. To the extent that any excess exists after the payment is applied to the full payment of one or more Periodic Payments, such excess may be applied to any late charges due. Voluntary prepayments shall be applied first to any prepayment charges and then as described in the Note.

Any application of payments, insurance proceeds, or Miscellaneous Proceeds to principal due under the Note shall not extend or postpone the due date, or change the amount, of the Periodic Payments.

**3. Funds for Escrow Items.** Borrower shall pay to Lender on the day Periodic Payments are due under the Note, until the Note is paid in full, a sum (the "Funds") to provide for payment of amounts due for: (a) taxes and assessments and other items which can attain priority over this Security Instrument as a lien or encumbrance on the Property; (b) leasehold payments or ground rents on the Property, if any; (c) premiums for any and all insurance required by Lender under Section 5; and (d) Mortgage Insurance premiums, if any, or any sums payable by Borrower to Lender in lieu of the payment of Mortgage Insurance premiums in accordance with the provisions of Section 10. These items are called "Escrow Items." At origination or at any time during the term of the Loan, Lender may require that Community Association Dues, Fees, and Assessments, if any, be escrowed by Borrower, and such dues, fees and assessments shall be an Escrow Item. Borrower shall promptly furnish to Lender all notices of amounts to be paid under this Section. Borrower shall pay Lender the Funds for Escrow Items unless Lender waives Borrower's obligation to pay the Funds for any or all Escrow Items. Lender may waive Borrower's obligation to pay to Lender Funds for any or all Escrow Items at any time. Any such waiver may only be in writing. In the event of such waiver, Borrower shall pay directly, when and where payable, the amounts due for any Escrow Items for which payment of Funds has been waived by Lender and, if Lender requires, shall furnish to Lender receipts evidencing such payment within such time period as Lender may require. Borrower's obligation to make such payments and to provide receipts shall for all purposes be deemed to be a covenant and agreement contained in this Security Instrument, as the phrase "covenant and agreement" is used in Section 9. If Borrower is obligated to pay Escrow Items directly, pursuant to a waiver, and Borrower fails to pay the amount due for an Escrow Item, Lender may exercise its rights under Section 9 and pay such amount and Borrower shall then be obligated under Section 9 to repay to Lender any such amount. Lender may revoke the waiver as to any or all Escrow Items at any time by a notice given in accordance with Section 15 and, upon such revocation, Borrower shall pay to Lender all Funds, and in such amounts, that are then required under this Section 3.

Lender may, at any time, collect and hold Funds in an amount (a) sufficient to permit Lender to apply the Funds at the time specified under RESPA, and (b) not to exceed the maximum amount a lender can require under RESPA. Lender shall estimate the amount of Funds due on the basis of current data and reasonable estimates of expenditures of future Escrow Items or otherwise in accordance with Applicable Law.

The Funds shall be held in an institution whose deposits are insured by a federal agency, instrumentality, or entity (including Lender, if Lender is an institution whose deposits are so insured) or in any Federal Home Loan Bank. Lender shall apply the Funds to pay the Escrow Items no later than the time specified under RESPA. Lender shall not charge Borrower for holding and applying the Funds, annually analyzing the escrow account, or verifying the Escrow Items, unless Lender pays Borrower interest on the Funds and Applicable Law permits Lender to make such a charge. Unless an agreement is made in writing or Applicable Law requires interest to be paid on the Funds, Lender shall not be required to pay Borrower any interest or earnings on the Funds. Borrower and Lender can agree in writing, however, that interest shall be paid on the Funds. Lender shall give to Borrower, without charge, an annual accounting of the Funds as required by RESPA.



If there is a surplus of Funds held in escrow, as defined under RESPA, Lender shall account to Borrower for the excess funds in accordance with RESPA. If there is a shortage of Funds held in escrow, as defined under RESPA, Lender shall notify Borrower as required by RESPA, and Borrower shall pay to Lender the amount necessary to make up the shortage in accordance with RESPA, but in no more than 12 monthly payments. If there is a deficiency of Funds held in escrow, as defined under RESPA, Lender shall notify Borrower as required by RESPA, and Borrower shall pay to Lender the amount necessary to make up the deficiency in accordance with RESPA, but in no more than 12 monthly payments.

Upon payment in full of all sums secured by this Security Instrument, Lender shall promptly refund to Borrower any Funds held by Lender.

**4. Charges; Liens.** Borrower shall pay all taxes, assessments, charges, fines, and impositions attributable to the Property which can attain priority over this Security Instrument, leasehold payments or ground rents on the Property, if any, and Community Association Dues, Fees, and Assessments, if any. To the extent that these items are Escrow Items, Borrower shall pay them in the manner provided in Section 3.

Borrower shall promptly discharge any lien which has priority over this Security Instrument unless Borrower: (a) agrees in writing to the payment of the obligation secured by the lien in a manner acceptable to Lender, but only so long as Borrower is performing such agreement; (b) contests the lien in good faith by, or defends against enforcement of the lien in, legal proceedings which in Lender's opinion operate to prevent the enforcement of the lien while those proceedings are pending, but only until such proceedings are concluded; or (c) secures from the holder of the lien an agreement satisfactory to Lender subordinating the lien to this Security Instrument. If Lender determines that any part of the Property is subject to a lien which can attain priority over this Security Instrument, Lender may give Borrower a notice identifying the lien. Within 10 days of the date on which that notice is given, Borrower shall satisfy the lien or take one or more of the actions set forth above in this Section 4.

Lender may require Borrower to pay a one-time charge for a real estate tax verification and/or reporting service used by Lender in connection with this Loan.

**5. Property Insurance.** Borrower shall keep the improvements now existing or hereafter erected on the Property insured against loss by fire, hazards included within the term "extended coverage," and any other hazards including, but not limited to, earthquakes and floods, for which Lender requires insurance. This insurance shall be maintained in the amounts (including deductible levels) and for the periods that Lender requires. What Lender requires pursuant to the preceding sentences can change during the term of the Loan. The insurance carrier providing the insurance shall be chosen by Borrower subject to Lender's right to disapprove Borrower's choice, which right shall not be exercised unreasonably. Lender may require Borrower to pay, in connection with this Loan, either: (a) a one-time charge for flood zone determination, certification and tracking services; or (b) a one-time charge for flood zone determination and certification services and subsequent charges each time remappings or similar changes occur which reasonably might affect such determination or certification. Borrower shall also be responsible for the payment of any fees imposed by the Federal Emergency Management Agency in connection with the review of any flood zone determination resulting from an objection by Borrower.

If Borrower fails to maintain any of the coverages described above, Lender may obtain insurance coverage, at Lender's option and Borrower's expense. Lender is under no obligation to purchase any particular type or amount of coverage. Therefore, such coverage shall cover Lender, but might or might not protect Borrower, Borrower's equity in the Property, or the contents of the Property, against any risk, hazard or liability and might provide greater or lesser coverage than was previously in effect. Borrower acknowledges that the cost of the insurance coverage so obtained might significantly exceed the cost of insurance that Borrower could have obtained. Any amounts disbursed by Lender under this Section 5 shall





become additional debt of Borrower secured by this Security Instrument. These amounts shall bear interest at the Note rate from the date of disbursement and shall be payable, with such interest, upon notice from Lender to Borrower requesting payment.

All insurance policies required by Lender and renewals of such policies shall be subject to Lender's right to disapprove such policies, shall include a standard mortgage clause, and shall name Lender as mortgagee and/or as an additional loss payee. Lender shall have the right to hold the policies and renewal certificates. If Lender requires, Borrower shall promptly give to Lender all receipts of paid premiums and renewal notices. If Borrower obtains any form of insurance coverage, not otherwise required by Lender, for damage to, or destruction of, the Property, such policy shall include a standard mortgage clause and shall name Lender as mortgagee and/or as an additional loss payee.

In the event of loss, Borrower shall give prompt notice to the insurance carrier and Lender. Lender may make proof of loss if not made promptly by Borrower. Unless Lender and Borrower otherwise agree in writing, any insurance proceeds, whether or not the underlying insurance was required by Lender, shall be applied to restoration or repair of the Property, if the restoration or repair is economically feasible and Lender's security is not lessened. During such repair and restoration period, Lender shall have the right to hold such insurance proceeds until Lender has had an opportunity to inspect such Property to ensure the work has been completed to Lender's satisfaction, provided that such inspection shall be undertaken promptly. Lender may disburse proceeds for the repairs and restoration in a single payment or in a series of progress payments as the work is completed. Unless an agreement is made in writing or Applicable Law requires interest to be paid on such insurance proceeds, Lender shall not be required to pay Borrower any interest or earnings on such proceeds. Fees for public adjusters, or other third parties, retained by Borrower shall not be paid out of the insurance proceeds and shall be the sole obligation of Borrower. If the restoration or repair is not economically feasible or Lender's security would be lessened, the insurance proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with the excess, if any, paid to Borrower. Such insurance proceeds shall be applied in the order provided for in Section 2.

If Borrower abandons the Property, Lender may file, negotiate and settle any available insurance claim and related matters. If Borrower does not respond within 30 days to a notice from Lender that the insurance carrier has offered to settle a claim, then Lender may negotiate and settle the claim. The 30-day period will begin when the notice is given. In either event, or if Lender acquires the Property under Section 22 or otherwise, Borrower hereby assigns to Lender (a) Borrower's rights to any insurance proceeds in an amount not to exceed the amounts unpaid under the Note or this Security Instrument, and (b) any other of Borrower's rights (other than the right to any refund of unearned premiums paid by Borrower) under all insurance policies covering the Property, insofar as such rights are applicable to the coverage of the Property. Lender may use the insurance proceeds either to repair or restore the Property or to pay amounts unpaid under the Note or this Security Instrument, whether or not then due.

**6. Occupancy.** Borrower shall occupy, establish, and use the Property as Borrower's principal residence within 60 days after the execution of this Security Instrument and shall continue to occupy the Property as Borrower's principal residence for at least one year after the date of occupancy, unless Lender otherwise agrees in writing, which consent shall not be unreasonably withheld, or unless extenuating circumstances exist which are beyond Borrower's control.

**7. Preservation, Maintenance and Protection of the Property; Inspections.** Borrower shall not destroy, damage or impair the Property, allow the Property to deteriorate or commit waste on the Property. Whether or not Borrower is residing in the Property, Borrower shall maintain the Property in order to prevent the Property from deteriorating or decreasing in value due to its condition. Unless it is



*[Handwritten signature]*

determined pursuant to Section 5 that repair or restoration is not economically feasible, Borrower shall promptly repair the Property if damaged to avoid further deterioration or damage. If insurance or condemnation proceeds are paid in connection with damage to, or the taking of, the Property, Borrower shall be responsible for repairing or restoring the Property only if Lender has released proceeds for such purposes. Lender may disburse proceeds for the repairs and restoration in a single payment or in a series of progress payments as the work is completed. If the insurance or condemnation proceeds are not sufficient to repair or restore the Property, Borrower is not relieved of Borrower's obligation for the completion of such repair or restoration.

Lender or its agent may make reasonable entries upon and inspections of the Property. If it has reasonable cause, Lender may inspect the interior of the improvements on the Property. Lender shall give Borrower notice at the time of or prior to such an interior inspection specifying such reasonable cause.

**8. Borrower's Loan Application.** Borrower shall be in default if, during the Loan application process, Borrower or any persons or entities acting at the direction of Borrower or with Borrower's knowledge or consent gave materially false, misleading, or inaccurate information or statements to Lender (or failed to provide Lender with material information) in connection with the Loan. Material representations include, but are not limited to, representations concerning Borrower's occupancy of the Property as Borrower's principal residence.

**9. Protection of Lender's Interest in the Property and Rights Under this Security Instrument.** If (a) Borrower fails to perform the covenants and agreements contained in this Security Instrument, (b) there is a legal proceeding that might significantly affect Lender's interest in the Property and/or rights under this Security Instrument (such as a proceeding in bankruptcy, probate, for condemnation or forfeiture, for enforcement of a lien which may attain priority over this Security Instrument or to enforce laws or regulations), or (c) Borrower has abandoned the Property, then Lender may do and pay for whatever is reasonable or appropriate to protect Lender's interest in the Property and rights under this Security Instrument, including protecting and/or assessing the value of the Property, and securing and/or repairing the Property. Lender's actions can include, but are not limited to: (a) paying any sums secured by a lien which has priority over this Security Instrument; (b) appearing in court; and (c) paying reasonable attorneys' fees to protect its interest in the Property and/or rights under this Security Instrument, including its secured position in a bankruptcy proceeding. Securing the Property includes, but is not limited to, entering the Property to make repairs, change locks, replace or board up doors and windows, drain water from pipes, eliminate building or other code violations or dangerous conditions, and have utilities turned on or off. Although Lender may take action under this Section 9, Lender does not have to do so and is not under any duty or obligation to do so. It is agreed that Lender incurs no liability for not taking any or all actions authorized under this Section 9.

Any amounts disbursed by Lender under this Section 9 shall become additional debt of Borrower secured by this Security Instrument. These amounts shall bear interest at the Note rate from the date of disbursement and shall be payable, with such interest, upon notice from Lender to Borrower requesting payment.

If this Security Instrument is on a leasehold, Borrower shall comply with all the provisions of the lease. If Borrower acquires fee title to the Property, the leasehold and the fee title shall not merge unless Lender agrees to the merger in writing.

**10. Mortgage Insurance.** If Lender required Mortgage Insurance as a condition of making the Loan, Borrower shall pay the premiums required to maintain the Mortgage Insurance in effect. If, for any reason, the Mortgage Insurance coverage required by Lender ceases to be available from the mortgage insurer that previously provided such insurance and Borrower was required to make separately designated payments



toward the premiums for Mortgage Insurance, Borrower shall pay the premiums required to obtain coverage substantially equivalent to the Mortgage Insurance previously in effect, at a cost substantially equivalent to the cost to Borrower of the Mortgage Insurance previously in effect, from an alternate mortgage insurer selected by Lender. If substantially equivalent Mortgage Insurance coverage is not available, Borrower shall continue to pay to Lender the amount of the separately designated payments that were due when the insurance coverage ceased to be in effect. Lender will accept, use and retain these payments as a non-refundable loss reserve in lieu of Mortgage Insurance. Such loss reserve shall be non-refundable, notwithstanding the fact that the Loan is ultimately paid in full, and Lender shall not be required to pay Borrower any interest or earnings on such loss reserve. Lender can no longer require loss reserve payments if Mortgage Insurance coverage (in the amount and for the period that Lender requires) provided by an insurer selected by Lender again becomes available, is obtained, and Lender requires separately designated payments toward the premiums for Mortgage Insurance. If Lender required Mortgage Insurance as a condition of making the Loan and Borrower was required to make separately designated payments toward the premiums for Mortgage Insurance, Borrower shall pay the premiums required to maintain Mortgage Insurance in effect, or to provide a non-refundable loss reserve, until Lender's requirement for Mortgage Insurance ends in accordance with any written agreement between Borrower and Lender providing for such termination or until termination is required by Applicable Law. Nothing in this Section 10 affects Borrower's obligation to pay interest at the rate provided in the Note.

Mortgage Insurance reimburses Lender (or any entity that purchases the Note) for certain losses it may incur if Borrower does not repay the Loan as agreed. Borrower is not a party to the Mortgage Insurance.

Mortgage insurers evaluate their total risk on all such insurance in force from time to time, and may enter into agreements with other parties that share or modify their risk, or reduce losses. These agreements are on terms and conditions that are satisfactory to the mortgage insurer and the other party (or parties) to these agreements. These agreements may require the mortgage insurer to make payments using any source of funds that the mortgage insurer may have available (which may include funds obtained from Mortgage Insurance premiums).

As a result of these agreements, Lender, any purchaser of the Note, another insurer, any reinsurer, any other entity, or any affiliate of any of the foregoing, may receive (directly or indirectly) amounts that derive from (or might be characterized as) a portion of Borrower's payments for Mortgage Insurance, in exchange for sharing or modifying the mortgage insurer's risk, or reducing losses. If such agreement provides that an affiliate of Lender takes a share of the insurer's risk in exchange for a share of the premiums paid to the insurer, the arrangement is often termed "captive reinsurance." Further:

(a) Any such agreements will not affect the amounts that Borrower has agreed to pay for Mortgage Insurance, or any other terms of the Loan. Such agreements will not increase the amount Borrower will owe for Mortgage Insurance, and they will not entitle Borrower to any refund.

(b) Any such agreements will not affect the rights Borrower has - if any - with respect to the Mortgage Insurance under the Homeowners Protection Act of 1998 or any other law. These rights may include the right to receive certain disclosures, to request and obtain cancellation of the Mortgage Insurance, to have the Mortgage Insurance terminated automatically, and/or to receive a refund of any Mortgage Insurance premiums that were unearned at the time of such cancellation or termination.

**11. Assignment of Miscellaneous Proceeds; Forfeiture.** All Miscellaneous Proceeds are hereby assigned to and shall be paid to Lender.





If the Property is damaged, such Miscellaneous Proceeds shall be applied to restoration or repair of the Property, if the restoration or repair is economically feasible and Lender's security is not lessened. During such repair and restoration period, Lender shall have the right to hold such Miscellaneous Proceeds until Lender has had an opportunity to inspect such Property to ensure the work has been completed to Lender's satisfaction, provided that such inspection shall be undertaken promptly. Lender may pay for the repairs and restoration in a single disbursement or in a series of progress payments as the work is completed. Unless an agreement is made in writing or Applicable Law requires interest to be paid on such Miscellaneous Proceeds, Lender shall not be required to pay Borrower any interest or earnings on such Miscellaneous Proceeds. If the restoration or repair is not economically feasible or Lender's security would be lessened, the Miscellaneous Proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with the excess, if any, paid to Borrower. Such Miscellaneous Proceeds shall be applied in the order provided for in Section 2.

In the event of a total taking, destruction, or loss in value of the Property, the Miscellaneous Proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with the excess, if any, paid to Borrower.

In the event of a partial taking, destruction, or loss in value of the Property in which the fair market value of the Property immediately before the partial taking, destruction, or loss in value is equal to or greater than the amount of the sums secured by this Security Instrument immediately before the partial taking, destruction, or loss in value, unless Borrower and Lender otherwise agree in writing, the sums secured by this Security Instrument shall be reduced by the amount of the Miscellaneous Proceeds multiplied by the following fraction: (a) the total amount of the sums secured immediately before the partial taking, destruction, or loss in value divided by (b) the fair market value of the Property immediately before the partial taking, destruction, or loss in value. Any balance shall be paid to Borrower.

In the event of a partial taking, destruction, or loss in value of the Property in which the fair market value of the Property immediately before the partial taking, destruction, or loss in value is less than the amount of the sums secured immediately before the partial taking, destruction, or loss in value, unless Borrower and Lender otherwise agree in writing, the Miscellaneous Proceeds shall be applied to the sums secured by this Security Instrument whether or not the sums are then due.

If the Property is abandoned by Borrower, or if, after notice by Lender to Borrower that the Opposing Party (as defined in the next sentence) offers to make an award to settle a claim for damages, Borrower fails to respond to Lender within 30 days after the date the notice is given, Lender is authorized to collect and apply the Miscellaneous Proceeds either to restoration or repair of the Property or to the sums secured by this Security Instrument, whether or not then due. "Opposing Party" means the third party that owes Borrower Miscellaneous Proceeds or the party against whom Borrower has a right of action in regard to Miscellaneous Proceeds.

Borrower shall be in default if any action or proceeding, whether civil or criminal, is begun that, in Lender's judgment, could result in forfeiture of the Property or other material impairment of Lender's interest in the Property or rights under this Security Instrument. Borrower can cure such a default and, if acceleration has occurred, reinstate as provided in Section 19, by causing the action or proceeding to be dismissed with a ruling that, in Lender's judgment, precludes forfeiture of the Property or other material impairment of Lender's interest in the Property or rights under this Security Instrument. The proceeds of any award or claim for damages that are attributable to the impairment of Lender's interest in the Property are hereby assigned and shall be paid to Lender.

All Miscellaneous Proceeds that are not applied to restoration or repair of the Property shall be applied in the order provided for in Section 2.

**12. Borrower Not Released; Forbearance By Lender Not a Waiver.** Extension of the time for payment or modification of amortization of the sums secured by this Security Instrument granted by Lender to Borrower or any Successor in Interest of Borrower shall not operate to release the liability of Borrower or any Successors in Interest of Borrower. Lender shall not be required to commence proceedings against any Successor in Interest of Borrower or to refuse to extend time for payment or otherwise modify amortization of the sums secured by this Security Instrument by reason of any demand made by the original Borrower or any Successors in Interest of Borrower. Any forbearance by Lender in exercising any right or remedy including, without limitation, Lender's acceptance of payments from third persons, entities or Successors in Interest of Borrower or in amounts less than the amount then due, shall not be a waiver of or preclude the exercise of any right or remedy.

**13. Joint and Several Liability; Co-signers; Successors and Assigns Bound.** Borrower covenants and agrees that Borrower's obligations and liability shall be joint and several. However, any Borrower who co-signs this Security Instrument but does not execute the Note (a "co-signer"): (a) is co-signing this Security Instrument only to mortgage, grant and convey the co-signer's interest in the Property under the terms of this Security Instrument; (b) is not personally obligated to pay the sums secured by this Security Instrument; and (c) agrees that Lender and any other Borrower can agree to extend, modify, forbear or make any accommodations with regard to the terms of this Security Instrument or the Note without the co-signer's consent.

Subject to the provisions of Section 18, any Successor in Interest of Borrower who assumes Borrower's obligations under this Security Instrument in writing, and is approved by Lender, shall obtain all of Borrower's rights and benefits under this Security Instrument. Borrower shall not be released from Borrower's obligations and liability under this Security Instrument unless Lender agrees to such release in writing. The covenants and agreements of this Security Instrument shall bind (except as provided in Section 20) and benefit the successors and assigns of Lender.

**14. Loan Charges.** Lender may charge Borrower fees for services performed in connection with Borrower's default, for the purpose of protecting Lender's interest in the Property and rights under this Security Instrument, including, but not limited to, attorneys' fees, property inspection and valuation fees. In regard to any other fees, the absence of express authority in this Security Instrument to charge a specific fee to Borrower shall not be construed as a prohibition on the charging of such fee. Lender may not charge fees that are expressly prohibited by this Security Instrument or by Applicable Law.

If the Loan is subject to a law which sets maximum loan charges, and that law is finally interpreted so that the interest or other loan charges collected or to be collected in connection with the Loan exceed the permitted limits, then: (a) any such loan charge shall be reduced by the amount necessary to reduce the charge to the permitted limit; and (b) any sums already collected from Borrower which exceeded permitted limits will be refunded to Borrower. Lender may choose to make this refund by reducing the principal owed under the Note or by making a direct payment to Borrower. If a refund reduces principal, the reduction will be treated as a partial prepayment without any prepayment charge (whether or not a prepayment charge is provided for under the Note). Borrower's acceptance of any such refund made by direct payment to Borrower will constitute a waiver of any right of action Borrower might have arising out of such overcharge.

**15. Notices.** All notices given by Borrower or Lender in connection with this Security Instrument must be in writing. Any notice to Borrower in connection with this Security Instrument shall be deemed to have been given to Borrower when mailed by first class mail or when actually delivered to Borrower's notice address if sent by other means. Notice to any one Borrower shall constitute notice to all Borrowers unless Applicable Law expressly requires otherwise. The notice address shall be the Property Address





unless Borrower has designated a substitute notice address by notice to Lender. Borrower shall promptly notify Lender of Borrower's change of address. If Lender specifies a procedure for reporting Borrower's change of address, then Borrower shall only report a change of address through that specified procedure. There may be only one designated notice address under this Security Instrument at any one time. Any notice to Lender shall be given by delivering it or by mailing it by first class mail to Lender's address stated herein unless Lender has designated another address by notice to Borrower. Any notice in connection with this Security Instrument shall not be deemed to have been given to Lender until actually received by Lender. If any notice required by this Security Instrument is also required under Applicable Law, the Applicable Law requirement will satisfy the corresponding requirement under this Security Instrument.

**16. Governing Law; Severability; Rules of Construction.** This Security Instrument shall be governed by federal law and the law of the jurisdiction in which the Property is located. All rights and obligations contained in this Security Instrument are subject to any requirements and limitations of Applicable Law. Applicable Law might explicitly or implicitly allow the parties to agree by contract or it might be silent, but such silence shall not be construed as a prohibition against agreement by contract. In the event that any provision or clause of this Security Instrument or the Note conflicts with Applicable Law, such conflict shall not affect other provisions of this Security Instrument or the Note which can be given effect without the conflicting provision.

As used in this Security Instrument: (a) words of the masculine gender shall mean and include corresponding neuter words or words of the feminine gender; (b) words in the singular shall mean and include the plural and vice versa; and (c) the word "may" gives sole discretion without any obligation to take any action.

**17. Borrower's Copy.** Borrower shall be given one copy of the Note and of this Security Instrument.

**18. Transfer of the Property or a Beneficial Interest in Borrower.** As used in this Section 18, "Interest in the Property" means any legal or beneficial interest in the Property, including, but not limited to, those beneficial interests transferred in a bond for deed, contract for deed, installment sales contract or escrow agreement, the intent of which is the transfer of title by Borrower at a future date to a purchaser.

If all or any part of the Property or any Interest in the Property is sold or transferred (or if Borrower is not a natural person and a beneficial interest in Borrower is sold or transferred) without Lender's prior written consent, Lender may require immediate payment in full of all sums secured by this Security Instrument. However, this option shall not be exercised by Lender if such exercise is prohibited by Applicable Law.

If Lender exercises this option, Lender shall give Borrower notice of acceleration. The notice shall provide a period of not less than 30 days from the date the notice is given in accordance with Section 15 within which Borrower must pay all sums secured by this Security Instrument. If Borrower fails to pay these sums prior to the expiration of this period, Lender may invoke any remedies permitted by this Security Instrument without further notice or demand on Borrower.

**19. Borrower's Right to Reinstate After Acceleration.** If Borrower meets certain conditions, Borrower shall have the right to have enforcement of this Security Instrument discontinued at any time prior to the earliest of: (a) five days before sale of the Property pursuant to any power of sale contained in this Security Instrument; (b) such other period as Applicable Law might specify for the termination of Borrower's right to reinstate; or (c) entry of a judgment enforcing this Security Instrument. Those conditions are that Borrower: (a) pays Lender all sums which then would be due under this Security Instrument and the Note as if no acceleration had occurred; (b) cures any default of any other covenants or agreements; (c) pays all expenses incurred in enforcing this Security Instrument, including, but not limited



to, reasonable attorneys' fees, property inspection and valuation fees, and other fees incurred for the purpose of protecting Lender's interest in the Property and rights under this Security Instrument; and (d) takes such action as Lender may reasonably require to assure that Lender's interest in the Property and rights under this Security Instrument, and Borrower's obligation to pay the sums secured by this Security Instrument, shall continue unchanged. Lender may require that Borrower pay such reinstatement sums and expenses in one or more of the following forms, as selected by Lender: (a) cash; (b) money order; (c) certified check, bank check, treasurer's check or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency, instrumentality or entity; or (d) Electronic Funds Transfer. Upon reinstatement by Borrower, this Security Instrument and obligations secured hereby shall remain fully effective as if no acceleration had occurred. However, this right to reinstate shall not apply in the case of acceleration under Section 18.

**20. Sale of Note; Change of Loan Servicer; Notice of Grievance.** The Note or a partial interest in the Note (together with this Security Instrument) can be sold one or more times without prior notice to Borrower. A sale might result in a change in the entity (known as the "Loan Servicer") that collects Periodic Payments due under the Note and this Security Instrument and performs other mortgage loan servicing obligations under the Note, this Security Instrument, and Applicable Law. There also might be one or more changes of the Loan Servicer unrelated to a sale of the Note. If there is a change of the Loan Servicer, Borrower will be given written notice of the change which will state the name and address of the new Loan Servicer, the address to which payments should be made and any other information RESPA requires in connection with a notice of transfer of servicing. If the Note is sold and thereafter the Loan is serviced by a Loan Servicer other than the purchaser of the Note, the mortgage loan servicing obligations to Borrower will remain with the Loan Servicer or be transferred to a successor Loan Servicer and are not assumed by the Note purchaser unless otherwise provided by the Note purchaser.

Neither Borrower nor Lender may commence, join, or be joined to any judicial action (as either an individual litigant or the member of a class) that arises from the other party's actions pursuant to this Security Instrument or that alleges that the other party has breached any provision of, or any duty owed by reason of, this Security Instrument, until such Borrower or Lender has notified the other party (with such notice given in compliance with the requirements of Section 15) of such alleged breach and afforded the other party hereto a reasonable period after the giving of such notice to take corrective action. If Applicable Law provides a time period which must elapse before certain action can be taken, that time period will be deemed to be reasonable for purposes of this paragraph. The notice of acceleration and opportunity to cure given to Borrower pursuant to Section 22 and the notice of acceleration given to Borrower pursuant to Section 18 shall be deemed to satisfy the notice and opportunity to take corrective action provisions of this Section 20.

**21. Hazardous Substances.** As used in this Section 21: (a) "Hazardous Substances" are those substances defined as toxic or hazardous substances, pollutants, or wastes by Environmental Law and the following substances: gasoline, kerosene, other flammable or toxic petroleum products, toxic pesticides and herbicides, volatile solvents, materials containing asbestos or formaldehyde, and radioactive materials; (b) "Environmental Law" means federal laws and laws of the jurisdiction where the Property is located that relate to health, safety or environmental protection; (c) "Environmental Cleanup" includes any response action, remedial action, or removal action, as defined in Environmental Law; and (d) an "Environmental Condition" means a condition that can cause, contribute to, or otherwise trigger an Environmental Cleanup.

Borrower shall not cause or permit the presence, use, disposal, storage, or release of any Hazardous Substances, or threaten to release any Hazardous Substances, on or in the Property. Borrower shall not do,



nor allow anyone else to do, anything affecting the Property (a) that is in violation of any Environmental Law, (b) which creates an Environmental Condition, or (c) which, due to the presence, use, or release of a Hazardous Substance, creates a condition that adversely affects the value of the Property. The preceding two sentences shall not apply to the presence, use, or storage on the Property of small quantities of Hazardous Substances that are generally recognized to be appropriate to normal residential uses and to maintenance of the Property (including, but not limited to, hazardous substances in consumer products).

Borrower shall promptly give Lender written notice of (a) any investigation, claim, demand, lawsuit or other action by any governmental or regulatory agency or private party involving the Property and any Hazardous Substance or Environmental Law of which Borrower has actual knowledge, (b) any Environmental Condition, including but not limited to, any spilling, leaking, discharge, release or threat of release of any Hazardous Substance, and (c) any condition caused by the presence, use or release of a Hazardous Substance which adversely affects the value of the Property. If Borrower learns, or is notified by any governmental or regulatory authority, or any private party, that any removal or other remediation of any Hazardous Substance affecting the Property is necessary, Borrower shall promptly take all necessary remedial actions in accordance with Environmental Law. Nothing herein shall create any obligation on Lender for an Environmental Cleanup.

**NON-UNIFORM COVENANTS.** Borrower and Lender further covenant and agree as follows:

**22. Acceleration; Remedies.** Lender shall give notice to Borrower prior to acceleration following Borrower's breach of any covenant or agreement in this Security Instrument (but not prior to acceleration under Section 18 unless Applicable Law provides otherwise). The notice shall specify: (a) the default; (b) the action required to cure the default; (c) a date, not less than 30 days from the date the notice is given to Borrower, by which the default must be cured; and (d) that failure to cure the default on or before the date specified in the notice may result in acceleration of the sums secured by this Security Instrument and sale of the Property. The notice shall further inform Borrower of the right to reinstate after acceleration and the right to bring a court action to assert the non-existence of a default or any other defense of Borrower to acceleration and sale. If the default is not cured on or before the date specified in the notice, Lender at its option may require immediate payment in full of all sums secured by this Security Instrument without further demand and may invoke the power of sale and any other remedies permitted by Applicable Law. Lender shall be entitled to collect all expenses incurred in pursuing the remedies provided in this Section 22, including, but not limited to, reasonable attorneys' fees and costs of title evidence.

If Lender invokes the power of sale, Lender shall execute or cause Trustee to execute written notice of the occurrence of an event of default and of Lender's election to cause the Property to be sold, and shall cause such notice to be recorded in each county in which any part of the Property is located. Trustee shall mail copies of the notice as prescribed by Applicable Law to Borrower and to other persons prescribed by Applicable Law. Trustee shall give public notice of sale to the persons and in the manner prescribed by Applicable Law. After the time required by Applicable Law, Trustee, without demand on Borrower, shall sell the Property at public auction to the highest bidder at the time and place and under the terms designated in the notice of sale in one or more parcels and in any order Trustee determines. Trustee may postpone sale of all or any parcel of the Property by public announcement at the time and place of any previously scheduled sale. Lender or its designee may purchase the Property at any sale.



Trustee shall deliver to the purchaser Trustee's deed conveying the Property without any covenant or warranty, expressed or implied. The recitals in the Trustee's deed shall be prima facie evidence of the truth of the statements made therein. Trustee shall apply the proceeds of the sale in the following order: (a) to all expenses of the sale, including, but not limited to, reasonable Trustee's and attorneys' fees; (b) to all sums secured by this Security Instrument; and (c) any excess to the person or persons legally entitled to it.

**23. Reconveyance.** Upon payment of all sums secured by this Security Instrument, Lender shall request Trustee to reconvey the Property and shall surrender this Security Instrument and all notes evidencing debt secured by this Security Instrument to Trustee. Trustee shall reconvey the Property without warranty to the person or persons legally entitled to it. Such person or persons shall pay any recordation costs. Lender may charge such person or persons a fee for reconveying the Property, but only if the fee is paid to a third party (such as the Trustee) for services rendered and the charging of the fee is permitted under Applicable Law.

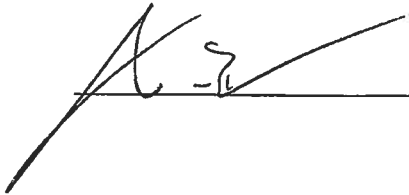
**24. Substitute Trustee.** Lender may, for any reason or cause, from time to time remove Trustee and appoint a successor trustee to any Trustee appointed hereunder. Without conveyance of the Property, the successor trustee shall succeed to all the title, power and duties conferred upon Trustee herein and by Applicable Law.

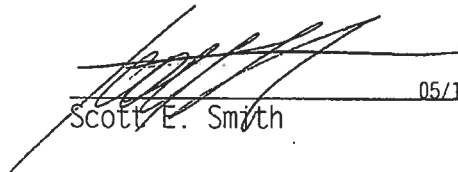
**25. Area and Location of Property.** The Property is (a) located within an incorporated city or village; (b) not more than 80 acres, regardless of its location, provided it is not principally used for the agricultural production of crops, livestock, dairy or aquatic goods; or (c) not more than 40 acres, regardless of its use or location.



BY SIGNING BELOW, Borrower accepts and agrees to the terms and covenants contained in this Security Instrument and in any Rider executed by Borrower and recorded with it.

Witnesses:

  
\_\_\_\_\_

  
\_\_\_\_\_ 05/11/2021 (Seal)  
Scott E. Smith -Borrower

\_\_\_\_\_

  
\_\_\_\_\_ 05/11/2021 (Seal)  
Denise Rivera Smith -Borrower

\_\_\_\_\_ (Seal)  
-Borrower

\_\_\_\_\_ (Seal)  
-Borrower

\_\_\_\_\_ (Seal)  
-Borrower

\_\_\_\_\_ (Seal)  
-Borrower

\_\_\_\_\_ (Seal)  
-Borrower

\_\_\_\_\_ (Seal)  
-Borrower



STATE OF IDAHO, Canyon

County ss:

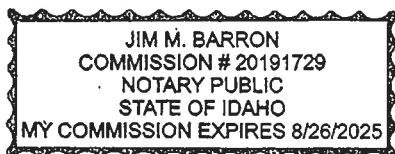
On this 11th day of May, 2021

, before me, Jim Barron

a Notary Public in and for said county and state, personally appeared Scott E. Smith and Denise Rivera Smith

known or proved to me to be the person(s) who executed the foregoing instrument, and acknowledged to me that he/she/they executed the same.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public residing at: ID

My Commission Expires: 8/16/2025

Loan origination organization Quicken Loans, LLC  
NMLS ID 3030  
Loan originator Andrew J Gurnsey  
NMLS ID 2007915

May 23<sup>rd</sup>, 2024

Attn: Daniel Lister  
Principle Planner  
Canyon County Development Services  
111 N. 11<sup>th</sup> Ave. Ste. 104  
Caldwell, ID 83605

Re: CU-2023-0018 - Sol Invictus Vineyard – Private Road/Driveway Construction Review

Dear Lister,

I have reviewed Schmidt Lane and the private driveway constructed under the above-mentioned building permit, for compliance with Canyon County Code section 07-10-03: Private Road and Driveway Requirements.

Based on my site observations the private driveway meets the required 4" thick  $\frac{3}{4}$ " minus gravel base, graded and compacted, 12' wide all-weather driving surface. See construction photographs below.



08/16/2019



10/2023



Based on my recollection of the site observation Schmidt Lane Road meets the required 2.5" Plant Mix Pavement, 6" thick  $\frac{3}{4}$ " minus gravel base, 9" thick pit run subbase graded and compacted, 24' wide all-weather driving surface. See construction photographs below.



08/16/2019



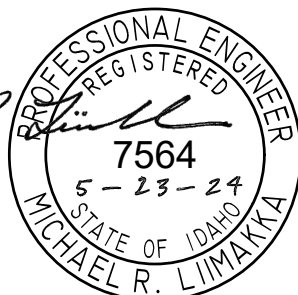
10/2023

Please call me with any questions or if you need anything else.

Sincerely,

*Michael R. Liimakka*

Mike Liimakka





Order Number: 14241710

2014-042987

RECORDED

11/26/2014 02:24 PM

CHRIS YAMAMOTO  
CANYON COUNTY RECORDER

Pgs=2 MBROWN

\$13.00

TYPE: DEED

TITLEONE BOISE

ELECTRONICALLY RECORDED

### Warranty Deed

For value received,

The Paul and Wilma J. Bromley Trust, U/T/A dated the 8th day of October, 1997, an any amendments thereto

And

The Paul and Wilma J. Bromley Trust B dated September 6, 2008

the grantor, does hereby grant, bargain, sell, and convey unto

Scott E. Smith and Denise Rivera Smith, husband and wife

whose current address is 6390 Foothill Rd Star, ID 83669

the grantee, the following described premises, in Canyon County, Idaho, to wit:

A parcel of land being a portion of Government Lot 2, Section 1, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho and more particularly described as follows:

Beginning at an iron pin marking the Southwest corner of said Government Lot 2; thence North 89°51'16" East 199.74 feet along the Southerly boundary of said Government Lot 2 to a point; thence North 00°08'44" West 98.97 feet to an iron pin marking the Real Point of Beginning; thence North 9°26'06" West 490.18 feet to an iron pin; thence North 81°12'28" East 776.02 feet to an iron pin; thence South 8°37'56" East 632.90 feet to an iron pin; thence North 89°13'57" West 529.17 feet to an iron pin; thence North 64°27'29" West 31.25 feet to an iron pin; thence North 89°13'57" West 224.24 feet to the Point of Beginning.

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and to any state of facts an accurate survey or inspection of the premises would show, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

The Paul and Wilma J. Bromley Trust, U/T/A dated the 8th day of October, 1997, an any amendments thereto

And

The Paul and Wilma J. Bromley Trust B dated September 6, 2008

Y

*Janene Rae Piecuch*  
Janene Rae Piecuch,  
Successor Trustee

UNOFFICIAL COPY

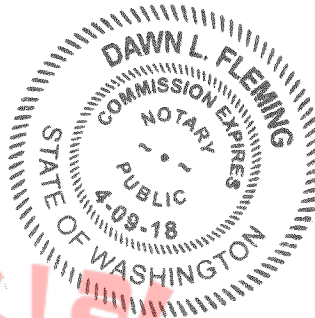
State of Washington, County of Clallam, ss.

On this 25th day of November in the year of 2014, before me, the undersigned, a notary public in and for said state personally appeared Janene Rae Piecuch, known or identified to me to be the person whose name is subscribed to the within instrument, as successor trustee of The Paul and Wilma J. Bromley Trust and The Paul and Wilma J. Bromley Trust B dated September 6, 2008 and acknowledged to me that she executed the same as successor trustee.

Notary Public

My Commission Expires:  
(seal)

4-9-2018



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\* \* \*

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## Emily Kiester

---

**From:** Denise Smith <denise@solinvictusvineyard.com>  
**Sent:** Tuesday, April 9, 2024 3:54 PM  
**To:** Emily Kiester  
**Cc:** Dan Lister  
**Subject:** Re: [External] Re: Site Visit

Good afternoon Emily,

We would like to be available to the community to host events throughout the year that could see attendance between 150-250 such as weddings, vow renewals, catered dinners, graduation celebrations, birthday parties, anniversary parties, celebrations of life, back yard bar b ques, neighborhood get togethers, holiday gatherings, concerts, corporate events, and our annual grape stomp. Anything larger than 250 we will work with the City of Star to host at the Star Riverhouse.

The vast majority of our activities will be geared toward gatherings for less than 150 people.

I'm not sure what terminology to use to capture the myriad of requests we receive to be a gathering place for so many diverse events in Star. Just today I was asked if we could be the location to hold a fundraiser for a local political candidate. I declined, but had I been able to say yes what category would that fall under? I've also been asked to be the location to hold events for the Lion's Club, the Star Food Bank, the Southwest Idaho Business Alliance, and several other non-profit organizations. Do they fall under "corporate events" or would those fall under some other category. We want to support the community as much as possible and still stay within the parameters of the conditional use permit once approved. Any guidance you can provide to help us help support the community is appreciated.

Thank you,  
Denise

---

**From:** Emily Kiester <Emily.Kiester@canyoncounty.id.gov>  
**Sent:** Tuesday, April 9, 2024 2:47 PM  
**To:** Denise Smith <denise@solinvictusvineyard.com>  
**Cc:** Dan Lister <Daniel.Lister@canyoncounty.id.gov>  
**Subject:** RE: [External] Re: Site Visit

Dear Denise,

Can you provide me more detail on what types of events you plan on potentially hosting with a conditional use permit for a special events facility?

I see in your letter of intent that you mention having 150-250 guests at ticketed and non-ticketed events, but I am hoping to add more detail on what types of events you plan on hosting to Dan and I's staff report for the special events facility.

## Emily Kiester

---

**From:** Denise Smith <denise@solinvictusvineyard.com>  
**Sent:** Thursday, May 30, 2024 6:40 PM  
**To:** Emily Kiester  
**Subject:** Re: [External] Re: Case AD2024-0019 and CU2023-0018

Hi Emily,

Members sign up to receive 3 shipments of 4 bottles of wine each calendar year (Mar, Jun and Sep). At this time, members can pick their wine release up on wine release weekend, pick it up on another weekend afterwards, or make arrangements for me to deliver it during the week. With approval of the requested conditional use permit we would hold the wine release over multiple days vs just the weekend. This would allow us to facilitate an organized, structured approach to pick up that reduces the number of club members picking up at any one time.

If I can answer any further questions please don't hesitate to ask.

Regards,  
Denise

---

**From:** Emily Kiester <Emily.Kiester@canyoncounty.id.gov>  
**Sent:** Thursday, May 30, 2024 5:07 PM  
**To:** Denise Smith <denise@solinvictusvineyard.com>  
**Subject:** RE: [External] Re: Case AD2024-0019 and CU2023-0018

Hello Denise,

Quick question on your revised letter of intent, you state "Additionally, we remain committed to responsible growth by restricting club memberships...100 memberships in 2021, 200 memberships in 2022, and 300 in 2023. We will not increase memberships in 2024 and will re-evaluate in 2025."

How do the memberships work? Are all three-hundred (300) people allowed on the property at one time for events?

Thank you,



Emily Kiester,  
Associate Planner  
Canyon County Development Services Department  
111 N. 11<sup>th</sup> Ave., #310, Caldwell, ID 83605  
Direct Line: (208) 454-6632  
Email: [emily.kiester@canyoncounty.id.gov](mailto:emily.kiester@canyoncounty.id.gov)  
Website: [www.canyoncounty.id.gov](http://www.canyoncounty.id.gov)

Development Services Department (DSD)  
NEW public office hours  
Effective Jan. 3, 2023  
Monday, Tuesday, Thursday and Friday  
8am – 5pm  
Wednesday



Star Fire Protection District  
PLAN REVIEW



APPROVED AS SUBMITTED

Victor Islas  
Deputy Chief, Fire Code Official

05/15/2024

Spaces in front of  
tasting room



Star Fire Protection District

PLAN REVIEW

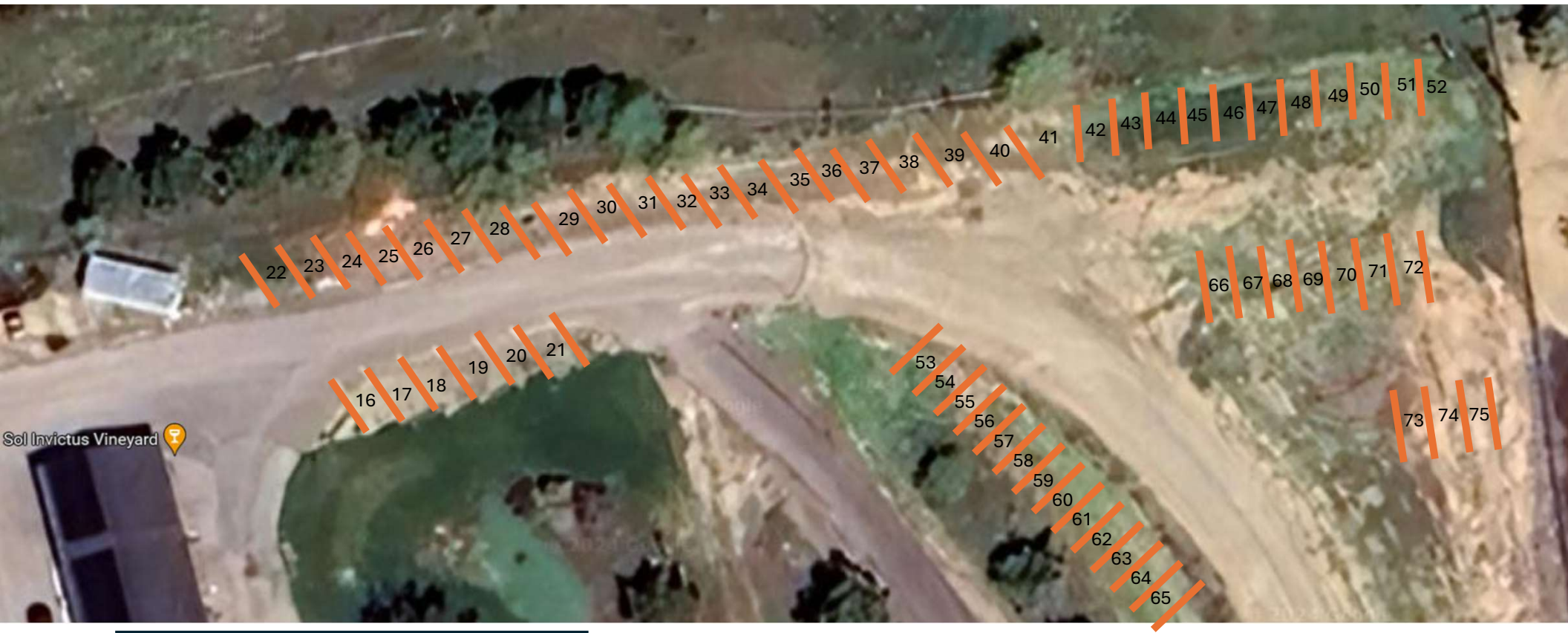
APPROVED AS SUBMITTED



Victor Islas

Deputy Chief, Fire Code Official  
05/15/2024





## Designated and Proposed Parking Spaces

Star Fire Protection District  
PLAN REVIEW

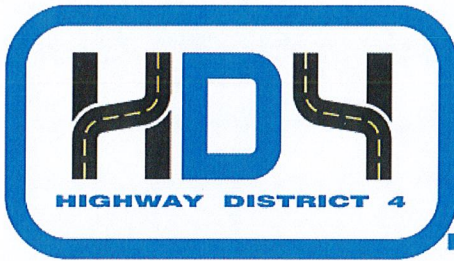


APPROVED AS SUBMITTED.

Victor Islas

Deputy Chief, Fire Code Official  
05/15/2024





**HIGHWAY DISTRICT No.4**  
**15435 HIGHWAY 44**  
**CALDWELL, IDAHO 83607**

**TELEPHONE 208.454.8135**  
**FAX 208.454.2008**

April 16, 2024

Canyon County Commissioners, P&Z Commission, & Development Services  
111 N. 11<sup>th</sup> Ave Suite 140  
Caldwell, Idaho 83605  
Attention: Dan Lister, Senior Planner

**RE: CU2023-0004 Sol Invictus Winery- Operation as Event Center**  
**Canyon County Parcel R33774015 aka 3690 Schmidt Lane**

Dear Commissioners:

Highway District No. 4 (HD4) has reviewed the application to allow a Conditional Use- Event Center to be operated on Parcel R33774015 aka 3690 Schmidt Lane. The property currently supports a vineyard and wine tasting room, and has been the subject of several previous administrative decisions or land use actions during its development from a residential property to the current use as a commercial winery. HD4 offers the following comments on the request:

#### **General**

The subject property consists of one parcel, totaling approximately 9.8 acres, located north of Foothill Rd between Blessinger Rd and Can Ada Rd in the NE 1/4 Section 1 T4N R2W. The property does not have frontage on any public roadway, and takes access to the public highway system via the existing Schmidt Lane (private) approach to Foothill Rd.

Foothill Rd is classified as a major collector on the functional classification maps adopted by Canyon Co and HD4. It currently operates as a local road, with a 35 mph posted speed, and moderate residential access (+/- 300 ft spacing) between Blessinger and Can Ada Roads. The existing road is winding and narrow due to constraints with the steep slope on the north side, and regular residential development along both the south and north sides. The adopted functional classification map depicts Foothill Rd as being relocated south in the future to improve horizontal and vertical geometry and reduce access density. The proposed road re-alignment may connect to the existing Foothill at or near the existing Schmidt Lane intersection.

#### **Access**

Access to the existing winery operation is considered by the highway district to be the Schmidt Lane approach to Foothill Rd, located approximately 1/2 mile east of Blessinger Rd. Schmidt Lane is private from Foothill Rd to the subject property. The Schmidt Lane approach was improved by the applicants with a paved apron in 2019.

The existing Schmidt Lane approach to Foothill Rd has been improved to the greatest reasonable extent practical by the highway district and the Schmidt Lane users. It continues to have poor

intersection geometry, with a skew angle approaching 45°, and is located along the outside of a curve. These factors make maintenance of intersection sight distance challenging for the approach due to vegetation and/or existing terrain lying north and east of the approach, and outside of the limited public right-of-way for Foothill Rd. Available intersection sight distance is approximately 600-feet in either direction, which exceeds the minimum recommended 390-feet for the posted 35 mph speed.

The existing Schmidt Lane approach appears to be acceptable to serve the proposed expansion of winery operations to include regular events. An access permit from CHD4 is required to document the proposed change in use.

### **Transportation Impacts**

Traffic volumes estimated by the applicants are 150 visitors per day, or approximately 68 vehicle trips (2.2 visitors per average vehicle), with bi-monthly events anticipated to have up to 250 visitors or 113 vehicle trips per event. These volumes are below the threshold of 500 trips/day which would require a traffic impact study.

Background traffic on Foothill Rd is currently estimated to be below 1,000 ADT, reported as 595 ADT in 2017. Background traffic on Schmidt Lane can be estimated at 133 ADT (14 existing residences including the subject property). In the PM peak hour, trips through the Schmidt Lane/Foothill Rd intersection can be estimated to be 50 vehicles per hour (vph) eastbound on Foothill, 50 vph westbound on Foothill, and 13 vph southbound on Schmidt. Background traffic at the intersection represents approximately 6% capacity of a conventional intersection.

Traffic from the event center use is projected by the applicants to be between 68 and 113 trips per event. It is assumed that the event traffic would replace the ordinary background traffic associated with the current use as a wine tasting venue. If all 113 trips were to occur during the peak hour (unlikely), intersection capacity utilization would still be only 7%. The Schmidt Lane approach appears to have adequate capacity to accommodate the proposed event traffic

Traffic impacts on the regional transportation system from the proposed change in use will be mitigated by collection of impact fees in accordance with Canyon County Code Chapter 11 Articles 3 and 4. An estimate of the transportation impact fees that would be assessed to this change in land use are provided below.

The transportation impact fee schedule adopted for use by Canyon County and HD4 does not have a category specific to the “Event Center” land use, nor does the 11<sup>th</sup> Edition ITE Trip Generation Manual from which the impact fee schedule was derived. It is necessary to evaluate traffic impacts from other similar types of land which have been measured by traffic studies to determine the impacts from the proposed use. The following table summarizes traffic impacts from the existing and proposed uses, and similar land uses that are identified in the impact fee schedule and/or Trip Generation Manual:

Use	ITE Code	Units	# of Units Proposed	Trip Generation Rate	Peak Hour Trips
Current Use: Wine Tasting Room	970	Per 1,000 sf	3	6.60	20
Proposed Use: Event Center (from applicant) 250 person event	N/A	PM Trips	38	1	38*
Event Center (from applicant) 150 person event	N/A	PM Trips	23	1	23*
Drinking Place**	975	Per 1,000 sf	3	5.68	17
Farmer's Market***	858	Per 1,000 sf	3	179.84	540
Fine Dining Restaurant***	931	Per 1,000 sf	3	83.84	252

\* Peak hour trips estimated as 33% of total daily trips for weekday events

\*\* Various use categories from the Mid-Star Impact Fee Schedule

\*\*\* Other ITE Codes for Retail Service Land Uses similar to the proposed site development

From the table above, no land use code exists for the proposed “Event Center” use in the adopted impact fee schedule. There is no similar land use code in the ITE Trip Generation Manual. The traffic impacts from the proposed Event Center land use may be best estimated by using the total attendance at an event as estimated by the applicants, which varies from 23 to 38 peak hour trips for a typical event day (assumes 33% of total event trips occur in the PM peak hour, with 2.2 average visitors per vehicle).

Assuming 4 events per week, a typical month would have 16 regular events and 2 large events. Typical traffic per event would then be  $[(16 \times 23 \text{ trips}) + (2 \times 38 \text{ trips})] \div 18 \text{ events} = 24.7 \text{ trips per event}$ . The current land use (Wine Tasting Room) has an estimated 20 trips per PM peak hour using the ITE land use code 975 as shown in the table above. The new land use can be estimated to generate an additional 4.7 pm peak hour trips ( $24.7 - 20 = 4.7$ ).

Using this average trip rate, and the new trip factor and average trip length for the Drinking Place/Bar land use code, the transportation impact fee for the Mid-Star service area is calculated as follows:

Cost per Vehicle Mile Traveled	x	Peak Hour Trips	x	New Trip Factor	x	Average Trip Length	x	Network Adjustment Factor	=	Traffic Impact Fee
\$2,883	x	4.7	x	1.0	x	8.4	x	0.317	=	\$36,081



The new trip factor is held at 1.0 (no reduction) as events are not likely to attract pass by trips from the nearby residential users. The average trip length of 8.4 miles is consistent with other uses that are unique to the service area (only one exists) from the Mid-Star Impact Fee Schedule. Complete information on the Mid-Star Impact Fees Program and the Capital Improvement plan can be found on the HD4 website at [www.hwydistrict4.org/impact-fees](http://www.hwydistrict4.org/impact-fees)

Individual Assessment of Impact Fees: If an applicant feels their development will have a less than typical impact on the roadway network, they may choose to complete an individual assessment for their development. To initiate an Individual Assessment, the applicant may prepare and submit a written request for an Individual Assessment within 30 days of paying an impact fee; within 30 days upon receipt of a final notice of assessment, or after receipt of a preliminary assessment. An Individual Assessment is a traffic study, performed by a traffic engineer at the applicant's expense. See the Individual Assessment Guidelines for details on which traffic generation factors may be considered.

(<https://www.hwydistrict4.org/download/individual-assessment-guidelines>)

This impact fee is based on the information provided by the applicant regarding the size and intended use of the proposed new development at the time of this report. The final impact fee assessment will be based on the traffic impacts determined to be generated by the proposed development at the time of access permit issuance. The final impact fee may be different from the estimate provided above if the size of the development changes, the type of use changes, or adjustments based on an Individual Assessment are determined to affect the proportionate share of traffic impacts from the development.

CHD4 does not oppose the requested land use changes, but requests that the Planning & Zoning Commission and Canyon County Commissioners consider these comments, and make any conditional approval of the applicant's request subject to the requirements listed above.

Please feel free to contact me with any questions on this matter.

Respectfully,



Chris Hopper, P.E.  
District Engineer

File: Foothill Rd- Sol Invictus Winery Event Center 2024

## Emily Kiester

---

**From:** Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>  
**Sent:** Friday, March 22, 2024 8:02 AM  
**To:** Emily Kiester; Dan Lister  
**Cc:** Amber Lewter  
**Subject:** [External] RE: Agency Notification CU2023-0018 Smith

Good Morning, Emily & Dan,

After careful review of the transmittal submitted to ITD on March 18, 2023, regarding CU202-0018 Smith, the Department has no comments or concerns to make at this time. ITD acknowledges events up to 250 people has the potential to add substantial traffic to local traffic, especially at the intersection of the private drive(s), Foothill Rd, and Schmidt Ln, however, due to this location being greater than 3 miles west of SH-16 and 2 miles north of SH-44, traffic should distribute efficiently enough not to cause a large impact to state facilities.

Thank you,



Niki Benyakhlef  
*Development Services Coordinator*

**District 3 Development Services**  
O: 208.334.8337 | C: 208.296.9750  
Email: [niki.benyakhlef@itd.idaho.gov](mailto:niki.benyakhlef@itd.idaho.gov)  
Website: [itd.idaho.gov](http://itd.idaho.gov)

---

**From:** Amber Lewter <Amber.Lewter@canyoncounty.id.gov>  
**Sent:** Monday, March 18, 2024 9:29 AM  
**To:** 'snickel@staridaho.org' <snickel@staridaho.org>; 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'Chris Hopper' <CHopper@canyonhd4.org>; 'lriccio@canyonhd4.org' <lriccio@canyonhd4.org>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'contract.administration.bid.box@ziply.com' <contract.administration.bid.box@ziply.com>; 'fcdc1875@gmail.com' <fcdc1875@gmail.com>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; Assessor Website <2cAsr@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Eric Arthur <Eric.Arthur@canyoncounty.id.gov>; 'westerninfo@idwr.idaho.gov' <westerninfo@idwr.idaho.gov>; Rick Britton <Rick.Britton@canyoncounty.id.gov>  
**Subject:** Agency Notification CU2023-0018 Smith

**CAUTION:** This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.



Please see the attached agency notice. You are invited to provide written testimony or comments by **April 17, 2024**, although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case. If the comment deadline is on a weekend or holiday, it will move to close of business 5pm the next business day. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet, allowing the hearing body adequate time to review the submitted information.

Please direct your comments or questions to Planner **Dan Lister** at [daniel.lister@canyoncounty.id.gov](mailto:daniel.lister@canyoncounty.id.gov) or **Emily Kiester** at [emily.kiester@canyoncounty.id.gov](mailto:emily.kiester@canyoncounty.id.gov).

Thank you,



**Amber Lewter**

Hearing Specialist  
Canyon County Development Services Department  
111 N. 11<sup>th</sup> Ave., #310, Caldwell, ID 83605

Direct Line: 208-454-6631  
Fax: 208-454-6633  
Email: [amber.lewter@canyoncounty.id.gov](mailto:amber.lewter@canyoncounty.id.gov)  
Website: [www.canyoncounty.id.gov](http://www.canyoncounty.id.gov)

Development Services Department (DSD)

**NEW** public office hours

**Effective Jan. 3, 2023**

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

**\*\*We will not be closed during lunch hour \*\***

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## Emily Kiester

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**From:** Shawn Nickel <[snickel@staridaho.org](mailto:snickel@staridaho.org)>  
**Sent:** Wednesday, April 24, 2024 3:24 PM  
**To:** Emily Kiester  
**Subject:** RE: [External] RE: Agency Notification CU2023-0018 Smith

Good afternoon, Emily. The City of Star has reviewed the application packet for CU2023-0018 and has no specific issues with the proposed use. We support the expansion of wineries and uses similar to this within our City Limits and Impact Areas.

Please let me know if you have any further questions.

Thanks.

Shawn

SHAWN L NICKEL  
PLANNING DIRECTOR AND ZONING ADMINISTRATOR  
CITY OF STAR  
[SNICKEL@STARIDAHO.ORG](mailto:SNICKEL@STARIDAHO.ORG)  
208-286-7247 eTC. 3004



---

**From:** Emily Kiester <[Emily.Kiester@canyoncounty.id.gov](mailto:Emily.Kiester@canyoncounty.id.gov)>  
**Sent:** Wednesday, April 24, 2024 2:31 PM  
**To:** Shawn Nickel <[snickel@staridaho.org](mailto:snickel@staridaho.org)>  
**Subject:** RE: [External] RE: Agency Notification CU2023-0018 Smith

Dear Shawn,

I meant to send the below email to just Star Fire Protection District, apologies about the confusion.

However, we have not received comments from the City of Star on the attached application for a special events facility on Parcel R33774015 (6390 Schmidt Ln Star, ID 83669) and would appreciate any comments you may have on behalf of the City of Star as the parcel is close to City of Star's limits.

Sincerely,



Emily Kiester,  
Associate Planner  
Canyon County Development Services Department  
111 N. 11<sup>th</sup> Ave., #310, Caldwell, ID 83605  
Direct Line: (208) 454-6632  
Email: [emily.kiester@canyoncounty.id.gov](mailto:emily.kiester@canyoncounty.id.gov)  
Website: [www.canyoncounty.id.gov](http://www.canyoncounty.id.gov)

Development Services Department (DSD)  
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**From:** Emily Kiester  
**Sent:** Wednesday, April 24, 2024 2:26 PM  
**To:** 'Shawn Nickel' <[snickel@staridaho.org](mailto:snickel@staridaho.org)>; 'permits@starfirerescue.org' <[permits@starfirerescue.org](mailto:permits@starfirerescue.org)>  
**Cc:** Dan Lister <[Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)>  
**Subject:** RE: [External] RE: Agency Notification CU2023-0018 Smith

Dear Star Fire Protection District,

The attached agency notice was sent on March 18, 2024 for a special events facility on Parcel R33774015. The address of this property is 6390 Schmidt Ln Star, ID 83669.

Our office values your input on this application and ask that you review this application packet, specifically the parking and road section of their letter of intent, site plan, and attached parking pictures that a property owner submitted to our office for the property owners' quasi-public use application to see if you have any comments.

Thank you,



Emily Kiester,  
Associate Planner  
Canyon County Development Services Department  
111 N. 11<sup>th</sup> Ave., #310, Caldwell, ID 83605  
Direct Line: (208) 454-6632  
Email: [emily.kiester@canyoncounty.id.gov](mailto:emily.kiester@canyoncounty.id.gov)  
Website: [www.canyoncounty.id.gov](http://www.canyoncounty.id.gov)

Development Services Department (DSD)  
NEW public office hours



### **Findings of Fact, Conclusions of Law, Conditions of Approval and Order**

AD2018-0042 – Sol Invictus Winery- Scott and Denise Smith

#### **Findings**

1. The property owner is Scott and Denise Smith
2. The property is located at on Schmidt Lane, a private road, in Star, ID and assigned tax parcel number R33774-015.
3. The property is zoned A (Agricultural).
4. Property owners of record and agencies were notified of the request on April 23, 2018 and given fifteen (15) days for comment.
5. Agency comments were received from Canyon Highway District #4 Southwest District Health, Idaho Department of Environmental Quality, The City of Middleton and The Idaho Transportation Department.

#### **Conclusions of Law**

For case file AD2018-0042 the Director concludes the following regarding the Standards of Review for a Director's decision:

**(1) Application: The applicant shall submit to DSD an application for a director's administrative decision along with the appropriate fee. DSD shall provide notification by mail of the application to the owners of parcels within six hundred feet (600') of the external boundaries of the parcel, as well as any applicable agencies and shall provide such individuals and agencies a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed application. (Ord. 12-006, 3-22-2012)**

The applicant submitted a completed application, including fees on March 30, 2018. Both property owners within 600' of the external boundaries of the parcel and applicable agencies were notified on April 23, 2018 and given fifteen (15) days for comment.

**(2) Compliance With This Code: Prior to issuance of a director's administrative decision, the subject property shall be in compliance with the public nuisance ordinance (chapter 2, article 1 of this code), the building code (chapter 6 of this code), and with all other articles of this chapter.**

Parcel R33774-015 is in compliance with the public nuisance ordinance, the building code, and all other articles of this chapter. If this application is approved, conditions of approval will limit any potential negative impacts to surrounding property owners. If this application is approved, building permits will be required for a change of occupancy of the accessory structure to a commercial structure.

**(3) Compliance With All Applicable Regulations: The property shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property and/or business.**

Based on comments from the Canyon Highway District #4 (Exhibit 5), Southwest District Health (Exhibit 6) and Idaho Department of Environmental Quality (Exhibit ), and the Idaho Department of Transportation (Exhibit 13) and the City of Middleton (Exhibit 9) the potential impacts from the proposed use may trigger



additional requirements from these agencies. Condition of approval #1 states that the project shall comply with all applicable federal, state, and county laws and rules.

**(4) Compliance With County Ordinances: The property shall be in compliance with the Canyon County zoning ordinance, public nuisance ordinance and building ordinance.**

The site plan (Exhibit 3) denotes the use of an existing accessory structure for the use of wine production and a public tasting room. Parking is to be located adjacent to the structure. The occupancy of the structure does not currently allow for assembly of people or for commercial operations. In order to operate a commercial winery and tasting room, a tenant improvement to commercial standards would be required, this is listed as a condition of approval.

Canyon Highway District stated in their comment letter that the existing approach from Schmidt Lane onto Foothill Road has a paved apron and meets current standards for commercial approach, but an access permit from them will be required to formally change the approach from Schmidt Lane onto Foothill from residential to commercial. This permit will limit the traffic volumes to the requested trips per day (10 trips a day plus intermittent commercial deliveries) (Exhibit 5). An approach permit from CHD4 is required as a condition of approval upon application for the tenant improvement of the existing accessory structure.

Canyon County Zoning Ordinance 07-10-03 requires private roads to be built to a minimum standard as specified in Table 07-10-03 (3) (A). Per the "Trip Generation 9<sup>th</sup> Edition" Schmidt Lane has the potential to generate more than 100 trips per day with its current status. The proposed winery generates approximately the same amount of traffic as a single family residence (approximately 10 trips per day). Therefore, the County's Ordinance requires that the road be improved up to current private road standards for a road that exceeds 100 trips per day. Conditions of approval require that the road be improved from the Foothill Road approach to the driveway approach and exit to the winery to the County's current private road standards for a road that exceeds 100 trips per day prior to the certificate of occupancy for the tenant improvement required for the accessory building. Additionally, there is not a cohesive road maintenance agreement that covers the existing road. Conditions of approval also require that a road user's maintenance agreement amongst all homeowners be completed prior to the certificate of occupancy being issued on the tenant improvement application.

The applicant will be required to comply with Canyon County Sign Ordinance (07-10-13). An administrative application for a sign is required if the sign is either illuminated or exceeds 32 sq. ft. The sign located at the driveway entrance does not exceed 32 sq. ft. and is not illuminated. Conditions of approval state that building permits shall be obtained as necessary for all structures including but not limited to signs, and other structures as indicated on the site plan (Exhibit 3).

Condition of approval require that the applicant obtain a conditional use permit for a special events facility if special event(s) as defined in the Canyon County Zoning Ordinance occurs more than (7) days and seven (7) nights in a six (6) month period. Within the Canyon County Zoning Ordinance, a special event is defined as the following:

*Any temporary event including, but not limited to, weddings, picnics, barbecues, holiday events and parties, dances, concerts, footraces and walks, bazaars, and harvest festivals.*

If a special event on the premise occurs less than (7) days and seven (7) nights in a six (6) month period, then it shall be a condition of approval that the property owner apply for a temporary quasi-public use permit. A public quasi use is defined as the following:

*An activity of a quasi-public nature which has a duration not to exceed seven (7) days and seven (7) nights in a six (6) month period and is allowed in all zones within the unincorporated parts of the county. Activities may include, but are not limited to, religious retreats, revivals, carnivals and like uses, musical concerts, theatrical performances, and sporting events.*

**(5) Nontransferable: This permit is not transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the director.**

Conditions of approval state that the winery with tasting room shall be limited to be in general conformance with the site plan (Exhibit 3). Any substantial changes (additional structures dedicated to the use) will be required to amend this decision through a new application process.

**(6) Parking: Off street parking shall be provided in accordance with article 13 of this chapter. No parking space shall be located in any public right of way.**

The applicant will be required to provide parking as required Article 13 of the Canyon County Zoning Ordinance (07-13-01) (See Conditions of Approval #14, 15). The following parking requirements shall be met for the proposed use, if approved:

- CCZO 07-13-01(8) every open off street parking area having more than four (4) parking spaces shall be hard surfaced.
- CCZO 07-13-01 (9) Lighting used to illuminate off street parking areas shall be directed away from residential properties.

This type of use requires a minimum of (1) one parking space for each 200 square feet of net floor area that is designated for the accessory tasting room and 1 for each employee, based on the greatest number of employees on site at any one time. The applicant will be required to provide Canyon County DSD with a detailed parking plan prior to applying for a building permit (See Condition #15)



## Conditions of Approval

### **General**

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the subject property.
  - a. Prior to commencement of the winery, the applicant shall apply for and become approved for all applicable alcohol licenses issued by the Idaho State Police.
2. Development of the property shall be in substantial conformance with the site plan and floor plan as shown in Attachment A.
3. Prior to commencement of the winery, the applicant shall obtain a building permits for the tenant improvement of the accessory structure on site to change the occupancy to a commercial structure.
4. The winery and accessory tasting room shall be limited to parcel R33774-015. This permit is not transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the Director.
5. The accessory tasting room is limited to the following hours of operation: Saturday through Sunday from 12:00 PM to 7:00 PM.

### **Water, Wastewater and Sewer**

6. Upon application for a building permit, the applicant will be required to obtain approval from Southwest District Health for the septic system.
7. The applicant is required to abide by conditions of approval within their Permit to Appropriate Water (No.63-34285) (Exhibit 12, Department of Water Resources, and Permit to Appropriate Water).

### **Food Preparation**

8. Food preparation shall be limited to non-time temperature controlled food products (i.e. crackers, cheese).
9. Any food preparation for the accessory tasting room shall be approved by Southwest District Health in accordance with the Idaho Food Code (IDAPA 16.02.19).

### **Access**

10. An approach permit from Canyon Highway District #4 will be required prior to applying for a building permit. Work shall be in accordance with the Highway District standards (Exhibit 5, Letter from Canyon Highway District #4).

11. Prior to the certificate of occupancy for the tenant improvement, Schmidt Lane will be required to be improved and certified by a licensed engineer from Foothill Road to the exit driveway as shown on the site plan (Exhibit 3) to the current private road and driveway standards for a road that exceeds 100 Average Daily Trips (ADT). The standard is listed below (CCZO 07-10-03):

	Subbase Or Ballast	Base Course	Plant Mix Pavement (ISPWC Class III Mix)	Surface Width
Private roads that are estimated to serve more than 100 ADT	9" of minus 6" uncrushed aggregate (pit run)	6" of $\frac{3}{4}$ " crushed aggregate (gravel)	2.5" thick	24' for local roads and 26' for collector roads <sup>1</sup>

#### Fire Access and Water Supply

12. The applicant will be required to submit building plans to Star Fire for approval prior to submitting a building permit application with Canyon County Development Services. A Fire Department stamp will be required on plans submitted to Canyon County Development Services.
13. The applicant will be required to obtain a fire access and water supply permit from Star Fire prior to submitting a building permit for the change of occupancy of the accessory structure.

#### Parking

14. The applicant will be required to provide parking as required Article 13 of the Canyon County Zoning Ordinance (07-13-01). The following parking requirements shall be met for the proposed use, if approved:
- CCZO 07-13-01(8) every open off street parking area having more than four (4) parking spaces shall be hard surfaced.
  - CCZO 07-13-01 (9) Lighting used to illuminate off street parking areas shall be directed away from residential properties.
  - Per the requirements of Section 07-13-03, the development shall provide a minimum of one (1) parking space for each two-hundred 200 square feet of net floor area that is designated for the accessory tasting room and 1 for each employee, based on the greatest number of employees on site at any one time.
15. The applicant will be required to provide Canyon County Development Services a detailed parking plan that shows compliance with Condition #15, prior to applying for a building permit.

#### Signage

16. Signage used for the winery that is either illuminated or exceeds 32 sq. ft. must be approved through Canyon County administrative decision application. Any sign over 6 ft. tall or permanently affixed to the ground will require a building permit.



**Order**

Based upon the Findings of Fact, Conclusions of Law and Conditions of Approval contained herein the Canyon County Development Services Director **approves** Case # AD2018-0042 for a winery with accessory tasting room subject to the conditions of approval enumerated above.

APPROVED this 7<sup>th</sup> day of June, 2018.

**DEVELOPMENT SERVICES DIRECTOR  
CANYON COUNTY, IDAHO**



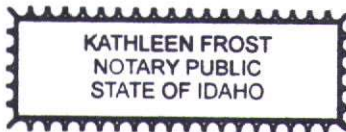
Patricia Nilsson, Director

State of Idaho )

SS

County of Canyon County )

On this 7<sup>th</sup> day of June, in the year of 2018, before me Kathleen Frost, a notary public, personally appeared Patricia Nilsson, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.



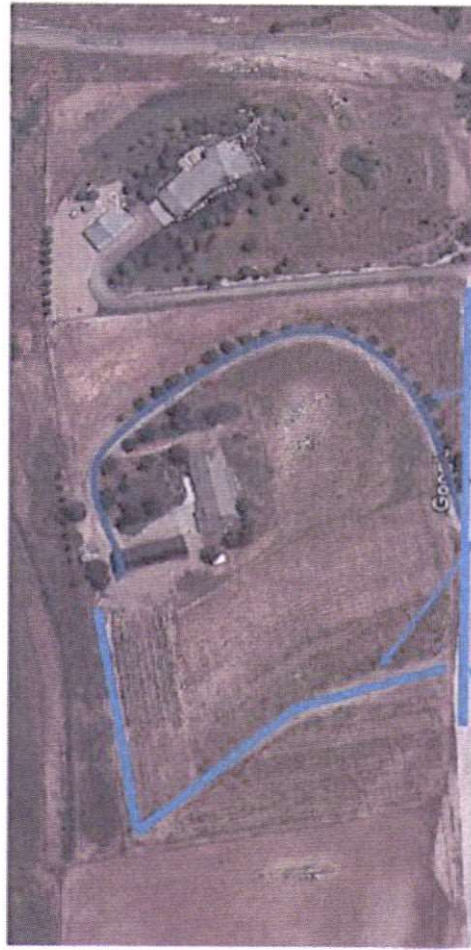
Notary: K Frost  
My Commission Expires: 6-3-2022

Attachment 'A'

Page 1 of 1

Google Maps

Google Maps



Schmidt Lane

Property Access Points

<https://www.google.com/maps/@43.7187754,-116.5201837,201m/data=!3m1!1e37h1-cv>

3/16/2018



### **Findings of Fact, Conclusions of Law, Conditions of Approval and Order**

Amendment to AD2018-0042 – Sol Invictus Winery- Scott and Denise Smith

#### **Findings**

1. The property owner is Scott and Denise Smith
2. The property is located at on Schmidt Lane, a private road, in Star, ID and assigned tax parcel number R33774-015.
3. The property is zoned A (Agricultural).
4. Property owners of record and agencies were notified of the request on August 7, 2018 and given fifteen (15) days for comment.
5. This application is for an amendment to conditions of approval within AD2018-0042.

#### **Conclusions of Law**

For case file AD2018-0042 the Director concludes the following regarding the Standards of Review for a Director's decision:

**(1) Application: The applicant shall submit to DSD an application for a director's administrative decision along with the appropriate fee. DSD shall provide notification by mail of the application to the owners of parcels within six hundred feet (600') of the external boundaries of the parcel, as well as any applicable agencies and shall provide such individuals and agencies a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed application. (Ord. 12-006, 3-22-2012)**

The applicant submitted a completed application for the amendment, including fees on July 19, 2018. Both property owners within 600' of the external boundaries of the parcel and applicable agencies were notified on August 7, 2018 and given fifteen (15) days for comment.

**(2) Compliance With This Code: Prior to issuance of a director's administrative decision, the subject property shall be in compliance with the public nuisance ordinance (chapter 2, article 1 of this code), the building code (chapter 6 of this code), and with all other articles of this chapter.**

Parcel R33774-015 is in compliance with the public nuisance ordinance, the building code, and all other articles of this chapter. If this application is approved, conditions of approval will limit any potential negative impacts to surrounding property owners. If this application is approved, building permits will be required for a change of occupancy of the accessory structure to a commercial structure.

**(3) Compliance With All Applicable Regulations: The property shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property and/or business.**

Condition of approval #1 requires that the project shall comply with all applicable federal, state, and county laws and rules. Based on the initial application approval of AD2018-0042 this application is in compliance with all applicable regulations.

**(4) Compliance With County Ordinances: The property shall be in compliance with the Canyon County zoning ordinance, public nuisance ordinance and building ordinance.**

The winery has been approved by the Director under case number AD2018-0042. All conditions from the previous approval will remain in place to maintain the property's compliance with Canyon County ordinances. The applicant has also requested that the road improvements be required prior to the certificate of occupancy for the tasting room portion of the building (Exhibit 2). The tasting room portion of this building will require a separate building permit. The applicants have stated in their original letter of intent that the wine tasting room will be a second phase of the winery. The production facility will only require minimal traffic from deliveries of wine making materials, but no shipping of finished products will be completed until the tasting room is opened. The accessory tasting room portion of the proposal is expected to have 10 customers per day when it is open (Exhibit 3). This is approximately the same amount of daily traffic as a single family residence as it is defined in the "Trip Generation 9<sup>th</sup> Edition." Staff is recommending to amend condition #11 to place road improvements to be required prior to the certificate of occupancy for the tasting room and not for the production space.

The Star Fire District commented on the amendment and stated that either option can be approved with the condition of improving the driveway to meet access standards for emergency vehicles (Exhibit 7). The Star Fire District will review access at the time of building permit for the change of occupancy. Driveways are required to meet access standards as required in the International Fire Code, Appendix D.

Canyon Highway District #4 and ITD commented on the application stating that they have no objection to the amendment.

The current condition #11 which required the following:

12. Prior to the certificate of occupancy for the tenant improvement, Schmidt Lane will be required to be improved and certified by a licensed engineer from Foothill Road to the exit driveway as shown on the site plan (Exhibit 3) to the current private road and driveway standards for a road that exceeds 100 Average Daily Trips (ADT). The standard is listed below (CCZO 07-10-03):

	Subbase Or Ballast	Base Course	Plant Mix Pavement (ISPWC Class III Mix)	Surface Width
Private roads that are estimated to serve more than 100 ADT	9" of minus 6" uncrushed aggregate (pit run)	6" of 3/4" crushed aggregate (gravel)	2 5" thick	24' for local roads and 26' for collector roads <sup>1</sup>

The applicant has proposed a new location for the entry/exit driveway as shown on the amended site plan (Exhibit 4). This location will require that road improvements be required prior to the certificate of



occupancy for the tasting room. Additionally, the driveway is still required to meet applicable Fire District standards which will be reviewed at the time of building permits for the tenant improvement.

The condition will be **amended** to the following (amended condition of approval #11):

12. Prior to the certificate of occupancy for the tasting room portion of the building, Schmidt Lane will be required to be improved and certified by a licensed engineer from Foothill Road to the entry/exit driveway as shown on the site plan (Exhibit 4, Option #1 or Option #2) to the current private road and driveway standards for a road that exceeds 100 Average Daily Trips (ADT). The standard is listed below (CCZO 07-10-03)

	Subbase Or Ballast	Base Course	Plant Mix Pavement (ISPMC Class III Mix)	Surface Width
Private roads that are estimated to serve more than 100 ADT	9" of minus 6" uncrushed aggregate (pit run)	6" of ¾" crushed aggregate (gravel)	2.5" thick	24' for local roads and 26' for collector roads <sup>1</sup>

**(5) Nontransferable: This permit is not transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the director.**

Conditions of approval state that the winery with tasting room shall be limited to be in general conformance with the site plan (Exhibit 4). Any substantial changes (additional structures dedicated to the use) will be required to amend this decision through a new application process.

**(6) Parking: Off street parking shall be provided in accordance with article 13 of this chapter. No parking space shall be located in any public right of way.**

The applicant will be required to provide parking as required Article 13 of the Canyon County Zoning Ordinance (07-13-01) (See Conditions of Approval #14, 15). The following parking requirements shall be met for the proposed use, if approved:

- CCZO 07-13-01(8) every open off street parking area having more than four (4) parking spaces shall be hard surfaced.
- CCZO 07-13-01 (9) Lighting used to illuminate off street parking areas shall be directed away from residential properties.

This type of use requires a minimum of (1) one parking space for each 200 square feet of net floor area that is designated for the accessory tasting room and 1 for each employee, based on the greatest number of employees on site at any one time. The applicant will be required to provide Canyon County DSD with a detailed parking plan prior to applying for a building permit (See Condition #15).

## **Conditions of Approval**

### **General**

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the subject property.
  - a. Prior to commencement of the winery, the applicant shall apply for and become approved for all applicable alcohol licenses issued by the Idaho State Police.
2. Development of the property shall be in substantial conformance with the site plan and floor plan as shown in Attachment A.
3. Prior to commencement of the winery, the applicant shall obtain a building permits for the tenant improvement of the accessory structure on site to change the occupancy to a commercial structure.
4. The winery and accessory tasting room shall be limited to parcel R33774-015. This permit is not transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the Director.
5. The accessory tasting room is limited to the following hours of operation: Saturday through Sunday from 12:00 PM to 7:00 PM.

### **Water, Wastewater and Sewer**

6. Upon application for a building permit, the applicant will be required to obtain approval from Southwest District Health for the septic system.
7. The applicant is required to abide by conditions of approval within their Permit to Appropriate Water (No.63-34285) (Exhibit 12, Department of Water Resources, and Permit to Appropriate Water).

### **Food Preparation**

8. Food preparation shall be limited to non-time temperature controlled food products (i.e. crackers, cheese).
9. Any food preparation for the accessory tasting room shall be approved by Southwest District Health in accordance with the Idaho Food Code (IDAPA 16.02.19).

### **Access**

10. An approach permit from Canyon Highway District #4 will be required prior to applying for a building permit. Work shall be in accordance with the Highway District standards (Exhibit 5, Letter from Canyon Highway District #4).

11. Prior to the certificate of occupancy for the tasting room portion of the building, Schmidt Lane will be required to be improved and certified by a licensed engineer from Foothill Road to the entry/exit driveway as shown on the site plan (Attachment A, Option #1 or Option #2) to the current private road and driveway standards for a road that exceeds 100 Average Daily Trips (ADT). The standard is listed below (CCZO 07-10-03)

	Subbase Or Ballast	Base Course	Plant Mix Pavement (ISPWC Class III Mix)	Surface Width
Private roads that are estimated to serve more than 100 ADT	9" of minus 6" uncrushed aggregate (pit run)	6" of $\frac{3}{4}$ " crushed aggregate (gravel)	2.5" thick	24' for local roads and 26' for collector roads

12. Future driveways must be in compliance with the applicants revised site plan (Attachment A, option #1 or Option 2). Upon any new driveway construction, Schmidt Lane will be required to be improved and certified by a licensed engineer from Foothill Road to the entry/exit driveway as shown on the site plan (Attachment A, Option #1 or Option #2) to the current private road and driveway standards for a road that exceeds 100 Average Daily Trips (ADT). The engineer's certificate must be handed into Canyon County DSD.

### Fire Access and Water Supply

13. The applicant will be required to submit building plans to Star Fire for approval prior to submitting a building permit application with Canyon County Development Services. A Fire Department stamp will be required on plans submitted to Canyon County Development Services.
14. The applicant will be required to obtain a fire access and water supply permit from Star Fire prior to submitting a building permit for the change of occupancy of the accessory structure.

### Parking

15. The applicant will be required to provide parking as required Article 13 of the Canyon County Zoning Ordinance (07-13-01). The following parking requirements shall be met for the proposed use, if approved:
- CCZO 07-13-01(8) every open off street parking area having more than four (4) parking spaces shall be hard surfaced.
  - CCZO 07-13-01 (9) Lighting used to illuminate off street parking areas shall be directed away from residential properties.
  - Per the requirements of Section 07-13-03, the development shall provide a minimum of one (1) parking space for each two-hundred 200 square feet of net floor area that is designated for the accessory tasting room and 1 for each employee, based on the greatest number of employees on site at any one time.

16. The applicant will be required to provide Canyon County Development Services a detailed parking plan that shows compliance with Condition #15, prior to applying for a building permit.

**Signage**

17. Signage used for the winery that is either illuminated or exceeds 32 sq. ft. must be approved through Canyon County administrative decision application. Any sign over 6 ft. tall or permanently affixed to the ground will require a building permit.

**Order**

Based upon the Findings of Fact, Conclusions of Law and Conditions of Approval contained herein the Canyon County Development Services Director **approves the amendment to** Case # AD2018-0042 for a winery with accessory tasting room subject to the conditions of approval enumerated above.

APPROVED this 7<sup>th</sup> day of September, 2018.

DEVELOPMENT SERVICES DIRECTOR  
CANYON COUNTY, IDAHO

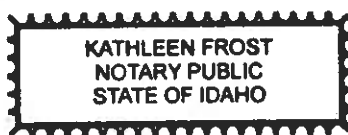
  
Patricia Nilsson, Director

State of Idaho )

SS

County of Canyon County )

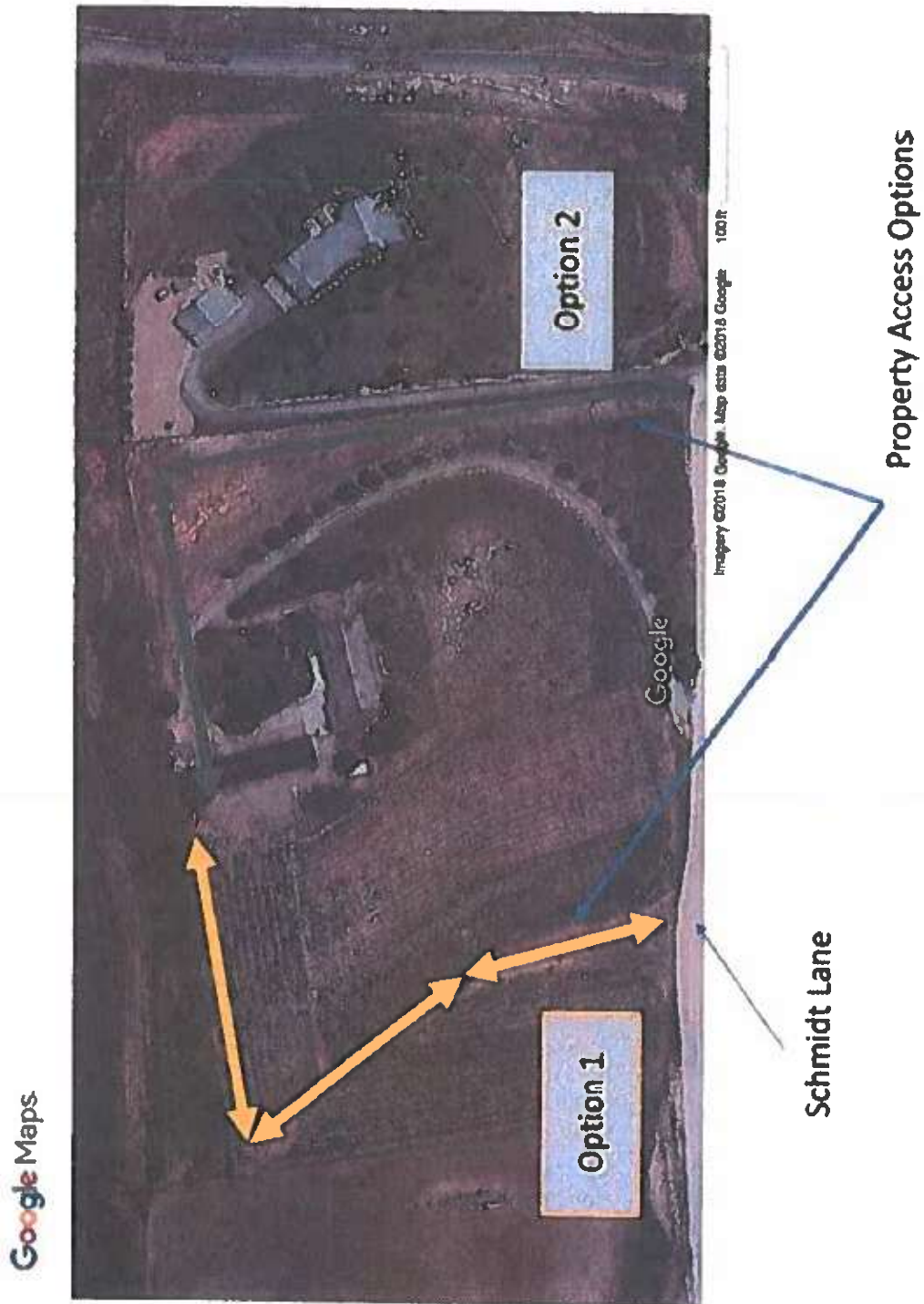
On this 7<sup>th</sup> day of September, in the year of 2018, before me Kathleen Frost, a notary public, personally appeared Patricia Nilsson, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.



Notary: K Frost  
My Commission Expires: 6-3-2022



Attachment 'A' (AMENDED)



Attachment 'A'

North

Page 1 of 6

Winery Facility - See breakout

Parking

Google Maps

Google Maps

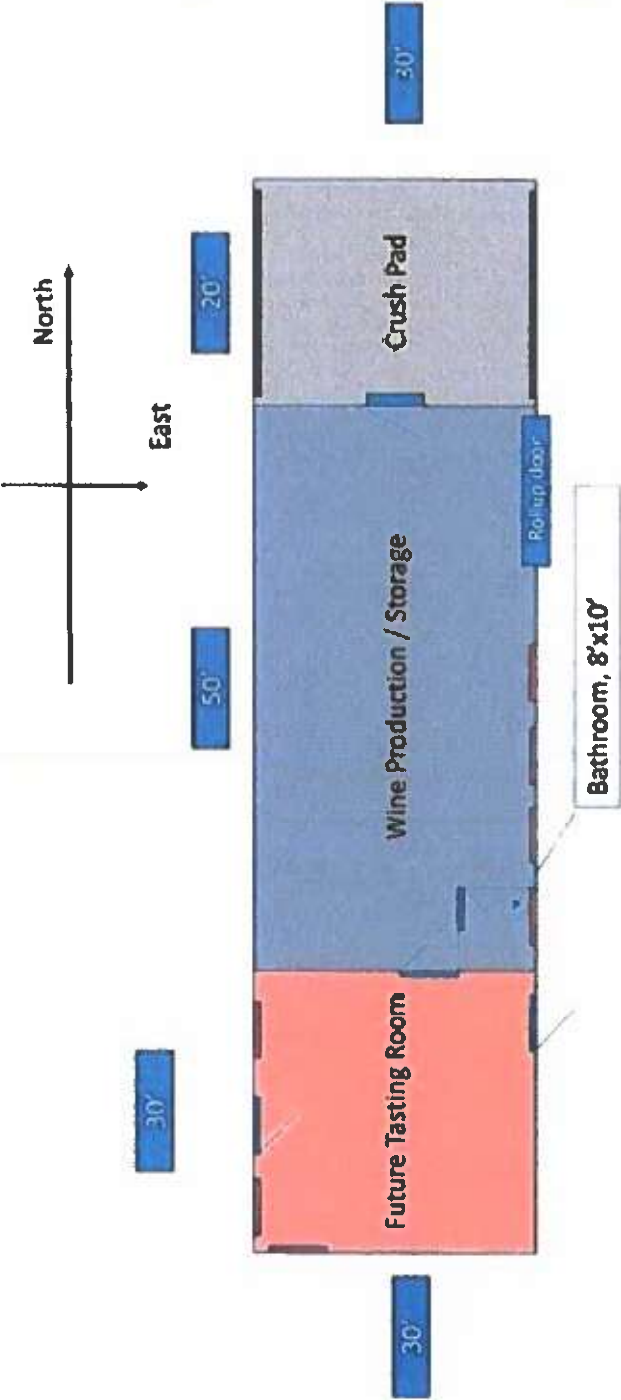


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3/16/2018

[https://www.google.com/maps/@34.1710061,-116.570249,11.3m/data=!3m1!1s2h4e3p](https://www.google.com/maps/@34.1710061,-116.570249,11.3m/data=!3m1!1e3!1s2h4e3p)

Attachment 'A'





## Director's Decision – Quasi-Public Use (Temporary) Sol Invictus Winery/Smith – AD2024-0019

Development Services Department

### Applicant

Sol Invictus Winery, Scott and Denise Smith

### Staff

Dan Lister, Principal Planner

### Parcel Number

R33774015

### Current Zone

"A" (Agricultural)

### 2020 Comprehensive Plan

Future Designation: Residential

### Lot Size/Project Area

9.98 acres

### Current Use

Winery (AD2018-0042)

### Applicable Zoning Land Use Regulations

Canyon County Zoning Ordinance (CCZO) §07-02-03; §07-10-27; and §07-15-03

### Notifications

3/18/2024 – Agency

3/18/2024 – Property Owners

### Exhibits

1. Parcel Information Report
2. Application
  - a. Letter of Intent
  - b. Site Plan
  - c. E-mail
3. Comments
  - a. Canyon Highway District #4
  - b. Allen and Nanci Bent
  - c. Matt Heim
  - d. Jason & Kristina Laase
  - e. Steve & Sheri Jones
  - f. Morrow & Fischer – Choutchourrou Family
  - g. James Schohr
  - h. Michael & Laura Scott
4. AD2018-0044
5. BP2019-0141

### Request

Scott and Denise Smith of Sol Invictus Winery request a Director's Decision for a Temporary Quasi-Public Use to allow events with a duration not to exceed seven days and seven nights in a six-month period on parcels R33774015. The property is located at 6394 Schmidt Lane, Star, Idaho 83669.

### Findings of Fact

1. The applicants are Scott and Denise Smith, Sol Invictus Winery (Exhibit 1). Sol Invictus Winery was approved in 2018 (AD2018-0042, Exhibit 4; BP2019-0141, Exhibit 5).
2. The property is 6394 Schmidt Lane, Star; Parcel No. R33774015 (Exhibit 1)
3. The property is zoned "A" (Agricultural). The future land use plan within the 2030 Canyon County Comprehensive Plan designates the property as "Residential" (Exhibit 1).
4. The property is not in a mapped floodplain or floodway (Exhibit 1).
5. The parcel is in the City of Star impact area (Exhibit 1).
6. The applicant proposes seven events at Sol Invictus Winery on June 2<sup>nd</sup>, June 9<sup>th</sup>, June 16<sup>th</sup>, June 23<sup>rd</sup>, June 30<sup>th</sup>, July 7<sup>th</sup>, and July 14<sup>th</sup>, from 2 pm to 7 pm. Attendance at the events will not exceed 250 people (Exhibit 2).
7. Property owners within 600 feet of the property boundaries and affected agencies were notified of the request on March 18, 2024. *See Exhibit 3 for comments.*
8. This decision includes a review of all listed exhibits and information found in Case File No. AD2024-0019.

### Conclusions of Law

CCZO §07-02-03; Definition of Quasi-Public Use (Temporary): "An activity of a quasi-public nature which has a duration not to exceed seven (7) days and seven (7) nights in a six (6) month period and is allowed in all zones within the unincorporated parts of the County. Activities may include, but are not limited to, religious retreats, revivals, carnivals and like uses, musical concerts, theatrical performances, and sporting events."

Per CCZO §07-15-01 – Applicability: "This article applies to land uses that require approval of a director's administrative decision in accordance with the zoning and land use matrix in §07-10-27: of this chapter."

A quasi-public use (temporary) within an "A" Zone requires a Director's Decision (CCZO §07-10-27).

### CCZO §07-15-03 – Application, Procedure, Approval:

- (1) Application: "The applicant shall submit to DSD an application for a director's administrative decision along with the appropriate fee. DSD shall provide notification by mail of the application to the owners of parcels within six hundred feet (600') of the external boundaries of the parcel, as well as any applicable agencies, and shall provide such individuals and agencies a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed application."

- A complete application was submitted on March 5, 2024 (Exhibit 2).



- Property owners within 600 feet of the property boundaries and all affected agencies were sent a notification on March 18, 2024, and were provided a period of fifteen (15) calendar days from the date of the mailing to submit comments. *See Exhibit 3 for comments received.*
- (2) Compliance with This Code: *“Prior to issuance of a director's administrative decision, the subject property shall be in compliance with the public nuisance ordinance (chapter 2, article 1 of this code), the building code (chapter 6 of this code), and with all other articles of this chapter.”*
- On October 12, 2023, a code violation case was opened and notice was sent to the property owners regarding the winery holding special events without conditional use permit approval (CDEF2023-0233). A conditional use permit is required to establish a special events facility use on a parcel in the “A” Zone (CCZO §07-10-27). A conditional use permit was submitted on August 28, 2023 (CU2023-0018). This request allows a quasi-public use (temporary) for a limited number of events while pursuing conditional use permit approval.
- (3) Compliance with All Applicable Regulations: *“The property shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property and/or business.”*
- The property has an approved winery with an accessory tasting room (AD2018-0042, Exhibit 4). The winery has an approved building permit (BP2019-0141) with a permit for the deck (BP2021-0190) and winery tenant improvement (BP2024-0080). BP2019-0141 includes approval by Star Fire Protection District, Southwest District Health (Permit 2-46231), and Canyon Highway District #4 (Exhibit 5).
    - o Conditions 11 & 12 of AD2018-0042 require certification from a licensed engineer demonstrating private road and driveway construction meets county code (Exhibit 4). DSD does not have a record of the required driveway or private road certification.
  - On October 12, 2023, a code violation case was opened and notice was sent to the property owners regarding the winery holding special events without conditional use permit approval (CDEF2023-0233). A conditional use permit is required to establish a special events facility use on a parcel in the “A” Zone (CCZO §07-10-27). A conditional use permit was submitted on August 28, 2023 (CU2023-0018). This request allows a quasi-public use (temporary) for a limited number of events while pursuing conditional use permit approval.
- (4) Compliance with County Ordinances: *“The property shall be in compliance with the Canyon County Zoning Ordinance, public nuisance ordinance, and building ordinance.”*
- The property has an approved winery with an accessory tasting room (AD2018-0042, Exhibit 4). The winery has an approved building permit (BP2019-0141) with a permit for the deck (BP2021-0190) and winery tenant improvement (BP2024-0080). BP2019-0141 includes approval by Star Fire Protection District, Southwest District Health (Permit 2-46231), and Canyon Highway District #4 (Exhibit 5).
    - o Conditions 11 & 12 of AD2018-0042 require certification from a licensed engineer demonstrating private road and driveway construction meets county code (Exhibit 4). DSD does not have a record of the required driveway or private road certification.
  - On October 12, 2023, a code violation case was opened and notice was sent to the property owners regarding the winery holding special events without conditional use permit approval (CDEF2023-0233). A conditional use permit is required to establish a special events facility use on a parcel in the “A” Zone (CCZO §07-10-27). A conditional use permit was submitted on August 28, 2023 (CU2023-0018). This request allows a quasi-public use (temporary) for a limited number of events while pursuing conditional use permit approval.
- (5) Nontransferable: *“This permit is not transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the director.”*
- Condition #4 of the winery permit restricts the use to other properties or owners (AD2018-0042, Exhibit 4). Similarly, this can be applied to the approval as a condition of approval.

(6) Parking: “Off-street parking shall be provided in accordance with Article 13 of this chapter (Chapter 7). No parking space shall be located in any public right of way.”

- A site plan was submitted showing where parking would be located on-site (Exhibit 2b). The applicant also states each event will not exceed 250 people (Exhibit 2c). Per CCZO §07-13-03(1), uses similar to a social hall, dance hall, nightclub, pool hall, or restaurant require a number of parking spaces equal to 20 percent of the capacity in persons. Therefore, the minimum number of parking spaces required is 50. However, the applicant averages approximately 200 vehicles per event (Exhibit 2a). To ensure parking remains on-site, parking along the private road is prohibited.
- Canyon Highway District #4 approved the approach for the winery use as part of BP2019-0141 (Exhibit 5) per the review of the winery permit (AD2018-0042, Exhibit 4) which determined the winery use would generate 10 average daily trips. Canyon Highway District #4 requires a new approach permit for the event use (Exhibit 3a). No comments were received from Star Fire District. The fire district approved the winery driveway and turnaround (BP2019-0141, Exhibit 5).

**CCZO §07-15-03(7) – Decision of The Director:**

A. Review of Application: “Compliance with granting an administrative approval shall be within the discretion of the director following a full review of the facts as stated on the application and as received as a result of the required notification process. The burden of persuading the director to grant a permit is on the applicant. The director shall consider the uses of the surrounding properties in the determination of the compatibility of the proposed use with such uses.”

- Compatibility is defined as follows: “Land uses are compatible if: a) they do not directly or indirectly interfere or conflict with or negatively impact one another and b) they do not exclude or diminish one another's use of public and private services. A compatibility determination requires a site-specific analysis of potential interactions between uses and potential impacts of existing and proposed uses on one another. Ensuring compatibility may require mitigation from or conditions upon a proposed use to minimize interference and conflicts with existing uses.” (CCZO §07-02-03)
- Review of the application, AD2024-0019, includes a full review of the parcel information report (Exhibit 1), the applicant's submittal (Exhibit 2), comments received (Exhibit 3), approval of AD2018-0042 (Exhibit 4), and approval of BP2019-0141 (Exhibit 5).

Based on the review of all information submitted, the request is not compatible with the surrounding uses for the following reasons:

- Existing winery conditions not met: Conditions 11 & 12 of AD2018-0042 require certification from a licensed engineer demonstrating private road and driveway construction meets county code (Exhibit 4). DSD does not have a record of the required driveway or private road certification.
- Off-street parking: The applicant's letter of intent and site plan do not demonstrate compliance with off-street parking requirements (§07-13-01 and 03) subject to the following:
  - Privacy wall/landscaping: Per CCZO §07-13-01(10): *Off street parking areas may be required to screen any side adjoining any residential property by a wall, fence, or hedge to a height of six feet (6'), except for the front yard setback areas of the adjoining residential property, which shall be a maximum height of three feet (3').*
  - Exhibit 3b, Allen and Nancy Bent: The neighbors along the east boundary of the subject property are concerned about impacts such as car noises, dust, lights, and vibrations that would impact their existing residential use. Fencing and/or hedges could minimize the impacts of traffic impacts generated by the traffic on the ingress/egress, driveway, and parking area near the east parcel boundary. The applicant's letter of intent and site plan do not include any improvements that would minimize impacts to the adjacent neighbor or address their concerns.
  - Parking spaces/overflow parking: Per CCZO §07-13-03: *Parking spaces as hereinafter set forth*

*shall be provided for all uses allowed and conditional uses permitted in any zone, provided that a greater number of spaces may be required in any case where a conditional use permit is involved and further provided these regulations are subject to the Americans with disabilities act and state law:*

(5)	For a church, school auditorium or gymnasium, auditorium, theater, or sports arena	1 parking space for each 5 persons based on building capacity
(6)	For floor space used by the public or by members in a social hall, dance hall, nightclub, pool hall, restaurant, or other similar enterprise or establishment	A number of parking spaces equal to 20 percent of the capacity in persons. For the purpose of this section "capacity in persons" shall mean the gross floor area used by the public divided by 15 square feet.

- The letter of intent and site plan (Exhibit 2) do not demonstrate how the number of parking spaces can be accommodated. The applicant requests up to 250 guests per event. Therefore, additional parking may be required. The letter and plan do not show the location of overflow parking.
- Additionally, the driveway must meet construction requirements (CCZO §07-10-03(3)) and parking must be hard-surfaced (CCZO §07-13-01(4)). The applicant's letter of intent and site plan do not provide evidence the driveway and parking area meet or can meet those requirements.
- On-street parking: Letters of opposition/concern received expressed concerns regarding event parking on Schmidt Lane, a private road. (Exhibit 3b, 3d, 3e, 3f, and 3g). Photos were submitted showing cars parked along the private road Exhibit 3f) and provided evidence the private road was intended for residential access (Exhibit 3f). Concerns include impacts to emergency services, residential character, and event-goers using the private road for parking or private property along the private road as a turnaround.
  - The applicant states signage will be placed along the roads stating no parking will be required (Exhibit 2a). However, the letter and site plan do not demonstrate how parking will be managed not to impact private property, how parking will be completely maintained on-site, and actions that will be taken when an eventgoer violates parking requirements.
  - Star Fire District did not comment regarding the request. Previous approvals regarding the review of driveways and turnaround were based on the winery and tasting facility (Exhibit 5) which was anticipated to generate 10 average daily trips (Exhibit 4).

The items above could be conditions of approval. However, due to the timeframe of the request, the items above would be difficult to comply with before the first event which could create additional code violations. The applicant has applied for a conditional use permit for a special event facility (CU2023-0018). The permit, subject to meeting all hearing criteria (CCZO §07-07-05), would allow a special events facility with improvements and conditions to minimize potential impacts to the surrounding uses and neighbors in the short and long term.

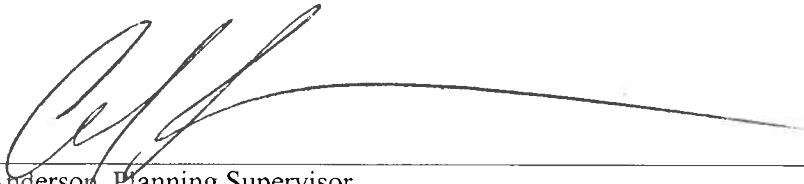
## **Order**

Based upon the Findings of Fact and Conclusions of Law contained herein, and in accordance with CCZO §07-15-03, the Director **denies** the request for a quasi-public use (temporary) on Parcel R33774015 subject to conditions of approval enumerated.

Pursuant to Idaho Code §67-6519, the following actions may be taken to obtain approval:

1. Submit the required driveway or private road certification (AD2018-0042, Conditions 11 & 12)
2. Gain approval of a conditional use permit for a special events facility (CU2023-0018) subject to the hearing criteria per CCZO §07-07-05.

Pursuant to CCZO §07-15-03(8): *"Any affected person who is aggrieved by the director's decision may file a written notice of appeal in accordance with §07-05-07, "Appeal of Director Administrative Decision", of this chapter. An appeal shall be noticed and heard as a conditional use permit."*



Carl Anderson, Planning Supervisor  
Canyon County Development Services Dept.

5-20-24

Date

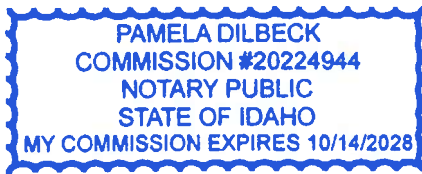
State of Idaho )

S.S.

County of Canyon )

On this 20<sup>th</sup> day of May, in the year 2024, before me Pamela Dilbeck, a notary public, personally appeared Carl Anderson, known 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: Pamela Dilbeck

My Commission Expires: 10/14/2028



CANYON COUNTY DEVELOPMENT SERVICES MAKES NO WARRANTY WITH RESPECT TO THE ACCURACY, COMPLETENESS, OR USEFULNESS OF THIS PARCEL INFORMATION TOOL.

# R33774015 PARCEL INFORMATION REPORT

5/9/2024 11:24:46 AM

PARCEL NUMBER: **R33774015**

OWNER NAME: **SMITH SCOTT E**

CO-OWNER: **SMITH DENISE RIVERA**

MAILING ADDRESS: **6390 SCHMIDT LN STAR ID 83669**

SITE ADDRESS: **6390 SCHMIDT LN**

TAX CODE: **0300000**

TWP: **4N** RNG: **2W** SEC: **01** QUARTER: **NE**

ACRES: **9.98**

HOME OWNERS EXEMPTION: **No**

AG-EXEMPT: **Yes**

DRAIN DISTRICT: **NOT In Drain Dist**

ZONING DESCRIPTION: **AG / AGRICULTURAL**

HIGHWAY DISTRICT: **CANYON HWY**

FIRE DISTRICT: **STAR FIRE**

SCHOOL DISTRICT: **MIDDLETON SCHOOL DIST**

IMPACT AREA: **STAR**

FUTURE LAND USE 2011-2022 : **Res**

FLU Overlay Zone Desc 2030:

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: **Res**

IRRIGATION DISTRICT: **FARMERS UNION DITCH CO LTD**

FEMA FLOOD ZONE: **X** FLOODWAY: **NOT In FLOODWAY** FIRM PANEL: **16027C0259F**

WETLAND: **NOT In WETLAND**

NITRATE PRIORITY: **NO Nitrate Prio**

FUNCTIONAL Classification: **NOT In COLLECTOR**

INSTRUMENT NO. : **2014042987**

SCENIC BYWAY: **NOT In Scenic Byway**

LEGAL DESCRIPTION: **01-4N-2W NE TAX 27 IN NWNE**

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



## DISCLAIMER:

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS, POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERIFFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.

Sol Invictus Vineyard LLC  
6394 Schmidt Lane  
Star, ID 83669

March 1, 2024

Letter of Intent

The existing winery was approved for operation under AD2018-0042 and is open for wine tasting on Saturday and Sunday from 12-7 pm. We are proposing we be able to host events on seven Sunday afternoons in a 6-month period (Feb 15-Jul 15, 2024) IAW AD2018-0042, specifically from Sunday, Jun 2, 2024 – Sunday, Jul 14, 2024.

The Sunday afternoon events would consist of local live music and a food truck and/or a small local artisan pop-up business. Musician(s) would set-up/play/tear-down from 2 – 7 pm. Food truck and local artisan would be present between 12-7 pm.

Our request is threefold; we want to support our community with local live music while they enjoy our wine, we want to support local musicians by providing a venue for them to showcase their talent, and we want to support small business by providing them an opportunity for those who don't have a brick-and-mortar location to offer their food or craft at our establishment.

We expect traffic counts not to exceed an average of 200 vehicles (cars, trucks, side-by-sides, bicycles) per event. Traffic will turn off Foothill Road onto Schmidt Lane and signs will immediately direct guests to event parking. We will provide portable no parking signs along Schmidt Lane to ensure Schmidt Lane and all fire lane access remains clear.

Musicians will play from the existing patio and speakers will be directed away from surrounding homes. Current noise mitigation efforts and buffering are in place. In the event of bad weather music will be hosted in the 30 x 30 tasting room with the exterior patio doors open.

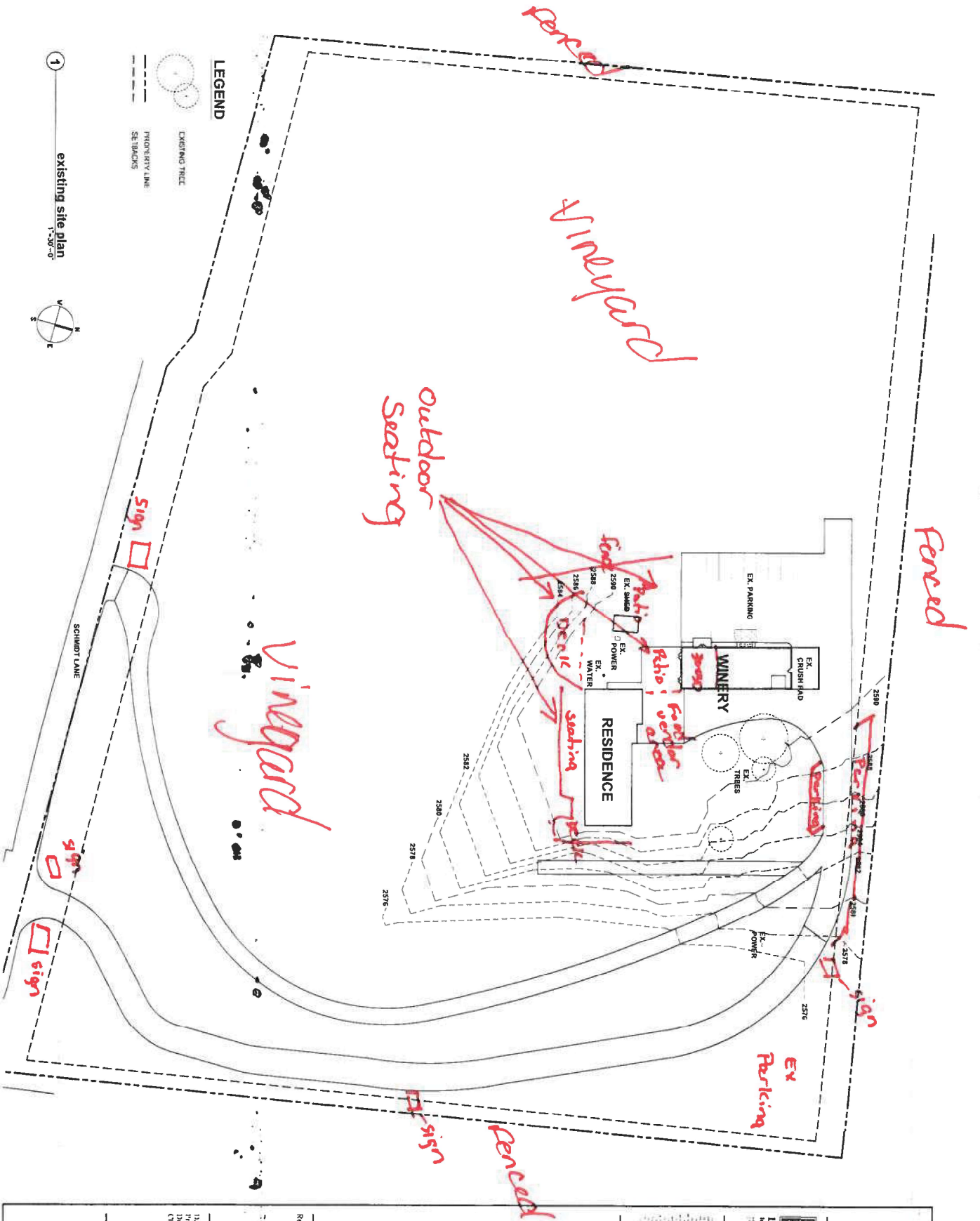
Food trucks and local artisans should not affect neighbors. Food trucks and local artisans will obtain their own permits as necessary. They will be responsible for the carry in and carry out of their own waste material, if any. No dumping. Southwest District Health approved food menu items will be available for guest purchase when a food truck is not present.

Guests will use indoor and outdoor seating areas as identified on the site plan and floor plan included in this application.

The number of employees during the music events will increase to accommodate the number of expected guests. Business hours will remain 12-7 pm. Delivery and shipping will not change.

This request is consistent with current zoning criteria, fire code, Southwest District Health septic, water, and food handling requirements, and is consistent with the tenants outlined in AD2018-0042.

Scott and Denise Smith  
Owners  
[scott@solinvictusvineyard.com](mailto:scott@solinvictusvineyard.com)  
[denise@solinvictusvineyard.com](mailto:denise@solinvictusvineyard.com)  
208-286-7401



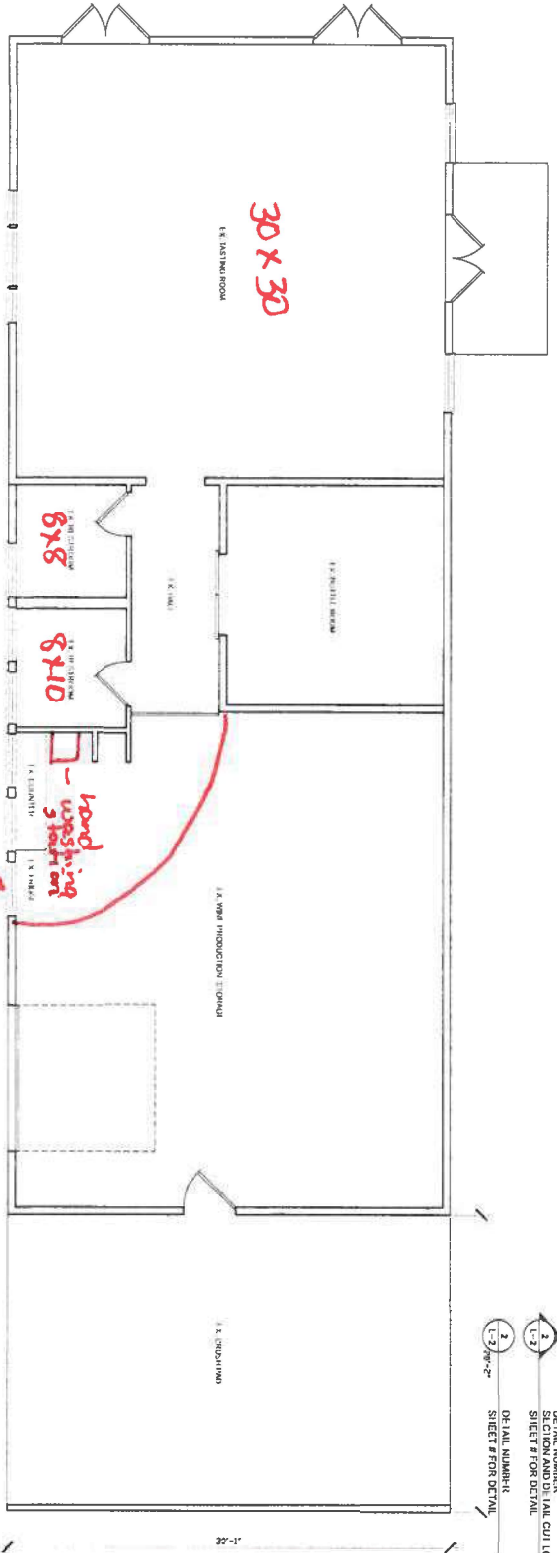
<b>Sol Invictus Winery</b> 6394 Schmidt Lane, Boise Idaho		<b>DESIGN</b> Design: J. Smith / J. Smith Date: 02/27/24
<b>Revisions:</b>		Title: 02/27/24 Design: J. Smith Checked: gbb
<b>Permit Set</b>		<b>Existing Site Plan</b>
<b>1.0</b>		

WALL LEGEND

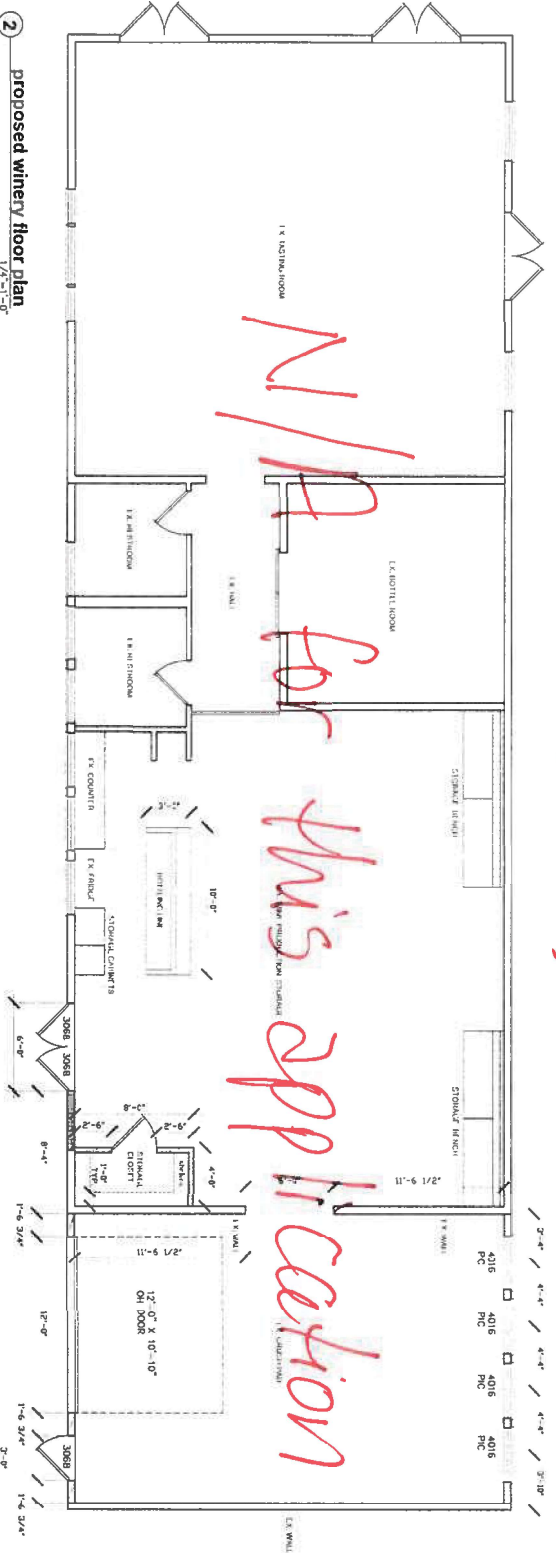
EXISTING WALL TO REMAIN  
NEW WALL

USE LINE NUMBER  
SECTION AND DIMENSION  
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1 existing winery floor plan  
1/8" = 1'-0"



2 proposed winery floor plan  
1/8" = 1'-0"

**Sol Invictus Winery**  
6394 Schmidt Lane, Star, Idaho

**DESIGN**  
Interior / Exterior / Mold Issues

DATE: 03.01.24  
PROJECT NO: 161023  
DRAWN: gpb  
CHECKED: [blank]

REVISIONS:

Ex. Floor/Proposed Floor Plans

2.0

Permit Set



**Dan Lister**

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**From:** Denise Smith <denise@solinvictusvineyard.com>  
**Sent:** Thursday, April 11, 2024 9:24 PM  
**To:** Dan Lister  
**Cc:** Scott Smith  
**Subject:** [External] Re: Case AD224-0019

Good evening Dan,

Thank you for providing the concerns submitted by the neighbors. Here's the information you requested:

- Exact seven dates in the six-month period from 14 Feb-14 Jul are: Jun 2, Jun 9, Jun 16, Jun 23, Jun 30, Jul 7 and Jul 14 for this temporary quasi-use permit (AD224-0019)

- I was unaware of how to calculate # of vehicles and whether we had to count all people at once or folks that stay for a bit then leave. It would make sense to have this match our other case (CU2023-0018) and ask for no more than 250 people which I believe equals 50 cars.

-- Yes, we are more than willing to limit attendance to no more than 250 guests

-- We put in a full parking lot on the east side of our property to ensure no one parks on Schmidt Lane or Foothill Rd and to ensure there is adequate space for the Fire Department to enter and egress. There is no guest parking on the west side of our property. We park our trailers and our tractor on the west side of our property, both are well on our property and do not touch the neighbor's property.

- I'm unfamiliar with a specific circulation plan. Star Fire did a site visit to ensure they could turn their truck around and were appreciative of the new parking area and they had to sign off on the road when it was a condition of occupancy before we could open back in 2019. I can reach out to Star Fire for additional advice and guidance, if you think I should. We can add additional signage at the entrance/exit to our property. We normally have 1-2 parking attendants when we get busy.

It sounded like the neighbors had not seen the letter regarding CU2023-0018 otherwise they would have known about the bigger parking area to the east and the other noise mitigation items we've put in place plus the dust mitigation we've agreed to implement. CU2023-0018 did go out on Mar 18<sup>th</sup> didn't it? Responses to it are still due by Apr 18th, correct?

Standing by to answer any additional questions there might be.

Respectfully,  
 Denise Smith

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**From:** Dan Lister <Daniel.Lister@canyoncounty.id.gov>  
**Sent:** Thursday, April 11, 2024 4:41 PM  
**To:** Denise Smith <denise@solinvictusvineyard.com>  
**Subject:** Case AD224-0019

Mrs. Smith,

Attached are all the comment letters received regarding Case AD2024-0019. Besides one letter, the comment letters consist of concerns regarding traffic, dust, noise, parking, use of the private road, Schmidt Lane, and general compatibility of the request to the surrounding land uses.

Based on review of the application submitted, comments received, and findings required to be made, staff has the following concerns:

- Please provide the exact dates. The letter of intent states events will be hosted on seven Sunday afternoons in a six-month period. Exact dates can be conditioned as part of the decision and is enforceable.
- The letter of intent states an average of 200 cars per event. Do you mean an average of 200 people per event? 200 people equates to 40 parking spaces per CCZO Section 07-13-03. 200 cars equates to 1,000 people per County Code.
  - Would you be willing to a condition limiting attendance to the events?
  - Additionally, the neighbors to the west are concerned about the parking abutting their property. Limiting the number of attendees may allow a buffer area between the neighbor and parking area. Relocating the necessary parking away from the neighboring property could also mitigate their concern.
- Do you have a parking and circulation plan? Most of the concerns received have to do with event traffic, parking on the private and public roads, dust, and attendees driving past the property on the private road and turning in someone driveway. Will signs and/or employees be used to stop cars from going past the property? How will you ensure parking is completely maintained on-site?
  - If so, has the circulation pan been reviewed by Star Fire District?

Per CCZO Section 07-15-03(7)A: *Compliance with granting an administrative approval shall be within the discretion of the director following a full review of the facts as stated on the application and as received as a result of the required notification process. The burden of persuading the director to grant a permit is on the applicant. The director shall consider the uses of the surrounding properties in the determination of the compatibility of the proposed use with such uses.*

Once the additional informaiton and response to comments is recieevd, a decision will be made by the Director of DSD. If denied, and an appeal if not filed per 07-05-07, the event use will need to cease until the conditionall use permit (CU2023-0018) is approved and conditoins met.

Sincerely,

**Dan Lister, Principal Planner**

DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959

[Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)

Development Services Department (DSD)

Public office hours

Monday, Tuesday, Thursday and Friday

8 am – 5 pm

Wednesday

1 pm – 5 pm

**\*\*We will not be closed during lunch hour \*\***

**PUBLIC RECORD NOTICE:** All communications transmitted within the Canyon County email system may be a public record and may be subject to disclosure under the Idaho Public Records Act and as such may be copied and reproduced by members of the public.

**Dan Lister**

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**From:** Chris Hopper <chopper@hwydistrict4.org>  
**Sent:** Thursday, April 18, 2024 9:47 AM  
**To:** Dan Lister  
**Subject:** RE: [External] CU2023-0018 Sol Invictus Event Center

No immediate concerns with traffic related to the events. The conditions on the CUP and the impact fees from the use expansion should address the long-term traffic mitigation. It is important that the county require the applicants to obtain a new access permit for the change in use so we can collect impact fees for traffic mitigation. I mention that once in the comment letter but it bears repeating.

Let me know if there are other questions.

Respectfully,

**Chris Hopper, P.E.**  
District Engineer



Highway District No. 4  
15435 Hwy 44  
Caldwell, Idaho 83607  
208-454-8135

---

**From:** Dan Lister <Daniel.Lister@canyoncounty.id.gov>  
**Sent:** Thursday, April 18, 2024 8:35 AM  
**To:** Chris Hopper <chopper@hwydistrict4.org>  
**Subject:** RE: [External] CU2023-0018 Sol Invictus Event Center

Chris,

Thank you for the comment letter regarding CU2023-0018.

DSD sent a notice out regarding AD2024-0019 on March 18, 2024, for Sol Invictus to hold temporary event uses until CU2023-0018 is approved. The request will allow up to seven events within six months for up to 250 people per event. Any comments or concerns?

Sincerely,

**Dan Lister, Principal Planner**  
DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959  
[Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)

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**From:** Chris Hopper <[chopper@hwydistrict4.org](mailto:chopper@hwydistrict4.org)>  
**Sent:** Wednesday, April 17, 2024 4:14 PM  
**To:** Dan Lister <[Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)>  
**Subject:** [External] CU2023-0018 Sol Invictus Event Center

Dan-

Please see the attached comments from HD4 for the proposed Event Center at the Sol Invictus winery.  
Please let me know if there are questions, and forward a copy to the applicants for their use; I didn't see an email address on the application.

Respectfully,

**Chris Hopper, P.E.**  
District Engineer



Highway District No. 4  
15435 Hwy 44  
Caldwell, Idaho 83607  
208-454-8135



**Dan Lister**

---

**From:** Nanci Bent <nqbstar@gmail.com>  
**Sent:** Monday, April 1, 2024 11:37 AM  
**To:** Dan Lister  
**Subject:** [External] Case Number AD2024-0019

Dear Sir:

Thank you for your attention to this issue referenced above.  
The purpose of this document is to address issues that impact our rural country neighborhood.

My wife, Nanci and I have resided at 6306 Foothill Road, Star, Idaho for the past 20 years. Our family home and property are located to the immediate East. We share a common fence line which runs from Foothill Road North to the end of both properties.  
Our driveway runs parallel from Foothill Road with the entrance road to the Winery tasting room.

As immediate next door neighbors, we are impacted more than any other neighbor in the area. Our issues are - traffic noise, dust from vehicles entering and exiting the facility while driving over an unpaved gravel road. In addition, the parking area is unpaved and inadequate for the 200 visitors that the winery owners state they anticipate attending their events. This volume of traffic is absolutely unreasonable for our rural neighborhood. Furthermore, the traffic congestion and the headlights of the vehicles leaving the venue are annoying to not only us but the surrounding neighbors.

Further the noise from the music concerts that are held outdoors is objectionable as it is not in keeping with the peaceful country environment.

To access the winery, one must exit Foothill Road which is a narrow country road and drive up Schmidt Lane which is private. Driving up Schmidt Lane impacts those neighbors residing on this private lane. Although the residents have posted signage indicating that Schmidt is a private lane, the signs have been ineffective. Winery visitors continue to ignore these signs and use the driveways of private residents as opportunities to turn around in as they search for the winery. In the past these residents have notified the Canyon County Development Services Department regarding this issue.

When exiting the winery one must access Foothill Road and deal with a blind corner if turning West onto Foothill. This situation is concerning due to unregulated conditions involving increased number of vehicles, bicyclists and pedestrians with no identified means for them to enter onto Foothill which is a narrow country road.

We don't support the Canyon County Development Services Department approving the application submitted by Scott and Denice Smith for a Temporary Quasi-Public Use permit in regards to the Sol Invictus Winery until the above stated issues have been addressed to our satisfaction.

Thank you for your consideration of our concerns as an impacted neighbor.

Allen (Cris) and Nanci Bent  
208-880-4796

**Dan Lister**

---

**From:** Matt Heim <matt@heimdesignstudio.com>  
**Sent:** Sunday, April 21, 2024 4:21 PM  
**To:** Dan Lister  
**Subject:** [External] Case: AD2024-0019 Parcel #R33774015 Smith - Sol Invictus Winery

Dear Mr. Lister,

As a neighbor to Sol Invictus Winery, we would like to submit our support for the Public Use Events permit. Scott and Denise Smith have been respectful of us as neighbors and we believe they will be considerate in the future to maintaining reasonable event hours and noise. We are grateful for the positive impact that the winery has had on our local community, and believe that the proposed events permit plays an important role for the winery's success.

Sincerely,  
Matt and Emily Heim  
6495 Schmidt Ln  
Star, ID 83669

**Heim Design Studio**  
Matt Heim — Creative Director  
[208-761-4127](tel:208-761-4127) — [matt@heimdesignstudio.com](mailto:matt@heimdesignstudio.com)

**Dan Lister**

---

**From:** Jason Laase <jdlaase@gmail.com>  
**Sent:** Monday, April 1, 2024 4:26 PM  
**To:** Dan Lister  
**Subject:** [External] Sol Invictus Winery - CASE NUMBER: AD2024-0019

CASE NAME: Smith – Sol Invictus Winery

CASE NUMBER: AD2024-0019

PARCEL #: R33774015

Mr Lister,

My name is Jason Laase, my wife (Kristina Calise) and I reside at [6543 Schmidt Ln, Star, ID 83669](#). I am a Retired Police Officer from the Glendale Police Department (CA). Some of my opinions below are based on my years of training and experience. I'm writing today to voice our concerns over the current use permit and the request for modifications by Mr. and Mrs. Smith, located at [6394 Schmidt Ln, Star, ID 83669](#).

We've lived at 6543 Schmidt since August 2017. When we moved here, the neighborhood was quaint, quiet, and rural. Besides the residents who live west of us on Schmidt Lane, we hardly had any other vehicles drive up to or past our home.

I'm breaking this letter down into two main sections. First are facts, and the second is our opinions of the conditions and improvements the winery should make to continue operating a business in our residential neighborhood. We are not anti-Winery, we actually like Scott, Denise, and their family. We have visited the winery a few times over the years, helping to support their small business. We appreciate their service and sacrifice to our country as Military Veterans, and we appreciate their wanting to live out their dream of owning and operating a winery. We just ask that they appreciate and respect the residents who live near their business. We, too, have dreams but ours are of living in a quiet, rural neighborhood.

#### FACTS SECTION:

- Since the winery opened its tasting "room" we've seen a significant increase in non-residents driving on our street, passing the winery entrance. Our house is located at the end of the paved section of Schmidt Lane so often winery patrons get to our house, realize the road turns into dirt/rock, and use our driveway to turn around. Because this is a private road, we residents are responsible for the cost of maintaining the road not to mention our driveway aprons, and driveways.
- When the winery first opened, I created a Google Maps Business Page for the Smith family so people using Google Maps would be able to find the entrance to the winery more easily. This appeared to help some when they were getting started and had fewer patrons.

- When the winery has a busy day, they not only allow but encourage patrons to park on the new road/driveway on the east side of their property. (a little opinion here... but this appears to be a safety concern as a Fire Engine and or Fire Truck would have a difficult time getting to the top of the property where all of the people and buildings are located).
- The winery does not have ample parking to allow for the current number of patrons they have visiting regularly.
- The winery often has live music which we can hear from our front and back yards. If our windows are open, we can also hear them from inside of our home. We prefer to hear the birds singing, not a 1980s cover band.
- Our family has spent over \$10,000 adding trees and shrubs in the front of our property since the winery opened its doors. We've done this to help with privacy from the increased traffic as well as trying to block the sounds coming from the patio area of the winery.
- We also had to buy and install a double gate for our home to keep winery patrons from pulling further into our driveway. We also installed a Ring video door camera at the edge of our driveway/fence line to help protect our property and to allow delivery drivers or guests to ring our doorbell. Before the winery was operational, we didn't feel the need to do any of this.
- When the winery has a larger event where they invite vendors to set up pop-up tents (upwards of 25 vendors), they quickly run out of parking. They have started trying to control the flow of traffic; however, I have been stuck in a line of cars, trying to get onto Schmidt Lane from Foothill Bl. Yes, traffic has been backed up that far in the past and it blocks the flow of traffic sometimes in both directions. Some patrons come from the west and have to make an awkward left turn onto Schmidt Lane from Foothill.
- 143 past events according to their Facebook page zero scheduled. You can see those by clicking on the following links.  
Past events: [https://www.facebook.com/SollInvictusVineyard/past\\_hosted\\_events](https://www.facebook.com/SollInvictusVineyard/past_hosted_events)  
Upcoming events: [https://www.facebook.com/SollInvictusVineyard/past\\_hosted\\_events](https://www.facebook.com/SollInvictusVineyard/past_hosted_events)
- The Smith family did invite all of their neighbors to the winery later in 2023 to discuss their plans and our concerns. Since then, they have added a few signs along the road which have helped.
- The aerial photo, presumably submitted by the Smith family, shows one business sign area; however, there are two business signs, which can be confusing. The second one is west of the "Private Property – No Trespassing" signs that were erected by the residents of Schmidt Lane.

**OPINION SECTION:** These are improvements and modifications that we'd like the winery to make to seriously consider their neighbor's quality of life and to keep their current operating days/hours and extend those to include Thursdays, Fridays, and Mondays which are National holidays.

- Plant shrubs at the west and south/west ends of the patio/parking and tasting area to minimize the traveling of sound from the live music and people talking loudly (all of which we can hear from our house, including inside of our house should we have the windows open). Shrubs don't have to be very tall as we recognize that patrons enjoy the scenic views.
- Post signs along the exit road, reminding guests which way to exit and reminding them to respect their neighbors by not listening to loud music, etc.
- Regularly clean up the weeds at the entrance as well as throughout the vineyards to minimize the risk of fire and the spread of noxious weeds.

- Increasing the hours and days of operation increases the risk of impaired/intoxicated drivers in and around our neighborhood. More people always mean more problems and yes, I do base this on my experience as a Police Officer.
- Remove or permanently move the larger Winery Signage that's west of the no-trespassing, private road signs (unless they plan to do the below). The second sign can be confusing and might be why so many patrons continue west on Schmidt Ln until they turn around in our driveway.
- Create a safe parking lot somewhere on their property, possibly west of the winery which they currently use for overflow parking. This area has been graded from time to time by the winery, especially when they have larger events.
- Erect a private, electric, remote-controlled gate that would only allow residents and their guests to drive west on Schmidt Lane. This could be installed on Schmidt Lane, close to the western edge of their property. When doing so, they should create a paved turn-around point just before the gate so non-residents would have a safe place to turn around should they ignore the private road and no trespassing signs. My wife and I would be willing to contribute a fair portion to the cost of this private gate as would others who live in Schmidt Lane.

We've done our part by spending our own money to help mitigate the additional traffic and noise due to the growing number of visitors to the winery. Now we're asking that the Smith family take some of our suggestions into consideration so we can all enjoy the neighborhood we live in.

Thank you for your time in reviewing our comments, concerns, and recommendations. Please feel free to contact us by phone, email, or letter.

Kristina Calise & Jason Laase

[6543 Schmidt Ln.](#)

[Star, ID 83669](#)

(208)914-4352 (Jason cell)

[jdlaase@gmail.com](mailto:jdlaase@gmail.com)



March 28, 2024

Daniel Lister, Principal Planner  
Canyon County Development Services  
111 North 11<sup>th</sup> Ave., Room 310  
Caldwell, ID 83605

RE: Winery Application  
Case Name: Smith - Sol Invictus Winery, LLC  
Case Number: AD2024-0019

Dear Mr. Lister:

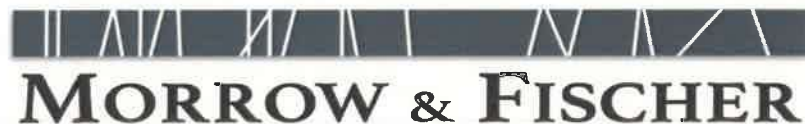
We are residents of Schmidt Lane where the above referenced Sol Invictus Winery is located. We did not receive a letter regarding this requested "Temporary Quasi-Public Use to allow events with a duration not to exceed seven days and seven nights in a six month period on parcel R33774015 located at 6394 Schmidt Lane, Star Idaho 83669." We are outside the 600 foot radius where notification is required by law. However, we are located on the same dead end private road where the winery is located and are directly impacted by the operations of the winery on a regular basis. We received the County Development Services letter from a neighbor who resides within the 600 foot radius. The letter refers to a code section 07-15-03 that we have been unable to locate on the county website to determine any limitations as to hours in a day, start or stop times applicable to the Quasi-Public Use permit.

Our concerns are the same as we have expressed in the past regarding operation of this retail establishment in a quiet residential area; increased noise, dust, traffic and trespassing by winery visitors on Schmidt Lane past the winery property. The recent increase in available retail/tasting room area results in an increase in customer flow and allows the winery to host larger events, such as weddings and charity events, than in the past. It is obvious that the increased usage will result in additional traffic and traffic related issues. The winery should be fully responsible for required adjustments corresponding to the increase in traffic and usage of the winery and tasting facility. Adjustments should include a requirement for adequate off road/street parking to accommodate parking for vehicles relative to the amount of retail/tasting room area occupation limits. Continuous traffic monitoring personnel should be required at all entrances, exits and parking areas on or adjacent to Schmidt Lane available for the duration of the event to direct visitors to on-site parking areas and Foothill Road when exiting the event.

The winery added several small signs to help deter winery guests from trespassing on Schmidt Lane west of the winery property. These signs are inadequate for current hours of operation and would be even more ineffective for large gatherings. Increased conspicuous signage regarding the private road aspects of Schmidt lane placed on both sides of the road at the west end of the winery's last vehicle access point or parking area and any entry or exit from the winery and a notification inside the tasting area that Schmidt Lane is a private residential road with no public or winery access.

We understand the Sol Invictus Winery's desire for expansion; the Smith's typically notify neighbors of upcoming events at the winery and provide some traffic control during those events. The winery does offer charity events and provides support to numerous activities for Star City events. We applaud their participation in these activities and do not oppose the increase in size with the addition of the previously mentioned requirements.

Steve and Sheri Jones  
6743 Schmidt Lane  
Star, ID 83669  
208-559-2148



ATTORNEYS AT LAW

4 Ogden Ave.  
Nampa, Idaho 83651  
208-475-2200  
Fax 208-475-2201  
www.morrowfischer.com

April 2, 2024

Sent via US Mail and Email to [Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)

Daniel Lister  
Canyon County Development Services  
111 N. 11<sup>th</sup> Avenue #310  
Caldwell, Idaho 83605

Re: *Smith – Sol Invictus Winery*  
*AD2024-0019*  
*Parcel No. R33774015*

Dear Mr. Lister:

We are counsel for Bernard and Toni Choutchourrou who own property adjacent to and south of the land owned by Scott and Denise Smith - Sol Invictus Winery (the “Applicant”) and which is the subject of the above-referenced Application. The purpose of this communication is to: i) lodge our clients’ continued objection to the Smiths’ use of their Property as an unpermitted events venue; and ii) oppose the pending application for Temporary Quasi-Public Use on parcel R33774015 (the “Subject Property”).

By way of background, our clients own property south and west the Subject Property. Specifically, parcels R26245510 and R26245506 are adjacent to and west of the Subject Property and parcel 33783000 is south of the Subject Property. All three properties, including our clients’ residence (located on parcel 3378300) are accessed via Schmidt Lane, which is a private road for residential use only. In fact, the portion of Schmidt Lane that borders the Subject Property is located on the Choutourrou’s land.

In June 2018, the Director of Development Services issued an Order approving a “vineyard and tasting room” on the Subject Property (AD2018-0042). The County’s approval was based on various representations made by the Applicant and was subject to certain conditions and restrictions outlined in the Order. For example, the County imposed limitations on the Applicant’s hours of operation, parking and signage. Likewise, the Applicant was tasked with making certain improvements to Schmidt Lane. A copy of the 2018 *Findings of Fact, Conclusions of Law, Conditions of Approval and Order* for AD2018-0042 is attached hereto as Exhibit A.<sup>1</sup>

<sup>1</sup> As an aside, our clients opposed the original application for a tasting room and spoke with a representative from the County. They believed there was going to be an on-site meeting, but that did not occur and subsequently learned the application had been approved.

In 2023, the Applicant sought to “modify” the Order to extend its hours of operation from two days a week to four or more, and to enlarge the usable area of its facility.<sup>2</sup> Our clients objected to the modification and submitted a letter to the County Dated May 31, 2023 outlining the basis for the objection. The Choutchourous’ opposition, which is attached hereto as Exhibit B, included unrefuted evidence that the Applicant had mislead the County in terms of what was occurring on the Subject Property. The letter (Exhibit B) also proved Applicant was in violation of the existing Order, and established the Applicant was operating an events venue without a conditional use permit (“CUP”).

Shortly after the above objection was submitted, our clients also filed a *Land Use, Building or Public Nuisance Complaint Form* with the County (the “Complaint”). The Complaint, which is attached hereto as Exhibit C received no response, and the Applicant’s violations continued.

On August 28, 2023, the Applicant sought (for the first time) a CUP for an “event center.” The Application is lengthy, but pages 1-15 are attached hereto as Exhibit D and contain certain representations about the Subject Property that are relevant to this objection. Our client sent the Applicant a letter of opposition on August 1, 2024. A copy of said letter is attached hereto as Exhibit E.

It is unclear what occurred with the CUP Application; however, our clients recently received a letter dated March 18, 2024 from the County seeking input on the Applicant’s present request for a “Temporary Quasi-Public Use” to allow events “with a duration not to exceed seven days and seven nights in a six-month period.”

Admittedly, it is not entirely clear what the Applicant is seeking. Canyon County Zoning Ordinance 07-02-03 defines temporary quasi-public use as, “[a]n activity of a quasi-public nature which has a duration not to exceed seven (7) days and seven (7) nights in a six (6) month period...” This seems to imply a single event, but given the existing manner in which the Subject Property currently is used, it is not plausible the Applicant seeks to reduce its activities to a single event. A better assumption is that the “temporary event” or “events” would be in addition to the current uses, which (in our view) requires a conditional use permit. Indeed, as of April 2, 2024 Applicant’s website announces that they are only “on pause while we cooperate with the county permitting process...” And that, “We’re hoping to resume Live Music Sundays in June.” See Exhibit F attached hereto (printed as of this date). Thus, we suggest the proposed application is but another attempt to create an events venue without first obtaining the proper permit to do so.

Further, and aside from the Applicants’ procedural mischief, our research reveals that the Applicant does not have a legal right to use Schmidt Lane. As stated above (and referenced in the May 31, 2023 letter) Schmidt Lane is a private road created via the grant of certain easements. We have found no documents that grant use of Schmidt Lane to, or for the benefit of, the Subject Property. Rather, the only access appears to have been created by an Easement (Instrument No. 9124753) from Foot Hill Road to the Subject Parcel. That easement lies outside of Schmidt Lane, and is shown on the aerial map attached hereto as Exhibit G.

Thus, absent a right to use Schmidt Lane, the Applicant has a single entrance and exit point and is unable to comply with conditions imposed by Canyon Highway District No. 4 (“CHD4”). Namely, that “an access permit from CHD4 will be required to support the change in use from residential to commercial.” See the May 31, 2023 letter (Exhibit B hereto). Accordingly, unless Applicant can provide evidence of

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<sup>2</sup> As previously pointed out, the Applicant already was operating more than two days a week and violating parking and operating hour limitations.

their right to use Schmidt Lane, our clients will not allow the Schmidt Lane to be used to access the Subject Property.<sup>3</sup>

In summary, the pending application is yet another attempt by the Applicant to circumvent the County's rules and operate an events venue without the required permit. Nothing about the Applicants' use is temporary and if not checked, there is no doubt the Applicant will continue to operate without regard to the rules, permits, restrictions or impact on their neighbors. Further, and regardless of the pending application, the County should review its existing Order in light of the fact the Applicant does not appear to have any right to use Schmidt Lane. Again, absent additional evidence from the Applicant to the contrary, they will be unable to comply with existing conditions imposed on use of the road.

Finally, because of the complicated nature of this matter, our clients are requesting an opportunity to meet with you and or the Director to discuss this matter further. Toward that end, we will contact your office next week to see if an appointment can be scheduled. Last, we also request that notice of any action taken on the pending application be provided to my office so that our clients can timely appeal any adverse decision.

Thank you for your consideration.

Sincerely,

MORROW & FISCHER, PLLC



Julie Klein Fischer

Attachments

C: Bernard and Toni Choutchourrou

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<sup>3</sup> Even if the Applicant does have access to Schmidt Lane, the Road Use Agreement attached hereto as Exhibit H limits use to residential only.

Daniel Lister, Canyon County Development Services  
April 2, 2024  
Page - 4

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EXHIBIT A  
(AD-2018-0042 Order)





**Findings of Fact, Conclusions of Law, Conditions of Approval and Order**  
Amendment to AD2018-0042 – Sol Invictus Winery- Scott and Denise Smith

**Findings**

1. The property owner is Scott and Denise Smith
2. The property is located at on Schmidt Lane, a private road, in Star, ID and assigned tax parcel number R33774-015.
3. The property is zoned A (Agricultural).
4. Property owners of record and agencies were notified of the request on August 7, 2018 and given fifteen (15) days for comment.
5. This application is for an amendment to conditions of approval within AD2018-0042.

**Conclusions of Law**

For case file AD2018-0042 the Director concludes the following regarding the Standards of Review for a Director's decision:

**(1) Application:** The applicant shall submit to DSD an application for a director's administrative decision along with the appropriate fee. DSD shall provide notification by mail of the application to the owners of parcels within six hundred feet (600') of the external boundaries of the parcel, as well as any applicable agencies and shall provide such individuals and agencies a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed application. (Ord. 12-006, 3-22-2012)

The applicant submitted a completed application for the amendment, including fees on July 19, 2018. Both property owners within 600' of the external boundaries of the parcel and applicable agencies were notified on August 7, 2018 and given fifteen (15) days for comment.

**(2) Compliance With This Code:** Prior to issuance of a director's administrative decision, the subject property shall be in compliance with the public nuisance ordinance (chapter 2, article 1 of this code), the building code (chapter 6 of this code), and with all other articles of this chapter.

Parcel R33774-015 is in compliance with the public nuisance ordinance, the building code, and all other articles of this chapter. If this application is approved, conditions of approval will limit any potential negative impacts to surrounding property owners. If this application is approved, building permits will be required for a change of occupancy of the accessory structure to a commercial structure.

**(3) Compliance With All Applicable Regulations:** The property shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property and/or business.

Condition of approval #1 requires that the project shall comply with all applicable federal, state, and county laws and rules. Based on the initial application approval of AD2018-0042 this application is in compliance with all applicable regulations.

**(4) Compliance With County Ordinances: The property shall be in compliance with the Canyon County zoning ordinance, public nuisance ordinance and building ordinance.**

The winery has been approved by the Director under case number AD2018-0042. All conditions from the previous approval will remain in place to maintain the property's compliance with Canyon County ordinances. The applicant has also requested that the road improvements be required prior to the certificate of occupancy for the tasting room portion of the building (Exhibit 2). The tasting room portion of this building will require a separate building permit. The applicants have stated in their original letter of intent that the wine tasting room will be a second phase of the winery. The production facility will only require minimal traffic from deliveries of wine making materials, but no shipping of finished products will be completed until the tasting room is opened. The accessory tasting room portion of the proposal is expected to have 10 customers per day when it is open (Exhibit 3). This is approximately the same amount of daily traffic as a single family residence as it is defined in the "Trip Generation 9<sup>th</sup> Edition." Staff is recommending to amend condition #11 to place road improvements to be required prior to the certificate of occupancy for the tasting room and not for the production space.

The Star Fire District commented on the amendment and stated that either option can be approved with the condition of improving the driveway to meet access standards for emergency vehicles (Exhibit 7). The Star Fire District will review access at the time of building permit for the change of occupancy. Driveways are required to meet access standards as required in the International Fire Code, Appendix D.

Canyon Highway District #4 and ITD commented on the application stating that they have no objection to the amendment.

The current condition #11 which required the following:

12. Prior to the certificate of occupancy for the tenant improvement, Schmidt Lane will be required to be improved and certified by a licensed engineer from Foothill Road to the exit driveway as shown on the site plan (Exhibit 3) to the current private road and driveway standards for a road that exceeds 100 Average Daily Trips (ADT). The standard is listed below (CCZO 07-10-03):

	Subbase Or Ballast	Base Course	Plant Mix Pavement (ISPMC Class III Mix)	Surface Width
Private roads that are estimated to serve more than 100 ADT	9" of minus 6" uncrushed aggregate (pit run)	6" of 3/4" crushed aggregate (gravel)	2 5" thick	24' for local roads and 26 ' for collector roads <sup>1</sup>

The applicant has proposed a new location for the entry/exit driveway as shown on the amended site plan (Exhibit 4). This location will require that road improvements be required prior to the certificate of

occupancy for the tasting room. Additionally, the driveway is still required to meet applicable Fire District standards which will be reviewed at the time of building permits for the tenant improvement.

The condition will be amended to the following (amended condition of approval #11):

12. Prior to the certificate of occupancy for the tasting room portion of the building, Schmidt Lane will be required to be improved and certified by a licensed engineer from Foothill Road to the entry/exit driveway as shown on the site plan (Exhibit 4, Option #1 or Option #2) to the current private road and driveway standards for a road that exceeds 100 Average Daily Trips (ADT). The standard is listed below (CCZO 07-10-03)

	Subbase Or Ballast	Base Course	Plant Mix Pavement (ISPPWC Class III Mix)	Surface Width
Private roads that are estimated to serve more than 100 ADT	9" of minus 6" uncrushed aggregate (pit run)	6" of 3/4" crushed aggregate (gravel)	2.5" thick	24' for local roads and 26' for collector roads <sup>1</sup>

**(5) Nontransferable:** This permit is not transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the director.

Conditions of approval state that the winery with tasting room shall be limited to be in general conformance with the site plan (Exhibit 4). Any substantial changes (additional structures dedicated to the use) will be required to amend this decision through a new application process.

**(6) Parking:** Off street parking shall be provided in accordance with article 13 of this chapter. No parking space shall be located in any public right of way.

The applicant will be required to provide parking as required Article 13 of the Canyon County Zoning Ordinance (07-13-01) (See Conditions of Approval #14, 15). The following parking requirements shall be met for the proposed use, if approved:

- CCZO 07-13-01(8) every open off street parking area having more than four (4) parking spaces shall be hard surfaced.
- CCZO 07-13-01 (9) Lighting used to illuminate off street parking areas shall be directed away from residential properties.

This type of use requires a minimum of (1) one parking space for each 200 square feet of net floor area that is designated for the accessory tasting room and 1 for each employee, based on the greatest number of employees on site at any one time. The applicant will be required to provide Canyon County DSD with a detailed parking plan prior to applying for a building permit (See Condition #15).

## **Conditions of Approval**

### **General**

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the subject property.
  - a. Prior to commencement of the winery, the applicant shall apply for and become approved for all applicable alcohol licenses issued by the Idaho State Police.
2. Development of the property shall be in substantial conformance with the site plan and floor plan as shown in Attachment A.
3. Prior to commencement of the winery, the applicant shall obtain a building permits for the tenant improvement of the accessory structure on site to change the occupancy to a commercial structure.
4. The winery and accessory tasting room shall be limited to parcel R33774-015. This permit is not transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the Director.
5. The accessory tasting room is limited to the following hours of operation: Saturday through Sunday from 12:00 PM to 7:00 PM.

### **Water, Wastewater and Sewer**

6. Upon application for a building permit, the applicant will be required to obtain approval from Southwest District Health for the septic system.
7. The applicant is required to abide by conditions of approval within their Permit to Appropriate Water (No.63-34285) (Exhibit 12, Department of Water Resources, and Permit to Appropriate Water).

### **Food Preparation**

8. Food preparation shall be limited to non-time temperature controlled food products (i.e. crackers, cheese).
9. Any food preparation for the accessory tasting room shall be approved by Southwest District Health in accordance with the Idaho Food Code (IDAPA 16.02.19).

### **Access**

10. An approach permit from Canyon Highway District #4 will be required prior to applying for a building permit. Work shall be in accordance with the Highway District standards (Exhibit 5, Letter from Canyon Highway District #4).

11. Prior to the certificate of occupancy for the tasting room portion of the building, Schmidt Lane will be required to be improved and certified by a licensed engineer from Foothill Road to the entry/exit driveway as shown on the site plan (Attachment A, Option #1 or Option #2) to the current private road and driveway standards for a road that exceeds 100 Average Daily Trips (ADT). The standard is listed below (CCZO 07-10-03)

	Subbase Or Ballast	Base Course	Plant Mix Pavement (ISPMC Class III Mix)	Surface Width
Private roads that are estimated to serve more than 100 ADT	9" of minus 6" uncrushed aggregate (pit run)	6" of 3/4" crushed aggregate (gravel)	2.5" thick	24' for local roads and 26' for collector roads <sup>1</sup>

12. Future driveways must be in compliance with the applicants revised site plan (Attachment A, option #1 or Option 2). Upon any new driveway construction, Schmidt Lane will be required to be improved and certified by a licensed engineer from Foothill Road to the entry/exit driveway as shown on the site plan (Attachment A, Option #1 or Option #2) to the current private road and driveway standards for a road that exceeds 100 Average Daily Trips (ADT). The engineer's certificate must be handed into Canyon County DSD.

#### Fire Access and Water Supply

13. The applicant will be required to submit building plans to Star Fire for approval prior to submitting a building permit application with Canyon County Development Services. A Fire Department stamp will be required on plans submitted to Canyon County Development Services.
14. The applicant will be required to obtain a fire access and water supply permit from Star Fire prior to submitting a building permit for the change of occupancy of the accessory structure.

#### Parking

15. The applicant will be required to provide parking as required Article 13 of the Canyon County Zoning Ordinance (07-13-01). The following parking requirements shall be met for the proposed use, if approved:
- CCZO 07-13-01(8) every open off street parking area having more than four (4) parking spaces shall be hard surfaced.
  - CCZO 07-13-01 (9) Lighting used to illuminate off street parking areas shall be directed away from residential properties.
  - Per the requirements of Section 07-13-03, the development shall provide a minimum of one (1) parking space for each two-hundred 200 square feet of net floor area that is designated for the accessory tasting room and 1 for each employee, based on the greatest number of employees on site at any one time.



16. The applicant will be required to provide Canyon County Development Services a detailed parking plan that shows compliance with Condition #15, prior to applying for a building permit.

**Signage**

17. Signage used for the winery that is either illuminated or exceeds 32 sq. ft. must be approved through Canyon County administrative decision application. Any sign over 6 ft. tall or permanently affixed to the ground will require a building permit.

**Order**

Based upon the Findings of Fact, Conclusions of Law and Conditions of Approval contained herein the Canyon County Development Services Director approves the amendment to Case # AD2018-0042 for a winery with accessory tasting room subject to the conditions of approval enumerated above.

APPROVED this 7<sup>th</sup> day of September, 2018.

**DEVELOPMENT SERVICES DIRECTOR  
CANYON COUNTY, IDAHO**

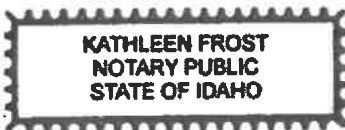
Patricia Nilsson  
Patricia Nilsson, Director

State of Idaho )

SS

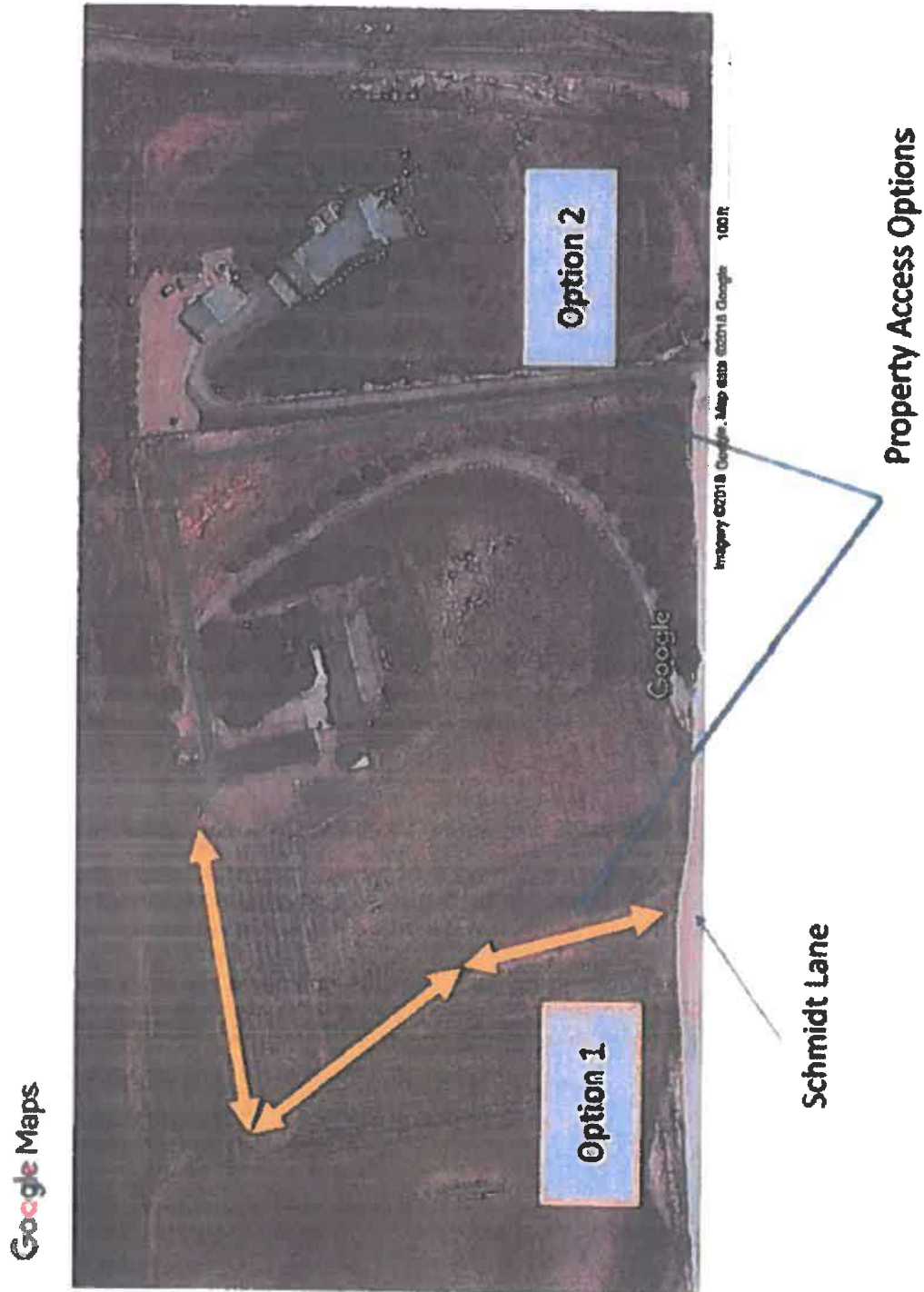
County of Canyon County )

On this 7<sup>th</sup> day of September, in the year of 2018, before me Kathleen Frost, a notary public, personally appeared Patricia Nilsson, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.



Notary: K Frost  
My Commission Expires: 6-3-2022

Attachment 'A' (AMENDED)



Winery Facility - See breakout

Parking

Google Maps



Image ©2014 Google, Map data ©2014 Google, IM

<https://www.google.com/maps/@42.8111976,-81.6520269,13.3m/data=!dms114374cc9>

3/16/2018

Attachment 'A'

North

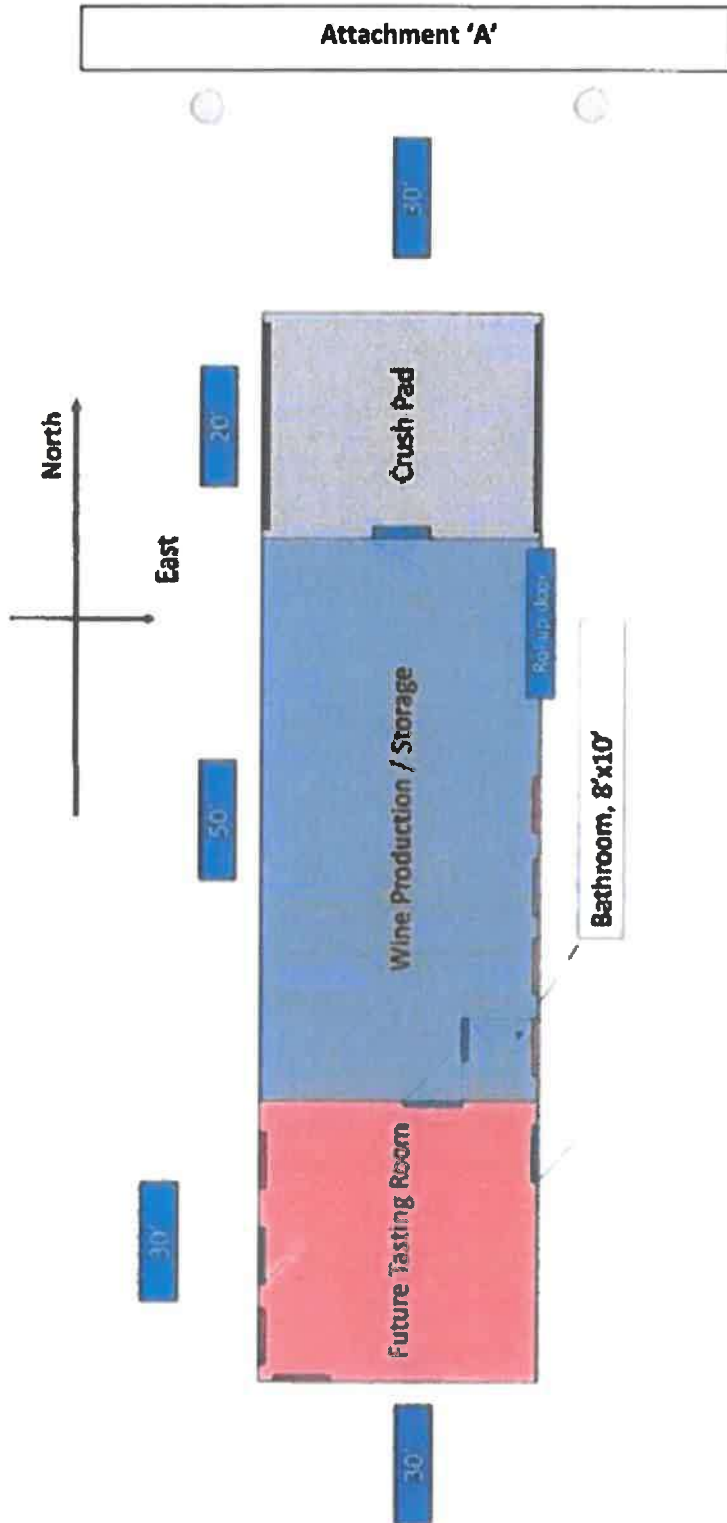


EXHIBIT B  
(May 31, 2023 Letter of Opposition with Exhibits)



May 31, 2023

*Sent by US Mail and email (jenna.petroll@canyoncounty.id.gov)*

Jenna Petroll, Planner II  
Canyon County Development Services  
111 N. 11<sup>th</sup> Ave., Ste. 140  
Caldwell, Idaho 83605

*Re: AD2023-0035*

Dear Ms. Petroll:

We are counsel for Ben and Toni Choutchourrou who own property located at 6570 Schmidt Lane, Star, Idaho. The Choutchourrou property is located adjacent to real property owned by Scott and Denise Smith of Sol Invictus Vineyard, LLC (collectively the "Applicant"). The Choutchourrou's property borders the west and south sides of the Applicant's property. A map showing the location of the Choutchourrou's property is attached as Exhibit A for reference.

This letter will serve as the Choutchourrou's objection to the application for modification requested by the Applicant. Specifically, the Applicant seeks to extend its hours of operation from two days a week to four or more, and enlarge the usable area of its facility.

This letter also should serve as notice that the Applicant appears to be operating in violation of the approved conditions, and without a conditional use permit, which seems to be necessary given the Applicant's current use of their property and facility.

Applicant's Letter of Intent and Site Plan

In response to the Applicant's letter of intent, the Choutchourrou's offer the following comments:

- Applicant claims to be "operating within the guidelines outlined in Report A2018-0042 signed on June 3, 2018." As explained in more detail below, the Choutchourrou disagree with that statement. The vehicular traffic far exceeds the promised "ten cars per day" and parking is allowed in a dirt field and on Schmidt Lane (the dirt parking lot is marked with a red "x" on Exhibit A). In addition, the Applicant regularly holds special events, in excess of the minimum allowed; and the disruption and noise from the increased traffic, concerts and other events has directly and negatively impacted the Choutchourrou's enjoyment of their property.

- Applicant claims to have “collaborated with local neighbors to discuss any concerns, avoid any nuisance, and continue to be a good neighbor.” Contrary to this statement, the Applicant has never attempted to communicate with the Choutchourrous, which is significant given the Choutchourrous are the closest neighbor on two sides, and directly impacted by the Applicant’s activities. In addition, when Applicant held a “vendor show” on site, Ben Choutchourrou attempted to communicate with Applicant about the parking issues. Mr. Choutchourrou’s concerns were ignored.

- Applicant states they “have put up signs to deter traffic on Schmidt Lane.” While there may be signs, the Applicant directs traffic away from the tasting room to a field below the Choutchourrous’ property where parking is allowed both in the dirt field, and on Schmidt Lane. In fact, the Choutchourrous have observed that due to the number of cars there often are two people to direct traffic to the dirt parking area and private street (for overflow). Attached as Exhibit B are copies of photographs taken from the Choutchourrous’ property showing the parking in the dirt field and on Schmidt Lane being used for events parking. Notably, the Exhibit B photographs numbered 4, 5 and 6 were taken the weekend of May 29, 2023; photograph #4 reveals a golf cart shuttle used to direct traffic to the dirt field and to shuttle guests to the winery. The photos also show “winery” signs placed on the private road which the Choutchourrous find objectionable.

- The Applicant claims that “During the new hours, we do not expect to experience a significant average daily increase in traffic patterns...Currently, we have an average daily traffic count of 40-50 patrons.” Setting aside this far exceeds Applicant’s original estimate of “ten cars per day” the Applicant has a propensity to violate the traffic and parking rules the County and Highway District appear to have imposed (as further discussed below). In addition, the Applicant’s comments are disingenuous given expansion of the facility is clearly intended to draw bigger crowds and more people to the site.

- Applicant states, “We do not expect the neighboring areas to be affected beyond the existing situation.” In response, the Choutchourrous submit that the existing situation is increasingly disruptive to the Choutchourruous’ quiet enjoyment of their property. The noise, dust, traffic, signage and neighboring commercial operation are not conducive with the Choutchourrou’s residential use of their property.

In sum, the Applicant’s use of their property far exceeds having an “accessory tasting room.” Rather, the Applicant has been and continues to operate a special events venue that holds multiple events each month, including concerts and other activities that are not harmonious with a rural neighborhood. Because of their proximity to the venue, the Choutchourrous are exposed to regular noise, traffic, dust and other disturbances which they had sought to avoid when building their retirement home on a private street in rural Canyon County. Indeed, the Applicant appears to have skirted the requirements of obtaining a conditional use permit by claiming their tasting room

is an “accessory use” to their winery. However, that is not the Choutchourrou’s observation and allowing Applicant to expand hours and facility space will not only have a negative impact on the Choutchourrou, but would appear to allow the Applicant to operate as an events venue without first obtaining the proper authorizations therefor.

The Applicant is in Violation of the Existing Approvals to Operate

As you know, the June 18, 2018 Findings of Fact, Conclusions of Law, Conditions of Approval and Order (the “Order”) sets forth the terms on which the Applicant is permitted to operate a vineyard and tasting room on their property. Specifically, the County determined that a 30 x 30 wine tasting room was considered an “accessory use” to a permitted use; the permitted (or authorized) use being a winery in an agricultural zone. The Applicant represented to the County it anticipated approximately ten people per day on weekends would visit the tasting room during hours of operation.

The Choutchourrou object to any expansion of the Applicant’s operations on the basis (among others) that Applicant has shown a complete disregard for the restrictions imposed by the County, and which were intended to shield adjacent property owners from the nuisance of a commercial operation next door. Some of the violations observed by our clients are listed below<sup>1</sup>:

*The Applicant is Holding Numerous Special Events in violation of the Order.*

Canyon County Zoning Ordinance (“CCZO”) §07-10-27 requires a conditional use permit to operate a special events facility within an agricultural zone. CCZO § 07-02-13 defines “special events” as “any temporary event including, but not limited to, weddings, picnics, barbecues, holiday events and parties, dances, concerts, footraces and walks, bazaars and harvest festivals.” There appears to be an exception to that rule if the special events are part of an accessory use (to a permitted use) and do not exceed a minimum number of events. Toward that point, the Order, at p. 3, states that the Applicant must obtain a conditional use permit if Applicant holds more than seven special events in a six-month period.

Since the tasting room opened, our clients have observed a steady increase in the amount of activity occurring on site, including *more* than the number of special events authorized without a conditional use permit. Attached hereto as Exhibit C is a printout of the Sol Invictus Facebook events page showing not only the number of scheduled events, but that the number of events scheduled for June alone nearly exceeds the minimum number allowed in a six-month period (without CUP). The events page also shows the number of people “interested” in a particular event. That number ranges from less than 10, to 372 patrons. Regardless, most events attract well more than the “ten cars per day” estimated by the Applicant, and relied upon by the County and Canyon Highway District 4 (“CHD4”) in connection with approval of the original Application.

---

<sup>1</sup> Due to the abbreviated time to respond to the Application for Modification, we have not had the benefit of reviewing any underlying permits, authorizations or waivers which could affect this analysis.

In sum, the Applicant appears to have circumvented the conditional use permit process by misrepresenting to the County both their intended and current uses of the property. This is done to the detriment of the Applicant's neighbors and community who have not been provided with an opportunity to comment on the use of the property as a commercial events venue. Thus, not only should the County decline to allow the Applicant's present request to expand its hours; but should suspend the Applicant's existing authorizing to operate if and until such time as they either comply with the original approval, or obtain the appropriate permits to operate the property as a commercial special events venue.

#### *Parking*

The site plan submitted by the Applicant (as Exhibit 3 to its original Application) represented parking would be adjacent to the structure. *See* Order p. 3. Condition 14 further states that the Applicant will be required to provide parking in compliance with Article 13 of the CCZO (07-13-01), including every open off-street parking area having more than four (4) spaces shall be hard surfaced. Condition 15 required Applicant to submit a detailed parking plan showing compliance with this condition prior to applying for a building permit. Notably, we have not seen the parking plan, but it clearly was a precondition to obtaining additional permits.

Further, and contrary to this requirement, the Applicant regularly allows for parking in a dirt field where overflow traffic is directed. As referenced above, parking also is allowed along Schmidt Lane. *See* Exhibit B photos attached hereto.

Last, it is noteworthy that the site plan attached to the most recent request for modification shows parking adjacent to the facility, and falsely identifies the dirt field (also used for parking) as the vineyard.

#### Access and Schmidt Lane

As alluded to above, and in connection with the original Application, CHD4 stated an approach permit from Schmidt Lane onto Foothill road would be required to change the use from residential to commercial. The approach permit was to be limited to "the traffic volumes" of "10 trips a day plus intermittent commercial delivery." A copy of the CHD4's letter is attached hereto as Exhibit D. Presumably, the approach permit was a condition of approval for improving the accessory structure. Although time has not permitted us to obtain and review the approach permit, the number of vehicles accessing the Applicant's vineyard consistently exceeds ten cars per day. Thus, if the approach permit is limited to "ten customer trips per day plus intermittent commercial deliveries," then the Applicant's self admittedly are violating that limitation.

Further, and although we appreciate the CHD4's requirement that a permit be issued to reflect that that the private road would be converted from "residential" access to "commercial use" we question the validity of that change. Specifically, Schmidt Lane is a private road created by an easement. Time has not permitted us to complete our review of the origin of Schmidt Lane

prior to the due date for these comments. However, at least one Road Easement Agreement we reviewed, which provides access to lots within the Schmidt Subdivision, restricts use of the easement to ingress and egress for residential purposes only. Again, we have not determined whether that limitation applies to the portion of Schmidt Lane used by the Applicant, however, our clients' understanding of the private road is that any changes to the use thereof must be approved by the burdened property owners. Thus, suffice it to say we currently are exploring whether Schmidt Lane can be used for anything other than access to residential properties.

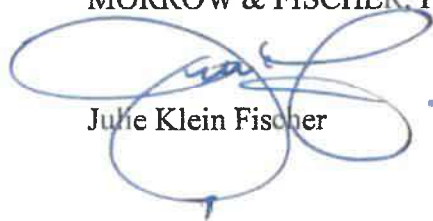
#### Conclusion

In sum, the Applicant's activities have disturbed the Choutchourrous use of their property and significantly changed the rural residential character thereof. Applicant's claims of being a "good neighbor" do not ring true with our clients; to the contrary, the Applicant has shown a disregard for the County's rules governing the use of their land. Extending Applicant's hours of operation and facility size will only increase the negative impacts felt by the Choutchourrous who unwilling live next door to a commercial special events venue. For these reasons, the Choutchourrous respectfully request the modification be denied, and that Applicant's use of their property as a tasting room and events venue be suspended until such time as they are in compliance with the existing rules.

Thank you for considering the Choutchourrous' position. They and I would be happy to further discuss the concerns outlined herein if doing so would be useful.

Sincerely,

MORROW & FISCHER, PLLC



Julie Klein Fischer

C: Canyon Highway District 4 (by Mail)  
Ben & Toni Choutchourrou (by Mail)



EXHIBIT A.  
(Map of Choutchourrou Property)



ID Private Lands

# CHOUTCHOU... BERNARD

Overview Content W >

## ID Private Lands

Owner

CHOUTCHOURROU BERNARD

Tax Address

PO BOX 649 STAR ID 83669

County

Canyon

Area (Acres)

14.04

Coordinates 43.7... **Copy**



Add to Folder Add Photo Add Waypoint See More



*X = Dirt parking lot*



EXHIBIT B  
(Photos of Parking)



Exhibit 3f



12:00



Star  
November 27, 2021 2:11 PM

Edit





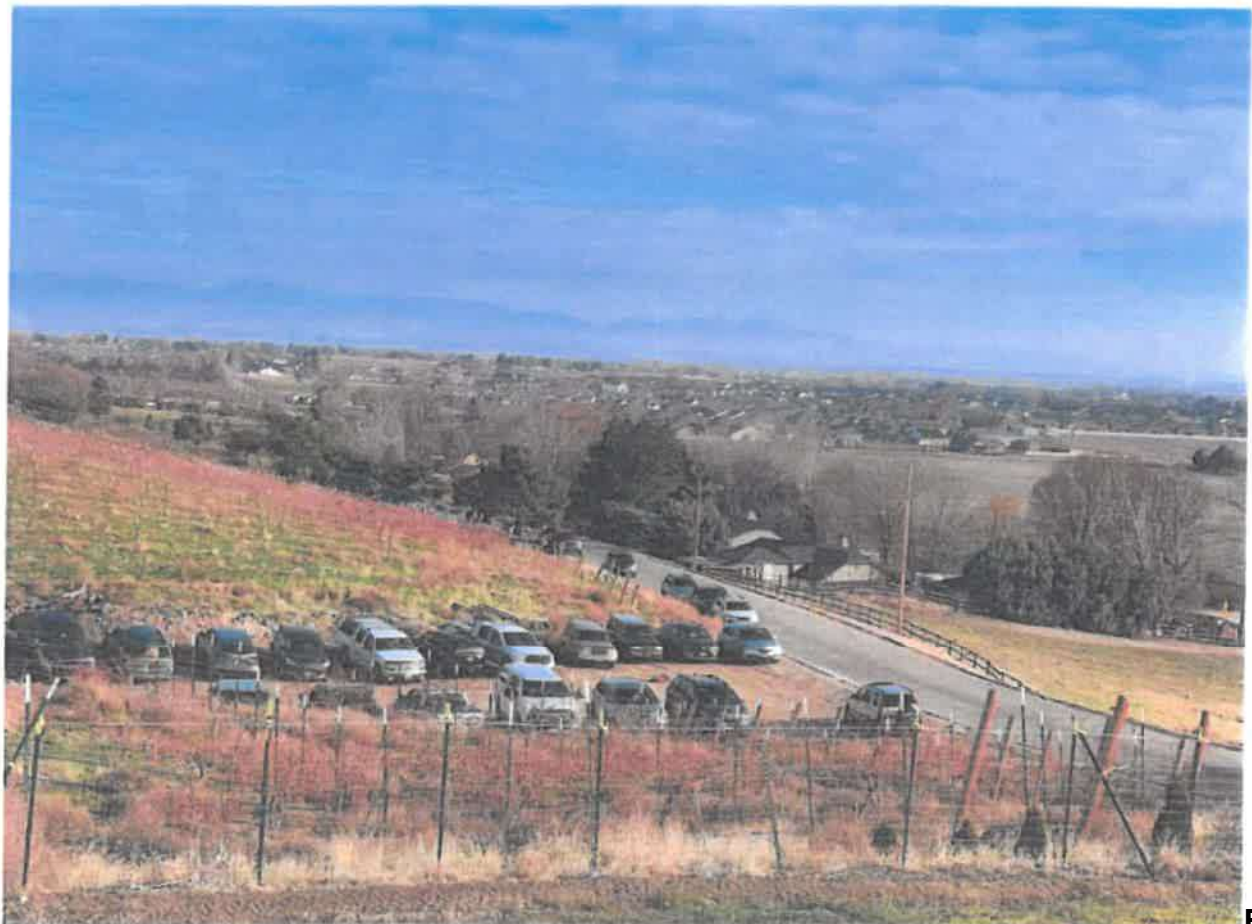


Exhibit 3f

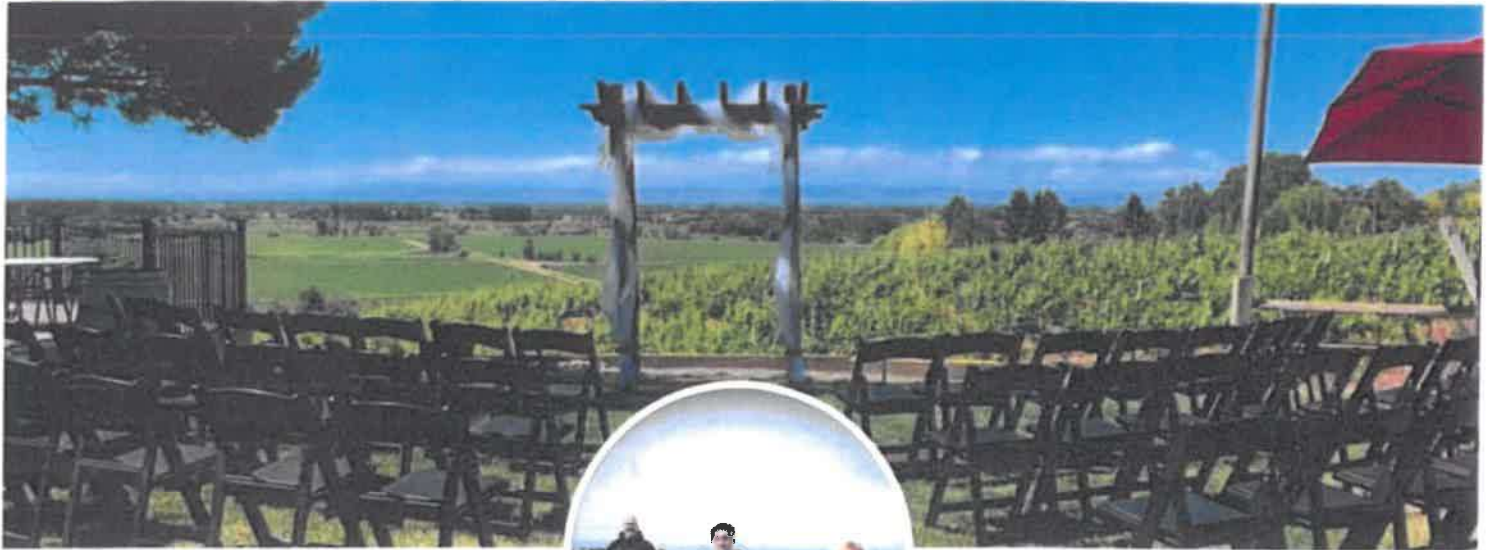






EXHIBIT C  
(Events Page – Facebook)





Sol Invictus Vineyard

1.7K likes • 2K followers



 Message

 Like

 Search

Events



Sol Invictus Vineyard

...



THIS SUNDAY AT 4 PM  
**Sol Invictus Vineyard**  
6394 Schmidt Ln, Star,  
ID 83669-6161, Unite...



SUN, JUN 11 AT 4 PM  
**Sol Invictus Vineyard**  
6394 Schmidt Ln, Star,  
ID 83669-6161, Unite...





SUN, JUN 18 AT 4 PM  
**Sol Invictus Vineyard**  
6394 Schmidt Ln, Star,  
ID 83669-6161, Unite...



FRI, JUN 23 AT 7 PM  
**Sol Invictus Vineyard**  
6394 Schmidt Ln, Star,  
ID 83669-6161, Unite...



SAT, JUN 24 AT 4 PM  
**Sol Invictus Vineyard**  
6394 Schmidt Ln, Star,  
ID 83669-6161, Unite...



SUN, JUN 25 AT 4 PM  
**Sol Invictus Vineyard**  
6394 Schmidt Ln, Star,  
ID 83669-6161, Unite...



SUN, JUL 2 AT 4 PM  
**Sol Invictus Vineyard**  
6394 Schmidt Ln, Star,  
ID 83669-6161, Unite...



SUN, JUL 9 AT 4 PM  
**Sol Invictus Vineyard**  
6394 Schmidt Ln, Star,  
ID 83669-6161, Unite...



SAT, JUL 15 AT 4 PM  
**Sol Invictus Vineyard**  
6394 Schmidt Ln, Star,  
ID 83669-6161, Unite...



SUN, JUL 16 AT 4 PM  
**Sol Invictus Vineyard**  
6394 Schmidt Ln, Star,  
ID 83669-6161, Unite...



SUN, JUL 23 AT 4 PM  
**Sol Invictus Vineyard**  
6394 Schmidt Ln, Star,  
ID 83669-6161, Unite...



SUN, JUL 30 AT 4 PM  
**Sol Invictus Vineyard**  
6394 Schmidt Ln, Star,  
ID 83669-6161, Unite...



SAT, AUG 5 AT 4 PM  
**Sol Invictus Vineyard**  
6394 Schmidt Ln, Star,  
ID 83669-6161, Unite...



SUN, AUG 6 AT 4 PM  
**Sol Invictus Vineyard**  
6394 Schmidt Ln, Star,  
ID 83669-6161, Unite...



# Sol Invictus Vineyard

1.7K likes • 2K followers



 Message

 Like

FRI, JUN 2 AT 5:30 PM MDT

**Moms Night Out!**

1 person going · Sol Invictus Vineyard in Star, Idaho

SAT, APR 15

**Sol Invictus Vineyard - Naomi Gibbs Curated Spring Clothing Show**

46 people interested · Sol Invictus Vineyard in Star, Idaho

**Interested**

SAT, APR 15

**Naomi's Curated Collection Preview & Loved pop up!**

2 people went · Sol Invictus Vineyard in Star, Idaho

**Interested**

SAT, JUN 24 AT 7:30 AM MDT

**Mithraic Invocation of Sol Invictus**

2 people going · Bedminster Quaker Meeting House in Bristol, United Kingdom

SUN, JUN 25 AT 4 PM

**Sol Invictus Vineyard - Sweet Taunts**

62 people interested · 6394 Schmidt Ln, Star, ID 83669-6161, United States

**Interested**

SUN, JUN 18 AT 4 PM

**Sol Invictus Vineyard - Tanya and Jonny**

17 people interested · 6394 Schmidt Ln, Star, ID 83669-6161, United States

**Interested**

SUN, MAY 28

**Sol Invictus**

17 people interested · Sol Invictus Vineyard in Star, Idaho

**Interested**

THIS SUNDAY AT 4 PM

**Sol Invictus Vineyard - Bacon Drive**

48 people interested · 6394 Schmidt Ln, Star, ID 83669-6161, United States

**Interested**

SAT, MAY 6

**Sol Invictus Vineyard - May Market Madness**

372 people interested · Sol Invictus Vineyard in Star, Idaho

Melissa was interested

**Interested**

TOMORROW AT 6 PM

**Sol Invictus Paints \*PRIVATE**

1 person going · Sol Invictus Vineyard in Star, Idaho

**Interested**



SAT, JUN 24 AT 4 PM

**Sol Invictus Vineyard - Jordan Shaw - Wine Release Weekend**

117 people interested · 6394 Schmidt Ln, Star, ID 83669-6161, United States

**Interested**

SUN, JUN 11 AT 4 PM

**Sol Invictus Vineyard - Sunshine Rhythm and Blues**

87 people interested · 6394 Schmidt Ln, Star, ID 83669-6161, United States

**Interested**

SAT, AUG 5 AT 4 PM

**Sol Invictus Vineyard - David McClellan**

45 people interested · 6394 Schmidt Ln, Star, ID 83669-6161, United States

**Interested**

SAT, JUL 15 AT 4 PM

**Sol Invictus Vineyard - Dustin Morris**

43 people interested · 6394 Schmidt Ln, Star, ID 83669-6161, United States

**Interested**

SUN, JUL 23 AT 4 PM

**Sol Invictus Vineyard - Sottovoce**

18 people interested · 6394 Schmidt Ln, Star, ID 83669-6161, United States

**Interested**

SUN, MAY 28

**Sol Invictus Vineyard - Flamenco Idaho**

96 people interested · 6394 Schmidt Ln, Star, ID 83669-6161, United States

**Interested**

SUN, JUL 9 AT 4 PM

**Sol Invictus Vineyard - Tom Taylor**

37 people interested · 6394 Schmidt Ln, Star, ID 83669-6161, United States  
**Interested**

SUN, AUG 6 AT 4 PM

**Sol Invictus Vineyard - Spencer Batt**

43 people interested · 6394 Schmidt Ln, Star, ID 83669-6161, United States  
**Interested**

SUN, JUL 2 AT 4 PM

**Sol Invictus Vineyard - Dan Cribb**

10 people interested · 6394 Schmidt Ln, Star, ID 83669-6161, United States  
**Interested**

SAT, OCT 7 AT 4 PM

**Good Time Charlie live at Sol Invictus Vineyard**

10 people interested · Sol Invictus Vineyard in Star, Idaho  
**Interested**

FRI, JUN 23 AT 7 PM

**Sol Invictus Vineyard - Club Member Only Event**

13 people interested · 6394 Schmidt Ln, Star, ID 83669-6161, United States  
**Interested**

WED, NOV 8 AT 6 PM

**Sol Invictus Paints \*PRIVATE**

1 person going · Sol Invictus Vineyard in Star, Idaho  
**Interested**

THU, SEP 21 AT 6 PM

**Sol Invictus Paints \*PRIVATE**

1 person going · Sol Invictus Vineyard in Star, Idaho

**Interested**

THU, JUL 20 AT 6 PM

**Sol Invictus Paints \*PRIVATE**

1 person going · Sol Invictus Vineyard in Star, Idaho

**Interested**

SAT, AUG 19 AT 4 PM

**Philo & Eddie playing at Sol Invictus Vineyard**

10 people interested · Sol Invictus Vineyard in Star, Idaho

**Interested**

SUN, JUL 16 AT 4 PM

SUN, JUL 16 AT 4 PM

**Sol Invictus Vineyard - Nick Mattera**

10 people interested · 6394 Schmidt Ln, Star, ID 83669-6161, United States

**Interested**

SUN, JUL 30 AT 4 PM

**Sol Invictus Vineyard - Russ and Rachel**

1 person going · 6394 Schmidt Ln, Star, ID 83669-6161, United States

**Interested**

THU, MAR 23

**Sol Invictus Vineyard paint party \*PRIVATE**

6394 Schmidt Ln, Star, ID 83669-6161, United States

**Interested**

EXHIBIT D  
(CHD4 Letter 2018)



CANYON HIGHWAY DISTRICT No. 4

15435 HIGHWAY 44  
CALDWELL, IDAHO 83607TELEPHONE 208/454-8135  
FAX 208/454 2008

May 22, 2018

Canyon County Development Services  
111 North 11<sup>th</sup> Ave Suite 140  
Caldwell, Idaho 83605  
Attention: Kyle McCormick, Planner

**RE: AD2018-0042**  
**Foothill Road- Sol Invictus Winery**

Canyon Highway District No. 4 (CHD4) has reviewed the application provided in the above matter, and offers the following comments:

**Access**

The subject property takes access to the public highway system via an existing private road approach (Schmidt Lane) to Foothill Road. Schmidt Lane serves approximately 20 residential or undeveloped parcels. The existing approach to Foothill Rd has a paved apron, and meets current standards for a commercial driveway approach.

An access permit from CHD4 will be required to support the change in use from residential to commercial activity, and this permit will limit the commercial use to the traffic volumes projected in the application (10 customer trips/day plus intermittent commercial deliveries).

**Traffic Impacts**

The operating hours, expected site traffic, and limited commercial freight volumes projected in the application indicate that this change in use will generate additional traffic approximately equal to one additional residence using the Schmidt Lane approach at Foothill Road. This volume of traffic is not anticipated to materially impact the existing or planned roadway network in the vicinity.

If subsequent commercial traffic from the site is greater than the minimal uses described in the application, mitigation of these additional impacts may be required, including improvements to the existing Schmidt Lane approach to Foothill Rd

Please let me know if you have any further questions or need additional assistance with this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Chris Hopper', is written over a horizontal line.

Chris Hopper, P.E.  
Assistant District Engineer

File: Foothill Rd- Sol Invictus Winery 2018



Daniel Lister, Canyon County Development Services  
April 2, 2024  
Page - 6

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EXHIBIT C  
(Complaint to County)

## Land Use, Building or Public Nuisance Complaint Form

**Name**

Julie Fischer

**Address**

4 Ogden Avenue  
Nampa, Idaho 83651  
United States

**Phone**

(208) 475-2200

**Email**

[jfischer@morrowfischer.com](mailto:jfischer@morrowfischer.com)

### Statement of Complaint

**ADDRESS/LOCATION OF SUBJECT PROPERTY**

6394 Schmidt Lane; Star, Idaho 83669 (Sol Invictus Vineyard; Scott & Denise Smith)

**The Subject Property may be in violation for the following reason(s):**

i represent Ben & Toni Choutchourrou ("the Choutchourrous") who own property at 6570 Schmidt Lane, Star, Idaho. The Choutchourrou property is located adjacent to real property owned by Scott & Denise Smith of Sol Invictus Vineyard, LLC ("the Smiths"). The Smiths are operating a special events facility within an agricultutal zone in violation of Canyon County Zoning Ordinance ("CCZO") Sections 07-10-27 and 07-02-13. The special events, include concerts & other events that they advertise on the Sol Invictus Facebook page. These special events are in flagrant disregard of restrictions imposed by the County when an Order was issued on June 18,2018, which authorized a "vineyard and tasting room" on their property--- not conducting "special events." The special events, which are conducted in violation of the County ordinances, have had a severe negtaive impact on the Choutchourrous property. I would be glad to provide additional information upon request.

**Please indicate the approximate date(s) that the violation(s) may have occurred:**

Summer of 2023

**Signature**

J F

**Date complaint was filed:**

10/12/2023

Daniel Lister, Canyon County Development Services  
April 2, 2024  
Page - 7

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EXHIBIT D  
(CUP Application 2023)



**CONDITIONAL USE PERMIT**  
**PUBLIC HEARING - MASTER APPLICATION**

<b>PROPERTY OWNER</b>	OWNER NAME: Scott & Denise Smith
	MAILING ADDRESS: 63910 Schmidt Lane, Star ID 836609
	PHONE: [REDACTED] EMAIL: [REDACTED]
I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If the owner(s) is a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.	
Signature: <u>Denise R Smith</u> Date: <u>28 Aug 2023</u>	

<b>APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER</b>	APPLICANT NAME:	
	COMPANY NAME:	
	MAILING ADDRESS:	
	PHONE:	EMAIL:

<b>SITE INFO</b>	STREET ADDRESS: 6394 Schmidt Lane	
	PARCEL NUMBER: R3377401500 Sect: 01, 4N, 2W	
	PARCEL SIZE: 10 acre	
	REQUESTED USE: Event Center	
	FLOOD ZONE (YES/NO) No	ZONING DISTRICT:

**FOR DSD STAFF COMPLETION ONLY:**

CASE NUMBER	CU2023-0018	DATE RECEIVED:	8/28/23
RECEIVED BY:	Ivan K.	APPLICATION FEE:	\$950 <input checked="" type="checkbox"/> CK <input type="checkbox"/> MO <input type="checkbox"/> CC CASH



# **CONDITIONAL USE PERMIT** PUBLIC HEARING - CHECKLIST

## **CONDITIONAL USE PERMIT - CCZO Section 07-07-05**

THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS APPLICATION TO BE DEEMED COMPLETE (PLEASE CHECK OFF THE ITEMS REQUIRED):

Description	Applicant	Staff
Master Application completed and signed	DRS	[Signature]
Letter of Intent (see standards on next page)	DRS	[Signature]
Site Plan (see standards on next page)	DRS	[Signature]
Land Use Worksheet	DRS	[Signature]
Neighborhood Meeting sheet/letter completed and signed	DRS	[Signature]
Proof of application/communication with (varies per application):	DRS	[Signature]
Southwest District Health	DRS	[Signature]
Irrigation District	DRS	[Signature]
Fire District	DRS	[Signature]
Highway District/ Idaho Transportation Dept.	DRS	[Signature]
Area of City Impact	DRS	[Signature]
Deed or evidence of property interest to the subject property	DRS	[Signature]
Fee: \$950.00	DRS	[Signature]
\$600.00 (CUP Modification)	DRS	[Signature]
<b>**Fees are non-refundable**</b>		

An application that requires additional Use Standards per Chapter 7, Article 14 of the Canyon County Code:

- ☐ Contractor Shop
- ☐ Mineral Extraction (Long Term)
- ☐ Wind Farm
- ☐ Staging Area
- ☐ Manufacturing or processing of hazardous chemicals or gases
- ☐ Ministorage Facility

*\*If applicable, review the Additional Use Standards Below, if not applicable, please disregard them.*

**\*DISCLAIMER:** The subject property shall be in compliance with the public nuisance ordinance, the building code and the zoning code before the Director can accept the application.



SOL INVICTUS VINEYARD  
Sol Invictus Vineyard, LLC  
6394 Schmidt Lane  
Star, ID 83669

## COMPREHENSIVE PLAN & LETTER OF INTENDED USE FOR CONDITIONAL USE PERMIT

Sol Invictus Vineyard is a small to medium size winery with accompanying vineyard to serve as a location for consumers to taste wine, socialize, listen to music, and hold events. Current/existing winery-related events (normal winery operations) include, but not limited to, ticketed and non-ticketed events such as wine dinners, wine classes, wine industry related events, wine releases, wine club releases and gatherings, or special tastings. These events may or may not include music.

**Proposal:** Designation as an Event Center, use all of the existing 30' x 100' building to host events and conduct wine tastings, and to have hours of operation designated as 7 days per week from 9:00 a.m. to 10:00 p.m. Events associated with the Event Center are proposed to be limited to a maximum of 250 guests at any given time. We are requesting events with 150 or fewer guests be unlimited in the number of events allowed. Events between 151 and 250 guests are proposed to be limited to no more than 24 events annually.

**Employees:** Current number of part-time employees is 10, with increases up to 15 based on activities or customer traffic. This fluctuates throughout the year depending on the expected number of visitors and maintaining traffic control. This number of employees should be sufficient for near-term operations. We expect to add 3-4 employees in the next year or two to support wine production growth as well as site maintenance.

**Time Requirements:** We are requesting approval of a Conditional Use Permit for a Winery and Indoor/Outdoor Event Center. These uses are allowed in the proposed RR zoning district. We have previously received approval for a Conditional Use Permit through Canyon County and operate within the limitations of the existing permit. A neighborhood meeting was held on August 4<sup>th</sup>, 2023, in compliance with the application submittal requirements. Notice of this neighborhood meeting was mailed to property owners within six-hundred feet (600') of the property boundary.

**Commencement of the operations:** The business was established in September 2015 and began with winery production and agricultural operations. Public operating hours were approved and tasting room business began in October 2019. This application is a request to alter the hours of operations and include authorization for an Indoor/Outdoor Event Center.

**Hours of Operation:** The winery tasting room is currently operating public hours from 12:00 p.m. to 7:00 p.m., Saturday and Sunday. Winery production and agricultural operations currently function daily, with no time limitations. The Conditional Use Permit for a Winery and Indoor/Outdoor Event Center seeks to gain approval of public operating hours from 9:00 a.m. to 10:00 p.m., daily, with 24 hours a day, seven days a week for the winery production and agricultural operations. While we don't intend to be consistently open outside the hours of 12 pm until 7 pm, it's necessary to have operating hours starting at 9:00 a.m. to allow set-up activities, private events, or enable people to be in the facility to support daily activities such as cleaning or decorating, as examples. Similarly, we would like the option to remain

open until 10:00 p.m. to enable wedding activities, tear down, cleaning, or private events (birthdays, catered dinners, graduation celebrations, etc.). We request these hours to also hold/host activities that the community commonly expects from wineries. The requested hours allow us to host painting parties, dancing classes, flower arranging classes, and many learning events. We also host live music for our guests to enjoy. These times enable us to host live music for various activities.

**Property:** The parcel consists of 10 acres of which approximately 5 acres is dedicated to agriculture (vineyard), additional space for a caretakers dwelling (owner's living space), and the remainder to winery and tasting room operations. On the property, there are two permanent structures. One is the caretakers dwelling and one is a 30' x 100' building consisting of the tasting room, wine storage, and production space. The winery has an adjacent concrete pad with pergola (12' x 18') that serves many functions, mainly as a space for musical performers. We have added noise reduction backdrops to decrease the impact on our neighbors.

Future plans (\*) include building a separate 30' x 80' building dedicated primarily to wine production/storage and the existing facility would then be dedicated to wine tasting and event center activities.

**Public and private facilities:** Primary Residence – (existing) 5,000 square feet Caretakers Dwelling. Currently lived in by owners. Current personal residential activities not associated with the winery or event center are expected to continue to be allowed. Public facilities include an existing 3,000 square feet wine tasting facility and production area, including two restrooms. Three additional outside public areas are utilized: 1) 900 square feet patio space with pergola adjoining the tasting facility, 2) 2,000 square feet open grass area which includes a 250 square feet patio space with pergola, and 3) 1,400 square feet deck with railing.

Future plans (\*) include expanding the existing deck and/or building a new deck (east of existing structure) to augment customer wine tasting operations.

Future plans (\*) may include expanding the grass area to the west.

Future plans (\*) may include allowing limited camping within existing property boundaries.

**Facility Utilities:** A Culligan drinking water filtration system has been added to the tasting room to meet Southwest District Health requirements to purify our well water for guests. Bottled water will also be made available to support customer water consumption. The current septic system which is solely dedicated to the 30' x 100' building will support an average of 50 people per day, 7 days a week. Owners will use restrooms in the caretakers dwelling located on the property, which operates on a separate septic system. Additional portable restrooms will be added as necessary to support growth. There is no known impact to irrigation, drainage and stormwater drainage based on our request.

**Food:** We are approved to and currently offer a small assortment of prepackaged foods commonly paired with wine. Examples include dried fruit, crackers, trail mix, and prepackaged cheeses. We propose to serve additional items typically expected as part of a charcuterie option. These items

include, but are not limited to, meat, cheese, crackers, chocolate, dried fruit, ready to eat fresh fruit, pickles, olives, trail mix, candy, and other pre-packaged snacks. Surface areas, where food is prepared, will be cleaned regularly using appropriate disinfectants. In addition to charcuterie food, we will also offer catered meals, wine and food pairings, and invite food trucks throughout the year. When hosting catered events, catered dinner attendance will not exceed the maximum guest allowance as defined in this proposal. Catered dinners will be prepared offsite.

**Site improvements:** Beginning 2015, we transformed an underutilized agricultural site into a productive 5-acre vineyard. Additionally, we transformed a 30'x100' workshop/carport facility into a wine production and tasting room center. As a requirement to operate the improved facility, we improved the approach apron between Foothill Road and Schmidt Lane as well as upgraded Schmidt Lane to handle any increased traffic. An additional road was created from Schmidt Lane to the production/tasting facility to meet Fire Department access requirements. We added an extra septic system to support Health District requirements.

Future plans (\*) include building a gravel turn around alongside Schmidt Lane (within the current property boundaries) approximately 500 feet from the current winery entrance. This is designed to enable drivers, who missed the well-posted entrance to winery, sufficient space to turn around and not proceed farther down Schmidt Lane and potentially inconvenience neighbors.

**Roads:** There are two existing roads on the property. A paved road exists for egress support. A gravel road also exists for in-bound/out-bound traffic. The paved road leads from the tasting room and exits onto Schmidt Lane with approximately 300' to reach Foothill Road. The gravel road leads from the tasting room and exits almost directly onto Foothill Road (less than 100").

**Parking:** Parking in front of the existing building consists of 12 marked spaces (mix of paved and gravel) and 1 handicap spot. Immediately prior to the building is an additional 8 marked spaces on gravel. Additional overflow parking areas (gravel) are available to the east and west of the existing gravel road. These spaces can accommodate up to 75 cars. The gravel road has sufficient width to accommodate parking and enable rescue/emergency vehicles access to all facilities on site.

**Traffic:** We consistently monitor Schmidt Lane and Foothill Road to ensure no winery traffic is parked on these roads and to protect neighbors unobstructed access to and from their homes. We have added 6 traffic signs (5 metal signs and a 6'x 8' banner) to deter guests looking for the winery from proceeding down Schmidt Lane. We have purchased golf carts to enable us to quickly engage with incoming/outgoing traffic, control the number of vehicles, and turn away vehicles when the traffic exceeds available parking spaces.

**Buffering/Noise levels:** The majority of buffering to the south and east are vineyards or native vegetation. Structures exist to provide additional noise buffering to the north and west of the outside winery public areas. Additional noise buffering barriers (walls, grasses, landscaping) have been added to aid in noise reduction.

**Dust Levels:** The main area around the winery tasting room, proposed event center, and production facility is asphalt. The gravel road to the facility meets the requirements of the existing Conditional Use Permit. For additional dust control, we are seeking to use dust palliatives (water, hygroscopic compounds, and organic non-petroleum products). Dust palliatives are products that are applied to surfaces to minimize airborne dust. Within the vineyard, we utilize native vegetation practices to reduce airborne dust.

Future plans (\*) include paving (asphalt) the gravel road as part of phase 1. The current gravel parking areas will be similarly paved as part of a long-term phase 2.

**Air and water quality:** No known issues. The existing well has been tested by a commercial entity to validate the safety of well water. All drainage will be retained on site.

**Material delivery:** Raw materials are delivered directly from offsite vineyards and the onsite vineyard to the onsite production facility using vehicles with trailers up to 52' in length. The larger vehicle deliveries occur typically three times a year, with 2 – 3 deliveries each event. The larger vehicle deliveries typically consist of grapes, juice, and bottles. All other deliveries for material are provided through smaller vans commonly utilized by USPS, FedEx or UPS. We expect that to remain typical with proper planning.

**Finished product and distribution:** Our products are available primarily on-site. We are proposing and currently exploring distribution options to restaurants, but it will be at least 1 to 2 years before any serious exploration of distribution outside of a few local restaurants. Additionally, we are frequently requested to support and pour/provide our products at local off-sites, fund-raising events, and musical venues. Additionally, we remain committed to responsible growth by restricting club memberships: 0 in 2019-2020, 100 memberships in 2021, 200 memberships in 2022, and 300 in 2023. We will not increase memberships in 2024 and will re-evaluate in 2025.

Future plans (\*) include distribution of wine to states outside of Idaho. This will increase the number of times smaller delivery vans such as USPS, Fed Ex or UPS will stop at the winery to pick up out-going parcels.

**Marketing/Off-site Community Activities:** While our products are available primarily on-site, we frequently support off-site events. This area will expand as we gain more brand awareness. As an example, we will continue to support the Military Order of the Purple Heart (Idaho Chapter), Star Police, Star/Middleton Fire Department, Star Outreach Food Bank, Life's Kitchen, Rocky Mountain Elk Foundation, Southwest Idaho Business Alliance, and many others. We are strong supporters of our community and will remain dedicated to these efforts. We self-limit marketing for the winery by using only social media sites (Facebook, Instagram, and a website).

**Growth:** We recognize the tremendous growth occurring within the immediate, surrounding area with new subdivisions and businesses being built frequently. We worked hard to control our own growth and avoid impacting our neighbors unnecessarily. We have limited marketing and rely primarily on word of mouth for new customers. We restricted club memberships and will turn away prospective club members as an additional means to ensure limited growth. New club memberships will only be available

as current members cancel their memberships. Based on 2021-2022 turnover rates, we anticipate a turnover of no more than 50 memberships per year.

**Local businesses and development:** With the proper traffic controls, the impact on adjacent properties is minimal. There are many factors that contribute to the character of our area. To our north is an event center (High Desert Station) that is within 1,000 feet of our property lines. Their main traffic route is via Blessinger Road to Highway 44. This site is frequently utilized for large scale events, to include outdoor events. Also within proximity to our property is an airstrip currently utilized by a commercial company offering skydiving options. Air traffic is frequent, and this is an active business used nearly year-around. A go-kart track is within this area and can be heard when the site is utilized. Our area is also impacted by Firebird Raceway, which can be clearly heard from our location. There are also plans for a golf course (Willowbrook Golf Course) to be developed within our immediate impact area that will be relevant to our area. We propose that the operation of our winery and vineyard is compatible with the other uses in the general area. In addition to sparse, existing rural single family uses, the surrounding area includes a mixture of existing and future approved uses including the Eagle Rodeo, future Eagle Sports Complex, and BLM land with public access.

Star has grown significantly in the past 4 years. What was once a sea of fields is now rooftops. Once a quaint, small town is now a bustling city and Foothill Road traffic is not a quiet back road, but used extensively by construction equipment, trucks, new neighbors and as a throughfare to avoid Highway 44/State Street. We have witnessed the additional residential subdivisions along Can-Ada Road (Pristine Springs, Aliso Creek, etc), and along New Hope Road (Haven, Trapper Ridge, Hope Springs, Greendale Grove, Cresta Del Sol, and many others). We also recognize the expansion of Highway 16 and Highway 44 that will have a significant impact. Our impact on existing and future traffic patterns, schools, irrigation facilities, and emergency services is negligible.

These factors contribute to the character of our area.

It is the intent of this land use designation to help to preserve Star's rural feel. Huge manicured "Rural Residential" lots are discouraged and therefore manicured home site areas on these properties should not exceed 1/2 acre. Uses may include active agriculture, viticulture, equestrian, and residential. Uses include native open space and small-scale active farmland. The Rural Residential land use is not amenity based (sewer, water, schools) and will usually be located away from goods and services. These areas encourage the keeping and raising of crops and/or animals and do not necessarily include manicured yards, sidewalks, bike paths, or planned park and recreation facilities.

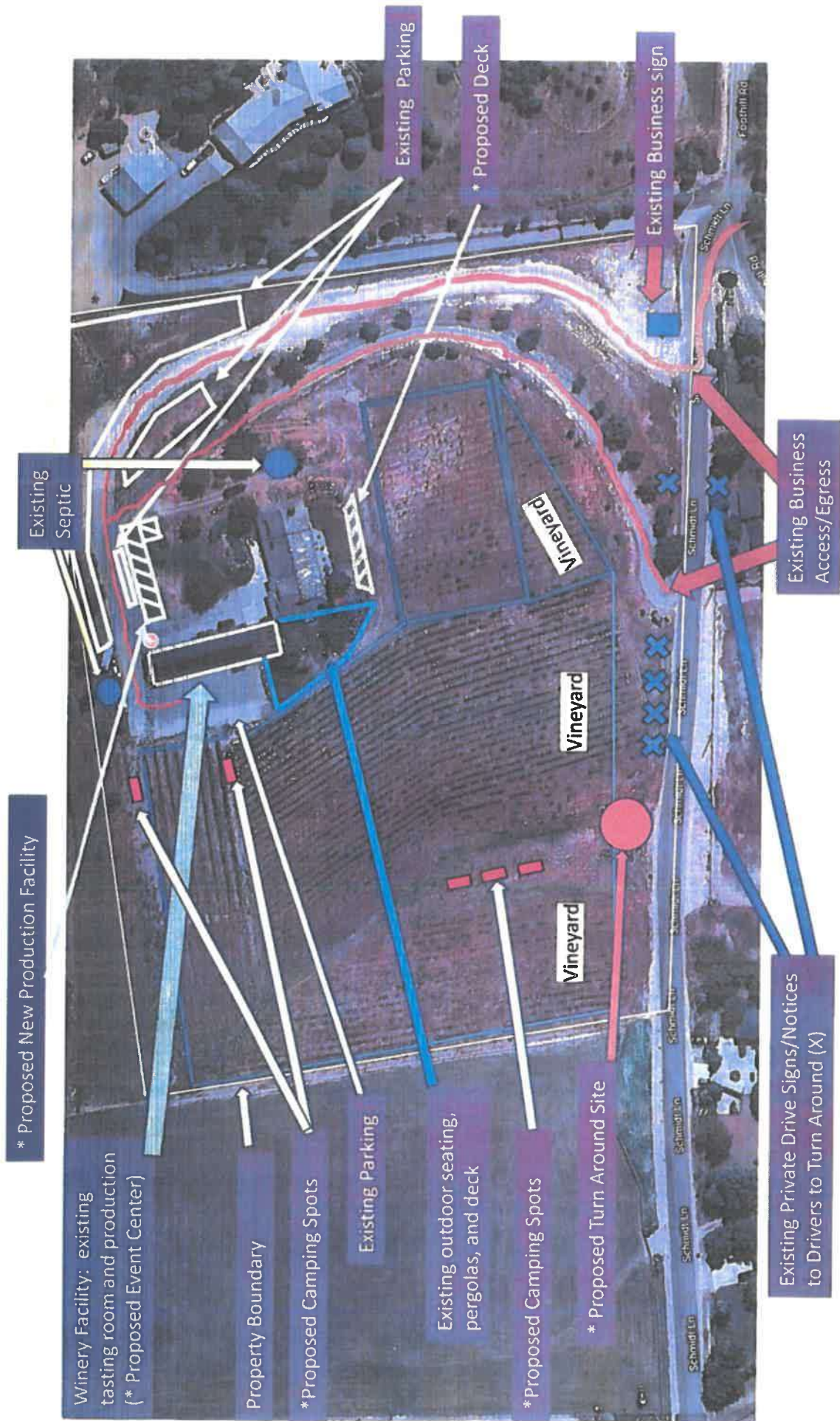
We believe that this proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community. To the contrary, wineries provide a positive economic impact to the community. The proposed use will not involve activities or processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors. The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance.



We propose that the design, construction, operation, and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area. The proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

We have included potential future plans and identified them with an asterisk (\*). All plans will be presented to the proper County and local district officials to obtain the proper permits. All future improvement phases are subject to review of a Certificate of Zoning Compliance, as required. All current building and fire codes will be complied with prior to any public occupancy. The conditional use permit is intended for the sole use of the current Sol Invictus Vineyard LLC owners and their immediate family members.

In summary, we respectfully submit this application for a conditional use permit identifying Sol Invictus Vineyard LLC, located at 6394 Schmidt Lane, Star ID 83669 be designated as an Event Center, be approved for use of the existing 30' x 100' building (to include the outside supporting space) to host events and conduct wine tastings, and to have our hours of operation designated as 7 days per week from 9:00 a.m. to 10:00 p.m.



# LAND USE WORKSHEET

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

## GENERAL INFORMATION

1. **DOMESTIC WATER:** ☒ Individual Domestic Well ☐ Centralized Public Water System ☐ City  
☐ N/A – Explain why this is not applicable: \_\_\_\_\_  
☐ How many Individual Domestic Wells are proposed? \_\_\_\_\_

2. **SEWER (Wastewater)** ☒ Individual Septic ☐ Centralized Sewer system  
☐ N/A – Explain why this is not applicable: \_\_\_\_\_

3. **IRRIGATION WATER PROVIDED VIA:**  
☐ Surface ☒ Irrigation Well ☐ None

4. **IF IRRIGATED, PROPOSED IRRIGATION:**  
☒ Pressurized ☐ Gravity

5. **ACCESS:**  
☒ Frontage ☐ Easement Easement width \_\_\_\_\_ Inst. # \_\_\_\_\_

6. **INTERNAL ROADS:**  
☐ Public ☐ Private Road User's Maintenance Agreement Inst # \_\_\_\_\_

7. **FENCING** ☐ Fencing will be provided (Please show location on site plan)  
Type: \_\_\_\_\_ Height: \_\_\_\_\_

8. **STORMWATER:** ☒ Retained on site ☐ Swales ☐ Ponds ☐ Borrow Ditches  
☐ Other: \_\_\_\_\_

9. **SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY:** (i.e. creeks, ditches, canals, lake)  
\_\_\_\_\_

### RESIDENTIAL USES

**1. NUMBER OF LOTS REQUESTED:**

- ☐ Residential \_\_\_\_\_ ☐ Commercial \_\_\_\_\_ ☐ Industrial \_\_\_\_\_  
☐ Common \_\_\_\_\_ ☐ Non-Buildable \_\_\_\_\_

**2. FIRE SUPPRESSION:**

- ☐ Water supply source: \_\_\_\_\_

**3. INCLUDED IN YOUR PROPOSED PLAN?**

- ☐ Sidewalks ☐ Curbs ☐ Gutters ☐ Street Lights ☐ None

### NON-RESIDENTIAL USES

**1. SPECIFIC USE:** Event Center

**2. DAYS AND HOURS OF OPERATION:**

- ☒ Monday 9 am to 10 pm  
☒ Tuesday 9 am to 10 pm  
☒ Wednesday 9 am to 10 pm  
☒ Thursday 9 am to 10 pm  
☒ Friday 9 am to 10 pm  
☒ Saturday 9 am to 10 pm  
☒ Sunday 9 am to 10 pm

**3. WILL YOU HAVE EMPLOYEES?** ☒ Yes If so, how many? 12 ☐ No

**4. WILL YOU HAVE A SIGN?** ☒ Yes ☐ No ☒ Lighted ☐ Non-Lighted

Height: \_\_\_\_\_ ft Width: \_\_\_\_\_ ft Height above ground: \_\_\_\_\_ ft

What type of sign: \_\_\_\_\_ Wall \_\_\_\_\_ Freestanding ☒ Other

**5. PARKING AND LOADING:**

How many parking spaces? 100

Is there is a loading or unloading area? yes

**ANIMAL CARE-RELATED USES**

1. MAXIMUM NUMBER OF ANIMALS: \_\_\_\_\_

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?

☐ Building    ☐ Kennel    ☐ Individual Housing    ☐ Other \_\_\_\_\_

3. HOW DO YOU PROPOSE TO MITIGATE NOISE?

☐ Building    ☐ Enclosure    ☐ Barrier/Berm    ☐ Bark Collars

4. ANIMAL WASTE DISPOSAL

☐ Individual Domestic Septic System    ☐ Animal Waste Only Septic System

☐ Other: \_\_\_\_\_



Jul 24, 2023

Dear Neighbor,

We are in the process of submitting an application for a Conditional Use Permit to Canyon County Development Services (DSD). One of the requirements necessary prior to submitting the application is to hold a "neighborhood meeting" and provide information to our surrounding neighbors (Canyon County Zoning Ordinance 07-01-15).

This meeting is for informational purposes and to receive feedback from you as we move through the application process. This is not a Public Hearing before a governing body of the County. Once our application has been submitted and processed, a public hearing date will be scheduled. Prior to the scheduled date you will receive an official notification from Canyon County DSD regarding the Public Hearing via postal mail, newspaper publication, and/or a display on the property for which the Conditional Use Permit is applied.

The Neighborhood Meeting details are as follows:

Date: Aug 4, 2023

Time: 7pm

Location: 6394 Schmidt Lane, Star, ID 83669

Property description: Sol Invictus Vineyard LLC

The project is summarized below:

Site location: Sol Invictus Vineyard LLC, 6394 Schmidt Lane, Star, ID 83669

Proposed access: extend winery hours of operation to include Thu and Fri; and request designation as an event center to conduct events on site.

Total acreage: 10

Proposed lots: N/A

We look forward to the neighborhood meeting and encourage you to attend. At that time we will answer any questions you may have.

Please do not call Canyon County Development Services regarding this meeting. This is a PRE-APPLICATION requirement and we have not submitted this application for consideration at this time. Our previous application has been withdrawn. The County currently has no information on this project.

If you have any questions prior to the meeting, please contact me at phone: 208-286-7401, email: [denise@solinvictusvineyard.com](mailto:denise@solinvictusvineyard.com), or Sol Invictus Vineyard, 6394 Schmidt Lane, Star, ID 83669.

Sincerely,

A handwritten signature in blue ink that reads "Scott & Denise Smith". The signature is written in a cursive, flowing style.

## NEIGHBORHOOD MEETING SIGN-UP

### CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11<sup>th</sup> Avenue, #310, Caldwell, ID 83605

[zoninginfo@canyoncounty.id.gov](mailto:zoninginfo@canyoncounty.id.gov)

Phone: 208-454-7458

Fax: 208-454-6633



## NEIGHBORHOOD MEETING SIGN UP SHEET

### CANYON COUNTY ZONING ORDINANCE §07-01-15

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

#### SITE INFORMATION

Site Address: 6394 Schmidt Lane

Parcel Number: 73377401500

City: Star

State: ID

ZIP Code: 83669

Notices Mailed Date: Jul 24, 2023

Number of Acres: 10

Current Zoning:

Description of the Request:

Event Center and Extended Hours

#### APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Scott and Denise Smith

Company Name: Sol Invictus Vineyard

Current address: 6390 Schmidt Lane

City: Star

State: ID

ZIP Code: 83669

Phone:

Fax:

Email:

#### MEETING INFORMATION

DATE OF MEETING: Aug 4, 2023

MEETING LOCATION: 6394 Schmidt Lane

MEETING START TIME: 7pm

MEETING END TIME: 8:15pm

ATTENDEES: 8 total people

NAME (PLEASE PRINT)

SIGNATURE:

ADDRESS:

1. CRIS / NAUCI

[Signature]

6306 FEOSHILL RD

2. TAMEN LAASE

[Signature]

6543 SCHMIDT LN

3. STEVE JONES

[Signature]

6743 SCHMIDT LN

4. Sheri Jones

[Signature]

6743 Schmit Ln.

5. BRANDY RUDOLPH

[Signature]

6770 Schmit Ln

6. ERIC RUDOLPH

[Signature]

6770 Schmit Ln

7. Luke Ertebach

[Signature]

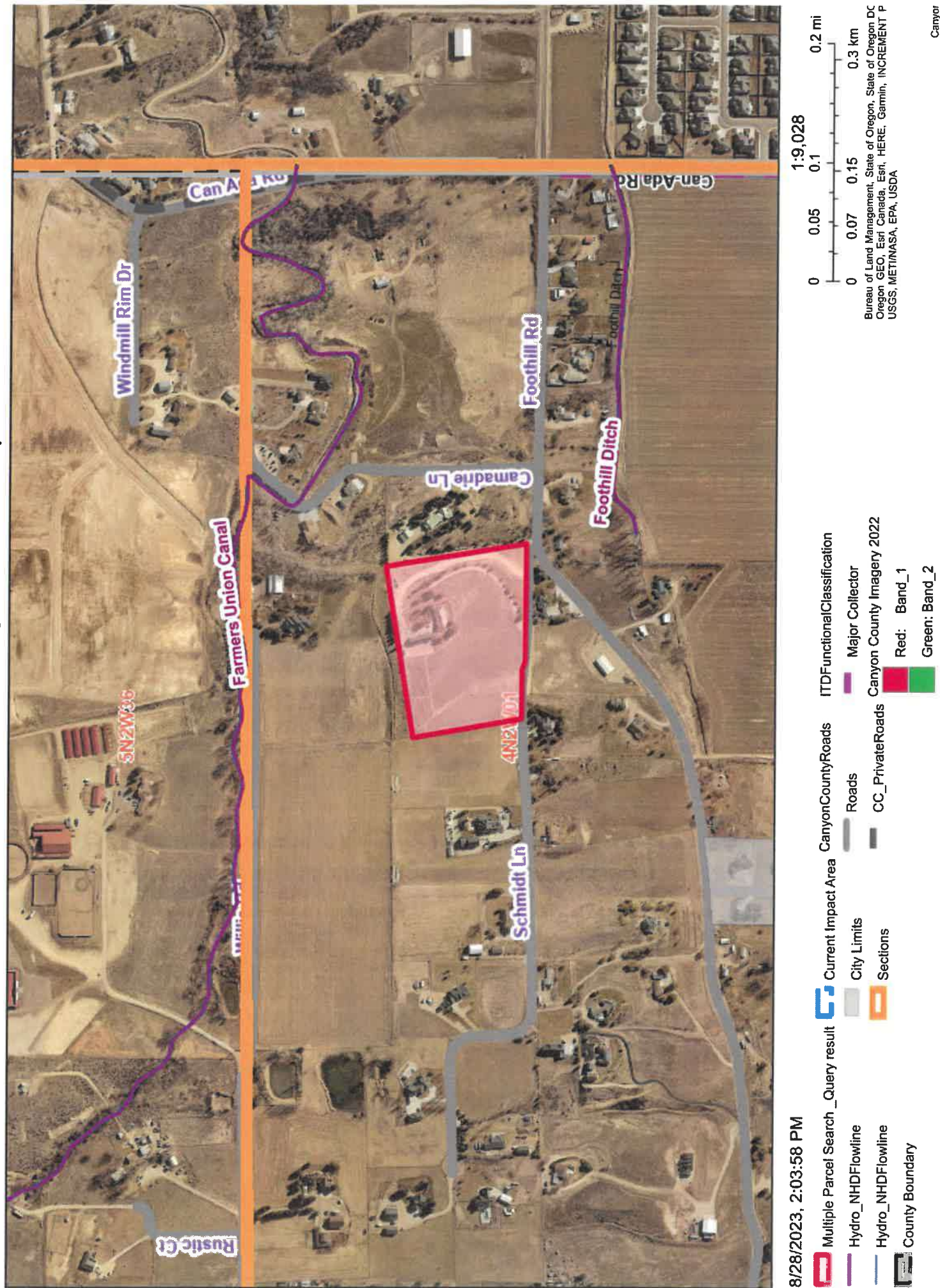
6745 Willis Rd.

8.

9.



# Canyon County, ID Web Map



8/28/2023, 2:03:58 PM

**Exhibit 3f**

Canyon

EXHIBIT E  
(Choutchourrou Letter to Applicant)

Ben & Toni Choutchourrou  
6570 Schmidt Lane  
Star, Idaho 83669

---

August 1, 2023

Scott and Denise Smith  
6394 Schmidt Lane  
Star, Idaho 83669

Re: *Sol Invictus Vineyard Neighborhood Meeting*

Dear Mr. and Ms. Smith:

We received your letter regarding the Neighborhood Meeting on August 4 at 7:00 p.m. scheduled to discuss your application for a conditional use permit for an events venue. We are unable to attend the meeting, hence this letter to you.

First, and as you likely know from our previous communications with the County, the activities at Sol Invictus have been disruptive and offensive to us. We did not ever anticipate an events venue would be located in our rural residential neighborhood and are disappointed it has been allowed. Further, and although it goes without saying, we are the most impacted neighbor since the venue is directly below and adjacent to our properties.

Accordingly, we would like you to be aware that the existing use of your property has created noise, dust and traffic that is objectionable. This appears to have been amplified due to the fact the events venue has operated in violation of what the County initially authorized. Nonetheless, any expansion of those uses (even if within the bounds of a conditional use permit) will be unwelcome and devalue our property. Specifically, having concerts, weddings, wine tastings or other social events, up to four days each week, is simply not compatible with residential uses and makes it impossible for us to quietly enjoy our property.

In sum, we ask that you reconsider expanding any use of your property for an events venue, or at a minimum, comply with the County's original authorization.

Thank you for considering our comments and concerns.

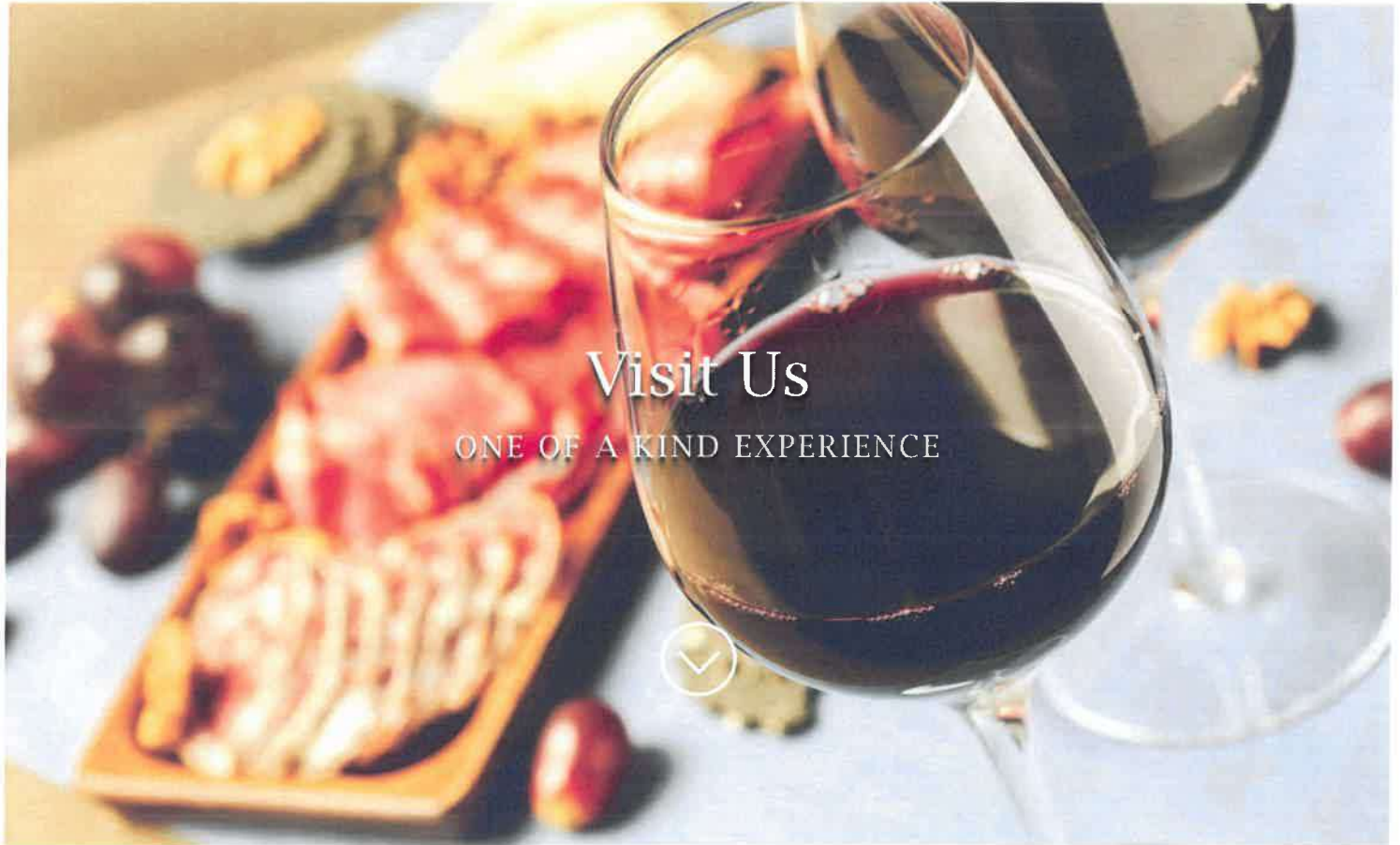
Sincerely,

  
Ben and Toni Choutchourrou





EXHIBIT F  
(April 2, 2024 Page from Invictus Website)



Located just 2 miles from Star, Idaho, overlooking this great place we call home. A visit to our winery is a unique experience. You will feel right at home among family and friends.

We offer charcuterie boards and snacks for sale but guests are always allowed to bring their own picnic as well. Well behaved dogs and children are always welcome.



## Tasting Room

Open Saturday and Sunday 12-7pm, our tasting room combines an Italian Tuscan flair with our breathtaking natural atmosphere. Don't just sip and dash, grab a bottle and relax or enjoy a tasting of your choice of 5 varietals for \$8. We waive one tasting fee per bottle purchased.



## Winery Events

Our events are on pause while we cooperate with the county permitting process. Sol Invictus events are always a blast – for us and our guests! We're hoping to resume Live Music Sundays in June – check back soon for updates!



## Reservations

Reservations are not required but are encouraged for parties of 10 or more, or for our regulars who just love their usual seats.

Contact the tasting room at [\(208\) 286-7401](tel:2082867401) or [denise@solinvictus.com](mailto:denise@solinvictus.com).



## Tours

Stop by the tasting room to catch Scott or Denise. They'd love to walk you through the vines and talk about wine! Let them tell you the history of Sol Invictus and explain our "why".

## Stay in touch

First Name

Last Name

Email

SUBMIT

EXHIBIT G  
(Aerial Map showing Easements and Schmidt Lane)





**TitleOne**  
a title & escrow co.

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

Bromley reserved 56' easement to get to his property to the North in 9113586

EXHIBIT H  
(Road Easement Agreement – with Residential Use Restriction)

9817765

ROAD EASEMENT AGREEMENT

BETWEEN: SCHMIDT ROAD CORPORATION, an Idaho  
Nonprofit Corporation,

"GRANTOR"

and

WILLIAM M. SCHMIDT, an Individual,

"GRANTEE"

4 THIS ROAD EASEMENT AGREEMENT made and entered into this  
day of May, 1998, by and between SCHMIDT ROAD CORPORATION,  
an Idaho Nonprofit Corporation (hereinafter referred to as  
"GRANTOR") and WILLIAM M. SCHMIDT, an Individual, (hereinafter  
referred to as "GRANTEE");

W I T N E S S E T H:

WHEREAS, GRANTOR is the owner in fee simple of real  
property and an easement located in Canyon County, Idaho, more  
particularly described in Exhibit 1 and Exhibit 2, respectively,  
which are attached hereto and incorporated herein by reference  
and GRANTEE is the owner of adjacent real property located in  
Canyon County, Idaho, which is more particularly described as:

Lot 7 of Schmidt Subdivision, records of Canyon  
County, Idaho.

WHEREAS, GRANTOR has agreed to sell GRANTEE and GRANTEE has  
agreed to purchase from GRANTOR, a non-exclusive easement on  
GRANTOR'S real property in favor of GRANTEE and its assigns for  
the purposes specified herein; and,

NOW, THEREFORE, for and in consideration of the mutual  
covenants and agreements expressed and contained herein and the  
sum of Three Thousand Eight Hundred Dollars (\$3,800.00) paid by  
GRANTEE to GRANTOR, (the receipt whereof is hereby acknowledged)  
the GRANTOR and GRANTEE do hereby bind each other, their heirs,  
executors, administrators, and assigns, and each agrees with the  
other as follows:

ROAD EASEMENT AGREEMENT - 1.



I.

GRANTOR does hereby grant, sell and convey a non-exclusive easement on the real property and easement in Canyon County, Idaho, described in Exhibits 1 and 2 attached hereto in favor of and for the benefit of the real property of GRANTEE described as:

Lot 7 of Schmidt Subdivision, records of Canyon County, Idaho.

II.

That the purpose of the non-exclusive easement is for ingress and egress for residential purposes. GRANTOR shall record this Road Easement Agreement with Canyon County, Idaho.

III.

That this non-exclusive easement shall run with the land in perpetuity and estate therein, and shall be binding upon all persons having or acquiring any right, title, or interest in the property of the GRANTEE; and, shall inure to the benefit of each successor in interest of the GRANTEE, its heirs, successors, assigns, purchasers, or transferees of any kind.

IV.

That GRANTEE, its heirs, successors, assigns, purchasers, or transferees of any kind agree to maintain a membership in Schmidt Road Corporation, an Idaho nonprofit corporation, and to pay any and all dues and assessments of said nonprofit corporation.

V.

If a suit, action, or other proceeding arising out of or related to this Agreement is instituted by any party to this Agreement, the prevailing party shall be entitled to recover its reasonable attorney fees, expert witness fees, and costs (1) incurred in any settlement negotiations; (2) incurred in preparing for, prosecuting or defending any suit, action, or other proceeding; and, (3) incurred in preparing for, prosecuting or defending any appeal of any suit, action, or other proceeding. For the purpose of this section, "attorney fees" shall mean and

ROAD EASEMENT AGREEMENT - 2.

include attorney fees and paralegal fees. This section shall survive and remain enforceable notwithstanding any rescission of this Agreement or a determination by a court of competent jurisdiction that all or any portion of the remainder of this Agreement is void, illegal, or against public policy.

VI.

This Agreement shall be construed and interpreted in accordance with the laws of the State of Idaho. The parties agree that the courts of Idaho shall have exclusive jurisdiction and agree that Canyon County, Idaho, is the proper venue.

VII.

Time is of the essence with respect to the obligations to be performed under this Agreement.

VIII.

Except as expressly provided in this Agreement, and to the extent permitted by law, any remedies described in this Agreement are cumulative and not alternative to any other remedies available at law or in equity.

IX.

The failure or neglect of a party to enforce any remedy available by reason of the failure of the other party to observe or perform a term or condition set forth in this Agreement shall not constitute a waiver of such term or condition. A waiver by a party (1) shall not affect any term or condition other than the one specified in such waiver, and (2) shall waive a specified term or condition only for the time and in a manner specifically stated in the waiver.

X.

This Agreement shall be binding upon and shall inure to the benefit of the parties and their respective successors, assigns, heirs, personal representatives, purchasers, or transferees of any kind.

ROAD EASEMENT AGREEMENT - 3.

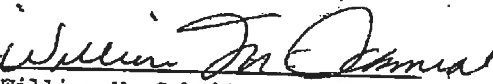


XI.

All Schedules and Exhibits to this Agreement constitute a part of this Agreement. This Agreement, together with the accompanying Schedules and Exhibits, constitutes the entire agreement among the parties and supersedes all prior memoranda, correspondence, conversations and negotiations.

IN WITNESS WHEREOF, the parties have hereunto set their hands the date and year first above written.

SCHMIDT ROAD CORPORATION

By   
William M. Schmidt  
Its President

"GRANTOR"

  
William M. Schmidt

"GRANTEE"

ROAD EASEMENT AGREEMENT - 4.

STATE OF IDAHO )  
: ss.  
County of Ada )

On this 8 day of May, in the year of 1998, before me,  
Frank W. Stoppello, the undersigned, a Notary Public in Ada  
County, State of Idaho, personally appeared WILLIAM M. SCHMIDT,  
known or identified to me to be the President of the corporation  
that executed the instrument or the person who executed the  
instrument on behalf of said corporation, and acknowledged to  
me that such corporation executed the same.

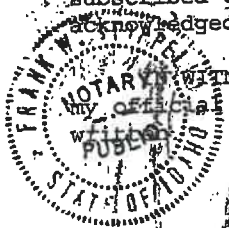


IN WITNESS WHEREOF, I have hereunto set my hand and affixed  
my official seal the day and year in this certificate first above  
written

Frank W. Stoppello  
Notary Public for the State of Idaho  
Residing in Ada County, Idaho  
My Commission Expires: 10/1/2000

STATE OF IDAHO )  
: ss.  
County of Ada )

On this 8 day of May, in the year of 1998, before me,  
Frank W. Stoppello, the undersigned, a Notary Public in Ada  
County, State of Idaho, personally appeared WILLIAM M. SCHMIDT,  
known or identified to me to be the person whose name is  
subscribed to the within and foregoing instrument and  
acknowledged to me that he executed the same.



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

Frank W. Stoppello  
Notary Public for the State of Idaho  
Residing in Ada County, Idaho  
My Commission Expires: 10/1/2000

ROAD EASEMENT AGREEMENT - 5.

James Schohr  
23969 Camadrie Lane  
Star, ID 83669  
530/693-0580 [jimschohr@gmail.com](mailto:jimschohr@gmail.com)

April 1, 2024

Subject: Smith – Sol Invictus Winery  
Case Number: AD2024-0019 Parcel #: R33774015

Dear Mr. Lister:

I am writing to express my deep concern regarding the recent commercial activities taking place within our residential neighborhood at Sol Invictus Winery. As a long-standing member of this community, I have observed a significant increase in commercial operations that are clearly in violation of the zoning regulations established for our area.

The winery activities as they currently operate, not only disrupt the tranquility of our neighborhood but also pose potential safety hazards for residents, especially children and elderly individuals. Your letter states that the owners have reached out to all of us in their close community about the current request and that is not true. We have never received any type of communication whatsoever.

Moreover, such commercial use is detrimental to the property values and overall appeal of our neighborhood. It undermines the residential character that attracted many of us to live here in the first place. Furthermore, the increased traffic and noise associated with commercial activities create an environment that is incompatible with the peaceful living standards we all cherish.

- We constantly have lost vehicles using our personal driveways as a turn-around during family get togethers at our homes creating a safety factor for grandchildren when they are playing in our driveways
- Family outdoor gatherings are being disrupted due to noise pollution from the Sol Invictus event center
- Foothills road is a small narrow road without fog lines or shoulders that is used heavily by cyclists and pedestrians, especially on the weekend
- The dust and headlights into our front porch and master bedroom from the cars entering/exiting the property is obtrusive

I am extremely concerned about any permitted events let alone the grey area that the 7 days and 7 nights refer to in your letter. What is a day? What is a night? How many hours and time frames.... What county agency/person is going to monitor that and how?

Sol Invictus Winery's request for financial gain in our quiet residential community will hopefully be denied. Being the second closest home to the Smiths' property I am quite confident if your home was here you would feel the same as we do.

Thank you for your attention to this important issue. I trust that the county planning department will prioritize the well-being and interests of the residents in our quiet rural neighborhood.

We appreciate your consideration.

The Schohr and Bayuk families

**Dan Lister**

---

**From:** Wooler <alrightmom55@gmail.com>  
**Sent:** Wednesday, April 3, 2024 2:39 PM  
**To:** Dan Lister  
**Subject:** [External] Case: AD2024-0019 Parcel #R33774015 Smith - Sol Invictus Winery

Dear Mr. Lister: We wish to register our support for the Public Use Events permit for Sol Invictus Winery. We think the winery and vineyards have been a wonderful addition to our community. We also believe there is a need for event space with a beautiful setting for the people in this area, such as weddings, holiday events, etc. Scott and Denise Smith have been respectful of us as neighbors and we believe they will be considerate in the future with any impact events could have.

Sincerely,  
Michael and Laura Scott  
23945 Camadrie Ln  
Star, ID 93669  
760-315-2343



### **Findings of Fact, Conclusions of Law, Conditions of Approval and Order**

Amendment to AD2018-0042 – Sol Invictus Winery- Scott and Denise Smith

#### **Findings**

1. The property owner is Scott and Denise Smith
2. The property is located at on Schmidt Lane, a private road, in Star, ID and assigned tax parcel number R33774-015.
3. The property is zoned A (Agricultural).
4. Property owners of record and agencies were notified of the request on August 7, 2018 and given fifteen (15) days for comment.
5. This application is for an amendment to conditions of approval within AD2018-0042.

#### **Conclusions of Law**

For case file AD2018-0042 the Director concludes the following regarding the Standards of Review for a Director's decision:

**(1) Application: The applicant shall submit to DSD an application for a director's administrative decision along with the appropriate fee. DSD shall provide notification by mail of the application to the owners of parcels within six hundred feet (600') of the external boundaries of the parcel, as well as any applicable agencies and shall provide such individuals and agencies a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed application. (Ord. 12-006, 3-22-2012)**

The applicant submitted a completed application for the amendment, including fees on July 19, 2018. Both property owners within 600' of the external boundaries of the parcel and applicable agencies were notified on August 7, 2018 and given fifteen (15) days for comment.

**(2) Compliance With This Code: Prior to issuance of a director's administrative decision, the subject property shall be in compliance with the public nuisance ordinance (chapter 2, article 1 of this code), the building code (chapter 6 of this code), and with all other articles of this chapter.**

Parcel R33774-015 is in compliance with the public nuisance ordinance, the building code, and all other articles of this chapter. If this application is approved, conditions of approval will limit any potential negative impacts to surrounding property owners. If this application is approved, building permits will be required for a change of occupancy of the accessory structure to a commercial structure.

**(3) Compliance With All Applicable Regulations: The property shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property and/or business.**

Condition of approval #1 requires that the project shall comply with all applicable federal, state, and county laws and rules. Based on the initial application approval of AD2018-0042 this application is in compliance with all applicable regulations.



**(4) Compliance With County Ordinances: The property shall be in compliance with the Canyon County zoning ordinance, public nuisance ordinance and building ordinance.**

The winery has been approved by the Director under case number AD2018-0042. All conditions from the previous approval will remain in place to maintain the property's compliance with Canyon County ordinances. The applicant has also requested that the road improvements be required prior to the certificate of occupancy for the tasting room portion of the building (Exhibit 2). The tasting room portion of this building will require a separate building permit. The applicants have stated in their original letter of intent that the wine tasting room will be a second phase of the winery. The production facility will only require minimal traffic from deliveries of wine making materials, but no shipping of finished products will be completed until the tasting room is opened. The accessory tasting room portion of the proposal is expected to have 10 customers per day when it is open (Exhibit 3). This is approximately the same amount of daily traffic as a single family residence as it is defined in the "Trip Generation 9<sup>th</sup> Edition." Staff is recommending to amend condition #11 to place road improvements to be required prior to the certificate of occupancy for the tasting room and not for the production space.

The Star Fire District commented on the amendment and stated that either option can be approved with the condition of improving the driveway to meet access standards for emergency vehicles (Exhibit 7). The Star Fire District will review access at the time of building permit for the change of occupancy. Driveways are required to meet access standards as required in the International Fire Code, Appendix D.

Canyon Highway District #4 and ITD commented on the application stating that they have no objection to the amendment.

The current condition #11 which required the following:

12. Prior to the certificate of occupancy for the tenant improvement, Schmidt Lane will be required to be improved and certified by a licensed engineer from Foothill Road to the exit driveway as shown on the site plan (Exhibit 3) to the current private road and driveway standards for a road that exceeds 100 Average Daily Trips (ADT). The standard is listed below (CCZO 07-10-03):

	Subbase Or Ballast	Base Course	Plant Mix Pavement (ISPCW Class III Mix)	Surface Width
Private roads that are estimated to serve more than 100 ADT	9" of minus 6" uncrushed aggregate (pit run)	6" of 3/4" crushed aggregate (gravel)	2 5" thick	24' for local roads and 26' for collector roads <sup>1</sup>

The applicant has proposed a new location for the entry/exit driveway as shown on the amended site plan (Exhibit 4). This location will require that road improvements be required prior to the certificate of

occupancy for the tasting room. Additionally, the driveway is still required to meet applicable Fire District standards which will be reviewed at the time of building permits for the tenant improvement.

The condition will be **amended** to the following (amended condition of approval #11):

12. Prior to the certificate of occupancy for the tasting room portion of the building, Schmidt Lane will be required to be improved and certified by a licensed engineer from Foothill Road to the entry/exit driveway as shown on the site plan (Exhibit 4, Option #1 or Option #2) to the current private road and driveway standards for a road that exceeds 100 Average Daily Trips (ADT). The standard is listed below (CCZO 07-10-03)

	Subbase Or Ballast	Base Course	Plant Mix Pavement (ISPWC Class III Mix)	Surface Width
Private roads that are estimated to serve more than 100 ADT	9" of minus 6" uncrushed aggregate (pit run)	6" of 3/4" crushed aggregate (gravel)	2.5" thick	24' for local roads and 26' for collector roads <sup>1</sup>

**(5) Nontransferable:** This permit is not transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the director.

Conditions of approval state that the winery with tasting room shall be limited to be in general conformance with the site plan (Exhibit 4). Any substantial changes (additional structures dedicated to the use) will be required to amend this decision through a new application process.

**(6) Parking:** Off street parking shall be provided in accordance with article 13 of this chapter. No parking space shall be located in any public right of way.

The applicant will be required to provide parking as required Article 13 of the Canyon County Zoning Ordinance (07-13-01) (See Conditions of Approval #14, 15). The following parking requirements shall be met for the proposed use, if approved:

- CCZO 07-13-01(8) every open off street parking area having more than four (4) parking spaces shall be hard surfaced.
- CCZO 07-13-01 (9) Lighting used to illuminate off street parking areas shall be directed away from residential properties.

This type of use requires a minimum of (1) one parking space for each 200 square feet of net floor area that is designated for the accessory tasting room and 1 for each employee, based on the greatest number of employees on site at any one time. The applicant will be required to provide Canyon County DSD with a detailed parking plan prior to applying for a building permit (See Condition #15).

## **Conditions of Approval**

### **General**

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the subject property.
  - a. Prior to commencement of the winery, the applicant shall apply for and become approved for all applicable alcohol licenses issued by the Idaho State Police.
2. Development of the property shall be in substantial conformance with the site plan and floor plan as shown in Attachment A.
3. Prior to commencement of the winery, the applicant shall obtain a building permits for the tenant improvement of the accessory structure on site to change the occupancy to a commercial structure.
4. The winery and accessory tasting room shall be limited to parcel R33774-015. This permit is not transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the Director.
5. The accessory tasting room is limited to the following hours of operation: Saturday through Sunday from 12:00 PM to 7:00 PM.

### **Water, Wastewater and Sewer**

6. Upon application for a building permit, the applicant will be required to obtain approval from Southwest District Health for the septic system.
7. The applicant is required to abide by conditions of approval within their Permit to Appropriate Water (No.63-34285) (Exhibit 12, Department of Water Resources, and Permit to Appropriate Water).

### **Food Preparation**

8. Food preparation shall be limited to non-time temperature controlled food products (i.e. crackers, cheese).
9. Any food preparation for the accessory tasting room shall be approved by Southwest District Health in accordance with the Idaho Food Code (IDAPA 16.02.19).

### **Access**

10. An approach permit from Canyon Highway District #4 will be required prior to applying for a building permit. Work shall be in accordance with the Highway District standards (Exhibit 5, Letter from Canyon Highway District #4).

11. Prior to the certificate of occupancy for the tasting room portion of the building, Schmidt Lane will be required to be improved and certified by a licensed engineer from Foothill Road to the entry/exit driveway as shown on the site plan (Attachment A, Option #1 or Option #2) to the current private road and driveway standards for a road that exceeds 100 Average Daily Trips (ADT). The standard is listed below (CCZO 07-10-03)

	Subbase Or Ballast	Base Course	Plant Mix Pavement (ISPWC Class III Mix)	Surface Width
Private roads that are estimated to serve more than 100 ADT	9" of minus 6" uncrushed aggregate (pit run)	6" of $\frac{3}{4}$ " crushed aggregate (gravel)	2.5" thick	24' for local roads and 26' for collector roads <sup>1</sup>

12. Future driveways must be in compliance with the applicants revised site plan (Attachment A, option #1 or Option 2). Upon any new driveway construction, Schmidt Lane will be required to be improved and certified by a licensed engineer from Foothill Road to the entry/exit driveway as shown on the site plan (Attachment A, Option #1 or Option #2) to the current private road and driveway standards for a road that exceeds 100 Average Daily Trips (ADT). The engineer's certificate must be handed into Canyon County DSD.

### Fire Access and Water Supply

13. The applicant will be required to submit building plans to Star Fire for approval prior to submitting a building permit application with Canyon County Development Services. A Fire Department stamp will be required on plans submitted to Canyon County Development Services.
14. The applicant will be required to obtain a fire access and water supply permit from Star Fire prior to submitting a building permit for the change of occupancy of the accessory structure.

### Parking

15. The applicant will be required to provide parking as required Article 13 of the Canyon County Zoning Ordinance (07-13-01). The following parking requirements shall be met for the proposed use, if approved:
- CCZO 07-13-01(8) every open off street parking area having more than four (4) parking spaces shall be hard surfaced.
  - CCZO 07-13-01 (9) Lighting used to illuminate off street parking areas shall be directed away from residential properties.
  - Per the requirements of Section 07-13-03, the development shall provide a minimum of one (1) parking space for each two-hundred 200 square feet of net floor area that is designated for the accessory tasting room and 1 for each employee, based on the greatest number of employees on site at any one time.



16. The applicant will be required to provide Canyon County Development Services a detailed parking plan that shows compliance with Condition #15, prior to applying for a building permit.

**Signage**

17. Signage used for the winery that is either illuminated or exceeds 32 sq. ft. must be approved through Canyon County administrative decision application. Any sign over 6 ft. tall or permanently affixed to the ground will require a building permit.

**Order**

Based upon the Findings of Fact, Conclusions of Law and Conditions of Approval contained herein the Canyon County Development Services Director **approves the amendment to** Case # AD2018-0042 for a winery with accessory tasting room subject to the conditions of approval enumerated above.

APPROVED this 7<sup>th</sup> day of September, 2018.

DEVELOPMENT SERVICES DIRECTOR  
CANYON COUNTY, IDAHO

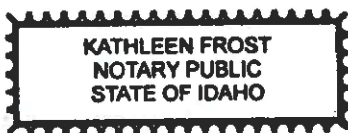
Patricia Nilsson  
Patricia Nilsson, Director

State of Idaho )

SS

County of Canyon County )

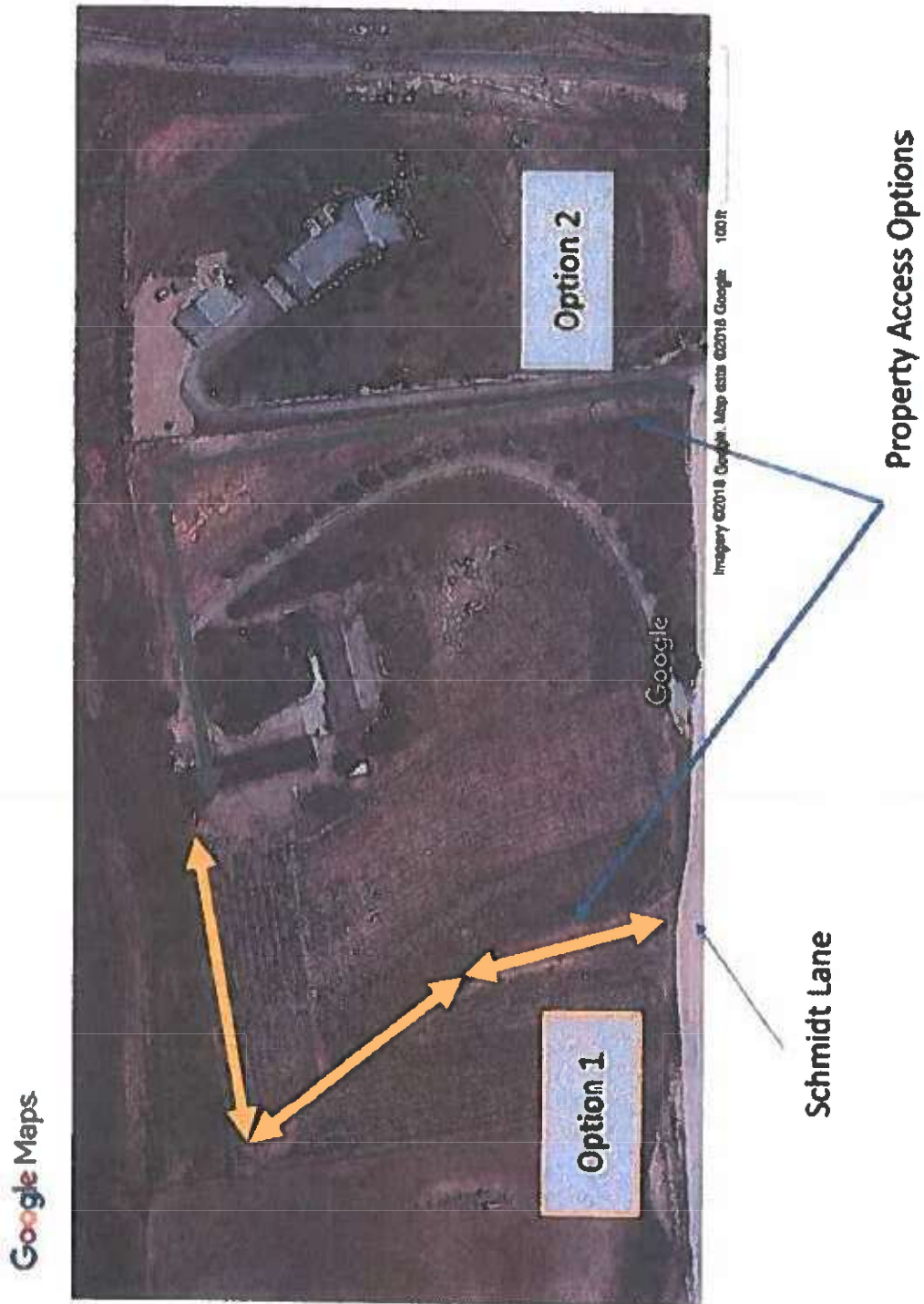
On this 7<sup>th</sup> day of September, in the year of 2018, before me Kathleen Frost, a notary public, personally appeared Patricia Nilsson, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.



Notary: K Frost  
My Commission Expires: 6-3-2022



Attachment 'A' (AMENDED)



Winery Facility - See breakout

Parking

Google Maps

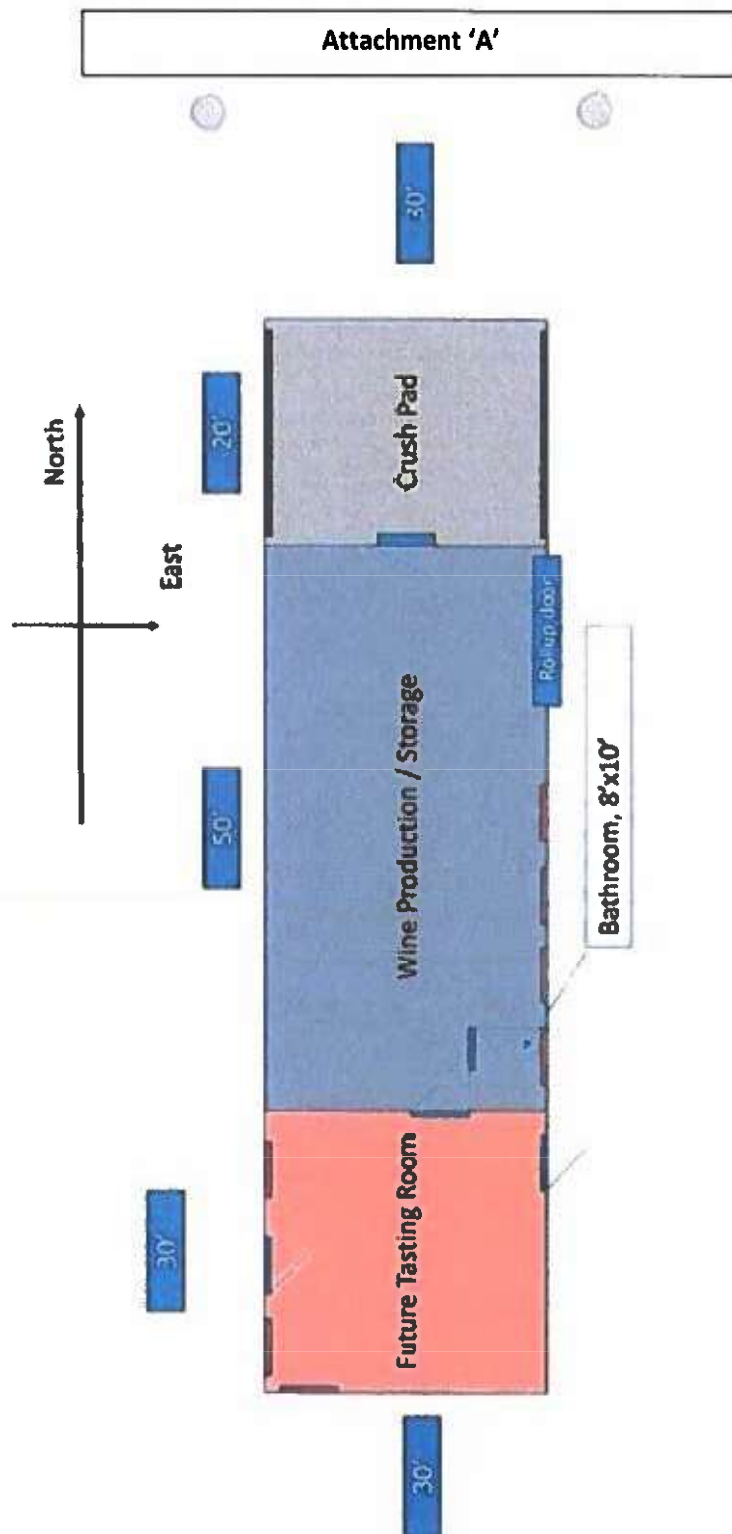


North

Attachment 'A'

3/16/2018

<https://www.google.com/maps/@33.150661,-116.570249,11.3m/data=!m1!1e3?hl=en>





# Building Permit

Exhibit 5

Development Services Department  
111 North 11th Ave., Suite 140, Caldwell, ID 83605  
For Inspections Call: (208) 454-7460  
Fax: (208) 454-6633

Issued Date:  
4/9/2019

Permit Number: BP2019-0141

Parcel Number: 33774015 0

Secondary 6394 SCHMIDT LN

Parcel Address: 6390 SCHMIDT LN

Address: Star ID 83669

Star ID 83669

Owner: SMITH SCOTT E

Sec: Tw: Range: Qtr: Zoning:  
1 4N 2W A

6390 FOOTHILL RD  
STAR ID 83669

Sub:

Applicant: CHRYSALIS ARCHITECTURE +  
PLANNING

Lot(s): Blck:

454 W CHRISFIELD DR  
MERIDIAN ID 83646

Item Num: Winery, Distillery, Brewery

Contractor: CHRYSALIS ARCHITECTURE +  
PLANNING

Proj. Type: Conversion

454 W CHRISFIELD DR

OCC Group: A-3, S-2

MERIDIAN ID 83646

OCCType: Commercial

Registration No.: ARCHITECT

CNST Type: VB

Project  
Notes:

1st Floor: 3017

Porches/Patios:

Proj. Value: \$200,000.00

2nd Floor:

Det Acc 2nd  
Flr:

Code Edition: 2015 IBC

Bonus Room:

Det Acc:

Description: Commercial winery (changing  
occupancy from shop to  
Winery- renovating 3017 sq  
feet)  
Barrel room/Tasting room  
Mixed Use

Basement:

Mfg Home:

Auto Sprinkler: No

Garage:

2nd Floor Add:

Carpport:

1st Floor Add:

Decks:

All Other Res:

## Fees

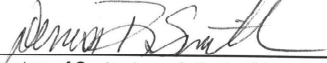

Date	Fee Item	Amount
02/21/2019	Certificate of Zoning Compliance (Over the Counter) - ZCB	\$70.00
02/21/2019	Deposit for Non Residential Plan Check	\$180.00
03/11/2019	Commercial Plan Check - Varies	\$1,578.25
03/11/2019	Commercial Permit Bid Fee - Varies	\$2,705.00
		<b>\$4,533.25</b>

## Standard Zoning / Building Condition(s)

- ☐ Address numbers must be illuminated or reflective and displayed on the residence, at the driveway entrance and at the approach to the public road.
- ☐ Structure must comply with Fire District standards and conditions.
- ☐ Driveway to be constructed prior to final inspection.
- ☐ Final SWDH Permit required in office or verified by inspector before final.
- ☐ The accessory tasting room is limited to the following hours of operation: Saturday through Sunday from 12:00 PM to 7:00 PM.

- ☐ All Parking requirements listed off in the conditions of approval AD2018-0042 must be met prior to C of O. Please send photos at final inspection.
- ☐ Prior to the certificate of Occupancy for the tenant improvement, Schmidt Lane will be required to be improved and certified by a licensed engineer from Foothill Road to the exit driveway as shown on the site plan (Exhibit 3) to the current private road and driveway standards for a road that exceeds 100 Average Daily Trips (ADT).
- ☐ Property owner is responsible for identification of all property boundaries to measure setbacks from. Property owners shall not build any structure on/in an easement and it shall be the owner's responsibility to locate those easements. Structures must be at least seventy (70) feet from a section line or quarter-section line, unless approved otherwise by the highway district having jurisdiction. Front Setbacks shall be measured from either the front property line, road right of way line, or road easement line, whichever is greatest.

**Important Information:** Inspection Request: It is the duty of the contractor or owner to notify this office when a work project is ready for required inspections. Persons making the request must provide the following information: 1) **Tracking Number**; 2) **Project Address**; 3) **Date and Time when the inspection is needed**; 4) **Type of inspection**. Separate Permits are required for electrical and plumbing from the IID Department of Labor and Industrial Services. Homeowner's permit applications are available at this office. Permit Suspension/Expiration: The Building Official reserves the right to revoke any permit issued in error or on the basis of incorrect information. Permits expire in 180 days if work is not started or is abandoned. In hardship cases, an un-expired permit may be extended 180 days, total not to exceed 12 months. This permit is issued subject to the regulation contained in the building code and zoning regulations of Canyon County, IID and it is hereby agreed that work to be done as shown in the plans and specifications will be completed in accordance with the regulations pertaining and applicable there to.



4-9-19

Signature of Contractor or Authorized Agent: \_\_\_\_\_ Date: \_\_\_\_\_ Building Official/Staff: \_\_\_\_\_ Date: \_\_\_\_\_



# Certificate of Occupancy

CANYON COUNTY  
DEVELOPMENT SERVICES BUILDING DIVISION



*This certificate issued pursuant to the requirements of Section 110 of the International Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of Canyon County, regulating building construction, use and occupancy for the following:*

Description: **Commercial winery (changing occupancy from shop to Winery- renovating 3017 sq feet) Final Fire in office 10-21-2019 jlm Barrel room/Tasting room Mixed Use Final SWDH in Office 4/11/2019 CL**

Permit Number: **BP2019-0141**

Code Edition: **2015 IBC**

Use Zone: **A**

Use Classification: **A-3, S-2**

Construction Type: **VB**

Auto Sprinkler System: **No**

Owner of Building: **SMITH SCOTT E**

Owner Address: **6390 FOOTHILL RD, STAR ID 83669**

Site Address: **6390 SCHMIDT LN, Star ID 83669**

Signature:

A handwritten signature in blue ink, appearing to read "David L. Curl".

David L. Curl  
Building Official

By: **EDDIE ALVAREZ**

Date: **10/21/2019**



**STAR FIRE PROTECTION DISTRICT**

*Office of the Fire Chief*

*Greg Timinsky*

*11665 W State St Suite B*

*Star, ID 83669*

October 18, 2019

To: Canyon County Development Services

Location: 6390 Foothill Rd

From: Chief Greg Timinsky

Star Fire Protection District approves the Driveway and turn around for Sol Invictus Vineyards at 6390 Foothill Rd Star ID. With the following conditions.

Any questions please feel free to contact me, 208-229-9447

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Timinsky".

Greg Timinsky,  
Fire District Chief

Original to Requester/ Copy retained by Chief

By e-mail, letter, or other written communication, the District may not be held responsible for any actions taken by the District or its employees, agents, or representatives.

# FINAL/AS-BUILT — Subsurface Sewage Disposal



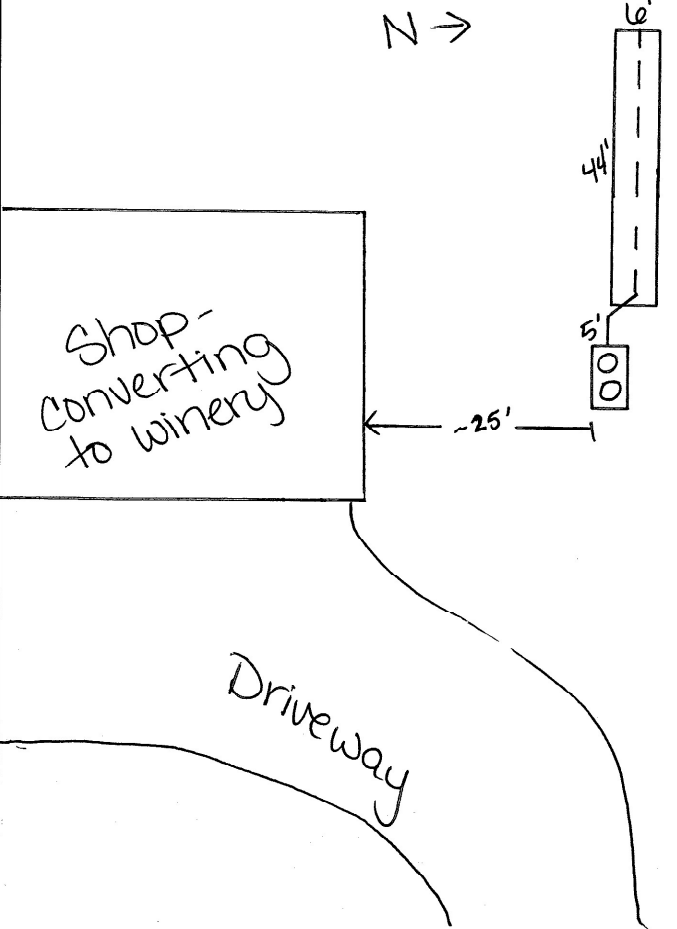
**Public Health**  
Prevent. Promote. Protect.  
**Idaho Public Health Districts**

**SOUTHWEST DISTRICT HEALTH**  
13307 Miami Lane  
Caldwell, ID 83607 (208) 455-5400

Permit #: 2-46231  
Date Rcvd: 4-2-19  
Parcel #: R337740C500

Applicant's Name: Mike Liimakka  
Owners Name: Scott Smith  
Property Address: 6390 Foot Hill Rd. STAR, ID 83669  
Legal Description: \_\_\_\_\_ Township: 4N Range: 2W Section: 01  
Subdivision: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Size: (acres) 9.99

As-built (not to scale)



System Type: Intrenched SF Gravel DF Gravel (Yards): ~12 yds. Premier  
System Mfg: N/A Sand (Yards): ~25 yds. Premier  
Septic/Trash Tank (Gal): 1000 Installation Depth (Inches): 48" - 54"  
Septic/Trash Tank Mfr: Old Castle Rock Under Pipe (Inches): 6"  
Depth to Tank Lid (Inches): 34" Date System Installed: 4/11/19  
Standpipe/Riser (Inches): 26" Riser Longitude: 116.52071°W  
Pump Tank (gallons): None Riser Latitude: 43.71938°N  
Pump Tank Mfg: N/A Well Installed: ☒ Yes ☐ No  
Drainfield Width (Ft): 6' Distance to Tank (Ft): > 50'  
Drainfield Length (Ft): 44' Distance to Drainfield (Ft): > 100'  
Drainfield Area Installed (Sq Ft): 264 Valve: ☐ Yes ☒ No  
Effective Area (Sq Ft): 264 Dist-Box: ☐ Yes ☒ No  
Drop-Box: ☐ Yes ☒ No

All plans, specifications, and conditions contained in the approved permit application are hereby incorporated into and may be enforceable as part of the permit.

Technical Allowance Granted ☒ Yes ☐ No

Comments: The trench was deeper than the 48" maximum on one end due to having to have tank so low. Installer stated ground to be graded down, but still within the 10% technical allowance.

Notes/Conditions of Approval: \_\_\_\_\_

Installer Name: Olsen & Sons  
Installer Phone: 208-989-2018  
Installer Number: 1-1140

Signature: Not Available  
Date: \_\_\_\_\_

By signing above, I certify that all answers and statements on this Final/As-built are true and complete to the best of my knowledge.  
OFFICIAL USE ONLY

☒ As-Built provided by EHS ☐ As-Built provided by Installer

DATE	<u>4/11/19</u>		
TRAVEL	<u>30</u>		
INSPECT	<u>30</u>		
EHS	<u>37</u>		

Lise Bel  
EHS Final Inspection Signature

37  
EHS Code

4/11/19  
Date

Revision Date: 04/2015



# Certificate of Zoning Compliance / Permit

## Development Services Department

111 North 11th Ave., Suite 140

Caldwell, ID 83605

Office: (208) 454-7458

For Inspections Call: (208) 454-7460

Fax: (208) 454-6633

www.canyoncounty.org/dsd

**Parcel Number: 33774015 0**

**Permit Number: BP2019-0141**

Township: 4N Parcel Acreage: 9.99 Range: 2W County Zone: A Section: 1 City Impact Area: Middleton, Quarter: Subdivision: Lot: Block:	<b>Permit Is For: Commercial</b> Square Footage: 3017 Site Address: 6390 SCHMIDT LN Star ID 83669 Secondary Residence Star ID 83669 Address: 6394 SCHMIDT LN
Sec Line: 1/4 Sec: County Set Backs: Yes City Set Backs: No Front :30 Front: Rear :20 Rear: Side : 10 Side:	Project Flood Zone: Zone X – Outside SFHA, Parcel Flood Zone: Zone X – Outside SFHA, Hwy Dist: Canyon Highway No 4, Fire Dist: Star Fire, School Dist: Middleton School No 134,
Original Parcel: No	Land Use Case #: AD2018-0042

**Owner:**

SMITH SCOTT E  
6390 FOOTHILL RD  
STAR ID 83669

**Applicant:**

CHRYSLIS ARCHITECTURE +  
PLANNING  
454 W CHRISFIELD DR  
MERIDIAN ID 83646

**Contractor:**

CHRYSLIS ARCHITECTURE +  
PLANNING  
454 W CHRISFIELD DR  
MERIDIAN ID 83646

ARCHITECT

Required Documentation		Date Received	Initials		Required Documentation	Date Received	Initials
X	Legal Description / Deeds	02/21/2019	CL		Ad Valorem		
X	Building / Site Plans (2)	02/21/2019	CL		PRE-76 Rehab Certificate		
X	Engineering	02/21/2019	CL		MH Temp Res Permit		
X	Res Check	02/21/2019	CL		Road Frontage		
	Prescriptive				Easement		
	Manual J S D & E				RUMA		
X	SWDH Septic Permit	02/21/2019	CL		Development Permit (Flood)		
X	Hwy Dist/ITD Access Permit	02/21/2019	CL		Elevation Certificate		
X	Fire District Permit	02/21/2019	CL	X	Property Research	02/21/2019	CL
	Waiver				Address from City		CL
				X	Address	02/21/2019	CL

**Description:** Commercial winery (changing occupancy from shop to Winery- renovating 3017 sq feet)  
Barrel room/Tasting room Mixed Use

**Application Processed By:**

Clamp

**Filing Date:** 02/21/2019

**Status:** Active

**Standard Zoning / Building Condition(s)**

- ☐ Address numbers must be illuminated or reflective and displayed on the residence, at the driveway entrance and at the approach to the public road.
- ☐ Structure must comply with Fire District standards and conditions.
- ☐ Driveway to be constructed prior to final inspection.
- ☐ Final SWDH Permit required in office or verified by inspector before final.
- ☐ The accessory tasting room is limited to the following hours of operation: Saturday through Sunday from 12:00 PM to 7:00 PM.
- ☐ All Parking requirements listed off in the conditions of approval AD2018-0042 must be met prior to C of O. Please send photos at final inspection.
- ☐ Prior to the certificate of Occupancy for the tenant improvement, Schmidt Lane will be required to be improved and certified by a licensed engineer from Foothill Road to the exit driveway as shown on the site plan (Exhibit 3) to the current private road and driveway standards for a road that exceeds 100 Average Daily Trips (ADT).
- ☐ Property owner is responsible for identification of all property boundaries to measure setbacks from. Property owners shall not build any structure on/in an easement and it shall be the owner's responsibility to locate those easements. Structures must be at least seventy (70) feet from a section line or quarter-section line, unless approved otherwise by the highway district having jurisdiction. Front Setbacks shall be measured from either the front property line, road right of way line, or road easement line, whichever is greatest.

**Fees**

Date	Fee Item	Amount
02/21/2019	Certificate of Zoning Compliance (Over the Counter) - ZCB	\$70.00
02/21/2019	Deposit for Non Residential Plan Check	\$180.00
		<b>\$250.00</b>

**Receipts**

Date	Receipt Number	Amount
02/21/2019	23418	\$250.00
<b>Total Paid:</b>		<b>\$250.00</b>

**This is not a Building Permit.**

For Building Permit applications, this "Certificate of Zoning Compliance" shall expire if not complete within sixty (60) calendar days from the date of filing. One extension may be requested in writing and approved by the Zoning Administrator. Please pick-up your Building Permit when it is ready during office hours of 8:00 a.m. to 4:00 p.m. Monday - Friday.

Your signature acknowledges that any nuisance complaints regarding agricultural activity may be limited by the Idaho "Right to Farm" laws.

Your signature also acknowledges that you have read, understand and agree to comply with all the conditions listed above.

I affirm that all information provided by me for the completion of this certificate is correct to the best of my knowledge.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

DSD Staff Accepting Application: Clamb Date: 2-25-19

DSD Flood Plain Administrator: \_\_\_\_\_ Date: \_\_\_\_\_





# PERMIT-Subsurface Sewage Disposal



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

## Idaho Public Health Districts

Southwest District Health  
13307 Miami Lane  
Caldwell, ID 83607  
Phone: 208.455.5400  
Fax: 208.455.5405

Permit #: 2-46231  
Date: 4-2-19  
Parcel #: R3377401500  
Doc ID #: \_\_\_\_\_

Applicant's Name: Mike Liimakka  
Owners Name: Scott Smith  
Property Address: 6390 Foot Hill Rd, STAR, ID 83669  
Legal Description: \_\_\_\_\_ Township 4N Range 2W Section 01  
Subdivision: \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Size(acres): 9.99

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

### Conditions of Approval:

Excavate to 6' or into sandy soils. Backfill to 4' with ASTM C-33 sand and install standard gravel drainfield per Technical Guidance Manual specifications.

☐ 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:

<u>N/A</u>	Bedrooms
<u>N/A</u>	Gallons Per Day
<u>185</u>	Gallons Per Day
<u>A-2b</u>	USDA
<u>700</u>	Gallons
<u>217</u>	Square Feet
<u>300</u>	Feet

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

All plans, specifications, and conditions contained in the approved permit application are hereby incorporated into, and are enforceable as part of the permit. The permit will expire one (1) year from date of issuance. The permit may be renewed if the renewal is applied for on or before the expiration date.

<u>Rise Bal</u>		DATE <u>4/4/19</u>			
EHS Permit Issued Signature		TRAVEL <u>30</u>			
<u>37</u>		INSPECT <u>30</u>			
EHS Code		EHS <u>37</u>			
<u>4/4/19</u>		Date			

Revision Date: 03/2011

**From:** Mike Liimakka <mike@aoengineering.com>  
**Sent:** Thursday, February 21, 2019 9:16 AM  
**To:** Richard Wilmot  
**Subject:** FW: Sol Invictus Winery - Submittal  
**Attachments:** 190115 Sol Invictus Civil Set.pdf

**Mike Liimakka, P.E.**

Alpha Omega Engineering

818 S. La Cassia Drive, Suite 102, Boise, Idaho 83705

P.O. Box 1391, Meridian, Idaho 83680

Ph: 208.322.5250

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**From:** Greg Timinsky <[gtiminsky@starfirerescue.org](mailto:gtiminsky@starfirerescue.org)>  
**Sent:** Monday, February 04, 2019 1:26 PM  
**To:** Brooke Rhodes <[brooke@aoengineering.com](mailto:brooke@aoengineering.com)>  
**Cc:** mike <[mike@aoengineering.com](mailto:mike@aoengineering.com)>  
**Subject:** Re: Sol Invictus Winery - Submittal

Yes I have looked at it and it looks good to me.

Greg Timinsky  
Fire Chief  
Star Fire Protection District  
Office: (208) 286-7772  
Cell: (208) 941-8898  
[gtiminsky@starfirerescue.org](mailto:gtiminsky@starfirerescue.org)  
[www.starfirerescue.org](http://www.starfirerescue.org)



Serving Through  
Professionalism and Excellence

On Feb 4, 2019, at 10:32 AM, Brooke Rhodes <[brooke@aoengineering.com](mailto:brooke@aoengineering.com)> wrote:

Hi Greg,  
Have you had a chance to look at these yet?  
Thanks,

Brooke Rhodes

818 S. La Cassia Drive, Suite 102,  
Boise, Idaho 83705  
P.O. Box 1391, Meridian, Idaho 83680  
Office: (208) 322-5250  
Cell: (928) 606-2275

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**From:** Brooke Rhodes <[brooke@aoengineering.com](mailto:brooke@aoengineering.com)>  
**Sent:** Tuesday, January 22, 2019 9:35 AM  
**To:** 'Greg Timinsky' <[gtiminsky@starfirerescue.org](mailto:gtiminsky@starfirerescue.org)>  
**Cc:** 'mike' <[mike@aoengineering.com](mailto:mike@aoengineering.com)>  
**Subject:** Sol Invictus Winery - Submittal

Hi Greg,  
I have attached our completed plans for your review for the Sol Invictus project. Please let me know if you need hard copies of these.  
Thanks!

**Brooke Rhodes**

818 S. La Cassia Drive, Suite 102,  
Boise, Idaho 83705  
P.O. Box 1391, Meridian, Idaho 83680  
Office: (208) 322-5250  
Cell: (928) 606-2275

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**From:** mike <[mike@aoengineering.com](mailto:mike@aoengineering.com)>  
**Sent:** Thursday, January 03, 2019 9:25 AM  
**To:** Greg Timinsky <[gtiminsky@starfirerescue.org](mailto:gtiminsky@starfirerescue.org)>  
**Cc:** Brooke Rhodes <[brooke@aoengineering.com](mailto:brooke@aoengineering.com)>  
**Subject:** Re: Sol Invictus Winery - Fire Apparatus Road Width

Thank you.

Sent from my Sprint Samsung Galaxy S8.

----- Original message -----

**From:** Greg Timinsky <[gtiminsky@starfirerescue.org](mailto:gtiminsky@starfirerescue.org)>  
**Date:** 1/3/19 8:53 AM (GMT-07:00)  
**To:** mike <[mike@aoengineering.com](mailto:mike@aoengineering.com)>  
**Subject:** Re: Sol Invictus Winery - Fire Apparatus Road Width

Yes i just reviewed that and we will stick with 20' with a turnout and a approved turn around at the top.

Greg Timinsky  
Fire Chief  
Star Fire Protection District  
Office: (208) 286-7772  
Cell: (208) 941-8898  
[gtiminsky@starfirerescue.org](mailto:gtiminsky@starfirerescue.org)  
[www.starfirerescue.org](http://www.starfirerescue.org)

Sent from my Sprint Samsung Galaxy S8.

----- Original message -----

From: Brooke Rhodes <[brooke@aoengineering.com](mailto:brooke@aoengineering.com)>  
Date: 1/2/19 4:10 PM (GMT-07:00)  
To: 'Greg Timinsky' <[gtiminsky@starfirerescue.org](mailto:gtiminsky@starfirerescue.org)>  
Cc: Liimakka Mike <[mike@aoengineering.com](mailto:mike@aoengineering.com)>  
Subject: RE: Sol Invictus Winery - Fire Apparatus Road Width

Is there any way we could use a 20' section with a turnout? The existing driveway is close to the property line and was difficult to grade in a 20' wide driveway.

**Brooke Rhodes**

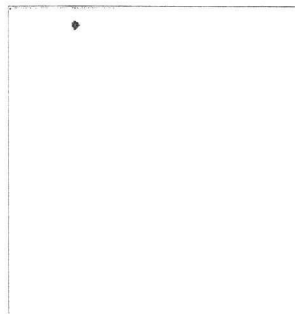
818 S. La Cassia Drive, Suite 102,  
Boise, Idaho 83705  
P.O. Box 1391, Meridian, Idaho 83680  
Office: (208) 322-5250  
Cell: (928) 606-2275

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**From:** Greg Timinsky <[gtiminsky@starfirerescue.org](mailto:gtiminsky@starfirerescue.org)>  
**Sent:** Wednesday, January 02, 2019 4:06 PM  
**To:** Brooke Rhodes <[brooke@aoengineering.com](mailto:brooke@aoengineering.com)>  
**Subject:** Re: Sol Invictus Winery - Fire Apparatus Road Width

You can go with the 26' wide without turnout just have to post no parking on either side of the road.

Greg Timinsky  
Fire Chief  
Star Fire Protection District  
Office: (208) 286-7772  
Cell: (208) 941-8898  
[gtiminsky@starfirerescue.org](mailto:gtiminsky@starfirerescue.org)  
[www.starfirerescue.org](http://www.starfirerescue.org)



On Jan 2, 2019, at 3:58 PM, Brooke Rhodes  
<[brooke@aoengineering.com](mailto:brooke@aoengineering.com)> wrote:

870' to the parking lot.





On Jan 3, 2019, at 8:50 AM, mike <mike@aoengineering.com> wrote:

Good Morning Greg, We would like to stick with the 20 foot road if it is still ok. You and I discussed 20 feet with a turn out back on October 23rd.

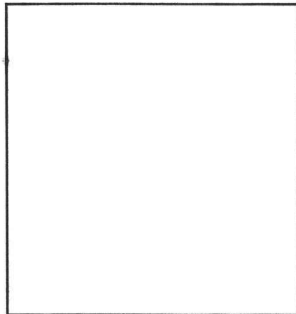
I pasted the email in below.

Mike Liimakka

**From:** Greg Timinsky <gttiminsky@starfirerescue.org>  
**Sent:** Tuesday, October 23, 2018 1:57 PM  
**To:** Mike Liimakka <mike@aoengineering.com>  
**Subject:** Re: Sol Invictus Winery - Fire Apparatus Road Width

You can do that if it works better!

Greg Timinsky  
Fire Chief  
Star Fire Protection District  
Office: (208) 286-7772  
Cell: (208) 941-8898  
[gttiminsky@starfirerescue.org](mailto:gttiminsky@starfirerescue.org)  
[www.starfirerescue.org](http://www.starfirerescue.org)



On Oct 23, 2018, at 1:28 PM, Mike Liimakka  
<mike@aoengineering.com> wrote:

Hi Greg, After talking to you this morning, I realized that the existing Schmidt Lane width is only 20 feet. Based on this, do you still need 26 feet of access road width? Is there an option to provide vehicle turnouts and have a reduced width?

Mike Liimakka, P.E.

<image001.jpg>

818 S. La Cassia Drive, Suite 102, Boise, Idaho 83705  
[P.O. Box 1391, Meridian, Idaho 83680](mailto:P.O.Box1391@meridianidaho.com)  
Ph: [208.322.5250](tel:208.322.5250)

**Brooke Rhodes**

818 S. La Cassia Drive, Suite 102,  
Boise, Idaho 83705  
P.O. Box 1391, Meridian, Idaho 83680  
Office: (208) 322-5250  
Cell: (928) 606-2275

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**From:** Greg Timinsky <[gtiminsky@starfirerescue.org](mailto:gtiminsky@starfirerescue.org)>  
**Sent:** Wednesday, January 02, 2019 3:55 PM  
**To:** Brooke Rhodes <[brooke@aoengineering.com](mailto:brooke@aoengineering.com)>  
**Subject:** Re: Sol Invictus Winery - Fire Apparatus Road Width

What is the total length of the proposed road?

Greg Timinsky  
Fire Chief  
Star Fire Protection District  
Office: (208) 286-7772  
Cell: (208) 941-8898  
[gtiminsky@starfirerescue.org](mailto:gtiminsky@starfirerescue.org)  
[www.starfirerescue.org](http://www.starfirerescue.org)

<image001.png>

On Jan 2, 2019, at 3:47 PM, Brooke Rhodes  
<[brooke@aoengineering.com](mailto:brooke@aoengineering.com)> wrote:

<Sol Invictus Driveway B.pdf>

# APPLICATION AND PERMIT TO USE RIGHT-OF-WAY -- APPROACHES

COPY OF PERMIT MUST BE PRESENT AT WORK SITE DURING CONSTRUCTION

ISSUE DATE: 1/17/14  
 PERMIT VOID AFTER 12 MONTHS FROM DATE ISSUED, UNLESS OTHERWISE SPECIFIED.

PUBLIC ROAD TYPE:

GRAVEL ☐ PAVEMENT ☒ OTHER ☐  
 ARTERIAL ☐ COLLECTOR ☒ LOCAL ☐

## NOTICE

This permit shall not be valid for construction until, or unless, the provisions of Idaho Code Title 55, Chapter 22 have been complied with.

PRIOR TO EXCAVATION, CALL DIGLINE  
 1 (800) 342-1585

ROAD NAME: Foothill Rd. ROAD #: 1015F

LOCATION: 1680' west of W. Can Ada Rd. Int. 3920' east of Blessinger Rd. Int.

TYPE: RESIDENCE ☒ COMMERCIAL ☒ FIELD ☐ OTHER ☒ EXISTING  
 QUANTITY: 1 WIDTH: 26' SURFACE TYPE: Asphalt  
 CULVERT: NOT REQUIRED ☒ REQUIRED ☐ (SIZE: \_\_\_\_\_ LENGTH: \_\_\_\_\_)  
 AVAILABLE SIGHT DISTANCE: 1000'+ (N S E W) 820' POSTED SPEED 35

CONSTRUCTION REQUIREMENTS (attached): ☐ SD-105 (Resid.) ☒ SD-106 (Comm.) ☐ SD-110 (RW)  
 SPECIAL PROVISIONS:

Access to existing private road "Schmidt lane", which currently services residential access. Development will update use to include commercial use. Approach improvements to include repair of existing asphalt, install new asphalt to make layout of approach conform to district standards, and extend asphalt pavement along private road to proposed commercial site. CONSTRUCTION PER PLANS FOR 30' INVERTS WEEKLY DATED 1.15.14. CONTRACTOR TO PROVIDE TRAFFIC CONTROL PRIOR TO WORK IN Foothill Rd. RIGHT-OF-WAY

SEE REVERSE SIDE FOR GENERAL PROVISIONS. PRIOR TO WORK IN Foothill Rd. RIGHT-OF-WAY  
 I CERTIFY THAT I AM THE OWNER OR AUTHORIZED REPRESENTATIVE OF THE PROPOSED PROPERTY TO BE SERVED AND AGREE TO DO THE WORK REQUESTED HEREON IN ACCORDANCE WITH THE GENERAL PROVISIONS PRINTED ON THE REVERSE SIDE, THE SPECIAL PROVISIONS AND THE PLANS MADE A PART OF THIS PERMIT.

Mike Limakka  
 APPLICANT - PLEASE TYPE OR PRINT  
 (208) 322-5250  
 PHONE  
 818 S. La Cassia Dr., Ste 102  
 MAILING ADDRESS (for refund of performance assurance fee)  
 Boise, ID 83705  
 CITY, STATE, & ZIP  
 mike@aoengineering.com  
 EMAIL OR OTHER CONTACT (Optional)

Michael R. Lindell  
 SIGNATURE AND DATE (BY OWNER OR AUTHORIZED REPRESENTATIVE)

SUBJECT TO ALL TERMS, CONDITIONS, AND PROVISIONS SHOWN ON THIS FORM OR ATTACHMENTS. PERMISSION IS HEREBY GRANTED TO THE ABOVE NAMED APPLICANT TO PERFORM THE WORK DESCRIBED ABOVE.

## CANYON HIGHWAY DISTRICT NO. 4 Office Use

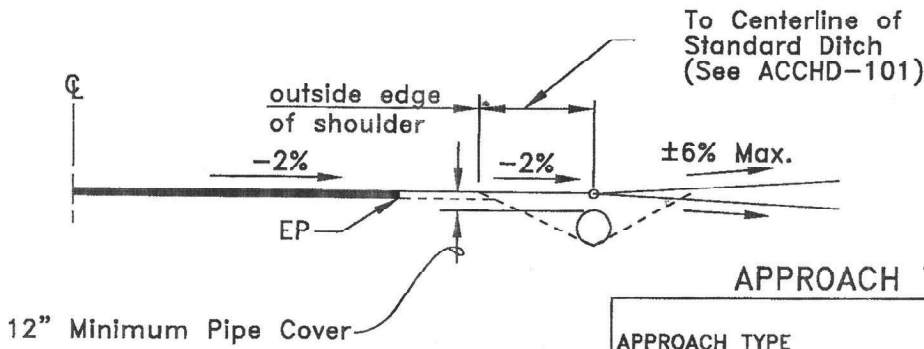
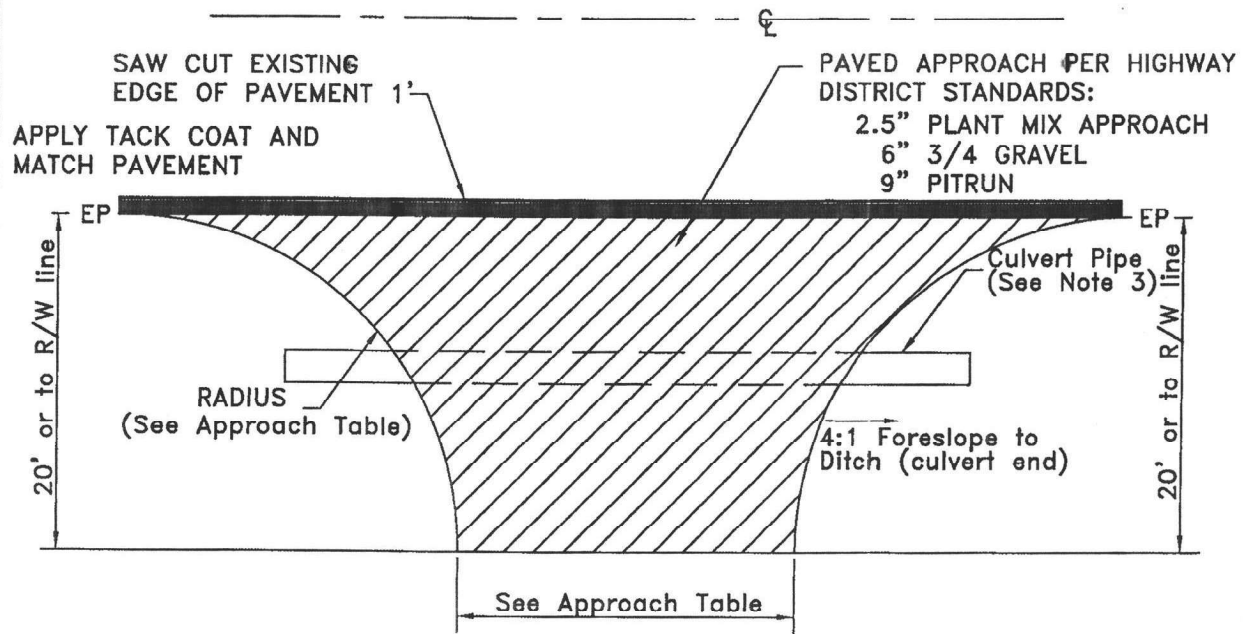
ISSUED BY: Charles Hopper FEE: \$ 0 REPAIR TO EXISTING PAVEMENT APPROACH  
 TITLE: ASST. ENGR. PERFORMANCE ASSURANCE: \$ \_\_\_\_\_  
 DATE: 1/17/14 TOTAL DUE: \$ 0  
 CONST. COMPLETED (DATE): \_\_\_\_\_ REFUND AMOUNT: \$ N/A  
 APPROVED BY: \_\_\_\_\_

This form may be reproduced for use in making multiple applications.

Revised Dec 2014

## GENERAL PROVISIONS (APPROACHES)

1. A permit and assurance of performance filing fee in an amount established by the highway district shall accompany this application. If proper repair is made and accepted by the Highway District within the permit period, a portion of that fee may be refunded. If proper repair is not completed within the permit period, the Highway District will make the repair and any additional costs over and above the assurance of performance fee will be invoiced to the applicant in accordance with the Highway District policy.
2. Approaches shall be for the bona fide purpose of securing access and not for the purpose of parking, conducting business or servicing vehicles on the highway right-of-way.
3. No revisions or additions shall be made to an approach or its appurtenances on the right-of-way without the written permission of the highway district.
4. The permittee shall furnish all material, labor and equipment involved in the construction of the approach and its appurtenances. This shall include furnishing drainage pipe of a size specified on permit (12 inch minimum), curb and gutter, concrete sidewalk, etc. where required. Materials and workmanship shall be good quality and are subject to inspection by the highway district.
5. The highway district reserves the right to make at any time, such changes, additions, repairs and relocations to any approach or its appurtenances within the highway right-of-way as may be necessary to permit the relocation, reconstruction, widening and maintenance of the highway and/or to provide proper protection to life and property on or adjacent to the highway.
6. Driveways and rural approaches shall conform to the plans made a part of this permit. Adequate drawings or sketches shall be included showing the design, construction requirements and proposed location of the approach. All approaches shall be in accordance with the standard provisions and drawings set forth in the highway standards and development procedures for the Association of Canyon County Highway Districts.
7. The highway district may change, amend or terminate this permit or any of the conditions herein enumerated if permittee fails to comply with its provisions or requirements as set forth herein.
8. During the construction of the approach(es), such barricades, signs and other traffic control devices shall be erected and maintained by the permittee, as may be deemed necessary by the highway district. Said devices shall conform to the current issue of the Manual on Uniform Traffic Control Devices for Streets and Highways. Parked equipment and stored materials shall be as far from the travelway as feasible. Items stored within 30 ft. of the travelway shall be marked and protected.
9. In accepting this permit, the permittee, its successors and assigns, agrees to hold the highway district harmless from any liability caused by the installation, construction, maintenance or operation of the approach(es).
10. If the work done under this permit interferes in any way with the drainage of the highway, the permittee shall wholly and at his own expense make such provision as the highway district may direct to take care of said drainage.
11. On completion of said work herein contemplated, all rubbish and debris shall be immediately removed and the roadway and roadside shall be left neat and presentable and to the satisfaction of the highway district.
12. The permittee shall maintain at his or their sole expense the structure or object for which this permit is granted in a condition satisfactory to the highway district.
13. Neither the acceptance of this permit nor anything herein contained shall be construed as a waiver by the permittee of any rights given it by the constitution or laws of the State of Idaho or of the United States of America.
14. No work shall be started until an authorized representative of the highway district has given notice to the permittee to proceed.
15. This permit shall be void unless the work herein contemplated shall have been completed before permit completion date.
16. The highway district hereby reserves the right to order the change of location or the removal of any structures or facilities authorized by this permit, with said change or removal to be made at the sole expense of the permittee or its successors or assigns.



APPROACH TABLE

APPROACH TYPE	Appr. Width*		Min.** Radius
	Min.	Max.	
Residential, Three or More	24'	30'	20'
Commercial (One Way)	20'	30'	20'
Commercial (Two Way)	24'	40'	20'

\* Does not include 2' gravel shoulder on each side of approach.  
 \*\* Or based on applicable commercial design vehicle.

NOTES:

1. APPROACHES SPACING SHALL CONFORM TO SECTION 3000 OF THE ACCHD MANUAL.
2. INGRESS/EGRESS BY FORWARD MOTION ONLY.
3. CULVERT PIPE SHALL BE 12" MIN. DIAMETER. CULVERT PIPE SHALL EXTEND TO THE INTERSECTION OF THE DITCH LINE AND THE 4:1 APPROACH FORESLOPE. PIPE MATERIAL SHALL BE EITHER 0.064" THICK CORRUGATED STEEL, 0.060" CORRUGATED ALUMINUM OR CLASS V REINFORCED CONCRETE.

COMMERCIAL APPROACH AND ACCESS  
 SERVING 3 OR MORE PROPERTIES

N.T.S.

STANDARD DRAWING No. ACCHD-106  
 CANYON COUNTY HIGHWAY DISTRICTS  
 CANYON COUNTY, IDAHO

REVISED 12/08