

## **Planning and Zoning Commission**

**Canyon County Development Services Dept.** 

Case No CU2023-0018

**HEARING DATE**: July 18, 2024

**OWNER/APPLICANT:** Scott and Denise Smith

**PLANNER:** Emily Kiester, Associate

Planner

CASE NUMBER: CU2023-0018

6394 Schmidt Lane, Star, ID 83669 (Winery)

LOCATION: Star, 1D 83009 (Will 6390 Schmidt Lane

Star, ID 83669 (Residence)



## PROJECT DESCRIPTION

The applicants, Scott and Denise Smith, request a conditional use permit to allow a special events facility on Parcel R33774015. The parcel is zoned "A" (Agricultural) and currently has a residence on the property (the applicant identifies this as a "caretaker residence," in her amended letter of intent but this is considered a single-family residence and is allowed on the property per CCZO §07-02-03 and §07-10-27).

The subject property is located at 6394 Schmidt Lane Star, ID 83669 (address associated with the winery) and 6390 Schmidt Lane Star, ID 83669 (address associated with the residence), and is also referenced as a portion of the NW¼ of the NE¼ of Section 1, Township 4N, Range 2W, BM, Canyon County, Idaho.

#### **PROJECT INFORMATION** (See Exhibit 1 for Parcel Information)

The subject parcel was created in 1991 (Tax 27) and was the first allowed division from the original parcel (ZC2005-4863). A single-family residence was first built in 1991 (ZCB2005-4863).

On June 7, 2018, R33774015 was approved for a winery with an accessory tasting room subject to conditions of approval (AD2018-0042, Exhibit 5A). On September 7, 2018, an R33774015 was approved for an amendment to case AD2018-0042 for a winery with accessory tasting room subject to the conditions of approval. (Exhibit 5B)

On August 28, 2023, a conditional use permit application for a special events facility was submitted (CU2023-0018). On October 12, 2023, a code violation was opened due to the applicant using the parcel as a special events facility without a conditional use permit (CDEF2023-0018).

On March 5, 2024, a quasi-public use permit application was submitted to allow up to seven events within a six-month period (AD2024-0019, Exhibit 5C). On May 20, 2024, the application was denied.

#### **PROJECT OVERVIEW**

#### **Permitted Use**

The proposed use, a special events facility, is allowed by conditional use permit approval in the "A" (Agricultural) zone per CCZO §07-10-27). Canyon County Zoning Code (CCZO) §07-02-03 defines Special Events as follows: "Any temporary event including, but not limited to, weddings, picnics, barbecues, holiday events and parties, dances, concerts, footraces and walks, bazaars, and harvest festivals."

Pursuant to CCZO Section 07-07-05, the following criteria must be met to approve a conditional use permit:

#### 07-07-05 HEARING CRITERIA

The presiding party shall consider each conditional use permit application by finding adequate evidence to answer the following questions in its FCOs:

- (1) Is the proposed use permitted in the zone by conditional use permit;
- (2) What is the nature of the request;
- (3) Is the proposed use consistent with the comprehensive plan;
- (4) Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area;
- (5) Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use;
- (6) Does legal access to the subject property for the development exist or will it exist at the time of development;
- (7) Will there be undue interference with existing or future traffic patterns; and
- (8) Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?

#### 07-07-17: SPECIAL CONDITIONS:

Special conditions may be attached to a conditional use permit including, but not limited to, conditions which:

- (1) Minimize adverse impact, such as damage, hazard, and nuisance, to persons or the subject property or property in the vicinity;
- (2) Control the sequence and timing of development;
- (3) Control the duration of development;
- (4) Designate the exact location and nature of development;
- (5) Require the provision for on site or off-site public facilities or services;
- (6) Require more restrictive standards than those generally required in this chapter; or
- (7) Mitigate the negative impacts of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the county

## **Requested Use**

The applicant is requesting a special events facility to be located on five (5) acres of a ten (10) acre agricultural parcel. The applicant's amended letter of intent (hereinafter referred to as "letter of intent"), land use worksheet, and applicant's email dated 4/9/24 (Exhibit 2A, 2F, and 2G) state that the facility uses shall include weddings, vow renewals, catered dinners, graduation celebrations, birthday parties, anniversary parties, celebrations of life, backyard barbeques, neighbor get-togethers, holidays gatherings, concerts, corporate events, and community events, and annual events for the vineyard. Hours of operation shall be 9:00 a.m. -10:00 p.m. 7 days a week (Monday to Sunday). There will be no more than 19 employees. The facility will include signage, not illuminated (Exhibit 2B).

The applicants are requesting to have no more than twelve (12) large events (151-250 guests) annually (with four (4) of these events being ticketed music events). They are also requesting to have small (less than 50 guests) to medium events (50-150 guests) throughout the year (no limit). (Exhibit 2A). The applicants give examples of what might take place during their large, medium, and small events in their letter of intent, which includes the following:

• Large events (151-250 guests) - Such as: Annual Grape Stomp to be held in September or October and no more than four (4) large ticketed music events per year. The remaining events will be 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

The applicants also state they are committed to responsible growth by restricting club memberships. According to their letter of intent, they had three hundred (300) club memberships in 2023 and have not increased them in 2024 (Exhibit 2A). According to an email from the applicant on May 30, 2024, "Members sign up to receive 3 shipments of 4 bottles of wine each calendar year (March, June and September). 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 [the applicant] to deliver it during the week. With approval of the requested conditional use permit [the applicants] would hold the wine release over multiple days vs just the weekend. This would allow [the applicants] to facilitate an organized, structured approach to pick up that reduces the number of club members picking up at any one time" (Exhibit 2H).

The applicants are proposing multiple structures on the property to support the special events facility as shown on the site plan. The applicants currently have a 3,000' square feet building consisting of the wine tasting facility and production area, a 900 square feet concrete pad with pergola (12'x 18'), 2,000 square feet open grass area with a 250 square feet patio space with pergola and 1,400 square feet deck with railing. The applicants plan on expanding the existing deck and/or building a new deck (east of the existing structure) to augment customer wine-tasting operations. They also state they may expand the grass area to the west and may allow limiting camping within existing property boundaries (Exhibits 2A and 2B).

The applicants currently offer a small assortment of prepackaged foods for their winery patrons. They plan to continue to provide these types of foods with catered dinners, wine and food pairings, and food trucks throughout the year. They state all catered dinners will be prepared off site (Exhibit 2A)

## **Comprehensive Plan**

The 2030 Canyon County Comprehensive Plan designates the subject parcel as residential (Exhibit 1). There is significant residential development in this area of the county as well as some agricultural uses. The parcel is located in the City of Star Impact Area. The City of Star 2040 Comprehensive Plan designates the future land use of the parcel and area as "Low-Density Residential maximum 1 unit per acre" and also has a special transition overlay (Exhibit 3K).

The request aligns with the following goals and policies of the 2030 Comprehensive Plan:

#### • Property Rights Goals and Policies:

- o Goal No. 1: "Protect the integrity of individual property rights while safeguarding public health, safety, and welfare."
- o Policy No. 1: "No person shall be deprived of private property without due process of law."
- o Policy No. 3: "Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures in development approvals."
- o Goal No. 2: "Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition and preserve it for future generations without becoming a public nuisance."
  - Canyon County values the property owners' and surrounding property owners' private property rights and may support the property owners' project and surrounding property owners' rights by adding mitigating conditions to the proposed conditional use permit.

## • Population Component Goals:

- Policy No. 1: "Plan for anticipated population and households that the community can support with adequate services and amenities."
- o Goal No. 2: "Promote housing, business, and service types needed to meet the demand of the future and existing population."

Canyon County promotes business and service types that the community can support with adequate services and amenities. However, the Planning and Zoning Commission must decide if conditions can be added to this application to mitigate negative impacts on surrounding properties and if this is the best-suited location for this proposed special events facility.

## • Economic Development Goal and Policy:

- o Goal No. 1: "Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations."
- o Policy No. 2: "Supportive suitable sites for economic growth and expansion compatible with the surrounding area."

Canyon County supports retaining, expanding, and recruiting businesses and economic growth and expansion but states that this must be done in a way that is compatible with the surrounding area, which may include adding mitigation conditions to this conditional use permit that address the community's concerns (noise, traffic, influx of people, etc.).

#### Land Use Goals:

- Policy No. 2: "Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.
- O Goal No. 3: "Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning."
- o Goal No. 4: "Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility."
  - Canyon County supports growth and development as long as it is compatible with the surrounding area and appropriate conditions are added to mitigate adverse impacts that affect other land uses and the surrounding community.

## Surrounding Uses/Character of Area

#### **Existing Conditions:**

Direction	Existing Conditions	Primary Zone	Other Zones
N	The properties to the north are primarily agricultural, open, land, or residential subdivisions.	AG	CR-R-R, R-R,
Е	The properties to the east are primarily agricultural and residential. Ada County is also located approximately 0.30 miles to the east.	AG	
S	The properties to the south are primarily	AG	

	agricultural and agricultural residential. The City of Star is also located approximately 0.25 acres south of the property.		
W	The properties to the west are primarily platted subdivisions and agricultural.	AG	RR
"A" (Agricultural), "R-R" (Rural Residential), "R-1" (Single-Family Residential), "C-1" (Neighborhood Commercial), "C-			

<u>Land Use Cases within a 1-Mile Radius and in the past 5 Years. This only includes cases in Canyon County, not Ada County (Exhibit 3E):</u>

2" (Service Commercial), "M-1" (Light Industrial), "CR" (Conditional Rezone)

- RZ2019-0009 Rezone from AG to R1
- CR2019-0001 Conditional Rezone from AG to CR-R1
- SD2019-0006 Plat Monument Place Subdivision
- SD2019-0046 Plat Thunder Ridge Subdivision
- CR2019-0016 Rezone from AG to CR-RR
- RZ2021-0020 Rezone from AG to RR
- RZ2022-0005 Rezone from AG to CR-RR
- CR2022-0008 Rezone from AG to CR-RR
- SD2022-0015 Short Plat Dirt Road Ranch Subdivision
- CU2022-0044 Conditional Use Permit for a Racetrack
- SD2022-0046 Preliminary Plat Vanwinkle Subdivision

#### **Character of the Area:**

The property is currently zoned "A" (Agricultural; Exhibit 1). The general character of the area is residential with some agricultural production. The average lot size within a 1-mile radius is 7.23 acres (Exhibit 3F).

The property consists of Soil Capability Class 2, 8, and 4 soils. Class 2 makes up 3.27% of the parcel and is prime farmland if irrigated, Class 8 makes up 67.66% of the parcel and is not prime farmland, and Class 4 makes up 29.08% of the parcel and is farmland of statewide importance, if irrigated (Exhibit 3G).

The City of Star is located approximately 0.25 mile southwest on Foothill Road. The City of Star designates the future land use of the parcel and area as "Low-Density Residential maximum 1 unit per acre" (Exhibit 3K). The City of Star



supports the application and stated its use is a great asset to the community (Exhibit 4C and 4K).

There are approximately forty-two (42) subdivisions located within one mile of the subject property (Canyon County has nineteen (19) platted subdivisions and Ada County has twenty-three (23) platted subdivisions within one mile of the subject property). There are currently 728 residences within one mile of the property (Canyon County has 247 residences and Ada County has 481 residences within one mile of the subject property) (Exhibits 3F, 3J, 3L, and 3M).

There is an approved conditional use permit for a special events facility and arena (commercial) with ancillary uses including R.V. (horse trailer) parking (overnight camping), animal hospital, and horse boarding about 1,000 feet to the north of the property (CU2011-12) and a conditional use permit for a go-kart racetrack about 3,400 feet to the north of the property (CU2022-0044).

The surrounding land use cases demonstrate that the character of the area is trending towards residential (Exhibits 3E and 3F).

#### **Access and Traffic**

Per Canyon County Zoning Code (CCZO) §07-10-03(2-3), construction of driveways and private roads longer than one hundred fifty feet (150') from the public street right-of-way line to the most distant portion of an inhabited building must be approved in writing from the applicable fire district. Star Fire Protection District appears to have not signed off on the construction of the driveways and private roads in writing. As conditioned, the applicant will be required to comply with all Fire District requirements, including their approval of the construction of driveways and private roads, prior to commencement of special event activities on site (Exhibit 7, Condition of Approval #4). The applicant has provided driveway and private road engineer's certification (Exhibit 2D).

Per Canyon County Zoning Code (CCZO) §07-13-03(6), for floor space used by the public or by members of 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. If the capacity is determined to be 250 people, then 50 parking spaces must be provided on-site. The applicants are proposing 20 marked parking spaces (14 parking spaces are a mix of paved and hard packed gravel, and 6 are on hard packed gravel), 1 handicapped spot in the front of the existing building, and additional overflow parking areas (gravel) at the top of the gravel driveway on the property in which the applicant has identified as having approximately 55 parking spaces, for a total of 75 parking spaces. Since the parking and circulation plan shows 75 parking spaces being provided to guests, this meets CCZO §07-13-03(6). It is important to note that per CCZO §07-13-03(6), 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. The proposed parking and circulation plan has been approved by Star Fire Protection District (Exhibits 2A and 2I,).

Highway District No. 4 states the subject property does not have frontage on any public roadway, and takes access to the public system via the existing Schmidt Lane (private) approach to Foothill Road. Foothill Road is classified as a major collector and currently operates as a local road, with a 35-mph posted speed and moderate residential access. It is described as "...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." Highway District No. 4 also indicated that the access to the existing winery operation is considered by the highway district to be the Schmidt Lane approach to Foothill Rd, located approximately ½ mile east of Blessinger Rd. Schmidt Lane was improved by the applicants with a paved apron in 2019 and has been improved by the applicants to the greatest reasonable extent practical. It continues to have poor intersection geometry, with a skew angle approaching 45°, and is located along the outsides of a curve. They state the existing Schmidt Lane approach appears to be acceptable to serve the proposed expansion of winery operations to include regular events. Highway District No. 4 (HD4) is requiring an access permit to document the use change (Staff Report Exhibit

4A). Please see Exhibit 4A for more detailed information on the Highway District's comments on access.

Highway District No.4 states regarding existing or future traffic patterns, that the "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... Traffic from the event center use is projected by the applicants to be between 68 and 113 trips per event...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..." See Exhibit 4A for more detailed information on the Highway District's comments on traffic. A condition of approval has been proposed by staff that requires the applicant to comply with applicable Highway District No. 4 requirements, including paying any applicable impact fees. The applicant shall obtain an access permit prior to the commencement of the facility as evidenced by the applicant providing Development Services with an approved highway district letter indicating the completion of improvements prior to commencement of special events (Exhibit 7, Conditional of Approval #2).

Idaho Transportation Department provided emails stating that 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 private(s), Foothill Road 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. (Exhibit 4B and 4F).

The applicants are proposing that patrons enter and exit the business on the first (gravel) driveway off of Schmidt Lane (a Private Road) and use the second (paved) driveway off of Schmidt Lane to Foothill Road for emergency access only (Exhibits 2B and 2I). The applicants have stated that they consistently monitor Schmidt Lane and Foothill Road to ensure no winery guests are parked on these roads and to protect neighbors with unobstructed access to and from their homes. The applicants have added five (5) metal traffic signs located on their property adjacent to Schmidt Lane to deter guests from proceeding down Schmidt Lane. The applicants further state they plan to provide traffic control for large and ticketed events and have purchased golf carts to enable them to quickly engage with incoming/outgoing traffic control the number of vehicles and turn away vehicles when the traffic exceeds available parking spaces. (See Potential Impacts Section for conditions related to parking)

Additionally, the applicants plan on building a gravel turnaround alongside Schmidt Lane (within the current property boundaries) approximately 500 feet from the current winery entrance. This would be designed to enable drivers that missed the entrance to the winery sufficient space to turn around and not proceed further down Schmidt Lane. The applicants are also agreeable to sharing the cost of a gate installation on Schmidt Lane near the turnaround if the majority of the residents beyond their property are in favor a gated entrance. The applicants have not identified how they are going to gauge the surrounding residents' favor of a gate entrance, or if they would be willing to construct a gate without cost-sharing with the neighbors (Exhibit 2A). A condition of approval has been proposed by staff that requires a gravel turnaround to be constructed prior to the first special event and that requires evidence of construction to be turned into Canyon County DSD according to the condition's timeframe. (See Exhibit 7, Conditions of Approval #20).

## **Adequate Facilities**

Per the applicant's letter of intent, the applicant has a Culligan drinking water filtration system in the tasting room to purify the well water for guests per Southwest District Health requirements. They state bottled water will also be made available to support customer water consumption (Exhibit 2A).

The applicants state the current septic system which is dedicated to the 30' x 100' building will support an average of 50 people per day, 7 days a week. The applicants will use the restrooms in the residence located on the property, which operates on a separate septic system. Additional portable restrooms will be added as necessary to support special events (Exhibit 2A). The applicants have not identified how they are going to direct people to the portable restrooms rather than the septic system that can only accommodate 50 per day, 7 days per week during larger events. Southwest District Health states that the applicant had a pre-development meeting with SWDH on 08/01/2023 (See Exhibit 4H for Pre-Development Notes) and letter of intended use was submitted on 10/10/2023. A permit was issued to expand the current septic system on 10/13/2023. Southwest District Health has not heard anything back on the status of the Public Water System, a final inspection of the expanded system has not been conducted and/or approved, and the proposed production facility was not calculated in the design of the septic system. They further state they may need to schedule a meeting with the applicant to discuss any additional items (such as discuss the use of porta potties during peak times) (Exhibit 4G). A condition of approval is proposed by staff that requires the applicant to meet Southwest District Health (SWDH) requirements for the proposed uses on the property as evidenced by the applicant providing Development Services a letter of review approval from SWDH prior to the commencement of the special event center use on the property and having the number of portable restrooms and maintenance as recommended by Southwest District Health, (Exhibit 7, Condition of Approval #3).

The property is located within Farmers' Cooperative Ditch Company. There appear to be no existing irrigation waterways located on the property. The applicants utilize pressurized irrigation on their property according to the land use worksheet (Exhibit 2F). No agency comments were provided by Farmers Cooperative Ditch Co. at the time the staff report was written. As condition of approval has been proposed that requires the applicant to not impede or disrupt existing irrigation structures, i.e. drains, laterals, or supply ditches, on and adjacent to the subject property (Exhibit 7, Condition of Approval #8).

Stormwater is to be retained on site per the applicant's letter of intent and land use worksheet (Exhibit 2A and 2F). There are no additional wells proposed to service the special events facility.

Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply were notified of the application. No agency comments were provided by those services at the time the staff report was written.

#### **Essential Services**

In April 2024, the City of Star reviewed the application packet and had no specific issues with the proposed use. They stated they support the expansion of wineries and uses similar to these City Limits and Impact Areas (Exhibit 4C). They did not suggest any conditions of approval. In June 2024, the City of Star sent in a letter of support for Sol Invictus Vineyard where they state the property is located with City of Star's Impact Area and its use is a great asset to the community and they requested that Canyon County's Planning and Zoning Commission allow them to continue their current and proposed operations (Exhibit 4E)

Star Fire Protection District (Exhibit 4D) provided a written response indicating that the application for the conditional use permit (CUP) will not have any negative impact on Fire Protection Services, the property would be serviced by Station 51 located at 11665 W. State St., Star, ID 83669 and is 2.8 miles from the property listed above with an estimated 5-minute travel time under normal driving conditions. Star Fire Protection District has reviewed the applicant's parking and circulation plan and approved it

as submitted on May 15, 2024 (Exhibit 2I). A condition of approval has been proposed by staff that requires the applicant to comply with all fire district requirements (including approval of the private road and driveways) per State adopted IFC and as evidenced by review and approval documentation from the applicable fire district prior to issuance of a certificate(s) of occupancy and commencement of special event activities on the site (Exhibit 7, Condition of Approval #4).

Middleton School District, Canyon County Sheriff, and Canyon County Paramedics/EMT were notified of the request and did not provide responses to indicate that the proposed use would have a negative impact.

## **POTENTIAL IMPACTS**

The special events facility is proposed to operate seven days per week from 9:00 a.m. to 10:00 p.m. which has the potential to impact the surrounding area and the surrounding applicants' use and enjoyment of their land due to noise, dust, increased traffic, and lighting.

On March 5, 2024, a quasi-public use permit application was submitted to allow up to seven events within a six-month period (AD2024-0019). On May 20, 2024, the application was denied due to the request not providing plans and information addressing the potential impact on neighbors including parking/overflow parking, privacy fencing/landscaping, and use of the private road (Exhibit 5C).

To aid with noise levels and buffering between adjacent properties, the applicant states in their letter of intent that "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." (Exhibit 2A). A condition of approval has been proposed by staff that requires the applicant to have all amplified sounds directed away from adjacent residences. There shall be no amplified sound of any kind after 9:00 p.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday nights, or after 10:00 p.m. on Friday and Saturday nights. Additionally, a condition of approval has also been proposed by staff that requires the applicant to construct a privacy fence on the west boundary with a landscape buffer that includes noise-absorbing trees and shrubs one (1) year after commencement of the use. The applicant would be required to provide Development Services Department proof of installation of both (Exhibit 7, Condition of Approval #12 and #17).

The applicants state that for additional dust control, they plan on "...seeking to use dust palliatives (water, hygroscopic compounds, and organic non-petroleum products... and within the vineyard [they] plan on [utilizing] native vegetation practices to reduce airborne dust." In the future, the applicants intend to pave the gravel driveway and current gravel parking, which will assist with dust mitigation as well. (Exhibit 2A). A condition of approval has been proposed by staff that states dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations including but not limited to nuisance regulations (CCCO Chapter 2 Article 1: Public Nuisances) and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Environmental Protection Agency (EPA) requirements (Exhibit 7, Condition of Approval #10)

According to a conversation with the applicant, the lighting on the property is downward-facing. A condition of approval has been proposed by staff that states all exterior lighting shall be fully cutoff and fully shielded and placed to the direct the light source down and inside the property lines of the facility. All direct glare from the lights shall be contained within the facility area. No light source may be placed greater than fifteen (15') feet in height (See Exhibit 7, Condition of Approval #6).

The special events facility has the potential to be injurious to other properties in the area if guests do not follow the applicant's parking and circulation plan and if off-street parking occurs (on either Schmidt Lane or Foothill Road). The applicants have a parking and circulation plan showing 20 marked parking spaces, 1 handicapped spot, and 55 additional parking spaces on the property. Star Fire Protection District has approved the applicant's parking and circulation plan (Exhibit 2I). They have

stated they will provide traffic control for large and ticketed events, which may include using golf carts to enable them to quickly engage with incoming/outgoing traffic to control the number of vehicles and turn away vehicles when the traffic exceeds available parking spaces. A condition of approval has been proposed by staff that requires the applicant to submit an updated parking and circulation plan drawn to scale and obtain any necessary fire district and highway district approvals before commencement of use. The parking and circulation plan must be compliant with Canyon County's off-street parking requirements (CCZO 07-13-01 and 07-13-03). Evidence of consistency shall be turned into Canyon County DSD prior to the commencement of any future special events. Parking along the gravel driveways shall only be as identified in the applicant's updated parking and circulation plan. (Exhibit 7, Condition of Approval #11).

The special events facility has the potential to change the character of the area due to the days of operation being 7 days a week, hours of operation being 9:00 a.m. to 10:00 p.m., the nature of activities (weddings, concerts, annual events, corporate events, etc.), and the size of events (up to 250 guests). The applicants are requesting to have no more than twelve (12) large events (151-250 guests) with only four (4) of these large events being ticketed music events annually. They are also requesting to have small (less than 50 guests) to medium events (50-150 guests) throughout the year (no limit). The applicants give examples of what might take place during their large, medium, and small events in their letter of intent. (See Staff Report Exhibit 2A and 2G). As conditioned, the hours of operation shall be 9:00 a.m. to 10:00 p.m. seven (7) days a week and all guests shall be off the premises by 11:00 p.m. to allow for clean-up and tear-down. Additionally, as conditioned, the proposed development shall be in general conformance with the applicant's site plan and letter of intent (meaning their number and types of events will be as presented by the applicant), have rental agreements that limits the applicants to the same conditions of approval as this conditional use permit, and the applicant has to be made available at all times during the events to enforce rental agreements and the conditions of approval (Exhibit 7, See Conditions #13, #14, #15, and #16).

There is a paved private road (Schmidt Lane) to assist with ingress and egress support to the vineyard and the applicants plan to build a gravel turnaround on the property approximately 500 feet from the current winery entrance to enable drivers who miss the entrance to the vineyard sufficient space to turn around and not proceed further down Schmidt Lane and disturb the neighbors. There is also a gravel road that exists for inbound/out/bound traffic on the vineyard property. The applicants further state they have added five (5) metal traffic signs to deter guests from proceeding down Schmidt Lane (Exhibit 2A and 2B). The applicants are also agreeable to sharing the cost of a gate installation on Schmidt Lane near the turnaround if the majority of the residents beyond their property are in favor of a gated entrance. The applicants have not identified how they are going to gauge the surrounding residents' favor of a gate entrance or if they would be willing to construct a gate without cost-sharing with the neighbors (Staff Report Exhibit 2A) A condition of approval has been proposed by staff that requires a gravel turnaround to be constructed prior to the first special event and that requires evidence of construction to be turned into Canyon County DSD according to the condition's timeframe. (Exhibit 7, Condition of Approval #20).

## **COMMENTS**

Agencies including the Canyon County Sheriff's Office, Canyon County Paramedics/EMT, Star Fire Protection District, Farmer Cooperative Ditch Co., Highway District No. 4, Middleton School District, Idaho Transportation Department, Idaho Power, Intermountain Gas, CenturyLink, Ziply, Canyon County Assessor's Office, Canyon County Building Department, Canyon County Code Enforcement Department, Idaho Department of Water Resources (Water Rights), Canyon County Weed and Gopher Control, Southwest District Health, and the City of Star were notified of the application for a special events facility on the subject property.

Staff received agency comments from Highway District No. 4, Idaho Transportation Department, City of Star, Star Fire Protection District, and Southwest District Health. Agency comments received are attached as Exhibits 4A-4H. Staff received seventeen (37) total public comments. Seven (7) comment letters in opposition of the project were received and are attached. Thirty (30) comment letters in support of the project were received and are attached.

## RECOMMENDATION

Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed application for a conditional use permit for a special event facility on parcel R33774015.

Based upon the review of the application, the site and surrounding properties, and the review of the criteria for a conditional use permit for a special event facility staff is recommending approval with conditions of approval for CU2023-0018 and has provided draft findings of fact, conclusions of law, and order for the Commission's consideration in Exhibit 7.

#### **DECISION OPTIONS**

- The Planning and Zoning Commission may <u>approve</u> the conditional use permit as proposed or amended;
- The Planning and Zoning Commission may <u>deny</u> the conditional use permit as proposed and direct staff to make findings of fact to support this decision; or
- The Planning and Zoning Commission may **continue the discussion** and request additional information on specific items.

## **EXHIBITS**

- 1. Parcel Information Report R33774015
- 2. Application Material
  - a. Amended Letter of Intent (Updated on 5.14.24)
  - b. Site Plan
  - c. Neighborhood Meeting
  - d. Driveway and Private Road Certification
  - e. Deed
  - f. Land Use Worksheet
  - g. Email from Applicant on 4-9-24 regarding types of events
  - h. Email from Applicant on 5-30-24 regarding club memberships
  - i. Parking and Circulation Plan approved by Star Fire Protection District
- 3. Maps
  - a. Aerial
  - b. Vicinity
  - c. Future Land Use 2030 Comp. Plan
  - d. Zoning
  - e. Land Use Cases w/report
  - f. Subdivisions w/report
  - g. Soils and Prime Farmland w/ report
  - h. Contours
  - i. Nitrate
  - j. Ada County Email Dated 4-15-24 with Information on Number of Residences and Platted Subdivisions
  - k. City of Star Comprehensive Plan for 2040, Adopted in 2022
  - 1. Residences Map

m. Canyon County GIS Email Dated 4-11-2024 with Information on Number of Residences and Platted Subdivisions

## 4. Agency Comments

- a. Highway District #4 Dated 4.16.24
- b. ITD Comment Dated 3.22.24
- c. City of Star Comment from Planning Director and Zoning Administrator Dated 4.24.24
- d. Star/Middleton Fire District Dated 4.24.24
- e. City of Star Letter of Support from Mayor Dated 6.18.24
- f. ITD Comment Dated 6.18.24
- g. Southwest District Health Comment Dated 6.26.24
- h. Southwest District Health Pre-Development Notes Dated 8.1.24

#### 5. Cases

- a. AD2018-0042 Director's Decision Winery Dated 6.7.18
- b. AD2018-0042 Director's Decision Amendment to Initial Winery Permit Dated 9.7.18
- c. AD2024-0019 Quasi Public Use Permit Dated 5.20.24
- 6. Site Visit Photos taken on April 9, 2024
- 7. **Draft** FCOs
- 8. Public Comments
  - a. Torri Silva Letter of Support- Dated 6.17.24
  - b. Trish Rielly Letter of Support Dated 6.17.24
  - c. Kevin Harris Letter of Support Dated 6.17.24
  - d. Becky Reynolds Letter of Support Dated 6.18.24
  - e. Steve Gaston Letter of Support Dated 6.19.24
  - f. Nancy Donaldson Letter of Support Dated 6.19.24
  - g. Tari Dec Letter of Support Dated 6.20.24
  - h. Carol Chenowith Letter of Support Dated 6.22.24
  - i. Tyler Strickland Letter of Opposition Dated 6.23.24
  - j. Pat Shosted Letter of Support Dated 6.24.24
  - k. Eric Ganof Letter of Support Dated 6.24.24
  - 1. Claire Kanner Letter of Support Dated 6.25.24
  - m. David Leslie Sapp Letter of Support Dated 6.26.24
  - n. Dana Reginato Letter of Support Dated 7.2.24
  - o. Les Ford Letter of Support Dated 7.4.24
  - p. Lori De Schryver Letter of Support Received 7.5.24
  - q. Matthew Vraspir Letter of Support -Dated 7.5.24
  - r. Marcy Swendsen Letter of Opposition– Dated 7.6.24
  - s. Mack Moore Leter of Support 7.7.24
  - t. William Davelaar Letter of Support Dated 7.7.24
  - u. Olivia O'Brien Letter of Support -Dated 7.7.24
  - v. Garland Reich Letter of Opposition Received 7.7.24
  - w. Shauna Robinson Letter of Support Received 7.8.24
  - x. Jenni Fraser Letter of Support Received 7.8.24
  - y. Amanda Gates Letter of Support Received 7.8.24
  - z. Pamela Stephens Letter of Support Received 7.8.24
  - aa. Kathleen Mapes Letter of Support 7.8.24
  - bb. Sheri Jones Letter of Opposition 7.8.24
  - cc. Cheryl Moore Letter of Support 7.8.24

- dd. Dana Schultz Letter of Opposition 7.8.24
- ee. Dave Paranteau Letter of Support 7.8.24
- ff. Mark McCorkle Letter of Support 7.8.24
- gg. Mark Davidson Letter of Support 7.8.24
- hh. Daniel Preston Letter of Support 7.8.24
- ii. Morrow and Fischer (submitted on behalf of Bernard and Toni Choutschorrou Letter of Opposition 7.8.24
- jj. Jason Laase Letter of Opposition 7.8.24
- kk. Applicant's PowerPoint Presentation 7.8.24

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

#### R33774015 PARCEL INFORMATION REPORT

5/29/2024 4:25:44 PM

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: NOT In HighwayDist** 

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 SHERRIFS 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 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, hydroscopic 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.

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 <u>not</u> 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 <u>not</u> 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: <a href="mailto:denise@solinvictusvineyard.com">denise@solinvictusvineyard.com</a>, or Sol Invictus Vineyard, 6394 Schmidt Lane, Star, ID 83669.

Scott & Jans Smith

## **NEIGHBORHOOD MEETING SIGN-UP**

## CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #310, Caldwell, ID 83605

zoninginfo@canyoncounty.id.gov Phone: 208-454-7458 Fax: 208-454-6633



## **NEIGHBORHOOD MEETING SIGN UP SHEET CANYON COUNTY ZONING ORDINANCE §07-01-15**

SITE INFORMATION

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 Address: 6394 Schmidt Lane	Parcel Number: <b>R3377401500</b>			
City: Star	State: IT ZIP Code: 83449			
Notices Mailed Date: Jul 24, 2023	Number of Acres: LO Current Zoning:			
Description of the Degreets	and Extended Hours			
APPLICANT / REPRE	SENTATIVE INFORMATION			
Contact Name: Scot and Deniso	2 Smith			
Company Name: Sol Invictus Vi	neyard			
Current address: 6390 Schmid+	Lane			
city: Star	State: ID ZIP Code: 83669			
Phone: 208-286-7401	Cell: 937-901- 2620 Fax:			
Email: Scott @ Solinvictus viney 2	rd. com			
5				
MEETING	SINFORMATION			
DATE OF MEETING: Aug 4, 2023 MEETING				
MEETING START TIME: 7 pm MEETING	END TIME: 8:15pm			
ATTENDEES: 8 total priple	,			
NAME (PLEASE PRINT) SIGNATURE:	ADDRESS:			
1. CRS/NAUCI PARNS	5 G306 FEATHIN RD			
2. JASON LAASE EFF	6543 SCHMEDT LN			
3. Stava Jones Late	/ 6743 Som IDTLN			
4. Sheri Jours Shofa 6743 Schmit Ln.				
5. BRANDY RUDOLPH MASC 6770 Schmit LA				
6. ERIC RUDOLPH CA	6770 Schmitt Ln			
7. Luke Erlebach	6745 Willis Rd.			
8.				
Q				

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):
Denist R. Smith
PPLICANT/REPRESENTATIVE (Signature):
ATE: 8, 4/, 23

## Exhibit 2D



1014 S. La Pointe Street, Ste. 2 BOISE, IDAHO 83706 208-322-5250

May 23<sup>nd</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 ¾" 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 ¾" 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,

Mike Liimakka

#### Exhibit 2E



Order Number: 14241710

## 2014-042987

RECORDED

11/26/2014 02:24 PM

CHRIS YAMAMOTO
CANYON COUNTY RECORDER

Pgs=2 MBROWN 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 Granter 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

Janene Rae Piecuch, Successor Trustee

Unofficial Cop

State of Wesherston, County of Clalla, ss.

On this BY 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)



## Exhibit 2F

# 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) □ 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: 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)

Monday  9 am to 10 pm  Vednesday  9 am to 10 pm  Thursday  9 am to 10 pm  Friday  9 am to 10 pm  Saturday  9 am to 10 pm  Saturday  9 am to 10 pm  Sunday  9 am to 10 pm		RESIDENTIAL USES
Common	1.	NUMBER OF LOTS REQUESTED:
2. FIRE SUPPRESSION:    Water supply source:   Street Lights   None		☐ Residential ☐ Commercial ☐ Industrial
Water supply source:		
3. INCLUDED IN YOUR PROPOSED PLAN?  Sidewalks	2.	FIRE SUPPRESSION:
Sidewalks		□ Water supply source:
NON-RESIDENTIAL USES  1. SPECIFIC USE: Event Center  2. DAYS AND HOURS OF OPERATION:    Monday	3.	INCLUDED IN YOUR PROPOSED PLAN?
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  Friday 9 am to 10 pm  Saturday 9 am to 10 pm  Wednesday 9 am to 10 pm  Friday 9 am to 10 pm  Sunday 9 am to 10 pm  Mult YOU HAVE EMPLOYEES? Yes If so, how many? 10 No  4. WILL YOU HAVE A SIGN? Yes No 10 Lighted Non-Lighted Height: ft Width: ft. Height above ground: ft  What type of sign: Wall Freestanding X Other  5. PARKING AND LOADING: 100		☐ Sidewalks ☐ Curbs ☐ Gutters ☐ Street Lights ☐ None
2. DAYS AND HOURS OF OPERATION:  Monday  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  Saturday  9 am to 10 pm  Sunday  4 Yes If so, how many?  WILL YOU HAVE EMPLOYEES?  Yes No Lighted Non-Lighted  Height: ft Width: ft. Height above ground: ft  What type of sign: Wall Freestanding Other		NON-RESIDENTIAL USES
Monday    Gam   to   10 pm     Tuesday   Gam   to   10 pm     Wednesday   Gam   to   10 pm     Thursday   Gam   to   10 pm     Friday   Gam   to   10 pm     Saturday   Gam   to   10 pm     Saturday   Gam   to   10 pm     Sunday   Gam   to   10 pm	1.	specific use: Event Center
Wednesday	2.	DAYS AND HOURS OF OPERATION:
Wednesday		Monday <u>gam</u> to 10 lm
Wednesday		Tuesday $\frac{9}{2}$ to $\frac{100}{100}$
Thursday 9 am to 10 pm  Friday 9 am to 10 pm  Saturday 9 am to 10 pm  Sunday 9 am to 10 pm  Sunday 9 am to 10 pm  WILL YOU HAVE EMPLOYEES? Yes If so, how many? 10 No  WILL YOU HAVE A SIGN? Yes No 12 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		Wednesday 7 am to 10 mm
Saturday 9 am to 10 pm  Sunday 9 am to 10 pm  Sunday 9 am to 10 pm  WILL YOU HAVE EMPLOYEES? Yes If so, how many? 1 no  WILL YOU HAVE A SIGN? Yes No Lighted Non-Lighted Height: ft Width: ft. Height above ground: ft  What type of sign: Wall Freestanding Yother  5. PARKING AND LOADING: 100  How many parking spaces? 100		Thursday $9  \text{Cur}$ to $10  \text{Opp}$
Saturday 9 am to 10 pm  Sunday 9 am to 10 pm  3. WILL YOU HAVE EMPLOYEES? Yes If so, how many? 1 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		Friday 9 am to 10 am
Sunday		Saturday 9 am to 10 pm
3. WILL YOU HAVE EMPLOYEES? Yes If so, how many? No  4. WILL YOU HAVE A SIGN? Yes No Lighted Non-Lighted		Sunday $\frac{2\alpha m}{100m}$ to $\frac{100m}{100m}$
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? / OD		
Height: ft		
What type of sign:Wall FreestandingX Other  5. PARKING AND LOADING: How many parking spaces?/OD		·
5. PARKING AND LOADING: How many parking spaces?/00		
How many parking spaces?		what type of sign:Wall FreestandingX Other
	5	5. PARKING AND LOADING: How many parking spaces?
to there is a loading of unloading area?		
~		is there is a loading of unloading area?

	ANIMAL CARE-RELATED USES				
1.	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:				

## **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.

#### Exhibit 2H

## **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 Website: www.canyoncounty.id.gov

Development Services Department (DSD)
NEW public office hours

Effective Jan. 3, 2023 Monday, Tuesday, Thursday and Friday

8am – 5pm Wednesday

# Exhibit 2I





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

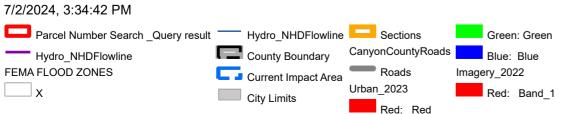


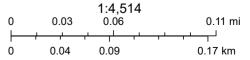
Designated and Proposed Parking
Spaces



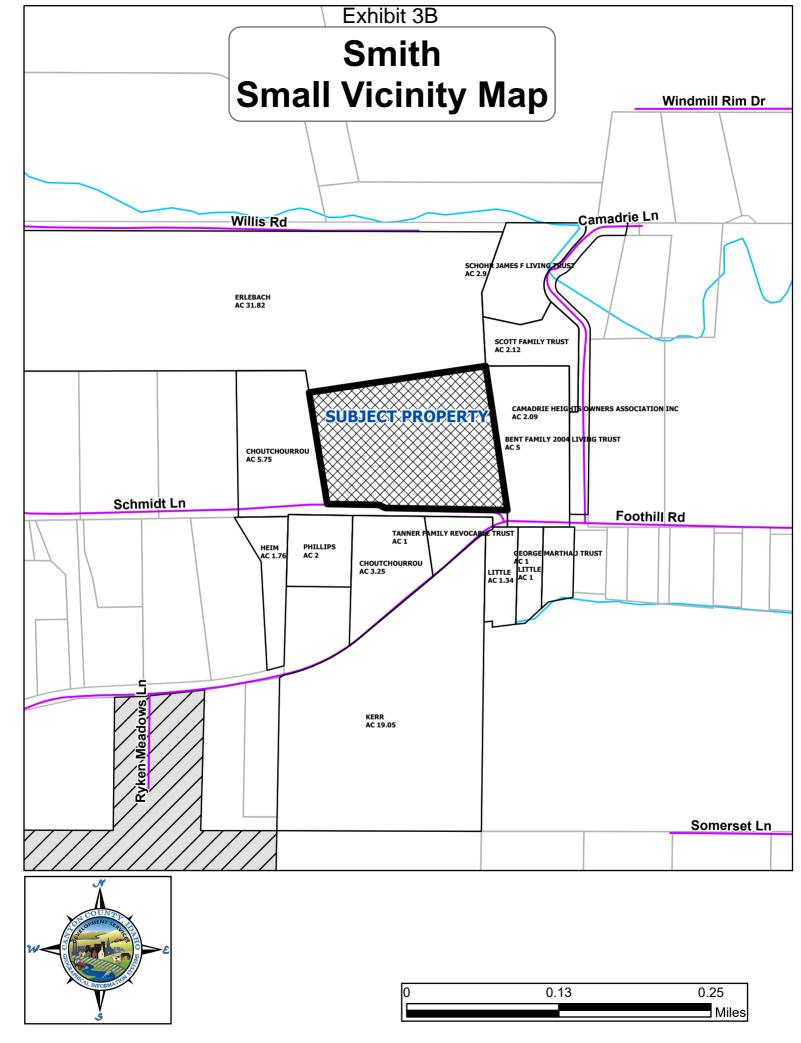
## Canyon County, ID Web Map

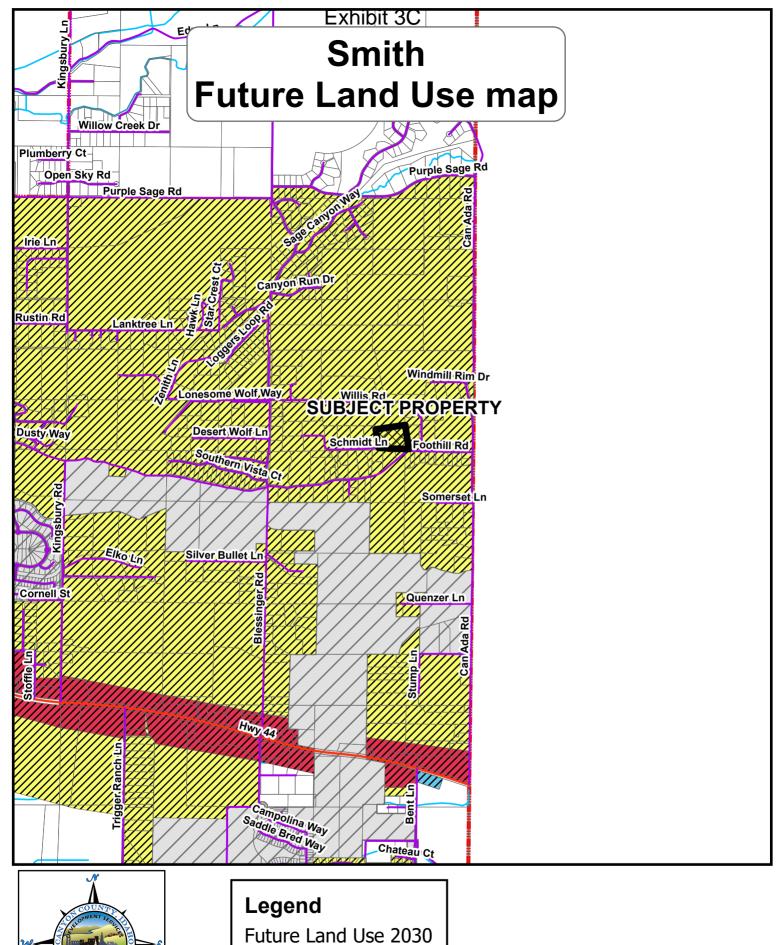






Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA



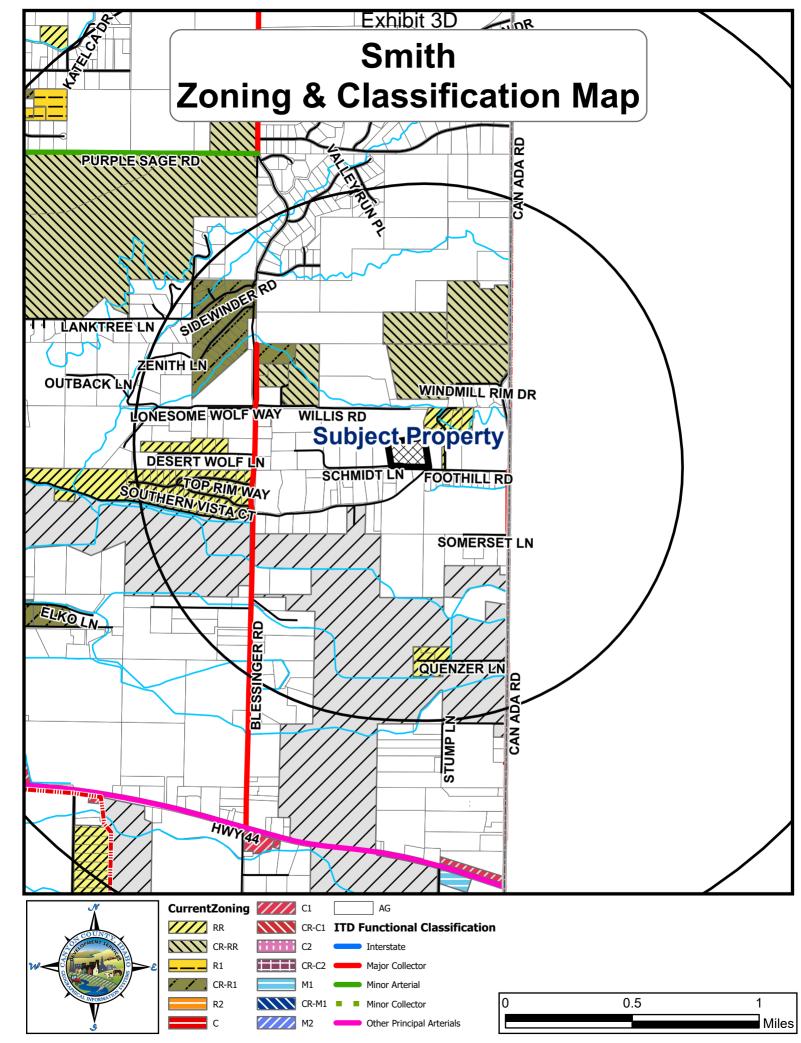


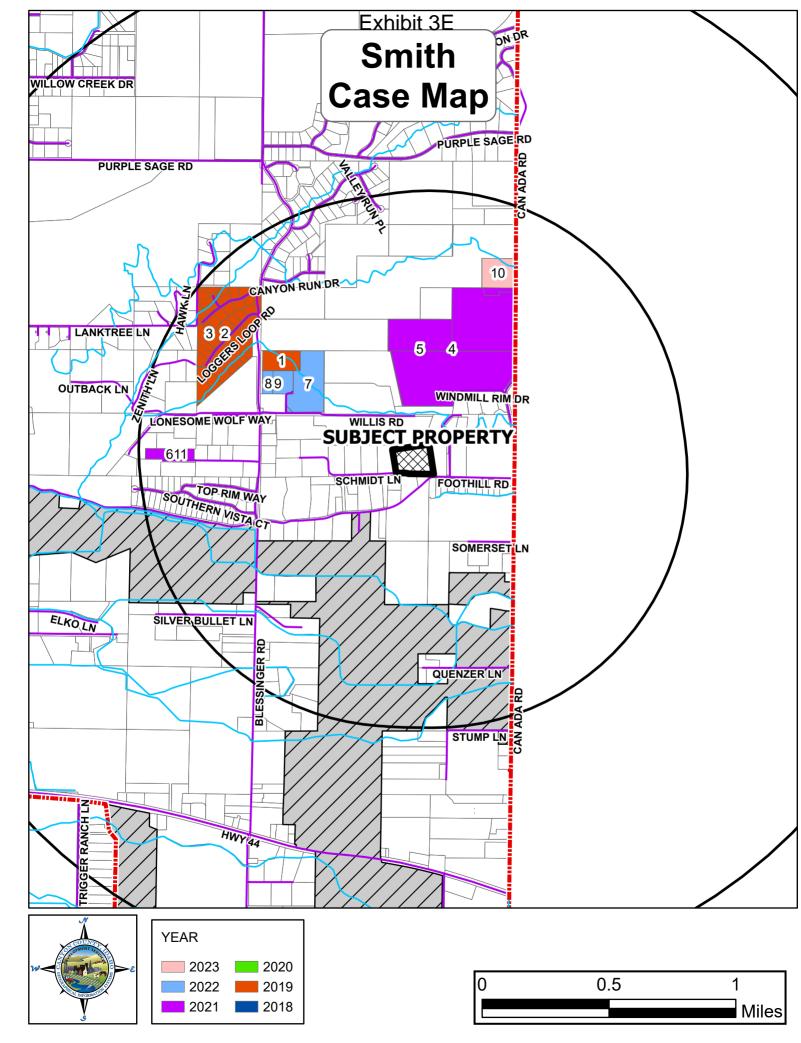


COMMERCIAL

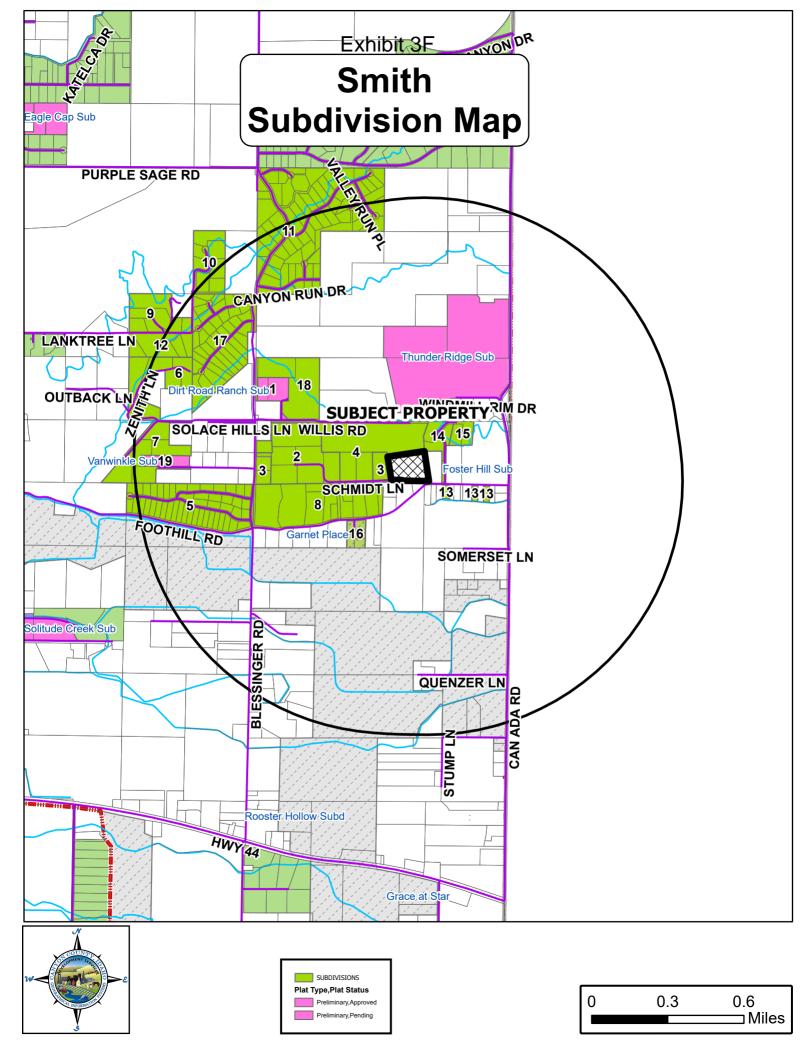
INDUSTRIAL RESIDENTIAL

0	0.5	1
		Miles





	CASE SUMMARY								
ID	CASENUM	REQUEST	CASENAME	FINALDECIS					
1	RZ2019-0009	Rezone AG to R1	Trevor Soggs	APPROVED					
2	CR2019-0001	Conditional Rezone from AG to CR-R1	MAMLS LLC	APPROVED					
3	SD2019-0006	Plat - Monument Place Sub	Monument Place Sub	APPROVED					
4	SD2019-0046	Plat - Thunder Ridge Sub	Thunder Ridge Sub	APPROVED					
5	CR2019-0016	Rezone AG to CR-RR	Skyline Homes & Dev	APPROVED					
6	RZ2021-0020	Rezone AG to RR	Jeff Van Winkle	APPROVED					
7	RZ2022-0005	Rezone AG to CR-RR	Freedom Acres	APPROVED					
8	CR2022-0008	Rezone AG to CR-RR	Burgo	APPROVED					
9	SD2022-0015	Short Plat - Dirt Road Ranch Sub	Dirt Road Ranch Sub	Approved					
10	CU2022-0044	racetrack	Smitchger	APPROVED					
11	SD2022-0046	Preliminary Plat - Vanwinkle Sub	Vanwinkle Sub	APPROVED					

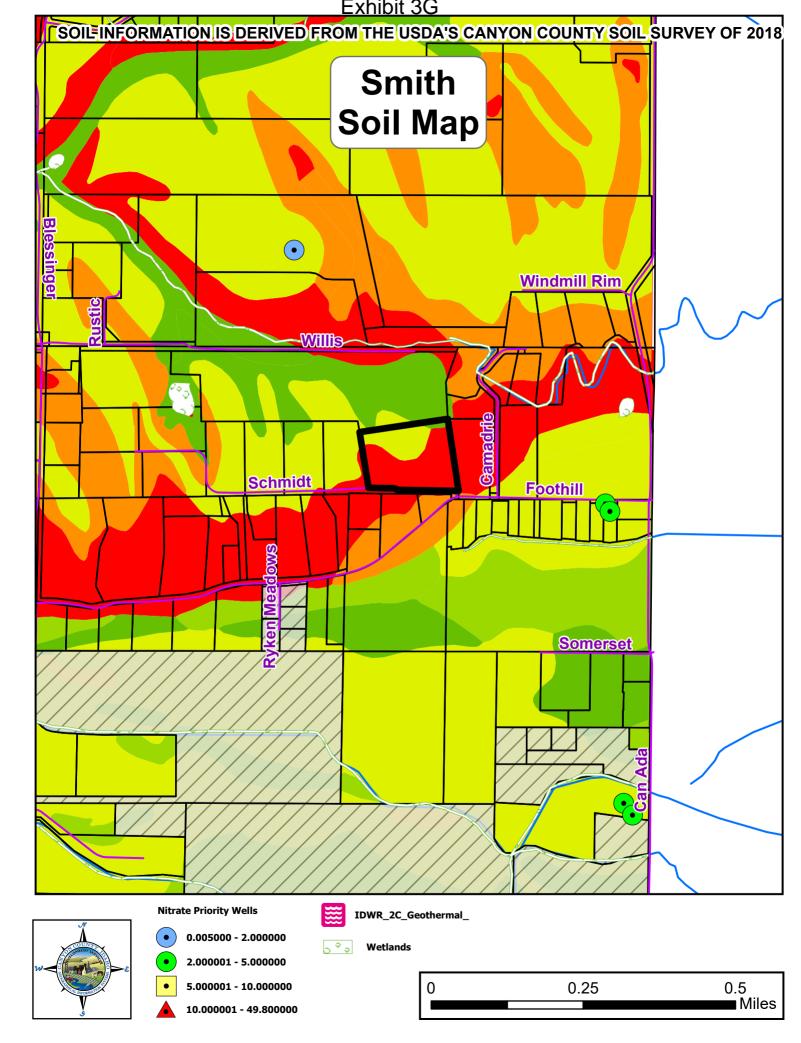


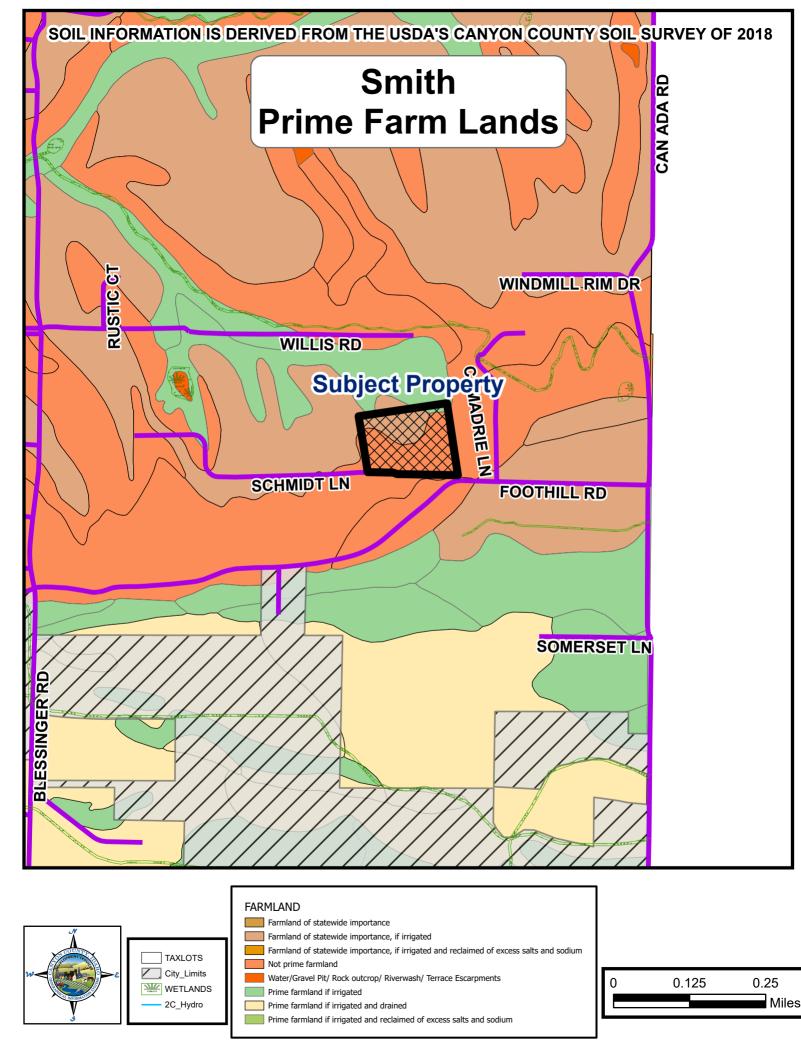
SUBDIVISION & LOT REPORT								
NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE					
19	537.52	233	2.31					
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE					
0	0	0	0					
NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM	MAXIMUM				
44	7.23	2.59	0.07	54.46				
NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM				
0	0	0	0	0				

PLATTED SUBDIVISIONS								
SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF	Year	
DIRT ROAD RANCH SUBDIVISION	1	5N2W36	7.50	3	2.50	COUNTY (Canyon)	2022	
QUAIL VIEW SUB	2	4N2W01	35.49	6	5.91	COUNTY (Canyon)	2002	
SCHMIDT SUB	3	4N2W01	12.48	4	3.12	COUNTY (Canyon)	1996	
SCHMIDT SUB #2	4	4N2W01	44.83	4	11.21	COUNTY (Canyon)	2001	
VIEW RIDGE ESTATES	5	4N2W02	52.50	47	1.12	COUNTY (Canyon)	2005	
BLESSINGER WEST SUB	6	5N2W35	23.04	6	3.84	COUNTY (Canyon)	2002	
DESERT WOLF SUB	7	4N2W02	24.49	5	4.90	COUNTY (Canyon)	2003	
FOSTER HEIGHTS	8	4N2W01	52.31	13	4.02	COUNTY (Canyon)	1991	
LANKTREE ESTATES #2	9	5N2W35	20.03	8	2.50	COUNTY (Canyon)	2002	
LANKTREE HEIGHTS	10	5N2W35	20.09	7	2.87	COUNTY (Canyon)	2004	
SAGE CANYON ESTATES	11	5N2W25	119.91	65	1.84	COUNTY (Canyon)	2008	
SERENDIPITY SUB	12	5N2W35	15.01	5	3.00	COUNTY (Canyon)	2006	
LITTLE HOUSE SUBDIVISION	13	4N2W01	2.88	3	0.96	COUNTY (Canyon)	2009	
CAMADRIE HEIGHTS	14	4N2W01	8.92	5	1.78	COUNTY (Canyon)	2013	
CAMADRIE HEIGHTS #2	15	4N2W01	5.10	3	1.70	COUNTY (Canyon)	2015	
RYKEN MEADOWS ESTATES	16	4N2W01	5.21	5	1.04	CANYON COUNTY	2020	
MONUMENT PLACE SUBDIVISION	17	5N2W35	54.92	39	1.41	COUNTY (Canyon)	2022	
RUSTIC ACRES SUB	18	5N2W36	27.62	3	9.21	COUNTY (Canyon)	2006	
VANWINKLE SUBDIVISION	19	4N2W02	5.18	2	2.59	COUNTY (Canyon)	2024	

SUBDIVISIONS IN PLATTING								
SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE					
				<u>'</u>				

MOBILE HOME & RV PARKS								
	SUBDIVISION NAME	SITE ADDRESS	ACRES	NO. OF SPACES	UNITS PER ACRE	CITY OF		



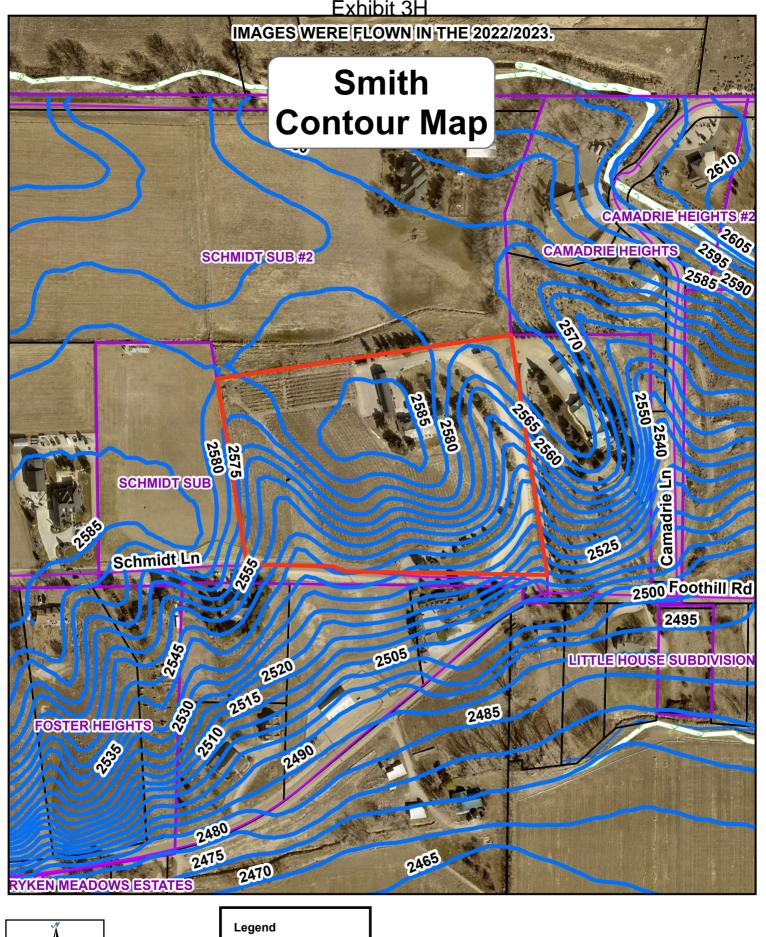


SOIL REPORT									
SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE					
2	BEST SUITED SOIL	14200.56	0.33	3.27%					
8	LEAST SUITED SOIL	294030.00	6.75	67.66%					
4	MODERATELY SUITED SOIL	126367.56	2.90	29.08%					
		434598.12	9.98	100%					

FARMLAND REPORT									
SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE					
JeB	Prime farmland if irrigated	14200.56	0.33	3.27%					
LaE	Not prime farmland	294030.00	6.75	67.66%					
EvC	Farmland of statewide importance, if irrigated	126367.56	2.90	29.08%					
		434598.12	9.98	100%					

SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

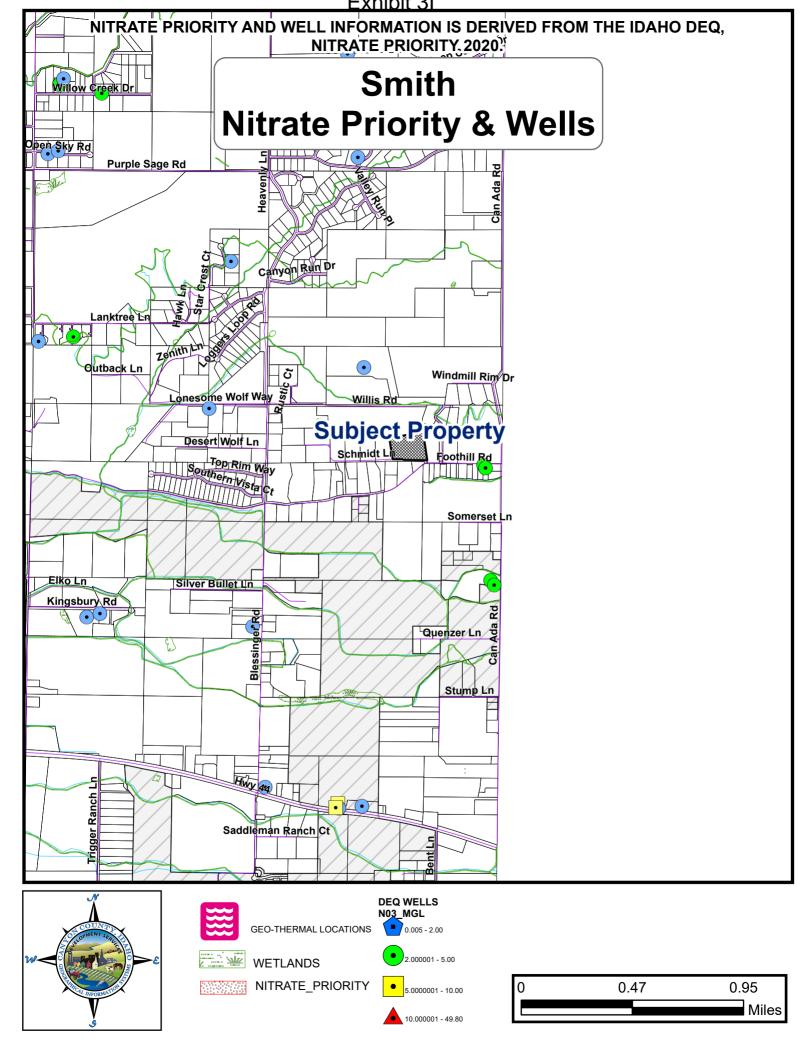
GRADE	SOILTYPE
1	BEST SUITED SOIL
2	BEST SUITED SOIL
3	MODERATELY SUITED SOIL
4	MODERATELY SUITED SOIL
5	LEAST SUITED SOIL
6	LEAST SUITED SOIL
7	LEAST SUITED SOIL
8	LEAST SUITED SOIL
9	LEAST SUITED SOIL







0	200	400	600
			—— Feet
			~



## Exhibit 3J

### **Emily Kiester**

**From:** Sage Huggins

**Sent:** Monday, April 15, 2024 7:43 AM

To: Emily Kiester

**Subject:** FW: [External] RE: Special Request; 1 mile ResBP & Sub

Attachments: 1 MILE BUFFER ResidentialBP.pdf; B 3 SMALL ORTHO.pdf; B 7A PLAT & SUBS.pdf

#### Ada County Request

From: Brent Moore <br/> <br/>bmoore@adacounty.id.gov>

Sent: Sunday, April 14, 2024 9:22 AM

To: Sage Huggins <Sage.Huggins@canyoncounty.id.gov>
Cc: Benjamin Pavelka <bpavelka@adacounty.id.gov>
Subject: [External] RE: Special Request; 1 mile ResBP & Sub

Hi Sage,

Within Ada County, there are 481 residences and 23 platted subdivisions located within a one-mile radius of Parcel R33774015. Let me know if you anything else.

Thanks.



#### Brent Moore, MCMP, AICP

Senior Community & Regional Planner Ada County Development Services 200 W. Front St., Boise, ID 83702 <u>bmoore@adacounty.id.gov</u> (208) 287-7998

From: Sage Huggins <Sage.Huggins@canyoncounty.id.gov>

Sent: Thursday, April 11, 2024 9:37 AM

To: Rebecca Alcala < ralcala@adacounty.id.gov >; Benjamin Pavelka < bpavelka@adacounty.id.gov >

Subject: Special Request; 1 mile ResBP & Sub

#### Good Morning,

I have a planner requesting information regarding the number of residences within a one mile buffer of a canyon county subject property and the number of platted subdivision within that 1 mile zone as well. The 1 mile buffer does cross over into Ada County so I am reaching out to see if this is information you could possibly pull for the Ada county side.

The subject property is parcel R33774015. I have attached a visual of the subject property, a visual of the 1 mile buffer, and the canyon county platted subdivision map. I believe the planner is looking for numbers/data not necessarily map visuals.

If this is not something you are able to gather please let me know and I will relay this to the planner! If you need anything additional from me for this request please let me know.

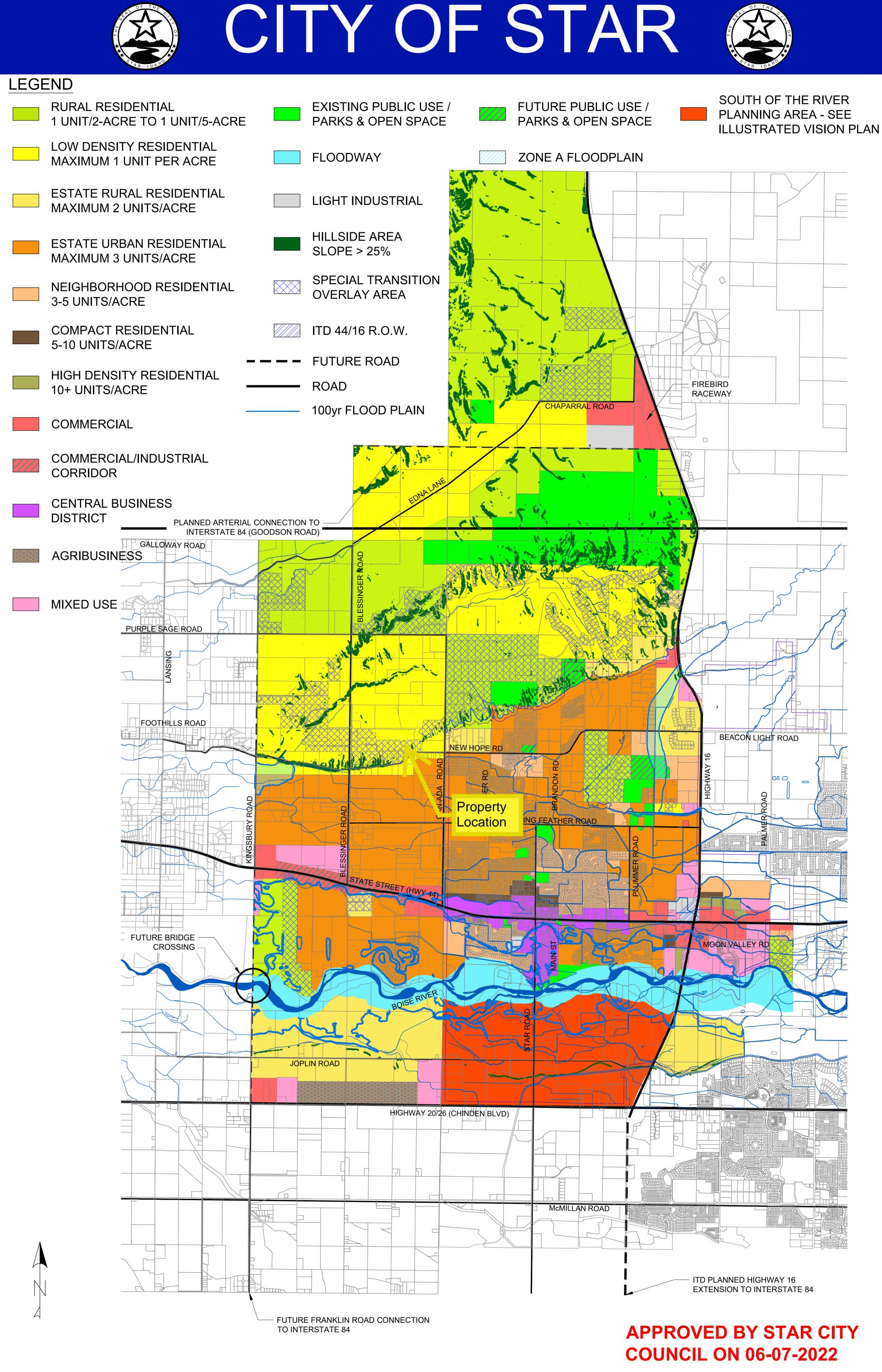
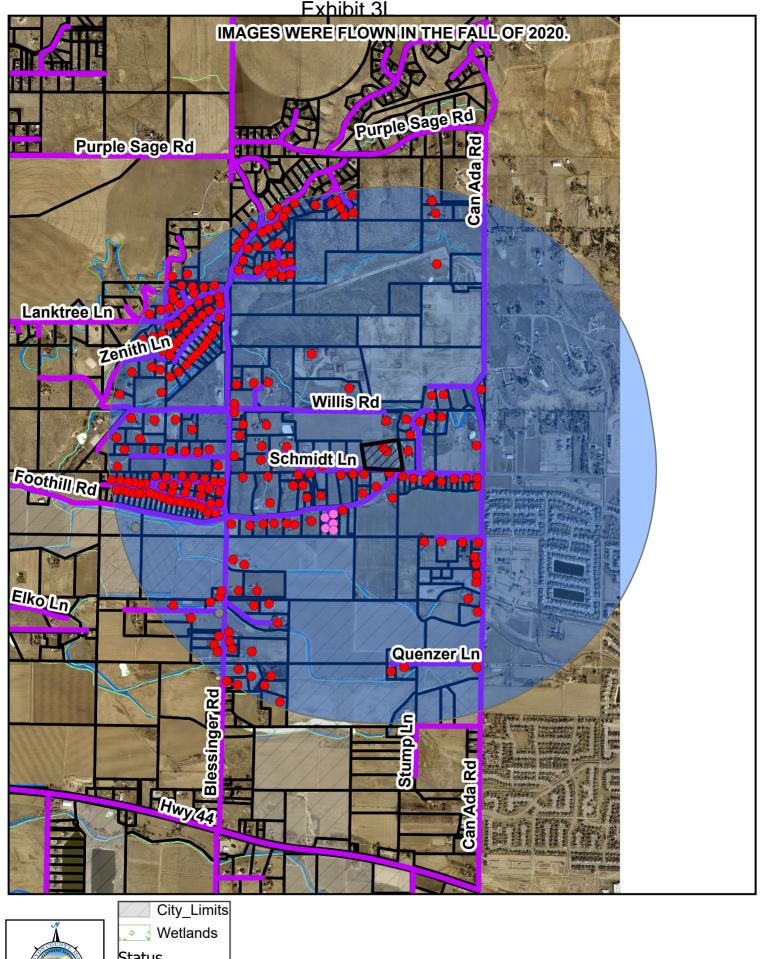
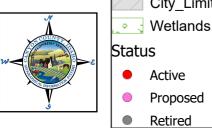
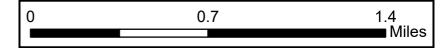


Exhibit 3K







## Exhibit 3M

## **Emily Kiester**

From: Sage Huggins

Sent: Thursday, April 11, 2024 9:18 AM

**To:** Emily Kiester **Subject:** RE: CU2023-0018

**Attachments:** 1 MILE BUFFER ResidentialBP.pdf

Number of residential buildings (primary and secondary included) within a 1 mile buffer of R33774015 on the Canyon

County Side: 247

Number of residential buildings (primary only) within a 1 mile buffer of R33774015 on the Canyon County Side: 245

I made you a map showing the buffer area and the address points picked up. To get the above numbers I selected specific points by attributes in the data which is not shown but thought you would like a general visual.

I'll reach out to my Ada county contact and see if they are able to help us.

Thanks,

Sage Huggins
GIS Analyst
Canyon County Development Services
Sage.Huggins@canyoncounty.id.gov
208-455-6036

## Exhibit 4A



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, not 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

<sup>\*</sup> Peak hour trips estimated as 33% of total daily trips for weekday events

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	х	New Trip Factor	X	Average Trip Length	х	Network Adjustment Factor	=	Traffic Impact Fee
\$2,883	х	4.7	х	1.0	x	8.4	x	0.317	=	\$36,081

<sup>\*\*</sup> Various use categories from the Mid-Star Impact Fee Schedule

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

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 <a href="https://www.hwydistrict4.org/impact-fees">www.hwydistrict4.org/impact-fees</a>

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 opposed 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

## Exhibit 4B

#### **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

Website: 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 <u>daniel.lister@canyoncounty.id.gov</u> or **Emily Kiester** at <u>emily.kiester@canyoncounty.id.gov</u>.

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

Website: www.canyoncounty.id.gov

Development Services Department (DSD)

NEW <u>public</u> office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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.

<sup>\*\*</sup>We will not be closed during lunch hour \*\*

## Exhibit 4C

## **Emily Kiester**

From: Shawn Nickel <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
208-286-7247 eTC. 3004



## Exhibit 4D

# Star Fire Protection District

Headquarters • 11665 W. State St., Suite B • Star, ID 83669 • (208) 286-7772 • www.midstarfire.org

DATE: April 24, 2024

TO: Canyon County Development Service – Dan Lister

CC: Sol Invictus Winery – Scott & Denise Smith

FROM: Victor Islas, Deputy Chief

SUBJECT: Fire District Comment – Condition Use Permit

PROJECT: Sol Invictus Winery

6390 Schmidt Ln., Star, ID (R33774015) Canyon County File: CUP2023-0018

The Star Fire Protection District has reviewed the documents provided by Canyon County Development Services for comment on a CUP2023-0018.

Scott and Denise Smith of Sol Invictus Winery request a condition use permit to allow a special events facility on Parcel R33774015.

The Middleton Rural Fire District does not oppose the application and our comments are as follows:

- 1. Will/Can essential services be provided to accommodate requested use?
  - a. Yes, essential services will be provided to the property listed above.
- 2. Will services be negatively impacted by such use or require additional public funding to meet the needs created by the requested use?
  - a. This application for CUP will not have any negative impact on Fire Protection Services.
- 3. Are there any conditions or mitigation measures recommended to ensure the use of the requested rezone minimizes potential impacts to the surrounding area and nearby city?
  - a. None
- 4. What is the estimated response time to the subject property?
  - a. This property listed above will be serviced by Station 51 located at 11665 W. State St., Star, ID 83669.
  - b. Station 51 is 2.8 mile(s) from the property listed above with an estimated 5-minute travel time under normal driving conditions.
- 5. Is this response time adequate for life safety concerns?
  - a. This property sits within the 5-minute response time area.
- 6. Additional Comments:
  - a. The applicant has been in contact with the Fire District and has address concerns for parking circulation and access.
  - b. Any additional building on site will require code compliance.
  - c. Any overlooked hazardous condition and/or violation of the International Building and/or Fire Code does not imply approval of such condition or violation.

City of Star

P.O. Box 130 Star, Idaho 83669 208-286-7247 Fax 208-286-7569

www.staridaho.org



Mayor: Trevor A. Chadwick

Council:
Kevin Nielsen
Jennifer Salmonsen
Kevan Wheelock
David Hershey

June 18, 2024

Canyon County Planning & Zoning Commission Canyon County Commissioners 111 N. 11<sup>th</sup> Ave Suite 310 Caldwell, ID 83605

RE:

Sol Invictus Vineyard

**Dear Commissioners:** 

Please accept the City of Star's support for the current application before Canyon County for Sol Invictus Vineyard. This property is located within the City of Star Impact Area, and its use is a great asset to the community. Please allow them to continue their current and proposed operations.

Thank you for your consideration!

Sincerely,

Trevor A. Chadwick Mayor, City of Star

## Exhibit 4F

## **Emily Kiester**

From: Amber Lewter

**Sent:** Tuesday, June 18, 2024 10:36 AM

**To:** Dan Lister; Emily Kiester

**Subject:** FW: [External] RE: Agency Notification CU2023-0018 Smith

From: D3 Development Services < D3 Development. Services @itd.idaho.gov>

Sent: Tuesday, June 18, 2024 10:18 AM

**To:** Amber Lewter <Amber.Lewter@canyoncounty.id.gov> **Cc:** Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>

Subject: [External] RE: Agency Notification CU2023-0018 Smith

Hello,

After careful review of the transmittal submitted to ITD on June 11, 2024 regarding CU2023-0018 Smith, the Department has no comments or concerns to make at this time.

Thank you

Mila Kinakh

D3 Planning and Development



YOUR Safety ••• ▶ YOUR Mobility ••• ▶ YOUR Economic Opportunity

From: Amber Lewter < Amber. Lewter@canyoncounty.id.gov >

**Sent:** Tuesday, June 11, 2024 4:26 PM

To: 'snickel@staridaho.org' <snickel@staridaho.org>; 'mgee@msd134.org' <mgee@msd134.org>;

'lgrooms@msd134.org' < <a href="mailto:lgrooms@msd134.org">lgrooms@msd134.org</a>; 'permits@starfirerescue.org' < <a href="mailto:permits@starfirerescue.org">permits@starfirerescue.org</a>; 'permits@starfirerescue.org</a>;

'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'chopper@hwydistrict4.org'

<chopper@hwydistrict4.org>; 'Iriccio@hwydistrict4.org' <<u>Iriccio@hwydistrict4.org</u>>; 'brandy.walker@centurylink.com'

<brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>;

'easements@idahopower.com' <<u>easements@idahopower.com</u>>; 'mkelly@idahopower.com'

<mkelly@idahopower.com>; Monica Reeves <Monica.Reeves@canyoncounty.id.gov>; '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>; Christine Wendelsdorf

<<u>Christine.Wendelsdorf@canyoncounty.id.gov</u>>; Michael Stowell <<u>mstowell@ccparamedics.com</u>>; Assessor Website

<2cAsr@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Cassie Lamb

<Cassie.Lamb@canyoncounty.id.gov>; Eric Arthur <Eric.Arthur@canyoncounty.id.gov>; Kathy Husted

< <u>Kathleen.Husted@canyoncounty.id.gov</u>>; 'westerninfo@idwr.idaho.gov' < <u>westerninfo@idwr.idaho.gov</u>>; Rick Britton

#### <Rick.Britton@canyoncounty.id.gov>

Subject: Agency Notification CU2023-0018 Smith

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Dear Agencies,

Please see the attached agency notice regarding the scheduled Planning and Zoning Commission hearing on this project. We had previously requested your agency provide comments for the noticed land use application and if any agency comments were received, they were included in the Staff report. No response is required unless there is an update to your original comments.

This is the notification that a hearing date of **July 18, 2024** at 6:30 pm has been set for this case along with a final deadline of **July 8, 2024** for agency comments. If the comment deadline is on a weekend or holiday, it will move to close of business 5pm the next business day.

Please direct your comments or questions to Planner **Dan Lister** at <u>daniel.lister@canyoncounty.id.gov</u> or **Emily Kiester** at <u>Emily.kiester@canyoncounty.id.gov</u>.

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: <a href="mailto:amber.lewter@canyoncounty.id.gov">amber.lewter@canyoncounty.id.gov</a>
Website: <a href="mailto:www.canyoncounty.id.gov">www.canyoncounty.id.gov</a>

Development Services Department (DSD)

**NEW** <u>public</u> office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am - 5pm

Wednesday

1pm – 5pm

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

## Exhibit 4G

## **Emily Kiester**

From: Anthony Lee <Anthony.Lee@swdh.id.gov>
Sent: Wednesday, June 26, 2024 10:52 AM

To: Emily Kiester

Subject: RE: [External] RE: Agency Notification CU2023-0018 Smith

Attachments: Pre.Development.Notes.Signed.08.01.2023.pdf; LOIU.Signed.10.10.2023.pdf; RE\_

Sol.Invictus.Winery.Public.Water.System.Correspondence..pdf; 6394 Schmidt Ln - #

16768.pdf

Hi Emily,

The applicant had a pre-development meeting with SWDH on 08/01/2023 (See attached notes). A letter of intended use was submitted on 10/10/2023 (see attached LOIU). A permit was issued to expand the current septic system on 10/13/2023 (see attached permit).. I haven't heard anything back on the status of the Public Water System (see attached email correspondence). A final inspection of the expanded system has not been conducted and/or approved.

The proposed production facility was not calculated in the design of the septic system.

We may need to schedule a meeting with the applicant to discuss any additional items (such as discuss the use of porta potties during peak times).

Let me know if you have any questions.

Thank you,



Check out our new online self-service portal here! PORTAL

Anthony Lee, RS/BS | Land Development Senior

o 208.455.5384 | c 208.899.1285 | f 208.455.5300

anthony.lee@swdh.id.gov | SWDH.org

13307 Miami Ln., Caldwell, ID 83607

From: Emily Kiester < Emily. Kiester@canyoncounty.id.gov>

Sent: Monday, June 24, 2024 2:22 PM

To: Anthony Lee <Anthony.Lee@swdh.id.gov>

Subject: FW: [External] RE: Agency Notification CU2023-0018 Smith

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Dear Anthony,

## Exhibit 4H



## **Pre-Development Meeting**

Name of Development:	Sol Vinticus Center, LLC			
Applicant:	Denise Smith			
P.E./P.G.:				
All others in Attendance:				
	EHS#035 Date 08/01/2023			
Number of Lots or Flow:	Acreage of Proposed Development: 10.00			
Location of Development:	6390 Schmidt Ln, Star, ID			
Project in Area of Concerns	No Groundwater/Rock <10' Unknown			
Project in Area of Concern: Level 1 NP Necessary for N:	No Groundwater/Rock \10 Chikitowii			
Level I NF Necessary for N.	INO			
LSAS/CSS Proposed:	No			
BRO meeting for P or above:				
Proposed Drinking Water:	Individual, City, Community, Public Water Supply			
BRO meeting for PWS, Com				
Information Distributed:	SER, NP Guidance, Non-Domestic WW ap			
Additional Comments:	Applicant discussed with SWDH plans for expanding a winery/production			
	facility and wanted to determine if the existing septic system would			
	accomodate the increase in wastewater flows. There is an existing 4-bdr			
	house with a separate septic system. Both the existing house and winery			
	/production facility share a well. May need to be a Public Water System.			
	Waiting on the new letter of intended use. Existing house at 6390			
	Schmidt Ln, Star, ID, permit #2-46231. Anthony Lee 08/01/2023			

Attach conceptual plan, if provided, or any other correspondence, and create a file for this information. The information will be helpful when responding to the county about permitting requirements and should be maintained with the subdivision file or commercial permit file when completed, for a complete written history of the project and SWDH involvement.

## Exhibit 5A



## 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
- 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.
- 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 appoval 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 9th 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**

- 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 <sup>3</sup> / <sub>4</sub> " 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.
  - b. CCZO 07-13-01 (9) Lighting used to illuminate off street parking areas shall be directed away from residential properties.
  - c. 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

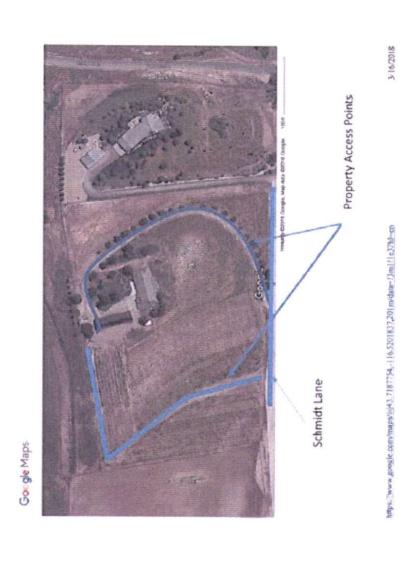
16. Signage used for the winery that is either illuminated or exceeds 32 sq. ft. must be approved through Canyon County administrative decision application. Any sign over 6 ft. tall or permanently affixed to the ground will require a building permit.

STAFF REPORT: AD2018-0042: SOL INVICTUS WINERY

Based upon the Findings of Fact, Conclusions of Law and Condition County Development Services Director <b>approves</b> Case # AD201	ns of Approval contained herein the Canyon 8-0042 for a winery with accessory tasting
room subject to the conditions of approval enumerated above.	
APPROVED this 7th day of Tune,	2018.
	ELOPMENT SERVICES DIRECTOR YON COUNTY, IDAHO
Patric	ia Nilsson, Director
State of Idaho )	
SS SS	
County of Canyon County)  On this	me Kathleen Frast, a notary, personally known to me to be the person
whose name is subscribed to the within instrument, and acknowledged	
Notary: K-fr	

**Order** 

#### Attachment 'A'



#### Exhibit 5B



#### 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 9th 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 1/4" crushed aggregate (gravel)	2.5" thick	24 for local roads and 26 ' for collector roads	

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	

(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 <sup>3</sup> / <sub>4</sub> " 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:
  - a. CCZO 07-13-01(8) every open off street parking area having more than four (4) parking spaces shall be hard surfaced.
  - b. CCZO 07-13-01 (9) Lighting used to illuminate off street parking areas shall be directed away from residential properties.
  - c. 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.

<u>Order</u>

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

APPROVED this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_, 2018.

DEVELOPMENT SERVICES DIRECTOR CANYON COUNTY, IDAHO

Patricia Nilsson, Director

State of Idaho

SS

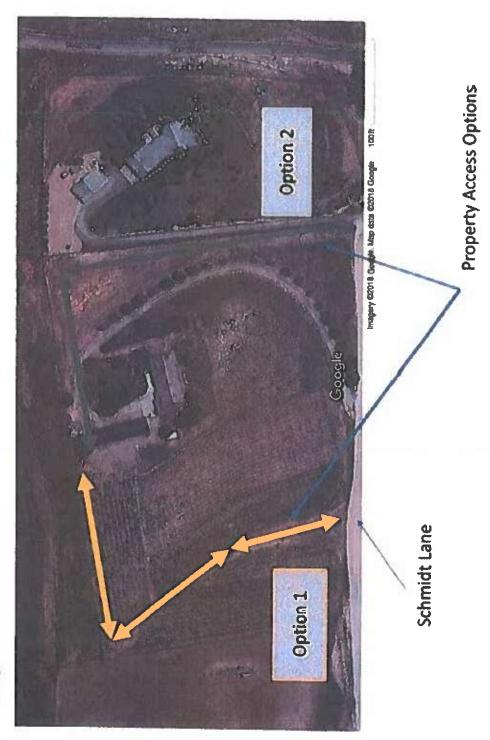
County of Canyon County)

On this The day of Soplember, in the year of 2018, before me kather Frost, a notary public, personally appeared Patricia Nisson, 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.

KATHLEEN FROST NOTARY PUBLIC STATE OF IDAHO lotary: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_\_\_\_\_

## Attachment 'A' (AMENDED)



Google Maps



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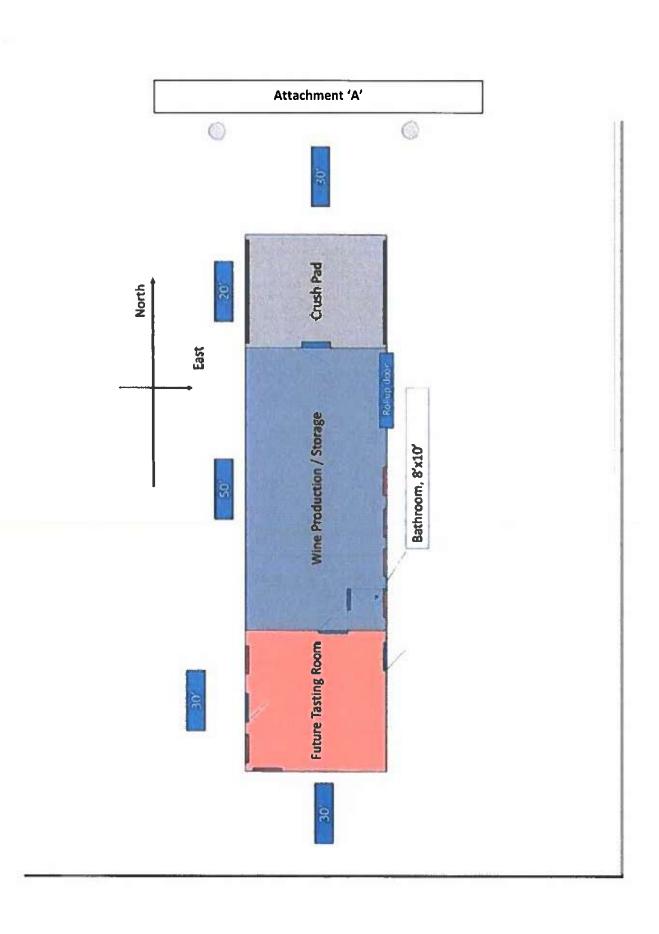
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# COUNTY BER

### Exhibit 5C

# 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."

<u>Per CCZO §07-15-01 – Applicability:</u> "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).
    - 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) <u>Compliance with County Ordinances</u>: "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.
    - o <u>Off-street parking</u>: 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	1 parking space for each 5 persons based on building capacity
3656	sports arena	
(6)	For floor space used by the public or by members in a social half-dance	A number of parking spaces equal to 20 percent of the capacity in persons
(2300	nall, nightclub, pool hall, restaurant, or other similar enterprise or	For the purpose of this section "capacity in persons" shall mean the gross
	establishment	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."

	5-20-24
Carl Anderson, Planning Supervisor Canyon County Development Serv	
State of Idaho )	
	S.S.
County of Canyon )	
	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: Camela Dilbeck
PAMELA DILBECK COMMISSION #20224944 NOTARY PUBLIC STATE OF IDAHO	My Commission Expires: 10/14/2028
MY COMMISSION EXPIRES 10/14/2028	

#### 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:** 

- 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 SHERRIFS 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  $30 \times 30$  tasting room with the exterior patio doors open.

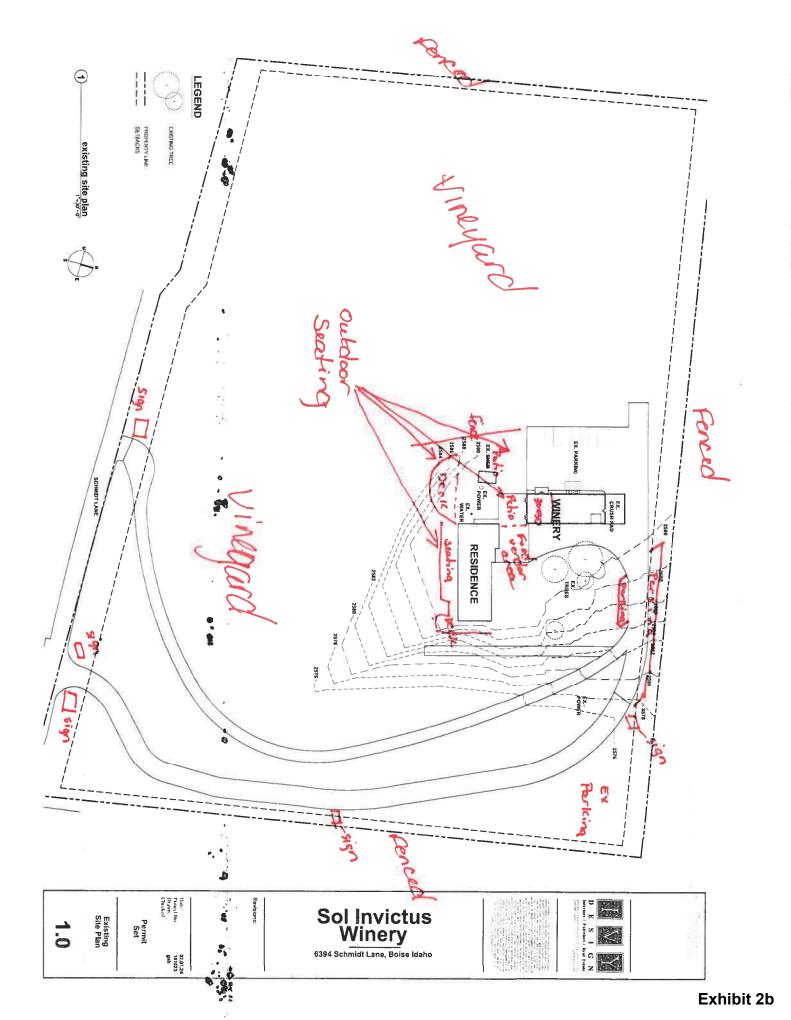
Food trucks and local artisans should not affect neighbors. Food trucks and local artisans will obtain their own permits as necessary. They will be responsible for the carry in and carry out of their own waste material, if any. No dumping. Southwest District Health approved food menu items will be available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

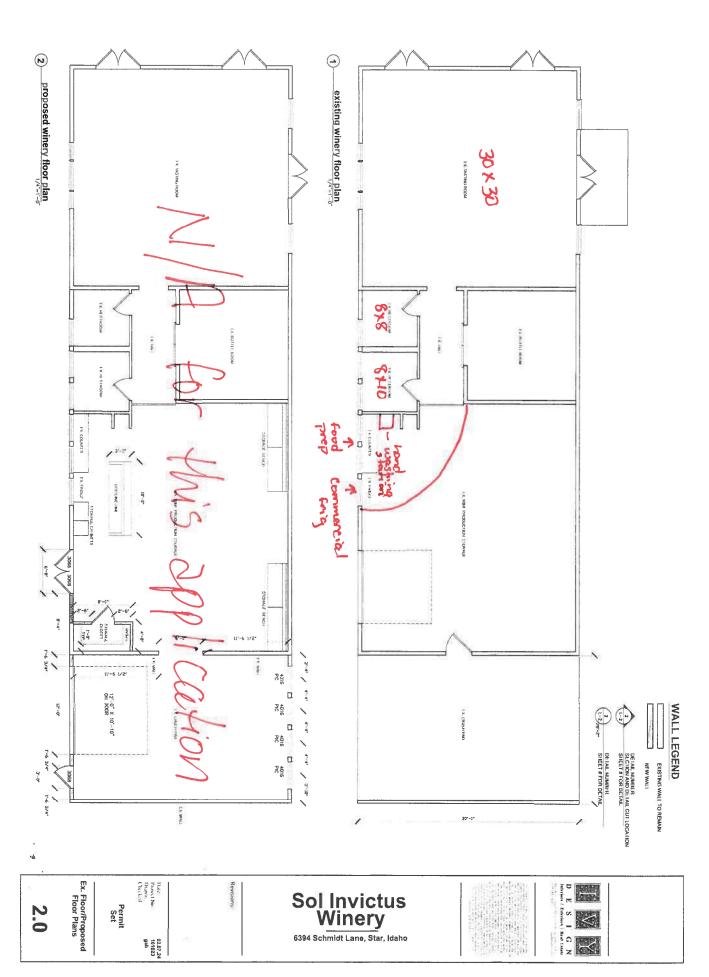
Guests will use indoor and outdoor seating areas as identified on the site plan and floor plan included in this application.

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 denise@solinvictusvineyard.com 208-286-7401





**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

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.
  - o 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?
  - o 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 information 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 conditions met.

Sincerely,

#### Dan Lister, Principal Planner

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

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 \*\*

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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

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From: Chris Hopper < <a href="mailto:chopper@hwydistrict4.org">chopper@hwydistrict4.org</a>>

Sent: Wednesday, April 17, 2024 4:14 PM

**To:** Dan Lister < <u>Daniel.Lister@canyoncounty.id.gov</u>> **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

From: Nanci Bent <nqbstar@gmail.com>
Sent: Nanci Bent <nqbstar@gmail.com>
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 objectable 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 invoving 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

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 — matt@heimdesignstudio.com

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 <u>6543 Schmidt Ln, Star, ID</u> <u>83669</u>. 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 <u>6394 Schmidt Ln, Star, ID 83669</u>.

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 BI. 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: <a href="https://www.facebook.com/SolInvictusVineyard/past">https://www.facebook.com/SolInvictusVineyard/past</a> hosted events

Upcoming events: <a href="https://www.facebook.com/SolInvictusVineyard/past">https://www.facebook.com/SolInvictusVineyard/past</a> 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 notrespassing, 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

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 applied 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

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>&</sup>lt;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 Choutchourrous' opposition, which is attached hereto as <a href="Exhibit B">Exhibit B</a>, 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 <u>Exhibit D</u> 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 <u>not</u> 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 <u>Exhibit G</u>.

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

<sup>&</sup>lt;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.

Daniel Lister, Canyon County Development Services April 2, 2024 Page - 3

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

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

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

> 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.

Exhibit 1

STAFF REPORT: AMENDMENT TO AD2018-0042: SOL INVICTUS WINERY

7

(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 9th 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 Bailast	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 <sup>7</sup> / <sub>4</sub> " 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

Exhibit 1

STAFF REPORT: AMENDMENT TO AD2018-0042: SOL INVICTUS WINERY

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	Buse 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 <sup>3</sup> / <sub>4</sub> " crushed aggregate (gravel)	2.5" thick	24' for local roads and 26 ' for collector roads'	

(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).

STAFF REPORT: AMENDMENT TO AD2018-0042: SOL INVICTUS WINERY
Exhibit 1

#### **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 34," 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:
  - a. CCZO 07-13-01(8) every open off street parking area having more than four (4) parking spaces shall be hard surfaced.
  - b. CCZO 07-13-01 (9) Lighting used to illuminate off street parking areas shall be directed away from residential properties.
  - c. 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.

Exhibit 1

STAFF REPORT: AMENDMENT TO AD2018-0042: SOL INVICTUS WINERY

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.

DEVELOPMENT SERVICES DIRECTOR CANYON COUNTY, IDAHO

Patricia Nilsson, Director

State of Idaho

SS

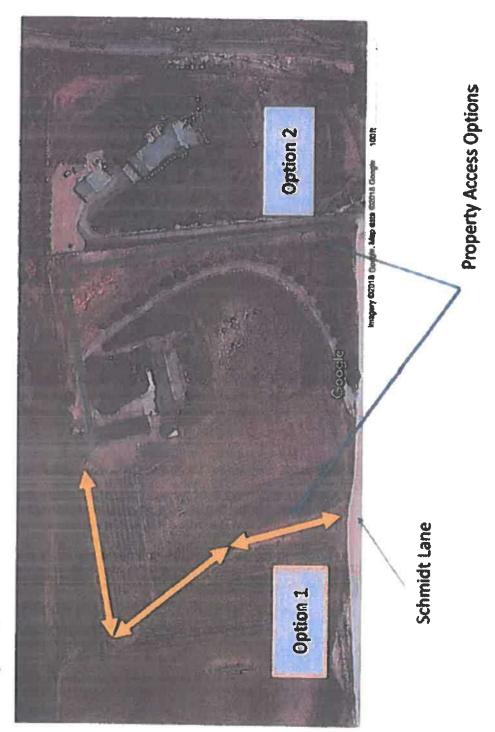
County of Canyon County)

On this 7th day of Solember, in the year of 2018, before me Kathern Frost, a notary public, personally appeared Solember, in the year of 2018, before me Kathern Frost, a notary public, personally appeared Solember, and acknowledged to me that he (she) executed the same.

KATHLEEN FROST NOTARY PUBLIC STATE OF IDAHO

)

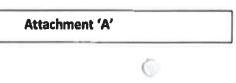
#### Attachment 'A' (AMENDED)



Google Maps

STAFF REPORT: AMENDMENT TO AD2018-0042: SOL INVICTUS WINERY

Exhibit 1



North (

Google Maps

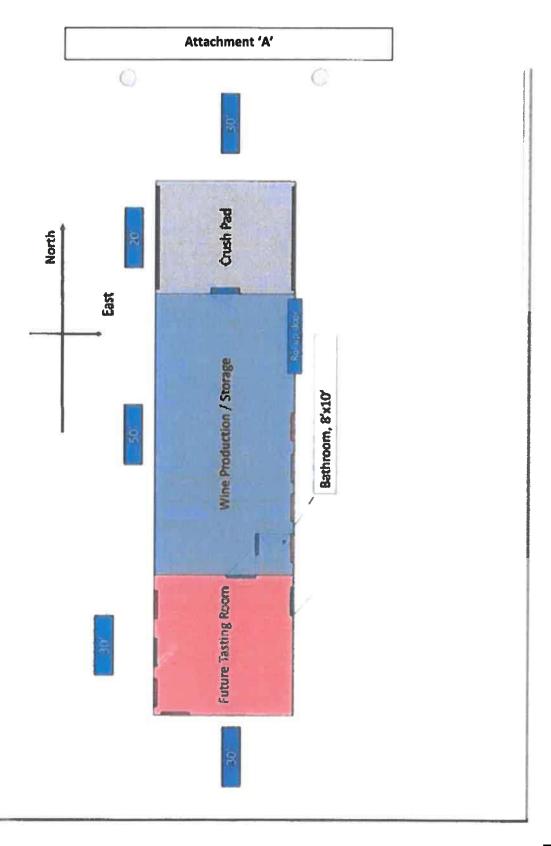
Winery Facility — See breakout

Google Maps

Parking

Winery Facility — See breakout

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Daniel Lister,	Canyon County Development	Services
April 2, 2024		
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EXHIBIT B
(May 31, 2023 Letter of Opposition with Exhibits)



ATTORNEYS AT LAW

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

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 Choutchourrous' property borders the west and south sides of the Applicant's property. A map showing the location of the Choutchourrous' property is attached as Exhibit A for reference.

This letter will serve as the Chourtchourrous' 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 Choutchourrous' 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 Choutchourrous 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.

<sup>♦</sup> George W. Breitsameter ♦ Laura E. Burri ♦ Julie Klein Fischer ♦ Jillian Gordon Miller ♦ William A. Morrow

- 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 <u>never</u> 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 Choutchourrous' 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 Choutchourrous, 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 Choutchourrous 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 <a href="Exhibit C">Exhibit C</a> 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>&</sup>lt;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)

5/31/23, 9:44 AM



ID Private Lands

X

 $\langle\!\langle \rangle$ 

Hunt Map Layers

1

# BERNARD CHOUTCHOU...

Overview Content W

# **ID Private Lands**

CHOUTCHOURROU BERNARD

PO BOX 649 STAR ID 83669 Tax Address

**County** Canyon

14.04 Area (Acres)



© Coordinates 43.7... Copy

See More

Folder Add to

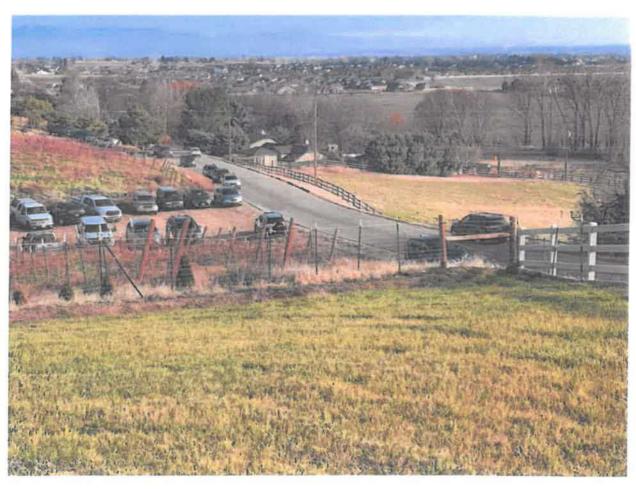
Photo

Waypoint





EXHIBIT B (Photos of Parking)



12:00





## November 27, 2021 2:11 PM Edit







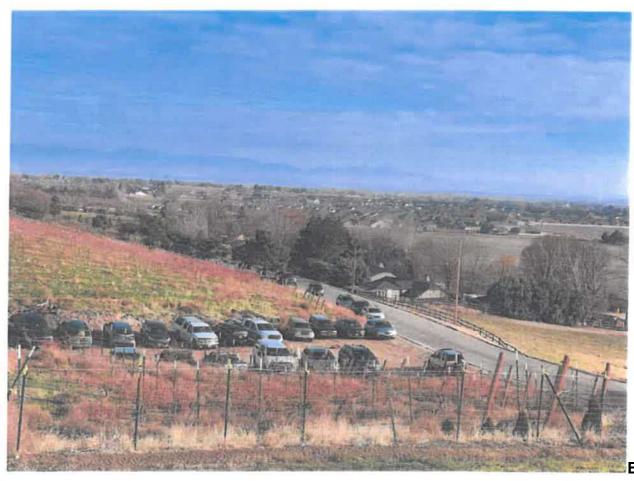
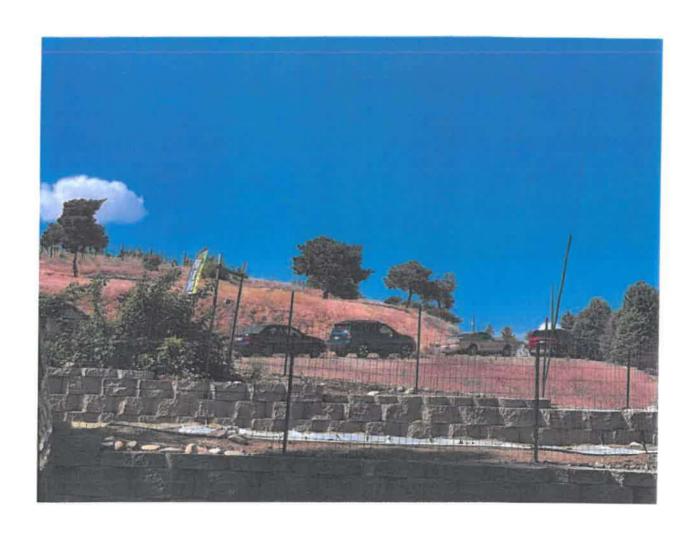


Exhibit 3f





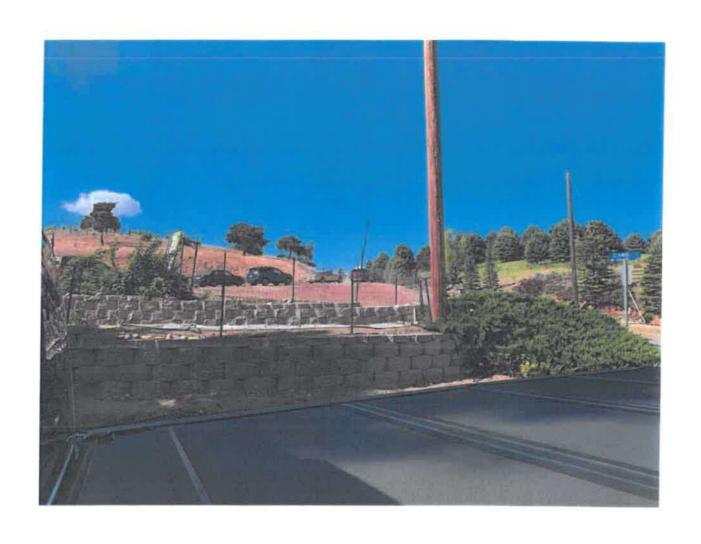


EXHIBIT C (Events Page – Facebook)













## Sol Invictus Vineyard

1.7K likes • 2K followers







Q 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





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 Pre A Loved pop up!

2 people went  $\cdot$  Sol Invictus Vineyard in Star, Idaho Interested

SAT, JUN 24 AT 7:30 AM MDT

#### Mithraic Invocation of Sol Invictus

 $2\ people\ going \cdot Bedminster\ Quaker\ Meeting\ House\ in\ Bristol,\ United\ Kingdom$ 

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  $\cdot$  6394 Schmidt Ln, Star, ID 83669-6161, United States Interested

SUN, MAY 28

#### **Sol Invictus**

17 people interested  $\cdot$  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  $\cdot$  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 Vinevard - Dustin Morris

43 people interested  $\cdot$  6394 Schmidt Ln, Star, ID 83669-6161, United States Interested

SUN, JUL 23 AT 4 PM

#### Sol Invictus Vineyard - Sottovoce

18 people interested  $\cdot$  6394 Schmidt Ln, Star, ID 83669-6161, United States Interested

SUN, MAY 28

#### Sol Invictus Vineyard - Flamenco Idaho

96 people interested  $\cdot$  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  $\cdot$  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  $\cdot$  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)

#### **EXHIBIT 5**



1 of 1 CANYON HIGHWAY DISTRICT No. 4 15435 HIGHWAY 44 CALDWELL, IDAHO 83607

> TELEPHONE 208/454-8135 FAX 208/454 2008

May 22, 2018

Canyon County Development Services 111 North 11th 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,

Chris Hopper, P.E.

Assistant District Engineer

File: Foothill Rd- Sol Invictus Winery 2018

EXHIBIT 5 1 of 1 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

ifischer@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 agricultutral 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 occured:

Summer of 2023

#### Signature

1XF

#### Date complaint was filed:

10/12/2023

EXHIBIT D (CUP Application 2023)



# CONDITIONAL USE PERMIT PUBLIC HEARING - MASTER APPLICATION

	OWNER NAME: SWITH DENNSE Smith
PROPERTY OWNER	MAILING ADDRESS: 6390 SChmidt. Lane, Star ID 83669
	PHONE: EMAIL
	s application and allow DSD staff / Commissioners to enter the property for site
inspections. If the	he owner(s) is a business entity, please include business documents, including
	those that indicate the person(s) who are eligible to sign.
Signature:	Umoit South Date: 28 Hug 2023
	APPLICANT NAME:
APPLICANT: IF DIFFERING	COMPANY NAME:
FROM THE PROPERTY OWNER	MAILING ADDRESS:
OWNER	PHONE: EMAIL:
	STREET ADDRESS: 6394 Schmidt Lane
	PARCEL NUMBER: R3377401500 Sect: 01, 4N, 2W
SITE INFO	PARCEL SIZE: 10 acre
	REQUESTED USE: Event Center
	FLOOD ZONE (YES/NO) ZONING DISTRICT:
	FOR DSD STAFF COMPLETION ONLY:
	102023-0018 DATE RECEIVED: 8/28/23
RECEIVED BY:	APPLICATION FEE: \$ 900 CK MO CC CASH



☐Contractor Shop

## **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	DES	all
Letter of Intent (see standards on next page)	DRS	1.10
Site Plan (see standards on next page)	245	20
Land Use Worksheet	DRS	11
Neighborhood Meeting sheet/letter completed and signed	DLS	Oute
Proof of application/communication with (varies per application):	DES	1111
Southwest District Health		1
Irrigation District	DES	
Fire District	NES	
Highway District/ Idaho Transportation Dept.		
Area of City Impact	NES	
Deed or evidence of property interest to the subject property	DES DES	2/1
Fee: \$950.00 \$600.00 (CUP Modification)	DES	WA
**Fees are non-refundable**		11 0

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

☐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 4th, 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, hydroscopic 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.

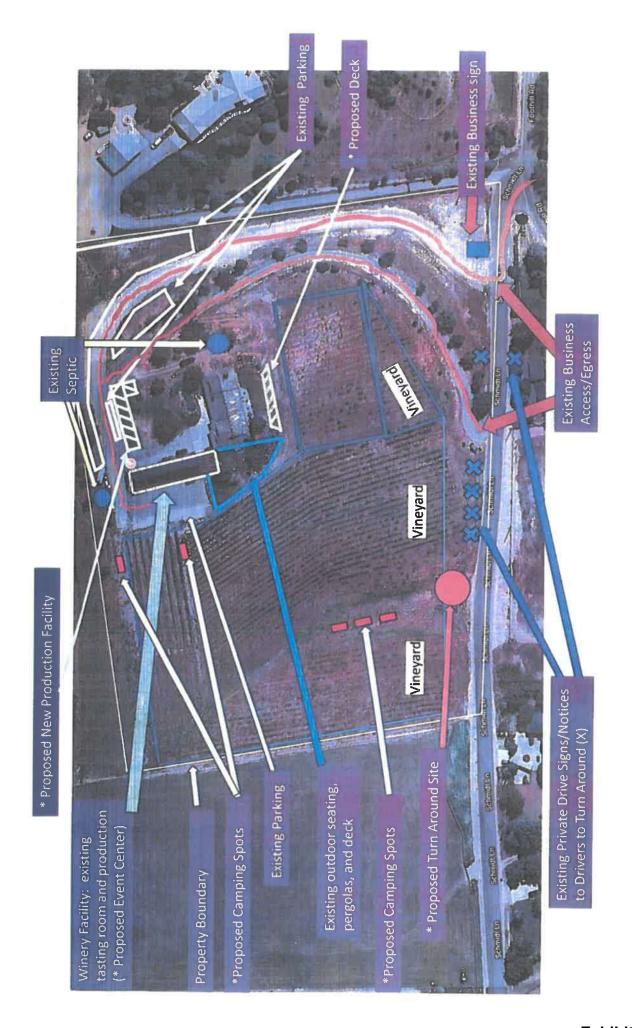
It is the intent of this land use designation to help to preserve Star's rural feel. Huge manicured "Rural Residential" lots are discouraged and therefore manicured home site areas on these properties should not exceed 1/2 acre. Uses may include active agriculture, viticulture, equestrian, and residential. 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:

<u></u>	LEASE CHECK ALL THAT APPLY TO TOUR REGUEST	<u></u>
	GENERAL INFORMATION	
1. DOMESTIC WATER:	Individual Domestic Well □ Centralized Pu	iblic Water System   City
□ N/A – Explain why this is n	ot applicable:	
☐ How many Individual Dome	estic Wells are proposed?	
2. SEWER (Wastewater)	☑ Individual Septic ☐ Ce	entralized Sewer system
□ N/A – Explain why this	s is not applicable:	
3. IRRIGATION WATER PR	OVIDED VIA:	
☐ Surface <b>⊠</b> Ir	rigation Well   None	
4. IF IRRIGATED, PROPOS	ED IRRIGATION:	
☑ Pressurized □	☐ Gravity	
5. ACCESS:		
☐ Frontage ☐	Easement width	nst. #
6. INTERNAL ROADS:		
☐ Public ☐ P	Private Road User's Maintenance Agree	ment Inst #
7. FENCING	Fencing will be provided (Please show locat	ion on site plan)
Туре:	Height:	
8. STORMWATER:	Retained on site   Swates	Ponds D Borrow Ditches
Other:		
9. SOURCES OF SURFACE	WATER ON OR NEARBY PROPERTY: (i.e.	creeks, ditches, canals, lake)

1. NUMBER OF LOTS REQUESTED:    Residential		RESIDENTIAL USES
Residential   Commercial   Industrial     Common   Non-Buildable	4 AUMADED OF LOD	
Common		
2. FIRE SUPPRESSION:    Water supply source:		
Water supply source:	☐ Common	
Water supply source:	2 FIRE SUPPRESSION	NAC.
3. INCLUDED IN YOUR PROPOSED PLAN?    Sidewalks   Curbs   Gutters   Street Lights   None		
Sidewalks   Curbs   Gutters   Street Lights   None	- vvaler supply soul	ce
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  Friday 9 am to 10 pm  Saturday 9 am to 10 pm  Saturday 9 am to 10 pm  Sunday 9 am to 10 pm  West Friday 9 am to 10 pm  Sunday 9 am to 10 pm  MILL YOU HAVE EMPLOYEES? Yes if so, how many? 10 Non-Lighted Height: ft Width: ft. Height above ground: ft  What type of sign: Wall Freestanding 100 ther	3. INCLUDED IN YOUR	PROPOSED PLAN?
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  Friday 9 am to 10 pm  Saturday 9 am to 10 pm  Saturday 9 am to 10 pm  Sunday 9 am to 10 pm  Wednesday 9 am to 10 pm  Friday 9 am to 10 pm  Sunday 9 am to 10 pm  MILL YOU HAVE EMPLOYEES? Yes If so, how many? 10 Non-Lighted  Height: ft Width: ft. Height above ground: ft  What type of sign: Wall Freestanding Other  5. PARKING AND LOADING: 100	☐ Sidewalks ☐	Curbs   Gutters   Street Lights   None
2. DAYS AND HOURS OF OPERATION:  Monday  9 am  to 10 pm  Wednesday  9 am  to 10 pm  Thursday  9 am  to 10 pm  Friday  9 am  to 10 pm  Friday  9 am  to 10 pm  Saturday  9 am  to 10 pm  Friday  9 am  to 10 pm  Saturday  9 am  to 10 pm  WILL YOU HAVE EMPLOYEES?  Yes If so, how many?  No  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: 100		NON-RESIDENTIAL USES
2. DAYS AND HOURS OF OPERATION:    Monday	1 SPECIFIC HOS	Frent Caster
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  Sunday 9 am to 10 pm  WILL YOU HAVE EMPLOYEES? Yes If so, how many? 10 no  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: 100	. SPECIFIC USE:	- Courte Gerice!
Wednesday		
Wednesday	Monday _	9 am to 10 /m
Wednesday	Tuesday	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  Sunday 9 am to 10 pm  WILL YOU HAVE EMPLOYEES? Yes If so, how many? 1 No  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	₩ Wednesday _	gam to 10 pm
Saturday 9 am to 10 pm  Saturday 9 am to 10 pm  Sunday 9 am to 10 pm  Sunday 9 am to 10 pm  WILL YOU HAVE EMPLOYEES? Yes If so, how many? No  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: 100  How many parking spaces? 100	Thursday	9 am to 10 pm
Saturday 9 am to 10 pm  Sunday 9 cm 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	Friday	9 am to 10 pm
Sunday	Saturday	9 am to 10 pm
3. WILL YOU HAVE EMPLOYEES? Yes If so, how many? No  4. WILL YOU HAVE A SIGN? Yes No Lighted Non-Lighted	t∯ Sunday	9 am to 10 pm
Height: ft Width: ft. Height above ground: ft  What type of sign: Wall Freestanding Other  5. PARKING AND LOADING: How many parking spaces? / OD		
Height: ft Width: ft. Height above ground: ft  What type of sign: Wall Freestanding X Other  5. PARKING AND LOADING:	3. WILL YOU HAVE EM	PLOYEES? Yes If so, how many? 12 D No
What type of sign:Wall FreestandingX Other  5. PARKING AND LOADING: How many parking spaces?/ UD		
5. PARKING AND LOADING: How many parking spaces? / OD		
How many parking spaces?	What type of sign:	Wall FreestandingX_ Other
Is there is a loading or unloading area?	5. PARKING AND LOA How many parking sp	DING: 100
		S

	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 <u>not</u> 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 <u>not</u> 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: <a href="mailto:denise@solinvictusvineyard.com">denise@solinvictusvineyard.com</a>, or Sol Invictus Vineyard, 6394 Schmidt Lane, Star, ID 83669.

Scott & Jains Smith

### **NEIGHBORHOOD MEETING SIGN-UP**

#### CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

4 Schmidt Lane

111 North 11th Avenue, #310, Caldwell, ID 83605

City:

8. 9. zoninginfo@canyoncounty.id.gov Phone: 208-454-7458

one: 208-454-7458 Fax: 208-454-6633



## NEIGHBORHOOD MEETING SIGN UP SHEET CANYON COUNTY ZONING ORDINANCE §07-01-15

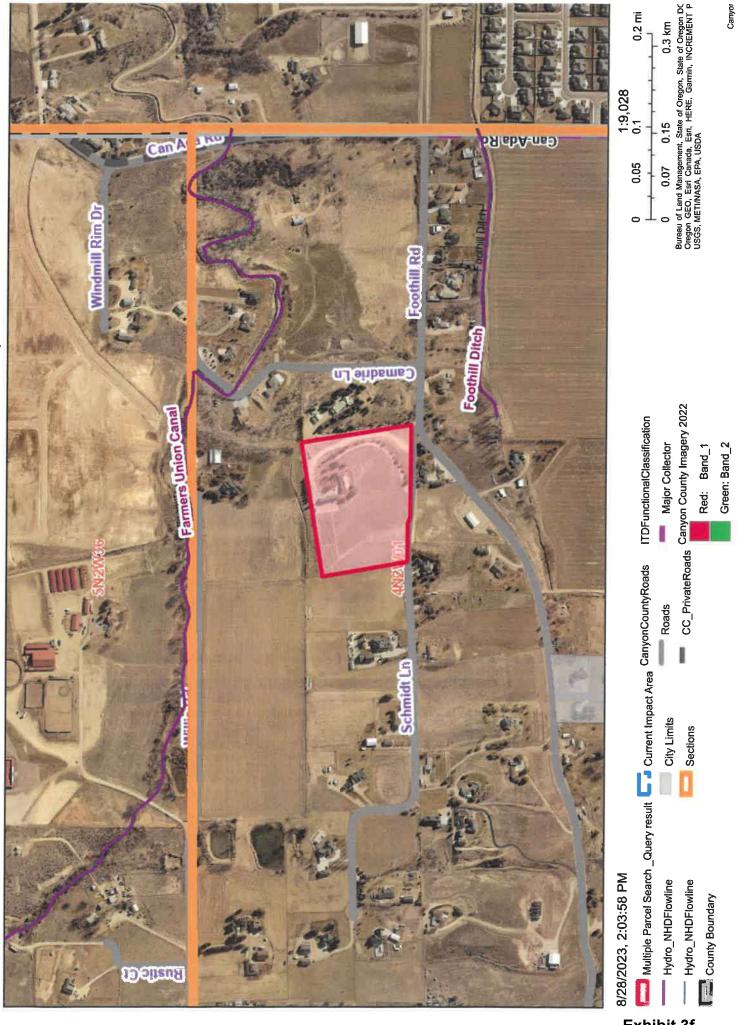
SITE INFORMATION

State:

Parcel Number:

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.

Notices Mailed Date: Jul 2	4, 2023	Number of Acres: 10	Current Zoning:
		and Extende	ed Hours
APP	LICANT / REPRESEN	ITATIVE INFORMATI	ON
Contact Name: Scoth and Company Name: Sol Inv	d Denise ictus Viner chmidt Li	Smith yard	
city: Stac		State: ID	ZIP Code: 83469
Phone:			Fax:
Email:			
	MEETING IN	FORMATION	
DATE OF MEETING: Aug 4, 2	MEETING LOC	CATION: 6394 S	ideniat Lane
MEETING START TIME:	MEETING END	TIME: 8:1501	Λ
ATTENDEES: 8 total	priple	1	
NAME (PLEASE PRINT)	SIGNATURE:	ADDRE	SS:
1. CRS/NAVCI	RENT	- (3	OL FEATHIN RD
2. JASEN LAASE			43 SCHMEDT LN



Daniel Lister, Canyon County Deve	lopment	Servi	ces
April 2, 2024			
Page - 8			

EXHIBIT E (Choutchourrou Letter to Applicant)

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,

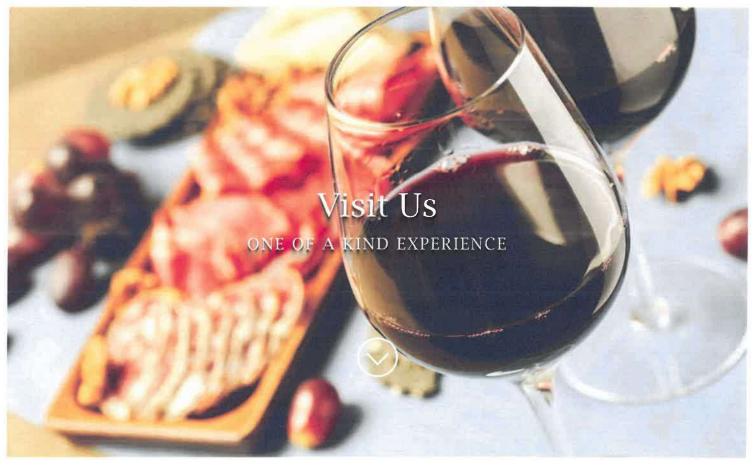
Den Choulchourrou

Sen and Toni Choutchourrou

Taribatan

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

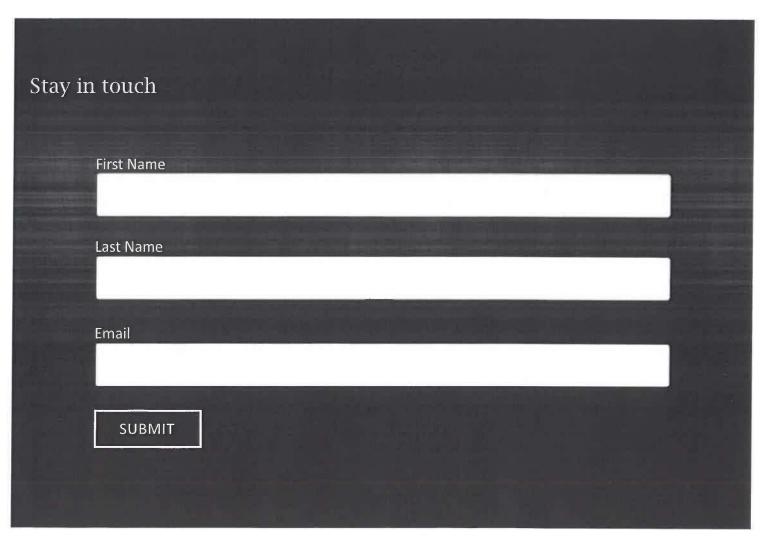
Reservations are not required but are encouraged for parties of 10 or more, or for our regulars who just love their usual seats.

Contact the tasting room at (208) 286-7401 or 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".



## EXHIBIT G

(Aerial Map showing Easements and Schmidt Lane)

3/28/24, 6:19 AM



https://clients.sentrydynamics.net/geo/id/canyon?layout=&min=#

## EXHIBIT H

(Road Easement Agreement – with Residential Use Restriction)

#### ROAD BASEMENT AGREEMENT

BETWEEN:

SCHMIDT ROAD CORPORATION, an Idaho Nonprofit Corporation,

"GRANTOR"

and

WILLIAM M. SCHMIDT, an Individual

"GRANTEE"

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 "GRANTER");

#### WITNESSETH:

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 RASEMENT AGREEMENT - 1.

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.

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

William M. Schmidt Its President

"GRANTOR"

William M. Schmidt

"GRANTEE"

ROAD EASEMENT AGREEMENT - 4.

STATE OF IDAHO ) : ss.

County of Ada )

On this day of May, in the year of 1998, before me, 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 the that such corporation executed the same.

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

official off

Notary Public for the State of Idaho
Residing in Ada County, Idaho
My Commission Expires: 10/1/2000

STATE OF IDAHO )

: 55.

County of Ada )

On this Aday of May, in the year of 1998, before me, English 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 according to the that he executed the same.

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

Notary Public for the State of Idaho Residing in Ada County, Idaho My Commission Expires:

ROAD EASEMENT AGREEMENT - 5.

## James Schohr 23969 Camadrie Lane Star, ID 83669

530/693-0580 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.

STAFF REPORT: AMENDMENT TO AD2018-0042: SOL INVICTUS WINERY

(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 9th 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 <sup>3</sup> / <sub>4</sub> " crushed aggregate (gravel)	2.5" thick	24 for local roads and 26 for collector roads	

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

STAFF REPORT: AMENDMENT TO AD2018-0042: SOL INVICTUS WINERY

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	207
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!	

(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 <sup>3</sup> / <sub>4</sub> " 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:
  - a. CCZO 07-13-01(8) every open off street parking area having more than four (4) parking spaces shall be hard surfaced.
  - b. CCZO 07-13-01 (9) Lighting used to illuminate off street parking areas shall be directed away from residential properties.
  - c. 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 <u>approves the amendment to</u> Case # AD2018-0042 for a winery with accessory tasting room subject to the conditions of approval enumerated above.

APPROVED this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_, 2018.

DEVELOPMENT SERVICES DIRECTOR CANYON COUNTY, IDAHO

Patricia Nilsson, Director

State of Idaho

SS

County of Canyon County)

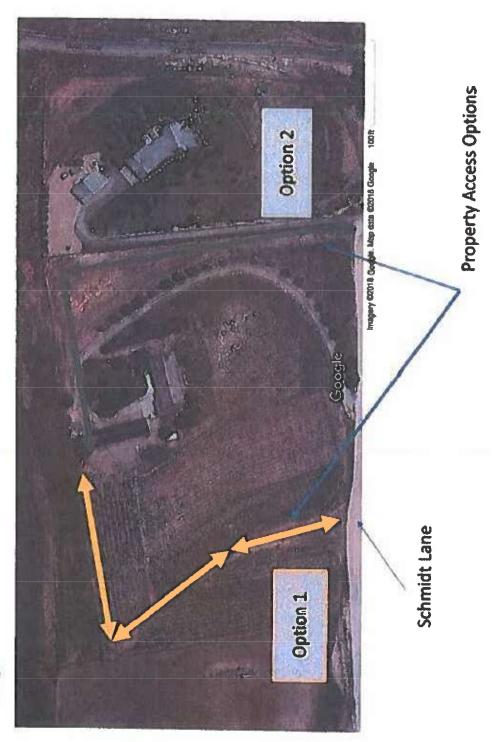
On this The day of Somber, in the year of 2018, before me kathern Frost, a notary public, personally appeared Patricia Nisson, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

KATHLEEN FROST NOTARY PUBLIC STATE OF IDAHO Notary:

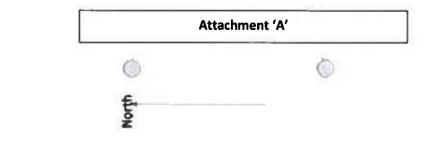
My Commission Expires: \_\_\_\_

oires: <u>6-3-2026</u>

### Attachment 'A' (AMENDED)

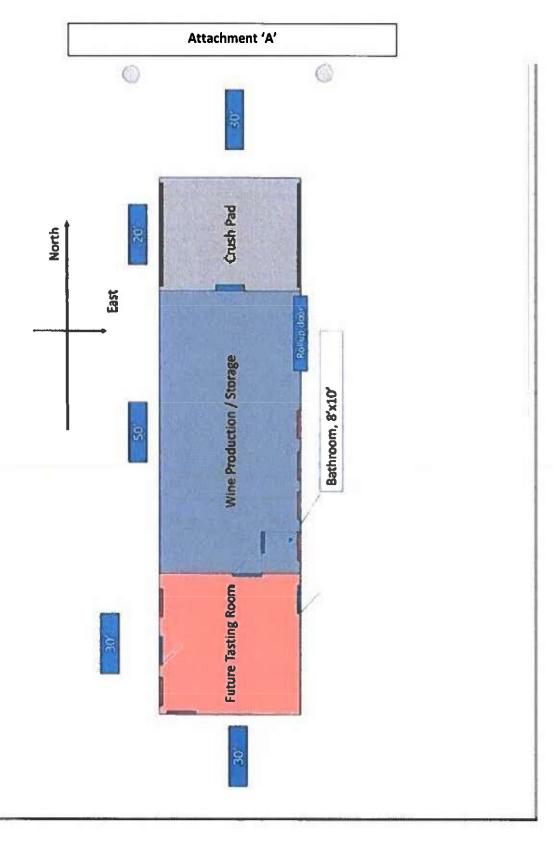


Google Maps





3/16/2018



#### **Exhibit 5**



# **Building Permit**

**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 Secondary 6394 SCHMIDT LN

Address: Star ID 83669 Owner: SMITH SCOTT E

6390 FOOTHILL RD

STAR ID 83669

Applicant: CHRYSALIS ARCHITECTURE +

PLANNING

454 W CHRISFIELD DR MERIDIAN ID 83646

Contractor: CHRYSALIS ARCHITECTURE +

**PLANNING** 

454 W CHRISFIELD DR MERIDIAN ID 83646 Registration No.: ARCHITECT

1st Floor: 3017 Porches\Patios: Project Notes:

2nd Floor: Bonus Room:

Det Acc:

Basement: Mfg Home: Garage: 2nd Floor Add:

Carport: 1st Floor Add: Decks:

Det Acc 2nd

All Other Res:

Parcel Number: 337740150

Star ID 83669

Sec: Twn: Range: Qtr: Zoning:

4N 2W

Parcel Address: 6390 SCHMIDT LN

А

1 Sub:

Lot(s): Blck:

Item Num: Winery, Distillerey, Brewery

Proj. Type: Conversion

OCC Group: A-3, S-2 OCCType: Commercial

CNST Type: VB

Proj. Value: \$200,000.00

Code Edition: 2015 IBC

Description: Commercial winery (changing

occupancy from shop to Winery- renovating 3017 sq feet)

Barrel room/Tasting room

Mixed Use

Auto Sprinkler: No

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
		\$4,533.25
Standard Zon	ing / Building Condition(s)	
Address num and at the ap	nbers must be illuminated or reflective and displayed on the residence, at the properties of the public road.	e driveway entrance
Ctrusture mu	ort comply with Fire District A. J.	

- 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.

Proir 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 drivway as shown on the site plan (Exhibit 3) to the current provate road and driveway standards for a road the exceeds 100 Average Daily Trips (ADT).  Property owner is responsible for identification of all property boundaries to measure sethacks 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.  **Portant Information:** Inspection Request: It is the duty of the contractor or owner to notify this office when a work project is ready for irred inspections. Persone making the request may be requested to relieve and plumbing from the IID Department when the inspection is needed, 4) Type of inspection Separate Permits are required of electrical and plumbing from the IID Department provides the following information: 1) Tracking Number; 2) Project Address; 3) Date and even the inspection is needed, 4) Type of inspection Separate Permits are required of electrical and plumbing from the IID Department provides the provide the permits are separated or electrical and plumbing from the IID Department provides the provide plumbing from the Department provides the provide the permits are required for electrical and plumbing from the IID Department provides the provide the permits are required to electrical and plumbing from the IID Department provides the provides the provides and provides the prov		All Parking requirements listed off in the Please send photos at final inspection	ne conditions of a	approval AD2018-0042 r	nust be met p	roir to C of O.	
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.  portant Information: Inspection Request: It is the duty of the contractor or owner to notify this office when a work project is ready for irred inspections. Persons making the request must provide the following information: 1) Tracking Number; 2) Project Address; 3) Date and e when the inspection is needed: 4) Type of inspection. Separate Permits are required for electrical and plumbing from the IID Department abor and Industrial Services. Homeowner's permit applications are available at this office. Permit Suspension/Expiration: The Building Official invest 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 a started or is a started or is original to revoke any permit is issued subject to the liation contained in the building code and zonjng regulations of Canryon County, IID and it is hereby gated that work to be done as shown in the s and specifications will be completed in accordance with the regulations partaining and applicable there to.		Proir to the certificate of Occupancy for improved and certified by a licensed e plan (Exhibit 3) to the current provate	or the tenant imp	othill Road to the exit dri	vway as show	n on the site	,
when the inspection is needed: 4) Type of inspection. Separate Permits are required for leaching August Project Address; 3) Date and e when the inspection is needed: 4) Type of inspection. Separate Permits are required for electrical and plumbing from the IID Department abor and industrial Services. Homeowner's permit applications are available at this office. Permit Suspension/Expiration: The Building Official rives 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 adoned. 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 illation contained in the building code and zonjang regulations of Canyno County, IID and it is hereby agreed that work to be done as shown in the sand specifications will be completed in accordance with the regulations pertaining and applicable there to.		Property owners shall not build any str locate those easements. Structures m line, unless approved otherwise by the measured from either the front propert	ructure on/in an e nust be at least s highway district	easement and it shall be eventy (70) feet from a s having jurisdiction. Fro	the owner's resection line or nt Setbacks s	esponsibility to quarter-section hall be	
demonts Sut Clamb 4.9.10	abor erves andor	Impections: Persons making the request must pene the inspection is needed: 4) Type of insperand Industrial Services. Homeowner's permit aps the right to revoke any permit issued in error or need. In hardship cases, an un-expired permit may an contained in the building code and zoning rog.	provide the following action. Separate Per plications are availal on the basis of incor be extended 180 day plations of Canyon C	information. 1) Tracking Num mits are required for electrical ble at this office. Permit Suspe rect information. Permits expir ays, total not to exceed 12 mo ounty. IID and it is beceby ago	aber; 2) Project A and plumbing fro ension/Expiration: te in 180 days if w nths. This permit is	address; 3) Date and om the IID Departmen The Building Official work is not started or it is issued subject to the	d nt is
nature of Contractor or Authorized Agent: Date: Building Official/Staff: Date:	N	Erwart Smith		Clam	b	4.9	. [0
	matu	re of Contractor or Authorized Agent:	Date:	Building Official/Staff	f:	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

Code Edition: 2015 IBC

Use Zone: A

Use Classification: A-3, S-2

Permit Number: BP2019-0141

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:

Savid & and

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,

Greg Timinsky, Fire District Chief

Original to Requester/ Copy retained by Chief

FINAL/AS-BUILT — Subsurface Sewage Disposal								
			SOUTHWEST DISTRICT HEALTH		Permit #:	2-46231		
			7 Miami Lane		Date Rcvd:	4-3-19		
Idoho	Public He	alth Districts	Caldwell, ID 8	33607 (208) 455-5	5400	Parcel #:	R3377400500	
Applicant's Na		7	Lilma	KKA			133/1/01/00	
Owners Name		Scott	Servitta	/C//				
Property Addr		6390 F	201 Hill	Rd. 5	TAR	TRE	3669	
Legal Descrip		<i>C</i>	Township: 4	ル Range: 却		Section:	1	
Subdivision:			Lot:	Block:		Size: (acres)	9.99	
As-built (not to so	cale)		, 1	System Type:	ISE	Gravel (Yards):		
		$N \rightarrow$	\(\frac{\rho}{\rm 1}\)	System Type: Lntvenched Cyave D System Mfg:	)F	~12 yds Sand (Yards):	. Premier	
				NA Septic/Trash Tank		~25 yds		
			44	1000	` ′		1-54"	
			1	Septic/Trash Tank		Rock Under Pipe		
C/\D\	2′ 0		5	Depth to Tank Lid		Date System Ins	talled 4/11/19	
upriex	3100		, 00			Riser Longitude:		
convex convex	14 101	25		Pump Tank (gallons)	):	Riser Latitude:	_	
				Pump Tank Mfg:		Well Installed Yes □ No		
				Drainfield Width (F	t):	Distance to Tank	(Ft):	
	$\nabla$	rju.		Drainfield Length (	(Ft):	Distance to Drain	nfield (Ft):	
		riveway		Drainfield Area Installed (Sq Ft): 2 Effective Area (Sq F	264 =t):	Dist-Box:	Yes XNo Yes XNo Yes XNo	
				All plans specifica	tions s	and conditions co	ntained in the approved	
				permit application enforceable as par	are her	eby incorporated	into and may be	
Technical Allowance Granted (X) Yes No Comments: The French was alleper 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 Notes/Conditions of Approval: the 10% technical allowance.								
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 provide	As-Built provided by EHS As-Built provided by Installer							
DATE	4 11 1	9			EHS	Final Inspection S	ignature	
TRAVEL INSPECT	30			27			4/11/19	
EHS	<u>30</u>			EHS Co	de		Date	



## **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: 337740150** 

**Permit Number:** 

Land Use Case #:

BP2019-0141

4N Parcel Acreage: 9.99 Permit Is For: Commercial Township: 2W County Zone: Range: Square Footage: 3017 City Impact Area: Middleton, Section: Site Address: 6390 SCHMIDT LN Quarter: Star ID 83669 Subdivision: Secondary Residence Star ID 83669 6394 SCHMIDT LN Lot: Block: Project Flood Zone:Zone X - Outside SFHA, Sec Line: 1/4 Sec: Parcel Flood Zone:Zone X - Outside SFHA, County Set Backs: Yes City Set Backs: No Front:30 Hwy Dist: Canyon Highway No 4, Front: Fire Dist:Star Fire. Rear:20 Rear: School Dist: Middleton School No 134, Side: 10 Side:

Owner:

Original Parcel: No

Applicant:

AD2018-0042

Contractor:

SMITH SCOTT E 6390 FOOTHILL RD STAR ID 83669 CHRYSALIS ARCHITECTURE + PLANNING

454 W CHRISFIELD DR MERIDIAN ID 83646 CHRYSALIS ARCHITECTURE + PLANNING

454 W CHRISFIELD DR MERIDIAN ID 83646

**ARCHITECT** 

R	equired Documentation	Date Received	ed Initials			quired Documentation	Date Received	Initials
Х	Legal Description / Deeds	02/21/2019	CL			Ad Valorem		
Х	Building / Site Plans (2)	02/21/2019	CL			PRE-76 Rehab Certificate		
Х	Engineering	02/21/2019	CL			MH Temp Res Permit		
Х	Res Check	02/21/2019	CL			Road Frontage		
	Prescriptive					Easement		
	Manual J S D & E					RUMA		
Х	SWDH Septic Permit	02/21/2019	CL			Development Permit (Flood)		
Х	Hwy Dist/ITD Access Permit	02/21/2019	CL			Elevation Certificate		
Х	Fire District Permit	02/21/2019	CL		X	Property Research	02/21/2019	CL
	Waiver					Address from City		CL
					Х	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: Filing Date: 02/21/2019 Status: Active

BP2019-0141 Page 1 of 2

Sta	ndard Zoning /	Building Condition(s)		
	Address numbers	must be illuminated or reflective and displayed on the to the public road.	the residence, at the di	riveway entrance
		mply with Fire District standards and conditions.		
	Driveway to be co	enstructed prior to final inspection.		
	Final SWDH Pern	nit required in office or verified by inspector before f	înal.	
	The accessory ta:	sting room is limited to the following hours of operat PM.	tion: Saturday through	Sunday from
		ements listed off in the conditions of approval AD20 os at final inspection.	118-0042 must be met	oroir to C of O.
	improved and cer	cate of Occupancy for the tenant improvement, Sch tified by a licensed engineer from Foothill Road to t the current provate road and driveway standards fo	he exit drivway as show	wn on the site
	Property owners locate those ease line, unless appro	responsible for identification of all property boundarshall not build any structure on/in an easement and ements. Structures must be at least seventy (70) fewed otherwise by the highway district having jurisdifither the front property line, road right of way line, or	it shall be the owner's et from a section line o ction. Front Setbacks	responsibility to r quarter-section shall be
Fee	es .			
Dat	е	Fee Item		Amount
02/2	21/2019	Certificate of Zoning Compliance (Over the Count	er) - ZCB	\$70.00
02/2	21/2019	Deposit for Non Residential Plan Check		\$180.00
				\$250.00
Red	ceipts			
Dat	te	Recipt Number		Amount
02/2	1/2019	23418		\$250.00
			Total Paid:	\$250.00
For cale	ndar days from the inistrator. Please p	ling Permit.  Dications, this "Certificate of Zoning Compliance" state of filing. One extension may be requested in voick-up your Building Permit when it is ready during	writing and approved b	y the Zoning
	r signature acknow ht to Farm" laws.	ledges that any nuisance complaints regarding agri	icultural activity may be	e limited by the Idaho
You abo		knowledges that you have read, understand and ag	ree to comply with all t	he conditions listed
l affi	rm that all informa	tion provided by me for the completion of this certific	cate is correct to the be	est of my knowledge
Арр	licant's Signature:_			
DSE	Staff Accepting A	pplication:	Date: 2-2	5-19
		nistrator:		



# **PERMIT-Subsurface Sewage Disposal**



# **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 Son	: H					
Property Address:	6390 FOOT HILL Rd. STAR, IT 83669						
Legal Description:	Township (1) Range 2 W Section Of						
Subdivision:							
Type of Installation		Type of System (check all that ap	ply)	Water Supply			
New System  ☐ Expansion ☐ Repair ☐ Tank Only  ☐ Basic System ☐ Complex System	□ Absorption Bed □ Capping Fill □ Central System □ Composting Toilet □ Drip Distribution □ ETPS □ Experimental □ Extra Drainrock □ Evapotranspiration  Gravel Drainfield	☐ Gravelless Drainfield ☐ Gray Water Sump ☐ Gray Water System ☐ Holding Tank ☐ Incinerator Toilet ☐ Individual Lagoon ☐ Intermittent SF ☐ LSAS ☐ Pit Privy	☐ Pressurized DF ☐ Recirculating GF ☐ RV Dump Station ☐ Sand Mound ☐ Seepage Pit ☐ Steep Slope Drainfield ☐ Two Cell Lagoon ☐ Vault Privy ☐ Other (see below)	Private Shared Public  Water Source  Well Spring			
Excavate to With ASTM Gravel drain Uspecification			s. Backfill to all Standard Juidance Ma	nual			
☐ Residential permit		<del></del> ,	N/A	Bedrooms Gallons Per Day			
Non-residential perm	it		185	Gallons Per Day			
The drainfeld can be no	drainfield absorption area closer to permanent/interm	is: nittent surface water than: rmit requires inspection of the	A-2b 700 217 300	USDA Gallons Square Feet Feet			
All plans, specifications, and	conditions contained in the app	proved permit application are herebof issuance. The permit may be re	y incorporated into, and are enf				

EHS Permit Issued Signature

TRAVEL

INSPECT

EHS

Revision Date: 03/2011

EHS

EHS

EHS

EHS

EHS

Exhibit 5

DATE

From: Sent: Mike Liimakka <mike@aoengineering.com>
Thursday, February 21, 2019 9:16 AM

To:

Richard Wilmot

Subject:

FW: Sol Invictus Winery - Submittal 190115 Sol Invictus Civil Set.pdf

Attachments:

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

From: Greg Timinsky <gtiminsky@starfirerescue.org>

Sent: Monday, February 04, 2019 1:26 PM

To: Brooke Rhodes < brooke@aoengineering.com>

**Cc:** mike < 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 www.starfirerescue.org



Serving Through
Professionalism and Excellence

On Feb 4, 2019, at 10:32 AM, Brooke Rhodes < 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

From: Brooke Rhodes <br/>
<br/>brooke@aoengineering.com>

Sent: Tuesday, January 22, 2019 9:35 AM

To: 'Greg Timinsky' <gtiminsky@starfirerescue.org>

Cc: 'mike' < 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

From: mike <mike@aoengineering.com>
Sent: Thursday, January 03, 2019 9:25 AM

To: Greg Timinsky <<u>gtiminsky@starfirerescue.org</u>>
Cc: Brooke Rhodes <<u>brooke@aoengineering.com</u>>

Subject: Re: Sol Invictus Winery - Fire Apparatus Road Width

Thank you.

Sent from my Sprint Samsung Galaxy S8.

----- Original message ----- \*

From: Greg Timinsky < <a href="mailto:gtiminsky@starfirerescue.org">gtiminsky@starfirerescue.org</a>

Date: 1/3/19 8:53 AM (GMT-07:00)
To: mike < 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
atiminsky@starfirerescue.org
www.starfirerescue.org

Sent from my Sprint Samsung Galaxy S8.

----- Original message -----

From: Brooke Rhodes < brooke@aoengineering.com >

Date: 1/2/19 4:10 PM (GMT-07:00)

To: 'Greg Timinsky' <<u>gtiminsky@starfirerescue.org</u>> Cc: Liimakka Mike <<u>mike@aoengineering.com</u>>

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

From: Greg Timinsky <<u>gtiminsky@starfirerescue.org</u>>
Sent: Wednesday, January 02, 2019 4:06 PM
To: Brooke Rhodes <<u>brooke@aoengineering.com</u>>

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
www.starfirerescue.org

On Jan 2, 2019, at 3:58 PM, Brooke Rhodes <br/>
<a href="mailto:brooke@aoengineering.com">brooke@aoengineering.com</a>> 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 < gtiminsky@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
gtiminsky@starfirerescue.org

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

Ph: 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 (928) 606-2275 Cell:

From: Greg Timinsky < gtiminsky@starfirerescue.org> Sent: Wednesday, January 02, 2019 3:55 PM To: Brooke Rhodes < 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 www.starfirerescue.org

<image001.png>

On Jan 2, 2019, at 3:47 PM, Brooke Rhodes <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

SEE REVERSE SIDE FOR GENERAL PROVISIONS. PRIDE TO WORK IN FROMIT IN SIGNAT OF UNITY REPAIR TO ENIST INDIVIDENCE PROJECT standards, and extend asphalt pavement along private road to proposed commercial site.

Coustakertou (all Rusus Foll Suc Invictors without Outside of Infullance to CHO). I CERTIEY THAT I AM THE OWNER OR AUTHORIZED REPRESENTATIVE OF THE PROPOSED PROPERTY TO BE SERVED AND SERVED AND SERVED AND THE REVERSE TO BE SERVED AND SERVED SERVED AND SERVERSE TO BE SERVED AND THE REVERSE SIDE, THE SPECIAL PROVISIONS PRINTED ON THE REVERSE SIDE, THIS PERMIT. 818 S. La Cassia Dr., Ste 102 MAILING ADDRESS (tor retund of performance assurance fee) 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. This permit shall not be valid for construction until, or unless, the provisions of Idaho Code Title 55, Chapter 22 have been complied with. ROAD#: 1015ド CONSTRUCTION REQUIREMENTS (attached): SD-105 (Resid.) Y SD-106 (Comm.) SD-110 (RW) INSEW) POSTED SPEED 35 Development will update use to include commercial use. Approach improvements to include PRIOR TO EXCAVATION, CALL DIGLINE 1 (800) 342-1585 epair of existing asphalt, install new asphalt to make layout of approach conform to district Access to existing private road "Schmidt lane", which currently services residential access OTHER IN Existing mke@aoengineering.com EMAIL OR OTHER CONTACT (Optional) LENGTH: LOCATION: 1680' west ff W. Can Ada Rd. int, 3920' east of Blassinger Rd. int. FEE: \$ Ø REPAIR TO ESPERANCE: \$\_ SURFACE TYPE: Asphalt REFUND AMOUNT: \$ N/A CANYON HIGHWAY DISTRICT NO. 4 Office Use Boise, ID 83705 CITY, STATE, & ZIP TOTAL DUE: \$ FIELD (SIZE: 820' (NSEW) ISSUE DATE: ! | / 17 | / 4 9 PERMIT VOID AFTER 12 MONTHS FROM DATE ISSUED, UNLESS OTHERWISE SPECIFIED. REQUIRED COMMERCIAL LOCAL | GRAVEL | PAVEMENT | OTHER | WIDTH: 26 AVAILABLE SIGHT DISTANCE: 1000'+ Miland R. Jinger SIGNATURE AND DATE (BY CONNER OR AUTHORIZED REPRESENTATIVE) ISSUED BY: CHIRLS HOPPING COLLECTOR N APPLICANT - PLEASE TYPE OR PRINT CULVERT: NOT REQUIRED TO CONST. COMPLETED (DATE): ITLE: ASSI- BALGA ROAD NAME: Foothill Rd RESIDENCE SPECIAL PROVISIONS: PUBLIC ROAD TYPE: Mike Liimakka (208) 322-5250 1171 APPROVED BY: ARTERIAL QUANTITY TYPE: DATE: HONE

Exhibit 5

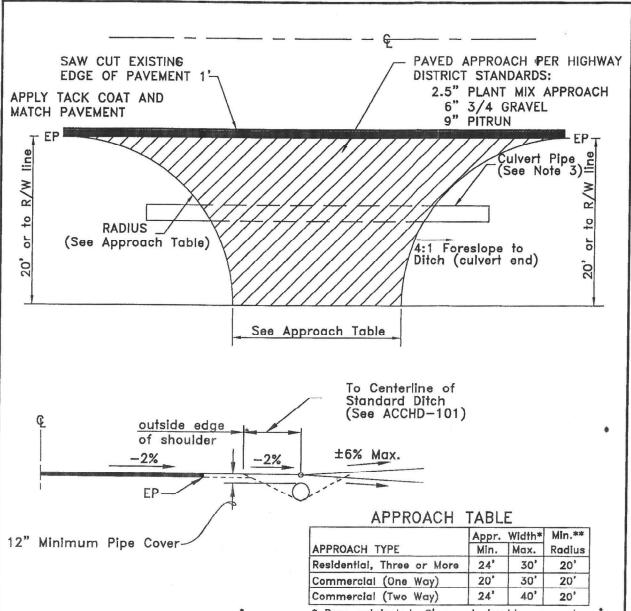
Revised Dec 2014

This form may be reproduced for use in making multiple applications

#### **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.

Revised Dec 2014



- 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

# Exhibit 6: Site Photos Taken on April 9, 2024

Image 1: Taken from the entrance of Schmidt Lane onto Foothill Road facing southeast.



Image 2: Taken on Schmidt Lane facing east showing the entrance/exit to the subject property.



Image 3: Taken on Schmidt Lane facing east showing the emergency exit from the subject property.









Image 4: Taken from the entrance of Schmidt Lane onto Foothill Road facing southwest.



Image 5: Taken on the subject property facing west showing the vineyard



Image 6: Taken on the subject property facing southeast showing vineyard









Image 7: Taken on the subject property facing northeast showing tasting room and production center and some parking spaces.



Image 8: Taken on the subject property facing east showing entrance to tasting room and production center and patio area with pergola.



Image 9: Taken on the subject property facing northwest showing patio area with pergola.









Image 10: Taken from the property facing northwest showing patio area with pergola.



Image 11: Taken from the property facing northeast showing the deck with a railing, part of the patio with pergola, and area behind house.



Images 12 and 13: Taken facing deck with a railing facing southeast.









Image 14: Taken on the subject property facing east. This shows the deck behind the residence.

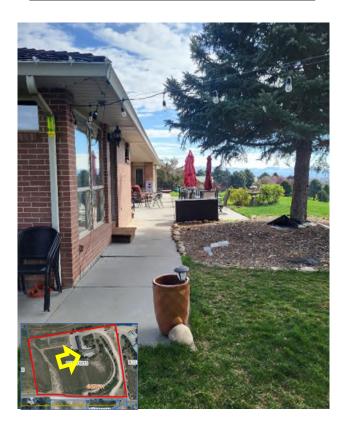


Image 16: Taken on the subject property facing northeast. This shows a parking area near the residence.



Image 15: Taken on the subject property facing northeast next to tasting room and production facility. This shows a parking area across from the residence.



Image 17: Taken on the subject property facing northeast. This shows another parking area near the entrance/exit driveway.



Image 16: Taken on the subject property facing southeast. This shows the parking area next to landscaping near the residence.



Image 18: Taken on the subject property facing east showing driveway entrance and one parking area.



Image 17: Taken on the subject property facing southeast. This shows the residence on site.



Image 19: Taken on the subject property facing southeast showing emergency exit driveway.



Image 19: Taken on the subject property facing southeast on the emergency exit driveway.





Images 20: Taken on Schmidt Lane facing north showing proposed gravel turnaround location.





#### Exhibit 7



#### PLANNING AND ZONING COMMISSION

#### FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of: Smith/Sol Invictus – Case #CU2023-0018

The Canyon County Planning and Zoning Commission considers the following:

A Conditional Use Permit for a Special Event facility on Parcel R33774015, approximately ten (9.98) acres, in an "A" (Agricultural) zone. The venue is proposed to operate seven (7) days per week with hours of operation from 9:00 a.m. to 10:00 p.m. The proposed use will host events with up to 250 guests.

The subject property is located at 6390 Schmidt Ln, Star, ID 83669; also referenced as a portion of the NE <sup>1</sup>/<sub>4</sub> NW <sup>1</sup>/<sub>4</sub> of Section 1, Township 4N, Range 2W; BM; Canyon County, Idaho.

#### **Summary of the Record**

- 1. The record is comprised of the following:
  - A. The record includes all testimony, the staff report, exhibits, and documents in Case File CU2023-0018.

#### **Applicable Law**

- (1) The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-07 (Conditional Use Permits), Canyon County Code §07-02-03 (Definitions), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures)
  - a. Notice of the public hearing was provided pursuant to CCZO §07-05-01, Idaho Code §67-6509 and 67-6512.
  - b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.
  - c. Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. *See* CCZO §07-07-01.
  - d. Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development; (6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. *See* Idaho Code §67-6512, CCZO §07-07-17, and 07-07-19.

- The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-07-01.
- (3) There are no mandates in the Local Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. Chambers v. Kootenai Cnty. Bd. of Comm'rs, 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).
- (4) The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCZO §07-05-03.
- (5) Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles, and factual information contained in the record.
- (6) The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application, CU2023-0018, was presented at a public hearing before the Canyon County Planning and Zoning Commission on July 18, 2024. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Canyon County Planning and Zoning Commission decided as follows:

#### CONDITIONAL USE PERMIT HEARING CRITERIA - CCZO §07-07-05

1. Is the proposed use permitted in the zone by conditional use permit?

Conditional Use Permit (CUP).

**Findings:** 

**Conclusion:** 

(1) The subject property, parcel R33774015, containing approximately 9.98 acres is zoned "A" (Agricultural) (Staff Report Exhibit 1)

The proposed use, a Special Events Facility is an allowed use in the "A" (Agricultural) zone by

- (2) Special Events are defined 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." (CCZO §07-02-03)
- (3) CCZO §07-10-27 Land Use Regulations (Matrix) provides for Special Events facility by conditional use permit in the agricultural zone.
- (4) A conditional use permit was submitted on August 28, 2023, with additional information submitted in April and May of 2024, including an email outlining what types of events will be held at the special events facility on April 9, 2024, an updated letter of intent on May 14, 2024, an email expanding on club membership on May 30, 2024, a parking and circulation plan approved by Star Fire Protection District on May 15, 2024, and a private road/driveway engineer's certification on May 23, 2024, and an email expanding on club membership on May 30, 2024 (Staff Report Exhibits 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, and 2I).
- (5) In accordance with CCZO §07-01-15 the applicant provided evidence that a neighborhood meeting was conducted on August 4, 2023 at 7 p.m. having provided notice to property owners within 600 feet of the subject property and having met the minimum 10-day notification period. The sign-in sheet indicates seven (7) people were in attendance. (Staff Report Exhibit 2C).

(6) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0018.

#### 2. What is the nature of the request?

#### **Conclusion:**

Scott and Denise Smith are requesting a conditional use permit to allow a Special Events Facility use within an "A" (Agricultural) zoning district (Staff Report Exhibit 1 and 2A). The requested use includes a variety of events throughout the year, such as weddings, yow renewals, catered dinners, graduation celebrations, birthday parties, anniversary parties, celebrations of life, backyard barbeques, neighborhood get-togethers, holiday gatherings, concerts, corporate events, and annual events hosted by the winery (Staff Report Exhibit 2G). The special events facility is to be located on a five (5) acre portion of a ten (10) acre agricultural parcel. Hours of operation shall be 9:00 a.m. -10:00 p.m. 7 days a week (Monday to Sunday). There will be no more than 19 employees. The facility will include signage, not illuminated. The property owners are requesting to have no more than twelve (12) large events (151-250 guests) annually (with four (4) of these events being ticketed music events). They are also requesting to have small (less than 50 guests) to medium events (50-150 guests) throughout the year (no limit). The applicants give examples of what might take place during their large, medium, and small events in their amended letter of intent. The applicants also state they have three hundred (300) club memberships in 2023 and have not increased them in 2024 (Staff Report Exhibit 2A). According to an email from the applicant on May 30, 2024, club members receive three (3) shipments of four (4) bottles of wine each calendar year (March, June, and September) and state that with approval of a conditional use permit, they plan on holding the wine release over multiple days (rather than just the weekend), which would allow the owners to facilitate an organized, structured approach that reduces the number of club members picking up any one time (Staff Report Exhibit 2H). The applicants are proposing multiple structures on the property to support the special events facility as shown on the site plan. The applicants currently have a 3,000' square feet building consisting of the wine tasting facility and production area, a 900 square feet concrete pad with pergola (12'x 18'), 2,000 square feet open grass area with a 250 square feet patio space with pergola and 1,400 square feet deck with railing. The applicants plan on expanding the existing deck and/or building a new deck (east of the existing structure) to augment customer wine-tasting operations. They also state they may expand the grass area to the west and may allow limiting camping within existing property boundaries (Staff Report Exhibits 2A and 2B) The applicants have a parking and circulation plan showing 20 marked parking spaces, 1 handicapped spot, and 55 additional parking spaces on the property. Star Fire Protection District has approved the applicant's parking and circulation plan (Staff Report Exhibits 2I).

#### Findings:

- (1) The subject property is zoned "A" (Agricultural) (Staff Report Exhibit 1)
- (2) Per CCZO §07-10-27 Land Use Matrix, the applicant may operate a special events facility with an approved CUP in the agricultural zone.
- (3) A conditional use permit was submitted on August 28, 2023, with additional information submitted in April and May of 2024, including an email outlining what types of events will be held at the special events facility on April 9, 2024, an updated letter of intent on May 14, 2024, an email expanding on club membership on May 30, 2024, a parking and circulation plan approved by Star Fire Protection District on May 15, 2024, and a private road/driveway engineer's certification on May 23, 2024, and an email expanding on club membership on May 30, 2024 (Staff Report Exhibits 2A,, 2B, 2C, 2D, 2E, 2F, 2G, 2H, and 2I).
- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0018.

3. Is the proposed use consistent with the comprehensive plan?

**Conclusion:** The Planning and Zoning Commission finds that the proposed use and conditional use

application for a special events facility is consistent with the 2030 Canyon County

Comprehensive Plan (the Plan).

Findings: (1) The 2030 Canyon County Comprehensive Plan designates the future use of the parcel as "residential" (Staff Report Exhibit 1).

- (2) The proposed use is consistent with multiple goals and policies of the 2030 Canyon County Comprehensive Plan including but not limited to
  - Property Rights Policies and Goals: Goal No. 1: "Protect the integrity of individual property rights while safeguarding public health, safety, and welfare." Policy No. 1: "No person shall be deprived of private property without due process of law." Policy No. 3: "Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures in development approvals." Goal No. 2: "Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition and preserve it for future generations without becoming a public nuisance."
  - Population Component Policy and Goal: Policy No. 1: "Plan for anticipated population and households that the community can support with adequate services and amenities." Goal No. 2: "Promote housing, business, and service types needed to meet the demand of the future and existing population."
  - Economic Development Goal and Policy: Goal No. 1: "Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations." Policy No. 2: "Supportive suitable sites for economic growth and expansion compatible with the surrounding area."
  - Land Use Policy and Goals: Policy No. 2: "Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses. Goal No. 3: "Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning." Goal No. 2: "Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility."
- (3) See Findings of Evidence in Criteria 4 through 8 for evidence that supports this criterion.
- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0018
- 4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?

**Conclusion:** 

The Commission finds and concludes that the proposed Special Events facility operating seven (7) days with hours of operation from 9:00 a.m. -10:00 p.m. per may change the essential character of the area and may be injurious to the other properties in the vicinity of the area, but with conditions of approval, these will mitigate the negative effects to the character area. The Commission acknowledges that the property will remain substantially similar to its current configuration and appearance. The property is 9.98 acres and the surrounding area includes mainly, residential parcels (either zoned residential or it is a residential parcel in the agricultural

zone), some agricultural production and some open land to the north. There are two (2) conditional use permits approved for a special events facility and go-track racetrack north of the property.

#### **Findings:**

- (1) The property is located in an "A" (Agricultural) zone (Staff Report Exhibit 1). The character of the area is predominantly residential with some agricultural production and the immediate vicinity is trending to primarily to residential development as evidenced by the residential zoning in the area and platted subdivisions (Staff Report Exhibits 3F, 3J, 3L, and 3M).
- (2) There are approximately forty-two (42) subdivisions located within one mile of the subject property (Canyon County has nineteen (19) platted subdivisions and Ada County has twenty-three (23) platted subdivisions within one mile of the subject property). There are currently 728 residences within one mile of the property (Canyon County has 247 residences and Ada County has 481 residences within one mile of the subject property). (Staff Report Exhibits 3L and 3M).
- (3) There is an approved conditional use permit for a special events facility and arena (commercial) with ancillary uses including R.V. (horse trailer) parking (overnight camping), animal hospital, and horse boarding about 1,000 feet to the north of the property (CU2011-12) and a conditional use permit for a go-kart racetrack about 3,400 feet to the north of the property (CU2022-0044).
- (4) The special events facility has the potential to increase noise levels in the immediate vicinity. The applicants have identified that to the south and east there are vineyards and native vegetation and structures to the north and west property boundaries that aid in noise buffering (Exhibit 2A). As conditioned, the property owners will be required to have all amplified sounds directed away from adjacent residences and no amplified sound of any kind after 9:00 p.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday nights, or after 10:00 p.m. on Friday and Saturday nights.
- (5) The applicants will also be required to construct a privacy fence on the west boundary with a landscape buffer that includes noise-absorbing trees and shrubs one (1) year after commencement of the use. The applicant will be required to provide Development Services Department proof of installation of both See Conditions #12 and #17.
- (6) The special events facility has the potential to increase dust levels in the immediate vicinity, but according to the applicant's letter of intent they plan on using dust palliatives to surfaces that will generate dust from use of the special events facility (Staff Report Exhibit 2A). The applicants also stated in their letter of intent that they plan on paving the gravel driveway and gravel parking sometime in the future, which will assist with dust mitigation as well. (Staff Report Exhibit 2A). As conditioned, dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations including but not limited to nuisance regulations (CCCO Chapter 2 Article 1: Public Nuisances) and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Environmental Protection Agency (EPA) requirements. See Condition #10.
- (7) The special events facility has the potential to increase lighting levels in the immediate vicinity. According to a conversation with the applicant, the lighting on the property is downward-facing. As conditioned, the applicants will be required to have all exterior lighting fully cut off and fully shielded, and placed to direct the light source down and inside the property lines of the facility. All direct glare from the lights shall be contained

- within the facility area. No light source may be placed greater than fifteen (15') feet in height. See Condition #6.
- (8) The special events facility has the potential to be injurious to other properties in the area if guests do not follow the applicant's parking and circulation plan and if off-street parking occurs (on either Schmidt Lane or Foothill Road). The applicants have a parking and circulation plan showing 20 marked parking spaces, 1 handicapped spot, and 55 additional parking spaces on the property. Star Fire Protection District has approved the applicant's parking and circulation plan (Staff Report Exhibit 2I). They have stated they will provide traffic control for large and ticketed events, which may include using golf carts to enable them to quickly engage with incoming/outgoing traffic to control the number of vehicles, and turn away vehicles when the traffic exceeds available parking spaces. (Staff Report Exhibit 2A). As conditioned, before commencement of use, an updated parking and circulation plan drawn to scale must be submitted and obtain any necessary fire district and highway district approvals. The parking and circulation plan must be compliant with Canyon County's off-street parking requirements (CCZO 07-13-01 and 07-13-03). Evidence of consistency shall be turned into Canyon County DSD prior to the commencement of any future special events. Parking along the gravel driveways shall only be as identified in the applicant's updated parking and circulation plan (See Condition #11).
- (9) The special events facility has the potential to change the character of the area due to the days of operation being 7 days a week, hours of operation being 9:00 a.m. to 10:00 p.m., the nature of activities (weddings, concerts, annual events, corporate events, etc.), and the size of events (up to 250 guests). The property owners are requesting to have no more than twelve (12) large events (151-250 guests) with only four (4) of these large events being ticketed music events annually. They are also requesting to have small (less than 50 guests) to medium events (50-150 guests) throughout the year (no limit). The applicants give examples of what might take place during their large, medium, and small events in their letter of intent. (See Staff Report Exhibit 2A and 2G). As conditioned, the hours of operation shall be 9:00 a.m. to 10:00 p.m. seven (7) days a week and all guests shall be off the premises by 11:00 p.m. to allow for clean-up and tear-down. Additionally, as conditioned, the proposed development shall be in general conformance with the applicant's site plan and letter of intent (meaning their number and types of events will be as presented by the applicant), have rental agreements that limits the applicants to the same conditions of approval as this conditional use permit, and the applicant has to be made available at all times during the events to enforce rental agreements and the conditions of approval (See Conditions #13, #14, #15, and #16).
- (10) The special events facility also has the potential to change the character of the area and be injurious to nearby by properties due to the increase in traffic. See Criteria #7 and Findings #1-#6 for conclusions on traffic and proposed conditions to mitigate the impact to the character of the area and potential conflicts with the neighboring properties.
- (11) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0018.
- 5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?
  - **Conclusion:** The Commission finds and concludes that adequate facilities and systems for the use will be provided as regulated and conditioned.

#### **Findings:**

- (1) The application for the special events facility proposes an individual septic that supports an average of 50 people per day, 7 days a week, located in the 30' x 100' commercial building (approved by commercial building permit with number BP2019-0141) and additional portable restrooms as needed to serve the facility. The applicant states in the tasting room the well water is purified with a Culligan drinking water filtration system for guest consumption and that bottled water will be provided to support guest water consumption. (Staff Report Exhibit 2A).
- (2) Southwest District Health states that the applicant had a pre-development meeting with SWDH on 08/01/2023 (See Staff Report Exhibit 4H for Pre-Development Notes) and letter of intended use was submitted on 10/10/2023. A permit was issued to expand the current septic system on 10/13/2023. Southwest District Health has not heard anything back on the status of the Public Water System, a final inspection of the expanded system has not been conducted and/or approved, and the proposed production facility was not calculated in the design of the septic system. They further state they may need to schedule a meeting with the applicant to discuss any additional items (such as discuss the use of porta potties during peak times) (Staff Report Exhibit 4G). As conditioned, the applicant is required to meet Southwest District Health (SWDH) requirements for the proposed uses on the property as evidenced by the applicant providing Development Services a letter of review and approval from SWDH prior to the commencement of the special event center use on the property. The number of portable restrooms and maintenance shall be as recommended by Southwest District Health. See Condition #3.
- (3) Stormwater is to be retained on site per the applicant's land use worksheet and letter of intent (Staff Report Exhibit 2A and 2F).
- (4) There are no additional wells proposed to service the special events facility.
- (5) Irrigation water is provided to the subject property by an irrigation well according to the applicant's land use worksheet (Staff Report 2F). Farmer Cooperative Ditch Co. did not respond to Development Services' staff request for comment. As conditioned, irrigation facilities, i.e. drains, laterals, or supply ditches, shall not be impeded or disrupted on or adjacent to the subject property. See Condition #8.
- (6) Utility agencies including Idaho Power, CenturyLink, Intermountain Gas, and Ziply were sent agency requests for comment on March 18, 2024 and June 11, 2024. Comments specific to the requested use were not submitted by the notified agencies. Adequate services currently exist and will exist at the time of facility operation commencement.
- (7) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0018.
- 6. Does legal access to the subject property for the development exist or will it exist at the time of development?

#### **Conclusion:**

The Commission finds and concludes that the subject property has legal access through the Schmidt Lane approach to Foothill Rd. Highway District No. 4 indicated that the approach from Schmidt Lane has been improved to the greatest reasonable extent by the highway district and will be acceptable to serve the proposed winery operations to include regular events and requires an access permit to document the change of use. (Staff Report Exhibit 4A).

#### **Findings:**

(1) 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 Road. Foothill Rd. is classified as a major collector, and operates as a local road with a 35-mph posted speed and moderate residential access. 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 (Staff Report Exhibit 4A)

- (2) Highway District No. 4 indicated that the access to the existing winery operation is considered by the highway district to be the Schmidt Lane approach to Foothill Rd, located approximately ½ mile east of Blessinger Rd. The Schmidt Lane approach was improved by the applicants with a paved apron in 2019 and is considered to have been improved to the greatest reasonable extent practical by the highway district. It continues to have poor intersection geometry, with a skew angle approaching 45°, and is located along the outsides of a curve (Staff Report Exhibit 4A). Highway District No. 4 further states the existing Schmidt Lane approach appears to be acceptable to serve the proposed expansion of winery operations to include regular events. Highway District No. 4 (HD4) is requiring that an access permit to document the use change (Staff Report Exhibit 4A).
- (3) The access points for the facility are shown on the parking and circulation plan and site plan which shows one (1) ingress/egress point to the facility approximately 120 feet from Foothill Road and one (1) emergency access point approximately 340 feet from Foothill Road (Staff Report Exhibit 2B and 2I). As conditioned, before commencement of use, an updated parking and circulation plan drawn to scale must be submitted and obtain any necessary fire district and highway district approvals. The parking and circulation plan must be compliant with Canyon County's off-street parking requirements (CCZO 07-13-01 and 07-13-03). Evidence of consistency shall be turned into Canyon County DSD prior to the commencement of any future special events. Parking along the gravel driveways shall only be as identified in the applicant's updated parking and circulation plan. See Conditions #2, #11, and #14.
- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0018.
- (5) Evidence includes associated findings and evidence supported within this document.

#### 7. Will there be undue interference with existing or future traffic patterns?

#### **Conclusion:**

The Commission finds that the application as proposed has the potential to impact traffic but the proposed conditions will mitigate the traffic impact to surrounding property owners (See Conditions #2, #11, #20, #21 and #23). The Commission acknowledges that the local highway district reviewed the application and provided comment that traffic volumes are below the threshold of 500 trips/day which would require a traffic impact study

#### **Findings:**

- (1) Highway District No. 4 (HD4) reviewed the application proposal and provided comment that traffic impacts on the regional transportation system from the proposed change in use will be mitigated by collection of impact fees (Staff Report Exhibit 4A).
- (2) The total volume of traffic proposed by the use does not meet the threshold of 500 trips/day which would require a traffic impact study (Staff Report Exhibit 4A).
- (3) The Highway District No. 4 stated in their comment letter that "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. Traffic from the event center use is projected by the applicants to be between 68 and 113 trips per event...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."

- (see Staff Report Exhibit 4A for more detailed information on Highway District's comments on traffic).
- (4) Idaho Transportation Department provided an email stating that the Department has no comments or concerns to make at this time. ITD acknowledges events up to 250 people have the potential to add substantial traffic to local traffic, especially at the intersection of private(s), Foothill Road 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 (Staff Report Exhibit 4B).
- (5) The applicants have stated that they consistently monitor Schmidt Lane and Foothill Road to ensure no winery guests are parked on these roads and to protect neighbors with unobstructed access to and from their homes. The applicants further state they have added five (5) metal traffic signs to deter guests from proceeding down Schmidt Lane. They plan to provide traffic control for large and ticketed events, which may include using golf carts to enable them to quickly engage with incoming/outgoing traffic control the number of vehicles and turn away vehicles when the traffic exceeds available parking spaces. (Staff Report Exhibit 2A). As conditioned, before commencement of use, an updated parking and circulation plan drawn to scale must be submitted and obtain any necessary fire district and highway district approvals. The parking and circulation plan must be compliant with Canyon County's off-street parking requirements (CCZO 07-13-01 and 07-13-03). Evidence of consistency shall be turned into Canyon County DSD prior to the commencement of any future special events. Parking along the gravel driveways shall only be as identified in the applicant's updated parking and circulation plan. (See Condition #11).
- (6) The applicants plan on building a gravel turnaround alongside Schmidt Lane (within the current property boundaries) approximately 500 feet (within the current property boundaries) from the current winery entrance. This would be designed to enable drivers who missed the entrance to the winery sufficient space to turn around and not proceed further down Schmidt Lane. The applicants further state they have added five (5) metal traffic signs to deter guests from proceeding down Schmidt Lane. The applicants are also agreeable to sharing the cost of a gate installation on Schmidt Lane near the turnaround if the majority of the residents beyond their property are in favor of a gated entrance. (Staff Report Exhibit 2A). As conditioned, a gravel turnaround is required to be constructed prior to the first special event and requires evidence of construction to be turned into Canyon County DSD according to the condition's timeframe. See Conditions #20.
- (7) Star Fire Protection District appears to have not signed off on the construction of the driveways and private roads in writing. As conditioned, the applicant will be required to comply with all Fire District requirements, including their approval of the construction of driveways and private roads, prior to commencement of special event activities on site (Exhibit 7, Condition of Approval #4). The applicant has provided driveway and private road engineer's certification (Staff Report Exhibit 2D).
- (1) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0018.
- (2) Evidence includes associated findings and evidence supported within this document.
- 8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?

**Conclusion:** 

The Commission finds and concludes that essential services will be provided and this application will not negatively impact existing services or require additional public funding.

**Findings:** 

- (1) The proposed special event facility is not anticipated to impact schools, police, or fire districts as there is not expected to be a significant increased need for additional police, fire, or ambulance response to the facility.
- (2) As conditioned, irrigation facilities, i.e. drains, laterals, or supply ditches, shall not be impeded or disrupted on or adjacent to the subject property. See Condition #8.
- (3) The Canyon County Sheriff, Farmers Cooperative Ditch Co., Middleton School District, and the Canyon County Paramedics/EMT were notified of the request on March 18, 2024 and June 11, 2024. These agencies did not respond to the DSD's staff request for comments.
- (4) Star Fire Protection District provided an email indicating that the application for the conditional use permit (CUP) will not have any negative impact on Fire Protection Services. The property would be serviced by Station 51 located at 11665 W. State St., Star, ID 83669, and is 2.8 miles from the property listed above with an estimated 5-minute travel time under normal driving conditions (Staff Report Exhibit 4D). Star Fire Protection District has reviewed the applicant's parking and circulation plan and approved it as submitted on May 15, 2024 (Staff Report Exhibit 2I). As conditioned, the applicant will be required to comply with all Fire District requirements per State adopted IFC as evidenced by review and approval documentation from the applicable fire district prior to issuance of certificate(s) of occupancy and commencement of special events activities on site. See Condition #4.
- (5) In April 2024, the City of Star reviewed the application packet and has no specific issues with the proposed use. They support the expansion of wineries and uses similar to these City Limits and Impact Areas (Staff Report Exhibit 4C). They did not suggest any conditions of approval. In June 2024, the City of Star sent in a letter of support for Sol Invictus Vineyard where they state the property is located with City of Star's Impact Area and its use is a great asset to the community and they requested that Canyon County's Planning and Zoning Commission allow them to continue their current and proposed operations (Staff Report Exhibit 4E).
- (6) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0018.

#### **Order**

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission approves Case # CU2023-0018, a conditional use permit of a Special Events Facility subject to the following conditions as enumerated:

#### **Conditions of Approval**

- (1) The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
- (2) The applicant shall comply with applicable Highway District No. 4 requirements, including paying any applicable impact fees. The applicant shall obtain an access permit prior to the commencement of the facility as evidenced

- by the applicant providing Development Services with an approved highway district letter indicating the completion of improvements prior to commencement of special events (Staff Report Exhibit 4A).
- (3) The applicant shall meet Southwest District Health (SWDH) requirements for the proposed uses on the property as evidenced by the applicant providing Development Services a letter of review and approval from SWDH prior to the commencement of the special event center use on the property. The number of portable restrooms and maintenance shall be as recommended by Southwest District Health.
- (4) Comply with all Fire District requirements per State adopted IFC and as evidenced by review and approval documentation from the applicable fire district (including approval of the private road and driveways) prior to issuance of a certificate of occupancy and commencement of special event activities on the site.
- (5) The applicant shall obtain building permits for proposed improvements. Evidence shall be an approval document from the Canyon County Building Department and Star Fire Protection District.
- (6) LIGHTING: All exterior lighting shall be fully cut off and fully shielded, and placed to direct the light source down and inside the property lines of the facility. All direct glare from the lights shall be contained within the facility area. No light source may be placed greater than fifteen (15') feet in height.
- (7) The facility shall be maintained in compliance with CCCO Chapter 2 Article 1: Public Nuisances.
- (8) The applicant shall not impede or disrupt existing irrigation structures, i.e. drains, laterals, or supply ditches, on and adjacent to the subject property.
- (9) Signage shall meet the requirements of CCZO §07-10-13 and shall not exceed 32 square feet or as provided for by approval of a separate application for a Director's Administrative decision for a sign permit. The applicant worksheet indicates an 8'x12' (96 square feet) sign eight (8) feet above ground. As proposed, this sign will require a Director's Administrative Decision and a building permit prior to installation. Applicant must comply with CCZO §07-10-13 and dependent upon the location of the signage with The Idaho Administrative Procedures Act (IDAPA) 39.3.60 governing advertising along the State Highway System.
- (10) DUST MITIGATION: Dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations including but not limited to nuisance regulations (CCCO Chapter 2 Article 1: Public Nuisances) and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Environmental Protection Agency (EPA) requirements.
- (11) PARKING: Before commencement of use, an updated parking and circulation plan drawn to scale must be submitted and obtain any necessary fire district and highway district approvals. The parking and circulation plan must be compliant with Canyon County's off-street parking requirements (CCZO 07-13-01 and 07-13-03). Evidence of consistency shall be turned into Canyon County DSD prior to the commencement of any future special events. Parking along the gravel driveways shall only be as identified in the applicant's updated parking and circulation plan.
- (12) MUSIC AND AMPLIFIED SOUND: All amplified sounds shall be directed away from adjacent residences. There shall be no amplified sound of any kind after 9:00 p.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday nights, or after 10:00 p.m. on Friday and Saturday nights.

- (13) HOURS OF OPERATION: The hours of operation shall be 9:00 a.m. to 10:00 p.m. seven (7) days a week, as proposed in the applicant's letter of intent. To allow for clean-up and tear-down, all guests shall be off the premises by 11:00 p.m. (Staff Report Exhibit 2A).
- (14) The proposed development shall be in general conformance with the applicant's site plan and Letter of Intent (Staff Report Exhibit 2A and 2B).
- (15) RENTAL AGREEMENTS: Rental Agreements shall be in place with each event holder that limit them to the same conditions of approval as this conditional use permit.
- (16) ENFORCEMENT OF RENTAL AGREEMENTS: The property owner or their designee shall be made available at all times during events to enforce the rental agreements and the conditions of approval. Provide Development Services Department rental agreement prior to commencement of the use.
- (17) PRIVACY FENCE AND LANDSCAPE BUFFER: A privacy fence on the west boundary shall be constructed with a landscape buffer that includes noise-absorbing trees and shrubs one (1) year after commencement of the use. Provide Development Services Department proof of installation of both.
- (18) CATERING: Special events shall be fully catered by a licensed caterer operating in compliance with the requirements of SWDH Food Establishment Licensing and Permitting.
- (19) ALCOHOLIC BEVERAGE LICENSING: Alcoholic beverages (inclusive of beer and wine) for special events at the facility shall be provided and distributed in strict compliance with Local, State, and Federal requirements for sales and distribution.
- (20) GRAVEL TURNAROUND: A gravel turnaround shall be constructed approximately 500 feet from the winery's entrance alongside Schmidt Lane with a sign identifying the turnaround. Evidence of construction of this gravel turnaround shall be submitted to Canyon County DSD prior to the commencement of special events on site.
- (21) This conditional use permit must follow land use time limitation as stated in CCZO 07-07-23: "When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date."
- (22) The conditional use permit for a Special Event Facility shall be limited to Scott and Denise Smith. Should ownership of the property change from Scott and Denise Smith the conditional use permit for a Special Event Facility shall terminate—no further events shall be conducted on the property. New owners/purchasers shall be required to obtain a new conditional use permit for a special use facility subject to the zoning code requirements in affect at the time of application.

<b>DATED</b> this	_ day of	, 2024.	
			ND ZONING COMMISSION UNTY, IDAHO
		Rob Sturgill, C	Chairman
State of Idaho	)	00	
County of Canyon County	)	SS	
On thisday of		, in the year 2024, before me	, a notary public, personally appeare
		, personally known to me to be the pers	on whose name is subscribed to the within instrument
and acknowledged to me	that he (s	he) executed the same.	
		Notary:	
		My Commission Expir	res:

# Exhibit 8A

# **Emily Kiester**

From: Torri Silva <torri.silva@yahoo.com>
Sent: Monday, June 17, 2024 12:30 PM

To: Emily Kiester Cc: Dan Lister

**Subject:** [External] Scott and Denise Smith CU2023-0018

I am writing in support of Sol Invictus Winery to be re-designated as an event center. We have always enjoyed the fun activities the winery offered. The small group line dancing, paint and sip and the grape stomp are great additions to the winery. The music on Sundays was relaxing and certainly not performed at a volume that would disturb neighboring properties.

Thank you in advance for your consideration.

Torri Silva Sent from my iPhone

# Exhibit 8B

# **Emily Kiester**

From: Trisha Rielly <frogthis@yahoo.com>
Sent: Monday, June 17, 2024 8:01 PM

To: Emily Kiester

**Subject:** [External] Scott and Denise Smith CU2023-0018

I am emailing in regards to the public hearing concerning Sol Invictus. I am 100 percent in favor of them having more events and extended hours. I enjoy every single event they have, and it is a pleasure to have them so close to my home.

Patricia Rielly
PRISTINE SPRINGS HOMEOWNER

Yahoo Mail: Search, Organize, Conquer

# Exhibit 8C

## **Emily Kiester**

From: Kevin Harris <cplkev@gmail.com>
Sent: Monday, June 17, 2024 5:20 PM

To: Dan Lister

**Subject:** [External] Scott & Denise Smith CU2023-0018

Hello,

I am writing to you today to show my support for Scott & Denise of Sol Invictus Vineyard and their application for a conditional use permit.

I've spent many a relaxing summer evening at their small vineyard enjoying their wines and listening to acoustic guitar playing in the background.

I've never felt that the music was too loud or disruptive in any way and only enhanced the atmosphere and views.

They are a small local business and veterans like myself and it would a shame let alone send the wrong message about not supporting our veterans, for them to not be allowed to have local entertainment available for everyone to enjoy.

Please consider approving their request for the use permit!

Thank you, Kevin Harris

# Exhibit 8D

#### **Emily Kiester**

From: Becky Reynolds <becky.reynolds@outlook.com>

**Sent:** Tuesday, June 18, 2024 1:33 PM

**To:** Dan Lister; Emily Kiester

**Cc:** Lauren Reynolds

**Subject:** [External] Scott and Denise Smith CU2023-0018

Good afternoon Daniel and Emily,

We aren't able to attend the in-person hearing and so, are providing this letter of support for the above application.

We're writing you both today in support of the conditional use permit application for Scott & Denise Smith/Sol Invictus Vineyard. We are in support of the request for Sol Invictus to be re-designated as an event center which will allow for live music events, sip and learn events, parties, food and wine pairings, food trucks, catering and other vineyard related events.

We live in a neighborhood near the vineyard and have enjoyed attending past events and wine tastings. The Smith's and their employees are hard working and dedicated to creating wines that so many of us enjoy. We have enjoyed attending past live music events in their grassy and patio areas and meeting up with friends for birthday celebrations and wine tastings.

We hope to get back to attending those kind of events if their re-designation is approved. Please vote in favor of their re-designation.

Thank you, Becky & Lauren Reynolds 12456 W Superior St Star, ID 83669 208-207-4858 Becky

## Exhibit 8E

#### **Emily Kiester**

**From:** sg28157@gmail.com

**Sent:** Wednesday, June 19, 2024 1:55 PM

To: Emily Kiester

**Subject:** [External] Scott and Denise Smith CU2023-0018

#### Ms. Emilly Kiester:

I'm sending this email in strong support of the request made by Scott & Denise Smith for expanded use of their Sol Invictus wine tasting facility/event center, referenced by "CU2023-0018". We've been members of Sol Invictus Vineyard since shortly after they opened. During the many times we've visited on Saturday or Sunday afternoon, they have always been extremely careful and respectful of guests and neighbors. Like many others in my age group (aka "retired"), I am NOT a fan of loud music. Scott ensures the music is kept to a relatively low, comfortable listening level. Additionally, music and outdoor service is normally wrapped up by early evening, unless they're hosting an infrequent, members' only evening event.

Their request for additional food service goes hand in hand with their other offerings and provides some degree of additional safety considering alcohol is being served. Catered meals and food trucks financially support an even wider community, while providing variety and enhancing the overall customer experience.

I sincerely hope you will consider my endorsement for their request.

Steve Gaston 4544 N High Prairie Pl (Hillsdale Estates) 530-941-1495

## Exhibit 8F

Steve and Nancy Donaldson 9484 W. Ringle Creek St. Star, ID 83669

June 18, 2024

Subject: Scott and Denise Smith CU2023-0018

Dear Ms. Kiester and Mr. Lister,

We are writing to you today to express our complete support to Sol Invictus Winery and owners Scott and Denise Smith, in designating their facility as an Event Center with 7-day/week operations.

We moved to Star in late 2017, and a few years later we stumbled upon this quiet gem in the foothills above us. The Sol Invictus Winery quickly became something we treasured and to this day, we still enjoy visiting almost every weekend.

Their support of our community is nothing short of amazing. Whether it is raising funds, increasing awareness, or advocating for other small businesses, they are almost *always* in presence radiating positivity and hope.

They have the utmost respect for the world around them. From nature (owl boxes and more) to First Responders and the Military, they honor and are grateful for all, and use every opportunity they can to give back to these entities.

To those who may be wary of this facility becoming an event center, we would challenge them to look a little deeper at the all the good this winery embraces. A serene, beautiful setting where for a short period of time, patrons can forget the world and lose themselves in a welcoming, tranquil location. Live music such as acoustic guitar players add to this ambiance and to our knowledge has never been over the top when it comes to volume levels. In our humble opinion, their signage, parking and acreage is more than adequate for events of many types, and it is difficult to imagine any of the attendees causing issues to neighbors or surrounding properties during said events. Scott and Denise always have the best of others at heart, and we feel confident that any obstacles could be worked around if they were brought to their attention.

We appreciate everything that Sol Invictus has made available to our community. Please do not prevent something so remarkable from continuing. We need to preserve and encourage this establishment for many years to come.

Thank you for your consideration,

Steve and Nancy Donaldson

Star residents

# Exhibit 8G

## **Emily Kiester**

From: TARI DEC <tarijdec@aol.com>
Sent: Thursday, June 20, 2024 7:59 PM

To: Emily Kiester

Cc:daniel.kiester@canyoncounty.id.govSubject:[External] Denise and Scott Smith

My name is Tari Dec and I live approximately a mile away from Sol Invictus Winery. I've lived in Star over 6 years. When I moved her Sol Invictus wasn't operating yet. I was walking with my friends one morning and they commented a winery was opening nearby. When Sol Invictus finally opened my friends and I packed some snacks and headed up the hill. This place is amazing. It's a perfect setting for events and get togethers and of course wine tasting. In addition to joining their wine club I've attended many of their events and can say things are always under control. Denise and Scott are responsible and caring people that support their community. An event center for small community get togethers throughout the week as well as a few large events throughout the year would be a welcome addition to our community. Denise and Scott have been responsible owners/operators since Sol Invictus opened. I'm confident they will continue to be considerate of their neighbors regarding any disturbances and or excessive noise. I completely support their application for any future plans and will be a regular customer.

Thank you.

Tari Dec, 12273 W Pavo Street, Star, Idaho 510-913-0744 Sent from my iPhone

# Exhibit 8H

## **Emily Kiester**

From: Dan Lister

**Sent:** Monday, June 24, 2024 7:49 AM

**To:** Emily Kiester

**Subject:** FW: [External] Sol Invictus permit request

From: Carol Chenowith <carolchenowith@gmail.com>

Sent: Saturday, June 22, 2024 2:31 PM

**To:** Dan Lister <Daniel.Lister@canyoncounty.id.gov> **Subject:** [External] Sol Invictus permit request

#### Dear Daniel,

I am writing to you in support of Sol Invictus requesting a permit to host outdoor music, weddings and other outdoor events

Scott and Denise Smith have worked very hard to become established as a functioning winery who actually care about their clients.

They are upstanding citizens and give of themselves to lots of local events within the local community.

For them to be designated as an event center would be a wonderful asset to the local area.

I hope you and the board can all agree that this is a good venue to become an event center.

Thank you for your time and consideration,

With kind regards.

Carol Chenowith

## Exhibit 81

#### **Emily Kiester**

From: TYLER Stickland <strickland\_7@msn.com>

**Sent:** Sunday, June 23, 2024 2:22 PM

To: Emily Kiester

**Subject:** [External] Fw: Sol Invictus Winery Request - CU2023-0018

From: TYLER Stickland <strickland 7@msn.com>

Sent: Sunday, June 23, 2024 2:20 PM

To: daniel.lister@canyoncounty.id.gov <daniel.lister@canyoncounty.id.gov>

Subject: Fw: Sol Invictus Winery Request - CU2023-0018

From: TYLER Stickland <strickland 7@msn.com>

Sent: Sunday, June 23, 2024 2:17 PM

**To:** daniel.lister@canyoncounty.id.goc <daniel.lister@canyoncounty.id.goc>; emily.kiester@conyoncounty.id.gov

<emily.kiester@conyoncounty.id.gov>

Subject: Sol Invictus Winery Request - CU2023-0018

Canyon County Commissioners,

Please deny the request for the above case.

The facility in question already has inadequate parking for the functions they are currently hosting. The private drive, that is the only access to all of our houses, ends up being the parking lot for Sol Invictus winery. Creating a hazard and an inconvenience for everyone that resides on Schmidt In.

Thank you for giving my the opportunity to voice my opinion,

Tyler Strickland

## Exhibit 8J

### **Emily Kiester**

From: Pat Shosted <br/>
Sent: Pat Shosted <br/>
Monday, June 24, 2024 2:46 PM

**To:** Emily Kiester

**Subject:** [External] Fw: CU2023-0018 Scott and Denise Smith

I think I spelled your last name incorrect, as have resent my support letter. thank you for your consideration.

Pat Shosted

---- Forwarded Message -----

From: Pat Shosted <br/>
<br/>
psted@aol.com>

To: Emily.Kister@CanyonCounty.id.gov <emily.kister@canyoncounty.id.gov>; Daniel.Lister@CanyonCounty.id.gov

<daniel.lister@canyoncounty.id.gov>

Sent: Monday, June 24, 2024 at 01:21:06 PM MDT Subject: CU2023-0018 Scott and Denise Smith

This is to support the application referenced above.

- 1. Sol Invictus has been operating as a wine tasting venue with limited music and small gatherings for the last few years. They have been cognizant of all rules and regulations as well as their surroundings. They have made all improvements as required by the County and some they did on their own and benefited the surrounding area. They have greatly improved the area and have increased the value of those surrounding them. There are also additions and improvements (both commercial and residential) all around them including an event center above them, an air strip, go cart area and a new golf course being developed and residential associated with it.
- 2. Sol Invictus provides: 1) employment for individuals in the vineyard as well as in the tasting room; 2) donations/support to local groups and charities- a) Purple Heart; b) VFW; c) Star Police; d) Rocky Mtn Elk Foundation; e) Food Bank; f) Life's Kitchen: and g) last year took all the remaining wishes off the Star Wish List and fulfilled them all so that everyone requesting a gift received one. There are many other contributions they make that supports Star; Middleton and State of Idaho.
- 3. The music they provide are generally small groups (1-3 usually) and the music is not loud rock or other loud music. It is usually country, blue grass, folk or music that is easy listening while tasting wine. There is more than 1 acre between the music and the next house and that area is covered with grapes vines and they have implemented other methods to further decrease noise so it should not be an issue in addition to the hours of music being played.

Both Scott and Denise Smith are retired Air Force. Scott is a native Idahoan. This winery was Scott and Denise's dream and they have worked hard to bring it to fruition and to be good neighbors. They give back to the community and have strived to improve the community and give back to all those around them. They have followed all recommendations to make sure they are in compliance. You will find that a majority of the individuals that come up to the winery are surrounding neighbors and they support Scott and Denise in obtaining this Conditional Use Permit.

While the above does not address all reasons for approving this Permit, I believe it is sufficient, along with others who have supported it, to Approve this application for an event center.

Pat Shosted

## Exhibit 8K

#### **Emily Kiester**

**From:** Eric Granof <eric.granof@aiasurety.com>

**Sent:** Monday, June 24, 2024 9:13 AM

To: Emily Kiester

**Cc:** brandy517@aol.com

**Subject:** [External] Scott and Denise Smith CU2023-0018

Dear Ms. Kiester,

On behalf of me and my family, I am writing to you today to ask that you grant Scott and Denise Smith of Sol Invictus Vineyard their permit to be re-designated as an event center (Scott and Denise Smith CU2023-0018).

My family has been residents of Star/Eagle community for the past few years and discovered Sol Invictus during one of our first neighborhood explorations. The winery is one of the most beautiful in all the area and Scott and Denise are two of the friendliest and most gracious hosts we have ever met. We visit the location at least 2-3 times a month just to sit and enjoy both the view and the welcoming friendly environment that the Smiths have created. In fact, we have made several new friends at Sol Invictus, and it has become a central meet up point for us as well as many of our friends. It is the quintessential establishment that represents everything that is good about Idaho, beautiful views, friendly people, and fun memorable times. In our opinion, it is the type of business that the Star community should be supporting to the highest levels.

In addition, as you may already know, Scott and Denise are both retired Air Force veterans. As children of families who had a parent that also served, my wife and I have always been committed to doing whatever we can to support our military community, especially when it comes to supporting their entrepreneurial efforts and businesses. We believe Canyon County should do the same.

We hope that you approve their request to expand their tasting room so they can hold events. Idahoans should be able to enjoy this great Canyon County business to its full extent and Scott and Denise should have the freedom to expand their business in the respectful and responsible way they have planned. Thank you for your time.

All the best,

Eric and Brandy Granof 556 S. Steephead Lane Eagle, ID 83616

Eric Granof
Vice President, Corporate Communications
Chief Marketing Officer – ExpertBail Network
AIA Surety
1 Baxter Way, Suite 130
Westlake Village, CA 91362
Tel: (800) 935-2245 ext. 6024

Direct Phone: (818) 337-6024 Mobile Phone: (818) 370-9625 Direct Fax: (818) 449-7124 http://www.aiasurety.com This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, delete this message. Any disclosure, copying, or distribution of this message, or the taking of any action based on it, is strictly prohibited.

## Exhibit 8L

#### **Emily Kiester**

From: Claire Kanner <clairekanner@gmail.com>

**Sent:** Tuesday, June 25, 2024 11:49 AM

To: Emily Kiester

**Subject:** Re: [External] Scott and Denise Smith's Case # CU2023-0018

Thank you very much! The volume of the music is not very loud, either. I would say it's very appropriate for the area.

Claire Kanner Sent from my iPhone

On Jun 25, 2024, at 8:48 AM, Emily Kiester < Emily. Kiester@canyoncounty.id.gov> wrote:

Hello,

I will make sure to add your additional comment to the staff report as an exhibit.

Sincerely,
<image001.png>
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

Website: 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 \*\*

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.

From: Claire Kanner <clairekanner@gmail.com>

Sent: Monday, June 24, 2024 6:49 PM

To: Emily Kiester < Emily. Kiester@canyoncounty.id.gov>

Subject: Re: [External] Scott and Denise Smith's Case # CU2023-0018

P.S. I would add that the music events are typically a solo artist playing for 2 hours. Occasionally they will have a duo perform. These are held typically on Sunday afternoons.

Thanks again,

Claire Kanner Sent from my iPhone

On Jun 24, 2024, at 4:03 PM, Claire Kanner <clairekanner@gmail.com> wrote:

Dear Ms.Kiester,

Thank you very much.

With kind regards,

Claire Kanner Sent from my iPhone

On Jun 24, 2024, at 2:36 PM, Emily Kiester <a href="maily.Kiester@canyoncounty.id.gov">Emily.Kiester@canyoncounty.id.gov</a> wrote:

Dear Ms. Kanner,

I have received your letter and will include it as an exhibit in the staff report.

Sincerely,
<image001.png>
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

Website: www.canyoncounty.id.gov

Development Services Department (DSD)

NEW public office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

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\*\*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.

From: Claire Kanner <clairekanner@gmail.com>

**Sent:** Sunday, June 23, 2024 12:03 PM

To: Emily Kiester < <a href="mailto:Emily.Kiester@canyoncounty.id.gov">Emily Kiester@canyoncounty.id.gov</a>>

Subject: [External] Scott and Denise Smith's Case # CU2023-0018

Dear Ms. Kiester,

I am writing in support of Sol Invictus Vineyard to be designated as an event center. Since they have opened, I have treasured going to their gorgeous location for companionship, wonderful wines, craft shows, and live music.

Although the designation would allow "concerts," let me assure you that the live music events typically take place on Sunday afternoons. The number of people is quite manageable, with adequate parking. Everyone sits in the upholstered seats and enjoys the music very peacefully. Most people who attend are well advanced senior citizens. I am the only person who gets up to dance, by myself, to my favorite song. This is nothing akin to the Ford Idaho Center -- it's the complete opposite.

If you grant the permit for an event center, Sol Invictus would be allowed to hold events any day of the week, but they do not intend to have events EVERY day. It would simply allow them some flexibility to host something like those Paint N Sips events or host someone's 50th birthday.

Scott Smith is a veteran and I support their efforts to continue being one of my absolute favorite places to go! Each year I am excited to see what improvements they have made on the patio, with cushy chairs and the most beautiful view.

Thank you in advance for your consideration.

Best regards,

Claire Kanner 2321 N. 21st Street Boise, ID 83702

# Exhibit 8M

# **Emily Kiester**

From: Dan Lister

**Sent:** Wednesday, June 26, 2024 8:04 AM

To: Emily Kiester

**Subject:** FW: [External] Sol Invictus Vineyard Case CU2023-0018

-----Original Message-----

From: David Leslie Sapp <idadventure22@gmail.com>

Sent: Tuesday, June 25, 2024 10:13 PM

To: Dan Lister < Daniel.Lister@canyoncounty.id.gov>

Subject: [External] Sol Invictus Vineyard Case CU2023-0018

We just wanted to write to let you know we are in support of Sol Invictus Vineyard to be re-designated as an event center as per their application.

Leslie & Dave Sapp

# Exhibit 8N

#### **Emily Kiester**

From: Dan Lister

**Sent:** Tuesday, July 2, 2024 8:39 AM

**To:** Emily Kiester

**Subject:** FW: [External] Letter of Support Sol Invictus Winery

----Original Message----

From: Dana Reginato <danareginato61@gmail.com>

Sent: Tuesday, July 2, 2024 8:37 AM

To: Dan Lister < Daniel.Lister@canyoncounty.id.gov> Subject: [External] Letter of Support Sol Invictus Winery

Good Afternoon!

I am writing you in support of the permit filed by Sol Invictus Vineyard (CU2023-0018).

I have been a patron and supporter of Sol Invictus Vineyard for over three years. Scott and Denise are the type of business owners all Idahoans aspire to be. They are respectful of the community and customers.

Over the years I have watched the winery become a place that friends and neighbors enjoy coming to enjoy one another's company, laughs and good wine. It is never loud or rambunctious. If ever it would be Denise and Scott would quickly put it to a stop. This permit would allow them to open the winery up to more wholesome events outside of our Saturday and Sunday wine tasting days.

Sol Invictus is the type of business our community needs to support and allow them to flourish. With respectful and responsible owners like Scott and Denise this is the right thing to do. Please vote to approve this permit.

Respectfully, Dana Reginato Star, Idaho

Sent from my iPhone

# Exhibit 80

## **Emily Kiester**

From: Les Ford <lesford7311@gmail.com>
Sent: Thursday, July 4, 2024 9:09 AM

**To:** Emily Kiester; Dan Lister

**Subject:** [External] Scott & Denise Smith CU2023-0018

We have frequented Sol Invictus several times over the last 3 years. Scott and Denise are great for the community and they support police, fire, all first responders and the military. This is evident by the labels they create for their wine. They give back to the community and are respectful to their neighbors.

I would encourage you to approve their permits for their establishment.

Sincerely Les Ford 1321 Spruce Creek Loop Nampa ID 83686

## Exhibit 8P

June 30, 2024

Lori & Paul De Schryver 11776 W. Meadowfalls Drive Star, Idaho 83669



Emily Kiester, Associate Planner Canyon County Development Services 111 N. 11th Avenue, #310 Caldwell, Idaho 83605

RE: Scott & Denise Smith CU2023-0018

Dear Emily,

We have been patrons of Sol Invictus since their establishment in 2019 and are in complete support of their future plans and improvements.

Scott and Denise have always ensured that their customers have an enjoyable time while visiting the vineyard. They place much effort into everything they do to make it perfect for their guests as well as ensuring their nearby neighbors are not impacted in a negative way.

Sol Invictus has becomes a wonderful and unique addition to our community of Star. It has become a place to socialize while enjoying the beautiful and relaxing atmosphere and view of the valley.

In addition, Scott and Denise are strong supporters of first responders, our military and best of all the community of Star. We need to stand behind them so they can move forward in a positive way. They will do right by their community because they love it just as we all do.

Sincerely,

pi Dekly

Lori & Paul De Schryver

## Exhibit 8Q

#### **Emily Kiester**

From: Matthew Vraspir <matthewvraspir@yahoo.com>

**Sent:** Friday, July 5, 2024 4:37 PM **To:** Emily Kiester; Dan Lister

**Subject:** [External] Scott and Denise Smith CU2023-0018

To whom it may concern,

I am writing this letter in support of Scott and Denise Smith's application (CU2023-0018) presently before you.

Idaho, the Treasure Valley, and Star have a rich history of superb grape and wine cultivation that allows producers and farmers to showcase far more than just the fruits of their labors. They have the opportunity to bring people together.

The applicants before you today have demonstrated for the last several years the importance of community by helping expand the Star community into a warm and welcoming place. They attend almost every local event, they donate their time and treasure to organizations that build others up.

Approachable, respectful, and transparent are a few words that come to mind when thinking about the Sol Invictus winery and its owners. To say that Denise and Scott have become pillars of the Star community is an understatement.

The application before you seeks to bring people together, and use the appropriate avenues to build on the culture Sol Invictus has become loved for. Allowing Sol Invictus a re-designation to an event center would not only give members of the Star community an additional place to host small events, but it would continue to foster the development of positive relationships, community partnerships, and togetherness.

As you know, the Southwest District Health Department has approved small food items already, allowing catered meals for wine pairing seems like a fair and reasonable accommodation for this small business. It is not rock concerts or county fairs they seek to host, they seek instead to host smaller event gatherings with respect paid to their neighbors and community.

Thank you for your time and consideration,

Matt Vraspir

## Exhibit 8R

## **Emily Kiester**

From: Marcey Swendsen <marcey.swend@yahoo.com>

Sent: Saturday, July 6, 2024 7:48 AM

To: Emily Kiester

**Subject:** [External] case no. CU2023-0018

concerning conditional use permit for lot R33774015.

#### **Canyon County**

I am writing you in response to the notice about a conditional use plan for the winery.

I don't know what the "conditional use" specifics are. I do know that they have requested one in the past and my response will be similar. I think the winery can host special events as long as there is off-road parking available for the patrons that does not include the road going to/from our properties above them.

Also, I think there needs to be some consideration as to the music/noise associated with events. We live near an events center above us and it can get loud and is more noticeable the later it gets. There should be a limit to the amount of people at one time for that reason.

Thank you for your time. Wayne and Marcey Swendsen 6679 Schmidt

# Exhibit 8S

## **Emily Kiester**

From: MACK MOORE <mack6224@msn.com>

**Sent:** Sunday, July 7, 2024 4:40 PM

To: Emily Kiester

**Subject:** [External] Scott and Denise Smith CU2023-0018

I am writing in support of the Sol Invictus Vinyard in operating their winery.

I have talked at length with them, and I know they want to resolve neighboring difficulties so that they can operate peacefully and with support.

They understand the complaint and are prepared to resolve the issues peacefully and cooperatively.

They have plans to do just that, and hope all parties will be satisfied and can agree to live in support of each other.

This is an issue that need not be a problem, and is available to be comfortably resolved.

Thank you, Mack Moore

Mack Moore 432 W. Pavillion Lane Meridian, ID 83646

## Exhibit 8T

#### **Emily Kiester**

From: William Davelaar <william@imcfirst.com>

**Sent:** Sunday, July 7, 2024 3:37 PM

**To:** Dan Lister; Emily Kiester; Michelle Davelaar

**Subject:** [External] "Scott and Denise Smith CU2023-0018"

Dear esteemed Canyon County officials,

We are writing to express our support of the redesignation of the Sol Invictus Winery as an Event Center with extended operating hours and food options for its patrons.

Extended operating hours are crucial to providing economic and cultural growth within our community. This would allow Sol Invictus to introduce both locals and tourists to the Eagle Foothills AVA, which includes Dude Dawalt Cellars, Three Horse Ranch, and Sol Invictus wineries.

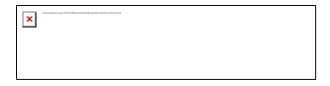
Extended hours, local events, and catering would strengthen our local economy and provide additional employment for our community members. The ability to be open more, hold events, and offer wine and food pairings would create more opportunities for locals to mingle, network, and enjoy new and exciting things to do in the area.

On a more personal note, we discovered Sol Invictus just weeks after moving to Star from Emmett. The winery provided a friendly atmosphere where we met some amazing people. These patrons of Sol Invictus became our closest friends, and the winery has become our weekly place to get together. Our dogs are always welcomed with a smile and lots of love. Our little yorkie even has her own blanket that is kept in a cubby for when she comes to visit.

In conclusion, we would like to thank you for taking the time to read our letter. We hope that it conveys our passionate support of the direction that Sol Invictus Winery is moving towards. The items they are requesting would undoubtedly benefit the community as a whole. We appreciate your time and attention to this matter.

Sincerely,
William and Michelle Davelaar

William Davelaar 1440 East Iron Eagle Dr. Eagle, Idaho 83616 208-369-7363 Ext 1002 www.imcfirst.com



Idaho #RCE-37405 Oregon #LCE- 209529 Olivia O'Brien 2134 Ragnar Court Middleton, Idaho 83644 Olivia.obrien624@yahoo.com (510) 712-3217

Exhibit 8U

July 7, 2024

Emily Kiester
Associate Planner
Canyon County Development Services
111 N. 11st Street, Suite 310
Caldwell, Idaho 83605

Dear Ms. Kiester,

I am writing to express my enthusiastic support for Sol Invictus Vineyard's application to become an event center. Having visited the vineyard on many occasions, I can personally attest to its unique charm, breathtaking scenery, and exceptional hospitality. Re-designating this beautiful location as an event center would not only enhance the local community but also provide a picturesque venue for a variety of gatherings and celebrations.

Sol Invictus Vineyard is renowned for its stunning landscapes, which offer a perfect backdrop for Sip & Learn events for small groups, live music on weekend afternoons, and an occasional wedding or family gathering. The vineyard's commitment to sustainability and quality is evident in every aspect of their operation, from their meticulously maintained grounds to their exquisite selection of wines. The staff's dedication to providing an unparalleled experience ensures that guests will have memorable and enjoyable events. Guests leave Sol Invictus with more than wine. They leave with new friends and fantastic memories made.

As a local resident, I stand with Sol Invictus and their steadfast values. They continuously support local causes, make everyone feel welcome, and they put their money where their mouth is. Every year, Sol Invictus Vineyard donates money to local charities and supports other local businesses in many ways.

I believe Sol Invictus Vineyard has consistently demonstrated a strong commitment to community engagement and environmental stewardship. By hosting events, the vineyard can further its mission of fostering connections and creating meaningful experiences. The additional revenue generated from event hosting can also support the vineyard's continued efforts in sustainable agriculture and community outreach programs. I firmly believe that granting Sol Invictus Vineyard the ability to operate as an event center will have a positive and lasting impact on our community.

Thank you for considering my perspective on this matter. I wholeheartedly support Sol Invictus Vineyard's application and am confident that their venture into event hosting will be a resounding success. Please feel free to contact me if you require any further information.

Sincerely,

Olivia O'Brien

July 5, 2024

Canyon County Development Services Attn: Daniel Lister & Emily Kiester

RE: Case # CU2023-0018 / Sol Invictus Winery Request for Special Events Center

Dear Canyon County Planners and County Commissioners:

We are writing to state our opposition to the request by the Smiths, owners of Sol Invictus Winery, to build an events center on their property. It is with great concern to think that another event center could be built in this area, and the impact it could have on the entire neighborhood.

The Smith's Facebook page invites all their customers to attend this hearing and to bring their friends and neighbors to show support. This events center will have no effect on those individuals unless they happen to live in the area. We, however, have lived here for 22 years and live approximately 1/3 of a mile from this proposed events center.

This area of Canyon County is residential with nearly all having large lots. Future development for this area within Canyon county shows that large lot sizes will continue to be approved. Thunder Ridge (north CanAda, between Foothill and Purple Sage) consisting of 100+ acres was proposed and approved with lots ranging from 1+ acre to more than 4+ acres in size. We consider it a treasure to be away from a subdivision living without the noise and congestion. The quietness is never taken for granted. As the Sol Invictus venue stands today, we have our summer Sunday afternoons almost always invaded by whatever music is playing on their property. A larger venue will even more "trespass" into our back yards, patios, and even inside of our homes.

The Sol Invictus application mentions their noise reduction efforts of landscaping, etc. Their effort is minimal and ineffective as we hear their music (as stated above) on almost every summer Sunday afternoon. The sky diving venture at the nearby airport, mentioned in their application, is no longer there. This is not an active airstrip; there is no noise from there. The go-cart track is used infrequently (six days this summer). Both of these places—the airport and the go-cart track happen to be in a valley between two hills. They have a natural, physical sound barrier. Firebird Raceway—seven miles away—is also physically located in a natural hole with many hills between it and this area. We do occasionally hear the noise from the raceway, but it's unlike the *weekly* and much closer noise from Sol Invictus. There is no comparison. Yes, The City of Star has grown; however, we are not in the City of Star; this area remains quiet with most neighbors respectful 6780 Willis Rd Arena of each other. Please do not subject us and our neighbors to another event center like the county previously approved at High Desert Station. One in this area is more than enough!

Traffic safety should be of concern to this governing body. Foothill Road is not a safe road. It is narrow, winding, and has a drop off on the south side. It is scary to meet a construction truck on parts of this road. The entrance into their road is dangerous to their customers and other traffic. Their lane is on a curve; eastbound traffic wanting to turn left into their lane cannot see oncoming traffic. Please consider contacting Bruce Bayne, Director of Canyon County Highway District #4 for his studied opinion of increased traffic on Foothill.

This is a very serious matter to our community. This event center is not like an unmown lawn or overgrown weeds at your neighbors; it is a large, permanent change. Our homes are our resting spaces as well as lifetime investments. A single property owner's "dream" should not be a "nightmare" to their neighborhood. You, the planners and commissioners, can help protect and preserve *our* space by limiting additional noise and light pollution for an unnecessary events center. The Smith's request for change should not be allowed to harm the value of their neighbor's

homes and destroy the pleasant and peaceful environment of the entire community surrounding it. When their property was built it was a home on acreage—just like the surrounding properties. The Smiths have turned it into something entirely different and now want to make it even more intrusive. A sweet, quiet neighborhood is not the place for this events center or another of their "dreams", i.e., a camping area in the future. If they had sufficient parking, it seems unlikely they would be patrolling Foothill Road with golf carts to turn away customers. Would they limit the number of attendees that could be at an event?

Thank you for taking the time to read our words. The Smith's request is neither consistent with adjacent properties nor does it fit in with future development. It is our hope that when you see the effect this events center will have on the neighboring area, their request will be denied--an act on your part, which will benefit the many property owners who would be affected.

Garland & Gloria Reich Residence address: 6185 Windmill Rim Dr. Owners of: 0 Windmill Rim Dr. & 6025 Windmill Rim Dr Star, ID 83669

# Exhibit 8W

# **Emily Kiester**

From: Sent: To: Cc: Subject:	Shauna Robinson <srrobinson77@outlook.com> Monday, July 8, 2024 8:38 AM Dan Lister; Emily Kiester Shauna Robinson [External] "Scott and Denise Smith CU2023-0018"</srrobinson77@outlook.com>
Dear esteemed Canyon County	officials,
I am writing to express our sup extended operating hours and	oport for the redesignation of the Sol Invictus Winery as an Event Center with food options for its patrons.
community. This would allow S	vital for providing an opportunity for economic and cultural growth within our following to introduce both our local Idahoans as well as tourists to the Eagle Dude Dawalt Cellars, Three Horse Ranch, and Sol Invictus wineries.
employment for our communit community members connect,	and catering would strengthen our local economy and provide additional ty members. Extended business hours would allow more opportunities for to hold events locally supporting our local economy, and provide space for enjoy new and exciting things to do in the area.
the atmosphere and opportunity most generous and caring peoperium provides a friendly atmosphere at the support our Street Responders, our Military, and other street at the support our Street Responders, our Military, and other street at the support our Street Responders.	living in Nampa, I learned about Sol Invictus Winery through friends and enjoy ities it has provided to get to know others in the area. I have met some of the ple through the small get-togethers Scott and Denise have facilitated. The osphere, to relax, have fun, and support Idaho. Sol Invictus provides tate through themes of supporting Idaho Wildlife, Law Enforcement and First often raises money for other important causes. Sol Invictus Winery supports and those aspiring to start their own businesses as well as organizations such as
support for the direction Sol In undoubtedly benefit the comm vote in favor of allowing them	hank you for taking the time to read my letter. I hope it conveys my passionate ovictus Winery is moving towards. The items they are requesting would nunity. I appreciate your time and attention to this matter and hope you will to pursue their goals as an event center with extended business hours so they impact on our local community.
Sincerely,	
Shauna Robinson	

## Exhibit 8X

#### **Emily Kiester**

From: Jenni Fraser < jennimfraser@gmail.com>

**Sent:** Monday, July 8, 2024 9:42 AM **To:** Emily Kiester; Dan Lister

**Subject:** [External] Scott and Denise Smith CU2023-0018

Dear Canyon County officials,

I am writing to express my support for the redesignation of the Sol Invictus Winery as an Event Center. Specifically, the allowance of extended operating hours and food options for its patrons. Extended operating hours would allow Sol Invictus Winery to focus on their goal of creating community and connections. They would do this by hosting small group activities, hold community meetings, provide a venue for charitable fundraising, and bring fellow local entrepreneurs together.

My personal experience with Sol Invictus Winery started when a coworker invited me to a holiday event hosted by Scott and Denise in December of 2022. I was new to the area, had not established friendships, and did not know the amazing things the treasure valley had to offer. As I walked around the beautiful grounds, I met local artists from all over the valley. The atmosphere was festive, warm, and welcoming. Since my first visit there, I have enjoyed a line dancing class, a wine stomp (think of the famous Lucille Ball show), meeting friends for wine tasting, and playing a simple game of cribbage with members on a Sunday afternoon.

One of the biggest factors for my supporting Sol Invictus Winery is the people behind it. Scott and Denise Smith are honorable people filled with integrity. They both have a military background, which in my humble opinion, is what inspires them to create a community where they live. Denise loves to hear people's stories and then connect them with other locals who share similar values, interests, and likes. She is the matchmaker of friends! They also desire to be respectful of the neighbors around the property and find solutions to work together.

There are a lot of wineries within the treasure valley. Sol Invictus Winery isn't just about the wine. Don't get me wrong, the wine is great and the grounds are breathtaking, but what stands apart is the community. They truly create a place that feels like home when anyone enters through their doors.

Respectfully,

Jenni Fraser

# Exhibit 8Y

## **Emily Kiester**

From: Amanda Gates <opulenceag@gmail.com>

**Sent:** Monday, July 8, 2024 10:53 AM

**To:** Dan Lister; Emily Kiester **Subject:** [External] Sol Invictus

### Good morning,

I am writing in support of Sol Invictus Vineyard & Tasting Room. Sol Invictus has for years now provided a wonderful gathering place for families and friends to get together and enjoy the beautiful views of the Treasure Valley while enjoying a nice glass of wine. In the summer months we always look forward to their music series on the patio. In the winter, they have amazing private events & dinners for their wine club members!

This type of small business and agritourism positively affects Canyon County economy by bringing in those travelers who are seeking out agritourism adventures such as wine tasting. The vineyard and tasting room also provides multiple local jobs.

Coming from someone who knows the Smiths personally and witnesses their dedication and hard work behind the scenes on a daily basis. They are more than willing to discuss their neighbors concerns and maintain positive relationships within the neighborhood so that they too can come and enjoy all that Sol Invictus has to offer.

Thank you for your time and consideration , Amanda Gates 4952 N Gooder John Ln Eagle, ID 83616

# Exhibit 8Z

Subject: Scott & Denise Smith CU2023 - 0018

Dear Emily Kiester,

I want to take a moment to tell you about two very special people, Scott & Denise Smith, who I am privileged to call my friends, and all they have done for their community in the hopes that you grant them permission to hold reasonable events at their winery, Sol Invictus Vineyard. I have never met more gracious, philanthropic, giving, and wonderful people in my life who are so deserving of making their dream—to expand their winery into an event center—a reality. They want nothing more than to keep serving their community with open arms and an open home, and I hope by telling you more about them, you can see how much they give and how this event center can help them keep giving.

I first learned of their long history of serving others by finding out that they are both Air Force veterans who gave so much to protect our country. Denise has 37 years of combined active duty and civil service, and Scott even earned a Purple Heart, a tale that is his to tell. Scott grew up in Idaho, and so when they retired, they moved their family to Star with the dream of opening Sol Invictus Vineyard and making it an extension of their warm and loving home, open to all.

Not only did they create such a welcoming environment in Sol Invictus Vineyard that brings joy to so many, but they also constantly go above and beyond for their community. I am constantly in awe of their philanthropic efforts. I want to tell you about some of the causes that they take on and that are close to their hearts.

First, they are committed to supporting Idaho and their community, especially first responders and those who defend this great nation. They also hold Idaho's wildlife in the highest esteem and work towards preserving wildlife. On their vineyard, they have bat boxes, owl boxes, rapture perches, and bushes to provide berries for birds. Plus, they practice soil and water conservation efforts.

Scott and Denise's first date 30 years ago was at a Christmas party, so they always look to spread the cheer of the magical season. They do so by hosting the annual Christmas Market in Star to benefit the Star Foodbank, and they partner with the City of Star to host the Tree Lighting Event. They are also constantly looking for ways to support small businesses, and one of the ways they do so is by giving them space for pop-up shops on the vineyard to promote their businesses. Another cause particularly close to them is breast cancer awareness. Denise's mother had breast cancer in her 70s, and while she was able to fight it and overcome it, she knows many are not so fortunate. Each year, they host a fundraiser for the cause.

So many people are only focused on themselves and don't do more in their lives than spread the tiniest ripple outwards. But Scott and Denise are always looking for ways to help others and have the impact of tidal waves. They truly help their community and deserve to continue doing so through their events.

I would like to end by stressing how much Star needs Sol Invictus Vineyard. I truly feel I am not alone in saying that I, and the majority of the community, are hopeful that Sol Invictus Vineyard can be approved to hold reasonable events, allowing these two wonderful people to continue their many philanthropic endeavors. Scott and Denise greatly benefit their community and small businesses by providing a place where all community members turn into family and can call Sol Invictus Vineyard their own.

I hope you have gotten to know Scott and Denise a little better, and I thank you for your consideration.

Sincerely,

Pamela Stephens

Pamela Stephens

# Exhibit 8AA

# **Emily Kiester**

From: Kathleen Mapes <wwmomx3@gmail.com>

**Sent:** Monday, July 8, 2024 11:12 AM

To: Emily Kiester Cc: Dan Lister

**Subject:** [External] "Scott & Denise Smith CU2023-0018"

We are writing this letter in support of Scott & Denise Smith. We enjoy having a winery close to us that has events on weekends we can go to that isn't far from our home, within walking, biking or driving distance to us! We have enjoyed many fun weekends at Sol Invictus and have been members since 2020. Scott & Denise are like family and are retired military people who deserve our support. Please allow them to have events at their winery.

Mark & Kathleen London Sent from my iPhone

# Exhibit 8BB

July 8, 2024

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

**RE: Winery Event Center Application** 

Case Name: Smith - Sol Invictus Winery, LLC

Case Number: CU2023-0018

Dear Mr. Lister:

We are residents of Schmidt Lane where the above referenced Sol Invictus Winery is located. I picked up a copy of the conditional use permit hearing from the box on the hearing reference sign.

Our concerns are the same as we have expressed in the past regarding operation of this manufacturing and retail establishment in a quiet residential area; increased noise, dust, traffic and trespassing by winery visitors on Schmidt Lane past the winery property. An extension of operating days and times to 7 days a week for 13 hours per day in the retail operations and 24 hours for commercial production along with added large events will increase customer flow. Allowing the winery to host larger events, such as weddings and charity events, will add significant traffic and traffic related issues to our small private road. If this "event center" is approved, prior to the effective date of the approval, the winery should be fully responsible for completion of all required adjustments to manage the increase in traffic and usage of the winery and tasting facility. Adjustments would include a requirement for paved ingress and egress roads along with adequate paved off road/street parking to accommodate parking for vehicles relative to the greatest number of anticipated visitors (250 per the application) for the largest possible event. 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 any event to direct visitors to on-site parking areas and Foothill Road when exiting the event and deter visitors from travelling further up Schmidt Lane, a private drive.

The winery states they added several small signs to help deter winery guests from trespassing on Schmidt Lane west of the winery property. These small 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.

There is also a similarity of the winery to High Desert Station 1000 feet away. High Desert Station was established more than 10 years ago on 45 acres immediately surrounded on three sides by open sage brush scrub or agricultural land and the fourth side by large acreage residences. Sol Invictus Winery is surrounded on all sides by quiet one acre or more residential properties most of which were developed many years before the winery came into existence.

We understand the Sol Invictus Winery's desire for expansion, it is a manufacturing and retail business located in a quiet residential area, perhaps a different location would have provided more room and better opportunity for expansion than the current Schmidt lane location. As it is currently operated most of issues could have been easily avoided, however, there has been little effort on the side of the winery to control the noise, dust and errant traffic up Schmidt lane. Expanding the current operating hours from 2 to 7 days per week and affording the opportunity to hold large major events will only increase the current issues four fold.

The current status of the winery, open Saturday and Sunday could be expanded to include Friday as well without as much concern over the increase in these aforementioned issues. But allowing 7 days a week and large events under an "event center" status would be a detriment to our small quiet neighborhood. The winery does offer charity events and provides support to numerous activities for Star City events; we applaud their participation in these activities.

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

# Exhibit 8CC

# **Emily Kiester**

From: Cheryl Moore <cherylandmikemoore@gmail.com>

**Sent:** Monday, July 8, 2024 1:04 PM

To: Denise Smith; daniel.lister@canyoncounty.id; Emily Kiester

Cc: Cheryl Moore; cherylmoore5484@gmail.com

Subject: [External] Scott & Denise Smith CU2023-0018

July 8, 2024

To the Canyon County Development Services,

We are showing our support for the wonderful winery that we have the privilege of being members. Scott and Denise are not just business owners but true ambassadors of the Star community. They have the kindest, caring employees who for 2 days a week make a contribution in other's lives. Sol Invictus Winery brings people together and friendships are made.

We believe that Scott and Denise are great neighbors, live on site and are committed to blending with the surrounding community encompassing their winery, They stay true to their word and commitments which is a testament to their military backgrounds. They make sure to honor the Branches of the Military with their wine release labels.

It is nice to have a place to gather with our friends and family. We love to support local small businesses and Sol Invictus Winery will always have a special place in our hearts for years to come. Thank you for your consideration.

Sincerely,

Mike and Cheryl Moore

# Exhibit 8DD

Dana Schultz-Hild 6155 Windmill Rim Star, ID 83669 July 5, 2024

Planning & Zoning Commissioners Canyon County Re: Case No. CU2023-0018

Dear County Planning & Zoning Commissioners,

I am writing to formally oppose the conditional use permit requested by Sol Invictus Winery, to become a special events facility within our residential neighborhood. As a concerned neighbor, I wish to express my deep reservations about the potential impact this change would have on our community.

It is with great concern that I note Sol Invictus's efforts to rally support for their expansion from their customer base. While their customers have the freedom to enjoy the winery and its proposed events at their discretion, residents like myself are left with no choice but to endure the consequences.

My key concerns regarding this proposal include:

- 1. Noise Disturbance: The existing operations of Sol Invictus already subject us to regular music every Sunday during the summer, disrupting the peace and quiet of our residential area. The application mentions that the winery has installed noise reduction backdrops to help reduce the noise, but I live more than 1/3 mile away and must listen to their music every Sunday. Their application calls out an increased number of music events. With this increased number of events, I will be subjected to these disturbances on a more frequent basis, affecting our quality of life at our home. The applicant also calls out the usage of an airstrip to the north. This business has moved and we no longer have airplane noise. The applicant also calls out noise from a go cart racetrack and from Firebird raceway. The noise from Firebird is heard very infrequently. The sound is dissipated and muted due to the track being miles away. As for the go cart track, this club has races once per month during the summer (total of 6 weekends per year), whereas the winery currently has music weekly which will be increased based on their requested permit. The noise comparisons between these businesses is not the same.
- 2. Traffic Safety Concerns: This winery is located on a private lane, shared with many neighbors, not a public road. Hosting events at the winery will lead to increased traffic, exacerbating safety concerns. Coming from the west, access from Foothill Rd is dangerous due to limited visibility of oncoming traffic. The applicant states that they will make a turn around area on Schmidt Lane for customers that miss their driveway, but there is nothing that the applicant can do to improve access to and from Foothill Rd. Additional traffic will increase the chance of someone getting hurt at this intersection that was designed for residential traffic, not potentially hundreds of cars exiting their location at the end of an event.
- 3. Community Cohesion: Our neighborhood already accommodates an existing event center, and introducing another would further strain our residential atmosphere. Between the two centers, we would be subjected double of the number of events, doubling the noise disturbances.
- 4. Quality of Life: Many residents, including families and elderly individuals, have chosen to live in this neighborhood for its tranquility and residential character. The introduction of yet another event center threatens to compromise these qualities.

I wish to emphasize that while Sol Invictus has garnered support from their customers, the perspective of the impacted residents deserves equal consideration. As you review written and hear verbal testimonies, please evaluate the author's perspective, and understand whether it is a customer that attends by their choice, or a neighbor that must endure the consequences with no recourse. As someone who experiences the daily realities of living in this neighborhood, I urge you to prioritize our concerns over the request for the winery to expand their commercial services. A residential neighborhood is not the place for an event center. let alone two event facilities.

In conclusion, I respectfully request that you reject the proposal for Sol Invictus to expand into a special events facility. Please uphold the residential integrity of our community and protect the well-being of its residents.

Thank you for your attention to this matter and for considering the viewpoints of all stakeholders involved.

Sincerely,

Dana Schultz-Hild

# Exhibit 8EE

# **Emily Kiester**

From: Dave Paranteau <dsparanteau@gmail.com>

**Sent:** Monday, July 8, 2024 2:07 PM **To:** Emily Kiester; Dan Lister

**Subject:** [External] Scott & Denise Smith CU2023-0018

### Hello!

My wife and are are in support of Sol Invictus Vineyard plan to be re-designated as an event center. They are such a positive force in our community and friendly to all who come by.

I am the artist that designs all of their wine labels and Scott and Denise are great to work with.

Please help us in support of small business. thank you and make this happen.

-Dave and Janet Paranteau Star, ID

# Exhibit 8FF

# **Emily Kiester**

From: MARK MCCORKLE <macspac@sbcglobal.net>

**Sent:** Monday, July 8, 2024 2:20 PM **To:** Emily Kiester; Dan Lister

Cc:Denise Smith; Scott Smith; Gerri McCorkleSubject:[External] Scott & Denise Smith CU2023-0018

Hello Emily & Daniel,

The purpose of this email is to provide support for Sol Invictus Vineyard, along with its owners, Scott and Denise Smith. My wife and I have been loyal customers since the vineyard opened and have attended and participated in many of the events hosted at the venue.

We live less than one-half mile from the vineyard, and not only consider Scott and Denise friends, but neighbors as well. If you have seen the property, you would know that there is ample space for Sol Invictus to hold events (including parking), with little impact on its direct neighbors. In fact, we have personally volunteered to help Scott and Denise manage parking at events so that any impact on the immediate neighbors would be negligible.

We have also been at Sol Invictus when they hosted small musical groups. It's our understanding that some neighbors have complained about "noise," which we don't agree with. The music is typically "easy listening." designed to allow guests to continue wine tasting and carrying on conversations. In other words, it's not a concert, but great background music.

Lastly, and maybe most importantly, Scott and Denise are always looking for ways to give back to this wonderful community. My wife and I have just established a nonprofit organization and recently spoke to Scott and Denise about hosting a small gathering in support of the endeavor, and they immediately said yes. There are numerous other ways that the two of them have given back.

Emily and Daniel, Sol Invictus is a true gem in this valley, and I can attest that Scott and Denise are great neighbors, proud United States Air Force veterans, who provide a much-needed commodity to this area of the county.

Thank you for your time.

Sincerely,

Mark & Gerri McCorkle

# Exhibit 8GG

## **Emily Kiester**

From: Mark Davidson <mdavidson15159@gmail.com>

**Sent:** Monday, July 8, 2024 2:21 PM **To:** Emily Kiester; Dan Lister

**Subject:** [External] Scott and Denise Smith / Sol Invictus Vineyard

July 8, 2024

Dear Ms. Kiester,

My wife and I have known and been friends with Scott and Denise for at least five years. Both of them are military veterans and have given a lot of their lives to our country. Their winery features very delicious wines and the labels on the wine bottles vary each year with military, first responders and Idaho wildlife.

We are very much in support of Sol Invictus Vineyard to be re-designated as an "event center". In previous years the winery hosted music over the summer months on Sunday afternoons. They also held Christmas and spring Markets to help small business entrepreneurs.

Sol Invictus Winery is a fun and relaxing destination for not only wine lovers, but also for meeting and making new friends. It is a great local venue so close to our home here in Star.

We sincerely hope that you will consider all of the support shown and approve the re-designation as an "event center", to Scott and Denise Smith's Sol Invictus Vineyard.

Thank you, Mark and Linda Davidson Star, Idaho Ph (208) 908-1662



Virus-free.www.avast.com

# Exhibit 8HH

# **Emily Kiester**

From: Dan Lister

**Sent:** Monday, July 8, 2024 3:47 PM

To: Emily Kiester

**Subject:** FW: [External] Sol Invictus Winery

From: D Pres <danpreston1964@gmail.com>

Sent: Monday, July 8, 2024 3:39 PM

To: Dan Lister < Daniel. Lister@canyoncounty.id.gov>

Subject: [External] Sol Invictus Winery

Good day, I hope this email finds you well. I'm writing in support of CU2023-0018, Scott and Denise Smiths request for expanding their small boutique winery to include small events on their site as well as opening to the public and additional 1 or 2 days a week. This local business, owned and operated by military veterans, proudly serves local treasure valley residents with their product and hospitality. This is NOT a large, wild party environment. Instead it's a place where we can go to enjoy camaraderie amongst our neighbors in a mild mannered facility. Denise and Scott are model citizens of our area and have demonstrated this through their military career, dedication to first responder services and there many philanthropic endeavors through our area.

A vote to allow them to expand will no doubt help them do even more for all of us, therefore I stand in favor of approving their request.

Daniel Preston Retired Fire Battalion Chief Eagle, ID

# Exhibit 8II



ATTORNEYS AT LAW

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

July 8, 2024

Sent via Hand Delivery and Email to <u>Daniel.Lister@canyoncounty.id.gov</u>

<u>Emily.kiester@canyoncounty.id.gov</u>

Canyon County Commissioners 111 N. 11<sup>th</sup> Avenue #310 Caldwell, Idaho 83605

Re:

Smith - Sol Invictus Winery

CU2023-0018

Parcel No. R33774015

### Dear Commissioners:

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 (collectively referred to herein as the "Applicant" or the "Smiths") and which is the subject of the above-referenced Application. This letter shall serve as i) our clients' continued objection to the Applicant's use of their property as an unpermitted events venue and ii) our clients' written objection to the Smiths' application for a Conditional Use Permit CU2023-2018 on parcel R33774015 (the "Subject Property").

# **Impacted Properties**

As stated above, the Choutchourrous own property south and west of the Subject Property. Specifically, parcels R26245510 and R26245506 are adjacent to and west of the Subject Property and parcel R337830 is south of the Subject Property. All three properties, including our clients' residence (located on parcel R26245510) are accessed via Schmidt Lane, which is a private road for residential use only. The portion of Schmidt Lane that the Applicant proposes using for "business access" is located on the Choutchourrous' parcel R2245506.

# Procedural Background

By way of background, the Director of Development Services issued an Order in June 2018 approving a "vineyard and tasting room" on the Subject Property (Case No. AD2018-0042). 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 (the "2018 Order"). 1

The 2018 Order placed certain conditions and restrictions on Applicant's proposed use which are outlined in the Order. Specifically, and relevant to the issues presented herein, Conditions 11 and 12 required a licensed engineer to certify that the private road and driveway construction (to the Subject Property) would meet county code. In addition, the County imposed certain limitations on Applicant's use, including hours of operation, parking and signage.

In 2023, the Applicant sought to "modify" the 2018 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 (Case No. AD2023-0035).<sup>2</sup> On May 31, 2023, our clients submitted a letter to the County objecting to the proposed modification (attached hereto as <u>Exhibit B</u>). The Choutchourrous' opposition included unrefuted evidence that the Applicant had misled the County in terms of what was occurring on the Subject Property and further proved that Applicant was in violation of the existing Order because Applicant was operating an events venue without a conditional use permit.

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," attached hereto as Exhibit C). The Choutchourrous are unaware of any action taken by the Couty in response to their Complaint and the Applicant's violations continued.

On July 24, 2023, Applicant circulated a letter among local property owners to schedule a "neighborhood meeting." The meeting was in connection with Applicant's request for conditional use permit and, ostensibly, to receive feedback regarding the same. On August 1, 2023, the Choutchourrous sent the Applicant a letter of opposition to the proposed CUP application, a copy of which is attached hereto as Exhibit D.

Shortly thereafter, on August 28, 2023, the Applicant submitted the present application for a conditional use permit (Case No. CU-2023-0035) to operate an "events center" (the "CUP Application").

There was no further activity with the CUP Application until the County recently issued a Notice of Public Hearing to be held on July 18, 2024; however, in the interim, the Applicant sought administrative approval to operate as a "Temporary Quasi-Public Use" facility (Case No. AD2024-0019). As stated in our clients' April 2, 2024 letter of opposition (a copy of which is attached hereto as Exhibit E), Applicant's bid for approval to operate in a "quasi-public use" capacity was

<sup>&</sup>lt;sup>1</sup> 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.

<sup>&</sup>lt;sup>2</sup> As previously demonstrated by the Choutchourrous, the Applicant was already operating more than two days a week and, at the same time, violating parking and operating hour limitations.

simply another attempt to circumvent the County's rules and operate an events center without the required permit.

Ultimately, the Director denied the Smiths' application for a temporary quasi-public use permit unless or until i) the Applicant submits the required driveway or private road certification;<sup>3</sup> and ii) the Applicant gains approval of a conditional use permit for a special events facility. The Director's Decision – Quasi-Public Use (Temporary) Sol Invictus Winery/Smith is attached hereto as Exhibit F.<sup>4</sup> Presumably, this denial spurred Applicant to revisit the 2023 CUP application which had been inactive since filed.

Not surprisingly, Smiths' CUP Application relies on the same misrepresentations the Choutchourrous repeatedly have objected to over the last several years. At the core of the Choutchourrous' objection is the fact that Applicant has long been operating (and advertising itself) as an events venue, despite never receiving the proper authorization to do so. Applicant has carried on in this fashion without any regard for their surrounding neighbors or, apparently, the bounds of regulatory compliance established by the County. This pattern of behavior not only undermines the integrity of the application process but also raises (or should raise) serious concerns about the Applicant's commitment to adhere to future conditions and requirements set forth by the County, should it approve the CUP application.

Accordingly, this letter will serve as the Choutchourrous' continued objection to the CUP Application. Schmidt Lane cannot be used by Applicant to Access an Events Center

As referenced above, the Applicant proposes using the section of Schmidt Lane located on the Choutchourrous' property for "business access" to the Subject Property. Specifically, the site plan attached to the CUP Application calls out two "existing business access/egress" on Schmidt Lane. However, contrary to the Applicant's assumptions, we have concluded Schmidt Lane is not available for Applicant's use.

Schmidt Lane appears to have been first "created" in 1996 when the Schmidt Subdivision was platted. A copy of the Final Plat for Schmidt Subdivision, filed in Book 23 of Plats at Pages 43,44 and 45, Canyon County, is attached hereto as Exhibit G (the "1996 Plat"). Note 9 of the 1996 Plat indicates that the private road easement (Schmidt Lane) was to be constructed to access Lots 2, 5, 6 and 7 of Schmidt Subdivision.

Thereafter, on May 8, 1998, a Road Easement Agreement was recorded as Instrument No. 9817765. This document presumably operated to grant the easement for Schmidt Lane called out

<sup>&</sup>lt;sup>3</sup> The Director notes in her Decision that DSD has no record Applicant ever complied with the conditions imposed in 2018; namely to obtain certification from a licensed engineer demonstrating private road and driveway construction meets county code.

<sup>&</sup>lt;sup>4</sup> Certain Exhibits attached to the Directors Decision (Exhibit E) are omitted to avoid duplication of Exhibits already provided herewith.

<sup>&</sup>lt;sup>5</sup> The 1996 Plat is difficult to read; as such two copies are attached. One is edited with amplified text.

in the 1996 Plat. Said agreement specifically states that the purpose of the easement is for "ingress and egress for residential purposes." A copy of the 1998 Road Easement Agreement is attached hereto as Exhibit H.

A second plat was completed for Schmidt Subdivision No. 2 in 2001 and recorded as Instrument No. 200108798 ("2001 Plat"). A copy of the 2001 Plat is attached hereto as <u>Exhibit I</u>. Note 9 of the 2001 Plat also makes clear that the private road easement (Schmidt Lane) is for access to lots within Schmidt Subdivision No. 2; namely, Lots 1, 3, 4 and 5 thereof.

As is obvious from the 1996 and 2001 Plats, the Subject Property is identified as "unplatted" and has never been a part of Schmidt Subdivision. Thus, according to the Plats, the Subject Property does enjoy the right to use the private lane which was established for access to lots within Schmidt Subdivision. Relatedly, our research revealed no other easements on Schmidt Lane granting access to the Subject Property. Instead, access to the Subject Property from Foothill Road appears to arise via two easements recorded as Instrument Nos. 9124753 and 9113588. These easements grant access from Foothill Road north to the southeast corner of the Subject Property. More precisely, the easements appear to cross the southwest corner of Parcel 33774016 which is adjacent to and east of the Subject Property. The map attached hereto as Exhibit J depicts the approximate location where the Applicant can legally access their property.

To summarize, the Applicant appears to have no right to use Schmidt Lane to access the Subject Property, nor will the Choutchourrous, who own the property on which Schmidt Lane is located, grant any right to use the road, or improve the approaches. It also should be obvious from this discussion that the Applicant's "site plan" (attached to the CUP Application) erroneously claims Applicant has two "Existing Business Accesses" (one for ingress and one for egress) off Schmidt Lane. Again, Schmidt Lane cannot properly be used by the Applicant to access the Subject Property -- particularly for commercial or business purposes. Indeed, this may explain why Applicant has been unable to comply with the conditions imposed in the 2018 Order (i.e., road certification).

# Applicant's request fails to meet the criteria required by Canyon County Zoning Ordinance § 07-07-05.

The fact that the CUP Application is premised on false information regarding Schmidt Lane should, alone, warrant denial of the CUP. However, we offer the following additional comments in opposition to the Applicant's request.

Canyon County Zoning Ordinance ("CCZO") § 07-07-05 requires the presiding party to consider conditional use permit by finding adequate evidence to answer the following questions:

- (1) Is the proposed use permitted in the zone by conditional use permit;
- (2) What is the nature of the request;
- (3) Is the proposed use consistent with the comprehensive plan;

- (4) Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area;
- (5) Will adequate water, sewer, irrigation, drainage, and stormwater drainage facilities, and utility systems be provided to accommodate the use;
- (6) Does legal access to the subject property for the development exist or will it exist at the time of development;
- (7) Will there be undue interference with existing or future traffic patterns; and
- (8) Will essential services be provided to accommodate the use, including but not limited to school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?

Setting aside the fact Applicant is *already* operating as an event center without the necessary authorizations (and has been for several years, to the detriment of their surrounding neighbors), Applicant cannot demonstrate several of the basic requirements necessary to obtain approval for a conditional use permit.

First, and most importantly, Applicant cannot legitimately claim that the "proposed" use of the Subject Property will not be injurious to other properties in their immediate vicinity. See CCZO § 07-07-05 (4). The Choutchourrous have documented the myriad ways Applicant's current use of the property as an events venue negatively impacts their use and enjoyment of their property. However, it bears repeating that, since Applicant opened the winery tasting room, the Choutchourrous 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. As a result, and notwithstanding Applicant's long-standing disregard for the limitations imposed by the 2018 Order (Exhibit A), the Choutchourrous have continued to experience significant disruptions from the noise, dust, and parking issues resulting from the increased traffic, concerts, weddings, and other events Applicant has held in violation of their current authorizations. Yet, Applicant falsely represents to this County that it is operating within the limitations of their existing permit.

Now, despite the Choutchourrous' undisputed evidence of Applicant's unchecked violations, and having shown no willingness to comply with the County's orders, Applicant seeks the following for their proposed event center:

<sup>&</sup>lt;sup>6</sup> The Choutchourrous' letter dated May 31, 2023 (attached hereto as Exhibit B) includes an exhibit attached thereto as Exhibit C with printouts of the Sol Invictus Facebook events page showing not only the number of scheduled events, but the people "interested" in attending said events. That number ranges from less than 10 to over 300 patrons – well over the proposed maximum of 250 guests per event.

<sup>&</sup>lt;sup>7</sup> Applicant inaccurately states that they previously received approval for a conditional use permit through Canyon County. This is obviously not the case; Applicant likely refers to the County's 2018 Order granting limited conditions of approval for use of the winery and (what was supposed to be) an accessory tasting room, *See* Exhibit A.

- An unlimited number of events for guests of up to 150 people and "no more than 12 events annually" for events with 151-250 guests
- Expansion of the current permitted hours (12pm-7pm on Saturdays and Sundays) to "9am to 10pm, daily, with 24 hours a day, seven days a week for the winery production and agricultural operations"

Considering Applicant's current use of the Subject Property is already an increasingly untenable situation for the Choutchourrous (and the quiet nature of a rural residential neighborhood), the proposed expansion will undoubtedly exacerbate the existing issues, further diminishing their use and enjoyment of their property (and potentially leading to increased conflicts and disruptions in the neighborhood). The increase in traffic alone is enough to significantly disrupt the daily lives of nearby residents, causing safety concerns, noise pollution, and a decline in the overall tranquility of the neighborhood.

To that point, Applicant's request fails to adequately address i) whether the proposed use will cause undue interference with traffic patterns and, relatedly ii) whether they have legal access to the Subject Property. See CCZO §§ 07-07-05 (6), (7). This omission should raise significant concerns about the feasibility and legality of the proposed activities, as well as their potential impact on the surrounding community.

Repeatedly, when Applicant submitted their original application (in Case No. AD2018-0042), Canyon County Highway District 4 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 limited to "the traffic volumes" of "10 trips a day plus intermittent commercial delivery." Presumably, the approach permit was a condition of approval for improving the accessory structure. Either way, and as has been a pattern with Applicant, use of the Subject Property consistently exceeds the restriction limitations which, in turn, has caused significant undue interference with existing (and future) traffic patterns in the community.

Furthermore, even if Applicant is entitled to use Schmidt Lane (which they are not), their representations in the application regarding parking and traffic interference are disingenuous to the point of misleading. For example, Applicant states that "[w]e 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." Applicant also references traffic signs used "to deter guests looking for the winery from proceeding down 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 are often two people to direct traffic to the dirt parking area and private street (for overflow). Applicant's letter of intent

<sup>&</sup>lt;sup>8</sup> A copy of CHD4's letter is attached as Exhibit D to the Choutchourrous' May 31, 2023 opposition letter (attached hereto as Exhibit B).

<sup>&</sup>lt;sup>9</sup> The Choutchourrous' May 31, 2023 opposition letter (Exhibit B) includes an exhibit attached thereto as Exhibit B of photographs taken from the Choutchourrous' property showing parking in the dirt field and

offers absolutely no solutions for the current parking issue, which, as outlined herein, is one of the Choutchourrous' main points of opposition. Moreover, and as shown in photos (included in Exhibit B attached hereto) cars are parked on the road and then shuttled via golf carts to the events venue. These activities are entirely incompatible with the character and quality of life in a rural residential neighborhood, audaciously violate the County's 2018 Order, and absent a right to use Schmidt Lane constitute trespass.

Put simply, if Applicant is permitted to expand use of the Subject Property beyond the authorized use — which is already injurious and disruptive to the surrounding neighbors — the essential character of this rural community will be irrevocably changed. Because of their proximity to the Subject Property, the Choutchourrous will be chief among those most harmed by exposure to the inevitable increase in noise, traffic, dust, and other disturbances they sought to avoid when they built their retirement home on a private street in rural Canyon County. Given Applicant's propensity to violate County orders, the Choutchourrous have no expectation that imposition of a conditional use permit will do anything except enable Applicant to continue their pattern of noncompliance, further exacerbating the negative impact on the community.

# Applicant's "future plans" for the Subject Property will only serve to compound the existing problems described herein.

At the risk of being repetitive, the Applicant's stated-future plans only compound the above-described problems. The CUP Application includes references to Applicant: i) building a gravel turn around alongside Schmidt Lane to accommodate an increase in traffic; ii) expanding the existing deck and/or building a new deck to "augment" customer wine tasting operations; iii) expanding distribution of its product to states outside of Idaho; and iv) paving the gravel road and the gravel parking areas – although it is not clear which parking "areas" are referenced.

These descriptions clearly describe a large-scale commercial operation that should not be located, or sandwiched between, rural residential properties. The Applicant should not ever have been allowed to operate the existing facility; indeed, had the County enforced the terms of the 2018 Order (requiring a licensed engineer to certify that the private road and driveway construction met county code) the Applicant would have never gotten to this point. Thus, absent decisive action from the County, Applicant undoubtably will continue to operate outside the boundaries of the zoning laws to the detriment of the entire neighborhood.

on Schmidt Lane being used for events parking. The photos also show "winery" signs placed on the *private* road, which the Choutchourrous find objectionable and will not further allow.

<sup>&</sup>lt;sup>10</sup> Applicant obliquely refers to a "parking circulation plan" that has been submitted to Star Fire but which is noticeably absent from the materials provided with this application.

Thank you for considering our comments and the Choutchourrous' opposition to the CUP Application.

Sincerely,

MORROW & FISCHER, PLLC

Julie Klein Fischer

Attachments

C: Bernard and Toni Choutchourrou

Canyon County	Commissioners
July 8, 2024	
Page - 9	

# EXHIBIT A

(AD-2018-0042 Findings of Fact, Conclusions of Law, Conditions of Approval and 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 9th 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 1/4" crushed aggregate (gravel)	2 5" thick	24' for local roads and 26 ' for collector roads'	ming with address to require agreement and a

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 111 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 ¾" 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:
  - a. CCZO 07-13-01(8) every open off street parking area having more than four (4) parking spaces shall be hard surfaced.
  - b. CCZO 07-13-01 (9) Lighting used to illuminate off street parking areas shall be directed away from residential properties.
  - c. 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.

DEVELOPMENT SERVICES DIRECTOR CANYON COUNTY, IDAHO

Patricia Nilsson, Director

State of Idaho

SS

County of Canyon County)

On this 14 day of September, in the year of 2018, before me kathern Frost, a notary public, personally appeared Patricia Nisson, 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.

KATHLEEN FROST NOTARY PUBLIC STATE OF IDAHO

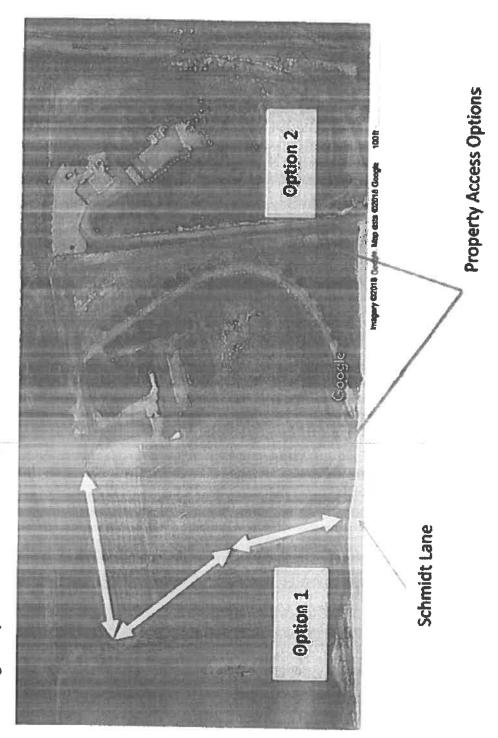
)

Notary: \_\_\_\_\_\_

My Commission Expires: \_

- 3.2022

# Attachment 'A' (AMENDED)



Google Maps

# Attachment 'A'

O

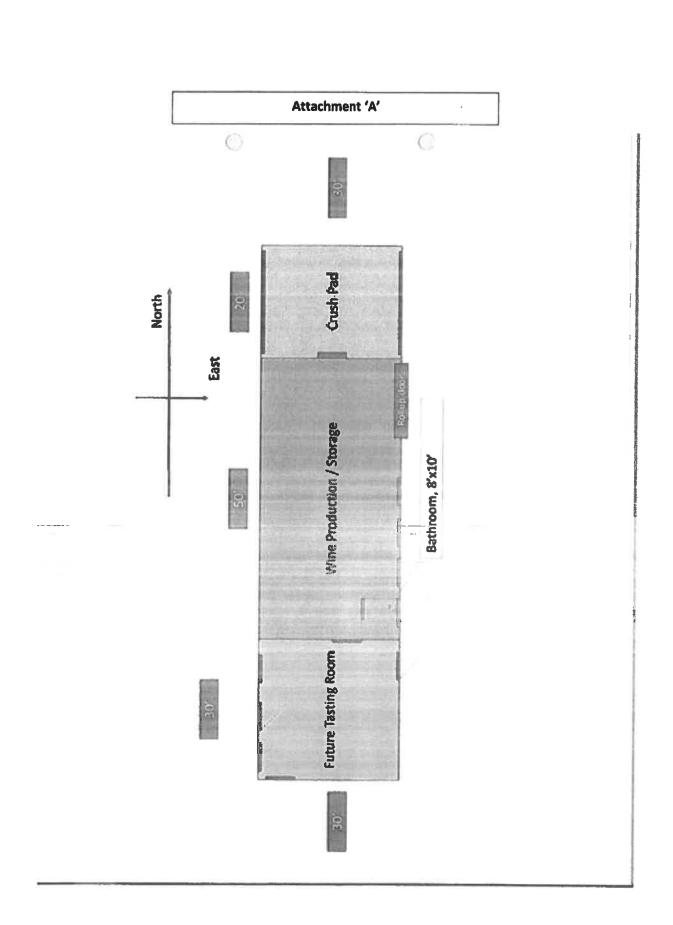
Page 1 of 1



Go agle Maps

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# EXHIBIT B

(May 31, 2023 Letter of Opposition with Exhibits)



## ATTORNEYS AT LAW

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

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 Choutchourrous' property borders the west and south sides of the Applicant's property. A map showing the location of the Choutchourrous' property is attached as Exhibit A for reference.

This letter will serve as the Chourtchourrous' 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 Choutchourrous' 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 Choutchourrous 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 <u>never</u> 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 Choutchourrous' 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 Choutchourrous, 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 Choutchourrous 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 <a href="Exhibit C">Exhibit C</a> 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>&</sup>lt;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

Hunt Map Layers

6

## BERNARD CHOUTCHOU...

Overview Content W



# **ID Private Lands**

Owner CHOUTCHOURROU BERNARD

PO BOX 649 STAR ID 83669 Tax Address

Area (Acres)

**County** Canyon



© Coordinates 43.7...

Copy

Add Add

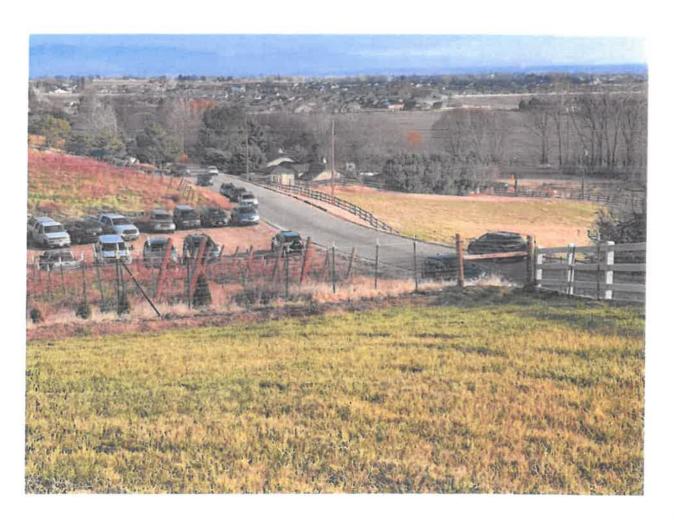
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Waypoint See More

Photo



EXHIBIT B (Photos of Parking)



12:00











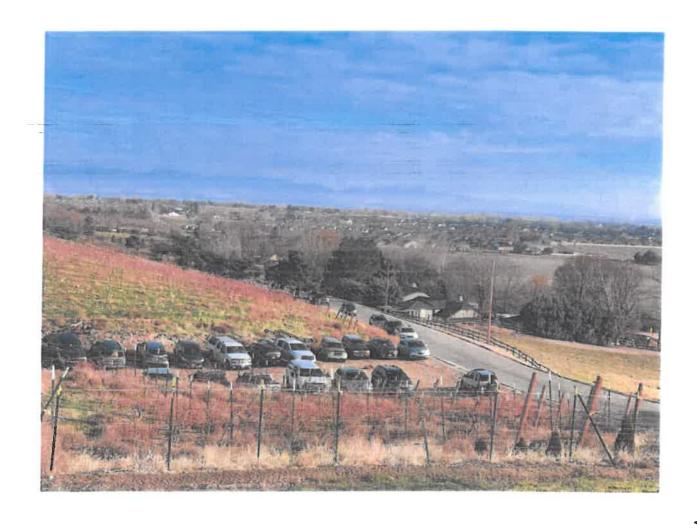








EXHIBIT C (Events Page – Facebook)













#### **Sol Invictus Vineyard**

1.7K likes • 2K followers







Q 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







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  $\cdot$  Sol Invictus Vineyard in Star, Idaho Interested

SAT, APR 15

#### Naomi's Curated Collection Pre & Loved pop up!

2 people went  $\cdot$  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 Vinevard - Tanya and Jonny

17 people interested  $\cdot$  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  $\cdot$  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  $\cdot$  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  $\cdot$  6394 Schmidt Ln, Star, ID 83669-6161, United States Interested

SUN, JUL 9 AT 4 PM

#### Sol Invictus Vineyard - Tom Taylor

37 people interested  $\cdot$  6394 Schmidt Ln, Star, ID 83669-6161, United States Interested

SUN, AUG 6 AT 4 PM

#### Sol Invictus Vineyard - Spencer Batt

43 people interested  $\cdot$  6394 Schmidt Ln, Star, ID 83669-6161, United States Interested

SUN, JUL 2 AT 4 PM

#### Sol Invictus Vineyard - Dan Cribb

10 people interested  $\cdot$  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, IUL 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)

#### **EXHIBIT 5**



1 of 1 CANYON HIGHWAY DISTRICT No. 4 15435 HIGHWAY 44 CALDWELL, IDAHO 83607

> TELEPHONE 208/454-8135 FAX 208/454 2008

May 22, 2018

Canyon County Development Services 111 North 11th 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).

#### Traffie 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,

Chris Hopper, P.E.

Assistant District Engineer

File: Foothill Rd- Sol Invictus Winery 2018

#### 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

#### **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 agricultutral 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 occured: Summer of 2023

#### Signature

1×F

#### Date complaint was filed:

10/12/2023

#### EXHIBIT D

(Choutchourrou Letter to Applicant dated August 1, 2023

#### 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,

#### EXHIBIT E

Choutchourrou April 2, 2024 Letter of Opposition



#### 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

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>&</sup>lt;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 Choutchourrous' 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 <u>not</u> 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

<sup>&</sup>lt;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.

Daniel Lister, Canyon County Development Services April 2, 2024 Page - 3

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

<sup>&</sup>lt;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

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 9th 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	Piant 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 "/4" crushed aggregate (gravel)	2 5" thick	24' for local roads and 26 ' for collector roads'	

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	Plent 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 1/4" crushed aggregate (gravel)	2.5" thick	24' for local roads and 26 ' for collector roads'	7,470

(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 fil Mix)	Surface Width	
Private roads that are estimated to serve more than 160 ADT	9" of minus 6" uncrushed aggregate (pit run)	6" of "/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 Foothilt 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:
  - a. CCZO 07-13-01(8) every open off street parking area having more than four (4) parking spaces shall be hard surfaced.
  - b. CCZO 07-13-01 (9) Lighting used to illuminate off street parking areas shall be directed away from residential properties.
  - c. 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.

DEVELOPMENT SERVICES DIRECTOR CANYON COUNTY, IDAHO

Patricia Nilsson, Director

State of Idaho

SS

County of Canyon County)

On this 7th day of September, in the year of 2018, before me Kathern Frost, a notary public, personally appeared Son, 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.

KATHLEEN FROST NOTARY PUBLIC STATE OF IDAHO otary: KJ10

My Commission Expires: 6-3-2022

Google Maps

North 1

Papeloft

Parking

Google Maps

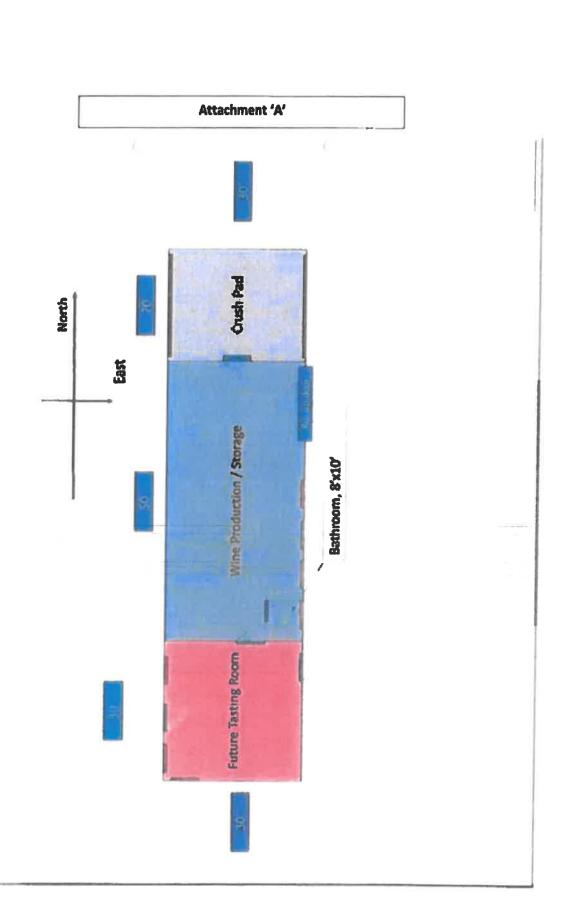
Winery Facility – See breatout.



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3162018

the free and and a state of the state of the



#### **EXHIBIT B**

(May 31, 2023 Letter of Opposition with Exhibits)



ATTORNEYS AT LAW

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

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 Choutchourrous' property borders the west and south sides of the Applicant's property. A map showing the location of the Choutchourrous' property is attached as Exhibit A for reference.

This letter will serve as the Chourtchourrous' 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 Choutchourrous' 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 Choutchourrous 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 <u>never</u> 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 Choutchourrous' 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 Choutchourrous, 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 Choutchourrous 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>&</sup>lt;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.

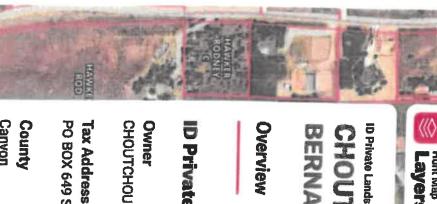
Sincerely,

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

Hunt Map Layers

# BERNARD CHOUTCHOU...

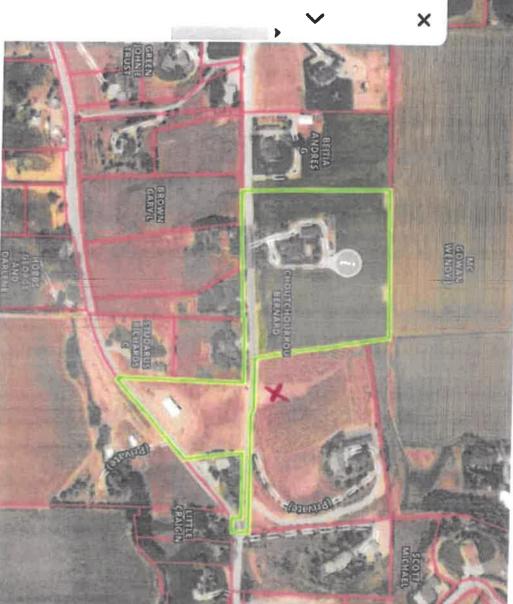
Overview Content W



**CHOUTCHOURROU BERNARD** 

**County** Canyon PO BOX 649 STAR ID 83669

14.04 Area (Acres)



© Coordinates 43.7... Copy

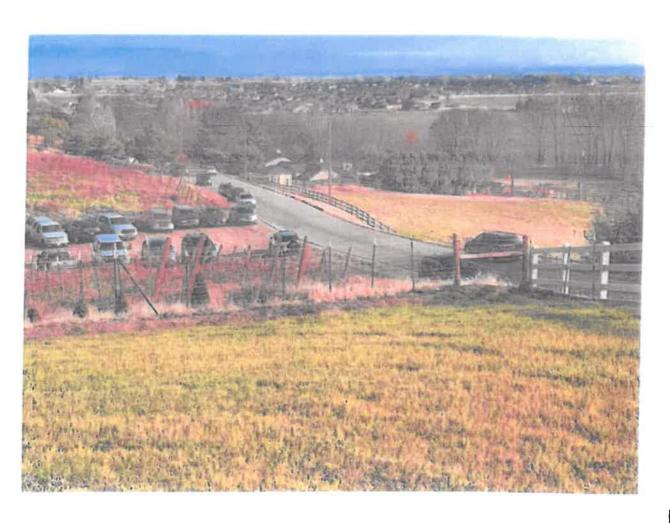
Folder Add to

See More

https://webmap.onxmapa.com/hurn/map/query/43.718646,-116.523523,15.41/overview

X = Dirt Parking lot

EXHIBIT B (Photos of Parking)



12:00

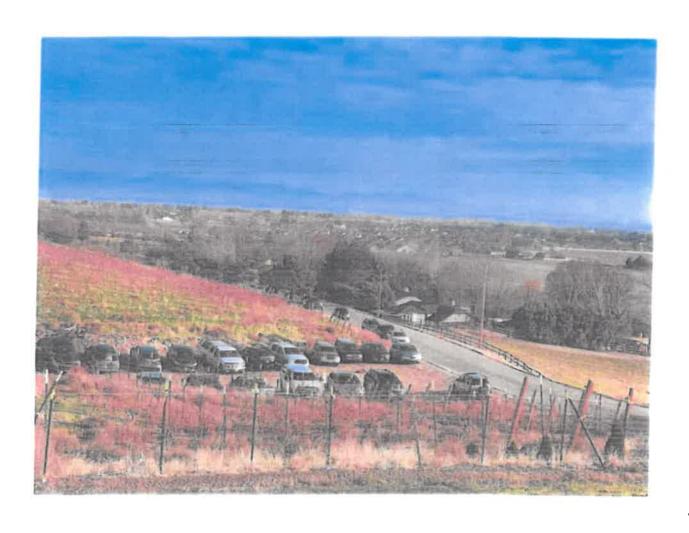














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Mr. Av. - v



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Canyon County Development Services May 31, 2023 Page - 8

> EXHIBIT C (Events Page – Facebook)

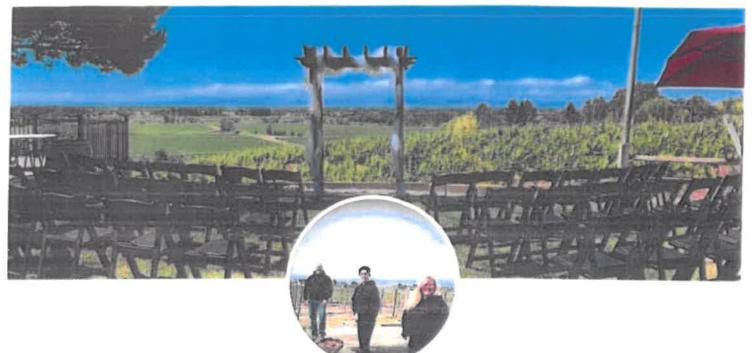
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# Sol Invictus Vineyard

1.7K likes • 2K followers







Q 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...













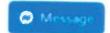




## Sol Invictus Vineyard

1.7K likes • 2K followers







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 Pre 2 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 Vinevard - 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  $\cdot$  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  $\cdot$  6394 Schmidt Ln, Star, ID 83669-6161, United States Interested

SAT, AUG 5 AT 4 PM

#### Sol Invictus Vineyard - David McClellan

45 people interested  $\cdot$  6394 Schmidt Ln, Star, ID 83669-6161, United States Interested

SAT, JUL 15 AT 4 PM

#### Sol Invictus Vineyard - Dustin Morris

43 people interested  $\cdot$  6394 Schmidt Ln, Star, ID 83669-6161, United States Interested

SUN, JUL 23 AT 4 PM

#### Sol Invictus Vinevard - Sottovoce

18 people interested  $\cdot$  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  $\cdot$  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  $\cdot$  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 83607

TELEPHONE 208/454-8135 FAX 208/454 2008

May 22, 2018

Canyon County Development Services
111 North 11th 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,

Chris Hopper, P.E.

Assistant District Engineer

1.4.

File: Foothill Rd- Sol Invictus Winery 2018

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

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

ifischer@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 agricultutral 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 occured:

Signature

1×F

#### Date complaint was filed:

10/12/2023

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

> EXHIBIT D (CUP Application 2023)



# CONDITIONAL USE PERMIT PUBLIC HEARING - MASTER APPLICATION

	OWNER NAME: SWHE	Denise Smith			
PROPERTY OWNER	MAILING ADDRESS: 6370	Schmidt Lane, Star ID83669			
	PHONE	EMAIL			
	he owner(s) is a business entity,	/ Commissioners to enter the property for site please include business documents, including			
Signature:	those that indicate the person	Date: 28 Aug 2023			
APPLICANT:	APPLICANT NAME:				
	COMPANY NAME:				
FROM THE PROPERTY	MAILING ADDRESS:				
OWNER	PHONE:	EMAIL.			
		Schmidt Lone			
SITE INFO		377401500 Sect: 01, 4N, 2W			
	PARCEL SIZE: 10 acm	2			
	REQUESTED USE: Event	Center			
	FLOOD ZONE (YES/NO)	ZONING DISTRICT			
	FOR DSD STAFF CO	MPLETION ONLY:			
CASE NUMBER	U7023-0018	DATE RECEIVED: 8/28/23			
RECEIVED BY:	APPLICAT	TION FEE: 4 9 CK MO 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	DES	ne
Letter of intent (see standards on next page)	DRS	1.1
Site Plan (see standards on next page)	DKS	5
Land Use Worksheet	NES	1
Neighborhood Meeting sheet/letter completed and signed	NES.	all
Proof of application/communication with (varies per application):	DRS	211
Southwest District Health		Tue
Irrigation District	DES	
Fire District	NRS	
Highway District/ Idaho Transportation Dept.		1
Area of City Impact	NES	
Deed or evidence of property interest to the subject property	225 225	211
Fee: \$950.00 \$600.00 (CUP Modification)	DES	WA
**Fees are non-refundable**		

An application that requires additional Use Standards	per	Chapter	7,	Article	14	of th	e f	Canyon
County Code:								-

County Code.		
☐Contractor Shop		
☐Mineral Extraction (Long Term)		_
□Wind Farm		
☐Staging Area		
☐ Manufacturing or processing of ha	zardous chemicals or gases	
☐Ministorage Facility		
*If applicable, review the Additional L	<u>Use Standards Below,</u> if not applicable, please disregard the	m.

\*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, hydroscopic 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: Spaindividual 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 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) \_\_\_\_\_ Height: \_\_\_\_\_ 8. STORMWATER: Other:

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

	RESIDENTIAL USES
1. NUMBER OF LO	TS REQUESTED:
C Residential	□ Commercial □ Industrial □
□ Common	
2. FIRE SUPPRES	
☐ Water supply s	ource:
3. INCLUDED IN YO	UR PROPOSED PLAN?
☐ Sidewalks	☐ Curbs ☐ Gutters ☐ Street Lights ☐ None
	NON-RESIDENTIAL USES
1. SPECIFIC USE:	Event Center
	S OF OPERATION:
☐ Monday	- 9 am to 10 m
Tuesday	9 am to 10 pm
Wednesday	9 am to 10 pm
150 Thursday	9 am to 10 pm
Friday	9 am to 10 pm
Saturday	9 am to 10 pm
Sunday	9 am to 10 pm
	MPLOYEES? Yes If so, how many?     No
	SIGN? Yes  No  Lighted  Non-Lighted
	Width:ft. Height above ground:ft
What type of sign:	WallFreestanding Other
5. PARKING AND LO	DADING: 105
How many parking	spaces?/OD
Is there is a loading	g or unloading area?

	ANIMAL CARE-RELATED USES					
1.	MAXIMUM NUMBER OF ANIMALS:					
2.	HOW WILL ANIMALS BE HOUSED AT THE LOCATION?					
	☐ Building ☐ Kennel ☐ Individual Housing ☐ Other					
3.	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 <u>not</u> 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 <u>not</u> 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, or Sol Invictus Vineyard, 6394 Schmidt Lane, Star, ID 83669.

Scott & Jains Smith

### **NEIGHBORHOOD MEETING SIGN-UP**

### CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #310, Caldwell, ID 83605

zoninginfo@canyoncounty.id.gov Phone: 208-454-7458 Fax: 208-454-6633

8. 9.

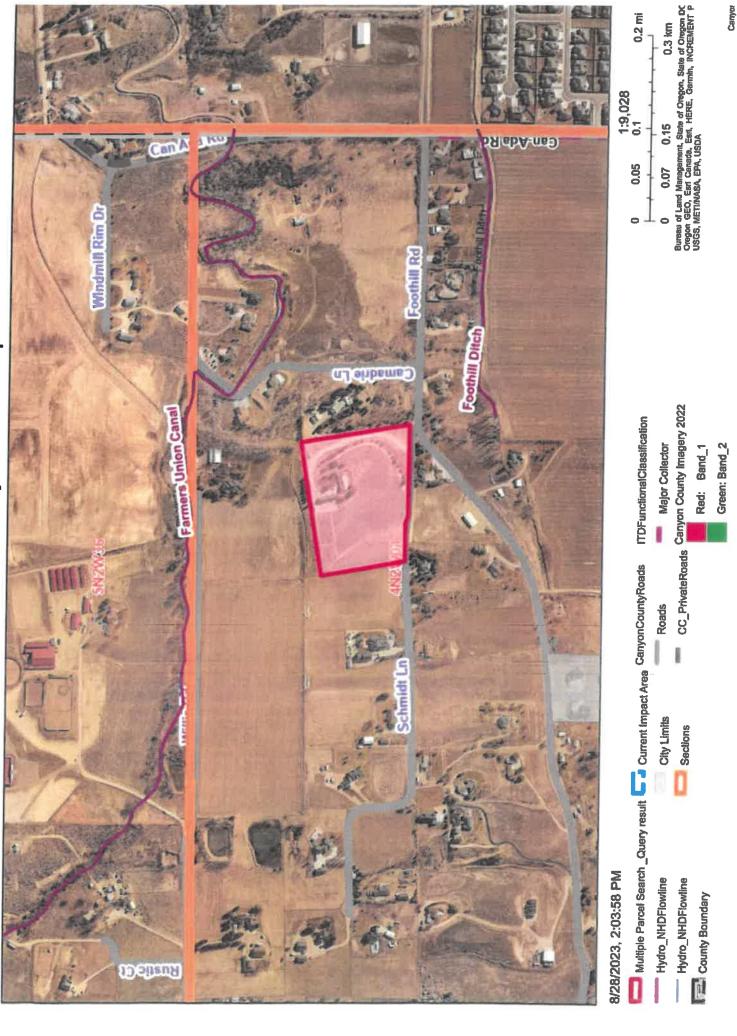


## NEIGHBORHOOD MEETING SIGN UP SHEET CANYON COUNTY ZONING ORDINANCE §07-01-15

SITE INFORMATION

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 Address: 4399 Schmidt La	Parcel Number: -K3377401500
City: 5tar	State: ZIP Code: 83449
Notices Mailed Date: Jul 24, 202	Number of Acres: Lo Current Zoning:
Describilities of the Description	
Event Cer	nter and Extended Hours
ADDITION / DI	endecentatrie vneormation
	PRESENTATIVE INFORMATION
Contact Name: Scott and Der	ist smith
Current address: 6390 Schmid.	Vineyard
Current address: 4390 Schmid.	- Lane
City: Star	State: ZIP Code: 83469
Phone:	Fax:
Email:	
ME	TING INFORMATION
	-1-2-1
DATE OF MEETING: Aug 4, 2023 MEE	ring LOCATION: 6394 Schmidt Lane
	TING END TIME: 8:150 M
ATTENDEES: 8 TOTAL DELPL	
1 7	
NAME (PLEASE PRINT) SIGNAT	URE: ADDRESS:
1. CRS/NAUCI BE	NJ G306 FEDTHIN RD
2. TASEN LAASE C	6543 SCHMEDT LN
3 Stava Jones St	6743 Sommer
4. Sheri Jones St	of 6743 Schmit Ln.
	611236hm. Ln.
5. BRANDY RUDOLPH	1) 6770 Schmit Lr
	6770 Schmit Ln 6770 Schmit Ln



Daniel Lister,	Canyon	County	Development	Services
April 2, 2024	•	-	-	
Page - 8				

EXHIBIT E (Choutchourrou Letter to Applicant)

### 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,

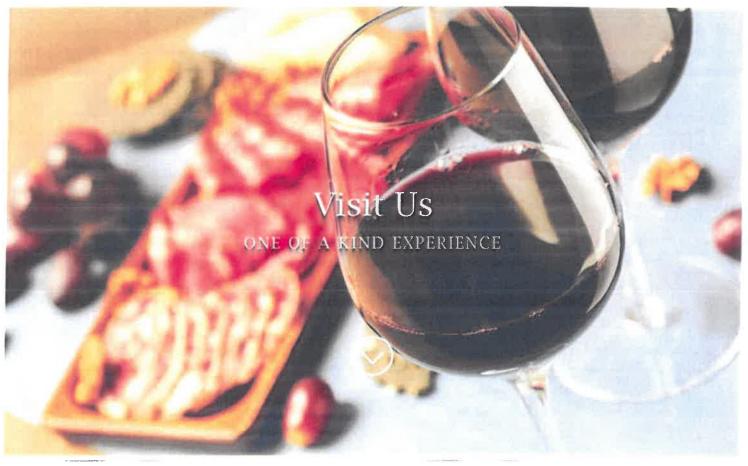
Ben and Toni Choutchourrou

(Market Market M

**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

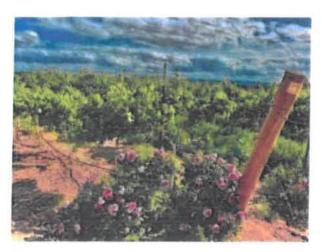
Our events are on pause while we cooperate with the county permitting process. Sol Invictus events are always a blast – for us and our guests! We're hoping to resume Live Music Sundays in June – check back soon for updates!



Reservations

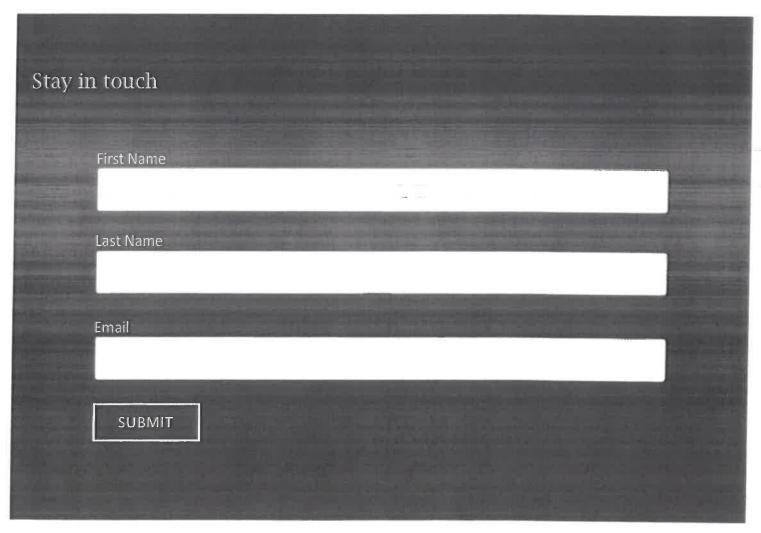
Reservations are not required but are encouraged for parties of 10 or more, or for our regulars who just love their usual seats.

Contact the tasting room at (208) 286-7401 or 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".



### EXHIBIT G

(Aerial Map showing Easements and Schmidt Lane)

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 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, does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

https://dients.sentrydynamics.net/geo/ld/canyon?layout=&min=#

TitleOne

Daniel Lister, Canyon County Development Services April 2, 2024 Page - 20

### EXHIBIT H

(Road Easement Agreement - with Residential Use Restriction)

#### ROAD EASEMENT AGREEMENT

BETWEEN:

SCHMIDT ROAD CORPORATION, an Idaho Nonprofit Corporation,

"GRANTOR"

and

WILLIAM M. SCHMIDT, an Individual,

GRANTRE

P-5-11 100

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 "GRANTER");

### WITNESSETH:

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 Rundred-Dollars (\$3,805.00) 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 BASEMENT AGREEMENT - 1.

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 Corporaton, 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.

Page 2 of 11 12/13/2016 9:10 AM 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.

TTT

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 BASEMENT AGREEMENT - 3.

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

"GRANTER"

ROAD BASEMENT AGREEMENT - 4.

STATE OF IDAHO ) : SS County of Ada )

on this aday of May, in the year of 1998, before me, w. Staffell, 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 the that such corporation executed the same.

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

O WEIGHT

Notary Public for the State of Idaho
Residing in Ada County, Idaho
My Commission Expires: 10/1/2000

STATE OF IDAHO ) : SE.
County of Ada )

On this Aday of May, in the year of 1998, before me, the interior of 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 account of the county bedged to me that he executed the same.

ARY (WITNESS WHEREOF, I have hereunto set my hand and affixed

Notary Public for the State of Idaho
Residing in Ada County, Idaho
My Commission Expires: 10 11 2000

ROAD BASEMENT AGREEMENT - 5.

### EXHIBIT F

(Director's Decision - Quasi-Public Use (Temporary) Sol Invictus Winery/Smith - AD2024-2019



# 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**

- 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).
    - 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:
    - o 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.
    - o 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 auditonum or gymnasium, auditorium, theater, or	1 parking space for each 5 persons based on building capacity
	scorts arena	
(5)	For floor space used by the public or by members in a social half dance	A number of parking spaces equal to 20 percent of the capacity in persons
	half nightclub pool half restaurant or other similar enterprise or	For the purpose of this section, "capacity in persons, shall mean the gross,
	establishment	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."

all	5-20-24
Carl Anderson, Planning Superv	
Canyon County Development Se	ervices Dept.
State of Idaho )	
State of Idano	
	S.S.
County of Canyon )	
On this 20th day of May, in the Carl Anderson	e year 2024, before me Pamela Dilbeck, a notary public, personally appeared, 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)(th	ney) executed the same.
	Gamela Dilbeck
PAMELA DILBECK	rotary.
COMMISSION #20224944	10/14/2028
NOTARY PUBLIC	My Commission Expires: 10/14/2028
STATE OF IDAHO	

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: STARFIRE

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 SHERRIFS 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  $30 \times 30$  tasting room with the exterior patio doors open.

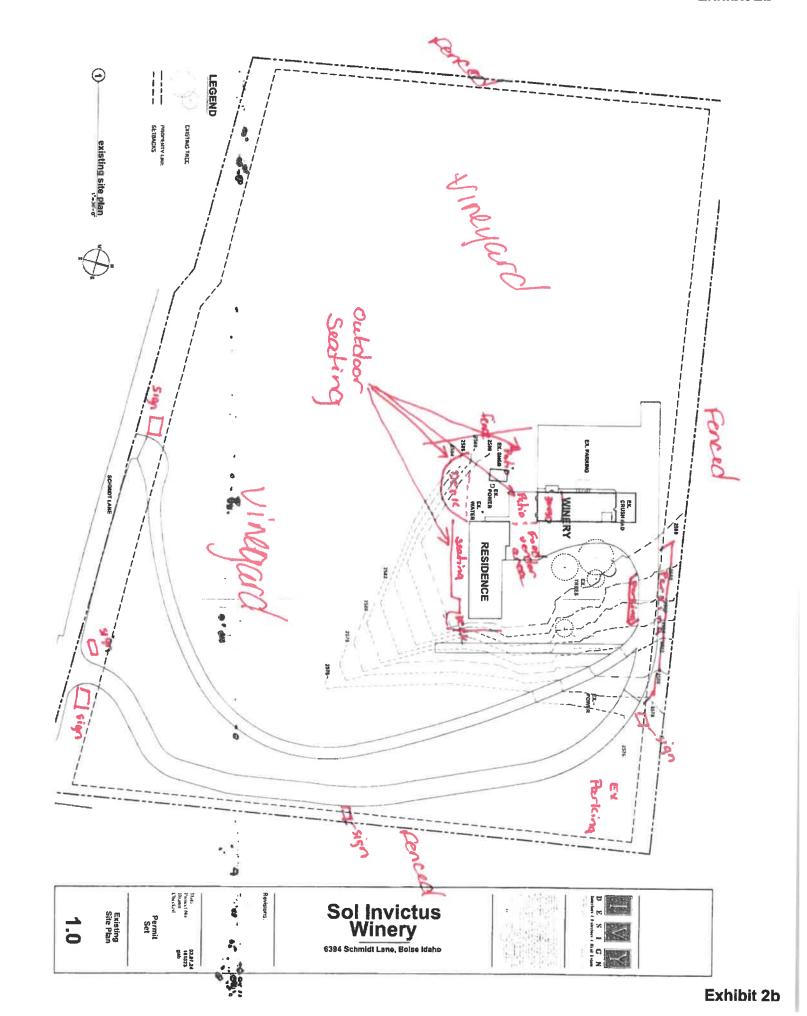
Food trucks and local artisans should not affect neighbors. Food trucks and local artisans will obtain their own permits as necessary. They will be responsible for the carry in and carry out of their own waste material, if any. No dumping. Southwest District Health approved food menu items will be available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

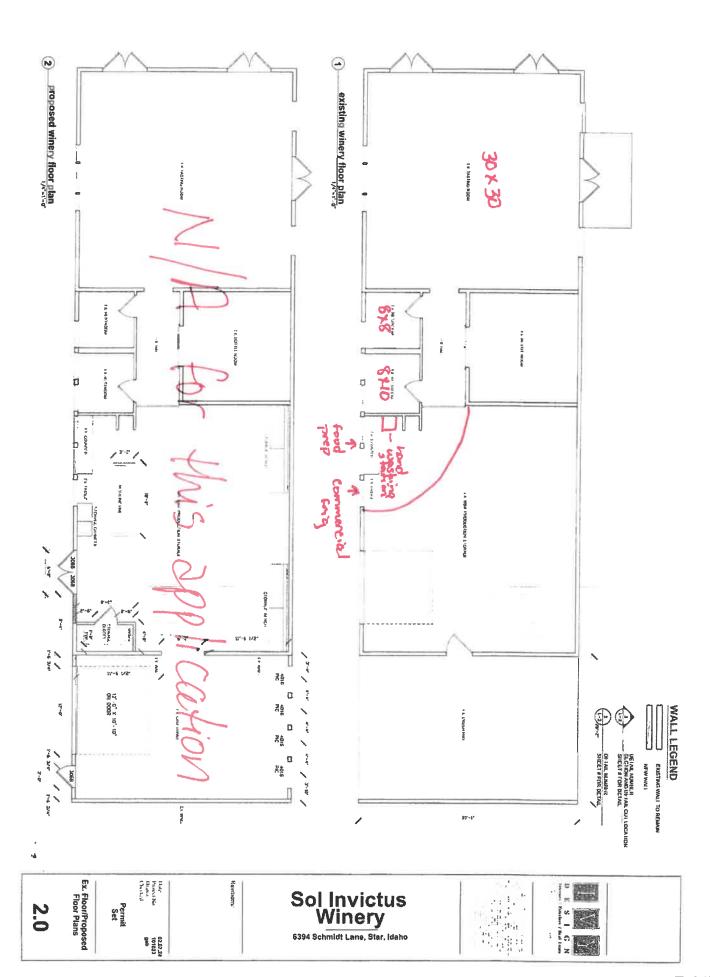
Guests will use indoor and outdoor seating areas as identified on the site plan and floor plan included in this application.

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
denise@solinvictusvineyard.com
208-286-7401





### **Dan Lister**

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

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,

1

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.
  - o 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?
  - o 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 information 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 conditions met.

Sincerely,

### **Dan Lister, Principal Planner**

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

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 \*\*

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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

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From: Chris Hopper < <a href="mailto:chopper@hwydistrict4.org">chopper@hwydistrict4.org</a>>

Sent: Wednesday, April 17, 2024 4:14 PM

To: Dan Lister < <u>Daniel.Lister@canyoncounty.id.gov</u>>
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

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 objectable 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 invoving 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

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 — matt@heimdesignstudio.com

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 <u>6543 Schmidt Ln, Star, ID</u> <u>83669</u>. 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 <u>6394 Schmidt Ln, Star, ID</u> 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 BI. 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: <a href="https://www.facebook.com/SollnvictusVineyard/past hosted events">https://www.facebook.com/SollnvictusVineyard/past hosted events</a>
Upcoming events: <a href="https://www.facebook.com/SollnvictusVineyard/past hosted events">https://www.facebook.com/SollnvictusVineyard/past hosted events</a>

- 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 notrespassing, 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

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 applied 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 a canyon county 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>&</sup>lt;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 Choutchourrous' 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 <a href="Exhibit D">Exhibit D</a> 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 <a href="Exhibit E">Exhibit E</a>.

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 <u>not</u> 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

<sup>&</sup>lt;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.

Daniel Lister, Canyon County Development Services April 2, 2024 Page - 3

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

<sup>&</sup>lt;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

> 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.

1

(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 9th 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 Bailast	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 1/4" crushed aggregate (gravel)	2 5" thick	24' for local roeds and 26 ' for collector roads'	in the state of th

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

8

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

(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 Ballasi	Base Course	Plant Mix Pavement (ISPWC Class III Mix)	Surface Width	
Private roads that are estimated to serve more than 160 ADT	9" of minus 6" uncrushed aggregate (pit run)	6" of "/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:
  - a. CCZO 07-13-01(8) every open off street parking area having more than four (4) parking spaces shall be hard surfaced.
  - b. CCZO 07-13-01 (9) Lighting used to illuminate off street parking areas shall be directed away from residential properties.
  - c. 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 A day of September, 2018.

DEVELOPMENT SERVICES DIRECTOR CANYON COUNTY, IDAHO

Patricia Nilsson, Director

State of Idaho

SS

County of Canyon County)

On this 7th day of Somber in the year of 20 8, before me Kathern 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.

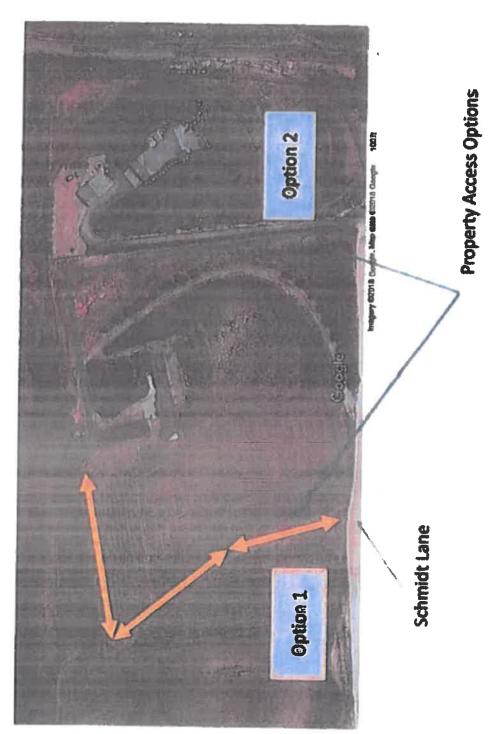
KATHLEEN FROST NOTARY PUBLIC STATE OF IDAHO

)

Notary:

My Commission Expires: 6-3-200

### Attachment 'A' (AMENDED)



Google Maps

STAFF REPORT: AMENDMENT TO AD2018-0042: SOL INVICTUS WINERY Exhibit 1

## Attachment 'A'

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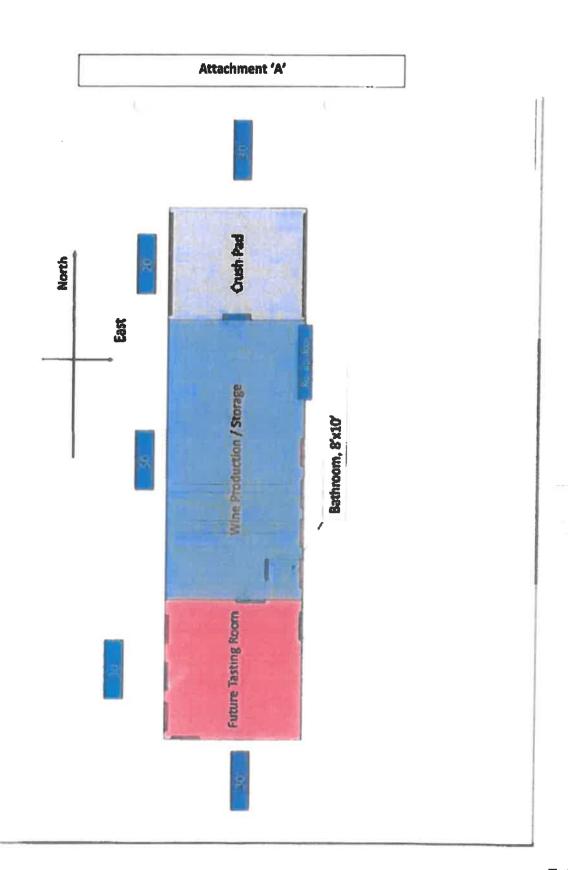
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Exhibit 3f



## EXHIBIT B

(May 31, 2023 Letter of Opposition with Exhibits)



ATTORNEYS AT LAW

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

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 Choutchourrous' property borders the west and south sides of the Applicant's property. A map showing the location of the Choutchourrous' property is attached as Exhibit A for reference.

This letter will serve as the Chourtchourrous' 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

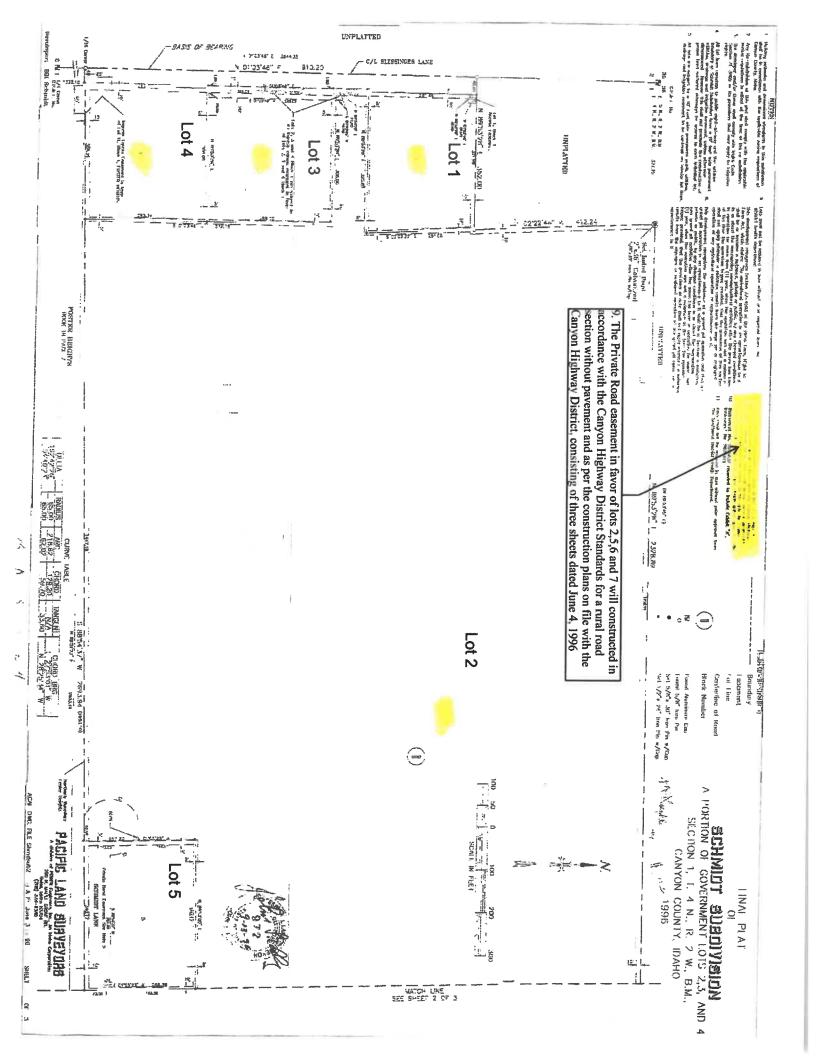
In response to the Applicant's letter of intent, the Choutchourrous' offer the following comments:

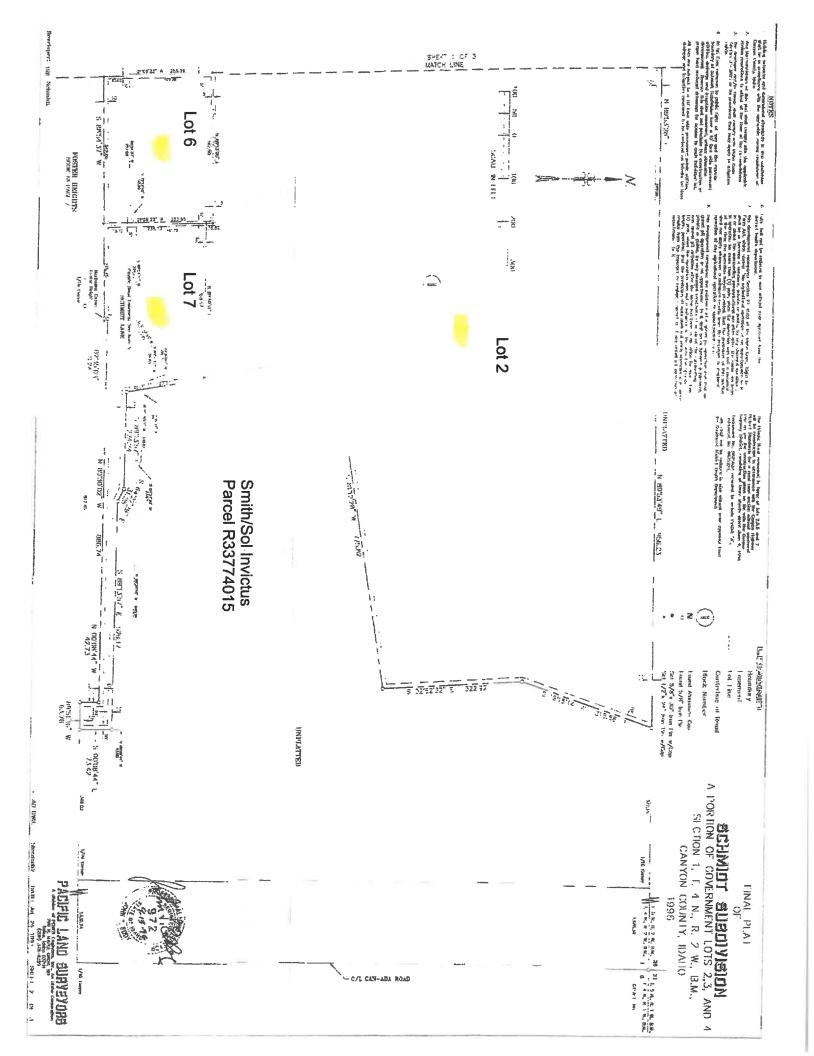
• Applicant claims to be "operating within the guidelines outlined in Report A2018-0042 signed on June 3, 2018." As explained in more detail below, the Choutchourrous disagree with that statement. The vehicular traffic far exceeds the promised "ten cars per day" and parking is allowed in a dirt field 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.

<sup>◆</sup> George W. Breitsameter ◆ Laura E. Burri ◆ Julie Klein Fischer ◆ Jillian Gordon Miller ◆ William A. Morrow

## EXHIBIT G

(1996 Plat)





THE PROFILE

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SCHMIDT SUBDIVISION

SUBJECT OF STREET

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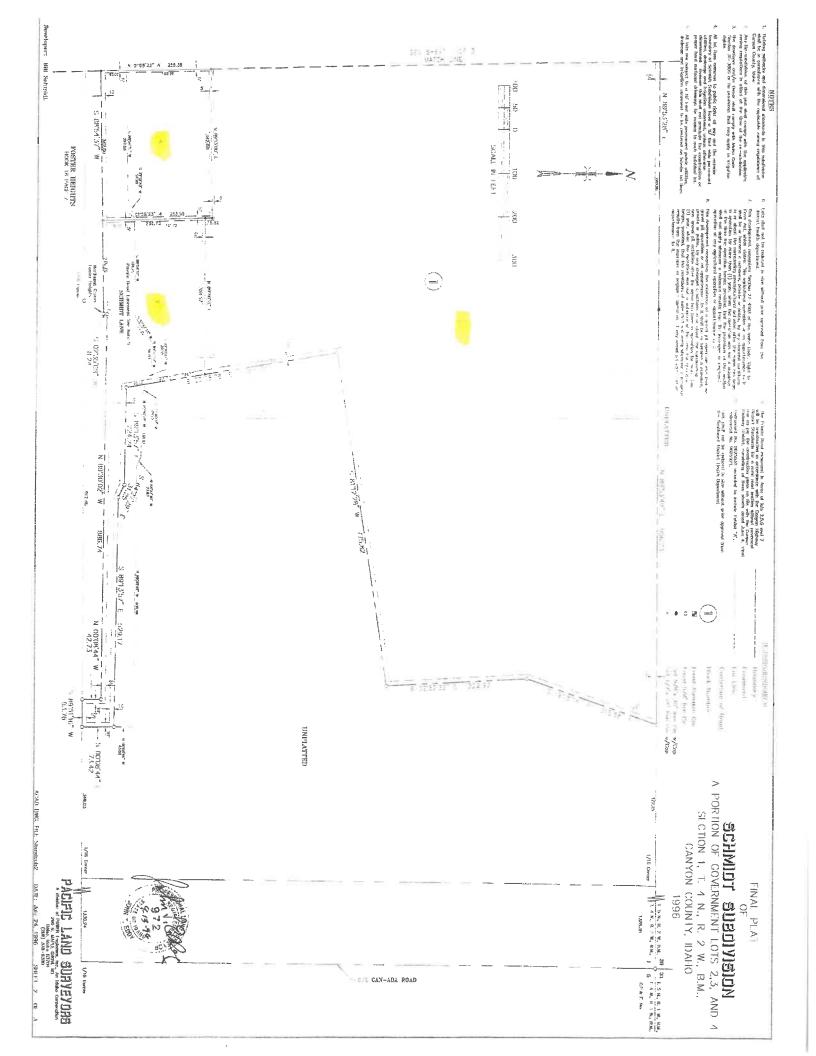
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## County of Ada ) se W. S. Schmidt Robert Christian on this ..... day or July .... Sandra Mr. Babica CONTROL JOURNALD ) Building and occupancy restrictions See tentrament No. realizedate, filed on the day of This data enduded within the plan of Schmidt subdemain will not be served by any water system recurren to any (1) or more or the busing but will be stowed by individual wells. The public attracts, or about on this plan of Schmidt Schüldeber, are hereby deviluated to the user of the public attracts, or about on the plan of Schmidt Schüldeber, we hereby reserved for public, but the spike, but he early to use sold essentials is hereby reserved for public, but the spike, but here any old personnels is hereby reserved for public, but the spike to use a sold essential in the spike of sold personnels in hereby and personnels. thence South 02'55'03" West 8,24 leed to us not per marking the Northand conner of Leave Heights, it subblession, as filed for record in the office of the Compon County Records, Johannia, Mohn, in Bons 15 of Fishs ones. thence continuing along sold Northerly boundary North R953/8" East 3378.89 feet (forms is $30.893840^\circ$ East) to an iron pin marking the Northwest lovings of Government i.u.( ), A period of bind being a portion of Covernment Lette 2, 3, and 4, Seehae 1, Jovenship 4 North Bolse Methidan, Common County, Idaha, and more notleated witespribed up to saw. Commercian Expres 3-1-2000 Browning of Dosse, Idaho IN WINESS WHEREOF, We have harounto set our hands this thence feating sold Westerly boundary and centerline, and along a fire parallel with and 412.00 test Souther, of which throughout the parallel with and 412.00 test Souther, of which throughout the parallel with parallel to the parallel with the parallel with and 412.00 test to an iron pag. These many the Matherly boundary of said Leater troughts Swith 1895/45/47 was 27:35.44 best (Leanney 2865.56 (red) to a man plur motion (in Switherly course of said (Enveronant Lat 4, itse sous tree by heira) or the contentee of Ulrasimper Lane and the Workerly hoperdary of paid Section 5. Known all man by these presents, that the undersigned one the awards of a circlate tract of type as shown on this plot and described on follows, and littend to include cold tract in this plot ACKNOWLLDGLMENT thence North 02°22'44" West 412.04 feet to the point of beginning, improving 50 41 outco, more in less thence along said Westerly Invandory and contentine, North 01705'd6" Ford 310,20 feet on the revenue, Beginning at an aluminum cap marking the Northwest corner at said Section thence North BUSD'02" West 1996,74 feet to on iren pir. thance leaving said Southerly brandary of Communical Eat 2 North CMONIAA" No. 1 42.2.4 feet to an iran pir themen South 00'08'44" | 1 73.4% leet to on non-partial to Southerly Country 1 sid thence Seath 8413'57' Fast 529.17 test to an item pac thence Sauth 09/26/06" If ist 490 (8 feet to an iron pinthence South 02'52"32" (ast thence slowy said Southerly boundary of Covernment Let 2 Bence South 6477'99' | | | | | M.25 feet to un son pm, Desire South 897.5% Feat 224.24 feet to on from pinthener South MT12\*26" West 325.82 feet to on Iron pic. thence continuing along sold Northerly bounder, North 8853560 Last 956.23 feet to on the leaving that Northesty beautions at Social 1 South 1875(1-1) 199 6, telare mo, punt punt mores one subsections that the more subsections the subsections of the subsections of the subsection of the su Jones Jelmes SCHMIDT SUBDIVISION October 23, 1996 i. 2014— Ticket. ... County Incesure in our for the County of Conjunt, State of liable, in accordance with the requirements of CC. 150-1505, do bream certify that any and all current entities debinant pagently trans for the property habited in this prepared subdishbors now now paid in that. The Confliction is with the form but need they (30) darp ent). I, Juhen E 1994, do norday certify that I am a Professional Land Sarveyer, licensed by the State of folino, and that this Plat of Salvainide Subdivision, as described in the Certificate of Comers and on the attached plat, was from from an actual survey mode on the ground under my deset supervision and accurately represents the points potated liberay, on the control by with the State of Idelia Code relating to plata and surveys and the corner remarkation and libing act, Idena Ovde 15, 1801 through 55-1812. Chommon CER INICATE OF COUNTY OF ASURER Accepted and approved thes. ABA CONTROL STR. LLVES APPROVAL 1991 CANYON HITELEWAY DISTRICTS and until petition of the dayon Highest Debited here no respeciability to the provide road shown on the polit, interes and until a petition has been received and approved topolites with deficient at highest at we are until contains a finite and provide road meets current Conyon Highway Pictified bloodcode for constitution. NUMBER OF COUNTY PLANNING AND ZONING COMMISSION SOCIANAIS ALINGOS SO SLIVOLEIBARD APPROVAL OF CARYON COUNTY COMMISSIONERS County of Conjun. ) INSTRUMENT NO. CERTIFICATE OF THEY YOR day of Actional 1998, by the Board of Charles Commissioners

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SOUTHWEST DESIRICT HEALTH DEPARTMENT

## EXHIBIT H

1998 Road Easement Agreement

#### ROAD EASEMENT AGREEMENT

BETWEEN:

SCHMIDT ROAD CORPORATION, an Idaho Nonprofit Corporation,

"GRANTOR"

and

WILLIAM M. SCHMIDT, an Individual,

"GRANTEE"

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");

#### WITNESSETH:

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.

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 Corporaton, an Idaho nonprofit corporation, and to pay any and all dues and assessments of said nonprofit corporation.

٧.

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.

х.

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.

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

William M. Schmidt

Its President

"GRANTOR"

William M. Schmidt

"GRANTEE"

ROAD EASEMENT AGREEMENT - 4.

STATE OF IDAHO ) : ss County of Ada )

On this day of May, in the year of 1998, before me, W. Stappell, 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.

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

Traul W Stoupello
Notary Public for the State of Idaho

Residing in Ada County, Idaho
My Commission Expires: 10/1/202

STATE OF IDAHO ) : 5
County of Ada )

On this day of May, in the year of 1998, before me, Example 10, 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 according to the that he executed the same.

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

Notary Public for the State of Idaho
Residing in Ada County, Idaho
My Commission Expires: 10 1 2000

ROAD EASEMENT AGREEMENT - 5.

# DESCRIPTION FOR SCHMIDT LANE, A PRIVATE LANE LOCATED IN SCHMIDT SUBDIVISION AS FILED FOR RECORD IN THE OFFICE OF THE CANYON COUNTY RECORDER IN BOOK 33 AT PAGE 43, 44 AND 45 CALDWELL, IDAHO A PORTION OF GOVERNMENT LOTS 2, 3 AND 4

SECTION I T. 4 N. R. 2 W., B.M. CANYON COUNTY, IDAHO

A parcel of land being a portion of Government Lots 2, 3, and 4, Section 1, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

Beginning at an aluminum cap marking the Northwest corner of said Section 1:

thence along the Northerly boundary of said Section 1 North 89°53'28° East 327.25 feet (formerly North 89°53'49" East) to a point; also said point marking the Northerly boundary of Schmidt Subdivision;

thence continuing along said Northerly boundaries North 89°53'28" East 2328.89 feet (formerly North 89°53'49" East) to a point marking the Northwest corner of Government Lot 2:

thence continuing along said Northerly boundary North 89"53'49" East 956.23 feet to a point;

thence leaving said Northerly boundary of Section 1 South 19°15'14" West 315.58 feet to a point:

thence South 02°52'32" East 322.92 feet to a point:

thence South 81°12'28" West 775.82 feet to a point;

thence South 09°26'06" East 490,18 feet to a point;

thence South 89°13'57" East 224.24 feet to a point:

thence South 64°27'29" East 31.25 feet to a point:

thence South 89°13'57" East 529.17 fect to a point, said point marking the REAL POINT OF BEGINNING of Schmidt Lang

thence South 00°08'44" East 73.42 feet to a point on the Southerly boundary of said Government Lot 2;

thence along said Southerly boundary of Government Lot 2 South 89°51'16" West 63.76 feet to a point;

thence feaving said Southerly boundary of Government Lot 2 North 00°08'44" West 42.73 feet to a point;

thence North 89°30'02". West 886.74 feet to a point;

thence South 02°35'08" West 8.24 fect to a point marking the Northeast corner of Foster Heights, a subdivision, as filed for record in the office of the Cauyon County Recorder, Caldwell, Idaho, in Book 18 of Plats at page 7;

EXHIBIT 1

thence along the Northerly boundary of said Foster Heights Subdivision South 88°54'37" West 961.11 feet to a point:

thence leaving said Northerty boundary of Foster Heights Subdivision, and boundaries of Schmidt Subdivision and along the easement line of Schmidt Lane along a curve to the right 280.64 feet, said curve having a central angle of 247°22'49" a radius of 65 feet, tangents of 97.5 and a long cord of 108.17 feet bearing North 55°13'13" East to a point of ending of curve:

thence North 88°54°37" East 605.30 to a point:

thence North 72°12°40" East 52,20 feet to a point:

thence North 88°54'37" East 224.75 feet to a point:

thence North 57°47'33" East 70.35 feet to a point;

thence South 89°30'02" East 56.83 feet to a point:

thence South 72°36'02" East 68.80 feet to a point;

thence South 89°30'02" East 138.82 feet to a point:

thence South 64°27'30" East 23.62 feet to a point;

thence South 89°30'02" East 600.96 feet to a point:

thence South 0°08'44" East 43.60 feet to the point of beginning

### SUBJECT TO:

All existing casements and road rights-of-way of record or appearing on the above-described parcel of land.

This description was prepared from data of record, not from an actual survey.

Prepared by:

100

**ЛЕЖМО** 

John T. (Tom) Eddy, R.L.S.

### DEED OF RASEMENT

FOR GOOD AND VALUABLE CONSIDERATION, receipt of which is hereby acknowledged by E. Paul Bromley and Wilma J. Bromley, husband and wife, Grantors, do hereby grant unto William M. Schmidt, Grantee, an easement to construct, maintain, improve and repair, a private road and associated drainage ditches and backslopes through, upon and across Grantors real property located in Canyon County, State of Idaho and more fully described in Exhibit A, attached hereto and incorporated herein by this reference.

The road and other improvements in the easement shall not be larger than that shown on the Plat of the Schmidt Subdivision filed with the Canyon County Recorder in Planning and Zoning Case #950583L01-4N-2W without Grantors prior written consent.

Grantee agrees that he, or his successors and assigns will maintain and repair the easement and all improvements or alterations thereto and cooperate with Grantors in their reasonable use of the easement granted herein.

The covenants herein contained shall run with the land and are binding upon the heirs, successors and assigns of the parties

IN WITNESS WERREOF, the Grantors have executed this instrument on the date following their respective signatures hereto.

Dated: 8-1-74

Dated: 8-1-96

STATE OF IDAHO

COUNTY OF CAUSEY

On this day of August 1996, before me personally appeared E. Paul Bromley and Wilma J. Bromley to me known or proved to me on the basis of satisfactory evidence, to be the persons whose names subscribed to this instrument, and acknowledged that they

Susan Mades

Notary Public for the State of Idaho Residing at AHAA, Al My Commission Expires: 01-3(-0)

EXHIBIT 2

CARTOR OF FECORDER

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Page 9 of 11 12/13/2016 9:10 AM

Document 9625632 was recorded without Exhibit "A". This document is being re-recorded to include Exhibit "A".

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### EXHIBIT "A"



290 North Mapla Grove Road Soise. ID 88704 (208) 378-6380 Fax (208) 378-0025

PROJECT: 527251 DATE: July 17, 1996

#### DESCRIPTION FOR A PRIVATE ROAD BEING A PORTION OF GOVERNMENT LOT 2 SECTION 1

T. 4N., R. 2W., B.M. CANYON COUNTY, IDAHO

A parcel of land being a portion of a private road lying in a portion of Government Lot 2 of Section 1, T. 4 N., R. 2 W., B.M., Canyon County, Idaho, and more particularly described as follows:

Beginning at a point marking the Southeast corner of said Government Lot 2 of Section 1, T. 4N. R. 2 W. B.M.;

thence along the Southerty boundary of said Government Let 2, South 89°51'16° West 349.03 feet to an iron pin;

thence leaving said Southerly boundary, North 90°08'44" West 73.42 feet to an iron pin; said iron pin being the REAL POINT OF BEGINNING;

thence cominuing North 00°08'44" West 43.60 feet to a point; thence North 89°30'02" West 600.96 feet to a point; thence North 64°27'30" West 23.62 to a point; thence North 89°30'02" West 138.82 feet to a point; thence North 72°36'02" West 29.25 feet to a point; thence South 09°26'06" East 46.03 feet to a point; thence South 89°13'57" East 224.24 feet to im iron pin; thence South 64°27'29" East 31.25 feet to an iron pin; thence South 89°13'57" East 529.17 feet to the point of beginning. REQUEST

SUBJECT TO:

All existing easements and road tights-of-way of record or appearing on the above-described parcel of land.

Prepared by:

Pacific Land Surveyors

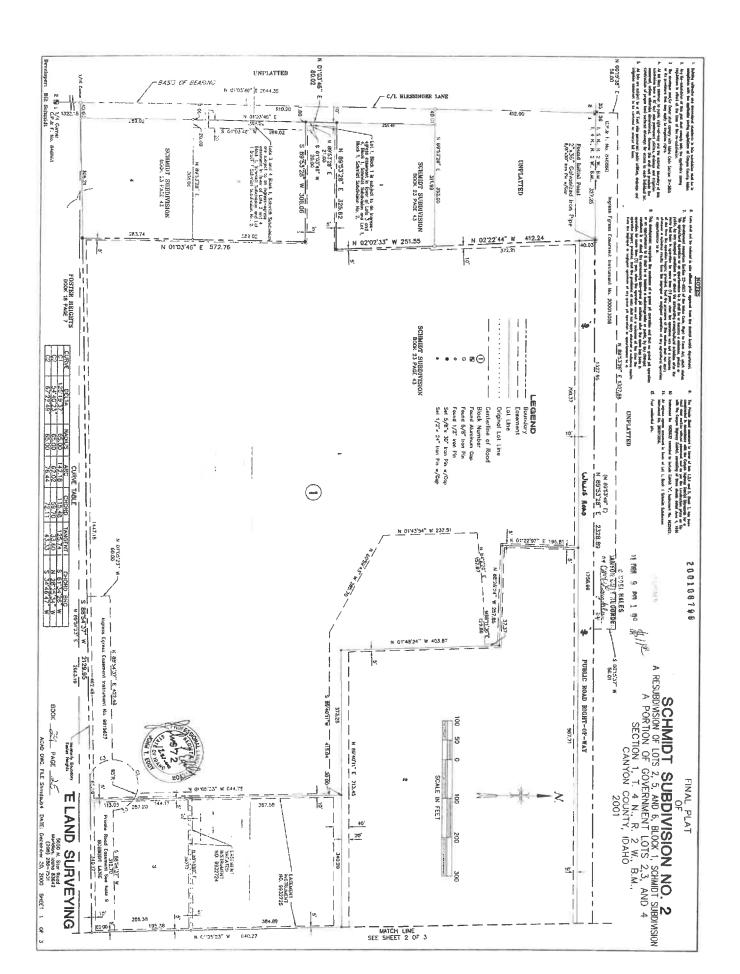
John T. (Tom) Eddy, R.L.S.

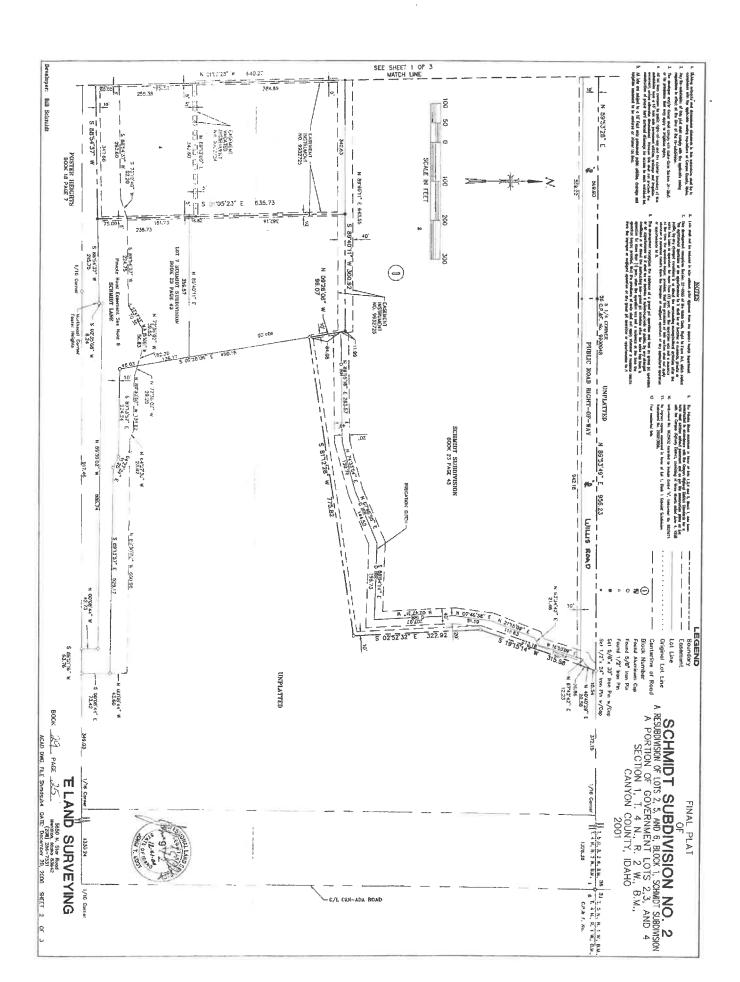
TTE/EDM

Pacific Land Surveyors, a division of FOWER Engineers, Inc., an Idaho Corporation

### EXHIBIT I

2001 Plat





Known all men by these presents; that the understand are the owners of a certain tract of land as shown on this plat and described as follows, and intend to include sold tract to this plat:

A prote of lead being Lift 2 5, and 6, Blook I, all Saminis Jaudission as faut for record in the affice of the Conyon Chursty Recorder, Cakherli sholb, it Book 20 of Pits or I goop 4.3, show hong a portion of Cowenment Lake 2. 3, and 4, Section 1, Tamahaf 4 Ainth, Kango 2 West, Base Meridian, Conyon Chursh, Idona, and more protectionly described as follows: Seginaing at an aluminum cap marking the Northwest corner of said Section 1;

themice stars the Northerly boundary of said Section 1 North BSS3782" East 327.25 feet (formerly North BSS3767" East) to a 2" Colembied from Pipe, solid 2" Colembiaed from Pipe, data being the REAL POINT OF BECINENCY;

thence continuing along sold Northedy boundary North 80%3'28" East 2328.49 ket (formerly North 80%3'48" East) to an iron pin marking the Northwest corner of Government Lat 2;

thence lativing said Northerly boundary of Section 1 South 1975'14" West 315.58 feet to a point thence continuing along sold Northerly boundary North 89'53'49" East 856.23 feet to an iron par

thence South 0252'32" East 322,82 feet to an iron pin;

theree South 61"12"28" West 775.62 feet to an iron pin:

thence North 69"26"06" Wast July feet to an iron pits

thence South 5040117 West 300.92 feet to on you pin,

There South A115(2)\* Can 832/3 her doop the enterly terrolley estanded and the eastly bundary of tot, 6 of soid Schnicht Southkiabn To on eap plu morbig the touth scalarly corner of seed to, 6 buck 1 of Schnicht Southkiabn salat has plus about menting the eartheyt boundary of Yorker Hights, a subdivision, as field for recent in the critice of the Conjent Country Recorder, Custaveth, Daton, 16 See, 16 of Figure 15 page 2.

thence along the Northerly boundary of said Foster heights South 88'54'37" West 2128.95 feet to an ion pin marking the Southeast corner of said Lot 4. Beach 1, Schmidt aubdivision;

Ihrance along sold Easterly boundary of hold Luit 4 and Lot 3, Block 1, North 0150546" Eget 572,76 feet to an iron pin marking the Martheont orner of sold Lot 3,

therse ledding and Eastery boundary, and along the Nashery boundary of soid Lot 3, South 855578" West 305.05 ket to an ion pin marking the Northerse Control of soid (10, 3 and fine Eastery inject—energy of Eastergraph Loune;

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W. W. Schmidt Branch Schmidt ACKNOWLEDGMENT

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My Commission Expires 01-08-8004.

CERTIFICATE OF SURVEYOR

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APPROVAL OF CANYON COUNTY COMMISSIONERS
ACCEPTED ON ACCEPTED TO THE BOOK ACCEPTED OF THE BOOK Accepted and approved this day or MARCH 2001 by the Board of County Con

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CERTIFICATE OF COUNTY SURVEYOR

12/22/2000

County Surveyor

FL.S. 944

CERTIFICATE OF COUNTY TREASURER

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APPROVAL OF CANYON COUNTY PLANNING AND ZONING COMMISSION OR HEARING OFFICER

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APPROVAL OF CANYON HIGHWAY DISTRICT

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29 Dec 2000

APPROVAL OF SOUTHWEST DISTRICT HEALTH DEPARTMENT Souther redifferent of the held on the arts in the action of the arts in the held on the

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COUNTY RECORDER'S CERTIFICATE

INSTRUMENT NO

STATE OF IDAHO )
County of Conyon ) ss

Mictory Public for Idolo

My Comunication Expires

Drawing No. 000130

Sheet 3 of 3

### Exhibit 8JJ

### **Emily Kiester**

From: Dan Lister

**Sent:** Monday, July 8, 2024 4:24 PM

**To:** Emily Kiester

Subject: FW: [External] Sol Invictus Winery - Case# CU2023-0018

From: Jason Laase <jdlaase@gmail.com> Sent: Monday, July 8, 2024 3:58 PM

To: Dan Lister < Daniel. Lister@canyoncounty.id.gov>

Subject: [External] Sol Invictus Winery - Case# CU2023-0018

CASE NAME: Smith – Sol Invictus Winery

CASE NUMBER: CU2023-0018

PARCEL #: R33774015

Mr Lister,

My name is Jason Laase, my wife (Kristina Calise) and I reside at <u>6543 Schmidt Ln, Star, ID</u> <u>83669</u>. 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 a conditional use permit to allow special events by Mr. and Mrs. Smith, located at <u>6394 Schmidt Ln</u>, Star, ID <u>83669</u>.

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 home (now a 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 \$15,000 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 BI. 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.
- They've had over 140 past events according to their Facebook page (most of those including live-outdoor music. You can see those by clicking on the following links:

  Past events: <a href="https://www.facebook.com/SollnvictusVineyard/past">https://www.facebook.com/SollnvictusVineyard/past</a> hosted events

  Upcoming events: <a href="https://www.facebook.com/SollnvictusVineyard/past">https://www.facebook.com/SollnvictusVineyard/past</a> 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; The second sign that used to be erected just west of the main driveway has since been removed (this is a good thing).
- We already have an event center to the north of us called "High Desert Station" according to Google Maps. This event center regularly has large gatherings with very loud music. We've had to call the Canyon County Sheriff's Office in the past because we could not only hear the music but feel it hitting the side of our home (sound waves). According to Google Maps, the front of High Desert Station is approximately 2,435 feet from our home. Sol Invictus Winery is only 945 feet from our home and we can often still hear their live music.

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.
- 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.

We have always been good with the tasting room at Sol Invictus, we're simply asking that the property stick to its original permit for wine-tasting and NOT become a certified EVENT CENTER. This is a rural residential neighborhood and regular events and live music are not appropriate. If this were a commercial property with commercial neighbors, I doubt there'd be any issues.

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



# Sol Invictus Vineyard LLC 6394 Schmidt Lane Star, ID 83669

CU2023-0018

**Public Hearing** 

Intended Use for Conditional Use Permit



### sor invictos Conditional Use Permit Proposal

- Designation as an Event Center: full use of the existing 30' x 100' building to host events and conduct wine tastings
  - Event Center hours of operation 7 days per week 9am 10pm
  - ♥ Limit events associated with the Event Center to a maximum of 250 guests at any given time
    - Limit events between 151 and 250 guests to no more than 12 events annually
  - Host unlimited events with less than 150 guests at any given time
  - Host catered dinners, wine and food pairings, and food trucks
- Tasting room: open to the public Thursday through Sunday
  - Thursday and Friday 12pm 5pm
  - Saturday and Sunday 12pm 7pm (current hours)
- ₱ Build new 30' x 80' production facility
  - Wine production and storage of products and equipment
  - Operate 24 hours a day, 7 days a week for the winery production and agricultural operations











Existing Private Drive Signs/Notices to Drivers to Turn Around (X)

Existing Business Ingress/Egress







### Hours of Operation – Event Center and Tasting Room

The Conditional Use Permit for a Winery and Indoor/Outdoor Event Center seeks to gain approval of public operating hours from 9:00 am to 10:00 pm daily. The Event Center hours of operation will differ from tasting room hours:

Production Facility 24 hours, 7 days week No public hours

	Event Center	Tasting Room
Monday	9am to 10pm	Closed
Tuesday	9am to 10pm	Closed
Wednesday	9am to 10pm	Closed
Thursday	9am to 10pm	12pm – 5pm
Friday	9am to 10pm	12pm – 5pm
Saturday	9am to 10pm	12pm – 7pm *
Sunday	9am to 10pm	12 pm – 7pm *

### (\*) - Current Hours

The Event Center Conditional Use Permit enables us to hold activities, such as painting, flower arranging, charcuterie board arranging, line-dancing classes, chunky blanket making, macrame, jewelry making, yoga, and similar activities. Additionally, the permit enables us to support local "events", such as Star Food Bank Donor Appreciation, Lions Club Meetings, Southwest Idaho Business Alliance Quarterly Meeting, book club get togethers, etc. These events are intended to be held outside of tasting room public hours. Other "events" throughout the year could consist of but are not limited to catered dinners, live music, holiday gatherings, birthday, anniversary, and similar get togethers.

Why these event center hours? It is necessary to have operating hours starting at 9:00 am to enable people to be in the facility to support day-to-day activities. These activities could include set-up, cleaning, decorating, and special preparations for private events. Similarly, we would like the option to remain open until 10:00 pm to host private events such as birthday parties, catered dinners, graduation celebrations, weddings etc. and to allow time for tear down and cleaning afterward. We request these hours to also hold/host other activities that the community commonly expects from wineries.

It is important to note that we don't intend to hold events from 9 am – 10 pm, 7 days a week, 365 days a year; however, these hours and days are necessary for employees and other individuals to be in the facility and to allow us the flexibility to schedule activities ad hoc throughout the year with individuals, small businesses, and community partners.

The 12 or fewer large events (151 to 250 people) we anticipate are:

- Annual Grape Stomp in either late Sep/early Oct,
- Catered wine release dinners with music in Jun and Sep,
- Two musical events between Jun-Oct,
- One wedding during the summer,
- Flexibility to hold up to six additional large events with or without music



# Improvements <u>implemented</u> based on neighbor feedback received at the neighbor meeting held on Aug 4, 2023

- Additional signage added along Schmidt Lane
- Noise reduction added to 3 areas in the outdoor space
- Parking added on site to ensure no vehicles park on Schmidt Lane and to provide the Fire Department with a generous turn around space
  - ♥ Star Fire has approved the parking and ingress/egress plan

### Improvements implemented based on neighbor feedback sent to the county:

- Added bushes behind the bandstand
- Removed the Sol Invictus sign at the bottom of the paved road

### Improvements proposed based on neighbor feedback

- Address visitors use of Schmidt Lane by adding an obvious driveway entrance and exit to the winery (see slide)
- Add additional landscaping behind bandstand (see slide)
- Apply dust abatement measures until gravel road and parking lot are paved

Note: new production facility will be a single-story building with a partial basement. The exterior of the structure will match the existing winery and the building will blend in with the existing landscape.

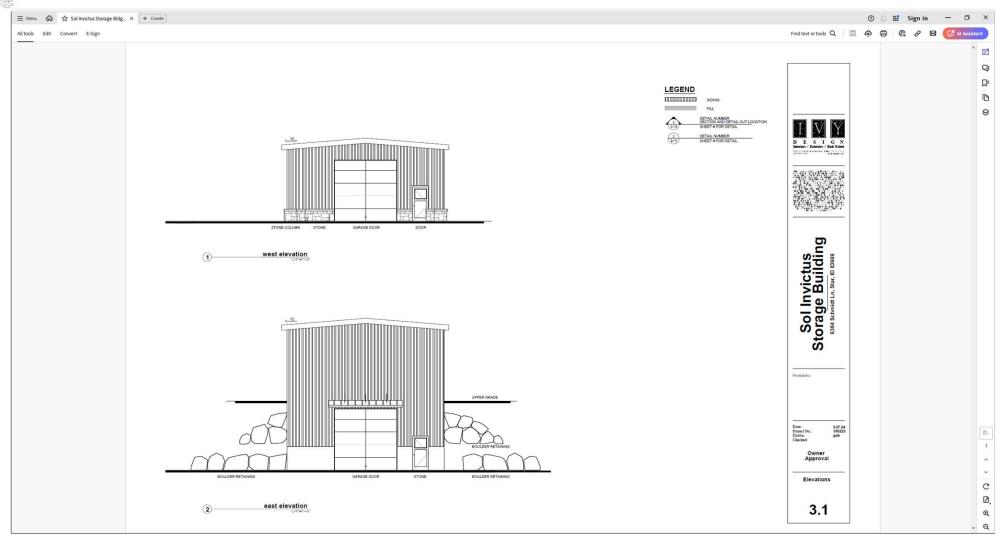
# Add an obvious driveway entry and exit at the existing gravel road similar to photos



# Landscaping behind bandstand



### Proposed wine production building (front and back view)



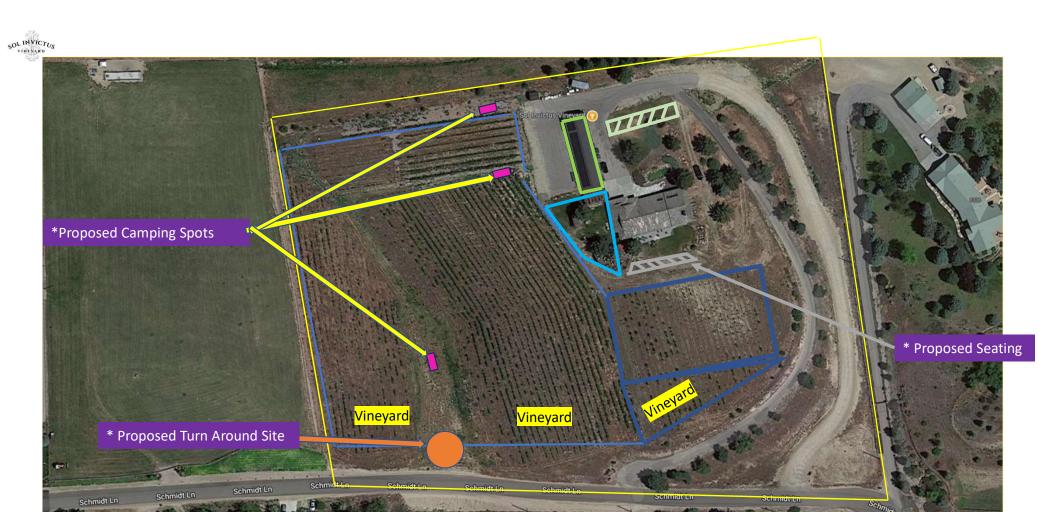
## Proposed wine production building (side view)





### Future considerations

- Harvest host camping spots
- Adding additional outdoor seating space
- Adding a turnaround space





## Request Approval

- Designation of existing facility as an Event Center with hours of operation 7 days per week 9am 10pm
  - ♦ Limit events associated with the Event Center to a maximum of 250 guests at any given time
  - Unlimited events with less than 150 guests, and no more than 12 events with guests over 151 at any given time
  - Host catered dinners, wine and food pairings, and food trucks
- Tasting room: open to the public Thursday through Sunday
  - ♦ Thursday and Friday 12pm 5pm
  - Saturday and Sunday 12pm − 7pm (currently)
- Build new 30' x 80' production facility
  - Wine production and storage of products and equipment
  - Operate 24 hours a day, 7 days a week for the winery production and agricultural operations
- Include proposed improvements:
  - \* Adding an obvious entrance to the winery in less than 1 year
  - Adding additional landscaping behind the bandstand over the next 3 years
  - Paving the gravel road and gravel parking lot within 5 years
  - Allow harvest host dry camping on property
  - Approve adding additional seating area to the west and/or south of the current residence
  - Adding a gravel turn-around space



### Back up Slides

75 parking space

15 parking spaces in front of tasting room







Parking Spaces 16-75



# Example Tasting Room with Event Center Schedule (less than 150 people)

- Tuesday 10 am 12 pm Event Center, local yoga studio has a session <25 ppl (twice a year)
- Wednesday 12 3 pm Event Center, local women's group reserves facility for private gathering <40 ppl (one time occurrence)</li>
- Thursday 12 5 pm Tasting Room 6 8 pm Event Center
   Sip and Learn <25 ppl</li>
- Friday 12 5 pm Tasting Room 7 9 pm Event Center
   Qtrly Wine & Food pairing <40 ppl</li>
- Saturday 12 7 pm Tasting Room
- Sunday 12 7 pm Tasting Room



# Example Tasting Room with Event Center Schedule (between 151 and 250 people)

- Thursday 12 5 pm Tasting Room 6 8 pm Event Center
   Sip and Learn <25 ppl</li>
- Friday 12 5 pm Tasting Room 7 9 pm Event Center Rehearsal <40 ppl</li>
- Saturday 9 am to 10 pm Event Center Wedding (tasting room closed for the day)
  - 9am-12pm is reserved for set-up and deliveries
  - Depending on when wedding is due to start will depend on when guests begin to arrive
  - Music will not go past quiet hours
  - · Sol Invictus owners will ensure designated drivers have been identified
- Sunday 12 7 pm Tasting Room



### Food

 We are proposing to serve 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. In addition to charcuterie food, we will occasionally offer catered meals, wine and food pairings, and invite food trucks during 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.



# The original site development was made with thoughtful consideration to the environment and natural habitats

- Rapture perches
- Owl boxes
- Bat boxes
- Planted wine vines based on water and soil conservation guidelines
- Planted hundreds of trees and bushes
  - Developed small mammal habitats
  - Added food sources for birds throughout the property
- Adopted a minimal spraying ethos



## We are a Community Service Partner

- City of Star
- Southwest Idaho Business Alliance
- Star Food Bank and Adopt a Family Christmas Program
- Idaho Youth Ranch
- Rocky Mountain Elk Foundation
- Middleton High School Wrestling
- Military Order of the Purple Heart
- Caldwell and Nampa Meals on Wheels
- Life's Kitchen
- Small businesses throughout Star, Middleton, Eagle and the surrounding area

## Entrance off Schmidt Lane







# Driving Up To Winery



