



CITY OF STAR
LAND USE STAFF MEMO

TO: Mayor & Council
FROM: Shawn L. Nickel, Planning Director & Zoning Administrator *Shawn L. Nickel*
MEETING DATE: September 5, 2023 - Mediation Request
FILE(S) #: CU-23-05 Conditional Use Permit for Dude DeWalt Cellars Winery & Event Center

OWNER/APPLICANT/REPRESENTATIVE

Application Property Owner/Applicant:

Trae & Johnna Buchert
5446 Hwy 16
Eagle, Idaho 83616

Mediation Request Petitioner:

Keith Hill
8602 W. High Ridge Lane
Eagle, Idaho 83616

REQUEST SUMMARY

Request: The City of Star has received a request for Mediation of conditions of approval for the Dude DeWalt Cellars Winery & Event Center Conditional Use Permit from Keith Hill (Petitioner). A copy of the Petitioners request is included as an attachment to this memo.

STAFF COMMENTS AND RECOMMENDATIONS

The City of Star does not have an ordinance specific to "requests for mediation".

Title 67, Chapter 65 Local Land Use Planning states the following:

67-6510. MEDIATION — TIME LIMITATIONS TOLLED. (1) The procedure established for the processing of applications by this chapter or by local ordinance shall include the option of mediation upon the written request of the applicant, an affected person, the zoning or planning and zoning commission or the governing board. Mediation may occur at any point during the

decision-making process or after a final decision has been made. If mediation occurs after a final decision, any resolution of differences through mediation must be the subject of another public hearing before the decision-making body.

(2) The applicant and any other affected persons objecting to the application shall participate in at least one (1) mediation session if mediation is requested by the commission or the governing board. The governing board shall select and pay the expense of the mediator for the first meeting among the interested parties. Compensation of the mediator shall be determined among the parties at the outset of any mediation undertaking. An applicant may decline to participate in mediation requested by an affected person, and an affected person may decline to participate in mediation requested by the applicant, except that the parties shall participate in at least one (1) mediation session if directed to do so by the governing board.

(3) During mediation, any time limitation relevant to the application shall be tolled. Such tolling shall cease when the applicant or any other affected person, after having participated in at least one (1) mediation session, states in writing that no further participation is desired and notifies the other parties, or upon notice of a request to mediate wherein no mediation session is scheduled for twenty-eight (28) days from the date of such request.

(4) The mediation process may be undertaken pursuant to the general limitations established by this section or pursuant to local ordinance provisions not in conflict herewith.

(5) The mediation process shall not be part of the official record regarding the application.

Council approved File AZ-23-02 Annexation and Zoning, DA-23-04 Development Agreement, CPA-23-01 Comprehensive Plan Map Amendment, and CU-23-05 Conditional Use Permit on July 18, 2023. On August 15, 2023, City Council denied a request for reconsideration of the Conditional Use Permit approval by Keith Hill.

Council should consider the previous actions associated with this application and make a decision on the request for mediation.

Shawn Nickel

From: Keith Hill <unconsult@aol.com>
Sent: Tuesday, August 22, 2023 3:24 PM
To: Shawn Nickel
Cc: John Fiorino; cfior313@aol.com; Barbara Fairbanks; Paul Hudson; John Hazen; idahohazens@gmail.com
Subject: Keith Hill / First Church of The High Ridge --- Dude Dewalt CUP

Shawn,

I would like to engage the City of Star in Mediation on the conditions of the Dude DeWalt CUP.

My Church came before not only the filing of Dude Dewalt to annex into the City of Star but long before its approval of the CUP.

Not only should there be at a minimum a 300 foot set back based upon Star Code. But this is a border issue with my property which is unincorporated Ada County. I expect that reciprocity at the border. Hence, I have had the expectation of a 500 foot set back from Winery and 1000 foot set back from Social Hall as afforded to me where I live in unincorporated Ada County.

I seek mediation with the City of Star on behalf of The First Church of The High Ridge and myself as the property owner.

Keith Hill
The World's Leading Authority On Music Scheduling
252-453-8888
unconsult@aol.com