

REVISED
FINDINGS OF FACT AND CONCLUSIONS OF LAW
DUDE DEWALT WINERY ANNEXATION, COMPREHENSIVE PLAN AMENDMENT &
CONDITIONAL USE PERMIT
AZ-23-02/DA-23-04/CPA-23-01/CU-23-05

The above-entitled Annexation and Zoning, Comprehensive Plan Amendment and Conditional Use Permit application came before the Star City Council for action on July 18, 2023, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

Procedural History:

A. Proposed Project Summary:

The Applicant is requesting approval of an Annexation and Zoning (RR Rural Residential), a Comprehensive Plan Map Amendment, a Development Agreement, and a Conditional Use Permit for a proposed winery and events center to be located within the City of Star. The property is located at 5446 Hwy 16 in Star, Idaho, and consists of 34.60 acres.

The subject property is generally located on the east side of Hwy 16, near W. Deep Canyon Drive. Ada County Parcel No. S0328427800.

B. Application Submittal and Agency Transmittal:

A neighborhood meeting was held on May 5, 2023, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1A-6C). The Land Use applications were accepted by the City on June 8, 2023. Original notice was sent to agencies having jurisdiction in the City of Star on June 8, 2023.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star City Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code, and the Star Unified Development Code on June 30, 2023. Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on June 27, 2023. The property was posted in accordance with the Star Unified Development Code on July 7, 2023.

D. Property History:

This property does not have any history of land use applications within the City of Star. The property has received previous approvals from Ada County for a winery and events center.

E. Comprehensive Plan Land Use Map and Zoning Map Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	Rural Residential (RR) Ada County	Ada County – Rural Residential	Winery - Agricultural Use County Approved Event Center
Proposed	Rural Residential (RR) City of Star	Proposed Rural Residential City of Star	Winery - Agricultural Use Event Center - CUP
North of site	Rural Residential (RR) Ada County	Ada County – Rural Residential	Vacant
South of site	Rural Residential (RR) Ada County	Ada County – Rural Residential	Single Family Residential
East of site	Rural Residential (RR) Ada County	Ada County – Rural Residential	Vacant - BLM
West of site	Rural Residential (RR) Ada County Residential (R-2) City of Star	Estate Rural Residential	Vacant/Single Family Residential

F. Development Features (As Proposed by the Applicant with Staff analysis and comments included):

COMPREHENSIVE PLAN MAP AMENDMENT:

The applicant is requesting approval of a Comprehensive Plan Map Amendment with a land use designation of Rural Residential. By amending the Future Land Use Map, the proposed annexation application and proposed zoning designation of RR will match the new City Comprehensive Plan designation.

ANNEXATION & ZONING:

The applicant is requesting approval of an annexation and zoning application with a zoning designation of Rural Residential (RR-DA) on 34.60 acres. This zoning district allows for residential and certain commercial uses through the conditional use permit process. The property is located in an area that can be serviceable with central sewer and water provided by Star Sewer and Water District in the near future, if necessary. The property currently has access to Hwy 16, a public roadway. The zoning request includes a development agreement that will address conditions of approval placed upon the application from Staff and the City Council.

DEVELOPMENT AGREEMENT

Through the Development Agreement process, the applicant is proposing to work with the City to provide further insurances that the development will be built as presented and/or modified by the Council through the review process.

CONDITIONAL USE PERMIT

The applicant is 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. The applicant has previously received approval of the proposed uses through Ada County, and is operating the facility on a limited basis, until specific conditions of approval have been met. The County has had several public hearings with the applicant and neighboring property owners and has set specific conditions of approval requirements for the applicant based on those meetings. **Staff has reviewed the record, including findings of fact and final decisions by the County Commissioners, and recommends that the City Council adopt the applicable County conditions of approval as they exist, with some modifications.** Staff is recommending additional conditions based on the applicant's revisions to the site plan that, in Staff's opinion, follow the intent of the County in their approval.

Winery Use

Included in the existing/proposed Winery Use is the following:

- Vineyards (existing agricultural use – protected by Right to Farm Act). The property currently contains approximately 8- acres of wine grapes, irrigated from a private well and cultivated by the property owner.
- Primary Residence – (existing) 5,400 square feet Caretakers Dwelling. Currently lived in by owners/applicant. Current personal residential activities not associated with the winery or event center shall continue to be allowed. Applicant proposes potential future use of structure as an additional tasting room and/or event area. Staff will require any future change of use from a residence to be subject to Certificate of Zoning Compliance. All current building and fire codes would need to be completed prior to any public occupancy.
- Tasting Room (existing) – 2,250 square feet with additional 1,104 square feet of tented or permanent enclosed area. Tasting room includes tastings, sales by the glass or bottle for on-site consumption and retail sales of wine and gifts for off-site export. Food currently served includes charcuterie boards (cheese & meats), breads, pizza and soups and other similar foods.

- Storage/Production Facility (existing) – 3,500 square feet. Currently used for storage of wine barrels and wine production. Staff will require the applicant to meet all Fire District requirements.
- Winery Events – Current/existing winery related events (normal winery operations) including, 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, special tastings. These events may or may not include music.
- Food Services – (existing) In addition to providing limited food services for sale or complimentary to wine tastings, the winery use includes food trucks servicing patrons. Staff will require the applicant to meet all Central District Health requirements regarding the serving of food.
- Proposed Expansion of Existing Tasting Room* – Applicant is proposing to expand the existing tasting room from 2,250 square feet to approximately 3,700 square feet.
- Proposed New Tasting Room* – Applicant is proposing a new 3,000 square feet building near the southeast corner of the property. This area would include indoor and outdoor seating. Per Ada County conditions of approval, this building and the associated patio seating shall be a minimum of 125 feet from the southern property line.
- Proposed New Production/Tasting Room/Event Center Facility* – Applicant is proposing a new, approximately 14,000 square feet facility located near the western boundary of the property. This facility would include interior office space and balconies.
- Proposed New Storage Building* – Applicant is proposing a new, 6,000 square feet storage building that will be used to house wine barrels and other winery related items. Occupancy will be from 1 to 10 persons, typically.
- Miscellaneous Structures* and amenities* – The site plan shows additional materials storage buildings, parking areas, pergolas, vineyards, bike and UTV parking, landscaping, and patios and other hardscape areas throughout the property. These locations are conceptual and subject to change as specific details are completed. These locations shall be subject to all specific conditions of approval.
- Potential Tasting & or Events areas and/or Buildings* – Applicant has indicated additional areas in the north and northeast area of the property for potential locations for the Tasting and/or Events area. Buildings would be 5,000 square feet each.
- Potential Amphitheater Area* – Applicant has indicated location of a potential amphitheater area in the northeast corner of the property.

***All new structures shall be subject to fire and building code standards. Extension of sewer & water may be required by Star Sewer & Water District to accommodate fire suppression and domestic water and sewer needs. All new structures shall be subject to future Certificate of Zoning Compliance (CZC) applications. Building elevations, parking, lighting, access details, fire and building code reviews and other Staff requested details will be reviewed for each building and proposed amenity under the CZC process.**

Event Center Use

Included in the existing/proposed Event Center Use is the following:

- Event Center activities that are not associated with the winery or its use include but are not limited to advertised and ticketed private events including concerts, fundraisers and car shows, and private events including holiday, business or office parties and meetings, birthdays, weddings and engagement parties.
- Events associated with the Event Center are proposed to be limited to a maximum of 250 guests at any given time. The applicant has requested events with 125 or fewer guests be unlimited in the number of events allowed. Events between 126 and 250 guests are proposed to be limited to 24 events annually.

ADDITIONAL DEVELOPMENT FEATURES:

- Hours of Operation – The applicant has requested hours of operation for the winery and associated uses as 10 a.m. to 10 p.m. daily, with 24 hours a day, seven days a week for the winery production and agricultural operations. The applicant has not indicated hours of operation for the Events Center portion of the application. Staff recommends adopting Ada County's condition limiting the Event Center uses (over 125 people) to 10 a.m. to 10 p.m., daily, with Mondays and Tuesdays limited to 10 a.m. to 6 p.m. and the operation of the winery use as 24 hours/7 days a week.
- Access – ITD Review – Current access to the facility is a gravel, private driveway from Hwy 16 east into the property and to the existing tasting facility, storage and production facility and single-family dwelling. The applicant submitted a traffic impact study (TIS) to ITD on January 13, 2022. ITD reviewed the TIS and has provided written comment to the City regarding the proposed application. A condition of approval from the original Ada County review process included a northbound right turn lane be installed at the access point on Hwy 16. The applicant is coordinating with the developers of the Spring Valley Development located to the north and east of the subject property to include the northbound right turn lane as part of the Hwy 16 roadway improvements that are currently being constructed adjacent to and north of the subject property. ITD has also verbally commented to Staff that a southbound left turn lane will be constructed at the

same time by the Spring Valley developers.

- Lighting – All site lighting shall reflect the “Dark Sky” criteria established by the City. The applicant shall submit a lighting plan with the first CZC application, and all subsequent submittals illustrating compliance with all City lighting requirements.
- Parking – The applicant currently has 4 parking spaces for the existing single-family dwelling (2-spaces required). The applicant currently has 40 existing spaces located in the southern area of the property. The Star Unified Development Code does not specify parking requirements for wineries and event centers. Ada County required in their review a minimum of 150 total spaces be provide. RV parking has been included on the site plan. All vehicle, RV or Bus parking shall be specifically designed on illustrated on all future CZC application site plans.
- Landscaping/Buffering – The applicant is proposing a landscape berm of approximately 300 feet on the southern boundary of the property starting near the eastern corner of the property. Although the applicant has not provided details on the size of the berm or the type of landscaping being provided, Ada County has conditioned the berm to be 8 feet tall with 6 feet tall trees provided between the parking lot and residences to the south. All additional internal landscaping shall be reviewed with the CZC application submitted with each phased individual building and/or use. The remaining majority of the property will be left in either native vegetation or will be vineyards.
- Phasing/Timing – The applicant has not provided a final build-out date for the facility but has stated that final expansion could exceed 5-years. Staff will recommend a reasonable time period for the CUP to be valid.
- Emergency Services - The applicant shall meet all requirements for emergency access, water supply and vehicle turn-around from the Star Fire District. Should municipal water be required to meet fire flows, the applicant shall annex into the Star Sewer and Water District and comply with any District requirements.
- Existing Well & Septic System – The current use of the winery utilizes an existing well and septic system for all existing uses. The applicant shall be required to meet all Central District Health Department and Idaho Department of Water Resources standards for any necessary expansion of the well and septic systems. The applicant may use portable bathroom facilities on this property.

Ada County Conditions of Approval and City Staff Analysis and Recommendations.

Staff recommends that the Council adopt the following Conditions of Approval that were part of the Ada County review and approval.

1. Central District Health shall approve any new or upgraded septic systems.

2. Star Fire District shall approve all fire flow requirements and/or building permits, and any occupancy requirements for all buildings on-site. All Wildland Urban Fire Interface Overlay District requirements shall be met.
3. The owner/applicant shall maintain a minimum 125 feet distance from the southern property line to the new proposed tasting room and associated patio.
4. The owner/applicant shall submit plans for food or beverage establishment to the Central District Health Department for plan review and approval.
5. Idaho Department of Water Resources shall approve any new or upgraded well construction.
6. The owner/applicant shall pay the ACHD all traffic impact fees prior to issuance of a building permit.
7. The owner/applicant shall provide an all-weather dustless material (or other City approved dust mitigation) if the off-street parking areas and private drive are not surfaced with asphalt or concrete.
8. The owner/applicant shall either install a placard or striping that clearly identifies and demarcates the ADA accessible parking spaces.
9. The owner/applicant, engineer of record and/or contractor shall notify the City when a construction start date is established.
10. The Engineer of Record shall submit a letter to the City stating the work has been completed in substantial compliance with the approved plans for the construction of the driveways and parking areas.
11. The owner/applicant shall schedule a final inspection with the City upon completion of each phase of the driveways and parking areas.
12. The owner/applicant shall schedule a final inspection with the Star Fire District prior to issuance of a Certificate of Occupancy.
13. During the time that the future construction of the production facility happens, the current driveway shall be constructed to Star Fire District standards. Star Fire District shall approve all access requirements.
14. A northbound right turn lane shall be constructed to the ITD current standards to mitigate for entering traffic.
15. A Certificate of Occupancy will be issued when all the above conditions are met. In the event conditions cannot be met by the desired date of occupancy, the owner/applicant may request a surety agreement in lieu of completing the improvements.
16. If a gate is ever installed, it will need to be equipped with a KNOX key lock specific to Star Fire District.
17. The outdoor public address/speaker system shall comply with the noise regulations of the City Code.
18. Food service for events shall be approved by the Central District Health Department.
19. Any (Event Center) event of more than 125 people and no greater than 250 people shall be limited to 24 events per year.
20. The days and hours of operation for the wine tasting and associated uses and the Event Center uses are from 10 a.m. to 10 p.m., daily; On Mondays and Tuesdays, hours of operation for events greater than 125 people shall be limited to 10 a.m. to 6 p.m. The operation of the winery use is allowed 24 hours/7 days a week.

21. The owner/applicant shall comply with ITD Permit No. 3-19-504 or any updated permits. Should the use of the parcel change causing any increase in trip generation, or the parcel is split, the property owner shall reapply for access with ITD.
22. All drainage shall be retained onsite during and after construction.
23. During construction earthmoving equipment operation, hours shall be limited to between 7 a.m. to 6 p.m.
24. The owner/applicant is responsible for restoring all disturbed areas. Restoration shall match the approved plans. For unapproved areas of disturbance, the City Engineer shall determine the level of restoration. This could include geotechnical reports, grading, erosion control blankets and hydro seeding.
25. The property must be managed and maintained consistent with the standard regulations of Star City Code regarding the accumulation of junk, atmospheric emissions, construction sites, hazardous materials storage, outdoor public address systems, outdoor storage of chemicals and fertilizers, transmission line corridors, and utilities.
26. The use shall comply with the noise regulations in Star City Code.

Staff recommends the following additional conditions of approval for Council to adopt into the approval of this application:

1. Comply with all requirements of the Star City Engineer including, but not limited to, drainage, grading, hillsides and slopes, site improvement engineering, retaining walls greater in height than 4 feet.
2. All future improvement phases are subject to a Certificate of Zoning Compliance application submitted to the City. This will include detailed review of parking, landscaping, lighting, dust mitigation, and building elevations.
3. Any signage within ITD right of way shall be approved by the District prior to installation.
4. The owner/applicant shall meet all requirements of Central District Health Department regarding the preparation and sale of food.
5. A landscape plan shall be submitted to the City detailing the existing, required berm along the southern boundary of the property, including types of trees and landscaping proposed. The existing 8' berm shall include 6' tall trees to provide additional buffer on the southern parking lot boundary per the submitted site plan.
6. **The conditional use permit shall be valid for a period of 10-years from the date of approval to allow for the applicants phasing plans. The applicant may apply for a time extension prior to the expiration date as allowed per Code.**
7. The owner/applicant shall notify the City in advance of all events of greater than 125 people and no greater than 250 people per year (24 events per year maximum). This time period shall be from January 1st through December 31st, annually. The total number of events in 2023 shall include those already conducted prior to annexation.
8. The owner/applicant shall provide for adequate parking for all events on-site. At final build-out, a total of 150 permanent parking spaces shall be provided.
9. Any future change of use of the existing residence to a commercial use shall be subject to review of a Certificate of Zoning Compliance. All current building and fire codes would need to be completed prior to any public occupancy.

10. The existing Storage/Production Facility (3,500 square feet) shall meet all Star Fire District requirements.
11. All new structures shall be subject to fire and building code standards. Extension of sewer & water may be required by Star Sewer & Water District to accommodate fire suppression and domestic water and sewer needs. All new structures shall be subject to future Certificate of Zoning Compliance (CZC) applications. Building elevations, parking, lighting, access details, fire and building code reviews and other Staff requested details will be reviewed for each building and proposed amenity under the CZC process.
12. The applicant shall submit a lighting plan with the first CZC application, and all subsequent submittals illustrating compliance with all City lighting requirements.
13. The applicant shall meet all requirements for emergency access, water supply and vehicle turn-around from the Star Fire District. Should municipal water be required to meet fire flows, the applicant shall annex into the Star Sewer and Water District and comply with any District requirements.

G. *On-Site Features:*

- ✧ Areas of Critical Environmental Concern – No known areas.
- ✧ Evidence of Erosion – No evidence.
- ✧ Fish Habitat – No.
- ✧ Floodplain – No.
- ✧ Mature Trees – Yes.
- ✧ Riparian Vegetation – No.
- ✧ Steep Slopes – Yes.
- ✧ Stream/Creek – None.
- ✧ Unique Animal Life – No unique animal life has been identified.
- ✧ Unique Plant Life – No unique plant life has been identified.
- ✧ Unstable Soils – No known issues.
- ✧ Historical Assets – No historical assets have been observed.
- ✧ Wildlife Habitat – No known sensitive wildlife habitat observed.

H. *Agencies Responding:*

The following agencies responded, and correspondence was attached to the staff report.

ITD	June 28, 2023
DEQ	June 29, 2023
Ada County Development Services	June 30, 2023
Star Fire District	July 7, 2023
Star City Engineer	July 10, 2023

I. Staff received the following letters & emails in support and opposition of the development application:

Keith Hill

J. Comprehensive Plan and Unified Development Code Provisions:

COMPREHENSIVE PLAN:

7.5 Implementation Policies:

D. **Consider lands along Highways 16 and 20/26 as the location for a mix of uses consisting of commercial** and an industrial/high-technical park with a minor component of high density residential.

8.2.3 Land Use Map Designations:

Rural Residential

Suitable primarily for rural single-family residential use adjacent to agricultural uses, adjacent to other Rural Residential type uses, and adjacent to BLM land areas. Densities typically range from 1 unit per 2 acres to 1 dwelling units per 5 acres.

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. Density may be further limited due to the limited availability of infrastructure. Modified street sections and a reduction in light pollution (by reducing lighting standards) may be offered for a more rural feel. This land use designation is to be located such that it does not block extension of urban services at reasonable costs. Wells and septic systems should be permitted for lots in this land use designation if approved by the applicable Health Department.

8.3 Goal:

Encourage the development of a diverse community that provides a mix of land uses, housing types, and a variety of employment options, social and recreational opportunities, and where possible, an assortment of amenities within walking distance of residential development.

8.4 Objectives:

- Implement the Land Use Map and associated policies as the official guide for development.
- Manage urban sprawl in order to minimize costs of urban services and to protect rural areas.
- Encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, and surrounding land uses.
- Encourage commercial development that is consistent with a family friendly feel, not overburdening the community with big box and franchise uses and discourage the development of strip commercial areas.

8.5.2 Policies Related Mostly to the Rural and Agricultural Planning Areas:

A. The Neighborhood Residential Land Use is to encourage urban style development densities to limit urban sprawl.

B. Low densities within the Neighborhood Residential Land Use are to be designed within the floodplain, ridgeline developable areas, hillside developable areas and where new residential lots are proposed adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivided in the future.

8.5.9 Additional Land Use Component Policies:

- Encourage flexibility in site design and innovative land uses.
- Work with Ada County Highway District (ACHD), Canyon Highway District #4 (CHD4), and Idaho Department of Transportation (ITD) for better coordination of roadway and access needs.
- Support well-planned, pedestrian-friendly developments.
- Dark sky provision should be adopted within the code to assure down style lighting in all developments and Star should consider joining the International Dark Sky Association.

18.4 Implementation Policies:

E. Development Agreements allow the city to enter into a contract with a developer upon rezoning. The Development Agreement may provide the city and the developer with certain assurances regarding the proposed development upon rezoning.

UNIFIED DEVELOPMENT CODE (UDC):

8-1B-1: ANNEXATION AND ZONING; REZONE:

B. Standards:

1. The subject property shall meet the minimum dimensional standards of the proper district.
2. The city may require a development agreement in conjunction with the annexation and

zoning, or rezone, pursuant to Idaho Code section 67-6511A, which may include a concept plan. In addition to other processes permitted by city and state code, exceptions or waivers of standards, other than use, may be permitted through execution of a development agreement. A development agreement and concept plan shall be required for any rezone to a mixed-use zone, high density zone or land which includes steep slope (land over 25%) or floodway.

3. The termination of a development agreement shall result in the reversal of the official zoning map amendment approval and applicable development approval for any undeveloped portion of property subject to the development agreement. The undeveloped property subject to the development agreement shall be rezoned to the district classification as designated by the development agreement. When no designation is provided, the property shall revert to its original zoning or, if the original designation no longer exists, to the closest current equivalent zoning as determined by the current Comprehensive Plan Land Use Map designation.

4. An amendment or termination of a previously recorded development agreement shall be recorded in the office of the county recorder by the clerk.

5. An approved development agreement must be executed within ninety (90) days of the meeting at which the development agreement is approved by the city council. A one-time administrative extension of maximum thirty (30) days may be granted by the zoning administrator. Additional extensions may be approved by majority vote of the city council. Failure to execute the development agreement within the required timeframe will result in the denial of all related applications.

C. Required Findings: The council shall review the application at the public hearing. In order to grant an annexation and zoning or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;
2. The map amendment complies with the regulations outlined for the proposed district;
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare; and
4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.
5. The annexation (as applicable) is in the best interest of city.

8-1B-3: COMPREHENSIVE PLAN AMENDMENTS:

A. Process:

2. Comprehensive Plan Amendment Initiated by A Property Owner: The applicant shall complete a preapplication conference with the administrator prior to submittal of an application for a

comprehensive plan amendment. An application and fees shall be submitted to the administrator on application forms provided by the city.

3. Public Hearing: The city council shall conduct at least one public hearing in accordance with this chapter and in accordance with the procedures in section 67-6509 of the Idaho Code.

B. Required Findings: The council shall review the application at the public hearing. In order to adopt a new comprehensive plan or grant an amendment to the existing comprehensive plan, the council shall make the following findings:

1. The proposed amendment is consistent with the other elements of the comprehensive plan.
2. The proposed amendment provides an improved guide to future growth and development of the city.
3. The proposed amendment is internally consistent with the goals, objectives and policies of the comprehensive plan and the comprehensive plan future land use map.
4. The proposed amendment is consistent with this unified development code.
5. The proposed amendment is in the best interest of the city of Star.
6. The proposed amendment includes a justification letter for the amendment addressing the following criteria and the Council finds that the amendment is in compliance with the stated criteria:
 - a. A specific description of the change being requested.
 - b. Specific information on any property(s) involved.
 - c. A description of the condition or situation which warrants a change being made in the plan.
 - e. A detailed list of all applicable comprehensive plan goals, policies, and objectives that the proposed change would help implement or policies that must also be amended as part of the proposed change.
 - f. A proposed development plan for any land involved.
 - h. An analysis showing the estimated impact that the proposed change is expected to have on existing and planned infrastructure.
 - i. If the amendment will impact more individuals than the applicant submitting the application a detailed description of the efforts made to inform other parties potentially impacted by the change of the application is to be provided.
 - j. Any other data and information required by the city for their evaluation of the request.

8-1B-4: CONDITIONAL USES:

A. Purpose: The purpose of this section is to establish procedures that allow for a particular use on a particular property subject to specific terms and conditions of approval.

B. Applicability: The provisions of this section apply to all uses identified as conditional use in chapter 3, "District Regulations", of this title, and as otherwise required by specific development standards in chapter 5, "Specific Use Standards", of this title.

C. Process:

1. The applicant shall complete a preapplication conference with the administrator prior to submittal of an application for a conditional use.

2. An application and appropriate application fees, in accord with article A, "General Provisions", of this chapter, shall be submitted to the administrator on forms provided by the planning department.

3. The administrator may require additional information concerning the social, economic, fiscal or environmental effects of the proposed conditional use, prior to the scheduling of a public hearing.

D. Standards: In approving any conditional use, the city council may prescribe appropriate conditions, bonds and safeguards in conformity with this title that:

1. Minimize adverse impact of the use on other property.

2. Control the sequence and timing of the use.

3. Control the duration of the use.

4. Assure that the use and the property in which the use is located is maintained properly.

5. Designate the exact location and nature of the use and the property development.

6. Require the provision for on site or off-site public facilities or services.

7. Require more restrictive standards than those generally required in this title.

8. Require mitigation of adverse impacts of the proposed development upon service delivery by any political subdivision, including school districts, that provides services within the city.

E. Findings: The council shall base its determination on the conditional use permit request upon the following:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.
2. That the proposed use will be harmonious with the Star comprehensive plan and in accord with the requirements of this title.
3. 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.
4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.
5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.
6. That the 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.
7. That 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.
8. That 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.

8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED:

(RR) RURAL-RESIDENTIAL DISTRICT: To provide for rural single-family residential use adjacent to agricultural uses, adjacent to other Rural Residential type uses, and adjacent to BLM land areas. Parcels are to be two acres minimum. 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 small-scale crops and/or animals and do not necessarily include manicured yards, sidewalks, bike paths, streetlights or planned park and recreation facilities. Density may be further limited due to the limited availability of infrastructure. Modified street sections and a reduction in light pollution (by reducing or eliminating lighting standards) may be offered for a more rural feel. Private streets may be permitted in this district for access to newly subdivided or split property. This land use designation is to be located such that it does not block extension of urban services at reasonable costs. Wells and septic systems should be permitted for lots in this land use designation if approved by the applicable Health Department.

Easements of at least 20-feet in width shall be provided where determined necessary for the future extension of water and sewer mains. **This district does allow for some commercial uses as specified in 8-3A-3.**

DA DEVELOPMENT AGREEMENT: This designation, following any zoning designation noted on the official zoning map of the city (i.e., C-2-DA), indicates that the zoning was approved by the city with a development agreement, with specific conditions of zoning.

8-3A-3: USES WITHIN ZONING DISTRICTS

The below table lists principal permitted (P), accessory uses (A), conditional (C), or prohibited (N).

<u>ZONING DISTRICT USES</u>		R-R	
Accessory structure		A	
Dwelling:			
Single-family detached		P	
Winery		C	
Events Center, public or private (indoor/outdoor)		C	

8-3A-4: ZONING DISTRICT DIMENSIONAL STANDARDS:

Zoning District	Maximum Height Note Conditions	Minimum Yard Setbacks Note Conditions			
		Front ⁽¹⁾	Rear	Interior Side	Street Side
R-R	35'	30'	30'	20'	20'

CITY COUNCIL FINDINGS OF FACT AND CONCLUSIONS OF LAW

8-1B-3B COMPREHENSIVE PLAN AMENDMENT FINDINGS:

- The proposed amendment is consistent with the other elements of the comprehensive plan.
The Council finds that the applicants request for Comprehensive Plan Map Amendment is consistent with elements of the Comprehensive Plan. The Council finds that Rural Residential is suitable primarily for rural single-family residential use adjacent to agricultural uses and the Raising of Crops, and Viticulture is an encouraged use within the Rural Residential designation. A key Objective of Section 7.4 Enhancement and

Development of Star's Economy is to support existing community agricultural businesses. The Council finds that existing agricultural uses will be protected within Idaho's Right to Farm Act.

2. The proposed amendment provides an improved guide to future growth and development of the city.

The Council finds that the applicants request for Comprehensive Plan Map Amendment provides an improved guide to growth and development. The Plan is intended to be the public growth policy for the City. The Council finds that this proposed Map Amendment supports the Economic Development Policies including the employment of local workers, and the location of mixed uses consisting of commercial along Highway 16.

3. The proposed amendment is internally consistent with the goals, objectives and policies of the comprehensive plan and the comprehensive plan future land use map.

The Council finds that the applicants request for Comprehensive Plan Amendment meets the purpose of the Star Comprehensive Plan to promote the health, safety, and general welfare of the people of the City of Star. Some of the prime objectives of the Comprehensive Plan include:

- ✓ Protection of property rights.*
- ✓ Adequate public facilities and services are provided to the people at reasonable cost.*
- ✓ Ensure the local economy is protected.*
- ✓ Ensure development is commensurate with the physical characteristics of the land.*
- ✓ Economic development efforts on the enhancement of the business climate for entrepreneurs and small businesses*
- ✓ Enhance and develop Star's economy which will build a stronger community.*

The Comprehensive Plan Land Use Designation for Rural Residential is primarily for rural single-family residential use adjacent to agricultural uses, adjacent to other Rural Residential type uses, and adjacent to BLM land areas. Council finds that the proposed uses specific to this approval meets these policies. Further, Council finds that, per 18.4 Implementation Policies, that Development Agreements allow the city to enter into a contract with a developer upon rezoning. The Development Agreement may provide the city and the developer with certain assurances regarding the proposed development upon rezoning.

4. The proposed amendment is consistent with this unified development code.

The Council finds that the applicants request for Comprehensive Plan Amendment complies with the regulations and purpose statement for the proposed Rural Residential zoning district and other sections of the adopted Uniform Development Code (UDC). Specifically, Council finds the purpose statement provides for rural single-family residential use adjacent to agricultural uses, adjacent to other Rural Residential type uses, and adjacent to BLM land areas. It is the intent of this land use designation to help to preserve Star's rural feel. Uses may include active agriculture, viticulture, equestrian,

and residential. These areas encourage the keeping and raising of small-scale crops and/or animals and do not necessarily include manicured yards, sidewalks, bike paths, streetlights or planned park and recreation facilities. This district does allow for some commercial uses as specified in 8-3A-3.

5. The proposed amendment is in the best interest of the city of Star.

The Council finds this Comprehensive Plan Amendment is reasonably necessary for the orderly development of the City. The Council finds that the Amendment will establish a land use designation on the Comprehensive Plan Future Land Use Map that will align with annexation and zoning of the property to the proposed Rural Residential zoning district, allowing for the proposed land uses approved as part of this application.

6. The proposed amendment includes a justification letter for the amendment addressing the following criteria and the Council finds that the amendment is in compliance with the stated criteria:

- a. A specific description of the change being requested.
- b. Specific information on any property(s) involved.
- c. A description of the condition or situation which warrants a change being made in the plan.
- e. A detailed list of all applicable comprehensive plan goals, policies, and objectives that the proposed change would help implement or policies that must also be amended as part of the proposed change.
- f. A proposed development plan for any land involved.
- h. An analysis showing the estimated impact that the proposed change is expected to have on existing and planned infrastructure.
- i. If the amendment will impact more individuals than the applicant submitting the application a detailed description of the efforts made to inform other parties potentially impacted by the change of the application is to be provided.
- j. Any other data and information required by the city for their evaluation of the request.

The Council finds that the Comprehensive Plan Amendment justification letter addresses and is in compliance with the stated criteria, including description of the change, information on the property, lists of Comprehensive Plan goals, policies and objectives, a development plan, application impacts, detailed description of efforts made for other parties impacted and additional information provided to Staff to evaluate the application.

8-1B-1C: ANNEXATION AND ZONING FINDINGS:

1. The map amendment complies with the applicable provisions of the Comprehensive Plan.

The Council finds that the applicants request for Annexation and Zoning (Map Amendment) complies with the intent and applicable provisions of the adopted Comprehensive Plan. The Council finds that the purpose of the Star Comprehensive Plan

is to promote the health, safety, and general welfare of the people of the City of Star and its Impact Area. Some of the prime goals and objectives of the Comprehensive Plan include:

- ✓ Protection of property rights.*
- ✓ Adequate public facilities and services are provided to the people at reasonable cost.*
- ✓ Ensure the local economy is protected.*
- ✓ Ensure development is commensurate with the physical characteristics of the land.*
- ✓ Economic development efforts on the enhancement of the business climate for entrepreneurs and small businesses*
- ✓ Enhance and develop Star's economy which will build a stronger community.*

The Comprehensive Plan Land Use Designation for Rural Residential is primarily for rural single-family residential use adjacent to agricultural uses, adjacent to other Rural Residential type uses, and adjacent to BLM land areas. It is the intent of this land use designation to help to preserve Star's rural feel. Uses may include active agriculture, viticulture, equestrian, and residential. Council finds that the proposed uses specific to this approval meets the Comprehensive Plan goals and policies. Further, Council finds that, per 18.4 Implementation Policies, that Development Agreements allow the city to enter into a contract with a developer upon rezoning. The Development Agreement may provide the city and the developer with certain assurances regarding the proposed development upon rezoning. In addition, Council finds that, per 7.5 Implementation Policies, consideration for lands along Highways 16 and 20/26 as the location for a mix of uses consisting of commercial and an industrial/high-technical park with a minor component of high density residential.

2. The map amendment complies with the regulations outlined for the proposed district.
The Council finds that the applicants request for Annexation and Zoning (Map Amendment) complies with the regulations and purpose statement for the proposed Rural Residential zoning district and other sections of the adopted Uniform Development Code (UDC). Specifically, the purpose statement provides for rural single-family residential use adjacent to agricultural uses, adjacent to other Rural Residential type uses, and adjacent to BLM land areas. Parcels are to be two acres minimum. It is the intent of this land use designation to help to preserve Star's rural feel. Uses may include active agriculture, viticulture, equestrian, and residential. Uses include native open space and small-scale active farmland. This district does allow for some commercial uses as specified in 8-3A-3.
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare; and
The Council finds the materials and testimony submitted in this annexation and zoning application request, including adoption of existing Ada County conditions and new, City conditions will help ensure the uses of this property will not be materially detrimental to the public health, safety or welfare. Council finds that roadway improvements to

Highway 16, in the form of turn-lanes, will be provided as part of the site development. Established hours of operation, light and noise restrictions, landscape buffers and setbacks, and additional City design review have been further conditioned. The Council finds that the required conditions of approval that will be part of the Development Agreement will protect the public health, safety and welfare of the citizens of the City of Star and its Impact Area.

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.

The Council finds that the City has not been presented with any information from agencies having jurisdiction, that public services, with the conditions and requirements of the agencies adopted into the Development Agreement, will be adversely impacted. The Council finds that ITD, Star Fire District and the Star Sewer and Water District, in addition to the City Engineer, have all reviewed the application requests and provided comments and proposed conditions to limit any adverse impact on delivery of services.

5. The annexation is in the best interest of the city.

The Council finds this annexation and zoning is reasonably necessary for the orderly development of the City. The Council finds that the annexation of this property will bring the property, with requirements, into and under the jurisdiction of the City. Council finds that the proposed use of this property with the required conditions of approval, including immediate improvements to the existing roadway system and provisions for mitigation of adverse impacts will provide for continued economic growth in the City.

8-1B-4E CONDITIONAL USE FINDINGS (REVISED):

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.

The Council finds that the site is large enough accommodate the proposed uses and meet all of the dimensional standards. The site and landscape plan includes all proposed uses, and the development is conditioned to meet all dimensional standards, including setbacks.

2. That the proposed use will be harmonious with the Star comprehensive plan and in accord with the requirements of this title.

The Council finds that the proposed use request is harmonious with the Star Comprehensive Plan and is in accord with the requirements of this Title. The proposed development meets the intent and purpose. Council finds that the goal of the Comprehensive Plan for Rural Residential is to encourage rural single-family residential use adjacent to agricultural uses, adjacent to other Rural Residential type uses, and adjacent to BLM land areas. It is the intent of this land use designation to help to preserve Star's rural feel. Uses may include active agriculture, viticulture, equestrian, and residential. Council finds that the proposed uses specific to this approval meets the Comprehensive Plan goals and policies.

Further, Council finds that, per 18.4 Implementation Policies, that Development Agreements allow the city to enter into a contract with a developer upon rezoning. The Development Agreement may provide the city and the developer with certain assurances regarding the proposed development upon rezoning. In addition, Council finds that, per 7.5 Implementation Policies, consideration for lands along Highways 16 and 20/26 as the location for a mix of uses consisting of commercial and an industrial/high-technical park with a minor component of high density residential. Council finds that the proposed use is consistent with other existing uses along Highway 16, including Firebird Raceway, Eagle Parks and Recreation facilities, and the Eagle Rodeo. Applicant's Written Narrative, p. 1. Council finds that locating winery and events center uses on Highway 16 is consistent with the goals and policies of the Comprehensive Plan.

3. 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 Council finds that operation of the proposed use will be 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, Spring Valley sewer treatment plant, Firebird Speedway, existing and approved residential communities (Hillsdale Estates, Spring Valley, Willowbrook), future Willowbrook Golf Course, future Eagle Sports Complex and BLM land with public access.

4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

The Council finds that the proposed use, with imposed conditions of approval, would not adversely affect other properties in the vicinity. The proposed use is consistent with the existing use on the property, and will only modestly intensify that existing use by increasing maximum attendance at smaller events from 100 to 125. See Public Hearing Transcript (7/18/23), 9:5-11; 63:21-23. The construction of additional tasting room facilities will accommodate expansion of the uses. The additional tasting room facilities may be placed at a location farther from neighboring residential uses, which would further reduce impacts on these uses. Public Hearing Transcript, 8:24-9:2; 56:8-16.

In making these findings of fact, Council considered the concerns that were brought up by neighboring property owners regarding potential noise and traffic impacts that would be created by the proposed use, including direct issues as they related to the hours of operation, number of events and landscape buffering and insufficient setbacks to the neighboring properties. In their considerations, Council adopted staffs recommended conditions of approval for the CUP that would limit the number of large events for the winery and events center (greater than 125 and a maximum of 250 patrons) to a maximum of 24 events per year.

Council also adopted the recommendations that limits the hours of operation of the event center from 10 a.m. thru 10 p.m. daily, with a 6 p.m. closing time on Mondays and Tuesdays. Comments from neighboring property owners at the public hearing suggested that operating hours should be curtailed, with a closing time at 6:00 p.m. Council finds that the winery and event center uses are already in existence on the property, and that the applicant has been through three prior permitting processes with Ada County. Public Hearing Transcript, 8:7-14. Council finds that the hours of operation are the same as those previously approved by Ada County for the existing use on the property. Council finds that these operating hours are appropriate for an event center use, and are consistent with the existing use of the property. Public Hearing Transcript, 23:8-18; 31:23-32:7; 34:12-21. Council further finds that the volume of amplified music at events is typically not excessive, and that amplified music is customarily played only until 7:00 p.m. Public Hearing Transcript, 19:10-18; 34:3-6; 37:12-15; 61:2-11. Council finds that curtailing operating hours as suggested by neighboring property owners would be unduly burdensome for the applicant and inconsistent with the existing use of the property.

Council further considered the applicants proposed, and staffs recommended condition regarding the 8-foot-tall landscape berm, between the parking lot and the residences to the south, of approximately 300 feet in length along the southern boundary of the property starting near the eastern corner of the property. The berm would include 6 feet tall trees. Council also recognizes that the City Municipal Code regulates a noise ordinance of 10 p.m. to 7 a.m. to prevent additional detriment to surrounding properties and uses. Council believes that these conditions and limits on the event center activities were consistent with the conditions originally stipulated during the initial approval of the winery and event center by Ada County and, together with the City noise ordinance, would continue to provide the surrounding neighbors with reasonable relief to noise from the proposed use, and will help protect to protect the enjoyment of their own properties and rural lifestyles. Council also finds that potential noise related to the winery activities, including growing and cultivation of grapes, and the processing of the grapes into wine, would not adversely affect the neighboring properties based on the location of the vineyards and processing facilities in relation to the neighbors. Council also recognizes the Right to Farm Act that protects farming activities, including the viticultural operations associated with winery.

In evaluating traffic concerns brought up in the public hearing, Council considered review responses that were included in the record from the Idaho Transportation Department regarding the access to the winery and facility from Hwy 16 when determining the impacts of traffic from the proposed uses. Included in ITD's review was the discussion of the adjacent Spring Valley Development providing highway improvements, including a left turn lane and a deceleration lane into the winery facility. Council also considered staff's recommendations requiring 150 permanent parking spaces at final build out of the facility, together with added conditions related to dust control and drainage. Council finds that the proposed transportation improvements on

Hwy 16, together with on-site improvements, help assist in mitigating traffic related concerns.

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

The Council finds that the proposed use can be adequately served by essential public facilities and services. Council has placed conditions of approval for upgraded roadways to accommodate the proposed uses. Star Sewer and Water, Star Fire District and Star Police can adequately serve the proposed use.

6. That the 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.

The Council finds that the proposed use would not create excessive additional costs for public facilities and would not be detrimental to the economic welfare of the community. The City has conditioned the application to include roadway improvements. The development will also be responsible for payment of Fire and ACHD impact fees. Council finds that the commercial use will benefit the City economically through increased tax revenue.

7. That 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 Council finds that the proposed use would involve activities that would not be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. Council has placed conditions of approval regarding lighting, buffering and setbacks, and hours of operation that will help protect the general welfare. Further, City Municipal Code regulates a noise ordinance to prevent additional detriment to surrounding properties and uses.

Council finds that the proposed use is consistent with the existing use of the property and represents only a modest intensification of previously approved uses. Public Hearing Transcript, 63:5-23. Council finds that neighboring residential uses will be adequately protected by an existing berm and planting of vegetation to create a boundary between the existing use and neighboring uses. Public Hearing Transcript, 11:9-18. Council further finds that enforcement of the noise ordinance will protect neighboring residential uses from excessive noise.

Comments made at the public hearing and materials provided by neighboring property owners suggest that the 125-foot setback is insufficient to protect neighboring property owners from traffic and noise. Council finds that the proposed setback is identical to the setback approved by Ada County in previous permitting processes involving the property. Council finds that the applicant has placed improvements on the property in reliance on the existing 125-foot setback approved by Ada County, and that it would be

unduly burdensome to the applicant to increase the previously approved setback. The 1000-foot setback proposed by neighboring property owners is not reasonable given that improvements are already constructed on the property. Council finds that the proposed use represents only a modest intensification of a previously existing use. Council finds that new facilities to be constructed on the property will likely be located more than 125 feet from the south property line. Public Hearing Transcript, 63:5-23. Council finds that trees and shrubs have been planted on an existing berm, and the applicant has planted Thuja and poplar trees between the Hill/Fairbanks property and the existing parking lot. Public Hearing Transcript, 12:5-15. The trees, shrubs and vines already on the property or planted as required by conditions of approval will continue to grow and create a vegetative boundary that will absorb noise and screen neighboring property owners from adverse effects of the use. Public Hearing Transcript, 11:6-18. For these reasons, the Council finds that the 125-foot setback is adequate and that the use will not result in excessive noise.

8. That 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.

The Council finds that the proposed use would not result in the destruction, loss or damage of natural, scenic or historic feature of major importance since none are apparent on this site. Council finds that the continuation and addition of new agricultural and commercial uses would enhance the natural and scenic climate of the area more so than the continuation of approving additional residential uses, as would be allowed under current Comprehensive Plan and Zoning through Ada County.

Public Hearing of the Council:

- a. A public hearing on the application was heard by the City Council on July 18, 2023, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time.
- b. Shawn L Nickel, City of Star Planning and Zoning Director presented the application.
- c. Oral testimony in favor of or opposing the application was presented to the City Council by:
 - Johnna Buchert
 - Trae Buchert
 - Brian Howard
 - Jerry Brackbill
 - Korina Bennallack
 - Nick Bennallack
 - David Stephens
 - Danny Robinson
 - Todd Collins
 - Scott Nickell
 - John Courtney

- Kent Borgman
- Kathy Peters
- David Blackstock
- Suzy Campbell
- Isaac Ax
- Chris Todd
- Keith Hill
- Barbara Fairbanks
- Paul Hudson
- Sara Keyes
- Scott Emerich

d. Additional testimony from City Staff, Agencies
None

e. Written testimony in favor of or opposing the application was presented to the City Council at the hearing by:
None

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of the proposed applications in accordance with the City of Star Title 8 (Unified Development Code), took public testimony, and deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the development. Review and discussion included access, traffic concerns, parking, noise, lights, landscaping, buffers and previous County actions.

The Council discussed conditions of approval on the annexation and zoning, and conditional use permit applications, and the conditions of approval that will be part of the accompanying Development Agreement. Council concluded that the Applicant's request meets the requirements for the annexation and zoning and conditional use permit request. Council hereby incorporates the Council Packet with staff report dated July 18, 2023, together with all public and agency comments and the meeting minutes into the official decision as part of these Findings of Fact, Conclusions of Law.

Statement of Compliance:

Council finds and concludes that the Applicant has met all requirements of the applicable Unified Development Code and the intent and purpose of the applicable Comprehensive Plan and Map requirements for annexation and zoning, and conditional use permit.

Council added the following requirements to their decision to approve the annexation and zoning application that will be part of the Development Agreement and Conditional Use Permit conditions of approval to include the following:

1. Central District Health shall approve any new or upgraded septic systems.
2. Star Fire District shall approve all fire flow requirements and/or building permits, and any occupancy requirements for all buildings on-site. All Wildland Urban Fire Interface Overlay District requirements shall be met.
3. The owner/applicant shall maintain a minimum 125 feet distance from the southern property line to the new proposed tasting room and associated patio.
4. The owner/applicant shall submit plans for food or beverage establishment to the Central District Health Department for plan review and approval.
5. Idaho Department of Water Resources shall approve any new or upgraded well construction.
6. The owner/applicant shall pay the ACHD all traffic impact fees prior to issuance of a building permit.
7. The owner/applicant shall provide an all-weather dustless material (or other City approved dust mitigation) if the off-street parking areas and private drive are not surfaced with asphalt or concrete.
8. The owner/applicant shall either install a placard or striping that clearly identifies and demarcates the ADA accessible parking spaces.
9. The owner/applicant, engineer of record and/or contractor shall notify the City when a construction start date is established.
10. The Engineer of Record shall submit a letter to the City stating the work has been completed in substantial compliance with the approved plans for the construction of the driveways and parking areas.
11. The owner/applicant shall schedule a final inspection with the City upon completion of each phase of the driveways and parking areas.
12. The owner/applicant shall schedule a final inspection with the Star Fire District prior to issuance of a Certificate of Occupancy.
13. During the time that the future construction of the production facility happens, the current driveway shall be constructed to Star Fire District standards. Star Fire District shall approve all access requirements.
14. A northbound right turn lane shall be constructed to the ITD current standards to mitigate for entering traffic.
15. A Certificate of Occupancy will be issued when all the above conditions are met. In the event conditions cannot be met by the desired date of occupancy, the owner/applicant may request a surety agreement in lieu of completing the improvements.
16. If a gate is ever installed, it will need to be equipped with a KNOX key lock specific to Star Fire District.
17. The outdoor public address/speaker system shall comply with the noise regulations of the City Code.
18. Food service for events shall be approved by the Central District Health Department.
19. Any (Event Center) event of more than 125 people and no greater than 250 people shall be limited to 24 events per year.
20. The days and hours of operation for the wine tasting and associated uses and the Event Center uses are from 10 a.m. to 10 p.m., daily; On Mondays and Tuesdays.

- hours of operation for events greater than 125 people shall be limited to 10 a.m. to 6 p.m. The operation of the winery use is allowed 24 hours/7 days a week.
21. The owner/applicant shall comply with ITD Permit No. 3-19-504 or any updated permits. Should the use of the parcel change causing any increase in trip generation, or the parcel is split, the property owner shall reapply for access with ITD.
 22. All drainage shall be retained onsite during and after construction.
 23. During construction earthmoving equipment operation, hours shall be limited to between 7 a.m. to 6 p.m.
 24. The owner/applicant is responsible for restoring all disturbed areas. Restoration shall match the approved plans. For unapproved areas of disturbance, the City Engineer shall determine the level of restoration. This could include geotechnical reports, grading, erosion control blankets and hydro seeding.
 25. The property must be managed and maintained consistent with the standard regulations of Star City Code regarding the accumulation of junk, atmospheric emissions, construction sites, hazardous materials storage, outdoor public address systems, outdoor storage of chemicals and fertilizers, transmission line corridors, and utilities.
 26. The use shall comply with the noise regulations in Star City Code.
 27. Comply with all requirements of the Star City Engineer including, but not limited to, drainage, grading, hillsides and slopes, site improvement engineering, retaining walls greater in height than 4 feet.
 28. All future improvement phases are subject to a Certificate of Zoning Compliance application submitted to the City. This will include detailed review of parking, landscaping, lighting, dust mitigation, and building elevations.
 29. Any signage within ITD right of way shall be approved by the District prior to installation.
 30. The owner/applicant shall meet all requirements of Central District Health Department regarding the preparation and sale of food.
 31. A landscape plan shall be submitted to the City detailing the existing, required berm along the southern boundary of the property, including types of trees and landscaping proposed. The existing 8' berm shall include 6' tall trees to provide additional buffer on the southern parking lot boundary per the submitted site plan.
 32. The conditional use permit shall be valid for a period of 10-years from the date of approval to allow for the applicants phasing plans. The applicant may apply for a time extension prior to the expiration date as allowed per Code.
 33. The owner/applicant shall notify the City in advance of all events of greater than 125 people and no greater than 250 people per year (24 events per year maximum). This time period shall be from January 1st through December 31st, annually. The total number of events in 2023 shall include those already conducted prior to annexation.
 34. The owner/applicant shall provide for adequate parking for all events on-site. At final build-out, a total of 150 permanent parking spaces shall be provided.
 35. Any future change of use of the existing residence to a commercial use shall be subject to review of a Certificate of Zoning Compliance. All current building and fire codes would need to be completed prior to any public occupancy.

36. The existing Storage/Production Facility (3,500 square feet) shall meet all Star Fire District requirements.
37. All new structures shall be subject to fire and building code standards. Extension of sewer & water may be required by Star Sewer & Water District to accommodate fire suppression and domestic water and sewer needs. All new structures shall be subject to future Certificate of Zoning Compliance (CZC) applications. Building elevations, parking, lighting, access details, fire and building code reviews and other Staff requested details will be reviewed for each building and proposed amenity under the CZC process.
38. The applicant shall submit a lighting plan with the first CZC application, and all subsequent submittals illustrating compliance with all City lighting requirements.
39. The applicant shall meet all requirements for emergency access, water supply and vehicle turn-around from the Star Fire District. Should municipal water be required to meet fire flows, the applicant shall annex into the Star Sewer and Water District and comply with any District requirements.

STANDARD CONDITIONS OF APPROVAL FOR CU-23-05

1. The approved Conditional Use shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. The applicant shall provide a sign, to be located at all construction entrances, indicating the rules for all contractors that will be working on the property starting at grading and running through occupancy that addresses items including but not limited to dust, music, dogs, starting/stopping hours for contractors (7a.m. start time). Sign shall be approved by the City prior to start of any construction.
3. The applicant shall obtain all the proper building permits from the City Building Department prior to occupancy or the unit.
4. The Conditional Use Permit may be revoked or modified by the City Council for any violation of any Condition of Approval.
5. The applicant shall obtain a sign permit for any new signage along Hwy 16.
6. A Certificate of Zoning Compliance will be required prior to the start of construction.
7. The applicant shall provide for future cross access to the north if, and when the property to the north were to redevelop, and direct access to the subject property is eliminated or limited to Hwy 16.

Council Decision:

Councilmember Nielson made a motion, seconded by Councilmember Hershey for approval. The Council voted 3-0 (Councilmember Salmonsens absent) to approve the Annexation and Zoning, Development Agreement and Conditional Use Permit applications on July 18, 2023.

Dated this 1st day of August 2023.

Star, Idaho

By: _____
Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk