



## BEFORE THE ADA COUNTY PLANNING & ZONING COMMISSION

In re:

Application of Indian Creek Winery

Project No. 201600524 CU-MSP

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

#### FINDINGS OF FACT

If any of these Findings of Fact are deemed Conclusions of Law, they are incorporated into the Conclusions of Law section.

A. The Commission finds that the record is comprised of:

1. Exhibit 1 to the Staff Report.
2. Exhibit A to the Findings of Fact, Conclusions of Law and Order.
3. All other information contained in Ada County Development Services File for Project No. 201600524 CU-MSP.

B. As to procedural items, the Commission finds the following:

1. In accordance with Section(s) 8-6-3A/8-7-3A2/8-7-4A1 of the Ada County Code, the applicant completed a pre-application conference with the director prior to the submittal of the application on March 24, 2016.
2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on April 11, 2016.
3. On April 12, 2016, Development Services accepted Project #201600524 CU-MSP and scheduled it for public hearing before the Ada County Planning and Zoning Commission on June 2, 2016.
4. On April 18, 2016, staff notified other agencies of this application and solicited their comments. Any comments received were incorporated into the staff report and are attached as Exhibit 1.
5. On April 18, 2016, property owners within 1,000 feet of the site were notified of the hearing by mail. Legal notice of the Commission's hearing was published in The Idaho Statesman on May 17, 2016. Notices of the public hearing were posted on the property on

or before May 23, 2016 and a certification sign posting was submitted to the director on or before May 26, 2016.

C. As to the project description, the Commission finds based on the application materials found in the file for Project No. 201600524 CU-MSP the following:

1. PROPOSED USES: Expansion of structure for the winery, tasting room and social hall.
2. PROPOSED STRUCTURES: A new 2,880 sq. ft. structure for storage.
3. PROPOSED SITE IMPROVEMENTS: None

D. Based on the materials found in the file for Project No. 201600524 CU-MSP the Commission finds the following concerning the project description:

1. PARCEL NUMBER AND LOCATION- The property is parcel #S1321233706 and is located at 1000 N. McDermott Road.
2. OWNERSHIP – William & Ungkana Stowe.
3. SITE CHARACTERISTICS

Property size: The property contains approximately 37.46 acres.

Existing structures: A 1,456 sq. ft. single family dwelling, a 483 sq. ft. detached garage and several out buildings.

Existing vegetation: The property currently has residential landscaping and crops.

Slope: The property is relatively flat.

Irrigation: The property currently has irrigation rights.

Drainage: All drainage is retained on site.

Views: The property currently has open views in all directions.

Other Opportunities and/or Constraints: There is a pond on the southwestern portion of the property.

E. Based on the officially adopted Ada County land use maps, the Commission finds the following concerning the current land use and zoning:

The property is currently zoned Rural Residential (RR) and has a single-family dwelling, winery, social hall and crops being grown on the property. A conditional use/master site plan was approved for the winery and event center (Project #201400809).

F. Based on the officially adopted Ada County land use maps, the Commission finds the following concerning the surrounding land use and zoning:

North: The property to the north is zoned Rural Residential (RR) with single family residences and agricultural ground.

South: The property to the south is zoned Rural Residential (RR) with single family residences and agricultural ground.

East: The property to the east is zoned Rural Residential (RR) with single family residences and agricultural ground.

West: The property to the west is within Canyon County with single family residences.

G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 201600524 CU-MSP, the Commission finds the following concerning services:

Access Street and Designation: The property currently has access on N. McDermott Road, designated as a principal arterial road.

Fire Protection: Kuna Fire District.

Sewage Disposal: Individual Septic.

Water Service: Individual Well.

Irrigation District: Boise Project Board of Control, Boise-Kuna/New York Irrigation District.

Drainage District: None.

H. As to the applicable law, the Commission finds the following:

**1. The Commission finds Article 8-4E of the Ada County Code is applicable** because the applicant has applied for a conditional use and master site plan for expansion of an existing winery, tasting room, and storage area for the event center. The Commission finds that the application complies with **Article 8-4E of the Ada County Code**. Regarding Article 8-4E the Commission finds the following in regards to the social hall and winery:

A. The master site plan complies with this Title and the applicable comprehensive plan

*The Commission finds that the site is not within an Area of City Impact and is subject to the Ada County Comprehensive Plan. The Commission finds that the property is designated as Rural in the Ada County Comprehensive Plan and that the proposed use is in conformance with the Plan in the following ways;*

- *Protects the irrigation ditches and maintains the existing easements;*
- *Encourages agriculture related business; and*
- *Does not require the excessive expansion of public services as the winery, tasting room, and social hall are able to utilize the existing public services to the property.*

B. The applicant has submitted a natural features analysis (subsection 8-4E-4D of this article) identifying constraints presented by such natural features, and the proposed development sufficiently addresses such features.

*The Commission finds that the applicant submitted a natural features analysis with project 201400809 and is not required per ACC8-4E-3B to submit a natural features analysis due to the previously approved master site plan.*

C. The proposed landscaping meets the requirements of Article F of this Chapter.

*The Commission finds that the landscaping was approved with the original conditional use/master site plan (file #201400809 CU-MSP) for the winery and social hall. No additional landscaping is required.*

D. The proposed parking and loading spaces meets the requirements of Article G of this Chapter.

*The Commission finds that the proposed parking and loading spaces meet the requirements of Article G because was approved with the original conditional use/master site plan (file #201400809 CU-MSP) for the winery and social hall, which identifies one hundred sixteen (116) parking stalls, with seven (7) of the parking stall in compliance with ADA. No additional parking is required.*

E. The proposed lighting plan meets the requirements of article H of this chapter.

*The Commission finds that the applicant is not proposing any outdoor lighting. If the applicant would like to install outdoor lighting in the future, a lighting plan will be required.*

F. The proposed master site plan complies with the applicable base district standards, overlay district standard, and specific use standards of this title.

*The Commission finds **Article 8-2A** of the Ada County Code governing allowed uses, conditional uses, and dimensional standards in the RR (Rural Residential) District are applicable based on the officially adopted Ada County Zoning Map. The Commission finds that the RR District requires a minimum lot size of 10 acres; a minimum of 100 foot road frontage; a front setback of 50 feet, a 25 foot setback along all other property lines. The Commission finds that the new structure will meet the require setbacks.*

*The Commission finds the property is not located within any overlay districts; therefore Chapter 3 of the Ada County Code is not applicable.*

*The Commission finds Per Finding #2E that the use complies with the specific use standards of this title.*

G. The proposed master site plan is consistent with the APA Ridge-to-Rivers Pathways Plan

*The Commission finds the property is not located within the APA Ridge-to-Rivers Pathways Plan; and is therefore, not applicable.*

H. Adequate utilities and public services are available or provided for the proposed development, and the development would not be premature by reason of lack of utilities, transportation, schools, fire protection, or other essential services.

*The Commission finds that adequate utilities and public services are available because the property is currently served by Idaho Power and it is in the Kuna Fire District. Central District Health Department will require an accessory use application. There is an existing well on the property. The access is provided from McDermott Road, a public road. The Commission finds that ACHD reviewed the project and is requiring impact fees and permits for any work in the right-of-way.*

2. The Commission finds **Article 8-5B** of the Ada County Code governing conditional uses is applicable because a Social Hall and Winery requires a conditional use in the RR District. Section 8-5B-5: Required Findings:

A. The proposed use is not detrimental to the public health, safety or welfare;

*The Commission finds that the proposed use is not detrimental to the public health, safety or welfare because the proposed conditional use will be required to comply with all county, state, and federal regulations. The proposed use was transmitted to public agencies on April 18, 2016, which included fire, police, and emergency service providers. The following agencies commented on the application; ACHD is requiring impact fees. Ada County Building Official is requiring a building permit with plans must be prepared by a licensed Architect and/or Engineer; Central District Health Department is requiring an accessory us application and Boise Project Board of Control.*

B. The proposed use shall not create undue adverse impacts on surrounding properties;

*The Commission finds that the proposed use shall not create undue adverse impacts on surrounding properties because the property will keep its rural and agricultural character and the new 2,880 sq. ft. structure for storage is replacing an existing structure. The applicant is required to comply with the conditions of approval in project #20140809 CU-MSP.*

C. The proposed use is consistent with the applicable comprehensive plan;

*The Commission finds that the proposed use is consistent with the applicable comprehensive plan as described in Finding H.1.A.*

D. The proposed use complies with the purpose statement of the applicable base district and with the specific use standards as set forth in this chapter;

*The Commission finds that the proposed use complies with the purpose statement of the RR District because the winery is an agricultural based business and the social hall will be limited to daylight hours.*

E. The proposed use complies with all county regulations;

*The Commission finds Article 8-5-3-28 of the Ada County Code is applicable because the applicant is proposing a new 2,880 sq. ft. structure for storage for the winery and social hall. The existing and proposed structures meet the twenty five foot setback. Central District Health Department will require an accessory use application.*

*The Commission finds Article 8-5-3-120 of the Ada County Code is applicable because the applicant is proposing a winery and tasting room. The winery as conditioned will comply with all applicable state, federal and local regulations. The property has access and frontage on McDermott Road, which is a public road. As conditioned the tasting room may offer sales of wine and other related items such as glasses, decanters, books, racks, corkscrews, T-shirts, posters and such food items considered snacks, such as bread, breadsticks, crackers, cheese, and appetizers.*

*The Commission finds as outlined herein that the use complies with all county regulations and as conditioned with project #20140809 CU-MSP.*

F. The proposed use complies with all applicable state and federal regulations;

*The Commission finds that the use complies with all applicable state and federal agencies because the County has transmitted the application to the applicable agencies and those comments have been submitted into the record. In addition, all uses are innately required to comply with all applicable state and federal regulations as a matter of law.*

G. The proposed use and facilities shall not impede the normal development of surrounding property; and

*The Commission finds that the proposed use and facilities shall not impede the normal development of the surrounding property because it is in conformance with the Ada County Comprehensive Plan and is allowed as a conditional use in the RR District.*

H. Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures are, or shall be, provided for the proposed use.

*The Commission finds that adequate public and private facilities have been provided for because the property is connected to an individual well and septic system. The Commission finds that with Project 20140809 CU-MSP the landscaping was approved and a new landscape plan is not required.*

*The Commission finds that as conditioned the proposed use meets the parking requirements as discussed in Finding H.1.D. ACHD has no site specific conditions of approval as the access was approve with Project 20140809 CU-MSP.*

## **CONCLUSIONS OF LAW**

If any of these Conclusions of Law are deemed to be Findings of Fact they are incorporated into the Findings of Fact section.

1. The Commission concludes that Project No. 201600524-CU-MSP complies with Article 8-4E.
2. The Commission concludes that Project No. 201600524-CU-MSP complies with Article 8-5B.

## **ORDER**

Based upon the Findings of Fact and Conclusions of Law contained herein and the testimony from the public hearing, the Commission approves Project #201600524 CU-MSP, subject to the Conditions of Approval attached as Exhibit A.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_  
Terri Murrison, Chairperson  
Ada County Planning and Zoning Commission

ATTEST:

\_\_\_\_\_  
Mark A. Perfect, Secretary

## EXHIBIT A

### CONDITIONS OF APPROVAL

**REQUIRED ACTIONS. THE FOLLOWING LIST DETAILS THE TASKS THAT MUST BE COMPLETED BEFORE THE APPROVAL OF [FILE #] WILL BE CONSIDERED FINAL. THE APPLICANT AND/OR OWNER HAVE UNTIL JUNE 2, 2018 TO COMPLETE THE REQUIRED ACTIONS AND TO OBTAIN A ZONING CERTIFICATE UNLESS A TIME EXTENSION IS GRANTED. SEE SECTION 8-7-6 OF THE ADA COUNTY CODE FOR INFORMATION ON TIME EXTENSIONS. IF A BUILDING PERMIT IS REQUIRED, THE ZONING CERTIFICATE SHALL BE ISSUED WITH THE BUILDING PERMIT. THIS APPROVAL SHALL BECOME VOID IF A VALID ZONING CERTIFICATE HAS NOT BEEN ISSUED BY THAT DATE. SITE IMPROVEMENTS ARE NOT ALLOWED UNTIL THE ZONING CERTIFICATE HAS BEEN ISSUED.**

1. The applicant/owner shall comply with the conditions of approval for Project 20140809 CU-MSP.
2. If required by the Ada County Building Code as set forth in Title 7, Chapter 2, of the Ada County Code, the applicant and/or owner shall obtain a building permit prior to commencing any development. Please contact the County Building Official at 287-7900 for fee and application information. The design and construction of the development shall comply with the approved and stamped master site plan and the Ada County Code.
3. A Certificate of Occupancy will be issued when all of the above conditions have been met. In the event conditions cannot be met by the desired date of occupancy, the owner and/or applicant may request a surety agreement in lieu of completing the improvements. See Title 8, Chapter 4, Article K of the Ada County Code for the terms and regulations of surety agreements.

**TERMS OF APPROVAL. THE FOLLOWING TERMS MUST BE COMPLIED WITH AT ALL TIMES OR YOUR APPROVAL MAY BE REVOKED.**

4. A zoning certificate and/or a building permit may not be issued until 15 days after the Commission issued the written decision on the proposed development. In the event the decision of the Commission is appealed, the building permit may not be issued until the appeal is resolved in favor of the proposed development. See Section 8-7-7 of the Ada County Code for more information on appeals.
5. The Director must approve any modification and/or expansion to the master site plan. See Section 8-4E-3 of the Ada County Code.
6. The use must comply with the specific use standards for a winery and social hall in Section 8-5-3 of the Ada County Code.
7. The property must be managed and maintained consistent with the standard regulations in Title 8, Chapter 4, Article A of the Ada County Code. Please note that this Article contains specific regulations regarding the accumulation of junk, atmospheric emissions, construction sites, hazardous material storage, outdoor public address systems, outdoor storage of chemicals and fertilizers, transmission line corridors, and utilities.

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### CONDITIONS OF APPROVAL

Project number 201600524 CU-MSP  
INDIAN CREEK WINERY

## EXHIBIT A

8. Any lighting on the site shall comply with the lighting regulations in Title 8, Chapter 4, Article H, of the Ada County Code.
9. The use must comply with the noise regulations in Ada County Code, Title 5, Chapter 13.