

Memo

To: Planning and Zoning Commission
From: Jennifer Kharri, Planning Director
CC: Lisa Melling and Bud Owens (appellant), Paul Anderson (SUP applicant)
Date: 2/6/24
Re: Appeal of Administrative Decision for SUP Compliance (Anderson Reserve SUP#19-006)

Zoning Commissioners,

This application is an appeal of the decision that Development Services/Administrator made regarding the compliance of the Special Use Permit #19-006 for Anderson Reserve. Development Services/Administrator received complaints regarding: 1) RV Camping on the property as part of a program called Harvest Host, and: 2) the addition of the cigar silos. Development Services/Administrator found the SUP #19-006 to be in compliance as outlined below. The appellant, Lisa Melling and Bud Owens, through counsel, believe the RV Camping and creation of the Cigar Silos to be an illegal expansion of SUP #19-006, as outlined in the correspondence attached.

Gem County Code Title 11, Chapter 13 governs appeals of Development Services/Administrator. Upon receipt of the appeal, the public hearing was scheduled and noticed pursuant to Gem County Code and Development Services practice. For the purpose of the public hearing, the Zoning Commission should decide whether or not Development Services made the incorrect decision for compliance. The public hearing should consider the appeal and all documents submitted in support of the appeal and this memo of decision. Testimony at the public hearing should be limited to whether or not the decision for compliance for the RV's and cigar silos was in error.

The appeal is specific to two complaints:

1. RV Camping

Development Services determined that Anderson Reserve was not in violation due to the RV's based on the following:

Gem County Code doesn't have any provisions for Harvest Host or similar operations. Gem County Code does have provisions for an RV Park which staff has determined that having an RV stay on a property for one night does not constitute an RV Park or group camping, therefore this isn't an illegal expansion of the SUP. As stated in the September 13, 2023 response letter from Larry Robertson, any property owner may have an RV temporarily stay on their property as long the total days per year is less than 30 days.

2. Cigar Silos

Development Services determined that Anderson Reserve could build the cigar silos under the SUP and not be considered an illegal expansion of use based on the following:

Although the SUP decision stated that *"applicant is not proposing to construct any new, non-residential structures on the property to accommodate the butcher shop, market, bistro or special events"*, it was merely stating at that time there were no plans since the barn was already permitted and built. Nowhere in the decision did it restrict or prohibit the construction of other structures. The SUP was approved under the category retail eating and drinking, which would include the cigar silo. The application for the SUP (applicants' letter of intent) included liquor tasting and purchasing on site among other uses. The staff report mentioned in Section 4 *"F. Building Setback Information. Any new structures over 120 square feet in size would have to receive a building permit and comply with setbacks in effect at the time"*. The Building Official conferred with the Planning Director to ensure the SUP would allow for the cigar silos. The property owner applied for and was issued a building permit for the cigar silos based on the use being the same as what was approved with the SUP.

Application Summary / Background

- ❑ SUP #19-006 was approved on 8/19/19 permitting a butcher shop/retail market/bistro and event center. (application attached as Ex A)
- ❑ Per conditions of approval, SUP #19-006 was required to have public hearing for an annual review before the Zoning Commission. On 10/26/20, the Zoning Commission determined that the SUP was in compliance along with amending a couple of the conditions of approval per the applicant's amendment request. (amended conditions of approval attached as Ex B)
- ❑ Development Services received a written complaint that was submitted online June 13, 2023 from Givens Pursley on behalf of Bud Owens regarding the RV camping and the cigar silos. (letter attached as Ex C)
- ❑ Larry Robertson, Code Enforcement Officer conferred with the Planning Director regarding the complaints and the June 13, 2023 letter and responded in writing on September 13, 2023. (letter attached as Ex D)
- ❑ An appeal of Larry Robertson's response was filed on October 2, 2023 by Givens Pursley on behalf of Lisa Melling and Bud Owens. (appeal attached as Ex E)

- Written comments received in support of the appeal and in support of the decision regarding the appeal. (comments attached as Ex F)
- Paul Anderson's written response regarding the appeal. (attached as Ex G)

After hearing from the appellant, applicant and the public, and considering the documents submitted in support of appeal and in support of the decision, the Planning and Zoning Commission is charged with determining if the Development Services Office made an error in finding that the SUP is in compliance.

EXHIBIT A

MASTER PUBLIC HEARING APPLICATION

GEM COUNTY DEVELOPMENT SERVICES

109 South McKinley, Emmett, Idaho 83617 www.gemcounty.org phone: (208) 365-5144 fax: (208) 365-2499

TYPE OF APPLICATION: (PLEASE CHECK ALL THAT APPLY.)

- | | | |
|--|--|--|
| <input type="checkbox"/> APPEAL | <input type="checkbox"/> PLANNED COMMUNITY | <input type="checkbox"/> SUBDIVISION, MODIFICATION |
| <input type="checkbox"/> COMPREHENSIVE PLAN TEXT AMENDMENT | <input type="checkbox"/> REZONE | <input type="checkbox"/> VACATION |
| <input type="checkbox"/> COMPREHENSIVE PLAN MAP AMENDMENT | <input checked="" type="checkbox"/> SPECIAL USE PERMIT | <input type="checkbox"/> VARIANCE |
| <input type="checkbox"/> DESIGN REVIEW | <input type="checkbox"/> SPECIAL USE PERMIT (MINERAL EXTRACTION) | <input type="checkbox"/> ZONING TEXT AMENDMENT |
| <input type="checkbox"/> DEVELOPMENT AGREEMENT | <input type="checkbox"/> SUBDIVISION, PRELIMINARY | |
| <input type="checkbox"/> PLANNED UNIT DEVELOPMENT | <input type="checkbox"/> SUBDIVISION, FINAL | |
| | <input type="checkbox"/> SUBDIVISION, MINOR | |
| | <input type="checkbox"/> SUBDIVISION, COMBINED | |

PROJECT NAME: _____

SITE INFORMATION:

(This information can be found on the Assessor's property information assessment sheet.)

Quarter: _____ Section: _____ Township: _____ Range: _____ Total Acres: _____

Subdivision Name (if applicable): Anderson ReserveSite Address: 7275 Sweet OLA HWY Lot: _____ Block: _____ City: SweetTax Parcel Number(s): _____ Current Zoning: A3/Mixed Current Land Use: _____

PROPERTY OWNER:

Name: Paul Anderson

APPLICANT:

Name: Paul AndersonAddress: 7275 Sweet OLA HWY Address: P.O. Box 100City: Sweet State: ID Zip: 83670 City: Sweet State: ID Zip: 83670Telephone: 208-477-8961 Fax: _____ Telephone: 208-477-8961 Fax: _____Email: paul@andersonreserve.com

I consent to this application and allow Development Services staff to enter the property for site inspections related to this application.

I certify this information is correct to the best of my knowledge.

Paul Anderson

Signature: (Owner)

Date

Paul Anderson

Signature: (Applicant)

Date

NOTE: THIS APPLICATION MUST BE SUBMITTED WITH THE APPLICABLE CHECKLIST (S).

OFFICE USE ONLY

File No.: Sup 14-002 Received By: L. Lombardo Date: 7-8-19 Fee: 325 Receipt No: 177253

A still life photograph featuring a variety of food items. In the foreground, a small bowl contains bright red lentils. To its left, a glass jar is filled with yellow lentils. Above the red lentils, a small metal container holds chickpeas. In the background, a larger bowl is filled with a green, textured substance, possibly a salad or a dip. The items are arranged on a dark, reflective surface, creating a rich, textured composition.

A still life composition featuring a small red bowl filled with a green, textured substance, a silver spoon holding small white seeds, and fresh basil leaves on a dark background.

A plate of food featuring a fried egg, a piece of meat, and various vegetables. The plate is oval-shaped with a decorative rim. The food is arranged in a circular pattern, with the fried egg in the center. The meat is a dark, irregular shape. The vegetables include green leafy ones, yellow ones, and some white, shredded ones. A small portion of a fork is visible on the left side of the plate.



Anderson Reserve is a rather unique business as we bring many different services and products together in one beautiful setting. Our intended uses are as follows:

-Butcher Shop-

USDA Inspected retail and wholesale butcher shop including wild game processing, etc.

-Retail Market-

Available for purchase on site; meats, dairy products, baked goods, canned goods, jarred goods, bottled goods, apparel, merchandise, beer, wine, liquors, and non-alcoholic beverages, etc.

-Tasting Room-

To be consumed on site: beer, wine, liquor, and non-alcoholic beverages. We will be pairing a number of our different high-quality meats, cheeses, breads, etc. with our wine tasting services.

-Bistro-

To be prepared and consumed on site: small plate meals, sandwiches, appetizers, desserts, and beverages, etc.

To be prepared and taken off site: small plate meals, appetizers, desserts, non-alcoholic, and alcoholic beverages (un-opened containers only)

-Event Space-

Anderson Reserve in its entirety is available for private weddings, business meetings, parties, car shows, and special events, etc.

-Live Entertainment-

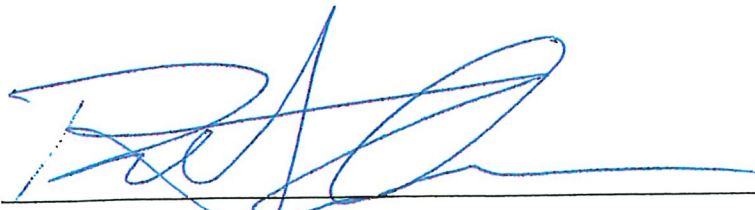
Bands, Musicians, Performers will be performing during special occasions and/or events.

Paul Anderson, President/Owner



Please see the following 9 bullet points addressing the general standards for a Special Use Permit:

1. The uses proposed for this location are consistent with a special use in the A-3 and Mixed Use zone that it lies in.
2. The uses will be harmonious with the objective of the Comprehensive Plan and the Zoning Ordinance.
3. The design and construction of the Anderson Reserve Barn is harmonious with the existing and intended character of the area. It is a barn in an agricultural area and will be well maintained.
4. The uses will not be hazardous or disturbing to neighboring uses. With the acreage that it sits on, there will be plenty of space between our Barn and the neighbors. None of the proposed uses will constitute a hazard.
5. The uses proposed will not require any additional essential public services.
6. The proposed uses at this location will not add any additional public cost and will actually improve the economic welfare of this community.
7. The proposed uses will not be detrimental to people or properties in the area.
8. We will comply with the recommendations from Gem County Road and Bridge to provide safe traffic flow to the property.
9. There will be no destruction or loss of natural, scenic or historic features as the building is an existing building.



Paul Anderson, President/Owner

275 Sweet Ola Highway

White Fence

Back Yard Grass

Back Patio

Barn

White Fence

Blue Spruce Trees

Parking Lot

Sweet Ola Hwy







EXHIBIT 8

BEFORE THE ZONING COMMISSION

GEM COUNTY, IDAHO

In Re:)	ORDER AMENDING
ANDERSON RESERVE)	CONDITIONS OF APPROVAL
SPECIAL USE PERMIT #19-006)	

I.

SUMMARY OF DECISION

This matter came before the Gem County Zoning Commission on October 26, 2020 for a public hearing to consider amending the conditions of approval for Special Use Permit #19-006. Eighteen members of the public testified in opposition of the amendment; the applicant and six members of the public testified in favor of the amendment; there was neutral testimony given by the Gem County Fire District #2 Fire Chief and State Fire Marshall. The Zoning Commission continued their deliberation until November 9, 2020 in order to have more time to consider all of the information presented.

The Gem County Zoning Commission voted unanimously to amend the conditions of approval for Anderson Reserve Special Use Permit, as set forth in **Exhibit A Amended Conditions of Approval**, attached hereto and incorporated herein. Pursuant to vote of the Zoning Commission, **Exhibit A** shows the amendments as follows: the conditions no longer required or altered are indicated by the strikethrough text and the conditions added are underlined.

Commission Vote

Motion: Approve

Commissioner Jones	<u>Yea</u>
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Commissioner Burke	<u>Yea</u>
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In case of tie vote

Chairman Eichelberger	<u>N/A</u>
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II.
Order

IT IS NOW THEREFORE HEREBY ORDERED that the Special Use Permit Amendment requested in SPECIAL USE PERMIT APPLICATION NUMBER 19-006 is APPROVED with conditions, attached hereto as **Exhibit A** and subject to the summary of decision, set forth above.

III.
Notice to Applicant

In accordance with Idaho Code Section 67-6535(c), the applicant in this case has the right to request a regulatory takings analysis pursuant to Idaho Code Section 67-8003.

IV.
Option to Appeal

In accordance with Gem County Code, Section 11-13-1.B, any person having an interest in real property adversely affected by the Commission's decision has the right to file an Appeal of the Commission decision to the Board of County Commissioners. An appeal of the written decision must be filed with the County Clerk within twenty (20) days from its rendering. Said application for appeal must follow the procedures outlined in Section B.1 of GCC 11-13-1.

On behalf of the Gem County Zoning Commission:



(Jennifer Kharel, Planning Director)

IT IS NOW THEREFORE HEREBY ORDERED that the Conditions of Approval for Special Use Permit 19-006 are amended as referenced above.

DATED this 20th day of November, 2020.

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of November, 2020, I

served a true and correct copy of the foregoing DECISION AND ORDER upon

Name Paul Anderson

Address PO BOX 100

SWEET, ID 83607

by depositing a copy thereof in the United States mail, with first class postage prepaid.

L. Olson

Lisa Olson, Planning and Building Assistant

Exhibit A

Amended Site Specific Conditions of Approval

1. This permit is subject to an annual review by the Development Services Department. ~~along with a review by the Zoning Commission, per a public hearing, in October 2020.~~
2. The permit is non-transferable to another property and is only valid at 7275 Sweet Ola Highway.
3. The events associated with the Special Use Permit shall only take place on Monday through Sunday between 10:30 AM and 11:30 PM.
4. The applicant shall provide designated parking areas for each special event and shall ensure a minimum 20-foot wide open fire and emergency vehicle access lane is provided within 150 feet of the special event area. Emergency vehicles must have clear and unencumbered access to within 150 feet of the special event area. Comply with any Gem Fire District #2 or Gem County Sheriff special requirements for any event.
5. The applicant shall provide at least 12 parking spaces with one ADA van accessible space.
6. The applicant shall provide an ADA compliant restroom facility to be inspected by the Building Official.
7. Applicant shall comply with the conditions from the Gem County Road and Bridge Department letter dated August 7, 2019 and October 14, 2020 (directly related to the increase in number of guests).
8. All trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence of at least four feet in height or within an enclosed building or structure.
9. The applicant is responsible to keep all refuse and trash on their property.
10. Outdoor amplified music shall be played no later than 10:00pm at a low decibel as to not create a nuisance to the neighboring properties.
11. Illegal fireworks are prohibited to be discharged at any time.
12. No parking is allowed on Sweet Ola Highway.
13. The applicant is responsible to provide all events with on-site toilet and sanitation services that comply with Southwest District Health Department rules and standards.
14. No event associated with this permit shall allow for more than ~~100~~ 200 guests on the property at any given time.
15. The applicant shall comply and/or ensure compliance with all Southwest District Health Department standards for dispensing food and drinks to the public. A copy of the Health Department approval for the food services permit shall be submitted to the Development Services Department.

16. All lighting used during special events shall be fully contained within the property boundaries and not cause a nuisance or distraction to neighboring properties or to drivers.
17. No permanent off-premise signs are permitted with this permit and all on-premise signs shall comply with the Gem County Sign Ordinance.

*Gem County
Road & Bridge Dept.
402 North Hayes Ave.
Emmett, ID 83617-2646*



*Neal Capps, Director
Phone: 208-365-3305
Fax: 208-365-2530
Email: gcrb@co.gem.id.us*

August 7, 2019

Jennifer Kharri
Development Services
109 S. McKinley Ave
Emmett, ID 83617

RE: Special Use Permit (Butcher Shop, Retail Market, Bistro, Event Center)

Dear Jennifer,

Gem County Road and Bridge (GCRB) has reviewed the Special Use Permit application submitted by Paul Anderson regarding a Butcher Shop, Retail Market, Bistro and Event Center. This facility is located at 7275 Sweet-Ola Highway. The access/approach on the property in question does not meet GCRB standards for expanded use. GCRB shall require the following changes to the facilities access;

1. Applicant shall widen the approach to allow vehicles to ingress/egress the property without stopping on Sweet-Ola Highway. Thus ensuring safety of all roadway traffic.
2. Approach shall be a minimum of 40 feet in width and meet all GCRB approach standards.
3. Vehicles will be prohibited from parking along Sweet-Ola Highway.

If you have any questions please contact me at 208-365-3305.

Sincerely,

A handwritten signature in black ink, appearing to read "Neal Capps", is written over a horizontal line.

Neal Capps, Director
Gem County Road & Bridge

*Gem County
Road & Bridge Dept.
402 North Hayes Ave.
Emmett, ID 83617-2646*



*Neal Capps, Director
Phone: 208-365-3305
Fax: 208-365-2530
Email: ncrb@cc.gem.id.us*

October 14, 2020

Jennifer Kharri
Development Services
109 S McKinley Ave.
Emmett, ID 83617

RE: Special Use Permit # 19-006 (Anderson Reserve)

Dear Jennifer,

Gem County Road and Bridge (GCRB) has reviewed the Special Use Application for Anderson Reserve, located on Sweet-Ola Highway. Over the past year GCRB has received multiple complaints regarding the use of a narrow resident access and the increased traffic danger from this approach. This approach was not approved by GCRB as commercial access. On August 25, 2020 GCRB has witnessed Anderson Reserves traffic, using both residential and commercial approaches for ingress and egress. See (Att: A & B). Due to the success and the expansion of this business, the existing approach will no longer safely accommodate the traffic flow, to and from Anderson Reserve.

GCRB shall recommend the following conditions be added to the Special Use Permit #19-006;

1. The residential approach, shall be widened to 40 feet allowing increased traffic to ingress and egress Sweet-Ola Hwy. See (Att: B)
2. Applicant shall construct approach to Gem County approach standards. A final inspection is required upon completion.

If you have any questions please notify me at the office 208-3365-3305.

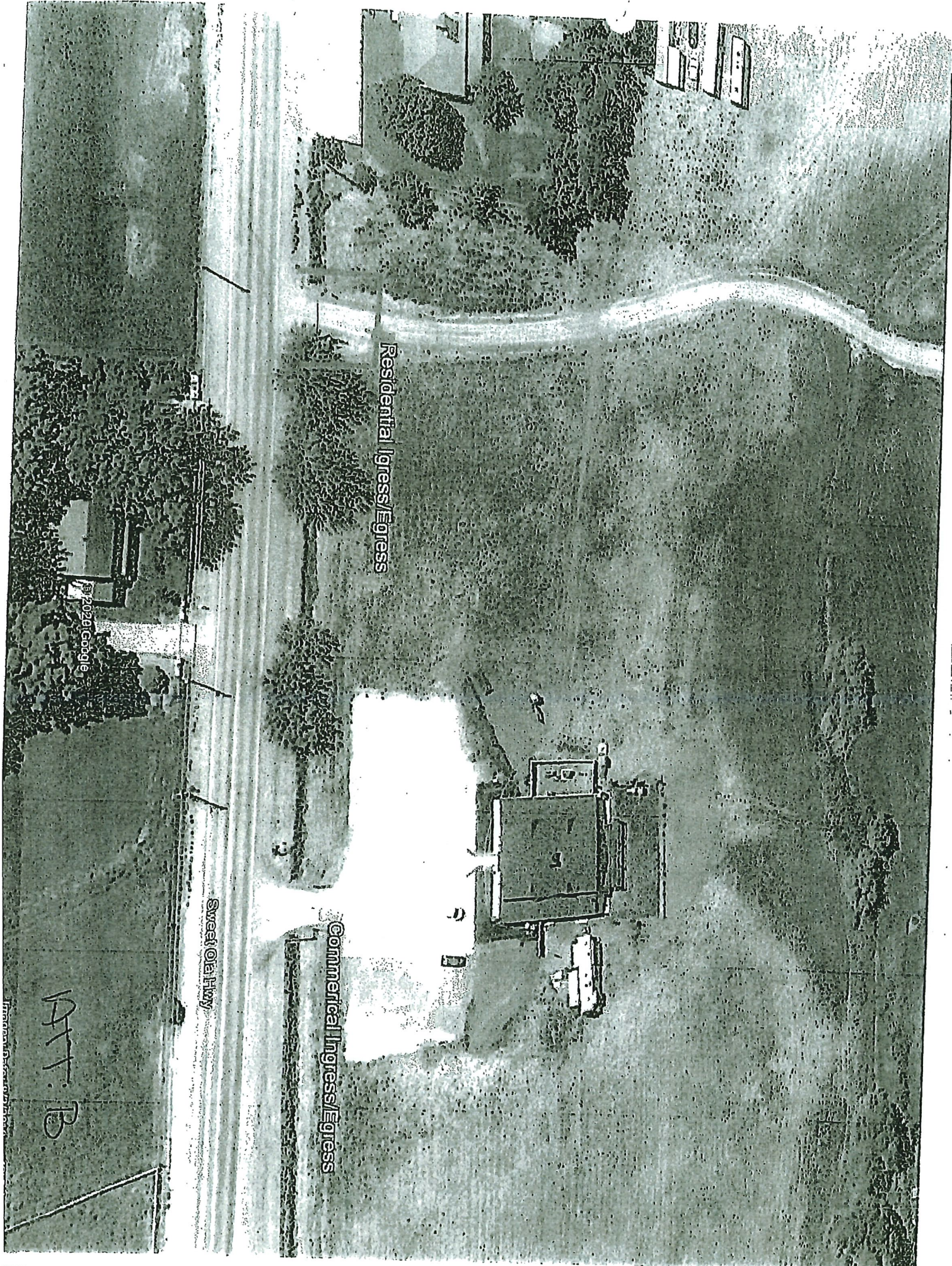
Thank You,

A handwritten signature in black ink, appearing to read "Neal Capps", is written over a faint, larger version of the same signature.

Neal Capps, Director
Gem County Road & Bridge Department



Residual PAT A



Residential Ingress/Egress

Commercial Ingress/Egress

Sweet Old Hwy

© 2020 Google

ATT: B

GIVENS PURSLEY LLP

Attorneys and Counselors at Law

601 W. Bannock Street
PO Box 2720
Boise, ID 83701
Telephone: 208-388-1200
Facsimile: 208-388-1300
www.givenspursley.com

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Morgan D. Goodlin
Don Z. Gray

Brian J. Holleran
Kerli H. Kennedy
Elizabeth A. Koesteritz
Neal A. Koskella
Michael P. Lawrence
Franklin G. Lee
Matthew E. Liebertz
David R. Lombardi
Kimberly D. Maloney
Kenneth R. McClure
Alex P. McLaughlin
Melodie A. McQuade
Christopher H. Meyer
L. Edward Miller
Judson B. Montgomery
Deborah E. Nelson
Samuel F. Parry

Randall A. Peterman
Blake W. Ringer
Michael O. Roe
Danielle M. Strollo
Robert B. White
Michael V. Woodhouse

Kenneth L. Pursley (1940-2015)
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

June 13, 2023

Submitted On-Line

Gem County Development Services Department
Office of the Administrator
Code Enforcement
109 S. McKinley Ave.
Emmett, ID 83617

Re: *RV Camping on 7105 Sweet Ola Hwy; Cigar Silo on 7275 Sweet Ola Hwy*

Dear Code Enforcement Officer:

This office represents ARCE Bros. with respect to its property located at 7241 Sweet Ola Hwy, Sweet, ID 83670. The ARCE Bros. lot is immediately adjacent to two other lots—7105 and 7275 Sweet Ola Hwy, Sweet, ID 83670—owned by Paul Anderson and Samantha Scheller. On the latter of the two lots (the “Front Lot”), Paul Anderson owns and operates the Anderson Reserve, a restaurant, butcher shop, and event center. The other lot (the “Back Lot”) is an open pasture.

RV Camping on 7105 Sweet Ola Hwy

Recently, Paul Anderson has been inviting customers of the Anderson Reserve restaurant to park RVs on his Back Lot and camp there overnight. In fact, and as advertised on the Anderson Reserve Facebook page, Anderson Reserve is now a host location for Harvest Hosts, a nationwide RV camping program whose members can book stays at host locations, which locations now include Mr. Anderson’s Back Lot.

As the Code Enforcement Officer is well aware, a special use permit is required before a property can be used in a manner inconsistent with its zoning designation. Mr. Anderson’s Back Lot is zoned as A-3, rural agricultural. Areas in this particular zone are “intended to remain rural in nature without urban development” and “designed to protect long term agricultural pursuits.” Gem County Code § 11-4-3. The County prohibits “automobile parking” in A-3 zones, and RV parks, “resorts,” and “group camps” in these zones require a special use permit. Gem County Code § 11-5-5. Thus,

June 14, 2023

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before Mr. Anderson can offer this Back Lot to paying RV campers, he must obtain a special use permit from the County.

From what I understand, Mr. Anderson has not obtained any sort of permit from the County for his Back Lot. While he may have a special use permit for the Anderson Reserve and the Front Lot, that permit is specifically limited in scope such that it applies only to the property at 7275 Sweet Ola Highway, not Mr. Anderson's Back Lot. Moreover, the special use permit for the Anderson Reserve does not include RV camping in its scope of permitted activities, let alone any overnight activities. It appears from County records that Mr. Anderson's predecessors in interest sought a special use permit for the Back Lot in 2020 for purposes of an RV campground. But that permit application was denied. Despite this denial, Mr. Anderson is now holding out his Back Lot to the public as an area for RV camping.

Given the above, Mr. Anderson's use of 7105 Sweet Ola Hwy as a commercial RV campground is in violation of the Gem County Code. ARCE Bros. asks that the Code Enforcement Officer investigate this violation and take steps to abate the problem.

The Cigar Silo on 7275 Sweet Ola Hwy

In addition to the above violation, Mr. Anderson has also expanded his operations on his Front Lot to include a new business and facility. The Gem County Zoning Commission issued the "Anderson Reserve Special Use Permit, SUP-19-006" in September 2019. As its name implies, this special use permit approved the Anderson Reserve, it did not approve other businesses, operations, or uses of the Front Lot outside those applied for in relation to the Anderson Reserve.

In recent months, Mr. Anderson has begun construction on a new venture called The Cigar Silo. This new business is a whiskey bar and cigar lounge located on Mr. Anderson's Front Lot. To house his new business, Mr. Anderson has poured 4,000 square feet of concrete for The Cigar Silo and placed five large silos on the concrete pad. While a special use permit was previously granted for Mr. Anderson's Front Lot, its scope did not include this new business Mr. Anderson is running on his property. No part of his application for a special use permit requested approval for a whiskey bar or for additional facilities to be constructed on the property. In fact, the Commission noted in its Conclusions of Law, dated September 4, 2019, that Mr. Anderson was "not proposing to construct any new, non-residential structures on the property to accommodate the butcher shop, market, bistro or special events" associated with the Anderson Reserve. Thus, the latest construction and operations on the Front Lot are outside the scope of the special use permit approved for the Front Lot, and are therefore in violation of the Gem County Code. Gem County Code § 11-5-5 (requiring special use permits for "retail trade – eating and drinking" in A-3 zones). It also does not appear that Mr. Anderson ever obtained a building permit for the construction related to this new business.

Given the above, Mr. Anderson's use of 7275 Sweet Ola Hwy as a location for his new whiskey bar is in violation of the Gem County Code and exceeds the scope of the special use permit granted for that property. ARCE Bros. asks that the Code Enforcement Officer investigate this violation and take steps to abate the problem.

June 14, 2023

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The complaint regarding these two issues has been submitted under the name of Bud Owens, who is the owner of ARCE Bros. and resides at 7241 Sweet Ola Hwy. Given this office's representation of ARCE Bros. and Mr. Owens, please direct all correspondence regarding this complaint to the undersigned.

Sincerely,



Blake W. Ringer

BWR

cc: Client

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EXHIBIT D



GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT
109 S. MCKINLEY AVENUE EMMETT, IDAHO 83617
OFFICE OF THE ADMINISTRATOR
CODE ENFORCEMENT

Phone: 208-365-5144

Web Page: www.gemcounty.org

September 13, 2023

Givens Pursley LLP
Attn: BW Ringer
601 W Bannock St
PO Box 2720
Boise, ID 83701

RE: Anderson Reserve complaint
RV camping 7105 Sweet Ola Hwy
Development Services SUP #19-006

This letter is in response to your June 14, 2023 letter of complaint regarding *RV camping on 7105 Sweet Ola Hwy and a Cigar Silo on 7275 Sweet Ola Hwy*. Development Services has reviewed your complaint in light of the existing permit for Anderson Reserve, SUP#19-006 and in conjunction with Gem County Code §§ 11-7-1 et seq, 11-5-5, 4-5-3, and provides the following response.

RV camping on 7105 Sweet Ola Hwy

In accordance with Gem County Code any property owner within the county may have an RV temporarily stay on their property as long as the total days per year is less than 30 days for a specific RV. The definitions for the Zoning Matrix (GCC 11-5-5) by the North American Industry Classification System (NAICS) does not include verbiage that applies to this situational use. Additionally, the matrix reference for "automobile parking", which has no NAICS code, pertains to GCC 4-5-3 Public Nuisance E applying to unlicensed or inoperable vehicles. As shown on the Harvest Hosts website, overnight parking at a private property for 1 night is without any compensation to the property provider and has no connection to any enterprise that may be present. This is not considered a commercial usage.

The Cigar Silo on 7275 Sweet Ola Hwy

This structure and usage is considered to be an extension of the Anderson Reserve enterprise permitted pursuant to SUP #19-006. While many aspects are presented by all parties during the application and hearing process, the only enforceable considerations are those stipulated in the final approved Special Use Permit. SUP#19-006 does not preclude this addition. Mr. Anderson did apply for and was approved for the "silo" structure with Building Permit 11645 and applied for and was approved for the signage on the structure.

For the above-outlined reasons, Development Services finds there is no violation for either the intermittent RV usage, nor the addition of the cigar silo.

Should you have any questions, please contact this office.

A handwritten signature in black ink, reading "Larry D. Robertson". The signature is fluid and cursive, with the first name "Larry" being more prominent than the last name "Robertson".

Larry D Robertson
Code Enforcement Officer
lrobertson@co.gem.id.us
208-477-2214

CC: Planning Director
File

GIVENS PURSLEY LLP

Attorneys and Counselors at Law

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Taylor J. Barton
Charlie S. Baser
Christopher J. Beeson
Jason J. Blakley
Clint R. Bolinder
Jeff W. Bower
Preston N. Carter
Chynna K. Castoro
Jeremy C. Chou
Michael C. Creamer
Charlotte V. Cunningham
Joshua C. Dickinson
Amber N. Dina
Bradley J. Dixon
Thomas E. Dvorak
Rebecca M. Filz
Morgan D. Goodin

Don Z. Gray
Paul G. Hawkins
Brian J. Holleran
Kersti H. Kennedy
Elizabeth A. Koeckeritz
Neal A. Koskella
Michael P. Lawrence
Franklin G. Lee
Matthew E. Liebertz
David R. Lombardi
Kimberly D. Maloney
Kenneth R. McClure
Alex P. McLaughlin
Melodie A. McQuade
Christopher H. Meyer
L. Edward Miller
Judson B. Montgomery

Deborah E. Nelson
Samuel F. Parry
Randall A. Peleman
Blake W. Ringer
Michael O. Roe
Danielle M. Strollo
Robert B. White
Michael V. Woodhouse

William C. Cole (Of Counsel)

Kenneth L. Pursley (1940-2015)
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

October 2, 2023

Gem County Planning & Zoning Commission
c/o County Clerk
Gem County Courthouse
415 E. Main
Emmett, ID 83617
(via email to clerk@co.gem.id.us)

RE: Notice of Appeal of Administrative Decision on SUP19-006

Dear Commissioners:

Givens Pursley LLP represents Lisa Melling and Bud Owens (the “Appellants”), who reside directly adjacent to Anderson Reserve, located at 7105 and 7275 Sweet Ola Highway, Sweet, Idaho (the “Property”). We write in response to the September 13, 2023 determination from Code Enforcement Officer Larry Robertson that Anderson Reserve (“Anderson” or “Applicant”) is not violating its special use permit (the “Decision”). The Decision is erroneous, and we write today to appeal the Decision pursuant to Gem County Code § 11-13-1. We request a hearing before the Gem County Planning & Zoning Commission¹ regarding this appeal at the earliest convenience.

Though there are no stated criteria for appeal of an administrative decision under § 11-13-1(A) of Gem County Code, other appeals under Gem County Code § 11-13-1(B)(1)(a) require that an appellant demonstrate the error in a land use decision. Under that standard, this Decision is in error, and should be overturned by the Planning and Zoning Commission.

The Decision fails to enforce Gem County Code in two separate respects: 1) it fails to enforce Gem County Code concerning RV camping, and 2) it fails to enforce Gem County Code concerning an illegal expansion of use of a conditional use permit.

¹ Though Chapter 13, Title 11 of the Gem County Code indicates that such an appeal shall go to the Zoning Commission, it appears that the Zoning Commission is now the joint Planning and Zoning Commission.

History

Anderson operates pursuant to special use permit No. SUP19-006 (“SUP”) granted in 2019 in order to allow the “retail trade – eating and drinking” special use in the Gem County Agricultural (A-3) zone. The contemplated uses for the Property under the SUP were “bistro, market, butcher shop, and special events.”

Since receiving the SUP, Anderson has expanded the uses beyond those approved by the SUP. First, Anderson built the Cigar Silos in order to operate a liquor and cigar establishment on the Property. Most recently, Anderson has been hosting RV guests through the “Harvest Hosts” website as a further expansion of the Anderson Reserve business, with guests on the property each night the Anderson Reserve is open Thursday through Monday.

On June 13, 2023, we submitted a letter to Gem County Code Enforcement seeking an investigation into whether the Property’s two new business ventures—the RV group camping and the Cigar Silos—were operating in violation of the SUP. That letter argued that RV group camping on the Property requires a special use permit, and that operation of a whiskey bar in the Cigar Silos was an illegal expansion of the approved SUP. After being notified of the complaint, Anderson responded with a comment letter in early July 2023, saying that the Appellants harbored “unwarranted animosity” towards the Andersons, and that the complaint was merely a manifestation of that animosity. They also said that they “occasionally invite friends, family, and guests to park” on the Property, and implied that because Harvest Hosts allows “free” parking, that it is not a commercial operation. Finally, they discussed the Cigar Silos as merely an extension of Anderson Reserve, and not a “new business.” Appellants then received the Decision on September 13, 2023, concluding the SUP had not been violated.

Decision on RV Camping

The Decision incorrectly applies Gem County Code to the RV situation currently occurring on the Property. On any given Thursday through Monday night, numerous RVs camp at the Property. These are not “occasionally invited friends, families and guests” but rather unknown individuals who choose to camp on the Property due to Anderson’s inclusion within the “Harvest Hosts” website. With regard to this aspect of the Decision, the Decision says that “in accordance with Gem County Code any property owner within the county may have an RV temporarily stay on their property as long as the total days per year is less than 30 days for a specific RV.” It concludes that because the individuals are staying for less than 30 days, there is no violation of code. This is an erroneous interpretation of Gem County Code. Gem County Code § 11-6-9 describes that the purpose of RV living quarters standards is “to provide a temporary, affordable, transitional housing alternative to Gem County residents...” This is not what is occurring at the Property, and therefore the cited section of RV Code does not apply to this use. RV camping requires a special use permit. The Decision’s holding to the contrary is error.

Even assuming, *arguendo*, that the RV code applies to this situation, Gem County Code § 11-6-9(C) further provides that “One RV used as a primary living quarters is permitted on a legal parcel that is one acre or greater in size...” There are regularly multiple RVs camping on the

Property each night that Anderson Reserve is open. The Property is not being used as “temporary affordable living quarter for a Gem County resident” as required by the code. Whether the use constitutes an RV park or a group RV camp, either use requires a special use permit in the A-3 zone, and either use exceeds the scope of the current SUP.

Second, the Decision’s conclusion that the RV camping occurring at the Property is not a commercial use because there is no NAICS code that applies to this particular use is erroneous. Gem County Code provides that NAICS codes be used in order to identify uses that may require a special use permit or other land use permit under the zoning code. That is not the situation here. Instead, this is an enforcement action whereby code enforcement must simply identify the use and evaluate whether it is in conformance with the permitted uses on the Property. As the use is not specifically contemplated either under Gem County Code or the SUP, it is not an approved use.

Third, the Decision says that the operation is not commercial because “no connection to any enterprise that may be present.” This is not correct. Harvest Host users pay a fee to be a member, and they book a space on a property through the Harvest Host website. This is a commercial operation. Anderson specifically advertises itself as a Harvest Host on the Facebook page for the Anderson Reserve business, clearly connecting the hosting to Anderson’s enterprise. The RV camping only occurs on nights the Anderson Reserve is open, strongly indicating it is a related business. The RV hosting is a business generation activity for Anderson Reserve, enticing RV campers to the Property.

Harvest Hosts connects thousands of RVers with wineries, breweries, farms, golf courses & attractions to support local businesses.

Always FREE for our Hosts!

Are you looking for a unique and FREE marketing option? Our Host Location program at Harvest Hosts is a cost free opportunity for hosts to share their offerings with our members by simply opening up space for an overnight stay. Our members spend millions of dollars each year while visiting Harvest Hosts locations.

Meet extraordinary and interesting RVers from around the world while increasing your business revenue one parking spot at a time!

- **HOST PAGE** – As a Host, you have your own page on the HH website which members access through the membership portal. You can add pictures, video, and any information you want to tell HH members about your business. It also includes links to your website and Facebook page.

Figure 1 The Harvest Host website itself advertises to hosts that they will increase business revenue "one parking spot at a time."

Finally, “commercial” can easily be defined by contrast to what it is not—personal RV parking or storage. These are not Anderson Reserve’s personal RVs, and these are not family members’ RVs. The RV owners are strangers attracted to the Property by commercial means to generate business for Anderson Reserve. Much akin to “group camping” prohibited in the A-3 zone where the Property is located, there is no limit, self-imposed or otherwise, on the number of RVs that may be parked on the Property. Neighboring property owners recently observed more than seven RVs camped on the Property. The Property also now contains a dog waste station as an amenity to those camping on the Property. This is not a common addition for a non-commercial use. Consequently, this use is not authorized under the SUP and the Decision to the contrary is erroneous.

Decision Regarding Cigar Silos

Next, the construction and use of the Cigar Silos is an illegal expansion of the SUP. The original SUP approval was for “retail trade- eating and drinking,” for the intended use as a “butcher shop/retail market/bistro and event center” on private residential property. The Decision’s determination that The Cigar Silo, which is an entirely new building and smoking lounge in which the Property Owner sells alcohol, does not constitute an expansion of the SUP-approved restaurant is also in error.

The SUP states that it was approved with the understanding that the Property Owner was “not proposing to construct any new, non-residential structures on the property to accommodate the butcher shop, market, bistro or special events.” It is therefore self-evident that the construction of new, non-residential structures that operate as a bar and smoking lounge on the Property constitutes unlawful expansion of the Anderson Reserve SUP.

Further, Anderson’s own actions indicate that this is an expansion of the Anderson Reserve operations. Anderson filed an amended application with the Alcohol and Beverage Commission for a liquor license that included the new Cigar Silo structures in July 2023. However, liquor sales by the drink not tied to the eating establishment—aka a separate bar like the Cigar Silo—were not approved or contemplated under the SUP. The only contemplated uses at the time of the SUP were “butcher shop, market, bistro, or special events.” A bar open seven days a week does not constitute a “special event” that is “temporary,” nor does it fit under the definition of butcher shop, market, or bistro. Therefore, this use is outside the scope of the approved SUP, and should have been pursued by a new application for a special use permit, or through a modification of the approved SUP to include the new use.

The Decision relies on the fact that a building permit was issued for the Property ostensibly permitting the construction of the Cigar Silos, so therefore it is in conformance with the SUP. This is circular logic that allows one error to compound another. Any building permit issued was also an error by the building department, because Gem County Code §§ 11-14-2 and 11-14-5 prohibit approval of a building permit or certificate of occupancy for a Property out of conformance with the zoning code or conditions that are attached to a Property. Here, allowing for additional structures where there was only previously allowed *one* structure for use as “butcher shop, market, bistro, or special events” indicates that the building department did not review the Property for compliance with the SUP as required by Gem County Code. The building permit’s erroneous issuance does not provide a basis to ignore the SUP in this instance; two wrongs do not make a right.

Conclusion

The Decision’s should be reversed. By operating a commercial group RV camping site to generate business for Anderson Reserve, and by adding additional structures not permitted under the approved special use permit for a “butcher shop, market, bistro, or special events,” the Property is not in compliance with its approved special use permit. We ask that this appeal be heard at your

earliest convenience, that the Decision be overturned, and that Anderson be found in violation of its SUP.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "Danielle M. Stollo", with a long horizontal flourish extending to the right.

Danielle M. Stollo

cc: Jennifer Kharrl, Planning Director (via email jkharrl@co.gem.id.us)
Lisa Melling and Bud Owens (via email arcebros@gmail.com)

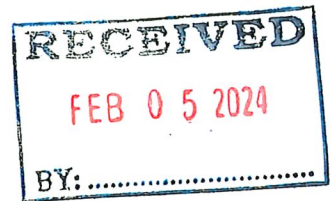
EXHIBIT E

Hearing Date: 2/12/2024

RE: Anderson Reserve

7275 Sweet Ola Highway

Sweet, Idaho 83670



Gem County Planning and Zoning Commission

This letter is in response to the new proposal by Anderson Reserve (Paul Anderson).

We are **HIGHLY AGAINST** the proposal being submitted by Anderson Reserve. We are already dealing with traffic issues (speeding, ATV usage, driving under the influence) currently on Sweet Ola Highway, along with having helicopters landing and taking off and flying less than 500 feet, above residential structures in the area. Helipads should be no less than 40' x 40' and surrounded by a safety zone of no less than 82' x 82'. Ground helipads should be concrete and at least 6" thick which I believe is not the case at the Anderson Reserve.

Our community is not opposed to the restaurant per se, but there are definitely things that we are against. One being, Anderson Reserve putting in over 100 + RV pads. This could lead Anderson Reserve's current proposal, to more than just daily, weekly, and monthly rentals. We do not want this to lead to cases of permanent residents who park their RV and become yearly tenants.

Our concerns are there adequate flood studies being done by the county prior to even allowing Anderson Reserve's proposal to be looked at. This property has flooded more than once in the past, and we **do not** want to see the creeks polluted. Per FEMA maps this property is **IN** a flood zone, and this property is located in "AE" Flood Zone. Per FEMA by federal law, Zone AE must buy flood insurance because of the high flood risk. Flood Zone AE areas have a higher flood risk because of their low elevations and proximity to floodplains, rivers, lakes, and large bodies of water. This should be a priority, before even considering this proposal, from Anderson reserve due to flooding, sewerage issues, and need for increased sheriff's patrol, and paid Emergency Response teams in the area. Currently our EMT staff is volunteer, which could be highly impacted with this requested proposal. Has the county done any environmental impact studies before reviewing or approving this proposed site?

We know that Paul tried to put in mini houses on this property and this proposal is just another way to get to the same end results. We do not want annual residences living in this RV park. We have concerns over pets, ATV, UTV's running up and down the Sweet Ola Hwy, because we don't have adequate Sherriff staff to police this area and keep riff raff out of our neighborhoods. Is Gem County ready to increase the staffing needs of the Sheriff department along with first responders in the general area? Have adequate funds been set aside to prepare for these needs in the Sweet community.

The residences of Sweet have chosen to live this rural lifestyle to farm, raise livestock, grow hay as the livelihood of our area. We all bought property in Sweet to enjoy the small community atmosphere not intending to live with 300 transients who come from all walks of life. We have two other RV parks that are currently established in the area, Montour Campground & RoyStone Hot Springs we do not need another one in this community.

Little by little Anderson Reserve keeps adding additional buildings, are these all permitted and Is this going to continue to be the case? Everytime, you look around there is something else He just keeps adding to his establishment, outdoor patio seating, heli pad, silo's (3) or more. One Retail location in the area is more than enough now a cigar bar what's next? Paul is out of control, and we don't begrudge him the retail business (restaurant & meat market as originally planned). But now we have helicopters bringing people in for dinner, and also outdoor events, is there any concern for those that live near or close to this premises?

Has the Gem County actually reviewed the adverse effects this would have on the community, and the extended needs if approved??? At this point, not many of the planning and zoning personnel live in Sweet so do you really know how this will impact our small community?

These are things that as a community we hope our Planning & Zoning Department take into consideration.

1. Restrictions on density and size
2. Limitations on length of stay
3. Landscaping buffers
4. Environmental impact studies

5. Avoid flood zones to protect wetlands
6. Consider noise restrictions in the area
7. Wastewater and runoff regulations
8. Fire & Safety requirements are met

WE VOTE NO!!!!

FOR ANY CONDITIONAL USE PERMITS ON THIS PREMISES FOR THE PROPOSED OPERATIONS or
ANY OTHERS SIMILAR.

Respectfully,


Darrell & Joan Gamble

6750 Sweet Ola Highway

Sweet, Idaho 83670



National Flood Hazard Layer FIRMette 7275 SWEET OAK TWP

7275 SWEET OAK TWP
FEMA

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with draining areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRS
- Area of Undetermined Flood Hazard Zone X

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

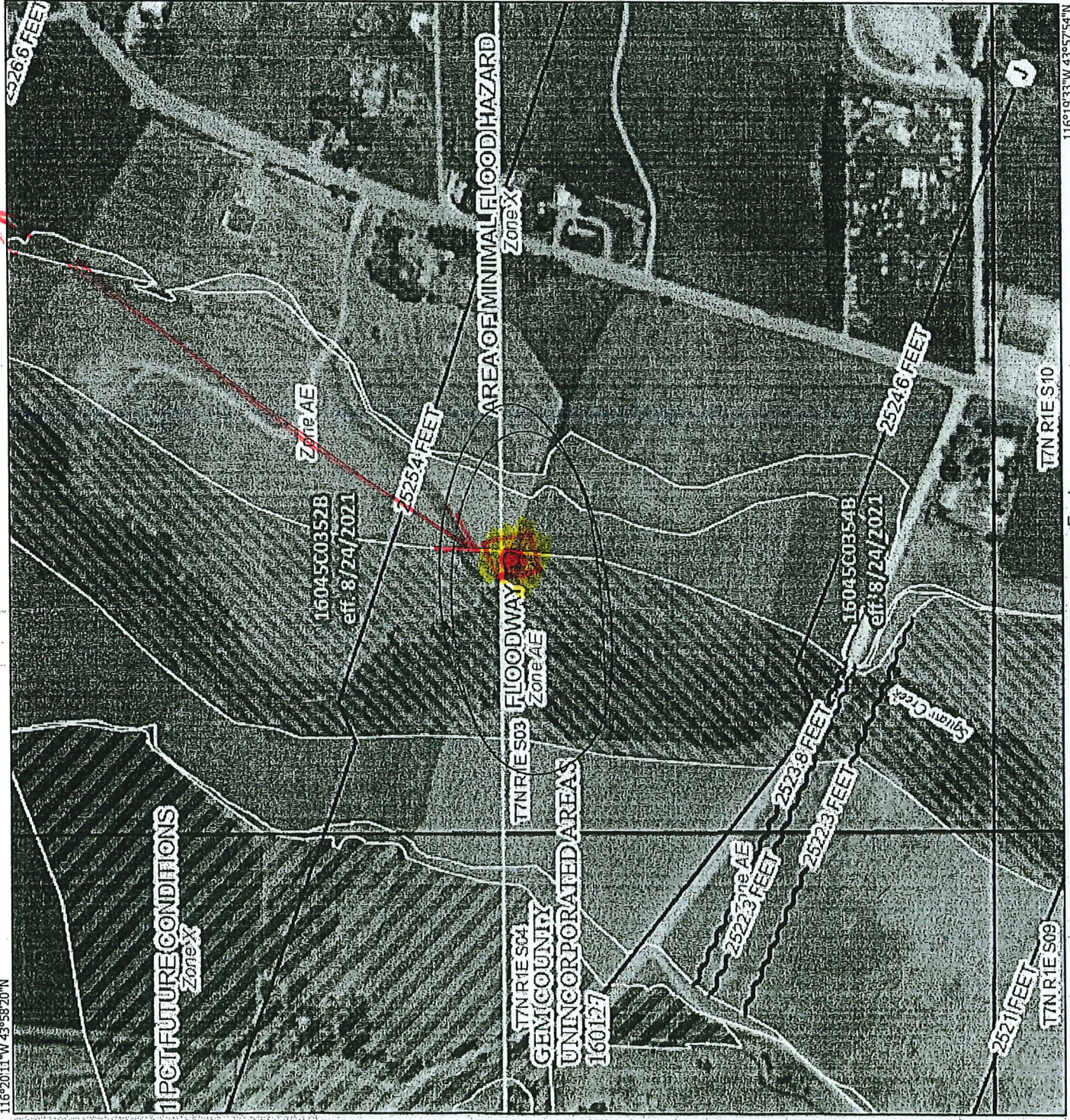
- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

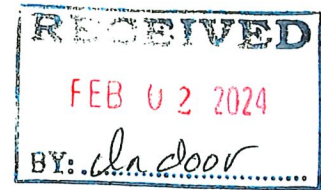
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/30/2024 at 12:48 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



Janaury 30, 2024



RE: Anderson Reserve
7275 Sweet Ola Highway
Sweet ID 83670

Dear Gem County Planning and Zoning Commission,

It is with concern that our rural community is having to again tackle a nuisance created by the ongoing expansion at Anderson Reserve. This was supposed to be a small meat counter and deli shop.

Paul Anderson and Family continue to expand the dining experience by adding patio seating, grounds for private events, helicopter flights (listen to previous recorded hearing when Paul Anderson declines helicopter landings), multiple cigar silos have been erected, the glaring outside lights (repeat issue), and pushing the limits of a special use permit.

There is also talk again regarding the corner of Sweet Ola Highway and Butte Road where Paul Anderson may be proposing an RV park with hook-ups. We **DO NOT** want an RV park. There is an established, nicely shaded, camp-hosted RV park in Montour.

Please keep in mind the families, the people that have lived here for decades being affected by this business and its continual, unneighborly, attitude toward our rural, quiet, country way of life that we chose.

Rod & Stephanie Goslin

December 1, 2023

RECEIVED

DEC 04 2023

BY: JWS 10:52am

To Whom it may concern:

December 11, 2023 Meeting regarding Anderson Reserve

Parking of RV's

The assertion that "There are regularly multiple RV's camping on the property each night at Anderson Reserve is FALSE. I live in Ola and for the past year, I drive by Anderson Reserve after midnight, 3 or 4 nights a week, and I have never seen a RV parked in the parking lot. It is possible that a RV has parked in the lot overnight but there are no amenities and they are not billed. This means the RV is parked on private property and does not constitute a RV park.

The Cigar Silos

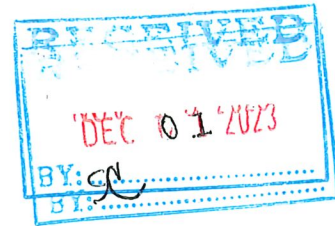
The original SUP was approved for "retail trade-eating and drinking." The Silos are a continuation of what is currently occurring on Anderson Reserve property. There is a lighted sidewalk connects the Anderson Reserve patio to the Cigar Silos. Patrons, wait staff, food, and other items move between the two, regularly. It is clear they operate as an extension of Anderson Reserve.

Sincerely,

Meredith A. Fiorentino

Meredith A. J.

November 29, 2023



GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT

109 S MCKINLEY AVENUE EMMETT, IDAHO 83617

To Whom It May Concern on December, 11 2023 Regarding Anderson Reserve, Sweet Idaho

Parking of RVs, the Appellants assertion that "There are regularly multiple RVs camping on the Property each night that Anderson Reserve is open." is false. There is occasionally an RV parked for one night, without any amenities that would constitute an RV Park or Group Camp. No fee is paid for this activity of sleeping overnight on private property.

The legal definition of camping is;

"Camp" means to pitch or occupy camp facilities; or to use camp paraphernalia, for living purposes in an outdoor area. The act of sleeping on its own does not constitute camping.

"Camp facilities" includes, but is not limited to, tents, huts, lean-tos, vehicle camping outfits, unapproved shacks or temporary shelters, cookstoves or fire pits, however constructed.

"Camp paraphernalia" includes, but is not limited to, tents or tent-like structures, cots, hammocks, personal cooking facilities and similar equipment. This definition shall not include blankets, sleeping bags or bedrolls."

Clearly, no one is "camping" at Anderson Reserve. One night sleeping in an RV without amenities at Anderson Reserve is akin to someone parking their RV and sleeping overnight in a Walmart parking lot as they travel.

The Appellants assertion "As the use is not specifically contemplated either under Gem County code or the SUP, it is not an approved use." is erroneous. That would remove any latitude or use of judgment from the OFFICE OF THE ADMINISTRATOR CODE ENFORCEMENT in all cases. Gem County code and SUPs would then have to anticipate and document any and all future uses, which is clearly not possible or practical.

The decision of the Code Enforcement Office regarding parking of RVs is correct and should stand.

The Cigar Silos. The original SUP was approved for "retail trade – eating and drinking". That is exactly what is happening at The Cigar Silos. While there is obviously an additional focus on smoking, smoking was already occurring on the Anderson Reserve property prior to the existence of The Cigar Silos.

There is a lighted sidewalk connecting the Anderson Reserve patio to the patio outside The Cigar Silos. Patrons, wait staff, food, tableware and other items regularly and necessarily move between the two. The Cigar Silos as currently constructed and operating could not function or exist independently from Anderson Reserve. It is very clearly an extension of Anderson Reserve and therefore allowed under that SUP.

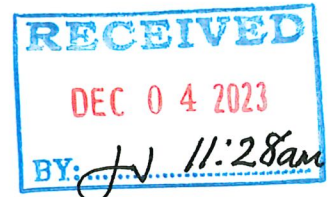
The decision of the Code Enforcement Office regarding The Cigar Silos is correct and should stand.

Sincerely,

Warren D Ehlke

WARREN D. EHLKE – OLA, ID

Keith and Joni Goode
7250 Sweet-Ola Hwy
Sweet, ID 83670



December 3, 2023

Gem County Planning and Zoning Board
109 S. McKinley Ave.
Emmett, Idaho 83670

Dear Planning and Zoning Board:

We Keith and Joni Goode are writing to you regarding the Anderson Reserve hearing scheduled December 11, 2023. We live 'literally' directly across the street from the Anderson Reserve. You might say we have a 'birds' eye' view of everything that goes on at the Anderson Reserve. This would include the following: How many customers are frequenting the restaurant on a given night, to when the last employee goes home at night, to the musicians coming to play live music for an evening's entertainment to the employees taking out the garbage and the garbage truck banging and clanking picking up the trash at 5am thorough out the summer. I can continue about how many people get off the helicopter or exclaim about the pink limo or how many Harvest Host RVs are parked in the field to how many cars are parked at The Cigar Silos. All of this we regard in its entirety as our neighbor 'doing business as The Anderson Reserve.' We believe the Andersons or any property owner has the right to utilize their own property to expand it to its highest potential as they see fit, of course going through the proper legal requirements. It's common sense to know that expansion anywhere is inevitable but to know what that looks like in a year or 3 or 5 is hard to pinpoint!

First, the Harvest Host program was started last summer by the Andersons. We estimate seeing maybe 15-20 RVs enjoying the amenity throughout the camping season. The RVs are only there for a night and far enough away from any neighbor to not be any problem.

Second, regarding the Cigar Silo, there isn't much difference from having a drink on the Anderson patio. It's almost like saying they can't serve lamb on the menu, this is an unreasonable over reach! As one of your board members said at a former Anderson hearing, "It is actually Paul's property, if you don't like it you should have bought it yourself."

The following is an example of how this ruling could affect others in our community or myself: I invite a person from out of state to spend the night on my property in their RV that wanted to buy my Savannah goat. I may hope they will, but they are not required to and there is no cost to them for staying. This is Sweet, not some place in California that has HOA's that you can't even park your car outside the garage overnight.

In Sweet there still exists an old-fashioned rural etiquette! You shake hands with your neighbor over the fence that divides the properties, the agreement is----I will maintain 1\2 the fence, the neighbor maintains the other 1\2. This is neighborly! Also, you will find most people waving at one another as you drive up and down Sweet-Ola Hwy---This is neighborly! We bear with one another in our own uniqueness.

We were ashamed at ourselves as a community for the vitriol heaped on our neighbors, the Andersons, at former hearings. We are never called in this life to bite and devour one another or we will be destroyed! And with that destruction so is our rural etiquette and love for one another!

We believe the points on the docket in this case are erroneous and should be dropped and not allowed to continue. For where a fire I not fed, it will go out! It's sad to see the decline of

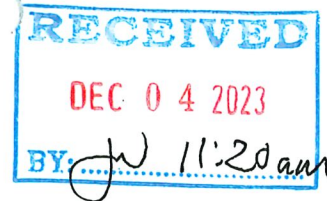
morals and values in our country. Like it or not right and wrong still exist! Hate is ugly and wrong! To live at peace beside your neighbor is the right thing to do, it's commendable!!! We suggest you as Gem County Board be strict to not allow personal attacks on the 11th.

Thank you for your service to our community!

A handwritten signature in blue ink, appearing to read "Joni Goode". The signature is fluid and cursive, with the first name "Joni" and last name "Goode" clearly distinguishable.

Keith and Joni Goode

12/03/2023



To whom it may concern and regarding Anderson Reserve and affiliated property and companies.

Anderson Reserve is about a five-minute drive from our home, and we often spend date nights, dinners, celebratory dinners here with our friends and family members. It has been a favorite of ours since they opened, and we enjoy the people, the view, and the food. The new addition to the restaurant has brought many more fun date days and nights and is about bringing the community together. Those silos were locally sourced, and beautifully designed as an extension to Anderson Reserve, and only add to the beauty of the property.

In response to the issues that Anderson Reserve is experiencing due to some nosy neighbors, my husband and I would like to show our support to Paul Anderson and his entire family, and the entirety of Anderson Reserve Property. Take your issues somewhere else, this restaurant and family has only added to the value of our community.

We support Gem Counties response to the code listed in the hearing and documentation, and absolutely do not believe that Anderson Reserve is in violation of their SUP or any other violation for that matter. These people are trying to bring something a little different and an experience to one of the most beautiful parts of Idaho, and we are lucky to have them in our neighborhood.

Those Silos are simply an extension of the beautiful restaurant and patio that is already there for the pleasure of many local Idahoans, and anyone else who would like to enjoy an amazing meal, with a view, after a gorgeous drive along the Payette River. Those neighbors need to stop harassing these people or move somewhere else in my opinion. The owners of Anderson Reserve are great people and are not doing any harm to them.

Please consider kicking those type of people out of our beautiful state, that type of behavior does not belong here and is not welcome.

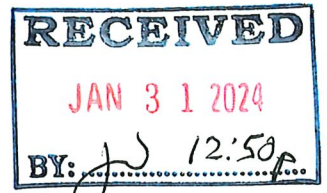
Thank you for your time and consideration. Please reach out should you have any questions.

Teresa and Sam Hansen
208-440-0785
Shansenhomes407@gmail.com



Horseshoe Bend Valley Chamber of Commerce

Kimberly Welsh, Co-Lead (208) 869-2171
PO Box 36, Horseshoe Bend, Idaho 83629
HSBValleyChamber.org; admin@hsbvalleychamber.org
EIN: 85-2242561 Non-profit 501(c)6



Stephanie Crays
Development Services Coordinator
Gem County Development Services
109 South McKinley Ave
Emmett, ID 83617

January 9, 2024

RE: Notice of Appeal of Administrative Decision on SUP 19-006
HSB Valley Chamber Support for Anderson Reserve RV Parking

Horseshoe Bend Valley Chamber of Commerce supports local businesses throughout Boise County and Gem County. In reviewing the appeal of SUP 19-006 filed by Givens Pursley, the declaration that RV camping is being run as a business by Paul Anderson holds no merit.

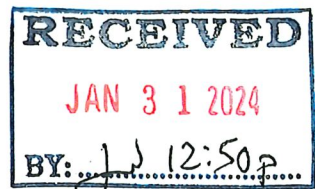
Unlike other nearby Chamber members within Sweet, the Roystone RV Park and the RiverLife RV camp, the Anderson Reserve does not advertise as an RV Park, does not have hook-ups nor other various RV Park amenities.

Further, the allegations of illegal expansion of a conditional use permit leveled against the Anderson Reserve also do not hold up to scrutiny. The Anderson Reserve and Cigar and Whiskey Lounge are one business, and are a valued long-time member of the Horseshoe Bend Valley Chamber.

AndersonReserve.com; HSBValleyChamber.org

In summary, the Anderson Reserve is a vibrant, treasured member of our community that provides valuable jobs within Sweet and a warm, welcoming, family-owned atmosphere for residents of Gem County and beyond. The Anderson Family continues to invest an enormous amount of time, funds, energy and love to this incredible restaurant and cigar bar property, located near the Lower Payette River Heritage Byway, and just inside the most beautiful entryway corridor to Gem County. Residents of Sweet believe we are incredibly lucky to have this open space, visually appealing, environmentally friendly business located in our midst.

Kimberly Welsh, Co-Lead, Horseshoe Bend Valley Chamber of Commerce
Member, Lower Payette River Heritage Byway Board of Advisors
Member, Boise State Foundation Board
11715 N. Highway 52, Horseshoe Bend, ID 83629



Warren & Deon Budell
9747 E. Gatfield Rd.
Emmett, Idaho 83617

January 19, 2024

Gem County Development Services
109 S. McKinley Ave.,
Emmett, Idaho 83617

RE: Anderson Reserve
7275 Sweet Ola Hwy
Sweet, Idaho 83670

TO WHOM IT MAY CONCERN:

We are in support of the counties decision not to issue in violations
to Anderson Reserve.

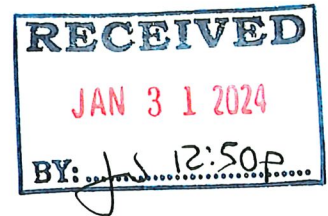
We are in support of all local businesses.

Thank you,

A handwritten signature in blue ink that reads "Warren Budell".

Warren Budell

wb/db



Ronald Scheller
8325 Sweet Ola Hwy
Sweet Idaho 83670

Attn: Gem County Planning & Zoning

I, Ronald Scheller am writing this in support of the decision made by Gem County in regard to not issuing violations to Anderson Reserve for the expansion of business. Also, I stand in support of no violations for the Harvest Host or overnight stays on their property.

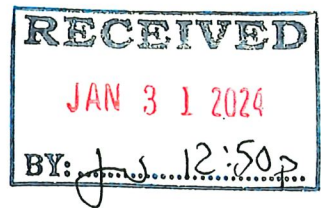
As a neighbor of Anderson Reserve in Sweet, I have witnessed the activities taking place, I have read the code, and I agree with No Violations.

I have enjoyed lunch at both Anderson Reserve and in The Cigar Silos. Ordered the same food in both locations. Its wonderful. The Cigar Silo is just another dinning room for Anderson Reserve but with more comfortable chairs.

I have stayed on several private properties in Gem County in my camper for a couple nights here and there. This has never been an issue or raised concern on anyone else's property thought the county. I also know of many other campers parked around the Sweet area, private property as well as Gem County property (like along HWY 52) where people camp short term. I believe this is acceptable for them and should be for the Andersons' as well.

Ronald Scheller

A handwritten signature in black ink that reads "Ronald J. Scheller".



Dennis & Phemia Anderson
7225 Sweet Ola Hwy
Sweet, Idaho 83670

January 21st 2024

Gem County Development Services
109 S. McKinley Ave,
Emmett, Idaho 83617

To Whom This Concerns:

Please allow us to introduce ourselves as Phemia and Dennis Anderson, Paul Anderson's parents. We understand that our connection may raise concerns about our objectivity in this matter, but we kindly request that you hear our side of the story before forming any judgments.

First and foremost, we wholeheartedly support the decision made by Larry Robertson of Gem County Code Enforcement not to issue any violations to Paul Anderson, Samantha Scheller, or Anderson Reserve for the activities taking place on their property in Sweet.

We have personally witnessed how Paul Anderson has been completely transparent and cooperative with the county officials every step of the way. We have been present for the phone calls, inspections, and the issuance and approval of permits.

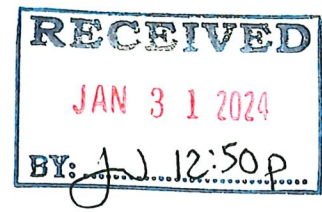
If one carefully reads the codes and diligently examines the facts, it becomes evident that there is no basis for issuing any violations. We fully agree with the previous decision that was made.

Thank you for your understanding and consideration.

Sincerely,

Two handwritten signatures in black ink. The top signature is "Phemia Anderson" and the bottom signature is "Dennis Anderson".

Phemia & Dennis Anderson



December 1 2023

RE: Letter of Support for
ANDERSON RESERVE, LLC

TO WHOM THIS CONCERNS:

We live and pay taxes in Sweet, Gem County, Idaho. And we are happy customers of the award-winning Anderson Reserve, LLC (AR), and live just north of the AR grounds and pass by on a regular basis.

We understand there is *another* hearing set for December 11, 2023 on whether AR is in compliance with the law and local code. We have reviewed the materials provided to us and are in complete agreement with the September 13 2023 written opinion of Gem County Development Services Department's Code Enforcement Officer, Mr. Larry Robertson that "there is **no violation** for either the intermittent RV usage, nor the addition of the silo." In other words, the AR building and use permits have all been approved by the county every step of the way, and they are in full and complete compliance.

We fully and unequivocally support AR's right to use their own property within the bounds of the law and local code. And we are further confident that if the Andersons envision any other use of the property they will be in full compliance with said statutes and codes.

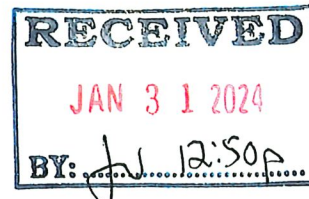
Finally we note that people have come to Sweet Gem County from many miles away to enjoy the view, the freedom, and the wonderful food and hospitality of the Anderson family.

If we can be of any further service, please let us know.

Joseph Zavaletta
208-398-4969

Carol Zavaletta

Marian E. Condon and Micheal E. Simmons
7180 Sweet Ola Highway
Sweet, Idaho 83670



January 27, 2024

Stephanie Crays
Development Services Coordinator
Gem County Development Services Department
109 South McKinley Avenue
Emmett, Idaho 83617

RE: Notice of Appeal of Administrative Decision on SUP19-006 by Givens Pursely, LLP

Dear Stephanie,

Please let this correspondence serve as our comments regarding the above referenced application for an appeal to prior Gem County Administrative Decisions by Givens Pursely, LLP.

In reviewing the concerns outlined by Givens Pursely regarding the failure of the Gem County Development Services to a) enforce Gem County Code concerning RV camping, and, b) failure to enforce Code concerning an illegal expansion of use of a conditional use permit, we do not believe that the previous Administrator Decisions were made in error.

Failure to enforce Gem County Code concerning RV camping

As Sweet residents living close to the Anderson Reserve business enterprise, we see little indication that there is RV camping available on the Anderson property. Unlike the Roystone Hot Spring RV accommodations located nearby, Anderson Reserve does not advertise or promote a facility with full hook-ups, free Wi-Fi, private shower rooms, coin-operated laundry facilities, sites with 50- and 30-AMP plugs, and access to a Hot Springs pool and hot tub.

On the contrary, Anderson Reserve offers information on their website (under Accommodations) information regarding the Roystone Hot Spring RV business enterprise. It appears from the Anderson Reserve website that RV parking is merely an accommodation for "Harvest Host" members who have a parking need and are guests of Anderson Reserve. As residents, we see little to no use of the Harvest Host accommodation option. And, as a result, this option is hardly a major contributor to revenue for the Enterprise.

Failure to enforce Gem County Code concerning illegal expansion of conditional use permit – The Cigar Silo


From our research, it appears that Anderson Reserve did not violate Gem County Code when expanding their restaurant business to include The Cigar Silo. It is our understanding that they contacted and worked with Gem County in the building and development of the facility. Further we understand that they discussed their plans and intentions with Gem County personnel and successfully passed Gem County Code inspections.

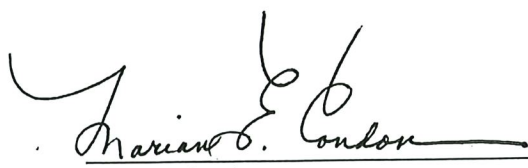
It does not appear that The Cigar Silo (while located in a separate building from the Anderson Reserve Restaurant) operates as a separate business. The Cigar Silo operates within the same business hours as the restaurant Wednesday through Sunday and when private events are arranged outside those hours.

It is our observation that Anderson Reserve (in its enterprising spirit) expanded its dining experience with a way for its guests to vacate their dining table to another area of the restaurant that offers a cigar and/or a special night cap drink for those who choose.

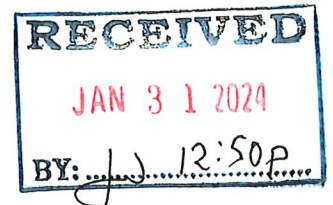
In conclusion, as stated above, we do not believe that the previous Administrator Decisions were made in error. Nor do we believe that Anderson Reserve is disregarding the Gem County Code or looking to operate in an illegal manner. On the contrary, we have found the Anderson family to be respectful neighbors who are looking to fulfill their entrepreneurial dreams in the Sweet Valley. The Enterprise offers a welcoming Restaurant and well-maintained properties to Sweet Valley residents and our visitors.

Sincerely,


Michael E. Simmons
Sweet Resident


Marian E. Condon
Sweet Resident

December 2, 2023



To Whom It May Concern:

This letter is in regard to the complaint filed by Mr. Owens and Ms. Melling regarding the special use permit of Anderson Reserve and the RV Parking.

We, as longtime residents of Sweet, find no disagreement with the decision the county made not issuing violations. We also find no disagreement with what Anderson Reserve is doing on their property. They appear to be in compliance with all county rules and regulations and find that Anderson Reserve has enhanced the once seedy property. They have become a great addition to Sweet and they participate in local fund raisers when they can and have complied with all county regulations sometimes going above and beyond.

We are in favor of the Andersons' doing what they are doing. We feel that Mr. Owens and Ms. Melling are causing undo hardship not only for the Andersons' but on the county as well as the taxpayers of Gem County.

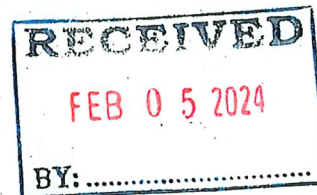
We feel that if Mr. Owens and Ms. Melling continue with these undue and unnecessary complaints they should be fined for what it costs the tax payers as well as the county to adjudicate it, for each one they file.

Enough is Enough

Sincerely

Bill & Bette Willhite

Mitch and Leanne Meade
11265 Liberty Road
Sweet, ID 83670
(208) 817-7788
Meade4liberty@protonmail.com



February 2nd, 2024

Gem County Development Services Department
109 S. McKinley Ave
Emmett, ID 83617

Re: Appeal of an administrative decision regarding the compliance of the Anderson Reserve Special Use Permit by Givens Pursely, LLP.

Office of the Administrator, Planning and Zoning,

I'm writing this letter in response to the hearing on the validity of the Anderson Reserve Special Use Permit.

I can say from our point of view, the Cigar Silo is in no way detrimental to the community of Sweet, contrary, it's an asset. It is a source of commerce and employment. It's a positive gathering location for both residents and their guests. I frequent Paul and Samantha Anderson's Cigar Bar regularly and have never witnessed anything that would be deemed inappropriate. The Cigar Bar is an asset to the community by providing a common venue for discussion with fellow community members.

Furthermore, I think this appeal to the original decision is a gross abuse of the appeal process. The business is already in operation and shutting this down will bring great hardship to valued members of this community and the community.

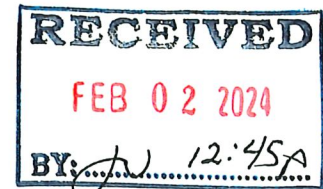
The original decision was not made by error; I implore you to reject this appeal.

Sincerely,
Mitch and Leanne Meade

A handwritten signature in black ink, appearing to read "Leanne Meade". The signature is stylized with a large, sweeping initial "L".



Larry and Susan Jenkins
Three Bees LLC dba Gem Lounge
209 W Main Street
Emmett, ID 83617
208-365-2934



Stephanie Crays
Development Services Coordinator
Gem County Development Services
109 South McKinley Ave
Emmett, ID 83617

February 1, 2024

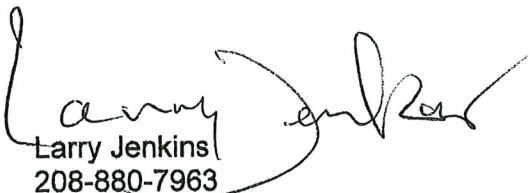
RE: Notice of Appeal of Administrative Decision on SUP 19-006

As one of the oldest established contributing members of Gem County's Hospitality and Tourism community, we value our relationship with all the other businesses in the surrounding area of Emmett, Sweet, Montour, Ola, Horseshoe Bend (Boise County) including our neighbors from Ada and Canyon County. Anderson Reserve has contributed a great deal in helping further the affiliation we business people understand to be paramount to the success of our businesses – world class hospitality! Anderson Reserve stands in line with many of us in creating a venue that stands out as unique, classy and one of a kind.

We understand there is **another** hearing coming up on whether Anderson Reserve is in compliance with the law and local code. We have spent much time reviewing the appeal of SUP 19-006 filed by Givens Pursley, declaring RV camping is being run as a business by Paul Anderson, and the allegations of illegal expansion of a conditional use permit. In summary, we have reviewed the materials provided to us and are in complete agreement with the September 13, 2023 written opinion of Gem County Development Services Department's Code Enforcement Officer, Mr. Larry Robertson that "...there is no violation for either the intermittent RV usage, nor the addition of the silo."

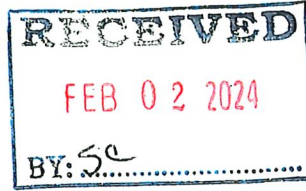
Anderson Reserve building and use permits have all been approved by the county and Anderson Reserve is in full and complete compliance as stated. In my opinion, it is certainly possible Anderson Reserve owner and family are being actively and unduly harassed? As a concerned local business owner and Gem County citizen, at what point does this nonsense stop? The Anderson Reserve complex and AR family are a treasured multifaceted member of Gem County's Hospitality and Tourism community.

Thank you for your service. Please let us know if we can be of any further help.


Larry Jenkins
208-880-7963


Susan Jenkins
208-880-9088

M. Bruce Nae, DC.
5375 Westridge Ln.
Emmett, ID 83617
12/10/2023



Gem County Planning and
Zoning Board
109 S. McKinley Ave
Emmett, ID 83617

Dear: Members of the Gem County Planning and Zoning Board,
Gem County Administrative Office, Gem County
Code Enforcement and Whom ever it may concern;

I am writing to express my support for
Anderson's Reserve's restaurant, RV matter and
Cigar Silo. The Cigar Silo is on the same
property as the restaurant and is just an
extension of the restaurant. Therefore, should
not require a separate liquor license.
Anderson Reserve has been only a blessing
to this community, I live in the Sevee
Montour area. My wife is in a wheelchair
we enjoy the restaurant and live music
and atmosphere they provide. I go to
the Calvary Chapel Sweet Church and
Anderson's Reserve has been only kind
to our church. I think you should
honor the permits that have been

②

approved and stop this unwarranted harassment to this business by the complaining party.

Anderson Reserve is a huge asset to Gem County and this community, let them run their business in peace. There seems to be alternative motives behind these complaints. I have read the documents on this case, and as a businessman I think this needs to end once and for all. I'm sure the right thing will be done. Thank you for the opportunity to write this letter to you on my wife's & I behalf.

Sincerely



M. Bruce Nave, D.C.

P.S. They employ local people.

Amanda Erickson
983 N. Plaza Rd.
Emmett, ID 83617



Dear Gem County Planning and Zoning Board, Gem County Administrative office, and to Whom It May Concern,

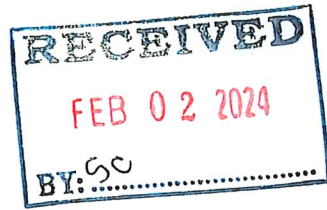
I am writing to express my full support of Anderson Reserve Restaurant. I fully agree with the County's decision in the RV matter and I do not believe that Anderson Reserve has violated the SUP because they did not build a "New Business" on their property or get a new Liquor License, but in fact it is an extension of their restaurant.

Me and my family have enjoyed our times at Anderson Reserve and the culture it brings to Sweet, ID. As an American citizen, property owner, and a firm believer in our rights to life, liberty, and the pursuit of happiness, I see that this appeal is nothing but pure harassment to a business owner.

Seeing that Anderson Reserve has been given permits^{permits} from Gem County Building Department, Gem County Code Enforcement, Gem County Planning and Zoning, Gem County Commissioners and from the Idaho State level from Idaho Alcohol Beverage Control Department, I ask that you allow Anderson Reserve to run their business in peace.

Sincerely, Amanda Erickson
Amanda Erickson

Amy Nave
5375 Westridge Ln.
Emmett, ID. 83617
12/10/23



Gem County Planning and
Zoning Board
109 S. McKinley Ave
Emmett, ID. 83617

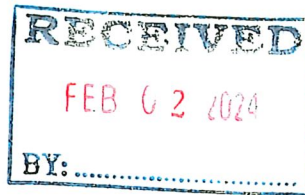
Dear Gem County Planning and Zoning Board,
Gem County Administrative Office and Whom Ever
It May Concern;

I am writing to express that I fully agree with
the County's decision on the RV matter and do not
believe that the Anderson Reserve has violated the
SUP. They do not have a "new Business" on the
property or a new Liquor License, as it is an extension
of Anderson Reserve. Anderson Reserve is well
within the SUP guidelines, The Cigar Silo is running
off the same Liquor License as the restaurant.

The Anderson Reserve has been a huge asset
to the Community. I appreciate their professionalism
and the wonderful culture they bring to Sweet, ID.

Sincerely,

Amy Nave



11900 N. HWY 52

Stephanie Crays
Development Services Coordinator
Gem County Development Services
109 South McKinley Ave
Emmett, ID 83617

RE: Notice of Appeal of Administrative Decision on SUP 19-006
Sweet Animal Sanctuary support for Anderson Reserve

My name is Dr. Nicole Cundiff, Clinical Professor in the College of Business and Economics at Boise State University (BSU). I lead BSUs four MBA programs' accreditation and evaluation processes and teach the integrative capstone courses for two of the MBA programs. In other words, I teach over one hundred students each year how to become successful in business and management and each of them have to pass my intensive course in order to receive their Master's degree. I live with my husband Rev. Drew Phoenix on Hwy 52 outside of Sweet, Idaho; just inside Gem county. We are the owners of the Sweet Animal Sanctuary, which is a place for farm animals to retire when their owners can no longer provide care for them. Please accept this letter of support for Paul Anderson and his family's decisions regarding the Anderson Reserve business.

As you likely know, Paul and family run a fantastic restaurant right here in Gem county. They showcase what Idaho has to offer in terms of good food, great values, and a hometown atmosphere. The way they treat their employees, however, is what really stands out to me and truly demonstrates the family's character and how they conduct business. Paul and his family care about the people in this great state and respect the decisions of authoritative bodies, such as yours. Their business is to be trusted and respected.

We would like to point out that Larry Robertson has lots of experience working for code enforcement and the commission. We personally have met him, when he has come by the Sanctuary to give us advice on how to stay up to code. He is a very intelligent and well versed individual, especially around county articles and codes for enforcement. We agree with his original findings and recommendations to Anderson Reserve that were in fact supported by the Commission. We believe in the Commission, its expertise, and its employees, and trust the recommendations made to businesses to hold true, such as finding that Anderson Reserve is inline with code. From the perspective of a professor in the realm of business, I have reviewed the documents under question and agree with the advice that Mr. Robertson had provided this business; disagreeing with any rationale for an appeal.

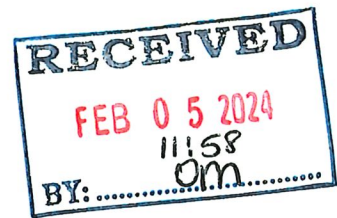
Please do not hesitate to contact me on my cell at 907-750-1441, or via email at nicolecundiff@boisestate.edu if you have any questions.

Warmly,
Dr. Nicole Cundiff

Signed: January 31, 2024

EXHIBIT 9

PAUL ANDERSON
7275 SWEET OLA HWY
SWEET, IDAHO, 83670



The Gem County Planning and Zoning Commission
Gem County Administrative Office
109 South McKinley Avenue
Emmett, Idaho 83617

*Re: Paul Anderson Response to October 2, 2023 Notice of Appeal Filed by Givens
Pursley LLP on behalf of Lisa Melling and Bud Owens
SUP 19-006*

Dear Planning and Zoning Commission:

INTRODUCTION

Paul Anderson and Samantha Scheller, (“Respondents”), are the owners of record of two parcels of real property in Gem County, Idaho: 7105 Sweet/Ola Highway(the “7105 Parcel”); and 7275 Sweet/Ola Highway, (the “7275 Parcel”). Both parcels area approximately 20 acres in size. Both parcels are zoned A-3/Mixed Use. The 7105 Parcel is developed and is in a natural state (i.e. essentially a large field with native grasses and trees). The 7275 Parcel is developed and is used by Respondents to operate the Anderson Reserve Restaurant, (“Restaurant”). The Restaurant operates under Special Use Permit 19-006, (“SUP”), which was approved unanimously by the Gem County Zoning Commission, (“Commission”). According to the permit use summary provided by Respondents as an attachment to their SUP Application, the following uses were intended and contemplated by both the Respondents (**emphasis added**):

- A. Anderson Reserve is a rather unique business as we bring **many different services and products together** in one beautiful setting.
- B. **Available for purchase on site**; meats, dairy products, baked goods, canned goods, jarred goods, **bottled goods**, apparel, merchandise, **beer, wine, liquors**, and non-alcoholic beverages, etc.
- C. **To be consumed on site: beer, wine, liquor**, and non-alcoholic beverages. We will be pairing a number of our different high-quality meats, cheeses, breads, etc. with our wine tasting services.

D. Anderson Reserve **in its entirety** is available for private weddings, business meetings, parties, car shows, **and special events, etc.**

The products offered by Anderson Reserve in the operation of its Restaurant on the 7275 Parcel include steak, cheese, salad, wine, beer, liquor, cigars and desserts. Respondents have a liquor license issued by the Idaho State Police (License Number 30737). Respondents constructed two (2) metal storage silos, ("Silos"), on the 7275 Parcel in 2023. The Silos are equipped with tables and chairs and preparation and serving areas. The Silos are additional physical space to the Restaurant and are an extension of the Anderson Reserve Restaurant and the Silos are used by Anderson Reserve patrons to purchase and consume Anderson Reserve products, such as liquor and cigars. There is a short concrete walkway that connects the Silos to the Restaurant. The Silos were constructed with the prior approval of Gem County per Building Permit 11645 dated November 2022. A certificate of occupancy for the Silos was issued by Gem County on October 18, 2023. Occasionally, during the summer, some of the patrons who dine at the Restaurant, stay a single overnight in their own RVs on the 7105 Parcel after they finish dinner. Lisa Melling and Bud Owens, ("Appellants"), reside on the real property located adjacent to the 7105 Parcel and 7275 Parcel. At times, Appellants also have RVs parked overnight on their property. Except for Appellant's, no other person or party has ever complained about the uses that Respondents are making of the 7105 Parcel or 7275 Parcel. To the contrary, everyone, (except Appellants) has applauded and encouraged Respondent's uses of the 7105 Parcel and 7275 Parcel.

ISSUES

1. Does seasonal and occasional, one (1) night RV camping on the 7105 Parcel require a special use permit?
2. Do the Silos and the activity being conducted within them, constitute an unlawful extension of the SUP?

LEGAL STANDARDS

Idaho law is "well established that an applicant's rights are determined by the ordinance in existence at the time of filing an application for the permit." *Payette River Prop. Owners Ass'n v.*

Bd. of Comm'rs of Valley County, 132 Idaho 551, 555, 976 P.2d 477, 481 (1999). "A zoning agency's land use decision shall be affirmed unless the agency's findings, inferences, conclusions or decisions are: "(a) in violation of constitutional or statutory provisions; (b) in excess of the statutory authority of the agency; (c) made upon unlawful procedure; (d) not supported by substantial evidence on the record as a whole; and (e) arbitrary, capricious, or an abuse of discretion." *Eacret v. Bonner County*, 139 Idaho 780, 784, 86 P.3d 494, 498 (2004). The party attacking a zoning board's action must first: (i) illustrate that the board erred in a manner specified therein **and**; (ii) must then show that a substantial right of the party has been prejudiced. *Id.* Finally, planning and zoning decisions are entitled to a strong presumption of validity; this includes the board's application and interpretation of their own zoning ordinances. *Sanders Orchard v. Gem County*, 137 Idaho 695, 698, 52 P.3d 840, 843 (2002). "An agency's zoning decision must be upheld if substantial rights of the appellant have not been prejudiced." *Payette River Prop. Owners Ass'n v. Board of Commissioners*, 132 Idaho 551, 976 P.2d 477 (1999); IDAHO CODE § 67-5279(4) (2001); *Sanders Orchard v. Gem County*, 137 Idaho 695, 52 P.3d 840 (Idaho 2002).

ARGUMENT AND ANALYSIS

Respondent's use of their 7105 Parcel to allow a Restaurant patron to stay overnight does not violate any Gem County Code. Further, Respondent's use of their 7275 and the Silos does not violate the SUP. Moreover, Appellants have shown no prejudice or injury to them caused by Respondents' land uses. Appellants are simply displeased with the Respondents (even though nobody else is). Respondent's uses are harmonious with A-3/Mixed use zone and surrounding uses. "Determining what is "harmonious" in a particular neighborhood relies strongly on the residents of that neighborhood." At least eight (8) neighbors submitted written statements strongly in support of Respondents' uses of their land. It is important to note that ARCE Bros, a California corporation, sought clarification on specific Gem County Codes. ARCE inquired about the permissibility of certain activities and received a response from Gem County. Simply because ARCE did not like the response they received does not warrant an appeal of the County's response.

Furthermore, to date Appellants have not provided any evidence of how the Respondent's current uses of the 7105 Parcel and 7275 Parcel have negatively impacted, adversely affected, or caused them any damages. This alone is sufficient to uphold the September 13, 2023 determination from Gem County Code Enforcement Officer Larry Robertson, ("Decision"), that Respondents

were not violating the SUP or any applicable Gem County Code. It is important to emphasize that Gem County has made the correct decision regarding Appellant's claim of commercial camping. Gem County Code 11-6-9 permits any property owner within the county to have an RV temporarily stay on their property for less than 30 days per year, per camper, as long as it is for occasional use. This code is well-known and exercised within Gem County. Respondents land uses are compatible with the conditions of the SUP and in accordance with the objectives and policies of the "Agriculture/Natural Resources designation on the Future Use Map of the 2023 Gem County Comprehensive Plan.

Additionally, the activities at Anderson Reserve, such as the Harvest Host program, are not directly tied to the property and do not provide any financial benefit to Respondents. They are merely advertised as local amenities, similar to how Anderson Reserve advertises local Air B&B's. Therefore, the claim of commercial camping is unfounded. To rebut Appellant's commercial camping claim, Respondents have provided the Board with an authentic guest list from Harvest Host that clearly shows the actual number of overnight stays to date on the 7105 Parcel. Contrary to the exaggerated statement in the complaint, there were only 28 nights out of 130 days Anderson Reserve was open in this defined time frame that guests parked overnight on the property. Simply stated, there is no merit to Appellant's claim of commercial camping being conducted on the 7105 Parcel. Finally, Appellants cannot have it both ways. They cannot cry foul by Respondent's use of 7105 for intermittent RV parking when Appellant's themselves have engaged in the same conduct. Appellants have availed themselves of the use provided for under Gem County Code 11-6-9, as do numerous other Gem County residents and property owners. Gem County's Code Enforcement officer, Mr. , Larry Robertson, aptly and astutely addressed this concept of consistency in his Decision.

Larry Robertson reached out to me in May 2023 to discuss Bud Owens' initial complaint regarding camper parking signs and the Harvest Host program. After a thorough conversation about our intentions, Larry Robertson along with Jennifer Kharri of Gem County researched the Gem County Code and Harvest Host. They concluded that our activities were permissible. Later in June 2023, Arce Bros, a California corporation, through counsel, filed a complaint against us on the same topic. Once again, Larry Robertson and Gem County investigated the situation and found no violations. It is disheartening to find ourselves defending our actions repeatedly when the

County has already deemed them acceptable. It is essential that the Code is not selectively enforced or used to target Anderson Reserve while similar situations elsewhere in the county are considered permitted or at the very least overlooked. See *Eacret v. Bonner County*, 139 Idaho 780, 784, 86 P.3d 494, 498 (2004) holding that "a zoning agency's land use decision shall not be arbitrary, capricious, or an abuse of discretion." Appellant's argument falls short in this regard. The allegations of a group camp, campgrounds, and commercial camping are only being utilized as a distraction from the one and only code applied to the circumstance, 11-6-9. It should be seen as such and quickly disregarded.

Regarding the claim of an illegal expansion of Anderson Reserve's SUP. This is baseless, well researched and should be dismissed immediately. Respondents sought all necessary approvals well over a year ago when it came to the construction of Silos. It should be seen that Anderson Reserve simply expanded within the guidelines of its approved SUP and the Silos are merely an extension of Anderson Reserve. From start to finish the construction of the Silos was closely inspected and approved by state and county authorities, including Gem County Building Department, state plumbing inspectors, state HVAC inspectors, state electrical inspectors, and Southwest District Health. All necessary permits were obtained prior to construction, including a building permit.

It is evident that Gem County and the local public were well aware of the intentions of Anderson Reserve opening The Cigar Silo as all necessary approvals were obtained along the way. From building permits to a sign permit issued by Gem County so we could paint "The Cigar Silo" logo on the side of the silos. Additionally, I amended Anderson Reserve's liquor license to include the silos in the approved floor plan. This was accepted and approved by Idaho State Police Alcohol Beverage Control department. It is worth noting that a question had been raised about the location of the silos regarding Sweet Calvary Christian Church. With a letter of recommendation from the Idaho State Police, a "Letter of Variance" from the Gem County Commissioners was sought and granted. At this hearing Bud Owens voiced his concern while Mike Buck the pastor of Sweet Calvary Christian Church spoke in favor of Anderson Reserve and The Cigar Silo. All three of the Gem County Commissioners, Bill Butticci, Kirk Wille, and Mark Rekow **all** granted approval of the "Letter of Variance"

Appellants argument that The Cigar Silo is a completely different business and new venture could not be more wrong. The Cigar Silo is trade dress and marketing. The name "The Cigar Silo" is used only for advertising purposes, because in fact it is just an assumed business name of Anderson Reserve, LLC. Nothing more. The Cigar Silo shares the same business licenses, the same health inspections, the same bank accounts, the same tax numbers, the same employees, the same food menu, and even the same liquor license. The checks and balances have been in place and performed properly by Gem County from building permits to liquor licensing. Respondents have been diligent in seeking approval from every level of governing body from Gem County Building Department to Gem County Code Enforcement to Gem County Planning and Zoning to the Gem County Commissioners. Additionally, to the Idaho state level with the Idaho Alcohol Beverage Control department. Each time a permit being granted.

I want to highlight that I recently received a letter from United States Senator Risch, which I have attached for your reference. This letter serves as a congratulatory message for the inauguration of The Cigar Silo. While it's important to note that the letter does not explicitly grant approval for our activities, it does emphasize the fact that Anderson Reserve, along with The Cigar Silo, is not operating covertly or trying to evade rules and regulations. On the contrary, it showcases our commitment to adhering to the established codes and rules. By doing so, we have garnered respect and admiration for our dedication in pursuing the American dream here in Sweet Idaho.

Attached to this latter is the following evidence for your consideration.

- Harvest Host Authentic Guest List
- Photo of Owens benefiting from County Code 11-6-9
- Original Building Permit Issued by Gem County
- Letter of Variance Issued by Gem County
- Approval of Sign Permit Issued by Gem County
- Letter of Occupancy Issued by Gem County
- Letter From United States Senator Risch

These two topics should be null and void at this point. It has been well researched that campers are permitted to park and even spend the evening on any property in Gem County for up to 30 days without any additional permitting according to Gem County Code. The Cigar Silo at

Anderson Reserve is merely an extension of the Anderson Reserve SUP. The allegations have been researched over and over and over again and have been found 100% acceptable and permitted in every light. Respondents urge the Board to uphold and AFFIRM the Decision and declare that Respondents uses of the 7105 Parcel d 7275 do not violate any Gem County Codes or violate the SUP

Respectfully

Paul Anderson

Samantha Scheller



Board of Commissioners

Chairman:
BILL BUTTICCI
District II
KIRK C. WILLE
District I
MARK REKOW
District III



415 E. Main Street
EMMETT, ID 83617
(208)365-4561
Fax 365-7795
Commissioners@co.gem.id.us

September 18, 2023

Captain Rocky Gripton
Alcohol Beverage Control
Via email: rocky.gripton@isp.idaho.gov

RE: Anderson Reserve Alcohol Beverage License Waiver

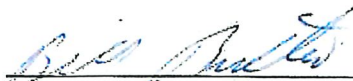
Dear Captain Gripton:

Pursuant to the statutory authorization contained in Idaho Code § 23-913, the Gem County Board of Commissioners, acting in its role as the "governing body," hereby waives the 300 foot requirement applicable to the applicant, Paul Anderson/Anderson Reserve, located at 7275 Sweet Ola Highway, Sweet, Idaho, specifically the area commonly known as the "Anderson Reserve Cigar Silos" for the time period Sunday at 1:00 p.m. MST through Sunday at 10:00 a.m. MST. No waiver is issued for Sunday 10:00am MST to Sunday 1:00 p.m. MST. Without the Board's approval, Idaho Code § 23-913 would preclude issuance of a license to sell or dispense alcohol at the requested location, based upon the proximity of 7275 Sweet Ola Highway, Sweet, Idaho to the Calvary Chapel of Sweet Idaho, a church.

A copy of the Board's resolution granting approval is enclosed for your reference.

Sincerely,

GEM COUNTY BOARD OF COMMISSIONERS


Bill Butticci, Chairman


Mark Rekow, Commissioner


Kirk C. Wille, Commissioner



Certificate of Occupancy
Gem County, Idaho
109 S McKinley, Emmett, ID 83617 (208) 365-5144

Department of Building Inspection

This certificate issued pursuant to the requirements of Section 110 of the 2018 International Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the county regulating building construction or use of the following:

Application Date: 11/01/22

Building Permit: 11645

Owner/ Builder: Paul Anderson

Owner Address: P.O Box 100
Sweet, ID 83670

Sprinkler System: No

Locality: Gem County

Structure Description: Convert Grains silos into a
Cigar lounge.

Structure Address: 7275 sweet Ola Hwy
Sweet, ID 83670

Use: B

Type of construction: Metal silo/ Conventional
framing.

**Special Stipulations and Conditions of this Building
Permit:**

The requirement for final inspection and approval by other trades (Electrical, Plumbing and HVAC) has been verified by the Building Inspector who is authorized to issue this certificate.

Building Inspector

10/18/2023

Date



☒ APPROVED

MASTER ADMINISTRATIVE REVIEW APPLICATION

GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT

109 SOUTH MCKINLEY, EMMETT, IDAHO 83617 WWW.GEMCOUNTY.ORG PHONE: (208) 365-5144

TYPE OF APPLICATION: (PLEASE CHECK ALL THAT APPLY.)

- | | | |
|--|--|--|
| <input type="checkbox"/> ALTERNATIVE COMPLIANCE (LANDSCAPE PLAN) | <input type="checkbox"/> FLOODPLAIN DEVELOPMENT PERMIT | <input checked="" type="checkbox"/> SIGN PERMIT |
| <input type="checkbox"/> CERTIFICATE OF ZONING COMPLIANCE | <input type="checkbox"/> PLAT TIME EXTENSION | <input type="checkbox"/> SUBDIVISION, FINAL |
| <input type="checkbox"/> CERTIFICATE OF ZONING COMPLIANCE
W/ PRIOR APPROVAL | <input type="checkbox"/> PRIVATE ROAD APPLICATION | <input type="checkbox"/> SUBDIVISION, MINOR |
| <input type="checkbox"/> DIRECTOR DETERMINATION | <input type="checkbox"/> PROPERTY BOUNDARY ADJUSTMENT | <input type="checkbox"/> TEMPORARY HARDSHIP PERMIT |
| <input type="checkbox"/> DESIGN REVIEW ADMINISTRATOR APPROVAL | <input type="checkbox"/> SECONDARY DWELLING SITE PLAN | <input type="checkbox"/> TEMPORARY USE PERMIT |

PROJECT NAME: The Cigar Silo

SITE INFORMATION:

(This information can be found on the Assessor's property information assessment sheet.)

Quarter: _____ Section: 03 Township: 07N Range: 01E Total Acres: 19.28

Subdivision Name (if applicable): Anderson Reserve Subdivision

Site Address: 7275 Sweet OLA Hwy Lot: _____ Block: _____
City: Sweet

Tax Parcel Number(s): RP07NO1E035100 Current Zoning: MX Current Land Use: Commercial

PROPERTY OWNER:

Name: Paul Anderson / Samantha Scheller
Address: 7275 Sweet OLA Hwy
City: Sweet State: ID Zip: 83620

APPLICANT:

Name: Paul Anderson
Address: 7275 Sweet OLA Hwy
City: Sweet State: ID Zip: 83620

Telephone: 208-477-8961
Email: paul@andersonreserve.com

Telephone: 208-477-8961
Email: paul@andersonreserve.com

I consent to this application and allow Development Services staff to enter the property for site inspections related to this application.

Paul Anderson

Signature: (Owner)

Date

I certify that the information in this application is correct to the best of my knowledge.

Paul Anderson

Signature: (Applicant)

Date

Sign 23-002

OFFICE USE ONLY

File No.: _____ Received By: SC Date: 5-17-23 Fee: 60.00 Receipt No.: 2023-00247



GEM COUNTY
DEVELOPMENT SERVICES DEPARTMENT

109 SOUTH MCKINLEY
EMMETT, IDAHO 83617
(208)365-5144
WWW.GEMCOUNTY.ORG

SIGN PERMIT APPLICATION

To Be Completed by Staff		Permit No. <u>23-002</u> ^{Sign}
Owner / Proprietor: <u>Paul Anderson</u>	Business / Entity: <u>Anderson Reserve</u>	
Fee Amount Paid: <u>\$460.00</u>	Date Paid: <u>5/17/23</u>	Sign Plan Submitted: <u>5/17/23</u>
Application Accepted By: <u>SC</u>	Date Received: <u>5/17/23</u>	
Application Approved By: <u>gh</u>	Date Approved: <u>5/19/23</u>	

- This application is not a complete copy of the Ordinance Chapter 10 Re: Sign. Staff recommends that the applicant review the ordinance in its entirety. Signs cannot be placed at the land use site until the sign permit application has been reviewed, approved, and the sign permit has been issued.

→ A sign plan shall be included with the application and contain the following information:

- Materials to be used in manufacturing and constructing the sign.
- Sign Size, message size or field of lettering, and proportions.
- Lettering size or graphic style.
- Design features other than lettering such as symbols, logos, etc.
- Colors scheme.
- Lighting, if proposed.
- Location of each sign on the building(s) and/or property (include height of sign).

Sign plans shall be drawn neatly to scale to present a clear and accurate picture of the proposal. The sign plan will be reviewed for compliance with the following standards:

Section 10-7 Standards:

- No rotating beam, beacon or flashing illumination that may resemble an emergency light shall be used with any sign display.
 - No blinking, rotating or moving parts or components on temporary or permanent signs.
 - Signs shall not have pennants, balloons or portable signs or wheeled trailers.
 - Signs may be lighted by shielded or directed light sources.
- It shall be the responsibility of the owner of the property and/or improvements to remove any sign or signs where the associated land use has been discontinued for more than ninety (90) days. If a one-time event, the removal of signs shall take place within seven (7) days after the event closure.
- If a preview sign has been erected for a future use it shall be a business that has received a Special Use Permit to operate and meet the provisions of the sign ordinance. If the use is permitted the preview sign must also meet the sign ordinance requirements.
- The size shall be not greater than thirty-two (32) square feet per face, for example that of 4' x 8'.
 - Cut-out or molded letters, or advertising when applied to buildings, shall be not greater than thirty-two (32) square feet field on the building.

GEM COUNTY BUILDING INSPECTION RECORD

VALID FOR 180 DAYS (RENEWABLE)

POST THIS CARD IN A VISIBLE LOCATION

To request an inspection call 208-365-4743

Address: <u>7275 Sweet Old Hwy</u>		Building Permit No. <u>11645</u>	Date Issued <u>11/1/22</u>
Use of Building: <u>Restaurant</u>	Owner: <u>Paul Anderson</u>	Ph.# <u>208-477-8961</u>	Exp.
Contractor: <u>owner</u>	Ph#	License#	
Lot:	Block:	Subdivision:	

24 HOUR NOTICE REQUIRED FOR INSPECTIONS CALL FOR INSPECTIONS ON THOSE ITEMS MARKED

INSPECTION	DATE	INSPECTOR
<input checked="" type="checkbox"/> Foundation - Footings		
<input type="checkbox"/> Stem Wall		
<input type="checkbox"/> Hole Inspection (Pole Bldg)		

DO NOT POUR UNTIL ABOVE HAVE BEEN APPROVED

<input type="checkbox"/> Electric - Ground Work (State)		
<input type="checkbox"/> Plumbing - Ground Work (State)		
<input type="checkbox"/> Shear-Nail Walls and Roof		

SLAB FLOOR***DO NOT POUR/COVER UNTIL ABOVE HAVE BEEN APPROVED***

<input checked="" type="checkbox"/> Rough Electrical (State)		
<input checked="" type="checkbox"/> Rough Plumbing (State)		
<input checked="" type="checkbox"/> Rough Heat, Vent & A/C (State)		

DO NOT CALL FOR ROUGH FRAMING UNTIL ABOVE HAVE BEEN APPROVED

<input checked="" type="checkbox"/> Rough Framing		
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COVER NO WORK UNTIL ABOVE HAS BEEN APPROVED

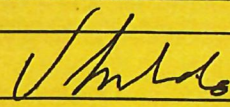
<input checked="" type="checkbox"/> Insulation / Vapor Barrier		
<input type="checkbox"/> Sheet Rock		

FINAL INSPECTIONS TO BE DONE FIRST

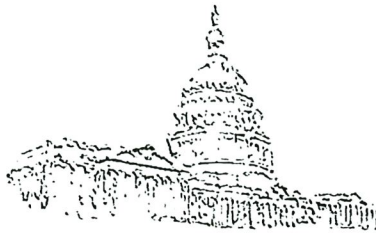
<input checked="" type="checkbox"/> Electrical (State) (208-334-2183)		
<input checked="" type="checkbox"/> Plumbing (State) (208-334-3442)		
<input checked="" type="checkbox"/> HVAC (State) (208-334-3442)		
Driveway Approach (Road Dept. 208-365-3305)		
Fire Dept. Driveway (208 365-2012) Dist. # 1		
<input checked="" type="checkbox"/> Fire Dept. Driveway (208-866-7255) Dist. # 2		
Septic Approval (SWDH 208-365-6371)		

DO NOT CALL FOR BUILDING INSPECTION FINAL UNTIL ABOVE HAVE BEEN APPROVED

<input checked="" type="checkbox"/> Final - Job Complete		
--	--	--

Authorized by: 

NO OCCUPANCY UNTIL CERTIFICATE OF OCCUPANCY (C of O) HAS BEEN ISSUED



United States Senate

WASHINGTON, D. C.

JAMES E. RISCH
IDAHO

December 13, 2023

Mr. Paul Anderson
The Cigar Silo
7275 Sweet Ola Highway
Sweet, ID 83670-5020

Dear Mr. Anderson,

Congratulations on opening your new business The Cigar Silo in Sweet, Idaho. Businesses like this help build stronger communities as well as a better Idaho.

As a member of the Senate Committee on Small Business and Entrepreneurship, I know the vital role business plays in our communities. Across America, businesses like yours serve as the backbone of our economy and make unique contributions in their local communities, often by creating new jobs, offering distinctive products or services or by serving as local gathering places.

Again, I congratulate you on the opening of The Cigar Silo. Vicki joins me in wishing you many years of success.

Very Truly Yours,



James E. Risch
United States Senator



The Harvest Hosts

Code of Conduct

Harvest Hosts members appreciate that the invitation to visit overnight is a special opportunity and will behave respectfully.

Please remember that the **Hosts are not campgrounds** and respect their work and privacy.

Out of respect for your Hosts:

1

All RVs must be self-contained.

Your RV must have an interior toilet and built-in holding tanks for waste water (no exterior tanks allowed). Porta-potties are acceptable but must be dumped offsite at an appropriate facility. The dumping of any gray or black water on Host properties is prohibited. You must have interior cooking facilities. Sorry, no tents of any kind allowed.

2

Always plan ahead to arrange your visit.

Use the preferred contact method for each Host to arrange a stay. Please do not arrive unannounced. If your plans change, please notify the Host. No-shows or a cancellation within 24 hours of your stay are a violation of this Code of Conduct and are subject to our violations policy.

3

Arrive only during business hours

Unless the Host says otherwise is okay, and be aware that some sites may have gates that will be closed after hours.

4

When requesting your stay, tell the Host what size vehicle you are driving.

Upon arrival, ask which entrance you should use and whether you should unhook your tow vehicle. Ask if there are any additional conditions you should know about.

5 Introduce yourself and show the Host your membership card.

Hosts will only allow current members of Harvest Hosts to park overnight on their property.

6 Please support your host.

As a thank you for your overnight stay, we recommend spending a minimum of \$30 through a purchase, tip, or donation to support your Host – that way everyone wins!

7 Do not stay longer than 24 hours.

A stay longer than 24 hours must be by Host invitation.

8 Park only in the areas indicated.

Parking areas may not always be 100% level and are subject to environmental conditions.

9 Please keep a low profile.

Remember that the sites are not campgrounds and take care not to disturb the Hosts' neighbors. Be sure to stop any noise, music, and generators by 10 PM or the Hosts' quiet hours, whichever is earlier.

10 Indoor cooking only.

Do not use charcoal or propane grills or light fires of any kind.

11 Do not use jacks without jack-pads on asphalt.

The weight of the rig can cause damage to the Hosts' property. Inform your Host if you have slide-outs so that you can be parked in an appropriate location.

12 Remember these sites can be working vineyards, farms or historical properties.

Please use care and supervise children and pets at all times. Dogs must remain on a leash when outside your RV. Refrain from exploring closed or restricted areas.

13 Ask before using your generator

As discussed above, please keep a low profile. If you are parked near the Host's home, neighbors, or other RVs, please use your generator sparingly and only between the hours of 8am and 10pm, or other hours designated by the Host. Also, please check local regulations before using your generator.

14 Take all trash with you.

15 When departing, thank your Host for your visit.

16 Be aware of local alcohol regulations.

Local regulations may prohibit alcohol outside of your RV or other areas of the host property.

17 Members acknowledge that they are insured pursuant to state or provincial laws

Members agree to take responsibility for their actions and any resulting consequences. Proof of insurance must be carried in the vehicle. The Host locations have no responsibility for damage or theft to your RV, tow car, or personal property, or for injury to you, your family or guests.

18 Members acknowledge that inappropriate behavior may result in membership revocation.

I am aware my membership privileges may be revoked, without refund, for various reasons including if a Host reports a failure to comply with any of the above terms or if Harvest Hosts notices an infraction or disregard of the items listed above.

Legal Stuff

- Members agree to comply with the Code of Conduct. Failure to do so harms the Harvest Hosts program for everyone and may be grounds for termination of membership with no refund;

- Content and information received through Harvest Hosts may only be displayed and printed for your personal, non-commercial use and cannot be posted to newsgroups, mail lists, electronic bulletin boards or anywhere else. **Any** commercial use of the Host list is prohibited.
- Members agree to hold harmless Harvest Hosts (HH), all Hosts and their officers, directors, employees and agents from and against any loss, expense, liability, damage, claim (including reasonable attorneys' fees) made or brought by or on behalf of you, your family or guests, or brought against HH as a result of your actions, for any and all claims, controversies, actions, causes of actions, liabilities, demands or damages of whatever name or nature that arise from your use of any Harvest Hosts materials or information.



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GET THE APP



Member ID	Member Name	Phone #	Arrival	Nights	Status	Actions	Conversations
32598	Jim Langley & Il Ling New		05/20/2023	1	approved	Rate Member Cancel No show	<div>Messages (0 new)</div>
424953	Kane Thistle		05/12/2023	1	approved	Rate Member Cancel No show	<div>Messages (0 new)</div>

Member ID	Member Name	Phone #	Arrival	Nights	Status	Actions	Conversations
76186	Randall Marchbanks		06/24/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
71196	Sharon Stern		06/24/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
90446	Todd Michaels		06/23/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
31521	Robert Seidl		06/22/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
140997	Michael and Quinn Bates		06/16/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
343888	Marcus Simmonds		06/10/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
476115	Aidan Stott		06/04/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
140929	Joseph & Linda Kuhn / McGeary		06/03/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
466758	Paul Geller		06/01/2023	1	approved	Rate Member Cancel No show	Messages (1 new)
434752	Jennifer Benusis	845-417-7726	05/27/2023	1	approved	Rate Member Cancel No show	Messages (1 new)



Host Dashboard

Manage Stays ^

- Upcoming
- Past
- Declined
- Create a Request
- Stay Calendar
- Block Dates
- Preferences

Manage Profile ^











- Message Center
- Member Verification
- Member Feedback
- Contact Team

Past Stays

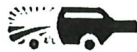
View past stays by members. Please help other Hosts by rating members and marking no shows.

Member ID	Member Name	Phone #	Arrival	Nights	Status	Actions	Conversations
177353	Ted Strand	[REDACTED]	06/30/2023	1	approved	<div>Rate Member</div> <div>Cancel</div> <div>No show</div>	<div>Messages (0 new)</div>
157952	Amy Covington	[REDACTED]	06/30/2023	1	approved	<div>Rate Member</div> <div>Cancel</div> <div>No show</div>	<div>Messages (0 new)</div>
117271	Teri Van Doorn-Mejia	[REDACTED]	06/30/2023	1	approved	<div>Rate Member</div> <div>Cancel</div> <div>No show</div>	<div>Messages (0 new)</div>

Member ID	Member Name	Phone #	Arrival	Nights	Status	Actions	Conversations
158510	Gary Smith		07/13/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
467268	Shelley Furse		07/01/2023	1	approved	Rate Member Cancel No show	Messages (0 new)

Member ID	Member Name	Phone #	Arrival	Nights	Status	Actions	Conversations
41114	Jeffrey Stewart		09/07/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
207155	wendy harrison		09/03/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
497849	Deborah Kusha		08/26/2023	1	approved	Rate Member Cancel No show	Messages (1 new)
300530	Jessica Williams		08/13/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
148879	Doug Wright		07/22/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
494682	Cassandra Reviea		07/20/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
106452	Shane McCauley		07/15/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
451634	Jane Seys		07/15/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
171289	John Tomkinson		07/13/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
466923	cindee stamper		07/13/2023	1	approved	Rate Member Cancel No show	Messages (0 new)

Member ID	Member Name	Phone #	Arrival	Nights	Status	Actions	Conversations
264449	Chaney Stotts		09/30/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
498238	Larkin McMorris		09/30/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
84529	Hope Manna		09/23/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
271312	Kimberly Tower		09/16/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
272881	Tracy Carlson		09/16/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
469221	Angie Jackson		09/16/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
136970	PHAEDRA ANDERSON		09/16/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
31995	Sue & Al McMurray		09/15/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
167848	Gayle Hood		09/08/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
161822	Rhonda Jones		09/08/2023	1	approved	Rate Member Cancel No show	Messages (0 new)



Host Dashboard

Manage Stays

Upcoming

Past

Declined

Create a Request

Stay Calendar

Block Dates

Preferences

Manage Profile

Message Center




Member Verification

Member Feedback

Contact Team

Past Stays

View past stays by members. Please help other Hosts by rating members and marking no shows.

Member ID	Member Name	Phone #	Arrival	Nights	Status	Actions	Conversations
106452	Shane McCauley		11/11/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
525906	Christopher Cook		10/20/2023	1	approved	Rate Member Cancel No show	Messages (0 new)
520462	Charles Hoelzel		10/01/2023	1	approved	Rate Member Cancel No show	Messages (0 new)