

CANYON COUNTY HEARING EXAMINER  
MINUTES OF REGULAR MEETING HELD  
Thursday, March 3, 2025  
1:00 P.M.

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1<sup>ST</sup> FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Hearing Examiner Present: Leon Letson

Staff Members Present: Jay Gibbons, Director of Development Services  
Dan Lister, Principal Planner  
Michelle Barron, Principal Planner  
Joshua Johnson, Principal Planner  
Arbay Mberwa, Associate Planner  
Amber Lewter, Associate Planner  
Caitlin Ross, Hearing Specialist

**Hearing Examiner Leon Letson** called the meeting to order at 1:00 p.m., reviewed the testimony guidelines and proceeded to the first business item on the agenda.

**Item 1A:**

**Case No. CU2024-0002 – Tim John/Canyon Creek Gardens for Symm’s Fruit Ranch Inc.:** The applicant, Symm’s Fruit Ranch Inc., represented by Tim John, is requesting a conditional use permit for a retail nursery and a food/produce processing facility on approximately 6-acres of the 35.49-acres on parcel R33566 in the “A” (Agricultural) zone. The subject property is located at 20087 Lowell Rd, Caldwell, Idaho, 83607.

**Hearing Examiner Letson** called the applicant to testify.

**Tim John – (Applicant) IN FAVOR – 13845 Mesa St, Caldwell, ID 83607**

Mr. John explained the mutual beneficial partnership between Canyon Creek Gardens and Symm’s Fruit Ranch because of Canyon Creek Gardens needing to relocate due to Hwy 55 being widened. Canyon Creek Gardens grows and sells flowers and flower arrangements, and Symm’s Fruit Ranch are well known for their fruit production. Mr. John stated their objectives which are in line with the 2030 Comprehensive Plan for the Agricultural use of the area. Due to inflation and other inhibiting factors, both Canyon Creek Gardens and Symm’s Fruit Ranch have been trying to find additional and more valuable ways to sell their products instead of just to wholesalers. Mr. John also added the relationships they’ve developed with the public and other associations, such as schools, and mentioned their support from the public.

**Planner Arbay Mberwa** reviewed the Staff Report for the record.

Hearing Examiner Letson confirmed with Planner Mberwa that the agency comments were in favor of this project as long as certain conditions are included.

**Hearing Examiner Letson** affirmed the witnesses to testify.

**Testimony:**

**AnnMarie John – IN FAVOR – 13845 Mesa St, Caldwell, ID 83607**

Ms. John explained her history with Symm's Fruit Ranch and the opportunities Canyon Creek Gardens has provided for other families and the community. She read a letter from the deputy warden of the South Idaho Correctional Institution.

**Doug Sanders – IN FAVOR – 22165 Tucker Rd, Greenleaf, ID 83626**

Mr. Sanders testified he is the president of Nature's Indulgence and explained his family's history in Idaho and their orchards. He believes in preserving Idaho's agricultural background as much as possible.

**Max Clements – IN FAVOR – 3265 W 2000 N, Rexburg, ID 83440**

Mr. Clements described his relationship with the applicant. He agrees this business has a domino affect on the community and is confident the approval of this application and it's proposed land use is inevitable.

**Gretchen Moldenhauer – IN FAVOR – 14716 Mountain Hawk Rd, Nampa, ID 83686**

Ms. Moldenhauer also agrees that this business would greatly benefit Canyon County and the community. She strongly encourages approval.

**David Sanders – IN FAVOR – 20851 Barrel Ln, Caldwell, ID 83607**

Mr. Sanders is in favor and wants to see this application be approved. He described the statistics on the loss of orchards and does not want to see that loss continue.

**Dar Symms – IN FAVOR – 19333 Lowell Rd, Caldwell, ID 83607**

Mr. Symms wanted to clarify that they produce fruits and vegetables in addition to their retail nursery. He requested the use of their 2022 traffic study.

**Chris Yamamoto – IN FAVOR – 5503 S 10<sup>th</sup> Ave, Caldwell, ID 83607**

Mr. Yamamoto agrees with prior testimony and fully supports this case.

**James Mertz – IN FAVOR – 19786 Apricot Ln, Caldwell, ID 83607**

Mr. Mertz works with Symm's Fruit Ranch and relayed how proud he is of the fruit they grow and the partnership with Canyon Creek Gardens. He read a statement in an article that stated customers want a personal experience, and that is what is being provided.

**Patrick Williamson – IN FAVOR – 19550 Eat A Bite Ln, Caldwell, ID 83607**

Mr. Williamson is mostly in favor, but had concerns on the statements of using city water as he was unaware the City of Caldwell ran to this property. He believes their use of what would be wasted fruit for drying/dehydrating/etc. is very beneficial.

**Janet Northrup – IN FAVOR – 16085 Plum Rd, Caldwell, ID 83607**

Ms. Northrup reviewed the 2023 Economic Plan and believes this location checks off all qualifications. She is hopeful Symm's Fruit Ranch and Canyon Creek Gardens will be part of the vision and growth in the area.

**Judy Leathers – IN NEUTRAL – 20520 Grape Ln, Caldwell, ID 83607**

Ms. Leathers stated she is in favor of the nursery, but her primary concern is the traffic turning left from Lake Lowell to Hwy 55.

**Tim John – REBUTTAL – 13845 Mesa St, Caldwell, ID 83607**

Mr. John clarified the water is not city water, but rather is provided on site. He also touched on the comments regarding the traffic impact study, and mentioned the engineer they worked with did not feel it was necessary to do another study, but a count of traffic would suffice.

Planner Mberwa confirmed that comments from Golden Gate Hwy District No. 3 suggested another traffic impact study, but it would be their final decision on accepting the study from 2022. She also commented that the water use was from centralized public water systems and the retail nursery would rely on the property owner to provide water.

**MOTION:** Hearing Examiner Letson closed public testimony on Case No. CU2024-0002.

**Deliberation:**

Hearing Examiner Letson reminded the applicants he would be preparing the FCOs to be presented when available.

**MOTION:** Hearing Examiner Letson **approved** Case No. CU2024-0002.

**Item 1B:**

**Case No. CU2024-0006 – J. Rogel Trucking LLC:** The applicant, J. Rogel Trucking LLC, is requesting a Conditional Use Permit for a staging area and contractor shop in the “A” (Agricultural zone) with 15 parking spots for the company trucks and trailers with an office onsite. The trucking business is proposed to operate 24 hours a day, 7 days a week with 12 employees and with no loading or unloading onsite. The subject property is located at 15741 Willis Rd, Caldwell, also referenced as Parcel R34550.

**Hearing Examiner Letson** called the applicant to testify.

**Mariela Melchor – (Applicant) IN FAVOR – 1111 Teton Ave, Caldwell, ID 83605**

Ms. Melchor explained their need for this application for parking purposes and described their current parking situation. She mentioned there have been no direct complaints that she is aware of and is willing to work with anyone who might have issues. Ms. Melchor further explained all parking is on the property and there are no obstructions to the main road, and all loading and unloading is done off site as they work for hire for Simplot and Outwest Livestock.

Hearing Examiner Letson asked about the results of the neighborhood meeting that was held in January. Ms. Melchor stated most of the questions were regarding noise of the trucks and parking, and there was clarification on a neighbor that does park his truck on the street. Hearing Examiner Letson then asked if the applicant was willing to comply with all of the listed conditions if approved. Ms. Melchor answered yes, all in due time. Hearing Examiner Letson confirmed with the applicant that all code enforcement issues have been addressed.

**Planner Amber Lewter** reviewed the Staff Report for the record.

Hearing Examiner Letson asked for clarification on the highway district’s comments on the 6-month timing, and confirmed that due to the applicant already operation, they are required to comply within 3 months.

Planner Lewter reviewed the map of the property to show where parking is and will be, as well as where the side obscuring fencing would be placed.

**Hearing Examiner Letson** affirmed the witnesses to testify.

**Testimony:**

**Jesus Madrigal – IN OPPOSITION – 15842 Willis Rd, Caldwell, ID 83607**

Mr. Madrigal asked if the hours of operation listed would be for dispatch office personnel, and noted there is still truck traffic after hours and into the early morning. He believes this area is more of a light agricultural zone, or more residential, and sees this application as adding a truck stop to the end of a cul-de-sac as it does not make sense for the area. Mr. Madrigal mentioned his concerns with safety, the water supply, and additional traffic.

**Robert Madrigal – IN OPPOSITION – 24055 Sheryl Ln, Caldwell, ID 83607**

Mr. Madrigal also expressed concerns with the additional truck traffic and safety for younger kids in the area. He also mentioned witnessing traffic moving at high speeds, but also acknowledged the other trucking company in the area. Mr. Madrigal was mostly concerned of this snowballing out of control if approved.

**Geri Walker – IN OPPOSITION – 23978 Farmway Rd, Caldwell, ID 83607**

Ms. Walker reciprocated the same concerns as the other testimonies in opposition in regards to traffic and safety.

**Mariela Melchor – REBUTTAL – 1111 Teton Ave, Caldwell, ID 83605**

Ms. Melchor addressed the concerns regarding the traffic, and emphasized the other trucking company and houses in the area creating additional traffic as well. She also has encouraged her employees to abide by the proposed hours, and is confident in enforcing that regulation on her property.

Hearing Examiner Letson asked how many actual trucks are estimated to come and go and how many trips per day were predicted. Ms. Melchor said most of the trucks leave in the morning and do not return until the evening, some are gone all week, and 3 of her employees keep their trucks with them as they live out of state. Hearing Examiner Letson confirmed there is someone living at the residence on site. Ms. Melchor also wanted to add they have acquired another property and the goal was to move this business to the other site.

**Deliberation:**

Hearing Examiner Letson asked staff if conditions could be placed in regards to specific timeframes. Planner Lister relayed code stating the hearing body can make that determination.

Hearing Examiner Letson asked how Willis Rd is classified per the highway district. Planner Lewter referred to the exhibit from the Notus Parma Hwy, it was classified as a local roadway in 2017. Hearing Examiner Letson asked if any current traffic counts were provided from the highway district, to which Planner Lewter stated there were not, but they had requested a traffic impact study. Hearing Examiner Letson asked what the prediction for this property was in relation to the future comprehensive plan. Planner Lewter explained the future land use for surrounding areas and stated this property was still designated as agricultural. Hearing Examiner Letson asked about the water concerns and what steps would need to be taken to address that. Planner Lewter referred to the condition of the applicant needing approval from the Southwest District Health prior to commencement. Hearing Examiner Letson asked about the other mentioned truck company and active code enforcement cases. Planner Lewter described some of the surrounding areas and other unpermitted staging areas. Hearing Examiner Letson asked if there was discussion with the applicant on a plan for trucks to turn around on the property. Planner Lewter stated she had not had this discussion yet, but added a condition could be added for a turnaround plan.

Planner Lewter wanted to add that this operation was originally more in line of a trucking terminal with 24 hours of operation, and the condition for the more restricted hours of operation was added to meet the current zoning requirements.

Hearing Examiner Letson asked what the effect would be if this application was approved and the traffic impact study was found to be detrimental to the area. Planner Lister explained the different objectives of a traffic impact study, and a condition could be added to give them time to have that study completed if approved. He also stated this case could be tabled if necessary to address that study prior to making that final decision of approval/denial. Planner Lister explained the different processes in obtaining a traffic impact study. Planner Lewter also commented that she is aware of the applicant already attempting to work with the highway district.

**MOTION:** Hearing Examiner Letson closed public testimony on Case No. CU2024-0006.

**MOTION:** Hearing Examiner Letson moved to **continue** Case No. CU2024-0006 to a date certain of April 7, 2025, with a recommendation to conduct and provide a traffic impact study if possible, or at least more information from the highway district, and a plan for noise mitigation and a turnaround plan.

**2. DIRECTOR, PLANNER, COMMISSION COMMENTS:**

None.

**3. ADJOURNMENT:**

**Hearing Examiner Letson** adjourned the hearing at 2:57 P.M.

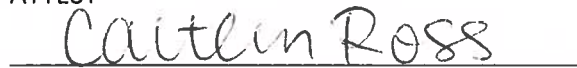
An audio recording is on file in the Development Services Departments' office.

Approved this 7<sup>th</sup> day of April, 2025



Leon Letson, Hearing Examiner

ATTEST



Caitlin Ross, Hearing Specialist