



CANYON COUNTY HEARING EXAMINER  
MINUTES OF REGULAR MEETING HELD  
Monday, July 7, 2025  
1:00 P.M.

---

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

Hearing Examiner Present: Leon Letson

Staff Members Present: Joshua Johnson, Assistant Director of Development Services  
Amber Lewter, Associate Planner  
Arbay Mberwa, Associate Planner  
Dane Adams, Associate Planner  
Ryan Varon, Associate Planner  
Caitlin Ross, Hearing Specialist

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

**Item 1: Consent Agenda – Action Items**

**A. June 2, 2025 Minutes**

Hearing Examiner Letson moved to **approve** the Consent Agenda.

**Item 2A:**

**Case No. CU2024-0020 - Cervantes:** The applicant, Jose Cervantes is requesting a conditional use permit for a retail/wholesale nursery and staging area. The subject property is located at 16503 Wagontier Drive, Caldwell ID 83607, also referenced as Parcel R35479011 and the eastern part of Parcel R35477010.

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

**Jose Cervantes – (Applicant) IN FAVOR – 16503 Wagontier Dr, Caldwell, ID 83607**

Mr. Cervantes explained him and his wife are owners of a nursery and two landscape businesses, and are requesting a conditional use permit and a staging area for the subject property. A permit for their landscaping businesses will allow them to continue to efficiently park the equipment and store the landscaping materials. Additionally, a permit for the retail and wholesale nursery is crucial to sell trees and cultivate the land, supporting local growth. Mr. and Mrs. Cervantes are committed to be excellent neighbors and responsible stewards of this property, while maintaining a clean, well-kept and neighbor friendly environment. The plan is to continue the fencing around the property and to plant a windbreak of trees along the west side of the property, with an intent to acquire an adjacent property. The primary goal for the expansion is to grow more trees, reducing the reliance on external suppliers and keeping the area productive in agriculture.

Hearing Examiner Letson asked how long the applicant has been on the property with the current operation. Mr. Cervantes answered 6-7 years. Hearing Examiner Letson confirmed that the current application would cover the additional property.

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

Hearing Examiner Letson confirmed that the highway district had no concerns, but does require a permit to the access and improvements as necessary. Planner Lewter also added there were no requirements for a traffic impact study.

Hearing Examiner Letson confirmed with Mr. Cervantes that he is in agreement with all 12 conditions.

**Testimony:**

**Janet Bressler – IN OPPOSITION – 19249 Evening Dr, Caldwell, ID 83607**

Ms. Bressler expressed concerns regarding water and traffic.

**George Crookham – IN OPPOSITION – 22604 Aura Vista Way, Caldwell, ID 83607**

Mr. Crookham expressed his concerns regarding safety and the increase of traffic.

**Jose Cervantes – (Applicant) REBUTTAL – 16503 Wagontier Dr, Caldwell, ID 83607**

Hearing Examiner Letson asked how many estimated additional trips per day there were. Mr. Cervantes stated between 4-5 trucks, it is about 20 trips per day, but it depends on sales. There is only 1 entrance to the property. There was also conversation regarding the water concern, and Mr. Cervantes stated they plan to dig a pond that shouldn't affect the current water situation.

**MOTION:** Hearing Examiner Letson **approved** Case No. CU2024-0020.

**Discussion on the motion:**

Hearing Examiner Letson believes the conditions would address traffic concerns, and stated that the evidence of this not rising to the level of a traffic impact study proved there wouldn't be a big issue.

**Item 2B:**

**Case No. CU2024-0022 - Shew:** The applicant, Jacob Shew, represented by Patty Clark, is requesting a conditional use permit for a staging area and contractor shop of approximately 2.10 acres in the "A" (Agricultural) zone. The business is proposed to operate Monday – Friday 7:30 am to 3:30 pm to store company trucks, trailers and equipment onsite with 9 employees, an office, and unloading and loading conducted onsite. The subject property is located at 6472 Cherry Lane, Nampa, also referenced as Parcel R30746.

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

**Tyler Allen – (Applicant) IN FAVOR – 28273 County Ln, Caldwell, ID 83607**

Mr. Allen is one of the co-owners of Jet Enterprises. He explained that asphalt driveways and patching has been a part of the Nampa and Canyon County community since 1977. Their company employs 11 individuals and hours of operation are Monday through Friday, 7:30 a.m. to 5:00 p.m., eight months of the year due to seasonal limitations. There are 2 renters, who are also employees that reside on the property all year and take care of property upkeep and maintenance. Jet Enterprises works closely with many local businesses such as Amalgamated Sugar, Roth Ag, Seneca Foods, and local dairies. The primary source of asphalt and any other materials come from offsite. Mr. Allen believes that current zoning, according to the land use regulations matrix, allows for a landscape business and staging area. Equipment is stored on the property and they do not manufacture any asphalt items on site. There is a paved approach that exceeds the county and commercial specifications, and are willing to make any adjustments

to the property and business to meet the requirements of the county. Mr. Allen stated if the request is denied, they could be looking at a loss of employees or having the shut down the business entirely.

Hearing Examiner Letson asked what the thoughts were on the city stating this operation does not fit with the area. Mr. Allen reiterated he believes their current operations are appropriate, and have not had any complaints from the neighbors, although he does understand the city eventually wants the property for residential. Hearing Examiner Letson asked how long they have been onsite. Mr. Allen answered 2.5 years.

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

Hearing Examiner Letson asked if there were any changes that would justify the current operation and make them an allowed use. Planner Lewter stated there wasn't anything that could be conditioned to receive the commercial approach through the city of Nampa. Hearing Examiner confirmed with Planner Lewter that an operation that was conducive with a residential neighborhood would be appropriate. Hearing Examiner Letson asked for clarification on the septic system. Planner Lewter explained that according to Southwest District Health, porta-potties, as long as the guidelines were met, were acceptable, but the current septic is inadequate for additional use by employees. There is a possibility of upgrading the septic system if needed. Any additional questions, especially regarding long-term use of the porta-potties would need to be deferred to Southwest District Health.

Hearing Examiner Letson asked for clarification on Canyon County's comprehensive plan versus the city of Nampa's comprehensive plan. Planner Lewter explained it depends on the location, and although it is in the area of city impact, the area around this property is trending towards residential, which matches the city comprehensive plan. It was discovered there were existing surrounding parcels with similar uses. None of them were approved and they have yet to comply with code requirements. Planner Lewter explained the process of appealing if this application were denied.

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

#### **Testimony:**

##### **Whitney Hayden – IN FAVOR – 5089 Canary Ln, Nampa, ID 83687**

Ms. Hayden addressed a question about the future plan for the property, and her and her husband (Jacob Shew) understand the need for future development and are willing to work to be compliant with future needs. They would just need the time to work through and develop that planning. Ms. Hayden also addressed the septic concerns, and mentioned the employees are never onsite long enough to use the residential facilities, and have the porta-potties out on site for them to use when needed.

Hearing Examiner Letson asked what a reasonable time limit would be. Ms. Hayden stated 36 months, although that question would need to be deferred to Mr. Allen.

##### **Donnie Munson – IN FAVOR – 6452 Cherry Ln, Nampa, ID 83687**

Mr. Munson lives right next to the property and does not have any complaints on noise or the operations.

Hearing Examiner Letson confirmed there is access onto the subject property across Mr. Munson's property, and asked if there was an agreement. Mr. Munson stated there may have been an agreement originally, but he is not concerned with who uses it.

**Tyler Allen – (Applicant) REBUTTAL – 28273 County Ln, Caldwell, ID 83607**

Mr. Allen addressed the comments on dust, and stated they had mitigation plans as needed. He also emphasized that there was nobody in opposition. Their trucks are parked to the south towards the house to reduce noise in the mornings, and the hours of operation are dictated by the sunlight and weather.

Hearing Examiner Letson confirmed that approval of a formal access to the property would be dependent on the city of Nampa. It would be denial by condition if the approval for the access is not received. Mr. Allen also confirmed that 3 years was adequate for the timeline, especially if they have to find somewhere new to operate.

**MOTION:** Hearing Examiner Letson moved to **continue** Case No. CU2024-0022 to a date certain of August 18, 2025.

**Discussion on the motion:**

Hearing Examiner Letson would like staff and the applicant to follow up with the city of Nampa for potentially gaining the commercial access needed. A conversation with Southwest District Health may also be necessary regarding the continued use of porta-potties or expansion of the septic system.

**Item 2C:**

**Case No. ZV2024-0002 – Cenote LLC:** The applicant, Cenote LLC, represented by Christy Niblett, is requesting a variance greater than 33% to keep the secondary residence in place on site approximately 15 feet from the front property line along Fifth St. rather than 30 feet and approximately 7 feet from the front property line along John Ln. rather than 30 feet in the current location on parcel R27233 approximately 0.74-acres in an “A” (Agricultural) zone. The subject property is located at 15065 Fifth St. Caldwell, ID, 83687 also referenced as Parcel R27233.

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

**Christy Niblett – (Applicant) IN FAVOR – 25753 Lower Pleasant Ridge Rd, Wilder, ID 83676**

Ms. Niblett shared the history of the property, and believes it conforms to the future comprehensive plan. This will be the replacement home when the older one is gone, but they didn't realize that it had to go through a building permit process. Proper permits from the highway department, Southwest District Health, Idaho Power, and the fire department are in place. There are tenants in the mobile home. It's affordable housing for them and fits the history of the lot and the neighborhood. Ms. Niblett stated they placed the home 3 feet beyond the 30 feet from the center line requirement that the county quoted. Ms. Niblett read into the record a letter from the current tenants expressing their concerns with potentially needing to vacate their home and find affordable housing elsewhere. The initial code enforcement issue was addressed immediately; however, there is still a setback issue. Ms. Niblett also read into the record a letter from the neighbor behind the applicant's property regarding concerns of moving the mobile home closer to the shared property line affecting the location of their septic system and drain field compared to the neighbor's well. When the subject property was purchased in 2020, a new septic was placed according to Southwest District Health's guidelines, and moving the septic, and therefore the home, is not feasible at this time.

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

Hearing Examiner Letson asked for clarification on the permitting of the manufactured home. Planner Mberwa stated the home was placed in 2021, but was not permitted until 2023, which is when the requirement of the 30-foot setback was placed. Hearing Examiner Letson confirmed that the partial

variance was given for the home along 5<sup>th</sup> Street, and asked where the rear setback would be. Planner Mberwa stated the rear setback would be 20 feet from the property line. Approval for the septic is typically required from the health district prior to issuing a permit.

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

**Testimony:**

**Brian Niblett – IN FAVOR – 25753 Lower Pleasant Ridge Rd, Wilder, ID 83676**

Mr. Niblett talked about the process of installing the new septic, explaining the issues with the abandoned septic systems and the conversations with the highway district and the fire department verifying placement.

There was discussion on the setback measurements along 5<sup>th</sup> Street and John Lane, which is the alley.

**Veronica Perez – IN NEUTRAL – 1920 S Montana Ave, Caldwell, ID 83605**

Ms. Perez was concerned on how this would affect her mother's property, which was south of the subject property. It was confirmed that this setback issue and variance is only applicable to the manufactured home and any surrounding residences are not affected.

**Christy Niblett – (Applicant) REBUTTAL – 25753 Lower Pleasant Ridge Rd, Wilder, ID 83676**

Ms. Niblett confirmed the locations of the 2 old and abandoned septic systems compared to the new one, and reiterated that she was not trying to get anyone in trouble with this request.

**MOTION:** Hearing Examiner Letson **approved** Case No. ZV2024-0002.

**Item 2D:**

**Case No. CU2024-0010 – Orton/McIntyre:** The applicant, Brent Orton, representing McIntyre Farms is requesting a Special Events Facility via a Conditional Use Permit on parcel R30154 approximately 25.91 acres to hold farm to fork events, tours of the farm/packaging operations, and agritourism events onsite. Additionally, the applicant is requesting a Food Processing Facility for egg packaging operations. Lastly, the applicant is requesting a similar use to a conditional use permit to operate a farm store in the agricultural zone to primarily sell McIntyre products and a few resell of products. The subject property is located at 17995 Lewis Ln. also referenced as parcel R30154.

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

**Brent Orton – (Representative) IN FAVOR – 17338 Sunnydale Pl, Caldwell, ID 83607**

Mr. Orton explained the history of McIntyre Farms. He explained the owners are innovators in agricultural technology, and are well-known not just in Idaho, but regionally and maybe nationally for their use and execution of innovative farming techniques, cover crops and no-till drilling. The agricultural buildings don't require a typical building permit, but they do require and now have the applications submitted for an agricultural building permit. Mr. Orton explained the uses of the white building on site, which includes processing the eggs that are produced on site and a farm store with products manufactured by McIntyre Farms. The farm store does need to get into compliance with county code, which would happen if the conditional use permit were approved. The letter of intent addendum outlines code on processing items for market, but agritourism is significantly promoted in the comprehensive plan. If the hearing examiner approves this case, then the building department can review a building condition code evaluation under the international building code and bring this building into compliance with a commercial building permit



that would be appropriate for having a farm store. Mr. Orton further explained the egg production on site and the storage and packaging materials. There is a compliant restroom in the building. The McIntyre's have held farm to fork dinners, educational events, field trips, and workshops and have asked to have room in the conditional use permit to expand that ability. Customers park in the front and employees park in the back. Mr. Orton also explained the conditional use permit application for a nursery, and believes all qualifications have been met.

Hearing Examiner Letson asked how many tours and events annually are anticipated. Brad McIntyre answered 2-3 per month, April to October.

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

Hearing Examiner Letson asked for clarification on the land division. Planner Mberwa explained the history on the land division and the purpose of recognizing the split to bring the whole property into compliance, while providing options of how the applicant could do that.

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

**Testimony:**

**Brent Orton – (Representative) REBUTTAL – 17338 Sunnydale Pl, Caldwell, ID 83607**

Mr. Orton explained there are applications prepared and they have been working with an attorney to have a clear understanding to address the parcel split.

Hearing Examiner Letson verified the applicant is aware of and approves all conditions of approval.

**MOTION:** Hearing Examiner Letson **approved** Case No. CU2024-0010.

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

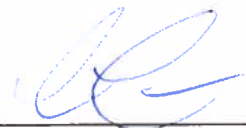
None.

**4. ADJOURNMENT:**

**Hearing Examiner Letson** adjourned the hearing at 3:06 P.M.

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

Approved this 4<sup>th</sup> day of August, 2025



Leon Letson, Hearing Examiner

ATTEST



Caitlin Ross, Hearing Specialist