

Arnzen

AD2025-0020-APL

APPELLANT/AGENT: T.J. WELLARD

OWNER: TED ARNZEN



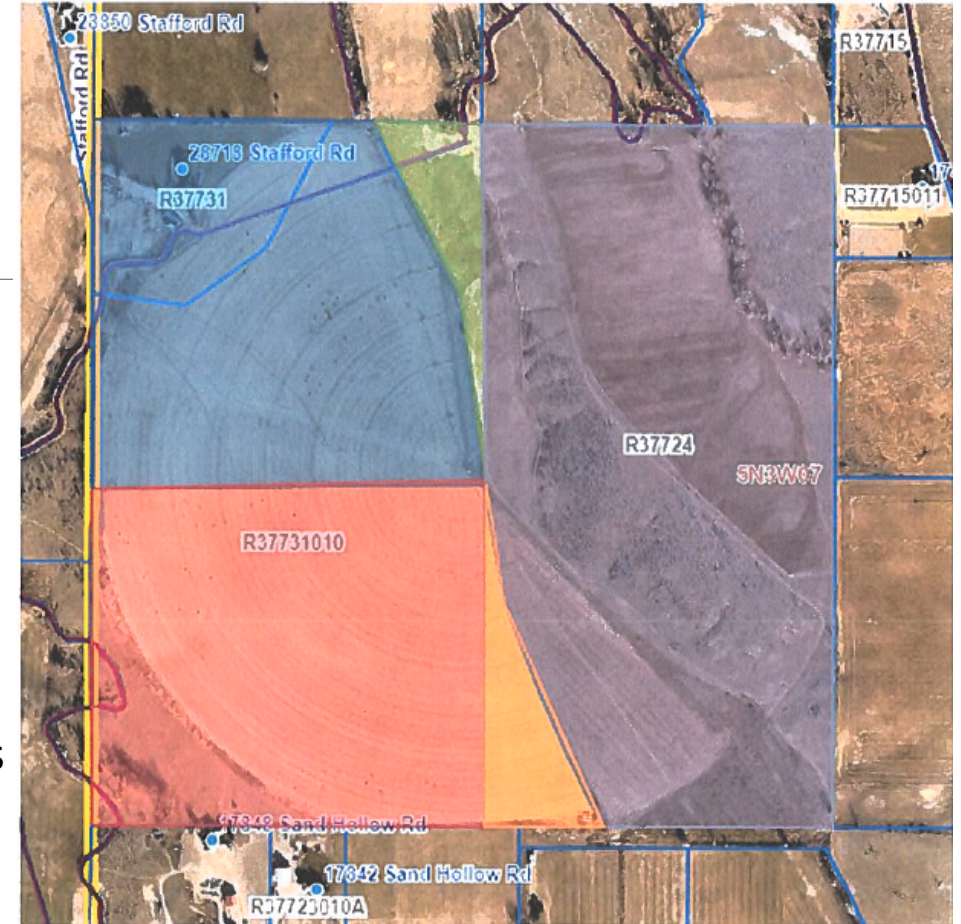
Property History:

Location & Property Description:

Parcel R37724, (79.36 acres), 0 Sand Hollow Road, Caldwell ID
Zoned 'A' Agricultural.

The 2030 Canyon County Comprehensive Plan designates the future land use as Agriculture.

Parcel R37724 is comprised of two (2) separate original parcels per **PI2024-0078** (the purple and green shaded areas)



Green- Government Lot 2
Purple- Remainder of the original parcel
(Exhibit 2E/PI2024-0078)



Background

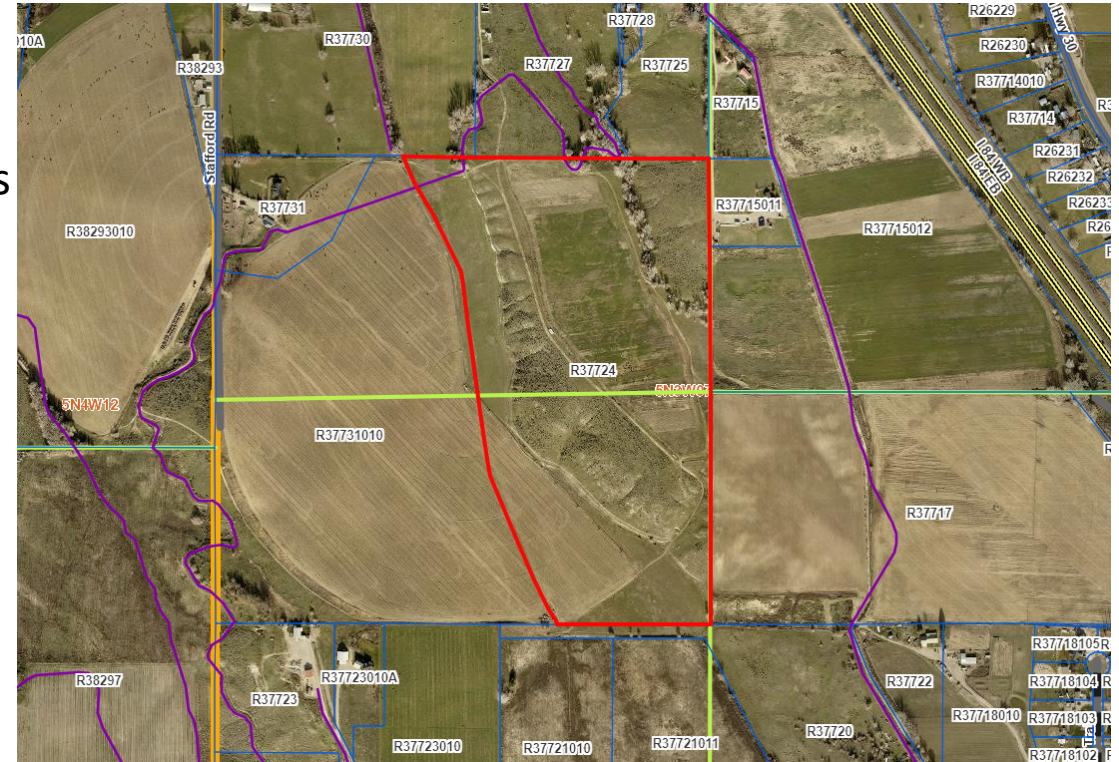
1. June 12, 2024, PI2024-0078 found Parcel R37724 to be an original parcel with two (2) separate parcels due to containing a portion of government lot 2 (**Exhibit 2E**).
2. February 18, 2025, the applicant submitted an administrative land division application to divide the subject property into three residential (3) parcels, while maintaining the originality of Government Lot 2 (**Exhibit 2A, 2B and 2F**).
3. July 3, 2025, Staff reached out to the applicant for clarity on the number of divisions the applicant was requesting as the request appeared to exceed the number of divisions the parcel is entitled to via the administrative land division process.
4. July of 2025 to February of 2026 there was a lack of consensus between the applicant and staff on the number of original parcels the subject property is made up of.
5. February 6, 2026, the applicant updated the letter of intent and record of survey requesting two residential parcels, an agricultural only parcel, maintain the originality of government Lot and create an additional parcel.
6. March 4, 2026, AD2025-0020 was denied due to not meeting Canyon County code §07-18-07(2) and §07-10-03(5)(**Exhibit 2**).
7. March 11, 2025, the applicant submitted an appeal application requesting the Board of County Commissioners overturn the Director decision on Case No. AD2025-0020.



REQUEST:

Appeal to overturn denial of AD2025-0020 for an administrative land divisions and an easement reduction on Parcel R37724.

- The result of the request would create four (4) buildable parcels via the administrative land division.
- Reduce the easement from 60' wide to 28' wide.



NE $\frac{1}{4}$ of the SW $\frac{1}{4}$



Parcel R37724



DIRECTORS DECISION: Denial of AD2025-0020

Not eligible for the number of administrative divisions requested.

- A. Currently, four (4) residential parcels can be created through the administrative land division application in their respective areas (R37724 and Gov Lot 2)
- B. Additional divisions could be allowed through §07-18-09 (Nonviable) or §07-18-11 (Building Permit Relocation)
 - Up to two (2) additional parcels in Gov Lot 2 and one (1) additional parcel on R37724 if the agricultural only parcel is desired. *§07-18-09(7)A: If the application meets the requirements of this section, the director may approve the division into fewer than five (5) parcels from the original parcel.

Evidence was not provided that there is physical characteristic(s) that require an easement reduction (§07-10-03(5)B)



APPEAL

March 11, 2026, **Appeal of Directors Decision for AD2025-0020** Submitted:

“We have shown through deed history the description of the parcel is by aliquot parts and those parts can not and were not combined in the legal description. Our appeal is based on the definition of the original parcel and the historic interpretation of what Canyon County Code defines as an original parcel” (**Exhibit 1A**).

ALIQUOT: The length of one side of a quarter-quarter section ($1/16$). The one-sixteenth ($1/16$) section contains forty (40) acres, more or less.



APPEAL - CONSIDERATIONS

CODE

- 1) §07-02-03 -**Original Parcel**: “A parcel of platted or unplatted land as it existing on September 6, 1979....”
- 2) §07-02-03 - **Parcel**: “A tract of land described by metes and bounds, chains, rods or aliquot parts or by lot and block. Land that is described by metes and bounds that includes all or parts of multiple, preexisting parcels or portions of platted lots, all of which are not separately defined or labeled as separate parcels or lots, shall be considered one parcel.”

POLICY

- 3) Canyon County **Policy** – Deed must include a full legal description – specifically, the Township and Range to qualify as a separate parcel. Exceptions are made for Government Lots (**Exhibit 3D**).

PROPERTY HISTORY

- 4) **Property History** – PI2024-0078 the subject property is comprised of two (2) original parcels (R37724 & Gov Lot 2).

DOCS

- 5) County Surveyor and GIS review of the deed (**Exhibit 3E & F**). Title Report (**Exhibit 1B.7**)



Surveyor Review

Exhibit 3F

Analysis of 1970 Deed

The 1970 deed has several aliquot parts (in order):

- The Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$
- The East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$
- Lot 4
- That part of Lot 2 of Section 7 , Township 5 North, Range 3 West of the Boise Meridian lying East of a natural drain ditch.
- Excepting that part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 7, Township 5 North, Range 3 West of the Boise Meridian which lies West of a Natural Drain.

I believe the person writing the legal description intended to describe one tract of land. This is supported by the exception clause which follows the full description. This is to say, if the intent was to describe “Lot 4” or “that part of Lot 2” as separate tracts, the exception would have followed the description of the East $\frac{1}{2}$ of the

1

Southwest $\frac{1}{4}$. Instead, it follows the full description. This is supported by the definition of parcel which is “A tract of land described by metes and bounds, chains, rods or aliquot parts or by lot and block. The definition contemplates that many aliquot parts could be used to describe a single parcel.

My assessment is that the 1970 deed describes one original parcel.

GIS Review

Aliquot parts under the Public Land Survey System are simply a way to describe where land is located, they're not the same thing as separate parcels or ownership units. They act as a grid-based reference system that surveyors and legal descriptions use to define boundaries. Because of that, they can be split up or combined as needed. For example, a description like "E $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ " just combines pieces of two aliquot parts into one continuous piece of land, which is completely normal.

Exhibit 3E

APPEAL PROCEDURES

- 1) *Appeal To Board: An affected person aggrieved by a final administrative decision or action of the director that was made pursuant to the provisions of this chapter may appeal to the board.*
- 2) *Appeal Procedures:*
 - A. *Appeals shall be filed with DSD within fifteen (15) calendar days after the date of the decision. A notice of appeal should include a statement of the reasons for the appeal and must be accompanied with all appropriate fees as established by the adopted fee schedule.*
 - B. *At the public hearing held in accordance with this article, the board shall consider the decision of the director and any additional evidence that may be offered by the public, applicant or director.*
 - C. *The board may affirm, reverse or modify, in whole or in part, the director's decision.*



NOTIFICATION & COMMENTS:

- Agencies noticed on April 10, 2025, and July 16, 2025:
 - Notus Parma Highway District No. 2: New approaches shall meet highway district standards and conditions. The current approach shall be improved to meet a commercial approach with a paved apron (**Exhibit 2G**).
- Property Owners noticed on July 16, 2026:
 - Two (2) comments received in favor of the applicant's request (**Exhibit 4**)



RECOMMENDATIONS:

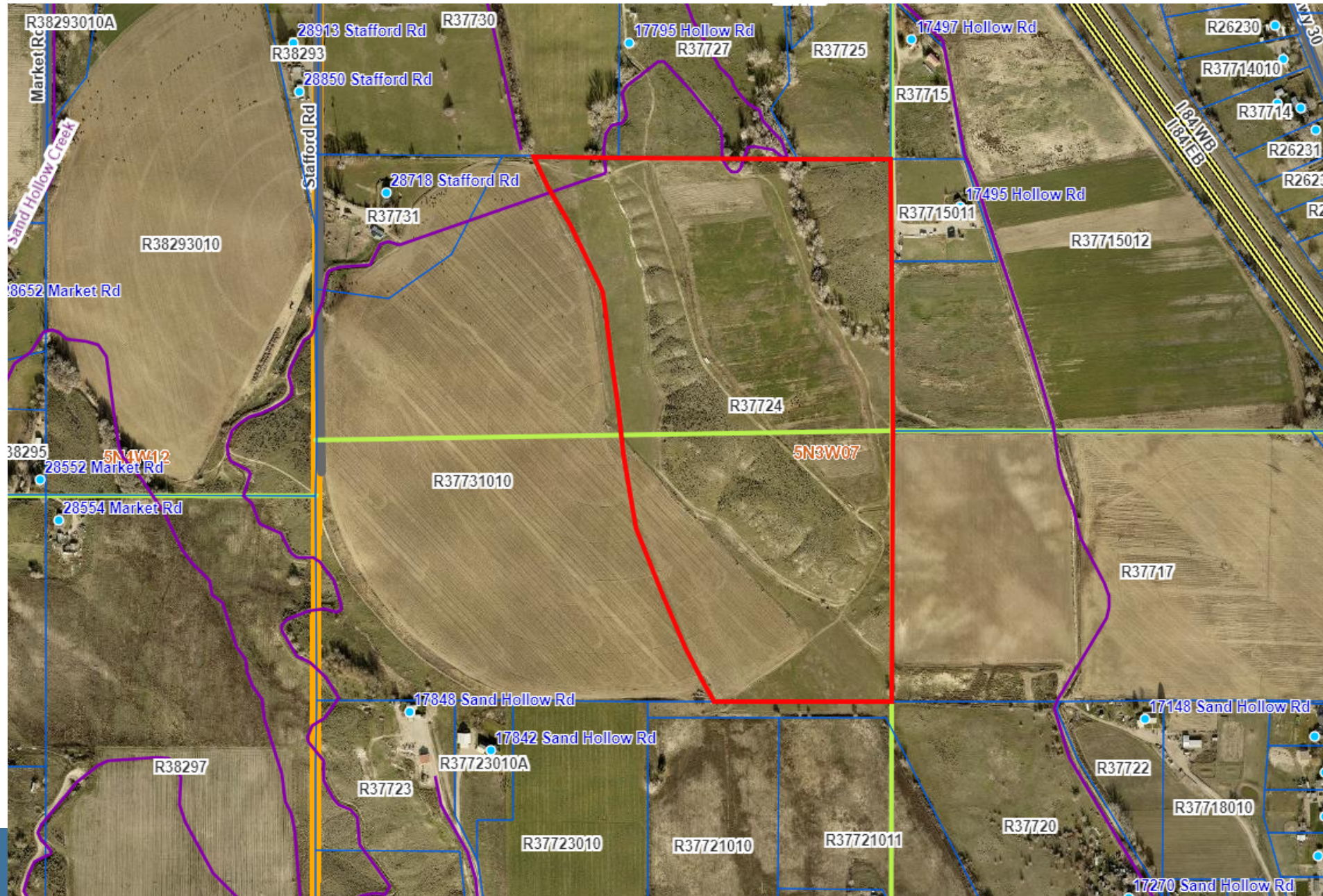
Staff recommends the Board of County Commissioners deny the appeal, upholding the Director of DSD's denial regarding AD2025-0020

The following options to gain approval of the divisions per Idaho Code Section 67-6519 include:

- The applicant may submit an Entitlement Verification application to determine the number of land divisions/building permits Parcel R37724 is entitled to. *A title report was submitted (**Exhibit 1B.7**).
- To gain approval the applicant shall comply with §07-18-07(2) by resubmitting an administrative land division requesting the number of land division(s)/building permits the subject property is entitled to via the appropriate application(s) (**Exhibit 2F**).
- Comprehensive Plan Amendment to Residential and Conditional Rezone to an “R-R” (Rural Residential) zone. The 2030 Comprehensive Plan designates the future land use of the area as “Agriculture”. If approved, two (2) residential parcels can be created via the administrative land division, additional residential parcels would require platting to divide the parcels.



AD2025-0020-APL



APPROVAL OF THE APPEAL:

“I move to approve the appeal and overturn the Director decision’s denial of case AD2025-0020-APL, Arnzen, finding the application **does** meet the criteria for approval under Section 07-18-05, 07-18-07 and 07-10-03(5) of Canyon County Code of Ordinances, with added conditions.”



DENIAL OF THE APPEAL:

“I move to deny the appeal and uphold the Director decision’s of case AD2025-0020-APL, Arnzen, finding the application **does not** meet the criteria for approval under Section 07-18-05, 07-18-07 and 07-10-03(5) of Canyon County Code of Ordinances.”



TABLING OF THE APPEAL:

“I move to continue case AD2025-0020-APL, Arnzen, to a [*date certain or uncertain*].”

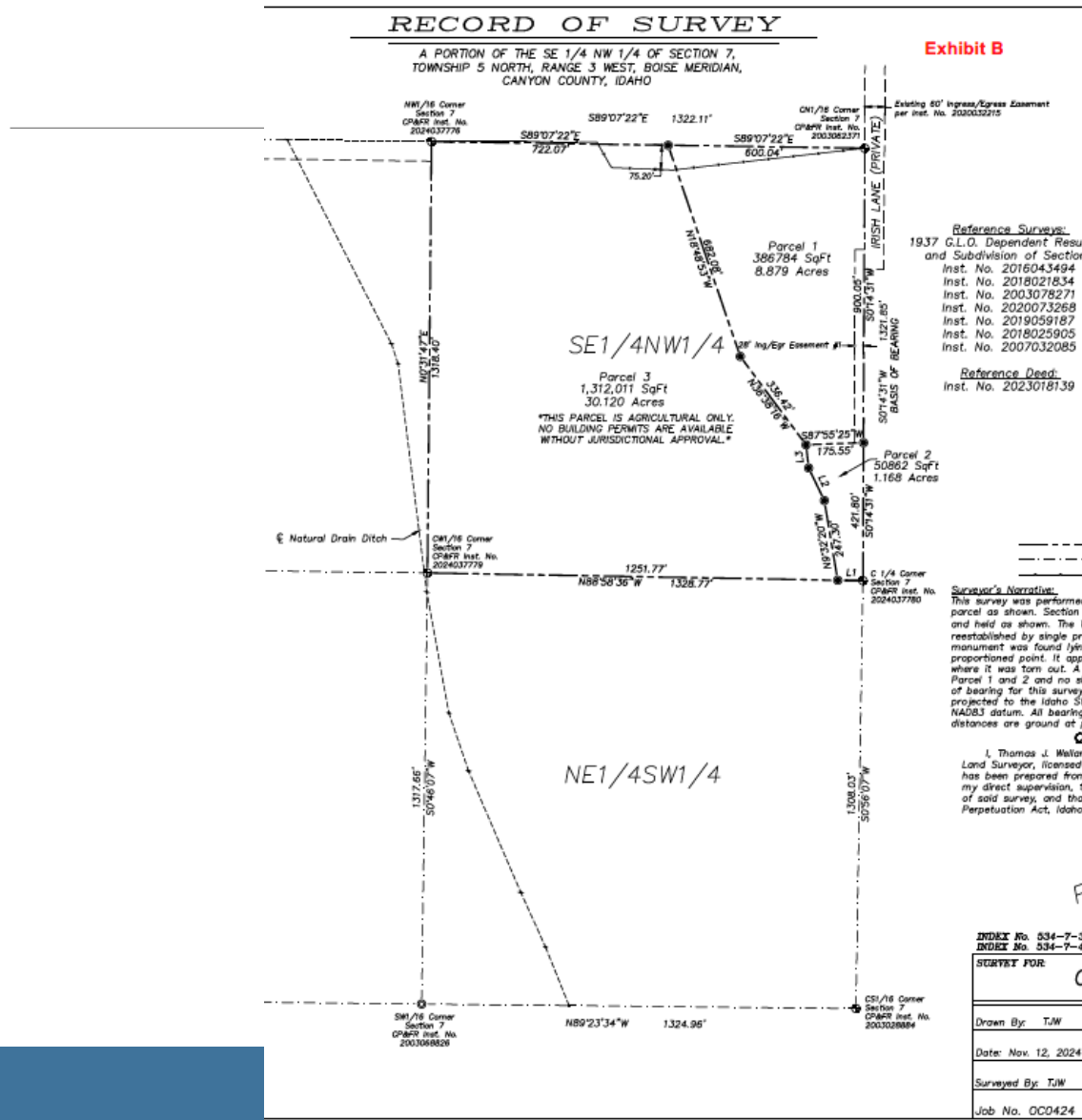


Summary:

- The applicant's request for administrative land division to create four (4) residential parcels and an easement reduction to 28' wide was denied on March 4, 2026 per CCCO §07-18-07(2) and §07-10-03(5)B.
- The applicant was also given alternative options when the Director's Decision application was denied.
- The applicant requests the Board reverses the Director Decision and provided information to support his reasonings.



Proposed Site Plan



Legend

- Parcel 1- 8.8 acres with a building permit
- Parcel 2- 1.16 acres with a building permit
- Parcel 3- 30.12 acres
- Agricultural Only Parcel (no building permit)
- Government Lot 2-maintained as an original parcel (2 building permits)
- NE ¼ of the SW ¼ -original aliquot part

*Feb 6, 2026, record of survey



APPEAL – DSD POLICIES

2023 Policy Interpretation

- A parcel may be an original parcel if the legal description is a PLSS description such as the NE1/4, of the NE1/4 of Section 34 of Township 1 North, Range 2 West (minimum size 40 acres?)
Quarter sections can be called out separately or together but must contain the full description including Township and Range to be considered separate original parcels.

The Southeast 1/4 of the Northwest 1/4, The East 1/2 of the Southwest 1/4 and Lot 4 of Section 7, Township 5 North, Range 3 West of the Boise Meridian; and

That part of Lot 2 of Section 7, Township 5 North, Range 3 West of the Boise Meridian lying East of a Natural Drain Ditch;

EXCEPTING FROM THE FOREGOING, All that part of the Northeast 1/4 of the Southwest 1/4 of Section 7, Township 5 North, Range 3 West of the Boise Meridian which lies West of a Natural Drain;

That part of Government Lot 2 lying East of a natural drain ditch; the Southeast Quarter of the Northwest Quarter and all that part of the Northeast Quarter of the Southwest Quarter lying East of a natural drain ditch, all in Section 7, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.

Exhibit 3F.1

