

Speaker 1 ([00:00:03](#)):

All right. It's now 1:30 on this 20th day of August 2026 in time for today's Canyon County Board of Commissioners hearing. This will be regarding case AD2025-0020-APL. I'm Chairman Brad Holden. To my left is Commissioner Zach Brooks and Commissioner Leslie Van Veen. The DSD staff report and any additional exhibits were received by the established materials deadline have been posted on the county's website on the last land use hearing page for anyone to review. Potential conflicts of interest. Before we begin testimony, are there any declarations pertaining to this application such as conversations or meetings outside of this hearing received by any commissioner?

Speaker 2 ([00:00:49](#)):

Thank you, Chairman. No.

Speaker 3 ([00:00:50](#)):

No, Mr. Chairman.

Speaker 1 ([00:00:51](#)):

And no for myself. Is there any commissioner who, for reasons of a conflict of interest, request to be excused from participating in this specific decision?

Speaker 2 ([00:00:59](#)):

Thank you, Chairman. No.

Speaker 3 ([00:01:00](#)):

No, Mr. Chairman.

Speaker 1 ([00:01:02](#)):

No for myself. All right. If you would, please silence your cell phone so they don't go off and interrupt in the middle of the hearing. The commissioner's room is electronically recorded. There's mics above your head. They will pick up anything you may say in the back. So unless you want your conversations recorded for history purposes, I would suggest to be quiet or if you need to talk to somebody beside you, it's okay to get up and walk out and have the conversation in the hallway. As chairman, I will maintain order by restricting inappropriate discussion or disorderly conduct, and if necessarily necessary, we'll ask you to step outside in the event you're disruptive or inappropriate. At this time, I'll explain the rules and the procedures for today's hearing consistent with Canyon County Ordinances Chapter one, Article 17, and Chapter seven, Article one. The applicant has the burden of proof.

([00:01:59](#)):

The applicant or their representative will go first today and their testimony is limited to 10 minutes. The board may have questions for the applicant, which will not count against their time. DFDSD staff will report next, and the board may have questions for staff. Additional questions by the board to staff can happen at any time during today's hearing. At that point, individuals who have been signed up and have testified will be, already be sworn in will be allowed the three minutes of testimony. We ask that this testimony be non-repetitive. Since the applicant has the burden of proof, they will go last and are permitted five minutes of rebuttal testimony or to answer questions - additional questions by the board.

Once the public comment is closed, we will deliberate and render a decision. Request for those testifying. We're gonna ask you to come up and just have a seat in the chair and pull the microphone up close to your lips and start with what your name and your address.

(00:03:08):

Please adhere to the three-minute time limit. We'll have a time clock here that will keep track of that and go off and we'll ask you to close your mouth at the time that the thing goes off. We will not be accepting any documents or other written materials at this hearing. All materials to be relied upon as a part of the record where we're required to be submitted by the advertised deadline, which was a minimum of 10 days ago. Materials received by that deadline have automatically been included in the record and we have received them. This deadline is to provide ample time for inclusion of staff report packet, hearing body review, and full transparency and access for the public. The submission of late documents or other materials does not allow all parties time to address the material or sufficient time for public review. If in your testimony you refer to an exhibit we have received or used specific verbal descriptions of what you are referring to, such as the exhibit number or location.

(00:04:03):

So if we have to make a written transcript, we can attach that into the minutes. All right. So the, nobody new is coming to the room, so we're going to swear you in, those who have wanted to testify. Arvi

Speaker 4 (00:04:20):

Josh Johnson, Tony Almeida, TJ Willard, Ted Arnsen, Alan Mills, Monty King, Matt Wilkie. I could everybody raise your right hand. Do you swear or affirm that the testimony you give will be the truth, the whole truth, nothing but the truth, so help you God? I do. Thank you. All

Speaker 1 (00:04:34):

Right. Thank you. All right. So we'll begin with the applicant. We'll now take testimony from them or their representative. You'll have the 10 minutes, and thank you.

Speaker 5 (00:04:53):

Thank you, Mr. Chairman. TJ Willard, 17842 San Hollow Road, Caldwell, Idaho, 83607. Our appeal today, we brought to you is based on Development Services' interpretation of what original parcel is. I just wanna start by giving you a little bit of history. The property owner, Mr. Arnsen, obtained a parcel inquiry from DSD. Then I was approached to do some surveying for administrative line divisions. I took a look at the parcel inquiry and noticed that it wasn't following what historically has been interpreted as original parcels. So I had discussions with DSD staff and tried to have discussions with the director. And I was told that in order to address the inconsistencies in the parcel inquiry, we would have to go apply for the administrative line division and it will be denied and then, we'll have to appeal it. There's information in the staff report that's counter to that, that said that the parcel inquiry wasn't, contested, but that's not true.

(00:06:16):

We were told we could do another one. We could request other entitlement, but that it wouldn't change. So what was the, what would be the point in spending that additional money and waiting that additional time and being told the same thing? So here we are with our application that we knew would

be denied and we're appealing it to get proper understanding, proper interpretation, and the historic use and interpretation of original parcels.

(00:06:42):

So first I wanna start with the definitions. , You've gone over these probably over and over again, but, , the original parcel, parcel of un - applied or implied land has existed in September nine, 1979. So that's the basis of original parcel. So what is a parcel? County code says, "A track of land described by meats and bounds, chains, rods, or eloquent parts or by lot and block. Land that is described by meats and bounds include all or parts of multiple pre-existing parcels or portions of plat lots, all of which are not separately defined or labeled as separate parcels or lots shall be considered one parcel.

(00:07:24):

Aloquient in Kenyon County Code, the length of one side of a quarter-quarter section, one 16th, the one 16th section contains 40 acres, more or less." So that's the basis of definitions for Canyon County Code and how they are to address the original parcel and where original parcel come from. So I wanna start in the staff report. , The first bullet point, they say that government lots are identified as separate original parcels per longstanding practice. So I've been surveying for 20 years. Most of my work is in, probably about 85% of my work is in Kenyon County.

(00:08:18):

It's been longstanding practice that adloquate parts are individually original parcels. I just wanna point that out that if that's the reason why we're not combining the entire description on a deed is because of longstanding practice. Well, that longstanding practice, I don't know what longstanding is, but to me, 20 years is a long time because it's half my life. So it seems like a long time to me. But I know that, , in the Pinner case that came before you, there were surveyors who submitted, , documents that said that that occurred prior to my time in 2005 as well. So I would think that's longstanding. The, the administrative language process has only been in place where they have a formal application since 1996. So to me, 20 years since 1996 is longstanding.

(00:09:06):

On the bullet point, the first bullet point on page number three, , it said that we didn't, , want to submit an entitlement, another entitlement review, and that's because I was told directly by Mr. Lister that it wouldn't change. , So I just wanted to address that. And then, , on page four of the staff report, the first bullet point, the staff highlighted the section of definition of parcel, all of which are not separately defined or labeled as separate parcels or lots shall be considered one parcel. What they failed to highlight in the beginning is it says, "Land that is described by meets and bounds that includes all or parts or of multiple preexisting parcels or portions of platted lots." So they're trying to point out that all of which are not separately defined or labeled as separate parcels or lots shall be considered one parcel.

(00:10:13):

But if you read at the beginning of the sentence, it only applies to descriptions that are meets and bounds.

(00:10:25):

So part of the parcel inquiry is that this, this parcel is made up of, of a government lot, a portion of a government lot, and then these two aloquip parts. The inconsistency is that DSD wants to combine the two separate aloqua parts and say that's one original parcel, but the portion of a government lot and the portion of a quarter-quarter section and the government lot are not combined. But to make clear that government lots are also a portion of the public land survey system, they're described the same as

alqua parts. They are just not aloquate. So the type of description that they are is exactly similar to aloqua parts. So the inconsistency of, well, we can combine these portions in a description, but we can't combine these in portions and descriptions because of that historic long- longstanding interpretation, I think would apply to all if you're gonna be consistent.

(00:11:30):

And now I just wanna kinda walk through, I submitted several exhibits. Hopefully you had a chance to review some of them. I like to go over them. If you have questions for me on them, please stop me and ask your question. And I just give you reasons why I included these. So in my, , we'll, I'll start down and just kinda go by the list that, how DSD is laid out. , I submitted a, a subdivision plat from the general land office of this township range and also section, but they've actually came in and divided the entire township range and sections into Alicot parts according to Kenny County definition, which is a 40. So each one of these 40s and government lots were all surveyed, monuments set at all four corners as they were going to disperse this land. They're individually described, individually surveyed. , To me, this is just further proof that these are standalone parcels.

(00:12:33):

, I, I also included, , some land description tutorials, understanding land descriptions. That was for your own background information. The importance of how al- al - bot and block alcot part descriptions come about. The importance of commas, ands, and the, or the, because part of what the county is using is a 2002 memo that was trying to combine alcot parts through this memo that didn't make a whole lot of sense and didn't follow what the creators of the public land survey system intended for combining, not combining descriptions, Alcot parts. , The next exhibits, four, five, six are Idaho code where I'm just making reference to the importance of Alqua part corners and descriptions in state code and how they're referred and how they're required to be shown on surveys and subdivision plats. , Number seven is additional information on specifics of land descriptions. And then number eight, I have a blow up of this specific section where I've labeled the, the properties that the, my client owns, and then the, the actual name of the Alqua parts on it because they don't name that on the BLM plats.

(00:13:53):

My assumption is for clarity. So I wanna put that on there so you can see how that fits. And when you have a section divided up, you have it divided into quarters. So when you have different alcohol parts in different quarters, they cannot be described together because it all comes back to that quarter. So each one of those four quarters is unique and you can't cross that quarter line to make a description of combining those into different quarters. D- does that make sense? Because that's kinda hinged on this and also in the Pinner case you heard that was, it, it's a similar thing. , And then I also included DSD's process. So there's been a lot of talk about administrative line divisions and how this whole process is being complicated, but the only thing that's being complicated is what DSD is doing and what they're trying to do with administrative line division and interpretations.

(00:15:00):

From 1979 to 2002, there was no confusion.

Speaker 1 (00:15:04):

Go ahead and finish your thought.

Speaker 5 (00:15:06):

Now we have a lot of pages to try to figure out something that should be elementary and simple. And it is, but we're purposely making it complicated. , I'll, I'll keep this short. I won't keep going like that. , DSD included, , a contour map, which has come up on other cases that is highly inaccurate regarding 50% slopes. And I would like the board to address that because we've had issues with how do we address that if these maps are inaccurate and they're using them for decisions. How do you address that? Because I've had a problem with, , they came to us and said, "This is a 50% slope. Can you give us something?" So we wrote, I wrote a letter as a professional land surveyor saying, "This does not contain slopes greater than 15%." That wasn't good enough. An engineer offered up a , , topographic map.

(00:16:03):

That wasn't enough. So DFD staff themselves visit the site.

(00:16:09):

This site has areas. They're defined as 15%. They are not. They're in the area of where the building permits would be. So I would like you to address how we deal with that so that it can be clear. And with that, I can stand for any comment or questions. Sorry, one other thing. I didn't address the easement reduction. We were requesting an easement reduction. And it was denied because we couldn't show that there was something physical. But so this, this ground has some slope and the eastern side is higher and that is where the access is. So we would a - we were asking for easement reduction so we could be as close to that east boundary as possible. If that easement will only serve one house, one house doesn't need a 60 foot easement. If the easement's 60 feet, that pushes us back 90 feet from that east property boundary.

(00:17:14):

Whereas if we can get a reduction, we can get, you know, at least 30 feet closer to that putting, having a better building position than if you're being pushed further and further away from that east boundary. So I just wanna clarify the reasoning behind the easement reduction. It, staff made it sound like it was unclear. Okay.

Speaker 1 (00:17:40):

Questions?

Speaker 2 (00:17:41):

Chairman, I have a question based on the information that's been provided in the applicant's testimony. I'm looking at Exhibit 2D, which is the topographical slope map on that. So I'll say this back. This, the amount of slope or incline depends on where you're standing. Is that what you're saying?

Speaker 5 (00:18:04):

Through the chair, Commissioner Van Beek. It's, it's not a matter of where you're standing. It's the, the maps that they're using, I don't know where the data's coming from, but it's inaccurate. The, those slopes are not greater than 15%. It's not matter where you're standing. I mean, you, you could go take a shot every foot and you could determine, you could take a shot every 10 feet, you could determine whether the slope is greater than 15%. What I'm saying is that slope map they're using to make determinations is not accurate. And how, how do we prove that it's not inaccurate? They were, they weren't satisfied with a professional measure telling them that was inaccurate.

Speaker 2 ([00:18:42](#)):

Okay. So what I heard you say was that it was surveyed and reviewed. Did. Point me to your map showing the change in elevation in the slopes on this property.

Speaker 5 ([00:18:56](#)):

Through the chair. I, I haven't provided that for this case. It was, it was a separate, , client who that situation came up with. It's gonna come up in this situation if this were to get approved because that map is part of what they're making a determination on. And when there are slopes greater than 50%, you cannot build on those with a, without an engineered plan.

Speaker 2 ([00:19:18](#)):

Okay. We both agree. I'm just looking for the, what, the counter document that I would be able to put side by side and look at. And what you're saying is that's not a part of the record today.

Speaker 5 ([00:19:30](#)):

Correct.

Speaker 2 ([00:19:31](#)):

Okay.

Speaker 5 ([00:19:31](#)):

Thank you for

Speaker 2 ([00:19:31](#)):

That. And

Speaker 5 ([00:19:32](#)):

To, to clarify, I, I would want to know what I would need to prove that because what I provided in, in another case wasn't enough.

Speaker 2 ([00:19:40](#)):

Yeah. So I think we agree that there's slopes. You're stating that this map is insufficient, but you haven't provided a map that would give a, a counter argument to the amount of, , slopes that are actually exist in there. That's what I thought I heard you say.

Speaker 5 ([00:19:56](#)):

Correct. I have not provided anything for this case.

Speaker 2 ([00:19:58](#)):

Okay. Thank you. And then on the easement reduction, and I understand your request, at some point in time with the change in the growth in the valley and long range planning strategies, there would be an assumption, even in this rural area, that it could potentially house more than just one house. So I get it

why a single applicant wouldn't wanna do that, but was there a though given to what happens if this area grows, if people like this out here, if they want to locate here?

Speaker 5 ([00:20:36](#)):

Through the chair, Commissioner Bambik. The, the owner who's dividing this owns the adjacent ground, that if he wanted additional access, he would be the one who would be damaged by the reduction. So he's making the determination that he's okay with that. Whether he'd have to come up with a different method to get to his property, he's made that determination that he's okay with that. And that's, that would be his loss, right? I mean, if he were to s - if he sells off those parcels that the easement's going through, he no longer has control of that. That would be his loss.

Speaker 2 ([00:21:14](#)):

It would also be the county's problem for access if it fails to meet a standard for multiple traffic. I guess that's. Maybe there's not a question in there. I just wanted to explore your thinking

Speaker 5 ([00:21:24](#)):

Just a tiny bit. Mr. Chair, I, I unders - I understand that. What. I understand what you're saying. Yeah. But this is just private property. Like this isn't a, this isn't a public road or anything.

Speaker 2 ([00:21:31](#)):

No, I understand. And I live in what used to be kind of rural. It's no longer rural. So anyway, thank you for the, , the fielding the questions for me. Thank you, Chairman.

Speaker 3 ([00:21:46](#)):

Not right now, Mr. Chairman.

Speaker 1 ([00:21:47](#)):

So you, you're referring to Pinner, and I think this commission made it painfully clear that the Pinner decision had nothing to do with aloquent parts. It had to do with failure of the county to follow procedure over the years, and there was liability issue. So I'm a little bit troubled that you're referring back to a decision that was made, that was made painfully clear that it was not about aloquent parts. It was about procedure. And so I'm uncomfortable that you're presenting your argument and referring to that. Could, do you have any other argument other than the Pinner argument to ha - to put this on?

Speaker 5 ([00:22:31](#)):

Mr. Chair, I'm not referring to the Pinner case in the way you determined it. Okay. So - I'm referring to the Pinner case because my testimony was specific to that in the, in the Pinner case was specific to Aloqua parts description. What I went over today is definitions in the county code. Okay. How they historically have been used. The Pinner case is just an example because it's similar in the arguments that came before you. That may not been why you decided that case that way, but the arguments are still there the same. Okay. That, that, that was my only reason for referring to the Pinner case.

Speaker 1 ([00:23:05](#)):

Thank you for that clarification. Thanks. Okay. And, , I'm gonna ask you a question. It's my, it's my impression from reading through this. You're saying that, in essence, all one 16th parts of a section deserve two building permits.

Speaker 5 ([00:23:28](#)):

Mr. Chair, through the definitions in the county code and what has hisper - historically been done, that is correct.

Speaker 1 ([00:23:34](#)):

So where could you cite in county code that it says every one 16th has two building permits?

Speaker 5 ([00:23:44](#)):

Mr. Chair, so I'm not determining berm - de - building permits. I'm determining what original parcel is. The code already decides how many bu- building permits per acreage per original parcel. So what I'm saying you need to determine is what's original parcel. The code says aloquit, correct? Aloquit is the length of one side of a quarter-quarter section, one / 16th. The one / 16th section contains 40 acres, more or less. Parcel is defined as a track of land described by meats and bounds, chains, rods, or aloquent parts or by law and block. So to me, the code is saying an aloquate part is an aloquate part 40, because the definition of aloquet is a 40 acre parcel.

Speaker 1 ([00:24:35](#)):

So if you follow the logic, why don't they all have their individual tax numbers then?

Speaker 5 ([00:24:40](#)):

Mr. Chair, I could show you why there's not individual tax numbers on many parcels. And it's,

Speaker 1 ([00:24:46](#)):

It's - But if you're saying that they have this potential and you could just sell them, why is it all under one parcel, one, one tax ID number?

Speaker 5 ([00:24:58](#)):

Mr. Chair, we'd have to get the assess- assessor in here and ask them how they, how they have historically defined combined, because you have it both both ways. You have, you have some properties, well, you'll have one description, one deeded with a description, and they'll have multiple parcel, tax parcels. Mm-Hmm. You'll have them where they've combined them. You'll have them where they've done both. They've separated portions of it and combined parts of it. Mm-Hmm. So I can't answer you why the assessor does what they do or why they historically have done that. What they do now, I couldn't answer any of those questions because I'm not the assessor and I've never been involved in that process.

Speaker 1 ([00:25:35](#)):

Fair enough. Okay. Any other questions? ,

Speaker 2 ([00:25:40](#)):

Potentially. .

Speaker 1 ([00:25:44](#)):

All right. Let's. If there's nothing else, let's have, . Oh, do you have one more?

Speaker 2 ([00:25:49](#)):

Okay. Yes. So thank you. And I appreciate the, the technicality and the expertise that goes into the profession that you do as a surveyor. , It's, it gets roped into what we do because it's part of the county code. But based on what you just said with an aliquot part being 40 acres, more or less, what I read in here is that this part of the reason this was denied because government lot two, which is about 4.4 or five acres, you wanted to retain the original parcel status on that, but that, that falls really short. H - what am I missing in what you're, between what you're saying and what I'm reading that would entitle that to a division or how does it come close to being an aliquot part? Help me understand that.

Speaker 5 ([00:26:40](#)):

So Mr. Chair, Commissioner Van Beek, , so.

Speaker 1 ([00:26:51](#)):

TJ, can I interrupt?

Speaker 5 ([00:26:52](#)):

Yep.

Speaker 1 ([00:26:52](#)):

W- would this, this map that you referred to, would this be helpful during this specific response?

Speaker 5 ([00:26:58](#)):

Yes.

Speaker 1 ([00:26:58](#)):

Okay, thank

Speaker 5 ([00:26:59](#)):

You. That is. I can tell you what. You have it right there in the

Speaker 1 ([00:27:02](#)):

Exhibit? That's, that's Exhibit

Speaker 2 ([00:27:04](#)):

B3. Two. Oh, I have 2E. Are we. Is it the same thing? No.

Speaker 1 ([00:27:07](#)):

B3. B, B3.

Speaker 2 ([00:27:08](#)):

Okay. We can - It's

Speaker 5 ([00:27:09](#)):

Back at the beginning. Orby

Speaker 6 ([00:27:10](#)):

Will throw it up on the screen. Thank you.

Speaker 5 ([00:27:12](#)):

We can also use -

Speaker 2 ([00:27:13](#)):

I got you.

Speaker 5 ([00:27:15](#)):

This is. Where did the list go? <Laugh> This is B18.

Speaker 7 ([00:27:38](#)):

Okay.

Speaker 5 ([00:27:39](#)):

B18. It'll, it'll be similar, but I'll be able to show you and walk you through the, the description. So in the staff report on page three is, is the deed that was in place in, prior to 1979. So that's what you use for how it existed in 1979. So you have the description, the southeast quarter of the northwest quarter. So that is the green area. And that's what our application's for. So -

Speaker 2 ([00:28:09](#)):

Okay. And so we'll follow that, that note of - You need to, you

Speaker 3 ([00:28:12](#)):

Need to go - You want me to go to the - Yep.

Speaker 2 ([00:28:15](#)):

Yeah. Yep.

Speaker 5 ([00:28:20](#)):

So in the description, I think it's exhibit 3A is what she has. But she has interstaff report on page three, the little snippet.

Speaker 8 ([00:28:31](#)):

Mm-Hmm. Okay.

Speaker 5 ([00:28:33](#)):

So you have the southeast quarter of the northwest quarter. So this green area is the southeast quarter of the northwest quarter. Okay? And then you have the east half of the southwest quarter. So that would be this portion of it here.

Speaker 1 ([00:28:45](#)):

Down below. Yeah.

Speaker 5 ([00:28:48](#)):

And then you have that part of lot two of section seven. So that would be this blue area. Okay? Lying east of the natural drain. So that's, so prior to 1979, this government lot, so this, this would've been single piece, but they divided it prior to 1979. There's a drain ditch that goes through here. So when they wrote that description, they just said, "This guy stays on this side of the drain, this guy gets everything on that side of the drain." So that government lot was split prior to 79. So that in and of itself is by itself. And then you have all the part of the northeast quarter, which is the red of the southwest quarter line east of the drain. So same thing there. It just was in the eloquent part, not the government lot. So they did the same thing there. So each portion of those, of that description is highlighted in a different color.

([00:29:40](#)):

He owns this stuff too, but this is a part of this original description. So that stuff really does, this stuff on this side doesn't really apply to this deed because that property was a different owner in, prior to 1979. Okay.

Speaker 7 ([00:29:56](#)):

Thank you. Does that, does

Speaker 5 ([00:29:58](#)):

That answer your question? So there, what There's, but the county is saying is this and this is one original parcel, but this is original parcel and that's part of that over there too, but that's original parcel too. So my contention is why can we arbitrarily combine this, but we're not combining with this or these with this. They're saying because government lots haven't been historically combined. Well, neither have output parts until 2002. So, and it wasn't even followed after 2002 because I started actually getting involved in planning in 2007 and didn't know this memo existed, but addressed this issue with the director at that time and it went away. It didn't come back. The 2002 memo didn't come back until, I think it was like 2009, 2010. And it was, I addressed it with that com - that director and she said the memo's gone away. It didn't come back again until just recently.

([00:30:59](#)):

, I think it was, , Commissioner Carrie Smith who was directing that that memo should come back in place. And now we, you know this has been going on since then, so.

Speaker 2 ([00:31:13](#)):

Thank you. I - Did I answer your - Yes. It, it, it is a lot of technical information, but you're doing a good job. Thank you.

Speaker 1 ([00:31:22](#)):

Any other questions?

Speaker 3 ([00:31:24](#)):

I guess for clarification, based upon what the county surveyor said, are they referring to, and I think you just mentioned it, the southeast quarter and the south. What is that? Scroll back down.

Speaker 7 ([00:31:39](#)):

The

Speaker 5 ([00:31:39](#)):

Southeast.

Speaker 3 ([00:31:39](#)):

The northeast quarter, are they referring to that as one parcel?

Speaker 5 ([00:31:43](#)):

The, the county res - the county surveyor referred. So everything east of that drain ditch is in that original description. So he's saying everything in the original description is, is one original parcel. That's what the county surveyor said.

Speaker 2 ([00:31:58](#)):

And TJ Trout, can you walk back up there and show us just with your hand?

Speaker 5 ([00:32:06](#)):

So the county surveyor has said everything that was in this description, come back down here, back up along here, is one original parcel. So they're, he's not even using county code DSD interpretations. He's saying it's because it's in one deed. So this is, this is my assumption. Mr. Canning is in Ada County. He's an Ada County surveyor. He doesn't do a ton of survey in Canyon County. Ada County has in their code definition original parcel. Is anything contiguous in one deed as an original parcel. So my guess is he's using that knowledge and putting it in Canyon County. Just my, just my opinion. Chairman? He's not here to ask questions. Yeah. I'm

Speaker 2 ([00:32:54](#)):

Gonna say that back. So if we were consistent with Ada County, then this definition would fit. It's his interpretation of an original parcel from a Canyon County policy. I mean, an Ada County policy.

Speaker 5 ([00:33:12](#)):

Correct. I don't, I don't think he's even using Canyon County anything to determine, make his determination.

Speaker 2 ([00:33:18](#)):

Okay. Thank you. And pardon me, I. There's a lot of counties here, but you're saying that the surveyor that reviewed and provided information on this is from Ada County, and he used his knowledge and information from Ada County and how they would survey this. And he concluded based on his survey in Ada County that that would fall as one original parcel.

Speaker 5 ([00:33:41](#)):

I, I can't speak for him, but after reading his email, not from him, but through someone, that that's what he determined is it's, the whole thing's one original parcel.

Speaker 2 ([00:33:51](#)):

Thank you. Okay.

Speaker 5 ([00:33:54](#)):

When I say the whole thing, I mean the description from, that existed in 1979.

Speaker 2 ([00:33:59](#)):

Gotcha. Thanks.

Speaker 1 ([00:34:03](#)):

All right. There will be questions, I'm sure, when you come back.

Speaker 5 ([00:34:08](#)):

I'll look forward to it.

Speaker 1 ([00:34:09](#)):

Okay. All right. Let's hear from DSD staff, please.

Speaker 9 ([00:34:17](#)):

Thank you, Chairman and commissioners. Thank you guys for coming out. , My name's Arbai. I'll be presenting the Ardenton Appeal case number AD2025-0020-APL. The subject parcel R37724, approximately 79.36 acres, is located on Sand Hollow Road and is zoned agricultural. The 2030 comprehensive plan designates the future land use as agricultural as well. Property research was completed in 2024 and found the subject parcel to be comprised of two separate original parcels due to a government lot shaded in green in the image on green and the area shaded purple in the, is the second original parcel. The parcel inquiry had also completed property research on the adjacent parcel since the other colors you see on the screen. , But this case is gonna be focused on parcel R37724, shaded in purple and green. Each original parcel is allotted a single land division per Canyon County Code in the agricultural zone one under 80 acres.

([00:35:19](#)):

For some background on the case, the applicant submitted an administrative land division application to divide parcel R37724 with an easement reduction from 60 feet down to 28 feet wide and a private road application. According to the applicant, the subject parcel contains three original parcels, each with a

land division available as seen in Exhibit 2F. Based on property history completed on the parcel, the subject parcel contains two original parcel per Exhibit 2E. There was a disagreement between staff and the applicant on the originality of the parcel impacting the number of land divisions the property has. To rectify the issue, staff did recommend an entitlement verification be submitted to verify the number of original parcels the subject property contained. The applicant was not interested. Staff also recommended submitting a different application such as a non-viable land division or building permit transfer to try and obtain the additional divisions the applicant was requesting, but he found that the staff findings were incorrect, as you can see in exhibit 2F for details.

(00:36:22):

Due to the requested number of divisions exceeding the entitled divisions to the property via the administrative land division process, the request was denied and the applicant submitted an appeal, which brings us to here today. The appellant, TJ Willard, representing the property owner, Ted Arnzen, is appealing the director's denial of a administrative land division and the easement reduction. The request would have resulted in four buildable parcels of which two would be able to be divided once more through the administrative land division process and a 28 full access easement be established. The private road application is not being considered in the, at this time as seen in exhibit 3C. The appellant requests that the Board of County Commissioners approve the appeal and allow for the requested divisions. The applicant believes there are three original parcels located in the subject property as seen in the image to the left consisting of the green parcel also referenced as government lot two, the purple parcel, and I'll see the red parcel as seen in exhibit 2A.

(00:37:24):

Development Services, however, sees the parcel as two original parcels, the green, which is the government lot two, and then the purple parcel R37724 as the remainder. You can see that to the image on the right.

(00:37:40):

On March 4th, 2026, a director's decision in denial of the request was issued. The reason for denial was that the parcel is not eligible for the number of administrative divisions requested through the administrative land division. Staff does not dispute that the property contains administrative land divisions. However, aliquot parts are not considered separate parcels per Canyon County code as the applicant believes. The applicant may obtain additional land divisions through other options previously listed. The applicant did not provide evidence the subject property has physical characteristics that would constrain a 60-foot wide easement from being located on the property. Instead, the applicant had listed having a 60-foot easement would increase building costs, additional driveway, and does not allow for the residence to be constructed near the driveway or perhaps, perhaps the best building spot. Of the stated claim seen in Exhibit 2F, it was not associated with the physical characteristic of the property, but rather desires and financial reasonings.

(00:38:42):

On March 11th, 2026, the director's decision was appealed by the applicant. The appellant argues that the subject property consists of two separate aliquot parts in one government lot for a total of three distinct original parcels as seen in exhibit 2F. The appellant believes Development Services is combining separate aliquot parts descriptions while identifying similar other parts of the descriptions as separate. You can see exhibit one for the applicant's evidence of the aliquot parts. The director's decision which views the property as two original parcels is based on code, policy interpretation, and the history already issued for this property. In Canyon County Code, a original parcel is defined as a parcel of platted

or unplatted land as existed on September 6th, 1979. The parcel definition within Canyon County Code states that if a description of land is not separately defined or labeled as separate parcels or lots, it shall be considered one parcel.

(00:39:39):

County policy interpretation- interpretation from 2023 included in Exhibit 3D further details that a deed must include a complete legal description, specifically the section, township and range to qualify as a separate parcel.

(00:39:56):

Staff reached out to the county contracted surveyor to get their insight on the legal description, and the contracted surveyor found that the legal description describes one tract of land as seen in exhibit 3F. Staff also reached out to Development Services GIS Division for their insight as seen in Exhibit 3E. And it was noted aliquot parts are a grid system and not necessarily used to describe original parcels. The director's denial was based on exceeding the number of allowable administrative land divisions and the lack of evidence of physical characteristic the site has requiring an easement reduction. The applicant was aggrieved by the decision and submitted an appeal. Administrative appeal procedures outlined in Canyon County Code have been followed for this case. Agency comments were received from Notice Parma Highway District number two during the initial noticing period for the case AD 2025-020 and April 20, sorry, April 10th, 2025.

(00:40:55):

That's seen in Exhibit 2G, which notes that the approach shall meet a commercial standard with a paved apron. Property owners were notified of the appeal on July 16th, 2026. Two letters in favor were received as seen in exhibit four. Staff recommends the Board of County Commissioners deny the appeal upholding the director's decision. In order to gain approval, the applicant could reapply and limit their request to what the parcel is entitled to or try for a non-viable land division or a building permit transfer, or they could pursue a comprehensive plan map amendment, a rezone to a residential zoning to obtain additional divisions. With that, I will now stand for any questions.

Speaker 3 (00:41:45):

Mr. Chairman?

Speaker 7 (00:41:46):

Yes.

Speaker 3 (00:41:47):

Can you go back to page 10 of your, the GIS review? Can you, can you tell me where in the public land survey system that it actually states that you can combine pieces of two into one continuous piece of land, which is completely normal? Because when I read that document, I thought it said basically the opposite.

Speaker 9 (00:42:13):

Chairman, commissioners, I don't have the answer to that. , Tony is here today. He could speak on behalf of that.

Speaker 1 ([00:42:26](#)):

Location - State your name and address, please.

Speaker 10 ([00:42:29](#)):

What's that?

Speaker 1 ([00:42:29](#)):

State your name and address.

Speaker 10 ([00:42:30](#)):

, Tony Ameda, , , 24955 Hardy Lane, Middleton, Idaho. Thank you. , So I guess m - I'll give you a little bit of background. So I worked for the assessor's office for about 12 years. And part of that was that we'd had to take training to how to read deeds. And it was taught by surveyors. And so my understanding was just a way to identify land on the PLS system. , So you can have multiple out of quality parcels describe one track of land, essentially, is my understanding. And that's kind of how I've always read deeds because I was taught like that by the surveyor.

Speaker 7 ([00:43:05](#)):

Okay.

Speaker 1 ([00:43:08](#)):

Answer your question. Didn't seem like it.

Speaker 3 ([00:43:17](#)):

It gives me context for why he would provide. I'm guessing this came from this slide is yours. Yeah. Yeah. I have that context. Okay. , okay.

Speaker 1 ([00:43:31](#)):

All right.

Speaker 3 ([00:43:32](#)):

, Thank you, Tony. Yep. , I gotta find it. Where are we. Where are we coming up with the ability to combine parcels across quarter section lines.

Speaker 10 ([00:44:20](#)):

Okay.

Speaker 3 ([00:44:20](#)):

Again,

Speaker 10 ([00:44:20](#)):

It goes back to the, , my days and the assessors. , So that's how we were taught how to read deeds, right? So you can have multi-eloqua parts describe one parcel and you can also have multi. , Government unless you describe one parcel. So when this deed would come to me, I would read it as the other surveyor did too, as one whole piece. Okay. So that's how that comes about as one whole piece. And that's how the assessor has it as well as one whole piece. Does that answer the question?

Speaker 3 ([00:44:54](#)):

Yeah, and I, I said it wrong. I should have said, how are we combining eloquent parts, not parcels across the quarter section line? But, but you answered it. It's still coming back from prior training with the assessor's office, basically. Okay.

Speaker 9 ([00:45:09](#)):

Chairman, commissioners? , , As well as the way that we read the legal description. So it has to have a complete description. So the section, township and range has to be included within that legal description to be, to qualify as a separate parcel. So

Speaker 3 ([00:45:28](#)):

If - But what, sorry to cut you off, but I want, like, I wanna bring up the point. What is stating that it has to be complete according to what you just said? What's, what is defining complete legal description? I mean, I think this goes, if I remember correctly, this goes straight back to the memo of commas and semicolons and ands.

Speaker 9 ([00:45:56](#)):

The 2023 interpretation could be used as well as the definition of a parcel that also kind of derives that, , way that we read those deeds as well.

Speaker 3 ([00:46:09](#)):

The 2023? Or are you going back to the, the deed? So that was kind of my next question. I think where you're going. Why do we have two differing legal descriptions for this?

Speaker 9 ([00:46:27](#)):

Okay. Commissioner Chairman, , so the two deeds in the staff report, is that what you're referencing?

Speaker 3 ([00:46:36](#)):

Yeah, where it has the old one and then it has the -

Speaker 9 ([00:46:39](#)):

Yeah.

Speaker 3 ([00:46:39](#)):

2023 version.

Speaker 9 ([00:46:40](#)):

So the 1970 one is what was based to see what that original parcel looks like, just because the date of originality is September 6th, 1979. So we use whatever deed was the closest to that date to determine what the original configuration was of that parcel. And then the 2023 one is the most current date. So what it would essentially look like today.

Speaker 3 ([00:47:06](#)):

What, what, what, , activity brought about the 2023 version?

Speaker 9 ([00:47:11](#)):

That's just for context of what it currently looks like.

Speaker 6 ([00:47:18](#)):

We require, we require a current deed with the application. That's why that's there as well. So we're looking for changes between originality and today.

Speaker 3 ([00:47:30](#)):

Okay. So what action made the change to where we have a 2023 version? 2023 deed?

Speaker 6 ([00:47:39](#)):

I don't. Oh, nevermind. Thank you.

Speaker 9 ([00:47:41](#)):

So, commissioners, as the, say, parcel were, was to be divided throughout the years, those legal descriptions are updated - Sure. With every changes. So as we analyze each of those deeds throughout time, that's why we're recommending the applicant submit that entitlement verification. So we can see, you know, from clearer from 1979 all the way to current date, get the chain of deeds and see how it has changed throughout the t- throughout the years for a more, you know, concrete detailed analysis of that property history. , So why there is a change from 1970 to 2023 is just that maybe there has been some divisions throughout that time. Maybe there is property boundary adjustments. It, it just means that the legal description has changed. Okay.

Speaker 3 ([00:48:28](#)):

So we know something changed. We just don't know what actually changed. That's what you're saying, essentially.

Speaker 9 ([00:48:35](#)):

For the most part. Okay. , the applicant did provide a title report that's seen in exhibit 1B.7. , From what I was able to analyze from that, I believe from 1984. Let me pull it up.

Speaker 3 ([00:49:04](#)):

Mr. Chairman, I guess you can cut me off. Maybe it's not relevant, but partly for me looking through the staff report, just having that snippet rather than a picture of the entire deed, I'd rather see the whole thing so I can read it in all of its glorious context.

Speaker 9 ([00:49:22](#)):

Yeah. So I'm gonna jump back a little bit. So I believe from 1984 onto, , the current deed, it similarly has the same legal description. There are some exceptions within the legal description that has changed. And then if you're wanting to see that full legal, , description, of course, the applicant provided that in the title report, I believe. , So in exhibit 3A has that full, , description. And then 3B is the 2023 legal description.

Speaker 1 ([00:50:02](#)):

So it is in here.

Speaker 8 ([00:50:07](#)):

3A without 3A.

Speaker 3 ([00:51:15](#)):

Mr. Chairman, I don't have any further questions at this time if Commissioner Van Beek does.

Speaker 2 ([00:51:19](#)):

I do. So Mr. Wellard gave us his history, his longstanding history of surveying. And I understand from his testimony that there has been on again, off again interpretation or use of aliquot parts. Was there any decision in Mr. Wellard's history that was referenced from the county on giving an aliquot part a original parcel standing that would have the kind of splits that he's talking about?

Speaker 9 ([00:51:58](#)):

Chairman, Commissioner Van Beek. I don't know specifically if it states that. , But generally we don't recognize aliquot parts as separate parcels, hence the denial of the, , request, just because it would exceed the number of parcels that, you know, that could be created through the administrative process. Right. I don't know if it specifically has that language in that decision. , But that is what it's getting at.

Speaker 2 ([00:52:26](#)):

Yes. And thank you. , I understand that those, what we're saying is in conflict with what he's presenting. We both, , how do I say this? If there's evidence that would set a precedent of having issued, , a division or a, a building permit because it was an aliquot part, that to me would be evidence in the record. What I'm hearing is that hasn't been submitted. It's his testimony on the record, but we don't have a specific case identifying an aliquot part as being recognized as an original parcel that would have a split available.

Speaker 9 ([00:53:11](#)):

Chairman, commissioners, not to my knowledge that we have.

Speaker 2 ([00:53:14](#)):

Okay.

Speaker 9 ([00:53:15](#)):

Thanks. Mr.

Speaker 3 ([00:53:16](#)):

Chairman, if that's the case, why do we have aloquent parts in our definition of a parcel?

Speaker 1 ([00:53:20](#)):

Because it's a means and method to make a description of a piece of property. Well,

Speaker 3 ([00:53:25](#)):

If it's a description of a piece of property, then why are we not recognizing it? It's a,

Speaker 1 ([00:53:30](#)):

It's a component of a piece of property. So -

Speaker 3 ([00:53:33](#)):

No, this is saying it's an actual tract of land in our own definition.

Speaker 6 ([00:53:44](#)):

Where are you at in the appeal packet?

Speaker 3 ([00:53:46](#)):

I'm just reading out of our code book of parcel again. A tract of land described by aloquent parts, but if then we're not going to recognize aloquent parts, it seems kind of in conflict with having it in the definition.

Speaker 6 ([00:54:04](#)):

But it's described by, it's telling you where the parcel is.

Speaker 3 ([00:54:21](#)):

I'm not sure what, I'm not sure I follow.

Speaker 6 ([00:54:25](#)):

So the, the system, the grid system, it tells you section, township, range, and then the quarter-quarter section. That's where that is. And in this case, it's telling you it's comprised of these two aloquent parts, which is where it is. I think that's what we're arguing here today.

Speaker 1 ([00:54:57](#)):

It is what we're arguing here today.

Speaker 3 ([00:54:59](#)):

Yeah, I agree. I - So,

Speaker 1 ([00:55:00](#)):

So -

Speaker 3 ([00:55:00](#)):

I'm not smart enough

Speaker 1 ([00:55:02](#)):

To- Tony came up and he said this is how I was instructed and this is how we get to the, the complete parcel. So you're saying that I use parts of land to, to describe the whole parcel, and because it's, we use this term eloquent part, it suddenly becomes a parcel within the parcel. So if it is a parcel within the parcel, where is my warranty deed for that? 'Cause This warranty deed here of 70 describes all of that as a warranty deed for this parcel. But if they're separate, would they not deserve their own separate warranty deed? I'm asking the question. I'm not making a statement.

Speaker 3 ([00:55:55](#)):

Mr. Chairman, I'm not, I'm not, , suited to answer that.

Speaker 2 ([00:56:00](#)):

Chairman, can I follow up on your train of thought? So the Canyon County policy that's rest - referenced as item number three, that's been a part of Canyon County policy, I am assuming for an established period of time. And so if we're working within the confines and the framework of a policy, this, to Arby's point, says that it must include that, and I'm, I'm trying to understand as we all are, a parcel that's being described must include the township and the range and the section, all of that separately identifying. So if, to the chairman's point, that question of if we have a parcel within a parcel, the parcel within the parcel would have to be identified by a section, township and range. Is that an accurate interpretation?

Speaker 7 ([00:57:02](#)):

Yes.

Speaker 2 ([00:57:03](#)):

And what I heard presented by staff is that we don't have a description of those, the applicants identified, his identified. So the county policy, , and Chairman, that would be, I guess, the discussion point. If our policy is open to interpretation by the public, then we don't really have a foundation. We have a policy that states what criteria has to be present in order for a separate parcel to exist, correct?

Speaker 6 ([00:57:43](#)):

Yes. And that's also why we reached out to our third party surveyor as well. Thank you. To say, "Hey, do you interpret this as one parcel or two when reading the deed?"

Speaker 2 ([00:57:55](#)):

Mm-Hmm. Okay. Thank you.

Speaker 1 ([00:58:11](#)):

Are we ready to move on? Sure.

Speaker 2 ([00:58:13](#)):

I think so.

Speaker 1 ([00:58:14](#)):

Okay.

Speaker 2 ([00:58:14](#)):

Thank you.

Speaker 1 ([00:58:15](#)):

Let's hear, , public testimony, please. And, , Jen will call out your name. I'll remind you again to come up and have a chair just to relax. State your name, your address, and then we'll start your three minutes, please.

Speaker 4 ([00:58:28](#)):

Ted Arnzen.

Speaker 11 ([00:58:42](#)):

I am. Excuse me. Ted Arnzen, 28718 Stafford Road. I am the owner of the parcels being discussed. , This is a piece of land I purchased in the early 20 - , about five or six years ago. And it is touching, continuous with another piece of land that we bought in the '90s. That's parcel 1010, last four days. Okay. And then we picked up parcel 3010 in the early 2000s. So it's essentially a 30-year progression of just picking up neighboring parcels. And the piece in discussion I wish to sell to the neighbor's cash Irish. It is.

([00:59:51](#)):

It can never be irrigated. It can never be farmed. And it lays in that corner on the parcel 7724. I can access it, but I do not have good access without going through the corner of my pivot, so on and so forth. So they have great access because they have a road right to the corner of the parcel that goes to their current house location. And so I offered the land to them and they said, "Yes, we would love to move over, build a new house." TJ was requested to be the surveyor. And essentially now, this has been going on for probably a year and a half. The question is how many splits do I own and how can I use them? And so again, we're back to survey code law spanning since the original purchase in 91 of the parcel 1010 and trying to find some consistency since then in terms of what is available to me as a landowner and how can I use them.

Speaker 3 ([01:01:23](#)):

Questions? I don't have any, Mr. Chairman.

Speaker 2 ([01:01:29](#)):

I, I guess I will ask a question and thank you for your testimony and for being here. You're selling the parcel that's north of the yellow line. , That has the label of 7724 on it. Is that correct?

Speaker 11 ([01:01:46](#)):

That is correct.

Speaker 2 ([01:01:48](#)):

Okay.

Speaker 11 ([01:01:49](#)):

Not. Let me back that up. A piece of that that is north of the yellow line, essentially that tree line is a natural drain for my irrigated field that lies above it. And so they want that tree line and I cannot use it. So that parcel comes out of that northwest corner.

Speaker 2 ([01:02:21](#)):

So I'm looking at RBI and -

Speaker 11 ([01:02:23](#)):

Northeast corner.

Speaker 2 ([01:02:24](#)):

Okay. Thank you for that. This has an administrative division on it that would create if that process and the county code were, well, our interpretation would create two parcels.

Speaker 9 ([01:02:37](#)):

The one - Chairman, that is correct, Commissioner Van Beek. They can, , split it with the administrative process on that larger parcel as well as the government lots. So a total of four, , parcels can be created, , in the respective area through that administrative land division process.

Speaker 2 ([01:02:54](#)):

Okay. And Chairman, then the conclusion, which goes back to the question that I asked on the reduction on that, it sounds like I'm inferring from what's being discussed here today that there would be a desire to create more than what we're, what's, can be achieved through the administrative process here today, which for me would fail on a reduction because if you're intending for this area to grow, which it sounds like you are, then I would not, I, I don't know why I, as a commissioner, would agree to a reduction in a road and usage and all of that. And I thought our staff did a really great job of interpreting, based on your comments, the reasons.

Speaker 11 ([01:03:52](#)):

Well, essentially I'm still asking just for clarity, what is available? And TJ told me that if you interpret it one way, there's more than two splits on this property available. And of course, I'm not a developer and I bought property to be isolated from developments. So I have no motive to start putting houses in. It's just that this ground is of little value to me. It can't grow enough grass to feed a cow. And it's on the other side of a drain that drains my irrigated field, which a neighbor has excellent access to and I have very poor. So there's really no motive for me to start dividing, let's say, other pieces of what lies north of the yellow line because I will lose my farmland and I have no good access from Stafford Road.

Speaker 2 ([01:05:08](#)):

So Chairman, another question. W- with that, the, the only, and it's your ground, your testimony, but the only benefit that would be is if you have additional splits available, it would benefit financially by the sale of that ground.

Speaker 11 ([01:05:25](#)):

Well, of course, as a landowner. Of course.

Speaker 2 ([01:05:28](#)):

Yeah.

Speaker 3 ([01:05:30](#)):

What, what, what is, why are we getting into this, Mr. Chairman?

Speaker 1 ([01:05:33](#)):

Because the

Speaker 3 ([01:05:34](#)):

Number of,

Speaker 1 ([01:05:35](#)):

The number of available splits, lots is, is what the question is.

Speaker 3 ([01:05:40](#)):

Right. Yeah, but the financial profit potential sh - is not anywhere in the criteria. So why are we even discussing this? And

Speaker 2 ([01:05:48](#)):

Chairman, that was in part of the staff report. Doesn't

Speaker 3 ([01:05:51](#)):

Matter. It's not a part of the criteria.

Speaker 2 ([01:05:54](#)):

Well, I think when we're looking at the number of lots available, they have lots available. That's not in question. It's how many are available and whether or not it complies with county code. I think it -

Speaker 3 ([01:06:05](#)):

The profitability is nowhere in the discussion as far as criteria for us to adjudicate this application.

Speaker 2 ([01:06:14](#)):

I don't disagree with you, but, -

Speaker 3 ([01:06:16](#)):

Why are we talking about it?

Speaker 2 ([01:06:18](#)):

This information was brought up in the presentation. And I'm simply asking the question. I do appreciate your -

Speaker 3 ([01:06:24](#)):

Let's ask him what size of houses he's gonna build and what color the grass is gonna be and which plants he's gonna

Speaker 11 ([01:06:31](#)):

Plant. My comment is, as a landowner, splits add value. We all understand that I believe there's a neighbor in here that, you know, could, could, , be influenced if I would try to divide more property out of that. But you need to know what you have. And the second component is easements. If you have a split on a piece of ground that cost you \$600,000 worth of all season road, it's not all that valuable. If, if I'm explaining myself right. And so it's what do you have and what kind of access you have to it is what motivates a landowner. It, does that make sense, kind of?

Speaker 2 ([01:07:27](#)):

Sure.

Speaker 1 ([01:07:27](#)):

It makes sense. Okay. Is there any other questions?

Speaker 2 ([01:07:33](#)):

Thank you.

Speaker 1 ([01:07:34](#)):

All right. Thank you.

Speaker 4 ([01:07:37](#)):

Allen Mills.

Speaker 8 ([01:07:47](#)):

Alan Mills, , box 206, Middleton, Idaho. And if we wanna go into history, I may be the one that goes back the furthest time. 1971, I've been familiar with all of the ordinances. And from 71 to 79, every landowner out here had unlimited rights basically of dividing their properties. They just had to plat Edsburg, Idaho Code Title 50 after they reached four from our original. In 1979, our ordinance came in that limited some of the developments and specified what was available. From 79 to 2002, I was, I never saw a problem with interpretation. That's 23 years. In 2002, we had the infamous memo come out and somebody determined that the commas and the semicolons and so forth meant something specific, but couldn't explain what that was. Any title company that I'm aware of would insure the title on a

description of this corner and that corner without all that behind it until they got to the end on the same page in the same sentence saying all in section five, township three, range two west.

(01:09:11):

They would not argue without one iota as a description. I think we're playing semantics with this. , And, and we're never gonna reach a good conclusion if we go to those lengths of trying to interpret what's written. , If you had a deed that said lots one, two, three, four of , Highline Canal subdivision, all in section five, township three, two, that's all separate parcels. We are now trying to make eloquent parts completely different than the other four methods of describing property. You have meets and bounds, you have chains and rods, you have government lots, and you have lot and block besides aliquot parts. Some reason, we're saying eloquent parts are just totally different than all the others. <Laugh> And I don't understand it. I was looking forward to a workshop on this issue and it never has come about, but I think a lot of clarity could be brought.

(01:10:09):

We have one def- definition of aliquot parts that's problematic in our ordinance if you wanna look at the 40 acres as being the only aliquot parts. I see as to Chairman, , Holton's question about does every 40 have, , two permits? I think if you describe a sale as the quarter section, that's only got, that's 160 acres. That's not four 40s. If I want the half, the south half of the northeast quarter, that's an 80. But if I can't describe that 80, , as an 80, it's, and it's described as two 40s, it is two 40s. So there's a lot of just real quick things that could be done to, if there is confusion on how to read those deeds, in my opinion. I guess I'm done. <Laugh>

Speaker 1 (01:11:04):

Anything. Were you done with your thought?

Speaker 8 (01:11:08):

I think I had most everything I'd stand for questions.

Speaker 1 (01:11:12):

Okay. Questions?

Speaker 2 (01:11:13):

I do have a question, Chairman. And I'm just gonna say back what I thought I heard you say. So you've described four different ways to interpret, I guess, a parcel, meets and bounds, chains and rods, lots and blocks, and aliquot parts.

Speaker 8 (01:11:31):

There's one more. Government lots.

Speaker 2 (01:11:33):

Okay. Yeah. So in your interpretation, help me understand then. Do those things make up a parcel or are they in and of themselves a parcel?

Speaker 8 (01:11:47):

You just, you simply have to read how it's written on the deed in September 6th of 79. If it says the northeast quarter of the southwest quarter and the southwest of northeast, that's two 40s. If it says the north half of the southeast, that's an 80. If it says the southeast quarter of a section, that's 160. So it can be. And I ran into one the other day, Takashukia in Parma, that's actually described as half of a half of, half of a quarter, quarter, which is a 20. And that goes back to 1953. So aloquent parts can be described clear down almost infinity. You just keep going a half of a half of a half of a half. But typically, and our ordinance apparently says it's a quarter mile, which describes a 40. But, , aloquate parts, you can't name a 160 acre description that's all in one description and not call it an aloquate part.

(01:12:52):

So that probably helped confuse you quite well too.

Speaker 2 (01:12:55):

Yes, it did. And so in that, thank you for. And I do, I recognize that you're a well-respected expert when it comes to county code and, , you've been an integral part of developing a lot of the, the things that we have in place today. Thank you for that. So I wanna recognize that. But in what I heard you say, there was no reference to any one of those five things that would make up a, an original parcel. So I heard you say the quarter section of the quarter section, but that you make it look easy. I appreciate that. <Laugh> But for the rest of us where we're depending on an interpretation of. And that's why I asked the question intentionally, so I'll say it again. Does it have to be described by meets bounds or change and rods or lot and block or aloquip parts or a government lot?

(01:13:53):

Or is it and? Can you combine that on any of those parts? I don't see

Speaker 8 (01:13:57):

Any way to combine it except potentially change in rods and meets and bounds could possibly be. But that would be really weird because change and rods were prior to modern equipment that allowed meets and bounds where they could specifically shoot. They used, they surveyed Alaska up and down peaks like this and were amazingly accurate with chains and rods. That's actually physical chains. Whereas now it's all instruments and so forth. So it would, I've never seen a combination of meets and bounds and changing rods on a description. I don't think it exists.

Speaker 2 (01:14:35):

Okay. Thank you for that. And so we both, we both agree that this might be an antiquated way of describing a parcel or measuring a parcel and that -

Speaker 8 (01:14:46):

Change in rods are definitely antiquated.

Speaker 2 (01:14:49):

Okay. Thank you.

Speaker 8 (01:14:51):

Yeah. And one of the things that, , has happened out there is that I do a lot of work for families that are trying to accommodate children, grandchildren and so forth. And this is narrowing their scope of ability to continue to keep families together because as time goes on, families tend to get bigger and so forth. And so it's an important issue to, to me and to a lot of people as to how do we keep a place for, , generations to keep, stay in Kenyon County? And this is the most or one of the most available tools.

Speaker 2 ([01:15:29](#)):

Chairman, can I follow that up? Yeah. But that would only be if they did not want to rezone or change the comprehensive plan or plat something out. You're referencing only if they're depending on administrative splits.

Speaker 8 ([01:15:44](#)):

Yeah. I think, I see that as the most viable option for extending families on a particular tract of land. Yeah. And

Speaker 2 ([01:15:53](#)):

I

Speaker 8 ([01:15:53](#)):

Don't - They don't want subdivisions, you know.

Speaker 2 ([01:15:55](#)):

Right. And I appreciate what you're saying. I live in farmland and I, the farmers around us have split off. Our own property has a split that was less than a, probably it doesn't meet, they fixed it, but it didn't meet county code and a split off. And the original owners of that, that, so that's just a statement, not a question. But when those are split, there's nothing that guarantees that an offspring would stay on that property. And in fact, none of the original people are on there today. So.

Speaker 8 ([01:16:28](#)):

No, and, and that's one of the things that just goes with property ownership. We live - Sure. Live in a very mobile world.

Speaker 2 ([01:16:35](#)):

Yeah.

Speaker 8 ([01:16:35](#)):

Yeah.

Speaker 2 ([01:16:36](#)):

Sure. Thank you.

Speaker 1 ([01:16:37](#)):

Mm-Hmm. Ellen, I wanna explore for just a minute. You just said that you could do the quarter of a quarter of a quarter till ad nauseum. Are you advocating that a 40 is the end of it? Or are you advocating that 10 acres is the end of it? Are you advocating that five acres is the end of it? Where do I get done with a quarter of a quarter?

Speaker 8 ([01:17:00](#)):

Well, that, although just pointing out that property has transferred in Kenyon County by, , less than 40 acres by eloquent parts descriptions. , In this case, the, they picked up 20 acres at a time. Right. They didn't pay to have it surveyed meets and bounds.

Speaker 7 ([01:17:20](#)):

Right.

Speaker 8 ([01:17:21](#)):

It's completely adequate legal description to describe it as the east half of the southeast quarter of southeast quarter. And that's 20 acres.

Speaker 1 ([01:17:31](#)):

And does, and under this, again, I'm asking the question as clearly as I can. At what point is it no longer viable that it's, it's a parcel? So if I got the section, I got the quarter of the section, I got the quarter of the quarter, and the quarter of that quarter, where does it end? It ends. That's my question. Yeah. If you're buying or selling them by 10 acres, do they not have a right, just like the 40? It's just a fraction of it. That's, that's the thing that I'm trying to get in part of the argument. I'm not trying to be facetious or ornery at all. I'm trying to understand it.

Speaker 8 ([01:18:14](#)):

No, it's, it's a little bit difficult to, but you're not going to see. If you went through the records, you're going to see very rarely less than 40 acres transfer by eloquent parts description. Okay. This was one of the few I've found in 55 years.

Speaker 7 ([01:18:30](#)):

Okay.

Speaker 8 ([01:18:31](#)):

And so I don't think you're going to see, but you could go down to where it would be describable right down to the minimum lot size allowed in earnings. <Laugh>

Speaker 1 ([01:18:41](#)):

Right.

Speaker 8 ([01:18:41](#)):

You could get down to one acre.

Speaker 1 ([01:18:42](#)):

You could.

Speaker 8 ([01:18:43](#)):

But I've never seen it.

Speaker 1 ([01:18:44](#)):

Right.

Speaker 8 ([01:18:44](#)):

So we're kind of talking about, you know, practicality.

Speaker 1 ([01:18:48](#)):

Okay.

Speaker 8 ([01:18:49](#)):

It's rare to see what I saw the other day and to see 20s, but they just happened to pick up and wanna pay for it as they went.

Speaker 1 ([01:18:56](#)):

As they could, yeah.

Speaker 8 ([01:18:57](#)):

Yeah.

Speaker 1 ([01:18:57](#)):

Yeah. Okay.

Speaker 8 ([01:19:00](#)):

Now, , may I point out that they could have easily surveyed that same 20 and described it and we'd be at the same place we are now. They'd have the same entitlements.

Speaker 1 ([01:19:12](#)):

I agree.

Speaker 8 ([01:19:12](#)):

Yeah. Yeah.

Speaker 3 ([01:19:14](#)):

Mr. Chairman?

Speaker 1 ([01:19:14](#)):

Yes.

Speaker 3 ([01:19:15](#)):

I wanna go back to your lot and block example. So if you have four lots, right? Are you saying that to describe each one of those lots, if we say lots one, two, three and four and block one, are you saying that those are not combined? That they are individual? Like we don't have to separate them out as lot one of block one, lot two of block two, lot three, and so on?

Speaker 8 ([01:19:45](#)):

Let me see if I can approach it and answer the question. If I describe on a deed lots one, two, three, four of, , pick a good name, Brooks Subdivision. That's four lots. That's not one. You can't combine those.

Speaker 7 ([01:20:02](#)):

So -

Speaker 8 ([01:20:02](#)):

They are platted and recorded as separate lots. I can actually go so far as to say, , block one of Brook subdivision. Block one may have 15 lots. That, that's still 15 lots. That's not. You can't make it. The lines go away. You can't combine it. You would have to vacate the plat to make that into one lot.

Speaker 3 ([01:20:29](#)):

So Mr. Chairman, it seems to me we're doing exactly what he's saying you can't do with lot and block with eloquent parts just because we don't have them express - , expressly stated which e - with each township, township and range specified with each quarter section mentioned. So I, so I ask, how in the world are we doing that?

Speaker 1 ([01:20:57](#)):

Not connecting the dots because if I do a legal lot in a subdivision, it starts with the full description. It just doesn't start with the subdivision name. If I buy that lot, it has the full legal s - description of the township, the range, and all of that. On each lot that's, , that's when you go through final plat, they will have that full legal description. As well as their measurement meets and bounds.

Speaker 8 ([01:21:27](#)):

May I, may I add that you can describe three parcels by meets and bounds or change in rods and not put section, township and range behind each individual one. And at the end, say all in section five, township three, range two West. Not a title company in the world would fail to say that as three parcels. I

Speaker 3 ([01:21:48](#)):

Agree. Yep. I agree. So why is it different with eloquent parts?

Speaker 8 ([01:21:54](#)):

That we're trying to make eloquent parts different somehow here and it's, it's the same. If I have three eloquent parts descriptions all in the same section, township and range, how can they be one parcel?

They may not even be in the same quarter section. It, it, it's a full description. It's on the same deed. Is any way in this room construe that it could be a different section township and range if it's spelled out? I can't. <Laugh>

Speaker 1 ([01:22:36](#)):

Other questions?

Speaker 2 ([01:22:38](#)):

I don't think I have any at this time, Chairman. Thank you.

Speaker 3 ([01:22:42](#)):

Zach, are you good? I'm good, Mr. Chairman. Thank you.

Speaker 1 ([01:22:44](#)):

Thanks, Ellie. Thanks.

Speaker 4 ([01:22:47](#)):

Monty King.

Speaker 7 ([01:22:54](#)):

Monty King, 10895 Cloudwise Street, Nampa, Idaho. I am a professional land surveyor in Alabama and Idaho, but my knowledge on this subject is drawn from my 30 years with the Bureau of Land Management Catastrophe Survey. This is my world, aloquip parts. The creation of them boils down to legal contemplation. When you have a normal section, entire section, the incident patent gets issued. It's a legal contemplation. 16 aloquip parts get created by that. The description of the southwest quarter actually contains four legal aliquie parts. It's not a single part. So a patent that has the four southwest quarter would actually have four legal parcels to it. Aloquip parts are the same as government lots. They're one and the same. It all comes down to that legal contemplation when a patent is issued in that section. So what he was refer- referring to the lots and blocks, it, it is identical.

([01:23:59](#)):

It's a legal contemplation is what it is. Government surveyed the exterior. The contemplation comes in when a patent is issued. The survey notes and laws in effect at the time all are attached to that patent phase. So then it's legally contemplated there's 16 aloquip parts in a section. The instant, a single patent is issued in that section. So the, the shorthand, we call it in legal description, southwest quarter is just a short way of saying all four of those separate aloquip parts. Each one is its own legal entity.

([01:24:39](#)):

So that's kind of my, my side. I'm not gonna get into the county code or anything like that, but the aloquip part stuff, they are separate. In this case, I read the legal description. I see three individual parcels, all because they're located in a separate aloquip part. Government lot and then two other outquip parts. I personally as a surveyor in all my experience see three legal parcels. The whole thing about the township and range, the way we describe things, township, range, section, and then everything within that section. And then we can even add more sections, everything within that section. But every single 40 acre aloquip part is its own legal entity in that legal description. And that's through

the legal contemplation when the patent is issued. Same idea as lot and block. You can just set the corners of the block, have all these lots.

(01:25:36):

They're legally contemplated. So like he mentioned, lot one, two, three and four and one legal description, they're all separate lots through the legal contemplation. So.

Speaker 2 (01:25:49):

Chairman -

Speaker 7 (01:25:50):

Questions?

Speaker 2 (01:25:50):

I do.

Speaker 7 (01:25:51):

Questions?

Speaker 2 (01:25:52):

Yep. And thank you for being here today and for your testimony and helping us wade through obviously a complex issue. Yes. So what you're saying, what I heard you say was in a quarter section, there's four parcels.

Speaker 7 (01:26:06):

Yep.

Speaker 2 (01:26:07):

Okay. And that would. Here's where I'm struggling. If you don't have in that 40 acres, would that 40, right?

Speaker 7 (01:26:18):

Mm-Hmm.

Speaker 2 (01:26:19):

So what we're talking about today is 75 and a half. So if I just did the simple math and I said there's 37 and a half acres in the top, 37 and a half acres in the bottom, then I fail on the 40.

Speaker 7 (01:26:35):

40 acres doesn't make it an eloquent part. When you do a survey, that's nominal. That's a legal acreage. It's plus or minus. When you go out and actually break down a section, it could end up being 30 acres each eloquent part. 40 acres does not define an eloquent part. That's just a plus or minus. It, it's not the definition of the eloquent part though. So in, in this case, it's parts of eloquent parts. Hence, I read it as

three separate parcels. I would have to survey three aliquot parts and then define that division within that aliquot part. But to me as a surveyor and just my experience and background, I would say it's three separate parcels myself. Acreage is a moot point in it. That's not. 40 acres is not the definition of an aliquot part. It could be anywhere between, even in some sections, you could end up with 10 acres in a legal 40 acre aliquot part because of skewing of the section lines.

(01:27:34):

And once you actually break it down, each aliquot part might only contain 10 to 40 acres. That's a plus or minus. 40 acres does not define an aliquot part.

Speaker 2 (01:27:45):

And I appreciate you saying that. I find myself a little bit in conflict with what TJ presented. I was with specificity and asking if, , you know, these sections are. I'm no expert.

Speaker 7 (01:27:57):

Yep, yep.

Speaker 2 (01:27:58):

40 acres. And so are you, , are you saying that in that, each aliquot part would be an original parcel?

Speaker 7 (01:28:07):

Yes. That is what I'm saying. The incident a patent was issued in that section. It created 16 legally contemplated aliquot parts. So whenever the first patent was issued, probably late 1800s, early 1900s. From that moment forward, there were 16 legal aliquot parts. In my mind, my world experience an aliquot part is the same thing as a government lot. They're both controlled by the same survey. They're both controlled by the same legal contemplation. There's no difference between the two in my mind. Lot, government lots, the only reason they're different is that's the excess or deficiency of the section. So they're plus or minus 40 acres. But that's just a legal terminology. 40 acres doesn't, it's not really a hard line, I guess is the best way I can put

Speaker 2 (01:28:56):

That. Yeah. And so with that, like if this line had been divided differently, if it was more angled down to the south or east portion of that, we could have really small sections.

Speaker 7 (01:29:07):

Yes. Yep. Exactly. Yep.

Speaker 2 (01:29:09):

Right. And I, so I will swing this way again. If, if I had something, you've stated that you didn't evaluate Canyon County Code. , But if I had some case, some precedent, something that said that we were taking all these little scraps or bits and pieces and using those as original parcels, that would be a different conversation that we're having because we don't have that precedent.

Speaker 7 (01:29:39):

Right. Yeah.

Speaker 2 ([01:29:39](#)):

Right. Thank you. Okay.

Speaker 1 ([01:29:47](#)):

I may want to ask him questions and later on. Sure. I reserve the right to call you back Monty.

Speaker 8 ([01:29:53](#)):

All right.

Speaker 1 ([01:29:54](#)):

It's your meeting. It's our meeting. That's not my meeting. It used to be my meeting the mayor, but it's just our meeting. All right, next.

Speaker 4 ([01:30:05](#)):

Matt Wilke.

Speaker 12 ([01:30:20](#)):

Good afternoon, commissioners. Matt Wilke, PO Box seven, Middleton, Idaho. Good to see everyone again. , I wanted to key in on the exhibit 3E again, if we can pull that back up. , I think we're getting a lot of confusion. I think staff's getting a lot kind of a real mixed, , feedback with can - the canning surveyor comments. , As we heard from Monty King, , their small, smallest legal contemplation, , can be used, , an alcohol parts description can be a legal descrip - , description of a property in the public land survey system. , And the canning email and his comments are basically stating, if we can pull it up, but, , he refers to a tract of land, and we keep coming back to the tract definition. So when we get into the, the tract of land, and it's commonly known as an expansive land of no particular size, and it can lie in more than one section that cannot be identified as a whole or a particular section.

([01:31:29](#)):

So, and then it further describes that a parcel refers to a specific defined piece of land within a larger tract. So we gotta be careful when we're talking about tracts and parcels and how they, it, it goes, , , back to our county code, , definitions. , How was it described prior to 79? You know, we have eloquent parts descriptions descript on this deed. And when you're. Back in 1956 when they typed out this deed, they were using a typewriter and it doesn't make sense to type in Bo - the Boise Meridian Township Range after every single eloquent part description. , That's why they're allowed to use a comma to define separate eloquent parts. And the comma always means in the. So we get back into the email from Canning here. He says that. Let me pull that up.

([01:32:26](#)):

I believe the person writing the legal description intended to describe one tract of land. This is supported by the exception clause. It follows the full description. This is to say if the intent was to describe lot four, that part of lot two as separate tracks, exception would have followed the description of the east half of the southwest corridor. Instead, it follows the full description. That is supported by the definition of a parcel which is a tract of land, , or aloquate parts. So, , when we go back to our county

definition of what a, a, a parcel is, , that's where we need to. It's a, it's a tract land of des- described aloquate parts. So how are we gonna separate aloquate parts differently than like a lot and block where we have, you know, historic subdivisions that were done in the early 1900s? Lot, you know, lot, you know, like say back to the brick subdivision, lot one, two, three, and four are definitely separately defined lots under block four.

(01:33:24):

, Those can all typically be divided once. Same as our aloquent part here.

Speaker 1 (01:33:31):

- Finish your thought,

Speaker 12 (01:33:32):

Please. And so, and then we had to comment back to the, the Pinner case. , We did have that as one assessor's parcel number as R37792. , But as we know, the de - , in those FCOs, it says the Board of County Commissioners, after considering the opinions from local and contractor surveyors offered in the opinion of legal counsel has determined to honor our parcel inquiry, which called it as an, an original 80 and an original 40. And recognize that parcel R37992, as identified in the county assessor's maps, contains two original parcels for the purpose of review under the county zoning ordinance. So during that Pinner case, the reason we appealed is because it was being considered as one parcel because of some of Canning's testimony. When in fact, our parcel inquiry was correct that we did have two original parcels because it was described that way in our original patent deed from 1960.

(01:34:30):

So, , w- we do have recent case law and, and cases, , and, and parcel inquiries that you can use to determine that this is its own original parcel, because I believe because of that case. , Well, I'll sit for questions. Thank you.

Speaker 1 (01:34:48):

So it had an 80 and it had a 40. So under your argument today, you argued incorrect because you really had three quarters. So I, I don't get your, your line of reason it just broke

Speaker 12 (01:35:01):

Down. No, Chairman, , yes, it was described as an original 80 and a 40. It wasn't described as 340s on our deed. And because I was going back into county code, it, how was it described prior to 79? It was described as an 80 and a 40. Had it been described as 340s, we would've asked for more permits, but - Ice, okay. And the parcel inquiry would've determined that as well, so.

Speaker 1 (01:35:23):

Okay. I, I see it. Yeah, thank you. Okay. Thanks. Okay. Questions?

Speaker 3 (01:35:33):

No, Mr. Chairman.

Speaker 1 (01:35:35):

Okay.

Speaker 12 ([01:35:36](#)):

Thank you.

Speaker 1 ([01:35:36](#)):

Thanks, man. That's it. All right. DJ, we're ready for rebuttal.

Speaker 5 ([01:35:49](#)):

You my name, address again?

Speaker 1 ([01:35:51](#)):

No, we're good. They'll recognize you by your voice.

Speaker 5 ([01:35:56](#)):

As Commissioner White described me, , animated? <Laugh> , so -

Speaker 1 ([01:36:03](#)):

You gotta work for that. <Laugh>

Speaker 5 ([01:36:05](#)):

It was a word similar to that, something like that, but I appreciate how kindly she put it. , So there was a lot there that I wish I could respond to in the moment, but I'm gonna try to touch on it all.

Speaker 7 ([01:36:17](#)):

Okay.

Speaker 5 ([01:36:17](#)):

So Commissioner Van Beek was asking for previous case history. So if, if this case needs to be delayed to pull that for you, we will do a records request or you can direct staff to do a records request and pull all the land divisions that have been approved, been approved, however far back you wanna get. And I will show you numerous, numerous that have been approved based on the interpretation I'm bringing and asking to you based on the definitions in the county code. So if that needs to be addressed, we'll definitely do that or you can direct staff to do that because there's plenty of decisions that have been made with this determination that I'm bringing before you, why I'm appealing this. I'm not coming up with this out of thin air. I've been doing this for 20 years, and I have, I would say probably over 50 cases that are alocuet parts that are defined the way that I'm asking you to recognize today.

([01:37:14](#)):

, I was wondering if, , staff could pull up their slide where they have the director's decision denial at the top because she made the comment that code says alk parts can be combined in that. And I would like to see in code where it says alk parts can be combined.

([01:37:39](#)):

And while she's doing that, I want to refer back to the definition of parcel because I believe where she's coming up with that is in that definition. And this is what I already read. It's underlined, all of which are not separately defined or labeled as separate parcel law. It shall be considered one parcel. She has that underlined, but at the beginning of that sentence, it says, "Land that is described by meets and bounds." So that's, that section of that sentence is only talking about lands that are described by meets and bounds. So at the beginning of that, it talks about a track of land and how tracks of land are described. Meats and bounds, chains, rods, or aliquent parts or by lot and block. So the section that she's citing that says that they can be combined is only applying to meets and bounds, which is the only way you can combine aliquent parts is to survey those aliquent parts and write one meets and bounds description around the entire thing.

(01:38:42):

That is how you combined aliquent parts. That is the legal method to be able to combine those. You cannot survey aliquent parts in one big piece. They have to be done individually. I think Mr. King talked about that. It has to be done individually. Those are standalone things. I can't go out there and survey one big aliquent part with these multiple descriptions. They each have to be divided properly, according to the BLM manual, to be able to come up with that overall boundary to write a meets and bounds description. , And I just wanna make that very clear in that page four where she has that underlined that that is only applying to meets and bounds. There's nothing in code that talks about combining aliquent parts. So there, there was talk about what a deed does, , because of how they combine it. I can't remember the, that's why I wish we could talk about it right then.

(01:39:52):

I think Chairman Holtman was talking about - The guilty

Speaker 1 (01:39:54):

Party, yes.

Speaker 5 (01:39:55):

I think you're talking about what, what the deed does. So a deed in and of itself is transferring ownership or rights of land to someone else. What's attached to that is the description of that land that they're transferring, correct? So when you have ownership of multiple out parts, government lots, lot and block, whatever the description is, they're transferring all their rights interest to that to someone else. So they wouldn't do an individual deed for each one of those properties because number one, you have to pay for every deed you record, right? It's a separate fee. Number two, you have to type up a separate form for each one of those. And number three, it would serve no purpose, like, especially when we're looking at something that was done in 1979 or prior where they're doing a typewriter. So this, this memo that says you have to have the township range section individually for each Alqua part just doesn't make any sense because they weren't thinking, "Well, we gotta preserve this Alqua parts right for the future." They didn't know.

(01:41:05):

They did what was simple. They wrote it once because it only applies once. If they had it in different sections or different township ranges, they would list that because it makes, it actually changes. So when you have it all listed on one deed, give the example of a subdivision, which Alqua parts is a subdivision by the government. Just to make that clear, that's what Alqua parts is. It's a subdivision of land. If you look at the, , the GLO plat that I supplied, it says in the title subdivision of township range

sections. So that's what they're doing. So when you have this, the subdivision, when you say either lots one, two, three, four of block one, I've, I've seen no deeds where it says lot one, block one, Brook subdivision. Lot two, block one, brook subdivision. Lot three, block one, bri - you don't see that.

(01:41:56):

And it's the same thing for aloquip parts. You, you wouldn't see the southeast quarter, the southwest quarter township range section. The southwest quarter, the southeast quarter township range. You just wouldn't see that because it's, it's redundant and unnecessary. , I guess my time's up, so, , I can stand for any ques - any other questions.

(01:42:20):

I feel like I spoke really fast trying to get through all that.

Speaker 1 (01:42:22):

You were really going fast. <Laugh> , seriously, I don't want to be argumentative. I just want to understand. , In, in my questioning about the deed, what I was trying to get to was it's a tract of land. And just like with Matt's example, they chose to describe an 80 and they didn't describe a 40, so they lose. So w- w- what you're proposing to do with eloquent parts is if the past deed or description of the parcel is described right, they win. And if they describe it as a northwest corridor, they lose. Are we good with that? I, I, I'm trying to be fair to everybody, right? I'm getting phone calls that we're taking away our building rights. I ain't doing nothing but trying to follow the code that came before me and we still haven't modified it yet. We're thinking about modifying it.

(01:43:37):

I'm just trying to be fair. And so where does that put us, TJ? Does that put us that a, a prior description that just did the. I, I get Monty's part that the government automatically created 16 parcels. Well, the state of Idaho didn't think that because when we did the state of Idaho, you got two building permits per section. So if there's 16 eloquent parts, which two gets the building permits and which, which other 14 don't? , I'm trying to follow this through logically so we can defend it. 'Cause I wanna gap. I wanna have good law that people know what they own and what they don't own. And so I'm, I'm confused between Monty's point and, and he made rational thought. I'm not, not saying that he didn't. I'm just saying that I'm Johnny come lately commissioner, and I've been handed a bucket. And I'm just trying to do the best I can do to everybody and not be prejudicial against anybody.

(01:44:50):

Just follow it.

Speaker 5 (01:44:52):

And Mr. Commissioner, I, Chairman, I, I completely appreciate that. And I think we're talking about two different things. What, what Monty was talking about is based on what the federal government is doing and how they see it, right? On top of that, we have what our code says. So I think originally where Alquik definition of Alk comes from stems from that, from the federal government and how they created and divided sections. Back in

Speaker 1 (01:45:19):

The 1800s when this is all sagebrush.

Speaker 5 ([01:45:21](#)):

So that was all intended to happen that way. Now, what Mr. Wilkie talked about was the definition of parcel, how did it exist? So if, if the description. I'm, I'm going along with this, right? Like what Mr. Milkie said. If the description in the deed says the east half of the southeast quarter, that's what it said. That's an original parcel. Our code doesn't, doesn't agree with that because it defines aqua part as a 40, right? So there is some gray area in our code because it's saying every 40 is an aqua part, which isn't wrong, but that's not how it's been interpreted. If you put it back to original parcel, we could be right. We could be fine. Because that's how it existed. It existed as an 80 rather than, than two 40s. Right. Right? So I have no problem with that interpretation. It's that we're singling out Aqua parts because of this memo that memos are not, are, are not code.

([01:46:25](#)):

No. State code has said policy is not code. So to, to say that, to use that, which is what DSD is doing, and they've con- convoluted it with all the other materials, how they determine al - or how they determine original parcels. That aside, that we can, we can get to agreement of what's happened. We know what's happened. I can tell you what happened. Ellen Mills can tell you what happened. There's lots of guys in here who can tell you what happened, what has happened. The memo has just dirtied it. And then we just made it more and more dirty. What's being proposed tonight or applying zoning is not clarifying. It's enforcing what the memo was doing and actually going further. That aside, I understand what you're saying is where do we stop? 'Cause You, we talked about you can go infinitely small in aqua parts.

([01:47:20](#)):

But once again, our code says aloqua is authority. So you couldn't. And it would just be how is it described on the deed? So if you have a half of a quarter quarter in the deed, I would say yes, that's aloqua part. But every half of a quarter quarter is not aqua part because every deed doesn't describe it that way. Right. Does, does that make sense? 'Cause You're, you're thinking, well, where do we stop? We go down all the way to two and a half acres. Quarter. It's quarter of a quarter of a quarter of a quarter. Mm-Hmm. And everyone has that. Now we've just created so many building person. Well, that's not the case because you go to the, what the deed says. Like Mr. Mills said, there's very few deeds that go very far past a quarter-quarter section. I mean, typically that's how they were transferred because that's how they were patented.

([01:48:05](#)):

Okay. So when you have that, it's, it stops. Like you're worried about it keep going, but it can't keep going because it's based on the description of the deed. And we propose language to change the definition of original parcel to clarify what has historically been done. And I think it's in someone's garbage can because we never got a response. So there's been work to, to clarify things, but I think that based on the way our code reads now, that you would have trouble defending taking this away in this instance, especially when we start pulling previous decisions and we have a history that it will, it would, it would end up court and then you're going to have a judge adjudicate it. But I don't envy you guys in your situation that there's a lot of leeway in the decisions you make, right? I mean, and you're the ones who have to stand by that.

([01:49:05](#)):

So that's why I come, I always go back to the code. What does the code say? And I've read you the three definitions that apply in this situation. And I believe that would support your decision to overturn this denial.

Speaker 1 ([01:49:25](#)):

Questions?

Speaker 2 ([01:49:26](#)):

I do have a question. In your scenario with what the testimony has been given, this B3 diagram would actually have splits that would equal 32 parcels. Is that correct? Because if each parcel is an original parcel and an original parcel, which doesn't follow code, gets a split regardless of size, which. So I'm just trying to figure out on the logic that you're presenting. If I follow this down, rather than this parcel having two splits, we would have 32 splits.

Speaker 5 ([01:50:14](#)):

No.

Speaker 2 ([01:50:15](#)):

No.

Speaker 5 ([01:50:15](#)):

Is this, is this the exhibit she cited, you were citing?

Speaker 7 ([01:50:19](#)):

Yeah. B3.

Speaker 2 ([01:50:22](#)):

And I, I, TJ, for fairness, I was looking at the whole, each, all that, that cumulative total. So not just on yours, but what I heard was - You mean

Speaker 5 ([01:50:32](#)):

On the entire, in the entire section?

Speaker 2 ([01:50:34](#)):

Yes.

Speaker 5 ([01:50:36](#)):

No, because you have, you have to go back to the deed that creates the original parcel. So we have, we have the deed that creates the original parcels, right? You go back to the deed. Just because there's 16 quarter quarters in a section doesn't mean that's an original parcel.

Speaker 2 ([01:50:55](#)):

Okay. So let's, let's get to that. What I heard, what I asked was each section, each quarter section would get four parcels. And the answer was yes. So if -

Speaker 5 ([01:51:06](#)):

Stop right there.

Speaker 2 ([01:51:07](#)):

Okay.

Speaker 1 ([01:51:10](#)):

She doesn't do that for me.

Speaker 5 ([01:51:10](#)):

Sorry. I should, I shouldn't be so, so frank. I, I just wanna understand. So can we go to a map? Let's -

Speaker 1 ([01:51:19](#)):

Sure. We have a copy of your map. You keep pulling that one.

Speaker 5 ([01:51:21](#)):

Yes, this is exhibit 1B8. I

Speaker 1 ([01:51:28](#)):

Keep looking for that. It's,

Speaker 5 ([01:51:30](#)):

It's, it's a, it was a link. I think we

Speaker 1 ([01:51:32](#)):

Got it.

Speaker 5 ([01:51:34](#)):

Okay.

Speaker 1 ([01:51:34](#)):

Oh, there it is.

Speaker 5 ([01:51:35](#)):

Okay. I'm gonna, I'm gonna go up to the m -

Speaker 1 ([01:51:38](#)):

Yeah, go ahead. That's,

Speaker 5 ([01:51:38](#)):

That's not it because I have information on it. But it, it has, it's close.

Speaker 1 ([01:51:43](#)):

Okay.

Speaker 5 ([01:51:45](#)):

So this -

Speaker 1 ([01:51:48](#)):

Up there. There you go. Is section

Speaker 5 ([01:51:50](#)):

Seven. Okay.

Speaker 1 ([01:51:51](#)):

Okay,

Speaker 5 ([01:51:53](#)):

This is the, this is the section we're in. There's 36 sections in attention and range, right?

Speaker 2 ([01:51:58](#)):

This is gonna get more confusing. That's what you're telling

Speaker 5 ([01:52:00](#)):

Me.

Speaker 2 ([01:52:00](#)):

No,

Speaker 1 ([01:52:01](#)):

It's clarified.

Speaker 5 ([01:52:01](#)):

I'll try to

Speaker 1 ([01:52:02](#)):

Simplify

Speaker 5 ([01:52:02](#)):

It. It's

Speaker 1 ([01:52:02](#)):

Clarified.

Speaker 5 ([01:52:03](#)):

So we're down to one section. So this is a mile by a mile, right? So this mile by mile is, is divided up into quarter quarters. So they've taken this, they split each line in half. You get a quarter, right?

Speaker 7 ([01:52:20](#)):

Mm-Hmm.

Speaker 5 ([01:52:21](#)):

So inside each quarter is four quarter quarters. Okay? If, if we, if it's deeded out that way, let's say this section is deeded to one person. They're given, they're given this entire thing, but they describe each alqua part individually. Let's say that.

Speaker 7 ([01:52:41](#)):

Okay.

Speaker 5 ([01:52:42](#)):

Those would each be original parcels. Okay. That's how it existed in 1979. He was deeded this entire section. Each one of those would be eligible for administrative line division and two building permits under Kenny Hancock.

Speaker 1 ([01:52:56](#)):

Okay.

Speaker 2 ([01:52:58](#)):

Yep. I think so. Questions

Speaker 1 ([01:52:59](#)):

Yet? But it had to have been described that way in 79. It

Speaker 5 ([01:53:02](#)):

Had to be described as on the deed in 79.

Speaker 2 ([01:53:06](#)):

Okay.

Speaker 5 ([01:53:07](#)):

Okay?

Speaker 2 ([01:53:08](#)):

And I, we're gonna go back and forth. So I, I do appreciate that. I'm fine with that. I,

Speaker 5 ([01:53:12](#)):

I, I wanna do this.

Speaker 2 ([01:53:14](#)):

I do too. That's why it's easy. I don't like the, the, I don't like disrespecting arguing, but this might be fun. This, what you're saying is the 16 parts that Monty was referencing.

Speaker 5 ([01:53:26](#)):

Yes.

Speaker 2 ([01:53:27](#)):

Okay.

Speaker 5 ([01:53:29](#)):

So we, the government owned all this and they said we wanted people to settle this. They actually physically surveyed all this into these 40s. I think it was 1936. Well, they actually did the survey earlier than that, but it was finalized in 1936. I surveyed this property. I found those corners from 1936, right? They're still in on my client's property. So they came and surveyed all this, dispersed it. So let's get specific to this case. When they, when the government dispersed it, they sold. I'm not going to my other exhibit because - Okay. I describe it in 1B4, the chain of illegal descriptions. It's the original, what I wanna go to is the original patent, which is 1B5. So I didn't wanna print out 200 pages, so I just download the PDF on my phone.

Speaker 1 ([01:54:40](#)):

20 of 176.

Speaker 5 ([01:54:43](#)):

Okay. You have it up there. Can you scroll down to the description? So the government gave it to this person or sold it to this person as a southeast quarter. I can't even read that. Southeast quarter of the northwest quarter.

Speaker 7 ([01:54:58](#)):

Yeah.

Speaker 5 ([01:54:59](#)):

And the east half of the southwest quarter and lot four. Yeah. Right?

Speaker 7 ([01:55:03](#)):

Right.

Speaker 5 ([01:55:03](#)):

So can we go back to the, the map? Sorry, thank you. There

Speaker 7 ([01:55:09](#)):

We go.

Speaker 5 ([01:55:11](#)):

So that description, that is the southeast quarter of the northwest quarter. The east half, this gets back to what we were just talking about. The east half of the southwest quarter and government lot four. That's what the government gave to that property owner. Time passes. He sells things off. In 1979, this person gets deeded, or it's private 1979, but existed the southeast quarter of the northwest quarter. The east half of the southwest quarter. And that portion of government lot two lying east of the drain, accepting they're from that portion of the northeast quarter of the southwest quarter lying west of the drain. So that gets you to this parcel, right? So each one of those descriptions creates these different colors. Now, our original description is just the blue, green, and red, right? These are separate on another. So where, where were we even at?

Speaker 2 ([01:56:38](#)):

Well, the original question that I asked you - We're

Speaker 5 ([01:56:40](#)):

Going, how many building permits?

Speaker 2 ([01:56:42](#)):

Right.

Speaker 5 ([01:56:42](#)):

So that, that gets us down to three original parcels because that's what our deed said in, prior to 1979. So we get down to three original des - original parcels based on the description of the deed.

Speaker 2 ([01:56:56](#)):

So I should not interpret this, that each one of those squares would get four.

Speaker 5 ([01:57:02](#)):

No, because we don't, I don't have the history on these things combined as well. I, I don't know. If, if it existed, if it existed like we talked about theoretically that one person got the whole section, then yes. They wouldn't get four. They get two because you only have two per 40. Per 40. You're confused on the 40 thing. So in a perfect world, a 40 is 40. But it's not a perfect world. You'll see. So these are chains. So 2020, 19896, 19.96. It's not a perfect world. So you're not gonna have 40 acres and a 40 all the time because surveying the earth actually isn't a perfect fly square. So -

Speaker 3 ([01:57:49](#)):

According to some people. <Laugh>

Speaker 5 ([01:57:53](#)):

So don't get us off track. <Laugh> Hard enough time. So if one person owned the entire section, it would have 32 building permits, right? But that, that -

Speaker 2 ([01:58:08](#)):

Yes, that answers my question. Right.

Speaker 5 ([01:58:10](#)):

That doesn't happen because properties, like we're showing, property split up and sold and then change descriptions, halves, quarters, , if you wanna go down that road. But earlier a question about the Alqua parts being a 40, I believe the code says every Alqua part 40 is a original. And actually, Idaho County identifies original parcel that way because they don't have the growth that other counties do, so they don't wanna take away that growth is my theory. So if you identify the parcel, the original parcels as I am suggesting that I don't, that County County Code identifies them, you have three original parcels, you'd have six building permits.

Speaker 2 ([01:59:00](#)):

So you've worked with Canyon County for a number of years. And I think one of the concerns that, and which I want you to address is what this would do. So there's two things that you said. First is the identification of the original parcel in the deed, right? And you're saying that doesn't exist for all parcels?

Speaker 5 ([01:59:24](#)):

Through the chair, what doesn't exist?

Speaker 2 ([01:59:26](#)):

Well, everybody should be able to track their parcel back to the origin. And so, -

Speaker 5 ([01:59:39](#)):

You, you don't even need to track it back to origin necessarily. You just need to track it to - In 1979. 1979 or earlier.

Speaker 2 ([01:59:45](#)):

Right. So with that, so there's been some history here, some selling off, and we've gotten this cutoff portion. But what does that do? What. Nobody knows. And maybe you don't. You know, which is fine. But what does that do in looking at the future planning or entitlements for Canyon County based on what you said about 1979 and what people could be entitled to? I, what does that landscape look like if we interpret it the way that you're saying?

Speaker 5 ([02:00:24](#)):

Through the chair, I don't think you know what it looks like because I don't think you know who's gonna apply for administrative land divisions. There's, there's hundreds, thousands of, of options. No matter how you interpret it, there's many out there that haven't even applied for them or they may not even apply for them. I mean, if we, if society functioned properly, farmers wouldn't need to use administrative land divisions because they'd be making more money off their, the food that we're eating. But that's not the way our, we want cheap food. So farmers' land is worth nothing. So they have to do administrative land divisions to maybe have families stay and take over the farm, to have farm workers have a place to stay, to have additional income on a bad year. I mean, I, I don't know how you can say how it affects the overall county because you don't know who wants to use them.

(02:01:26):

I mean, you could identify where they're all at. You could pull every deed and identify where all the original parcels are. Yeah, that is possible. I mean, it'd be a huge undertaking in cost, so I don't know why you'd do it, but I mean, you're, you're looking at how do you plan this, right? I mean, that's kind of what you're looking at.

Speaker 2 (02:01:41):

Ultimately, that's where we're going is, is there a place for planning in a county when people, and there's a lot of them coming, what's the expectation for a way to plan? Does it all go to development? And you've, I think you've done a really good job answering the question. I mean, there's a cost benefit of who would want to do that, but I, that's what we've never been in the eight year, almost years I've been here. What does that look like for parcel division, for the comprehensive plan on the base that exists here? And I'm not arguing for or against, I'm saying, I'm trying to get my head around as a commissioner and, you know, Mr. Mills has been trying to get someone's attention on this and you have to. , I think this is really good discussion. It's a huge discussion. But what I hear, and maybe you don't see it that way, being discounted, is the county's, , we have a development services division that has to establish how that land gets splits up, gets split up.

(02:02:51):

Otherwise, there's people, it gets messy, it's unattractive. If what we're really trying to do is create a subdivision that we've already established may or may not continue in perpetuity for a family, then we have a bunch of basically communities, communes that don't have road standards, that don't have building things that might make that look desirable or not.

Speaker 5 (02:03:15):

Can I jump in?

Speaker 2 (02:03:16):

Yeah.

Speaker 5 (02:03:16):

Commissioner? To me, it sounds like that you, you don't like the lack of control DSD or the government entity has over the ability to control how land divisions are taken, spread about, situated. Because we do have, we do have standards. There are many standards that have to be there. There's acreage standard, there's access standard. You have to deal with the highway district, the fire district. , And on top of that, you end up pulling a building permit which has even more controls in place. So my ar - my argument to, to that, which I don't think it applies to the case because I think you have to look at the facts of the case.

(02:04:06):

Does, does, is my interpretation of the definitions apply properly versus what DSD is trying to apply? And I would affirmly say yes. I don't think there's any backing for what DSD is doing with the memo and their interpretation of what original parcel is. And I'd be willing to take it as far as possible to prove that because I have it in writing in the code. What they have is they have a memo and a process and they're not citing the code. So what you're, what you're getting at is we want, how do we control this? And I, I

would say it controls itself because as you heard testimony from the owner, the ground that he's splitting off is garbage ground, garbage for farming, right? But it has extreme value to someone who wants to live in the county. If you take away administrative land divisions, you're essentially setting up cities to grow quicker.

(02:05:17):

And now you're, instead of getting two acre, one acre, larger homes in the rural area spreading out growth, you're getting multifamily developments in town eating up the prime farm ground. This area out here is not prime farm ground. You're eating up prime farm ground that's irrigated in the valley because you wanna take administrative land divisions because we don't have as much control over them. So to me, I see a better Canyon County with administrative land divisions than I see Caldwell Napa eating up every piece of ground possible that is much of the prime farm ground, which, which is the greatest argument is we need to protect farm ground, which I believe this better protects farm ground than getting rid of it.

Speaker 2 (02:06:03):

And there's a lot of points that you've brought up that I think are really good that I don't disagree with. Here's what we're faced with. If we, we at one point had the conditional use permit, so it wasn't repurposed. It was a group of houses that really in essence created a subdivision in rural Canyon County. And then we get somebody that goes, "Well, hey, look at that. That is a subdivision." And you know what? They're not wrong. We've argued on that. And so it gets put into place. I don't really know what the answer is. These are the, the really great topics that we get to wrestle with from the dais. And it's really good conversation that you're bringing forward and you're able to explain it in a way, hopefully, that people are listening to this and even the board. I mean, we're getting educated on how this process works too.

(02:06:47):

I'm, I'm not for, , restrictive government control that doesn't acknowledge the rights that people have. I'm in an area of impact that's rapidly changing. And so do I care about the rights? As Mr. Mills has said, those seem to be shrinking. Yes, I care about them. Do I agree with you? , What we're trading it for, , that doesn't look very good to me within the cities. I wish that the standards that we want to retain in the county that makes Canyon County great. I have asked for boots on the ground, sub-area plans to identify places in the county that might be better used like this than they are for farm ground, but they're a long way from services. And then when we start chopping up, , the road size, eventually the city's going to get there at the sustained, if it sustains the rate of growth.

(02:07:46):

So I think we have to be careful that in creating subdivisions that aren't going through a rezone and then asking for a variance that doesn't conform to future growth in the area to make it desirable, that's what I'm really wrestling with. Not that I wanna take people's rights away. I'm concerned about what the long range planning aspect is and that there's a cooperative partnership between people that want to do what you're talking about in the rural portion and how that interfaces and doesn't overwhelm what we're trying to do for the planning side. It, it's not easy.

Speaker 3 (02:08:29):

No. Mr. Chairman. Sorry, TJ. , Are we, are we at a point that we could like, I don't know, entertain a motion to continue this and allow TJ to bring some proof back and us chew on this and come back at a different date?

Speaker 1 ([02:08:49](#)):

Well, I was challenged by that and, and I'm, I definitely am at a place that I would like to have that. , And I, I think that, you know, staff can do whatever staff wants to do, but I think TJ said that he could do it. So, , I guess I would ask this a- as far as it'd be possible, if you could have staff involved in what you're putting together, but you're putting it together. You're, you're the applicant. And, , because I don't wanna, I don't wanna come back here with your presentation and their presentation. They're clear over here. That isn't, that isn't gonna be helpful to me. But it is gonna be helpful to me what the historical record shows. That, that, that's. Again, I, I wanna try to treat everybody the same. I don't, I don't wanna. I'd like this landowner, but I still wanna treat everybody the same, right?

([02:09:42](#)):

So, , I, I would entertain that at this point.

Speaker 3 ([02:09:46](#)):

How, how does this work? If we're telling the applicant to go back and produce some more documentation, does this have to be far enough out that the documentation that he produces is provided to staff and everybody else for at least 10 days?

Speaker 1 ([02:10:00](#)):

Yeah. That, that's the most fairest method.

Speaker 7 ([02:10:03](#)):

Yeah.

Speaker 1 ([02:10:05](#)):

Unfortunately.

Speaker 3 ([02:10:07](#)):

, It's fine with me in this.

Speaker 1 ([02:10:10](#)):

Okay.

Speaker 3 ([02:10:12](#)):

We just.

Speaker 1 ([02:10:13](#)):

TJ, that's, that's the most fairest method is whatever you bring and put together, then we, then we set it out for a minimum of 10 days for the public to see what you're gonna bring back to us. And they would also have the opportunity to, to voice their input on, on the information.

Speaker 5 ([02:10:31](#)):

Mr. Chair, just to clarify, you're, you're referring to me bringing back historical evidence of how Alqua parts have been administrative, administratively land divided in the past? Yeah. Okay.

Speaker 1 ([02:10:44](#)):

Yes. Yep. Please. Okay. Does that make sense with you guys? Mm-Hmm. Does that make sense with staff?

Speaker 6 ([02:10:52](#)):

Yeah. If we can get specific case numbers or names of cases, we can hand that over to the appellant very easily.

Speaker 1 ([02:11:00](#)):

Okay. All right. Okay. Is that amenable?

Speaker 7 ([02:11:05](#)):

Yep.

Speaker 1 ([02:11:06](#)):

Okay. We need a date. We need a date. This is why she's paid the big bucks. ,

Speaker 3 ([02:11:15](#)):

10 days. How long do you need to pull the information, you think?

Speaker 5 ([02:11:22](#)):

September. September 14th would work really great for me.

Speaker 3 ([02:11:27](#)):

But you gotta hunt after that? <Laugh> Hunting day is the

Speaker 1 ([02:11:32](#)):

14Th.

Speaker 3 ([02:11:32](#)):

<Laugh> September four. So that means by September 4th, you'd have to have the information to us. Can you do

Speaker 1 ([02:11:39](#)):

That?

Speaker 5 ([02:11:42](#)):

I can go back to my own personal files and pull plenty of cases. Do it on the 15th.

Speaker 1 ([02:11:47](#)):

But

Speaker 3 ([02:11:48](#)):

I'm just

Speaker 1 ([02:11:48](#)):

Trying to negotiate.

Speaker 3 ([02:11:49](#)):

It's your meeting.

Speaker 7 ([02:11:51](#)):

It's

Speaker 3 ([02:11:52](#)):

Done. Hey, you're the only one in here that could end this thing right now, so.

Speaker 1 ([02:11:58](#)):

15Th work.

Speaker 5 ([02:11:59](#)):

September 15th?

Speaker 1 ([02:12:00](#)):

Yeah. Tuesday work? Okay. Leslie, are you gonna, could you make yourself available

Speaker 2 ([02:12:09](#)):

For

Speaker 1 ([02:12:09](#)):

The 15th? Mm-Hmm. Okay. All right. Oh, for heaven's sakes, what do we have on the 15th? What is that? That shouldn't take more than 15, 20 minutes. Oh, I just jinxed it that time. You did.

Speaker 3 ([02:12:28](#)):

That is terrible.

Speaker 1 ([02:12:31](#)):

Two o'clock. Let's give it.

Speaker 6 ([02:12:33](#)):

When was that name change? 1:30. No, I would, I'd give a little more room than that. Probably an hour.

Speaker 1 ([02:12:42](#)):

2:30. Okay. All right. So I make a motion that we continue this. So the 15th of September at 2:30, that the, the, records stay open. Anything that is gonna be used as a, as an exhibit would have to be submitted 10 days prior to that date.

Speaker 2 ([02:13:03](#)):

I second.

Speaker 1 ([02:13:04](#)):

Okay.

Speaker 3 ([02:13:04](#)):

Mr. Chairman. Yes. Public testimony is obviously open then.

Speaker 1 ([02:13:08](#)):

Obviously completely open. Yep. All right. With that clarification, motion's been made in segment. Is there any further discussion or questions?

Speaker 2 ([02:13:17](#)):

No.

Speaker 1 ([02:13:17](#)):

Being that there's none, all those in favor say aye.

Speaker 2 ([02:13:20](#)):

Aye.

Speaker 1 ([02:13:20](#)):

Aye. Aye. Motion carries unanimously. Let's consider this issue closed until we reconvene on the 15th. Thank you.