

Legal Transcript Analysis and Summary

General Overview

- **Case Summary:** The Canyon County Board of Commissioners held a hearing for case AD2025-0020-APL on August 20, 2026. The hearing was an appeal filed by TJ Willard on behalf of property owner Ted Arnzen, challenging the Development Services Department's (DSD) denial of an administrative land division application. The central issue was the definition of an "original parcel" and the number of land divisions available to the subject property. The applicant argued the property contained three original parcels based on the description of two separate aliquot parts and a government lot in a pre-1979 deed. DSD maintained the property consisted of only two original parcels, viewing the two aliquot parts as a single combined parcel. The hearing included testimony from the applicant's representative, DSD staff, the property owner, and other professional surveyors. The Board ultimately voted to continue the hearing to a later date to allow the applicant to provide historical evidence of past county decisions that supported their interpretation.
- **Speaker Background:**
- **TJ Willard:** The applicant's representative, a professional land surveyor with 20 years of experience, primarily in Canyon County.
- **Arbai:** A representative from the Development Services Department (DSD) who presented the staff report and the reasons for the denial.
- **Ted Arnzen:** The owner of the subject property.
- **Alan Mills, Monty King, Matt Wilkie:** Professional surveyors who provided public testimony, drawing on their expertise in land surveying, Bureau of Land Management (BLM) practices, and historical Canyon County ordinances.
- **Tony Ameda:** A DSD GIS Division staff member with prior experience in the assessor's office, who provided context on how deeds were interpreted for mapping purposes.

Key Points

- The applicant, TJ Willard, argued that DSD's interpretation of "original parcel" was inconsistent with historical practice and county code. He stated that for 20 years, aliquot parts had been treated as individual original parcels.
- Willard contended that DSD was misapplying a portion of the county code's definition of "parcel" that allows for the combination of parcels, arguing that this clause applied only to "meets and bounds" descriptions, not aliquot parts.

- Willard also requested an easement reduction from 60 feet to 28 feet, explaining it was necessary for better building placement on the sloped property, not for financial reasons as suggested by staff.
- DSD staff, represented by Arbai, stated the denial was based on the applicant requesting more divisions than the property was entitled to. Staff's position was that aliquot parts described together in a single deed were considered one parcel, with the exception of government lots, which were treated separately due to "longstanding practice."
- DSD cited a 2023 county policy interpretation requiring a complete legal description (section, township, range) for each part to be considered a separate parcel. They also noted that the county's contracted surveyor and GIS division supported their interpretation of the property as a single tract of land.
- Public testimony from surveyors Alan Mills, Monty King, and Matt Wilkie supported the applicant's position. They argued that aliquot parts are legally distinct entities created by the government, similar to lots in a subdivision, and that combining them because they lack redundant legal descriptions in a single deed is incorrect.
- The property owner, Ted Arnzen, testified that his intent was to sell a piece of unusable farmland to a neighbor and that the dispute was over determining how many land divisions he was entitled to.
- The Board of Commissioners engaged in detailed questioning about the technical definitions, historical precedents, and potential long-term impacts of either interpretation on county planning.
- The hearing was continued to September 15, 2026, to allow the applicant to submit historical evidence of past county approvals that treated aliquot parts as separate original parcels.

Notable Quotes

- **TJ Willard (5:23):** "Our appeal today, um, we brought to you is based on Development Services' interpretation of what original parcel is."
- **TJ Willard (8:18):** "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."
- **Arbai (38:42):** "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."

- **Alan Mills** ([1:09:11](#)): "I think we're playing semantics with this. Uh, and, and we're never gonna reach a good conclusion if we go to those lengths of trying to interpret what's written."
- **Monty King** ([1:23:20](#)): "This is my world, aliquot 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 aliquot parts get created by that."
- **Chairman Brad Holden** ([1:43:37](#)): "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 aliquot parts, which two gets the building permits and which, which other 14 don't?"
- **Commissioner Zach Brooks** ([2:08:29](#)): "...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?"

Detailed Insights

1. Main Arguments

- **Applicant (TJ Willard)**: The core argument was that DSD's denial was based on a flawed and inconsistent interpretation of county code. He argued that aliquot parts described separately in a pre-1979 deed are, by definition and historical precedent, separate original parcels ([5:23](#)). He claimed DSD was incorrectly applying a rule for "meets and bounds" descriptions to combine aliquot parts ([10:13](#)) and that this contradicted 20 years of practice ([8:18](#)).
- **DSD (Arbai)**: The department's main argument was that the applicant's request exceeded the number of allowable divisions ([37:40](#)). They contended that under current code and a 2023 policy interpretation, multiple aliquot parts listed in a single deed without individual, complete legal descriptions are considered one parcel (PT00H39H39S). This position was supported by the county's contracted surveyor ([39:56](#)).

2. Supporting Evidence

- **Applicant**: TJ Willard submitted and referenced several exhibits, including the county code definitions of "parcel" and "aliquot" ([6:42](#)), General Land Office (GLO) subdivision plats showing sections divided into individual 40-acre parts ([12:33](#)), Idaho state code regarding land descriptions ([13:53](#)), and a custom map of the subject property showing the distinct aliquot parts ([13:53](#)).

- **DSD:** Arbai referenced the staff report, which included the director's decision (37:40), a 2023 policy interpretation memo (Exhibit 3D) (PT00H39H39S), an email from the county's contracted surveyor supporting DSD's view (Exhibit 3F) (39:56), and an analysis from the DSD GIS division (Exhibit 3E) (40:09).

Context and Background

1. **Contextual Information:** The case centered on the interpretation of Canyon County's land use ordinances, specifically the definitions of "original parcel" and "aliquot part." The outcome determines the number of administrative land divisions (and by extension, building permits) a landowner is entitled to in the agricultural zone. This has significant implications for property rights and rural development.
2. **Related Events:** The "Pinner case" was referenced multiple times by the applicant's side as a recent appeal where the Board recognized two original parcels within a single tax parcel number, allegedly based on similar arguments about aliquot parts (22:31, 1:33:32). A 2002 DSD internal memo regarding the combination of aliquot parts was also cited as a source of ongoing confusion and a departure from previous historical practice (12:33, 1:08:42).
3. **Potential Impact:** A ruling in favor of the applicant could set a significant precedent, potentially increasing the number of available land divisions on agricultural properties across the county. This would impact long-range planning, rural density, and infrastructure needs. A ruling upholding the denial would solidify DSD's current, more restrictive interpretation. The Board's decision to continue the hearing for more historical evidence highlighted their awareness of the case's potential impact and their desire to make a well-supported decision.

Argumentative Behavior

The hearing was characterized by technical and legal debate rather than overt hostility. However, several instances of challenging and disputing statements occurred:

- TJ Willard directly challenged the factual basis of the staff report, stating he had contested the parcel inquiry despite the report claiming otherwise (5:23). He also disputed DSD's interpretation of the county code throughout his testimony.
- The commissioners engaged in pointed, challenging questions to both the applicant and staff to test the logic of their arguments. Chairman Holden repeatedly questioned the applicant on the practical implications of his argument, such as why all aliquot parts did not have separate tax numbers if they were separate parcels (24:35).
- Commissioner Brooks challenged DSD staff on the legal basis for combining aliquot parts across quarter-section lines (43:32).

- A brief, tense exchange occurred between Commissioner Van Beek and Commissioner Brooks regarding the relevance of discussing the financial motives for land division, with Brooks arguing it was not part of the legal criteria ([1:05:30](#)).
- The dialogue was a structured legal argument, with all parties attempting to deconstruct the opposing side's interpretation of county code and historical precedent.