

Legal Transcript Analysis and Summary

General Overview

Case Summary

This transcript documented a continuation of a land use hearing before the Canyon County Board of County Commissioners, case number AD2025-0020-APL, held on September 15, 2026. The hearing was a follow-up to an August 20, 2026 session in which the board had requested the appellant provide evidence supporting his position that aliquot parts of a parcel constituted separate original parcels for the purpose of administrative land divisions. The central dispute concerned whether parcel R37724 contained two or three original parcels, and whether an easement reduction from 60 feet to 28 feet was appropriate. The board heard staff analysis, applicant testimony, and public testimony from surveyors and land professionals before voting to continue the matter to September 24, 2026, closing additional public testimony while allowing those already sworn in to remain available for clarifying questions.

Speaker Backgrounds

- **Arbai (Speaker 4)** - DSD (Development Services Department) staff member responsible for presenting the case analysis and staff recommendations to the board.
- **Josh (Speaker 6)** - Assistant Director of Development Services, providing procedural and policy context.
- **TJ Willard (Speaker 9)** - Licensed land surveyor and appellant's representative, residing at 17842 Sandhol Road, Caldwell, Idaho. He had professional experience with land division applications in Canyon County and had worked on numerous cases referenced in the submitted evidence.
- **Matt Wilke (Speaker 10)** - Land professional, PO Box 7, Middleton, Idaho, providing expert testimony on surveying standards and aliquot part descriptions.
- **Alan Mills (Speaker 8/testimony)** - Land professional, PO Box 206, Middleton, Idaho, with experience in land descriptions dating to 1979.
- **Chairman Brad Holton (Speaker 1)** - Chairman of the Board of County Commissioners, presiding over the hearing.
- **Commissioner VanBeek (Speaker 5)** - County Commissioner.
- **Commissioner Brooks (Speaker 7)** - County Commissioner.
- **Commissioner Truman (Speaker 3/6 context)** - County Commissioner.

Key Points

- Staff maintained that the subject parcel contained two original parcels, not three, based on the legal description in the deed, which listed the section, township, and range only once, indicating a single parcel under Canyon County Code.
 - The appellant, TJ Willard, submitted 15 prior cases as evidence that aliquot parts had historically been treated as separate original parcels in Canyon County administrative land division decisions.
 - Staff reviewed the 15 submitted cases and found that the majority involved original parcels divided through the standard administrative land division process, not through aliquot part interpretation. Only two cases explicitly referenced aliquot parts.
 - Case AD2020-0096 was identified as the one case out of 15 in which two 40-acre aliquot parts were determined to be separate original parcels rather than one 80-acre parcel.
 - The board had previously stated that case PI2020-0226 (the Pinner case) did not set a precedent for aliquot parts.
 - Willard argued that a policy change, attributed to direction from Commissioner Smith, had caused DSD to revert to a 2001 memo that treated aliquot parts differently from other methods of land description.
 - Willard contended that the 2001 memo, and a subsequent 2023 interpretation document, were not codified and were therefore not legally binding under Canyon County Code.
 - Matt Wilke testified that the comma in a deed description between aliquot part descriptions had a legally established meaning of "in the," indicating separate parcels, and that this standard had been recognized in surveying for decades.
 - Alan Mills testified that aliquot parts had never, in his experience since 1979, been interpreted as requiring a separate section, township, and range reference for each part, and that treating aliquot parts differently from other description methods was arbitrary.
 - Commissioner Brooks stated that the 2001 memo appeared to be in direct conflict with BLM surveying standards for reading deeds.
 - The assistant director acknowledged that the policy memo had never been codified and described it as a temporary measure that had persisted far beyond its intended lifespan.
 - The board voted to continue the hearing to September 24, 2026, closing additional public testimony but allowing sworn witnesses to remain available for clarifying questions.
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Notable Quotes

[4:23] - Arbai (Staff):

"A deed must include a complete legal description to be deemed a separate parcel."

Context: Staff articulated the core basis for denying the appeal, asserting that the legal description of the subject parcel did not separately identify aliquot parts as distinct original parcels.

[5:21] - Arbai (Staff):

"As staff, we cannot assume aliquot parts are separate parcels if it's not described as such in the legal description."

Context: Staff explained the interpretive standard being applied to the subject deed.

[11:40] - TJ Willard (Appellant):

"It says parcel R28198010 is currently 80.493 acre parcel comprised of two original 40 acre parcels dated 1967 on the old maps. So this is a 80 acre parcel that was described as 240s. This decision is based on two 40s, not 180 because that's how they're described in the deed."

Context: Willard cited exhibit 1A from case AD2015-6 as evidence that prior decisions had recognized aliquot parts as separate original parcels.

[18:43] - TJ Willard (Appellant):

"This new interpretation didn't take place until the last few years. And Arbe doesn't know because she's only been here that long. Like, she's only known this one method. And this occurred through Commissioner Smith, uh, supposedly instructing development service staff to use this 2001 memo again."

Context: Willard alleged that a specific policy change had been directed by a named commissioner and had altered how DSD interpreted aliquot part descriptions.

[23:03] - TJ Willard (Appellant):

"It stopped in 1979. We can't change the, we can't change the way the property was described in 1979. So that's where it stops. It's, you're looking at the date where originality occurs and what the deed says at that time is what it is."

Context: Willard addressed the board's concern about how far aliquot part divisions could extend, clarifying that the 1979 deed description was the fixed reference point.

[\[52:50\]](#) - Matt Wilke (Expert Witness):

"You can't describe 120 acres because part of it's in the south half of the northeast quarter and the other one's in the northwest, northwest quarter of the southeast quarter. So you can't describe 120 acres with just one eloquent part description. Um, that's why the comma's there. And that comma is known and has been known legally for decades that that means in the."

Context: Wilke explained the legal significance of commas in aliquot part deed descriptions as a long-established surveying standard.

[\[1:06:52\]](#) - Commissioner Brooks (Speaker 7):

"I think the crux of the issue is in reading these deeds, the memo that was resurrected is in direct conflict. It is the exact opposite of what the specifications for descriptions of land, the BLM manual that is being referred to, that they are in absolute conflict with each other in how the memo states to read a deed versus what the BLM manual states how a deed is supposed to be read."

Context: Commissioner Brooks articulated what he viewed as the fundamental legal conflict at the heart of the appeal.

[\[1:07:19\]](#) - Commissioner Brooks (Speaker 7):

"I might argue that's where we're sitting right now. And just because our code says that does not mean that I wanna sit here and continue on participating in something that somebody prior to us sitting here put in place that is not correct."

Context: Commissioner Brooks expressed concern that the county's current interpretive practice may be fundamentally inconsistent with established surveying law.

[\[1:18:39\]](#) - Josh, Assistant Director (Speaker 6):

"These policy memos that float around these various departments, they're supposed to be a temporary thing till you change the code."

Context: The assistant director acknowledged that the memo had never been codified and was intended only as a temporary measure.

[\[1:19:01\]](#) - Commissioner VanBeek (Speaker 5):

"It's a quarter of a century."

Context: Commissioner VanBeek noted that the 2001 memo had been in use for approximately 25 years without being formally codified.

[\[1:15:31\]](#) - TJ Willard (Appellant):

"So we know an original parcel is something that existed as it existed on September 6th, 1979. So what is a, a parcel definition in Canyon County Code? A track of land described by meets and bounds, chains, rods, or adloquate parts or by lot and block."

Context: Willard read directly from Canyon County Code to argue that the code itself did not support the memo's interpretive approach.

Detailed Insights

1. Main Arguments

Staff Position [\[1:34 - 7:48\]](#):

Staff argued that the subject parcel's legal description listed the section, township, and range only once, indicating that the aliquot parts described therein were part of a single original parcel. Staff maintained that 13 of the 15 cases submitted by the appellant involved original parcels divided through standard administrative land division processes, not through aliquot part interpretation. Staff recommended denial of the appeal.

Appellant's Position [\[10:47 - 1:17:26\]](#):

Willard argued that prior decisions by multiple DSD directors had consistently recognized separately described aliquot parts as separate original parcels. He contended that a policy change, driven by the resurrection of a 2001 memo, had altered this practice without any change to the underlying code. He argued that the memo was not codified and therefore had no legal standing under Canyon County Code, which defined parcels as tracts described by, among other methods, aliquot parts.

Expert Surveying Testimony [\[49:56 - 1:12:25\]](#):

Matt Wilke and Alan Mills both testified that the comma convention in deed descriptions had long-established legal meaning in surveying, that township, range, and section did not need to be repeated after each aliquot part description within the same section, and that treating aliquot parts differently from other description methods was inconsistent with established practice.

Assistant Director's Position [\[1:02:07 - 1:05:40\]](#):

The assistant director maintained that Canyon County Code, not BLM surveying standards,

governed the interpretation of deeds for land division purposes. He acknowledged that the policy memo had never been codified and described it as a temporary measure that had persisted longer than intended.

2. Supporting Evidence

[\[2:39\]](#) - Exhibit 1 of the Addendum:

The appellant submitted 15 prior administrative land division cases as evidence that aliquot parts had historically been treated as separate original parcels.

[\[3:42\]](#) - Case AD2020-0096:

Staff identified this as the only case out of 15 in which a determination was explicitly made that two 40-acre aliquot parts constituted separate original parcels rather than one 80-acre parcel.

[\[11:40\]](#) - Exhibit 1A, Case AD2015-6:

Willard cited this case, in which a decision document stated that an 80.493-acre parcel was comprised of two original 40-acre parcels dated 1967, as direct evidence that prior decisions had recognized aliquot parts as separate original parcels.

[\[39:14\]](#) - Pinner Case (Exhibits 1N, 1O, 1R, and 3A):

Willard referenced the Pinner case primarily for its parcel inquiry, which he argued demonstrated that the county had previously identified aliquot parts as separate original parcels before the policy change.

[\[50:59\]](#) - Exhibit 3A, Pinner Parcel Inquiry:

Matt Wilke referenced this document, a parcel inquiry completed by Kate Dahl, as an example of prior staff practice recognizing separately described aliquot parts as separate original parcels, with township, range, and section listed only once.

[\[1:15:31\]](#) - Canyon County Code Definitions:

Willard read the Canyon County Code definitions of original parcel, parcel, and aliquot part into the record, arguing that the code itself supported his interpretation and that the memo was inconsistent with the code.

[\[6:22\]](#) - 2023 Legal Description of Subject Property:

Staff displayed the current legal description of the subject parcel, arguing that because the section, township, and range appeared only once, the aliquot parts described therein constituted a single original parcel.

Context and Background

1. Contextual Information

The hearing concerned an administrative land division application for parcel R37724 in Canyon County, Idaho. The applicant sought to divide the parcel based on a claim that it contained three original parcels, each entitled to a land division under Canyon County Code. Staff determined the parcel contained only two original parcels. The dispute centered on whether aliquot parts described in a single deed, with section, township, and range listed only once, constituted separate original parcels under Canyon County Code. The county's administrative land division process allowed a set number of divisions based on the size and description of original parcels as they existed on September 6, 1979.

A 2001 policy memo, which had been in use intermittently and was reportedly resurrected at the direction of a commissioner, provided guidance on how to read deed descriptions for the purpose of identifying original parcels. A 2023 interpretation document updated this guidance. Neither document had been formally codified into Canyon County Code.

2. Related Events

- The August 20, 2026 hearing was the first session of this appeal, at which public testimony was heard and the board directed the appellant to provide evidence of prior decisions based on aliquot parts.
- The Pinner case (PI2020-0226) was referenced as a prior decision in which a parcel inquiry had identified aliquot parts as separate original parcels, but the board had previously stated this case did not set a precedent.
- A prior board decision had approved a related application on procedural grounds while explicitly stating it should not be used as a basis for aliquot part precedent.
- The appellant referenced a proposed new definition for original parcel that had been submitted to the county but had not been acted upon.

3. Potential Impact

The outcome of this appeal carried implications beyond the individual application. The board acknowledged that the case raised fundamental questions about how Canyon County Code should be interpreted with respect to aliquot part descriptions, and whether the 2001 and 2023 policy memos were consistent with the code. Commissioner Brooks expressed concern that the current interpretive practice may be in direct conflict with established BLM surveying standards. Commissioner VanBeek noted that the memo had been in use for approximately 25 years without codification. The assistant director acknowledged that the memo was intended as a temporary measure pending a code change that had never occurred. A decision in favor of the appellant could have broad implications for how land divisions were calculated across the county, potentially affecting the number of building permits available on parcels with aliquot part descriptions. The board indicated it was not prepared to deliberate without further review and continued the matter to September 24, 2026.

Argumentative Behavior

TJ Willard [18:43]:

Willard made a pointed personal remark about the DSD staff presenter, stating that she was unaware of prior practice because she had only been employed during the period when the new interpretation was in effect. This comment was directed at a named staff member in a public forum and went beyond the evidentiary record.

TJ Willard [19:41]:

Willard expressed frustration with DSD's assistance in compiling evidence, stating that "DSD was not helpful in that," and characterized the department's approach as obstructive.

TJ Willard [20:32]:

Willard characterized the county's current interpretive method as "ludicrous" and described the memo's application as arbitrary and capricious, using language that went beyond factual argument into rhetorical challenge of staff's professional judgment.

TJ Willard [36:14 - 37:43]:

When Commissioner VanBeek asked a question about long-range planning implications, Willard declined to engage with the question, stating twice that it had nothing to do with the appeal and was "kind of theoretical," effectively redirecting the conversation away from the commissioner's line of inquiry.

TJ Willard [48:53]:

Willard made an unsolicited offer of his professional services to Canyon County, framing it as a criticism of the county's current practice of using an outside consultant, whom he described dismissively as "that guy in 88 County who obviously doesn't read our code."

TJ Willard [1:19:57 - 1:21:03]:

Willard questioned the motivations behind the county's interpretive approach, asking rhetorically why aliquot parts were being singled out and suggesting that the memo represented a bureaucratic attempt to write code without authority. He stated, "It's a bureaucracy that's trying to write code. I mean, plain and simple. Why? I don't know. I can't tell you why."

TJ Willard [1:23:12]:

Willard interrupted Commissioner VanBeek mid-sentence to correct her application of surveying comma conventions to the county code definition, though he did so in a manner that was corrective rather than hostile.