

Legal Transcript Analysis and Summary

Case Summary

This transcript documented a Canyon County Board of Commissioners public hearing held on September 16, 2026, regarding case AD2025-0133-APL. The hearing concerned an appeal filed by Sid Freeman (on behalf of his son Wesley Freeman, a fourth-generation Canyon County farmer) against a director's approval of a non-viable land division of an approximately 2.65-acre parcel. The subject property was an orange-designated parcel previously split from a larger agricultural holding. The appellant sought to reverse the director's decision, which had approved dividing the orange parcel into two lots, each eligible for a residential building permit. The hearing was ultimately continued to September 30, 2026, after an attorney representing the original applicant (M&M Properties) raised concerns about insufficient time to review materials submitted by the appellant.

Speaker Background

- **Speaker 1 - Chairman Brad Holton:** Presiding commissioner who managed procedural order throughout the hearing.
 - **Speaker 2 - Commissioner Zach Brooks:** The second commissioner present; Commissioner Leslie Van Beek was absent.
 - **Speaker 3 - Jenna (Clerk):** Administered the oath of affirmation and managed the sign-up list for public testimony.
 - **Speaker 4 - Josh Johnson:** DSD (Development Services Department) representative who provided procedural clarifications.
 - **Speaker 5 - Sid Freeman:** Appellant and representative of his son Wesley Freeman, a fourth-generation Canyon County farmer and neighboring landowner with direct agricultural interest in the subject property.
 - **Speaker 6 - Dan (DSD Staff):** Presented the staff report on behalf of the Department of Development Services.
 - **Speaker 7 - Aaron Bazzoli:** County attorney who provided legal guidance during the hearing.
 - **Speaker 8 - Mr. Beebe (Weiby):** Attorney appearing on behalf of M&M Properties, the original applicant and property owner.
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Key Points

- The appellant, Sid Freeman, testified on behalf of his son Wesley Freeman, who was unable to attend due to harvest obligations.
- Wesley Freeman's written statement was read into the record, arguing that the subject property remained viable agricultural land and that a second residential building permit would negatively impact surrounding farming operations.
- The subject property was identified as having existing water rights, an operational head gate, and an existing power line, all of which the appellant argued made agricultural use feasible.
- The appellant alleged that the original applicant had misrepresented the property's water rights status in her application, citing a listing that referenced water rights six times and a billing statement dated October 15, 2025, addressed to the applicant.
- All four farms at the intersection grew onions, described as the most heavily chemically applied crop in Canyon County, requiring up to eight to ten applications per season. A second residence was argued to expand the no-fly zone for aerial applications.
- Staff recommended denial of the appeal, upholding the director's original approval, based on findings that the lot's size, configuration, and geometry made productive agricultural use extremely difficult, and that Google Earth imagery from 2004 showed no evidence of agricultural use.
- No public comments had been received by the comment deadline for the original application AD2025-0133.
- The director's approval included a condition prohibiting secondary residences (ADUs) on either of the two newly created parcels due to setback constraints.
- The attorney for the original applicant raised concerns that he had not received the appellant's submitted exhibit package until the Monday before the hearing, leaving insufficient time to prepare a response.
- The board voted to continue the hearing to September 30, 2026, at 1:30 PM to allow all parties adequate time to review submitted materials.

Notable Quotes

- [8:54](#) - Sid Freeman, reading Wesley Freeman's letter: "I never would've split it off had I known that it could be split again and have two houses on it."

- [9:52](#) - Sid Freeman, reading Wesley Freeman's letter: "We have experienced through the decades that the more houses you have in an area, the much higher degree of probability garbage will get away from them and over onto surrounding farm fields."
- [10:45](#) - Sid Freeman, reading Wesley Freeman's letter: "By federal law, our fields are inspected for food safety purposes, and if an inspector finds garbage, pet feces in our fields, we can actually lose our contracts costing us hundreds of thousands of dollars with just in one crop."
- [15:24](#) - Sid Freeman, reading Wesley Freeman's letter: "One building permit is an acceptable balance. Doubling the risk is not an acceptable balance."
- [16:24](#) - Sid Freeman, speaking directly: "The original applicant was very, uh, not honest in her application when she said she didn't know. She said it didn't have water rights."
- [17:34](#) - Sid Freeman: "One crop of onions on a 40 acre field will be worth more than that extra building permit ever will be on that property."
- [22:57](#) - DSD Staff (Dan): "Staff found that access will be directly off of Hop Road, and Black Canyon Irrigation District requested a lot split application, and this was conditioned on the approval to be done prior to building permit submittal."
- [24:55](#) - DSD Staff (Dan): "Staff recommends that the board of county commissioners deny the appeal, upholding the director's decision."
- [28:00](#) - Chairman Holton: "We've traditionally have not allowed other people to be representative of other people without documentation."
- [31:05](#) - Chairman Holton: "I like this to be as fair as we can possibly make it."

Detailed Insights

1. Main Arguments

Appellant (Sid Freeman / Wesley Freeman):

- [8:00](#) - [16:24](#): The appellant argued that the subject property was viable agricultural land supported by water rights, an existing head gate, and a power line. The appellant contended that a second residential building permit would increase no-fly zones for aerial pesticide application, increase trespassing, introduce food safety risks through garbage and pet waste in farm fields, and generate additional traffic conflicts with agricultural vehicles. The appellant further argued that the property's soil type was comparable to surrounding farmland and that the original applicant had misrepresented the property's water rights in her application.

DSD Staff:

- [20:49](#) - [24:55](#): Staff presented findings that the director's approval was based on the lot's size, configuration, and uneven geometry making productive agricultural use extremely difficult. Staff noted that Google Earth imagery from 2004 showed no evidence of agricultural use on the subject property. Staff recommended denial of the appeal and upholding of the director's decision.

Attorney for Original Applicant (Mr. Beebe):

- [27:23](#) - [31:37](#): The attorney argued that he had not received the appellant's exhibit package until the Monday before the hearing, which was insufficient time to prepare a response. He requested either additional time to submit a written response or a continuance of the hearing.

2. Supporting Evidence

- [6:03](#): The appellant referenced a checklist of submitted exhibits including photographs of the head gate and power line, a certified public agricultural advisor's letter with soil samples, a letter from Richard Jevau, and a letter from Trina Jevau, granddaughter of the original property owners.
- [12:28](#): A letter from a Certified Crop Adviser (CCA) and soil test results were cited to demonstrate that the subject property's soil type was comparable to surrounding farmland.
- [16:24](#): The appellant cited a property listing referencing water rights six times, a Black Canyon Irrigation District letter dated December 1st confirming water rights, and a billing statement dated October 15, 2025, addressed to the original applicant for water rights on the property.
- [22:01](#): Staff referenced the history of land divisions: the original 2006 division (LS2006-48), the 2021 amendment creating the orange parcel with a building permit and the red parcel designated agricultural only, and the 2025 non-viable land division application.
- [23:52](#): Staff noted that four public comments were received in favor of the appellant's request, along with additional information submitted by the appellant, all received by the comment deadline.
- [25:18](#): Staff confirmed that a condition was placed on the director's decision prohibiting secondary residences on the newly created parcels due to setback constraints related to the shared driveway.

Context and Background

1. Contextual Information

The subject property was an approximately 2.65-acre orange-designated parcel located at an agricultural intersection in Canyon County, Idaho. The parcel originated from a 2006 land division and was further amended in 2021, at which time it received a single building permit. The surrounding area was characterized as high-priority agricultural land, with all four farms at the intersection growing onions. The area fell within the Black Canyon Irrigation District and was identified in multiple Canyon County comprehensive plans as a high-priority agricultural zone. The property had historically been used for irrigated pasture, seed crops, wheat, hay, and the storage and handling of potatoes and irrigation equipment.

2. Related Events

- The Jevau family had owned the property since approximately 1940 and used it for irrigated pasture and dairying until the mid-1970s, after which it was farmed by Mike Jevau.
- Wesley Freeman purchased the property from Gayla Jevau in 2016 and subsequently used it for equipment storage, potato transloading, and sprinkler pipe staging rather than active crop production.
- A hop harvesting facility was located approximately one mile from the intersection on 10 Davis Road, contributing to significant agricultural truck traffic in the area.
- A fatal accident had previously occurred at the intersection, which the appellant cited as evidence of existing traffic hazards that would be compounded by additional residential development.
- The appellant referenced studies cited by former county clerk Rick Hogeman indicating that rural residences typically do not generate sufficient tax revenue to cover the cost of public services they receive, with the shortfall subsidized by agricultural land taxes.

3. Potential Impact

The outcome of this appeal had potential implications for agricultural land preservation policy in Canyon County. If the appeal were granted, the subject property would retain only one building permit, limiting residential development and preserving the agricultural character of the area. If the appeal were denied and the director's decision upheld, two residential lots would be created, potentially establishing a precedent for further non-viable land divisions in high-priority agricultural zones. The appellant argued that the cumulative effect of additional residences would reduce the economic viability of surrounding onion farming operations through expanded no-fly zones, increased trespassing, food safety risks, and traffic conflicts. The continuance to September 30, 2026, meant that the final decision remained pending, with the property owner's attorney to be given an opportunity to formally respond to the appellant's submitted materials.

Argumentative Behavior

No significant argumentative behavior was observed during this hearing. All parties conducted themselves in a cooperative and procedurally respectful manner. The attorney for the original applicant (Mr. Beebe) raised a procedural concern regarding the late receipt of the appellant's exhibit package, but did so in a measured and professional tone without hostility or defiance. The chairman and commissioners responded constructively by offering a continuance. Sid Freeman's testimony was direct and at times critical of the original applicant's representations regarding water rights, but remained within the bounds of factual argument rather than personal confrontation. The board maintained orderly proceedings throughout.