

Speaker 1 ([00:00:06](#)):

This is Chairman Brad Holton. I'm gonna call the meeting to order. This is a continuance of case number AD2025-0020-APL. So if, , DSD would bring us, , where we've been and where we find ourselves then this morning or this afternoon. It's been a long day already.

Speaker 2 ([00:00:30](#)):

Good afternoon, commissioners and members of the public. I'm Arbai. I'll be going over case AD 2025 - 0020-APL. For some background, the applicant submitted an administrative land division application to divide the parcel R37724 with an easement reduction from 60 feet down to 28 feet wide and a private road application. According to the applicants, the subject parcel contains three original parcels, each with a land division available as seen in exhibit 2F of the staff report. Based on property history completed on the parcel, the subject parcel contained two original parcels per exhibit 2E of the staff report. Due to the requested number of divisions exceeding the divisions the property is entitled to via the administrative land division process, the request was denied and the applicant submitted an appeal. The appeal was heard first on August 20th where public testimony was heard. The discussion was mainly regarding land divisions, with a brief mention of the easement reduction.

([00:01:30](#)):

During that hearing, the applicant testified there was previous decisions that were made due to aloquat parts in the past. The board directed the applicant to provide evidence of those past cases and tabled the case to September 15th, 2026. During that hearing, the applicant produced those past cases and believed that those were under the aloquat parts. Staff reviewed those cases and found one of them was based off aloquat parts. Government lots are separate original parcels and other forms of measurements, including those rods and chains, which are also forms of measurements just like the aloquat parts. As defined in the parcel definition, it needs to be separately defined to qualify as a separate parcel. During that, , September 15th hearing, there is also a discussion regarding the BLM surveying, , which doesn't dis - dictate Canaan County code. And lastly, there was brief discussion on the memos and interpretations DSD uses.

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

The board continued the case to September 24th to allow the commissioners to review the memos and interpretations and then deliberate on the relevant county code. , Public testimony is closed. However, if the commissioners wish to ask the public questions, the commissioners may. With that, I will stand for any questions.

Speaker 1 ([00:02:43](#)):

Okay. Comments or questions procedurally? You don't have any? Okay. Commissioner Van Beek?

Speaker 3 ([00:02:57](#)):

I think I'll hold for right now, Chairman.

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

Okay.

Speaker 3 ([00:03:02](#)):

All right. So Chairman, you, I will ask. So for clarification, county government is allowed to establish code that can be more restrictive than either the public land survey or state of Idaho code LUPA. Is that correct?

Speaker 2 ([00:03:29](#)):

Chairman, Commissioner Van Beek, that is correct. So Canyon County has the ability to create its own codes regarding like the land division and how to survey those, , different parts. , So today's discussion would be based off of Canyon County's code.

Speaker 3 ([00:03:44](#)):

Thank you for the clarification. I appreciate that.

Speaker 1 ([00:03:51](#)):

Okay. How would the board like to proceed? I

Speaker 4 ([00:03:58](#)):

Was just gonna ask, where are we at in the pro - like where did we leave this?

Speaker 1 ([00:04:02](#)):

We left this that, , we didn't close public testimony, but we, in essence, curtailed it off and allowed ourselves the ability to ask those who had been sworn in last meeting. You could ask them questions if, if you still needed clarifications of their testimony.

Speaker 4 ([00:04:22](#)):

Okay. So I have a question for the applicant.

Speaker 1 ([00:04:25](#)):

Okay. Yes.

Speaker 4 ([00:04:27](#)):

Or the applicant's representative, I guess I should say. <Laugh> Okay. So my question, bear with me in case I use the lo - the wrong lingo or not, but if, if the, if the deeds or the land descriptions were something other than adequate parts, would the entitlements that you're seeking also be different? Like if it was you describing them in chains and rods, would, would the outcome be different? Does that make sense?

Speaker 5 ([00:05:00](#)):

Through the chair, I, I believe I understand what you're asking. , So for example, he, the owner, landowner actually owns property to the west of this, which are described as government lots, and those are being treated differently than the adloquate parts. So to answer your question, it depends on whether you're asking me whether it's different, whether you're asking the county whether DS - Development Services staff, whether it's different.

Speaker 4 ([00:05:29](#)):

I'm asking you because I'm unclear if, if your presentation is because these are adloquate parts, they should have this end result that you're asking for. Like if it was chains and rods from the very beginning, would you still be asking and seeking for the same outcome?

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

So when something's described by chains and rods, it's, it's a measurement, so it, it'd have to go around the property. So if these multiple algae parts, portions of adequate parts were measured by chains or rods, , you'd, you'd go around the boundary. So it'd depend on whether it went around one overall boundary with those measurements or whether it cut them off and had separate parcels described by that. , Adequate parts are described by chains. , That's how they measured, the GLO measured general land office in the original surveys. So to say use of chains and rods, it doesn't really make sense because that's, you wouldn't say the southwest quarter is 40 chains by 40 chains. I mean, you could, but that's not how you describe it. So another, a better example would be is if it was subdivision lots or government lots, , it'd be the same result.

([00:07:05](#)):

Now, if it was a meets and bounds description of the whole piece, it would be one original piece because that's how the deed described it. The deed described it as three separate pieces, adequate parts, so it can only be three. If it were described it as three separate parts by meets and bounds description, which would include chains and rods, it could be three or it could be one. You just, it has to be how it's described in the deed. Does that make sense?

Speaker 4 ([00:07:36](#)):

Yes.

Speaker 5 ([00:07:37](#)):

Because the deed describes these individually by adequate parts. Those are individual parcels.

Speaker 2 ([00:07:43](#)):

Okay.

Speaker 1 ([00:08:07](#)):

I'm gonna say back to you what I heard you say in my words. So throw out the quarter of the quarter and you measure that and you describe that, you're saying that they would, you're saying that they would have to describe each one of those parcels if it was not de- described by adloquate parts, you would have to describe those as parcels within the parcel.

Speaker 5 ([00:08:44](#)):

So it, if this land got passed through title and someone came and actually gave like a meets and bounds description of it - uh-huh. , Did they describe it as one whole piece or they described it as three separate pieces would be my question. Like depending on that scenario is what I would argue is what's the original parcel. So if it was described by, by bearings and distances around the outside of the whole thing, then I would agree, yes, it'd just be one original parcel. But that, that's not the case. I mean, it's

the same thing if, if they were described each one individually by meets and bounds, it would be three individual parcels because they're closing figures by themselves. So it kind of depends on how you're, how you're presenting the makeup of how they described it.

(00:09:55):

I, I guess to clarify, this, this property could have been combined into one piece by a meets and bounds description. That, that is possible. Or it could have been described as three separate pieces by meets and bounds and it would be three individual parcels. The same as aloqua, the way it's described in adequate parts, it's three individual parcels. Like you can't combine those adequate parts without doing something like a meets and bounds description. Just like the government lots, just like lot and block in a subdivision, they're, they're standalone individual parcels until you combine them either by some sort of meets and bounds description. , I, I really don't know how you combine them other than a meets and bounds description. And I would, I would say that's, that's why you can pass title without actually physically surveying them is because they're standalone.

Speaker 1 (00:11:57):

Arbai, do you have the, , page I can look at that shows this original deed as it was in 79 or before? I can't find that page.

Speaker 2 (00:13:23):

Chairman, in the original staff report dated August 20th, 2026, it's gonna be exhibit 3A. Okay. Thank you.

Speaker 3 (00:13:40):

Chairman?

Speaker 2 (00:13:41):

Yes.

Speaker 3 (00:13:42):

Arbai, since you have that open, can you go to the planning division staff report and would you please, on page three of seven on the overview of findings and appeal on the administrative land division section, there are two highlighted boxes there. Both are excerpts on the parcel's legal description. Last time when we started the hearing, you gave a pretty detailed, , summary of why you believed that in reviewing the cases, you did not find except for one ex- exception and refresh my memory, yes, that's what I'm looking for. Was the exception the Penner case that we did?

Speaker 2 (00:14:28):

Chairman, Commissioner Van Beek, are you referring to the September 15th hearing?

Speaker 3 (00:14:33):

Yes.

Speaker 2 (00:14:34):

There was two. So there was the Penner one and then an additional one that -

Speaker 3 ([00:14:38](#)):

Okay.

Speaker 2 ([00:14:38](#)):

Had mentioned the Alauqua parts.

Speaker 3 ([00:14:40](#)):

Okay, thank you. Thanks for that refresher. And then can you go through this? And because what I heard last time, to refresh our memory, is that the county's policy has been that it has to include section, township, and range. So break this down for us in your report.

Speaker 2 ([00:15:07](#)):

So on screen is that current legal description. So that's what we would be viewing in order to see if it would be described as a parcel or multiple parcels. So that part area that's highlighted in green, so government lot two. , So those ones, again, because it's a government lot, is its own separate original parcel. So that's its own parcel. And then the purple part, so the southeast quarter of the northwest quarter, that's that top half there. , So that one is what the applicant is referring to as the aloquat part being separate original parcel as well. , But because it says and, and then the remainder of that legal description, noting that other half of it, and then ending with just the one section township and range, county would define that as one parcel because if I just took the southeast quarter of the northwest quarter in it alone, I cannot find on the map where that is located.

([00:16:12](#)):

I need the section township and range to identify where that is on the map. So if we take out that aloquat part out by itself, it can't be its own separate parcel because again, we wouldn't know where it's located. But when we read the full description, including the section township and range, it then has that outline exactly where it is located on the map. So that's why we would view that as one parcel rather than two.

Speaker 3 ([00:16:43](#)):

Okay. Thank you. I appreciate that recap. And we, it's been a great process of working through. Chairman, if it's okay, I wanted to ask our legal a question. Yes. So Laura or Stephanie, in this, can you either help validate or can you provide additional information on presentation by staff that without the section township and range accompanying a quarter section or a quarter quarter section is, is, can you provide additional feedback or, , how that you could or couldn't defend that in court, , if we're trying to locate a parcel based on county code?

Speaker 6 ([00:17:28](#)):

, There are cases. I'll see if I can find it. , So I would ju - that's what I would say too, is if the court's looking at this, they're looking at us. I have a Supreme Court case, Robbins v. County of Blaine, 134 Idaho 113996P2D813. It's a 2000 case. , And it just, it's looking at how legal descrip- descriptions are, whether it, whether it tells the court exactly what's being conveyed or not in a deed, if it's being conveyed or who, you know, basically defining what the property is and it says, let's see, let me find the language. , Let's see. The deed did not say parcel one consisting of parcel two consisting of or other simil- similar language. The court emphasized that to convey or identify separate parcels within a

combined instrument, there must be a clear statement in the deed that the instrument is conveying or describing distinct separately identified parcels.

(00:18:31):

So I don't know if that helps, , but I think that's what Arbe is saying. You have to have enough language in the deed to know what's being conveyed or what is the entitlement, essentially.

Speaker 3 (00:18:47):

Well, I'm gonna say that differently. So the internal policy that was used, which Arbay has presented today, states that there has to be section township in range, and then in the absence of that, we would not know where, what section of land to go to in order to make the crosshairs identify that parcel. Is that correct?

Speaker 6 (00:19:12):

That's what I've heard from staff, yes. And that's consistent with the cases that talk about how a court is looking at how a property's described and whether they can determine what's, what the property rights are. Okay.

Speaker 3 (00:19:24):

Okay. Thank you.

Speaker 5 (00:19:26):

Mr. Chair, can I point out an error in this interpretation? Sure. So if you look at the description on the, on the screen, that part of government lot two lying east of a natural drain, drain ditch, where's the township range in section? Where, where is that in there? It's in the same paragraph as the other two parcels. So the error of them saying that if you don't have the township arranged after every portion, that it's not separate is false. It's an error in logic. Government lot two, lying east of the natural drain cannot be located without the township section range directly below where the adequate parts are. So that argument doesn't, it doesn't work. If you don't have township section range after every single portion of the description, then you can't locate any of those. Government lot two is no different than the adloquate parts.

(00:20:24):

It's all in township five North three West Section seven, the same as the adloquate parts. That's the fallacy of their argument that you have to have it after every portion of the description, because government lots are special somehow, but they have to have the same things to be an accurate legal description.

Speaker 1 (00:21:05):

Laura, in the Supreme Court decision, they referred to, , that it would have to be called out as a separate parcel. Is that, did I misunderstand?

Speaker 6 (00:21:16):

Yes. They're looking at what language needs to be there to call out a separate parcel. That it, that it requires more than just essentially an, a part description to know what that parcel is and where it is, I think is what staff's saying. Okay.

Speaker 5 ([00:21:34](#)):

And Mr. Chair, without having the chance to review this court case that's now been brought forward, I would not recommend it be admitted into the case. I have no way to rebut it. I have no way to evaluate what the case was even about.

Speaker 3 ([00:21:55](#)):

Chairman?

Speaker 2 ([00:21:57](#)):

Yes.

Speaker 3 ([00:21:57](#)):

Can I ask another question? And this time for the director. And so Jay, I know that you didn't create this, you've inherited this, but can you answer the question? It, I think it's a good question to pose. If we have to have section township and range, tell - tell me, help me understand why a government lot doesn't need that. Or if the, what the significance of the semicolon is, help us, I guess, dig deeper. If -

Speaker 7 ([00:22:32](#)):

So Mr. Chairman, Commissioner Van Beek, in general, government lots are special in our code because they're rec - in the code it, it, it's specific that government lots ha - are, are automatically an original parcel. Now, I understand, I understand Mr. Willard's, , concerns with this. I think my question would be in the third sentence where it says all, all the pieces before it says all in section se- seven, that, I don't, I don't know if that muddles the conversation or not. That's, it depends how, how that's read, but. 'Cause That could, when you say all in section seven township five range three west, does that include the government lot and the southeast quarter of the northwest one quarter as well as the southeast one quarter, southwest one quarter? I don't know. We may be shooting ourselves in the foot over that one all by itself, but, , but typically when we refer to government lots, it would, it would say where that government lot is.

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

Thank you. And I, I know I put you on the spot then it, again, that you did not create the drafted memo that's -

Speaker 7 ([00:24:09](#)):

Either of them, both of them. Yeah. One dates back to 2002 that speaks to requiring section township and range as well as the 2003 memo that documented our process, basically.

Speaker 3 ([00:24:23](#)):

Thank you.

Speaker 5 ([00:24:25](#)):

Mr. Chair, can I rebut that?

Speaker 1 ([00:24:29](#)):

What do you say, Lord? I typically don't get into a tit for tat, so I don't feel comfortable without your permission.

Speaker 4 ([00:24:39](#)):

I'm good with it. We're already in uncharted territory here, so.

Speaker 2 ([00:24:43](#)):

Okay.

Speaker 5 ([00:24:45](#)):

Mr. Chair, I just wanna point out that there's no, there's nothing in Kenyon County code that's, that treats government lots special. There's nothing in county code. It, there is something in county code that treats Alqua parts as special because in the definition of parcel, aloqua parts are specifically stated. There's nowhere else in code that separates, differentiates government lots from eloquent parts. So to say that there's something special in Kenyon County Code, there's not. That, that's just passed on from this memo forward that somehow government lots are different than eloquent parts. And you cannot. So this description, this property has been passed down since the patent. There's nothing wrong with this description. It's a full legal description that has past title. There's no dispute on where that property is.

Speaker 1 ([00:25:45](#)):

I think for me, TJ, your argument falls that a eloquent part is its own parcel and a government lot isn't. So a government lot is a government lot. They, they gave that description. It's always gonna stay there as a government lot unless they choose to absorb it into something else. But an eloquent part, eloquent part is a war - a form or a way to describe a parcel. And if you wanna call that description out as a separate parcel, then you have to do that in the deed. You, you, or the description. Otherwise, it's dealing with a, a 20, or excuse me, it's dealing with a 40 acre-ish. And we went through that because the world's round. It's not exactly 40 acres. I wanted you to have that on the record, but it's approximately, and same way with this, , parcel if you wanted to not call it out as two eloquent parts and you wanted to do an 80.

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

So in other words, the bottom half or the, the left half or the right half or whatever you wanted to do, what, what I have problem with is that it ends up treating landowners unfairly. I can have 80 acres, but if my deed doesn't call it out as two eloquent parts, I lose rights that the eloquent part person has. They have two. They have double, double the, the rights under your scenario. But if they called it out as the, as the bottom half or left half or right half, top half, only get half of those rights. And it's a way of referring quickly parcels of ground. It's a tool. It's a measurement. I don't see in my code that an adloquate part of and in of itself is an original parcel. And yeah, you had your, your, our, , federal guy here telling us that, but I don't see it in Canyon County code that that, that because it's described as an adequate part, that it has full rights as its own parcel.

(00:28:07):

It's a description means. It's not a parcel description. And so this parcel here at the end of that description of those parts, both the government lots a- and the eloquent parts and the, the fraction of the eloquent part is in, is in a deed and it doesn't call them out as separate parcels. It, it uses that as a means of legal description. And like you said, they could have went by meets and bounds. And if they wouldn't have called those out as separate parcels in the meets and bounds, it would be all one parcel. So at the end of this deed description, it doesn't call out parcel one of 40 acres-ish, and it doesn't call out the second eloquent part at whatever it is, 35 acres, whatever the fraction reduction was because of the ditch. There, that's where I'm having trouble connecting the dots because I don't have it in my ordinance to call that out.

Speaker 5 (00:29:14):

Mr. Chairman, I, I would say the same thing about government lot. The government lot, what you just described as eloquent parts is the same thing for government lots. So you're saying that the eloquent parts aren't individually described as parcels, but neither is the government lot. The government lot, that's all one paragraph in that description. So if you're, if you're going to the conclusion that all things described in one description, if it doesn't call out individual parcels, which I assume you're saying says parcel one is this, parcel two is this, parcel three is this, then the whole thing would be one parcel under that auspice that it's not called out individually.

Speaker 2 (00:29:55):

Right.

Speaker 5 (00:29:57):

And I, that's not what Our ordinance says though.

Speaker 1 (00:30:01):

Show, read it to me where our ordinance says that that adlocate part has its own legal rights as a separate parcel. I don't find it.

Speaker 5 (00:30:12):

Mr. Chairman, that's, so that's where this argument came from when this started back in 2020, 2020, whatever it was, that the memo came back. That, that was the argument. Well, there's not clarity in our code. Well, we provided clarity in the definition and it got thrown away. No one even wanted to look at it. 'Cause I don't, I don't think it's clarity that they're seeking. I think it's taking away building rights is what they're seeking. And that's why I say, if you, if you want to look at it that way, then this should all be one original parcel, not three. Because you can't separate that government law out of that description if you're looking at it that way.

Speaker 1 (00:30:53):

I view it as one parcel. It's described by the parts, but they didn't choose to pull them out and declare them as parcels within the deed.

Speaker 5 (00:31:07):

We have hundreds, hundreds of cases where

Speaker 1 ([00:31:09](#)):

We do that same thing. I know. I know, but I'm dealing with this application today. And you have the burden of proof. That's, help me. I'm, I'm not being adversarial. I'm trying to be fair and legal with everything and everybody.

Speaker 5 ([00:31:26](#)):

And that's, that's where I found that you though you wanted additional, , examples of this taking, taking place. , This, the memo that is defining where this is, where this has gone, , was never codified. We have decisions directors in between 2002 to 2021 that have thrown away the memo away and have viewed it as the way I'm presenting. , And if we, if we need to, we can go find those directors and bring them in here and they can tell you that that's what they did. I mean, you say you wanna be fair, not take away rights. Well, some people had those rights from 2002 to 2021 and now they're be- being taken away without changing the code. And that, that's, that's where the problem is. If you want, if you wanna look at that whole thing as one description, one original parcel, that's fine.

([00:32:22](#)):

But that's not what has happened and our code hasn't changed to clarify that.

Speaker 4 ([00:32:30](#)):

Mr. Chairman?

Speaker 2 ([00:32:31](#)):

Yes.

Speaker 4 ([00:32:33](#)):

I have a question on the definition of parcel. And I don't know why I didn't bring this up earlier, but the majority of that definition is land that is described by meats and bounds that includes all or parts of multiple pre-existing parcels or portions of platted lots, all of which are not separately defined or labeled as separate parcels or lots shall be considered one parcel. The way I read that, that entire s - that entire sentence is referring to simply land that is described by meats and bounds. So why are we using that as a requirement for land that is being described by adequate parts?

Speaker 5 ([00:33:23](#)):

Mr. Chair, is that an open question?

Speaker 3 ([00:33:26](#)):

I'm not sure I understand the question.

Speaker 4 ([00:33:27](#)):

So, so just read, read the, read the definition.

Speaker 3 ([00:33:30](#)):

I have my book.

Speaker 4 ([00:33:31](#)):

It says, "Land that is described by meats and bounds, blah, blah, blah, blah, shall be..." If, if, I'll just read it again. "Land That is described by meats and bounds. "Doesn't Say land that is described by adloquate parts. It doesn't say land that is described by chains, rods. It just says land that is described by meats and bounds that includes all or parts of multiple preexisting parcels.

Speaker 2 ([00:34:00](#)):

Are we

Speaker 3 ([00:34:00](#)):

On -

Speaker 4 ([00:34:00](#)):

All portions of platted lots. This is the definition of parcel.

Speaker 3 ([00:34:03](#)):

Right. And I'm, I think we're on the same page. So this is 070203?

Speaker 4 ([00:34:08](#)):

Yes.

Speaker 3 ([00:34:09](#)):

So -

Speaker 4 ([00:34:10](#)):

Parcel.

Speaker 3 ([00:34:11](#)):

Yes.

Speaker 4 ([00:34:11](#)):

So the second sentence right, right there says land that is described by meats and bounds.

Speaker 3 ([00:34:19](#)):

So the both sentences start the same and then the first sentence says meets, bounds, chains, rods, adequate parts.

Speaker 4 ([00:34:26](#)):

Go to the next one.

Speaker 3 ([00:34:27](#)):

Okay.

Speaker 4 ([00:34:28](#)):

It's very specific what land it is des - talking about because it says land that is described by meats and bounds. So why are we applying all of that to something that is not described by meats and bounds?

Speaker 2 ([00:34:44](#)):

Chairman, Commissioner Brooks. So we'd have to read the whole definition for parcel, not just that second sentence within the definition.

Speaker 4 ([00:34:54](#)):

I wholeheartedly disagree with you. It is very explicit what land it is talking about. Why doesn't it say land, any land that has a legal description? Or why doesn't it say land that is described by aloquent parts? It is very specific to meats and bounds. But yet we are using the whole rest of that, that if it doesn't have all the separate definitions and labels, it's gonna be considered as one lot.

Speaker 5 ([00:35:29](#)):

I though I made that distinct point, , when staff talked about that sentence as well, that you have the first sentence that, that labels or describes all the different types of descriptions, but then that second sentence where it says what is considered one parcel is only when it's described by meats and bounds.

Speaker 1 ([00:35:54](#)):

Laura, do you have any comment?

Speaker 6 ([00:36:00](#)):

I think that people can read it the way they want to read it. I don't know that we wanna get into legal definitions at this point. We have, we've cited to all these different policies and things like that. So the board reads it differently and I think you can decide on that, but I don't know that, I don't know that that gets us anywhere with this. , Unless I'm not, I might not be understanding the question or where the question actually lies here. It's just helping to define what a parcel is, what can be included in a parcel description is what I'm looking at.

Speaker 4 ([00:36:41](#)):

This might be the second, well, not the second, maybe the third time, but I wholeheartedly disagree. That is very explicit what kind of land it is referring to.

Speaker 3 ([00:36:55](#)):

Chairman, I would agree with Arbai that to pick through that, and here's maybe where I would go - There's no

Speaker 4 ([00:37:04](#)):

Picking through

Speaker 3 ([00:37:05](#)):

It. <Laugh> That I really appreciate TJ bringing it forward. Obviously, this has been something that's been needed to be workshopped and discussed. It's been presented by Mr. Mills a number of times over the years that I've been a commissioner. I don't know, and again, I've said this for you as a surveyor for Alan Mills, heavily involved a realtor, Matt Wilkie. We've got other members that are very familiar with this process. Maybe the, what really needs to happen is that the workshop takes place to provide clarification on that. , There's a lot here. We, we have people that I would consider experts on both sides. I kind of got, took some heat for that last time, but it is true. And when we are trying to figure out what the right direction is on long range planning and the development of the county and the, , I guess titling of parcels, deeds, what can be defended in court, what can be described.

([00:38:11](#)):

Chairman, you brought out a point that I guess I had not considered that government lots are kind of in perpetuity. I, I don't know. I see you're nodding your, or shaking your head on that. So if we say a government lot in a section, I guess that can be easily identified is what I'm understanding. But in a section without, so in that 40 acres, without a township and range assignment, how do I know which area I'm looking at in that section?

Speaker 5 ([00:38:55](#)):

Is that a question?

Speaker 3 ([00:38:56](#)):

Sure.

Speaker 5 ([00:38:56](#)):

Through the chair. , You know because it lists it in the description. Same thing with a government law. A government lot has to have a township range and section. So I keep coming back to this because we wanna treat it special. It's nothing special. The only reason why it's called a government law is because it's not adequate. So there's correction somewhere. So the correction is what creates a government lot. It still is in the same township section and range. So the same as the rest of the description, it, a government lot has to have township section and range. The same as in this description that we had up. It says a portion of government lot. Well, that government lot has a township section and range as well. It's in the same as those aloquent parts. So that's where I go back to the, if you wanna treat it all as one, well, you have to treat it all as one, including the government lot.

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

You can't separate the government lot. There's nothing special about a government lot, nothing special, especially in the description. , So to treat it special is very arbitrary and

Speaker 3 ([00:39:56](#)):

Capricious. Well, can I go back and respond to that? Except that aloquent means equal. And so when a government lot is a scrap that's not equal in a section, then it does set it apart because it's a leftover based on the curvature of the earth. So I would, I guess, either want you to explain more or say that the quarter section of a quarter section is very specific to one of those four 10 acres within that section, correct?

Speaker 5 ([00:40:27](#)):

So, so is, so is a government lot. A government lot is specific in a location. It's not, it's not just given that special name because it's special and can be identified that way. Alocate parts the same way. So the northeast core of the northeast quarter is everywhere, so is government lot one. Government lot one can be throughout many sections. So you have to have the township range and sections. So to, to say that it's special by itself, it's not because it is part of the public land survey system ways of description. So you have to have government lot township section range. Same as with the alocate part. Yes, alocate means equal, but they're not all actually equal. Right. Like physically equal.

Speaker 3 ([00:41:09](#)):

Right.

Speaker 5 ([00:41:09](#)):

, it's just the way it was divided up. So the public land survey system is identifying a specific piece of ground, whether it's through Albert Park description or whether it's through government lot, the way you describe it is gonna end up the same because it has its, its name. It has a township, range, and section, both of them.

Speaker 4 ([00:41:30](#)):

So Mr. Chairman - uh-huh. <Affirmative>. I apologize to Arbai. I think she's actually right, but I think what she's trying to say further proves my point. Parcel is defined as a tract of land described by meats and bounds, chains, rods, or adequate parts or by lot and block. Then the definition of parcel is further clarified by specifically pointing out land that is described by meats and bounds with further criteria for how that should be, , how that should be read in the, in the legal description of land described by meats and bounds. Nowhere in our definition of parcel does it further refer to chains, rods, adequate parts, or by lot and block in our definition of parcel. So again, I, my opinion is we are applying something that we have specifically put in our code in reference to one of those descriptions, meat and, meats and bounds, and we are trying to apply that to alocate parts and our code does not have that.

Speaker 3 ([00:42:51](#)):

Chairman, I would want Commissioner Brooks to clarify for me because what you said, it's not further described by lots, but it is because it's talking about portions of platted lots or separate parcels or lots - By

Speaker 4 ([00:43:04](#)):

Lot and block or by lot and block. That is a very specific desc- description.

Speaker 2 ([00:43:10](#)):

Yeah.

Speaker 4 ([00:43:10](#)):

Not by platted lots. That is specifically in reference to meats and bounds. It is not in reference to chains, rods, or alocate parts.

Speaker 3 ([00:43:22](#)):

And I-

Speaker 4 ([00:43:22](#)):

I refer to them the rest of the way.

Speaker 3 ([00:43:24](#)):

Yeah. And I, I think we're still maybe to Laura's point. This,

Speaker 4 ([00:43:30](#)):

This is the whole crux of the argument.

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

Sure. We

Speaker 4 ([00:43:33](#)):

Can't avoid it.

Speaker 3 ([00:43:36](#)):

But it's, I think that people, it's vague enough that it allows for subjective interpretation.

Speaker 4 ([00:43:45](#)):

What is vague about that? Specifically land that is described by meats and bounds. What is, where is the ambiguity in that?

Speaker 3 ([00:43:54](#)):

Well, and I would say that, to Arbal's point, that maybe the definition as a whole needs to be clarified. I'm not sure that we can do that here today on one land use decision.

Speaker 2 ([00:44:09](#)):

Question.

Speaker 3 ([00:44:10](#)):

Well, I'm saying that in a broad sense, , you can't myopically look at a section of this without the whole.

Speaker 4 ([00:44:19](#)):

No, I, I said I apologized to her and I said I think she's actually right. Read the first sentence and then read the second sentence. It further backs up my point. It does not refer to any other type of land description other than meats and bounds. And meats and bounds has to be described a certain way or it shall be considered one parcel. It doesn't say that about aloquent parts. There's no other way to read that.

Speaker 3 ([00:44:48](#)):

I guess I'm more confused because on your statement that it has to be described by meats and bounds, we would have to go back and this, what I asked for in the beginning to have clarification on, on page three, I don't see a description of meats and bounds. I see -

Speaker 4 ([00:45:08](#)):

Aloquent parts.

Speaker 3 ([00:45:09](#)):

Correct. And quarter section -

Speaker 4 ([00:45:12](#)):

We are trying to hold aloquate parts to a standard that our code does not specify for it. We're trying to apply a standard our code specifies for meats and bounds and we are trying to apply that to aloquate parts. I'm finally starting to get this and see why the applicant is sitting here saying we are treating adequate parts different. It's really meats and bounds that are being treated different in our code because it specifically states land that is described by meats and bounds.

Speaker 1 ([00:45:55](#)):

So since you have clarity, then are you citing with the applicant that every aloquate part is its own unique parcel and deserves its own building rights and all of that, even if there are multiple aloquate parts that are described in the deed and not called out as separate parcels just because they're referred to as an adloquate part, they have completely different property rights. Because if you do, that completely changes. That's the argument. That's where all my nasty letters are coming from.

Speaker 4 ([00:46:39](#)):

Well, Mr. Chairman, I am unable to answer that question. No, what I think the crux of this, the whole application is, is, is this reading as one with a government law or is this reading as three? And, and multiple hearings now, the definition of parcel in this last sentence has been used to state what has been presented by staff, and I don't agree with it because of the argument I've made for the last 10 minutes. Okay.

Speaker 1 ([00:47:17](#)):

What number are you on electronic?

Speaker 4 ([00:47:20](#)):

I am on the second, I think it's the second, , file that we got. Okay. Page three.

Speaker 1 ([00:47:34](#)):

Page three. Okay.

Speaker 4 ([00:47:36](#)):

That right there. Perfect. Thanks.

Speaker 5 ([00:47:39](#)):

Mr. Chairman? Yes. Can I address the definition of parcel?

Speaker 1 ([00:47:43](#)):

Sure.

Speaker 5 ([00:47:43](#)):

So the definition of parcel doesn't even include the use of government lot. It says meets and bounds, chains, rods, or adequate parts or by lot and block. So government lot is not any of those, unless you could, were to construe that government lots are part of adequate parts because it's part of the public land survey system. , Lot and block is a subdivision based on a subdivision. So I, I just wanna point that out. Government lots are e - not even addressed in how you describe a parcel.

Speaker 4 ([00:48:31](#)):

So help us out. What is the point of pointing that out? I - Just pointing out the, that it's absent or is there further something to that? I, I

Speaker 5 ([00:48:39](#)):

Think, I think by saying adequate part, they're, they're meaning the public land survey system, which government lots are part of. That, that's my interpretation is that that would be part of that type of description, even though it's not adequate parts itself.

Speaker 3 ([00:48:58](#)):

And Chairman, I'm gonna go back and, and just say that if we were to change the way that we interpret and we were to use the public land survey system for that, that it would provide clarification and it would be a policy, an internal policy change, which maybe needed to be looked at. But I'm not sure that we could make a determination like that in this hearing without noticing a public hearing that what we're doing is changing a foundation. That would be my problem, is that it matters and that it would provide, which to your point, to a developer's point, a realtor's point, anybody's point, from the outside looking at a government policy, it would provide a greater number of parcels. Do we agree on that?

Speaker 5 ([00:49:55](#)):

No, I disagree because there was a 2002 memo that was created that went through no process, , took away building rights that had been historically there, and it, then it went away. It wasn't, it wasn't enforced by, , succeeding directors.

Speaker 3 ([00:50:13](#)):

And- And I

Speaker 5 ([00:50:13](#)):

Understand

Speaker 3 ([00:50:14](#)):

What you're saying. That wasn't my question.

Speaker 5 ([00:50:16](#)):

I, I'm getting, I'm getting - Okay, sorry. I'm getting to it. <Laugh>

Speaker 3 ([00:50:18](#)):

Okay.

Speaker 5 ([00:50:18](#)):

So for you to say that you can't make this determination, I, yes, our code, I believe our code needs changes to make clarifications. , What was prese - what was presented at, at a hearing a month ago, , was actually going the direction of what we're discussing here, whether, , everything in one description is original parcel or not. And that's essentially what that did. It, it took that away. Well, we, we provided new definitions for clarity. , But I, I think based on what the code says today, you can make that determination because that's what Commissioner Brooks is arguing, that's what our code says. Our code says adequate parts are a parcel. , So for you to say you can't, you can't act on that, well, you can, you can in, in this case, and you can direct staff to ignore that memo, which would revert it back to interpreting how it was interpreted before the memo and after the memo was not enforced.

([00:51:28](#)):

-

Speaker 3 ([00:51:29](#)):

But address the question.

Speaker 5 ([00:51:30](#)):

And code, to me, doing another memo would make no sense. Right. Code needs to be revised to make it clear. Right. And that's what we proposed when this memo resurfaced.

Speaker 3 ([00:51:43](#)):

So there's two things. You didn't answer my question, and I want you to. This, if we were to look at the public land survey system and adopt that as a county through a public hearing process, that would provide greater entitlements to people holding parcels of land. Yes or no?

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

I completely disagree. The, so what, the number of parcels of land that exist are fixed because the date is fixed. So you, no other parcels can be created. What, what you're saying is whether we adopt the memo or whether we don't adopt the memo and how we're interpreting it is whether a lot, whether there's more or less building permits allowed.

Speaker 3 ([00:52:24](#)):

That's how it feels. Correct. And you're saying that's not true.

Speaker 5 ([00:52:28](#)):

No, I'm, I'm saying based on our code, that's not true. If you're using the memo, then that would be true, yes. If you use the memo, it removes building entitlements.

Speaker 3 ([00:52:42](#)):

So conversely, if we, if we don't use the memo, it increases building entitlements.

Speaker 4 ([00:52:50](#)):

It

Speaker 1 ([00:52:50](#)):

Keeps

Speaker 4 ([00:52:50](#)):

It the same for what already

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

Exists. No, it doesn't because Matt Wilke gave testimony that if you consider it the bottom half or the top half, that's just bad on them. It, it's, it's different on how the description lies in the original deed in 197 - pre - 1979.

Speaker 5 ([00:53:15](#)):

Mr. Chair, I, you, what you were talking about earlier is whether someone has a north half or, or they're described the two 40s. Yep. I, I think that's what we agree on is you're saying, well, we can't make a determination. Well, we, we can because what, what does, how does the deed describe it in 1979? Mm-Hmm. So that's what determines what the original parcel is. We're not giving more or less throwing the memo aside. How the, how the deed describes it is, is fixed. Like that can't change. So we talked about previously, well, how small do you go? Well, we're not going any smaller than what the deed says because the deed says something specific. So whether that's the north half or where it's the two adequate parts, the north half is an adequate part as well. But whether it's that or that, it's just determined by what the deed says from 1979.

([00:54:09](#)):

So we're not, we're not giving any more than what's already there because those deeds are fixed. What, what you'd be saying is, is there more or less based on the memo? Yes, there's more if you get rid of the memo, but the memo shouldn't even exist <laugh> is my argument. So there's not more because the memo is probably an illegal action because it's taking away building entitlements.

([00:54:35](#)):

I mean, you have 25 years of it being started, it not being enforced, and then it trying to be enforced. To me, that's probably, legal-wise, probably not a good avenue to go. That's why I say if, if we need clarification in the code, we can do that, but it's not through this memo. Did I, did I answer your question that time?

Speaker 3 ([00:55:09](#)):

No, I think that you did. Yes. I will say -

Speaker 1 ([00:55:17](#)):

Let me push back on you just a little bit. So to understand your point, whatever date, the 2000 - ish memo, you, you advocate that that changed from if the deed had descriptions of the land parcel and it didn't call out separate parcels in the deed, it's 180 acres, 165 acres, whatever, but it relied upon part of the description of that parcel as an adloquate part. Before 2000, they had building rights on each individual advocate part separately and apart from any consideration of the full parcel. So I have three adloquate parts and I have a partial over here. I could care less about the 135 acres. Don't even care. I know that I have three eloquent parts here, so whatever you're advocating, four building sites, whatever division you're advocating, they have 12, and then the argument is what, what's, what's over here that's left, how do you deal with that?

([00:56:43](#)):

Because I'm trying to follow your logic so we can apply it to everybody.

Speaker 5 ([00:56:49](#)):

So Mr. Chair, so given your example, let's say they had three adequate parts and then they have some other portion that's described some other way. Right. Okay. Yeah. So you would have four original parcels. So pre - 2000 whatever memo, you'd have four original parcels. Post, you'd have one original parcel. It, it doesn't matter that those three were adloquate parts and that one was described some other way.

Speaker 2 ([00:57:17](#)):

Mm-Hmm.

Speaker 5 ([00:57:17](#)):

You'd still just have one because you're, you're looking at it as those are combined. So I don't understand how you have more than one.

Speaker 1 ([00:57:27](#)):

No, I'm just trying to figure out the , I'm trying to figure out everybody's mad at us because we're taking away their building rights. I'm trying to figure out where did I do that? Not staff, not the county. Where did I do that? And I'm still at a loss of where I've done that.

Speaker 5 ([00:57:51](#)):

Mr. Chair, I, my guess is they're, they're saying you did it?

Speaker 1 ([00:57:56](#)):

Yeah, they're,

Speaker 5 ([00:57:57](#)):

They're - Because development services under, is under your direction. I, I'd assume that's why they'd be saying you're doing it because, , I, I don't know where the, the memo came from. I know who brought it back up. , And it was employee of DSD who, who brought it back up. And I was told that a

commissioner on the board told them to reinforce that memo. That was prior to this board existing. So I
- We

Speaker 1 ([00:58:30](#)):

Can figure that one out.

Speaker 5 ([00:58:31](#)):

I mean, I, I think, I think the public saying, "Don't take away my rights. What you're doing something, take away rights," is that s - I mean, what we've gone over here with definitions and stuff, to me, says that by using this memo interpretation, you are taking away rights. You as a county, not you as individual commissioner. And I think that's what the perspective is, is that by allowing this memo and this interpretation, it's, it's removing building entitlements.

Speaker 1 ([00:59:17](#)):

Can you refer for me somewhere in Canyon County code that each eloquent part is a parcel that has the full rights of whatever the building number would be? There's where I'm having trouble.

Speaker 5 ([00:59:32](#)):

Just Mr. Chair, so I go to the definitions. Tha's, that's what I went to, , back in 2006 when the memo cropped up back then, , that I went to the definitions and I explained it to the director at that time. I was like, "This memo, number one, it doesn't make sense. You're, you're using semicolons, commas, ands, ifs, buts, ors to define what an original parcel is when a The code says nothing about any of that. To me, our code is clear in that a parcel, an adequate part is a parcel in our code. So if you use the definition of parcel from our code and apply it to original parcel, then each adequate part in a description or bottom block or meets and bounds, each one of those types of descriptions based on our county code is a parcel. If it existed on the deed in 1979, that makes it an original parcel, which based on our code, administrative land divisions allow such and such and such for the acreage of each of those parcels.

([01:00:40](#)):

So that's, that's where I keep going back to is I'm fine if you want, if this board wants to direct staff to write new ordinance to take away building entitlements, but there's a process for that. This memo and what has happened in the last five years, there was no process. It was, for lack of a better term, bureaucrats using something that this board didn't issue as a means of taking away building entitlements. If you look strictly at Canyon County Code and read it for the words that they are, aloquate parts individually are a parcel according to code. If they're a parcel, then original parcel applies to them because they existed as a parcel based on being described as an adequate part in our code in 1979. So to me, regardless of how you feel about where, whether these entitlements should be available, to me, our code makes that available.

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

If, if the code needs to change because you don't want that available, because it has changed in the past, used to be able to split an original parcel into four. Well, now it's based on acreage how many you get, and it's less than that. So it has happened in the past where they've been taken away. So our code today does not do that. If, if this board wants to do that, then it needs to happen through a change in the code. Because if you're using today's code, that, it, it just doesn't happen. It, based on the definition, aloud parts are a special way to become a parcel under our code.

Speaker 1 ([01:02:48](#)):

This is a side branch, okay? Not, I'm not debating what you just said. So in the past, I, a parcel was, was, , a top quarter section. So you, you had 160 acres and it's described as that aloquent part. So under your scenario, are they going to get building permits for one parcel or are they going to get building permits for four parcels?

Speaker 5 ([01:03:26](#)):

Let, let's just say they called it - And it's

Speaker 1 ([01:03:27](#)):

In the top, it's

Speaker 5 ([01:03:28](#)):

In the top. The northwest quarter.

Speaker 1 ([01:03:29](#)):

Thank you. Yeah.

Speaker 5 ([01:03:30](#)):

So -

Speaker 1 ([01:03:30](#)):

Trying to make it really simple.

Speaker 5 ([01:03:31](#)):

The, the deed in 1979 says the northwest quarter.

Speaker 1 ([01:03:35](#)):

Right.

Speaker 5 ([01:03:35](#)):

That is one original parcel.

Speaker 1 ([01:03:39](#)):

And that's what Matt was talking about. Yep. If,

Speaker 5 ([01:03:42](#)):

If it, how was it described in the deed? How is

Speaker 1 ([01:03:44](#)):

It described in the deed? So it'd just be one parcel, but they could have chose to describe it as all of the four - Yep. If they, if they wanted

Speaker 5 ([01:03:54](#)):

To. And, and that brings up an interesting sidebar. Right. If you have, let's say you have an 80 on, next to the midsection line, right? So you have a 80 and then you have an 80. So you have 160 acres there too, but it's described as the east half and the west half of this quarter, right?

Speaker 2 ([01:04:14](#)):

Right.

Speaker 5 ([01:04:15](#)):

So you, you can't combine those. So in that situation, they have to be individually described as the east half and the west half of their, of their each eloquent side. So let's say that the west half of the northeast quarter and the east half of the northwest quarter, that's specific. So there's no way for them to describe that as one 160 acre parcel. Like, you cannot describe it that way unless you do like a meets and bounds description. Okay. So how it, how it's described is very important. And that's where it goes back to, okay, if he owns all four of these 40s in this one quarter, well, if he owns four 40s in two different quarters, they have to be described separately. They can't be one. That's why I say you go back to what the deed says because that is specific to a specific piece of property, regardless of if it has township ranges section after each one.

([01:05:13](#)):

Like in that scenario where you have the two 80s opposite quarters - Yeah. They, you still only have to list the township section range once because they're in the same township section range.

Speaker 2 ([01:05:25](#)):

Okay.

Speaker 1 ([01:05:34](#)):

All right. Thank you. How would we like to proceed? Jay, do you have any thoughts?

Speaker 7 ([01:06:07](#)):

I don't at this point. We'd be distant. Yeah. Every direction. I, I think there are points on all sides, so. And we do have, we are trying to change the code in process. It's not done.

Speaker 3 ([01:06:26](#)):

Chairman, I do have a question and I've been busy marrying off my kids, but, , TJ, you referenced a definition and information I personally haven't seen. Maybe that was provided. , And I just missed it. But can we talk about the pros and the cons of, or maybe that's not relevant? I'm not sure. I, I guess I'm looking at Jay as the director. , Do you have any thoughts on TJ's offer of assistance or the definitions that he's provided that have been brought into testimony today and how that might affect positively or negatively?

Speaker 7 ([01:07:12](#)):

So Commissioner Vambeek, the way I see it is, is we recently had a public hearing and I wasn't at it. I am, I am pretty sure that, that Mr. Willard spoke. We're in input stage. When we talked to you all about the

status of the ordinance change and what we presented to you, fully aware that if we took it forward, we were still open to option and if a better way to write the code came forward, we, we would make those changes. And that's still true today.

Speaker 3 ([01:07:46](#)):

Thank you. I appreciate it. So that is a continuing process that -

Speaker 1 ([01:07:54](#)):

Yeah, but that really isn't part of this application.

Speaker 3 ([01:07:57](#)):

I understand. But it, it does - We're

Speaker 1 ([01:07:59](#)):

Really nervous discussing about workshops of changing the code. We, we, it's noise in the back of your ear, but we have to deal with the code that we have right now and make determination of that at the date that the application was submitted. So, -

Speaker 3 ([01:08:20](#)):

Chairman, can I ask another question?

Speaker 1 ([01:08:22](#)):

Okay.

Speaker 3 ([01:08:24](#)):

So I hear from the applicant that there's been periods where the memo's been applied, the memo has not been applied. Are you able to tell the board and reiterate either were, was the county consistent in how they have applied this or has it been off and on? What does that do for us?

Speaker 7 ([01:08:54](#)):

Mr. Chairman, Commissioner Van Beek, our efforts are always in order to maintain consistency. I'm pretty sure that each of those memos were written at one time or another over the course of history. And I have a book of early 2000 policies and procedures, that whole manual that I like to never see again. But those, those were created at that point in time to try to be consistent in some form or fashion. And I couldn't quantify if we have been at every point in time where that's, that's just our charge is trying to be fair above board and, and as consistent from one application to another, from, from one applicant to another.

Speaker 3 ([01:09:43](#)):

Yeah. Thanks, Jay. Did you have any comment, Arbai?

Speaker 2 ([01:09:50](#)):

Very brief. , So talking through this with the team in, in our like internal discussions, we've had a planner who's been here for about 20 or so years. , And she mentioned to me that, you know, as long as she has been here, at least working with the county, that it has always been the same, that this has been the process that we've been using. , And I've been here for two and a half years, so I can't say, you know, for sure throughout the years if it's been consistent or not, but from her testimony that it has been consistent. , And this is the code that we have been using to analyze and do the legal description on how we read those deeds.

Speaker 3 ([01:10:36](#)):

Thanks, Harbine.

Speaker 5 ([01:10:42](#)):

Mr. Chair, if there's been staff that would like to testify, I would like them to come testify. , This board asked me to provide history of cases being determined. I provided that. , So I've been here longer than any staff. <Laugh> I've been surveying County County longer than staff has. And I can tell you that the code has not, or the memo has not been applied consistently. Staff keeps returning, referring to it as code, but it's not in the code. There's nothing in our code that says this is how you read a legal description and address only adequate parts. , So if we wanna continue this, I will get multiple directors from the past in here to testify that this has not been applied equally for the last 25 years. , So I really don't like staff giving testimony that someone told them something that is very not formal.

Speaker 4 ([01:11:53](#)):

Mr. Chairman, I'm not in favor of continuing this again. Let's make, let's make some sort of determination here and move on with our lives.

Speaker 3 ([01:12:05](#)):

Chairman, I have a question. So for, I guess, like whoever else, we're trying to make fair and unbiased decisions. That's what we're charged with. And sometimes we just get handed maybe a rotten tomato. But in the process, Laura, that's the thing that I would be interested in because I've tried to live by that. Can we make a legal and defensible argument that even though we didn't have a codified memo, does that allow us to use internal policy legally to make decisions? Or are you able to answer that?

Speaker 6 ([01:12:45](#)):

I think my, what I would encourage the board to do is look at the evidence that you've had presented to you and determine if the applicant's met the burden of showing that this differ- differing application of various memos has been occurring, , or whether Arvay's staff report demonstrates evidence that it has been consistent. , So I think that's what the board needs to focus on. We have all these other ordinance change processes happening and I, I think that the applicant would be encouraged to participate in that because he's very knowledgeable, but you have to look at what evidence has been presented and not get into the weeds of all those other things. Any definition that's vague, state law is ultimately in control. So if applicant wants to, , appeal this to the courts, that's what the courts will be looking at. , You are quasi-judicial, but you're not judges.

([01:13:39](#)):

So it puts you in a difficult circumstance to try to determine what the correct legal description should be. , I think that we can talk about that for days, which is evident from this. So I think it's great discussion, but ultimately you have to look at what's been presented, if applicant's met the burden for this or not.

Speaker 3 ([01:14:00](#)):

Thanks, Laura.

Speaker 5 ([01:14:02](#)):

Mr. Chair, c- can I just. I wanna point out the Pinner case because it, it does clarify that there has been inconsistency with Development Services. And I've also provided, , I think I read into the record a parcel inquiry from previously that they have been inconsistent in how they're interpreting legal descriptions, especially when it comes to adequate parts. So I bring up the c - Pinner case because it's something that has been before this board is that there was a parcel inquiry based on, , adequate parts that defined it, how it had been occurring. And unfortunately, they didn't apply till later when the memo started being applied and they tried, staff tried changing their mind on what was available to the property. And that Pinner case specifically shows you that there has been inconsistency. I mean, to me, you don't wanna use a Pinner case as a, as a example of, , or set precedence of the adequate parts, but it does set precedence of development services staffs changing in interpreting adequate parts.

([01:15:20](#)):

I, I think it's a prime example of that.

Speaker 1 ([01:15:53](#)):

I need a 10-minute break.

Speaker 4 ([01:15:56](#)):

So moved.

Speaker 1 ([01:15:57](#)):

All right. Let's take a 10-minute recess, please.