

Twin Falls, Idaho
REGULAR APRIL MEETING
April 7, 2025, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of April 4, 2025.

PRESENT: Commissioner Rocky Matthews, Commissioner Brent Reinke, and Commissioner Don Hall.

ABSENT: None.

STAFF: Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioners attended a Farm Managers meeting.

Commissioners met with office staff for a weekly department meeting.

Commissioners met with Legal for a weekly department meeting.

Commissioners attended an Elected Officials meeting.

Commissioners met with Grant Loebs, Prosecuting Attorney to discuss budgeting.

Commissioner Reinke attended a Parks and Waterways Board meeting.

In the Matter of CONSENT AGENDA

Commissioners considered the Consent Agenda; items may include status sheets, employee requisitions, alcohol licenses, tax cancellations, Sheriff's Office Security Agreements, and Commissioner minutes.

Commissioner Matthews made a MOTION to approve the Consent Agenda as presented. Commissioner Reinke SECONDED. Discussion Commissioner Matthews reviewed the items in the consent agenda to include an employee requisition for Maintenance; and Commissioners minutes for March 17, 2025 to March 21, 2025 and March 24, 2025 to March 28, 2025. Motion Passed Unanimously.

In the Matter of CONTRACTS

Commissioners considered purchase agreement #4 with Interior Environments.

Kristina Glascock, Clerk reviewed purchase agreement #4 with Interior Environments with the Board. Commissioner Reinke noted that Ms. Glascock did review the agreement with the Board last week to address any pending concerns prior to final consideration. Commissioner Hall thanked Ms. Glascock for meeting with the Board and explaining the agreement beforehand.

Commissioner Reinke made a MOTION to approve purchase agreement #4 with Interior Environments in the amount of \$224,057.94 for phase one and \$229,400.18 for phase two and authorize the Chairman to sign the documents on behalf of the Board. Commissioner Matthews

SECONDED. Discussion Commissioner Reinke noted that the purchase agreements are for furnishings in the new court facilities building. Commissioner Hall noted that the furnishings will last for many years and have good warranties. This is an investment in the future for the building. Motion Passed Unanimously.

In the Matter of TAXES

Commissioners considered the annual Property Tax Exemption short forms.

Commissioner Matthews reviewed the Annual Property Tax Exemption short forms with the Board. Commissioner Matthews noted that the parcel that is listed as a parsonage for the LDS temple needs further review. Commissioner Hall stated that further information has come to light and the Board wants to make sure they are doing things correctly.

Commissioner Matthews made a MOTION to pull the exemption for the LDS Church parcel #RPT16980020070A and approve the remaining exemptions as presented. Commissioner Reinke SECONDED. Motion Passed Unanimously.

| | Entity Name | Parcel Number |
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| 1. | Adult and Teen Challenge | RP10S15E108600A |
| 2. | American Legion Post #47 | RPF8401020011AA |
| 3. | Art Guild of Magic Valley | RPT0001083011AA |
| 4. | Assembly of God Church of Twin Falls | RPT0121002005AA |
| 5. | Because Kids Grieve | RPT21610010120A |
| 6. | Bethel Temple Apostolic Church Inc | RPT00107140070A |
| 7. | Bethel Temple Apostolic Church Inc | RPT00107140085A |
| 8. | Bible Baptist Church of Twin Falls | RPT2641000001AA |
| 9. | Bible Baptist Church of Twin Falls | RPT2641000002AA |
| 10. | Buhl Family Network, Inc | RPB7241114029A |
| 11. | Buhl Family Network, Inc. | RPB7241100005AA |
| 12. | Buhl School Dist c/o Great America Financial Svc Corp | PP000082670123A |
| 13. | Castleford Methodist Church, Inc. | RPC9501018001B |
| 14. | Christian Church Homes of Idaho | RPT54710000000A |
| 15. | Church of the Brethren | RPT1401000001AA |
| 16. | Church of the Nazarene Inc. | RPF8561003032AA |
| 17. | Church of the Nazarene, Inc. | RPF8401019011AA |
| 18. | Church of the Nazarene, Inc. | RPF8401020018AA |
| 19. | Community Christian Church | RP10S17E173445A |
| 20. | Community Council of Idaho, Inc c/o Idaho Migrant Council | RPT00107290154A |
| 21. | Community Council of Idaho, Inc c/o Idaho Migrant Council | RPT0481000045AA |
| 22. | Corp of Presiding Bishop LDS Church of Jesus Christ of Latter-Day Saints | RPE94560273902A |
| 23. | Corp of Presiding Bishop LDS Church-Real Estate Division | RPT00107147800A |

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| 24. | Corp of Presiding Bishop of LDS Church | RP10S18E171800A |
| 25. | Corp of Presiding Bishop of LDS Church Real Estate Division | RPF85210000030A |
| 26. | Corp of Presiding Bishop of LDS Church Sole | RPT4021000024EA |
| 27. | Corp of Presiding Bishop of LDS Church Tax Admin | RP10S15E065402A |
| 28. | Corp of the Presiding Bishop of Church of Jesus Christ LDS Tax Admin | RPT4241000007AA |
| 29. | Corp of the Presiding Bishop of LDS Church Real Estate Division | RPB72510065402A |
| 30. | Corp of the Presiding Bishop of LDS Church Real Estate Division | RPB72510065404A |
| 31. | Corp of the Presiding Bishop of LDS Church Real Estate Division | RPK86710291011A |
| 32. | Corp of the Presiding Bishop of LDS Church Real Estate Division | RPK9141047001AA |
| 33. | Corp. of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints | RPT46000010030A |
| 34. | Corp. Of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints | RPT50430070010A |
| 35. | Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints | RPT00107110450A |
| 36. | Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints | RPT00107213675A |
| 37. | Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints | RPT0354001003GA |
| 38. | Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints LDS – Church Tax Admin | RPT1161000008DA |
| 39. | Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints | RPT16980010020A |
| 40. | Pulled from consideration for further review. | |
| 41. | Corporation of the Presiding Bishop of the Church of Latter Day Saints LDS Real Estate Division | RP10S15E065404A |
| 42. | Corporation of the Presiding Bishops of Latter-Day Saint | RP11S20E183000A |
| 43. | Corporation of the Presiding Bishops of Latter-Day Saint | RPB72460361800A |
| 44. | Corporation of the Presiding Bishops of Latter-Day Saint | RPB72460361810A |
| 45. | Corporation of the Presiding Bishops of Latter-Day Saint | RPT00107061661A |
| 46. | Corporation of the Presiding Bishops of Latter-Day Saint | RPT00107094250A |
| 47. | Corporation of the Presiding Bishops of Latter-Day Saint | RPT00107100165A |
| 48. | Corporation of the Presiding Bishops of Latter-Day Saint | RPT16980010010A |
| 49. | Corporation of the Presiding Bishops of Latter-Day Saint | RPT5801002004AA |
| 50. | Corporation of the Presiding Bishops of the Church of Jesus Christ of Latter-Day Saints | RP12S16E273610A |
| 51. | Corporation of the Presiding Bishops of the Church of Jesus Christ of Latter-Day Saints | RPT00107213681A |

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| 52. | Corporation of the Presiding Bishops of the Church of Jesus Christ of Latter-Day Saints | RPT06420010010A |
| 53. | Corporation of the Presiding Bishops of the Church of Jesus Christ of Latter-Day Saints | RPT16980020010A |
| 54. | Corporation of the Presiding Bishops of the Church of Jesus Christ of Latter-Day Saints | RPT16980020020A |
| 55. | Corporation of the Presiding Bishops of the Church of Jesus Christ of Latter-Day Saints | RPT16980020030A |
| 56. | Corporation of the Presiding Bishops of the Church of Jesus Christ of Latter-Day Saints | RPT16980020040A |
| 57. | Corporation of the Presiding Bishops of the Church of Jesus Christ of Latter-Day Saints | RPT16980040110A |
| 58. | Corporation of the Presiding Bishops of the Church of Jesus Christ of Latter-Day Saints | RPT16980040120A |
| 59. | Faith Assembly Inc | RPT0341001003BA |
| 60. | Filer Senior Haven Inc. | RPF8401014017AA |
| 61. | First Assembly of God Church of Twin Falls Inc | RPT0121002003CA |
| 62. | First Assembly of God Church of Twin Falls Inc | RPT0121002003DA |
| 63. | First Baptist Church of Filer | RPF84110086640A |
| 64. | First Methodist Church | RPT0001058001BA |
| 65. | First Southern Baptist Church | RPK86710283090A |
| 66. | Followers of Christ Church | RP10S14E263010A |
| 67. | Grace International Churches – In His Name Christian Fellowship | RP10S16E173010A |
| 68. | Grace International Churches – In His Name Christian Fellowship | RPF84110173030A |
| 69. | Hansen Assembly of God | RPH9321013007AA |
| 70. | Hansen Assembly of God | RPH9321013009BA |
| 71. | Hansen School Dist c/o Great America Financial Svc. Corp | PP000082670122A |
| 72. | Idaho Youth Ranch, Inc. | RPOK4510040030A |
| 73. | Kimberly Church of the Nazarene | RP10S18E214220A |
| 74. | Lighthouse Christian Fellowship, Inc. | RPT00107143061A |
| 75. | Lighthouse Christian Fellowship, Inc. | RPT00107143080A |
| 76. | Magic Valley Fellowship Hall Inc | RPT0001079007AA |
| 77. | Mennonite Church | RPF8401027005AA |
| 78. | Mennonite Church of Filer | RPF8521000002AA |
| 79. | New Covenant United Reformed Church | RPT1681000001AA |
| 80. | Our Savior Lutheran Church of Twin Falls, Inc | RPT40710010010A |
| 81. | Peace Lutheran Church | RPF8421001000AA |
| 82. | Safe Harbor Incorporated | RPT00011520070A |
| 83. | St. Ignatius of Antioch Orthodox Mission | RPT3521000005AA |
| 84. | St. Ignatius of Antioch Orthodox Mission | RPT3521000005BA |
| 85. | St. John Lutheran Church | RPB7241124006AA |
| 86. | St. John's Lutheran Church, Inc. | RPB7241111028AA |
| 87. | Taproot Church Twin Falls | RPT00010240130A |

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| 88. | Taproot Church Twin Falls | RPT00010240140A |
| 89. | Taproot Church Twin Falls | RPT0001024015AA |
| 90. | Twin Falls Lodge #612 Loyal Order of Moose | RPT1781001016AA |
| 91. | Wesleyan Holiness Association of Churches of Twin Falls Idaho, Inc | RPT13210000110A |
| 92. | Wesleyan Holiness Association of Churches of Twin Falls, Idaho Inc. | RPT13210000120A |
| 93. | Xavier Charter School Inc | RPT59780010050A |
| 94. | Xavier Charter School Inc. | RPT60110010010A |

In the Matter of PUBLICATION

Commissioners considered the Noxious Weed Public Notice.

Kali Sherrill, Weeds Department Director reviewed the Noxious Weed Public Notice with the Board.

Commissioner Reinke made a MOTION to approve the Noxious Weed Public Notice as presented and authorize the Chairman to sign the documents on behalf of the Board. Commissioner Matthews SECONDED. Commissioner Reinke noted that it is important to communicate with the citizens and let them know about noxious weed requirements within the County. Motion Passed Unanimously.

There being no further business, the Board recessed until 8:00 a.m., April 8, 2025, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR APRIL MEETING
April 8, 2025, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of April 7, 2025.

PRESENT: Commissioner Rocky Matthews, Commissioner Brent Reinke, and Commissioner Don Hall.

ABSENT: None.

STAFF: Deputy Clerk Mable Shurtleff.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioner Reinke attended a Greater Twin Falls Area Transportation Committee meeting.

Commissioners met with Kevin Sandau, Probation Director, Jennifer Homburg, Magistrate Probation Supervisor, and Neil Nakamura, Juvenile Detention Supervisor for a quarterly department meeting.

Commissioner Reinke attended a Twin Falls Canal Company meeting.

Commissioner Reinke attended an Optimist Youth House Board meeting.

In the Matter of INDIGENT

Commissioners considered County Assistance applications.

In the Matter of COMMISSIONER PROCEEDINGS

Commissioner Reinke made a MOTION to go into executive session at 9:07 a.m. pursuant to Idaho Code §74-206 (D) records exempt from disclosure - hospital care, medical records. Commissioner Matthews SECONDED. Motion passed after roll call vote. (Reinke yes, Matthews yes, Hall absent)

Commissioners returned to regular session at 9:08 a.m.

Commissioner Matthews made a MOTION to authorize the Chairman to sign the stipulation from the court for case number 100312 on behalf of the Board. Commissioner Reinke SECONDED. Commissioner Matthews noted the client filed for bankruptcy. Motion Passed Unanimously. (Hall absent)

Commissioner Matthews made a MOTION to approve case number 104784 for cremation in the amount of \$950.00 to Rosenau Funeral Home. Commissioner Reinke SECONDED. Commissioner Matthews noted that the client was a Twin Falls County resident and was indigent. Motion Passed Unanimously. (Hall absent)

In the Matter of CONSENT AGENDA

Commissioners considered the Consent Agenda; items may include status sheets, employee requisitions, alcohol licenses, tax cancellations, Sheriff's Office Security Agreements, and Commissioner minutes.

Commissioner Matthews made a MOTION to approve the Consent Agenda as presented. Commissioner Reinke SECONDED. Discussion Commissioner Matthews reviewed the items in the consent agenda to include status sheets for Maintenance and Sheriff's Office; an employee requisition for TARC; and a tax cancellation for Parcel #UR00300107500A in the amount of \$208.26 as requested by the Treasurer. Motion Passed Unanimously.

In the Matter of PROCLAMATIONS

Commissioners considered the proposed Fair Housing Month Proclamation.

Commissioner Hall read the Fair Housing Month Proclamation for the record.

Commissioner Reinke made a MOTION to approve the Fair Housing Month Proclamation. Commissioner Matthews SECONDED. Motion Passed Unanimously.

Proclamation

WHEREAS, April 2025 marks the 57th anniversary of the passage of Title VIII of the Civil Rights Act of 1968, commonly known as the Federal Fair Housing Act; and

WHEREAS, the Idaho Human Rights Commission Act has prohibited discrimination in housing since 1969; and

WHEREAS, equal opportunity for all-regardless of race, color, religion, sex, disability, familial status or national origin-is a fundamental goal of our nation, state and county; and

WHEREAS, equal access to housing is an important component of this goal-as fundamental as the right to equal education and employment; and

WHEREAS, housing is a critical component of family and community health and stability and

WHEREAS, housing choice impacts our children's access to education, our ability to seek and retain employment options, the cultural benefits we enjoy, the extent of our exposure to crime and drugs, and the quality of health care we receive in emergencies; and

WHEREAS, the laws of this nation and our state seek to ensure such equality of choice for all transactions involving housing; and

WHEREAS, ongoing education, outreach and monitoring are key to raising awareness of fair housing principles, practices, rights and responsibilities; and

WHEREAS, only through continued cooperation, commitment and support of all Idahoans can barriers to fair housing be removed;

NOW, THEREFORE, We, the Twin Falls County Commissioners, do hereby proclaim April 2025 to be

FAIR HOUSING MONTH

In the County of Twin Falls, State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand at the Twin Falls County West Facility in Twin Falls, Idaho on this 8th day of April, 2025.

/s/ Don Hall

Don Hall, Chairman

/s/ Rocky Matthews

Rocky Matthews, Commissioner

/s/ Brent Reinke

Brent Reinke, Commissioner

ATTEST:

Kristina Glascock

Kristina Glascock, Clerk

Commissioners considered the proposed Johnny Horizon Day Proclamation.

Commissioner Reinke read the Johnny Horizon Day Proclamation for the record.

Commissioner Reinke made a MOTION to approve the Johnny Horizon Day Proclamation.
Commissioner Matthews SECONDED. Motion Passed Unanimously.

Proclamation

WHEREAS, Johnny Horizon day was set in motion by the Bureau of Land Management;
and

WHEREAS, the citizens of Twin Falls County are hereby given an incentive to help keep
the County clean and beautiful; and

WHEREAS, it has been a tradition in Twin Falls County for many years; and

WHEREAS, area citizens, civic groups, and youth organizations clean roadsides in the
County;

NOW, THEREFORE, We, the Twin Falls County Commission, do hereby proclaim
Saturday, May 3, 2025, to be:

JOHNNY HORIZON DAY

in the County of Twin Falls, State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand
at the Twin Falls County West Facility in Twin Falls,

Idaho on this 8th day of April, 2025.

/s/ Don Hall

Don Hall, Chairman

/s/ Rocky Matthews

Rocky Matthews, Commissioner

/s/ Brent Reinke

Brent Reinke, Commissioner

ATTEST:

Kristina Glascock

Kristina Glascock, Clerk

In the Matter of CONTRACTS

Consideration of a County Fair Exhibitor Contract for Weeds.

Kali Sherrill, Weeds Department Director reviewed the contract with the Board.

Commissioner Reinke made a MOTION to approve the County Fair Exhibitor Contract for Weeds and authorize the Chairman to sign the documents on behalf of the Board. Commissioner Matthews SECONDED. Motion Passed Unanimously.

There being no further business, the Board recessed until 8:00 a.m., April 9, 2025, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR APRIL MEETING
April 9, 2025, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of April 8, 2025.

PRESENT: Commissioner Rocky Matthews, Commissioner Brent Reinke, and Commissioner Don Hall.

ABSENT: None.

STAFF: Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioner Reinke attended a Magic Valley MPO Policy Board meeting.

Commissioner Reinke attended a Joint Powers Advisory Board meeting.

Commissioner Reinke met with Jaci Urie, TARC Director and Captain Doug Hughes, Jail to discuss MAT/MOUD services.

Commissioner Reinke attended a meeting to discuss the South Hills snowmobile grooming program.

Commissioner Hall attended a Republican Central Executive Committee meeting.

Commissioner Matthews attended a Museum Board meeting.

Commissioners attended a Republican Central Committee meeting.

There being no further business, the Board recessed until 8:00 a.m., April 10, 2025, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR APRIL MEETING
April 10, 2025, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of April 9, 2025.

PRESENT: Commissioner Rocky Matthews, Commissioner Brent Reinke, and Commissioner Don Hall.

ABSENT: None.

STAFF: Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioner Reinke attended a Joining Forces meeting in Boise.

Commissioners met with Bob Beer, Facilities Director for a weekly department meeting.

Commissioner Hall attended a Twin Falls County Health Initiatives Trust Board meeting.

Commissioner Reinke attended a Farm Bureau meeting.

In the Matter of CONSENT AGENDA

Commissioners considered the Consent Agenda; items may include status sheets, employee requisitions, alcohol licenses, tax cancellations, Sheriff's Office Security Agreements, and Commissioner minutes.

Commissioner Matthews made a MOTION to approve the Consent Agenda as presented. Commissioner Hall SECONDED. Discussion Commissioner Matthews reviewed the items in the consent agenda to include a status sheets for the Sheriff's Office, Community Development Services, the Clerk's Office and Elections; an Alcohol Beverage Catering Permit for the

Stonehouse at the Fair Grounds on April 12, 2025; and a Sheriff's Office Security Agreement for May 11, 2025 at the Twin Falls City Park for the Cinco/Mother's Day Celebration. Motion Passed Unanimously. (Reinke absent)

In the Matter of WAIVERS

Commissioners considered Dump Fee Waiver requests from the City of Murtaugh and the City of Hollister in honor of Johnny Horizon Day.

Kali Sherrill, Parks and Waterways Director reviewed the Dump Fee Waiver requests from City of Murtaugh and City of Hollister in honor of Johnny Horizon Day with the Board. Commissioner Matthews noted that he believes Johnny Horizon Day is a good community clean up event. Commissioner Hall noted he would prefer that the Cities issue certificates to their residents to participate in the free dump.

Commissioner Matthews made a MOTION to approve the Dump Fee Waivers for the City of Murtaugh and the City of Hollister for Johnny Horizon Day from the Friday through Monday of Johnny Horizon Day. Commissioner Hall SECONDED. Discussion Commissioner Matthews encouraged the cities to issue certificates to residents for dumping. Motion Passed Unanimously.

In the Matter of ZONING

Commissioners considered the appeal of the CDS Administrator's decision to deny a building permit to Adam Dewey.

Commissioner Hall opened the meeting at 1:00 p.m.

Commissioner Hall reviewed the record on appeal and the laws considered for the appeal of the Community Development Services Director's denial of an Application for a Building Permit for land (of approximately .624 acres) located at 23707 Hwy 30, Murtaugh, Idaho in Twin Falls County filed by Adam and Elizabeth Dewey, on March 24, 2025.

Record on Appeal:

The following documents were submitted to as part of the record of this Appeal:

- Appeal Application Packet including: Staff report; the appeal application; and a written statement explaining the basis for the appeal.

Laws Considered:

The Board considered the following statutes, ordinances, and standards:

- Title 8, Chapter 20 of Twin Falls County Code regarding appeals.
- Twin Falls County Code 8-6B Agricultural Zone
- Twin Falls County Code 8-6B-5 Lot Requirements
- Twin Falls County Code 8-9-1 Nonconforming Use
- Twin Falls County Code 8-9-2 Conformity Required

Commissioner Hall noted that he spoke with Mr. Dewey prior to the hearing and explained the hearing process but did not feel it would impact his decision. Commissioner Matthews noted that he lives in Murtaugh which is the same city as the applicant.

Commissioner Hall swore in Jon Laux, CDS Director and Adam Dewey, Applicant.

Commissioner Hall noted that the Board has reviewed the record and is familiar with the appeal application and so he would ask Mr. Laux questions on the record rather than having Mr. Laux make a presentation. The questions from Commissioner Hall and Mr. Laux's answers are as follows.

A. Appeal Procedure

1. Was this matter a decision that may be appealed? [Yes. As per TFCC 8-20-2.]
 - i. Was it a final decision of the CDS Director? [Yes.]
 - ii. When was that decision made? [3.21.25 and the decision was mailed that date.]
 - iii. When was the Appellant given notice of the Director's decision? [Upon receipt of the mail.]
2. Did you receive an appeal application in this matter? [Yes.]
 - i. Who filed the appeal? [Adam and Elizabeth Dewey.]
 - ii. Are they a person who may file an appeal? [Yes, they are the property owner.]
3. When did you receive the Notice of Appeal? [March 24, 2025]
 - i. Was the appeal application timely filed? [Yes.]
4. Was the appeal application complete? [Yes.]
5. Did the Applicant provide any documentation in support of their application? [Yes, the application with a written two-page document.]

B. Nonconforming Parcel

1. Is this property a nonconforming property? [Yes, due to the size of the parcel.]
 - i. Why is it nonconforming? [The property does not meet the minimum one-acre lot size in the Agricultural Zone. Per TFCC 8-6B-5.]
2. Can the building permit application be approved on this nonconforming parcel? [No. Per TFCC 8-9-1 and 2 nonconforming and conformity is required. Per TFCC 8-3-2-A(1), "No building permit may be lawfully issued, nor may an occupancy certificate be granted, until the administrator has given authorization indicating all requirements

of this code, all conditions of approval, and any other specific project related requirements have been met.”]

- i. Why not? [“A nonconforming use shall not be enlarged or extended and a nonconforming building shall not be enlarged or extended so as to increase the degree of nonconformity.” Per TFCC 8-9-1-B(5).]

3. Can the property be brought into compliance? [Yes.]

- i. How? [The applicant can purchase more property to exceed the one-acre minimum lot size. In addition, Mr. Laux noted that previous legal guidance did not allow for a variance, however current Legal guidance has the opinion that the applicant could also apply to the P&Z Commission for a variance pursuant to TFCC 8-14-1.]

Adam Dewey, Applicant, spoke and reviewed his appeal to the Board. Mr. Dewey noted that his home is too small for his growing family and it is not prudent at this time for the Deweys to buy a different house. Financially it makes more sense to expand the home an additional 800 sq ft. Mr. Dewey’s contractor was notified of the denial by e-mail the same day the denial was mailed and he informed Mr. Dewey of the denial. Mr. Laux and Mr. Dewey reviewed the property and a previous lot line adjustment done in February of 2020 as well as the previous and current property lines. Mr. Dewey stated that the property is on City sewer. Mr. Dewey stated that he has spoken with the neighboring farm property owner and that person had no concerns with the building expansion. There was discussion on another structure that is on the property. Mr. Dewey stated that he has received an easement to access a gravel roadway that is 80 ft wide from the farm owner which will be used to access the property.

Commissioner Hall closed the public comment portion of the meeting at 1:30 p.m.

Commissioner Hall reviewed the issues to discuss and the Board provided the following answers.

Issues to Discuss:

1. The Appeal

- a. Was this an Appealable Final Decision of the Community Development Services Director? **Yes, because the codes give that process.**
- b. Was the application properly filed? **Yes, testimony was received on the timeliness of the appeal.**

- i. Was the appeal Complete? Yes, Commissioner Matthews noted that he reviewed the file and found nothing missing. Commissioner Hall noted that Mr. Laux also stated it was complete.
- ii. Was the appeal Timely? Yes, it was stated by Mr. Laux that it was timely as did Mr. Dewey.

2. Nonconforming Parcel

- a. Is the property a nonconforming parcel? Yes, because the property is under 1 acre as per county requirements for property in the Ag zone.
- b. Can the parcel be brought into compliance? Yes.
- c. How can the parcel be brought into compliance? By purchasing more land and expanding the size of the lot. There is also the option of applying for a variance, which would not change the conformity of the lot. Commissioner Hall stated it was his opinion that the applicant could apply for a variance which if approved would bring the parcel into compliance.

3. Decision of the CDS Director

- a. Did the CDS Director properly issue a decision letter explaining the denial of the hardship permit application? Yes and no. The letter did state the reason for denial, with the knowledge and guidance that Mr. Laux had previously received, however, the denial letter did not include other actions that the applicant could take to receive approval.
- b. What was improper in the decision letter? The letter did not provide the actions that the applicant could take to get approval to include the option of a variance.
- c. Was the decision based upon express standards set forth in TFCC? Yes, the property is nonconforming.
- d. Was the decision reasonable based on the facts of this case? Yes, the code was followed with the information and direction previously received.

Commissioner Hall reviewed the decision options as allowed by Twin Falls County Ordinance Title 8, Chapter 20, Section 7 which grants the Board of County Commissioners power to review and **affirm, reverse or modify**, in whole or in part the decision of the Community Development Services Director or make additional conditions which in the Board's deliberation may find warranted under the provisions of this code, or the Board may **remand** the decision to the CDS Director for further consideration.

The Board discussed the options. Commissioner Matthews stated that based on the information affirming was not appropriate. Commissioner Hall concurred. Commissioner Matthews noted that if the Board reversed the decision the Board would be in violation of County code which sets a bad precedence. Commissioner Hall concurred. Commissioner Matthews noted that the Board should not conditionally modify as that that could also go against County code. Commissioner Hall noted that the Board would have to reverse the decision in order to conditionally modify the decision which is not appropriate. Commissioner Matthews stated the Board cannot approve anything other than the appeal of the building permit which is in front of the Board. The best way to move the process forward is to start over which would allow the other options to be looked at. Commissioner Hall stated that as he understands it the Board should remand the decision back to the CDS Director to issue a decision with the updated options for the applicant to add ground or

apply for a variance. Commissioner Hall stated that to be fair to the whole process the only option he can see is to remand the decision back to the CDS Director.

Commissioner Matthews made a MOTION to remand the decision back to the CDS Director with instructions to affirm in writing his decision to deny the building permit to the applicant and pursuant to Idaho State Code, notify the applicant of the ordinance and standards, reason for denial and the actions if any the applicant can take to obtain approval. Commissioner Hall SECONDED. Discussion Commissioner Matthews noted that the original letter fulfills the bulk of the requirements but felt that it was important to reiterate all three items as required by state code. Commissioner Hall noted that the CDS Director did explain the size requirements, but he would encourage the CDS Director to research the option of a variance should the applicant decide to go that direction. Motion Passed Unanimously. (Reinke absent)

Commissioner Matthews stated that because the applicant has to start the process over, the appeal fee could have been better served. Commissioner Hall stated it wasn't the applicant's fault that he wasn't notified that there was potentially another option through the variance process and would be amenable to authorizing the use of the fees paid for the appeal application to be rolled forward onto another application.

Commissioner Matthews made a MOTION to roll the fees that the applicant paid for the appeal forward to be to be credited to any application that the applicant files for through this process. Commissioner Hall SECONDED. Discussion Commissioner Matthews stated that it isn't the applicant's fault that he was unaware of his options and the credit may help with some of the costs. Motion Passed Unanimously. (Reinke absent)

Commissioner Hall read the right to appeal for the record.

There being no further business, the Board recessed until 8:00 a.m., April 11, 2025, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR APRIL MEETING
April 11, 2025, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of April 10, 2025.

PRESENT: Commissioner Rocky Matthews, Commissioner Brent Reinke, and Commissioner Don Hall.

ABSENT: None.

STAFF: Deputy Clerk Mable Shurtleff.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioner Reinke attended a WEMA meeting.

Commissioners met with Kali Sherrill, Parks and Waterways Director to discuss Centennial Park Fishing Pond.

There being no further business, the Board recessed until 8:00 a.m., April 14, 2025, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.