

Twin Falls, Idaho  
REGULAR NOVEMBER MEETING  
November 4, 2024, 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 November 1, 2024.

**PRESENT:** Commissioner Jack Johnson, 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 met with Legislative District 24 Representatives.  
Commissioner attended an Elected Officials meeting.  
Commissioners met with Jon Laux, CDS Director and staff for a department meeting.  
Commissioner Johnson 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 Reinke made a MOTION to approve the Consent Agenda as presented. Commissioner Johnson SECONDED. Discussion Commissioner Reinke reviewed the items in the Consent Agenda to include an employee requisition for District Court; status sheets for Planning and Zoning, Sheriff's Office, and District Court; and Commissioner minutes for October 15, 2024 to October 18, 2024. Motion Passed Unanimously.

In the Matter of FEES

Commissioners considered the request to waive permit fees for the Wright Ave. Jail Project.

No action taken.

In the Matter of TAXES

Commissioners considered a Tax Cancellation of 2024 Homeowners' Exemptions.

Brad Wills, Assessor reviewed the cancellation of the 2024 Homeowner’s Exemptions with the Board. Mr. Wills noted that the cancellations are due to the legislative change allowing homeowners exemptions to be applied for throughout the year.

Commissioner Johnson made a MOTION to approve the tax cancellation of the 2024 Homeowner’s Exemptions as presented by the Assessor. Commissioner Reinke SECONDED. Discussion Commissioner Johnson noted that the County is required to issue the cancellations. Motion Passed Unanimously.

| <u>Property Owner</u>           | <u>Parcel #</u> | <u>HO Exmpt Value</u> | <u>Tax Cancellation</u> |
|---------------------------------|-----------------|-----------------------|-------------------------|
| Sarah & Harold Hill             | MH11S16E130750A | \$8,861               | \$48.60                 |
| Steven Thaete                   | MH11S17E19241BA | \$9,276               | \$50.88                 |
| Deborah Baker                   | MHPB050000160AA | \$32,692              | \$406.04                |
| Faith Love                      | MHPB070000490AA | \$13,270              | \$164.81                |
| Andrew Scott                    | MHPT020000020AA | \$14,580              | \$156.57                |
| Bobbi Lawson                    | MHPT02000006BAA | \$4,473               | \$48.03                 |
| Tiybet & Mark Erlendson         | MHPT130001570AA | \$13,117              | \$140.86                |
| Jenry Gonzalez                  | RP09S14E252425A | \$125,000             | \$784.54                |
| Kyle & Kara Ambrose             | RP09S14E253950A | \$125,000             | \$784.54                |
| Jacqulyne Gilliam               | RP09S15E303852A | \$124,592             | \$781.98                |
| Bradley Martin & Megan Stanger  | RP09S17E322570A | \$125,000             | \$835.66                |
| Tina & Mark McDaniel            | RP10S14E034800A | \$40,428              | \$253.74                |
| Kevin Williamson                | RP10S14E127200A | \$103,646             | \$650.51                |
| Rex Hansen                      | RP10S15E124815A | \$62,667              | \$367.02                |
| Frank & Cheryl Robles           | RP10S16E229050A | \$125,000             | \$681.45                |
| Ethan & Ashley Tverdy           | RP10S16E260000A | \$125,000             | \$798.23                |
| Adam Belieu                     | RP10S17E180112A | \$96,244              | \$643.42                |
| Brian Merrel                    | RP11S15E010001A | \$88,949              | \$520.94                |
| Sarah & Harold Hill             | RP11S16E130750A | \$34,707              | \$190.36                |
| Harwood Goodwin                 | RP11S17E100000A | \$125,000             | \$835.66                |
| Johanna & Tyler Hyink           | RP11S17E117290A | \$125,000             | \$835.66                |
| Steven Thaete                   | RP11S17E192410A | \$21,562              | \$118.27                |
| Caleb & Rebekah Logan           | RP11S18E175390A | \$106,816             | \$699.68                |
| Britny Damron & Seth McDaniel   | RP11S18E222420A | \$116,124             | \$760.65                |
| Abbie Quesnell                  | RP11S20E077180A | \$63,359              | \$432.63                |
| Rachel Evans                    | RP12S18E136000A | \$124,103             | \$923.45                |
| Tanya Clark                     | RPB7241111015AA | \$69,043              | \$857.52                |
| Nathan Starr                    | RPB72411230010A | \$90,715              | \$1,126.68              |
| Blake Mendoza & Westey Anderson | RPB73110020020A | \$125,000             | \$1,552.51              |
| Catalina Aguilar                | RPB75010040020A | \$87,255              | \$1,083.71              |

|                                 |                 |           |            |
|---------------------------------|-----------------|-----------|------------|
| Sherry Summers                  | RPB7621006008BA | \$58,147  | \$722.19   |
| Victor Vega                     | RPB7621006014AA | \$104,943 | \$1,303.40 |
| Frank Bettencourt               | RPB76550020090A | \$125,000 | \$1,552.51 |
| Bryant & Aubrey Ecklund         | RPB77750010070A | \$125,000 | \$1,552.51 |
| Morgan Wuyts                    | RPB7901000001IA | \$125,000 | \$1,552.51 |
| Henry McCullough                | RPE9441085009AA | \$71,676  | \$540.05   |
| Alberto Gonzales                | RPF84010270040A | \$92,762  | \$1,126.49 |
| Denise Wells                    | RPF84110173040A | \$123,283 | \$1,497.13 |
| Kim Welch                       | RPF85610030290A | \$90,544  | \$1,099.55 |
| Jashell Robinson                | RPF85950020040A | \$42,821  | \$520.01   |
| Sabra Molsee                    | RPH93410030080A | \$125,000 | \$1,357.34 |
| Tiffany Zimmerman               | RPH93410040120A | \$95,512  | \$1,037.14 |
| Steven Nosko                    | RPK8661009021AA | \$65,736  | \$699.67   |
| Carianne Bolton                 | RPK8661046017AA | \$125,000 | \$1,330.45 |
| Kristine Winters & David Taylor | RPK87160030190A | \$125,000 | \$1,330.45 |
| David & Angela Bingham          | RPK8801003020A  | \$125,000 | \$1,330.45 |
| Ryan Hofer & Elizabeth Burken   | RPK89690000120A | \$125,000 | \$1,330.45 |
| Trevor Clark & Mikala Burgoyne  | RPO1101000017AA | \$125,000 | \$835.66   |
| Scott Stanton                   | RPO27010010030A | \$88,931  | \$594.53   |
| Brenna Jones & Karen Zintzun    | RPO27010030040A | \$91,674  | \$612.87   |
| Nicole Becker & Louis Horvath   | RPO47010000060A | \$125,000 | \$798.23   |
| David Bauman                    | RPO74150020040A | \$125,000 | \$835.66   |
| Tiona Budden & Roberto Flores   | RPOB8210000030A | \$78,113  | \$490.26   |
| Richard Kechter                 | RPOK2310010080A | \$125,000 | \$818.80   |
| Chadlyn Koehn                   | RPOK7110000450A | \$125,000 | \$818.80   |
| Jennifer Caraway                | RPT00010100150A | \$102,129 | \$1,096.72 |
| David Townsend                  | RPT0001112001AA | \$70,039  | \$752.12   |
| Krista Wickham                  | RPT00810010140A | \$125,000 | \$1,342.32 |
| David & Chris Reddig            | RPT0121001012CA | \$105,512 | \$1,133.05 |
| Maria Sanchez                   | RPT0301003042AA | \$114,033 | \$1,224.55 |
| Ja Sung Lee                     | RPT0301008044AA | \$125,000 | \$1,342.32 |
| Kailee Pothier                  | RPT0321009034AA | \$114,558 | \$1,230.19 |
| Marion Overacre & Kyle Kroeker  | RPT0321015011AA | \$125,000 | \$1,342.32 |
| Forrest Foncesbeck              | RPT0471001001AA | \$125,000 | \$1,342.32 |
| Paul Chambers & Julia Reynolds  | RPT04810001080A | \$105,352 | \$1,131.33 |
| Aaliyah Agustin                 | RPT05010000060A | \$78,831  | \$846.53   |
| Devorah Villagomez              | RPT05560010110A | \$125,000 | \$1,342.32 |
| Ryan Fager & Tiffany Jones      | RPT06330100120A | \$125,000 | \$1,342.32 |

|                                  |                 |                     |                     |
|----------------------------------|-----------------|---------------------|---------------------|
| Jacob & Alexis Thomas            | RPT06810020200A | \$125,000           | \$1,342.32          |
| Tyler Merrill                    | RPT08390010010A | \$125,000           | \$1,342.32          |
| Jamie Thorne                     | RPT09210000100A | \$125,000           | \$1,342.32          |
| Cynthia Ronca                    | RPT10010020040A | \$53,686            | \$576.51            |
| Anthony Fitzgerald               | RPT10610010100A | \$125,000           | \$1,342.32          |
| Sarah & Raymond Beye             | RPT1698002022AA | \$125,000           | \$1,342.32          |
| Levi Munson                      | RPT2021000020CA | \$114,798           | \$1,232.77          |
| Christian Jensen                 | RPT2121002006AA | \$106,017           | \$1,138.47          |
| Brooks & Lauren Morin            | RPT21610020180A | \$85,029            | \$913.09            |
| Wynston & Alexis Anglen          | RPT2161008020AA | \$84,794            | \$910.57            |
| Allen & Fawntella Scholz         | RPT23510010150A | \$48,837            | \$524.44            |
| Benjamin & Kristen Cale          | RPT24210000270A | \$125,000           | \$1,342.32          |
| Brandon Welsh                    | RPT24720040230A | \$125,000           | \$1,342.32          |
| Osman Hussein                    | RPT28210000040A | \$98,905            | \$1,062.10          |
| Juan Chavez                      | RPT2881005012AA | \$56,779            | \$609.73            |
| Lauren Lyda                      | RPT2941012004AA | \$125,000           | \$1,342.32          |
| Michael Brand                    | RPT2961000015AA | \$111,093           | \$1,192.98          |
| Kassidy Smith                    | RPT30010050010A | \$113,540           | \$1,219.26          |
| Jesus Villegas & Alma Aguerre    | RPT3001006017AA | \$111,704           | \$1,199.54          |
| Leslimar Partida                 | RPT30010080070A | \$116,187           | \$1,247.68          |
| Steven Linton                    | RPT32420050140A | \$125,000           | \$1,342.32          |
| Jason Ching                      | RPT34830020110A | \$125,000           | \$1,342.32          |
| Skyler Nalley                    | RPT354100100FAA | \$91,150            | \$978.82            |
| Rhonda Hunnel                    | RPT358108504AAA | \$42,676            | \$458.28            |
| Betty Heller                     | RPT38740020030A | \$125,000           | \$1,342.32          |
| Cindy Greaves                    | RPT38790010110A | \$125,000           | \$1,342.32          |
| Joan Stephens                    | RPT38810110070A | \$119,807           | \$1,286.56          |
| Richard Kinninger                | RPT38840060180A | \$125,000           | \$1,342.32          |
| Heather Leishman & Sydney Staley | RPT38910010020A | \$125,000           | \$1,342.32          |
| Morgan Lewis                     | RPT41830020010A | \$125,000           | \$1,342.32          |
| Imelda Cuellar                   | RPT478100009MA  | \$91,098            | \$978.26            |
| Alberto Gonzales                 | RPT50610050040A | \$23,071            | \$247.75            |
| Desiree Bayne                    | RPT51840010010A | \$57,759            | \$620.25            |
| Tina Wright & David Slagel       | RPT52040050130A | \$125,000           | \$1,342.32          |
| Deborah Kraus & Laurie Baum      | RPT52810000120A | \$68,184            | \$732.20            |
| Conner Quigley                   | RPT56730010040A | \$109,511           | \$1,175.99          |
| Tumaini Mwenebatu                | RPT56730020070A | \$125,000           | \$1,342.32          |
| Ruben Anguiano                   | RPT56850010200A | \$125,000           | \$1,342.32          |
| Brent & Sherry Bratsman          | RPT59510050160A | \$125,000           | \$1,342.32          |
|                                  |                 |                     |                     |
|                                  | Total           | <b>\$10,475,700</b> | <b>\$102,499.60</b> |

In the Matter of ADVISORY BOARDS

Commissioners considered the Amended and Restated St. Luke's Health System, LTD. Bylaws.

Commissioner Hall reviewed the Amended and Restated St. Luke's Health System, LTD Bylaws with the Board. Commissioner Hall noted that the County has veto power over the changes so any proposed changes must be approved by the Board. Commissioner Hall reviewed the changes with the Board, specific to the directors representing Twin Falls County. Commissioner Hall noted that Legal has been involved in the changes and had no concerns.

Commissioner Reinke made a MOTION to approve the Amended and Restated St. Luke's Health System, LTD. Bylaws as presented. Commissioner Johnson SECONDED. Motion Passed Unanimously.

There being no further business, the Board recessed until 8:00 a.m., November 5, 2024, 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 NOVEMBER MEETING  
November 5, 2024, 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 November 4, 2024.

**PRESENT:** Commissioner Jack Johnson, 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

Commissioners met with Elaine Molognoni, HR Director, for a weekly department meeting. Commissioner Reinke attended an Airport Board meeting. Commissioner Johnson attended a Fair Board meeting.

In the Matter of INDIGENT

Commissioners considered County Assistance applications.

Commissioner Reinke made a MOTION to approve case number 104751 for cremation in the amount of \$950.00 to Wilks Magic Valley Funeral Home. Commissioner Johnson SECONDED. Discussion Commissioner Reinke noted the client was a Twin Falls County resident and was indigent. Motion Passed Unanimously.

In the Matter of COMMISSIONER PROCEEDINGS

Commissioners removed the appeal of the CDS Director's decision to deny a building permit to Gerald Hays from the table to issue a decision.

Commissioner Johnson made a MOTION to remove the appeal of the CDS Director's decision to deny a building permit to Gerald Hays from the table for further discussion and decision. Commissioner Reinke SECONDED. Discussion Commissioner Johnson noted the decision was tabled until November 5, 2025. Motion Passed Unanimously.

Commissioner Reinke noted that he was absent from the hearing so he would abstain from the decision.

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.

No items to consider.

In the Matter of RESOLUTIONS

Commissioners considered the proposed Resolution #2025-011 Authorizing Expenditure of Opioid Funds.

Commissioner Reinke reviewed the proposed resolution with the Board. Jaci Urie, TARC Director reviewed the proposed use of Opioid funds and the request to use the Opioid funds to fund one full time position and one part time position in the TARC department. Commissioner Johnson noted the previous resolution did not include the option to use funds for staffing. Commissioner Reinke noted that the proposed employees will sign a form acknowledging that the positions will be opioid fund supported on a year to year basis.

Commissioner Reinke made a MOTION to approve Resolution #2025-011 Authorizing Expenditure of Opioid Funds. Commissioner Johnson SECONDED. Motion Passed Unanimously.

**RESOLUTION NO. 2025-011**

**A RESOLUTION AUTHORIZING EXPENDITURE OF OPIOID FUNDS**

WHEREAS, in November of 2021, Twin Falls County entered into an Idaho Opioid Settlement Allocation Agreement; and

WHEREAS, the Board of County Commissioners is the governing body authorized to approve the use of Opioid Funds; and

WHEREAS, Idaho Opioid Settlement Allocation Agreement Exhibit A: Approved Opioid Abatement Strategies, sets forth the manner in which the opioid funds may be allocated; and

WHEREAS, as part of the Settlement Agreement and in accordance with the Allocation Memorandum of Understand, Twin Falls County established an account separate and distinct from the County’s general fund, entitled “Opioid Abatement Account” to deposit all proceeds from the Settlement; and

WHEREAS, the Board of County Commissioners has reviewed the request of to use Opioid Funds for hiring a clinician and a urine screener at the Treatment and Recovery Clinic for fiscal year 2025, in the amount of \$108,500.00 and determined the request meets the requirements Categories A1 (expand availability of treatment for OUD and any co-occurring SUD/MH conditions), A9 (support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions), and B15 (hire or train behavioral health workers to provide or expand any of the services or supports listed above) of the Settlement Agreement’s Approved Opioid Abatement Strategies;

NOW, THEREFORE BE IT RESOLVED that the Twin Falls County Board of Commissioners hereby authorizes the expenditure of Opioid Funds from the Opioid Abatement Account in the amount of \$108,500.00 for the approved purpose of hiring a clinician and a urine screener at the Treatment and Recovery Clinic.

DATED this 5<sup>th</sup> day of November, 2024.

TWIN FALLS COUNTY BOARD OF COMMISSIONERS

/s/ Don Hall  
Don Hall, Chairman

/s/ Jack Johnson  
Jack Johnson, Commissioner

/s/ Brent Reinke  
Brent Reinke, Commissioner

ATTEST:

/s/ Kristina Glascock  
Kristina Glascock, Clerk

In the Matter of FEES

Commissioners considered the request to waive building permit fees for Rising Stars Therapeutic Riding Center.

Jon Laux, CDS Director and Marnie Porath, Rising Stars Therapeutic Riding Center reviewed the request with the Board. Mr. Laux noted that the request is unique as the fees are not generally requested to be waived by non-profit organizations. Ms. Porath noted that her organization has been operating at its current location for seven years. The organization operates on grants and private donations. The building will be used to store hay for the horses that are used by the center. Because the organization operates on a conditional use permit, they were not able to use the ag exemption for the building which necessitated the building permit.

Commissioner Hall noted that he appreciates and supports the organization but the County can only support Veterans and Senior programs using tax dollars so he is struggling with the decision. Ms. Porath noted her organization does support Veterans and Seniors but they are not the primary part of her program. There was discussion on the program and the request and any precedence that could be set by waiving the fees.

Commissioner Johnson made a MOTION to approve the request to waive building permit fees for Rising Stars Therapeutic Riding Center. Commissioner Reinke SECONDED. Discussion Commissioner Reinke noted that he has concerns with the unintended consequences related to the number of non-profits within the community. Commissioner Hall noted that he has concerns with the Board's ability to cancel the fees and the legality of it. Commissioner Johnson stated that he appreciates the organization and the services that they provide to the community but is unable to support the cancellation. Motion Failed Unanimously.

#### In the Matter of ZONING

Commissioners issued a decision for an appeal of the CDS Director's decision to deny a building permit to Gerald Hays.

Commissioner Reinke stated that he was absent from the initial hearing so he would be abstaining from the discussion and decision.

Commissioner Hall reviewed the record for appeal for a building permit on land (of approximately 113.809 acres) located at approximately Section 35, Township 9 South Range 16 East Boise Meridian in Twin Falls County filed by Gerald Hays. Commissioner Hall also reviewed the record on appeal and the laws considered.

#### **Record on Appeal:**

- Appeal Application Packet including: Staff Report; the appeal application.

#### **Laws Considered:**

The Board will consider 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-2 Principal Permitted Uses
- Twin Falls County Code 8-9-1 Nonconforming Use
- Twin Falls County Code 8-9-2 Conformity Required



1. Was this matter a decision that may be appealed? Yes. TFCC 8-20-2
  - Was it a final decision of the CDS Director? Yes.
  - When was that decision made? 9.16.24
  - When was the Appellant given notice of the Director's decision? 9.16.24 Decision Letter.
2. Did you receive an appeal application in this matter? Yes.
  - Who filed the appeal? Gerald Hays.
  - Are they a person who may file an appeal? Yes.
3. When did you receive the Notice of Appeal? 9.30.24
  - Was the appeal application timely filed? Yes.
  - Was the appeal application complete? Yes, however, the brief was not filed; the reason for the appeal was written out on the application.
4. Did the Applicant provide any documentation in support of their application? No, only the appeal application was received.

#### **A. Nonconforming Parcel**

1. Is this property a nonconforming property? Yes.
  - Why is it nonconforming? The property has two dwellings on a single parcel.
2. Can the building permit application be approved on this nonconforming parcel? As per County Code, No.
  - Why not? The property is not conforming per County Code TFCC 8-9-2.
3. Can the property be brought into compliance? Yes
  - How? The applicant can go through the land division process and divide the property which would then make it conforming, the applicant can remove the tenant house, or the applicant can cap the water to the tenant house and change the occupancy to a storage building which would bring the property into conformance.

There was discussion on the options that the applicant could go through to avoid destroying the tenant house.

#### **Issues to Discuss:**

##### **1. The Appeal**

- a. Was this an Appealable Final Decision of the Community Development Services Director? The Board found it was an appealable decision.
- b. Was the application properly filed? The Board found it was properly filed.
  - i. Was the appeal Complete? The Board found it was a complete appeal.
  - ii. Was the appeal Timely? The Board found it was appealed timely.

##### **2. Nonconforming Parcel**

- a. Is the property a nonconforming parcel? The Board found it was a nonconforming parcel.

### 3. Decision of the CDS Director

- a. Did the CDS Director properly issue a decision letter explaining the denial of the hardship permit application? The Board found a proper decision was issued.
- b. Was the decision based upon express standards set forth in TFCC? The Board found the decision was based upon express standards.
- c. Was the decision reasonable based on the facts of this case? The Board found the decision was reasonable.

Commissioner Hall reviewed the decision options with the Board. Twin Falls County Ordinance Title 8, Chapter 20, Section 8 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 condition which in its deliberation may find warranted under the provisions of this code, or may remand the decision to the Planning and Zoning Commission for further consideration.

There was discussion on the decision options.

Commissioner Johnson made a MOTION to affirm the decision of the CDS Director finding that the Building Permit Application was properly denied. Commissioner Hall **SECONDED**. Discussion Commissioner Johnson noted that he felt the issue could be resolved quickly with the applicant capping the water and changing the occupancy of the tenant house. Commissioner Hall noted that the Board is limited in its ability to make changes to the rules by the code. The Board is working toward updating the code to allow for certain exceptions. Motion Passed Unanimously. (Reinke abstained)

Commissioner Hall read the right to appeal for the record.

There being no further business, the Board recessed until 8:00 a.m., November 6, 2024, 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 NOVEMBER MEETING  
November 6, 2024, 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 November 5, 2024.

**PRESENT:** Commissioner Jack Johnson, 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 PUBLIC HEARINGS

Commissioner conducted a Public Hearing to consider an appeal of the Planning and Zoning Commission's decision to deny an application for a Conditional Use Permit to Hanfen Inc.

Commissioner Hall opened the hearing at 9:00 a.m.

Commissioner Hall reviewed the matter of an appeal of the Planning and Zoning Commission's denial of an Application for a Conditional Use Permit for a Telecommunication Tower taller than 125 feet by Hanfen Inc. and Vertical Bridges for land (of approximately 40 acres) located at approximately Section 16, Township 11 South, Range 18 East in Twin Falls County filed by Matthew Schutjer, the record on appeal and the laws considered.

**Record on Appeal:**

Pursuant to Twin Falls County Code 8-20-7 the Matters considered today are confined to the record produced from the parties and comments by affected persons.

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

- The Conditional Use Permit Application Packet including: staff reports, agency letters, record on appeal and the Planning and Zoning Commission's Finding of Facts.
- Appeal Application Packet including: the appeal application; written statement explaining the basis for the appeal; written statements of respondents; and the transcript of the Planning and Zoning Commission proceedings.

**Laws Considered:**

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

- Title 10 of the Twin Falls County regarding Subdivisions.
- Title 8, Chapter 20 of Twin Falls County Code regarding appeals.
- Title 8, Chapter 7 of Twin Falls County Code regarding Conditional Uses.
- Title 8, Chapter 16 of Twin Falls County Code regarding Telecommunication Towers.
- The Twin Falls County Comprehensive Plan.
- Federal Telecommunications Act of 1996

Commissioner Hall swore in all parties giving testimony.

Cameron Beazer, CDS Planner, Jon Laux, CDS Director, Liz Walker, Vertical Bridge, Matt Russo, T Mobile, Randall Brewer, David Roper, Tyler Culbertson, Joyce Rodgers.

Cameron Beazer, CDS Planner reviewed the history of the application through the CDS department. Commissioner Hall reviewed the following questions with Mr. Beazer and the following answers were received.

**A. Appeal Procedure**

- a. Was this matter a decision that may be appealed pursuant to TFCC 8-20-2? Yes.
  - i. Was it a final decision of the Planning and Zoning Commission? Yes.
  - ii. When was that decision made? 7.11.24.
- b. Did you receive an appeal application in this matter? Yes.
- c. Who filed the appeal? Verticle Bridge, Hanfen Inc.
  - i. Are they a person who may file an appeal pursuant to TFCC 8-20-3? Yes.
- d. When did you receive the Notice of Appeal? 8.16.24, 8.19.24 paid.
  - i. Was the appeal application timely filed? Yes.
  - ii. Was the Appeal application complete? Yes.
- e. Did the Applicant provide your office with proof of personal or mailed service of the notice of appeal to all required parties pursuant to TFCC 8-20-6-C? Yes.
- f. Did the Applicant provide a written statement in support of their application? Yes.
- g. Did any Respondent(s) provide a written statement in opposition or support of the appeal? 4 letters against the appeal.

**B. Conditional Use Permit Application**

- a. Where is the property located? Section 16, Township 11 South, Range 18 East in Twin Falls County.
  - i. Is it located in an Area of City Impact? No.
- b. What is the property zoned? Agricultural Zone.
  - i. Is a Telecommunications Tower a permitted use in that zone? Yes, with a Conditional Use Permit TFCC 8-16-4.
  - ii. Is a Conditional Use Permit required for the Tower? Yes. TFCC 8-16-8 requires CUP for telecommunications facilities over one hundred twenty-five feet (125') in height. The proposed tower is over 125 feet.
- c. Did the CUP Application satisfy the standards for special uses set forth in TFCC 8-? Yes, Twin Falls City Code 10-13-2-2D sets forth the express standards for Special Uses.
- d. Did the Planning and Zoning Commission approve the Conditional Use Permit Application? No.

- i. What were the reasons they gave for their decision? They decided there was sufficient 4G coverage and that 5G coverage was not necessary.
- ii. Did they issue a written decision? Yes.
  1. When? July 25, 2024, approved Aug 6, 2024.
- iii. What express standards were their decision based upon? Chapter 16 of TF County Code.

### **C. Telecommunications Act of 1996**

- a. Did they analyze the requirements of the Telecommunications Act of 1996? Very Briefly.
- b. Did the Planning and Zoning Commission's decision prohibit or have the effect of prohibiting the provision of personal wireless services? The Commission believed it didn't, but the applicant believed it does.
- c. Whether the County's denial of the application "materially inhibits" the ability of a wireless carrier to provide "additional services or improving existing services?" The Commission found they were not inhibiting, but the applicant believes they are.

Liz Walker, Vertical Bridge/ Hanfen Inc. reviewed a presentation with the Board discussing the benefits of Wireless Service and infrastructure. Matt Russo, T-Mobile reviewed the tower's necessity to T-Mobile as well as the benefits of the service to the community. Ms. Walker noted that the hearing transcript from the Planning and Zoning Board hearing shows the errors made by the Commission and asked the Board to correct those errors made by the Planning and Zoning Commission. Ms. Walker reviewed the denial and the violations of the Telecommunications Act of 1996 and the map which is often used to show coverage and the disclaimer on that map. Ms. Walker noted that Mr. Steven Kennedy will show coverage issues and asked the Board to reverse the decision.

Commissioner Hall swore in Steven Kennedy.

Mr. Kennedy reviewed a presentation discussing coverage concerns and propagation maps for T-Mobile. Mr. Kennedy reviewed coverage vs capacity, objective of the new site, the need for the new site, and current coverage for T-Mobile which shows a gap in coverage and the proposed coverage with the new tower. Mr. Kennedy discussed colocation and interference. There was discussion with the Board regarding the FCC regulations relating to interference. Mr. Kennedy provided his engineering credentials.

Commissioner Reinke asked Mr. Russo for his credentials in the wireless industry and his experience with the Telecom Act of 1996. Commissioner Johnson asked about the property boundaries and the 125% distance from adjoining properties and the concern that the tower could fall on an adjoining property.

Commissioner Hall swore in Kevin Kjar and Rock Schutjer.

Mr. Schutjer discussed the setback requirements and noted that the tower meets all the County requirements and the tower location was determined by the property owner. Ms. Walker noted

there are options for a collapsible tower letter to be provided. There was discussion on the distances from property lines and the concern of the tower falling on neighboring property as well as potential requirement for the collapsible option. There was discussion on Ada County towers and the appeals to the federal courts. There was discussion on the Applicant providing proof of breakpoint technology as well as a letter from an engineer should the Board reverse the decision. Commissioner Johnson noted he is concerned with the setback distance. The Board asked Mr. Beazer to review the 50 ft setbacks in County Code. Commissioner Hall noted that the Planning and Zoning Commission considered the 50 ft setback in their decision. There was further discussion on the setback requirements and the potential of preventing neighboring property owners to build a habitable building on their property.

Commissioner Hall opened the public hearing portion of the hearing at 10:03 a.m.

Randall Brewer, David Roper, Tyler Culbertson, Joyce Rodgers, Kevin Kjar, and Tisha Christensen

Randall Brewer, 3500 E. 3276 N. Kimberly, spoke in opposition to the tower.

David Roper, 3551 E. 3300 N. Kimberly, spoke in opposition to the tower.

Kevin Kjar, 3514 E. 3290 N. Kimberly, spoke in opposition to the tower.

Joyce Rodgers, property owner near 3263 N. 3500 E. Kimberly, spoke in opposition to the tower.

Brian Hansen, landowner, spoke in support of the tower.

Tisha Christensen, 3263 N. 3500 E. Kimberly, spoke in opposition to the tower.

The Board discussed the Telecommunications Act of 1996 and the limitations for local government and the potential for requiring the applicant to review alternate locations. Commissioner Reinke noted that he has concerns for the personal property rights of the surrounding neighbors.

Commissioner Hall asked Ms. Walker to address concerns of the tower interfering with Mr. Roper's towers. Ms. Walker noted that local government does not oversee interference, it is within the FCC's oversight. Ms. Walker also noted that there is no required lighting so that will not be a factor and that information is in the record. The Board asked Ms. Walker to discuss coverage questions on the tower that is under construction. Ms. Walker stated that future coverage was considered by Mr. Kennedy and his coverage calculations. The Board felt that Mr. Kennedy did not need to provide further information. There was discussion with Ms. Walker regarding the solar concerns of Mr. Roper. Commissioner Reinke asked Mr. Hansen if there was any opportunity to move the tower. Mr. Hansen stated that it could delay the process. Cameron Beazer, CDS Planner noted that moving the tower could be a significant change which would require a new application. Mr. Hansen stated that Vertical Bridges would have to weigh in on any potential changes.

Commissioner Johnson noted that he would like some additional time to get some answers to questions he has regarding the Telecommunications Acts.

Commissioner Hall recessed the hearing until 1:00 p.m.

Commissioner Hall resumed the hearing at 1:00 p.m.

The Board asked Mr. Hansen if he was able to speak with the tower representatives regarding moving the tower. The Board noted that they verified that the Applicant would not have to go back through the Planning and Zoning process. Mr. Hansen noted that they will need to go back through the FAA process but that could potentially be a quick process. Mr. Hansen asked for 5 minutes for discussion, however, further discussion changed the necessity for a break. Ms. Walker noted that moving it would entail some federal requirements and they would like to discuss that with the landowner. There was discussion on the setback distance and possible changes to the location of the tower in addition to the breakpoint technology.

Commissioner Hall closed the public testimony portion of the hearing at 1:22 p.m.

Commissioner Reinke noted that the Telecommunications Act of 1996 tie the Boards hands. It is frustrating, due to the overreach and limiting local control. Commissioner Hall noted that the Courts have supported the Act. Commissioner Reinke noted that the Board must be good stewards of public funds and defending a lawsuit could cost the County significantly. Commissioner Johnson noted that Twin Falls County has previously denied a tower and after Legal guidance, the Board reversed the decision to avoid a costly lawsuit. The courts have ruled over and over making it a difficult decision for the Board. The County Commissioners have reached out to the legislative delegation for assistance in changing the Act. Commissioner Hall noted that the Board tries to protect private property rights and these are difficult decisions.

The Board reviewed and discussed the following issues on Appeal in order to make findings of fact regarding any factual disputes.

#### 1. The Appeal

- a. Was this an Appealable Final Decision of the Planning and Zoning Commission? The Board finds that the Planning and Zoning Commission's decision to deny the Conditional Use Permit was an appealable final decision.
- b. Was the application properly filed? The Board finds that the application was properly filed.
  - i. Was the appeal Complete? The Board finds that the appeal was complete.
  - ii. Was the appeal Timely? The Board finds that the appeal was timely.
  - iii. Did all required parties receive notice? The Board finds that all parties received notice.

#### 2. Conditional Use Permit

- a. Which code applies? The Board finds that Twin Falls County Code applies.
- b. Is conditional use allowed in the zone? The Board finds that a conditional use is allowed in the zone.
- c. Did the CUP Application satisfy the express standards set forth in TFCC? The Board finds that the CUP Application satisfies the express standards set forth in TFC Code.
  - i. Setbacks? The Board finds that the CUP Application satisfies the setback standards set forth in TFC Code.

3. Telecommunications Act of 1996
  - a. Did the Planning and Zoning Commission consider the Telecommunications Act of 1996 in making their decision? The Board finds that the Commission considered it but not to the level that was necessary.
  - b. Did the Planning and Zoning Commission discuss whether of the application “materially inhibits” the ability of a wireless carrier to provide “additional services or improving existing services?” The Board finds that the Planning and Zoning Commission did not discuss whether of the application “materially inhibits” the ability of a wireless carrier to provide “additional services or improving existing services.
4. Decision of the Planning and Zoning Commission
  - a. Did the Planning and Zoning decision make findings of fact consistent with Idaho Code 67-6535? The Board finds that the Planning and Zoning decision did not make findings of fact consistent with Idaho Code 67-6535.
  - b. Was the decision based upon express standards set forth in Twin Falls County Code? The Board finds that the decision was not based upon express standards set forth in Twin Falls County Code.
  - c. Did the Planning and Zoning Commission review the particular facts and circumstances of the conditional use in terms of the standards outlined in Twin Falls County Code? The Board finds that the Commission did review the particular facts and circumstances of the conditional use in terms of the standards outlined in Twin Falls County Code.

Commissioner Hall reviewed the decision options with the Board.

#### **Decision Options**

Twin Falls County Ordinance Title 8, Chapter 20, Section 7 Grants the Board of County Commissioners power to review and **affirm, reverse or modify**, in whole or in part the decision of the Planning and Zoning Commission or make additional condition which in its deliberation may find warranted under the provisions of this code, or may remand the decision to the Planning and Zoning Commission for further consideration.

Commissioner Johnson stated that he felt that remanding the decision should be off the table. Commissioner Hall noted that the appellant did agree to the collapsible breakpoint technology and providing a letter.

Commissioner Reinke made a MOTION to reverse the decision of the Planning and Zoning Commission and find that the Conditional Use Permit was allowed pursuant to Twin Falls County code and should not have been denied because denial of the application “materially inhibits” the ability of a wireless carrier to provide “additional services or improving existing services” with the additional requirement that the breakpoint technology be utilized in engineering the tower and



provide a letter of guarantee that the tower would fall within 50 feet. Commissioner Johnson **SECONDED**. Discussion Commissioner Reinke noted that he has difficulty with the decision but due to the telecommunications act, the Board's hands are tied. Commissioner Reinke noted that he wished that the applicant would have worked more closely with the neighbors. Commissioner Johnson concurred regarding neighborhood discussions and encouraged that for future projects. Commissioner Johnson noted that he understands that the challenges for the neighbors are difficult. Commissioner Hall stated that he understands the spirit of the act, to provide good communication with surrounding agencies, but the court rulings have tied the hands of local government to make decisions that impact its citizens. Commissioner Hall stated that there needs to be modifications to the act. Commissioner Hall expressed his appreciation to the applicant for being willing to discuss options and encourage them to reach out to local citizens on future projects. Motion Passed Unanimously.

There being no further business, the Board recessed until 8:00 a.m., November 7, 2024, 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 NOVEMBER MEETING  
November 7, 2024, 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 November 6, 2024.

**PRESENT:** Commissioner Brent Reinke and Commissioner Don Hall.

**ABSENT:** Commissioner Jack Johnson.

**STAFF:** Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

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

Commissioners attended a Cedar Ridge Dairy Harvest party.

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.

No items to consider.

In the Matter of BUDGET

Becky Petersen, Treasurer presented the September Joint, Quarterly, and Yearly reports.

In the Matter of RESOLUTIONS

Commissioners considered the Surplus Property Resolution #2025-012.

Commissioner Reinke reviewed the Surplus Property Resolution with the Board. Commissioner Reinke noted that the items are surplus and the County has no need for the items. They are valued under \$250.00 each so they did not need publication.

Commissioner Reinke made a MOTION to approve Resolution #2025-012 for the disposal of surplus property. Commissioner Hall SECONDED. Motion Passed Unanimously. (Johnson absent)

**RESOLUTION NO. 2025-012**

WHEREAS, Twin Falls County has certain property which is no longer necessary for County use; and

WHEREAS, Idaho Code §31-808 states the Commissioners can find the property is worth less than \$250.00 and therefore, may be sold at a private sale without advertisement;

NOW, THEREFORE, BE IT RESOLVED by the Twin Falls County Board of Commissioners that the item listed below is hereby declared surplus with a value of less than \$250.00 and is hereby ordered to be disposed of.

1988 Truk Motorhome Vin #1GDKP37W5J3501557  
Misc office furnishings - Chairs, Filing Cabinets, etc.  
Randell Stainless Steel Refrigerator/Freezer Model 2021M  
Speed Queen Washing Machine Model SCN030GNFXU3001  
Speed Queen Dryer Model STO35NQT B2G2W01  
Stainless Steel Sink with Disposal  
American Dish Service Dishwasher Model L-90-30W  
Duke Steam Table – 3 Well Model E303M

DATED this 7<sup>th</sup> day of November, 2024.

TWIN FALLS COUNTY BOARD OF COMMISSIONERS

/s/ Don Hall  
Don Hall, Chairman

\_\_\_\_\_  
Jack Johnson, Commissioner

/s/ Brent Reinke  
Brent Reinke, Commissioner

ATTEST:

/s/ Kristina Glascock  
Kristina Glascock, Clerk

In the Matter of CHANGE ORDERS

Commissioners considered Change Orders for the Wright Avenue Jail Project and the Twin Falls County Court Facility Project.

Bob Beer, Facilities Director reviewed the Change Orders for the Wright Avenue Jail Project and the Twin Falls County Court Facility Project with the Board.

Commissioner Reinke made a MOTION to approve the change orders in the amount of \$2,819.00 for the Wright Ave. Jail Project and \$10,081.00 for the Twin Falls County Court Facility Project and authorize the Chairman to sign the documents on behalf of the Board. Commissioner Hall SECONDED. Discussion Commissioner Reinke noted that the difference in the fees and the change orders are due to the addition of the bond costs that are added by the contractor. Motion Passed Unanimously.

In the Matter of FEES

Commissioners considered the requests to waive building permit fees for the Wright Ave. Jail Project and the Twin Falls County Court Facility Project.

Jon Laux, CDS Director and Bob Beer, Facilities Director reviewed the requests to waive building permit fees for the Wright Avenue Jail Project and the Twin Falls County Court Facility Project with the Board.

Commissioner Reinke made a MOTION to approve waiving the building permit fees in the amount of \$9,981.45 for the Wright Ave. Jail Project and \$2,791.35 for the Twin Falls County Court Facility Project. Commissioner Hall SECONDED. Motion Passed Unanimously. (Johnson absent)

In the Matter of SOLID WASTE

Commissioners considered the FY 2025 Solid Waste Fee Waivers.

Commissioner Reinke reviewed the proposed FY2025 Solid Waste Fee Waivers with the Board. There was discussion on the fee waivers and the continuation of the waivers.

Commissioner Reinke made a MOTION to approve the FY2025 Solid Waste Fee Waivers as presented. Commissioner Hall SECONDED. Motion Passed Unanimously. (Johnson absent)

In the Matter of CONTRACTS

Commissioners considered the Equitable Sharing Agreement and Certification Report for FY 2024.

Captain Scott Bishop reviewed the Equitable Sharing Agreement and Certification Report for FY 2024 with the Board. Cpt. Bishop noted that the agreement and certification must be done annually which then allows the Sheriff's Office to receive federal funds.

Commissioner Reinke made a MOTION to approve the Equitable Sharing Agreement and Certification Report for FY 2024 as presented and authorize the Chairman to sign the documents on behalf of the Board. Commissioner Hall SECONDED. Motion Passed Unanimously. (Johnson absent)

There being no further business, the Board recessed until 8:00 a.m., November 8, 2024, 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 NOVEMBER MEETING  
November 8, 2024, 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 November 7, 2024.

**PRESENT:** Commissioner Brent Reinke and Commissioner Don Hall.

**ABSENT:** Commissioner Jack Johnson.

**STAFF:** Deputy Clerk Mable Shurtleff.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioner Reinke attended a WEMA meeting.

Commissioner Hall attended a Public Health presentation in Fairfield.

There being no further business, the Board recessed until 8:00 a.m., November 12, 2024, 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.