DRAFT · RESEARCH BRIEF AND EVIDENCE RECORD

Twin Falls County Wrote Gas Out

How natural gas power plants dropped out of Twin Falls County's energy code between 2022 and 2026, what the code still says, and why Idaho Power's 222-megawatt South Hills plant near Milner Dam is moving ahead on a building permit alone

Prepared by	Jeff A. Pierson
Date	November 19, 2026
Revision	1.2 (DRAFT, not for publication as an article)
Part 1	Analysis: the research memo as received, verification, the record of what was removed and when, and open questions
Part 2	Evidence: board minutes, ordinances, code text, statutes and testimony, each reproduced inside an outlined box with its original page reference
Page numbers	Every page carries a brief page number at the bottom. Exhibits also carry the original source page.

Jeff A. Pierson · Jerome, Idaho · jeffapierson.com · jeffapierson.substack.com

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PART 1: THE ANALYSIS

1. The County Wrote Gas Out

In 2022 Twin Falls County planners drafted a zoning code that named natural gas turbines, coal-fired power plants and "gas-fired electrical generational facilities" and required a conditional use permit (CUP) from the Planning and Zoning Commission for each one.

That fuel list never became law. By the July 26, 2023 moratorium hearing, county staff described the coming rules "as it relates to solar, wind, hydroelectric and digester projects," and Chairman Don Hall said the moratorium "would not cover public utilities."[1] Two weeks earlier Hall had met with Nate Murray of Idaho Power "to discuss the proposed Large-Scale Energy Project Moratorium."[2]

The permanent rule, Ordinance 282, passed 3-0 on March 8, 2024 under a title that reads "regulation of wind and solar energy production." But the chapter it created still defines a large-scale energy project as anything "capable of producing, as per nameplate capacity, 10 megawatts (MW) or more," requires a CUP before construction of any large-scale project, requires site review for "electric generating projects," and says Chapter 21 governs when it conflicts with the rest of Title 8.[3] South Hills is 222 MW, more than 22 times that threshold.

Idaho Power told the Public Utilities Commission under oath on March 10, 2026: "At this time, a Conditional Use Permit is not required in Twin Falls County, only a building permit is required."[4] The county has produced no written decision explaining why Chapter 21 does not apply. The commissioners promised in March 2024 to revisit Chapter 21. When they did, in five work sessions in 2025, the subject on the agenda was battery storage, not gas.[5]

Bottom line. The record shows when the gas language left (between the August 2022 draft and July 2023) and who was in the room (Commissioners Hall, Johnson and Reinke, staff Jon Laux and Laura Wilson, and Idaho Power). It does not show who made the cut. It does show the last fossil-fuel line in the Chapter 21 drafts and how it died. The Planning and Zoning draft of Oct. 12, 2023 asked applicants "For wind and coal-fired power generation facilities" to show "the direction of prevailing winds across the project area." That was paragraph p. The board's Summary of Changes says "Paragraph 'P' was deleted as it wasn't relevant and violated Idaho Code Section 31-881." Idaho Power raised 31-881 at the July 26, 2023 hearing.

What this brief found that the memo did not

- Hall met with Idaho Power's Nate Murray about the moratorium on July 12, 2023, two weeks before the first hearing (Exhibit B).
- At that hearing Hall said the moratorium "would not cover public utilities," and staff limited the planned definition to solar, wind, hydro and digesters (Exhibit B).
- Idaho Power's Jeff Maffuccio asked the board to keep state law on utilities in mind and asked that Idaho Power "be included to provide input" on the code (Exhibit B).

[1]Exhibit B, BOCC minutes July 26, 2023, source PDF page 48 of 61.
[2]Exhibit B, BOCC minutes July 12, 2023, source PDF page 31 of 61.
[3]Exhibit G, Chapter 21 as posted Feb. 13, 2024, printed pages 1-3; adopted text confirmed on American Legal Publishing, Nov. 19, 2026.
[4]Exhibit S, Hackett Direct Testimony, IPUC Case IPC-E-26-04, p. 30, lines 8-10.
[5]Exhibit K, BOCC minutes Jan. 23, Feb. 6, Feb. 18, Mar. 20 and Apr. 16, 2025.

- Rocky Matthews, then a Planning and Zoning commissioner and county employee, testified at the Dec. 13, 2023 hearing urging case-by-case permitting. He later moved the 2026 ordinance that kept item 6 (Exhibits E and N).
- The promised Chapter 21 revisit happened in 2025 work sessions titled "Battery Energy Storage System." Then on Feb. 11, 2026 the board met with Murray "to discuss Battery Storage Facilities" (Exhibits K and M).
- Idaho Power's sworn position is that no CUP is required "at this time" (Exhibit S).
- Paragraph "P," deleted in March 2024, was the only line in the Chapter 21 drafts that named a fossil-fuel plant: "For wind and coal-fired power generation facilities, the direction of prevailing winds across the project area" (Exhibits D and G).

2. The Memo, Word for Word

The research memo below is reproduced word for word as received on Nov. 19, 2026. Its headings, tables and lists are laid out as they were organized in the original; source tags from the research tool are kept in small grey type. Section 3 checks each claim against the primary record.

RESEARCH MEMO AS RECEIVED, NOV. 19, 2026

Nationwide zoning ordinance research: 1998–2026

“Public buildings and public utility structures”

The exact phrase appears in zoning ordinances in multiple states, including Idaho, Oregon, Michigan and Georgia. I also located substantially similar terminology in ordinances dating back to the 1980s.

The most significant finding is that the phrase does not have a uniform national zoning definition. Some jurisdictions expressly include electrical generating plants, while others distinguish electrical generation from ordinary utility infrastructure, require conditional use permits, or restrict utility installations to those serving the immediate area.

This distinction is particularly relevant to the proposed South Hills natural gas power plant near Milner Dam.

1. Exact phrase matches

Jurisdiction	Ordinance date or version	Section	Regulatory classification
Twin Falls County, Idaho	December 1, 1998	§ 8-6E-2	Commercial permitted use
Deschutes County, Oregon	Effective March 31, 1998	§ 18.108.110	Business park conditional use
Chickamauga, Georgia	January 12, 1998; revised November 7, 2005	§ 4.8(b)(1)	Building height exemption
Nottawa Township, Michigan	September 21, 2009; amended 2018 and 2019	§ 312.2(f)	Limited industrial permitted use
Bend urban area, Oregon	December 21, 1988	Ordinance 88-042, § 31	General industrial permitted use; historical precedent

Sources:
American Legal Publishing+4

The Bend ordinance predates the requested research period but is worth including because it establishes that this terminology existed at least a decade before Twin Falls County adopted Ordinance 21 in 1998.

2. Exact wording and context

Twin Falls County, Idaho

Ordinance 21, December 1, 1998, § 8-6E-2, Commercial Zone:

Public buildings and public utility structures.

This is a designated land use, not a definition. The provision does not expressly mention power plants, generating stations, combustion turbines or natural gas generating facilities.

Original codified ordinance

Deschutes County, Oregon

Ordinance 97-078, effective March 31, 1998, § 18.108.110(B)(1):

Public buildings and public utility structures and yards, including railroad yards.

The ordinance requires a conditional use permit in the Business Park District. It also establishes restrictions concerning residential proximity, heavy truck traffic and operations requiring air pollution permits.

Original recorded ordinance, Exhibit A, page 8

Chickamauga, Georgia

Zoning ordinance dated January 12, 1998, revised November 7, 2005, § 4.8(b)(1):

churches, schools, hospitals, sanitariums, and other public buildings and public utility structures.

The provision concerns height restrictions. Other sections of the same ordinance restrict certain utility installations to serving the immediate area and identify electrical substations, natural gas substations and telephone exchanges as examples.

Municipal zoning ordinance

The original, unrevised 1998 text still needs to be obtained to establish whether that precise wording was present before 2005.

Nottawa Township, St. Joseph County, Michigan

Ordinance 37, adopted September 21, 2009, as amended through May 20, 2019, § 312.2(f):

Public buildings and public utility structures.

The classification is a permitted use in the Limited Industrial District. Public utility structures and substations in agricultural-residential districts separately require special use permits under § 305.3.

Zoning ordinance, 2019 compilation

Bend urban area, Oregon

Ordinance 88-042, December 21, 1988, § 31:

Public buildings and public utility structures and yards, including railroad yards.

The language was added to the General Industrial Zone's permitted-use provisions.

Original recorded ordinance, page 8

3. Related definitions found nationally

The following ordinances are particularly useful because they define utility structures, distinguish types of utility infrastructure or expressly address electrical generating plants.

Jurisdiction	Defined term or classification	Treatment of power plants
Bannock County, Idaho	Public utility	Expressly included
Blaine County, Idaho	Public utility and public service facilities	Expressly included
Latah County, Idaho	Utility structure	Expressly included
Buhl, Idaho	Public service facility	Expressly included
Brunswick, Ohio	Public utility structure	Expressly included, distinguished from essential services
Oak Hill, Tennessee	Public utility or facility	Generating stations expressly included

Jurisdiction	Defined term or classification	Treatment of power plants
Pittsgrove Township, New Jersey	Public utility for essential service	Generating plants expressly excluded
Maricopa, Arizona	Utility services	Generating plants expressly excluded
West Cornwall Township, Pennsylvania	Principal utility structures	Included but subject to district requirements
Mount Hope, New York	Public utility structures	Defines infrastructure necessary to serve areas within the town
Overland Park, Kansas	Utility structure	Defines cabinets, pedestals, buildings and associated equipment
Edwardsville, Illinois	Public utilities structures	Identifies substations and gas regulator stations; imposes special-use requirements
Lantana, Florida	Public utility structures and buildings	Identifies pump stations and electrical substations
Amery, Wisconsin	Public utility structures	Excludes uses incompatible with district characteristics
Weyauwega, Wisconsin	Public utility structures	Excludes uses incompatible with district characteristics
Filer, Idaho	Public utility buildings and structures	Listed as permitted agricultural uses
Cathedral City, California	Public utility structures and public service facilities	Generally requires conditional use approval in open-space districts

These are related provisions, not additional exact-phrase matches.

Bannock County+16

4. Particularly important definitions

Brunswick, Ohio
§ 1242.02(64), Public Utility Structure:

administration buildings, service yards, power plants, substations, switching stations, communication towers and other similar public utility structures owned or operated by a public utility

Brunswick distinguishes these facilities from essential services. Its light industrial district provides for conditional zoning certificates for public utility structures.

Definitions
Conditional use provisions

Bannock County, Idaho
Ordinance 1998-1, as amended by Ordinance 2015-5, expressly includes:

power plants and substations, and pumping stations.

This is evidence that Idaho counties can expressly include power generation within their zoning definitions of public utilities.

Official Bannock County zoning ordinance

Pittsgrove Township, New Jersey
§ 60-99, Public utility for essential service:

The following are not considered to be public utilities for essential services as regulated by this section: generating plants, waste incinerators, treatment plants

This ordinance expressly distinguishes electrical generation from essential-service infrastructure.

Municipal ordinance

Maricopa, Arizona
Definition of utility services:

shall not include public utility treatment and generating plants or offices.

Zoning ordinance

Latah County, Idaho
§ 9-2-1, Utility Structure:

Dams, power plants, power substations, storage yards for public roadway maintenance, and similar facilities

Unlike Twin Falls County's general utility definition, Latah County expressly identifies power plants as utility structures.

County zoning definitions

5. Twin Falls County's own definitions

Section 8-2-2 of the Twin Falls County zoning ordinance provides the following definition:

PUBLIC: Operated by a government entity.

The county separately defines a utility broadly enough to encompass public and private companies supplying electricity, gas, water, telecommunications or sewage disposal.

However, I found no separate definition of the complete phrase “Public buildings and public utility structures” in that section.

County zoning definitions

The agricultural zoning distinction

The county's 1998 ordinance, § 8-6B-2, lists the following as a principal permitted use:

Public utility buildings and facilities.

But the immediately following section, § 8-6B-3, expressly lists the following as a conditional use:

Hydroelectric power plants. (Impact study required.)

Principal permitted uses
Conditional uses

This is potentially the most significant finding in the research.

The county's own ordinance distinguishes general utility facilities from at least one category of electrical generating plants. If all electrical generating plants were automatically permitted as public utility facilities, the separate conditional-use requirement for hydroelectric power plants would require explanation.

That does not conclusively establish that natural gas power plants require conditional use permits, but it provides a substantial basis for challenging an overly broad administrative interpretation.

6. Distinguishing the types of utility infrastructure

Facility	Primary function
Electrical transmission line	Transportation of electricity
Electrical distribution line	Delivery of electricity to customers
Electrical substation	Voltage transformation and distribution
Natural gas regulator station	Regulation of pipeline pressure
Natural gas compressor station	Transportation of natural gas
Water pumping station	Distribution of water
Telephone exchange	Communications infrastructure
Hydroelectric power plant	Electrical generation
Natural gas power plant	Electrical generation through fuel combustion
Coal-fired power plant	Electrical generation through fuel combustion
Nuclear power plant	Electrical generation through nuclear fission

Ownership by a public utility and classification as an industrial land use are not mutually exclusive. A facility can be owned by a regulated utility while still being subject to industrial zoning, environmental regulation and conditional-use requirements.

7. Potential implications for the Milner project

The following questions warrant investigation through original county records.

- What did the commissioners intend when they adopted Ordinance 21 on December 1, 1998?
- Was the language copied from another jurisdiction or a model zoning ordinance?
- Did the original ordinance contemplate large fossil-fuel generating plants?
- Why were hydroelectric generating plants separately classified as conditional uses?
- Has Twin Falls County previously classified natural gas generating plants as permitted public utility structures?
- Is there a written zoning determination or legal opinion supporting that interpretation?
- Has the county historically distinguished electrical generation from transmission and distribution?
- Did the county consider the principal use of the property rather than merely the identity of its owner?
- Were commissioners or planning officials advised that the Idaho Public Utilities Commission's approval superseded local zoning requirements?

Idaho Code § 67-6528 also deserves examination. It provides a mechanism under which a specific IPUC order can supersede conflicting local governmental actions, subject to statutory conditions. It is not, on its face, an unconditional exemption from local land-use regulations.

Idaho Code § 67-6528

8. Preliminary conclusion

The evidence establishes that identical or substantially similar zoning language has been used for several distinct purposes:

- Ordinary public utility infrastructure.
- Public service buildings.
- Industrial facilities.
- Conditional land uses.
- Essential distribution services.
- Building height exemptions.
- Electrical generating facilities, where expressly included.

There is no demonstrated nationwide rule that the term “Public buildings and public utility structures” automatically authorizes a large natural gas power plant without discretionary zoning review.

For the Milner investigation, the strongest evidence will be the legislative history of Twin Falls County Ordinance 21, its internal distinctions between utility facilities and generating plants, prior county zoning determinations, and any written interpretation used to authorize the South Hills project.

Research limitation: This is an initial nationwide search, not an exhaustive census of every American municipal and county ordinance adopted between 1998 and 2026. I identified five jurisdictions or historical enactments containing the exact phrase and seventeen additional related jurisdictional examples. Historical amendment dates for several related definitions remain unverified, and unpublished or unindexed municipal archives have not been examined.

Question asked: *what is section 304 occupancy*

Section 304 of the International Building Code (IBC) establishes the Business Group B occupancy classification.

Section 304.1: Business Group B

The classification applies to buildings used for office, professional or service-type transactions, including recordkeeping. Examples include:

- Government administration buildings
- Banks
- Professional offices
- Electronic data processing facilities
- Telephone exchanges
- Research and testing laboratories
- Post offices

2018 International Building Code, Chapter 3

Section 306.2: Factory Industrial Group F-1

This is considerably more significant to the Milner power plant investigation.

Section 306.2, titled “Moderate-hazard factory industrial, Group F-1,” expressly lists:

Electric generation plants

The International Building Code specifically classifies electrical generating plants as industrial occupancies.

2018 INTERNATIONAL BUILDING CODE (IBC)

Occupancy classifications

Section	Group	Classification
303	A	Assembly
304	B	Business
305	E	Educational
306	F	Factory and industrial
307	H	High hazard
308	I	Institutional
309	M	Mercantile
310	R	Residential
311	S	Storage
312	U	Utility and miscellaneous

Direct applicability to Twin Falls County

Twin Falls County's official building department website states:

Twin Falls County has adopted the 2018 versions, with Idaho Amendments, of the International Building Codes (IBC)

Source: Twin Falls County Building Permit Information

The applicable state administrative rule is IDAPA 24.39.30.600.

Therefore, Twin Falls County has adopted a building code that expressly classifies electrical generating plants as F-1 industrial occupancies rather than ordinary Group U utility occupancies.

Significance for the South Hills Power Plant

A particularly important question for the county is whether it classified the proposed power plant as a permitted public utility structure for zoning purposes while classifying it as a moderate-hazard industrial facility for building and fire safety purposes.

There is an important legal distinction: building occupancy classifications and zoning classifications serve different purposes. An F-1 occupancy classification does not, by itself, legally require industrial zoning. Nevertheless, it provides authoritative evidence of the industrial nature of the activity.

I would request the following public records:

- Building permit applications and issued permits.
- Official occupancy classification determinations.
- Fire code and fire protection reviews.
- Architectural and engineering code analysis sheets.
- Written zoning determinations.
- Correspondence reconciling the industrial occupancy classification with the permitted public utility land-use classification.

I have verified the applicable building code and its classification of electrical generating plants. I have not yet verified the occupancy classification actually assigned to the South Hills project by Twin Falls County.

Question asked: *gas generation not being mention what doe that mean*

The absence of an explicit reference to natural gas power generation does not automatically mean it is prohibited or exempt from regulation. The significance depends on the broader language, definitions, legislative history and other applicable provisions.

Under § 306.2 of the 2018 International Building Code, the term “Electric generation plants” is technology-neutral. It encompasses plants generating electricity from natural gas, coal, nuclear energy and other sources. Natural gas generation does not need to be individually named to fall within the F-1 industrial occupancy classification.

2018 INTERNATIONAL BUILDING CODE (IBC)

However, I found something considerably more significant in Twin Falls County's own legislative history.

1. Natural gas generation was expressly mentioned in 2022

The county's proposed 2022 zoning code, § 8-8B-1, specifically identified the following energy projects:

natural-gas powered turbines; geothermal energy production, oil wells; gas wells, coal-fired power plants; gas-fired electrical generational facilities; and other energy generation projects.

This establishes that natural gas generating facilities were expressly contemplated during the county's development of energy production regulations.

2022 proposed Twin Falls County zoning code
TFCO ZONE CODE 2022.docx

2. The language changed in 2024

Ordinance 282, adopted March 8, 2024, established Chapter 21, Energy Production.

The adopted definition of large-scale energy projects begins:

Projects capable of producing, as per nameplate capacity, ten (10) megawatts (MW) or more;

The definition then includes an alternative acreage criterion concerning wind and solar projects. The first criterion does not expressly restrict the type of generation.

§ 8-21-2: Definitions
American Legal Publishing

A 222 MW natural gas generating facility would appear to satisfy that first criterion on its face.

3. The conditional use permit requirement

Section 8-21-3(B) states:

A conditional use permit is required prior to commencing any construction or ground-disturbing activities related to the installation of any small or large scale energy project.

Section 8-21-3(D) also expressly requires site review for electric generating projects, substations and compressor stations.

American Legal Publishing
§ 8-21-3: Permitting Requirements

4. The apparent inconsistency

The actual adopting language of Ordinance 282, recorded in the March 8, 2024, commissioners' minutes, describes its purpose as:

ESTABLISHING CHAPTER 21 REGARDING THE REGULATION OF WIND AND SOLAR ENERGY PRODUCTION.

Furthermore, § 8-21-5 identifies permissible zoning districts for wind and solar projects but does not address natural gas generation.

Twin Falls County+1

This creates a legitimate question of statutory interpretation.

Provision	Treatment of natural gas generation
2022 proposed zoning code	Expressly included
2022 proposed permitting requirements	Conditional use permit required
2024 ordinance adopting language	References wind and solar
2024 large-scale energy definition	Broad capacity-based language
2024 permitting requirements	Expressly references electric generating projects
2024 exemptions	Identifies natural gas pipelines, but does not expressly exempt gas-fired generating plants
2024 permitted zoning districts	Omits natural gas generation

5. Idaho Power participated in the ordinance hearing

Nathan Murray, representing Idaho Power, attended and testified at the March 8, 2024, public hearing. The official minutes record that he expressed concerns about uncertainties in the code, although Idaho Power was leaning toward supporting the ordinance.

Twin Falls County

Official commissioners' minutes, March 4–8, 2024

6. Questions that need answering

- Who removed the explicit references to natural gas and coal-fired generating plants from the proposed regulations?
- When were those references removed?
- Who requested or recommended their removal?
- Did Idaho Power participate in drafting or reviewing the changes?
- Was the county aware of potential natural gas power plant development at the time?
- Why does the adopted ordinance retain broad language concerning electrical generating facilities?
- What written legal authority permits the South Hills plant to proceed without a conditional use permit, assuming one has not been required?

Conclusion

There is now a documented legislative history showing that Twin Falls County contemplated requiring conditional use permits for natural gas power plants in 2022, but omitted explicit references to those facilities in its 2024 adopted regulations.

The reason for that change warrants investigation.

The evidence does not yet establish who initiated the change, why it was made, or whether South Hills was legally exempted from conditional use review. Those are the next matters to establish through draft revisions, correspondence, meeting recordings and written zoning determinations.

> **Question asked:** *so is energy production taken out now?*
>
> **Question asked:** *Produce a timeline starting pre march 8 2025, then show actions take, updated status, actions take, etc.*

Worked for 47s

No. Twin Falls County has not removed Chapter 21, Energy Production, from its current published zoning code.

What changed was the scope and specificity of the regulations. Natural gas and coal-fired electrical generating facilities were expressly identified in the 2022 zoning document, but were not expressly identified in the energy production ordinance adopted in 2024.

The current code nevertheless retains broad language regulating large-scale energy generation, including a conditional use permit requirement.

One important date correction: Ordinance 282 was adopted on March 8, 2024, not March 8, 2025.

Legislative and regulatory timeline

Twin Falls County Energy Production Regulations, 2022–November 19, 2026

Phase 1. Development of energy production regulations

2022

Natural gas generation expressly addressed

The county's 2022 zoning document, Article B, § 8-8B-1, specifically identifies:

natural-gas powered turbines; geothermal energy production, oil wells; gas wells, coal-fired power plants; gas-fired electrical generational facilities;

The document also requires conditional use permits for these types of energy projects.

Status: Documented proposed regulatory language. Formal enactment of this version has not been established.

2022 zoning document, printed pages 132–133
TFCO ZONE CODE 2022.docx

Jul 6, 2023

Public hearing notice issued

Proposed Ordinance 279 would establish a moratorium on permits for large-scale energy projects.

Status: Proposed ordinance, not yet adopted.
Official public hearing notice
Twin Falls County

Jul 26, 2023

Commissioners table the moratorium

Commissioners discuss public health, water contamination, transportation and other impacts. They unanimously postpone consideration until August 24 to allow staff to develop further definitions and regulations.

Status: Moratorium pending; additional research directed.
July 2023 commissioners' minutes
Twin Falls County

Aug 24, 2023

Ordinance 279 adopted unanimously

Commissioners Don Hall, Jack Johnson and Brent Reinke approve a 182-day emergency moratorium.

The ordinance establishes two alternative thresholds for large-scale energy projects: generation capacity of at least 10 MW, or wind and solar projects occupying at least 100 acres.

The 10 MW threshold does not expressly distinguish between generation technologies.

Status: Temporary moratorium enacted. Permanent regulations to be developed.

Official ordinance and commissioners' minutes

Twin Falls County

Dec 13, 2023

First commissioners' hearing on Ordinance 282

Community Development Director Jon Laux presents the proposed Chapter 21. Planning and Zoning has already recommended changes and additions.

Commissioner Johnson recommends further legal review. Commissioner Hall considers the draft insufficiently developed.

The commissioners unanimously table the ordinance and direct that another hearing be held.

Status: Draft returned for further revision. Moratorium remains in effect.

December 2023 commissioners' minutes

Twin Falls County+1

Jan 5, 2024

Commissioners hold work session

The board continues reviewing Chapter 21, Energy Production.

Status: Ordinance under revision.

January 2024 commissioners' minutes

Twin Falls County

Jan 26, 2024

Additional ordinance work session

Commissioners continue modifying the Planning and Zoning draft. Public discussion reported by KMVT principally concerns wind and solar developments.

Status: Draft continues to undergo changes.

KMVT report, January 29, 2024

https://www.kmvt.com

Feb 22, 2024

Emergency moratorium expires

The 182-day period ends before the permanent energy production ordinance is adopted.

Status: Temporary restrictions expire; permanent ordinance remains pending.

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Phase 2. Adoption of the permanent ordinance

Mar 8, 2024

Second public hearing on Ordinance 282

Commissioners review changes recommended by staff and Planning and Zoning.

Nathan Murray, representing Idaho Power, testifies concerning uncertainties in the proposed code. Idaho Power's position is described as primarily neutral but leaning toward support.

Several provisions are removed or modified based on concerns about compliance with Idaho law, including Idaho Code §§ 31-881 and 67-6535.

Status: Final revisions considered.

Official hearing minutes

Twin Falls County+1

Mar 8, 2024

Ordinance 282 adopted unanimously

The adopting ordinance specifically identifies its subject as:

THE REGULATION OF WIND AND SOLAR ENERGY PRODUCTION.

However, Chapter 21 retains a broader definition of large-scale energy projects and general permitting requirements.

Commissioners acknowledge outstanding concerns and commit to revisiting the ordinance in a future open meeting.

Status: Adopted, subject to publication requirements. Explicit references to gas-fired and coal-fired generating plants are absent.

March 2024 official minutes and adopting ordinance

Twin Falls County

Aug 5, 2024

Zoning definitions reviewed

Commissioners conduct a work session reviewing Title 8, Chapter 2, Definitions.

Status: Broader zoning code revision continues.

August 2024 commissioners' minutes

Twin Falls County

Aug 19, 2024

Ordinances 286 and 287 adopted

Ordinance 286 revises Chapter 1, Purpose and Scope. Ordinance 287 revises Chapter 20, Appeals.

Neither expressly repeals Chapter 21.

Status: Energy Production Chapter remains in the code.

Official commissioners' minutes, PDF pages 18–21

Twin Falls County

Phase 3. Subsequent status and development of South Hills

2025

Energy Production Chapter remains codified

No subsequent amendment or repeal of Chapter 21 was identified in the published code.

Status: Ordinance 282 remains the identified legislative authority for Chapter 21.

American Legal Publishing

Dec 19, 2025

Ordinance 292 adopted

Commissioners reorganize regulations concerning areas of city impact into Chapter 22.

Chapter 21 is not repealed by this ordinance.

Status: Energy production regulations remain published.

December 2025 commissioners' minutes

Twin Falls County

Mar 11, 2026

Idaho Power's application filed with IPUC

Case IPC-E-26-04 seeks certificates of public convenience and necessity for South Hills and Peregrine natural gas generating plants.

South Hills has a proposed generating capacity of 222 MW.

Status: State regulatory approval requested. County zoning compliance is a separate issue.

Official IPUC docket

IPUC

Jun 17, 2026

South Hills project receives local news coverage

The proposed facility consists of twelve natural gas-fired reciprocating engines occupying approximately 20 acres near Milner Dam.

Status: Proposed large-scale electrical generating facility.

KMVT report

https://www.kmvt.com

Nov 19, 2026

Current published regulatory status

The county's published code is current through Ordinance 292. Chapter 21 remains present, with no additional ordinances listed as pending codification.

Idaho Power's current project schedule anticipates submitting its county building permit in December 2026 and beginning site preparation in January 2027.

Status: Chapter 21 remains published. County conditional use permit status has not been established.

American Legal Publishing+2

4. What was changed, removed or retained?

Regulatory provision	2022 draft	2023 moratorium	2024 adopted code
Energy production regulations	Proposed	Temporary restrictions	Adopted
Natural gas turbines expressly identified	Yes	Not specifically named	No
Gas-fired electrical generation expressly identified	Yes	Not specifically named	No
Coal-fired power plants expressly identified	Yes	Not specifically named	No
Broad 10 MW generation threshold	No	Yes	Yes
Conditional use permit for large-scale projects	Proposed	Temporary moratorium	Required
Wind and solar acreage threshold	Different classification	100 acres	40 acres
Natural gas pipelines addressed separately	Yes	Utility restrictions addressed	Yes
Electrical generating project site review	Proposed regulatory framework	Not established	Required
Technology-specific gas generation standards	No dedicated standards	None	None

5. What the current ordinance actually requires

These are the most important surviving provisions.

§ 8-21-2: Large-scale energy projects

Projects capable of producing, as per nameplate capacity, ten (10) megawatts (MW) or more;

The alternative acreage threshold specifically addresses wind and solar. The capacity criterion does not expressly contain that limitation.

Definitions

American Legal Publishing

§ 8-21-3(A): Precedence over conflicting regulations

Chapter 21 expressly provides that its requirements govern when they conflict with other provisions of Title 8.

§ 8-21-3(B): Conditional use permit

The section requires a conditional use permit before construction or ground-disturbing activities associated with small-scale or large-scale energy projects.

§ 8-21-3(D): Site review

Electrical generating projects, substations and compressor stations are expressly subject to site review.

Permitting requirements
American Legal Publishing

6. Potential regulatory inconsistency involving South Hills

Minimum capacity under Chapter 21's large-scale definition10 MW

Proposed South Hills Power Plant capacity222 MW

22.2 times the threshold

If Chapter 21 applies to natural gas generation, the following requirements would be particularly significant:

- Conditional use permit.
- Planning and Zoning Commission review.
- Site review.
- Copies of applicable state and federal permit applications.
- Transportation impact plan.
- Fire protection plan.
- Site restoration plan.
- Decommissioning cost estimate.
- A performance bond equal to 125% of the estimated restoration cost.
- Written findings and compliance determinations.

These requirements appear in §§ 8-21-3 and 8-21-7.

American Legal Publishing+1

7. Outstanding investigative questions

Issue	Current finding
Was Chapter 21 repealed?	No repeal identified.
Was natural gas generation explicitly contemplated in 2022?	Yes.
Was the 2022 draft enacted?	Not established. The original document is watermarked DRAFT.
Were explicit gas generation references carried into Ordinance 282?	No.
Who removed those references?	Unknown.
When were they removed?	Between the 2022 draft and March 8, 2024 adoption.
Did Idaho Power participate in the 2024 hearing?	Yes.
Did Idaho Power request the removal of gas generation language?	No evidence established.
Did commissioners promise to revisit the ordinance?	Yes.
Did they subsequently fulfill that commitment?	Not established.
Has South Hills received a conditional use permit?	Not established.
Has the county issued a written exemption?	Not established.

8. Records that should be obtained immediately

The highest-priority records are every successive draft of Ordinance 282, including redlined versions, Planning and Zoning recommendations, staff correspondence, communications with Idaho Power, legal review records subject to disclosure, and recordings of the commissioners' work sessions between August 24, 2023, and March 8, 2024.

Additionally, the county should be asked to provide any written determination that Chapter 21 does not apply to natural gas generating facilities, together with any zoning classification, exemption, site review, conditional use permit or administrative determination specifically concerning South Hills.

Preliminary conclusion

Natural gas generation was not expressly exempted by Ordinance 282. Instead, explicit references to it disappeared between the 2022 draft and the 2024 adopted ordinance, while broad capacity-based definitions and permitting requirements remained.

That distinction is central to the investigation.

The county's adopting language supports a wind-and-solar interpretation, but the operative provisions support a broader interpretation covering electrical generating facilities. If the county intends to permit a 222 MW natural gas power plant solely as a public utility structure, it should explain how that determination reconciles with Chapter 21.

The legislative history establishes a legitimate regulatory question. It does not yet establish unlawful conduct, deliberate circumvention, or preferential treatment. Those conclusions require the missing draft revisions and the county's actual project-specific zoning determination.

END OF RESEARCH MEMO

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3. The Memo Mostly Holds

Status key: **Verified** means checked against the primary source in Part 2. **Corrected** means the source says something different. **Not verified** means this brief could not reach the source; treat it as a lead.

Memo claim	Status	Primary source and note
2022 draft 8-8B-1 names natural-gas turbines, coal-fired plants and gas-fired generation; other energy projects need a CUP	Verified	Exhibit A, printed pages 132-133. Also Ag zone conditional use "V. Power generation projects ... natural gas, etc." printed page 68. Draft is watermarked DRAFT and was never adopted.
Ord. 279 hearing notice issued Jul. 6, 2023	Verified	Exhibit B: notice "Dated this 6th day of July, 2023," signed by Chairman Don Hall, published July 13 and 20, 2023.
Jul. 26, 2023 board tabled the moratorium to Aug. 24	Verified	Exhibit B. Johnson moved, Reinke seconded, 3-0.
Aug. 24, 2023 Ord. 279 adopted 3-0; 182 days; 10 MW or 100 acres wind/solar	Verified	Exhibit C. Johnson moved, Reinke seconded. Section 4 exempts utility connections under 31-881.
Dec. 13, 2023 first hearing; Johnson wanted legal review; Hall said draft not ready; tabled	Verified	Exhibit E. Deadline noted: Feb. 22, 2024.
Work sessions Jan. 5 and Jan. 26, 2024	Verified	Exhibit F. Also a Dec. 22, 2023 work session (Exhibit E) the memo missed. KMVT story of Jan. 29, 2024 not verified.
Moratorium expired Feb. 22, 2024	Verified	182 days from Aug. 24, 2023; date stated in Exhibit E.
Mar. 8, 2024 Murray testified; Idaho Power "mainly neutral but leaning toward supporting"	Verified	Exhibit H, source PDF page 16.

Memo claim	Status	Primary source and note
Provisions removed for conflict with 31-881 and 67-6535	Verified	Exhibit H, page 18: language regarding Section "E" removed (67-6535); Paragraph "P" deleted (31-881).
Ord. 282 adopted 3-0; title says wind and solar; board committed to revisit	Verified	Exhibit H. Johnson moved, Reinke seconded; Hall chaired and signed.
8-21-2: large-scale is 10 MW nameplate or more, or 40 acres wind/solar	Verified	Exhibit G. The 10 MW test names no fuel.
8-21-3(A) Chapter 21 governs conflicts; (B) CUP required; (D) site review for electric generating projects, substations, compressor stations	Verified	Exhibit G.
8-21-5 zones list wind and solar only	Verified	Exhibit G. No zone is listed for any other large-scale project.
Bond of 125% of restoration cost and other requirements in 8-21-3 and 8-21-7	Verified	The 125% bond, updated every five years, is in 8-21-3. 8-21-7 holds general requirements such as access, dust, fire protection and wildlife.
Aug. 5, 2024 definitions work session; Aug. 19, 2024 Ords. 286 (Ch. 1) and 287 (Ch. 20)	Verified	Exhibit J. Further definitions sessions Aug. 20 and 27, 2024.
Dec. 19, 2025 Ord. 292 moved areas of impact to Ch. 22	Verified	Exhibit L.
Published code current through Ord. 292	Verified	Live American Legal Publishing page, Nov. 19, 2026: "Code current through: Ord. 292, passed 12-19-2025." An older cached copy read Ord. 287. Ordinance 294 (Aug. 2026) is not yet codified.
IPUC case IPC-E-26-04 filed Mar. 11, 2026; South Hills 222 MW	Verified in part	Idaho Power testimony is dated Mar. 10, 2026 (Exhibit S). 222 MW is Idaho Power's filed figure. Exact docketing date not checked.
KMVT Jun. 17, 2026: twelve engines on about 20 acres	Not verified as KMVT	Twelve engines on about 20 acres matches Idaho Power's own project materials reviewed earlier for the Milner series.
Building permit Dec. 2026, site prep Jan. 2027	Verified	Idaho Power's published schedule, reviewed Nov. 18-19, 2026.
1998 8-6B-3 lists hydroelectric plants as a conditional use with impact study	Verified	Twin Falls County Code on American Legal Publishing, read Nov. 19, 2026 (page not imaged; see Part 2 note).
8-2-2 defines PUBLIC as "Operated by a government entity"	Verified	Twin Falls County Code on American Legal Publishing, read Nov. 19, 2026 (page not imaged; see Part 2 note).
8-6E-2 Commercial: "Public buildings and public utility structures"	Verified	Still item 36 after Ord. 295, Aug. 26, 2026.
IBC 306.2 lists "Electric generation plants" as Group F-1; county adopted 2018 IBC	Verified	Exhibit Q; county statement in Exhibit O.
Idaho Code 67-6528 lets a specific IPUC order override conflicting local action, with conditions	Verified	Exhibit P. Requires a specific order and prior chance for the county to appear or consult. No final IPUC order on South Hills as of Nov. 19, 2026.
Bannock County "public utility" includes power plants	Verified	Exhibit R: "including power plants and substations, and pumping stations."
Other national examples (Deschutes, Bend, Chickamauga, Nottawa, Blaine, Latah, Buhl, Brunswick, Oak Hill, Pittsgrove, Maricopa and others)	Not verified	Leads only. Pittsgrove 60-99 exists by title; text not read. Do not quote these in print until each is pulled.

4. Planners Named Gas in 2022

The county posted a draft zone code in 2022 (file dated Aug. 26, 2022, author Jon Laux, watermarked DRAFT). Article B, Energy Production, split projects into two groups. Small wind and solar under 20 kilowatts got a staff permit. Everything else was an "other energy project," and the draft spelled out what that meant: "hydroelectric power generation; digesters; natural-gas powered turbines; geothermal energy production, oil wells; gas wells, coal-fired power plants; gas-fired electrical generational facilities; and other energy generation projects." It then said: "Other energy projects require conditional use permits issued by the Planning and Zoning Commission."[6]

The same draft moved power generation onto the Ag zone conditional-use list: "Power generation projects ... including wind, digesters, solar, hydro, geothermal, coal, natural gas, etc."[7] And it exempted the same three things the 2024 law later exempted: "natural gas project pipelines, petroleum project pipelines, and electric transmission or distribution lines." Chapter 21's first sentence is lifted almost word for word from this draft. The lineage is plain. The fuel list is what got dropped.

5. The Fuel List Disappeared

Idaho Code 31-881 took effect in 2023. It bars any county ordinance that "restricts, or has the effect of restricting, the source of the electricity" supplied by a public utility.[8]

On July 12, 2023, Chairman Hall met with Nate Murray of Idaho Power about the proposed moratorium. No agenda or notes for that meeting appear in the minutes.[9] At the July 26 hearing two weeks later:

- Hall opened by saying the moratorium "would not cover public utilities, federal land or small-scale energy projects."
- Community Development Director Jon Laux said staff would define a large-scale project "as it relates to solar, wind, hydroelectric and digester projects." Gas and coal, named in his department's 2022 draft, were not on the list.
- Jeff Maffuccio of Idaho Power said the company was not opposed, reminded the board of "the state code that restricts the County from creating code that affects a cooperative utility," and asked that Idaho Power "be included to provide input as the county drafts the code."
- Johnson moved to table; Reinke seconded; 3-0.

Ordinance 279, adopted Aug. 24, 2023, kept a fuel-neutral 10 MW test but added Section 4, exempting utility connections and the "source of the electricity" in the words of 31-881.[10] On its face the moratorium still caught a 10 MW gas plant. Hall's opening statement said it would not reach public utilities.

6. The Board Titled It Wind and Solar

At the Dec. 13, 2023 hearing Hall said the draft was "not ready for full consideration." Rocky Matthews, then on Planning and Zoning and a county employee attending on his own time, urged permitting "on a case by case basis." The board tabled it 3-0, then held work sessions Dec. 22, 2023

[6]Exhibit A, 2022 draft zone code, printed pages 132-133, 8-8B-1(A).
[7]Exhibit A, printed page 68, item V.
[8]Exhibit P, Idaho Code 31-881, added 2023, ch. 55.
[9]Exhibit B, source PDF page 31.
[10]Exhibit C, Ordinance 279, sections 2 and 4.

and Jan. 5 and Jan. 26, 2024.[11] The moratorium lapsed Feb. 22, 2024 with no permanent law in place.

On March 8, 2024 the board adopted Ordinance 282. Murray testified that Idaho Power's position was "mainly neutral but was leaning toward supporting the Ordinance" and that the code's unknowns "may not be known until the code is applied." The summary of changes removed language regarding Section "E" as a violation of Idaho Code 67-6535 and deleted Paragraph "P" because it "violated Idaho Code Section 31-881." Hall "committed the Board to readdressing the code and ordinance in an open meeting in the near future." Johnson moved, Reinke seconded, 3-0.[12]

The ordinance title reads "establishing Chapter 21 regarding the regulation of wind and solar energy production," and its finding of peril names only "unregulated wind and solar energy projects."

The minutes never say what Paragraph P said. The county's own posted drafts do. The Planning and Zoning recommendation of Oct. 12, 2023 lists the site-plan items an applicant must show, lettered a through w. Item p reads: "For wind and coal-fired power generation facilities, the direction of prevailing winds across the project area."[13] The Feb. 13, 2024 draft converts that list to numbers and drops it: baseline wildlife studies (old o) is followed directly by the permits list (old q).[14] So the paragraph the board called "not relevant" and a violation of 31-881 was a requirement to report wind direction at a coal plant. Asking which way smoke will blow does not restrict the source of anyone's electricity. It was the last place a fossil-fuel generating plant appeared by name in Chapter 21.

7. Chapter 21 Still Catches 222 MW

The operative text is broader than its title. Read straight through:

Section	What it says
8-21-1 Purpose	"This Chapter establishes the regulations and siting criteria for new and expanding energy generation projects in Twin Falls County."
8-21-2(B) Large-scale	"Projects capable of producing, as per nameplate capacity, 10 megawatts (MW) or more"; or 40+ acres harnessing wind or solar. The first test names no fuel.
8-21-3(A) Conflicts	Where Chapter 21 conflicts with other Title 8 provisions, "the requirements of this Chapter shall govern."
8-21-3(B) CUP	"A conditional use permit is required prior to commencing any construction or ground-disturbing activities" for small- and large-scale projects.
8-21-3(D) Site review	"Site review is required for proposed electric generating projects, substations, compressor stations."
8-21-4 Exemptions	Tracks 31-881: no rule may prohibit utility connections, restrict "the source of the electricity," or require a particular generation source. Pipelines and transmission lines named.
8-21-5 Zones	Lists where wind and solar projects may be conditionally permitted. Lists no zone for any other large-scale project.

The case that Chapter 21 covers South Hills. South Hills is a new energy generation project of 222 MW. That meets the 10 MW test. Subsection (B) requires a CUP; subsection (D) requires site review of "electric generating projects"; and subsection (A) says Chapter 21 wins any conflict with the Ag zone's item 6, "Public utility buildings and facilities."

[11]Exhibits E and F.
[12]Exhibit H, source PDF pages 16, 18, 19-20.
[13]Exhibit D, P&Z recommended Chapter 21 draft, Oct. 12, 2023, printed page 4.
[14]Exhibit G, proposed Chapter 21, printed page 5; Summary of Changes, page 1.

The county's likely answer. The title and findings say wind and solar; the zoning list in 8-21-5 covers only wind and solar; and 31-881 bars restricting the source of a utility's electricity. **The reply.** A title does not override operative text. And requiring a permit and a hearing for a plant is siting, not a restriction on fuel source; the county requires a CUP and an impact study for hydro plants (Twin Falls County Code 8-6B-3). If 8-21-5 lists no zone for a large gas plant, the Gardiner rule the county itself cites says a conditional use must be "permitted by the terms of the ordinance."[15] That cuts toward no plant without an amendment, not toward a plant with no review.

8. Idaho Power Says No CUP

Asked whether it had the permits it needs for South Hills, Idaho Power's witness answered: "At this time, a Conditional Use Permit is not required in Twin Falls County, only a building permit is required which will be obtained prior to commencement of construction activities."[16] An earlier version of Idaho Power's South Hills web page called power generation a permitted use at the Milner site. A search of 1,207 county records from January 2025 through Nov. 18, 2026 found no hearing, agenda item, vote or written determination on the plant. Idaho Power's schedule calls for a county building permit application in December 2026 and site preparation in January 2027.

9. The Rewrite Went to Batteries

Hall promised in March 2024 to revisit Chapter 21. The board, now Hall, Matthews and Reinke, held Chapter 21 work sessions on Jan. 23, Feb. 6, Feb. 18, March 20 and April 16, 2025. From February on the minutes title them "Chapter 21, Energy Ordinance - Battery Energy Storage System."[17] On Feb. 11, 2026 the 2026 board (Reinke, Matthews, Hawkins) "met with Nathan Murray, Idaho Power, to discuss Battery Storage Facilities." On April 20, 2026 they met Murray again for "an Idaho Power program update." On Oct. 13 and 14, 2026 Reinke "attended an Idaho Power tour."[18] No minutes in this record show the board taking up gas generation under Chapter 21. No amendment to Chapter 21 has been adopted.

10. Item 6 Survived August

On Aug. 26, 2026 the board repealed and replaced the Ag zone permitted-use list in Ordinance 294 (Matthews moved, Hawkins seconded, 3-0). It added a narrowly defined "Natural Fermentation" use and amended the definitions section. It carried "Public utility buildings and facilities" forward word for word from 1998 and left it undefined. Reinke said "the landscape has changed since 1997."[19] The board had the definitions section open and the Ag list open, with Idaho Power's gas plant on file at the IPUC since March.

11. The Building Code Calls It Industrial

The county says it enforces the 2018 International Building Code. IBC 306.2 lists "Electric generation plants" as a Group F-1, moderate-hazard factory industrial occupancy.[20] Building occupancy and zoning use are different questions, so this does not by itself require a CUP. It does

[15]Exhibit O, Twin Falls County Community Development Services page citing Gardiner v. Boundary County, 148 Idaho 764 (2010).
[16]Exhibit S, Hackett Direct, p. 30.
[17]Exhibit K.
[18]Exhibit M.
[19]Exhibit N, source PDF pages 5-7.
[20]Exhibit Q; county adoption statement in Exhibit O.

mean the county's own building officials must classify South Hills as an industrial plant while its zoning staff treat it as a farm-zone utility building. Ask for the occupancy classification on the building permit.

12. Other Counties Name Their Plants

Bannock County defines a public utility as structures furnishing electric power and others, "including power plants and substations, and pumping stations."[21] That is how a county says plants are in. Twin Falls County never wrote that sentence. Its 2022 draft wrote the opposite: plants need a CUP. The memo lists more examples both ways; they are leads until each is pulled and read (Section 3).

13. Five Commissioners, Four Years

Date	Who	What happened	Exhibit
Aug. 26, 2022 (file date)	CDS staff (Laux)	DRAFT zone code names natural gas, coal and gas-fired generation; requires CUP	A
2023	Legislature	Idaho Code 31-881 enacted (utility connections and source of electricity)	P
Jul. 12, 2023	Hall; Nate Murray, Idaho Power	Meeting "to discuss the proposed Large-Scale Energy Project Moratorium"	B
Jul. 26, 2023	Hall, Johnson, Reinke; Laux; Maffuccio (Idaho Power)	Hearing: moratorium "would not cover public utilities"; scope solar, wind, hydro, digester; Idaho Power asks for input; tabled 3-0	B
Aug. 24, 2023	Johnson moved, Reinke seconded	Ord. 279 moratorium, 182 days, 10 MW test, 31-881 carve-out, 3-0	C
Oct. 12, 2023	P&Z Commission	Recommends Chapter 21 draft; item p names coal-fired generation facilities	D
Dec. 13, 2023	Board; Matthews (P&Z) testifies	First Ord. 282 hearing; Hall: not ready; tabled 3-0	E
Dec. 22, 2023; Jan. 5 and 26, 2024	Board	Chapter 21 work sessions	E, F
Feb. 13, 2024	CDS staff	Revised draft and Summary of Changes posted; paragraph p deleted	G
Feb. 22, 2024	n/a	Moratorium expires with no permanent rule	E
Mar. 8, 2024	Johnson moved, Reinke seconded; Murray testifies	Ord. 282 adopted 3-0; Paragraph P cut for 31-881; Hall promises revisit	G, H
Aug. 5-27, 2024	Board	Definitions work sessions; Ords. 286 and 287 adopted Aug. 19	J
Jan. 23 to Apr. 16, 2025	Hall, Matthews, Reinke	Five Chapter 21 work sessions; battery storage	K
Dec. 19, 2025	Matthews moved, Reinke seconded	Ord. 292 (areas of impact)	L
Feb. 11, 2026	Reinke, Matthews, Hawkins; Murray	Meeting on battery storage facilities	M
Mar. 10, 2026	Idaho Power (Hackett)	Sworn: no CUP required "at this time," building permit only	S

[21]Exhibit R, Bannock County Zoning Ordinance 1998-1, page 19 of the PDF.

Date	Who	What happened	Exhibit
Apr. 20, 2026	Board; Murray	Idaho Power program update	M
Jun. 11, 2026	P&Z Commission	Recommends Ag zone and commercial text amendments	N
Aug. 26, 2026	Matthews moved, Hawkins seconded	Ord. 294 keeps item 6 unchanged, 3-0	N
Oct. 13-14, 2026	Reinke	Idaho Power tour	M
Nov. 19, 2026	n/a	Chapter 21 still published; online code current through Ord. 292 (Ord. 294 not yet codified); no CUP or written determination found	I

14. Nobody Signed the Cut

What changed	When	Known reason
Named fuels (natural gas turbines, coal plants, gas-fired generation) dropped	Between Aug. 2022 draft and Jul. 26, 2023 hearing	Not stated in any record found. Sequence: 31-881 enacted 2023; Hall meets Idaho Power Jul. 12; staff scope limited to solar, wind, hydro, digester by Jul. 26.
Ag zone conditional use "Power generation projects ... natural gas" never adopted	2022 draft not adopted; Ord. 294 (2026) re-adopts old list	Not stated. Chapter-by-chapter rewrite stalled after Chs. 1, 20, 22.
Moratorium scoped to exclude public utilities	Jul. 26, 2023 (Hall statement); Aug. 24, 2023 (Sec. 4 text)	Idaho Code 31-881, raised by Idaho Power at the hearing.
Language in Section "E" removed; Paragraph "P" deleted from Chapter 21 draft	Mar. 8, 2024	Board found E violated 67-6535 and P violated 31-881. P was the coal-plant wind-direction requirement (Exhibits D and G).
Title and findings limited to wind and solar	Mar. 8, 2024	Not stated; operative 10 MW test left fuel-neutral.

Why this came up now: Idaho Power filed for the South Hills plant in March 2026, swore no CUP is needed, and plans to apply for a building permit in December 2026. If Chapter 21 means what it says, that position is wrong and the county owes the public a CUP hearing and site review before any ground is disturbed.

15. Make Them Answer

Questions for the record

- Commissioner Hall: what did you and Nate Murray discuss on July 12, 2023, and who asked for the meeting?
- Who removed natural gas and coal from the energy production draft, on what date, and on whose recommendation?
- Why was the coal-plant wind-direction paragraph "not relevant," and how does a wind map restrict the source of a utility's electricity under 31-881? Who made that call?
- Has the Community Development Services director issued a written determination that South Hills is a "public utility building or facility," or that Chapter 21 does not apply to a 222 MW gas plant? Produce it.
- Under 8-21-3(A), Chapter 21 governs conflicts. Why does item 6 control instead?
- Will the county require site review under 8-21-3(D) for South Hills?
- What occupancy group will the building permit assign to the engine halls?

- Did Idaho Power give the county a chance to appear before the IPUC under 67-6528, and did the county take it?

Records to request

- Every draft and redline of Chapter 21 from Aug. 2022 through Mar. 8, 2024, and staff notes or emails on deleting Paragraph "P."
- Calendar entries, notes and emails for the July 12, 2023 Hall-Murray meeting and the Feb. 11, 2026 and April 20, 2026 Idaho Power meetings.
- Planning and Zoning Commission minutes for the Oct. 12, 2023 Chapter 21 recommendation.
- Work-session materials for Chapter 21 sessions in 2023, 2024 and 2025, including the battery storage drafts.
- Any zoning determination, pre-application meeting notes or correspondence on South Hills or Milner.
- The building permit application and plan review for South Hills when filed.

16. ChatGPT Checked It Too

On Nov. 19, 2026 the sixteen central claims of this brief were sent to ChatGPT (web search on) with instructions to check each against primary sources and mark it true, false or unverifiable. Results and how each was resolved:

No.	Claim	ChatGPT	Resolution
1	2022 draft 8-8B-1 names gas and coal generation; CUP required	True	No change.
2	Jul. 12, 2023 Hall-Murray meeting on moratorium	True	No change.
3	Jul. 26, 2023 hearing: utilities excluded, scope, Idaho Power input, tabled 3-0	True	No change.
4	Ord. 279: Aug. 24, 2023, 3-0, 182 days, 10 MW or 100 acres, 31-881 carve-out	True	No change.
5	Dec. 13, 2023 hearing tabled; Matthews testified	True	No change.
6	Ord. 282 adoption, title, Murray testimony, P and E removals, revisit promise	True, qualified	Minutes remove "language regarding Section E," not the whole section. Brief corrected.
7	Chapter 21: 10 MW, conflicts clause, CUP, site review	True	No change.
8	Five 2025 Chapter 21 work sessions, battery storage	True	No change.
9	Feb. 11, 2026 Murray meeting on battery storage	True	No change.
10	Ord. 294 keeps item 6 unchanged, 3-0	True	No change.
11	8-6B-3 hydro CUP; 8-2-2 PUBLIC definition	True	No change.
12	31-881 and 67-6528	True	ChatGPT notes 67-6528 allows the county to appear or consult. Brief already says so.
13	IBC 306.2 F-1 lists electric generation plants	True	No change.
14	Bannock "public utility" includes power plants	True	ChatGPT ties it to Amendment 30, Ord. 2015-5. No change.

No.	Claim	ChatGPT	Resolution
15	Hackett testimony: no CUP at this time	Cannot verify	ChatGPT could not load the filing. The page image in Exhibit S comes from the filed testimony. No change.
16	Online code current through Ord. 287	False	Confirmed on the live page: current through Ord. 292, passed 12-19-2025. Brief corrected; the research memo was right on this point.

GLOSSARY

Term	Meaning in this brief
BOCC	Twin Falls County Board of County Commissioners.
CDS	Twin Falls County Community Development Services, the planning and building department.
Conditional use permit (CUP)	Permission for a listed use after application, public notice and a hearing, with conditions.
Permitted use	A use allowed by right in a zone. No CUP and no hearing; a building permit only.
Item 6	"Public utility buildings and facilities," number 6 on the Ag zone permitted-use list, 8-6B-2.
Chapter 21	Title 8, Chapter 21, Energy Production, adopted by Ordinance 282 on March 8, 2024.
Large-scale energy project	Under 8-21-2, a project of 10 MW nameplate or more, or 40+ acres of wind or solar.
Nameplate capacity	The maximum rated output a manufacturer assigns to generating equipment.
MW	Megawatt, one million watts.
Moratorium	A temporary halt on permits under Idaho Code 67-6523, used here for 182 days in 2023-2024.
Site review	Review required by 8-21-3(D) for electric generating projects, substations and compressor stations.
BESS	Battery energy storage system.
IPUC	Idaho Public Utilities Commission.
IPC-E-26-04	The IPUC case in which Idaho Power seeks approval for the South Hills and Peregrine gas plants.
31-881	Idaho Code section barring local rules that block utility connections or restrict a utility's electricity source.
67-6528	Idaho Code section letting a specific IPUC order override conflicting local action, if the local agency first had a chance to appear.
Gardiner rule	Gardiner v. Boundary County, 148 Idaho 764 (2010): only conditional uses permitted by the ordinance's terms may be granted.
Group F-1	IBC moderate-hazard factory industrial occupancy, which lists electric generation plants.
DRAFT zone code	The county's 2022 proposed rewrite of Title 8, never adopted as a whole.

SOURCES AND CITATIONS

1. Twin Falls County, TFCO Zone Code 2022 (DRAFT). https://twinfallscounty.org/wp-content/uploads/TFCO-ZONE-CODE-2022.pdf

2. Twin Falls County BOCC minutes, July 2023. https://twinfallscounty.org/wp-content/uploads/July-2023.pdf

3. Twin Falls County BOCC minutes, August 2023. https://twinfallscounty.org/wp-content/uploads/August-2023.pdf

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5. Twin Falls County BOCC minutes, January 2024. https://twinfallscounty.org/wp-content/uploads/January-2.pdf

6. Twin Falls County BOCC minutes, March 4-8, 2024. https://twinfallscounty.org/wp-content/uploads/Mar-04-Mar-08.pdf

7. Twin Falls County Code, Ordinance 282 and Chapter 21. https://codelibrary.amlegal.com/codes/twinfallscountyid/latest/twinfallscounty_id/0-0-0-5265

8. Twin Falls County BOCC minutes, August 2024. https://twinfallscounty.org/wp-content/uploads/August-2024.pdf

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12. Twin Falls County BOCC minutes, Aug. 24-28, 2026 (Ordinances 294 and 295).

13. Twin Falls County Code, Title 8 as posted by the county (Sterling Codifiers print, 11/27/2019). https://2020.twinfallscounty.org/wp-content/uploads/2019/11/TFCO-Title-8.pdf

14. Twin Falls County Code cover page, "Code current through: Ord. 292, passed 12-19-2025" (live page, Nov. 19, 2026). https://codelibrary.amlegal.com/codes/twinfallscountyid/latest/twinfallscounty_id/0-0-0-1

15. Twin Falls County Community Development Services page (Gardiner; 2018 IBC). https://twinfallscounty.org/community-development-services/

16. Idaho Code 31-881. https://legislature.idaho.gov/statutesrules/idstat/Title31/T31CH8/SECT31-881/

17. Idaho Code 67-6528. https://legislature.idaho.gov/statutesrules/idstat/Title67/T67CH65/SECT67-6528/

18. Washington WAC 51-50-0306 (adopting IBC 306.2 text). https://lawfilesext.leg.wa.gov/Law/WACArchive/2024/htm/WAC%20%2051%20-%2050%20%20CHAPTER/WAC%20%2051%20-%2050%20-0306.htm

19. International Code Council, IBC Chapters 3-6 code analysis session slides. https://www.iccsafe.org/wp-content/uploads/Session-27-and-55-IBC-Ch.-3-6_Code-Analysis-and-Provisions.pdf

20. Bannock County Zoning Ordinance 1998-1 (updated 3.11.2025). https://www.bannockcounty.gov/wp-content/uploads/2023/04/BANNOCK-COUNTY-ZONING-ORDINANCE-1998-1-updated-3.11.2025.pdf

21. Idaho Power, Hackett Direct Testimony, IPUC Case IPC-E-26-04, Mar. 10, 2026, p. 30.

22. Boise State Public Radio, "Twin Falls County to consider moratorium on big renewable energy projects," June 30, 2023. https://www.boisestatepublicradio.org/news/2023-06-30/twin-falls-county-renewable-energy-projects

23. Gardiner v. Boundary County, 148 Idaho 764 (2010).

24. Twin Falls County, Notice of Public Hearing, Ordinance 279, dated July 6, 2023. https://twinfallscounty.org/wp-content/uploads/Large-Scale-Energy-Projects-Moratorium-Notice.pdf

25. Twin Falls County, Chapter 21 Energy Production, P&Z Recommendation 10.12.23 (.docx). https://twinfallscounty.org/wp-content/uploads/Chapter*21*Energy*Production*PZRecommendation_10.12.23.docx

26. Twin Falls County, Proposed Draft Ch. 21 Energy Production (posted Feb. 13, 2024). https://twinfallscounty.org/wp-content/uploads/Proposed-Draft-Ch-21-Energy-Production.pdf

27. Twin Falls County, Summary of Changes to proposed Energy Production Code (posted Feb. 13, 2024). https://twinfallscounty.org/wp-content/uploads/Summary-of-Changes-to-proposed-Energy-Production-Code.pdf

PART 2: THE EVIDENCE

Every exhibit below is an image of the original record: board minutes and ordinances as the county posted them, the county's own drafts, and screenshots of live government web pages. Each sits inside a heavy outlined box so it is obvious the page is a reproduced source document. The caption gives the source page and, where the original prints one, its printed page number. The brief page number is at the bottom of every page. Yellow highlighting was added to point to the passages cited in Part 1.

Exhibit	Contents	Pages
A	2022 DRAFT zone code: gas named, CUP required	3 images
B	Moratorium hearing notice, July 2023	5 images
C	BOCC minutes, Aug. 24, 2023: Ordinance 279	5 images
D	P&Z recommended Chapter 21 draft, Oct. 12, 2023 (county .docx rendered to page)	1 image
E	BOCC minutes, December 2023	4 images
F	BOCC minutes, January 2024	2 images
G	Proposed Chapter 21, posted Feb. 13, 2024 for the Mar. 8 hearing	8 images
H	BOCC minutes, March 4-8, 2024: Ordinance 282	8 images
I	Published county code status (American Legal Publishing)	1 image
J	BOCC minutes, Aug. 19, 2024: Ordinances 286 and 287	2 images
K	BOCC minutes, Jan. to Apr. 2025: Chapter 21 work sessions	5 images
L	BOCC minutes, Dec. 19, 2025: Ordinance 292	1 image
M	BOCC minutes, 2026: meetings with Idaho Power	4 images
N	BOCC minutes, Aug. 26, 2026: Ordinance 294	3 images
O	County Community Development Services page	2 images
P	Idaho Code 31-881 and 67-6528	2 images
Q	IBC 306.2 Group F-1, as adopted in WAC 51-50-0306	1 image
R	Bannock County Zoning Ordinance 1998-1, definitions	1 image
S	Idaho Power testimony, IPUC Case IPC-E-26-04, p. 30	1 image

Not imaged. Three county code provisions cited in Part 1 come from the official online code at American Legal Publishing, which would not hold still long enough to screenshot on Nov. 19, 2026: 8-6B-3 (Ag zone conditional uses, including "Hydroelectric power plants. (Impact study required.)"), 8-9-13 (poles and wires) and 8-2-2 (PUBLIC: "Operated by a government entity"). Print those three pages from codelibrary.amlegal.com before publishing and add them as Exhibit T.

Exhibit A: 2022 DRAFT zone code: gas named, CUP required

EXHIBIT A-1 2022 DRAFT zone code: gas named, CUP required

Image of the original source. Source PDF page 68 of 248 (printed page 68). Yellow highlighting added; otherwise unaltered.

J. Small animal feeding operations.
K. Solar panels with a combined nameplate capacity of twenty or fewer kilowatts.
L. Wind turbine: A single wind turbine with a nameplate capacity of twenty (20) or fewer kilowatts.

8-6A-3: **CONDITIONAL USES:** A conditional use permit allowing one or more of the following uses may be granted by the Commission after an application is submitted and a determination of compliance with Chapter 10 and other relevant chapters of this Title is made. The use of the land must be determined to be appropriate at the proposed location and to not have an unreasonable adverse effect upon adjoining land. Special or additional sanitation facilities, landscaping, developed recreation facilities, reduced density, level of maintenance standards, parking, etc., may be required as conditions of the approval.

A. Accessory buildings and structures with a total footprint of greater than three thousand (3,000) square feet.
C. Agricultural support business/operation: Sprinkler or pipe sales, tractor repairs, welding shops, co-op crop storage facilities (such as beans, grain, or potatoes), veterinary clinics, and similar businesses that are necessary for the support of agriculture.
D. Aircraft landing areas.
E. Bed and breakfasts.
F. Cemeteries, mausoleums, and crematories.
G. Commercial stables.
H. Conditional use land division (a one-time division of land from a conforming forty (40) acre parcel for a single-family dwelling provided that the parcel under consideration for a single-family dwelling meets the "infill" definition: it consists of outcrops and poor ground that cannot be farmed).
I. Daycares.
J. Electrical substations.
K. Fairgrounds and rodeo grounds.
L. Gravel, sand, and clay pits.
M. Greenhouses or nurseries.
N. Group homes.
O. Home occupations.
P. Houses of worship, monasteries, parish halls, and parsonages.
Q. Kennels.
R. Large animal feeding operations.
S. Mines, oil wells, and gas wells.
T. Parking lots and accessory structures in connection with allowed or existing uses.
U. Public parks, public recreation grounds, and public recreation buildings.
V. Power generation projects (other than a single wind turbine with a nameplate capacity of twenty or fewer kilowatts or solar panels with a combined nameplate capacity of twenty or fewer kilowatts) including wind, digesters, solar, hydro, geothermal, coal, natural gas, etc.
W. Railroad tracks, spurs, switches and facilities.
X. Signs.
Y. Temporary living quarters.

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Source: https://twinfallscounty.org/wp-content/uploads/TFCO-ZONE-CODE-2022.pdf Retrieved Nov. 19, 2026.

EXHIBIT A-2 **2022 DRAFT zone code: gas named, CUP required**

Image of the original source. Source PDF page 132 of 248 (printed page 132). Yellow highlighting added; otherwise unaltered.

CHAPTER 8

SPECIFIC USE STANDARDS

ARTICLE B: ENERGY PRODUCTION

SECTION:

8-8B-1: Purpose
8-8B-2: Small-Scale Wind Turbines
8-8B-3: Small-Scale Solar Panels
8-8B-4: Permit Process for Small-Scale Wind Turbine or Solar Panel Projects
8-8B-5: General Standards for Other Energy Projects
8-8B-6: Standards for Utility-Scale Wind Projects
8-8B-7: Standards for Utility-Scale Solar Projects
8-8B-8: Conditional Use Permit Process for Energy Projects
8-8B-9: Penalties

8-8B-1: PURPOSE:

A. This Article establishes the regulations and siting criteria for new and expanding energy generation projects in the zones of Twin Falls County where such projects are allowed. The regulations contained herein are designed to protect and promote the public health, safety, and community welfare of Twin Falls County; to promote the proper location and development of such projects based on the effective use of local resources; and avoid unreasonable adverse impacts on the use and peaceful enjoyment of nearby lands for lawful purposes. Energy production projects are divided into two groups: Small-scale wind turbine and solar panel projects which produce a nameplate capacity of twenty (20) or fewer kilowatts total, and other energy projects. Other energy projects include utility-scale wind turbine projects (with a total nameplate capacity of over twenty (20) kilowatts); utility-scale solar panel projects (with a total nameplate capacity of over twenty (20) kilowatts); hydroelectric power generation; digesters; natural-gas powered turbines; geothermal energy production, oil wells; gas wells, coal-fired power plants; gas-fired electrical generational facilities; and other energy generation projects. Small-scale wind and solar projects require permits issued by the Community Development

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Source: https://twinfallscounty.org/wp-content/uploads/TFCO-ZONE-CODE-2022.pdf Retrieved Nov. 19, 2026.

EXHIBIT A-3 **2022 DRAFT zone code: gas named, CUP required**

Image of the original source. Source PDF page 133 of 248 (printed page 133). Yellow highlighting added; otherwise unaltered.

Services Director. Other energy projects require conditional use permits issued by the Planning and Zoning Commission.

B. The following are not considered energy production projects and no permit or conditional use permit is required for them: natural gas project pipelines, petroleum project pipelines, and electric transmission or distribution lines.

8-8B-2: SMALL-SCALE WIND TURBINES

A. Small wind turbines (nameplate capacity of twenty (20) or fewer kilowatts) are an allowable accessory use in all zones, subject to the following:
   1. Automatic Over-Speed Controls: All installations shall be equipped with manual-electronic or mechanical and automatic over-speed controls to limit the blade rotation speed to within the design limits of the system.
   2. Blade Clearance: There shall be a minimum of twenty (20) feet between the ground and the lowest point of the rotor blade. No blades may extend over parking areas, driveways, or sidewalks.
   3. Height: Towers shall not exceed a total height of sixty (60) feet in the Rural Residential Zone or one hundred twenty-five (125) feet in all other zones (measuring from the natural ground level to the apex of the turbine blade).
   4. Interference Avoidance: No installations shall be in any location where their proximity would interfere with existing fixed broadcast, retransmission, or reception antenna. This includes interference with residential radio, television, wireless phone, or other personal communication system reception or in any location along the major axis of an existing microwave communication link where its operation is likely to produce electromagnetic interference in the link's operation.
   5. Lighting and Marking: Lighting and marking shall be in accordance with state and federal law.
   6. Noise: Noise shall not exceed fifty (50) decibels at the property boundary except for short intervals during events such as utility outages and severe windstorms.
   7. Number: Limit of one (1) unit per parcel.
   8. Rotor Diameter: The maximum rotor diameter (the cross-sectional dimension of the circle swept by the rotating blades) shall not exceed fifteen (15) feet.
   9. Security: The tower shall be designed to deter unauthorized access, with a minimum of twelve (12) feet from the ground to the bottom of the ladder or other access method.
   10. Setbacks:
      a. Wind turbines shall be set back a distance equal to one hundred twenty-five (125) percent of the total height, measured from the natural ground level to the tip of the turbine blade at its apex, and the rotor swept area, from all property boundaries, overhead utility lines, and private or public roads or rights-of-

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Source: https://twinfallscounty.org/wp-content/uploads/TFCO-ZONE-CODE-2022.pdf Retrieved Nov. 19, 2026.

Exhibit B: Moratorium hearing notice, July 2023

EXHIBIT B-1 Moratorium hearing notice, July 2023

Image of the original source. Source PDF page 1 of 1 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

Notice of Public Hearing

You are hereby notified that on Wednesday the 26th day of July, 2023, at 1:30 p.m., the Twin Falls County Board of Commissioners will hold a public hearing to consider proposed ***Ordinance #279*** DECLARING A MORATORIUM UPON THE ISSUANCE OF PERMITS FOR LARGE SCALE ENERGY PROJECTS; DIRECTING EFFORTS TO CREATE A PLAN TO ADDRESS THE PROBLEM; PROVIDING AN EFFECTIVE DATE; AND DECLARING THE SUBORDINATION OF ALL ORDINANCES, RESOLUTIONS, AND ORDERS IN CONFLICT HEREWITH.

The hearing will be held in the Commissioners Meeting Room, 630 Addison Ave. West, 2nd Floor, Twin Falls, Idaho. Any person needing special accommodations to participate in the above noticed hearing should contact Twin Falls County Commissioners by July 24, 2023. Comments can be e-mailed to commiss@tfco.org, faxed to 208.736.4176 or mailed to: Twin Falls County Commissioners' Office, P. O. Box 126, Twin Falls, ID 83303 prior to the hearing.

Dated this 6th day of July, 2023.

Don Hall, Chairman

ATTEST:

Kristina Glascock, Clerk

Publish: Thursday, July 13, 2023
Thursday, July 20, 2023

Source: https://twinfallscounty.org/wp-content/uploads/Large-Scale-Energy-Projects-Moratorium-Notice.pdf Retrieved Nov. 19, 2026.

EXHIBIT B-2 **BOCC minutes, July 2023**

Image of the original source. Source PDF page 31 of 61 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

ABSENT: None.

STAFF: Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS
Commissioner Reinke attended a Unity Alliance of Southern Idaho meeting
Commissioner Hall met with Elaine Molignoni, HR Director, and Val Stotts, Safe House Director, to discuss staffing.
Commissioner Hall attended a South Central Behavioral Health Board meeting.
Commissioner Johnson attended a SIRCOMM meeting.
Commissioner Hall met with Nate Murray, Idaho Power, to discuss the proposed Large-Scale Energy Project Moratorium.
Commissioner Reinke attended a Pest Abatement District Board meeting.
Commissioner Reinke 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., July 13, 2023, 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 JULY MEETING
July 13, 2023, 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 July 12, 2023.

PRESENT: Commissioner Jack Johnson, and Commissioner Don Hall.

ABSENT: Commissioner Brent Reinke.

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 update.
Commissioners met with Ben Anderson, Public Defender, to discuss staffing.
Commissioner Hall met with Cody Cantrell, Veterans Service Officer, for a monthly department update.
Commissioners attended a Tri Soil and Water Conservation Districts summer picnic.

In the Matter of CONSENT AGENDA

Source: https://twinfallscounty.org/wp-content/uploads/July-2023.pdf Retrieved Nov. 19, 2026.

EXHIBIT B-3 **BOCC minutes, July 2023**

Image of the original source. Source PDF page 48 of 61 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of July 25, 2023.

PRESENT: Commissioner Jack Johnson, Commissioner Don Hall, and Commissioner Brent Reinke.

ABSENT: None.

STAFF: Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS
Commissioner Reinke attended a Southern Idaho Solid Waste meeting.
Commissioner Hall attended a South Central Behavioral Health Board meeting.
Commissioner Hall attended a Rotary Club meeting.
Commissioners attended a joint city/county meeting at PK's Pasta Palace in Buhl.

In the Matter of ORDINANCES
Commissioners conducted a public hearing to consider a proposed moratorium on Large Scale Energy Projects and Ordinance #279 for the same.

Commissioner Hall opened the public hearing at 1:30 p.m.

Commissioner Hall reviewed the items to be considered for the proposed moratorium. Commissioner Hall noted that the moratorium would not cover public utilities, federal land or small-scale energy projects such as a home or irrigation system.

Commissioner Hall reviewed the laws that the Board would be considering

Commissioner Hall swore in all parties to give testimony.

Jeff Maffuccio, Idaho Power
Dean Diamond
Diana Nielson
Kim Bracket
Jon Laux, Community Development Director
Laura Wilson, Planner

Laura Wilson, Planner and Jon Laux, Community Development Director, stated that the County does not currently have codes to address the large-scale energy projects and it is necessary as the County moves forward. Mr. Laux stated that his department is working on the definition of a large-scale energy project and will define that as it relates to solar, wind, hydroelectric and digester projects. Mr. Laux reviewed the department suggestions with the Board. Mr. Laux noted that there are a few large-scale energy projects that have been built in the County and there are not specific county codes to address future projects. Mr. Laux reviewed the services that are impacted by the

Source: https://twinfallscounty.org/wp-content/uploads/July-2023.pdf Retrieved Nov. 19, 2026.

EXHIBIT B-4 **BOCC minutes, July 2023**

Image of the original source. Source PDF page 49 of 61 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

large-scale energy projects that would need to be considered. Mr. Laux noted a moratorium is necessary to give time to address concerns while the code is being drafted. Mr. Laux noted that the projects impact wildlife, water, roads, etc. that need to be addressed as well as removal bonds. Ms. Wilson noted the costs to remove a tower can be upwards of $10,000.00. There was a discussion on the wattage of the existing projects as well as the removal costs and remediation of the property upon removal. Commissioner Reinke noted that the Board needs to balance personal property rights as well as the rights of neighbors. Commissioner Hall noted that the County is not ready to regulate large-scale energy projects with the current code. Commissioner Johnson noted that it is important to have codes that will specifically address the upcoming energy projects with new technology as it evolves since the current code was written to address hydroelectric projects.

Commissioner Hall opened the public comment portion of the hearing at 1:55 p.m.

Kim Brackett spoke and noted that the energy projects are like the dairy projects that came into the county many years ago. Mrs. Brackett stated that she was not opposed to finding alternatives for energy but there needs to be structure to the projects. Mrs. Brackett suggested a siting team be used for the process. Commissioner Hall asked Mrs. Brackett if she felt the projects pose a danger to the public currently and Mrs. Brackett stated she did and felt property rights needed to be considered for surrounding neighbors.

Diana Nielson spoke and noted that she was involved with Simplot and the Jackpot Solar project. Ms. Nielson stated that the projects are confusing and the projects that were previously approved did not consider the impacts and they are paying taxes on ag preservation land instead of commercially zoned which puts costs on the taxpayers. The roadways are also impacted and need to be considered. Ms. Nielson requested a safe/trespass zone be included on wind turbines. Mrs. Nielson noted that there are currently significant lawsuits against wind and solar energy projects. Commissioner Hall asked Mrs. Nielson if she felt they posed a danger to the public and Mrs. Nielson stated she did due to the impact on neighbors that have moved to the area for the rural area. The projects have a lot of side effects that are still being discovered including the use of pfas which are a hazard to the public. Mrs. Nielson expressed concern about globalists coming into the area.

Jeff Maffuccio, Idaho Power, spoke and stated that they are not opposed to a moratorium, but just wanted to make sure the Board was aware of the state code that restricts the County from creating code that affects a cooperative utility. Mr. Maffuccio requested that the Board consider that when drafting the code. Mr. Maffuccio requested that Idaho Power be included to provide input as the county drafts the code. There was a discussion on what a cooperative utility is. Commissioner Hall asked Mr. Maffuccio if the large-scale energy projects pose an imminent danger to the public. Mr. Maffuccio stated he can only address it as it relates to Idaho Power and he believes they operate in a safe manner for Twin Falls County citizens.

Dean Diamond spoke and stated that the County should consider existing projects. Mr. Diamond stated that the County needed to consider how it would tax the property. Roads also need to be considered as the impact of bringing large towers through the county causes traffic issues. Mr. Diamond was in support of a moratorium until the County could put together requirements. Mr. Diamond also stated that he felt wind energy is old technology. Also, the county should include

Source: https://twinfallscounty.org/wp-content/uploads/July-2023.pdf Retrieved Nov. 19, 2026.

EXHIBIT B-5 **BOCC minutes, July 2023**

Image of the original source. Source PDF page 52 of 61 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

Mr. Levitt spoke and noted that contaminated water is a concern and that further contamination of the aquifer from the projects is a potential. Commissioner Hall asked Mr. Levitt if the large-scale energy projects pose an imminent danger to the public other than the water concern. Mr. Levitt stated that was his main concern.

Commissioner Hall noted that letters were received from several public agencies and multiple private individuals.

Commissioner Hall closed the public comment portion of the hearing at 3:20 p.m.

Commissioner Hall reviewed potential decision options with the Board.

Commissioner Johnson noted he was in support of tabling the decision to allow time to gather further information to define a large-scale energy project. Commissioner Reinke noted that there is a lot of concern and felt a moratorium was important but wasn't sure if the Board was ready to approve a moratorium at this time. Commissioner Hall stated that he felt the moratorium was necessary because the Board does not have the information to deal with the energy projects that are coming. The moratorium would give 182 days for the county to do further research and put the requirements in place. The Board does not want to prevent utilities from providing the public with necessary services, but, the public concerns are significant and it is necessary to have parameters in place to guide. Transportation, public health, water contaminants, and no-fly zones are concerning and need a moratorium. The Ordinance for the moratorium needs to be defensible but should be done as soon as possible.

Commissioner Johnson made a MOTION to table the proposed Moratorium on Large Scale Energy Projects Ordinance #279 to Thursday, August 24th at 10:00 a.m. Commissioner Reinke SECONDED. Discussion Commissioner Johnson noted it will give Planning and Zoning staff time to create definitions and to put the moratorium in place for 182 days will give time to create the ordinances necessary to regulate those projects. Commissioner Reinke stated the moratorium was necessary to gather further information. Commissioner Hall noted he was in support of the motion so the County can be better prepared. Motion Passed Unanimously.

There being no further business, the Board recessed until 8:00 a.m., July 27, 2023, 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 JULY MEETING
July 27, 2023, 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 July 26, 2023.

PRESENT: Commissioner Jack Johnson, Commissioner Don Hall, and Commissioner Brent Reinke.

Source: https://twinfallscounty.org/wp-content/uploads/July-2023.pdf Retrieved Nov. 19, 2026.

Exhibit C: BOCC minutes, Aug. 24, 2023: Ordinance 279

EXHIBIT C-1 BOCC minutes, Aug. 24, 2023: Ordinance 279

Image of the original source. Source PDF page 39 of 65 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

In the Matter of CONTRACTS
Commissioners considered Coronavirus Emergency Supplemental Funding Program Grant Award.

Gary Anderson, Research and Development Supervisor reviewed the Coronavirus Emergency Supplemental Funding Program Grant Award. Mr. Anderson noted the award would be used to purchase a body scanner for the Jail to help determine the health of inmates in the event of another pandemic situation as well as an x-ray to prevent inmates from bringing contraband into the Jail. Delivery and installation must occur by March 31, 2024. Commissioner Reinke noted that the grant was short timed and thanked Mr. Anderson for his dedication to getting the grant complete. Commissioner Hall noted that Legal reviewed the grant award. The equipment will help the jail be more efficient and safer. Lt. Chris Hogan noted that the equipment will help streamline the process of finding contraband and stopping the spread of illness. The equipment will increase the safety of staff and the inmates.

Commissioner Johnson made a MOTION to approve the Coronavirus Emergency Supplemental Funding Program Grant Award from the ISP for the thermal body scanner in the amount of $160,000.00 and authorize the Chairman to sign the documents on behalf of the Board. Commissioner Reinke SECONDED. Discussion Commissioner Johnson noted that the equipment will provide additional safety in the jail for both the inmates and the staff. Motion Passed Unanimously.

Commissioners considered a FY2024 Indigent Defense Financial Assistance Agreement.

Gary Anderson noted that the funds will help offset the tax burden of the county to help pay for public defense to persons that do not have the funds to pay for an attorney. Commissioner Hall noted that Public Defense will be turned over to the state in October 2024. Ben Anderson, Chief Public Defender noted that the funds will help provide representation for those clients that do not have the ability to procure their own representation.

Commissioner Reinke made a MOTION to approve the FY2024 Indigent Defense Financial Assistance Agreement in the amount of $714,946.00. Commissioner Johnson SECONDED. Discussion Commissioner Reinke noted that the county is working diligently to make a smooth transition to the state next year. Motion Passed Unanimously.

In the Matter of ORDINANCES
Commissioners conducted a public hearing to consider proposed Ordinance #279, Declaring a moratorium on issuing permits for large scale energy projects.

Commissioner Hall opened the public hearing at 10:20 a.m.

Commissioner Hall reviewed the statutes, ordinances and standards considered by the Board.

Commissioner Johnson swore in all parties giving testimony.

Source: https://twinfallscounty.org/wp-content/uploads/August-2023.pdf Retrieved Nov. 19, 2026.

EXHIBIT C-2 **BOCC minutes, Aug. 24, 2023: Ordinance 279**

Image of the original source. Source PDF page 40 of 65 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

Jon Laux, Community Development Director,
Laura Wilson, Community Development Planner,
Bob Templeman, Mayor City of Filer
Adrian Arp, Citizen

Jon Laux, Community Development Director presented the Board with a definition of large-scale energy projects. Mr. Laux noted that he believes the definition meets IC 31-881 and recommended that the Board approve a 182-day emergency moratorium. Mr. Laux noted the moratorium will give the county time to draft code to deal with large-scale energy projects. It was the opinion of Mr. Laux that the unregulated siting and operation of these projects pose an imminent peril to the public health, safety, and welfare of the citizens of Twin Falls County.

Bob Templeman, Mayor City of Filer spoke and noted that he and the City of Filer agree with and support the moratorium.

Adrian Arp, spoke in support of the moratorium. Mr. Arp expressed his concern for the aquifer and water supply to the community. Mr. Arp noted the projects do not benefit the environment nor reduce carbon dioxide and thanked the Board for the moratorium.

Commissioner Hall swore in Diana Nielsen, Julie Dewalt-Arroyo.

Diana Nielsen spoke in support of the moratorium. Ms. Nielsen made recommendations to the Board on items to consider when drafting the code.

Julie Dewalt-Arroyo spoke in support of the moratorium and noted that she lives close to the proposed Lava Ridge. She is not a resident of Twin Falls County but appreciates the Board considering the moratorium. Ms. Dewalt-Arroyo expressed concern for communication issues that need further exploration. Ms. Dewalt-Arroyo also requested the Board consider the potential for sale of these types of projects to foreign countries.

Commissioner Hall closed the public hearing at 10:40 a.m.

The Board discussed the definition of "large-scale projects" and agreed with the definition. The Board also discussed the imminent peril to the public health, safety and welfare of the citizens that these projects present. The current county code does not address the regulation of large-scale energy projects and needs to be updated. An Emergency Moratorium is necessary to address these issues. Commissioner Reinke noted that an emergency moratorium will only be for 182 days which will give the county time to update the code related to these types of projects.

Commissioner Johnson made a MOTION to approve Ordinance #279 declaring an emergency moratorium for no more than 182 days. Commissioner Reinke SECONDED. Discussion Commissioner Johnson read the proposed Ordinance for the record. Commissioner Hall noted that Ordinance does not regulate projects on state of federal land, only private. The County does not have jurisdiction over state or federal land so those large-scale projects still need to be followed. The Ordinance will be repealed once the county code is updated. Motion Passed Unanimously.

Source: https://twinfallscounty.org/wp-content/uploads/August-2023.pdf Retrieved Nov. 19, 2026.

EXHIBIT C-3 **BOCC minutes, Aug. 24, 2023: Ordinance 279**

Image of the original source. Source PDF page 41 of 65 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

TWIN FALLS COUNTY, STATE OF IDAHO
EMERGENCY MORATORIUM
ORDINANCE NO. 279

AN ORDINANCE OF TWIN FALLS COUNTY, IDAHO, DECLARING A MORATORIUM UPON THE ISSUANCE OF PERMITS FOR LARGE SCALE ENERGY PROJECTS; DIRECTING EFFORTS TO CREATE A PLAN TO ADDRESS THE PROBLEM; PROVIDING AN EFFECTIVE DATE; AND DECLARING THE SUBORDINATION OF ALL ORDINANCES, RESOLUTIONS, AND ORDERS IN CONFLICT HEREWITH.

WHEREAS, the Board of County Commissioners (Board) is tasked with providing for the health, safety and general welfare of the citizens of Twin Falls County; and

WHEREAS, one of the primary and essential services provided by Twin Fall County is the power to enact zoning ordinances; and

WHEREAS, for the purpose of this Moratorium, Large-scale energy projects are defined as projects capable of producing, as per nameplate capacity, 10 megawatts (MW) or more; or projects that encumber 100 or more acres of land that produces power via the harnessing of wind or solar energy for transmission or storage; and

WHEREAS, unregulated large-scale energy projects present an imminent peril to the public health, safety, and welfare of the citizens of Twin Falls County; and

WHEREAS, Idaho Code section 67-6523 authorizes the County to adopt emergency moratoriums if the Board of County Commissioners finds that there is an imminent peril to the public health, safety, and welfare; and

WHEREAS, the Board of County Commissioners may, upon such finding, proceed to adopt a moratorium responding thereto; and

WHEREAS, the adoption of a moratorium may be accomplished upon abbreviated notice of hearing as the Board of County Commissioners deems practical; and

WHEREAS, pursuant to the requirements of Idaho law, notice of a hearing and an agenda regarding whether to adopt a moratorium was properly posted; and

WHEREAS, upon conducting said hearing, the Board of County Commissioners has determined a moratorium is necessary.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TWIN FALLS, STATE OF IDAHO, AS FOLLOWS:

1. Based on the above recitals and the facts and circumstances set forth therein, the Board finds that there is an imminent peril to the public health, safety, and welfare of the citizens

Source: https://twinfallscounty.org/wp-content/uploads/August-2023.pdf Retrieved Nov. 19, 2026.

EXHIBIT C-4 **BOCC minutes, Aug. 24, 2023: Ordinance 279**

Image of the original source. Source PDF page 42 of 65 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

of Twin Falls County posed by the continued unregulated placement of large-scale energy projects. Specifically, the Board finds that the unregulated siting and operation of large-scale energy projects will pose the following perils to the public health, safety, and welfare of the citizens of Twin Falls County:

a. View sheds;
b. Water quality;
c. Environmental impact;
d. Increased Traffic;
e. Public Health;
f. Wear and tear on County roads;
g. Decommission bonds; and
h. Impacts on the aquifer;

2. The foregoing recitals, being a true and accurate description of an imminent peril to the public health, safety, and welfare of the citizens of Twin Falls County, a moratorium is hereby imposed upon the receipt, processing, and approval of applications for large scale energy projects. This moratorium shall be in place for a period of one hundred and eighty-two (182) days following adoption of this moratorium.

3. This moratorium shall not apply to any permit that has already been issued, nor shall it apply to any permit for which any related application has been requested from, filed with, or issued by the Board. This limitation shall not prohibit Twin Falls County from exercising the control it is otherwise authorized to exercise over any such permit or construction project.

4. This moratorium shall not apply to the authorized connection or reconnection of an electric, natural gas, propane, or other energy utility service provided by a public utility, municipality, or cooperative utility or restricts the source of the electricity, natural gas, propane, or other energy utility service provided by a public utility, municipality, or cooperative utility in violation of Idaho Code § 31-881.

5. During the moratorium, the County and its personnel shall begin to work on a permanent solution to the problems addressed by this moratorium and to provide a plan within the next one hundred and eighty-two (182) days to abate the problems identified herein.

6. This moratorium shall be in full force and effect immediately upon the date of its passage.

7. This moratorium is hereby declared to be severable. If a portion hereof is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and this ordinance shall be read to carry out the purposes of this moratorium before the declaration of partial invalidity.

Source: https://twinfallscounty.org/wp-content/uploads/August-2023.pdf Retrieved Nov. 19, 2026.

EXHIBIT C-5 **BOCC minutes, Aug. 24, 2023: Ordinance 279**

Image of the original source. Source PDF page 43 of 65 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

8. If a conflict exists between this moratorium and any other ordinance, resolution, or order of the Twin Falls County Board of County Commissioners, this moratorium shall control until its expiration or termination by the Board.

DATED this 24th day of August, 2023.

TWIN FALLS COUNTY BOARD OF COMMISSIONERS

/s/ Don Hall
Don Hall, Chairman

/s/ Jack Johnson
Jack Johnson, Commissioner

ATTEST:

/s/ Brent Reinke
Brent Reinke, Commissioner

/s/ Jame Kaye Archibald for
Kristina Glascock, Clerk

There being no further business, the Board recessed until 8:00 a.m., August 25, 2023, 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 AUGUST MEETING
August 21, 2023, 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 August 18, 2023.

PRESENT: Commissioner Jack Johnson, and Commissioner Don Hall.

ABSENT: Commissioner Brent Reinke.

STAFF: Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS
Commissioners met with office staff for a weekly department meeting.
Commissioners met with Legal for a weekly department meeting.
Commissioner Johnson attended a Castleford Men's Club meeting.
Commissioner Hall attended an Urban Renewal Agency 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.

Source: https://twinfallscounty.org/wp-content/uploads/August-2023.pdf Retrieved Nov. 19, 2026.

Exhibit D: P&Z recommended Chapter 21 draft, Oct. 12, 2023 (county .docx rendered to page)

EXHIBIT D-1 **P&Z recommended Chapter 21 draft, Oct. 12, 2023 (county .docx rendered to page)**

Image of the original source. The county posted this draft as a Word file; it is shown here as Word lays it out, printed "Page 4 | 17". Yellow highlighting added; otherwise unaltered.

a. Property lines and improvements located on the subject property including the location, dimensions, and types of existing major structures, including the septic tank and drain fields, canals, laterals, easements, etc.;

b. Project boundaries;

c. Location of the proposed project describing the method and location of mounting required including (as applicable) towers, foundations, guy anchors, and/or associated equipment;

d. Proposed height and setback for all project equipment;

e. The right-of-way of any public road this is contiguous with the property and any overhead utility lines;

f. The location of any nearby or adjacent scenic corridors, wildlife corridors, and other environmentally sensitive areas;

g. The location of any nearby, adjacent, or onsite historic, cultural, or archeological resources;

h. The location, height, and dimensions of all existing and proposed structures and fencing;

i. The location, grades, dimensions, and surfacing of all temporary and permanent on-site roads and access roads from the nearest public road;

j. State and federal resources, lands, and other protected areas near the project site;

k. Existing topography with contours at intervals that accurately depict the site, depending on the size and slope of the site;

l. Water bodies, waterways, canals, wetlands, and drainage channels;

m. The location of, and distances to, onsite and adjacent residences; and

n. The location and distance to airport influence areas;

o. Copies of all baseline wildlife studies applicable to the project site;

p. For wind and coal-fired power generation facilities, the direction of prevailing winds across the project area;

q. A list of permits, approvals, or other actions that the applicant has requested or will request from other government agencies or from public or privately-owned utility companies serving the site;

Proposed Draft

Source: https://twinfallscounty.org/wp-content/uploads/Chapter*21*Energy*Production*PZRecommendation_10.12.23.docx
Retrieved Nov. 19, 2026.

Exhibit E: BOCC minutes, December 2023

EXHIBIT E-1 BOCC minutes, December 2023

Image of the original source. Source PDF page 19 of 35 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

Twin Falls, Idaho
REGULAR DECEMBER MEETING
December 13, 2023, 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 December 12, 2023.

PRESENT: Commissioner Jack Johnson and Commissioner Don Hall, and Commissioner Brent Reinke.

ABSENT: None.

STAFF: Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS
Commissioners attended a Metropolitan Planning Organization Board meeting.
Commissioner Hall attended a South Central Behavioral Health Board meeting.
Commissioner Johnson attended a quarterly EMS Advisory Board meeting.
Commissioner Reinke attended a Museum Board meeting.
Commissioners attended a Republican Central Committee meeting.

In the Matter of ZONING
Commissioners conducted a public hearing to consider Ordinance #282 adopting Chapter 21 Energy Production into Twin Falls County Code.

Commissioner Hall opened the public hearing at 1:30 p.m. Commissioner Hall reviewed the record and the laws considered to include:

- Twin Falls County Code Title 8, Chapter 7 Conditional Uses
- Twin Falls County Code Title 8, Chapter 9 General Provisions
- Idaho Code Section 67-6509 Recommendation and adoption, amendment, and repeal of the plan.
- Idaho Code Section 67-6512 Special use permits, conditions, and procedures.
- Idaho Code Section 67-6523 Emergency ordinances and moratoriums.
- Idaho Code Section 67-6524 Interim ordinances and moratoriums.
- Idaho Code Section 31-881 County prohibitions on utility connections.

Commissioner Hall opened the public testimony portion of the hearing and swore in all staff and affected persons to include:

Laura Wilson, Planning and Zoning Planner, Jon Laux, Community Development Director, Nancy Duffy, Jerry Duffy, Mike Hensley, Jared Brackett, Jacob Satterwhite, Wesley Panter, Erin Callen and Rocky Matthews.

Source: https://twinfallscounty.org/wp-content/uploads/December-2023.pdf Retrieved Nov. 19, 2026.

EXHIBIT E-2 **BOCC minutes, December 2023**

Image of the original source. Source PDF page 20 of 35 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

Jon Laux, Community Development Department Director reviewed the proposed draft of Chapter 21 Energy Production to be added to the Twin Falls County Code. Mr. Laux noted that there are some suggested changes to the draft that was recommended by the Planning and Zoning Commission. Mr. Laux noted that the Planning and Zoning Commission also recommended some additions that were not specifically included in the draft. Those recommendations have been incorporated into a new draft that Mr. Laux was reviewing. Mr. Laux stated that the proposed draft meets the requirements of the current emergency moratorium on large scale energy projects. Commissioner Johnson noted that he would recommend further review by Legal to make sure all the terms are legal. Commissioner Reinke asked what the moratorium timeline was. It was February 22, 2024. There was discussion on sections 2p, I3, I5, M1, 8.21.5 Zoning Districts Where Permitted, F and L.

Commissioner Hall noted that he felt the draft was not ready for full consideration and would like further review by the Board, staff and Legal.

Wesley Panter, Hollister, spoke and asked the Board to consider allowing the projects on Ag ground.

Jacob Satterwhite, SE Castleford, spoke and asked the Board to consider allowing projects on Ag ground.

Erin Callen, SW Hollister, spoke and asked the Board to clarify terminology for ag preservation and range preservation. Ms. Wilson reviewed the proposed changed. Ms. Callen encouraged the Board to allow projects on Ag ground.

Jared Brackett, 2332 E. Filer, spoke with the Board and expressed his support for the Board drafting an Energy Production Ordinance. Mr. Brackett encouraged the Board to consider allowing projects on ag ground on a permit basis. Mr. Brackett reviewed his concerns with the proposed draft with the Board.

Rocky Matthews, Murtaugh spoke and discussed his experience on the Planning and Zoning Commission Board and recommended that the Board consider using the term artificially irrigated, in their discussions. Mr. Matthews encouraged the Board to consider permitting on a case by case basis. Commissioner Hall noted that Mr. Matthews is an employee of Twin Falls County using his own time to attend the meeting.

Commissioner Johnson noted that he has concerns with the current draft and also the timeframe that the Board has to adopt an ordinance.

The Board discussed the items for consideration and discussion items for the findings of fact. Commissioner Hall noted he felt the draft needs retooled before the final consideration. The County is not prepared for large scale energy projects and is necessary to protect land and property rights. Commissioner Johnson noted that he has spoken with citizens about projects that were approved prior to the current Board which made him realize how important it was to have set regulations for these projects. Commissioner Hall noted that the Board has worked to update the comprehensive plan as well as the County's ordinances as they are extremely out of date. The

Source: https://twinfallscounty.org/wp-content/uploads/December-2023.pdf Retrieved Nov. 19, 2026.

EXHIBIT E-3 **BOCC minutes, December 2023**

Image of the original source. Source PDF page 21 of 35 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

comprehensive plan was updated and the Board is working hard to complete the ordinance update. Commissioner Reinke noted that the Board hopes to have the ordinances updated by mid-2024.

Commissioner Hall reviewed the decision options with the Board.

Commissioner Johnson made a MOTION to table the decision on the ordinance and republish as required by state code when the item is ready for further discussion and a decision. Commissioner Reinke SECONDED. Commissioner Johnson noted that it is important to have time to make the updates and have another hearing on the issue. Commissioner Reinke expressed concern with the time table and noted the decision needed to be complete by February 22, 2024. Commissioner Hall thanked the community for their input. Motion Passed Unanimously.

There being no further business, the Board recessed until 8:00 a.m., December 14, 2023, 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 DECEMBER MEETING
December 14, 2023, 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 December 15, 2023.

PRESENT: Commissioner Jack Johnson, Commissioner Don Hall, and Commissioner Brent Reinke.

ABSENT: None.

STAFF: Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS
Commissioner Reinke attended a Farm Bureau meeting.

In the Matter of CONSENT AGENDA
Consent Agenda; items may include status sheets, employee requisitions, alcohol licenses, tax cancellations, Sheriff's Office Security Agreements, and Commissioner minutes.

Commissioner Johnson made a MOTION to approve the Consent Agenda. Commissioner Reinke SECONDED. Discussion Commissioner Johnson reviewed the items in the Consent Agenda to include status sheets for Juvenile Detention, Juvenile Probation, Clerk Auditor; and Alcohol Catering Permits for The Happy Hour Bar and Grill on December 16 and 17 at the Twin Falls County Fairgrounds and The Cove at the Twin Falls County Fairgrounds on February 10. Motion Passed Unanimously.

Source: https://twinfallscounty.org/wp-content/uploads/December-2023.pdf Retrieved Nov. 19, 2026.

EXHIBIT E-4 **BOCC minutes, December 2023**

Image of the original source. Source PDF page 31 of 35 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

PRESENT: Commissioner Jack Johnson, Commissioner Don Hall, and Commissioner Brent Reinke.

ABSENT: None.

STAFF: Deputy Clerk Jordan Cates.

The following proceedings were held to wit:

In the Matter of MEETINGS
Commissioners attended a work session for Chapter 21 - Energy Production section of the Twin Falls County Code.

There being no further business, the Board recessed until 8:00 a.m., December 26, 2023, 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 DECEMBER MEETING
December 26, 2023, 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 December 22, 2023.

PRESENT: Commissioner Don Hall and Commissioner Brent Reinke.

ABSENT: Commissioner Jack Johnson.

STAFF: Deputy Clerk Jordan Cates.

The following proceedings were held to wit:

In the Matter of MEETINGS
Commissioners met with office staff for a weekly department update.
Commissioners met with Elaine Molignoni, HR Director, for a weekly department update.

In the Matter of CONSENT AGENDA
Consent Agenda; items may include status sheets, employee requisitions, alcohol licenses, tax cancellations, Sheriff's Office Security Agreements, and Commissioner minutes.

Commissioner Johnson made a MOTION to approve the Consent Agenda. Commissioner Johnson SECONDED. Discussion Commissioner Johnson reviewed the items in the Consent Agenda to include Commissioners minutes for Dec 11 – Dec 15. Motion Passed Unanimously. (Johnson absent)

Source: https://twinfallscounty.org/wp-content/uploads/December-2023.pdf Retrieved Nov. 19, 2026.

Exhibit F: BOCC minutes, January 2024

EXHIBIT F-1 BOCC minutes, January 2024

Image of the original source. Source PDF page 6 of 30 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of January 4, 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
Commissioner Reinke attended a West End Men's Association meeting.
Commissioners attended a work session for Chapter 21 – Energy Production section of Twin Falls County Code.
Commissioner Reinke attended a Board of Community Guardians meeting.

There being no further business, the Board recessed until 8:00 a.m., January 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 JANUARY MEETING
January 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 January 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 MEETINGS
Commissioners met with office staff for a weekly department meeting.
Commissioners met with Legal for a weekly department update.
Commissioners attended a monthly Elected Officials meeting.
Commissioners met with J.P. O'Donnell, IT director for a monthly department update.
Commissioner Reinke attended a Historical Preservation Commission meeting.

In the Matter of CONSENT AGENDA

Source: https://twinfallscounty.org/wp-content/uploads/January-2.pdf Retrieved Nov. 19, 2026.

EXHIBIT F-2 **BOCC minutes, January 2024**

Image of the original source. Source PDF page 28 of 30 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

There being no further business, the Board recessed until 8:00 a.m., January 26, 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 JANUARY MEETING
January 26, 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 January 25, 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
Commissioner Reinke attended a WEMA meeting.
Commissioners attended a work session for Chapter 21 – Energy Production Section of Twin Falls County Code.
Commissioner Hall attended an Adult Crisis Center Advisory Board meeting via Teams.
Commissioners met with Kristina Glascock, Clerk to discuss County Policy.

There being no further business, the Board recessed until 8:00 a.m., February 2, 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 JANUARY MEETING
January 29, 2024, 8:00 a.m.

In the Matter of MEETINGS
Commissioners attended an IAC Midwinter Legislative Conference in Boise.

Twin Falls, Idaho
REGULAR JANUARY MEETING
January 30, 2024, 8:00 a.m.

In the Matter of MEETINGS
Commissioners attended an IAC Midwinter Legislative Conference in Boise.

Source: https://twinfallscounty.org/wp-content/uploads/January-2.pdf Retrieved Nov. 19, 2026.

Exhibit G: Proposed Chapter 21, posted Feb. 13, 2024 for the Mar. 8 hearing

EXHIBIT G-1 **Proposed Chapter 21, posted Feb. 13, 2024 for the Mar. 8 hearing**

Image of the original source. Source PDF page 1 of 17 (printed "Page 1 | 17"). Yellow highlighting added; otherwise unaltered.

CHAPTER 21

ENERGY PRODUCTION

SECTION:

8-21-1: Purpose and Scope

8-21-2: Definitions

8-21-3: Permitting Requirements

8-21-4: Exemptions

8-21-5: Zoning Districts Where Permitted

8-21-6: Determination of Scale

8-21-7: General Requirements

8-21-8: Additional Requirements for Small-Scale Wind Turbine Projects

8-21-9: Additional Requirements for Small-Scale Solar Projects

8-21-10: Additional Requirements for Agrisolar

8-21-11: Additional Standards for Large-Scale Wind Projects

8-21-12: Additional Standards for Large-Scale Solar Projects

8-21-13: Penalties

8-21-14: Severance Clause

Proposed Draft

8-21-1: PURPOSE AND SCOPE:

This Chapter establishes the regulations and siting criteria for new and expanding energy generation projects in Twin Falls County. The regulations contained herein are designed to protect and promote the public health, safety, and community welfare of Twin Falls County; to promote the proper location and development of such projects based on the effective use of local resources; and avoid unreasonable adverse impacts on the use and peaceful enjoyment of nearby lands for lawful purposes.

Source: https://twinfallscounty.org/wp-content/uploads/Proposed-Draft-Ch-21-Energy-Production.pdf Retrieved Nov. 19, 2026.

EXHIBIT G-2 **Proposed Chapter 21, posted Feb. 13, 2024 for the Mar. 8 hearing**

Image of the original source. Source PDF page 2 of 17 (printed "Page 2 | 17"). Yellow highlighting added; otherwise unaltered.

8-21-2: DEFINITIONS:

A. **Agri-solar**: The use of land for agricultural production, such as crop or livestock production or pollinator habitats, underneath solar panels or adjacent to solar panels

B. **Large-Scale Energy Projects:** Projects capable of producing, as per *nameplate capacity*, 10 megawatts (MW) or more; or projects that encumber 40 or more acres of land that produces power via the harnessing of wind or solar energy for transmission or storage.

C. **Nameplate Capacity**: The maximum energy output that an energy generator can produce without exceeding design thermal limits.

D. **Personal-Use Energy Projects**: A wind turbine or solar array with a total nameplate capacity of 200 kilowatts and encumber more than 200 sq. ft. that are associated with single family dwellings and accompanying structures. Personal energy projects with a nameplate capacity less than 200 kilowatts and 200 square feet for single family dwellings and accompanying structures require no zoning permit.

E. **Small-Scale Energy Projects**: A wind turbine or solar array with a nameplate capacity of 200 kilowatts to ten megawatts that does not otherwise meet the definition of large-scale energy projects.

F. **Solar Project, Ground-Mounted**: A solar energy system that is mounted on a rack or pole that rests on or is attached to the ground.

G. **Solar Project, Roof-Mounted**: A solar energy system that is mounted on a rack fastened to or resting on a structure roof.

H. **Structure-Integrated Energy Generation Systems**: The full integration of energy generation into the design and construction of a building or other structure. This term includes integrated photovoltaics such as solar roofs, solar facades, and individual lights and call boxes powered by solar cells. It also includes wind generators such as micro turbines that are integrated into bell towers and other design features of the structure.

I. **Prime Farm Land**: Prime farmland is farmland which has the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content.

Proposed Draft

Source: https://twinfallscounty.org/wp-content/uploads/Proposed-Draft-Ch-21-Energy-Production.pdf Retrieved Nov. 19, 2026.

EXHIBIT G-3 **Proposed Chapter 21, posted Feb. 13, 2024 for the Mar. 8 hearing**

Image of the original source. Source PDF page 3 of 17 (printed "Page 3 | 17"). Yellow highlighting added; otherwise unaltered.

8-21-3: PERMITTING REQUIREMENTS:

A. **Relationship to Other Procedural Requirements**: The following requirements are in addition to all other procedural requirements energy projects are subject to within this Title. Where there is a conflict between these requirements and those noted elsewhere in Title 8, the requirements of this Chapter shall govern.

B. **Permit Required:** A conditional use permit is required prior to commencing any construction or ground-disturbing activities related to the installation of any small or large scale energy project. A siting permit and building permit is required prior to installation of any personal use energy project.

C. **Coordination and Documentation:** The applicant shall provide the County with copies of all applications for state and federal permits and licenses at the time of submitting a permit application, or within 30 calendar days after receiving notice of an incomplete application. Upon the issuance of any state or federal permits or licenses, environmental assessments, records of decision, memoranda of understanding, exemptions, variances, or other similar authorizations of approvals related to the proposed energy project, the applicant shall provide copies of these documents to the County.

D. **Site Review**: Site review is required for proposed electric generating projects, substations, compressor stations, and other energy projects the Director determines require such review. The County serves as the lead coordinating agency in siting energy projects located in the County, unless preempted by state or federal law. The County will avoid duplicating the actions of other governmental agencies to the extent the County standards or equivalent standards have been addressed by those agencies. During review of a proposed energy project, the County may adopt the reports and findings of other government agencies as part of a conditional use permit.

E. **Burden of Proof**:

1. The applicant shall have the burden of proving compliance with all applicable requirements of this Title.

2. Applicants for projects within an airport influence area shall certify compliance with or exemption from all Federal Aviation Administration (FAA) Regulations.

F. **Complete Application Required:** A complete application is required prior to permit approval. A determination of completeness by the County shall only be made upon submittal of all fees and all information required by this Title including supplemental information the County deems necessary to determine compliance. Failure to submit a complete application is grounds for denial.

Proposed Draft

Source: https://twinfallscounty.org/wp-content/uploads/Proposed-Draft-Ch-21-Energy-Production.pdf Retrieved Nov. 19, 2026.

EXHIBIT G-4 **Proposed Chapter 21, posted Feb. 13, 2024 for the Mar. 8 hearing**

Image of the original source. Source PDF page 5 of 17 (printed "Page 5 | 17"). Yellow highlighting added; otherwise unaltered.

l. Water bodies, waterways, canals, wetlands, and drainage channels;

m. The location of, and distances to, onsite and adjacent residences; and

n. The location and distance to airport influence areas;

3. Copies of all baseline wildlife studies applicable to the project site;

4. A list of permits, approvals, or other actions that the applicant has requested or will request from other government agencies or from public or privately-owned utility companies serving the site;

5. A transportation plan showing how vehicles would access the site and describing the impacts of the proposed energy project on the local and regional road system during construction and operation;

6. A revegetation plan for restoring areas temporarily disturbed during construction.

7. A drainage and erosion control plan for construction and operation, as required;

8. For large-scale projects, a fire protection plan for construction and operation of the facility;

9. A plan to protect any archaeological, historical, or cultural sites or artifacts found at the site.

10. A description of actions the applicant would take to restore the site to a useful, non-hazardous condition upon project termination.

11. A detailed cost estimate for site restoration in current-year dollars, including an explanation of the basis for cost estimates and assumptions.

12. Certification and demonstration that foundation and structural plans were designed by an Idaho-licensed engineer;

13. Comment letters from agencies with jurisdiction (e.g., Canal company, Highway district, South Central Public Health District, Fire district or department, Idaho Department of Water Resources, Sheriff, Post office, Idaho Fish and Game, or any other agency deemed necessary

14. Where applicable, wind turbine specifications including rated nameplate capacity, manufacturer and model, rotor diameter, tower height, and tower type (monopole, freestanding, or guyed); and

15. Where applicable, solar system specifications including rated nameplate capacity, manufacturer and model, and height above ground, or roof, whichever is applicable.

Proposed Draft

Source: https://twinfallscounty.org/wp-content/uploads/Proposed-Draft-Ch-21-Energy-Production.pdf Retrieved Nov. 19, 2026.

EXHIBIT G-5 **Proposed Chapter 21, posted Feb. 13, 2024 for the Mar. 8 hearing**

Image of the original source. Source PDF page 8 of 17 (printed "Page 8 | 17"). Yellow highlighting added; otherwise unaltered.

f. The plan must include a schedule for completion of site restoration work.

2. Prior to the issuance of the conditional use permit, the landowner shall provide a performance bond to the County in the amount equal to 125 percent of the written cost estimate from an Idaho-licensed engineer to guarantee that the site will be restored as required. The conditional use permit holder is required to update the bond on an ongoing basis every five (5) years. Failure to maintain decommission bond is a violation of conditional use permit

3. If the energy project ceases operation for 12 consecutive months or construction on the project begins but is not completed within a period of 12 months following permit approval, the landowner shall restore the site according to a plan approved by the Commission unless a time extension is granted by the Commission.

8-21-4: EXEMPTIONS:

Uses and activities including (but not limited to) natural gas project pipelines, petroleum project pipelines, electric transmission and distribution lines, and structure-integrated energy generation systems shall not be regulated by resolution, policy, or ordinance enacted by any county, incorporated or unincorporated area, special use district, or other local government entity of any kind that:

A. Prohibits, or has the effect of prohibiting, the authorized connection or reconnection of an electric, natural gas, propane, or other energy utility service provided by a public utility, municipality, or cooperative utility;

B. Restricts, or has the effect of restricting, the source of the electricity, natural gas, propane, or other energy utility service provided by a public utility, municipality, or cooperative utility; or

C. Requires residents or businesses within the county to use a particular type or generation source of electricity, natural gas, propane, or other fuel.

8-21-5: ZONING DISTRICTS WHERE PERMITTED:

The following is a list of uses that are either allowed, conditionally permitted, or not allowed in the various zones as set forth below.

A. **Personal Use Energy Projects**: Personal Use Energy Projects are an allowed use in all zones subject to the requirements of this Chapter and the siting permit requirements set forth in TFCC 8-21-3-I

B. **Small-Scale Wind Turbine Projects:** Small-Scale Wind Turbine Projects are conditionally permitted by the Planning and Zoning Commission in the Agricultural

Proposed Draft

Source: https://twinfallscounty.org/wp-content/uploads/Proposed-Draft-Ch-21-Energy-Production.pdf Retrieved Nov. 19, 2026.

EXHIBIT G-6 **Proposed Chapter 21, posted Feb. 13, 2024 for the Mar. 8 hearing**

Image of the original source. Source PDF page 9 of 17 (printed "Page 9 | 17"). Yellow highlighting added; otherwise unaltered.

Preservation Zone; Agricultural Zone; Commercial Zone; and Industrial Zones subject to the requirements of this Chapter and TFCC 8-21-8. Small-Scale Wind Turbine Projects are not allowed in the Rural Residential Zone.

C. **Small-Scale Solar Projects:** Small-Scale Solar Projects are conditionally permitted by the Planning and Zoning Commission in Agricultural Preservation Zone; Agricultural Zone; Commercial Zone; and Industrial Zones subject to the requirements of this Chapter and TFCC 8-21-9. Small-Scale Solar Projects are not allowed in the Rural Residential Zone.

D. **Agrisolar**: Agrisolar are conditionally permitted by the Planning and Zoning Commission in the Agricultural Preservation Zone, Agricultural Zone, and subject to the requirements of this Chapter and TFCC 8-21-10.

E. **Large-Scale Wind Turbine Projects**: Large-Scale Wind Turbine Projects are conditionally permitted by the Planning and Zoning Commission in the Agricultural Preservation Zone, and Agricultural Zone subject to the requirements of this Chapter and TFCC 8-21-11.

F. **Large-Scale Solar Projects**: Large-Scale Solar Projects are conditionally permitted by the Planning and Zoning Commission in the Agricultural Preservation Zone and subject to the requirements of this Chapter and TFCC 8-21-12.

If the site of the proposed energy project is within an area subject to an overlay district, the proposed use shall meet or exceed the applicable requirements of the overlay district as well as applicable requirements of the base district.

8-21-6: DETERMINATION OF SCALE:

Total aggregate energy output of pre-grid intertie connected systems of one or more energy generation sources (e.g., solar and wind or two or more systems of the same type), regardless of ownership, will be used to determine the scale of the project for the purposes of these regulations. The location of such systems on more than one parcel shall not be used to determine a systems classification as used within this Chapter.

8-21-7: GENERAL REQUIREMENTS:

In addition to all other requirements energy projects are subject to within this Title, the following general requirements for such projects must be met, unless otherwise noted. Where there is a conflict between these requirements and those noted elsewhere in Title 8, the requirements of this Chapter shall govern.

A. **Access and Parking**: The applicant has secured, or can secure, all necessary access approvals from the applicable highway districts or the Idaho Transportation Department

Proposed Draft

Source: https://twinfallscounty.org/wp-content/uploads/Proposed-Draft-Ch-21-Energy-Production.pdf Retrieved Nov. 19, 2026.

EXHIBIT G-7 Summary of Changes, posted Feb. 13, 2024

Image of the original source. Source PDF page 1 of 2 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

Proposed Energy Production Code

Summary of Changes

- Page 1
  - 8-21-10 Name changed from "Agrivoltaic" to "Agri-solar"
- Page 2
  - Agrisolar definition updated for clarity, and fix formatting.
  - Personal Use Energy Projects definition changed to only apply to a footprint of 200 sq. ft. that are associated with single family dwellings
  - Added definition of "prime farm land", with the removal of wording "and few or no rocks."
- Page 3
  - Clarified that permits are conditional use permits are required for certain zones consistent with Idaho Code Section 67-6512. Siting permits are required for Personal Use Energy Projects.
  - Removed language regarding Section "E" that violated Idaho Code Section 67-6535.
- Page 5
  - Paragraph "P" was deleted as it wasn't relevant and violated Idaho Code Section 31-881.
  - Correct formatting with "O thru W" turning into number and renumbering 3-6 to be 3-15.
- Page 6
  - Paragraph "I" changed to comply with Idaho Code Section 67-6512.
  - Paragraph "J" changed to clarify timing of zoning official review. Add "t" to "he" to read the.
- Page 7
  - Paragraph "K" changed to provide citation to Twin Falls County Code.
  - Paragraph "M" Termination and Decommissioning changes to N, to correct having two "M's" "~~M1a~~" "N1a" added the words "the pre-existing" to clarify grade.
- Page 8
  - Paragraph 2 added language to require decommission bond to be updated every 5 years.
  - 8-21-5A change citing of TFCC8-21-3-H to TFCC 8-21-3-I
- Page 9
  - Table of uses removed and replaced with paragraph format. Updated list of uses in zones.
  - 8-21-5D fix formatting, and remove rural residential zone.
  - 8-21-5E add Agricultural Zone
  - 8-21-5F remove Agricultural Zone.

Source: https://twinfallscounty.org/wp-content/uploads/Summary-of-Changes-to-proposed-Energy-Production-Code.pdf
Retrieved Nov. 19, 2026.

EXHIBIT G-8 Summary of Changes, posted Feb. 13, 2024

Image of the original source. Source PDF page 2 of 2 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

- Page 11
  - Add Paragraph "F" adding requirement for the preservation of prime farm land.
  - Paragraph I remove number 3 which states other signs specifically approved in the conditional use permit.
- Page 13
  - Removed Paragraph "6" removed.
  - Paragraph "8" added language to clarify wind turbine setbacks.
- Page 14
  - "Agrivoltaic" changed to "agrisolar"
- Page 15
  - Removed requirement that all wind turbines be of uniform height.

Source: https://twinfallscounty.org/wp-content/uploads/Summary-of-Changes-to-proposed-Energy-Production-Code.pdf
Retrieved Nov. 19, 2026.

Exhibit H: BOCC minutes, March 4-8, 2024: Ordinance 282

EXHIBIT H-1 BOCC minutes, March 4-8, 2024: Ordinance 282

Image of the original source. Source PDF page 14 of 22 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

Idaho Agricultural Investments. Commissioner Reinke SECONDED. Motion Passed Unanimously.

There being no further business, the Board recessed until 8:00 a.m., March 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 MARCH MEETING
March 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 March 7, 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
Commissioner Reinke attended a WEMA meeting.
Commissioner Hall attended a Public Policy Committee – Legislative Update meeting.
Commissioner Hall attended a Crisis Center Advisory Board meeting via Google Meet.

In the Matter of ZONING
Commissioners conducted a Public Hearing to consider proposed Ordinance #282, adding Chapter 21, Energy Production, to Twin Falls County Code Title 8.

Commissioner Hall reviewed the Laws considered to include the following statutes, ordinances and standards:

- Twin Falls County Code Title 8, Chapter 7 Conditional Uses
- Twin Falls County Code Title 8, Chapter 9 General Provisions
- Idaho Code Section 67-6509 Recommendation and adoption, amendment, and repeal of the plan.
- Idaho Code Section 67-6512 Special use permits, conditions, and procedures.
- Idaho Code Section 67-6523 Emergency ordinances and moratoriums.
- Idaho Code Section 67-6524 Interim ordinances and moratoriums.
- Idaho Code Section 31-881 County prohibitions on utility connections.

Commissioner Johnson reviewed the history of the proposed Ordinance and what brought the Board to the position of creating an ordinance for energy production.

Source: https://twinfallscounty.org/wp-content/uploads/Mar-04-Mar-08.pdf Retrieved Nov. 19, 2026.

EXHIBIT H-2 **BOCC minutes, March 4-8, 2024: Ordinance 282**

Image of the original source. Source PDF page 15 of 22 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

Commissioner Hall swore in all affected persons giving testimony. Affected persons were limited to County residents or those that own property in Twin Falls County.

Twin Falls County Staff: Laura Wilson, Planner and Jon Laux CDS Director.

Affected Persons:

Mark Mazza, BLM
Chase Lanting TFC
Wesley Panter, TFC
Mathias Ellingsen, TFC
David Ellingsen, TFC
Nathan Murray, TFC and Idaho Power
Bill Ebener, TFC
Joan Hurlock, TFC
Ronald James, TFC
Shauna Robinson, TFC
Jeff Juker, TFC
Jared Brackett, TFC
Mike Henslee, TFC

Commissioner Hall reviewed the summary of changes for the record. Jon Laux, Community Development Director presented a summation of the process that brought the Ordinance to the Board for consideration.

Questions for the CDS Staff;

Commissioner Hall requested Mr. Laux compare existing wind and solar projects to the current proposed code and explain how they would have been affected by the proposed code. Mr. Laux reviewed his understanding of the impact and noted that conditions would be different. Commissioner Hall noted that this proposed ordinance would give the County a better perspective over those types of projects.

- Has a proposed Energy Production code been presented to the Planning and Zoning Commission? Yes, the original draft.
- Has the Planning and Zoning Commission made a recommendation in regards to the proposed ordinance? Yes, the original draft.
    - What is their recommendation? Approval with additional items to be added.
    - Did they recommend any changes? Yes.
- Has the Community Development Services Department staff reviewed the proposed ordinance? Yes.

Source: https://twinfallscounty.org/wp-content/uploads/Mar-04-Mar-08.pdf Retrieved Nov. 19, 2026.

EXHIBIT H-3 **BOCC minutes, March 4-8, 2024: Ordinance 282**

Image of the original source. Source PDF page 16 of 22 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

- Do you believe the proposed code addresses the life, health, and safety issues identified in the Emergency Moratorium: Yes.
  - How? By giving tools to provide parameters for these types of projects.
- Do you have any recommended changes? No.
- Do you have any policy recommendations for the Board to consider? No.

- Do you think the proposed code should be adopted in its current form? Yes, as the County goes forward it will have the tools to regulate these types of proposals and the code can be updated as needed.
  - Does the proposed code contain any illegal terms? No.

Public Testimony

David Ellingsen, TFC Resident spoke regarding prime farm land and encouraged the Board to allow farm land to be used for these types of projects and exclude Section 8.21 Section F.

Mark Mazza, BLM spoke and noted that the BLM is updating its Sage Grouse Plan and would like to work with the Board to update the current zoning.

Mike Henslee, TFC Resident, spoke and expressed concern with the definition of prime farm land. Mr. Henslee also expressed concerns about a contract that he entered into prior to the County's moratorium and requested that his contract be considered a legacy agreement.

Shauna Robinson, TFC Resident and Historic Preservation Commission Board Member reviewed her concerns with the proposed code. Ms. Robinson asked the Board to address heritage sites within the County and preserve them from these types of projects. Ms. Robinson also submitted a comment letter. Ms. Robinson reviewed her proposed changes to the code with the Board. Ms. Robinson requested the Board also preserve view sheds within the county.

Ronald James, TFC Resident and Historic Preservation Commission member asked the Board to consider the protection of landscape views and scenic characteristics in their decisions.

Jared Brackett, TFC Resident spoke with the Board and requested a few changes. He expressed support for Mr. Henslee's comments and his request that the Board update the definition of prime farm ground and consider net loss to farmers. Mr. Brackett also expressed concerns with the height elements of the proposed code. Mr. Brackett asked for clarification of the areas of the draft that need to be adjusted as per Mr. Laux's opening statement.

Nathan Murray, TFC Resident and Idaho Power representative spoke and expressed his appreciation for the Board's work on the code. Mr. Murray noted that Idaho Power's position is mainly neutral but was leaning toward supporting the Ordinance. Mr. Murray also expressed concerns with the unknowns with the code and noted those unknowns may not be known until the code is applied.

Source: https://twinfallscounty.org/wp-content/uploads/Mar-04-Mar-08.pdf Retrieved Nov. 19, 2026.

EXHIBIT H-4 **BOCC minutes, March 4-8, 2024: Ordinance 282**

Image of the original source. Source PDF page 17 of 22 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

Mathias Ellingsen, TFC Resident spoke with the Board and expressed concerns with the height elements and the agrisolar restrictions.

Joan Hurlock, TFC Resident spoke and stated she was in favor of an ordinance to limit the scale of solar and wind turbines. Ms. Hurlock noted she is unsure if the code is restrictive enough. The existing projects are too large and destroy the visual beauty of the area. The solar panels cause visual disturbances to residents and should be limited more. Ms. Hurlock requested the notification distance for neighbors be expanded to a mile or so.

Jeff Juker, TFC Resident thanked the Board for the opportunity to participate and was in support of Ms. Hurlock's request to extend the notification distance. Mr. Juker expressed concerns with safety to include blade failure and ice throw. Mr. Juker also asked the Board to consider the impact to water as well as bond failure.

Wesley Panter, TFC Resident expressed support for Mr. Bracket's testimony and the concerns with the height restrictions for private land owners but no restrictions on federal land.

Bill Ebener, TFC Resident spoke and addressed concerns with Section 8.21.3 and permitting requirements. Mr. Ebener reviewed his specific concerns relating to land use restrictions.

Chase Lanting, TFC Resident, stated he did not wish to testify.

Commissioner Reinke asked Jon Laux, Community Development Director to help answer some of the public's concerns regarding the changes to the ordinance. Mr. Laux stated he did not believe there would be any changes to the code.

Commissioner Johnson asked Mr. Laux to address the bond failure concern. Mr. Laux reviewed the process used for bond failure. There was discussion regarding ice throw and Mr. Laux noted that P&Z staff did not feel that they could determine what a safe zone for ice throw would be. Mr. Laux noted that the height restrictions were based upon Bell Rapids height with a bit more added for future technology developments. Commissioner Reinke asked if the P&Z Commission discussed the impacts on water. Mr. Laux stated that he did not believe there was discussion on water.

Break from 10:25 to 10:30 a.m.

Commissioner Hall swore in Bradley Dawson, Idaho Fish and Game.

Mr. Dawson noted he was present for the hearing but had no public comment.

Commissioner Hall closed the public comment/testimony portion of the hearing at 10:34 a.m.

Commissioner Hall reviewed the following discussion topics and findings as well as the summary of changes:

The Board reviewed the following Summary of Changes and made the following findings;

Source: https://twinfallscounty.org/wp-content/uploads/Mar-04-Mar-08.pdf Retrieved Nov. 19, 2026.

EXHIBIT H-5 BOCC minutes, March 4-8, 2024: Ordinance 282

Image of the original source. Source PDF page 18 of 22 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

Page 1

- 8-21-10 Name changed from "Agrivoltaic" to "Agrisolar". The Board found the change made sense and met concerns raised by the citizens of Twin Falls County.

Page 2

- Agrisolar definition updated for clarity, and fix formatting. The Board found the change made sense and met concerns raised by the citizens of Twin Falls County.
- Personal Use Energy Projects definition changed to only apply to a footprint of 200 sq. ft. that are associated with single family dwellings. The Board found the change made sense and met concerns raised by the citizens of Twin Falls County.
- Added definition of "prime farm land", with the removal of wording "and few or no rocks." The Board found the change made sense and met concerns raised by the citizens of Twin Falls County.

Page 3

- Clarified that permits are conditional use permits are required for certain zones consistent with Idaho Code Section 67-6512. Siting permits are required for Personal Use Energy Projects. The Board found the change made sense and met concerns raised by the citizens of Twin Falls County.
- Removed language regarding Section "E" that violated Idaho Code Section 67- 6535. The Board found the change made sense and removed illegal terms.

Page 5

- Paragraph "P" was deleted as it wasn't relevant and violated Idaho Code Section 31-881. The Board found the change made sense and removed illegal terms.
- Correct formatting with "O thru W" turning into number and renumbering 3-6 to be 3-15. The Board found the change made sense and met concerns raised by the citizens of Twin Falls County.

Page 6

- Paragraph "I" changed to comply with Idaho Code Section 67-6512. The Board found the change made sense and met concerns raised by the citizens of Twin Falls County.
- Paragraph "J" changed to clarify timing of zoning official review. Add "t" to "he" to read “the”. The Board found the change made sense and met concerns raised by the citizens of Twin Falls County.

Page 7

- Paragraph "K" changed to provide citation to Twin Falls County Code. The Board found the change made sense and met concerns raised by the citizens of Twin Falls County.
- Paragraph "M" Termination and Decommissioning changes to N, to correct having two "M's" "Ml-a" "Nla" added the words "the pre-existing" to clarify grade. The Board found the change made sense and met concerns raised by the citizens of Twin Falls County.

Page 8

Source: https://twinfallscounty.org/wp-content/uploads/Mar-04-Mar-08.pdf Retrieved Nov. 19, 2026.

EXHIBIT H-6 **BOCC minutes, March 4-8, 2024: Ordinance 282**

Image of the original source. Source PDF page 19 of 22 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

- Paragraph 2 added language to require decommission bond to be updated every 5 years. The Board found the change made sense and met concerns raised by the citizens of Twin Falls County.
- 8-21-SA change citing of TFCC8-21-3-H to TFCC 8-21-3-1. The Board found the change made sense and met concerns raised by the citizens of Twin Falls County.

Page 9

- Table of uses removed and replaced with paragraph format. Updated list of uses m zones. The Board found the change made sense and met concerns raised by the citizens of Twin Falls County.
- 8-21-5D fix formatting, and remove rural residential zone. The Board found the change made sense and met concerns raised by the citizens of Twin Falls County.
- 8-21-SE add Agricultural Zone. The Board found the change made sense and met concerns raised by the citizens of Twin Falls County.
- 8-21-SF remove Agricultural Zone. The Board found the change made sense and met concerns raised by the citizens of Twin Falls County.

Page 11

- Add Paragraph "F" adding requirement for the preservation of prime farm land. The Board found the change made sense and met concerns raised by the citizens of Twin Falls County.
- Paragraph I remove number 3 which states other signs specifically approved in the conditional use permit. The Board found the change made sense and met concerns raised by the citizens of Twin Falls County.

Page 13

- Removed Paragraph "6" removed. The Board found the change made sense and met concerns raised by the citizens of Twin Falls County.
- Paragraph "8" added language to clarify wind turbine setbacks. The Board found the change made sense and met concerns raised by the citizens of Twin Falls County.

Page 14

- "Agrivoltaic" changed to "agrisolar". The Board found the change made sense and met concerns raised by the citizens of Twin Falls County.

Page 15

- Removed requirement that all wind turbines be of uniform height. The Board found the change made sense and met concerns raised by the citizens of Twin Falls County.

The Board discussed the following topics and made the following findings;

- Does the proposed Energy Production Code address the life, health, and safety concerns addressed in the Emergency Moratorium? Yes. Commissioner Hall noted the ordinance was not perfect but it addresses those things.
- Does the proposed Energy Production Code meet the concerns raised by the citizens of Twin Falls County? Commissioner Johnson noted there are additional concerns that were

Source: https://twinfallscounty.org/wp-content/uploads/Mar-04-Mar-08.pdf Retrieved Nov. 19, 2026.

EXHIBIT H-7 **BOCC minutes, March 4-8, 2024: Ordinance 282**

Image of the original source. Source PDF page 20 of 22 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

raised at this hearing, but this ordinance addresses the concerns previously addressed as best they can be as well as addressing them legally. Commissioner Reinke noted the ordinance as reviewed, addresses concerns raised at the previous hearing. The Board will continue to address those additional concerns but the current version addresses the concerns raised at the previous hearing. Commissioner Hall noted it is impossible to address every concern raised, but the Board has attempted to represent its citizens to the best it can.

- Does the proposed Energy Production Code contain any illegal terms that need to be remedied prior to adoption? No, the Board knows of no illegal terms in the approved draft. Commissioner Johnson noted that the P&Z staff testified and they know of no illegal terms. Also, Legal has reviewed the draft and knows of no illegal terms.
- Is the proposed Energy Production Code is written in a way that makes sense and is easily accessible to the citizens of Twin Falls County? Yes, Commissioner Johnson noted that the Board has done its best to make the code make sense and it will be on the County's website. Commissioner Reinke stated yes. Commissioner Hall stated yes, it was the best the Board could do.

The Board discussed the adoption of the Ordinance and Code and the impact on the citizens. Commissioner Reinke recommended approval of the current draft and expressed concern with not having a code in place as the emergency moratorium has expired. Commissioner Johnson concurred and encouraged the Board to revisit the concerns raised today. The County needs something in place so he was in favor of approving the Ordinance today to give the P&Z Commission tools to proceed. Commissioner Hall noted he agreed with everything said and he committed the Board to readdressing the code and ordinance in an open meeting in the near future. Commissioner Hall noted the ice throw distance issue was something he wanted to readdress but he would be in support of a motion to approve.

Commissioner Hall reviewed the decision options for the Board to approve, disapprove, remand back or modify the recommendation of the Planning and Zoning Commission.

Commissioner Johnson made a MOTION to approve Ordinance 282 and adopt the proposed Energy Production Code with the changes as read. Commissioner Reinke SECONDED. Discussion Commissioner Johnson noted that the Board has made a commitment to revisit the proposed changes and concerns that were brought up today. Commissioner Reinke noted each of the Commissioners have items they would like to review but it is important to get an ordinance in place. Motion Passed Unanimously.

ORDINANCE NO. 282
TWIN FALLS COUNTY, STATE OF IDAHO

AN ORDINANCE OF THE COUNTY OF TWIN FALLS, A POLITICAL SUBDIVISION OF IDAHO, AMENDING TWIN FALLS COUNTY CODE TITLE 8, ESTABLISHING CHAPTER 21 REGARDING THE REGULATION OF WIND AND SOLAR ENERGY PRODUCTION.

Source: https://twinfallscounty.org/wp-content/uploads/Mar-04-Mar-08.pdf Retrieved Nov. 19, 2026.

EXHIBIT H-8 BOCC minutes, March 4-8, 2024: Ordinance 282

Image of the original source. Source PDF page 21 of 22 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

WHEREAS, the Board of Twin Falls County Commissioners (Board) is tasked with providing for the health, safety and general welfare of the citizens of Twin Falls County; and

WHEREAS, one of the primary and essential services provided by Twin Fall County is the power to enact zoning ordinances; and

WHEREAS, unregulated wind and solar energy projects present an imminent peril to the public health, safety, and welfare of the citizens of Twin Falls County; and

WHEREAS, pursuant to Idaho Code § 67-6523, the Board adopted an emergency moratorium upon the receipt, processing, and approval of applications for large scale energy projects; and

WHEREAS, during the moratorium, the County and its personnel drafted a proposed amendment to Twin Falls County Code to address the health, safety, and welfare issues identified in the emergency moratorium.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE COUNTY OF TWIN FALLS AS FOLLOWS:

Section 1: Amendment to Twin Falls County Code, Title 8 Zoning
Twin Falls County Code Title 8 Zoning, is hereby amended to include Chapter 21 Energy Production Code. The provisions of Chapter 21, Title 8, Twin Falls County Code are hereby adopted as set forth in the attached Exhibit "A."

Section 2: REPEALING CLAUSE:
All other Ordinances and parts of Ordinances in conflict herewith shall be and the same hereby repealed.

Section 3: SEVERABILITY:
If any word, phrase, section, subsection, provision, clause or paragraph of this Ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this Ordinance; and it is hereby expressly declared that every other word, phrase, section, subsection, provision, clause or paragraph of the Ordinance enacted, regardless of the enactment or validity of the portion thereof declared to be unconstitutional or invalid, is valid.

Section 9: EFFECTIVE DATE:
This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

DATED this 8th day of March, 2024.

TWIN FALLS COUNTY BOARD OF COMMISSIONERS

/s/ Don Hall

Source: https://twinfallscounty.org/wp-content/uploads/Mar-04-Mar-08.pdf Retrieved Nov. 19, 2026.

Exhibit I: Published county code status (American Legal Publishing)

EXHIBIT I-1 Published county code status (American Legal Publishing)

Image of the original source. Screenshot of the live page in Chrome, Nov. 19, 2026: "Code current through: Ord. 292, passed 12-19-2025." Unaltered.



Source: https://codelibrary.amlegal.com/codes/twinfallscountyid/latest/overview Retrieved Nov. 19, 2026.

Exhibit J: BOCC minutes, Aug. 19, 2024: Ordinances 286 and 287

EXHIBIT J-1 BOCC minutes, Aug. 19, 2024: Ordinances 286 and 287

Image of the original source. Source PDF page 19 of 36 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

recommendation of the Planning and Zoning Commission. After the hearing, the Board may also delay such a decision for a definite period of time for further study or hearing. Commissioner Johnson noted that the updated version of Chapter 1 is cleaner and easier to understand.

Commissioner Johnson made a MOTION to approve the recommendation of the Planning and Zoning Commission to amend Twin Falls County Code Title 8, Chapter 1 and adopt the proposed Ordinance #286. Commissioner Reinke SECONDED. Motion Passed Unanimously.

ORDINANCE NO. 286
TWIN FALLS COUNTY, STATE OF IDAHO

AN ORDINANCE OF THE COUNTY OF TWIN FALLS, A POLITICAL SUBDIVISION OF IDAHO, AMENDING TWIN FALLS COUNTY CODE TITLE 8, CHAPTER 1 PURPOSE AND SCOPE.

WHEREAS, the Board of Twin Falls County Commissioners (Board) is tasked with providing for the health, safety and general welfare of the citizens of Twin Falls County; and

WHEREAS, one of the primary and essential services provided by Twin Fall County is the power to enact zoning ordinances; and

WHEREAS, this title is hereby enacted pursuant to the authority granted to the Twin Falls County Board of County Commissioners by the Idaho Local Land Use Planning Act Idaho code §§ 67-6501 – 67-6539;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE COUNTY OF TWIN FALLS THAT TWIN FALLS COUNTY CODE TITLE 8, CHAPTER 1 PURPOSE AND SCOPE IS HEREBY REPEALED AND AMENDED AS FOLLOWS:

Section 1: AMENDMENT TO TWIN FALLS COUNTY CODE, TITLE 8 ZONING CHAPTER 1 PURPOSE AND SCOPE:
Twin Falls County Code Title 8 Zoning, is hereby amended to revise Chapter 1 Purpose and Scope. The amended Chapter 1, Title 8, Twin Falls County Code is hereby adopted as set forth in the attached Exhibit "A."

Section 2: REPEALING CLAUSE:
All other Ordinances and parts of Ordinances in conflict herewith shall be and the same hereby repealed.

Section 3: SEVERABILITY:
If any word, phrase, section, subsection, provision, clause or paragraph of this Ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this Ordinance; and it is hereby expressly declared that every other word, phrase, section, subsection, provision, clause or

Source: https://twinfallscounty.org/wp-content/uploads/August-2024.pdf Retrieved Nov. 19, 2026.

EXHIBIT J-2 **BOCC minutes, Aug. 19, 2024: Ordinances 286 and 287**

Image of the original source. Source PDF page 21 of 36 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

- Has notice been given to all required parties of the proposed changes to Twin Falls County Code? Yes

Commissioner Hall closed the public hearing at 1:55 p.m.

The Board discussed the following topics.

- Whether the proposed ordinance is necessary? Yes
- Whether the proposed ordinance complies with Idaho Code 67-6509? Commissioner Johnson noted that the answer was Yes and based upon Legal's review.

Commissioner Reinke made a MOTION to approve the recommendation of the Planning and Zoning Commission to amend Twin Falls County Code Title 8, Chapter 20 and adopt the proposed Ordinance #287. Commissioner Johnson SECONDED. Discussion Commissioner Reinke noted this is hopefully the start of a process to update the County's code. Motion Passed Unanimously.

ORDINANCE NO. 287
TWIN FALLS COUNTY, STATE OF IDAHO

AN ORDINANCE OF THE COUNTY OF TWIN FALLS, A POLITICAL SUBDIVISION OF IDAHO, AMENDING TWIN FALLS COUNTY CODE TITLE 8, CHAPTER 20 APPEALS.

WHEREAS, the Board of Twin Falls County Commissioners (Board) is tasked with providing for the health, safety and general welfare of the citizens of Twin Falls County; and

WHEREAS, one of the primary and essential services provided by Twin Fall County is the power to enact zoning ordinances; and

WHEREAS, this title is hereby enacted pursuant to the authority granted to the Twin Falls County Board of County Commissioners by the Idaho Local Land Use Planning Act Idaho code §§ 67-6501 – 67-6539;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE COUNTY OF TWIN FALLS THAT TWIN FALLS COUNTY CODE TITLE 8, CHAPTER 20 APPEALS IS HEREBY REPEALED AND AMENDED AS FOLLOWS:

Section 1: AMENDMENT TO TWIN FALLS COUNTY CODE, TITLE 8 ZONING CHAPTER 20 APPEALS:
Twin Falls County Code Title 8 Zoning, is hereby amended to revise Chapter 20 Appeals. The amended Chapter 20, Title 8, Twin Falls County Code is hereby adopted as set forth in the attached Exhibit "A."

Section 2: REPEALING CLAUSE:
All other Ordinances and parts of Ordinances in conflict herewith shall be and the same hereby repealed.

Source: https://twinfallscounty.org/wp-content/uploads/August-2024.pdf Retrieved Nov. 19, 2026.

Exhibit K: BOCC minutes, Jan. to Apr. 2025: Chapter 21 work sessions

EXHIBIT K-1 BOCC minutes, Jan. to Apr. 2025: Chapter 21 work sessions

Image of the original source. Source PDF page 27 of 34 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

Commissioner Matthews made a MOTION to approve case number 104765 for rent assistance in the amount of $925.00 with $10.00 per month pay back and 50% of future tax refunds beginning in 2026. Commissioner Reinke SECONDED. Discussion Commissioner Reinke noted the client is a Twin Falls County resident and the assistance appears to be appropriate. Motion Passed Unanimously. (Hall absent)

Commissioner Matthews made a MOTION to approve case number 104766 for rent assistance. Commissioner Reinke SECONDED. Discussion Commissioner Matthews recommended denial due to an incomplete application. Motion Failed Unanimously. (Hall absent)

Commissioner Matthews made a MOTION to approve case number 104767 for rent assistance in the amount of $750.00 with $10.00 per month pay back and 50% of future tax refunds. Commissioner Reinke SECONDED. Discussion Commissioner Matthews noted the client has a plan for future rent payments and is a Twin Falls County resident. Motion Passed Unanimously. (Hall absent)

Commissioner Matthews made a MOTION to approve case number 104768 for cremation in the amount of $950.00 to Wilks Magic Valley Funeral. Commissioner Reinke SECONDED. Discussion Commissioner Matthews noted that the client was a Twin Falls County resident and was indigent. Motion Passed Unanimously. (Hall absent)

There being no further business, the Board recessed until 8:00 a.m., January 23, 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 JANUARY MEETING
January 23, 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 January 22, 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 work session for Twin Falls County Code, Title 8, Chapter 21, Energy Ordinance.
Commissioner Reinke attended a Kiwanis meeting.
Commissioner Matthews attended a Rotary Club meeting.

Source: https://twinfallscounty.org/wp-content/uploads/January-2025.pdf Retrieved Nov. 19, 2026.

EXHIBIT K-2 **BOCC minutes, Jan. to Apr. 2025: Chapter 21 work sessions**

Image of the original source. Source PDF page 5 of 36 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

February 5, 2025, 8:00 a.m.

Vice-Chairman Reinke called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of February 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
Commissioner Hall attended an IAC Legislative Committee meeting in Boise.

There being no further business, the Board recessed until 8:00 a.m., February 6, 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 FEBRUARY MEETING
February 6, 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 February 5, 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 met with Bob Beer, Facilities Director, for a weekly department meeting.
Commissioners met with Elaine Molignoni, HR Director for a department meeting.
Commissioners met with District Judges to discuss staffing.
Commissioner Reinke attended a Kiwanis meeting.
Commissioners attended a work session for Twin Falls County Code, Title 8, Chapter 21, Energy Ordinance - Battery Energy Storage System.
Commissioner Reinke attended a Juvenile Training Council meeting.
Pest Abatement District Board presented their Annual District report.

Source: https://twinfallscounty.org/wp-content/uploads/February-2025-1.pdf Retrieved Nov. 19, 2026.

EXHIBIT K-3 **BOCC minutes, Jan. to Apr. 2025: Chapter 21 work sessions**

Image of the original source. Source PDF page 17 of 36 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

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 attended an IAC Legislative weekly update via Zoom.
Commissioner Reinke attended an LIA Auction Committee meeting.

There being no further business, the Board recessed until 8:00 a.m.., February 18, 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 FEBRUARY MEETING
February 18, 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 February 14, 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 Joining Forces Magic Valley meeting.
Commissioners met with office staff for a weekly department meeting.
Commissioners attended a work session for Twin Falls County Code, Title 8 Chapter 21 - Battery Energy Storage System.
Commissioner Reinke attended a Twin Falls Area Chamber of Commerce Board meeting.
Commissioner Reinke attended a monthly Service Provider meeting.
Commissioners met with Legal for a weekly department meeting.
Commissioner Reinke attended a Fair Foundation 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.

Source: https://twinfallscounty.org/wp-content/uploads/February-2025-1.pdf Retrieved Nov. 19, 2026.

EXHIBIT K-4 BOCC minutes, Jan. to Apr. 2025: Chapter 21 work sessions

Image of the original source. Source PDF page 18 of 29 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

ABSENT: None.

STAFF: Deputy Clerk Mable Shurtleff.

The following proceedings were held to wit:

In the Matter of MEETINGS
Commissioners attended a work session for Twin Falls County Code, Title 8, Chapter 21, Energy Ordinance - Battery Energy Storage System.
Commissioners met with Elaine Molignoni, HR Director for a weekly department meeting.
Commissioner Reinke attended a Kiwanis meeting.
Commissioner Matthews attended a South Central Community Action Partnership Board meeting.
Commissioners met with Bob Beer, Facilities Director, for a weekly department meeting.
Commissioner Hall attended a SIRCOMM Board meeting.
Commissioners attended a Buhl Rotary Club meeting.
Commissioner Reinke attended a Weeds Board meeting.

In the Matter of CONSENT AGENDA
Commissioners considered the Consent Agenda; items March 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 a status sheet for Safe House; an employee requisition for TARC; Commissioners minutes for March 3, 2025 to March 7, 2025 and March 10, 2025 to March 14, 2025. Motion Passed Unanimously.

In the Matter of COMMISSIONER PROCEEDINGS
Commissioner Matthews made a MOTION to go into executive session at 10:11 a.m. pursuant to Idaho Code §74-206 (B) records exempt from disclosure – evaluation, dismissal or discipline of staff. Commissioner Reinke SECONDED. Motion passed after roll call vote. (Hall yes, Matthews yes, Reinke yes)

Commissioners returned to regular session at 10:25 a.m.

There being no further business, the Board recessed until 8:00 a.m., March 21, 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 MARCH MEETING
March 21, 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 March 20, 2025.

Source: https://twinfallscounty.org/wp-content/uploads/March-2025.pdf Retrieved Nov. 19, 2026.

EXHIBIT K-5 **BOCC minutes, Jan. to Apr. 2025: Chapter 21 work sessions**

Image of the original source. Source PDF page 26 of 48 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

Laura Wilson, CDS reviewed the final plat for Patricia Subdivision with the Board. Ms. Wilson noted that the lot is in the Buhl Area of Impact.

Commissioner Reinke made a MOTION to approve the final plat for Patricia Subdivision 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 16, 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 16, 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 17, 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 work session for Twin Falls County Code, Title 8, Chapter 21, Energy Ordinance - Battery Energy Storage System.
Commissioners met with Bill Carberry and Shawn Bariger, City of Twin Falls to discuss the airport budget.
Commissioners met with Nancy Duncan, Interlink Volunteer Caregivers for a program update and budget request.
Commissioners attended a Magic Valley Republican Women's luncheon.
Commissioner Reinke attend a Middle Snake Regional Water Resource Commission meeting.
Commissioner Hall to attend a South Central Public Health Board meeting.
Commissioner Hall to attend a Twin Falls County Health Initiatives Trust Board meeting.

There being no further business, the Board recessed until 8:00 a.m., April 17, 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 17, 2025, 8:00 a.m.

Source: https://twinfallscounty.org/wp-content/uploads/April-2025.pdf Retrieved Nov. 19, 2026.

Exhibit L: BOCC minutes, Dec. 19, 2025: Ordinance 292

EXHIBIT L-1 BOCC minutes, Dec. 19, 2025: Ordinance 292

Image of the original source. Source PDF page 41 of 76 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

Current Zoning Code? Yes

Current Zoning Map? Yes

We find the information has been provided by City of Twin Falls and CDS Staff provided testimony during the hearing today.

Commissioner Reinke made a MOTION to approve the modification to the area of impact and adopt the current Comprehensive Plan, Comprehensive Plan Map, Zoning Code, Zoning Map and the Area of Impact Map as presented at the hearing today, December 19, 2025 for the City of Twin Falls. Commissioner Matthews SECONDED. Motion Passed Unanimously.

In the Matter of ORDINANCES
Commissioners considered an ordinance repealing and replacing previous editions of Twin Falls County Code Title 8, Chapter 9, Section 18, Negotiation Procedure, and Title 8, Chapter 9, Section 19, Area of City Impact, and replacing it with Title 8, Chapter 22: Areas of Impact Sections 1-3, Purpose, Negotiation Procedure and Area of Impact.

Commissioner Matthews made a MOTION to approve Ordinance #292 repealing and replacing previous editions of Twin Falls County Code Title 8, Chapter 9, Section 18, Negotiation Procedure, and Title 8, Chapter 9, Section 19, Area of City Impact, and replacing it with Title 8, Chapter 22: Areas of Impact Sections 1-3, Purpose, Negotiation Procedure and Area of Impact. Commissioner Reinke SECONDED. Motion Passed Unanimously.

ORDINANCE NO. 292

An ordinance repealing and replacing previous editions of Twin Falls County Code Title 8, Chapter 9, Section 18, Negotiation Procedure and Title 8, Section 19, Area of City Impact.

Be it ordained by the Board of County Commissioners of Twin Falls County, Idaho, that Twin Falls County Code Title 8, Chapter 9, Section 18, Negotiation Procedure and Title 8, Section 19, Area of City Impact, is hereby repealed and Title 8, Chapter 22, Section 1-3 be adopted as follows:

CHAPTER 22

AREAS OF IMPACT

SECTION:

8-22-1 Purpose:
8-22-2 Negotiation Procedure
8-22-3 Areas of Impact

8-22-1: **PURPOSE:**

Source: https://twinfallscounty.org/wp-content/uploads/December-2025.pdf Retrieved Nov. 19, 2026.

Exhibit M: BOCC minutes, 2026: meetings with Idaho Power

EXHIBIT M-1 BOCC minutes, 2026: meetings with Idaho Power

Image of the original source. Source PDF page 15 of 33 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

presenter has everything in place for an agreement. Commissioner Matthews stated he would be in favor of receiving the letter.

Commissioner Matthews made a MOTION to acknowledge the Parks and Waterways Board's recommendation for the use of the Centennial Park boat ramp. Commissioner Hawkins SECONDED. Discussion Commissioner Matthews noted that a date would be set for further discussion with the Perron's next week. Motion passed unanimously.

There being no further business, the Board recessed until 8:00 a.m., February 11, 2026, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Ste. 2300, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR FEBRUARY MEETING
February 11, 2026, 8:00 a.m.

Chairman Reinke called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of February 10, 2026.

PRESENT: Commissioner Rocky Matthews, Commissioner Brent Reinke, and Commissioner Suzanne Hawkins.

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.
Commissioners met with office staff for a department update.
Commissioner Reinke attended a South Central Behavioral Health Board meeting.
Commissioners met with Nathan Murray, Idaho Power, to discuss Battery Storage Facilities.
Commissioners attended a Republican Central Committee meeting.

In the Matter of INDIGENT
Commissioners considered County Assistance Applications.

Commissioner Hawkins made a MOTION to approve case #104855 for rental assistance. Commissioner Reinke SECONDED. Discussion Commissioner Hawkins recommended denial as the applicant does not have an adequate plan to pay the rent going forward. Motion failed unanimously.

There being no further business, the Board recessed until 8:00 a.m., February 12, 2026, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Ste. 2300, Twin Falls, Idaho, for the transaction of further business of the Board.

Source: https://twinfallscounty.org/wp-content/uploads/February-2026.pdf Retrieved Nov. 19, 2026.

EXHIBIT M-2 **BOCC minutes, 2026: meetings with Idaho Power**

Image of the original source. Source PDF page 20 of 34 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

STAFF: Deputy Clerk Amy Allred.

The following proceedings were held to wit:

In the Matter of MEETINGS
Commissioner Reinke attended a West End Men's Association meeting.
Commissioner Reinke attended a Southern Idaho Regional Communications Center meeting.
Commissioners Reinke attended an Idaho Association of Counties Education Committee meeting.

There being no further business, the Board recessed until 8:00 a.m., April 20, 2026, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Ste. 2300, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR APRIL MEETING
April 20, 2026, 8:00 a.m.

Chairman Reinke called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of April 17, 2026.

PRESENT: Commissioner Rocky Matthews, Commissioner Brent Reinke, and Commissioner Suzanne Hawkins.

ABSENT: None.

STAFF: Deputy Clerk Amy Allred.

The following proceedings were held to wit:

In the Matter of MEETINGS
Commissioners attended a staff meeting.
Commissioners met with Legal for a department update.
Commissioner Reinke met with Kevin Sandau, Juvenile Probation Director, for a department update.
Commissioner Reinke attended a Castleford Men's Club meeting.
Commissioner Hawkins attended an Urban Renewal Agency of Twin Falls meeting.
Commissioners met with Nathan Murray for an Idaho Power program update.
Commissioner Matthews attended a Pest Abatement District Board meeting.
Commissioner Hawkins attended the Spring 2026 Health Initiatives Trust Programs and Grants Committee 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.

Source: https://twinfallscounty.org/wp-content/uploads/April-2026.pdf Retrieved Nov. 19, 2026.

EXHIBIT M-3 **BOCC minutes, 2026: meetings with Idaho Power**

Image of the original source. Source PDF page 14 of 39 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

STAFF: Deputy Clerk Amy Allred.

The following proceedings were held to wit:

In the Matter of MEETINGS
Commissioner Reinke attended a West End Men's Association meeting.
Commissioners attended South Central Community Action Partnerships Nonprofit Tour.
Commissioner Reinke attended a Mid-Snake Watershed Advisory Group meeting.

There being no further business, the Board recessed until 8:00 a.m., October 13, 2026, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Ste. 2300, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR OCTOBER MEETING
October 13, 2026, 8:00 a.m.

Chairman Reinke called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of October 9, 2026.

PRESENT: Commissioner Rocky Matthews, Commissioner Brent Reinke, and Commissioner Suzanne Hawkins.

ABSENT: None.

STAFF: Deputy Clerk Amy Allred.

The following proceedings were held to wit:

In the Matter of MEETINGS
Commissioner Reinke attended an Idaho Power tour.
Commissioner Hawkins attended a Rotary meeting.
Commissioners attended a staff meeting.
Commissioners met with Legal for a department update.
Commissioners met with Kevin Sandau, Juvenile Probation Director, Juvenile Detention staff, and Adult Misdemeanor Probation staff for a department update.
Commissioner Hawkins attended a Twin Falls Today Chamber luncheon.
Commissioner Hawkins attended a Twin Falls County Youth Council meeting.
Commissioner Matthews attended a Snake River Soil and Water Conservation District meeting.

In the Matter of COMMISSIONER PROCEEDINGS
Commissioner Matthews made a MOTION to go into executive session at 9:10 a.m. pursuant to Idaho Code §74-206 (B) records exempt from disclosure – evaluation, dismissal or discipline of staff. Commissioner Hawkins SECONDED. Motion passed after roll call vote. (Hawkins yes, Matthews yes, Reinke yes)

Source: https://twinfallscounty.org/wp-content/uploads/October-2026.pdf Retrieved Nov. 19, 2026.

EXHIBIT M-4 **BOCC minutes, 2026: meetings with Idaho Power**

Image of the original source. Source PDF page 20 of 39 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

/s/ Rocky Matthews
Rocky Matthews, Commissioner

ATTEST:

/s/ Suzanne Hawkins
Suzanne Hawkins, Commissioner

/s/ Kristina Glascock
Kristina Glascock, Clerk

In the Matter of INDIGENT
Commissioners considered the County Assistance applications.

Commissioner Hawkins made a MOTION to approve case number 104907, appeal for rental assistance. Commissioner Matthews SECONDED. Discussion Commissioner Hawkins stated that she would vote against the motion due to pending legal charges, charges made at a dispensary, and conflicting documentation provided by the applicant's mother. Commissioner Matthews noted that the bank statement provided by the mother did not establish that the charges from the dispensary were made by the mother rather than the applicant. Motion failed unanimously. (Reinke absent)

There being no further business, the Board recessed until 8:00 a.m., October 14, 2026, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Ste. 2300, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR OCTOBER MEETING
October 14, 2026, 8:00 a.m.

Chairman Reinke called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of October 13, 2026.

PRESENT: Commissioner Rocky Matthews, Commissioner Brent Reinke, and Commissioner Suzanne Hawkins.

ABSENT: None.

STAFF: Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS
Commissioner Reinke attended an Idaho Power tour.
Commissioners met with Nathaniel Anderson, R&D Supervisor, for a department update.
Commissioner Hawkins attended a Twin Falls County Museum Board meeting.
Commissioners attended a Republican Central Committee meeting.

In the Matter of COMMISSIONER PROCEEDINGS
Commissioner Matthews made a MOTION to go into executive session at 2:01 p.m. pursuant to Idaho Code §74-206 (B) records exempt from disclosure – evaluation, dismissal or discipline of

Source: https://twinfallscounty.org/wp-content/uploads/October-2026.pdf Retrieved Nov. 19, 2026.

Exhibit N: BOCC minutes, Aug. 26, 2026: Ordinance 294

EXHIBIT N-1 BOCC minutes, Aug. 26, 2026: Ordinance 294

Image of the original source. Source PDF page 5 of 19 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

John Roberts spoke and expressed his support for the change which allows his family to continue farming and storing the harvest on their property.

Commissioner Reinke closed the public testimony portion of the hearing at 2:09 p.m.

The Board discussed the following topics and made the following findings:

- Are the proposed ordinances necessary?
  Commissioner Matthews noted that he felt the changes were necessary to codify uses that are already happening so now those uses are in line with the county code. This change will also open some opportunities for the public.
  Commissioner Hawkins noted that the process has been long but being responsive to public needs are part of the job. Other options for using Ag Land while meeting the needs of local businesses are a win.
  Commissioner Reinke noted that the process has taken time and the two areas addressed in the proposed ordinances are in immediate need to be updated.

- Do the proposed ordinances clearly identify the applicable codes within Twin Falls County Code?
  Commissioner Matthews stated he felt they do. Commissioners Hawkins and Reinke concurred.

Commissioner Reinke reviewed the decision options to **approve, disapprove, remand back, or modify** the recommendation of the Planning and Zoning Commission.

Commissioner Matthews noted that he has reviewed all the proposed changes and felt that they met the needs of the community so he would be voting in favor.

Commissioner Hawkins noted that she felt everything had been reviewed and approval is the right step to updating the county code.

Commissioner Reinke noted that the landscape has changed since 1997 and the update was necessary and he would be in support of the change.

Commissioner Matthews made a MOTION to approve the recommendation of the Planning and Zoning Commission to amend Twin Falls County Code and adopt the proposed ordinances. Commissioner Hawkins SECONDED. Discussion Commissioner Matthews noted that he felt the changes would help bring the county up to date with current needs. Commissioner Hawkins felt that the change helps keep county history in mind and doing what is right for Twin Falls County. Commissioner Reinke concurred. Motion passed unanimously.

In the Matter of ORDINANCES
Commissioners considered Ordinances for repealing and replacing previous editions of Twin Falls County Code Title 8, Chapter 6, Article B, Agricultural Zone, Section 8-6B-2, Principal Permitted Uses and Title 8, Chapter 6, Article D, Rural Residential Zone, Section 8-6D-3, Conditional Uses, and Amending Definitions to Title 8, Chapter 2, Section 8-2-2; and repealing and replacing

Source: Twin Falls County BOCC minutes, Aug. 24-28, 2026 Retrieved Nov. 19, 2026.

EXHIBIT N-2 **BOCC minutes, Aug. 26, 2026: Ordinance 294**

Image of the original source. Source PDF page 6 of 19 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

previous editions of Twin Falls County Code Title 8, Chapter 6, Article E, Commercial Zone, Section 8-6E-2: Principal Designated Uses; and Title 8 Chapter 6, Article E, Section 8-6E-3: Conditional Uses; and Title 8, Chapter 6, Article E, Section 8-6E-4: Other Uses

Commissioner Matthews made a MOTION to approve Ordinance #294. Commissioner Hawkins SECONDED. Motion passed unanimously.

ORDINANCE NO. 294

An ordinance repealing and replacing previous editions of Twin Falls County Code Title 8, Chapter 6, Article B, Section 8-6B-2 Principal Permitted Uses, and Title 8, Chapter 6, Article D, Section 8-6D-3 Conditional Uses.

Be it ordained by the Board of County Commissioners of Twin Falls County, Idaho, that Twin Falls County Code Title 8, Chapter 6, Article B, Section 8-6B-2 Principal Permitted Uses, and Title 8, Chapter 6, Article D, Section 8-6D-3 Conditional Uses, is hereby repealed and Title 8, Chapter 6, Article B, Section 8-6B-2 Principal Permitted Uses, and Title 8, Chapter 6, Article D, Section 8-6D-3 Conditional Uses and Amended Definitions to Title 8, Chapter 2, Section 8-2-2 be adopted as follows:

SECTION 8-6B-2: PRINCIPAL PERMITTED USES: Permitted uses shall be subject to compliance with all other provision of this title including chapter 17 & 18 of this title.

1. Agricultural buildings;
2. Farm labor dwelling units for any occupant(s) employed full time in connection with the agricultural use of the land. Proof of full-time employment with said operation shall be provided to the zoning administrator upon request.
3. LCOs (livestock confinement operations) in compliance with this title.
4. One single-family dwelling together with accessory use buildings such as garages or storage buildings for every forty (40) acres or more of contiguous land held under a single ownership.
5. Private stables.
6. Public utility buildings and facilities.
7. Roadside stands or temporary structures used for the sale of farm products raised on the premises, including signs advertising the sale of such products. Such structures shall be located a minimum distance of twenty feet (20') from the highway right of way line and provide not less than five (5) off street parking spaces adjacent thereto.
8. Natural Fermentation - The natural fermentation of viticultural products grown on the premises.
9. The full and complete use of agricultural land for production of any agricultural product in compliance with Idaho Code section 67-6529.

SECTION 8-6D-3: CONDITIONAL USES: These uses may be granted by the commission after application and a formal previously advertised public hearing.

Source: Twin Falls County BOCC minutes, Aug. 24-28, 2026 Retrieved Nov. 19, 2026.

EXHIBIT N-3 **BOCC minutes, Aug. 26, 2026: Ordinance 294**

Image of the original source. Source PDF page 7 of 19 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

These items may be approved provided they are determined to be an appropriate use of land at the proposed location and provided they will not have an adverse effect upon adjoining developed land. Conditions required special or additional sanitation facilities, landscaping, developed recreation facilities, reduced density, level of maintenance standards, parking, etc. may be stipulated in the approval.

1. Churches and parish halls. (Heights of buildings to be considered.)
2. Private noncommercial recreation areas including country clubs, racquet clubs and golf courses.
3. Schools and private educational buildings having a curriculum similar to that ordinarily given in public schools and colleges. (Minimum area shall be 10 acres.)
4. Subdivisions and planned unit developments, in accordance with any applicable provisions of this title, provided they are located one thousand three hundred twenty feet (1,320') or one-fourth (1/4) mile from any livestock confinement operation's waste lagoon's closest inside edge of the retaining wall, and at least four hundred feet (400') from any livestock confinement operation's corrals outside edge. See chapters 17 and 18 of this title. Such developments within a city area of impact or one mile of any city limits shall require the approval of such city.
5. Three-family dwelling units.
6. Two-family dwelling units.
7. Natural Fermentation – The natural fermentation of viticultural products grown on the premises.

SECTION 8-2-2: DEFINITIONS:

AGRICULTURAL BUILDING: Any building or structure qualifying under group U occupancy (agricultural buildings) as defined by the latest edition of the international building code as adopted by Twin Falls County, with the following exceptions:

A. That the building or structure is not a place of human habitation, nor used by the public.
B. That the building or structure is not a place of employment where agricultural products are processed, treated or packaged including, but not limited to, milking barns, free stall barns or other like structures.
C. Any building or structure qualifying under group A occupancy (assembly) section 303 or group B occupancy (business) section 304 occupancy as defined by the latest edition of the international building code as adopted by Twin Falls County.
D. Any building or structure utilized for viticultural products raised on the premises, including "Natural Fermentation". Must comply with applicable building code group; Final determination by the Building Official.

NATURAL FERMENTATION: The fermentation of viticultural products grown on the premises, conducted within barrels or similar containers, in which naturally occurring microorganisms convert sugars into alcohol or acids without the intentional addition of commercial yeast or bacterial cultures. This process may include associated activities such as crushing and pressing, without distillation or industrial-scale processing. This shall be considered accessory to agriculture and limited agricultural processing. Public tasting rooms, event venues, on-site retail sales, are not allowed. This definition shall apply only to uses regulated under this section.

Source: Twin Falls County BOCC minutes, Aug. 24-28, 2026 Retrieved Nov. 19, 2026.

Exhibit O: County Community Development Services page

EXHIBIT O-1 County Community Development Services page

Image of the original source. Screenshot of the live page, Nov. 19, 2026: Planning and Zoning notice citing Gardiner. Unaltered.

~ *Community Development Services* ~



Planning & Zoning Department

Citizen Connect ~ Zoning ~ Public Hearing Information

David T. Overacre – Director

Lorie Jeske – Planner I

Paula Clelland – Administrative Assistant
Emily Arrington – Administrative Specialist

****NOTICE TO ZONING APPLICANTS****

Twin Falls County Code 8-6(A-F) is limited by Idaho Code § 67-6521(a) and the Idaho Supreme Court's *Gardiner v. Boundary County* decision. 148 Idaho 764, 767 (2010). Only conditional uses that are "permitted by the terms of the ordinance" may be granted conditional use permits. The types of uses that may be conditionally permitted are specifically listed in the Twin Falls County Code. Uses that are not listed in the ordinance will not be approved.

When making an application to Planning and Zoning for a Public Hearing, the application must be complete before the application can be scheduled for a public hearing. When more than eight (6) applications are received within a month, your request could be moved to the next available month. It behooves the applicant to complete the application fully and return it as soon as possible.

The Planning and Zoning Commission hold regular meetings on the 2nd Thursday of each month at 6:30 pm at the Twin Falls County West Building in the Planning & Zoning meeting room.

630 Addison Ave. West Suite 1100
Twin Falls, Idaho 83301
208-734-9490 (phone)
208-733-9645 (fax)
EMAIL: pandz@tfco.org

Source: https://twinfallscounty.org/community-development-services/ Retrieved Nov. 19, 2026.

EXHIBIT O-2 **County Community Development Services page**

Image of the original source. Screenshot of the live page, Nov. 19, 2026: Building Department adoption of the 2018 IBC. Unaltered.

NEW OFFICE PHONE NUMBER (208).933.9279

Office Hours Change – **The Building Department will be Closed for Lunch from 12:30 pm to 1:30 pm.** We understand and apologize for any inconvenience this new office hour change may create. *If there is an instance where this time frame is your only availability, please give us advance notice and we will work out our schedules to accommodate you, if possible.*

***Jon M. Laux**, CFM – Director – Building Department*

***Anna Black** – Permit Technician*
***Darryl Petrone** – Building Inspector*
***Bryan Arrington** – Mechanical / Building Inspector*

****NOTICE TO BUILDING PERMIT APPLICANTS****
Twin Falls County has adopted the 2018 versions, with Idaho Amendments, of the International Building Codes (IBC), International Residential Code (IRC), Energy Conservation Code (IECC), Mechanical Code (IMC), Fuel Gas Code (IFGC), International Existing Building Code (IEBC), 2018 Fire Code (IFC) with Idaho Amendments, and the 2018 Idaho Manufactured Home Installation Standards.

(click individual codes to be taken to online code documents.)

BUILDING INSPECTION REQUEST LINE (208) 735-4429
MECHANICAL INSPECTION REQUEST LINE (208) 735-4432

630 Addison Ave. West, STE 1101
Twin Falls, ID 83301

Office: (208)933.9279
Fax: (208)933.4794

Source: https://twinfallscounty.org/community-development-services/ Retrieved Nov. 19, 2026.

Exhibit P: Idaho Code 31-881 and 67-6528

EXHIBIT P-1 Idaho Code 31-881 and 67-6528

Image of the original source. Screenshot of the live Idaho Legislature page, Nov. 19, 2026. Unaltered.



Source: https://legislature.idaho.gov/statutesrules/idstat/Title31/T31CH8/SECT31-881/ Retrieved Nov. 19, 2026.

EXHIBIT P-2 Idaho Code 31-881 and 67-6528

Image of the original source. Screenshot of the live Idaho Legislature page, Nov. 19, 2026. Unaltered.



The official website of the
Idaho Legislature

STATE OF IDAHO
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TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65
LOCAL LAND USE PLANNING

67-6528. APPLICABILITY OF ORDINANCES. The state of Idaho, and all its agencies, boards, departments, institutions, and local special purpose districts, shall comply with all plans and ordinances adopted under this chapter unless otherwise provided by law. In adoption and implementation of the plan and ordinances, the governing board or commission shall take into account the plans and needs of the state of Idaho and all agencies, boards, departments, institutions, and local special purpose districts. The provisions of plans and ordinances enacted pursuant to this chapter shall not apply to transportation systems of statewide importance as may be determined by the Idaho transportation board. The Idaho transportation board shall consult with the local agencies affected specifically on site plans and design of transportation systems within local jurisdictions. If a public utility has been ordered or permitted by specific order, pursuant to title 61, Idaho Code, to do or refrain from doing an act by the public utilities commission, any action or order of a governmental agency pursuant to titles 31, 50 or 67, Idaho Code, in conflict with said public utilities commission order, shall be insofar as it is in conflict, null and void if prior to entering said order, the public utilities commission has given the affected governmental agency an opportunity to appear before or consult with the public utilities commission with respect to such conflict.
History:
[67-6528, added I.C., sec. 67-6528, as added by 1975, ch. 188, sec. 2, p. 515.]

How current is this law?

State Senate House of Representatives Legislative Services

Source: https://legislature.idaho.gov/statutesrules/idstat/Title67/T67CH65/SECT67-6528/ Retrieved Nov. 19, 2026.

Exhibit Q: IBC 306.2 Group F-1, as adopted in WAC 51-50-0306

EXHIBIT Q-1 IBC 306.2 Group F-1, as adopted in WAC 51-50-0306

Image of the original source. Screenshot of the Washington State Legislature page reproducing IBC 306.2, Nov. 19, 2026. "Electric generation plants" is the 21st entry. Unaltered.

PDF **WAC 51-50-0306**

Section 306—Factory Group F.

306.2 Moderate-hazard factory industrial, Group F-1. Factory industrial uses that are not classified as factory industrial F-2 low hazard shall be classified as F-1 moderate hazard and shall include, but not be limited to, the following:

Aircraft (manufacturing, not to include repair)
Appliances
Athletic equipment
Automobiles and other motor vehicles
Bakeries
Beverages: Over 16 percent alcohol content
Bicycles
Boats
Brooms or brushes
Business machines
Cameras and photo equipment
Canvas or similar fabric
Carpets and rugs (includes cleaning)
Clothing
Construction and agricultural machinery
Disinfectants
Dry cleaning and dyeing
Electric generation plants
Electronics
Energy storage systems (ESS) in dedicated use buildings
Engines (including rebuilding)
Food processing establishments and commercial kitchens not associated with restaurants, cafeterias and similar dining facilities more than 2,500 square feet (232m^2) in area
Furniture
Hemp products
Jute products
Laundries
Leather products
Machinery
Marijuana processing
Metals
Millwork (sash and door)
Motion pictures and television filming (without spectators)
Musical instruments
Optical goods
Paper mills or products
Photographic film
Plastic products
Printing or publishing
Recreational vehicles
Refuse incineration
Shoes
Soaps and detergents
Textiles
Tobacco
Trailers
Upholstering
Water/sewer treatment facilities
Wood; distillation
Woodworking (cabinet)

[Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 22-13-094, 23-12-103, and 23-20-023, § 51-50-0306, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24; WSR 16-03-064, § 51-50-0306, filed 1/19/16, effective 7/1/16.]

Source: https://lawfilesext.leg.wa.gov/Law/WACArchive/2024/htm/WAC%20%2051%20-%2050%20%20CHAPTER/WAC%20%2051%20-%2050%20-0306.htm Retrieved Nov. 19, 2026.

Exhibit R: Bannock County Zoning Ordinance 1998-1, definitions

EXHIBIT R-1 Bannock County Zoning Ordinance 1998-1, definitions

Image of the original source. Source PDF page 19 of 157 (no page number printed on the original). Yellow highlighting added; otherwise unaltered.

such as hard surfaces, lawn, and other landscaping. **(Amendment #31, Ordinance 2016-3)**

PRIMARY USE: The principal use to which the premises are devoted, and the principal purpose for which the premises exist.

PRIME AGRICULTURAL LAND: See Agricultural Soils, prime.

PUBLIC SERVICE FACILITY: Structures and uses essential to fulfilling supportive functions related to the health and well-being of the public, including fire stations, police stations, military training or recruiting facilities, public parks, recreational facilities which are operated on a not-for-profit basis, not-for-profit educational facilities, and administrative offices for public service uses. **(Amendment No. 30 Ordinance #2015-5)**

PUBLIC UTILITY: Structures essential to furnishing the public with electric power, gas, water, water treatment, and public services, including power plants and substations, and pumping stations. **(Amendment No. 30 Ordinance #2015-5)**

RECEIVING AREA: One or more areas of land designated by the Bannock County Board of County Commissioners to which development rights generated from one or more sending areas may be transferred and in which increased development is permitted to occur by reason of such transfer. The receiving area shall be zoned districts established by Bannock County pursuant to the procedures of section 67-6511, Idaho Code, as an area suitable to receive transferred development rights. **(Amendment No. 45, Ordinance 2019-02)**

RECEIVING PARCEL(S): Parcel(s) of land within a receiving area to which one or more development rights from a sending area may be or are transferred. **(Amendment No. 45, Ordinance 2019-02)**

RECREATIONAL VEHICLE: A vehicle towed or self–propelled on its own chassis or attached to the chassis of another vehicle, and designed or used for temporary dwelling, recreational or sporting purposes. The term "recreational vehicle" shall include, but not be limited to travel trailers, pick–up campers, camping trailers, motor coach homes, converted trucks and buses, and boats and boat trailers.

RECYCLING COLLECTION POINT: A container for the collection of recyclable materials which are specified on the container.

RECYCLING FACILITY: A building used for the collection, shipping and distributing of used materials, or for the remanufacture of waste materials into another product or form. If materials are stored outside the building, the facility shall be deemed a junkyard.

RIPARIAN AREAS, RIPARIAN CORRIDORS: All lands within and adjacent to areas of groundwater discharge, or standing and flowing surface waters where the vegetation community is significantly affected by the temporary, seasonal, or permanent presence of water. Examples include springs, seeps, creeks, streams, rivers, ponds and lakes and their

Source: https://www.bannockcounty.gov/wp-content/uploads/2023/04/BANNOCK-COUNTY-ZONING-ORDINANCE-1998-1-updated-3.11.2025.pdf Retrieved Nov. 19, 2026.

Exhibit S: Idaho Power testimony, IPUC Case IPC-E-26-04, p. 30

EXHIBIT S-1 **Idaho Power testimony, IPUC Case IPC-E-26-04, p. 30**

Image of the original source. Hackett Direct Testimony dated Mar. 10, 2026, original page 30, lines 6-14. Unaltered.

Q. Has the Company obtained the necessary permits for construction of South Hills?

A. At this time, a Conditional Use Permit is not required in Twin Falls County, only a building permit is required which will be obtained prior to commencement of construction activities. With respect to air permits, the modeling protocol is nearly complete and will be submitted to the Idaho Department of Environmental Quality ("DEQ") for approval. Similar to the Bennett Gas Expansion Project,

Source: IPUC case file IPC-E-26-04 (copy in CYA folder 01 IPUC Case IPC-E-26-04) Retrieved Nov. 19, 2026.

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REVISION BLOCK

Rev.	Date	Description	By
1.0	Nov. 19, 2026	Initial brief from research memo; all Twin Falls County claims checked against minutes and code; exhibits A-Q assembled.	J. A. Pierson / Claude
1.1	Nov. 19, 2026	ChatGPT cross-check (Section 16). Corrected the codification status to Ord. 292 and the Section E wording.	J. A. Pierson / Claude
1.2	Nov. 20, 2026	Every exhibit is now an image of the original (typed text captures removed; web sources screenshotted). Exhibits re-lettered A-S. Added the moratorium notice, the Oct. 12, 2023 P&Z draft, the Feb. 13, 2024 draft and Summary of Changes. Identified deleted Paragraph P. Research memo laid out with its headings, tables and lists. Marked DRAFT and posted as a research document.	J. A. Pierson / Claude