TETON COUNTY, IDAHO | Board of County Commissioners

Written Decision for Fall River Electric Cooperative, Inc.

Major Utility - Special Use Permit

This is a written decision on the findings for the denial of the Fall River Electric Special Use Permit – Major Utility under Teton County Code ("LDC"), as amended.

APPLICATION DATE:	September 9, 2025
APPLICANT:	Fall River Electric Cooperative, Inc.
PROPERTY OWNER:	Fall River Electric Cooperative, Inc.
PROJECT NAME:	Midway Substation
PURPOSE OF APPLICATION:	Approval of a major utility
EXISTING ZONING:	RN-5 Rural Neighborhood 5-acre average density
SURROUNDING ZONING:	RN-5 Rural Neighborhood 5-acre average density
SURROUNDING USE:	Rural residential single-family and agricultural land
PARCEL & SIZE:	RP04N45E143701 – 5.0 acres

Applicable Standards and Criteria for Application Evaluation:

- Teton County Land Development Code (§ 3-5-10 & § 4-8(E))
- Teton County Comprehensive Plan (A Vision & Framework 2012-2030)

Procedural Background

SUBMISSION AND SCHEDULING: An application for a Special Use Permit was submitted September 9, 2025. The application was scheduled and heard by the Teton County Planning and Zoning Commission (PZC) on October 14, 2025. At the hearing, the PZC received substantial public comment, largely opposed to the proposal. The PZC continued the hearing and requested additional information to assist in answering questions in order to make their recommendation. The PZC heard the request again with the additional requested information on November 18, 2025, at which time the PZC recommended denial, finding that the application did not meet the criteria found in LDC § 3-5-10 and § 4-8, specifically the review criteria listed at LDC § 4-8(E)(1), -(5), and –(6), having found:

> Criteria #1 LDC Chap 5 General Development standards not being met specifically, Section E about wildlife mitigation studies that highlight how the site plan makes sense regarding Section E.

Criteria #5 - Fall River did not provide information for electromagnetic data regarding safety and in terms of scale and site design, those are not being met, relating to the height of the proposed structure and the location of the site plan in relation to the neighboring properties.

Criteria #6 - Any adverse impacts resulting from the proposed use were not demonstrated in the site plan provided relating to buffering and screening of all adjacent properties within 1000' shown clearly on a site plan.

HEARING DATE: The item was scheduled for the Teton County Board of County Commissioners ("BoCC" or "Board") on March 9, 2026.

NOTICING: Pursuant to applicable law, the public hearing for the BoCC meeting was duly noticed in the Teton Valley News on February 18 and February 25, 2026; a notification was sent via mail to surrounding property owners within a 300-foot buffer area and all adjacent subdivision lot owners on February 14, 2026; and notice was posted on site on February 24, 2026.

The following commissioners were present at both the March 9, 2026, public hearing and subsequent BoCC meeting on March 23, 2026: Brad Wolfe, Ron James, Dan Powers.

The applicant representatives including Dave Peterson, Wendi Celino, and Ben Bollinger were present.

Reasoning and Analysis

Significant public comment was heard on this request as well as written comments received throughout the review process. The comments included concerns about impacts to wildlife, noise, visual impacts, electromagnetic frequencies, and concerns related to health issues, and reduced property values. Other public comments were in support of the project, citing the need to provide consistent, reliable electricity to protect health, including elderly or others with special needs. The applicant identified this as the right place because of the location in proximity to the transmission power lines, spacing between existing substations, and proximity to the demand. Following the comments at the public hearing, the Board determined to continue the item to allow them the opportunity to fully review the material presented and determine if legal advice was needed. The Board's deliberation was continued to March 23, 2026.

At the meeting on March 23, 2026, the Board deliberated. Commissioner Wolfe expressed that he felt he could support approval of the application if there was a way to adequately mitigate visual impacts and noise, however the other commissioners expressed that they did not believe other likely impacts such as visual impacts and potentially lower property values, could be mitigated. The Board generally concurred that they did not find conclusive issues related to public health or safety. Commissioner Powers discussed the broader public benefit compared to the localized impact and whether they could adequately mitigate those. He stated he felt the use was not compatible due to the operating characteristics. It was noted that Fall River had done a good job attempting to buffer the use, but felt it couldn't be done sufficiently to make the use compatible. He indicated the likelihood of reduced property valuation and general impacts to existing residences in the vicinity. Ultimately, the Board voted to follow the recommendation of the PZC and deny the application.

Factual Findings

Scheduled meetings met the required notifications.

Substantial public input was received both in opposition and in support of the project.

At the conclusion of the PZC review, they voted in a split vote to recommend denial of the proposal.

In the face of conflicting evidence, the Board could not find that the use proposed by this application was "compatible with adjacent uses" (LDC § 4-8(E)(5)), although it would certainly be useful for the region's electrical infrastructure, this substation, and particularly its operating characteristics, is not congruent with the uses that are adjacent to it in this neighborhood or area. Further, the Board could not condition approval or otherwise effectively mitigate or offset the "adverse impacts resulting from the proposed use in [this] affected area" (LDC § 4-8(E)(6)), although buffering would be helpful, it would not be enough to mitigate all the adverse impacts.

The BoCC can only approve a Special Use Permit if it finds that all the approval criteria have been met or that conditions on the application would ensure the proposed use permit meets the criteria in the LDC § 4-8(E) and § 3-5-10. Because LDC § 4-8(E)(5) and –(6) cannot be satisfied in this application, it cannot be approved.

Conclusions

In accordance with these findings, the Board denied the application for this Fall River Electric Midway Substation SUP, because the proposed use is incompatible with the adjacent uses in terms of operating characteristics, and the adverse impacts resulting from the proposed use in the affected area cannot be effectively mitigated or offset.

The Board's motion passed 2-1, with Commissioner Wolfe voting nay.

Therefore, having given due consideration to the application and materials presented, and to the criteria of approval called out in the staff report, the Teton County Board of County Commissioners hereby DENIES this application, because it cannot satisfy LDC § 4-8(E)(5) and –(6), since the proposed use is not compatible with the adjacent uses and because the adverse impacts of this proposed use cannot be effectively mitigated or offset.

_____

Brad Wolfe, Date
Chair of Teton County Board of County Commissioners

NOTICE OF APPLICABLE RIGHTS

Applicants have a right to request an appeal per Teton County §LDC 4-15. Applicant also has right to request a regulatory taking analysis of this decision pursuant to Idaho Code § 67 8003. Further, per Idaho Code § 67-6535, and in accordance with Idaho Rule of Civil Procedure 84, an applicant or an affected person has the right to seek review of this decision.

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of April, 2026, I served a true and correct copy of the foregoing document upon the following:

Wendy Celino wendi.celino@fallriverelectric.com Ben Bollinger Ben.Bollinger@fallriverelectric.com	[ ] Mailing [ ] Hand Delivery [ ] Fax [x] E-Mail [ ] Overnight Mail [ ] Courthouse Box

_____

County Clerk