TETON COUNTY

PLANNING & ZONING COMMISSION

PUBLIC HEARING

September 8, 2026
5:00 p.m.
Commissioners' Meeting Room
150 Courthouse Dr, 1st Floor
Driggs, ID 83422

Members Present:	James Weber Wyatt Penfold Carl Kohut Tom Braun Harley Wilcox Maggie Martin Collin Hunter
Staff Present:	Sharon Fox Joshua Chase

A. Approval of Minutes

MOVER: Tom Braun
SECONDER: Carl Kohut

I move to approve the August 11, 2026 Minutes.

AYES (6): James Weber, Wyatt Penfold, Carl Kohut, Tom Braun, Harley Wilcox, and Maggie Martin

Absent (1): Collin Hunter

Adopted (6 to 0)

B. Chairman Business

There was no Chairman business.

C. Administrator Business

Mr. Chase talked about the upcoming Work Session on 8/22 and asked if the date works for the Commission. They had no issues with the date.

D. Action Items

1. 5:00 PM PUBLIC HEARING: Zamora Estates Subdivision Preliminary Plat Hearing

Mr. Chase reviewed the application for a 4 lot subdivision on 10 acres located in the Tetonia AOI on Hwy 33 and N 3500 W. The parcel is located in the Scenic Corridor and has a Sharp Tailed Grouse overlay as well as a Big Game Migration overlay. Access is from N 3500 W and there are no building envelopes proposed.

The applicant representative was not present but had a representative, Javier Diaz, available for questions.

PUBLIC COMMENT:

There was no public comment.

COMMISSION DISCUSSION:

The Commission had no new issues with the application and were comfortable with the recommended conditions of approval listed in the staff report. Mr. Weber also wanted to see the fire pond possibly relocated based on the results of the WHA that was done for the site.

MOVER: James Weber
SECONDER: Maggie Martin

Having concluded that the Criteria for Approval of a Subdivision Preliminary Plat found in LDC (LDC 4-13-D) can be satisfied, I move to Recommend approval of the Preliminary Plat Application for Zamora Estates Subdivision as described in the application materials submitted March 2, 2026, with the inclusion of additional applicant information attached to this staff report and the conditions of approval listed in the staff report and

3) Relocate/move the fire pond as far away from Hwy 33 as possible per the WHA results; and

4) Applicant and staff confirm to define the setback from Hwy 33 where landscaping would be prohibited.

AYES (7): James Weber, Wyatt Penfold, Carl Kohut, Tom Braun, Harley Wilcox, Maggie Martin, and Collin Hunter

Adopted (7 to 0)

2. 5:20 PM PUBLIC HEARING: Gallery Subdivision Preliminary Plat Hearing

Mr. Chase reviewed the application for a 15 lot subdivision on 160.15 acres with lot sizes varying from 2.5 up to 19 acres per lot. Access is from S 4500 W through the Labra Lane Subdivision access. He discussed the

Wildfire Hazard overlay covering the entire subdivision and the significant slope issues on some lots. He also discussed the NP evaluation that was granted a waiver for Phase 2 of the subdivision due to the lack of access at this time and noted that DEQ had not provided a final response.

Mr. Taylor Cook with Nelson Engineering, representing the applicant, commented they integrated the WHA recommendations in their preliminary design. Regarding the NP comments, he stated they are working with DEQ to make sure they will approve the plans.

Llywellyn Jones, applicant, explained the design process for the road through the subdivision was based on the WHA recommendations and the slope restrictions. He said clustering the building envelopes was not possible with the road constraints and the slopes involved.

PUBLIC COMMENT:

There was no public comment.

COMMISSION DELIBERATION:

Mr. Weber commented he understood the difficulties designing the subdivision based on the slopes and the WHA recommendations, but felt that 3 of the lots (#'s 5, 14 & 15) don't seem to be avoiding those sensitive areas with building envelope placement.

Mr. Braun agreed that it is a difficult site to develop but wanted to see clarification on the NP study results before moving the application forward.

Mr. Wilcox commented he felt they took into consideration the results of the studies they did and the proposed design was done well considering the constraints of the parcel.

Mr. Llywellyn Jones commented that they have spent a great deal of time with the design and moving the envelopes out of the migration corridor would require a great deal more roadwork.

Ms. Martin commented she felt they have responded to the input from the consultants as best they could with the layout.

MOVER: Harley Wilcox
SECONDER: Maggie Martin

Having concluded that the Criteria for Approval of a Subdivision Preliminary Plat found in LDC (LDC 4-13-D) can be satisfied, I move to Recommend approval of the Preliminary Plat Application for Gallery Subdivision as described in the application materials submitted March 2, 2026, with the inclusion of additional applicant information attached to this staff report and the following condition of approval:

1. DEQ report will be provided prior to scheduling the Bocc preliminary plat hearing.

AYES (5): Wyatt Penfold, Tom Braun, Harley Wilcox, Maggie Martin, and Collin Hunter

NAYS: (2): James Weber, and Carl Kohut

Adopted (5 to 2)

3. 5:50 PM PUBLIC HEARING: K Ranch Subdivision Preliminary Plat Hearing - POSTPONED

MOVER: James Weber
SECONDER: Collin Hunter

I move to continue the application to October 13th at 5:00 PM.

AYES (7): James Weber, Wyatt Penfold, Carl Kohut, Tom Braun, Harley Wilcox, Maggie Martin, Collin Hunter

Adopted (7 to 0)

4. 6:20 PM PUBLIC HEARING: Fall River Electric Special Use Permit - Substation:

Mr. Chase commented the application is similar to the previous SUP application that was denied for an electric substation on the same parcel on W 3500 S. He commented on the overlays on both parcels and the new buffering plan submitted to help minimize the impact on the neighborhood. He also noted that a new WHA was prepared for the application and presented new information and stated there was a WHA done by a neighbor for the same parcel and that is included in the packet.

Mr. Taylor Cook with Nelson Engineering, representing the applicant, presented a slide show along with his comments. He read his findings on how the application complies with the LDC requirements including landscape buffering. Mr. Cook then talked about the Acoustic study done and the EMF study done and the results.

Mr. Braun asked if a well has been approved by IDWR for supporting a irrigation system for the landscaping proposed. Mr. Cook commented they are working with IDWR and believe they have the appropriate water rights to be able to qualify for watering landscaping.

Mr. Bryan Case, CEO for Fall River, commented they are planning on leaving the remaineder of the property as open space to offset the substation impacts on wildlife and do not plan on installing employee housng units on the parcel. Mr. Braun asked if Fall River has researched other locations for the substation. Mr. Case commented in order to meet the required criteria for operation it did not work out for other locations they looked at.

PUBLIC COMMENT:

Ms. Emily Johnson, adjacent property owner, commented she felt the application does not meet the approval criteria, she wanted to see it tabled to review the new information, and did not feel the information regarding financial impact on neighboring properties was done appropriately.

Mr. Ken Chambers representing the Chambers property commented he felt it was important to have a substation between Tetonia and Victor in order to serve the increasing residential growth.

Mr. Travis Moulton, resident on 5500 S, wanted to see the substation built because he has a handicapped son and he cannot afford to experience a power failure because it might be life threatening.

Mr. Wade Kaufman, local residents, was in favor of the new substation due to the rapid growth that is shown no sign of slowing down. He did not feel the wildlife would be heavily impacted and felt the landscape buffer proposed would adequately screen the station.

Ms. Linda John commented she lives across from the Victor substation and raised her kids without any damage from the substation. She said it is not more than a minor hum coming from the substation and was not a problem for the neighbors or the wildlife in Victor.

Mr. Justin John, resident across from the Victor substation, comment he grew up with the noise and doesn't even hear it and there is plenty of wildlife around the existing substation.

Ms. Ida Hansen, local resident, commented she was in favor of the application because of the growth of the valley and the increased need for electricity. She also commented she was not a fan of wildlife studies.

Mr. Ron Paradis, local resident, commented the substation was deemed incompatible with the neighborhood the first time around and is still not appropriate location in his opinion. He felt there are more appropriate locations in the valley for a substation.

Ms. Anna Trentadue, representing Meg Heinen and Emily Johnston who live next to the proposed site, commented the plant cannot be approved if it will have a negative impact on the neighbors and there is descretion allowed in the application process to deny the application based on the impacts.

Ms. Meg Heinen, property owner that directly abutts the proposed substation parcel, commented they chose their locataion in this neighborhood to build their home and have been there 24 years enjoying the Darby drainage and the wildlife in the neighborhood. She did not feel the proposed buffer is compatible with the residential landscaping throughout the neighborhood.

Ms. Theresa Paradis, resident 3 parcels away from the proposed substation, commented she has owned the property for over 20 years and daily enjoys the wildlife in the area that will no longer be around. She was also concerned with the medical implications of the proximity to residences.

Ms. Chris Miller, resident 2 parcels away from the proposed substation, commented on her experience as a real estate agent for the last 10 years and the impact of uses that are not residential in nature have always influenced potential buyers. She did not feel the studies accurately reflected the land in Teton Valley.

Mr. Bob Tomb , resident in the neighborhood, commented he was concerned with his property value declining if the substation is built and felt it should be on a much larger parcel away from a dense residential neighborhood.

Mr. Sean Miller, resident 2 parcels away, thanked Fall River Electric for their service but did not understand bringing back the same application in the same location that was previosly denied. He noted that there are properties nearby that would be willing to sell their land for use as a substation location but were never contacted by Fall River Electric to find out if it was an option.

Ms. Marian Stinson, resident 200' from the proposed site directly across from her home, is concerned with the EMF output on her grandchildren when they are outside playing in her yard. She was also concerned with the financial impact on her property value and her drastic change in her view from her house.

Ms. Niki Richards, representing VARD, was concerned with the application coming back in the same location after being denied. The same issues still exist and she did not feel the location in an established neighborhood was appropriate. She felt there are other locations for the substation if Fall River would make a real effort to find one.

Ms. Julie Breaux-LaRose, [address redacted] was conceerned with the impact of the substation on the neighborhood lifestyle and property values. She felt the financial impact report presented by Fall River Electric was not accurate for values iin Teton Valley.

APPLICANT REBUTTAL:

Mr. Taylor Cook with Nelson Engineering, representing the applicant, commented the homes around the other substation locations shown were built before the substations were installed. He disagreed that Fall River did not look for a more appropriate location because he knew they had looked into other locations extensively. He noted that the application process followed all requirements from the LDC.

Ms. Claire Pincock with MD Acoustics, commented on the process she used for the noise study presented with the current application and the restrictions on substations regarding noise generation. She also discussed her process for researching the EMF limits in the US and other countries and stated they are within acceptable limits based on substation regulations requirements.

Ms. Trentadue asked to be able to present a rebuttal to the application rebuttal. The Commission allowed Ms. Trentadue to speak again.

Ms. Ana Trentadue representing VARD, commented there are numerous fluxations in the sound from a substation throughout the day and felt it does not meet the standard for accurate measuring of the sound that will be heard by the neighbors.

Ms. Pincock commented the survey that was done was based on the maximum noise level of each substation studied, not a 2 hour window for one substation.

COMMISSION DELIBERATION:

Ms. Martin commented the County needs a new substation and it will not be welcome in any neighborhood. She wanted to know how far away they can go without being ineffective. Mr. Wilcox commented he felt they are not saying there is no other location that would work but they one they are proposing is the best location for their needs.

Mr. Hunter commented there are no neighborhoods that would welcome a substation but it has to go somewhere and he felt we need to help Fall River Electric meet the demands of the county that are consistently growing.

Mr. Braun was concerned with meeting the criteria in the LDC for a proper location for a substation. He was not confident that there was not a more appropriate location for this substation even though they chose not to propose a different location. He believed that a new substation is needed but did not feel they have found an appropriate location for one.

Mr. Hunter felt it was important to consider the needs of the entire county and not focus on the concerns of one neighborhood. He felt they went above and beyond the requirements to screen the substation and did extensive studies to evaluate the impacts.

Mr. Weber felt that this application does not meet Condition #5 based on the impact on the adjacent property and #6 was not met either. He was not in favor of the proposed location. He did not have any suggestions for a better location but was not able to find it meets all criteria for the location proposed.

Mr. Kohut commented he felt there were more appropriate locations but would be a harder problem for Fall River and felt that is why they came back with the same location for proposal.

Mr. Penfold commented he did not feel that a substation would be welcome in any neighborhood and was not convinced that the application did not adequately meet the approval criteria.

MOVER: Tom Braun
SECONDER: Carl Kohut

Having reviewed the application materials for Fall River Electric Midway Substation SUP, as well as the additional material provided by staff and other agencies; I hereby move to RECOMMEND DENIAL to the Teton County Board of County Commissioners, having found that the application does not meet the criteria found in Teton County Land Development Code specifically Section 4-8 E #5.

AYES (3): James Weber, Carl Kohut, and Tom Braun

NAYS: (4): Wyatt Penfold, Harley Wilcox, Maggie Martin, and Collin Hunter

Denied (3 to 4)

MOVER: Harley Wilcox
SECONDER: Maggie Martin

Having reviewed the application materials for Fall River Electric Midway Substation SUP, as well as the additional material provided by staff and other agencies; I hereby move to RECOMMEND APPROVAL to the Teton County Board of County Commissioners, having found that the application meets the criteria found Teton County Land Development Code Section 3-5-10 and 4-8. without additional conditions.

Amendment proposed by Mr. Weber to include the 7 conditions in the staff report and #8 Revising landscaping plan by adding additional evergreen screening on the south landscaping buffer. Mr. Wilcox and Ms. Martin accepted the amendment.

AYES (4): Wyatt Penfold, Harley Wilcox, Maggie Martin, and Collin Hunter

NAYS: (3): James Weber, Carl Kohut, and Tom Braun

Adopted (4 to 3)

5. 7:00 PM - PUBLIC HEARING: Exempt Family Land Divisions

Mr. Chase commented the BoCC is anxious to move this forward and it was extensively discussed at the previous work session meeting with the suggested modification of the lot size.

PUBLIC COMMENT:

Ms. Lori Ringel, long time resident on agricultural property, wanted to see the exemption move forward so that she can divide the family property amoung family members and wanted the Commission to reconsider the appropriate lot size for the exemption.

Mr. Roy Bell, [address redacted] resident, was concerned that his family has property that they cannot divide the way they want to for the siblings.

Mr. Ken Chambers, local cattle farmer, wanted more options to split his property for his children and does not want to subdivide it per the LDC. He stated his kids don't want to be farmers and don't want a large parcel of land. He wanted more flexibility for distribution of his property to his family.

Ms. Ida Hansen, local resident, commented she was concerned with all the restrictions on the process. She was upset that she lost the 2.5 acre zoning and wanted to see the 2.5 acre zone reinstated so she would have options to give small acreages to her children.

Mr. Peter Mckellar wanted to express his support for the exemption and noted that it is used in several other cities and states. He felt the subdivision process was to cumbersome for the large farmers to use.

Mr. Lan Hertz, resident, wanted to voice support of the exemption for all land owners. He felt they should be able to sell any size parcel they want to someone else.

Ms. Penny Vasquez, local resident, agreed with previous statements and noted that farming is becoming more and more difficult and there should be more considerations for allowing the process to work successfully. She wanted to see the exemption redone with more public input.

Mr. Trevor Ricks, local farmer in Felt, commented he was in favor of splitting off corners that are not being farmed on farms that have circular irrigation pivots. He did not want that option restricted to family members only, but would be in favor of holding it for 10 years before the ability to resell.

COMMISSION DELIBERATION:

Mr. Wilcox noted tonight was the most comments they have heard from large land owners. Mr. Weber wanted to move the ordinance forward with what they have come up with. It is not based on agriculture anymore but now is for family land divisions.

Mr. Penfold commented he had incorporated the public comments into his proposed changes. He reviewed several changes he proposed to the

ordinance starting with D1 - A division of unplated land which is made for the purpose of, removing the word single and changing that to "inter vevous gift or sale". Mr. Chase commented that the public comments regarding the corner breakoffs should be further discussed along with this proposal. Mr. Penfold also wanted to change D. from 80% to 51% because not all farms are owned by one entity. He would prefer to strike that altogether. Mr. Penfold reviewed his other proposed changes on 2.E., change parcels to lots, strike all of 2. G. and to delete sections 2, 3, 4 and 5. Mr. Chase commented that language came from our legal counsel. He also wanted to see sibling added to the language even if they don't own stock.

MOVER: Wyatt Penfold
SECONDER: Harley Wilcox

Having found that the review criteria in LDC 4-4-F can be met with conditions or modifications, I move to recommend approval of the LDC amendment to add the Family Land Division as presented in the staff report and materials attached, with the following conditions:

1. In D.1 add siblings to who it can be gifted to;

2. Strike D.2.d

3. In D.2. e Change "lots" to "parcels" to be consistent;

4. Add notifications to neighbors of the staff administrative decision as noted in the County code.

5. Fix "Iona City" in Section 3.

AYES (7): James Weber, Wyatt Penfold, Carl Kohut, Tom Braun, Harley Wilcox, Maggie Martin, and Collin Hunter

Adopted (7 to 0)

E. Adjourn

Adjourned at 10:20 PM..

MOVER: Harley Wilcox
SECONDER: James Weber

I move to adjourn the meeting.

AYES (7): James Weber, Wyatt Penfold, Carl Kohut, Tom Braun, Harley Wilcox, Maggie Martin, and Collin Hunter

Adopted (7 to 0)