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 [redacted] she lives across from the Victor substation and raised her ki[redacted] any damage from the substation. She said it is not more than a [redacted] coming from the substation and was not a problem for the [redacted]r the wildlife in Victor.

[phone redacted]

Mr. Justin John, [redacted]cross from the Victor substation, comment he grew up with the [redacted] doesn't even hear it and there is plenty of wildlife around th[redacted] substation.

Ms. Ida Hansen, [redacted]ent, commented she was in favor of the application becau[redacted]growth of the valley and the increased need for electricity. She al[redacted]nted 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 locati[redacted] previously denied. He noted that there are properties near[redacted]d be willing to sell their land for use as a substation locat[redacted]e never contacted by Fall River Electric to find out if it was an [redacted]

[address redacted]

Ms. Marian Stin[redacted]nt 200' from the proposed site directly across from her home, [redacted]d with the EMF output on her grandchildren when they are [redacted]ing in her yard. She was also concerned with the financial imp[redacted]roperty 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] [redacted] [address redacted] [redacted]V, 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**