A REQUEST FOR A SPECIAL USE PERMIT
FOR: Fall River Electric Coop Midway Electrical Substation
WHERE: ~700 W 3500 S
Prepared for the Board of County Commissioners
Public Hearing of October 26, 2026

LANDOWNER/APPLICANT: Fall River Electric Cooperative, Inc./Taylor Cook

REQUEST: Fall River Electric has applied for a Special Use Permit (SUP) on a 5.00-acre parcel located at approximately 700 W on 3500 S. Rapid growth in Teton County, Idaho has made it necessary to expand infrastructure to maintain high reliability standards and prevent future outages or service interruptions. The applicants state that "the proposed substation meets the "Utilities Major" definition because it will be an electrical substation owned and operated by Fall River. flag lot to the north 5-acre and the additional 5-acre flag lot owned by Fall River will remain undeveloped and have most of it classified as open space," while "the proposed substation will occupy only 1.25 acres of the 5-acre site."

APPLICABLE COUNTY CODE: Teton County Land Development Code Section 3-5-10, 4-8 Special Uses and the Teton County Comprehensive Plan (A Vision & Framework 2012-2030)

LEGAL DESCRIPTION: REMAINDER LOT 70 W 350 S MINI SUB SEC 14 T4N R45E
PARCEL #: RP0018600000R0
LOCATION: ~700 W 3500 S
ZONING DISTRICT: RN-5, Rural Neighborhood
PROPERTY SIZE: 5.00 acres
Overlays: Big Game Migration Corridor & Seasonal Range

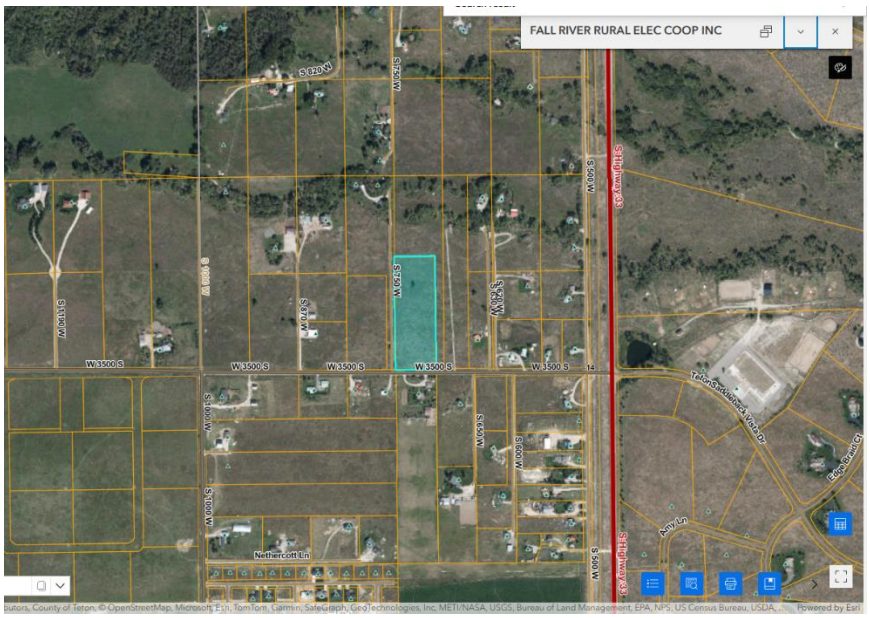


Figure 1. Vicinity Map

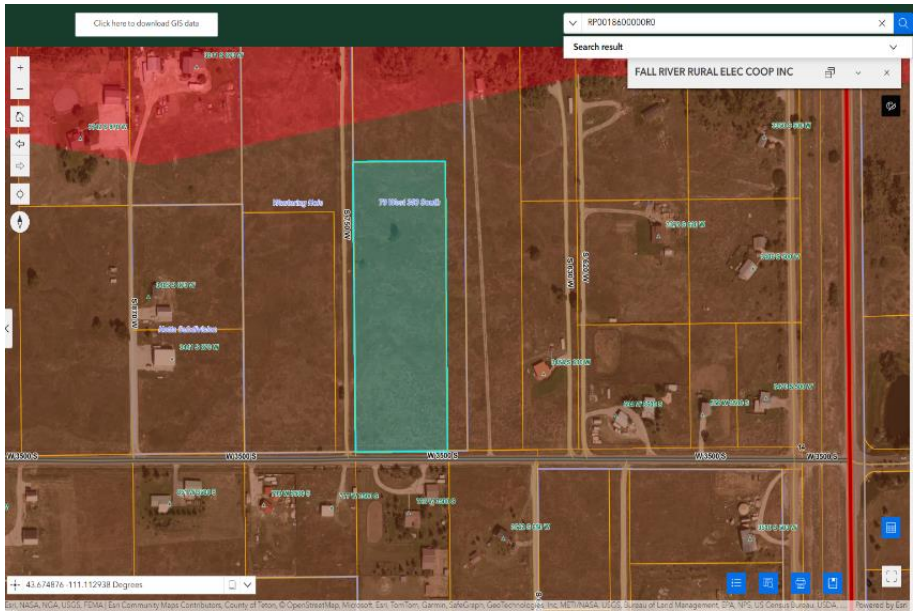


Figure 2. Big Game Migration Corridor & Seasonal Range.

PROJECT DESCRIPTION AND BACKGROUND:

The same owners submitted a request for a proposed SUP on September 9, 2025. That application was ultimately denied. Rather than pursuing a reconsideration of the County's decision, they chose to make a new application. As such this will be looked at as a new application though many aspects including the proposed site are unchanged. The 5-acre parcel is located between the cities of Driggs and Victor, just West of Highway 33. The application requests approval of the SUP to construct the Midway Electrical Substation.

According to the applicant's narrative, The Midway Substation is intended to serve the "Drictor Area," which is primarily zoned RN-5. This zoning designation allows one primary residential unit per five acres and may also allow one accessory residential unit on the same acreage. As a result, up to two residential units may be permitted for every five acres. This potential residential density increases demand for electrical service in the area where the proposed Midway Substation would be located.

Their narrative continues to describe that "The proposed Midway Substation will provide critical electrical service between Victor and Driggs by improving capacity, reliability, and system performance in the growing "Drictor area" of Teton Valley. The site is strategically located to connect existing substations in Victor and Driggs, reduce the distance that current distribution feeders must carry load, and provide additional capacity between the two communities. These improvements will reduce the risk and duration of outages and help meet both current and future service needs. As shown in Exhibit A, existing substations are located in Victor and Driggs, but additional infrastructure is needed between these areas to support reliable service. Fall River identified the need for this substation as early as 2000; however, the Great Recession and related housing market slowdown delayed the timing of the project. The extreme cold event on Martin

Luther King Jr. Day in 2024, which overloaded the existing system and caused an outage, further demonstrated the urgent need for the proposed substation to serve current and future growth."

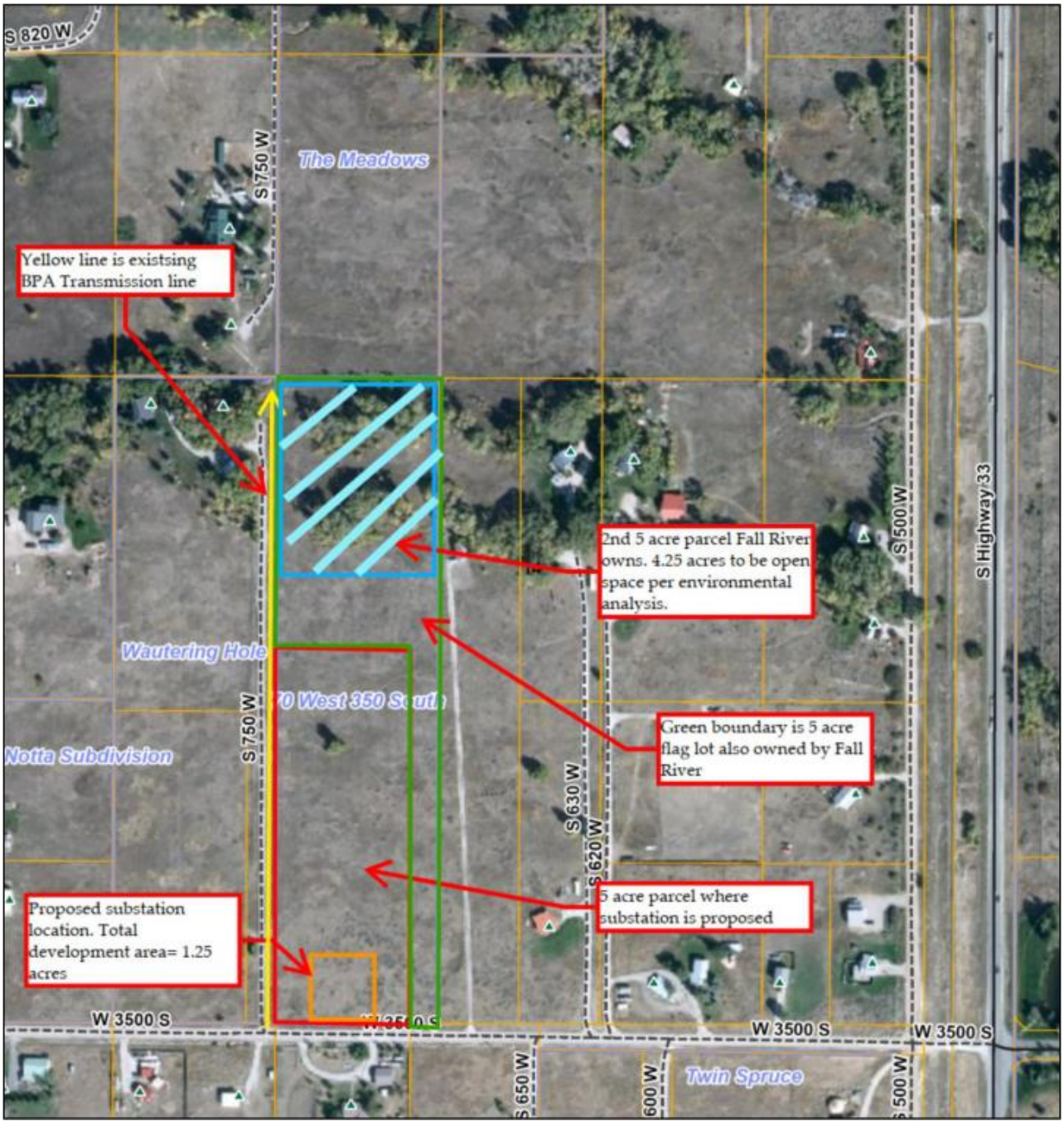


Figure 3. Fall River Midway Substation Site Plan (reproduced from applicant materials).

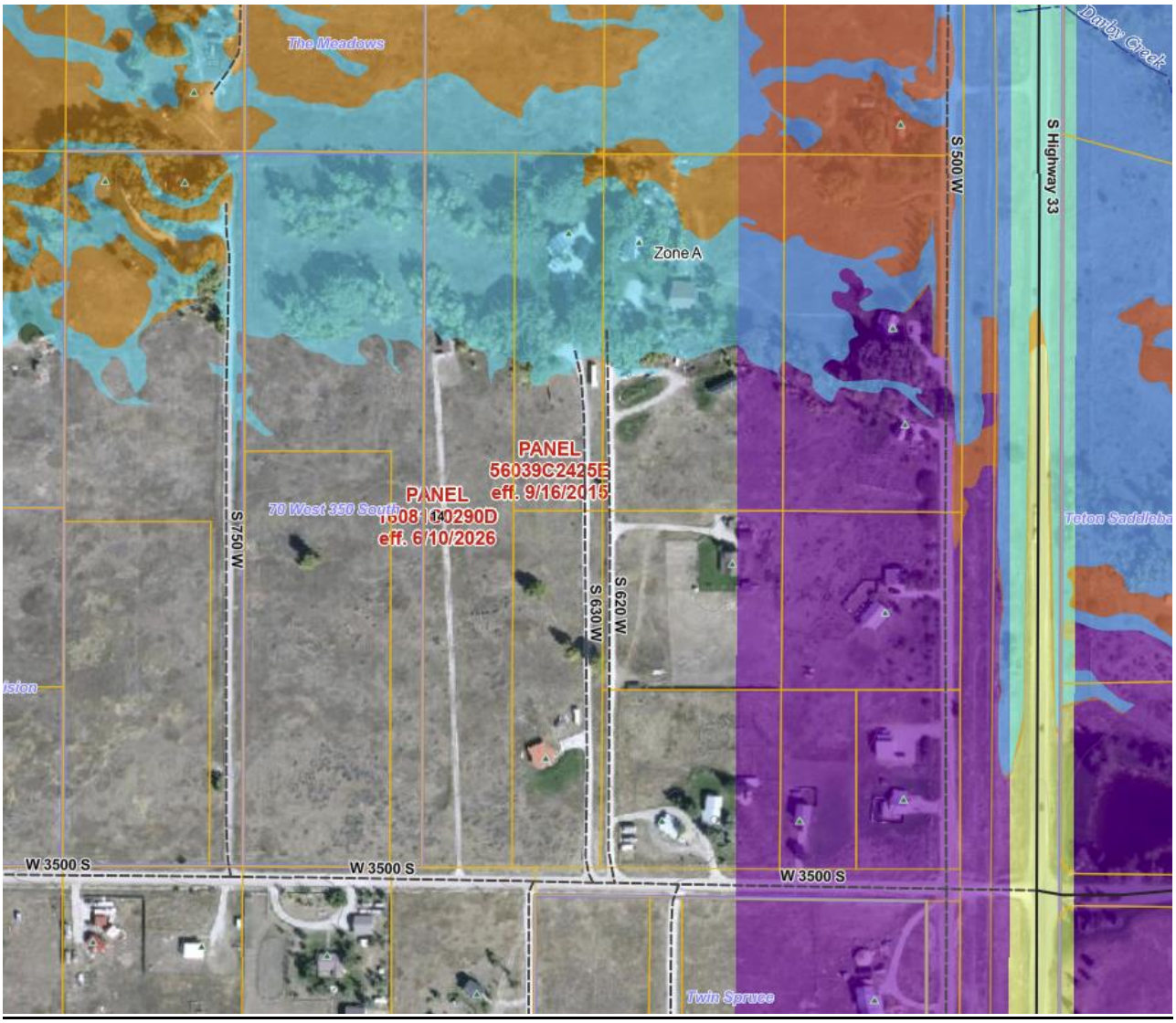


Figure 3. Fall River Midway Substation Site - floodplain and proximal scenic corridor overlay areas.

PZC Hearing 09-08-26

The Planning and Zoning Commission held a hearing on the proposed Special use Permit on September 8, 2026. A number of public comments were received, but written and presented in person at the hearing. Many of the comments were in opposition to the proposal noting a variety of concerns, including visual impacts, noise, electro-magnetic frequency (EMF) radiation, and others. Other comments stated that not all of the criteria for a special use permit have been clearly met. There were also comments received in support of the proposal noting the need for reliable electricity provision. Following deliberation, the PZC moved to recommend approval of the proposed substation in a split vote with the following motion:

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 35-10 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 5. Adopted (4 to 3)

The conditions referenced in the PZC motion are duplicated in the proposed conditions below.

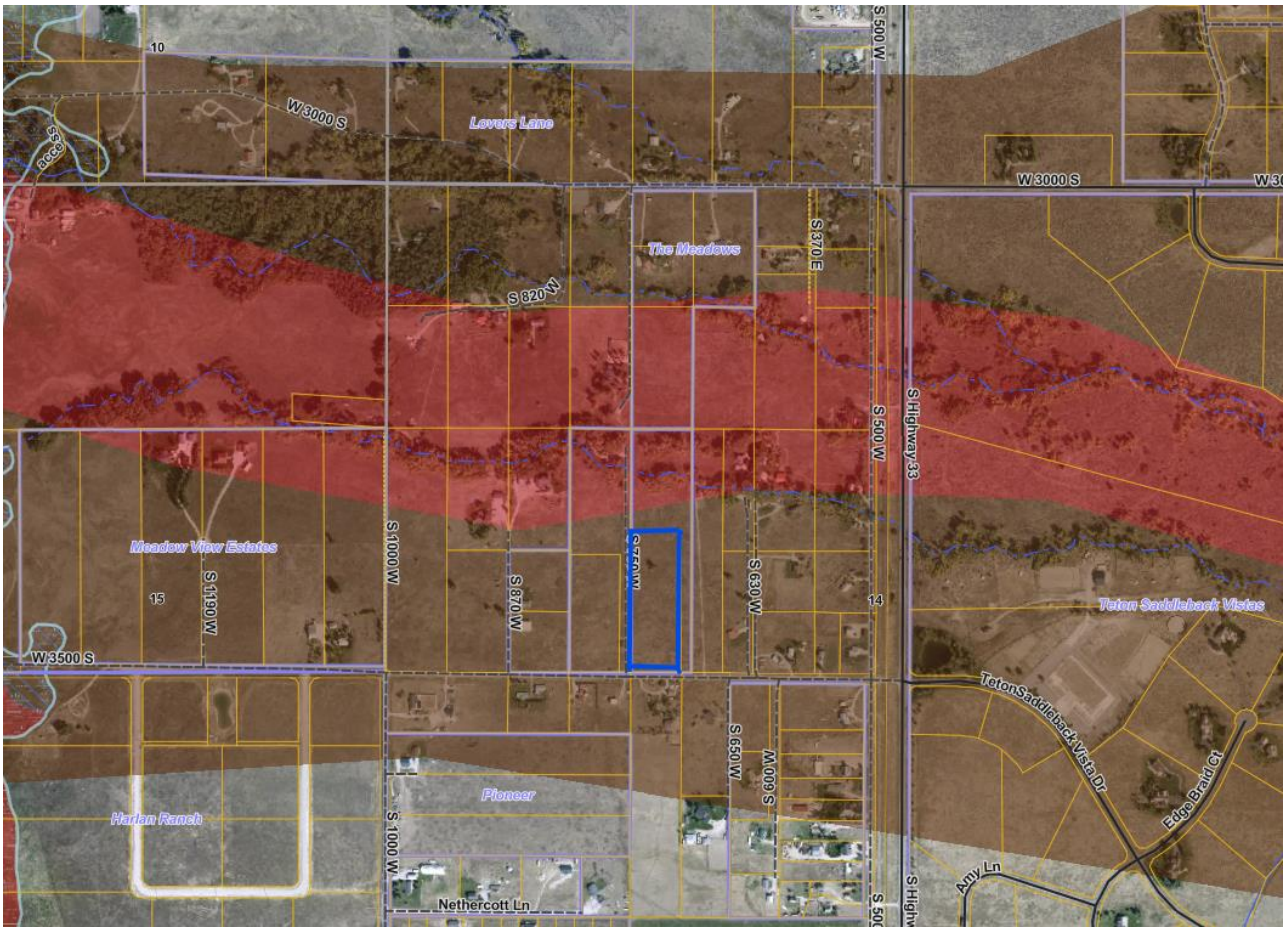


Figure 4. Fall River Midway Substation Site Wildlife Overlays (Brown, Big Game; Red, raptor songbird).

SECTION 4-8-E REVIEW CRITERIA FOR SPECIAL USE PERMITS

The following findings of fact shall be made if the Special Use is approved. If the application is being recommended for denial, the PZC should likewise specify the reasons for recommended denial based on the items listed below. Applicant's statements are in blue text.

1. The requirements of this Chapter and other provisions of the LDC, including Chapter 5, General Development Standards

Can be met. The Chapter 4 findings are addressed in the narrative above. The project will also comply with the applicable Chapter 5 General Development Standards, particularly those related to grading, setbacks, drainage, stormwater, erosion control, and fire code requirements. Before construction, the proposed substation will require a grading permit supported by a stamped grading plan and site plan prepared by a licensed Idaho civil professional engineer. Those plans will demonstrate compliance with RN-5 zone setbacks and will address drainage, stormwater, erosion control, fire code requirements, and any additional standards required by the County Engineer.

Natural resources have been addressed through the environmental analysis, and no development is proposed within a wetland or floodplain. All other applicable standards will be addressed through the grading plan and building permit review process. The County will review and issue the required permits before construction begins.

Staff Comment:
Chapter 5 of the LDC addresses a variety of Natural resources considerations. Many of these are not applicable or not found on the site. No steep slopes, wetlands, floodplain areas identified as having higher risk for wildfire, or scenic corridors exist on the property (though the site is within proximity to Highway 33 to the east). The proposal is subject to the County's lighting regulations. Although the property is located within the Big Game Migration and seasonal habitat overlay, the majority of the site appears to be proposed as vacant property or open space under this application, which could allow wildlife movement through the site. However, it is difficult to assess whether this particular use would have greater impacts than other types of development that could be allowed on this site. Public comments received in the original application noted concerns about impacts to wildlife. In the new application, the applicants prepared a Wildlife Habitat Analysis. Materials submitted from the public also included an additional analysis of Wildlife resources.

2. *Meets special use standards set forth by the category of use in Chapter 3, and*

Staff Comment:
The applicant must meet all the special-use standards of 3-5-10 listed below.

In a general statement the applicant responds, "**Can be met.** The proposed Midway Substation complies with the applicable Chapter 3 Special Use Standards because it meets the "Utilities Major" definition in Section 3-5-10 of the Teton County Idaho Land Development Code. In addition, the use is eligible for Special Use Permit review in the RN-5 zone under the use table in Section 3-2-2."

Special Use Standards for Utilities, Major (3-5-10 (B)): This section of code includes six standards discussed below.

Staff Comment:

1. Minimum lot size for a major utility shall be two (2) acres. - *Complies*

2. A Type B Buffer per Section 5-7 must be established around the perimeter of all major utility facilities. – *Condition of Approval.*

Standard B.2 addresses buffering requirements for major utility facilities. This standard is satisfied through the Landscape Plan submitted with this Special Use Permit application, which meets the Type B buffer requirements described in Section 5-7 of the Teton County Land Development Code. Additional screening will be provided by a slatted, chain-link with barbed wire fence to further buffer the substation from neighboring properties. Fencing is required to protect the substation equipment and keep the public safe from the electrical equipment.

The applicants have submitted a landscaping plan that depicts use of buffering plant material species native to the region. The Planning and Zoning Commission is authorized to modify the buffering requirements if they determine it is needed under section 5-7-2. F. below. The PZC did make a recommendation to modify the buffer to include additional evergreens in place of deciduous trees.

5-7 Buffers, Screening, Fencing, and Walls

5-7-1 Intent

Buffers, *screening*, fencing, and walls are intended to minimize conflicts between potentially incompatible, but otherwise permitted, land uses and *development* on *abutting* property.

5-7-2 Buffers

A. Applicability

1. *Buffers* shall be installed between all uses in the IR *zone district* and adjacent properties zoned residential as the primary use.
2. *Buffers* shall be required to mitigate adverse impacts of certain uses as specified in Chapter 3 of the LDC. *(This use requires Type B buffering)*
3. Type A *buffers* (per below) shall be installed around the perimeter of all *subdivisions* adjacent to property of a lower-density use.
4. All vegetation used to meet buffer requirements shall remain alive with any dead plant material replaced by the same species or a species with similar growing habit within one growing season.

B. *Buffer* Requirements

There are two types of required *buffers* that include a variety of *landscaping* and/or fencing. The minimum width, *screening*, and *landscaping* requirements for each *buffer* type is shown in Table 12.

Table 12. Buffer Types

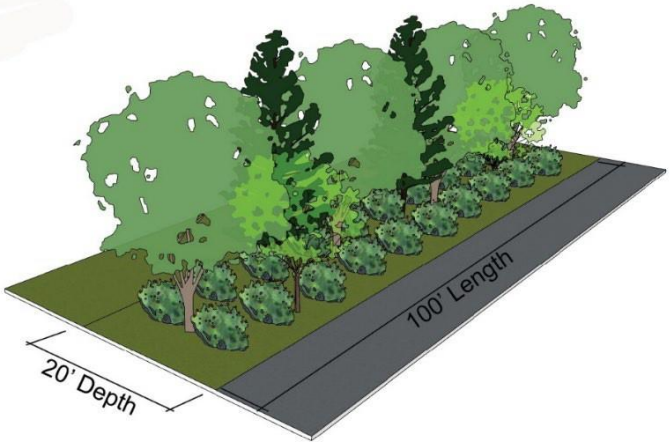
	Minimum number of plants per 100’		
	Buffer Type A	Buffer Type B Option 1	Buffer Type B Option 2*
Minimum Depth	10'	20'	10’
Shade Trees	4	4	4
Understory Trees - 20% shall be evergreen	--	4	--
Large Shrubs - 20% shall be evergreen	10	20	10
6’ High Privacy Fence or Wall	--	--	Yes

*Type 1 plant requirements with a privacy fence or wall

Type ‘A’ Buffer



Type ‘B’ Buffer – Option 1



C. Location

Generally, a required *buffer* should be located along the entire property line between the two incompatible uses. A required *buffer* may be located within the required *setbacks* identified in Chapter 2. *Landscaping* must be planted on the developing property's side of the required *buffer*.

D. Encroachments

1. The parking of vehicles and the placement of *buildings* or *structures*, except for walls, fences and *landscaping* is not allowed in a required *buffer*.
2. No *building* or *structure* on the subject site may be located closer than 10 feet (10') to a required *buffer*.

E. Grade Change

1. In lieu of a required wall or fence, a natural or man-made vertical grade separation of at least 6 feet in elevation may be provided.
2. The developing property must be located at an elevation lower than the property to be screened.
3. The stabilized side slopes of the grade change may be no steeper than 3:1.

F. Alternative Compliance

The *buffer* requirements may be modified by the PZC. The PZC must consider the following criteria in determining the appropriateness of alternative compliance:

1. The existing topography or vegetation achieves the purpose and intent of this Section.
2. For topographic reasons, a fence or wall or other required *screening* device could not screen activities from an *abutting* property as required by this Section.

Staff Comment:

The proposed landscape buffering is placed directly around the perimeter of the facility rather than along the perimeter of the larger 5-acre parcel. Because of the inclusion of the fencing, the

proposal could qualify for a type B buffer option 2, with a reduced 10' width. This still calls for larger trees at 25' spacing and shrubs at 10' spacing. Planning staff does not feel that the slatted chain-link fence with barbed wire is primarily meant to buffer the substation from neighboring properties, but rather that the landscape elements are designed to accomplish this.

The Code above allows for alternative compliance measures for buffering, subject to modifications by the PZC. This approach to the buffering requirements should be discussed by the Commission.

3. All storage of materials, products, or equipment in an open yard shall be screened so that the materials stored are not visible within one thousand (1000) feet of the property lines. Where topographic conditions make effective screening impractical so as to create an 3-27 Chapter 3 – Use Provisions unnecessary hardship, the Board of Zoning Appeals may consider a variance from this screening requirement. – *Condition of Approval,*

Standard B.3 is satisfied because the required landscaping will screen the substation from W 3500 S and neighboring properties. While the bulk of the substation will be substantially screened from view, substations must be located near the communities they serve in order to operate efficiently and reliably. Energy demand has increased in the fast-growing "Drictor area" of Teton Valley, creating a need for the proposed substation to connect to the adjacent Bonneville Power Administration (BPA) transmission line located along the western side of Fall River's property. (See Exhibits B, C, and D.) This connection will help prevent future power outages and provide increased capacity for essential electrical service.

The narrative also includes visual presentations of the developed site with installed landscaping. Although the PZC recommended additional conifers be used instead of the few proposed aspen trees. Planning Staff believes that the proposed planting already substantially exceeds the required evergreen component, and believes the proposed planting plan will already provide substantial visual and other buffering elements with the number of proposed conifers. This recommended change was limited to the south-facing buffer, as the other sides are dominated by conifers with additional complementary shrubs.

4. If the County determines that any road associated with a facility in this use category is inadequate for the expected quantities of traffic, especially with respect to heavy truck traffic, the applicant shall be required to improve and maintain the road(s) to a standard acceptable to the County. An Improvement and Maintenance Agreement between the applicant and the County shall be required to ensure that the road(s) used by the operation are properly improved and maintained. – *Condition of Approval - however, after construction, the site will likely see limited traffic, only for periodic visits for inspection, operation, and maintenance.*

Standard B.4 is satisfied because the road serving the substation will be adequate, and site access will be privately owned and maintained by Fall River. Fall River will inspect the substation periodically, generally on a monthly basis. The facility will not require lighting, full-time staff,

or equipment storage on site.

5. Property/facility shall be maintained so as to ensure the health, safety, and welfare of the public are preserved. – *Condition of Approval*,
Standard B.5 is satisfied because substations in residential areas are necessary to meet local power service needs. Fall River will maintain the site and provide required buffering to reduce potential impacts from the substation and protect the health, safety, and welfare of the public.

Staff Comment:
This criterion is quite broad and should likely be responsive to the concerns raised by the public related to public health, safety, and welfare concerns. The application materials include information and studies related to health, safety, and welfare including a document from the US Environmental Protection Agency defining Electromagnetic Radiation and Electromagnetic Fields (EMF), and noise and EMF studies, prepared by MD Acoustics. These were identified as concerns in the original application review process. The application also includes a peer reviewed article published in the *Journal of Appraisal* discussing the economic and land valuation impacts of this type of development in another community. It seems this is responding to concerns raised about the impact on property values from the placement of this use in the context of the existing development.

6. Materials associated with the major utility shall not be carried onto adjoining properties. – *Condition of Approval. It is somewhat unclear what the intent of this standard is, but it appears unlikely given the nature of the use, that materials would be carried onto adjoining properties. There may be some concern related to this during a construction process.*

Standard B.6 is satisfied because all materials and equipment associated with the proposed substation will remain within the 1.25-acre development area on the 5-acre site. The facility will also be further buffered by the adjoining 5-acre flag parcel (RP001860000010) and the open space identified in the environmental analysis.

SECTION 4-8-E REVIEW CRITERIA - CONTINUED

3. If the application relates to a public-school facility, the subject property is appropriate for development allowed in the proposed Zoning District, including the impacts authorized for review under Idaho Code section 67-6519(3). - *The application does not relate to a public-school facility.*

4. The County and other service providers will be able to provide sufficient public facilities and services, including schools, roads, recreation facilities, wastewater treatment, water supply, and stormwater facilities, police, fire, and emergency medical services, while maintaining sufficient levels of service to existing development.

The applicants state: "**Can be met.** Fall River owns the property and will privately operate and maintain the proposed Midway Substation. As an essential service provider in Teton County, Idaho, Fall River needs this substation to help meet the County's current and future electrical service demands. The facility will not include permanent staff, wastewater treatment, or water service needs. Instead, it will support public facility capacity by improving electrical reliability and helping maintain adequate service levels for existing and future development."

Staff Comment:
Public comment generally had concerns with increased impacts on roads. Traffic concerns would most likely be greatest during construction, with little to no impact post-construction. No other impacts to public facilities are expected. Public Works did not identify any insufficiency.

5. The use is compatible with adjacent uses in terms of location, scale, site design, hours of operation, and operating characteristics

Can be met. The proposed substation is compatible with adjacent uses because it is located within and next to an existing electric transmission facility corridor. Although the surrounding area includes residential uses, an electrical substation is allowed in the RN-5 zone through Special Use Permit review. Because substations provide essential electrical service, locating them near the communities they serve is necessary to maintain reliable service in Teton County, Idaho, as shown in Exhibit E. The site design, hours of operation, and operating characteristics will have little to no impact on surrounding uses due to the required buffering standards and other applicable County requirements. (See Exhibit F and Attachment B.) The proposed location also avoids the need to construct a separate transmission line to connect to the existing BPA transmission line, which runs along the west side of the subject property.

Fall River also submitted EMF and acoustics studies with this application. These studies address concerns related to noise, magnetic fields, and radiation, and support the conclusion that the proposed substation will have minimal impact on surrounding uses.

Staff Comment:
Public comment generally expressed concern with the appropriateness of the facility at this location and staff believes this to be the major point where compliance with the criterion can be debated. The location of the proposed facility aligns with the location of the Bonneville Power Administration's transmission lines, and it is located in an area identified as needing additional capacity for providing electrical services from a substation.

Restriction on hours of operation seems irrelevant or inappropriate for this use. Scale is a factor related to a number of fixed requirements, but FRREC is utilizing less than half of the site as depicted on the site plan, and the location on the site seems like a logical location for access and maintaining higher value natural resource elements of the site within the landscape.

6. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset.

Can be met. Potential adverse impacts from the proposed use will be effectively mitigated through the landscape buffering, the submitted EMF study, the submitted acoustics study, and the substation's unmanned operation. Together, these measures demonstrate that the proposed use is not expected to create direct adverse impacts. Impacts related to the wildlife overlay have also been addressed through the environmental analysis submitted with the application. In addition, Fall River proposes 4.25 acres of permanent open space to offset potential wildlife impacts and create additional separation and buffering between the substation and neighboring residential uses.

Staff Comment:
Substantial public comment was received, indicating concerns about incompatibility with the proposed use and existing uses in the surrounding area. Staff believes the special use standards in 3-5-10 and special use conditions in 4-8 are critical points to focus on in determining whether impacts can be sufficiently mitigated at this site. Adjacent property owners have countered studies prepared by the applicant with their own studies in several instances. The applicant's team did respond to questions raised about the noise study in the Planning and Zoning Commission meeting during rebuttal. Details of potential impacts and mitigation measures should be discussed following the public hearing. Staff would recommend that the Board try to get any information they can to help in their consideration of technical information during the hearing process if they believe there is uncertainty represented in those studies.

INTER-AGENCY AND DEPARTMENT REVIEW:
Eastern Idaho Public Health: No Comment
Teton County Public Works Director: Public Works had no issues with the application.
Fire District: Fire has no comments on the SUP for Fall River. We would comment upon submittal of site permits.

SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE: Idaho Code, Title 67; Section 67-6512 Special Use Permits, and Title 8, Section 8-6-1-B.4 of the Teton County Code. The public hearing for the Teton County Planning and Zoning Commission meeting was duly noticed in the Teton Valley News on August 19th and August 26, 2026. A notification was sent via mail to surrounding property owners within a 300-foot buffer area and all adjacent subdivision lot owners on August 13, 2026, and notice was posted on site on August 31, 2026.

PUBLIC COMMENT
At the request of the applicant, all previous comments made in relation to this project have been included. Because of the number of comments that were received, the county created a document providing a link to a drive containing many of those comments, but others were included in a single pdf document. A number of new public comments, including an additional wildlife study, have been received for the current application as well. These are compiled within

attachments to this report. New public comments were generally presented in opposition to the application. One comment requested a specific privilege of a “surrebuttal” in the case that the applicants present new information just prior to or in the hearing. A subsequent request for equal time in presentation from legal counsel for neighbors was also received for this hearing. The Board could discuss how they want to address these procedural questions at the beginning of the hearing to clarify how they will manage the expected volume of public comment. The volume of public comments is large but is briefly summarized in the review of the PZC hearing earlier in this report.

STAFF ANALYSIS AND RECOMMENDATION

A significant aspect addressed more fully in this new application is the proposal’s potential effect on wildlife. The County Land Development Code establishes expectations for evaluating impacts to wildlife habitat resources. Chapter 5-4(B) and (C) identify regulated wildlife habitat overlay areas, indicator species, and indicator habitats. The Code also anticipates that site-plan review will identify measures to avoid or mitigate impacts to the extent practical. However, the Code does not establish a detailed procedure or standardized template for conducting this analysis.

To address this gap, the County subsequently adopted a Wildlife Habitat Analysis (WHA) policy developed with an advisory group appointed by the Board. The policy establishes the WHA as the primary mechanism for evaluating wildlife impacts, but provides limited guidance regarding when a WHA is required outside of subdivision applications or an abbreviated analysis associated with individual building permits. Other application types are generally grouped together in a manner that could be interpreted to require a full WHA, even though the appropriate level of analysis may vary considerably depending on the nature and scale of the proposed use.

Wildlife impacts were discussed to some extent during review of the original application, but staff did not identify a specific WHA requirement during the early stages of that review. Following denial of the original application, however, the lack of consideration of wildlife values was identified as one of the reasons for denial. Staff believes that one reason the applicants chose to submit a new application rather than pursue an appeal was to address this issue directly, without introducing substantial new information through the appeal process that had not previously been requested or available.

Wildlife Impacts Associated with Electrical Infrastructure

In researching potential wildlife impacts associated with electrical substations, planning staff found that much of the available literature focuses on wildlife exclusion rather than habitat impacts. Substations can attract certain species seeking thermal shelter, protected nesting locations, or other forms of refuge. As a result, much of the available guidance concerns measures to exclude wildlife because its presence can interfere with facility operations.

Staff did not identify substantial literature addressing the effects of electrical substations specifically. Rather, most research addresses electrical infrastructure more broadly, particularly transmission networks and associated corridors. That research identifies potential impacts including permanent habitat loss, habitat fragmentation, loss of forage and cover, and collision or electrocution risks for some bird species. These studies, however, generally do not isolate the effects of substations from those of the larger transmission system.

One systematic review published in *Oecologia*, **"Positive and negative impacts of electrical infrastructure on animal biodiversity: A systematic review,"** is particularly relevant because it identifies electromagnetic fields (EMF) and noise as important knowledge gaps. The review does not establish that these factors have no effect; rather, it indicates that available research is insufficient to draw definitive conclusions.

Site-Specific Context

The context of the proposed site is important when considering these potential impacts. The County is evaluating a site where transmission infrastructure already exists and where human activity is an established part of the surrounding landscape. Residential development is also present in the area, including development substantially closer to the riparian corridor than what is proposed on this site. The site is also adjacent to an existing county road and relatively near a state highway. This existing development context distinguishes the proposal from a new transmission corridor or similarly remote infrastructure project that would introduce substantial new human activity into an otherwise undeveloped landscape.

At the same time, both public testimony and the wildlife assessment prepared for the application identify the property and the associated stream corridor as areas used by wildlife and as having value for migration and habitat connectivity. Those values warrant consideration even though the site is not undisturbed or isolated from existing human activity.

Purpose and Application of the WHA

Staff understands the primary purpose of the WHA process to be determining how a proposed project can best be integrated into a site while avoiding or minimizing impacts to wildlife habitat and, where necessary, determining whether habitat replacement or other mitigation is appropriate.

The Code also identifies a role for a County-appointed Natural Resource Specialist in evaluating the subsequent success of vegetative establishment associated with replacement habitat. This function has not been fully integrated into the existing WHA procedures. The County has, however, recently established a position within the Planning Department intended to provide environmental analysis and related expertise. Existing staff also possess relevant credentials and experience that can assist in fulfilling these responsibilities.

The Code specifically addresses the potential impacts of fencing on wildlife movement. It discourages broad perimeter fencing that could interfere with wildlife movement while allowing exclusionary fencing where necessary for certain uses, including uses such as the proposed substation. Staff is confident that the proposed fencing approach can be designed to be consistent with these requirements.

More generally, staff does not interpret the Code or WHA policy as establishing wildlife habitat analysis as a general basis for denying a project. Such an interpretation might be appropriate in an extreme circumstance where the anticipated habitat loss could not reasonably be mitigated, or where an applicant refused to conduct the required analysis or implement required mitigation identified through that process.

Rather, staff understands the WHA process to be a tool for identifying habitat values, integrating development into the site, and establishing appropriate avoidance, minimization, or mitigation measures. It is not intended to function as a mechanism for selecting or excluding properties for particular types of development based solely on their wildlife characteristics, and this would assume an applicant otherwise has the ability to select among a variety of suitable properties within the County. This question has been a significant topic of discussion during review of the original application. In this case, though, the applicant has made a request for a use on this particular site and therefore should be the focus of the discussion. Planning staff concurs that provisions should be added to create simpler procedures for utility lots to be established outside of a complicated subdivision procedure that could allow more flexibility in establishing lots that may have fewer impacts to neighboring properties.

Review of the Wildlife Habitat Analyses

Planning staff met with the applicant's selected WHA preparer before the study was initiated and discussed the proposed development, the study approach, and the wildlife habitat and use of the site. Staff has subsequently reviewed the completed WHA.

During the review process, another group of property owners independently commissioned and submitted a separate evaluation of wildlife habitat on the site. Staff did not have the same opportunity to discuss the scope or methodology of that analysis before it was undertaken and therefore considers it within the context of informed public comment rather than as a county directed WHA. The submitted analysis states that the preparer did not access the property and instead relied on observations from surrounding areas and available literature. An AI generated comparison of the two studies was prepared and staff found it to be objective and informative and is including it as a source that was considered within this staff evaluation.

One significant difference between the two analyses concerns the characterization of habitat types present on the property. The applicant's WHA characterizes the site as having two broad habitat types while the neighbors study identifies sagebrush steppe as a third habitat type on the site. Staff did discuss with the applicant's WHA preparer the likelihood that portions of the site

contain sagebrush-steppe habitat elements that could be affected by the proposed development. This raised the question of whether those habitat elements should be maintained by relocating the facility or enhancing other parts of the property to establish this habitat type. Although the relocation alternative could preserve some sagebrush habitat, staff believes it could result in greater impacts to the riparian corridor and its function as a wildlife migration and connectivity pathway. Staff suggests that vegetation treatment and revegetation may be appropriate to increase sagebrush-steppe species in portions of the property that are currently dominated by grasses and thereby compensate for the loss of sagebrush-steppe habitat associated with the development. However, staff does not believe that preserving a relatively narrow area of habitat between the county road and the proposed substation would necessarily provide the most functional or valuable wildlife habitat on this site.

Overall, staff recommends the focus should be on **preserving the most functional habitat and connectivity features of the property, minimizing avoidable impacts, and identifying practical mitigation or restoration measures where impacts cannot reasonably be avoided.**

Outside of the new Wildlife Study, the applicants also submitted a scientific journal article on impacts of electrical infrastructure on property values. The applicant's narrative does not seem to provide additional context as to how this should be viewed in relation to this proposal. A variety of issues have previously been identified and discussed at length related to noise and EMF considerations. Staff believes that these are all still relevant questions to this decision but is not including additional analysis of those issues here. These should continue to be considered in the review process.

Following the PZC hearing, the administrator met with the applicant's Wildlife Habitat Analysis preparer, Cleve Booker, to discuss options that exist for mitigation of sagebrush habitat loss. This site visit also included the County Weed supervisor, Cameron Hieronymous, to assess the weed conditions and offer suggestions on opportunities for habitat and overall vegetation improvement on the site. This should include transplanting of numerous young recruitment sagebrush plants that were observed, which will be well adapted to the site and could have reduced transplant shock if quickly relocated on the same site. Planning staff believes that this can be addressed through an administrative process as outlined in the LDC referenced above. This is addressed in the proposed condition #7.

POSSIBLE CONDITIONS OF APPROVAL

1) All storage of materials, products, or equipment in an open yard shall be screened so that the materials stored are not visible within one thousand (1000) feet of the property lines.
2) A Type B Buffer per Section 5-7 must be established around the perimeter of the utility facilities with plants warrantied for one growing season. (This shall be in lieu of planting around the perimeter of the entire parcel.)
3) If the County determines that any road associated with a facility in this use category is inadequate for the expected quantities of traffic, especially with respect to heavy truck

traffic, the applicant shall be required to improve and maintain the road(s) to a standard acceptable to the County. An improvement and Maintenance Agreement between the applicant and the County shall be required to assure that the road(s) used by the operation will be appropriately improved and maintained. (NOTE that the Public Works Director, nor the Planning Administrator has identified concerns with access that would require this. The Board should discuss.)

4) Property/facility shall be maintained so as to ensure the health, safety, and welfare of the public are preserved. (This is generally too generic to be useful but could serve as the basis for a specific maintenance concern identified by the public comment or PZC)
5) Materials associated with the major utility shall not be carried onto adjoining properties.
6) Demonstrate that proposed lighting is compliant with LDC 5-8.
7) Create a habitat enhancement plan to replace acreage where sagebrush steppe habitat will be lost due to the installation of the substation facility. If impacts cannot be avoided as specified in LDC section 5-4-1-E, the lost habitat shall be mitigated by replacing it with similar vegetation communities at a one to one (1:1) or (one to two (1:2) ratio, in consultation with and approval from Teton County staff.
8) And, revising the proposed landscaping plan by adding additional evergreen screening on the south landscaping buffer. (Recommendation added by PZC following their hearing).

The Board may require other conditions for the purpose of:

9) Minimizing adverse impact on other development.
10) Controlling the sequence and timing of development.
11) Controlling the duration of development.
12) Assuring that development is maintained properly
13) Designating the exact location and nature of development

PLANNING & ZONING COMMISSION ACTION:

A. Recommend approval of the SUP, with the recommended conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.

B. Recommend approval of the SUP with modifications to the application request, or adding conditions of approval, having provided the reasons and justifications for the approval and for any modifications or conditions.

C. Recommend denial of the SUP application request and provide the reasons and justifications for the denial.

D. Continue to a future PZC Public Hearing with reasons given as to the continuation or need for additional information.

E. Table for a future PZC meeting with reasons given to the continuation or need for additional information from the applicant or agency.

The following motions could be given:

RECOMMEND APPROVAL:
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 with the recommended conditions (as well as the following conditions…)

CONTINUE:
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 continue the public hearing to a future specific date and time to consider additional information or studies requested from the applicant or agencies.

TABLE:
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 table the public hearing to receive additional information or studies requested from the applicant or agencies.

RECOMMEND DENIAL:
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 Section 3-5-10 and Section 4-8. The following steps might be taken to obtain a future approval…

_____

Joshua Chase, Planning Administrator

Attachments:

A) Fall River Electric Substation Application
B) Application Narrative
C) Midway Site Plan
D) Landscape Plan
E) Applicant prepared WHA final study
F) EMF Study
G) Noise Study
H) The USEPA definitions of EMR and EMF
I) Tatos et al Transmission Lines and Substation – Property Value Impacts
J) Fire Marshal Comments - Agency Notices for September 8, 2026 Teton County Hearings
K) Fall River SUP 2nd Application Public Comments
L) Public Comments from First Application
M) Link to Additional Public Comments from First Application
N) PZC minutes of 9/8/2026

End of Staff Report