TRENTADUE LAW OFFICE PLLC | [address redacted] [address redacted] | [phone redacted]

October 21, 2026

Teton County Board of County Commissioners
150 Courthouse Drive, Room 107
[address redacted]

Delivered via email to: pz@tetoncountyidaho.gov
bocc@tetoncountyidaho.gov
bwolfe@tetoncountyidaho.gov
dopwers@tetoncountyidaho.gov
rjames@tetoncountyidaho.gov

**Re: Opposition to Fall River SUP Round 2 & Request for Equal Time.**

Dear Commissioners:

I have been retained by Meg Heinen and Emily Johnston (abutting landowners to the subject property) to register their strong objection to Fall River's continued attempts to place an electric substation in this established neighborhood where it will **(1)** drastically lower their property values, **(2)** impact their daily lives with fluctuating noise and vibrations through the day and night, and **(3)** expose them and their families to health risks from the emissions generated by this site. It's one thing to site a substation in a vacant area that will someday be developed with homes. People can choose to move next-door to a substation. *It's another issue entirely to force one in a neighborhood*.

Although Fall River heavily implies they have owned this site for decades, **they bought this parcel of property July 18, 2025,**[1] *and only then began the process* of obtaining a Special Use Permit ("SUP") for the substation. This is clearly a situation where **they spent money on a bad location first, and have simply refused to change course ever since.** The neighbors are being asked to pay an unfairly high price for Fall River's ill-advised land purchase.

Fall River will lead you to believe this is the only site available and they *allegedly have no other options because all other properties would require the land be subdivided in order to be used by them* - which the claim will be an expensive, lengthy, and cumbersome process. **This is false.** Fall River has always had other options available to them, but doggedly continue to cling to the bad site they already purchased. The truth is, Fall River knows it's impossible to mitigate the terrible negative impacts this substation will impose on the neighbors. Fall River also knows that a SUP CANNOT BE ISSUED if the impacts to neighboring property owners cannot be

[1] See, Teton County Warranty Deed Inst. 291019 recorded July 18, 2025.

effectively mitigated.[2] Fall River knows that *your board has the duty to weigh all of the evidence* in the record, *and then* make a **discretionary[3] finding that every single one of the criteria** for an SUP has been satisfied by proven facts in the record. Fall River knows that where there are conflicting facts in the record, *your Board has the power to evaluate them and decide which ones are more compelling*. Fall River knows your Board has the obligation to use common sense, and you do not have to take the opinions of a paid consultant as Gospel Truth to what you may commonly know to be suspect or false.

Because Fall River cannot get away from these hard realities, they want to convince this you that they really have no other choice by all to site their substation here in a neighborhood. **This is false.** This Board needs to understand that *Fall River has other viable options which they continue to ignore.*

**Fall River has other options that they continue to ignore: Teton county regularly approves SUP's for substantions *located on easements* on a larger piece of property.**

Fall River has always had the option to acquire a site on a larger piece of land via an easement. There is no reason why this substation must be placed on a separate parcel of land. Fall River can purchase an easement on a large parcel, avoiding the lengthy and expensive subdivision process - and avoiding negative impacts to neighboring households. While Fall River continues to heavily imply that it needs to purchase its own parcel, *that is not required by law or ordinance.*

*Indeed, siting a substation on a larger piece of land via an easement is not a new concept, and is commonly used in Teton County!* In fact, just last August 26, 2025 your Board

[address redacted] *Neighborhood Ass'n, Inc. v. City of Boise,* 174 Idaho 515, 552 P.3d 1152 (2024), ermit is arbitrary, capricious, and an abuse of discretion when local administrative agencies issue a permit **without substantial evidence that conditions can actually mitigate identified adverse impacts**); *Burns Holdings, LLC v. Teton County Board of Commissioners*, 152 Idaho 448, 272 P.3d 412 (2012) (A conditional use permit **cannot be issued** if the proposed development creates inherently un-mitigatable conflicts); *Howard v. Canyon County Board of Commissioners*, 128 Idaho 479, 915 P.2d 709 (1996) (An applicant seeking a special/conditional use permit bears the **sole burden of proof to demonstrate that every requirement in the ordinance is met, including the mitigation of adverse impacts**. Satisfying general technical requirements does not automatically entitle an applicant to a permit **if unmitigated land-use conflicts remain**.); *917 Lusk, LLC v. City of Boise*, 158 Idaho 12, 343 P.3d 504 (2015) (Local zoning bodies abuse their discretion if they ignore potential adverse impacts or fail to force the applicant to present concrete, effective mitigation strategies prior to permit approval).

[3] Under Idaho law, an applicant has **no inherent or fundamental property right** to the issuance of a Special Use Permit. Land use approvals subject to special or conditional review are discretionary administrative acts reserved to local governing bodies; **they are not automatic entitlements.** *Chambers v. Kootenai Cnty. Bd. of Comm'rs*, 125 Idaho 115, 867 P.2d 989 (1994) (Issuance of an SUP is a **discretionary** action), see also, *Bracken v. City of Ketchum*, 172 Idaho 601, 535 P.3d 601 (2023).

approved of the JUB II special permit for a fiber optic major utility substation on a site just outside of Victor that was acquired *via an easement* on a larger parcel of land.[4]

Fall River knows this. They are keenly aware of the option to follow JUB's example and acquire a site via an easement. I have personally communicated this via email with Fall River and in person at their May 18, 2026 Board meeting.[5] Moreover, at the May 18th Fall River board meeting that was attended by myself and the neighbors, we specifically communicated to the board that a mile south of this Midway site (between 4000 S. and 5000 S.) *are several large agricultural parcels located directly under the Bonneville powerline where a site could be acquired via an easement.*

**Fall River also has the option to utilize a Utility Land Division Ordinance (ULDO).**

At the May 18th Fall River board meeting, I notified the Board that many Idaho communities have adopted streamlined land division ordinances that enable utility companies to easily acquire sites for infrastructure on larger parcels of land. Known as Utility Land Division Ordinances (ULDO), these processes already implemented in Canyon County,[6] the City of Kuna,[7] and the City of Meridian[8] - just to name a few. I specifically described the contents of Kuna City Code § 5-16-5-B (Public Utility Lot Splits) which is an ideal process that is specially tailored for public utility lot splits. An ordinance like this would clearly work well here in Teton County, where land prices are high and there are many large tracts of agricultural land.

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[4] Click here to view official JUB II special use permit minutes from the October 14, 2025 Teton County P&Z hearing. Click here to view official JUB II special use permit minutes from November 10, 2025 Teton County Board of County commissioners hearing. The full JUB II file can be reviewed here.

[5] *See Attachment A:* My communications with Fall River legal counsel (1) notifying them of the option to pursue a better site via an easement, and (2) requesting a May 18, 2026 meeting with Fall River Board.

[6] Canyon County allows for Administrative Land Divisions (found in Chapter 7, Article 18 of their Code) for parcels that do not meet the standard "subdivision" threshold. Utility Specifics: Their code often exempts "non-inhabited structures" (like substations or pump houses) from certain minimum lot size and width requirements, making it significantly easier for a utility company to carve out a small corner of a farm or residential tract.

[7] Kuna City has an expedited Minor Subdivision process for creating four or fewer lots. Utility Exemptions: the code allows for "Administrative Exceptions" where the division is for a public utility or government agency, bypassing the public hearing requirement if the parcel is not intended for residential or commercial occupancy. See specifically, Kuna City Code §§ 5-16-5-B Public Utility Lot Splits.

[8] The City of Meridian uses a Property Line Adjustment (PLA) or Certificate of Regulatory Compliance for minor divisions. They specifically allow administrative approval for parcels intended for "public use" or "utility facilities."

I directly **asked Fall River to please join in the neighbors** to petition to adopt an ULDO here in Teton County. We received **NO** response to our request for partnership. Instead, Fall River continues to focus on their existing site which they hastily and foolishly acquired in the middle of an already established neighborhood.

**Fall River's false claim that they must use this site cannot override the simple fact that it's impossible to effectively mitigate the impacts to the surrounding properties.**

This SUP is simply a bad fit for this neighborhood. Although Fall River will try to convince you that they have no other options and therefore you should turn a blind eye to the fact that they cannot possibly mitigate the harmful impact to the surrounding neighborhood, do not be fooled. The only way your Board is able to approve this SUP is if you are able to make an affirmative fact based finding that **every single negative impact to the surrounding properties <u>will be effectively mitigated</u>.**

The standard is not that every single negative impact *might hopefully* be effectively mitigated. The *Idaho courts have consistently required far more certainty than that*.[9] Your board has to know with an extremely high level of confidence that every single harmful impact to the neighbors' health, wellbeing, welfare, peaceful enjoyment of their property, <u>and</u> property values has been effectively offset by Fall River. That is an impossible standard to meet here because common sense shows us all that this substation will absolutely negatively impact their daily lives.

The fact-based record before you contains 7 professional studies paid for (at great expense) by my clients; all of them demonstrate that Fall River has not effectively mitigated impacts to the neighbors as required by law. **More specifically, my clients have submitted the following rebuttal studies and analyses:**

1. *Comprehensive Site Evaluation,* by Mohammad Ataur Kabir Pramanik, M.I.E.B., Dhaka Power Distribution Company. (October 10, 2026).

2. *Independent Technical Review,* by Austin Edwards, P.E., Electrical Engineering Consultant. (October 13, 2026).

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[address redacted] *Neighborhood Ass'n, Inc. v. City of Boise*, 174 Idaho 515, 552 P.3d 1152 (2024) (the city **s reversible error if it tries to force an approval through unproven conditions**); *917 Lusk, LLC v. City of Boise*, 158 Idaho 12, 343 P.3d 504 (2015) (voiding SUP's issued with "vague" or undetermined mitigation plans); *Howard v. Canyon County Board of Commissioners*, 128 Idaho 479, 915 P.2d 709 (1996) (if substantial evidence shows the unmitigated impact - in this case, harm to the agricultural character of the area - remains effectively unaddressed, the governing body acts properly in denying the permit outright).

3. *Noise Survey Peer Review,* by Douglas H. Bell, Cavanaugh Tocci. (October 14, 2026).
4. *Wildlife Habitat Analysis* by Claire Qubain, M.S., Mertistem Environmental. (October 15, 2026).

5. *Independent Technical Review of Electrical Siting, Proposed Midway (Driggs Midway) Substation*, By Chris Christensen P.E. Electrical Engineering Consultant. (October 18, 2026).

6. *EMF Concerns About FRREC Proposed Site* by Dr. Emily Johnston, M.D. Emergency Medicine Physician. (October 21, 2026).

7. *Negative Impacts of the proposed FRREC project on Property Values,* by Dr. Emily Johnston, M.D. (October 21, 2026).

All of these studies seriously undermine Fall River's assurance to the Board that all impacts to surrounding properties have been effectively mitigated. These studies need to be reviewed and considered very carefully because they present information which impacts the weight and credibility of the information provided by Fall River.

**Request for the Neighbor's 7 rebuttal reports to be analyzed in the County Staff Report for your Board to consider.**

To date, *none of these 7 rebuttal studies have been incorporated into the staff report that sits before you now.* In fact, the staff report is a summary of the studies submitted *by only the applicant.* You have only one side of the analysis, where it is incumbent that the record grapples with all of these "contested facts" so your Board can reach an informed conclusion on unmitigated impacts. For this reason we formally request that the Board open the October 26th hearing to take public comment and information, and then direct staff to incorporate these 6 expert reports and public comment into the staff report where they will be analyzed and specifically considered for a later hearing.

**This Board must consider unmitigated impacts to property values.**

Fall River relies entirely on a 2016 study titled *Property Value Impacts from Transmission Lines, Subtransmission Lines, and Substations* by Ted Tatos et al. (hereafter referred to as the "*Tatos* Paper") in order to claim that their station will only result in a 2.9% drop in property value for my clients and the neighbors. Common sense tells us all that this

number is clearly NOT credible. Moreover, the 10-year old *Tatos* Paper is even not relevant and does not present an accurate analysis for the following reasons:

1. **Extremely small sample size for substations:** While the *Tatos* Paper analyzed 125,000 total sales, only a tiny fraction were actually within 150 ft of a substation. As such, in the summary of results (*Tatos,* Exhibit 8) the p-value for the substation data was greater than 0.05 in both SUBCO categories, thus the paper's findings on substation data are considered NOT statistically significant, or usable.

2. **No consideration of surrounding impacts:** The *Tatos* Paper did not look at impacts when facing a front yard vs. backyard, nor did it consider any lighting or noise impacts to outdoor living areas like patios. It grouped all substations together regardless of whether they were screened by trees or completely exposed

3. **Greater property value loss in "Seller's Markets":** The study acknowledged that during strong "Sellers Markets" the presence of a nearby substation hurt property values by 7.0%. (*Tatos* Paper at p. 215).

4. **No consideration of 70-ft towers.** The *Tatos* Paper looked at residential scale substations and not 70–foot tall industrial stations. Fall River's proposed 115 kV-to-distribution substation features 70-foot and 33-foot structural poles, which represent a heavy, industrial-scale visual and functional intrusion into a residential area. Standard suburban distribution poles are typically 35 to 40 feet tall, meaning a 70-foot steel structure will loom over single-family rooflines, severely impacting viewsheds and creating perceived health,noise, and safety hazards.

5. **The *Tatos* Paper data is from Salt Lake County, the most populous county in Utah.** Salt Lake County has a population density of about 1218 persons/square mile, which is much different than Teton County which has about 27 persons/square mile. About 90% of residents of Salt Lake County live in urban areas, while about 7% of Teton County residents live in "urban" areas. Buyers in rural areas are completely different as they are looking for open space, views, peace, and privacy.

6. **There is NO consideration of the real, actual physical impacts to homes.** The *Tatos* Paper conducted no on-site assessment of the impacted homes. The used transmission line location data from the Utah Geographical Survey and the parcel data was obtained from the MLS and the County assessor's database. As such, this was a purely statistical study with *no evaluation of the actual physical impact to the homes* included in the study. It was purely an exercise in statistical numbers on a computer screen with no real ground-truthing.

Not only is the *Tatos* Paper irrelevant and unreliable here, there are plenty of other, better studies that provide a more accurate estimate on impacts to property values. Indeed, the *Negative Impacts of the proposed FRREC project on Property Values* which was recently submitted to you by my Clients, **cites 9 other appraisal studies that conclude the impacts to property from substations lowers property values in the 20-40% range.**[10] Not only that, but the "negative perceptions" of living near substations and power lines, and the associated health risks further reduce property values, even if there is no conclusive evidence that those perceptions are real.[11] Indeed, throughout our county, courts have consistently ruled in favor of landowners whose real estate values were negatively impacted by *public perception of the risk* of living near electrical infrastructure *regardless of the factual basis of that perception*.[12]

Impacts to property values are exactly the type of impacts that your Board must consider when reviewing this SUP application. Fall River has presented one singular 10 year-old study with gaping holes and has asked you to now rely on it to conclude that this substation will only diminish property values by 2.9%. We are presenting you with ample evidence to the contrary, showing that impacts will be much larger than this pitiful number presented by Fall River. If the Board finds the *Tatos* Paper to be inapplicable, not credible, or simply not enough information to conclude there will be no significant impacts to property values, that alone is sufficient to deny this SUP. As recently held by our local District Judge Boyce in the "Wildflower PUD" judicial review case of *Liberty LLC v Teton County,* if your Board identifies deficiencies in the applicant's studies, such as *Tatos* Paper, that is a sufficient basis for denial. Fall River is "not

[10] See, *Negative Impacts of the proposed FRREC project on Property Values* at p. 2-3.

[11] *Id.* at pages 5-7.

[12] *Ryan v Kansas Power & Light Co.*, 249 Kan 1, 7, 815 P2d 528, 533, "**evidence of fear in the marketplace is admissible** with respect to the value of property taken without proof of the reasonableness of the fear"; *Florida Power & Light Co. v Jennings,* 518 So. 2d 895 (1987), **"the public's `fear' as a factor which may be relevant t**o the issue of just compensation may be utilized as a basis for an expert's valuation opinion regardless of whether this fear is objectively reasonable"; *Criscuola v. PASNY,* 602 N.Y.S.2d 588, 621 N.E.2d 1195, 81 N.Y.2d 649, (1993) held that the public's **perception of a health risk from exposure to electromagnetic emissions from power lines negatively impact upon the market value of their property and "will render the remainder valueless" was admissible;** *Willsey v Kansas City Power & Light Co*., 6 Kan App 2d 599, 611, 631 P2d 268, 277-278. "Logic and fairness dictate that any loss of market value proven with a reasonable degree of probability should be compensable, regardless of its source. If no one will buy a residential lot because it has a high voltage line across it, the lot is a total loss even though the owner has the legal right to build a house on it. If buyers can be found, but only at half the value it had before the line was installed, the owner has suffered a 50% loss". In all of these cases, the court ruled in favor of the landowner alleging a loss of property value.

constitutionally or statutorily entitled to conditional approval merely because they believed the identified deficiencies could be cured through future revisions or conditions."[13]

**Objection to Fall River's extra hearing attempts to influence this process; Request for equal hearing time.**

On June 23, 2026 this Board met with Fall River representatives to extensively discuss their long-term electrical planning needs - including the Midway site next to my clients' homes. Fall River was presenting this information on the heels of failing to obtain an SUP from your Board the first time around. Clearly, this opportunity to sit down and explain their reasons and need for this SUP will influence the decision process here. Your Board gave Fall River a personal audience whereby they were able to make extra hearing arguments about why you should approve their SUP today. Not only that, but at the prior September 8, 2026 P&Z hearing for this SUP, Fall River presented their experts and testimony for 31 minutes - *that is more than 10x the amount of time given to any of the Neighbors*. All of this is truly one-sided and unfair.

Please understand that my clients day-today peaceful enjoyment of their homes, their heath, and their property values are under threat by the SUP. *Can any of us blame them for their vigorous opposition?* We would probably all do the same thing. At great expense, they have hired sound, engineering, wildlife, and other professional consultants who have valuable experience to lend to this hearing process. Limiting them to only 3 minutes of testimony while Fall River has unlimited time is truly biased and prejudicial. **We hereby ask this Board to give us equal time to present our arguments and our expert witnesses at the Oct 26th hearing.**

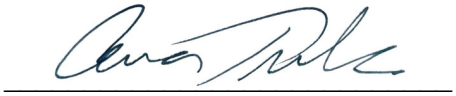
**Conclusion.**

It is time for Fall River to consider acquiring a more appropriate site via an easement or an ULDO. We look forward to submitting further comments at the October 26, 2026 hearing. **With this letter I am also formally requesting to be given the opportunity for surrebuttal at the hearing.** I am preserving this issue now, in advance, as I anticipate information being introduced by the Applicant just prior to, or during the hearing.[14]

Thank you.

[13] Memorandum Decision and Order on Petition for Judicial Review, *Liberty LLC v. Teton County,* CV41-24-0314, September 23, 2026 at p. 18.

[14] *Whitted v. Canyon Cnty. Bd. of Comm'rs*, 137 Idaho 118, 121, 44 P.3d 1173, 1176 (2002).



Anna Trentadue Esq.
Trentadue Law Office
*Counsel for Meg Heinen and Emily Johnston*

*CC:* D. Andrew Rawling
Joshua Chase

ATTACHMENT May 2026 emails between Trentadue Law Office and Fall River legal counsel.

TRENTADUE Law Office PLLC

**Anna Trentadue** [email redacted]

# RE: Request for meeting with Fall River Board.

1 message

**Hyrum Erickson** [email redacted] [email redacted] [email redacted] [email redacted]
To: Anna Trenta
Cc: Jerry Rigby

Mon, May 11, 2026 at 11:39 AM

Anna,

Thank you for the email.

You and your clients are on the agenda for the 18th. The board meeting starts at 10:00 and this will be either the first or second agenda item. This month's meeting is at the Fall River Building in Ashton.

Let us know if you have any other questions.

Hyrum

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**From:** Anna Trentadue [email redacted]
**Sent:** Thursday,
**To:** Jerry Rigby [email redacted] ; Hyrum Erickson [email redacted]
**Subject:** Reque ll River Board.

Dear Jerry and Hyrum -

I had a nice chat with Hyrum yesterday, and it is my understanding that you are the legal counsel for Fall River Rural Electric Cooperative. I represent Meg Heinen and Emily Johnston, two property owners whose homes and land abut the proposed "Midway" subway station site between Victor and Driggs. I am contacting you because my clients would like an audience with you and the Fall River Board of Directors to discuss Fall River's recent request for reconsideration of the Board of County Commissioners' decision to deny the Special Use Permit ("SUP") for this substation site. The Fall River website states a Board meeting is scheduled for 10 AM on May 18. **We would like to be included on this agenda. We also ask that you share this communication and attachments with the Board.** My clients are actively working with their surrounding neighbors, and I know those neighbors would like to attend this meeting as well.

As you can imagine, my clients and their neighbors vigorously oppose placing this substation so close to their beloved homes. The Teton County Planning & Zoning Commission recommended denial of the SUP for the substation on November 18, 2025. Then the Board of County Commissioners subsequently denied it on March 23, 2026. Fall River is now seeking reconsideration of this denial. I want to emphasize two points of order to you and your Board:

First, during prior County hearings on the matter, representatives from Fall River stated that they could not purchase land in the nearby Rocky Road Industrial Park (where a substation would fit right in) because the parcels are large, and Fall River would need to go through the lengthy and expensive county subdivision process to acquire a reasonably-sized site. After some research, there is no reason why this substation must be placed on a separate parcel of land. Fall River can

purchase an easement on a large parcel, avoiding the lengthy and expensive subdivision process. Fall River heavily implied that it needs to purchase its own parcel, *but that is not required by law or ordinance.* Looking at Teton County GIS, about a mile south of this Midway site (between 4000 S. and 5000 S.) are several large agricultural parcels located *directly under* the Bonneville powerline that would work well for this purpose. Siting a substation via an easement is not a new concept, and is commonly used in Teton County. **For example: a local fiber optic internet provider acquired an easement for a substation in 2024, and then the accompanying "Jube II" Special Use Permit was approved by the Teton County Board of County Commissioners just last November**. (Please see this link to review the Jube II SUP permit materials, including the substation easement.)

Secondly, there is no *de novo* review of a request for reconsideration. Ms. Heinen and her across-the-street neighbors Mike and Sherman Stinson met with Fall River's general manager Brian Case on Monday, May 4. Mr. Case made an offer to buy-out their properties. He had previously made a similar offer to my other client Emily Johnston in earlier phone calls. Their initial reaction was utter shock that Fall River would rather buy out their beloved homes, than simply purchase an easement in another location that would not require people to move from the homes where they intended to happily live out the rest of their lives. But more importantly, Mr. Case showed Ms. Heinen and the Stinsons the 4 new submittals attached to this email below. Ms. Heinen asked if these were new submittals provided to Teton County as part of Fall River's request for reconsideration. Case confirmed that the new materials were submitted with Fall River's appeal. By ordinance and well-established policy, Teton County does not allow *de novo* review of a request for reconsideration. Rather, it is a backwards-looking appellate process where the record has already been closed. Teton County Land Development Code ("LDC") 4-15(B)(2) limits this request for reconsideration to identifying specific deficiencies in the prior decision: *"The application must include a narrative description of the basis for the appeal or request for reconsideration, including the specific deficiencies of the decision alleged by the applicant or affected person."* We will vigorously contest and object to the admission of any new materials at this point in the SUP proceeding where the record is closed and Fall River has now sought an appeal.

My clients and their neighbors are all member-owners in Fall River. They object to the path Fall River is choosing, which places a disruptive use 200 feet from their homes—a use no person would ever want next door. It's one thing to site a substation in a vacant area that will someday be developed with homes. People can choose to move next-door to a substation. Here the exact opposite is happening. My clients and their neighbors want the Fall River Board to meet them, look them in the eye, and ask themselves if this is really the best way to proceed.

I look forward to hearing from you. If the May 18th Board meeting date will not work for you, we are amenable to scheduling another meeting around that time. Our only limitation is ensuring that we have met prior to Fall River's appeal hearing.

Best regards,

Anna

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**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Fall River substation

**Jean-Luke Ankney** [email redacted] Tue, Aug 25, 2026 at 11:54 AM
To: "pz@tetoncountyidaho.gov" <pz@tetoncountyidaho.gov>

Dear Teton County Commissioners,

I currently live in Victor and have lived off of 3500s in the past. I appreciate the need to continue to develop and grow or valley's infrastructure but I am writing to express my strong opposition to the Fall River Special Use Permit and the proposed electrical substation at this location.

This substation does not belong in a rural residential neighborhood. The proposed site is in designated wildlife habitat and migration areas, a scenic corridor, and an area with significant flood risk that drains toward the Teton River. The noise, lighting, environmental risks, and potential impacts on nearby residents, wildlife, pets, and livestock are not compatible with the surrounding community.

I respectfully ask that you deny the Fall River SUP and require this type of industrial infrastructure to be located in an appropriate industrial area where it will not negatively impact residential neighborhoods, wildlife, or our natural resources.

Thank you for protecting the health, safety, rural character, and natural resources of Teton Valley.

Sincerely,
Jeanluke Ankney

October 14, 2026

Teton County Idaho Board of County Commissioners
Brad Wolfe
Dan Powers
Ron James

SUBJECT: Driggs Midway Substation – Teton County, ID
Noise Survey Peer Review

Dear County Commissioners,

At the request of residents adjacent to the proposed Driggs Midway Substation, Cavanaugh Tocci has reviewed a noise survey report ("Report") prepared by MD Acoustics, LLC (dated May 18, 2026). This is the second acoustic review prepared by this firm that we have evaluated. After reviewing this latest document, it is our professional opinion that the data and analysis presented in the Report do not confirm the general compatibility of the proposed substation with the adjacent rural residential receptors. The report fails to correctly characterize the existing acoustic environment and significantly understates the adverse noise impacts that will occur if the project proceeds without noise mitigation.

**Regulations**

The report states the Teton County Land Development Code does not define specific noise standards that are applicable to this project (Section 3-5-10). However, it is our understanding that this project is considered a Special Use. Therefore, the application under Section 4-8 of the Land Development Code requires the following submittals:

> *B: Submittals*
>
> 4. *A Written statement that:*
>
> *a. Describes the effects of such elements as noise, glare, odor, fumes, light trespass, traffic, and vibration on adjoining property, if any;*
>
> *b. Indicates the general compatibility with adjacent and other properties in the Zoning District;*

Of principal importance is the requirement that a Special Use must demonstrate general compatibility with adjacent and other properties. As will be discussed below, the report provides sufficient data for us to conclude that the proposed Project will be acoustically incompatible with the adjacent residential uses and will produce adverse impacts on the existing acoustic environment.

**Existing Background Sound**

Assessing the compatibility of a new sound source requires a thorough, accurate understanding of existing ambient conditions. To this end, a thorough acoustic impact assessment requires continuous monitoring of pre-project sound levels near potentially sensitive receptors over an extended period. Surveys spanning approximately one week are industry standard to fully capture weekly patterns and provide reliable estimates of true background sound levels.

While a baseline survey was performed for this study, its duration was limited to a single 24-hour period between 12:00 noon on Saturday May 2, and 12:00 noon on Sunday, May 3, 2026. In our professional opinion, this isolated weekend period is insufficient to fully characterize and assess the existing acoustic environment in this community.

Furthermore, while there are many sound level metrics that can be used to quantify the time-varying nature of environmental sounds, we strongly disagree with this report's reliance on hourly energy average sound levels ($L_{eq}$) as the basis for comparison. The $L_{eq}$ metric can be significantly influenced by transient sounds such as passing cars, and aircraft overflights. As such, this metric often inflates an estimate of true background sound levels that are experienced by residents. However, when assessing potential annoyance from a continuous sound source such as the substation, the assessment should be based on the residual background sound levels that occur between the occasional transient events. Consequently, most environmental acoustic impact assessments rely on the $L_{90}$ metric which provides a reliable estimate of the background sound levels that occur devoid of occasional transients. Table 1 at the end of this report provides an extract of the data gathered during MD Acoustics' 24-hour survey, contrasting the energy average sound level ($L_{eq}$) with the residual background sound level ($L_{90}$). In all cases the $L_{eq}$ is higher than the $L_{90}$, with an average increase of 8.9 dBA. To avoid underestimating the acoustic impact of the Project, we recommend using $L_{90}$ sound levels as the baseline for comparison.

**Sound Impact Assessment**

The report states that transformers are the only proposed equipment capable of producing potentially significant noise, noting that the noise occurs primarily at 120 Hz. Despite recognizing that transformers are sources of "tonal" sound, the report then fails to address the unique nuisance impacts associated with prominent tones in a quiet environment. It is our professional experience that when a distinct tonal hum is introduced into a quiet residential area, it triggers a strong adverse reaction from residential receptors.

The report estimates that transformer sound at the adjacent properties will range between 34.7 and 40.7 dBA, which it claims results in a minor ambient increase of 5.4 and 8.8 dBA. However, because the Report overstated the existing background sound level by approximately 9 dBA (by using $L_{eq}$ instead of $L_{90}$), the actual project related noise increases will be far more severe. Based on the Report's own data, we believe that the proposed Project will introduce a prominent, continuous "humming" sound that will regularly exceed the true background noise levels by 13 to 17 dBA. Noise impacts of this magnitude represent a severe degradation of the acoustic environment and will likely result in widespread community complaints.

**Conclusion**

The sound survey data presented in the Report confirms that the Project area is a very quiet rural community. Background sound levels often range between 25 and 30 dBA. The acoustic modeling indicates that transformer sound will continuously and significantly exceed this quiet background at all surrounding residential properties. This substation sound will contain a prominent tonal component perceived as a “hum”. In our opinion, without extensive mitigation, the Project as proposed will result in significant adverse acoustic impacts at all adjacent properties.

Sincerely,
*CAVANAUGH TOCCI*

Douglas Bell

Douglas H. Bell
26033/Proposed Driggs Midway Substation - Acoustic Peer Reveiw 2026-10-14 r1.docx

**24-Hour Continuous Noise Measurement Datasheet - Cont. - NM1 - ANS-weighted**

| | | | | | |
|---|---|---|---|---|---|
| **Project Name:** | Driggs Midway Substation Noise | **Site Topo:** | 1% grade to | **Day:** 2 of 2 | |
| **Site Address/Location:** | W. 3500 S., Driggs, ID 83422 | | roadway | **Noise Source(s) w/ Distance:** | |
| **entry_site_id:** | NM1 - ANS-weighted | **Meteorological Cond.:** | Fair, 27-64 deg F, | 1350' from Hwy 33 | |
| | | | wind 0-18 mph (max @ noon 5/2) | | |
| | | **Ground Type:** | Soft, field grass, soil | | |

Table 2: Baseline Noise Measurement Summary

| Date | Start | Stop | Leq | Lmax | Lmin | L2 | L8 | L25 | L50 | L90 |
|---|---|---|---|---|---|---|---|---|---|---|
| 5/2/2026 | 12:00 PM | 1:00 PM | 53.6 | 65.1 | 32.5 | 62.9 | 56.8 | 53.6 | 48.4 | 36.9 |
| 5/2/2026 | 1:00 PM | 2:00 PM | 40.3 | 52.2 | 29.8 | 48.8 | 44.4 | 38.5 | 35.4 | 31.6 |
| 5/2/2026 | 2:00 PM | 3:00 PM | 54.3 | 67.4 | 28 | 65.6 | 57.6 | 45.2 | 39.3 | 32.1 |
| 5/2/2026 | 3:00 PM | 4:00 PM | 41.4 | 56.9 | 28.8 | 49 | 40.9 | 35.8 | 32.8 | 29.6 |
| 5/2/2026 | 4:00 PM | 5:00 PM | 37.6 | 47.5 | 28 | 45.6 | 41.9 | 37.3 | 33.4 | 30.3 |
| 5/2/2026 | 5:00 PM | 6:00 PM | 37.7 | 50.3 | 27 | 44.9 | 40.4 | 36.1 | 34.1 | 29.1 |
| 5/2/2026 | 6:00 PM | 7:00 PM | 33.6 | 38.3 | 27.9 | 37.8 | 37 | 34.6 | 32.8 | 29.2 |
| 5/2/2026 | 7:00 PM | 8:00 PM | 35.2 | 47.5 | 27.1 | 41.7 | 38 | 34.3 | 32.1 | 29 |
| 5/2/2026 | 8:00 PM | 9:00 PM | 42.6 | 48.4 | 30.2 | 47.2 | 46.6 | 44.4 | 40.2 | 33.2 |
| 5/2/2026 | 9:00 PM | 10:00 PM | 47.9 | 52.5 | 37.4 | 51.4 | 50.3 | 48.8 | 47.2 | 44.5 |
| 5/2/2026 | 10:00 PM | 11:00 PM | 45.6 | 52.7 | 26.7 | 51.3 | 48.4 | 46.8 | 44.8 | 38.4 |
| 5/2/2026 | 11:00 PM | 12:00 AM | 40.1 | 45.5 | 24.9 | 45.3 | 44.6 | 41.3 | 38.7 | 32.7 |
| 5/3/2026 | 12:00 AM | 1:00 AM | 37 | 43.3 | 25.4 | 42.8 | 41.8 | 38.4 | 34.6 | 27.1 |
| 5/3/2026 | 1:00 AM | 2:00 AM | 37.2 | 50.2 | 23.4 | 44 | 40.3 | 37.3 | 29.5 | 23.9 |
| 5/3/2026 | 2:00 AM | 3:00 AM | 31.8 | 42.9 | 24.1 | 39.5 | 35 | 32.5 | 26.4 | 24.4 |
| 5/3/2026 | 3:00 AM | 4:00 AM | 35.1 | 46.0 | 23.6 | 42.6 | 40 | 35.1 | 27.4 | 24 |
| 5/3/2026 | 4:00 AM | 5:00 AM | 36.4 | 44.3 | 24.4 | 43.1 | 41.2 | 37.1 | 30.5 | 25.3 |
| 5/3/2026 | 5:00 AM | 6:00 AM | 41 | 47.8 | 24.2 | 46.1 | 44.8 | 42.5 | 39.8 | 26.9 |
| 5/3/2026 | 6:00 AM | 7:00 AM | 39.4 | 44.5 | 29.9 | 44.3 | 43.3 | 40.3 | 37.7 | 33.6 |
| 5/3/2026 | 7:00 AM | 8:00 AM | 44 | 48.6 | 33.1 | 48.1 | 47.2 | 45.1 | 43.6 | 39.2 |
| 5/3/2026 | 8:00 AM | 9:00 AM | 39 | 44.8 | 32.3 | 43.8 | 42.4 | 40.2 | 37.5 | 33.9 |
| 5/3/2026 | 9:00 AM | 10:00 AM | 35.9 | 39.2 | 31.6 | 38.9 | 38.3 | 36.9 | 35.4 | 33.7 |
| 5/3/2026 | 10:00 AM | 11:00 AM | 35.6 | 49.3 | 28 | 41.3 | 38 | 34 | 31.2 | 29.5 |
| 5/3/2026 | 11:00 AM | 12:00 PM | 37.4 | 49.5 | 26.3 | 47.3 | 40.9 | 34.3 | 31.9 | 27.9 |
| | | | | | | | DNL | 48.1 | CNEL | 48.5 |

**Table 1**

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# No substation

1 message

**Erin Burnham** [email redacted] Thu, Aug 27, 2026 at 4:55 PM
To: pz@tetoncountyidaho.gov

To whom it may concern,

Thank you for denying the proposed substation of Fall Creek. Zoning amendments for industrial use in rural zones degrades our property values and diminishes the quality of our rural lifestyle. Please reject this amendment.

Sincerely, Erin Burnham
Cottonwood Shadows
Victor Idaho

August 28, 2026

To: Teton County Board of County Commissioners

From: Chris Vero

[address redacted]

[address redacted]

Driggs, ID

Subject: Fall River Electric Special Use Permit – Substation application 70W350 – continued

This letter is in response to the letter I have received from Teton County related to Fall River Electrics second proposal to build an electrical substation on 3500 south. I live and own property within 300 feet of the proposal and have for almost 25 years. I commented on the first proposal; my concerns still stand. **I do not support a substation at the proposed site, due to the incompatibility with the Teton County comprehensive plan and effects to my quality of life and that of my neighbors, as well as impacts to property values.** Yes, the county land development code does provide for situating major utilities in RN-5 neighborhoods, but with significant mitigations, Fall River has not met the significant mitigations part of the equation, nor could it at the proposed location. The proposal is almost identical to the proposal denied by P+ Z and the Board of County Commissioners earlier this year. So, what has changed, a new narrative format and a study about property values in Salt Lake City in 2014. An approval does not make sense to me and should not make sense to the commissioners. I will address the 4 criteria identified in the letter I received.

1. **The location of the proposed use is compatible with other uses in the general neighborhood.**

The only compatible feature in the neighborhood is a power line. An electrical substation as proposed would be an eyesore and pose negative health effects to existing residents nearby. Effects on quality of life as well as property values would be negative. I am not convinced a less impactive site does not exist…but seems like Fall River is stuck on this site whatever the cost. I have seen citations of anywhere from 5 to 20% reductions in property values associated with substations.

2. **The proposed use will not place an undue burden on existing public services and facilities in the vicinity.**

Likely, The proposal will not burden public services to a great extent…. but during construction site prep (leveling and grading) will need to be quite extensive. There would be negative impacts to the county road as well as the intersection with HWY 33 during construction due to heavy truck traffic for a period.

3. **The site is large enough to accommodate the proposed use and other features as required by Teton County code.**

   The site is not large enough to accommodate the substation due to proximity to homes and the county road. The somewhat narrow shape of the parcel doesn't allow for enough buffering. A larger parcel with larger buffers on all sides would be necessary to mitigate negative effects such as noise and uncertain negative health effects.
   Some concern exists with the landscaping plan. Although it could provide visual buffering it may pose a fire risk during spring and fall when vegetation is cured or in dormancy, or if the irrigation system fails or is not maintained and vegetation dies. A larger parcel would need less buffering and alow for more space between electrical equipment and landscaping, mitigating some of the fire risk. The current landscaping plan doesn't address long term upkeep of the landscaping.

4. **The proposed site is in compliance with and supports the goals, policies and objectives of the Comprehensive Plan.**

The following should address these criteria:

Hopefully, P+Z and the BOCC recognize the negatives associated with this site on the quality of life of nearby residents.

Fall River made statements of how there will be negative impacts to its new neighbors and does offer some mitigations, but these are not solutions.

Preserving some open space to the north on a separate lot is proposed, but a guarantee to keep a substation small at the proposed site is never mentioned, so nothing prevents an expansion within the current 5-acre parcel, such as the large expansion of the substation in Driggs, guarantees to keep the size of this substation within the currently proposed footprint should be part of any possible approval.

Health issues that neighbors have brought up are brushed aside yet researching the issue you find there are many views associated with negative health effects possible with substations….one thing is certain, all sides agree **that electrical substations SHOULD be located away from residential areas.**

Noise pollution effects from constant humming are real. All one has to do is walk by an existing substation and you notice the humming noise produced which will be constant and noticeable to the neighbors.

The current narrative says there will be no lighting associated with this proposal…that should be clearly defined. Full security lighting does not coincide with LCD requirements at this location.

If this site is eventually approved, the commissioners should recommend restitution to nearby landowners in the way of payments by Fall River for landscaping buffers on neighboring lots and to soften the impact of reduced property values, 10 to 20% of appraised property values might be a starting point.

From page 2-8 in the Comprehensive Plan: …" the context within which a piece of land exists is the most important piece of value. From this perspective, regulations that maintain view corridors, protect natural resources, preserve rural character, or PROHIBIT INCOMPATIBLE DEVELOPMENT protect property values." One of the biggest concerns with this SUP request is the impact on property values and effects on the quality of life. Not difficult to see the incompatibility of the development proposed by Fall River, within this zoned rural neighborhood.

Thank you for the opportunity to comment

Chris Vero

Ph: [phone redacted]

Email: [email redacted]

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Fall River Substation

**Katie Cavallaro** [email redacted] Wed, Aug 26, 2026 at 1:17 PM
To: "pz@tetoncountyidaho.gov" <pz@tetoncountyidaho.gov>

Dear Members of the Planning and Zoning Board,

I am a Teton County resident and I am against the Fall RIver substation proposal for the following reasons. First, the proposed substation would be in an area zoned as a rural neighborhood. Less than a mile away is an area zoned as industrial that would be a better location for this. The radiation, pollution, light and noise from the structure would adversely affect many residents including children in this area. Also, big game, song birds and raptors in this wildlife corridor and habitat would be impacted.

This proposal does not comply with the Teton County Zoning rules, the Teton County Comprehensive Plan and with Special Use Permit criteria. Thank you for denying Fall River's last application and please deny the new application. This proposal does not abide with Teton County laws and would have a huge impact on the people and animals in a residential neighborhood.

Thank you for your consideration.

Katie Cavallaro
[email redacted]
[phone redacted]

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Official Public Comment: Re-evaluation of Midway Substation Application – Uphold the Prior Denial

**Kelci Christensen** [email redacted]
To: "pz@tetoncountyidaho.gov" <pz@tetoncountyidaho.gov>

Thu, Oct 15, 2026 at 8:31 AM

Dear Teton County Board of County Commissioners,

We are writing as residents of Teton County to formally request that the Board uphold its previous decision and deny Fall River Rural Electric Cooperative's repeated application for a Special Use Permit to construct the Midway Substation on 3500 South.

The Board and the Planning and Zoning Commission previously thoroughly vetted this project and determined that its localized impacts could not be adequately mitigated on this rural residential parcel. Fall River Electric's current push does not offer a substantive change to the physical infrastructure. Instead, the cooperative has simply hired engineering and legal consultants to re-package the same incompatible application and speak on their behalf.

A change in rhetoric and representation does not change the physical reality of the project. I urge the Commission to reject this second attempt based on the following ongoing failures:

- **Zero Substantive Mitigation Changes:** Despite the previous denial citing severe issues with scale, design, and noise, the physical blueprint of this 1.5-acre, 30-foot-tall industrial facility has not changed. Relying on an engineering consultant's testimony to downplay these issues does not erase the fact that a massive industrial utility is entirely incompatible with an RN-5 rural residential zoning district.
- **Persistent Visual Blight and Screening Failures:** The county previously recognized that the site cannot be fully or realistically screened from view. Hired consultants cannot engineer away the flat topography of 3500 South; the towering industrial infrastructure will remain a permanent visual blight.
- **Unresolved Noise and Community Disruption:** The continuous low-frequency hum of a substation presents a constant nuisance. Presenting heavily calculated, idealized noise models through a third-party consultant does not change the physical reality of continuous noise pollution being introduced to a quiet residential neighborhood.
- **Substantial Property Devaluation Without Recourse:** During the original March 23rd hearing, this Board rightfully recognized potential property devaluation as a core reason for denial. Introducing an industrial footprint into a quiet neighborhood creates a permanent aesthetic and auditory scar. No amount of consultant-approved landscape buffering can mask a massive utility station from surrounding family properties. This project forces the financial burden of infrastructure onto individual homeowners whose property values will plummet, destroying the equity they have built in their homes.

The Board of County Commissioners set a sound precedent by denying this permit the first time. Allowing an applicant to circumvent a formal denial simply by hiring professionals to argue the same points sets a dangerous standard for land-use policy in Teton Valley.

We ask the Board to stand by its original findings, protect the integrity of our Land Development Code, and deny this application once and for all.

Respectfully submitted,

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Fall river substation SUP

**Mich Clarkson** [email redacted] Tue, Aug 25, 2026 at 11:27 AM
To: pz@tetoncountyidaho.gov

Thank you for denying the previous fall river SUP application, and I am writing to share that I still oppose the Fall River SUP on 3500.

The neighborhood is zoned "Rural Neighborhood 5 acre". We do need modern infrastructure, but in appropriate locations. Less than a mile away there's an area zoned "Industrial" that is intended for exactly this type of use. **The substation would impact many homes, and animals, with its light, noise, electromagnetic radiation, toxic chemicals, fire risk, and visual ugliness.**

**They already applied once and were denied because it doesn't meet Teton County criteria for a special use permit, and it is not aligned with the Teton County Comprehensive Plan.**

I ask you to once again deny the SUP.

Best,
Mich Clarkson

15 October 2026

Dear County Commissioners:
Mr. Brad Wolfe
Mr. Dan Powers
Mr. Ron James

I write to urge you to act in the best interests of our community.

The Valley is growing rapidly. The three if you, and those who follow in your footsteps, will be faced with a host of difficult decisions, and the issue at hand is one of them.

I urge you to actively assist Fall River REC in finding an appropriate location where they will have the ability to support and expand the existing electrical infrastructure in accordance with our anticipated growth, without compromising the health and welfare of the community.

The currently proposed location of the Midway Substation is too small to accommodate the current expansion, and certainly too small to accommodate the inevitable need for expansion in the future. The proposed site is not at the midpoint of the Valley, but more than a mile closer to Driggs (approx 3.44 miles) than it is to Victor (approx 4.47 miles). There are multiple appropriate sites mid-Valley that meet Fall River's criteria, and that will remove the need to revisit this process repeatedly in the future as the Valley grows.

Please see attached overview image of proposed site locations that meet Fall River's needs now and into the future. These parcels are closer to the anticipated growing electrical load than the previously proposed site, can can back up the Targhee and Victor substations, and allow room for future expansion while preserving the health and welfare of the existing community by providing a 500+ foot setback from existing homes. Now is the time to help Fall River obtain a site that will serve Teton County's infrastructure needs for decades to come.

**My concerns about the size of the proposed site include:**

1. Physical constraints due to the narrow parcel width, small parcel size, and proximity to Darby creek, and wildlife overlays that prohibit appropriate distance from existing homes (please see attached image showing distances from existing homes).

The proposed parcel is:

200 feet or less from 2 existing homes that:
- Cannot be effectively visually buffered from the proposed substation apparatus
- Cannot be effectively acoustically buffered from the proposed substation
- Cannot be effectively buffered from EMF produced by the proposed substation

300 feet or less from 5 existing homes that:
- Cannot be effectively acoustically buffered from the proposed substation
- Cannot be effectively buffered from visual, physical, and financial impacts
- According to North Dakota, Virginia, etc, that is too close.

500 feet or less from 6 existing homes that:
- Cannot be effectively buffered from visual, physical, and financial impacts
- According to North Dakota, Virginia, etc, that is too close.

Too small to accommodate landscaping that will effectively **mitigate visual impact**.

- As reported by Fall River CEO Bryan Case at the P&Z meeting on 09/08/26, the site must be close to homes, near the south end of the lot, because there is not room on the small parcel to allow for expansion due proximity to Darby Creek and designated wildlife areas.

- As reported by Fall River CEO Bryan Case at the P&Z meeting on 09/08/26, the substation apparatus cannot be appropriately screened with vegetation because, due to the small parcel size, the substation must be located directly under the existing transmission lines which does not allow for taller trees that would provide appropriate screening.

- As illustrated in Harmony Engineering landscaping plans, the close proximity of the proposed landscaping to the proposed substation apparatus on the west, east and south sides will be too close to visually buffer the substation from the established homes in the area. This close proximity is driven by the limited dimensions of the parcel.

Too small to allow appropriate distance for **mitigation of transformer noise**. A minimum 500 foot setback is appropriate

- Please see attached professional peer review of the FR acoustic study (MD acoustics) that states:
"**In our opinion, without extensive mitigation, the Project as proposed will result in significant adverse acoustic impacts at all adjacent properties."**

"The acoustic modeling indicates that transformer sound will continuously and significantly exceed this quiet background at all surrounding residential properties. This substation sound will contain a prominent tonal component perceived as a "hum".

- Placing the sound level meter in a tree during a single 24 hour time period with significant wind overestimated ambient noise levels, and thus underestimates the impact of transformer noise.

Too small to allow distance for **mitigation of EMF produced** by the substation. A minimum 500 foot setback is appropriate. There are many jurisdictions with required setbacks of 500+ feet from electrical apparatus that emits EMF:

- EMF readings that I obtained near the Victor substation show that established homes 200 feet away from the proposed site will be within range of concerning EMF levels. EMF intensity decreases with distance, and at a distance of 500+ feet it should not be an issue.

- **North Dakota Century Code Title 49. Public Utilities § 49-22-05.1. states: "3. Except for electric transmission lines in existence before July 1, 1983, areas within 500 feet [152.4 meters] of an inhabited rural residence must be designated avoidance areas."** The rule governing the 500-foot state setback standard is legally codified under North Dakota state statute, and the specific mechanism granting the state authority over local zoning was passed via House Bill 1258

- **Brookings County, South Dakota** has a 1,000 foot setback for high voltage transmission lines

- The **Stutsman County Commission in Jamestown, North Dakota**, officially approved a revised zoning ordinance requiring a 1,000-foot setback distance between high-voltage electrical transmission lines and occupied dwellings in 2025.

- **Loudoun County, Virginia Board of Supervisors:** In January 2025, Board also called for the burial of any transmission lines planned to pass closer than 500 feet from any residence or public school; however, Loudoun County does not have any authority to require underground transmission lines.

The proposed substation does not meet Teton County special use permit criteria, and the impacts cannot be effectively mitigated. As Ron James so wisely stated last year, in reference to this project: “This is just a terrible location.” Let’s help Fall River find the right location.

**The proposal does not meet the Teton County legal Special Use Permit criteria of approval in these ways:**

1. The location of the proposed use is compatible with other uses in the general neighborhood.
   - **As you know, a major utility installation is not compatible with a residential neighborhood due to the noise, oils, chemicals, visual impacts and impact on property values.**
   - The Fall River representative stated that: "The proposed substation is compatible with adjacent uses because it is located within, and next to, an existing electric transmission facility corridor." **This is inaccurate and suggests that every single piece of land next to transmission lines is, by definition, an industrial area.**
   - The Fall River representative stated that: "Although the surrounding area includes residential uses, an electrical substation is allowed in the RN 5 zone through the special permit review.” **An electrical substation is allowed, but it has to meet the Special Use Permit criteria of approval, which this does not. Also, the surrounding area does not just include residential uses, it’s zoned residential and adjacent uses are exclusively residential.**
2. The proposed use will not place an undue burden on existing public services and facilities in the vicinity.
   - A large industrial installation within 300 feet of [address redacted] a undue burden on fire and EMS. **In the case of a fire, explosion, or large chemical spill our does our fine Fire/EMS team have the capacity to protect that many people and 6 homes, and the rest of the Vally all at the same time. A 500 ft setback from people and homes would significantly simplify their job in terms of protecting life.**
3. The site is large enough to accommodate the proposed use and other features as required by Teton County Code.
   - The Fall River representative stated: "The onsite storage and open yard are screened adequately excluding proposed transformer poles to connect to the transmission line, because those are not screened at all. Our screening with the landscape plan addresses that use standard." **The parcel is too small to properly screen the new transformer poles in compliance with Teton County Code even when fully mature trees are planted, as they will be**

**shorter than the transformer poles that, according to Fall River, "are not screened at all". A larger parcel would allow enough distance for visual screening of all components of the proposed substation.**

**4.** The proposed use is in compliance with and supports the goals, policies, and objectives of the Comprehensive Plan.

- **This proposal runs counter to the following Comprehensive Plan goals, policies and objectives:**
  - "Industry Clusters: Creation of Industry Clusters is one of a number of strategies that could lead to sustainable industrial development and is a very helpful tool towards implementation of Teton Valley's economic goals."(p.101).
    1. **This parcel is not in an industrial area while parcels to the south are i [phone redacted] to zoned industrial areas.**
  - "Under Idaho Code Teton County has an obligation to regulate land use in order to e health, safety and general welfare of the public."(p.13)

    "Property rights are not absolute, however, and they do not allow uses that unreasonably interfere with the property rights of others or interfere with public health, safety, or general welfare." (p.26).

    **This proposal would interfere with the property rights of adjacent owners to use their for dwellings due to noise, EMF, and visual impacts.**

    "From this perspective, regulations that maintain view corridors, protect natural resources, perserve rural character or prohibit incompatible development protect property values"(p.28).

    **This proposal is an incompatible development that would significantly decrease property values.**
  - Goal ED 2 (p.73) - "2.1 Encourage development and land use proposals that support prime economic values of rural character and heritage."
    1. **On a larger parcel this use could be adequately screened and naturally mitigated, but this parcel is to small to support the prime economic values of rural character and heritage.**
  - Goal NROR 4 (p.84) - "4.1 Ensure that development regulations balance natural resources protection, viewshed protection and growth, are clear and predictable, and preserve the economic value of the land. (p.84)".
    1. **This proposal harms the natural view shed (because the parcel is too small for an effective visual buffer), runs counter to the clear and predictable zoning regulations in place, and significantly harms the economic value of the land (because the parcel is too small to provide enough setback to naturally mitigate the sound and visual impacts).**
  - Goal NROR 8 (p. 87) - Respect sensitive habitat and migration areas for wildlife (p. 87)- 8.3 Minimize the cumulative impacts of development on wildlife and wildlife habitat (co-locate industrial use).
    1. **1. Using this parcel does not co-locate industrial use, or respect migration areas, where using larger parcels to the**

**south will co-locate industrial use and use land that is not in a migration area, or sensitive habitat**

- Goal ARH 1(p.93): Preserve and enhance Teton Valley's small town feel, rural heritage and distinctive identity.
  1.1 Ensure that planned growth maintains Teton Valley's rural character.
  1.5 Support the preservation of open space, farmland, natural beauty, and critical environmental areas.

**1. This proposal does not support or preserve natural beauty or critical environmental areas because the parcel is to small to appropriately visually screen and to small to avoid impacting Sage Steppe habitat and big game migration in the Darby Creek corridor.**

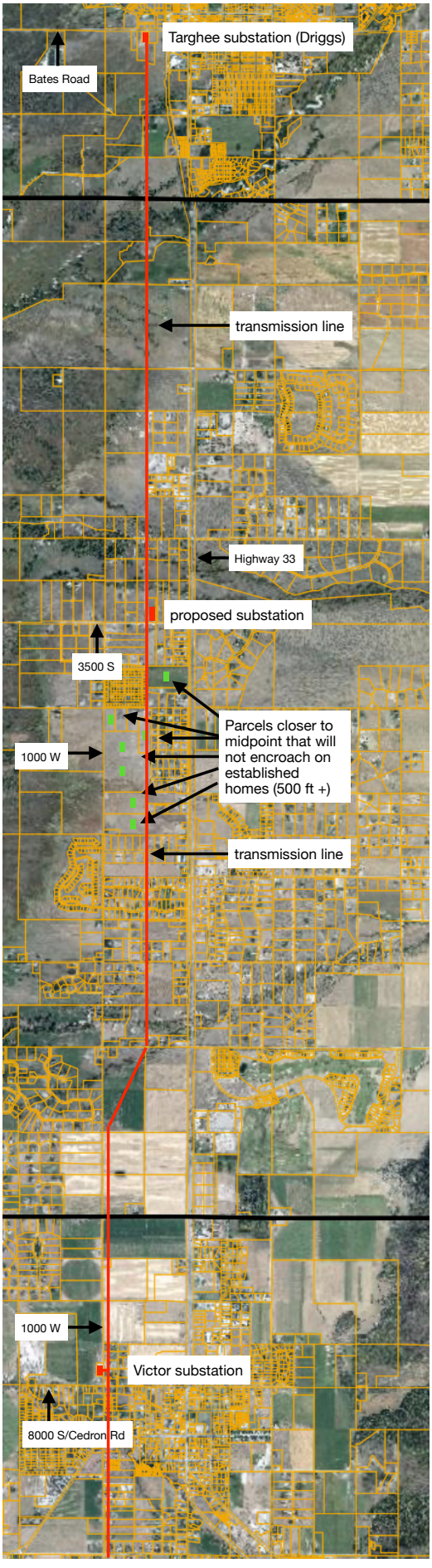
I appreciate your time and effort. I urge you to act now to help Fall River obtain a centralized parcel with enough space to expand and support the utility needs of the Valley now, and into the future.

Respectfully,



[address redacted]
[phone redacted]

## Please see 2 attached images below:


Targhee substation (Driggs)
Bates Road
transmission line
Highway 33
proposed substation
3500 S
Parcels closer to midpoint that will not encroach on established homes (500 ft +)
1000 W
transmission line
1000 W
Victor substation
8000 S/Cedron Rd


S 750 W
S 870 W
S 800 W
14
292 feet
W 3500 S
W 3500 S
W 3500 S
113 feet
491 feet
300 feet
194 feet
193 feet
299 feet
S 650 W
S 600 W

Sharon Fox <sfox@tetoncountyidaho.gov>

## Objection to SUP for Fall River Electric

**Eileen Foster** [email redacted] Wed, Oct 14, 2026 a
To: pz@tetonc

Oct. 14, 2026

To: Teton County Idaho P & Z Board

We are writing to request that you deny Fall River Electric's request for a special use permit to put a substation on land adjacent to 3500 South, an area zoned residential rural neighborhood. This SUP would irreversibly impact this area causing great financial loss for home/land owners in the area. People have their life savings and retirement finances tied up in their land. The adjacent land values will plummet immediately. The community created zoning and put rules in place to protect valley property owners from exactly this type of situation.
That area is completely inappropriate for such use. The proposed project should be in an industrial area not an established neighborhood where people have been living for decades.
That area is also a key area for big game such as elk and moose that would be negatively affected by the noise, lights, chemicals and pesticides associated with sub stations.
Please ask Fall River Electric to respect the Teton Valley Comprehensive Plan when building and deny their request for a SUP.

Sincerely,

Eileen and Stephen Foster
[address redacted]
[address redacted]

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Re: Substation AGAIN!!!!

**Liviu Ghinescu** [email redacted] Wed, Aug 26, 2026 at 6:29 PM
To: pz@tetoncountyidaho.gov
Cc: Ron Paradis [email redacted]

Hello,

As the matter of the substation was settled in a previous hearing with the outcome of an affirmative “NO!!!”; I still don’t understand the perseverance of the electric company to build one in our neighborhood.

Could it be a disregard of our decision and /or the law?

As their CEOs would not choose to live near a substation/power station, why should we ?

As growth occurs in our local community, I do understand the need for utilities. However not taking in account the impact that such a construction will have on the environment a.k.a. neighborhoods ,wildlife corridors , etc. is an example of bad stewardship and just trying to get it done so that it is done.

In most cities around the world construction like this one are set in an industrial area. Such an area exists not far from this neighborhood where it could be built.

Let’s keep this area wild as much as possible.
I do believe progress and wilderness can coexist, let’s not take this unique place to the chopping block.

Best regards,
Liviu Ghinescu
[address redacted]

Sent from my iPhone

> On Aug 26, 2026, at 11:05 AM, Ron Paradis <> wrote:
>
> In case you haven’t heard…This is my response to the latest attempt to poison the neighborhood. Hope you can write a short note to P&Z, address below. Letters are due by noon Friday.
>
> Thanks, Ron
>
> **From:** Ron Paradis
> **Sent:** Wednesday, August 26, 2026 10:53 AM
> **To:** 'pz@tetoncountyid [email redacted] ov>
> **Cc:** Theresa Paradise
> **Subject:** Substation A
>
> There is no reason for us to be discussing this again. They are trying to put in a forever device in the middle of our neighborhood. Even when told many times NO by the community and the

powers that be. These substations have been thought to be a source of cancer clusters. Let’s not become the guinea pigs to find out that it really is true. Our property is next door. There is a community well on the property next door to the north that serves 12 houses. There has been NO CHANGE in the requirements for an SUP as far as I know. This substation will never become a house. It’s time for them to actively find industrial zoned land and put this goat rodeo behind us.

Ron Paradis

Owner of 630 W 3500S

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# NO

1 message

**Liviu Ghinescu** [email redacted] Fri, Oct 16, 2026 at 10:12 AM
To: Pz@co.teton.id.us
Cc: Ron Paradis [email redacted]

Hi,

I can't believe that we are doing this again!!!

I guess the decision of the people dose not matter and that the drive to get it done outweighs anything else.

Is this the best way to spend people's time?
If we had the option to switch to a different company I would not hesitate.
With this action you just proved that your interest is not aligned with servicing the community, but rather your pockets.

Take the "L", move down 1 mile, spend the extra money and keep the peace and the nature of our neighborhood and community together.

Best regards,
Liviu Ghinescu
[address redacted]

Sent from my iPhone

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Opposition to Fall River substation at 3500S 700W

1 message

**Margaret Grebe** [email redacted] Thu, Oct 15, 2026 at 11:17 PM
To: pz@tetoncountyidaho.gov

We would like to voice our opposition to the placement of a substation in a rural residential neighborhood, specifically, [address redacted]

Zoning is and has been a tool for maintaining property values and property rights. Though we are sympathetic to the needs of a company as it finds its footing, the impact on wildlife and surrounding homeowners is substantial. Dropping an industrial use zone into what has been a residential, agricultural and wildlife friendly corridor is hopefully not the only solution.

Please deny this application as an incompatible use in this area.

Respectfully,
Margaret Grebe
Derrik Hufsmith

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Substation on 3500n

1 message

**Ida Greenwell** [email redacted] Wed, Aug 26, 2026 at 5:26 PM
To: pz@tetoncountyidaho.gov

Hi,
I am writing to thank you all for delaying fall rivers application for a special use permit to develop a substation on 3500n in Victor. I have recently been apprised that they are applying again and I want to encourage you to once again deny their application. This substation would negatively impact many homes, and animals, with its light, noise, electromagnetic radiation, toxic chemicals, fire risk, and visual ugliness.
Thank you for taking your job seriously and listening to the residents of the valley.

Ida Greenwell
Teton valley resident

Sent from my iPhone

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# 3500S substation

**Eric Hafla** [email redacted] Tue, Aug 25, 2026 at 10:12 AM
To: pz@tetoncountyidaho.gov

To whom it may concern,

I would like to reach out to thank you for your prior rejection of the SUP for the construction of the Fall River substation on 3500S, and would like to reiterate my opposition to the project in the future for reasons including, but not limited to: potential environmental degradation, disruption to local wildlife, zoning conflict, light and sound pollution, and nuisance to the neighboring homes.

Thank you,

Eric Hafla
[address redacted]
[address redacted]

[email redacted]
[phone redacted]

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Midway Substation

1 message

**markheinen9** [email redacted] Tue, Aug 25, 2026 at 8:40 AM
To: pz@tetoncountyidaho.gov

I, Mark Heinen, oppose the Fall River Midway Substation.

Sent from my Galaxy

**August 28, 2026**

**Teton County Planning & Zoning Commission**
Teton County Courthouse
150 Courthouse Drive
Driggs, ID 83422

**Re: Opposition to Fall River Electric's Proposed Midway Substation — [address redacted] Victor, Idaho**
**Second Special Use Permit Application**

Dear Planning & Zoning Commissioners and Staff:

I am writing to again oppose Fall River Electric's proposed Midway Substation at [address redacted] **in Victor, Idaho**. Our property is directly adjacent to the proposed parcel, making us among those most affected.

The fact that Fall River has submitted new studies and revised plans does not mean the deficiencies that led to the original denial have been cured.

Both the Planning & Zoning Commission and the Board of County Commissioners previously denied this application because of unresolved concerns about wildlife mitigation, EMF, scale, site design, screening, and continuous operational noise.

**Continuous operational noise remains one of my greatest concerns**

- Noise remains the most serious issue for our adjacent propert**y.** This is not temporary construction noise; it is permanent transformer hum from a facility operating 24 hours a day, including at night when the area is quiet.

The BoCC specifically identified this persistent noise and its potential effect on nearby residents and wildlife as a concern. A predictive noise study is not enough. If this project is approved, the County should require enforceable operational noise limits, post-construction monitoring, and corrective action if limits are exceeded.

**The County must evaluate the impact from the perspective of the property directly next door**

- Our property **shares a boundary** with the proposed substation site. That makes this impact direct, not theoretical. Approving this application would place permanent industrial utility infrastructure—equipment, fencing, lighting, noise, and maintenance activity—immediately next to and across from residential properties.

The issue is not whether the substation can technically fit on the parcel; it is whether this location, scale, and design are compatible with the homes beside it. **They are not.**

- **Screening must actually protect neighboring properties**

A landscape plan is meaningful only if it provides effective, year-round screening from the beginning—not years later at theoretical maturity. If the substation remains visible or audible from our property, the buffering is inadequate.

**Wildlife impacts cannot be separated from the facility's permanent operation**

- The County previously found that the application did not adequately satisfy wildlife mitigation requirements. The new Wildlife Habitat Analysis must show that this specific facility will not undermine wildlife or bird habitat or movement once it is built and operating.

**The previous denial should remain the benchmark for evaluating this application**

The BoCC subsequently denied the application and specifically raised concerns about the persistent operational noise and its effects on people and wildlife.

**The central question is simple: Has Fall River actually fixed the problems that led to the prior denial?**

More paper is not the same as mitigation. The County should require proof that the impacts have been eliminated or reduced to an acceptable, enforceable level.

- **This location remains fundamentally problematic**

I recognize the need for reliable electrical infrastructure, but need alone cannot justify putting a large, permanent substation immediately next to homes. **This remains the wrong location for this facility.**

I respectfully ask the Planning & Zoning Commission to hold this second application to the same standard that led to the original denial.

Unless Fall River can prove that noise, EMF, wildlife impacts, visual impacts, setbacks, screening, and the cumulative effect on adjacent residences have been fully and enforceably mitigated, the County should **deny the Special Use Permit**. Anything less would repeat the same fundamental error: allowing an industrial utility facility in a location where its impacts fall directly on neighboring homes.

Thank you for your consideration. Please keep me informed of all hearings, public-comment opportunities, and decisions concerning the Midway Substation.

Sincerely,

**Meg and Mark Heinen**
[address redacted]
[address redacted]
[phone redacted]

27 August 2026

Dear Teton County Planning and Zoning Commission,

I'm writing in response to the Fall River REC special use permit application for a construction of an electrical substation on parcel RP0018600000R0; Remainder lot 70 W 350 S MINI SUB SEC 14T4N R45E. My property is in close proximity to the parcel referenced above.

The proposed project does not meet Teton County criteria for a special use permit (see below).

The proposed industrial project is appropriate for an area that is zoned industrial, such as the area approximately 1 mile north of the proposed site, or 1 mile south where there is also open agricultural land that would allow the establish homes to be an appropriate distance from this industrial installation. The proposed project is absolutely not appropriate for a residential neighborhood, and would effectivley rezone our rural neighborhood as industrial. Allowing his project to move forward would contradict both Teton County's existing zoning, and the Teton County's Comprehensive Plan. In the words of Teton County Commisioner Ron James: “this is just a terrible location.”

I know there's a lot of information here, and I appreciate your time and attention to this very important matter. There's a reason we have zoning, and in this case I look forward to you upholding our zoning regulations and the Valley's Comprehensive Plan. The appropriate location for this proposed industrial project is clearly in an area that is zoned industrial.

The letter we initially received from P&Z requested a response to four specific criteria. I've copied the criteria and responded to each below with reference materials at the end. We appreciate that you have upheld Teton County’s zoning regulations, and the intent of the Comprehensive Plan, in the past, and we look forward to you continue to uphold these rules and regulations.

Thank you,



Emily Johnston
[email redacted]

SUP criteria of approval:
1. The location of the proposed use is compatible with other uses in the general neighborhood.
The proposed use does not meet this criteria.

The area is a residential rural neighborhood zoned RN-5 and is comprised of 2.5 acre, 5 acre, and larger residential and agricultural parcels. This is an entirely residential neighborhood and the proposed use, a large electrical substation, is not "compatible with other uses in the general neighborhood".

According to the American Heritage dictionary the word compatible is defined as: "Capable of existing or performing in harmonious, agreeable, or congenial combination with another or others."
Electrical substations are known to to emit a continuous loud humming noise, to contaminate soil/groundwater/surface water with oil and industrial chemicals, to cause significant light pollution, negatively impact rural aesthetics, and malfunctions may cause transformer explosions and/or electrical fires. (Ref 1, 2, 3)
Firefighters are instructed to "be alert for transformer explosions, smoke hazards and oil releases. Clear a 300 foot radius, stay upwind and consider initial downwind evacuation for at least 1000 feet. Monitor for oil runoff; direct it away from catch basins or surface waters." That's quite workable in an industrial area where no
one is living nearby, but not achievable in a residential neighborhood without significant risk to residents.
I
n addition substations produce powerful electromagnetic fields, and emit electromagnetic
radiation. The International Agency for Research on Cancer (IARC) classifies EMFs as “possibly carcinogenic to humans", the World Health Organization classifies electromagnetic fields as "possibly carcinogenic to humans”. Findings are not conclusive - it's entirely possible and plausible but we just don't know yet, is that an environment that you would want to live in? It is clearly not "harmonius, agreeable, or congenial" to have these hazards brought to my established neighborhood, nor to worry about these hazards on my doorstep when I'm trying fall alseep at night, or going for a peaceful evening walk down my road. (Ref 1, 2, 3)

These hazards are not appropriate to introduce into a quiet, long established, rural residential neighborhood. They are appropriate for areas that are zoned industrial, such as the industrial area, close to power lines, that is approximately 1 mile north of this proposed project. That’s why we have zoning: to separate and isolate specific land uses in order to protect our community.
---
2. The proposed use will not place an undue burden on existing public services and facilities in the vicinity.
The proposed use does not meet this criteria.
The proposed project would place an undue burden on the road, and present an undue burdenof risk of contaminating our domestic wells (see number 3).
There are no public services or facilities in the vicinity because it's a residential neighborhood, and there are not meant to be public services or facilities in our neighborhood, including a large industrial, ugly, loud, toxic, dangerous electrical substation that would be appropriately located in an industrial zone.
---

3. The site is large enough to accommodate the proposed use and other features as required by Teton County Code.
The proposed use does not meet this criteria.

According to the site plan, the proposed facility appears to be too close to existing seasonal flow lines and the flood zone, allowing contaminants to disperse beyond the site. The site is not large enough to allow for an adequate buffer. The designated industrial zone to the north is not in a flood zone and would be appropriate for the proposed project. Electrical substations are known to cause contamination of groundwater and surface water from oil, solvents, herbicides, and other chemicals used in maintainance and cleaning (see example below). All nearby residential residents rely on domestic wells that would be at risk of contamination from this industrial project.
Substation water contamination example:
(a. https://www.epa.gov/newsreleases/epa-identifies-ameren-huster-road-substation-sourceelm-
point-wellfield-contamination
b. https://fox2now.com/news/missouri/st-charles-water-contamination-found-to-be-causedby-
ameren-epa-demands-cleanup/)
This water then runs into the the Teton River that we all use for agriculture, and recreation. Idaho Fish & Game is working hard to protect the Yellowstone Cutthroat Trout, and contamination from a substation located at the proposed site would put our native trout and waterbirds in danger (see below). An industrial project should be sited in an industrial area, away from the risk of contaminating surface water and domestic wells.
IDFG Cutthroat Trout
(https://idfg.idaho.gov/article/conservation-project-planned-protect-yellowstone-cutthroattrout-
teton-canyon)
---
4. The proposed use is in compliance with and supports the goals, policies, and objectives of the Comprehensive Plan.
The proposed use does not meet this criteria.
Relevant excerpts from the Comprehensive Plan that show that the proposed industrial land use is not in compliance with, and does not support the goals, policies and objectives of the Comprehensive Plan:
According to the law, "the plan shall consider previous and existing conditions, trends, compatibility of land uses, desireable goals and objectives, or desireable future situations for each planning component."
“Under Idaho Code [phone redacted] Teton County has an obligation to regulate land use in order to promote the health, safety and general welfare of the public.”(p.13)
(The proposed land use in a residential neighborhood threatens the health, safety and general welfare of the public and should be located in a designated industrial zone).
“Property rights are not absolute, however, and they do not allow uses that unreasonably interfere with the property rights of others or interfere with public health, safety, or general welfare.” (p.26)

(The proposed industrial use of residential land would interfere with the property rights of others as well as the health, safety and general welfare)
“From this perspective, regulations that maintain view corridors, protect natural resources, perserve rural character or prohibit incompatible development protect property values”(p.28)
(This proposed use would be an incompatible development)
“The plan proposes efficient and logical growth patterns. A variety of land use areas protect the Valley’s character and provide guidance and incentives for appropriate development types.”(p.63)
“Desired future character and land uses for Industrial/Research areas include: Light industrial, “Heavy industrial at the appropriate scale and in appropriate locations, Cottage industries . . .”
(p.65)
(An Industrial zone is the appropriate place for an industrial project)
“Desired future character and land uses for the Rural Neighborhoods include: Medium density single family neighborhoods with large open spaces and provisions for clustering.(p.66)
“Mixed Agriculture/Wetland: Desired future character and land uses include: Agriculture, Ranching, Low density residential development, with provisions for clustering/ conservation development to protect natural resources, Conservation and wildlife habitat enhancement/protection, Development subject to all applicable County, State and Federal regulations including U.S. Army Corps of Engineers (USACE) wetland regulations and County floodplain development regulations.”(p.67)
Policies that show the proposed use is contrary to the Comprehensive Plan:
Goal ED 2
2.1 Encourage development and land use proposals that support prime economic values of
rural character and heritage. (p. 73)
2.3 Promote smart growth strategies that help preserve rural character by enhancing existing
communities and directing development towards them.(p.73)
2.5 Encourage development that adheres to environmental standards.(p.73)

Goal ED 4
4.9 Maintain rural areas that encourage farming and ranching and support low density residential development.(p.74)

Goal ED 5:
5.2 Support a plan that co-locates infrastructure that will serve multiple telecommunication providers. (extrapolate to co-located infrastructure to established industrial zones) (p.75)

Goal NROR 1: Conserve our public lands, trail systems and natural resources (air, water, wildlife, fisheries, wetlands, dark skies, viewsheds, soundscape, soils, open space and native
vegetation).(p.82)

1.6 Encourage the conservation of high water quality in rivers and streams (p.82)

Goal NROR 4: Balance private property rights and protection of our natural resources. (p.84)
4.1 Ensure that development regulations balance natural resources protection, viewshed protection and growth, are clear and predictable, and preserve the economic value of the land. (p.84)

Goal NROR 8: Respect sensitive habitat and migration areas for wildlife
8.3 Minimize the cumulative impacts of development on wildlife and wildlife habitat (co-locate industrial use)(p.87)

Goal CEF 1: Provide high-quality public and private services and facilities in a coordinated manner for the health, safety, and enjoyment of the community.
Policies 1.1 Encourage locating new facilities in existing population centers to maximize efficiency and convenience and minimize costs.(p.90)
1.4 Identify appropriate locations for new facilities in accordance with proposed master plans and build these new facilities when the demand and funding exist(p.90)
1.7 Require the burial of electrical and other facilities where feasible in order to preserve the County's scenic views. (p.90)
1.8 Maintain and improve outdoor lighting requirements that protect dark skies.(p.90)
Goal ARH 1: Preserve and enhance Teton Valley's small town feel, rural heritage and distinctive identity.
1.1 Ensure that planned growth maintains Teton Valley's rural character.(p.93)
1.5 Support the preservation of open space, farmland, natural beauty, and critical environmental areas.(p.93)
"Research shows that proximity to open space, parks, and vibrant commercial areas increases property values" (substations do not fall into any of these categories)(p.100)
"Industry Clusters
Creation of Industry Clusters is one of a number of strategies that could lead to sustainable industrial development and is a very helpful tool towards implementation of Teton Valley's economic goals."(p.101).
"It has been well established that proximity to open lands and conservation areas enhances property values (Mconnell, 2005)."(p.105)
"Key Actions:
Revise ordinances to specify low development density in sensitive wildlife habitat, riparian areas and wetlands"(p.119)
"The Zoning Code fulfills two major roles:
First, the provisions of the Zoning Code promote the general public health, safety, and welfare of County residents.
Secondly, the Zoning Code helps to implement the Comprehensive Plan"(p.128)
---
Reference 1:
Public Service Commission of Wisconsin publication "Impacts of Substations"
"Electromagnetic Fields

The electric and magnetic field (EMF) levels within the fenced area of a substation can be much higher than the surrounding area, especially at larger substations containing several transformers. However, these EMF levels decrease rapidly with distance from the transformers and other electrical equipment. Most of the time, EMF levels drop to the same as surrounding background levels at a distance of 100 to 200 feet from the fenced area.

Noise and Lighting

The noise produced by an operating substation can be quite loud to adjacent property owners. A constant humming or buzzing noise may be audible several hundred feet from the substation
fence. The sound may be especially noticeable during nighttime hours when ambient noise levels are lower.

Light pollution may present a nuisance in residential areas or diminish enjoyment of the night time sky in rural areas. Substations may have lights that operate all night long to discourage
vandalism and unauthorized individuals. Buried beneath the gravel in a substation yard is a grid of wires that functions as the grounding for the high voltage equipment. In order to ensure safety for utility employees and the public, it
is important to prevent this ground grid from being compromised by vegetation growth. For this reason substation yards are regularly maintained by using a variety of herbicides.

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Reference 2:

Article from a peer reviewed journal: Jevtic et al. (2024). ENVIRONMENTAL IMPACTS OF
SUBSTATIONS: A SHORT REVIEW. Ecological Engineering and Environment Protection. 2024. 5-
11. 10.32006/eeep.2024.2.0511.

"Transformers are key elements of the power system, without which the transmission of electricity over long distances would be impossible. Although transformers are required for the power system to function in a stable, efficient and reliable manner, their negative impact on the environment is obvious.

This paper will describe various aspects of that impact, including electromagnetic radiation, soil and water pollution, noise, fire risk, and visual disturbance to the environment. Transformersemit electromagnetic radiation as a result of the electromagnetic fields they generate while
operating. This radiation can affect both the environment and human health. Furthermore, oil leaks from transformers can contaminate soil, groundwater, and surface water, increasing the risk of fires and explosions. Transformer noise can pose a significant problem in urban areas, industrial plants, and rural areas. Additionally, the appearance of substations can significantly affect the aesthetics of the environment. This impact is particularly pronounced in urban areas, tourist destinations, and natural areas. The environmental consequences of fire
should not be ignored, as they include air, soil, and water pollution, destruction of vegetation, danger to animals, and the potential spread of fire to vegetation or buildings nearby. In addition to various aspects of the negative impact of substations on the

environment, the paper also reviews the implementation of preventive measures that can significantly reduce these effects.

Reference 3:
"Health Concerns and EMF Exposure" (From a Pennsylvania Electrical provider)
One of the most commonly cited worries about living near an electrical substation is exposure to EMFs. Substations emit low-frequency electromagnetic radiation, and although current research shows no definitive link between EMF exposure and major health problems, the long-term effects remain a topic of ongoing scientific investigation. Some studies have explored potential correlations between EMFs and childhood leukemia or other health issues, but results are inconclusive.
For peace of mind, those living near substations should monitor their exposure and stay informed. If you're concerned, consider hiring a licensed electrician to evaluate EMF levels in your home.
Fire and Electrical Risks
Beyond EMFs, substations also carry inherent electrical risks. Though rare, malfunctions like transformer explosions or electrical fires can occur. These events can pose a serious threat to nearby residents. That’s why it's important to know the signs of electrical problems and to have access to a reliable emergency electrician if something goes wrong. Weather conditions such as lightning, heavy snow, or windstorms can impact substation equipment. Power surges or outages resulting from these events may lead to hazards inside your home, especially if your electrical system is outdated or overloaded. If you hear buzzing, smell burning, or notice flickering lights, don’t wait – contact an emergency electrician to assess the issue before it escalates.
Noise and Aesthetic Impact

Another aspect of living near a substation involves noise pollution. Substations often emit a constant hum from transformers, and while some people get used to it, others find it disruptive, especially during the quiet hours of the night. Visual appearance can also be a factor, as substations may affect neighborhood aesthetics or even property values, depending on their proximity and visibility. If you’re renovating or building near a substation, it’s worth consulting with an experienced electrician to see how you can reduce indoor noise interference and optimize your home’s electrical setup for safety and comfort. Electrical System Checks for Nearby Homes
Homes situated near substations may benefit from additional electrical safeguards. Installing surge protectors, grounding systems, and updated panels can help buffer your home from unexpected electrical activity. A licensed electrician can perform a complete safety audit, helping you understand how the substation’s presence may interact with your home’s electrical infrastructure. Additionally, having a go-to emergency electrician in case of power outages or sudden issues can bring added peace of mind. Fast response times are crucial, especially during cold winters when heating systems may be affected by electrical failures.

Making an Informed Decision

Ultimately, living near a substation doesn’t mean you have to move or panic. It just means staying informed and proactive. With the proper precautions and professional support, many of the risks can be mitigated."
Reference 4:
Comprehensive Plan p.64
The neighborhood is designated as Rural Neighborhood and Mixed Ag/Wetland

Julie Breaux-LaRose
[address redacted] [address redacted] [address redacted] [address redacted] [address redacted]

RECEIVED 8/28/26 11:01 AM

**8/25/26**

**To: P&Z / Teton County Idaho Board of County Commissioners**

**Re: Opposition to the Proposed Fall River Electric Substation** [address redacted]

Dear Members P&Z and the Board of County Commissioners,

We respectfully ask the Teton County Board of County Commissi **Special Use Permit for the proposed Fall River Electric substation at 3500 S. once ag**

**Who will STAND UP FOR THE PROPLE when a powerful utility e County to make an exception?**

We recognize that reliable electrical infrastructure is important to our growing community. However, the fact that infrastructure is needed does not mean that every proposed location is appropriate. **The proposed substation should not be placed in an established residential neighborhood when doing so conflicts with the character, value, safety, and protections intended by Teton County's existing land-use regulations.**

This is not simply an objection to a utility project. It is an objection to ***where this project is being proposed and the permanent impacts it would impose on the residents who already live there.***

[address redacted]

**ng decisions and utility needs should not create an emergency for existing residents." *A proper planning by a utility provider does not place an obligation on neighboring s to accept a facility that is incompatible with their established residential environment.***

substation raises serious concerns regarding the health, safety, peace, and quality of life of esidents. These include concerns about electromagnetic fields, the continuous humming and oise associated with a substation, visual impacts, and the potential effects on surrounding als, and **property values.** Unlike a temporary construction project, these impacts would remain the facility operates.

se Permit was previously denied for this proposal. We believe the fundamental concerns that cision remain important and should not simply be set aside because Fall River Electric has hat it needs additional infrastructure.

eeply concerned about the manner in which this property was acquired and the subsequent suade current individual homeowners to change their positions in this matter (we are not esidents have reported being contacted and asked, in substance, what it would take to change Our answer is simple: **this is not about negotiating away our concerns. We believe the proposed location is wrong.**

We are equally concerned when social-media campaigns are used to generate public sympathy for a particular outcome. The decision before the County is not a popularity contest or a community-wide vote. The people living immediately adjacent to and near the proposed site are the residents who will experience the project's permanent impacts every day.

People living several miles away may support additional electrical infrastructure without experiencing the noise, visual intrusion, loss of residential character, or potential effects on the homes and properties immediately surrounding the proposed site. Their support should not outweigh the legitimate concerns of the residents who would bear the direct consequences.

**There is also a much larger issue at stake.**

We are asking our elected County Commissioners to do exactly what we elected them to do: **uphold the County's land-use standards and protect the interests of its residents.** County codes should not be changed, weakened, or selectively applied simply to accommodate a utility company's preferred location. example (huntsman's buy out)

We respectfully ask the Board to consider whether this proposed substation truly meets the applicable Special Use Permit criteria and whether placing a major electrical facility in this established residential area is consistent with the intent of Teton County's planning and zoning regulations.

There are other locations that should be evaluated. **The electrical infrastructure may be necessary, but 3500 S. is not the only possible location.** The burden of finding an appropriate site should not be shifted onto the homeowners who have established their lives and invested their savings in this neighborhood.

Our homes are more than property. They are where our families live, where our children and animals spend their time, and **where we expect reasonable protection from incompatible land uses. We have a right to expect that the County will preserve the health, safety, character, and property values of established neighborhoods.**

We therefore respectfully request that the Teton County Board of County Commissioners:

1. **Deny the Special Use Permit for the proposed Fall River substation at 3500 S.;**
2. **Require that alternative locations be seriously evaluated;**
3. **Apply the County's existing codes and Special Use Permit standards consistently;**
4. **Give substantial consideration to the residents who will experience the project's direct and permanent impacts; and**
5. **Protect the established residential character and property interests of the surrounding neighborhood.**
6. **THE ADDED HEAVY TRAFFIC ALREADY IS TO MUCH on 3500 S. We have neighboring subdivisions using 3500 S and heavy equipment daily**

We are not opposed to responsible infrastructure. **We are opposed to placing this infrastructure in the wrong location and asking an established neighborhood to bear the consequences.**

***Many would and will seek punitive damages to health and Land Value devaluing - should this pass.***

We ask the Board to stand with the residents who have followed the County's rules, built their homes, invested in their properties, and trusted their local government to protect the integrity of their neighborhood.

Please deny the Special Use Permit.

Respectfully,

Julie Breaux-LaRose

**Current Residents of the 3500 S. Neighborhood**
Teton County, Idaho

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Opposition to proposed Midway Substation btwn Victor/Driggs

**Corina Lymburner** [email redacted] Wed, Oct 14, 2026 at 6:10 PM
To: pz@tetoncountyidaho.gov

> Dear P&Z
>
> I'm writing to once again express my opposition of Fall River Electric's proposed Midway Substation located at 70W 350S between Victor & Driggs insomuch as its proposed location is a residentially zoned area.
>
> Locating this substation there would adversely impact the residents in the area, needlessly subjecting them to decreased quality of life and property values — when there's plenty of farmland property to the west of this area, as well as other non residential land areas, where this could be located with no such affect.
>
> Thanks for your consideration.
>
> Corina Lymburner
> [address redacted]
> [address redacted]

**October 15, 2026**

**Teton County Planning & Zoning Commission**
Teton County Courthouse
150 Courthouse Drive
Driggs, ID 83422

[address redacted] **n to Fall River Electric's Proposed Midway Substation — Victor, Idaho**
**al Use Permit Application**

Dear Planning & Zoning Commissioners and Staff:

[address redacted] iting to vehemently oppose Fall River Electric's proposed Midway Substation at **in Victor, Idaho**. Our property shares a boundary with the proposed parcel, ong those most directly affected. That makes the impacts of this project immediate, not theoretical.

Both the P&Z Commission and the Board of County Commissioners (BoCC) previously denied this application because of unresolved concerns about wildlife mitigation, EMF, scale, site design, screening, and continuous operational noise. **Fall River's submission of new studies and revised plans does not mean those deficiencies have been cured.**

The central question is simple: **has Fall River actually fixed the problems that led to the prior denial?** More paper and a 30-minute Power Point presentation **is not the same as mitigation**. The County should require proof that each impact has been eliminated or reduced to an acceptable, enforceable level.

The BoCC's written findings are specific. It could not find that the use was compatible with adjacent uses under:

- **LDC § 4-8(E)(5),** you concluded that although the substation would be useful for the region's electrical infrastructure, it, "**and particularly its operating characteristics, is not congruent with the uses that are adjacent to this neighborhood or area**." It likewise could not condition approval or otherwise effectively mitigate the "adverse impacts resulting from the proposed use in [this] affected area"

****Neither the substation site nor the neighboring properties have changed since your initial denial, which means that ALL criteria cannot be met.**

- **LDC § 4-8(E)(6**), you observed that although buffering would be helpful, it "**would not be enough to mitigate all the adverse impact**s." Because those criteria could not be satisfied, the BoCC denied the application, finding that the adverse impacts "cannot be effectively mitigated or offset."

  The landscaping on the west boundary abutting our property cannot be mitigated due to the BPA powerlines height restrictions. The west edge currently shows 14 Fat Albert

trees at 5'-6' at planting. **How many years will it take for them to block the view from our property? Therefore, this condition still cannot be met.**

**Do not be fooled**! Fall River will try to convince you that it has no other options and that you should therefore overlook the simple fact that it cannot mitigate the harmful impact on the surrounding neighborhood..

The only way the Commission can recommend approval of this Special Use Permit is by making an affirmative, fact-based finding that **every single negative impact** on surrounding properties will be effectively mitigated. The standard is not that every impact might hopefully be mitigated. Idaho courts have consistently required far more certainty than that. The Commission must know with an extremely high level of confidence that every harmful impact to the neighbors' health, well-being, welfare, peaceful enjoyment of their property, and property values has been effectively offset by Fall River.

**That is an impossible standard to meet here, because common sense tells us all that this substation will negatively affect the daily lives of the people living next to it.**

**Continuous operational noise cannot be mitigated.** This is not temporary construction noise. It is permanent transformer hum from a facility operating 24 hours a day, including at night when the area is quiet. The BoCC specifically identified this persistent noise and its effect on nearby residents and wildlife as a large concern. Nothing has changed since the first go-around.

A predictive noise study is not enough. If this project is approved, the County should require enforceable operational noise limits, post-construction monitoring, and corrective action if those limits are exceeded.

**Wildlife impacts cannot be separated from the facility's permanent operation**

The County previously found that the application did not adequately satisfy wildlife mitigation requirements. The new Wildlife Habitat Analysis must show that this specific facility will not undermine wildlife or bird habitat or movement once it is built and operating.

**An independent property-value impact study should be required**

I respectfully request that the Commission require an independent property-value impact study before considering approval of the Midway Substation. Approval would place permanent industrial infrastructure—equipment, fencing, lighting, noise, and maintenance activity—immediately next to and across from residential properties, and the Commission should understand the economic consequences for those owners before it decides.

The study should:

- evaluate the effect on nearby residential properties of continuous operational noise, visual prominence, lighting, and the substation's overall industrial character;
- assess potential changes in market value using comparable property sales and other appropriate appraisal methods, accounting for the characteristics of the surrounding neighborhood; and

- be conducted by a qualified, independent real estate appraiser experienced in evaluating the effects of utility infrastructure on property values, at the applicant's expense, with the findings made public and considered alongside the application's other impacts.

If the study identifies material adverse impacts, the Commission should evaluate feasible mitigation measures and determine which of them it has the legal authority to require as conditions of approval. Protecting neighboring property owners from foreseeable, avoidable harm should be an essential consideration in evaluating this application.

**This location remains fundamentally problematic**

I recognize the need for reliable electrical infrastructure, but need alone cannot justify placing a large, permanent substation next to homes. The issue is not whether the substation can technically fit on the parcel; it is whether this location, scale, and design are compatible with the homes beside it. They are not.

I respectfully ask the Commission to hold this second application to the same standard that led to the original denial. Unless Fall River can prove that noise, EMF, wildlife impacts, visual impacts, setbacks, screening, and the cumulative effect on adjacent residences have been fully and enforceably mitigated, the County should **deny the Special Use Permit**. Anything less would repeat the same fundamental error: allowing an industrial utility facility in a location where its impacts fall directly on neighboring homes.

Thank you for your consideration. Please keep me informed of all hearings, public-comment opportunities, and decisions concerning the Midway Substation.

Sincerely,

**Heinen**

[address redacted]

[address redacted]

[phone redacted]

SUP Criteria:

#1 – The location of th proposed use is compatible with other uses in the general neighborhood. – Nothing has changed here since the first application. Common sense says there is NOTHING in this residential neighborhood that is compatible with an electrical substation. Just because the BPA powerlines are already running through the property, powerlines are much different that a entire electrical substation.

Shawn and Chris Miller
[address redacted]
[address redacted]
[email redacted]

8/27/2026

TO: Teton County, ID Commissioners
Planning and Zoning Department, Teton County, ID
150 Courthouse Dr Room 107
[address redacted]
pz@tetoncountyidaho.gov

**Subject: Fall River Electric Special Use Permit- Midway Substation**

**Member of the Planning & Zoning Board,**

We are writing to formally express our **strong opposition** to the proposed construction of an electrical substation in our residential neighborhood located at [address redacted]

According to **Teton County Land Development Code** this location is zoned RN-5, Rural Neighborhood. **County code specifies that RN-5 zoning *is intended to accommodate primarily residential uses, serving as a transitional zone between the Areas of City Impact and rural areas*.**

Currently the neighborhood on 3500 S is being utilized EXACTLY as it is zoned. There are a variety of single-family homes, acreages with domestic animals, small farms, there are rural families that grow gardens, natural vegetation that houses birds and mammals, small independent business owners; one could say 3500 S is the heart of the valley. It is a TRANSITION ZONE between urban and rural areas, just as our county zoning has planned. Property owners have trusted the county to uphold it's own zoning.

The approval of this substation would not only significantly change the character of the neighborhood, but it would also **significantly reduce property value to owners in the neighborhood FOREVER.** Those particularly affected are the Heinen, Christensen and Stinson properties. As a real estate professional, I can tell you the Midway Substation will make the four acres to the west, belonging to Heinen, undesirable to anyone other than a buyer that has an industrial use for it**. No one** is going to build their home right next to an electrical substation. This limits the number of potential buyers, which reduces the potential purchase price of the property to a fraction of what it is currently worth. It is literally stealing Heinen's property. Most likely properties adjacent to the substation will eventually all be sold, buyers will apply for a special use permit. And why wouldn't it be

approved? When there's a substation next door. Parcels will be utilized as light industrial, changing this rural neighborhood to industrial.

The Stinson property across the road to the south is an eight-acre horse property, with water rights, and a barn. This equestrian property should be listed at nearly $1,000,000 in the current market. What do you think an electrical substation does for this property **RIGHT** across the road? The Stinson's now could potentially have a home where grandkids can be exposed to childhood leukemia causing EMU's. As a real estate agent, I can envision marketing their property. People will say "such a nice property. Too bad that is there." While it is true that we all may have surrounding neighbors where you wish they would clean their place up but an **ELECTRICAL Substation, is a permanent and significant deterrent for selling a property.**

There are likely alternative locations better suited for substations such as commercial zones or industrial areas—that would serve the same functional purpose without placing an undue burden on residential neighborhoods. There are better options. Just to the south there are a number of large pieces of land, perhaps an owner would sell a portion. They could build this thing in the middle of a cow pasture **NOT in the middle of a residential neighborhood where people have put all their hard-earned equity into their property!**

**SPECIAL USE PERMITS CAN BE DENIED.** Do the right thing, you denied it before. What has changed? Teton Valley residents are counting on you to protect them. Enforce the zoning regulations that were put in place for this EXACT reason. Acknowledge the sensitive wildlife corridor that was put in place for the EXACT reason. This application does not meet the criteria. It is up to you to determine what is fair and just to county citizens, landowners that you represent.

Thank you for your attention to this serious matter. The property owners of 3500 South look forward to your response and to a solution that prioritizes the well-being and voices of this community.

Sincerely,

Shawn and Chris Miller
[address redacted]
[address redacted]

Shawn and Chris Miller
[address redacted]
[address redacted]
[email redacted]

10/15/2026

TO: Teton County, ID Commissioners
Planning and Zoning Department, Teton County, ID
150 Courthouse Dr Room 107
[address redacted]
pz@tetoncountyidaho.gov

**Subject: Fall River Electric Special Use Permit- Midway Substation**

We are writing to formally express our **strong opposition** to the proposed construction of an electrical substation in our residential neighborhood located at [address redacted]

In the previous meetings it has been established that Fall River Electric cannot adequately mitigate every single negative impact that the substation will have for existing property owners. It is required for the board to know with an extremely high level of confidence that every single impact of the neighbor's health, well-being, welfare and peaceful enjoyment their property and property values shall be offset by the applicant.

This simply cannot be done. Even the planning and zoning committee members admitted that the applicant does not meet this criterion. The Planning and Zoning Committee vote was 3-4 for recommendation with one of those favorable votes openly saying, "lets see what the county commissioners have to say about it." The P & Z Committee did not have confidence in the recommendation because this project is in the wrong location. The proposal to build a large industrial utility in the middle of an established residential neighborhood is inappropriate. How can the grandparent of the Stinson property feel good about potentially exposing grandchildren to harmful EMF a mere 200 feet away? The 4-acre Heinen property directly to the east will no longer be a necessary retirement nest egg that may have been planned for decades. The close proximity of a substation will make that piece of land completely undesirable to buyers wanting to build a home. The land, **IF** it ever sells will sell well below its current estimated value.

Fall River has adequately expressed the need for a substation. For previous meetings they gathered individuals who indicated the need for reliable electricity. Other people commended Fall River for their outstanding service throughout the years. I, too, have had great experiences with Fall River Electric. No one is denying we are fortunate to have great

electrical service or that additional utility infrastructure is needed. But Fall River Electric, has missed the mark on this project.

Even though they identified the need of a substation decades ago they purchased a parcel of land incompatible with the current rural neighborhood use.

They need to find an alternative location for an electrical substation. I have spoken with landowner Cory Murdock who resides at 4000 S. Murdock land includes 60 acres to the south of his residence. Fall River contacted him by phone about the project inquiring about the possibility of entering an agreement with Fall River. He told them at that time he would be open to discussions. He never heard from them again. Additionally, there are other large parcels to the south of 4000 S. While these parcels do have houses in the vicinity the substation could be oriented in a way that offers larger buffers that would allow for natural mitigation of noise, EMFs and visual impacts. These parcels are also not in a wildlife migration overlay.

It is not a requirement that the substation be built right under the Bonneville Power lines. Please ask them about the specifics of proximity requirements. It is not required that Fall River own the entire parcel of land, rather an easement can be purchased. It is curious that Fall River has not pursued the investigation of alternative locations for the substation. It seems that they just continue to hammer away at this proposal that clearly does not meet the criterion of the application.

Teton County Commissioners: Ron James, Brad Wolfe and Dan Powers,

**SPECIAL USE PERMITS can be denied.** This application does not meet the requirements. It is up to you to determine what is fair and just to county citizens, landowners that you represent. **RN-5 zoning:** ***is intended to accommodate primarily residential uses, serving as a transitional zone between the Areas of City Impact and rural areas*****.**

Thank you for your attention to this serious matter. The property owners of 3500 South look forward to your response and to a solution that prioritizes the well-being and voices of this community.

Sincerely,

Shawn and Chris Miller
[address redacted]
[address redacted]

August 27, 2026

To: planning and zoning ,

I am writing to express my opposition of the Special Use Permit (SUP) being applied for by Fall River Electric for the building of an electrical substation on parcel RP0018600000R0; REMAINDER LOT 70W 350S MINI SUB SEC14 T4N R45E.

The proposed SUP does not meet the criteria of approval in multiple areas.

1.The Location of proposed use is compatible with other use in the general neighborhood.
The SUP does NOT meet the criteria.

The absolutely does not meet this criteria, this is a rural residential neighborhood. This SUP is asking for major electrical infrastructure to be built into a neighborhood that has been established for decades. Really this is the only criteria that matters. Electrical sub stations are not put in neighborhoods as they are considered industrial. The site is used by a variety of wildlife, such as migrating deer, is a hunting ground for owls and hawks. In the summer you can even find Sandhill cranes grazing amongst the sage brush. The noise and disturbance of the construction alone is enough to deter all wildlife from the area not to mention the noise of the substation itself. We aren't creating anymore wildlife habitat let's do our part to maintain what habitat we have left.

2.The proposed use will not put undue burden on existing public service and facilities in the vicinity.
The SUP does NOT meet the criteria.

An electrical substation at the proposed location will create undue burden on the community surrounding it, including roads and the mental health of residents in the already establish rural neighborhood.

3.The site is large enough to accommodate the purposed use and other features as required by Teton County code.

The SUP does NOT meet the criteria.

The purposed site is 200' feet from the closest residents of this rural neighborhood as you can see by the landscape plan the landscape buffer doesn't actually buffer the whole of the substation. The suggested landscape is only a 1/3 the height of the actual substation. Fall River did not submit a diagram for the substation itself therefore we have no way of judging how effective this buffer will be. But again based on the landscape plan the purposed trees are 1/3 the size of the substation.

4. Support goals, policies and objectives of comprehensive plan.
The SUP does NOT meet the criteria.

If the goal is to make long standing members of the community, feel undervalued then it meets that goal. The comprehensive plan is put in place to protect members of the community from this exact thing, putting industrial infrastructure in a rural neighborhood does not align with the comprehensive plan.

Fall River has stated that this substation is for future needs in the valley, since it is not an eminent need that gives Fall River more time to look for a less impactful site. Throughout this process of since September when we as a neighborhood were first informed of the substation, I have seen properties of appropriate size and zoning bought and sold.

Please don't undervalue me as Teton county resident. There are better locations for this.

Thank you,
Heather Munn
777w. 3500s.

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# substation

1 message

**thefitalian** [email redacted] Thu, Oct 15, 2026 at 7:20 PM
To: "pz@co.teton.id.us" <pz@co.teton.id.us>

This item should not have come up again before you commissioners, as nothing has changed. It was denied because it violates the rules. It is not compatible with existing use. SUPs have rules, and it must be denied. We are not opposed to infrastructure upgrades,but purchasing land surrounded by homes should have set off alarms that this needs to be investigated for suitability. My wife, I, and our neighbors will definitely have our property permanently degraded with the possibility of added health concerns.

Ron and Theresa Paradis
Owners, [address redacted] since 1991

**Subject: Comments on the Wildlife Habitat Analysis for the Fall River Rural Electric Co-op Midway Substation Development**

October 15, 2026

Dear Teton County Commissioners,

I am writing on behalf of Emily Johnston and Meg Heinen regarding the proposed development by Fall River Rural Electric Co-op (FRREC). I was retained as a pre-qualified Teton County contractor to conduct an independent Wildlife Habitat Analysis (WHA) of the property proposed for development. I have included my independent report for your review and consideration.

In addition to the findings presented in my report, I would like to raise several concerns regarding the Wildlife Habitat Analysis prepared by Booker Grey Environmental, LLC (Booker Grey), which was commissioned by FRREC. Although the report generally follows the WHA requirements outlined in Teton County Code, I believe there are significant gaps in its analysis and that the scope of the proposed development warrants a more comprehensive evaluation of potential environmental impacts.

**1. Inadequate Assessment of Shrubland Indicator Habitat**

The Booker Grey WHA does not separately analyze shrubland (sage-steppe) indicator habitat, despite this being the primary habitat type that would be affected by the proposed development. Instead, this habitat was grouped with the grassland indicator habitat, which does not adequately reflect its ecological significance nor the specific wildlife communities it supports.

Big sagebrush covers approximately 60% of the southern portion of the property. Sage-steppe habitat provides important resources for nesting birds, pollinators, small mammals, and big game species. By failing to distinguish and evaluate this habitat type independently, the WHA does not fully characterize the ecological value of the property nor adequately assess the potential consequences of habitat loss and disturbance.

**2. Incomplete Review of Sensitive Wildlife Species**

The Booker Grey WHA does not include a query of the Idaho Department of Fish and Game's wildlife information system. Had this information source been consulted, the analysis could have identified 31 species listed under the Endangered Species Act (ESA) and/or designated as Idaho Species of Greatest Conservation Need (SGCN) that could be affected by the proposed project.

The omission of these species from the assessment raises concerns about whether the report adequately accounts for the full range of sensitive wildlife that may occur in the project area. A thorough evaluation of potential impacts requires consideration of documented wildlife occurrences and the habitat requirements of sensitive species in the surrounding landscape. Please refer to my attached independent report for additional details regarding sensitive wildlife species occurrences in the area.

**3. Need for a More Comprehensive Environmental Review**

While the Booker Grey WHA follows the general guidelines for a WHA report required under Teton County Code, the scale and potential environmental consequences of the proposed substation development warrant a more extensive level of analysis than that which a brief WHA provides.

The proposed development has the potential to affect multiple environmental resources beyond those addressed through a standard wildlife habitat assessment. These include wildlife responses to noise, artificial lighting, effects of electromagnetic fields (EMF), hazardous materials, and impacts to the Eastern Snake River Plain Sole Source Aquifer, climate, air quality, geology, and soils. These resources should be evaluated to provide a more complete understanding of the project's environmental impacts.

The need for a more comprehensive review is underscored by the fact that even amendments to existing substations, such as the facility located off Bates Road, require review under the National Environmental Policy Act (NEPA). Given the scale of the proposed development and the sensitivity of the surrounding environment, I recommend that the County consider additional environmental analysis and oversight beyond the minimum requirements of a WHA.

A more comprehensive review would help ensure that potential impacts are identified early, sensitive resources are appropriately considered, and the County has sufficient information to make an informed decision regarding the proposed development.

**4. Discrepancy Between the Assessed Development Footprint and Potential Full-Parcel Development**

The WHA commissioned by FRREC states that approximately 17% of the two parcels combined would be developed while the remaining area would be retained in an undeveloped condition. This assumption is important because the report's conclusions regarding habitat impacts depend on the extent of the proposed development and the amount of habitat expected to remain intact.

If future plans result in a substantially larger development footprint than the one assessed, the WHA must be updated to reflect the full extent of the anticipated disturbance. An assessment based on a limited development footprint cannot adequately characterize the impacts of a substantially larger project.

Expanding the development footprint would result in additional impacts to areas within the Big Game Migration Corridor overlay, as well as designated Songbird/Raptor Breeding and Wintering Habitat and FEMA Flood Zone A. These areas serve important ecological and hydrologic functions, and additional disturbance could further diminish habitat availability and function, disrupt wildlife movement, and affect sensitive resources. It is essential that the County understand the potential consequences of the full development footprint and that FRREC is transparent about future development before making decisions regarding the project.

**5. Long-Term Growth, Future Expansion, and Alternative Site Considerations**

Teton Valley is experiencing substantial growth, and it is reasonable to anticipate that electrical infrastructure may need to expand even further to accommodate future demand. The potential for future expansion should be considered when evaluating the long-term suitability of the proposed site, particularly given the environmental sensitivities of the surrounding landscape.

Additional development could further affect songbird breeding and wintering habitat, high-quality forested riparian indicator habitat, FEMA Flood Zone A areas, and additional portions of the Big Game Migration Corridor. The wildlife species that depend on these habitats could experience further habitat loss, disturbance, or fragmentation as a result.

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Fall River substation

**Jean-Luke Ankney** [email redacted] Tue, Aug 25, 2026 at 11:54 AM
To: "pz@tetoncountyidaho.gov" <pz@tetoncountyidaho.gov>

Dear Teton County Commissioners,

I currently live in Victor and have lived off of 3500s in the past. I appreciate the need to continue to develop and grow or valley's infrastructure but I am writing to express my strong opposition to the Fall River Special Use Permit and the proposed electrical substation at this location.

This substation does not belong in a rural residential neighborhood. The proposed site is in designated wildlife habitat and migration areas, a scenic corridor, and an area with significant flood risk that drains toward the Teton River. The noise, lighting, environmental risks, and potential impacts on nearby residents, wildlife, pets, and livestock are not compatible with the surrounding community.

I respectfully ask that you deny the Fall River SUP and require this type of industrial infrastructure to be located in an appropriate industrial area where it will not negatively impact residential neighborhoods, wildlife, or our natural resources.

Thank you for protecting the health, safety, rural character, and natural resources of Teton Valley.

Sincerely,
Jeanluke Ankney

October 14, 2026

Teton County Idaho Board of County Commissioners
Brad Wolfe
Dan Powers
Ron James

SUBJECT: Driggs Midway Substation – Teton County, ID
Noise Survey Peer Review

Dear County Commissioners,

At the request of residents adjacent to the proposed Driggs Midway Substation, Cavanaugh Tocci has reviewed a noise survey report ("Report") prepared by MD Acoustics, LLC (dated May 18, 2026). This is the second acoustic review prepared by this firm that we have evaluated. After reviewing this latest document, it is our professional opinion that the data and analysis presented in the Report do not confirm the general compatibility of the proposed substation with the adjacent rural residential receptors. The report fails to correctly characterize the existing acoustic environment and significantly understates the adverse noise impacts that will occur if the project proceeds without noise mitigation.

**Regulations**

The report states the Teton County Land Development Code does not define specific noise standards that are applicable to this project (Section 3-5-10). However, it is our understanding that this project is considered a Special Use. Therefore, the application under Section 4-8 of the Land Development Code requires the following submittals:

> *B: Submittals*
>
> 4. *A Written statement that:*
>
> *a. Describes the effects of such elements as noise, glare, odor, fumes, light trespass, traffic, and vibration on adjoining property, if any;*
>
> *b. Indicates the general compatibility with adjacent and other properties in the Zoning District;*

Of principal importance is the requirement that a Special Use must demonstrate general compatibility with adjacent and other properties. As will be discussed below, the report provides sufficient data for us to conclude that the proposed Project will be acoustically incompatible with the adjacent residential uses and will produce adverse impacts on the existing acoustic environment.

**Existing Background Sound**

Assessing the compatibility of a new sound source requires a thorough, accurate understanding of existing ambient conditions. To this end, a thorough acoustic impact assessment requires continuous monitoring of pre-project sound levels near potentially sensitive receptors over an extended period. Surveys spanning approximately one week are industry standard to fully capture weekly patterns and provide reliable estimates of true background sound levels.

While a baseline survey was performed for this study, its duration was limited to a single 24-hour period between 12:00 noon on Saturday May 2, and 12:00 noon on Sunday, May 3, 2026. In our professional opinion, this isolated weekend period is insufficient to fully characterize and assess the existing acoustic environment in this community.

Furthermore, while there are many sound level metrics that can be used to quantify the time-varying nature of environmental sounds, we strongly disagree with this report's reliance on hourly energy average sound levels ($L_{eq}$) as the basis for comparison. The $L_{eq}$ metric can be significantly influenced by transient sounds such as passing cars, and aircraft overflights. As such, this metric often inflates an estimate of true background sound levels that are experienced by residents. However, when assessing potential annoyance from a continuous sound source such as the substation, the assessment should be based on the residual background sound levels that occur between the occasional transient events. Consequently, most environmental acoustic impact assessments rely on the $L_{90}$ metric which provides a reliable estimate of the background sound levels that occur devoid of occasional transients. Table 1 at the end of this report provides an extract of the data gathered during MD Acoustics' 24-hour survey, contrasting the energy average sound level ($L_{eq}$) with the residual background sound level ($L_{90}$). In all cases the $L_{eq}$ is higher than the $L_{90}$, with an average increase of 8.9 dBA. To avoid underestimating the acoustic impact of the Project, we recommend using $L_{90}$ sound levels as the baseline for comparison.

**Sound Impact Assessment**

The report states that transformers are the only proposed equipment capable of producing potentially significant noise, noting that the noise occurs primarily at 120 Hz. Despite recognizing that transformers are sources of "tonal" sound, the report then fails to address the unique nuisance impacts associated with prominent tones in a quiet environment. It is our professional experience that when a distinct tonal hum is introduced into a quiet residential area, it triggers a strong adverse reaction from residential receptors.

The report estimates that transformer sound at the adjacent properties will range between 34.7 and 40.7 dBA, which it claims results in a minor ambient increase of 5.4 and 8.8 dBA. However, because the Report overstated the existing background sound level by approximately 9 dBA (by using $L_{eq}$ instead of $L_{90}$), the actual project related noise increases will be far more severe. Based on the Report's own data, we believe that the proposed Project will introduce a prominent, continuous "humming" sound that will regularly exceed the true background noise levels by 13 to 17 dBA. Noise impacts of this magnitude represent a severe degradation of the acoustic environment and will likely result in widespread community complaints.

**Conclusion**

The sound survey data presented in the Report confirms that the Project area is a very quiet rural community. Background sound levels often range between 25 and 30 dBA. The acoustic modeling indicates that transformer sound will continuously and significantly exceed this quiet background at all surrounding residential properties. This substation sound will contain a prominent tonal component perceived as a “hum”. In our opinion, without extensive mitigation, the Project as proposed will result in significant adverse acoustic impacts at all adjacent properties.

Sincerely,
*CAVANAUGH TOCCI*

Douglas Bell

Douglas H. Bell
26033/Proposed Driggs Midway Substation - Acoustic Peer Reveiw 2026-10-14 r1.docx

**24-Hour Continuous Noise Measurement Datasheet - Cont. - NM1 - ANS-weighted**

| | | | | | |
|---|---|---|---|---|---|
| **Project Name:** | Driggs Midway Substation Noise | **Site Topo:** | 1% grade to | **Day:** 2 of 2 | |
| **Site Address/Location:** | W. 3500 S., Driggs, ID 83422 | | roadway | **Noise Source(s) w/ Distance:** | |
| **entry_site_id:** | NM1 - ANS-weighted | **Meteorological Cond.:** | Fair, 27-64 deg F, | 1350' from Hwy 33 | |
| | | | wind 0-18 mph (max @ noon 5/2) | | |
| | | **Ground Type:** | Soft, field grass, soil | | |

Table 2: Baseline Noise Measurement Summary

| Date | Start | Stop | Leq | Lmax | Lmin | L2 | L8 | L25 | L50 | L90 |
|---|---|---|---|---|---|---|---|---|---|---|
| 5/2/2026 | 12:00 PM | 1:00 PM | 53.6 | 65.1 | 32.5 | 62.9 | 56.8 | 53.6 | 48.4 | 36.9 |
| 5/2/2026 | 1:00 PM | 2:00 PM | 40.3 | 52.2 | 29.8 | 48.8 | 44.4 | 38.5 | 35.4 | 31.6 |
| 5/2/2026 | 2:00 PM | 3:00 PM | 54.3 | 67.4 | 28 | 65.6 | 57.6 | 45.2 | 39.3 | 32.1 |
| 5/2/2026 | 3:00 PM | 4:00 PM | 41.4 | 56.9 | 28.8 | 49 | 40.9 | 35.8 | 32.8 | 29.6 |
| 5/2/2026 | 4:00 PM | 5:00 PM | 37.6 | 47.5 | 28 | 45.6 | 41.9 | 37.3 | 33.4 | 30.3 |
| 5/2/2026 | 5:00 PM | 6:00 PM | 37.7 | 50.3 | 27 | 44.9 | 40.4 | 36.1 | 34.1 | 29.1 |
| 5/2/2026 | 6:00 PM | 7:00 PM | 33.6 | 38.3 | 27.9 | 37.8 | 37 | 34.6 | 32.8 | 29.2 |
| 5/2/2026 | 7:00 PM | 8:00 PM | 35.2 | 47.5 | 27.1 | 41.7 | 38 | 34.3 | 32.1 | 29 |
| 5/2/2026 | 8:00 PM | 9:00 PM | 42.6 | 48.4 | 30.2 | 47.2 | 46.6 | 44.4 | 40.2 | 33.2 |
| 5/2/2026 | 9:00 PM | 10:00 PM | 47.9 | 52.5 | 37.4 | 51.4 | 50.3 | 48.8 | 47.2 | 44.5 |
| 5/2/2026 | 10:00 PM | 11:00 PM | 45.6 | 52.7 | 26.7 | 51.3 | 48.4 | 46.8 | 44.8 | 38.4 |
| 5/2/2026 | 11:00 PM | 12:00 AM | 40.1 | 45.5 | 24.9 | 45.3 | 44.6 | 41.3 | 38.7 | 32.7 |
| 5/3/2026 | 12:00 AM | 1:00 AM | 37 | 43.3 | 25.4 | 42.8 | 41.8 | 38.4 | 34.6 | 27.1 |
| 5/3/2026 | 1:00 AM | 2:00 AM | 37.2 | 50.2 | 23.4 | 44 | 40.3 | 37.3 | 29.5 | 23.9 |
| 5/3/2026 | 2:00 AM | 3:00 AM | 31.8 | 42.9 | 24.1 | 39.5 | 35 | 32.5 | 26.4 | 24.4 |
| 5/3/2026 | 3:00 AM | 4:00 AM | 35.1 | 46.0 | 23.6 | 42.6 | 40 | 35.1 | 27.4 | 24 |
| 5/3/2026 | 4:00 AM | 5:00 AM | 36.4 | 44.3 | 24.4 | 43.1 | 41.2 | 37.1 | 30.5 | 25.3 |
| 5/3/2026 | 5:00 AM | 6:00 AM | 41 | 47.8 | 24.2 | 46.1 | 44.8 | 42.5 | 39.8 | 26.9 |
| 5/3/2026 | 6:00 AM | 7:00 AM | 39.4 | 44.5 | 29.9 | 44.3 | 43.3 | 40.3 | 37.7 | 33.6 |
| 5/3/2026 | 7:00 AM | 8:00 AM | 44 | 48.6 | 33.1 | 48.1 | 47.2 | 45.1 | 43.6 | 39.2 |
| 5/3/2026 | 8:00 AM | 9:00 AM | 39 | 44.8 | 32.3 | 43.8 | 42.4 | 40.2 | 37.5 | 33.9 |
| 5/3/2026 | 9:00 AM | 10:00 AM | 35.9 | 39.2 | 31.6 | 38.9 | 38.3 | 36.9 | 35.4 | 33.7 |
| 5/3/2026 | 10:00 AM | 11:00 AM | 35.6 | 49.3 | 28 | 41.3 | 38 | 34 | 31.2 | 29.5 |
| 5/3/2026 | 11:00 AM | 12:00 PM | 37.4 | 49.5 | 26.3 | 47.3 | 40.9 | 34.3 | 31.9 | 27.9 |
| | | | | | | | DNL | 48.1 | CNEL | 48.5 |

**Table 1**

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# No substation

1 message

**Erin Burnham** [email redacted] Thu, Aug 27, 2026 at 4:55 PM
To: pz@tetoncountyidaho.gov

To whom it may concern,

Thank you for denying the proposed substation of Fall Creek. Zoning amendments for industrial use in rural zones degrades our property values and diminishes the quality of our rural lifestyle. Please reject this amendment.

Sincerely, Erin Burnham
Cottonwood Shadows
Victor Idaho

August 28, 2026

To: Teton County Board of County Commissioners

From: Chris Vero

[address redacted]

[address redacted]

Driggs, ID

Subject: Fall River Electric Special Use Permit – Substation application 70W350 – continued

This letter is in response to the letter I have received from Teton County related to Fall River Electrics second proposal to build an electrical substation on 3500 south. I live and own property within 300 feet of the proposal and have for almost 25 years. I commented on the first proposal; my concerns still stand. **I do not support a substation at the proposed site, due to the incompatibility with the Teton County comprehensive plan and effects to my quality of life and that of my neighbors, as well as impacts to property values.** Yes, the county land development code does provide for situating major utilities in RN-5 neighborhoods, but with significant mitigations, Fall River has not met the significant mitigations part of the equation, nor could it at the proposed location. The proposal is almost identical to the proposal denied by P+ Z and the Board of County Commissioners earlier this year. So, what has changed, a new narrative format and a study about property values in Salt Lake City in 2014. An approval does not make sense to me and should not make sense to the commissioners. I will address the 4 criteria identified in the letter I received.

1. **The location of the proposed use is compatible with other uses in the general neighborhood.**

The only compatible feature in the neighborhood is a power line. An electrical substation as proposed would be an eyesore and pose negative health effects to existing residents nearby. Effects on quality of life as well as property values would be negative. I am not convinced a less impactive site does not exist…but seems like Fall River is stuck on this site whatever the cost. I have seen citations of anywhere from 5 to 20% reductions in property values associated with substations.

2. **The proposed use will not place an undue burden on existing public services and facilities in the vicinity.**

Likely, The proposal will not burden public services to a great extent…. but during construction site prep (leveling and grading) will need to be quite extensive. There would be negative impacts to the county road as well as the intersection with HWY 33 during construction due to heavy truck traffic for a period.

3. **The site is large enough to accommodate the proposed use and other features as required by Teton County code.**

   The site is not large enough to accommodate the substation due to proximity to homes and the county road. The somewhat narrow shape of the parcel doesn't allow for enough buffering. A larger parcel with larger buffers on all sides would be necessary to mitigate negative effects such as noise and uncertain negative health effects.
   Some concern exists with the landscaping plan. Although it could provide visual buffering it may pose a fire risk during spring and fall when vegetation is cured or in dormancy, or if the irrigation system fails or is not maintained and vegetation dies. A larger parcel would need less buffering and alow for more space between electrical equipment and landscaping, mitigating some of the fire risk. The current landscaping plan doesn't address long term upkeep of the landscaping.

4. **The proposed site is in compliance with and supports the goals, policies and objectives of the Comprehensive Plan.**

The following should address these criteria:

Hopefully, P+Z and the BOCC recognize the negatives associated with this site on the quality of life of nearby residents.

Fall River made statements of how there will be negative impacts to its new neighbors and does offer some mitigations, but these are not solutions.

Preserving some open space to the north on a separate lot is proposed, but a guarantee to keep a substation small at the proposed site is never mentioned, so nothing prevents an expansion within the current 5-acre parcel, such as the large expansion of the substation in Driggs, guarantees to keep the size of this substation within the currently proposed footprint should be part of any possible approval.

Health issues that neighbors have brought up are brushed aside yet researching the issue you find there are many views associated with negative health effects possible with substations….one thing is certain, all sides agree **that electrical substations SHOULD be located away from residential areas.**

Noise pollution effects from constant humming are real. All one has to do is walk by an existing substation and you notice the humming noise produced which will be constant and noticeable to the neighbors.

The current narrative says there will be no lighting associated with this proposal…that should be clearly defined. Full security lighting does not coincide with LCD requirements at this location.

If this site is eventually approved, the commissioners should recommend restitution to nearby landowners in the way of payments by Fall River for landscaping buffers on neighboring lots and to soften the impact of reduced property values, 10 to 20% of appraised property values might be a starting point.

From page 2-8 in the Comprehensive Plan: …" the context within which a piece of land exists is the most important piece of value. From this perspective, regulations that maintain view corridors, protect natural resources, preserve rural character, or PROHIBIT INCOMPATIBLE DEVELOPMENT protect property values." One of the biggest concerns with this SUP request is the impact on property values and effects on the quality of life. Not difficult to see the incompatibility of the development proposed by Fall River, within this zoned rural neighborhood.

Thank you for the opportunity to comment

Chris Vero

Ph: [phone redacted]

Email: [email redacted]

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Fall River Substation

**Katie Cavallaro** [email redacted] Wed, Aug 26, 2026 at 1:17 PM
To: "pz@tetoncountyidaho.gov" <pz@tetoncountyidaho.gov>

Dear Members of the Planning and Zoning Board,

I am a Teton County resident and I am against the Fall RIver substation proposal for the following reasons. First, the proposed substation would be in an area zoned as a rural neighborhood. Less than a mile away is an area zoned as industrial that would be a better location for this. The radiation, pollution, light and noise from the structure would adversely affect many residents including children in this area. Also, big game, song birds and raptors in this wildlife corridor and habitat would be impacted.

This proposal does not comply with the Teton County Zoning rules, the Teton County Comprehensive Plan and with Special Use Permit criteria. Thank you for denying Fall River's last application and please deny the new application. This proposal does not abide with Teton County laws and would have a huge impact on the people and animals in a residential neighborhood.

Thank you for your consideration.

Katie Cavallaro
[email redacted]
[phone redacted]

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Official Public Comment: Re-evaluation of Midway Substation Application – Uphold the Prior Denial

**Kelci Christensen** [email redacted]
To: "pz@tetoncountyidaho.gov" <pz@tetoncountyidaho.gov>

Thu, Oct 15, 2026 at 8:31 AM

Dear Teton County Board of County Commissioners,

We are writing as residents of Teton County to formally request that the Board uphold its previous decision and deny Fall River Rural Electric Cooperative's repeated application for a Special Use Permit to construct the Midway Substation on 3500 South.

The Board and the Planning and Zoning Commission previously thoroughly vetted this project and determined that its localized impacts could not be adequately mitigated on this rural residential parcel. Fall River Electric's current push does not offer a substantive change to the physical infrastructure. Instead, the cooperative has simply hired engineering and legal consultants to re-package the same incompatible application and speak on their behalf.

A change in rhetoric and representation does not change the physical reality of the project. I urge the Commission to reject this second attempt based on the following ongoing failures:

- **Zero Substantive Mitigation Changes:** Despite the previous denial citing severe issues with scale, design, and noise, the physical blueprint of this 1.5-acre, 30-foot-tall industrial facility has not changed. Relying on an engineering consultant's testimony to downplay these issues does not erase the fact that a massive industrial utility is entirely incompatible with an RN-5 rural residential zoning district.
- **Persistent Visual Blight and Screening Failures:** The county previously recognized that the site cannot be fully or realistically screened from view. Hired consultants cannot engineer away the flat topography of 3500 South; the towering industrial infrastructure will remain a permanent visual blight.
- **Unresolved Noise and Community Disruption:** The continuous low-frequency hum of a substation presents a constant nuisance. Presenting heavily calculated, idealized noise models through a third-party consultant does not change the physical reality of continuous noise pollution being introduced to a quiet residential neighborhood.
- **Substantial Property Devaluation Without Recourse:** During the original March 23rd hearing, this Board rightfully recognized potential property devaluation as a core reason for denial. Introducing an industrial footprint into a quiet neighborhood creates a permanent aesthetic and auditory scar. No amount of consultant-approved landscape buffering can mask a massive utility station from surrounding family properties. This project forces the financial burden of infrastructure onto individual homeowners whose property values will plummet, destroying the equity they have built in their homes.

The Board of County Commissioners set a sound precedent by denying this permit the first time. Allowing an applicant to circumvent a formal denial simply by hiring professionals to argue the same points sets a dangerous standard for land-use policy in Teton Valley.

We ask the Board to stand by its original findings, protect the integrity of our Land Development Code, and deny this application once and for all.

Respectfully submitted,

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Fall river substation SUP

**Mich Clarkson** [email redacted] Tue, Aug 25, 2026 at 11:27 AM
To: pz@tetoncountyidaho.gov

Thank you for denying the previous fall river SUP application, and I am writing to share that I still oppose the Fall River SUP on 3500.

The neighborhood is zoned "Rural Neighborhood 5 acre". We do need modern infrastructure, but in appropriate locations. Less than a mile away there's an area zoned "Industrial" that is intended for exactly this type of use. **The substation would impact many homes, and animals, with its light, noise, electromagnetic radiation, toxic chemicals, fire risk, and visual ugliness.**

**They already applied once and were denied because it doesn't meet Teton County criteria for a special use permit, and it is not aligned with the Teton County Comprehensive Plan.**

I ask you to once again deny the SUP.

Best,
Mich Clarkson

15 October 2026

Dear County Commissioners:
Mr. Brad Wolfe
Mr. Dan Powers
Mr. Ron James

I write to urge you to act in the best interests of our community.

The Valley is growing rapidly. The three if you, and those who follow in your footsteps, will be faced with a host of difficult decisions, and the issue at hand is one of them.

I urge you to actively assist Fall River REC in finding an appropriate location where they will have the ability to support and expand the existing electrical infrastructure in accordance with our anticipated growth, without compromising the health and welfare of the community.

The currently proposed location of the Midway Substation is too small to accommodate the current expansion, and certainly too small to accommodate the inevitable need for expansion in the future. The proposed site is not at the midpoint of the Valley, but more than a mile closer to Driggs (approx 3.44 miles) than it is to Victor (approx 4.47 miles). There are multiple appropriate sites mid-Valley that meet Fall River's criteria, and that will remove the need to revisit this process repeatedly in the future as the Valley grows.

Please see attached overview image of proposed site locations that meet Fall River's needs now and into the future. These parcels are closer to the anticipated growing electrical load than the previously proposed site, can can back up the Targhee and Victor substations, and allow room for future expansion while preserving the health and welfare of the existing community by providing a 500+ foot setback from existing homes. Now is the time to help Fall River obtain a site that will serve Teton County's infrastructure needs for decades to come.

**My concerns about the size of the proposed site include:**

1. Physical constraints due to the narrow parcel width, small parcel size, and proximity to Darby creek, and wildlife overlays that prohibit appropriate distance from existing homes (please see attached image showing distances from existing homes).

The proposed parcel is:

200 feet or less from 2 existing homes that:
- Cannot be effectively visually buffered from the proposed substation apparatus
- Cannot be effectively acoustically buffered from the proposed substation
- Cannot be effectively buffered from EMF produced by the proposed substation

300 feet or less from 5 existing homes that:
- Cannot be effectively acoustically buffered from the proposed substation
- Cannot be effectively buffered from visual, physical, and financial impacts
- According to North Dakota, Virginia, etc, that is too close.

500 feet or less from 6 existing homes that:
- Cannot be effectively buffered from visual, physical, and financial impacts
- According to North Dakota, Virginia, etc, that is too close.

Too small to accommodate landscaping that will effectively **mitigate visual impact**.

- As reported by Fall River CEO Bryan Case at the P&Z meeting on 09/08/26, the site must be close to homes, near the south end of the lot, because there is not room on the small parcel to allow for expansion due proximity to Darby Creek and designated wildlife areas.

- As reported by Fall River CEO Bryan Case at the P&Z meeting on 09/08/26, the substation apparatus cannot be appropriately screened with vegetation because, due to the small parcel size, the substation must be located directly under the existing transmission lines which does not allow for taller trees that would provide appropriate screening.

- As illustrated in Harmony Engineering landscaping plans, the close proximity of the proposed landscaping to the proposed substation apparatus on the west, east and south sides will be too close to visually buffer the substation from the established homes in the area. This close proximity is driven by the limited dimensions of the parcel.

Too small to allow appropriate distance for **mitigation of transformer noise**. A minimum 500 foot setback is appropriate

- Please see attached professional peer review of the FR acoustic study (MD acoustics) that states:
"**In our opinion, without extensive mitigation, the Project as proposed will result in significant adverse acoustic impacts at all adjacent properties."**

"The acoustic modeling indicates that transformer sound will continuously and significantly exceed this quiet background at all surrounding residential properties. This substation sound will contain a prominent tonal component perceived as a "hum".

- Placing the sound level meter in a tree during a single 24 hour time period with significant wind overestimated ambient noise levels, and thus underestimates the impact of transformer noise.

Too small to allow distance for **mitigation of EMF produced** by the substation. A minimum 500 foot setback is appropriate. There are many jurisdictions with required setbacks of 500+ feet from electrical apparatus that emits EMF:

- EMF readings that I obtained near the Victor substation show that established homes 200 feet away from the proposed site will be within range of concerning EMF levels. EMF intensity decreases with distance, and at a distance of 500+ feet it should not be an issue.

- **North Dakota Century Code Title 49. Public Utilities § 49-22-05.1. states: "3. Except for electric transmission lines in existence before July 1, 1983, areas within 500 feet [152.4 meters] of an inhabited rural residence must be designated avoidance areas."** The rule governing the 500-foot state setback standard is legally codified under North Dakota state statute, and the specific mechanism granting the state authority over local zoning was passed via House Bill 1258

- **Brookings County, South Dakota** has a 1,000 foot setback for high voltage transmission lines

- The **Stutsman County Commission in Jamestown, North Dakota**, officially approved a revised zoning ordinance requiring a 1,000-foot setback distance between high-voltage electrical transmission lines and occupied dwellings in 2025.

- **Loudoun County, Virginia Board of Supervisors:** In January 2025, Board also called for the burial of any transmission lines planned to pass closer than 500 feet from any residence or public school; however, Loudoun County does not have any authority to require underground transmission lines.

The proposed substation does not meet Teton County special use permit criteria, and the impacts cannot be effectively mitigated. As Ron James so wisely stated last year, in reference to this project: “This is just a terrible location.” Let’s help Fall River find the right location.

**The proposal does not meet the Teton County legal Special Use Permit criteria of approval in these ways:**

1. The location of the proposed use is compatible with other uses in the general neighborhood.
   - **As you know, a major utility installation is not compatible with a residential neighborhood due to the noise, oils, chemicals, visual impacts and impact on property values.**
   - The Fall River representative stated that: "The proposed substation is compatible with adjacent uses because it is located within, and next to, an existing electric transmission facility corridor." **This is inaccurate and suggests that every single piece of land next to transmission lines is, by definition, an industrial area.**
   - The Fall River representative stated that: "Although the surrounding area includes residential uses, an electrical substation is allowed in the RN 5 zone through the special permit review.” **An electrical substation is allowed, but it has to meet the Special Use Permit criteria of approval, which this does not. Also, the surrounding area does not just include residential uses, it’s zoned residential and adjacent uses are exclusively residential.**
2. The proposed use will not place an undue burden on existing public services and facilities in the vicinity.
   - A large industrial installation within 300 feet of [address redacted] a undue burden on fire and EMS. **In the case of a fire, explosion, or large chemical spill our does our fine Fire/EMS team have the capacity to protect that many people and 6 homes, and the rest of the Vally all at the same time. A 500 ft setback from people and homes would significantly simplify their job in terms of protecting life.**
3. The site is large enough to accommodate the proposed use and other features as required by Teton County Code.
   - The Fall River representative stated: "The onsite storage and open yard are screened adequately excluding proposed transformer poles to connect to the transmission line, because those are not screened at all. Our screening with the landscape plan addresses that use standard." **The parcel is too small to properly screen the new transformer poles in compliance with Teton County Code even when fully mature trees are planted, as they will be**

**shorter than the transformer poles that, according to Fall River, "are not screened at all". A larger parcel would allow enough distance for visual screening of all components of the proposed substation.**

**4.** The proposed use is in compliance with and supports the goals, policies, and objectives of the Comprehensive Plan.

- **This proposal runs counter to the following Comprehensive Plan goals, policies and objectives:**
  - "Industry Clusters: Creation of Industry Clusters is one of a number of strategies that could lead to sustainable industrial development and is a very helpful tool towards implementation of Teton Valley's economic goals."(p.101).
    1. **This parcel is not in an industrial area while parcels to the south are i [phone redacted] to zoned industrial areas.**
  - "Under Idaho Code Teton County has an obligation to regulate land use in order to e health, safety and general welfare of the public."(p.13)

    "Property rights are not absolute, however, and they do not allow uses that unreasonably interfere with the property rights of others or interfere with public health, safety, or general welfare." (p.26).

    **This proposal would interfere with the property rights of adjacent owners to use their for dwellings due to noise, EMF, and visual impacts.**

    "From this perspective, regulations that maintain view corridors, protect natural resources, perserve rural character or prohibit incompatible development protect property values"(p.28).

    **This proposal is an incompatible development that would significantly decrease property values.**
  - Goal ED 2 (p.73) - "2.1 Encourage development and land use proposals that support prime economic values of rural character and heritage."
    1. **On a larger parcel this use could be adequately screened and naturally mitigated, but this parcel is to small to support the prime economic values of rural character and heritage.**
  - Goal NROR 4 (p.84) - "4.1 Ensure that development regulations balance natural resources protection, viewshed protection and growth, are clear and predictable, and preserve the economic value of the land. (p.84)".
    1. **This proposal harms the natural view shed (because the parcel is too small for an effective visual buffer), runs counter to the clear and predictable zoning regulations in place, and significantly harms the economic value of the land (because the parcel is too small to provide enough setback to naturally mitigate the sound and visual impacts).**
  - Goal NROR 8 (p. 87) - Respect sensitive habitat and migration areas for wildlife (p. 87)- 8.3 Minimize the cumulative impacts of development on wildlife and wildlife habitat (co-locate industrial use).
    1. **1. Using this parcel does not co-locate industrial use, or respect migration areas, where using larger parcels to the**

**south will co-locate industrial use and use land that is not in a migration area, or sensitive habitat**

- Goal ARH 1(p.93): Preserve and enhance Teton Valley's small town feel, rural heritage and distinctive identity.
  1.1 Ensure that planned growth maintains Teton Valley's rural character.
  1.5 Support the preservation of open space, farmland, natural beauty, and critical environmental areas.

**1. This proposal does not support or preserve natural beauty or critical environmental areas because the parcel is to small to appropriately visually screen and to small to avoid impacting Sage Steppe habitat and big game migration in the Darby Creek corridor.**

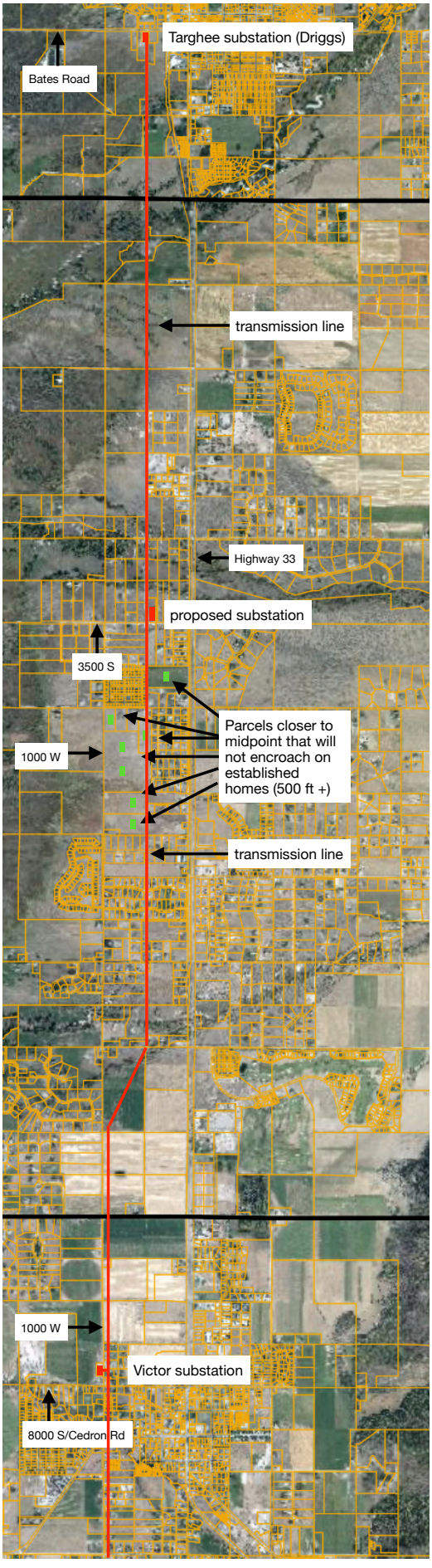
I appreciate your time and effort. I urge you to act now to help Fall River obtain a centralized parcel with enough space to expand and support the utility needs of the Valley now, and into the future.

Respectfully,



[address redacted]
[phone redacted]

## Please see 2 attached images below:


Targhee substation (Driggs)
Bates Road
transmission line
Highway 33
proposed substation
3500 S
Parcels closer to midpoint that will not encroach on established homes (500 ft +)
1000 W
transmission line
1000 W
Victor substation
8000 S/Cedron Rd


S 750 W
S 870 W
S 800 W
14
292 feet
W 3500 S
W 3500 S
W 3500 S
113 feet
491 feet
300 feet
194 feet
193 feet
299 feet
S 650 W
S 600 W

Sharon Fox <sfox@tetoncountyidaho.gov>

## Objection to SUP for Fall River Electric

**Eileen Foster** [email redacted] Wed, Oct 14, 2026 a
To: pz@tetonc

Oct. 14, 2026

To: Teton County Idaho P & Z Board

We are writing to request that you deny Fall River Electric's request for a special use permit to put a substation on land adjacent to 3500 South, an area zoned residential rural neighborhood. This SUP would irreversibly impact this area causing great financial loss for home/land owners in the area. People have their life savings and retirement finances tied up in their land. The adjacent land values will plummet immediately. The community created zoning and put rules in place to protect valley property owners from exactly this type of situation.
That area is completely inappropriate for such use. The proposed project should be in an industrial area not an established neighborhood where people have been living for decades.
That area is also a key area for big game such as elk and moose that would be negatively affected by the noise, lights, chemicals and pesticides associated with sub stations.
Please ask Fall River Electric to respect the Teton Valley Comprehensive Plan when building and deny their request for a SUP.

Sincerely,

Eileen and Stephen Foster
[address redacted]
[address redacted]

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Re: Substation AGAIN!!!!

**Liviu Ghinescu** [email redacted] Wed, Aug 26, 2026 at 6:29 PM
To: pz@tetoncountyidaho.gov
Cc: Ron Paradis [email redacted]

Hello,

As the matter of the substation was settled in a previous hearing with the outcome of an affirmative “NO!!!”; I still don’t understand the perseverance of the electric company to build one in our neighborhood.

Could it be a disregard of our decision and /or the law?

As their CEOs would not choose to live near a substation/power station, why should we ?

As growth occurs in our local community, I do understand the need for utilities. However not taking in account the impact that such a construction will have on the environment a.k.a. neighborhoods ,wildlife corridors , etc. is an example of bad stewardship and just trying to get it done so that it is done.

In most cities around the world construction like this one are set in an industrial area. Such an area exists not far from this neighborhood where it could be built.

Let’s keep this area wild as much as possible.
I do believe progress and wilderness can coexist, let’s not take this unique place to the chopping block.

Best regards,
Liviu Ghinescu
[address redacted]

Sent from my iPhone

> On Aug 26, 2026, at 11:05 AM, Ron Paradis <> wrote:
>
> In case you haven’t heard…This is my response to the latest attempt to poison the neighborhood. Hope you can write a short note to P&Z, address below. Letters are due by noon Friday.
>
> Thanks, Ron
>
> **From:** Ron Paradis
> **Sent:** Wednesday, August 26, 2026 10:53 AM
> **To:** 'pz@tetoncountyid [email redacted] ov>
> **Cc:** Theresa Paradise
> **Subject:** Substation A
>
> There is no reason for us to be discussing this again. They are trying to put in a forever device in the middle of our neighborhood. Even when told many times NO by the community and the

powers that be. These substations have been thought to be a source of cancer clusters. Let’s not become the guinea pigs to find out that it really is true. Our property is next door. There is a community well on the property next door to the north that serves 12 houses. There has been NO CHANGE in the requirements for an SUP as far as I know. This substation will never become a house. It’s time for them to actively find industrial zoned land and put this goat rodeo behind us.

Ron Paradis

Owner of 630 W 3500S

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# NO

1 message

**Liviu Ghinescu** [email redacted] Fri, Oct 16, 2026 at 10:12 AM
To: Pz@co.teton.id.us
Cc: Ron Paradis [email redacted]

Hi,

I can't believe that we are doing this again!!!

I guess the decision of the people dose not matter and that the drive to get it done outweighs anything else.

Is this the best way to spend people's time?
If we had the option to switch to a different company I would not hesitate.
With this action you just proved that your interest is not aligned with servicing the community, but rather your pockets.

Take the "L", move down 1 mile, spend the extra money and keep the peace and the nature of our neighborhood and community together.

Best regards,
Liviu Ghinescu
[address redacted]

Sent from my iPhone

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Opposition to Fall River substation at 3500S 700W

1 message

**Margaret Grebe** [email redacted] Thu, Oct 15, 2026 at 11:17 PM
To: pz@tetoncountyidaho.gov

We would like to voice our opposition to the placement of a substation in a rural residential neighborhood, specifically, [address redacted]

Zoning is and has been a tool for maintaining property values and property rights. Though we are sympathetic to the needs of a company as it finds its footing, the impact on wildlife and surrounding homeowners is substantial. Dropping an industrial use zone into what has been a residential, agricultural and wildlife friendly corridor is hopefully not the only solution.

Please deny this application as an incompatible use in this area.

Respectfully,
Margaret Grebe
Derrik Hufsmith

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Substation on 3500n

1 message

**Ida Greenwell** [email redacted] Wed, Aug 26, 2026 at 5:26 PM
To: pz@tetoncountyidaho.gov

Hi,
I am writing to thank you all for delaying fall rivers application for a special use permit to develop a substation on 3500n in Victor. I have recently been apprised that they are applying again and I want to encourage you to once again deny their application. This substation would negatively impact many homes, and animals, with its light, noise, electromagnetic radiation, toxic chemicals, fire risk, and visual ugliness.
Thank you for taking your job seriously and listening to the residents of the valley.

Ida Greenwell
Teton valley resident

Sent from my iPhone

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# 3500S substation

**Eric Hafla** [email redacted] Tue, Aug 25, 2026 at 10:12 AM
To: pz@tetoncountyidaho.gov

To whom it may concern,

I would like to reach out to thank you for your prior rejection of the SUP for the construction of the Fall River substation on 3500S, and would like to reiterate my opposition to the project in the future for reasons including, but not limited to: potential environmental degradation, disruption to local wildlife, zoning conflict, light and sound pollution, and nuisance to the neighboring homes.

Thank you,

Eric Hafla
[address redacted]
[address redacted]

[email redacted]
[phone redacted]

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Midway Substation

1 message

**markheinen9** [email redacted] Tue, Aug 25, 2026 at 8:40 AM
To: pz@tetoncountyidaho.gov

I, Mark Heinen, oppose the Fall River Midway Substation.

Sent from my Galaxy

**August 28, 2026**

**Teton County Planning & Zoning Commission**
Teton County Courthouse
150 Courthouse Drive
Driggs, ID 83422

**Re: Opposition to Fall River Electric's Proposed Midway Substation — [address redacted] Victor, Idaho**
**Second Special Use Permit Application**

Dear Planning & Zoning Commissioners and Staff:

I am writing to again oppose Fall River Electric's proposed Midway Substation at [address redacted] **in Victor, Idaho**. Our property is directly adjacent to the proposed parcel, making us among those most affected.

The fact that Fall River has submitted new studies and revised plans does not mean the deficiencies that led to the original denial have been cured.

Both the Planning & Zoning Commission and the Board of County Commissioners previously denied this application because of unresolved concerns about wildlife mitigation, EMF, scale, site design, screening, and continuous operational noise.

**Continuous operational noise remains one of my greatest concerns**

- Noise remains the most serious issue for our adjacent propert**y.** This is not temporary construction noise; it is permanent transformer hum from a facility operating 24 hours a day, including at night when the area is quiet.

The BoCC specifically identified this persistent noise and its potential effect on nearby residents and wildlife as a concern. A predictive noise study is not enough. If this project is approved, the County should require enforceable operational noise limits, post-construction monitoring, and corrective action if limits are exceeded.

**The County must evaluate the impact from the perspective of the property directly next door**

- Our property **shares a boundary** with the proposed substation site. That makes this impact direct, not theoretical. Approving this application would place permanent industrial utility infrastructure—equipment, fencing, lighting, noise, and maintenance activity—immediately next to and across from residential properties.

The issue is not whether the substation can technically fit on the parcel; it is whether this location, scale, and design are compatible with the homes beside it. **They are not.**

- **Screening must actually protect neighboring properties**

A landscape plan is meaningful only if it provides effective, year-round screening from the beginning—not years later at theoretical maturity. If the substation remains visible or audible from our property, the buffering is inadequate.

**Wildlife impacts cannot be separated from the facility's permanent operation**

- The County previously found that the application did not adequately satisfy wildlife mitigation requirements. The new Wildlife Habitat Analysis must show that this specific facility will not undermine wildlife or bird habitat or movement once it is built and operating.

**The previous denial should remain the benchmark for evaluating this application**

The BoCC subsequently denied the application and specifically raised concerns about the persistent operational noise and its effects on people and wildlife.

**The central question is simple: Has Fall River actually fixed the problems that led to the prior denial?**

More paper is not the same as mitigation. The County should require proof that the impacts have been eliminated or reduced to an acceptable, enforceable level.

- **This location remains fundamentally problematic**

I recognize the need for reliable electrical infrastructure, but need alone cannot justify putting a large, permanent substation immediately next to homes. **This remains the wrong location for this facility.**

I respectfully ask the Planning & Zoning Commission to hold this second application to the same standard that led to the original denial.

Unless Fall River can prove that noise, EMF, wildlife impacts, visual impacts, setbacks, screening, and the cumulative effect on adjacent residences have been fully and enforceably mitigated, the County should **deny the Special Use Permit**. Anything less would repeat the same fundamental error: allowing an industrial utility facility in a location where its impacts fall directly on neighboring homes.

Thank you for your consideration. Please keep me informed of all hearings, public-comment opportunities, and decisions concerning the Midway Substation.

Sincerely,

**Meg and Mark Heinen**
[address redacted]
[address redacted]
[phone redacted]

27 August 2026

Dear Teton County Planning and Zoning Commission,

I'm writing in response to the Fall River REC special use permit application for a construction of an electrical substation on parcel RP0018600000R0; Remainder lot 70 W 350 S MINI SUB SEC 14T4N R45E. My property is in close proximity to the parcel referenced above.

The proposed project does not meet Teton County criteria for a special use permit (see below).

The proposed industrial project is appropriate for an area that is zoned industrial, such as the area approximately 1 mile north of the proposed site, or 1 mile south where there is also open agricultural land that would allow the establish homes to be an appropriate distance from this industrial installation. The proposed project is absolutely not appropriate for a residential neighborhood, and would effectivley rezone our rural neighborhood as industrial. Allowing his project to move forward would contradict both Teton County's existing zoning, and the Teton County's Comprehensive Plan. In the words of Teton County Commisioner Ron James: “this is just a terrible location.”

I know there's a lot of information here, and I appreciate your time and attention to this very important matter. There's a reason we have zoning, and in this case I look forward to you upholding our zoning regulations and the Valley's Comprehensive Plan. The appropriate location for this proposed industrial project is clearly in an area that is zoned industrial.

The letter we initially received from P&Z requested a response to four specific criteria. I've copied the criteria and responded to each below with reference materials at the end. We appreciate that you have upheld Teton County’s zoning regulations, and the intent of the Comprehensive Plan, in the past, and we look forward to you continue to uphold these rules and regulations.

Thank you,



Emily Johnston
[email redacted]

SUP criteria of approval:
1. The location of the proposed use is compatible with other uses in the general neighborhood.
The proposed use does not meet this criteria.

The area is a residential rural neighborhood zoned RN-5 and is comprised of 2.5 acre, 5 acre, and larger residential and agricultural parcels. This is an entirely residential neighborhood and the proposed use, a large electrical substation, is not "compatible with other uses in the general neighborhood".

According to the American Heritage dictionary the word compatible is defined as: "Capable of existing or performing in harmonious, agreeable, or congenial combination with another or others."
Electrical substations are known to to emit a continuous loud humming noise, to contaminate soil/groundwater/surface water with oil and industrial chemicals, to cause significant light pollution, negatively impact rural aesthetics, and malfunctions may cause transformer explosions and/or electrical fires. (Ref 1, 2, 3)
Firefighters are instructed to "be alert for transformer explosions, smoke hazards and oil releases. Clear a 300 foot radius, stay upwind and consider initial downwind evacuation for at least 1000 feet. Monitor for oil runoff; direct it away from catch basins or surface waters." That's quite workable in an industrial area where no
one is living nearby, but not achievable in a residential neighborhood without significant risk to residents.
I
n addition substations produce powerful electromagnetic fields, and emit electromagnetic
radiation. The International Agency for Research on Cancer (IARC) classifies EMFs as “possibly carcinogenic to humans", the World Health Organization classifies electromagnetic fields as "possibly carcinogenic to humans”. Findings are not conclusive - it's entirely possible and plausible but we just don't know yet, is that an environment that you would want to live in? It is clearly not "harmonius, agreeable, or congenial" to have these hazards brought to my established neighborhood, nor to worry about these hazards on my doorstep when I'm trying fall alseep at night, or going for a peaceful evening walk down my road. (Ref 1, 2, 3)

These hazards are not appropriate to introduce into a quiet, long established, rural residential neighborhood. They are appropriate for areas that are zoned industrial, such as the industrial area, close to power lines, that is approximately 1 mile north of this proposed project. That’s why we have zoning: to separate and isolate specific land uses in order to protect our community.
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2. The proposed use will not place an undue burden on existing public services and facilities in the vicinity.
The proposed use does not meet this criteria.
The proposed project would place an undue burden on the road, and present an undue burdenof risk of contaminating our domestic wells (see number 3).
There are no public services or facilities in the vicinity because it's a residential neighborhood, and there are not meant to be public services or facilities in our neighborhood, including a large industrial, ugly, loud, toxic, dangerous electrical substation that would be appropriately located in an industrial zone.
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3. The site is large enough to accommodate the proposed use and other features as required by Teton County Code.
The proposed use does not meet this criteria.

According to the site plan, the proposed facility appears to be too close to existing seasonal flow lines and the flood zone, allowing contaminants to disperse beyond the site. The site is not large enough to allow for an adequate buffer. The designated industrial zone to the north is not in a flood zone and would be appropriate for the proposed project. Electrical substations are known to cause contamination of groundwater and surface water from oil, solvents, herbicides, and other chemicals used in maintainance and cleaning (see example below). All nearby residential residents rely on domestic wells that would be at risk of contamination from this industrial project.
Substation water contamination example:
(a. https://www.epa.gov/newsreleases/epa-identifies-ameren-huster-road-substation-sourceelm-
point-wellfield-contamination
b. https://fox2now.com/news/missouri/st-charles-water-contamination-found-to-be-causedby-
ameren-epa-demands-cleanup/)
This water then runs into the the Teton River that we all use for agriculture, and recreation. Idaho Fish & Game is working hard to protect the Yellowstone Cutthroat Trout, and contamination from a substation located at the proposed site would put our native trout and waterbirds in danger (see below). An industrial project should be sited in an industrial area, away from the risk of contaminating surface water and domestic wells.
IDFG Cutthroat Trout
(https://idfg.idaho.gov/article/conservation-project-planned-protect-yellowstone-cutthroattrout-
teton-canyon)
---
4. The proposed use is in compliance with and supports the goals, policies, and objectives of the Comprehensive Plan.
The proposed use does not meet this criteria.
Relevant excerpts from the Comprehensive Plan that show that the proposed industrial land use is not in compliance with, and does not support the goals, policies and objectives of the Comprehensive Plan:
According to the law, "the plan shall consider previous and existing conditions, trends, compatibility of land uses, desireable goals and objectives, or desireable future situations for each planning component."
“Under Idaho Code [phone redacted] Teton County has an obligation to regulate land use in order to promote the health, safety and general welfare of the public.”(p.13)
(The proposed land use in a residential neighborhood threatens the health, safety and general welfare of the public and should be located in a designated industrial zone).
“Property rights are not absolute, however, and they do not allow uses that unreasonably interfere with the property rights of others or interfere with public health, safety, or general welfare.” (p.26)

(The proposed industrial use of residential land would interfere with the property rights of others as well as the health, safety and general welfare)
“From this perspective, regulations that maintain view corridors, protect natural resources, perserve rural character or prohibit incompatible development protect property values”(p.28)
(This proposed use would be an incompatible development)
“The plan proposes efficient and logical growth patterns. A variety of land use areas protect the Valley’s character and provide guidance and incentives for appropriate development types.”(p.63)
“Desired future character and land uses for Industrial/Research areas include: Light industrial, “Heavy industrial at the appropriate scale and in appropriate locations, Cottage industries . . .”
(p.65)
(An Industrial zone is the appropriate place for an industrial project)
“Desired future character and land uses for the Rural Neighborhoods include: Medium density single family neighborhoods with large open spaces and provisions for clustering.(p.66)
“Mixed Agriculture/Wetland: Desired future character and land uses include: Agriculture, Ranching, Low density residential development, with provisions for clustering/ conservation development to protect natural resources, Conservation and wildlife habitat enhancement/protection, Development subject to all applicable County, State and Federal regulations including U.S. Army Corps of Engineers (USACE) wetland regulations and County floodplain development regulations.”(p.67)
Policies that show the proposed use is contrary to the Comprehensive Plan:
Goal ED 2
2.1 Encourage development and land use proposals that support prime economic values of
rural character and heritage. (p. 73)
2.3 Promote smart growth strategies that help preserve rural character by enhancing existing
communities and directing development towards them.(p.73)
2.5 Encourage development that adheres to environmental standards.(p.73)

Goal ED 4
4.9 Maintain rural areas that encourage farming and ranching and support low density residential development.(p.74)

Goal ED 5:
5.2 Support a plan that co-locates infrastructure that will serve multiple telecommunication providers. (extrapolate to co-located infrastructure to established industrial zones) (p.75)

Goal NROR 1: Conserve our public lands, trail systems and natural resources (air, water, wildlife, fisheries, wetlands, dark skies, viewsheds, soundscape, soils, open space and native
vegetation).(p.82)

1.6 Encourage the conservation of high water quality in rivers and streams (p.82)

Goal NROR 4: Balance private property rights and protection of our natural resources. (p.84)
4.1 Ensure that development regulations balance natural resources protection, viewshed protection and growth, are clear and predictable, and preserve the economic value of the land. (p.84)

Goal NROR 8: Respect sensitive habitat and migration areas for wildlife
8.3 Minimize the cumulative impacts of development on wildlife and wildlife habitat (co-locate industrial use)(p.87)

Goal CEF 1: Provide high-quality public and private services and facilities in a coordinated manner for the health, safety, and enjoyment of the community.
Policies 1.1 Encourage locating new facilities in existing population centers to maximize efficiency and convenience and minimize costs.(p.90)
1.4 Identify appropriate locations for new facilities in accordance with proposed master plans and build these new facilities when the demand and funding exist(p.90)
1.7 Require the burial of electrical and other facilities where feasible in order to preserve the County's scenic views. (p.90)
1.8 Maintain and improve outdoor lighting requirements that protect dark skies.(p.90)
Goal ARH 1: Preserve and enhance Teton Valley's small town feel, rural heritage and distinctive identity.
1.1 Ensure that planned growth maintains Teton Valley's rural character.(p.93)
1.5 Support the preservation of open space, farmland, natural beauty, and critical environmental areas.(p.93)
"Research shows that proximity to open space, parks, and vibrant commercial areas increases property values" (substations do not fall into any of these categories)(p.100)
"Industry Clusters
Creation of Industry Clusters is one of a number of strategies that could lead to sustainable industrial development and is a very helpful tool towards implementation of Teton Valley's economic goals."(p.101).
"It has been well established that proximity to open lands and conservation areas enhances property values (Mconnell, 2005)."(p.105)
"Key Actions:
Revise ordinances to specify low development density in sensitive wildlife habitat, riparian areas and wetlands"(p.119)
"The Zoning Code fulfills two major roles:
First, the provisions of the Zoning Code promote the general public health, safety, and welfare of County residents.
Secondly, the Zoning Code helps to implement the Comprehensive Plan"(p.128)
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Reference 1:
Public Service Commission of Wisconsin publication "Impacts of Substations"
"Electromagnetic Fields

The electric and magnetic field (EMF) levels within the fenced area of a substation can be much higher than the surrounding area, especially at larger substations containing several transformers. However, these EMF levels decrease rapidly with distance from the transformers and other electrical equipment. Most of the time, EMF levels drop to the same as surrounding background levels at a distance of 100 to 200 feet from the fenced area.

Noise and Lighting

The noise produced by an operating substation can be quite loud to adjacent property owners. A constant humming or buzzing noise may be audible several hundred feet from the substation
fence. The sound may be especially noticeable during nighttime hours when ambient noise levels are lower.

Light pollution may present a nuisance in residential areas or diminish enjoyment of the night time sky in rural areas. Substations may have lights that operate all night long to discourage
vandalism and unauthorized individuals. Buried beneath the gravel in a substation yard is a grid of wires that functions as the grounding for the high voltage equipment. In order to ensure safety for utility employees and the public, it
is important to prevent this ground grid from being compromised by vegetation growth. For this reason substation yards are regularly maintained by using a variety of herbicides.

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Reference 2:

Article from a peer reviewed journal: Jevtic et al. (2024). ENVIRONMENTAL IMPACTS OF
SUBSTATIONS: A SHORT REVIEW. Ecological Engineering and Environment Protection. 2024. 5-
11. 10.32006/eeep.2024.2.0511.

"Transformers are key elements of the power system, without which the transmission of electricity over long distances would be impossible. Although transformers are required for the power system to function in a stable, efficient and reliable manner, their negative impact on the environment is obvious.

This paper will describe various aspects of that impact, including electromagnetic radiation, soil and water pollution, noise, fire risk, and visual disturbance to the environment. Transformersemit electromagnetic radiation as a result of the electromagnetic fields they generate while
operating. This radiation can affect both the environment and human health. Furthermore, oil leaks from transformers can contaminate soil, groundwater, and surface water, increasing the risk of fires and explosions. Transformer noise can pose a significant problem in urban areas, industrial plants, and rural areas. Additionally, the appearance of substations can significantly affect the aesthetics of the environment. This impact is particularly pronounced in urban areas, tourist destinations, and natural areas. The environmental consequences of fire
should not be ignored, as they include air, soil, and water pollution, destruction of vegetation, danger to animals, and the potential spread of fire to vegetation or buildings nearby. In addition to various aspects of the negative impact of substations on the

environment, the paper also reviews the implementation of preventive measures that can significantly reduce these effects.

Reference 3:
"Health Concerns and EMF Exposure" (From a Pennsylvania Electrical provider)
One of the most commonly cited worries about living near an electrical substation is exposure to EMFs. Substations emit low-frequency electromagnetic radiation, and although current research shows no definitive link between EMF exposure and major health problems, the long-term effects remain a topic of ongoing scientific investigation. Some studies have explored potential correlations between EMFs and childhood leukemia or other health issues, but results are inconclusive.
For peace of mind, those living near substations should monitor their exposure and stay informed. If you're concerned, consider hiring a licensed electrician to evaluate EMF levels in your home.
Fire and Electrical Risks
Beyond EMFs, substations also carry inherent electrical risks. Though rare, malfunctions like transformer explosions or electrical fires can occur. These events can pose a serious threat to nearby residents. That’s why it's important to know the signs of electrical problems and to have access to a reliable emergency electrician if something goes wrong. Weather conditions such as lightning, heavy snow, or windstorms can impact substation equipment. Power surges or outages resulting from these events may lead to hazards inside your home, especially if your electrical system is outdated or overloaded. If you hear buzzing, smell burning, or notice flickering lights, don’t wait – contact an emergency electrician to assess the issue before it escalates.
Noise and Aesthetic Impact

Another aspect of living near a substation involves noise pollution. Substations often emit a constant hum from transformers, and while some people get used to it, others find it disruptive, especially during the quiet hours of the night. Visual appearance can also be a factor, as substations may affect neighborhood aesthetics or even property values, depending on their proximity and visibility. If you’re renovating or building near a substation, it’s worth consulting with an experienced electrician to see how you can reduce indoor noise interference and optimize your home’s electrical setup for safety and comfort. Electrical System Checks for Nearby Homes
Homes situated near substations may benefit from additional electrical safeguards. Installing surge protectors, grounding systems, and updated panels can help buffer your home from unexpected electrical activity. A licensed electrician can perform a complete safety audit, helping you understand how the substation’s presence may interact with your home’s electrical infrastructure. Additionally, having a go-to emergency electrician in case of power outages or sudden issues can bring added peace of mind. Fast response times are crucial, especially during cold winters when heating systems may be affected by electrical failures.

Making an Informed Decision

Ultimately, living near a substation doesn’t mean you have to move or panic. It just means staying informed and proactive. With the proper precautions and professional support, many of the risks can be mitigated."
Reference 4:
Comprehensive Plan p.64
The neighborhood is designated as Rural Neighborhood and Mixed Ag/Wetland

Julie Breaux-LaRose
[address redacted] [address redacted] [address redacted] [address redacted] [address redacted]

RECEIVED 8/28/26 11:01 AM

**8/25/26**

**To: P&Z / Teton County Idaho Board of County Commissioners**

**Re: Opposition to the Proposed Fall River Electric Substation** [address redacted]

Dear Members P&Z and the Board of County Commissioners,

We respectfully ask the Teton County Board of County Commissi **Special Use Permit for the proposed Fall River Electric substation at 3500 S. once ag**

**Who will STAND UP FOR THE PROPLE when a powerful utility e County to make an exception?**

We recognize that reliable electrical infrastructure is important to our growing community. However, the fact that infrastructure is needed does not mean that every proposed location is appropriate. **The proposed substation should not be placed in an established residential neighborhood when doing so conflicts with the character, value, safety, and protections intended by Teton County's existing land-use regulations.**

This is not simply an objection to a utility project. It is an objection to ***where this project is being proposed and the permanent impacts it would impose on the residents who already live there.***

[address redacted]

**ng decisions and utility needs should not create an emergency for existing residents." *A proper planning by a utility provider does not place an obligation on neighboring s to accept a facility that is incompatible with their established residential environment.***

substation raises serious concerns regarding the health, safety, peace, and quality of life of esidents. These include concerns about electromagnetic fields, the continuous humming and oise associated with a substation, visual impacts, and the potential effects on surrounding als, and **property values.** Unlike a temporary construction project, these impacts would remain the facility operates.

se Permit was previously denied for this proposal. We believe the fundamental concerns that cision remain important and should not simply be set aside because Fall River Electric has hat it needs additional infrastructure.

eeply concerned about the manner in which this property was acquired and the subsequent suade current individual homeowners to change their positions in this matter (we are not esidents have reported being contacted and asked, in substance, what it would take to change Our answer is simple: **this is not about negotiating away our concerns. We believe the proposed location is wrong.**

We are equally concerned when social-media campaigns are used to generate public sympathy for a particular outcome. The decision before the County is not a popularity contest or a community-wide vote. The people living immediately adjacent to and near the proposed site are the residents who will experience the project's permanent impacts every day.

People living several miles away may support additional electrical infrastructure without experiencing the noise, visual intrusion, loss of residential character, or potential effects on the homes and properties immediately surrounding the proposed site. Their support should not outweigh the legitimate concerns of the residents who would bear the direct consequences.

**There is also a much larger issue at stake.**

We are asking our elected County Commissioners to do exactly what we elected them to do: **uphold the County's land-use standards and protect the interests of its residents.** County codes should not be changed, weakened, or selectively applied simply to accommodate a utility company's preferred location. example (huntsman's buy out)

We respectfully ask the Board to consider whether this proposed substation truly meets the applicable Special Use Permit criteria and whether placing a major electrical facility in this established residential area is consistent with the intent of Teton County's planning and zoning regulations.

There are other locations that should be evaluated. **The electrical infrastructure may be necessary, but 3500 S. is not the only possible location.** The burden of finding an appropriate site should not be shifted onto the homeowners who have established their lives and invested their savings in this neighborhood.

Our homes are more than property. They are where our families live, where our children and animals spend their time, and **where we expect reasonable protection from incompatible land uses. We have a right to expect that the County will preserve the health, safety, character, and property values of established neighborhoods.**

We therefore respectfully request that the Teton County Board of County Commissioners:

1. **Deny the Special Use Permit for the proposed Fall River substation at 3500 S.;**
2. **Require that alternative locations be seriously evaluated;**
3. **Apply the County's existing codes and Special Use Permit standards consistently;**
4. **Give substantial consideration to the residents who will experience the project's direct and permanent impacts; and**
5. **Protect the established residential character and property interests of the surrounding neighborhood.**
6. **THE ADDED HEAVY TRAFFIC ALREADY IS TO MUCH on 3500 S. We have neighboring subdivisions using 3500 S and heavy equipment daily**

We are not opposed to responsible infrastructure. **We are opposed to placing this infrastructure in the wrong location and asking an established neighborhood to bear the consequences.**

***Many would and will seek punitive damages to health and Land Value devaluing - should this pass.***

We ask the Board to stand with the residents who have followed the County's rules, built their homes, invested in their properties, and trusted their local government to protect the integrity of their neighborhood.

Please deny the Special Use Permit.

Respectfully,

Julie Breaux-LaRose

**Current Residents of the 3500 S. Neighborhood**
Teton County, Idaho

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Opposition to proposed Midway Substation btwn Victor/Driggs

**Corina Lymburner** [email redacted] Wed, Oct 14, 2026 at 6:10 PM
To: pz@tetoncountyidaho.gov

> Dear P&Z
>
> I'm writing to once again express my opposition of Fall River Electric's proposed Midway Substation located at 70W 350S between Victor & Driggs insomuch as its proposed location is a residentially zoned area.
>
> Locating this substation there would adversely impact the residents in the area, needlessly subjecting them to decreased quality of life and property values — when there's plenty of farmland property to the west of this area, as well as other non residential land areas, where this could be located with no such affect.
>
> Thanks for your consideration.
>
> Corina Lymburner
> [address redacted]
> [address redacted]

**October 15, 2026**

**Teton County Planning & Zoning Commission**
Teton County Courthouse
150 Courthouse Drive
Driggs, ID 83422

[address redacted] **n to Fall River Electric's Proposed Midway Substation — Victor, Idaho**
**al Use Permit Application**

Dear Planning & Zoning Commissioners and Staff:

[address redacted] iting to vehemently oppose Fall River Electric's proposed Midway Substation at **in Victor, Idaho**. Our property shares a boundary with the proposed parcel, ong those most directly affected. That makes the impacts of this project immediate, not theoretical.

Both the P&Z Commission and the Board of County Commissioners (BoCC) previously denied this application because of unresolved concerns about wildlife mitigation, EMF, scale, site design, screening, and continuous operational noise. **Fall River's submission of new studies and revised plans does not mean those deficiencies have been cured.**

The central question is simple: **has Fall River actually fixed the problems that led to the prior denial?** More paper and a 30-minute Power Point presentation **is not the same as mitigation**. The County should require proof that each impact has been eliminated or reduced to an acceptable, enforceable level.

The BoCC's written findings are specific. It could not find that the use was compatible with adjacent uses under:

- **LDC § 4-8(E)(5),** you concluded that although the substation would be useful for the region's electrical infrastructure, it, "**and particularly its operating characteristics, is not congruent with the uses that are adjacent to this neighborhood or area**." It likewise could not condition approval or otherwise effectively mitigate the "adverse impacts resulting from the proposed use in [this] affected area"

****Neither the substation site nor the neighboring properties have changed since your initial denial, which means that ALL criteria cannot be met.**

- **LDC § 4-8(E)(6**), you observed that although buffering would be helpful, it "**would not be enough to mitigate all the adverse impact**s." Because those criteria could not be satisfied, the BoCC denied the application, finding that the adverse impacts "cannot be effectively mitigated or offset."

  The landscaping on the west boundary abutting our property cannot be mitigated due to the BPA powerlines height restrictions. The west edge currently shows 14 Fat Albert

trees at 5'-6' at planting. **How many years will it take for them to block the view from our property? Therefore, this condition still cannot be met.**

**Do not be fooled**! Fall River will try to convince you that it has no other options and that you should therefore overlook the simple fact that it cannot mitigate the harmful impact on the surrounding neighborhood..

The only way the Commission can recommend approval of this Special Use Permit is by making an affirmative, fact-based finding that **every single negative impact** on surrounding properties will be effectively mitigated. The standard is not that every impact might hopefully be mitigated. Idaho courts have consistently required far more certainty than that. The Commission must know with an extremely high level of confidence that every harmful impact to the neighbors' health, well-being, welfare, peaceful enjoyment of their property, and property values has been effectively offset by Fall River.

**That is an impossible standard to meet here, because common sense tells us all that this substation will negatively affect the daily lives of the people living next to it.**

**Continuous operational noise cannot be mitigated.** This is not temporary construction noise. It is permanent transformer hum from a facility operating 24 hours a day, including at night when the area is quiet. The BoCC specifically identified this persistent noise and its effect on nearby residents and wildlife as a large concern. Nothing has changed since the first go-around.

A predictive noise study is not enough. If this project is approved, the County should require enforceable operational noise limits, post-construction monitoring, and corrective action if those limits are exceeded.

**Wildlife impacts cannot be separated from the facility's permanent operation**

The County previously found that the application did not adequately satisfy wildlife mitigation requirements. The new Wildlife Habitat Analysis must show that this specific facility will not undermine wildlife or bird habitat or movement once it is built and operating.

**An independent property-value impact study should be required**

I respectfully request that the Commission require an independent property-value impact study before considering approval of the Midway Substation. Approval would place permanent industrial infrastructure—equipment, fencing, lighting, noise, and maintenance activity—immediately next to and across from residential properties, and the Commission should understand the economic consequences for those owners before it decides.

The study should:

- evaluate the effect on nearby residential properties of continuous operational noise, visual prominence, lighting, and the substation's overall industrial character;
- assess potential changes in market value using comparable property sales and other appropriate appraisal methods, accounting for the characteristics of the surrounding neighborhood; and

- be conducted by a qualified, independent real estate appraiser experienced in evaluating the effects of utility infrastructure on property values, at the applicant's expense, with the findings made public and considered alongside the application's other impacts.

If the study identifies material adverse impacts, the Commission should evaluate feasible mitigation measures and determine which of them it has the legal authority to require as conditions of approval. Protecting neighboring property owners from foreseeable, avoidable harm should be an essential consideration in evaluating this application.

**This location remains fundamentally problematic**

I recognize the need for reliable electrical infrastructure, but need alone cannot justify placing a large, permanent substation next to homes. The issue is not whether the substation can technically fit on the parcel; it is whether this location, scale, and design are compatible with the homes beside it. They are not.

I respectfully ask the Commission to hold this second application to the same standard that led to the original denial. Unless Fall River can prove that noise, EMF, wildlife impacts, visual impacts, setbacks, screening, and the cumulative effect on adjacent residences have been fully and enforceably mitigated, the County should **deny the Special Use Permit**. Anything less would repeat the same fundamental error: allowing an industrial utility facility in a location where its impacts fall directly on neighboring homes.

Thank you for your consideration. Please keep me informed of all hearings, public-comment opportunities, and decisions concerning the Midway Substation.

Sincerely,

**Heinen**

[address redacted]

[address redacted]

[phone redacted]

SUP Criteria:

#1 – The location of th proposed use is compatible with other uses in the general neighborhood. – Nothing has changed here since the first application. Common sense says there is NOTHING in this residential neighborhood that is compatible with an electrical substation. Just because the BPA powerlines are already running through the property, powerlines are much different that a entire electrical substation.

Shawn and Chris Miller
[address redacted]
[address redacted]
[email redacted]

8/27/2026

TO: Teton County, ID Commissioners
Planning and Zoning Department, Teton County, ID
150 Courthouse Dr Room 107
[address redacted]
pz@tetoncountyidaho.gov

**Subject: Fall River Electric Special Use Permit- Midway Substation**

**Member of the Planning & Zoning Board,**

We are writing to formally express our **strong opposition** to the proposed construction of an electrical substation in our residential neighborhood located at [address redacted]

According to **Teton County Land Development Code** this location is zoned RN-5, Rural Neighborhood. **County code specifies that RN-5 zoning *is intended to accommodate primarily residential uses, serving as a transitional zone between the Areas of City Impact and rural areas*.**

Currently the neighborhood on 3500 S is being utilized EXACTLY as it is zoned. There are a variety of single-family homes, acreages with domestic animals, small farms, there are rural families that grow gardens, natural vegetation that houses birds and mammals, small independent business owners; one could say 3500 S is the heart of the valley. It is a TRANSITION ZONE between urban and rural areas, just as our county zoning has planned. Property owners have trusted the county to uphold it's own zoning.

The approval of this substation would not only significantly change the character of the neighborhood, but it would also **significantly reduce property value to owners in the neighborhood FOREVER.** Those particularly affected are the Heinen, Christensen and Stinson properties. As a real estate professional, I can tell you the Midway Substation will make the four acres to the west, belonging to Heinen, undesirable to anyone other than a buyer that has an industrial use for it**. No one** is going to build their home right next to an electrical substation. This limits the number of potential buyers, which reduces the potential purchase price of the property to a fraction of what it is currently worth. It is literally stealing Heinen's property. Most likely properties adjacent to the substation will eventually all be sold, buyers will apply for a special use permit. And why wouldn't it be

approved? When there's a substation next door. Parcels will be utilized as light industrial, changing this rural neighborhood to industrial.

The Stinson property across the road to the south is an eight-acre horse property, with water rights, and a barn. This equestrian property should be listed at nearly $1,000,000 in the current market. What do you think an electrical substation does for this property **RIGHT** across the road? The Stinson's now could potentially have a home where grandkids can be exposed to childhood leukemia causing EMU's. As a real estate agent, I can envision marketing their property. People will say "such a nice property. Too bad that is there." While it is true that we all may have surrounding neighbors where you wish they would clean their place up but an **ELECTRICAL Substation, is a permanent and significant deterrent for selling a property.**

There are likely alternative locations better suited for substations such as commercial zones or industrial areas—that would serve the same functional purpose without placing an undue burden on residential neighborhoods. There are better options. Just to the south there are a number of large pieces of land, perhaps an owner would sell a portion. They could build this thing in the middle of a cow pasture **NOT in the middle of a residential neighborhood where people have put all their hard-earned equity into their property!**

**SPECIAL USE PERMITS CAN BE DENIED.** Do the right thing, you denied it before. What has changed? Teton Valley residents are counting on you to protect them. Enforce the zoning regulations that were put in place for this EXACT reason. Acknowledge the sensitive wildlife corridor that was put in place for the EXACT reason. This application does not meet the criteria. It is up to you to determine what is fair and just to county citizens, landowners that you represent.

Thank you for your attention to this serious matter. The property owners of 3500 South look forward to your response and to a solution that prioritizes the well-being and voices of this community.

Sincerely,

Shawn and Chris Miller
[address redacted]
[address redacted]

Shawn and Chris Miller
[address redacted]
[address redacted]
[email redacted]

10/15/2026

TO: Teton County, ID Commissioners
Planning and Zoning Department, Teton County, ID
150 Courthouse Dr Room 107
[address redacted]
pz@tetoncountyidaho.gov

**Subject: Fall River Electric Special Use Permit- Midway Substation**

We are writing to formally express our **strong opposition** to the proposed construction of an electrical substation in our residential neighborhood located at [address redacted]

In the previous meetings it has been established that Fall River Electric cannot adequately mitigate every single negative impact that the substation will have for existing property owners. It is required for the board to know with an extremely high level of confidence that every single impact of the neighbor's health, well-being, welfare and peaceful enjoyment their property and property values shall be offset by the applicant.

This simply cannot be done. Even the planning and zoning committee members admitted that the applicant does not meet this criterion. The Planning and Zoning Committee vote was 3-4 for recommendation with one of those favorable votes openly saying, "lets see what the county commissioners have to say about it." The P & Z Committee did not have confidence in the recommendation because this project is in the wrong location. The proposal to build a large industrial utility in the middle of an established residential neighborhood is inappropriate. How can the grandparent of the Stinson property feel good about potentially exposing grandchildren to harmful EMF a mere 200 feet away? The 4-acre Heinen property directly to the east will no longer be a necessary retirement nest egg that may have been planned for decades. The close proximity of a substation will make that piece of land completely undesirable to buyers wanting to build a home. The land, **IF** it ever sells will sell well below its current estimated value.

Fall River has adequately expressed the need for a substation. For previous meetings they gathered individuals who indicated the need for reliable electricity. Other people commended Fall River for their outstanding service throughout the years. I, too, have had great experiences with Fall River Electric. No one is denying we are fortunate to have great

electrical service or that additional utility infrastructure is needed. But Fall River Electric, has missed the mark on this project.

Even though they identified the need of a substation decades ago they purchased a parcel of land incompatible with the current rural neighborhood use.

They need to find an alternative location for an electrical substation. I have spoken with landowner Cory Murdock who resides at 4000 S. Murdock land includes 60 acres to the south of his residence. Fall River contacted him by phone about the project inquiring about the possibility of entering an agreement with Fall River. He told them at that time he would be open to discussions. He never heard from them again. Additionally, there are other large parcels to the south of 4000 S. While these parcels do have houses in the vicinity the substation could be oriented in a way that offers larger buffers that would allow for natural mitigation of noise, EMFs and visual impacts. These parcels are also not in a wildlife migration overlay.

It is not a requirement that the substation be built right under the Bonneville Power lines. Please ask them about the specifics of proximity requirements. It is not required that Fall River own the entire parcel of land, rather an easement can be purchased. It is curious that Fall River has not pursued the investigation of alternative locations for the substation. It seems that they just continue to hammer away at this proposal that clearly does not meet the criterion of the application.

Teton County Commissioners: Ron James, Brad Wolfe and Dan Powers,

**SPECIAL USE PERMITS can be denied.** This application does not meet the requirements. It is up to you to determine what is fair and just to county citizens, landowners that you represent. **RN-5 zoning:** ***is intended to accommodate primarily residential uses, serving as a transitional zone between the Areas of City Impact and rural areas*****.**

Thank you for your attention to this serious matter. The property owners of 3500 South look forward to your response and to a solution that prioritizes the well-being and voices of this community.

Sincerely,

Shawn and Chris Miller
[address redacted]
[address redacted]

August 27, 2026

To: planning and zoning ,

I am writing to express my opposition of the Special Use Permit (SUP) being applied for by Fall River Electric for the building of an electrical substation on parcel RP0018600000R0; REMAINDER LOT 70W 350S MINI SUB SEC14 T4N R45E.

The proposed SUP does not meet the criteria of approval in multiple areas.

1.The Location of proposed use is compatible with other use in the general neighborhood.
The SUP does NOT meet the criteria.

The absolutely does not meet this criteria, this is a rural residential neighborhood. This SUP is asking for major electrical infrastructure to be built into a neighborhood that has been established for decades. Really this is the only criteria that matters. Electrical sub stations are not put in neighborhoods as they are considered industrial. The site is used by a variety of wildlife, such as migrating deer, is a hunting ground for owls and hawks. In the summer you can even find Sandhill cranes grazing amongst the sage brush. The noise and disturbance of the construction alone is enough to deter all wildlife from the area not to mention the noise of the substation itself. We aren't creating anymore wildlife habitat let's do our part to maintain what habitat we have left.

2.The proposed use will not put undue burden on existing public service and facilities in the vicinity.
The SUP does NOT meet the criteria.

An electrical substation at the proposed location will create undue burden on the community surrounding it, including roads and the mental health of residents in the already establish rural neighborhood.

3.The site is large enough to accommodate the purposed use and other features as required by Teton County code.

The SUP does NOT meet the criteria.

The purposed site is 200' feet from the closest residents of this rural neighborhood as you can see by the landscape plan the landscape buffer doesn't actually buffer the whole of the substation. The suggested landscape is only a 1/3 the height of the actual substation. Fall River did not submit a diagram for the substation itself therefore we have no way of judging how effective this buffer will be. But again based on the landscape plan the purposed trees are 1/3 the size of the substation.

4. Support goals, policies and objectives of comprehensive plan.
The SUP does NOT meet the criteria.

If the goal is to make long standing members of the community, feel undervalued then it meets that goal. The comprehensive plan is put in place to protect members of the community from this exact thing, putting industrial infrastructure in a rural neighborhood does not align with the comprehensive plan.

Fall River has stated that this substation is for future needs in the valley, since it is not an eminent need that gives Fall River more time to look for a less impactful site. Throughout this process of since September when we as a neighborhood were first informed of the substation, I have seen properties of appropriate size and zoning bought and sold.

Please don't undervalue me as Teton county resident. There are better locations for this.

Thank you,
Heather Munn
777w. 3500s.

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# substation

1 message

**thefitalian** [email redacted] Thu, Oct 15, 2026 at 7:20 PM
To: "pz@co.teton.id.us" <pz@co.teton.id.us>

This item should not have come up again before you commissioners, as nothing has changed. It was denied because it violates the rules. It is not compatible with existing use. SUPs have rules, and it must be denied. We are not opposed to infrastructure upgrades,but purchasing land surrounded by homes should have set off alarms that this needs to be investigated for suitability. My wife, I, and our neighbors will definitely have our property permanently degraded with the possibility of added health concerns.

Ron and Theresa Paradis
Owners, [address redacted] since 1991

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Substation AGAIN!!!!

1 message

**Ron Paradis** [email redacted] Wed, Aug 26, 2026 at 10:52 AM
To: "pz@tetoncountyidaho.gov" <pz@tetoncountyidaho.gov>
Cc: Theresa Paradise [email redacted]

There is no reason for us to be discussing this again. They are trying to put in a forever device in the middle of our neighborhood. Even when told many times NO by the community and the powers that be. These substations have been thought to be a source of cancer clusters. Let's not become the guinea pigs to find out that it really is true. Our property is next door. There is a community well on the property next door to the north that serves 12 houses. There has been NO CHANGE in the requirements for an SUP as far as I know. This substation will never become a house. It's time for them to actively find industrial zoned land and put this goat rodeo behind us.

Ron Paradis

Owner of 630 W 3500S

August 28, 2026

Teton County Idaho County Commissioners & Teton County Planning and Zoning:

Subject: Fall River Electric Special Use Permit – Midway Substation

As property owners since 1979 of the 5-acre parcel adjacent to the east of the proposed Midway Substation, we remain opposed to the special use permit. Our opposition has persisted since our initial notification by the County, and we have consistently expressed our concerns to the relevant authorities throughout this process.

Teton County, Idaho, requires improved infrastructure and reliable power as development increases. However, an alternative site should be considered to avoid disrupting the community of residents who have invested in this beautiful area, which they have made their home and built their future upon.

The community has expressed its voice, and the Planning and Zoning Commission have fulfilled their responsibilities by voting against the Special Use Permit. It is essential to heed the residents wishes and deny the permit to respect their concerns.

May you do what is best for us, the people and community of Teton County.

Sincerely,

Cindy & Mike Rogers
[address redacted]
[address redacted]
[email redacted]

October 13, 2026

Teton County Idaho County Commissioners:

Subject: Fall River Electric Special Use Permit – Midway Substation

As property owners since 1979 of the 5-acre parcel adjacent to the east of the proposed Midway Substation, we remain opposed to the special use permit. Our opposition has persisted since our initial notification by the County, and we have consistently expressed our concerns to the relevant authorities throughout this process.

Teton County, Idaho, requires improved infrastructure and reliable power as development increases. However, an alternative site should be considered to avoid disrupting the community of residents who have invested in this beautiful area, which they have made their home and built their future upon**. Fall River has other substations nearby, why can they not expand an existing substation(s) to meet the growth of residents and businesses?**

The community has expressed its voice; it is essential to heed the residents wishes and deny the permit to respect their concerns.

May you do what is best for us, the people and community of Teton County.

Regards,

Cindy & Mike Rogers
[address redacted]
[address redacted]
[email redacted]

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Midway Substation

**Sofie Heinen** [email redacted] Wed, Oct 14, 2026 at 1:50 PM
To: pz@co.teton.id.us, pz@tetoncountyidaho.gov

Sofie Heinen
[address redacted]
[address redacted]
[phone redacted]
[email redacted]

October 14, 2026

Teton County Planning & Zoning
Teton County Courthouse
150 Courthouse Drive
Driggs, ID 83422

Subject: Midway Substation SUP

Board of County Commissioners,

My name is Sofie Heinen and I was born and raised in Teton Valley and have called my families house at [address redacted] my home for the last 21 years. Our property is adjacent to where Fall River has proposed to build their Midway substation and I am in full opposition of this plan. I am deeply concerned about the potential negative impacts this project may have on the health, safety, and quality of life for myself, my family, my neighbors, and the wildlife that frequent the area.

Substations can pose health risks due to electromagnetic fields, decrease property values, disrupt neighborhood happenings, and have significant environmental impacts.

I urge you to reconsider this proposal and explore alternative locations that would have less impact on residential areas. If a group with such different beliefs can come together and agree on this one thing then it seems as though this is an important issue that needs to be reevaluated.

Thank you for considering my concerns.

Sincerely,

Sofie Heinen

Sharon Fox <sfox@tetoncountyidaho.gov>

# Midway Substation

1 message

**Satchel Heinen** [email redacted] Thu, Oct 15, 2026 at 5:42 PM
To: "pz@co.teton.id.us" <pz@co.teton.id.us>, [email redacted]

Dear Members of the Board of County Commissioners,

I am writing to express my strong opposition to Fall River's proposed electrical substation near our property and in proximity to an important wildlife corridor in our valley. I respectfully urge the Board to carefully reconsider this proposed location and require Fall River to evaluate alternative sites that would have significantly less impact on nearby residents, property owners, and the natural environment.

Our valley is a special place, valued for its rural character, natural beauty, open spaces, and abundant wildlife. Placing a large electrical substation in this area threatens more than just the views from our properties. It raises serious concerns about the long-term effects on our quality of life, the surrounding environment, and the wildlife that depends on this valley for safe passage and habitat.

Among the concerns that deserve careful consideration are:

- Wildlife and habitat disruption: The proposed location near a wildlife corridor could interfere with established animal movement patterns, fragment habitat, and increase disturbance from construction, traffic, lighting, fencing, and ongoing operations. Wildlife corridors are essential to allowing animals to move safely between feeding areas, water sources, and seasonal habitats.
- Noise and visual impacts: Electrical substations can produce continuous humming and other operational noise. Depending on the design, they may also introduce large industrial structures, security lighting, and fencing that would permanently alter the peaceful, rural character of our valley.
- Property values and quality of life: Locating industrial electrical infrastructure near existing homes and private property raises legitimate concerns about views, noise, future development, and the desirability of the surrounding area. These impacts deserve serious consideration before an irreversible decision is made.
- Environmental and public health considerations: The Board should require a thorough, site-specific assessment of potential impacts, including electromagnetic fields, stormwater runoff, erosion, construction disturbance, fire risk, and any other relevant safety or environmental concerns. Residents deserve clear, independent information about these issues before this project moves forward.
- Long-term consequences: Once a substation is built, its impacts on the surrounding landscape and community may persist for decades. The decision about where to place this infrastructure should not be made solely on the basis of convenience or cost, when more appropriate locations may be available.

We recognize the importance of reliable electrical infrastructure and understand that communities need to plan for future energy demands. However, acknowledging that need does not mean accepting a location that unnecessarily places the burden on nearby property owners and sensitive wildlife habitat. The need for electrical infrastructure does not justify placing it in the wrong location.

There are better alternatives that should be thoroughly investigated, including sites closer to existing industrial or utility infrastructure, areas already disturbed by development, or locations farther from residences, wildlife corridors, and environmentally sensitive land. Fall River should be required to demonstrate that reasonable alternatives have been objectively evaluated and that the proposed site is genuinely the best option—not simply the most convenient or least expensive for the project developer.

I respectfully ask the Board of County Commissioners to:

1. Oppose approval of the proposed substation at its current location until its impacts have been fully evaluated.
2. Require a transparent review of alternative sites, including locations with less impact on residents, wildlife, and the valley's rural character.
3. Ensure that qualified, independent experts assess potential environmental, wildlife, noise, visual, and property impacts.
4. Give serious consideration to the long-term interests of the community and the protection of our valley rather than allowing a potentially avoidable industrial intrusion into this area.

I urge you to exercise your responsibility to protect the interests of county residents, preserve our natural resources, and ensure that major infrastructure projects are located in the most appropriate places. The consequences of this decision will extend far beyond the project site itself, affecting the surrounding community and the wildlife that depends on this valley.

Please do not allow this proposal to move forward without a thorough and transparent examination of its impacts and viable alternatives. Our community deserves a solution that meets electrical infrastructure needs while respecting the people, properties, and natural environment that make this valley worth protecting.

Thank you for your time and consideration. I respectfully request that my concerns be included in the public record and that the Board takes a firm stand in ensuring that Fall River seriously evaluates better locations for this proposed substation.

Sincerely,

Satchel Heinen

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# OPPOSED Fall River substation

1 message

**Sharon Schmidt** [email redacted] Thu, Aug 27, 2026 at 2:50 PM
To: "pz@tetoncountyidaho.gov" <pz@tetoncountyidaho.gov>

Hello,
I would like to write and express my opposition to the Fall River Midway Substation. Fall River has come before the P&Z and the County Commissioners multiple times and have been denied their request multiple times. I do not feel that there is any reason to continue to have them make this request. The burden should not be put on the residents to continually show up and remind the county that the reasons that they have been denied have not changed. It is also not the residents of this area's responsibility to allow it just because they bought property in a residential area before they had permission to build there. That is on Fall River. There is a new subdivision one mile south that is zoned light industrial and is close to power lines, maybe this is where they should be looking.

Special Use Permit criteria of approval:
1. *The location of the proposed use is compatible with other uses in the general neighborhood.*
**The proposed use does not meet this criteria**. The area is a residential rural neighborhood with many long-time residents living nearby. The severe impacts of an electrical substation are not compatible with preserving the health and safety of current residents. The proposed use is compatible with other uses in industrial areas.

2. *The proposed use will not place an undue burden on existing public services and facilities in the vicinity.*
**The proposed use does not meet this criteria**.
Firefighters are instructed to clear a 300 foot radius, and evacuate at least 1000 feet downwind of electrical substation fires. There are many homes within this radius of the proposed site. Protecting humans, animals, and homes this close to a substation would stretch our local fire/EMS crew beyond their capacity.

3. *The site is large enough to accommodate the proposed use and other features as required by Teton County Code.*
**The proposed use does not meet this criteria.**
The proposed site is too close to existing seasonal flow lines and the flood zone, allowing toxins to flow into domestic wells and the Teton River. It also is not large enough to accommodate buffers as required by Teton County Code.

Thank you,

Sharon and Brian Schmidt

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Fall River Comments

**Theresa Paradis** [email redacted]
Reply-To: Theresa Paradis [email redacted]
To: "pz@tetoncountyidaho.gov" <pz@tetoncountyidaho.gov>

Fri, Aug 28, 2026 at 4:05 PM

Fall River

NO on this cancer creator!
Two local women own a large tract of land next to Driggs Substation- there is a duplex there- the only home that has been that close in proximity. I have personally known n 3 people who have had cancer while living there- two have since passed- another one currently lves there and she just went hospice care this week!!!!

We get 15 to 20% payout from Fall River for property value and or a heavy 20,000 plus for excessive landscaping on everyone's property to also have that barrier of aesthetics. "The lack of proper planning does not constitute an emergency on our part "as we are co-op members of this so-called nonprofit organization shit show.

Theresa Paradis owner of property next to this site.

Theresa Paradis

"

TRENTADUE LAW OFFICE PLLC | [address redacted] [address redacted] | [phone redacted]

September 1, 2026

Teton County Planning & Zoning Commission
150 Courthouse Drive, Room 107
[address redacted]
Delivered via email to: pz@tetoncountyidaho.gov

**Re: Opposition to Fall River SUP Round 2**

Dear Planning & Zoning Commissioners:

I have been retained by Meg Heinen and Emily Johnston (abutting landowners to the subject property) to register their strong objection to Fall River's continued attempts to place an electric substation in this established neighborhood where it will (1) diminish their property values, (2) impact their daily lives with fluctuating noise and vibrations through the day and night, and (3) expose them and their families to health risks from the emissions generated by this site. It's one thing to site a substation in a vacant area that will someday be developed with homes. People can choose to move next-door to a substation. *It's another issue entirely to force one in a neighborhood*.

Although Fall River heavily implies they have owned this site for decades, **they bought this parcel of property July 18, 2025,**[1] and only then began the process of obtaining a special use permit (SUP) for the substation. This is clearly a situation where **they spent money on a bad location first, and have simply refused to change course ever since.** The neighbors are being asked to pay an unfairly high price for Fall River's ill-advised land purchase.

Fall River will lead you to believe this is the only site available and they *allegedly have no other options because all other properties would require the land be subdivided in order to be used by them* - which the claim will be an expensive, lengthy, and cumbersome process. **This is false.** Fall River has always had other options available to them, but doggedly continue to cling to the bad site they already purchased. The truth is, Fall River knows it's impossible to mitigate the terrible negative impacts this substation will impose on the neighbors. Fall River also knows that a SUP CANNOT BE ISSUED if the impacts to neighboring property owners cannot be effectively mitigated.[2] Fall River knows that *your board has the duty to weigh all of the evidence*

[1] See, Teton County Warranty Deed Inst. 291019 recorded July 18, 2025.

[address redacted] *Neighborhood Ass'n, Inc. v. City of Boise,* 174 Idaho 515, 552 P.3d 1152 (2024), (Approval of a permit is arbitrary, capricious, and an abuse of discretion when local administrative agencies issue a permit **without substantial evidence that conditions can actually mitigate identified adverse impacts**); *Burns Holdings, LLC v. Teton County Board of Commissioners*, 152 Idaho 448, 272 P.3d 412 (2012) (A conditional use permit **cannot be issued** if the proposed development creates

in the record, *and then* make a **discretionary[3] finding that every single one of the criteria** for an SUP has been satisfied by proven facts in the record. Fall River knows that where there are conflicting facts in the record, y*our board has the power to evaluate them and decide which ones are more compelling.* Fall River knows your Board has the obligation to use common sense, and you do not have to take the opinions of a paid consultant as Gospel Truth to what you may commonly know to be suspect or false.

Because Fall River cannot get away from these hard realities, they want to convince this board that they really have no other choice by all to site their substation here in a neighborhood. **This is false.** This board needs to understand that *Fall River has other viable options which they continue to ignore.*

**Fall River Has Other Options That They Continue To Ignore: Teton County Regularly Approves SUP's for Substantions Via Easement on a Larger Piece of Property.**

Fall River has always had the option to acquire a site on a larger piece of land via an easement. There is no reason why this substation must be placed on a separate parcel of land. Fall River can purchase an easement on a large parcel, avoiding the lengthy and expensive subdivision process - and avoiding negative impacts to neighboring households. While Fall River continues to heavily imply that it needs to purchase its own parcel, *that is not required by law or ordinance.*

*Indeed, siting a substation on a larger piece of land via an easement is not a new concept, and is commonly used in Teton County!* Just last October 14, 2025 your board recommended the approval of the JUB II special permit for a fiber optic major utility substation on a site just outside of Victor that was acquired via an EASEMENT on a larger parcel of land.[4]

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inherently un-mitigatable conflicts); *Howard v. Canyon County Board of Commissioners*, 128 Idaho 479, 915 P.2d 709 (1996) (An applicant seeking a special/conditional use permit bears the **sole burden of proof to demonstrate that every requirement in the ordinance is met, including the mitigation of adverse impacts**. Satisfying general technical requirements does not automatically entitle an applicant to a permit **if unmitigated land-use conflicts remain**.); *917 Lusk, LLC v. City of Boise*, 158 Idaho 12, 343 P.3d 504 (2015) (Local zoning bodies abuse their discretion if they ignore potential adverse impacts or fail to force the applicant to present concrete, effective mitigation strategies prior to permit approval).

[3] Under Idaho law, an applicant has **no inherent or fundamental property right** to the issuance of an SUP. Land use approvals subject to special or conditional review are discretionary administrative acts reserved to local governing bodies, **not automatic entitlements.** *Chambers v. Kootenai Cnty. Bd. of Comm'rs*, 125 Idaho 115, 867 P.2d 989 (1994) (Issuance of an SUP is a **discretionary** action), see also, *Bracken v. City of Ketchum*, 172 Idaho 601, 535 P.3d 601 (2023).

[4] Click here to view official JUB II special use permit minutes from the October 14, 2025 Teton County P&Z hearing. The full JUB II file can be reviewed here.

The Board of County Commissioners (BOCC) likewise approved the SUP the next month.[5] Fall River knows they have the option to follow JUB's example and acquire a site via an easement. I have personally communicated this via email with Fall River and in person at their May 18, 2026 Board meeting.[6] Moreover, at the May 18th Fall River board meeting that was attended by myself and the neighbors, we specifically communicated to the board that a mile south of this Midway site (between 4000 S. and 5000 S.) *are several large agricultural parcels located directly under the Bonneville powerline where a site could be acquired via an easement.*

**Fall River also has the option to utilize a Utility Land Division Ordinance (ULDO).**

At the May 18th Fall River board meeting, I notified the Board that many Idaho communities have adopted streamlined land division ordinances that enable utility companies to easily acquire sites for infrastructure on larger parcels of land. Known as utility land division ordinances (ULDO), these processes already implemented in Canyon County,[7] the City of Kuna,[8] and the City of Meridian[9] - just to name a few. I specifically described the contents of Kuna City Code § 5-16-5-B (Public Utility Lot Splits) which is an ideal process that is specially tailored for public utility lot splits. An ordinance like this would clearly work well here in Teton County, where land prices are high and there are many large tracts of agricultural land.

**I directly asked Fall River to please join in the neighbors to petition to adopt an ULDO here in Teton County.** We received NO response to our request for partnership. Instead, Fall River continues to focus on their existing site which they hastily and foolishly acquired in the middle of an already established neighborhood.

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[5] Click here to view official JUB II special use permit minutes from November 10, 2025 Teton County Board of County commissioners hearing.

[6] *See Attachment A:* My communications with Fall River legal counsel (1) notifying them of the option to pursue a better site via an easement, and (2) requesting a May 18, 2026 meeting with Fall River Board.

[7] Canyon County allows for Administrative Land Divisions (found in Chapter 7, Article 18 of their Code) for parcels that do not meet the standard "subdivision" threshold. Utility Specifics: Their code often exempts "non-inhabited structures" (like substations or pump houses) from certain minimum lot size and width requirements, making it significantly easier for a utility company to carve out a small corner of a farm or residential tract.

[8] Kuna City has an expedited Minor Subdivision process for creating four or fewer lots. Utility Exemptions: the code allows for "Administrative Exceptions" where the division is for a public utility or government agency, bypassing the public hearing requirement if the parcel is not intended for residential or commercial occupancy. See specifically, Kuna City Code §§ 5-16-5-B Public Utility Lot Splits.

[9] The City of Meridian uses a Property Line Adjustment (PLA) or Certificate of Regulatory Compliance for minor divisions. They specifically allow administrative approval for parcels intended for "public use" or "utility facilities."

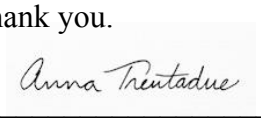
**Conclusion: Fall River's false claim that they must use this site cannot override the simple fact that impacts to the surrounding properties CANNOT be effectively mitigated here.**

It is time for Fall River to see the writing on the wall: this Teton County P&Z and BOCC have *already denied this application once*. It is simply a bad fit for this neighborhood. Although Fall River will try to convince you that they have no other options and therefore you should turn a blind eye to the simple fact that they cannot possibly mitigate the harmful impact to the surrounding neighborhood, do not be fooled. The only way your Board is able to recommend approval of this SUP is if you are able to make an affirmative fact based finding that **every single negative impact to the surrounding properties <u>will be</u> effectively mitigated.**

The standard is not that every single negative impact *might hopefully* be effectively mitigated. The *Idaho courts have consistently required far more certainty than that*.[10] Your board has to know with an extremely high level of confidence that every single harmful impact to the neighbors' health, wellbeing, welfare, peaceful enjoyment of their property, <u>and</u> property values has been effectively offset by Fall River. That is an impossible standard to meet here because common sense shows us all that this substation will absolutely negatively impact their daily lives.

It is time for Fall River to consider acquiring a more appropriate site via an easement or an ULDO. We look forward to submitting further comments at the September 8, 2026 hearing. **With this letter I am also formally requesting to be given the opportunity for surrebuttal at the hearing.** I am preserving this issue now, in advance, as I anticipate information being introduced by the Applicant just prior to, or during the hearing.[11]

Thank you.



Anna Trentadue Esq.
Trentadue Law Office
*Counsel for Meg Heinen and Emily Johnston*

ATTACHMENT May 2026 emails between Trentadue Law Office and Fall River legal counsel.

[address redacted] *Neighborhood Ass'n, Inc. v. City of Boise*, 174 Idaho 515, 552 P.3d 1152 (2024) (the city council **commits reversible error if it tries to force an approval through unproven conditions**); *917 Lusk, LLC v. City of Boise*, 158 Idaho 12, 343 P.3d 504 (2015) (voiding SUP's issued with "vague" or undetermined mitigation plans); *Howard v. Canyon County Board of Commissioners*, 128 Idaho 479, 915 P.2d 709 (1996) (if substantial evidence shows the unmitigated impact - in this case, harm to the agricultural character of the area - remains effectively unaddressed, the governing body acts properly in denying the permit outright).

[11] *Whitted v. Canyon Cnty. Bd. of Comm'rs*, 137 Idaho 118, 121, 44 P.3d 1173, 1176 (2002).

TRENTADUE Law Office PLLC

**Anna Trentadue** [email redacted]

# RE: Request for meeting with Fall River Board.

1 message

**Hyrum Erickson** [email redacted] Mon, May 11, 2026 at 11:39 AM
To: Anna Trentadue [email redacted]
Cc: Jerry Rigby [email redacted], Mandy Davis [email redacted]

Anna,

Thank you for the email.

You and your clients are on the agenda for the 18th. The board meeting starts at 10:00 and this will be either the first or second agenda item. This month's meeting is at the Fall River Building in Ashton.

Let us know if you have any other questions.

Hyrum

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**From:** Anna Trentadue [email redacted]
**Sent:** Thursday, M
**To:** Jerry Rigby [email redacted]; Hyrum Erickson [email redacted]
**Subject:** Request for meeting with Fall River Board.

Dear Jerry and Hyrum -

I had a nice chat with Hyrum yesterday, and it is my understanding that you are the legal counsel for Fall River Rural Electric Cooperative. I represent Meg Heinen and Emily Johnston, two property owners whose homes and land abut the proposed "Midway" subway station site between Victor and Driggs. I am contacting you because my clients would like an audience with you and the Fall River Board of Directors to discuss Fall River's recent request for reconsideration of the Board of County Commissioners' decision to deny the Special Use Permit ("SUP") for this substation site. The Fall River website states a Board meeting is scheduled for 10 AM on May 18. **We would like to be included on this agenda. We also ask that you share this communication and attachments with the Board.** My clients are actively working with their surrounding neighbors, and I know those neighbors would like to attend this meeting as well.

As you can imagine, my clients and their neighbors vigorously oppose placing this substation so close to their beloved homes. The Teton County Planning & Zoning Commission recommended denial of the SUP for the substation on November 18, 2025. Then the Board of County Commissioners subsequently denied it on March 23, 2026. Fall River is now seeking reconsideration of this denial. I want to emphasize two points of order to you and your Board:

First, during prior County hearings on the matter, representatives from Fall River stated that they could not purchase land in the nearby Rocky Road Industrial Park (where a substation would fit right in) because the parcels are large, and Fall River would need to go through the lengthy and expensive county subdivision process to acquire a reasonably-sized site. After some research, there is no reason why this substation must be placed on a separate parcel of land. Fall River can

purchase an easement on a large parcel, avoiding the lengthy and expensive subdivision process. Fall River heavily implied that it needs to purchase its own parcel, *but that is not required by law or ordinance.* Looking at Teton County GIS, about a mile south of this Midway site (between 4000 S. and 5000 S.) are several large agricultural parcels located *directly under* the Bonneville powerline that would work well for this purpose. Siting a substation via an easement is not a new concept, and is commonly used in Teton County. **For example: a local fiber optic internet provider acquired an easement for a substation in 2024, and then the accompanying "Jube II" Special Use Permit was approved by the Teton County Board of County Commissioners just last November**. (Please see this link to review the Jube II SUP permit materials, including the substation easement.)

Secondly, there is no *de novo* review of a request for reconsideration. Ms. Heinen and her across-the-street neighbors Mike and Sherman Stinson met with Fall River's general manager Brian Case on Monday, May 4. Mr. Case made an offer to buy-out their properties. He had previously made a similar offer to my other client Emily Johnston in earlier phone calls. Their initial reaction was utter shock that Fall River would rather buy out their beloved homes, than simply purchase an easement in another location that would not require people to move from the homes where they intended to happily live out the rest of their lives. But more importantly, Mr. Case showed Ms. Heinen and the Stinsons the 4 new submittals attached to this email below. Ms. Heinen asked if these were new submittals provided to Teton County as part of Fall River's request for reconsideration. Case confirmed that the new materials were submitted with Fall River's appeal. By ordinance and well-established policy, Teton County does not allow *de novo* review of a request for reconsideration. Rather, it is a backwards-looking appellate process where the record has already been closed. Teton County Land Development Code ("LDC") 4-15(B)(2) limits this request for reconsideration to identifying specific deficiencies in the prior decision: *"The application must include a narrative description of the basis for the appeal or request for reconsideration, including the specific deficiencies of the decision alleged by the applicant or affected person."* We will vigorously contest and object to the admission of any new materials at this point in the SUP proceeding where the record is closed and Fall River has now sought an appeal.

My clients and their neighbors are all member-owners in Fall River. They object to the path Fall River is choosing, which places a disruptive use 200 feet from their homes—a use no person would ever want next door. It's one thing to site a substation in a vacant area that will someday be developed with homes. People can choose to move next-door to a substation. Here the exact opposite is happening. My clients and their neighbors want the Fall River Board to meet them, look them in the eye, and ask themselves if this is really the best way to proceed.

I look forward to hearing from you. If the May 18th Board meeting date will not work for you, we are amenable to scheduling another meeting around that time. Our only limitation is ensuring that we have met prior to Fall River's appeal hearing.

Best regards,

Anna

TRENTADUE
Law Office PLLC

**Anna Trentadue**

**Trentadue Law Office**

Mailing: [address redacted] [address redacted]

Office: [address redacted] Suite 102 in Driggs

www.trentaduelawoffice.com

[email redacted] | [phone redacted]

August 28, 2026

To: Teton County Planning Department

From: Chris Vero

[address redacted]

[address redacted]

Driggs, ID

Subject: Fall River Electric Special Use Permit – Substation application 70W350 – continued

This letter is in response to the letter I have received from Teton County P+Z related to Fall River Electrics second proposal to build an electrical substation on 3500 south. My property is located within 300 feet of the proposal. I commented on the first proposal; my concerns still stand. **I do not support a substation at the proposed site, due to the incompatibility with the Teton County comprehensive plan and effects to my quality of life and that of my neighbors, as well as impacts to property values.** Yes, the county land development code does provide for situating major utilities in RN-5 neighborhoods, but with significant mitigations, Fall River has not met the significant mitigations part of the equation, nor could it given the proposed location. The current proposal is almost identical to the proposal denied by P+ Z and the Board of County Commissioners earlier this year. So, what has changed, a new narrative format and a study about property values in Salt Lake City in 2014. An approval does not make sense to me and should not make sense to the commissioners.

**Location Assessment**

I am not convinced a less impactive site does not exist…but seems like Fall River is stuck on this site whatever the cost. The described valley growth is not occurring here, figure out a way to locate this substation closer to where the growth and increasing electricity demand is occurring.

**Impacts to Neighbors**

Hopefully, P+Z and the BOCC recognize the negatives associated with this site on the quality of life of nearby residents.

Fall River made statements of how there will be negative impacts to its new neighbors yet offers little in the way of solutions. They have provided a robust landscaping plan, although guarantees related to implementation of this plan and maintenance of it, beyond a 2 year guarantee, need to be fleshed out. Preserving some open space comes up, but a guarantee to keep a substation small at the proposed site is never mentioned, so nothing prevents an expansion within the current 5-acre parcel.

Health issues that neighbors have brought up are brushed aside yet researching the issue you find there are many views associated with negative health effects possible with substations…. seems all sides agree **that electrical substations SHOULD be located away from residential areas.**

Noise pollution effects will be evident at night. No discussion is made of how to mitigate noise from this substation other than minimizing vibration of equipment. . All one has to do is walk by a substation and you notice the noise produced which will be constant and noticeable to the neighbors.

If this site is eventually approved, the commissioners should recommend restitution to nearby landowners in the way of payments by Fall River for landscaping buffers on neighboring lots and to soften the impact of reduced property values, 10 to 20% of appraised property values might be a starting point.

From page 2-8 in the Comprehensive Plan: …" the context within which a piece of land exists is the most important piece of value. From this perspective, regulations that maintain view corridors, protect natural resources, preserve rural character, or PROHIBIT INCOMPATIBLE DEVELOPMENT protect property values." One of the biggest concerns with this SUP request is the impact on property values and effects on the quality of life. Not difficult to see the incompatibility of the development proposed by Fall River, within this zoned rural neighborhood.

Thank you for the opportunity to comment

Chris Vero

Ph: [phone redacted]

Email: [email redacted]

Shawn and Chris Miller
[address redacted]
[address redacted]
[email redacted]

10/15/2026

TO: Teton County, ID Commissioners
Planning and Zoning Department, Teton County, ID
150 Courthouse Dr Room 107
[address redacted]
pz@tetoncountyidaho.gov

**Subject: Fall River Electric Special Use Permit- Midway Substation**

We are writing to formally express our **strong opposition** to the proposed construction of an electrical substation in our residential neighborhood located at [address redacted]

In the previous meetings it has been established that Fall River Electric cannot adequately mitigate every single negative impact that the substation will have for existing property owners. It is required for the board to know with an extremely high level of confidence that every single impact of the neighbor's health, well-being, welfare and peaceful enjoyment their property and property values shall be offset by the applicant.

This simply cannot be done. Even the planning and zoning committee members admitted that the applicant does not meet this criterion. The Planning and Zoning Committee vote was 3-4 for recommendation with one of those favorable votes openly saying, "lets see what the county commissioners have to say about it." The P & Z Committee did not have confidence in the recommendation because this project is in the wrong location. The proposal to build a large industrial utility in the middle of an established residential neighborhood is inappropriate. How can the grandparent of the Stinson property feel good about potentially exposing grandchildren to harmful EMF a mere 200 feet away? The 4-acre Heinen property directly to the east will no longer be a necessary retirement nest egg that may have been planned for decades. The close proximity of a substation will make that piece of land completely undesirable to buyers wanting to build a home. The land, **IF** it ever sells will sell well below its current estimated value.

Fall River has adequately expressed the need for a substation. For previous meetings they gathered individuals who indicated the need for reliable electricity. Other people commended Fall River for their outstanding service throughout the years. I, too, have had great experiences with Fall River Electric. No one is denying we are fortunate to have great

electrical service or that additional utility infrastructure is needed. But Fall River Electric, has missed the mark on this project.

Even though they identified the need of a substation decades ago they purchased a parcel of land incompatible with the current rural neighborhood use.

They need to find an alternative location for an electrical substation. I have spoken with landowner Cory Murdock who resides at 4000 S. Murdock land includes 60 acres to the south of his residence. Fall River contacted him by phone about the project inquiring about the possibility of entering an agreement with Fall River. He told them at that time he would be open to discussions. He never heard from them again. Additionally, there are other large parcels to the south of 4000 S. While these parcels do have houses in the vicinity the substation could be oriented in a way that offers larger buffers that would allow for natural mitigation of noise, EMFs and visual impacts. These parcels are also not in a wildlife migration overlay.

It is not a requirement that the substation be built right under the Bonneville Power lines. Please ask them about the specifics of proximity requirements. It is not required that Fall River own the entire parcel of land, rather an easement can be purchased. It is curious that Fall River has not pursued the investigation of alternative locations for the substation. It seems that they just continue to hammer away at this proposal that clearly does not meet the criterion of the application.

Teton County Commissioners: Ron James, Brad Wolfe and Dan Powers,

**SPECIAL USE PERMITS can be denied.** This application does not meet the requirements. It is up to you to determine what is fair and just to county citizens, landowners that you represent. **RN-5 zoning:** ***is intended to accommodate primarily residential uses, serving as a transitional zone between the Areas of City Impact and rural areas*****.**

Thank you for your attention to this serious matter. The property owners of 3500 South look forward to your response and to a solution that prioritizes the well-being and voices of this community.

Sincerely,

Shawn and Chris Miller
[address redacted]
[address redacted]

JOHNSON MAY
Attorneys & Counselors

[email redacted]

October 16, 2026

Via Email: pz@tetoncountyidaho.gov
pz@co.teton.id.us

Teton County Planning Department
150 Courthouse Drive, Room 107
Driggs, ID 83422

**RE: Public Comment**
**Fall River Rural Electric Coop Inc.**
**Special Use Permit Application – Parcel RP001860000R0**
**Hearing Date: October 26, 2026, 11:00 AM**

To Whom It May Concern:

I represent Robert Tomb, the owner and resident of [address redacted] Victor, Idaho. his parcel lies immediately to the west of the land that Fall River Rural Electric Coop Inc. ("Fall River Electric") is seeking to have permitted for the construction and development of an electrical substation. Mr. Tomb opposes the development for the reason that it is in conflict with the County Comprehensive Plan.

The development is being proposed on land that is currently zoned RN-5, Rural Neighborhood. The electrical substation project is a "Major Utility." Although such a use may be allowed by special use permit in the RN-5 zone, that fact, alone, is inconsequential. The Development Code requires a special use permit for a Major Utility in any zone. (Code Sec. 3-2-2 Use Table.) There is nothing uniquely suitable about the RN-5 zone for an electrical substation.

In deciding whether to allow or deny a special use permit, the Commissioners are to consider the compatibility of a proposed use with adjacent uses and whether adverse impacts can be effectively mitigated or offset. (Code Sec. 4-8.E.5 & 6.) In this case, the proposed electrical substation cannot satisfy these requirements because it is in conflict with the Teton County Comprehensive Plan.

The Development Code must be applied "in accordance with the County's adopted *comprehensive plan* and its existing and future needs in order to protect, promote and improve public health, safety and general welfare." (Code Sec. 1-1.B.)

The Comprehensive Plan directs the future character of land within the Rural Neighborhood zone to be "medium density single family neighborhoods with large open spaces

and provision for clustering." (Comp. Plan, 5-4.) Following this direction, the Development Code states that the RN-5 zone is "intended to accommodate primarily residential uses at an average density not exceeding one (1) lot per five (5) acres." (Code Sec. 2-5.A.)

By comparison, the Comprehensive Plan specifically addresses "Industrial / Research" areas that are "separate from the Town Neighborhoods and have low visibility from the scenic corridor and tourist centers." The desired future character of land uses in these areas include "heavy industrial at the appropriate scale and in appropriate locations." (Comp. Plan 5-3.) Accordingly, the Development Code explains that properties in the IR zone are "intended to accommodate manufacturing and industrial with "limited" accessory residential uses. Significantly, "higher impact" industrial uses may be allowed only "with buffering and other impact mitigating measures." (Code Sec. 2-4.A.)

The goals and policies of the Comprehensive Plan are consistent with directing development of projects, such as an electrical substation, toward Industrial / Research zones. Goal ED 2 in the Comprehensive Plan is to "Preserve our rural character and heritage and promote local agricultural industries." Policy 2.3 of that Goal is to "[p]romote smart growth strategies that help reserve rural character by enhancing existing communities and directing development toward them." (Comp. Plan 5-11.) Goal ED 4 is to "[a]ccomodate additional population by supporting development that is economically responsible to the County and community." Applicable policies under this goal are:

> 4.1 Assess the public service requirement of new developments and weigh their off-site impacts against projected changes in revenue before approving new developments. . . .
>
> 4.4 Utilize a variety of regulator and incentive-based tools to reduce density in sensitive areas and encourage density in areas where services exist. . . .
>
> 4.8 Encourage the development of low density, high-quality neighborhoods adjacent to existing cities.

(Comp. Plan 5-11.)

The proposed location of the electrical substation is in the middle of existing low density residential development. Locating that station as proposed will be glaringly inconsistent with the existing surrounding uses. This is even more problematic when taking into consideration the fact that the Comprehensive Plan and Development Code define other more suitable parts of the County for such development. The clear objective of the Comprehensive Plan is to be conscious of, and preserve, the existing low density, high quality residential neighborhoods. The proposed electrical substation is inappropriate for proposed location.

The Commission should not be swayed by the fact that the Code allows the possibility of an electrical substation in the RN-5 zone. A Major Utility may be a special use in either the RN-5 or IR zones. However, it is quite clearly only suitable in an IR Zone. Because of the defined qualities and character of the RN-5 zone, only the most extreme circumstances would justify

allowing a Major Utility in that zone. No such circumstances exist here. The current location is a matter of convenience for Fall River Electric. That should not be sufficient.

For the above stated reasons, Fall River Electric's pending special use permit application should be denied.

Sincerely,

JOHNSON MAY

WYATT B. JOHNSON

[address redacted] | Suite 200 | [address redacted]
www.johnsonmaylaw.com
T | [phone redacted]
F | [phone redacted]

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# No to Fall River re-applying for large electrical substation

1 message

**mary wolfe** [email redacted] Wed, Aug 26, 2026 at 2:09 PM
To: pz@tetoncountyidaho.gov

No to Fall River re-application for permission to build a large electrical substation! thank you for denying the application last time, and please deny the new application because it does not meet SUP criteria.

Thank you for your time,

Mary Wolfe

Given these considerations, I encourage the County to evaluate whether alternative sites could meet the project's infrastructure needs while avoiding sensitive wildlife habitat and hydrologic resources. A site located outside designated wildlife habitat overlays and within comparatively lower-quality habitat could offer a substantially lower-impact alternative while also leaving further room for expansion in the future. Prioritizing such a location would provide an opportunity to accommodate necessary infrastructure while better protecting the resources that contribute to the ecological integrity of Teton Valley.

**Conclusion**

I urge the Teton County Commissioners to consider the findings of my independent WHA and the deficiencies identified in the WHA prepared by Booker Grey Environmental, LLC. The existing analysis does not adequately account for the ecological importance of sage-steppe habitat, the potential presence of federal and state listed threatened wildlife species, or the broader environmental consequences of the proposed development. These gaps must be addressed before the County can fully understand the project's impacts and make an informed decision.

I recommend that the County pursue a more comprehensive environmental review which matches the scope and scale of the proposed project. The potential impacts to wildlife, sensitive habitat, migration corridors, riparian resources, flood-prone areas, and hydrologic systems warrant more rigorous scrutiny than the current assessment provides.

Furthermore, I strongly encourage the County to evaluate alternative sites outside designated wildlife habitat overlays and within lower-quality habitat. Proceeding with a development of this scale in an environmentally sensitive area without fully evaluating its impacts and feasible alternatives risks avoidable and long-term damage to the unmatched natural resources of Teton Valley. With continued growth and the likelihood of future infrastructure expansion, the consequences of site selection extend well beyond the immediate project footprint. Protecting Teton Valley's wildlife, habitat, and hydrologic resources requires informed, precautionary decision-making that accounts for both immediate development and its long-term implications.

Thank you for your time and consideration of these comments.

Sincerely,

Claire Qubain

Claire Qubain, M.S.
Principal Ecologist

MERISTEM
environmental

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Substation AGAIN!!!!

1 message

**Ron Paradis** [email redacted] Wed, Aug 26, 2026 at 10:52 AM
To: "pz@tetoncountyidaho.gov" <pz@tetoncountyidaho.gov>
Cc: Theresa Paradise [email redacted]

There is no reason for us to be discussing this again. They are trying to put in a forever device in the middle of our neighborhood. Even when told many times NO by the community and the powers that be. These substations have been thought to be a source of cancer clusters. Let's not become the guinea pigs to find out that it really is true. Our property is next door. There is a community well on the property next door to the north that serves 12 houses. There has been NO CHANGE in the requirements for an SUP as far as I know. This substation will never become a house. It's time for them to actively find industrial zoned land and put this goat rodeo behind us.

Ron Paradis

Owner of 630 W 3500S

August 28, 2026

Teton County Idaho County Commissioners & Teton County Planning and Zoning:

Subject: Fall River Electric Special Use Permit – Midway Substation

As property owners since 1979 of the 5-acre parcel adjacent to the east of the proposed Midway Substation, we remain opposed to the special use permit. Our opposition has persisted since our initial notification by the County, and we have consistently expressed our concerns to the relevant authorities throughout this process.

Teton County, Idaho, requires improved infrastructure and reliable power as development increases. However, an alternative site should be considered to avoid disrupting the community of residents who have invested in this beautiful area, which they have made their home and built their future upon.

The community has expressed its voice, and the Planning and Zoning Commission have fulfilled their responsibilities by voting against the Special Use Permit. It is essential to heed the residents wishes and deny the permit to respect their concerns.

May you do what is best for us, the people and community of Teton County.

Sincerely,

Cindy & Mike Rogers
[address redacted]
[address redacted]
[email redacted]

October 13, 2026

Teton County Idaho County Commissioners:

Subject: Fall River Electric Special Use Permit – Midway Substation

As property owners since 1979 of the 5-acre parcel adjacent to the east of the proposed Midway Substation, we remain opposed to the special use permit. Our opposition has persisted since our initial notification by the County, and we have consistently expressed our concerns to the relevant authorities throughout this process.

Teton County, Idaho, requires improved infrastructure and reliable power as development increases. However, an alternative site should be considered to avoid disrupting the community of residents who have invested in this beautiful area, which they have made their home and built their future upon**. Fall River has other substations nearby, why can they not expand an existing substation(s) to meet the growth of residents and businesses?**

The community has expressed its voice; it is essential to heed the residents wishes and deny the permit to respect their concerns.

May you do what is best for us, the people and community of Teton County.

Regards,

Cindy & Mike Rogers
[address redacted]
[address redacted]
[email redacted]

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Midway Substation

**Sofie Heinen** [email redacted] Wed, Oct 14, 2026 at 1:50 PM
To: pz@co.teton.id.us, pz@tetoncountyidaho.gov

Sofie Heinen
[address redacted]
[address redacted]
[phone redacted]
[email redacted]

October 14, 2026

Teton County Planning & Zoning
Teton County Courthouse
150 Courthouse Drive
Driggs, ID 83422

Subject: Midway Substation SUP

Board of County Commissioners,

My name is Sofie Heinen and I was born and raised in Teton Valley and have called my families house at [address redacted] my home for the last 21 years. Our property is adjacent to where Fall River has proposed to build their Midway substation and I am in full opposition of this plan. I am deeply concerned about the potential negative impacts this project may have on the health, safety, and quality of life for myself, my family, my neighbors, and the wildlife that frequent the area.

Substations can pose health risks due to electromagnetic fields, decrease property values, disrupt neighborhood happenings, and have significant environmental impacts.

I urge you to reconsider this proposal and explore alternative locations that would have less impact on residential areas. If a group with such different beliefs can come together and agree on this one thing then it seems as though this is an important issue that needs to be reevaluated.

Thank you for considering my concerns.

Sincerely,

Sofie Heinen

Sharon Fox <sfox@tetoncountyidaho.gov>

# Midway Substation

1 message

**Satchel Heinen** [email redacted] Thu, Oct 15, 2026 at 5:42 PM
To: "pz@co.teton.id.us" <pz@co.teton.id.us>, [email redacted]

Dear Members of the Board of County Commissioners,

I am writing to express my strong opposition to Fall River's proposed electrical substation near our property and in proximity to an important wildlife corridor in our valley. I respectfully urge the Board to carefully reconsider this proposed location and require Fall River to evaluate alternative sites that would have significantly less impact on nearby residents, property owners, and the natural environment.

Our valley is a special place, valued for its rural character, natural beauty, open spaces, and abundant wildlife. Placing a large electrical substation in this area threatens more than just the views from our properties. It raises serious concerns about the long-term effects on our quality of life, the surrounding environment, and the wildlife that depends on this valley for safe passage and habitat.

Among the concerns that deserve careful consideration are:

- Wildlife and habitat disruption: The proposed location near a wildlife corridor could interfere with established animal movement patterns, fragment habitat, and increase disturbance from construction, traffic, lighting, fencing, and ongoing operations. Wildlife corridors are essential to allowing animals to move safely between feeding areas, water sources, and seasonal habitats.
- Noise and visual impacts: Electrical substations can produce continuous humming and other operational noise. Depending on the design, they may also introduce large industrial structures, security lighting, and fencing that would permanently alter the peaceful, rural character of our valley.
- Property values and quality of life: Locating industrial electrical infrastructure near existing homes and private property raises legitimate concerns about views, noise, future development, and the desirability of the surrounding area. These impacts deserve serious consideration before an irreversible decision is made.
- Environmental and public health considerations: The Board should require a thorough, site-specific assessment of potential impacts, including electromagnetic fields, stormwater runoff, erosion, construction disturbance, fire risk, and any other relevant safety or environmental concerns. Residents deserve clear, independent information about these issues before this project moves forward.
- Long-term consequences: Once a substation is built, its impacts on the surrounding landscape and community may persist for decades. The decision about where to place this infrastructure should not be made solely on the basis of convenience or cost, when more appropriate locations may be available.

We recognize the importance of reliable electrical infrastructure and understand that communities need to plan for future energy demands. However, acknowledging that need does not mean accepting a location that unnecessarily places the burden on nearby property owners and sensitive wildlife habitat. The need for electrical infrastructure does not justify placing it in the wrong location.

There are better alternatives that should be thoroughly investigated, including sites closer to existing industrial or utility infrastructure, areas already disturbed by development, or locations farther from residences, wildlife corridors, and environmentally sensitive land. Fall River should be required to demonstrate that reasonable alternatives have been objectively evaluated and that the proposed site is genuinely the best option—not simply the most convenient or least expensive for the project developer.

I respectfully ask the Board of County Commissioners to:

1. Oppose approval of the proposed substation at its current location until its impacts have been fully evaluated.
2. Require a transparent review of alternative sites, including locations with less impact on residents, wildlife, and the valley's rural character.
3. Ensure that qualified, independent experts assess potential environmental, wildlife, noise, visual, and property impacts.
4. Give serious consideration to the long-term interests of the community and the protection of our valley rather than allowing a potentially avoidable industrial intrusion into this area.

I urge you to exercise your responsibility to protect the interests of county residents, preserve our natural resources, and ensure that major infrastructure projects are located in the most appropriate places. The consequences of this decision will extend far beyond the project site itself, affecting the surrounding community and the wildlife that depends on this valley.

Please do not allow this proposal to move forward without a thorough and transparent examination of its impacts and viable alternatives. Our community deserves a solution that meets electrical infrastructure needs while respecting the people, properties, and natural environment that make this valley worth protecting.

Thank you for your time and consideration. I respectfully request that my concerns be included in the public record and that the Board takes a firm stand in ensuring that Fall River seriously evaluates better locations for this proposed substation.

Sincerely,

Satchel Heinen

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# OPPOSED Fall River substation

1 message

**Sharon Schmidt** [email redacted] Thu, Aug 27, 2026 at 2:50 PM
To: "pz@tetoncountyidaho.gov" <pz@tetoncountyidaho.gov>

Hello,
I would like to write and express my opposition to the Fall River Midway Substation. Fall River has come before the P&Z and the County Commissioners multiple times and have been denied their request multiple times. I do not feel that there is any reason to continue to have them make this request. The burden should not be put on the residents to continually show up and remind the county that the reasons that they have been denied have not changed. It is also not the residents of this area's responsibility to allow it just because they bought property in a residential area before they had permission to build there. That is on Fall River. There is a new subdivision one mile south that is zoned light industrial and is close to power lines, maybe this is where they should be looking.

Special Use Permit criteria of approval:
1. *The location of the proposed use is compatible with other uses in the general neighborhood.*
**The proposed use does not meet this criteria**. The area is a residential rural neighborhood with many long-time residents living nearby. The severe impacts of an electrical substation are not compatible with preserving the health and safety of current residents. The proposed use is compatible with other uses in industrial areas.

2. *The proposed use will not place an undue burden on existing public services and facilities in the vicinity.*
**The proposed use does not meet this criteria**.
Firefighters are instructed to clear a 300 foot radius, and evacuate at least 1000 feet downwind of electrical substation fires. There are many homes within this radius of the proposed site. Protecting humans, animals, and homes this close to a substation would stretch our local fire/EMS crew beyond their capacity.

3. *The site is large enough to accommodate the proposed use and other features as required by Teton County Code.*
**The proposed use does not meet this criteria.**
The proposed site is too close to existing seasonal flow lines and the flood zone, allowing toxins to flow into domestic wells and the Teton River. It also is not large enough to accommodate buffers as required by Teton County Code.

Thank you,

Sharon and Brian Schmidt

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# Fall River Comments

**Theresa Paradis** [email redacted]
Reply-To: Theresa Paradis [email redacted]
To: "pz@tetoncountyidaho.gov" <pz@tetoncountyidaho.gov>

Fri, Aug 28, 2026 at 4:05 PM

Fall River

NO on this cancer creator!
Two local women own a large tract of land next to Driggs Substation- there is a duplex there- the only home that has been that close in proximity. I have personally known n 3 people who have had cancer while living there- two have since passed- another one currently lves there and she just went hospice care this week!!!!

We get 15 to 20% payout from Fall River for property value and or a heavy 20,000 plus for excessive landscaping on everyone's property to also have that barrier of aesthetics. "The lack of proper planning does not constitute an emergency on our part "as we are co-op members of this so-called nonprofit organization shit show.

Theresa Paradis owner of property next to this site.

Theresa Paradis

"

TRENTADUE LAW OFFICE PLLC | [address redacted] [address redacted] | [phone redacted]

September 1, 2026

Teton County Planning & Zoning Commission
150 Courthouse Drive, Room 107
[address redacted]
Delivered via email to: pz@tetoncountyidaho.gov

**Re: Opposition to Fall River SUP Round 2**

Dear Planning & Zoning Commissioners:

I have been retained by Meg Heinen and Emily Johnston (abutting landowners to the subject property) to register their strong objection to Fall River's continued attempts to place an electric substation in this established neighborhood where it will (1) diminish their property values, (2) impact their daily lives with fluctuating noise and vibrations through the day and night, and (3) expose them and their families to health risks from the emissions generated by this site. It's one thing to site a substation in a vacant area that will someday be developed with homes. People can choose to move next-door to a substation. *It's another issue entirely to force one in a neighborhood*.

Although Fall River heavily implies they have owned this site for decades, **they bought this parcel of property July 18, 2025,**[1] and only then began the process of obtaining a special use permit (SUP) for the substation. This is clearly a situation where **they spent money on a bad location first, and have simply refused to change course ever since.** The neighbors are being asked to pay an unfairly high price for Fall River's ill-advised land purchase.

Fall River will lead you to believe this is the only site available and they *allegedly have no other options because all other properties would require the land be subdivided in order to be used by them* - which the claim will be an expensive, lengthy, and cumbersome process. **This is false.** Fall River has always had other options available to them, but doggedly continue to cling to the bad site they already purchased. The truth is, Fall River knows it's impossible to mitigate the terrible negative impacts this substation will impose on the neighbors. Fall River also knows that a SUP CANNOT BE ISSUED if the impacts to neighboring property owners cannot be effectively mitigated.[2] Fall River knows that *your board has the duty to weigh all of the evidence*

[1] See, Teton County Warranty Deed Inst. 291019 recorded July 18, 2025.

[address redacted] *Neighborhood Ass'n, Inc. v. City of Boise,* 174 Idaho 515, 552 P.3d 1152 (2024), (Approval of a permit is arbitrary, capricious, and an abuse of discretion when local administrative agencies issue a permit **without substantial evidence that conditions can actually mitigate identified adverse impacts**); *Burns Holdings, LLC v. Teton County Board of Commissioners*, 152 Idaho 448, 272 P.3d 412 (2012) (A conditional use permit **cannot be issued** if the proposed development creates

in the record, *and then* make a **discretionary[3] finding that every single one of the criteria** for an SUP has been satisfied by proven facts in the record. Fall River knows that where there are conflicting facts in the record, y*our board has the power to evaluate them and decide which ones are more compelling.* Fall River knows your Board has the obligation to use common sense, and you do not have to take the opinions of a paid consultant as Gospel Truth to what you may commonly know to be suspect or false.

Because Fall River cannot get away from these hard realities, they want to convince this board that they really have no other choice by all to site their substation here in a neighborhood. **This is false.** This board needs to understand that *Fall River has other viable options which they continue to ignore.*

**Fall River Has Other Options That They Continue To Ignore: Teton County Regularly Approves SUP's for Substantions Via Easement on a Larger Piece of Property.**

Fall River has always had the option to acquire a site on a larger piece of land via an easement. There is no reason why this substation must be placed on a separate parcel of land. Fall River can purchase an easement on a large parcel, avoiding the lengthy and expensive subdivision process - and avoiding negative impacts to neighboring households. While Fall River continues to heavily imply that it needs to purchase its own parcel, *that is not required by law or ordinance.*

*Indeed, siting a substation on a larger piece of land via an easement is not a new concept, and is commonly used in Teton County!* Just last October 14, 2025 your board recommended the approval of the JUB II special permit for a fiber optic major utility substation on a site just outside of Victor that was acquired via an EASEMENT on a larger parcel of land.[4]

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inherently un-mitigatable conflicts); *Howard v. Canyon County Board of Commissioners*, 128 Idaho 479, 915 P.2d 709 (1996) (An applicant seeking a special/conditional use permit bears the **sole burden of proof to demonstrate that every requirement in the ordinance is met, including the mitigation of adverse impacts**. Satisfying general technical requirements does not automatically entitle an applicant to a permit **if unmitigated land-use conflicts remain**.); *917 Lusk, LLC v. City of Boise*, 158 Idaho 12, 343 P.3d 504 (2015) (Local zoning bodies abuse their discretion if they ignore potential adverse impacts or fail to force the applicant to present concrete, effective mitigation strategies prior to permit approval).

[3] Under Idaho law, an applicant has **no inherent or fundamental property right** to the issuance of an SUP. Land use approvals subject to special or conditional review are discretionary administrative acts reserved to local governing bodies, **not automatic entitlements.** *Chambers v. Kootenai Cnty. Bd. of Comm'rs*, 125 Idaho 115, 867 P.2d 989 (1994) (Issuance of an SUP is a **discretionary** action), see also, *Bracken v. City of Ketchum*, 172 Idaho 601, 535 P.3d 601 (2023).

[4] Click here to view official JUB II special use permit minutes from the October 14, 2025 Teton County P&Z hearing. The full JUB II file can be reviewed here.

The Board of County Commissioners (BOCC) likewise approved the SUP the next month.[5] Fall River knows they have the option to follow JUB's example and acquire a site via an easement. I have personally communicated this via email with Fall River and in person at their May 18, 2026 Board meeting.[6] Moreover, at the May 18th Fall River board meeting that was attended by myself and the neighbors, we specifically communicated to the board that a mile south of this Midway site (between 4000 S. and 5000 S.) *are several large agricultural parcels located directly under the Bonneville powerline where a site could be acquired via an easement.*

**Fall River also has the option to utilize a Utility Land Division Ordinance (ULDO).**

At the May 18th Fall River board meeting, I notified the Board that many Idaho communities have adopted streamlined land division ordinances that enable utility companies to easily acquire sites for infrastructure on larger parcels of land. Known as utility land division ordinances (ULDO), these processes already implemented in Canyon County,[7] the City of Kuna,[8] and the City of Meridian[9] - just to name a few. I specifically described the contents of Kuna City Code § 5-16-5-B (Public Utility Lot Splits) which is an ideal process that is specially tailored for public utility lot splits. An ordinance like this would clearly work well here in Teton County, where land prices are high and there are many large tracts of agricultural land.

**I directly asked Fall River to please join in the neighbors to petition to adopt an ULDO here in Teton County.** We received NO response to our request for partnership. Instead, Fall River continues to focus on their existing site which they hastily and foolishly acquired in the middle of an already established neighborhood.

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[5] Click here to view official JUB II special use permit minutes from November 10, 2025 Teton County Board of County commissioners hearing.

[6] *See Attachment A:* My communications with Fall River legal counsel (1) notifying them of the option to pursue a better site via an easement, and (2) requesting a May 18, 2026 meeting with Fall River Board.

[7] Canyon County allows for Administrative Land Divisions (found in Chapter 7, Article 18 of their Code) for parcels that do not meet the standard "subdivision" threshold. Utility Specifics: Their code often exempts "non-inhabited structures" (like substations or pump houses) from certain minimum lot size and width requirements, making it significantly easier for a utility company to carve out a small corner of a farm or residential tract.

[8] Kuna City has an expedited Minor Subdivision process for creating four or fewer lots. Utility Exemptions: the code allows for "Administrative Exceptions" where the division is for a public utility or government agency, bypassing the public hearing requirement if the parcel is not intended for residential or commercial occupancy. See specifically, Kuna City Code §§ 5-16-5-B Public Utility Lot Splits.

[9] The City of Meridian uses a Property Line Adjustment (PLA) or Certificate of Regulatory Compliance for minor divisions. They specifically allow administrative approval for parcels intended for "public use" or "utility facilities."

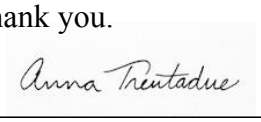
**Conclusion: Fall River's false claim that they must use this site cannot override the simple fact that impacts to the surrounding properties CANNOT be effectively mitigated here.**

It is time for Fall River to see the writing on the wall: this Teton County P&Z and BOCC have *already denied this application once*. It is simply a bad fit for this neighborhood. Although Fall River will try to convince you that they have no other options and therefore you should turn a blind eye to the simple fact that they cannot possibly mitigate the harmful impact to the surrounding neighborhood, do not be fooled. The only way your Board is able to recommend approval of this SUP is if you are able to make an affirmative fact based finding that **every single negative impact to the surrounding properties <u>will be</u> effectively mitigated.**

The standard is not that every single negative impact *might hopefully* be effectively mitigated. The *Idaho courts have consistently required far more certainty than that*.[10] Your board has to know with an extremely high level of confidence that every single harmful impact to the neighbors' health, wellbeing, welfare, peaceful enjoyment of their property, <u>and</u> property values has been effectively offset by Fall River. That is an impossible standard to meet here because common sense shows us all that this substation will absolutely negatively impact their daily lives.

It is time for Fall River to consider acquiring a more appropriate site via an easement or an ULDO. We look forward to submitting further comments at the September 8, 2026 hearing. **With this letter I am also formally requesting to be given the opportunity for surrebuttal at the hearing.** I am preserving this issue now, in advance, as I anticipate information being introduced by the Applicant just prior to, or during the hearing.[11]

Thank you.



Anna Trentadue Esq.
Trentadue Law Office
*Counsel for Meg Heinen and Emily Johnston*

ATTACHMENT May 2026 emails between Trentadue Law Office and Fall River legal counsel.

[address redacted] *Neighborhood Ass'n, Inc. v. City of Boise*, 174 Idaho 515, 552 P.3d 1152 (2024) (the city council **commits reversible error if it tries to force an approval through unproven conditions**); *917 Lusk, LLC v. City of Boise*, 158 Idaho 12, 343 P.3d 504 (2015) (voiding SUP's issued with "vague" or undetermined mitigation plans); *Howard v. Canyon County Board of Commissioners*, 128 Idaho 479, 915 P.2d 709 (1996) (if substantial evidence shows the unmitigated impact - in this case, harm to the agricultural character of the area - remains effectively unaddressed, the governing body acts properly in denying the permit outright).

[11] *Whitted v. Canyon Cnty. Bd. of Comm'rs*, 137 Idaho 118, 121, 44 P.3d 1173, 1176 (2002).

TRENTADUE Law Office PLLC

**Anna Trentadue** [email redacted]

# RE: Request for meeting with Fall River Board.

1 message

**Hyrum Erickson** [email redacted] Mon, May 11, 2026 at 11:39 AM
To: Anna Trentadue [email redacted]
Cc: Jerry Rigby [email redacted], Mandy Davis [email redacted]

Anna,

Thank you for the email.

You and your clients are on the agenda for the 18th. The board meeting starts at 10:00 and this will be either the first or second agenda item. This month's meeting is at the Fall River Building in Ashton.

Let us know if you have any other questions.

Hyrum

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**From:** Anna Trentadue [email redacted]
**Sent:** Thursday, M
**To:** Jerry Rigby [email redacted]; Hyrum Erickson [email redacted]
**Subject:** Request for meeting with Fall River Board.

Dear Jerry and Hyrum -

I had a nice chat with Hyrum yesterday, and it is my understanding that you are the legal counsel for Fall River Rural Electric Cooperative. I represent Meg Heinen and Emily Johnston, two property owners whose homes and land abut the proposed "Midway" subway station site between Victor and Driggs. I am contacting you because my clients would like an audience with you and the Fall River Board of Directors to discuss Fall River's recent request for reconsideration of the Board of County Commissioners' decision to deny the Special Use Permit ("SUP") for this substation site. The Fall River website states a Board meeting is scheduled for 10 AM on May 18. **We would like to be included on this agenda. We also ask that you share this communication and attachments with the Board.** My clients are actively working with their surrounding neighbors, and I know those neighbors would like to attend this meeting as well.

As you can imagine, my clients and their neighbors vigorously oppose placing this substation so close to their beloved homes. The Teton County Planning & Zoning Commission recommended denial of the SUP for the substation on November 18, 2025. Then the Board of County Commissioners subsequently denied it on March 23, 2026. Fall River is now seeking reconsideration of this denial. I want to emphasize two points of order to you and your Board:

First, during prior County hearings on the matter, representatives from Fall River stated that they could not purchase land in the nearby Rocky Road Industrial Park (where a substation would fit right in) because the parcels are large, and Fall River would need to go through the lengthy and expensive county subdivision process to acquire a reasonably-sized site. After some research, there is no reason why this substation must be placed on a separate parcel of land. Fall River can

purchase an easement on a large parcel, avoiding the lengthy and expensive subdivision process. Fall River heavily implied that it needs to purchase its own parcel, *but that is not required by law or ordinance.* Looking at Teton County GIS, about a mile south of this Midway site (between 4000 S. and 5000 S.) are several large agricultural parcels located *directly under* the Bonneville powerline that would work well for this purpose. Siting a substation via an easement is not a new concept, and is commonly used in Teton County. **For example: a local fiber optic internet provider acquired an easement for a substation in 2024, and then the accompanying "Jube II" Special Use Permit was approved by the Teton County Board of County Commissioners just last November**. (Please see this link to review the Jube II SUP permit materials, including the substation easement.)

Secondly, there is no *de novo* review of a request for reconsideration. Ms. Heinen and her across-the-street neighbors Mike and Sherman Stinson met with Fall River's general manager Brian Case on Monday, May 4. Mr. Case made an offer to buy-out their properties. He had previously made a similar offer to my other client Emily Johnston in earlier phone calls. Their initial reaction was utter shock that Fall River would rather buy out their beloved homes, than simply purchase an easement in another location that would not require people to move from the homes where they intended to happily live out the rest of their lives. But more importantly, Mr. Case showed Ms. Heinen and the Stinsons the 4 new submittals attached to this email below. Ms. Heinen asked if these were new submittals provided to Teton County as part of Fall River's request for reconsideration. Case confirmed that the new materials were submitted with Fall River's appeal. By ordinance and well-established policy, Teton County does not allow *de novo* review of a request for reconsideration. Rather, it is a backwards-looking appellate process where the record has already been closed. Teton County Land Development Code ("LDC") 4-15(B)(2) limits this request for reconsideration to identifying specific deficiencies in the prior decision: *"The application must include a narrative description of the basis for the appeal or request for reconsideration, including the specific deficiencies of the decision alleged by the applicant or affected person."* We will vigorously contest and object to the admission of any new materials at this point in the SUP proceeding where the record is closed and Fall River has now sought an appeal.

My clients and their neighbors are all member-owners in Fall River. They object to the path Fall River is choosing, which places a disruptive use 200 feet from their homes—a use no person would ever want next door. It's one thing to site a substation in a vacant area that will someday be developed with homes. People can choose to move next-door to a substation. Here the exact opposite is happening. My clients and their neighbors want the Fall River Board to meet them, look them in the eye, and ask themselves if this is really the best way to proceed.

I look forward to hearing from you. If the May 18th Board meeting date will not work for you, we are amenable to scheduling another meeting around that time. Our only limitation is ensuring that we have met prior to Fall River's appeal hearing.

Best regards,

Anna

TRENTADUE
Law Office PLLC

**Anna Trentadue**

**Trentadue Law Office**

Mailing: [address redacted] [address redacted]

Office: [address redacted] Suite 102 in Driggs

www.trentaduelawoffice.com

[email redacted] | [phone redacted]

August 28, 2026

To: Teton County Planning Department

From: Chris Vero

[address redacted]

[address redacted]

Driggs, ID

Subject: Fall River Electric Special Use Permit – Substation application 70W350 – continued

This letter is in response to the letter I have received from Teton County P+Z related to Fall River Electrics second proposal to build an electrical substation on 3500 south. My property is located within 300 feet of the proposal. I commented on the first proposal; my concerns still stand. **I do not support a substation at the proposed site, due to the incompatibility with the Teton County comprehensive plan and effects to my quality of life and that of my neighbors, as well as impacts to property values.** Yes, the county land development code does provide for situating major utilities in RN-5 neighborhoods, but with significant mitigations, Fall River has not met the significant mitigations part of the equation, nor could it given the proposed location. The current proposal is almost identical to the proposal denied by P+ Z and the Board of County Commissioners earlier this year. So, what has changed, a new narrative format and a study about property values in Salt Lake City in 2014. An approval does not make sense to me and should not make sense to the commissioners.

**Location Assessment**

I am not convinced a less impactive site does not exist…but seems like Fall River is stuck on this site whatever the cost. The described valley growth is not occurring here, figure out a way to locate this substation closer to where the growth and increasing electricity demand is occurring.

**Impacts to Neighbors**

Hopefully, P+Z and the BOCC recognize the negatives associated with this site on the quality of life of nearby residents.

Fall River made statements of how there will be negative impacts to its new neighbors yet offers little in the way of solutions. They have provided a robust landscaping plan, although guarantees related to implementation of this plan and maintenance of it, beyond a 2 year guarantee, need to be fleshed out. Preserving some open space comes up, but a guarantee to keep a substation small at the proposed site is never mentioned, so nothing prevents an expansion within the current 5-acre parcel.

Health issues that neighbors have brought up are brushed aside yet researching the issue you find there are many views associated with negative health effects possible with substations…. seems all sides agree **that electrical substations SHOULD be located away from residential areas.**

Noise pollution effects will be evident at night. No discussion is made of how to mitigate noise from this substation other than minimizing vibration of equipment. . All one has to do is walk by a substation and you notice the noise produced which will be constant and noticeable to the neighbors.

If this site is eventually approved, the commissioners should recommend restitution to nearby landowners in the way of payments by Fall River for landscaping buffers on neighboring lots and to soften the impact of reduced property values, 10 to 20% of appraised property values might be a starting point.

From page 2-8 in the Comprehensive Plan: …" the context within which a piece of land exists is the most important piece of value. From this perspective, regulations that maintain view corridors, protect natural resources, preserve rural character, or PROHIBIT INCOMPATIBLE DEVELOPMENT protect property values." One of the biggest concerns with this SUP request is the impact on property values and effects on the quality of life. Not difficult to see the incompatibility of the development proposed by Fall River, within this zoned rural neighborhood.

Thank you for the opportunity to comment

Chris Vero

Ph: [phone redacted]

Email: [email redacted]

Shawn and Chris Miller
[address redacted]
[address redacted]
[email redacted]

10/15/2026

TO: Teton County, ID Commissioners
Planning and Zoning Department, Teton County, ID
150 Courthouse Dr Room 107
[address redacted]
pz@tetoncountyidaho.gov

**Subject: Fall River Electric Special Use Permit- Midway Substation**

We are writing to formally express our **strong opposition** to the proposed construction of an electrical substation in our residential neighborhood located at [address redacted]

In the previous meetings it has been established that Fall River Electric cannot adequately mitigate every single negative impact that the substation will have for existing property owners. It is required for the board to know with an extremely high level of confidence that every single impact of the neighbor's health, well-being, welfare and peaceful enjoyment their property and property values shall be offset by the applicant.

This simply cannot be done. Even the planning and zoning committee members admitted that the applicant does not meet this criterion. The Planning and Zoning Committee vote was 3-4 for recommendation with one of those favorable votes openly saying, "lets see what the county commissioners have to say about it." The P & Z Committee did not have confidence in the recommendation because this project is in the wrong location. The proposal to build a large industrial utility in the middle of an established residential neighborhood is inappropriate. How can the grandparent of the Stinson property feel good about potentially exposing grandchildren to harmful EMF a mere 200 feet away? The 4-acre Heinen property directly to the east will no longer be a necessary retirement nest egg that may have been planned for decades. The close proximity of a substation will make that piece of land completely undesirable to buyers wanting to build a home. The land, **IF** it ever sells will sell well below its current estimated value.

Fall River has adequately expressed the need for a substation. For previous meetings they gathered individuals who indicated the need for reliable electricity. Other people commended Fall River for their outstanding service throughout the years. I, too, have had great experiences with Fall River Electric. No one is denying we are fortunate to have great

electrical service or that additional utility infrastructure is needed. But Fall River Electric, has missed the mark on this project.

Even though they identified the need of a substation decades ago they purchased a parcel of land incompatible with the current rural neighborhood use.

They need to find an alternative location for an electrical substation. I have spoken with landowner Cory Murdock who resides at 4000 S. Murdock land includes 60 acres to the south of his residence. Fall River contacted him by phone about the project inquiring about the possibility of entering an agreement with Fall River. He told them at that time he would be open to discussions. He never heard from them again. Additionally, there are other large parcels to the south of 4000 S. While these parcels do have houses in the vicinity the substation could be oriented in a way that offers larger buffers that would allow for natural mitigation of noise, EMFs and visual impacts. These parcels are also not in a wildlife migration overlay.

It is not a requirement that the substation be built right under the Bonneville Power lines. Please ask them about the specifics of proximity requirements. It is not required that Fall River own the entire parcel of land, rather an easement can be purchased. It is curious that Fall River has not pursued the investigation of alternative locations for the substation. It seems that they just continue to hammer away at this proposal that clearly does not meet the criterion of the application.

Teton County Commissioners: Ron James, Brad Wolfe and Dan Powers,

**SPECIAL USE PERMITS can be denied.** This application does not meet the requirements. It is up to you to determine what is fair and just to county citizens, landowners that you represent. **RN-5 zoning:** ***is intended to accommodate primarily residential uses, serving as a transitional zone between the Areas of City Impact and rural areas*****.**

Thank you for your attention to this serious matter. The property owners of 3500 South look forward to your response and to a solution that prioritizes the well-being and voices of this community.

Sincerely,

Shawn and Chris Miller
[address redacted]
[address redacted]

JOHNSON MAY
Attorneys & Counselors

[email redacted]

October 16, 2026

Via Email: pz@tetoncountyidaho.gov
pz@co.teton.id.us

Teton County Planning Department
150 Courthouse Drive, Room 107
Driggs, ID 83422

**RE: Public Comment**
**Fall River Rural Electric Coop Inc.**
**Special Use Permit Application – Parcel RP001860000R0**
**Hearing Date: October 26, 2026, 11:00 AM**

To Whom It May Concern:

I represent Robert Tomb, the owner and resident of [address redacted] Victor, Idaho. his parcel lies immediately to the west of the land that Fall River Rural Electric Coop Inc. ("Fall River Electric") is seeking to have permitted for the construction and development of an electrical substation. Mr. Tomb opposes the development for the reason that it is in conflict with the County Comprehensive Plan.

The development is being proposed on land that is currently zoned RN-5, Rural Neighborhood. The electrical substation project is a "Major Utility." Although such a use may be allowed by special use permit in the RN-5 zone, that fact, alone, is inconsequential. The Development Code requires a special use permit for a Major Utility in any zone. (Code Sec. 3-2-2 Use Table.) There is nothing uniquely suitable about the RN-5 zone for an electrical substation.

In deciding whether to allow or deny a special use permit, the Commissioners are to consider the compatibility of a proposed use with adjacent uses and whether adverse impacts can be effectively mitigated or offset. (Code Sec. 4-8.E.5 & 6.) In this case, the proposed electrical substation cannot satisfy these requirements because it is in conflict with the Teton County Comprehensive Plan.

The Development Code must be applied "in accordance with the County's adopted *comprehensive plan* and its existing and future needs in order to protect, promote and improve public health, safety and general welfare." (Code Sec. 1-1.B.)

The Comprehensive Plan directs the future character of land within the Rural Neighborhood zone to be "medium density single family neighborhoods with large open spaces

and provision for clustering." (Comp. Plan, 5-4.) Following this direction, the Development Code states that the RN-5 zone is "intended to accommodate primarily residential uses at an average density not exceeding one (1) lot per five (5) acres." (Code Sec. 2-5.A.)

By comparison, the Comprehensive Plan specifically addresses "Industrial / Research" areas that are "separate from the Town Neighborhoods and have low visibility from the scenic corridor and tourist centers." The desired future character of land uses in these areas include "heavy industrial at the appropriate scale and in appropriate locations." (Comp. Plan 5-3.) Accordingly, the Development Code explains that properties in the IR zone are "intended to accommodate manufacturing and industrial with "limited" accessory residential uses. Significantly, "higher impact" industrial uses may be allowed only "with buffering and other impact mitigating measures." (Code Sec. 2-4.A.)

The goals and policies of the Comprehensive Plan are consistent with directing development of projects, such as an electrical substation, toward Industrial / Research zones. Goal ED 2 in the Comprehensive Plan is to "Preserve our rural character and heritage and promote local agricultural industries." Policy 2.3 of that Goal is to "[p]romote smart growth strategies that help reserve rural character by enhancing existing communities and directing development toward them." (Comp. Plan 5-11.) Goal ED 4 is to "[a]ccomodate additional population by supporting development that is economically responsible to the County and community." Applicable policies under this goal are:

> 4.1 Assess the public service requirement of new developments and weigh their off-site impacts against projected changes in revenue before approving new developments. . . .
>
> 4.4 Utilize a variety of regulator and incentive-based tools to reduce density in sensitive areas and encourage density in areas where services exist. . . .
>
> 4.8 Encourage the development of low density, high-quality neighborhoods adjacent to existing cities.

(Comp. Plan 5-11.)

The proposed location of the electrical substation is in the middle of existing low density residential development. Locating that station as proposed will be glaringly inconsistent with the existing surrounding uses. This is even more problematic when taking into consideration the fact that the Comprehensive Plan and Development Code define other more suitable parts of the County for such development. The clear objective of the Comprehensive Plan is to be conscious of, and preserve, the existing low density, high quality residential neighborhoods. The proposed electrical substation is inappropriate for proposed location.

The Commission should not be swayed by the fact that the Code allows the possibility of an electrical substation in the RN-5 zone. A Major Utility may be a special use in either the RN-5 or IR zones. However, it is quite clearly only suitable in an IR Zone. Because of the defined qualities and character of the RN-5 zone, only the most extreme circumstances would justify

allowing a Major Utility in that zone. No such circumstances exist here. The current location is a matter of convenience for Fall River Electric. That should not be sufficient.

For the above stated reasons, Fall River Electric's pending special use permit application should be denied.

Sincerely,

JOHNSON MAY

WYATT B. JOHNSON

[address redacted] | Suite 200 | [address redacted]
www.johnsonmaylaw.com
T | [phone redacted]
F | [phone redacted]

**Sharon Fox <sfox@tetoncountyidaho.gov>**

# No to Fall River re-applying for large electrical substation

1 message

**mary wolfe** [email redacted] Wed, Aug 26, 2026 at 2:09 PM
To: pz@tetoncountyidaho.gov

No to Fall River re-application for permission to build a large electrical substation! thank you for denying the application last time, and please deny the new application because it does not meet SUP criteria.

Thank you for your time,

Mary Wolfe