

TETON COUNTY, IDAHO | Board of County Commissioners

Written Decision for Jube II, LLC / MMI Fiber optic company

Special Use Permit

This is a written decision on the findings for the approval of the Special Use Permit for Jube II LLC (landowner), MMI (improvements owner) for a fiber optic utilities shelter, under Teton County Land Development Code (“LDC”). (Adopted August 2022).

APPLICATION DATE:	November 14, 2024
APPLICANT & PROPERTY OWNER:	Rex Atkinson Five Nine Design Group / Jube II, LLC
PROPERTY:	RP03N45E151600; 7.60 acre parcel (TAX #907 & TAX #6143 SEC 15 T3N R45E)
PROJECT NAME:	Jube II, LLC Five Nine Design Group
PURPOSE OF APPLICATION:	To receive approvals for a Special Use Permit for Fiber-Optic utility building

Applicable Standards and Criteria for Application Evaluation:

- Teton County Land Development Code, Chapter 3 (§3-2, and §3-5-10) and Chapter 4 (§4-8)
- Teton County Comprehensive Plan (A Vision & Framework 2012-2030)

Summary

Five Nine Design Group on behalf of the fiber-optic company Middle Mile Infrastructure LLC, has applied for a Special Use Permit on a 7.60 acre parcel located outside of Victor on w 9500 S. JUBE II LLC owns the property and has given Middle Mile Infrastructure an easement to operate their business on their property. The Special Use Permit proposal is for a pre-manufactured fiber-optic utility shelter. The development will be a non-residential 846 square foot shelter and will be located in the southeast corner of the property. The building is an amplification building for the fiber-optic “Trunk line”. The trunk line is owned by a telecommunication company and serves a variety of different purposes both public and private. For high-speed internet companies it provides a network for them to provide last mile services such as fiber to homes and it also allows business to move information between data centers. There will be no antennas, towers, or dishes at the site.

NOTICE: Legal notices were posted in Teton Valley News on March 5th and March 12th, 2025. Property owners within 300 feet were notified by letter on January 3, 2025. The property was also posted on February 28th, 2025.

HEARING DATE: March 24, 2025.

Board Members Present: Ron James, Brad Wolfe, and Michael Whitfield.

Applicant(s)/Representative(s) Present: Rex Atkinson and Amanda Canada.

Motion

Having reviewed the application materials for the Special Use Permit for Middle Mile Infrastructure’s fiber-optic utility shelter as well as the additional materials provided by staff and other agencies, and having found that the application

meets the criteria found Teton County Land Development Code Section 4-8, Section 3-2, and Section 3-5-10 (with the following conditions), I hereby move to APPROVE of the SUP application, with the following conditions:

1. Lighting: Outdoor lighting, current and future, shall comply with the Outdoor Lighting provisions of the LDC, Section 5-8. Teton County Dark Sky Ordinance should also be enforced.
2. Onsite Inspection: The planning administrator may determine that there is a reasonable need for an inspection at any time.
3. Any additional development would require an SUP modification.
4. Plans must include landscaping around the perimeter, not just the frontage.
5. Address Public Works Comments:
 - a. A permit from Road & Bridge is required to work in the County right-of-way.
 - b. An access permit will also be required from R&B (For connection to W 9500 S).
6. A building permit will be required to place the pre-manufactured utility shelter on the site. A certificate of completion will be granted once the landscaping for a Type B buffer (5-7) is inspected and approved.
7. No more than 70 decibels of sound at the property line.
8. Motion sensors are required for outdoor lighting.

AYES (3): Ron James, Brad Wolfe, and Michael Whitfield.

Conclusions

Having given due consideration to the application and materials presented, and to the criteria of approval called out in the staff report, the Teton County Board of County Commissioners hereby makes the following conclusions:

1. The use is not in conflict with the Teton County Comprehensive Plan or LDC and the conditions above are established to minimize adverse impacts on the surrounding land uses.
2. The scope of the permit shall be limited to the materials submitted with the application, including the site plan, dated November 14, 2024. The approval date is March 24, 2025.
3. The proper legal requirements for advertising this public hearing have been fulfilled as required by Idaho Code, Title 67; Section, 67-6512 Special Use Permits, and Title 8, Section (8-6-1-B-4) of Teton County Code. The public hearing for the Board of County Commissioners was duly noticed in the Teton Valley News on March 5th and March 12th, 2025. A notification was sent via mail to surrounding property owners within a 300-foot buffer on February 28th, 2025. A notice was posted on site on March 13th, 2025.

Brad Wolfe
Chair of Teton County Board of County Commissioners

Date

NOTICE OF APPLICABLE RIGHTS

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

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of April 2025, I served a true and correct copy of the foregoing document upon the following:

Rex Atkinson – Five Nine Design Group (Applicant Representative) 3532 University Blvd Dallas TX. 75205 Rex@five9dg.com	<input type="checkbox"/> Mailing <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Courthouse Box
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Clerk