

pzcounter

From: Peter Richardson <peter@richardsonadams.com>
Sent: Thursday, November 10, 2016 2:48 PM
To: pzcounter
Subject: FW: Oppostiion to Idaho Power's Conditional Use Permit Applicatino to Construct a Redundant Transmission Line
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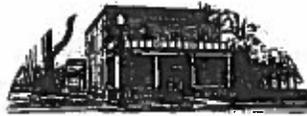
Subject: Oppostiion to Idaho Power's Conditional Use Permit Applicatino to Construct a Redundant Transmission Line

Please lodge the attached letter in opposition to Idaho Power's Application for a Conditional Use Permit to Construct a Redundant Transmission line in the official file in this matter. Please give me a call if you have any questions. The original will be delivered to the Commissioners at this evening's public hearing.

-Pete Richardson

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November 10, 2016

Blaine County Planning and Zoning Commission
219 1st Ave. S, Ste 208
Hailey, Idaho 83333

**RE: Idaho Power's Conditional Use Permit Application to Construct a Redundant
Transmission Line from North of Hailey to Sun Valley**

Dear Commissioners:

Our firm has been retained by Ms. Kiki Tidwell, an affected person who has an interest in real property on Let 'er Buck Road in Hailey, which is directly abutting the project and which will be directly affected by the issuance of Idaho Power's permit application. Ms. Tidwell objects to the granting of the permit as outlined below as it will have a negative impact on the enjoyment of her property, her property values as well as the general quality of life in Blaine County and because it is in conflict with the Blaine County Comprehensive Plan. In addition, there are several deficiencies in Idaho Power's application that must be addressed prior to further consideration of this proposed conditional use permit application.

Ms. Tidwell has already submitted comments in opposition to Idaho Power's proposal outlining several significant problems with the line and the failure to consider feasible alternatives. We will not repeat those assertions as they are already a part of the record in this docket.

LACK OF LEGAL INTEREST IN SUBJECT PROPERTIES

Title 9 Chapter 25 Section 2 of the Blaine County Code provides that all conditional use permits shall be submitted "by at least one holder of an interest in the real property for which such conditional use is proposed." Idaho Power's application is deficient in this regard. At page one of its CUP Application, Idaho Power concedes that, "A portion of the project will be located within existing road right of way and where needed, applicant [Idaho Power] will negotiate to acquire private easements across private properties."

Until Idaho Power has acquired an interest in all of the properties on which its proposed conditional use will be located, its application is premature and contrary to the provisions of the Blaine County Code. The application must be rejected on that basis alone.

The lack of site control of the entire proposed route of the line makes planning efforts speculative and possibly ineffective and may render your decision on the currently proposed route moot.

SURPLUS 49 MW TURBINE AT HAILEY

Idaho Power's application asserts that its proposal is in accord with the general objectives of the county's comprehensive plan and cites specifically to Title 8 Chapter 1-1-14 Section 13, which provided an inventory of existing electrical infrastructure at the time of its adoption in 1991. Idaho Power cites that section for the proposition that a second 138 kv line from Wood River to Ketchum has been contemplated in the planning process. However, that 1991 inventory was critically defective in that it failed to mention the existence of a 50 MW dual-fuel electric turbine that was in service at the Wood River at that time. Idaho Power subsequently disposed of that turbine as surplus property several years later. However, that turbine was not included in the inventory electrical facilities in the comprehensive plan and there is no cost benefit discussion or analysis relative to moving that then-existing in-service 50 MW turbine from Hailey to Ketchum in lieu of construction of a second 138 kv line. The IPUC approved Idaho Power's disposal of that dual-fuel 50 MW electric turbine as surplus property in 1993 - at Idaho Power's request.

LACK OF FUNDING TO COMPLETE THE PROJECT

Idaho Power has made it clear in its application that it has no intention of paying for the incremental costs of undergrounding more than just the very northern portion of the line. In other words it does not either have the financial resources to complete the project, or it is not willing to commit the necessary financial resources to complete the project. In either case the project is speculative at this point. Until this issue is resolved, it is premature to approve the line. If funding is to come from local residents, they must be apprised, in advance, of that fact and allowed an opportunity to factor those costs into their analysis of costs and benefits of this proposed redundant line. This local governing body must also know the resolution of this issue in advance in order to consider it in its cost benefit analysis.

FAILURE TO MEET THE DEFINITION OF PUBLIC UTILITY AND PUBLIC SERVICE UTILITIES

Title 9 Chapter 2 Section 1 of the Blaine County Code defines power lines as those that are "essential to the furnishing the public with electric power." Idaho Power has possibly made a case for the convenience of a redundant transmission line; however almost by definition a redundant line is not "essential" in the common understanding of that term.

OVERHEAD TRANSMISSION LINES ALONG THE HIGHWAY 75 SCENIC CORRIDOR ARE PROHIBITED BY THE COMPREHENSIVE PLAN

The conclusion section of 8-1-1-14: SECTION 13. PUBLIC SERVICES, FACILITIES, AND UTILITIES of the comprehensive plan provides that, "All transmission and distribution wire service in the Scenic Corridors of State Highway 75, Federal Highway 93, and Federal Highway 20 should be undergrounded. Existing overhead transmission lines should be placed underground as technology and funding become available. New distribution installations should be all undergrounded." Idaho Power's proposed line is in direct conflict with this non-optional provision of the comprehensive plan.

The direct conflict between Idaho Power's proposed conditional use permit is specifically prohibited by Idaho law. Idaho Code Section 67-6512 specifically provides that conditional use permits may only be granted when they are "not in conflict" with the comprehensive plan.

THERE APPEARS TO BE NO COST BENEFIT ANALYSIS OF REINFORCING THE WOOD POLE STRUCTURES WITH STEEL POLES IN LIEU OF CONSTRUCTION OF A WHOLLY REDUNDANT TRANSMISSION LINE

Idaho Power's response to the discussion in its conditional use permit application that the existing line would be more reliable if its wood poles were replaced with steel poles misses the point. According to the Staff Report (Section II),

Idaho Power has considered rebuilding it [the existing line] with steel poles to reduce the likelihood of an outage even more. The response to this option does not appear to be in any of the written public record, but officials told a gathering of interested people including city and county elected officials, that the number of outages required to rebuild and make this line less vulnerable would be about 30 eight hour outages. This number and duration of outages is considered to be too high by the applicant to be acceptable."

Of course, the analysis should not be how many outages the existing line would have to experience for the power company construct structural upgrades. The analysis should have been a comparison of the service expectations and costs of the upgraded line to the costs and service expectations of building a completely new redundant line.

A TRANSMISSION LINE IS NOT A DISTRIBUTION LINE

Staff discussed in Section 3, whether the proposed line would be "harmonious and appropriate in appearance with the existing character of the general vicinity." It noted that there is an existing distribution line along Highway 75 and concluded that, "a power line, to a large degree, could be considered part of the 'existing character' of this right of way." However, distribution lines and transmission lines are objectively different. In fact transmission lines and distribution lines are treated very differently in the comprehensive plan. For instance the plan provides that, "New subdivision development

should be designed so that building envelopes are prohibited under or near transmission lines." It is clear that the plan does not consider transmission lines and distribution lines to be of a similar character for planning purposes and they should not therefore be considered to be of a similar character for purposes of this application.

AIRCRAFT LIGHTING

Staff's comments suggest, at paragraph 3, that aircraft lighting will only be required "as necessary for landings and take-offs" on the portion of the proposed transmission line near St. Luke's. However, there is no documentation from the Federal Aviation Administration exempting this line from such requirements nor are there any citations to FAA regulations providing for such an exemption.

PROXIMITY TO RESIDENTIAL DEVELOPMENTS

Although the proposed route is immediately adjacent to existing residential development, the comprehensive plan prohibits locating transmission lines near residential developments. The plan provides that, "New subdivision development should be designed so that building envelopes are prohibited under or near transmission lines." Certainly if new residential developments are prohibited near transmission lines, it follows that new transmission lines are not permitted near existing residential developments.

In sum, there are multiple areas where the proposed conditional use permit conflicts with the County's Comprehensive Plan. However, as provided in Idaho Code Section 67-6512, conditional use (or special use) permits must not be "in conflict" with the county's comprehensive plan. The Commission is therefore respectfully urged to deny Idaho Power's application. Thank you for your consideration of these additional comments submitted on behalf in Ms. Tidwell. If you have any questions or would like additional please do not hesitate to give me a call.

Sincerely yours,



Peter J. Richardson, ISB #3195
RICHARDSON ADAMS, PLLC