

BLAINE COUNTY PLANNING & ZONING COMMISSION
Public Hearing Dates: November 13, 15, 27 & December 6, 2018

<p>REGARDING THE APPLICATION OF: Idaho Power Company for a Conditional Use Permit (CUP) to place a 138-kV redundant transmission line from the Wood River Substation just north of Hailey to the Ketchum Substation on Sun Valley Rd. within the City of Sun Valley.</p>	<p>Findings of Fact, Conclusions of Law and Decision</p>
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Requested Action: Public hearing on and consideration of a Public Utility Facility Conditional Use Permit Application by Idaho Power Co. to construct, maintain, and operate a 138-kV, overhead and underground, redundant transmission line from the Wood River Substation north of Hailey to the Ketchum Substation located on Sun Valley Rd. in Sun Valley. The transmission line is proposed to run east from the Wood River Substation to Buttercup Rd, then north along the west side of Buttercup Rd., and then north along the east side of Hwy. 75 until it crosses to the west side of Hwy. 75 north of the East Fork traffic light. This proposed line would then continue north along the west side of Hwy. 75 to an undergrounding transition structure at the intersection of Hwy. 75 and Elkhorn Rd. This transmission line will be higher than the existing power lines along this route. The transmission line runs through rural Blaine County zoning districts of Light Industrial (LI), Low Density Residential (R-1), Planned Residential Development (R-2), Residential/Agricultural (R-5), Medium Density Residential (R-4) and Recreation Development (RD) before entering the jurisdictions of the cities of Ketchum and Sun Valley.

Representative: Idaho Power Co. Personnel: Dave Angell, Pat Harrington, Tom Barber & Ryan Adelman

Applicable Regulations: Blaine County Zoning Ordinance Title 9, including Chapters: 7, 9, 10, 11, 13, 15, 25; Title 8, Blaine County Comprehensive Plan.

I. Application, Notice, Exhibits & General Facts

1. Application:

A Conditional Use Permit application was received by the Administrator on November 20, 2017.

2. Notice: Public notice for the November 13, 2018, hearing was as follows:

- A. Legal notice was published in the Idaho Mountain Express on October 24, 2018.
- B. Notice was mailed on October 11, 2018 to cities pursuant to Area of City Impact agreements.
- C. Notice was mailed on October 22, 2018 to surrounding landowners within 300’ of the exterior boundaries of the proposed transmission line and to political subdivisions.
- D. On-site notice was posted on Idaho Power’s Wood River Substation driveway at its intersection with SH 75, Buttercup Rd. and the SH 75 intersection, and Elkhorn Rd- SH 75 intersection by November 5, 2018, at least 7 days prior to the hearing.
- E. Staff report was posted with materials on the Blaine County webpage October 24, 2018.

► **Notice Finding:** Upon motion by Commissioner Fosbury second by Commissioner Murphy, and by a vote of 6 to 0 (Commissioner Pynn absent) the Commission finds notice to be in compliance with applicable regulations §9-25-4 of the Zoning Ordinance.

The November 13 hearing was continued on the record to November 15, 2018, at 6:30 p.m. (Commissioner Pynn absent November 15, 2018.) The November 15 hearing was continued on the record to November 27, 2018 at 6:30 p.m. (Commissioner Fosbury absent November 27, 2018.) The November 27 hearing was continued on the record to December 6, 2018 at 6:30 p.m. (Commissioner Ranill, Fosbury, and Giannettino absent December 6, 2018.) Additional notice for these meetings within 30 days of Nov. 13th was provided by posted agendas.

3. Disclosures (i.e. conflicts of interest, site visits or *ex parte* communications)

The Land Use and Building Services Director attended and participated in most of the Citizens Advisory Committee (CAC) meetings. This role was *ex officio* and not as a voting member (to the extent that votes were taken). Commissioners William Ranill, Pat Murphy, Mark Pynn, Susan Giannettino, Mike O'Farrell, and Rachel Martin visited the proposed re-route area neat St. Luke's hospital, with Land Use Staff on various days, October 22-31, 2018. Susan Giannettino and Pat Murphy sat in on the county commissioners' discussion of funding and options on Oct. 11, 2018. Susan Giannettino went on a site visit of powerline focusing on Audubon Place and Buttercup Rd. prior to hearing on November 15, 2018.

4. Background:

a. Refer to the CUP application narrative received November 20, 2017. (Exhibit A-3)

b. Refer to the Public Utilities Commission Order Number 33872, September 15, 2017. (Exhibit C-2)

c. Joint mediation sessions and workshops:

Idaho Power presented CUP application materials in a joint workshop with Planning and Zoning and the Board of County Commissioners; February 8, 2018.

Idaho Power collaborated in two joint mediation sessions with Planning and Zoning and the Board of County Commissioners; June 11, 2018 and September 6, 2018.

d. The location of the poles within the redundant transmission line proposal are divided into segments throughout the application materials:

Segment 1: Wood River Substation to Buttercup Road

Segment 2: Buttercup Road to Highway 75

Segment 3: Buttercup/Hwy 75 intersection to East Fork Road

Segment 4: East Fork to Hospital Drive

Segment 5: South end of Hospital Drive to Elkhorn Road

5a: South end of Hospital Drive to Elkhorn Road

5b: Just south of the river bridge to Elkhorn Road

5. Exhibits: The following Exhibits are attached hereto as referenced. All application documents were received at the Blaine County Planning office on November 20, 2017 unless otherwise noted.

"A" Exhibits- Application:

- A-1 Cover Letter
- A-2 Conditional Use Permit (CUP) Application
- A-3 CUP Narrative
- A-4 CUP Standards of Evaluation
- A-5 Transmission Line Project Route Map
- A-6 Plan and Profile
- A-7 Structure Illustrations
- A-8 Structural Simulations
- A-9 Fact Sheet Placemat
- A-10 Surrounding Landowner List, 10/22/2018

"B" Exhibits-Mediation & Workshop Sessions:

- B-1 Wood River to Ketchum redundant line facilitation summary, 10/12/18
- B-2 Wood River to Ketchum options table, 10/12/18
- B-3 Wood River-Ketchum route and profile without distribution, 9/6/18
- B-3a Plan and Profile without distribution.1-9, 9/6/18
- B-4 Section 4: poles set 30' west, mock-up, 10/12/18
- B-5 Highway crossing mock-up, 10/12/18
- B-6 Valley View lots highway crossing illustration, 9/6/18
- B-7 Wood River to Ketchum rebuild schedule, 6/1/18
- B-8 Power Engineers distribution underground design components, 10/12/18
- B-9 Power Engineers transmission underground design components, 10/12/18
- B-10 Transition structure pictures, 9/6/18
- B-11 Proposed route behind hospital.10.25.18
- B-12 Minutes, 6/11/18
- B-13 Draft Minutes, 9/6/18

"C" Exhibits- Agency Orders & Comments:

- C-1: Pole lease holder: Cox Communications, 9/5/18
- C-2: Public Utilities Commission order number 33872, 9/15/17
- C-3: Land Use Staff Funding Memo to BCC; 10/23/18
- C-4: Potential Local Improvement District Map;10/23/18
- C-5: Disaster Services & Blaine County Sheriff

"D" Exhibits- Public Comments:

- D-1: 1.5.17 Sue Ellen Wagner
- D-2: 2.8.18 Len Harlig
- D-3: 5.8.18 Kiki Tidwell Top 5 Reasons to Underground Transmission Lines
- D-4: 5.9.18 Kiki Tidwell Chino Hills Transmission Project
- D-5: 6.11.18 Laura Midgley
- D-6: 6.13.18 Alan Hogg

“D” Exhibits- Public Comments Cont.:

- D-7: 6.13.18 Kiki Tidwell continued comments to underground
- D-8: 6.13.18 Kiki Tidwell Suggestion to underground T-Line
- D-9: 6.13.18 Kiki Tidwell Transmission line comment
- D-10: 6.17.18 Laura Midgley
- D-11: 6.18.18 Richard Coleman
- D-12: 6.18.18 Richard Coleman
- D-13: 6.19.18 Doug Niedrich
- D-14: 6.19.18 Kiki Tidwell Storage Plus by Julian Spector
- D-15: 6.2.18 Kiki Tidwell GE Solar Storage Solutions
- D-16: 6.20.18 Kiki Tidwell What other utilities in other states doing email link
- D-17: 6.26.18 Kiki Tidwell energy storage email link
- D-18: 6.27.18 Alison Stone
- D-19: 6.4.18 Kiki Tidwell Microgrid Woods of Wisconsin
- D-20: 6.4.18 Kiki Tidwell The 21st Century Power Grid
- D-21: 6.7.18 Laura Midgley.
- D-22: 6.7.18 Rock Rolling Prop CUP Letter
- D-23: 7.4.18 Kiki Tidwell micro grid knowledge email link
- D-24: 7.4.18 Kiki Tidwell renewable energy world email link
- D-25: 7.5.18 Nancy Thorpe
- D-26: 8.20.18 Kiki Tidwell How Much Do Power Lines Lower Real Estate Value
- D-27: 8.21.18 Kiki Tidwell Redundancy failure at Reagan Airport
- D-28: 8.25.18 Robert Hemphill - Sunshine Soldiers
- D-29: 8.27.18 Jim Kuehn
- D-30: 8.27.18 Kiki Tidwell
- D-31: 8.27.18 Kiki Tidwell Washington state utility microgrid
- D-32: 8.3.18 Kiki Tidwell follow-up on John’s talk IPCO
- D-33: 8.31.18 – 11:15 am Kiki Tidwell
- D-34: 8.31.18 – 5:04 pm Kiki Tidwell
- D-35: 9.3.18 Kiki Tidwell
- D-36: 9.4.18 Kiki Tidwell
- D-37: 9.5.18 Kiki Tidwell
- D-38: 9.6.18 Michael Leach
- D-39: 9.12.18 Mike Thompson
- D-40: 9.13.18 Sunny Grant
- D-41: 9.18.18 Kiki Tidwell
- D-42: 9.20.18 Kiki Tidwell
- D-43: 9.21.18 Michael Leach
- D-44: 9.27.18 Heatherlands Homeowners Association.
- D-45: 10.1.18 Laura Midgley
- D-46: 10.9.18 Kiki Tidwell email news links-updated
- D-47: 10.5.18 Tift Mann
- D-48: 10.8.18 Kiki Tidwell
- D-49: 10.10.18 Kiki Tidwell

D-50: 10.10.18 Richard Coleman
D-51: 10.10.18 Cindy Dondero
D-52: 10.16.18 Laura Targett
D-53: 10.16.18 Kiki Tidwell
D-54: 10.17.18 Laura Midgley and 29 others
D-55: 10.17.18 Laura Midgley
D-56: 10.19.18 Laura Midgley
D-57: 10.19.18 Cynthia Wooley
D-58: 10.25.18 Jeff Huber
D-59: 10.29.18 Raymond Slomski
D-60: 10.29.18 John Milner
D-61: 10.31.18 Jane Burdick
D-62: 10.31.18 Alan Richardson
D-63: 10.31.18 Marcia Pillon
D-64: 11.1.18 Steve Rose
D-65: 11.1.18 Len Harlig.pdf
D-66: 11.1.18 Susan Parkinson.pdf
D-67: 11.4.18 Eric Huus.pdf
D-68: 11.5.18 David Rose.pdf
D-69: 11.5.18 Jane Mason.pdf
D-70: 11.7.18 Richardson Adams.pdf
D-71: 11.7.18 Steve Rose.pdf
D-72: 11.7.18 John Milner.pdf
D-73: 11.7.18 Alan Richardson.pdf
D-74: 11.9.18 Ed Lawson for Cox Communications.pdf
D-75: 11.12.18 Lisa Stelck.pdf
D-76: 11.11.18 Bill Boeger.pdf
D-77: 11.12.18 Matthew Youdall.pdf
D-78: 11.13.18 Kiki Tidwell.pdf
D-79: 11.13.18 Fritz Haemmerle for Audubon Plc Rd Residents.pdf
D-80: 11.13.18 Matthew Youdall-video of Jackson Hole downed lines in 2017.pdf
D-81: 11.15.18 Julie Cord.pdf
D-82: 11.27.18 Ingrid Whittaker.pdf
D-83: 11.27.18 Michael Leach.pdf
D-84: 12.6.18 The Thornton Family.pdf
D-85: 12.5.18 Michelle and Algis Pabarcus.pdf

II. 9-25-3: CONDITIONAL USE PERMIT STANDARDS FOR EVALUATION:

A. Review: The commission or the board (or hearing examiner) shall review the particular facts and circumstances of each proposed conditional use in the terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Will, in fact, constitute a conditional use as established for the zoning district involved;

- ▶ **Findings: Complies.** The use is a permanent 'public utility facility'. The project traverses land zoned Light Industrial (LI), R-1, R-2, R-5, R-4 and RD before entering the jurisdictions of the cities of Ketchum and Sun Valley. Public utility facilities are allowed by the issuance of a Conditional Use Permit for all of the aforementioned zoning districts.

9-2-1: DEFINITIONS OF WORDS AND TERMS: . . .

PUBLIC UTILITY AND PUBLIC SERVICE FACILITIES: Structures essential to furnishing the public with electric power two hundred thirty (230) kilovolts or less, gas, water supply, water treatment, and public services, including power plants or substations, water treatment plants or pumping stations, fire stations, police stations or snow storage locations. . . .

2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and/or this title;

- ▶ **Findings: Complies with conditions and Public Utilities Commission Order 33872.** The need and route were set by the Public Utilities Commission Order 33872, therefore the conditions of approval bring it more into compliance with the conditional use permit standards of evaluation.

Conditions #1-8 respond to the objectives of the Comprehensive Plan. Refer to the Standards of Evaluation, provided by the applicant, Exhibit A-4, for more detailed responses. The applicant refers to Section 13 of the Comprehensive Plan; *Public Services, Facilities, and Utilities*. More specifically the Introduction, Purpose, and Utilities sections that state:

Introduction

This section is a guide for decision making for public services, facilities and utilities in Blaine County. Predictions of continued population growth make planning for future utilities and public service facilities essential. Blaine County is a resort community and the north portion of the county experiences seasonal fluctuations in population as high as three times its permanent population. Utilities and public facilities must have the ability to accommodate such fluctuations. Blaine County will have a greater opportunity to effectively serve the future needs of its permanent and visitor population with careful planning.

Purpose

The purpose of the Public Services, Facilities, and Utilities section is to identify the county's facilities and utilities, as set forth in Idaho Code 67-6508 (f), and provide an inventory of previous and existing conditions, discuss areas of service and methods of operation, estimate projected future needs, and provide recommendations for desirable goals and objectives based on this information.

Utilities

Public Utilities include basic services which provide for the energy, communication, water delivery and public waste removal needs of the county. These facilities include public and investor owned and/or private utilities. Public utilities are regulated by state and federal commissions.

Sections of the Comprehensive Plan specifically addressing electric power:

Electric Power

Idaho Power serves Blaine County with two (2) 138,000-volt transmission lines. Both transmission lines terminate at the Wood River Substation, two (2) miles north of Hailey. One 138,000-volt transmission line from Wood River to Ketchum serves the northern areas of the county.

In order to provide reliable service and meet projected population and load growth, Idaho Power planning includes:

1. A second 138,000-volt transmission line from the Wood River substation (just north of Hailey) to Ketchum.

Chapter 13; *Conclusions and Recommendation* section states:

Electrical Power

2. 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. In rural areas where undergrounding covers long distances and would require a disproportionate expense, provision should be made for relief from this requirement for single-family residences.

3. Blaine County should explore various funding options, i.e., user fees, local improvement districts, or bonding, to accomplish the Comprehensive Plan goals for undergrounding electric service when those goals differ from filed Idaho Public Utilities Commission tariffs. In any event, the county should explore the possibility of undergrounding all wire in the Scenic Highway Corridors in conjunction with future highway improvements.

Chapter 6; *Aesthetic Values* section states:

Utility lines are also a negative visual intrusion. Blaine County shall adopt a policy of requiring the undergrounding of all utility lines wherever possible. In the Scenic Corridors, this shall be of the highest priority.

The location and alignment of roadways can preserve or enhance specific scenic qualities, which should be considered in future alignment planning. Location of necessary, but often unsightly, public utilities should be placed out of the view corridors whenever possible. Cost alone shall not be the deciding factor for such relocation.

Chapter 5; *Natural Environment* section of the 2018 adopted Comprehensive plan also states the important of *Vistas and Scenic Integrity*. Reiterating the importance Blaine County places on the

Scenic Highway Overlay District to preserve the landscape and mountain views along Highway 75. The comprehensive plan indicates that planning of the 138k transmission line has been in discussion for 24 years. It also clearly states that the preferred method for all utilities is to underground them wherever possible and to reduce visual impacts along the Scenic Highway Overlay District. Section 13 of the Comprehensive Plan also recognizes that: *Idaho Power Company operates under a Certificate of Public Convenience and Necessity granted by the Idaho Public Utilities Commission, and is subject to the General Rules, regulations, and Rates approved by the Commission.*

Based on the conditions attached to this decision and positive conclusions on the other criteria, the Commission finds that this application complies with this criteria.

3. ***Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area. All outdoor lighting shall comply with chapter 29A of this title;***

► **Findings: Complies with conditions and Public Utilities Commission Order 33872.**

The need and route were set by the Public Utilities Commission Order 33872, therefore the conditions of approval bring it more into compliance with the conditional use permit standards of evaluation.

The “general vicinity” of this project is Highway 75 which is designated by Blaine County and the State of Idaho as a Scenic Highway. Title 2 in the Blaine County Code defines the Scenic Corridor as; *An area of significant scenic importance to Blaine County as a representation of the rural character and general attractive beauty of the County. Scenic corridor 1 (SC1) includes the area on both sides of State Highway 75 north of the east to west Glendale Road intersection that is visible from said State Highway 75. The designated scenic travelway contained within SC1 is State Highway 75, carrying the largest volume of commuter, recreational, and tourism traffic in Blaine County.*

There are power distribution lines on much of the proposed route; however, the height and number of lines is proposed to be 8’7”-14’ taller. This height increase will negatively impact the background mountain views that are recognized and appreciated by the State and Blaine County. Condition #2 addresses the height concerns burying the distribution line and keeping the poles at essentially the existing heights. The project area is designated as a Scenic Corridor. Multiple “micro-siting” adjustments were incorporated into the project to help mitigate the most prominent view-shed intrusions. Most of these adjustments are incorporated into Exhibits D-6 and D-6A and Conditions #1-7.

A new 47’6” transmission powerline is proposed to be erected in Segment 5. This would directly impact the Scenic Corridor, Saint Luke’s Hospital, the Community Housing Overlay District, and the bike path. Refer to the structural illustrations: Exhibit A-7, A-8. Refer to Condition # 1, 3, & 5 which address these conflicts.

Based on the conditions attached to this decision, the Commission finds that this application complies with this criteria.

4. **Will not be hazardous or disturbing to existing or future neighboring uses;**

► **Findings: Complies with conditions and Public Utilities Commission Order 33872**

The need and route were set by the Public Utilities Commission Order 33872, therefore the conditions of approval bring it more into compliance with the conditional use permit standards of evaluation.

The Transmission Line will comply with all National Electrical Safety Code standards and is consistent with Idaho Power transmission line installations throughout the company's service area. Idaho Power modeled the EMF levels for the transmission line and determined that the EMF levels will be significantly lower than the EMF standards established by the International Commission on Non-Ionizing Radiation Protection. There is debate in regards to the electromagnetic hazard associated with the powerlines. The applicant has stated (Exhibit B-1) that the proposed powerlines will have a lower risk than the current distribution line:

Electric and Magnet Fields (EMF)

The EMF of overhead transmission lines was questioned. The magnet field of the redundant transmission line will be lower than those of the distribution circuits. This is due to the magnetic field being created by the current following in each wire and the configuration of the wires on the pole. The redundant transmission line peak load currents, 125A for 60MW, are one-third that of the distribution circuit currents, 400A for 8.6MW. thus, each transmission wire will produce one-third the magnet field. Additionally, the transmission line TR-poles provide a delta wire spacing configuration compared to the flat horizontal configuration of the distribution circuits. The three wires in delta configuration cause a cancellation effect of the magnetic field outside the delta which does not occur on a distribution circuit.

Information on EMF may be found on Idaho Power's website at <https://www.idahopower.com/about-us/safety/electrical-system-safety-2/electric-magnetic-fields-emfs/> and <https://www.cancer.gov/about-cancer/causes-prevention/risk/radiation/electromagnetic-fields-fact-sheet>.

Currently there have not been enough long term studies to fully understand EMF and the hazards it may pose on human health. The studies that have been done do not show a strong correlation. The National Institute of Environmental Health Sciences, a division of the National Institute of Health states in a website page last reviewed on August 2, 2016 that:

. . . during the 1990s, most EMF research focused on extremely low frequency exposures stemming from conventional power sources, such as power lines, electrical substations, or home appliances. While some of these studies showed a possible link between EMF field strength and an increased risk for childhood leukemia, their findings indicated that such an association was weak. Now, in the age of cellular telephones, wireless routers, and portable GPS devices (all known sources of EMF radiation), concerns regarding a possible connection between EMFs and adverse health effects still persists, though current research continues to point to the same weak association. . . . Additionally, the few studies that have been conducted on adults show no evidence of a link between EMF exposure and adult cancers, such as leukemia, brain cancer, and breast cancer. Nevertheless, NIEHS recommends continued education on practical ways of reducing exposures to EMFs. Conditions # 1, 2B, 2C, 2N, 4, 5, 6, and 7 help to mitigate EMF proximity.

The proposed transmission line will directly and indirectly disturb neighborhood uses, in particular all residences and property owners along the proposed route. Most directly affected are those denser developments such as residences in Northridge, Gypsy Mobile Home Park south west of St. Luke's Hospital, and residences abutting Hospital Drive. (Refer to Exhibit D-Public Comment) Conditions # 1-8 help to address these concerns.

Idaho Power's existing distribution line, which will be replaced by the transmission line, location west of Highway 75 between East Fork Road and Hospital Drive meets all safety requirements of the Idaho Transportation Department ("ITD"). ITD specifically designated this location for the distribution line when Idaho Power relocated the distribution line in 2013 as part of ITD's Highway 75 road widening project. ITD has similarly authorized the location of the transmission line in the same alignment as the existing distribution line, which is along the outer west edge of the Highway 75 road right-of-way. This location will place the transmission line approximately 15 feet away from the west edge of the Highway 75 southbound lane, which is common spacing for power poles located within highway rights-of-way. The existing distribution line along proposed Segment 4 currently has several poles that are less than 15' from the western edge of the Highway 75 pavement. This poses a hazard in winter months to vehicular traffic. To address this hazard, the approved plan realigning the Segment 4 transmission poles 30' west from existing locations along this portion of Highway 75. See Condition # 2L.

Based on the conditions attached to this decision, the Commission finds that this application complies with this criteria.

5. ***Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;***
 - ▶ **Findings: Complies.** The transmission line would be adequately served by public facilities. The transmission line would be easily accessible by Idaho Power from existing roads, improving Idaho Power's ability to repair the transmission line efficiently in order to minimize the scope and duration of outages. By contrast, access to Idaho Power's existing transmission line over rugged terrain would be far more difficult and could significantly delay outage restoration work. The proposed route is adjacent to roadways and therefore accessible for maintenance and emergency services.

6. ***Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;***
 - ▶ **Findings: Complies with conditions and Public Utilities Commission Order 33872.** The need and route were set by the Public Utilities Commission Order 33872, therefore the conditions of approval bring it more into compliance with the conditional use permit standards of evaluation.

The electric reliability for North Valley residents and businesses would be improved by reducing the risk of a long-term power outage which could cause extensive property damage and jeopardize essential services and public safety. The overhead transmission line as proposed will not have an impact on the public cost to Blaine County directly.

Given the conditions requiring the undergrounding of portions of the transmission line, there is expected to be a direct public cost to help fund the undergrounding components. (See Exhibit C-3 for funding and cost estimates).

The indirect cost to the economic welfare of the community are related to aesthetic values. Many Blaine County residents rely on the tourism economy, with its foundation on the high quality natural and scenic resources. The integrity of the view-sheds coincides with the high value of real estate and occupations in the building trades, recreation, and amenities associated with a tourist based economy. Much of the proposed transmission line is within the Scenic Highway Overlay District along Highway 75. This district was created to preserve the scenic vistas. It is also designated as an Idaho scenic byway.

“Micro-siting modifications can help to minimize the footprint of the new transmission line on these view-sheds. Currently, the transmission poles are planned to be 8’7”-14’ taller than the current distribution poles. The highway crossing poles are proposed to be 60’. (See Exhibit A-7 & A-8 for Structural Illustrations; Seg. 1: No height difference, Seg. 2: 14’ taller, Seg. 3: 8’7” taller, Seg. 4: 13’6” taller & Seg. 5: new poles at 47.6”) Moving the east-west highway crossing to 1,300 feet north of East Fork Road (2,250’ south of existing distribution highway crossing) would help to preserve the north-east mountain views from the highway. Refer to Condition # 2K. To help mitigate scenic views and safety concerns, One of those micro-siting modifications included moving the redundant line 30’ west of the existing distribution lines which are 15’ from the pavement after it crosses the highway in Segment 4. See Condition # 2.L.

If the route can go underground behind the Gypsy Trailer Park, this will further mitigate safety concerns on the highway. See Condition # 2.M and Condition #3.

Currently, the proposal is to transition underground at the Elkhorn Road and Highway 75 intersection. The underground transition options that make this proposal acceptable along the line and prioritization of those options are listed under Conditions # 3-5. These options make a positive finding on this criteria, among others, possible. There is expected to be a cost to the local community. (See Exhibit C-3 for funding and cost tables) One of the highest priority options is to underground the attached distribution lines. This option would mitigate any additional visual impact above what currently exists by reducing both the number of lines and the pole heights. With at least underground distribution lines, the pole heights would remain essentially the same as existing distribution line poles and the number of lines would be reduced. (See cost table Exhibit C-3) See Condition # 2.

Based on the conditions attached to this decision, the Commission finds that this application complies with this criteria.

7. *Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, dust, odors, vibration, water pollution or safety hazards. Water pollution includes impact to surface and ground water and potable water sources. When the proposed use involves a potential contaminant source or potential contaminant as set forth in appendix A of this title, on file in the county, and is located within a wellhead protection area, the commission shall consider the impact of the project on potable water sources and determine whether there is sufficient information in the record to demonstrate that the project has been designed to mitigate adverse impact to potable water source(s);*

► **Findings: Complies with conditions.** There will be no smoke, fumes, glare or odor. Under typical operating conditions, a 138-kV transmission line should not emit excessive noise. The transmission lines do emit some noise which can vary depending on weather conditions and quality of the lines. It is not likely to be considered “excessive” unless a person is in the immediately vicinity of the line during those conditions.

There will be no traffic generated once the transmission line is constructed. There will be a temporary increase in traffic diversions and lane restrictions, particularly during construction of the underground portion of the transmission line. Idaho Power will coordinate with Blaine County, Ketchum, Sun Valley, and Idaho Transportation Department (ITD) to develop traffic control plans while crews work along roads.

The concern about the EMF safety hazard is also addressed under Criteria #4 above. The project will be designed, constructed and operated under National Electric Safety Code (NESC) requirements and restrictions.

Many segments of this project are within wellhead protection areas. The poles will be metal and thus will not require a wood preservative. Any “underground” river crossing would hang from existing conduit on the new bridge. A couple spots on the King Transmission Line, approved in 2016, were within a wellhead protection area, but DEQ did not express concerns about contamination from the poles or the installation operations. If the line is routed west of the hospital, the wetlands will be subject to Condition #2.O.

It would benefit the homeowners in Northridge and Coyote Bluff Subdivision to have the powerlines moved out of their backyards. See Condition # 2B and #2C. This could help mitigate any safety, noise, and aesthetic concerns. In addition, this would make Idaho Power’s maintenance and repair of the line easier and help avoid fences, trees and irrigation systems when constructing any new line.

Based on the conditions attached to this decision, the Commission finds that this application complies with this criteria.

8. *Will have vehicular approaches to the property which shall be designed as not to create an interference with traffic on surrounding public thoroughfares;*

► **Findings: Complies.** The transmission line poles will be in locations that will not interfere with traffic flows or driver views. No specific vehicular approaches to these public facilities are proposed or considered necessary. The location of a construction stage area or the volume of traffic to operate and maintain this line is unknown.

Given the relatively rare occasion when service is necessary and the distance from Buttercup Rd. or portions of Hwy. 75, the extent of any traffic interference should be minimal. The possible interference will be greater on those portions of the line that run immediately adjacent to the Hwy. 75 travel lanes.

9. *Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance; and*

- ▶ **Findings: Complies with conditions and Public Utilities Commission Order 33872.** There will be loss of natural and scenic character along the redundant transmission line. Due in part to this loss, the Planning and Zoning Commission denied the application in 2014. After the Public Utilities Commission ruled that there was a need for the redundant line and the CUP application was resubmitted, the applicant has worked with Blaine County to identify some micro-siting opportunities that can mitigate the visual impact. These micro-siting opportunities are listed within Conditions #2 through 7 and help to minimize the loss of natural and scenic features of major importance to this community.

Based on the conditions attached to this decision, the Commission finds that this application complies with this criteria.

10. *If the applicant or landowner with respect to an application for a conditional use permit under this chapter is, the commission or the board, in addition to all other applicable standards and criteria hereunder, shall take into account the plans and needs of the state, or any agency, board, department, institution or district thereof, as required by Idaho Code section 67-6528.*

- ▶ **Findings: N/A** This criteria is not applicable. Idaho Power Co. is not the State of Idaho, or any agency, board, department, institution, or district of the state. The Public Utility Commission (P.U.C.) is a "board" which stated in its order: "That redundancy is needed to provide adequate and reliable service to the north valley...and thus grant the company's (Idaho Power's) required CPCN (Certificate of Public Convenience and Necessity) authorizing construction of a second transmission line." (Page 15 of Order # 33872)

III. Decision and Conditions

► **Decision:** Having considered the evidence in the record and based on the Findings set out above, Commissioner O'Farrell moved, Commissioner Murphy seconded and by vote of 4 to 0 (Commissioners Fosbury, Giannettino, and Ranill being absent), the Commission hereby approves, subject to the following conditions, this conditional use permit to place a 138-kV redundant transmission line from the Wood River Substation just north of Hailey to the Ketchum Substation on Sun Valley Rd.:

Conditions of Approval

Any modifications to the plans or approved uses shall require further zoning review, and may be subject to additional hearing and regulations pursuant to the Blaine County Zoning Code.

1. **Priority #1:** The Commission's first priority is to underground the line, both transmission and distribution, from the Wood River Substation to the Elkhorn light where it would link with the underground infrastructure headed north through Ketchum. The Commission prioritizes this option to give the Board the opportunity to explore all funding options necessary to accomplish this priority.
 - 1.A. At Pole #89 and #90 where the line crosses the Big Wood River, the applicant shall install the cable in conduit on the existing bridge instead of boring under the river.
 - 1.B. At Pole #165 through #170, the applicant shall run its conduit and cable on the west side of the mobile home park if an agreement can be reached with the private landowner.

2. **If Priority #1 cannot be funded, the Commission's second priority (Priority #2) is to underground the distribution and communication lines in Segments 2, 3 and 4 and micro-site the above ground transmission as follows:**
 - 2.A. The transmission line pole heights shall be adjusted to a pole height below or matching, to the extent possible, the existing distribution line pole heights in Segments 2, 3 and 4.
In Segment 1:
 - 2.B. Idaho Power shall pursue easement negotiations with Idaho Department of Lands to move Poles # 3 and Poles #4 to the bottom of the northern slope to allow an increased distance from homes within the Coyote Bluff Subdivision. In addition, Pole # 4 should be moved west to align with the property boundary between 123 and 125 Coyote Bluff Drive to help mitigate visual impact to the property owner of 123 Coyote Bluff Drive. Pole #5 shall not be moved closer to the existing ITD employee housing located at 111 Bartholomew Rd.

 - 2.C. Idaho Power and Blaine County shall pursue easement negotiations to extend the existing easement 15'-25' into Parcel A, the Silver Sage HOA open space parcel, and Lot 8 in order to move Poles #6, #7, #8 and #9 further north from the adjoining Northridge Subdivision neighbors' northern property boundary.

In Segment 3:

- 2.D Pole #48 shall be moved as far north as possible to mitigate traffic conflicts with Buttercup Road.
- 2.E Pole #49 thru 52 shall be aligned so as not to disturb existing shade trees abutting the bike path and Hiawatha Canal.
- 2.F Pole #48 thru 98 shall be remain in their existing alignment without any eastward or westward shift
- 2.G Pole #66 shall be moved as far north as is practical to mitigate traffic conflicts with Ohio Gulch Road.
- 2.H At Pole # 89 and 90 where the distribution line crosses the Big Wood River, the applicant shall run its conduit on the existing bridge instead of boring under the river.
- 2.I Pole #90-96 adjacent to Audubon Place, if not undergrounded, shall be micro-located (i.e., moving a pole location to the extent possible) to reduce visibility from driveways and maximizing the screening provided by the established conifers but not to a location that would compromising the integrity of the bike path.

In Segment 4:

- 2.J Poles #99 thru #106 shall align with the bike path, more or less, as shown on *Exhibit D-6 11/13/18 Plan and Profile*, but far enough from the path that it does not compromise the integrity of the bike path pavement or create a safety hazard.
- 2.K Poles #106- #107 shall be where the transmission line crosses Highway 75.
- 2.L Poles #107 thru #164, as shown on *Exhibit D-6A 11/13/18 Plan and Profile* along the west side of Highway 75 shall be located, within the west edge of the original stock trail easement 45' from the west of the pavement edge. A right-of-way approval may be required for the use of the stock drive easement west of Highway 75.
- 2.M Idaho Power and Blaine County shall pursue easement negotiations with the private land owners of the Gypsy Trailer Park to route the above ground transmission line at Pole #165 west of the trailer park then connecting back near Pole #170 to mitigate safety concerns relating to proximity to Highway 75.

In Segment 5:

- 2.N Idaho Power and Blaine County shall pursue easement negotiations with Saint Luke's Hospital and access easements for the stock drive in order to route the above ground transmission line west of the hospital to match Exhibit D-4: *Hospital re-route with heights above bench*.
- 2.O A wetland delineation shall be obtained for the west-of-the-hospital route (Exh. D-4). After the delineation, silt fencing shall be placed at the wetland boundary, prior to construction, so no disturbance can occur beyond the fencing.
- 2.P If easements cannot be obtained, Idaho Power shall route the transmission line on Hospital Drive as depicted in Exhibit A6.
- 2.Q Starting at Pole #175, position the transmission line (TA Style poles) conductors (energized wires) away from the bike path.
- 2.R Shall install the "H" type underground transition structure at the north end of the transmission line. The structure and the associated lines shall be as close to Pole #183 as possible.

- 2.S Install plantings including conifers to grow at an adequate height and width to screen the underground transition structure(s) from Highway 75 and the bike path.

If funding cannot be identified for undergrounding the entire transmission and distribution lines (Priority #1) or for undergrounding the distribution lines alone (Priority #2) the Board has prioritized shorter segments of the distribution and transmission lines for undergrounding, to the extent funding allows. These are listed below in order of priority. The prioritization shall not inhibit the possibility of undergrounding as much transmission line as can be funded. All priorities shall include micro-siting conditions listed in Condition #2

3. The third undergrounding priority (Priority #3) shall be to underground the distribution and transmission lines starting at Pole #158 north to the Elkhorn Road location where the transmission line is currently designated to go underground.
4. The fourth undergrounding priority (Priority #4) shall be to underground all lines from Pole #172, north of Hospital Drive to the Elkhorn Road location where the transmission line is currently designated to go underground.
 - 4.A Pole #172 to be moved west behind a row of cottonwoods if an easement allows.
 - 4.B Shall install the "H" type underground transition structure and install plantings including conifers to grow at an adequate height and width to screen the underground transition structure from Highway 75 and the bike path.
5. The fifth undergrounding priority (Priority #5) shall be undergrounding the distribution and transmission lines starting at Pole #166 south of Hospital Drive to the Elkhorn Road location where the transmission line is currently designated to go underground.
6. The sixth undergrounding priority (Priority #6) shall be undergrounding the distribution and transmission lines starting at Pole #89 north at Audobon Place to the Elkhorn Road location where the transmission line is currently designated to go underground.
7. The seventh undergrounding priority (Priority #7) shall be undergrounding the distribution and transmission lines starting at Pole #1 to Pole # 9.

General Conditions:

- A. If any double circuit distribution line is above ground, the poles have only one, wider crossbar to minimize over-all pole height.
- B. Noxious weed mitigation and re-seeding of native seed mix shall occur in all disturbed areas. Areas of disturbance shall be monitored by Idaho Power on an annual basis for five years to ensure the establishment of desirable vegetation and the abatement of noxious weeds.

- C. A financial security in the amount of 30% of the estimated cost of the revegetation approved by the Administrator shall be collected and held for up to five (5) growing seasons to ensure at least 80% establishment of the plants as determined by the Administrator.
- D. Applicant shall comply with all applicable zoning, building, fire and health district regulations.
- E. Near residential areas, night time work shall be minimized to the extent possible.
- F. Any undergrounding of distribution lines should take Cox Communications under consideration.
- G. Poles shall be of corten steel material.
- H. A notice shall be sent out to 300' of adjoining landowners by Idaho Power of the new transmission line prior to the commencement of construction.
- I. An independent third party review and verification of construction cost estimates for bids shall be provided due to Idaho Power having never undergrounded 138K transmission lines prior to this decision.
- J. Reconstruction of the existing transmission line shall commence as soon as possible after permitting.

Idaho Code §67-6535(c) Notice: The owner of the property subject to this application and decision may request a regulatory taking analysis pursuant to I.C. 67-8003.

IT IS SO ORDERED.

DATED this 15th day of January, 2019

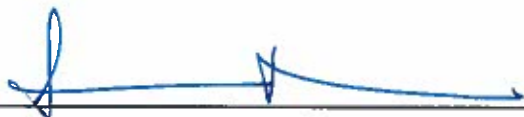
BLAINE COUNTY PLANNING AND ZONING COMMISSION

By: 
 Rachel Martin, Chair

CERTIFICATE OF MAILING

The undersigned person hereby certifies that on the 15 day of January, 2019, she served a true and correct copy of the foregoing document by depositing the same in the U.S. Mail addressed as follows or by service otherwise as noted:

Idaho Power Company,
 Jeff Maffuccio & Dave Angell
 PO BOX 70, Boise, Idaho 83707


 Land Use Staff