



## CITY OF MIDDLETON Planning and Zoning Commission

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In Re:

Idaho Power

April 8, 2016 Application

May 9 and June 13, 2016 Hearing

**Findings of Fact,  
Conclusions of Law,  
Decision and Order**

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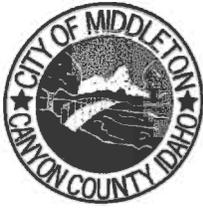
### SUMMARY OF THE REQUEST

The request by Idaho Power is to allow for construction, operation and maintenance of a 138-kilovolt (kV) electrical transmission line over four miles in length through downtown Middleton along State Highway 44 and north on Hartley Ln., and on poles over 55 feet tall.

### FINDINGS OF FACT

1. **APPLICANT:** The applicant is Idaho Power at 1221 W Idaho St., Boise, Idaho 83702.
2. **APPLICATION:** The application was received and accepted by the City on April 8, 2016.
3. **NOTICE OF PUBLIC HEARING:** Notice of the public hearing before the Planning and Zoning Commission was published, mailed and posted as follows:

Published notice Idaho Press Tribune:	April 24, 2016
Letters mailed to property owners within 300':	April 22, 2016
Letters mailed to agencies providing services:	April 20, 2016
Property posted in four locations:	May 2, 2016
4. **APPLICABLE CODES AND STANDARDS:** The ordinances and standards used in evaluating the application are:
  - Idaho Code Title 67, Chapter 65
  - Middleton City Code Title 5 Chapter 2, Tables 1 and 2 in Section 5-2-3 (Land Use & Height Requirements)



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Middleton City Code, Title 5, Chapter 3 (Conditional Use Permit Procedures) and Chapter 5 (Design Review)  
Middleton City Code, Title 6, Chapter 4, Section 2.A.4 & 11 (Utilities Required Improvements)

5. The City of Middleton received a letter from Canyon County Water Company on April 26, 2016 that states "Regarding Idaho Power putting in the poles along the Canyon County Water ditches the Canyon County Water Co. Board request that Idaho Power does not put new poles in the ditch company right-of-way. If a pole has to be replaced in our easement we would like Idaho Power to contact the Board."
6. Written comments and questions were received from Paul Watson on June 7, 2016 via e-mail. The e-mail was forwarded to members of the Planning and Zoning Commission and a copy of the e-mail was put in the city's file on June 7, 2016.
7. Staff's recommended decision is inconsistent with the evidence received and the Commission's discussion, so the Commission accepts the staff report and incorporates it here, but declines the recommended decision.
8. "Distribution lines" are lower in voltage and are the final stage in delivery of electricity, from substations to individual customers. They are part of a network that typically includes medium-voltage power lines, pole-mounted transformers, low-voltage wiring and meters.
9. "Transmission lines" are higher voltage lines that carry electricity over long distances, such as from a power station (like Hells Canyon) to a substation in a city, and connect between substations in cities or regions. They are higher voltage (46-kV and above) and are typically placed on taller structures than lower voltage distribution.
10. Redundancy of power between the Willis Substation and the Lansing Substation is prudent and desirable, and the reason for connecting the substations is so there is redundancy and power can be supplied by either as load needs change.



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11. The Lansing and Willis substations have reduced the number of power outages in the Middleton area, and a 138-kV transmission line connecting the Lansing and Willis substations will carry enough voltage to cover existing and future Middleton growth, according to Idaho Power.
12. The existing power lines along Emmett Road will provide enough power for the proposed future commercial area near State Highway 44.
13. Connecting the Lansing Substation east to the substation in the City of Star is part of an overall upgrade project planned by Idaho Power.
14. The existing power poles on the north side of State Highway 44 between Middleton Road and Lansing Lane are mostly, if not all, located on land owned by Idaho Transportation Department for road right-of-way.
15. There was no evidence to show that higher voltage transmission lines would cause health problems or interfere with the operation of pacemakers or other health conditions or concerns.
16. The City of McCall and City of Eagle discussed requiring Idaho Power to bury high-voltage transmission lines at Idaho Power's cost, and the Idaho Public Utilities Commission (PUC) found that if a city would like buried transmission lines, it would be at the city's cost and not ratepayers in general. Idaho Power estimates the cost of overhead construction for about three miles to be \$1.8 Million, and ten times that (\$18 Million) to bury the 138-kV transmission line. The cost is not financially realistic for Middleton residents and the City of Middleton to pay (\$18 Million to bury the 138-kV transmission line).
17. As of May 26, 2016, Idaho Power reports having about 27,092 miles of distribution lines ... approximately 70 percent of which are overhead. The distribution lines can be buried at Middleton residents and City's expense.
18. Idaho Power plans to start the project in the summer of 2017 and to finish by the



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end of that year.

19. Red and grey pole colors cost about the same, and the project pole colors can be whichever one the City prefers.
20. A route other than downtown for the proposed increase in pole heights and high voltage line is better for Middleton residents.

### **CONCLUSIONS OF LAW**

Notice of the application and public hearing was given according to law. The Planning and Zoning Commission's public hearing was conducted according to law, and the City has kept a record of the application and related documents.

The Idaho Public Utilities Commission does not allow all of Idaho Power's customers to pay for the additional cost of a local jurisdiction's requirement to construct underground transmission facilities where there is an otherwise viable, local alternative the local residents that would benefit from the City's requirement to bury the lines are responsible for the cost difference between the underground facilities and the lower-cost alternative. Middleton residents and the City are responsible to pay installation expenses exceeding the cost of overhead construction of transmission lines.

### **DECISION**

Based on the Findings of Fact and Conclusions of Law, the Planning and Zoning Commission denies the conditional use permit request by Idaho Power to allow for construction, operation and maintenance of a 138-kilovolt (kV) electrical transmission line on poles over 55 feet tall and over four miles in length through downtown Middleton (along State Highway 44 and north on Hartley Lane). The applicant can gain approval of its proposed project by proposing a route for the 138-kV line different than through downtown.



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WRITTEN DECISION APPROVED ON: July 11, 2016.

Lary Sisson, Chairman  
Planning and Zoning Commission

Attest:

Randall Falkner  
Planning & Zoning Official