

Commissioners Minutes

October 17, 2024 – 1:34 p.m. to 4:10 p.m.

PUBLIC HEARING: APPEAL BY AMY MALLARD OF THE DIRECTOR'S DECISION TO APPROVE A REQUEST BY IDAHO POWER TO ESTABLISH A NEW ELECTRICAL SUBSTATION, CASE NO. AD2024-0046-APL

Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek

DSD Planning Supervisor Carl Anderson

DSD Principal Planner Debbie Root

In favor the appeal/opposed to the request by Idaho Power: Amy Mallard, Erica Ahlvers, Linda Mims, JuliAnne Conrad, Velma Smith, Dennis Zattiero , Gordon Hill, Teresa Kritzer

Opposed to the appeal/in favor of the request by Idaho Power: Daniel Hyer, Jeff Maffuccio, and Angelique Rood

Other interested citizens

Deputy Clerk Monica Reeves



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The Board met today at 1:34 p.m. to conduct a public hearing in the matter of an appeal by Amy Mallard of the July 23, 2024 Director's Decision in Case No. AD2024-0046 which approved a request by Idaho Power to establish a new electrical substation at the northeast corner of the intersection of Top Road and Lower Pleasant Ridge Road on a 2.65-acre portion of parcel R36328. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Planning Supervisor Carl Anderson, DSD Principal Planner Debbie Root, Amy Mallard, Erica Ahlvers, Linda Mims, JuliAnne Conrad, Velma Smith, Dennis Zattiero, Gordon Hill, Teresa Kritzer Daniel Hyer, Jeff Maffuccio, Angelique Rood, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Holton disclosed that he served on the Idaho Power advisory board that gives direction to Idaho Power's siting of substations and he did this as a volunteer as a Canyon County Commissioner. There were other county commissioners, city staff, and public service representatives who also served. The area was north of Weiser to the west to Ontario, to the east near Can-Ada Road, and to the south of Melba. It was a large area, and it was not specific to a parcel of ground. The subject parcel had been brought as an advisory to the City of Greenleaf for a 20-house subdivision and the city advised them "not now" and said perhaps there would be a different use for the property. He has not been involved with the property owner or Idaho Power in any way, indirectly or directly, about the parcel called out for this substation. He does not see any specific reason he would have to recuse himself from today's hearing. There is no conflict for personal gain whether directly or indirectly off of this decision for him personally.

Amy Mallard testified that she is disappointed in the process because she feels like this proposal was sprung on the homeowners who were given two weeks from the date of the initial letter of notification to oppose it. The neighbors overwhelming were opposed to the request and they filed that with the DSD Director. Two weeks after the Director's decision they were given two weeks to submit an appeal, forcing the homeowner to pay for the appeal, and as a homeowner trying to defend her property she does not believe it should fall on her to front the money for that. She submitted a letter with her original appeal and raised the points of why she was opposed to the proposal. She also submitted an environmental impact of substations that was published by the Public Service Commission in Wisconsin because she could not find anything in Idaho and she wanted a to make sure it came from a government site. Permanent construction impacts of a substation include long-lasting impacts, including changes in habitat laws, changes to local aesthetics, viewsheds, noise, and lighting. Anyone within 300 feet will hear noise from the substation. Some neighbors live directly across the street from the proposed use and the edge of her property is 300 feet while her parents' property is within 200 feet. In the Director's decision it was stated that the proposed use would not change the character of the area, but there was no proof of that given other than to state Idaho Power would place a concrete wall around the utility. The transformer will extend well beyond the height of the concrete wall and the post may extend up to 70 feet. It will change the look of an agricultural area to an industrial area. There are properties for sale near the site and on Simplot Blvd., in an industrial area where no homes are located. There is also a property for sale one mile east on Lower Pleasant Ridge Road consisting of 27-52 acres. She believes there are more opportunities to purchase property somewhere else that would not affect homeowners. Ms. Mallard said the Director's decision concluded that the proposed use would not be harmful to properties in the immediate vicinity, but having sold real estate she is aware of the negative impact the proposed use will have. She purchased her property four years ago as a long-term investment and is concerned about the negative impacts to property values due to the stigma associated with substations and high voltage lines. Many people believe it is harmful so it doesn't matter what studies show, the stigma is there, and it may force people to rent their properties if they are not able to sell them. Nobody wants to live next to high voltage long term because of the unknown so when it says unsubstantiated, it doesn't mean it's not a problem it just means there is no conclusive evidence. If Idaho Power is constructing a substation for the needs of future building that should fall on the area where the building is going to occur because those homeowners are then knowingly purchasing there. Idaho Power representatives have stated that property values will be affected.

Erica Ahlvers, whose property line abuts the subject parcel, testified about her concerns with safety and the stigma attached to substations. In the event of a catastrophic failure such as an explosion of the facility, the concrete walls are not going to keep nearby properties safe. She also has concerns about the negative impacts on property values. Title 61 of Public Utility Regulations states the powers and duties of the public utilities commission is to promote the public interest so it should support the desires, values, and needs of the surrounding community; however, placing

a substation at this location does not do that. Ms. Ahlvers said there are multiple lots for sale on Simplot Blvd., that are in an industrial location which would better suit what is needed.

DSD Principal Planner Deb Root gave the oral staff report stating that Amy Mallard's appeal of Idaho Power's request to construct a utility facility on a 2.65-acre parcel on the northeast corner of the intersection of Top Road and Lower Pleasant Ridge Road is based on the following concerns:

- Not located a safe distance from existing residences due to electromagnetic fields (EMF) emissions
- Effects on property values and the ability to sell their properties
- Noise from the facility
- Disruption of the scenic agricultural landscape

The subject property was part of a 24-acre parcel, and it is currently in agricultural production. The surrounding land uses are ag-residential and agriculture. The City of Greenleaf is located a ¼ mile to the northwest on Top Road, and to the west of Top Road there is a large-lot residential development, Locust Hills Estates. There are sporadic small residential clusters to the north and east of the proposed project with the nearest home being more than 200 feet from the parcel. The property is bordered on two sides by public roads and there is an existing Idaho Power transmission line along the south boundary of the property. The County's future land use designation for this property is residential and a utility facility is permitted by the Director's decision in the residential zones. The City of Greenleaf's future land use designation for the subject property is agriculture and low-density residential. The applicant indicates that the facility is intended to improve services to the Greenleaf area and has provided information regarding the EMF health concerns. The utility facility as proposed will not increase traffic, noise, dust, nor is it anticipated to impact essential services. The proposed facility is compatible with existing rural residential and agricultural uses in the area. Staff concluded that the proposed use will not be injurious to property in the immediate vicinity, nor will it negatively change the essential character of the area. There are substations located throughout the County in varying locations, some are not surrounded by anything, and some are frequently surrounded by small lot residential properties. Property owners within 600 feet of the subject property were notified of the request by Idaho Power and were provided opportunity to comment on June 11, 2024. Staff received three letters of opposition and an opposition petition signed by 37 people during the comment period. The opposition cited loss of agricultural farmland, disruption of current scenic views, potential for lowered property values, industrial development in an agricultural and residential area, and health concerns regarding electromagnetic fields. The Director's decision for a utility facility was approved with conditions on July 23, 2024. The appeal of the Director's decision was filed on August 9, 2024. Following her report, Principal Planner Root responded to questions from the Board.

Testimony in favor of the Maggard appeal resumed as follows:

Linda Mims lives directly across the street from the proposed site. She attended the Idaho Power meeting in Greenleaf and asked why they didn't select an industrial location as there are plenty of industrial spots that do not have houses across the street. She had her place surveyed to do a possible split off an acre so she could help secure her financial future but believes no one would want to build a house on that acre due to its close proximity to the substation. When she asked the Idaho Power representative why they didn't check with the neighbors about their plans she said they said it was their mistake, they should have.

JuliAnne Conrad testified that she and her husband oppose the proposed use. They have lived in Greenleaf for seven years and are concerned about the value of their home and their ability to retire, or resell, or keep their property long-term for their family. They are also worried about the noise the substation will generate. People have posted about having health issues while living next to these substations and when they move away their health issues clear – it is very suspicious. She enjoys the agricultural aspect and the rural countryside, but the substation will diminish that homestyle farm town value that Greenleaf is known for.

Velma Smith lives across the street from the proposed site and she agrees with testimony that has been given so far. Her husband has a pacemaker and is not supposed to stand in front a microwave when it's on and so they are very concerned about what the substation will do to his health. Property values are a concern as well.

Dennis Zattiero agrees with the testimony so far and said he is very concerned about the EMF or EMI radiation from the site. He is an amateur radio operator and said the proposed use will generate more noise and will pollute the neighborhood with radiation that will affect television reception for people who are in the line of sight, and he believes it will be determinantal to the neighborhood, community, and lifestyle, as well as negatively impact property values. If there are other opportunities to put this in an industrial area that's more appropriate or if there are properties for sale, why wouldn't we consider that? He is a small farmer, and water runs across his property to where the substation will go, and he already has an issue with water backing up onto his hayfield making it nonfarmable. He asked Idaho Power representatives how they will not continue to negatively impact his land, and they said they did not know anything about it and did not seem to have a plan to go forward. The proposed use is not well thought out.

Gordon Hill testified that his father purchased the property now known as Locust Hill Estates in 1971, and he purchased his land from his father in the 1980's and has lived there since. He understands growth is inevitable, but this is not the right place for the substation because it is not zoned for light industrial or commercial. He feels bad for those whose views will be impacted and he is offended by the Director's comments that it will not aesthetically change the character of the properties. He agrees that a substation is needed, but not at this location.

Teresa Kritzker testified that she and her husband moved to Greenleaf a few years ago and their property touches the site. There are two irrigation ditches that run through there that the Kritzkers get their water from; one is a runoff and the other is up top. They are on well water and

her concern is if the subject property stops being irrigated and it could impede her irrigation water. She is also concerned about the potential for fire hazards, health risks, noise pollution, and impacts to the view from her property. Had she known a substation would be located there she would not have purchased her property and if it is constructed she will move. Ms. Kritzker has been a loan officer for 20 years and this substation will affect property values. She supports growth; however, the placement is terrible. The roads are not built to handle the traffic that will come from the newly approved subdivision so those who cannot access Simplot Blvd., will take a back road and come down the narrow Top Road. The neighbors will be impacted by additional traffic and the substation. The neighbors should not have to sacrifice their value because this is a cheaper solution for Idaho Power. There need is there, but it's not a good location.

Testimony in opposition to the appeal/support of Idaho Power:

Angelique Rood, a regional manager for Idaho Power, testified that the reliability project will help the company continue to provide reliable energy to the area. One misnomer is that this is simply all for future growth, and we have seen substantial growth but for additional infrastructure in the area they expect to begin seeing reliability concerns in the Greenleaf areas as early as January 2028. She is very sympathetic to the neighbors and communities - nobody wants infrastructure sited in their neighborhood. The location selection was largely based upon where they need to serve customers and in this case they selected this location for the organic growth around the substation to avoid needing to build additional overhead structures to serve the area and that really comes down to cost. It costs about \$1 million per mile to build overhead transition and about \$750,000 per mile to build overhead distribution and so siting these substations for growth is important to avoid those additional costs that would eventually be passed down to the ratepayers. Idaho Power currently operates 251 substations within their service territory and can do so very safely. The substations and stepdown transformers are necessary to feed the businesses and homes in the area. The community is currently served from three separate substations; one in Caldwell, one in Homedale, and one in Houston and growth in those areas has caused a constraint on the grid in the Greenleaf area and locating the substation here makes sense for the local growth. In 2014 they had 129 meters in the 83626 zip code and in the last 10 years they have seen 129 new meters.

Jeff Maffuccio testified that in 2011 and 2023 the community committees, with their western Treasure Valley electrical plan, looked at opportunities for Idaho Power to consider where a Greenleaf substation could be sited. The drivers of that included the Canyon County and the City of Greenleaf comprehensive plans as well as Greenleaf's future land use map which shows Lower Pleasant Ridge Road as a utility corridor, and those comprehensive plans suggest facilities be located along the utility corridor. In 2018 they identified the need for a Greenleaf substation but the growth had slowed a bit so they put it off, but in 2023 they picked back up and they looked at the entire area starting at Lower Pleasant Ridge Road and working through the Greenleaf area and they approached eight (8) different landowners and struck out 7 times whether the landowners wanted to develop in their own way, or did not want to sell a smaller parcel, or they had their

owns reasons, so Idaho Power went back to the landowner they ultimately purchased from and through the DSD process they were able to get the public utility land division which allows for the 2.65 acres. He said there is plenty of room to set this back further from homes. In hearing the neighbors' concerns they worked with staff on recommendations for precast concrete walls that can be colored and textured and with different tree and shrub options. The walls are 8 feet tall and the vegetation is 12-16 feet and they can work within the acreage to site the substation which is one-acre in size. There are no habitable buildings and no non-emergency lighting. The tallest structure is about 50-feet tall which will come off the transmissions structures which are 70-feet tall and that includes the distribution lines underneath. Mr. Maffuccio spoke about the measurements of EMFs which will be equivalent to a small appliance such as a television; noise measurements are comparable to 37 decibels in a quite rural setting or a bedroom at night with no fans running. There is still more work to do in the development design and working with the associated agencies, the County, and the neighbors with respect to screening efforts, and working to resolve any issues if there is a lateral nearby. With regard to setbacks, if it was placed in the center of the property it would be about 50 feet on all sides, and they can push back 75 feet from the roads, and 25 feet on the back. Along the outside of the substation they do 10 feet of gravel for a safety and firebreak barrier with a chain-link fence and concrete walls. They have a 2-year design frame to start construction in the beginning of 2027 and they want flexibility to move things. Commissioner Van Beek asked why can't there be a location in an industrial area that is located on an industrial corridor like Highway 19. Mr. Maffuccio said they looked at properties along Highway 19 in the Greenleaf general area, but if they go further east on Hwy. 19 towards some of the other industrial areas the challenge becomes the cost to build transmission at \$1 million per mile to the east and to build the distribution line to the west. It becomes a balance of the flow of electricity so they were trying to site within the specific area. Commissioner Holton asked about the viability of the other sites they looked at. Mr. Maffuccio said started at the southwest corner at Friends Road and Lower Pleasant Ridge Road and that owner wanted Idaho Power to buy the entire field. Other sellers to the north either had plans for their property or they did not want to split it up. The seller they purchased from came back to them in 2024 and was interested in selling a small portion of their parcel. Idaho Power needed to find a small suitable parcel, rather than a large acreage they where they may have to sell at a loss or hold it. Follow-up discussion ensued.

Angelique Rood said the company has to keep in mind the amount of oil they have in transformers, so sometimes near an exact waterway or canal entry they have some exclusions in terms of having that equipment located and so that would likely exclude that property. They are a steward of the ratepayers' dollar and they are looking for a site that is low cost for total infrastructure, not just the cost of property but the cost of distribution or transmission that they would need to bring in to serve the area and second to that they are looking at purchasing only what they need. If they purchased 20 acres and only need 2 ½ acres that's property they are maintaining on behalf of all ratepayers that would be in excess. Idaho Power has some of the lowest rates in the nation because they do not overbuild their system, and purchasing additional property would be an

overbuild that would be irresponsible as a steward of their ratepayers' dollar. They are looking for a site that is reliable and close to demand to avoid additional infrastructure and a site they can purchase on the market. Recognizing it's not ideal for homeowners and it's very difficult for a utility to find places to site equipment.

Daniel Hyer testified that he has lived in Greenleaf since in 1983 and has gone through numerous power outages due to the unreliability of the power coming from Caldwell and the other substations. He applauds Idaho Power for thinking ahead and planning to put a substation where it will be reliable for the community. He said the City of Greenleaf recently approved 113 homesites and the substation will be essential in providing power for that development. In his opinion the substation on the corner of 10th Avenue and Homedale Road is approximately the same size as the proposed use and the subdivision across the street from that substation is building out rapidly so he doesn't know that it's affecting property values. Power transformers take a few years to acquire because they are built in Europe and they are not readily available and stocked.

Rebuttal comments were given by Amy Mallard who testified that the proposal is not compatible with the area and it disrupts the agricultural view. Installing an 8-foot concrete wall is not going to matter if the transformer is 12 feet high and there are other poles that are 50 feet high or the main steel posts that run along Lower Pleasant Ridge Road that will be 70 feet high. There is property down Lower Pleasant Ridge Road that would be along the same lines that Idaho Power is talking about tying into and there is property east on that road that is 27-52 acres that's been for sale for a long time and no homes would be affected there. She said Mr. Hyer is in favor but questions if he will have to look at facility or hear the noise? Ms. Mallard is not aware of any service issues in the area and questions why Idaho Power wouldn't add a transformer to another substation or find another location further down the road? More due diligence should have been taken to see if there would be opposition. Why place this structure near 37 homes when there are other sites available?

The Board took a recess from 3:10 p.m. to 3:20 p.m.

Commissioner Van Beek said the comprehensive plan designation for Greenleaf that indicates the parcel is to be residential high-density, but she was also reading that Greenleaf has this designated as agricultural low-density. She said the designation of the parcel as "ag-only" indicates that the residential designation is also inconsistent. Principal Planner Root said the map indicates that Greenleaf's comprehensive plan has this identified in two designations as agriculture and residential high-density. The location of where the proposed substation would be is on the future land use map designated for agriculture. Residential and agriculture are identified for the future land use of this property. For Canyon County, the future land use designated is residential, and the current zoning is agriculture. The status of the parcel is ag only for there are no residential permits available without going through a comprehensive plan amendment or rezone or some other mechanism to provide for residential permits to be available.

Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony.

Commissioner Van Beek said there is a significant change that would take place with putting a substation at this location and even with the enhancements of concrete buildings and landscaping it represents more of a city area of impact lifestyle, but the property is surrounded by large agriculture. She said at a previous land use hearing on a different case, information was provided that was supported and substantiated that a decrease in property value represented a loss to the people surrounding it so there was a financial impact to them. It could potentially decrease the value of the property. Commissioner Holton said the next lowest cost alternative was almost \$30M more. If someone likes their view they should buy the ground they're looking over because the owner of that property has the right to develop it. Noise from the facility is subjective; you would be able to hear it but it would be distant. He understands the change in home values and that the neighbors didn't get to choose about this, but the flip side is the rates will be impacted by not allowing it to be built at this site. Commissioner Brooks said the parcel is in a utility corridor and it complies with the County's and the City of Greenleaf's comprehensive plans. In looking through photos of existing substations from Idaho Power, he prefers the Beacon Light/Linder site because it has a substantial berm and growth. Evidence was provided for EMF and noise concerns, but actual data to prove the contrary was not provided. No evidence was provided with detail concerning the drop in property values. He doesn't know how he would substantiate overturning the Director's decision.

DSD Planning Supervisor Carl Anderson reviewed the criteria in Canyon County Ordinance 07-15-03 - Director's Decision.

Commissioner Holton said the parcel is on a corner so a berm might be problematic if it's too close to the intersection and obstructs the views of those traveling through the intersection. Commissioner Van Beek asked if the Board can require it to be substantially compliant with what Idaho Power has presented in their application. Planning Supervisor Anderson said if the Board wants to add a condition of berming to mitigate and increase compatibility with surrounding land uses he recommends the wording be tied to something such as a landscaping plan and site plan in alignment with it showing berming be provided and reviewed by DSD at the time of building permit submittal. Commissioners Brooks and Holton want it to be similar to the Beacon Light site with berms on the west side and the south side of the property. Commissioner Holton said he has to have quantitative information to weigh and against the testimony concerns about explosions or fire. For instance, it would have been helpful to have examples of explosions in the Idaho Power network. He agrees with the concerns about the location but said he is a public servant and he has to weigh a \$10M cost at this location and a \$30M cost as the next lowest alternative. Regarding concerns about home values, there was no evidence provided regarding comps and he has to have something he can measure and base a decision on. The concern about EMF is debatable, but the burden is upon the appellant and they only gave opinions. He doesn't have anything to overturn the Director's decision. Commissioner Van Beek said within a ½ mile there

are 113 homes scheduled for the area, and she likes the rural nature, but she does not like the idea of a substation at this location. There was information provided in a previous land use case where data was submitted to the Board for review where reduced home values were substantiated. She needs additional fact-based information from those in opposition to the proposed use. Commissioner Holton said a possible mitigation would be to ask Idaho Power to look at their lowest next cost alternative, but he is cautious in asking that because he doesn't know if he has clear legal grounds. This is an agricultural area and it's a conforming use and it meets all of the land use criteria for placement here. Commissioner Van Beek wants Idaho Power to come back with more specificity on the parcel site map. Commissioner Brooks said he is not in favor of that and then he made a motion to deny the appeal, Case No. AD2024-0046-APL, affirming the Director's decision for approval for Case No. AD2024-0046 with the added condition that this substation would be in substantial conformance to the appearance and landscaping of the Beacon Light/Linder Road substation that Idaho Power submitted in their presentation, and that DSD would have an opportunity to review that before it was implemented. Commissioner Van Beek wants additional information on why those other sites were not suitable and in the absence of that she would be unable to support the motion. Commissioner Brooks said testimony indicated those sites were not suitable because Idaho Power could not purchase them. Commissioner Holton does not see a way out that's defensible. There could be better sites with less residential impact but he cannot get there and he is not legally comfortable overturning the decision. Commissioner Holton seconded the motion. Commissioner Van Beek was opposed to the motion to deny the appeal. The motion carried by a two-to-one split vote. The Board will reconvene at a later date for the written decision. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to adjourn. The hearing concluded at 4:10 p.m. An audio recording is on file in the Commissioners' Office.