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The objection should be known at the time of the appeal and should not progress along the way. In this matter, the process of the appeal has been continually supplemented with extensive additional materials, which don't appear to be tied to specific ordinance provisions or points of contention identified in the original filing. Staff recommends the board confine its review to the specific issues raised in the appeal.

If no concise issue has been clearly stated, the board should seek clarification and require that appellants state the precise nature of their objection. Staff recommendation for the board is to adhere only to the provisions of the ordinance cited in the petition and whether the commission's decision was consistent with those requirements. The board should avoid tangible arguments or extensive supplementary commentary.

Staff's analysis of the application can be found on pages CC-29 through CC-32. In this staff report, we've identified what we... I guess it's hard to say identified. We've attempted to identify what the appeal reason is specifically, and we've tried to address how it pertains to the ordinance or how the Planning and Zoning Commission may or may not have met that.

The rebuttal from Great Basin Transmission can be found on Exhibits R-1 through 29, as well as rebuttal file of Power Exhibits R-30 through 32. We also have included in the file the staff section. In this staff section, staff was not quite sure how to address these, but emails were coming in and additional documents were being submitted throughout the last month and a half.

So staff has included it as part of the record. However, it is up to the board on how they want to address those emails and documents that were submitted. It was not made clear to staff how they pertain directly to the opponent's reasonable statements or reasoning statements.

There were some questions that did pertain to procedures regarding posting of the signs, and staff has included state code on the requirements for posting signs to address those issues. There was also another question on providing a permit. Staff also included the state code for that for the Commission to review.

It is common practice to combine permits whenever reasonable and related. Those state code references can be found in S-111 through 113, and are both from Title 67 Chapter 6. Public comment was received as Exhibits PC-1 through 18 in support of the special use permit and in opposition of the appeal. Exhibits PC-19 through 31 are in opposition of the SEC and in support of the appeal.

Staff doesn't have any further comments. Does the Commission have any? I don't, thank you. Okay, so now we'll turn it over to the appellants.

Please, the appellants for 20 minutes. Dean Diamond, 1454 Highway 25. I'd like to thank you guys for listening to me today.

I would like to briefly mention this is a lot of material to cover in a short amount of time. I'd appreciate you asking questions, but I'd ask that you please limit my time accordingly. First off, I'd like to mention, when you go to that planning meeting, and me, and I think about everybody there that was on the site, was horribly disappointed in how the Commission handled it.

They went in and let us give testimony, which was, you know, said I'll do the quote. But then, in their deliberation, they did nothing but talk about how I quote, needed more power. And they based their decision.

They didn't quote anybody of any of the testimony. You know, the whole point of testimony is to give the community reasonable opportunity to present their concerns about an application. And they didn't.

In their deliberation itself, the only thing they talked about was the need for more power in Idaho. And if you look at the, actually, the testimony given by both sides, 80% of the capacity in this law is going to be owned by California. 20%, approximately 20% is going to be owned by Idaho.

So, I'm not good with math, but the numbers show you, right there, that if this line is built, there's going to actually be less power in that line. They're going to ship more power out of Idaho than what they're going to ship in. But the conclusion from the board was that we need more power in Idaho, so we have to approve this line.

Now, I think, Ann, that the board erred by using that as a standard and not using the ordinance as a standard to base their decision on. Now, so that's what I like to do tonight, is I've got a copy of the ordinance right here. And I like to go through, I've highlighted a few of the things in the ordinance that the board just missed by the board.

First off, it says that the application must be made by an owner for a leasee of the property. A right-of-way holder is neither one. So, I can write the ordinance, but it is clear that the property owners, that these holds, because they've also made it clear, the staff has made it clear, that this is a building or a shop on some of these private properties.

And clearly, you need the permission of the owner to do that. Now, they come in and say that they're a right-of-way holder, which is absolutely true. They might own right-of-ways.

However, it's not as simple of owning a right-of-way to allow you to do whatever you want on that property. And another condition of a right-of-way is they are still going to have to compensate these people for the damages and the costs. So, if they come in and build it on the

farm, and they can pack the ground, or they can destroy a crop or whatever, they have to compensate that landowner for the damage that they caused.

And so, at the very minimum, the county should inquire into specialties permit a copy of the agreements that they have made with each individual landowner. I mean, let's face it, I'm a farmer. I am not a big businessman, lawyer, or all that other stuff like AOS Power is.

I mean, them guys have multi-million dollars. We're common folk. And we're asking the board to help protect our rights as common folk, because most of us don't have the resources to buy them or do it.

So, we depend on the county to make sure our rights are protected. So, I think that, clearly, by the ordinance, they needed to have at least some acknowledgment that it was okay that they had a deal worked out. Most applications, this thing that says, like, a site plan drawn to scale, they didn't even identify where the problems were going to go.

And having it back to that page of the thing, one of the questions from one of the commissioners was, how far apart? And they just kind of shrugged and said, well, it all depends. So, they didn't really hit that part of the ordinance, and they felt that they didn't need that. The Durham County Zoning Ordinance also requires documentations from public agencies.

The SAP report identified that they asked the highway district for a comment letter from Durham Highway District. The comment came back that the highway district had requested more information, and Great Basin had provided more information, but they had not provided the comment back. Well, it was an error of the County Zoning Board to even take this to hearing before they got the comment letter back from that agency.

It was not a completed application, and the public has the right to review whatever documents that the highway district provided. And the only way they can do that is for it to be part of a complete application. So, the application was definitely incomplete in that aspect.

They did not have the letter from the highway district. Another part of the Durham County Ordinance is it said they must have documentations from public agencies and affected individuals. I didn't know what affected individuals meant.

I had to look it up in state code to see what an affected individual meant. So, an affected individual, by state code, when it comes to a zoning issue, is an affected person shall mean one having a bona fide interest in real property which may be adversely affected. Now, I did not know what bona fide meant, so I had to look that up too.

It's basically a genuine interest. So, anybody that has a genuine interest in real property is considered an affected party. And Durham County Ordinance says that affected individuals need written documentation from them.

Now, the DLM defines the impact area of the transmission line as three miles each way of the

center of the line. I would argue that every one of them people are affected individuals. And Durham County Zoning Ordinance, I didn't write the ordinance.

I'm not making this up. Durham County Ordinance requires documentations from every one of them. Now, at a minimum, you can't argue that the people that the line goes through, that owns the property where these towers are actually located on, are affected individuals.

And this application is incomplete without detailed documentations from each one of them. So, then going on through, down to 7-3.01 of the Durham County Zoning Ordinance, it says the use must not conflict with the comprehensive plan. If you go in and look at state law, state law says, pursuant to 6765-08, that the county comprehensive plan should provide details about any known power corridor going through the county.

Durham County Zoning Ordinance does not mention this at all. The 6765-08 also goes on to say that it should identify the route, the possible route of such corridor. There is, I emailed Orion, verified it, there are no maps, nothing accounting for Durham County Zoning Ordinance identifying the map.

So, now let's think about that permit. It does say that the county needs to be made aware. This is a 1994 permit.

Everyone in the commissioner says it's hot on the street. We knew, people knew, not the people. Durham County knew that there was a corridor in that area.

Now, a lot of people who live in that area have moved in since 1994, they were not aware of that corridor. Had it been in the ordinance, as required by law, as people moved in, they would have said, hey, look it, there's a power line corridor out here, you need to have a new power line in the back door someday. And that would have helped them know, on their property value, whether they wanted to do it.

As of right now, I've got neighbors and everything else that build houses, had no idea there was a power corridor out there. And they're going to argue that it follows part of an existing corridor, so there's already a power line there, so what the heck. But now we have the reroute done by the legislature.

House decided it was a back-door deal between the VLM National Park Service and LS Power. So, the normal common person knew absolutely nothing about it. Had Durham County had it in their planning and zoning ordinance, as required by law, it would have been a different story.

Now, I come back and I'm pointing my finger pretty hard at Durham County, but I also have to back up and say, wait a minute, Great Basin Transmission bought this thing. Idaho Power established it, Great Basin bought it. And it's a multi-million dollar investment, I'm sure.

And the power line is going to be a multi-billion dollar investment. And they have all these big shot lawyers. It was on them to come to the county and say, hey, we want to right away out

through here.

You need to identify that in your zoning ordinance. That zoning ordinance has been updated a number of times since 1994. And not once did they come to you guys and say, hey, let's update that.

Make sure that corridor shows in our ordinance so that people moving in and everything else knows about it. So that falls on them. And so I don't think the county should have a heartburn at all turning this permit down based on the fact that that corridor has not been legally established on the maps and stuff as required by the law.

So it fails to meet. It is not consistent with the comprehensive plan. So it failed to meet that.

Now it also, the Durham County Zoning Marks says, the proposal will not change the essential character of the area. Well, it will. They may hit back door if you're trying to move it away from the camp.

But there are a number of other historical features and whatnot that this will affect and have an adverse effect on. Now this brings us into another part of the theme. Because I actually help SHPL.

Are you guys familiar with SHPL? Everybody familiar with SHPL? State Historical Preservation Office. They work for, they're UNI. They're people that work for the people.

And they establish and help us protect our cultural resources. Well, due to the fact that they're in negotiations with the BLM right now for a problematic agreement on BLM grounds, they cannot talk about it to the citizens. Having, once that agreement is complete, then they can talk about it to the citizens.

They can come to a meeting like this and tell the commissioners what effects a project like this will have on the county and on the cultural resources of the historical significance of BLM. And then you guys can make an educated decision. The Durham County Zoning Marks gives you absolutely the authority.

In fact, I think it charges you with the responsibility of seeking out agencies like that to gain that kind of information so that if you do approve this permit, that conditions... Now, you can argue that some of these things are on BLM ground, and they are. And maybe you don't. Maybe you do have a say in how they were handled.

But a lot of these are on private ground. You definitely have a say on these. And to make a decision without being informed by the agency that's over them is not kosher, or you're not doing your job if you don't at least seek out the most information that you can to do that.

Durham County Zoning Marks says it not involves activities, procedures, material, equipment, conditions, or operation that will be detrimental to any person or property, nor the general

welfare because of excessive production of traffic, noise, smoke, fumes, whatever order. Now, that says that it will have no effect. You've got to say that it will not have any negative effect, detrimental effect on these people.

At the county hearing, we heard testimony after testimony after testimony of people coming in and saying, hey, this is devastating. You know, this is the science. This is what it's like living around a power line.

The board didn't consider any of that information. They didn't put a condition on it saying, hey, maybe you've got to bury it in this section so that you don't get that. They didn't do any of it.

They didn't even talk about it. The only thing they talked about was I don't need any more power. And LS Power is going to argue, well, we got up here, and we're building it to the latest safety standards.

Well, that may be true. But a car can be built to the latest safety standards, too, and it can still be a hazard. So just because it's built to the latest safety standards doesn't mean that it doesn't pose any hazard.

And power lines definitely do, and there was testimony after testimony given at the community hearing. And one of the smart-aleck comments from one of the boards was, well, on any of these projects, somebody's going to be upset. Well, that's not really... You know, yeah, there's two sides to every story, and somebody's going to be upset.

But the job is to call the wardens and protect the people the best that they can possibly can. And then H, not a result of destruction, loss, or damage to natural scenic or historical features. Again, you can't even make that determination without shuffling in here and informing them of what their features are.

I was highly offended that night of the P&Z meeting when one of the commissioners or one of the board members mumbled, well, we don't really care about something like that. And he classified all of our historical features, everything that we've got in Jerome County, as just some... That was highly offensive and very inappropriate. I realize you guys can't do anything about that now.

But it is your job to protect the citizens of Idaho, of the Jerome County. I don't know. I haven't had a communication there, I guess.

I wasn't provided with Jerome County's or Great Basin's responses until a few hours ago. I was out in the field on a tractor, and I have not had a chance to review them. So I do not know what I've seen so far.

The commission really did not put down why they had an approval. They did not go through this. When they read through the list, they simply said, as per the application, whatever the applicant said, is how they met these requirements.

And so I didn't feel like that the wording of the email really validated why the commission was there. So at this point, there is a couple things I'd like to circle back to. First off, the zoning process.

If the commissioners will find this valid and then work with your Jerome County zoning ordinance to make a comprehensive plan up to date and show this corridor, that will entail, if I understand the process right, having a public meeting and getting public input on where this power line corridor should go. Now, I understand that the BLM has already set the corridor. The county does not have to go by that.

You can set any corridor that you want. And what comes to really close to mind here, especially, is outlining the case properly. I don't know if you guys are familiar with that part.

It's really close to the substation. But the 1994 ROD constructed, one of the outcomes of the meetings held back in 1994 was that they would say, I'll cover the town as much as possible. And the map clearly shows that there is a route where they can get to Midpoint Substation without taking the shortcut across the case line.

And if we have a planning and zoning issue, our comprehensive plan is updated, and you have public meetings and stuff, and the people can come in and choose where these power lines go in their county, then that will at least protect people, and it will give people a say in having the least amount of impact on their county that this kind of power line has to go through. And I say again, and I'm sure that is his job, look around here, and the room's full, and just kind of take note. Who's paid to be here, and who's not? The big shots over there, they're making a lot of money to be here tonight.

I could climb off a tractor and go over here as fast as I could, luckily I didn't get caught. But I'm not going with that story. About everyone in here had to take and sacrifice time off of their work to be here tonight to try to defend their property.

And I ask the commission, if this thing has to go, reject this application, send it back, let's update our comprehensive plan, let's get the public input, and let's plan, and if this thing has to go through here, it needs to be done right. Any questions from you? No? Okay. Well, with a little bit of our time, I would like to touch on, yes, I did have some real hard work with the notification processes given for these things.

First off, the signs were put up in accordance with, I think that was the law, almost 50 days ahead. But then by requiring written testimony seven days ahead, it literally gave you no time at all to get written testimony. And then on the signs for this meeting, they simply had their little kind of E&C signs out there.

They left them up from the first hearing all the way until the other day when they went out and replaced them with a sign that was just a little bit bigger, same font, same wording, it just said, Commissioner Beane is 15D. So the average person driving down the road would have never

noticed the difference. And the whole point of putting signs on is to notify people, hey, something's going on with this problem.

And the law also says that they have to be on all external boundaries. I can't talk about all of it. This is a huge route, this is a huge project.

It's a big project for the county to try to post by putting all these projects in together. But if they decided to do that, they do need to really make it careful. And I know it was on the 12th Victory Road, which is the main entrance to the private property that is the closest to my house, they never did put a sign.

And so I really think that this room would have even been fuller had people of them properly notified. So I wanted to put that in for my last two sentences. Thank you.

Lane Singleton, 16150 Main Circle Drive, Suite 310, Chesterfield, Missouri, 63017. Just for the record, I'm going to be splitting the time with Matt Barrington, our legal counsel. Lane, L-A-N-E.

Good evening, Mr. Chairman, commissioners, and members of the community. My name is Lane Singleton, and I'm here on behalf of Great Basin Transmission, or GBT, to present our support of the Planning and Zillow Commission's unanimous decision on June 30th to approve our application for a special use permit to install high-voltage transmission towers on certain private parcels in the county as part of the Southwest Intertie Project North, or SWIP North, transmission line. With me tonight are other members from the GBT team, Matt Barrington and Elizabeth Kekritz, both GBT local counsel, Andy Scott and Mark Gilbert, and others from GBT.

Gary Johnson from X-Comet, as well as several folks from Idaho Power. They will be here to assist in any technical questions that I am unable to. I would like to start by thanking the Drone County P&Z staff for all of their hard work on this project.

And one housekeeping question could be raised. Could we reserve five minutes of our 20-minute time slot for rebuttal at the end of public comment? So, typically the appellants are the applicant in this hearing. They reserve the right for the last rebuttal.

I think Mr. Singleton has asked me if they can go just before them, but after public comment and use part of their five minutes from this time. That's agreeable. Thank you, sir.

Let me begin by providing a brief overview of the project and our approach for routing and collaboration. I would agree that much of this information was in the application and discussed in the planning and zoning hearing, as well as other documents. Swift North is a 285-mile, above-ground, 500-kilovolt alternating current electric transmission line that adds support to the regional electric grid.

The project will connect the Midpoint substation on Highway 93, just north of here, to the Robinson Summit substation near Ely, Nevada. It will be built on right-of-way that is approximately 200 feet in width, and the alignment substantially parallels the existing Idaho

Power 345-kilovolt line. Prior to commencement of construction, the project will receive all required federal and state permits, as included in Condition No.

3 of the SUP from the P&Z Commission. The project was approved by the Bureau of Land Management in 1994, including all necessary federal rights-of-way, and in 2005, GBT purchased the right to build the project from Idaho Power, including the BLM rights-of-way and many private easements that were purchased by Idaho Power in the 90s. Since then, we've worked to refine the specific alignment with the goal of reducing impacts and to preserve and respect community values.

As an example, and with the understanding of the importance of the Minidoka National Historic Site, we worked collaboratively with key stakeholders, including private landowners, the Friends of Minidoka, the National Park Service, the Governor's Office, and Congressman Simpson's Office to identify mutually acceptable alignment shifts that move the line approximately three miles to the west of the existing Idaho Power line. To solidify the move and GBT's commitment, in 2010, Congress passed legislation directing the BLM to reroute Swift North away from the Minidoka National Historic Site as agreed. A former Friends of Minidoka chairperson affirmed this in the Idaho Business Review by stating the following, The Swift North alignment has moved far enough away from the site where it is not going to be a deterrent to the integrity of the National Park.

End quote. The total project length here in Jerome County is about 24 miles. Two-thirds of that route crosses BLM lands that are already designated as energy corridors.

By maximizing the use of these corridors, we minimize our footprint on private land and align with national and local land use policies. We've secured all required easements on agricultural private land in Jerome County that will be directly crossed by Swift North. Easements have been secured on these private lands by either Idaho Power or GBT, and there has been no forced acquisition.

Furthermore, we have worked collaboratively with landowners where possible to mitigate impacts. Another key mitigate is the siding of the line directly adjacent to existing transmission lines. 84% of our private land, which is approximately 7 of the 8 miles that it goes across private land, is directly adjacent to existing infrastructure.

The key exception is the previously mentioned 2010...

This file is longer than 30 minutes.

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