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Sent: Thursday, June 9, 2022 3:16 PM

To: Legal Intern <legalintern@GARDENCITYIDAHO.ORG>

Cc: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>; Tyson Wise <walnutgrovellc@gmail.com>

Subject: Re: Power line issue for Forty Fifth Place Subdivision

Jessica, the applicant went back to Design Review on May 2nd for approval only of a modification to its landscape plan--all the rest of the plans have already been approved. The Committee approved everything in the proposed modification other than the street trees, which are designated as Class I trees instead of Class II because Idaho Power will not allow Class II trees under its power lines. The Committee determined that utility lines must be underground, including in adjacent rights-of-way, and the applicant should return to the Committee for further consideration if the utility company does not allow for the lines to be put underground. I imagine you have them, but for convenience, the Committee's findings are attached. The application at issue is discussed on pages 4 and 5 (SUBFY2021-0002).

We reached out to legal following the issuance of these findings because we believe the Committee is incorrect, the power lines do not need to be buried, and we are therefore at an impasse and the project is at a standstill. We do not have anything new to resubmit. In our view, the only way forward is for legal to clarify to the Committee now that the power lines in the street rights-of-way do not need to be buried. Once clarified, the Committee can take up its review of the landscape plan as submitted. Without that clarification now, I am afraid we'll end up right back where we are now. If there is another way forward, please let me know. Thank you,

John