

**BOARD OF ADA COUNTY COMMISSIONERS  
MINUTES OF THE PUBLIC HEARING  
WEDNESDAY, JANUARY 30, 2019  
6:00 P.M.**

The Board of Ada County Commissioners met this date in the Ada County Public Hearing Room of the Ada County Courthouse Complex. Staff members present: Meg Leatherman, Jason Boal and Brent Danielson, Development Services; and Steve Rutherford, Prosecuting Attorney's Office. Minutes Recorder: Judy Morris.

- I. IN THE MATTER OF CALL TO ORDER:**  
Commissioner Kendra Kenyon called the meeting to order at 6:00 p.m.
- II. IN THE MATTER OF ROLL CALL:**  
Commissioners Kendra Kenyon, Diana Lachiondo and Rick Visser were present.
- III. IN THE MATTER OF CHANGES TO THE AGENDA:**  
There were no changes to the agenda.
- IV. IN THE MATTER OF UNFINISHED BUSINESS:**
- **201801311-A; EBERLE BERLIN;** An appeal of the Planning & Zoning Commission's decision to approve a conditional use application to construct a 65 foot commercial cell tower (height 73 feet with lightning rod) and an antenna structure with associated equipment storage in a fenced lease area. The property contains 5.00 acres and is located at 2557 N. Sky View Lane in Section 5, T. 4N, R. 1E. (*Tabled from 01/09/19*)
- ACTION: R. VISSER MOVED TO REMOVE THE UNFINISHED BUSINESS FROM THE TABLE FOR CONSIDERATION. D. LACHIONDO SECONDED. R. VISSER, AYE, D. LACHIONDO, AYE, AND K. KENYON, AYE. THE MOTION CARRIED UNANIMOUSLY.**
- K. Kenyon opened the public hearing.
- R. Visser disclosed that he attended a meeting at which time unanticipated testimony was given on the cell tower. He also disclosed various communications between the initial hearing on January 9 and tonight's hearing. He advised that he will be able to make an impartial decision on this matter.
- D. Lachiondo disclosed contact she had received from a constituent in December. She explained that she directed the constituent to contact the then acting commission. She stated she is able to make an unbiased decision this evening.
- Jason Boal presented the Staff report and entered late exhibits into the record.
- Attorney Stan Tharp, representing Appellants, stated his name and address for the record. He presented testimony arguing that a cell tower will significantly reduce the value of the surrounding properties. He stated 90% of the neighboring homeowners opposed the application. He explained that he does not believe the cell tower fits within Eagle's or Ada County's comprehensive plan.
- D. Lachiondo acknowledged the Board's invite to go to the site to view the location of the proposed cell tower and explained the logistical issues with the Board making such a visit.
- Attorney Joshua Leonard, representing Applicant, stated his name and address for the record. He presented testimony responding to claims raised by S. Tharp. He reviewed the plans and explained his research of other residential properties did not show values were negatively impacted by having a view of a cell tower. He advised the Board that the Shot Clock time for acting on an application has passed and the application should be approved.
- D. Lachiondo asked J. Leonard to explain the statement that the proposed location meets the coverage requirements of Verizon. J. Leonard requested Zachary Williams address the question.

Z. Williams, stated his name and address for the record and presented testimony explaining his due diligence finding a location for the tower.

J. Leonard showed coverage gaps before and after erection of the cell tower.

D. Lachiondo requested Z. Williams explain how exhaustive his search was. He explained the parameters used and the number of property owners contacted to find an ideal location.

K. Kenyon and J. Leonard discussed distance between towers.

R. Visser asked for clarification of J. Leonard's previous statement that property values were not impacted. J. Leonard explained it didn't cause an undue negative impact. The Board and J. Leonard discussed the definition of undue impact.

Joe Corlett, Appraiser, stated his name and address for the record. He explained the appraisal process.

Steve Comish stated his name and address for the record. He presented testimony raising concerns of health hazards triggered by radiation emitted by cell towers and re-stating testimony regarding the impact on property values.

Christie Hodge stated her name and address for the record. She presented testimony opposing the application reiterating testimony that the tower will negatively impact the property values and hinder their current view.

Katella Saffery stated her name and address for the record. She presented testimony opposing the cell tower.

Brett Saffery stated his name and address for the record. He presented testimony echoing previous comments that the tower will have an undesirable aesthetic effect.

Carol Andrews stated her name and address for the record. She presented testimony restating health concerns and loss of property enjoyment.

Jeff Huber stated his name and address for the record. He presented testimony supporting the application and stated that he believes the cell tower is a necessity.

Carolyn Barnes stated her name and address for the record. She presented testimony opposing the application, explaining the emotional stress it has caused her daughter's family.

Kenny Pittman, Eagle Councilman, stated his name and address for the record. He presented testimony urging the Board to deny the proposed cell tower.

Lisa Doyon stated her name and address for the record. She echoed previous testimony relating to depreciated property values and health hazards.

Anne Ritter stated her name and address for the record. She presented testimony opposing the application stating that the tower does not belong in the area.

AJ Osborn stated his name and address for the record. He presented testimony arguing that he offered to work with Verizon to find another location for the tower. He advised that Applicant was not interested in other properties.

Attorney Andrew Waldera, representing the landlord, stated his name and address for the record. He presented testimony supporting the application stating it meets legal requirements and is a necessary utility.

Karen Jackson stated her name and address for the record. She reiterated previous testimony opposing the application.

Manzo Hodge stated his name and address for the record. He presented testimony arguing that the proposed cell tower may increase in size in the future without requiring additional input from the neighbors.

Hank Allen stated his name and address for the record. He presented testimony arguing the cell tower would negatively impact his property rights and health.

Larry Fischer stated his name and address for the record. He presented testimony opposing the application.

Mayor Stan Ridgeway acknowledged that the full Council is present tonight. He presented testimony supporting the constituents opposing the application. He addressed the scale and location of the tower. He restated previous concerns from prior testimony.

Appellant stated Applicant did not provide satisfactory evidence that property values would not be negatively impacted.

K. Kenyon closed the public hearing.

R. Visser said he is basing his decision on IRAC; Issue, Rule, Application and Conclusion. He cited the reasons he would be approving the appeal and denying the application for the cell tower.

D. Lachiondo stated her reasons for supporting the appeal.

K. Kenyon reiterated R. Visser and D. Lachiondo’s comments and concerns. She expressed concerns regarding the safety of the tower being so close to properties.

**ACTION: R. VISSER MOVED TO APPROVE APPEAL APPLICATION NO. 201801311-A (EBERLE BERLIN APPEAL); AND OVERTURN THE PLANNING AND ZONING COMMISSION’S DECISION TO GRANT THE CONDITIONAL USE PERMIT FOR CONSTRUCTION OF A 65 FOOT CELL PHONE TOWER; DIRECT STAFF TO PREPARE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONSISTENT WITH OUR DECISION BASED UPON THE SUBSTANTIAL RECORD, AND THE TESTIMONY PRESENTED TONIGHT; AND TABLE THE MATTER TO FEBRUARY 6, 2019, TO ADOPT THE REVISED FINDINGS OF FACT AND CONCLUSION OF LAW. D. LACHIONDO SECONDED. R. VISSER, AYE, D. LACHIONDO, AYE, AND K. KENDRA, AYE. THE MOTION CARRIED UNANIMOUSLY.**

**V. IN THE MATTER OF ADJOURNMENT:**

There being no further business to come before the Board on this date, the meeting was adjourned at 8:42 p.m.

  
Kendra Kenyon, Chair

ATTEST:



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Phil McGrane, Ada County Clerk