



ADA COUNTY  
Development Services Department

November 13, 2019

**RE: 201801311-CU Powder River Development (2557 N Sky View Ln. Eagle ID)**

**Megan M. Leatherman,**  
MCRP  
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**Department Divisions**  
Building  
Community Planning  
Engineering & Surveying  
Permitting

**Ada County Commissioners**  
*Diana Lachiondo, First District*  
*Rick Visser, Second District*  
*Kendra Kenyon, Third District*

The purpose of this letter is to inform you, as a property owner living near the location of the project listed above, that Ada County and Horizon Tower Limited Partnership-II and Horizon Tower, LLC (collectively, "Horizon Tower") have reached a settlement and the application for a conditional use permit for this project has been approved. The application is for a conditional use permit to construct a 65-foot-tall commercial cell tower and antenna structure with associated equipment storage. The project was approved by the Ada County Planning and Zoning Commission in October of 2018. Concerned neighbors appealed that decision and the Board of Ada County Commissioners reversed the approval in February of 2019. Horizon Tower filed a lawsuit against Ada County in Federal Court, asking the court to reverse Ada County's denial of the application. Horizon Tower in part asserted that the denial violated federal law by effectively prohibiting the provision of personal wireless service in the area. During the lawsuit, Horizon Tower was able to establish that Ada County's denial of the application effectively prohibited the provision of personal wireless service in the area, and thus, **Ada County is required by federal law to approve the permit.** Based on this understanding, Ada County and Horizon Tower entered into a settlement agreement, and, on November 7, the federal court ordered Ada County to approve the permit. On November 11, Ada County complied with the court's order and approved the permit.

The Board of Ada County Commissioners recognizes that this news may be disheartening to some and good news to others. The process has been a difficult one for all involved. The Board is grateful for the interest, participation and involvement that was shown through the process. The Board worked very hard to balance the many interests and complexities of this application, but ultimately federal law required Ada County to approve the permit. Please know that where ever you stood on this application, your interests were heard and considered. The Board looks forward to continuing to serve you and your community.

If you have any questions, please feel free to reach out to me personally.

  
Jason Boal- AICP, CFM  
Ada County Community Planning Manager  
CC- Meg Leatherman- Director of Ada County Development Services;  
Board of Ada County Commissioners