

**BOARD OF ADA COUNTY COMMISSIONERS  
MINUTES OF THE PUBLIC HEARING  
WEDNESDAY, JULY 13, 2016  
6:00 P.M.**

The Board of Ada County Commissioners (Board) met this date in the Ada County Public Hearing Room of the Ada County Courthouse Complex. Staff members present: Mark Perfect, Diana Sanders, Brent Danielson, Development Services; and Sherry Morgan, Prosecuting Attorney’s Office. Minutes Recorder: Angel Dicus.

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**I. IN THE MATTER OF CALL TO ORDER:**

Commissioner Jim Tibbs called the meeting to order at 6:00 p.m.

**II. IN THE MATTER OF ROLL CALL:**

Commissioners Jim Tibbs and Rick Yzaguirre were present.

**III. IN THE MATTER OF CHANGES TO THE AGENDA:**

There were no changes to the agenda.

**IV. IN THE MATTER OF NEW BUSINESS:**

1. **201600765-SN-V, SUPERIOR SIGNS:** A request for a variance to allow a flashing or animated sign in an RSW zone and a sign permit. The property contains 9.187 acres and is located at 3755 S. Cloverdale Rd., Boise, ID 83709 in Section 28, T. 3N, R. 1E

J. Tibbs opened the public hearing.

D. Sanders entered Exhibit No. 12, the Sign Posting Certificate, into the record and presented the Staff report.

R. Yzaguirre and D. Sanders discussed the statute for animated signs in the residential zone.

Aaron Vance, Superior Signs, stated his name for the record and presented testimony in favor of the variance.

T. J. Samuelu, Pastor of Cloverdale Church of God, stated his name and address for the record. He presented testimony in favor of the variance as he believes it can be used to show the public that the church is a resource for community support.

J. Tibbs and T. Samuelu discussed the old sign and conditional uses for the new sign.

The parties discussed conditions needing to be in compliance with Ada County Code.

A. Vance presented rebuttal testimony.

J. Tibbs closed the public hearing.

**ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 201600765-SN-V, SUPERIOR SIGNS, WITH A CONDITION OF APPROVAL THAT THE SIGN NOT BE ANIMATED; TABLE IT TO AUGUST 10, 2016, FOR REVISION OF THE FINDINGS OF FACTS AND CONCLUSIONS OF LAW. J. TIBBS SECONDED.**

**DISCUSSION: J. TIBBS STATED THAT FOR HIM THE CONVINCING PART WAS THAT THERE ARE SIMILAR SIGNS IN THE AREA. HE STATED HE WOULD BE IN SUPPORT IF THE ANIMATED FEATURE WAS NOT INCLUDED IN THE CONDITIONS OF APPROVAL.**

**ACTION: R. YZAGUIRRE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED.**

2. **201600828-CU-V, MCBRIDE JIMMY:** A conditional use for a stable and riding arena and a variance for the reduction of the 25' setback for an existing structure located approximately 7 feet from the northern property line. The property contains 17.966 acres and is located at 2400 N. McDermott Rd., Kuna, ID 83634 in Section 16, T. 2N, R. 1W

J. Tibbs opened the public hearing.

D. Sanders entered Exhibit No. 9, the Sign Posting Certificate, and Exhibit No. 10, a comment from Boise Project Board of Control, into the record and presented the Staff report.

Applicant stated his name for the record and presented testimony stating that when he built the arena he was told he did not need a permit.

J. Tibbs and Applicant discussed the age of the building and the use of the property.

J. Tibbs closed the public hearing.

**ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 201600828-CU-V, MCBRIDE JIMMY, A CONDITIONAL USE FOR STABLES AND RIDING ARENA AND A VARIANCE FOR THE 25 FOOT SETBACK; BASED ON THE TESTIMONY PRESENTED HERE, AND THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED.**

3. **201600567-S, SCHULTZ MATT:** A preliminary plat for a two (2) lot subdivision. The purpose of the proposed subdivision is to reconfigure two (2) existing lots (Lots 1 and 2, Block 8) of the Randall Acres Subdivision #2. The reconfiguration of the existing lots is beyond the scope of what is allowed under substantial conformance. Substantial conformance only allows a deviation of up to ten percent (10%) in the M3 District. Hence, the applicant is not able to do a property boundary adjustment as platted lots in a property boundary adjustment have to be in substantial conformance to the recorded plat. Thus, a new subdivision is required. The property contains 4.692 acres and is located at 6303 and 6333 W. Cameo St., Boise, ID 83709 in Section 30 and 31, T. 3N, R. 2E

J. Tibbs opened the public hearing.

B. Danielson entered Exhibit No. 45, the Sign Posting Certificate with photos, and presented the Staff report.

Torry McAlvain, KTMAC Investments, representing Applicant stated his name for the record and requested this application be approved.

J. Tibbs closed the public hearing.

**ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 201600567-S, SCHULTZ MATT, A PRELIMINARY PLAT FOR A TWO LOT SUBDIVISION, BASED ON THE TESTIMONY PRESENTED, AND THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED.**

4. **201600245-A, GRAF LISA:** An appeal of the Planning & Zoning Commission's decision to approve a conditional use application to construct a 100 foot tall commercial cell tower and antenna structure with an equipment shelter. The property contains 1.912 acres and is located at 1670 E Amity Rd., Meridian, ID 83642 in Section 29, T. 3N, R. 1E

J. Tibbs opened the public hearing.

B. Danielson entered late exhibits into the record and presented the Staff report.

Appellant stated her name for the record and presented testimony in favor of the appeal. She explained the cell tower would be an eyesore and does not fit in with the environment. She stated there were 241 names on a petition in opposition of the application and 25 letters. She advised that many people testified at the Planning and Zoning Commission hearing.

B. Danielson entered Appellant's PowerPoint into the record as Exhibit No. 25.

Don Minnis stated his name and address for the record. He presented testimony stating that he does price opinions, much like an appraisal, for banks and he believes commercial cell towers affect property values negatively.

Randy Worden stated his name and address for the record. He reiterated previous testimony in favor of the appeal.

Linnea Worden stated her name and address for the record. She advised that she uses Verizon and has never had problems with her service. She expressed concerns for possible health issues that the cell tower may cause and stated Applicant frequently travels.

Mindy Tristan stated her name and address for the record. She restated previous testimony in favor of the appeal.

Connie Ward stated her name and address for the record. She agrees with previous testimony in favor of the appeal.

Deborah Knudsen stated her name and address for the record. She reiterated previous testimony in favor of the appeal and added that the cell tower generators would be annoying.

Larry Knudsen stated his name and address for the record. He echoed previous testimony in favor of the appeal.

Tommy Fackrell stated his name and address for the record. He presented testimony in favor of the appeal stating Applicant's property has other eyesores and a cell tower would add to the problem. He stated those who are testifying are Ada County's people and part of the community; Verizon is not. He believes there are other locations for the cell tower that would offer better coverage.

Cynthia Fackrell stated her name and address for the record. She reiterated previous testimony and added she is in fear of the cell tower falling and damaging her property or catching on fire.

J. Tibbs inquired whether Code Enforcement has been notified on the possible violations. B. Danielson stated he was unaware if they had been notified.

Laura Lyons stated her name and address for the record. She presented testimony in favor of the appeal stating that Verizon could put cell phone panels on the side of existing commercial buildings to meet their needs. She stated she feels the Board's mind is already made up.

J. Tibbs clarified that the Staff's recommendation is only a recommendation and that public testimony is always appreciated and considered.

Tara Krick stated her name and address for the record. She reiterated previous testimony in favor of the appeal and added that her family's health has improved since moving into the rural environment.

Attorney Melissa Reagan, representing Verizon, stated her name and address for the record. She thanked Staff for their assistance. She explained that while the Ada County Code applies so does the Federal Telecommunications Act, which states that local government cannot prohibit personal wireless services. She stated the commercial cell tower supports coverage, capacity and demand. She argued that she believes property values increase because buyers are checking the service on their personal phones while viewing potential homes. She addressed the issue of an alternative location to the East, stating that Verizon is planning to utilize that site as well. She advised that under the Federal Statute, the Board is not allowed to consider potential health effects on whether to grant the application as long as Verizon facilities comply with the FCC rules and regulations.

J. Tibbs and M. Reagan discussed how the Federal Act relates to choosing a location and approving an application.

Casey Gibson stated his name and address for the record. J. Tibbs inquired about a second location and if C. Gibson has been by the site. C. Gibson explained the second location is already there and Verizon will connect to that location as well. He explained Verizon is building cell towers to keep up with the demand for data usage.

The parties discussed Verizon service issues and data coverage and capacity.

J. Tibbs and B. Danielson discussed there were no cell phone applications denied in the area.

R. Yzaguirre inquired about the fall zone and if ACHD had submitted a report. B. Danielson affirmed that ACHD submitted a report and displayed the report.

Doug Kofford stated his name and address for the record. He explained that cell towers are designed to fall in sections and sites go through engineering and structural analysis prior to construction. He discussed what is considered when looking for an ideal site for a cell tower and stated that Verizon is constantly trying to keep up with customer demand. He advised that Verizon does meet Ada County Code. He stated change is inevitable.

J. Tibbs and D. Kofford discussed alternatives to cell towers.

Scott Moore stated his name and address for the record. He presented testimony in opposition of the appeal stating that many of those complaining are residents of a subdivision that changed the area from rural to residential. He stated he has experienced data issues within the past few years due to those subdivisions.

*[The Board took a short break.]*

Daniel Graf stated his name and address for the record. He reiterated previous testimony and added that he has found research that shows cell towers can reach up to 37 miles.

D. Kofford explained that the demand becomes over capacitated so to meet the demand there must be more cell towers.

J. Tibbs inquired what is done when locations are denied. D. Kofford advised that he would need to consult with the engineer to work on a new location or a modified design.

Judy Andrews stated her name and address for the record. She asked where the cell tower would be positioned if they did not find a location.

D. Kofford restated that he would consult with the engineer.

Lena Mead stated her name and address for the record. She inquired whether Verizon actually spoke with a local horse farm and how the cell tower would affect taxes for both property owners and the County.

D. Kofford stated he made attempts to contact the property owner of the local horse farm but was unsuccessful.

Becky McKay, Engineer Solutions, stated her name and address for the record. She presented rebuttal testimony and cited the County's ordinance. She stated she believes that if this cell tower goes in, the County will be responsible for moving the tower once the Amity and Locust Grove intersection is rebuilt. She requested the Board approve the appeal.

R. Yzaguirre questioned Meridian's land use plan. B. Danielson stated cell towers were not mentioned in the city zoning ordinance.

J. Tibbs stated that the Board tries to stay in compliance with the city's comprehensive plans.

J. Tibbs closed the public hearing.

R. Yzaguirre thanked those who testified and stated that he hardly notices the Eagle cell tower.

J. Tibbs stated that he sympathized with property owners who would potentially be bothered if their view changed. He stated both sides bring up good points and that he would like time to review the evidence. He recommended closing the record.

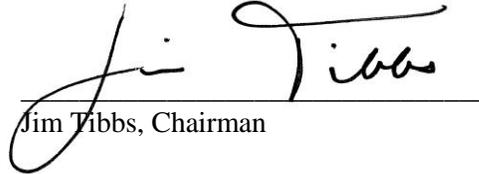
**ACTION: R. YZAGUIRRE MOVED TO TABLE APPLICATION NO. 201600245-A, GRAF LISA, TO AUGUST 10, 2016 AT 6:00 P.M. TO ALLOW TIME TO REVIEW TESTIMONY AND RENDER A FINAL DECISION AT THAT TIME. J. TIBBS SECONDED.**

**DISCUSSION: J. TIBBS THANKED THOSE WHO TESTIFIED. HE STATED HE NEEDED MORE TIME TO SORT THROUGH THE INFORMATION.**

**ACTION: R. YZAGUIRRE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED.**

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

There being no further business to come before the Board on this date, the meeting was adjourned at 8:43 p.m.

  
Jim Tibbs, Chairman

ATTEST:

  
Christopher D. Rich, Ada County Clerk