

ACTION ITEMS

3. Public Hearing continued from 6-1-2023 for Cole Valley Christian School Pre-K12 (H-2023-0011) by LKV Architects, located at 7080 W. McMillan Rd.

- A. Request: Annexation of 71.28 acres of land with an R-15 zoning district.
- B. Request: Conditional Use Permit for a 259,000 square foot private education institution for pre-kindergarten through 12th grade on 48.48 acres of land in the R-15 zoning district.

Seal: So, at this time I would like to continue Item No. H-2023-0011 for Cole Valley Christian School and we will begin with the staff report.

Allen: Mr. Chair, Commissioners, if you would like me to go through the report -- I went through it the last meeting. I can certainly do that. The reason for continuance was solely for getting the ACHD report, which has been received by the city and is part of the public record.

Seal: That is exactly right. So, should be how I have -- should have presented it. So, thank you for reminding me of that. And this is open -- or this was continued to this date to basically discuss that portion of the staff report -- or the report -- or the file I should say, so --

Wheeler: Yes. That's the way I remember it, too.

Seal: Okay. So, we do have the ACHD report as part of the public record. So, I would invite the applicant to come up and speak to that. Good evening, sir. Need your name and address for the record.

Thowless: Wayne Thowless. LKV Architects. 2400 East Riverwalk Drive, Boise, Idaho. Amber Van Ocker, who presented previously, is at a previous obligation tonight. So, I will be speaking on behalf of LKV Architects. I want to mention as we did before that there are others in the room that can respond to questions as may be necessary that are above my pay grade. We have Allen Howlett, superintendent of Cole Valley Christian Schools. We have Sean Conner representing The Land Group, our civil engineer and landscape architect. And we have Sonia Daleiden, who is with Kittelson, our traffic engineer. As staff mentioned, the draft staff report from ACHD has been received. As we indicated we thought was going to be the case at the last meeting, it tracks very closely with the traffic study that was done. There are no significant deviations. We and the design team have gone over it exhaustively and we are basically in agreement with the findings and the recommendations contained in it. It should probably be mentioned that there are a few gray areas largely because of some remaining coordination that needs to occur between ACHD and ITD and also related to some scheduling questions and uncertainties at this

point regarding Highway 16 and exactly where that's going to be in the process as it relates to the timing of -- of the school and the improvements that will be required of Cole Valley Christian Schools as part of this project. If there are any detail questions about the -- either the traffic study or ACHD's report I'm going to have Sonia with Kittelson come up and -- and address those. But I just want to reiterate for everybody's benefit that the design team and the owner do not object to anything that the staff report includes or recommends as conditions of approval related to the road system going forward.

Seal: Thank you. Commissioners, do we have questions? If not I can kind of lead off here. I'm glad that we waited for the ACHD report and some of the information that was in there, as well as what was related earlier, was, essentially, the portion -- ITD needing to basically build that road. It sounds like that's something that's in the works, but not a done deal. Is that correct? And I mean whoever wants to speak to that. And -- and the reason I ask is because -- I mean even the wording in the ACHD report says if that doesn't happen you got a whole other fish to fry here. So, there has been a lot that that cannot happen as a result of that not coming in.

Thowless: I will just make this introductory comment to that question, then, let Sonia continue. The staff report lays out several scenarios that could be pursued and that they are in agreement with depending on what may or may not happen with ITD and particularly Ersatz, which is the road that they are to build along the east side of the property. At the end of the day the bottom line is the staff report, in agreement with the traffic study, indicates the type of roadway, the type of road section that Ersatz has to -- has to be. We fully expect that the portion or the amount of that road section that ITD has committed to build will be completed prior to construction or at least completion of the school and it will just basically be a matter of Cole Valley Christian Schools and their contractors completing any aspect of that road section that ITD does not complete. So, it's not a question of it not occurring, it's just the school will pick up where ITD leaves off to make sure that that road is completed in agreement with the requirements of the staff report. So, we covered it.

Seal: So, if ITD doesn't do it then what? I mean that -- that is one of the scenarios; correct? ITD does not do it.

Thowless: A very -- a very unlikely scenario, but it's already been engineered by ITD. They are in the final stages of acquiring the necessary right of way at the intersection of McMillan and -- McMillan and Ersatz and we actually are -- as we speak trying to get a meeting scheduled with ACHD and ITD to get down into the details about timing and other technical aspects of what ITD is going to do and, then, thus what Cole Valley Christian Schools needs to do.

Seal: Okay. Commissioners, any other questions?

Lorcher: Commissioner Seal?

Seal: Go right ahead.

Lorcher: So, you mentioned that you were in agreement with the things in the staff report. Does that include the pathways and street buffers to be constructed or is that still excluded on the perimeter of the property?

Thowless: The -- the only gray area related to those pathways has to do with McMillan, because we don't control all the right of way along McMillan. In fact, we control the smaller portion. But there is no question or issues with the pathway requirements associated with Owyhee Storm or Ersatz.

Lorcher: Okay. From the written testimony from Amber it had said in the -- the staff report previously that she requests not to be required to extend Owyhee Storm and Ersatz and the associated sidewalk pathways and street buffers to the northern boundary of the annexation area, just to the northern boundary of the school site, consistent with the revised phasing plan. But in the staff report that's what they do want you to do is to extend that out. So, are you saying that Cole Valley Christian is prepared to extend it out at this point or you still want that exclusion?

Thowless: Well, we -- we did not have the staff report when Amber made those comments previously. The school still feels that and would still like and will be talking to ACHD about this, extending the road to the farthest driveway accesses to the site and possibly stopping there, as opposed to going to the --

Lorcher: Property line?

Thowless: -- northernmost boundary of the site. But that's one of those details that need to be discussed with them. We have already mentioned it to you in the previous portion of the -- the public hearing. But we are not certain what benefit is to anybody to go beyond the -- those northernmost driveways. Though we do understand the city's policy with regard to wanting those roads to be built to the point where subsequent development can tie on to them.

Lorcher: Okay. Thank you.

Seal: Yeah. That was the other question that I had. I mean -- and it's more than policy. It's -- the city has no way to enter into a trust to ensure that those roads, should Cole Valley Christian School close, for instance. There is nothing that says that those have to be created at -- you know, at a later date. So, the only way to ensure that is to have them built first. Commissioner Mr. Wheeler, Commissioner Smith, do you have anything else -- any other questions?

Smith: Yes, Mr. Chairman.

Seal: Go ahead, Commissioner Smith.

Smith: The thing that I keep coming back to is kind of what you alluded to right now is

the lack of teeth that we -- we have to ensure that that roadway gets developed at the very -- yeah, those purple roads on -- on the screen. I guess, you know, we were -- this is I guess a question for staff. You know, thinking through and -- and I apologize if I'm rehashing something that I have forgotten from the last hearing. My understanding of what we were kind of considering last time was, you know, completion of those roads prior to occupancy, which would be in phase one, like the staff report. Is there any way for us to enforce or -- or require completion prior to occupancy of the area of phase two? You know, that I guess occupancy of a specific portion of the property? Because I think there is -- I still think, you know, even if they are not building it, you know, if ITD is building it it needs to get built in some way to some extent and so I'm just curious about what the specifics are of what we can and can't enforce when -- when the -- kind of those -- that, you know, occupancy and things like that are -- that final sign off. Is -- is that for the entirety of the property at once -- in the completion of phase one or does that happen to phase two as well?

Allen: Chairman, Commissioner, yes, we could hold up their certificate of occupancy on the second phase of development for the school for those improvements if you choose.

Smith: Thank you. Mr. Chairman?

Seal: Go right ahead.

Smith: I guess I -- I would pose that question to the applicant. I know -- I know the goal here is to allow you to -- to save some capital and not spend that up front until you kind of need to. I -- I guess, you know, there -- there -- there is some -- there is some need to kind of meet in the middle. I think, you know, trying to make it, obviously, workable for -- for you, but also not, you know, leave the city in a bind should, you know, something happen. It is -- would that be an amenable kind of, you know, compromise I guess, if you will, that still -- still lets you, you know, complete phase one and have that -- that capital free to do so, but still you are hoping to ensure, you know, whether it's ITD, whether it's your ACHD, whether it's you, just ensuring that that is built, you know, by the -- you know, by the occupancy of that phase two structure.

Thowless: Mr. Chairman, point of clarification. I'm looking at the -- the phasing plan that was submitted and in this phasing scenario the building might come after other infrastructure and site improvements specifically athletic improvements. Is the question being asked of the applicant whether the applicant is agree -- agreeable to complete the -- both roadways per ACHD requirements to the northern boundary of the 48.48 acres prior to a certificate of occupancy for the building, which is what our exhibits identify as phase two. Is that what's being asked that we could proceed with phase one possibly without all those road improvements being completed, but prior to occupying the building and getting a certificate of occupancy for it the roads would need to be completed to the northern edge of the 48 acres?

Smith: Mr. Chair?

Seal: Yes.

Smith: That -- that is my question and -- and, again, with the ITD component it is a question of not necessarily you -- you constructing them -- or the applicant constructing them, but ensuring that they are constructed. You know, whether that is, you know, you work that out with ITD, you know, based on the ownership and -- and what lengths they go to. The -- the goal is -- you know, the question is would you be amenable or agreeable to ensuring that full construction is done by the occupancy of that building in phase two - - or that's currently in phase two?

Thowless: We can't answer the question definitively, because part of the -- a large part of the decision making here is going to be ACHD. But certainly completing the roadways to the northern edge of the 48 acres and not the full 70 is more agreeable to Cole Valley Christian Schools than completing it to the northern boundary of the entire parcel. But, again, ACHD may -- may weigh in and feel differently about this. Sonia, do you want to comment --

Smith: Mr. Chair?

Seal: Go ahead, Commissioner Smith.

Smith: Yeah. To clarify my position and my -- my kind of learning at the moment based on previous conversations and kind of the updated staff report, I'm -- I'm inclined to -- I have a strong desire for some way to ensure that the full 70 -- you know, the -- the road to the -- to the entire north of this parcel, including that, you know, purple highlighted road on this exhibit -- I'm sorry. I think you are referring to the full 70 -- to ensuring that that is built while the city is able to do so. While the city is -- is able to actually enforce something that ensures that gets built. Because as -- as the chairman said there -- there comes a point after occupancy that we don't -- unless there is some requirement to ensure that this is built prior to our sign off -- you know, the city's sign off, you know, there becomes a point where we can't control, you know, if Cole Valley moves to a different site or -- or something like that or some other, you know, scenario happens in which Cole Valley no longer is interested in building that road. We need to ensure that there is a way to -- to make sure that road gets built and so that's -- that's my -- my question is not so much about whether it's the -- you know, the full length or a partial length, I'm inclined to -- you know, I -- I -- I want to see a plan that includes that full length and kind of something more definitive for the construction or ensuring of the construction of that full length. My question is more about timing that would be workable and not -- not overly burdensome to -- to enable the applicant to do so, while still ensuring that there is adequate capital -- not expending capital too early in the development, to -- you know, that can be used elsewhere. I'm trying to -- essentially I'm trying to find a way to kind of meet you halfway and say, okay, we won't -- you know, maybe if we don't require the entire construction during phase one, is there something -- is there a point at which it becomes more agreeable to still ensure the full construction, but at a later date prior to full occupancy while the city still has the ability to sign off on something. And that's -- that's my question and -- and if staff wants to, you know, comment on, you know, I guess different events or

different points in the timeline which that could be possible or if the applicant -- you know, it's a question of -- of are we able to still -- you know, delay this -- push this back somewhat for you, while still ensuring that it actually happens.

Seal: Bill, you want to address that? I mean we kind of addressed it last time, but if we rehash that is probably worthwhile.

Parsons: Well, I think -- thank you, Chair, Members of the Commission. I'm happy to chime in on this topic, because as we talked about three weeks ago, it is an important topic and that's why we continued this item to get ACHD's comments. In looking at ACHD's staff report I agree with some of the findings of the applicant that it appears that ACHD is only going to require -- require the roads to be stubbed to the boundary of the school site and not the entire 70 acre site, which give staff, the city, some concern, because this site is 70 acres, it's not 48 acres, and so that's why whatever we do here we want to make sure we capture that in a development agreement, because, again, to Commissioner's point, we want to make sure -- we need to have the timing and the threshold for that. So, as I was listening to the discussion and -- and looking at this phasing plan, I agree with some of the commentary from the Commission that it doesn't make sense -- well, with the way they are phasing the project, phase one, there is really no structure. So, it's kind of difficult to hang them up on a temporary -- a certificate of occupancy if they are just doing a ball field. There is nothing there to hold up. But to your point, I like the -- the theory and the idea of holding up occupancy on the school building until such time as these things are -- are done, because that makes a lot of sense and it's pretty consistent to what we did with Owyhee Storm High School -- or Owyhee High School I should say. So, I think we can get there. Now, what I'm going to propose to the applicant is is at least for the western side of the road -- I mean I think that needs to happen sooner rather than later. It needs to happen with the second phase. That's where we can hold up occupancy. What I think we all agree on tonight's discussion is Ersatz and whether the timing is there. So, to me I think we can say -- you know, we can put a phasing or timing on that roadway and also put another caveat to that that says unless otherwise already constructed by ITD -- because until we have a conversation with them and get them to the table as to when this road could be built, it may be built before the school even gets started and, therefore, yes, do this before occupancy of the school or unless ITD has already constructed that portion of roadway. So, again, ITD is on the -- is committed to doing that roadway. They have to construct it as part of that road improvement -- the State Highway 16 improvement expansion. So, we know it's going to happen. It has to happen. But, again, as we discussed it last -- last hearing, it's all about timing. The applicant testified at the last hearing that city utilities won't be available -- available for several years either. So, now we are talking about utilities, timing of roadway reconstruction and, then, trying to get it all to align, it -- it's a pretty complex scenario to try to make it all work and get it right and so, again, if it's something that the Commission wants to do this evening I think -- at least from staff's perspective I like the idea of prior to occupancy of the school building -- or a portion of that building -- phase two, however you guys want to have it in your condition -- at least Owyhee Storm has to be constructed to the northernmost boundary and, then, as far as Ersatz, I think we can be a little bit more flexible on that, because we know it's a timing thing. It's either the applicant does it or

ITD does it and as long as we make it flexible for the applicant I think -- I think they would be more amenable to that. I would also mention to the Commission that staff is also going to meet with ACHD next week to get some clarifications on some of their conditions as well in the staff report and make sure that we are all heading into the City Council hearing aligned, just like the applicant is. We want to make sure we get a lot of these things buttoned up as we move through the hearing process. But those are my initial thoughts.

Seal: Okay. Thank you. We appreciate that.

Wheeler: Mr. Chair?

Seal: Go right ahead, Commissioner Wheeler.

Wheeler: So, just so I can recap kind of what I'm hearing here, because there has -- there has been just a lot of -- seems like roundabout discussion. I'm just trying to make sure that I'm understanding it clearly here. We can basically take care of the need for stubbing in the streets to the north through a DA agreement if we make it conditioned upon -- upon occupancy. Is that what I'm understanding?

Seal: Correct. That's -- that is a -- that is a great Readers Digest version of it. Yes.

Wheeler: Okay. Okay. And if that's -- if that's the case, then, can -- we can also let -- just let ITD go ahead and, you know, whenever they are able to build the road and they do -- and what portion of it that they do that's what it is and that way the school doesn't have to pay for more of what the city was already -- or ITD -- the state was going to go ahead and pay for.

Seal: I'm -- I'm looking at Bill. I -- I believe what you are saying is correct, yes.

Wheeler: Okay. So -- I mean that -- that's something I'm amiable for. That's something that I'm in support of. That sounds to be kind of a reasonable thing and, then, some of these things can be ironed out as the city talks more with ACHD just to get some clarity on that and make sure that there is -- there is a meeting of the minds. ACHD's intent is met. The city's intent is met. And the understanding of the applicant is -- is -- of what's going to happen and what they are saying is clear. So, we just remove that ambiguity. That's something I would be in support of. I do have a -- kind of a different question here, though, for the applicant.

Seal: Uh-huh.

Wheeler: Yeah. So, Wayne, just a question here on -- last time when we met we talked about the phase one where the road on the east side just stubbed in at the very entry there on the southwest corner of phase one -- or the southeast corner of phase one and that's because -- and, then, that blue was going to be for phase two. But that's also part of what ITD might take care of -- or -- or not?

Thowless: Mr. Chairman, Commissioner Wheeler, we are -- we are talking about the east side of the site. Ersatz. Is that correct? Because that's -- that's the road that ITD has committed to building.

Wheeler: Perfect. Okay.

Thowless: Is that right?

Wheeler: All right.

Thowless: Is that the -- Nate, you --

Wheeler: Ersatz. Yes. That's exactly what I'm understanding, too. Okay. So, that makes sense for it to just kind of stub in there and, then, the -- the landscape buffer, that was one of the things that we talked about, too, that on the future development of running from the western property line along -- along McMillan Road to the entry, that was something that the applicant, you know, just for the sake of saving funds and things of that nature, was -- was suggesting that not happen. But there was some conversation about that -- being able -- that to actually occur. Are you guys planning to going ahead and putting in that landscape buffer and barrier there along on the north side of McMillan Road?

Thowless: Well, Mr. Chairman, Commissioner Wheeler, the -- the applicant, Cole Valley Christian School, still questions, at least from their perspective, the logic of -- of doing so when it doesn't -- likely will not extend the whole distance from Ersatz to Owyhee Storm due to right of way acquisition issues and doesn't connect or won't connect to any significant pedestrian circulation aspects of the school proper. All that said, ACHD has indicated that they want that portion done and the city does, so we are not going to jeopardize approval of this annexation and rezone over a pedestrian pathway and landscaping. We just made our request earlier in the public hearing at the last meeting, but it's -- we are not going to die on our sword over that issue.

Seal: Okay. Any other questions? All right. Thank you very much, sir. Madam Clerk, do we have anybody signed up to testify?

Hall: We do not, Mr. Chair.

Seal: Would anybody in Chambers like to come up and testify on this application? I'm not seeing anybody and I don't think there is anybody online. I don't see anybody raising their hand online as well. If there is nothing further to add, we will move on to close the public testimony portion. Is that okay with the applicant? Okay. Indicating yes. I will take a motion to close the public hearing for File No. H-2023-0011 for Cole Valley Christian School.

Lorcher: So moved.

Smith: So moved.

Wheeler: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2023-0011. All in favor please say aye. Opposed nay? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: Yeah. I will kind of lead off here. So -- here is the first thing I will say. If this were anything but a school I would be a hard no on this. Absolutely. A hundred percent. Timing doesn't work. You know, the -- the function doesn't work with the road problems that we have out there and when you read through the ACHD report it shows in there for nearly every single intersection clear over into Black Cat and McMillan and Black Cat and Ustick and places like that where it shows in 2025 it's going to be over the threshold. But here is how you mitigate it for that intersection -- or for this intersection. Meanwhile, the road lengths in between -- there is no mitigation for that. It's already a mess over there. The traffic study is based on 2021 findings. You know, we are in 2023 and there has been a lot of growth over there. The city is still learning a hard lesson from putting a high school over there. I live in that area. I have to deal with that every day. So, thank goodness it's summer. But that's -- that's kind of where I'm at with it, is I -- I don't want to say no to a school, but at the same time I just don't think the timing of this project works. There is just too many unanswered questions. There is too many things that are going on that could of, should of, would have, might, maybe, should. You know, there is too much of that going on with this. So, I -- I would love to see this go in, but I would love to see it happen when there is -- you know, when there is very solid -- or there is commitment legally from ITD, as well as more completion of the State Highway 16 project, as well as some of the other road improvements that are going to happen out in this area, because I can tell you right now it is a mess. So, as far as the project and -- and what the school is -- is offering here I think it's a -- you know, I kind of question the layout and some of the traffic circulation, but I'm not a traffic engineer and I can't tell you how -- you know, there is -- there is a thousand ways to do that, so -- my son goes to a school where traffic is, you know, horrible. So, it seems like that's an issue with kind of every school for, you know, a couple times during the day. But, you know, happy to see that this is -- that Cole Valley Christian School wants to continue to develop in this area, to expand in this area. Very excited about those things. I'm just not excited about doing this project in this location at this time. Anyone else?

Wheeler: Yeah. Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: I -- I have -- so my background is that I went to Nampa Christian and so, obviously, I will be voting no on this. No. I'm just kidding about that. That's just a joke. But, no, my -- my education has been through parochial schools and so I understand the fundraising side. I understand the building side. I understand the -- the difficulties on -- on -- on the timing and all those kinds of things when you don't have -- when -- when your

funding source is largely donations and very good stewardship of such donated funds. I'm -- I'm of an opinion that I think if we could move forward with a DA agreement that would settle out some of the things that were discussed, I think it's something that might be able to -- to -- to -- just to have a win-win, as long as that DA agreement, you know, mitigate some of these concerns. I like the idea of -- of the school being there. I'm -- I'm with you, though, Mr. Chair, that, you know, traffic concerns are -- are -- are a priority and an issue. I -- I do see that they are -- they are trying to grow and -- and get -- get a large campus that will be a -- you know, a long future home for them and -- and in the growth - - and in the path of growth. So, I -- I see those things and I'm like this is a good -- this is a well thought out plan and idea on it, so -- so for me, with some of that sympathy from my upbringing and education and understanding, that I think we can mitigate a lot of these issues or at least put safeguards, I should say, for some of these concerns in the DA that -- that might help with everything from the traffic to the roads and everything else like that and I agree with you, too. If this was not a school, yeah, I think the -- I think the hearing would have been done last time that they were up in front. But I think -- I think that -- that's why I'm -- I'm in support of something like this, as long as we can put in good DA parameters.

Seal: Okay. Thank you. Commissioner Smith? Commissioner Lorcher?

Smith: Mr. Chair?

Seal: Go right ahead.

Smith: I hate being the person who shrugs his shoulders and goes, well -- well, this -- this is tough. But, yeah, it absolutely is. And I -- I -- I'm -- I'm personally in agreement with you, Mr. Chair, that -- that this is -- if this weren't a school. So, it would be quite an easy no. But, you know, I -- I think there is -- well -- and, you know, when -- when different applicants come in and there is different testimony around the disruption that construction creates, the disruption that growth creates, et cetera, you know, part -- part of the understanding is -- is that, yes, sometimes this is disruptive, but in the long run it is a -- the benefit to the community -- you know, it is worth it. Now, you kind of get into a balancing test with that and -- and -- and there I still have some unresolved questions around -- you know, around timing, around commitments, around traffic flow, et cetera. I -- I will say I -- I -- I -- I tend to agree a little bit with Commissioner Wheeler of -- of -- if - - if we are able to nail kind of a DA and -- and, you know, where properly -- you know, make it hit the right items then -- then, you know, a lot of my concerns are -- are -- are still there, but they are much -- you know, they are lesser. My -- my issue is I don't -- I still don't know if I know enough to know what kind of nailing is -- it looks like and so -- so, there are some aspects -- I think, you know, Ersatz and Owyhee Storm we have -- we have identified, you know, some of those, you know, possible outcomes, but are -- are those the -- are those the best outcomes around timing. You mentioned, you know, timing around utilities, utility availability and things like that and -- and I'm -- I'm -- I -- this location I -- I think in the long run will -- you know, this -- this -- this will be -- this can be a strong location for -- for the site. I think where I most -- where I agree with you the most is just around the timing and, you know, I -- I don't know that I have an answer to that. I just

want to get, you know, some of those thoughts out there, you know, partially thinking out loud and partially kind of calling into the void for -- for help on some of these -- these things, specifically around timing. I'm seeing if anyone has any ideas around that. Yeah.

Seal: Commissioner Lorcher, go ahead.

Lorcher: I actually like the phasing of this, so that the sports opportunities are ahead of the school. You are severely limited in what you can do over at your location at Carlton. My kids went to Meridian High School and they never were in a school that wasn't under construction. So, I understand how education can be challenging. Like Mr. Wheeler I was in parochial school my entire school, but it was all girls, so we didn't have -- we didn't have sports back in those days. But, anyway, I live in the impact area of Highway 16 and there is movement. There is development. It is happening. I think they still have some right of way issues that they have to resolve. I have become very friendly with the project manager with Highway 16 and I feel like they will do what they said they are going to do. So, as far as timing is concerned, that's really on the applicant, you know, when they are building their building and every -- all that construction is happening at the same time and your population will know that at that time and they can make those choices if they want to get involved in that traffic or not. So, like the other Commissioners, I -- I support the phase two occupancy for the motion and -- but at least in the next year or two we have got a very generous place for the kids to play sports.

Wheeler: Mr. Chair?

Seal: Go ahead, Commissioner Wheeler.

Wheeler: So, Commissioners, can we just possibly talk through what would be a win-win solution for -- for us to include in the DA? It sounds like part of it would be occupancy being held up until the roadway on Ersatz is -- is extended. I don't know how to say that -- to where the blue line is at on this picture. I don't know how -- the right verbiage for that. Is that something that -- there we are -- we are all in agreement on?

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: Yeah. Just -- Commissioner Wheeler, so my understanding of what the conversation was and kind of where I -- I landed was that occupancy of that school building being conditioned upon the construction of Owyhee Storm through that purple line and the construction of Ersatz, unless otherwise constructed by ITD. So, the full purple line, not just the blue line prior to occupancy of the school building.

Wheeler: Okay.

Smith: The idea is also just flexibility of who builds that Ersatz specifically.

Seal: That's my understanding as well, is the occupancy would be contingent upon the completion of those two roads and the verbiage of that for Ersatz to include whether that be done by the occupant or ITD.

Lorcher: Can I give it a go?

Seal: Absolutely.

Lorcher: All right. You can correct me if I'm not doing it right, but let me give it a go. After considering all staff, applicant, and public testimony, I recommend to approve to City Council File No. H-2023-0011 as presented in the staff report for the hearing date of June 15th, 2023, with the following modification: All detached sidewalks, multi-use pathways and street buffers along public streets, McMillan, Owyhee Storm, unless already constructed by ITD, will be completed before granting a certificate of occupancy.

Seal: Did you include --

Wheeler: I would second that.

Seal: Did you include Owyhee Storm and Ersatz?

Lorcher: McMillan, Owyhee Storm and Ersatz.

Seal: Okay. Does the second still stand?

Wheeler: Yes. And I'm just clarifying, too, when you are saying occupancy, you are talking occupancy of the high school --

Lorcher: Correct. I don't think they need --

Wheeler: -- building.

Lorcher: -- occupancy for the sports area.

Wheeler: Because they have other buildings on site and I just wanted to just double check on that. But that's the main one. I just wanted -- I want it just to be very clear.

Lorcher: Okay. So, we can say certificate of occupancy for the high school -- the school. Because it's more than just high school.

Wheeler: Okay. Yeah. I would second that.

Seal: Okay. It's been moved and seconded to recommend approval to City Council of File No. H-2023-0011 as presented in the staff report with the aforementioned modifications. All in favor, please, say aye. I am a nay. But the motion passes.

MOTION CARRIED: THREE AYES. ONE NAY. THREE ABSENT.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: I just want to make one extemporaneous comment here to -- to Superintendent Allen. I just wanted to thank you for your stewardship on -- of the school through its many decades in existence and how there has been a long chain of people that have supported such -- the school's education and what you are doing there. I just want to just acknowledge that and say good job and I hope that -- that what's gotten you this far will continue to move you forward.