

**Public Hearing continued from November 7, 2024 for Summerlin West (H-2024-0023) by Laren Bailey, Conger Group, located on the east side of S. Locust Grove Road, between E. Lake Hazel and E. Columbia Roads in the SW 1/4 of Section 5, Township 2N, Range 1E**

- A. Request: Annexation of 63.965 acres of land From the RUT zone in Ada County to the R-8 (medium density), 17.27 acres and R-15 (medium high density) 46.69 acres.
- B. Request: Preliminary Plat consisting of 339 building lots and 28 common lots on 63.17 acres of land zoned R-8 and R-15 zoning districts.

Lorcher: So, going forward tonight we are going to open our public hearings with the continuance of Summerlin West for annexation, preliminary plat, and it's going to be very specific. So, I want to read the motion that we had from the November 7th meeting, because we are not going to talk about the entire application, so -- and we are going to -- or allow testimony from a representative from Kuna School District, allow additional facts and findings of testimony regarding the community public meeting and additional facts and findings of testimony regarding the disputed private road to the immediate north of the property and what that -- we will defer to staff to see if there are any comments they would like to make before we invite the applicant up.

Ritter: Madam Chair, Commission, staff has no comments at this time. We will wait until after everyone has done their presentations.

Lorcher: Okay. Thank you. Would the applicant like to come forward?

Grace: Madam Chair?

Lorcher: Commission Grace.

Grace: So, while I was not at the November 7th meeting, which was the original meeting for this agenda item, I have read the minutes from that meeting and I have read the relevant public comments that have been submitted, as well as the packet -- agenda packet materials for tonight and I do feel like I can participate in this -- this item.

Lorcher: Okay. Very good. Thank you.

Clark: Hi, everybody. Hethe Clark. 251 East Front Street in Boise representing the applicant and so three items that we wanted to follow up on -- first, I think the -- the question as I understood it was follow up with the Mayers in response to the neighborhood meeting and so just to give you a little bit of background, again, the neighborhood meeting was held on May 23rd at 6:00 p.m. We did hold it via Zoom using the webinar function. That allows us to see when folks enter and when they leave. The Mayers entered at 6:07. They left at the same time as everyone else at 6:19. As I mentioned at the last meeting we do use the Q and A function and let me give you a little background on why. I don't

know if any of you guys have -- have run a neighborhood meeting before. Neighborhood meetings have gotten a little different in the last few years. You know, they can be a little bit interesting. I have had recent neighborhood meetings where folks have knocked clipboards out of my hand -- you know, people can be very aggressive. You have to worry, frankly, about crowd control at this point. So, one of the ways that we have worked on that is to use that webinar function and to use the Q and A function. The Q and A allows everyone who has a question to put that in. We have the opportunity to answer it. So, for example, when we did the Sky Ranch application -- you guys might remember that down on Locust Grove -- or, excuse me, Lake Hazel, the participants were very lively on that one. We answered probably 30 questions on the Q and A and at the end of that we had a record of all the questions that came up and we were able to respond to all of that and follow up with folks. So, it's -- it's really good for record keeping. It's worked very well. We -- after that meeting -- well, during the meeting we informed everyone, please, use the Q and A. No questions came up. We put Laren Bailey's e-mail and phone number into the Q and A, so people could follow up with him if they were having a hard time. After that we reached out to the Mayers 16 different times by e-mail, by phone and by personal visit and, finally, we were able to connect -- connect with them earlier this week. So, Laren spent a little while on the phone with Mr. Mayer, walked through all the concerns. So you know the neighborhood meeting is something where it's -- there is an intent to be able to provide the information, give people a heads up and what -- about what's happening. We think we -- we satisfied that and, again, we followed up more than a dozen times with Mayers after that. So, next -- I think the next item would be the Cavalli Lane and, Linda, can I have that -- my slide presentation, because it might be helpful to have a picture here. So, on that one you guys had asked us to go back and see if there is something that can be sorted out on -- on the Cavalli Lane entrance. We did spend a good amount of time with Mr. Bruno after the hearing. It was a -- actually a really pleasant conversation. He is a -- he is a really interesting guy, interesting background. We walked away that night thinking that we were on the same page. The e-mails, obviously, suggest that we weren't on the same page. So, we followed up again with Mr. Bruno today and I just want to kind of walk you through where things stand and I can -- I can find it from here, Linda. So, I think there is two things to keep in mind. One is the sewer and one is the access. I think those are really the two issues. So, with regard to sewer, our project, about the western third of it, sewers towards Locust Grove. The rest of it sewers north towards the future collectors and Discovery Park. We are bringing sewer down Locust Grove in our first phase. So, it will -- if -- the sewer will be there. We will not be preventing anybody from accessing that sewer and, in fact, we would be enabling it by bringing it there. If Public Works allows Mr. Bruno's property to sewer that way we, obviously, are not going to get in the way of that. We are -- we do not think we are an impediment to that sewer and we have talked to Mr. Bruno and indicated that it will be in the first phase and so I think -- I think that's a good thing. With regard to access, I just want to clarify ACHD is not cutting off access now. ACHD has only indicated that upon redevelopment that the accesses would be combined; right? So, I want to -- to emphasize that nothing we are doing is going to cut off access to Locust Grove now or in the future. So, the property as you can see here -- there is a significant access on the north against the east-west collector along Discovery. There is access on the east against the new collector. There is four more connection points with stubs and so if ACHD says -- which we

understand they will -- says the public street access is going to be Summerlin Drive on our property, his property will continue to have access, because they will go through the stub onto a -- onto a road that we have built, so that it won't be at his cost to build the road all the way out to Locust Grove. So, we don't think we are precluding either sewer access or Locust Grove access for that property and I believe we are on the same page now, but I will let Mr. Bruno speak for himself on that. And, then, I think the last item was Kuna School District and we had provided our comments from before, our concerns about the legality. I think what I would do on that one is just listen to what Kuna School District has to say and, then, maybe use my time on rebuttal to respond to that -- more that part. We did reach out to Kuna School District. Mr. Bailey spoke with them last week. It sounds like it's kind of still in the same position of voluntary contribution in order to be able to say we can serve, which is as -- you know we believe is problematic, but I will just -- maybe I will just set that aside for now. But just as a reminder, in case I don't hit it during the rebuttals, for the modifications that we would be requesting if we are fortunate enough to get a -- a recommendation of approval. So, just wanted to -- since it's been a couple of weeks maybe remind everybody of that. Any questions for me?

Lorcher: Commissioners, do we have any questions for the applicant before we invite Kuna School District up?

Garrett: Yeah. I have a question.

Lorcher: Commissioner Garrett.

Garrett: What is the build out time for this? What do you estimate?

Clark: Yeah. We I think had a slide on that, Commissioner Garrett. So, estimated build out is -- we would have our first final plat likely in 2025. That means first houses coming on in 2026 and, then, from there approximately an eight year build out with -- so, six final plats and, then, a couple of years after that to -- to deliver the remainder of the homes.

Garrett: Are those figures at the bottom cumulative or -- or is it -- the 60 includes -- or the 140 includes the 60?

Clark: That's cumulative. Yeah. So, about -- call it 40 homes per year is the -- the estimate.

Lorcher: Commissioners, any other questions for the applicant at this time? Okay. Thank you very much.

Clark: Thank you.

Lorcher: All right. We would like to invite the Kuna School District up. To maintain our - - kind of standards of our public meetings, since you are representing a group, you will have ten minutes for your presentation and if you can tell us your name and address for the record it would be appreciated.

Reddy: Sure. Absolutely. Thank you, Chairman -- Chair Woman Lorcher and Commissioners, for your time. Appreciate the invitation to come back and just kind of clarify some things and help you out. But my name is Jason Reddy. I -- do you want my personal address or business address I guess? Does it matter?

Lorcher: I don't think so. Your -- your business.

Reddy: 711 East Porter for the -- for the Kuna School District and I live in Meridian at 466 East Crest Ridge.

Lorcher: Thank you.

Reddy: Yeah. Thank you. So, I do have some slides. So, I currently serve as the assistant superintendent for the Kuna School District. I also have with me tonight Tim Jensen. He is one of the leaders in our district working on the development stuff, so he may try to help answer questions if you guys have them, too. So, I have a few slides to share with you that just wanted to kind of help clarify things and just add some -- or clear up any miscommunication that -- that we may have accidentally shared with you. So, first things first. I just want to make sure that I say right out front like we are not against development. Our Kuna School District is not against development. That's not why we send denial letters or approval letters or whatever. We -- we want things to grow and we want them to develop and grow in the correct way. So, let me see if I can add a little bit of information to that. So, I just hit the -- good to go. Okay. Perfect. So, some of the work that we have done -- and I will talk about a little bit of history here in a second, but we have, you know, looked at some of the different legal requirements and some of the expectations and if you look at 67-6511, the zoning ordinance, it says that particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision, including public services and including school districts. It specifically calls out school districts. And so I do think that there is an essence in which us as a district feels like it is our responsibility to help inform you and communicate with you when you are considering things for zoning. So, we are not here to be contentious. We are not here to be combative. We are trying to fulfill what the expectation of the law is and at the end of the day -- I mean you guys, I believe, have to make the recommendation to City Council; right? So, we are just here to provide information and -- and help however we can explain the situation and what impact certain development -- developments may have on our district. So, with that a little bit of background, just to give you some context about how we got to this place. In July of 2022 our school board voted unanimously for us to work on a plan to mitigate the financial impacts that development is having on the Kuna School District and so we -- we looked at those bullet points that are on this slide. It says share impact to developers on school capacity and other decision makers and what those things -- what impact that might have on us. So, through that process we worked on a plan, used a study, a company, an independent third party to come and do an analysis for us to look at like what would a mitigation support look like and so they -- through that work I guess you could say through that process landed on a mitigation fee of 3,279 per dollars per -- per door and that -- I

want to be clear, like we are not asking for someone to cover the whole cost of what this might be; right? This is just to alleviate some of the pressure to allow us to be able to adjust things around and try to absorb the growth in a feasible way. It would be like impossible for us to estimate the value -- or the cost of a development forever on our school district. So, this is like a one-time kind of ask I guess. So, for those that are willing to work with us and partner with us that's really what we are looking for is collaboration and partnership with developers, so that we can maintain healthy communities, healthy schools; right? It's one of those things that we hear a lot about in marketing from realtors is that -- that we have good school districts, we have healthy communities and we want to make sure that we can continue to do that. So, that's why we kind of landed on that process for mitigation. The next slide is just -- just for context for you. This -- I won't spend a lot of time here, but these are some of the pressures that are put on our school district, some of the things that we have to consider and deal with as we -- as we look at, you know, how -- the funding model is built in the -- in Idaho. You know, I'm sure you are aware that many school districts, West Ada, us -- in fact, almost 80 percent of the school districts in our state have to have a supplemental levy on the books just to maintain normal operations and those levies are for learning. That's for books, textbooks, teachers, things like that. In order for us to have a bond it requires a super majority and those are the -- those are the -- that's the financial mechanism we have in place from our legislature to build a building, to add on to buildings. Those -- those bonds require a super majority to pass. We are one of two states in the entire United States that has that expectation or threshold to meet, which is fine, I mean we are willing to do the things -- and we want our taxpayers' voice, but when we talk about growth and there is a gap there between when we -- when a development goes in and it starts to get built out from when we can pass a bond, build, add on to our buildings. So, I just want to make sure that is clear. So, I have put on here a few things. We -- I listened back to the conversation that you had a couple weeks ago and I just wanted to try and give clarity and I'm happy to field any questions on these, too, if -- if you have them. So, first of all, I did hear from the developer that we have established a -- I guess you might say a legal pay-to-play model and we are not saying that we are never going to support a development if they are unwilling to work with us. In fact, I'm not even sure we have a legal authority to do that. We can say that we can't -- we can't get behind this, but we can't deny, that's your job and City Council's job. Our job is to say we need to serve the kids in our schools and we need to make sure that their classes are in a size that is helpful and good for learning. I am not a developer. That's not what I do. I am an educator. I'm not going to come in and tell you guys how to do your job or how -- developer, how to -- where to put what road and how many fire hydrants they need and things like that. But the expectation is that we would provide context and information about what we can support and what we cannot support. The growth in Kuna, as you -- I'm sure you are aware, has been on a steady incline and so we are in a place where we need to say that if a development or a developer is not willing to help us mitigate some of the cost for those projects that we would not support that. That's where you got that letter. We did provide -- and I understand the confusion in this. We did provide and say if -- if a developer is willing to partner with us -- and we do have a lot of developers that do that just so you know. There is -- there is lots of those out there. If -- if they are willing to support us and willing to help us mitigate some of those costs, then, absolutely, we can support you and thank you for that. We have identified --

our board has identified three things where we would ask for -- are you willing to give us cash by the door fee? Land for future buildings, future schools? Or other gifts in kind? There are other things that we need, like parking lots and bus lanes and different things like that that if a developer wants to be a part of our district we are willing to provide a list of those kinds of things. The open enrollment question I know may come up that -- that - I know there is some confusion about that in Idaho law and some of the changes recently. So, I'm happy to answer any questions about that. Are we able to support or not support? I think I clarified that for you. And, then, there is the difference between the mitigation and the impact. We are not leveraging an impact fee. We are legally not allowed to do that, so that's not what we are doing. We are really -- at the end of the day we are simply asking for partnership from developers to come to the table with us and try to solve a problem. I did hear some questions and some confusion about our enrollment numbers and that there was the potential that we were trying to, quote, unquote, inflate our numbers and not provide accurate or truthful information and I understand why that would be confusing. Enrollment numbers change. They fluctuate over the course of a year, all year, as a school leader, as a superintendent, we see that, that's very common. We are not necessarily -- there is some confusion about pre-K. The reality is in May we had to close one of our buildings because we couldn't fund that number of staff members, so we closed half of a building, which created some shifts of moving different programs to different facilities and so we needed to look at a way to actually correctly record that and track that from our perspective. So, when you hear things like -- when we are manipulating the numbers, it's -- we are really not trying to manipulate them, we are trying to accurately -- accurately represent what happens in our buildings every day. And, then, lastly, I think, really, I just want to make sure that we are talking about partnership. We are asking for people to -- to partner with us, to work with us to make sure that our communities are healthy, our schools are healthy and that our kids that move into those communities are supported and educated well and with that I will stand for any other questions you may have.

Lorcher: Thank you very much. Commissioners, do we have any questions for Mr. Reddy?

Garrett: Yeah. I have a question. When you looked at the proposal did you factor in the development over time or the -- just the number of homes?

Reddy: Can you help me understand your -- like over the life of the development being --

Garrett: Well, the development is going to build 40 -- roughly there is, you know, plus or minus 300 homes.

Reddy: Okay.

Garrett: And they are going to build it at 40 homes a year. So, when you look at that do you factor into your enrollment and the cost of that that they are going to have 40 kids of various ages -- you know, who knows. From high school to, you know, preschool and,

then, you have a situation where you have got students graduating or leaving. So, what is a net number? I mean how do you look at that?

Reddy: Enrollment -- like I said, enrollments change during a year and from year to year in different cohorts of kids. One might be smaller, one might be bigger. Do we look at long-term strategic planning? Absolutely. Are we planning to try to finish building out our Swan Falls High School and make it a comprehensive high school? Yes. I think that answers your question. I --

Garrett: Well, more specifically to this one, referring to the letter you wrote that you couldn't support it, but, then, did you factor in that it would not come on stream -- you know, the whole homes to be completed, the project, but, in fact, it would be staggered over a period of years.

Reddy: Yeah. That is definitely something we consider. I think it's like we are at a snapshot in time right now where we need to provide feedback to you, because this is on your desk and so that's where our board has asked us to engage in this process with our different entities, planning and zoning and city councils. So, yes, we consider that it's going to be a long-term build and that over the course of those years our building capacity may change or may not change. Might grow. Our projections were that the Kuna School District would probably double in size in the next ten years. It doubled previous -- in the previous ten years and so the TischlerBise study said that that's probably what we should expect. We haven't exactly stayed on track with that. I think we have found our enrollment numbers have dropped a bit smaller than what was projected, but it's still in that kind of upward trajectory. Does that help? Thank you.

Lorcher: Commissioner Rust.

Rust: Madam Chair. Do you have any future development for new schools in the pipeline? Can you speak to that? If you are planning on doubling again you can't imagine -- or can't -- the plan can't be to just use the facilities as is.

Reddy: Yeah. Absolutely. Yes, sir. We -- we have tried to run a bond to continue building and growing our physical capacity. That, unfortunately, failed a year ago in November. Our district -- our school board is considering the possibility of having another bond, but I don't know that we are there. We haven't officially made that decision yet or not.

Rust: I think the applicant had shown in the last meeting that enrollment was projected to drop. You just mentioned cohorts can differ. It seemed like the data showed that cohorts were actually dropping in the classes that are coming up. Can you share any details around enrollment projections that maybe are more specific beyond doubling every ten years?

Reddy: I could. I didn't bring any of that data with me today. I'm happy to come back and share it with you. We do have -- if you look at it, like there is -- I'm trying to remember the slide. I think we have our sixth grade cohort, that's from last year, I think those are

now seventh graders -- was lower, but, then, there is others that are higher and there is some that are bigger that follow. It really does -- and this is a -- this is a normal thing we see in schools all the time, that there is this kind of like ebb and flow, but it's not drastic. We are not talking about a difference of a thousand kids, we are talking about a difference of 50 kids or a hundred kids across our whole district, which -- we have 11 schools, like 6,000 kids, so -- yeah.

Rust: Madam Chair, one more if I could. I appreciate you are in a difficult position as an educator and the board has directed you to take -- your board has directed you to take these steps. You are the one standing in front of us here today and you kind of explained the pay per play in a way that kind of left me back where we were two weeks ago, that you can't force someone to pay. You can't run an impact fee. That's not, obviously, according to Idaho statute and yet you also said that you are categorically denying any applicant -- or you are not -- you are not approving any applicant or supporting any that doesn't pony up the 3,279 per student or per door. I find that just unsavory frankly. I read through this letter that you guys provided to us and I don't think this was probably your fault, but it was addressed to the Canyon County Planning and Zoning Commissioners. I just don't think there is a lot of thought that's gone into this. It just seems very blanket, which is not how we should be approaching these issues. So, that's probably a message more for your board than for you. But I found the explanation that you gave fairly convoluted and not very substantive.

Reddy: Is there a way I could help you have more substance?

Rust: I don't believe there -- maybe there is. Is there a way that this is -- like are you guys evaluating their merits? It doesn't seem to me that you are evaluating applications on their merits. The merit is you either are partnering with us in the way that we are asking, which is money or in-kind donations, or we are not going to support the project. Is it really that simple?

Reddy: It really is that simple. Yeah. I think -- that is the merit; right? Like that is what we are talking about. My job is not to look at access roads and access to sewer and how far you are away from the nearest power station or whatever. I don't even know what that means frankly. That's -- that's your job; right? That's the developer's job. Our -- we believe we are fulfilling the expectation of the law to provide you our feedback and -- and that's what we are doing.

Rust: Yeah. I appreciate that.

Lorcher: Commissioner Grace.

Grace: Thanks, Madam Chair. You mentioned that you successfully have worked with - - you know, in a partnership with other developers. I'm wondering what you think or what your thoughts are on what made that successful or, you know, is this -- is this just too big of a project or have they been smaller in size? I'm trying to get a sense of what -- what



allowed that kind of partnership and collaboration in the past maybe and what -- what -- what the problem is here.

Reddy: I would love to hear from the developer on that also. We have seen partnerships with other developers that have been bigger and been smaller than this project. We are always willing to talk to them and typically what happens we will see a pre-application -- Tim, help me out if I get it wrong. We -- we will see an application come out and we will go to those meetings and, then, try to connect with that developer offline and say, hey, we want to support this, can we talk about what that might look like. Some developers will entertain those conversations and some just absolutely will not and accuse us -- accuse us of extortion or something, which I understand why it's confusing. It is confusing. It's a challenge. We just met with a developer a couple of months ago that's planning a project bigger than this one and they -- they came to us and said we want to work with you, we understand this is the process in Kuna, what can we do, can we have some conversations? We were willing to work with them and say, hey, you are putting a development in. We need a parking lot. You are going to have asphalt, you are going to have concrete, you are going to have contractors, how about you build us a parking lot, which would actually cost less than the per door fee. Could we partner in that way and figure out a solution to this problem? Because if we don't have to pay for the parking lot out of our general fund that allows us to move things around so that we can support our students. So, in that way that's where the mitigation comes. We are not like looking for bribes or whatever if that's what it appears to be. And that developer, ironically, we -- they said, you know what, we would rather just pay you cash per door as it's developed over the next seven years or something like that, instead of doing the parking lot. We would rather just give you the money.

Grace: Okay. Thank you. Just one more follow up, Madam Chair. So, what happens when you are over capacity? What -- you know, we -- I have seen the percentages and that kind of thing. I don't know that I have -- I have been explained what the reality -- so, what happens?

Reddy: Yeah. Class sizes get bigger for one, which we know is -- is one of the leading indicators of student success or not. Right now in one of our elementary schools we are using the teachers' lounge as a classroom, because that school is over capacity. Things like that. Principals like Tim have to get really creative about how they build their -- their schedules and what rooms they utilize and don't utilize. Like we have -- one of our technology people is literally using a broom closet for his office in one of our buildings, because he doesn't have a place where he can be housed in that building. Things like that.

Grace: Do you use modular?

Reddy: I'm sorry?

Grace: Modularity.

Reddy: We do. Yeah. We have a few modulares. We would prefer not to do that, because there are some safety concerns that come along with putting portables up, making sure they are fenced and protected. We -- we spend a lot of money on access control to make sure, you know, not anybody can just walk up to a classroom and let themselves in or knock on the door. So, we do have a few, but that's not a common practice and it's something that we have tried to stay away from if possible.

Grace: Thank you.

Reddy: Thank you.

Lorcher: I do have a quick question. So, we are the City of Meridian and this particular project that we are talking about is specifically in the City of Meridian, but the school would be the Kuna School District. So, for an open enrollment for someone who technically doesn't live in your city, does that mean you have the choice to decline their enrollment because of overcapacity?

Reddy: So, they wouldn't be open enrolling with us. This -- so, the Kuna School District actually has Nampa addresses, Boise addresses, Meridian addresses. They would be open enrolling with the West Ada School District and I spoke with one of their district leaders last week and he shared with me the same thing that he would share with anybody, that people are welcome to open enroll, but it does not mean that you automatically get in. Some schools are full, some schools are not, some programs are full, some programs are not and so they would consider those applications as they came.

Lorcher: Okay. So, if I'm moving in this particular community that I'm enrolled in the West Ada School District; right? That's what you are telling me? And then -- but the area impact would be in the Kuna School District -- no? Am I getting that wrong? Can you tell -- tell me that again.

Reddy: Yes, ma'am. Sorry. It's okay. So, our school district boundaries, the area that we are responsible to serve, is in the Meridian City Limits. So, those students will come to us. They are -- they are required to attend the Kuna School District -- or I should say, rather, if they live there we are required to serve them.

Lorcher: Got you.

Reddy: We do not have the option to say to that family and that kid -- it would be illegal for us to do that, to say you -- we don't have space for you or even though you live in our boundaries we can't take you, you have to go open enroll at Meridian -- or West Ada. Sorry. But, again, West Ada is -- is not necessarily obligated to accept those students. They would consider each student and their application to open enroll on that individual kid one at a time.

Lorcher: Right.

Reddy: Does that make sense?

Lorcher: It does. You explained that well. Thank you. One more question and you may not have the answer because it's not in your jurisdiction. So, you know, we are talking about your school district and how you have this partnership that you want to create. Do you know if Boise and West Ada have similar relationships with their developers as well? I mean did you kind of follow suit of what has already been established in our community or is this unique to your community?

Reddy: That's a great question. Thank you for asking it. This is very unique to Kuna. We have been asked by lots of school districts around the state how we have developed this process. I would say that Boise and West Ada do not have the same kind of pressures that we do. Boise is declining in enrollment. West Ada is one of the biggest school district in the state of Idaho, so they have intentionally like not engaged in this process the same way that we have.

Lorcher: But I do know developers have provided land for their schools.

Reddy: Yes, ma'am.

Lorcher: Typically elementary schools, because that's the least impact. I think the -- the numbers are 75 acres for a high school, 55 acres for a middle school and 25 acres' ish for an elementary school to -- to be part of that. I lived in Parkside Creek at Ten Mile and Cherry and -- and the school was actually, you know, within the -- the subdivision and I cannot verify that for sure, but I'm pretty sure the developer probably provided that land and, then, it was up to West Ada to come up with the money to build the school.

Reddy: Correct. Yeah. I met -- I met with another large developer that I don't -- I don't know if we name drop in here or not, but that has donated lots of land to West Ada School District and to us and there is some frustration on his part about how slow districts are to build on that property, because the subdivision will be built, it will be there for several years, but because of the bonding challenges that we have sometimes it can take a long time to actually physically build the building there.

Lorcher: Okay.

Reddy: Yeah.

Lorcher: One more question. Governor Little is going to start to distribute some of the monies for infrastructure for schools. Is that just for maintenance and repairs or does that include actually helping you build a school?

Reddy: Yeah. That's a great question. House Bill 521 -- for the Kuna School District I think our first payment we have got it's about 18 million dollars. Currently just in maintenance and repairs and -- the money was designated to districts to help the backlog of -- of maintenance issues.

Lorcher: The bonds and levy --

Reddy: Yeah. Yeah. So, we have 18 million in a bank right now from them that we just got a couple weeks ago. We have about 40, 50 million dollars of actual maintenance that probably needs to -- not probably, that needs to be done to our buildings.

Lorcher: Right. I think West Ada said in order to run their school district they need a billion dollars over the next 20 years and they are not getting that.

Reddy: Yeah. They got I think 1.1. They paid somebody to go do the study for them -- 1.1 billion and I think they got -- do you remember, Tim, what it was they got? I don't even -- I would -- they got more than we did, which is right. That's what they should do.

Lorcher: Yeah. Any other questions for Jason? All right. Thank you very much.

Reddy: Thank you. Appreciate your time.

Lorcher: All right. Based on the three items that we had in regard to this, we have talked to the Kuna School District. Madam Clerk, do we have anyone else who are going to testify on the items that are up for discussion?

Lomeli: Madam Chair, no one has signed up.

Lorcher: Is there anybody in Chambers that would like to speak in regard to these slides? The person on Zoom will get you next. Hi. If you can state your name and address for the record that would be great.

Crawford: All right. Dave -- excuse me. David Crawford, Centurion Engineers. We are here to speak about the Cavalli Lane access on behalf of Robert Bruno. Anna Canning spoke at the last meeting. She's out of town, so I'm here to kind of fill in the gap. We wrote some recent letters that came in today that were disputing the -- or wanted to come to your agreement to utilize the existing Cavalli Lane location. We were able -- we were able to meet with the developer representatives and come up to a satisfactory conclusion. We really appreciate the work that they did to bring us to this point, but we would like to withdraw our objection.

Lorcher: Okay.

Crawford: So -- all right.

Lorcher: All right. Thank you very much. Madam Clerk, who is on Zoom?

Lomeli: Madam Chair, Tony Mayer is raising his hand.

Lorcher: All right. Mr. Mayer, you can state your name and address for the record.

Mayer: Yes. It's Tony Mayer. I'm here with my wife Jeanie Mayer.

Lorcher: Okay. You will have three minutes to be able to testify.

Mayer: Okay. I have given some handouts and I will briefly go through those. I'm assuming the -- the Commission has those in front of them. I was requested to meet with the representatives of Black Rock Homes and which I did with one and I submitted a list to him of my issues and if you have those before you I would like to go through those. Number one is the neighborhood meeting. I'm still contending that the Conger group failed their requirements for the neighborhood meeting. It was 5:23, 24. I know they -- they suggested that they did, but I did do some other research on this meeting and also in -- in front of you you should have an e-mail string that I had with -- with them the day of that meeting and if you can find that the document that has -- it's got my name at the top and it's got some black lines I would like to address those. At 5:58 I tried logging into their system, because they had notified us via postcard. I logged in and, then, I stated on the bottom -- and this is from the actual e-mail trans -- transaction between us and the Conger group. I said -- and I logged in and don't find the neighborhood meeting. Please call me on my phone number. And that was at 5:58, two minutes before. At 6:14, 16 minutes after the meetings had started and I said I cannot speak to you, no microphone connection and, then, at 6:17 I said terrible meeting. Can't hear you. Can't talk to you. And, then, again, 6:22, which is when they just indicated that the meeting ended, I said the setup does not work. No two way discussion. I have several questions. Why not have a real live meeting? This was a waste of time. And that -- and, then, the meeting - - and I also did a search of all e-mails that transacted between myself and the Conger group and that's also attached. There is five of them there. Four of them were the meeting and the fifth one is this latest one the Conger group and which I listed these items to them. So, I still contend that they never met the requirements. I don't know what he is talking about, but they never did reach back out to me and suggest, hey, come on down, look at these prints. The only time they came back was after this last meeting and they were directed to get -- get a hold of me. So, I will go on. Number two. I indicated to them I think they need larger lots. I live in the ten acre parcels immediately to the south. There is several there of them there and they are buffering with R-8 lots. I'm contending they need R-2 or R-4. This is an agricultural area. There is a canal there, activity related agriculture, irrigation, equipment, tractors, vehicles, post piping ditches -- all that is there. There needs to be a bigger buffer. Staff recommended a larger buffer and Conger group thinks they don't need that.

Lorcher: All right.

Mayer: Number three is fencing. I indicated to them I think they need a fence along with the Lawson Canal for safety reasons, if not other reasons. Vandalism. The Conger group indicated to me there is a fence along that separates their property from the Rawson Canal. I didn't see that on the print, but I hope that's the case. They said they are planning on putting one in. So, that resolved that item.

Lorcher: Okay. Mr. Mayer, you will need to finish up, please.

Mayer: Okay. So, the fourth item is the road. I also submitted a picture of the road -- of Locust Grove. It's a dramatic congestion problem waiting to happen there and it's already backed up. I think they need to widen out -- they need to put a lane there. I took a picture and submitted it to Council. I don't see how they are going to get another lane there. There is telephone poles. They already laid out in the Hadler Subdivision a large concrete pad. So, that doesn't look like they plan on doing any widening there. And, then, schools, you just heard from the Kuna School District, they don't have capacity and the charter academy, we call them, they don't have -- they are very limited and, of course, West Ada is you have to contact them and it's done by a case-by-case basis. I don't see it --

Lorcher: Mr. Mayer, you will have to finish up. You're past your time.

Mayer: Yes. Okay. In the end I think that you have got to pay attention to schools. You can't just continue. One thing I heard is you can't look at this development by itself. There is multiple other developments going on at the same time. You can't just say, hey, this is 40 -- 40 schools -- or 40 homes a year. There is probably -- if you added them all up there is probably 200, 400 homes a year that Kuna has to deal with. You can't just look at this myopically with one school. You got to get behind this school district. These developers need to contribute to what their cost is on the community. You can't just lay this on the community after the developers done and say, gee, we need new schools.

Lorcher: All right. Mr. Mayer, I will have to cut you off there.

Mr. Mayer: Okay.

Lorcher: All right. Thank you very much for your testimony. Madam Clerk, do we have anybody else that would like to testify?

Lomeli: Madam Chair, no one else.

Lorcher: Would the applicant like to come forward to address some of the items that have been presented tonight?

Clark: May as well while I'm here; right? Hethe Clark. 251 East Front Street in Boise. Representing the applicant. Linda, can I have my slides more time. While she is bringing those up, you know, we -- we appreciate that there are always strong feelings about applications. We did -- went ahead and pulled our file, you know, after the Zoom, which the Mayers logged in on at 6:07, left at 6:19 at 6:16 Mr. Mayer sent the e-mail that he mentioned. This is a terrible meeting. We can't hear you. Within three minutes Laren sent an e-mail saying, yes, I will call you tomorrow. The next day at 8:23 a.m. he sent an e-mail, said, Tony, I'm willing to meet with you at any time. Please let me know what works best for you. Thank you. On July 2nd he sent an e-mail saying, Tony, I'm following up on the neighborhood meeting that we conducted a few weeks ago. I mean on and on. So, they may not have shown up in Mr. Mayer's search, but I can assure you that there

was a great deal of outreach that was done there. With regard to the transitioning, it's about 400 feet from our property to the Mayer's home. That's LDR along that transition and our density is perfectly appropriate for LDR and if -- as I mentioned at the last meeting, if that -- if those parcels redevelop it's going to be an assemblage that will be pretty expensive and so it will -- they will require density to match ours in order for that to work. The fence will be on the Rawson. That's a requirement that will happen as a matter of course and in the past the roads have been studied by ACHD and Locust Grove is being widened all the way to Columbia. There is -- as part of this project and the others that are happening there is going to be the new north-south collector up to Discovery Park. I think it's called Recreation. So, that will take pressure off of Locust Grove as well. And, again, this is like a typical application. ACHD reviewed it, approved, and we have jumped through those hoops on the traffic side of things. So, let's talk about schools. So, you know, I -- everybody wants the schools to be successful. Like we are not, you know, an exception to that rule. But, you know, we do have concerns with the way that this has been approached. I think it's clear based on the testimony tonight that this is explicitly a pay-for-play situation. This is the language from the -- the letter: To be able to serve this development we need the voluntary contribution. The last sentence of that same letter: When partnerships are established that favorably impact our ability to serve a particular development we will inform the Canyon county P&Z Commissioner -- should be you guys -- office through an amended letter. In other words, we will change the letter if you give us the voluntary contribution. I mean it's -- it's just unfortunate. I wish it weren't being approached that way and this is really what it comes down to is that Idaho Code 67-6513 says that any fee mitigating the impacts of development has to satisfy the Impact Fee Act. So, you know, it's just unfortunate that you are being put in this position where you are being asked to evaluate this based on that approach. It seems pretty clear based on the eval -- on the discussions that this is not an evaluation that's being made based on any particular project. I think that was conceded to tonight, that every project just gets this letter and we will serve you if you do the mitigation and it's just not a good way to do it. It's not done in any other jurisdiction. West Ada doesn't do it that way. I don't know of any other school district that does it that way. So, it's unfortunate, but, you know, we feel compelled that that's not something that we should be a part of and as you all know this came up about a year and a half ago at Hadler, which was I think the first time that there was a subdivision within the City of Meridian. The Kuna School District made a similar request. You know, city -- City Council rejected it. It had almost exactly the same conversation that Commissioner Rust had with them and, you know, City Council saw it for what it was and said, no, that's not the way we are going to do it. So, with that I think I would refrain from any other comment.

Lorcher: Commissioners, do you have any questions for the applicant?

Grace: Madam Chair?

Lorcher: Commissioner Grace.

Grace: Thanks. Mr. Clark, so other than the -- well, not other -- but aside from the manner which, you know, things played out, have you -- have you offered to do anything for the school district? And, if so, why?

Clark: Madam Chair, Commissioner Grace, so the -- we have reached out. We have had conversations with them. The response was that we would like to have this 3,000 dollar fee and 380 lots, 3,000 dollar fee, they want a 1.2 million dollar commitment and that 1.2 million can go toward anything. It's -- it doesn't go into it -- as I understand it doesn't go into a designated fund. As you all know impact fees have to go into a particularized fund. They have to be used for particular issues. If they are not used within a particular amount of time they have to be returned. That's not what we are talking about here. This is just kind of a slush fund kind of a situation. And so, you know, we -- we have kind of taken the approach that if that is what is being requested, then, we don't feel good participating in it that way. But that's not to say that we are not willing to help. You know, we, as part of BCA, have reached out to Kuna School District in the past and said, hey, help -- let us help you run a bond, like that -- that's really what needs to happen. The -- the kind of piecemeal approach on all of this -- this is my own personal comment -- like I worry that saying that we are going to make the developers pay this makes it harder to run a bond, because the general public would say aren't the developers going to pay for it? Why would we vote for a bond. We have offered through the BCA to do that and that's not been successful and so given that, you know, we are kind of where -- stuck where we are.

Grace: Just to follow up if I could. So, I -- I understand that you might take the approach of, well, we -- you know, a letter of support isn't worth that much to us, you know, we feel like we have a good project in that approach. But, you know, I don't really view it as so much the -- Mr. Reddy or the -- the school or the building, I view it as what can we do for the community. What's -- what -- I mean this -- anything you would be willing to do would benefit the children, the community; right? And so -- so, it sounds like you are not unwilling to have those conversations, you just -- number one, you didn't like the manner in which it was presented and, number two, it seemed to be they were unwilling to budge off of their -- this is what we need or else.

Clark: Yeah. And I think that there is also just some difficulty in -- in generally the approach. So, if you look back at the letter what it's -- it doesn't evaluate the specific project. What it says is given the -- what is it? The current approvals that the city of Kuna has granted, you know, the proposed flats, put them beyond district capacity not actual numbers and so, you know, we don't know what the actual numbers are, but when we -- we reached out to the State Board of Education and we -- these are the student counts year by year and the significant drop off after you get to ninth grade we -- we start to wonder when there isn't that data to go for this particular development and, then, we do our own research and we see this, it makes us, you know, wonder; right? And, then, you know, the -- this is the comparison -- you know, I think it was mentioned that they are falling short of what the TischlerBise study projected. It's pretty significantly short of it. So, you know, without understanding what, you know, the true impacts are, you know, it makes it hard to say, okay, here is what -- here is something that we can do.



Grace: Thank you.

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: So, with everything you just said, I mean I guess I'm falling on -- and don't get me wrong, I don't -- I don't like the way that the Kuna School District is approaching this either. I find that -- I mean if you can't do an impact fee, then, you can't do an impact fee. You have to find other ways of funding it period. That said, it seems like your approach is we are going to do nothing. So, that is equally as unsavory to me, because I guarantee every realtor shows every home in the entire subdivision is going to brag about the schools and how good and I think that we can all see what's happening in the communities -- in the schools that are here, West Ada, Boise and Kuna, they are overcrowded. So, I mean my son's fortunate, he goes to a charter school that's not overcrowded by design, but the rest of the school district can't do that. They have to serve kids that are there. Have to. So, we can't ignore that either. They are going at it. I don't think that anybody is going to -- I would hope that nobody would argue that. All you have to do is go spend some time in a school. Go walk through one. Go volunteer in one. I do. They are overcrowded. Period. We can't ignore that. I don't care how unsavory what was just presented was presented. The fact of the matter is they are overcrowded and I struggle with sitting here application after application after application hearing feedback from our community, the people that we are supposed to represent, about how the schools are overcrowded and we do nothing about it. Zero. Which is exactly what you said you are going to do. Nothing. Help me wrap my head around that?

Clark: Well, I -- first of all, I don't think that the -- I mean -- I will back up. The question is what to do; right? The question is not -- and I don't think what you do is you say 3,000 dollars at a time is going to solve the problem even if it were legal. What has to happen is that if there truly is a capacity issue -- and I have been in front of you talking about the various enrollments in West Ada and in Kuna. I just showed you the numbers from Kuna and West Ada. We have talked about the fact every middle school in West Ada, other than Victory and Star, has had reductions in enrollment over the past few years. So, yes, there is an overcrowding question, but, then, there is the question of are we a good steward of the taxpayer dollar if we are building buildings that may not be fully utilized later and that's up for the school districts to decide, not me. But to solve that problem you are not going to do it 3,000 dollars at a time. You are going to do it through a bond and because that's the only a tool that the Idaho legislature has given us. So, we have to get the bonds passed, because you are not getting this -- this approach, even if there was an approved impact fee, I don't think you build a school with -- with impact fees either. You got to do it with the big chunks. They come from bonding and that's our only -- that's the only solution we have in the state.

Seal: Madam Chair, question. I don't know if anybody here can answer it. Do the people that live in the subdivision are they able to vote on the bonds that will affect -- impact of the city of Kuna for those --

Clark: If they are in the Kuna School District they should.

Lorcher: Any other questions for our applicant before we --

Garrett: Yeah. I -- just because I'm -- I'm a new -- relatively new resident to Idaho, but I came from a state where impact fees assessed on homes were driving up the price of homes so they became less and less affordable and that's my concern here as you spoke to. The 3,100 dollars -- I -- quick math I did was 131,000 per 40 homes. Would you just tack that onto the cost of the house? I mean that's what -- I assume that's what a developer would -- I mean as a business person.

Clark: Yeah. That's exactly right and we are kind of teetering on that in this state right now happening for a number of reasons, including House Bill 389 from a couple of years ago that limits the growth in budgets in any taxing district. What we are starting to see is those kind of fees getting tacked on to the per door costs and it's making -- it's essentially a cost and burden shift on to the new homeowner to take care of things that may otherwise be -- already be a need, but it's certainly not going to aid in our housing affordability crisis that we have and it's -- but that is coming. Like I personally don't think -- unless the legislature changes course on House Bill 389 we are going to see a lot more informal fees like that.

Garrett: Uh-huh. Thank you.

Lorcher: All right. Thanks very much.

Clark: Thanks, everybody.

Lorcher: Can I get a motion to close the public hearing?

Rust: So moved.

Seal: Second.

Lorcher: It's been moved and seconded to close the public hearing for -- I forgot where we were for a second. For Summerlin -- is it Summerlin? Summerlin West. Thank you. All those in favor say aye. Any opposed? A motion -- sorry. I lost my.

**MOTION CARRIED: FIVE AYES. TWO ABSENT.**

Lorcher: So, I just want to reiterate for the Commissioners -- we are talking about three things in particular for tonight's motion. We are talking about the school district and how that impacts this application. We are talking about the community public hearing and if it

met the rule -- the code for the city of Meridian to allow that the way it happened and the disputed public road between Jack Jack and this application. So, with that in mind as we deliberate or discuss, those are the items that we will be talking about. Is that correct?

Starman: Madam Chair, that's a great description, but I want to maybe broaden that a bit. So, the -- the public hearing tonight was focused on those three topics, but now that you concluded we also had the public hearing from two weeks ago. So, now before you is the entire project, so --

Lorcher: The entire application. Okay.

Starman: So, all that is fair game. Our testimony tonight was limited to those three topics, but now you are making a decision on the complete application or applications plural. So, all that is fair game for deliberation and for your discussion and also since I have the microphone -- I am told to be quiet. I will be quiet later, but it might -- to assist the Commission in particular it might be helpful, Linda, if you could put the applicant's request for condition changes back on the screen just so that -- so it's front and center for deliberation. Thank you, Madam Chair.

Lorcher: All right. While you are doing that I will -- I will go ahead and start and give my two cents worth. As far as the -- the neighborhood meeting -- COVID changed everything as far as whether things are done in person or whether they are not and there has been a trend to do it over Zoom and when you have technology -- when it works great it's great and when it doesn't it doesn't. Based on the e-mails that Hethe had talked about I feel like they did due diligence to be able to get a hold of the landowner and try to address those concerns and it seems to me that they still disagree, but, you know, that attempt was made and we asked you to do that and you did that and I appreciate that. In regard to the disputed private road, it seems like those two things have been resolved and that's great. They reached out to each other and have a common understanding of how that's going to go forward. In regard to the school district, you know, I have worked in education as a volunteer for a long time. I have been part of the state PTA. I just actually retired about two years ago for the last 16 years. So, I have been in schools for a long time, including servicing the Kuna School District, as well as West Ada. I have testified in front of the House Education Committee and the -- the Senate Education Committee and this opens a whole can of worms where there is a constitutional obligation from the state of Idaho to fund public education and that includes the buildings and so, you know, Governor Little is doing something about it, but it's -- it's just never seems to be enough, especially when we have everything back logged. With -- with that in that spirit, I commend you of coming with a new idea out of the box that's a little bit different, but it seems like its delivery seems to be rubbing some people the wrong way. So, there is some definitely takeaway points there to maybe reword that kind of stuff. But I also agree with Commissioner Seal that to do nothing for the community to help sell your product within your community also is just as bad as possibly saying, you know, we want this X number of dollars per house. So, at the end we are servicing our families and our children, it's only in your best interest to be able to come up with a product that the realtors, like you said, can come forward and say these schools are great. There is plenty of room for your kids. They can grow

and they can do all these things. Does it have a specific dollar amount or trade value? I'm not really sure, but if you don't ask, then, nobody is going to give and so -- so, you know, going forward maybe that can be reworded, you know, and -- and you are still going to service the kids whether they do or not, you are just not going to give your stamp of approval and, finally, as the application is concerned, the open space looked good. The overall design was mostly okay. You had a blank slate and yet you still put five private roads in there with houses stacked on top of each other, which always causes concerns for services, whether it's mail or garbage or anything else on that and, you know, without having to come through a redesign, that part I don't like, you know, I think there was plenty of room to be able to come up with some ideas on those curves that you didn't have to do it. Code says you can, but just because you can doesn't mean you always should and so that part of -- of the overall design of the -- of the entire application I don't support, but we are the recommending body and the decisions makers and so I will go on record to say that, you know, these private streets are just going to become a complete nightmare when neighbors are on top of each other. So, those are my comments as far as everything kind of in a nutshell. I hope I kind of hit everything that we have kind of talked about. I would like to open it to the other Commissioners to give your thoughts as well. Who would like to start? Am I the only one tonight?

Rust: Madam Commissioner?

Lorcher: Commissioner Rust.

Rust: I won't let you be the only one. Yeah. I think you hit on the first two points, the school -- or not the school, the access and the neighbors in full agreement with you there. Glad that we were able to resolve the access issues. As far as the conditions, I'm in favor of the applicant's request to delete Condition 2, 3-C and 3-D. If you remember from our discussion, 3-D in particular seems pretty egregious to go first a bridge across the Rawson Canal that is a bridge to nowhere in many ways. So, I'm in favor of deleting all three of those. Regarding the school issue, we -- we want to be careful of not allowing manipulation to creep into processes and, ultimately, the voters at Kuna have spoken on multiple occasions to shoot down this bond and there could be a variety of reasons for that, but I also don't think that a 3,000 dollar fee per door is going to do much. Governor Little is sending 18 million dollars to the school district for ongoing maintenance items. That's not even half of the ongoing items that are there, let alone building new schools. This is -- this is infinitesimal against the problems that are there and this problem has to be solved through a bond. Even their own letter says most importantly bonds are what we need and -- and I think the school district needs to focus their energy on rallying the community around something that can pass. That's where this needs to be solved, not in trying to strong arm developers in what I'm going to call is a pay-for-play scenario. There is no other way to put it. That is exactly what this is. That's not right. That's not the tools that the legislator and the state's constitution have given to school districts. We have to operate within the framework that we are given. This is outside of that framework. It is creative. I don't think it's in the spirit of the law, even if it's technically not illegal, and I'm in favor of approving this and hope that the Kuna School District and their board will revisit this entire concept and put more effort into -- I'm glad to hear they are considering

another bond and figure out what will speak to the nature of their constituents, but I don't want to see governmental bodies doing an end run around their own voters. Their own voters need to be on board and if they don't see the need, they are the ones that are being impacted, then, who are we as a planning and zoning of a separate city toward that -- or to counter that. Those are my thoughts. I'm going to be supporting this application.

Lorcher: Thank you very much.

Grace: Madam Chair?

Lorcher: Commissioner Grace.

Grace: So, it's unfortunate that the parties can't find some amicable way to work through some of these things to find some elegant solution to this. You know, on the one hand the manner in which it was presented by the school district is causing all of us some concern I think and it's -- it's wise maybe advice from the -- from -- from our chair in the future maybe work on the messaging there, but -- and I appreciate Commissioner Seal saying what he said, because I -- he articulated it better. I was having a real problem with the fact that it didn't seem like the developer, the applicant, was willing to come even a quarter of a way either. They were so offended by the manner in which the school district acted that they just, you know, took their glove and ball and went home and that -- that does not help the community. So, it is unfortunate. And it's also unfortunate that we are being -- you know, we and the City Council and -- and other cities as well, not just Meridian, are being forced to choose between quality schools, you know, with -- with adequate capacity and affordable housing and it's part of the job, I guess, but it's just unfortunate. I do -- I agree with Commissioner Rust, that I do -- I think ultimately the -- the solution -- the long-term solution to these issues is probably a bond and we have seen it all over that it's difficult to get these passed, especially when lots of people are moving in without kids and we don't see the need for the bonds and I don't think denial of this application is going to probably ultimately solve the problem. So, there has been a lot of thought and effort into this. I think ultimately I probably will recommend approval of it. Thank you.

Garrett: Yeah. I'm going to issue a -- or make a statement that I just find it difficult for this group to get involved with a school issue in another city and if the voters can't support it, if their bond failed, I don't think that should be on the back of the P&Z committee in Meridian, Idaho. I think they -- I don't know whose fault that was, a bad sales job or bad voters, but somehow they have to reach a happy medium. If the people want to move to Kuna they are going to have to recognize the necessity for schools and -- and what they have to do and to put us in that position I think is just -- I can't agree with it.

Lorcher: Thank you.

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: I will just say we are in position with every application. So again -- I mean just visit a school. All you got to do is volunteer. You can see it firsthand. It's not that difficult. So, that's the seat that I speak from. So, that's the numbers that I have. That -- that said, you know, there is some things on the application -- I will just speak to the application in itself and the conditions that are up here. So, I'm fine with deleting Condition No. 2 and 3-D. 3-C I think it should stay. So, that's my opinion on that. Just to get those out of the way. As far as the public meeting goes, I find it -- we will just use the word unsavory again that you are not allowing voice communication. I find that disrespectful. I mean if you were to come to this Council meeting and all we let you do is type, you would probably have a few more words you would want to fit in there and a lot of these people that live around they want to have their voice heard and I think maybe explaining the grant, the ground rules to people that are going to show up to this, at a minimum would probably help a lot. But I find that you don't let people speak insulting personally. If that were my experience -- and I do belong to a company where we go and we can only put -- you know, we can only type words in, but we are a worldwide company with millions of employees. So, I get it, so -- and I understand there is a safety issue. Things are getting more aggressive. That's only going to get worse from here on out, so -- but, you know, again, the public meeting portion of this -- to not be able to speak is -- I can't even find the right word for it, so -- it's just insulting to me. As far as the schools, again, I mean, yes, unsavory. I don't like the way that it is approached or at least the way it has been described to be approached at this point in time, but the schools are overrated. Again, we sit here application after application after application, we get public testimony -- generally there is a lot more public testimony that comes in about people that have to, you know, wait for their kids to be bused to the other side of town or they have to open enroll in another school district in order to have, you know, the same things afforded to their children as the school district that can't provide it. So, do I believe that a bond is probably the best way? Sure. But it's not happening and you can see the desperation in the school district to come up with something like this in order to afford that. I get it. You got to do something. You can't do nothing and I understand that not passing -- or by approving this one application isn't going to make a difference, but if you deny ten it might, if you deny 20 it could. Maybe people will start getting the message that we have to do something. But doing nothing is not an option and that's just where I see this application at. It does nothing, other than provide some more houses and as far as the 3,000 dollars, it's a one-time fee. People can afford that when they buy a house. How much is it going to add to their tax bill every year, year after year, for the next 50 years while that house is inhabited? I'm going to guess it's a sketch more than three grand. Somebody's going to pay it somewhere along the line. So, end around or not, unsavory or not, it's the reality of a situation that they are in. So, you know, considering that the application that's at hand in front of us -- I can't support it. You know, we need better schools. We don't need more houses.

Lorcher: Because there are elements within our communities that are beyond our ability to make a huge change, you know, it's the Idaho legislature, it's the -- it's the City of Meridian's code on neighborhood meetings. It's, you know, impact fees or in-kind donations to be able to help the community. It's -- it's a pretty -- pretty stacked up here.

So, we are the recommending body to City Council and I know they look at our comments, so they will have a full list of other things that we have to say, but we do need to make a motion and we do need to vote, so -- and our school situation is not going to be fixed tonight and it most likely won't be fixed with this application, but it could also send a message if -- if we choose to pass it or deny it. But that's where we are and we all have our opinions and, you know, it's not one person making that decision; right?

Rust: Madam Chair?

Lorcher: Commissioner Rust.

Rust: I would like to make a motion if that's appropriate. After considering all staff, applicant and public testimony, I move to recommend approval to the City Council of File No. H-2024-0023 as presented in the staff report for the hearing date of November 21st, 2024, with the following modifications. The deletion of Condition 2, 3-C and 3-D.

Lorcher: Do I have a second?

Garrett: Second.

Lorcher: It's been moved and seconded to approve File No. 20 -- 0023 as presented in the staff report with the modifications listed. All those in favor say aye.

Rust: Aye.

Garrett: Aye.

Lorcher: And those denial.

Seal: Nay.

Grace: Nay the way the motion was presented.

Starman: Madam Chair, did you cast your vote?

Lorcher: I did not.

Starman: You will -- I would ask you to do. We have a two-two split at the moment.

Lorcher: Right. So, I guess before I want to cast my vote I would want to know what you didn't -- but I --

Grace: Yeah. Madam Chair, I -- I disagreed with Commissioner Seal that I did not -- I'm not agreeing to modify Condition 3-C.

Lorcher: Oh, I see. Okay. I will vote denial.

Starman: Just for clarification, Madam Chair and Commissioners, so the -- the motion failed, so that's not denial of the application. I would encourage the chair to entertain another motion.

Lorcher: All right. Commissioner Rust -- well, anybody want to make a different motion?

Grace: Madam Chair, I would take a stab at this.

Seal: I would, but I wouldn't get a second.

Grace: Let me find my spot here. Okay. After considering all staff, applicant and public testimony, I move to recommend approval to the City Council of File No. H-2024-0023 as presented in the staff report for the hearing date of November 21st, 2024, with the following modifications: Accept deletion of Condition 2 and deletion of Condition 3-D.

Lorcher: Do I have a second?

Garrett: Second.

Lorcher: It's been moved and seconded to approve File No. 0023 by deleting Condition 2, which requires attached townhomes and Condition 3-D for the stub road. All those in favor say aye. All those opposed?

Seal: Nay.

Lorcher: Do you need me to cast a vote? I think we have three and one.

Starman: You are certainly allowed to vote. I wouldn't compel you to do so, but I think -  
- Madam Clerk, do you have a -- I counted three yeas and one nay. Is that your count?

Lomeli: Madam Chair, did you cast your vote with that?

Lorcher: I did not.

Lomeli: So that would be correct. The three to one.

Starman: If Madam Chair chooses not to vote you can reflect as an abstention.

Lorcher: Okay. And so it passes three to one for approval to City Council.

**MOTION CARRIED: THREE AYES. ONE NAY. ONE ABSTENTION. TWO ABSENT.**