

MINUTES  
KITSAP COUNTY PLANNING COMMISSION  
Administration Building - Commissioner's Chambers  
March 25, 2008, 9:00 am

These minutes are intended to provide a summary of the meeting flow and content and should not be relied upon for specific statements from individuals at the meeting.

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**The Kitsap County Planning Commission met on the above-stated date at the Kitsap County Administration Building – Commissioner's Chambers located at 619 Division Street, Port Orchard, WA 98366.**

Members present: Chair Fred Depee, John Taylor, Vice Chair Linda Paralez, Michael Gustavson, Tom Nevins, Lou Foritano and John Hough.

Staff present: Scott Diener, Mike Barth, Nicole Ellis, Angie Silva, Eric Baker, Jim Bolger and Planning Commission Secretary Amanda Walston.

*\*Please note, the times differ (later by one hour) compared to the actual FTR Gold Reporting File, due to the time clock reading 1 hour slow. (i.e. start time on file is 8:00:01, but actual time is 9:00:01)*

9:00:01

A. Call Meeting to Order, Introductions

B. Adoption of Agenda

*Depee adopts the agenda as posted.*

C. Public Comments

*(Depee hears none, moves to next item.)*

D. Approval of Minutes

- March 11, 2008

A motion is made by Commissioner Paralez and seconded by Commissioner Nevins to approve the minutes of March 11, 2008.

The VOTE:

Yes: Unanimous

The Motion Carries

E. Finding of Fact: Addressing Ordinance – Mike Barth, Building Manager, DCD

*Item deferred to later in the meeting.*

9:01:39

**F. Work Study: Code Development – Eric Baker, Special Projects**

**Baker:** *This issue has been on hold while we are working on several other pressing issues. We will have a draft for you to review at the end of next week. A public hearing should follow approximately one month later. The focus will primarily be subdivision changes to residential subdivision and some mixed use regulations, master planning, parking requirements and other immediate code changes that developers, citizens and staff have been requesting for a number of years now to help move forward some projects that have been stuck in limbo. I can return to this later*

**Gustavson:** *So we will see our copies in a week and a half?*

**Baker:** *Yes. It will be the large or full Title 17 version, because many of these changes need to be looked at in context of the code. A criticism of the 2006 Comprehensive Plan was that we only gave excerpts, which were much smaller, but brought questions on other portions that were unchanged, and it became more confusing for the reviewers to have to go back and forth to the original documents.*

**Depee defers item to later in the meeting.**

9:04:50

**E. Finding of Fact: Addressing Ordinance – Mike Barth, Building Manager, DCD (continued)**

**Barth:** *Before you today are the Findings of Fact which were created after our discussion at the Work Study and Approval.*

**Nevins:** *Are there any substantive changes?*

**Barth:** No.

**Depee:** *I'd just like to suggest again that you put the addressing steps in the preliminary stages of the permit process.*

**Barth:** *The ordinance doesn't handle internal processes or policy, but we do plan to incorporate that into our departmental processes.*

**A motion is made by Commissioner Nevins and is seconded by Commissioner Paralez to approve the Findings of Fact as related to the Addressing Ordinance, subject to any amendments made and agreed upon.**

**The VOTE:**

**Yes: Unanimous**

**The Motion Carries**

9:07:45

**F. Work Study: Code Development – Eric Baker, Special Projects (continued)**

**Baker:** *The Accessory Dwelling Unit issue is still a discussion item before the Board of County Commissioners. There are a number of concerned citizens and groups seeking flexibility in our current regulations, and there have been a series of related Hearings Board decisions issued by other jurisdictions indicating our current format may not be fully compliant with the Growth Management Act.*

*The issue has been tabled until the Board of County Commissioners can look at a more holistic review of the County Code, most likely in the 7-year Review of the Comprehensive Plan, which was last completed in 2004. There will likely be a number of people appearing at Public Hearings asking for changes to these regulations.*

9:09:25

**Baker:** *The Board of County Commissioners adopted on March 10<sup>th</sup> a comprehensive suite of sewer planning for five Urban Growth areas in Kitsap County, Silverdale, Central Kitsap, West Bremerton, Gorst and South Kitsap Urban Growth Areas including McCormick. These areas previously, from the 2006 plan, had plans for sewer capacity; we have now planned for main trunk line extensions and for the necessary pump and lift stations to get the sewage from the Growth Areas to the treatment plants involved. This was a joint planning effort between the cities of Bremerton, Port Orchard, Kitsap County, West Sound Utility District and two consulting firms.*

*These docs should provide a relatively clear planning document. This is not just new sewer but also to allow for existing septic population. The Hearings Board has indicated that Growth Areas need to provisions for its entirety, not just new population. This creates a series of implementation issues that will need to be resolved according to the property's zoning and capacity. The sum total of the necessary sewer infrastructure improvements in these documents comes to \$402 million over the next 20 years.*

**Baker asks for questions on these documents.**

9:11:55

**Taylor:** *Can we get maps showing the existing and extended trunk pipes?*

**Baker:** *Yes, we are currently creating these for the taskforce, and will work to refine the plans with the input of the members who have on-the-ground experience. We should be finished by the end of the month.*

**Depee:** *Have you identified the regional pump or lift stations and the acquisition of the property?*

**Baker:** *Yes. It is complicated, but based upon topography and conveyance; they are locations that are not out of the question to purchase and are not in the middle of a single family residence.*

9:13:40

1  
2  
3 **Baker:** *This plan went to the Hearings Board yesterday. We discussed a scheduled*  
4 *public hearing for the last week in April. The County and appellants will present*  
5 *documents and issues, the Hearings Board will generally return a ruling one month later.*  
6 *The County is hoping for a ruling of validity; but this will not be the end of this project. It*  
7 *will be the point at which our Urban Growth Areas will be reopened for potential*  
8 *development and sewer infrastructure.*

9  
10 **Depee:** *So you are thinking 60 days start to finish?*

11  
12 **Baker:** *It is what we are expecting.*

13  
14 **Depee:** *Will the Hearings Board view this as a conceptual plan or ask for more*  
15 *detail?*

16  
17 **Baker:** *The County hopes the level of detail is adequate. If they are looking for more*  
18 *detail, it will most likely involve much stricter land use controls. County would have to*  
19 *tighten its density ranges, for example dropping from 4-9 down to 4-5 dwelling units.*

20  
21 **Depee:** *Does this include the water purveyors?*

22  
23 **Baker:** *This was wastewater only, although the County acknowledges the importance of*  
24 *stormwater issues.*

25  
26 9:16:55

27  
28 **Gustavson:** *How will this plan be paid for?*

29  
30 **Baker:** *The County is looking at a variety of options including developer extensions,*  
31 *local improvement districts, County application for trust fund dollars, other public funding*  
32 *sources such as grants, and sewer rate payers.*

33  
34 *The downside to existing funding mechanisms tends to be in the form of environmental*  
35 *hazards, affordable housing and economic development. If not fueling one of those*  
36 *three things, it is difficult to obtain state and federal funding, if it is denied outright by*  
37 *specifying that the grant not be used to pay for growth.*

38  
39  
40  
41 **G. Work Study: Wastewater Infrastructure Taskforce Status Update – Eric**  
42 **Baker, Special Projects**

43  
44 *(Distributes Taskforce meeting schedule.)*

45  
46 **Baker:** *A taskforce has been appointed consisting of developers, citizens and other*  
47 *concerned parties with a significant interest and technical ability to provide additional*  
48 *input and guidance for these kinds of issues. The main idea is to provide for the whole*  
49 *of the baseline, with the goal of ensuring equal cost and access to the whole group*  
50 *served. While not a policy level committee, we want any decisions we make to be as*  
51 *accurate as possible. We have held initial meetings and created this schedule.*

Kitsap County Planning Commission – March 25, 2008

9:25:13

1  
2  
3 **Depee:** *In light of the Appearance of Fairness Doctrine, will this issue be coming*  
4 *before this body for decision? If any of us were involved would it be a conflict?*  
5

6 **Baker:** *It will come before you for decision. If you participate in a committee that*  
7 *provided input or direction that is beneficial to you, I can see how that could raise a*  
8 *question of fairness.*  
9

10 **Gustavson:** *Has the County actually experienced any Urban Low development?*  
11

12 **Baker:** *Yes. Due to cost of sewer and land in general, subdivisions are moving closer to*  
13 *7-9, but not exclusively. In the Buildable Lands Report, our current calculation is an*  
14 *average of 5.6 dwelling units per acre in our Urban Growth Areas.*  
15

16 **Gustavson:** *Is that a buildable acre?*  
17

18 **Baker:** *That is based on net land which excludes critical areas, roadways, stormwater*  
19 *ponds.*  
20

21 *The market will drive development. I quoted a 400 million dollar number. It could be*  
22 *argued that lower the densities, the more expensive it will be for individuals to pay for*  
23 *that pump station. Those costs will have to be amortized by the existing development,*  
24 *or developers will have to have a plan on how latecomers will fund the plan five or six*  
25 *years down the road.*  
26

27 **Gustavson makes reference regarding possible 20 units per acre densities –**  
28 **question not clearly discernible on recording.**  
29

30 **Baker:** *Our density ranges are 4-9 and 10-18. I'm not certain where that 20 per acre*  
31 *number came from.*  
32

9:29:00

33  
34  
35 **Baker:** *After cost and infrastructure, the taskforce will discuss our current funding*  
36 *options as well as options not currently available here but in place in other regions.*  
37 *Private enterprise has largely been funding sewer and improvements to this point and*  
38 *public funds are difficult to obtain when funding growth. The taskforce will look at these*  
39 *limitations and how to manage them. Once those methods are viewed as inadequate,*  
40 *we will look at other viable funding options and prepare to take them to legislature to try*  
41 *to raise available funds for sewer infrastructure.*  
42

43 *How to pay for these improvements without access to public funding when growth is*  
44 *supposed to pay for growth is not a problem unique to Kitsap County, although it is*  
45 *heightened here due to various Hearings Board decisions.*  
46

47 *There is a Local Infrastructure Financing Tool which is a tax incremental program that*  
48 *allows the county to bond against future revenues. That is a very restricted proposal at*  
49 *this time, but changes to that program can allow counties with high growth potential to*  
50 *utilize the program on a much larger scale.*  
51

Kitsap County Planning Commission – March 25, 2008

1 9:31:58

2  
3 **Depee:** *How the Hearings Board rules will determine whether we will need to go*  
4 *back and look for other funding?*

5  
6 **Baker:** *The expectation is that unless sewer technologies make a huge leap forward,*  
7 *we will still need additional sewer funding resources beyond what we have today to fund*  
8 *402 million dollars. Otherwise, the burden will fall to developers and rate payers which*  
9 *will have a significant effect on housing.*

10  
11 *Based upon how much it costs and where it will go, we need to decide where the county*  
12 *will focus its energies today. Should we look first to the areas with the most density, the*  
13 *areas with the biggest potential for environmental failure? Where do we start? That will*  
14 *create a phasing strategy.*

15  
16 *The taskforce will create three stages of public focus. The first one is around major*  
17 *transportation nodes. Developers are still be able to develop and run sewer lines into*  
18 *phase two and three, but they shouldn't expect that we will provide public finance to that.*

19  
20 9:34:55

21  
22 **Baker:** *This may lead to identifying certain portions of the Urban Growth Areas that*  
23 *should be pulled out because if you serve a small number of people with several million*  
24 *dollars of infrastructure and there is no public funding available, the cost does not pencil*  
25 *out as a benefit to anyone.*

26  
27 *The Gilberton area, just north of Illahee and south of Brownsville is an example as it was*  
28 *just added to the Urban Growth Area, but because of topographical challenges, cost to*  
29 *provide sewer there does not make sense, so it may need to come back out.*

30  
31 *County does not currently intend to open its Urban Growth Areas any time in the next*  
32 *few years. After this taskforce is complete in 2009 and into 2010, we may look at the*  
33 *Urban Growth Areas. Being in an Urban Growth Area is not a benefit to anyone if the*  
34 *area cannot be developed due to the high cost of sewer provision.*

35  
36 9:36:40

37  
38 **Depee:** *One of the requirements now is that a development will participate in any*  
39 *future Local Improvement Districts, even though they have already instituted their*  
40 *own sewer plan. Why is that?*

41  
42 **Baker:** *I believe you are referencing the West Sound Utility District. Currently the*  
43 *county does not have any stipulations. The County wants to bring all of these together*  
44 *in the future. If you open a line, all future developments on that line will benefit, but what*  
45 *do you do about the properties and subdivisions on the fringe? We want to minimize the*  
46 *cost issue if we eventually see a massive failure in septic systems and property owners*  
47 *may not want to participate if their system isn't directly affected.*

48  
49 **Depee:** *If the subdivision is in and is sold out, would there still be a stipulation*  
50 *that would make them responsible to pay into a Local Improvement District and*  
51 *required to pay for future sewer growth and development around them?*

**Kitsap County Planning Commission – March 25, 2008**

1 **Baker:** *I will check with West Sound Utility, but that sounds like paying twice. That is not*  
2 *a county stipulation, but I will check on it.*

3  
4 **Depee:** *It just needs to be clarified. If the stipulation is put in for a certain build-*  
5 *out point that makes sense, but not for people in a completed, full sub-divisions.*

6  
7 **Baker:** *These tasks all have a very aggressive completion schedule which will end in*  
8 *2008. To help facilitate this process and discussion the county has hired ESA*  
9 *Adolphson as a consultant. Mike Sherard is the lead consultant, who led Thurston*  
10 *County through a similar issue.*

11  
12 **Depee and Baker clarify that the consultant is not the same one that assisted**  
13 **during the Comprehensive Plan.**

14  
15 **9:42:30**

16  
17 **Baker:** *There are two other Special Projects I'd like to brief the Planning Commission on*  
18  
19 *We are evaluating the financial analysis of two Urban Growth Areas. The first is the*  
20 *lingering issue of incorporation of Silverdale incorporation which lingers. As we examine*  
21 *long term capital infrastructure improvements, we look at the long term effect on our*  
22 *expenditures and revenues. Right now, we expend a significant amount for Silverdale*  
23 *and bring in even more revenue from sales tax. How will that change if we spend*  
24 *millions of dollars in sewer or road improvements? We need to examine at what point in*  
25 *the future it becomes a drain or a contributor to the county.*

26  
27 *The Hearings Board has indicated that the County is not in the urban service provision*  
28 *business. The County should be helping the areas through the process of eventually*  
29 *being annexed into an existing city or incorporated into its own city. The County cannot*  
30 *be an urban, rural and regional service provider all at once and be successful. The*  
31 *Hearings Board is directing us to back out of one of those three things.*

32  
33 *The analysis of Silverdale will help and is the first of what we will do for all the Urban*  
34 *Growth Areas. McCormick is also being discussed heavily as the city of Port Orchard*  
35 *wants to annex the area. We are looking at operation and provision costs and are*  
36 *hoping it will help fuel public debate and interest on what the role of the County is and*  
37 *should be in the future.*

38  
39 **9:45:40**

40  
41 **Baker:** *Back to Silverdale, it is hard to know what a future city of Silverdale would look*  
42 *like because the incorporation effort is still in its infancy. We want to provide a baseline*  
43 *of what service provision would look like for the city and we need to determine what a*  
44 *fiscally responsible boundary would be.*

45  
46 **9:46:50**

47  
48 **Depee:** *The 2001 interlocal agreement was written on a three-year plan for*  
49 *payback. That timeframe might need to be extended. If you are looking at the*  
50 *full Silverdale growth area, you've gone through all the work and pain to plan*  
51 *vacant ground that will not pay anything.*

**Kitsap County Planning Commission – March 25, 2008**

1 **Depee:** *If someone waited until after that payback period to build a big box store,*  
2 *the county will be left out even though they paid for all the groundwork. We*  
3 *should look at the Buildable Lands capacity for that commercial area because*  
4 *things have changed drastically since 2001 and it will leave the county very short*  
5 *on cash if it is based on that study.*

6  
7 **9:48:08**

8  
9 **Baker:** *We do have to try to keep the county solvent, while not creating more problems*  
10 *for a new city that will have its own financial issues at its start. Silverdale and other*  
11 *urban growth areas will not be a source of revenue forever, which will have a drastic*  
12 *effect on funding sources. There are arguments that services in the rural areas are*  
13 *funded by revenue from the urban areas, so what will happen when that funding is not*  
14 *available? There is another argument that rural areas also include high-value homes*  
15 *and property which helps to fund the urban areas.*

16  
17 *Regardless, the county will have to substantially change the way it does business since*  
18 *sales tax revenue affects the general fund and also has a major impact on the roads*  
19 *fund.*

20  
21 **9:50:15**

22  
23 **Taylor:** *Is the county planning any informational community meetings? I don't*  
24 *think Silverdale understands that the Growth Management Act requires them to*  
25 *become a city. I don't think the citizens have ever heard that before.*

26  
27 **Baker:** *Those kinds of wide-ranging statements tend to frustrate people at meetings*  
28 *because we don't have specific answers for them. We want to provide the Silverdale*  
29 *Financial Analysis to the public to offer them some in-depth information beyond the basic*  
30 *statement that the Growth Management Act steers cities to incorporation.*

31  
32 *There are certain awkward points where city provided services tend to fail, but those*  
33 *instances are where the county can help. There will be some rough patches at first, but*  
34 *the county wants them to succeed and can offer the benefit of our experience through*  
35 *guidance.*

36  
37 **9:52:36**

38  
39 **Foritano:** *If the expense of wastewater infrastructure is a concern, wouldn't it be*  
40 *in the county's best interest to go slow?*

41  
42 **Baker:** *With large bonded projects that are likely to be annexed at a later point, you can*  
43 *negotiate and specify that those bonds will be cashed when the annexation is complete,*  
44 *and then the annexing city will cash those bonds and be responsible.*

45  
46 *But with Silverdale, there is no annexing city. If we were to bond a project to expand*  
47 *Bucklin Hill Road, and then Silverdale becomes its own city, we would still have to pay*  
48 *our bonds, unless the city was gracious and chose to take them on.*

49  
50 *This is the kind of paradox we are facing. How much do we want to fund to get a city*  
51 *started? How can we be fiscally responsible and still provide the services to the public?*

Kitsap County Planning Commission – March 25, 2008

1 9:54:43

2  
3 **Foritano:** *Wouldn't the reality of the need fund push the decision to incorporate?*

4  
5 **Baker:** *I have every expectation that as we look at these capital costs, it will create a*  
6 *significant desire to incorporate Silverdale into its own city. The bonding capacity for*  
7 *Silverdale will be substantially higher than most other areas of the county and the city*  
8 *would likely be able to absorb that cost over 20 years.*

9  
10  
11 9:56:22

12  
13 **H. For the Good of the Order: Chair Depee**

14  
15 ***Depee asks for clarification on whether missing three consecutive meetings has***  
16 ***any impact on the appointment or standing of the Planning Commission***  
17 ***members.***

18  
19 **Diener:** No. Our bylaws do not include an attendance policy.

20  
21 **Gustavson:** *Would our bylaws be binding if it was included?*

22  
23 **Diener:** *Yes, it would be binding if there was an attendance policy included.*

24  
25 9:57:34

26  
27 **Gustavson:** *For sake of discussion, can I make a motion on this?*

28  
29 **A motion is made by Commissioner Gustavson and seconded by Commissioner**  
30 **Taylor that the continued service of a Planning Commission member who misses**  
31 **three consecutive meetings would be subject to a vote by the Planning**  
32 **Commission.**

33  
34 9:58:02

35  
36 **Gustavson:** *Personalities aside, I think being up to date with the issues on the*  
37 *table and being part of the discussions is important. That isn't just gleaned from*  
38 *the minutes, but from the flavor of the meeting itself. I think we have a*  
39 *responsibility to the citizenry and the Planning Commission to participate.*

40  
41 **Nevins:** *Our appointments come from the commissioners. The only thing we*  
42 *could do would be to recommend the Commissioners reconsider appointments. I*  
43 *don't believe we have any particular leverage on who our members are and I am*  
44 *happy about that. I don't know where it has been a problem in the past and I*  
45 *don't see it as a particular problem I am interested in solving.*

46  
47 9:53:32

48  
49 **Foritano:** *I would say maybe the Planning Commission could make a recommendation*  
50 *that after a third missed meeting, a discussion take place between the member and*  
51 *respective Commissioner.*

Kitsap County Planning Commission – March 25, 2008

1 **Taylor:** *That makes sense, to send the recommendation back to the appointing*  
2 *Commissioner.*

3  
4 **Depee:** *So is there a mechanism that would allow us to make a reprimand or*  
5 *recommendation to the Commissioners that we do not feel the member is*  
6 *participating to the full extent required by this body?*

7  
8 **Diener:** *I have some ideas based on what I've heard. I have worked with other*  
9 *planning commissions that did have attendance policies and specified consequences.*  
10 *I'd like you to let me prepare something that shows a list of alternatives that may be*  
11 *available.*

12  
13 **Nevins:** *Another point is that we do not have a specific appointing*  
14 *Commissioner. We are appointed by the Board of County Commissioners, to*  
15 *represent a specific District.*

16  
17 **Depee:** *So we are looking for a suggestion on how to address this specific*  
18 *issue. In this case, it is Jim Sommerhauser missing meetings to go to the*  
19 *Mariners spring training, as he stated in a meeting. Another case could be Lary*  
20 *Coppola missing due to his other elected duties.*

21  
22 **10:02:23**

23  
24 **An amendment to the motion is made by Commissioner Paralez and seconded by**  
25 **Commissioner Gustavson to ask staff to investigate options to address this issue,**  
26 **review those options with the Board of County Commissioners and then bring**  
27 **those results back to us.**

28  
29 **Hough:** *Is there a history of absences driving these motions or are these motions*  
30 *purely speculative?*

31  
32 **Nevins:** *I have missed meetings in the past, but have always been able to*  
33 *access a recording and minutes of the meeting. Now it is even available on line.*

34  
35 **Hough:** *But is there a history of missing 3 consecutive meetings?*

36  
37 **Gustavson:** *About seven or eight years ago, there was a past member who*  
38 *simply lost interest and simply stopped attending.*

39  
40 **Hough:** *So if it's not a current issue, I think it may not be a problem that needs to*  
41 *be addressed.*

42  
43 **10:05:10**

44  
45 **Depee:** *Not so much to deal with a problem, but to put something in place for the*  
46 *future.*

47  
48 **The VOTE:** *(On the amendment to the motion)*

49 **Yes: Unanimous**

50  
51 **The Motion Carries**

1 **Commissioner Gustavson withdraws his first motion.**

2  
3 **Foritano notes he will miss the first meeting in May.**

4  
5 **10:06:54**

6  
7 **Diener:** *The Board of County Commissioners went to night meetings a few months*  
8 *back with much success. The Planning Commission has been asked to consider doing*  
9 *the same for a few reasons including possibility of greater public involvement and also*  
10 *that candidates for membership may increase if meetings are held at night.*

11  
12 *I have informed the Board of County Commissioners that we do hold night meetings for*  
13 *instances of increased public interest such as Keyport and Manchester, but they have*  
14 *asked that we consider all night meetings. At the next meeting, I would like to have a*  
15 *discussion and a vote on moving to all night meetings.*

16  
17 **10:08:30**

18  
19 **Several Planning Commissioners are members of other groups that hold evening**  
20 **meetings and many other jurisdictions and cities also hold evening meetings,**  
21 **creating an even greater potential for conflicting times and schedules.**

22  
23 **Diener:** *If you will send your schedules to Amanda, we will map out the*  
24 *availability along with local conflicts.*

25  
26 **10:10:31**

27  
28 **Gustavson:** *We have already had a major discussion on when and whether to*  
29 *hold night meetings.*

30  
31 **Depee:** *I want to go on record that I am also a champion for staff time;*  
32 *especially when there are multiple issues and they have to sit and wait all night to*  
33 *get to their one item.*

34  
35 **Diener:** *If it is the will of the Planning Commission to go to night meetings, that's what*  
36 *we will do. Don't let staffing issues alter your judgment.*

37  
38 **Taylor:** I am opposed to going to night meetings.

39  
40 **Depee:** *We will expect materials at the next meeting be prepared to take a vote.*

41  
42 **10:13:45**

43  
44 **A motion is made by Commissioner Paralez and seconded by Commissioner**  
45 **Taylor to adjourn the meeting.**

46  
47 **The VOTE:**

48 **Yes: Unanimous**

49  
50

Kitsap County Planning Commission – March 25, 2008

1 **Time of Adjournment: 10:13:54**

2

3 EXHIBITS

4 A. Wastewater Infrastructure Taskforce Meeting Schedule

5

6 **MINUTES approved this \_\_\_\_\_ day of \_\_\_\_\_ 2008.**

7

8

9

\_\_\_\_\_  
**Fred Depee, Planning Commission Chair**

10

11

12

\_\_\_\_\_  
**Amanda Walston, Planning Commission Secretary**