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MINUTES
KITSAP COUNTY PLANNING COMMISSION
Administration Building - Commissioner's Chambers
November 27, 2007, 9:00 am

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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 John Taylor, Fred Depee, Lary Coppola, Linda Paralez, Michael Gustavson, Tom Nevins, Lou Foritano, and Jim Sommerhauser. Staff present: Eric Baker, Scott Diener, Larry Keeton, Katrina Knutson, Steve Heacock, and Mary Seals.

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9:04:48

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A. Call Meeting to Order, Introductions

B. Approval of Meeting Minutes of November 13, 2007.

A motion is made by Commissioner Sommerhauser and seconded by Commissioner Foritano to approve the minutes with corrections sent in by email of November 13, 2007.

The VOTE:

For: 7

Against: 0

Abstain: 1

The motion carries

9:07:03

C. Director Update – Larry Keeton, Director, DCD

Keeton: *In his last update, questions were asked about the Comprehensive Plan, appeals and staff planning efforts. Clarifies that he is proud of his planning staff and their hard work, time and effort put in this year and in years past. When Commissioner Gustavson asked why our planners can't get us through a process without being successfully appealed, I thought about the past year and we were appealed even when we hired outside professional consultants. You can't tell when we will be appealed and staff has to do its best with what it has, and they've done that very well this last two years.*

1 **Keeton:** *The Manchester Plan public participation has been a frequent topic of*
2 *debate, and there was a high turnover in staff planners. One stellar aspect is*
3 *that Katrina Knutson was able to keep the plan on track despite changes in its*
4 *senior leadership. As a young planner, she came in and picked up the battle and*
5 *kept it moving forward; that is a very positive thing. Again, I just wanted to clarify*
6 *my comments, because they may have been misunderstood.*

7
8 **Sommerhauser:** *Also attended last night's Commissioners' meeting and*
9 *agrees with Keeton's comments. Of 22 or 23 testimonies, none spoke*
10 *against staff or the production of the plan and multiple citizens testified*
11 *that staff did a good job of shepherding the plan through.*

12
13 **Paralez:** *Cautions against using appeals as a sole measure of bad.*
14 *Appeals and the appeals process are an important part of the planning*
15 *process and we have learned valuable information from both.*

16
17 **9:10:57**

18
19 **Gustavson:** *References a copy of the Pacific Legal Foundation Appeal*
20 *on a shoreline issue. Was intrigued by the constraints that prior Supreme*
21 *Court rulings put in place and the Growth Management Hearings Board*
22 *actions. In the future suggests we jointly identify the problem we are*
23 *trying to solve and define those constraints with Legal support, so we have*
24 *good reference to what already exists.*

25
26 **Keeton:** *With every planning effort you learn something and improve as staff and*
27 *the organization continues to grow and change. Our mistakes help us learn what*
28 *not to repeat. I agree we ought to look at what's out there, what others are*
29 *doing, and what the courts have said as we prepare for our own planning efforts.*
30 *And I believe we do that.*

31
32 **Gustavson:** *My observation is that issues coming forward in this (Pacific*
33 *Legal Foundation) appeal were brought to staff and the commissioners*
34 *and then set aside, which is, I think, inappropriate. We will stand stronger*
35 *if we can match the direction government is going to begin with. We*
36 *should not try to invent something counter to what government has*
37 *already said.*

38
39 *I have a separate question regarding recent appeals to the State Supreme*
40 *Court on buffers. They changed direction from what Kitsap County has in*
41 *place; what's our next move based on what the court has decided?*
42 *What's the process? Do we revisit things in eight years?*

43
44 **Keeton:** *First we have to look at the State Supreme Court's decision, depending*
45 *on the case and we will handle accordingly.*

1 **Keeton:** *If it is appropriate to change it during the code revision next year, we*
2 *could make the recommendation to the Board to do that. We just need to see*
3 *what the rules are.*

4
5 **Gustavson:** *We might look at this as early as next year, then?*

6
7 **Keeton:** *Just remember I say we could look at it next year. The final decision*
8 *belongs to the Board of County Commissioners. A code compliance issue is*
9 *coming up with the GMA in 2011, so that would be the latest time. I would think*
10 *that we would look at it when we review code revision next year.*

11
12 **Gustavson:** *It's a shame to have people go through the whole adventure*
13 *of the Hearings Examiner to go to something that is already set.*

14
15 **Keeton:** *To me that is part of the streamlining process. As you revise code, you*
16 *look at what the courts are saying and you've got to make sure it's consistent.*

17
18 **9:15:13**

19
20 **D. Findings of Fact: 2007 Manchester Community Plan Update: Scott**
21 **Diener, Manager, DCD**

22
23 **Diener:** *(Additional copies of the Manchester Findings of Fact are handed out.)*
24 *At last night's meeting, most of the testimony was in favor of the Manchester*
25 *Plan as presented by staff. However, there was some concern and confusion*
26 *about the motion to have staff prepare language for alternative height*
27 *development in the protection overlay zone. Because it hadn't been vetted to*
28 *the community, the Board asked the Planning Commission to weigh in on how*
29 *strongly they feel about this amendment on the alternative height.*

30
31 *Recognizing that this is outside parliamentary procedure it would be an advisory*
32 *to the recommendation already made. Staff's preference is to keep the language*
33 *presented yesterday and re-examine the height language in 2008.*

34
35 **9:16:56**

36
37 **A motion is made by Commissioner Sommerhauser and seconded by**
38 **Commissioner Nevins to specifically endorse the language on height in the**
39 **draft plan and work on proposed changes by Commissioner Gustavson**
40 **and staff will be resumed in 2008.**

41
42 **Sommerhauser:** *A one page memo was available last night for review.*
43 *Because it is new, the public has not had time to look at it. We know what*
44 *the draft language means, and we can pick up this work and continue*
45 *when we have an opportunity to analyze it to see if it meets the needs we*
46 *were trying to address in our prior motion, and approval of the plan.*

1 **Chair Taylor:** *(Summarizes what Sommerhauser said.)*
2

3 **Sommerhauser:** *Confirms that the current language on height in the*
4 *current draft plan will be endorsed. The Commissioners are concerned*
5 *that the public hasn't had the opportunity to see what our motion to re-*
6 *work the height standard language generated. Staff and Commissioner*
7 *Gustavson recommend waiting, which has merit, but needs discussion.*
8 *The Commissioners are asking for our vote.*
9

10 **9:19:00**

11
12 **Gustavson:** *Was there discussion on this among the public last night?*
13 *Did they have a chance to look at it and make comments?*
14

15 **Diener:** *There was no testimony regarding height. The community had not had*
16 *an opportunity to review this and was quite confused when it came to the Board.*
17 *That was the concern last night.*
18

19 **Sommerhauser:** *Agrees. The memo was available, but there was no*
20 *discussion on it in the testimony except for the question from*
21 *Commissioner Bauer about the memo saying something different from the*
22 *Planning Commission's recommendation. He asked for clarification*
23 *whether we agreed with the staff recommendation to go forward with the*
24 *Plan.*
25

26 **Diener:** *Essentially the Board is asking the Planning Commission to re-review*
27 *this in an unofficial capacity to see if they would consent to the Board not*
28 *concurring with this one particular motion.*
29

30 **Chair Taylor:** *Why didn't the Board of County Commissioners just remand*
31 *the whole thing back to the Planning Commission?*
32

33 **Diener:** *Because we're running out of time, the last meeting of the Board in*
34 *2007 is December 17th.*
35

36 **Chair Taylor:** *Asks for clarification of procedure and what the Planning*
37 *Commission is being asked to do.*
38

39
40 **Diener:** *Let me rephrase what we're asking. The record stands. The two*
41 *motions that were made to amend the comp plan stand and go into the record.*
42 *The Board has a copy of that; however, the Board is aware that this is a*
43 *recommendation; they are looking for your opinion on the second amendment.*
44

45 **Coppola:** *Who imposed this timeline?*
46

1 **Diener:** The Board has made it clear this plan is to be adopted by end of year.

2
3 **9:23:39**

4
5 **Coppola:** Well then I guess it doesn't matter what we think, does it?

6
7 **Diener:** *It does matter what the Planning Commission thinks, and last night the*
8 *Board specifically asked for your opinion in today's meeting. It's not imperative*
9 *that you vote; but they do want your opinion on that amendment in time for their*
10 *December 17th meeting.*

11
12 **Coppola:** *I will vote against this plan; I believe the process was flawed*
13 *from the beginning. It says we're not supposed to change the rural*
14 *character of the area, but we had projects vested before we started here*
15 *that will change the character of the area forever. This whole thing has*
16 *been an exercise in futility. I say remand it and start over.*

17
18 **Chair Taylor:** *Asks to clarify the motion and for a vote.*

19
20 **Sommerhauser, Paralez, Taylor:** *(Discussion on how to state the*
21 *motion.)*

22
23 **Commissioner Sommerhauser withdraws his previous motion**
24 **Commissioner Nevins agrees.**

25
26 **9:27:25**

27
28 **Diener:** *The Findings of Fact on the Manchester Plan Update need to go*
29 *forward, regardless of the decision on the second amendment.*

30
31 **Foritano, Diener, Nevins, Taylor:** *(Discussion on whether discussing*
32 *height language in Manchester will affect county-wide view protection*
33 *language. It will not, discussion will be specific to Manchester.)*

34
35 **Diener:** *Looking at view protection countywide is something you've asked about*
36 *in the past and is certainly something we could take up as a discussion item.*

37
38 **Sommerhauser, Foritano:** *Discussion on whether each community*
39 *should have its own view protection or if they should adhere to a county*
40 *standard.*

41
42 **Depee:** *Notes that this may not be reviewed in 2008 since it is only a*
43 *recommendation, and there is no ordinance incorporated with it.*

44
45 **Gustavson:** *These words will serve as a placeholder.*

46

1 **9:32:19**

2
3 **A motion is made by Commissioner Paralez and seconded by**
4 **Commissioner Sommerhauser to accept the Findings of Facts with the**
5 **recommendations.**

6
7 **The VOTE:**

8 **For: 6**

9 **Against: 2**

10
11 **The Motion carries**

12
13 **Diener:** *(Thanks the Commissioners for handling this out of ordinary situation.)*

14
15 **Chair Taylor:** *Moves to Agenda Item E*

16
17 **9:35:10**

18
19 **E. Work Study: 2007 Phase II Code Development: Eric Baker, Special**
20 **Projects Manager, Office of the Board of County Commissioners**

21
22 **Baker:** *Soliciting individual opinions from Planning Commissioners about the*
23 *internal draft of code amendments that were distributed in August. If you are*
24 *ready, we can go over your comments, or we can just wait until the next draft is*
25 *ready and act as a whole.*

26
27 **Nevins:** *Requests background on why an increase in the square footage*
28 *of auxiliary or additional dwelling units was included and also clarification*
29 *on the parameters for their approval in a rural area, beyond the*
30 *appearance before the Hearings Examiner.*

31
32 **Baker:** *(Will provide to Commissioners in hard copy format.)*

33
34 **Sommerhauser:** *Doesn't feel the Planning Commission should receive*
35 *advance or preliminary copies of the draft prior to public release.*

36
37 **Baker:** *This internal draft was released to the public. It is not a preview draft.*

38
39 **Depee:** *Notes that soliciting comment from the Planning Commission can*
40 *help expedite issues that need to be addressed before going to the public.*

41
42 **Baker:** *Yes, as Planning Commissioners deal with the code more than most*
43 *individuals in Kitsap County, this is similar to engaging stakeholders and other*
44 *groups for preliminary comment and removes some issues that may elongate the*
45 *adoption process before going to an internal formal draft. But I do understand*
46 *the potential conflict of interest Commissioner Sommerhauser has expressed.*

1 **9:39:31**

2
3 **Baker:** *Requests Commissioners' remaining comments by 12/1/07.*

4
5 **(Sommerhauser and Taylor request the Planning Commission be notified of**
6 **when the stakeholder groups meet; also confirm that a preliminary draft is**
7 **scheduled to be ready before the December 18th meeting.)**

8
9 **Gustavson:** *The size of the Comp Plan makes it hard to get into.*

10
11 **Baker:** *That's why we created this summary table including all major changes.*

12
13 **9:43:45**

14
15 **F. Open Space/Current Use Assessment Update: Delilah Rene: Steve**
16 **Heacock, Senior Planner, Environmental Review**

17
18 **Commissioner Depee recuses himself from the Planning Commission and**
19 **joins the audience as a member of the public.**

20
21 **Steve Heacock:** *Reviews his second visit to the site, its wetland features and*
22 *staff recommendations.*

23
24 **A motion was made by Commissioner Nevins and seconded by**
25 **Commissioner Sommerhauser to approve staff recommendations for open**
26 **space application.**

27
28 **Nevins:** *The property owner desires this property be in open space, staff*
29 *has shown it qualifies, so there should be nothing in its way to move it*
30 *forward. The proper process has been followed*

31
32 **Gustavson:** *Could you explain the issue of ingress/egress?*

33
34 **Heacock:** *If a property has an easement for an adjoining piece of property, they*
35 *are obliged to allow legal ingress/egress if there is an easement access road.*
36 *Inclusion in the open space program doesn't preclude that person from having*
37 *that legal access.*

38
39 **Gustavson:** *Given that there's legal access, is there also a mitigation*
40 *requirement if a road is built through it?*

41
42 **Heacock:** *If a road is built through that piece of property then the wetland*
43 *impacts from that road building would have to be mitigated; yes.*

44
45 **(Sommerhauser asks for visual aid, Heacock show the map and photos of**
46 **the soils and wetland plants.)**

1 **9:52:55**

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Nevins: *If you imagine the wetland as a lake and I had an easement through the lake; is there any code that says: "seek another path" than through the wetland or lake?*

Heacock: *If we were to take this in a pre-application within our department, we would have a pre-application meeting with an applicant. With the hydric soil layer in place, we would ask for a full wetland delineation of the property as per code.*

Then we would ask the applicant to provide a mitigation plan, but we would state that we do not want to impact the wetland. So we would ask if there are any other alternatives, that they would seek those other alternatives first.

If they could not find any other reasonable access we would allow them to proceed, but they would have to come up with a wetland consultant and a full mitigation plan that we would then review.

Chair Taylor: *Requests clarification of the easement*

Sommerhauser: *The staff report says there is no easement; the potential for an easement is discussed.*

Depee: *(From audience) There is an easement.*

Sommerhauser: *That's not what the staff report says. I think we ought to take that testimony.*

Heacock: *My discussion is not about whether there is an easement or not. It is not my job to record an easement when I don't know if it is a legal easement or not.*

Chair Taylor: *I don't think it's our job either.*

Coppola: *I believe that if you got a court document that says there's a legal easement, it is your job.*

Paralez: *Does it change the open space application whether there's an easement or not?*

Heacock: *No it does not, that's why I did not bring it up.*

9:58:46

Paralez: *It does not change this application, it does not change the evaluation, it does not change our job here today.*

1 **Heacock:** *Correct. There seems to be some controversy and I chose not to*
2 *bring that forth because it doesn't matter. Being in the open space program does*
3 *not preclude this piece of property from allowing an easement or not.*

4
5 **Nevins:** *The motion is to approve the application; we're not concerned*
6 *about easement.*

7
8 **Chair Taylor:** *Opens public testimony*

9
10 **9:59:57**

11
12 **Fred Depee:** *I am in favor of this application and would like to see it go through.*
13 *What I am concerned about is that I have known for a long time that I do have*
14 *legal easement over that property and chose not to disclose it. Since this issue*
15 *came up, I provided documentation of legal easement across that property;*
16 *something that I have never recorded for my own personal reasons. I do not*
17 *want the open space application to add any more bureaucracy to me when I*
18 *open that road up. It is going to be opened up, it is going to be logged, and it is*
19 *going to be developed at this point.*

20
21 *I'm saying I would like to see this application approved with the caveat that the*
22 *southerly 60 feet not be designated as open space because all the other land*
23 *owners and myself are going to be affected by this and I don't want that to come*
24 *back. Eight to ten years from now, you've approved this process and we have a*
25 *new planning commission, new commissioners, new staff on board and they say*
26 *you can't do this or that because no one can interpret the rules because they are*
27 *all subjective. I'd like to see this approved with the exception of the south 60 feet*
28 *being exempt from the open space designation. I don't want anymore*
29 *hindrances than what are already on that property when I develop it.*

30
31 **Sommerhauser:** *Asks Mr. Depee to point to the 60 feet on the map.*
32 *Clarification about the location of the south 60' of the property on the map.*

33
34 **Foritano:** *So you really don't approve the open space application as it's*
35 *been presented and believe, contrary to Linda, this easement is relevant.*

36
37 **Depee:** *I agree with it in concept, with the exception of the southerly 60 feet.*

38
39 **Foritano:** *Wouldn't that then require this open space application to be*
40 *reconfigured to factor that in?*

41
42 **Depee:** *I don't know; that's why I gave my documentation to the staff planner,*
43 *but he didn't bring it up.*

44
45 **Foritano:** *He's saying very clearly that mitigation will be required, which*
46 *is exactly what you don't want.*

1 **Depee:** *No, there will be mitigation on construction of any new road no matter*
2 *what. I do not want them to later apply extra rules to the development of this*
3 *property because it's designated as open space. I want the southerly 60 feet of*
4 *the property exempted from open space.*

5
6 **Foritano:** And that's what the planner chose not to do?
7

8 **Depee:** *I don't know why he didn't address it. That's his choice.*
9

10 **10:05:17**

11
12 **Gustavson, Sommerhauser:** *Ask for location on the map of both*
13 *parcels. Clarifies that he wants to take the 60 feet all the way across the*
14 *property.*
15

16 **Depee:** *I see this as a backdoor effort to lock that property up. I'm concerned*
17 *that an attorney and a land use planner are bringing forward a normally very*
18 *simple application. Why is this such a huge issue? I have apprehensions that if*
19 *that easement area is designated as open space, it will mean more problems for*
20 *all of us when we try to access property later.*
21

22 **Chair Taylor:** (Calls the next member of the public to testify)
23

24 **10:09:05**

25
26 **Michelle McFadden:** *After several conversations about this area and this*
27 *property, I have yet to see the documentation on this easement and it's not*
28 *recorded, and my client has a clear title to these 2.8 acres as far as she knows.*
29 *If Mr. Depee has a problem enforcing an easement he thinks he has, it belongs*
30 *in the courts, not in front of you. It's not for you to resolve because there is no*
31 *recorded easement. My client bought property not subject to any easement that*
32 *she was aware of.*
33

34 *(Refers to map of the property) You can see that there is a panhandle there.*
35 *Someone contemplated the need for access to the main part of the lot and when*
36 *you look at that, it seems to be right off the road. The fact of the matter is that on*
37 *the ground, the only place there is a road is into the first two lots on the right; the*
38 *rest of the road doesn't exist. It looks like a road there, but it isn't; it's a right of*
39 *way only. You'll notice a stream cutting across which goes into this area of very*
40 *steep slope. So, for Mr. Depee to even get into the panhandle he needs to build*
41 *a quarter mile of road through wetland ground, across a stream. If he gets*
42 *enough urban zoning out here to pay for it, he might get that done but in the*
43 *meantime, the county's going to have to say that's not an appropriate place to*
44 *build a road. In talking to others in the area, the reason the road was never put*
45 *through is because of that wetland.*

1 **McFadden:** *The existing old logging road actually cuts through the trust land*
2 *and gets up to the panhandle because that is where it was physically possible to*
3 *put it. (Restates what's needed to build a road there and the issues for gaining*
4 *access to the other properties.) These other issues are way beyond an open*
5 *space current use application. The only thing the open space current use*
6 *application does is to say the owner will be taxed as if the property is open space*
7 *and not development property; that's all.*

8
9 *In reference to past meeting comments about the applicant being able to afford*
10 *the taxes, the legislature, in writing the open space current use program and the*
11 *court in reinforcing it, said it was good public policy. If we don't like this policy,*
12 *we need to change the state law, or the county code. But you don't change it on*
13 *this one applicant's back.*

14
15 *In reference to some past meeting discussion on whether there should be public*
16 *access into this property, because the only walking path into the property, other*
17 *than through Delilah's front door, is on trust land we couldn't give you that if we*
18 *wanted to. I think that staff has accurately described that because of the*
19 *sensitivity of the large parcel. Allowing general public access is probably not the*
20 *best interest of those resources in there. Suggests Mr. Depee find an easier*
21 *route into the property.*

22
23 **Coppola:** If Mr. Depee was your client how would you advise him to get
24 that access?
25

26 **McFadden:** I would probably ask for it from the trust to the south.
27

28 **10:15:07**
29

30 **Coppola:** Can you show me on the map how you would advise that?
31

32 **McFadden:** This whole 40 acre piece is in the urban growth area. The only
33 access I can see would still involve getting across this stream. If and when this is
34 developed there will be enough density capacity in there to help pay for the cost
35 for getting this stream crossed; but otherwise, he bought a landlocked piece of
36 property. It's not everyone else's problem to solve that for him. If he's got an
37 easement and he wants to force it through he can do that, the open space
38 application doesn't change that one way or another.
39

40 **Chair Taylor:** *Asks for clarification that there are no improvements on the*
41 *subject property requesting the open space?*
42

43 **McFadden:** There are no houses, there's just what's left of the road that
44 originally went through there. And there is no close access to a public road.
45

46 **Gustavson:** What's the tax shift of the 2.3 acres?

1 **Heacock:** \$257.
2

3 **Chair Taylor:** Thank you. (*Closes public hearings portion.*) Are there any
4 questions for staff?
5

6 **10:18:08**
7

8 **Sommerhauser, Nevins, Paralez, Taylor:** *Discussion on whether the*
9 *easement Mr. Depee mentioned has been filed and its relevancy to the*
10 *application.*

11
12 **Sommerhauser:** *If the approval for open space is granted, what are the*
13 *later consequences and tax ramifications to the owner if a road is put*
14 *through via an easement? Do back taxes have to be paid?*
15

16 **Foritano:** *I think that's correct, but I think the applicant has legal advice.*
17

18 **Heacock:** *Yes, that is my understanding if a particular parcel is taken out; but*
19 *the open space program in itself has dozens of open space applications with*
20 *easements running through them and those easements are not affected.*
21

22 **Sommerhauser:** *That's not what I'm asking. An easement is a right of*
23 *way; if that right is exercised, does it affect the open space designation?*
24

25 **Heacock:** I don't think so, that's not my understanding.
26

27 **Sommerhauser:** *Clarifies staff's statement, disagrees.*
28

29 **Paralez, Heacock:** *Discuss and confirm that the same critical area requirements*
30 *and hurdles will still exist regardless of the open space designation and that an*
31 *easement, if it exists, will be very challenging, but not impossible to develop.*
32

33 **Commissioner Gustavson moves to amend the motion to add in the third**
34 **line from property (with the exemption of its associated southerly 60 foot**
35 **width.)**
36

37 **Chair Taylor:** Hearing no second the amendment dies.
38

39 **10:24:40**
40

41 **The VOTE:** (*To approve staff's recommendation on the Rene application.*)

42 **For: 4**

43 **Against: 2**

44 **Abstain: 1**
45

46 **Motion fails** (*five affirmative votes are required for qualified majority*)

1 **Diener:** *Explains Roberts Rules for a call for Reconsideration.*
2

3 **A motion for reconsideration is made by Commissioner Nevins and is**
4 **seconded by Commissioner Sommerhauser.**
5

6 **Nevins:** *This Planning Commission has expressed a strong interest in*
7 *property rights issues. It is a property right in Kitsap County to request that*
8 *your land be put into open space. I would like those who voted against*
9 *this motion to reconsider, in light of a property right allowed by the county,*
10 *to recommend to the board that this be approved.*
11

12 **Paralez:** *Approval of this open space does not preclude access to*
13 *anyone's property. Full and available benefits are afforded to all other*
14 *property owners nearby. The critical areas and wetlands ordinances*
15 *provide for mitigation and development and for application of easement.*
16 *We are not precluding anybody's right to access to property by approval of*
17 *an open space application. That is not the issue in front of us; we're not*
18 *preventing anybody's development. I would ask for reconsideration if that*
19 *is your issue.*
20

21 **Sommerhauser, Foritano:** *We are not voting to approve or disapprove,*
22 *but to recommend to the Board of County Commissioners. Our previous*
23 *motion failed based on rules of procedure for lack of a qualified majority,*
24 *and the application will go forward anyway.*
25

26 **10:28:47**
27

28 **Gustavson:** *I believe this would be a challenge to Mr. Depee to run a*
29 *road through there. I am concerned that declaring that southerly 60 feet*
30 *as open space is one more issue he will face later. I feel we ought to give*
31 *the benefit to the property owner.*
32

33 **Sommerhauser:** *Once the property is in open space, taking it out would*
34 *be an agreement between only the property owner and the county. Is that*
35 *correct?*
36

37 **Heacock:** *Yes.*
38

39 **10:31:18**
40

41 **The VOTE: (on the motion to reconsider)**

42 **For: 6**

43 **Against: 1**
44

45 **Motion Carries**
46

1 **The VOTE: (To approve staff’s recommendation for approval of the Rene**
2 **application.)**

3 **For: 5**

4 **Against: 2**

5

6 **Motion Carries**

7

8 *Note: Commissioner Depee had recused himself from discussion and the vote.*

9

10 **10:35:03**

11

12 *Discusses Planning Commission dates for the end of the year, agenda items,*
13 *who will be in attendance, and upcoming 2008 chair decisions.*

14

15 **A motion is made by Commissioner Paralez and seconded by**
16 **Commissioner Nevins to adjourn the meeting.**

17

18 **The VOTE:**

19 **For: Unanimous**

20 **Against:**

21

22 **The motion carries**

23

24 **Time of adjournment: 10:45:07**

25

26 **EXHIBITS**

27 **A. Findings of Fact**

28 **B. News article Property**

29

30 **MINUTES approved this _____ day of _____ 2007.**

31

32

33

34

John Taylor, Chair

35

36

37

38

Amanda Walston, Planning Commission Secretary