

Skagit County Planning Commission
Work Session: SCC 14.16.400(4)(h) Amendment
September 10, 2024

Planning

Commissioners: Kathy Mitchell, District 1 (absent)
Vince Henley, District 1 (absent)
Angela Day, District 1
Amy Hughes, District 2
Tim Raschko, Chair, District 2
Joe Woodmansee, District 2
Tammy Candler, Vice Chair, District 3 (absent)
Jen Hutchison, District 3

PDS Staff: Jack Moore, Director
Robby Eckroth, Senior Planner
Tara Satushek, Senior Planner

Chair Tim Raschko: (gavel) Good evening, everybody. A September 10, 2024, meeting of the Skagit County Planning Commission is now in session. We are missing Commissioner – who are we missing? Commissioner Candler and Commissioner Mitchell.

Tara Satushek: And Henley.

Chair Raschko: Oh, and Commissioner Henley as well. Thank you. So I'd appreciate a motion to approve the minutes of August 13.

Commissioner Jen Hutchison: I'll move.

Commissioner Day: Second.

Chair Raschko: It's moved and seconded to approve the minutes of August 13. Is there any discussion of the minutes? Any changes?

(silence)

Chair Raschko: No? Well, all those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Okay, so that passes. And we have the minutes for August 20th. Is there a motion to approve those minutes?

Commissioner Hutchison: I'll move.

Commissioner Day: Second.

Chair Raschko: Okay, it's moved and seconded to approve the August 20, minutes. Any discussion?

(silence)

Chair Raschko: All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: It was unanimous. Thank you. So we have time tonight for Public Remarks. Before I do the introduction, is there anybody who wishes to speak to the Planning Commission?

(silence)

Chair Raschko: No. Is there anybody online, Tara?

Robby Eckroth: If anyone online is interested in speaking to the Planning Commission, please unmute and go ahead and speak.

(silence)

Mr. Eckroth: No one appears to be unmuting.

Chair Raschko: Okay. Thank you. So we'll go to our first major agenda item, which is the Skagit County Code 14.16.400(4)(h) Amendment Work Session. Mr. Eckroth, please. Oh, excuse me. Ms. Satushek, please.

Ms. Satushek: Good evening. This is a work session on a proposed code amendment, Skagit County Code 14.16.400(4)(h). This is an amendment to exclude electrical generation and/or storage as a major electrical utility development on Ag-NRL lands, so Ag-Natural Resource Lands.

Here is the proposed amendment. This is – what is in black is what is currently in code. This is the zoning code in the Agricultural Natural Resource Lands. Currently a major utility development would be permitted with approval of a Hearing Examiner. The County's proposing to include the language "not including those involving the generation and/or storage of electricity." The proposed amendment (is) to exclude on Ag-NRL-zoned land electrical generation and/or storage facilities from the major utility developments permitted with a Hearing Examiner special use permit. Skagit County has long maintained a strong policy of protecting agricultural land for agricultural uses, and this policy furthers that policy by not allowing major utility developments for the generation and/or storage of electrical on agricultural land.

Here's the background. So what is here is the definition within the Skagit County zoning code what defines a utility development, and they're broken up into three categories: minor utility development; major; and major regional utility development.

So, for example, a solar generation farm would be considered either a major utility development or a major regional utility development, depending on the scale. And currently our zoning code doesn't explain or describe what "regional" applies to for this instance.

So within the past two years, 2023 and 2024, the Administrative Official, our Planning Director, has issued three Administrative Official Interpretations on how to properly define electrical utility developments. Here are the three that have been issued, based off of the clarification on what would be allowed and definitions of words. Each AOI has concluded that the development would be defined as a major utility development. So, for example, battery energy storage systems – often known as “BEST Systems” – and solar electricity generation facilities – so a large solar farm other than, like, for your own home. That is what that would be considered as.

Each of the developments was proposed to be sited on Agricultural Natural Resources Land. While a major utility development can be permitted on Ag-NRL with a Hearing Examiner special use permit, to obtain the special use permit the applicant must establish that there is no other viable parcel or non-agricultural-designated land to serve the affected area, as per required by Skagit County Code. This question was not considered in the AOIs and, thus, no discussion or decision was made related to the proper siting of utility developments. The AOIs just answer the preliminary question of whether a permit would be considered a major utility development under Skagit County Code 14.16.400(4)(h).

The County’s analysis of this is that this code amendment would effectively prohibit electrical major utility developments on Ag-NRL-zoned land. This would help prevent the unnecessary conversion of agricultural land. This proposed amendment would not affect permitting of minor utility developments, which require a special use permit under Skagit County Code, nor net metering systems under Skagit County Code.

One of the code requirements for any development amendment is to be consistent with – any development regulations must be consistent with the community vision statements, goals, and policy directives of the Comprehensive Plan. And the proposal must serve to preserve the integrity of the Comprehensive Plan. It also requires consistency with the requirements of the Growth Management Act and Countywide Planning Policies. Here is – and again, this was in the staff report that was provided – but the supporting documentation found in the Comprehensive Plan that supports this code amendment.

Here are sections of RCWs that support the code amendment as well, and the Countywide Planning Policies chosen that support this code amendment.

So the Department recommends adoption of the proposal. The proposed amendment would protect the safety and welfare of the public by ensuring agricultural lands are not subject to inappropriate conversion for major utility – electrical utility developments. This will help ensure the long-term viability of Skagit County’s agricultural community.

Here is a webpage for the project information that’s available that provides the draft code amendment, the staff report, and the supporting documents. Public comment on this proposal will be open until Friday, October 4th, and closes at 4:30 p.m. On Tuesday, October 8th, there is tentatively scheduled a – oh, not tentatively scheduled – there is scheduled a public hearing to take citizen comments, and after that will be the Planning Commission deliberations. And here is – this is also available on the webpage, but for anybody listening later or right now – how to provide public comment on the proposed amendment.

So that is a brief overview of what this amendment is.

Chair Raschko: Thank you. Are there any questions? Commissioner Day?

Commissioner Angela Day: Thank you for your presentation and staff report. It's very clear and very well done. Are there any applications that would – for such a project that have already come before Planning and Development Services that would be affected by this?

Ms. Satushek: No. So it would only apply to those after this amendment would be – if and when it would be approved. So it would not apply to any current applications that are currently going on outside of the County process.

Commissioner Day: But there are no current applications?

Ms. Satushek: With the County – that I'm aware of.

Commissioner Day: Okay.

Ms. Satushek: Are there any?

Director Jack Moore: I think we're just working with at least one other battery – or I'm sorry, electrical energy storage system right now, but that would not – this potential amendment would not apply to anything that's already been applied for and in process. So it would be *future*.

Commissioner Day: So there is – yes, there is one in process.

Mr. Moore: Mm-hmm.

Commissioner Day: Okay.

Mr. Eckroth: If you don't mind: That battery energy storage system's in the Bayview Ridge Heavy Industrial zone, so even if this amendment had occurred before that was submitted it wouldn't apply to this – or it wouldn't apply to that application.

Commissioner Day: I see. All right, thank you.

Ms. Satushek: Thank you.

Chair Raschko: So the proposed one on that Ag-NRL, they're not going to apply to the County. They're going to work through the state.

Mr. Eckroth: Yes, that is correct, Chair.

Mr. Moore: They have applied through the EFSEC process through the state. That is independent – primarily independent of County review and the state is the regulatory authority there. So yes. Yeah, this is not particularly – this amendment is not specifically associated with that project proposal.

Chair Raschko: Right. I understand that. But say in the future there *was* a proposal. Would not this be superseded anyway by the state and be rendered – well – moot?

Mr. Moore: It certainly could be, yes. So the – you know, Skagit County's learning a lot right now about that process, and it does appear as if the state agency is, you know, taking public comment. They are consulting with local governmental agencies, asking what rules would not apply if it *were* to be processed through the County or Cities, and indicating that they would take – there would

be some weight given to that input. But ultimately it is a state decision that would potentially supersede a County or City decision.

Chair Raschko: Thank you. Is there anything else?

Commissioner Day: I have one.

Chair Raschko: Commissioner Day?

Commissioner Day: A question is, Why is this just amending a major utility facility and not also a major *regional* utility facility?

Ms. Satushek: On my research of this, I did not find any allowance for a major regional utility facilities in the zoning code. Unless there's any that, Robby, that you know of? But I could not find any mention of one. And in one of the AOs it clarifies that there's not a definition of what "regional" would be in regards to a public utility. So I think that it's – I'll call on either Director Moore or Robby that might be able to help with that question. I apologize.

Mr. Eckroth: So I believe a major regional public facility is an essential public facility which, I believe, is allowed in rural lands but not necessarily natural resource lands. I'd have to doublecheck on that, but I'm *pretty* confident that that's the answer.

Commissioner Day: May I have a follow-up? I guess a – thank you for that. I guess a follow-up question would be, Why just exempt electrical generation and storage? Why should any major utility development take place in Ag-NRL land?

Ms. Satushek: That is a great question. Director Moore, would you have any input to that?

Mr. Moore: Certainly. Yeah, so there are instances where it may be something that the County would consider or be of use to the community. One example I could think of is – well, not a, you know, specific example but a – is the Edison Sewer Plant. So it would be difficult to relocate that somewhere far on the hill away from Edison. So there could be a utility demand for a local community that would maybe dictate that we have to look at certain NRL lands because it just really wouldn't work somewhere else and it is truly serving the localized community. So, you know, it's possible to imagine that there might be, you know, a potentially appropriate use of a code that would allow for utilities. You know, there are other utilities – standard conveyance utilities and poles and substations and things like that that, you know, may or may not fit this exact definition. But there are utilities throughout the county and sometimes they do need to be placed in more rural areas including NRL.

Commissioner Day: Yeah. That makes total sense, but wouldn't those be considered minor because they're serving that local area?

Mr. Moore: Well, it's not clearly defined.

Commissioner Day: Okay!

Mr. Moore: Minor, major, and major regional. So that's definitely something that we may want to look at moving forward. This particular code amendment is very narrow in focus to kind of address something that's been brought to our attention recently.

Commissioner Day: Yeah, understood. Thank you.

Chair Raschko: Any other questions or comments?

Commissioner Hutchison: We are talking about generation and storage, not transfer. Like, we can have lines running across?

Mr. Moore: Mm-hmm.

Commissioner Hutchison: Okay. Thank you.

Mr. Moore: Yes.

Chair Raschko: Anybody else?

(silence)

Chair Raschko: Okay. Well, thank you very much.

Ms. Satushek: Thank you.

Chair Raschko: We will now turn to a Public Hearing on Countywide Planning Policies. The purpose of this hearing is to receive testimony on the amendments to the Countywide Planning Policies. There's a signup sheet for those who wish to testify. There'll be an opportunity at the end for those who want to testify but did not sign up. If you do wish to speak, please limit your time to three minutes so everybody will have a chance. I think they will. And before you testify, please clearly state your names, spell your last name, and name the town or city where you reside. The written comment period will remain open until Thursday, September 12th, at 4:30 p.m. Written comments are encouraged and are not limited in length or on the number of issues that you may wish to address. Written comments must be submitted to the Planning and Development Services Department, preferably to the email address, which is *not* on the screen. That email address.

The Planning Commission is scheduled to meet on October 8th at 6 p.m. to make a recommendation to the Skagit Council of Governments Steering Committee and the Board of County Commissioners.

So thank you for taking the time to participate. Is there anybody who wishes to testify?

(silence)

Chair Raschko: Tara, is there anybody online?

Ms. Satushek: If there's anybody online that would like to provide public testimony, please unmute yourself.

(brief pause)

Ms. Satushek: No one has unmuted.

Chair Raschko: Okay. So we will close the public hearing. (I) thank everybody. Next we will have a 2024 Planning Docket Work Session. Mr. Eckroth, please.

Mr. Eckroth: So Chair, I actually had a brief presentation for the Countywide Planning Policy Update, mostly just to follow up on some questions that were asked by the Planning Commission.

Chair Raschko: All right.

Mr. Eckroth: So I'll just run through this really quickly. It also provides a summary of the Countywide Planning Policies for anyone who may have not been watching last time.

But thank you, Commissioners. So on June 20th the Skagit Council of Governments was presented with proposed amendments to the Countywide Planning Policies. The purpose of the amendments is to make the Countywide Planning Policies consistent with state law changes that were changed recently. So today the Planning Commission just held a public hearing. Anyone can still comment up until September 12th, which I'll provide more details again on the slide that was shown earlier.

So just real quickly: A Countywide Planning Policy is a written policy statement or statements used solely for establishing a countywide framework from which County and City comprehensive plans are developed and adopted. Countywide planning policies ensure City and County comprehensive plans are consistent, as required by the Growth Management Act. And the proposed changes and supporting documents can be found on the Planning Commission Archive webpage, which is linked on the screen.

So the Skagit Council of Governments Steering Committee is the recommending authority to the Board of County Commissioners for Countywide Planning Policy amendments, changes to Urban Growth Area boundaries, and housing and employment allocations.

The Skagit Council of Governments Technical Advisory Committee drafted Countywide Planning Policy amendments to be considered by the Skagit Council of Governments Steering Committee. The proposed amendments are being made to bring the Countywide Planning Policies into consistency with state law. Changes pertain to housing, climate, greenhouse gas emission reduction, and climate resiliency.

So the proposed updates to the Countywide Planning Policies regarding housing address recent legislative changes, such as House Bill 1220, which requires that every jurisdiction in Skagit County plan for affordable housing. The amendments would add policy language aimed at significantly increasing housing production within existing Urban Growth Areas, primarily in the city limits that have good access to transit, jobs, and services. The amendments also add policy language addressing the siting of publicly funded or subsidized housing, including permanent supportive housing, transitional housing, shelters, and housing for populations with special needs, and adds language addressing coordination with publicly funded housing authorities. One thing I want to note is that the proposed amendments also include initial population allocations in Appendix A, and those are likely subject to change. The County has found that it's unable to accommodate the zero to 50 area median income allocations in the rural area following receiving further guidance from the Washington State Department of Commerce. And those allocations will need to be given to the Cities in exchange for higher area median income allocations.

The proposed updates to the Climate Element also include recent changes from House Bill 1181. And House Bill 1181 adopted a new goal in the Growth Management Act, Goal 14, that requires

counties planning under the Growth Management Act to create a climate planning element in their comprehensive plans.

This Growth Management Act goal requires that comprehensive plans, development regulations, and regional policies, plans, and strategies adapt and mitigate to the effects of a changing climate, support reductions in greenhouse gas emissions and in per capita vehicle miles travelled. And the proposed revisions presented to the Countywide Planning Policies address these new legislative requirements under Growth Management Act Goal 14.

The Technical Advisory Committee also proposed to change the requirement for Skagit County GIS to store land capacity data from all jurisdictions, and the Skagit Council of Governments is now proposing to collect land and housing capacity reports.

So two questions. I believe this was asked by Commissioner Candler: Why aren't there policies regarding protection for farmland? So Countywide Planning Policy 8.1 has a policy regarding natural resource land protection and conservation of all natural resource lands, including agricultural lands. Policies regarding protection of farmland can be found also in the Skagit County Comprehensive Plan. This round of policy updates were (sic) focused on implementing housing and climate policy changes to be consistent with the new state law changes, so we weren't really looking at anything outside of that. And then also the intent of Countywide Planning Policies are (sic) going to share consistency with all jurisdictions where needed. So there aren't really many policies specific to agriculture because the Cities don't have agricultural lands zoned in the cities.

Commissioner Day, you asked, What is the difference between greenbelt and green space/open space? So a "greenbelt" is a general term that refers to natural, undeveloped, and/or agricultural lands that surround urban areas, and "green space" is an area of grass, trees, or vegetation set apart for recreation or aesthetic purposes in an otherwise urban environment. And then green space was a requirement that was added to the Countywide Planning Policies to comply with new requirements in RCW 36.70A.020 and 070, which was part of that House Bill 1181, which is the Climate Bill.

Last question was: Has County staff monitored past development relative to population projections, and how have the development patterns compared with past projections? So the Skagit Council of Governments monitors county growth for all jurisdictions within Skagit County through the Growth Monitoring Program and provides an annual growth monitoring report. The allocations continue the Countywide Planning Policy of allocating 80% of all forecasted population growth into Urban Growth Areas, with the remaining 20% allocated into the rural areas outside of Urban Growth Areas. And then during the 2017 to 2023 observed period, 76.5% of new population growth occurred in the Urban Growth Areas with 23.5% of new growth occurring in the rural unincorporated county.

So next steps. Like I mentioned earlier, the public comment period ends on September 12th. On October 8th, the Planning Commission will hold deliberations and make a recommendation to the Skagit Council of Governments Steering Committee and the Board of County Commissioners, who is the final decision-maker on any Countywide Planning Policy changes. And then in December the Skagit Council of Governments Steering Committee will make a recommendation to the Board of County Commissioners, and in the winter of 2025 the Board of County Commissioners will take possible action.

And again, if you'd like to still comment, you can mail to 1800 Continental Place in Mount Vernon and then also email to pdscomments@co.skagit.wa.us. So thank you, Commissioners, and I'm available for any questions if you have any.

Commissioner Joe Woodmansee: I have a question. I just want to clarify that on the 80% of all forecast population growth into UGAs and 20% into the unincorporated rural areas, is there a – in recent years, I haven't seen a whole lot of UGAs being developed. They tend to just sit there and – you know, there's very little annexation that happens. And so my question is, Do we know – so it's *allocated* to the UGA, but do we know if it's being absorbed by the actual current City more versus lack of development and annexation?

Mr. Eckroth: So Urban Growth Areas include the entire City as well. What we're working with in the County is the unincorporated Urban Growth Area. So that's why you're seeing that much percentage of growth occurring. But you're right. In our unincorporated Urban Growth Areas, they're more of a reserve zone for Cities to eventually annex once needed.

Commissioner Woodmansee: Okay. Thank you.

Chair Raschko: Any other questions? Commissioner Day?

Commissioner Day: Thank you for answering some of our questions. I appreciate that. There are some aspects of the climate and transportation policies that look like they might be setting up for an impact fee related to transportation. Say, build a house. Charge an impact fee. Use it to fund public transportation. Did I read that right?

Mr. Eckroth: Do you have a specific policy that you're referencing?

Commissioner Day: It was in my comments. I didn't print it out and bring it with me.

Mr. Eckroth: So I don't know about any specific impact fees or if that's being discussed, and I don't recall that in the language itself. Sorry if I missed that question.

Commissioner Day: Okay.

Mr. Eckroth: I can try – I'll remember to get back to you on that at the following presentation, if that's okay with you.

Commissioner Day: Okay. Yeah, I was just curious. It seems like that's what's being set up so I was just wondering if I read that correctly.

Mr. Eckroth: We'll look into that.

Commissioner Day: Yeah. And then I think I had some other questions that were in the notes that you published – which I appreciate – and there are some things that seem like they might be difficult to implement. And I guess that's sort of an area of interest of mine. So there are some things that look like – you know, regarding underserved communities and that type of thing, especially regarding housing availability, and, you know, I think that's – I'm not making a judgment about whether that should or shouldn't be a policy. I'm just wondering how would you go about creating a zoning code that implements those types of goals?

Mr. Eckroth: Well, a lot of it's going to be in the cities because this document applies to cities as well. And that's a great observation. You're going to see a lot of big changes in a lot of the zoning that's existing in cities to accommodate more affordable housing. The state just requires that the Cities set up the zoning to allow for the housing types that accommodate affordable housing, but of course the County and the Cities have been working together to try to find more resources to provide affordable housing. So we're just setting up the policies right now. There's a lot of work ahead of us, so it's a great question. I don't have an answer at the moment, but that's something that I think we'll have more answers to once the Cities and the County finish up their comprehensive plan updates and start work on the implementation phase of those plans.

Commissioner Day: Mm-hmm, all right. Thanks.

Mr. Eckroth: Yeah.

Chair Raschko: Anything else?

(silence)

Chair Raschko: Anybody else, questions?

(silence)

Chair Raschko: Okay, thank you.

Mr. Eckroth: Thank *you*.

Chair Raschko: Now we'll move on to the Planning Docket Work Session.

Mr. Eckroth: All right. This one's a little bit longer so bear with me. There's a lot of content. So thank you, Commissioners. This work session is to go over this year's proposed docket petitions and to go over staff's recommendations for each petition. In this presentation I will quickly summarize the docket review process and then will summarize each petition and Department recommendation, and then we'll go over the next steps in the process.

So the Comprehensive Plan amendment process is an annual process where citizens and County staff can submit petitions to make changes to the Comprehensive Plan and development regulations. Just so everyone is aware, the annual docket process is a separate process from the 2025 Periodic Comprehensive Plan Update.

As you can see on the screen, we are starting Step 2, which is Department and Planning Commission review. At the end of the presentation, I will show the 2024 docket schedule, which includes some specific dates and the petitions' supporting documents, including the staff report, which provides more detail. Each petition can be found at www.skagitcounty.net/2024cpa.

So as I go through each petition I will wait a moment for the Planning Commission to have an opportunity to ask questions. So ask, if you don't mind, as I get through each section, and then I'll open it up for questions.

So this is the first citizen petition that was submitted. LR24-01 was submitted by Washington State Parks and Recreation Commission. The petition requests to rezone approximately 77.85 acres from Rural Reserve to Public Open Space of Regional/Statewide Importance, or otherwise known as OSRSI. The property is located on Rosario Road just west of Pass Lake, is owned by

Washington State Parks, and has been incorporated into the Deception Pass State Park. Changing the zoning from Rural Reserve to OSRSI will allow the Washington State Parks and Recreation Commission to provide recreational needs, environmental protection and conservation, and would bring the parcel into consistent zoning with the rest of the state park.

The Department recommends approval of the proposed rezone as it is consistent with the purpose of the OSRSI zone, which, just to note, specifically calls out the Deception Pass State Park, the Comprehensive Plan, which also calls out Deception Park State Park, and the criteria for a rezone, which is summarized further in the staff report.

Are there any questions on this petition?

Chair Raschko: Commissioner Hughes?

Commissioner Amy Hughes: As I look at that screen on this piece of paper it's really a light green, but is that the park as it is right now? Is that how it aligns with the old park?

Mr. Eckroth: That's a great question. I'd have to look at the boundary line adjustment that was done. I believe so because I think that's where the parcel line was lying, was along the green boundary there, and then they did a boundary line adjustment with the property formally to the north and now it incorporates all of that parcel. So they're just proposing to extend the zoning boundary to incorporate the entire parcel into the OSRSI zone.

Commissioner Hughes: Okay, thank you.

Chair Raschko: Any other questions?

(silence)

Chair Raschko: Okay, thank you.

Mr. Eckroth: LR24-02 was submitted by John Bouslog. The petition was initially requested to reduce the industrial loading area buffer through residential zones from 250 feet to 50 feet and reduce other buffers associated with industrial development. The Department has worked with the petitioner to find a balanced buffering requirement that's less cumbersome for industrial development while also maintaining community cohesion between residential and industrial uses, which is required by the Bayview Ridge Subarea Plan.

The new amendment reduces the industrial loading area buffer to residential zones from 250 feet to 100 feet; clarifies that residential zones include the Bayview Ridge Residential zone and Rural Reserve zones; and increases the amount of landscaping required for industrial development in Bayview Ridge that is adjacent to a residential zone.

The Department reviewed buffering requirements of several other counties and found that the 250-foot buffer far exceeds setbacks and buffers from industrial development to residential zones in those counties. Most counties have a setback ranging from 50 feet to 100 feet. And actually I recently found and added to the staff report Thurston County has a 30-foot setback from industrial development to residential zones for their side yard setback and do not have additional buffers for loading areas or other components of industrial development to residential zones. So I've shown those counties that were compared, with the exception of Thurston, on the slide here. And

you can – this PowerPoint is also located on the website that was shown earlier and you can actually access the code for all these jurisdictions by clicking the hyperlinks.

So the highlight area is the main area that would be affected by the proposed amendment as it is the only Bayview Ridge Light Industrial zone area adjacent to residential zones, except for a small area at the bottom of the map, which is currently developed with homes. The residential zones include the Rural Reserve zone and the Bayview Ridge Residential zone.

So this aerial photograph shows an estimate of 100 feet versus a 250 feet buffer along the eastern property line. Of course, it would apply to more property lines than just this, but using GIS I just made an estimate here along that one property line. And this is that same comparison; I just zoomed it a little bit more.

The petition also amends the following landscaping requirements in Skagit County Code 14.16.830(f). That includes a 30-foot wide landscaping area which is existing in code but would now be required to be planted at a 50% site-obscuring at planting and 80% site-obscuring five years after planting.

Evergreen trees would have to be planted at a minimum of six feet above the planting bed. The existing requirement requires a minimum of a 2.5-inch caliper.

Landscaping and walls/fences must be located within the first 50 feet of the property boundary.

In the Airport Environs Overlay, tree height at maturity could not be greater than the FAA Part 77 allowable structure height for the specific height and must comply with all applicable Airport Environs Overlay compatibility requirements, to make sure that trees are not going to be planted at a height that might interfere with airport operations.

Walls and fences would be required to be a minimum of six feet in height, and there would be an option for a developer to increase the landscape buffer by 10 feet and plant an additional row of trees or install a landscape berm with a minimum height of six feet in place of constructing a wall or fence.

Retention of existing vegetation would be encouraged, but the applicant would possibly still be required to add vegetation if the landscaping requirements are not met.

So the Department recommends approval of this petition as it will improve flexibility for economic development within Bayview Ridge while also protecting the visual and noise impacts from industrial and commercial development. The petition is also consistent with setbacks in other Washington counties and is consistent with the Comprehensive Plan, the Bayview Ridge Subarea Plan, and all other criteria, which is outlined further in the staff report.

Are there any questions on this petition?

Chair Raschko: Commissioner Hutchison?

Commissioner Hutchison: Thank you, Robby. I appreciate all the attention to vegetation. I think that was very well thought. This is very different than the one that first came across. Where you're talking about that 50% obscuring, what had it been previously? It was their expectation for 100%?

Mr. Eckroth: There was no specific standards for site-obscuring trees. There was a requirement for trees and shrubs to be planted. It just didn't specify at what rate it would have to obscure site.

Commissioner Hutchison: So I have just a couple other – just all within this. When we're talking about the loading areas, is there – I have so many questions about this, honestly, because it's an idle-free zone. Is there waiting times potentially that trucks could be idling? You know, I understand what it looks like to be bumping docks and then not have anyone to service that truck. So it's going to sit there for three hours while he's making lunch up front and he's running his microwave and the truck's idling. This could happen at 9 at night and run till whenever that dock reopens in the morning. And I just – I don't know if there's any other provisions in our code that would help prevent that from happening with those overnight idling obstacles that could become a problem. Are you aware of anything pertaining to that as far as – I don't think there's any – there's no code we could create to say that there's no idling at the Port, I mean. But –

Mr. Eckroth: Right. So I don't believe that we have any standards in code that would prevent idling; however, Jack, do you know off the top of your head if we have performance standards speaking to timeframes for noise?

Mr. Moore: We do. There's decibel levels. I don't know that they're specific to any one noise generation.

Mr. Eckroth: Okay. Or timeframes?

Mr. Moore: Yes. Yeah, it relates to times of day so I think – yeah.

Commissioner Hutchison: So there would be some _____.

Mr. Moore: We could pull that out. We could get that to you – what the current county standard is for noise offsite.

Commissioner Hutchison: And I would assume that if and when a business is developed on that site that their staff would be able to notify truckers to be concerned by those rules.

Mr. Eckroth: Right.

Commissioner Hutchison: That should be something that *should* be able to be managed.

Mr. Eckroth: You could also use SEPA as a tool to add mitigating conditions to any permit that isn't captured by code as well, if that's a – a foreseen impact from a specific type of business is being proposed.

Commissioner Hutchison: I think my only other question on the loading areas then is when we talk about within 100 feet unless the maneuvering area is located on the opposing side of the structure. So it can be closer than 100 feet if you gave that that structure might only be 60-foot long, for instance.

Mr. Eckroth: Right. So if a loading area was proposed on the other side of the building or if there just wasn't a loading area, the setback is 50 feet to residential zones.

Commissioner Hutchison: Okay. And I guess my last, if I may – thank you, Tim – the building height. And I'm curious about this now only because 35 feet – I mean, if you're standing next to a

semi-truck, it's probably just about – my gosh, I don't know. They're pretty tall off the ground. And I just wonder if you could get the extra five-foot given to that structure, that it would in itself be a buffer to noise because noise travels up. And I just wonder how much – where's the 35 feet coming from?

Mr. Eckroth: So 35 feet's existing in code. So I'm not sure what the intent was when it was passed back in 2014 when that was thought of. So that's not being amended. And also just to clarify your last question, which.... I am sorry. I'm blanking on that. Sorry. I'll get back to you on that last question if I think of what I was going to respond back to that.

Commissioner Hutchison: Oh, okay. Well, thank you. I think that's all I had.

Chair Raschko: Okay. Anybody else? Commissioner Woodmansee.

Commissioner Woodmansee: I think the 35 feet might be some thing that correlates. A lot of residential zones have a 35-foot maximum height also, so there could be – maybe there's some consistency going on there. Because I think 35's a pretty common maximum building height in residential zones.

Mr. Eckroth: That could be.

Chair Raschko: Did you have something?

Commissioner Day: Yeah. I just wanted to say thank you for the comparisons to the other counties. I know we had asked about that in the past and that was very helpful. Thanks.

Chair Raschko: Anything else on LR24-04? No, it wasn't 24-04, was it? 24-02.

(silence)

Chair Raschko: Okay.

Mr. Eckroth: We're going to move on to 24-04, which is brought by the Port of Skagit and is a two-part petition that amends the Airport Environs Overlay.

The first part of the petition would add a(n) aviation disclosure notice requirement on transfer of property within the Airport Environs Overlay. The disclosure would increase awareness and transparency of the Airport Environs Overlay before people invest in property and plan future development. Properties within the Airport Environs Overlay would be tagged on the Assessor's Search website with a notice showing the property – or showing that the property requires the disclosure. And the Port also plans to educate the real estate community about the disclosure if the amendment is adopted. This approach is recognized by the Washington State Department of Transportation Aviation Division for increasing awareness of possible aviation impacts.

The petition would also amend the Airport Environs Overlay compatibility requirements. The amendment would update exhaust plumes and electrical interference standards in the Airport Environs Overlay to be consistent with the FAA advisory circular guidance. The current code language regarding exhaust plumes and electrical interference was based on Australian aviation authorities' guidance, as the FAA was still developing guidance on the hazard of thermal plumes and electrical interference. But now the FAA does have guidance on that.

So the Department recommends approval of this petition. And do we have any questions on this petition?

Chair Raschko: Commissioner Hutchison.

Commissioner Hutchison: Thank you. It all seems like commercial level plumes that we're talking. Like, I could – if I lived right there I could still be smoking a brisket over the weekend and not be interfering with air traffic, right?

Mr. Eckroth: I don't think that's going to be a concern from the Port, unless it's really good brisket!

Commissioner Hutchison: That's how I was reading it! I just wanted to make sure. Thank you.

Mr. Eckroth: Yeah.

Chair Raschko: Anybody else?

(silence)

Chair Raschko: Okay.

Mr. Eckroth: So C24-1 is the first County-initiated petition. This petition was remanded from the 2023 docket for further consideration. The Board of County Commissioners asked the Department to bring more information on how disbanding the Boundary Review Board would affect special purpose districts. The petition would adopt recommended changes to the Countywide Planning Policies by the Growth Management Act Steering Committee, which recommended that the Board of County Commissioners disband the Boundary Review Board by June 30th, 2025. Annexations of land recently included in an Urban Growth Area shall not be final until any appeal periods or any proceedings associated with the Urban Growth Area change have lapsed or concluded.

The Boundary Review board can disband when special purpose districts that serve Urban Growth Areas have adopted urban levels of service standards appropriate for their service area; when all Cities and the County have adopted capital facilities plans for urban levels of service; and when all Cities and special purpose districts have in place adopted interlocal agreements to address transfer of assets (and) annexation of the service areas, meeting the requirements of applicable RCWs.

And the Growth Management Act Steering Committee determined that all these requirements have been met.

So the role of the Board of County Commissioners, if any, depends on the type of special purpose district and the nature of the boundary change. So for example, formation, annexation, dissolution, or merger of special purpose districts. For some special purpose districts, such as a metropolitan park district, boundary changes would require little or no involvement from the Board of County Commissioners; however, other statutes require more of the Board. For example, water and sewer districts can annex only after the Board of County Commissioners hold a hearing and determines that the annexation will be conducive to the public health, welfare, and convenience and will be a special benefit to the land included within the boundaries of the territory proposed to be annexed to the district – which is found in RCW 57-24-020.

So the County recommends approval of this petition to amend the Countywide Planning Policies. And does the Planning Commission have any questions on this petition?

Chair Raschko: Commissioner Day?

Commissioner Day: I have a question. I think I'm fuzzy on the role of boundary review boards to begin with, but it looked like in your staff report that the Boundary Review Board's role has not been supplanted by Growth Management Act first, in some instances. So, for example, Growth Management Act kind of dictates annexations and those sort of things that's handled in that way. But I thought that the staff report said that there was still an issue with decision making about special districts. So I wanted to ask you about that, and also is it true that there are interlocal agreements with all those special use districts?

Mr. Eckroth: Yes, I believe there are, which is why the Skagit Council of Governments Steering Committee made that recommendation. I haven't seen any myself, but based on that recommendation I believe that that was looked into.

You're right: The Growth Management Act does establish all of the rules for special purpose district changes, and then some other RCWs. Actually, I think a lot of the rules are specified in 57.24 versus 36.70A. So do you mind repeating the first part of your question, because I wasn't – or elaborating a little bit more?

Commissioner Day: Yeah. So I thought in the staff report you said the Growth Management Act has basically supplanted the need for a boundary review board in most cases –

Mr. Eckroth: Right.

Commissioner Day: – but not in all cases.

Mr. Eckroth: Right. So I –

Commissioner Day: So what is the “not all cases” part of this?

Mr. Eckroth: I'd have to get back to you on the very specifics on that. I'm sorry. I think it's just some special purpose districts and circumstances aren't necessarily covered by GMA, but it would be covered in this RCW in some cases as well, that's outside of the Growth Management Act.

Commissioner Day: Okay. It seems like I had the same question after reading the staff report that I then read that the Board of Commissioners has. So I'm not sure – I'm not sure we've answered that question.

Mr. Eckroth: So I do have a list of every circumstance and for every type of special purpose district that I can supply. I'm just not exactly sure and I haven't looked into when the Growth Management Act applies to a certain boundary change versus when it doesn't. But I'll try to get back to you with that and talk to our prosecuting attorney about that.

Commissioner Day: Yeah, thank you.

Chair Raschko: Any other questions? Comments?

(silence)

Chair Raschko: Okay. Thank you.

Mr. Eckroth: Thank you. So C24-2 would create a new section in the Zoning chapter to consolidate and reference all fencing regulations, which would make it easier to locate those regulations. The new section would also add restrictions to razor wire and barbed wire fencing. Specifically, razor wire fencing would be prohibited in all zones except commercial, industrial, and aviation zones, unless permitted as part of an essential public facility for a utility development. And barbed wire fencing material would be limited to no more than five feet above grade. This would not apply in commercial, industrial, and in aviation-related zones or when permitted as part of an agricultural use, essential public facility, marijuana production or processing facility, utility development, or a wireless facility. It would also not apply to wildlife fencing. The intent of these new fencing restrictions is to preserve rural and neighborhood character and to make it clear to home-based business operators that the business is supposed to match the surrounding rural and neighborhood character.

The Department recommends approval of this petition. And are there any questions from the Planning Commission?

Chair Raschko: Commissioner Hutchison?

Commissioner Hutchison: I appreciate that you just clarified at the end that home-based businesses aren't to be – how did you just word that?

Mr. Eckroth: So they would be –

Commissioner Hutchison: – _____ stay consistent with –

Mr. Eckroth: They would apply, or this fencing section would apply to home-based businesses. And that was part of the intent of creating this, is we actually had an instance where a home-based business created a very industrial-looking fence. So we're hoping that in the future if this code is passed it would be clear that you still have to maintain the rural character of the property. It has to be consistent with the look of the surrounding neighborhood. But that language is – it's a little bit squishy, so the intent is to make it very clear that you can't have a very industrial-looking fence in a rural neighborhood.

Commissioner Hutchison: So a home-based business that had a lot of materials to store would then need to put up a pole barn or something that's permissible to keep that indoors for protection.

Mr. Eckroth: Outside storage isn't allowed in a home-based business, so they would have to put it indoors. But if they wanted to do fencing, they just couldn't do a barbed wire fence where the materials exceed five feet. So you can't have the chain-link fence with barbed wire above it. And also razor wire fencing would also be prohibited for them.

Commissioner Hutchison: Thank you.

Chair Raschko: Anything else?

(silence)

Chair Raschko: Okay.

Mr. Eckroth: So petition C24-3 would remove storage of unlicensed and/or inoperable vehicles as a use from every zoning district in Skagit County. The petition would also create a vehicle storage facility use to accommodate storage of licensed and operable vehicles in addition to unlicensed and/or inoperable vehicles. Vehicle storage facilities would then be allowed in the Rural Freeway Service and Urban Reserve Commercial-Industrial zones.

So here's a list of the zoning districts that allow storage of unlicensed and/or inoperable vehicles. As you can see, the Rural Intermediate zone is listed, which is a rural residential zone. The use is also allowed in the commercial Limited Areas of More Intense Rural Development, so that includes your Rural Village Commercial, Rural Center, Small Scale Business – those types of zones which are intended to provide for a range of commercial uses and services to meet the everyday needs of rural residents.

So the next two slides summarize the purpose of the zones that allow vehicle storage that the petition, if passed, would no longer allow. The Rural Intermediate zone is intended to protect land for residential living in a rural atmosphere. By allowing vehicle storage in the Rural Intermediate zone, there is a high potential for impacts on neighboring residences that can also detract from the rural character of the area. The Rural Village Commercial, Rural Center, Small Scale Business, and Rural Business zones are primarily intended to provide goods and services to the rural population and travelling public. And commercial land in rural areas is very limited, and the intent of these zones is to provide goods and services to people living in rural areas that are far away from urban services, and none of these zones allow similar commercial uses to vehicle storage.

The Small Scale Recreation and Tourism zone provides tourist uses by utilizing the County's recreational opportunities and scenic natural amenities. Vehicle storage does not relate to tourism uses so that's why we're proposing to eliminate that use from that zone.

The Natural Resource Industrial zone primarily supports natural resource industrial uses, and vehicle storage obviously does not relate to natural resource industries, which is why we're proposing to eliminate it from that zone as well. We did receive a comment when docketing this petition from someone who has property within the Natural Resource Industrial zone, and they were concerned that maybe they wouldn't be able to store vehicles in relation to their natural resource operation. And we clarified with them that some of the other uses in the zoning district would actually accommodate that business and allow them to store those vehicles. It's just not – they can't just solely do the vehicle storage use.

The Aviation Related District is intended to provide a place for regional airfields and uses which require proximity and access to an established airfield. We reached out to the Port of Skagit who provided comments to the Department stating that there is not a need for these storage of unlicensed and/or inoperable vehicles as a primary use for their airport operations or any of their leased properties.

The Department recommends eliminating the storage of unlicensed and/or inoperable vehicles as a use allowed with a special use permit and instead recommends creating a vehicle storage facility use. The vehicle storage use accommodates commercial enterprises and not personal storage, which would still be allowed but limited to 500 square feet – unless it's located within a building. The vehicle storage facility would also allow for storage of all vehicles, not exclusively unlicensed or inoperable vehicles.

So the Department recommends locating the vehicle storage use in the Urban Reserve Commercial-Industrial in Rural Freeway Service zones. This would avoid potential impacts to neighboring property owners as there are limited locations of each zoning district. The locations of each zone are also primarily along the Interstate 5 and Highway 20 corridor(s), which would also accommodate truck towing and hulk hauler uses. As both zones allow automobile repair garages, the vehicle storage use could also be permitted as a secondary use to the automobile repair use.

So this map shows the areas in the county zoned Rural Freeway Service in Urban Reserve Commercial-Industrial. As you can see, there are four areas zoned Rural Freeway Service: one south of Mount Vernon and then three north of Burlington along Highway 5. And then there are several locations along Highway 20 that also include the Urban Reserve Commercial-Industrial zone and then one west of Mount Vernon.

So the Department recommends approval of this petition. And do we have any questions about this petition?

Chair Raschko: Are there any questions/comments?

(silence)

Chair Raschko: Okay.

Mr. Eckroth: So this is the last one. It's part of our general code language clean up. C24-4 includes two items as part of that clean up. The first item corrects the height limit restriction of the Guemes Island Overlay district in Skagit County Code 14.16.360(7)(b)(i) to only apply to proposed development and flood hazard areas. As it currently reads, it could be interpreted to apply to the entire overlay district, which would be problematic because if you're measuring from the flood level on Guemes Island and you're at the top of the island you would essentially have to create a bunker to be able to comply with this code. So this clarifies that it only applies within flood hazard areas.

The second item eliminates duplicate language in Skagit County Code 14.18.300 (1) – (4), which pertains to the CaRD land divisions. And just to remind you, so these are just code language clean ups. We're not trying to get back into the reasoning that any of these were created. It's just purely clean up to make sure that the code is clear and concise for the public and for staff.

So the Department recommends approval of this petition. And does the Planning Commission have any questions about this one?

Chair Raschko: Commissioner Woodmansee?

Commissioner Woodmansee: On the CaRD land divisions, because it was in duplicate areas with the same language?

Mr. Eckroth: Exact same language, and it's one after the other.

Commissioner Woodmansee: Okay. Okay.

Chair Raschko: Anybody else?

(silence)

Chair Raschko: Any questions about anything in the presentation?

(silence)

Chair Raschko: No? Okay, well, thank you very much.

Mr. Eckroth: And we have Next Steps here.

Chair Raschko: I'm sorry.

Mr. Eckroth: So we were considering doing an October 8th work session. I did talk to one of the Commissioners who's not here today, Commissioner Mitchell, who said that she did not feel that a second work session was needed as everything seemed pretty clearcut and there's nothing really big in this docket. I was wondering how the rest of the Planning Commission felt, and I can also reach out to the other Planning Commissioners who weren't here today. Does anyone have any thoughts about that?

Chair Raschko: Any thoughts? Commissioner Day?

Commissioner Day: Thank you for asking. I would say that any docket items are important, especially those submitted by citizens. But I do feel that we've had a lot of very thorough briefings on it, which I appreciate. So for that reason, I would say I, speaking for myself, wouldn't think it was necessary for another work session.

Chair Raschko: Anybody else?

Commissioner Woodmansee: I would concur.

Chair Raschko: I concur. I don't feel a necessity for another work session.

Mr. Eckroth: And, of course, if there's questions I can answer those in a brief presentation before public hearing or before deliberations. Great. I appreciate that. We have a very busy schedule, as you all know, so that will keep things moving along a little quicker.

So we are going to open the public comment period starting October 17th. I did realize that – actually Commissioner Mitchell brought up that we have a Planning Commission meeting scheduled November 5th. That's election day. So we were thinking that maybe we would cancel that meeting and then have a special meeting the following week. So we could extend the public comment period to the Thursday following that meeting, if we were to do that, if that's something that the Commissioners would feel comfortable with.

Commissioner Woodmansee: What would the date be then?

Chair Raschko: It'd be the 12th.

Mr. Eckroth: Yeah, the 12th, which means the comment period would end the 14th and then we would have deliberations on the 20 – the 19th. I'm sorry. So if the Planning Commission's okay with that?

(silence)

Mr. Eckroth: We have, like I said, deliberations November 19th. And that's all I have. If there's any further questions, I'd be happy to answer. Thank you, Commissioners, for listening to my presentation.

Chair Raschko: I have one last – in regards to Commissioner Day's request for further information, would it be possible to get that in an email or something sooner than at the same time we have deliberations?

Mr. Eckroth: Sure. Yeah, absolutely. I can do that.

Chair Raschko: I appreciate it.

Mr. Eckroth: Yep.

Chair Raschko: Anything else?

Mr. Eckroth: That's it.

Chair Raschko: Well, thank you.

Mr. Eckroth: Thank *you*.

Chair Raschko: Okay, Director's Update. Mr. Moore, please.

Mr. Moore: Thank you, Chair, and good evening. I just had three items that I hope to talk to you about tonight. One, the Board of County Commissioners asked me to relay to you a message regarding a recent action on a proposed code amendment. I apologize. I failed to do this last month so I'm bringing it before you this month. It had to do with the proposal on the aquifer protection code that was recently discussed by the Planning Commission and there was a recommendation. The Commissioners did consider carefully the Planning Commission's recommendations and they wanted me to relay to you that they appreciate the work you put into that. The discussion at that point, if you were not able to listen in, was rather robust. It did extend beyond just the code that was being proposed at the time and went into a more broader discussion on protections of the water source on Guemes Island, some of the past history, some of the current studies that are ongoing at the moment, and maybe some wider goal-setting for establishing date points for long-term – you know, analyzing what's going on over there.

So with that in mind, they did go ahead and decide to pass that proposal, but they did want me to share with you that, you know, they appreciated your recommendation. They just thought it might fit into kind of a longer term plan that they had in mind. And so they asked Planning and Development Services to work with the Public Health Department on putting together a – or revising and putting together a database for data collection so that moving forward we could have a more comprehensive view of what's going on there.

So they did want me to share that with you, that – again – they value your recommendations and your work on that, but did want me to share why they ultimately decided to pass that particular proposal.

If there are no questions with that, I did have also a favor to ask, if possible, regarding just procedurally at the Planning Commission here. If there are absences, if any one of you are going to be absent, it would be quite helpful for us in the Planning Department to know that that's going to occur. I know occasionally we do get notified occasionally. Chair, I think they report to you or contact you to let you know. It would be helpful for us to know if there are any planned or unplanned absences, so if possible we would appreciate that. You know, certainly it could be via the Chair, it could be email to the Department directly – however whatever's easiest. So that would be much appreciated.

Finally, I wanted to share that – well, as you know, there is now a currently vacant Planning Commission seat with Martha Rose's departure. There was a recruitment process initiated by the Commissioner's office. There was a robust response to that. There were numerous qualified candidates. After a rigorous interview process, the Commissioners ultimately did make a decision to appoint Kiera Wright to the Planning Commission. So staff has been in contact. We will be providing Ms. Wright with materials and helping her to get up to speed, and we hope to see her here at the next meeting.

And that is all I have.

Chair Raschko: Any questions for staff?

(silence)

Chair Raschko: No? Great. Well, thank you very much. It is duly noted about absences. You'll be informed.

Mr. Moore: Thank you so much.

Chair Raschko: Gosh, we don't have an agenda item for our own comments and – but, have you got anything?

Mr. Eckroth: My apologies, Chair.

Commissioner Woodmansee: I'm going to be out of town on the 24th and so – I believe we have a meeting that night, correct?

Chair Raschko: 24th? Sure. Duly noted.

Commissioner Woodmansee: Two weeks. If I can join online, I will, but I'm going to be out of state so I don't know if I'll be able to join online or not.

Chair Raschko: Okay. Commissioner Hughes?

Commissioner Hughes: (inaudible)

Commissioner Day: Thank you for all the work tonight. I appreciate it. I do have a question, I guess for staff and for my fellow Commissioners about process in terms of holding a public hearing and then holding deliberations. I understand it's giving citizens an additional opportunity beyond the public hearing to make comments, and any opportunity for public comments, I think is useful. But I also think that sometimes when folks attend a meeting or make an effort to attend online they would appreciate an opportunity to watch the deliberations to see what the discussion and

questions and decisions are at that same time. So I just wanted to raise that as a question. I know we have a lot of moving parts on the agenda and whether, without compromising opportunities for citizen input, if that would both, you know, compress the agenda a little bit more so that we can move through things more quickly because there are a lot of things, I know, that are coming up in this coming year. And if it would also offer more of an opportunity for deliberations and discussion and to have it all done at the same meeting. So I just wanted to put that out there as a potential consideration for changing how we do things.

Chair Raschko: Can I speak to that?

Commissioner Day: Yeah, absolutely. Of course. You're the Chair!

Chair Raschko: Well, in the past there's always been what I felt was a consensus of the – most of the Planning Commission that having a public hearing and then going straight to deliberations on the same night doesn't give adequate time to fully consider those things you've heard at that time. So everybody preferred to have –

Commissioner Day: I see.

Chair Raschko: – a lapse until the next time. Which doesn't mean it necessarily has to be that way, but that is why we preferred it to be.

Commissioner Day: That makes total sense. I think it is good to give time to citizen comments. I guess where my thinking was the saltwater intrusion amendment that we heard, there were a number of people that made an effort to come to the meeting. They spoke and then that was sort of the end of it. They had to, you know, wait until there was the deliberation at the next meeting. But I certainly understand giving, you know, time for Commissioners to think over what they've heard. It's a good reason to do it on separate nights.

Chair Raschko: Well, yeah, and you have the ability to read the transcript and go over it again. I have difficulty remembering everything that is said, and if you're trying the chair the thing it makes it even harder.

Commissioner Day: Understood!

Chair Raschko: So, the extra time is very useful. I'm sorry. Does staff have anything on that?

Mr. Eckroth: I'll just note that the system that Commissioner Day brought up is very common in most jurisdictions where they have a hearing and then deliberations that same meeting. I think what we could do, too, is just based on the decision that's being considered and the scope and scale of it we can decide as a whole, as a group – staff and the Commission – if people would be comfortable with us moving into deliberations that same meeting when we have the work session prior to that, versus having public hearing one meeting and deliberations. So it could just be based on what's being considered.

Chair Raschko: That's a good idea.

Commissioner Woodmansee: ___ ask a question? Is it not oftentimes that the public comment period extends beyond the public hearing date?

Mr. Eckroth: That's a great observation. Yes. And so the way we just have to do that is have the public comment period close the day of the public hearing rather than two days following. Which isn't always ideal. But there are some situations I've noticed in my year of being here where – like, Capital Facilities Plan. There's usually not a lot of attention paid to that so we could get things moving a little bit quickly – or quicker – in that instance. Or where there's a little bit more urgency or we need to get something moving a little bit quicker.

Commissioner Woodmansee: Yeah, I would think that when you – if you have a hot button issue that you would not want to do that because you end up with people saying, Well, they already were going to do what they were going to do; it didn't matter what we said. And so that opportunity to think about what you're told and stuff is important there. But I could see there could be some things that aren't necessarily a problem.

Chair Raschko: But I like your idea, too, of, you know, the scope of – we had a public hearing tonight and nobody spoke. We've had a public hearing before and we had 68 people speak. And that's where I have to agree with what Joe said. A lot of people might feel that, Well, how could they – you know, we just finished speaking 10 minutes ago and now they're going to decide. I mean, how can you legitimately say that you considered what all 68 people here have said? So I think it's a good idea in that case to have a delay. Anybody else?

(silence)

Chair Raschko: Okay, well, I have nothing else so thank you, everybody. I appreciate the staff work tonight. And we stand adjourned (gavel).