

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, MAY 25, 2010**

The Skagit County Board of Commissioners met in regular session on Tuesday, May 25, 2010, with Commissioners Sharon D. Dillon, Ron Wesen, and Kenneth A. Dahlstedt present.

I. CALL TO ORDER:

Chair Dillon called to proceedings to order at 8:00 a.m.

II. PLEDGE OF ALLEGIANCE:

Chair Dillon led the gallery in the salute to the flag.

III. AGENDA:

a) 8:00 a.m. - 9:00 a.m. Planning and Development Services - Gary Christensen - Director:

1. Discussion/Possible Action - Set Closed Record Public Meeting Date for Final Plat Approval for the Plat of Birdsvie Estates (PL96-0065), Submitted by Birdsvie Estates LLC, Dan Madlung

Marge Swint, Senior Planner, requested that the Board of Commissioners set Tuesday, June 8, 2010, at 10:30 a.m. for a closed record public meeting for the final plat approval for the Plat of Birdsvie Estates (PL96-0065), submitted by Birdsvie Estates LLC, Dan Madlung.

A motion was made by Commissioner Wesen to approve setting Tuesday, June 8, 2010, at 10:30 a.m. for a closed record public meeting for the final plat approval for the Plat of Birdsvie Estates (PL96-0065), submitted by Birdsvie Estates, LLC Dan Madlung. Commissioner Dahlstedt seconded the motion. The vote passed unanimously.

2. Discussion/Possible Action - Set Date and Time for the Review and Signature of the Final Long "CaRD" Plat of Buchan Beach #PL08-0465

Brandon Black, Senior Planner, requested the Board set Tuesday, June 8, 2010, at 10:45 a.m. for the review, discussion, and possible signature of the Final Long "CaRD" Plat of Buchan Beach #PL08-0465.

A motion was made by Commissioner Dahlstedt to approve setting Tuesday, June 8, 2010, at 10:45 a.m. for the review, discussion, and possible signature of the Final Long "CaRD" Plat of Buchan Beach #PL08-0465. Commissioner Wesen seconded the motion. The vote passed unanimously.

3. Discussion/Possible Action: Guemes Island Subarea Plan Draft Recommendations

Mr. Christensen, Director, stated the Guemes Island Planning Advisory Committee (GIPAC) have submitted their draft recommendation of the Guemes Island Subarea Plan. He requested the Board of County Commissioners take action on this matter by directing the department to discuss staffs' recommended revisions to the Plan with GIPAC.

Mr. Christensen indicated that following the meeting with GIPAC, the department will schedule briefings and a public hearing on the draft plan before the Planning Commission, in the summer, and the Plan would come before the Board of Commissioners for possible action by the end of the year.

Mr. Christensen said the draft plan submitted by GIPAC is well written and well thought out. He went on to say given the fact that it was written by a citizen committee of informed and concerned property owners, it contains refreshingly direct language and discussion of important issues affecting the island.

Mark Personius, consultant for the County, explained that the Plan has been reviewed by staff of Skagit County's Public Health; Planning & Development Services; and Public Works departments. Mr. Personius went on to discuss the significant changes, which he indicated included an annual cap on new home construction, seawater intrusion policy, aquifer protection, land use management, ferry service, and capital facility planning. Mr. Personius indicated that without the benefit of professional planning assistance in preparation of the plan, there is greater potential for misinterpretation in the applicability of certain statutes, regulations, procedures and policies administered by the county.

Mr. Personius said the policies in the GIPAC draft plan are very prescriptive and absolute. County staff has added input that corrects misinterpretation of the County's Code and clarifies the issues in a more detailed manner. He went on to say the most significant change was to the transportation element.

There was a brief discussion on the ferry runs and growth on Guemes Island being two separate issues. Mr. Christensen stated that growth on the island should be addressed through the Subarea Plan.

Commissioner Wesen made a motion to direct the Skagit County Planning and Development Services to transmit the draft Guemes Island draft Subarea Plan recommendations to GIPAC. Commissioner Dahlstedt seconded the motion, which passed unanimously.

4. Miscellaneous

Mr. Christensen announced that Skagit County has been awarded the Governor's 2010 Smart Communities Award for the Skagit County's Urban Growth Area (UGA) Plan.

Mr. Christensen also introduced summer intern Chad Armstrong, a recent graduate of Washington State University. Mr. Christensen said Mr.

Armstrong would be assisting with the County's capital facility effort.

Chair Dillon recessed the proceedings at 8:43 a.m.

- b) 9:00 a.m. - 11:00 a.m. Closed Record Appeal No. PL10-0114, Submitted by Residents of Dike Road of the Hearing Examiner's Decision on Special Use Permit No. PL08-0439; and Closed Record Appeal No. PL10-0165 of Hearing Examiner's Reconsideration Decision No. PL10-0128, and Decision on Special Use Permit No. PL08-0439, Submitted by Travis Lundgren

Chair Dillon reconvened the proceedings at 9:02 a.m.

Chair Dillon opened by stating Closed Record Appeal No. PL-0165 would be heard first and that Closed Record Appeal No. PL10-0114 would be heard afterwards. She indicated the Planning and Development Services staff report would be limited to fifteen minutes; the appellant; the petitioner; and any parties of record would be given fifteen minutes to present their opening statements on each appeal, and five minutes would be given for rebuttal statements.

Also present: Deputy Civil Attorney Jill Dvorkin and Deputy Civil Attorney Ryan Walters.

Marge Swint, Senior Planner, stated the application, in conjunction with seven other applications, is a result of the adoption of new code/rules concerning kennels. The Special Use request is to allow for a limited kennel (Skagit River Kennels) for the breeding of Rottweiler and Saint Bernard dogs. This unpermitted kennel existed prior to the adoption of current kennel regulations and is being processed as allowed in Ordinance No. O20080004, and Skagit County Code 14.04 defines kennel as any day use kennel, limited kennel, or overnight boarding kennel operated as either a hobby or a business.

Ms. Swint stated the property is located on the east side of Dike Road just west of the city limits of Mount Vernon. She went on to say, the singular issue in the Lundgren appeal is whether "a single enclosed building is required" above and beyond the individual dog houses set within each gated and walled run.

Ms. Swint concluded by saying the Planning and Development Services Department's position is that the applicant has failed to demonstrate that the Hearing's Examiner's decision was clearly erroneous. She indicated Planning and Development Services recommends that the Board of County Commissioners uphold the Hearing Examiner's decision to approve the special use permit for the operation of an existing kennel for the breeding and selling of Rottweiler and Saint Bernard dogs in accordance with the conditions imposed by the Hearing Examiner.

Attorney for the appellant, Travis Lundgren, Mr. Hughes noted that Skagit County Code does not require a singular building to house all animals. Mr. Hughes discussed the dimensions of the kennel buildings. Mr. Hughes asserted the individual pens along the eastern portion of the property provide more than three times the required room that Skagit County Code requires. He went on to say Skagit County code does not provide guidance to define the size of the enclosed structure. Mr. Hughes also addressed the issue of the calls to the Skagit County Sheriff's department regarding noise from the kennels.

Ms. Swint stated Closed Record Appeal (PL10-0114) was submitted by the residents of Dike road. This is an appeal of the Hearing Examiner's approval of Special use Permit PL08-0439, submitted by Travis Lundgren for the operation of an existing kennel (Skagit River Kennel) for the breeding and selling of Rottweiler and Saint Bernard dogs. Ms. Swint stated that the residents identified several items where they felt the Hearing Examiner erred. She said the residents felt that a kennel in this neighborhood would be a safety hazard due to the types of dogs that are being bred. They feel the dogs are dangerous and are concerned about the smell and unsightly buildings and dirt "berms" affecting both property values and the quality of life. The residents are also concerned about excessive noise from the kennel operation. Ms. Swint also addressed how Skagit River Kennels handles the dog waste.

Attorney for the residents of Dike Road Tom Moser addressed the Hearing Examiner's Findings and Order of Remand, dated December 9, 2009, Findings of Fact Nos. 14, 15, 17, and 20. Mr. Moser also noted that there had been no analysis done to determine if the location of the kennel was appropriate. Mr. Moser also addressed the issue of noise complaints, and the loss resource lands. He requested the appeal be denied and that it be remanded back to the Hearing Examiner; or that the Board adopt their own findings based on Skagit County Ordinance No. O20080004.

Mr. Hughes stated the residents did not address the issues of the location of the kennel, nor did they address the loss of agricultural land in their appeal. He also addressed the issue of noise control, safety, and odor issues.

Ms. Swint provided rebuttal statements.

Mr. Moser provided rebuttal statements.

Mr. Hughes provided rebuttal statements.

Commissioner Dahlstedt enquired whether it would be appropriate to address the issue of the loss of resource lands since it was not part of the record.

Ryan Walters, Attorney representing Skagit County for these Closed Record Appeals, explained that the Commissioners are instructed by the code not to go outside of the record, however additional legal arguments can be addressed.

Chair Dillon stated that under Skagit County Code, the Board of County Commissioners is directed to render a decision within 90 days of the appeal. Chair Dillon indicated that because the Board of County Commissioners is acting in their judicial capacity, they are prohibited from discussing the appeals with any of the involved parties. She reported that the County Commissioners decision is based upon the record submitted by the parties. She noted that the Board of County Commissioners will be making their decision on these appeals on Tuesday, June 8, 2010, at 10:00 a.m., in the Skagit County Commissioners' hearing room. Chair Dillon recessed the proceedings at 10:07 a.m.

c) 11:30 a.m. - 11:45 a.m. Public Comment Period

Chair Dillon reconvened the proceedings at 11:30 a.m.

Seeing no public comment forthcoming, Chair Dillon closed the public comment period at 11:30 a.m.

Commissioner Wesen commented on the forum the Commissioners attended on Monday, May 24, 2010, which was held by Leadership Skagit LIFT (Leaders Inspiring for Tomorrow) and Big Brothers ~ Big Sisters of North West Washington.

Commissioner Dahlstedt commented on the upcoming National Association of Counties (NACo) Western Interstate Region Conference being held in Yellowstone County, Montana, which he and Commissioner Wesen will be attending on Wednesday, May 26, through to Thursday, May 27, 2010.

Chair Dillon commented on the Town of Concrete's community garden.

IV. ADJOURNMENT:

Chair Dillon adjourned the proceedings at 11:33 a.m.

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

---

Sharon D. Dillon, Chair

---

Ron Wesen, Commissioner

---

Kenneth A. Dahlstedt, Commissioner

ATTEST:

---

Linda Hammons, Clerk of the Board  
Skagit County Board of Commissioners