

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, OCTOBER 26, 2010**

The Skagit County Board of Commissioners met in regular session on Tuesday, October 26, 2010, with Commissioners Sharon D. Dillon, Ron Wesen, and Kenneth A. Dahlstedt present.

I. CALL TO ORDER:

Chair Dillon called the proceedings to order at 8:31 a.m.

II. PLEDGE OF ALLEGIANCE:

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

III. AGENDA:

- a) 8:30 a.m. - 9:30 a.m. Closed Record Appeal PL#10-0388 of the Hearing Examiner's Decision, Dated August 23, 2010, Submitted by Scott Waldal, Skagit Hill Recycling, Inc., and Avis, LLC

Chair Dillon opened the closed record appeal hearing of the Hearing Examiner's Decision, dated August 23, 2010, submitted by Scott Waldal, Skagit Hill Recycling, Inc., and Avis, LLC., at 8:31 a.m.

Arne Denny, Skagit County Deputy Prosecuting Attorney, indicated that on August 23, 2010, the Skagit County Hearing Examiner issued his decision in the Consolidated Administrative Appeal of Notice and Order to Abate dated, November 12, 2008, and Notice and Order to Abate dated, May 5, 2010. He stated that Skagit County Planning and Development Services request that the Commissioners affirm the conclusions related to the violations, and revise Conclusions of Law 3 and 11 because of their ambiguity. He went on to discuss issues related to the staff report dated October 18, 2010.

Chair Dillon clarified that the County's records show that no written briefs have been submitted on behalf of the appellant. Heather Shand, attorney for the appellant, responded that no written briefs were submitted. Ms. Shand asked that the Commissioners thoroughly review the approximately 400 exhibits and testimony from the witnesses, at the 11-day hearing before the Hearing Examiner, which began on June 18, 2010.

Scott Waldal (Avis LLC, Scott Waldal, and Skagit Hill Recycling) the appellant, spoke in support of the appeal outlining where he believed the Hearing Examiner's decision was erroneous. He requested the Commissioners overturn the decision by the Hearing Examiner that his business violated the zoning and building code. Mr. Waldal urged the Commissioners to review the exhibits and testimony from witness, at the 11-day hearing before the Hearing Examiner. He went on to discuss the findings regarding non-conforming use of the property for landfill/recycling, abandonment of nonconforming use by John Diamond, and the history of solid waste handling.

Mr. Denny presented his rebuttal argument.

Mr. Waldal presented his rebuttal argument.

Chair Dillon announced that a decision would be made on the matter on Tuesday, November 2, 2010, at 10:00 a.m.

b) \*10:00 a.m. - 4:30 p.m. Departmental Budget Work Sessions

IV. ADJOURNMENT:

Chair Dillon adjourned the proceedings at 9:10 a.m.

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Sharon D. Dillon, Chair

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Ron Wesen, Commissioner

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Kenneth A. Dahlstedt, Commissioner

ATTEST:

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