

RESOLUTION #

A Resolution Pertaining to the Closed Record Appeal Before the Skagit County Board of Commissioners of Hearing Examiner Denial of Appeal of Administrative Order

WHEREAS, Chris Longnecker and Ashlynn Dennis (“**Appellants**”) timely filed this closed record appeal (PL24-0362) to the Board of Skagit County Commissioners (“**Board**”) pursuant to Skagit County Code (“**SCC**”) 14.06, challenging the Skagit County Hearing Examiner’s September 14, 2024 decision (the “**Decision**”) denying Appellants’ appeal of an administrative code enforcement decision (CE22-0175) by Skagit County Planning and Development Services (“**PDS**”) related to the operation of Appellants’ tree management business from their home at 20835 Travis Lane, in unincorporated Skagit County (the “**Property**”); and

WHEREAS, the record reflects that the Appellants and their predecessors have operated Eager Beaver Tree Service since 1991, parking equipment related to the business at the Property; and

WHEREAS, in late September 2022, Skagit County PDS initiated a code enforcement case, issuing an Order to Abate on January 12, 2024, with the Appellants timely filing an appeal to the Hearing Examiner on February 6, 2024; and

WHEREAS, the Hearing Examiner concluded that the use of the Property by the Appellants and their predecessors in interest does not strictly comply with existing code, a decision the Board is unable to construe as clearly erroneous; and

WHEREAS, while outside the scope of strict code interpretation, the Board is mindful of the fact that practical implementation of a code enforcement order requires demonstrating to a court that the activity constitutes an ongoing nuisance; and

WHEREAS, the Board is the ultimate arbiter of that which constitutes a nuisance under Skagit County Code, and, in that capacity, takes note of the following established facts relevant to this issue:

- The record before the Board does not include evidence that a complaint was filed by neighbor or other third party taking issue with the Appellants’ use of the Property;
- No party of record has appeared in support of the code enforcement order;
- The record includes evidence that the homeowners’ association (“**HOA**”), the covenants, conditions and restrictions of which apply to the Property, is supportive of the Appellants’ use of the Property;
- The nature of Appellants’ tree service business inherently involves activity and transactions occurring at locations other than the Property, with little direct business activity occurring at the Property;

- The Appellants' use of the Property for purposes that may be classified as related to the business is sporadic and variable;
- The Property immediately adjoins land zoned for Agricultural use;
- The use of the Property has been well known in the community for the past 34 years; and

WHEREAS, while the Board cannot find fault in strict interpretation of current code by PDS and the Hearing Examiner, the Board is concerned about, *inter alia*, equitable defenses it may invoke, and in this respect the Board finds error that requires modification of the Decision; and

NOW, THEREFORE, BE IT RESOLVED:

1. The appeal is hereby GRANTED in part, and, on the basis of the foregoing findings, is modified as follows.
2. Appellants shall not intensify their use of the Property for any business purposes.
3. Appellants shall not use the Property for the long-term storage of non-functioning vehicles, logs or other materials.
4. Any employees of Appellants' business shall park vehicles exclusively on the Property, at least twenty (20) feet from the public street easement.
5. This decision has no precedential value, is in no way intended to modify the interpretation of existing code, and is limited to the unique facts and circumstances of this matter.

WITNESS OUR HANDS AND THE OFFICIAL SEAL OF OUR OFFICE this 11th day of March 2025.

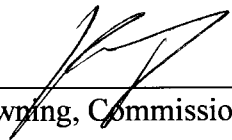
**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**



Lisa Janicki, Chair

ABSENT

Ron Wesen, Commissioner



Peter Browning, Commissioner



ATTEST:

Linda Hammons

Linda Hammons, Clerk of the Board

APPROVED AS TO FORM:

Will Honea

Will Honea, Senior Deputy
Skagit County Prosecuting Attorney