

SKAGIT COUNTY HEARING EXAMINER

re: Appeal by Eric Battles & Emily
McLaughlin of Substantial Improvement
& Substantial Damage Cost
Determination in FLOOD-2006-0028

No.: APL 2026-0002

PRE-HEARING CONFERENCE MEMORANDUM

As directed by Section 3.e of the Pre-Hearing Conference Order of May 13, 2025, Skagit County Planning and Development Services (PDS) submit the following:

I. APPLICABLE LAW

- Title 14 SCC Unified Development Code
 - Chapter 14.06 SCC Permit Procedures
 - SCC 14.06.150 Types of review
 - Chapter 14.4 SCC Flood Damage Prevention
 - SCC 14.34.190 Standards for development activities in floodways.
- Chapter 86.16 RCW Floodplain Management
 - RCW 86.16.041 Floodplain management ordinances and amendments—Filing with the department of ecology—Disapproval by the department—Adoption of rules for repair or replacement of existing residential structures.
- Chapter 173-158 WAC Flood Plain Management
 - WAC 173-158-076 Substantial improvements to residential structures for the primary purpose of reducing risk of flood damage and substantially damaged residential dwellings other than farmhouses in designated floodways.

II. PRELIMINARY EXHIBIT LIST

Section 2 of the Pre-Hearing Order asks the Department to “prepare an exhibit list.” As this appeal is open-record, SCC Table 14.06.150-1(11), the Department understands that this is necessarily a preliminary exhibit list as it anticipates additional evidence and other documents would be added to the record.

1. Appeal (Filed Mar. 19, 2026)
 - 1.1. Appeal Narrative
 - 1.2. Appeal of Substantial Improvement & Substantial Damage Cost Determination (Signed Mar. 18, 2026).
 - 1.3. Digital Signature Jane Koler (Mar. 19, 2026)
 - 1.4. Substantial Improvement & Substantial Damage Cost Determination (Mar. 6, 2026) (Annotated)
 - 1.5. Site Assessment – Flood (Feb, 27 2026)
 - 1.6. Site Assessment – Flood (Mar, 6 2026)
2. Insurance Replacement Cost (Dec. 29, 2025)
3. Dept. of Ecology, Floodway Substantial Improvement Recommendation (Feb. 25, 2026)
4. Site Assessment – Flood (Feb. 27, 2026)
5. Substantial Improvement & Substantial Damage Cost Determination (Feb. 27, 2026)
6. Site Assessment – Flood (Mar. 6, 2026)
7. Substantial Improvement & Substantial Damage Cost Determination (Mar. 6, 2026)

DATED this 16th day of April 2026.

RICHARD A. WEYRICH
PROSECUTING ATTORNEY
FOR SKAGIT COUNTY



JASON C. D'AVIGNON, WSBA #44259
Civil Deputy Prosecuting Attorney
Attorney for Skagit County

CERTIFICATE OF SERVICE

I hereby certify that on April 16, I filed the foregoing document with the Skagit County Hearing Examiner via email to the Hearing Coordinator at HEhearings@co.skagit.wa.us and served, and/or otherwise provided, the document via that same email to:

- Pamela C. Herman, Hearing Coordinator, at pherman@co.skagit.wa.us
- Jane Koler, Attorney for the Appellants, at jane@jkolerlaw.com;

Dated this 16th day of April, 2026, at Mount Vernon, Washington.



JASON C. D'AVIGNON, WSBA #44259
Civil Deputy Prosecuting Attorney
Attorney for Skagit County