

**SKAGIT COUNTY
OFFICE OF THE HEARING EXAMINER**

re: The Appeal of Notice of Violation	)	Health APL 25-0001
Decision by Skagit County Public Health	)	
on 2/26/25 by Tulip Time, LLC	)	TULIP TIME, LLC'S MEMORANDUM
	)	IN SUPPORT OF PRE-HEARING
	)	CONFERENCE SET FOR FEBRUARY 27,
	)	2026

COMES NOW, Tulip Time, LLC ("Tulip Time") by and through its counsel of record, Wolf Lee Hurst & Slattery, PLLP, and provides this Memorandum in Support of Pre-Hearing Conference as instructed in the Hearing Examiner's January 16, 2026, 2nd Post Conference Order ("Second Order").

I. List of Additional Potential Exhibits

Tulip Time anticipates that there will be additional exhibits presented at trial, although it is not able to provide a complete list at this time. Identification of additional exhibits is anticipated when Skagit County responds to outstanding public records requests. The following particular documents or categories of documents are expected to be additional exhibits for the to-be-scheduled hearing:

1. September 26, 2025, Septic Inspection Report indicating "No Deficiencies."
2. As-built drawing for the Tulip Time septic system.
3. Documents from Skagit County relating to the opinion that Larry Jensen, one of the principals of Tulip Time, is a "trouble maker."
4. Documents from Skagit County evidencing its treatment of other property owners with similar septic situations.
5. The public records requests submitted to Skagit County by Tulip Time.
6. The responses from Skagit County to Tulip Time's public records requests.

Tulip Time reserves the right to identify and introduce additional exhibits for the to-be-scheduled hearing based upon continued investigation and receipt of responses from Skagit County to public records requests.

II. Potential Witnesses for Hearing

At this time, Tulip Time anticipates that it will call the following individuals to testify at the to-be-scheduled hearing:

1. Larry Jensen

Mr. Jensen is one of the principals of Tulip Time and is anticipated to provide testimony relating to the septic system on the Tulip Valley property, the alleged problems with the system, the efforts to address the problems noted by Skagit County in its September 10, 2024, Notice of Violation, and his investigation into Skagit County's enforcement actions and treatment of other similarly situated properties.

2. Kevin Ewing

Mr. Ewing may be called to provide expert testimony relating to the septic system on the Tulip Time property and his experiences with Skagit County's permitting requirements.

3. Richard Anderson

Mr. Anderson may be called to provide expert testimony relating to the septic system on the Tulip Time property, the as-built drawings for the septic system, and his experiences with Skagit County's permitting requirements.

4. Skagit County Commissioner Peter Browning

Commissioner Browning may be called upon to provide testimony about his investigation and conclusions relating to Skagit County's enforcement actions against Tulip Time and the permitting requirements imposed by Skagit County.

5. Charese Gainor, Environmental Specialist, III for Skagit County

Ms. Gainor may be called to testify about her investigations and enforcement actions against Tulip Time.

Tulip Time reserves the right to call additional witnesses based upon continuing investigation and disclosures by Skagit County.

III. The Scope of Appeal

Tulip Time provides the following preliminary list of issues and questions to be addressed on the appeal pursuant to SCC:

1. Tulip Time seeks de novo review and determination by the Hearing Examiner under SCC 12.05.285(2)(a) and SCC 14.06.440 as to the appropriateness and legality of the various notices

of violations issued by Skagit County based upon applicability of provisions of WAC Chapter 246-272A and SCC Chapter 12.05.

2. Whether the repair work performed by Tulip Time as demanded by Skagit County in its September 10, 2024 Notice of Violation, Exhibit 4 were “minor repairs” under WAC 246-272-0010(54), and therefore did not require any permits. WAC 246-272A-0200(1) and SCC 12.05.090(2).

3. Whether the scope of information and review demanded for the repair work set out in Skagit County’s September 10, 2024, Notice of Violation exceeds the scope set out under WAC Chapter 246-272A and SCC Chapter 12.05.

4. Whether Skagit County should be estopped from demanding permits for the work performed to make the repairs to the system as demanded by Skagit County in its September 10, 2024, Notice of Violation.

5. Whether Tulip Time has adequately complied with any requirements for the work under WAC Chapter 246-272A and SCC Chapter 12.05.

Tulip Time reserves the right to supplement this list of issues based upon continuing investigation.

IV. Scheduling of Hearing

Tulip Time maintains that there is good cause to continue the setting of the hearing on this matter until Skagit County provides the documents subject to the long overdue public records requests from Tulip Time.

DATED this 17th day of February, 2026.

s/ Mark J. Lee

Mark J. Lee, WSBA #19339
of Wolf Lee Hurst & Slattery, PLLP
Attorney for Appellant Tulip Time, LLC