

Skagit County Hearing Examiner

**RE: APPEAL OF NOTICE OF
VIOLATION DECISION BY
SKAGIT COUNTY PUBLIC
HEALTH ON 2/26/25 BY
TULIP TIME, LLC**

No.: Health APL 25-0001

**PRE-HEARING CONFERENCE
MEMORANDUM – Hearing February 27,
2026**

As directed by Section 3.d of the Pre-Hearing Conference Order of January 16, 2026, Skagit County Public Health submit the following for the Pre-Hearing conference of February 27, 2026:

I ADDITIONAL EVIDENCE

- 1 Tulip Times listed evidence: September 26, 2025 Septic Inspection Report is appropriate evidence.
- 2 Tulip Times listed evidence: As Built drawing for the Tulp Time septic system is important evidence and may assist in resolving some of the factual and legal questions raised by Tulip Time in its memorandum. Skagit County Public Health would like to review this in preparation for the hearing.
- 3 Tulip Time's proposed evidence listed as # 3 – 6 do not appear to be relevant to the decision for the Hearing Officer or within the scope of the appeal.
- 4 The Health Department intends to call Cerise Gainor to discuss the staff report prepared in relation to this matter and her duties and the Skagit County Septic permitting system and process.
- 5 The Health Department may call Charese Gainer or other witness to provide expert testimony on the As Built drawing for the Tulip Time septic system.
- 6 Tulip Time's proposed witness Richard Anderson as to the Septic system and the As Built drawing is appropriate.
- 7 The witnesses' experiences with Skagit County's permitting requirements do not appear to be relevant or within the scope of the appeal.

- 8 The Health Department is unaware that Commissioner Browning has evidence related to investigating Skagit County's enforcement actions as to Tulip Time and Skagit Counties permitting requirements.

II SCOPE OF THE APPEAL

Whether the County Health Officer's decision upholding the notice of violation finding that the on-site sewage system repairs and modifications were made without an on-site repair permit and without an approved on-site septic designer in violation of WAC 246-272A and Skagit County Code 12.05 was clearly erroneous.

DATED this 20th day of February 2026.

RICHARD A. WEYRICH
PROSECUTING ATTORNEY
FOR SKAGIT COUNTY



EDWIN NORTON, WSBA #19302
Civil Deputy Prosecuting Attorney
Attorney for Skagit County