

## SKAGIT COUNTY HEARING EXAMINER

**re:** Appeal of Leveck of Administrative  
Order to Abate Violation

**No.: APL 2026-0003**  
of CODE 2025-0169

### PRE-HEARING CONFERENCE MEMORANDUM

As directed by Section 3.d of the Pre-Hearing Conference Order of April 29, 2026, Skagit County Planning and Development Services (PDS) submit the following:

#### I. APPLICABLE LAW

- Revised Code of Washington (RCW)
  - RCW 36.70A, Growth Management Act
  - RCW 36.70B, Local Project Review
  - RCW 90.58, Shoreline Management Act of 1971 (“SMA”)
- Washington Administrative Code (WAC)
  - WAC 173-27, Shoreline Management Permit and Enforcement Procedures
- Skagit County Code (SCC)
  - SCC 14 – Unified Development Code
    - SCC 14.02 – General Provisions
      - SCC 14.02.070 – Office of the Hearing Examiner
    - SCC 14.06 – Permit Procedures
    - SCC 14.09 – Enforcement Procedures
      - SCC 14.09.120 – Violations defined—Joint and several liability
      - SCC 14.09.220 – Administrative Orders—Stop Work Order—Service
      - SCC 14.09.290 – Appeals
    - SCC 14.48 – Shorelines
- Skagit County Shoreline Master Program of 6/29/76, as amended by Skagit County Board of Commissioners through 7/10/95 (SMP)
  - SMP 12 – Non-Conforming Uses & Structures

- Skagit County Comprehensive Plan 2024-2025, as adopted by Skagit County Board of Commissioners on 6/23/25 (SCP or “Comprehensive Plan”)
- Skagit County Hearing Examiner’s Rules of Procedure (SCRE), as authorized by Skagit County Commissioners per Resolution #R20240280 on 12/16/24

## **II. THE RECORD**

Section 3.d.ii of the Pre-Hearing Order asks the Department for “[a] list of evidence (with accurate titles and dates) missing from the record.” 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 likely be added to the record. The following list is of the documents the Department provided pursuant to § 2.b of the Prehearing Order and §21(E)(i) of the Hearing Examiner Rules:

1. Administrative Order to Abate Code-2025-0169 3.25.26
2. AOA USPS Tracking
3. Plan Snapshot Report APL 2026-0003
4. Code Case Activity Report CODE-2025-0169
5. Photos (9)
6. Residential Building Permit Application BP24-0083 1.19.24
7. Site Plan & Critical Areas BP24-0083 1.19.24
8. Critical Area Site Plan BP24-0083 1.19.24
9. Exemption from Shoreline Substantial Development Permit Requirement BP24-0083 2.21.24
10. Approved Plans BP24-0083 2.23.24
11. Email: FWBoathouse – 25.09.15 10:18
12. Email: RE Boathouse – 25.09.15 10:43
13. Email: RE Boathouse – 25.09.15 11:47
14. Email: FW Permit No. BP24 - 0083 Boat House Repair – 25.09.15 12:05
15. Email: REBoathouse – 25.09.15 15:18

16. Email: LakeCavanaughCode-2025-0169 – 25.09.18 09:47
17. Email: RE Lake Cavanaugh Code-2025-0169 – 25.09.18 10:01
18. Email: RE Lake Cavanaugh Code-2025-0169 – 25.09.18 10:09
19. Email: RECode-2025-0169 – 25.12.19 05:13
20. Email: RECode-2025-0169 – 26.03.25 09:08
21. Email: Re Code-2025-0169 – 26.03.25 09:48
22. Email: RECode-2025-0169 – 26.03.25 10:40
23. Email: FW Code-2025-0169 – 26.03.25 10:41

Pursuant to § 3.d.iii of the Corrected Order the Department currently has not objections to the Identified Record.

DATED this 14th day of May, 2026.

RICHARD A. WEYRICH  
PROSECUTING ATTORNEY  
FOR SKAGIT COUNTY



---

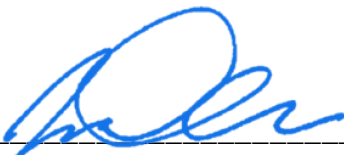
JASON C. D'AVIGNON, WSBA #44259  
Civil Deputy Prosecuting Attorney  
Attorney for Skagit County

## CERTIFICATE OF SERVICE

I hereby certify that on May 14th, I filed the foregoing document with the Skagit County Hearing Examiner via email to the Hearing Coordinator at [HEhearings@co.skagit.wa.us](mailto: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](mailto:pherman@co.skagit.wa.us)
- Adriena Clifton, Attorney for the Appellants, at [axc@cliftonlawpllc.com](mailto:axc@cliftonlawpllc.com)

Dated this 14th day of May, 2026, at Mount Vernon, Washington.

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