

SKAGIT COUNTY HEARING EXAMINER

re: Appeal of Kasko of
Administrative Order to Imposing Fines
re: 23475 River Road

No.: APL 2026-0007
of CODE 2025-0009

PRE-HEARING CONFERENCE MEMORANDUM

As directed by Section 3.d of the Pre-Hearing Conference Order of April 30, 2026, Skagit County Planning and Development Services (PDS) submits the following:

I. QUESTION ON APPEAL

The question on appeal is limited to:

Was it clear error for the Director, or his designee, to issue the April 2, 2026, Notice & Order to Pay Fines?

II. APPLICABLE LAW

- 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 14.09.220 – Administrative Orders—Stop Work Order—Service
 - SCC 14.09.290 – Appeals
 - SCC 14.09.330 – Civil Penalty
- Skagit County Hearing Examiner’s Rules of Procedure (SCRE), as authorized by Skagit County Commissioners per Resolution #R20240280 on 12/16/24

III. 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 list and anticipates additional evidence and other documents will 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. Notice & Order to Pay Fines (April 2, 2026)
2. USPS Tracking showing delivery April 8, 2026
3. Plan Snapshot Report APL 2026-0007
4. Email from T. Wenzl to V Kasko, re: Request for Violation Diagram (Mar. 9, 2026)
5. Administrative Order to Abate Violations (April 4, 2025)
6. *In re Appeal of AOA by Kasko*, Skagit County Hearing Examiner No. APL 25-0008, *Findings of Fact, Conclusions of Law, & Decisions* (Oct. 19, 2025)
7. Notice & Order to Abate: Hearing Examiner Decision (Feb. 19, 2026)
8. Return Certified Mail Card

Pursuant to § 3.d.iii of the Corrected Order the Department currently has no objections to the Identified Record.

DATED this 18th 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 18th, 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 this document, and/or otherwise provided, the document via that same email to:

- Pamela C. Herman, Hearing Coordinator, at pherman@co.skagit.wa.us
- David C. Cottingham, Attorney for the Appellant, at davidcottingham@msn.com

I also certify that on May 15, I sent a link to download the Departments Record to Ms. Herman and Mr. Cottingham to the email addresses above.

Dated this 18th day of May, 2026, at Mount Vernon, Washington.



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