

SKAGIT COUNTY HEARING EXAMINER

In Re Matter Of

HE-Appeal 2026-007,
of Code 2025-0009
re: 23475 River Road

APL 2026-007

KASKOS PREHEARING MEMORANDUM,
Re: Kaskos' HE-Appeal from
Administrative Order Imposing
Fines

Pursuant to prehearing order item 3, dated April 30, 2026, through David C. Cottingham hereby landowners VADIM KASKO and SERGEY KASKO deliver their memorandum stating the following preliminary responsive elements and attach Exhibits, accomplishing delivery according to subjoined Declaration:

1. LAW APPEARING APPLICABLE.

Sergey Kasko and Vadim Kasko appealed the Skagit County Planning & Development Services two-page Notice And Order To Pay Fines “ under Case No. CODE2025-0009 dated April 2, 2026, finding facts 1-7 (e.g. Notice; Examiner Order upholding Kaskos' Appeal October 29, 2025; Notice and Order to Abate; Assessed penalty; April 2, 2026 status inspection; statement of authority; enumerated days since compliance deadline so set).

- a. Authority to accommodate time needed for Kaskos' expert and permitting that requires a no-net-rise certification;
- b. Discovery of location inspected; findings re: determine scope of intended abatement including e.g. whether all of the affirmed examiner decision (denied appeal) is within

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Ph: 360 733-6668

the scope of abatement notice (APL 25-0008 and because still referring to “junk,” therefore scope of PL 23-0324);

- c. Law relating to baselines and scope including long standing fill and construction material piles from before purchase;
- d. Unlawful concealment from official proceeding PL 23-0324 hearing of availability of evidence of pre-Code land uses that comprise the scope of due process to be applied in matter already committed to review in appeal of land use decision proceeding;
- e. Planning Enabling Act Finality in this APL 2026-007 and Proceeding PL 23-0324; SCC 14.06.120, .880(1), RCW 9A.72.010(4), .150(1)(a), RCW 9A.76.175; RCW 9A.04.110(23); RCW 36.70.970(2)(a), (c), (3);

2. EVIDENCE.

- a. Notice, attached;
- b. May 15, 2026, Declaration of Brandon Rinas, attached, establishing time necessary to the difficulty of achieving an ascertainable base for no-net opinion report and permitting;

3. ISSUES, OBJECTIONS, QUESTIONS.

- a. Objection is hereby delivered to oppressive use of fines during baseline questions and use of experts. Whether time is necessary, given delay inflicted in the prior matter that could have raised all issues with a prehearing brief and administrative official's decision is involved.
- b. Notice And Order are nonfinal by virtue of this appeal of Kaskos and by Kaskos' appeal after proceeding 23-0324 exhibited no cause to differentiate finality of

determinations on all pre-Code or SCC 14.16.8880(1) use protections at one time and hearing;

- c. Whether Kaskos' work with expert engineering requires more time while standards confer inadequate baseline definition requiring more time;
- d. Whether standards are not ascertainable and must not support oppression, abatement, and fines;
- e. Whether inadequacy of standards as applied to pre-existing, nonconforming uses result requires Skagit County compensation to achieve ends not properly within scope of abatement;
- f. Whether standards defy application of currently available expertise;
- g. Whether the Notice And Order To Pay Fines invites the exercise of nondelegable and undelegated hearing examiner authority after or in addition to concealment of availability of official proceedings evidence in PI -0324, causing oppressive secondary, collateral proceedings if examiner authority is not used to prevent oppression;
- h. Whether after hearing proceeding upheld determinations October 25, 2025 including pre-code protected uses (SCC 14.16.880(1)) in matters already on appeal this April 4, 2026 "Notice And Order To Pay Fines" invites the examiner to assume Kaskos' ability to comply with standards as written without excepting pre-code lawfully existing land uses, requiring examiner discretion to avoid oppressive advantage during Appeal to Division One of the Court of Appeals and to avoid conflict with remand its authority, thereby challenging due process underway without substantial cause, after examiner was caused to disregard evidence of other pre-code land use

nonconformities that render a natural baseline immeasurably difficult, violating RCW 36.70.970(1) "alternative" finality.

4. Exhibits.

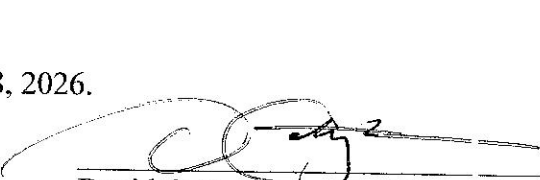
A - Case No. CODE2025-0009 dated April 2, 2026, finding facts 1-7. Attached.

B - Declaration of Brandon Rinas; attached.

C Declaration Of Vadim Kasko, attached

D - Not attached: Examiner's Findings, Conclusions, Decision, APL 25-0008 Appeal from CE25-0009.

Dated this 18 day of May 18, 2026.



David C. Cottingham, Attorney for landowner
Sergey Kasko, Vadim Kasko V/SB 9553
Cottingham Law Office PS P.O. Box 229140
Bellingham Washington 98225
davidccottingham@msn.com

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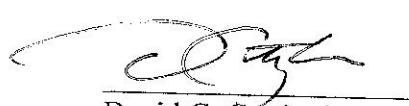
CERTIFICATE OF DELIVERY

David C. Cottingham under Penalty of Perjury according to the Laws of the State of Washington, declares at Bellingham, Washington that today by the following methods I have transmitted for delivery to the following persons the accompanying Kaskos' Prehearing Memorandum dated May 18, 2024 with exhibits and forward the same demonstration of delivery as follows:

Office of the Skagit County Hearing
Examiner

Jason D'Avignon, Attorney For Skagit
County, Office of Skagit County Prosecuting
Attorney 605 S. Third
Mount Vernon, WA 98273

jasond@co.skagit.wa.us@co.skagit.wa.us

 May 18 2026
David C. Cottingham, Attorney WSB 9553
Cottingham Law Office PS P.O. Box 229140
Bellingham Washington 98229

DELIVERY CERTIFICATE- 1

COTTINGHAM LAW OFFICE PS
P.O. Box 229140 Bellingham, Washington 98225
Ph: 360 733-6668



Notice and Order to Pay Fines

Planning & Development Services • 1800 Continental Place • Mount Vernon WA 98273
360-416-1320 • www.skagitcounty.net/planning

Case Number
CODE2025-
0009

Part 1 Property Owner Information

Property Owner Sergey Y Kasko

Mailing Address 7530 Portal Way

City Custer, WA

Zip 98240

Phone _____

Part 2 Site Information

Address of Violation 23475 River Rd, 23521 River Rd Sedro-Woolley, WA 98284

☐ Same as Mailing Address

Parcel Number(s) P37619, P37600, P37628, P37621

Legal Description _____

Part 3 Findings of Fact

The Administrative Official has issued the following findings of fact relating to code violations on your property:

1. On 4/9/2025, Skagit County sent a Notice and Order to Abate (hereinafter "Notice") via certified mail outlining violations of the Skagit County Code.
2. The Notice was appealed and upheld by the Hearing Examiner on 10/29/2025. The Hearing Examiner's decision was not appealed, and it is now a final order.
3. A Notice and Order to Abate, Hearing Examiner Decision was sent by certified mail ordering the violation be abated, and that Daily Administrative Fees would commence on 3/1/2026 and continue until the violation is abated, and the Administrative Official notified.
4. The Notice assessed a civil penalty of \$1000 per violation, for each day that any violation continues past the compliance deadline.
5. As of 4/2/2026, the Administrative Official has not been notified that the violation has been abated.
6. Skagit County Code 14.09.330(2) subjects any person who violates SCC Titles 14 or 15, or any order issued pursuant to SCC Titles 14 or 15, to a civil penalty of \$1,000 per day for each continuous violation. Such penalties shall be assessed until the violation is corrected, and the Administrative Official notified.
7. 31 days have passed since the compliance deadline.

Part 4 Conclusions of Law

The Administrative Official has found you in violation of the following provisions of Skagit County Code:

- ☒ You remain in violation of Skagit County Code 14.09 for failure to correct the violation specified in the Order to Abate.
- ☒ You remain in violation of Skagit County Code 14.09 and fines in the amount of \$1,000 per day, per violation, will commence starting on 3/1/2026.

Part 5 Corrective Action Ordered

You are hereby ordered to take the following action to abate the above violations:

1. This Supplemental Notice and Order to Abate assesses civil penalties in the amount of \$1,000/day for each violation accrued between 3/1/2026 and 3/31/2026, plus a \$303.50 County recording fee for the Certificate of Non-Compliance. **Remit payment to Skagit County in the amount of \$31,303.50 by May 1st, 2026.**

Part 6**Penalty**

Skagit County assesses a civil penalty of \$1,000.00 for each day that any violation noted above continues past the compliance date(s) noted in Part 5 Corrective Action Ordered. Skagit County assesses penalties if the violation continues past the deadline(s) noted above even if the violation is eventually corrected, and refers penalties to a collection agency when necessary.

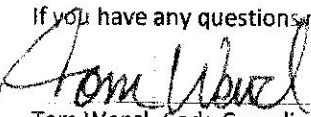
Part 7**Disclosures**

If the required corrective work is not commenced or completed within the time allotted, the Administrative Official may cause the work to be done. Any county costs incurred to abate the violation(s) may be charged as a public nuisance lien against the property. A public nuisance lien may violate the terms of your real estate loan and Deed of Trust or Mortgage. It may cause your lender to start foreclosure proceedings against your property. If you have any questions about that, please contact your lender. A failure to comply with this order may result in referral to the Prosecuting Attorney for further enforcement action including commencing a court action for criminal and civil penalties.

Appeal to the Skagit County Hearing Examiner: This order becomes final 15 days after service unless you file an appeal to the Skagit County Hearing Examiner, with the required fees, within 14 days after service. *Any appeal of this supplemental order is limited to the issue of civil penalties.* Appeal applications are available only through the Skagit County Planning and Development Services Civic Access Portal. Appeals are processed as appeals of Level I decisions under Skagit County Code 14.03.290.

If you have any questions regarding this order, please contact me at (360) 416-1340.

Issued By


Tom Wenzl, Code Compliance Officer

Date

4/2/2026

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3 **BEFORE THE HEARING EXAMINER FOR SKAGIT COUNTY**

4 IN THE MATTER OF VADIM KASKO
5 d/b/a ART'S AUTO WREACKING & THE
6 REAL PROPERTY COMMONLY
7 KNOWN AS 23536 RIVER RD, SEDRO
8 WOLLEY, WA 98284;

**DECLARATION OF BRANDON
RINAS**

APL 2026-007

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12 1. My name is Brandon Rinas. I Own Resi ltd and helped facilitate the sale of Arts
13 autowrecking and the above property for Angela Mcadow. Under penalty of perjury under the
14 laws according to the State of Washington hereby declares under oath at Skagit County,
15 Washington that the following is true and correct to the best of my knowledge and belief.

16
17 2. I am familiar with the land use conducted for many years at the location at which Art's
18 Auto Wrecking signage, business parts and junk and road building material were stored, sold
19 and conducted in Skagit County, Washington, as follows:

20
21 3. Arts Auto wrecking under the ownership of Angela Mcadow, downsized inventory and
22 spearheaded an enormous clean up effort prior to the sale. Right before the sale of the
23 property I met the new future owners to show them the property and we walked all around it
24 together prior to the sale. During our walk around I observed and pointed out the entire area
25 where wrecking had historically taken place (over 90% of the entire properties had evidence
26 of historic wrecking use) and showed them chunks of concrete and asphalt gravel, along with
27 various intact cars and parts for cars still stored throughout the property that could still be
28 visible through the over growth. The Kasko brothers were glad to see that the entire wrecking
yard had this hard compacted surface because it's essential for wrecking and storage, and was
one of the reasons that they decided to buy it. Furthermore, there were still dozens of piles

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1 over 10' high and 20-80' across (no measurements were taken but visually appeared to be
2 hundreds of truck loads) of various junk and various materials stored including chunks of
3 concrete, asphalt, gravel, brush, debris, gravel, wood products, including rail road ties, much
4 which was overgrown by brush and could not be seen from the roadway but easily visible
5 when walking around the pathways. We discussed the cost, time and energy, and the hundreds
6 of truckloads of material that will need to be hauled out to finish the clean up of the
7 properties.
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10 4. If called to testify I would inform in greater detail.

11 I declare under penalty of perjury under the laws of the State of Washington that the
12 foregoing is true and correct.
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14 DATED this 15 day of May 2026 at Burlington, Washington.
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18 Brandon Rinas
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of Code 2025-0009

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DECLARATION OF VADIM KASKO

VADIM KASKO, under Penalty of Perjury according to the Laws of the State of Washington, declares at Bellingham, Washington that the following is true and correct:

1. I am over age of 18 years, otherwise competent as well, and if called to testify would testify further consistent with the state of landowners Kaskos' progress toward compliance with law in this matter that involves flood control zone regulatory compliance purposes that which code enforcement officer Wenzl emails have disclosed was already brought to achieve (PL 23-0324), including Examiner observation that he was instructed to disregard evidence of other protected SCC 14.06.880(1) precode land uses evidence.

2. I sent in a pre-development permit application with SEPA application in attempts to comply by working with Skagit County Planning and Development

3. December 16, 2025, I requested response ("please let me know what else you need to be submitted to continue with the process")

4. I engaged expert services for a flood assessment to result in "no net rise" certification evidence.

5. March 17, 2026, I was informed that the Washington Department of Ecology scheduled a

DECLARATION OF VADIM KASKO - 1

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meeting with Skagit County for March 23, 20-0-26 to discuss the sire and issues to be resolved.

6. I believe code enforcement was triggered by SCC 14.34.190(1) that relates to "development activities" and that engagement of expert services in form of a professional engineer can demonstrate "procedures for the no-rise certification" published by FEMA, even that Skagit County has authority to have the result reviewed by a qualified third party. The code p[rovides that Kaskos may have to bear cost thereof however, while "gray area" arises as to baseline after prior proceedings considering junk being were used in flood control effort with instruction to the Skagit County hearing officer to ignore other pre-Code evidence in the matter now on appeal and involving Skagit County "junk" definition that includes historic storage by prior owners of equipment and vehicle parts as well as substantial construction debris and storage after a history of cooperation with Skagit County that even included disposals for Skagit County even including a of a mobile home.

7. , Prehearing Order ¶3.d(iii) Objections And "Question Of Relevance" Fact. . . By this declaration, under unavoidable necessity of opening assertion that fines are oppressive and unlawful on a record of concealment already raised in PL 23-0324, during appeal to the Washington Court of Appeals, I aid the Examiner's parameters and timing in this appeal, during attempt at compliance with law, now involving delay of immediate "ripeness" of Kaskos "access to Washington courts that may not be tortiously delayed; now requiring further time at this later date after both (1) instruction to a prior hearing examiner to disregard evidence of vast nonconforming use evidence and SCC 14.16.880(1) protection in PL 23-0324 without a staff report addressing other laws impacting decision-making, and (2) time required for question whether prior owners' long standing uses are "net-rise" baseline data.

8. Time is now required for experts to do their jobs with an exceedingly difficult question whether prior owners' long-standing uses are "net-rise" baseline data as would have been done far earlier had mandatory, fundamental open administration of justice been forthrightly pursued

(Wash. Const. art. I, §10, §29, §32) when official claim of right and information withholding of both staff report and administrative official determination was being replaced by code enforcement officer and "police powers" interface directly invoking hearing; examiner proceedings, during flood zone enforcement officer(s)' intent, finally unearthed in Superior court proceedings as policy, custom,, color of right and claim of Skagit County that such officer(s) have "discretion" -which prehearing staff reporting does not allow/- to segregate matters into successive proceedings against us as landowners (Vadim Kasko et al v. Skagit County, Skagit County Superior Court No. 24-2-00730-29) now on appeal to Division One of the Washington Court of appeals (Case 890875).

9. Having been told I applied for the "wrong permit" and working with a professional engineer to obtain a "no-rise" certification, address gravel in roadway, flood way and parking rehabilitation I was told my pre-development meeting application was "canceled."

10. I anticipate that in 60 days the engineering, study and certification will be available and will be part of an LDA permit, but also that material "exposed by flooding" may be removed and will not violate state, federal and County standards.



Digitally signed by VADIM
YAKOVICH KASKO
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Vadim Kasko, Land Owner