

**SKAGIT COUNTY
OFFICE OF THE HEARING EXAMINER**

re: Appeal of Battles & McLaughlin of
Substantial Improvement & Substantial Damage
Cost Determination in FLOOD-2006-0028

APL 2026-002

*of Administrative Decision FLOOD-
2026-0028*

2nd POST CONFERENCE ORDER

The Hearing Examiner having conducted a pre-hearing conference on this date with the parties; and with the authority pursuant to the Skagit County Hearing Examiner's Rules of Procedure (SCRE) §§10 and 24; the Hearing Examiner hereby further orders, modifying prior orders:

ORDER

1. Administrative

- a. This order supplements prior orders and the SCRE.
- b. The parties will be responsible for calendaring their own schedules and obtaining any virtual connection infor needed for virtual appearances from the Hearing Examiner website.

2. The Current Record

As identified by the Office of the Hearing Examiner, and not objected to by the parties at this hearing, the record of this case, is as follows thus far:

1. Battles Appeal with attachments, *filed* 3/19/26
2. Signature of Jane Koler, *filed* 3/19/26

3. Insurance Replacement Cost, *dated* 12/29/25
4. Department of Ecology recommendations, *dated* 2/25/26
5. Department's Site Assessment, *dated* 2/27/26
6. Department's Cost Determination Form, *dated* 2/27/26
7. Department's Site Assessment, *dated* 3/6/26
8. Department's Cost Determination, *dated* 3/6/26
9. Pre-hearing Conference Order, *entered* 4/13/26
10. Corrected Pre-hearing Conference Order, *entered* 4/16/26
11. Department Certification Service, *filed* 4/17/26
12. Declaration of Pam Aldridge, *filed* 4/17/26
13. Department's Pre-Hearing Memo, *filed* 4/16/26
14. 1st Post-Conference Order, *entered* 4/17/27
15. Department's 2nd Pre-Hearing Memo, *filed* 4/29/26
16. Appellant's Request/demand to Stay Proceedings, *filed* 4/30/26
17. PDS Response Motion to Stay, *filed* 5/1/26
18. Appellant's Objection to Appeal, *filed* 5/1/26
19. Appellant's Reply to Response to Motion to Stay, *filed* 5/5/26
20. This 2nd Post-Conference Order

The Appellant believes there may be other relevant evidence it has not yet identified.

3. Motion Hearing

- a. A **Motion Hearing date** of the parties will occur on **July 16, 2026** at **8:30 a.m.** to be held by video conferencing arranged by the Clerk of the Office of the Hearing Examiner;
- b. The formal parties or their designated representatives must appear;
- c. The parties will file motions by **June 16, 2026**.

4. Primary Applicable Law and as to the Scope of Appeal and Hearing:

- a. Scope of Appeal Agreed to by the Parties:
 1. That the Department erred when it did not make a determination that the Appellants possessed a pre-existing non-conforming right to keep their house which overrode the Department of Ecology recommendation.
- b. Applicable Law as determined by the Hearing Examiner after consultation with the parties and no objection from either:
 - U.S. and Washington Constitutions
 - United States Code (USC)
 - 42 USC §4001, *et. seq.*
 - Code of Federal Regulations (CFR)

- CFR Title 44 Emergency Management and Assistance
 - 44 CFR Part 59 General Provisions [FEMA Flood Insurance and Hazard Mitigation]
- Revised Code of Washington (RCW)
 - RCW 36.70A, Growth Management Act
 - RCW 36.70B, Local Project Review
 - RCW 86.16, Floodplain Management (Flood Control Act of 1968)
 - RCW 86.16.041, Floodplain Management Ordinances and Amendments
- Washington Administrative Code (WAC)
 - WAC 173-158, Flood Plain Management
- 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 14.34 – Flood Damage Prevention
- 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

5. Final Hearing date agreed by the Parties:

- a. The Final Hearing on this matter is set for **Friday, August 7th, 2025 at 8:30 am** in Skagit County Council Chambers, **in person**.

6. Briefing Schedule for Final Hearing:

- a. Final Briefs, Staff Reports, if any, will be filed by **July 24th, 2026**.
- b. Responses will be filed by **July 31st, 2026**.
- c. Replies will be filed by **August 5th, 2026**.

SO ORDERED this 8th day of May 2026.



Rajeev D. Majumdar
Skagit County Hearing Examiner

