

SKAGIT COUNTY HEARING EXAMINER

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

No.: APL 2026-0002
PRE-HEARING CONFERENCE
MEMORANDUM

As directed by Section 3.e of the Pre-Hearing Conference Order of May 13, 2025, Skagit County Planning and Development Services (PDS) submit the following:

I. APPLICABLE LAW

- National Flood Insurance Act of 1968, 42 U.S.C. § 4001, *et seq.*
- 44 C.F.R. Part 59 General Provisions [FEMA Flood Insurance and Hazard Mitigation]
- Chapter 86.16 RCW Floodplain Management
 - RCW 86.16.041 Floodplain management ordinances and amendments— Filing with the department of ecology— Disapproval by the department— Adoption of rules for repair or replacement of existing residential structures.
- Chapter 173-158 WAC Flood Plain Management
 - WAC 173-158-076 Substantial improvements to residential structures for the primary purpose of reducing risk of flood damage and substantially damaged residential dwellings other than farmhouses in designated floodways.
- Title 14 SCC Unified Development Code
 - Chapter 14.06 SCC Permit Procedures
 - SCC 14.06.150 Types of review
 - Chapter 14.4 SCC Flood Damage Prevention
 - SCC 14.34.190 Standards for development activities in floodways.
- *Klineburger v. King Cnty. Dep't of Dev. & Env'tl. Servs. Bldg.*, 189 Wn.App. 153 (2015).

II. PRELIMINARY EXHIBIT LIST

Per Section 3 of the Post Conference Order, the Department is currently unaware of any evidence necessary for determining this matter missing from, and the Department has no objection to the documents currently listed in, the Current Record in Section 2 of the Order.

DATED this 29th day of April 2025.

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 April 29, 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, and/or otherwise provided, the document via that same email to:

- Pamela C. Herman, Records Manager, at pherman@co.skagit.wa.us;
- Jane Koler, Attorney for the Appellants, at jane@jkolerlaw.com;

Dated this 29th day of April, 2026, at Mount Vernon, Washington.

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