

**SKAGIT COUNTY
OFFICE OF THE HEARING EXAMINER**

re: The application for a Special Use Permit,
regards to the application of **Alexandra
Lemelson**

PL20-521, Special Use Permit

POST CONFERENCE ORDER

*Clerks Action required: §2(b), 5(a),
and 6(a)*

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 (SCHE) §10 and 24; the Hearing Examiner hereby further orders, modifying prior orders:

ORDER

1. Administrative

- a. **See reinforced** §1 of First Procedural Order on Remand, entered 11/4/25
- b. Filing copies for the applicant will be sent to Peter Ojala <peter@ojalalaw.com>
- c. Filing copies for the Department will be sent to Brandon Black <brandonb@co.skagit.wa.us> and Jason D`Avignon <jasond@co.skagit.wa.us>

2. The Current Record

- a. As identified by the Office of the Hearing Examiner, the record of this case, and agreed to by the parties, is as noted in the First Procedural Order on Remand at §2, *entered* 11/4/25.
- b. Additionally, the following Exhibits have been added:
 - 22. First Procedural Order on Remand, *entered* 11/4/25
 - 23. The Department's First Procedural Order Response, *filed* 12/3/25
 - 24. The Applicant's Pre-Hearing Memo "Remand Hearing – Prehearing Conference December 9, 2025", *filed* 12/9/25
- c. The Department shall file with the Office of the Hearing Examiner, and send copies to the attorney for the Applicant, the following documents, by December 12, 2025:
 - Site plan submitted July 7, 2025 (Dated May 5, 2025), for review with Special use permit request PLAN3-2024-0002.
 - Bluebeam scaled site plan
 - Skagit County IMap scaled aerial map
- d. The Applicant shall file with the Office of the Hearing Examiner, and send copies to the Department, the following documents, by December 12, 2025:
 - All documents listed in the pre-hearing memo of the Applicant.
- e. The Applicant reserves on some question of whether all exhibits have been admitted or not, and this question will be resolved by stipulation or motion hearing at the Applicant's motion on the Motion Hearing Date if they have determined some exhibits should not be considered admitted.

3. Other Evidentiary Issues

- a. The parties have agreed that the findings of fact and law contained in The Findings, Conclusions, and Decision issued April 5, 2024, except as inconsistent with decision in LUPA case, are in effect.
- b. The parties listed their proposed witnesses in their pre-hearing briefing- if either party has objection to any of these witnesses it can be resolved by motion hearing on the motion hearing date.

4. Applicable Law Agreed to by the Parties as to the Scope of Appeal and Hearing:

Title 7 Animals

Chapter 7.01 SCC – General Provisions
Chapter 7.02 SCC – Kennels
Chapter 7.14 SCC – Public Disturbances

Title 9 SCC – Public Peace, Safety and Morals
Chapter 9.50 SCC – Noise Control

Title 14 SCC – Unified Development Code
Chapter 14.06 SCC – Permit Procedures
 SCC 14.06.370 – Predecision Open-Record Public Hearing
 SCC 14.06.380 – Decisions
Former Chapter 14.16 – Zoning (as existed at time application was complete)
 Former SCC 14.16.840(5) – Performance Standards: Noise
 Former SCC 14.16.900 – special use permit requirements
 Subsection (2)(i) – Kennels

Chapter 173-60 WAC – Maximum Environmental Noise Levels

Parties do not stipulate as to what case law may be applicable.

5. Motion Hearing:

- a. A motion calendar for this case shall be reserved for **Friday, February 13th, 2025 at 9:00 am** to be held by video conferencing arranged by the Clerk of the Office of the Hearing Examiner;
- a. Motions, if any, will need to be filed by January 23rd; Responses thereto, if any, will need to be filed by February 6th, and Replies, if any, will need to be filed by February 11th and be limited to 4 pages.

6. Final Hearing:

- a. The Final Hearing on this matter is set for **Friday, April 3rd, 2025 at 8:30 am** in Skagit County Council Chambers, **in person**.
- b. The Department will any legally required notice in an appropriate manner.

7. Briefing Schedule for Final Hearing:

- a. Staff Report will be filed by **February 20th, 2025**.
- b. Final Briefs, if any, will be filed by **March 6th, 2025**.

- c. Responses will be filed by **March 20th, 2025.**
- d. Replies will be filed by **March 27th, 2025.**

SO ORDERED this 9th day of December 2025.



Rajeev D. Majumdar
Skagit County Hearing Examiner