SKAGIT COUNTY
OFFICE OF THE HEARING EXAMINER

Appeal of Damerell and Bowman
APL 2026-013 / PLAN1-2026-0089

Motion for Expedited Consideration Limited Valuation Disclosure and Leave to Supplement

Quinn Damerell and Adam Bowman, each appearing on his own behalf, request a limited order requiring the applicant to disclose the existing basis for the $12,575 project valuation and permitting the parties to address the resulting information. We request expedited consideration because the general evidentiary date is November 4 and our main brief is due November 6, 2026. This motion does not itself change any deadline.[1]

Requested order

1. Shorten the response time, with responses to this motion requested by noon Pacific on November 4 and a ruling that day if practicable. If disclosure cannot be decided then, enter an interim order preserving a limited opportunity to supplement the record and briefing after the disclosure ruling.[2]

2. Require the applicant, through counsel, to provide by noon Pacific on November 5, or another prompt date set by the Examiner:

   a. Existing nonprivileged estimates, quotations, worksheets, materials lists, and quantity or unit-price calculations supporting the $12,575 figure, identifying the preparer and date to the extent known.

   b. The material quantities and specifications actually used in that valuation, including framing, piles, decking, and ramp/landing, to the extent reflected in existing records or known to the applicant or preparer.

   c. A brief explanation of the basis actually used and the included or excluded work: fabrication, installation, labor, pile driving, equipment, delivery/mobilization, overhead and profit, taxes, donated labor/materials, ramp/landing, associated removal work, and shoreline restoration. If no separate supporting records or itemization exist, say so and identify the original basis to the extent known.

This request concerns the submitted valuation and existing information. It does not require commissioning a new estimate or design, producing privileged communications, or deciding the ultimate valuation issue on this motion.

3. Expressly allow the resulting valuation records and directly responsive factual material to be filed by November 13 before 5 p.m. Pacific, together with a supplemental valuation brief of no more than five pages. This leave should apply notwithstanding the September 21 construction-bid provision and the general November 4 factual-supplementation date.[3]

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[1] Skagit County Hearing Examiner Rules of Procedure (2024) (HE Rules) 13(B), 20(A), 21(C), 23(E), 25(E); Ex. 16 at 3, § 5(a).

[2] HE Rule 25(B), (C), (E). The ordinary nine-day motion-response period would extend beyond the November 4 and November 6 dates.

[3] Ex. 16 at 2, § 2(a); HE Rule 21(C).

4. Keep the November 6 main-brief deadline, allow responses to the supplemental material by November 20, and retain the November 30 four-page reply deadline and December 4 hearing. If the ruling or production occurs too late for that schedule, set reasonable alternative dates for the limited supplement and responses. Alternatively, convene a short procedural conference to settle those dates.[4]

Grounds and prior requests

The JARPA reports $12,575 as the project fair market value, including materials, labor, and machine rentals, and identifies a new-dock exemption under $13,900. The post-conference order expressly preserves the issue of whether the Department erred by not considering cost or fair market value. The requested information therefore concerns an existing appeal issue.[5]

Quinn requested the valuation records and scope information on October 7. On October 8, County counsel stated his understanding that the County relied on the certified JARPA value, that the record contained everything used in approval, and that the County had no separate documents of the requested nature. On October 30, Quinn renewed the request to applicant counsel and the applicant representative, copied County counsel, and requested the parties' positions on limited disclosure and a schedule for the resulting evidence.[6]

The October 30 email requested the information or a proposed production date by noon November 2. That was a voluntary request, not an Examiner-ordered deadline. As of November 3, we have not received the requested valuation records or explanation, or reached agreement on the limited disclosure and supplementation schedule. Applicant counsel has acknowledged the pricing request; the requested information remains outstanding.

Rule 20(A) generally permits discovery only in exceptional circumstances and upon good cause. We submit that this narrow request meets that standard: the applicant's original calculation and scope assumptions are material to the preserved valuation issue, are not supplied by the County's stated reliance on the JARPA total, and cannot be established merely by obtaining competing estimates. Voluntary requests have not produced them. The requested disclosure is limited to existing nonprivileged information and a short explanation of the original basis.[7]

We seek to evaluate the information and give all parties a fair opportunity to respond while maintaining the scheduled hearing if practicable. We will continue preparing and filing under the current schedule unless the Examiner orders otherwise.

Dated November 3, 2026.

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[4] Ex. 16 at 3, §§ 4(a), 5(a)-(c); HE Rules 13(B), 23(E), 24(A).

[5] Ex. 4 at 6, item 6g, and at 13, item 10b; Ex. 16 at 3, § 3(a)(i), under Scope of Appeal.

[6] Supporting Correspondence, Attachments A-C. Attachment B records County counsel's statement; it is not an Examiner finding or a completed public-records search certification.

[7] HE Rule 20(A).