

SKAGIT COUNTY HEARING EXAMINER

re: Appeal of Leveck of Administrative
Order to Abate Violation

No.: APL 2026-0003
of CODE 2025-0169

AMENDED PRE-HEARING CONFERENCE MEMORANDUM

As directed by Section 3.d of the Pre-Hearing Conference Order of April 29, 2026, Skagit County Planning and Development Services (PDS) and Appellants Mark and Colleen Leveck, through their counsel, jointly submit the following:

I. APPLICABLE LAW

- Revised Code of Washington (RCW)
 - RCW 36.70A, Growth Management Act
 - RCW 36.70B, Local Project Review
 - RCW 90.58, Shoreline Management Act of 1971 (“SMA”)
- Washington Administrative Code (WAC)
 - WAC 173-27, Shoreline Management Permit and Enforcement Procedures
- 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 14.09 – Enforcement Procedures
 - SCC 14.09.120 – Violations defined—Joint and several liability
 - SCC 14.09.220 – Administrative Orders—Stop Work Order—Service
 - SCC 14.09.290 – Appeals
 - SCC 14.48 – Shorelines
- Skagit County Shoreline Master Program of 6/29/76, as amended by Skagit County Board of Commissioners through 7/10/95 (SMP)

- SMP 12 – Non-Conforming Uses & Structures
- 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

II. THE RECORD

Section 3.d.ii of the Pre-Hearing Order asks the Department for “[a] list of evidence (with accurate titles and dates) missing from the record.” As this appeal is open-record, SCC Table 14.06.150-1(11), the parties understand that this is necessarily a preliminary exhibit list as additional evidence and other documents would likely be added to the record. The following list reflects the documents provided by the Department pursuant to § 2.b of the Prehearing Order and §21(E)(i) of the Hearing Examiner Rules, as well as additional documents identified by Appellants:

1. Administrative Order to Abate Code-2025-0169 3.25.26
2. AOA USPS Tracking
3. Plan Snapshot Report APL 2026-0003
4. Code Case Activity Report CODE-2025-0169
5. Photos (9)
6. Residential Building Permit Application BP24-0083 1.19.24
7. Site Plan & Critical Areas BP24-0083 1.19.24
8. Critical Area Site Plan BP24-0083 1.19.24
9. Exemption from Shoreline Substantial Development Permit Requirement BP24-0083 2.21.24
10. Approved Plans BP24-0083 2.23.24
11. Email: FWBoathouse – 25.09.15 10:18
12. Email: RE Boathouse – 25.09.15 10:43
13. Email: RE Boathouse – 25.09.15 11:47

14. Email: FW Permit No. BP24 - 0083 Boat House Repair – 25.09.15 12:05
15. Email: REBoathouse – 25.09.15 15:18
16. Email: LakeCavanaughCode-2025-0169 – 25.09.18 09:47
17. Email: RE Lake Cavanaugh Code-2025-0169 – 25.09.18 10:01
18. Email: RE Lake Cavanaugh Code-2025-0169 – 25.09.18 10:09
19. Email: RECode-2025-0169 – 25.12.19 05:13
20. Email: RECode-2025-0169 – 26.03.25 09:08
21. Email: Re Code-2025-0169 – 26.03.25 09:48
22. Email: RECode-2025-0169 – 26.03.25 10:40
23. Email: FW Code-2025-0169 – 26.03.25 10:41

Appellants identify the following additional documents for inclusion in the record:

24. Cost Spreadsheet — Materials and Labor for Boathouse Repairs (BP24-0083), reflecting total repair costs of \$11,505 and a replacement value ratio of 40.38%, submitted to Randy Johnson on or about September 11, 2024
25. Independent Valuation of Existing Boat Shed — estimating full replacement cost between \$20,600 and \$36,380, with an average value of \$28,490
26. Wetland Study — concluding that the boathouse at 33711 South Shore Drive, Mount Vernon, WA 98274 is not within the Ordinary High Water Mark (OHWM) boundary and is not located in a wetland

Pursuant to § 3.d.iii of the Corrected Order, the Department currently has no objections to the Identified Record. The parties note that, as of the date of this memorandum, they are engaged in discussions regarding a potential negotiated resolution under SMP 12.04 that would permit Appellants to retain the boathouse structure in its current location, subject to approval by the Hearing Examiner. The parties respectfully request that the Hearing Examiner address the

status of the April 29, 2026 abatement deadline and confirm whether it is stayed pending resolution of this matter.

III. OBJECTIONS AND QUESTIONS

The parties have no objections or questions of relevance regarding any evidence currently in the identified record.

IV. MUTUALLY AGREED UPON DATES

Both appellant and respondent have conferred, and the parties are jointly available any time on August 14, 2026.

DATED this 10th of July, 2026.

RICHARD A. WEYRICH
PROSECUTING ATTORNEY
FOR SKAGIT COUNTY

/s/ Jason C. D'Avignon with Email Approval 7-10-
2026

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

CLIFTON LAW PLLC

/s/ Adriena X. Clifton

ADRIENA X. CLIFTON, WSBA NO. 61477
Attorney for Mark Leveck

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2026, 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, Hearing Coordinator, at pherman@co.skagit.wa.us
- Adriena Clifton, Attorney for the Appellants, at axc@cliftonlawpllc.com
- Jason C. D'Avignon, Attorney for Skagit County, at jasond@co.skagit.wa.us

SIGNED this 10th day of July, 2026 at Kirkland, Washington.

/S/ CARLOS CEPEDA

CARLOS CEPEDA

SENIOR PARALEGAL TO ADRIENA CLIFTON