



Planning & Development Services

1800 Continental Place ▪ Mount Vernon, Washington 98273
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Date: May 5, 2026

STAFF REPORT

re: APPEAL OF ADMINISTRATIVE ORDER

SUMMARY OF INVESTIGATION AND ADMINISTRATIVE ORDER TO ABATE

Appeal No.: **HE-Appeal-2026-0003**
Code Compliance No.: **Code-2025-0169**
Permit(s): **BP24-0083**
Recommendation: **Sustain Administrative Order to Abate**
Investigative Lead: **Greg Adams**

GENERAL INFORMATION

Owner/Applicant: **Mark Leveck**
2105 North 57th St
Seattle, WA 98103
mkleveck@gmail.com

Property Address: **33711 South Shore Drive,**
Mount Vernon, WA 98274

Assessor No.: **938-001-123-0001**

Parcel No.: **P66601**

Lot Size: **0.50 acres**

Zoning Classification: **Rural Village Residential (RVR)**

Comp Plan Desig.: **Rural Village Residential**

Adjacent Land Uses: **Rural Village Residential**

Shoreline Presence: **Rural Residential**

Critical Areas: **Fish & Wildlife Habitat Conservation Area (SCC 14.24.500(1))**

Administrative Order Information:

- **Date Order Mailed: March 25, 2026**
- **Date Received: March 30, 2026**
- **Date Appeal filed: April 3, 2026**

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ACRONYMS

General:

AOA – Administrative Order of Abatement
BFE – Base Flood Elevation
BoCC – Board of County Commissioners
BO – Building Official
BP – Building Permit
CA – Critical Areas
CAO – Critical Area Ordinance
CCO – Code Compliance Officer
CE – Code Enforcement
CNC – Certificate of Non-Compliance
FM – Fire Marshal
FP – Flood Development Permit
HE – Hearing Examiner
NOA – Notice and Order to Abate
PCA(E) – Protected Critical Area (Easement)
PDS – Planning and Development Services
PR – Person Reporting
PREDEV – Pre-Development/Application meeting
PT – Permit Technician
SCC – Skagit County Code
SUP – Special Use Permit
SWO – Stop Work Order
VCA – Voluntary Compliance Agreement

EXHIBITS

1. Leveck Appeal Statement Final - 4/3/26
2. Additional Information from EPL - 4/3/26
3. Receipt - 4/3/26
4. Signature Mark Leveck - 4/3/26
5. Pre Hearing Order Leveck - 4/29/26
6. Corrected Prehearing Order Leveck - 4/29/26
7. Request to Reschedule - 5/5/26
8. Order on Exparte- 5/5/26
9. PDS Filling Declaration of Jeane Aungst - 5/8/26
10. PDS Certificate of Service - 5/8/26
11. Departments records
 - 11.1. Administrative Order to Abate Code-2025-0169 - 3-25-26
 - 11.2. AOA USPS Tracking
 - 11.3. Plan Snapshot Report APL 2026-0003
 - 11.4. Code Case Activity Report CODE-2025-0169
 - 11.5. Photos
 - 11.6. Residential Building Permit Application BP24-0083 1.19.24
 - 11.7. Site Plan & Critical Areas BP24-0083 1.19.24
 - 11.8. Critical Area Site Plan BP24-0083 1.19.24
 - 11.9. Exemption from Shoreline Substantial Development Permit Requirement BP24-0083 2.21.24
 - 11.10. Approved Plans BP24-0083 – 2-23-24
 - 11.11. 250915-1018 FW: Boathouse
 - 11.12. 250915-1043 RE: Boathouse
 - 11.13. 250915-1147 RE: Boathouse
 - 11.14. 250915-1205 FW Permit No. BP24 - 0083 Boat House Repair
 - 11.15. 250915-1518 RE: Boathouse 2
 - 11.16. 250918-0947 Lake Cavanaugh Code-2025-0169
 - 11.17. 250918-1001 RE: Lake Cavanaugh Code-2025-0169
 - 11.18. 250918-1009 RE: Lake Cavanaugh Code-2025-0169
 - 11.19. 251219-0513 RE: Code-2025-0169
 - 11.20. 260325-0908 RE: Code-2025-0169- 1
 - 11.21. 260325-0948 RE: Code-2025-0169
 - 11.22. 260325-1040 RE: Code-2025-0169 3
 - 11.23. 260325-1041 FW: Code-2025-0169
12. PDS Prehearing Memo
13. PDS filling Declaration 5-8-2026
14. PDS Certificate of Service – 5-8-2026

15. 1st Post Hearing Order - 5-15-2026
16. Compliance Order Laveck APL26-003 - 07/02/2026
17. Amended Prehearing Memo 7/10/2026
18. 2nd Post Hearing Order 7/10/2026

CODE REFERENCES

SHORELINE MANAGEMENT MASTER PROGRAM ("SMP")

Skagit County Code 14.48, Chapter 12 Section 12.03

https://www.skagitcounty.net/Departments/PlanningAndPermit/shoreline_toc.htm

CHAPTER 7 POLICIES AND REGULATIONS

Section 7.13 Residential Development

TABLE RD - TABULAR SHORELINE AREA REGULATIONS

RESIDENTIAL DEVELOPMENT

	<u>SHORELINE AREA</u>					
	Urban	Rural Residential	Rural	Conservancy	Natural	Aquatic
1. <u>Shore setbacks</u> (in feet):*						
a. Single family duplex	35	50	50	75	NA	NA
b. Multi-unit less than 35 feet high	70	70	100	150	NA	NA
c. Multi-unit over 35 feet high. Add 5 feet for each 1 foot over 35'.	100	125	150	175	NA	NA
d. Accessory uses	35	35	50	100	NA	NA
2. <u>Sideyard setbacks</u> (in feet):						
a. Single family, duplex	8	8	20**	50	NA	NA
b. Multi-units less than 35 feet high	20	30	50	NA	NA	NA
c. Multi-units over 35 feet high.	30	40	NA	NA	NA	NA
d. Accessory uses, parking	8	8	25	25	NA	8
3. <u>Height limit</u> (in feet)						
a. 0-100 feet from OHWM	35	30	30	25	NA	NA
b. 101-200 feet from OHWM	45	40	40	30	NA	NA
c. Accessory development	15	15	15	15	NA	10
4. <u>Site Coverage</u> - for:						
a. Single family, duplex	40%	30%	30%	15%	NA	NA
b. Multi-units	40%	40%	40%	20%	NA	NA

* Residential structures shall be setback common to the average of setbacks for existing dwelling units within 300 feet of side property lines or a minimum of 35 feet (for Urban), whichever is greater. If there is only one or no dwelling units within 300 feet of side property lines, then the shoreline setback requirements of Table RD shall apply.

** All existing lots of record in the Rural Shoreline Area prior to the date of this amendment, which is November 22, 1978, shall maintain a sideyard setback of at least eight feet.

CHAPTER 12 NON-CONFORMING USES AND STRUCTURES

Section 12.01 Purpose

12.02 Non-conforming Use of or Structures on Shorelines

12.03 Reconstruction

12.04 Exceptions to Requirements

12.01 Purpose

The purpose of this chapter is to establish regulations for the control and eventual elimination of shoreline uses and structures which are non-conforming; i.e., which were lawful prior to adoption of this program or amendments thereto, but which do not conform to present regulations and standards of this program or the policies of the Act.

12.02 Non-conforming Use of or Structures on Shorelines

The non-conforming use of or structures on shorelines may be continued provided that:

1. It is not enlarged, or increased, or extended to occupy a greater area than was occupied on the date of adoption of this program, or applicable amendments thereto.
2. It is not moved in whole or in part to any other portion of the lot, parcel, or shoreline area.
3. If moved, it is made to conform to regulations of this program for the shoreline area of its new location.
4. If damaged to an extent exceeding 75% of replacement cost, it is reconstructed only in accordance with regulations of this program for the shoreline area of its location.
5. If the use or use of the structure ceases for a period of more than two (2) years, any subsequent use of the shoreline shall be conforming. A non-conforming use shall not be changed to any other non-conforming use, regardless of the conforming or non-conforming status of the building or structure in which it is housed.

12.03 Reconstruction

When a legal building or structure that does not comply with the provisions of this program is damaged to an extent that does not exceed 75% of the existing assessed value of the building or structure for tax purposes, said building or structure may be restored or repaired, providing:

1. Reconstruction is started within nine months and is completed within eighteen (18) months of date of damage.
 2. After such repair has been completed, the building can be repaired or altered in the future only if its use and the damaged portions conform to all existing codes and regulations.
- Final decisions in regard to the extent and cost of damage are to be made by the Building Inspector.

12.04 Exceptions to Requirements

If the Hearing Examiner and/or Planning Commission and/or Board of County Commissioners determines that the enlargement, extension or increase of the non-conforming use of shorelines or structures on shorelines can be accomplished without appreciable threat to the health, safety and general welfare of the public or the shoreline environment and purpose of this Program and the Act, and that to deny the enlargement, extension or increase in the nonconformity would constitute a hardship greater than the public benefit derived from denial of the non-conformity, such proposals shall be permitted subject to terms and conditions

established by the Hearing Examiner, Commission or Board and attached to the variance and/or conditional use permit required of the applicant.

GENERAL INVESTIGATIVE ANALYSIS
AND FINDINGS LEADING TO ENFORCEMENT ACTION

FACTS & BACKGROUND

Soon after starting at the Skagit County Planning and Development Department as a Code Compliance Officer, I was made aware of an issue with a permit (BP24-0083). The permit had been issued in reference to replacing siding on a boat house located at 33711 South Shore Drive, within the shoreline area of Lake Cavanaugh.

In Late August, Building Official Randy Johnson asked that I sit in on a meeting with the owner, Mark Leveck. The meeting was at the Planning and Development Office located at 1800 Continental Place in Mount Vernon. The meeting was to discuss the repair of the boat house which was considered a non-conforming structure within the shoreline area.

Skagit County Code states that repair of a non-conforming structure within a shoreline area cannot exceed 75% of the existing assessed value of the building or structure for tax purposes. Final decisions regarding the extent and cost of damage are to be made by the Building Inspector.

Mr. Leveck believed the assessed value of the shed was \$28,490. Mr. Leveck estimate for repair of the structure was around \$11,000. Mr. Leveck was basing his estimates on what would be the value of a similar structure in good repair. B.O. Johnson disagreed and felt that the estimate was too high and that Mr. Leveck's estimate to repair the structure would exceed the 75% repair cost allowed under county code.

On September 5, 2025, at the request of B.O. Johnson, I opened a Code Compliance case, (Code-2025-0169). September 15th, 2025, I contacted the Skagit county Assessor's Office and talked with Christopher Rankin. He said that the boat house had an assessed value of boat house for the last 3 years was \$800.

On September 16th, I spoke to Mr. Leveck and informed him of the assessed value of the shed from the Skagit County Assessor's Office. He disagreed with the value assigned by the assessor, and felt that since he had been given a building permit and wasn't told he could only repair the building up to 75% of the assessed value that he should be able to repair the structure without having to meet the 75% rule as long as he met the code per the permit. He told me he was going to contact the Assessor's Office and challenge the assessed value.

On September 18, 2025, I received a call from Julie who works at the Assessor's office. She told me there had been some confusion and the correct value of the boat shed was \$1400 which would allow a repair cost of \$1050. She later sent photos of her office took of the shed which showed it in total disrepair.

On December 16, 2025, I sent an email to Mr. Leveck asking for an update on his decision on moving forward. On December 18, 2025, he responded and told me he was going to work on

the shed issue after dealing with flooding issues on his home and structures on his property. I told him I'd check back with him.

On March 25, 2026, I contacted Mr. Leveck by email. He said that he was wanting to resolve the case and had hired an attorney. He said the attorney had sent a letter to the county, but I didn't show a record of it being received. I told him I'd check on that but at this time I'd be filing an Administrative Order to Abate on the property. The order would require him to remove or relocate the structure by April 29th. I let him know that once he received the order, he could appeal the order.

DETERMINATIONS

Skagit County Code 14.48, Chapter 12 Section 12.03 states that the maximum allowable repair cost for a non-conforming building in a shoreline area is 75% of the assessed value of the building. The Skagit County Assessor's Office has the building assessed at \$1400 for tax purposes. This was the assessed value prior to repairs being made by Mr. Leveck. Based on this value the maximum allowable repair cost for the structure would be \$1050. Mr. Leveck's repair cost of \$11,000 exceeds this cost.

In addition, from the pictures submitted by Mr. Leveck and from the pictures from the Skagit County Assessor's site, the repairs done to the building exceed 75% of the actual structure which would make this a replacement not a repair of the existing structure, which would not be allowed under the County Code. This was explained to Mr. Leveck during the pre-development meeting on August 4, 2022, by Natural Resource Leah Forbes.

WITNESSES

Randy Johnson – Skagit County Flood Manager & Building Official
Skagit County Planning Dept
1800 Continental Pl
Mount Vernon, WA 98273

Leah Forbes – Natural Resources
Skagit County Planning and Development Department
1800 Continental Pl
Mount Vernon, WA 98273

Prepared By:

Reviewed By:

Greg Adams



Randy Johnson