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April 3, 2026

***Via the Civic Access Portal***

Skagit County, Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

Re: Our Clients: Mark and Colleen Leveck  
**Appeal of Administrative Order to Abate Violation**  
**Case Number:** CODE-2025-0169  
**Property:** 33711 South Shore Drive, Mount Vernon, WA 98274

Dear Skagit County, Planning and Development Services,

This firm represents Mark and Colleen Leveck ("Appellants"). This letter serves as their support statement in connection with their appeal of the Administrative Order to Abate Violation ("AOA") issued against them in Case No. CODE-2025-0169.

**Background Facts**

Appellants own the real property located at 33711 South Shore Drive, Mount Vernon, WA 98274. In 2023, Appellants submitted a request to Skagit County to complete repairs on the boathouse located on the property. On February 21, 2024, Appellants received a permit from Skagit County Planning & Development Services (the "County") authorizing replacement of all siding and roofing, installation of new doors and windows, replacement of the boathouse garage door, and retention of the garage door wall facing the water. The permit is attached as **Exhibit A**.

During the repair process, Appellants discovered that additional structural 2x4s required replacement due to significant rot that posed a structural hazard. Appellants proceeded with the necessary repairs in good faith and called for a framing inspection. At that point, the County contacted Appellants, requested an in-person meeting, and placed a stop work order on their permit.

In August 2024, Mr. Leveck met with County representatives and was advised that the scope of repairs exceeded the allowable assembly replacement threshold under the applicable code. He was given two options: remove the boathouse shed entirely or relocate it to the rear of the property. At no point during this meeting were Appellants informed of a specific code violation. The County's position was that the stud replacements exceeded the 75% replacement value threshold and were therefore not covered by the permit. On September 11, 2024, Appellants emailed Randy Johnson, the County's head of permitting, to follow up on that meeting. That email is attached as **Exhibit B**.

In that email, Appellants demonstrated their compliance with the Skagit Shoreline Management Program (SMP) and SCC 14.04, providing a detailed analysis showing that the repair costs did not exceed the 75% fair market value threshold. Since that time, Greg Adams of Skagit County contacted Appellants in December 2024 to inquire how they wished to proceed - again without providing any explanation for why the repairs could not be completed. The County has continued to pursue enforcement without adequate legal or factual basis.

**Appellants provide the following responses to the appeal questions set forth by the County:**

1. What is your interest in this decision?
2. How are you aggrieved by the decision you are appealing?
3. What are the specific reasons you believe the decision is wrong?
  1. e.g. erroneous procedures, error in law, error in judgment, discovery of new evidence
4. Describe any new evidence.
5. List relevant sections of Skagit County Code.
6. Describe your desired outcome or changes to the decision.

**1. INTEREST IN THE DECISION**

- a. Mark and Colleen Leveck are the owners of the real property located at 33711 South Shore Drive, Mount Vernon, WA 98274, which includes the boathouse structure that is the subject of the (AOA) issued by Code Compliance Officer Greg Adams on March 25, 2026. As owners of the property and the structure at issue, Appellants have a direct and substantial property interest in the outcome of this decision.

**2. HOW APPELLANTS ARE AGGRIEVED**

- a. The AOA orders Appellants to remove or relocate their boathouse by April 29, 2026. Appellants are aggrieved because:
  - i. they obtained a valid permit (BP24-0083) from Skagit County on February 21, 2024 authorizing the repair work;
  - ii. the work was performed in good faith and in compliance with that permit;
  - iii. the AOA imposes a severe and disproportionate remedy — demolition or forced relocation of the structure — without adequate factual or legal basis; and
  - iv. the County's valuation methodology, upon which the entire violation finding depends, is materially inaccurate.

**3. SPECIFIC REASONS THE DECISION IS WRONG**

- a. **Error in Law – Misapplication of the 75% Threshold:**

- i. The County calculated the 75% replacement cost threshold under SMP Section 12.02(4) using the Skagit County Assessor's assessed value of \$1,400 for the structure, yielding a maximum allowable repair cost of \$1,050. This figure represents the fully depreciated assessed value of a generic shed - not a specific appraisal of the boathouse. Section 12.02(4) requires that the 75% calculation be based on replacement cost - meaning the actual cost to reconstruct the specific structure - not a generic tax assessment figure. Use of the Assessor's value in this context is an error of law.

**b. Error in Judgment – Scope of Permitted Work:**

- i. The additional structural repairs - including replacement of rotted 2x4 studs and sill plates - were necessitated by the discovery of extensive rot and structural hazard during the course of the authorized repair work. These repairs were required to meet applicable Building Code standards, including compliance with a 50 PSF snow load requirement. They were not an independent, unpermitted project; they were a direct and necessary extension of the permitted repair scope, compelled by the condition of the structure itself.

**c. Erroneous Procedure – Failure to Provide Adequate Notice:**

- i. Prior to issuing the AOA, the County failed to provide Appellants with a specific description of the code provision(s) allegedly violated, what compliance would require, or any opportunity to cure the alleged violation. Despite repeated requests by Appellants — including a formal written demand from counsel dated March 18, 2026 — no substantive explanation was provided before the AOA was issued. This failure constitutes an erroneous and prejudicial procedural defect.

**d. Error in Fact – Shoreline Boundary Classification:**

- i. The County's enforcement position relies in part on the boathouse being located within a shoreline-protected area. Appellants dispute this characterization. An independent wetland study, conducted at a cost of \$5,000, specifically concluded that the boathouse is not within the Ordinary High Water Mark (OHWM) boundary and is not situated within a wetland - directly contradicting the County's classification.

**e. Equitable Estoppel**

- i. The County's determination is logically and legally flawed. The County issued Permit [BP24-008] for a scope of work that, by its own calculation, exceeded the 75% replacement cost valuation. Having authorized the project to proceed beyond this threshold, the County cannot now cite the replacement

of localized structural members (2x4s)—essential for the safe execution of the permitted work—as a violation. The County is essentially alleging a violation of a valuation ceiling that it had already waived through the issuance of the primary permit.

**f. Duty to Repair – Latent Condition Necessity**

- i. In any construction project involving siding and roofing, the condition of the underlying studs is a latent condition (unseen until the work begins). In good faith, we, the homeowner, cannot replace siding or roofing on rotted or compromised structural members as Skagit County Code and the International Residential Code (IRC) require structural integrity. Replacing compromised 2x4s discovered during the execution of a legal permit is a required safety measure, not an unauthorized expansion of the project's scope. Under SCC 15.04 (which adopts the International Residential Code), a building official's primary purpose is to ensure the "health, safety, and welfare" of the occupants. IRC Section R102.7.1 (Additions, Alterations or Repairs): This section allows repairs to be made to existing buildings and states that such work shall not cause the building to become unsafe or adversely affect the performance of the building. Discovering rotted 2x4s while performing permitted siding work creates an immediate "unsafe" condition. To maintain structural safety as mandated by the IRC, the homeowner must replace those members.

**4. NEW EVIDENCE**

- a. Independent Replacement Valuation: An independent valuation estimates the full replacement cost of the boat shed to be between \$20,600 and \$36,380, with an average value of \$28,490. Using this figure, the total repair cost of \$11,505 represents a replacement value ratio of 40.38% — well below the 75% threshold. This valuation is attached as **Exhibit C**.
- b. Detailed Cost Breakdown: A spreadsheet documenting all materials and labor costs for the boathouse repair, totaling \$11,505, demonstrates that repairs were within the allowable limit when the correct structure value is applied. This cost breakdown is attached as **Exhibit D**.
- c. Independent Wetland Study: A \$5,000 wetland study obtained by Appellants specifically concluded that the boathouse is not within the OHWM boundary and is not located in a wetland, directly contradicting the County's shoreline classification. This study is attached as **Exhibit E**.
- d. Assessor Discrepancy: The County's own tax and assessment records reflect that the boathouse was not individually assessed on the Appellants' property. The \$1,400 figure used by the County represents the fully depreciated value of a generic shed — not a legitimate appraisal of the actual structure.

- e. The Appellant reserves the right to supplement this justification upon receipt and review of the public records requested (Record #26-766) from the County regarding this matter.

## **5. RELEVANT SECTIONS OF SKAGIT COUNTY CODE**

- a. SCC 14.04
  - i. “Remodel” means to renew, renovate or make over a part of an existing building for the purpose of its appearance or layout. “Remodel” may include repair or relocation of interior walls but does not include repair, replacement or relocation of any of the exterior floors, walls or roof.
  - ii. “Nonconformance” or “nonconforming” means any use, improvement or structure established in conformance with Skagit County rules and regulations in effect at the time of establishment that no longer conforms to the range of uses permitted in the site’s current zone or to the current development standards of the Code due to changes in the Code or its application to the subject property.
- b. SCC 14.48.010 – Non-conforming development or use for the purposes of this program means a development in lawful use at the effective date of adoption or amendment as appropriate, of this program, which is either prohibited by or does not conform to regulations and policies of this program, including Shoreline Area designations.
- c. Skagit County Shoreline Master Program (SMP), Section 2.04 - Existing development - Appellants assert compliance with all applicable requirements under this section governing repair and maintenance of existing structures within shoreline jurisdiction:
  - i. “To insure that strict implementation of this program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020, any development or activity on private or public shorelines in operation prior to June 1, 1971, are exempt from permit procedures PROVIDED the development meets the requirements of WAC 173-14-050, Application of the Permit System to Substantial Development Undertaken Prior to the Act. However, if any existing developments normally exempt significantly expand or initiate new forms of activity, such expansion or activity shall adhere to the policies, regulations, and permit procedures of this Master Program.”
- d. Skagit County Shoreline Master Program (SMP), Section 2.05 - Applicability to Substantial Development – Appellants assert compliance with all applicable requirements under this section governing repair and maintenance of existing structures within shoreline jurisdiction.

- i. “No substantial development as defined in Chapter 3 shall be undertaken by any person on shorelines without first obtaining a shoreline permit from Skagit County; PROVIDED, that **such a permit shall not be required for the following** classes of substantial development exempted from the shoreline permit requirement;
  - 1. Normal maintenance or repair of existing structures or development, including damage by fire, accident, or elements; PROVIDED that the new development or structure is essentially the same as the original in location, size, design, function, and use ...
  - 2. Emergency construction necessary to protect property from damage by the elements”
- e. Skagit County Shoreline Master Program (SMP), Section 12.02 – Non-conforming Use of or Structures on Shorelines – Appellants assert that the boathouse qualifies as a lawfully established non-conforming structure, and that the repairs performed did not trigger the reconstruction threshold under this section:
  - 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."

## 6. DESIRED OUTCOME

- a. Appellants respectfully request that the Hearing Examiner:
  - i. Reverse and vacate the Administrative Order to Abate issued on March 25, 2026;
  - ii. Lift the Stop Work Order and reinstate permit BP24-0083 so that Appellants may complete the authorized repairs to their boathouse;

- iii. Affirm that the work performed constitutes a "repair" — not a "replacement" — under SCC 14.04, based on an accurate valuation of the structure and the total documented repair costs;
- iv. In the alternative, if any code compliance issue is found, direct the County to identify the specific code provision(s) at issue and provide Appellants with a reasonable and proportionate opportunity to cure.

Thank you for your attention to this matter. Please do not hesitate to contact me with any questions or to discuss the foregoing. I can be reached by email at [axc@cliftonlawpllc.com](mailto:axc@cliftonlawpllc.com).

Yours Truly,



Adriana Clifton

**Attachments:** Exhibits A-E

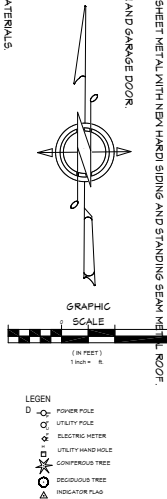
# *EXHIBIT A*



GENERAL NOTES

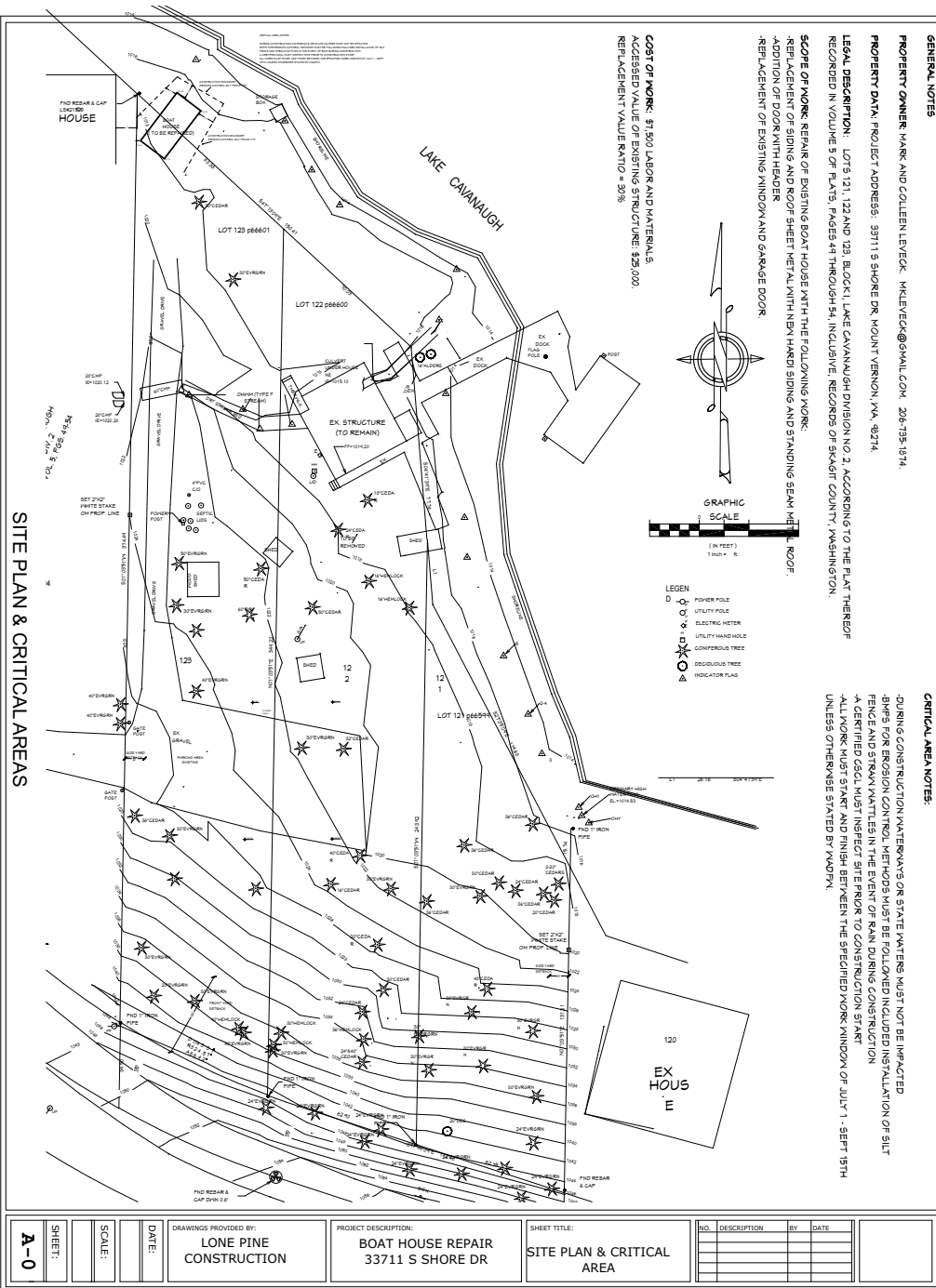
PROPERTY OWNER: MARK AND COLLEEN LEEVECK, MKEVECK@GMAIL.COM, 226-795-1874.  
PROPERTY DATA: PROJECT ADDRESS: 33711 S SHORE DR, MOUNT VERNON, WA, 98714.  
LEGAL DESCRIPTION: LOTS 121, 122 AND 123, BLOCK 1, LAKE CAVANAUGH DIVISION NO 2, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGES 48 THROUGH 54, INCLUSIVE, RECORDS OF SKEGIT COUNTY, WASHINGTON.  
SCOPE OF WORK: REPAIR OF EXISTING BOAT HOUSE WITH THE FOLLOWING WORK:  
-REPLACEMENT OF SIDING AND ROOF SHEET METAL WITH NEW HARD SIDING AND STANDING SEAM METAL ROOF.  
-ADDITION OF DOOR WITH HEADER  
-REPLACEMENT OF EXISTING WINDOW AND GARAGE DOOR.

COST OF WORK: \$1300 LABOR AND MATERIALS.  
ACCESSED VALUE OF EXISTING STRUCTURE: \$25,000.  
REPLACEMENT VALUE (X1.0) = \$35.



CRITICAL AREA NOTES:

-DURING CONSTRUCTION MATERIALS OR STATE MATERIALS MUST NOT BE IMPACTED -DIPS FOR EROSION CONTROL. METHODS MUST BE FOLLOWED INCLUDED INSTALLATION OF SILT FENCE AND STRAW MATS IN THE EVENT OF RAIN DURING CONSTRUCTION. A CERTIFIED GEOLOGIST MUST INSPECT SITE PRIOR TO CONSTRUCTION START. ALL WORK MUST BE START AND FINISH BETWEEN THE SPECIFIED WORK WINDOW OF JULY 1 - SEPT 15TH UNLESS OTHERWISE STATED BY YACODY.



NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
SITE PLAN & CRITICAL AREA

PROJECT DESCRIPTION:  
BOAT HOUSE REPAIR  
33711 S SHORE DR

DRAWINGS PROVIDED BY:  
LONE PINE CONSTRUCTION

DATE:  
SCALE:  
SHEET:  
A-0



Skegit County  
Planning & Development Services

EXEMPTION FROM

SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT REQUIREMENT

TO:  
Mark & Colleen Leeveck  
2105 North 57th Street  
Seattle, WA 98103

BP24-0083

Site address, if any: 33711 South Shore Drive

Assessor's Account Number: 3938-000-121-0003, 3938-000-122-0002, 3938-000-123-0001

Parcel Number: 900293, 900600, 900601

**Request for Exemption from Substantial Development Permit Requirement:** The applicant requests that the project be exempted from the Substantial Development Permit Requirement of the Shoreline Management Act (SMA) and the Shoreline Management Act (SMA) because the project is a repair of an existing structure and does not constitute a new or substantially different use of the property. The project is a repair of an existing structure and does not constitute a new or substantially different use of the property. The project is a repair of an existing structure and does not constitute a new or substantially different use of the property.

Upon the following property:

SE 1/4 Section 27, Township 33 North, Range 6 East, W4K.

Shoreline Management Act (SMA) and the Shoreline Management Act (SMA) because the project is a repair of an existing structure and does not constitute a new or substantially different use of the property. The project is a repair of an existing structure and does not constitute a new or substantially different use of the property. The project is a repair of an existing structure and does not constitute a new or substantially different use of the property.

(f) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or otherwise.

Army Corps Public Notice Number, if available: n/a

The development as proposed is consistent with the policies of the Shoreline Management Act and the Skegit County Shoreline Management Act and Program.

Conditions of Approval:

1. The project shall comply with all policies and regulations of the Skegit County Shoreline Management Master Program and the Shoreline Management Act (SMA) and the Shoreline Management Act (SMA).
2. The applicant and/or the contractor shall adhere to best management practices to ensure that no construction materials enter the waters during construction. All materials shall be disposed of in an approved method and location.

11800 CONTINENTAL PLACE, MOUNT VERNON, WA 98271 | PHONE (360) 416-1120 | EMAIL info@skagit.wa.us

3. Any upland area disturbed during construction shall be replanted with self-sustaining vegetation upon completion of the project.
4. The applicant and/or contractor shall strictly adhere to the approved project information and the plan submitted for this proposal. If the applicant proposes any modification of the subject proposal, they shall request a permit extension prior to the start of construction.
5. The applicant shall adhere to the conditions and the permit requirements of other agencies.
6. The use of the structure must remain unheated storage.

The exemption from the requirement of a Substantial Development Permit is approved, subject to the conditions above.

for

February 21, 2024

Skegit County Planning and Development Services

Please Note: Skegit County Planning and Development Services does not examine the project from other state and federal statutes and regulations that may apply.

For information regarding federal and state regulations, contact these agencies:

- 1. Washington State Department of Ecology (425) 449-7000
- 2. Washington State Department of Fish & Wildlife (425) 775-1311
- 3. Washington State Department of Natural Resources (360) 856-3500

NO PLUMBING PROPOSED

Plumbing was not included/permited for this structure

GARAGES / POST FRAME BUILDINGS

1. This structure is permitted as a non-heated building
2. This structure is permitted with no plumbing
3. This structure is not permitted as an ADU

IMPORTANT

Any alteration or revisions to these plans requires additional review and approval from Skegit County Planning & Development Services. Further details or clarification may be required by the Skegit County Building Inspector based on construction methods or site conditions

Skegit County Planning & Development Services  
REVIEWED FOR CODE COMPLIANCE 2018 IRC  
Permit # BP24-0083  
Date 02/23/2024  
Plans Examiner

GENERAL NOTES

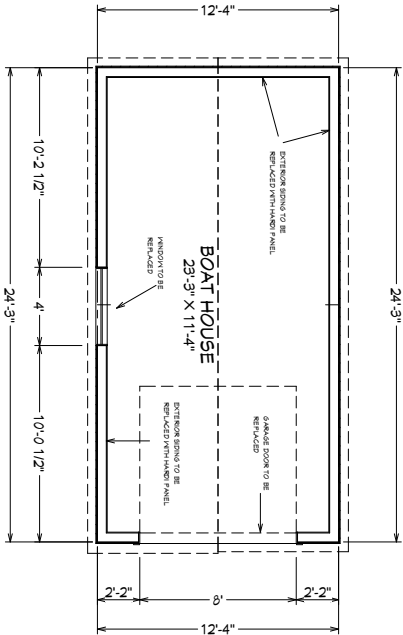
PROPERTY OWNER  
MARK AND COLLEEN LEVECK MKLEVECK@GMAIL.COM 206-735-1874.

PROPERTY DATA PROJECT ADDRESS: 33711 S SHORE DR, MOUNT VERNON, WA, 98274.

LEGAL DESCRIPTION: LOTS 121, 122 AND 123, BLOCK 1, LAKE CAVANAUGH DIVISION NO. 2, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGES 49 THROUGH 54, INCLUSIVE, RECORDS OF SKAGIT COUNTY, WASHINGTON.

SCOPE OF WORK: REPAIR OF EXISTING BOAT HOUSE INCLUDING REPLACEMENT OF SIDING AND ROOF MATERIALS AND ADDITION OF DOOR WITH HEADER

- 1. ALL ARCHITECTURAL WORK PERFORMED SHALL BE IN COMPLIANCE WITH THE 2018 INTERNATIONAL RESIDENTIAL BUILDING CODE, IMC, IF GC, UPS, IRC AND STRUCTURAL IN COMPLIANCE WITH 2018 INTERNATIONAL BUILDING CODE (IBC).
- 2. CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS, GRADES, AND DIMENSIONS SHOWN BEFORE COMMENCING WORK
- 3. DIMENSIONS SHOWN ARE TO EXTERIOR FACE OF STUD WALL, TO CENTERLINE OF POST, TO CENTERLINE OF WINDOWS AND DOORS, TO FACE OF CONCRETE WALL UNLESS NOTED OTHERWISE.
- 4. ALL EXTERIOR WALLS ARE 2X4 STUDS UNLESS OTHERWISE NOTED OR EXISTING WALLS
- 5. PROVIDE RIGID OR FLEXIBLE FLASHINGS AS NEEDED AT ALL EXTERIOR WALL AND ROOF OPENINGS TO MAINTAIN POSITIVE WATER DRAINAGE AWAY FROM STRUCTURE CAUSED BY WIND DRIVEN RAIN AND STORM WATER DRAINAGE. HEAD FLASH AND PAN FLASH ALL WINDOW AND DOOR OPENINGS.



EXISTING BOAT HOUSE PLAN & LOCATIONS OF REPAIR/ REPLACEMENT.  
SCALE: 1/4" = 1'

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
GENERAL NOTES &  
EXISTING PLAN

PROJECT DESCRIPTION:  
BOAT HOUSE REPAIR  
33711 S SHORE DR

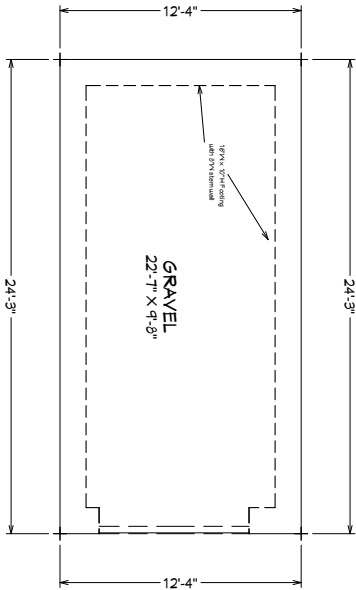
DRAWINGS PROVIDED BY:  
LONE PINE  
CONSTRUCTION, LLC

DATE:  
1-15-2024

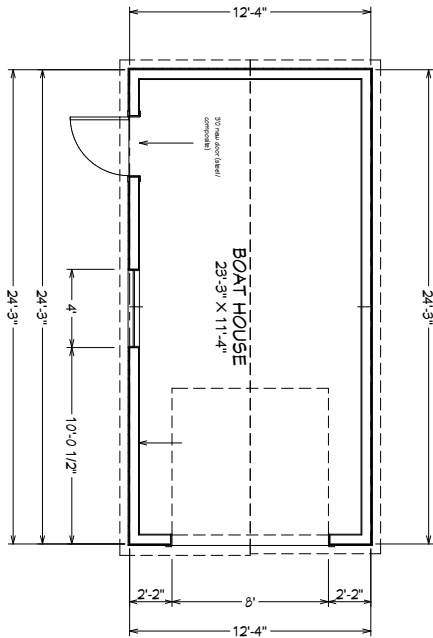
SCALE:

SHEET:

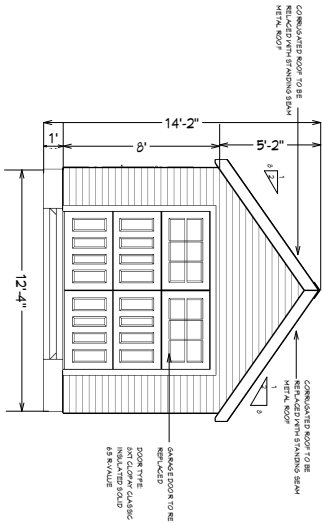
A-1



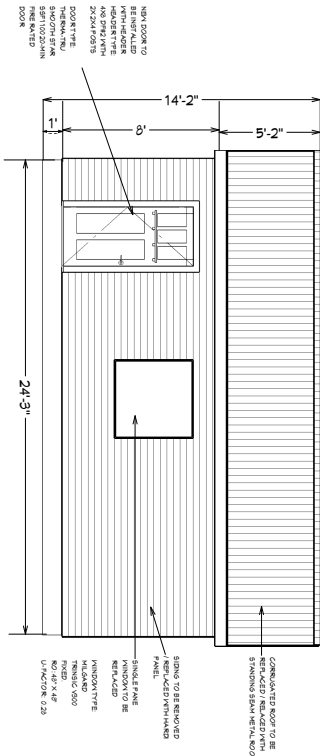
FOUNDATION



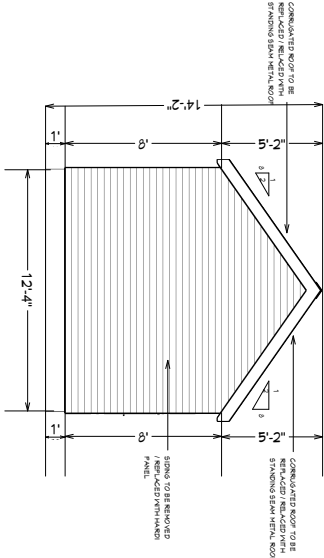
MAIN FLOOR



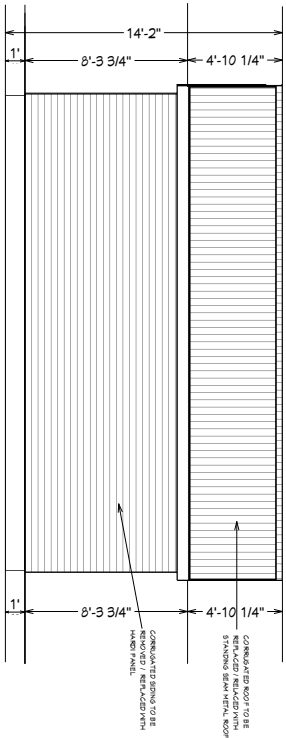
SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
PLANS & ELEVATIONS

PROJECT DESCRIPTION:  
BOAT HOUSE REPAIR

DRAWINGS PROVIDED BY:  
LONE PINE  
CONSTRUCTION, LLC

DATE:  
1-15-2024

SCALE:  
1/4" = 1'

SHEET:  
A-2

STRUCTURAL NOTES:

CODE: ALL MATERIALS, WORKMANSHIP, DESIGN AND CONSTRUCTION SHALL CONFORM TO THE DRAWINGS, SPECIFICATIONS, AND THE INTERNATIONAL BUILDING CODE (IBC), 2018 EDITION. SPECIFICATIONS AND STANDARDS WHERE REFERENCED ON THE DRAWINGS ARE TO BE THE LATEST EDITION.

DEAD LOADS:

ROOF 12 PSF FLOOR 12 PSF LIVE LOADS. ROOF (SNOW LOAD) 50 PSF

FRAMING NOTES:

UNLESS NOTED OTHERWISE, HEADERS AT ALL EXTERIOR WALLS SHALL BE 4x6 HF#2 WHERE MAXIMUM SPAN= 4'-0". HEADERS TO BE SUPPORTED BY MINIMUM OF (1) CRIPPLE STUD & (1) FULL HEIGHT STUD. UNO

UNO. DOOR HEADERS AT INTERIOR BEARING WALLS SHALL BE 4x6 HF#2 WHERE MAXIMUM SPAN= 4'-0". AND 4x10 HF#2 WHERE MAXIMUM SPAN= 7'-0".

STUD WALL FRAMING SHALL BE 2x HF STUDS @ 16" OC FOR ALL STUD WALLS SHOWN ON THE PLAN

LUMBER

ALL GRADES SPECIFIED ARE MINIMUM GRADES REQUIRED. ALL LUMBER SHALL BE IN ACCORDANCE WITH WWPA GRADING RULES, ADAPTED TO MC 19 AND OF THE FOLLOWING MINIMUM STANDARDS:

SIZE CLASSIFICATION	SPECIES	GRADE	Fb (psi)	Fc (psi)
SLEEPERS	DOUG-FIR	STUD	700	-
LIGHT FRAMING (STUDS)	HEM-FIR	STUD	675	800
2x JOISTS AND PLANKS	HEM-FIR	#2	850	-
PLATES AND BLOCKING	HEM-FIR	#2	850	-
6x AND LARGER BEAMS AND STRINGERS	DOUG-FIR	#2	875	-
4x AND SMALLER BEAMS AND STRINGERS	HEM-FIR	#2	850	-
ALL POSTS AND TIMBERS	DOUG-FIR	#1	1200	1000

REFER TO PLAN NOTES, SCHEDULES, AND DETAILS FOR MORE SPECIFIC LUMBER SIZE AND GRADE REQUIREMENTS.

UNLESS NOTED OTHERWISE IN THE PLANS, ALL WOOD AND WOOD-BASED MEMBERS EXPOSED TO WEATHER OR IN CONTACT WITH CONCRETE, MASONRY, OR WITHIN 8" OF SOIL SHALL BE PRESERVATIVE-TREATED BY VACUUM-PRESSURE IMPREGNATION IN ACCORDANCE WITH AWPA STANDARD U1.

NAILS, BOLTS, AND METAL CONNECTORS FOR WOOD

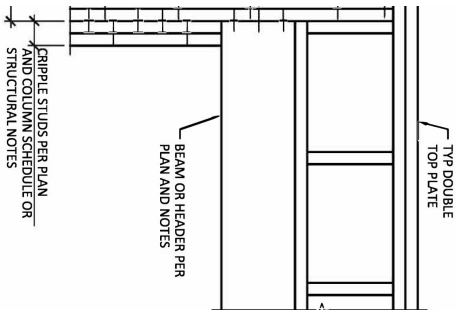
ALL NAILS SHALL CONFORM TO THE STANDARDS SET FORTH BY THE NATIONAL DESIGN STANDARDS (NDS) FOR WOOD CONSTRUCTION, LATEST EDITION. NAILING NOT SPECIFIED SHALL BE PER IBC TABLE 2304.10.1 NAILING SCHEDULE. ALL NAILS CALLED OUT ON PLANS SHALL BE COMMON NAILS UNLESS NOTED OTHERWISE AND SHALL MEET OR EXCEED THE FOLLOWING MINIMUM GUIDELINES:

NAIL	SHANK Ø	MIN LENGTH
8d COMMON	0.1310	2 1/2" SHANK
10d COMMON	0.1480	3" SHANK
12d COMMON	0.1480	3 1/4" SHANK
16d COMMON	0.1620	3 1/2" SHANK

JOE BOX NAILS MAY BE SUBSTITUTED FOR 8d COMMON NAILS WITH NO CHANGE IN NAIL SPACING. FRAMING MEMBERS MAY BE NAILED WITH 16d SINKERS (0.1480" x 3 1/4") BUT ONLY 16d COMMON NAILS SHALL BE USED WHERE 16d NAILS ARE INDICATED IN THIS DRAWING SET. ENGINEER MAY APPROVE OTHER NAILS IF NAIL LABELS ARE SUBMITTED TO ENGINEER PRIOR TO START OF CONSTRUCTION.

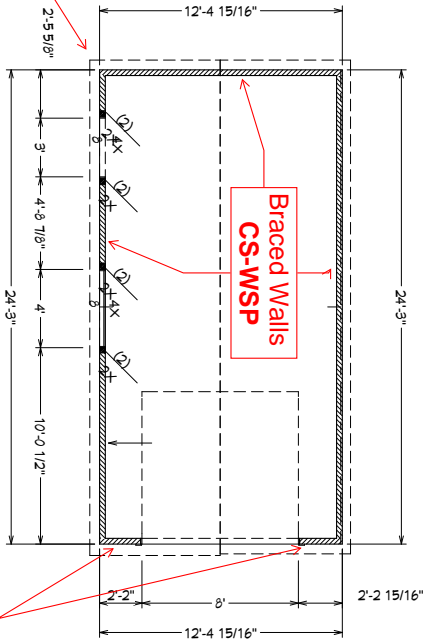
ALL HOLD DOWNS, FRAMING ANCHORS, AND SHEAR WALLS MUST BE INSPECTED BEFORE COVERING

TYPICAL HEADER DETAIL



MAIN FLOOR FRAMING DOOR AND WINDOW

SCALE: 1/4" = 1'



Wall to remain as existing. Only replacing garage door

# *EXHIBIT B*



Mark Leveck &lt;mkleveck@gmail.com&gt;

**Permit No. BP24 - 0083 Boat House Repair**

1 message

**Mark Leveck** <mkleveck@gmail.com>  
To: Randy Johnson <randyj@co.skagit.wa.us>  
Cc: Colleen Leveck <leveck.colleen@gmail.com>

Thu, Sep 11, 2025 at 11:37 AM

**Subject: Permit # BP24-0083. Boat house repair permit.**

Dear Randy,

I hope all is well. Following up to our conversation a few weeks ago, we wanted to share details on the work performed and demonstrate compliance with the Skagit County Shoreline Master Program (SMP) (Chapter 12) and Skagit County Code (SCC) 14.04 specifically regarding the distinction between "repair" and "replacement."

**Justification for Necessary Repairs:** The boathouse structure had fallen into a state of disrepair due to prolonged exposure to the elements and recent storms from last winter causing additional stress on the structure members. The roofing and siding were compromised, leading to water intrusion that caused some damage to the underlying wooden framing. Without the addition of new structural members (stud framing and rafters), the deterioration would have eventually rendered the structure unsafe. In addition to replacing the siding per the plans, the repairs undertaken were not elective but essential to preserve the structural integrity. Furthermore, the repairs were necessary to meet Building Code requirements called out in the permit #BP24-0083 including installing properly sized headers for all fenestrations to ensure correct load distribution, which was previously inadequate. The roof structure was also repaired to safely support the required 50 PSF snow load, a capacity the previous damaged framing could no longer guarantee.

**Compliance with Skagit County Code:** We carefully reviewed the definitions provided in SCC 14.04 and we believe the project still classifies as "repair." under Shoreline Master Program code.

SCC 14.04 defines "**Repair**" as: *"the reconstruction of a part of an existing building for the purpose of its maintenance or as a result of damage. Repair may include replacement of individual components of an assembly... but does not include replacement of the entire assembly."*

SCC 14.04 defines "**Replacement**" in part as: *"When the value or extent of the work proposed... exceeds 75% of the preconstruction value or extent of the building, structure or assembly, the building, structure or assembly is deemed to be completely replaced."*

The repairs adhered to this definition by replacing damaged or rotted components of the wall and roof assemblies, not to exceed 75% per the permit plans (page 4). Based on a detailed cost assessment (see attached for assembly details), the replacement value of our repairs is **40.38%** of the total value of the existing structure below the 75% threshold. Please see the breakdown below: (please see the attachment for details by line item).

Financials	Value	Notes
Assessed Value of Existing Structure	\$28,490	As determined by a materials and labor valuation method.
Total Cost of Repairs/Replacements	\$11,505	Includes all materials and labor for the permitted work.

<b>Replacement Value Ratio</b>	<b>40.38%</b>	below the 75% pre construction value
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*Note: We could not find a specific tax appraisal value of the structure in our tax assessment, so we opted to value the structure using L&I labor costs and range of values to determine the assessed cost value. The comparable/market sales approach was not used due to limited recent sales. The income approach yielded a valuation of \$46,600 (NOI = \$2800/yr / 6% cap rate) but was not used in the calculation.*

The project's replacement value is below the 75% limit that would trigger a classification as a "replacement" under SCC 14.24.070 (3&5). Our original permit application (BP24-0083) estimated a replacement value ratio of 30%. While the final cost was higher due to the extent of the sill plate damage discovered and structural studs, it remains within the allowable limits for a repair project.

Thank you for your help and please let us know if you have any questions. We're happy to discuss this further anytime.

Sincerely,

Mark and Colleen Leveck

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#### 7 attachments



**Repair #2.jpg**  
334K



**Repair#4.jpg**  
195K



**Repair#3.jpg**  
224K



**Repair#5.jpg**  
218K



**Repair #1.jpg**  
142K



**Shore code defination.pdf**  
41K



**Boat Shed replacement cost - BP24-0083repair.pdf**  
61K



# *EXHIBIT C*



# *EXHIBIT D*

Existing Shed Valuation (Materials and Labor method of valuation)				
Component	Description	Quantity	Unit Cost (Skagit County, 2025)	Subtotal (Low - High)
Foundation	Poured concrete with 16" wide footings and 1-2 ft high stem walls; includes rebar, forms, and pour.	72 linear ft (perimeter); wall area 144 sq ft (72 ft x 2 ft)	Footings: \$30.50/linear ft Stem walls: \$45.90/linear ft	\$5,400 - \$10,080 (Avg. \$7,740)
Framing (Walls)	2x4 lumber framing for walls, includes plates, studs, basic sheathing	576 sq ft (gross wall area)	\$4.50 - \$7.50/sq ft installed	\$2,600 - \$4,300 (Avg. \$3,450)
Framing (Roof)	2x4 rafters; includes ridge board, basic sheathing.	304 sq ft (roof area)	\$8 - \$12/sq ft installed	\$2,400 - \$3,600 (Avg. \$3,000)
Steel Siding	Steel panels (e.g., corrugated or vertical); includes trim, fasteners; installed over framing.	576 sq ft (walls)	\$8 - \$14/sq ft installed	\$4,600 - \$8,100 (Avg. \$6,350)
Steel Roof	Steel panels (e.g., corrugated or standing seam); includes underlayment, flashing, vents.	304 sq ft	\$10 - \$16/sq ft installed	\$3,000 - \$4,900 (Avg. \$3,950)
Doors/Windows	Basic: 1 roll-up garage door (9x7 ft), 1 aluminum window	1 set	\$1,200 - \$2,500 total	\$1,200 - \$2,500 (Avg. \$1,850)
Miscellaneous	Electrical rough-in, overhead (10% contingency).	N/A	\$5-10/sq ft (288 sq ft)	\$1,400 - \$2,900 (Avg. \$2,150)
Total	Full replacement cost	288 sq ft	\$62 - \$97/sq ft	\$20,600 - \$36,380 (Avg. \$28,490)
			Existing Boat Shed value:	Average = \$28,490
Total repairs value:				
Component	Description	Quantity	Unit Costs	Materials + Labor
Framing (walls)	2x4/6 lumber framing for walls, includes plates, studs, headers basic sheathing	576sqft (gross wall area) -	\$4.50 - \$7.50/sq ft installed	\$3,456
Framing (roof)	2x6 rafters, include ridge board and basic sheathing	85% replaced of 304sqft	\$8 - \$12/sq ft installed	\$2,400
Siding	T1-11 siding (18 panels)	576 sqft	materials (labor included in framing)	\$1,089
Roof	Roofing shingles - 304 sqft	\$117 / square	\$8.20 labor + materials	\$2,860
Doors / Windows	1 roll-up garage door, 3 windwos	100% replaced	\$1800 total	\$1,400
Misc	Nails, fasteners			\$300
Total			Total repair/replaced cost basis:	\$11,505
			% of value replaced from existing	40.38%

# *EXHIBIT E*

## **Wetland and Habitat Conservation Area Site Assessment**

**33711 South Shore Drive**

**Mount Vernon, Washington 98274**

**Parcel ID #'s: P66599, 66600, & P66601**

Prepared for: Mr. Mark Leveck  
2105 North 57<sup>th</sup> Street  
Seattle, Washington 98103  
[Mkleveck@gmail.com](mailto:Mkleveck@gmail.com)



**Wetland & Fish & Wildlife Habitat Site Assessment**  
**33711 South Shore Drive, Lake Cavanaugh, WA**  
**Parcel No. P66599, P66600, & P66601**

**1. Introduction**

At the request of Mr. Mark Leveck, Cooper Geosciences (CGS), conducted a wetland and fish & wildlife habitat site assessment evaluating the current ecologic conditions on and adjacent to parcels P66599, P66600, & P66601. CGS understands that the purpose of this assessment is to satisfy the Skagit County Planning Department's requirement for critical areas review on land proposed for residential development. Mr. Leveck proposes to construct an accessory dwelling unit (ADU), a garage on the southern portion of parcels and a critical areas viewing platform (gazebo) near the existing residence. This wetland & fish & wildlife habitat site assessment includes a review of the currently available information, a description of current site conditions, an evaluation of the presence of wetlands and habitat conservation areas on and within 225 feet of the proposed residential development area, and regulatory analysis.

**2. Site & Project Description**

The subject property is located at 33711 South Shore Drive, Lake Cavanaugh, Washington. The parcels are located within the southeast quarter of Section 27, Township 33, Range 6, in Skagit County, WA (Attachment 1). The Skagit County Assessors online summary page indicates the collective parcels encompasses approximately 1.19 acres. The parcels are located on the southern shoreline of Lake Cavanaugh. The parcels are on a slight slope with a declination towards the north. Topographic maps indicate the slope between South Shore Drive and the shoreline has an average declination of 23%.

The somewhat triangular shaped parcels are currently developed with a cabin, boat house and several small shop/storage buildings. The interior portion of the property is vegetated with species such as Douglas fir, western red cedar, red alder, salmonberry and sword fern. The property is accessed from an existing graded driveway that extends from South Shore Drive, adjacent to the southern property boundary.

The parcels are zoned by Skagit County as Rural Village Residential (RVR) according to Skagit County's online zoning maps. Skagit County Code (SCC) 14.16.320, indicates residential development is an allowed use within areas with the RVR zoning designation. The parcel is bordered on the west and east by moderately spaced residential and cabin developments interspersed with a few vacant lots. The parcel is bordered on the north by Lake Cavanaugh and on the south by undeveloped timber lands. At the time of our field reconnaissance, the timber on the adjacent parcels to the south was in the process of being harvested. A type F stream flows across the northern portion of the parcels.





Photo 1: View of the parcel including the existing cabin and associated decks.



Photo 2: View to the south of the parcel interior towards South Shore Drive.



The applicant proposes to remove two storage shed outbuildings and two carport outbuildings. A garage and accessory dwelling unit (ADU) is proposed to be constructed south of the residence. A critical areas viewing platform (200 sq. ft gazebo) is proposed to be constructed adjacent to the existing residence onsite. A boat house is present in the northwest corner of the site which is proposed to be repaired.

According to the site plan provided by the applicant, the ADU will not encroach into the 100-foot Lake Cavanaugh buffer or the 150-foot buffer from the type F stream. The garage would encroach 25% (25 feet) into the 100-foot Lake Cavanaugh buffer and encroach 25% (37.5 feet) into the 150 foot type F stream buffer. The gazebo would encroach 44 feet into the 100-foot Lake Cavanaugh buffer and 125 feet into the standard 150-foot critical areas buffer for the Type F stream. The proposed developments will be located greater than 35 feet from the western and southern property boundaries. The site plan indicating the location of the proposed developments is also included in Attachment 1.

### **3. Information Sources**

The subject property and surrounding area have been assessed under several existing studies. These information sources have been reviewed and synthesized to assist CGS in characterizing the subject property. The information sources are summarized as follows:

#### **3.1 National Wetland Inventory**

The National Wetland Inventory (NWI) is compiled by the U.S. Department of Interior's Fish and Wildlife Service. NWI relies upon visual aerial photo interpretation of wetland indicators including hydrologic, vegetation and topographic signatures. Wetland and riparian areas identified under NWI are also classified in accordance with the Cowardin et. al. (1979) classification system which characterizes wetlands/riparian areas, in part, through hydrologic regime, vegetation type and location within the landscape. Current NWI maps, as shown on Image 1, do not indicate the presence of wetlands on or within 300 feet of the parcel. The maps indicate the presence of Lake Cavanaugh, L1UBH adjacent and northeast of the parcels, and a R4SBC riverine system greater than 500 feet west of the parcel. The L1UBH system is defined by NWI maps as lacustrine (L), limnetic (1), unconsolidated bottom (UB) and permanently flooded (H). The R4SBC riverine system is defined by NWI maps as riverine (R), intermittent (4), stream bed (SB), and seasonally flooded (C). CGS staff utilizes the NWI maps only as a generalized indication of possible presence, type and extent of wetlands and riparian areas.



Image1: National Wetland Inventory Map

### 3.2 Soil Survey of Skagit County Area, WA

The Soil Survey is compiled by the Natural Resource Conservation Service (NRCS) and includes mapped soil units registered to detailed descriptions of soil characteristics. The NRCS survey maps two soil units within the property boundary: #77 Jug very gravelly loam, 0-30% slopes, on the northern 1/3 of the parcels and #132 Sorensen very gravelly loam, 3-30% slopes, on the southern 2/3 of the parcel (Attachment 2).

- Jug very gravelly loam typically consists of volcanic ash and glacial outwash. The soil formation is described as somewhat excessively well drained with a depth to water more than 80 inches deep. The soil is not identified as hydric.
- Sorensen very gravelly silt loam typically consists of volcanic ash and glacial drift. The soil formation is described as well drained with a depth to water more than 80 inches deep. The soil is not identified as hydric.

### 3.3 Washington Department of Natural Resources Stream Inventory

The Washington Department of Natural Resources Stream Inventory Maps were reviewed online to identify the presence of streams and water bodies on and within 300 feet of the subject parcel. Review of the online maps did not indicate any streams on or within 300 feet of the proposed development area. Lake Cavanaugh was indicated as adjacent & northeast of the parcel.

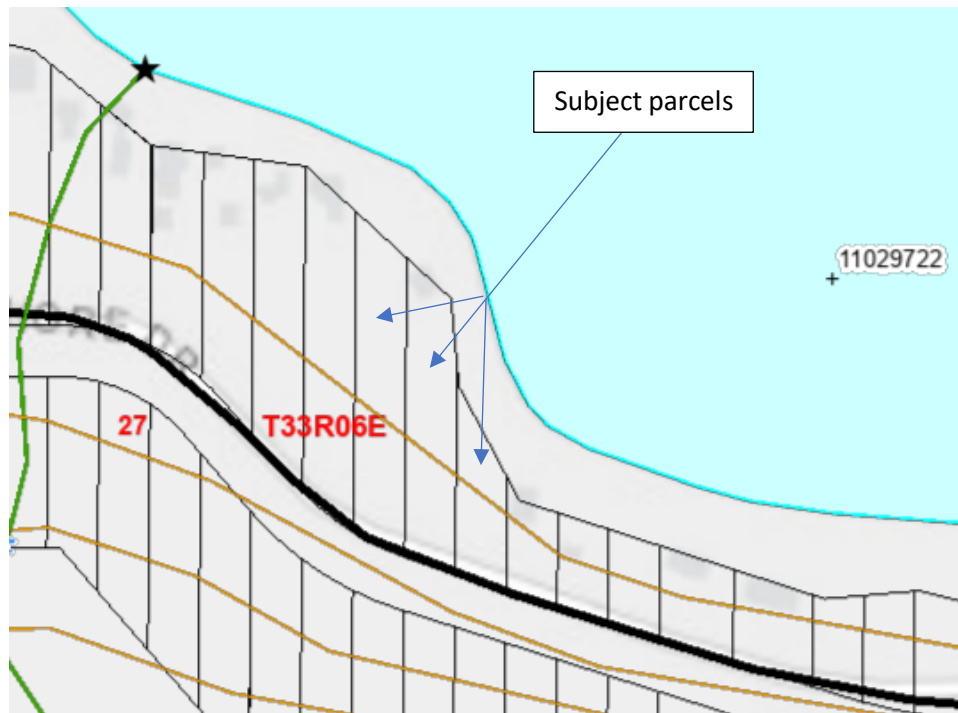


Image 2: Wa DNR stream type map

### 3.4 Geologic Map of the Stimson Hill 7.5 minute Quadrangle, Skagit County & Snohomish Counties, Washington

A review of geologic maps and associated literature was performed to evaluate surface and subsurface geologic conditions on and in the vicinity of the subject site. The Geologic Map of the Stimson Quadrangle, Washington (OFR-2004-9) is authored by the Washington Division of Geology and Earth Resources and researched by Mr. Dragovich and Mr. Wolfe, 2004. The Washington Division of Geology and Earth Resources relies on well logs, geotechnical reports/borings, aerial photographs, records and data compiled by state and local governments.

The Geologic Map of the Stimson Quadrangle indicates that the near surface geologic formations onsite consist of quaternary landslide deposits overlying glacial till and bedrock. Glacial till deposited during the last glacial advance greater than 11,700 years ago. These glacially derived sediment deposits consist of an unstratified, matrix supported clayey, silty, sand with gravel, cobbles, and boulders. Glacial till tends to be very dense and compact providing a high angle of internal friction and repose.

Typical of the area, several fault systems of varying types (including high angle and thrust faults) are in the vicinity of the subject site and characteristic of the tectonic activity associated with subduction zones, the Cascade Mountain Range, and volcanics.

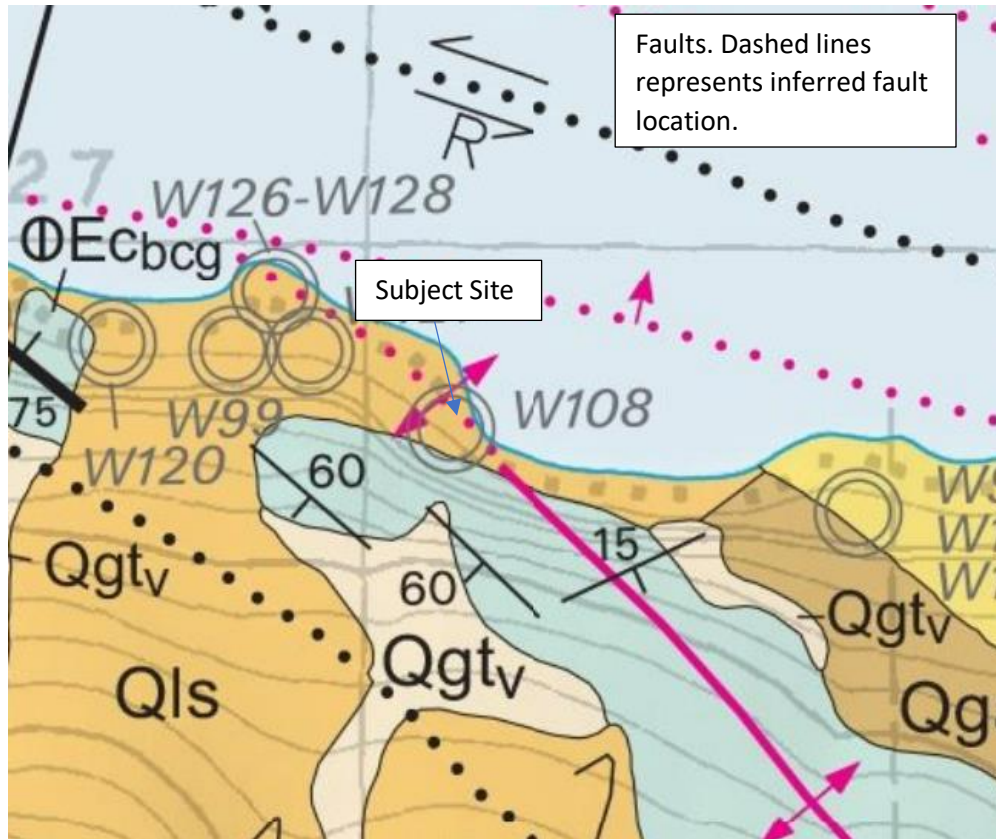


Image 3: Geologic Map Excerpt from the Stimson Quadrangle. Blue arrow indicates the approximate parcel locations.

CGS utilizes geologic maps only as a generalized indication of presence, type and extent of geologic formations both on and offsite. Identification or verification of geologic formations requires field investigations and site-specific analysis. Although we attempted to identify the geologic formations and associated features on and offsite, without subsurface drilling, we are unable to either confirm the presence, depths or sequence of the formations as indicated on the geologic maps.

### 3.5 Historic Aerial Photographs

Aerial photos from 1998 to 2021 indicate that the surrounding area has been used for timber production and residential/cabin developments. Although timber harvest remains an active use in areas to the south, by early 1970's residential/cabin development of the parcel was initiated. Residential development has continued to increase in the area resulting in somewhat moderately spaced cabins and residences, typical of the Rural Village Residential zoning for the area.

LiDAR imagery indicates some anthropogenic activity in the vicinity of the subject parcel and a alluvial fan in the vicinity of the site, which is typical along the south shore of lake Cavanaugh. The surface geologic formation on and in the vicinity of the site primarily consists of loose alluvial deposits. A

stream, the alluvial drainage channel, is indicated on the northern portion of the parcel. The stream channel exhibits erosion feature including down cutting, which is typical of some streams in the area.

### 3.6 Washington Department of Fish & Wildlife Priority Habitats and Species Map

The Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species Map was reviewed to identify the presence of Federal, State and County listed species including biodiversity corridors within ¼ mile of the project site. Priority species require protective measures for their survival due to their population status, sensitivity to habitat alterations, and/or other factors that have led to extinction vulnerability. Although not indicated on the WDFW Priority Habitats and Species Map, the marbled murrelet (*Brachyramphus marmoratus*) is known to be present in the Frailey Mountain area 1,000 feet southwest of the subject site. Marbled murrelet is identified as both a federal threatened species and a state endangered species under the Endangered Species act and WDFW's Priority Habitat and Species Program. Priority Habitats and Species Maps designate Frailey Mountain as marbled murrelet sensitive habitat.

Kokanee salmon (*Oncorhynchus nerka*) is known to be present in Lake Cavanaugh and spawns in the tributary streams. As indicated on the WDFW Priority Habitats and Species Map, kokanee salmon is not identified as either a federal endangered/threatened species or a state endangered/threatened species under the Endangered Species act and WDFW's Priority Habitat and Species Program.

Additional species listed as threatened, endangered, sensitive or candidate by the State of Washington, could occasionally pass-through lakeshore habitats. These species includes the streaked horned lark (*Eremophila alpestris strigata*), the Taylor's checkerspot butterfly (*Euphydryas editha taylori*), the mardon skipper moth (*Polites mardon*), the Puget blue butterfly (*Plebejus icarioides blackmorei*), the western toad (*Anaxyrus boreas*), and/or the western bumble bee (*Bombus occidentalis*). This project is not likely to affect, nor significantly adversely affect, these species. As the proposal is a replacement residence and deck near the same location, located 50 feet landward of the shoreline of Lake Cavanaugh. The proposal is not expected to have an adverse effect on WDFW listed, sensitive or candidate species.

## 5.0 Critical Areas Reconnaissance

The field survey portion of the wetland/fish & wildlife reconnaissance was conducted on February 2<sup>nd</sup>, 2023. Several transects were made across the parcel to identify any critical areas that may be present on and offsite. The site was observed for indicators of suspect wetlands and fish & wildlife habitat conservation areas. Offsite areas greater than 225 feet from the parcels, or those offsite areas visually obscured, were determined to be outside of the scope of this field reconnaissance.

### 5.1 Fish and Wildlife Site Reconnaissance

The proposed development areas on the parcel and immediate vicinity were observed for the presence of fish & wildlife species, sensitive species habitat, and to identify any nearby habitat conservation areas. Those areas greater than 200 feet beyond property boundaries were determined



to be outside of the scope of this site reconnaissance. The subject parcel is bordered on the north by Lake Cavanaugh. The shoreline is significantly altered by development in this area. A type F stream, with an average width greater than 5 feet wide, was observed on the northern portions of parcels P66600 and P66601. The stream was observed as moderately to highly depositional near Lake Cavanaugh resulting in highly permeable sediments.

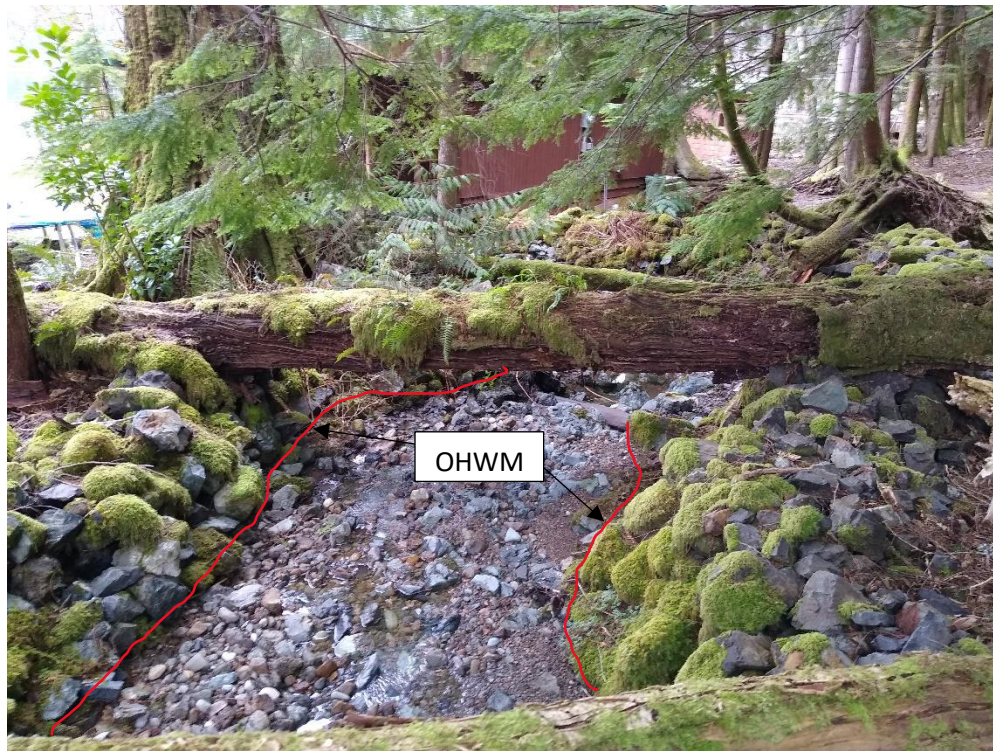


Photo 3: View of the type F stream from the bridge and OHWM.

The Lake Cavanaugh shoreline, adjacent to the parcel, has been rated as Type S waters by the Washington Department of Natural Resources (WADNR), with respect to WAC 222-16-030. The Lake Cavanaugh shoreline in this area has been designated by the Skagit County Shoreline Master Program (SCC 14.26) as Rural Residential. Pursuant to SCC 14.24.530 (2), Rural Residential shoreline requires a standard 100-foot buffer and be classified as a habitat conservation area. Pursuant to SCC 14.24.530 (1)(c), the intermittent type F stream, alluvial channel, requires a 150-foot buffer.

Although the stream meets the criteria as a type F water, pursuant to WAC 222-16-030, our geomorphic observations indicate an intermittent stream with very low surface stream flow, considering the time of year and after significant precipitation events. Alluvial fan deposition provides a highly permeable geologic formation that allows high infiltration of surface water runoff and significant subsurface flow. The stream has a drainage basin of approximately 75-acres which is a small area to maintain perennial stream flow. This stream is likely dry a great majority of the year and is unlikely to function well as a type F stream. The stream appears to provide poor sustainable habitat

for fish species, poor spawning habitat for spring spawning species (rainbow and cutthroat trout) and little, if any, spawning habitat for fall spawning fish species (kokanee and char).

During our site reconnaissance, we observed the outflow of Lake Cavanaugh near South Shore Drive. It appears that the historic weir installed on the outflow (Lake Creek) of Lake Cavanaugh has failed again. Although historic sediment deposition is currently maintaining lake water levels, sediment erosion by Lake Creek may potentially reduce future lake water levels.

#### Ordinary High Water Mark Determination

The ordinary high water mark (OHWM) was previously established by Edison Engineering for the shoreline of the subject site. CGS evaluated the site by examining drift lines, the geomorphic profile of the shoreline and the identification of a prevalence of upland vegetation. During our February site visit, we determined that the OHWM of Lake Cavanaugh established by Edison Engineering was accurate. It also came to our attention that a Washington Department of Fish and Wildlife (WDFW) enforcement action was in effect to remove the bulkhead, northwest of the existing cabin, and restore the shoreline to its previous function.



Photo 4: Bulkhead removal, shoreline restoration and OHWM identification.

CGS returned to the subject parcels in early August to identify the OHWM northwest of the existing cabin after shoreline restoration. Grading activities in the area had resulted in the removal of all upland vegetation on this section of the shoreline, the drift marks were absent, shoreline features,

and geomorphic characteristics were absent. The OHWM in this area was determined based on topographic elevations of non-disturbed OHWM locations northwest and southeast of restoration area. As indicated in Photo 4 above, OHWM locations were flagged in the field.

As indicated in Photo 3 above, the location of the OHWM for the type F stream was again confirmed in the field and flagged. As previously mentioned, this is an alluvial depositional stream with low stream flow. Therefore, minimal stream incision was observed on the subject parcel. In general, sediment deposits, alluvial scour lines and upland vegetation along the man-made rockery bank identify the OHWM.

#### Habitat conservation area vegetation

The existing buffer conditions are moderate to good consisting of native trees, shrubs and herbaceous vegetation. The trees general consists of western red cedar (*Thuja plicata*, Fac) and Douglas fir (*Pseudotsuga menziesii*, Facu) with some red alder present (*Alnus rubra*, Fac). The shrub-scrub layer is limited to some salmonberry (*Rubus spectabilis*, Fac) near the shoreline. The herb layer generally consists of sword fern (*Polystichum munitum*, Facu) on the majority of the parcels with some reed canary grass (*Phalaris arundinacea*, Facw) and slough sedge (*Carex obnupta*, Obl) near the shoreline. Numerous buildings and outbuildings are currently located within both the buffer of Lake Cavanaugh and the type F stream which reduces the effectiveness of the buffer on the critical areas. However, the current habitat remains moderate to good for shoreline ecologic conditions and is typical of the neighboring properties.

#### Wildlife observations and habitat

No wildlife was observed onsite during our site visit, except for some common avian species. CGS anticipates that mammal species such as raccoon, rabbit, opossum, coyote and deer are likely present at or near the subject parcels. The site's vicinity is likely frequented by avian species including bald eagles or other birds of prey, ravens crows, great blue herons, songbirds, ducks, or geese. The site was investigated for the presence of bald eagle or great blue heron nesting, roosting, and foraging habitat. Although no bald eagle nests/heron rookeries were observed on or within 200 feet of the development area, we anticipate that there are outlying undeveloped areas in the vicinity of the parcel that may be suitable for roosting and nesting. Foraging habitat is present on the shoreline in this area. Western red cedar and Douglas fir trees suitable for roosting or nesting are present on and around the subject parcel. As no nests or rookery were observed in the area at the time of our site visit, CGS anticipates that the proposal is not likely to affect or significantly adversely affect great blue heron/ bald eagle roosts, nests, or forage areas.





Photo 5: View of the existing Lake Cavanaugh shoreline.

#### Functions and Values Analysis

Pursuant to SCC 14.24.520, a functions and values analysis is required to verify the integrity of the habitat conservation area buffer adjacent to the shoreline. The functions and values analysis includes an evaluation of the large woody debris recruitment, shade, shoreline integrity and wildlife habitat.

- Large woody debris recruitment: The shoreline buffer is moderately forested with western red cedar, Douglas fir, and red alder trees. The native trees onsite and the location of the trees relative to the shoreline has potential to contribute large woody debris to both Lake Cavanaugh shoreline and the associated type F stream riparian environment.
- Shade: Native trees and shrubs grow in the current shoreline buffer area. The current site conditions provide shade to the shoreline and the associated riparian environment. It is our opinion that the proposed development will not have a significant adverse impact on shading of the shoreline or riverine waters any greater than what currently exists.
- Shoreline integrity: Observations of the shoreline indicate a coarse sand and gravel substrate in a relatively low energy environment. At the time of this site assessment, Lake Cavanaugh does not appear to be significantly encroaching into the shoreline buffer. Although the type F stream indicates a history of significant geomorphic deposition, the riparian area appears stable with reduced erosion as the stream approaches a stable base level elevation equivalent to Lake Cavanaugh.

- Runoff filtration: Observations of the shoreline and associated buffer area indicate alluvial deposits consisting of loose sand and gravel that are highly permeable allowing good infiltration of surface water. Except for the type F stream, evidence of significant erosion was not observed on the shoreline. Rather the shoreline in this area is depositional.
- Habitat: As indicated above, the current habitat onsite is moderate to good. Although no wildlife was observed onsite during our site visit except for crows. CGS anticipates that small mammals, songbirds, and other avian species are likely present in the vicinity of the parcel including squirrels, racoon, rabbit, opossum, coyote, and Columbian black tail deer, skunk, bald eagles, various birds of prey, ravens, herons, crows and neotropical migrant bird species. The proposed buffer reductions and mitigation measures should maintain current habitat conditions particularly for those species adapted to residential developments/landscaped areas adjacent to lacustrine and riparian shorelines.

## 5.2 Wetland Site Reconnaissance

### Data Collection

The field reconnaissance portion of the critical area site assessment was conducted on February 2<sup>nd</sup>, 2023. The subject parcel was observed for wetland indicators (hydrology, hydric soils and hydrophytic vegetation). Offsite areas greater than 225 feet from the proposed building locations were determined to be outside of the scope of the field reconnaissance phase of this assessment.

### Wetland Definition and Parameters

CGS utilized the 1987 Corps of Engineers Wetland Delineation Manual (Technical Report Y-87-1) in the preparation of this report. The Corps Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountain, Valley's and Coast Region (Version 2.0/May 2010) represent the accepted standard protocols for identifying and delineating wetlands for jurisdictional purposes under the U.S Federal Clean Water Act. The manual incorporates the U.S. Federal Clean Water Act Definition of Wetlands as follows: *"Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas"*. The definition requires that three interrelated defining elements or parameters be established and present when identifying wetlands. These parameters are wetland hydrology (hydrogeology), hydric soils and hydrophytic vegetation.

Shovel Sample Point Locations - Shovel sample points were excavated at three locations onsite to evaluate the presence hydrologic indicators, hydric soils indicators and the presence of hydrophytic vegetation. Sample point locations were selected based on our background research including aerial photo interpretation. The background information/aerial photos indicated the parcel is on slight slope with the topographic low point located on the northern portion of the parcels. Onsite, sample points were located in suspected wetlands or wetland fringe areas. Sample point locations are indicated in

Table 1 below and include both longitude & latitude as well as the tape measured location from the southeast corner of the existing cabin on the parcels.

Table 1- Sample point locations.

Sample point	Latitude	Longitude	From SE Bldg cor.
SP-1	48.317495	-122.015501	25' E & 5' S
SP-2	48.317494	-122.015438	41' E & 4' S
SP-3	48.317235	-122.015266	85' E & 90' S

Note: The sample point locations are indicated on the Critical Areas Site Plan, Attachment 1.

**Wetland Hydrology** – Water is the driving force, which creates and sustains wetlands. The 1987 Manual and subsequent Corps guidance identifies wetlands as areas where soils are inundated or continuously saturated for a minimum of 5% of the growing season (approximately 14 days for Western Washington). When direct observation of standing water, a high groundwater table or saturated soil conditions cannot be made, hydrology is determined by relying upon hydrologic indicators such as hydric soil characteristics, water marks, drift lines, sediment deposits or drainage patterns. Table 2 below indicates the hydrology observed in each sample point including the depth of the sample point below site grade (bsg).

Table 2: Hydrology observed in the sample points.

Sample Point (SP)	SP depth - bsg	Surface water	Water table (bsg)	Saturation (bsg)	Wetland hydrology
SP-1	14"	<1"	3"	<1"	Yes
SP-2	14"	None	13"	13"	No
SP-3	16"	None	None	None	No

Sample point holes were left open during the sampling process to allow groundwater levels to stabilize or saturation to become evident. Primary hydrologic indicators were observed in sample point SP-1. However, sample points SP-2 and SP-3 did not indicate primary or secondary hydrologic indicators. Although sample point SP-1 does meet the criteria for wetland hydrology, it is our professional opinion that sample points SP-2 and SP-3 do not meet the criteria for wetland hydrology.





Photo 2: View of hydrologic conditions near sample point SP-2, greater than 12 inches deep.

Hydric Soils – Wetlands exhibiting hydric soils. The National Technical Committee for Hydric Soils (NTCHS) defines hydric soils as a soil that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part (USDA Soil Conservation Service 1994) of the soil column. Most hydric soils exhibit characteristic morphologies that result from repeated periods of saturation or inundation for more than a few days. Saturation or inundation, when combined with microbial activity in the soil, causes the depletion of oxygen. This anaerobiosis promotes certain biogeochemical processes, such as the accumulation of organic matter and the reduction, translocation, or accumulation of iron and other reducible elements.

These processes result in distinctive characteristics that persist in the soil during both wet and dry periods, making them useful for identifying hydric soils in the field (USDA Natural Resource Conservation Service 2006b). Soil color, chroma and value assist in identification of hydric soils at the sample points and were obtained by comparing soil samples of the soil matrix and redoximorphic features in the soil profile utilizing color chips from Munsell Soil Color Charts (2009, published 2019). Soil colors, textures and presence of redoximorphic features were recorded and hydric soils were determined using the indicators described in the Regional Supplement.

#### Sample Points

The soil profiles in the soil test pits appears as alluvium mineral soils, uncharacteristic for wetlands, and generally consistent with the location and description of Jug or Sorenson very gravelly loam as

indicated in the Soil Survey of Skagit County and on the Natural Resource Web Soil Survey. A summary of the characteristics of the soil profiles are indicated in Table 3 below:

Table 3: Soil Characteristics in sample points

Sample point	Depth (inches)	Color	Redox	Texture	Hydric
SP-1	0-14	10YR 4/2	None	Silty sand	No
SP-2	0-14	2.5Y 4/3	None	Coarse sand	No
SP-3	0-9	2.5Y 5/3	None	Fine sand	
	9-16	10YR 2/2	None	Silty sand	No

Although sample points SP-1 and SP-3 indicated a chroma of 2, none of the sample points indicated any redoximorphic feature indicative of hydric soils. It is our opinion that none of the sample points meet the hydric soil indicator criteria - Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2).

Hydrophytic Vegetation – Vegetation of wetlands consists of plants adapted to thrive in anaerobic soil conditions. Dominant species were determined using the 50/20 rule. Dominant species from each stratum are those that cumulatively make up more than 50% (relative cover per stratum), plus any additional species with 20 percent or more relative cover. The wetland indicator status for each dominant species was used to determine the presence or absence of hydrophytic plant communities based on the National wetland plant list, state of Washington 2016 wetland plant list (Lichvar, 2016). The U.S. Fish and Wildlife Service has classified wetland plant species according to a species frequency of occurrence in wetlands as follows:

- Obligate wetland species (OBL) occur in wetlands greater than 99% of the time.
- Facultative wetland species (FACW) occur in wetlands greater than 67% of the time.
- Facultative species (FAC) occur in wetlands 34%-66% of the time.
- Facultative upland species (FACU) occur in wetlands less than 34% of the time.
- Upland species (UPL) occur in wetlands less than 1% of the time.

Generally, the hydrophytic vegetation parameter is satisfied when

- Greater than 50% of the species present at an observation point have an indicator status of OBL, FACW and/or FAC, or
- When two or more dominant species have observed morphological or known physiological adaptations for occurrence in wetlands, or
- when other indicators of hydrophytic vegetation are present.

Vegetation communities on the subject parcel are generally dominated by obligatory, facultative wetland and facultative species. Obligatory species are primarily found in wetlands while facultative wetlands and facultative species can be found in both wetlands and upland areas. A site

reconnaissance, including site vegetation identification, was performed on September 1<sup>st</sup>, 2022 during the growing season.

#### Sample Points SP-1 through SP-3

Vegetation observed within the sample plots included tree, scrub-shrub and herb stratus. The dominant species in the tree stratum generally included western red cedar (*Thuja plicata*, Fac) and red alder present (*Alnus rubra*, Fac). The shrub-scrub layer is limited with some salmonberry (*Rubus spectabilis*, Fac) near the shoreline. The herb layer general consists of sword fern (*Polystichum munitum*, Facu) on the majority of the parcels with some reed canary grass (*Phalaris arundinacea*, Facw) and a small area of slough sedge (*Carex obnupta*, Obl) near the shoreline areas. Dominant species in the sample points were identified as facultative species occurring greater than 33-66% of the time in a wetland environment and facultative wetland species occurring >66% of the time in wetland environment. Obligatory vegetation (slough sedge) was present in suspect wetland areas and occurs greater than 99% of the time in a wetland environment. It is our opinion that hydrophytic vegetation is present at all three sample points.

#### Wetlands Identification

As summarized in Table 4 below, none of the sample points included all three of the wetland indicator criteria required to be identified as a wetland. The criteria found in the sample points were applied to other areas onsite. No wetlands were identified on or within 225 feet of the subject parcels. Areas greater than 225 feet from the parcels were determined to be outside the scope of this site assessment.

Table 4 – Summary of wetlands findings

Sample Plot	Hydrology	Hydric soils	Hydrophytic veg	Wetlands present
SP-1	Yes	No	Yes	No
SP-2	No	No	Yes	No
SP-3	No	No	Yes	No

## **6.0 Environmental Regulatory Review**

Development on shorelines within Skagit County is required to comply with both Skagit County's Shoreline Master Program (SCC 14.26) and the Critical Areas Ordinance (SCC 14.24). Pursuant to Skagit County's Critical Areas Ordinance SCC 14.24.530(2), a 100-foot buffer is required from the OHWM of Lake Cavanaugh to developments onsite. Pursuant to SCC 14.24.530(1)(c), a 150-foot buffer is required from the OHWM of the type F stream.

The garage will encroach 25 feet into the 100-foot Lake Cavanaugh buffer and 37.5 feet into the type F stream buffer. The ADU will not into the 100-foot Lake Cavanaugh buffer or the 150-foot Type F stream buffer. The gazebo would encroach 44 feet into the 100-foot Lake Cavanaugh buffer and 125 feet into the standard 150-foot critical areas buffer for the Type F stream. A buffer reduction of 25%

of the riparian and shoreline buffer is required for the garage. Pursuant to SCC 14.24.540 (3), buffer widths reduced by 25% of the standard buffer width require administrative approval.

The development proposal was also reviewed to confirm conformance with Skagit County's Shoreline Master Plan (SCSMP). The SCSMP requires four dimensional criteria be met to comply with the shoreline regulations. The dimensional criteria include a 50-foot setback from the OHWM for the residential building addition (or the average of residential building setbacks within 300 feet on either side of the property, whichever is greater), an 8-foot setback from the side yard property boundaries, a height limit for the structure of 30-feet, and a limitation of 30% developed area on the parcels.

**Table 5:** Shoreline setbacks within 300 feet of the subject parcel (west to east).

Parcel #	Setback (ft)	Comments
P66606	20	Residence to OHWM
P66605	27	Residence to OHWM
P66604	42	Residence to OHWM
P66603	63	Residence to OHWM
P66602	33	Residence to OHWM
P66601	Vacant	Applicants parcel
P66600	6	Applicants cabin
P66599	No residence	Applicants parcel
P66598	27	Residence to OHWM
P66597	63	Residence to OHWM
P66596	Vacant	Undeveloped parcel
P66595	59	Residence of OHWM
P66729	58	Residence to OHWM
Average:	43.6	

Pursuant to SCSMP 14.26, chapter 7, Section 7.13, Table RD, the average setback distances for residential buildings within 300 feet of the subject parcels was calculated to determine the required setback from the OHWM. A setback distance from the OHWM for each residence was obtained utilizing Skagit County's online aerial photographs (iMap) and a laser range finder where applicable. Nine residences, excluding the subject site, were located within 300 feet of the parcel. Measurements indicated an average setback of 43.6 feet from the OHWM for shoreline residences within 300 feet east and west of the subject parcels along the shoreline. Based on the average of setbacks on neighboring properties and pursuant to SCSMP 14.26, chapter 7, a 50-foot shoreline setback is required from the OHWM of Lake Cavanaugh for residential development on the subject parcels.

The proposed setback for the ADU is 100 feet and the garage is setback 75 feet from the OHWM of the shoreline and is conforming to the current SCSMP. The proposed setback from the property boundaries is 35 feet which conforms to the SCSMP. The height for the ADU is proposed as less than 30 feet, also conforming to the SCSMP. However, the proposed height of the garage is 24 feet, which is not conforming to the SCSMP. The SCSMP requires a maximum average height of 15 feet for



accessory structures. Based on the site plan provided to CGS, the existing developed area (8,840 sq.ft.) was calculated as 17% developed area and the proposed development area (10,472 sq.ft.) was calculated as 20.2% within 200 feet of the OHWM. Both the existing and proposed developed area conforms to the SCSMP (30% or less). Based on the site plan provided to CGS, the proposed garage, gazebo and ADU on the subject parcel conforms to the SCSMP for three of the four of the dimensional criteria for this shoreline designation. A shoreline variance (level II variance) is required for 24-foot proposed height of the garage.

Pursuant to Skagit Countys Critical Areas Ordinance, SCC 14.24.530(2), standard buffers from lakes within the Rural residential shoreline designation require a 100-foot buffer. Due to space limitations, the proposed garage will not conform to the critical areas 100-foot shoreline buffer or the 150-foot riparian buffer, Mr. Leveck proposes to locate the garage 75 feet from the OHWM of Lake Cavanaugh and 112.5 feet from the type F stream. Mr. Leveck is requesting a maximum of a 25% buffer reduction from the stream and shoreline. The proposed critical areas buffer reduction will administrative critical areas approval.

The owner proposes to construct a critical area viewing plat form (<200 sq. ft. gazebo) near the existing cabin onsite. Pursuant to SCC 14.24.540 (5)(e), the viewing platform may be administratively allowed provided the use is low impact, consistent with the purpose and function of the buffer and does not detract from its integrity may be permitted within the buffer provided that the gazebo does not result in a decrease in riparian functions and values and does not prevent or inhibit the buffer's recovery to a pre-altered condition or function. It is our opinion that the proposed gazebo will not decrease riparian functions and values or inhibit buffer recovery in the area. Mitigation has been included to ensure buffer function.

As enough space is not available for buffer averaging, mitigation for the buffer reduction is proposed as buffer width decreasing under the provisions of SCC 14.24.540 (3): *" Buffers may be reduced when buffer reduction impacts are mitigated and result in equal or greater protection of the HCA functions and values. Prior to considering buffer reductions, the applicant shall demonstrate application of mitigation sequencing as required in SCC 14.24.080. In all circumstances where a substantial portion of the remaining buffer is degraded, the buffer reduction plan shall include replanting with native vegetation in the degraded portions of the remaining buffer area and shall include a 5-year monitoring and maintenance plan."*

#### Mitigation Sequence

Pursuant to SCC 14.24.080 (5)(b), mitigation sequence is required to evaluate the suitability for a buffer reduction. Five mitigation criteria need to be met to demonstrate critical areas variance applicability. The following includes mitigation criteria and the responses to the mitigation sequence.

- Avoid the impact altogether by not taking a certain action or parts of an action; *The applicant proposes to construct a garage at a location of 75' from the OHWM of lake Cavanaugh and 112.5 feet from the OHWM of the type F stream. The parcel consists of both shoreline habitat*



*of lake Cavanaugh, riparian environment and a mature forest providing desirable upland habitat. Placement of the proposed garage near the southwest corner away from both critical areas minimizes impact to both the shoreline and riparian habitat. The proposed location of the garage and ADU are situated in areas with minimal disturbance to the shoreline, riparian environment.*

- Minimize the impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts; *The location and size of the parcels, relative to the shoreline of Lake Cavanaugh and the type F stream, limit the degree and magnitude of the developments that can occur onsite. The proposed location of the improvements is designed to minimize the impact to the upland forested habitat, type F stream habitat, and the shoreline. The owner of the parcel proposes to mitigate the 25% buffer reduction by implementing a mitigation plan to improve the function of the existing buffers between the lake and type F stream.*
- Rectify the impact by repairing, rehabilitating or restoring the affected environment to the conditions existing at the time of the initiation of the project or activity; *The proposed new garage will set back from the shoreline and stream further than the existing residence and should not result in any additional impact relative to the existing ecological conditions. Regardless, the owner of the parcel proposes a mitigation plan to restore previously developed areas (two outbuildings to be removed) and enhance the remaining buffer.*
- Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action; *The impact of the new garage construction will be reduced over time with the implementation and growth of the buffer mitigation planting plan. The plan includes five years monitoring and maintenance to ensure success of the plan and improvement of the ecology of the reduced buffer.*
- Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; *The impact of the proposed reduced buffer will be compensated by enhancing the buffer with native trees and shrubs to improve shoreline habitat.*

### **Buffer Mitigation Plan**

The proposed garage would encroach 25 feet into the 100-foot critical areas buffer/habitat conservation area for Lake Cavanaugh and 37.5 feet into the 150-foot critical areas buffer for the type F stream. The gazebo would encroach 44 feet into the 100-foot Lake Cavanaugh buffer and 125 feet into the standard 150-foot critical areas buffer for the Type F stream. The proposed mitigations are in addition to those required by WDFW. The lake Cavanaugh buffer and the type F stream buffer will be enhanced by planting native vegetation. Mitigation procedures include approximately 3,200 square feet of mitigation plantings to compensate for buffer encroachments. Native riparian plants, suitable to this shoreline ecosystem, should be planted to compensate for the reduced riparian and shoreline buffer. A shoreline mitigation planting plan is as follows and is designed to be flexible allowing for the

substitution of shoreline plants and locations according to their tolerance to the riparian shoreline ecosystem.

### ***Planting Plan***

This plan proposes to enroot plants, install plant protective covers, and apply mulch and/or shade cloth, as necessary. Planting should not begin until the mitigation site is prepared in accordance with this mitigation plan and any requirements made by the County or other jurisdictional authority.

### ***Source of Plant Materials***

All plant materials used at the mitigation site should be native and acquired from local sources, grown in the Puget Sound lowlands, and obtained from a reputable native plant nursery, preferably in Skagit or Whatcom County. For a list of site-specific recommended plant species, see the attached *Recommended Species List* in Attachment 3. Note that the quantities of individual species may change depending on nursery availability. To avoid a monoculture and to improve the likelihood of overall planting success, a minimum of three distinct species should be used in restoration efforts.

### ***Planting Locations***

Using the species list in Attachment 3 as a guide, plants should be installed in areas best suited to promote growth and function of a native habitat area. Plants should be laid out in clusters or “islands” that mimic natural plant distribution. Specific attention should be paid to hydrologic, soil, and shade micro-conditions that can contribute to the survival and proliferation of the plantings. Individual planting locations may vary based on actual site conditions; however, the total number of plants enrooted, and the number of square feet enhanced should not fall below the quantities suggested in Attachment 3.

### ***Installation of Container and Bare Root Plants***

Bare root plants should only be installed from October 15<sup>th</sup> to December 1<sup>st</sup> and from February 15<sup>th</sup> through April 15<sup>th</sup>. Planting bare root plants outside of this window can substantially reduce survival rates. Furthermore, if bare root plantings are utilized, we recommend increasing the number of plants installed by at least 25% to ensure that performance standards are met during the coming years. To help ensure successful plant survival, we recommend these general guidelines:

- Water all container stock and bare root plants the day before planting.
- Transplant according to the location recommendations provided in this report.
- Follow the appropriate spacing guidelines in Attachment 3.
- Dig holes deep enough and wide enough to allow room for roots to spread.
- Install plantings with downward facing root mass and avoid “J-planting” or horizontal root arrangements.
- Apply water to the hole prior to installing the plant.
- Water plants after installation and tamp down the soil to close any air holes.

- Create a soil basin around each new plant to allow for water collection while the seedling or sapling establishes itself.

#### *As-Built Report*

The Applicant should submit, or arrange to have submitted to the County, an as-built report within 60 days of mitigation implementation. At a minimum, the As-Built Report should contain photographs of the mitigation site, a map showing all activities associated with this mitigation plan, a plant plot map showing specific locations of the installed individual plant species, and a schedule of planned activities that includes procedures, materials, and equipment to be used for maintenance. The five-year monitoring period would commence only after the County has received the As-Built Report.

#### *Tentative Plant Installation Schedule*

Native vegetation planting should begin in the spring or fall after the County approves this mitigation plan. Plant installation should take place between February 15<sup>th</sup> and April 15<sup>th</sup>, between October 15<sup>th</sup> and December 1<sup>st</sup>, and/or according to the specific nursery recommendations.

### ***Monitoring and Maintenance***

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#### *Performance Standards*

Performance standards are used to determine the relative success of the mitigation project. CGS recommends the following performance standards for the mitigation site:

- The site must be maintained so that invasive species areal cover is below 10% for the duration of the monitoring period.
- Planted tree and shrub species should have a 100% survival for the first year (Year 1) of the monitoring period, 90% for Year 2, 80% for Years 3 and 4, and 75% by the final year (Year 5).
- If the total native tree and shrub cover meets or exceeds 80%, the mitigation would be considered successful and survival rate criteria for installed plants would be decreased to 50%.

#### *Monitoring Schedule*

The mitigation site should be maintained and monitored for five years following installation. Monitoring reports should be submitted to the County during years 1, 2, 3, 4, and 5, beginning the year after the County accepts the mitigation As-Built specifications. The monitoring reports should be submitted by December 31 of each monitoring year. The dates and activities that will be conducted during the monitoring period are specified in Table 1.

#### *Monitoring Reports*

At the end of each monitoring year (Year 1 through 5), an annual report would be prepared by the applicant and submitted to the County. The specific monitoring schedule would be determined by the date of implementation, the submittal of the mitigation as-built report, and the acquisition of the installation completion letter from the County. The Year 1 monitoring report should be submitted by

December 31 of the first monitoring year, contingent on County approval. Annual monitoring reports should provide an assessment of the mitigation site as it relates to specified performance standards. Monitoring reports should also reflect an evaluation of progress toward completion of the goals and objectives contained in this mitigation plan. Each monitoring report should contain, at a minimum:

- The survival rate and/or replacement of planted tree and shrub species
- Areal cover of planted herbaceous species.
- Percent cover of native vegetation, native plant recruitment, estimates of shrub height.
- An inventory of plant species (both planted and volunteer)
- A list of persons who participated in the data collection, compilation, and preparation of the monitoring report
- A mitigation site map identifying mitigation areas, data collection locations and/or transects, photo point locations, and any other pertinent information.
- Labeled photographs from each of the photo point locations.
- Copies of completed field data sheets.
- A summary of all qualitative and quantitative monitoring data.

**Table 6.** Schedule of Monitoring and Maintenance Activities

Yr	Task	Date
0	Mitigation Installation	Between Sept and April
	Preparation of As-Built Report	Within 60 days of install
	Agency Mitigation Completion Letter	To be determined
1-4	Monitoring Activities	Fall
	Mitigation Maintenance	Spring/Summer
	Year 1-4 Monitoring Report	December 31
5	Monitoring Activities	Fall
	Mitigation Maintenance	Summer/Fall
	Final Monitoring Report	December 31
	Confirmation of Mitigation Monitoring	To be Determined
	Contingency Measures (if required)	To be Determined

#### *Monitoring Methods*

This section provides recommended methods for evaluating the success of the mitigation site.

#### *Plant Survival Sampling Technique*

An inventory of all installed plants should be conducted at the end of each growing season of the corresponding monitoring year. The total number of dead or missing plants will be recorded by species and subtracted from the total number of enrooted plants. The percentage of surviving plants should

be calculated to determine whether the stated performance standards are being met. It may be difficult to count individual ground cover species in later monitoring years. Ground cover should be evaluated based on areal cover of planted and volunteer native vegetation combined.

If performance standards are not met for any monitoring year, the Applicant should be responsible for additional plantings to performance standard values, unless total percent cover (installed plants plus native recruits) meets or exceeds these criteria.

#### *Photo Documentation*

Permanent stations for photo documentation would be established during the As-Built survey, following mitigation installation. Each photo point location would be marked, labeled, and mapped, and the photo point direction would be recorded. Photographs from each photo point location would be included in each submitted annual monitoring report.

#### *Monitoring Inspection Checklist*

The site should be inspected at least once a year to evaluate the mitigation project (fall). The following inspection guidelines are recommended to document the re-vegetation progress:

#### *Fall (September -October)*

- Evaluate plants and plant communities using monitoring methods described above.
- If plants are determined to be dead, dying, or missing, replace with the same species or another native, locally well adapted species.
- Water plants during dry spring/summer.
- Replace flags and markers as needed.
- Photograph mitigation area.

#### *Maintenance*

The area should be actively maintained throughout the 5-year period. This will help ensure success of the mitigation project. Maintenance personnel, if contracted, must understand the approved mitigation plan and comprehend the plan's ultimate goals and objectives. Persons conducting maintenance activities should also report existing or potential problems that may be observed on-site.

Maintenance should be conducted using the following guidelines as the minimum amount of maintenance necessary to ensure mitigation success. Additional maintenance and/or site visits may be necessary. A summary of maintenance tasks is provided in Table 6 below.

**TABLE 7. MAINTENANCE TASK SCHEDULE**

Activity	Schedule	Responsibility
Replace all dead and declining plantings	One year following completion of mitigation implementation.	The Applicant should be responsible for replacing all dead or unhealthy plantings.
Water installed plants (should only be necessary for the first two years following installation)	As needed, with a minimum of one inch of water for every two weeks during the dry season (generally July and August)	The Applicant should be responsible for implementing an appropriate watering schedule.

### ***Mitigation Completion***

#### ***Notification of Completion***

At the end of the five-year monitoring and maintenance period, the Applicant should provide written notification to the County, provided the approved performance standards have been met. If mitigation has not achieved the performance standards, then the County should be consulted for approval of a contingency plan. Only portions of the site that fail to meet specific performance standards should require additional monitoring. This process should continue until all performance standards are met or until the County determines that mitigation is sufficiently successful.

The applicant should not be held responsible or accountable for any natural occurrence that significantly damages or destroys the mitigation site provided that the plantings were documented to have been proceeding towards meeting the performance standards prior to the naturally damaging disturbance. Natural occurrences that could cause significant damage include, but are not limited to, significant windstorm events, flooding, naturally caused fire, or other destructive natural forces. If the site is damaged or destroyed by a natural occurrence, reconstruction and replanting should not be required.

#### ***Agency Confirmation***

Following the submittal of the Year 5 monitoring report and notification of completion of the monitoring and maintenance period, Skagit County should provide written confirmation releasing the applicant of any further mitigation and monitoring responsibilities associated with this plan. While it is the responsibility of the applicant to ensure that the mitigation is successful, agency staff should review annual reports in a timely fashion and provide comments throughout the monitoring and maintenance period so that any part of the mitigation that is deemed insufficient can be addressed prior to the anticipated end of the monitoring and maintenance period.

#### ***Contingency Plan***

Contingency measures should be implemented if one or more of the performance standards are not met for any monitoring year. If contingency measures are required, a qualified professional should



prepare an evaluation of the cause(s) of failure and, if deemed necessary by Skagit County, develop a plan for remedial action. Monitoring and maintenance should continue beyond the original five-year period until the agencies give final approval releasing the applicant of mitigation responsibilities.

If it is determined that the performance standards cannot be achieved through routine maintenance, a qualified professional should develop a contingency plan. The contingency plan would replace the corresponding components of the approved mitigation plan and must be approved by Skagit County prior to implementation.

#### Contingency Measures

If performance standards are not met within the five-year monitoring and maintenance period, the following actions are recommended:

- If survival of any particular installed plant species is less than 80% during the monitoring and maintenance period, then additional planting should occur to restore the number and species to as-built specifications, unless it is determined that a different native species would have greater success.
- If noxious species occupy more than 10% of the total areal cover, then additional weed control measures should be utilized.
- If the average overall native herbaceous cover is below 50% then additional planting should occur to ensure adequate coverage.

If additional restoration measures are needed to meet the performance standards in this report, a CGS scientist or other qualified professional would monitor efforts to reestablish the mitigation site. A specific contingency plan may be required if any or all performance standards are not met by the end of the five-year monitoring and maintenance period.

## 7.0 Conclusions

### Fish & Wildlife Habitat Conservation Areas

Although marbled murrelet (*Brachyramphus marmoratus*) is known to be in the area, the fish and wildlife site assessment did not identify the presence of the marbled murrelet or any other species federally protected under the Endangered Species Act, nor species protected by the State of Washington as identified on the States list of protected species (revised March 2022). Habitat for protected species was not observed to exist on or within 200 feet of the proposed developments. The proposed new residence and associated developments is not likely to significantly adversely affect marbled murrelet and associated habitat.

The subject parcel is located adjacent to the shoreline of a type S water which requires a 100-foot critical areas buffer as measured landward from the OHWM. A 150-foot buffer is required from the type F stream on and offsite. The garage will not encroach 25 feet into the 100-foot Lake Cavanaugh buffer and 37.5 feet into the 150-foot type F stream buffer. The gazebo would encroach 44 feet into

the 100-foot Lake Cavanaugh buffer and 125 feet into the standard 150-foot critical areas buffer for the Type F stream. The proposed developed area would encompass approximately 1,700 square feet of buffer. The proposed buffer reductions will require administrative critical areas approval from the Skagit County Planning Department.

The proposed height of the garage is 24 feet, which is not conforming to the SCSMP. The SCSMP requires a maximum average height of 15 feet for accessory structures. Based on the site plan provided to CGS, the proposed garage, gazebo and ADU on the subject parcel conforms to the SCSMP for three of the four of the dimensional criteria for this shoreline designation. A shoreline variance (level II variance) is required for the 24-foot proposed height of the garage.

A mitigation plan including a buffer enhancement planting plan has been included in this report to mitigate for the impacts of the proposed developments in the critical areas buffer. It is our opinion that the critical area and shoreline habitat will not be significantly degraded by the proposed residence, provided residential development is not constructed closer to the OHWM than proposed and provided the following recommendations are implemented:

- The shoreline buffer mitigation planting plan is fully implemented and maintained.
- The proposed developed area is reduced as much as possible.
- Silt fencing or equivalent erosion control measures should be constructed around the proposed building area, outside of the proposed 50-foot shoreline buffer and 9-foot riparian buffer.
- Construction equipment, materials and waste should be placed or stored as far away from the shoreline and riparian reduced buffer areas as practical.
- Disturbed areas resulting from the development activities onsite should be landscaped with native vegetation after construction.
- Any surface water runoff from the construction site should be directed away from the shoreline/riparian buffer and allowed to infiltrate onsite.

#### Wetlands Site Reconnaissance

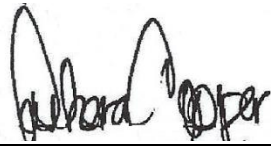
Although hydrophytic vegetation was present at all three sample points, hydric soils and hydrologic characteristics were not identified in any of the sample points. This wetland site assessment did not identify the presence of wetlands on or within 225 feet of the subject parcels.

Riparian and shoreline habitat represent critical areas and are regulated and protected under the provisions of SCC 14.24.090 and SCC 14.26. With the proposed mitigation, we do not anticipate that the proposed development will have an adverse impact on the existing critical areas and associated buffer. We appreciate the opportunity to be of service to you. Should you have any questions concerning this report or other aspects of the project, please do not hesitate to contact CGS.

Sincerely,



John Cooper, LHg  
Cooper GeoSciences LLC  
Geologist/Wetland Scientist



Ms. Debora Cooper, MS  
Biologist/Ecologist/ Botanist

Disclaimer: This document has been prepared by Cooper GeoSciences for the exclusive use and benefit of the client for management of the property for the project described. No other party is entitled to rely on any of the conclusions, data, opinions, or any other information contained in this document. This document represents Cooper GeoSciences best professional judgment based on the information available at the time of its completion and as appropriate for the project scope of work. Services performed in developing the content of this document have been conducted in a manner consistent with that level and skill ordinarily exercised by members of the wetland and habitat conservation area assessment profession currently practicing under similar conditions. No warranty, expressed or implied, is made.

The report is not to be photographed, photocopied, or reproduced in total or in part without the consent of the client and CGS. The results and conclusions presented in this report are based on a site reconnaissance in a single season with data collection and analysis by currently accepted standards. Primary evidence was what we observed onsite and on maps and information which may have been incorrectly assessed. Site development may reveal site conditions different than those described in this assessment report. CGS should be promptly notified advised of those conditions for consideration and re-evaluation which may require modification of the report findings, conclusions, and recommendations. The findings described in this report may be subject to review by regulatory agencies. The client should recognize that regulatory agencies may require amendments to the findings of this report. This wetland and habitat conservation area report should be considered valid by agencies for 5 years under current site conditions. This report may need to be amended in the event of future changes or developments onsite.

Attachment 1 – Vicinity Map & Critical Area Site Plan  
Attachment 2 – PHS Map & Natural Resource Soil Survey Maps & Data  
Attachment 3 – Recommended plant species list

## References

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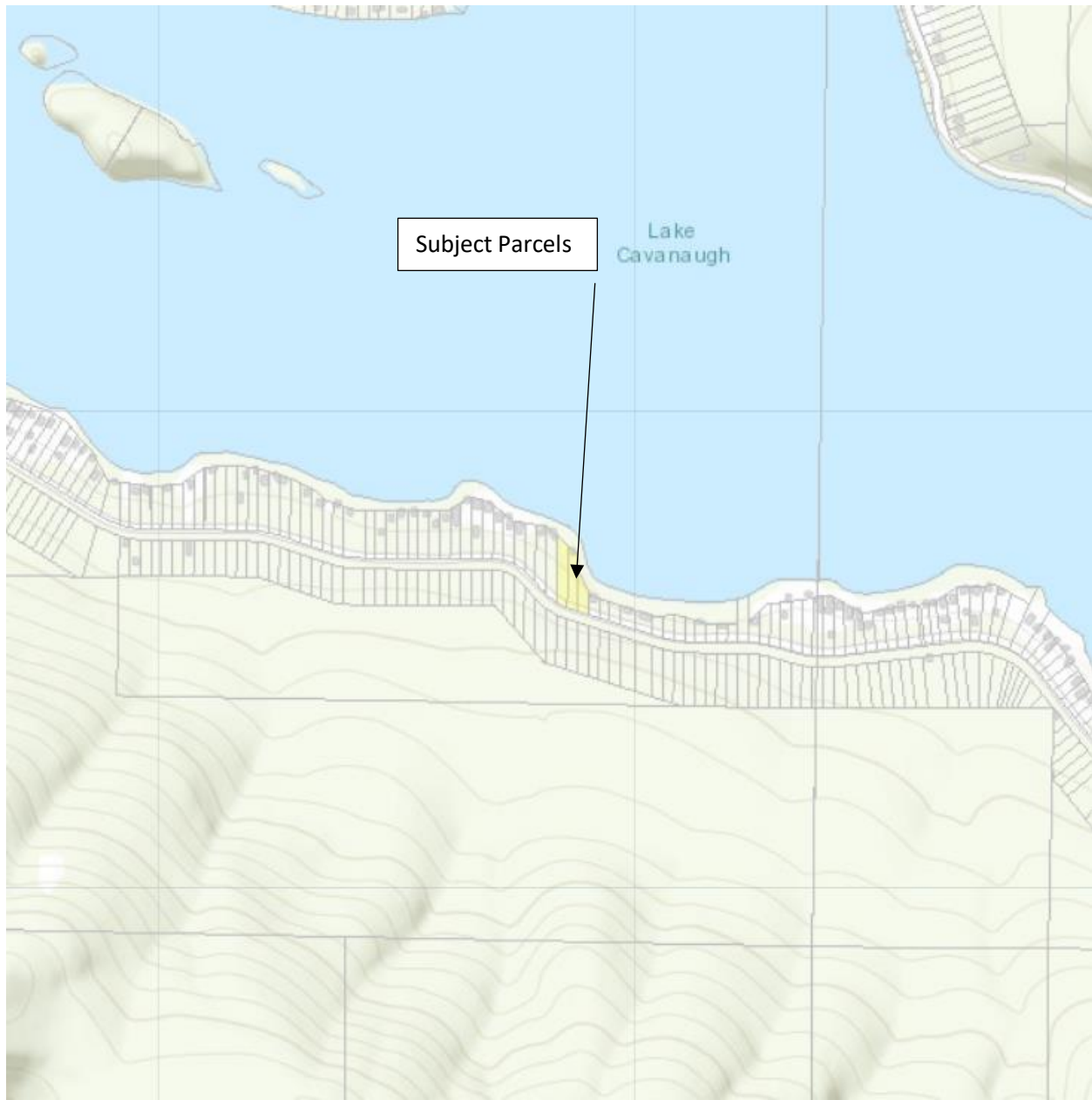
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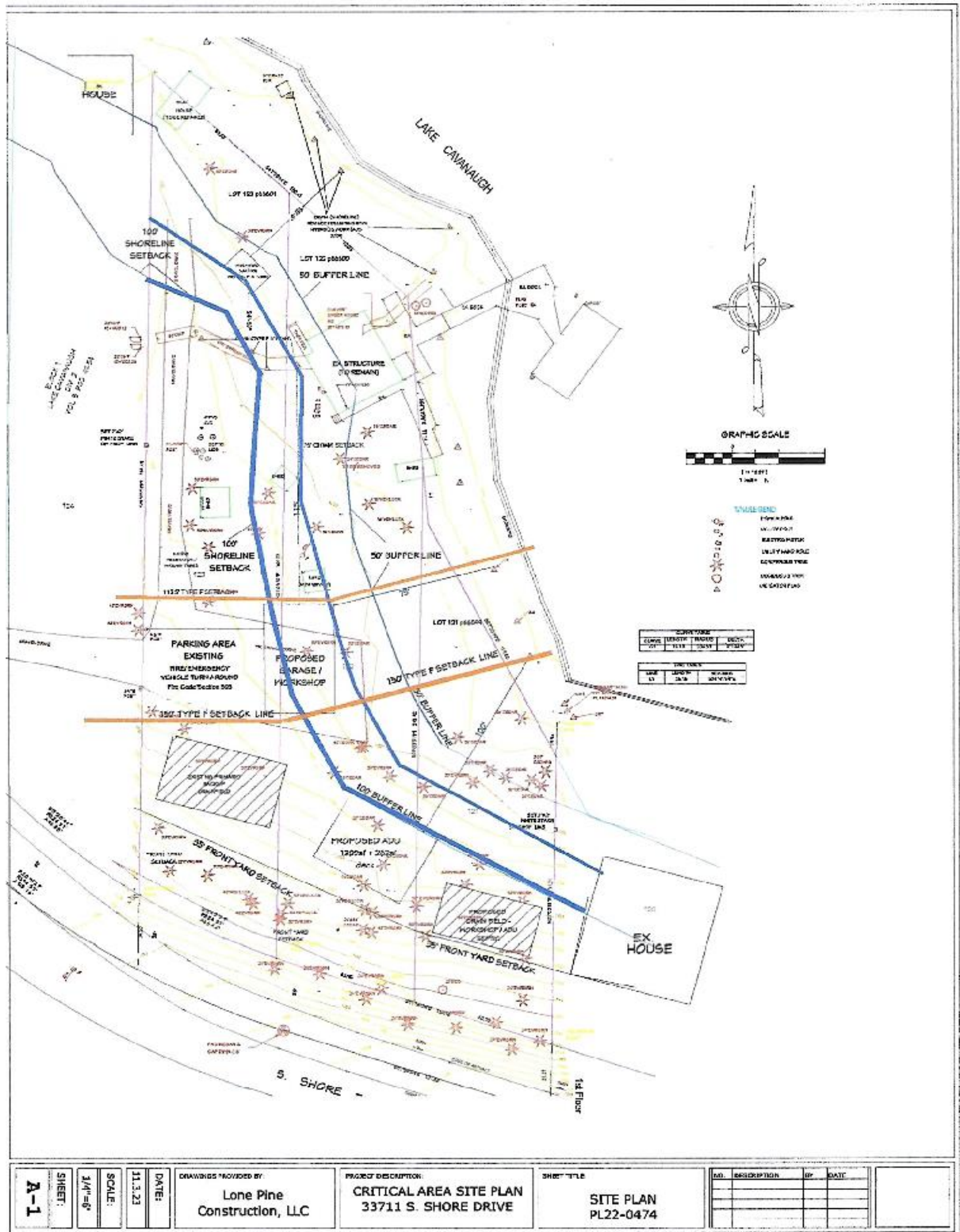
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ATTACHMENT 1

Site Vicinity Map







ATTACHMENT 2

PHS Map & Natural Resource Soil Survey Maps and Data

### Attachment 3– Recommended Species List-Table 3

Plant Name	Scientific Name	Planting Method	Spacing (ft. O.C.)	Recommended Quantity
Western red cedar	<i>Thuja plicata</i>	1-gal	15	6
Douglas fir (Facu)	<i>Pseudotsuga menziesii</i>	1-gal.	15	6
Grand fir (Facu)	<i>Abies Grandis</i>	1-gal	15	6
Sword fern	<i>Polystichum munitum</i>	1-gal	8	32
<b>Total Number of Plants</b>				<b>50</b>

Notes: ft. O.C. = feet on-center, 1-gal. = 1-gallon container

### Financial Assurance Estimate

The following values were used to estimate the installation labor, plants, and material cost to meet the above mitigation plan.

#### Mitigation Objectives

Restoration/enhancement of the shoreline buffer by planting native shrubs.

#### Plant Quantities

A total of 18 trees and 32 sword ferns are recommended to fill the 3,200 square foot shoreline buffer mitigation site. Table 4 shows plant material costs, estimated from a local or near local reputable native plant nursery. To be conservative, we estimate that all plants would be planted in 1 -gallon containers.

Table 1 - Plant Purchase Cost Estimate

Plant Quantity	Unit Cost for 1-gallon	Estimated Cost
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	(Ave. Price/Stem)	
50	\$5.00	<b>\$250.00</b>

### Plant Installation Labor and Materials

Table 5 shows the cost estimate for plant installation labor and materials, including:

1. Plant pick-up and delivery
2. Installation labor for 89 one-gallon potted plants
3. Placement of protective plant covers

**Table 2.** Plant Installation Labor Cost Estimate

Activity	Hours	Cost per Hour	Estimated cost
Labor	8	\$40	<b>\$320</b>

### Mitigation Site Maintenance

Table 3 provides the cost estimate for annual maintenance and invasive species removal from the mitigation site for entire five-year monitoring and maintenance period.

**Table 3.** Five-year Mitigation Site Maintenance Cost Estimate

Activity	Hours	Cost per Hour	Estimated cost
Labor	8*	\$40	<b>\$320</b>

\*Total labor for 5 years of maintenance

### Mitigation Site As-Built and Annual Monitoring

Table 4 provides the cost estimate for site visits and reports for an As-Built survey and five years of annual monitoring (see the Mitigation Plan above for a detailed scope of work)

**Table 4.** Data Collection and Monitoring for 5 Years Cost Estimate

Service	Estimated Cost	Quantity	Total Cost
As-Built Report	\$1,000	1	\$1,000
Annual Report(s)	\$500	5	\$2,500
<b>Total</b>			<b>\$3,500</b>

### Total Cost Estimate

Table 5 provides the total estimated cost for mitigation site preparation, installation, maintenance, and monitoring. Additional Skagit County application would be submitted by the Applicant.

**Table 5.** Financial Assurance Cost Estimate for All Services

Service	Cost
Plant Purchase	\$250
Plant Installation	\$320
Mitigation Site Maintenance (5 years)	\$320
As-Built and Annual Monitoring (5 years)	\$3,500
<b>Total</b>	<b>\$4,390</b>