

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS**

**Tuesday, January 11, 1994**

- 7:30 a.m. - 8:30 a.m. Commissioners' Staff Meeting.
- 8:30 a.m. - 9:00 a.m. Work Session - Operations Division Manager/District Maintenance Supervisors.
- 9:00 a.m. - 10:00 a.m. Planning Department - David Hough, Director
- 1) Discussion - Urban Growth Areas.
  - 2) Discussion - Comprehensive Plan Element 1994 Adoption Schedule.
  - 3) 1993 Annual Code Enforcement Report.
  - 4) Miscellaneous.
- 10:00 a.m. - 11:30 a.m. Appeal by San Juan Fidalgo Holding Co., Inc. of Hearing Examiner's Decision Re: Final Plat Approval of Preliminary Plat of Seaview IV.

The Skagit County Board of Commissioners met in regular session on Tuesday, January 11, 1994, with Commissioners Robert Hart, Harvey Wolden and Robby Robinson present.

**PLANNING DEPARTMENT - Dave Hough, Director**

1. Discussion - Urban Growth Areas.

Dave Hough Director of Planning, advised the Board that the discussions regarding urban growth will continue for the next few weeks. Planning Department Staff met last week with Anacortes and Mount Vernon and will be meeting later today with representatives from Lyman. Mr. Hough also advised the Board that tonight is the public open house in Sedro Woolley. Mr. Hough presented to the Board a map detailing the urban growth boundaries within the City of Mount Vernon and informed the Board that limiting urban growth areas in flood plain areas until the establishment of a county-wide flood control plan is the objective. Mount Vernon will be submitting a proposal concerning their boundary preferences.

One of the areas of concern to the City of Mount Vernon is the Big Lake area. Mount Vernon has expressed concern about the problem of traffic patterns as currently 90% of traffic to and from the Big Lake area passes through Mount Vernon. Transportation impact payments for specified improvements may be requested from the County due to increased traffic from development in the Big Lake area.

The Board expressed their positive feelings for the urban growth boundaries in these areas. Mr. Hough advised the Board that the Planning Department does not anticipate any problems with the acceptance of the urban growth area boundaries within the City of Mount Vernon.

Mr. Hough advised the Board that Anacortes has voiced a strong preference to include commercial industrial areas near March's Point in their urban growth area boundaries. Commissioner Hart indicated that such inclusion should be greatly discouraged, and that commercial development in that area should not be included in an urban setting. Mr. Hough indicated that the further tightening of industrial classifications would be reasonable and appropriate for that particular area.

2. Discussion - Comprehensive Plan Element 1994 Adoption Schedule.

Gary Christensen, Planning Department Staff, presented a timeline for the Comprehensive Plan Element Adoption Schedule. He informed the Board that July 1 is the deadline for compliance with the Growth Management Act (GMA). The GMA requires counties to include in their comprehensive plans six mandatory elements (or chapters) addressing land use, housing, capital facilities, utilities, transportation and rural. Skagit County's approach to complying with GMA requirements is to develop a county-wide, regional comprehensive plan policy document.

Mr. Christensen advised that the Planning Commission will meet 21 times before July 1, 1994. A citizen participation program was established to encourage community involvement in drafting policy documents. Various meetings and public hearings are scheduled for the public's review of the alternatives presented to the comprehensive plan. This plan and policy documents will also be reviewed by the Planning Commission.

The Board expressed their concern that this is an aggressive and time-consuming schedule, and needs to be adhered to in order to comply with the July 1 deadline. Dave Hough stated that this schedule provides a vision of the next six months and that developing a written transcript as the plan proceeds allows for those that miss a certain meeting to catch up by reviewing transcripts. This schedule will be discussed with the Planning Commission next Tuesday night at their regular meeting.

Mr. Christensen also noted that in the past the Guemes Island Ferry has run late evening schedules to accommodate Guemes Island residents so that their attendance is possible at the public meetings. The Commissioners expressed their support of this plan. Bill Vaux, former Skagit County Commissioner, expressed opinion that the Guemes ferry should be running to accommodate the Guemes Island residents for attendance at these meetings.

3. Code Enforcement Report - Annual 1993.

Tim Hoffman, Code Compliance Officer, reviewed the history of code enforcement data for 1991 through 1993. There has been a reduction in complaints since 1991 and Mr. Hoffman anticipates the number of complaints to level off in the future to approximately 350 per year.

Mr. Hoffman informed the Board that investigations have also declined. Records are more detailed as written correspondence has increased due to the establishment of paper trails necessary in the event of litigation. Commissioner Hart queried Mr. Hoffman if the attitude of the citizenry has changed over the years. Mr. Hoffman stated that publicity received by the County in actively pursuing code violations has assisted in educating the public that the codes must be adhered to. The Board expressed their appreciation to Tim Hoffman and the Planning Department for a job well done.

4. Miscellaneous.

A. There was a continuation of discussion on attendance at the President's Council on Sustainable Development. Additional information was provided to the Board. Mr. Hough advised the Board that Oscar Graham will be attending a closed meeting on the January 12 and is not planning on attending the meetings on January 13th or 14th.

B. Paul Carr, Planning Department Staff, presented to the Board a draft letter to members of the impact fee committee for the Board's review and comment. The committee's work will not be completed until early May.

**RECORD OF THE PROCEEDINGS**

**January 11, 1994**

**Page #3**

**MISCELLANEOUS.**

The Board reviewed a Personal Services Agreement for Cass Construction, Inc. for modifications to the door to a file room at the County Clerk's Office. The contract term is for September 1, 1993 through November 1, 1993 and is for the maximum consideration of \$2,500. Commissioner Robinson moved to approve the Personal Services Agreement as presented. Commissioner Hart seconded the motion, which was unanimously improved. (Contract #1876)

**APPEAL BY SAN JUAN FIDALGO HOLDING CO., INC. OF HEARING EXAMINER'S DECISION RE: FINAL PLAT APPROVAL OF PRELIMINARY PLAT OF SEAVIEW IV.**

Chairman Wolden announced that the Board would now hear an appeal by San Juan Fidalgo Holding Co., Inc. of the Hearing Examiner's Decision Re: Final Plat Approval of the Preliminary Plat of Seaview IV, and advised that this is not a public hearing. Stephanie Wood, Administrative Coordinator, read into the record the following list of exhibits which had been presented to the Board prior to the appeal:

Exhibit 1 - A packet of information the Board received from Darrell Mitsunaga entitled Notice of Appeal to Board of Skagit County Commissioners of Skagit County Hearing Examiner Decision Dated December 8, 1993 together with its attachments.

Exhibit 2 - Report to Board of Commissioners regarding this appeal by Dave Hough, Planning Director dated January 10, 1994, together with its attachments.

Exhibit 3 - A letter dated January 10, 1994 and delivered by messenger from Darrell S. Mitsunaga to Stephanie Wood, Administrative Coordinator, enclosing a document entitled San Juan Fidalgo Holding company, Inc.'s Memorandum in Support of Its Appeal to the Board of Skagit County Commissioners of the Skagit County Hearing Examiner Decision, together with Exhibits A, 1, 2, 3, 4, 5, 6, 7, 8, 9, B and C.

Exhibit 4 - Addendum to Report Relating to the Final Plat of Seaview IV Appeal prepared by David Hough of the Planning Department dated January 11, 1994.

Exhibit 5 - A packet of materials submitted by Roger Jewett, a property owner adjacent to the subject project.

Exhibit 6 - A letter received by fax from Peter J. Eglick & Associates to Stephanie Wood, Administrative Coordinator, dated January 7, 1994.

Exhibit 7 - A letter received by fax from Darrell S. Mitsunaga to John Moffat, Skagit County Prosecutor's Office, dated January 10, 1994.

Chairman Wolden introduced Dave Hough, Director of the Skagit County Department of Planning and Community Development. Mr. Hough summarized the report he had submitted to the Board (Exhibits 2 and 4 above) after a thorough review of the information received responding to the applicant's appeal and issues brought forth therein.

Mr. Hough advised the Board that the first issue of the appeal pertains to Skagit County Code 14.12.130(3) which states in part that:

**RECORD OF THE PROCEEDINGS**

**January 11, 1994**

**Page #4**

The Hearing Examiner shall act upon the final plat within thirty (30) days after all required information and documents are submitted for final approval."

The applicant has submitted that they complied with all requirements and additional information requested. It is the position of the Planning Department that the 30-day limit included in the County Code has never begun since the final plat application has never been completed.

The second issue relates to the compliance and/or non-compliance with Conditions #5 and #10 of the preliminary plat approve. Conditions #5 and #10 of the Planning Commission recommendations are as follows:

5. Certain recommendations were included in the hydrogeology study. The staff would recommend that a committee consisting of representatives of the Skagit County Health Department, Department of Planning and Community Development Land Use and Health units meet with the applicant and the Del Mar Community Association to determine implementation of the recommended conditions. The conditions are as follows:

- a. Installing a test/monitoring well or converting an existing well for monitoring purposes.
- b. Periodic monitoring of water levels and selected water quality parameters in the monitoring well(s).
- c. Further investigation of the Del Mar shallow wells water quality problems.
- d. Consider using available water from the Anacortes system.

10. A committee consisting of representatives of the Public Works Department, Department of Planning and Community Development, Del Mar Community Association and the applicant shall be formed to conduct the following:

- a. Investigate and determine the causes of the slide in Jones Canyon, through hydrological, geological and engineering studies.
- b. Jointly determine the best solution to lessen any further sliding of Jones Canyon.
- c. Determine the feasibility of re-installing the Del Mar water collection/storage system within Jones Canyon.
- d. Determine an alternative water source to the Del Mar community water supply, if necessary.
- e. Upon fact finding and determination of solutions to the Jones Canyon sliding, the applicant shall re-design, if necessary, the drainage system of Seaview IV, and construct said drainage plan prior to any additional road construction within said preliminary plat. Said drainage plans and construction shall be inspected and approved by Skagit County.

All work required in this condition shall be completed prior to final plat approval.

Mr. Hough stated that during the Board of Commissioners' deliberations on the preliminary plat, Del Mar Community Services and San Juan Fidalgo Holding Co., Inc. entered into a Memorandum of Understanding that added additional language to Conditions #5 and #10. The added language is as follows:

## RECORD OF THE PROCEEDINGS

January 11, 1994

Page #5

Condition #5 - No final plat approval shall occur until agreement has been reached with each party listed in Condition #5 (Skagit County Health Department, Department of Planning and Community Development Land Use Division and Health Units, the applicant and Del Mar Community Services, Inc.) on all work to be performed under this condition, including implementing recommended measures to protect Del Mar Community Services water supply quantity and quality (including measures recommended by the Hydrogeology study and as a result of the investigation in Condition 5c.), and no final plat approval shall occur until all such work has been performed.

Condition #10 - No final plat approval shall occur until agreement has been reached on all work to be performed under this condition with each party listed in this condition (Public Works Department, Department of Planning and Community Development, Del Mar, and the applicant) and until all required work has been completed.

Mr. Hough further informed the Board that Skagit County Code 14.12.080(1) specifically provides that conditions on preliminary plats can be required to make an application compatible with the environment. Finding #12 of the Planning Commission's report identified recent drainage problems in the area and the need to address those issues. Mr. Hough further explained that Skagit County Code 14.12.120(2)(b) provides that design and construction of drainage facilities shall be such that they will not injure improvements, residential sites, or residences to be installed within or external to the tract. It also should be noted that Skagit County Code 14.12.120(2) requires that certain minimum improvements be completed prior to obtaining final approval of a plat. Drainage facilities are a listed minimum improvement (SCC 14.12.120(2)(b)).

In conclusion, Mr. Hough stated, the Planning Department attempted to process the final plat in a manner consistent with County and State statutes. The Planning Department has worked with the applicant for over two months in an attempt to develop a final plat that is in conformance with the conditions of the preliminary plat and County Code. Specific construction improvements have not been completed as per the approval of the preliminary plat and Skagit County Code 14.12. Bonding of this project is not an option because Skagit County Code 14.12.1201)(b) only allows bonding of road improvements.

Mr. Hough then referred the Board to his Addendum (Exhibit #4 above) dated January 11, 1994, which indicated the definition of a drainage plan (Skagit County Code 14.36.030(l) which provides:

A plan for collection, transport, treatment, and discharge or recycle of water within the subject property. Impacts on downstream drainage facilities shall also be addressed in the plan. A drainage plan will include a detention/retention facility plan and an erosion/sedimentation control plan when required by this chapter.

There is no question, stated Mr. Hough, that a drainage plan is required as per Conditions #3, #4 and #10 of the conditions of the preliminary plat and Skagit County Code 14.36, Drainage and Erosion/Sedimentation Control Ordinance. Skagit County Code 14.12.120 is clear that drainage facilities must be constructed prior to final plat approval regardless of the status of Condition #10.

Darrell Mitsunaga, the attorney for San Juan Fidalgo Holding Co., the appellant in this matter, introduced himself and thanked the Board for their consideration of his materials. Mr. Mitsunaga stated that the documentation and evidence is part of the record and is significant. He submitted the original Declaration of Mary Beth Cherberg (Exhibit #13), and advised that copies of same had been previously submitted to the Board. Mr. Mitsunaga advised the Board that Mary Cherberg, General Manager of San Juan Fidalgo Holding Co., was in attendance.

## RECORD OF THE PROCEEDINGS

January 11, 1994

Page #6

Mr. Mitsunaga reviewed with the Board that this is an appeal of the Hearing Examiner's opinion of December 8, 1993. It was Mr. Mitsunaga's client's opinion that the Hearing Examiner's decision should be stricken because the Planning Department misinformed the Hearing Examiner in stating that the final plat was not appropriate for review.

Mr. Mitsunaga stated to the Board that it is important to understand the events that occurred chronologically concerning this matter. San Juan Fidalgo received preliminary plat approval for development of Seaview IV by the Skagit County Board of Commissioners on December 11, 1990, pursuant to Skagit County Resolution #12743. Mr. Mitsunaga advised the Board that the singular basis for this appeal is Condition #10. The other conditions mentioned by Mr. Hough this morning were never presented prior to today's appeal. The committee consisting of San Juan Fidalgo Holding Co., Del Mar Community Association, Skagit County Planning Department, and the Skagit County Public Works Department, determined that the Seaview IV plat had absolutely no relation to Jones Canyon sliding nor had any impact on Jones Canyon whatsoever, making the redesign of the drainage system of Seaview IV unnecessary. According to Mr. Mitsunaga, on June 26, 1991 the committee found Condition #10 of the SeaView Subdivision 4 plat to be fully met, and no longer applicable. Therefore, it is the appellant's position that the drainage plans for the Seaview IV plat were fully approved by Skagit County.

A June 26, 1991 letter sent by Mr. Morrow, President of the Del Mar Community Association, stated that conditions are fully met and no longer applicable. Mr. Mitsunaga stated that the evidence, documentation, and transcripts make it clear that Condition #10 was complied with, and that there is no factual basis that Seaview Plat caused slide conditions in Jones Canyon.

Mr. Mitsunaga stated that following the approval by Skagit County of the drainage plans for the Seaview IV plat, Skagit County requested that an infiltration pond be relocated 150 feet further from Jones Canyon. Mr. Mitsunaga stated that this request did not arise out of recommendation by the above-referenced committee consisting of representatives of the Public Works Department, Department of Planning, Del Mar Community Association and San Juan Fidalgo, but was a direct request made by the Skagit County Public Works or Planning Departments. Mr. Mitsunaga advised the Board that even though San Juan Fidalgo was not required to relocate the pond, it voluntarily agreed to do so.

A final plat application for Seaview IV was submitted on October 12, 1993, along with the necessary fees, according to Mr. Mitsunaga. The final plat application complied with all requisites of Skagit County for a complete, final plat application, according to the appellant. Mr. Mitsunaga stated that in his client's view, this was a completed application. The appellant believed that the time period began to run on October 12.

Another significant aspect of this matter, stated Mr. Mitsunaga, is the October 28, 1993 submittal by San Juan Fidalgo of a letter of credit which was essentially its bond in lieu of plat approval. On November 5, 1993 the Planning Department accepted the bond, which gave approval to San Juan Fidalgo to bond around drainage improvements, which endorsed the final plat. San Juan Fidalgo felt, at that time, they were complying with everything at issue.

Mr. Mitsunaga informed the Board that 43 days after the final plat application, a public hearing before the Hearing Examiner was scheduled. The day prior to the hearing before the Hearing Examiner, the hearing was cancelled. It was Mr. Mitsunaga's opinion that the Prosecutor decided unilaterally to remove the hearing from the docket. The Hearing Examiner continued the hearing for final plat approval to December 1, 1993.

On November 30, 1993, the day before the continued hearing, Mr. Mitsunaga received a memo from the Planning Department stating that the infiltration pond had been moved, and that this fact constituted a

## RECORD OF THE PROCEEDINGS

January 11, 1994

Page #7

redesign, therefore the final plat hearing could not proceed. According to the appellant, there was no indication of the other conditions raised this morning by Mr. Hough that San Juan Fidalgo had not complied with the other conditions of the final plat application. Mr. Mitsunaga stated that the infiltration pond has nothing to do with Condition #10.

On December 1, 1993 the Hearing Examiner heard limited testimony, and on December 8, the Hearing Examiner issued his decision. The appellant believes that this was 57 days after submitting the final plat application, which is clearly beyond the 30-day limit.

Mr. Mitsunaga summarized that there are essentially 3 issues to this appeal.

The first issue is whether or not San Juan Fidalgo is entitled to an automatic approval of the final plat due to delays, and a hearing scheduled well past the 30 days. A copy of RCW 58.17.140 (Exhibit #14) was provided to the Board for their review and states:

"Final plats and short plats shall be approved, disapproved, or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period."

Another critical excerpt from the Skagit County Code 14.12.130(3) (Exhibit #15), a copy of which was provided to the Board, addresses this same matter as follows:

Hearing Examiner Action - Final Plat: The Hearing Examiner shall act upon the final plat within thirty (30) days after all required information and documents are submitted for final approval. ... Unless additional time is agreed to by the subdivider and if no action is taken by the Hearing Examiner at the end of thirty (30) days after submission, the plat shall be deemed to have been approved.

The second issue is whether or not Condition #10 was complied with. In terms of analyzing this particular issue, a letter dated June 26, 1991 from James H. Morrow, President of Del Mar Community Service, Inc. (Exhibit 5 to Exhibit A, Hearing Examiner's Decision), is the only documentation that exists and states:

"We consider Conditions #5 and #10 of the Seaview Subdivision 4 Plat to be fully met, and no longer applicable."

Mr. Mitsunaga stated that Skagit County does not have any information which reflects in any respect that certain redesigns relate the development to the sliding conditions in Jones Canyon. The Hearing Examiner had no evidence before him that justified in any respect his decision in agreeing with the Planning Department's determination that certain improvements were needed because conditions required such. Attached to the preliminary plat was a Memorandum of Understanding that was entered into between San Juan Fidalgo and Del Mar Community Association that if there was any issue that plat approval would not be granted, the June 26, 1991 letter referenced above basically stated there is no issue.

The third issue has to do with Condition #10 and the submittal of a bond in lieu of construction by San Juan Fidalgo. RCW 58.17.130 states that:

Local regulations shall provide that in lieu of the completion of the actual construction of any required improvements prior to the approval of a final plat, the city, town, or county legislative body may accept a bond, in an amount and with surety and conditions satisfactory to it, or other secure method, providing for and securing to the municipality the actual construction and installation of such improvements within a period specified by the city, town or county legislative body and

**RECORD OF THE PROCEEDINGS**

**January 11, 1994**

**Page #8**

expressed in the bonds.

Mr. Mitsunaga further explained that Skagit County Code 14.12.120 allows, at the developer's election, improvements to be carried out by actual installation or by bonding. The appellant believes the Planning Department is now claiming that the only projects that can be bonded around are road improvements. Mr. Mitsunaga stated that this is not the case, that drainage systems are routinely approved prior to construction. It is San Juan Fidalgo's position, said Mr. Mitsunaga, that the County is simply trying to impose special rules on San Juan Fidalgo.

Mr. Mitsunaga stated that San Juan Fidalgo has lost potential sales, has incurred interest carryover, and that the County's attempt to apply special rules to San Juan Fidalgo placing San Juan Fidalgo in a position of attempting to recover those losses.

Mr. Mitsunaga summarized by advising the Board that there are multiple errors by the County. The Hearing Examiner's decision can and should be reversed, and San Juan Fidalgo requests that the final plat for Seaview IV be immediately approved so that San Juan Fidalgo may proceed with construction and development of Seaview IV.

Commissioner Hart asked if Mr. Mitsunaga or Ms. Cherberg would personally guarantee with personal assets that every condition of the preliminary plat has been met. Both Mr. Mitsunaga and Ms. Cherberg responded negatively to this question.

John Moffat, Prosecuting Attorney, stated that as procedural matter the tapes of meetings held in 1991 should be submitted into the record. Mr. Mitsunaga submitted 4 tapes as follows: 4-2-91 MTG Critical, 4-2-91 Tape 2 Side 2 SBW COORD, SBW4COORD MTG 5-8-91, SBW 4 CORD MTG 1-11-91 (Exhibit #18).

Peter J. Eglick, representing Concerned Citizens of South Burrows Bay (CCSBB), then addressed the Board. The concern of CCSBB is that there is a drainage problem in the South Burrows Bay area and that an additional burden on existing homeowners is not acceptable. CCSBB has no position on the approval of the final plat.

Mr. Mitsunaga objected to the participation of CCSBB as this hearing and stated that this appeal is not open for public testimony. The Board deferred to Mr. Moffat for a decision on the participation of this gentlemen. Mr. Moffat stated that it was his feeling that the Del Mar Community representatives should be allowed to speak at this point in the proceedings.

Mr. Eglick stated that there has been no opportunity for the public to participate, that the scheduling was improper. Chairman Wolden advised Mr. Eglick that he would be allowed 5 minutes to testify.

Mr. Eglick informed the Board that he was present when the Memorandum of Understanding was adopted by the Commissioners and San Juan Fidalgo. His general concern is condition 3C of the preliminary plat. It is Mr. Eglick's opinion that the files indicate there will be future developments in this area. In Mr. Eglick's view, the drainage and sliding problems should not be overlooked. Mr. Eglick provided the Board with excerpts from the Draft Supplemental Impact Statement, addressing long range developments for Seaview. Drainage from Seaview's site has the potential for flooding and drainage problems on the west side of the development.

Carol Ehlers, President of Del-Mar Community Association, has been a participant in Del Mar board meetings for some time. Del-Mar agrees with Conditions #5 and #10. Del Mar was to join the Anacortes Water District, and the cost of water doubled to the members of the Del Mar Association. Ms. Ehlers advised the



**RECORD OF THE PROCEEDINGS**

**January 11, 1994**

**Page #9**

Board that this type of expense to existing homeowners should be considered in future developments. Del-Mar would like to retain the existing water system as long as possible. In reference to Jim Morrow's letter of June 26, 1991, the members of Del Mar were left unprotected by the process. The public was never given a chance to comment on the issue, nor were 12-inches of file containing letters, research, and documentation dealing with Seaview IV automatically made a part of the Hearing Examiner's review of the record. According to Ms. Ehlers, the failure was a process of the County, not of San Juan Fidalgo. Ms. Ehlers advised the Board that there are various codes regarding drainage and infiltration ponds and urged the Board to consider the entire legal code in Skagit County in this or any other decision.

John Moffat advised the Board that the applicant/appellant should have the opportunity to respond.

Mr. Mitsunaga stated that several issues are raised and San Juan Fidalgo has no knowledge whether compliance has been resolved or is not particularly pertinent. As far as future development, there will be no future development by San Juan Fidalgo, that the remaining property has been sold, and that San Juan Fidalgo is not responsible for successive landowners. The bottom line is whether or not the conditions been met for final approval of the plat. Most issues raised are not timely.

Mr. Hough presented to the Board a map of the preliminary plat which shows the general location of Seaview IV and the Jones Canyon area.

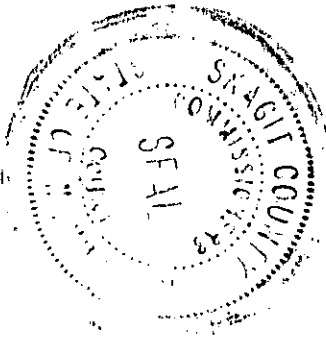
Mr. Moffat advised the Board that it is not necessary for the Board to render a decision today. The appeal can reconvene at a convenient time to allow the Board the consider the large volume of information presented.

Commissioner Robinson moved to present the decision on this matter at 9:00 a.m. on Thursday, January 13, 1994. Commissioner Hart seconded the motion, which passed unanimously.

**ADJOURNMENT:**

Commissioner Robinson motioned to adjourn the proceedings. Commissioner Hart seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON



  
Harvey Wolden, Chairman

  
Robby Robinson, Commissioner

  
Robert Hart, Commissioner

RECORD OF THE PROCEEDINGS  
January 11, 1994  
Page #10

ATTEST:



---

Patti J. Owen, Clerk  
Skagit County Board of Commissioners

Law Offices

**Peter J. Eglick & Associates**

Suite 1212

Bank of California Building

900 Fourth Avenue

Seattle, Washington 98164

(206) 464-1435

FAX 382-3450

Peter J. Eglick  
Bob C. Sterbank

Carol Eychaner  
Land Use Planner

February 15, 1994

Patty Owen, Clerk  
Skagit County Board of Commissioners  
Skagit County Administration Building  
Room 202  
700 South Second  
Mount Vernon, Washington 98273

Re: Record of the Proceedings of the Skagit County Board of  
Commissioners for Tuesday, January 11, 1994

Dear Ms. Owen:

Recently I received a copy of the Record of Proceedings for  
January 11, 1994, for the Board of County Commissioners.

In reviewing the record, I noted some confusion in the  
reporting of a statement that I made to the Board. The confusion  
appears in the last full paragraph on page 8 of the Record of  
Proceedings. The record states that, "Mr. Eglick informed the  
Board CCSBB was present when the Memorandum of Understanding was  
adopted by the Commissioners and San Juan Fidalgo." In fact, I was  
present, but as attorney for Del Mar Community Water System, which  
was one of the parties to the Memorandum of Understanding. CCSBB,  
as formal organization, was not in existence at the time.

I suspect the confusion in the record came about because I was  
appearing on January 11, 1994, for CCSBB, so when I said I was  
present and participated in the drafting of the Memorandum of  
Understanding several years earlier, an assumption may have been  
made that the earlier appearance was also on behalf of CCSBB.

Please place this letter in the record so that subsequent  
readers of the January 11, 1994, Record of Proceedings are not  
confused on this point.

Thanks for your assistance in the above.

Sincerely,

PETER J. EGLICK & ASSOCIATES



Peter J. Eglick

PJE:aeg  
cc: CCSBB

CCSBB\RCRDI-11.LTR\1