

**July 28, 1998**

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

**Miscellaneous**

**Page 5 of 6**

Tom Karsh, Director, Planning and Permit Center, advised the Commissioners that yesterday afternoon the Planning and Permit Center submitted two letters to the Boundary Review Board in support of two annexation proposals.

One of the matters is a hearing scheduled relating to the Burlington Hill annexation. Margaret Fleek, Planning Director for the City of Burlington, has advised the Planning and Permit Center of Burlington's wish to expand the area which has, historically, been a problem as an on-site sewage site.

It is the recommendation of the Planning and Permit Center that this annexation be approved. Record of the Proceedings Commissioner Hart indicated he did review the information and did not think that a position of opposition has been taken to this at any time. They do need to comply with the WAC'S and RCW's, which are statutes that are in place outside of the County's jurisdiction.

Margaret Fleek was present and thanked the Board for their support in this matter.

**10/3/2012**

**DEPOSITION UPON ORAL EXAMINATION OF MARGARET FLEEK  
CROSS-EXAMINATION BY MR. THOMAS CITY ATTORNEY; EXCERPTS AS  
FOLLOWS:**

**PAGES 61-63**

**Q.** Well, you said it was a large proposal. What do you mean by that?

**A.** It's 192 acre area. That's large

**Q.** So you're talking about the geography in one sense.

**A.** It's a large site. It's a lot of proposed development activity.

**Q.** And we talked about annexation. When annexation occurs, there is other issues that come along with that for the city; is that correct?

**A.** Yeah. We increase our tax base.

**Q.** What does that mean?

**A.** Once you annex the land, you get tax property tax revenue and you get development opportunity. I'm not really clear what you're getting at here.

**Q.** I'm just asking you to explain it to me. That's all. So one of the things that is considered is tax base?

A. You have to go back to growth management. If you're talking annexation, the whole world changed a lot with the Growth Management Act, so I don't really feel like there is a need to go through the 20 year history of GMA.

Q. I don't want you to, but there are other things besides tax base that come into play when you're talking about a subdivision of this size, is there not?

A. It's a critical area. It's a geologically hazardous site.

Q. A critical area, is that something that you had defined it as going in this?

A. You don't have to define it. It's defined in the critical area ordinance.

Q. Which is part of the City Code, I believe?

A. Yes.

Q. What made this particular site a critical area?

A. Steep slopes.

Q. What was the thing you said? Oh, and a geologically hazardous area?

A. That's one of the identifying features -- that is a critical area definition.

Q. And that's within the Burlington Municipal Code, as well, is it not?

A. Yep.

### **Page 63**

Q. So those were two primary concerns you had about this development, just going into, I guess?

A. You want to go here under major conclusions --

Q. Ms. Fleek. Ms. Fleek, I'm asking you a question about what you remember. And I understand you can look at a document. You can refresh your recollection. I'm just asking you, do you remember what your concerns were with this project when it was first introduced to you?

Q. If you remember. If you don't remember, then --

A. The issues were a traffic; storm water; impact on schools, impact on public safety; impact of housing density on quality of environment of Burlington Hill; impact on wetlands, steep slopes; impact and development on public open space and greenbelts; impact of existing old city dump site on environmental quality.

### **Page 205**

A. "A geotechnical report has been completed and utilized in the design of the roads that will be accepted as public right of away." I assume this probably references that report.

Q. So you didn't feel as though it was necessary in any way to send this report to the Department of Ecology, apparently?

A. Nope. Department of Ecology doesn't actually read anything. You know that, don't you? Just a repository of stuff. And now they make you send it electronically because their warehouses must be full.

**Page 206**

Q. That was your belief at that point in time?

A. It's still true.

Q. So from 1999, when this was done, until – your testimony is that Department of Ecology doesn't read anything?

A. Back in the '70s we used to get comments from the Department of Ecology. We have not received a comment letter from them on anything in years, except for Shoreline Master Program because their reviewing it. That's just how it is.

Q. That's the way it is in those circles, so to speak. So that's why you made that decision, I guess. If we can go back to the report, did you look at the report -- I guess --

A. I already told you I don't remember the date thing.

**Page 210**

Q. I think I could probably go through this document--I think even further down on the same page there is reference to a multifamily residential duplex, I guess it says under Item 4 in the rock quarry. You wrote that, correct? That was part of the plan?

A. Um-hum.

Q. What action, if any, did you take at the time of this environmental review to determine what the prior uses were of the rock quarry?

A. To determine what the prior uses were?

Q. Um-hum.

A. I'm not getting it. What do you mean?

Q. Well, you used the word quarry. Where did that word come from?

A. Basically that's what it's always been called. I believe it was an old -- they used to mine rock out of that. That's the story.

Q. That's my question. That's the story --

A. On the history of that area, and it certainly looks like that.

Q. And when you say, that's the story, because you've worked here since '91 or '92 that's sort of the way people have referred to it?

A. Sure.

Q. When you wrote those words and you thought about that, did you feel as those it was important for you at any point in time to determine what type of quarrying was actually occurring at that site?

A. No.

Q. Why not?

A. Because it's an empty site right now with a steep cliff behind it. It's over with. It was not in any kind of industrial use. It was in no use.

**Page 235**

Q. I want to know if you knew that there was asbestos in those rocks, whether that would have affected your decision making in any manner --

A. I don't have 20/20 hindsight. I don't know the answer to that.

Q. Well, let's talk about today. If someone came up there and proposed doing some work up there today, what position would you take now, now that you have this information?

A. I don't know that much about the information. I don't know how accurate it is. I don't have all the information.

Q. And what --

**Page 236**

A. I'm not in a position to make that statement.

**Page 239**

Q. The Code seems to indicate that that's a source that could be --

A. For coal mines.

Q. And this particular statute was adopted in 2002, if I'm reading this correctly?

A. Right.

Q. So this would not have applied in 1999 if it doesn't exist?

A. We had an interim critical areas ordinance. We've always considered Burlington Hill to be a geologic hazardous area because of the steep slopes. So it falls under that chapter, whatever the details are.