

**CITY OF BURLINGTON AND DIKE DISTRICT #12
DETERMINATION OF SIGNIFICANCE AND
REQUEST FOR COMMENTS ON SCOPE OF EIS**

SKAGIT CO.
PERMITTING

AUG 01 2008

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Description of proposal: This is the first phase of environmental review. The first programmatic step is to complete an amendment to the Burlington Floodplain Management and Natural Hazard Mitigation chapter of the Skagit County Natural Hazard Mitigation Plan to set the goal of upgrading appropriate sections of the existing levees and constructing new levees, or providing other measures as necessary to result in Certified Levees where appropriate to protect the City of Burlington's Urban Area. The purpose is to stabilize the base flood elevations for the long term future, ensuring predictable development standards, protect the public from the 100-year flood (which has a 1% probability of occurring in any year) initially, while planning for and implementing measures to provide incrementally greater protection as time goes by.

The proposed action is to construct 100-year certified levees in appropriate locations, and provide other flood measures as necessary and appropriate based on the Federal Emergency Management Agency's (FEMA) final Flood Insurance Study, when this study is adopted following resolution of any appeals. There are two major alternatives presented: one is to modify existing levees, including certification of some levee segments, and take other appropriate flood control measures based on the hydrology developed for Skagit County, Burlington and Mount Vernon by Pacific International Engineering that is not presently accepted by the Army Corps of Engineers; FEMA's response is unknown at present. The other major alternative will be to modify existing levees, including certification of some levee segments, and take other appropriate flood control measures based on the Army Corps of Engineers hydrology, if that becomes the basis for the new FIRM maps, and to evaluate options within that framework. The City of Burlington and Dike District 12 recognize their responsibility to ensure flood protection measures which help protect Burlington's urban area are, to the extent possible, also helpful in protecting protect adjacent communities. It is the goal of the City and Dike District 12 to implement flood measures which lower risk to adjacent communities, in addition to Burlington's urban area, to the maximum practicable extent.

Other components of the proposed action include modification of the City of Burlington Urban Growth Area consistent with the City's 2005 adopted Comprehensive Plan with a transfer and purchase of development rights program, the Burlington Agricultural Heritage Credit program, for no net loss of farmland to protect overbank flow paths for floodwaters and preserve agriculture in the Skagit River valley. A range of land use alternatives is presented, in order to maximize flexibility in the decision-making process and ensure adequate analysis of the impacts of each alternative.

Proponent: City of Burlington with Dike District #12 as Co-Lead Agency and Skagit County as an agency with jurisdiction
Location of Proposal: City Limits of Burlington and Dike District #12 and unincorporated Skagit County
Co-Lead Agencies: City of Burlington and Dike District #12

Background: This project consists of several related actions:

1. Updating the Flood Hazard Mitigation Plan to add the planned mitigation strategy of designing and building certified levees at appropriate locations near the City of Burlington, and providing other appropriate flood control measures to protect the City of Burlington's urban area. This action may result in some or all of Burlington's urban area being removed from the 100-year floodplain, and/or reduced base flood elevations in some or all of Burlington's urban area; however, flood insurance will continue to be promoted.

2. Coordinating with Dike District #12 and Skagit County on the location of levees and control structures that will of necessity be constructed in Skagit County's rural jurisdiction in order to protect the urban area.
3. Amending the Urban Growth Area for the City of Burlington to accommodate future flood control measures, including an Urban Separator on the west side that would serve to keep flood backwater from entering the city; add the three sites identified in the 2005 Comprehensive Plan, straightening out the very irregular Urban Growth Area boundary on the west side of Burlington to line up with Pulver Road to a point north of the intersection of Peterson Road and Pulver Road, that would represent an extension of West Fairhaven Avenue.
 - Land added to the UGA at the northwest corner of Burlington is proposed for a Future School Site. In order to comply with the Skagit County position of "no net loss" of land that is zoned Agricultural Resource Land, a comparable amount of farmland is proposed to be removed from the northeast corner of the Burlington Urban Growth Area, just east of Burlington Hill.
 - The remainder of the land added to the Urban Growth Area will be used as a sending zone for farmland development rights under the Burlington Transfer of Development Rights standards.
 - Development rights may also be acquired by the Skagit Farmland Legacy Program using funds raised by the Burlington Agricultural Heritage Credit program.
4. Adopt a reformatted Zoning Code including the Burlington Agricultural Heritage Credit program. Amendments to Skagit County Code may also be required to facilitate the transfer of development rights from land in the unincorporated Urban Growth Area to land within the City Limits.

EIS Required: The lead agency has determined this proposal is likely to have a significant adverse impact on the environment. An environmental impact statement (EIS) is required under RCW 43.21C.030(2)(c) and will be prepared. An environmental checklist or other materials indicating likely environmental impacts can be reviewed at our offices.

The lead agency has identified the following areas for discussion in the EIS:

1. Impact of 100-year flood protection on Burlington and surrounding areas, including analysis of levee height, levee configuration and other flood control measures, and design options of those measures, based on Corps versus Pacific International Engineers hydraulic modeling alternatives and assumptions about Baker Storage, Nookachamps storage with Sedro-Woolley protection, control structures in the Sterling area, overbank flow paths to the north and west, and levee setbacks through the bridge corridor.
2. Impact of alternative urban growth area design, with removal of land on the northeast and adding land on the west, including consideration of sanitary sewer service to the Raspberry Ridge development that is high density farmworker housing on septic tanks.
3. Alternatives that meet the project objectives and/or mitigate environmental impacts.

Scoping. Agencies, affected tribes, and members of the public are invited to comment on the scope of the EIS. You may comment on alternatives, mitigation measures, probable significant adverse impacts, and licenses or other approvals that may be required. *The method and deadline for giving us your comments are: written comments by August 29, 2008 to the Burlington Planning Department, 833 South Spruce Street, Burlington WA 98233. If you wish to schedule a scoping meeting, please call 360-755-9717.*

Responsible Officials: Margaret Fleek and Charles Bennett

Position/title: Planning Director, City of Burlington and Chairman, Dike District #12

Phone: 360-755-9717 for more information

Address: 833 S. Spruce Street, Burlington, Washington 98233

Date: July 31, 2008

Signature: Margaret Fleek & Charles Bennett

There is no agency appeal of this determination.