

LAND USE BULLETIN



VOL. 17,
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August 2008

This bulletin provides an update on all pending land use actions ranging from opportunities for citizen involvement and appeal of proposed development projects, to the meeting calendar for land use and planning related activities.



APPLICATIONS IN PROCESS

Planning Commission – is scheduled for Wednesday, August 20, 2008 at 7:00 pm in the City Council Chambers located at 833 S. Spruce Street.

- ▶ Continued public hearing to hear comments on a proposed contract rezone to establish a fueling facility with a 3,956 square foot canopy, cashier's kiosk, and five fuel dispensers with ten fueling positions. The proposed action includes installation of one 20,000 gallon fuel tank and one 16,000 gallon dual tank for underground storage. Applicant is the Kroger Company/Fred Meyer Stores, Inc. Site is located at 1024 South Burlington Boulevard and the applicant has proposed relocating the pumps to a more northerly location on the site.
- ▶ Plan review of proposed addition of 116 parking spaces to the Regence BlueShield Medical Insurance building located at 333 Gilkey Road. 37 of the parking spaces are proposed to replace the lawn at the corner of Spruce Street and Gilkey Road.

BOARD OF ADJUSTMENT—

- ▶ No agenda items, meeting is canceled for August.



CODE CHANGES & NEIGHBORHOOD PLANNING ISSUES

The city is considering demolishing the old Fire Station at 600 E. Victoria. A Task Force will be formed to evaluate the options for the future and make recommendations to the City Council. If you are interested, please contact the Planning Department at 755-9717.

The annual renewal of Interim Controls to protect the land area needed for levee setbacks and certification in the three-bridge corridor is on the City Council Agenda for August 14, 2008, with a public hearing. These measures have been in place since 2002 in order to prevent development in the flood hazard mitigation area next to the levees.

APPLICATIONS IN PROCESS WITH NO ACTION TAKEN

CONTACT THE PLANNING DEPARTMENT AT 755-9717 FOR MORE INFORMATION ON ANY PROJECT.



PROPOSED COMMERCIAL DEVELOPMENT ON GARRETT ROAD

Notice of Application was initiated and public comments have been received on the environmental review of proposed comprehensive plan amendment from Single Family (SF-D) to Commercial Business (C-B) with a rezone from Single Family (R-1) to General Commercial (C-1) to allow construction of commercial buildings with associated parking and landscaping, to include a gas station and convenience store and a Threshold Determination as to whether or not an environmental impact statement is required has not yet been made. Applicant is Dan Mitzel and the site is located at Garrett Road now under construction to connect Peterson Road to SR 20. A threshold determination will be made as soon as all comments have been considered, including a neighborhood meeting.

This project is located on a 4.1 acre site divided by a street. This is the remainder of the old Fladebo property (810 Peterson Road), after the construction of a new connection between Peterson Road and SR-20. It is now zoned single family residential. In order to accomplish this project, the rezone will need to provide for a use that is not permitted in the C-1 General Commercial Zoning District, a gas station and convenience store, and relief from the performance standard that prohibits noisy uses and all night uses in commercial zones next to residential zones.

The proposed commercial buildings range from 2,800 to 12,000 square feet in area, traffic generation is estimated at 3,765 trips per day for the site, and approximately 177 parking stalls will be provided.



CITY OF BURLINGTON AND DIKE DISTRICT #12 DETERMINATION OF SIGNIFICANCE AND REQUEST FOR COMMENTS ON SCOPE OF ENVIRONMENTAL IMPACT STATEMENT (EIS)

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 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.

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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 & 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, WA 98233

Date: July 31, 2008

Signature: Margaret Fleek & Charles Bennett

There is no agency appeal of this determination.



CITY OF BURLINGTON DRAFT ENVIRONMENTAL IMPACT STATEMENT IN PREPARATION FOLLOWING DETERMINATION OF SIGNIFICANCE

PROJECT TITLE: Evaluate Transportation impacts for development of vacant commercial land located at 1720 South Burlington Boulevard, a 3.5 acre site including a proposal for an Oil Can Henry's location plus other retail and office uses; and to include the cumulative effects of development of the three adjoining vacant parcels of land for a total of approximately 7.82 acres. Primary vehicle access to the development is proposed from Burlington Boulevard.



How to Get Involved

If you are interested in keeping up on events and issues in Burlington, please contact the Planning Department at 755-9717 or stop by our NEW office at 833 S. Spruce Street. If you have neighbors who are interested in what is happening, we will be happy to put them on our mailing list!

GAGES SLOUGH & SKAGIT RIVER CORRIDOR UPDATE



The time to continue the Planning Process for flood hazard mitigation is NOW! In order for Burlington to be prepared and to protect the citizens of Burlington, the interests of all the parties need to be identified so that action to move forward will be based on principles and reflect the long term best interests of the city and the region. The goal of the first phase of environmental review is to make sure that those interests are identified and a full range of alternatives including mitigation opportunities will be able to be reviewed carefully. It is also important to carefully guard the public's money and

spend wisely, and that means taking a step by step process. The public is urged to comment on the scoping notice appearing in this newsletter.

Planning is in process for potential wetland restoration and enhancement projects this Fall and next Spring. The goals for the Gages Slough corridor to improve water quality and wetland functions, as well as create beautiful connected open space are gradually coming to life on the ground. If you want to be a volunteer and help with planting projects, give the Planning Department a call!



AUGUST 2008 MEETING CALENDAR

- ▶ CITY COUNCIL—Thursday, August 14 and August 28, 2008; at 7:00 p.m.
- ▶ PLANNING COMMISSION—Wednesday, August 20, 2008 at 7:00 p.m.

*Meetings are held in the City Council Chambers at:
833 S. Spruce Street, Burlington WA*



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