

Exhibit "8"

From: [Nora Kammer](#)
To: [Brad Johnson](#)
Subject: RE: LUP 6-23 - P133596,P133597, P13372178,P72179, P72181, P62772and P62771
Date: Monday, August 7, 2023 3:10:42 PM

{ **Caution:** *This email originates outside of the City of Burlington* } >

Hi Brad,

Without additional information, I wanted to provide a comment on this application since I will be away from the office for the remainder of the public comment period. I may append this comment if provided more time or information.

I am concerned about any hydrologic encroachment or constriction into Gages Slough that may affect flows for other properties neighboring Gages Slough. Additionally, I am concerned that with the large number of units proposed and the small footprint of the site with Gages bisecting some parcels, there may be impacts to the wetland and conveyance. I would oppose any wetland buffer reductions along Gages Slough and would expect to see the buffer set aside as a green space and amenity to the residences.

Additionally, I would encourage the developer to consider climate change impacts to the base flood elevation, and consider elevating these structures above the regulatory minimum to ensure protection into the future since the current elevations are out of date and do not reflect any changes to the climate.

Thanks for the opportunity to review,

Nora Kammer

Habitat Protection Program Director
Skagit River System Cooperative
MAILING: PO Box 368, La Conner, WA 98257
PHYSICAL: 11426 Moorage Way, La Conner, WA 98257
Phone: 360.391.8472
Fax: 360.466.4047

SRSC's offices are open Monday through Thursday.

From: Nora Kammer
Sent: Monday, August 07, 2023 10:43 AM
To: Brad Johnson <bradmj@burlingtonwa.gov>
Subject: LUP 6-23 - P133596,P133597, P13372178,P72179, P72181, P62772and P62771

Brad,

Do you have site plans available for this development that you can share?

I respectfully request an extension on the comment deadline to the end of the week following August 16. I see the notice came out Friday. Today is the only day I am in the office and working before the deadline due to travel plans. The proximity to Gages Slough makes this an important project for me to review and provide comment on.

Thank you,

Nora Kammer

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To: [Brad Johnson](#)
Subject: LUP 6-23 - P133596,P133597, P13372178,P72179, P72181, P62772and P62771
Date: Monday, August 7, 2023 10:42:54 AM

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To: "[Nora Kammer](#)"
Subject: RE: LUP 6-23 - P133596,P133597, P13372178,P72179, P72181, P62772and P62771
Date: Monday, August 7, 2023 5:09:19 PM

Nora,

It would be best to receive your comments prior to the deadline in the notice, but we will accept any comments we receive prior to the hearing. Due to staff vacations it is unlikely we'll be able to issue a report and recommendation until the first week of September. If we receive your comments before September 5th we'll be able to address them in our report.

Thanks,

Brad

From: Nora Kammer [mailto:nkammer@skagitcoop.org]
Sent: Monday, August 7, 2023 10:43 AM
To: Brad Johnson <bradmj@burlingtonwa.gov>
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Subject: RE: LUP 6-23 - P133596,P133597, P13372178,P72179, P72181, P62772and P62771
Date: Monday, August 7, 2023 5:26:26 PM
Attachments: [9 Report Ecological 7-19-2023.pdf](#)
[16 Survey LOMA 7-19-2023.pdf](#)
[5 Plans Site 7-19-2023.pdf](#)
[12 Report EcologicalMitigation 7-19-2023.pdf](#)

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Let me know if we can provide any additional information.

Thanks,

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From: [Kim Ohara](#)
To: "[Nora Kammer](#)"
Cc: [Brad Johnson](#)
Subject: RE: City of Burlington - Pine Street Project
Date: Tuesday, August 8, 2023 11:00:34 AM

Nora – below is a dropbox link to the files requested for LUP 6-23.

<https://www.dropbox.com/scl/fo/wzayj86y9d9pbm18tm2n2/h?rlkey=5lmllob4qcofs8nqxa6s32oef&dl=0>

If you have any issues, please let me know.

Thank you,

Kim O'Hara

Permit Center Manager

Direct (360) 755-1371

Office (360) 755-9717



From: Brad Johnson
Sent: Tuesday, August 8, 2023 10:43 AM
To: 'Nora Kammer' <nkammer@skagitcoop.org>
Cc: Kim Ohara <kohara@burlingtonwa.gov>
Subject: City of Burlington - Pine Street Project

Nora,

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Thanks,

Brad Johnson

Community Development Director
City of Burlington

360-755-9717 (7201)

bradmj@burlingtonwa.gov

From: Brad Johnson

To: "Nora Kammer"

Subject: RE: LUP 6-23 - P133596,P133597, P13372178,P72179, P72181, P62772and P62771

Date: Monday, August 7, 2023 5:26:26 PM

Attachments: [9_Report_Ecological_7-19-2023.pdf](#)

[16_Survey_LOMA_7-19-2023.pdf](#)

[5_Plans_Site_7-19-2023.pdf](#)

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Thanks,

Brad

From: [Brad Windler](#)
To: [Brad Johnson](#)
Subject: LUP 6-23
Date: Wednesday, August 9, 2023 3:23:46 PM

{ Caution: This email originates outside of the City of Burlington } >

Hi Brad,

Quick question on this development. In a previous version of this development, I thought they were going to build a walking path to South Anacortes St as a mitigation measure. Is that not happening now?

Thanks, Brad

From: [Nora Kammer](#)
To: [Brad Johnson](#)
Cc: [Kim Ohara](#); [Brenda Clifton](#)
Subject: RE: City of Burlington - Pine Street Project
Date: Friday, August 25, 2023 2:47:00 PM

{ **Caution:** *This email originates outside of the City of Burlington* } >

Brad,

I have several concerns with the Wetland Delineation and that Wetland A has been miscatergorized as Category III instead of more appropriately a Category II. I can provide further details next week on this, but I wanted to give you a heads up that I will be sharing concerns that need to be addressed in the WL delineation.

Nora

From: Brad Johnson <bradmj@burlingtonwa.gov>
Sent: Tuesday, August 08, 2023 10:43 AM
To: Nora Kammer <nkammer@skagitcoop.org>
Cc: Kim Ohara <kohara@burlingtonwa.gov>
Subject: City of Burlington - Pine Street Project

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From: [Nora Kammer](#)
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Cc: [Kim Ohara](#); [Brenda Clifton](#)
Subject: RE: LUP 6-23 - P133596,P133597, P13372178,P72179, P72181, P62772and P62771
Date: Wednesday, August 30, 2023 10:18:26 AM

{ **Caution:** *This email originates outside of the City of Burlington* } >

Brad,

As I indicated last week, after my review of the wetland delineation, I have significant concerns about the findings in the wetland delineation and strongly encourage the City to consider requesting the applicant or the applicant's consultant respond to these concerns.

The Wetland Delineation report has determined that Wetland A is a Category III wetland with a total score of 18. However, I have several concerns about the findings and assertions that have led to that determination, and feel that the Wetland Delineation must be corrected to appropriately account for the site conditions along this important wetland corridor.

Under Water Quality Functions, I am concerned about the response in D 1.4 (Characteristics of seasonal ponding or inundation). The applicant indicated that <1/4 of the wetland is seasonally ponded. However, I don't see support for this assertion in a review of airphotos available through Pictometry and Google Earth, which from the last several years of photos indicate that the wetted ponded area is significantly smaller in the late summer months (8/2020 Google Earth, 8/2021 Google Earth, 8/2022 Google Earth) compared to wetter months of the year (7/2018 Google Earth, 4/2019 Pictometry, 4/2021 Pictometry, 4/2023 Google Earth) where the wetted edge of the ponded area is 50-65 feet wide (compared to 90 feet wide wetland delineation at A-12). These images indicate to me that more than ¼, and potentially more than ½, of the wetland area provides water quality functions associated with the wetting-drying cycle throughout the year.

As a point of comparison, the previous *Update for Gages Slough Wetlands Technical Study Technical Report* (Otak 2007) noted for the pertinent Assessment Unit (AU) that "AU 10 is seasonally ponded over 95% of its area, and has approximately 5% of its area in permanent, unvegetated open water." The City of Burlington contracted for the *Final Update for Gages Slough Wetlands Study Technical Report* (Otak, 2007) as an update to a big picture overview of Gages Slough generally produced in 1998. The study broke into 13 Assessment Units to summarize a variety of wetland function and services. The project site sites within Assessment Unit 10, running from S Anacortes Street to the bridge at Burlington Boulevard.

Of AU 10a, which runs from the west side of Anacortes Street to the culvert at the west end of the pasture by the railroad bridge, the report says "This reach provides seasonal waterfowl habitat that dries up in the summertime." I would like to see the rationale or quantification of the answer provided in D 1.4, and encourage the applicant to consider revising the answer in light of the airphoto record and supporting documentation prepared by the City of Burlington's consultants.

Concern RE: D 2.1

Under D 2.1, the applicant indicates that the wetland unit does not receive stormwater discharges,

however this is not accurate. Ecology guidance (Hruby 2014) indicates that the answer should be yes if there are pipes coming into the unit from surrounding land, and directs the specialist to “look on the aerial photograph of the wetland and the surroundings for stormwater ponds. If you see any ponds, determine if their discharges can get into the wetland. Stormwater may come into the unit by way of a stream or ditch as well as a pipe. Stormwater can also come into a Depressional Wetland in runoff from parking lots or roads even if no pipes are present. If you see evidence that such runoff comes into the wetland, answer YES to this question.” In a review of aerial photographs of the wetland and its surroundings, I notice that a stormwater pond exists adjacent to Gages Slough 1300 feet upstream from the site, just upstream from the crossing at Anacortes Street (lat long 48.469, -122.323). Additionally, Anacortes Street, S Pine Street, and the impervious areas at the agricultural facility south of the Slough concentrate stormwater that drain to the wetland. The BNSF siding runs adjacent to the project site includes large areas of impervious surfaces that likely drain to the wetland area.

The 2022 Stormwater Management Program Plan prepared by the City of Burlington notes that “Most runoff from the City of Burlington discharges into Gages Slough and is eventually pumped into the Skagit River.” Additionally, the *Final Update for Gages Slough Wetlands Study Technical Report* (Otak, 2007) notes that AU 10, in comparing 1998 to 2007, has experienced “an increase in the number of storm drains discharging into AU 10”.

Concern RE: D 4.1

Under the Hydrologic Functions, question D 4.1 indicates that the “wetland has an unconstricted, or slightly constricted, surface outlet that is permanently flowing.” However, this characterization is not supported by my understanding of the site outlet. At the west end of the wetland, the wetland narrows and passes under a private farm road through a pair of small culverts, and then west of there, under a pair of railroad bridges. The constriction at the culvert location is evident in the Lidar topography and airphotos, where the west end of the wetland narrows to just a couple of feet wide, but is >50 feet wide upstream within Wetland A and downstream of the culvert at Wetland 1.

Information on the private culverts (Site ID 602418) can be found on the WDFW Culvert Inventory Database (https://apps.wdfw.wa.gov/fishpassagephotos/Reports/602418_Report.pdf). The survey summary and photos dated 7/23/2019 by WDFW staff indicates that the culvert diameters are each 0.61 m (24”) and are in a highly rusted condition. The channel description provided by WDFW indicates that the average channel width is 2.36 m (7.74 feet) and that the culvert:stream width ratio is 0.26; typical culvert design requires that ratio be approximately 1.2 times the bankfull width plus two feet. It is a bit mind boggling that at this site Gages Slough flows through a pair of 24” culverts. In other words, this is a highly constricted culvert crossing.

Information on the BNSF railroad bridges (Site ID SF42) can also be found on the WDFW Culvert Inventory (https://apps.wdfw.wa.gov/fishpassagephotos/Reports/SF42_Report.pdf). This survey summary (8/3/2022) was provided by WDFW staff, and indicates that the bridge span is 50 m (190 ft), and that the bankfull width is 29.5 m (96.76 ft).

It is unclear to me why in D 4.1 the applicant indicated an unconstricted or slightly constricted condition. Please request that the applicant provide a rationale for this determination or consider re-evaluating the response.

Concern RE: D 4.2

Information on the private culverts (Site ID 602418) can be found on the WDFW Culvert Inventory Database (https://apps.wdfw.wa.gov/fishpassagephotos/Reports/602418_Report.pdf). The survey summary and photos dated 7/23/2019 by WDFW staff indicates “evidence of scour over berm during higher flows”, suggesting that floodwaters can be impounded behind the pair of culverts and overtop the private farm road on occasion. In the Ecology Guidance (Hruby 2014) for D 4.2, NOTE 3 states “Sometimes the lowest point of the outlet is flooded or flowing. In these cases, measure from the bottom of the outlet to the mark of the seasonal flooding. A common mistake is to measure from the current water level in the outlet to the marks of flooding.” It seems that the appropriate measurement here would be from the bottom of the culvert to the top of the road surface that gets overtopped. The WDFW fish passage assessment provides this value in the “Road – Fill Depth” which is a measure of the vertical distance from the culvert invert to the top of the road prism, and provides a value of 2 m (6.56 feet), suggesting that ‘0.5 ft to < 2 ft ’ is the incorrect answer here. Please request that the applicant to re-measure the site features or use the values provided by WDFW in the response to D 4.2.

Concern RE: D 4.3

The applicant provided map figure D4 (on PDF pg. 74) in the Ecological Report, and the figure provides a metrics table labeled “D 4.3” suggesting it is the metrics for question D 4.3 and the other questions in the table are pertinent to questions D 5.3. The figure indicates that the Area of Contributing Basin is 736,366 SF. The Area of Wetland A is indicated to be 131,783 SF. Based upon these metrics, the contributing basin area is 3.3 times the area of the unit. However, in question D 4.3, the applicant indicates that ‘the area of the basin is more than 100 times the area of the unit’ whereas the metrics indicate it is 3.3 times the area of the unit. Please request that the applicant provide the metrics for this ratio or reconsider the guidance.

Concern RE: D 5.0

The concern here mirrors that in D 2.1 as they as the same question, does the wetland receive stormwater discharges? The applicants indicates that the wetland does not receive stormwater discharges, however this is not supported by evidence. As stated above, In a review of aerial photographs of the wetland and its surroundings, I notice that a stormwater pond exists adjacent to Gages Slough 1300 feet upstream from the site, just upstream from the crossing at Anacortes Street (lat long 48.469, -122.323).

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Concern RE: D 6.2

This question is whether the site has been identified as important for flood storage or flood conveyance in a regional flood control plan. Burlington City Code s BCC 14.15.400.6.a-b both include Gages Slough itself, or areas “hydraulically connected to Gages Slough through a channel,

watercourse, or other topographical feature that provides a continuous path capable of conveying floodwaters” as a ‘Special Flood Risk Zone’ in their Frequently Flooded Areas code, which indicates that the City directly acknowledges the conveyance properties of Gages Slough. Additionally, the 2023 Comprehensive Plan directs the City to “Prioritize the acquisition of land use easements along the Gages Slough corridor and promote projects that improve wetland functions and values, water quality, and increase storm and flood water storage capacity” indicating the City acknowledges the role of Gages Slough in serving a role in flood storage. The supporting documentation for the 2023 update of the Burlington Comprehensive Plan (Vol II Supporting Information) notes that “Gages Slough is an important part of the City’s storm-water conveyance system. In addition to attenuating storm-water flows, removing contaminants, and conveying water to the Skagit River, Gages Slough also provides important flood storage capacity.” In light of these supporting sources, it seems that D 6.2 was incorrectly marked in Wetland A’s scoring.

I appreciate your consideration of these concerns, and being able to provide the project materials in an accessible form on the FTP site. Please reach out with any questions or to clarify any of these concerns.

Nora Kammer

Habitat Protection Program Director
Skagit River System Cooperative
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