



March 13, 2009

Ms. Margaret Fleek  
Planning Director  
City of Burlington  
833 South Spruce Street  
Burlington, WA 98233-2810

Re: Comments on the Draft Environmental Impact Statement to Adopt a Strategic Program for Comprehensive Flood Hazard Mitigation in the Burlington Urban Area and Adjacent Land

Dear Director Fleek:

This letter constitutes Haggen, Inc.'s ("Haggen") and its development affiliate Briar Development Company's ("Briar") formal comment on the City of Burlington's and Dike District #12's Draft Environmental Impact Statement ("EIS") to Adopt a Strategic Program for Comprehensive Flood Hazard Mitigation in the Burlington Urban Area and Adjacent Land issued February 13, 2009. Writing on behalf of both Haggen and Briar, we would like to commend the City of Burlington and Dike District #12 for strategizing, forming a partnership, and taking action to address and mitigate the potentially devastating impacts of FEMA's Skagit County floodplain remapping on the Burlington community.

Briar owns and Haggen operates a grocery store located at 757 Haggen Drive, and Briar also owns several undeveloped commercial parcels in the immediate vicinity of the store. As a result, both entities have a vested interest in the business climate of Burlington and keep abreast of local planning issues. Haggen and Briar both support and applaud the City's and Dike District #12's decision to construct 100-year certified levees and other flood measures as necessary and appropriate to protect Burlington's urban area from flood hazards and stabilize base flood elevations in the long-term.

If anything, the EIS understates the impacts of its "No Action" alternative on Burlington's existing and planned commercial areas. If FEMA adopts new flood maps depicting 6-to-8 feet increases in height of the base flood elevations ("BFE") in Burlington's urban area, commercial development and/or redevelopment will effectively come to a standstill. Once such BFEs are adopted, any new development or substantial improvements to existing buildings mapped within the floodplain will have to be elevated (through fill or otherwise) or floodproofed to above the 100-year floodwater elevation, which may be economically and/or structurally infeasible. In the old historic downtown and commercial areas of Burlington, this could require importing as much as seven vertical feet of fill.

Y:\WP\F\BURLINGT\FLOOD ISSUES\0301109.COMMENT LETTER.MMN.DOC

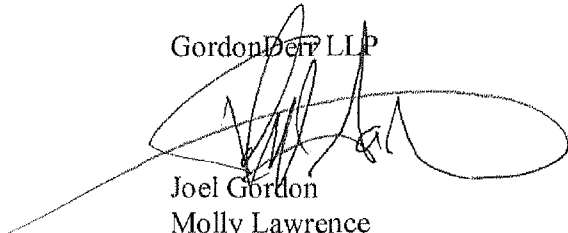
The effects of these changes could render the City's remaining vacant commercial land practically undevelopable and could make future updates to existing commercial development unviable. Raising BFEs in Burlington commercial areas by approximately six feet essentially vitiates the City's planning efforts to establish business development in its existing and planned locations, and will have drastic impacts on the values of vacant property and existing businesses. Mere grandfathering of flood insurance rates to existing premium levels is inadequate to compensate for these losses. Significant impacts on the City's residential land are equally likely. Consequently, if the "No Action" alternative is adopted, Burlington will effectively forfeit a significant portion of the development capacity of its remaining undeveloped properties in its urban area, make the redevelopment of existing structures nearly impossible, and threaten the Town's overall economic vitality. The devastating impacts of this "No Action" alternative need to be fully explained and elucidated in the Final EIS in order to facilitate informed flood hazard mitigation decision making.

Going forward, Haggen and Briar respectfully request that it be kept informed of any updates of, revisions to, or additional analysis regarding the City's Strategic Program for Comprehensive Flood Hazard Mitigation. Further, both entities encourage the City and Dike District #12 to work with all affected agencies and jurisdictions to come up with a practical solution to FEMA's floodplain remapping that does not put the entire Burlington urban area in a regulatory dead zone for numerous years.

Thank you for the opportunity to offer comment and please feel free to contact us regarding any follow-up questions related to the EIS.

Very truly yours,

GordonDerr LLP



Joel Gordon  
Molly Lawrence