



Planning Commission Recommendation

To: Burlington City Council

From: Burlington Planning Commission

Project: Comprehensive Plan Update – Code Revisions – Changes to Titles 12 (streets), 13 (sewer), 14 (environmental regulations), 15 (buildings and construction), and 16 (land divisions)

Date: October 26, 2022

Summary:

As part of the ongoing comprehensive plan update effort the City is required to adopt development regulations (zoning codes) that are consistent with and implement the Comprehensive Plan. Importantly, the City's development regulations must be sufficient to carry out the goals and policies of the Comprehensive Plan.

The Planning Commission previously recommended the adoption of a number of changes to the Land Use, Housing, Transportation, Parks and Conservation, Natural Resources, Economic Development, and Implementation elements of the Comprehensive Plan. In order to ensure the City's Comprehensive Plan and development regulations are consistent, and to ensure the City's development regulations are sufficient to carry out the objectives of the plan, the Planning Commission has determined that significant revisions must be made to the City's development regulations. The Planning Commission has also determined that revisions should be made to improve the effectiveness and clarity of the zoning code, and to address long standing issues of public concern.

In order permit a thorough and thoughtful review, the Planning Commission requested that City's Community Development Department break this project into manageable components. The Planning Commission has reviewed the final bath of code changes prepared by Community Development Department. The final batch of code changes include a comparatively small number of changes to a number of code titles necessary to implement the comprehensive plan. The Planning Commission has reviewed the final batch of code changes and recommends adoption by the City Council.

Findings:

The Planning Commission has reviewed the requirements of the Growth Management Act (GMA) related to consistency. The Planning Commission has also considered the goals and policies of the revised Comprehensive Plan elements, reviewed recent development projects, discussed the land use and environmental impacts associated with various development patterns, and reviewed concerns raised by the public. Based on this information the Planning Commission makes the following findings:

1. In order to address the requirements of the GMA Burlington adopted a comprehensive plan and implementing regulations in 1994.
2. The GMA requires that cities periodically update their comprehensive plans and development regulations. Specifically, cities must update their comprehensive plans and development regulations on an eight year cycle (RCW 36.70A.130(5)). Burlington last completed a periodic update in 2005 and was required to complete another update by June of 2016.
3. In order to address the periodic update requirements of the GMA, the City is currently working to complete a thorough review of its comprehensive plan and development regulations.
4. Comprehensive plans must include a number of elements including; land use, housing, capital facilities, utilities, transportation, economic development, and parks and recreation (RCW 36.70A.070).
5. The City is required to adopt development (zoning) regulations that are both consistent with, and sufficient to implement, the Comprehensive Plan.
6. The Planning Commission has reviewed, and preliminary approved the following comprehensive plan elements: Land Use, Housing, Natural Resources, Transportation, Implementation, Economic Development, and Parks and Recreation.
7. The Planning Commission finds that changes should be made to Title 12 BMC (streets) in order to implement the Transportation Element of the comprehensive plan.
8. The Planning Commission finds that changes should be made to Title 13 BMC (sewer) in order to implement the Land Use, Natural Resources, and Public Facilities elements of the comprehensive plan and to ensure compliance with GMA requirements and current Skagit County Countywide Planning Policies. In particular, the Planning Commission finds that clear and strict limits on the provision of public sewer beyond the City's boundaries should

be adopted. The provision of public sewer is an important tool for shaping growth. With limited exceptions the Washington State Growth Management Act (GMA) limits the provision of sewer outside of established UGAs. The City’s codes must be consistent with these requirements. In addition the Planning Commission finds that septic systems are generally not an appropriate method of sewage disposal in a densely populated urban area and that clear and strict limits the use of septic systems within the City’s boundaries should be adopted.

9. The Planning Commission finds that changes should be made to Title 14 BMC (environmental regulations) for consistency with the Land Use and Natural Resources elements of the comprehensive plan and to implement the recommendations identified in the critical areas report previously adopted by the Planning Commission and City Council. These changes are necessary for consistency with best available science as required by the GMA.
10. The Planning Commission finds that changes should be made to Title 14A BMC (permit decisions) for purposes of consistency and to reflect current permit processing procedures.
11. The Planning Commission finds that changes should be made to Title 15 BMC (buildings and construction) for purposes of consistency and to reflect current permit processing procedures.
12. The Planning Commission finds that changes should be made to Title 16 (land divisions) to implement the Transportation and Land Use elements of the comprehensive plan, particularly with respect to street connectivity and polices directed at reducing travel distances.

Recommendation:

Based on the findings above the Planning Commission makes the following recommendations:

1. The City Council should adopt revised code sections substantially in the form of attached exhibits “1”, “2”, “3”, “4”, “5”, and “6”.
2. Minor changes to the proposed code amendments may be necessary prior to final adoption to correct grammatical, formatting, and organizational problems; to ensure consistency; and to incorporate input from the public and state agencies;

Dated this _____ day of October 2022

Marianne Manville-Ailles
Chair, City of Burlington Planning Commission

City of Burlington - Planning Commission
Comprehensive Plan Update – Minor Code Changes – Multiple Titles

- Attachments:
- "1" – Proposed Changes to Title 12 BMC (streets)
 - "2" – Proposed Changes to Title 13 BMC (sewer)
 - "3" – Proposed Changes to Title 14 BMC (environmental)
 - "4" – Proposed Changes to Title 14A BMC (permit processing)
 - "5" – Proposed Changes to Title 15 BMC (buildings and construction)
 - "6" – Proposed Changes to Title 16 BMC (land division)