



Planning Commission Recommendation

To: Burlington City Council

From: Burlington Planning Commission

Project: 2025 Comprehensive Plan Update – Capacity Options

Date: February 19, 2025

Summary:

The Growth Management Act (GMA) requires cities and counties to adopt comprehensive plans. The GMA further requires that plans adopted by the cities and counties be periodically reviewed, and if necessary, updated. The purpose of this periodic update requirement is to ensure that plans reflect current legal requirements, up-to-date technical knowledge, and changing local circumstances. A key component of the periodic update process is ensuring that urban growth areas (UGAs) have sufficient capacity for development based current population, housing, and employment projections.

Urban growth areas are intended to concentrate growth and development within cities and limit sprawling development in rural areas. UGAs are also intended to reduce the cost of providing public services such as sewer, fire protection, and transportation. Under the GMA, counties, not cities, are responsible for determining the size and boundaries of a city's UGA. UGAs must have enough land to accommodate twenty years of population and employment growth. UGAs must also have enough land to accommodate the public facilities necessary to serve the projected growth and include sufficient allowances for needed housing types.

Skagit County, through a Growth Management Steering Committee, completed countywide population, housing, and employment forecasts on June 20, 2024. Through this process the Steering Committee also allocated a portion of the countywide population, housing, and employment growth to each city in the County. The Steering Committee determined that between 2022 and 2045 the City of Burlington will grow by 4,819 people and 5,770 jobs. Burlington must also accommodate a minimum of 2,843 additional housing units.

The Washington State Growth Management Act (GMA) and the Skagit County Countywide Planning Policies (CPPs) have both been recently amended to prevent urban sprawl, reduce

travel demand, and locate housing in areas close to jobs, services, and other public amenities. This means that all of Burlington’s projected growth and development must be accommodated within the City’s existing UGA. It also means that each of the cities in Skagit County must take steps to ensure their existing UGAs can accommodate their share of the region’s growth.

In order to address the requirements outlined above, and to assess the City’s ability to accommodate allocated growth, the Community Development Department prepared a Development Capacity Analysis (DCA) analyzing the City’s ability to accommodate development under existing and planned conditions. The DCA illustrated that the City’s population, employment, and housing allocations could only be accommodated with changes to development regulations and planning policies.

The Planning Commission subsequently reviewed a list of potential options for increasing the City’s ability to accommodate allocated employment and housing growth. The Planning Commission evaluated each option based on its complexity and the extent to which the option would increase development capacity. The Planning Commission voted to recommend adopting seven of the capacity options. For two other options, the Planning Commission, concluded the options would produce little, if any, change in capacity but would require a significant investment of time and resources to develop.

Findings:

The Planning Commission reviewed the requirements of the Growth Management Act (GMA) and a list of potential options for increasing housing and employment capacity. Based on this review 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 cities and counties to periodically update their comprehensive plans and development regulations. Specifically, cities must update their comprehensive plans and development regulations on regular cycle (RCW 36.70A.130(5)). Burlington’s last required update was due June 2016. The next scheduled periodic update is due June 2025.
3. The GMA requires that urban growth areas (UGAs) be designated around cities. UGAs are intended to define the limits of urban growth, encourage growth and development within cities, and discourage sprawling urban development in rural area (RCW 36.70A.020 and 36.70A.110).
4. Counties, not cities, are responsible for establishing the boundaries of urban growth areas, and counties and cities are required to work together to ensure that UGAs have sufficient capacity to accommodate 20 years of population and employment growth. UGAs must also include sufficient areas, use allowances, and permitted development densities to

accommodate future housing, public facility, and park and open space needs (RCW 36.70.110(1) and 36.70A.115).

5. Counties, and the cities within them, are required collaboratively to develop, and administer, countywide planning policies (CPPs). Countywide planning policies are intended to ensure consistency between the plans adopted by the counties and the plans adopted by the cities within them, and to ensure adequate coordination on important regional issues such as growth allocations, housing policy, and transportation.
6. Among other considerations, countywide planning policies must address growth forecasting methods and the process for establishing and modifying urban growth areas. Counties, cities, and state agencies must adhere to adopted countywide planning policies (RCW 36.70A.210).
7. The population and employment forecasts used by counties and cities must be based on, and within the range established by, the population forecasts issued for each County by the Washington State Office of Financial Management (OFM) (RCW 36.70A.110(2)).
8. Forecasts of needed housing types must be based on the forecasts issued for each county by the Washington State Department of Commerce (Commerce) (RCW 36.70A.070(2)).
9. Because the population and housing forecasts identified above are issued at the county-level, and because population and housing must primarily be accommodated within city UGAs, it is necessary, for planning purposes, to allocate projected growth to each city and UGA in the County.
10. In Skagit County, countywide planning activities are coordinated by a “Growth Management Act Steering Committee” (GMASC) comprised of elected officials from Skagit County and the cities within Skagit County. On June 20, 2024, the GMASC voted to revise the Skagit County Countywide Planning Policies (CPPs).
11. The revised CPPs adopted by the GMASC included changes altering the regional growth allocations to reflect current OFM and Commerce forecasts, and to allocate the forecasted growth and housing needs to each city and UGA in the County. The revised CPPs also included changes necessary to implement newly adopted changes to Washington State law. The newly adopted changes address Growth Management Act (GMA) planning requirements related to housing, transportation, and climate change. The Planning Commission has reviewed the proposed CPP amendments.
12. After the initial growth allocations were adopted, the Skagit County Planning Department assessed the development capacity of the County’s rural areas, Limited Areas of More Intensive Rural Development (LAMIRDs), and the Bayview Ridge Urban Growth Area. Based on this review, Skagit County determined it was not feasible, within the confines of

Washington State law or applicable CPPs, to accommodate the number of higher-density housing types initially allocated to the County under the CPP amendments adopted by the GMASC. The County's conclusion is based on GMA requirements that prohibit higher-density development in rural areas and that promote the location of housing in centrally located urban areas with good access to employment, services, and transportation.

13. In response to the concerns raised by Skagit County, the Growth Management Act Technical Advisory Committee (GMATAC) reconciled the initial housing allocations with Skagit County's capacity constraints. Ultimately the GMATAC recommended that a percentage of the higher-density housing types that were initially allocated to rural Skagit County, be reallocated to each of the cities in the County, and that an equivalent number of lower-density housing types (detached homes) that were initially allocated to the cities, be reallocated to rural Skagit County (Exhibit "C"). Under this framework, the reallocation process distributed the higher-density housing types to each city proportionate to each city's share of the overall county population. The reallocation process changed only the composition of housing types allocated to each jurisdiction, but did not change the population, employment, or overall number of housing units allocated to each city.
14. Under the reconciled growth allocation adopted by GMASC, the City of Burlington must demonstrate that sufficient development capacity exists for a population increase of 4,819 people, the construction of 2,843 housing units, and an employment increase of 5,770 additional jobs.
15. A comprehensive Development Capacity Analysis (DCA) was conducted as part of the 2016 Comprehensive Plan Update. For the 2025 Comprehensive Plan Update, the City's Community Development Department compared the results of the 2016 DCA against permit and development records and used the current growth allocations adopted by the GMASC to assess whether additional capacity would be required or not. This analysis demonstrated capacity deficiencies for housing and employment. Specifically, the Community Development Department identified the following deficiencies: (a) an employment capacity shortfall of 2,171 jobs and (b) a housing capacity shortfall of 131 units. The DCA update is documented in a report prepared by the Community Development Department dated November 15, 2024. This report was adopted by the Planning Commission at a Public Hearing on November 20, 2024.
16. The DCA update adopted by the Planning Commission found that the identified housing and employment capacity deficiencies could be addressed with changes to the City's development regulations and planning policies. On January 15, 2025, the Planning Commission reviewed a table identifying a range of potential options for increasing development capacity (Exhibit "A"). The table identified ten potential options, including five options for increasing housing capacity (options A-1 – A-5), two options for increasing employment capacity (options B-1 and B-2), and three options that could increase both housing and employment capacity (options C-1 – C-3).

17. The Planning Commission evaluated each of the options listed in the table and for each option considered (a) the difficulty of implementing the option, (b) the potential for the option to increase capacity, and (c) potential conflicts with existing planning policies or impacts of a more general nature. Based on this review the Planning Commission makes the following findings:

- a. The Planning Commission finds that options A-1, A-3, A-5, B-1, B-2, C-1, C-2, and C-3 have the potential to address the housing and employment capacity deficiencies identified in the updated DCA.
 - i. With respect to option A-5 (ADU regulations), the Planning Commission finds that many Burlington residents are unaware they are able to build an ADU on their property. The Planning Commission further finds that illegal ADUs that have not been reviewed for fire, health, and life-safety frequently exist because property owners mistakenly believe they cannot be brought into compliance with City regulations. Creating a combined public outreach and permitting amnesty program could increase the City's housing stock while addressing existing safety deficiencies.
 - ii. With respect to option C-2 (annexation policies), the Planning Commission finds that annexation is not a viable option for increasing housing capacity and is also unlikely to be a viable option for increasing employment capacity. Much of the City's unincorporated UGA is remote, lacks access to services and utilities, or is already developed at or near urban densities. However, several large tracts of land exist that may be suitable for industrial uses.
- b. The Planning Commission finds that options A-2 and A-4 are unlikely to result in significant capacity changes and would require significant work.

Recommendation:

The City of Burlington Planning Commission hereby make the following recommendations:

1. The Planning Commission recommends that the Community Development Department proceed with further developing options A-1, A-3, A-5, B-1, B-2, C-1, C-2, and C-3.
 - a. With respect to option A-5 (ADU regulations) provisions should be included in the update for the creation of a public information and permitting amnesty program to encourage property owners to construct ADUs and to bring existing illegal ADUs into compliance with applicable building code requirements.

- b. With respect to option C-2 (annexation policies) the Planning Commission recommends that only minor changes be made to the City’s annexation policies and that these changes indicate that annexation would only be considered for non-residential development.
2. The Planning Commission recommends that options A-2 and A-4 not be further considered for inclusion in the 2025 Comprehensive Plan Update.

DATED this _____ day of February 2025

Marianne Manville-Ailles
Chair, City of Burlington Planning Commission

Exhibits:
“A” Table – Options for Increasing Housing and Employment Capacity

City of Burlington

2025 Comprehensive Plan Update

Options for Increasing Housing and Employment Capacity

Category	Option Number	Description	Reason	Code and Policy Sections	Capacity Impact	Complexity
A Housing	A-1	Change “middle housing” types from conditional use to permitted use in RD zones	<p>“Middle housing” is a term that refers to smaller scale housing such as detached dwellings, duplexes, townhomes and small apartment buildings. These housing types are currently allowed in the residential detached (RD) zones with a conditional use permit.</p> <p>Typically, conditional use permits are required for poorly defined uses with impacts that are hard to predict. Middle housing is well-defined, and the code already contains very clear standards. Requiring a CUP discourages middle housing without any corresponding public benefit.</p> <p>The recently issued North-Star Joint Statement commits all local governments in Skagit County to eliminating conditional permitting requirements for housing in</p>	<p>Changes to comp plan: 2.4.4.4, 2.5.1.2, 3.4.1.4, and 3.4.5.4</p> <p>Code changes: 17.15.050 & 17.15.080</p>	Small	Simple

			residential zones. In addition, because many of Burlington's RA and MUC zones are located near freeways and railroads, which pose significant environmental health risks, opening up other areas of the City to middle housing might address the environmental justice and racially disparate impact requirements of the GMA (RCW 36.70A.070(2)(e)&(f)).			
	Adopt standards for cottage housing		During the last comp plan update placeholder code sections were included for future cottage housing standards and the Planning Commission requested this be addressed in the future.	Changes to comp plan: None Code changes: Chapters 17.15, 17.20, 17.25, 17.30, and 17.40	Small	Complex
A-2			Cottage housing is similar to the City's existing "small lot" development standards but does not require that each unit be located on its own lot. This allows additional tenure options including rentals, condominiums, land trusts, etc.			
A-3	Fee waivers for affordable housing		Existing comp plan policies (3.4.7.5 & 3.4.7.6) and the North Start Joint Statement call for the adoption of a fee waiver program for affordable housing projects. The Burlington City Council adopted an interim fee waiver	Changes to comp plan: Revise policies 3.4.7.5 and 3.4.7.6 to clarify a program has been adopted Code changes:	Small/Moderate	Simple

			ordinance (Ord. 1949) that requires a permanent program be developed and codified by the end of 2025.	Impact fee code in Title 15 BMC and develop new fee waiver code.		
	Develop MFTE program	Washington State law allows cities to adopt a “Multifamily Tax Exemption” program. MFTE programs exempt certain types of development in designated target areas from property tax.	Changes to comp plan: Add policies to the Housing Element clarifying the parameters of the MFTE program. Add maps identifying target areas.	Unknown	Complex	
A-4		Typically, MFTE programs are used to facilitate housing development that include a certain percentage of units set aside for lower income households and apply in specific areas where the city wants to incentivize redevelopment.	Code changes: Add new code section(s) addressing program criteria and requirements.			
	Revise ADU regulations	Required by Washington State law (RCW 36.70A.680). Burlington’s current regulations address most of the new requirements; however, changes need to be made to allow an additional ADU per lot and to revise the maximum permitted floor area.	Changes to comp plan: None Code changes: Revise regulations in 17.15.090.K and 17.20.080.K. Also, RA and MUR code must be revised to either clarify that ADUs are only permitted with detached homes or eliminate detached dwellings from the list of permitted uses. State law requires that ADUs be allowed	Small	Simple	
A-5						

				wherever detached dwellings are allowed.		
B Employment	B-1	Clarify requirements for ground floor commercial uses	Currently the City requires that residential developments located in the MUC zones reserve at least 50 percent of ground floor building frontage for commercial uses. The intent was to promote active, pedestrian-oriented, shopping, and employment uses. However, the code language is vague, and developers have been trying to circumvent the requirements by using the ground-floor commercial space for things like exercise rooms or storage.	Changes to comp plan: Add clarifying language to 2.4.4.4 Code changes: Changes to definitions and MUC zones.	Moderate	Simple
	B-2	Additional restrictions on residential development in CI	This is significant because the City has a limited supply of arterial street frontage available for commercial development. Meeting our employment capacity obligations means ensuring that available commercial land maximizes employment capacity. Uses with few, if any, employees are not consistent with these objectives.	Changes to CI code to either prohibit housing out	Moderate	Simple

		(commercial/industrial) zones.	<p>the CI-1 zone with a conditional use permit and under strict criteria. The code provisions were intended to limit housing to sites that were small, remote, or that were otherwise unsuitable for car dealership and light industrial development. In practice developers have continued to push the boundaries of the code requirements.</p> <p>The supply of land available for car dealerships and large-scale retail are finite. These uses require large parcels with freeway frontage/visibility. Since the City has a limited supply of land adjacent to the freeway, and since expanding the UGA to encompass additional freeway frontage is infeasible, it is vital that the remaining land supply be reserved for its intended purpose.</p>		Significant	Simple
<p>C Employment and Housing</p>	C-1	Adopt minimum density standards for MUC and RA zones	<p>Development densities in the RA-2 and MUC-2 zones have varied widely. Higher density development uses significantly less land, maximizing the amount of land remaining for commercial and residential development.</p>	<p>Changes to comp plan: Revise policy 2.4.1.3</p> <p>Code changes: 17.25.100 & 17.50.090</p>	Significant	Simple

	Annexation	<p>The City's unincorporated urban growth area (UGA) contains approximately 438 acres of land. While theoretically developable, much of this land is remote, lacks adequate infrastructure, or is already divided into small parcels. These factors make redevelopment of much of the UGA difficult. However, approximately 46 acres of land comprised of large undeveloped parcels is located east of Burlington Hill and North of SR-20. This land could, potentially, be developed for industrial or light industrial uses. Any employment gains would be long-term and speculative.</p>	Unknown	Moderate	Complex
C-2			<p>Placing parking under buildings significantly reduces the amount of land consumed. Parking under buildings adds to development costs which is a disincentive for more efficient development patterns. Incentives could be developed to offset the additional development costs.</p>	Moderate	Simple
C-3	Create additional incentives for placing parking under buildings				