City of Burlington Climate Policy Audit Memo

Date: March 25, 2025

To: Brad Johnson, Community Development Director, City of Burlington

From: Rachel Chen, Planner, and Katie Cote, AICP, Planning Manager

Subject: Climate Policy Audit of Existing Plans

INTRODUCTION

BHC has conducted an audit of the City of Burlington's existing plans and policies to identify those that help the City decrease its greenhouse gas (GHG) emissions and increase its resilience to climate-exacerbated hazards. This audit was conducted as part of the development of climate resilience goals and policies for a new Climate Element of the Comprehensive Plan, as required by HB 1181 (2023), adopted as RCW 36.70A.070(9). This memo provides a high-level summary of this audit, organized by source document. The full audit can be found in Appendix A: City of Burlington Climate Policy Audit. The full audit will summarize the document's relevance to climate planning, identify any "gaps" in the policy, and suggest edits to strengthen its impact on climate planning. Where appropriate, the full audit identifies applicable co-benefits of each policy.

The following planning documents from the City were reviewed for this audit:

- City of Burlington Comprehensive Plan, Volume I and Volume II (2023)
- Skagit County Countywide Planning Policies (2021)
- Skagit County Hazard Mitigation Plan, City of Burlington chapter (2014)
- Surface Water Management Plan (2005) and the Stormwater Management Program Plan Supplement (2024)
- City of Burlington Municipal Code
    - Title 14: Environmental Regulations
    - Title 15: Buildings and Construction
    - Title 16: Land Divisions and Adjustments
    - Title 17: Zoning
    - Title 18: Shoreline Master Program

BHC will continue working with the City of Burlington and the consultant team to develop the identified policy gaps into a list of recommended policy changes to adopt into the Comprehensive Plan. These recommendations will be provided in a future memo.

POLICY AUDIT SUMMARY

Comprehensive Plan

The existing goals and policies in Burlington's Comprehensive Plan include numerous policies that will help the city reduce its GHG emissions and increase community resilience to climate-exacerbated hazards. The full policy audit can be found in Appendix A, which includes related Department of Commerce policies from the Climate Policy Explorer (where applicable), recommended edits, the identification of which sub-element and climate sector the policy best addresses, and the identification of potential co-benefits the policy may have.

The Comprehensive Plan includes several policies that promote infill development, limit development in hazardous or hazard-prone areas (especially floodplains), and increase stormwater management and low-impact development (LID). Many of them are already in the Natural Resources Element, which will be adapted for use as the Climate Element, but others are dispersed in other elements. The City may choose to consolidate all climate or GHG-related policies into the Climate Element or keep these dispersed policies in their respective elements with a cross-reference in the Climate Element. The forthcoming Policy Recommendations Memo will identify which policies would best fit in the Climate Element, and which additional policies are needed in other elements of the Comprehensive Plan (such as the Capital Facilities, Land Use, and Transportation Elements) in order to meet the climate planning requirements of HB 1181 and RCW 36.70A.070(9).

POLICY STRENGTHS

The following is a summarized list of topics related to climate planning that are addressed in the Comprehensive Plan. Please refer to the full policy audit for more information.

- **Low-impact development and stormwater management** policies are thoroughly addressed throughout the Comp Plan but especially in the Natural Resources Element.
- **Infill development** policies to encourage and prioritize infill development within municipal boundaries are found throughout the Comp Plan but namely in the Land Use Element.
- **Floodplain management** policies to reduce flooding risks in the City and develop code provisions to protect human life and property are found throughout the Comp Plan.
- Policies to **limit or prohibit development in hazardous areas** and direct new development away from hazards and near available utilities and public services are addressed primarily in the Land Use and Natural Resources Elements.
- Policies to **encourage the preservation of open space and critical areas** through conservation easements, land acquisition, transfer of development rights programs, Special Management Areas, and other methods to protect critical areas and preserve ecological functions in the city, improve public access and recreational use, and prevent the impacts of natural hazards are found throughout the Comp Plan but especially in the Natural Resources Element.

- **Tree and native plant preservation** policies can be found in the Parks and Recreation and Natural Resources Elements.
- **Active transportation** policies to encourage and prioritize the development of trails, paths, and bicycle and pedestrian infrastructure, primarily in the Transportation and Parks and Recreation Elements.
- **Public participation** policies to ensure vulnerable populations and historically disadvantaged populations are intentionally included in planning decisions.

POLICY GAPS

While the Comprehensive Plan includes many goals and policies that will help the city reach its GHG reduction and community resilience goals, there are several policy gaps that should be addressed in the Climate Element. New policies should be drafted in the Climate Element to address the following topics:

- **Extreme heat** and preventing impacts on vulnerable populations, as identified in the Climate Risk Assessment Memo, by increasing the **tree canopy**, considering the creation of a forest master plan, and incorporating additional strategies for extreme heat mitigation.
- **Energy use and efficiency**, such as through requiring retrofits to increase energy efficiency and partnering with PSE to improve the **resilience of the electric grid**. Policies could also include **renewable energy incentives** or requirements to phase out the use of fossil fuels.
- **Resilience hubs** - policies to create or adapt public facilities into resilience hubs, or community-serving facilities that can serve as heating or cooling centers during extreme weather events, support community members before, during, or after natural disasters, distribute resources or basic medical supplies, or provide information during extreme weather events and natural hazards. They can be designed with the community to ensure they meet the community's needs and provide relevant resources and services. When not in use during natural hazard events, resilience hubs can host community events and connect residents to resources and programs to enhance resilience.
- **Wildfire smoke** and impacts on vulnerable populations, as identified in the Climate Risk Assessment Memo.
- **Restoring floodplains** and connectivity within the watershed, including **habitat restoration** with native vegetation and increasing the **resilience of the levee system** and other critical infrastructure that is vulnerable to recurring flooding.
- **Stormwater infrastructure** and stormwater mitigation for low elevation roads and utilities.
- **Emergency preparedness**, evacuation routes, and increasing the strength of existing community networks. This could include bolstering coordination with other jurisdictions to review **disaster preparedness, response, and recovery activities**.
- **Developing City programs** to assist vulnerable populations.
- **Multimodal transportation**, **active transportation**, **electric vehicle** policies to decrease vehicle miles traveled and greenhouse gas emissions from transportation. While there are some in the existing Comprehensive Plan, additional ones may be necessary to meet the requirements of HB 1181.
- **Solid waste management** including waste diversion and reduction policies to decrease the city's emissions from solid waste, and policies to address **wastewater emissions reduction** where feasible.

Skagit County Countywide Planning Policies

The Skagit County Countywide Planning Policies (CPPs) are meant to provide a countywide framework for cities and towns as they develop their Comprehensive Plans, which must be consistent with CPPs. The policy audit in Appendix A highlights specific CPPs related to climate resilience or GHG reduction, and identifies related policies in Burlington's Comprehensive Plan, where applicable, to show consistency between the two. Where there are no policies in Burlington's Comprehensive Plan to support the CPP, a recommendation is provided for how Burlington can best address the CPP in the Climate Element or in other elements as needed to meet the requirements of HB 1811.

POLICY STRENGTHS

Below are several CPPs that are well-supported by Burlington's existing policies:

- **Urban Growth Policy 1.5** requires cities to prioritize development (including greenbelt and open space areas) in existing vacant land and infill priorities within their city limits before expanding towards their urban growth boundaries. Burlington's Comprehensive Plan includes numerous policies related to infill development, including Policy 2.4.3.3 and 3.4.1.4 in the Land Use and Housing Elements, respectively.
- **Open Space and Recreation Policy 9.2** encourages innovative techniques and incentives to preserve open space and recreational opportunities, such as conservation easements, purchase or transfer of development rights (TDR), land trusts, and public acquisition of lands. Burlington's Comprehensive Plan includes many policies to address this CPP, including Policy 4.4.5.4 and 4.4.1.5 in the Natural Resources Element which outlines a TDR program and prevents the sale of critical areas except for conservation purposes.
- **Environment Policy 10.7** instructs cities to direct development away from critical areas, which is well-addressed by Goal 2.4.3 and Policies 2.4.3.1 and 4.4.7 in the Land Use and Natural Resources Elements, respectively, which not only direct development away from critical areas but also direct development away from hazardous areas to prevent damage from flooding and other natural hazards.

POLICY GAPS

The following policy gaps should be addressed in the Comprehensive Plan, along with a couple other gaps as identified in Appendix A:

- **Multimodal Transportation Policies.** While the City has numerous policies supportive of multimodal transportation, they may be strengthened, or new policies drafted to better meet a few of the CPPs, namely CPPs 3, 3.1, 3.12, and 14.1 in the Transportation and Climate Change and Resiliency policy areas, respectively.
- **Waste Management Policies.** The Comprehensive Plan does not include policies to address waste management or waste reduction; the Climate Element would be a great place to introduce new policies supporting CPPs 5.13 (Economic Development) and 12.13 (Public Facilities and Services).
- **Interjurisdictional Coordination.** The City's existing policies include many detailed efforts to mitigate and prevent flooding, water pollution, and other climate-exacerbated impacts, but does not include many policies that would increase coordination with other jurisdictions, local agencies, or Indigenous Tribes as outlined in CPPs 10.12 and 10.13 (Environment).

- **Community Participation and Equitable Outreach.** The Implementation Element of the City's Comp Plan outlines how the City plans to encourage public participation. However, there are no policies to address CPPs 11, 11.2 (Citizen Participation and Coordination) which address equitable outreach that prioritizes vulnerable populations and overburdened communities.
- **Vulnerable and Overburdened Populations.** The Climate Element would be a great place to develop policies to meet CPP14.4 (Climate Change and Resiliency) which requires cities to address the impacts of climate change on vulnerable populations and overburdened communities.

Hazard Mitigation Plan

Much of the City's HMP discusses relevant hazards for the city; namely flooding, landslide, and severe storms, along with other hazards like earthquakes, and volcanic activity. Much of the City of Burlington's land area is located in the 100-year floodplain, aside from Burlington Hill, which is not subject to flooding. During a 100-year flood event, most of the city would be inundated with water up to three feet in depth. Flood impacts are likely to be further exacerbated due to climate change. As a City with high potential flood hazards, the City participates in the Community Rating System (CRS) with a focus on No Adverse Impact Floodplain Management. Participation in this program is designed to encourage the reduction of the risks associated with flood events through increased public awareness and preparedness. These actions help property owners be better prepared for flood events, as well as result in reductions in Federal Flood Insurance rates for those participating. The City is also working towards certifying the Levee System for 100-year Flood Protection.

POLICY STRENGTHS

The City's Hazard Mitigation Plan (HMP) includes numerous policies to help the City prepare for the following hazards and disaster preparedness topics:

- **Earthquakes, landslides, erosion, and land movement** are addressed through protections of steep slopes, utilizing best available science in the City's Critical Area Ordinance, and special requirements to minimize the potential for landslides in the Burlington Hill Special Management Area, which is susceptible to rockfall and landslides.
- **Severe storms** are fairly mitigated through requirements for new developments to withstand greater wind and snow loads.
- **Fire codes** are required to be up to date with the latest adopted state fire codes and through the annual inspection of commercial structures.
- **Flood prevention and mitigation** through stormwater management, best management practices, low-impact development, structure and site design to minimize flood risks, flood control measures that protect biological systems, and the protection of public facilities from 100-year flood events.
- **Public information** is a large priority of the HMP, which seeks to expand the Program for Public Information (PPI) to ensure the public is aware of various programs to help them prepare for hazards, such as seismic retrofits for homes and Firewise practices.

POLICY GAPS

To build upon the City's existing work, the following policy areas could be better addressed in the Climate Element, at a minimum:

- **Emergency management and preparedness.** The city could utilize the Emergency Alert System to help bolster emergency preparedness and develop outreach materials for residents. It could also ensure that emergency preparedness information is translated into all applicable languages and is distributed throughout the community.
- **Resilience hubs** (community-serving facilities that can assist residents before, during, or after natural disasters or extreme weather events) could be incorporated in the City's emergency preparedness efforts to ensure there are places in the community where residents can receive information, resources, shelter, heating or cooling during extreme weather events, or filtered air during wildfire smoke events. They can be designed with the community to ensure they meet the community's needs and provide relevant resources and services.
- **Emergency warning and evacuation programs** are included in the HMP and on the city's website but should be regularly updated as needed to maintain flood warning and evacuation protocols. Policies in the new Climate Element could address the update and distribution process of evacuation plans and other emergency preparedness resources to ensure they are widely available in the community.

Stormwater Management Program

The City's 2024 Stormwater Management Program Plan provides an update to the 2005 Stormwater Management Plan by summarizing activities the City has undertaken to reduce stormwater pollution and increase community participation in pollution prevention and reduction activities.

POLICY STRENGTHS

A summary of efforts related to climate resilience and GHG emissions reduction is provided below:

- **Public education and awareness campaigns.** The City has been engaging the community in campaigns to increase awareness of stormwater pollution through citywide newspapers, surveys, and campaigns like the Pet Waste Management Social Marketing Action Plan. The City also provides educational opportunities through supporting the Backyard Conservation Workshop, Storm Drain Labeling Program, and the Skagit Stream Team. Many of these efforts are ongoing and are being refined over time to ensure participation remains high and residents are aware of stormwater regulations and any resources available to them.
- **Training programs for staff** regarding codes, permit review for runoff prevention, erosion control and best practices for low-impact development (LID).
- **Inspections of stormwater facilities**, both public and private, to ensure they are functioning as intended.

POLICY GAPS

To build upon the City's existing work to improve stormwater management, the City could consider policies in their Comprehensive Plan that **help low-income households or multifamily buildings implement low-impact development techniques** to address the potential vulnerabilities of low-income households and renters, who are typically less likely to be able to afford and incorporate LID techniques to reduce their flooding risks. This could include considering efforts to retrofit existing developments with LID features such as rain gardens or replacing landscaping with native vegetation or could include potential water efficient upgrades for indoor fixtures and appliances.

Development Regulations

BHC reviewed the Burlington Municipal Code (BMC) for development regulations that address resiliency to climate-exacerbated hazards. The full review is included in Appendix A, and below is summary of the code provisions organized by Title.

Title 14 – Environmental Regulations

POLICY STRENGTHS

The City's Environmental Regulations include many development regulations supportive of climate resilience, specifically addressing stormwater management, flood hazard prevention, and the protection of critical areas. A summary of these efforts is provided below:

- **Surface water and stormwater management** regulations under BMC 14.05 require sites within flood prone areas to minimize potential flooding on site by using low-impact development techniques and best management practices instead of conventional storm water management systems, where feasible.
- **Critical areas** regulations under BMC 14.15 require incentives to protect critical areas, such as conservation easements or separate property tax assessments for open space tracts. These regulations also include flood proofing requirements such as elevating new developments above the base flood elevation, preventing new critical facilities from being located in floodplain management areas where feasible, and ensuring sites are designed to minimize flood damage and incorporate stormwater management and low-impact development techniques.
- **Flood protection elevation** is required for new development in a floodplain management area (BMC 14.15.400.B.7) to elevate structures 1-3 feet above the base flood elevation, depending on the type of structure.

POLICY GAPS

To build upon the existing requirements of this code, the City could consider development regulations that set targets for **minimizing impervious surface coverage**, increasing tree cover, requiring native, drought tolerant, or water efficient landscaping, **requiring elevated utilities** for new developments in flood hazard areas, and considering additional stormwater management techniques like encouraging **rain gardens, rainwater harvesting, or green roofs**. Furthermore, code provisions outlining additional incentives to protect critical areas could be considered, such as additional flexible development standards to complement the city's regulations for cluster developments and avoid impacts on critical areas, and consider requiring native plants for buffers.

Title 15 – Buildings and Construction

POLICY STRENGTHS

The City's Buildings and Construction code includes a provision (BMC 15.08.130) requiring residential buildings in the Burlington Hill Special Management Area to be equipped with a specific automatic sprinkler system, which could help prevent the spread of fire on the hill. While the risk of wildfire is extremely low in the city, Burlington Hill has the largest remaining forested areas in the city, which could pose risks to residential structures in the case of a human-caused fire.

POLICY GAPS

The City could consider introducing development regulations for the Burlington Hill Special Management Area that are aligned with **Firewise policies** or help residents create defensible spaces around their homes.

Title 16 – Land Divisions and Adjustments

POLICY STRENGTHS

The City's Land Divisions and Adjustments code includes a requirement (BMC 16.40.050.A.8) for the design and construction of all plats and binding site plans, specifically in street design, to **incorporate low-impact development features** such as bioretention areas, rain gardens, and permeable paving. These requirements along with additional provisions in BMC 16.30.070.D and 16.30.100 help implement some of Burlington's low-impact development and stormwater management policies.

POLICY GAPS

Additional development regulations may be recommended to further incentivize low-impact development or **green stormwater infrastructure**, and to set stricter **limits for impervious surfaces**.

Title 17 – Zoning

POLICY STRENGTHS

The City's zoning regulations include several strong provisions related to climate resilience and protecting development from climate-exacerbated hazards. The full policy audit identifies specific places where these provisions are located in the code, which are briefly summarized below:

- **Electric vehicle charging** stations are permitted as accessory uses in the Mixed Use Commercial, Commercial and Industrial, Parks and Conservation Zones, and as primary uses in the Public Facilities and Transportation Zone.
- **Urban agriculture** is permitted as an accessory use in Residential Detached, Residential Attached, and the Mixed Use Residential Zones, with some exceptions as provided in BMC 17.70.100.
- **Low impact development and stormwater management** requirements are found throughout the City's zoning regulations, to encourage development that is thoughtful of how it manages stormwater and prevents runoff.
- **Native vegetation** is required for at least 50% of the landscaping for all development activities (BMC 17.81).

POLICY GAPS

To strengthen the zoning regulations related to climate resilience, the City could consider developing the following code provisions, at a minimum:

- **Renewable Energy.** Though the City does permit solar panels, the Comprehensive Plan could include a policy to consider adding flexible development standards for renewable energy systems and heat pumps. The City could also consider expanding the zones where renewable energy is permitted.

- **Electric Vehicle Charging.** Though they are permitted, the City could clarify these requirements so they are clear to those interested in building a charging station. The City could also consider incentives for building charging stations.

Title 18 – Shoreline Master Program

POLICY STRENGTHS

The City's Shoreline Master Program includes numerous goals and policies to address climate resiliency, as summarized here:

- **Best management practices and adaptive management** are encouraged throughout the SMP to encourage no net loss of critical areas, enhance wetlands, incorporate low-impact development techniques, and improve surface water management over time and as conditions change.
- **Flood damage reduction** constitutes its own element of the SMP, to encourage consistency with the Hazard Mitigation Plan, encourage coordination with neighboring jurisdictions, regulate flood hazard reduction projects, and prevent negative impacts from development in the shoreline.

POLICY GAPS

In order for the Climate Element to remain consistent with the SMP and build upon existing planning efforts, a policy could be drafted in the Climate Element to **factor climate projections into floodplain management, shoreline management,** and flood hazard reduction planning efforts.

CONCLUSION + NEXT STEPS

This policy audit of the City's primary planning documents identifies numerous strengths of the City's policies related to climate resilience and greenhouse gas emissions reduction. The City is already doing great work to prevent and mitigate flooding risks through extensive low-impact development and stormwater management policies, preserve open space, protect critical areas, and prevent development in hazard areas. There is still work to be done to strengthen the city's climate resilience policies, namely related to renewable energy and energy efficiency, electric vehicles, extreme heat mitigation, emergency preparedness, community outreach and education, and waste management and reduction, among several others. Based on the strengths and policy gaps identified throughout this memo and the full policy audit in Appendix A, BHC will continue to work with the City of Burlington and the consultant team to develop the identified policy gaps into a list of recommended policy changes to adopt into the Comprehensive Plan in order to meet the requirements of HB 1181 as adopted by RCW 36.70A.070(9).