



Planning Commission Recommendation

To: Burlington City Council

From: Burlington Planning Commission

Project: Development Regulations – MUC-1 (B-1), and MUC-2 (C-1) zones

Date: April 21, 2021

Summary:

Comprehensive plans must include a number of “elements” including; land use, housing, capital facilities, utilities, transportation, economic development, and parks. The land use element must contain a general description of the location and distribution of various land uses and should also include a map, or maps, graphically illustrating the City’s desired pattern of growth. In addition to adopting a comprehensive plan the City must also adopt development regulations (zoning codes) that are consistent with and implement the plan. Importantly, the City’s development regulations must permit the amount, and type, of development needed to meet the City’s projected housing, employment, and public facility needs.

The Planning Commission previously recommended that changes be made to the land use and housing elements of the City’s comprehensive plan. The Planning Commission also previously recommended that changes be made to the City’s comprehensive plan map. In order to comply with Washington State Growth Management (GMA) requirements, ensure the City’s comprehensive plan and development regulations are consistent, and to ensure the City’s development regulations are sufficient to accommodate projected population and employment growth, the Planning Commission has determined that significant revisions must be made to the City’s development regulations.

In order permit a thorough and thoughtful review, the Planning Commission requested that City’s Planning Department break this project into manageable components. The Planning Commission has reviewed the third group of code changes prepared by the Planning Department, including changes to the zoning code for the City’s “MUC” (Mixed Use Commercial) zones. The Planning Commission recommends these changes be adopted by the City Council.

Findings:

The Planning Commission has reviewed the requirements of the Growth Management Act (GMA) related to land use maps, designations, and internal consistency. The Planning Commission has also considered the goals and policies of the draft land use, housing, and natural resource elements. 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. The City's comprehensive plan must include a map, or maps, illustrating the City's desired pattern of growth, and all comprehensive plan maps must be consistent with the text of the comprehensive plan (RCW 36.70A.070 and WAC 365-196-405(2)(i)(ii)).
5. 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).
6. The Land Use Element must describe how land will be used in the future, show how population and job growth will be accommodated, and identify where different types of development will be permitted (RCW 36.70A.070(1)).
7. On February 20, 2019 the Planning Commission recommended the adoption of a revised Land Use Element which was subsequently accepted by the City Council on July 11, 2019. The revised Land Use Element includes new designation criteria for determining where each land use designation should be applied.
8. The comprehensive plan must be an internally consistent document and the text and maps of the comprehensive plan must be consistent with one another (RCW 36.70A.070, WAC 365-196-405(2)(i)(ii) & WAC 365-196-500). Because the text of the comprehensive plan has

been revised to include new designation criteria, the Comprehensive Plan map must be reviewed for consistency with the text of the Comprehensive Plan.

9. After a series of public hearings the Planning Commission issued written findings on June 19, 2019 and October 23, 2019 recommending that the City's comprehensive plan map be amended. The City Council subsequently held a series of hearings and accepted the Planning Commission's recommendations on August 26, 2019, September 26, 2019, and November 14, 2019.
10. On August 6, 2018 the Planning Commission reviewed, and adopted, a land capacity analysis demonstrating the need for changes to the City's land use and housing policies and regulations to accommodate attached housing and employment growth.
11. On October 17, 2018 the Planning Commission reviewed and adopted a housing inventory and inventory and analysis demonstrating the need for changes to the City's land use and housing policies and regulations to promote the development of a greater variety of housing types and densities.
12. On February 20, 2019 the Planning Commission recommended the City Council adopt a revised Land Use Element and a revised Housing Element. The City Council subsequently accepted the Planning Commission's recommendation on July 11, 2019.
13. The revised housing and land use elements adopted by the Planning Commission and City Council called for regulatory changes to address the City's future housing needs and accommodate projected employment growth. Specifically, the land capacity analysis, housing inventory and needs assessment, the land use element, and the housing element called for changes to the City's MUC zoning regulations:
 - a. Prioritize ground floor uses along the Burlington Boulevard and Fairhaven corridors that rely on high levels of activity or a highly visible location, such as retail, eating and drinking establishments, and commercial entertainment;
 - b. Reduce regulatory barriers to infill and redevelopment;
 - c. Concentrating the highest residential densities in mixed use commercial areas where utilities and public services are already available;
 - d. Promote densities for new residential and mixed use development in the City's MUC zones of at least 35 dwelling units per acre;
 - e. Increase the intensity of new commercial development by promoting floor area ratios (FARs) for new commercial development of at least 0.25;

- f. Reduce conflicts between incompatible uses by adopting design standards for non-residential uses in residential areas and for more intensive residential uses in lower intensity residential zones;
 - g. Allowing single use multifamily uses in the Northern Gateway growth area;
 - h. Directing a significant share of the City’s future growth to the Northern Gateway, Commercial Core, and Downtown growth areas;
 - i. Minimize household transportation costs by promoting the construction of attached housing in areas that are close to jobs and services, particularly in the Commercial Core growth area.
14. On April 17, 2019 the Planning Commission held a public hearing to consider public comments regarding the Comprehensive Plan Update. A comment was submitted requesting that the City reconsider its prohibition on gas stations and car washes in the MUC-2 (C-1) zone. The Planning Commission found that such uses are appropriate near freeway interchanges and directed the Planning Department to develop revised regulations allowing gas stations and car washes in the MUC zone under limited circumstances. In response the Planning Department developed revised regulations authorizing gas stations and car washes within 1,500 feet of freeway interchange subject to requirements intended to minimize conflicts between vehicle and pedestrian traffic and design regulations to ensure visual compatibility with surrounding uses.
15. The City’s Planning Department prepared draft changes to the MUC zoning regulations and the draft changes were reviewed by the Planning Commission at public hearing on March 16, 2021.
16. Based on feedback provided by the Planning Commission the Planning Department prepared a revised draft of the proposed zoning amendments. The Planning Commission reviewed the revised draft prepared by the Planning Department at a public hearing on April 21, 2021 and finds that the proposed zoning code amendments will achieve the objectives outlined above and will ensure the City’s MUC zoning regulations are consistent with, and achieve the objectives of, the comprehensive plan.

Recommendation:

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

1. The City Council should adopt amendments to the City’s MUC zones substantially in the form of attached exhibit “D”;

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 April 2021

Marianne Manville-Ailles
Chair, City of Burlington Planning Commission

Attachments: "A" Proposed changes to MUC zoning code