

1. Introduction

Authority

This document is the comprehensive land use plan for the city of Nooksack. A comprehensive plan is a legally recognized document that provides a framework for making land-use and other planning decisions. Development of this plan is authorized by RCW 35A.63 ("Planning and Zoning in Code Cities").

Development and periodic updating of this plan is also required by RCW 36.70A, commonly known as the Growth Management Act (GMA). Enacted by the 1990 Washington state legislature, the GMA requires cities in fast-growing counties to coordinate with neighboring jurisdictions in order to plan for future growth while conserving important natural resources and protecting critical areas. Whatcom County qualified as a fast-growing county according to the criteria in the GMA, so Nooksack (as well as all other cities in Whatcom County) was required to complete the comprehensive planning process. The most recent update of the comprehensive plan was completed in December 2004.

Revisions to the GMA enacted after 2004 established a revised schedule for updating of local comprehensive plans. The GMA requires that Nooksack (along with Whatcom County and the other cities in the county) update its comprehensive plan by June 30, 2016.

Scope and Purpose

This plan contains seven mandatory elements as specified in the GMA (RCW 36.70A.070):

- Land-use element. This element designates the proposed general distribution, location, and extent of lands for housing, commerce, industry, recreation and open space, and public facilities and utilities.
- Capital facilities element. This element contains an inventory of existing capital facilities owned by public entities. The element also shows the proposed locations and capacities of forecasted improvements and presents a six-year plan demonstrating how those improvements can be financed.
- Housing element. This element contains an inventory and analysis of existing and projected housing needs.
- Transportation element. This element contains an inventory of transportation facilities and services along with an analysis of future transportation needs. The element also presents a six-year financial plan for transportation improvements.
- Utilities element. This element describes the general location and capacity of existing and proposed utilities, including natural gas, electric, and telephone utilities.

- Economic development element. This element establishes local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life.
- Park and recreation element. This element contains an inventory and analysis of existing and projected park and recreation facilities and is incorporated into the Capital Facilities element.

Generally, each element first documents existing conditions and then discusses future scenarios that seem both desirable (in light of community preferences) and attainable (in light of community resources and constraints). Aside from these major elements, the plan also includes background information, community survey results, a vision statement, a number of goals and objectives, and other supporting information.

A plan written in compliance with the GMA must address in general terms the twenty-year planning period, but it must also include a detailed financial analysis pertaining to the first six years of that period.

Although adopted by ordinance, the plan is fundamentally a policy document. Implementation of the plan will usually depend upon other regulatory tools such as the zoning and subdivision ordinances. The GMA requires local development regulations to be consistent with the plan.

The plan is written for several audiences, including local decision-makers (e.g., planning commissioners, councilmembers, mayor), residents, developers, and state and county officials. The plan seeks to notify people of the city's future direction and to establish a clear intent that can be used to develop and interpret municipal regulations. The plan should also help the city secure outside funding for development projects; eligibility for most state infrastructure funding programs is dependent upon adoption of a GMA-compliant comprehensive plan.

In addition, the goals and policies established through the City of Nooksack Shoreline Management Master Program are included as goals and policies incorporated into this plan and constitute the Shoreline Management element of the comprehensive plan as required by the Growth Management Act. See Chapter 9.

Public Participation Process

The GMA requires that Nooksack establish procedures providing for early and continuous public participation in the planning process (RCW 36.70A.140). The following procedures constitute the public participation process in the city of Nooksack. The procedures shall be followed whenever the city proposes to amend or adopt any part of the comprehensive plan or the development regulations implementing the plan.

- Communication programs and information services. At least sixty days prior to formal action on a proposal, the city shall inform the public about the proposal in the following ways: (1) a press release summarizing the proposal will be sent to the city's paper of legal record; (2) a summary of the proposal shall be read at a regular meeting of the city council; and (3) a

summary of the proposal shall be posted on the city website. In addition, an article concerning the proposal will be included in a timely issue of the city newsletter, if the newsletter is currently in publication.

When a proposal might affect another jurisdiction, a summary of the proposal shall be mailed to the chief executive of that jurisdiction at least sixty days prior to formal action on the proposal.

- Dissemination of proposals. At least sixty days prior to formal action on a proposal, copies of the full text of the proposal shall be made available to the public at city hall, at the Everson branch of the Whatcom County Library System and on the city website. Availability of these copies shall be mentioned in the summaries and articles described in the prior paragraphs. As required by RCW 36.70A.106, the city shall submit copies of the full text of the proposal to the state department of commerce at least sixty days prior to formal action on the proposal.
- Written comments. The city shall accept written comments concerning a proposal during a sixty-day period culminating on a specified date, and formal action upon the proposal shall not occur before the close of the comment period. The process for submission of written comment (i.e., the address for submission and the culminating date) shall be described in the summaries, articles, and mailings described in the prior paragraphs. Written comments shall be considered by the city at open public meetings. Each comment shall be read aloud in its entirety or shall be distributed to every member of the governing body convening the meeting. Discussion and disposition of each comment shall then take place. Although discussion at a public meeting shall be the only required response to a written comment, the city may additionally acknowledge or respond to a comment by another means.
- Public meetings. Governing bodies shall consider and take action upon proposals only at meetings convened in compliance with the Open Public Meetings Act of 1971. During the sixty-day period for acceptance of written comments, the governing body shall hold at least one meeting at which the public is encouraged to provide verbal comments upon the proposal. If several people intend to comment, the governing body may limit the length of each person's comments. The time and place of this meeting, along with an invitation to make comments, shall be included in the summaries, articles, and mailings described in prior paragraphs. Subsequent discussion (if any) in reaction to a verbal comment shall be the only required response to that comment.

The foregoing is a minimum set of procedures that shall be followed for every eligible proposal. As described in the following section, the city will occasionally undertake major reexaminations of the comprehensive plan. During such events, a more extensive process for solicitation of the public's viewpoints will be designed. The process might make use of a special-purpose citizen's advisory committee, a survey, well-advertised workshops at which alternative proposals are developed or discussed, or other outreach tools. Chapter 2 contains a record of the participation process used during the original creation of this plan from 1990 through 1994.

Plan Amendment Process

The GMA requires that Nooksack establish procedures regulating the frequency of amendments to the comprehensive plan (RCW 36.70A.130). The following procedures constitute the plan amendment process in the city of Nooksack.

- Minor amendments. The comprehensive plan shall be amended no more than once within any calendar year, except that additional amendments shall be allowed whenever an emergency exists. At the beginning of the amendment process, the city council shall review all pending amendment proposals and make a determination regarding which of the proposals will be docketed for inclusion in the plan amendment process. All docketed plan amendment proposals shall be considered concurrently so that the cumulative effect of the various proposals can be ascertained.
- Major amendments. The city shall occasionally undertake a major scrutiny of the comprehensive plan, including a reexamination of each element and a reconsideration of the adequacy of the land supply within the UGA. This process will require coordination with Whatcom County and may lead to adoption of a revised UGA. Such a process shall take places consistent with the timing requirements in the GMA and be completed no later than ten years after the previous major amendment process.

Process to Avoid unconstitutional Taking of Private Property

All proposed actions potentially impacting the use of land within the City are reviewed to ensure that such actions do not result in an unconstitutional taking of private property. Proposed actions, such as changes to comprehensive plan goals and policies,, changes to current and future zoning designations, and changes to development regulations (including changes to allowed uses in specific zoning districts), are subject to review at a number of levels. City staff members have training and experience in how to review proposed actions to identify those that might result in an unconstitutional taking of private property. This training includes becoming familiar with the state Attorney General's guidance on how to avoid unconstitutional takings. In addition, all major land use decisions are reviewed by the City Attorney to ensure consistency with state and federal law. Finally, all proposed actions made by the City Council potentially impacting land use and development within the city are subject to review and comment by the public, and opportunities to provide public testimony regarding the potential taking of private property are made available by the City Council during the required public hearing process.