

PLN2020-00004

Nooksack Falls

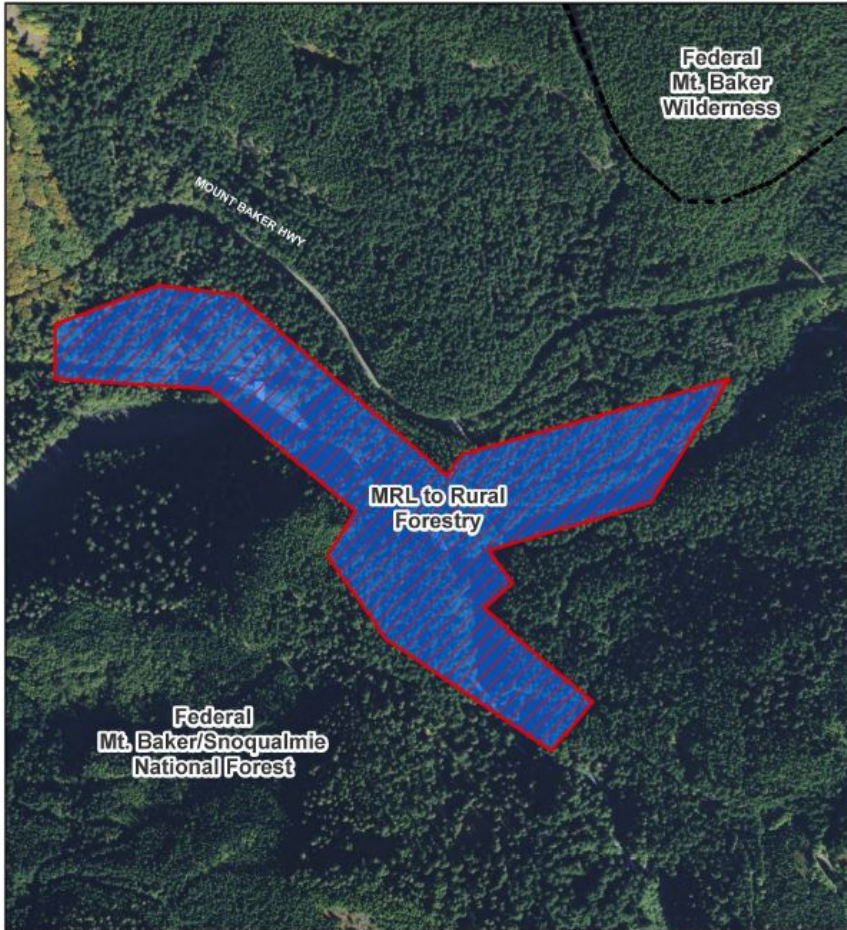
**Comprehensive Plan Map Amendment/
Zoning Code Amendment**

Nooksack Falls Background

- ▶ Privately owned land within Mount Baker Snoqualmie National Forest (MBSNF)
- ▶ Includes Nooksack Falls
- ▶ Historically associated with mining claims and hydroelectric power
- ▶ Mining activities on/near property ceased 50+ years ago
- ▶ ORD1999-013 (Interim since 1972)
 - Comprehensive Plan Designation – Mineral Resource Lands (MRL)
 - Zoning District – Rural Forestry (RF)

Site and Vicinity Map

Comprehensive Plan/Zoning

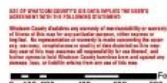


PLN2020-00004 - Rural Forestry Designation and Text Amendment
 Comprehensive Plan Designation - Mineral Resource Lands (MRL)
 to Rural Forestry for approximately 66 acres in the Nooksack Falls
 exclave

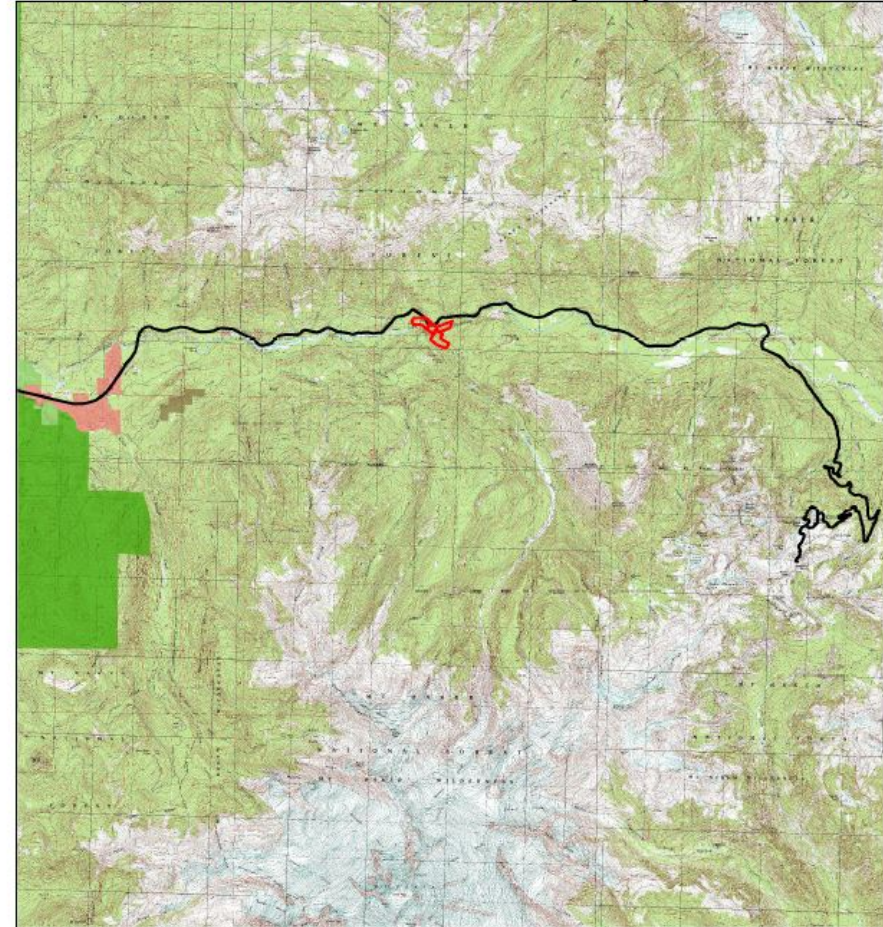


Comprehensive Plan

- Subject Parcel
- MRL
- Existing Zoning



Nooksack Falls Vicinity Map



Legend

- Nooksack Falls Parcels
- Rural
- Rural Community
- Rural Forestry
- Commercial Forestry

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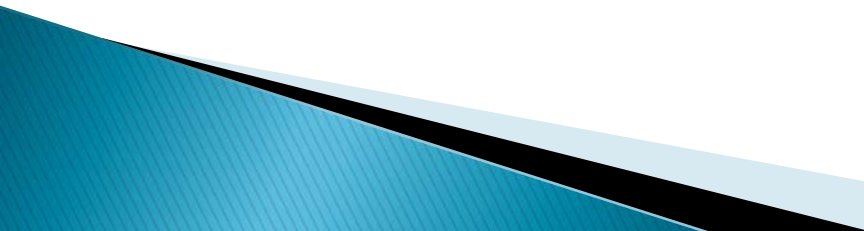
April 2021



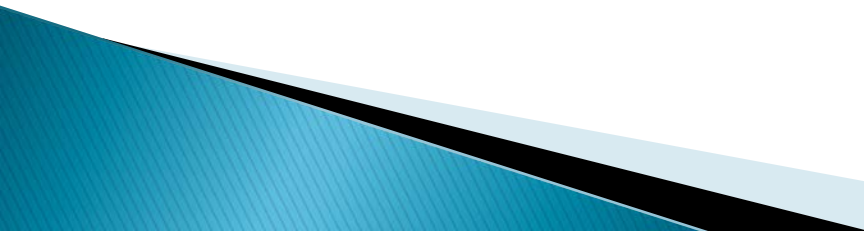
Proposed Amendments

- ▶ Comprehensive Plan Map Amendments
 - Comprehensive Plan Designation from MRL to RF.
 - The subject property is presently zoned RF.
 - Amendment would align designation and zoning.
- ▶ Zoning Text Amendment
 - Amend Whatcom County Code (WCC) 20.42.155 to include the Nooksack Falls Exclave as an area where a Conditional Use Permit (CUP) application may be submitted for facilities intended to provide education related to forestry, natural resources and wildlife, and the purpose of the RF zone.

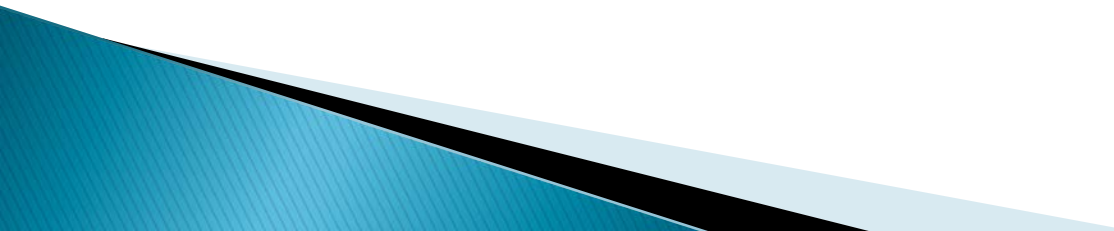
Comprehensive Plan Map Amendment Approval Criteria

- ▶ Conform to requirements of Growth Management Act (GMA)
 - ▶ Internally consistent with CWPP
 - ▶ Consistent with interlocal agreements.
 - ▶ Studies made or accepted by PDS show changed conditions that show need for amendment.
 - ▶ The public interest will be served
 - ▶ Not include or facilitate illegal spot zoning.
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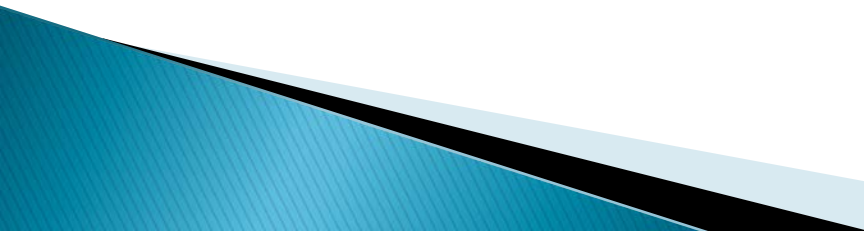
Approval Criterion: Conformance with Requirements of GMA

- ▶ Designate “Mineral resource lands...that have long-term significance for the extraction of minerals”.
 - ▶ MRL Designation Criteria
 - If subject property does not meet all designation criteria, de-designation is appropriate.
 - ▶ Subject site does not appear to meet designation criteria necessary for designation as mineral resource lands of long-term commercial significance.
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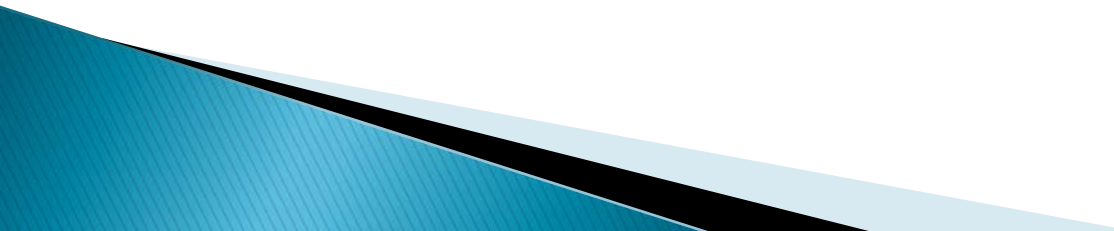
Approval Criterion: Internally consistent with county-wide planning policies and interlocal planning agreements

- ▶ Staff did not identify County-Wide Planning Policies that would be applicable to a change in Comprehensive Plan designation from MRL to RF.
 - ▶ Staff are not aware of any interlocal agreements affecting the subject site.
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Approval Criterion: Studies made or accepted by PDS must show changed conditions that show need for amendment

- ▶ The site was identified for designation through 1972 Interim Zoning Ordinance due to historic mining operations.
 - ▶ ORD1999-013 adopted interim designation.
 - ▶ Mining has not occurred on or around site in 50+ years. Mining is no longer feasible within exclave due to economic, environmental, topographic or other factors.
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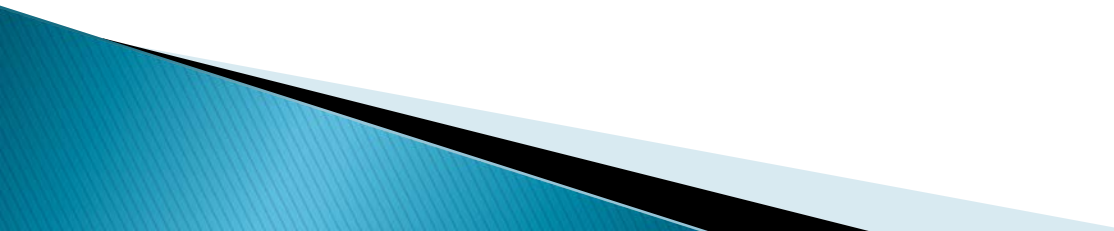
Approval Criterion: The public interest will be served by approving amendment.

- ▶ No effect upon the rate or distribution of population growth.
 - ▶ No anticipated effect on employment growth
 - ▶ No anticipated effect on development
 - ▶ No anticipated effect on conversion of land
 - ▶ No anticipated effect upon ability of service providers to provide adequate services and public facilities.
 - ▶ No anticipated impact upon resource lands. Site is presently and would continue to be zoned RF.
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Approval Criterion: The amendment does not include nor facilitate illegal spot zoning

- ▶ “...Spot zoning is a zoning action by which a smaller area is singled out of a larger or district and specially zoned for a use classification totally different from, and inconsistent with, the classification of surrounding land...”
- ▶ Rather than singling out a smaller area from a larger area, the proposal appears to correct a previous designation that was inconsistent with existing zoning and surrounding land uses. Proposal would result in RF designation surrounded by MBSNF.

Zoning Code Amendment Approval Criteria

- ▶ Must be consistent with Comprehensive Plan
 - Amendment would allow landowners to apply for a conditional use permit to operate facilities intended for education related to forestry, natural resources and wildlife and the purpose of the RF zone
 - Supported by Policies 8G-8, 2L-4, 2FF-4.
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Conclusion & Recommendation

- ▶ The subject amendment is consistent with the approval criteria of WCC 20.10.060.
 - ▶ Staff recommends approval of the proposed comprehensive plan map amendment and zoning text amendment.
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