

3.12 Land Use

Land use in the study area is regulated through a number of local land use plans and development regulations for implementing the local plans. WSDOT analysts determined the project's consistency with the cities of Hoquiam and Aberdeen comprehensive plans, including their shoreline master programs, the Grays Harbor County Shoreline Master Program, and the Grays Harbor Estuary Management Plan, by evaluating the build alternatives and assessing whether they support the type of growth and meet the needs of the community, as outlined in those plans and development regulations.

What are the land uses in the study area?

Exhibit 3.12-1 shows current land uses in the study area; the land use study area encompasses land within one-quarter mile of each build alternative site.

CTC Facility

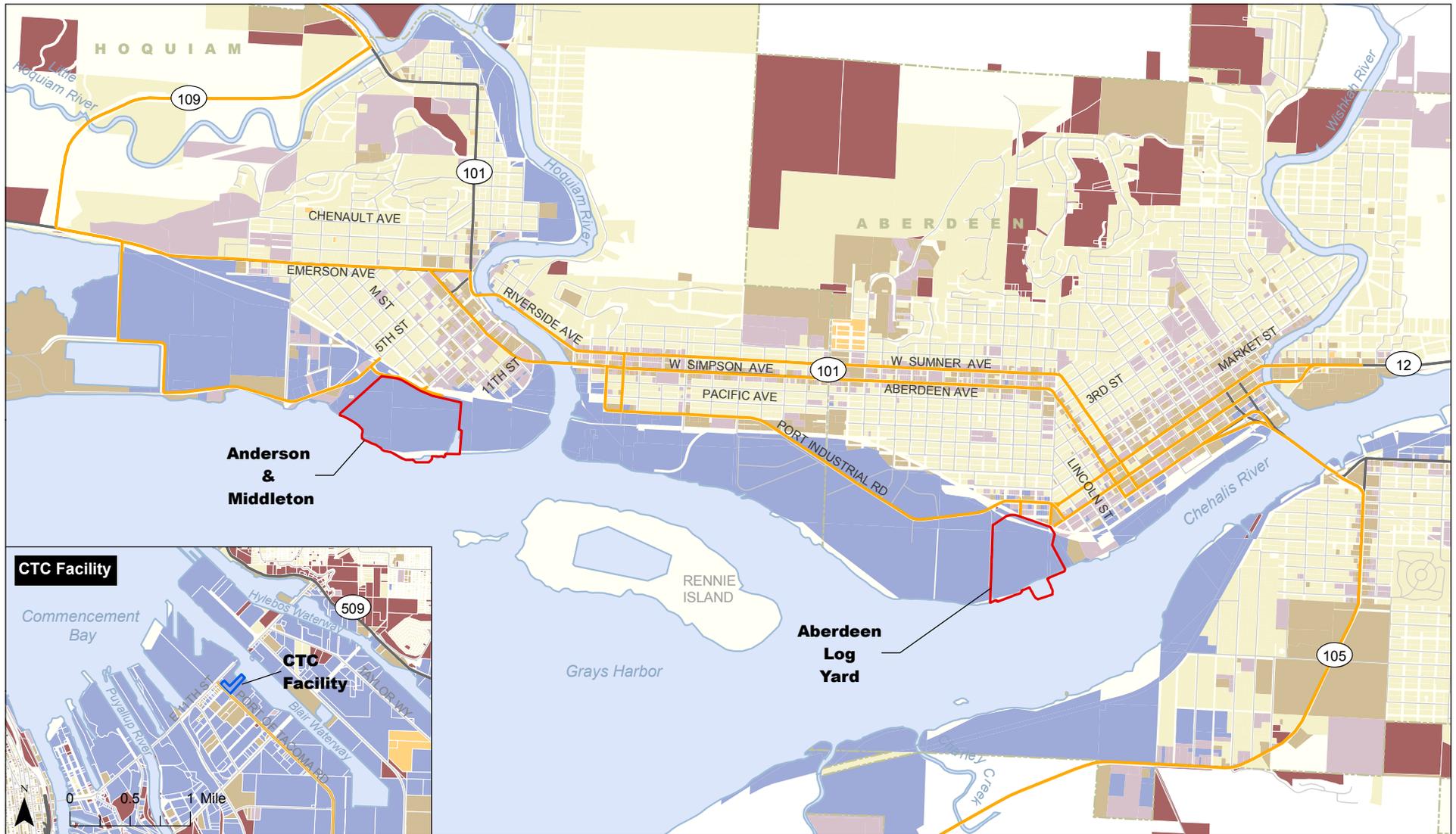
The CTC facility is located at the Port of Tacoma, which began developing the Commencement Bay tideflats around 1920. The general character of the land uses in the study area reflects the industrial maritime uses that have been present on the CTC site for the past approximately 90 years. This industrial character relates to a mix of marine cargo industrial and commercial uses. Uses range from small manufacturing firms to a large shipping terminal. The current industrial land uses in this area are consistent with the City of Tacoma's comprehensive plan (City of Tacoma 2002) and the Port of Tacoma's Vision 2020 (Port of Tacoma date unknown). These documents provide strategies and goals to maintain and expand the industrial port operations that have occurred in this area for the past 90 years. An active Port of Tacoma is consistent with the goals and plans presented in its land use plans.

Grays Harbor Build Alternatives

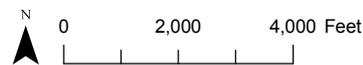
As discussed in earlier sections of this Draft EIS, much of the Grays Harbor shoreline in Aberdeen and Hoquiam was developed for industrial land uses (primarily related to the timber industry) starting in the latter part of the nineteenth century. Although many of the former lumber mills and related facilities have closed and been dismantled, the result of this historical land use is the industrialized shoreline of today. Both Grays Harbor build alternative sites are located within industrial shoreline areas of Hoquiam and Aberdeen. The land in these areas is designated and zoned for industrial uses and contain industrial activities.

What is the Land Use Technical Memorandum?

This section was derived from the Land Use Technical Memorandum, and it includes information about the project's consistency with applicable land use plans and development regulations, including the Hoquiam and Aberdeen comprehensive plans and zoning ordinances. Please see Appendix N for more information.



- Land Use**
- Commercial
 - Community facilities
 - Housing
 - Industry/manufacturing
 - Other
 - Vacant/undeveloped
- Potential haul route
 - Build Alternative Site
 - Existing CTC facility
 - City limits



Source: Grays Harbor County (2006) GIS Data (Waterbody and Street). Horizontal datum for all layers is State Plane Washington South NAD 83; vertical datum for layers is NAVD88.

Exhibit 3.12-1. Study Area Existing Land Use and Proposed Project Haul Routes

SR 520 Pontoon Construction Project



There are a few legal, nonconforming residences scattered among the commercial and industrial businesses within the vicinity of both alternative sites. However, both the Hoquiam and Aberdeen comprehensive plans provide for and support industrial land uses at both alternative sites and at the surrounding land parcels.

Anderson & Middleton Alternative

Currently, the Anderson & Middleton Alternative site is unused except for an existing small office building on the northern edge of the property. Some gravel roads and an asphalt pad are all that remain of its former use as a log-sorting yard. Surrounding land uses include remnant manufacturing and commercial facilities along the shoreline. Land uses north of the site are a mix of trade and commercial services, as well as residential, cultural, social, and recreational uses. A small residential area lies between 5th Street in Hoquiam to the east and Emerson Avenue to the north. This area has single-family homes and multifamily complexes with yards.

Aberdeen Log Yard Alternative

The Aberdeen Log Yard site is actively used to store logs. The site includes a system of unpaved access trails that connect to East Terminal Road to the west and State Street to the northeast. Immediately west of the site is the Port of Grays Harbor's Terminal 4 industrial property; the City of Aberdeen wastewater treatment plant borders the site to the east. The site is bordered on the north by a row of light industrial uses (small machine shops, heavy equipment sales and servicing, and outdoor storage) along Port Industrial Road. This area also contains five legal, nonconforming residences.

What state-owned aquatic lands are in the study area?

The Washington State Department of Natural Resources (WDNR) is steward to approximately 2.6 million acres of state-owned aquatic lands. Aquatic, or submerged, lands include both marine and fresh water and are categorized by WDNR as one of the following:

1. Bedlands are lands that are submerged at all times and include navigable salt and fresh waters of the state.
2. Tidelands are submerged lands with beaches that are exposed and submerged with the movement of the tides.
3. Shorelands are submerged lands lying along the edge of a river or lake.

There are state-owned aquatic lands in the study area for both Grays Harbor build alternative sites. The potential moorage location in outer Grays Harbor is on aquatic bedlands. In harbor areas, tideland and shoreland parcel boundaries often extend from land to the outer harbor line (described in the following paragraph). The specific aquatic land parcels that this project would use have not yet been determined, but some aquatic land use would be needed for portions of the casting basin facility, such as the launch channel, and also for pontoon moorage. Additionally a portion of each alternative sites' upland shoreline area is state-owned aquatic lands that have been filled.

Harbor Area

The Washington State Constitution created a Harbor Line Commission that establishes harbor areas within 1 mile of Washington cities. A harbor area is bound by an inner and outer harbor line; the inner harbor line is typically established near the line of high tide, with the outer harbor line being established 50 to 2,000 feet farther offshore. The harbor area formed by these two lines is an area running roughly parallel to the shoreline. The harbor areas are managed by WDNR, and the use of harbor areas is restricted by the state constitution to “conveniences of navigation and commerce.” The state constitution also directs WDNR not to “give, sell or lease to any private person, corporation, or association any rights” beyond the outer harbor line. Both Hoquiam and Aberdeen have established harbor areas that extend along the shoreline of both alternative sites approximately 200 to 300 feet offshore.

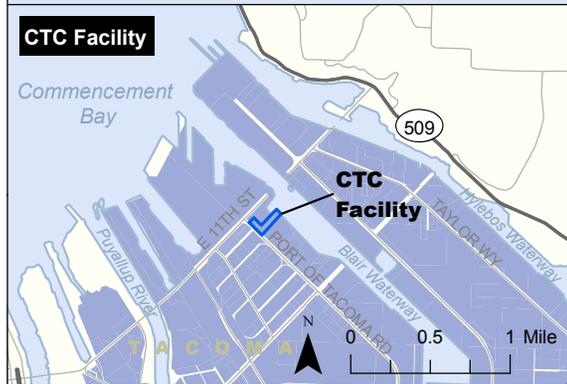
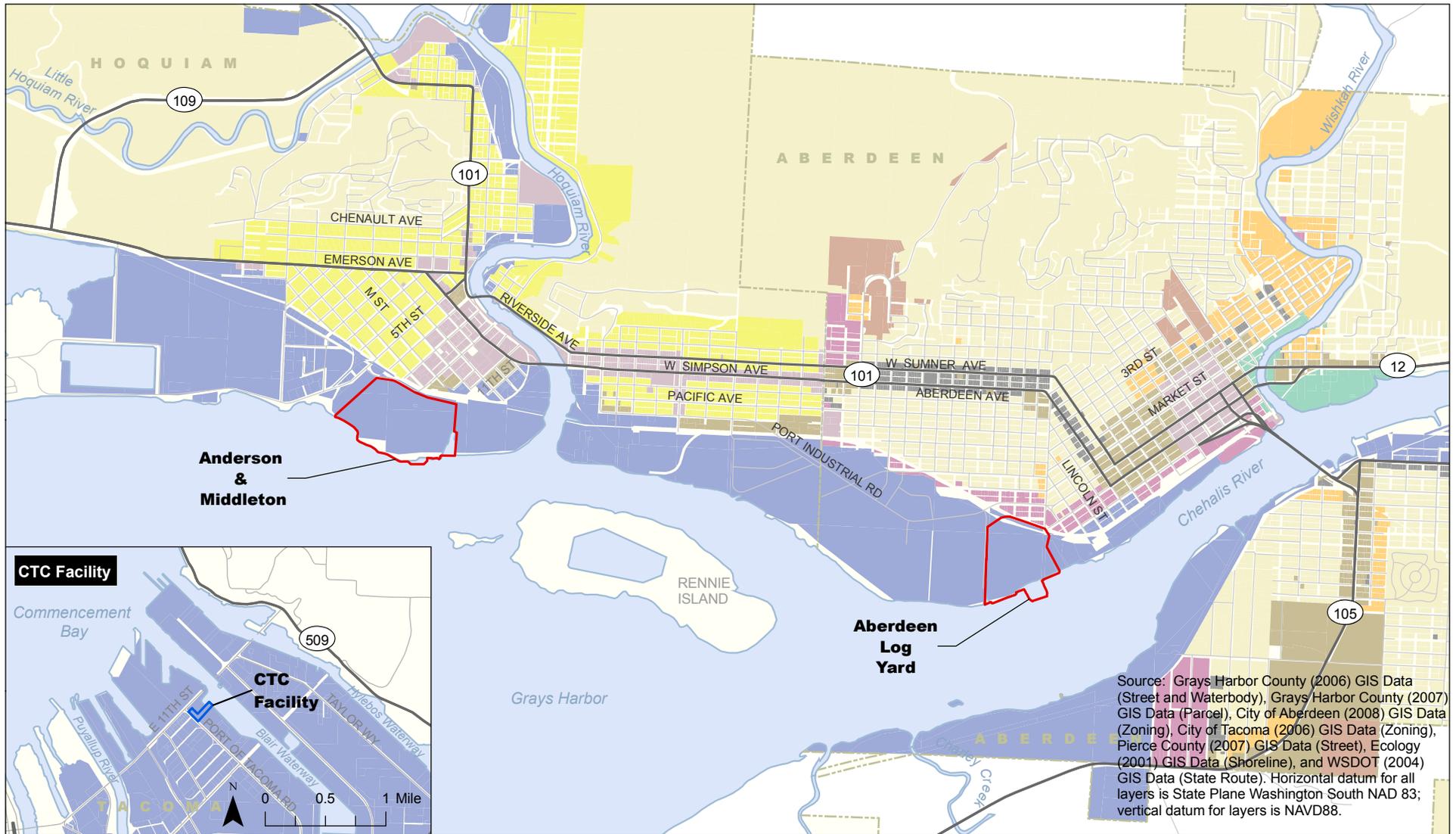
What are the planned future land uses and zoning in the study area?

Comprehensive Plans and Zoning Ordinances

The comprehensive plans for the cities of Hoquiam (2008b) and Aberdeen (2001) identify where and how growth needs will be met. The planned distribution of future land uses on and near the build alternative sites is reflected in the cities' zoning (Exhibit 3.12-2). The zoning reflects a mix of continuing past development patterns while introducing new development to meet economic trends and demographic shifts. By designating the land along Grays Harbor for industrial development and adopting policies that support industrial development along Grays Harbor, the city governments intend to ensure a diverse manufacturing and manufacturing-related base.

What is land use zoning?

Local governments use zoning to regulate land use. Governments apply zoning regulations to segregate incompatible uses. In practice, zoning prevents new development from interfering with existing residents or businesses and preserves the character of a community.



Source: Grays Harbor County (2006) GIS Data (Street and Waterbody), Grays Harbor County (2007) GIS Data (Parcel), City of Aberdeen (2008) GIS Data (Zoning), City of Tacoma (2006) GIS Data (Zoning), Pierce County (2007) GIS Data (Street), Ecology (2001) GIS Data (Shoreline), and WSDOT (2004) GIS Data (State Route). Horizontal datum for all layers is State Plane Washington South NAD 83; vertical datum for layers is NAVD88.



Zoning

- | | | |
|------------------------|-----------------------------|------------------------|
| Downtown commercial | Light industrial | Build Alternative Site |
| Commercial/residential | Major institutional | Existing CTC facility |
| General commercial | Multiple-family residential | City limits |
| General residential | Single-family residential | |
| Industrial | Water development | |

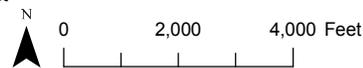


Exhibit 3.12-2. Study Area Existing Zoning

SR 520 Pontoon Construction Project



According to the Hoquiam City Code (Title 10 Land Development), development allowed on the land along Grays Harbor includes industrial uses and small businesses engaged in designing, developing, manufacturing, fabricating, testing, servicing, or assembling manufactured products. According to the Aberdeen Municipal Code (Title 17 Zoning), the Industrial District allows intensive industrial uses in appropriate locations.

Under Aberdeen's code, industrial or manufacturing activities are allowed within the Industrial District subject to the applicable provisions of Title 17 and by obtaining a conditional use permit as provided in Chapter 17.68 of the code, if required.

Shoreline Master Programs

The cities of Hoquiam and Aberdeen each have a Shoreline Master Program in compliance with the State of Washington Shoreline Management Act. The cities' shoreline management regulations are embodied in Hoquiam's City Code (Chapter 11.04 Shoreline Management) and Aberdeen's Municipal Code (Chapter 16.20 Shoreline Management), respectively; these codes identify the intent of the regulations and provide the cities with clear direction in applying the regulations.

The applicable shoreline designation for the proposed build sites is urban. The urban environment is intended for the most intensive human use of the shoreline, including all forms of human development and activities that make use of shoreline areas. Policy statements in the shoreline master programs for both cities also cite the need to protect shoreline resources to ensure environmental compatibility. The cities' policies and use regulations specific to water-dependent or water-related industry are relevant and applicable to this project.

According to both cities' shoreline master programs, the "shorelines of statewide significance" are defined as follows:

1. Those natural rivers or segments thereof of the Cascade Range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more; and
2. All wetlands associated with any of the shorelines of statewide significance designated by the first criteria.

Neither project site is located on a Hoquiam- or Aberdeen-designated shoreline of statewide significance. However, the State of Washington does recognize the shorelines in Hoquiam and Aberdeen, including where the proposed build alternatives sites are located, as part of Shorelines of Statewide Significance (RCW 90.58.030(e)(i)).

State of Washington Shoreline Management Act

Under the Shoreline Management Act, each city and county with "shorelines of the state" must adopt a Shoreline Master Program based on state laws and rules, but tailored to their specific geographic, economic, and environmental needs. The Shoreline Master Program is essentially a shoreline comprehensive plan and zoning ordinance with a distinct environmental orientation applicable to shoreline areas and customized to local circumstances.

Shorelines of Statewide Significance

"Shorelines of statewide significance" is a planning designation that obligates local jurisdictions to give extra consideration to the types of land uses permitted in those designated areas. The Shoreline Management Act set specific preferences for uses of shorelines of statewide significance (RCW 90.58.020) and calls for a higher level of effort in implementing its objectives on them (RCW 90.58.090). Local shoreline master programs ensure that these shorelines are given proper consideration during local land use planning and development (WAC 173-26-251).

The Port of Grays Harbor Shoreline Master Program applies to the proposed Grays Harbor pontoon moorage location. This moorage location is located in a Grays Harbor County shoreline of statewide significance-designated area, according to its definitions for such shorelines (the project-relevant definitions are excerpted here):

1. Those portions of the ocean and its associated wetlands under the jurisdiction of the Act within Grays Harbor County, exclusive of those areas within the city limits of Ocean Shores, Westport, and the Quinault Indian Reservation.
2. Those portions of the Grays Harbor Estuary and its associated wetlands within Grays Harbor County under the jurisdiction of the Act, exclusive of those areas within the city limits of Ocean Shores, Westport, Hoquiam, and Aberdeen.

How did WSDOT evaluate direct effects on land use?

WSDOT considered the potential direct effects of acquiring and developing each proposed alternative site for industrial use, as well as the potential indirect effects on nearby land uses during construction and operation at each site due to noise and visual disturbances. This information was used to determine whether there would be any changes in land use or in the ability of nearby property owners to use their property for its existing use or any other allowed land use.

How would construction of the casting basin directly affect land use?

Grays Harbor Build Alternatives

Acquiring and using either Grays Harbor build alternative site would be consistent with the applicable land use plans.

Acquiring either build alternative property for this project would result in the property seller moving from the property. WSDOT would develop about 55 acres of the Anderson & Middleton site (WSDOT would purchase 95 acres of the property) or the entire 51-acre Aberdeen Log Yard site for industrial use. The Anderson & Middleton site is largely unused at this time, except for a small office building. The Aberdeen Log Yard site is currently used for commercial log storage. Project construction would not change the land use on either alternative site because both sites are located within areas that are used and zoned for industrial purposes. Adjacent land use in the vicinity and along the truck haul routes might experience construction and truck traffic noise and dust, but these conditions are often already present in industrial use areas.

WSDOT does not expect that project construction would change adjacent land uses. WSDOT could acquire a small (less than 1 acre) parcel for right-of-way from the City of Aberdeen or the Port of Grays Harbor to increase and improve access for each site.

How would pontoon-building operations directly affect land use?

CTC Facility

WSDOT's proposed use of the existing CTC facility to build pontoons is consistent with the facility's existing use, as well as planned, proposed land uses in the local comprehensive plans. Pontoon-building activities would not affect land use at this site. The adjacent and nearby properties have industrial land uses, and those land uses would not be altered by this project.

Grays Harbor Build Alternatives

WSDOT does not expect project operation to affect land use adversely on or near either build alternative site because both sites are located within areas that are used and zoned for industrial purposes.

Developing a casting basin facility within Grays Harbor County would align with the general planning goals of the municipality in which it would be located. Both sites are currently zoned for industrial development, and the project would comply with land use policies of the municipalities involved. In the context of existing land use, the Anderson & Middleton site and surrounding land uses would experience more of a change since the large site is currently unused and adjacent to other unused or undeveloped property. Also, because the comprehensive plans of Hoquiam (2008b) and Aberdeen (2001) indicate that developing industrial property is an economic priority for both communities, and because this project would not change the planned land use, WSDOT does not believe the project would adversely affect land use in Grays Harbor.

How would pontoon moorage directly affect land use?

Pontoon moorage at the open-water moorage location in Grays Harbor would affect aquatic land use in the study area. WSDOT would need an aquatic land use lease from WDNR in order to use the open-water moorage location (more discussion under *How would the project directly affect state-owned aquatic lands?* below). Pontoon moorage at approved marine berths in Grays Harbor or Puget Sound would not affect land use.

How would the project directly affect state-owned aquatic lands?

Both Grays Harbor build alternatives would use state-owned aquatic lands, primarily for the purpose of constructing and operating the launch channel. In addition, portions of the upland shoreline at both alternative sites are previously filled state-owned aquatic lands; these areas would remain upland and be used as part of the casting basin facility.

In order to use the state-owned aquatic lands at either site, WSDOT would need to apply for an aquatic land lease from WDNR. The activities associated with the casting basin facility and launch channel are considered a “convenience of navigation and commerce” and are, therefore, allowed within the harbor area by the state constitution.

The area that would be needed for launch channel construction and operation extends through the harbor area. At both alternative sites, the primary navigation channel is approximately 50 to 100 feet beyond the outer harbor line. For this project, the dredged area of the launch channel would need to be extended beyond the outer harbor line to connect it to the navigation channel. WSDOT will need to submit a request to the Harbor Line Commission, coordinated through WDNR, to relocate the outer harbor line approximately 50 to 100 feet further from shore.

Relocating the harbor line would increase the area that can be used for harbor-related activities consistent with the “conveniences of navigation and commerce” limitation. The harbor line relocation would remain after the proposed casting basin is constructed and pontoon-building operations have ended.

State-owned aquatic lands would also be used for pontoon moorage. The site being evaluated for pontoon moorage is beyond the 1-mile boundary from the nearest city, and, therefore, the state constitution prohibition on leases beyond the outer harbor line does not apply. The area needed for pontoon moorage would be included in the aquatic lands lease application from WDNR.

How would the build alternatives compare in their direct effects on land use?

Exhibit 3.12-3 summarizes and compares the direct land use effects of the Anderson & Middleton Alternative with the Aberdeen Log Yard Alternative.

Harbor Line Relocations

The State Harbor Line Commission is tasked with establishing and, as necessary, relocating harbor areas. When considering a request to relocate a harbor line, the Commission must conduct a public hearing and public comment period. Relocations should meet the following criteria (WAC 332-30-116):

1. Maintain or enhance the type and amount of harbor area needed to meet long-term needs of water dependent commerce; and
 2. Maintain adequate space for navigation beyond the outer harbor line.
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EXHIBIT 3.12-3
Land Use Summary of Direct Effects

| | Anderson & Middleton Alternative | Aberdeen Log Yard Alternative |
|----------------------------|---|-------------------------------|
| Casting basin construction | No adverse effects; the property would be developed into an active industrial use, and this type of development is consistent with local land use plans and zoning. State-owned aquatic lands would be used. | Effects would be the same. |
| Pontoon-building operation | Same as above | Effects would be the same. |
| Pontoon moorage | State-owned aquatic lands would be used. | Effects would be the same. |

Are the build alternatives consistent with the applicable land use plans and development regulations?

The build alternatives are consistent with the applicable policies of the Hoquiam and Aberdeen comprehensive plans, zoning ordinances, critical area ordinances, as well as the Grays Harbor County Shoreline Master Program and Grays Harbor Estuary Management Plan.

The build alternatives are consistent with the various shoreline master programs, although public access would not be provided because public access on a construction site cannot be provided without substantial interference with operations or hazards to life or property. The appropriate permits and/or approvals would be obtained for the project, which would further ensure compliance with these land use plans and policies.

The build alternatives do not conflict with land use plans for property in the surrounding industrial areas, including the Port of Grays Harbor 1996 Master Plan. However, it should be noted that this master plan does encourage the Port of Grays Harbor to purchase the Aberdeen Log Yard property to expand its industrial operations. The Port of Grays Harbor has not yet purchased the property (as of spring 2010), but using the property for this project could require the Port of Grays Harbor to consider other site options for expansion.

What indirect effects would the project have on land use?

CTC Facility

There would be no indirect effects on land use as a result of WSDOT using the CTC facility because no project activities at this facility would

result in changes to land use at the time of project construction and operation or in the foreseeable future.

Grays Harbor Build Alternatives

The potential for indirect effects on land use in the Grays Harbor area as a result of the project is unlikely. Both Grays Harbor build alternative sites are located in areas that have been historically and are currently used for industrial purposes. Developing an industrial facility at either site would not result in changes to land use patterns because the proposed project is consistent with the area's local land use plans.

How would land use be affected if the project were not built?

Under the No Build Alternative, the current land uses, planned land use designations, and zoning would likely remain the same. Both build alternative sites at Grays Harbor would continue to be available for industrial uses in the future. The lack of this project would not result in effects on land use.

What mitigation measures does WSDOT propose to reduce direct effects on land use?

This project would be compatible with applicable land use plans, and WSDOT would comply with appropriate Hoquiam or Aberdeen's development regulations and permit requirements, such as the acquisition of Substantial Shoreline Development or Conditional Use permits. WSDOT would obtain the necessary permit from Grays Harbor County before mooring the pontoons in Grays Harbor.

Acquiring the property (the project site) would be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act. This act provides for certain relocation payments and advisory assistance for businesses and personal property-only relocations. Mitigation approaches to compensate for unavoidable negative effects on aquatic habitat and critical areas have been evaluated in the Ecosystems Discipline Report in Appendix C.

How could WSDOT mitigate for indirect effects on land use?

CTC Facility

Using the CTC facility for pontoon construction would not create indirect effects on land use, so no mitigation would be necessary.

Grays Harbor Build Alternatives

The project would not cause indirect effects on land use in the Grays Harbor area, so no mitigation would be necessary.

What would the cumulative effect on land use likely be?

CTC Facility

There would be no direct or indirect effects on land use in the CTC study area. Therefore, there would be no contribution to cumulative effects on land use associated with pontoon-building or towing activities at this site.

Grays Harbor Build Alternatives

The SR 520 Pontoon Construction Project would not result in any land use or zoning changes at either build alternative site or to nearby properties, nor would it result in unplanned growth in the region. There would be no direct or indirect effects on land use with either build alternative. Therefore, there would be no contribution to cumulative effects on land use associated with pontoon-building or towing activities at either Grays Harbor build alternative site.

Using either Grays Harbor build alternative site for active industrial purposes could increase the rate of planned development in the study area, which could then result in cumulative effects on other resources, such as economics, social elements, and wildlife. These effects are discussed in Section 3.1, Wildlife; Section 3.8, Economics; Section 3.13, Social Elements; and other sections as appropriate.

How could cumulative effects on land use be mitigated?

Local jurisdictions all have comprehensive plans that establish goals and guidelines for the use of its lands. These plans are coordinated with state land use management goals and regulations (Washington State Growth Management Act, for example), as well as any federal land use regulations. This local, state, and federal coordination over land use reduces effects on land use, such as loss of shoreline land for purposes that do not require water or the introduction of a land use that is not compatible with surrounding land uses. Adherence to land use plans and regulations mitigates the cumulative effects on land use.