

## 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.

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### What is the Land Use Technical Memorandum?

This section was derived from Appendix N, 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.

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### Has any new information been developed since the Draft EIS?

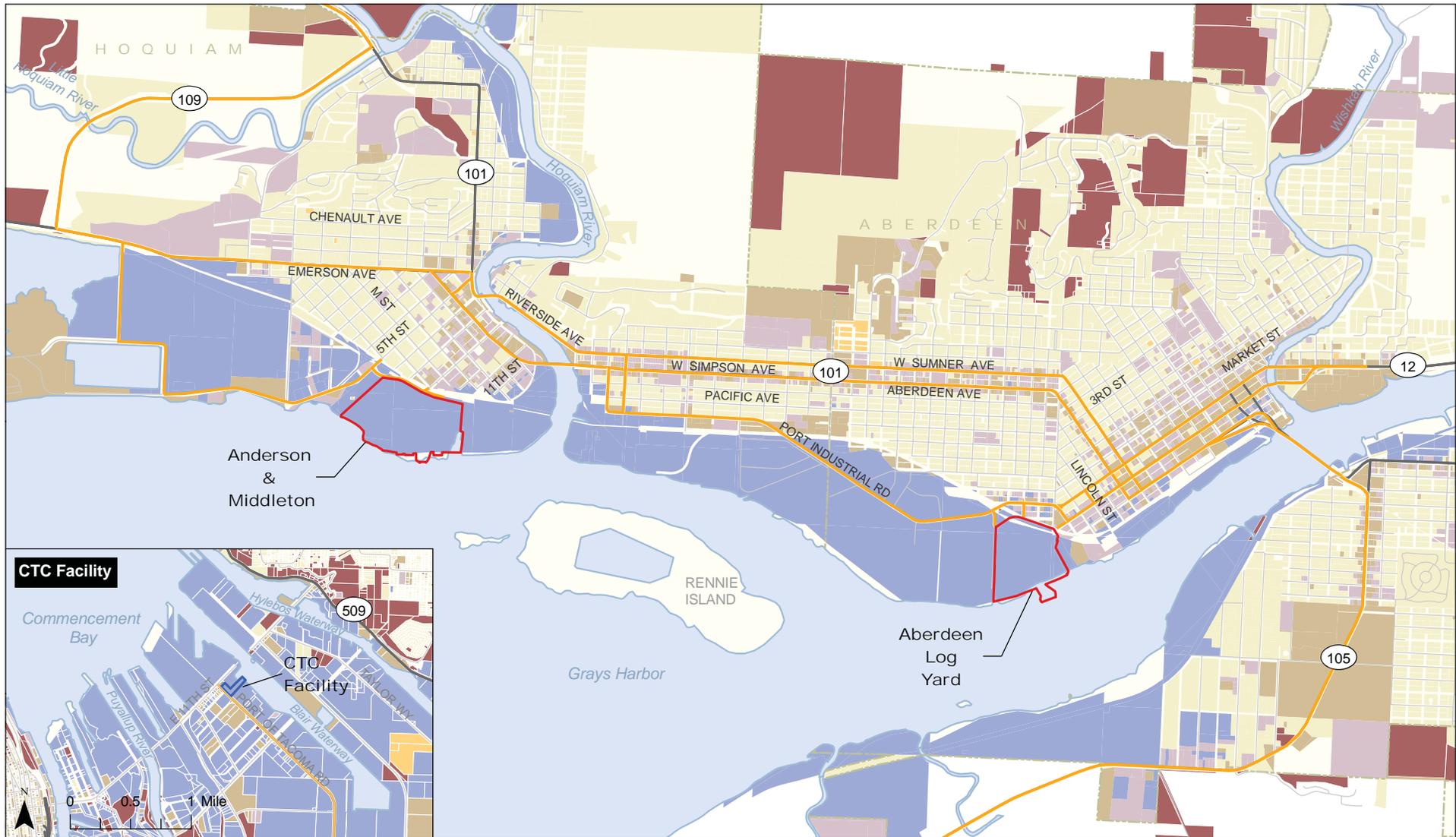
No new land use issues were introduced, so WSDOT did not conduct any analysis beyond that which was done for the Draft EIS. However, after further coordination between WSDOT and the Washington State Department of Natural Resources (DNR), DNR has determined that it will not be necessary for WSDOT to request the Harbor Line Commission to relocate the outer harbor line. Therefore, the discussion relating to the relocation of the harbor line has been removed from this Final EIS.

### What are the land uses in the study area?

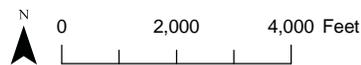
Exhibit 3.12-1 shows current land uses in the study area; the land use study area encompasses land within one-quarter mile of each build alternative site.

### 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.



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



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



## Grays Harbor Build Alternatives

As discussed in earlier sections of this Final 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.

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.

### Aberdeen Log Yard Alternative (Preferred Alternative)

The Aberdeen Log Yard site has recently been 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.

### 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.

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#### Legal, nonconforming residences

Legal, nonconforming residences are those located in an area zoned for a land use other than residential, such as industrial. Legal, nonconforming homes were already built and in place before the area was zoned for another land use.

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

The 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.

## 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 Aberdeen (2001) and Hoquiam (2008b) 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. The Aberdeen Log Yard Alternative site is zoned Industrial and is used for industrial activities. According to the Aberdeen Municipal Code (Title 17 Zoning), the Industrial District allows intensive industrial uses in appropriate locations.

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#### 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.

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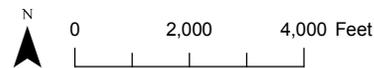


Source: Grays Harbor County (2006) GIS Data (Street and Waterbody), Grays Harbor County (2007) GIS Data (Parcel), City of Aberdeen (2008) GIS Data (Zoning), City of Tacoma (2006) GIS Data (Zoning), Pierce County (2007) GIS Data (Street), Ecology (2001) GIS Data (Shoreline), and WSDOT (2004) GIS Data (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



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.

The Anderson & Middleton Alternative site is zoned Industrial and has supported industrial activities. 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. The City of Hoquiam is in the process of adopting a new zoning code (Hoquiam Municipal Code 10.04.032) that establishes a Waterfront Overlay District, which includes the Anderson & Middleton site. The Waterfront Overlay District defines specific allowed and prohibited land uses within its boundaries. The proposed SR 520 Pontoon Construction Project is a permitted use within the Waterfront Overlay District.

## **Aberdeen and Hoquiam Shoreline Master Programs**

The cities of Aberdeen and Hoquiam each have a shoreline master program in compliance with the State of Washington Shoreline Management Act. The cities' shoreline management regulations are embodied in Aberdeen's Municipal Code (Chapter 16.20 Shoreline Management) and Hoquiam's Municipal Code (Chapter 11.04 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 designation indicates an area that is intended for the most intensive human use of the shoreline, including all forms of 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

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### **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.

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### **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).

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2. All wetlands associated with any of the shorelines of statewide significance designated by the first criteria.

Neither project site is located on an Aberdeen- or Hoquiam-designated shoreline of statewide significance because the criterion listed above are not met to designate either site as such. However, the State of Washington has designated all shorelines on its western boundary as Shorelines of Statewide Significance, including where the proposed build alternatives sites are located (RCW 90.58.030(e)(i)). The local shoreline master programs ensure that these shorelines are given proper consideration during local land use planning and development. Where inconsistencies exist between the State of Washington and local jurisdictions, they are resolved in practice through permits issued by these agencies, including stipulations for mitigation measures.

### **Coastal Zone Management Act**

The Coastal Zone Management Act gives states the primary role in managing coastal and shoreline resources. To assume this role, the state prepares a Coastal Zone Management Program (CZMP) document that describes the state's coastal resources and how these resources are managed. The Department of Ecology's Shorelands and Environmental Assistance Program is responsible for implementing Washington's program.

Under Washington's program, federal activities that affect any land use, water use, or natural resource of the coastal zone must comply with the enforceable policies within the following six laws identified in the program document.

- Shoreline Management Act (including local government shoreline master programs)
- SEPA
- Clean Water Act
- Clean Air Act
- Energy Facility Site Evaluation Council
- Ocean Resource Management Act

WSDOT will apply for a Coastal Zone Management Act Consistency Determination by preparing and submitting a federal consistency document package to Ecology. The Consistency Determination requires a public notice, and in this case, WSDOT will coordinate the public notice with the Clean Water Act Section 404 public notice. Ecology will issue a Consistency Determination once the proposed project's

401 Certification and Shoreline Permits have been issued. WSDOT will comply with any conditions required to achieve consistency.

### **Port of Grays Harbor Shoreline Master Program**

The Port of Grays Harbor Shoreline Master Program applies to the proposed Grays Harbor pontoon moorage location, which is within 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.

### **Grays Harbor Estuary Management Plan**

The *Grays Harbor Estuary Management Plan* (GHEMP) provides jurisdictional and regional linkage between the State of Washington Shoreline Management Act and the shoreline master programs of the cities of Aberdeen and Hoquiam. The GHEMP is a multijurisdictional plan that covers the entire Grays Harbor estuary, including all associated shorelands in Hoquiam and Aberdeen as well as the proposed pontoon moorage site. Where inconsistencies exist between the state and local jurisdictions, such as shoreline of statewide significance designation, they are resolved through permits issued by the participating agencies, including stipulations for mitigation measures.

The build alternatives are included in the GHEMP’s Planning Area III, Management Unit 15, Urban Development category, which contains the shoreline areas of Hoquiam and Aberdeen. The GHEMP states that the management objectives for Unit 15 as follows: “This area will serve as one of the principal areas for heavy industrial expansion for the Grays Harbor Region. The emphasis on use will be for water-related and dependent uses and redevelopment of already developed lands” (Grays Harbor County 1986).

The proposed pontoon moorage location in Grays Harbor is in Planning Area IV, which “is principally a water area, with heavy tidal influence and low intensity development.” The guidelines for development within this planning area allow low-intensity uses if they are consistent with the predominant character of the planning area. With respect to structures

and fills, the development guidelines state that “in-water navigational mooring facilities are allowable so long as they meet other planning guidelines for the area” (Grays Harbor County 1986).

### **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?**

Acquiring either build alternative property for this project would result in the property seller moving from the property.

Construction of a casting basin facility 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. Until recently, the Aberdeen Log Yard site was used for industrial purposes (log storage) and has a history of industrial use as the site of a lumber mill. Similarly, the Anderson & Middleton site has a history of industrial use as a lumber mill.

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 generally present in industrial use areas. WSDOT does not expect that project construction would change adjacent land uses. State-owned aquatic lands would be used when constructing the launch channel. The effects of this is discussed under the section entitled *How would the project directly affect state-owned aquatic lands?* below.

### **How would pontoon-building operations directly affect land use?**

#### **CTC Facility**

Use of the existing CTC facility to build pontoons is consistent with the facility’s existing use, as well as planned land uses in the local comprehensive plans. Pontoon-building activities would not change the land use at this site because the activities proposed for this project would not alter the use or operations of the facility. The adjacent and

nearby properties have industrial land uses, and those land uses would not be altered by WSDOT's use of the facility.

### **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. The comprehensive plans of Aberdeen (2001) and Hoquiam (2008b) indicate that developing industrial property is an economic priority for both communities. Because the project would not change the planned land use, the project would not adversely affect land use in Grays Harbor.

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.

State-owned aquatic lands would be used during operation of the launch channel. The effects of this is discussed under the section entitled *How would the project directly affect state-owned aquatic lands?* below.

### **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 authorization 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 because moorage would be an acceptable use of those facilities.

### **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 obtain an aquatic land use authorization from WDNR. 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 authorizations beyond the outer harbor line does not apply. The area needed for pontoon moorage would be included in the aquatic lands use authorization 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.

EXHIBIT 3.12-3  
Land Use Summary of Direct Effects

	<b>Aberdeen Log Yard Alternative (Preferred Alternative)</b>	<b>Anderson &amp; Middleton Alternative</b>
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 State-owned aquatic lands would be used.	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 proposed project is consistent with the applicable land use plans and development regulations. The build alternatives are consistent with the applicable policies of the Aberdeen and Hoquiam comprehensive plans and zoning ordinances because a casting basing facility is consistent with the industrial development designations and industrial zoning for the both build alternative sites. The build alternatives are consistent with the cities' and Port's shoreline master programs and the GHEMP because the applicable shoreline designations all allow for urban development within the shoreline, including for industrial purposes.

Although the build alternatives are consistent with the various shoreline master programs, public access to 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 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 *Industrial Properties 1996 Master Plan* (Port of Grays Harbor 1996). 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 late 2010), but using the property for this project could require the Port of Grays Harbor to consider other site options for expansion, when that time comes.

## **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 using the CTC facility because activities at this facility would not result in changes to land use during 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.

### **Grass Creek**

To mitigate for natural resources effects, the project would develop the Grass Creek mitigation site, which is currently used as a livestock pasture. Construction of the mitigation site would change the use of the site from pasture land to conservation land.

## **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 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 mooring activities at this site.

### **Grays Harbor Build Alternatives**

The proposed 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. Because neither Grays Harbor build alternative would have a direct or indirect effect on land use, there would be no contribution to a cumulative effect on land use from casting basin facility construction or from pontoon construction, towing, or moorage.

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.