Chapter 450 Land Use

450.01 Requirements for Land Use Analysis

Simple projects that are Categorically Excluded (CE/DCEs as defined in Sections 300.04 and 300.05) typically do not require a land use analysis. Documenting the potential direct project impacts to resource lands (critical areas, shorelines, forest/timber lands, mineral resource lands, farm land, and parks and recreation lands) by completing the appropriate section of the ERS/ECS form and/or a SEPA Checklist is usually sufficient.

The Code of Federal Regulations (40 CFR 1502.16(c)) requires that an Environmental Impact Statement (EIS) and Environmental Assessments (EAs) include a discussion of possible conflicts between the proposed action and the federal, tribal, regional, state, and local land use plans objectives, policies, controls and regulations. The goal of the analysis is to help decision makers understand the effect the transportation project has on land use and development patterns. The analysis must:

• Describe any direct project impacts resulting from the conversion of land to transportation uses.
• Determine if the project is consistent with the existing adopted comprehensive plans and development policies.
• Describe development trends in the study area and any indirect project impacts caused by development occurring in response to the project.
• Evaluate and compare the potential impact for all alternatives, including the no build. The results of this analysis should inform the indirect effects analysis conducted for other disciplines and support the cumulative effects analysis.

In Washington State, land use is controlled by city and county governments through the comprehensive planning process under the Growth Management Act. Washington State Department of Transportation (WSDOT) and local public agencies are required to adhere to countywide planning policies and comply with local comprehensive plans and adopted growth and transportation strategies. The Local Project Review Act of 2001 strengthens this relationship and precludes WSDOT from revisiting land use decisions in the current...
adopted comprehensive plan during project review. In order to receive Federal funding, a transportation project must be consistent with local planning. Some of the impacts to land use that must be disclosed are:

- Conversion of land from other uses to transportation use (direct impacts).
- Changes in the timing, intensity, or rate of the planned growth in the study area (indirect impacts).
- Cumulative impacts caused by growth to other resources (see Chapter 412).

Projects classified as Categorical Exclusions (CE/DCE – see Section 300.04) typically do not require analysis for potential land use impacts under 23 CFR 771.117(a) because, by definition, these projects:

- Do not induce significant impacts to planned growth or land use.
- Do not require relocation of significant numbers of people.
- Do not have significant impacts on travel patterns.
- Do not have significant environmental impacts.

### 450.02 Direct and Indirect Land Use Effects

The Council on Environmental Quality (CEQ) states that direct effects are those “caused by the action and occur at the same time and place” (CEQ 1978). A good example of a direct land use impact of a highway project is acquisition of right of way. The timing, location, probability, and causality of direct effects are well understood and easily described. The analysis should include a discussion of the temporary (construction) impacts and long term (operational) impacts. It is best to include a map showing the existing and proposed right of way lines, existing land use (as described in the adopted comprehensive plan) and acreage to be converted to support the analysis.

Indirect effects are defined as the “reasonably foreseeable effects” caused by the project “later in time or farther removed in distance” and may include project-related changes in land use patterns, population density, or growth rates. An example of indirect land use effects is the claim that a highway project that improves travel time to a central city will cause undeveloped land in the travel shed to be rezoned for residential use. Table 450-1 summarizes these distinctions.

<table>
<thead>
<tr>
<th>Effect Considerations</th>
<th>Direct Effects</th>
<th>Indirect Effects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nature of Effect</td>
<td>Typical/Inevitable/Predictable</td>
<td>Reasonably foreseeable/Probable</td>
</tr>
<tr>
<td>Cause of Effect</td>
<td>Caused by the project</td>
<td>Linked to project/influenced by project</td>
</tr>
<tr>
<td>Timing of Effect</td>
<td>Immediate project construction and implementation</td>
<td>At some future time after direct effects</td>
</tr>
<tr>
<td>Location of Effect</td>
<td>At the project location</td>
<td>Within boundaries of the systems affected by the project</td>
</tr>
</tbody>
</table>

**Source:** TRB Report 403, adapted from the table on page 58.
The indirect land use effects involve potential development, or redevelopment of buildable lands within the influence of the transportation project. These changes are driven and constrained by social and economic factors beyond WSDOT or the local public agency’s control. Such effects are difficult to predict and often controversial. Projects that do not increase capacity, change the level of service, or significantly reduce travel time are unlikely to change land use.

Projects that require an EA/EIS and have the potential to significantly affect Land Use should include a discussion of actions that were taken to avoid, minimize or mitigate direct land use impacts in the environmental document (EA/EIS). Potential or recommended mitigation measures for indirect impacts should also be described. Mitigation measures, such as more restrictive zoning, are unlikely to be under WSDOT control. The discussion should include the party responsible for such mitigation and the likelihood of implementation of such measures.

450.03 Coordination With Other Disciplines

If your project is an EA/EIS, the land use analysis should be done as early as possible in the NEPA process. Changes in land use can substantially affect the function of the transportation network. Therefore, the transportation and land use analysis should be conducted simultaneously.

The results of the land use analysis should be used to inform the indirect effects analysis conducted for the noise, air, social, economic, visual, fish and wildlife, and floodplains. These findings are then used to support the cumulative effects analysis. Coordination with the authors of these discipline analyses is important to eliminate rework and improve internal consistency of the environmental document.

450.04 Right Sizing the Land Use Analysis

Projects that require an EA/EIS must include a discussion of land use impacts. However, the level of effort should be commensurate with the complexity and scope of the project. The results of the analysis may be described directly in the environmental document for most projects. A separate land use discipline report may be needed for complex and/or controversial projects, such as projects:

- With substantial direct effects (positive or negative) on land use despite proposed mitigation (e.g., a project with a large number of right of way acquisitions or displacements).
- With substantial indirect effects (positive or negative) on land use despite proposed mitigation (e.g., a project that would cause sizable changes in planned development within the study area, or a project found to be inconsistent with planned growth).
- In fast growing areas with significant amounts of undeveloped land, where additional analysis is needed to determine probable effects.

The rationale for determining that a Land Use Discipline Report is not needed for an EA/EIS level project should be formally documented in the project file. Formal documentation could be a letter to file. Briefly describe the methodology and process used to reach this conclusion and list the participants in the discussion.
450.05 Non-Road Project Requirements

Federal agencies maintain their own unique NEPA procedures in CFR. Each agency may have different documentation and procedural requirements for complying with NEPA. If your project has a federal nexus with more than one federal agency, it is critically important to meet with the federal lead agencies and determine how to proceed. In some cases the federal agencies may agree to co-lead the NEPA process. In others, one agency may serve as lead and the other as a cooperating agency. This decision needs to be made very early in the process to ensure timely approval of your environmental document. The exact requirement will vary depending on the nature of the project, federal permits and approvals required, and individual circumstances. Common examples of projects that require coordination with more than one federal agency are:

- An FHWA funded project that crosses federally owned or managed lands. (See Section 450.08.)
- A project that receives Federal Highway Administration and Federal Transit Administration funding.
- Any highway project involving Federal Rail Administration or Federal Aviation Administration.
- An FHWA funded project that requires an Army Corps of Engineers Individual permit.

(1) Ferry Facilities

Ferry Terminals are typically located in navigable waters within the corporate limits of cities where harbor lines have been established by the state Harbor Lines Commission. According to the State Constitution, harbor areas are “forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.”

The Washington State Department of Natural Resources manages the use of harbor areas in accordance with the Aquatic Lands Act (RCW 79.105). These areas are also subject to local land use regulations, including shoreline, critical area, and zoning regulations. Washington State Ferries takes proactive steps to minimize land use and navigational conflicts by working with the US Coast Guard, the Department of Natural Resources, local Port Authorities, Tribes, and local jurisdictions.

U.S. Homeland Security regulations (33 CFR 165) impose security zones at ferry terminals and around vessels. A 25 yard separation zone is required when vessels are at the dock, and a 100 yard separation zone is required when the vessel is in route. Potential impacts to these security zones should be addressed in the land use analysis.

Ferry Terminal projects often receive Federal Transit Administration funds, and/or the facilities may have received FTA funding in the past, Ferry’s projects may also be subject to Federal Transit Administration requirements. FTA procedures are described on their website and in the policy document: Environmental Impact and Related Procedures (23 CFR 771) Effective April 23, 2009.
(2) **Rail Facilities**

The 1995 MOU between WSDOT, Federal Railroad Administration and FHWA established agency roles and responsibilities to ensure compliance with NEPA for the Washington State Rail Passenger Program. Freight rail projects are covered by the Surface Transportation Board procedures for implementing environmental law set forth in 49 CFR 1105. Surface Transportation Board regulations require that rail projects be consistent with existing land use plans and applicable coastal zone management plans.

Depending on the project, the federal lead agency may be the Federal Highway Administration, Federal Railroad Administration, or the Surface Transportation Board.

(3) **Aviation Facilities**

Land use compatibility is a critical issue for airports to ensure safe and efficient use of airspace. The Federal Aviation Administration (FAA) provides guidance on how land use compatibility should be addressed in airport planning and NEPA documents (Federal Aviation Administration Orders 1050.1E and 5050.4B). The guidance addresses:

- The affect of airports on adjacent land use and appropriate environmental documentation of proposed airport actions.
- The affect of land use on airport operations, including recommended zoning and development restriction adjacent to airports for consideration by local government.
- The kinds of information on existing and planned land use that should be provided in an environmental document for highway projects within 3.2 miles of an airport, including “significance thresholds” for various land use related topics.

WSDOT Aviation has developed the Airport Land Use Compatibility guidebook that presents this information in a clear, user friendly manner. Links to the guidebook and other useful technical documents can be found on the WSDOT Aviation System Planning web page.

450.06 **Farmland**

The Federal Farmland Protection Policy Act (FPPA) is intended to minimize the extent to which federal activities contribute to the conversion of farmland to nonagricultural uses. 7 CFR 658.2(a) gives general directions that WSDOT has interpreted to mean that soil types not suitable for crops (such as sand dunes), farmland already committed to urban development (land within the adopted Urban Growth Area), and farmland that has already been converted to industrial, commercial, residential, or recreational use is exempt from analysis.

The FPPA requires agencies to examine the impact of their programs and projects before they approve any activity that would convert farmland to other uses. WSDOT complies with this requirement by submitting the appropriate forms to the Natural Resources Conservation Service (NRCS). The procedures for complying with FPPA requirements can be found on the WSDOT Land Use web page.

NRCS recognizes three categories of farmland based on their soil types:

- Prime Farmland.
- Unique Farmland.
- Farmland of statewide or local importance.
Because the rating is based on soil type timber land, vacant land, and open space, which has never been farmed, may be designated as prime farmland. Therefore, the WSDOT project office should complete and submit the form to NRCS for all projects. The NRCS will perform a Land Evaluation and Site Assessment and return a Farmland Conversion Impact Rating (FCIR) score for each alternative described on the form. A score of 160 or greater is considered to be a substantial impact.

If the project is a CE/PCE/DCE, document results in the Resource Lands Section of the ERS/ECS. If an EA/EIS is required, summarize the results of early consultation with the NRCS and appropriate state and local agricultural agencies where farmlands are directly or indirectly impacted by any alternative. Include a copy of the FCIR form and a map showing the location of all farmlands in the project area, the type, and location of impact by alternative. The EA/EIS should discuss alternatives to avoid farmland impacts for any alternative with a score of 160 or greater. If avoidance is not possible, measures to minimize or reduce impacts should be evaluated and included in the proposed action.

(1) **Farmland and Mitigation Sites**

RCW 47.01.305 directs WSDOT to use public lands before using land designated as agricultural land of long-term commercial significance (as defined in RCW 36.70A) for highway projects. If public lands are unavailable, WSDOT is directed to make every effort to avoid any net loss of agricultural lands.

In an August 2007 letter, Governor Gregoire directed WSDOT to notify the Governor’s Chief of Staff when WSDOT is seriously considering using eminent domain for acquiring agricultural resource land pursuant to the Growth Management Act (RCW 36.70A.170(a)) for wetland mitigation purposes. WSDOT’s policy is to comply with these directives by avoiding the use of designated agricultural resource lands for mitigation sites whenever possible. If no other suitable sites are available, WSDOT will work with local jurisdictions to avoid conflict with policies and regulations protecting agricultural lands. WSDOT Real Estate Services Office tracks conversions of agricultural resource lands to transportation purposes for WSDOT projects. The WSDOT Director of Environmental Services will ensure that WSDOT provides written notice to the Governor’s Office at least two weeks prior to filing any formal action to condemn or purchase designated agricultural resource lands for environmental mitigation purposes as follows:

- For condemnation of designated agricultural lands for wetland mitigation sites, a mandatory notice will be sent to the Governor’s Chief of Staff. (This requirement does not apply to local agency projects.)
- For condemnations of designated agricultural lands for other environmental mitigation purposes, a courtesy notice will be sent to the Governor’s Office staff. (This requirement does not apply to local agency projects).

(2) **State Conservation Commission Memorandum of Understandings**

This MOU between the Washington State Conservation Commission and WSDOT (September, 1982) aims to enhance cooperation to preserve agricultural and forest lands. It requires coordination between WSDOT and appropriate Washington State Conservation Commission and Conservation District personnel to assure that roadway projects minimize agricultural land conversions. A copy of the MOU is available in Appendix B.
450.07 **Recreational Land Conversions — Section 6(f)**

Projects that impact recreational lands require special consideration. Chapter 457 describes USDOT specific requirements (i.e., Section 4(f) of the Department of Transportation Act of 1966) for considering impacts to recreation and resource lands. However, there are a number of federal and state grants given to recreation managers that require some type of compensation when lands are converted and can no longer be used for recreational purposes.

(1) **Section 6(f) Reviews**

The Land and Water Conservation Fund (1965) is a federal grant program which helps pay for the acquisition of outdoor recreation sites and facilities. Grants are awarded to cities, counties, Native American Tribes, state agencies, and park and school districts. Section 6(f) of the act prohibits the conversion of property acquired or developed with these grants to a nonrecreational purpose without the approval of the Department of Interior’s National Park Service (NPS). In Washington State the Recreation and Conservation Office (RCO) oversees many grant programs including the Land and Water Conservation Fund and represents the interests of the National Parks Service to ensure compliance with federal requirements.

If property purchased or improved through LWCF is impacted by a project the property owner (grant sponsor) is responsible for compliance with all 6(f) requirements even if the impact is caused by another party, such as WSDOT. Therefore, conversion of a Section 6(f) property to transportation uses requires early coordination with RCO and the property owner (grant sponsor) to ensure:

- All practical alternatives to property conversion have been evaluated and no reasonable alternative exists to the conversion that would meet the project’s purpose and need.
- A mutually acceptable replacement property is found. The replacement property is reasonably equivalent in usefulness and location, and fulfills the same recreational functions as the original property.
- The replacement property has an equal or greater fair market value than the original property.
- The public has been informed of the proposed conversion, been given a minimum of 30 days to comment on the change and their comments have been considered and adequately addressed by RCO/NPS.
- The replacement property is not designated-recreation land owned by another public agency (i.e.; you cannot replace a park with an existing park and thereby reduce the total amount of recreation land available to the community).
- A partial conversion will not adversely affect the recreational function of the remainder. If the remainder is not viable, the whole parcel must be replaced.
- NEPA, ESA, Section 106 and all other Federal approval requirements have been satisfactorily completed for the project as well as the conversion. Remember: the environmental approvals must include review of the portion of the recreation land to be converted and the proposed replacement site (**LWCF State Assistance Program Manual** Section 8(E)(3)(g)).
The Federal regulations stipulate that the environmental review be conducted in a neutral and factual manner and should not include statements that promote or justify the action precipitating the conversion. Coordination with RCO is required as soon as the possibility of conversion is discovered to minimize project delay by ensuring:

- Agreement on the extent of impact caused by the project.
- The replacement property (if proposed) is determined acceptable by RCO prior to expenditure on appraisals or environmental review.

Discovery of an unauthorized conversion requires RCO to notify the project sponsor of the violation. Through RCO’s notice it will require that the project cease immediately until the conversion process is satisfactorily completed. The conversion process for unauthorized activities requires additional documentation used by RCO to consider the facts of the conversion. Details could include discussion of alternatives considered and a description of the work that required the use of a Section 6(f) property without prior notification and coordination with RCO. Standard procedures for working with RCO are described in their manual (RCO Manual 7 Section 3 (6)).

Conversion approval is normally done by the Recreation and Conservation Funding Board (RCFB). Scheduling a conversion approval may take time and needs to be considered in the overall timeline of the transportation project. RCO advises that any request for a conversion approval be pursued as soon as a potential conversion is identified. RCO must complete a number of administrative tasks to get a proposal in front of the RCFB. Furthermore, the RCFB meets on a quarterly schedule, and the proposal must be received at least six weeks in advance of a decision by the RCFB. Further details regarding the approval process and document requirements should be sought from an RCO Grant Manager.

Small conversions of less than 5 acres or 10 percent of the Section 6(f) property (whichever is smaller) may be accomplished under a less complex process. To qualify, the conversion must meet specific minimum size and cost requirements. Coordination with RCO is still required for small conversions. Size and cost requirement and the review process are described on RCO’s website in Section 3, Manual 7).

Because properties purchased with Land and Water Conservation Funds are to be used for recreation, LWCF properties (Section 6(f) properties) qualify as Section 4(f) properties. Although all Section 6(f) properties are Section 4(f) properties, two different processes are needed to assess a project’s impacts to satisfy federal requirements. Here are some things to keep in mind about 4(f) and 6(f) properties:

- Section 6(f) applies only to properties acquired or improved with Land and Water Conservation funds. Section 4(f) applies to all publicly owned parks, recreation areas and wildlife and waterfowl refuges regardless of the funding source.
- Section 6(f) applies to all programs and policies for all federal agencies. Section 4(f) only applies to US DOT programs and policies.
- Mitigation for impacts to Section 6(f) requires replacement with land of equal value, location, usefulness and function as the impaired property. Mitigation for Section 4(f) impacts is much more flexible and may not require replacement.

Table 450-3 summarizes the differences between Section 6(f) and Section 4(f). For more information about Section 4(f) evaluations. (See Chapter 457.)
Different Federal Agencies have different documentation and procedural requirements for complying with NEPA. Conversion of a 6(f) property cannot be accomplished until we have satisfied all of the NEPA, ESA, and Section 106 requirements for both the property proposed to be converted and the proposed replacement property. The exact requirements will vary depending on individual circumstances and the other federal agency involved. Early coordination with RCO, NPS, and any land owning agencies involved is recommended to ensure that our process meets their requirements and eliminate rework.

<table>
<thead>
<tr>
<th>Law</th>
<th>Section 6(f)</th>
<th>Section 4(f)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Reference</td>
<td>Land and Water Conservation Fund Act, Section 6(f).</td>
<td>Section 4(f) of DOT Act</td>
</tr>
<tr>
<td>Purpose</td>
<td>Preserve, develop and assure the quality and quantity of outdoor parks and recreation areas and refuges for present and future generations.</td>
<td>Avoid use of public parks, waterfowl and wildlife refuges and significant historic sites.</td>
</tr>
<tr>
<td>Applies When</td>
<td>All projects that impact recreational lands purchased or improved with land and water conservation funds.</td>
<td>Projects that impact significant public parks, recreation areas, wildlife and waterfowl refuges, and all significant historic sites are &quot;used&quot; for a highway project regardless of funding source.</td>
</tr>
<tr>
<td>Final Approval</td>
<td>NPS through RCO</td>
<td>US DOT Agency lead.</td>
</tr>
<tr>
<td>Relationship to Each Other</td>
<td>Section 4(f) is not an integral part of the Section 6(f) process.</td>
<td>Section 6(f) may influence the decision making during the consideration of minimization of harm during the Section 4(f) evaluation process, but they are independent processes.</td>
</tr>
</tbody>
</table>

Comparison of Section 6(f) and Section 4(f)

Table 450-3

2) Other Grant Funded Properties

The Recreation and Conservation Office (RCO) also manages many other state and federal grant programs, aside from the Land and Water Conservation Fund Program. These grants fund public recreation sites and facilities (such as parks, trails, trailheads, boat launches, habitat areas and gun ranges), and habitat improvements. RCO awards grants to counties, cities, nonprofit organizations, lead entities, state and federal agencies and Native American tribes. Decisions on granting and conversion of lands that have received grants occur through one of two funding boards; the Recreation and Conservation Funding Board and the Salmon Recovery Funding Board.

It is important to research potentially impacted trails, parks and habitat areas, etc. to determine if RCO grant funds have been used to purchase and/or support the site. Impacts to these funded sites are handled in a similar manner to what is described in the section above concerning 6(f). Early coordination with RCO and the land owner (grant sponsor) is important to ensure all compliance and conversion policies are followed as outlined in the signed project agreement form, as found in RCO Manual 7 Section 3.
450.08 Wild and Scenic Rivers

The Wild and Scenic Rivers Act (PL 90-542, 16 USC Chapter 28) designates certain rivers (or river segments) for special protection to preserve them in a free-flowing condition for the benefit and enjoyment of present and future generations. The act also identifies various “study rivers” for possible inclusion in the Wild and Scenic Rivers System. Currently, all of the designated Wild and Scenic Rivers in Washington State are administered by the U. S. Forest Service in accordance with 36 CFR 297.

A comprehensive management plan is in place for all designated rivers. The plan describes the use and type of construction allowed in each segment of the river. River segments designated for recreational use, segments in publicly owned public parks, recreation areas, or wildlife and waterfowl refuges, and segments with historic or archeological sites, are subject to Section 4(f). Segments that are privately owned (except for historic and archeological sites on private land) and segments on publicly owned lands not open to the general public (e.g. military bases, Indian Reservations, etc.) and whose primary purpose is not a Section 4(f) use, are not subject to Section 4(f). If the management plan does not identify a specific function for the river segment, then Section 4(f) does not apply.

Close examination of the management plan and coordination with the appropriate U. S. Forest Service office is essential early in the environmental review and design process. Projects in a designated or study wild and scenic river that require a Section 404 permit from the Army Corps of Engineers also require completion of a written ESA Section 7 determination by the U. S. Forest Service.

Federally designated Wild and Scenic Rivers within Washington include:

- Skagit River from the pipeline crossing at Sedro-Wooley upstream to and including the mouth of Bacon Creek and tributaries as listed below:
  - The Cascade River from its mouth to the junction of its North and South Forks.
  - The South Fork to the boundary of the Glacier Peak wilderness Area.
  - The Suiattle River from its mouth to the boundary of the Glacier Peak Wilderness Area at Milk Creek.
  - The Sauk River from its mouth to its junction with Elliot Creek.
  - The North Fork of the Sauk River from its junction with the South Fork of the Saul to the boundary of the Glacier Peak Wilderness Area.
- Klickitat River from Wheeler Creek to the confluence with the Columbia River, classified as a recreational river.
- White Salmon River from the confluence of Gilmer Creek (near the town of BZ Corner) to the confluence with Buck Creek; classified as a part wild and part scenic river.

Federally designated Study Rivers within Washington State include:

- Skagit River from Mount Vernon to and including the mouth of Bacon Creek, plus additional segments of the Sauk, Suiattle, and Cascade tributaries.
- Klickitat River upstream of the confluence of the Little Klickitat River to the Yakama Indian Reservation boundary.
- Snake River from the town of Asotin to the Oregon state line.
- White Salmon River upstream of the confluence with Gilmer Creek.
(1) **National Rivers Inventory**

The 1979 Presidential Directive requires federal agencies to protect and manage rivers in the Nationwide Rivers Inventory (NRI) that are suitable for inclusion in the Wild and Scenic Rivers System as part of their normal planning and environmental review process. The directive, a listing of NRI rivers in Washington State, and the procedure for consulting on projects that may affect these rivers is available on the [National Park Service NRI website](#).

(2) **Washington State Scenic River System**

RCW 79A.55 established a scenic river system in Washington State. The system is managed by the State Parks and Recreation Commission to “protect and preserve the natural character of rivers with outstanding natural, scenic, historic, ecological, and recreational values”. The protected lands include river and publicly owned or leased lands up to one quarter mile on each side of the river. The State Parks Commission has developed and adopted management policies for the public lands along designated rivers. RCW 79A.55.040 requires that the management policies be integrated into local Shoreline Management Master Plans.

State designated Scenic Rivers include:

1. The Skykomish River from the junction of the north and south forks of the Skykomish (within the jurisdiction of Snohomish County):
   a. Downstream approximately fourteen miles to the junction of the Sultan River.
   b. Upstream approximately twenty miles on the south fork to the junction of the Tye and Foss rivers (within the jurisdiction of King County).
   c. Upstream approximately eleven miles on the north fork to its junction with Bear Creek (within the jurisdiction of Snohomish County).

2. The Beckler River from its junction with the south fork of the Skykomish River upstream approximately eight miles to its junction with Rapid River (within the jurisdiction of King County).

3. The Tye River from its junction with the south fork of the Skykomish River approximately fourteen miles to Tye Lake (within the jurisdiction of King County).

4. The Little Spokane River from the upstream boundary of the state park boat put in site near Rutter Parkway and downstream to its confluence with the Spokane River (within the jurisdiction of Spokane County).
450.09 Procedures for Completing a Land Use Analysis

Methods analyzing land use impacts vary according to the complexity of the project, available data, and the existence of travel demand and land use models. It is uncommon in Washington State for local agencies to invest in these land use models due to their labor and data needs. WSDOT staff will generally need to rely on GIS data, local area experts, and statistical methods to conduct the analysis. Although local agencies may not maintain land use models, much of the data needed for a land use analysis is kept by local governments. Therefore, coordination with local agency staff is essential to completion of the analysis. The analysis should be scaled to match the geographic scope and potential for land development or redistribution effects. The basic process shown in Figure 450-1. Local agency staff preparing an EA/EIS for federally funded projects should consult with WSDOT Highway and Local Program staff to determine the level and scope of the land use analysis required for their project. If significant land use impacts are anticipated, the analysis process described in Figure 450-1 applies.

The procedures for completing the analysis are available on the WSDOT Land Use web page, including:

- Step by step explanation of the process. Step 2 is described in TSK 450-a, Steps 3-9 are described in TSK 450-b
- Checklists
- Links to resource documents by NCHRP and AASHTO

Basic Land Use Analysis Process

*Figure 450-1*
450.10 Legal Sufficiency and Documentation

Large, complex, and/or controversial projects will need more robust documentation of the land use analysis. Because the land use analysis influences many other disciplines (transportation, noise, air quality, visual, and social) it is important to thoroughly document the participants, assumptions, methodologies, results, and uncertainties to minimize the risk of a successful legal challenge. This may be done in a technical appendix to the environmental document (per CEQ 40 CFR 1502.18) or in a land use discipline report to ensure this information is included in the project’s administrative record.

It is recommended that large or controversial projects consider making a special effort to document four key areas in the administrative record.

1. Identify and explain key underlying assumptions (such as growth rates) and explain how those assumptions were made.

2. Describe the methods used to develop forecast results. Explaining the inherent advantages and limitations in the analysis process and data sources can be especially useful in establishing a “reasoned basis” for the methodology.

3. Summarize and explain the results including, an explanation of patterns in the data, causal relationships, and anomalous or unexpected results.

4. Systematically review assumptions, data and results to ensure internal consistency in the document. Carefully cross check related disciplines to make sure that they do not contradict results of the land use analysis.

450.11 Land Use Statutes and Regulations

Although many federal and state laws regulate land use, they are implemented at the local level through state law:

- **RCW 36.70B** Local Project Review Act of 2001, which precludes re-evaluation of adopted comprehensive plans during the environmental review process.

- **RCW 36.70a** Growth Management Act

- **RCW 90.58a** Shoreline Management Act (SMA) – The goal of Washington’s Shoreline Management Act is to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines. The Act establishes a broad policy of shoreline protection. The SMA uses a combination of policies, comprehensive planning, and zoning to create a special zoning code overlay for shorelines. Under the SMA, each city and county can adopt a shoreline master program that is based on state guidelines but tailored to specific geographic, economic, and environmental needs of the community. Refer to the WSDOT Local Environmental Permits and Approvals web page for information about shoreline permits and exemptions.

Many other federal, state, and local laws enacted to protect the environment may lead to limitations in the type of development allowed in an area or additional reviews and approvals, even though land use is not their primary focus. These laws are listed and described in other sections of this manual focused on specific resources, such as fish and wildlife, surface water, or wetlands.
Federal laws that specifically regulate land use include:

- **Rivers and Harbors Act** – Section 10 of the Rivers and Harbors Act (33 USC 410 et seq.). Administered by the Army Corps of Engineers.
- **Farmland Protection Policy Act (FPPA)** – of 1981 (7 USC 4201 et seq.)
  Implementing regulations are in 7 CFR 658. Administered by the Natural Resources Conservation Service.
- **Section 6(f)** – Land and Water Conservation Fund Act codified at 16 USC 4601-8(f).
  In Washington State, the Recreation and Conservation Office administers the fund in accordance with WAC 286-40.
- National Trails System Act 16 USC 1241-1251
- Wilderness Act 16 USC 1131-1136
- Wild and Scenic Rivers Act PL 90-542, 16 USC Chapter 28

Other state laws that affect land use include:

- RCW 79A.55 Scenic River System Act
- RCW 79.105 Aquatic Lands Act. DNRs implementing regulations are in WAC 332-30
- Preservation Executive Order 80-01 Farmland

### 450.12 Abbreviations and Acronyms

AASHTO  | American Association of Highway and Transportation Officials
CEQ     | Council for Environmental Quality
CFR     | Code of Federal Regulations
FHWA    | Federal Highway Administration
FPPA    | Farmland Protection Policy Act
GMA     | Growth Management Act
LOS     | Level of Service
MOU     | Memorandum of Understanding
NCHRP   | National Cooperative Highway Research Program
NRCS    | Natural Resources Conservation Service
NPS     | National Park Service
USC     | United States Code
USFS    | United States Forest Service
450.13 Glossary

These definitions provide context for the Land Use analysis. Some terms may have other meanings in a different context.

Concurrency – As defined under GMA, concurrency requires adequate public facilities and services are available when the impacts of development occur, or within a specified time thereafter. For locally owned transportation facilities, the maximum specified time is six years from the time of development.

Essential Public Facilities – As defined under GMA, essential public facilities that are typically difficult to site, including airports, state or regional transportation facilities, and services of statewide significance as defined in RCW 47.06.140 (including improvements to such facilities and services identified in the statewide multimodal plan) and other public facilities that are typically difficult to site.

Farmland of Statewide or Local Importance – As defined in the Farmland Protection Policy Act, farmland of statewide or local importance is land used for the production of food, feed, fiber, forage, or oil seed crops, as determined by the state or local government agency or agencies, using U.S. Department of Agriculture guidelines.

Level of Service – An established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need. For transportation facilities and services, level of service may be measured at an intersection, road segment, traffic corridor or zone, and may be based on traffic volume compared to facility capacity, travel time, or multiple variables (e.g., distance traveled, road conditions, or safety hazards). The method for calculating level of service varies depending on the transportation mode. Level of service is usually designated by five letter grades with LOS A representing the best service (free flow conditions of vehicular traffic) and LOS F representing the worst service (stop and go conditions).

Navigable Waters or Navigable Waters of the United States – As defined by the Army Corps of Engineers are those waters of the United States including the territorial seas that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the water body, and is not extinguished by later actions or events which impede or destroy navigable capacity. (33 USC 1362(7) and 33 CFR 329.4)

Federal Nexus – A determination that at least one federal agency is involved as a proponent of a specified proposal and/or as an agency that needs to act on a federal permit, license, or other entitlement (such as a request to use federal funds or federal land) needed to implement the proposal. A federal nexus (even on an otherwise non-federal proposal) typically triggers the need for the federal agency or agencies to comply with various federal statutes include, but not limited to, NEPA, Section 106 of the Historic Preservation Act, Section 4(f) of the Department of Transportation Act, Section 6(f) of the Land and Water Conservation fund Act, and Section 7 of the Endangered Species Act.
Prime Farmland – As defined in the Farmland Protection Policy Act, is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oil seed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion. Prime farmland includes land that possesses the above characteristics and may include land currently used as cropland, pastureland, rangeland, or forestland. It does not include land already in or committed to urban development or water storage.

Section 6(f) Property – Any property acquired or developed with financial assistance under Section 6(f) of the federal Land and Water Conservation Fund Act.

Unique Farmland – As defined in the Farmland Protection Policy Act, is land other than prime farmland that is used for production of specific high value food and fiber crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific crops when treated and managed according to acceptable farming methods. Examples of such crops include lentils, nuts, annually cropped white wheat, cranberries, fruits, and vegetables.

Urban Growth Area – as defined in the Growth Management Act, are those areas designated by a county pursuant to the Washington State Growth Management Act, which are planned to support urban type development and densities within the next 20 years.