3.8 Land and Shoreline Use

Land use refers to how land is developed for various human uses, including residential, commercial, and industrial uses. It also refers to the preservation or protection of land for natural uses. Shorelines—land along a water body—can also be developed for human purposes or preserved for natural purposes. Large development projects, such as the proposed action, must be compatible with surrounding land uses and must comply with all state and local regulations and policies governing land and shoreline use.

This section describes land and shoreline use in the study area, including zoning and applicable permits. It then describes impacts on land and shoreline use that could result under the no-action alternative or as a result of the construction and routine operation[1] of the proposed action. Finally, this section presents any measures identified to mitigate impacts of the proposed action and any remaining unavoidable and significant impacts.

3.8.1 What is the study area for land and shoreline use?

The study area for land and shoreline use consists of the land on and near the project site that could be affected by construction and routine operation at the project site. The study area also includes land and shoreline that could be affected during routine rail transport along the Puget Sound & Pacific Railroad (PS&P)[2] rail line and vessel transport through Grays Harbor out to 3 nautical miles from the mouth of the harbor.

3.8.2 What laws and regulations apply to land and shoreline use?

Laws and regulations for determining potential impacts on land and shoreline use are summarized in Table 3.8-1. More information about these laws and regulations is provided in Appendix B, *Laws and Regulations*, and Appendix H, *Local Policies Governing Land and Shoreline Use*.

[1] Chapter 4, *Environmental Health and Safety*, addresses the potential impacts from increased risk of accidents (e.g., storage tank failure, train derailments, vessel collisions) and related consequences (e.g., release of crude oil).
[2] The PS&P rail line refers to the rail line between Centralia and the project site.

Table 3.8-1. Laws and Regulations for Land and Shoreline Use

Laws and Regulations	Description
Federal	
No federal laws or regulations apply to land and shoreline use.	
State	
Growth Management Act (RCW 36.70A)	Requires the counties and cities of the state to prepare and adopt comprehensive plans that keep with the Growth Management Act planning goals.
Shoreline Management Act of 1971 (RCW 90.58)	Establishes regulations for managing the use, environmental protection, and public access of the state's shorelines.
Local	
Zoning (HMC 10.03 and AMC 17.00)	Provides descriptions of the zoning criteria for the Cities of Hoquiam and Aberdeen, respectively.
Critical Areas Ordinance (HMC 11.06 and AMC 14.100)	Sets forth the definitions and process for designating and protecting critical areas within the city limits of Hoquiam and Aberdeen, respectively.
Shoreline Management Act (HMC 11.04 and AMC 16.20)	Carries out responsibilities imposed by the Shoreline Management Act of 1971.

RCW = Revised Code of Washington; HMC = Hoquiam Municipal Code; AMC = Aberdeen Municipal Code

3.8.3 How were impacts on land and shoreline use evaluated?

This section describes the sources of information and methods used to evaluate impacts.

3.8.3.1 Information Sources

Information about the land and shoreline use in the study area was obtained through reviews of public scoping comments and local planning documents and conversations with local planners. Additionally, a site visit was conducted to observe and verify land and shoreline use in the study area on August 13, 2014.

3.8.3.2 Impact Analysis

Local land use plans and development regulations were evaluated to assess potential conflicts of the proposed action. Land use impacts occur when project activities are inconsistent with existing land use, most typically characterized by inconsistency with the applicable land use policies or zoning.

3.8.4 What land and shoreline use is in the study area?

This section describes the land and shoreline use in the study area that could be affected by construction and routine operation of the proposed action. This section addresses land and shoreline use at the project site, along the PS&P rail line, and in and along the shoreline of Grays Harbor.

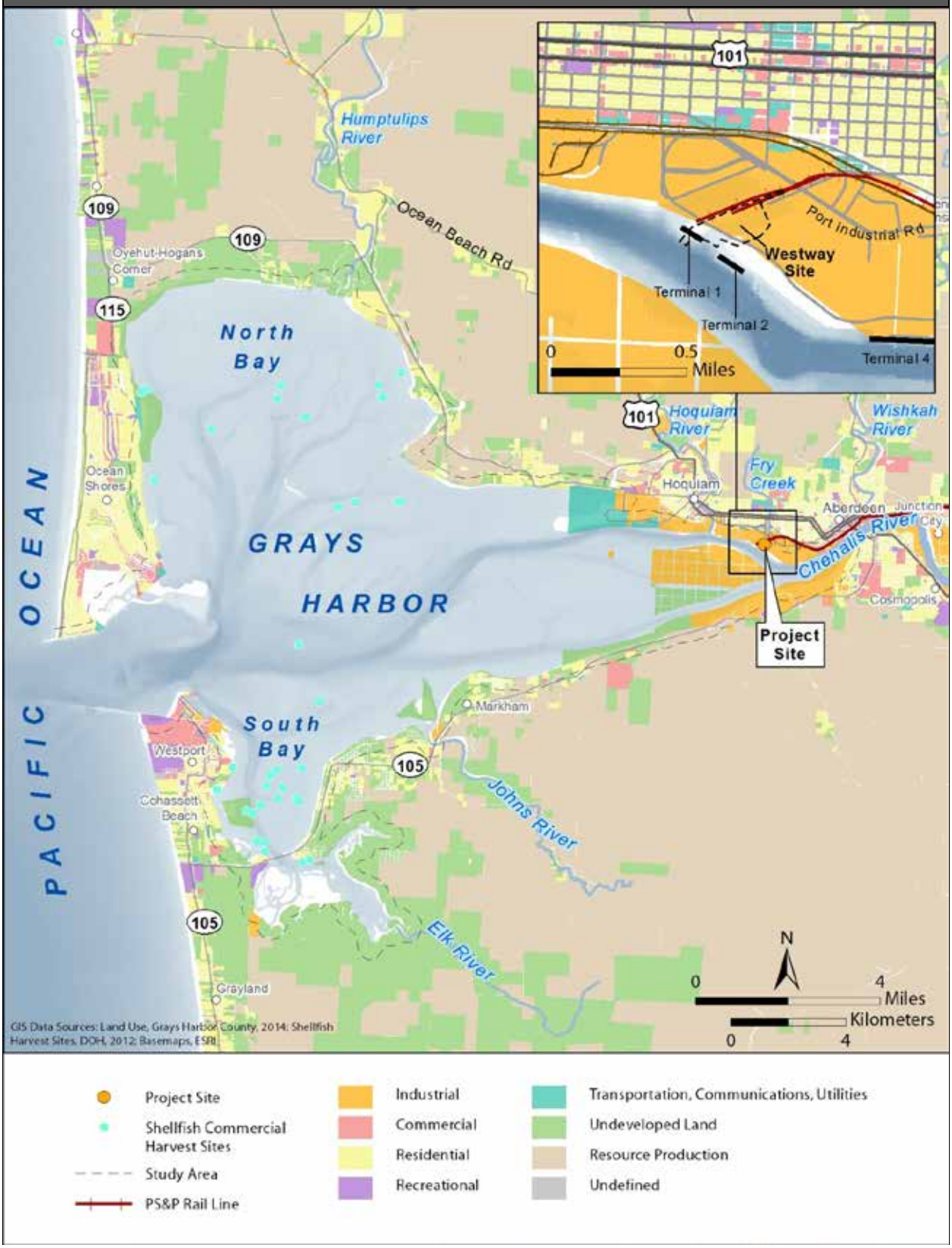
3.8.4.1 Project Site

Land Uses and Zoning

The project site is within the city limits of Hoquiam and Aberdeen in Grays Harbor County, Washington and is located along the industrial waterfront at the Port of Grays Harbor (Port). According to the applicable comprehensive plans, land on and directly surrounding the project site is designated and zoned for industrial use (Figure 3.8-1). Imperium Terminal Services, a biodiesel production facility, borders the site to the north, and Ag Processing Inc., a grain and bulk commodity product storage facility, borders the project site to the south. The industrial use zone extends along the shoreline about 2 to 3 miles from the project site on both sides. Approximately 0.3 mile north of the project site, beyond the industrial area, is land designated for commercial, transportation, communications, and utility uses. High-density residential use mixed with some transportation, communications, utilities, and recreational uses occurs approximately 0.4 mile north and 0.3 mile northeast of the project site.

The project site is located within both cities' Industrial District (Zoning, Hoquiam Municipal Code [HMC] 10.03.112; Aberdeen Municipal Code [AMC] 17.48). The current land use and zoning designation for the project site under both cities is Industrial, which is defined in the cities' respective comprehensive plans and municipal codes as allowing for intensive industrial uses, including activities involving manufacturing, processing, ship terminals, storage and transport facilities, warehousing, repair facilities, and accessory buildings and uses. Under both Cities' shoreline master programs, the environmental designation for the project site is Urban, which permits water-related industrial and commercial uses and allows the highest density of development and the most intensive human use of the shoreline (Shoreline Management, HMC 11.04.140 and AMC 16.20.140).

Figure 3.8-1. Land and Shoreline Use in and around Grays Harbor



Applicable Permits and Approvals

The following land and shoreline use development permits and approvals are required for development of the proposed action prior to construction.

Comprehensive Plan Policies

Prior to issuing the applicable development permits, the Cities of Hoquiam and Aberdeen must ensure the proposed action is consistent with the applicable comprehensive plan policies listed in the corresponding comprehensive land use plan (City of Hoquiam 2009; City of Aberdeen 2001). Specific policies applicable to the proposed action are listed in Appendix H, *Local Policies Governing Land and Shoreline Use*. Policies relevant to the City of Hoquiam address Future Land Use; Environmental Management; Housing, Transportation; Public Facilities and Services; Open Space and Parks; and Economic Development. Elements of the City of Aberdeen Comprehensive Plan address Urban and Rural Areas; Land Use; Economic Development; Housing and Community Development; Transportation; Capital Facilities; Natural Resources; Downtown and Waterfront Development; Open Space and Critical Areas; Utilities; and Plan Implementation.

Critical Areas Review

As part of the development permit application process for the Cities of Hoquiam and Aberdeen and to comply with the Growth Management Act (RCW 36.70A), the applicant would be required to submit a report to the Cities for a review of critical areas. Within Hoquiam's jurisdiction, critical areas include fish and wildlife habitat and geologically hazardous areas on or within 300 feet of the project site. Geologically hazardous areas have also been identified on or within 300 feet of the project site within Aberdeen's jurisdiction. These critical areas are identified and evaluated in Section 3.1, *Earth*, and Section 3.5, *Animals*.

Shoreline Substantial Development Permit

To comply with the City of Hoquiam's Shoreline Master Program and the Shoreline Management Act (RCW 90.58), the applicant must apply for a shoreline substantial development permit because the proposed action would be partially constructed within 200 feet of the ordinary high water mark of Grays Harbor (HMC 11.04.040; RCW 90.58.030(d)). A shoreline substantial development permit would not be required for the City of Aberdeen because the proposed action within Aberdeen's jurisdiction would not be within 200 feet of the ordinary high water mark of waters of the state (AMC 16.20.040; RCW 90.58.030(d)).

Conditional Use Permit

As part of Hoquiam's development permit application process, the applicant is required to and has been granted a conditional use permit because the height of the proposed storage tanks (64 feet) would exceed the City's maximum height standard (55 feet) for its Industrial District (HMC 10.03.100.3). A conditional use permit is not required for the City of Aberdeen because Aberdeen's code does not include a maximum height requirement for its Industrial District (Zoning, AMC 17.48).

Development Permits

As part of the development permit application process for the Cities of Hoquiam and Aberdeen, the applicant would be required to obtain a building permit, a grade and fill permit, and a fire department permit from both Cities. The applicant would also be required to obtain a demolition

permit from the City of Hoquiam because the proposed action would involve demolishing an existing wood-frame warehouse within Hoquiam's jurisdiction. These permits are required prior to construction of the proposed action to comply with the Cities' regulations on land and shoreline management.

3.8.4.2 PS&P Rail Line

As discussed in Chapter 2, *Proposed Action and Alternatives*, and shown in Figure 2-2, the PS&P rail line originates in Centralia, Washington, approximately 70 miles southeast of the project site and terminates at the Port of Grays Harbor loop track, where it splits off into the project site. The PS&P rail line traverses three counties and joins the densely populated cities of Hoquiam and Aberdeen to the west, and Centralia to the east. The area between these cities is interspersed with smaller cities and communities (Table 3.8-2). As discussed in Section 3.3, *Water*, this corridor also largely parallels the Chehalis River (within 0.1 mile) and crosses several waterways.

Table 3.8-2. Cities and Communities along the PS&P Rail Line

Grays Harbor County	
City of Hoquiam	Brady (census-designated place)
City of Aberdeen	Satsop (census-designated place)
Junction City (census-designated place)	City of Elma
Central Park (census-designated place)	Malone-Porter (census-designated place)
Alder Grove (populated place)	City of Oakville
City of Montesano	
Thurston County	
Rochester (census-designated place)	Grand Mound (census-designated place)
Lewis County	
Fords Prairie (census-designated place)	City of Centralia

Land uses along the PS&P rail line in the densely populated areas include industrial, commercial, residential, and recreational uses, as well as areas designated for transportation, communications, and utilities. Through Hoquiam and Aberdeen, the PS&P rail line appears to split land uses with industrial uses to the south and most other uses (mainly commercial and residential) to the north of the line. In this area, the PS&P rail line runs alongside (within 0.1 mile) of the Chehalis River. Moving east outside of Aberdeen, the rail corridor runs directly adjacent to the river. In Centralia, from north to south, the PS&P rail line cuts through an Industrial District, crosses the Skookumchuck River, and traverses a variety of mid-to high-density residential and commercial uses.

Outside of the high-density areas, land along the PS&P rail line is mostly rural, consisting of agricultural land and forested undeveloped areas dotted with small cities and communities (Table 3.8-2). These communities mainly contain low-density residential uses. Some commercial businesses and industrial and recreational uses are located in the larger communities (Montesano, Elma, Oakville, Grand Mound, and Ford's Prairie). South of the PS&P rail line, between Oakville and Rochester, is the 4,438-acre Chehalis Indian Reservation. The reservation is located along the Black River where tribal members live under their own independent government. Additional information on the Chehalis Indian Reservation is provided in Section 3.12, *Tribal Resources*.

As noted previously, a large amount of land area near and along the PS&P rail line consists of undeveloped land, including protected natural areas, state forests, and state parks. South of the Central Park, the PS&P rail line travels adjacent to the Chehalis River Surge Plain, a 3,018-acre designated natural area along the Chehalis River Valley. This area is maintained by the Washington State Department of Natural Resources and contains the largest high-quality tidal surge plain wetland in Washington. Additional information on the Chehalis River Surge Plain is available in Sections 3.3, *Water*; 3.4 *Plants*; 3.5 *Animals*; and 3.10 *Recreation*. Another notable protected area is the Capitol State Forest, a 91,650-acre working forest located along, and in some areas adjacent to, the PS&P rail line east of Elma, Malone-Porter, and Oakville. This and other open space areas and parks are described further in Section 3.10, *Recreation*.

3.8.4.3 Grays Harbor

Grays Harbor is an estuarine bay approximately 50 miles west of Olympia on the central coast of Washington. It comprises a north and south bay and includes a navigation channel operated by the U.S. Army Corps of Engineers to accommodate safe passage for large vessel traffic through the harbor. The harbor is surrounded by land to the north, east, and south, and is separated from the Pacific Ocean by two peninsulas (north and south). A majority of the surrounding land includes forested areas that have undergone extensive timber harvest in the past 150 years. This area is sparsely populated except for Aberdeen, Hoquiam, Cosmopolis, Ocean Shores, and Westport, which have populations ranging from approximately 17,000 (Aberdeen) to 1,700 (Cosmopolis).

General land uses surrounding the harbor include residential, industrial, commercial, transportation/communications/utilities, recreation, resource production (i.e., agriculture, fishing, and mining activities and designated forest land), and undeveloped land (Figure 3.8-1). Generally, development is more concentrated on the eastern and western sides of the harbor and the majority of undeveloped land is located along the northern and southern sides.

Residential areas surround Grays Harbor on all sides and are particularly concentrated in and around city and industrial areas. Residential uses are also clustered in the peninsulas in and around Westport and Ocean Shores, which are popular vacation and retirement areas.

Industrial and commercial use is prevalent on the eastern side of Grays Harbor, along the shoreline in Aberdeen, Hoquiam, and Cosmopolis, and along the western side, particularly in Westport. Businesses mainly include lumber production, manufacturing, shipbuilding, food and seafood processing, and commercial fishing (Greater Grays Harbor 2014). Some industrial land uses are located in the harbor's waters because of zoning of intertidal areas. These uses include cranberry cultivation and shellfish farming. Commercial shellfishing in the harbor (Figure 3.8-1) produces oysters and clams for local, national, and global consumption. Commercial crabbing also occurs on the western side of the harbor, between the North and South Bays. Shellfish, fisheries, and other collection areas important to tribes in the study area are discussed in detail in Section 3.12, *Tribal Resources*.

Grays Harbor encompasses many recreational areas, including several state and local parks and designated wildlife areas. Fishing, shellfishing, bird and wildlife viewing, hiking, and boating are popular recreational activities throughout the harbor. Most of Grays Harbor's recreational areas are on the western half of the harbor in and near the northern and southern peninsulas. Closer to the project site is the Grays Harbor National Wildlife Refuge, a 1,500-acre designated wildlife area internationally recognized for its significant shorebird habitat. The refuge is located along the

northern shore of Grays Harbor at the western city limits of Hoquiam, approximately 3 miles northwest of the project site. Details on recreational parks and wildlife areas are provided in Section 3.10, *Recreation*.

Land designated for transportation, communication, and utility use occurs in a few areas around Grays Harbor. Most notable is the Bowerman Airport or Bowerman Field, a public-use airport owned by the Port and located along the northern edge of the harbor. This designation also includes two smaller public-use airports and marinas located along the harbor near Westport and Ocean Shores and the Ocean Shores Sewage Treatment Plant, a utility service located near the end of the northern peninsula.

3.8.5 What are the potential impacts on land and shoreline use?

This section describes impacts on land and shoreline use that could occur in the study area. Potential impacts of the no-action alternative are described first, followed by potential impacts of the proposed action.

3.8.5.1 No-Action Alternative

Under the no-action alternative, impacts on land and shoreline use related to construction of the proposed action would not occur. The applicant would continue to operate its existing facility as described in Section 2.1.2.2, *Existing Operations*. Although the proposed action would not occur, it is assumed that growth in the region would continue under the no-action alternative, which could lead to development of another industrial use at the project site within the 20-year analysis period (2017 to 2037). Such development could result in impacts similar to those described above for the proposed action.

3.8.5.2 Proposed Action

This section describes the impacts that could occur in the study area as a result of construction and routine operation of the proposed action. First, this section describes impacts from construction of the proposed action. It then describes impacts of routine operation at the project site and of routine rail and vessel transport to and from the project site.

Construction

Although construction would result in short-term disturbance (increased noise, air emissions, and localized traffic), as noted above in Section 3.8.4.1*, Project Site*, the project site and immediately surrounding land uses are zoned Industrial. Construction would occur in both Hoquiam's and Aberdeen's Industrial Districts, where construction activities are compatible with the land and shoreline use designations of both Cities' comprehensive land use plans and shoreline management programs. The applicant has been granted a conditional use permit by the City of Hoquiam because the tanks would be taller than the 55-foot height restriction listed in the Zoning Code, HMC 10.03.100.3. As discussed in detail in Section 3.9, *Aesthetics, Light, and Glare*, the proposed facilities are not expected to substantially block or alter the existing views of residences in the study area.

Furthermore, to ensure the proposed action complies with all applicable federal, state, and local planning requirements throughout construction, the applicant would obtain all appropriate permits

and/or approvals prior to construction. Therefore, impacts on land and shoreline use from construction of the proposed action are not anticipated to occur.

Operations

This section describes impacts that would occur as a result of routine operations at the project site, rail transport along the PS&P rail line, and vessel transport through Grays Harbor.

Project Site

Implementation of the proposed action would require the applicant to apply for land use permits from the Cities of Hoquiam and Aberdeen, which require demonstration of consistency with the applicable policies, zoning, and conditions (Appendix H, *Local Policies Governing Land and Shoreline Use*). Therefore, operation of the proposed action at the project site would be consistent with the applicable policies, including consistency with comprehensive plans, zoning ordinances, critical areas ordinances, and shoreline master programs. The proposed action would implement an appropriate and allowable use in Hoquiam's and Aberdeen's Industrial Districts that would be consistent with the land use plans and zoning requirements of both cities. To ensure compliance with these requirements and consistency with the applicable land use and shoreline management programs and ordinances, the applicant would obtain all appropriate permits and approvals.

Rail and Vessel

Increased traffic associated with the proposed action would occur in existing transportation corridors. Rail and vessel transport in these areas is currently ongoing and is consistent with applicable land use plans, policies, zoning, and regulations.

3.8.6 What required permits and plans apply to land and shoreline use?

The following permit conditions and required plans are expected to reduce impacts on land and shoreline use.

- City of Hoquiam and City of Aberdeen Critical Areas Review for fish and wildlife habitat and geologically hazardous areas
  - Critical area review report
  - Buffer establishment and protection requirements
  - Buffer mitigation and monitoring requirements
  - Buffer activity limits and restrictions
- City of Hoquiam Shoreline Substantial Development Permit
  - Permits the proposed action as a reasonable and appropriate use of shoreline
  - Consistency with the Shoreline Management Master Program
  - Protection of shoreline resources and functions
- City of Hoquiam Conditional Use Permit
  - Provides an exception from height restrictions for proposed storage tanks

- City of Hoquiam and City of Aberdeen Building Permits
  - Permits the proposed action as compliant with 2012 International Building Codes
  - Requirement for compliance with American Society of Civil Engineers 7-02 and American Petroleum Institute 650 design and construction standards, including climatic and geologic loading requirements
  - Erosion control plan
  - Geotechnical report
  - Shoreline substantial development permit
  - Critical areas review
- City of Hoquiam and City of Aberdeen Grade and Fill Permits
  - Permits the proposed action as compliant with city practices to prevent flood damage
- City of Hoquiam and City of Aberdeen Fire Department Permits
  - Permits the proposed action as meeting fire prevention and suppression requirements
  - Adherence to the International Fire Code, 2012 Edition
- City of Hoquiam Demolition Permit
  - Permits the proposed action as compliant with city practices for demolition

3.8.7 What mitigation measures would reduce impacts on land and shoreline use?

This section describes the applicant mitigation that would reduce impacts on land use and shoreline from construction and routine operation of the proposed action.

3.8.7.1 Applicant Mitigation

With implementation of the permit conditions described above, impacts resulting from the proposed action are considered low and would not necessitate mitigation.

3.8.8 Would the proposed action have unavoidable and significant adverse impacts on land and shoreline use?

Compliance with the applicable regulations and permits described above is expected to reduce impacts on land and shoreline use. There would be no unavoidable and significant adverse impacts.