

Thurston County Community Planning and Economic Development
Thurston County Courthouse, Building One
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To: Andrew Boughan, Associate Planner, Andrew.Boughan@co.thurston.wa.us
From: Loretta Seppanen
Subject: Comments on the Determination of Significance and Scoping Notice for Up Castle Land Use & Rezone Amendment proposal

Thank you for the opportunity to comment on the Determination of Significance and Scoping Notice for the proposed Thurston County Up Castle Land Use & Rezone Amendment proposal which would amend the zoning in the Comprehensive Plan and change code language related to intensive industrial land use in rural areas. I write as a citizen of Thurston County committed to working toward the continuation of sustainable agricultural a valuable part of the local economy as well as contributing to a healthy and nurturing life for everyone.

I support the Thurston County Determination of significance and the development of an environmental impact statement (EIS) to consider the impacts of the proposed UP Castle rezone and code change on the built and natural environment. I support the No Action Alternative that must be offered and evaluated in the EIS. I believe the Environmental Impact Statement (EIS) will show that this alternative will accommodate projected population growth and result in the least adverse impacts on the built and natural environment. I offer recommendations for topics to consider in the EIS.

The EIS must cover all actions proposed: a change in the comprehensive plan and zoning designations (from RRR 1-5 to RRI), the two options (staff and landowner) for development regulations that would allow more rural industrial properties to be developed as warehouse site. In addition, county staff must clarify for the landowner and the public reviewing the EIS the contradiction between Comprehensive Plan language and assumptions made about the meaning of the TCC 20.29.020(5) code language. That contradiction stems from ambiguity about the intentions of the community regarding the extent to which intensive industrial activity in specific rural areas along I-5 must be “related to and dependent on natural resources such as agriculture, timber or minerals.” I discuss this issue in more detail at the end of the memo.

The SEPA checklist states that no construction is associated with the rezone proposal. However, the checklist also identifies a proposed concrete warehouse structure with the typical buffer required in urban areas for such structures. In the EIS scoping document, the county staff must requires the landowners to consider the proposal’s impacts including the planned warehouse. Changing the comprehensive plan and zoning designations, as well as changing the zoning code to fit the applicant’s proposal will result in impacts from the proposed use. See *Olympians for Smart Development & Livable Neighborhoods, et al., v. City of Olympia*, Western Washington Growth Management Hearings Board Case No. 19-2-0002c, Order Denying Motion to Dismiss, Allowing Supplementation of the Record,

Granting Summary Judgment at 6 (March 29, 2019); WAC 197-11-055(2)(a)(i); *Alpine Lakes Protection Society v. DNR*, 102 Wn. App 1, 16 (1999).

Thus, for the elements that are analyzed, the EIS must evaluate the impacts of the proposal as it could be developed.

The EIS should analyze the impact on water resources

Water including surface water movement, quantity and quality, runoff and absorption, groundwater movement, quantity, and quality, and public water supplies are all elements of the environment. Water conservation and focusing growth into existing cities and towns can stretch water supplies and accommodate growth and it is important to reserve water for agriculture and value-added agricultural processing and manufacturing to maintain and enhance the county economy. Changing from RRR 1-5 zoning to RRI will adversely affect water quality and increase water use and runoff. This is a probable adverse impact on the elements of the environment and should be analyzed in the EIS. The EIS should consider the comparative impact on water quality of the historic use of the land for agricultural, the allowed use for housing under current zoning versus commercial/industrial use as shown in these tables copied from research cited in the Thurston County Habitat Conservation Draft EIS (pages 3-34 to 3-35).

Table 3.3-6. Land Use Effects on Stormwater Pollutant Concentrations in Puget Sound Watersheds

Chemical of Concern ¹	Baseline Concentration – Undeveloped Forest and Grassland (µg/L) ²	Increase in Runoff Concentration Relative to Baseline by Land Use Type ¹		
		Agricultural	Residential	Commercial/Industrial
Arsenic	1.0	2X	2X	4X
Cadmium	0.013	38X	38X	115X
Copper	1.0	5X	4X	25X
Lead	0.5	10X	20X	40X
Zinc	2.0	5X	15X	60X
Mercury	0.005	1X	2X	40X
Total PCBs	0.001	10X	20X	30X
Total PBDEs	8.000E-06	4X	5X	3X
Carcinogenic PAHs	0.006	25X	25X	167X
High MW PAHs	0.005	20X	20X	160X
Low MW PAHs	0.015	20X	20X	200X
bis(2-Ethylhexyl)phthalate	0.10	100X	100X	100X
Total Dioxin TEQs	1.000E-07	50X	50X	100X
DDT and Metabolites	0.003	2X	0X	0X
Triclopyr	0.004	15X	8X	8X
Nonylphenol	0.030	10X	10X	133X

1 PCB = polychlorinated biphenyls; PBDE = polybrominated diphenyl ether; PAH = polycyclic aromatic hydrocarbon; TEQ = Toxicity Equivalence; DDT = dichloro-diphenyl-trichloroethane

2 Baseline concentration values and multiples by land use category are based on 50 percent exceedance thresholds for observed concentrations in stormwater runoff for each chemical of concern, as reported by Ecology (2008).

As noted in the Draft HCP EIS, changes in land cover are commonly accompanied by shifts to higher intensity land use, which leads to the increased concentrations of metals and other toxic pollutants in stormwater runoff (Feist et al. 2011). This relationship is demonstrated in the Table 3.3-6 from the Draft

HCP EIS copied below, which summarizes the increase in stormwater pollutant concentrations associated with different levels of development in Puget Sound watersheds (Ecology 2008). This table compares median baseline concentration of several different contaminants in surface water runoff from undeveloped forest and grasslands to the median concentrations in stormwater runoff from progressively intensive types of development, presented as multiples of the baseline value.

Compliance with modern standards for stormwater management could be expected to minimize, but not fully eliminate, the effects of future development sought by the landowner on water resource conditions in Thurston County. Thus, the EIS must include a discussion of how the project will mitigate for the water quality issues inherent in the requested rezone.

The EIS should analyze the impacts on air quality and greenhouse gas emissions

Air quality is an element of the environment. Although the SEPA checklist states that no construction is associated with this analysis, the County must consider the proposal's impacts. Changing the comprehensive plan and zoning designations, as well as changing the zoning code to fit the applicant's proposal will result in impacts from the proposed use. A warehouse distribution site will have air quality and climate impacts. See *Olympians for Smart Development & Livable Neighborhoods, et al., v. City of Olympia*, Western Washington Growth Management Hearings Board Case No. 19-2-0002c, Order Denying Motion to Dismiss, Allowing Supplementation of the Record, Granting Summary Judgment at 6 (March 29, 2019); WAC 197-11-055(2)(a)(i); *Alpine Lakes Protection Society v. DNR*, 102 Wn. App 1, 16 (1999). Development will increase dust. These are all probable adverse impacts on elements of the environment and should be analyzed in the EIS.

The EIS should analyze the impacts on agricultural and rural land

The relationship to existing land use plans is an element of the environment. The area proposed to be rezoned is rural land historically used for agriculture and is very near designated agricultural lands of long-term commercial significance. Converting these lands to industrial use to match the urban development in adjacent Lewis County will create a significant adverse impact that must be analyzed in the EIS. Thurston County can not afford to continue to lose agricultural land with water rights to non-agricultural uses. It is inappropriate for the landowner who has opted to not gain economically from this agricultural land to declare the land to not be agricultural land.

The EIS should analyze the impacts on transportation

Transportation systems, vehicular traffic, the movement and circulation of people or goods, and traffic hazards are elements of the environment. The use of even a small section of county road that is not an arterial road for truck traffic consistent with warehouse operations must be evaluated. Nearby residential lots that will remain in RRR 1/5 zoning will be impacted by considerably increased traffic.

The EIS should analyze the impacts on priority habitats and species

The Washington State Department of Fish and Wildlife lists priority species and habitats and provides technical assistance on the designation and protection of these habitats. Plants and animals, habitats for and numbers or diversity of species of plants, fish, or other wildlife, unique species, and fish or wildlife migration routes are all elements of the environment. The conversion of agricultural and rural land to intensive industrial will adversely impact these habitats. The expansion of impervious surfaces will also harm aquatic habitats even some distance from these acres. These adverse impacts on these elements of the environment should be analyzed in the EIS.

The EIS must include alternatives including other sites

Alternatives to the proposed action must be part of the scope of the EIS and must include “actions that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation.” WAC 197-11-440(5)(b). Such alternatives could include rezoning to RRI that is not intensive industrial use but rather service and retail uses which primarily serve uses within the rural resource industrial district such as commercial services or agricultural.

Furthermore, while many private project proposals on a specific site do not require the analysis of alternative sites not owned by the applicant, that does not apply when a rezone is required (WAC 197-11-440(d).) This is a very nuanced requirement but since this proposal is seeking a change in the comprehensive plan land use designation and is a rezone request, the County must include in the scope of the EIS a look at alternative sites that would meet the proposal objectives of creating more warehouse space. This type of intensive industrial use is more appropriate in urban areas, and the County should describe the capacity in the UGAs and the cities for such sites (Buildable Lands Report.)

The county staff must clarify ambiguity about kinds of Intensive Industrial use in rural areas

When I read TCC 20.29 (RRI zone), I start by reading the purpose statement for this section of code (20.29.010.) I do not skip directly to the Permitted Uses section 20.29.020 as county staff did in the document from 08/04/2021: CP-19 - PC Draft Ordinance - Up Castle document. That purpose statement says:

20.29.010 - Purpose.

The purpose and intent of the rural resource industrial district is to provide areas where industrial activities and uses that are dependent upon agriculture, forest practices and minerals may be located. The district also allows such uses that involve the processing, fabrication, wholesaling and storage of products associated with natural resource uses. The standards in this chapter are intended to protect the rural area from adverse industrial impacts. All industrial uses must be functionally and visually compatible with the character of the rural area.

This direct connection to natural resources industries is consistent with the GMA and the TC Comprehensive Plan. Despite that direct connection in the purpose statement county staff accepted a proposal for a generic distribution warehouse in a RRI zone rather than for an activity in support of the natural resource industry in the county. In its scoping document for the EIS, county staff must clarify that the comprehensive plan land use and zoning designations are consistent. They must assure that the code language is being viewed such that it is consistent with the comprehensive plan. There already appears to be an inconsistency between the code and the comprehensive plan, because the comprehensive plan states:

“Commercial uses will be small in scale and will provide convenience services to the rural neighborhood. Industrial uses will generally be those that are related to and dependent on natural resources such as agriculture, timber or minerals.”

Not only is there an inconsistency between the comprehensive plan and the development regulations in violation of GMA (see RCW 36.70A.040; RCW 36.70A.130); the uses allowed in the development regulations are not consistent with GMA. A primary purpose of GMA is to protect and preserve rural areas (see among others RCW 36.70A.070(5)(c)). Washington State Growth Management Hearings Boards have interpreted this protection to disallow “urban uses” in the rural areas:

The Board holds that, as a general rule, proposed uses that meet the definition of urban growth will be prohibited in a rural area unless: (1) the use, by its very nature, is dependent upon being in a rural area and is compatible with the functional and visual character of rural uses in the immediate vicinity; OR (2) the use is an essential public facility....

Gig Harbor, et al. v. Pierce County, CPSGMHB Case No. 95-3-0016, Final Decision And Order (Oct. 31, 1995)

Rural population centers must accommodate only commercial enterprises which serve neighborhood needs and only industrial enterprises which are resource-based.

Dawes v. Mason County, WWGMHB Case No. 96-2-0023, Final Decision & Order (Dec 5, 1996)

The county staff must clarify in the scoping document the ambiguity about what kinds of intensive industrial uses is consistent with the GMA and the TC Comprehensive Plan.