

ORDINANCE NO. 5189

AN ORDINANCE of the City Council of the City of Bremerton, Washington, establishing a Planned Action for the South Kitsap Industrial Area (SKIA), pursuant to the State Environmental Policy Act

WHEREAS, the State Environmental policy Act (“SEPA”) and implementing rules provide for the integration of environmental review with land use planning and project review through designation of “Planned Actions” by jurisdictions planning under the Growth Management Act (“GMA”), and

WHEREAS, the City has adopted a Comprehensive Plan complying with the GMA, and

WHEREAS, the City has adopted development regulations permitting designation of Planned Actions, and

WHEREAS, the Puget Sound Regional Council’s Vision 2040 designates SKIA as a regional Manufacturing/Industrial Center (MIC), which is expected to accommodate significant employment growth at higher densities, and

WHEREAS, the City has received a Climate Showcase Communities grant from the U S Environmental Protection Agency to develop a sub-area plan that supports sustainability, greenhouse gas emissions reduction, low impact development stormwater and wastewater recycling, and

WHEREAS, the City has prepared a sub-area plan and development regulations for the SKIA Sub-area, and

WHEREAS, the SKIA Sub-area is deemed to be appropriate for designation of a Planned Action, and

WHEREAS, the City provided legal notice of a community meeting on July 11, 2012 by direct mailing to all affected federally recognized tribal governments and agencies with jurisdiction over the future development anticipated for the planned action, in compliance with Second Engrossed Substitute Senate Bill (2ESSB) 6406, as adopted during the 2012 Washington State legislative session, and

WHEREAS, the City held a community meeting on July 11, 2012 in compliance with 2ESSB 6406, as adopted during the 2012 Washington State legislative session, and

WHEREAS, 2ESSB 6406, as adopted during the 2012 Washington State legislative session, establishes that a city may utilize a modified checklist to determine consistency with a planned action ordinance, and

WHEREAS, on July 19, 2012 the City provided notification of a public hearing to be held on August 1, 2012 to all parties of record and all affected federally recognized tribal governments and agencies with jurisdiction over the future development anticipated for the planned action

WHEREAS, on July 21, 2012 the City provided legal notice in the Kitsap Sun of a public hearing to be held on August 1, 2012, and

WHEREAS, the City Council held a public hearing on August 1, 2012 and considered public comment, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF BREMERTON, WASHINGTON,
DOES HEREBY ORDAIN AS FOLLOWS

SECTION 1. Recitals. The recitals set forth above are incorporated herein by reference

SECTION 2. Purpose. The City Council declares that the purpose of this ordinance is to

A Combine analysis of environmental impacts with the City's development of plans and regulations,

B Designate the SKIA Sub-area as a Planned Action for purposes of environmental review and permitting of subsequent, implementing projects pursuant to SEPA, RCW 43 21C 031,

C Determine that the EIS prepared for the sub-area plan meets the requirements of a Planned Action EIS pursuant to SEPA,

D Establish criteria and procedures, consistent with state law, that will determine whether subsequent, implementing projects qualify as Planned Actions,

E Provide the public with information about Planned Actions and how the City will process applications for implementing projects,

F Streamline and expedite the land use review and approval process for qualifying projects by relying on the EIS completed for the Planned Action, and

G Apply the City's development regulations together with the mitigation measures described in the Planned Action EIS and this Ordinance to address the impacts of future development contemplated by the Planned Action

SECTION 3. Findings. The City Council finds as follows

A The City is subject to the requirements of the Growth Management Act, RCW 36 70A, and is located within an Urban Growth Area,

B The City has adopted a Comprehensive Plan complying with the GMA, and is amending the Comprehensive Plan to incorporate a sub-area element specific to the SKIA Sub-area,

C The City is adopting development regulations concurrent with the SKIA Sub-area Plan to implement said Plan, including this ordinance,

D The City has prepared an EIS for the SKIA Sub-area ("Planned Action EIS") and finds that this EIS adequately addresses the probable significant environmental impacts associated with the type and amount of development planned to occur in the designated Planned Action area,

E The mitigation measures identified in the Planned Action EIS and attached to this ordinance as **Exhibit B**, incorporated herein by reference, together with adopted City development regulations, will adequately mitigate significant impacts from development within the Planned Action area,

F The subarea plan and Planned Action EIS identify the location, type and amount of development that is contemplated by the Planned Action,

G Future projects that are implemented consistent with the Planned Action will protect the environment, benefit the public and enhance economic development,

H The City has provided numerous opportunities for meaningful public involvement in the proposed Planned Action, including a community meeting prior to publication of notice for the planned action ordinance, has considered all comments received, and, as appropriate, has modified the proposal or mitigation measures in response to comments,

I The SKIA Sub-area Plan is not for an essential public facility as defined by RCW 36 70A 200(1), and any future projects which meet the definition of an essential public facility will not qualify as Planned Actions unless they are accessory to or part of a project that otherwise qualifies as a planned action,

J The Planned Action applies to a defined area that is smaller than the overall City boundaries, and

K Public services and facilities are adequate to serve the proposed Planned Action, with implementation of mitigation measures identified in the EIS

SECTION 4. Procedures and Criteria for Evaluating and Determining Projects as Planned Actions.

A **Planned Action Area** The Planned Action designation shall apply to the area shown in **Exhibit A**, incorporated herein by reference

B **Environmental Document** A Planned Action determination for a site-specific implementing project application shall be based on the environmental analysis contained in the Draft EIS issued by the City on June 9, 2011 and the Final EIS published on March 29, 2012. The Draft EIS and Final EIS shall comprise the Planned Action EIS. The mitigation measures contained in **Exhibit B** are based upon the findings of the Planned Action EIS and shall, along

with adopted City regulations, provide the framework that the City will use to impose appropriate conditions on qualifying Planned Action projects

C Planned Action Designated Land uses and activities described in the Planned Action EIS, subject to the thresholds described in subsection 4 D and the mitigation measures contained in **Exhibit B**, are designated Planned Actions or Planned Action Projects pursuant to RCW 43 21C 031 A development application for a site-specific Planned Action project located within the SKIA Planned Action Area shall be designated as a Planned Action if it completes the modified SEPA checklist in **Exhibit C** and meets the criteria set forth in subsection 4 D of this ordinance and applicable laws, codes, development regulations and standards of the City

D Planned Action Qualifications The following thresholds shall be used to determine if a site-specific development proposed within the SKIA Planned Action Area is contemplated by the Planned Action and has had its environmental impacts evaluated in the Planned Action EIS

(1) Land Use The following general categories/types of land uses, which are permitted in zoning districts applicable to the SKIA Planned Action Area, and subject to any limitations in size contained in the applicable zoning districts, are considered Planned Actions Anticipated land uses are further identified below

- (a) Industrial and manufacturing uses,
- (b) Office uses, including but not limited to research and development, compatible with and supporting industrial activities,
- (c) Retail and service uses compatible with and supporting industrial activities,
- (d) Utilities and capital facilities

Individual land uses considered to be Planned Actions shall include those uses specifically listed in development regulations applicable to the zoning classifications applied to properties within the Planned Action Area

(2) Development Thresholds

(a) The following amount of various new land uses are contemplated by the Planned Action

Land Use	Development Amount (square feet)
General Industrial, Port Industrial Mix and Aviation Business ¹	2,850,000 sf
Mixed Employment ²	1,000,000 sf

1 Includes uses permitted in the General Industrial (GI), Port Industrial Mix (PIM), Aviation Business (AB) described in the SKIA Subarea Plan, Section C

2 Includes uses permitted in the Mixed Employment (ME) zone described in the SKIA Subarea Plan, Section C

(b) If future development proposals in the SKIA Planned Action Area exceed the development thresholds specified in this ordinance, further environmental review may be required pursuant to WAC 197-11-172 Furthermore, if proposed development would alter the assumptions and analysis in the Planned Action EIS, further environmental review may be required Shifting the development amount between categories of uses may be permitted so long as the total build-out does not exceed the aggregate amount of development and trip generation

reviewed in the EIS, and so long as the impacts of that development have been identified in the Planned Action EIS and are mitigated consistent with **Exhibit B**

(3) Transportation

(a) *Trip Ranges & Thresholds* The number of new pm peak hour trips anticipated in the Planned Action area and reviewed in the EIS are as follows

Total PM Peak Hour Trips

4,576

Uses or activities that would exceed these maximum trip levels will require additional SEPA review

(b) *Concurrency* The determination of transportation impacts shall be based on the City's concurrency management program contained in BMC 11 12 070

(c) *Traffic Impact Mitigation* In order to mitigate transportation related impacts, all Planned Action Projects shall be responsible for a proportional share of off-site improvements for local streets and roads listed in **Exhibit B** A proposed project's proportional share shall be determined based on a traffic generation study, included with the planned action checklist required by Section G 1 of this ordinance The study shall consider the type, intensity and location of the proposal, and its proportional demand for identified local traffic improvements This mitigation shall not duplicate any improvements required pursuant to BMC 11 12 070

(d) *Director Discretion* The Director of Community Development shall have discretion to determine incremental and total trip generation, consistent with the Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition) or an alternative manual accepted by the City Engineer at his or her sole discretion, for each project permit application proposed under this Planned Action

(4) Elements of the Environment and Degree of Impacts A proposed project that would result in a significant change in the type or degree of impacts to any of the elements of the environment analyzed in the Planned Action EIS, would not qualify as a Planned Action

(5) Changed Conditions Should environmental conditions change significantly from those analyzed in the Planned Action EIS, the City's SEPA Responsible Official may determine that the Planned Action designation is no longer applicable until supplemental environmental review is conducted

E Planned Action Review Criteria

(1) The City's SEPA Responsible Official may designate as "Planned Actions", pursuant to RCW 43 21C 030, applications that meet all of the following conditions

(a) The proposal is located within the Planned Action area identified in **Exhibit A** of this ordinance,

(b) The proposed uses and activities are consistent with those described in the Planned Action EIS and Section 4 D of this ordinance,

(c) The proposal is within the Planned Action thresholds and other criteria of Section 4 D of this ordinance,

(d) The proposal is consistent with the City of Bremerton Comprehensive Plan and the SKIA Sub-area Plan,

(e) The proposal's significant adverse environmental impacts have been identified in the Planned Action EIS,

(f) The proposal's significant impacts have been mitigated by application of the measures identified in **Exhibit B**, this ordinance, and other applicable city regulations, together with any modifications or variances or special permits that may be required,

(g) The proposal complies with all applicable local, state and/or federal laws and regulations, and the Responsible Official determines that these constitute adequate mitigation, and

(h) The proposal is not an essential public facility as defined by RCW 36 70A 200(1), unless the essential public facility is accessory to or part of a development that is designated as a planned action under this ordinance

(2) The City shall base its decision on review of a SEPA checklist, or an alternative form authorized by state law, and review of the application and supporting documentation

(3) A proposal that meets the criteria of this section shall be considered to qualify and be designated as a Planned Action, consistent with the requirements or RCW 43 21C 030, WAC 197-11-164 et seq, and this ordinance

F Effect of Planned Action

(1) Designation as a Planned Action project means that a qualifying proposal has been reviewed in accordance with this ordinance and found to be consistent with its development parameters and thresholds, and with the environmental analysis contained in the Planned Action EIS

(2) Upon determination by the City's SEPA Responsible Official that the proposal meets the criteria of Section 4 D and qualifies as a Planned Action, the proposal shall not require a SEPA threshold determination, preparation of an EIS, or be subject to further review pursuant to SEPA

G Planned Action Permit Process Applications for Planned Actions shall be reviewed pursuant to the following process

(1) Development applications shall meet all applicable requirements of the Bremerton Municipal Code (BMC) Applications for Planned Actions shall be made on forms provided by the City and shall include a SEPA checklist, or an approved Planned Action checklist

(2) The City's Director of Community Development or designee shall determine whether the application is complete as provided in BMC 20 02 090

(3) If the application is for a project located within the Planned Action Area defined in **Exhibit A**, the application will be reviewed to determine if it is consistent with the criteria of this ordinance and thereby qualifies as a Planned Action project

(a) The decision of the SEPA Responsible Official regarding qualification of a project as a Planned Action is a Type I decision The SEPA Responsible Official shall notify the applicant of his/her decision Notice of the determination shall also be mailed or otherwise verifiably delivered to federally recognized tribal governments and to agencies with jurisdiction over the planned action project, pursuant to Chapter 1, Laws of 2012 (Engrossed Substitute Senate Bill (ESSB) 6406)

(b) If the project is determined to qualify as a Planned Action, it shall proceed in accordance with the applicable permit review procedures specified in BMC 20 02 040, whether Type II or Type III, except that no SEPA threshold determination, EIS or additional SEPA review shall be required

(c) Notice of the application for a planned action project shall be pursuant to BMC 20 02 100 and 20 02 110

(4) If notice is required for the underlying permit, the notice shall state that the project has qualified as a Planned Action. If notice is not otherwise required for the underlying permit, no special notice is required by this ordinance.

(5) **Development Agreement.** To provide additional certainty about applicable requirements, the City or an applicant may request consideration and execution of a development agreement for a Planned Action project. The development agreement may address review procedures applicable to a Planned Action project, permitted uses, mitigation measures, payment of impact fees or provision of improvements through other methods, design standards, phasing, vesting of development rights, or any other topic that may properly be considered in a development agreement consistent with RCW 36 70B 170 et seq.

(6) If a project is determined to not qualify as a Planned Action, the SEPA Responsible Official shall so notify the applicant and prescribe a SEPA review procedure consistent with the City's SEPA regulations and the requirements of state law. The notice shall describe the elements of the application that result in failure to qualify as a Planned Action.

(7) Projects that fail to qualify as Planned Actions may incorporate or otherwise use relevant elements of the Planned Action EIS, as well as other relevant SEPA documents, to meet their SEPA requirements. The SEPA Responsible Official may limit the scope of SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the Planned Action EIS.

SECTION 5. Monitoring and Review.

A The City should monitor the progress of development in the designated Planned Action Sub-area as deemed appropriate to ensure that it is consistent with the assumptions of this ordinance and the Planned Action EIS regarding the type and amount of development and associated impacts, and with the mitigation measures and improvements planned for the SKIA Planned Action Area.

B This Planned Action Ordinance should be reviewed by the SEPA Responsible Official no later than five years from its effective date. The review shall determine the continuing relevance of the planned action assumptions and findings with respect to environmental conditions in the Planned Action area, the impacts of development, and required mitigation measures. Based upon this review, the City may propose amendments to this ordinance or may supplement or revise the Planned Action EIS, as appropriate.

C When planned action monitoring indicates that development proposals that generate 650 PM peak hour trips have been submitted, the City will begin work towards developing a memorandum of understanding (MOU) in cooperation with the Washington State Department of Transportation to address identified impacts to state transportation facilities. The MOU may address the timing, design and funding of state facilities, and/or such other topics as the parties may determine.

SECTION 6. Conflict. In the event of a conflict between this Ordinance or any mitigation measure imposed thereto, and any ordinance or regulation of the City, the provisions of this ordinance shall control, EXCEPT that the provision of any International Building Code shall supersede.

SECTION 7. Severability If any one or more sections, sub-sections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect

SECTION 8. Effective Date This ordinance shall take effect and be in force ten (10) days from and after its passage, approval and publication as provided by law

PASSED by the City Council the 1st day of August, 2012

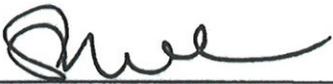

JFM McDONALD, Council President

Approved this 3rd day of AUGUST, 2012


PATTY LENT, Mayor

ATTEST

APPROVED AS TO FORM


SHANNON CORIN, City Clerk


ROGER A. LUBOVICH, City Attorney

PUBLISHED the 6th day of August, 2012
EFFECTIVE the 16th day of August, 2012
ORDINANCE NO 5189

R \Legal\Legal\Ordinances\Community Development\SKIA Planned Action Ordinance docx

STATE OF WASHINGTON } ss
COUNTY OF KITSAP }
The Above and foregoing is Hereby Certified
to be a true and correct copy of:
Ordinance No. 5189
of the City of Bremerton
City Clerk: [Signature]
Date: 8.15.12

Exhibit A
South Kitsap Industrial Area (SKIA) Subarea Plan
Planned Action Ordinance
Subarea Map

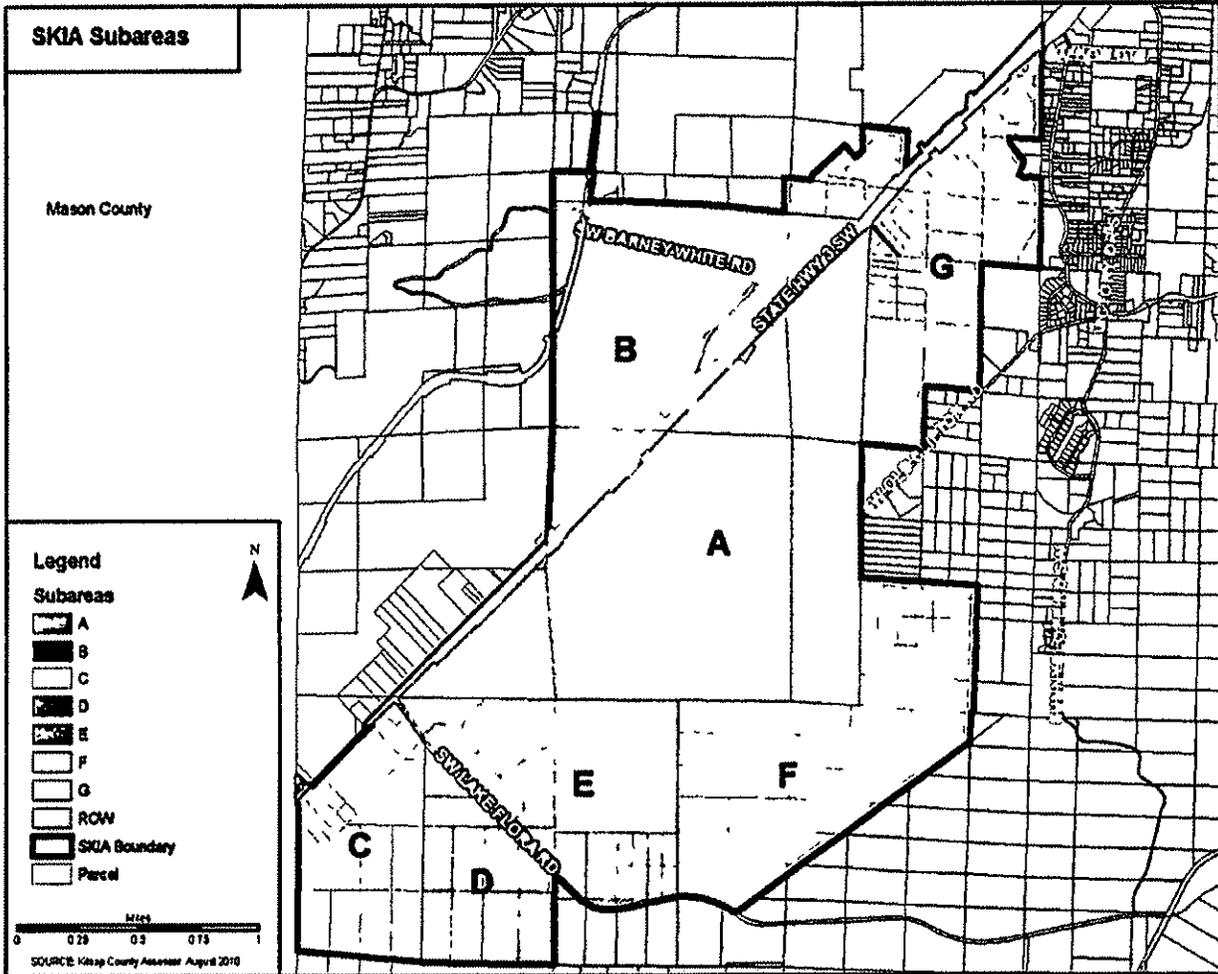


Exhibit B
South Kitsap Industrial Area (SKIA) Subarea Plan
Planned Action Ordinance
Mitigation Measures

The State Environmental Policy Act (SEPA) requires environmental review for project and non-project proposals that may have adverse impacts upon the environment

In order to meet SEPA requirements, the City of Bremerton issued the *Draft SKIA Subarea Plan Planned Action Environmental Impact Statement* on June 9, 2011, and Final Environmental Impact Statement on March 29, 2012. The Draft Environmental Impact Statement and the Final Supplemental Environmental Impact Statement are referenced collectively herein as the "EIS". The EIS has identified significant impacts that would occur with the future development of the Planned Action area, together with a number of possible measures to mitigate those significant impacts.

The purpose of this Mitigation Document is to document the specific mitigation measures identified in the EIS, based upon the identified significant impacts. The EIS considers potential impacts associated with the natural environment, greenhouse gases, land use, cultural resources, aesthetics, transportation, public services and utilities.

The mitigation measures would apply to future development proposals which are consistent with the EIS and located within the Planned Action area (see Exhibit A). It should be noted that some EIS mitigation measures identified in the EIS address potential Subarea Plan policies and development standards. These measures have been considered as part of the Subarea Plan process and are not included in this Mitigation Document. This Exhibit also summarizes measures, excluding background discussion and similar information. Please refer to the Draft and Final EIS for complete text associated with each element of the environment.

I. NATURAL ENVIRONMENT

A. Applicable Regulations and Requirements

1. Earth

- Specific foundation support systems to be used for onsite improvements will be determined as part of the specific design and permit process for infrastructure and individual buildings associated with future site development.
- Site-specific studies and evaluations would be conducted in accordance with City of Bremerton Municipal Code requirements and the provisions of the most recent version of the IBC.

a. Landsliding

- If any development occurs adjacent to steeper slopes within SKIA, site-specific slope stability analyses would be conducted during the design and permit process in order to determine the required setback buffer widths. Potential mitigation measures include limiting soil disturbance and vegetation removal, limiting building footprint and impervious surface areas, constructing retaining walls, and revegetating the slopes located within moderate to high geologically hazardous areas
- During a large seismic event, some sloughing and slope movement would likely occur within loose surficial materials on the steeper slopes present within SKIA. Site-specific analysis of any development planned adjacent to or near these slopes would be completed during the design and permit process to address specific methods to mitigate potential landslide impacts

b. Erosion

During construction, temporary erosion and sedimentation control measures and Best Management Practices would be used to control erosion. These measures would be consistent with City regulations, and could include the following:

- Limit areas of exposure
- Schedule earthwork during drier times of the year
- Retain vegetation where possible, especially on the steeper slope areas within SKIA
- Seed or plant appropriate vegetation on exposed areas as soon as earthwork is completed
- Construct stabilized construction entrances with rock pads or truck washing stations to limit excess soil materials from entering the right-of-way
- Route surface water through temporary drainage channels around and away from disturbed soils or exposed slopes
- Use silt fences, temporary sedimentation ponds, or other suitable sedimentation control devices to collect and retain possible eroded material
- Cover exposed soil stockpiles and exposed slopes with plastic sheeting, as appropriate
- Use straw mulch and erosion control matting to stabilize graded areas and reduce erosion and runoff impacts to slopes, where appropriate
- Intercept and drain water from any surface seeps, if encountered
- Incorporate contract provisions allowing temporary cessation of work under certain, limited circumstances, if weather conditions warrant

c. Seismic Hazards

With development consistent with the City of Bremerton Municipal Code and IBC, no additional mitigation measures would be required.

d. Settlement

Impacts associated with potential settlement of buildings, roadways, utilities, or other infrastructure improvements constructed on areas with peat deposits would be mitigated by use of typical design and construction measures that could include partial to full removal of peat deposits and replacement with structural fill, preloading, use of geosynthetic reinforcing materials to support fill materials, settlement monitoring, use of driven steel pipe or H-piles or rammed aggregate piers for building foundation support

e. Construction Excavation

Impacts from temporary construction excavations could be mitigated through the use of properly designed and constructed excavation shoring systems or sloped excavations in accordance with *Safety Standards for Construction Work Part N*, Washington Administrative Code (WAC) 296-155

f. Construction Dewatering

Site-specific investigations and analyses during the design and permitting process would determine what structures may require or be influenced by excavation dewatering. Mitigation measures to control the potential impact of excavation dewatering include site-specific design and control of dewatering systems, minimizing the extent and duration of dewatering, and monitoring for settlement.

Extracted groundwater may contain certain chemical contaminants and/or high turbidity, which might necessitate special handling, treatment, and/or disposal methods. Mitigation measures include monitoring to assess the quality of dewatering discharges and treatment, if needed, to comply with applicable state and local requirements.

g. Placement of Structural Fill

Ground subsidence impacts could be mitigated by designing the fill to control adjacent settlements, including settlement monitoring and use of geosynthetic reinforcing materials to support fill materials over peat. Adjacent structures/surfaces could be monitored during construction to verify that no adverse settlement occurs.

Placement of structural fill to modify site grades adjacent to high or moderate geologically hazardous areas would require site-specific geotechnical investigations, slope stability analyses, and design and construction of earth retention structures, fill slopes, and drainage and erosion control measures as needed to stabilize the area.

h. Foundation Construction

Foundation construction impacts could be mitigated by site specific design and construction procedures, including temporary excavation shoring and dewatering, over-

excavation of unsuitable materials and replacement with structural fill, use of deep foundations or ground improvement techniques, conducting pre- and post-construction surveys of nearby buildings, monitoring of ground movements, and vibration monitoring during pile installation

2 Aquifer Recharge Areas

Groundwater protection strategies to be used for onsite improvements will be determined as part of the specific design and permit process for infrastructure and individual buildings associated with future site development. Site-specific studies and evaluations would be conducted in accordance with City of Bremerton Municipal Code requirements, including conditions set forth by the City's Critical Areas Ordinance (CAO). Methods are available to build out SKIA without resulting in significant unavoidable adverse impacts. Mitigation measures to limit impacts to aquifer recharge areas during each major stage of project are discussed below.

- Construction impacts are short-term impacts that could occur during the construction phase of site redevelopment. BMPs to manage site construction and operation activities will be in place to reduce potential impacts to aquifer recharge areas. Environmental monitoring during the construction process will verify that required best management practices are followed.
- BMPs required under the City's CAO to control construction-related impacts include, but are not limited to, proper containment and storage of construction materials, proper containment and disposal of waste materials, and appropriate and effective management of stormwater.
- BMPs required under the City's CAO to control operational-related impacts include, but are not limited to, spill control plans, waste management plans, and appropriate long-term management of sanitary sewer and stormwater management infrastructure.

3 Plants and Animals

The following mitigation measures would reduce potential impacts to plants, animals, and their habitat:

- Required stormwater best management practices would attenuate flows and prevent polluted water from entering the stormwater system and ensure that construction and operation activities would not impact the ESA-listed species, critical habitats, or Essential Fish Habitat in Sinclair Inlet, Hood Canal, North Bay, and/or their tributaries in the project vicinity.
- Comply with critical area mitigation sequence requirements in the City of Bremerton critical areas ordinance to avoid, minimize, and mitigate for unavoidable impacts to wetlands, streams, and their buffers.
- Stream mitigation could include improving fish access through redesigned culvert crossings or installation of fish passable culverts associated with new road crossings. Install native plants, as possible, and remove invasive plants, in accordance with

Executive Order 13112, to provide habitat for native animals and to reduce future maintenance efforts

- Nest removal for species protected under MBTA would occur outside of nesting season after birds have fledged

II. CLIMATE CHANGE AND GREENHOUSE GAS EMISSIONS

Greenhouse gas mitigating measures identified in the EIS were for proposed plan features that could be incorporated into the Subarea Plan policies and development standards. These mitigating measures were considered as part of the planning process and adopted zoning and development regulations contained in the SKIA Subarea Plan, Sections C and D, already address potential greenhouse gas mitigating measures. No additional measures are necessary.

III. LAND USE

A. Applicable Regulations and Requirements

Many land use mitigating measures identified in the EIS were for proposed plan features that have been incorporated into the Subarea Plan policies and development standards. Adopted zoning and development regulations contained in the SKIA Subarea Plan, Sections C and D, already address potential land use mitigating measures identified in the EIS.

IV. CULTURAL RESOURCES

A. Applicable Regulations and Requirements

The EIS identified applicable federal and state laws that govern protection and preservation of archaeological sites as described below.

1. Federal Laws

- The Archaeological Resource Protection Act of 1979 helps secure the protection of archaeological resources and sites that are on public and Indian lands and assists in sharing of information among entities seeking to preserve these resources.
- The National Historic Preservation Act establishes national standards for designation of historic and culturally significant properties, including archaeological sites. In addition, this Act of Congress establishes the office of the State Historic Preservation Officer. Section 106 USC 470(a)(d) of this law establishes a program to assist Indian Tribes in preserving their particular historic properties.
- The Archaeological and Historic Preservation Act of 1974 governs archaeological and other historic and cultural resources found in federal construction activities, including the construction of dams.
- The Native American Graves and Repatriation Act governs protection, preservation, and repatriation of Native American remains and cultural artifacts found in Native American burial sites.

2 State Laws

- Governor's Executive Order 05-05 requires State agencies with capital improvement projects to integrate the Department of Archaeology and Historic Preservation, the Governor's Office of Indian Affairs, and concerned Tribes into their capital project planning process. This Executive Order affects any capital construction projects and any land acquisitions for purposes of capital construction.
- RCW 27.44 Indian Graves and Records provides protection for Indian graves and burial grounds, encourages voluntary reporting of said sites when they are discovered, and mandates a penalty for disturbance or desecration of such sites.
- RCW 27.53 Archaeological Sites and Resources governs the protection and preservation of archaeological sites and resources and establishes the Department of Archaeology and Historic Preservation as the administering agency for these regulations.
- RCW 68.60 Abandoned and Historic Cemeteries and Historic Graves provides for the protection and preservation of abandoned and historic cemeteries and historic graves.

B. Other Mitigation

All cultural resource mitigating measures identified in the EIS were for proposed plan features that could be incorporated into the Subarea Plan or other city policies. These mitigating measures were considered as part of the planning process and no additional measures are necessary.

V. AESTHETICS

SKIA has historically been, and will continue to be, planned for industrial development. The expectation is for development with industrial character and uses that meets the intent of the respective zone. Consequently, future industrial development under any of the alternatives would be consistent with public expectations and unlikely to result in significant adverse visual impacts. However, visual screening and measures to retain vegetation could help improve the overall character of future industrial development.

Many of the aesthetics mitigating measures identified in the EIS were for proposed plan features that could be incorporated into the Subarea Plan policies and development standards. These mitigating measures were considered as part of the planning process and have been incorporated into Section D of the Subarea Plan. Please see section D for measures that could help retain forested areas, provide for visual screening from public rights-of-way and ensure that view corridors are retained.

VI. TRANSPORTATION

A. Applicable Regulations and Commitments

Many of the transportation mitigating measures identified in the EIS were for proposed plan features that could be incorporated into the Subarea Plan policies and development standards. These mitigating measures were considered as part of the planning process and specific measures that have been incorporated into the SKIA Subarea Plan include

SKIA Subarea Plan, Section C Zoning and Development Standards, Chapter 5 Right of Way Standards – Chapter 5 contains conceptual street standards, a process for deferred construction of street frontage improvements, intersection standards, including a preference for roundabouts, and non-motorized facilities standards. This section also includes a conceptual roadway network and preferred street typologies map (Figure 1)

SKIA Subarea Plan, Section E Capital Facilities Plan – The Capital Facilities Plan identifies the Roadway Improvement Projects (local and state) as listed in Tables 1, 2 and 3 and Figure 1, below

a. Local roads

Mitigation payments for specific development proposals will be determined as follows

1. Development proposal applications submitted to the City for planned action review will include a PM peak hour trip generation and distribution report. Unless otherwise approved by the City, the applicant shall estimate trip generation for proposed developments in a two-step process
 - i. Gross trip generation shall be estimated using rates published by the Institute of Traffic Engineers (ITE), which compiles trip generation counts throughout the country for a variety of land-use types¹
 - ii. The gross estimate of total PM peak hour trips as described above shall be reduced by 46% in order to reflect the SKIA-specific trip generation rates observed as part of the EIS process.² Over time, the City may review trip generation rates to ensure that the 46% reduction continues to accurately reflect SKIA trip generation
2. The City will review and verify the PM peak hour trip report in determining the proportional impact of the proposal on local roadway network projects (see Table 1 on page 9). The proposal's percentage share contribution for these improvements will be based on its proportional impact

¹ Institute of Transportation Engineers (ITE), *Trip Generation*, 8th Edition, 2008. Future development proposals should use information from the most current edition of *Trip Generation*

² Based on observed trip counts, SKIA generates 46% fewer trips than expected under the ITE Manual

- 3 Development applicants will be responsible for paying 20% of the total cost of their impact on the local roadway network (see Table 2 on page 10) The City will assume responsibility for the remaining 80% of the cost of the local roadway network
- 4 The number of PM peak hour trips will then be multiplied by the reduced cost of each trip as specified in Table 2 on page 10, to arrive at the traffic mitigation fee

Mitigation payments made through this process shall not be duplicative of other transportation contributions made through BMC 11.12.070 and/or other voluntary contributions for transportation improvements that meet the intent of this requirement, as determined by the City. Over time, the City may review the costs listed in Tables 1 and 2 and adjust costs based on changes in the Consumer Price Index (U S Bureau of Statistics)

b. State roads

The EIS and Subarea Plan recognize that coordination with the Washington State Department of Transportation (WSDOT) to ensure that improvements to state facilities needed as a result of growth and development in SKIA is essential. The City should work with WSDOT to prepare a Memorandum of Understanding (MOU) or other instrument to establish the process for improvements to state facilities impacted by SKIA development. The MOU may address the timing, design and funding of state facilities, and/or such other topics as the parties may determine.

B. Other Mitigation

c. Transit, Bicycle, and Pedestrian Circulation

Assuming the transit, bicycle, and pedestrian elements of the SKIA Subarea Plan are implemented, no additional mitigation measures are required for these modes of travel.

d. Traffic Safety

Future development would lead to additional traffic passing through the Collision Analysis Location (CAL) identified by WSDOT at SR 3 near Lake Flora Road. Implementing the intersection improvements described above to improve traffic operations at the SR 3 / Lake Flora Road intersection should also reduce the number of collisions, particularly those where failure to yield was the primary cause. While this impact is considered less-than-significant with mitigation, monitoring of this location should continue after the implementation of any improvements at the intersection.

Table 1. SKIA Subarea Plan Capital Facilities Plan: Local Road Projects

#	Project	Description	Cost
T1	Area B Collector Road	New roadway west of SR-3 at Cross SKIA intersection	\$ 4,441,400
T2	Area C Collector Road	New roadway south of Lake Flora Road to the Belfair Bypass	1,835,600
T3	Area D Collector Road	Portion of new roadway south of Lake Flora Road	498,000
T4	Area F Collector Road	New roadway north from Lake Flora Road	3,140,000
T5	Area G Collector Road	New roadway east from Cross SKIA Road	415,100
T6	Area A Local Access Road	0.43 miles of local access roads	681,100
T7	Area B Local Access Road	1.30 miles of local access roads	2,059,200
T8	Area C Local Access Road	1.30 miles of local access roads	2,059,200
T9	Area D Local Access Road	0.35 miles of local access roads	554,400
T10	Area E Local Access Road	0.74 miles of local access roads	1,172,200
T11	Area F Local Access Road	1.00 miles of local access roads	1,584,000
T12	Area G Local Access Road	0.52 miles of local access roads	823,700
T19	Analysis Area C/D and Lake Flora Road	New intersection southeast of existing Lake Flora Road / SR 3 intersection	1,000,000
T20	Cross-SKIA Connector and Lake Flora Road	New intersection at southern terminus of extension of Cross-SKIA Connector	1,000,000
T23	Lake Flora Widening	Widening to southern end of potential southern end of Cross-SKIA Road	3,201,100
T25	Trails	12 miles of trails	1,300,000
Total Cost of Local Roads			25,765,000

Source: SKIA Subarea Plan, Capital Facilities Plan 2012

Table 2. SKIA-Wide Local Roadway Network Cost ^{1, 2}

Projects	SKIA PM Peak Hour Trips	Cost	Cost per PM Peak Hour Trip	20% of Cost per PM Peak Hour Trip
All Local Roadway projects listed in Table 1	4,576	\$25,765,000	\$5,630	\$1,126

Source, SKIA Subarea Plan, Capital Facilities Plan 2012

Note 1 Mitigation payments made through this process shall not be duplicative of other transportation contributions made through BMC 11 12 070 and/or other voluntary contributions for transportation improvements that meet the intent of this requirement, as determined by the City

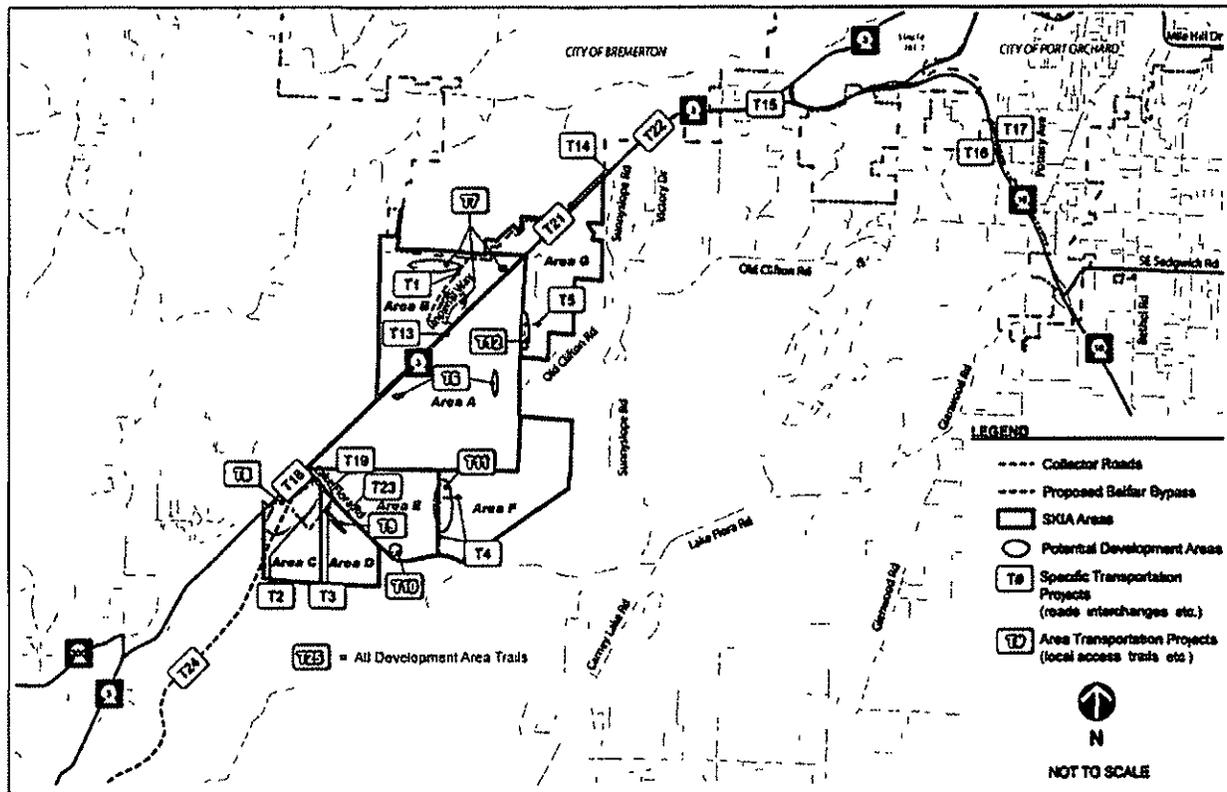
2 Over time, the City may review the costs listed in Tables 1 and 2 and adjust costs based on changes in the Consumer Price Index (U S Bureau of Statistics)

Table 3. State Roads

T13	SR 3 / Imperial Way	Signalize intersection, modify approaches	2,000,000
T14	SR 3 / Sunnyslope Road	Signalize intersection, modify approaches	2,000,000
T15	SR 3 / SR 16 / Sam Christopherson Ave	Grade separation	63,000,000
T16	Old Clifton Road / SR 16 Eastbound Ramps	Signalize intersection add dedicated right turn EB and dedicated left turn WB	1,000,000
T17	Old Clifton Road / SR 16 Westbound Ramps	Signalize intersection	500,000
T18	Analysis Area C and SR 3	New intersection southwest of existing Lake Flora Road / SR 3 intersection	2,000,000
T21	Cross-SKIA Connector / Analysis Area B / SR 3	New intersection at northern terminus of Cross-SKIA Connector	500,000
T22	SR 3 Widening	Widening from Imperial Way to Gorst	109,000,000
T24	Belfair Bypass	2-lane divided highway with capability for 4 lanes	76,000,000
Total Cost of State Roads			\$256,000,000

Source SKIA Subarea Plan, Capital Facilities Plan 2012

Figure 1 Roadway Project Locations



VII. PUBLIC SERVICES

Mitigation measures can be taken to prevent or further minimize environmental consequences to public services, including

- Coordinate with South Kitsap Fire and Rescue and Bremerton Police Department during final design, construction, and operation of future development under proposed action to ensure that reliable emergency access is maintained

UTILITIES

A. Stormwater

1 Applicable Regulations and Requirements

- Water quality and quantity impacts can be mitigated by the practices required by the City's regulatory process for stormwater (BMC 15 04)

B. Water and Wastewater

2 Applicable Regulations and Requirements

- Bremerton Municipal Code 15 02 and 15 03 set forth standards for water and wastewater with which all development must comply
- Future development would comply with adopted City policies and regulations in the SKIA Subarea Plan, Section E Capital Facilities Plan and other applicable water and wastewater planning documents. The SKIA Subarea Plan Capital Facilities Plan identifies water and sewer projects in SKIA as shown in Table 4
- The Capital Facilities Plan establishes that SKIA developers/property owners are responsible for the local access water and wastewater utility lines that provide access to their property from the core system. The cost of core system improvements could be paid by one or any combination of the City, SKIA developers, and/or property owners. Because requirements will vary depending on the location and nature of the proposal, the City will work with applicants on a case-by-case basis to determine project-specific needs.

Table 4 Water and Sewer Projects

Water System Projects	
Project	Cost
16" Transmission Main from City system to New Reservoir	\$ 2,201,000
1,000,000 Gallon Water Storage Reservoir and Miscellaneous Pump Station & Treatment Upgrades	2,545,900
Primary 16" Loop	5,995,300
Secondary 8" & 10" Loops Built Along with Local Access Roads	1,590,800
Total	12,333,000
Sewer System Projects *	
Project	Cost
Secondary 8" & 10" Gravity Sewer Built Along with Local Access Roads	\$ 2,080,300
Sewer Service for Area G	4,921,100
Pump Station 1	
4" Force Main	
8" - 10" Gravity Sewer	
New Membrane Bioreactor (MBR) Plant #1 with Re-Use, Sewer Service for Areas A (partial) and B	13,499,300
MBR Plant	
Pump Station 2	
6" Force Main	
Winter Sewage Disposal / Groundwater Recharge	
Re-Use ex 8" DI Water for Reclaimed Water Effluent to Golf Course	
8" - 10" Gravity Sewer	
New MBR Plant #2 with Re-Use	12,391,000
MBR Plant	
Pump Station 3	
6" Force Main	
Sewer System Projects (cont.)	
8" - 10" Gravity Sewer	
Winter Sewage Disposal / Groundwater Recharge	
Sewer Service for Areas E & F	2,433,000
Pump Station 4	
4" Force Main	
8" - 10" Gravity Sewer	
Total	35,324,700

South Kitsap Industrial Area Planned Action Modified SEPA Environmental Checklist

Purpose of checklist:

On August 1, 2012, the City of Bremerton adopted Ordinance _____, establishing a planned action designation for the South Kitsap Industrial Area (SKIA) Subarea, pursuant to the State Environmental Policy Act. Environmental review for the SKIA Subarea Plan was conducted through preparation of a Planned Action EIS (Draft EIS dated June 9, 2011 and Final EIS dated March 29, 2012)

WAC 197-11-172 establishes the procedures for project-level review within the planned action area, stating that "Review of a project proposed as a planned action is intended to be simpler and more focused than for other projects." Verification that probable significant impacts of the proposed project have been adequately addressed in the EIS is established through review of an environmental checklist. The Second Engrossed Substitute Senate Bill (SESSB) 6406, as adopted during the 2012 Washington State legislative session, establishes that a city may utilize a modified checklist to determine consistency with a planned action ordinance. The City of Bremerton has adopted this modified checklist as part of the SKIA planned action ordinance.

Instructions for applicants:

This environmental checklist asks you to describe basic information about your proposal. Answer the questions briefly, with the most precise information known, or give the best description you can. You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations, project plans, or the SKIA Subarea EIS without the need to hire experts. If you do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Staff will review and comment on specific items of this checklist, as appropriate.

Questions about environmental elements that were analyzed in the SKIA Subarea Plan EIS ask for confirmation as to whether the proposed project is consistent with analysis in the EIS. In order to respond to these questions, the EIS is available online at www.sustainablekia.com or at Bremerton City Hall, 345 6th Street, Suite 600, Bremerton.

A. BACKGROUND
1. Name of proposed project
2. Name of applicant
3. Address and phone number of applicant and contact person

4. Date checklist prepared
5. Proposed timing or schedule (including phasing, if applicable)
6. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain
7. In addition to the SKIA Subarea Plan EIS, list any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal
8. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain
9. List any government approvals or permits that will be needed for your proposal, if known
10. Give brief, complete description of your proposal, including the square footage of proposed uses and the site area
11. Please provide a street address or legal description to allow confirmation that the project site is located within the SKIA Subarea Plan boundary

B. ENVIRONMENTAL ELEMENTS	Staff Comments
1. Earth	
a. General description of the site (circle one) Flat, rolling, hilly, other	
b. What is the steepest slope on the site (approximate percent slope)?	
c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland	
d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe	
e. Describe the purpose, type, and approximate quantities of any filling or grading proposed Indicate source of fill	
f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe	
g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?	

<p>h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any</p>	
<p>2. Air</p>	
<p>a. What types of emissions are expected to result from the proposed development?</p>	
<p>b. Describe proposed measures to reduce or control emissions to air or to reduce greenhouse gas emissions, as applicable</p>	
<p>3. Water</p>	
<p>a. Surface:</p>	
<p>1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into</p>	
<p>2) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material</p>	
<p>3) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known</p>	

4) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan	
5) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge	
b. Ground:	
1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known	
c. Water runoff (including stormwater):	
1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known) Where will this water flow? Will this water flow into other waters? If so, describe	
d. Describe measures, if any, beyond those described in the SKIA Subarea Plan EIS proposed to reduce or control surface, ground, and runoff water impacts	
4. Plants	
<p>a. Check or circle the types of vegetation found on the site</p> <p><input type="checkbox"/> deciduous tree alder, maple, aspen, other</p> <p><input type="checkbox"/> evergreen tree fir, cedar, pine, other</p> <p><input type="checkbox"/> shrubs</p> <p><input type="checkbox"/> grass</p> <p><input type="checkbox"/> wet soil plants cattail, buttercup, bulrush, skunk cabbage, other</p> <p><input type="checkbox"/> water plants water lily, eelgrass, milfoil, other</p> <p><input type="checkbox"/> other types of vegetation</p>	

<p>b. What existing vegetation will be removed or altered?</p> <p>c. Describe measures, if any, beyond those described in the SKIA Subarea Plan EIS, proposed to address potential impacts to the vegetation</p>	
<p>5. Animals</p>	
<p>a. What types of birds and animals are known to be on or near the site?</p>	
<p>b. List any threatened or endangered species known to be on or near the site</p>	
<p>c. Describe measures, if any, beyond those described in the SKIA Subarea Plan EIS, proposed to address potential impacts to the fish and wildlife</p>	
<p>6. Energy and natural resources</p>	
<p>a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc</p>	
<p>b. What kinds of sustainable design features, such as measures identified in SKIA Subarea Plan Section D, are included in the plans of this proposal?</p>	

7. Environmental health	
<p>a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe</p>	
<p>1) Describe special emergency services that might be required</p>	
<p>2) Proposed measures to reduce or control environmental health hazards, if any</p>	
b Noise	
<p>1) What type of noise exists in the area which may affect your project (example traffic, equipment, operation, other)</p>	
<p>2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example traffic, construction, operation, other)? Indicate what hours noise would come from the site</p>	
<p>3) Proposed measures to reduce or control noise impacts, if any</p>	
8. Land use	
<p>a. Describe the current use of the site and that of adjacent properties</p>	

<p>b. Will any structures be demolished? If so, what?</p>	
<p>c. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify</p>	
<p>d. Describe the amount of industrial, office/service, retail or other development proposed</p>	
<p>e. Describe measures, if any, beyond those described in the SKIA Subarea Plan Planned Action EIS proposed to ensure the proposal is compatible with existing and projected land uses and plans</p>	
<p>9. Aesthetics</p>	
<p>a. What is the tallest height of any proposed structure(s), not including antennas, what is the principal exterior building material(s) proposed?</p>	
<p>b. If applicable, has the proposal achieved compliance with Federal Aviation Administration (FAA) regulations for height of structures?</p>	
<p>c. Proposed measures to reduce or control aesthetic impacts, if any</p>	

10. Light and glare	
a. What type of light or glare will the proposal produce? What time of day would it mainly occur?	
b. If applicable, has the proposal achieved compliance with FAA regulations for potential light and glare on the Bremerton National Airport?	
c. Are measures to control light and glare proposed or needed?	
11. Historic and cultural preservation	
a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe	
b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site	
c. Proposed measures to reduce or control impacts, if any	
12. Transportation	
a. Provide information describing the total number of trips and trip distribution pattern anticipated by the proposal. Trip generation shall be estimated according to the following methodology	

<p>1) Gross trip generation shall be estimated using rates published by the Institute of Traffic Engineers (ITE) ⁽¹⁾</p>	
<p>2) The gross estimate of total PM peak hour trips as described above shall be reduced by 46%⁽²⁾ in order to reflect the SKIA-specific trip generation rates observed as part of the EIS process ⁽³⁾</p>	
<p>b. As established in Exhibit B of the planned action ordinance, multiply the number of PM peak hour trips by the reduced cost per trip specified in Table 2 of Exhibit B (approximately 20% of the cost of each trip), to arrive at the traffic mitigation cost ⁽⁴⁾</p>	
<p>c. Describe measures, if any, beyond those described in the SKIA Subarea Plan EIS proposed to address transportation impacts of the proposal</p>	
<p>16. Public services</p>	
<p>a. Describe the potential increased demand for police protection, and/or fire and emergency medical services resulting from the proposal</p>	

⁽¹⁾ Institute of Transportation Engineers (ITE), *Trip Generation*, 8th Edition, 2008. Future development proposals should use information from the most current edition of *Trip Generation*

⁽²⁾ Based on observed trip counts, SKIA generates 46% fewer trips than expected under the ITE Manual

⁽³⁾ Over time, the City may review and revised the trip reduction ratio in order to continue to accurately reflect SKIA trip generation rates

⁽⁴⁾ Development applicants will be responsible for paying 20% of the total cost of their impact on the local roadway network

b. Describe measures, if any, beyond those described in the SKIA Subarea Plan EIS proposed to reduce or control direct impacts on public services	
14. Utilities	
a. Circle utilities currently available at the site electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other	
b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed	

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature _____

Date Submitted _____