

**EXHIBIT B**

**MODIFIED SEPA CHECKLIST  
AND  
PLANNED ACTION EIS MITIGATION MEASURES**

**Including:**

- **Attachment B-1 – Mitigation Required For  
Development Applications**
- **Attachment B-2 – Advisory Notes to Applicants:  
Applicable Regulations**

# **GORST UGA PLANNED ACTION ORDINANCE**

## **Exhibit B: Example Environmental Checklist and Required Mitigation Document**

### **INTRODUCTION**

The State Environmental Policy Act (SEPA) requires environmental review for project and non-project proposals that are likely to have adverse impacts upon the environment. In order to meet SEPA requirements, the City of Bremerton issued the Gorst Planned Action Draft Environmental Impact Statement (EIS) on June 10, 2013, and the Final EIS was issued on October 8, 2013. The Draft and the Final EIS together are referenced herein as the “EIS”. The EIS has identified significant beneficial and adverse impacts that are anticipated to occur with the future development of the Planned Action Area, together with a number of possible measures to mitigate those significant adverse impacts.

On December 18, 2013, the City of Bremerton adopted Ordinance No. 5240 establishing a planned action designation for the Gorst Urban Growth Area (UGA) studied as Planned Action in the EIS (see **Exhibit A**). SEPA Rules indicates review of a project proposed as a planned action is intended to be simpler and more focused than for other projects (WAC 197-11-172). In addition, SEPA allows an agency to utilize a modified checklist form that is designated within the planned action ordinance (see RCW 43.21c.440). This **Exhibit B** provides a modified checklist form adopted in the Gorst Urban Growth Area (UGA) Planned Action Ordinance.

### **Mitigation Document**

A Mitigation Document is provided in **Attachment B-1**, and also summarized in the environmental checklist. **Attachment B-1** establishes specific mitigation measures, based upon significant adverse impacts identified in the EIS. The mitigation measures shall apply to future development proposals which are consistent with the Planned Action scenarios reviewed in the EIS, and which are located within the Gorst UGA Planned Action Area (see **Exhibit A**).

### **Applicable Plans and Regulations**

The EIS identifies specific regulations that act as mitigation measures. These are summarized in **Attachment B-2** by EIS topic, and are advisory to applicants. All applicable federal, state, and local regulations shall apply to Planned Actions, including the regulations that are adopted with the Preferred Alternative. Planned Action applicants shall comply with all adopted regulations where applicable including those listed in the EIS and those not included in the EIS.

### **INSTRUCTIONS TO APPLICANTS**

This environmental checklist asks you to describe some basic information about your proposal. The City of Bremerton will use this checklist to determine whether the project is consistent with the analysis in the Gorst Subarea Plan EIS and qualifies as a planned action, or would otherwise require additional environmental review under SEPA. 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. The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The City may ask you to explain your answers or provide additional information. In most cases, you should be able to answer the questions from your own project plans and the Gorst Planned Action EIS without the need to hire experts.

## A. PROPOSAL DESCRIPTION

Date:			
Applicant:			
Property Owner:			
Property Address	Street:	City, State, Zip Code:	
Parcel Information	Assessor Parcel Number:	Property Size in Acres:	
Give a brief, complete description of your proposal.			
Property Zoning	District Name:	Building Type:	
Permits Requested (list all that apply)	<input type="checkbox"/> Land Use: _____ <input type="checkbox"/> Building: _____	<input type="checkbox"/> Engineering: _____ <input type="checkbox"/> Other: _____	
	All Applications Deemed Complete? Yes ___ No ___		
	Explain:		
Are there pending governmental approvals of other proposals directly affecting the property covered by your proposal? Yes ___ No ___			
Explain:			
Existing Land Use	Describe Existing Uses on the Site:		
Proposed Land Use – Check and Circle All That Apply	<input type="checkbox"/> Mixed Use: Retail, hotel, office, services, and attached single family, cottages, townhomes, and apartments in horizontal or vertical patterns. <input type="checkbox"/> Single Family and Multifamily Residential: detached single family, attached single family, cottages, townhomes, apartments, and accessory dwelling units, in clustered and non-clustered patterns.	<input type="checkbox"/> Commercial: Regional, community, and neighborhood commercial uses including retail, hotel, office, and services. <input type="checkbox"/> Open Space, Recreation: Active and passive parks, recreation, and open space facilities. Secondary uses include accessory commercial such as concessions, recreation equipment rental, and other small-scale facilities.	
Dwellings	# Existing Dwellings: # ___ Dwelling Type _____ # ___ Dwelling Type _____	# Proposed Dwellings Units: # ___ Type _____ # ___ Type _____	Proposed Density (du/ac):
	Dwelling Threshold Total in Ordinance: 585		Dwelling Bank Remainder as of _____ 20__ _____ dwellings
Non-residential Uses:	Existing:	Proposed:	

Building Square Feet	Employment Square Feet in Ordinance: 156,639	Square Feet Remainder as of _____ 20____ _____ square feet	
Building Height	Existing Stories: Existing Height in feet	Proposed Stories: Proposed Height in feet:	
Parking Spaces	Existing:	Proposed:	
Impervious Surfaces	Existing Square Feet:	Proposed Square Feet:	
PM Peak Hour Weekday Vehicle Trips	Existing Estimated Trips Total:	Future Estimated Trips Total:	Net New Trips:
	Source of Trip Rate: ITE Manual ____ Other ____		Transportation Impacts Determined Consistent with BMC Chapter 11.12 Transportation Development Code: Yes ____ No ____
Proposed timing or schedule (including phasing).			
Describe plans for future additions, expansion, or further activity related to this proposal.			
List any available or pending environmental information directly related to this proposal.			

**B. ENVIRONMENTAL CHECKLIST AND MITIGATION MEASURES**

**Geology/Soils Checklist and Mitigation Measures**

Geology/Soils Checklist and Mitigation Measures	
<p>1. Description of Conditions</p> <p>A. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____</p> <p>B. What is the steepest slope on the site (approximate percent slope)? _____</p> <p>C. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? _____</p>	<p><b>STAFF COMMENTS:</b></p>
<p>2. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.</p>	
<p>3. Has any part of the site been classified as a "geologically hazardous" area? (Check all that apply)</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Landslide Hazards</li> <li><input type="checkbox"/> Erosion Hazards</li> <li><input type="checkbox"/> Seismic Hazards</li> <li><input type="checkbox"/> Liquefaction Hazards</li> <li><input type="checkbox"/> Other: _____</li> </ul> <p>Describe:</p>	
<p>4. Proposed Measures to control impacts to earth, soils, and geologic hazardous areas including <b>Attachment B-2</b> Applicable Regulations:</p>	

## Water Resources/Stormwater Checklist and Mitigation Measures

Water Resources/Stormwater Checklist and Mitigation Measures	
<p>5. 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)?</p> <p>If yes, describe type of surface water body, including their name(s), stream classification, and whether there is a 100-year floodplain.</p> <p>If appropriate, state what stream or river the surface water body flows into.</p>	<p><b>STAFF COMMENTS:</b></p>
<p>6. Will the proposal require or result in (check all that apply and describe below):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> any work over, in, or adjacent to (within 200 feet) the described waters?</li> <li><input type="checkbox"/> fill and dredge material that would be placed in or removed from surface water or wetlands?</li> <li><input type="checkbox"/> surface water withdrawals or diversions?</li> <li><input type="checkbox"/> discharges of waste materials to surface waters?</li> <li><input type="checkbox"/> groundwater withdrawal or discharge?</li> <li><input type="checkbox"/> waste materials entering ground or surface waters?</li> </ul>	
<p>7. Describe the source of runoff (including stormwater) and method of collection, treatment, and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.</p>	
<p>8. Is the area designated a critical aquifer recharge area? If so, please describe:</p>	
<p>9. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?</p>	
<p>10. What measures are proposed to reduce or control water resources/stormwater impacts? The application includes the following mitigation measures as required in <b>Attachment B-1</b> Mitigation Required for Development Applications and <b>Attachment B-2</b> Applicable Regulations (check all that apply):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Compliance with construction-related stormwater requirements, including temporary erosion and sediment control, and development and implementation of a stormwater pollution and spill prevention plan.</li> <li><input type="checkbox"/> Determination of necessary permanent, long-term water quality treatment requirements</li> <li><input type="checkbox"/> Low Impact Development (LID) techniques employed, consistent with BMC 15.04.020 and the Gorst Subarea Plan?</li> <li><input type="checkbox"/> Adequate erosion protection at outfalls.</li> </ul> <p>Other: _____</p>	

## Air Quality/Greenhouse Gas (GHG) Checklist and Mitigation Measures

Air Quality/GHG Checklist and Mitigation Measures	
11. What types of emissions to the air would result from the proposal a) during construction and b) when the project is completed? Please describe and give quantities if known.	STAFF COMMENTS:
12. What measures are proposed to reduce or control air emissions? The application includes the following mitigation measures as required in <b>Attachment B-1</b> Mitigation Required for Development Applications (check all that apply): <ul style="list-style-type: none"> <li><input type="checkbox"/> Air Quality Control Plans</li> <li><input type="checkbox"/> Fugitive Dust Control Plan</li> <li><input type="checkbox"/> Haul Traffic Scheduled Off Peak</li> <li><input type="checkbox"/> No burning of slash or demolition debris</li> <li><input type="checkbox"/> GHG reduction measures use</li> <li><input type="checkbox"/> Other: _____</li> </ul> Explain: _____	

## Plants and Animals Checklist and Mitigation Measures

Plants and Animals Checklist and Mitigation Measures	
13. Check or circle types of vegetation found on the site: <ul style="list-style-type: none"> <li><input type="checkbox"/> Deciduous tree: Alder, maple, aspen, other _____</li> <li><input type="checkbox"/> Evergreen tree: Fir, cedar, pine, other _____</li> <li><input type="checkbox"/> Shrubs</li> <li><input type="checkbox"/> Grass</li> <li><input type="checkbox"/> Pasture</li> <li><input type="checkbox"/> Crop or grain</li> <li><input type="checkbox"/> Wet soil plants: Cattail, buttercup, bullrush, skunk cabbage, other _____</li> <li><input type="checkbox"/> Water plants: Water lily, eelgrass, milfoil, other _____</li> </ul> Other types of vegetation: _____	STAFF COMMENTS:
14. Are there wetlands on the property? Please describe their acreage and classification.	
15. Is there riparian habitat on the property?	
16. What kind and amount of vegetation will be removed or altered?	
17. List threatened or endangered species known to be on or near the site	
18. Are there plants or habitats subject to Critical Areas and/or Shoreline Master Program?	

<b>Plants and Animals Checklist and Mitigation Measures</b>	
19. Is the proposal consistent with critical area regulations, shoreline regulations, and requirements of the Gorst Subarea Plan? Please describe.	
20. Proposed landscaping, use of native plants, buffers, or other measures to preserve or enhance vegetation on the site, if any:	
The application includes the following mitigation measures as required in <b>Attachment B-1</b> Mitigation Required for Development Applications and <b>Attachment B-2</b> Applicable Regulations (check all that apply): <ul style="list-style-type: none"> <li><input type="checkbox"/> Development application has considered wildlife corridors and connectivity.</li> <li><input type="checkbox"/> Clearing of vegetation and construction activities are planned scheduled outside of breeding periods for sensitive bird species and migratory birds. If not, rationale for not meeting scheduling requirements provided? Yes__ No__</li> <li><input type="checkbox"/> Other: _____</li> </ul>	

### **Noise Checklist and Mitigation Measures**

<b>Noise Checklist and Mitigation Measures</b>	
21. What type of noise exists in the area which may affect your project (example: traffic, equipment, operation, other)	<b>STAFF COMMENTS:</b>
22. What types and levels of noise would be created by or associated with the project on a short-term basis (for example: traffic, construction, operation, other)?	
23. What measures are proposed to reduce or control Noise? The application includes the following mitigation measures as required in <b>Attachment B-1</b> Mitigation Required for Development Applications and <b>Attachment B-2</b> Applicable Regulations (check all that apply): <ul style="list-style-type: none"> <li><input type="checkbox"/> Demonstration that site planning and building design to reduce noise impacts has been considered for noise sensitive developments.</li> <li><input type="checkbox"/> Noise barriers such as walls and earthen berms to mitigate noise from ground transportation, commercial and industrial sources.</li> <li><input type="checkbox"/> Conditions to limit noise consistent with Mitigation Measure 15 of <b>Attachment B-1</b>.</li> <li><input type="checkbox"/> Construction noise control plan.</li> <li><input type="checkbox"/> Other: _____</li> </ul>	

### **Hazardous Materials Checklist and Mitigation Measures**

<b>Hazardous Materials Checklist and Mitigation Measures</b>	
24. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that occur as a result of this proposal? If so, describe:	<b>STAFF COMMENTS:</b>
25. Describe special emergency services that might be required.	
26. What measures are proposed to reduce or control Hazardous Materials?	

<p>The application includes the following mitigation measures as required in <b>Attachment B-1</b> Mitigation Required for Development Applications and <b>Attachment B-2</b> Applicable Regulations (check all that apply):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Provision of hazardous materials awareness training to all grading and excavation crews.</li> <li><input type="checkbox"/> Provision of contingency plan to identify, segregate, and dispose of hazardous waste in full accordance with the MTCA.</li> <li><input type="checkbox"/> Provision of Stormwater Pollution Prevention Plan.</li> <li><input type="checkbox"/> Provision of Spill prevention, control, and countermeasure plan.</li> <li><input type="checkbox"/> Identification of all ACM and lead-based paint in structures prior to demolition activities.</li> <li><input type="checkbox"/> Provision of additional studies to locate undocumented underground storage tanks and fuel lines before construction of specific development projects.</li> <li><input type="checkbox"/> If property has been identified as having potential for contamination, site assessment has been conducted.</li> <li><input type="checkbox"/> Other: _____</li> </ul>	
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**Land Use Checklist and Mitigation Measures**

Land Use Checklist and Mitigation Measures	
27. What is the current use of the site and adjacent properties?	STAFF COMMENTS:
28. Describe any structures on the site. Will any structures be demolished? If so, what type, dwelling units, square feet?	
29. What is the current comprehensive plan designation of the site?	
30. What is the current zoning classification of the site?	
31. If applicable, what is the current shoreline master program designation of the site?	
32. What is the planned use of the site? List type of use, number of dwelling units and building square feet.	
33. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, including and <b>Attachment B-2</b> Applicable Regulations: <ul style="list-style-type: none"> <li><input type="checkbox"/> Compliance with Gorst Subarea Plan.</li> <li><input type="checkbox"/> Compliance with other applicable land use and shoreline policies and development regulations.</li> <li><input type="checkbox"/> Other: _____</li> </ul>	

## Aesthetics Checklist and Mitigation Measures

Aesthetics Checklist and Mitigation Measures	
34. What is the tallest height of any proposed structure(s)?	<b>STAFF COMMENTS:</b>
35. Would any views in the immediate vicinity be altered or obstructed?	
36. Would the proposal produce light or glare? What time of day would it mainly occur?	
37. Could light or glare from the finished project be a safety hazard or interfere with views?	
38. What existing offsite sources of light or glare may affect your proposal?	
39. Proposed measures to reduce or control aesthetic or light and glare impacts, including <b>Attachment B-2</b> Applicable Regulations: <input type="checkbox"/> Compliance with Gorst Subarea Plan. <input type="checkbox"/> Use of Incentives for Height including public benefits in exchange for increased height? <input type="checkbox"/> Compliance with other applicable land use and shoreline policies and development regulations. <input type="checkbox"/> Other: _____	

## Cultural Resources Checklist and Mitigation Measures

Cultural Resources Checklist and Mitigation Measures	
40. 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>STAFF COMMENTS:</b> <input type="checkbox"/> Condition to stop construction if resources of historic or archeological significance are found. <input type="checkbox"/> Condition if human skeletal remains are encountered during construction, the contractor/project proponent will stop work and make appropriate notifications.
41. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.	
42. Proposed measures to reduce or control impacts to historic or cultural resources, if any: The application includes the following mitigation measures as required in <b>Attachment B-1</b> Mitigation Required for Development Applications and <b>Attachment B-2</b> Applicable Regulations (check all that apply): <input type="checkbox"/> Applicant in High or Moderate Probability Areas has prepared a cultural resource study. <input type="checkbox"/> Building is 45 years of age and is reviewed for eligibility for listing on state and national registers. <input type="checkbox"/> Other: _____	

## Transportation Checklist and Mitigation Measures

Transportation Checklist and Mitigation Measures	
43. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.	STAFF COMMENTS:
44. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?	
45. How many parking spaces would the completed project have? How many would the project eliminate?	
46. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).	
47. How many PM peak hour vehicular trips per day would be generated by the completed project?	
48. Proposed measures to reduce or control transportation impacts, if any: The application includes the following mitigation measures as required in <b>Attachment B-1</b> Mitigation Required for Development Applications and <b>Attachment B-2</b> Applicable Regulations (check all that apply):	
<ul style="list-style-type: none"> <li><input type="checkbox"/> Evaluate and mitigate roadways consistent with Planned Action Ordinance Section 4.D(3)(c).</li> <li><input type="checkbox"/> Evaluate and mitigate for impacts to West Belfair Valley Road consistent with Kitsap County Capital Facilities Plan and Planned Action Ordinance Section 4.D(3)(c)</li> <li><input type="checkbox"/> Project is designed to direct traffic either north (Sherman Heights) or west (Sam Christopherson Avenue or West Belfair Valley Road) of the SR 3/ SR 16 junction.</li> <li><input type="checkbox"/> The Werner Road corridor between Union Avenue and SR 3 has been evaluated as part of traffic impact analysis reports prepared for new development in order to optimize the traffic flow on this corridor.</li> <li><input type="checkbox"/> Other measures to reduce or control transportation impacts:</li> </ul>	

## Public Services and Utilities Checklist and Mitigation Measures

Public Services and Utilities Checklist	
49. Water Supply: Would the project result in an increased need for water supply or fire flow pressure? Can City levels of service be met?	STAFF COMMENTS:
50. Wastewater: Would the project result in an increased need for wastewater services? Can City levels of service be met?	
51. Police Protection: Would the project increase demand for police services? Can City levels of service be met?	

<b>Public Services and Utilities Checklist</b>	
52. Fire and Emergency Services: Would the project increase demand for fire and/or emergency services? Can levels of services be met?	
53. Schools: Would the project result in an increase in demand for school services? Can levels of services be met? Is an impact fee required?	
54. Parks and Recreation: Would the project require an increase in demand for parks and recreation? Can levels of services be met?	
55. Other Public Services and Utilities: Would the project require an increase in demand for other services and utilities? Can levels of services be met?	
56. Proposed measures to reduce or control direct impacts on public services. The application includes the following mitigation measures as required in <b>Attachment B-1</b> Mitigation Required for Development Applications and <b>Attachment B-2</b> Applicable Regulations (check all that apply):	
<ul style="list-style-type: none"> <li><input type="checkbox"/> Capital Facility Plan has been considered, and development provides its fair share of the cost of improvements consistent with applicable local government plans and codes.</li> <li><input type="checkbox"/> Law enforcement agency has been consulted, and development reflects applicable code requirements.</li> <li><input type="checkbox"/> Fire protection agency has been consulted, and development complies with Uniform Fire Code.</li> <li><input type="checkbox"/> School district has been consulted, and appropriate impact fee has been provided, if applicable.</li> <li><input type="checkbox"/> Onsite park/recreation, or fee-in-lieu, or a park impact fee is required.</li> <li><input type="checkbox"/> Power can adequately service proposed development based on consultation with service providers.</li> <li><input type="checkbox"/> Proponents have verifiably determined location of utilities.</li> <li><input type="checkbox"/> Proponents provide complete utility relocation or modification, where feasible, prior to project-specific construction.</li> <li><input type="checkbox"/> Proponents have prepared Stormwater Management Plan consistent with local government codes and Gorst Subarea Plan.</li> <li><input type="checkbox"/> Developer has coordinated with City to ensure that sewer lines will be extended to provide service to proposed development site.</li> <li><input type="checkbox"/> Developer will co-locate telecommunications facilities to minimize aesthetic impacts.</li> <li><input type="checkbox"/> Developer has planned for appropriate site landscaping to screen telecommunications equipment from surrounding properties and the public realm.</li> <li><input type="checkbox"/> Other Measures to reduce or control public services and utilities impacts: _____</li> </ul>	

**C. APPLICANT 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:	

## D. REVIEW CRITERIA

Criteria	Discussion
(a) the proposal is located within the Planned Action area identified in Exhibit A of this Ordinance;	
(b) the proposed uses and densities are consistent with those described in the Gorst 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 Gorst Subarea 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, 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 SEPA Responsible Official determines that these constitute adequate mitigation;	
(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.	

**Review Criteria**

The City’s SEPA Responsible Official may designate “planned actions” consistent with criteria in Ordinance No. 5240 Subsection 4.E.

**Determination Criteria**

Applications for planned actions shall be reviewed pursuant to the process in Ordinance No. 5240 Section 4.G.

<b>Requirement</b>	<b>Discussion</b>
Applications for planned actions were made on forms provided by the City including this Gorst UGA Environmental Checklist and Mitigation Document.	
The application has been deemed complete in accordance with BMC Chapter 20.02.	
The proposal is located within Planned Action Area pursuant to Exhibit A of this Ordinance	
The proposed use(s) are listed in Section 4D of the Ordinance and qualify as a Planned Action.	

**E. SEPA RESPONSIBLE OFFICIAL DETERMINATION**

**A. Qualifies as a Planned Action:** The application is consistent with the criteria of Ordinance 5240 and thereby qualifies as a Planned Action project. It shall proceed in accordance with the applicable permit review procedures specified in 5240, except that no SEPA threshold determination, EIS or additional SEPA review shall be required. Notice shall be made pursuant to BMC Chapter 20.02. as part of notice of the underlying permits and shall include the results of the Planned Action determination. If notice is not otherwise required for the underlying permit, no special notice is required. See Section 4.G(3)(a) regarding notice of the Type 1 decision. The review process for the underlying permit shall be as provided in BMC Chapter 20.02. NOTE: If it is determined during subsequent detailed permit review that a project does not qualify as a planned action, this determination shall be amended.

Signature	
Date:	

**B. Does not Qualify as Planned Action:** The application is not consistent with the criteria of Ordinance 5240, and does not qualify as a Planned Action project for the following reasons:

\_\_\_\_\_

\_\_\_\_\_

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.

SEPA Process Prescribed:

Signature:	
Date:	

**EXHIBIT B**

**ATTACHMENT B-1 –**

**MITIGATION REQUIRED FOR DEVELOPMENT  
APPLICATIONS**

# ATTACHMENT B-1

## Mitigation Required for Development Applications

**Note:** The following mitigation measures are taken from the Gorst Planned Action Final EIS. The concepts are the same as the Final EIS but the description of the “potential mitigation measures” has been made more actionable or implementable, such as by specifying the responsible party or changing “should” to “shall”. It also represents bringing in details from the Draft EIS where a discussion of mitigation measures was in some cases more extensive.

### INTRODUCTION

The City of Bremerton and Kitsap County issued the Draft Gorst Planned Action Environmental Impact Statement (EIS) on June 10, 2013 and the Final EIS on October 8, 2013. The Draft and the Final EIS together are referenced herein as the “EIS”. The EIS has identified significant beneficial and adverse impacts that are anticipated to occur with the future development of the Planned Action area, together with a number of possible measures to mitigate those significant adverse impacts. Please see Final EIS Chapter 1 Summary for a description of impacts, mitigation measures, and significant unavoidable adverse impacts.

A Mitigation Document is provided in this **Attachment B-1**, and it establishes specific mitigation measures, based upon significant adverse impacts identified in the EIS. The mitigation measures in this **Attachment B-1** shall apply to future development proposals which are consistent with the Planned Action scenarios reviewed in the EIS, and which are located within the Gorst Planned Action Area (see **Exhibit A**).

Where a mitigation measure includes the words “shall” or “will,” inclusion of that measure in project plans is mandatory in order to qualify a project as a Planned Action. Where “should” or “would” appear, the mitigation measure may be considered by the project applicant as a source of additional mitigation, as feasible or necessary, to ensure that a project qualifies as a Planned Action. Unless stated specifically otherwise, the mitigation measures that require preparation of plans, conduct of studies, construction of improvements, conduct of maintenance activities, etc., are the responsibility of the applicant or designee to fund and/or perform.

### MITIGATION MEASURES

#### Geology/Soils

No mitigation required. See Attachment B-2 Applicable Regulations and Exhibit C Public Agency Actions and Commitments.

#### Water Resources/Stormwater

1. All applicants for construction shall comply with all construction-related stormwater requirements, including temporary erosion and sediment control, and development and implementation of a stormwater pollution and spill prevention plan.
2. For all proposed projects, applicants shall prepare a stormwater analysis consistent with BMC 15.04.020 and the Gorst Subarea Plan and based on City conditions, implement to the satisfaction of the City SEPA Responsible Official or his/her designee the permanent, long-term water quality treatment requirements, necessary for all vehicle-accessible areas and redevelopments. Large areas of landscaping or lawn, unless strict policies on pesticide and fertilizer use are adopted, shall also be subject to water quality treatment requirements.
3. Water quality treatment shall consist of Low Impact Development (LID) systems or techniques, consistent with BMC 15.04.020 and the Gorst Subarea Plan, unless it can be demonstrated that such techniques are not feasible. Applicants should consider the Best Management Practices modeled in the “Technical Memorandum: HSPF Hydrologic Modeling and SUSTAIN Stormwater Modeling of the Gorst Creek Watershed,” available for review at the Bremerton Community Development Department.
4. Additional erosion protection improvements may be required by the City SEPA Responsible Official or his/her designee at project outfalls because of increased peak runoff rates caused by an increase in impervious surface.

## Air Quality

### Construction Emission Control

5. The City of Bremerton shall require all construction contractors implement air quality control plans for construction activities in the Gorst Planned Action Area (see Exhibit A). The City of Bremerton shall require all future developers to prepare a dust control plan that commits the construction crews to implement all reasonable control measures described in the *Associated General Contractors of Washington's Guide to Handling Fugitive Dust from Construction Projects*. The air quality control plans shall include best management practices (BMPs) to control fugitive dust and odors emitted by diesel construction equipment.
6. BMPs shall be used to control fugitive dust consistent with the air quality control plan required above. Example measure may include, but are not limited to:
  - Use water sprays or other non-toxic dust control methods on unpaved roadways.
  - Minimize vehicle speed while traveling on unpaved surfaces.
  - Prevent track-out of mud onto public streets.
  - Cover soil piles when practical.
  - Minimize work during periods of high winds when practical.

The following mitigation measures should be used to minimize air quality and odor issues caused by tailpipe emissions.

- Maintain the engines of construction equipment according to manufacturers' specifications.
  - Minimize idling of equipment while the equipment is not in use.
7. If there is heavy traffic during some periods of the day, applicants shall schedule haul traffic during off-peak times in order to have the least effect on traffic and to minimize indirect increases in traffic related emissions.
  8. Burning of slash or demolition debris will not be permitted without express approval from the Puget Sound Clean Air Agency.

### GHG Reduction Measures

9. Table B.1-1 *Potential GHG Reduction Mitigation Measures* lists a variety of mitigation measures that could reduce GHG emissions caused by transportation facilities, building construction, space heating, and electricity usage (Ecology 2008). The table lists potential GHG reduction measures and indicates where the emission reductions might occur. The City SEPA Responsible Official or his/her designee shall require development applicants to consider the reduction measures shown in in Table B.1-1 *Potential GHG Reduction Mitigation Measures* for their projects and identify which measures are feasible and incorporated into their projects, and which measures are infeasible together with a rationale and explanation. The City SEPA Responsible Official or his/her designee may condition development applications to incorporate GHG reduction measures found to be feasible.

**Table B.1-1  
Potential Greenhouse Gas Reduction Mitigation Measures**

Reduction Measures	Comments
<b>Site Design</b>	
Retain and enhance vegetated open spaces.	Retains or increases sequestration by plants.
Plant trees and vegetation near structures to shade buildings.	Reduces on-site fuel combustion emissions and purchased electricity, and enhances carbon sinks.
Minimize building footprint.	Reduces on-site fuel combustion emissions and purchased electricity consumption, materials used, maintenance, land disturbance, and direct construction emissions.
Design water efficient landscaping.	Minimizes water consumption, purchased energy, and upstream emissions from water management.
Minimize energy use through building orientation.	Reduces on-site fuel combustion emissions and purchased electricity consumption.
<b>Building Design and Operations</b>	
Apply LEED standards (or equivalent) for design and operations.	Reduces on-site fuel combustion emissions and off-site/indirect purchased electricity, water use, waste disposal.

<b>Reduction Measures</b>	<b>Comments</b>
Purchase Energy Star equipment and appliances for public agency use.	Reduces on-site fuel combustion emissions and purchased electricity consumption.
Incorporate on-site renewable energy production, including installation of photovoltaic cells or other solar options.	Reduces on-site fuel combustion emissions and purchased electricity consumption.
Design street lights to use energy-efficient bulbs and fixtures.	Reduces purchased electricity.
Construct “green roofs” and use high-albedo roofing materials.	Reduces on-site fuel combustion emissions and purchased electricity consumption.
Install high-efficiency HVAC systems.	Minimizes fuel combustion and purchased electricity consumption.
Eliminate or reduce use of refrigerants in HVAC systems.	Reduces fugitive emissions. Compare refrigerant usage before/after to determine GHG reduction.
Maximize interior day lighting through floor plates, increased building perimeter and use of skylights, clerestories, and light wells.	Increases natural/day lighting initiatives and reduces purchased electrical energy consumption.
Incorporate energy efficiency technology such as super insulation motion sensors for lighting and climate-control-efficient, directed exterior lighting.	Reduces fuel combustion and purchased electricity consumption.
Use water-conserving fixtures that surpass building code requirements.	Reduces water consumption.
Reuse gray water and/or collect and reuse rainwater.	Reduces water consumption with its indirect upstream electricity requirements.
Use recycled building materials and products.	Reduces extraction of purchased materials, possibly reduces transportation of materials, encourages recycling and reduction of solid waste disposal.
Use building materials that are extracted and/or manufactured within the region.	Reduces transportation of purchased materials.
Use rapidly renewable building materials.	Reduces emissions from extraction of purchased materials.
Conduct third-party building commissioning to ensure energy performance.	Reduces fuel combustion and purchased electricity consumption.
Track energy performance of building and develop strategy to maintain efficiency.	Reduces fuel combustion and purchased electricity consumption.
<b>Transportation</b>	
Size parking capacity to not exceed local parking requirements and, where possible, seek reductions in parking supply through special permits or waivers or Gorst-specific parking standards or incentives.	Reduced parking discourages auto-dependent travel, encouraging alternative modes such as transit, walking, and biking. Reduces direct and indirect VMT.
Develop and implement a marketing/information program that includes posting and distribution of ridesharing/transit information.	Reduces direct and indirect VMT.
Subsidize transit passes. Reduce employee trips during peak periods through alternative work schedules, telecommuting, and/or flex time. Provide a guaranteed-ride-home program.	Reduces employee VMT.
Provide bicycle storage and showers/changing rooms.	Reduces employee VMT.
Use traffic signalization and coordination to improve traffic flow and support pedestrian and bicycle safety.	Reduces transportation emissions and VMT.
Apply advanced technology systems and management strategies to improve operational efficiency of local streets.	Reduces emissions from transportation by minimizing idling and maximizing transportation routes/systems for fuel efficiency.

Reduction Measures	Comments
Develop shuttle systems around business district parking garages to reduce congestion and create shorter commutes.	Reduces idling fuel emissions and direct and indirect VMT.

LEED = Leadership in Energy and Environmental Design; HVAC = heating, ventilation, and air-conditioning

10. In addition, other vehicle trip reduction measures and land-use-related GHG reduction measures have been published by various air quality agencies. For example, Table B.1-2 *SMAQMD<sup>1</sup> Recommended Measures for Land Use Emission Reductions* lists the emission reduction measures developed by SMAQMD, 2010. The table lists SMAQMD's estimated "mitigation points" value, where each point value corresponds to the percent reduction in emissions. For example, a mitigation point value of 1.0 corresponds to a one percent reduction in land-use-related emissions. SMAQMD developed this table to quantify reductions in criteria pollutant emissions, but the listed measures would also generally reduce GHG emissions. The City SEPA Responsible Official or his/her designee shall require development applicants to consider the reduction measures shown in in Table B.1-2 *SMAQMD Recommended Measures for Land Use Emission Reductions* for their projects and identify which measures are feasible and incorporated into their projects, and which measures are infeasible together with a rationale and explanation. The City SEPA Responsible Official or his/her designee may condition development applications to incorporate GHG emission reduction measures found to be feasible.

**Table B.1-2  
SMAQMD Recommended Measures for Land Use Emission Reductions**

Measure Number	Title	Description	Mitigation Points
<b>Bicycle/Pedestrian/Transit Measures</b>			
1	Bike parking	Non-residential projects provide plentiful short-term and long-term bicycle parking facilities to meet peak season maximum demand.	0.625
2	End of trip facilities	Non-residential projects provide "end-of-trip" facilities including showers, lockers, and changing space.	0.625
3	Bike parking at multi-unit residential	Long-term bicycle parking is provided at apartment complexes or condominiums without garages.	0.625
4	Proximity to bike path/bike lanes	Entire project is located within 1/2 mile of an existing designated bike lane and project design includes a comparable network that connects the project uses to the existing offsite facility.	0.625
5	Pedestrian network	The project provides a pedestrian access network that internally links all uses and connects to all existing or planned external streets and pedestrian facilities contiguous with the project site.	1.0
6	Pedestrian barriers minimized	Site design and building placement minimize barriers to pedestrian access and interconnectivity. Physical barriers such as walls, berms, landscaping, and slopes between residential and non-residential uses that impede bicycle or pedestrian circulation are eliminated.	1.0
7	Bus shelter for existing transit service	Bus service provides headways of one hour or less for stops within 1/4 mile; project provides safe and convenient bicycle/pedestrian access to transit stop(s) and provides essential transit stop improvements (i.e., shelters, route information, benches, and lighting).	0.25-1.0
8	Bus shelter for planned transit service	Project provides transit stops with safe and convenient bicycle/pedestrian access. Project provides essential transit stop improvements (i.e., shelters, route information, benches, and lighting) in anticipation of future transit service.	0.25

<sup>1</sup> Sacramento Metropolitan Air Quality Management District

<b>Measure Number</b>	<b>Title</b>	<b>Description</b>	<b>Mitigation Points</b>
9	Traffic calming	Project design includes pedestrian/bicycle safety and traffic calming measures in excess of jurisdiction requirements. Roadways are designed to reduce motor vehicle speeds and encourage pedestrian and bicycle trips by featuring traffic calming features.	0.25-1.0
<b>Parking Measures</b>			
10a	Paid parking	Employee and/or customer paid parking system	1.0-7.2
10b	Parking cash out	Employer provides employees with a choice of forgoing subsidized parking for a cash payment equivalent to the cost of the parking space to the employer.	0.6-4.5
11	Minimum parking	Provide minimum amount of parking required. Special review of parking required.	0.1-6.0
12	Parking reduction beyond code	Provide parking reduction less than code. Special review of parking required. Recommend a Shared Parking strategy.	0.1-12
13	Pedestrian pathway through parking	Provide a parking lot design that includes clearly marked and shaded pedestrian pathways between transit facilities and building entrances.	0.5
14	Off street parking	Parking facilities are not adjacent to street frontage.	0.1-1.5
<b>Site Design Measures</b>			
15	Office/Mixed-use density	Project provides high density office or mixed-use proximate to transit.	0.1-2.0
16	Orientation to existing transit, bikeway, or pedestrian corridor	Project is oriented towards existing transit, bicycle, or pedestrian corridor. Setback distance is minimized.	0.5
17	Orientation toward planned transit, bikeway, or pedestrian corridor	Project is oriented towards planned transit, bicycle, or pedestrian corridor. Setback distance is minimized.	0.25
18	Residential density	Project provides high-density residential development.	1.0-12
19	Street grid	Multiple and direct street routing (grid style).	1.0
20	Neighborhood electric vehicle access	Make physical development consistent with requirements for neighborhood electric vehicles.	0.5-1.5
21	Affordable housing component	Residential development projects of 5 or more dwelling units provide a deed-restricted low-income housing component on-site.	0.6-4.0
<b>Mixed-use Measures</b>			
22	Urban mixed-use	Development of projects predominantly characterized by properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with functional interrelationships and a coherent physical design.	3.0-9.0

<b>Measure Number</b>	<b>Title</b>	<b>Description</b>	<b>Mitigation Points</b>
23	Suburban mixed-use	Have at least three of the following on site and/or offsite within ¼ mile: Residential Development, Retail Development, Park, Open Space, or Office.	3.0
24	Other mixed-use	All residential units are within ¼ mile of parks, schools or other civic uses.	1.0
<b>Building Component Measures</b>			
25	No fireplace	Project does not feature fireplaces or wood burning stoves.	1.0
27	Energy Star roof	Install Energy Star labeled roof materials.	0.5-1.0
28	Onsite renewable energy system	Project provides onsite renewable energy system(s).	1.0-3.0
30	Solar orientation	Orient 75 or more percent of homes and/or buildings to face either north or south (within 30 degrees of N/S).	0.5
31	Non-roof surfaces	Provide shade (within 5 years) and/or use light-colored/high-albedo materials (reflectance of at least 0.3) and/or open grid pavement for at least 30 percent of the site's non-roof impervious surfaces, including parking lots, walkways, plazas, etc.; OR place a minimum of 50 percent of parking spaces underground or covered by structured parking; OR use an open-grid pavement system (less than 50 percent impervious) for a minimum of 50 percent of the parking lot area. Unshaded parking lot areas, driveways, fire lanes, and other paved areas have a minimum albedo of .3 or greater.	1.0
32	Green roof	Install a vegetated roof that covers at least 50 percent of roof area.	0.5
<b>TDM and Miscellaneous Measures</b>			
33	Transportation Management Association membership	Include permanent TMA membership and funding requirement. Funding to be provided by Community Facilities District or other non-revocable funding mechanism.	5.0
34	Electric lawnmower	Provide a complimentary electric lawnmower to each residential buyer.	1.0
99	Other	Other proposed strategies, in consultation with project lead agency.	To Be Determined

## Plants and Animals

11. The City SEPA Responsible Official or his/her designee may condition development applications to consider wildlife corridors and connectivity when designing and permitting new developments within the Gorst Creek Watershed.
12. All clearing of vegetation and construction activities shall be limited to times outside the breeding period for sensitive bird species and migratory birds, unless an applicant can demonstrate mitigation measures to avoid or minimize impacts..

## Noise

13. All development proposals in the Gorst UGA shall demonstrate to the satisfaction of the City SEPA Responsible Official or his/her designee that proper site planning to reduce noise impacts has been considered for noise sensitive developments<sup>2</sup>. Measures may include but are not limited to:
  - Increasing the distance from the noise source to sensitive receptors by creation of setbacks;
  - Placing non-noise sensitive uses such as parking lots and utility areas between the noise source and receiver; and
  - Orienting usable outdoor living space such as balconies, patios, and child play areas away from roadways.
  - Orienting the building to place activities that are more noise tolerant to face the roadway or other noise source, and
  - Limiting the number and size, and properly locating doors and windows to benefit interior noise control.
14. The City SEPA Responsible Official or his/her designee may condition development proposals to provide noise barriers such as walls and earthen berms to mitigate noise from ground transportation, commercial and industrial sources. Noise barriers can be used to reduce the noise level both outdoors and indoors.
15. The City SEPA Responsible Official or his/her designee may condition development proposals to achieve the following:
  - Provide hourly and maximum property line noise level limits for all major zoning districts defined in the Zoning Ordinance.
  - Limit the hours of deliveries to commercial, mixed use, and industrial uses adjacent to residential and other noise sensitive land uses.
  - Limit the hours of operation for commercial and retail to limit noise intrusion into nearby residential and other noise sensitive land uses.
  - Limit noise levels generated by commercial and industrial uses.
  - Limit outdoor industrial activities or operations to control excessive noise at adjacent residential properties.
  - Limit the hours of operation of high noise-generating industrial equipment.
  - Limit the hours of operation for refuse vehicles and parking lot sweepers if their activity results in an excessive noise level that adversely affects adjacent residential uses.
  - Require the placement of loading and unloading areas so that commercial buildings shield nearby residential land uses from noise generated by loading dock and delivery activities. If necessary, additional sound barriers shall be constructed on the commercial sites to protect nearby noise sensitive uses.
  - Require the placement of all commercial HVAC machinery to be placed within mechanical equipment rooms wherever possible. (Equipment manufacturer's specifications for venting and access to outside air shall be maintained.)
  - Require the provision of localized noise barriers or rooftop parapets around heating, ventilation, and air conditioning (HVAC), cooling towers, and mechanical equipment so that line-of-sight to the noise source from the property line of the noise sensitive receptors is blocked. (Equipment manufacturer's specifications for venting and access to outside air shall be maintained.)
16. All contractors shall prepare a noise control plan and implement the following measures during construction activities:
  - Construction equipment shall be properly maintained per manufacturers' specifications and fitted with the best available noise suppression devices (e.g., mufflers, silencers, wraps).

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<sup>2</sup> As described in the Gorst Planned Action Draft EIS, noise sensitive receivers are generally considered humans engaged in activities or utilizing land uses that may be subject to the stress of significant interference from noise. Activities usually associated with sensitive receptors include, but are not limited to, talking, reading, and sleeping. Land uses often associated with sensitive receptors include residential dwellings, mobile homes, hotels, motels, hospitals, nursing homes, education facilities, libraries, and churches. Parks and open space are also sometimes considered to be noise sensitive land uses. Generally, outdoor areas of frequent human use are considered to be noise sensitive. Industrial and commercial land uses are generally not considered sensitive to noise.

- Construction operations and related activities associated with the project shall comply with the operational hours outlined in the City of Bremerton Noise Ordinance.
  - Construction equipment shall not be idled for extended periods of time in the vicinity of noise sensitive receptors.
  - Fixed and/or stationary construction equipment shall be located as far as possible from noise sensitive receptors (e.g., generators, compressors, rock crushers, cement mixers).
  - All impact tools shall be shrouded or shielded, and all intake and exhaust ports on powered construction equipment shall be muffled or shielded.
17. Where feasible, temporary barriers shall be placed as close to the noise source or as close to the receptor as possible and break the line of sight between the source and receptor where modeled levels exceed applicable standards.
  18. The City SEPA Responsible Official or his/her designee may consult Draft EIS Section 3.5 *Noise* for additional detail and guidance on the application of noise mitigation measures.

### **Hazardous Materials**

19. Since encountering unreported spills or unreported underground fuel tanks is a risk when performing construction, Contractors shall be required to provide hazardous materials awareness training to all grading and excavation crews on how to identify any suspected contaminated soil or groundwater, and how to alert supervisors in the event of suspected contaminated material. Signs of potential contaminated soil include stained soil, odors, oily sheen, or the presence of debris.
20. Contractors shall be required to implement a contingency plan to identify, segregate, and dispose of hazardous waste in full accordance with the MTCA.
21. Contractors shall be required to develop and implement the Stormwater Pollution Prevention Plan, BMPs, and other permit conditions to minimize the potential for a release of hazardous materials to soil, groundwater, or surface water during construction.
22. Contractors shall be required to follow careful construction practices to protect against hazardous materials spills from routine equipment operation during construction; prepare and maintain a current spill prevention, control, and countermeasure plan, and have an individual on site designated as an emergency coordinator; and understand and use proper hazardous materials storage and handling procedures and emergency procedures, including proper spill notification and response requirements.
23. Contractors shall be required to identify all ACM and lead-based paint in structures prior to demolition activities in accordance with 24 CFR Part 35. If ACM or lead-based paint is identified, appropriately trained and licensed personnel shall contain, remove, and properly dispose of the ACM and/or lead based paint material according to federal and state regulations prior to demolition of the affected area.
24. If warranted, contractors shall be required to conduct additional studies to locate undocumented USTs and fuel lines before construction of specific development projects (areas of concern include current and former commercial and residential structures) and will permanently decommission and properly remove USTs from project sites before commencing general construction activities.
25. All applicants for development on properties identified as having potential for contamination shall conduct a thorough site assessment. If contamination is discovered, the applicant shall be required to comply with all state and federal regulations for contaminated sites.

### **Land Use Patterns, Aesthetics, and Socio-Economics**

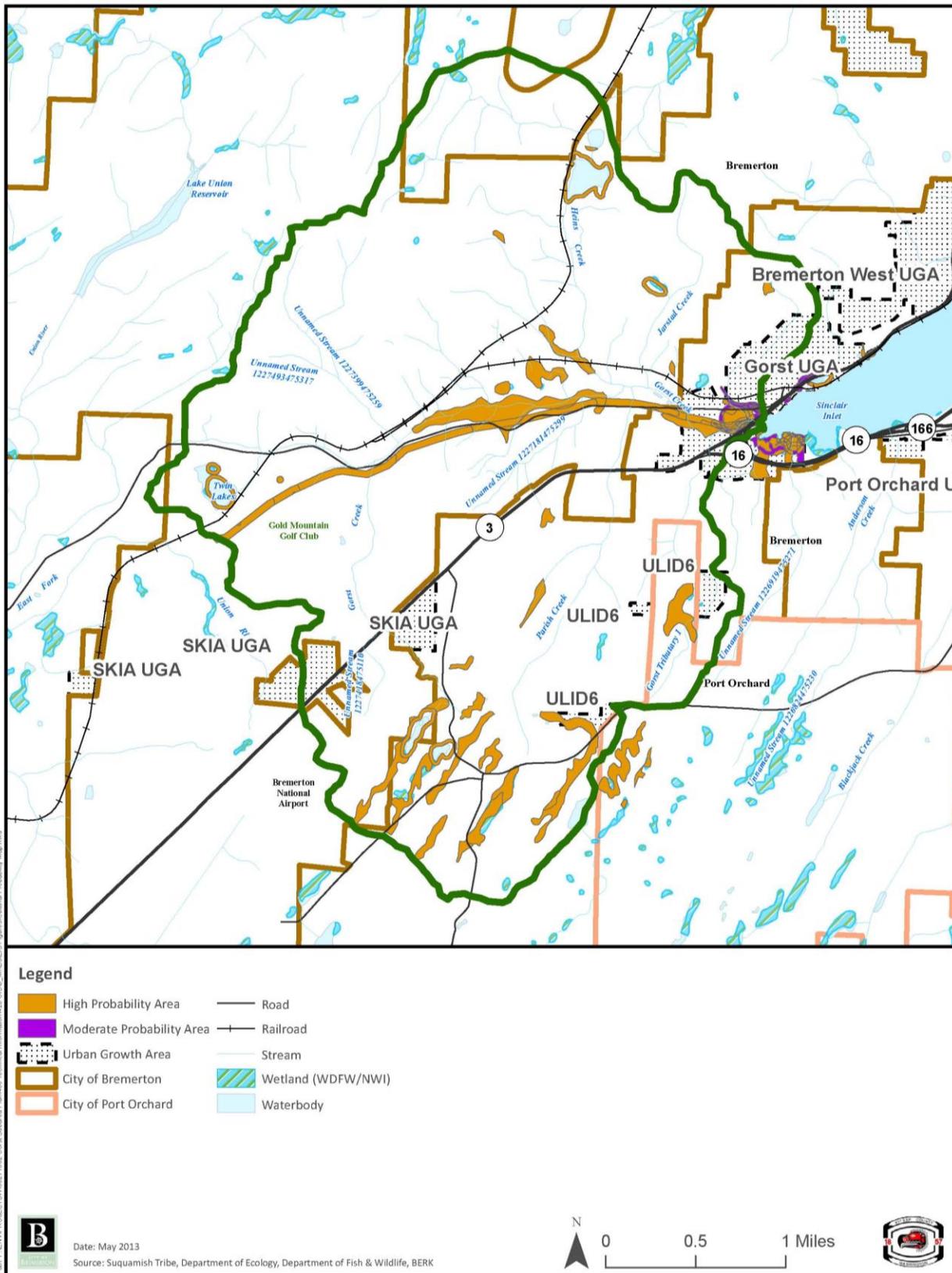
26. Development proposals shall comply with the Gorst Subarea Plan development and design regulations that address:
  - Allowed and prohibited uses/development types
  - Minimum and maximum density
  - Building height
  - Building setbacks
  - Maximum lot coverage
  - Maximum impervious area
  - Critical area buffers
  - Streetscape guidelines
  - Site planning guidelines

- Design of the roadway, including width of travel, bicycle, and parking lanes
- Design of the curb zone, which includes street trees and other amenities and infrastructure
- The sidewalk
- The transitional zone, which is the area between the sidewalk and edge of right-of-way
- Building frontage elements such as the provision of weather protection where buildings abut the right-of-way
- Building orientation, including the location of entrances
- Building façade, including street-facing windows, building articulation, and blank wall limitations
- Parking and vehicular access, including location of parking, curb cuts, shared parking, and pedestrian accessibility

### **Cultural Resources**

27. A cultural resources study shall be conducted at the applicant's expense for specific projects within High Probability Areas (See Figure B.1-1 and Table B.1-3 *Cultural Resources Mitigation Measures*) to determine if archaeological sites, traditional cultural properties (TCPs), or historic built environment resources are present that may be significant. This should include but is not limited to background research, consultation with appropriate Tribes and interested parties, field study, and reporting. A desktop review of existing background information regarding cultural resources shall be conducted at a minimum for projects within Moderate Probability Areas to determine if resources older than 50 years are present requiring evaluation and/or additional field studies. See Figure B.1-1 and Table B.1-3 Table 3.10-6 *Cultural Resources Mitigation Measures* identifies the potential mitigation measures for significant cultural resources and when they should be completed. Table B.1-3 *Cultural Resources Mitigation Measures* identifies the potential mitigation measures for significant cultural resources and when they should be completed.

**Figure B.1-1  
Gorst Creek Watershed: Cultural Resources Probability**



**Table B.1-3  
Cultural Resources Mitigation Measures**

Mitigation Measure Description	Timing
<p>A. For future projects that are qualified as planned actions and that involve, development, ground disturbance, and/or construction in the Study Area in areas shown as high or moderate probability on the predictive model map in Figure B.1-1 Gorst Creek Watershed: Cultural Resources Probability, the City of Bremerton shall determine if cultural resources are located in the specific project area (at the applicant’s expense). This should consist of background research, a field visit (particularly for High Probability Areas), and consultation with the Department of Archaeology and Historic Preservation (DAHP) and the Tribes to determine if cultural resources (sites, buildings, TCPs) are located within the project area. The following provides guidance for qualified planned action activities requiring land use, construction, or building permits from the City of Bremerton and located within high or moderate probability areas:</p> <ul style="list-style-type: none"> <li>i. Areas with prior negative archaeological survey, no ground disturbance, or in 100 percent culturally-sterile fill: 1) document reason no survey is required; 2) require no further review.</li> <li>ii. For all ground-disturbing projects not addressed in “i” above: 1) consult statewide predictive model and tribal predictive model; 2) provide tribal notification; 3) if no known cultural resources are present, condition permit with standard inadvertent discovery language; 4) if known cultural resources are present, provide state and tribal notification, conduct survey; 5) In the event that a proposed project would disturb an archaeological resource, the responsible local government shall impose any and all measures to avoid or substantially lessen the impact; 6) if avoidance of the archaeological resource is not possible, an appropriate research design/treatment program must be designed and implemented with data recovery to occur prior to project related ground disturbance; 7) the avoidance of archaeological resources through selected of project alternatives and changes in design to avoid the archaeological resource would eliminate the need for measuring or mitigating impacts.</li> </ul>	Prior to Construction
<p>B. In the event that a proposed development location within the Planned Action Area (Exhibit A) contains a building or structure at least 45 years of age that is not listed in the WHR or the NRHP, the project shall be required by the City of Bremerton to undergo a review at the applicant’s expense to determine if the building/structure is considered eligible for listing on the State or National Registers. If impacts cannot be avoided on a historic resource that is determined eligible for listing on either state or national historic registers, the responsible local government is required to consult with DAHP about mitigation options.</p>	Prior to Construction
<p>C. If human skeletal remains are encountered during construction, the contractor/project proponent will stop work and the Kitsap County Sheriff, DAHP, and the necessary Tribes will be contacted immediately.</p>	During Construction
<p>D. If archaeological resources are encountered during construction, work must stop until state and tribal notifications are made and until a qualified archaeologist can assess the discovery and implement mitigation if necessary.</p>	During Construction

### Transportation

28. West Belfair Valley Road is projected to be operationally deficient prior to 2035. This roadway was identified in the 2012 Kitsap County UGA Remand SEIS and 2012 Kitsap County Capital Facilities Plan as needing widening from 2 to 4 lanes. All of the other County roadways within the Gorst Subarea have capacity to support the additional traffic associated with all three alternatives. Planned Actions shall mitigate for their impact to this facility consistent with Planned Action Ordinance Section 4.D(3)(c).

29. Due to the lack of capacity on SR 3 and SR 16 within the center of Gorst as well as a variety of merging and diverging movements, All new developments or redevelopments shall be designed to direct traffic either north (Sherman Heights) or west (Sam Christopherson Avenue or West Belfair Valley Road) of the SR 3/ SR 16 junction. Planned Actions shall mitigate for their impact to this facility consistent with Planned Action Ordinance Section 4.D(3)(c).
30. To address increased pedestrian demand between the proposed residential areas and the waterfront commercial and recreational land uses, consideration shall be made by development applicants to construct grade-separated pedestrian overpasses that would connect the residential and walkable commercial areas that are on both sides of SR 3 and SR 16. The exact location(s) of these overpasses need to be determined in conjunction with any proposed highway improvements in this area. Planned Actions shall mitigate for their impact nonmotorized modes consistent with Planned Action Ordinance Section 4.D(3)(c).

### **Fire Protection and EMS**

No mitigation required. See Attachment B-2 Applicable Regulations and Exhibit C Public Agency Actions and Commitments.

### **Law Enforcement**

No mitigation required. See Attachment B-2 Applicable Regulations and Exhibit C Public Agency Actions and Commitments.

### **Schools**

No mitigation required. See Attachment B-2 Applicable Regulations and Exhibit C Public Agency Actions and Commitments.

### **Parks, Recreation, and Open Space**

31. The City shall require that master planned developments within the Gorst UGA provide parks and/or open space as part of the development in order to serve the residents of that development and offset the need for the City to acquire and develop additional facilities.

### **Libraries**

No mitigation required. See Attachment B-2 Applicable Regulations and Exhibit C Public Agency Actions and Commitments.

### **Power**

32. Applicants shall consult with Puget Sound Energy and Cascade Natural Gas and provide evidence of their consultation with Puget Sound Energy and Cascade Natural Gas. As development permits are issued for future development in the Gorst UGA, the City of Bremerton, Puget Sound Energy and Cascade Natural Gas shall be advised by the responsible local government of large development or redevelopment projects and allowed to provide input on their ability to adequately serve the project.

### **Solid Waste**

No mitigation required. See Attachment B-2 Applicable Regulations and Exhibit C Public Agency Actions and Commitments.

### **Water, Wastewater, and Stormwater**

33. Proponents of development shall evaluate the effect of proposed utility relocations on other nearby utility infrastructure.
34. Proponents of development shall determine the exact location and depth of utilities and work with individual utility providers to verify the location.
35. Proponents of development in coordination with utility providers shall complete utility relocation or modification, where feasible, prior to project-specific construction to reduce operational risks and reduce any potential disruption of service.
36. The City of Bremerton shall require that sewer lines are extended to provide service to remaining areas unsuitable for onsite septic service treatment, and shall require development applicants in the Gorst UGA to ensure adequate sewer service consistent with BCC Chapter 15.03.

### **Telecommunications**

37. Developers shall be required to co-locate telecommunications facilities wherever appropriate and underground infrastructure to minimize aesthetic impacts.
38. Developers shall be required to use appropriate site landscaping to screen telecommunications equipment from surrounding properties and the public realm.

## **Relationship to Plans and Policies**

No mitigation required. See Attachment B-2 Applicable Regulations and Exhibit C Public Agency Actions and Commitments.

**EXHIBIT B**

**ATTACHMENT B-2 –**

**ADVISORY NOTES TO APPLICANTS:  
APPLICABLE REGULATIONS**

# ATTACHMENT B-2

## Advisory Notes to Applicants: Applicable Regulations

The Gorst Planned Action Environmental Impact Statement (EIS) identifies specific regulations that act as mitigation measures. These are summarized in **Table B.2-1** by EIS topic. All applicable federal, state, and local regulations shall apply to Planned Actions. Planned Action applicants shall comply with all adopted regulations where applicable including those listed in the EIS and those not included in the EIS.

**Table B.2-1.**

**Summary of Applicable Regulations**

Topics in order of Final EIS	Applicable Regulation or Commitment
<b>3.1 Geology/Soils</b>	<ul style="list-style-type: none"> <li>● City of Bremerton Critical Area Ordinance.</li> <li>● BMC Chapter 15, Stormwater Management Manual for Western Washington (SWMMWW) and LID Guidance Manual.</li> <li>● International Building Code as adopted by City of Bremerton.</li> </ul>
<b>3.2 Water Resources</b>	<ul style="list-style-type: none"> <li>● Surface water quality standards are implemented through the Clean Water Act (CWA) Section 401 certifications, water quality modifications, and compliance with the standards in Chapter 90.48 RCW and WAC 173-201A.</li> <li>● Applications for water quality related permits include the Joint Aquatic Resources Permit Application (JARPA) process, and the National Pollutant Discharge Elimination System (NPDES) permits. In addition there are shoreline and critical area regulations applied by the City and County.</li> <li>● As a result of the National Marine Fisheries Services’ (2008) biological opinion regarding Federal Emergency Management Agency flood management, future development in the 100-year floodplain of study area streams, such as Gorst Creek, will require avoidance or mitigation to address loss of habitat function associated with that development.</li> </ul>
<b>3.3 Air Quality</b>	<ul style="list-style-type: none"> <li>● <b>National Ambient Air Quality Standards.</b> EPA establishes National Ambient Air Quality Standards (NAAQS) and specifies future dates for states to develop and implement plans to achieve these standards.</li> <li>● <b>State Ambient Air Quality Standards.</b> The Washington State Department of Ecology (Ecology) establishes state ambient air quality standards for the same six pollutants that are at least as stringent as the national standards; in the case of SO<sub>2</sub>, state standards are more stringent. Draft EIS Table 3.3-1 <i>National and Washington State Ambient Air Quality Standards</i> lists the state ambient air quality standards for six criteria pollutants.</li> <li>● <b>Outdoor Burning.</b> Puget Sound Clean Air Agency State Outdoor Burning Regulations per Washington Clean Air Act at Chapter 70.94.743 RCW</li> <li>● <b>Puget Sound Clean Air Agency (PSCAA) Regulations.</b> All construction sites in the Puget Sound region are required to implement rigorous emission controls to minimize fugitive dust and odors during construction, as required by PSCAA Regulation 1, Section 9.15, Fugitive Dust Control Measures. All industrial and commercial air pollutant sources in the Puget Sound region are required to register with PSCAA. Facilities with substantial emissions are required to obtain a Notice of Construction air quality permit before construction is allowed to begin.</li> <li>● <b>State of Washington Greenhouse Gas (GHG) Laws.</b> Washington enacted a new law establishing GHG reduction limits.</li> <li>● <b>City of Bremerton SKIA Subarea Plan.</b> A subarea plan for SKIA was adopted in 2012. A portion of the Gorst Watershed is located within the SKIA subarea. The SKIA subarea plan contains development incentives and requirements to ensure sustainable development and reduce GHG emissions.</li> </ul>

Topics in order of Final EIS	Applicable Regulation or Commitment
3.4 Plant and Animals	<ul style="list-style-type: none"> <li>● City of Bremerton Comprehensive Plan: Environment Chapter</li> <li>● City of Bremerton Critical Area Ordinance</li> <li>● City of Bremerton Shoreline Master Program</li> <li>● Federal Regulations: Multiple federal regulations that pertain to the protection of plants and animals and their habitat include the Endangered Species Act, CWA, Migratory Bird Treaty Act, and the Marine Mammal Protection Act.</li> </ul>
3.5 Noise	<ul style="list-style-type: none"> <li>● <b>BMC Chapter 6.32</b> (Noise Levels) establishes limits on noise levels and durations of noise crossing property boundaries with the City of Bremerton.</li> <li>● <b>The Federal Highway Administration (FHWA) Criteria.</b> The FHWA has adopted criteria for evaluating noise impacts associated with federally funded highway projects, and for determining whether such impacts are sufficient to justify funding of noise abatement. These criteria are specified in the Code of Federal Regulations (23 CFR 772), Procedures for Abatement of Highway Traffic Noise and Construction Noise. The Washington State Department of Transportation (WSDOT) has adopted the FHWA Noise Abatement Criteria for evaluating noise impacts and determining whether such impacts are sufficient to justify funding of noise abatement for roadway improvement projects with state funding. Any roadway improvements that would occur within the study area that would use state or federal funding would be subject to State and/or FHWA policies and procedures for evaluating traffic noise impacts and noise abatement. In cases where no state or federal funding is involved, the WSDOT and FHWA protocols are not applicable.</li> </ul>
3.6 Hazardous Materials	<ul style="list-style-type: none"> <li>● <b>Federal Laws and Regulations.</b> Federal hazardous material and waste laws and regulations would be applicable to hazardous substances used, stored, or generated by the project. These include the Resource Conservation and Recovery Act (RCRA); Hazardous and Solid Waste Amendments; Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (aka Superfund); and Superfund Amendments and Reauthorization Act. Pursuant to regulations promulgated under Section 102 of CERCLA, as amended, release of a reportable quantity of a hazardous substance to the environment in a 24-hour period must be reported to the National Response Center (40 CFR Part 302).</li> <li>● <b>Washington State Hazardous Material and Waste Laws and Regulations.</b> These would be applicable to hazardous substances used, stored, and generated by the project. The Model Toxics Control Act requires reporting of a release of any hazardous substance within 90 days of the release (or within 24 hours for releases from an underground storage tank [UST]; WAC 173-340-300). Cleanup activities at contaminated sites are conducted under the Model Toxics Control Act (MTCA) and disposal of contaminated materials are conducted under RCRA.</li> <li>● <b>Washington Department of Safety and Health Asbestos Standards.</b> Demolition of older facilities may require asbestos and lead-based paint mitigation. Under the Washington State Department of Safety and Health asbestos standards (WAC 296-62, 296-65, and 296-155), thermal system insulation (pipe lagging, boiler insulation, etc.), surfacing materials (spray-on acoustical plasters, troweled on plaster coatings, etc.) and flooring materials (vinyl tile, sheet goods, etc.) are all presumed to contain asbestos in buildings built before 1981 unless these materials are shown not to contain asbestos by a certified contractor. Demolition of asbestos in the project area is regulated by the Puget Sound Clean Air Agency (Article 4: Asbestos Control Standards) and requires an asbestos survey, a notification of demolition, verification that all asbestos was properly removed, and proper disposal of the asbestos-containing materials.</li> <li>● <b>Washington State Department of Commerce.</b> The Washington State Department of Commerce (WAC 365-230), regulates certification, accreditation, enforcement</li> </ul>

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	and compliance for firms and individuals to use lead-safe work practices when working on pre-1978 homes or child-occupied facilities. The regulations apply to training and certification requirements for individuals and firms and to accreditation requirements for training programs.
3.7 Land Use Patterns	<ul style="list-style-type: none"> <li>● Gorst Subarea Plan including design guidelines and development regulations for land use and stormwater</li> <li>● BMC Chapter 20.50, Landscaping</li> <li>● BMC Title 20, Land Use</li> <li>● BMC 20.14, Critical Areas</li> </ul>
3.8 Socio-Economics	<ul style="list-style-type: none"> <li>● <b>Chapters of the BMC and Comprehensive Plan include:</b> <ul style="list-style-type: none"> <li>○ BMC Title 20, Division III. Zoning, with development standards in each zone as well as general and specific standards for particular uses</li> <li>○ BMC Chapter 20.50, Landscaping</li> <li>○ BMC Chapter 20.14, Critical Areas</li> <li>○ Bremerton City Services Element of Comprehensive Plan</li> </ul> </li> </ul>
3.9 Aesthetics	<ul style="list-style-type: none"> <li>● Gorst Subarea Plan development and design regulations</li> <li>● Bremerton Comprehensive Plan</li> <li>● BMC Title 20 Land Use Shoreline Master Program (update adopted by City of Bremerton, currently in review by Ecology) – part of BMC Title 20 Land Use, Chapter 16</li> </ul>
3.10 Cultural Resources	<ul style="list-style-type: none"> <li>● <b>Governor’s Executive Order 05-05.</b> Washington State Executive Order 05-05—requires state agencies with capital improvement projects to integrate DAHP, the Governor’s Office of Indian Affairs, and concerned tribes into their capital project planning processes.</li> <li>● <b>Chapter 27.44 RCW, Indian Graves and Records,</b> provides for the protection of Native American 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.</li> <li>● <b>Chapter 27.53 RCW, Archaeological Sites and Resources,</b> governs the protection and preservation of archaeological sites and resources and establishes DAHP as the administering agency for these regulations.</li> <li>● <b>RCW 36.70A.020</b> includes a goal to “Identify and encourage the preservation of lands, sites, and structures that have historical, cultural, and archaeological significance.” Cities planning under the Washington State GMA must consider and incorporate this historic preservation goal in their Comprehensive Plans and implementing development regulations.</li> <li>● <b>Chapter 68.60 RCW, Abandoned and Historic Cemeteries and Historic Graves,</b> provides for the protection and preservation of abandoned and historic cemeteries and historic graves.</li> <li>● <b>City Historic Preservation Regulations.</b> The City of Bremerton has adopted historic preservation regulations to promote a special tax valuation to promote historic site rehabilitation and preservation and protect important archaeological and historic sites.</li> <li>● <b>City of Bremerton Shoreline Mater Program (SMP).</b> The City’s recently adopted SMP would, when approved by Ecology, include several protective measures including “a site assessment by a qualified professional archaeologist or historic preservation professional and ensure review by qualified parties including the Washington State Department of Archaeology and Historic Preservation, and the Suquamish Tribe Archaeology and Historic Preservation Program” for properties with known cultural resources and “stop work” orders on any newly discovered cultural features with a requirement for notification of the State and tribes and an</li> </ul>

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3.11 Transportation	<p>assessment.</p> <ul style="list-style-type: none"> <li>● <b>Commute Trip Reduction (CTR) Laws.</b> Passed in 1991 as part of the Washington Clean Air Act (Chapter 70.94 RCW), the CTR law seeks to reduce workplace commute trips in the 10 most populous counties in the state. This law requires that in designated high population counties, including Kitsap County and Bremerton, each employer with more than 100 employees will adopt a CTR plan. Programs provide various incentives or disincentives to encourage use of alternative transportation modes other than the Single Occupancy Vehicle (SOV). City of Bremerton ordinances set goals for the reduction of SOV trips.</li> <li>● <b>City of Bremerton Roadway Standards,</b> indicate that sidewalks are required on all roadway classifications. The preferred location of the sidewalk is away from the roadway (separated by a landscape buffer). The minimum width of sidewalks in the City of Bremerton is five feet.</li> <li>● <b>City of Bremerton Non –Motorized Transportation Plan</b> is a comprehensive document that provides an inventory and assessment of existing bicycle and pedestrian conditions with the City of Bremerton. It also provides recommendations and strategies for system-wide improvements and opportunities to connect to regional systems such as the Mosquito Fleet Trail. While the City of Bremerton Non-Motorized Transportation Plan does not specifically address the Gorst UGA, it does provide some routing options to the Mosquito Fleet Trail to provide an efficient non-motorized connection from Gorst to Bremerton.</li> <li>● <b>Washington State Department of Transportation (WSDOT) Level of Service (LOS) Standards.</b> WSDOT sets LOS standards for use in evaluating the performance of Highways of Statewide Significance facilities based on RCW 47.06.140 (2), which in the Gorst UGA consist of all or portions of SR 3, and SR 16. The Table below presents the congestion indices for urban and rural highways (freeway and arterial types) that equate to an urban LOS D and a rural LOS C for peak-hour travel.</li> </ul> <p><b>LOS Standards for Highways of Statewide Significance</b></p> <table border="1" data-bbox="553 1192 1411 1423"> <thead> <tr> <th>Area / Facility Type</th> <th>LOS</th> <th>Congestion Index</th> </tr> </thead> <tbody> <tr> <td colspan="3"><b>Urban</b></td> </tr> <tr> <td>Freeway</td> <td>D</td> <td>10</td> </tr> <tr> <td>Arterial</td> <td>D</td> <td>10</td> </tr> <tr> <td colspan="3"><b>Rural</b></td> </tr> <tr> <td>Freeway</td> <td>C</td> <td>6</td> </tr> <tr> <td>Arterial</td> <td>C</td> <td>6</td> </tr> </tbody> </table> <p>Source: WSDOT 2010</p> <p>The HSS standards make a distinction between urban and rural areas. For urban areas, the standard is LOS D, whereas the standard is LOS C in rural areas. Urban/Rural designation is based upon the federal urban area rather than by UGA.</p> <ul style="list-style-type: none"> <li>● City of Bremerton Roadways LOS standards are as follows: V=Volume and C= capacity. <ul style="list-style-type: none"> <li>○ Maintain LOS E or better (v/c less than or equal to 1.0) in the SR 303 (Warren/Wheaton) corridor, Kitsap way (SR 310), Sylvan Way, and the Manette Bridge.</li> <li>○ Maintain LOS D or better (V/C less than or equal to 0.9) on all other arterial streets in the City of Bremerton.</li> </ul> </li> </ul> <p>However, while the City identifies the LOS measures above in its Transportation Element, the City also notes that some state routes are subject to different standards: "...WSDOT sets LOS standards for Highways of Statewide Significance (HSS), including State Routes (SR) 304, 310 and 3 in the City of Bremerton." See the</p>	Area / Facility Type	LOS	Congestion Index	<b>Urban</b>			Freeway	D	10	Arterial	D	10	<b>Rural</b>			Freeway	C	6	Arterial	C	6
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	<p>discussion below for more information.</p> <ul style="list-style-type: none"> <li data-bbox="513 233 1446 844"> <p><b>Bremerton Transportation Development Code (BMC Chapter 11.12).</b> The purpose of the Transportation Development Code is to implement the transportation element of the City of Bremerton Comprehensive Plan, and to provide an orderly process for the adoption, implementation, interpretation and modification of City of Bremerton transportation system development standards. (Chapter 11.12.020) The Transportation Development Code gives the City of Bremerton Engineer the authority to request traffic impact analysis reports for proposed development projects if there is reason to believe the impact on the City of Bremerton’s existing or planned future transportation facilities will be significant. The City of Bremerton Engineer shall impose conditions necessary to mitigate all impacts of traffic, circulation and parking resulting from a project. For segments, intersections, or other portions of the street system for which a LOS Standard has been adopted, mitigation measures shall be sufficient to assure that such segments, intersections or other portions of the street system continue to meet or exceed the adopted LOS standards after full project occupancy and operation. For segments, intersections or other portions of the street system for where the present LOS is below the adopted standard, the mitigation measure shall be sufficient to maintain or exceed the present LOS. (BMC Chapters 11.12.060 and 11.12.070)</p> </li> </ul>

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<b>3.12 Public Services</b>	
<b>3.12.1 Fire Protection and EMS</b>	<ul style="list-style-type: none"> <li>● <b>Fire Codes.</b> New development would be required to meet City of Bremerton codes, as well as International Fire Code and International Building Code regulations, regarding the provision of fire hydrants, fire flow, alarm systems, sprinklers, and emergency vehicle access.</li> <li>● <b>Mutual Aid Agreements.</b> Fire protection districts in Kitsap County have entered into agreements with the Washington State Department of Natural Resources (DNR) to jointly fight fires on state-owned land and private forestland.</li> </ul>
<b>3.12.2 Law Enforcement</b>	<ul style="list-style-type: none"> <li>● <b>Police department.</b> The department is maintained primarily through the general fund, which is funded through sales and property tax revenues. The increased tax base associated with increased population and development would increase tax revenues and bonding potential, providing additional funding for law enforcement services and facilities.</li> </ul>
<b>3.12.3 Schools</b>	<ul style="list-style-type: none"> <li>● <b>School District Six-year CIP.</b> School districts are required to plan for growth over time by regularly updating their six-year capital improvement program.</li> </ul>
<b>3.12.5 Libraries</b>	<ul style="list-style-type: none"> <li>● With additional development and population in the Gorst UGA, property tax revenues, which are the primary source of funding for the Kitsap Regional Library, would increase over time. These additional revenues could be used to purchase additional circulation materials for the Downtown Bremerton and Port Orchard libraries to offset the additional demand generated by growth.</li> </ul>
<b>3.13 Utilities, Water, Wastewater, Stormwater</b>	
<b>3.13.1 Power</b>	<ul style="list-style-type: none"> <li>● All future development of energy resources and transmission facilities would be required to comply with federal and state laws, the regulations of the Northwest Power Planning Council, and the Washington Utilities and Transportation Commission (WUTC).</li> </ul>
<b>3.13.2 Solid Waste</b>	<ul style="list-style-type: none"> <li>● Coordination and monitoring at transfer facilities and RAGFs would be ongoing to ensure adequate solid waste capacity. Service levels for curbside collection as outlined in the CFP would continue or improve to encourage recycling.</li> </ul>
<b>3.13.3 Water, Wastewater and Stormwater</b>	<ul style="list-style-type: none"> <li>● <b>Safe Drinking Water Act.</b> Sets national primary drinking water standards. The act includes the designation of sole source aquifers. The 1996 amendment identifies source water protection.</li> <li>● <b>Clean Water Act (CWA).</b> Regulates discharge of stormwater from certain industries and municipalities. NPDES permit or water quality discharge permit. The EPA delegated the Department of Ecology the authority to implement these permits in Washington State.</li> <li>● <b>Drinking Water Regulations Chapter 70.116 RCW.</b> Directs the Washington State Department of Health to assure safe and reliable drinking water and protect drinking wells.</li> <li>● <b>Washington State Water Pollution Control Act Chapter 90.48 RCW.</b> Regulates various source control activities related to sediment management.</li> <li>● <b>City of Bremerton Comprehensive Wastewater Plan and Updates.</b> Ensures adequate existing and future wastewater capacity.</li> <li>● <b>City of Bremerton Stormwater Management Program.</b> Summarizes the actions to be taken by the City of Bremerton to fulfill its obligations as listed in the NPDES Phase II Municipal Stormwater Permit.</li> <li>● <b>City of Bremerton BMC Chapter 15, Stormwater, SWMMWW and LID Guidance Manual.</b> Regulates for stormwater management associated with new development and redevelopment.</li> <li>● Any future development would need to comply with applicable utility franchises and permits.</li> </ul>

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<b>3.13.4 Telecommunications</b>	<ul style="list-style-type: none"> <li>● Future construction of telecommunications infrastructure would be required to comply with federal and state laws, including the regulations of the FCC; the provisions of the Cable Television Consumer Protection and Competition Act, as appropriate; the regulations of the BMC; and the KCC.</li> </ul>
<b>3.14 Relationship to Plans and Policies</b>	<ul style="list-style-type: none"> <li>● See Land Use Patterns and Exhibit C Public Agency Actions and Commitments.</li> </ul>