

**Department of Planning and Community Development**

**Memorandum**

**Date:** June 16, 2017

**To:** Heather Wright

Senior Planner

**From:** Christy Carr, AICP

Senior Planner

**Subject:** PLN50767 HMP Review

This memo provides comments on the Habitat Management Plan (HMP) submitted by Bainbridge Island School District for the Blakely Elementary School (subject property).

In accordance with the development standards in BIMC 16.20.160.D.2, an applicant shall provide either the prescribed habitat buffer or an approved habitat management plan, pursuant to BIMC 16.20.060, that clearly provides greater habitat functions and values in perpetuity than the prescribed habitat buffers.

A Category I/II wetland is located off-site to the northeast of the subject property. Due to the wetland characteristics and impact of proposed land use (high), the off-site wetland has a 100-foot water quality buffer and a 200-foot habitat buffer, for a total of 300 feet (BIMC 16.20.160.D). The applicant is proposing to maintain the entirety of the 100-foot water quality buffer while reducing the habitat buffer; therefore, a HMP is required. The applicant submitted a *Critical Areas and Habitat Management Report* (HMP) dated June 1, 2017.

According to the HMP submitted by the applicant, approximately 160,521 square feet of standard buffer exists on the site. This is the area of the prescribed 300-foot buffer before any proposed reduction. Of this total, 12,015 square feet is water quality buffer and the remaining 148,506 square feet is habitat buffer. Existing uses within the habitat buffer include undeveloped forest (64,945 square feet), buildings and hardscape (20,145 square feet) and lawn (63,416 square feet).

Proposed redevelopment within the habitat area includes the school building, fire lane and turnaround, pedestrian trails, and outdoor learning space. The HMP presents only 8,815 square feet of “buffer loss,” which is an area of undeveloped forest. Development within this area includes removal of over 20 mature trees to accommodate the fire lane, outdoor learning space, and a portion of the school building. The HMP does not address the remaining 139,691 square feet of habitat buffer on the site and proposes only 9,820 square feet of compensatory mitigation through enhancement of both the water quality and habitat buffer.

**The HMP does not clearly demonstrate that greater protection of the functions and values of critical areas can be achieved through the HMP than could be achieved through providing the prescribed habitat buffers** as required by BIMC 16.20.060.A. The “prescribed habitat buffers” in this case is the entire 200-foot habitat buffer, or 148,506 square feet. It is not limited to only the area not previously developed. The HMP states, “Approximately 8,815 square feet of the habitat buffer for Wetland 18 would be eliminated in order to construct the proposed project.” This is area the HMP calls “truly functioning habitat buffer.” An HMP must demonstrate greater protection in functions and values than the entire prescribed habitat buffers, not just the portion of it that is “truly functioning.” In fact, 92,376 square feet of the habitat buffer for Wetland 18 would be eliminated and the 9,820 square feet of proposed buffer enhancement is not shown to result in greater protection of the functions and values of the off-site wetland.

BIMC 16.20.060.G.3 requires, “For wetland or other habitats protected by this chapter, the application shall show, using the appropriate function assessment methodology, that habitat functions and values are greater after the development than would occur had the prescribed buffers been provided.”

While the HMP uses two functional assessment methodologies to document existing wetland functions, little or no information is provided regarding the functions of the habitat buffer, other than to state that it is significantly degraded. A “minimum level of buffer functions” is stated to occur on site, including sediment and nutrient removal, fish or wildlife habitat, and screening of the wetland from noise and light intrusions. The existing “highly functional” or undeveloped forested portion of the buffer is stated to provide wildlife functions. The HMP states, “Elimination of this portion of the wetland habitat buffer would likely reduce the wildlife functions provided by the buffer to a relatively small degree” by reducing foraging and nesting and its ability to screen the wetland from noise and light intrusions. In addition, construction will result in removal of over 30 mature trees, as shown on Sheet C1.01, Site Demo and TESC Plan, largely for the fire lane. [Note: The HMP states only 14 trees will be removed.] Invasive species removal and native plant installation is proposed as mitigation to increase buffer function. The HMP does evaluate the lost habitat functions and values due to this extensive tree removal. No evidence is provided in the HMP that the existing vegetation, including invasive species, constitutes a less effective physical screen or provides less habitat than the native plants proposed as a replacement; and, most likely, replacement of existing mature trees and invasives would result in a decreased level of screening and habitat in the short term due to the size and separation of the plants.

In addition, the HMP states that hydrological and water quality functions would not be affected; however, the metric required for an HMP is to provide greater function, not just no effect. Overall, the HMP fails to show that habitat functions and values are greater after the development than what would occur had the prescribed buffers been provided.

BIMC 16.20.060.B: HMPs are primarily intended as a means to restore or improve buffers that have been degraded by past activity, and should preserve, and not reduce, existing high quality habitat buffers.

As summarized in the HMP, the existing buffer includes buildings, hardscape and ornamental lawn. As such, the on-site buffer has been degraded by past activity. However, as stated in BIMC 16.20.060.B, the primary intent of the HMP is to restore or improve degraded buffers and that existing high quality habitat buffers should be preserved, not reduced. The HMP proposes to enhance only 9,820 square feet of water quality and habitat buffer, not all of which is degraded, and actually eliminate 8,815 square feet of existing, high quality habitat buffer (undeveloped forest), including removal of over 30 mature trees. In addition, the proposed outdoor learning space and a pedestrian trail are located within existing “fully functional” habitat buffer (undeveloped forest), but not included as an area of impact. Overall, the proposed development results in an overall reduction in habitat buffer area.

BIMC 16.20.060.D: The HMP shall encompass an area large enough to provide mitigation for buffer reduction below the standard required buffers, and shall identify how the development impacts resulting from the proposed project will be mitigated. The developer of the plan shall use the best available science in all facets of the analyses.

The proposed development would result in elimination of 92,376 square feet of the required 200-foot habitat buffer while proposing only 9,820 square feet of buffer enhancement, approximately 10 percent of the impact area. The HMP does not demonstrate how enhancement of 9,820 square feet of water quality and habitat buffer is an area large enough to provide mitigation for elimination of 92,376 square feet habitat buffer in terms of either equivalent area or function. The function assessment methodology used in the HMP documents existing functions of the wetland but does not tie it directly to the functions of the buffer. No analysis or rationale is provided as to whether a mitigation area of just over 10 percent of the impact area is large enough.

BIMC 16.20.060.I: The HMP shall demonstrate to the satisfaction of the director that the habitat functions and values are improved by implementation of the HMP.

The HMP states implementation of mitigation measures would result in increased habitat function for the wetland buffers in five ways.

(1) Improving screening of the wetland from noise and light intrusion from the school and associated outdoor activities. *No evidence is provided in the HMP that the existing vegetation, including invasive species, constitutes a less effective physical screen or provides less habitat than the native plants proposed as a replacement; and, most likely, replacement of existing mature trees and invasives would result in a decreased level of screening and habitat in the short term due to the size and separation of the plants.*

(2) Increasing area within the buffer that provides forage and nesting for wildlife. *The proposed forest understory plantings will likely increase the area available for forage and nesting.*

(3) Increasing large woody debris recruitment to wetland to improve water quality. *As stated earlier, over 30 trees are proposed for removal from the habitat buffer. It is unclear how large woody debris recruitment would be increased and how any potential increase would improve water quality of the wetland.*

(4) Protecting large coniferous trees that are suitable for cavity nesting birds and mammals. *Protecting existing trees does not improve habitat functions and values.*

(5) Maintaining groundwater discharge to Wetland 18. *Maintaining groundwater discharge does not improve habitat functions and values.*

**The HMP does not satisfactorily demonstrate that the habitat functions and values will be improved by implementation of the HMP.**