



April 8, 2020

City of Bainbridge Island
Attn: Barry Loveless
280 Madison Ave N
Bainbridge Island, WA 98110

Re: Critical Area Review for the Proposed Police & Court Facility Located at 8804 Madison Ave N in the City of Bainbridge Island

Wetland Resources, Inc. (WRI) was contracted to assess critical area impacts that could result from a proposed 484 square-foot addition to an existing structure located at 8804 Madison Ave N, the future Bainbridge Island Police and Court Facility. WRI staff conducted a site visit on March 17, 2020 to better understand existing conditions. This letter assesses site conditions in the context of the exemptions described in section 16.20.040 of the Bainbridge Island Municipal Code (BIMC).

Site background was provided by City staff, which included the reports titled *Buffer Mitigation Plan for Harrison Urgent Care* (date: October 2013, author: Ecological Land Services), and *Critical Areas Report for Sakai Park* (date: October 2018, author: Ecological Land Services). Among other things, these reports describe the methodology used to delineate on-site and nearby critical area features.

Based on physical observation during the March site visit, WRI staff agrees with the surveyed critical boundaries delineated by Ecological Land Services in 2013 and 2018. Critical area boundaries are expected to remain consistent over time given the steep topographic transition from wetland to upland conditions. The on-site wetland was classified as a Category II wetland, and requires a 110-foot standard buffer. The off-site stream is now classified as a Type F stream, which requires a 200-foot buffer. Strict application of a 200-foot buffer would create nonconforming development within the subject property, including the 484 square-foot addition area.

The 2013 Buffer Mitigation Plan was needed to accommodate a stormwater outfall pipe within the wetland buffer. The plan included demarcation of the limits of the critical area buffer with split-rail fencing. All areas landward of the split-rail fence are developed in some form, including the proposed building addition area. The building addition area consists of a rockery and maintained lawn over existing stormwater infrastructure, which includes a gravel-filled dispersion trench with drain covers that provide overflow protection. Figure 1 below depicts the proposed building addition area.



Figure 1: Proposed Building Addition Area

The 484 square-foot building addition is proposed between the existing structure and a stormwater outfall system, in a steep area that consists of maintained lawn above stormwater infrastructure. Vegetation over the stormwater system is regularly maintained grass, and periodic maintenance related to the structure occurs in this area. The developed condition of the site prevents establishment of native plants, which would provide wildlife habitat value through screening and forage. Steep topography eliminates the potential to perform or support hydrologic control or water quality improvement functions. Overall, the area landward of the split-rail fence provides no ecological support functions to protect the nearby wetland and stream complex.

Section 16.20.040(B)(1) of the Bainbridge Island Municipal Code (BIMC) provides relief for non-conforming areas such as the proposed building addition area. This code section appears to support the applicant's proposal to expand the existing structure, and reads as follows:

1. Actions within a portion of a wetland buffer or fish and wildlife habitat conservation area buffer separated from the critical area by an existing permanent substantial development, use or activity which serves to eliminate or greatly reduce the impact of the proposed activity on the critical area are exempt from establishing the full required buffer width; provided, that impacts to the critical area do not increase.

Based on WRI staff findings during the March site visit, all areas located landward of the split-rail fence and within 200 feet of the off-site stream are considered permanent substantial development, and establish functional isolation from the critical area. This assertion is based on the demonstrated absence of hydrologic and habitat support, and the permanence of the physical separation.

The proposed addition will not increase impacts to the critical area relative to the existing developed condition. The proposed project does not require mitigation because it does not impact critical areas, and is not expected to create incidental damage to the critical area because the split-rail fence clearly demarcates the limits of the buffer. If vegetation removal does occur inside of the split-rail fence, a restoration plan will be drafted and submitted to the City of Bainbridge Island for review and approval.

Wetland Resources, Inc.



Niels Pedersen, PWS
Senior Ecologist



Alia Richardson
Associate Ecologist and Wildlife Biologist