

Initial Project Review

Wetland Variance: Curt Puddicombe

Application Number: 968808

Tax Parcel Number: 3290000074

Key Peninsula Advisory Commission (KPAC) Meeting: October 20, 2021 at 6:30 p.m. via zoom:

Although COVID 19 restrictions on gatherings have been relaxed, the State Emergency Declaration is still in effect. This meeting will be held remotely and may be held in person. To participate in the meeting remotely, visit www.Zoom.com and click “Join A Meeting” or call 253-215-8782. Refer to the Meeting ID and Password listed below. For additional questions regarding how to participate remotely and the in person public meeting process, contact Danica Williams at danica.williams@piercecountywa.org or at (253) 798-7156.

Join Zoom Meeting:

<https://piercecountywa.zoom.us/j/91295403231?pwd=MnRublpKR3cyVDY1dklISzU0aW9LUT09>

Meeting ID: 912 9540 3231

Passcode: 7156

Proposal: The applicant is proposing to reduce the required 110-foot buffer for a Category III wetland to an 18-foot minimum width in order to accommodate the driveway in the northwestern corner of the parcel. This driveway location is the only access point that avoids wetland disturbance for the proposed single-family residence, septic tank, septic drain field, and well.

Project Location: This site is in the Key Peninsula area of unincorporated Pierce County, located at 18320 Roberts Road NW, Within the SE ¼ of Section 15, T21N, R1W, W.M., in Council District #7.

Staff Review: County staff has reviewed this proposal for compliance with all applicable policies, codes, and regulations. Staff intends to recommend **approval** to the Hearing Examiner, subject to regulatory requirements and recommended conditions of approval.

State Environmental Policy Act (SEPA): SEPA Review is not required for this proposal.

County Contact: Jamison Grzyb, Environmental Biologist, (253) 798-2468,
jamison.grzyb@piercecountywa.gov

Pierce County Online Permit Information:

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/documents?applPermitId=968808>



Project Data

Complete Application Date: August 17, 2021

Initial Project Review Mailed: October 13, 2021

Property Owners/Applicant: Curt Puddicombe
24006 Cedar Way
Mountlake Terrace, WA 98043
seablues@msn.com

Agent: Terri Schultz
4810 Pt Fosdick Drive NW, Suite 156
Gig Harbor, WA 98335
info@permitgranted.com

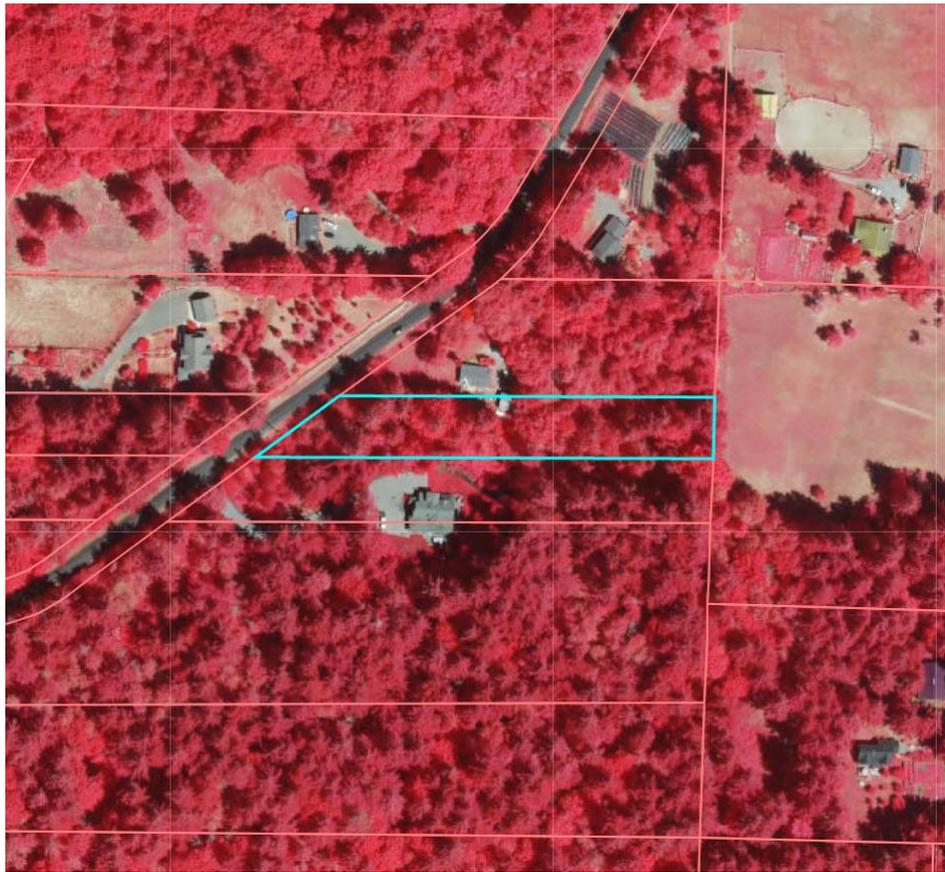
Legal Notice

- *September 14, 2021*: Notice of Application, including the Key Peninsula Advisory Commission (KPAC) public meeting information, was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property.
- *August 19, 2021*: The site was posted with a public notice sign and confirmed with a Declaration of Posting.
- *October 6, 2021*: Legal notice was published in the official County newspaper (*Tacoma News Tribune*) advertising the Key Peninsula Advisory Commission (KPAC) public meeting.

2020 Aerial Photo



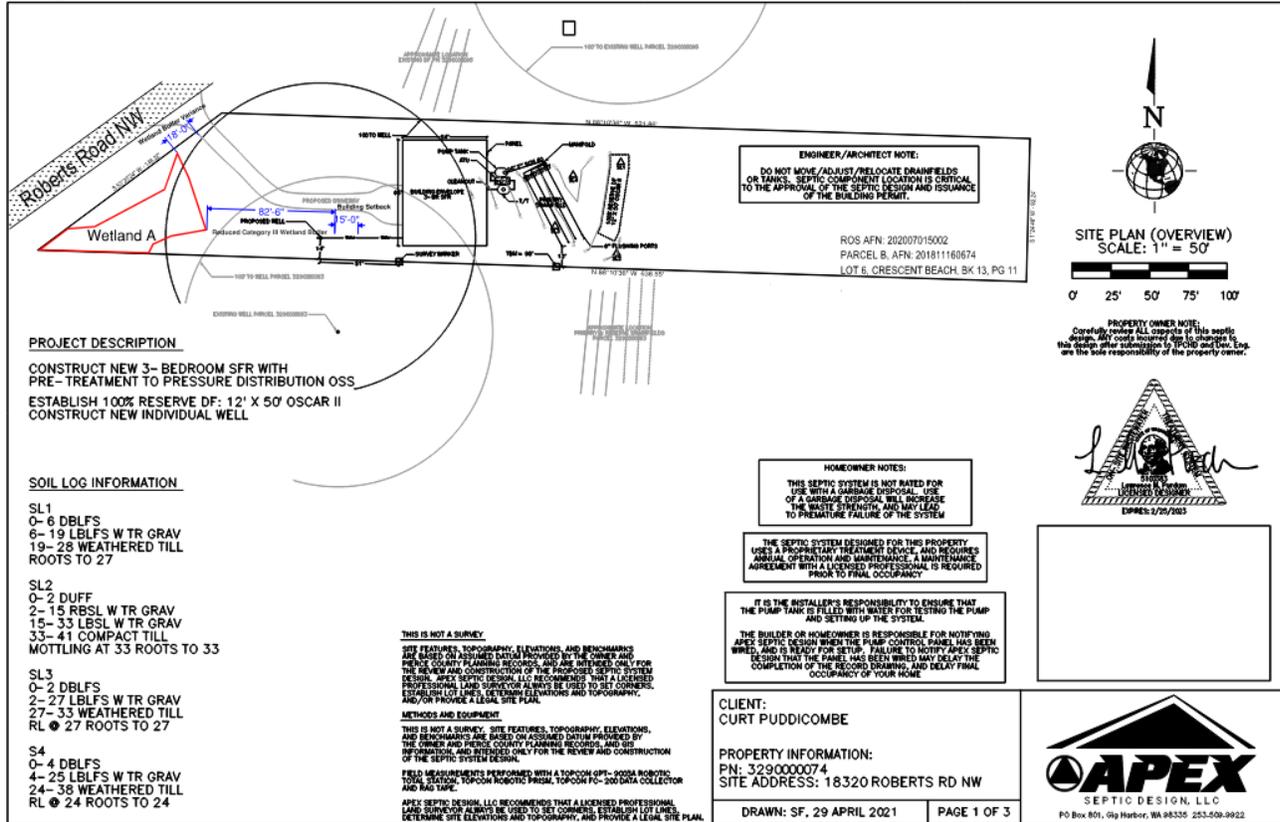
Infrared Aerial 2002



Wetland Map



Proposed Site Plan, dated August 19, 2021



Site Characteristics:

- The parcel is flag shaped and 1.24 acres in size. The parcel slopes downward on the western half.
- A Category III wetland has been identified on the parcel. The wetland extends off-site to the south.
- The wetland is a depressional wetland. The buffer consists mainly of shrubs, herbaceous plants and trees.
- Due to critical area constraints, the applicant has proposed to reduce the required 110-foot buffer to a minimum 18-feet to accommodate a driveway to access a future single-family residence. The single-family residence and associated septic system and well will be outside of the reduced wetland and buffer of 82.5-feet. A mitigation plan to plant native species will be required. Fencing along the buffer boundary will also be required.

Surrounding Land Use and Zoning Designation

	LAND USE	ZONING
North	Single Family Residence (SFR)	Rural 10 (R10)
South	SFR	R10
West	Vacant Land	R10
East	SFR	Rural Farm

Review Responsibility

The following list includes jurisdictional areas for County departments and divisions involved in the review and administration of this proposal:

- A. Planning and Public Works (PPW):
 - Current Planning verifies compliance with the Pierce County Comprehensive Plan, Key Peninsula Community Plan, and development regulations including zoning, critical areas, design review and potential environmental impacts.
 - Wetland and Fish & Wildlife Section reviews for site constraints for wetlands or fish and wildlife.
 - Development Engineering reviews for drainage, erosion control, site development, flood, survey, landslide and erosion hazard, lot dimensions and road standards.
- B. Tacoma-Pierce County Health Department reviews for wastewater disposal and potable water.

Review Criteria

The following regulations and policies shall be used during the review process including, but not limited to:

- A. Pierce County Development Regulations.
- B. Pierce County Comprehensive Plan and Key Peninsula Community Plan.
- C. Applicable state statutes.
- D. All applicable notes on related previously recorded County documents.

Agency and Staff Review Comments

The proposed project has been routed to interested departments and agencies for review. Additional comments may be forthcoming. To date, no comments have been received from neighbors or the public. No comments, corrections or requests for additional information have been received from other departments or agencies.

PPW Staff Review for Consistency with Applicable Land Use Policies and Regulations

The proposal is subject to review for conformance with Pierce County plans, codes and regulations.

Governing Regulations:

Title 18E Development Regulations – Critical Areas Revised 6-19 Amended Ord. 2019-59

18E.20.020 Regulated Uses and Activities

- A. Unless the requirements of the Title are met, Pierce County shall not grant any approval or permission to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement regulated through the following: building permit, commercial or residential; binding site plan; franchise right-of-way construction permit; site development permit; right-of-way permit; shoreline permits; short subdivision; large lots; use permits; subdivision; utility permits; or any subsequently adopted permit or required approval not expressly exempted by this Chapter.

18E.30.040 Wetland Standards

A.6 Unless otherwise allowed by PCC 18E.030.040 B. or C., in no case shall the Department allow development to occur closer to a wetland boundary than 75 percent of the buffer size as determined through use of PCC 18E.30.060 and Appendix F. An applicant who wishes to modify a buffer beyond these limits must pursue a variance as defined within PCC 18E.20.060.

18E.20.060 Variances

A. General. An applicant who seeks to reduce a wetland buffer below the provisions of PCC 18E.30.060 or the Wetland Standards of PCC 18E.30.040, or a critical fish and wildlife habitat buffer below the provisions of PCC 18E.40.060, or the Fish and Wildlife Habitat Conservation Area Standards of PCC 18E.40.040 may pursue a variance.

A. That there are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to other properties;

Staff Comment: The wetland is in the southwest corner of the site along Roberts Road which provides access to the site. The prescribed wetland buffer would extend beyond the property boundaries. The applicant proposes driveway access through the buffer at the minimum driveway width. The proposed single-family structure and associated septic drainfield will be located outside of the wetland and buffers.

Section 18E.30.040 A.6. allows development within the wetland buffer but states that "...in no case shall the Department allow development within a buffer to occur closer to a wetland boundary than 75 percent of the buffer size..." Even with a reduction of the buffer to 82.5 feet in width (75 percent of the required 110-foot buffer) there is not enough room to place a driveway.

B. That the applicant has avoided impacts and provided mitigation to the maximum practical extent;

Staff Comment: In an attempt to avoid impacts, only the minimum driveway width required is proposed to penetrate the buffer. All other improvements will be located outside of the wetland and buffer areas. A split rail fence required by Pierce County will be erected to clearly delineate the wetland and buffer areas.

C. That the buffer reduction proposed through the variance is limited to that necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property, but which because of special circumstances is denied to the property in question; and

Staff Comment: The buffer reduction proposed for the driveway access to the site is the minimum impact possible while still providing single family development on the site.

D. Granting the wetland variance will not be materially detrimental to the public welfare or injurious to the property or improvement.

Staff Comment: A buffer reduction allowed on one parcel may in itself not be immediately materially detrimental to the public welfare or injurious to the property. However, small cumulative effects add up to eventually create significant negative impacts downstream. The functions of the buffer, such as increasing the quality of, and mitigating the amount of runoff received by a wetland and/or drainage, are reduced as the buffer is decreased in size. The habitat

function of a buffer also declines as the width is reduced.

The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements because it will be the minimum disruption to the buffer area. Only an improved driveway access to the minimum width allowable would be located within the buffer. All other site improvements would be located well outside of the buffer and buffer setbacks.

Title 18D - Environmental

The proposal is not subject to environmental review under the State Environmental Policy Act (SEPA).

Question from Staff for the KPAC:

Does the KPAC believe that the applicant is meeting the Wetland Variance Permit Requirements?

Puddicombe Wetland Variance KPAC IPR-JG.docx