

Wetland Buffer Variance #968808

Curt Puddicombe

Jamison E. Grzyb, Environmental Biologist II

Pierce County Planning and Public Works | Land Use and Environmental Review

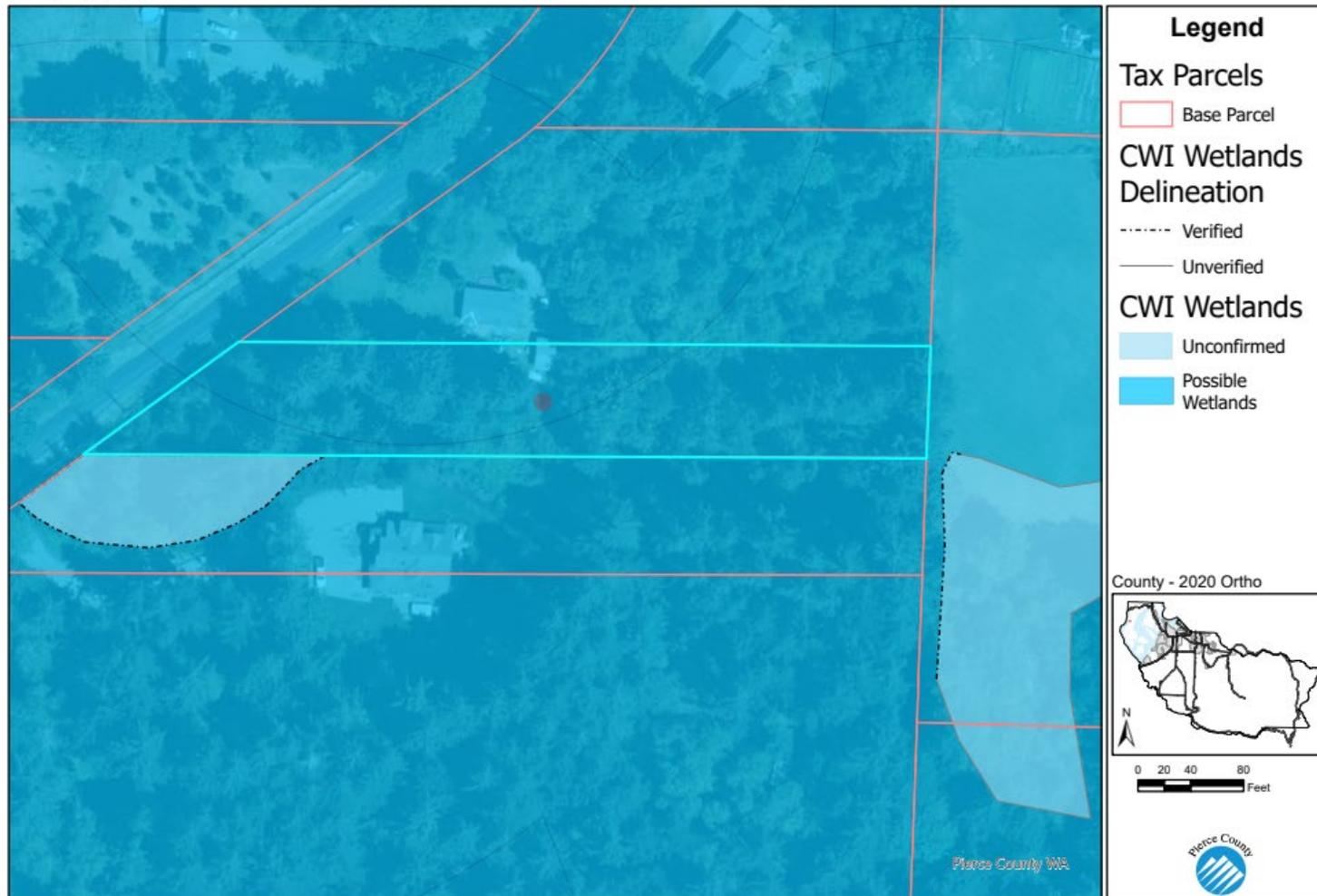
Pierce County Hearing Examiner
October 20, 2021

Background and 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. 2,252-square feet of the wetland is located on-site and 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.



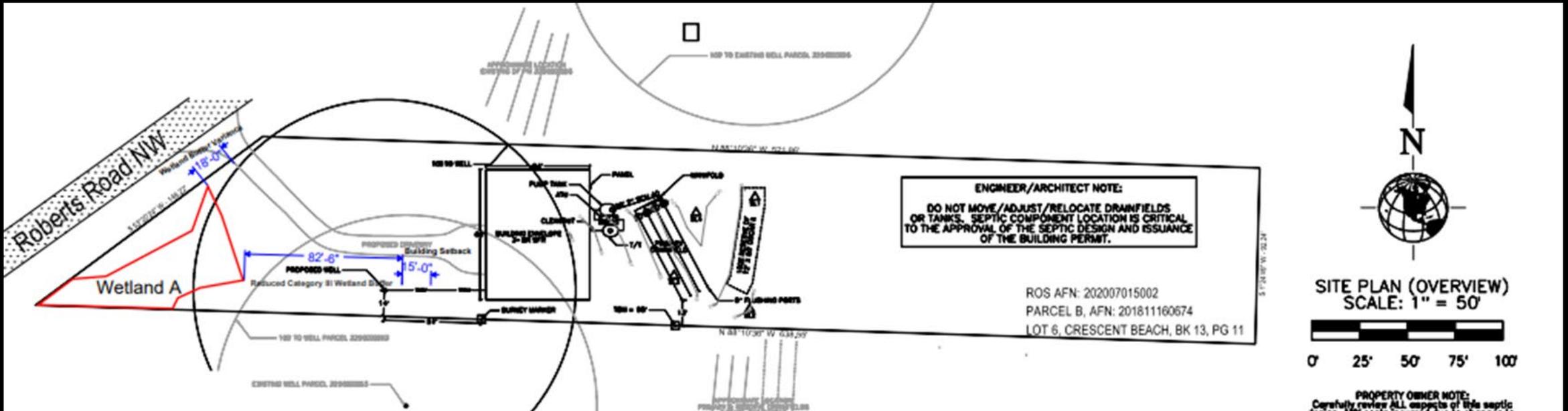
2020 Aerial of Parcel 3290000074 Located at 18320 Roberts Road NW



Mapped Critical Areas



Delineated Wetland

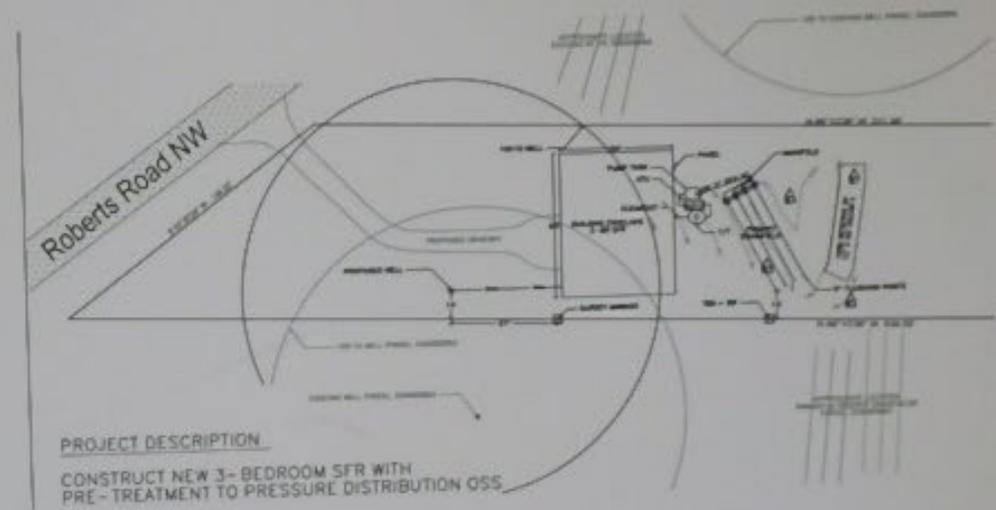


Site Plan with Buffers

Proposal:

Wetland Delineation for future
Single-Family Residence

18320 Roberts Road



Application #: 962739

Contact: Scott Sissons
scott.sissons@piercecountywa.gov
(253) 798-2758

Photo of the Public Notice Signage



Evidence of Seasonal Ponding



Photo of Wetland from Center of Wetland Looking Northeast

Planning and Public Works Staff Review for Consistency with Policies and Regulations:

- Criteria for the Hearing Examiner's review of a Variance request are contained within Section 18E.20.060 of the Pierce County Code in effect November 10, 2021. These criteria are listed below with Staff comments.
- The Hearing Examiner shall have the authority to grant a **wetland variance** from the requirements of Section 18E.30.060 and 18E.40.060 when, in the opinion of the Examiner, all the following criteria have been met:

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 surrounding properties or that make it impossible to redesign the project to preclude the need for a variance;

- 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 questions; 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. That granting the 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.

Recommended Conditions of Approval

- Staff recommends approval of the variance request with the following recommended conditions:
- Prior to the issuance of any permits on these parcels (i.e., Site Development or Building permits), or the initiation of any grading, clearing, filling, or vegetation removal, the applicant shall complete the requirements necessary to obtain wetland approval, and shall record the Final Wetland Area Approval with the Pierce County Auditor's Office.
- Critical Areas (wetland, and buffers) shall be shown on all site plans submitted to Pierce County Planning and Public Works | Land Use and Environmental Review.
- Fencing will be required around portions of the developed area to delineate the critical area from the developed area. This will be specified in the wetland approval. The remaining buffer boundary will be marked with permanent signs on treated 4"x4" posts placed in concrete.
- Also, as mitigation, any invasive vegetation (mainly Himalayan blackberry) located within the outer portion of the wetland buffer will be removed by hand and replanted with acceptable native vegetation.
- It is the applicant's responsibility to research and comply with all other local, state, and federal regulations and obtain relevant permits.

Questions?

Wetland Buffer Variance #968808

Curt Puddicombe

Jamison E. Grzyb, Environmental Biologist II

Pierce County Planning and Public Works | Land Use and Environmental Review