

Initial Project Review

Wetland Variance: Tommy's Car Wash

Application Number: 979272

Tax Parcel Number: 0319121055, 0319121057 & 0319121058

Mid County Advisory Commission (MCAC) Public Meeting: March 8, 2022, at 6:30 p.m. Although COVID 19 restrictions on gatherings have been relaxed, the State Emergency Declaration is still in effect. This meeting will be held remotely. To participate, visit www.Zoom.com and click "Join a Meeting" or call 253-215-8782, then enter the Meeting ID: 949 9341 5000 and Passcode: 7156, or click on the following link:
<https://piercecountywa.zoom.us/j/94993415000?pwd=c0xubXZ4dmxaS1ErTGh4V3BYQzc4Zz09>
For additional questions regarding the virtual meeting process, contact Danica Williams at 253-798-7156, or danica.williams@piercecountywa.gov.

Proposal: The applicant is proposing to reduce a portion of the required 80-foot buffer for a Category III wetland, to an approximately 22-foot minimum buffer to accommodate a 5,243 square foot Commercial Car Wash and associated parking. Non-compensatory mitigation will be provided to compensate for impacts to the reduced wetland buffer and to create a vegetative barrier. The 15-ft building set back will be retained.
Fencing along the wetland buffer boundary will also be required.

Project Location: The site is in the Puyallup area of unincorporated Pierce County, located at 11704 Canyon Road East, Within the SE & NE ¼ of Section 12, T19N, R3E, W.M., in Council District #5.

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: Dara Kessler, Environmental Biologist 2, (253) 798-2584,
dara.kessler@piercecountywa.gov

Pierce County Online Permit Information:
[Online Permits \(piercecountywa.gov\)](http://piercecountywa.gov)



Project Data

Complete Application Date: January 14, 2022

Initial Project Review Mailed: March 2, 2022

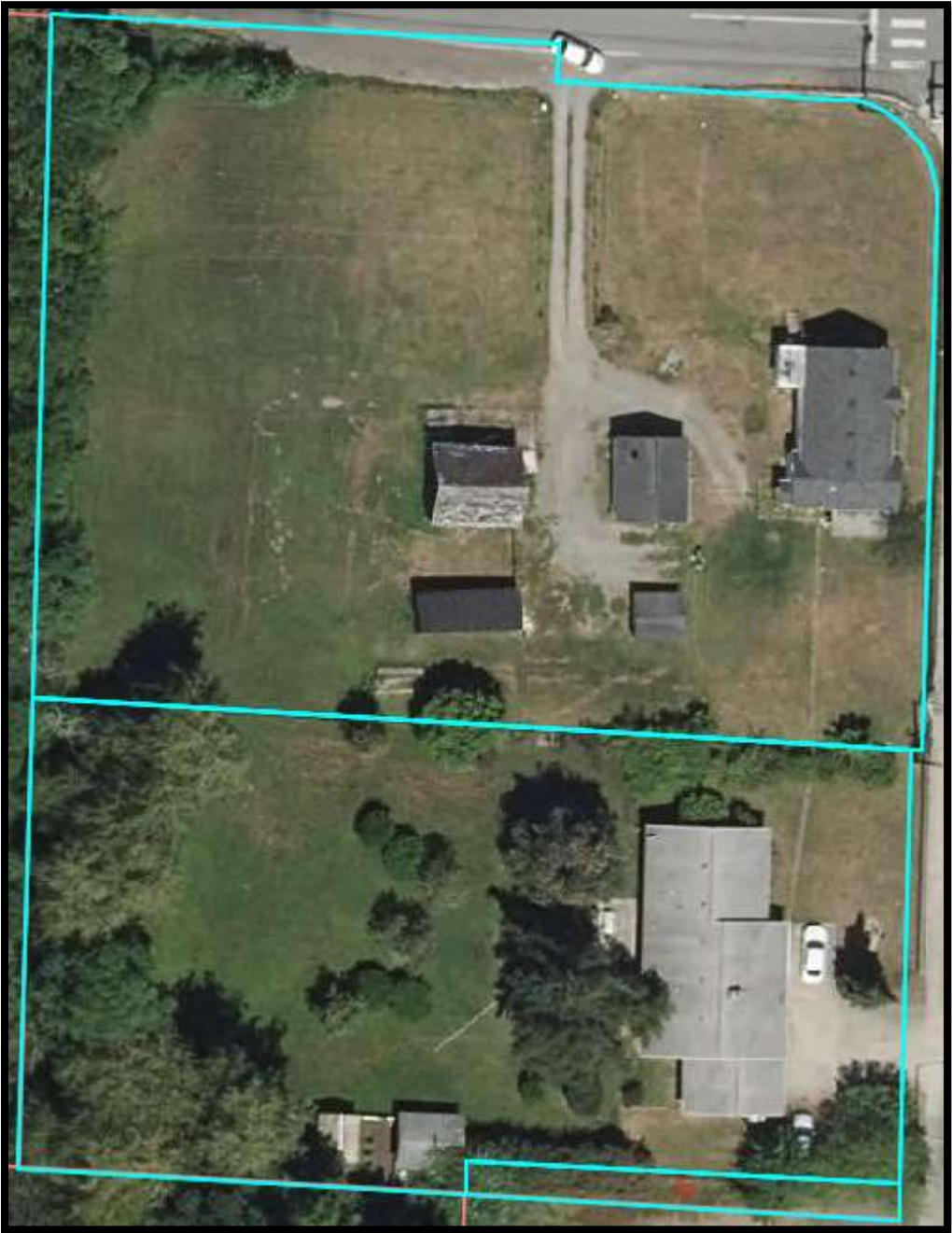
Property Owner: Contour RE LLC
3200 Park Center Drive, Suite 1240
Costa Mesa, CA 92626
info@contourre.com

Agent: Soundview Consultants LLC
Attn: Matt DeCaro
2907 Harborview Drive
Gig Harbor, WA 98335
matt@soundviewconsultants.com

Legal Notice

- *January 27, 2022*: Notice of Application, including the Mid County Advisory Commission (MCAC) 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.
- *As of this date the site has NOT been posted* with a public notice sign and confirmed with a Declaration of Posting. Email to applicant has been sent 3-2-22.
- *March 1, 2022*: Legal notice was published in the official County newspaper (*Tacoma News Tribune*) advertising the Mid-County Advisory Commission (MCAC) public meeting.

2020 Aerial Photo

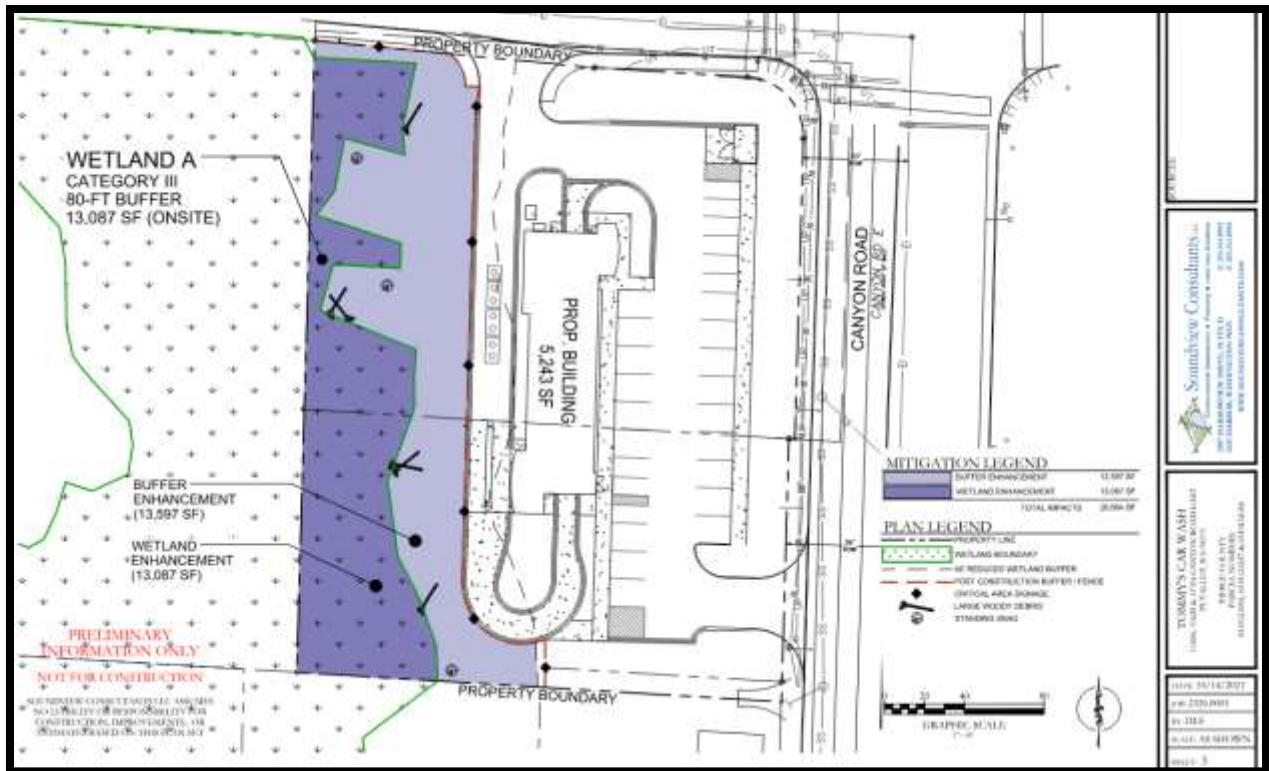




Wetland Map and Existing Conditions, dated October 14, 2021



Proposed Site Plan and Mitigation Plan, dated October 14, 2021



Site Characteristics:

- The three subject parcels are 2.007 acres in size. These parcels are relatively and slope gently down to the west.
- A Category III wetland has been identified in the western portion of the site. The wetland extends off-site to the north, south, and west and is part of a chain of wetlands associated with a drainage that extends north to south.
- Approximately 50 percent of the site is either wetland or wetland buffer.
- The wetland is a forested and emergent, depressional wetland. The on-site buffer consists mainly of existing lawn with a few shrubs and trees and herbaceous plants.
- Due to critical area constraints, the applicant has proposed to reduce the required 80-foot buffer to an approximately 22-foot minimum buffer to accommodate a 5,243-foot Commercial Car Wash and associated parking. The 15-ft building set back will be retained. A non-compensatory mitigation plan to enhance the wetland and reduced wetland buffer and to create a vegetative barrier will be required. Fencing along the buffer boundary will also be required.

Surrounding Land Use and Zoning Designation

LAND USE		ZONING
North	Commercial	Urban Corridor (UCOR)
South	Single Family Residence (SFR)	Urban Corridor (UCOR)
West	SFR	Rural Separator (RSEP)
East	Commercial/Multifamily	Urban Corridor (UCOR)

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, Graham Community Plan, and development regulations including zoning, critical areas, design review and potential environmental impacts.
 - Natural Resources 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 Graham 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: Approximately 50 percent of the parcel is either wetland or wetland buffer.

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 60 feet in width (75 percent of the required 80-foot buffer) there is not enough room to develop this site in accordance with the allowed zoning use for the site.

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

Staff Comment: Due to critical area constraints, the applicant has proposed to reduce the required 80-ft buffer to a 22-foot minimum buffer to accommodate a 5,243-foot Commercial Car Wash and associated parking. The 15-ft building set back will be retained.

They have attempted to avoid and minimize impacts by locating 5,243-foot Commercial Car Wash and associated parking as far away to the east from the wetland as possible. The submitted non-compensatory mitigation plan outlines the strategy to enhance the existing wetland and buffer areas by removing invasive species and replanting with native shrubs and trees. Fencing along the buffer boundary adjacent to the proposed development will also be required.

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 applicant has designed the project to avoid impacts to Wetland A to the greatest extent possible. The proposed Commercial Car Wash and associated parking is located as far away and east from Wetland A as possible. This proposal is consistent with existing uses of similarly situated properties in the surrounding area within the urban corridor. Since the parcel is designated 50 percent critical area, it is impossible to get reasonable use of the property without reducing the buffer beyond what is allowed in Title 18E.

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 these parcels may 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.

In this case, the proposed development is located within a portion of the buffer that is existing lawn and a single-family residence and trees will not be removed. To mitigate for the negative impacts associated with reducing a wetland buffer the applicant will replant a portion of the wetland and reduced buffer and thereby increase some of its biological functions.

Title 18D - Environmental

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

Question from Staff for the MCAC:

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