

# Initial Project Review

## Wetland Variance: Frisinger, Jeremy & Marissa

**Application Number: 984473**

**Tax Parcel Number: 0419228022**

**South Hill Advisory Commission (SHAC) Meeting: May 2, 2021 at 7:00 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](http://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](mailto:danica.williams@piercecountywa.org) or at (253) 798-7156.

Join Zoom Meeting:

<https://piercecountywa.zoom.us/j/96841797039?pwd=cjlaaXRCd0t3dDZGRTBpZ25oYnRtZz09>

**Meeting ID:** 968 4179 7039

**Passcode:** 908725

**Proposal:** In order to have reasonable use of this parcel of record the Wetland B buffer will need to be reduced below the 82.5-foot minimum width allowed by Pierce County Code (PCC) which is 75 percent of 110 feet. To allow the driveway, EVA, and utilities access to the dwelling the minimum distance from the edge of Wetland B to the EVA/driveway will need to be approximately 45-feet in one location. In order to allow the driveway and utilities access to the dwelling the minimum distance from the ordinary high-water mark of Watercourse A to the driveway will need to be reduced to approximately 0 feet. The driveway will require crossing the watercourse with a designed culvert.

**Project Location:** This site is in the Puyallup area of unincorporated Pierce County, located at 11704 – 152<sup>nd</sup> Street East, Within the SE ¼ of Section 22, T19N, R4E, W.M., in Council District #1.

**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) 548-5802,  
[jamison.grzyb@piercecountywa.gov](mailto:jamison.grzyb@piercecountywa.gov)

**Pierce County Online Permit Information:**

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/documents?applPermitId=984473>



## Project Data

Complete Application Date: March 24, 2022

Initial Project Review Mailed: April 26, 2022

Property Owners: Jeremy & Marissa Frisinger  
15220 – 82<sup>nd</sup> Avenue East  
Puyallup, WA 98375  
[jfrisinger@newhopech.com](mailto:jfrisinger@newhopech.com)

Agent: Robert Rester  
5505 – 207<sup>th</sup> Street Court East  
Spanaway, WA 98387  
[bob@livingstonecustomhomes.com](mailto:bob@livingstonecustomhomes.com)

## Legal Notice

- *April 12, 2022*: Notice of Application, including the South Hill Advisory Commission (SHAC) 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.
- *March 25, 2022*: The site was posted with a public notice sign and confirmed with a Declaration of Posting.
- *April 19, 2022*: Legal notice was published in the official County newspaper (*Tacoma News Tribune*) advertising the SHAC public meeting.

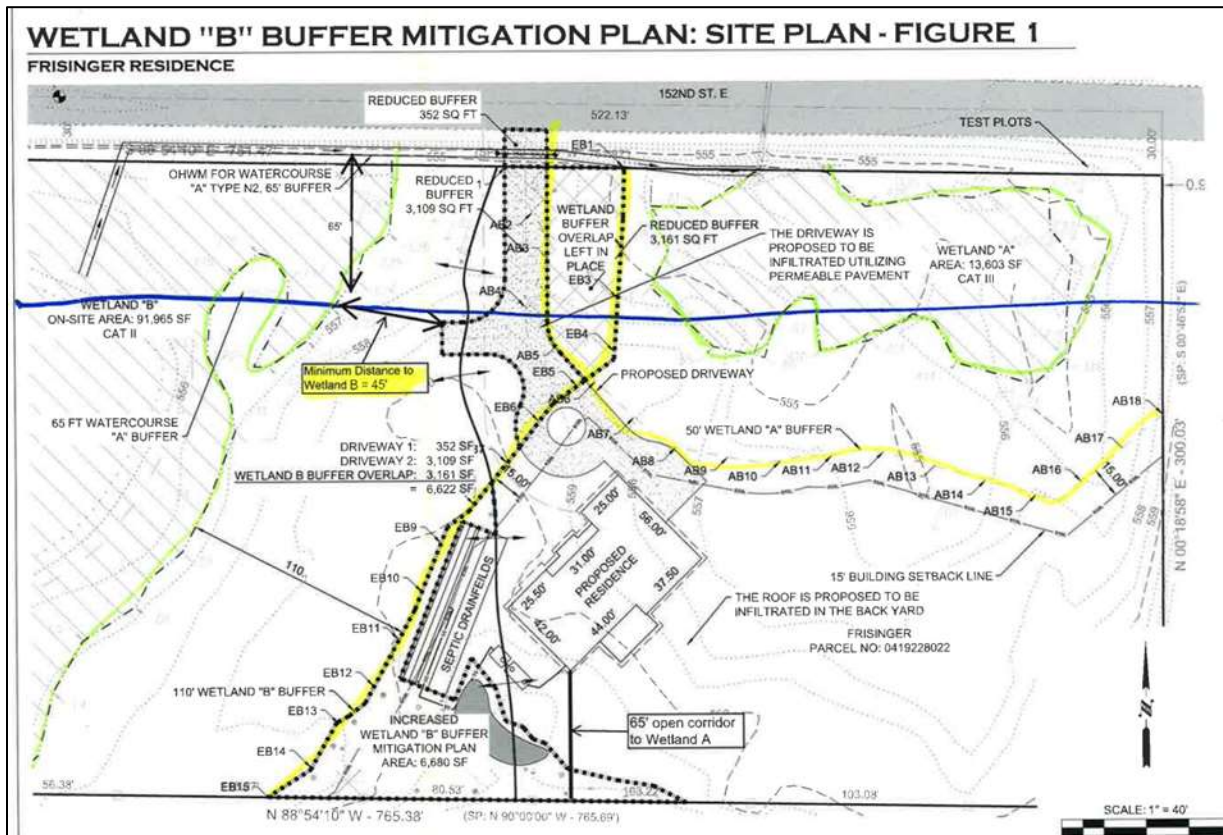
## 2020 Aerial Photo



# Infrared Aerial 2002

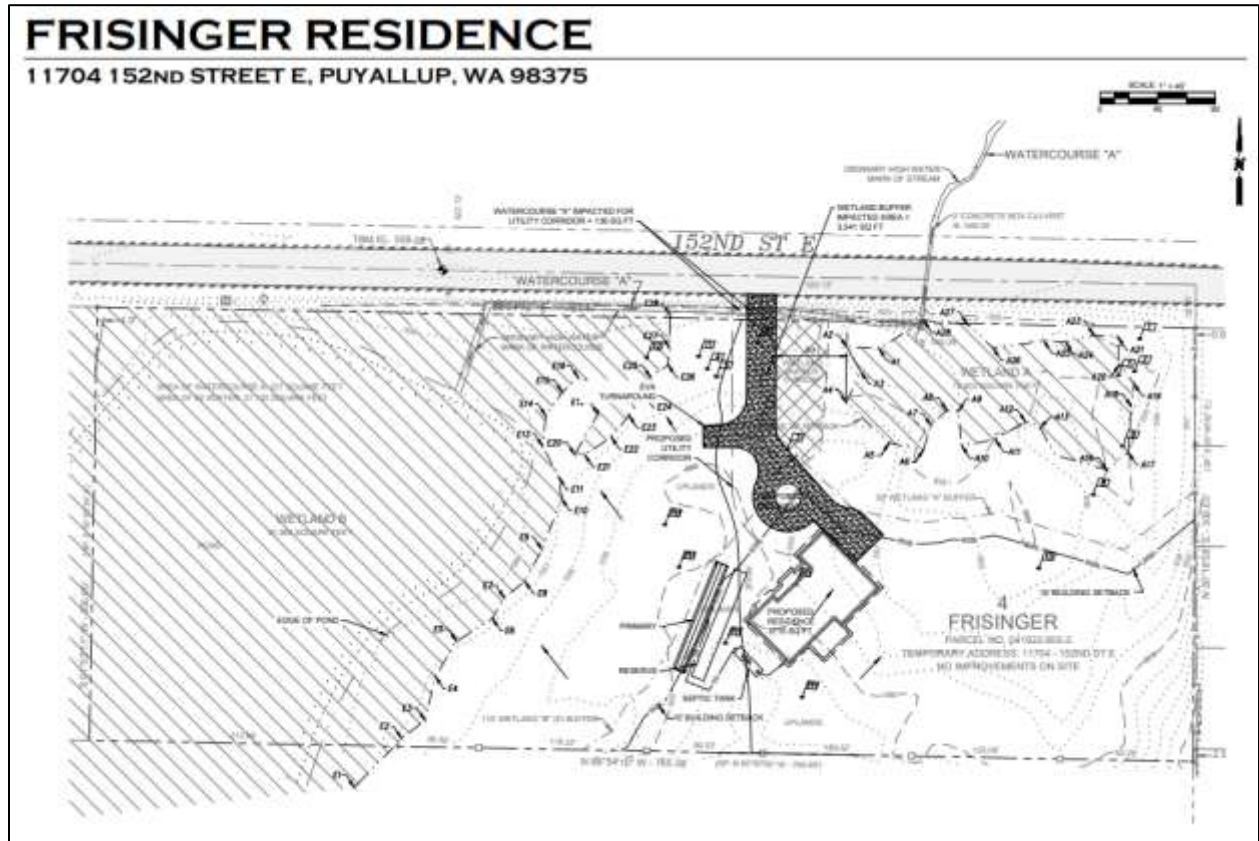


# Wetland Map





**Proposed Site Plan dated July 20, 2021**



**Site Characteristics:**

- The parcel is rectangular in shape from east to west and 5.25 acres in size. The parcel is generally flat with a few rolling hummocks.
- A Category III and Category II wetland have been identified on the parcel. There is also a Pierce County Type N2 Water (drainage) that run along the northern boundary.
- Both wetlands are classified as depressional wetlands. The buffers consist mainly of shrubs, herbaceous plants and trees.
- Due to critical area constraints, the applicant has proposed to reduce the required 110-foot Category II Wetland buffer to a minimum 45-feet and the 65-foot N2 watercourse buffer to 0-feet in order accommodate the driveway and utilities access to the dwelling. The single-family residence and associated septic system will be outside of the reduced wetland and buffer. 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)	Moderate Density Single Family
South	Parking Lot	Employment Center
West	SFR	Moderate Density Single Family
East	SFR	Moderate Density Single Family

## **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, South Hill Advisory Commission, 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 South Hill Advisory Commission
- 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: In order to have reasonable use of this parcel of record the Wetland B buffer will need to be reduced below the 82.5-foot minimum width allowed by Pierce County Code (PCC) which is 75 percent of 110 feet. In order to allow the driveway and utilities access to the dwelling the minimum distance from the edge of Wetland B to the driveway will need to be approximately 45 feet. The Watercourse A buffer will need to be reduced below the 48.75-foot minimum width allowed by PCC which is 75 percent of 65 feet. In order to allow the driveway and utilities access to the dwelling the minimum distance from the ordinary high-water mark of Watercourse A to the driveway will need to be reduced to approximately 0 feet. The driveway will require crossing the watercourse with a designed culvert.

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 and utilities. Section 18E.40.060 D.2. for the watercourse states "The buffer width will not be reduced more than 25 percent below the provisions of subsection B of this Section". Even with the reduced 48.75-foot minimum width (75 percent of the required 65-foot buffer), there is not enough room for the driveway and utilities.

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

Staff Comment: Mitigation Sequencing in the provided NON-COMPENSATION WETLAND B BUFFER MITIGATION PLAN presents 9 avoidance and minimization measures, 5 rectification and reduction measures, and 1 non-compensatory measure. 1. To off-set the unavoidable buffer reduction impacts beyond what is allowed by Piece County code for Wetland B and Watercourse A, and 2. mitigation effort will include Wetland B buffer increase areas for native plantings and habitat features.

**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: In order to have reasonable use of this parcel of record the Wetland B buffer will need to be reduced below the 82.5-foot minimum width allowed by Pierce County Code (PCC) which is 75 percent of 110 feet. In order to allow the driveway and utilities access to the dwelling the minimum distance from the edge of Wetland B to the driveway will need to be approximately 45 feet. The Watercourse A buffer will need to be reduced below the 48.75-foot minimum width allowed by PCC which is 75 percent of 65 feet. In order to allow the driveway and utilities access to the dwelling the minimum distance from the ordinary high-water mark of Watercourse A to the driveway will need to be reduced to approximately 0 feet. The driveway will require crossing the watercourse with a designed culvert.

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

Staff Comment: By granting the variance, it is the professional opinion of this writer that the segment of the reduced Wetland B buffer and Watercourse A buffer proposed for mitigation will not have any significant adverse effects on terrestrial and aquatic species and on aquatic and terrestrial habitat after its implementation. The proposed wetland buffer increase areas in the planting plan and habitat features plan will suffice to protect the terrestrial and aquatic resources contiguous to and within Wetland B and Watercourse A. The proposed buffer mitigation plan will not pose a threat to the public health, safety or welfare or to the environment. Best Management Practices (BMPs) will be installed prior to any grading, filling, or constructing the dwelling and driveway and prior to any mitigation planting in order to prevent / minimize airborne dust from being released into the ambient air and to prevent / minimize particulate matter, water conveyed sediments, and other construction related pollutants from entering into Wetland A, Wetland B, Watercourse A, and onto off-site properties.

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 and utilities to the minimum width allowable would be located within the buffers. All other site improvements would be located outside of the reduced 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 SHAC:**

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