Wetland Buffer Variance #983974
Vetsch, Gary

Jamison E. Grzyb, Environmental Biologist II
Pierce County Planning and Public Works | Land Use and Environmental Review
• The parcel is rectangular in shape and 0.7062 acres in size. The parcel has a ridgeline centrally located from the western to eastern boundary which slopes downward to a pond on the northern boundary and to the roadway on the southern boundary.

• A Category II wetland has been identified on the northern boundary of the parcel.

• The wetland is classified as depressional wetland. The buffers consist mainly of shrubs, herbaceous plants and trees.

• Due to critical area constraints, the applicant has proposed to reduce the required 150-foot Category II wetland buffer to a 28-foot minimum with a 15-foot building setback. A mitigation plan to plant native species will be required. Fencing along the buffer boundary will also be required.
Mapped Critical Areas
Delineated Wetlands with Site Plan
Wetland A and the Associated Pond (Eastern Edge)
Eastern Edge of Wetland A
• 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 June 8, 2022. 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 parcel has a shallow area for development and terrain sloping up from the road that fronts the sites providing the best building area at the top of slope.

- **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 112.5 feet in width (75 percent of the required 150-foot buffer) there is not enough room to place a single-family residence and septic system.
B. That the applicant has avoided impacts and provided mitigation to the maximum practical extent.

• **Staff Comment**: The applicant has combined two lots into one parcel to develop one homesite and drainfield area minimizing impacts through modest use.
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 land is in a residential community on Herron Island where most landowners build vacation or retirement homes. The proposal is in keeping with the surrounding community. The impact from buffers would deny all use.
D. That granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvement.

- Staff Comment: There is no impact anticipated that would be detrimental to the community. All proposed activity is in keeping with standard development practices and will employ all measures required by the departments overseeing development.

- 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.
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 Planning and Public Works.

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?

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