

Initial Project Review

Fish & Wildlife Variance: Mancuso, Rose

Application Number: 999690

Related Application Number: 997475 & 997477

Tax Parcel Number: 9760200090

Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: January 11, 2023 at 6:30 p.m. This meeting will be held in person at the City of Gig Harbor, Southeast Entrance, 3510 Grandview Street, Gig Harbor, WA. For additional questions regarding this meeting, contact Long Range Planning Admin at 253-798-3736, or ppwlongrangeadmin@piercecountywa.gov

Proposal: Buffer reduction for a Type N1 Water/drainage. To have reasonable use of this old parcel of record, the buffer will be required to be reduced below the 86.25-foot minimum width allowed by code (75% of 115-feet). The buffer will need to be reduced to approximately 53-feet to allow single-family residence, driveway, and septic system.

Project Location: The site is in the Rural Sensitive Resource (RSR) zone classification, in the Gig Harbor area of unincorporated Pierce County, located at 5114 Willow Lane NW, Gig Harbor, within the SW ¼ of Section 18, T21N, R2E, 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 2, (253) 548-5802,
Jamison.grzyb@piercecountywa.gov

Pierce County Online Permit Information:

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmentsStatus?applPermitId=999690>



Project Data

Complete Application Date: October 17, 2022

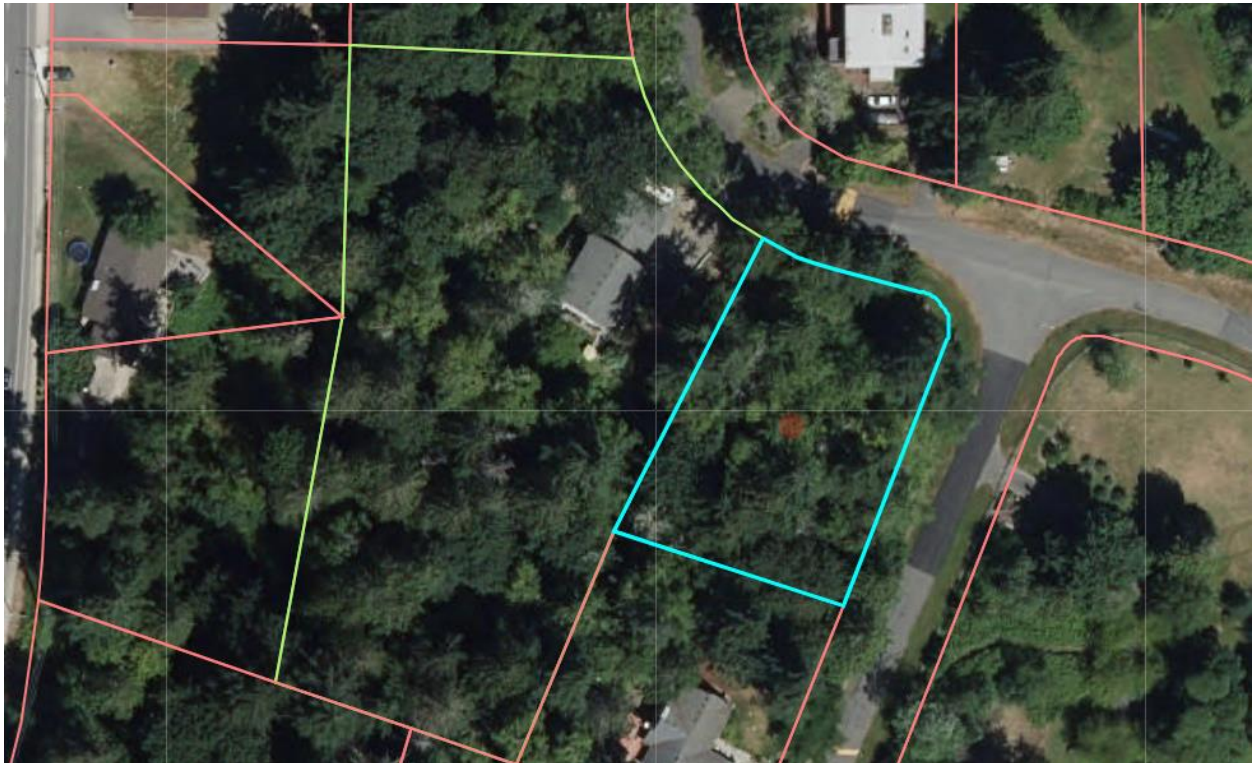
Initial Project Review Mailed: January 4, 2023

Property Owner: Rose Mancuso LLC
5211 Spruce Lane NW
Gig Harbor, WA 98335
vince.mancuso@hotmail.com

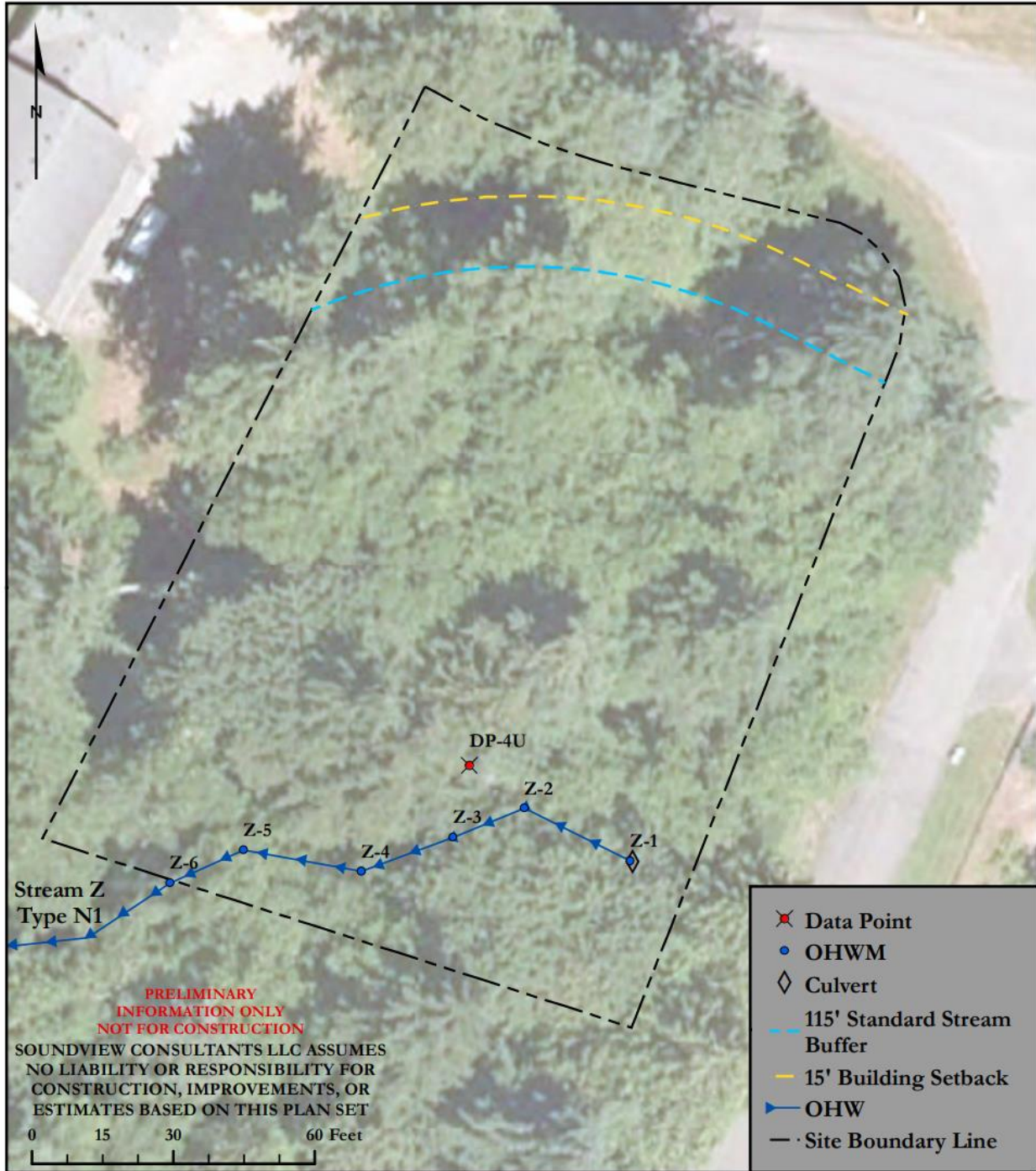
Legal Notice

- *November 22, 2022*: Notice of Application (NOA) and Public Hearing Notice, 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.
- *October 17, 2022*: The site was posted with a public notice sign and confirmed with a Declaration of Posting.
- *December 28, 2022*: Legal notice was published in the official County newspaper (*Tacoma News Tribune*) advertising the Gig Harbor Peninsula Advisory Commission (PAC) public meeting.

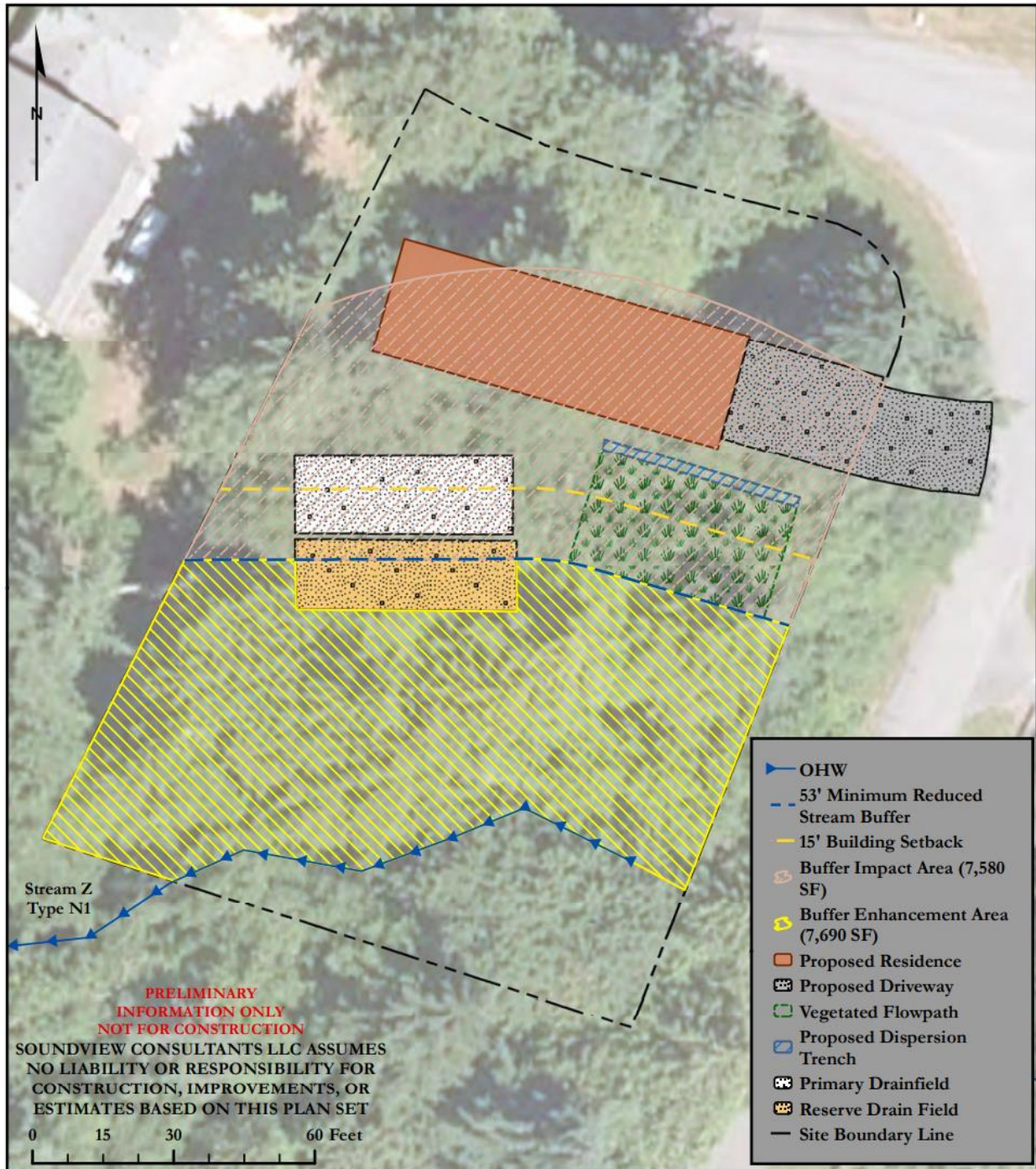
2020 Aerial Photo



Stream Delineation and Existing Conditions



Stream Delineation and Proposed Site Plan with Requested Buffer Reduction and Buffer Enhancement Area



Site Characteristics

- The parcel is located at 5114 Willow Lane NW in Gig Harbor. Parcel number is 9760200090. The parcel is rectangular in shape, relatively flat sloping to the west/southwest, and 0.53 acres in size.
- One Type N1 Water (Stream Z) runs along the southern property boundary.
- The proposed project avoids direct impacts to Stream Z, minimizes impacts to the Stream Z buffer to the greatest extent practical, and enhances the remaining buffer area. The encumbrance of the critical area buffers and the desire of the Applicant to achieve reasonable use of the subject property for a single-family residence necessitates a reduction in the stream buffer beyond the minimum 75 percent.

Surrounding Land Use and Zoning Designation

LAND USE		ZONING
North	Single Family Residence (SFR)	Rural Sensitive Resource (RSR)
South	Single Family Residence (SFR)	Rural Sensitive Resource (RSR)
West	Single Family Residence (SFR)	Rural Sensitive Resource (RSR)
East	Single Family Residence (SFR)	Rural 5

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, Gig Harbor 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 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. One comment has been received from the Washington State Department of Ecology in reference to the possibility of heavy metal contamination due to the old Asarco smelter in north Tacoma. No other 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.40.060 Buffer Requirements

- D. Modification to Buffer or Setback Width Requirements.
1. Setbacks. An applicant wishing to reduce a setback shall pursue a variance pursuant to PCC 18E.20.060, except that reductions to the standard shoreline buffers of Table 18S.30.030-2 shall be reviewed pursuant to Title 18S PCC, Development Policies and Regulations – Shorelines.

18E.40.040 Fish and Wildlife Species and Habitat Conservation Areas Standards

- A.1.b. If neither the buffer modification allowances nor standards are applicable or feasible, then an applicant may need to pursue a fish and wildlife variance or reasonable use exception as outlined in Chapter 18E.20 PCC.

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 subject property is a legally created lot, created by the Wollochet Heights Estates 2nd Addition plat in 1973. The lot is 23,270 square feet in size and undeveloped. Surrounding developed lots have single family residences in close proximity to Stream Z and Garr Creek, approximately 60-65 feet from the OHWM. The Applicant proposes to develop a single-family residence located approximately 85 feet landward of OHWM of Stream Z. Due to the extent of the stream and buffer encumbrance on the subject property, buffer averaging and reduction mechanisms do not provide sufficient relief to enable the development of a single-family residences on the subject property. Redesigning the proposed project to avoid the need for a variance is not feasible.

The subject lot has a Type N1 stream crossing the southern portion, which restricts construction within 130 feet of the stream (115 feet stream buffer plus a 15-foot building setback) per PCC Table 18E.40.060-1 and 18E.10.080 H.1. This critical area buffer and setback occupy approximately 19,850 square feet of the property, or approximately 85% of its overall area. The remaining area available is at the north end of the property and required for standard setbacks under the Rural Sensitive Resource (RSR) zone per PCC Table 18A.15.040-2.

The combination of requirements preclude any development of the property, necessitating a variance for the owner to enjoy comparable property rights as nearby landowners. Reducing the stream buffer is the only option, as reducing the RSR setbacks would still leave an insufficient amount of land available to develop.

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

Staff Comment: The proposed reduction in stream buffer is minimized to the greatest extent practical. The proposed development is located as far north on the property as feasible, reducing the buffer from 115 feet to 53 feet, resulting in approximately 7,680 square feet of buffer reduction. To offset any potential impacts to Stream Z as a result of the buffer reduction, the Applicant is proposing approximately 8,100 square feet of buffer enhancement. The remaining buffer will be enhanced through additional plantings and invasive species removal, as detailed in the Proposed Enhancement Strategy below. The building setback remains at 15 feet from the proposed new buffer boundary.

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 proposed buffer reduction is the minimum necessary to enjoy substantial property rights possessed by other properties in the surrounding area. Neighboring properties are generally similar or larger in size to the subject property and developed with single-family residences. The proposed development is compact in scale and carefully planned to minimize potential impacts on nearby protected resources. Without the requested variance, the subject property will be prevented from any improvement.

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

Staff Comment: The requested variance will allow a minimally impactful development to occur, similar to or less intensive than existing development in the vicinity. Further, the proposed buffer enhancement strategies will minimize any potential impacts to Stream Z and downstream properties and environmental resources. No impacts to the public welfare are anticipated to result from the proposed variance.

Question from Staff for the PAC

Does the PAC believe that the applicant is meeting the Fish & Wildlife Variance Permit Requirements?