



# **MIESCHER FISH & WILDLIFE VARIANCE APP. NO. 1012181**

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Pierce County Planning & Public Works

July 26, 2023 Peninsula Advisory Committee (PAC)

The applicant is proposing to reduce the 65-foot buffer for a Type N2 Water to a minimum of 7-feet with a 5-foot building setback to accommodate a single-family residence and have reasonable use of this parcel of record like other parcels in the vicinity. The Applicant is proposing a total of 10,740 square feet of buffer reduction with 16,596 square feet of buffer mitigation.

# 2020 Air Photo



# On-site photos



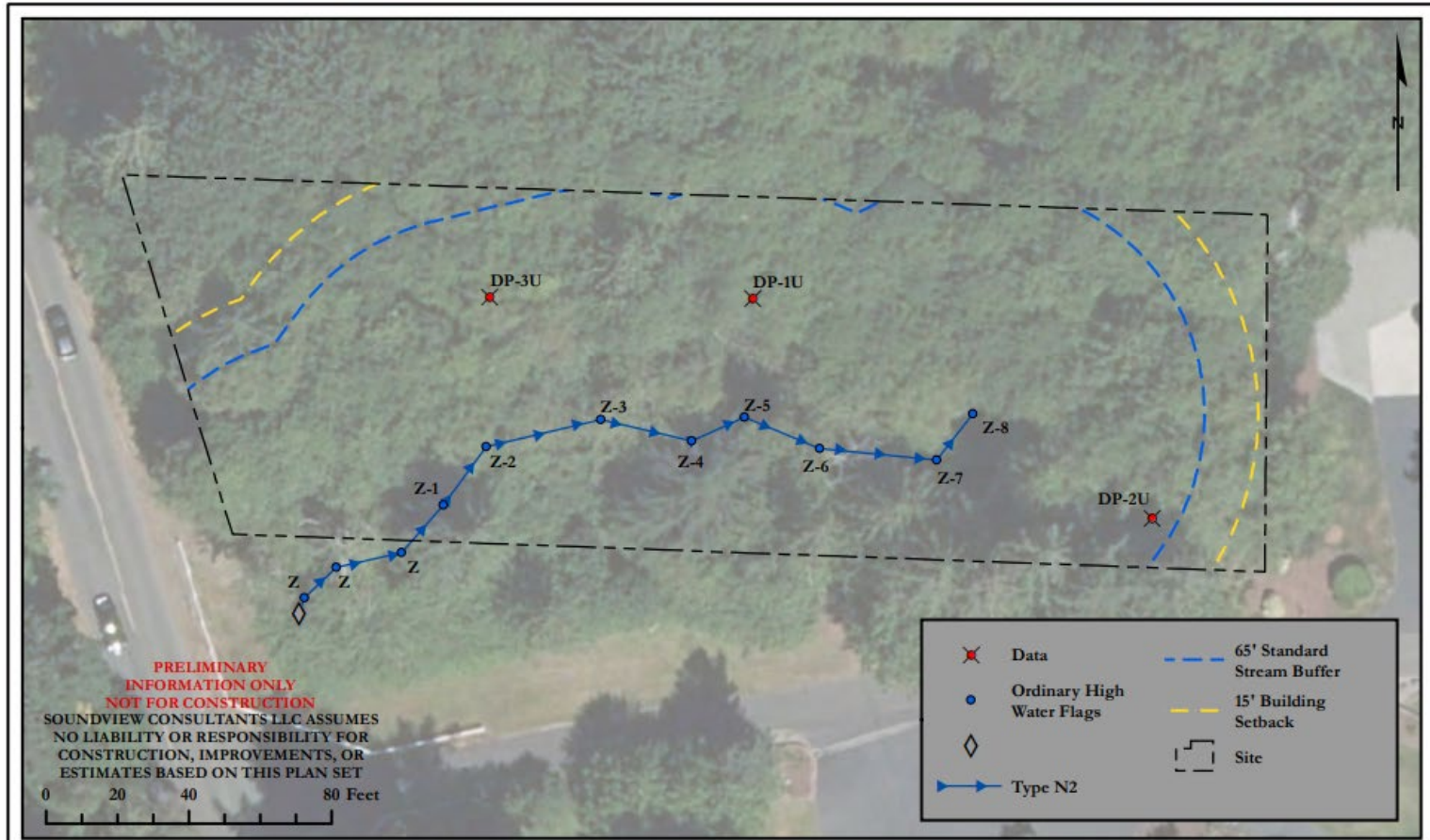


# On-site photos



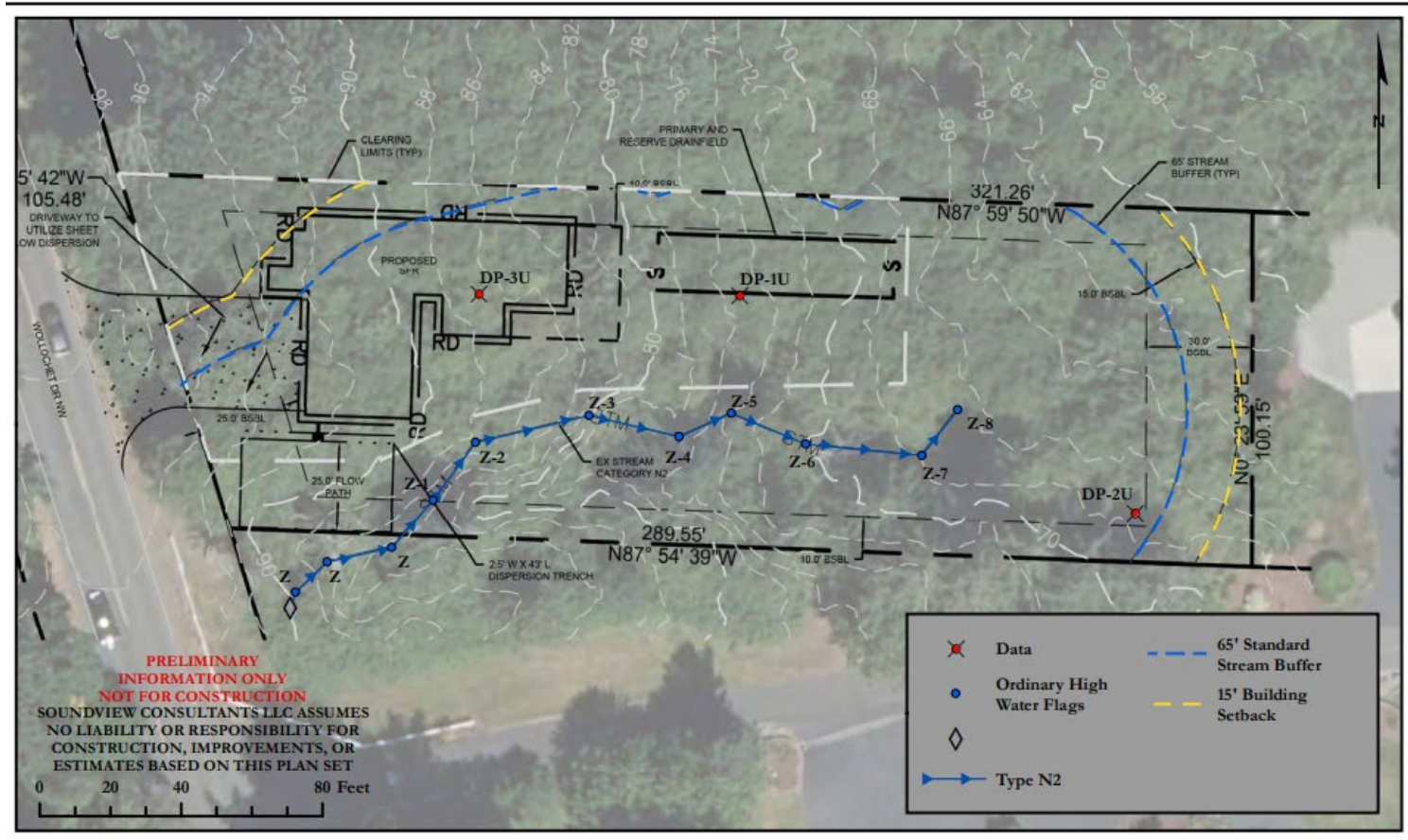
# Existing Conditions

## EXISTING CONDITIONS



# Proposed Site plan

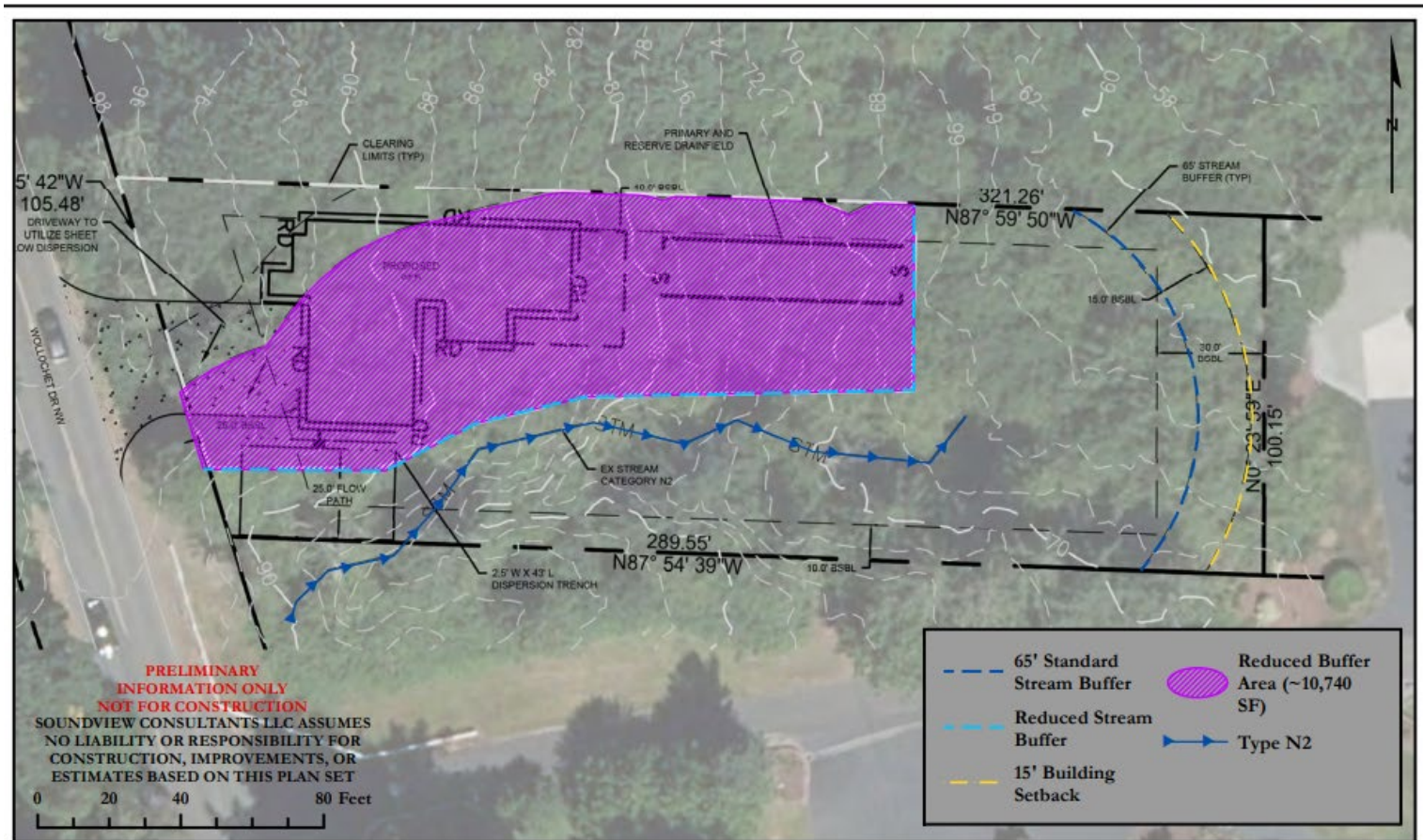
## PROPOSED PLAN





# Buffer Impacts Site plan

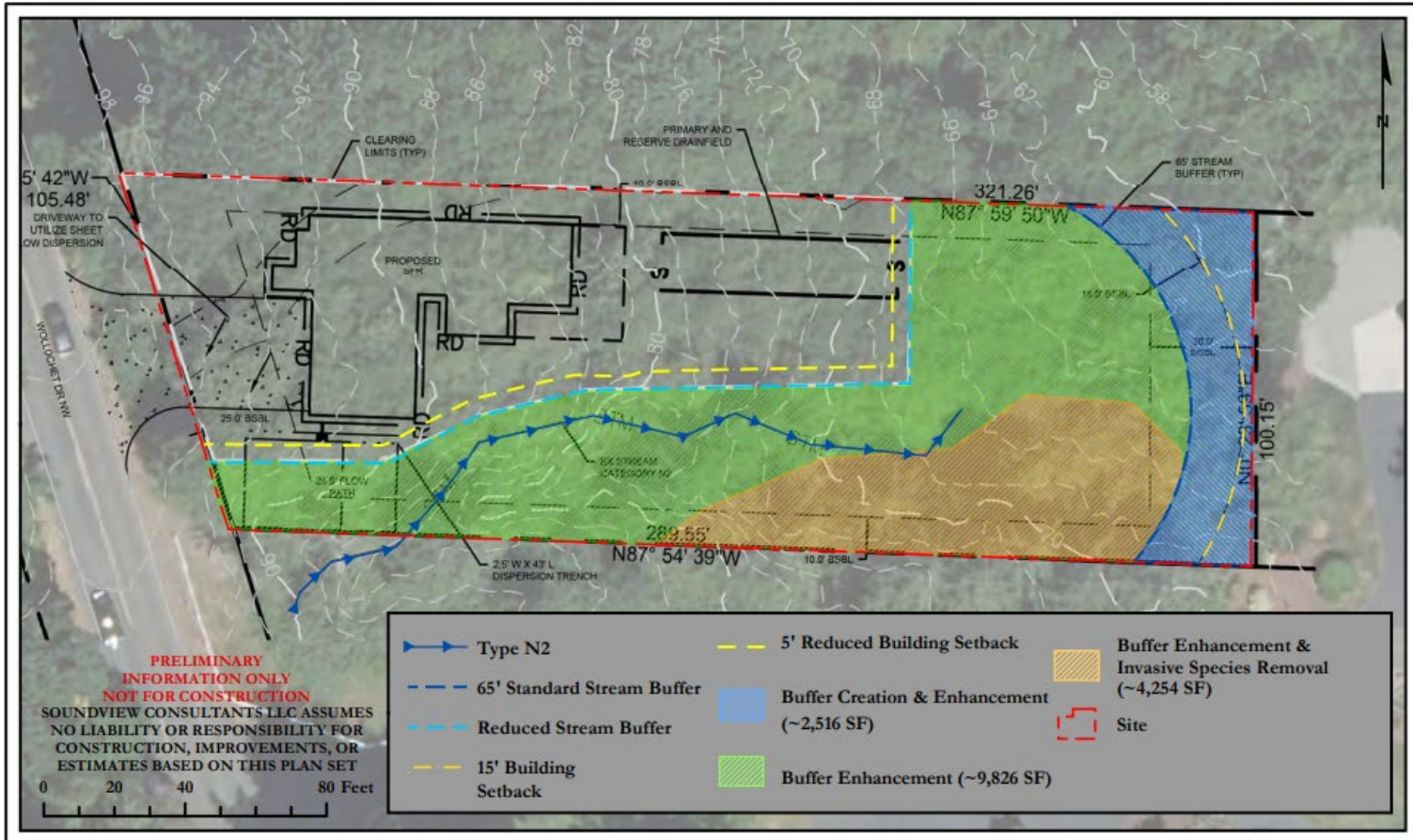
## BUFFER IMPACTS





# Proposed Mitigation Site plan

## PROPOSED MITIGATION

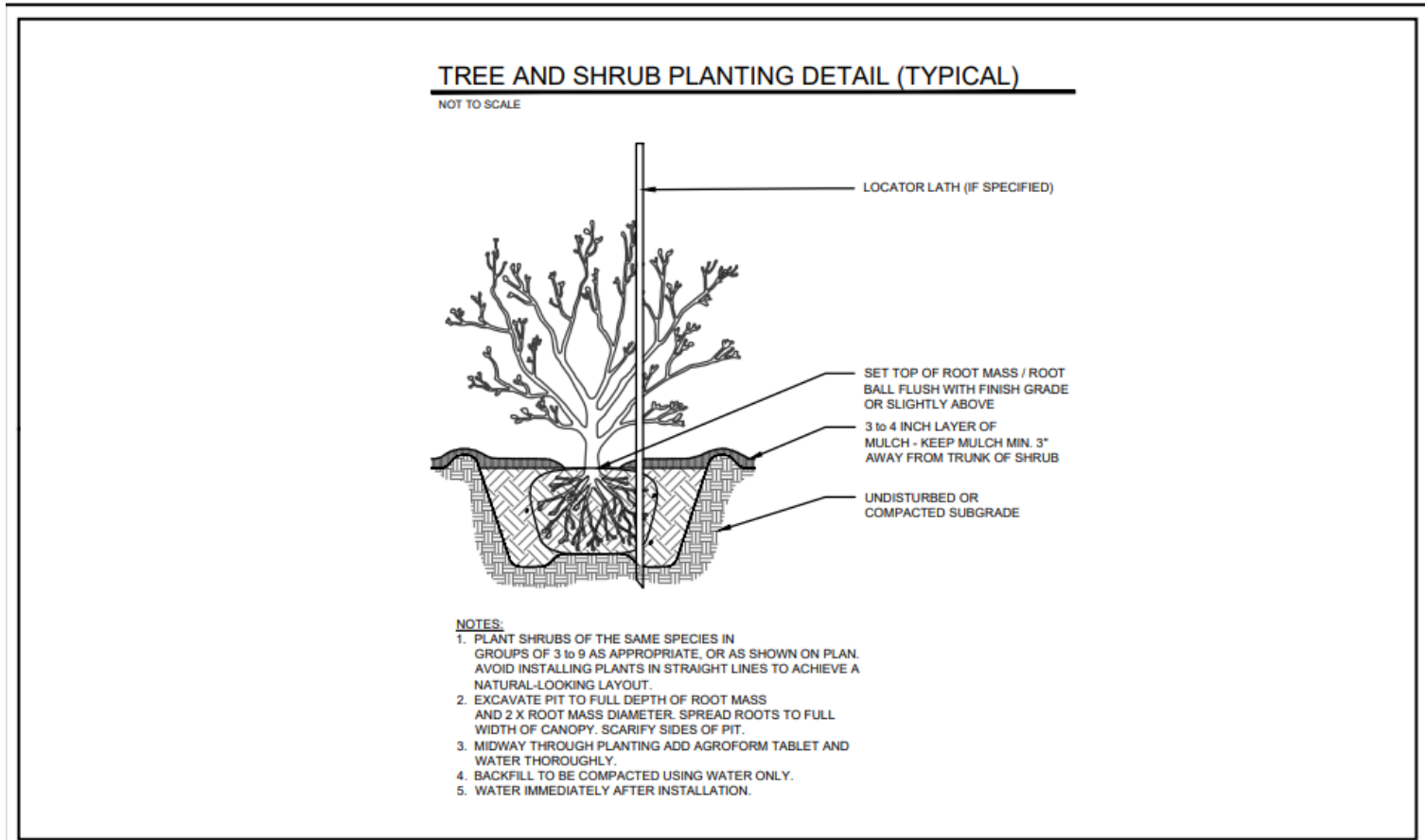


# Plant Schedule

## PLANT SCHEDULE

		Area (sf):	16,596				
		Cov'g (%):	50				
		Trees (%):	20				
		Shrubs (%):	80				
Scientific Name	Common Name	WL Status	Creation & Enhancement	Spacing (min.)	Height (min.)	Size (min.)	Planting Area
<b>TREES</b>							
(Qty)							
<i>Acer macrophyllum</i>	bigleaf maple	FACU	2	10 ft	3 ft	2 gal	Dry
<i>Pseudotsuga menziesii</i>	Douglas fir	FACU	8	10 ft	3 ft	2 gal	Dry
<i>Thuja plicata</i>	western redcedar	FAC	8	10 ft	3 ft	2 gal	Moist - on hummock
<i>Tsuga heterophylla</i>	western hemlock	FACU	2	10 ft	3 ft	2 gal	Moist - on hummock
		<b>Total:</b>	<b>20</b>				
<b>SHRUBS</b>							
(Qty)							
<i>Acer circinatum</i>	vine maple	FAC	31	10 ft	4 ft	2 gal	Dry/Moist
<i>Corylus cornuta var. californica</i>	western hazlenut	FACU	19	10 ft	2 ft	2 gal	Moist
<i>Gaultheria shallon</i>	salal	FACU	62	4 - 5 ft	1 ft	1 gal	Dry
<i>Mahonia nervosa</i>	low Oregon grape	FACU	16	4 - 5 ft	1 ft	1 gal	Dry/Moist
<i>Rubus spectabilis var. spectabilis</i>	salmonberry	FAC	74	4 ft	2 ft	1 gal	Moist
<i>Sambucus racemosa var. racemosa</i>	red elderberry	FACU	31	5 ft	2 ft	2 gal	Dry
<i>Vaccinium ovatum</i>	evergreen huckleberry	FACU	74	4 ft	2 ft	1 gal	Dry/Moist
		<b>Total:</b>	<b>307</b>				
<p>1 - Scientific names and species identification taken from <i>Flora of the Pacific Northwest, 2nd Edition</i> (Hitchcock and Cronquist, Ed. by Giblin, Ledger, Zika, and Olmstead, 2018).</p> <p>2 - Over-sized container plants are suitable for replacement pending Wetland Scientist approval.</p> <p>3 - Alternate native plant species may be substituted or added with Wetland Scientist approval.</p> <p>4 - All disturbed and bare soil areas in the buffer to be seeded with a native grass seed mix.</p> <p>5 - Shrub calculations based upon 5-ft average spacing.</p> <p>6 - Tree calculations based upon 10-ft average spacing.</p> <p>7 - <i>Gaultheria shallon</i> &amp; <i>Mahonia nervosa</i> to be planted in groups of no less than 5 around the bases of trees and in open areas.</p>							

## PLANTING DETAIL





# DECISION CRITERIA

## 18E.20.060.D.3.a.

The Hearing Examiner shall have the authority to grant a wetland and fish and wildlife 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:

1. 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 or that make it impossible to redesign the project to preclude the need for a variance;

*Staff Comments: The seasonal drainage (Type N2 Water) and associated 65-foot standard buffer area cover over 90 percent of the parcel. This old parcel of record is only 30,056 square feet in size (0.69 acres). Other parcels in the area do not appear to have the same limiting regulating critical areas. The applicant is proposing a single-family residence (SFR) that is very comparable to other parcels in the area. In order to accommodate the site with a small SFR, driveway, septic and utilities and associated infrastructure including storm water dispersal, the applicant needs to reduce the required 65-foot Type N2 Water buffer beyond what is allowed in code. 18E.40.040A.1.b states: "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."*

*To accommodate a modest SFR, the applicant needs to reduce the buffer of the seasonal drainage course to a minimum of 7-feet with a 5-foot building setback. It is not possible to redesign the project to preclude the need for a variance.*

*It should be noted that this seasonal drainage does not provide direct fish habitat.*

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

*Staff Comment: The applicant has gone through mitigation sequencing of avoidance, minimization, and mitigation. The applicant cannot avoid impacts since the drainage buffer extends over nearly the entire parcel.*

*The applicant is minimizing impacts by building a modest sized SFR in the northwestern portion of the parcel as far away as possible from the critical areas and limiting the size of the developed area.*

*A mitigation plan is being required that proposes to remove invasive vegetation (mainly English Ivy) from the entire Type N2 Water buffer and enhancing with native vegetation. The Applicant is proposing a total of 10,740 square feet of buffer reduction with 16,596 square feet of buffer mitigation. The proposed plantings will increase species diversity and in turn improve habitat adjacent to the drainage. The increased plantings will increase filtration for any surface runoff to achieve no net loss of stream buffer functions on-site.*

**3. 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: This parcel is located in an area zoned Rural Residential (R10), that allows for SFR. Surrounding properties in the vicinity are all developed with SFR and associated infrastructure. Without the granting of this variance this parcel could not be developed and would be denied reasonable use that other properties possess.*

#### **4. 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 one parcel 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 drainage, are reduced as the buffer is decreased in size. The habitat function of a buffer also declines as the width is reduced.*

*However, in this case, unless this variance is granted, the property owner will have no reasonable use of the old parcel of record created prior to the first critical area ordinance adopted in Pierce County.*

*Water quality and quantity will be required to meet Pierce County Development Engineering requirements to offset increased runoff associated with the proposed development to prevent flooding problems downgradient.*

*Mitigation will be required to enhance the remaining buffer by the removal of invasive vegetation and the planting of native vegetation will not help increase habitat value, and aid in flood flow attenuation and water quality protection before the stream infiltrates.*

*The TPCHD will require that the on-site septic system meet local and state regulations.*



- Does the PAC believe that the applicant is meeting the Fish & Wildlife Variance Criteria or have any comments or recommendations?

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