

# Wetland Buffer or Critical Fish and Wildlife Habitat Buffer Variance

## Required Findings

Address each of the criteria and submit with your application.

Your proposal must meet the following criteria for your application to be approved. See Pierce County Code [18E.20.060](#)

The Hearing Examiner shall have the authority to grant a variance from the requirements of Sections 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
  
- B. That the applicant has avoided impacts and provided mitigation to the maximum practical extent
  
- 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
  
- D. That granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvement



J. That the variance will not jeopardize the continued existence of species listed by the Federal government or the State as endangered, threatened, sensitive, or documented priority species or priority habitats

K. That applicant has avoided impacts and provided mitigation, pursuant to Section 18E.40.050 to the maximum practical extent

**Pierce County Hearing Examiner may impose conditions on variances.** The Examiner has the authority to approve an application for a reasonable use exception, approve with additional requirements above those specified in Title 18E, require modification of the proposal to comply with specified requirements or local conditions, or deny the application if it fails to comply with the requirements of Title 18E.