

Wetland and Critical Fish and Wildlife Habitat Areas Reasonable Use Exception

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.20.050](#)

The Hearing Examiner shall have the authority to grant a variance from the requirements of Sections 18E.30 and 18E.40 when, in the opinion of the Examiner, all the following criteria have been met:

- A. The proposed development is located on a lot that was created prior to March 1, 2005, and there is no other reasonable use or feasible alternative to the proposed development with less impact on the critical area(s) and/or associated buffers including phasing or project implementation, change in timing of activities, buffer averaging or reduction, setback variance, relocation of driveway, or placement of structure

- B. The development cannot be located outside the critical area and/or its associated buffer due to topographic constraints of the parcel or size and/or location of the parcel in relation to the limits of the critical area and/or its associated buffer and a building setback variance or road variance has been reviewed, analyzed, and rejected as a feasible alternative

- C. The proposed development does not pose a threat to the public health, safety, or welfare on or off the site, nor shall it damage nearby public or private property

- D. Any alteration of the critical area(s) shall be the minimum necessary to allow for reasonable use of the property

- E. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant in subdividing the property or adjusting a boundary line thereby creating the undevelopable condition after the effective date of this Title

- F. The proposal mitigates the impacts on the critical area(s) to the maximum extent possible, while still allowing reasonable use of the site

- G. The proposed activities will not jeopardize the continued existence of species listed by the State or Federal government as endangered, threatened, sensitive, or documented priority species or priority habitats

- H. The proposed activities will not cause significant degradation of groundwater or surface water quality

Please note that an application for a reasonable use exception shall include the 10 informational items found in Section [18E.20.050 B](#).

Additional decision criteria for wetlands and associated buffers:

A reasonable use exception for wetlands and associated buffers shall also demonstrate that the proposed activity will result in minimum feasible alteration or impairment to the wetland's functional characteristics and existing contours, vegetation, fish and wildlife resources, and hydrological conditions.

Additional decision criteria for critical fish and wildlife habitat areas and associated buffers:

The Hearing Examiner may approve a reasonable use exception for critical fish and wildlife areas and associated buffers if the Examiner determines that the proposal complies with the mitigation measures as set forth in Section 18E.40.050.

Pierce County Hearing Examiner may impose additional requirements on reasonable use.

When granting a variance, the Examiner may attach specific conditions to the variance, which will serve to meet the goals, objectives, and policies of Title 18E. The Examiner has the authority, as part of the approval of the variance, to establish expiration dates or periods within which the approval must be exercised. Upon expiration, the permit or approval shall be considered null and void. No extensions of the expiration date shall be permitted.