



REQUIRED FINDINGS FOR NON-SHORELINE JURISDICTIONAL SITES

FOR YOUR APPLICATION TO BE APPROVED, THE FOLLOWING CRITERIA MUST BE MET BY YOUR PROPOSAL

WETLAND BUFFER OR CRITICAL FISH AND WILDLIFE HABITAT BUFFER VARIANCE (SECTION 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 of 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; and

- D. That granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvement.

In lieu of the above criteria, an applicant may pursue a wetland buffer variance by meeting all of the following criteria:

- E. That the variance results in an overall increase in the function of the wetland;

- F. That the variance results in the preservation or enhancement within the project area of other Habitats of Local Importance discussed in Section 18E.40.020 D.; and

- G. That the applicant has avoided impacts and provided mitigation, pursuant to Section 18E.30.050 to the maximum practical extent.

In lieu of criteria A through D above, an applicant may pursue a fish and wildlife habitat buffer variance by meeting all of the following criteria:

- H. That the variance will not adversely impact receiving water quality or quantity;

- I. That the variance will not adversely impact any functional attribute of the habitat area;

- 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.