

# TACOMA PERMITS

CITY OF TACOMA

Planning & Development Services Department  
747 Market St, Room 345 | Tacoma, WA 98402

## NOTICE OF DECISION

**Date of Decision:** 11/30/2016

**Appeal Period Ends:** 12/14/2016

**Decision Final:** 12/15/2016

**Decision:** Approved, subject to conditions

**Applicant:** SINGH MALKIT & KAUR RANJIT  
37332 19TH PL S  
FEDERAL WAY, WA 98003

**Location:** 2307 N 27TH ST Parcel 2870000040

**Application No.:** LU16-0226

**Proposal:** Critical Area Minor Development Permit to remove fence from wetland at 2315 N. 27th Street and 2307 N. 27th St.

For further information regarding the proposal, **log onto the website at [tacomapermits.org](http://tacomapermits.org) and select "Public Notices"**. The case file may be viewed in Planning and Development Services, 77 Market Street, Rm 345.

**Reconsideration:** Any person having standing may request reconsideration of the Director's decision, based upon errors of procedure or fact, but submitting a request in writing to Planning and Development Services at the address below.

**Appeal to Hearing Examiner:** Any aggrieved person or entity may appeal to the Hearing Examiner by filing a written Notice of Appeal and submitting the filing fee of **\$325.26** to hearing Examiner Office (747 Market St., Room 720) which contains the following:

- A brief statement showing how the appelland is aggrieved or adversely affected.
- A statement of the grounds for the appeal, explaining why the appelland believes the administrative decision is wrong.
- The request of relief, such as reversal or modification of the decision.
- The signature, mailing address and telephone number of the appelland and any representative of the appelland.

The fee shall be refunded to the appelland should the appelland prevail.

**Staff Contact:** Karla Kluge, Senior Environmental Specialist, 747 Market St, Room 345, (253) 591-5773, [kkluge@cityoftacoma.org](mailto:kkluge@cityoftacoma.org)

**Environmental Review:** Per SEPA, WAC 197-11-340, the Lead Agency has issued an environmental determination for the project. For further information regarding SEPA, please contact the project applicant.



*To request this information in an alternative format, please contact Planning and Development Services by phone at (voice) 253-591-5030. TTY or STS users please dial 711 to connect to Washington Relay Services*



City of Tacoma  
Planning and Development Services Department  
747 market St. Room 345  
Tacoma, WA 98402

## **NOTICE OF DECISION**



**CRITICAL AREAS  
MINOR DEVELOPMENT PERMIT  
APPLICATION FOR:**

**FILE NO.: LU16 – 0226**

Malkit Singh  
37332 19<sup>th</sup> Place. S.  
Federal Way, WA 98003

**SUMMARY OF REQUEST:**

A Critical Areas Minor Development Permit to remove an unpermitted fence within a regulated wetland and buffer and re-restore the wetland and buffer area in compliance with the allowed provisions. The subject site is located within the "R-2 VSD" Single-family Dwelling District with a View-Sensitive overlay.

**LOCATION:**

2307 and 2315 North 27<sup>th</sup> Street (Parcel Numbers 2870000030 and 2870000040)

**SUMMARY OF DECISION:**

The request for a Minor Development Permit is **Approved**, subject to conditions.

**Notes:**

The appeal period on this decision closes December 14, 2016, and the effective date of this decision is the following business day, provided no requests for reconsideration or appeals are timely filed as identified in APPEAL PROCEDURES of this report and decision.

The Director has jurisdiction in this matter per *TMC* 13.05.030. The applicant bears the burden of proof to demonstrate the proposal is consistent with the provisions of the *TMC*, the applicable provisions and policies of the City's *Comprehensive Plan*, and other applicable ordinances of the City.

**FOR ADDITIONAL INFORMATION CONCERNING THIS LAND USE PERMIT PLEASE  
CONTACT:**

Karla Kluge  
Planning and Development Services Department  
747 Market Street, Room 345, Tacoma, WA 98402  
253-591-5773 or [kkluge@cityoftacoma.org](mailto:kkluge@cityoftacoma.org)

## **SUMMARY OF RECORD**

The following attachments and exhibits constitute the administrative record:

### Attachments:

- Attachment "A": *"Fence Removal and Mitigation Plan"*, B & A Inc., 9/20/2016
- Attachment "B": Technical Memorandum, Karla Kluge, Senior Environmental Specialist, November 14, 2016

### Exhibits<sup>1</sup>:

- Exhibit "A": Joint Aquatic Resources Permit Application

## **FINDINGS**

### **Proposal:**

1. The property owners, Malkit Singh and Ranjit Kaur, own the subject parcels which are currently being offered for sale. The project site spans two parcels with recently constructed single-family homes located on each parcel.
2. The proposal is to remove an unpermitted fence constructed within the regulated wetland and buffer area and to fully restore the wetland and buffer area following removal of the fence.

### **Project Site:**

3. The site is located within the "R-2 VSD" Single-family Dwelling District within a View Sensitive Overlay.
4. The City's *Comprehensive Plan* locates the subject site within the North End Neighborhood and within the Prospect Hill subarea. Further, the One Tacoma: *Comprehensive Plan* designates the site as a "Single Family Residential".
5. The Project area lies within a Category IV wetland and its 50-foot buffer. The Category IV Wetland consists of an isolated topographic slope that was cleared and recently restored.

### **Surrounding Area:**

6. The surrounding properties are generally developed as single-family dwellings.
7. The Category IV wetland and its buffer were fully described during the previously issued Wetland Development Permit process (WET2008-40000113801).
8. The onsite wetland is classified as Category IV Palustrine Emergent Seasonally Saturated wetland and is hydrogeomorphically classified as a slope wetland. In accordance with *TMC* 13.11, Category IV Wetlands generally require 50 feet of undisturbed buffer around the wetland.

### **Additional Information:**

9. The City of Tacoma has issued a SEPA Determination of Environmental Nonsignificance (DNS) for the project during the previous permit process (WET2008-40000113801) per provisions under WAC 197-11-350 and *TMC* Chapter 13.12.

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<sup>1</sup> All Exhibits are contained in Planning and Development Services Department File No. LU16-0226. They are referenced and incorporated herein as though fully set forth.

**Notification and Comments:**

10. The application was determined to be complete on October 21, 2016. Written notice of the application was mailed to owners of property within 100 feet of the site as indicated by the Pierce County Assessor/Treasurer's records, the neighborhood council, and qualified neighborhood groups, allowing for at least 14 days of comment period. Public notice was posted on the site within seven days of the start of the comment period. No public comments were received.
11. Karla Kluge, Senior Environmental Specialist conducted a site visit at the subject site following a complaint regarding unpermitted fencing being constructed in the wetland and impacts to the Category IV wetland and the recent restoration of the area. Ms. Kluge also reviewed the "*Fence Removal and Mitigation*" plan provided by B. & A. Inc. and provided a Technical Memorandum indicating that the proposal complies with the requirements of TMC 13.11.

**Applicable Regulations and Policies:**

12. TMC Section 13.11.220 Application Types

B. The three types of permits are as follows:

2. Minor Development Permit. A Minor Development permit may be issued when an applicant cannot meet the minimum buffer requirements or where the Director determines that the proposal will result in temporary, minor, or de-minimis impacts to the buffer or critical area. The Director will consider the size of the area affected, the sensitivity of the critical area and/or presence of priority species and habitat when determining whether the impact is temporary, minor, or de-minimis. The project must comply with the following:
  - a. The project will not result in a permanent impact to the critical area that would require compensatory mitigation; and
  - b. Mitigation is provided to restore the site to pre-development conditions, including the maintenance of pre-development hydrological conditions and vegetation conditions.

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13. TMC Section 13.11.310 Wetland Classification

- A. Wetlands shall be classified Category I, II, III, and IV, in accordance with the criteria from the revised Washington State Wetlands Rating System for Western Washington developed by the Washington Department of Ecology, Publication Number 04-06-025, August 2004.1.
4. Category IV wetlands are those that have the lowest levels of functions (less than 30 points) and are often heavily disturbed.

14. TMC Section 13.11.320 Wetland Buffers

- A. General. A buffer area shall be provided for all uses and activities adjacent to a wetland area to protect the integrity, function, and value of the wetland. Buffers adjacent to wetlands are important because they help to stabilize soils, prevent erosion, act as filters for pollutants, enhance wildlife diversity, and support and protect plants and wildlife. A permit may be granted if it has been demonstrated that no adverse impact to a wetland will occur and a minimum buffer width will be provided in accordance with this section. The buffer shall be measured horizontally from the delineated edge of the wetland. The buffer shall be vegetated with the exception of areas that include development interruptions as described within this

chapter.

B. Minimum Requirement.

1. Wetlands. Wetland buffer widths shall be established according to the following tables which are based on wetland classification, habitat function, land use intensity, and local significance:

<b>Table 1. Examples to Minimize Disturbance*</b>		
Disturbance Element	Minimum measures to minimize impacts	Activities that may cause the disturbance
Lights	Direct lights away from wetland	Parking Lots, Warehouses, Manufacturing, High Density Residential
Noise	Place activity that generates noise away from the wetland	Manufacturing, High Density Residential
Toxic runoff	Route all new untreated runoff away from wetland, Covenants limiting use of pesticides within 150 feet of wetland	Parking Lots, Roads, Manufacturing, Residential Areas, Application of Agricultural Pesticides, Landscaping
Change in water regime	Infiltrate or treat, detain, and disperse into buffer new runoff from surface	Any impermeable surface, lawns, tilling
Pets and Human disturbance	Fence around buffer, Plant buffer with "impenetrable" natural vegetation appropriate for region	Residential areas
Dust	Best Management Practices for dust	Tilled fields
*Washington State Department of Ecology and Washington State Department of Fish and Wildlife's Wetlands in Washington State; Volume 2: Guidance for Protecting and Managing Wetlands, Buffer Alternative 3		
<b>Table 2.</b>		
Level of Function	Habitat Score in Rating System	
Low (L)	<20	
<b>Table 3. Buffer width for all wetlands*</b>		
Category IV	H,M,L – 50	
*Best Available Science Review, City of Tacoma, Critical Areas Preservation Ordinance, Tacoma, Washington, June 15, 2004, prepared by GeoEngineers and modified by CAPO Focus Group, 2012.		

15. TMC Section 13.11.330 Wetland Buffer Modifications

- A. Buffer Requirements. The standard buffer widths in Table 2 have been established in accordance with the best available science. They are based on the category of wetland

and the habitat score as determined by a qualified wetland professional using the Washington state wetland rating system for western Washington. The use of the standard buffer widths requires the implementation of the measures in Table 1, where applicable, to minimize the impacts of the adjacent land uses. The applicant shall demonstrate mitigation sequencing when using buffer averaging or buffer reduction.

16. The *One Tacoma: Comprehensive Plan*, which sets forth policy regarding development in the City of Tacoma, provides the following policy guidance relative to development within and adjacent to wetlands and streams:

***Policy EN-3.1***

Require that developments avoid and minimize adverse impacts, to the maximum extent feasible, to existing natural resources, critical areas and shorelines through site design prior to providing mitigation to compensate for impacts.

**CONCLUSIONS<sup>2</sup>**

1. Provided the conditions of approval are met, the proposal meets the criteria identified in TMC 13.11.220.B.2 for a Minor Development Permit:
  - a. *The project will not result in a permanent impact to the critical area that would require compensatory mitigation.*

The City agrees with the applicant's assertion that the removal of the fence and concrete support will not significantly damage the wetland and buffer area where the fence was constructed. Compensatory mitigation is not required although restoration of the temporarily impacted area will replace impacted functions within the Category IV wetland.

See Exhibit "A"; Attachments "A" – "B"; Findings 1-11.

- b. *Mitigation is proposed to restore the site to pre-development conditions, including the maintenance of pre-development hydrological conditions and vegetation conditions.*

The applicant has proposed to place additional vegetation, Redtwig dogwood, within the holes created by the fence posts as part of the restoration of the area impacted when the fence was erected. There is no net loss of wetland area and the planting will likely result in elevating the wetland functions within the general area.

See Exhibits "A"; Attachments "A" – "B"; Findings 1-11.

2. As conditioned per this decision, the Project proposal within the wetland and buffer will not result in degradation of the wetland's existing functions and will likely result in additional vegetative cover and habitat for the urban animals that utilize the area.

See Exhibits "A"; Attachments "A" – "B"; Findings 1-11.

**DECISION**

Based upon the above findings and conclusions, the request for a Critical Areas Minor Development Permit is **Approved**, subject to the following conditions:

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<sup>2</sup> Conclusions are based upon the applicable criteria and standards set forth in the *Tacoma Municipal Code (TMC)*, the policies of the Comprehensive Plan, and the Attachments and Exhibits listed herein. Any conclusion of law hereinafter stated which may be deemed a finding of fact herein is hereby adopted as such.

Conditions:

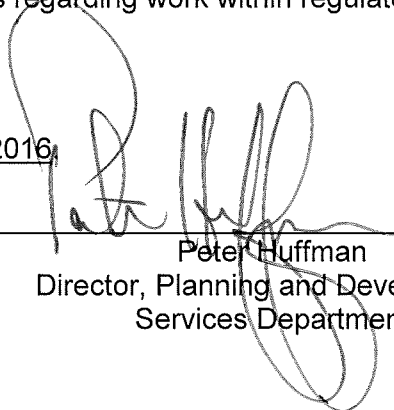
1. The applicant shall adhere to the proposed plantings included in the site plan "Fence Removal and Restoration Plan", B & A Inc., 9/20/2016. The applicant shall notify the City upon planting the supplemental plants to arrange for a site visit to verify the plantings prior to commencing into the first year of monitoring.
2. The applicant shall include the six (6) Redtwig dogwood plants in the annual monitoring reports that are required for the previously issued permit (WET2008-40000113801).

Advisory Notes:

The below notes are meant to provide additional information to the applicant relative to the specific development proposal. These notes are not conditions of the permit nor do they constitute a complete review of the project.

1. This permit is only applicable to the proposed project as described above and based upon the information submitted by the applicant. Modifications to this proposal and future activities or development within the regulated buffers may be subject to further review and additional permits as required in accordance with the *Tacoma Municipal Code*.
2. The applicant must obtain other approvals prior to construction as required by other local, state and federal agencies including the Army Corps of Engineers and State Department of Fish and Wildlife which have requirements regarding work within regulated waters that may be applicable to the project.

ORDERED this 30th day of November, 2016,



Peter Huffman  
Director, Planning and Development  
Services Department

**FULL DECISION TRANSMITTED** by first class mail to:

Malkit Singh and Ranjit Kaur, 37332 19<sup>th</sup> Place South, Federal Way, WA 98003  
Pierce County Assessor-Treasurer, 2401 South 35th Street, Room 142, Tacoma, WA 98409,  
Attn: Darci Brandvold

**Interoffice Email:**

Debbie Bingham, Community and Economic Development  
Ben Han, Pierce Transit  
Neighborhood Planning Team Members: Brian Boudet, Ian Munce, and Carol Wolfe

**SUMMARY OF DECISION TRANSMITTED** by first class to the following:

All property owners within 100 feet of the subject site  
North End Neighborhood Council



**PURSUANT TO RCW 36.70B.130, YOU ARE HEREBY NOTIFIED THAT AFFECTED PROPERTY OWNER(S) RECEIVING THIS NOTICE OF DECISION MAY REQUEST A CHANGE IN VALUATION FOR PROPERTY TAX PURPOSES CONSISTENT WITH PIERCE COUNTY'S PROCEDURE FOR ADMINISTRATIVE APPEAL. TO REQUEST A CHANGE IN VALUE FOR PROPERTY TAX PURPOSES YOU MUST FILE WITH THE PIERCE COUNTY BOARD OF EQUALIZATION ON OR BEFORE JULY 1ST OF THE ASSESSMENT YEAR OR WITHIN 30 DAYS OF THE DATE OF NOTICE OF VALUE FROM THE ASSESSOR-TREASURER'S OFFICE. TO CONTACT THE BOARD CALL 253-798-7415 OR <WWW.CO.PIERCE.WA.US/BOE>.**

## APPEAL PROCEDURES

Any request for RECONSIDERATION and/or any APPEALS must be submitted in the applicable manner as outlined below on or before **December 14, 2016**.

### **RECONSIDERATION:**

Any person having standing under the ordinance governing this application and feeling that the decision of the Director is based on errors of procedure or fact may make a written request for review by the Director within fourteen (14) days of the issuance of the written order. This request shall set forth the alleged errors, and the Director may, after further review, take such further actions as deemed proper, and may render a revised decision. A request for RECONSIDERATION of the Director's decision in this matter must be filed in writing to the staff contact listed on the first page of this document.

### **APPEAL TO HEARING EXAMINER:**

Any decision of the Director may be appealed by any aggrieved person or entity as defined in Section 13.05.050 of the *Tacoma Municipal Code*, within fourteen (14) days of the issuance of this decision, or within seven (7) days of the date of issuance of the Director's decision on a reconsideration, to appeal the decision to the Hearing Examiner.

An appeal to the Hearing Examiner is initiated by filing a Notice of Appeal accompanied by the required filing fee of **\$325.26**. Filing of the appeal shall not be complete until both the Notice of Appeal and required filing fee has been received. **THE FEE SHALL BE REFUNDED TO THE APPELLANT SHOULD THE APPELLANT PREVAIL.** (Pursuant to Section 2.09.020 of the *Tacoma Municipal Code*, fees for appeals shall be waived for qualifying senior citizens and persons who are permanently handicapped who are eligible for tax exemption because of financial status.)

The Notice of Appeal must be submitted in writing to the Hearing Examiner's Office, Seventh Floor, Tacoma Municipal Building, and shall contain the following:

- (1) A brief statement showing how the appellant is aggrieved or adversely affected.
- (2) A statement of the grounds for the appeal, explaining why the appellant believes the administrative decision is wrong.
- (3) The requested relief, such as reversal or modification of the decision.
- (4) The signature, mailing address and telephone number of the appellant and any representative of the appellant.

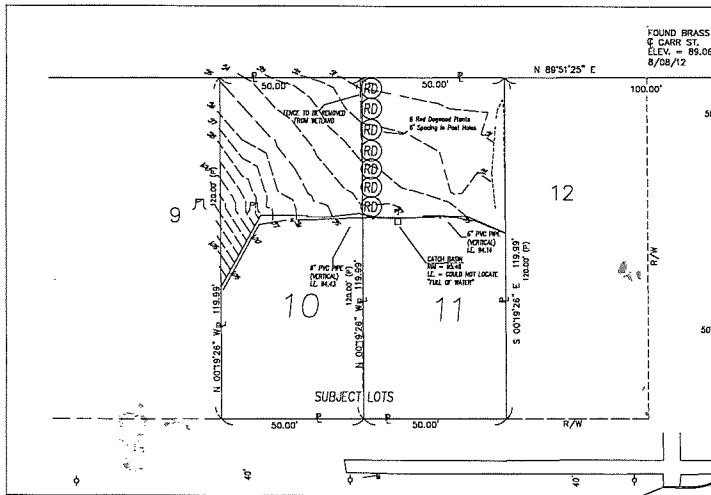
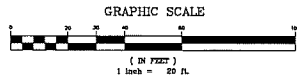
Attachment #A

# SINGH SINGLE FAMILY LOTS

2307 AND 2315 NORTH 27TH ST

A PORTION OF THE N.E. 1/4 OF THE N.E. 1/4 OF SECTION 31, TOWNSHIP 21 NORTH, RANGE 3 EAST, W.M., CITY OF TACOMA, PIERCE COUNTY, WASHINGTON

## FENCE REMOVAL AND RESTORATION



### PLANT SCHEDULE

Common Name	Scientific Name	Size	Spacing @ (ft)	Cost per plant	Extended Total
Peking dogwood (PK)	<i>Cornus alabrica</i>	W/PS 6	6	3	18.0
<b>TOTALS</b>		<b>6</b>	<b>6</b>	<b>3</b>	<b>18.0</b>

### MANAGEMENT PRACTICES

- The wetland will be managed and monitored for 6 years. The six plants will be installed per the specifications of the original plan and maintained as part of the original plan, which states:
- No broadcast fertilizer or pesticides will be used.
  - The success rate for the overall plantings will be monitored, and replanting performed if necessary.
  - Supplemental water may need to be applied in the first year.
  - Erosion or invasive undesirable vegetation such as Japanese knotweed, Himalayan blackberry, weed carpetgrass, and Scott's broom shall be removed from the above referenced planting area.
  - Maintenance recommendations will be determined at the monitoring site visits.
  - Broadcast fertilizers, pesticides, and herbicides shall not be used.
  - Japanese knotweed will be controlled by spraying as needed with Aquasol or other herbicide approved by City.

### STANDARD PROJECT REQUIREMENTS

The original requirements are as follows:

- Soil remediation control measures will be installed prior to, during, and after construction to prevent erosion or sediment problems.
- Native species will be used for all new plantings.
- An As-Built report will be prepared after the planting has been completed to verify that it has been done according to plans.
- Monitoring plans will be provided to the City per the specified schedule.
- Performance/maintenance assurance devices will be provided per the requirements of City.

The new plants will be planted following these same requirements, the performance/maintenance of these plants is part of the original plan and covered by the contingency section. Monitoring will be part of the original monitoring program. There will be minimal disturbance with removal of the fence. All concrete and debris removed. Holes will be used for planting a red dogwood shrub and mulched per the specifications.

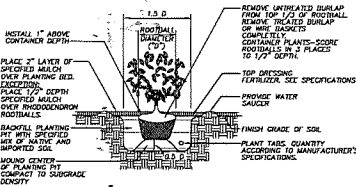
### CONTINGENCY PLANS

The six red dogwoods will be planted as part of the contingency plan of the originally approved mitigation plan.

If the mitigation plan is not meeting the success requirements for each year the reason for the problem will be established and rectified. The most common problems encountered are loss of plants, which can be die off or theft. In either case plants will be replaced. Plants most often die because of lack of water. If this is the case the irrigation schedule will be modified.

The other most common problem is the presence of insects. The Japanese knotweed is one of the most invasive species around. For success the City needs to allow an aggressive weed eradication program this summer leading up to the fall planting. If the knotweed is not eradicated by this fall there should be another season of eradication prior to planting the wetland plantings. The bonding will be in place to ensure the area is planted and the monitoring period will not begin until the plants are installed.

If the wetland lacks hydrology during the monitoring period, in years of normal rainfall, a level spreader will be installed to disperse foundation drain water upstream from the wetland.



NOTE: SCALE APPLIES TO TREES, SHRUBS AND GROUNDCOVER PLANTINGS.  
**SHRUB PLANTING DETAIL**  
NO SCALE

### PLANTING AND SEEDING

- Plants will be pruned to remove dead and diseased branches prior to planting.
- The choice of plants should provide a combination of benefits to the wildlife habitat, and benefits to the urban landscape environment.
- The plantings should be made between October and January.
- Plantings should be made following standard practices.
- Plants are to be placed in a natural orientation per the planting plan after major site work has been completed.
- When all work has been completed, the owner's representative will inspect the work and grant acceptance. The plant warranty will become effective at this time for a period of one year. The contractor will be responsible for maintaining the area by weeding, watering, and replacing unhealthy plants.
- This plan is to be used in conjunction with the report by B&A, Inc. Liability by B&A, Inc. is limited to payment received for preparing the final mitigation plan.
- The plantings will be performed by a firm or individual experienced with nursery and/or landscape work, and all stock will be from approved sources.

### MATERIALS

- Plants shall be free of disease, insects, insect eggs, larvae, weeds, weed seed, and other pests.
- Plants shall be first quality with normal roots, trunks, limbs, stems and shape, and labeled with genus, species, and variety. The owner's representative has the right to reject non-conforming plants.
- The transplanted materials will be maintained and monitored.
- Suitable substitutions may be made due to availability, price, and condition of the plants only with City approval.

DATE: 09/20/2016  
JOB NUMBER: BA1553

**B & A INC.**  
LANDSCAPE ARCHITECTS  
3303 42ND ST. NW PHOENIX, AZ 85018-2055  
CITY CENTER, WA, 98503 FAX: 509-698-8551  
email: info@b-a.net

**MALKIT SINGH**  
2307 N 27TH ST.  
TACOMA, WA 98407

1 of 1

FENCE REMOVAL AND MITIGATION

Contact B&A Inc. to consult and inspect the site before proceeding with construction

# SINGH SIN

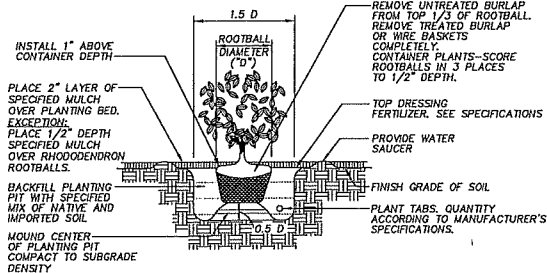
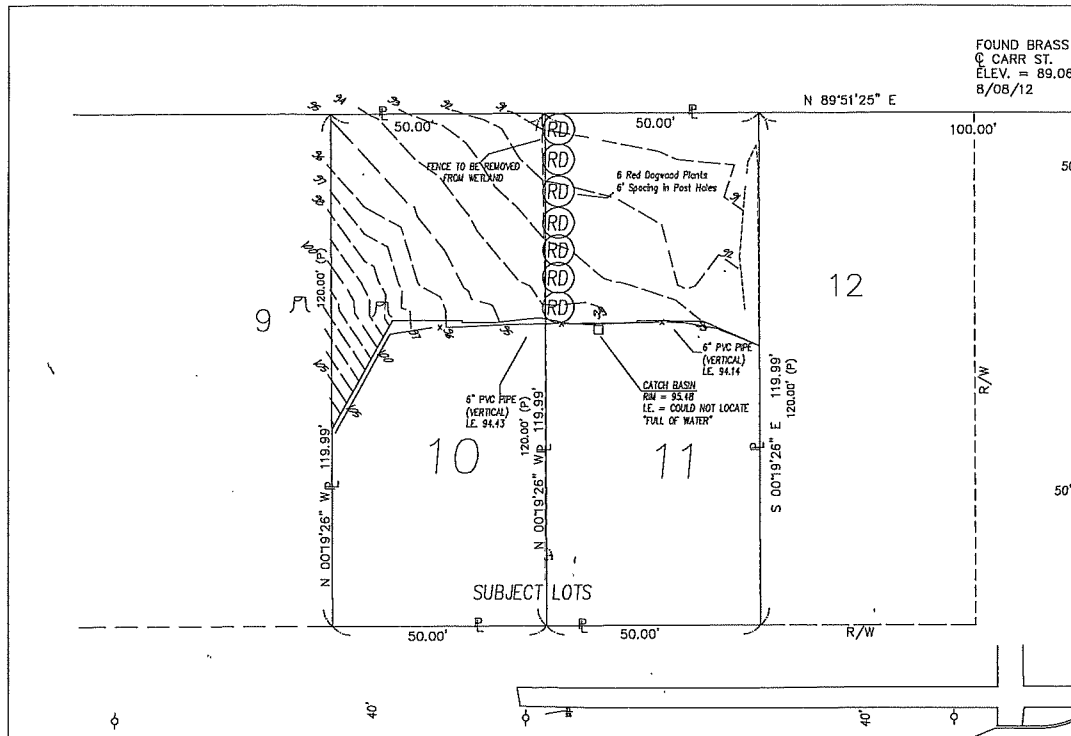
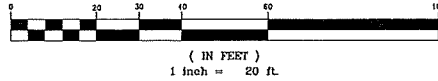
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CITY OF TACOMA

FENCE REMO



## GRAPHIC SCALE



NOTE:  
DETAIL APPLIES TO TREES, SHRUBS AND GROUND COVER PLANTINGS

### SHRUB PLANTING DETAIL

NO SCALE

### CONTINGENCY PLANS

The six red dogwoods will be planted as part of the contingency plan of the originally approved mitigation plan:

If the mitigation plan is not meeting the success requirements for each year the reason for the problem will be established and rectified. The most common problems encountered are loss of plants, which can be die off or theft. In either case plants will be replaced. Plants most often die because of lack of water. If this is the case the irrigation schedule will be modified.

The other most common problem is the presence of invasive. The Japanese knotweed is one of the most invasive species around. For success the City needs to allow an aggressive weed eradication program this summer leading up to the fall planting. If the knotweed is not eradicated by this fall there should be another season of eradication prior to planting the wetland plantings. The bonding will be in place to ensure the area is planted and the monitoring period will not begin until the plants are installed.

If the wetland lacks hydrology during the monitoring period, in years of normal rainfall, a level spreader will be installed to disperse foundation drain water upslope from the wetland.



**City of Tacoma**  
**Planning and**  
**Development Services**  
**Technical Memorandum**

November 14, 2016

To: File LU16-0226

From: Karla Kluge, Senior Environmental Specialist

**Subject: Malkit Singh Fence Removal and Restoration for violation  
 Critical Area Minor Development Permit, File No. LU16-0226  
 2307 and 2315 N 27<sup>th</sup> Street, Parcel No's. 2870000030 and 2870000040**

**Proposal**

The applicant proposes to restore a Category IV wetland and its buffer from unpermitted activities associated with the installation of a wooden fence through the recently restored wetland and buffer in compliance with the allowed provisions under a Critical Area Minor Development Permit.

**Documents provided to the City of Tacoma**

- Joint Aquatic Resources Permit Application and Attachment C
- "Fence Removal and Restoration Plan", B & A Inc., 9/20/2016

**FINDINGS**

**Project Description**

1. The applicant proposes to remove an unpermitted fence and restore the previously restored wetland and buffer in the mitigation area established under a previous permit (WET2008-40000113801). Restoration of the impacted area will include the installation of six (6) Redtwig Dogwood (*Cornus stolonifera*) within the holes following fence post and concrete removal. All work will be done by hand and no equipment will enter the wetland and buffer area.

**Project Site**

2. The project is addressed as 2307 and 2315 North 27<sup>th</sup> Street, Parcel No's. 2870000030 and 2870000040. The parcel is zoned R2-VSD-one Family Dwelling, View Sensitive District. The parcels are bounded by North 27<sup>th</sup> street to the south, residential structures to the east, west, and north.
3. A recently restored Category IV Wetland is located within the subject properties and the wetland and its modified buffer are located on the subject properties and span the two properties within the rear yard area. The wetland and buffer was the subject of a Critical Area Development Permit (WET2008-40000113801) which permitted wetland and buffer impacts with mitigation to allow the development of a single family home on each parcel.
4. Unauthorized work that has occurred on the site includes the erection of a fence through the preserved and restored existing wetland and buffer that exists on the site. The fence is approximately 6 feet high and 50 feet in length. The fence posts were strengthened with concrete to stabilize the posts. Minor filling and concrete was placed within the wetland and buffer to install the posts.
5. The proposed project will require work within the wetland and its buffer in order correct the unauthorized work. Temporary minor impacts may occur while removing the fence and concrete.

6. The project is located on a developed site and there is no designated Priority Habitat in the project area limits and thus no impacts to designated Priority Species and Habitat are anticipated.

**Tacoma Municipal Code (TMC) Critical Areas Pertinent Regulations and Analysis**

7. The intent of Chapter 13.11 is to ensure that the City's remaining critical areas are preserved and protected from degradation caused by improper use and development as described under TMC 13.11.120.

**TMC 13.11.220 Application Types.**

A. *This chapter allows three types of wetland/stream/fish and wildlife habitat conservation area (FWHCA) applications, which result in the issuance of an administratively appealable decision consistent with Chapter 13.05. After the appeal period expires, the Director's approved decision becomes the official permit. Programmatic Restoration Projects processed under either the Minor Development Permit or the Development Permit may qualify for additional time extensions according to 13.05.070.*

B. *The three types of permits are as follows:*

\*\*\*\*\*

*2. Minor Development Permit. A Minor Development permit may be issued when an applicant cannot meet the minimum buffer requirements or where the Director determines that the proposal will result in temporary, minor, or de-minimis impacts to the buffer or critical area. The Director will consider the size of the area affected, the sensitivity of the critical area and/or presence of priority species and habitat when determining whether the impact is temporary, minor, or de-minimis. The project must comply with the following:*

- a. *The project will not result in a permanent impact to the critical area that would require compensatory mitigation; and*
- b. *Mitigation is provided to restore the site to pre-development conditions, including the maintenance of pre-development hydrological conditions and vegetation conditions.*
- c. *For buffer modification, the project meets the following:*
  - (1) *Buffer averaging as allowed within Sections 13.11.330 and 13.11.430; or*
  - (2) *Buffer reduction as allowed within Section 13.11.330.*

8. The Tacoma Municipal Code (TMC), Chapter 13.11 Critical Areas Preservation regulates work within a Category IV wetland and its 50-foot buffer.

**Conclusions**

9. The wetland categorization meets the requirements of TMC 13.11.310 wetland classification and TMC 13.11.320 wetland buffers. The wetland category and buffer was verified through the previously issued permit (WET2008-40000113801).
10. The project cannot avoid the wetland and buffer due to the nature of the violation and corrective action necessary to bring the site into compliance with the previously established mitigation. There are no significant impacts expected to the wetland and buffer following removal of the fence and supplemental replanting. The wetland and buffer will then be restored to the pre-development condition and the ecological function provided by the buffer area will be restored following the restoration planting. Because there are no detrimental impacts anticipated that would reduce functional capacity, no compensatory mitigation is required.
11. The applicant's proposal does not trigger additional requirements under the surface water management manual as there are no additional changes are proposed to the surface water runoff.

12. The proposed corrective action is due to a temporary and minor impact to the wetland and buffer and will not result in a permanent impact. In addition, the applicant has included additional proposed plantings within the holes created from the fence post removal which will increase habitat functions.
13. Based on the above findings, the requested project is consistent with the provisions of the City's Critical Areas Preservation Ordinance *TMC* 13.11. Therefore it has been determined that if properly conditioned this project can be approved without the need for a Critical Area Development Permit as allowed according to *TMC* 13.11. The following conditions are recommended in order to provide continued protection of the wetland and buffer on site.

**Conditions**

1. The applicant shall adhere to the proposed plantings included in the site plan "*Fence Removal and Restoration Plan*", B & A Inc., 9/20/2016. The applicant shall notify the City upon planting the supplemental plants to arrange for a site visit to verify the plantings prior to commencing into the first year of monitoring.
2. The applicant shall include the six (6) Redtwig dogwood plants in the annual monitoring reports that are required for the previously issued permit (WET2008-40000113801).

**Advisory Notes**

1. This permit is only applicable to the proposed project as described above and based upon the information submitted by the applicant. Modifications to this proposal and future activities or development within the regulated buffers may be subject to further review and additional permits as required in accordance with the *Tacoma Municipal Code*.
2. The applicant must obtain other approvals prior to construction as required by other local, state and federal agencies including the Army Corps of Engineers, Department of Ecology and the Washington Department of Fish and Wildlife as applicable.