



ADMINISTRATIVE DECISION
Hjelseth Critical Areas Permit

Attached is the staff report for the Critical Areas Permit submitted by Tyler Hjelseth to allow reduction of the wetland buffer from 80 feet to 60 feet at 2514 Shepard Street.

SMC §14.20.010 permits the Town Administrator to approve, approve with conditions, or deny a Critical Areas Permit with public notice. Staff recommends approval of this application, subject to several conditions.

Findings of Fact:

1. Applicant Tyler Hjelseth owns the property at 2514 Shepard Street in Steilacoom. The property is undeveloped, and largely treed.
2. The site fronts an undeveloped section of Shepard Street to the west of Shannon Street.
3. The applicant seeks to clear the site and a portion of adjoining Shepard Street to allow the eventual construction of a single-family residence, along with attendant utility and street improvements.
4. To the south of this property is the Shannon Glen development, which has a wetland.
5. Permits for work within 300 feet of a known critical area, including wetlands, require an evaluation by a qualified expert.
6. Applicant hired LEON Environmental to evaluate the wetland and surrounding buffer.
7. LEON Environmental issued a wetland report, updated in October 2022. The wetland boundary was found to be 18 feet from the applicant's property. The wetland was typed as Class III, with a habitat function score of 4 using the Department of Ecology's rating system.
8. Residential use at densities of greater than 1 unit per acre is considered a high intensity use under SMC 16.16.430(1)(F) Table 5.
9. The standard wetland buffer for Class III wetlands with habitat functions of 3-4 is 80 feet under SMC 16.16.430(1)(F) Table 2.
10. Standard wetland buffers can be reduced under certain conditions under SMC 16.16.430(5).
11. Applicant has requested a reduction of the standard buffer for high intensity development to the standard buffer for moderate intensity development under SMC 16.16.430(5)(b) and Table 6. In this case, the reduction requested is from 80 feet to 60 feet.

12. The wetland report contains the requested conditions to be imposed for both the grading and eventual construction of a single family home on the lot.
13. Applicant's proposed conditions address the six activities in residential areas that cause wetland buffer disturbances listed in Table 6; lights, noise, toxic runoff, stormwater runoff, change in water regime, and pets and human disturbance.
14. Additional conditions may be required under SMC 16.16.430(G) for fencing and signage.
15. Significant time may elapse between the clearing of the land and the eventual building of a residence. The applicant may not own the land when a residence is built.
16. Three neighboring property owners have provided written comments on the proposal. Katherine Deuel, Barb Kohler and Keith and Julie Krzmarzick all requested that the application be denied.

Conclusions of Law:

1. The proposal meets the standards of SMC 16.16.430b(5)(b) to reduce the buffer from 80 feet to 60 feet, provided conditions are imposed to address lights, noise, toxic runoff, stormwater runoff, change in water regime, and pets and human disturbance as outlined in Table 6.
2. The Town should approve an erosion control plan before any clearing activity.
3. This permit should be recorded to provide notice to future property owners of the conditions of the permit.

Based upon the forgoing findings and conclusions, including a review of the application and staff report and the submitted comments by the neighboring property owners, the Town Administrator finds that the application for the Critical Areas Permit submitted by Tyler Hjelseth meets the requirements of SMC 16.16.430(5)(b) and should be approved subject to conditions.

Decision:

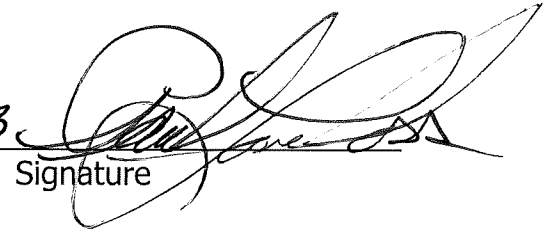
The Critical Areas Permit submitted by Tyler Hjelseth is approved subject to the following conditions:

1. The applicant must submit an erosion control plan denoting the clearing limits and wetland buffer area of at least 60 feet from the edge of the wetland.
2. The erosion control plan must include the following best management practices (BMPs):
 - a. Silt fencing around the entirety of the development area so as to avoid and minimize any inadvertent, site-related stormwater runoff that could degrade the wetland or wetland buffer.
 - b. Straw wattles or other appropriate erosion and sediment control devices to keep stormwater runoff out of the wetland and wetland buffer.
 - c. Practices to control dust and erosion during active clearing.

- d. Practices to reduce noise impacts during active clearing, including not leaving machinery idling. Compliance with the Town of Steilacoom noise ordinance, SMC 9.04.130, is required.
 - e. Equipment used for clearing must be checked daily to ensure proper working order and to be free of leaks. Appropriate spill kits and secondary containment methods must be kept on-site during clearing.
3. The wetland buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be conspicuously marked in the field. Markings are subject to inspection by the Town Administrator or designee prior to commencement of permitted activities.
 4. No clearing is allowed until after approval of the erosion control plan and the field markings.
 5. All exposed soil must be covered with plastic sheeting, hydroseeding and straw or mulch.
 6. Hydroseeding is restricted to the cleared area, excluding any portion of the 60-foot buffer area.
 7. All the BMPs in conditions 1-6 must be maintained by the property owner until a permit for construction of a residence is approved by the Town of Steilacoom.
 8. Immediately following clearing, a permanent fence must be installed along the wetland buffer edge.
 9. In conjunction with the fencing, at least one permanent sign made of an enamel-coated metal face and attached to a metal post, or another non-treated material of equal durability, and be approximately 12 inches by 18 inches in size. Signs must be maintained by the property owner in perpetuity. The sign must be worded as follows or with alternative language approved by the Town Administrator or designee:
Protected Wetland Area
Do Not Disturb
Contact Town of Steilacoom
Regarding Uses and Restrictions
 10. During construction of a residence, all stormwater must be diverted away from the wetland buffer and infiltrated into any area where stormwater has time to infiltrate to a pervious, vegetated surface away from the wetland buffer.
 11. Stormwater from impervious surfaces must be kept out of the wetland buffer and wetland through diversion and/or infiltration to a pervious surface away from the wetland buffer. Stormwater infiltration, bioswales, and pervious surfaces are all possible techniques. The Town Administrator or designee must approve the stormwater design prior to installation.
 12. The project design of any future impervious surfaces must include ways to sufficiently disperse or control the flow of resulting additional runoff out of the wetland buffer and wetland.
 13. Pesticides and fertilizers must only be applied in ways that do not allow runoff into the wetland buffer or wetland.

14. Lighting from all future structures must be shielded or directed away from the wetland and wetland buffer area to avoid light and glare impacts to the wetland.
15. Human and pet disturbance of the wetland and wetland buffer is to be avoided. Pets should be leashed or fenced.
16. No hydroseeding of the buffer area is allowed.
17. Invasive plants may be removed from the buffer area by hand. Native plants, such as Oregon grape, salmonberry, salal, sword fern, snowberry and native conifers may be planted to enhance the buffer area. The Town Administrator or designee must approve any enhancements prior to planting.
18. This permit must be recorded with the Pierce County Auditor's Office to provide notice to future property owners. Applicant must provide the Town with proof of recording.

APPROVED WITH
CONDITION(S)

1/16/2023 
Date Signature

APPROVED

Date Signature

DENIED

Date Signature