



2401 South 35th Street, Room 2
Tacoma, Washington 98409-7460
piercecountywa.gov/ppw

September 22, 2021

Larson & Associates, Inc.
Attn: Grant Middleton / Bill Diamond
9027 Pacific Avenue, Suite 4
Tacoma, WA 98444
(distributed via email:
gmiddleton@rrlarson.com,
bdiamond@rrlarson.com)

**RE: Withdrawal Notice - Conditional Use Permit: Pearson Metal Salvage
SEPA Application Number: 891839
Related Application Number(s): 891837, 907357, 882864**

Dear Mr. Middleton and Mr. Diamond:

Enclosed/attached you will find a Withdrawal Notice of Mitigated Determination of Nonsignificance (MDNS) issued by Pierce County on the above referenced proposal.

The MDNS is also being sent to agencies other than Pierce County Departments that may be requiring permits for this proposal, in accordance with WAC 197-11-350.

Sincerely,

Robert Jenkins
Current Planning Supervisor

RJ:sw
9 Pearson Metal Salvage CUP MDNS Withdrawal-RJ.docx

Enclosure/attachment

c: Pearson Portland Avenue LLC / Pearson Rental LLC, Applicant/Owner, Attn: Verne and Donna Pearson, 15417 - 27th Avenue East, Tacoma, WA 98445-4761 (distributed via email dpearson623@gmail.com)

Terry L. Brink, Applicant's Attorney, 1201 Pacific Avenue, Suite 2100, Tacoma, WA 98402 (distributed via email: tbrink@brinkatlaw.com)

Nicholas Acklam, VCP Unit Manager, Toxics Cleanup Program, Southwest Regional Office, Washington State Department of Ecology, (distributed via email: nack461@ecy.wa.gov)

Reviewing agencies that received Environmental Checklist/site plan on August 28, 2018



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Withdrawal Notice Mitigated Determination of Nonsignificance (MDNS)

Environmental Application Number: 891839

Project ID Number: 523950

Related Application Number(s): 891837, 907357, 882864

Parcel Number(s): 0319034-004, -007, -014, -016, and -019

Action: Conditional Use Permit: Pearson Metal Salvage

Proposal: Applicants request a Conditional Use Permit to expand a legally established salvage yard with outdoor storage on a 1.18-acre parcel as follows:

1. Expand by 2.1 acres onto a parcel to the north and three parcels to the east;
2. Add additional accesses onto 104th Street East and 19th Avenue Court East;
3. Construct a 10,624-square foot, one-story metal recycling building and associated parking in the northwest corner of the site;
4. Construct a 17,851-square foot one-story metal recycling building and associated parking and new underground storm drainage facility in the northeast corner of the site;
5. Relocate semi-truck parking area to the northern portion of the parcel to the east and add truck storage, and use the existing truck parking lot in the southern part of the parcel for metal storage area;
6. Relocate an existing 1,637-square foot recycle building to the northern portion of the existing yard;
7. Demolish two homes and outbuildings on the parcels to the east; and
8. Obtain from Pierce County, through a vacation, 15-25 feet of Portland Avenue East right-of-way.

Location: 10403 Portland Avenue East, 1818 104th Street East, and 10424 19th Avenue Court East, Tacoma, WA, within the SE 1/4 of Section 3, T19N, R3E, W.M., in Council District #5.

Proponent(s): Pearson Portland Avenue LLC and Pearson Rental LLC

Conclusions of Responsible Official:

The Responsible Official concludes that a Mitigated Determination of Nonsignificance (MDNS) may be issued for this proposal. This is based upon staff review of the environmental checklist and attachments, other information on file with Pierce County, and County regulations governing the project.

Reliance on Existing Plans, Laws, and Regulations

Pierce County has determined that the requirements for environmental analysis, protection, and mitigation measures have been addressed in the development regulations and comprehensive plan adopted under Chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158. Pierce County will require additional mitigation measures under SEPA to address development impacts that are not adequately addressed in the County's existing development regulations and comprehensive plan adopted under Chapter 36.70A RCW, or in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158.

Findings:

1. A Traffic Assessment prepared by Heath & Associates, Inc., dated June 19, 2020, was approved on July 15, 2020 by Pierce County, subject to mitigation measures.
2. Pearson Metal Salvage Inc. originally entered the Washington Department of Ecology's Voluntary Cleanup Program (VCP) on November 12, 2004. The Voluntary Cleanup Program agreement was terminated by the Department of Ecology on September 16, 2019. Pearson Metal Salvage Inc. reapplied to enter the VCP on January 29, 2020. The new VCP Agreement was approved by the Department of Ecology on May 18, 2020. The applicant remains in the VCP.
3. Contamination remains at the Site in soil and groundwater and consists primarily of total petroleum hydrocarbons, metals, and carcinogenic polycyclic aromatic hydrocarbons. While the full nature and extent of contamination has not yet been fully defined, significant progress has been made. While soil samples (10424, NW Field, and NE House) collected in areas of the proposed expansion (A1, A2, C) – did not detect contamination, soil samples collected near these expansion areas have identified historical contamination. Based on former and current property use, soil contamination may be present in these areas, particularly right along the parcel boundaries. In addition, based on groundwater flow direction and contaminate concentrations in site monitoring wells, groundwater contamination likely extends into the proposed expansion areas. The proposed expansion must not prevent or exclude future remedial actions at the Site, which based on the Department of Ecology's understanding of future activities it is not anticipated to do.

Mitigation:

The Responsible Official has determined that the proposal will not have a probable significant impact on the environment, and an Environmental Impact Statement (EIS) will not be required under RCW 43.21C.030(2)(c), only if the following conditions are met. This decision was made after review of a completed environmental checklist, other information on file with Pierce County, and existing regulations. This information is available to the public on request. These mitigation measures are required as authorized under the Substantive Authority of SEPA in accordance with the guidelines contained in Chapter 18D.10 of the Pierce County Code and shall be implemented by the applicant.

1. The Applicant shall be required to restrict the 104th Street East access to passenger cars use only. No vehicles over 2 axles are permitted to use this access and the access restriction must be clearly signed (and maintained) by the Applicant at the 104th Street East entrance point. Pierce County will reserve the right to further restrict this access if future safety concerns arise due to unauthorized use of this access by heavy vehicles.
2. The Applicant shall be required to reconstruct 19th Avenue Court East pursuant to Pierce County Standard Drawing PC.A4.3 for a local road cul-de-sac. The subgrade and pavement depths presented by the Applicants Consultant are not consistent with the minimum depth requirements indicated in the Pierce County Standard Drawing listed above and therefore we recommend that the Standard Drawing requirements be required as a minimum. As typical, a reconstruction plan for the work on 19th Avenue Court East shall be submitted and approved by Pierce County prior to construction. Reconstruction of 19th Avenue Court East must be completed and approved by Pierce County within one year of this associated site development permit approval.
3. The Applicant shall prepare a Soil Management Plan for sampling and handling of contaminated soils that could potentially be discovered during expansion activities for review and approval by the Washington State Department of Ecology prior to issuance of any site development or building permit associated with the proposal.
4. Continued sampling of site monitoring wells shall occur at a rate to be determined by the Department of Ecology and all monitoring wells shall be protected during expansion construction activities.

This Mitigated Determination of Nonsignificance (MDNS) is issued under WAC 197-11-350. The lead agency will not act on this proposal for 14 days from the date of issue. Comments must be submitted by close of business on the comment deadline date. The Responsible Official will reconsider the MDNS based on timely comments and may retain, modify, or, if significant adverse impacts are likely, withdraw the MDNS. If the MDNS is retained, it will be final after the expiration of the comment deadline. No permits may be issued, and the applicant shall not begin work, until the comment deadline has expired, and any other necessary permits are issued.

- This MDNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the MDNS. Appeals must be filed within 14 days of the issue date.
- This MDNS is issued under WAC 197-11-350; the lead agency will not act on this proposal for 14 days from issue date. Appeals must be filed within 14 days of the end of the comment period.

Responsible Official: Sean Gaffney
Position/Title: Planning Manager
Address: 2401 South 35th Street, Room 2, Tacoma, WA 98409

Staff Contact: Robert Jenkins, Current Planning Supervisor
rob.jenkins@piercecounitywa.gov | (253) 798-7016

Issue Date: August 10, 2021

Robert E. Jenkins

For Sean Gaffney, Responsible Official

Appeal:

Pursuant to RCW 43.21C.075, Section 18D.10.080 of Title 18D, Pierce County Development Regulations-Environmental and Chapter 1.22 of Title 1, General Provisions, decisions of the Responsible Official may be appealed. Appeals are filed with appropriate fees and Notice of Appeal at the Planning and Public Works Department, located at the Development Center, in the Public Services Building, 2401 South 35th Street, Room 2, Tacoma, WA 98409 or filed electronically at this link: <https://www.co.pierce.wa.us/903/Apply-for-a-Permit>. You should be prepared to make specific factual objections. Appeals must be filed within 14 days of the expiration of the comment deadline.

Note: The issuance of this MDNS does not constitute project approval. The applicant must comply with all other applicable requirements of Pierce County, federal, and state agencies, and/or the Hearing Examiner prior to receiving construction permits.

Pierce County Online Permit Information:

<https://pals.piercecounitywa.gov/palsonline/#/permitSearch/permit/departementStatus?applPermitId=891839>

