



Pierce County

Department of Planning and Land Services

CHUCK KLEEGERG
Director

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August 1, 2007

RECEIVED

AUG 03 2007

Washington State
Department of Ecology

Verne and Donna Pearson
Pearson Metal Salvage
2532 - 59th Avenue NE
Tacoma, WA 98422

RE: Compliance with Conditions of the January 2, 2007, decision of the Pierce County Hearing Examiner regarding Conditional Use Permit CP6-03 (Pearson Metal Salvage)
Application Number: 361014
Parcel Numbers: 0319034004 and 0319034019

Dear Mr. and Mrs. Pearson:

As you are aware, the Hearing Examiner's January 2, 2007 decision on Case No. CP6-03, Pearson Metal Salvage, had specific time-sensitive deadlines that are required to be met by you and your agents. Condition No. 25 required that final development plans to include site plans, landscape/planting plans, parking plans, and signage plans for the entire site, were to have been submitted by July 2, 2007. Those plans were not submitted by that date and have yet to be submitted to the Planning Department for review and approval.

In discussions with representatives of Baseline Engineering in early July, they were under the impression from you that all that was needed was to submit plans for the truck parking area on the eastern lot. Baseline submitted a Site Development Permit application (No. 607386) for that portion of the project on July 9, 2007. That plan is incomplete. The Site Development plans for this project need to address the entire site, per Condition Nos. 2, 10, 25, 34, and other engineering-specific conditions of approval.

With regard to Condition No. 47, no documentation has been submitted to the Planning Department indicating that the groundwater sampling and additional remediation actions had been completed by February 2, 2007, and March 2, 2007, respectively, as required. Please provide documentation as to your compliance with this condition.

Condition No. 26 requires completion, or substantial progress towards completion within 6 months of final development plan approval, i.e., no later than approximately January 1, 2008. Condition No. 50 requires that the Examiner be provided with a review of progress towards completion by November 1, 2007, or earlier if problems arose. It appears that problems have arisen.

In a July 18, 2007, email to Laurel Haverly of Baseline Engineering, we requested that they provide a letter explaining why the final development plan package was not submitted prior to July 2, 2007, and whether or not you have complied with the provisions of the DOE voluntary cleanup program as directed in Condition No. 47. On July 31, 2007, we received a letter from Terrell Ferguson of Baseline Engineering stating that you had contracted with them in February 2007 to assist you in complying with the Conditions of Approval, but that their workload and staffing issues prevented submittal of information until the submittal of the site development plan for the truck parking area on July 9, 2007.



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A landscape plan was submitted for the eastern lot on July 31, 2007. It does not address Condition Nos. 35, 36, 38, 40, 44, and 46, nor does it address the western parcel as required per Condition No. 25. It still appears that there was miscommunication between you and Baseline as to what was, and is, required in terms of site development plan, landscape plan, and final development plan submittal.

As we told Baseline in the earlier email, if you are ready to submit the final development plan package and the site development plans for the entire site, we will recommend to the Examiner that the approval remain active. The Department will not look favorably on extensions of the time to complete this project, i.e. 6 months from approval of the final development plans, without clear evidence of actively working towards compliance and would encourage you to attempt to achieve compliance with conditions by the November 1, 2007, review by the Examiner. **We request that you submit the final development plan package and letter discussing compliance with groundwater sampling and other remediation actions as soon as possible but no later than August 15, 2007.** As you are aware, this matter has been deferred from the courts to the Hearing Examiner process for resolution, but, if is not successful, the matter will return to the courts for resolution.

If you have any questions, please contact me at (253) 798-7016 or rjenkin@co.pierce.wa.us.

Sincerely,



ROBERT E. JENKINS
Senior Planner

REJ:cla

c: James Turner, applicant's attorney, 4947 North Pearl Street, Tacoma, WA 98407
Terrell Ferguson, applicant's agent, Baseline Engineering, Inc., 1910 - 64th Avenue West, Tacoma, WA 98466
Laurel Haverly, Baseline Engineering, Inc., 1910 - 64th Avenue West, Tacoma, WA 98466
Bill Robinson, Baseline Engineering, Inc., 1910 - 64th Avenue West, Tacoma, WA 98466
Lynn Horn, Lynn William Horn & Associates, LLC, Landscape Architecture, PO Box 98967, Lakewood, WA 98496-0967
Chuck Cline, Voluntary Clean-Up Program Coordinator, Toxic Clean-Up Program, Washington State Department of Ecology, PO Box 47775, Olympia, WA 98504-7775
Terrence F. McCarthy, Pierce County Deputy Hearing Examiner
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