Staff Report

Conditional Use Permit:
Pearson Metal Salvage

Application Number: 891837
Related Application Numbers: 891839, 882864, 907834, 970412
Parcel Numbers: 0319034-004, -007, -014, -016, and -019

Parkland-Spanaway-Midland Advisory Commission (PSMAC) Public Meeting: Wednesday, November 3, 2021, at 6:30 p.m. Due to COVID-19 restrictions on gatherings, this meeting will be held remotely. To participate in the virtual meeting visit www.Zoom.com and click “Join a Meeting” or call 253-215-8782, then enter the Meeting ID: 989 5806 6869, and Passcode: 428413, or click on the following link: https://piercecountywa.zoom.us/j/98958066869?pwd=NldNMENiZHArY1ZMU2daTzc2L3RUQT09
For additional questions regarding the virtual meeting process, contact Tiffany Aliment at tiffany.aliment@piercecountywa.gov or 253-798-3226.

Conditional Use 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.

Project Location: The site is in the Community Employment (CE) zone classification within the Parkland-Spanaway-Midland Communities Plan area, located at 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.
**Staff Recommendation**: County Staff has reviewed this proposal for compliance with all applicable policies, codes, and regulations. The County recommends approval of the Conditional Use Permit, subject to conditions.

**State Environmental Policy Act (SEPA)**: County Staff has reviewed this project and issued a Mitigated Determination of Nonsignificance (MDNS) on September 22, 2021, with a comment deadline of October 6, 2021, and an appeal deadline of October 20, 2021. No appeals have been filed. A previous August 10, 2021 MDNS was withdrawn on September 22, 2021.

The following measures are included as mitigation in the September 22, 2021 MDNS:

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 the structural roadway section of 19th Avenue Court East within the existing road width. See Pierce County Standard Drawing PC.A4.3 for the minimum structural section. 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.

**Reviewer**: Robert Jenkins, Current Planning Supervisor, rob.jenkins@piercecountywa.gov, 253-798-7016

**Pierce County Online Permit Information**:  
https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmentStatus?applPermitId=891837

**Project Data**

Application Complete Date: July 31, 2018

Examiner’s Hearing Date: October 27, 2021

Staff Report Mailed Date: October 28, 2021
Property Owners/Applicants: Pearson Portland Avenue LLC
Pearson Rental LLC
Verne and Donna Pearson
15417 27th Avenue East
Tacoma, WA 98445-4761
dpearson623@gmail.com

Agent: Larson & Associates, Inc.
Attn: Bill Diamond / Grant Middleton
9027 Pacific Ave., Ste 4
Tacoma, WA 98444
bdiamond@rrlarson.com
gmiddleton@rrlarson.com

Attorney: Terry L. Brink
1201 Pacific Ave., Ste 2100
Tacoma, WA 98402
tbrink@Brinkatlaw.com

Legal Notice

- **August 28, 2018**: Notice of Application and Public Meeting Notice, including the Parkland-Spanaway-Midland Advisory Commission (PSMAC) meeting information, was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property.
- **September 4, 2018**: The site was posted on this date and confirmed with a Declaration of Posting.
- **November 21, 2018**: Legal notice was published in the official County newspaper (*Tacoma News Tribune*) advertising the PSMAC public meeting.
- **March 4, 2019**: Rescheduling Notice of the June 5, 2019 PSMAC meeting, was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property.
- **May 20, 2019**: Postponement Notice of the June 5, 2019 PSMAC meeting, was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property.
- **October 11, 2021**: Public Notice of the Examiner’s Hearing was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property.
- **October 13, 2021**: Legal notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the hearing to be held by the Pierce County Hearing Examiner.
- **October 14, 2021**: Legal notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the PSMAC public meeting.
- **October 28, 2021**: Public Notice of the November 3, 2021 PSMAC meeting was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property.
Zoning Map

Looking NE from Portland Avenue East, April 2019:

Google Earth Photos
Looking SE from Portland Avenue East and 104th Street East, April 2019:

Looking SW from 104th Street East and 19th Avenue Court East, September 2019:
Looking North on 19th Avenue Court East from SE corner of Site, July 2018:

Site Plan, revised March 17, 2021
Comments from the Public and Agencies

The proposed project has been routed to interested departments and agencies for review. Additional comments may be forthcoming. To date, no comments have been received from neighbors or the public. Comments have been received and corrections and additional information requested by the following agencies:

- Pierce County Biologist Section (Scott Sissons) had no requests, as there are no wetland or fish and wildlife indicators on the site.
- Tacoma–Pierce County Health Department had no comments. The Washington State Department of Ecology is reviewing for contamination concerns. The existing facility is regulated under the TPCHD’s solid waste program.
- Fire Prevention Bureau (FPB) has no requirements for this conditional use permit. Fire flow and emergency vehicle access requirements will be applied at time of building permit application.
- The Sewer Division has no further comments for the conditional use permit other than the proposed project is required to connect to sewers.
- The Development Engineering Division has reviewed the proposal and provided mitigation measures for the MDNS and recommended conditions of approval for this proposal.
  - The public road deviation request to 17B has been approved by the County Engineer. The project is required to only improve the structural/pavement section of 19th Avenue Court East. The existing width will be maintained. Street Trees and a pathway will only be required on the west side of 19th Avenue Court East adjacent to the project site.
  - The variance to 17A is in the process, as of the date of this report. The request is not to bring the storm drainage up to current standards for to improve structural/pavement section of 19th Avenue Court East.

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.

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.

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.
History

The following is the permit history of this site:

- On July 31, 1990, the applicant applied for a Conditional Use Permit (CUP), No. CP6-90, to expand the intensity of the salvage yard by adding a 2,000-square foot office building in the northern portion of the western lot. A Conditional Use Permit approval was granted by the Pierce County Hearing Examiner on April 4, 1991, but expired on April 23, 1995.
- In the April 4, 1991 CUP decision, the Hearing Examiner determined that the use of the western parcel, No. 0319034019, for a salvage yard was a legal nonconforming use.
- On March 11, 2003, the applicant applied for a second Conditional Use Permit (CUP), No. CP6-03, to expand the legally nonconforming salvage yard to provide: 1) an employee and large vehicle parking facility on the southern half of the property abutting the existing yard on the east; 2) retaining the single-family home on the northern half of the property abutting the salvage yard on the east as a caretaker residence for the facility; and 3) installation of a recycling collection site (dumpster) along Portland Avenue for disposal of recyclable metals by the general public. The new employee and large vehicle truck parking facility was to be accessed off of 19th Avenue Court East. The existing salvage yard facility was to continue to access Portland Avenue East in its current location. No vehicular connection was proposed between the two parts of the facility, only a pedestrian connection. The Conditional Use Permit approval was granted by the Pierce County Hearing Examiner on January 12, 2007. The CUP approval was revoked by the Deputy Hearing Examiner on April 13, 2009, due to inadequate progress toward complying with deadlines set forth in the 2007 decision.
- As part of the second CUP review, it was determined by the Tacoma-Pierce County Health Department and the Washington Department of Ecology that the salvage yard contained contaminated soils. The applicant entered the Ecology Voluntary Cleanup Program. A plan for site cleanup was approved by the Department of Ecology in January 2006. The site soil has been partially remediated to date.
- Following the revocation of the second CUP approval, PPW allowed the partially completed vehicle parking lot on 19th Avenue Court East, to be completed as a standalone contractor yard. The site development permit for the parking lot was finaled in 2012.

Site Inspection

The five-parcel site is relatively flat. The western parcel contains an existing salvage yard, with office, and has almost no vegetation. The northwest parcel is vacant and contains a stand of deciduous trees. The northeast parcels contain a single-family home and garage, a gravel parking lot, and a few trees. The eastern parcel contains a single-family home and a vehicle parking area for the salvage yard.

Surrounding Land Use / Zoning Designation

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>ZONING (Title 18A)</th>
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<tbody>
<tr>
<td>North Auto Body Shop and Mini-Mart Gas Station (across 104th Street East)</td>
<td>Community Employment (CE)</td>
</tr>
<tr>
<td>South Truck Canopy Sales</td>
<td>CE</td>
</tr>
<tr>
<td>East Vacant burned church building and single-family homes</td>
<td>Single-Family (SF)</td>
</tr>
<tr>
<td>West Mini-Mart Gas Station, Min-Storage and a single-family home (across Portland Avenue East)</td>
<td>CE</td>
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</tbody>
</table>
Utilities/Public Facilities

Utility service and public facilities are proposed as follows:

Water – Tacoma Water
Sewer – Pierce County
Power – Tacoma Power

Parkland-Spanaway-Midland Land Use Advisory Commission

The matter was originally scheduled before the Parkland-Spanaway-Midland Advisory Commission (PSMAC) on December 5, 2018. The meeting was postponed to March 6, 2019, and then to June 5, 2019. The PSMAC meeting and June 25, 2019 public hearing were postponed indefinitely on May 20, 2019. Staff discovered that the matter had not been reviewed by the PSMAC during the preparation of this staff report. Review of the proposal before the PSMAC has been scheduled for November 3, 2021. Staff requests that the record be kept open until Friday, November 5, 2021, to receive the recommendation from the PSMAC.

Governing Regulations

The proposal has been reviewed for conformance with the following goals, policies, and requirements in effect on the July 30, 2018 complete application date of this proposal:

- Title 19A Comprehensive Plan - January 1, 1995, as amended
- Title 17A Construction and Infrastructure Regulations – Site Development and Stormwater Drainage
- Title 17B Construction and Infrastructure Regulations – Road and Bridge Design and Construction Standards
- Title 18 Development Regulations - General Provisions
- Title 18A Development Regulations – Zoning
- Title 18D Development Regulations - Environmental
- Title 18E Development Regulations - Critical Areas
- Title 18H Development Regulations - Forest Practices
- Title 18J Design Standards and Guidelines

Staff Review for Consistency with Applicable Land Use Policies and Regulations

County Comprehensive Plan and Communities Plan
Pierce County Comprehensive Plan

Goal LU-53 Implement the Employment Center land use designation through the following zone classifications: Employment Center (EC), Community Employment (CE), Public Institution (PI), Employment Services (ES), and Research-Office (RO).
Staff Comment: The existing salvage yard and the proposed expansion are uses permitted by Conditional Use Permit in the Community Employment (CE) zone classification that implements the EC designation in Midland. However, the existing facility was established when such uses were permitted out-right. The expansion of the facility allows the Hearing Examiner the opportunity to bring the existing salvage yard into greater conformance with current policies and regulations to the extent reasonable.

Goal LU-56 Provide a diverse range of goods and services to ensure that as the economy changes, employment opportunities are balanced with a wide range of other land uses.

LU 56.4 Location and design should facilitate access and circulation by transit, car and van pools, pedestrians, bicyclists, and other alternative transportation modes.

LU 56.5 Encourage developments to consider visibility and convenient access from major arterials and highways, proximity to environmentally sensitive lands, and the desired character of the industrial area.

LU 56.8 Development should be required to undergo a formal site plan review process to minimize impacts on neighboring properties.

LU 56.10 Encourage large, contiguously-owned properties to be developed as a unified whole.

LU 56.11 Provide sites with a variety of parcel sizes to accommodate both large and small businesses, and particularly those of sufficient size to permit development of large industrial facilities.

Staff Comment: The existing salvage yard and proposed expansion is located in the Employment Center (EC) land use designation. Locational criteria for the EC designation call for industrial uses to be close to public utilities and services, have convenient access to road networks, and minimize the impact of industrial uses on non-residential uses through the use of landscaping, screening, and other methods. The existing salvage yard and proposed expansion are accessible to public facilities and services and located on two arterial roadways, just north of SR-512. With the proposed screening of the outdoor stockpile areas and the storage of more salvage material inside proposed buildings, the site will come into greater conformance with the above policies. By expanding onto adjacent parcels, the applicant is able to improve circulation movement, particularly along Portland Avenue East.

PARKLAND-SPANAWAY-MIDLAND COMMUNITIES PLAN:

Commercial/Industrial Character and Development

The following statements comprise the goal for commercial and industrial character and development in the Parkland-Spanaway-Midland Communities Plan:

- Low and moderate-intensity industrial activities should be limited to commercial centers and auto/pedestrian-friendly employment centers along the Pacific Avenue/Mountain Highway, A Street, Portland Avenue, and Steele Street corridors, where such uses are or can be made compatible with surrounding non-industrial uses through adequate separation, buffering, and sensitive placement of buildings and parking.
Community Employment Center

LU-CI Objective 15. Promote the establishment of low and moderate intensity industrial, research, and office activities in Community Employment Centers along the Pacific Avenue, Portland Avenue, A Street, Mountain Highway, and Steele Street corridors, where such uses are or can be made compatible with surrounding non-industrial uses through adequate separation, buffering, and sensitive placement of buildings, loading areas, materials storage, and parking. CECs will have cohesive identities and will be attractive, safe, functional, diverse, and profitable places to work and do business, and are a positive reflection of the community as a whole.

Principle 1. Low and moderate intensity industrial manufacturing, research, office, industrial service, and warehousing uses and activities shall be promoted where they provide local needed services, increase local employment opportunities, and where environmental impact on surrounding uses can be mitigated.

Principle 2. Retailing of goods and services shall be limited to bulk commodities and large items requiring onsite warehousing (e.g., building materials, commercial equipment, and supplies).

Principle 3. All developments on the periphery of the industrial area shall be designed, screened, bermed, or other means implemented to mitigate undesirable impacts upon surrounding areas.

General Industrial

LU-CI Objective 20. Seek to secure a broad industrial, business, and research base for the greater community by ensuring that adequate land, public facilities and services, and street capacities are available for future industrial growth.

Principle 1. The community shall provide adequate public facilities and services and infrastructure on a phased basis to areas designated for industrial development.

Principle 2. Large, contiguously-owned properties suitable for industrial, research, or office uses should be encouraged to be developed as a unified whole.

Principle 3. Through public and private efforts there shall be an identification of small properties which have the potential to be assembled into parcels large enough for industrial development.

Principle 4. Establish distinct land use types and zoning classifications for industrial, research, and office development which accommodate a broad range of economic development activities in appropriate locations.

Principle 5. Only residential uses accessory to industrial uses shall be allowed in areas designated for industrial, research, and office uses.

Principle 6. Provide for a balance of industrial uses that respond to local and regional needs and enhance the community’s image through optimal siting and location.

Principle 7. The grouping of uses which will mutually benefit each other or provide needed services will be promoted.

Standards 20.7.1 Planned developments of multiple buildings or uses which provide a mixture of low and moderate intensity industrial, research, office, and supporting commercial uses are encouraged.

20.7.2 Intrusions by commercial uses into areas established for industrial, research, and office uses shall be limited to uses that are supportive of and incidental to industrial, research, office, and businesses.
20.7.3 Uses which support industrial and warehouse activities should be located near those uses.

**Principle 8.** Manufacturing businesses should be clustered in industrial parks along major transportation links so as to minimize the impact on surrounding land uses.

**Principle 9.** Special locational consideration shall be given to those manufacturing operations which are non-polluting of the environment.

**Principle 10.** Manufacturing operations may be located within other primarily non-residential areas as long as such sites are compatible with the use intensity of the surrounding area.

**Principle 11.** Industries which handle hazardous or flammable materials shall be located away from residential areas and population concentrations.

**Principle 12.** Industrial developments shall be separated from residential areas through the use of aesthetically pleasing and effective methods, e.g., vegetative buffers, landscaped berms, fences, walls, setbacks, etc.

**Principle 13.** Siting of industrial uses shall take into account visibility and convenient access from major arterials and highways, proximity to environmentally sensitive lands, and the desired character of the industrial area.

**Principle 14.** Locate and design manufacturing, warehousing, and other industrial facilities to minimize environmental impacts and public service costs related to utilities, roads, and other facilities and services.

**Principle 15.** All storage yards shall be entirely screened from the view of adjacent properties which contain dissimilar uses.

*Staff Comment:* The existing use and its proposed expansion are permitted in the Community Employment zone classification subject to Conditional Use Permit approval. With the proposed screening of the outdoor stockpile areas and the storage of more salvage material inside proposed buildings, the site will come into greater conformance with the above policies. By expanding onto adjacent parcels, the applicant is able to improve circulation movement, particularly along Portland Avenue East.

**Pierce County Development Regulations – General Provisions -Title 18**

Chapter 18.160 Vesting
18.160.030 Applicability.
18.160.050 Vesting of Applications.

*Staff Comment:* A complete application for the conditional use permit was submitted to Pierce County on July 21, 2018. The conditional use permit and related applications are subject to the policies and development regulations in effect on that date.

**Pierce County Development Regulations – Zoning-Title 18A**

Chapter 18A.10 Zone Classifications

18A.10.080 Urban Zone Classifications.
A. Employment Centers.
1. **Purpose.** To designate adequate industrial areas to meet the needs of a growing jobs-based economy.

2. **Description.** There are five Employment Center zone classifications: Employment Center, Employment Service, Community Employment, Public Institution and Research-Office.
   
   **b. Community Employment.** The role of the Community Employment (CE) classification is to provide for areas in the communities where low to moderate intensity industrial activities (manufacturing, assembly, warehousing, and industrial services), research activities, and/or office park development may locate.

### 18A.28.010 Urban Zone Classifications.

<table>
<thead>
<tr>
<th>Use Categories and Use Types</th>
<th>CC: Community Center</th>
<th>AC: Activity Center</th>
<th>NC: Neighborhood Center</th>
<th>[Reserved]</th>
<th>CE: Community Employment</th>
<th>RO: Research-Office</th>
<th>[Reserved]</th>
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<td><strong>Urban Centers</strong></td>
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<td><strong>INDUSTRIAL USE CATEGORY:</strong></td>
<td>See <a href="#">18A.33.280</a> for Description of Industrial Use Categories.</td>
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<td><strong>Salvage Yards/Vehicle Storage</strong></td>
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*Staff Comment:* Level 2 of the Salvage Yard/Vehicle Storage Use Type is permitted subject to Conditional Use Permit approval. The proposal falls under Level 2.

### Chapter 18A.15 Residential Density and Lot Dimension

#### 18A.15.040 Setback and Height

*Staff Comment:* Required building setbacks from Portland Avenue East and 104th Street East are 25 feet and 15 feet from 19th Avenue Court East. The Applicant is requesting to use future vacation of 15 feet of Portland Avenue East right-of-way to meet the 25-foot setback requirement. If the right-of-way is not vacated, the setback would be 10 feet from Portland Avenue East. The proposed buildings comply with setbacks from 104th Street East and 19th Avenue Court East. The maximum building height is 60 feet. The Master Application indicates building height would be 30 feet. The 100-foot setback from the SF zone to the east does not apply since the SF zone is east of 19th Avenue Court East.

### Chapter 18A.35 Parking

#### 18A.35.040.E. Parking Quantity Standards

*Staff Comment:* The preliminary site plan proposes 23 parking spaces but it is unclear which are designated for customers, employees, and company vehicles. Additional information on the number of employees at largest shift, along with customers anticipated at any one time, is needed to determine required parking. The applicant will need to accommodate bike parking on the final site plan.
Chapter 18A.75 Use Permits

18A.75.030 Conditional Use Permit.
B. Decision Criteria. The Examiner shall review Conditional Use Permits in accordance with the provisions of this Section and may approve, approve with conditions, modify, modify with conditions, or deny the Conditional Use Permit. The Examiner may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts as a condition of the granting of the Conditional Use Permit.

1. Required Findings. The Examiner may use Design Standards and other elements in this Code to modify the proposal. A Conditional Use Permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record:
   a. That the granting of the proposed Conditional Use Permit will not:
      (1) be detrimental to the public health, safety, and general welfare;

   Applicant Comment: It will not. All site changes will meet County codes that take health, safety and welfare into consideration.

      (2) adversely affect the established character and planned character of the surrounding vicinity; nor

   Applicant Comment: The proposed changes in screening, building and internal parking will provide changes that will help the character of the property for the vicinity.

      (3) be injurious to the uses, planned uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.

   Applicant Comment: No uses proposed or requested will be injurious to the vicinity or adjacent properties.

   b. That the granting of the proposed Conditional Use Permit is consistent and compatible with the intent of the goals, objectives and policies of the County's Comprehensive Plan, appropriate Community Plan (provided that, in the event of conflict with the Comprehensive Plan, the Comprehensive Plan prevails), and any implementing regulation.

   Applicant Comment: The proposed changes are done in conjunction with the review of County Council and staff to meet the existing zoning and plans. There is a proposed variance for driveway spacing submitted as provided for in the PCC.

   c. That all conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.

   Applicant Comment: Enforcement of proposed use has and will be enforced. The proposed changes/additions will be permitted through the County which will call for inspection.

   d. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.
**Applicant Comment:** The applicant will not introduce and new hazardous conditions unless mitigated and permitted as to not affect the adjacent properties.

e. That the conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

**Applicant Comment:** There are no uses proposed that require additional public services or facilities or lessen those existing.

f. That the Level of Service standards for public facilities and services are met in accordance with concurrency management requirements.

**Applicant Comment:** All existing public services and facilities are currently being met with existing use. No new uses will lessen those services.

**Staff Comment:** Staff finds that the proposed expansion and reconfiguration of activities and circulation on the Pearson Metal Savage property will improve public health, safety and general welfare and positively impact the existing and future character of this part of Midland by: 1) eliminating the unsafe condition of trucks parking along the Portland Avenue East right-of-way; 2) provide a safer circulation system by allowing for exiting onto 19th Avenue Court East, rather than busy Portland Avenue East; provide for extensive vegetative screening of the outside metal storage area from Portland Avenue, from the south and from 19th Avenue Court East; 3) new buildings will allow the applicant to relocate metal salvage to interior buildings from the outside and allow them to expand into different types of salvage more dependent on the weather; and 4) the access onto 104th Street East will provide for a safer way for non-truck customers to enter the property than the current Portland Avenue entrance.

Staff finds that the proposed expansion of Pearson Metal Salvage is consistent with the policies of the Comprehensive and Communities Plan, as discussed above. Staff finds that by committing to the cleanup of the contaminated soils through the Voluntary Cleanup Program of the Washington Department of Ecology, the applicant will be eliminating conditions that cause harm to the overall community. Staff finds that no new hazardous conditions are proposed that cannot be mitigated for and will not impact on the cleanup of the soil contamination. Staff finds that the proposal and its conditions are clear and can be enforced. Staff finds that public facilities and services can accommodate the proposed expansion of Pearson Metal Salvage.

**Title 18E – Critical Areas**

**Chapter 18E.50 Aquifer Recharge and Wellhead Protection Areas.**

**18E.50.040 Aquifer Recharge and Wellhead Protection Area Standards.**

**Staff Comment:** The plat is limited to 60% impervious cover unless the applicant demonstrates that effective impervious cover does not exceed 10% for each parcel.
Title 18J – Design Standards and Guidelines

Pierce County Development Regulations – Design Standards and Guidelines – Title 18J

Chapter 18J.10 – General Provisions

18J.10.050 Approvals Required.
A. Administrative Design Review (ADR).

**Staff Comment:** The plat proposal will need to comply with the following design standards.

Chapter 18J.15 – Countywide Design Standards and Guidelines

18J.15.015 Site Design

**Staff Comment:** Given the relatively level site, the amount of grading and impacts of grading on neighbors will be minimal.

18J.15.030 Tree Conservation
The purpose of this Section is to retain and/or restore the overall tree canopy in the County by using plant materials as a unifying element and tool to protect the health, safety and welfare of the public by using the environmental services provided by trees to mitigate the negative effects of impervious surfaces and vehicular traffic such as increased temperatures, airborne particulates, carbon dioxide, noise, and stormwater runoff.

E. Design Objective. To promote tree conservation by establishing minimum tree density requirements, expressed as tree units per acre, for new or expanding uses proposed on vacant and redeveloping parcels. It is intended that the tree density requirements will be met primarily through the conservation of existing trees. However, in order to provide for continued flexibility in the design of new development, in those situations where an applicant's design would preclude the retention of the required number of trees, the use of replacement or supplemental tree planting is authorized. It is also recognized that some sites may not contain a sufficient number of existing trees to meet the tree density standards. In those situations, additional trees are to be planted as necessary to achieve the minimum tree density requirements.

F. Standards – General.
3. Significant Trees. At a minimum, 30 percent of significant trees on site shall be retained, preferably reflective of the diversity of species and age within the stand, up to the minimum tree density requirements.

**Staff Comment:** The CE zone requires that 5 tree units per net acre, respectively, be preserved and/or planted, i.e., 17 tree units on 3.28 net acres. Clarification is needed as to if either of the large evergreen trees meet the definition of significant in Table 18J.15.030-1. If so, at least one will need to be retained or a Site Plan Review (SPR) application submitted to deviate from the standard.
18J.15.040 Landscape Buffers

**Staff Comment:** A 20-foot wide L3 landscape buffer or 6-foot solid board fence or wall is required to separate outdoor storage areas from Portland Avenue East and 19th Avenue Court East, per PCC 18J.15.040.F.9., or an SPR applied for. A 20-foot wide L3 landscape buffer is required along Portland Avenue East, north of the outdoor storage area, and 104th Street East, per PCC Table 18J.15.040-1, or an SPR applied for.

The L3 buffer along Portland Avenue East is proposed to be met partially by a future 15-wide right-of-way vacation by the County Council. If the vacation does not move forward, the applicant shall provide the entire buffer onto the current property.

An 8-foot L2 landscape buffer is required along the southern property boundary with the commercial truck canopy use, per PCC Table 18J.15.040-1.

18J.15.080 Off-Street Parking, Pedestrian, Bus and Bicycle Facilities

**Staff Comment:** All vehicular parking and circulation areas must be paved. The final development plan will require a separated pedestrian connection between the office and 104th Street East or Portland Avenue East.

18J.15.085 External Illumination

**D. Standards – Exterior Illumination.**

1. Light sources (light bulb) shall be hidden from public view except for streetlights and holiday decorator lights.
2. Illumination level of 1 footcandle shall be provided in all pedestrian areas, including building entries, along walkways, parking areas, and other public areas.
3. Except for intermittent security lighting on motion detectors, all lights more than 7 feet above the ground shall be downward directional lighting. The fixture’s housing must be totally opaque. Clear or refractive lenses shall not extend below the housing.
4. Illumination shall not cast beyond the premises it is intended to illuminate.
5. Illumination of landscaped areas shall be prohibited unless lighting is part of the landscape area immediately around the building or the area is intended for recreational use.
6. Large areas shall be illuminated with multiple low-intensity light sources rather than single high-intensity light sources.
7. Pole lights shall be no taller than 20 feet above a 36-inch base in parking lots and traffic areas and no taller than 12 feet in pedestrian areas.

**E. Standards – Exterior Building Illumination.**

1. Exterior building illumination, if proposed, shall be of an indirect source.
2. All lights, other than streetlights, shall be shielded from the sky and adjacent properties and structures, either through cut-off or downward directional lighting, or optics within the fixture.
3. Translucent panels or other features illuminated from behind are prohibited.
4. All building mounted floodlights shall be shielded from above in such a manner that the bottom edge of the shield shall be at or below the light source.
5. Light fixtures used to illuminate the building that are not affixed to the building shall be screened or hidden from view with plant materials.
6. The design and placement of exterior lighting shall be integrated with the architectural design of the building.

7. Illumination used to highlight building elements shall be of an indirect source and not affect neighboring residences.

**Staff Comment:** All building and freestanding lighting will need to comply with 18J.15.085.D and E.

### 18J.15.090 Parking Lot Landscaping

**Staff Comment:** Any trees retained shall be protected from grading within 5 feet of the dripline of the tree. One tree per 5 parking spaces is required. An 8-foot wide L2 landscape buffer is required separating the two parking lots from 19th Avenue Court East. An 8-foot buffer is not required along 104th Street unless the final parking areas are within 20 feet of the right-of-way line of that street.

### 18J.15.155 Outdoor Storage (not stockpiling)

**E. Outdoor Storage Area Screening Standards.** See also PCC 18J.15.230 for Outdoor Stockpile standards.

1. Outdoor storage shall be screened from adjacent sites with the use of structural enclosures compatible with the primary structure and landscaping.

2. Outdoor storage areas shall be located behind the front wall of the primary building on site and shall be no closer than 10 feet to a required building or landscape buffer with no setback less than 10 feet from any property line.

3. Landscape shall be Type I with fence or structural enclosure.

4. Material shall not exceed the height of fences or screening enclosures.

5. Materials or colors for fences or walls shall be compatible with building architecture.

6. Where appropriate, landscaping meeting the Landscape Level 1 buffer requirement shall also be installed to provide additional screening.

7. When landscaping is used to achieve buffer requirements, native and drought-tolerant vegetation should be used.

**Staff Comment:** A 10-foot setback is required from the south and east property lines abutting the outside metal storage area. The setback is 20 feet from Portland Avenue due to the required L3 landscape buffer per PCC 18J.15.040.F.9. The site plan shows perimeter buffer areas abutting the east, west, and southern boundaries of the outdoor metal storage area that comply with the required widths.

Proposed Portland Avenue East screening buffer shown on the site plan complies if allowed to use future right of way (ROW) vacation. The proposed 20-foot L3 buffer on 19th Avenue Court East and 10-foot wide L2 buffer on south side of the site will comply.

Material, trailers, etc., cannot exceed the height of a fence or wall. The maximum perimeter fence height is 8 feet per PCC 18A.15.040.B.2.d.
18J.15.170 Stormwater Facilities

Staff Comment: Proposed biofiltration swales must be designed as amenity or screened from view.

18J.15.230 Outdoor Stockpiles
D. Standards.
1. Setbacks.
   a. Outdoor stockpiles shall maintain a minimum setback of 30 feet from exterior lot lines. When the exterior lot line is abutting an urban residential zone classification, the setback shall be increased to 100 feet.
2. Maximum Height. The maximum height of a stockpile shall not exceed that which is established for structures in the applicable zone classification or 30 feet, whichever is less. The following exceptions apply:
   a. A stockpile may be allowed to increase 1 foot in height for every foot the required setback is increased, not to exceed 40 feet.
   b. In the EC zone classification, there shall be no height restriction on parcels exceeding 5 acres in size, provided all setback standards are met.
3. Interior Fencing and Screening.
   a. Outdoor stockpile areas must be secured by a surrounding fence or other enclosure. Within an urban growth area, the fence or enclosure shall be sight obscuring and shall meet the standards set forth in PCC 18J.15.040 H.5.
   b. Loading areas should be located to the side or rear of existing buildings to minimize views of this activity and shall be screened, in accordance with fencing standards contained in PCC 18J.15.040 H.5., from adjacent properties and streets.
4. Exterior Screening.
   a. Visual screening consisting of evergreen plant material that will provide a solid screen of at least 16 feet in height shall be required along the site’s exterior boundaries when the use or activity occurs on property that is adjacent to property improved with a residential use, public and private road rights-of-way, or urban residential zone classification.
   b. Within the required setback, the required visual screening buffer(s) width shall not be less than 30 feet in width and shall provide a site-obscuring screen within three years. If existing vegetation does not provide the required sight-obscuring screen, supplemental plantings or sight-obscuring fencing shall be required. When supplemental plantings are proposed, irrigation must be provided meeting the standards set forth in PCC 18J.15.110. One access way, not wider than 30 feet, will be allowed to cut through the designated visual screening buffer area. No other cutting of trees will be allowed within the designated visual buffer area for the life of the approved project, except as provided for dangerous or diseased trees.

Staff Comment: Current outdoor metal stockpiles must be located a minimum of 30 feet from all property lines or apply for and receive approval of an SPR. The maximum height of metal stockpiles is 30 feet unless stepped back 1 for 1 to maximum of 40 feet or apply for and receive approval of an SPR. Stockpiles must be screened by sight obscuring fencing along property lines of stockpile areas. An evergreen screen along Portland Avenue East and 19th Avenue Court East frontages with stockpile areas of the site, with mature height within 3 years, and a permanent method of irrigation or apply for and receive approval of an SPR.
An argument could be made that the outside metal storage on the western parcel, which was determined to be legally nonconforming in 1990, could be exempt from the setback or height limits of this section. The expansion of the outdoor metal storage to the eastern parcel will be subject to the outdoor stockpile design standards unless an SPR is applied for and approved.

Chapter 18J.30 Parkland-Spanaway-Midland Communities Plan Area Design Standards and Guidelines

18J.30.090 Commercial and Industrial Building Design

*Staff Comment:* The new buildings will need to comply with a minimum of 5 architectural points on the Portland Avenue, 104th Street and 19th Avenue Court facades of the new buildings. There must be a dedicated pedestrian access from 104th or Portland Avenue to the office. There must be a "unity of design" between new and existing buildings.

**Conditions of Approval**

Should the Examiner approve the project, the following recommended conditions should be included in the decision.

**SEPA:**

1. The SEPA mitigating measures set forth in the Mitigated Determination of Nonsignificance (MDNS) issued by the Pierce County Responsible Official on September 22, 2021, are hereby made conditions of approval as set forth hereinafter. Provided, however, that said mitigating conditions are not subject to change by the major amendment process but must be changed by the Responsible Official through the SEPA process.

   a. 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.

   b. The Applicant shall be required to reconstruct the structural roadway section of 19th Avenue Court East within the existing road width. See Pierce County Standard Drawing PC.A4.3 for the minimum structural section. 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.

   c. 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.
d. 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.

Planning:

2. All requirements of the Pierce County Building Department must be met prior to the issuance of building permits for this proposal.

3. Completion or substantial progress toward completion of the approved project shall occur within two (2) years of the approval of final development plans, or all approvals granted herein shall automatically become null and void.

4. All required landscaping and irrigation (if proposed) shall be installed prior to final inspection of the first commercial building permit.

5. Prior to final of the first commercial building permit, the applicant shall make application of the required Accessory Element application to ensure compliance with required landscaping.

6. The applicant shall refer to the Pierce County Inadvertent Archaeological and Historic Resources Discovery Plan (included as an Appendix to this staff report), in the event that any ground-disturbing or other project related activities associated with this development, or any future development of this site, uncover protected cultural materials (e.g., bones, shell, antler, horn or stone tools). The Pierce County Inadvertent Archaeological and Historic Resources Discovery Plan may also be found at https://www.co.pierce.wa.us/907/Master-Documen-
t-List.

7. Operation of equipment and associated materials in the construction of the project has the potential to result in generating dust. Impacts to neighboring properties shall be controlled by frequently watering the site as necessary to prevent the travel of dust.

8. A final development plan shall be submitted for review and approval prior to issuance of any site development permit.

9. A final landscape plan shall be submitted for review and approval prior to issuance of any site development permit. A minimum of 17 tree units shall be provided, along with retention of a minimum of 30% of any significant trees.

10. Prior to final development plan approval, the applicant shall demonstrate that 23 parking spaces is adequate to accommodate staff and customers or the number of spaces shall be increased. A bike rack shall be shown on the final development plan.

11. A 20-foot wide L3 landscape buffer or 6-foot solid board fence or wall is required to separate outdoor storage areas from Portland Avenue East and 19th Avenue Court East, per PCC 18J.15.040.F.9., or a Site Plan Review (SPR) applied for.

12. A 20-foot wide L3 landscape buffer is required along Portland Avenue East, north of the outdoor storage area, and 104th Street East, per PCC Table 18J.15.040-1, or an SPR applied for.
13. The L3 buffer along Portland Avenue East is proposed to be met partially by a future 15-foot wide right-of-way vacation by the County Council. If the vacation does not move forward, the applicant shall provide the entire buffer onto the current property.

14. An 8-foot L2 landscape buffer is required along the southern property boundary with the commercial truck canopy use, per PCC Table 18J.15.040-1.

15. All vehicular parking and circulation areas must be paved. The final development plan shall show a separated 6-foot-wide pedestrian connection between the office and either 104th Street East or Portland Avenue East.

16. All building and freestanding lighting will need to comply with 18J.15.085.D and E.

17. The final landscape plan shall provide a minimum of 1 tree per 5 parking spaces.

18. The final landscape plan shall provide an 8-foot wide L2 landscape buffer separating the two parking lots from 19th Avenue Court East. An 8-foot buffer is not required along 104th Street unless the final parking areas are within 20 feet of the right-of-way line of that street.

19. A 10-foot setback is required from the south and east property lines abutting the outside metal storage area. The setback is 20 feet from Portland Avenue due to the required L3 landscape buffer per PCC 18J.15.040.F.9.

20. Material, trailers, etc., cannot exceed the height of a fence or wall. The maximum perimeter fence height is 8 feet per PCC 18A.15.040.B.2.d.

21. Proposed biofiltration swales must be designed as amenity or screened from view.

22. Current and future outdoor metal stockpiles on parcel no. 0319034019 must be located a minimum of 30 feet from all property lines or apply for and receive approval of an SPR.

23. Future outdoor metal stockpiles on parcel no. 0319034004 must be located a minimum of 30 feet from all property lines or apply for and receive approval of an SPR.

24. The maximum height of current and future metal stockpiles on parcel no. 0319034019 is 30 feet unless stepped back 1 for 1 to maximum of 40 feet or apply for and receive approval of an SPR.

25. The maximum height of future metal stockpiles on parcel no. 0319034004 is 30 feet unless stepped back 1 for 1 to maximum of 40 feet or apply for and receive approval of an SPR.

26. Stockpiles must be screened by sight obscuring fencing along property lines of existing stockpile area on parcel no. 0319034019. An evergreen screen with a minimum height of 16 feet, along the Portland Avenue East frontage with the stockpile areas of the site, with mature height within 3 years, and a permanent method of irrigation is required or apply for and receive approval of an SPR.
27. Stockpiles must be screened by sight obscuring fencing along property lines of newly created stockpile areas on parcel no. 0319034004. An evergreen screen with a minimum height of 16 feet, along the 19th Avenue Court East frontage with the stockpile area, with mature height within 3 years, and a permanent method of irrigation is required or apply for and receive approval of an SPR.

28. The new buildings will need to comply with a minimum of 5 architectural points on the Portland Avenue, 104th Street and 19th Avenue Court facades of the new buildings. There must be a dedicated pedestrian access from 104th or Portland Avenue to the office. There must be a "unity of design" between new and existing buildings.

Development Engineering:

29. A storm drainage plan must be submitted to the Development Engineering Section as part of the site development plans. The drainage plans shall be in accordance with the stormwater regulations in effect at the time of issuance of the site development permit.

30. Pierce County will not accept public storm drainage facilities for maintenance until the drainage facility has been inspected and accepted by the County.

31. Upon completion of the construction of the public/private storm drainage and road improvements, the proponent shall be required to place a Defect and Maintenance Guarantee to ensure the applicant corrects any defects or subsequent problems, and conducts all maintenance and inspection as shown on the approved O&M Manual. The Defect and Maintenance Guarantee will be held for 24 months (2 years). The 24 months shall begin when the as-built drawings have been approved, the Engineer’s Inspection Report Form accepted, and the construction has been inspected and found acceptable to the County.

32. Any new or existing access must be accurately depicted on the applicable plan, permitted and submitted to the Development Engineering Section for review and approval. The following information must be provided on the plans:

- Distance from the proposed approach to the nearest side street, approach, or intersection (including the opposite side of the street).
- Spot elevations at the edge of the existing pavement and measured distance from right-of-way line to existing edge of pavement.
- Any aboveground utilities within 50 feet of the approach.
- Standard Pierce County detail and all applicable approach dimensions.

33. 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.
34. The Applicant shall be required to reconstruct the structural roadway section of 19th Avenue Court East within the existing road width. See Pierce County Standard Drawing PC.A4.3 for the minimum structural section. A sidewalk/walkway and Street Trees are also required along 19th Avenue Court East per Ordinance 2010-70S, Title 17B, Construction and Infrastructure Regulations – Road and Bridge Design and Construction Standards, Chapter 17B.20, Table 17B.20.005-1, Minimum Required Improvements for Commercial Projects. 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.

35. Off-site Improvements are required along Portland Avenue East and 104th Street East and must conform to Ordinance 2010-70S, Title 17B, Construction and Infrastructure Regulations Road and Bridge Design and Construction Standards, Chapter 17B.20, Table 17B.20.005-1, Minimum Required Improvements for Commercial Projects.

36. Any work in the County right-of-way will require a separate right-of-way permit issued by the Pierce County Public Works Department.

37. The site is within an aquifer recharge area allowing a maximum impervious surface area of 60 percent. Per 18E.50.040, the percentage for maximum total impervious surface per lot or site may be exceeded if the applicant can demonstrate that the effective impervious surface on the site is less than or equal to what is allowed for the total impervious surface.

Sewer Division:

38. The subject property is located within the Pierce County Sewer Service area and is within the Comprehensive Urban Growth Area (CUGA). The subject property is within 300 feet of an existing, accessible sanitary sewer which has sufficient capacity to accommodate the proposed development on the subject property. The proposed development on the subject property are required to connect to the sanitary sewer.

39. All on- and off-site sanitary sewer improvements required by the County to provide sanitary sewer service for this development shall be designed and constructed, at the applicant’s expense, and must conform to the latest revision of the PCC Chapter 13, the Pierce County Sanitary Sewer Standard Plans, Checklists and Specifications, the Pierce County Sanitary Sewer Standard Details Manual, the Pierce County General Sewerage Plan, and the Pierce County Sewer Division’s comprehensive sewerage strategies as defined by the Pierce County Wastewater Utility Manager.

Fire Prevention Bureau:

40. Buildings and salvage yards (facilities) require fire flow and Emergency Vehicle Access. The buildings will be reviewed at building permit application. The facilities portion will be reviewed under this conditional use.

41. A Certificate of Water Availability and water system vicinity map from the water company shall be required prior to issuance of any additional buildings so that it can be determined if existing fire flow is adequate.
42. A Hazardous Materials Inventory Statement prepared in accordance with Submittal Standard 3865 is required at the time of building permit application. Discussed fire flow for buildings and facilities (salvage yard) and Emergency Vehicle Access requirements at meeting (873237).

43. Additional FIRE permits are required for hydrant installation, fire sprinklers, alarms if required, and tires or hazardous materials over the permit amount.

**Washington State Department of Ecology:**

44. The applicant proposes to demolish an existing structure(s). In addition to any required asbestos abatement procedures, the applicant should ensure that any other potentially dangerous or hazardous materials present are removed prior to demolition. It is important that these materials and wastes are removed and appropriately managed prior to demolition. It is equally important that demolition debris is also safely managed, especially if it contains painted wood or concrete, treated wood, or other possibly dangerous materials. Please review the “Dangerous Waste Rules for Demolition, Construction, and Renovation Wastes,” on Ecology’s website at: Construction & Demolition Guidance. All removed debris resulting from this project must be disposed of at an approved site. All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from your local jurisdictional health department prior to filling. Contact the local jurisdictional health department for proper management of these materials.

45. Facilities conducting certain industrial activities that discharge stormwater to a surface waterbody or storm sewer system that drains to a surface waterbody are required to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage for those industrial stormwater discharges under the Department of Ecology’s Industrial Stormwater General Permit (ISGP).

46. Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or storm drains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

47. Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington and is subject to enforcement action.
1. STAFF REPORT

2. APPLICATION:
   A. Master Application, dated July 30, 2018
   B. Required Findings - Conditional Use
   C. Public Deviation Request, dated March 20, 2018
   D. Revised Public Deviation Request, dated March 6, 2019
   E. Updated Public Road Deviation Request, dated October 15, 2021
   F. Applications: 891837 (Conditional Use Permit); 891839 (SEPA), 882864 (Variance/Deviation), 907834 (TIA), 970412 (Variance/Deviation)

3. STATE ENVIRONMENTAL POLICY ACT (SEPA):
   A. SEPA Environmental Checklist, dated July 31, 2018
   B. Mitigated Determination of Nonsignificance (MDNS), letters and legal notice, issued September 22, 2021

4. AGENCY COMMENTS:
   A. Request for Review and Response, emailed August 28, 2018
   B. Memorandum from Dawn Anderson, Development Engineer, dated September 20, 2021
   C. Memorandum from Alma Arroyo, Sewer Division, dated September 6, 2018
   D. Letter from Washington State Department of Ecology (ECY), dated August 24, 2021
   E. Letter from Tacoma-Pierce County Health Department (TPCHD), dated March 26, 2020
   F. Email from Troy Rowan, TPCHD, dated November 4, 2020
   G. Letter from Adam Harris, ECY – Toxics Cleanup Program, dated November 4, 2020
   H. Email from Adam Harris, ECY – Toxics Cleanup Program, dated November 12, 2020
   I. Email from Adam Harris, ECY – Toxics Cleanup Program, dated March 11, 2021
   J. Letter from Nicholas Acklam, ECY – Toxics Cleanup Program, dated May 28, 2021
   K. Email exchange between Terry Brink and Nicolas Acklam, ECY – Toxics Cleanup Program, May 18, 2021 to June 1, 2021
   L. Memorandum on Deviation Request, from Brian Churchill to Dawn Anderson, dated March 14, 2019
   M. Memorandum on TIA Request, from Brian Churchill to Dawn Anderson, dated March 30, 2021
   N. PALS+ Comments

5. PARTIES OF RECORD
   A. Party of Record Request

6. NOTICE AND ROUTING DOCUMENTS:
   A. Notice of Application and Public Meeting Notice, mailing list, and map, dated August 28, 2018
   B. Declaration of Posting and Photo, dated September 4, 2018
   C. Public Notice, Agenda, mailing lists, map, legal notice, and letters

7. LAND USE ADVISORY COMMISSION (LUAC):
   A. Legal Notice for the November 3, 2021, Parkland-Spanaway-Midland Advisory Commission (PSMAC) meeting

8. SITE PLANS:
   A. Revised Site Plan, dated March 21, 2021
   B. Revised Landscape Plans, dated March 21, 2021
   C. Landscape Simulation, submitted August 9, 2018
Hearing Examiner Exhibits – continued:

9. REPORTS AND STUDIES:
   A. Ecology Voluntary Cleanup Program Cleanup Site Page
   B. Ecology Voluntary Cleanup Program Cleanup Site Details, revised September 10, 2021
   C. Ecology Voluntary Cleanup Program Document List, revised September 22, 2021
   D. Pearson Metal Salvage Voluntary Cleanup Program Application, dated January 29, 2020
   E. Pearson Metal Salvage Inc - SW0636 - Application Request for Additional Information, dated March 10, 2020
   F. Pearson Metal Salvage - SW1704 – Voluntary Cleanup Program Agreement, dated May 18, 2020
   G. Pearson Metal Salvage - SW1704 – Voluntary Cleanup Program Acceptance Letter from ECY, dated June 8, 2020
   H. Phase 1 Environmental Site Assessment (Summary) prepared by Atlas Geosciences NW, dated June 17, 2020, (Full report may be found in the documents tab in PALS+)
   I. Remedial Investigation Report (Summary) prepared by Atlas Geosciences NW, dated April 14, 2021 (Full report may be found in the documents tab in PALS+)
   J. Email from Terry Brink on Remedial Investigation Report and discussions with ECY, dated April 23, 2021
   K. Environmental Media Management Plan prepared by Atlas Geosciences NW, dated August 16, 2021
   L. Email from Terry Brink to Nicholas Acklam on status of VCP, dated September 10, 2021

Please note: A complete set of exhibits may be found at the following link:
https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/documents?applPermitId=819837

Pearson Salvage CUP PSMAC-RJ.docx
Appendix

Inadvertent Archaeological and Historic Resources Discovery Plan

In the event that any ground-disturbing activities or other project activities related to this development, or in any future development, uncover protected cultural material (e.g., bones, shell, antler, horn or stone tools), the following actions will be taken:

1. When an unanticipated discovery of protected cultural material (see definitions below) occurs, the property owner or contractor will completely secure the location and contact:
   a. The property owner and/or project manager;
   b. A professional archaeologist;
   c. Pierce County Planning & Public Works Department (253-798-7037);
   d. The Department of Archaeology and Historic Preservation (DAHP) (Stephanie Jolivette, State Archeologist, 360-586-3088, 360-628-2755 cell);
   e. The Puyallup Tribe (Brandon Reyon, Cultural Regulatory Specialist, 253-573-7986, 360-384-2298);
   f. The Squaxin Island Tribe (Rhonda Foster, THPO, 360-432-3850, Stephenie Neil, Archaeologist, 360-432-3998);
   g. The Nisqually Tribe (Brad Beach, Cultural Resources, 360-456-5221, ext. 2180) and
   h. The Muckleshoot Tribe (Laura Murphy, Archaeologist, 253-876-3272).

2. If the discovery is human remains, the property owner or contractor will stop work in and adjacent to the discovery, completely secure the work area by moving the land-altering equipment to a reasonable distance, and will immediately contact:
   a. The property owner;
   b. The Pierce County Sheriff’s Department (253-798-4721); and
   c. The Pierce County Chief Medical Examiner, Karen Cline-Parhamovich, DO (253-798-6494) to determine if the remains are forensic in nature.
   d. If the remains are not forensic in nature the Department of Archaeology and Historic Preservation (DAHP) Guy Tasa, State Physical Anthropologist, 360-586-3534; will take the lead on determining the appropriate method of treatment for the remains and will consult with the affected tribes.

3. Cultural material that may be protected by law could include but is not limited to:
   a. Buried layers of black soil with layers of shell, charcoal, and fish and mammal bones (Figure 1);
   b. Non-natural sediment or stone deposits that may be related to activity areas of people;
   c. Stone, bone, shell, horn, or antler tools that may include projectile points (arrowheads), scrapers, cutting tools, wood working wedges or axes, and grinding stones (Figures 2 and 3);
   d. Stone tools or stone flakes (Figures 2 and 3);
   e. Buried cobbles that may indicate a hearth feature (Figure 4);
   f. Old ceramic pieces, metal pieces, tools and bottles (Figures 5 and 6); and
   g. Perennially damp areas may have preservation conditions that allow for remnants of wood and other plant fibers; in these locations there may be remains including: Fragments of basketry, weaving, wood tools, or carved pieces; and Human remains.

4. Compliance with all applicable laws pertaining to Archaeological Resources (RCW 27.53, 27.44 and WAC 25-48) and with human remains (RCW 68.50) is required. Failure to comply with these requirements could result in a misdemeanor and possible civil penalties and constitute a class C felony.
Figure 1: Shell midden

Figure 2: Example of stone tools

Figure 3: Example of stone flake

Figure 4: Example of hearth (oven) feature

Figure 5: Example of historic artifacts from debris scatter.

Figure 6: Example of bottle from historic debris dump