



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

December 12, 2022

Pacific Ridge Homes
ATTN: Dagny Cook
17921 Bothell-Everett Hwy, Suite 100
Bothell, WA 98012

Re: Water Quality Certification Order No. **21464**, Corps No. **NWS-2022-756**, Ivy Terrace,
Snohomish County, Washington

Dear Dagny Cook:

On September 26, 2022, Pacific Ridge Homes submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Ivy Terrace townhouse community, in Snohomish County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Water Quality Certification Request and supplemental documents complies with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and applicable state laws. This certification is subject to the conditions contained in the enclosed Water Quality Certification Order (WQC Order).

Please ensure that anyone doing work under this WQC Order has read, is familiar with, and is able to follow all of the provisions within the attached WQC Order.

If you have any questions about this decision, please contact Doug Gresham at (425) 429-1846 or Doug.Gresham@ecy.wa.gov. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Joe Burcar Section Manager
Northwest Region Office
Shorelands and Environmental Assistance Program

Enclosure (1)

WQ Order No. 21464, Corps No. NWS-2022-756
Aquatics ID No. 141861
December 12, 2022
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Sent via email to: drcook@pacificridgehomes.com

E-cc: Alex Murphy, Soundview Consultants LLC
Mae Ancheta, U.S. Army Corps of Engineers
Jesse F Dykstra, WDFW
Shreejita Basu, Department of Ecology
Doug Gresham, Department of Ecology
Rowan Kelsall, Department of Ecology
Loree' Randall, Department of Ecology
ECYREFEDPERMITS@ecy.wa.gov

IN THE MATTER OF GRANTING A)	ORDER No. 21464
WATER QUALITY CERTIFICATION TO)	Corps Reference No. NWS-2022-0756
Pacific Ridge Homes)	<i>Ivy Terrace located within Wetland A, Lynnwood,</i>
pursuant to 33 U.S.C. 1341 (FWPCA §)	<i>Snohomish County, Washington</i>
401), RCW 90.48.120, RCW 90.48.260)	
and Chapter 173-201A WAC)	

Pacific Ridge Homes
 Attn: Dagny Cook
 17921 Bothell-Everett Highway, Suite 100
 Bothell, WA 98012

On September 26, 2022, Pacific Ridge Homes submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for Ivy Terrace, in Snohomish County, Washington. The following required processing dates are referenced below:

- On July 25, 2022, Pacific Ridge Homes submitted a pre-filing meeting request.
- On October 20, 2022, the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they were reviewing the project for authorization under Nationwide Permit No. 29 and requires an individual Section 401.
- On October 21, 2022, Ecology issued a public notice for the project.

This project proposes to develop a residential townhouse community with 89 units in 10 buildings, internal access roads, parking and loading areas, utilities, and stormwater facilities. The proposed project requires the total fill (746 ft²) of Wetland A. Compensatory mitigation for impacts to Wetland A will be provided through the purchase of 0.017 credits from the Keller Farms Mitigation Bank.

The project site is located at 16333 36th Avenue West, in Lynnwood, Snohomish County, Washington, Section 3, Township 27N., Range 4E., within Water Resource Inventory Area (WRIA) 8 Cedar/Sammamish.

With this Order, Ecology is granting Pacific Ridge Homes's request for a Section 401 Water Quality Certification for the Ivy Terrace project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on September 26, 2022.

Based on the information submitted, Ecology has determined that the discharge from the project will comply with state water quality requirements. Prior to undertaking any changes that materially alter the project, Pacific Ridge Homes must contact Ecology to determine whether a new Section 401 Water Quality Certification is required.

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize Pacific Ridge Homes to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC), or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this Section 401 Water Quality Certification absolves Pacific Ridge Homes from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

Special Conditions:

1. The Applicant shall mitigate wetland impacts as described in the *Mitigation Plan for Ivy Terrace*, prepared by Soundview Consultants LLC, dated September 22, 2022, (hereafter called the "Mitigation Plan") or as required by this Order.
 - *Justification - Alteration of water quality necessitates the use of mitigation as a method of controlling pollution. When adequate mitigation is provided, the impacts are not considered significant enough to water quality, at least in the long-term. The water quality standards, along with mitigation, protect wetlands as well as permitting some level of degradation where unavoidable or necessary.*
 - *Citation – 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300, and WAC 173-225-010.*
2. Prior to impacting Wetland A, Pacific Ridge Homes shall submit to Ecology documentation from the bank sponsor verifying the purchase of 0.017 wetland mitigation bank credits from the Keller Farms Mitigation Bank. This documentation must include the Ecology Order Number, Order issuance date, impact acreage, the amount of credits required by the Order, and date of credit purchase.
 - *Justification - This condition is necessary to ensure the compensatory mitigation was actually provided by the bank.*
 - *Citation – 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, RCW 47.85.040, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300, and WAC 173-225-010.*
3. Unless otherwise authorized by this WQC Order, Pacific Ridge Homes shall complete the purchase of credits before impacting wetlands. Otherwise, Ecology may require Pacific Ridge Homes to provide additional compensation to account for additional temporal loss of wetland functions.

- *Justification - Mitigation that is not emplaced concurrent with impacts will result in degradation of existing beneficial uses of the wetlands affected by the proposed action through temporal loss of functions.*
- *Citation – 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, RCW 47.85.040, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300, and WAC 173-225-010.*

In view of the foregoing and in accordance with 33 U.S.C. §1341, RCW 90.48.120, RCW 90.48.260 Chapter 173-200 WAC and Chapter 173-201A WAC, this WQC with conditions is granted to Pacific Ridge Homes for the Ivy Terrace project.

This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues a Department of the Army (DA) permit for this project. Order No. 21464 will remain valid for the duration of the associated DA permit. Pacific Ridge Homes should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it.

Your right to appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. “Date of receipt” is defined in RCW 43.21B.001(2). More information is available at www.eluho.wa.gov/content/11.

To appeal, you must do all of the following within 30 days of the date of receipt of this Order:

- File your notice of appeal and a copy of this Order with the PCHB (see filing options below). “Filing” means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. “Notice of appeal” is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this Order on the Department of Ecology, in paper form, by mail or in person (see addresses below). E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Filing an appeal with the PCHB:

For the most current information regarding filing with the PCHB, visit:
<https://eluho.wa.gov/content/11>

Filing by mail

Mailing Address

Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

Filing in person (or by certified mail/courier)

Street Address:

Pollution Control Hearings Board
1111 Israel RD SW, STE 301
Tumwater, WA 98501

Filing electronically

E-mail Address:

Pchb-shbappeals@elaho.wa.gov

Serving a copy of the appeal on Ecology:

Electronic copies of appeals are not accepted at the Department of Ecology per WAC 371-08-305(10).

Filing by mail

Mailing Address

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

Filing in person (or by certified mail/courier)

Street Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Contact Information

Please direct all questions about this Order to:

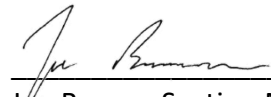
Doug Gresham
Department of Ecology
Northwest Region Office
(425) 429-1846
Doug.Gresham@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
<http://www.elaho.wa.gov/content/11>
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>

- **Chapter 371-08 WAC – Practice And Procedure**
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**
<http://app.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 WAC – Sediment Management Standards**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>
- **Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>
- **Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

Signature



Joe Burcar, Section Manager
Shorelands and Environmental Assistance Program
Department of Ecology, Northwest Region Office

12/12/2022