



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Eastern Region Office

4601 North Monroe St., Spokane, WA 99205-1295 • 509-329-3400

November 30, 2023

Lennar Northwest, LLC
3455 6TH AVE S STE1-B
Federal Way, WA, 98003

Re: Administrative Order No. 22442 to permanently fill/impact 0.45 ac of wetlands, which are waters of the state, to construct Beard Addition 21st Avenue and Westridge Lane construction (Westridge Addition) in Spokane County, Washington.

Dear Brent Parrish:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on October 9, 2023, requesting authorization for proposed work in wetlands, which are waters of the state. Ecology has determined that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other applicable requirements of state law.

This approval is subject to the conditions contained in the enclosed Order. You must familiarize yourself with and abide by the conditions in the Order, including all notification requirements.

If you have any questions, please contact Matt Fisher at 509-601-9546 or Matt.Fisher@ecy.wa.gov.

The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Jeremy Sikes,
Region Section Manager
Eastern Regional Office
Shorelands and Environmental Assistance Program

Enclosure

Sent via email to: Brent Parrish, brent.parrish@lennar.com

Ec: Dave Moore, U.S. Army Corps of Engineers
Melissa Owen, City of Spokane
Todd Whipple, Whipple Consulting Engineers
ECYREFEDPERMITS@ECY.WA.GOV

In The Matter of Issuing an Administrative Order
to Lennar Northwest LLC
pursuant to RCW 90.48.120 and WAC 173-201A

Lennar Northwest, LLC
Attn: Brent Parrish
3455 6TH AVE S STE 1-B
Federal Way, WA, 98003

Order No.	22442
Site Location	Beard Addition 21st Avenue and Westridge Lane construction (Westridge Addition), located in Wetlands, Spokane County, Washington

This is an Administrative Order requiring Lennar Northwest, LLC to comply with Chapter 90.48 RCW and the rules and regulations of the Department of Ecology (Ecology) by taking certain actions which are described below. RCW 90.48.120(2) authorizes Ecology to issue Administrative Orders requiring compliance whenever it determines that a person has violated or creates a substantial potential to violate any provision of Chapter 90.48 RCW.

On October 9, 2023 Ecology received a request to impact 0.45 acres of wetlands, which are waters of the state, to construct Beard Addition 21st Avenue and Westridge Lane construction (Westridge Addition) in Spokane County. The project is located at 3929 W Grandview Road, SECTION 26, TOWNSHIP 25N, RANGE 42E, Spokane County, and WRIA 56 (Hangman).

This Administrative Order authorizes 0.45 acres of Category IV wetland impacts at the project location. Mitigation for this proposal will consist of 0.89 ac of wetland creation, 0.32 ac of wetland enhancement, and 0.35 ac of wetland buffer enhancement for a total area of mitigation of 2.56 ac and all other actions as proposed in the Critical Area Addendum, dated November 2, 2023, in the approximate location of 3929 W Grandview Road, Spokane WA.

For purposes of this Order, the term “Project Proponent” shall mean Lennar Northwest, LLC (Brent Parrish) and its agents, assigns, and contractors.

In view of the foregoing and in accordance with RCW 90.48.120(2):

IT IS ORDERED that the Project Proponent shall comply with the following:

A. General Conditions:

1. The Project Proponent shall construct and operate the project in a manner consistent with the project description contained in the JARPA received by Ecology on October 9, 2023 or as otherwise approved by Ecology.

2. For purposes of this Order, all submittals required by its conditions shall be sent to fednotification@ecy.wa.gov and cc to Matt.Fisher@ecy.wa.gov. Any submittals shall reference Order No. 22442.
3. The Project Proponent shall provide access to the project site and mitigation site upon request by Ecology.
4. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and forepersons, and state and local government inspectors.
5. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect the public interest.
6. The Project Proponent shall ensure that all appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order.
7. The Project Proponent is responsible for obtaining all other permits, licenses, and certifications that may be required by federal, state, local or tribal authorities.

B. Notification Requirements:

1. The Project Proponent shall provide written notification to Ecology in accordance with condition A.2. for the following activities:
 - a. Immediately following a violation of the state water quality standards or when the project is out of compliance with any condition of this Order.

C. Wetland Mitigation Conditions:

1. The Project Proponent shall mitigate wetland impacts as described in the Critical Area Addendum prepared by Wet.land, LLC, and dated November 2, 2023, or as required by this Order or revised and approved by Ecology.
2. The Project Proponent shall provide a status report on the mitigation construction to Ecology 13 months from the date of permit issuance. Annual status reports on mitigation construction are required until mitigation construction is complete.

3. The Project Proponent shall have a wetland professional at the wetland mitigation site to supervise during construction and planting.
4. Unless otherwise approved by Ecology in writing, the Project Proponent shall begin the compensatory mitigation project before, or concurrent with, impacting wetlands or Ecology may require additional compensation to account for additional temporal loss of wetland functions.
5. The Project Proponent shall follow the steps below to record a long-term site protection mechanism, such as a deed notification, for the Beard Addition 21st Avenue and Westridge Lane mitigation areas:
 - a. Request a template from Ecology or use an appropriate alternative to develop a draft site protection mechanism (see Attachment A: Wetland Notice for Deed Notification for an example).
 - b. Send the draft site protection mechanism to Ecology for review prior to recording and make edits based on Ecology's comments.
 - b. Record, on the mitigation site property deed, a description of the mitigation area identified in the final mitigation plan and a site map from the final wetland mitigation plan or as-built report showing the location of wetlands and their buffers.
 - c. Record these documents with the County Recording Office, Registrar of Deeds, or other official responsible for maintaining records for, or interest in, real property.
 - d. Submit proof of this recorded documentation to Ecology within 180 days of this Order, unless otherwise approved by Ecology.
6. After completing construction and planting of the mitigation sites, the Project Proponent shall submit to Ecology (see A.2) the Baseline Assessment report, including "as-built" drawings.
7. The Project Proponent shall submit monitoring reports to Ecology (see A.2) by December 1 of each monitoring year.

D. Timing

1. This Order is valid until the Project Proponent meets all its requirements and the Project Proponent has received written notification from Ecology to that effect.

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

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 RCW 43.21B and WAC 371-08. "Date of receipt" is defined in RCW 43.21B.001(2).

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 information 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 by mail, in person, or by email (see addresses below).

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

Filing an appeal

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://eluh0.wa.gov/> or call: 360-664-9160.

Service on Ecology

Street Addresses:

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

Mailing Addresses:

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

E-Mail Address:

ecologyappeals@ecy.wa.gov

Contact information

Please direct all questions about this Order to:

Matt Fisher
Department of Ecology

Eastern Regional Office
4601 N Monroe St.
509-601-9546
Matt.Fisher@ecy.wa.gov

More information

- **Pollution Control Hearings Board Website**
[https:// eluh.wa.gov/](https://eluh.wa.gov/)
- **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>

Signature

Dated this 30th day of November, 2023 at the Department of Ecology, Spokane, Washington.



Jeremy Sikes
Region Section Manager
Eastern Regional Office
Shorelands and Environmental Assistance Program

Attachment A
Wetland Notice for Deed Notification
(See Condition 5)

Beard Addition 21st Avenue and Westridge Lane construction (Westridge Addition)

Administrative Order # 22442

Tax Parcel Number: _____

Legal Description: _____

Legal Owner: _____

NOTICE: This property contains wetlands as defined by Chapter 36.70A030(21) RCW, Chapter 90.58.030 (2)(h) RCW and WAC 173-201A-020. The property was the subject of an Ecology action under Chapter 90.48.260 RCW or Chapter 90.48.120(1) RCW.

22442 _____, issued on November 30, 2023

(Ecology Order #)

to _____ for _____.

(Project Proponent Name)

(Project Name)

Restrictions on use or alteration of the wetlands may exist due to natural conditions of the property and resulting regulations. A copy of Ecology's Order and the site map from the final wetland mitigation plan indicating the location of wetlands and their buffers is attached hereto.

EXECUTED this _____ day of _____, 20 ____.

State of Washington)

County of Spokane)

I certify that I know or have satisfactory evidence that _____

signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in this instrument.

GIVEN under my hand an official seal this _____ day of _____, 20 ____.

NOTARY PUBLIC in and for the state of Washington,

residing at _____. (Amended by

Ord. 11200 § 50 (part), 1996)