



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 11, 2024

Creations Northwest, LLC
ATTN: Bob Sanders
735 East Clarendon Street, Suite 201
Gladstone, OR 97027

Re: Administrative Order **No. 23229** to permanently fill/impact 0.25 acres of non-federally regulated wetlands, which are waters of the state, to construct Oak Vista Development in King County, Washington

Dear Bob Sanders:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on December 14, 2023, requesting authorization for proposed work in non-federally regulated 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 Leah Beckett at (425) 324-5590 or Leah.Beckett@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

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

Enclosure (1)

Creations Northwest, LLC (Bob Sanders)
Administrative Order 23229
September 11, 2024
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By certified mail: 9171 9690 0935 0233 1418 81

Sent via email to: Bob@htipllc.com

E-cc: Mae Ancheta, U.S. Army Corps of Engineers
Alexandria Teague, City of Auburn
Thomas Deming, Habitat Technologies
Leah Beckett, Department of Ecology
ECYREFEDPERMITS@ECY.WA.GOV

**In The Matter of Issuing an Administrative Order
to Creations Northwest, LLC (Bob Sanders)
pursuant to RCW 90.48.120 and WAC 173-201A**

Creations Northwest, LLC
Attn: Bob Sanders
735 East Clarendon Street, Suite 201
Gladstone, OR 97027

Order No.	23229
Corps Reference No.	NWS-2022-347
Site Location	Oak Vista Development, located within Wetland A, Auburn, King County, Washington.

This is an Administrative Order requiring Creations Northwest, LLC (Bob Sanders) 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.

The U.S. Army Corps of Engineers (Corps) issued a jurisdictional determination on November 27, 2023, concluding that Wetland A and Unnamed Ditch are not waters of the U.S. On December 14, 2023, Ecology received a request to impact 0.25 acres of non-federally regulated wetlands, which are waters of the state, to construct the Oak Vista Development in King County. The project is located along Auburn Way South, Parcel Nos. 2721059117, 2721059055, 2721059090, 2721059079, and 2721059086, Auburn, Section 27, Township 21 North, Range 05 East, King County, WRIA 9 – Green River.

This Administrative Order authorizes 0.25 acres of Category IV wetland impacts at the project location. Mitigation for this proposal will consist of purchase of 9.75 in-lieu fee credits from the King County Mitigation Reserves Program and all other actions as proposed in *Compensatory Mitigation Program for Unavoidable Wetland Impacts, Oak Vista Development (On the Auburn Adventist Academy Campus) Parcels 2721059117, 2721059055, 2721059090, 2721059079, and 2721059086, City of Auburn, King County, Washington* dated November 1, 2023.

For purposes of this Order, the term “Project Proponent” shall mean Creations Northwest, LLC (Bob Sanders) 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 December 14, 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 Leah.Beckett@ecy.wa.gov. Any submittals shall reference Order No. 23229.
3. The Project Proponent shall provide access to the project 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. To transfer this Order to a new owner or operator the Project Proponent shall:
 - a. Complete a Request for Transfer of Order with a specific transfer date of the Order's obligations, coverage, and liability and submit it to Ecology per condition A.2. Link to form:
<https://apps.ecology.wa.gov/publications/SummaryPages/ECY070695.html>;
 - b. Provide a copy of this Order to the new owner or operator; and
 - c. The transfer is not considered valid until the Project Proponent receives written notification from Ecology that the transfer has been approved.

8. 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.
2. If U.S. Army Corps of Engineers (Corps) determines the proposed project requires a Federal permit, the Project Proponent shall inform Ecology immediately in order to receive the appropriate authorization.

C. Wetland Mitigation Conditions:

1. The Project Proponent shall mitigate wetland impacts as described in *Compensatory Mitigation Program for Unavoidable Wetland Impacts, Oak Vista Development (On the Auburn Adventist Academy Campus) Parcels 2721059117, 2721059055, 2721059090, 2721059079, and 2721059086, City of Auburn, King County, Washington* (Mitigation Plan) prepared by Habitat Technologies, dated November 1, 2023 or as revised and approved by Ecology.
2. The Project Proponent shall obtain a Statement of Sale from the Sponsor as documentation of purchase of 9.75 credits for this impact project. The Project Proponent shall submit a copy of the Statement of Sale to Ecology (see A.2) within 60 days of receipt. Documentation from the Sponsor shall include the Order number, Order issuance date, description of mitigation credits purchased, signatures from the Sponsor and the Project Proponent.
3. Unless otherwise authorized by this Order, the Project Proponent shall complete the purchase of credits before the impacts to wetlands occur. Otherwise, Ecology may require the Project Proponent to provide additional compensation to account for additional temporal loss of wetland functions.

D. Timing

1. This Order expires 5 years from the date of this Order, unless otherwise approved by Ecology.

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://eluhho.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:

Leah Beckett
Department of Ecology
425-324-5590
Leah.Beckett@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>
- **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

Dated this 11 day of September 2024 at the Department of Ecology, Shoreline, Washington.



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