



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600  
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

**REGISTERED MAIL**  
**RB 252 881 368 US**

June 3, 2004

Stirling Homes LLC  
Attention: Mr. Richard Irwin  
11201 – 88<sup>th</sup> Avenue East, #230  
Puyallup, WA 98275

Dear Mr. Irwin:

RE: **Order No. 1234:** Administrative Order for placement of fill in 0.04 acres of isolated wetlands to add nine new lots to a multi-lot residential subdivision between 212<sup>th</sup> Street and 214<sup>th</sup> Street on a 4.6 acre parcel in the City of Brier, Snohomish County, Washington.

The request for an administrative order for proposed work in wetlands in the City of Brier, Snohomish County has been reviewed. The State of Washington has determined that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other appropriate requirements of State law.

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Lori Ochoa at (360) 407-7391. Written comments can be sent to her at the Department of Ecology, SEA Program, P.O. Box 47600, Olympia, Washington 98504-7600 or at e-mail loch461@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Brenden McFarland  
Shorelands and Environmental Assistance Program

BM:LO:mw

Enclosure

cc: Lori Ochoa, Ecology, HQ  
Yvonne Olivia, Ecology, HQ



DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY )  
Stirling Homes LLC )  
FOR AN ADMINISTRATIVE ORDER TO ) ORDER NO. DE 1234  
CONDUCT WORK IN AN ISOLATED WETLAND )

To: Mr. Richard Irwin  
Stirling Home, LLC.  
11201 88<sup>th</sup> Ave. E. #230  
Puyallup, WA 98275

This is an Administrative Order requiring Stirling Homes, 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(1) 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 August 4, 2003, Stirling Homes LLC submitted a request to impact 0.04 acres of an isolated wetland to add nine new lots to multi-lot residential subdivision between 214<sup>th</sup> and 212<sup>th</sup> Streets in the City of Brier, Snohomish County.

For purposes of this Order, the term "Applicant" shall mean Stirling Homes, LLC and its agents, assigns, and contractors.

In view of the foregoing and in accordance with RCW 90.48.120(1):

IT IS ORDERED that Stirling Homes LLC shall comply with the following:

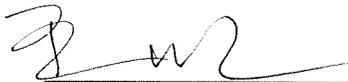
1. Stirling Homes LLC shall construct and operate the project in a manner consistent with the project description contained in the JARPA and associated maps or as otherwise approved by Ecology.
2. Project mitigation shall be constructed and maintained as described in the Revised Critical Area Study, Wetland Mitigation and Tree Replacement Plan for Highland Ridge dated September 24, 2003, Revised January 20, 2004.
3. Stirling Homes LLC shall provide access to the project site and all mitigation sites upon request by Ecology.
4. This Order does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
5. 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 foremen, and state and local government inspectors.
6. 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.

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.

This Order may be appealed. Your appeal must be filed with the Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903 within thirty (30) days of your receipt of this Order. At the same time, your appeal must also be served on the Department of Ecology, c/o The Enforcement Officer, P.O. Box 47600, Olympia, Washington 98504-7600; and on the Department of Ecology, SEA Program, P.O. Box 47600, Olympia, Washington 98504-7600. Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Chapter 43.21B RCW.

DATED this 3<sup>rd</sup> day of June, 2004, at Olympia, Washington.



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Brenden Mc Farland  
Section Manager  
Shorelands and Environmental Assistance Program