



US Army Corps  
of Engineers  
Seattle District



# Joint Public Notice

## Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and/or Coastal Zone Management Consistency Concurrence

### US Army Corps of Engineers

Regulatory Branch  
Post Office Box 3755  
Seattle, WA 98124-3755  
Telephone: (206) 316-3049  
ATTN: Kristen Hafer,  
Project Manager

### WA Department of Ecology

SEA Program  
Post Office Box 47600  
Olympia, WA 98504-7600  
Telephone: (360) 407-6068  
ATTN: SEA Program,  
Federal Permit Coordinator

**Public Notice Date: November 25, 2015**

**Expiration Date: December 25, 2015**

**Reference No.: NWS-2004-1192**

**Name: Hinton Development Corp  
(Prestige Development LLC)**

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Interested parties are hereby notified that all or a portion of the work as described below and shown on the enclosed drawings dated October 26, 2015, was performed without specific authorization under Section 404 and 401 of the Clean Water Act (CWA). U.S. Army Corps of Engineers permit regulations (33 CFR 320-332) allow District Engineers to make a determination of whether the activity is contrary to the public interest or if the work should be authorized by an after-the-fact permit.

The Corps will review the work in accordance with Section 404 of the CWA. Ecology will review the work pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws.

**APPLICANT:** Safe Harbor Development and Financial Corporation  
Attention: Mr. Joe Melo  
P.O. Box 820669  
Vancouver, Washington 98628  
Telephone: (360) 921-7410

**AGENT:** Cascadia Ecological Services, Inc.  
Attention: Mr. Jim Barnes  
3015 Northeast 95<sup>th</sup> Place  
Vancouver, Washington 98665  
Telephone: (360) 601-8631

**LOCATION:** The proposed project is located in wetlands adjacent to an unnamed tributary to Wooding Creek, east of Highway 503 in the Southeast ¼ of Section 3, Township 3 North, Range 2 East, at Battle Ground, Clark County, Washington.

**WORK:** Retain fill in 1.14-acre of wetlands for the construction of a commercial center, appurtenant structures such as parking lots and stormwater pond, and for Scotton Way.

**ADDITIONAL INFORMATION:** On July 19, 2005, the Corps issued a permit for the discharge of fill into 1.14-acre of wetlands for the development of Scotton Way and a commercial center. Fill was placed in the wetlands but the Department of the Army permit was revoked on June 10, 2014, for failure to comply with the special conditions of the permit. The current proposed project would retain the fill that has already been placed and

**NWS-2004-1192, Hinton Development Corp. (Prestige Development LLC)**

would not result in the discharge of additional fill in waters of the U.S. Safe Harbor Development and Financial Corporation is the new property owner and is not the original permittee.

**PURPOSE (per applicant):** The purpose of this project is to construct a neighborhood-serving retail/commercial center.

**MITIGATION:** The applicant proposes to enhance 6.61 acres of onsite wetlands and enhance an additional 0.5 of an acre of wetlands near Mill Creek. The additional 0.5 of an acre of wetland enhancement is designed to offset the temporal loss of wetland functions that have occurred since the impacts to the onsite wetlands have occurred.

**ENDANGERED SPECIES:** The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat.

A preliminary determination indicates that the activity will not affect endangered or threatened species, or their critical habitat. Consultation under Section 7 of the ESA is not required.

**ESSENTIAL FISH HABITAT:** The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

The Corps has determined that the proposed action will not adversely affect designated EFH for federally managed fisheries in Washington waters. No further EFH consultation is necessary.

**CULTURAL RESOURCES:** The Corps has reviewed the latest published version of the National Register of Historic Places, Washington Information System for Architectural and Archaeological Records Data and other sources of information. Historic properties are recorded near the proposed project. However, they do not occur in the permit area. The permit area has been so extensively disturbed by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. The Corps invites responses to this public notice from Native American Tribes or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns regarding historic properties and sites of religious and cultural significance at or near the project area. After receipt of comments from this public notice, the Corps will evaluate potential impacts and consult with the State Historic Preservation Officer and Native American Tribes in accordance with Section 106 of the National Historic Preservation Act, as appropriate.

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

**EVALUATION – CORPS:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water

## **NWS-2004-1192, Hinton Development Corp. (Prestige Development LLC)**

supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The described discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the U.S.

EVALUATION – ECOLOGY: Ecology is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Ecology will be considering all comments to determine whether to certify or deny certification for the proposed project.

COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether authorizing the work would not be contrary to the public interest. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commenter's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration.

CORPS COMMENTS: All e-mail comments should be sent to [kristen.a.hafer@usace.army.mil](mailto:kristen.a.hafer@usace.army.mil). Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Kristen Hafer, P.O. Box 3755, Seattle, Washington 98124-3755. All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act including any personally identifiable information such as names, phone numbers, and addresses.

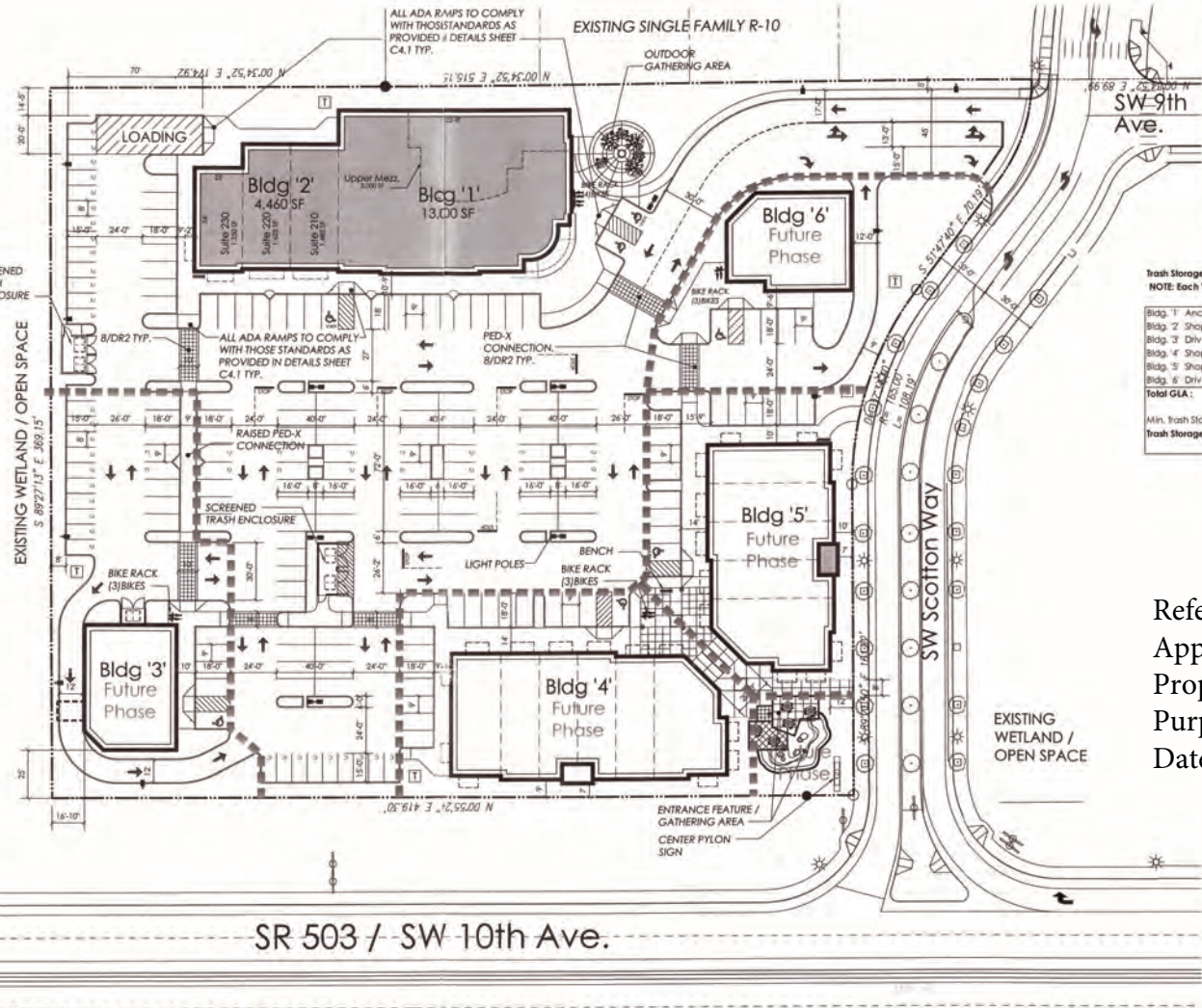
ECOLOGY COMMENTS: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Washington State Department of Ecology, Attention: Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington 98504-7600, or e-mail to [ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov).

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Hinton Development Corp. (Prestige Development LLC), NWS-2004-1192

Encl: Figures (5)

**CITY OF BATTLE GROUND**  
**FINAL APPROVAL**  
 PROJECT NAME: Scotton Way Plaza  
 PROJECT ADDRESS: 144-221 S.W. PLAZAS  
 SQUARE FEET: 13,000 S.F.  
 4,460 S.F.  
 3,100 S.F.  
 7,168 S.F.  
 8,872 S.F.  
 3,150 S.F.  
 39,708 S.F.  
 460 S.F.  
 40,210 S.F.

APPROVAL VALID FOR: 34 MO.



**LEGEND**

- CONCRETE PLAZAS AND RAISED SIDEWALKS
- OUTDOOR PLAZA / SEATING
- CONCRETE PED-X CROSSINGS
- LIGHT POLES (SEE ELECT. PLAN)
- BIKE RACK
- BENCH
- DIRECTIONAL ARROWS
- STOP BARS

**NOTES**

All ADA ramps shall meet ADA requirements. Refer to final approved engineering plans for ADA ramp details.

**Trash Storage Requirements**  
 NOTE: Each trash Container = 6cy (162 #)

Bldg. 1 Anchor	13,000 S.F.
Bldg. 2 Shops	4,460 S.F.
Bldg. 3 Drive-thru	3,100 S.F.
Bldg. 4 Shops	7,168 S.F.
Bldg. 5 Shops	8,872 S.F.
Bldg. 6 Drive-thru	3,100 S.F.
<b>Total GLA:</b>	<b>39,708 S.F.</b>
Min. Trash Storage Req'd:	39,708 S.F. / 1000 (10 S.F.) = 397.08 S.F.
Trash Storage Provided:	5 Containers = 810 S.F.
	810 SF > 397 S.F.

**SITE DATA**

Site "Useable" Area:

Bldg. 1: (Anchor)	13,000 S.F.
Bldg. 2: (Shops)	4,460 S.F.
Bldg. 3: (Drive-thru)	3,100 S.F.
Bldg. 4: (Shops)	7,168 S.F.
Bldg. 5: (Shops)	8,872 S.F.
Bldg. 6: (Drive-thru)	3,150 S.F.
<b>Total Building GLA (Net):</b>	<b>39,700 S.F.</b>
M/R Rooms @ Bldgs. 2, 4 & 6:	460 S.F.
<b>Total Building GLA (Gross):</b>	<b>40,210 S.F.</b>

**Phased Parking Tabulations**

Phase	Height	Cub. Ft.	GLA	Req. (75%)	Provided
Phase 1	Shops #1	(1/150)	13,000 S.F.	45 Spaces	45 Spaces
	Shops #2	(1/200)	4,460 S.F.	17 Spaces	17 Spaces
<b>Total Parking</b>				<b>62 Spaces</b>	<b>120 Spaces</b>
Phase 2	Shops #4	(1/200)	7,168 S.F.	27 Spaces	27 Spaces
	Shops #5	(1/200)	8,872 S.F.	33 Spaces	33 Spaces
<b>Total Parking</b>				<b>60 Spaces</b>	<b>31 Spaces</b>
<b>Combined w/ Phase 1</b>				<b>142 Spaces</b>	<b>151 Spaces</b>
Phase 3	Bank #3	(1/400)	3,100 S.F.	6 Spaces	24 Spaces
<b>Combined w/ Phases 1 &amp; 2</b>				<b>146 Spaces</b>	<b>175 Spaces</b>
Phase 4	Restaurant #6	(1/200 & 300)	3,150 S.F.	10 Spaces	5 Spaces
<b>Combined w/ Phases 1 &amp; 2 &amp; 3</b>				<b>156 Spaces</b>	<b>180 Spaces</b>

Standard Parking Provided: 121 SPACES  
 Handicap Parking Provided: 7 SPACES  
 Compact Provided: 28.89% 92 SPACES  
**Total Parking: 180 SPACES**  
 Parking Ratio: 4.53 SPACES/1,000 S.F.  
 Site Coverage: (Based on "Useable Area") 24.2%

Landscape Area:  
 Plaza Area: 14,718 S.F. 27,526 S.F.  
 Plaza Area: 9,585 S.F. 15,738 S.F.  
 Total Landscape Coverage: 26.34% 43,264 S.F.

Reference: NWS-2004-1192 In: Wetlands  
 Appl. By: Safe Harbor Development and Financial Corp.  
 Proposed: fill in wetlands At: Battle Ground  
 Purpose: Commercial Development County: Clark State: WA  
 Date: 26 October 2015



Lat: 45.770857 Long: -122.546332

1 FINAL SITE PLAN  
SCALE: 1"=80'-0"

**HINTON**  
 Development, Inc.  
 Tel: (360) 546-1220  
 Fax: (360) 546-1026

**Scotton Way Plaza - Phase I**  
 SR 503 / SW Scotton Way  
 Battle Ground, Washington

**BENNER STANGE ASSOCIATES ARCHITECTS, INC.**  
 5000 S.W. MEADOWS RD., SUITE 430  
 LAKE OSWEGO, OR 97035  
 (503) 670-0234  
 FAX (503) 670-0235  
 bsa@bsaarch.com



**DR1**

F:\28112 Scotton Way Plaza\Design Review\B112 Scotton Way Plaza - DR1.dwg



Project Site

Legend

- Building Footprints
- Taxlots



Reference: NWS-2004-1192      In: Wetlands  
 Appl. By: Safe Harbor Development and Financial Corp.      At: Battle Ground  
 Proposed: fill in wetlands      Purpose: Commercial Development      County: Clark State: WA  
 Date: 26 October 2015

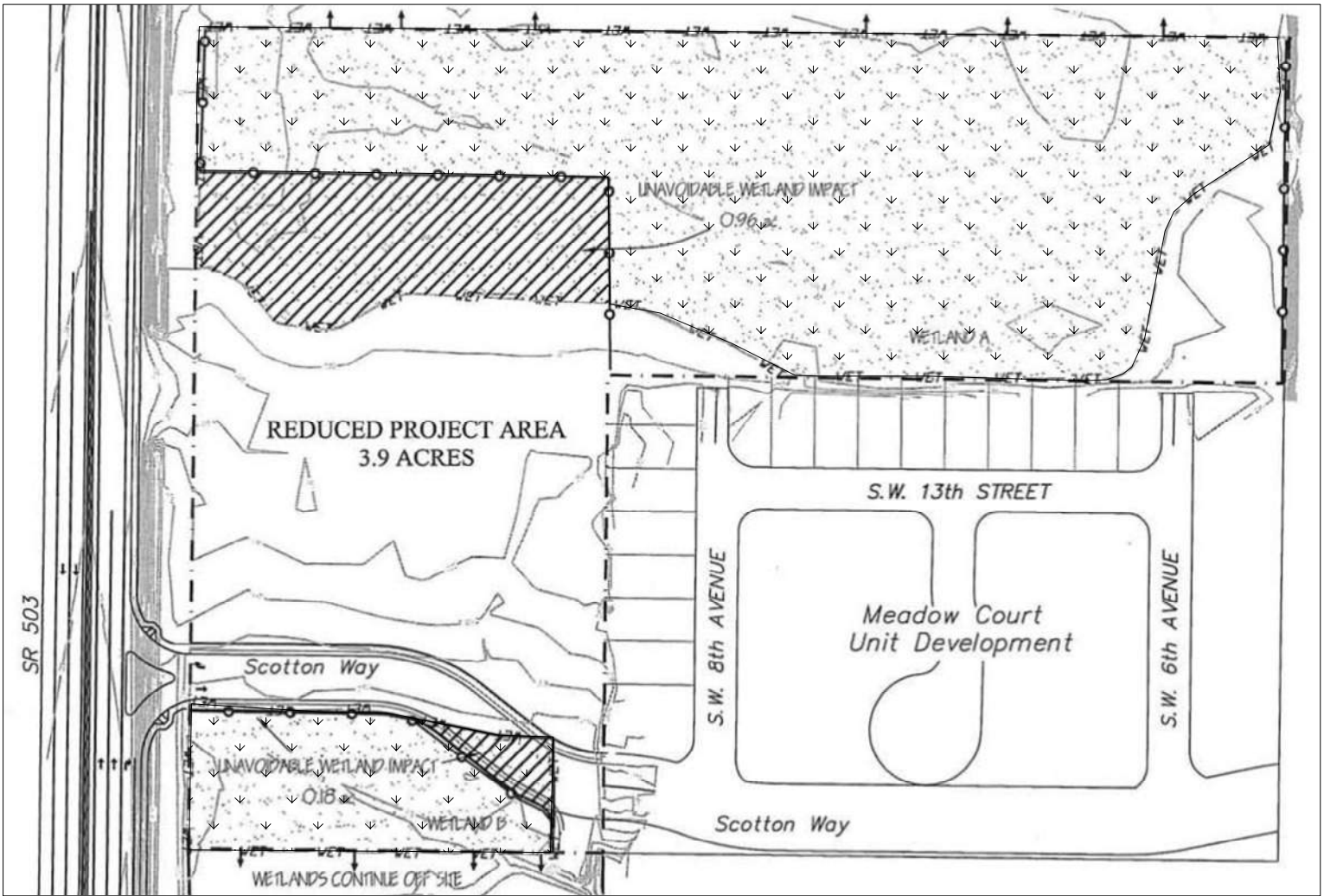
Notes:

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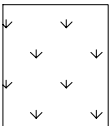
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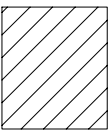
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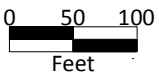
Graphic source: Henderson Land Services Wetland Delineation and Site Plan (Nov. 2004)



Concurred Wetland Boundaries = 6.61 acres  
ACOE 2001-4-01444



Unavoidable Wetland Impact = 1.14 acres



Reference: NWS-2004-1192

In: Wetlands

Appl. By: Safe Harbor Development and Financial Corp.

Proposed: fill in wetlands

At: Battle Ground

Purpose: Commercial Development County: Clark State: WA

Date: 26 October 2015



Sheet 2 of 4

Wetland Delineation and Wetland Impact Areas

Location: SW Scotton Way, Battle Ground, WA

Project: Scotton Way Project

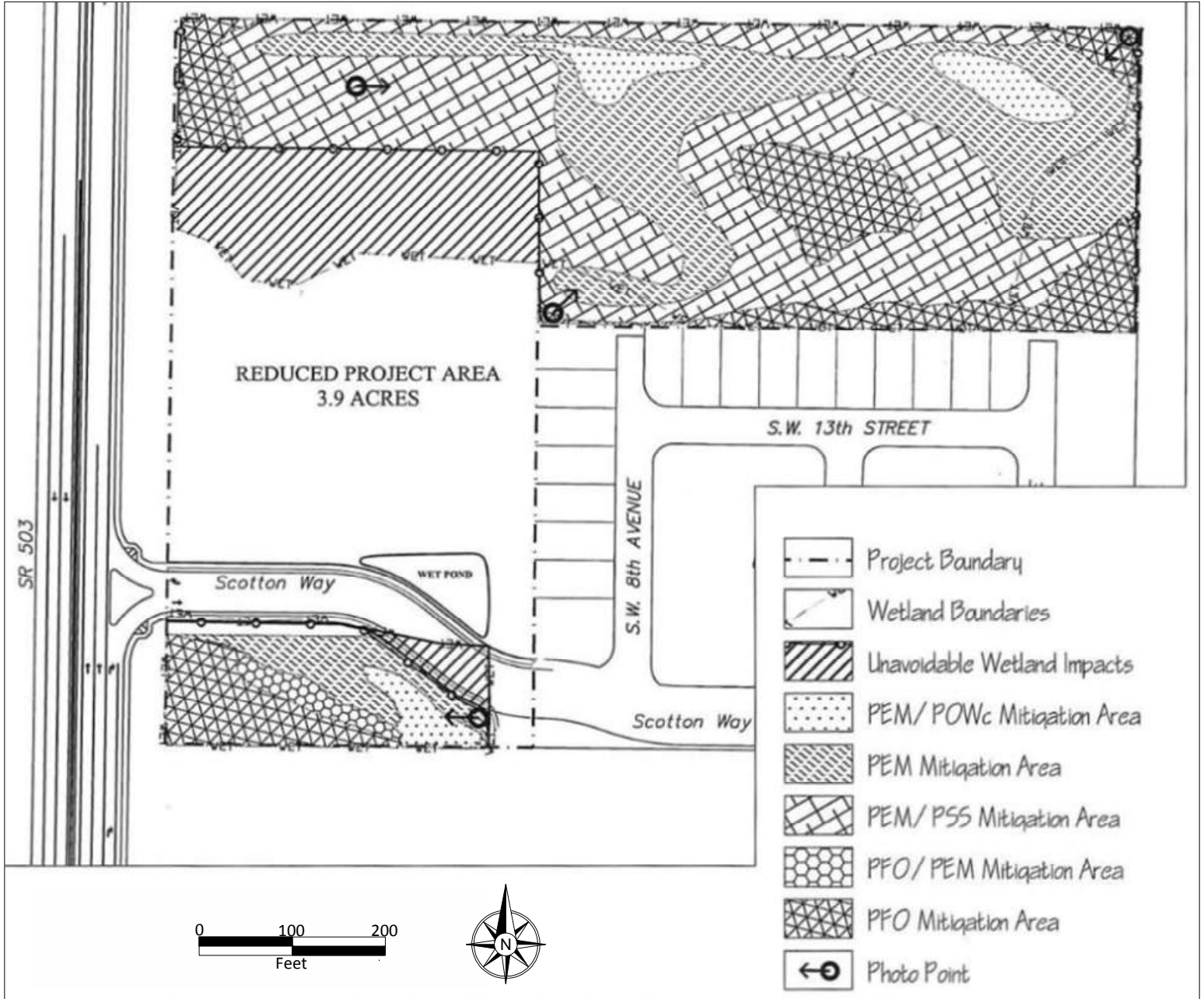
Applicant: Safe Harbor Development and Financial Corporation, LLC

Legal: SE 1/4, S03, T3N, R2E

Graphic Source: Clark County GIS

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Date: 9/1/15



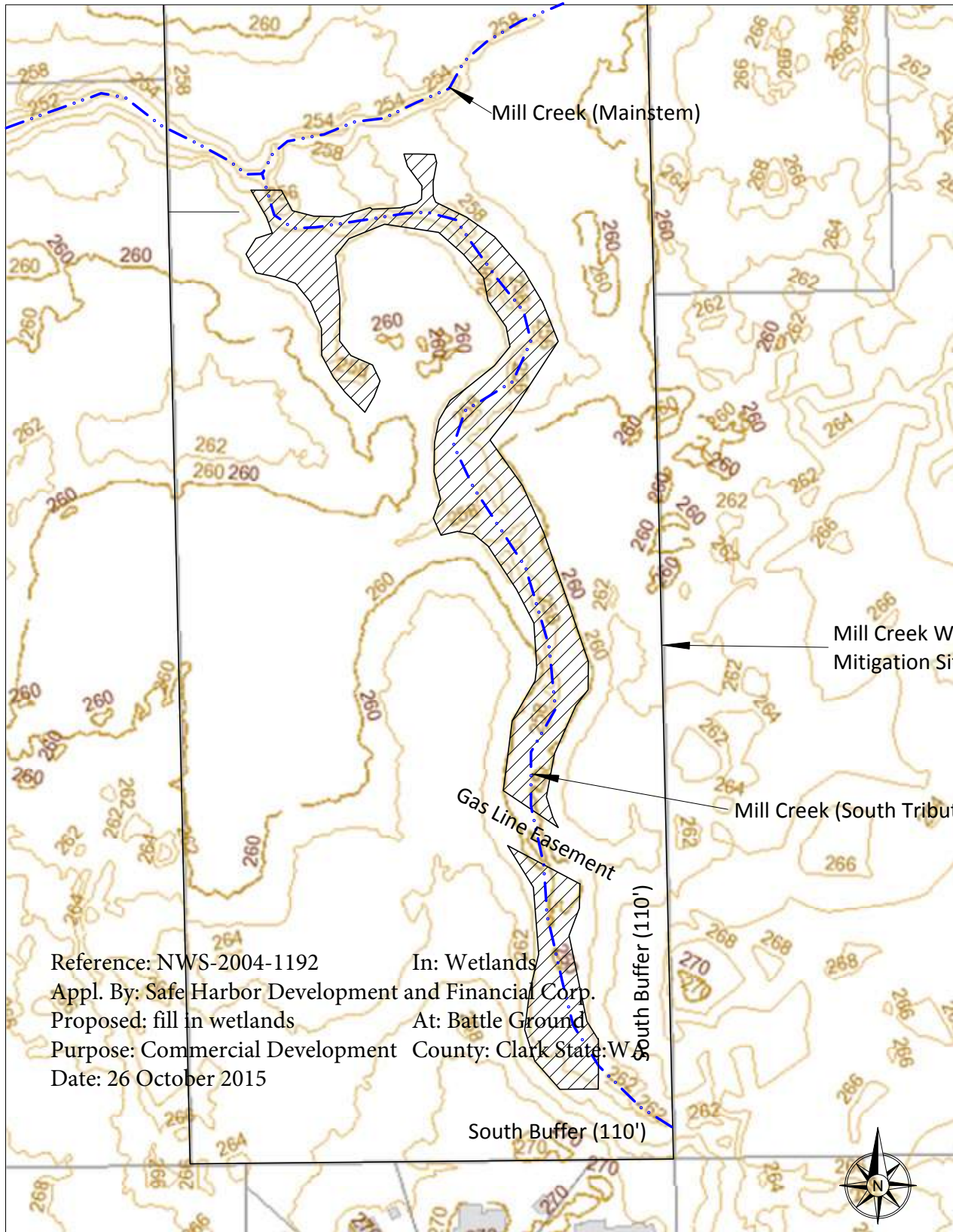
Graphic source: Henderson Land Services Wetland Delineation and Site Plan (Nov. 2004)

Note: Grading work within the on-site wetland mitigation area was completed in 2005-2006.

Reference: NWS-2004-1192      In: Wetlands  
 Appl. By: Safe Harbor Development and Financial Corp.  
 Proposed: fill in wetlands      At: Battle Ground  
 Purpose: Commercial Development      County: Clark State: WA  
 Date: 26 October 2015      Sheet 3 of 4




On-Site Wetland Mitigation Areas  
 Location: SW Scotton Way, Battle Ground, WA  
 Project: Scotton Way Project  
 Applicant: Safe Harbor Development and Financial Corporation, LLC  
 Legal: SE 1/4, S03, T3N, R2E  
 Graphic Source: Clark County GIS      Page 4 of 5  
 Date: 9/1/15

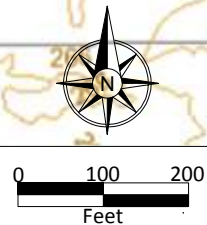


Reference: NWS-2004-1192  
 Appl. By: Safe Harbor Development and Financial Corp.  
 Proposed: fill in wetlands  
 Purpose: Commercial Development  
 Date: 26 October 2015

In: Wetlands  
 At: Battle Ground  
 County: Clark State: WA

Graphic source: Clark County GIS

 - Delineated wetlands (3.0 acres) along south tributary to Mill Creek  
 (Refer to Sheet 10 in I-205 Commerce Park Compensatory  
 Wetland Mitigation Plan; Ecology AO #6449)



Sheet 4  
 Mill Creek Wetland Mitigation Area (Off-Site Wetland Enhancement)  
 Location: SW Scotton Way, Battle Ground, WA  
 Project: Scotton Way Project  
 Applicant: Safe Harbor Development and Financial Corporation, LLC  
 Legal: SE 1/4,S03,T3N,R2E  
 Graphic Source: Clark County GIS  
 Date: 9/1/15