



**US Army Corps  
of Engineers**  
Portland District

# **PUBLIC NOTICE**

## **for PERMIT APPLICATION**

Issue Date: September 22, 2004

Expiration Date: October 22, 2004

Corps of Engineers Action ID: 200400564

Oregon Division of State Lands Number: 32983

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### **30 Day Notice**

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

**Comments:** Comments on the described work should reference the U.S. Army Corps of Engineers (Corps) number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers  
ATTN: CENWP-OP-GP (Ms. Kathryn L. Harris)  
P.O. Box 2946  
Portland, Oregon 97208-2946

**Applicant:** Polygon Northwest  
109 East 13<sup>th</sup> Street  
Vancouver, WA 98660

**Location:** Wetlands adjacent to Johnson Creek, at 12345 NW Barnes Road, between NW Barnes Road and NW Cornell Road, Section 34 of Township 1 North, Range 1 West, in Beaverton, Washington County, Oregon.

**Project Description:** The applicant proposes to fill four irrigation ponds (total area: 1.31 acre, including 0.14 acre of wetland fringe) to create a mixed use development consisting of residential, commercial, and institutional uses. Ponds 1, 3, and 4 will be impacted by development of residential and commercial buildings. Pond 2 will be redesigned into a landscaped water feature. Wetland B, as noted on Figures 2 and 4 will also be filled, but has been determined to be isolated and therefore not subject to jurisdiction by the Corps.

The applicant also proposes to construct a boardwalk through wetlands adjacent to and over a tributary to Johnson Creek. The boardwalk would consist of concrete pier blocks and composite recycled plastic lumber. Footings would impact 12 square feet of wetland, while the boardwalk would shade 0.03 acre of wetland. The boardwalk is considered a structure and therefore not regulated by the Corps.

Connection of a new sewerline to an existing manhole would temporarily impact 0.002 acre of wetland adjacent to the tributary to Johnson Creek.

To compensate for these impacts, the applicant proposes to create 0.06 acre of wetland adjacent to Cedar Mill Creek, restore 0.26 acre and enhance 1 acre of wetland adjacent to an unnamed

tributary to Johnson Creek, and preserve an upland forest adjacent to the Johnson Creek tributary. The restoration portion of the proposed mitigation involves daylighting over 650 linear feet of the unnamed tributary and grading the contours to match existing wetland elevations. Enhancement involves grading the existing wetland elevation 6-12 inches lower than existing grades, incorporating microtopographical variations, and incorporating large woody debris into the restored stream channel.

If a permit is issued, the Corps will determine what is appropriate and practicable compensatory mitigation. The amount of compensatory mitigation required shall be commensurate with the anticipated impacts of the project.

**Purpose:** To create a mixed-use development.

**Drawings:** Figures 1-10

**Additional Information:** Additional information may be obtained from Ms. Kathryn L. Harris, Project Manager, U.S. Army Corps of Engineers at (503) 808-4387.

**Authority:** This permit will be issued or denied under the following:

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

**Water Quality Certification:** A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

**Section 404(b)(1) Evaluation:** The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

**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.

**Endangered Species:** Preliminary determinations indicate that the described activity will not affect endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). Formal consultation under Section 7 of the Act is not required for the described activity.

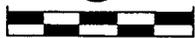
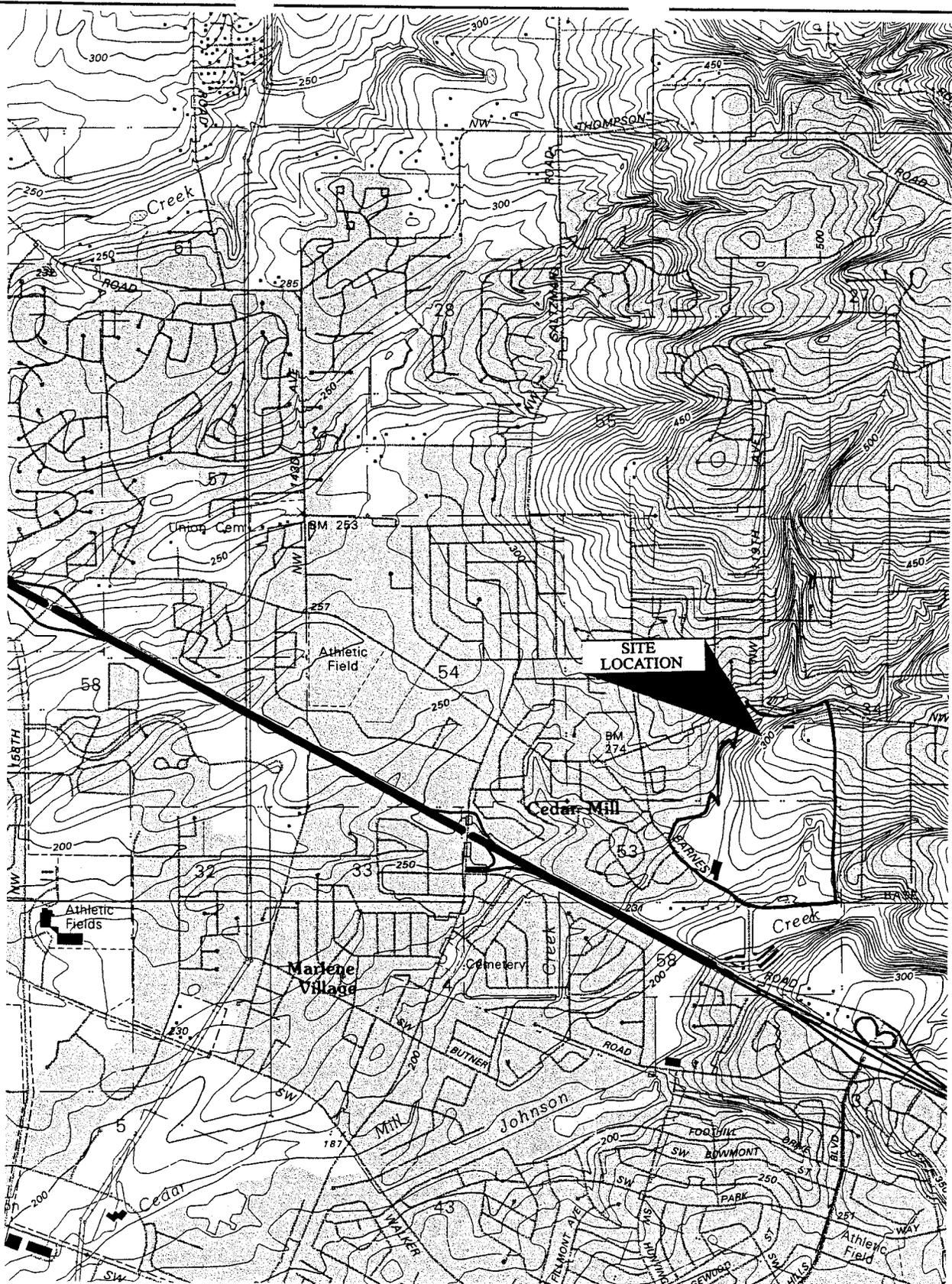
**Cultural Resources:** The described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. This notice has been provided to the State Historic Preservation Office.

**Evaluation:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity,

must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity 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 supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. 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 proposed activity.

**Additional Requirements:** State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.



1 inch = 2,000 feet

Site Location Map  
 USGS Linnton, Oregon Quadrangle

PROJECT: Teufel Nursery

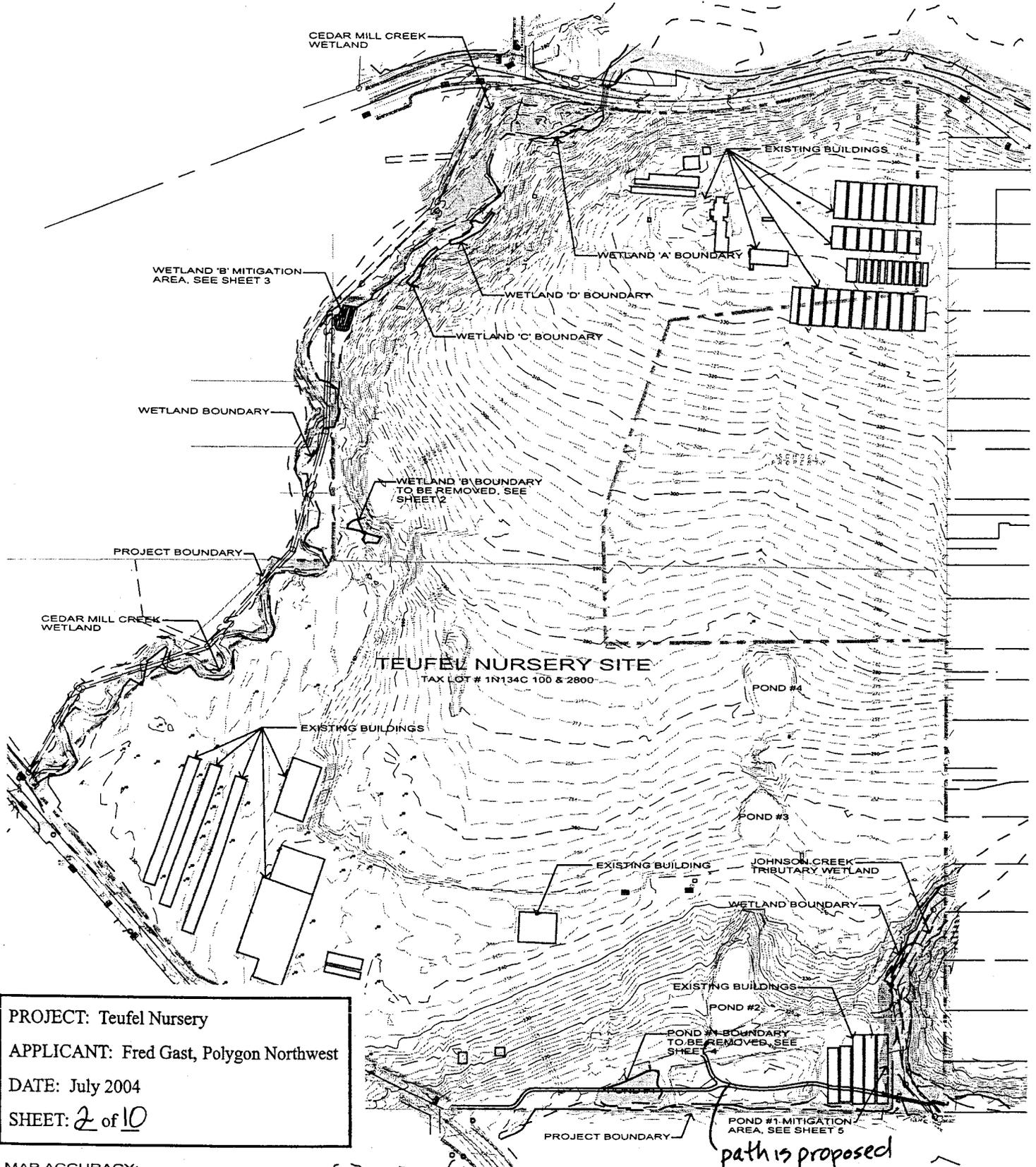
APPLICANT: Fred Gast, Polygon Northwest

DATE: July 2004

SHEET: 1 of 10 Site location map

# TEUFEL NURSERY

## EXISTING WETLANDS



PROJECT: Teufel Nursery  
 APPLICANT: Fred Gast, Polygon Northwest  
 DATE: July 2004  
 SHEET: 2 of 10

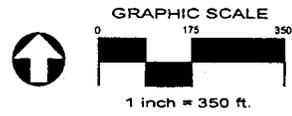
MAP ACCURACY:  
 WETLAND BOUNDARIES AND SAMPLE PLOT LOCATIONS WERE PROFESSIONALLY LAND SURVEYED WITH AN ACCURACY OF ± 0.2 FEET.  
 THE ESTIMATE OF ERROR OF THE FIELD DELINEATION IS ± 1 FOOT.

*Existing Conditions*

DATE: 07-15-04  
 J.N.: POL-018

PREPARED FOR:  
 POLYGON NORTHWEST  
 109 East 13th Street  
 Vancouver, WA 98660

PREPARED BY:  
  
METRIC GEOTECHNICAL INC.



# Land Use Legend

SYMBOL	DESCRIPTION	AREA (SQUARE FEET)	AREA (ACRES)	% of Site
[Symbol]	BUILDING FOOTPRINT	564161	12.95	12.1%
[Symbol]	PUBLIC STREET - ROW	548433	12.61	11.76%
[Symbol]	PRIVATE STREET	137781	3.16	2.9%
[Symbol]	SIDEWALKS / WALKWAYS	227672	5.23	4.9%
[Symbol]	QUEST PARKING	145532	3.34	3.1%
[Symbol]	NATURAL OPEN SPACE	74315	1.71	1.6%
[Symbol]	DELINEATED WETLAND	128732	2.96	2.76%
[Symbol]	WETLAND BUFFER	369429	8.48	7.9%
[Symbol]	MANUFACTURED OPEN SPACE	599151	13.78	12.8%
[Symbol]	DETENTION FACILITY	55052	1.26	1.2%
[Symbol]	AREA 'G'	212773	4.86	4.56%
[Symbol]	COMMERCIAL	903352	20.74	19.34%
[Symbol]	SCHOOL	703255	16.14	15.1%
TOTAL		4670856	107.22	100.00%

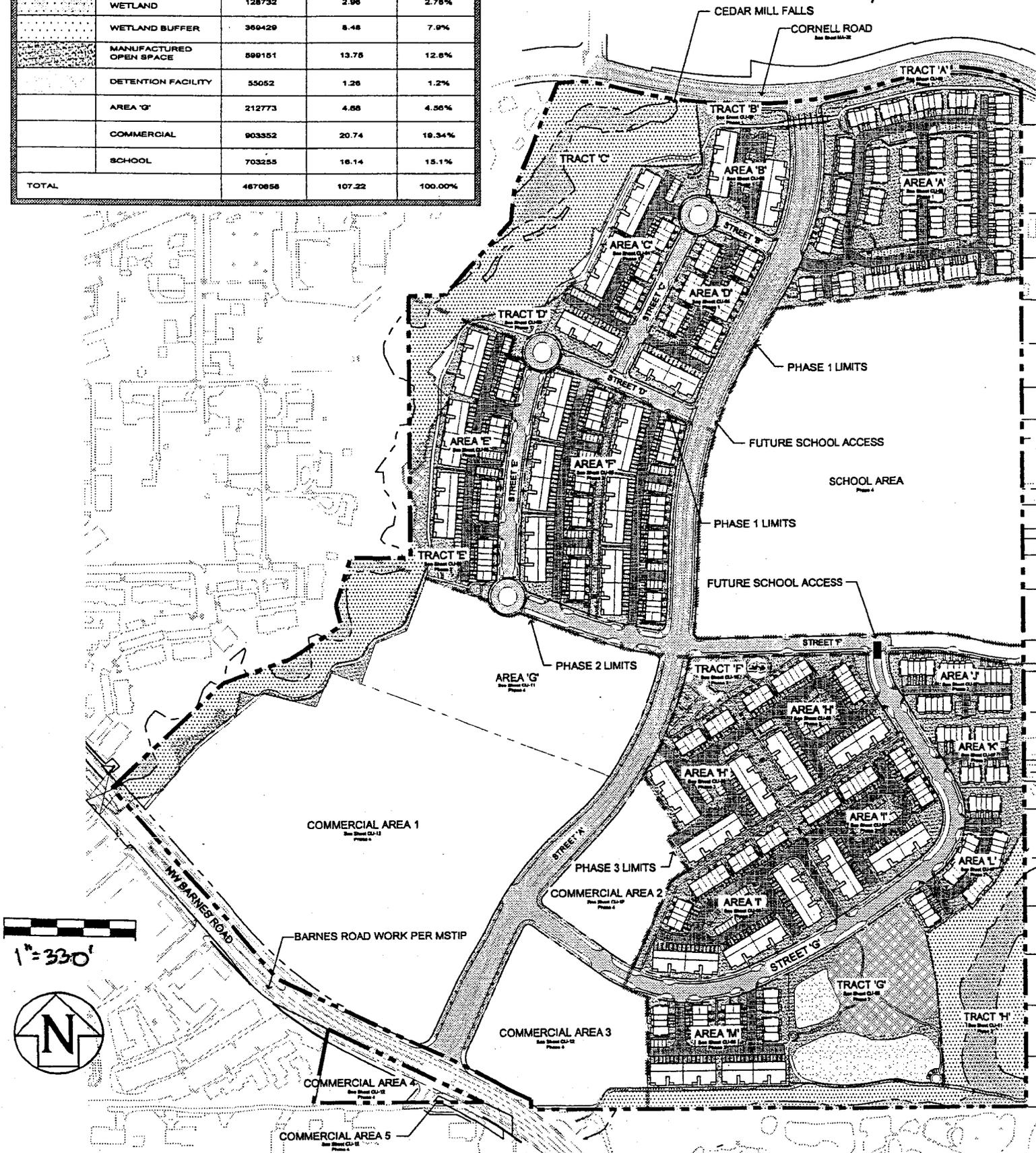
PROJECT: Teufel Nursery

APPLICANT: Fred Gast, Polygon Northwest

DATE: July 2004

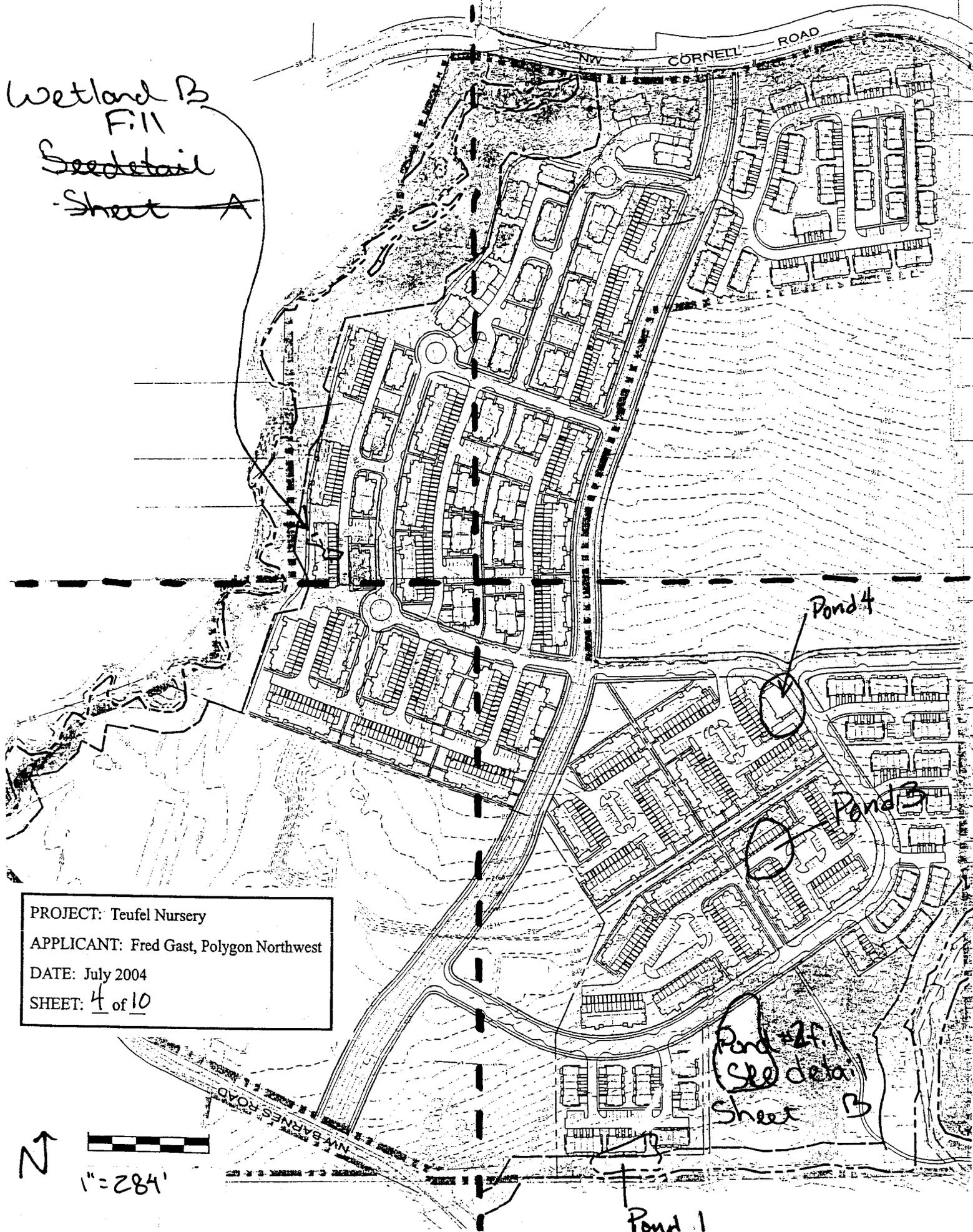
SHEET: 3 of 10

# Site Development Plan



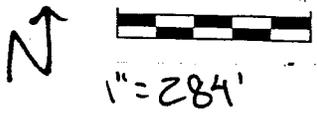
preliminary layout to show wetland fill - Overview

Wetland B  
Fill  
See detail  
Sheet A



PROJECT: Teufel Nursery  
APPLICANT: Fred Gast, Polygon Northwest  
DATE: July 2004  
SHEET: 4 of 10

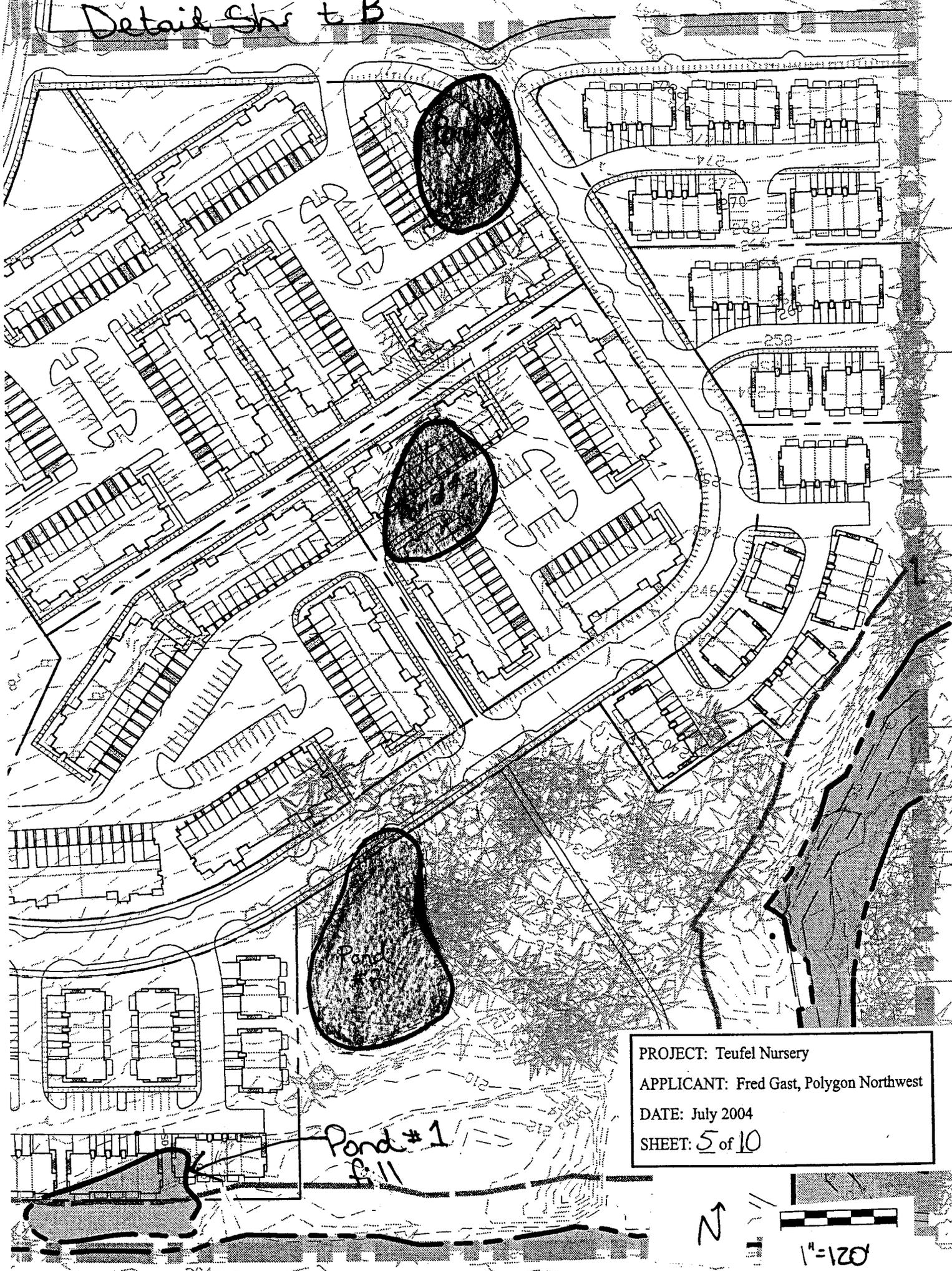
Pond #2  
See detail  
Sheet B



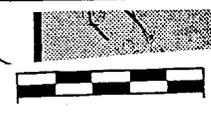
1" = 284'

Pond 1

# Detail Sheet B



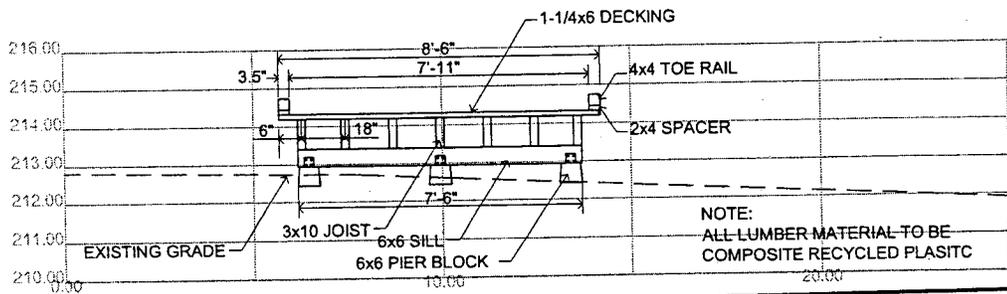
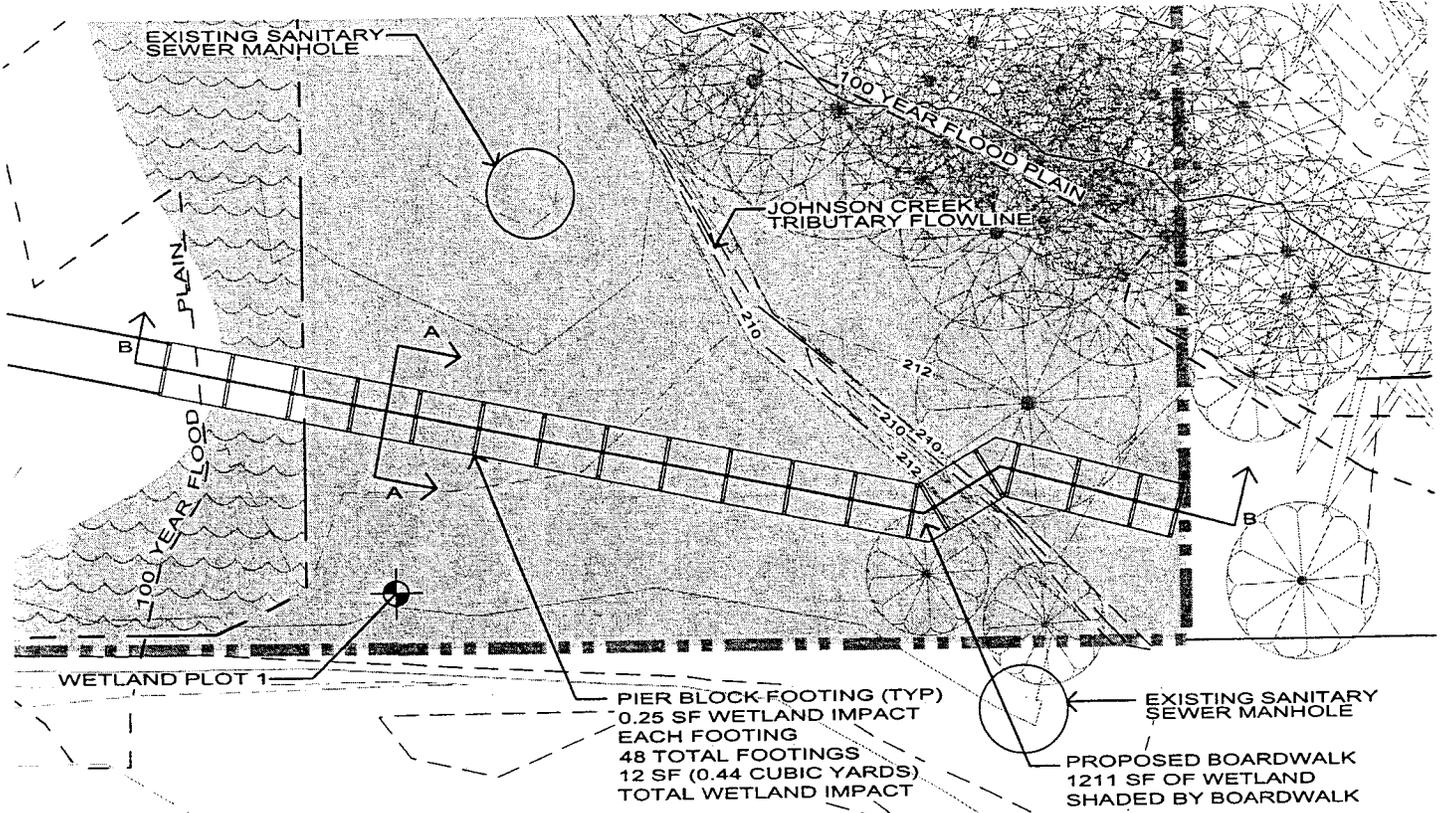
PROJECT: Teufel Nursery  
APPLICANT: Fred Gast, Polygon Northwest  
DATE: July 2004  
SHEET: 5 of 10



1"=120'

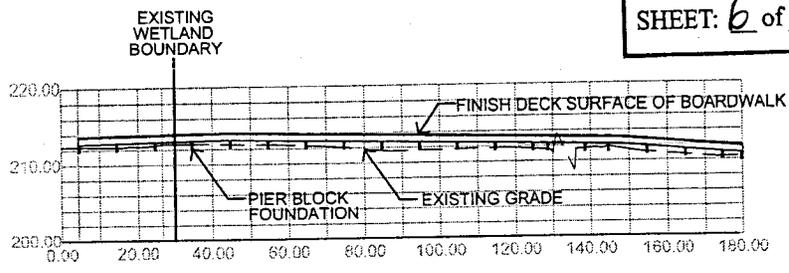
# TEUFEL NURSERY

## BOARDWALK DETAIL



BOARDWALK SECTION A-A  
1"=50 H : 1"=2 V

PROJECT: Teufel Nursery  
 APPLICANT: Fred Gast, Polygon Northwest  
 DATE: July 2004  
 SHEET: 6 of 10

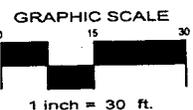


BOARDWALK SECTION B-B  
1"=50 H : 1"=2 V

DATE: 07-14-04  
J.N.: POL-018

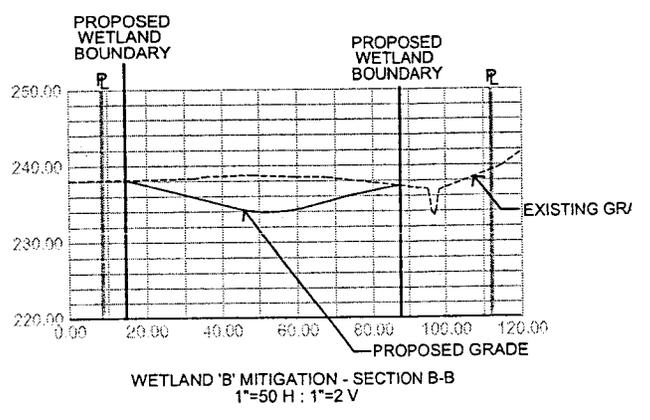
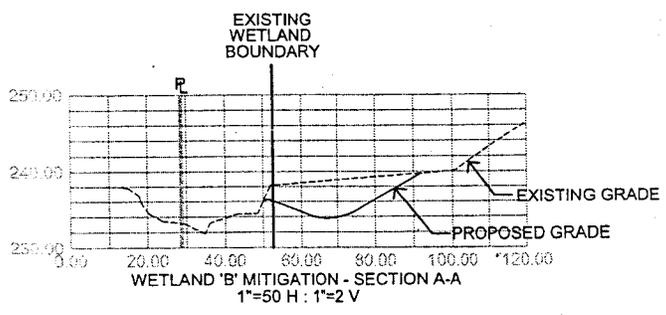
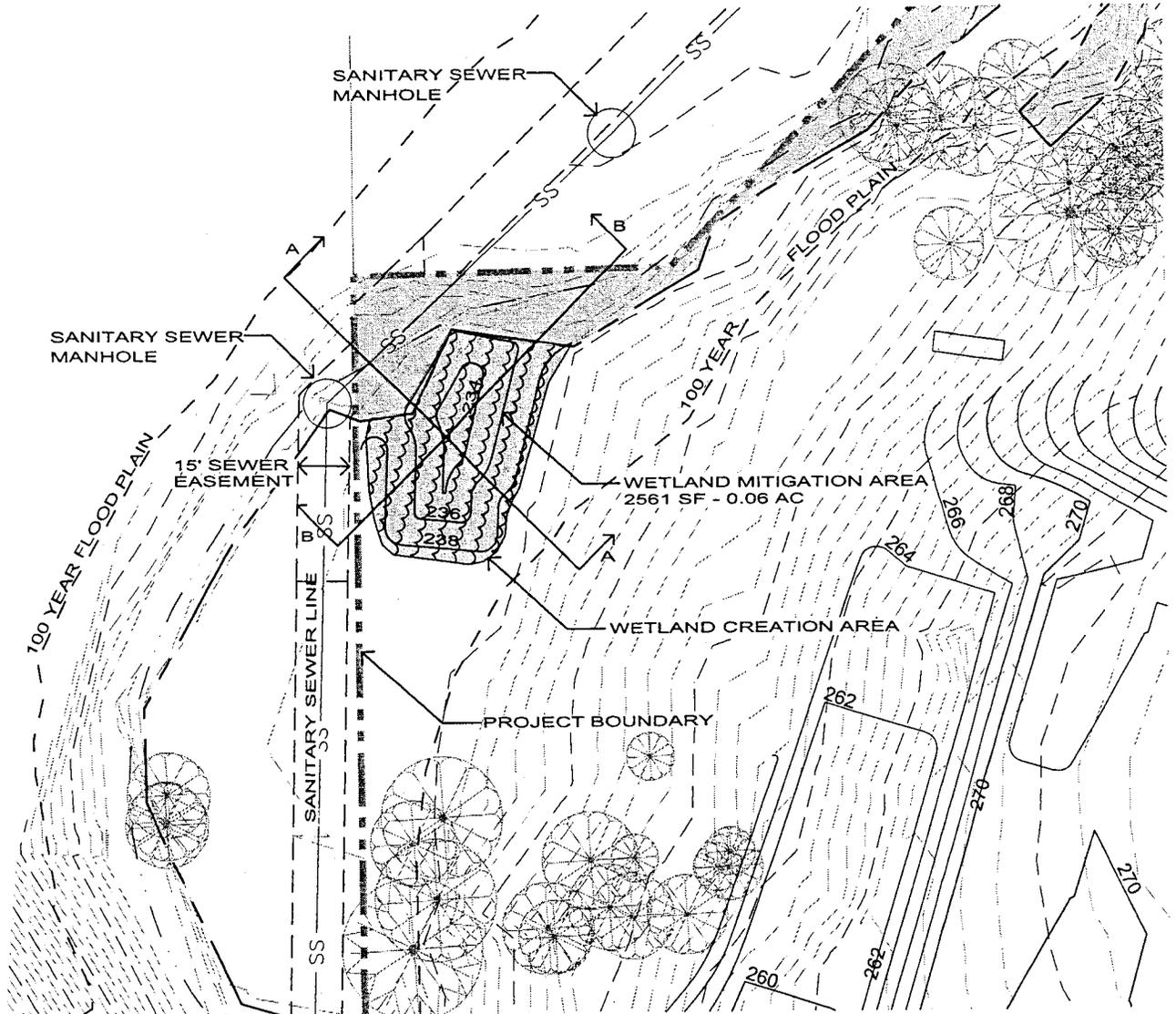
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POLYGON NORTHWEST  
109 East 13th Street  
Vancouver, WA 98660

PREPARED BY:



# TEUFEL NURSERY

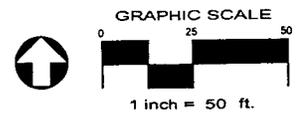
## WETLAND 'B' MITIGATION



DATE: 07-15-04  
 J.N.: POL-018

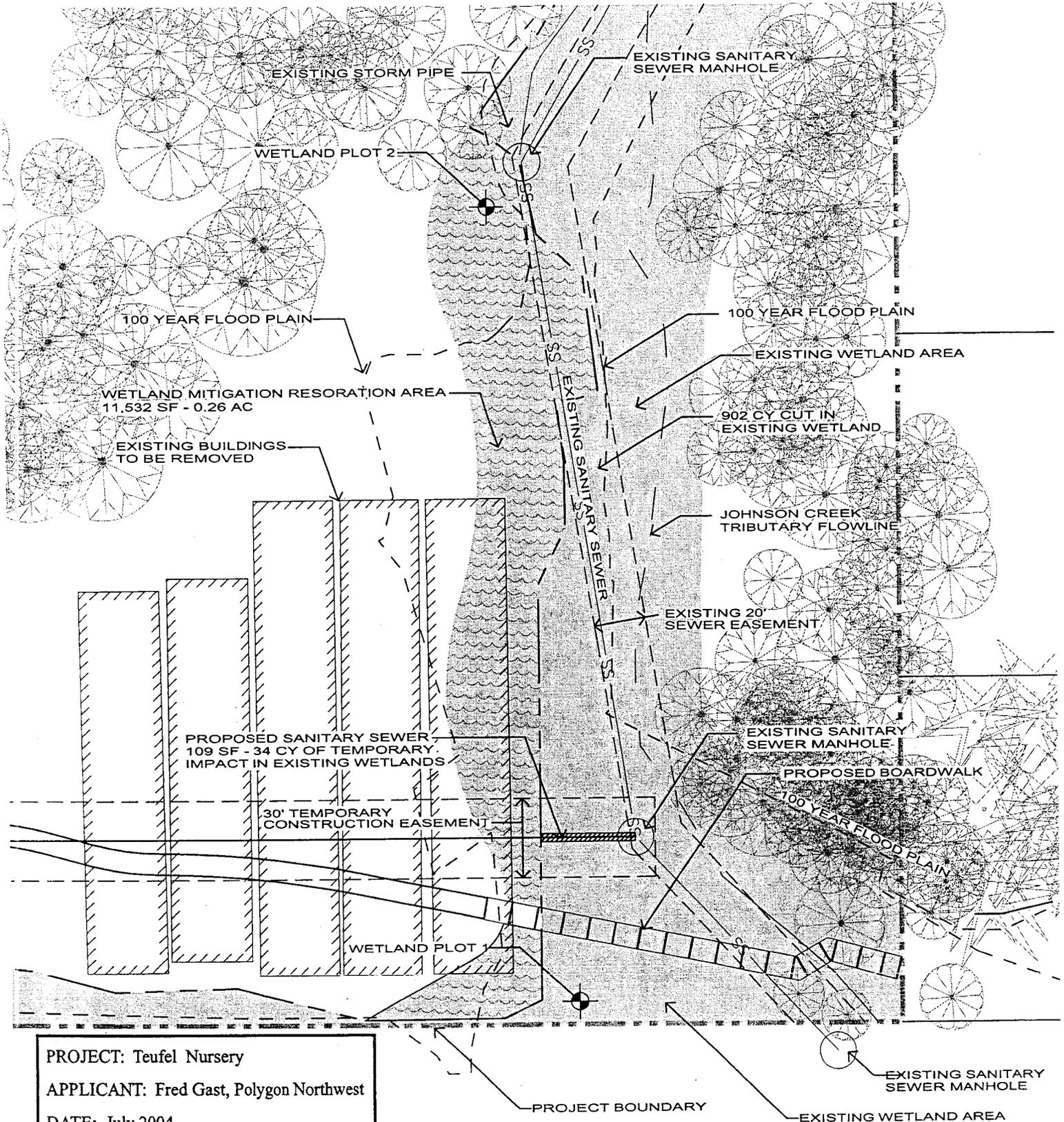
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PROJECT: Teufel Nursery  
 APPLICANT: Fred Gast, Polygon Northwest  
 DATE: July 2004  
 SHEET: 7 of 10



# TEUFEL NURSERY

## POND #1 MITIGATION

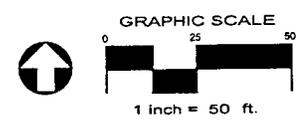


PROJECT: Teufel Nursery  
APPLICANT: Fred Gast, Polygon Northwest  
DATE: July 2004  
SHEET: 8 of 10

DATE: 07-14-04  
J.N.: POL-018

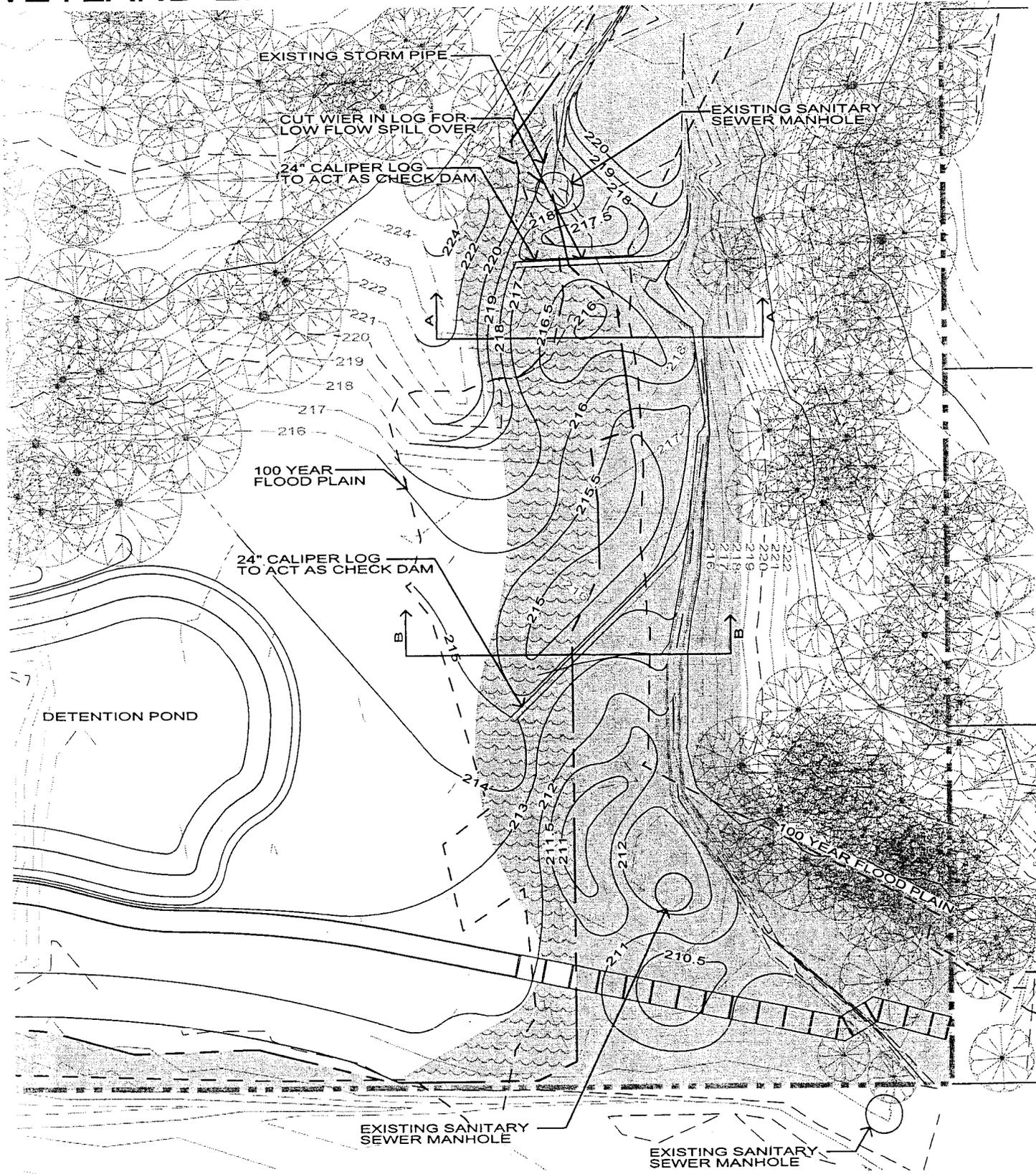
PREPARED FOR:  
POLYGON NORTHWEST  
109 East 13th Street  
Vancouver, WA 98660

PREPARED BY:  
**MCH**  
MCH CONSULTANTS  
104 West 9th Street, Suite 207  
Vancouver, WA 98660  
TEL: 360.575.0000  
FAX: 360.575.0000  
WWW.MCHCONSULTANTS.COM



# TEUFEL NURSERY

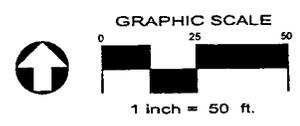
## WETLAND ENHANCEMENT GRADING



PROJECT: Teufel Nursery  
 APPLICANT: Fred Gast, Polygon Northwest  
 DATE: July 2004  
 SHEET: 9 of 10

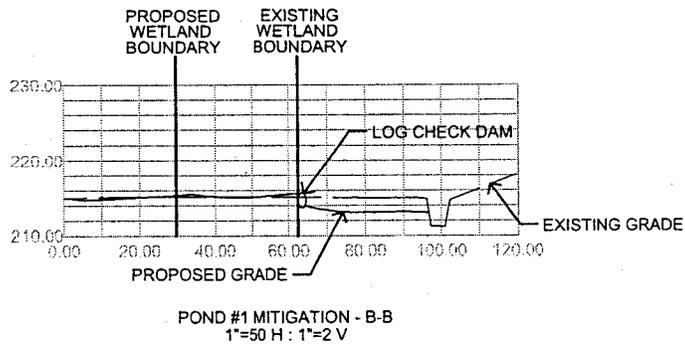
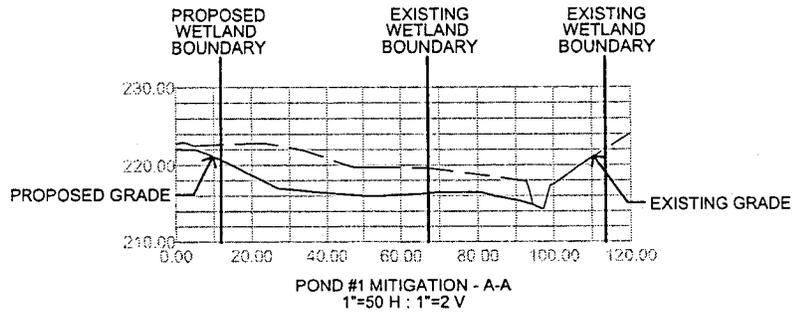
DATE: 07-14-04  
 J.N.: POL-018

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 POLYGON NORTHWEST  
 109 East 13th Street  
 Vancouver, WA 98660



# TEUFEL NURSERY

## POND #1 MITIGATION CROSS SECTIONS

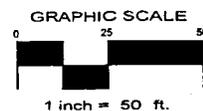


PROJECT: Teufel Nursery  
 APPLICANT: Fred Gast, Polygon Northwest  
 DATE: July 2004  
 SHEET: 10 of 10

DATE: 07-14-04  
 J.N.: POL-018

PREPARED FOR:  
 POLYGON NORTHWEST  
 109 East 13th Street  
 Vancouver, WA 98660

PREPARED BY:



**PUBLIC NOTICE**  
**Oregon Department of Environmental Quality**  
**Water Quality 401 Certification**

Corps of Engineers Action ID Number: 200400564  
Oregon Division of State Lands Number: 32983

Notice Issued: September 22, 2004  
Written Comments Due: October 22, 2004

**WHO IS THE APPLICANT:** Polygon Northwest

**LOCATION OF CERTIFICATION ACTIVITY:** See attached U.S. Army Corps of Engineers public notice

**WHAT IS PROPOSED:** See attached U.S. Army Corps of Engineers public notice on the proposed project

**NEED FOR CERTIFICATION:** Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

**DESCRIPTION OF DISCHARGES:** See attached U.S. Army Corps of Engineers public notice on the proposed project

**WHERE TO FIND DOCUMENTS:** Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Water Quality Division, 811 S.W. 6th Avenue, Portland, Oregon 97204

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Alice Kavajecz at (503) 229-6962.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator at (503) 229-5845.

**PUBLIC PARTICIPATION:**

**Public Hearing:** Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. If the Director determines that new information may be produced thereby, a public hearing will be held prior to the Director's final determination. Instances of doubt shall be resolved in favor of holding the hearing. There shall be public notice of such a hearing."

**Written comments:**

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on (full date). Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. 6th Avenue, Portland, Oregon 97204. ***People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.*** People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format to [401publiccomments@deq.state.or.us](mailto:401publiccomments@deq.state.or.us). Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

**WHAT HAPPENS NEXT:** DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

**ACCESSIBILITY INFORMATION:** This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Office of Communications and Outreach at (503) 229-5317 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.