



U.S. Army Corps  
of Engineers  
Buffalo District  
CELRB-TD-R

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# Public Notice

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Applicant: Pulte Homes  
of Ohio, LLC.

Published: June 28, 2019  
Expires: July 29, 2019

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Application No: 2018-01015  
Section: OH

All written comments should reference the above Application No. and be addressed to:  
**US Army Corps of Engineers, Buffalo District**  
**Regulatory Branch (Attn:) Shawn U. Blohm**  
**1776 Niagara Street**  
**Buffalo, NY 14207**

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**THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.**

**Application for Permit under Authority of**  
**Section 10 of the Rivers and Harbors Act of 1899 and**  
**Section 404 of the Clean Water Act (33 U.S.C. 1344).**

APPLICANT: Pulte Homes of Ohio, LLC.

WATERWAY & LOCATION: Porter Creek, to the north and south of Westchester Parkway, to the west of Caroline Circle and Bryandale Drive and to the north of Clemens Drive, Cuyahoga County, Westlake, Ohio 44145

LATITUDE & LONGITUDE: Latitude North: 41.4767  
Longitude West: -81.9338

EXISTING CONDITIONS: The 28-acre site is wooded and contains 10.904-acres of wetland. The project location is depicted on Sheets 1 and 2 of 4.

Description of delineation of waters of US, if applicable: Two separate jurisdictional determinations were issued for the project area on October 05, 2018, one for the project area located to the north of Westchester Parkway and one for the project area located to the south of Westchester Parkway. In the northern project area 5.183 acre of wetland was identified (Wetland A – 0.013 acres and Wetland B – 5.170 acres). In the southern project area, 5.713 acre of wetland was identified (Wetland A – 0.276 acres, Wetland B – 1.732 acres, Wetland C –

0.025 acres, Wetland D – 3.68 acres and Wetland E – 0.008 acres). All of the wetlands on-site are forested.

**PROPOSED WORK:** To construct 129 townhome residential units and associated, driveways, utilities and stormwater basins. In order to complete the project, the applicant is proposing to discharge 8,192 cubic yards of clean earthen fill material into 5.078 acres of forested wetland including Wetland A1 (0.013 acre), Wetland B1 (2.285 acre), Wetland A2 (0.276 acre), Wetland B2 (0.269), Wetland C (0.025 acre), Wetland D (1.410 acres), Wetland D75 (0.290) and Wetland D50 (0.510 acres).

#### PROJECT PURPOSE

Basic: Residential development

Overall: Residential development in northwestern Cuyahoga County.

**Water Dependency Determination:** The proposed project does not require access or proximity to or siting within the proposed 5.078 acres of wetland impact to fulfill its basic purpose. Thus, it is not a water dependent activity and practicable alternatives that do not involve wetlands, or other special aquatic sites, are presumed to be available unless clearly demonstrated otherwise.

**AVOIDANCE AND MINIMIZATION INFORMATION:** The applicant provided two on-site design alternatives, the Preferred Alternative and the Proposed Alternative. Three off-site alternatives were assessed.

#### Preferred Alternative

The applicant's Preferred Alternative site plan (Sheet 3 of 4), would include the development of 165 townhome residential units, roadways, utilities and stormwater basins and would result in fill impacts to 8.885 acre of wooded wetlands including Wetland A1 (0.013 acres), Wetland B1 (3.828 acres), wetland A2 0.276 acres), Wetland B2 (1.063 acres), Wetland C (0.025 acres), Wetland D (2.880 acres), Wetland D75 (0.290 acres) and Wetland D50 (0.510 acres).

#### Proposed Alternative

The applicant is seeking to permit the Proposed Alternative. The applicant's Proposed Alternative (Sheet 4 of 4) would include the development of 129 townhome residential units, roadways, utilities and stormwater basins and would result in fill impacts 5.078 acre of wooded wetland including Wetland A1 (0.013 acre), Wetland B1 (2.285 acre), Wetland A2 (0.276 acre), Wetland B2 (0.269), Wetland C (0.025 acre), Wetland D (1.410 acres), Wetland D75 (0.290) and Wetland D50 (0.510 acres). The applicant has indicated the proposed 5.078 acres of wetland impacts is the minimal necessary to completed the desired project.

Offsite Alternatives:

The applicant has considered three off-site alternative locations. The Corps is currently reviewing off-site alternatives.

PROPOSED MITIGATION: The applicant is proposing to purchase a combined total of 10.2 mitigation credits from the in-lieu fee program sponsored by the North Coast Regional Park District and 2.5 mitigation credits from Trumbull Creek Mitigation Bank.

Location and details of the above described work are shown on the attached maps and drawings.

Comments or questions pertaining to the work described in this notice should be reference the Application Number and be directed to the attention of Mr. Shawn Blohm, who can be contacted at the above address, by calling 716-879-4436, or by e-mail at: shawn.u.blohm@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The following authorization is required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency

Based on preliminary findings, there do not appear to be any properties listed in, or eligible for listing in, the National Register of Historic Places within the permit area, or area of potential effect, as shown on Sheet 4 of 4. The applicant searched the Ohio Historic Preservation Office GIS database and there are no National Register Listings, National Register Determination of Eligibility, National Register Boundaries, Archaeological Sites, Historic Structures, Historic Bridges, OGS Cemeteries or National Register Boundaries located within the project area or within a 0.25-mile radius of the project area. The applicant evaluated the site for potential cultural resources and the site was reviewed for physical features that may indicate historic structures. No rock outcrops, rock overhangs, historic foundations, or other features were observed in the project area that would indicate significant historic or prehistoric cultural use of the area. This notice constitutes initiation of consultation with the Ohio Historic Preservation Office (SHPO) per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project if any has been provided to the SHPO. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the SHPO for their review.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the USFWS to evaluate any potential impacts to: Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), Kirtland's warbler (*Setophaga kirtlandii*), piping plover (*Charadrius melodus*), and rufa red knot (*Calidris melodus*) to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, 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 these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water 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 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.

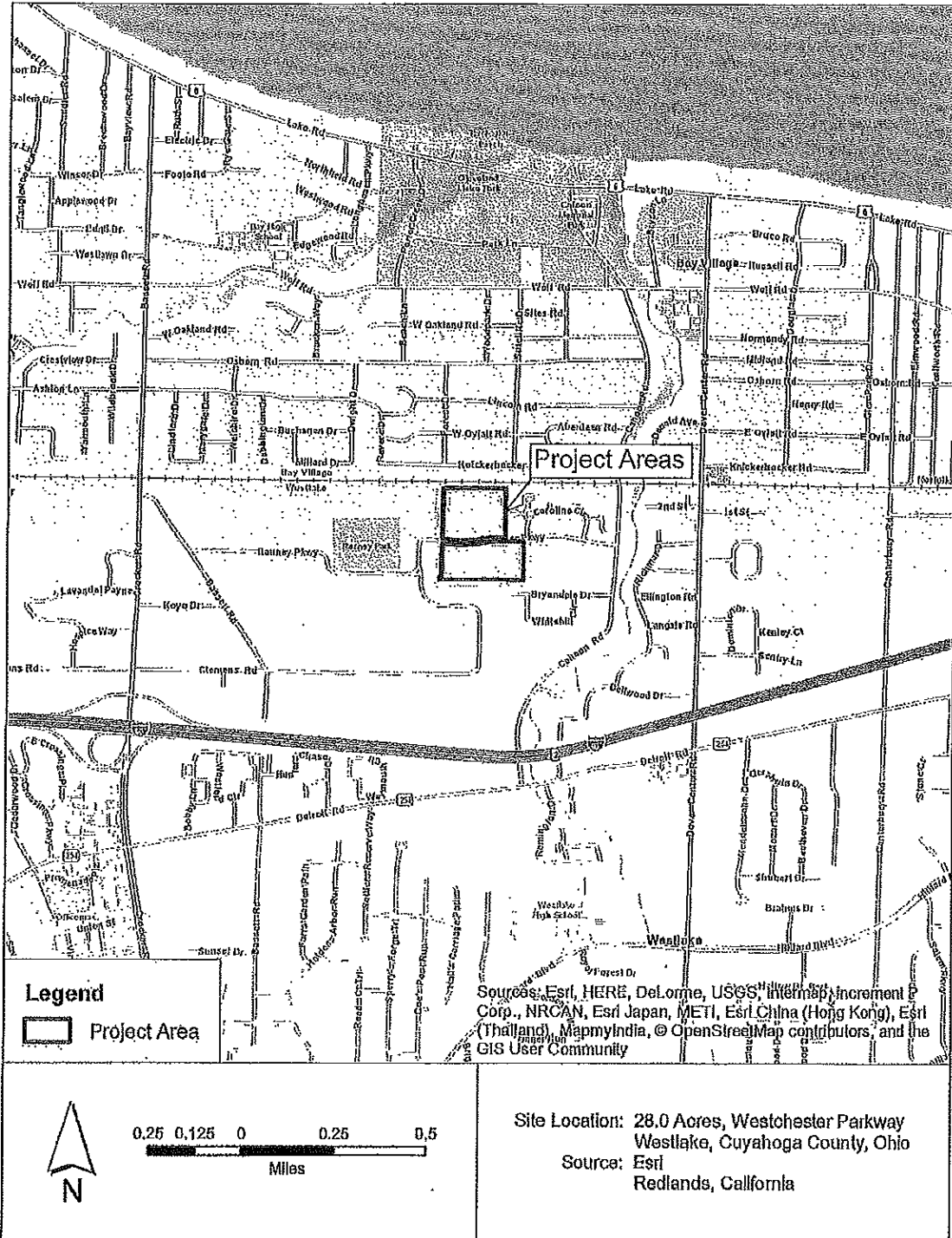
**SIGNED**

Diane C. Kozlowski  
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

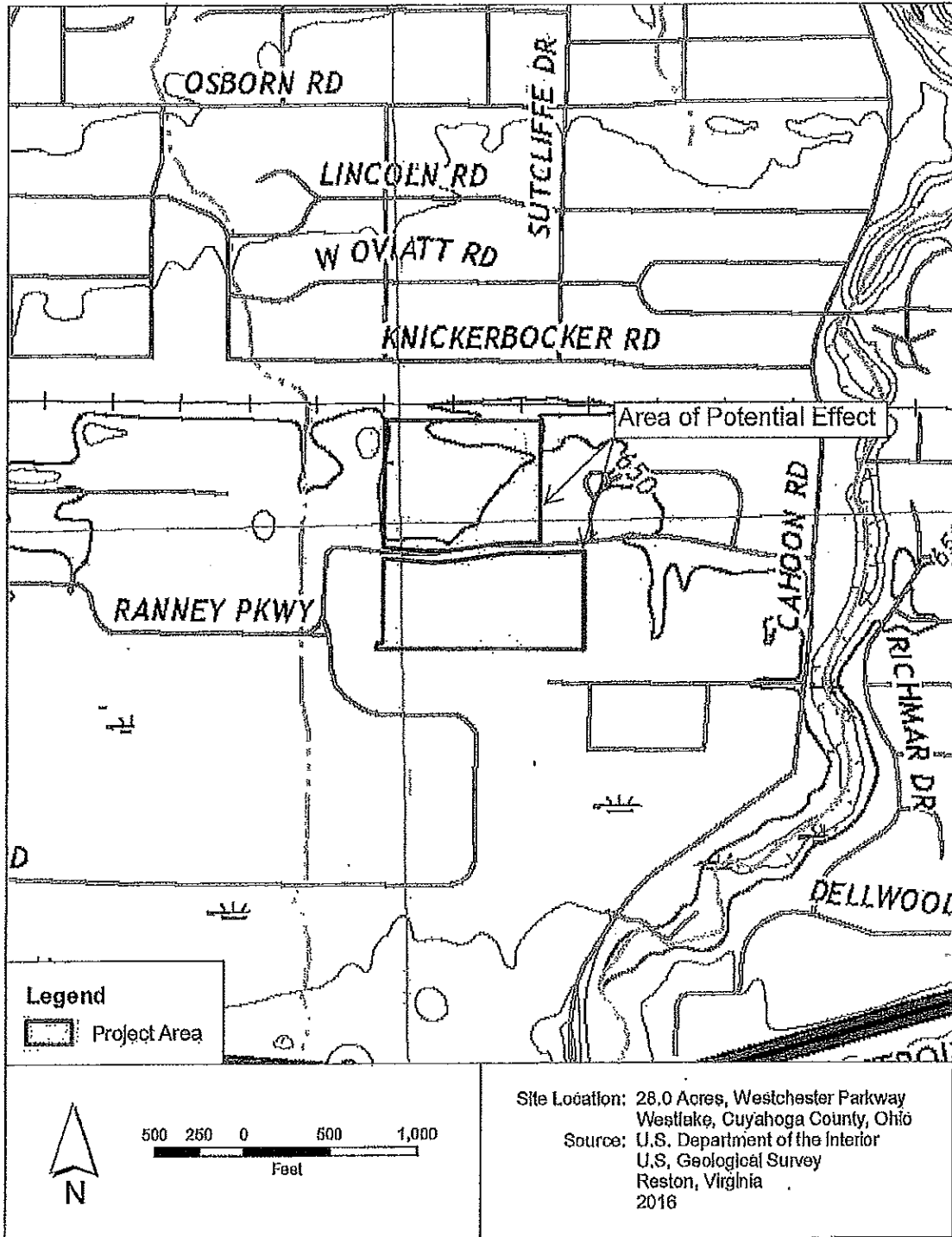
Pulte Homes of Ohio, LLC.  
 Westchester Townhomes Residential Development  
 Public Notice  
 D/A Processing No: LRB-2018-01015  
 Quad: OH- North Olmstead  
 Cuyahoga County, Ohio  
 Sheet 1 of 4

**Highway Map**



Pulte Homes of Ohio, LLC.  
Public Notice  
Westchester Townhomes Residential Development  
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Quad: OH- North Olmstead  
Cuyahoga County, Ohio  
Sheet 2 of 4

SS  
North



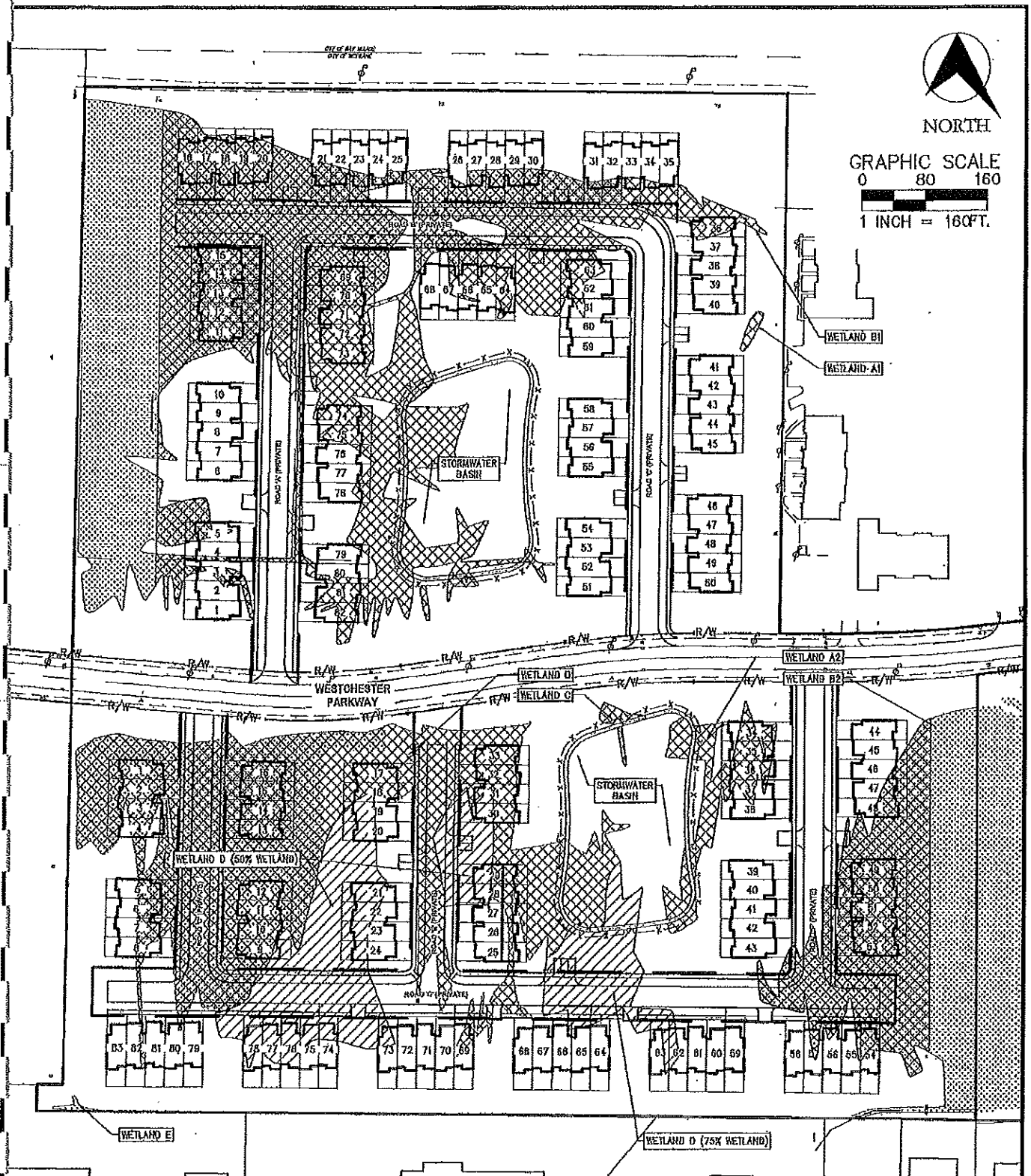


NORTH

GRAPHIC SCALE  
0 80 160



1 INCH = 160 FT.



Pulte Homes of Ohio, LLC,  
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 West Chester Townhomes Residential Development  
 Preferred Alternative  
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 Cuyahoga County, Ohio  
 Sheet 3 of 4

**PREFERRED SITE PLAN**  
**WETLAND IMPACTS**

**WESTCHESTER TOWNHOMES**  
**WESTLAKE, OH**

Date: 02-26-19

Drawn By: MWW

Proj. No. 14164

1 OF 2





NORTH

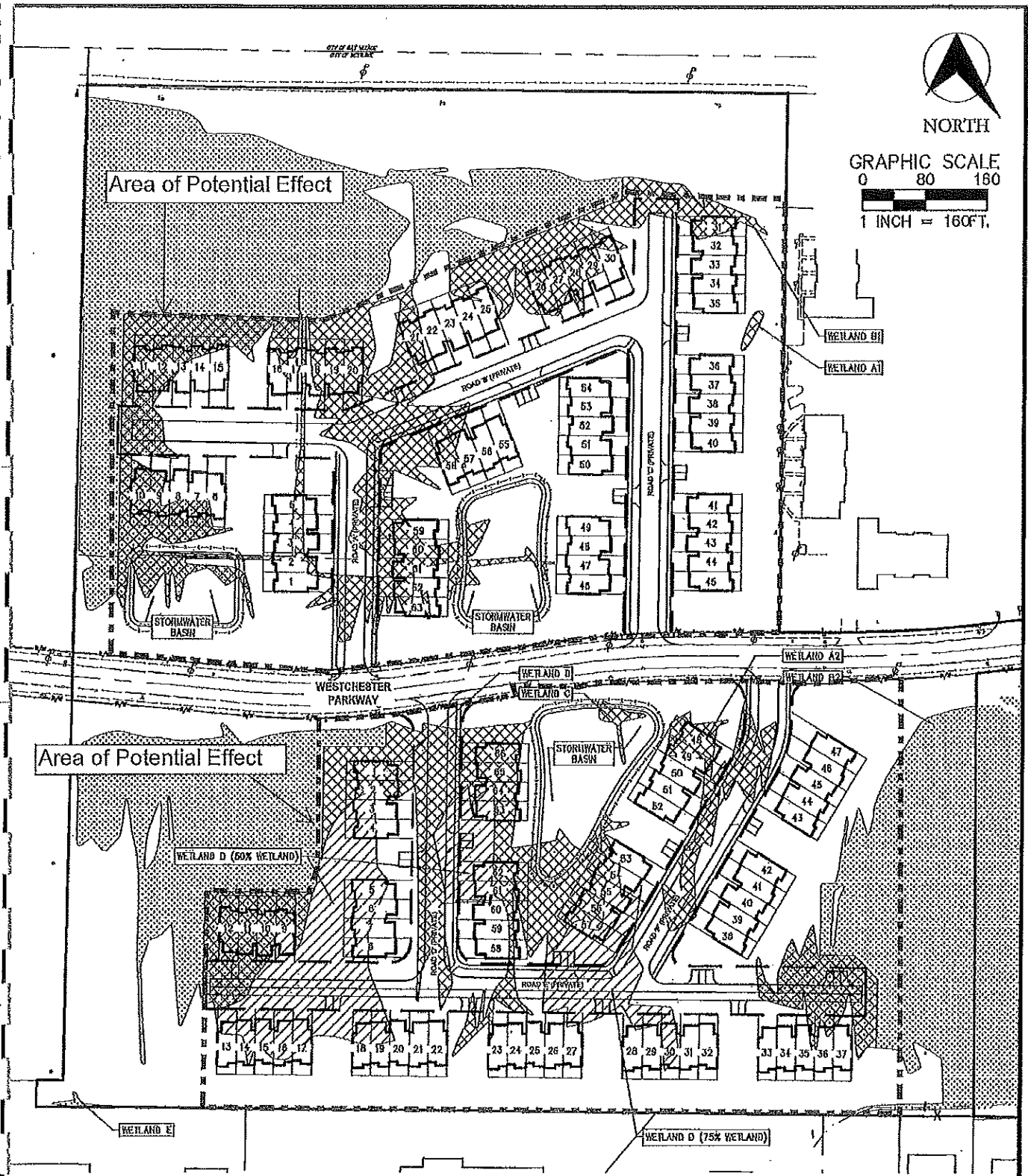
GRAPHIC SCALE  
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Area of Potential Effect

Area of Potential Effect



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 West Chester Townhomes Residential Development  
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 Sheet 4 of 4

**PROPOSED SITE PLAN  
 WETLAND IMPACTS**

**WESTCHESTER TOWNHOMES  
 WESTLAKE, OH**

Date: 02-26-19

Drawn By: MWW

Proj. No. 14164

1 OF 2