



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160-0267

JUL 11 2012

Operations Division  
Surveillance and Enforcement Section

RECEIVED  
7/16/12

Ms. Lila Fox  
The Sulzer Group  
650 Poydras Street, Suite 2828  
New Orleans, Louisiana 70130

Dear Ms. Fox:

Reference is made to your request for a U.S. Army Corps of Engineers' (Corps) jurisdictional determination on property located in Section 5, Township 6 South, Range 12 East, St. Tammany Parish, Louisiana (enclosed map). Specifically, this property is identified as the proposed A. Milne Home for Women and is located on and east of Louisiana Highway 21.

Based on review of recent maps, aerial photography, soils data, and a previous jurisdictional determination, we have determined that part of the property is wetland and subject to Corps' jurisdiction. The approximate limits of the wetland are designated in red on the map. A Department of the Army (DA) permit under Section 404 of the Clean Water Act will be required prior to the deposition or redistribution of dredged or fill material into this wetland.

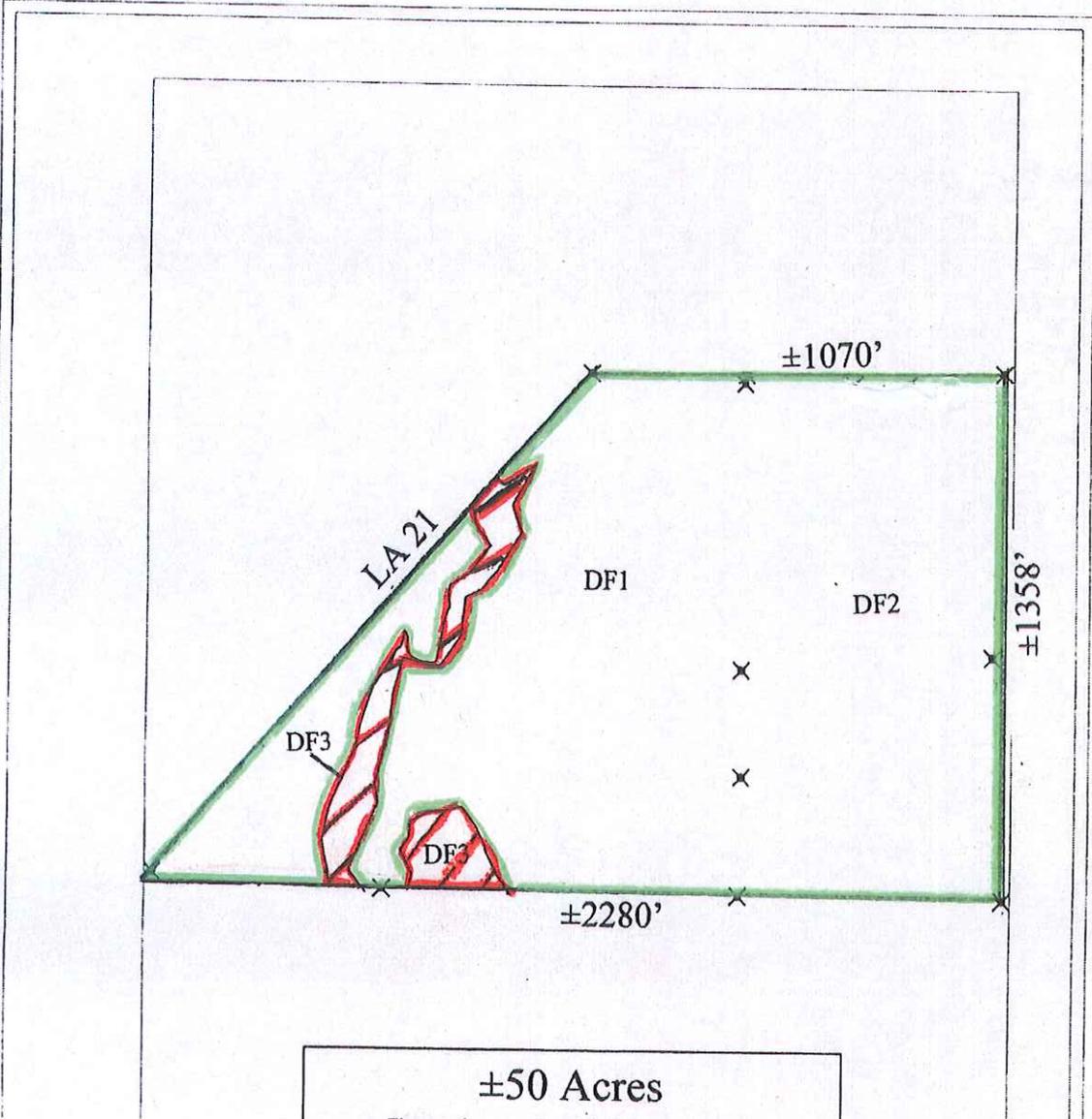
You are advised that this approved jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision prior to the expiration date or the District Commander has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

Should there be any questions concerning these matters, please contact Mr. Kyle Gordon at (504) 862-1627 and reference our Account No. MVN-2012-01522-SA. If you have specific questions regarding the permit process or permit applications, please contact our Eastern Evaluation Section at (504) 862-2766. The New Orleans District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please complete the survey on our web site at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

  
for Pete J. Serio  
Chief, Regulatory Branch

Enclosures



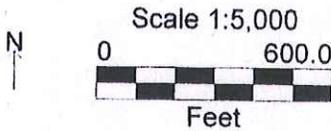
±50 Acres  
 Section 5, T6S-R12E  
 St. Tammany Parish  
 Milne Asylum

**APPROVED**  
 JURISDICTIONAL DETERMINATION

**USACE**

14  
 BY: Kyle Gordon  
27 JUNE 2012  
 FOR: Fox LILA  
 (#MUN-2012-01522-SA)

 = WETLAND  
 = NON-WETLAND



30JAN07.ssf  
 1/30/2007  
 GPS Pathfinder® Office  


  
 USACE-JD-F00001403

**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 27 June 2012**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: MVN-2012-01522-SA**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Louisiana County/parish/borough: St. Tammany City:  
Center coordinates of site (lat/long in degree decimal format): Lat. 30.549762° N, Long. 90.016265° W.  
Universal Transverse Mercator:

Name of nearest waterbody: Unnamed tributary of Little Bogue Falaya

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Bogue Falaya

Name of watershed or Hydrologic Unit Code (HUC): 08090201 Liberty Bayou- Tchefuncte

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

Office (Desk) Determination. Date: 27 June 2012

Field Determination. Date(s):

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain:

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: linear feet: width (ft) and/or 0 acres.

Wetlands: 2.65 acres.

**c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual**

Elevation of established OHWM (if known):

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain:

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

<sup>3</sup> Supporting documentation is presented in Section III.F.

### SECTION III: CWA ANALYSIS

#### A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

#### B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: **Pick List**

Drainage area: **Pick List**

Average annual rainfall: inches

Average annual snowfall: inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.

Project waters are **Pick List** river miles from RPW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Project waters are **Pick List** aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW<sup>5</sup>: .

Tributary stream order, if known: .

<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

Tributary is:  Natural  
 Artificial (man-made). Explain:  
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width:        feet  
Average depth:       feet  
Average side slopes: **Pick List**.

Primary tributary substrate composition (check all that apply):

Silts                    Sands                    Concrete  
 Cobbles                Gravel                  Muck  
 Bedrock                Vegetation. Type/% cover:  
 Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: **Pick List**

Tributary gradient (approximate average slope):        %

(c) Flow:

Tributary provides for: **Pick List**

Estimate average number of flow events in review area/year: **Pick List**

Describe flow regime:

Other information on duration and volume:

Surface flow is: **Pick List**. Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks  
 OHWM<sup>6</sup> (check all indicators that apply):  
 clear, natural line impressed on the bank    the presence of litter and debris  
 changes in the character of soil            destruction of terrestrial vegetation  
 shelving    the presence of wrack line  
 vegetation matted down, bent, or absent    sediment sorting  
 leaf litter disturbed or washed away        scour  
 sediment deposition                          multiple observed or predicted flow events  
 water staining                                  abrupt change in plant community  
 other (list):  
 Discontinuous OHWM.<sup>7</sup> Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by:                Mean High Water Mark indicated by:  
 oil or scum line along shore objects        survey to available datum;  
 fine shell or debris deposits (foreshore)    physical markings;  
 physical markings/characteristics          vegetation lines/changes in vegetation types.  
 tidal gauges  
 other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known:

<sup>6</sup>A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

<sup>7</sup>Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size:        acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain:

Surface flow is: **Pick List**

Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately (        ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

### C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

**Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:**

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

### D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

TNWs: linear feet width (ft), Or, acres.

Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**

Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Wetlands flow into an off-site, unnamed tributary of Little Bogue Falaya. The tributary is perennial based on observations by Corps Botanists.

Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

Tributary waters: linear feet width (ft).

Other non-wetland waters: acres.

Identify type(s) of waters: .

3. **Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

Tributary waters: linear feet width (ft).

Other non-wetland waters: acres.

Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
- Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: **The project wetlands are part of a larger, off-site wetland system that is not separated from the unnamed tributary of Bogue Falaya by uplands, berms, dikes, or other similar features.**
- Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: **2.65** acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.<sup>9</sup>**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>10</sup>**

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: .
- Other factors. Explain: .

<sup>8</sup>See Footnote # 3.

<sup>9</sup> To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</sup> Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

**Identify water body and summarize rationale supporting determination:**

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.  
Identify type(s) of waters: .
- Wetlands: acres.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

**SECTION IV: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Vicinity map, wetland delineation.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters' study: .
- U.S. Geological Survey Hydrologic Atlas: .
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Waldheim.
- USDA Natural Resources Conservation Service Soil Survey. Citation: St. Tammany Parish NRCS Web Soil Survey.
- National wetlands inventory map(s). Cite name: U.S. Fish & Wildlife NWI.
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): 1998, 2004, 2005, 2008, 2010 DOQQ CIR.  
or  Other (Name & Date): .
- Previous determination(s). File no. and date of response letter: MVN-2007-00428-SY (2 February 2007).
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): 1998 USGS GAP Landcover, Louisiana LIDAR.

**B. ADDITIONAL COMMENTS TO SUPPORT JD: This basis form documents wetlands abutting an RPW.**

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Ms. Lila Fox	File Number: MVN-2012-01522-SA	Date: <b>JUL 11 2012</b>
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/cecw/pages/reg\\_materials.aspx](http://www.usace.army.mil/cecw/pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact: Rob Heffner (504-862-1288)  
Chief, Surveillance & Enforcement Section  
U.S. Army Corps of Engineers  
P.O. Box 60627  
New Orleans, LA 70160

If you only have questions regarding the appeal process you may also contact: Administrative Appeals Review Officer  
USACE – Mississippi Valley Division  
P.O. Box 80  
Vicksburg, MS 39181-0080  
(601) 634-5820

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

**FARMLAND CONVERSION IMPACT RATING**

<b>PART I (To be completed by Federal Agency)</b>		Date Of Land Evaluation Request <b>6/6/12</b>				
Name of Project <b>Alexander Milne Home for Women</b>		Federal Agency Involved <b>FEMA</b>				
Proposed Land Use <b>Medical Residential District</b>		County and State <b>St. Tammany Louisiana</b>				
<b>PART II (To be completed by NRCS)</b>		Date Request Received By NRCS <b>6/6/12</b>		Person Completing Form:		
Does the site contain Prime, Unique, Statewide or Local Important Farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)		YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Acres Irrigated <b>NA</b>	Average Farm Size <b>139</b>	
Major Crop(s) <b>Pasture, corn, truck crops</b>	Farmable Land In Govt. Jurisdiction Acres: <b>345,575 % 61</b>	Amount of Farmland As Defined in FPPA Acres: <b>178,736 % 32</b>				
Name of Land Evaluation System Used <b>LESA</b>	Name of State or Local Site Assessment System <b>NA</b>	Date Land Evaluation Returned by NRCS <b>6/12/12</b>				
<b>PART III (To be completed by Federal Agency)</b>		<b>Alternative Site Rating</b>				
		Site A	Site B	Site C	Site D	
A. Total Acres To Be Converted Directly		<b>19</b>				
B. Total Acres To Be Converted Indirectly		<b>50</b>				
C. Total Acres In Site		<b>50</b>				
<b>PART IV (To be completed by NRCS) Land Evaluation Information</b>						
A. Total Acres Prime And Unique Farmland		<b>48</b>				
B. Total Acres Statewide Important or Local Important Farmland		<b>NA</b>				
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted		<b>0.01</b>				
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value		<b>13.5</b>				
<b>PART V (To be completed by NRCS) Land Evaluation Criterion</b> Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)		<b>100</b>				
<b>PART VI (To be completed by Federal Agency) Site Assessment Criteria</b> (Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)		<b>Maximum Points</b>	Site A	Site B	Site C	Site D
1. Area In Non-urban Use		(15)	<b>11</b>			
2. Perimeter In Non-urban Use		(10)	<b>9</b>			
3. Percent Of Site Being Farmed		(20)	<b>0</b>			
4. Protection Provided By State and Local Government		(20)	<b>0</b>			
5. Distance From Urban Built-up Area		(15)	<b>15</b>			
6. Distance To Urban Support Services		(15)	<b>10</b>			
7. Size Of Present Farm Unit Compared To Average		(10)	<b>0</b>			
8. Creation Of Non-farmable Farmland		(10)	<b>5</b>			
9. Availability Of Farm Support Services		(5)	<b>5</b>			
10. On-Farm Investments		(20)	<b>0</b>			
11. Effects Of Conversion On Farm Support Services		(10)	<b>0</b>			
12. Compatibility With Existing Agricultural Use		(10)	<b>2</b>			
<b>TOTAL SITE ASSESSMENT POINTS</b>		<b>160</b>	<b>57</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>PART VII (To be completed by Federal Agency)</b>						
Relative Value Of Farmland (From Part V)		<b>100</b>	<b>100</b>	<b>0</b>	<b>0</b>	<b>0</b>
Total Site Assessment (From Part VI above or local site assessment)		<b>160</b>	<b>57</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL POINTS (Total of above 2 lines)</b>		<b>260</b>	<b>157</b>	<b>0</b>	<b>0</b>	<b>0</b>
Site Selected: <b>Yes</b>		Date Of Selection <b>February 25, 2013</b>		Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
Reason For Selection: Two Sites were evaluated for restitution of lost services to the Alexander Milne Home for Women. It was determined this site was best suited to meet the needs of the applicant.						
Name of Federal agency representative completing this form: <b>Melanie Pitts and Tiffany Spann-</b> (See instructions on reverse side) <b>Winfield</b>					Date: <b>2/25/13</b>	

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4446

ORDINANCE COUNCIL SERIES NO: 11-2425

COUNCIL SPONSOR: MR. GOULD

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: MR. STEFANCIK

SECONDED BY: MR. GOULD

ON THE 2 DAY OF DECEMBER, 2010

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES, CHAPTER 7, SECTION 7-051.00, DOCUMENTS REQUIRED FOR DRAINAGE AND PAVING PLAN REVIEW, TO ADD PROVISIONS RELATIVE TO THE REQUIREMENTS OF THE HYDROLOGICAL ANALYSIS

WHEREAS, in order to address the potential adverse drainage impacts of proposed developments on upstream and downstream properties, drainage watercourses and drainage facilities, and in order to protect the public health, safety and welfare, it is necessary to amend the St. Tammany Parish Code of Ordinance, particularly Section 7-051.00, to provide requirements applicable to the hydrological analysis that must be submitted for drainage plan review of all commercial, industrial, institutional and multi-family developments for town houses, apartments, condominiums and nursing home uses.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that it amends the St. Tammany Parish Code of Ordinances, Chapter 7, Section 7-051.00 Documents Required For Drainage and Paving Plan Review, to add provisions relative to the requirements of a hydrological analysis that must be submitted for drainage plan review of all commercial, industrial, institutional and multi-family developments for town houses, apartments, condominiums and nursing home uses, to-wit:

SEC. 7-051.00 Documents Required For Drainage and Paving Plan Review

In order to expedite the drainage plan review for all commercial, industrial, ~~and~~ institutional and multi-family developments for town houses, apartments, condominiums and nursing home uses ~~developments~~, the Department of Engineering, when applicable, ~~requests~~ requires the following documents be provided:

1. A vicinity map indicating the location of the proposed project.
2. A pre-development drainage plan (existing conditions).
3. Identify fill area(s) and associated fill depth(s).
4. A post development drainage plan and an as built drainage plan.
5. If building has down spouts, an architect's drawing is required.
6. If the outfall needs to discharge to the ditch or pond, the invert elevations of associated culvert(s) and bottom elevation of accepted ditch or pond shall be provided.
7. If driveway culvert needs to be installed at the state highway ditch, an approval sheet from the state shall be provided prior to the Parish approval.

8. A hydrological analysis of both pre-development and post-development runoff shall be provided. The applicant shall also provide a water surface profile for 100 year, 50 year, 25 year and 10 year storm events. The hydrological analysis shall meet all applicable Parish Ordinances and the following requirements:

(a) The developer's engineer shall also study the effect of any proposed development on existing downstream drainage facilities outside the area of the development. Local drainage studies, together with any other appropriate study, shall serve as a guide to needed improvements as determined by the Department of Engineering.

(b) No development may be constructed or maintained so that surface waters from such development are collected and channeled downstream at such locations or at such volumes or velocities as to cause degradation, alteration or damage to lower adjacent properties.

(c) Where it is anticipated that the additional runoff incident to the development will increase the water surface profile downstream, the Parish shall withhold approval of the development until provisions have been made for the detention of storm water and resolution of such conditions in conformance with these requirements and the Department of Engineering. No development shall be approved unless the necessary drainage will be provided to a drainage watercourse or facility that is adequate to receive the proposed drainage without adverse impact on downstream properties.

(d) No development may be constructed or maintained where such development would impede the flow of water from upstream properties across the property proposed to be developed. All drainage rights-of-way and culverts or other drainage facilities shall be large enough to accommodate runoff from the property proposed to be developed as well as upstream flow originating outside of the proposed development. All existing watercourses passing through the property of the proposed development shall be maintained to accommodate up to the 100 year storm events. Any proposed alteration or relocation of an existing watercourse or drainage facility may only be approved when the Department of Engineering has determined that any such proposal meets all applicable parish drainage requirements. The developer's engineer shall determine the necessary size of the drainage facilities, assuming conditions of maximum potential watershed development permitted by these regulations.

9. If the site is located in an area where known drainage problems exist, a drainage basin study can be required to demonstrate ~~compatibility~~ adverse drainage impacts on ~~with~~ surrounding properties.

10. The Department of Engineering reserves the right to hold the Certificate of Occupancy in order to allow for a final inspection.

11. In the event of a conflict between any provision within this Section, or between a provision in this Section and any other drainage or flood control ordinance, the more stringent provision shall be applicable.

(All the above drawings and hydrological analysis need to be stamped and certified {signature and date} by a Professional Engineer Registered in the State of Louisiana.)

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

MOVED FOR ADOPTION BY: Mr. Bellisario

SECONDED BY: Mr. Stefancik

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

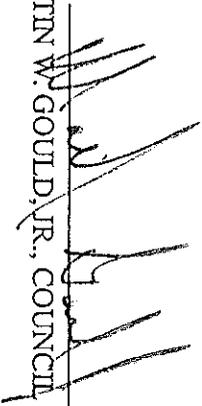
YEAS: DEAN, COOPER, THOMPSON, FALCONER, GOULD, HOWELL, HAMAUEI, CANULETTE, BELLISARIO, BILLIOT, STEFANCIK, BINDER, ARTIGUE (13)

NAYS: (0)

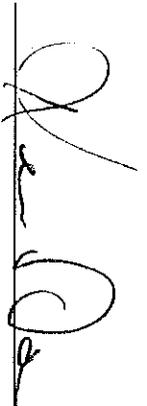
ABSTAIN: (0)

ABSENT: BURKHALTER (1)

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 6 DAY OF January, 2011; AND BECOMES ORDINANCE COUNCIL SERIES NO 11-2425.

  
MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:  
  
THERESA L. FORD, COUNCIL CLERK

  
KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: NOVEMBER 25, 2010

Published Adoption: January 27, 2011

Delivered to Parish President: January 11, 2011 at 3:33pm

Returned to Council Clerk: January 14, 2011 at 9:42am

Paul

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4295 ORDINANCE COUNCIL SERIES NO. 10-2275AA

COUNCIL SPONSOR MR. BELLISARIO PROVIDED BY COUNCIL ATTORNEY

INTRODUCED BY MR. FALCONER SECONDED BY: MR. THOMPSON

ON THE 1<sup>ST</sup> DAY OF APRIL, 2010

ORDINANCE TO AMEND PARISH CODE OF ORDINANCES, CHAPTER 7, SECTION 7-050.00, DRAINAGE AND PAVING PLAN (COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL DEVELOPMENTS) TO ADD CERTAIN MULTI-FAMILY DEVELOPMENTS AND PROVISIONS RELATIVE TO PHASED DEVELOPMENTS.

WHEREAS, proposed commercial, industrial and institutional developments are currently required by Section 7-050.00 of the Code of Ordinances to submit a drainage and paving plan to the parish for review and approval prior to the issuance of a building permit. The intent of the regulation was to address drainage when an entire parcel of a certain size was to be developed for commercial, industrial or institutional uses, as opposed to the development of portions of a large parcel in phases; and

WHEREAS, when large parcels are sought to be developed in proposed phases that are smaller than five (5) acres, each phase as it is separately developed would only be required to meet the applicable runoff reduction percentage for a twenty-five (25) year storm event, rather than the runoff reduction percentage for a one hundred (100) year storm event that would be applicable if the entire parcel was proposed to be developed *in toto*. Accordingly, a phased development of a large parcel fails to adequately address the drainage impacts that will ultimately result upon final development of the entire parcel; and

WHEREAS, a multi-family development of town houses, apartments, condominiums or nursing homes is likely to have drainage impacts commensurate with those resulting from commercial, industrial and institutional uses and, therefore, such multi-family uses should be governed by the drainage regulations applicable to commercial, industrial and institutional uses.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends the St. Tammany Parish Code of Ordinances, Chapter 7, Section 7-050.00, Drainage and Paving Plan for Commercial, Industrial and Institutional Developments, to add thereto multi-family development of Town Houses, Apartments, Condominium and Nursing Home uses and to add thereto provisions relative to the development of parcels five (5) acres and larger that are proposed to be developed in phases that are less than five (5) acres, to-wit:

CHAPTER 7 DRAINAGE AND FLOOD CONTROL

Section 7-050.00 Drainage and Paving Plan (Commercial, Industrial, ~~and~~ Institutional, and Certain Multi-Family Developments)

The purpose and intent of this section is to require a drainage and paving plan to be stamped and certified by a Licensed Louisiana State Registered Engineer for construction of commercial, industrial, ~~and~~ institutional, and certain multi-family developments, with the goal of improving pre-development runoff and reducing post-development runoff based on a minimum twenty-five (25) year storm event.

1. All commercial, industrial ~~and~~ institutional ~~and~~ multi-family development for town houses, apartments, condominiums and nursing home uses that require a building permit shall submit a drainage and paving plan with the permit application. Requirements are set forth below in Sec. 7-051.00. Said plan shall be forwarded to the Parish Engineer for review and approval before the issuance of a building permit.

2. It shall be the responsibility of the developer and design engineer to create a site development plan that will complement the drainage and paving plan utilizing site design criteria so as to result in the reduction of runoff from post-development.
3. The drainage and paving plan shall be stamped and certified by a Licensed Louisiana State Registered Engineer and shall meet the following criteria:
  - (i) (a) Parcels 0-2 acres in size shall be required to reduce pre-development peak runoff by at least 10% for a twenty-five (25) year storm event, with on-site detention ponds optional.
  - (ii) (b) Parcels 2-5 acres in size shall be required to reduce pre-development peak water runoff by at least 15% for a twenty-five (25) year storm event, with on-site detention ponds required.
  - (iii) (c) Parcels 5 acres and larger shall meet all drainage requirements for Subdivisions as established by Subdivision Regulatory ordinance No. 499, including a reduction of pre-development peak runoff by at least 25% for a one hundred (100) year storm event, with on-site detention ponds required.  
  
(i) Whenever a parcel that is greater than five (5) acres is proposed to be developed in phases, or subdivided through the minor subdivision process, where any proposed phase or lot is less than five (5) acres, such development shall meet the requirements of subparagraph (c) immediately herein above and the applicable provisions of Section 40-061.01. The drainage and paving plan must address drainage in terms of the development of the entire parcel, not just the phase currently being proposed to be developed, taking into consideration all of the regulations of the zoning district designation of the property that could be pertinent to drainage, including maximum net density permitted, minimum area regulations, maximum lot coverage, and off street parking and loading requirements.
4. A combination of detention methods may be utilized to meet the criteria as established above. Off-site detention facilities may be utilized if approved by the Parish Engineer.
5. Developments located within the boundaries of Gravity Drainage District No. 5 shall also submit their drainage and paving plans to the District at the time permit application is made to the Parish. A building permit shall not be issued until the Drainage District has had an opportunity to review and make comment on the proposed plans to the Parish Engineer. All costs associated with the review of the plans by the Parish and Drainage District shall be assessed to the developer. The Parish Engineer shall have final authority on approval of the permit application.
6. Developments located within the boundaries of Sub-Drainage District No. 1 of Gravity Drainage District No. 3 shall also submit their drainage and paving plans to the Sub-District at the time permit application is made to the Parish. A building permit shall not be issued until the Sub-Drainage District has had an opportunity to review and make comment on the proposed plans to the Parish Engineer. All costs associated with the review of the plans by the Parish and Sub-Drainage District shall be assessed to the developer. The Parish Engineer shall have final authority on approval of the permit application.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon final adoption.

MOVED FOR ADOPTION BY: MR. BELLISARIO, SECONDED BY: MR. GOULD.

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: DEAN, COOPER, THOMPSON, FALCONER, GOULD, CRAWFORD-HOWELL, HAMAUEI, CANULETTE, BELLISARIO, BILLIOT, STEFANCIK, BINDER, ARTIGUE, BURKHALTER (14)

NAYS: (0)

ABSTAIN: (0)

ABSENT: (0)

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 3<sup>RD</sup> DAY OF JUNE, 2010; AND BECOMES ORDINANCE COUNCIL SERIES NO. 10-2275AA.

ATTEST:

Theresa Ford  
THERESA FORD, COUNCIL CLERK

Jerry Binder  
JERRY BINDER, COUNCIL CHAIRMAN

Kevin Davis  
KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: April 15, 2010  
Published Adoption: JUN 24, 2010

Delivered to Parish President: JUN 10, 2010 at 8:30 AM  
Returned to Council Clerk: JUN 11, 2010 at 12:51 PM

**Theresa L. Ford**

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**From:** Neil Hall  
**Sent:** Friday, May 28, 2010 11:38 AM  
**To:** Mike Sevante; Theresa L. Ford; Hope E. Wright  
**Cc:** Gene and Mary K. Bellisario  
**Subject:** Emailing: Ordinance- Phased Development Drainage

**Importance:** High

**Attachments:** Ordinance- Phased Development Drainage.wpd



Ordinance-  
Phased Development

At the May 6-Council meeting, the Council adopted Ordinance Calendar No. 4295, Ordinance Council Series No. 10-2275. This is the ordinance that requires phased developments of less than 5 acres to meet the 100 year drainage requirements. After discussions with Councilman Bellisario, the ordinance needs to be amended to include lots less than 5 acres created in the minor subdivision process.

Per my discussions with Mike and Gene, the Ordinance is to be reconsidered at the June 3-Council meeting. Following the adoption of a motion to reconsider (to be made by Gene), the Ordinance is to be amended as set forth in the attached (bold italics). Since this is a technical/clarifying amendment, the ordinance may be adopted as amended.

Attached is the amended ordinance. Per discussion with Mike, AA has been added to the C.S. No., which is 10,2275AA.

Your message is ready to be sent with the following file or link attachments:

Ordinance- Phased Development Drainage

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

**AS ADOPTED**

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4295                      ORDINANCE COUNCIL SERIES NO. 10-2275

COUNCIL SPONSOR MR. BELLISARIO                      PROVIDED BY COUNCIL ATTORNEY

INTRODUCED BY: MR. FALCONER                      SECONDED BY: MR. THOMPSON

ON THE 1st DAY OF APRIL, 2010

ORDINANCE TO AMEND PARISH CODE OF ORDINANCES, CHAPTER 7, SECTION 7-050.00, DRAINAGE AND PAVING PLAN (COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL DEVELOPMENTS) TO ADD CERTAIN MULTI-FAMILY DEVELOPMENTS AND PROVISIONS RELATIVE TO PHASED DEVELOPMENTS.

WHEREAS, proposed commercial, industrial and institutional developments are currently required by Section 7-050.00 of the Code of Ordinances to submit a drainage and paving plan to the parish for review and approval prior to the issuance of a building permit. The intent of the regulation was to address drainage when an entire parcel of a certain size was to be developed for commercial, industrial or institutional uses, as opposed to the development of portions of a large parcel in phases; and

WHEREAS, when large parcels are sought to be developed in proposed phases that are smaller than five (5) acres, each phase as it is separately developed would only be required to meet the applicable runoff reduction percentage for a twenty-five (25) year storm event, rather than the runoff reduction percentage for a one hundred (100) year storm event that would be applicable if the entire parcel was proposed to be developed *in toto*. Accordingly, a phased development of a large parcel fails to adequately address the drainage impacts that will ultimately result upon final development of the entire parcel; and

WHEREAS, a multi-family development of town houses, apartments, condominiums or nursing homes is likely to have drainage impacts commensurate with those resulting from commercial, industrial and institutional uses and, therefore, such multi-family uses should be governed by the drainage regulations applicable to commercial, industrial and institutional uses.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends the St. Tammany Parish Code of Ordinances, Chapter 7, Section 7-050.00, Drainage and Paving Plan for Commercial, Industrial and Institutional Developments, to add thereto multi-family development of Town Houses, Apartments, Condominium and Nursing Home uses and to add thereto provisions relative to the development of parcels five (5) acres and larger that are proposed to be developed in phases that are less than five (5) acres, to-wit:

CHAPTER 7                      DRAINAGE AND FLOOD CONTROL

Section 7-050.00                      Drainage and Paving Plan (Commercial, Industrial, and Institutional, and Certain Multi-Family Developments)

The purpose and intent of this section is to require a drainage and paving plan to be stamped and certified by a Licensed Louisiana State Registered Engineer for construction of commercial, industrial, and institutional, and certain multi-family developments, with the goal of improving pre-development runoff and reducing post-development runoff based on a minimum twenty-five (25) year storm event.

1. All commercial, industrial ~~and~~ institutional and multi-family development for town houses, apartments, condominiums and nursing home uses that require a building permit shall submit a drainage and paving plan with the permit application. Requirements are set forth below in Sec. 7-051.00. Said plan shall be forwarded to the Parish Engineer for review and approval before the issuance of a building permit.

2. It shall be the responsibility of the developer and design engineer to create a site development plan that will complement the drainage and paving plan utilizing site design criteria so as to result in the reduction of runoff from post-development.
3. The drainage and paving plan shall be stamped and certified by a Licensed Louisiana State Registered Engineer and shall meet the following criteria:
  - (i) (a) Parcels 0-2 acres in size shall be required to reduce pre-development peak runoff by at least 10% for a twenty-five (25) year storm event, with on-site detention ponds optional.
  - (ii) (b) Parcels 2-5 acres in size shall be required to reduce pre-development peak water runoff by at least 15% for a twenty-five (25) year storm event, with on-site detention ponds required.
  - (iii) (c) Parcels 5 acres and larger shall meet all drainage requirements for Subdivisions as established by Subdivision Regulatory ordinance No. 499, including a reduction of pre-development peak runoff by at least 25% for a one hundred (100) year storm event, with on-site detention ponds required.  
  
(1) Whenever a parcel that is greater than five (5) acres is proposed to be developed in phases, where any proposed phase is less than five (5) acres, such development shall meet the requirements of subparagraph (c) immediately herein above and the applicable provisions of Section 40-061.01. The drainage and paving plan must address drainage in terms of the development of the entire parcel, not just the phase currently being proposed to be developed, taking into consideration all of the regulations of the zoning district designation of the property that could be pertinent to drainage, including maximum net density permitted, minimum area regulations, maximum lot coverage, and off street parking and loading requirements.
4. A combination of detention methods may be utilized to meet the criteria as established above. Off-site detention facilities may be utilized if approved by the Parish Engineer.
5. Developments located within the boundaries of Gravity Drainage District No. 5 shall also submit their drainage and paving plans to the District at the time permit application is made to the Parish. A building permit shall not be issued until the Drainage District has had an opportunity to review and make comment on the proposed plans to the Parish Engineer. All costs associated with the review of the plans by the Parish and Drainage District shall be assessed to the developer. The Parish Engineer shall have final authority on approval of the permit application.
6. Developments located within the boundaries of Sub-Drainage District No. 1 of Gravity Drainage District No. 3 shall also submit their drainage and paving plans to the Sub-District at the time permit application is made to the Parish. A building permit shall not be issued until the Sub-Drainage District has had an opportunity to review and make comment on the proposed plans to the Parish Engineer. All costs associated with the review of the plans by the Parish and Sub-Drainage District shall be assessed to the developer. The Parish Engineer shall have final authority on approval of the permit application.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon final adoption.

MOVED FOR ADOPTION BY: MR. BELLISARIO, SECONDED BY: MR. ARTIGUE

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: COOPER, THOMPSON, GOULD, CRAWFORD-HOWELL, HAMAUEI, BELLISARIO, BILLIOT, STEFANCIK, ARTIGUE (9)

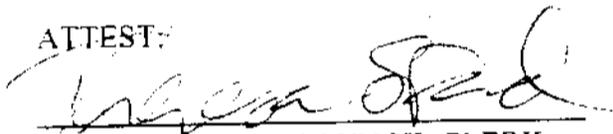
NAYS: (0)

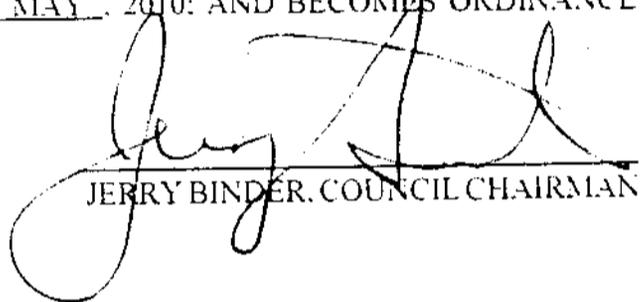
ABSTAIN: (0)

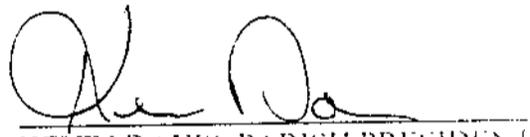
ABSENT: DEAN, FALCONER, CANULETTE, BINDER, BURKHALTER (5)

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 6<sup>TH</sup> DAY OF MAY, 2010; AND BECOMES ORDINANCE COUNCIL SERIES NO. 10-2275.

ATTEST:

  
\_\_\_\_\_  
THERESA FORD, COUNCIL CLERK

  
\_\_\_\_\_  
JERRY BINDER, COUNCIL CHAIRMAN

  
\_\_\_\_\_  
KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: April 15, 2010  
Published Adoption: May 27, 2010

Delivered to Parish President: May 14, 2010 at 2:50 PM  
Returned to Council Clerk: May 18, 2010 at 12:32 PM





## ST. TAMMANY PARISH

DEPARTMENT OF PLANNING

P. O. Box 628

COVINGTON, LA 70434

PHONE: (985) 898-2529

FAX: (985) 898-2785

e-mail: [planning@stp.gov.org](mailto:planning@stp.gov.org)

*Kevin Davis*  
*Parish President*

June 8, 2011

BBI Architects/Beth Gage-Oalman  
1011 N. Causeway Blvd, Ste 36  
Mandeville, LA 70471

RE: ZC11-06-059

Dear BBI Architects/Beth Gage-Oalman:

On June 7, 2011 the Zoning Commission, in regards to the above captioned case, recommended that the requested zoning change from A-1A (Suburban District) to MD-1 (Medical Residential District) be approved.

Since the case was approved, it goes to the Council Meeting for adoption. The remainder of this process takes about 1½ to 2 months for the change to become effective. Zoning cases typically become effective upon publication in the official Parish journal.

Should you have any questions, please call me at (985) 898-2529.

Sincerely,

Helen Lambert  
Assistant Director

xc: Alexander Milne Home for Women/ Frank D. Lamier  
File

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4599

ORDINANCE COUNCIL SERIES NO: 11-2575

COUNCIL SPONSOR: GOULD/DAVIS

PROVIDED BY: PLANNING

INTRODUCED BY: STEFANCIK

SECONDED BY: ARTIGUE

ON THE 7 DAY OF JULY, 2011

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF ST. TAMMANY PARISH, LA, TO RECLASSIFY A CERTAIN PARCEL LOCATED ON THE EAST SIDE OF LA HIGHWAY 21, NORTH OF CLELAND ROAD, AND WHICH PROPERTY COMPRISES A TOTAL 50 ACRES OF LAND MORE OR LESS, FROM ITS PRESENT A-1A (SUBURBAN DISTRICT) TO AN MD-1 (MEDICAL RESIDENTIAL DISTRICT). (WARD 10, DISTRICT 2) (ZC11-06-059)

WHEREAS, the Zoning Commission of the Parish of St. Tammany after hearing in accordance with law, Case No. ZC11-06-059, has recommended to the Council of the Parish of St. Tammany, Louisiana, that the zoning classification of the above referenced area be changed from its present A-1A (Suburban District) to an MD-1 (Medical Residential District) see Exhibit "A" for complete boundaries; and

WHEREAS, the St. Tammany Parish Council has held its public hearing in accordance with law; and

WHEREAS, the St. Tammany Parish Council has found it necessary for the purpose of protecting the public health, safety and general welfare, to designate the above described property as MD-1 (Medical Residential District).

THE PARISH OF ST. TAMMANY HEREBY ORDAINS, in regular session convened that:

SECTION I: The zoning classification of the above described property is hereby changed from its present A-1A (Suburban District) to an MD-1 (Medical Residential District).

SECTION II: The official zoning map of the Parish of St. Tammany shall be and is hereby amended to incorporate the zoning reclassification specified in Section I hereof.

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

MOVED FOR ADOPTION BY: COOPER

SECONDED BY: THOMPSON

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

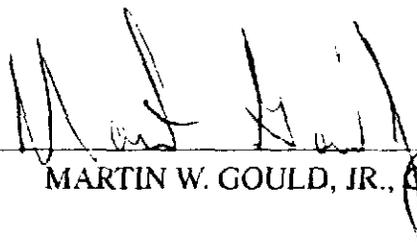
YEAS: DEAN, COOPER, THOMPSON, FALCONER, HOWELL, HAMAUEI, BELLISARIO, BILLIOT, STEFANCIK, BINDER, ARTIGUE (11)

NAYS: (0)

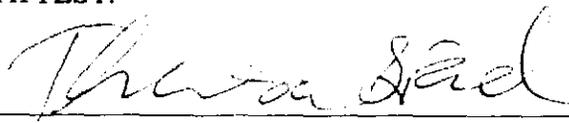
ABSTAIN: (0)

ABSENT: GOULD, CANULETTE, BURKHALTER (3)

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 4 DAY OF AUGUST, 2011; AND BECOMES ORDINANCE COUNCIL SERIES NO 11-2575.

  
MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

  
THERESA L. FORD, COUNCIL CLERK

  
KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: JUNE 30, 2011

Published Adoption: September 1, 2011

Delivered to Parish President: August 11, 2011 at 1:49 pm

Returned to Council Clerk: August 10, 2011 at 11:05 am

**EXHIBIT "A"****ZC11-06-059**

ALL THAT CERTAIN TRACT OR PARCEL OF LAND, together with all the buildings and improvements situated thereon and together with all rights, ways, means, privileges, and servitudes appurtenant thereto, located in Section 5, T-6-S, R-12-E, St. Tammany Parish, Louisiana and more fully described as follows:

Commence at the 1/4 Section Corner common to Sections 5 and 8, T-6-S, R-12-E, St. Tammany Parish, Louisiana being a 6" wood post with a 1/2" iron rod inside and the POINT OF BEGINNING.

From the POINT OF BEGINNING measure North 00 degrees 42 minutes 13 seconds West a distance of 1113.18 feet; thence North 89 degrees 28 minutes 58 seconds East a distance of 677.98 feet; thence South 00 degrees 02 minutes 42 seconds West a distance of 1113.23 feet; thence South 89 degrees 28 minutes 58 seconds West a distance of 663.44 feet to the POINT OF BEGINNING. All in accordance with plat of survey by Randall W. Brown & Associates, Inc., Survey No. 061217, dated December 8, 2006, on which this parcel is said to contain 17.14 acres.

**PARCEL 1**

All that certain tract or parcel of land, together with all the buildings and improvements situated thereon and together with all rights, ways, means, privileges, and servitudes appurtenant thereto, located in Section 5, T-6-S, R-12-E, St. Tammany Parish, Louisiana, more fully described as follows:

Commence at the 1/4 Section Corner common to Sections 5 and 8, T-6-S, R-12-E, St. Tammany Parish, Louisiana, being a 6" wood post with a 1/2" iron rod inside and the POINT OF BEGINNING.

From the POINT OF BEGINNING run South 89 degrees 50 minutes 18 seconds West 1170.00 feet; thence run North 00 degrees 10 minutes 18 seconds East 356.50 feet; thence run North 89 degrees 29 minutes 42 seconds West 150.00 feet to a point on the easterly line of La. State Hwy. No. 21; thence with the easterly line of said highway run North 41 degrees 49 minutes 20 seconds East 1339.26 feet; thence leaving said highway run North 89 degrees 52 minutes 29 seconds East 409.05 feet; thence run South 00 degrees 42 minutes 13 seconds East 1353.61 feet back to the POINT OF BEGINNING.

All in accordance with plat of survey by Randall W. Brown & Associates, Inc., bearing his survey No. 061322 dated December 8, 2006, on which this parcel is said to contain 29.298 acres.

**PARCEL 2**

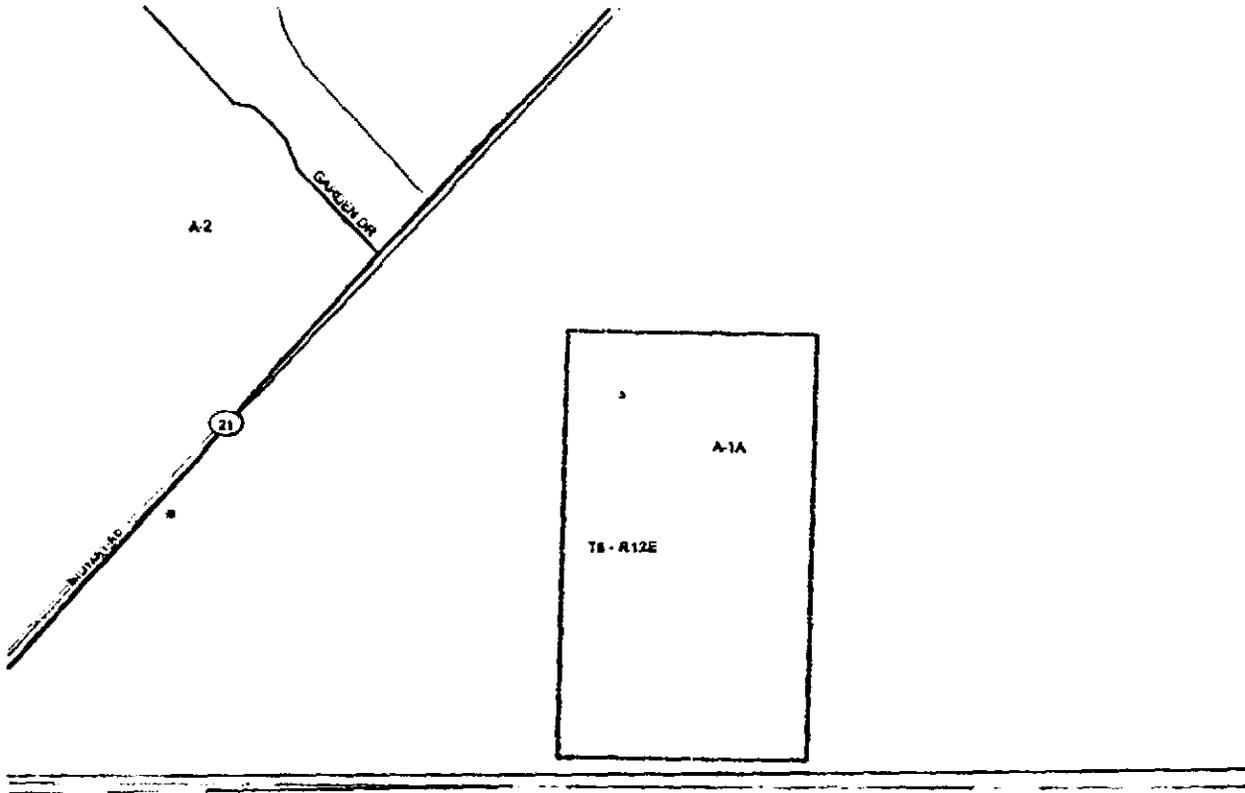
All that certain tract or parcel of land, together with all the buildings and improvements situated thereon and together with all rights, ways, means, privileges, and servitudes appurtenant thereto, located in Section 5, T-6-S, R-12-E, St. Tammany Parish, Louisiana, more fully described as follows:

Commence at the 1/4 Section Corner common to Sections 5 and 8, T-6-S, R-12-E, St. Tammany Parish, Louisiana, being a 6" wood post with a 1/2" iron rod inside, and run North 00 degrees 42 minutes 13 seconds West 1353.61 feet to Point "Y", which is the POINT OF BEGINNING.

From the POINT OF BEGINNING run North 89 degrees 52 minutes 29 seconds East 681.08 feet; thence run South 00 degrees 00 minutes 22 seconds East 235.77 feet; thence run South 89 degrees 28 minutes 58 seconds West 677.98 feet; thence run North 00 degrees 45 minutes 05 seconds West 240.43 feet; back to the POINT OF BEGINNING.

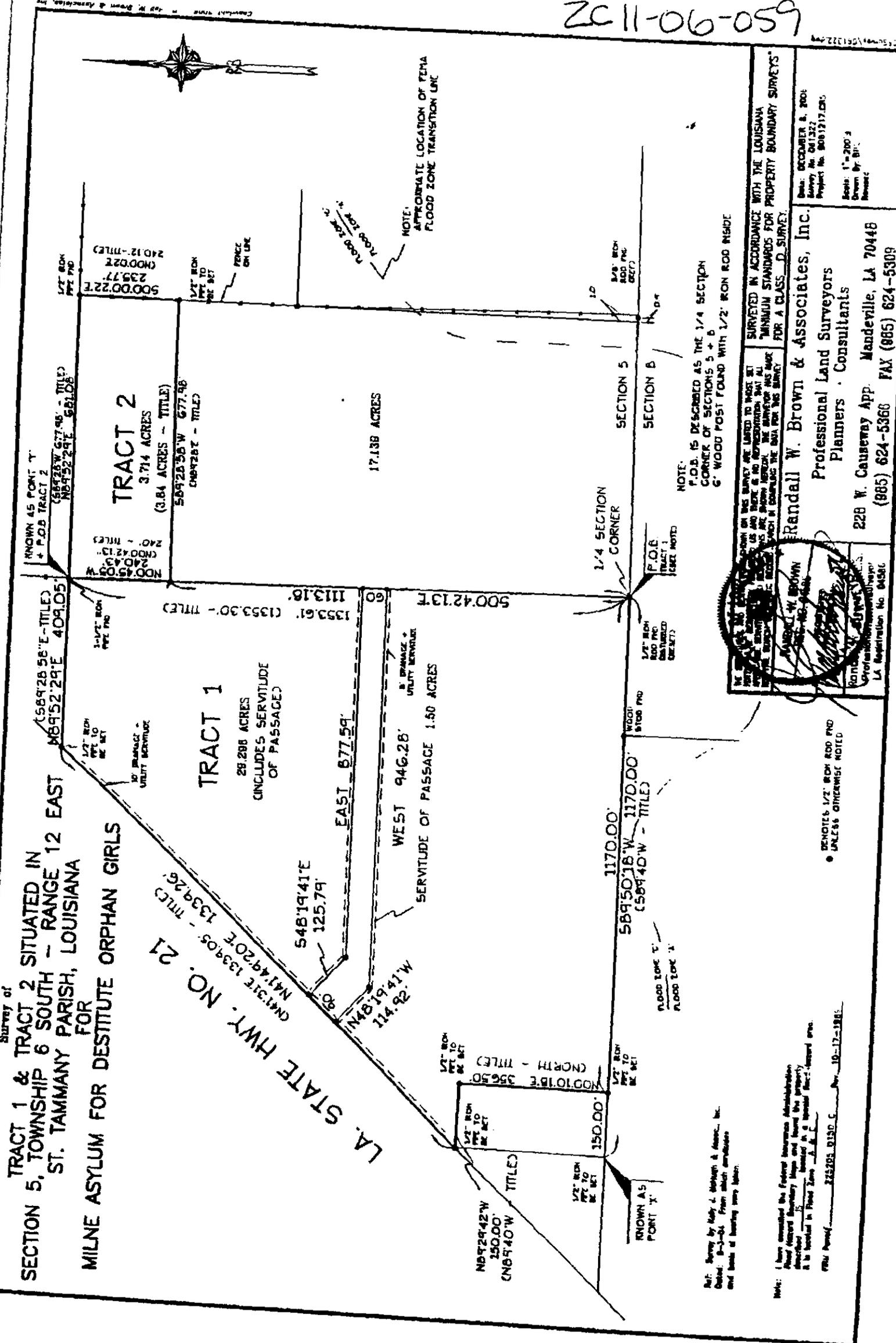
All in accordance with plat of survey by Randall W. Brown & Associates, Inc., bearing his survey No. 061322 dated December 8, 2006, on which this parcel is said to contain 3.714 acres.

**CASE NO.:** ZC11-06-059  
**PETITIONER:** BBI Architects/Beth Gage-Oalman  
**OWNER:** Alexander Milne Home for Women/ Frank D. Lamier  
**REQUESTED CHANGE:** From A-1A (Suburban District) to MD-1 (Medical Residential District)  
**LOCATION:** Parcel located on the east side of LA Highway 21, north of Cleland Road; S5, T6S, R12E; Ward 10, District 2  
**SIZE:** 50 acres



A-1A

2011-06-059



NOTE:  
APPROXIMATE LOCATION OF FEMA  
FLOOD ZONE TRANSITION LINE

NOTE:  
P.O.B. IS DESCRIBED AS THE 1/4 SECTION  
CORNER OF SECTIONS 5 + 6  
6" WOOD POST FOUND WITH 1/2" IRON ROD INSIDE

BEARING AND DISTANCE SURVEY ON THIS SURVEY ARE LIMITED TO WHAT SET BY THE SURVEYOR AND THERE IS NO REPRESENTATION THAT ALL THE PROPERTY LINES ARE SHOWN HEREON. THE SURVEYOR HAS MADE A REASONABLE EFFORT TO LOCATE ALL CORNERS AND POINTS OF INTEREST IN COMPLYING WITH THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS.

**Randall W. Brown & Associates, Inc.**  
Professional Land Surveyors  
Planners - Consultants

228 W. Causeway App. Mandeville, LA 70448  
(985) 624-5360 FAX (985) 624-5309

Date: DECEMBER 8, 2001  
Survey No. 041322  
Project No. 0081171205

Scale: 1" = 200'  
Drawn By: BJC  
Revised:



• DENOTES 1/2" IRON ROD END  
• UNLESS OTHERWISE NOTED

Ref: Survey by Kelly J. Mathis & Assoc., Inc.  
Dated: 8-3-04. From which corrections  
and books of bearing were taken.

Note: I have examined the Original Insurance Administration  
Plan (Survey Boundary Map) and found the property  
described hereon to be located in Flood Zone A-1.  
It is located in Flood Zone A-1.

FWB Printed 265205 0130 C No. 10-17-1981