

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5157 ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: FALCONER/BRISTER PROVIDED BY: DEVELOPMENT

INTRODUCED BY: MR. GOULD SECONDED BY: MR. GROBY

ON THE 6 DAY OF FEBRUARY , 2014

ORDINANCE TO AMEND ORD. C.S. NO. 01-0303, ADOPTED MAY 3, 2001, REGARDING A MAJOR AMENDMENT TO THE PUD PLANNED UNIT DEVELOPMENT OVERLAY FOR A 161 ACRE PARCEL LOCATED AT THE NORTHWEST CORNER OF INTERSECTION OF I-12 AND LA HIGHWAY 1088 ,WARD 4, DISTRICT(S) 5 & 7 (ZC01-03-028)

Whereas, on March 6, 2001, the St. Tammany Parish Zoning Commission approved an application to rezone 161 acres of land located at the northwest corner of intersection of I-12 and LA Highway 1088 to a PUD ; and

Whereas, an application for a major amendment to the original PUD plan was filed and the St. Tammany Parish Zoning Commission approved the major amendment at another public hearing November 12, 2013; and

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the Parish Council amends Ordinance C. S. No. 01-0303, adopted May 3, 2001, regarding a major amendment to the PUD which is a complete reconfiguration of the originally approved plan consisting of a 57 lot commercial and industrial subdivision for a 161 acres located at the northwest corner of intersection of I-12 and LA Highway 1088, as per attached Exhibit "A".

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.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

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

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

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 3 DAY OF APRIL , 2014 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

R. REID FALCONER, AIA, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: February 20 , 2014

Published Adoption: _____, 2014

Delivered to Parish President: _____, 2014 at _____

Returned to Council Clerk: _____, 2014 at _____

ZONING STAFF REPORT

Date: November 4, 2013

Meeting Date: November 12, 2013

Case No.: ZC01-03-028

Determination: Approved

Prior Action: Approved (03/06/01), postponed (10/01/13)

Posted: 10/22/13

GENERAL INFORMATION

PETITIONER G. E.C., INC
OWNER Azby Fund
REQUESTED CHANGE: Major Amendment to PUD (Planned Unit Development) District
LOCATION: Parcel located at the northwest corner of the intersection of I-12 and LA Highway 1088; S33, T7S, R12E; Ward 4, District 5 & 7
SIZE: 161 acres

ASSESSMENT

ACCESS ROAD INFORMATION

Type: State

Road Surface: 2 lane asphalt

Condition: Good

LAND USE CONSIDERATIONS

SURROUNDING LAND USE AND ZONING:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Undeveloped	A-2 (Suburban) District
South	I-12 & Undeveloped	HC-2 (Highway Commercial) District
East	Undeveloped	A-3 (Suburban) District
West	Undeveloped	A-4 (Single Family Residential) District

EXISTING LAND USE:

Existing development? No

Multi occupancy development? Yes

COMPREHENSIVE PLAN:

Agriculture (nursery, sod) - Use of land for horticulture, floriculture, and the necessary or associated uses for packing, treating, storing the produce or using it for education.

Planned Districts - Coordinated development on several parcels, usually at a higher density – but not in all cases - than other parcels in the proximity, planned in an integrated fashion as single units including residential, commercial and possibly other (institutional, recreational, *e.g.*) uses, as well as the supporting infrastructure and public services they will require (*See "Small Area Plans," below*). Generally, such developments improve environmental qualities, preserve natural environments, provide for open space and recreational uses, and for residential as well as commercial uses, and are equipped with central utility systems and efficient and effective internal and external transportation access in multiple modes.

Mixed Use – Commercial – Conservation - These planned districts would include mixed uses, except for residential uses, – at varying densities - and conservation areas, following a Small Area Plan, and providing for balance, compatibility and integration of uses and all supporting infrastructure.

STAFF COMMENTS:

The petitioner is requesting a major amendment to the PUD (Planned Unit Development Overlay). A plan was originally approved in 2001 for the site to be developed as a commercial, residential and institutional PUD (see attached plan identified as Exhibit 6). A complete reconfiguration of the originally approved plan (see attached) has been submitted, consisting of a 57 lot commercial and industrial subdivision to be developed with 5 different types of zoning districts: W-1, W-2, W-3, W-4 & W-5. Since last month's submission a revised list of permitted uses for each zoning district (see attached) has been provided, including the maximum building size, maximum building height and minimum lot size is provided. The design criteria regarding the landscaping, parking, signage and lighting requirements have also been provided as required, and listed on the plan.

One of the major concern of the previously submitted plan, was the incompatibility between the proposed layout and the list of uses. A list of approximately 123 permitted uses had been submitted, that resulted in a repetition of uses and a number of inherent conflicts. The revised list of proposed uses, which excludes residential uses, is compatible with the proposed plan more compatible and the purpose and objectives of the PUD.

GENERAL PUD CRITERIA

Required information	Staff Comments
Title of the project, name of the developer, legal description	Provided as Required
Existing Land Use within 500' of all boundaries on the plan	Provided as Required
Minimum front, side, & rear setbacks & maximum height, minimum lot size of each zoning district.	Provided as Required.
Restrictive Covenants	Provided as Required
Water & Sewer facilities	Provided as Required (to be located on site)
Wetland Delineations	Provided as Required
Flood Zone Demarcation Lines	Provided as required
Ultimate Disposal of Surface Drainage	Provided as required.
Environmental Assessment Data Form	Provided as required.

GREENSPACE

A total of 40.84 acres (25.5%) of greenspace is proposed to be provided, including 14.09 acres dedicated to existing lakes and 26.75 acres dedicated to passive recreation (walking trail and park). Staff feels that the proposed walking path should be extended around Lake 1, in order to make it more functional & accessible to the potential users.

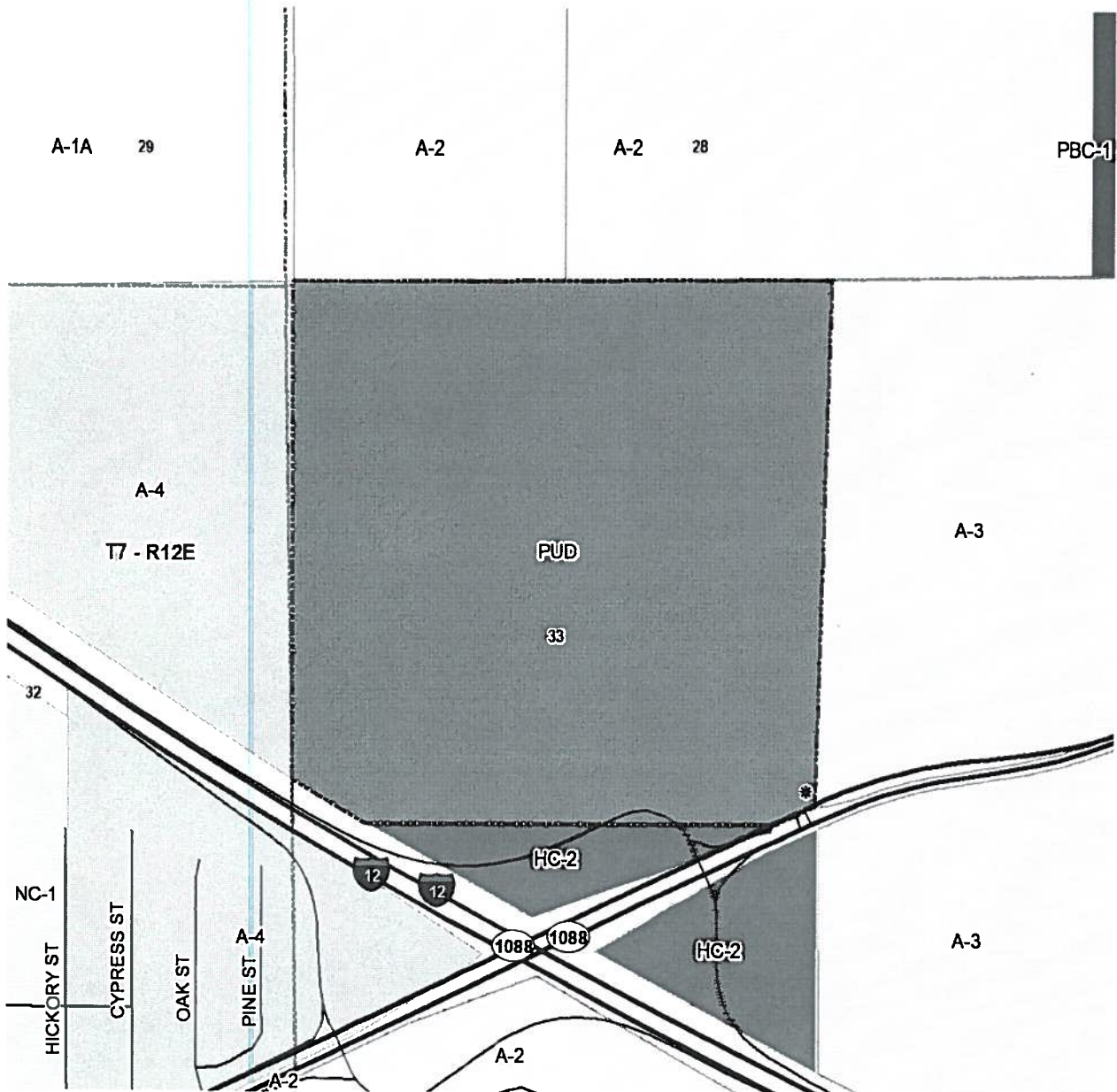
COMPREHENSIVE PLAN ANALYSIS

The 2025 land use plan designates the area as Planned District-Mix use-Commercial-Conservation, to be developed with a mix of commercial uses at varying densities, including open spaces and the preservation of natural environments. The proposed development meets the 2025 future land use plan by proposing a variety of commercial & industrial uses and open space, which allows for some diversity through the subdivision.

STAFF RECOMMENDATION:

The staff recommends that the request for a major amendment to the PUD be approved.

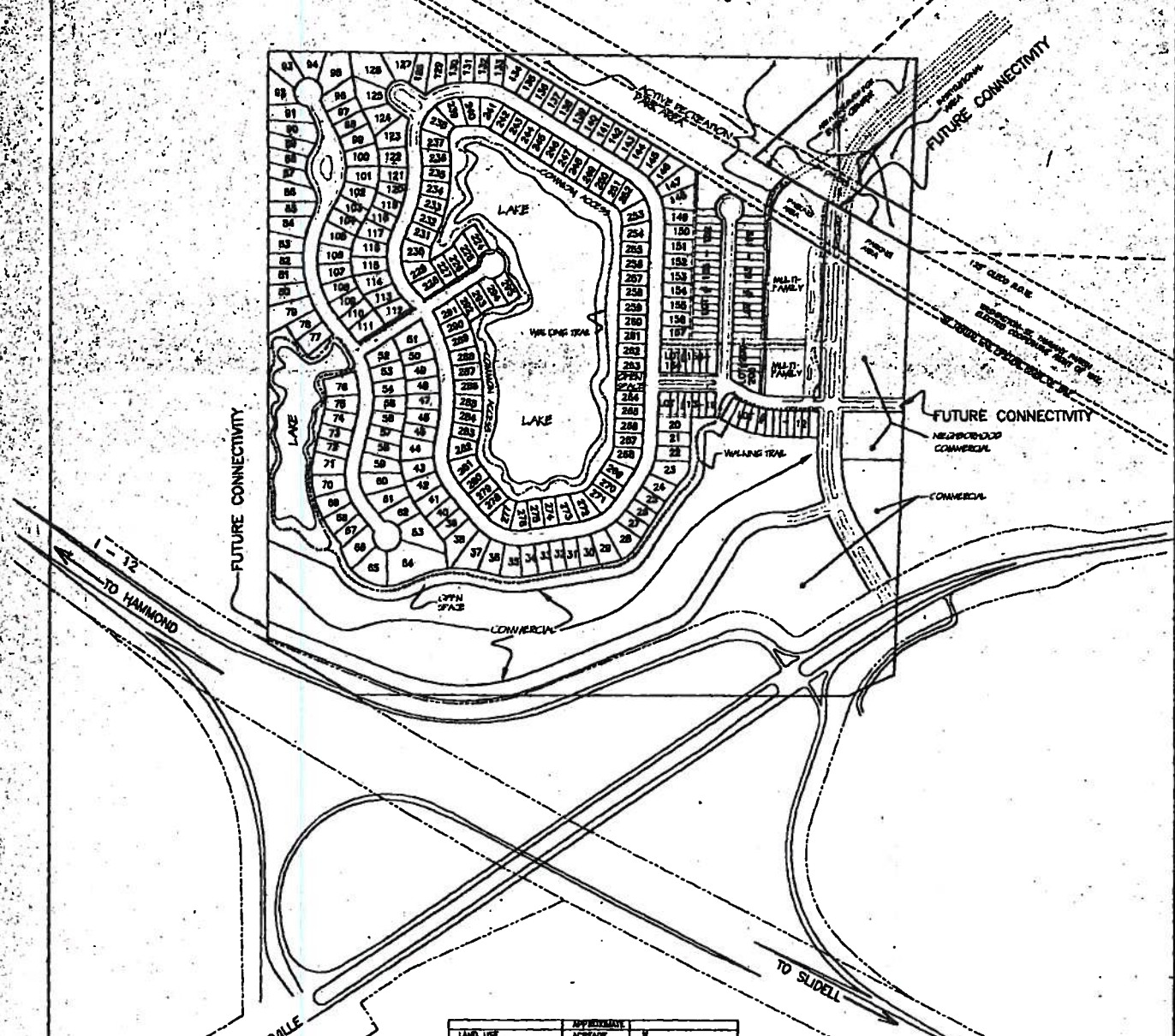
ZONING CASE NO.: ZC01-03-028
PETITIONER G. E.C., INC
OWNER Azby Fund
REQUESTED CHANGE: Major Amendment to PUD (Planned Unit Development) District
LOCATION: Parcel located at the northwest corner of the intersection of I-12 and LA Highway 1088; S33, T7S, R12E; Ward 4, District 5 & 7
SIZE: 161 acres



Originally Approved POD PLAN

2001-03-028

WADSWORTH
 A TRADITIONAL NEIGHBORHOOD EXPERIENCE
 ST. TAMMANY PARISH, LA.



LAND USE	APPROXIMATE ACRES	#
PROPOSED TRAIL AND EXERCISE CENTER/RECREATION	13.046	0
RESIDENTIAL	88.512	45
COMMERCIAL	38.046	28
COURTAIN ACCESS AREAS	18.876	10
LAKES	14.136	0
OPEN SPACES/PARKS/RECREATIONAL	10.386	0
PARKING	2.306	1
INSTITUTIONAL	1.236	1

AVERAGE LOT SIZE	APPROX. TOTAL ACRES	NUMBER OF LOTS	LAND USE
60' X 140'	24.51AC.	78	SINGLE FAMILY HOMES
60' X 120'	31.18AC.	135	SINGLE FAMILY HOMES
30' X 110'	8.612AC.	60	TOWNHOMES
30' X 130'	3.442AC.	N/A	MULTI-FAMILY

TOTAL LINEAR FEET OF STREETS = 13800 FT.
 MAX. BUILDING HEIGHT = 40 FT.



200 100 0 200 400

Krebs, LaSalle, LeMieux
 Consultants, Inc.
 ENGINEERING • PLANNING • SURVEYING • HYDROLOGY • ENVIRONMENTAL

SITE PLAN
EXHIBIT
#6

DATE: ORIGINAL 1/22/01
 DATE: REVISED 1/31/01

2001-03-028
 100%
 1/22/01
 1/31/01

PERMITTED LAND USES: WADSWORTH SUBDIVISION

W-1: Parcels 1-43

1. Research and Development
2. Data Centers and Data Warehousing
3. General, Professional and Medical Office Buildings and Hospitals
4. Software Development and Programming
5. Services and Retail
6. Parcel Service
7. Health and Fitness Centers
8. Commercial Recreation – excluding riverboat gaming and associated facilities – outdoor (no lights)
9. Indoor Recreations Establishments, such as bowling alleys, skating rinks and movie theaters
10. Warehouses and Distribution Centers, excluding mini warehouses and storage
11. Music Studio, Radio and Television Studios, Broadcasting Stations, and Radio and Television Broadcasting Transmitters
12. Parks and Playgrounds
13. Maximum building height of 60 feet
14. Maximum building size of 250,000 square feet
15. Minimum lot size of 21,780 square feet (1/2 acre)

The following uses are specifically excluded from W-1: Parcels 1-43:

- A. Banks and Financial Institutions
- B. Grocery Stores
- C. Hotels, Motels and Convention Centers
- D. Restaurants and Lounges
- E. Mini Warehouses and Storage Facilities
- F. Drug Stores and Pharmacies
- G. Convenience Stores with gasoline sales
- H. Automotive refueling stations

W-2: Parcels B - F

The permitted uses listed in W-2, and those that are similar and/or compatible, are, and are intended to be, non-exclusive.

1. Research and Development
2. Data Centers and Data Warehousing
3. General, Professional and Medical Office Buildings and Hospitals
4. Software Development and Programming
5. Services and Retail
6. Parcel Service
7. Health and Fitness Centers
8. Commercial Recreation – excluding riverboat gaming and associated facilities – outdoor (no

lights)

9. Indoor Recreations Establishments, such as bowling alleys, skating rinks and movie theaters
10. Music Studio, Radio and Television Studios, Broadcasting Stations, and Radio and Television Broadcasting Transmitters
11. Parks and Playgrounds
12. Banks and Financial Institutions
13. Grocery Stores
14. Hotels, Motels and Convention Centers
15. Restaurants and Lounges
16. Drug Stores and Pharmacies
17. Convenience Stores with gasoline sales
18. Maximum building height of 100 feet
19. Maximum building size of 250,000 square feet
20. Minimum lot size of 65,340 square feet (1.5 acres)

W-3: Parcels G - N

1. All of the uses listed in W-2, but with a maximum building height of 200 feet and a maximum building size 400,000 square feet

W-4: Parcel A

1. All of the uses listed in W-2 and Mini Warehouses and Storage Facilities

W-5: Parcel P1 - Institutional

1. Waste Water Treatment Plant
2. Water Well
3. Other uses that are similar and compatible thereto.

2001-03-028

ENVIRONMENTAL ASSESSMENT DATA FORM

Applicant's Name: THE AZBY FUND (ATT: PATRICK FITZMORRIS)

Developer's Address: 650 POTRAS ST. SUITE 2521, H.O. LA. 70130
Street City State Zip Code

Developer's Phone No. 504-591-2549 504-329-9296
(Business) (Cell)

Subdivision Name: WADSWORTH

Number of Acres in Development: 160 Number of Lots/Parcels in Development: 43 LOTS/14 PARCELS

Ultimate Disposal of Surface Drainage: TWO DETENTION PONDS ON SITE AND 1-12/1088 RIGHT OF WAY

Water Surface Runoff Mitigation Proposed: DETENTION PONDS (TWO)

(Please check the following boxes below, where applicable:)

- Type of Sewerage System Proposed: Community Individual
- Type of Water System Proposed: Community Individual
- Type of Streets and/or Roads Proposed: Concrete Asphalt Aggregate Other
- Land Formation: Flat Rolling Hills Marsh Swamp Inundated Tidal Flow
- Existing Land Use: Undeveloped Residential Commercial Industrial Other
- Proposed Land Use: Undeveloped Residential Commercial Industrial Other
- Surrounding Land Use: Undeveloped Residential Commercial Industrial Other
- Does the subdivision conform to the major street plan? Yes No
- What will the noise level of the working development be? Very Noisy Average Very Little
- Will any hazardous materials have to be removed or brought on-site for the development? Yes No
- If yes, what are the hazardous materials? N/A
- Does the subdivision front on any waterways? Yes No
- If yes, what major streams or waterways? N/A

- Does the subdivision front on any major arterial streets? Yes No

If yes, which major arterial streets? INTERSTATE 12 (I-12) & LA HWY. 1088

- Will any smoke, dust or fumes be emitted as a result of operational construction? Yes No

If yes, please explain? N/A

- Is the subdivision subject to inundation? Frequently Infrequently None at all

- Will canals or waterways be constructed in conjunction with this subdivision? Yes No

(Does the proposed subdivision development...)

- a.) have or had any landfill(s) located on the property? Yes No
- b.) disrupt, alter or destroy any historical or archeological sites or district? Yes No
- c.) have a substantial impact on natural, ecological recreation, or scenic resources? Yes No
- d.) displace a substantial number of people? Yes No
- e.) conform with the environmental plans and goals that have been adopted by the parish? Yes No
- f.) cause an unwarranted increase in traffic congestion within or near the subdivision? Yes No
- g.) have substantial esthetic or adverse visual impact within or near the subdivision? Yes No

h.) breach any Federal, State or Local standards relative to:

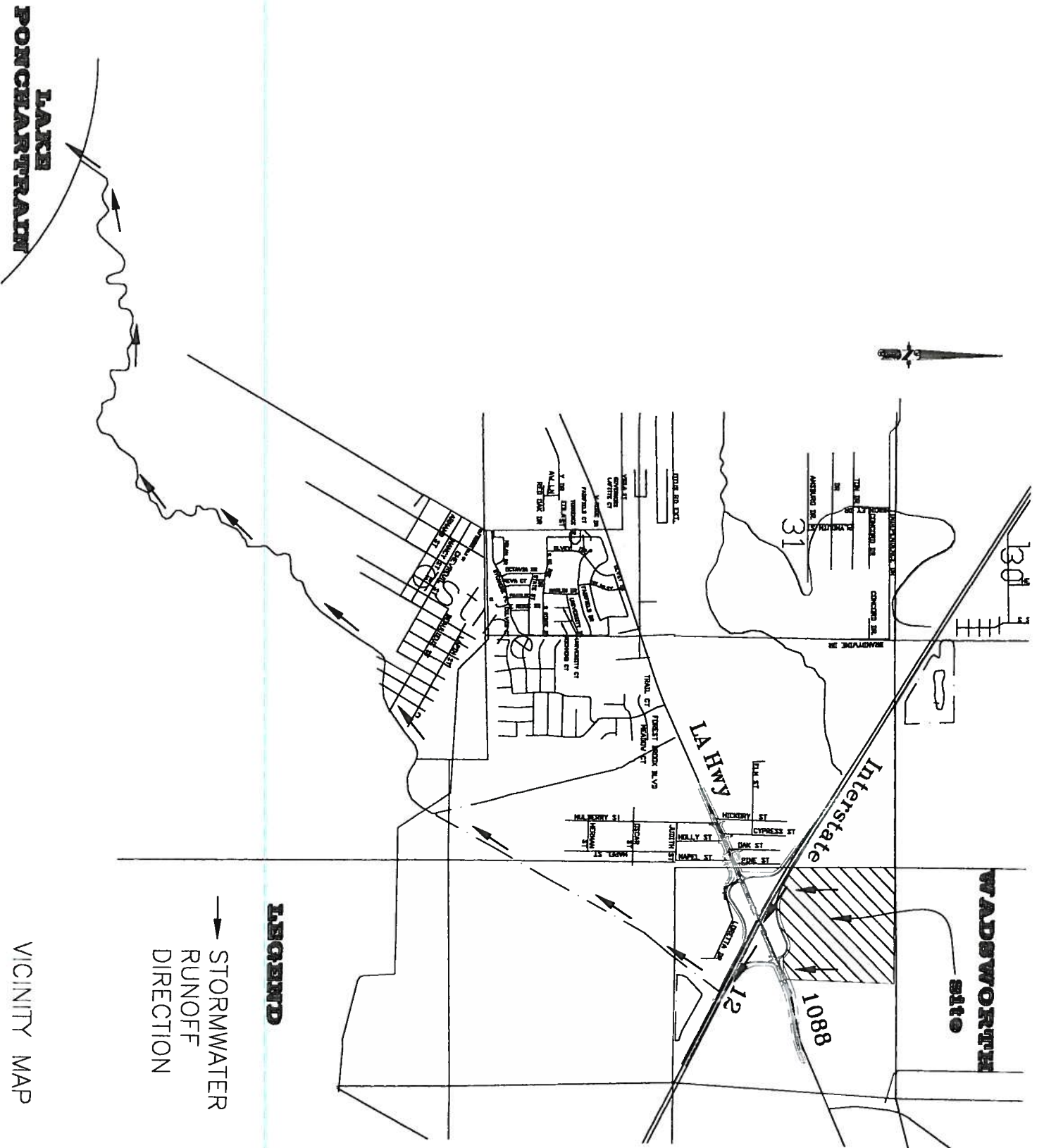
- air Quality Yes No
- noise Yes No
- water Quality Yes No
- contamination of any public or private water supply Yes No
- ground water levels Yes No
- flooding/inundation Yes No
- erosion Yes No
- sedimentation Yes No
- rare and/or endangered species of animal or plant habitat Yes No
- interfering with any movement of resident or migratory fish or wildlife species Yes No
- inducing substantial concentration of population Yes No
- dredging and spoil placement Yes No

I hereby certify to the best of knowledge and ability, that this subdivision development will not adversely impact the surrounding environment, inclusive of all the information contained herein; and further, said information provided and answered above is accurate, true and correct.


ENGINEER/SURVEYOR/OR DEVELOPER
(SIGNATURE)

9/3/13
DATE

201-03-028



VICINITY MAP

2001-03-028

EXHIBIT AA - CORPS OF ENGINEERS (COE) PERMIT



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

FEB 15 2011

REPLY TO
ATTENTION OF

Operations Division
Eastern Evaluation Section

SUBJECT: MVN 2004-3421 EBB

The Azby Fund
650 Poydras Street
Suite 2521
New Orleans, Louisiana 70130

RECEIVED
16 FEB 2011

Gentlemen:

As requested in your letter dated January 10, 2011, the authorization granted by the Secretary of the Army in permit dated March 20, 2006, from the District Engineer at New Orleans, Louisiana, to clear, grade, excavate and deposit fill to develop Wadsworth commercial and residential subdivision with associated roads, utilities and retention ponds, located in Section 33; 17S-R12E, adjacent to the intersection of LA Highway 1088 and Interstate 12, in Mandeville, Saint Tammany Parish, Louisiana, is specifically extended to March 31, 2014.

The conditions to which the work is made subject, excepting the time limit for completion, remain in full force and effect.

If the structure or work authorized is not completed on or before the date herein specified, this authorization, if not previously revoked or specifically further extended, will cease and become null and void.

A copy of this permit approval letter must be conspicuously displayed at the project site. Also, you must keep a copy of this signed letter at the project site until the work is completed.

This is the last extension of time, which will be granted for this permit without full permit reprocessing. If the work is not completed by the date granted under this letter, it will be necessary for you to reapply for a permit to perform any work after that date. You then must submit a new completed application form, permit drawings indicating work completed and remaining, and request new letters of no objection. It is possible that, as a result of the new evaluation, your request for a time extension could be denied or the authorization for the portion of your project not completed could be significantly modified.

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 take a moment to complete and return the attached Customer Service Survey or go to the survey found on our web site at <http://per2.nwp.usace.army.mil/survey.html>. Your input is important to us, thank you for your time.

201-03-028

-2-

Should you have any further questions concerning this matter, please call Jennifer Burkett of this office at (504) 862-2045.

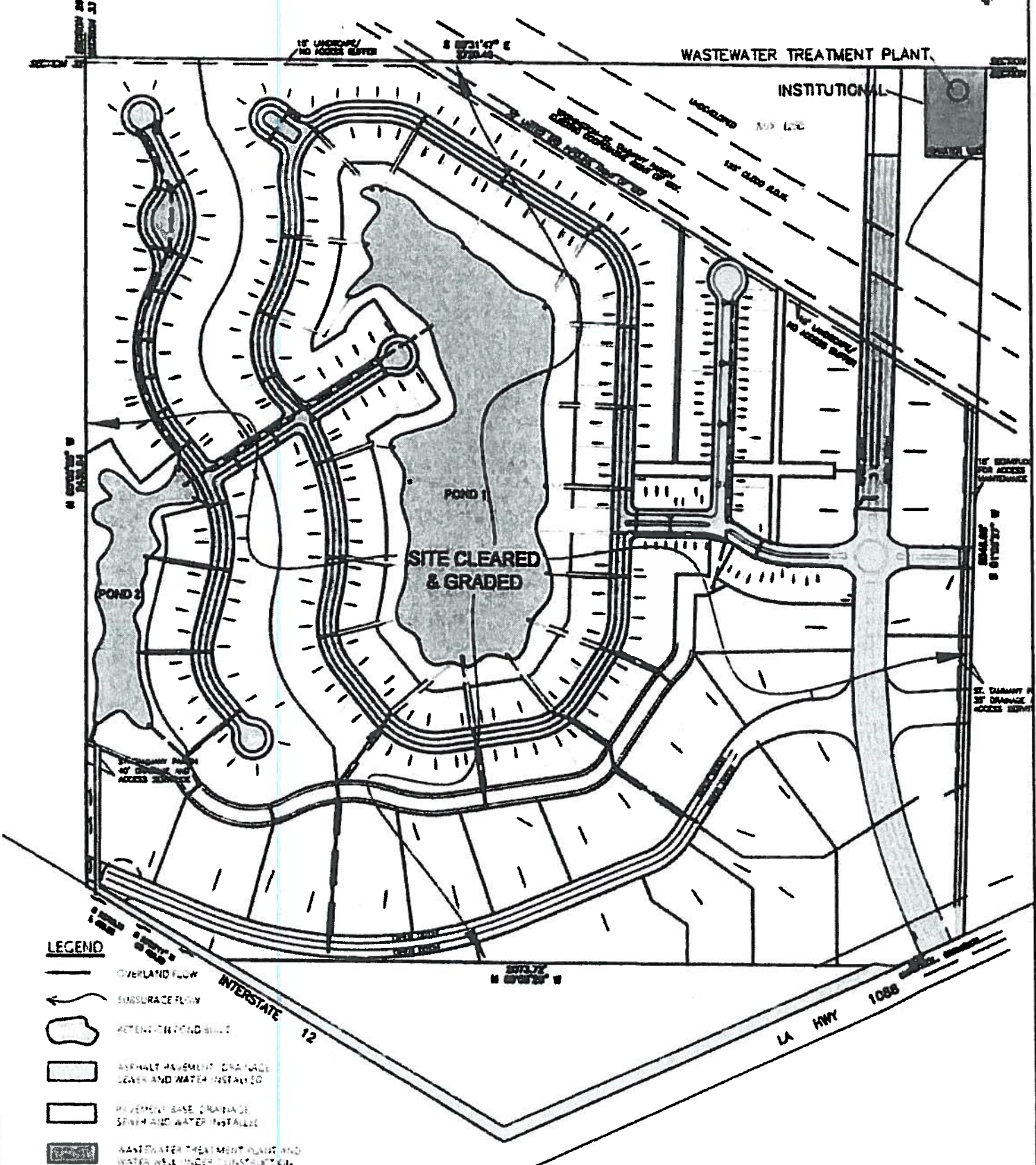
BY AUTHORITY OF THE SECRETARY OF THE ARMY:



Pete J. Serio
Chief, Regulatory Branch
for
Edward R. Fleming
Colonel, US Army
District Commander

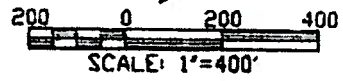
2001-03-028

WADSWORTH
A TRADITIONAL NEIGHBORHOOD EXPERIENCE
 SECTION 33, TOWNSHIP 7 SOUTH, RANGE 12 EAST
 ST. TAMMANY PARISH, LA.
 MAY 20, 2004
 REVISED JANUARY 24, 2011



LEGEND

- OVERLAND FLOW
- SURFACE FLOW
- RETENTION POND BUILT
- ASPHALT PAVEMENT DRAINAGE SEWER AND WATER INSTALLED
- PAVEMENT BASE DRAINAGE SEWER AND WATER INSTALLED
- WASTEWATER TREATMENT PLANT AND WATER WELL UNDER CONSTRUCTION



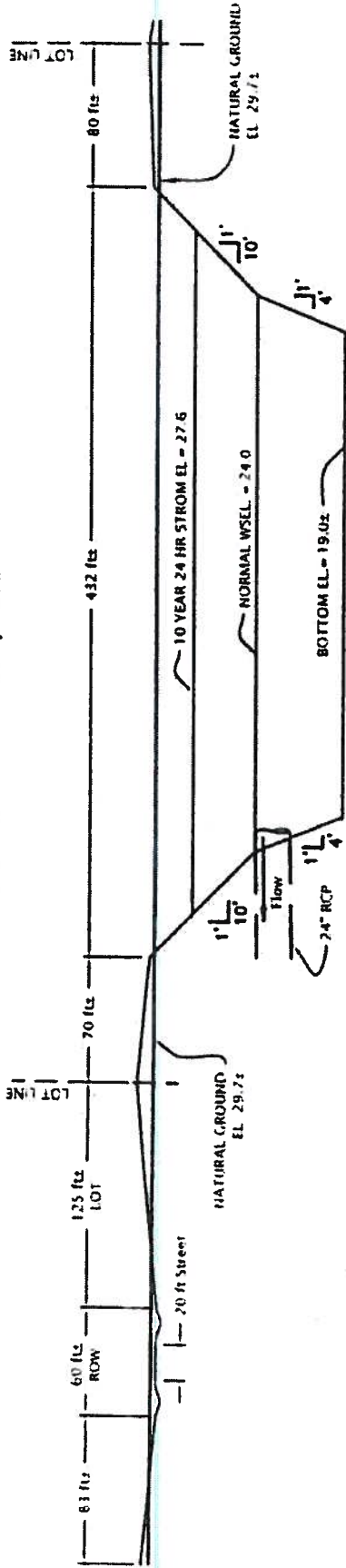
KREBS, LaSALLE, LaMIEUX CONSULTANTS, INC.
 ENGINEERING · PLANNING · SURVEYING · HYDROLOGY · ENVIRONMENTAL

DRAINAGE MAP
EXHIBIT NO.2

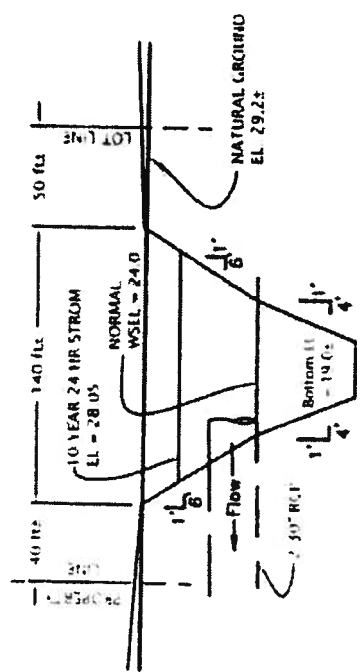
WADSWORTH

A TRADITIONAL NEIGHBORHOOD EXPERIENCE
 SECTION 33, TOWNSHIP 7 SOUTH, RANGE 12 EAST
 ST. TAMMANY PARISH, LA.
 MAY 20, 2004

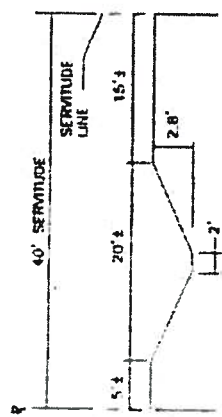
REVISED JANUARY 24, 2011



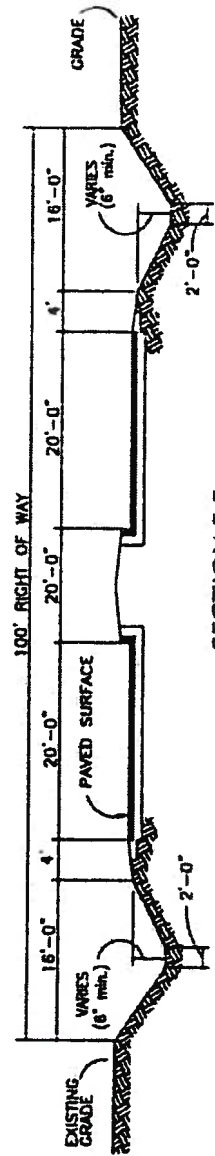
SECTION A-A
 HORIZONTAL SCALE: 1"=100'



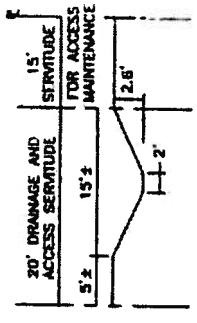
SECTION B-B
 HORIZONTAL SCALE: 1"=100'



SECTION C-C
 HORIZONTAL SCALE: 1"=20'



SECTION D-D
 HORIZONTAL SCALE: 1"=20'



SECTION E-E
 HORIZONTAL SCALE: 1"=20'

20103-028

2001-03-028

DEPARTMENT OF THE ARMY PERMIT

Permittee: The Azby Fund

Permit No. MVN 2004-3421 E58

Issuing Office: New Orleans District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Clear, grade, excavate and deposit fill to develop Wadsworth commercial and residential subdivision with associated roads, utilities and retention ponds, in accordance with drawings enclosed in five sheets, undated and revised.

Project Location: Located at Latitude 30°23'51" North, Longitude 90°00'10" West, approximately two (2) miles northeast of Mandeville, Louisiana, in St. Tammany Parish.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **MARCH 31, 2011**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 1 month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

FILE COPY

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions: Page 4.

Further information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1889 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344)

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 328.4 and 328.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

X Pat 2 - THE Arby Fund X 3-20-2006
(PERMITTEE) PATRICK FITZMAKKE'S (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Pete J. Serio 20 March 2006
Pete J. Serio, Chief Eastern Evaluation Section (DATE)

for Richard P. Wagenaar, District Commander

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE) _____ (DATE) _____

SPECIAL CONDITIONS: MVN 2004-3421 EBB

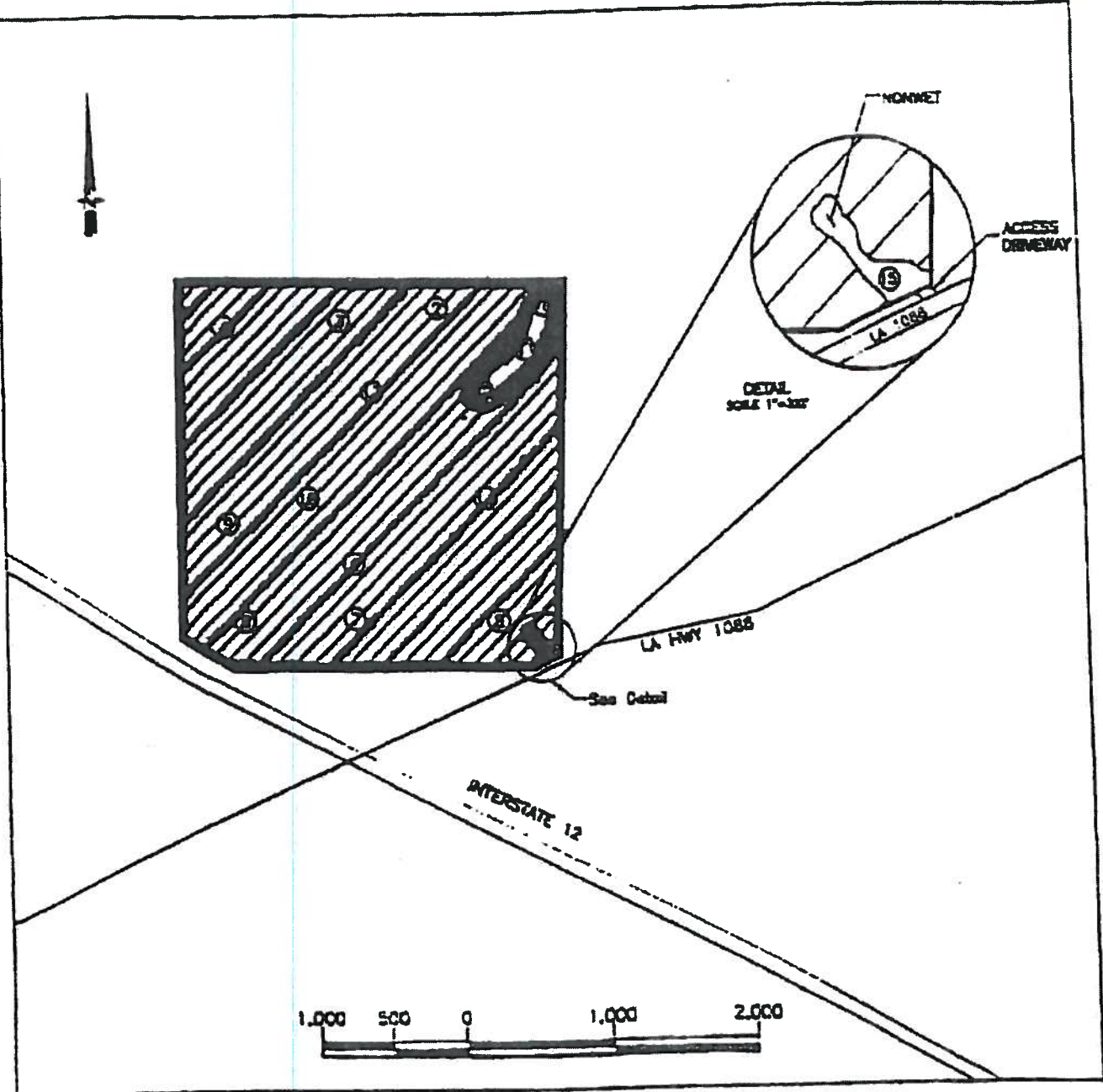
7. As compensatory mitigation, the permittee has agreed to contract with St. Tammany Mitigation Services, L.L.C., for the restoration of pine flatwood/savannah on 265 acres managed and operated in accordance with the Bayou Lacombe Mitigation Bank Interagency Agreement. The contract shall stipulate that the required longleaf pine seedling plantings and the initial enhancement and management measures shall be completed during the spring of 2006. Once the contract has been executed, the responsibility to complete the compensatory mitigation requirements of this permit becomes that of St. Tammany Mitigation Services, L.L.C., as per the interagency agreement.

8. The permittee shall provide the Corps of Engineers, Regulatory Branch with written verification from St. Tammany Mitigation Services, L.L.C. that the financial arrangements needed to perform the initial plantings have been made. This verification shall be provided by August 1 following permit issuance or prior to commencement of the work authorized in this permit, whichever comes first.

9. The compensatory mitigation identified above has been determined to be a necessary part of this permit approval. Failure by the permittee to perform the compensatory mitigation, in accordance with the permit conditions, is considered grounds for permit suspension, permit revocation, and/or restoration of the work performed under this authorization.

10. Many local governing bodies have instituted laws and/or ordinances in order to regulate dredge and/or fill activities in floodplains to assure maintenance of floodwater storage capacity and avoid disruption of drainage patterns that may affect surrounding properties. Your project involves dredging and/or placement of fill, therefore, you must contact the local municipal and/or parish governing body regarding potential impacts to floodplains and compliance of your proposed activities with local floodplain ordinances, regulations or permits.

2001-03-028



USAGE

FOR _____

(_____)

-  = WETLAND
-  = NGN-WETLAND

EXHIBIT 4
 AZBY TRACT
 PLAT SHOWING THE PROPOSED
 WETLAND / NONWETLAND

3 :

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