

RESOLUTION NO. 2012 - 93

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA CONSTITUTING THE SECOND AMENDMENT TO THE THREE RIVERS DEVELOPMENT OF REGIONAL IMPACT (DRI); AMENDING RESOLUTION 2006-126, AS AMENDED BY RESOLUTION 2008-77; REMOVING A 2.30+/- ACRE PARCEL FROM THE DRI; AMENDING THE LEGAL DESCRIPTION OF THE DRI; FINDING THAT THE PROPOSED CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION REQUIRING ADDITIONAL DRI REVIEW; FINDING THAT THE PROPOSED CHANGES DO NOT REQUIRE A NOTICE OF PROPOSED CHANGE AND DO NOT CREATE ANY ADDITIONAL REGIONAL IMPACTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 28, 2006 Nassau County adopted Resolution No. 2006-126 constituting the development order (Development Order) for the Three Rivers Development of Regional Impact (DRI); and

WHEREAS, on February 25, 2008, Nassau County adopted Resolution 2008-77, constituting the first amendment of the Development Order for the Three Rivers DRI; and

WHEREAS, on March 29, 2012, the Developer of Three Rivers, Three Rivers Timber, LLC, through Paige Hobbs Johnston, Esq., filed an Amendment to the Development Order (Amendment) pursuant to Section 380.06(19)(e)2.k, Florida Statutes; and

WHEREAS, the Amendment proposes to remove a 2.30+/- acre parcel from the DRI and to amend the legal description of the DRI to delete this parcel from the DRI; and

WHEREAS, on May 4, 2012 the Department of Economic Opportunity (DEO), in consultation with the Northeast Florida Regional Council (NEFRC), submitted its report and recommendation on the amendment finding that the proposed changes are consistent with Section 380.06(19)(e)2, Florida Statutes, and does not create the likelihood of any additional regional impacts, and therefore does not constitute a substantial deviation and does not require the filing of a Notice of Proposed Change; and

WHEREAS, the Nassau County Planning and Zoning Board, after due notice conducted a public hearing on June 5, 2012 and voted to recommend approval of the amendment to the Commission; and

WHEREAS, Nassau County Board of County Commissioners, as the governing body having jurisdiction over the issuance and conditions of issuance of a Development Order pursuant to Chapter 380, Florida Statutes; and

WHEREAS, the Board of County Commissioners has reviewed the said Amendment, conducted a public hearing on June 25, 2012 at which all parties were afforded the opportunity to present evidence and testimony on this matter, and any

member of the public requesting to do so was given an opportunity to present written or oral communication consistent with the adopted rules of procedure; and

WHEREAS, public notice of said hearing was provided in accordance with Chapter 380.06, Florida Statutes, and Chapter 125, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:

1. The foregoing findings are incorporated herein by reference and made a part hereof.
2. The Findings of Fact and Conclusions of Law stated in Resolution No. 2006-126, as amended, remain true and correct and are restated as if fully set forth herein.
3. The Nassau County Board of County Commissioners has reviewed the proposed changes to the Three Rivers Development of Regional Impact development order and has determined that such changes do not constitute a substantial deviation as that term is defined in Section 380.06(19), Florida Statutes and does not require a Notice of Proposed Change.
4. This Resolution shall constitute an amendment to the Three Rivers DRI adopted by Resolution 2006-126, as amended by Resolution 2008-77.
5. The changes proposed to the Three Rivers DRI by this second amendment are consistent with the Nassau County Comprehensive Plan and Land Development Code.
6. The Three Rivers Development of Regional Impact Development Order is hereby amended to remove the 2.30+/- acre parcel identified in the legal description attached hereto as Exhibit "A" from the DRI (the FOP Parcel).
7. The revised legal description of the property comprising the Three Rivers Development of Regional Impact is incorporated herein as Exhibit "B" (the DRI Parcel).
8. Except as amended hereby, Resolution 2006-126, as amended, shall remain in full force and effect, binding in accordance with its terms on all parties thereto. This amended Development Order shall take precedence over any of the applicable provisions of previous of development orders which are in conflict therewith.
9. Nassau County will render a copy of this Second Amendment to the Development Order to the Florida Department of Economic Opportunity, Office of Comprehensive Local Planning, the Northeast Florida Regional Council, and the Developer.
10. Severability. If any section, subsection, sentence, clause or provision of this Resolution is held invalid, the remainder of the Resolution shall be construed

as not having contained the section, subsection, sentence, clause or provision, and shall not be affected by such hold.

11. This Resolution shall take effect immediately upon its adoption.

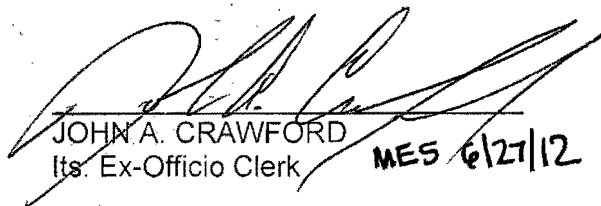
PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, THIS 25th DAY OF June, 2012.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



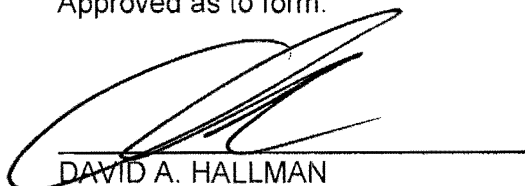
STACY JOHNSON
Its: Chairwoman

Attest as to Chairman's
Signature:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk MES 6/27/12

Approved as to form:



DAVID A. HALLMAN
Its: County Attorney