

RESOLUTION NO. 2021-__

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA CONSTITUTING THE SIXTH AMENDMENT TO THE THREE RIVERS DEVELOPMENT OF REGIONAL IMPACT (DRI); AMENDING RESOLUTION 2006-126, AS AMENDED BY RESOLUTION 2008-77; AS AMENDED BY RESOLUTION 2012-93A; AS AMENDED BY RESOLUTION 2015-64; AS AMENDED BY RESOLUTION 2018-122; AS AMENDED BY RESOLUTION 2019-14; MODIFYING THE PHASING SCHEDULE DATES, BUILD-OUT DATE, EXPIRATION DATE AND DOWNZONING PROTECTION DATE; CHANGING THE NAME TO TRIBUTARY DEVELOPMENT OF REGIONAL IMPACT; MODIFYING MAP H; AND MODIFYING SPECIAL CONDITION 27 REGARDING FIRE PROTECTION; 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 Development Order for the Three Rivers DRI; and

WHEREAS, on June 25, 2012, Nassau County adopted Resolution 2012-93A, constituting the second amendment of Development Order for the Three Rivers DRI; and

WHEREAS, on April 27, 2015, Nassau County adopted Resolution 2015-64, constituting the third amendment of Development Order for the Three Rivers DRI; and

WHEREAS, on October 22, 2018, Nassau County adopted Resolution 2018-122, constituting the fourth amendment of Development Order for the Three Rivers DRI; and

WHEREAS, on February 11, 2019, Nassau County adopted Resolution 2019-14, constituting the fifth amendment of Development Order for the Three Rivers DRI; and

WHEREAS, on April 22, 2021 the Developer of Three Rivers, Three Rivers Developers, LLC, through Emily G. Pierce, Esq., filed a modification to the Development Order pursuant to Section 380.06, Florida Statutes, and

WHEREAS, at a public hearing on _____, 2021 the Nassau County Planning and Zoning Board reviewed said amendment and determined that the proposed changes do not conflict with the remaining terms and conditions of the DRI/PUD or the County's Comprehensive Plan; and

WHEREAS, the Board of County Commissioners has reviewed the said amendment, conducted a public hearing on _____, 2021 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 communications consistent with the adopted rules of procedure; and

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

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

SECTION 1. FINDINGS

The Board of County Commissioners finds that the changes set forth in the NOPC dated April 22, 2021 do not conflict with the remaining terms and conditions of the DRI and are generally consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan.

SECTION 2. AMENDMENT

The Three Rivers DRI Development Order is hereby amended, subject to the following terms and conditions, restated in full:

GENERAL CONDITIONS

1. **Application for Development Approval.** The DRI shall be developed on the Property described in **Exhibit A** in accordance with the information, plans and commitments contained in (1) the Three Rivers DRI ADA dated September 26, 2005, (2) the ADA first sufficiency response dated December 14, 2005, (3) the ADA second sufficiency response dated March 24, 2006, (4) the Master Plan, Map H, dated ~~September 1, 2005~~ August 9, 2021, attached as **Exhibit B**, and (submitted by the Developer as part of the DRI review prior to adoption of this Development Order). The aforementioned items shall be made part of this Development Order.
2. **Land Use Totals.** The DRI may be developed with the following improvements:

Type	Phase I 2008- 2025 <u>June 30, 2026</u>	Phase II 2021-2030 <u>2022-June 30, 2031</u>	Total
Retail	200,000 s.f.	300,000 s.f.	500,000 s.f.
Industrial	50,000 s.f.	200,000 s.f.	250,000 s.f.
Dry Storage	300 slips	0 slips	300 slips
Office	0 s.f.	50,000 s.f.	50,000 s.f.
Residential	1,400 units	1,800 units	3,200 units

The development rights contained in the table above may be utilized only within the boundaries of the Three Rivers DRI. Development in Phase II may be advanced prior to Phase II so long as all development order conditions for development in Phase II have been met. The Developer may increase or decrease the amount of a particular land use within the approved development program without filing a Notice of Proposed Change by using an exchange table that is based on equivalent peak hour directional trip ends. The use of the conversion factor shall be limited by the Minimum and Maximum Table for each land use as follows:

ITE Code	Land Use	Proposed Amount	Minimum Allowable	Maximum Allowable	Trip Rate PM Peak Hour ⁽¹⁾
254	Assisted Living (beds)	0	0	100	0.22 per bed
420	Marina (berths)	300	225	375	0.19 per birth
130	Industrial Park (square feet)	250,000	187,500	312,500	0.94 per 1,000 sf
710	Gen Office (square feet)	50,000	37,500	62,500	3.34 per 1,000 sf
820	Shopping Ctr (square feet)	500,000	375,000	625,000	3.62 per 1,000 sf
210	Residential (units)	3,200	1,658	3,200	0.82 per unit

Section 1.01 Land Use To Reduce						
Land Use To Increase	Assisted Living (beds)	Marina (berths)	Industrial (1,000 sf)	Office (1,000 sf)	Retail (1,000 sf)	Single Family (units)
Assisted Living (beds)	- - -	1.158	0.234	0.066	0.061	0.268
Marina (berths)	0.864	- - -	0.202	0.057	0.052	0.232
Industrial (1,000 sf)	4.273	4.947	- - -	0.281	0.260	1.146
Office (1,000 sf)	15.182	17.579	3.553	- - -	0.923	4.073
Retail (1,000 sf)	16.455	19.053	3.851	1.084	- - -	4.415
Residential (units)	3.727	4.318	0.872	0.246	0.227	- - -

(1) TIPS for Florida, Version 1.03

- (a) At any time of election of a land use trade-off under the Land Use Exchange Table, the Developer shall notify, in writing, Nassau County, ~~the Department of Community Affairs (DCA), Florida Department of Transportation District II Urban Office in Jacksonville (FDOT), and the Northeast Florida Regional Council (NEFRC)~~ of the election and shall provide the County, ~~DCA, and NEFRC~~ with cumulative land use totals and remaining allowable quantities. ~~Written notice of the trade-off election shall be given to the DCA and NEFRC at least thirty (30) days before the local government hearing or meeting, if required.~~
- (b) So long as the trade-off is consistent with the criteria contained in the exchange table and no change is made to the Master Plan, Map H, no additional DRI approvals shall be required for the trade-off. Trade-off elections shall be reported biennially as provided below. Use of the exchange table will be reported on an individual and cumulative basis

and project impacts documented in the biennial report. Any future NOPC shall incorporate any changes due to the use of the matrix.

3. **Build-out and Expiration of DRI.** The build-out date for all development is ~~August 6, 2034~~ February 17, 2032. The DRI termination and DRI Development Order expiration dates are established as February 17, 2037~~August 6, 2036~~. Any extension of the DRI build-out, termination or expiration dates shall be governed by the provisions of Section 380.06, F.S. (2018), as amended from time to time. The foregoing notwithstanding, the time periods stated above and the phasing periods shall be tolled during the period of any appeal pursuant to the Nassau County Land Development Regulations, or during the pendency of any administrative or judicial proceedings relating to development permits.
4. **Effective Date.** The Development Order shall take effect upon transmittal to the Department of Community Affairs, the Northeast Florida Regional Council and the Developer in accordance with Rule 9J-2.025(5) F.A.C. and Subsection 380.07(2), F.S. (2005).
5. **Monitoring Official.** The Director of the Nassau County Planning ~~Growth Management~~ Department or his/her designee shall be the local official responsible for monitoring the development for compliance by the Developer with this Development Order.
6. **Downzoning Protection.** The Three Rivers DRI as approved in this Development Order shall not be subject to downzoning or reduction of approved land uses before February 17, 2032~~August 6, 2034~~ unless the Developer consents to such change or Nassau County demonstrates that substantial changes in the conditions underlying the approval of this Development Order have occurred, or that the Development Order was based on substantially inaccurate information provided by the Developer, or that the changes clearly established by Nassau County are essential to the public health, safety and welfare.
7. **Election Regarding Environmental Rules.** Pursuant to Section 380.06(5)(c), F.S. (2005), the Developer has elected to be bound by the rules adopted pursuant to Chapters 373 and 403 in effect as of the date of this Development Order, including, but not limited to, the provisions of Section 373.414(13), F.S. (2005). Such rules shall be applicable to all application for permits pursuant to those chapters which are necessary for and consistent with the development authorized in this Development Order, except that a later-adopted rule shall be applicable to an application if:
 - (a) The later-adopted rule is determined by the rule adopting agency to be essential to the public health, safety, or welfare; or
 - (b) The later-adopted rule is adopted pursuant to Section 403.061(27), F.S. (2005); or

- (c) The later-adopted rule is being adopted pursuant to a subsequently enacted statutorily mandated program; or
- (d) The later-adopted rule is mandated in order for the state to maintain delegation of a federal program; or
- (e) The later-adopted rule is required by state or federal law.

Further, to qualify for the benefits of this provision, the application must be filed within five (5) years from the issuance of this Development Order and the permit shall not be effective for more than ten (10) years from the issuance of the Development Order. Nothing in this General Condition shall be construed to alter or change any permitting agency's authority to approve permits or to determine applicable criteria for longer periods of time.

8. **Reporting.** The Developer or its successors or assigns, shall submit a biennial report to Nassau County no later than September 1 of every other year, commencing September 1, 2008, until build-out. ~~The report shall be submitted to Nassau County, the Northeast Florida Regional Council, Florida Department of Community Affairs, the Northeast District of the Florida Department of Environmental Protection, St. Johns River Water Management District, Florida Game and Fresh Water Fish Commission, and any other affected permit agencies. A form similar to~~ Form RPM-BSP-ANNUAL REPORT-1 of the Florida Department of ~~Community Affairs~~ Economic Opportunity, as amended from time to time, may be used for the format of this report. ~~In conformance with Subsections 380.06(15) and (18), F.S. (2005), f~~ Failure to file the report in a timely manner may result in the temporary suspension of this Development Order. The biennial report shall include the following:

- (a) A description of any changes made in the plan of development, phasing, or in the representations contained in the Application for Development Approval since the date of adoption of this Development Order, and any actions taken by Nassau County to address these changes. Copies of any approvals taken by the local government to address these changes including copies of any revised master plans not previously submitted will be attached to the monitoring report. Any trade-off elections permitted by the Land Use Exchange Table. Any actions (substantial or non-substantial deviation determinations) taken by the local government to address these changes, including a cumulative history of such changes since adoption of the Development Order;

- (b) A summary comparison of development activity proposed or conducted since the preceding monitoring report and activity projected for that period until submittal of the next regular monitoring report. The summary will include: a description of site improvements, number of residential lots platted, gross floor area of non-residential uses constructed by land use type, location, and phase, with appropriate maps and number of boat dock permits issued. A tabulation of the amount of acreage developed in the reporting period shall be provided by land use categories listed in Chapter 28-24, F.A.C.;
- (c) Identification of the name of the purchaser of any undeveloped tracts of land in the Three Rivers DRI, including the location and size of the tracts purchased, and the amount of development rights allocated to the purchaser, with map(s) which show the parcel(s) or sub-parcel(s) acquired. Also, to the extent known to the Developer, a description of any lands purchased or optioned within one (1) mile of the boundaries of the Three Rivers DRI by a person who has acquired a fee simple or lesser interest in the Three Rivers DRI subsequent to issuance of this Development Order (but excluding persons who have only acquired a leasehold interest in lands or improvements within the Three Rivers DRI), identifying such land, its size, and its intended use on a site plan and map;
- (d) A cumulative summary of all development that has taken place within the Three Rivers DRI by the land use categories listed in Chapter 28-24, F.A.C. including residential lots platted, gross floor area of non-residential uses constructed by land use type and location, together with a cumulative summary of location, size (acreage), development rights purchased (land use type and square footage), and the name of the purchaser of all parcels purchased within the Three Rivers DRI;
- (e) A specific assessment of the Developer, Developer' successor, if any, and Nassau County's compliance with conditions and commitments contained in this Development Order;
- (f) A description of any known incremental DRI applications for development approval or requests for a substantial deviation that were filed in the reporting period and to be filed during the next reporting period;
- (g) A description of any change in local government jurisdiction for any portion of the development since this Development Order was issued. A description of any moratorium imposed by a regulatory agency on development within the Three Rivers DRI, specifying the type, duration, cause, and remedy;

- (h) A listing of any significant local, state and federal permits which were obtained, applied for, or denied, during this reporting period, specifying the agency, type of permit, parcel, location(s), and activity for each permit;
- (i) A copy of the recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Paragraph 380.06 (15)(f), F.S. (2005);
- (j) Provide an analysis demonstrating there will be sufficient capacity of potable water, wastewater, and solid waste facilities serving the Three Rivers DRI for the anticipated development for the ensuing reporting period;
- (k) Traffic reports, which shall be submitted to the Florida Department of Transportation (FDOT) District Urban Office in Jacksonville, as well as to the Nassau County Planning ~~Growth Management~~ Department, ~~NEFRC, and DCA~~. The first traffic report shall be due concurrently with the first monitoring report and then biennially thereafter until project build-out, unless otherwise specified by the NEFRC. The following information shall be included:
 - (i) A description of current development by land use, type, location, number of residential units and amount of square footage of non-residential, along with the proposed construction schedule for the ensuing 24-month period, and appropriate maps. Actual trip generation data from the development and an estimate of project trip generation for the ensuing 24-month period shall be included. ITE Trip Generation Manual data shall be used to estimate project trip generation for the ensuing 24-month period.
 - (ii) The status of improvements to be pipelined by the Developer, including the status of the payment of the proportionate share and schedule for new and/or improved roadways, traffic control devices or other transportation facility improvements to be constructed or provided by the Developer or governmental entity to accommodate the total existing and anticipated traffic demands, any and all developer's agreements, and any other Developer's obligations required in the Development Order to meet transportation conditions.
- (l) The acreage of uplands and wetlands placed under recorded conservation easements;

- (m) A description of any change to the previously reported stormwater plans, design criteria, or planting and maintenance plans; and

~~(n) — Each biennial report shall be accompanied by a statement certifying that the NEFRC (with appropriate filing fee), Florida Department of Community Affairs, Nassau County, Florida Department of Transportation, Florida Department of Environmental Protection and the St. Johns River Water Management District have been sent copies of the Biennial Monitoring Report in conformance with Subsections 380.06(15) and (18), F.S. (2005). It is the responsibility of the Developer to guarantee that all appropriate agencies receive a copy of the biennial report.~~

9. **Notice of Adoption.** Notice of the adoption of this Development Order, or any subsequent amendment to it, shall be recorded by the Developer in accordance with Sections 28.222 and

380.06(154)(f), F.S. (2005), with the Clerk of the Circuit Court of Nassau County, Florida. Recordation of this notice shall not constitute or provide actual or constructive notice of a lien, cloud or encumbrance of the DRI Property. The conditions of this Development Order shall run with the land and bind the successors and assigns of the Developer on the DRI Property. Any contract or agreement for sale of those interests by the Developer for all or any part of the property subject to this Development Order shall contain a legend substantially in the following form printed or stamped thereon:

THE PROPERTY DESCRIBED IN THIS AGREEMENT IS PART OF THE THREE RIVERS DEVELOPMENT OF REGIONAL IMPACT AND IS SUBJECT TO A DEVELOPMENT ORDER, NOTICE OF WHICH IS RECORDED IN THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, WHICH IMPOSES CONDITIONS, RESTRICTIONS AND LIMITATIONS UPON THE USE AND DEVELOPMENT OF THE SUBJECT PROPERTY WHICH ARE BINDING UPON EACH SUCCESSOR AND ASSIGN OF THREE RIVERS ~~TIMBER~~DEVELOPERS, LLC. THE DEVELOPMENT ORDER DOES NOT CONSTITUTE A LIEN, CLOUD OR ENCUMBRANCE OF REAL PROPERTY OR CONSTITUTE ACTUAL OR CONSTRUCTIVE NOTICE OF SAME. A COPY OF THE DEVELOPMENT ORDER MAY BE REVIEWED AT THE OFFICE OF THE ~~PLANNING GROWTH MANAGEMENT~~ DEPARTMENT, NASSAU COUNTY, FLORIDA.

10. **Application for Proposed Changes.** The Developer shall submit ~~simultaneously~~ to Nassau County, ~~the Northeast Florida Regional Council and Florida Department of Community Affairs~~ any applications for proposed changes to the DRI and shall comply with the requirements of Section 380.06(19), F.S. (2005), ~~concerning substantial deviations~~. In the event the Developer of record for the Three Rivers DRI changes from Three Rivers ~~Timber~~Developers, LLC, a Notice of Proposed Change must be approved identifying the new Developer of record for the DRI.

11. **Subsequent Requests for Development Permits.** Subsequent requests for DRI development permits for the development approved herein shall not require further review pursuant to Section 380.06, F.S. ~~-(2005)~~, unless it is found by the Nassau County Board of County Commissioners, after due notice and hearing, that one or more of the following is present:

- (a) Substantial deviation from the terms or conditions of this Development Order, or other changes to the approved Development Plan which create a reasonable likelihood of adverse regional impacts or other regional impacts which were not evaluated in the review by the Northeast Florida Regional Council; or
- (b) An expiration of the period of effectiveness of this Development Order as provided in this Development Order.

Upon a finding that (a) is present, the Nassau County Board of County Commissioners shall order compliance with Section 380.06 ~~(19)(g) and (h)~~, F.S. ~~-(2005)~~, and development within Three Rivers may continue, as approved, during the DRI review in those portions of the development that are not affected by the proposed change. Upon a finding that (b) is present, the Nassau County Board of County Commissioners shall order a termination of all development activity until such time as a new DRI application for development approval has been submitted, reviewed and approved in accordance with Section 380.06, F.S. ~~-(2005)~~.

12. **Limitation of Approval.** The approval granted by this Development order is limited. Such approval shall not be construed to obviate the duty of the Developer to comply with all other applicable local or state permitting procedures.

SPECIAL CONDITIONS

13. **Vegetation and Wildlife.** Much of the project site has been and will continue to be used for agricultural and silvicultural purposes. Agricultural and silvicultural activities within a certain parcel may occur until the commencement of development of that parcel provided that an average 25- foot undisturbed upland buffer around the jurisdictional wetlands is maintained on that parcel. All such activities shall comply with the requirements of the Nassau County Comprehensive Plan, where applicable.
14. **Wetlands.** In connection with permit applications for the stormwater management system for the Three Rivers DRI, the Developer shall ensure maintenance of hydroperiods within conserved wetlands, unless otherwise permitted by the St. Johns River Water Management

District. No development activities, as defined in Section 380.04, F.S. (2005), except for activities permitted by the appropriate environmental permitting agencies, shall be allowed in any of the wetland areas within the Three Rivers DRI. Wetland impacts will be mitigated through the regulatory permitting process of the St. Johns River Water Management District and the U.S. Army Corp of Engineers. The exact boundaries of the areas to be conserved shall be determined in connection with wetland delineation and environmental resource permitting by the St. Johns River Management District. The limits of the conserved wetlands shall be delineated on the engineering plans submitted for approval by Nassau County. All engineering plans submitted to Nassau County shall be consistent with the requirements of applicable permits issued by the St. Johns River Water Management District. Prior to commencement of clearing, earth movement, construction or other development (including platting) within 500 feet of any wetlands within the jurisdiction of FDEP or SJRWMD, those wetlands shall be surveyed and the wetland boundaries shall be approved by the SJRWMD. All wetland and upland preservation areas required under this Development Order shall be protected by conservation easements meeting the requirements of Sec. 704.06, F.S. (2005).

15. **Upland Buffers.** All development shall comply with the St. Johns Water Management District requirements. An average twenty-five (25) foot averaged undisturbed upland buffer (minimum fifteen (15) feet) will be provided adjacent to contiguous wetlands. In no instance shall the upland buffer be less than fifteen (15) feet, except for those areas adjacent to unavoidable wetland impacts such as road crossings. An average twenty-five (25) foot building setback to the upland buffer will be provided measured from the landward edge of the undisturbed upland buffer. Approved accessory uses, except for buildings with a permanent foundation, are allowed in the building setback.
16. **Conservation Easements.** The Developer will record conservation easements covering the conserved wetlands and undisturbed upland buffers onsite meeting the requirements of Sec. 704.06, F.S. (2005). Conservation easements and the portions of the recorded covenants and restrictions that relate to preservation of wetlands and upland buffers shall be enforceable by the Developer, [community development district\(s\)](#), the property owners association, the St. Johns River Water Management District, Nassau County and the Northeast District of the Florida Department of Environmental Protection. The covenants and restrictions or conservation easement shall not permit variances from the minimum standards set forth in this Development Order. The covenants and restrictions or conservation easements shall not permit variances from the minimum standards set forth in this Development Order. Such conservation easements shall be recorded upon recordation of a plat containing the wetlands or undisturbed upland buffer areas.

17. **Stormwater Pollution Prevention.** Construction activity within the Three Rivers DRI shall be conducted in accordance with a stormwater pollution prevention plan developed pursuant to the EPA NPDES permit program. Prior to commencement of any construction which will be adjacent to a conserved wetland, the contractor shall be required to install silt fencing on the landward edge of the undisturbed upland buffer or landward of the undisturbed upland buffer at the physical limits of construction to protect the conserved wetlands. The silt fencing shall be inspected at least once a week and repairs to fallen or damaged sections shall be made immediately upon discovery. The provisions of this Development Order Special Condition shall be incorporated into all construction contracts for work within the Three Rivers DRI. All contractors working within the Three Rivers DRI shall be notified of the requirement for a stormwater pollution prevention plan developed pursuant to the EPA NPDES Permit Program and shall be advised of the requirements set forth above concerning silt fencing. Copies of the stormwater pollution prevention plans shall be provided to Nassau County and the Northeast District office of the Florida Department of Environmental Protection. In addition, the Developer agrees to incorporate practices such as the use of slow release fertilizer and other Best Management Practices into its property management contracts to further improve surface water quality.
18. **Surface Water Quality Monitoring Plan.** Prior to commencement of construction activity within the DRI, the Developer will develop and secure FDEP approval of a Surface Water Quality Monitoring Plan which will provide, at a minimum, for collection of background data for six (6) consecutive months prior to construction and quarterly thereafter for an appropriate length of time. If the Surface Water Quality Monitoring Program identifies variations in water quality of receiving waters from established background water quality attributable to discharges from the Project, then the Northeast District of the Florida Department of Environmental Protection shall promptly notify the Developer of such conditions. In such event, the Developer shall cooperate with the Northeast District of the Florida Department of Environmental Protection to develop a plan to address the problem. The actions required to address the problem, including the means of payment by the Developer for the costs of such plan and actions required, and the timeframe within which to implement the corrective action shall be agreed upon by the Northeast District of the Florida Department of Environmental Protection, Nassau County, and the Developer. If agreement is not reached within one (1) month from the time FDEP notifies the Developer of a variation in water quality, no further permits shall be issued until agreement is reached. Failure to implement the agreed-upon plan of action within the timeframe agreed upon will be a violation of this Development Order Special Condition.
19. **Floodplain.** All construction within the 100-year floodplain, shall comply with applicable federal, state, and local laws and regulations. In connection with review of the management

and storage of surface waters permit or permits for the Project, the St. Johns River Water Management District shall review plans for fill within the 100-year floodplain to ensure there is no measurable increase in flood elevations off-site. No permits for residential, commercial or public buildings will be issued for construction within any portion of the 100-year floodplain where the base flood elevation has not been established until the Developer has provided to Nassau County data on the site-specific base flood elevation. All road crossings and finished floor elevations of buildings within the 100-year floodplain shall be developed in accordance with the Nassau County Comprehensive Plan and land development regulations.

20. Water Supply.

- (a) Development within the Three Rivers DRI shall occur concurrent with the provision of adequate central potable water supply meeting the adopted level of service in the Nassau County Comprehensive Plan. Provision of central water supply shall be provided by JEA.
- (b) The commercial, industrial, recreational and community service parcel landscaped areas shall be irrigated with available stormwater as the primary (first) source. Shallow (surficial aquifer) irrigation wells will serve as backup (secondary) source for irrigation. No ground water, excluding surficial aquifer, shall be utilized for surface water level maintenance or decorative uses.
- (c) Water conservation strategies, including the encouragement of xeriscape landscaping techniques and low-flow plumbing fixtures shall be incorporated into the construction, operation, and maintenance phases of the development and shall be included in the covenant and deed restrictions.
- (d) The Developer shall display information on xeriscaping and/or native vegetation and/or drought tolerant vegetation, water conservation guides and IFAS Cooperative Extension Services' "Florida Yards and Neighborhoods" in a prominent location in the Three Rivers sales offices.
- (e) The Developer shall implement a customer and employee water conservation education program as specified in Sec. 12.2.5.1(e) of the SJRWMD Consumption Use Permitting Developer's Handbook. The curriculum of the education program shall be supplied with the first DRI Monitoring Report and each subsequent report until build-out. This condition may be satisfied by the water utility provider with approval of the St. Johns River Water Management District.

- (f) On or before the first DRI Monitoring Report, Developer shall evaluate irrigated turf acreage and establish limits in association with the consumptive use and/or Environmental Resources Permit.
- (g) Prior to the initiation of Phase 2 of the Three Rivers development, the Developer will reanalyze the availability of reclaimed water for use in irrigation. If reclaimed water is available to the site, the Developer will incorporate the utilization of reclaimed water into the project irrigation system for remaining undeveloped areas of the project where financially feasible.
- (h) At the time of site plan approval, the Developer will provide an overview of a comprehensive water conservation plan which addresses the following:
 - a. Specific percentage of water wise/native vegetation required throughout the development.
 - b. Limits on turf areas.
 - c. Use of water saving fixtures.
 - d. Sub metering multi-family units.
 - e. Requirements for use of non-potable water for outside irrigation.
 - f. Use of rain-sensor sprinklers.
 - g. Promoting or encouraging participation in Florida Water Star program.
 - h. Distribution of water conservation literature (such as information on water wise landscaping, native vegetation, and drought-tolerant vegetation) to residents and tenants.

This information will be provided to the SJRWMD and included in the biennial monitoring report.

21. Wastewater Management.

- (a) Development of the Three Rivers DRI shall proceed concurrent with the provision of adequate central sewer service meeting the adopted level of service standards in the Nassau County Comprehensive Plan. Provision of sanitary sewer service shall be provided by JEA.
- (b) Septic systems may only be used in connection with remote recreational amenities. When a central sewer system is installed to within two hundred (200) feet of a temporary septic system, the septic system shall be removed and central sewer and water service shall be provided to recreational amenity. A temporary septic or holding tank system may be utilized for construction and marketing trailers.

22. **Stormwater Management.** Development within the Three Rivers DRI shall proceed concurrent with a contiguous, functioning, permitted management and storage of surface waters system. The project shall meet the adopted drainage level of service standard in the Nassau County Comprehensive Plan. Roadway designs adjacent to conserved wetland areas will provide for the capture and diversion of design capacity stormwater runoff from the roadway surface to the stormwater treatment system for treatment.
23. **Solid Waste.** The Project shall meet the level of service standard established in the Nassau County Comprehensive Plan. Prior to the issuance of any permits for vertical construction in Phase 2, the Developer will consult with the County Administrator to reassess landfill capacity. In the event there is insufficient capacity, the Developer will work with the County to reach a mutually satisfactory solution for solid waste disposal.
24. **Transportation.** To meet concurrency requirements, pursuant to Section 163.3180(5), F.S. (2014), the Developer will contribute \$3,547,000 (proportionate-share contribution) in funded transportation improvements and/or cash payments to offset the impacts of the Three Rivers DRI development to the regional transportation system, as described below.
- (a) Developer has contributed \$50,000 to FDOT to be used for the preparation of an Interchange Operational Analysis Report.
 - (b) Construction of Phase 1 of Three Rivers will not result in any transportation deficiencies on significantly impacted roads or facilities. Thus, no proportionate share contributions are required for Phase 1. However, the Developer shall be responsible for any applicable Nassau County impact fees, mobility fees, or other transportation concurrency mitigation requirements associated with the development of Phase 1 and any such fees or mitigation will be paid in accordance with Nassau County's ordinances, rules, and regulations.
 - (c) Prior to issuance of any permits for vertical construction in Phase 2 of Three Rivers, the Developer will be responsible for contributing \$3,547,000 (in 2005 dollars) to FDOT or Nassau County as set forth below:
 - (1) If FDOT and/or Nassau County programs mobility improvements on any of the significantly and adversely impacted corridors/links set forth in Table 1 attached to Ordinance No. 2015-64, Developer shall contribute its proportionate share to the entity responsible for implementing such program (either FDOT or Nassau County).

- (2) If no mobility improvements are programmed on any of the significantly impacted and adversely impacted corridors/links set forth in Table 1 attached to Ordinance No. 2015-64 prior to the issuance of permits for Phase 2 of Three Rivers, then the proportionate share shall be contributed to Nassau County for the construction of improvements to a regionally significant facility(ies) as agreed upon by the County and Developer.
- (d) **Site Access Improvements.** The Developer shall be responsible for all necessary improvements at the project entrances, including but not limited to turn lanes, traffic signals, acceleration and deceleration lanes, etc., as determined necessary by Nassau County and FDOT, at both access points at S.R. 200.
- (e) **Transit.** In the event that public transit service is provided to Three Rivers, transit passenger shelters and transit bays shall be constructed, as determined necessary by the transit provider, to facilitate transit service.
- (f) **Bicycle and Pedestrian Connections.** In order to promote alternative forms of transportation, the Developer shall provide a comprehensive system of bicycle paths and pedestrian walkways or multi-use trails throughout the Three Rivers DRI. All residential development shall be connected to employment and shopping areas via this path system.
- (g) The ADA included off-site intersection and SR 200/A1A analyses and no additional study or mitigation beyond those items in the First Sufficiency Response (pages 21-23 and 21-34) shall be required by the Developer to obtain FDOT access permits.
- (h) Unused development rights from a particular phase carry over into subsequent phases until build-out.
25. **Air Quality.** The following fugitive dust control measures, as necessary, shall be undertaken during all construction activities throughout build-out of the project:
- (a) Contractors will moisten soil or use resinous adhesives on barren areas, which shall include, at a minimum, all roads, parking lots, and material stockpiles;
- (b) Contractors will use mulch, liquid resinous adhesives with hydro-seeding or sod on all landscape areas;

- (c) Contractors will remove soil and other dust-generating material deposited on paved streets by vehicular traffic, earth moving equipment, or soil erosion;
 - (d) Contractors will utilize the best operating practices in conjunction with any burning resulting from land clearing, which may include the use of air curtain incinerators if required by Nassau County Fire Department.
26. **Affordable Housing.** Within the Village Center, ancillary dwelling units will be allowed associated with single family units. These ancillary units are considered a part of the single-family unit and not an additional unit. They can be designed as garage apartments or small detached units which can provide affordable rental units for employees of the businesses located within the Village Center and other jobs within the Three Rivers project. The Developer will monitor and report, as part of the biennial report, the number of ancillary units developed within the Village Center. The Developer will guarantee, at a minimum, an additional one hundred (100) residential units be provided, scattered throughout the Three Rivers project that are affordable to moderate income households. At least fifty (50) of these units will be provided before the end of Phase 1. The price range of these units shall be less than \$165,000 and shall be constructed within the architectural style of the community. The price of units shall be indexed to the consumer price index (CPI). The Developer will coordinate with the Nassau County SHIP program to offer these units to eligible clients under the SHIP program with preference given to employees in the Three Rivers DRI.
27. **Fire Protection.**
- (a) The Parties (Nassau County and the Developer) shall work cooperatively in reviewing and identifying potential sites for a County fire station. ~~Within 24 months from the effective date of this Development Order, Developer shall design at its cost a three bay fire station on the fire station site provided in the Timbercreek subdivision with the input and approval of the Nassau County Fire Department and the County Administrator.~~ The Developer shall at its cost commence vertical construction on the fire station no later than January 24, 2023 and the fire station shall be operational and ready for occupancy on or before January 24, 2024~~prior to the issuance of the 100th residential building permit.~~ Ready for occupancy shall mean that a Certificate of Occupancy is issued indicating that the building meets the plans and the building has been inspected and approved. Prior to the opening of the fire station for operations, Developer shall provide a 75 foot Quint Fire Truck and a rescue unit ambulance for the fire station. Beginning with the effective date of this Development Order (i.e., August 28, 2006), Nassau County shall collect fire and EMS impact fees from the

Timbercreek, River Glen and Plummer Creek subdivisions, including the additional impact fee imposed on River Glen units, for refund to Developer up to the amount of fifty percent (50%) of the documented costs of the station and equipment. The Developer shall receive fire and EMS impact fee credits for up to 50% of the remaining documented costs of the station and equipment.

- (b) The Developer shall require all builders within the Project distribute to each prospective purchaser informative literature explaining the benefits of installing a sprinkler system in the purchaser's new home. The literature shall be developed in cooperation with the Nassau County Fire/Rescue Department.
- (c) All structures greater than two (2) stories in height within Three Rivers shall be protected with an automatic sprinkling system designed and installed in accordance with all applicable fire and building codes. The Developer may construct structures up to six (6) stories in height.

28. **Recreation and Open Space.** The development shall provide a minimum of three hundred (300) acres of overall Open Space. Individual residential neighborhoods within the development will include neighborhood parks. ~~The Developer will work with the Division of Forestry to try and secure access from the Community Park to the adjacent preserve so that the public may use the preserve to the extent allowed by the Division of Forestry.~~ The location of the community park is generally set forth on Map H, attached hereto as **Exhibit B**. The community park and recreational improvements to be provided pursuant to this Development Order are further described as follows:

- (a) One (1) community park, containing a minimum of forty (40) acres, with active recreation facilities, and containing a minimum of twenty-seven (27) acres of usable uplands, shall be provided by the Developer or, Community Development District and may be conveyed to Nassau County upon completion, with conveyance to be determined at the discretion of the Board of County Commissioners. The Developer, a Community Development District, property owners' association or Nassau County shall maintain the park for its intended active recreational uses. The Developer, a Community Development District or a property owners' association may provide enhanced maintenance or additional improvements if dedicated to Nassau County by agreement with the Nassau County Recreation Department. The Nassau County Parks and Recreation Department shall be consulted during the design of the park. Through an impact fee agreement adopted by the Board of County Commissioners, recreational impact fee credits shall be allowed for the Community Public Park conveyed to the County in accordance with the applicable Nassau County impact

fee ordinance. The credits shall be based on the value of the acreage in the park as set forth in an appraisal acceptable to the County plus the cost of all improvements made by the Developer to the park.

- (b) The neighborhood parks shall be private parks and shall be accessible to the residents of the Three Rivers DRI.
- (c) The boat launch ramp identified near the Village Center on Map H will be open for public access. Car and trailer parking accommodations will be provided proximate to the ramp. The launch fee and other costs associated with the use of this boat ramp will be the same for all residents of Nassau County, whether or not they reside in Three Rivers.

29. **Education.** The Developer shall convey approximately twenty seven and one-half (27 ½) acres of developable land free of any environmental burdens located within hurricane evacuation zone C or higher for the purpose of constructing a school. In the event there are wetlands on the site, Developer shall mitigate and eliminate the wetlands at no cost to the School Board. Developer will provide a metes and bounds survey and title insurance to the School Board. Developer has also provided the School Board with an environmental site assessment prepared by Aerostar SES LLC concluding that there are no recognized, observed, or known environmental conditions, activities, or sites located in the vicinity of the subject property which would pose a hazard, risk or liability to the proposed site. All utilities shall be available at the boundary of the site. The final site location will be mutually agreed upon between the Developer and the School Board. The site will be located as generally shown on Map H, attached hereto as Exhibit B2. The site shall be donated within thirty (30) days of the School Board's request for donation. Excess dirt from development of the site shall be the property of the Developer. The site shall be deemed to have a value of \$825,000.

The Developer agrees to pay the School Board the greater of either \$3,727 per each residential unit (single family home or multifamily unit) or the current Educational Facilities impact fee; which fee will be paid prior to the issuance of a building permit consistent with Section 7.01 of the Ordinance 2016-02, Nassau County, or any such successor Impact Fee system as may be adopted by Nassau County from time to time. This fee shall be paid for every residential unit constructed within the Three Rivers DRI, regardless of whether said unit is designated as age restricted.

30. **Civic Space.** The non-residential development in the Three Rivers DRI shall contain space to be offered on a leaseback basis to Nassau County for such civic uses as a sheriff's stop station, branch library, and/or tax assessor/tag payment office. If Nassau County declines the

lease of the space after being offered it in writing from the Developer, this condition shall be deemed to have been met.

31. **Impact Fees.** Impact fee credits towards any present or future impact fees that may be adopted by Nassau County shall be allowed for any contribution of land, money (including, but not limited to, contributions or construction pursuant to “pipelining” responsibilities) or improvements made by the Developer or the Community Development District, as the case may be, for public facilities pursuant to the guidelines stipulated in Section 380.06~~(16)~~, F.S. ~~(2005)~~, and the Nassau County impact fee ordinance, as it may be amended. The Developer proposes and the County agrees that, in the event that any contributions of land, money (including contributions or construction pursuant to “pipelining” responsibilities), or improvements funded or constructed with funds from a Community Development District are required by then current law to give rise to impact fee credits to the Community Development District, then such impact fee credit shall be established in the name of the Community Development District.
32. **Community Development District.** The Developer intends to form one or more additional Community Development Districts within the DRI pursuant to Chapter 190, F.S. ~~(2005)~~. Nothing in this section shall be construed as approval or consent by the County to the establishment of the Community Development District by the Developer pursuant to Chapter 190, F.S. ~~(2005)~~, and the County expressly maintains all rights available to it pursuant to Chapter 190, F.S. ~~(2005)~~, related to the proposed establishment of a Community Development District by the Developer. Any Community Development District for Three Rivers approved pursuant to Chapter 190, F.S. ~~(2005)~~ may finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain projects, systems and facilities for the purposes described in Section 190.012, F.S. ~~(2005)~~, including, but not limited to, any other project required or authorized by this Development Order, and may be authorized and empowered to own and acquire property, both real and personal, by purchase, lease, lease-purchase, eminent domain, gift or transfer. Construction or funding by any such Community Development District of all such projects within or without the boundaries of the Community Development District required by this Development Order or necessary to serve the development approved by this Development Order is expressly approved. If the Developer is required by this Development Order to provide, pay for or otherwise cause to be provide, infrastructure, projects, systems or facilities set forth in Chapter 190, F.S. (2005), including, without limitation, those in Sec. 190.012(1) and (2) F.S. ~~(2005)~~, then the Community Development District independently may satisfy such obligations. To the extent any such obligation under this Development order is met or performed by the Community Development District, then the Developer shall no longer be subject to the obligation. The Developer proposes and the County agrees that, in the event that any contributions of land, money (including contributions or construction pursuant to

“pipelining” responsibilities), or improvements funded or constructed with funds from a Community Development District are required by then current law to give rise to impact fee credits to the Community Development District, then such impact fee credits shall be established in the name of the Community Development District. The Board of County Commissioners may bestow the power of eminent domain to a CDD within Three Rivers limited for the purpose of acquiring right-of-way for the road improvements described in Special Condition 24.

SECTION 3. EXISTING DEVELOPMENT ORDER

All terms and conditions of the existing Three Rivers DRI Development Order as amended remain in full force and effect except as specifically amended by Section 2 of this Resolution.

SECTION 4. RECORDATION AND RENDITION

A copy of this Resolution shall be recorded in the Public Records of Nassau County. Nassau County will render a recorded copy of this Sixth Amendment of the Development Order to the Developer.

SECTION 5. EFFECTIVE DATE:

This Resolution shall become effective upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2021.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

THOMAS FORD,
Its: Chair

ATTEST as to Chairman's Signature:

JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form and legality by the
Nassau County Attorney:

MICHAEL S. MULLIN,
County Attorney