FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
Government Services Building
Board Chambers
1769 East Moody Blvd., Bldg. 2, Bunnell, Florida 32110
MEETING
A G E N D A

DATE – August 13, 2019 TIME – 6:00 P.M.

1. Roll Call.

2. Pledge to the Flag.

3. Approval of July 9, 2019 regular meeting minutes.

**Quasi-Judicial Process:** The audience should refrain from clapping, booing or shouts of approval or disagreement. To avoid potential legal ramifications and possible overturning of a decision by the Courts, a public hearing must be fair in three respects: form, substance and appearance.

Time limits will be observed:

- **Staff** – 10 minute presentation.
- **Applicant** – 15 minute presentation (unless time extended by consensus of Board).
- **Public Comment** – 3 minutes per speaker, 5 minutes if speaking on behalf of a group.
- **Applicant Rebuttal and Closing Staff Comments** – 10 minutes each.

4. Quasi-judicial requiring disclosure of ex parte communication:
   - **Application #3179** - **APPLICATION FOR A SPECIAL EXCEPTION IN THE AC (AGRICULTURE) DISTRICT** - request for a borrow pit in the AC (Agriculture) district. Parcel Numbers: 31-11-30-0000-01050-0000 and 32-11-30-0000-02020-0000; 14.79 +/- acres. Owner: Rayonier Atlantic Timber Company/Applicant: Matthews Design Group.
   - **Project #2019040030**

(TRC, PDB)
5. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3189 - APPLICATION FOR VARIANCES IN THE C-2 (GENERAL COMMERCIAL AND SHOPPING CENTER) AND R-1 (RURAL RESIDENTIAL) DISTRICTS - request for: (1) an 18-foot height variance from 40 feet to 58 feet; and (2) a 15-foot minimum rear yard setback variance from 50 feet to 35 feet, located at 5658 North Oceanshore Boulevard. Parcel Number: 40-10-31-3150-00000-0420; 4.264 +/- acres. Owner: Hammock Harbour, LLC/Applicant: Bob Million.
   Project #VAR-000029-2019 (TRC)

6. Staff Comments.

7. Board Comments.

8. Public Comments – Each speaker will be allowed up to three minutes to address the Planning and Development Board on any item or topic not on the agenda.

9. Adjournment

PLEASE TAKE NOTICE THAT INDIVIDUAL COMMISSIONERS OF THE BOARD OF COUNTY COMMISSIONERS MAY ATTEND THIS EVENT. THE COMMISSIONERS WHO ATTEND WILL NOT TAKE ANY ACTION OR TAKE ANY VOTE AT THIS MEETING. THIS IS NOT AN OFFICIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY. THIS NOTICE IS BEING PROVIDED TO MEET THE SPIRIT OF THE SUNSHINE LAW TO INFORM THE PUBLIC THAT COMMISSIONERS MAY BE PRESENT AT THESE DISCUSSIONS.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES STATES THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY A BOARD AGENCY, OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE PLANNING & ZONING DEPARTMENT AT (386)313-4009 AT LEAST 48 HOURS PRIOR TO THE MEETING.
MEMBERS PRESENT: Chair Michael Boyd, Jack Corbett, Laureen Kornel, Mark Langello, and Anthony Lombardo.

MEMBERS EXCUSED: Timothy Conner and Michael Goodman.

STAFF PRESENT: Adam Mengel, Planning Director; Gina Lemon, Development Review Planner III; and Wendy Hickey, Planner

BOARD COUNSEL: Kate Stangle, with Nelson Mullins Broad and Cassel.

Chair Boyd called the meeting to order.

1. Roll Call.
   Attendance was confirmed by Ms. Lemon and a quorum was present.

2. Pledge of Allegiance.
   Chair Boyd led the Pledge of Allegiance to the Flag.

3. Approval of the June 11, 2019 regular meeting minutes
   Motion to approve made by Ms. Kornel, seconded by Mr. Corbett.
   Motion carried unanimously.

4. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3182 – APPLICATION FOR A VARIANCE IN THE AC (AGRICULTURE) DISTRICT – request for a 17 foot side yard setback variance for a garage at 2727 County Road 304; Parcel Number: 02-13-30-0650-000C0-0072; 6.369+/ acres. Owner/Applicant: Christopher Barney.
   Chair Boyd asked for ex-parte disclosures; none were provided.

   Mr. Mengel presented the staff report describing the property and the reason for this before-the-fact variance request. He then proceeded to give staff’s recommendation that the Planning and Development Board find that all the variance criteria as listed in the guidelines at the Land Development Code Section 3.07.03.E have not been met and therefore deny the 17 foot side yard setback variance from the minimum 25 foot side yard setback for a storage building at 2727 County Road 304. He also provided to the Board an alternative recommendation that the Board could find that the Variance criteria had
been met thereby approving the 17 foot side yard variance from the minimum 25 side yard setback for a storage building.

Chair Boyd asked if the applicant would like to speak.

Christopher Barney, property owner, 2727 County Road 304, explained the current situation that he has livestock and he needs as much land as possible for grazing and asked the Board for their approval.

Ms. Kornel asked why can’t the fence be moved to remedy the situation?

Mr. Barney replied he would lose pasture land and would have to build a road.

Mr. Langello asked what was the front fenced area for?

Mr. Barney replied that since he does not have a lot of property he rotates the livestock so they have grass to eat.

Mr. Langello asked if he had enough land to raise his animals. He also asked if he could make the building smaller.

Mr. Barney replied that he needed more land and that he was trying to buy more. He stated that he could make a change in the building’s length but not in width.

Mr. Lombardo asked is the existing slab 30 feet by 96 feet?

Mr. Barney replied the slab is about 30 feet by 50 feet.

Ms. Kornel asked if the setback was appropriate for the zoning district?

Mr. Mengel replied that the Agriculture zoning district includes agriculture-related uses such as growing crops and the keeping of animals and the five acre minimum parcel size makes agriculture-related uses appropriate.

Mr. Langello stated he feels there is an unusual shape to the lot, and the paddock is existing and the use of the property would require more hardscape to get the building moved to the back. If it were closer to the property line and the neighbor sees no harm to it, what would be the planning harm to it or would there be one?
Mr. Mengel stated the consent of the adjacent owner helps the request. The adjacent parcel has a home, accessory structures and a pond which will be the immediate adjacent use to the proposed building so there is not an incompatibility necessarily with the placement of the structure with the setback. It does not prevent them from otherwise utilizing their property as they have been. It may affect something in the future. You can always fill in a pond or successive owners may have issue, but they would know it is already there. We record the variances in the public record and the official records are subject to public review. I follow the logic that the parcel is irregular and you have the consent from the adjacent owner is positive, and in some way there is not a true conflict.

Mr. Langello stated the lot is unique, it is not a parallel lot: it is a narrow lot. If he had the width he has in the front continued through the lot there would not be a need for a variance. He spoke of not having enough grazing area on the property. I want to make sure it will not create a negative impact on the neighbor.

Chair Boyd stated I don’t a problem with this application, its out in the country. I have no objection to it.

Chair Boyd opened the public hearing; seeing no one approach the podium he closed the Public Hearing and opened to Board comments.

Motion to approve made by Mr. Lombardo, seconded by Mr. Corbett.

Motion passed 4-1 with Ms. Kornel dissenting.

5. Legislative not requiring ex parte communication:


Mr. Mengel explained the application and how the request is not site-specific but is applied throughout the C-2 zoning district. He then presented the staff recommendation that the Planning and Development Board allow a private school as a permitted use in the C-2 (General Commercial and Shopping Center) District based on the findings that the requested use is similar to the listed permitted uses and consistent with the purpose and intent of the C-2 zoning district. He also provided the Board with an alternative recommendation that the Board can consider additional restrictions on the size and/or scale of a private school to ensure compatibility with the C-2 zoning district.

Chair Boyd asked if the applicant would like to speak.
Jeanne Fish, CCIM, DLP Realty, 1501 Ridgewood Avenue, Holly Hill, FL 32117, speaking for the applicant, stated she spoke in support for the item, that it was good for the County.

Mr. Langello asked would the use be a detriment to the other business in the area? My other question would be will that use be harmed by the others around them? Based on the allowable uses, I don’t think they will hurt them. He then asked if the LDC allowed for the most intense zoning to include all allowable uses in the less intense districts.

Mr. Mengel stated we do, he then went on to discuss how it works in practice.

Chair Boyd asked if anyone wanted to speak; seeing no one come forward, he then asked for Board comments.

Motion to approve made by Ms. Kornel, seconded by Mr. Lombardo.

Motion carried unanimously.

6. Staff Comments
None.

7. Board Comments
None.

8. Public Comments - Each speaker will be allowed up to three minutes to address the Planning and Development Board on any item or topic not on the agenda.
None.

9. Adjournment

Meeting adjourned at 6:25 p.m.

Prepared by: Wendy Hickey
Reviewed by: Adam Mengel
SUBJECT: QUASI-JUDICIAL – Application #3179 – Request for a Special Exception for Soil Extraction (borrow pit) in the AC (Agriculture) district Parcel #’s 31-11-30-0000-01050-0000 and 32-11-30-0000-02020-0000 14.79 +/- acres. Owner: Rayonier Atlantic Timber Company /Applicant: Matthews Design Group.

DATE OF MEETING: August 13, 2019

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The request is for approval of a Special Exception for Soil Extraction (borrow pit) in the AC (Agriculture) district:

On April 18, 2019, Mr. Alex Acree of Matthews Design Group submitted an application to the Planning and Zoning Department for a Special Exception for Soil Extraction (borrow pit) within the AC (Agriculture) District. The AC District allows for “mining, shell or soil extraction, gas or oil wells” subject to approval of a Special Exception for the use and any applicable conditions placed on the use by the Planning and Development Board.

Public notice has been provided for this application according to FCLDC Section 2.07.00.

This agenda item is:

- X quasi-judicial, requiring disclosure of ex-parte communication; or
- legislative, not requiring formal disclosure of ex-parte communication.

RECOMMENDATION: The Planning and Development Board finds that all the special exception criteria as listed in the guidelines at Land Development Code Section 3.07.03.F have been met and therefore approves the Special Exception for Soil Extraction (borrow
pit) located on Parcels: # 31-11-30-0000-01050-0000 and 32-11-30-0000-02020-0000, subject to the following conditions:

1. the Special Exception runs with the land;
2. owner or contractor to obtain all permits prior to commencement of work;
3. the use shall be limited to 7 a.m. to 6 p.m. Monday through Saturday;
4. the parcels shall remain under single ownership;
5. a minimum 50 foot wide perimeter buffer shall be maintained adjacent to the parcel boundary lines within which no activity shall take place;
6. applicant shall obtain an Administrative Future Land Use Amendment (to correct the Conservation Future Land Use designation) prior to commencement of any activity on the site;
7. applicant to provide necessary access improvements – consisting at a minimum of installation of a paved driveway connection to County Road 13 and paved shoulder apron edge opposite the driveway and along County Road 13, with other improvements as determined by the County Development Engineer at the time of right-of-way permit application for the driveway improvements – within the public right-of-way to ensure safe traffic movement on and off County Road 13, with no damage to pavement and/or drainage flow; and
8. any damage to County Road 13 directly resulting from and in close proximity to this use shall be the responsibility of the owner/operator.

Alternative recommendation: The Planning and Development Board finds that all the special exception criteria as listed in the guidelines at Land Development Code Section 3.07.03.F have not been met and therefore denies the request for a Special Exception for Soil Extraction (borrow pit) located on Parcels: # 31-11-30-0000-01050-0000 and 32-11-30-0000-02020-0000.

ATTACHMENTS:
1. Technical Staff Report
2. Application and supporting documents
3. Public notice
Application/Project #: 3179/2019040030

Owner: Rayonier Atlantic Timber Company

Applicant: Matthews Design Group

Parcel #'s: 31-11-30-0000-01050-0000 & 32-11-30-0000-02020-0000

Parcel Size: 570+/- acres; 14.79+/- acres (proposed extraction area)

Legal Description:
430.34 ACRES W1/2 & SE1/4 (EXC 1 ACRE DESCRIBED IN OR 91 PG 491) EXCEPT PART OF FPL R/W F-13 & F 13.13 OR 527 PGS 1159-1168 OR 672 PG 1651 (EXCEPT THAT PT LYING NWLY OF THE WESTERN BOUNDARY OF ABANDONED FEC R/W) OR 696/ 1837-CD OR 1959/397 OR 1991/ 1013-CD OR 1996/1551-NME CHG

139.66 ACRES SW1/4 OF NW1/4 & SW 1/4 OR 527 PGS 1159-1168 OR 672 PG 1651(EXC 37.60 AC 884/1192, 884/1196) (EX ALL THAT PORTION LYING NELY OF CR 13 DEEDED TO MCLAUGHLIN 59.74 AC 1135/1667) OR 696/1837-CD OR 1959/397 OR 1991/1013-CD OR 1996/1551-NME CHG

Existing Zoning and Land Use Classification:
Zoning: AC (Agriculture) District
Land Use: A&T (Agriculture and Timberlands) & Conservation

Future Land Use Map Classification/Zoning of Surrounding Land:
North: A&T (Agriculture and Timberlands)/ AC (Agriculture) District
East: County Road 13; A&T (Agriculture and Timberlands); AC (Agriculture) District
South: A&T (Agriculture and Timberlands) And Conservation / AC (Agriculture) District
West: A&T (Agriculture and Timberlands) & Conservation/ AC (Agriculture) District

Land Development Code Sections Affected: Land Development Code (LDC) Sections 3.03.02, Agriculture District, and 3.07.03, Procedure for variances and special exceptions.

Summary of Request: The proposed site consists of 14.79 acres straddling two (2) parcels owned by the Rayonier Atlantic Timber Company who purchased the subject parcels on October 25, 1999 through the Warranty Deed recorded on October 28, 1999 at Official Records Book 0672, Page 1651, Public Records of Flagler County, Florida. It was further conveyed through Special Warranty Deed on August 2, 2013 reflecting a corporate name change. Recorded at Official Records Book 1959 Page 397, on August 12, 2013 Public Records of Flagler County, Florida. Property Appraiser of Flagler County lists the current use of this property as Timber.
Special Exception Guideline Analysis
As provided in FCLDC subsection 3.07.03.F, the Planning and Development Board shall hear and decide upon requests for special exceptions as authorized by land classifications. The Board may approve, with conditions, requests which are in harmony with the intent and purpose of the regulations. In making its determination, the Board shall be guided by the following:

1. Ingress to and egress from the property shall provide for automotive and pedestrian safety and convenience, shall not unduly interfere with traffic flow and control, and shall provide access in case of fire or catastrophe.

   Applicant Response: A dirt road connects the borrow pit site to County Road 13.

   Staff Analysis: Prior to commencement of the proposed activity the applicant will be required to obtain a Land Development Permit which will require a site plan to scale that details the paved commercial driveway connection to County Road 13. Any damage to County Road 13 directly resulting in close proximity to this use shall be the responsibility of the owner/ operator of the extraction site /borrow pit.

2. Off-street parking and loading areas shall be provided as required, shall take into account relevant factors in subsection 1. preceding, and shall be located to minimize economic, noise, glare or odor effects on adjacent and nearby properties.

   Applicant Response: No parking is anticipated for the borrow pit project.

   Staff Analysis: The plan indicates a 20 foot wide stabilized roadway along the perimeter rim of the excavation site where it connects to a dirt road that is entirely within the subject parcel which then connects via a proposed paved driveway connection to County Road 13. The applicant states that no parking is anticipated and staff has determined that if parking is needed there is significant space available for intermittent parking.

3. Refuse and service areas shall be located with consideration for relevant factors in subsections 1. and 2. preceding.

   Applicant Response: This part is not applicable to the project which is limited to borrow pit construction.

   Staff Analysis: These factors are not relevant to the request.

4. The proposed use shall be compatible with the availability and location of utility services, whether public or private.
Applicant Response: The borrow pond location will not interfere with utility services and is compatible to the surrounding area.

Staff Analysis: This location is not served by central water nor sewer service.

5. Screening and buffering shall be provided which preserves or improves compatibility and harmony of use and structure between the proposed use and adjacent and nearby properties, according to the type, dimensions and character of the proposed use.

Applicant Response: There are no specific provisions for incompatibility buffer for borrow construction as it relates to Section 5.01.04 of the Land Development Code. The site plan complies with upland buffer requirements ensuring a minimum of 15’ of upland buffer along wetland delineations for a maximum of 25’ averaged along the wetland boundary in compliance with Section 6.02.09 of the Land Development Code. In addition, the borrow pit is designed to be approximately 200’ away from the nearest residential neighbor to the north as shown on the site plan.

Staff Analysis: The site is surrounded by agriculturally zoned properties plan submitted indicates that there is 200 feet to the nearest residential property. The proposed hours of operation are Monday – Saturday 7am to 6 pm.

6. Signs and exterior lighting, if any, shall maintain traffic safety and minimize glare and economic effects on adjacent and nearby properties.

Applicant Response: Signs and exterior lighting are not proposed.

Staff Analysis: Signage in the AC is not specifically mentioned in the LDC (Land Development Code) and no exterior lighting is planned for this site. The proposed extraction operation is limited to Monday to Saturday 7am to 6 pm.

7. Required yards and open spaces shall be provided.

Applicant Response: The site plan provides a minimum 100’ setback to the dirt road at the access point to the borrow pit which is twice the front yard setback requirement in the AC zoning district.

Staff Analysis: No minimum requires yard or open space are specifically listed in the AC district for extraction operations.

8. The height of structures shall be in harmony with that of adjacent and nearby uses and structures.

Applicant Response: There will no structures on the site.

Staff Analysis: The are no existing or proposed vertical structures
9. The economic effect of the proposed use on adjacent and nearby properties shall be positive.

Applicant Response: The spoils of the proposed borrow pit will provide needed resources that will positively impact the surrounding community and the borrow pit will be constructed with consideration given to adjacent property owners.

Staff Analysis: This operation, directly supports construction in the area which has a positive economic effect by creating and maintain jobs in the local area. The excavation activity is anticipated to last between 18 and 24 months.
Future Land Use Map
Flood Zone
Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**

Flagler County Building Department  386-313-4002  
Flagler County Planning Department  386-313-4009  
Flagler County Development Engineering  386-313-4082  
Flagler County General Services (Utilities)  386-313-4184  
County Attorney  386-313-4005  
Flagler County Fire Services  386-313-4258  
E-911 GIS Specialist  386-313-4274  
Environmental Health Department  386-437-7358  
Flagler County School Board  386-586-2386
REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

This office has no objection to this Special Exception.

Prior to construction the Contractor will need to obtain a Land Development Permit which will require a completed to scale site plan that details the driveway connection to CR 13.

Flagler County Code Sec. 26-42. Driveways

Requirements for a Flagler County Commercial Right of Way Permit:

Commercial driveways. Requirements for commercial driveways shall be dependent on the nature of the business being served by the driveways. As a minimum, however, commercial driveways shall be constructed of portland cement concrete six (6) inches thick on six-inch thick compacted limerock or shell base or eight (8) inches thick on four (4) inches of limerock or shell base. Commercial driveway width depends on the type of traffic scheduled to utilize the driveway. As a minimum, the width at the right-of-way line for a one-way driveway shall be fourteen (14) feet and for a two-way driveway shall be twenty-four (24) feet. Minimum width at the roadway pavement edge shall be not less than forty-eight (48) feet for one-way commercial driveways and not less than sixty-four (64) feet for a two-way commercial driveway. The widening shall be provided by a taper not less than twenty (20) feet long as measured along the centerline of the driveway. Shoulders for commercial driveways shall be six (6) feet in width, stabilized and sodded. In addition, turn lanes or acceleration and deceleration lanes may be required, dependent on the road involved and the traffic on that road.

Commercial drives shall be constructed using Florida Department of Transportation Class 1 material with a minimum twenty-eight (28) day compressive strength of three thousand pounds (3,000 lbs.) per square inch placed with a maximum slump of five (5) inches.

This Special Exception will be contingent on a roadside swale and culvert required at the connection at CR 13. We will contact the Road and Bridge Department and provide the required culvert specifications.

REVIEWING DEPARTMENT: COUNTY ATTORNEY

No comments at this time
1. A portion of Parcel Number 31-11-30-0000-01050-0000 is designated as Conservation on the County's 2010-2035 Comprehensive Plan Future Land Use Map. A portion of the proposed pond appears to lie within the Conservation designation. Adjust the location of the pond outside of the Conservation area or apply for an Administrative Future Land Use Map Amendment to amend the Conservation designation pursuant to Future Land Use Element Policy A.4.1.1 below:

Policy A.4.1.1: The Future Land Use Map designates as "Conservation" areas of ecologically sensitive species or communities and regionally significant wildlife corridors. This category includes creeks, stream and river banks, moderate or higher quality wetlands, floodplains, prime groundwater recharge areas, and natural systems that contribute to wildlife or greenway corridors. The geographic limits of the Conservation areas adopted on January 3, 2000 were based upon best available data, primarily U.S. Geological Survey (USGS) Quad Sheets dating from the 1970's. The following locational criteria shall apply to the verification of the existing limits of the Conservation Future Land Use as depicted on the County's 2010-2035 Future Land Use Map, as well as new designations of Conservation for ecologically sensitive species or communities and regionally significant wildlife corridors:

(1) The limits of the Conservation Future Land Use designation as currently mapped may be administratively adjusted to reflect the actual wetland jurisdictional boundary as certified by the St. Johns River Water Management District (SJRWMD) or United States Army Corps of Engineers (USACOE) that most closely approximates the existing conservation limit.

(2) In lieu of certification from State or Federal agencies, the limits of the Conservation Future Land Use designation may be adjusted based on an evaluation of Natural Resources Conservation Service soil survey map, a Florida Natural Areas Inventory (FNAI) Data Report Map, a site specific wetland vegetation map prepared by the SJRWMD, and a 1:200 scale false color aerial photograph. The Planning and Zoning Director may authorize the use of more precise alternative media if found to be more accurate.

(3) Verification and adjustments involving the designation of unincorporated lands as Conservation shall be coordinated with the City of Bunnell and adjacent landowners, including appropriate State and Federal agencies, to ensure that ecologically sensitive and regionally significant environmental resources, including wetlands and State and Federally-listed species and flora habitat, are protected, conserved, and maintained.

(4) In no case will the limits of conservation extend less than seventy-five (75) feet from the apparent shoreline of those creeks listed in Policy A.4.1.2 and one hundred fifty (150) feet from the ordinary or mean high water line of those water bodies listed in Policy A.4.1.3.

(5) The Board of County Commissioners will certify de minimis map adjustments and acreage changes on an annual basis and forward them to the Department of Community Affairs (DCA). When warranted, a comprehensive plan Future Land Use Map amendment shall be necessary.
2. The Conservation Element of the adopted Flagler County Comprehensive Plan includes the following specific provisions regarding mining activities; please review and respond with the proposed project's compliance with the following:

Objective F.1.8: Mining activities shall be regulated through Flagler County's existing Land Development Regulations (LDRs) so that said activities shall not adversely affect the quality of air, groundwater, surface water, and land and wildlife.

   - Policy F.1.8.1: A mining operation water use plan must be prepared and approved before new mining operations are permitted.
   - Policy F.1.8.2: Phasing of extractive activities shall be used as a device to assure that only small areas are affected by such activities at one time.
   - Policy F.1.8.3: Buffers shall be established and maintained between mining activities and adjacent existing and future uses to achieve an aesthetically pleasing landscape compatible with those land uses.
   - Policy F.1.8.4: A reclamation plan shall be approved by Flagler County or appropriate State environmental agency before mining activities are permitted.
   - Policy F.1.8.5: Mining shall be prohibited in areas where listed species are known to inhabit and in areas where hardwood and cypress/gum swamps exist.

3. Please provide a brief narrative response to each of the Special Exception guidelines as listed at Sec. 3.07.03.F, FCLDC, and copied below (Note: Some items may not be applicable; please respond as 'Not applicable' as appropriate; however, wherever possible, an attempt should be made to address the guideline, i.e. provision of a buffer by maintaining an adjacent tree line, for example):

   F. Special exception guidelines. The planning and development board shall hear and decide upon requests for special exceptions as authorized by land classifications. The board may approve, with conditions, requests which are in harmony with the intent and purpose of the regulations. In making its determination, the board shall be guided by the following:

   1. Ingress to and egress from the property shall provide for automotive and pedestrian safety and convenience, shall not unduly interfere with traffic flow and control, and shall provide access in case of fire or catastrophe.

   2. Offstreet parking and loading areas shall be provided as required, shall take into account relevant factors in subsection 1. preceding, and shall be located to minimize economic, noise, glare or odor effects on adjacent and nearby properties.

   3. Refuse and service areas shall be located with consideration for relevant factors in subsections 1. and 2. preceding.

   4. The proposed use shall be compatible with the availability and location of utility services, whether public or private.

   5. Screening and buffering shall be provided which preserves or improves compatibility and harmony of use and structure between the proposed use and adjacent and nearby properties, according to the type, dimensions and character of the proposed use.

   6. Signs and exterior lighting, if any, shall maintain traffic safety and minimize glare and economic effects on adjacent and nearby properties.

   7. Required yards and open spaces shall be provided.
8. The height of structures shall be in harmony with that of adjacent and nearby uses and structures.

9. The economic effect of the proposed use on adjacent and nearby properties shall be positive.

In granting any special exception, the board may prescribe appropriate conditions and safeguards in conformity with these development regulations. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is recommended, shall be deemed a violation of these development regulations. In granting a special exception, the board shall prescribe a time limit within which the uses for which the special exception, if granted, shall be begun or completed, or both. Failure to begin or complete, or both, such use within the time limit shall void the special exception.

4. Include on the site plan the location and detail of the dirt road connection with County Road 13. This should include a detail of the width of the apron at the connection point, including surface type for the apron (concrete or asphalt unless otherwise specified by the Development Engineer) and intended culvert pipe type, size (diameter and length), and end treatment (headwall or mitred-end).

5. Provide hours of operation and estimated timeframe for completion of the project.

6. What is the anticipated volume (in cubic yards of material) of the operation? An estimate of the number of truck daily trips will also be helpful -- volume of the truck times the number of daily truck trips -- to reconcile the timeframe for completion and the roadway impacts.

Additional comments may be provided upon receipt of requested information.

REVIEWING DEPARTMENT: FIRE INSPECTOR

FIRE SERVICES COMMENTS FOR SPECIAL EXCEPTION
No comments at this time
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<th>Parcel ID</th>
<th>Owner</th>
<th>Land Value</th>
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<th>Building Value</th>
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<td>8/3/2013 0 UNQUAL/TRANSACT OF AFFILIATION</td>
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<td>061230</td>
<td>C/O RAYONIER TAX SERVICES POST OFFICE BOX 161139 MOBILE, AL 36616</td>
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<td>10/1/1999 $15146300 QUAL/CREDIBLE,VERIF/DOC/EVIDEN MLS</td>
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Legend:
- Parcels
- Streams and River
- Unincorporated FLUM
- <all other values>
- AGRICULTURE
- AGRICULTURE & TIMBERLANDS
- COMMERCIAL: HIGH INTENSITY
- COMMERCIAL: LOW INTENSITY
- CONSERVATION
- EDUCATIONAL USES
- INDUSTRIAL
- MIXED USE: LOW INTENSITY
- MIXED USE: HIGH INTENSITY
- RECREATION & OPEN SPACE
- RESIDENTIAL: HIG DENSITY
- RESIDENTIAL: LOV DENSITY / RURAL ESTATE
- RESIDENTIAL: LOV DENSITY/SINGLE FAMILY
- RESIDENTIAL: MEDIUM DENSITY
Assessed: $20,713
Value
Exempt: $0
Value
Taxable: $20,713
Value

Date created: 5/8/2019
Last Data Uploaded: 5/8/2019 7:43:19 AM
Developed by

Schneider Geospatial
**APPLICATION FOR SPECIAL EXCEPTION**

**FLAGLER COUNTY, FLORIDA**

1769 E. Moody Boulevard, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009  Fax: (386) 313-4109

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**APPLICATION/PROJECT #:** 

- **Name(s):** Rayonier Atlantic Timber Company  
- **Mailing Address:** 1 Rayonier Way  
- **City:** Wildlight  
- **State:** FL  
- **Zip:** 32097  
- **Telephone Number:** (904) 548-9014  
- **Fax Number:**  
- **Email Address:** ken.rester@rayonier.com

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**APPLICANT/AGENT:**

- **Name(s):** Matthews Design Group / Alex Acree  
- **Mailing Address:** 7 Waldo Street  
- **City:** St. Augustine  
- **State:** FL  
- **Zip:** 32084  
- **Telephone Number:** (904) 826-1334  
- **Fax Number:** (904) 826-4547  
- **Email Address:** alex@mdginc.com

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**SITE LOCATION (street address):** Off Old Brick Road in Bunnell

**LEGAL DESCRIPTION:** A portion of Section 31 and Section 32, Township 11 S, Range 30 E

- **Parcel # (tax ID #):** 31-11-30-0000-01050-0000 / 32-11-30-0000-02020-0000  
- **Parcel Size:** 14.79 acres  
- **Current Zoning Classification:** AC  
- **Current Future Land Use Designation:** Ag-timber, portion of Conservation  
- **Subject to A1A Scenic Corridor IDO?** NO

**Requested Use:** Proposed 14.79 acre borrow pit

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**Signature of Owner(s) or Applicant/Agent:**  
**Date:** 4/15/19

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**OFFICIAL USE ONLY**

- **PLANNING BOARD RECOMMENDATION/ACTION:** APPROVED WITH CONDITIONS

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**Signature of Chairman:**  
**Date:**

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**NOTE:** The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application.  
Rev. 08/14
Owner's Authorization for Applicant/Agent

FLAGLER COUNTY, FLORIDA
1769 E. Moody Boulevard, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009    Fax: (386) 313-4109

Application/Project #__________

Matthews Design Group, is hereby authorized TO ACT ON BEHALF
OF Rayonier Atlantic Timber Company, the owner(s) of those lands described
within the attached application, and as described in the attached deed or other such
proof of ownership as may be required, in applying to Flagler County, Florida for an
application for a Special Exception Submittal.

(ALL PERSONS, WHO'S NAMES APPEAR ON THE DEED MUST SIGN)

By:

Signature of Owner

Kyle M. Sawicki / Assistant Secretary
Printed Name of Owner / Title (if owner is corporation or partnership)

Signature of Owner

Printed Name of Owner

Address of Owner:  Telephone Number (incl. area code)

1 Rayonier Way                      (904) 548-9014
Mailing Address

Wildlight  FL  32097
City State Zip

STATE OF Florida
COUNTY OF Nassau

The foregoing was acknowledged before me this 27th day of March, 2019, by Kyle M. Sawicki and
who is/are personally known to me or who has produced
as identification, and who (did) / (did not) take an oath.

Jennie Shiver
Signature of Notary Public

Revised 5/08
STATE OF FLORIDA
COUNTY OF NASSAU
(In Re: Flagler County, Florida Property)

AFFIDAVIT OF TITLE

BEFORE ME, the undersigned Notary Public in and for the State of Florida, personally appeared S. ALLISTER FISHER, who being first duly sworn, deposes and says that:

1. This Affidavit is being recorded to provide notice of the name change set forth below with respect to real property owned by TIMBERLANDS HOLDING COMPANY ATLANTIC, INC., a Delaware corporation in Flagler County, Florida.

2. I am the Assistant Secretary of RAYONIER ATLANTIC TIMBER COMPANY, a Delaware corporation, and authorized to make this affidavit.

3. TIMBERLANDS HOLDING COMPANY ATLANTIC, INC., a Delaware corporation, changed its name to RAYONIER ATLANTIC TIMBER COMPANY, a Delaware corporation by filing that certain Restated Certificate of Incorporation filed with the Delaware Secretary of State on March 11, 2014, a copy of which is attached hereto as Exhibit “A”.

4. RAYONIER ATLANTIC TIMBER COMPANY is a Delaware corporation and it has not been terminated, nor have proceedings to terminate the Articles of Incorporation, nor have bankruptcy proceedings been commenced.

5. I am aware of and familiar with the contents of the Articles of Incorporation, Restated Certificate of Incorporation, and Bylaws of RAYONIER ATLANTIC TIMBER COMPANY.
6. By virtue of the name change as set forth above, all assets including real property, titled to TIMBERLANDS HOLDING COMPANY ATLANTIC, INC. were held in the name of RAYONIER ATLANTIC TIMBER COMPANY as of March 11, 2014.

S. Allister Fisher
Assistant Secretary
Rayonier Atlantic Timber Company

SWORN TO AND SUBSCRIBED before me this 17th day of March, 2014, by S. Allister Fisher, who is personally known to me.

Elizabeth M. Lowe
Notary Public, State of Florida
My Commission Expires: 10/10/15
I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE RESTATED CERTIFICATE OF "TIMBERLANDS HOLDING COMPANY ATLANTIC, INC.", CHANGING ITS NAME FROM "TIMBERLANDS HOLDING COMPANY ATLANTIC, INC." TO "RAYONIER ATLANTIC TIMBER COMPANY", FILED IN THIS OFFICE ON THE ELEVENTH DAY OF MARCH, A.D. 2014, AT 1:50 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

5354528 8100
140315737

Jeffrey W. Bullock, Secretary of State

AUTHENTICATION: 1201645
DATE: 03-12-14

You may verify this certificate online at corp.delaware.gov/authver.shtml
RESTATED CERTIFICATE OF INCORPORATION
OF
TIMBERLANDS HOLDING COMPANY ATLANTIC, INC.

* * * * *

Timberlands Holding Company Atlantic, Inc., a corporation organized and existing under
the laws of the State of Delaware, hereby certifies as follows:

1. The name of the corporation is Timberlands Holding Company Atlantic, Inc. The
date of filing of its Certificate of Incorporation with the Secretary of State was June 20, 2013.

2. This Restated Certificate of Incorporation restates and integrates and amends the
Certificate of Incorporation of this corporation by changing Article First thereof so that, as
amended, said Article shall be and read as follows:

"The name of the corporation is Rayonier Atlantic Timber Company."

3. Timberlands Holding Company Atlantic, Inc., does hereby restate, integrate and
amend its certificate of incorporation in its entirety to read as follows:

FIRST: The name of the corporation is Rayonier Atlantic Timber Company (hereinafter,
the "Corporation").

SECOND: The Corporation's registered office in the State of Delaware is to be located at
1209 Orange Street in the City of Wilmington, County of New Castle, Postal Code 19801. The
name of the registered agent of the Corporation at such address is The Corporation Trust Company.

THIRD: The purpose of the Corporation is to engage in any lawful act or activity for which
corporations may be organized under the General Corporation Law of the State of Delaware.

FOURTH: The total number of shares of capital stock which the corporation has authority
to issue is 10,000 shares, of which 7,500 shall be designated Common Stock having a par value of
one dollar ($1.00) per share and of which 2,500 shares shall be designated Preferred Stock having
a par value of ten cents ($0.10) per share, with the following powers, preferences and rights, and
qualifications, limitations and restrictions:

(a) Except as otherwise provided by law, each share of Common Stock shall
have one vote, and, except as otherwise provided in respect of any series of Preferred Stock
hereafter classified or reclassified, the exclusive voting power for all purposes shall be
vested in the holders of the Common Stock. In the event of any liquidation, dissolution or
winding up of the Corporation, whether voluntary or involuntary, the holders of the
Common Stock shall be entitled, after payment or provision for payment of the debts and
other liabilities of the Corporation and the amount to which the holders of any series of
Preferred Stock hereafter classified or reclassified having a preference on distributions in
the liquidation, dissolution or winding up of the Corporation shall be entitled, to share ratably in the remaining net assets of the Corporation.

(b) The Corporation's Board of Directors is authorized, subject to any limitations prescribed by law, to provide for the issuance of Preferred Stock in series, and by filing a certificate pursuant to the applicable law of the State of Delaware, to establish from time to time the numbers of shares to be included in each such series, and to fix the designation, powers, preferences and rights of the shares of each such series and any qualifications, limitations or restrictions thereof.

(c) No holder of any share of the Corporation, whether now or hereafter authorized, shall have any preemptive right to subscribe for or to purchase any shares or other securities of the Corporation, nor have any right to cumulate his votes for the election of Directors.

FIFTH: Restrictions on Ownership and Transfer of Capital Stock.

1. Restrictions on Ownership and Transfer of Capital Stock.

(a) Except as provided in this Article Fifth, Section 3, until the Restriction Termination Date:

(i) no Person shall Acquire any Capital Stock if such would result in the Corporation being "closely held" within the meaning of Section 856(h) of the Code;

(ii) no Person shall Acquire any Capital Stock if such would cause the Corporation to Constructively Own 10% or more of the ownership interests in a tenant of the real property of the Corporation (or of any direct or indirect subsidiary of the Corporation), within the meaning of Section 856(d)(2)(B) of the Code;

(iii) no Person shall Acquire any Capital Stock if such acquisition would result in Capital Stock being Beneficially Owned by fewer than 100 persons within the meaning of Section 856(a)(5) of the Code;

(iv) no Person shall Acquire any Capital Stock if such acquisition would result in the failure of the Corporation to qualify as a "domestically controlled REIT" within the meaning of Section 897(h)(4)(B) of the Code; and

(v) no Person shall Acquire any Capital Stock if such acquisition would cause the Corporation to fail to qualify as a REIT.

(b) Any purported Transfer of Capital Stock that, if effective, would result in a violation of the restrictions in this Article Fifth, Section 1 shall be void ab initio as to the Transfer of that number of shares of Capital Stock that would cause the violation of the applicable restriction, and the intended transferee shall acquire no rights in such Capital Stock.
Stock, and such shares shall be converted into Excess Shares pursuant to this Article Fifth, Section 3(b).

2. **Owners Required to Provide Information.** Until the Restriction Termination Date:

   (a) Every Beneficial Owner of more than 0.5%, or such lower or greater percentage as is then required pursuant to regulations under the Code, of the outstanding shares of any class or series of Capital Stock of the Corporation shall provide to the Corporation such information as the Corporation may request in order to determine the effect, if any, of such Beneficial Ownership on the Corporation’s status as a REIT.

   (b) Each Person who is a Beneficial Owner of Capital Stock and each Person (including the shareholder of record) who is holding Capital Stock for a Beneficial Owner shall provide to the Corporation a written statement or affidavit stating such information as the Corporation may request in order to determine the Corporation’s status as a REIT.

3. **Remedies for Breach.**

   (a) If, notwithstanding the other provisions contained in this Article Fifth, the Board of Directors or a committee thereof shall at any time determine in good faith that there has occurred a purported Transfer or Non-Transfer Event that falls within the scope of this Article Fifth, Section 1(b) above or that would result in a violation of this Article Fifth, Section 1(b) above, then the Board of Directors or a committee thereof shall take such action as it or they deem advisable to refuse to give effect to or to prevent such Transfer or Non-Transfer Event, including, but not limited to, refusing to give effect to such Transfer or Non-Transfer Event on the books of the Corporation or instituting proceedings to enjoin such Transfer or Non-Transfer Event.

   (b) Without limiting this Article Fifth, Section 3(a), if the Board of Directors or a committee thereof determines that there is a purported Transfer or Non-Transfer Event that would result in a violation of this Article Fifth, Section 1, then: (i) the Purported Record Transferee (and the Purported Beneficial Transferee, if different) shall acquire no right or interest (or, in the case of a Non-Transfer Event, the Person holding record title to the Capital Stock Beneficially Owned by such Beneficial Owner shall cease to own any right or interest) in such number of shares of Capital Stock as are acquired in violation of this Article Fifth, Section 1; (ii) such number of shares of Capital Stock (rounded up to the nearest whole share) acquired in violation of this Article Fifth, Section 1 shall be automatically converted into an equal number of Excess Shares and transferred to a Trust in accordance with this Article Fifth, Section 4; and (iii) such Purported Record Transferee (and such Purported Beneficial Transferee, if different) or, in the case of a Non-Transfer Event, the Person who, immediately prior to such automatic conversion, was the holder of record title to the Capital Stock automatically converted, shall submit the certificates representing such number of shares of Capital Stock to the Corporation, accompanied by all requisite and duly executed assignments of Transfer thereof, for registration in the name of the Trustee of the Trust. Such conversion into Excess Shares and Transfer to a Trust shall be effective as of the close of trading on the Business Day prior to the date of the purported Transfer or Non-Transfer Event, as the case may be, even though the certificates
representing the Capital Stock so converted may be submitted to the Corporation at a later date.

(c) If the Corporation, or its designees, shall at any time determine in good faith that a Transfer has taken place in violation of this Article Fifth, Section 1 or that a Person intends to acquire or has attempted to acquire Beneficial Ownership or Constructive Ownership of any Capital Stock in violation of this Article Fifth, Section 1, the Corporation shall take such action as it deems advisable to refuse to give effect to or to prevent such Transfer or acquisition, including, but not limited to, refusing to give effect to such Transfer on the stock transfer books of the Corporation or instituting proceedings to enjoin such Transfer or acquisition, but the failure to take any such action shall not affect the automatic conversion of Capital Stock into Excess Shares pursuant to this Article Fifth, this Section 3(c) or their Transfer to a Trust pursuant to this Article Fifth, Section 4.

(d) Any Person who acquires or attempts to acquire Capital Stock in violation of this Article Fifth, Section 1 shall immediately give written notice to the Corporation of such event and shall provide to the Corporation such other information as the Corporation may request in order to determine the effect, if any, of such Transfer or Non-Transfer Event, as the case may be, on the Corporation’s status as a REIT.

4. Creation of Trust; Disposition of Excess Shares.

(a) Upon any purported Transfer or Non-Transfer Event that results in Excess Shares: (i) the Corporation shall create, or cause to be created, a Trust, and shall designate a Trustee and name a Beneficiary thereof; and (ii) such Excess Shares shall be automatically transferred to such Trust to be held for the exclusive benefit of the Beneficiary. Any conversion of Capital Stock into Excess Shares and transfer to a Trust shall be effective as of the close of trading on the Business Day prior to the date of the purported Transfer or Non-Transfer Event that results in the conversion. Excess Shares so held in trust shall be issued and outstanding shares of the Corporation.

(b) Excess Shares shall be entitled to the same dividends and distributions (as to both timing and amount) as may be declared by the Board of Directors of the Corporation with respect to the Capital Stock which was converted into such Excess Shares. The Trustee, as record holder of the Excess Shares, shall be entitled to receive all dividends and distributions and shall hold all such dividends or distributions in trust for the benefit of the Beneficiary. The Prohibited Owner with respect to such Excess Shares shall repay to the Trust the amount of any dividends or distributions received by it (i) that are attributable to any Capital Stock that has been converted into Excess Shares and (ii) the record date of which was on or after the date that such Capital Stock was converted into Excess Shares. The Corporation shall take all measures that it determines are reasonably necessary to recover the amount of any such dividend or distribution paid to a Prohibited Owner, including, if necessary, withholding any portion of future dividends or distributions payable on Capital Stock Beneficially Owned by the Person who, but for the provisions of this Article Fifth, would Constructively Own or Beneficially Own the Capital Stock that was converted into Excess Shares; and, as soon as reasonably practicable following the
Corporation's receipt or withholding thereof, shall pay over to the Trust for the benefit of the Beneficiary the dividends so received or withheld, as the case may be.

(c) In the event of any voluntary or involuntary liquidation of, or winding up of, or any distribution of the assets of, the Corporation, each holder of Excess Shares shall be entitled to receive, ratably with each other holder of the same class and series of Capital Stock which was converted into such Excess Shares, that portion of the assets of the Corporation that is available for distribution to the holders of the same class and series of Capital Stock which was converted into such Excess Shares. The Trust shall distribute to the Prohibited Owner the amounts received upon such liquidation, dissolution, or winding up, or distribution; provided, however, that the Prohibited Owner shall not be entitled to receive amounts in excess of, in the case of a purported Transfer in which the Prohibited Owner gave value for Capital Stock and which Transfer resulted in the conversion of such Capital Stock into Excess Shares, the product of (i) the price per share, if any, such Prohibited Owner paid for the Capital Stock and (ii) the number of shares of Capital Stock which was so converted into Excess Shares, and, in the case of a Non-Transfer Event or purported Transfer in which the Prohibited Owner did not give value for such shares (e.g., if the shares were received through a gift or devise) and which Non-Transfer Event or purported Transfer, as the case may be, resulted in the conversion of the shares into Excess Shares, the product of (x) the price per share equal to the Market Price on the date of such Non-Transfer Event or purported Transfer and (y) the number of shares of Capital Stock which was so converted into Excess Shares. Any remaining amount in such Trust shall be distributed to the Beneficiary.

(d) Excess Shares shall entitle the holder to no voting rights other than those voting rights which accompany a class of capital stock under applicable law. The Trustee, as record holder of the Excess Shares, shall be entitled to vote all Excess Shares. Any vote by a Prohibited Owner as a purported holder of Capital Stock prior to the discovery by the Corporation that such Capital Stock has been converted into Excess Shares shall, subject to applicable law, be rescinded and shall be void ab initio with respect to such Excess Shares.

(e) As soon as practicable after the Trustee acquires Excess Shares and complies with the last sentence of this Article Fifth, this Section 4(e), the Trustee shall designate one or more Persons as Permitted Transferees and sell to such Permitted Transferees any Excess Shares held by the Trustee; provided, however, that (i) any Permitted Transferee so designated purchases for valuable consideration (whether in a public or private sale) the Excess Shares and (ii) any Permitted Transferee so designated may acquire the shares of the same class and series of Capital Stock from which such Excess Shares were converted without violating any of the restrictions set forth in this Article Fifth, Section 1 and without such acquisition resulting in the conversion of such Capital Stock into Excess Shares and the Transfer of such shares to a Trust pursuant to this Article Fifth, Section 3. The Trustee shall have the exclusive and absolute right to designate Permitted Transferees of any and all Excess Shares. Prior to any Transfer by the Trustee of Excess Shares to a Permitted Transferee, the Trustee shall give not less than five Business Days' prior written notice to the Corporation of such intended Transfer and the Corporation.
must have waived in writing its purchase rights under this Article Fifth, Section 4(j) if such intended Transfer would occur during the 90-day period referred to therein.

(f) Upon the designation by the Trustee of a Permitted Transferee in accordance with the provisions of this Article Fifth, this Section 4, the Trustee shall cause to be transferred to the Permitted Transferee Excess Shares acquired by the Trustee. Upon such transfer of Excess Shares to the Permitted Transferee, such Excess Shares shall automatically be converted into an equal number of shares of Capital Stock of the same class and series from which such Excess Shares were converted. The Trustee shall (i) cause to be recorded on the stock transfer books of the Corporation that the Permitted Transferee is the holder of record of such number of shares of Capital Stock, and (ii) distribute to the Beneficiary any and all amounts held with respect to such Excess Shares after making payment to the Prohibited Owner pursuant to this Article Fifth, Section 4(h).

(g) If the Transfer of Excess Shares to a purported Permitted Transferee would or does violate any of the transfer restrictions set forth in this Article Fifth, Section 1, such Transfer shall be void ab initio as to that number of Excess Shares that cause the violation of any such restriction when such shares are converted into Capital Stock (as described in this Article Fifth, Section 4(f) above) and the purported Permitted Transferee shall be deemed to be a Prohibited Owner and shall acquire no rights in such Excess Shares or Capital Stock. Such Capital Stock shall automatically be converted into Excess Shares and transferred to the Trust from which they were originally transferred. Such conversion and transfer to the Trust shall be effective as of the close of trading on the Business Day prior to the date of the Transfer to the purported Permitted Transferee and the provisions of this Article Fifth shall apply to such shares, including, without limitation, the provisions of this Article Fifth, Sections 4(e) - (j) with respect to any future transfer of such shares by the Trust.

(h) Any Prohibited Owner shall be entitled (following acquisition of the Excess Shares and subsequent designation of and sale of Excess Shares to a Permitted Transferee or following the acceptance of the offer to the Corporation to purchase such shares in accordance with this Article Fifth, Section 4(j)) to receive from the Trustee following the sale or other disposition of such Excess Shares the lesser of:

(i) in the case of a purported Transfer in which the Prohibited Owner gave value for Capital Stock and which Transfer resulted in the conversion of such Capital Stock into Excess Shares, the product of (A) the price per share, if any, such Prohibited Owner paid for the Capital Stock and (B) the number of shares of Capital Stock which was so converted into Excess Shares, or in the case of a Non-Transfer Event or purported Transfer in which the Prohibited Owner did not give value for such Capital Stock (e.g., if the Capital Stock was received through a gift or devise) and which Non-Transfer Event or purported Transfer, as the case may be, resulted in the conversion of such Capital Stock into Excess Shares, the product of (A) a price per share equal to the Market Price on the date of such Non-Transfer Event or purported Transfer and (B) the number of shares of Capital Stock which were so converted into Excess Shares; or
(ii) the proceeds received by the Trustee from the sale or other disposition of such Excess Shares in accordance with this Article Fifth, Section 4(e) or Section 4(j).

(i) Any amounts received by the Trustee in respect of such Excess Shares that are in excess of such amounts to be paid to the Prohibited Owner pursuant to this Article Fifth, Section 4(h) shall be distributed to the Beneficiary in accordance with the provisions of this Article Fifth, Section 4(f). The Trustee and the Trust shall not be liable for, and each Beneficiary and Prohibited Owner shall be deemed to have irrevocably waived, any claim by a Beneficiary or Prohibited Owner arising out of the disposition of Excess Shares, except for claims arising out of the gross negligence or willful misconduct of, or any failure to make payments in accordance with this Article Fifth, this Section 4 by, such Trustee.

(j) Excess Shares shall be deemed to have been offered for sale to the Corporation, or its designee, at a price per share equal to the lesser of (A) the price per share in the transaction that created such Excess Shares (or, in the case of a Non-Transfer Event or Transfer in which the Prohibited Owner did not give value for the shares (e.g., if the shares were received through a gift or devise), the Market Price on the date of such Non Transfer Event or Transfer in which the Prohibited Owner did not give value for the shares) or (B) the Market Price on the date the Corporation, or its designee, accepts such offer. The Corporation shall have the right to accept such offer for a period of 90 days following the later of (x) the date of the Non-Transfer Event or purported Transfer which results in such Excess Shares or (y) the date the Board of Directors of the Corporation first determined that a Transfer or Non-Transfer Event resulting in Excess Shares has occurred, if the Corporation does not receive a notice of such Transfer or Non-Transfer Event pursuant to this Article Fifth, Section 3(d).

5. **Remedies Not Limited.** Nothing contained in this Article shall limit the authority of the Corporation to take such other action as it deems necessary or advisable to protect the Corporation and the interests of its stockholders by preservation of the Corporation's status as a REIT.

6. **Ambiguity.** In the case of an ambiguity in the application of any of the provisions of this Article, the Board of Directors shall have the power to determine the application of the provisions of this Article with respect to any situation based on the facts known to it and any such determination made in good faith shall be binding on all shareholders of the Corporation.

7. **Legend.** Each certificate for Capital Stock shall bear the following legend:

The shares of Rayonier Atlantic Timber Company (the “Corporation”) represented by this certificate are subject to restrictions set forth in the Corporation's Certificate of Incorporation which prohibit in general any Person from acquiring or maintaining any ownership interest in the capital stock of the Corporation that is inconsistent with (A) the requirements of the Code pertaining to real estate investment trusts or (B) the Certificate of Incorporation of the Corporation, and the holder of this certificate by his acceptance hereof consents to be bound by such restrictions. Any purported transfer of Capital Stock in violation of such restrictions
shall be void *ab initio* and the Capital Stock transferred in violation of such restrictions, whether as a result of a Transfer or a Non-Transfer Event, shall be automatically converted into Excess Shares and transferred to a Trust for disposition as provided in the Certificate of Incorporation. Capitalized terms used in this paragraph and not defined herein are defined in the Corporation’s Certificate of Incorporation. The Corporation will furnish without charge, to each stockholder who so requests, a copy of the Certificate of Incorporation of the Corporation, containing, among other things, a statement of the powers, designations, preferences and relative, participating, optional or other special rights of each class of stock or series thereof that the Corporation is authorized to issue and the qualifications, limitations or restrictions of such preferences and/or rights. Any such request shall be addressed to the Secretary of the Corporation.

8. **Termination of REIT Status.** The Board of Directors shall take no action to terminate the Corporation’s status as a REIT until such time as (A) the Board of Directors adopts a resolution recommending that the Corporation terminate its status as a REIT or amend this Article, as the case may be, (B) the Board of Directors presents the resolution at an annual or special meeting of the stockholders and (C) such resolution is approved by holders of greater than two-thirds of the issued and outstanding Common Stock.

9. **Severability.** Each provision of this Article Fifth shall be severable and any such provision determined to be invalid by a court having jurisdiction shall in no way affect the validity of any other provision.

10. **Definitions.** For purposes of this Article Fifth:

"Acquire" means the acquisition of Beneficial Ownership of Capital Stock by any means whatsoever including, without limitation, (i) the acquisition of direct ownership of shares by any Person, including through the exercise of any option, warrant, pledge, security interest or similar right to acquire Capital Stock, and (ii) the acquisition of indirect ownership of Capital Stock (taking into account the constructive ownership rules of Section 544 of the Code, as modified by Section 856(h)(1)(B) of the Code) by a Person who is an individual within the meaning of Section 542(a)(2) of the Code, including through the acquisition by any Person of any option, warrant, pledge, security interest or similar right to acquire Capital Stock.

"Beneficial Ownership" means ownership of Capital Stock by a Person who would be treated as an owner of Capital Stock either directly or indirectly under Section 542(a)(2) of the Code, taking into account, for this purpose, constructive ownership determined under Section 544 of the Code, as modified by Section 856(h)(1)(B) of the Code (except where expressly provided otherwise). The terms "Beneficial Owner," "Beneficially Owns" and "Beneficially Owned" shall have correlative meanings. In determining the number of shares of Capital Stock Beneficially Owned by a Person, no Capital Stock attributed to that Person shall be counted more than once.

"Beneficiary" means, with respect to any Trust, one or more organizations described in each of Section 170(b)(1)(A) (other than clauses (vii) and (viii) thereof) and Section 170(c)(2) of the Code that are named by the Corporation as the beneficiary or beneficiaries of such Trust.
"Board of Directors" means the board of directors of the Corporation.

"Business Day" means any day other than a Saturday, Sunday or other day on which banking institutions in the City of New York are authorized or obligated by law or executive order to close.

"Capital Stock" means the Common Stock and the Preferred Stock of the Corporation.


"Constructive Ownership" means ownership of Capital Stock by a Person who is or would be treated as a direct or indirect owner of such Capital Stock through the application of Section 318 of the Code, as modified by Section 856(d)(5) of the Code. The terms "Constructive Owner," "Constructively Owns" and "Constructively Owned" shall have correlative meanings.

"Excess Shares" means the number of shares of Capital Stock acquired by any Beneficial Owner in violation of Article Fifth, Section 1, rounded up to the nearest whole share.

"Market Price" of Capital Stock on any date means the per share fair market value of the affected class of capital stock of the Corporation as of such day, as determined by the Board of Directors in its good faith discretion.

"Non-Transfer Event" means an event other than a purported Transfer that would cause or result in an increase in the percentage of any Person's Beneficial Ownership of the outstanding Capital Stock.

"Permitted Transferee" means any Person designated as a Permitted Transferee in accordance with the provisions of Article Fifth, Section 4 herein.

"Person" means an individual or any corporation, partnership, limited liability company, estate, trust, association, private foundation, joint stock company or any other entity.

"Prohibited Owner" means, with respect to any purported Transfer or Non-Transfer Event, any Person who is prevented from becoming or remaining the owner of record title to Capital Stock by the provisions of Article Fifth, Section 4 herein.

"Purported Beneficial Transferee" means, with respect to any purported Transfer of Beneficial Ownership of Capital Stock that results in the automatic conversion of such shares into Excess Shares, the purported transferee of Beneficial Ownership of such shares if such purported Transfer had been valid under Article Fifth, Section 1 herein.

"Purported Record Transferee" means, with respect to any purported Transfer of Beneficial Ownership of Capital Stock that results in the automatic conversion of such shares into Excess Shares, the purported record transferee of such shares if such purported Transfer had been valid under Article Fifth, Section 1 herein.

"REIT" means a real estate investment trust under Sections 856 et seq. of the Code.
"Restriction Termination Date" means such time as (i) the Board of Directors has adopted a resolution recommending that the Corporation terminate its status as a REIT, (ii) the Board of Directors presents a resolution to terminate the Corporation's status as a REIT at an annual or special meeting of stockholders of the Corporation, and (iii) such resolution is approved by holders of greater than two-thirds of the issued and outstanding Common Stock.

"Transfer" as a noun means any sale, transfer, gift, assignment, devise or other disposition of Beneficial Ownership of shares of capital stock, whether voluntary or involuntary and whether by operation of law or otherwise; and as a verb has the correlative meaning.

"Trust" means any separate trust created and administered in accordance with the terms of Article Fifth, Section 4 herein, for the exclusive benefit of any Beneficiary.

"Trustee" means any Person, unaffiliated with both the Corporation and any Prohibited Owner (and, if different than the Prohibited Owner, the Person who would have had Beneficial Ownership of the shares that would have been owned of record by the Prohibited Owner), designated by the Corporation to act as trustee of any Trust, or any successor trustee thereof.

SIXTH: Election of directors need not be by ballot.

SEVENTH: In furtherance and not in limitation of the powers conferred by the laws of the State of Delaware, the board of directors is expressly authorized to adopt, amend or repeal the Corporation's bylaws.

EIGHTH: A director of the Corporation shall not be personally liable to the Corporation or its stockholders for monetary damages for breach of fiduciary duty as a director, except for liability (a) for any breach of the director's duty of loyalty to the Corporation or its stockholders, (b) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (c) under General Corporation Law of the State of Delaware § 174, or (d) for any transaction from which the director derived an improper personal benefit. If the General Corporation Law of the State of Delaware is amended after the date of this certificate of incorporation to further eliminate or limit the personal liability of directors, then the liability of a director of the Corporation shall be eliminated or limited to the fullest extent permitted by the General Corporation Law of the State of Delaware, as so amended. Any repeal or modification of this Article by the stockholders of the Corporation shall not adversely affect any right or protection of a director of the Corporation existing at the time of such repeal or modification.

NINTH: The Corporation reserves the right to amend and repeal any provision contained in the certificate of incorporation in the manner prescribed by the laws of the State of Delaware. All rights herein conferred are granted subject to this reservation.

* * *
This restated certificate of incorporation was duly adopted by the Corporation’s Board of Directors and its stockholders in accordance with General Corporation Law of the State of Delaware § 242, § 245 and other applicable sections, and in the case of its stockholders by unanimous written consent of the stockholders in lieu of a meeting and vote of stockholders in accordance with General Corporation Law of the State of Delaware § 228.

**Duly Executed** and acknowledged by the duly authorized officer of the Corporation on March 11, 2014.

TIMBERLANDS HOLDING COMPANY
ATLANTIC, INC.

[Signature]

By: Michael R. Herman
Title: Senior Vice President
STATE OF FLORIDA  
COUNTY OF NASSAU  
(In Re: Flagler County, Florida Property)  

AFFIDAVIT OF TITLE  

BEFORE ME, the undersigned Notary Public in and for the State of Florida, personally appeared TRACY K. ARTHUR, who being first duly sworn, deposes and says that:  

1. I am the Assistant Secretary of RAYONIER TIMBERLANDS MANAGEMENT, LLC, a Delaware limited liability company ("RTM"), and am authorized to make this affidavit.  

2. RTM is the Managing General Partner of RAYONIER FOREST RESOURCES, L.P., a Delaware limited partnership ("RFR"). RTM has not been terminated nor have proceedings to terminate the Articles of Organization, nor have bankruptcy proceedings been commenced.  

3. RFR is a Delaware limited partnership and it has not been terminated, nor have proceedings to terminate the Partnership Agreement, nor have bankruptcy proceedings been commenced.  

4. I am aware of and familiar with the contents of any and all partnership agreements, articles of organizations, and bylaws of RTM and RFR.  

5. The history of RFR is as follows:  
   
a) R (1999) Timberlands, LLC was a Delaware limited liability company, organized on October 8, 1999. The name of the limited liability company was changed to Rayonier Woodlands, LLC by Certificate of Amendment of the Certificate of Formation filed with the Delaware Secretary of State on October 28, 1999, a copy of which is attached as Exhibit A.
b) On December 28, 2001, a Certificate of Merger was filed with the Delaware Secretary of State merging Rayonier Woodlands, LLC and Rayonier Timberlands Operating Company, L.P. under the name Rayonier Timberlands Operating Company, L.P., a Delaware limited partnership, a copy of which is attached as Exhibit B.

c) On December 31, 2003, Rayonier Timberlands Operating Company, L.P. filed a Certificate of Amendment with the Delaware Secretary of State changing its name to Rayonier Forest Resources, L.P., a copy of which is attached as Exhibit C.

6. That by virtue of the name changes and merger as set forth above, all assets including real property, previously titled to R (1999) Timberlands, LLC, Rayonier Woodlands, LLC, and Rayonier Timberlands Operating Company, L.P. are now held in the name of RAYONIER FOREST RESOURCES, L.P.

Tracy K. Arthur
Assistant Secretary
Rayonier Timberlands Management, LLC

SWORN TO AND SUBSCRIBED before me this 15th day of September, 2008, by Tracy K. Arthur, who is personally known to me.

Robyn J. Friendly
Notary Public, State of Florida
My Commission Expires: 02/06/2010
CERTIFICATE OF AMENDMENT
OF
THE CERTIFICATE OF FORMATION
OF
R (1999) TIMBERLANDS LLC

1. The original name of the limited liability company is R (1999) Timberlands LLC.

2. The Certificate of Formation of the limited liability company is hereby amended as follows:

   Paragraph FIRST shall read:

   "The name of the limited liability company is Rayonier Woodlands, LLC".

3. The Certificate of Amendment shall be effective on October 28, 1999.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Amendment of R (1999) Timberlands LLC this 28th day of October, 1999.

RAYONIER WOODLANDS, LLC

By: Rayonier Timberlands Management, Inc.,
its sole manager

By: [Signature]
John B. Cerning
Secretary

NYC 70347 2
I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH Merges:

"RAYONIER WOODLANDS, LLC", A DELAWARE LIMITED LIABILITY COMPANY,

WITH AND INTO "RAYONIER TIMBERLANDS OPERATING COMPANY, L.P.

UNDER THE NAME OF "RAYONIER TIMBERLANDS OPERATING COMPANY,

Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State
AUTHENTICATION: 1540073
DATE: 01-04-02
CERTIFICATE OF MERGER

RAYONIER TIMBERLANDS OPERATING COMPANY, L.P.
and
RAYONIER WOODLANDS, LLC

Pursuant to Section 18-209(c) of the General Corporation Laws of the State of Delaware, the undersigned does hereby submit the following Certificate of Merger as a domestic limited partnership and the surviving business entity of the subject merger:

1. The entities being merged are Rayonier Timberlands Operating Company, L.P., a Delaware limited partnership, and Rayonier Woodlands, LLC, a Delaware limited liability company.

2. The name and business address of the surviving entity is Rayonier Timberlands Operating Company, L.P., 50 North Laura Street, 19th Floor, Jacksonville, Florida 32202.

3. A Plan and Agreement of Merger has been approved and executed by each of the merging entities and is on file at the above business address of Rayonier Timberlands Operating Company, L.P.

4. A copy of the Plan and Agreement of Merger will be furnished on request and without cost to any member or any person holding an interest in either business entity being merged hereby.

5. This Certificate of Merger will be effective upon filing.

DATED this 20th day of December, 2001.

RAYONIER TIMBERLANDS OPERATING COMPANY, L.P.
By: Rayonier Timberlands Management, Inc., its General Partner

By: W. Edwin Frazier, III Secretary

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 04:30 PM 12/20/2001
D10673323 - 2012303

[Signature]

Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 2847287
DATE: 01-05-04
CERTIFICATE OF AMENDMENT
TO THE
CERTIFICATE OF LIMITED PARTNERSHIP
OF
RAYONIER TIMBERLANDS OPERATING COMPANY, L.P.

The undersigned, desiring to amend the Certificate of Limited Partnership of Rayonier Timberlands Operating Company, L.P. pursuant to the provisions of Section 17-202 of the Revised Uniform Limited Partnership Act of the State of Delaware, does hereby certify as follows:

FIRST: The name of the Limited Partnership is Rayonier Timberlands Operating Company, L.P.

SECOND: Article 1 of the Certificate of Limited Partnership shall be amended as follows:

The name of the limited partnership is Rayonier Forest Resources, L.P. (the “Partnership”).

THIRD: Article 3 of the Certificate of Limited Partnership shall be amended as follows (to reflect the withdrawal of Rayonier Timberlands Management, Inc. as general partner and the admission of Rayonier Timberlands Management, LLC (formerly Rayonier Forest Resources, LLC) as successor general partner):

The name and business address of the general partner is as follows:

General Partner
Rayonier Timberlands Management, LLC

Address
50 North Laura Street
Jacksonville, FL 32202
IN WITNESS WHEREOF, the undersigned executed this Amendment to the Certificate of Limited Partnership as of the 31st day of December, 2003.

RAYONIER TIMBERLANDS OPERATING COMPANY, L.P.

By: Rayonier Timberlands Management, LLC,
its General Partner

By: ________________________________
Timothy H. Brandon
Vice President
CORRECTIVE SPECIAL WARRANTY DEED
(Flagler County, Florida)

THIS CORRECTIVE SPECIAL WARRANTY DEED, executed this 16th day of May, 2000, but effective as of October 25, 1999, between JEFFERSON SMURFIT CORPORATION (U.S.), a Delaware corporation (hereinafter referred to as "Grantor"), and RAYONIER WOODLANDS LLC, a Delaware limited liability company, and successor in interest by name change to R(1999) Timberlands LLC (hereinafter referred to as "Grantee"),

WITNESSETH:

For and in consideration of the sum of Ten and No/100 Dollars ($10.00) and other good and valuable consideration delivered to Grantor by Grantee at and before the execution, sealing and delivery hereof, the receipt and sufficiency of which are hereby acknowledged, Grantor has and hereby does grant, bargain, sell, alien, convey and confirm unto Grantee, and the heirs, legal representatives, successors, successors-in-title and assigns of Grantee, all those certain tracts or parcels of land lying and being in Flagler County, Florida as more particularly described on Exhibit A attached hereto and hereby made a part hereof.

To have and to hold said tract or parcel of land, together with any and all improvements located thereon, and any and all of the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining to the only proper use, benefit and behalf of
Grantee and the heirs, legal representatives, successors, successors-in-title and assigns of Grantee, forever, in fee simple.

Grantor shall warrant and forever defend the right and title to said tract or parcel of land unto Grantee and the heirs, legal representatives, successors-in-title and assigns of Grantee, against the claims of all persons whomsoever claiming by, through or under Grantor, subject to those matters listed as permitted title exceptions as set forth on Exhibit B attached hereto and hereby made a part hereof.

This Corrective Special Warranty Deed is given solely for the purpose of correcting the legal description and permitted title exceptions contained in that certain Special Warranty Deed, dated as of October 25, 1999, between Grantor and R(1999) Timberlands LLC, recorded in Official Records Book 672, Page 1651, et. seq., Flagler County, Florida records (the “Original Deed”).

This Corrective Special Warranty Deed shall supersede and replace the Original Deed in its entirety.

IN WITNESS WHEREOF, the Grantor has signed, sealed and delivered this Corrective Special Warranty Deed the day and year first above written.

GRANTOR:

[Signature]

Jefferson Smurfit Corporation (U.S.), a Delaware corporation

By: [Signature]

John E. Davis
Vice President

By: [Signature]

Attest: John Allgood
Assistant Secretary

[CORPORATE SEAL]
STATE OF FLORIDA

COUNTY OF NASSAU

This instrument was acknowledged before me on May 26, 2000, by John E. Davis, Vice President of Jefferson Smurfit Corporation (U.S.), a Delaware corporation and attested to by John Allgood, the Assistant Secretary of said corporation. They are personally known to me and did take an oath.

Judy J. Cannon
Print Name: Judy J. Cannon
Notary Public
My Commission Expires: 8-8-00

SEND SUBSEQUENT TAX BILLS TO:

Rayonier Woodlands LLC
P.O. Box 728
Fernandina Beach, Florida 32035-0728
LAND IN THE COUNTY OF FLAGLER, STATE OF FLORIDA, DESCRIBED AS FOLLOWS:

LANDS DESCRIBED IN TOWNSHIP 11 SOUTH, RANGE 29 EAST

All of Section 4;

All of Section 5, EXCEPT FEC railroad right of way;

The E 1/2 of Section 8, EXCEPT FEC railroad right of way;

All of section 9, EXCEPT FEC railroad right of way, and EXCEPT 1 acre per Deed Book 17, Page 405;

All of Section 12, EXCEPT right of way of Highway 13, a/k/a Brick Road;

All of Section 13, EXCEPT right of way of Highway 13, a/k/a Brick Road;

All of Section 14, EXCEPT FEC Railroad right of way;

The Southwest 1/4 of the Northeast 1/4; South 1/2 of Northwest 1/4, and South 1/2, Section 15, EXCEPT FEC Railroad right of way;

All of Section 16, EXCEPT FEC Railroad right of way;

The East 1/2 of Section 17;

The East 1/2 of the East 1/2 of Section 20;

All of Section 21;

All of Section 22;
All of Section 23, EXCEPT FEC Railroad right of way;  

All of Section 24, EXCEPT FEC Railroad right of way;  

Section 25:  
The North 1/2 of Northeast 1/4; Southwest 1/4 of Northeast 1/4; West 1/2; and South 1/2 of Southeast 1/4, Section 25;  
The North ¼ of the Southeast ¼;  
The Southeast ¼ of Northeast ¼;  

All of Section 26;  

All of Section 27;  
All of Section 28;  
The North 1/2 of Northeast 1/4 and Southeast 1/4 of Northeast 1/4 of Section 29;

All of Section 33;  
All of Section 34;  
All of Section 35, EXCEPT highway right of way for Highway 205;  
All of Section 36, EXCEPT North 1/2 of Northeast 1/4 of Southeast ¼;  
EXCEPT Southwest 1/4 of Northeast 1/4 of Southeast ¼;  
EXCEPT highway right of way for Highway 205;  

LANDS DESCRIBED IN TOWNSHIP 12 SOUTH, RANGE 29 EAST

All of Section 1;  
The Northwest 1/4 of Section 3;  
The Northeast 1/4 of Section 4;  

LANDS DESCRIBED IN TOWNSHIP 11 SOUTH, RANGE 30 EAST

The Southwest 1/4 of the Northwest 1/4 and Northwest 1/4 of Southwest 1/4 of Section 17;  
All of Section 18, EXCEPT right of way for Highway 13 a/k/a Brick Road;
All of Section 19, EXCEPT right of way for Highway 13 a/k/a Brick Road;

All of Section 20, EXCEPT road right of way reserved in TIF Deed recorded in Deed Book 30, Page 381;

The Northwest 1/4 of the Southwest 1/4 of Section 28;

All of Section 29, EXCEPT road right of way; (unknown)

The Northeast 1/4; North 1/2 of Northwest 1/4; Southeast 1/4 of Northwest 1/4; Northeast 1/4 of Southwest 1/4; South 1/2 of Southwest 1/4; East 1/2 of Southeast 1/4, and a parcel of land in the Northeast corner of the Northwest 1/4 of Southeast 1/4 per Deed Book 9, Page 145 as follows:

Begin at Northeast corner of Northwest 1/4 of Southeast 1/4; thence West 880 feet to center line of brick road; thence South along center line of said brick road 390 feet; thence Eastward 810 feet; thence North to beginning; also a parcel of land in the Southwest 1/4 of Southeast 1/4 per Deed Book 10, Page 221, in Section 30, EXCEPT FEC Railroad right of way; and EXCEPT right of way of Highway 13, a/k/a Brick Road;

The West 1/2 of Section 31, EXCEPT right of way of Highway 205; the Southeast 1/4 of Section 31 and the following lots in first addition to Town of Espanola, Florida, to-wit:

That part of Lots 1 to 8 inclusive, lying West of brick road; Lots 7 to 18 inclusive; Lots 21 to 54 inclusive; according to Plat Book 2, Page 28, St. Johns County Records;

LESS:

A portion of the first addition to the Town of Espanola, Florida lying in Section 31, Township 11 South, Range 30 East, Flagler County, Florida, more particularly described as follows:

The North 131.4 feet of Lot 49; the East 250.0 feet of Burnsed Avenue; all of Lots 50 and 51; and the North 31.4 feet of Lot 52, as described in O.R. Book 498, Page 2002 as corrected in O.R. Book 519, Page 1925; EXCEPT lands conveyed to Florida Power & Light Company set forth in Special Warranty Deed recorded in O.R. Book 213, Page 795, Flagler County Records;

EXCEPT lands conveyed to Otis S. Hunter in Special Warranty Deed recorded in O.R. Book 61, Page 343;

EXCEPT lands conveyed to Espanola Cemetery, Inc. in Warranty Deed recorded in O.R. Book 91, Page 491, Flagler County Records.

The Northwest 1/4 of Northeast 1/4; Southwest 1/4 of Northwest 1/4 and Southwest 1/4, Section 32; EXCEPT highway right of way for Highway 13, a/k/a Brick Road;

LESS Railroad right of way;


LANDS DESCRIBED IN TOWNSHIP 12 SOUTH, RANGE 30 EAST

All of Section 4, South and West of FEC Railroad right of way, EXCEPT Southwest 1/4 of Southwest 1/4 of Northwest 1/4; and EXCEPT Northwest 1/4 of Southeast 1/4 of Southeast 1/4;
That part of Northeast 1/4 of Northeast 1/4 lying South and West of FEC Railroad right of way; Northwest 1/4 of Northeast 1/4; the Southeast 1/4 of Northeast 1/4 of Northwest 1/4; West 1/2 of Northeast 1/4 of Northwest 1/4; Northwest 1/4 of Northwest 1/4; South 1/2 of Northwest 1/4; West 1/2 of Southwest 1/4 of Northeast 1/4; East 1/2 of Southeast 1/4 of Northeast 1/4; Northeast 1/4 of Northeast 1/4 of Southeast 1/4; West 1/2 of Northeast 1/4 of Southeast 1/4; Northwest 1/4 of Southeast 1/4; West 1/2 of Southwest 1/4 of Southeast 1/4; East 1/2 of Southwest 1/4 of Southeast 1/4; East 1/2 of Northeast 1/4 of Southwest 1/4; Northwest 1/4 of Southwest 1/4; West 1/2 of Southwest 1/4 of Southwest 1/4; and Northeast 1/4 of Southwest 1/4, Section 5; EXCEPT part of the East 1/2 of Northeast 1/4, North of Railroad right of way; EXCEPT railroad and highway right of way; EXCEPT lands conveyed to Florida Power & Light Company set forth in Special Warranty Deed recorded in O.R. Book 213, Page 795, Flagler County Records.

All of Section 6;
LESS Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4; EXCEPT lands conveyed to Florida Power & Light Company set forth in Special Warranty Deed recorded in O.R. Book 213, Page 795, Flagler County Records.

The NE 1/4 of Section 7;
EXCEPT SW 1/4 of SW 1/4 of NE 1/4; N 1/2 of SE 1/4; NE 1/4 of SE 1/4 of SE 1/4, and W 1/2 of SE 1/4 of SE 1/4 North of highway;

The E 1/2 of NE 1/4 of NE 1/4; West 1/2 of West 1/2 of SE 1/4 of NE 1/4; W 1/2 of NE 1/4; SE 1/4 of NE 1/4 of NW 1/4; W 1/2 of NE 1/4 of NW 1/4; W 1/2 of NW 1/4; E 1/2 of SE 1/4 of NW 1/4; SW 1/4 North of highway; W 1/2 of NW 1/4 of SE 1/4; W 1/2 of NW 1/4 of SE 1/4; NW 1/4 of SE 1/4; NE 1/4 of NE 1/4 of SE 1/4; E 1/2 of SE 1/4 of SE 1/4 North of highway; W 1/2 of SW 1/4 of SE 1/4 North of Highway, Section 8;

LESS the following:

A parcel of land in Section 31, Township 11 South, Range 30 East and Sections 5, 6, 7 and 8, Township 12 South, Range 30 East, Flagler County, Florida, described as follows:

Beginning at a point of intersection of the Southerly right-of-way line of State Road 205 with a line bearing North 00°28'00" West, from a point having established grid coordinates of X = 307,045.10 and Y = 1,875,430.07 of Zone 3 of the State Coordinate System; thence North 89°25'54" East along said Southerly right-of-way line, 300.00 feet; thence South 00°28'00" East, 4083.10 feet; thence South 48°50'16" East, 10,880.18 feet to a point on the East boundary of the West 1/2 of the Northeast 1/2 of the Southeast 1/2 of the West 1/4, Northwest 1/4, Southeast 1/4) of said Section 6; thence South 00°50'26" East, 403.71 feet; thence North 48°50'16" West, 122.48 feet; thence North 00°28'00" West, 122.48 feet; thence North 89°32'00" West, 50.00 feet; thence North 00°28'00" West, 4097.30 feet to the Point of Beginning.

The E 1/2 of the NE 1/4 of NE 1/4; the W 1/2 of NW 1/4 of NE 1/4; SE 1/4 of NE 1/4; E 1/2 of SW 1/4 of NE 1/4; SW 1/4 of SW 1/4 of NE 1/4; N 1/2 of NW 1/4; E 1/2 of SW 1/4 of NW 1/4; SE 1/4 of NW 1/4; NW 1/4 of NW 1/4 of SW 1/4; East 1/2 of NW 1/4 of SW 1/4; SW 1/4 of SW 1/4 North of highway; East 1/2 of SW 1/4 North of highway; North 1/2 of SE 1/4; NE 1/4 of SE 1/4 of SE 1/4 North of Highway; West 1/2 of SE 1/4; SW 1/4 of SE 1/4 North of highway; NE 1/4 of SW 1/4 of SE 1/4; and West 1/2 of SW 1/4 of SE 1/4 North of highway, Section 9;
AND

Tract Two (2), Block Seven (7), Section 9, Township 12 South, Range 30 East said property being also described as the Southwest ¼ of the Southwest ¼ of the Northeast ¼ of Section 9, Township 12 South, Range 30 East, fifteen feet are reserved on each side of each Section and half Section line for public highway purposes, said property being in St. Johns Development Company Subdivision, Plat Book 1, Page 7;

LESS AND EXCEPT from the above Section 9 lands, Exhibit "A" from O.R. Book 74, Page 543; and LESS AND EXCEPT lands conveyed to Florida Power & Light Company set forth in Special Warranty Deed recorded in O.R. Book 213, Page 795, Flagler County Records.

LESS AND EXCEPT the following:

A Parcel of land in Section 9, Township 12 South, Range 30 East, Flagler County, Florida described as follows:

Commencing at the Southwest corner of said Section 9, having established grid coordinates of X = 408,137.21 and Y = 1,868,009.93 of Zone 3 of the State Coordinate System; thence North 00°55'53" West, along the West boundary of said Section 9, a distance of 413.57 feet to the Point of Beginning; thence continue North 00°55'53" West, along said West boundary, 339.96 feet; thence South 62°52'22" East, 852.84 feet; thence North 27°07'38" East, 50.00 feet; thence South 62°52'22" East, 130.15 feet; thence South 00°42'04" East, 130.15 feet; thence South 89°24'05" West, 50.00 feet; thence South 00°42'04" East, 253.27 feet to a point on the Northerly right-of-way line of State Road No. 100; thence South 89°24'05" West, along said Northerly right-of-way line, 300.00 feet; thence North 00°42'04" West, 171.86 feet; thence North 62°52'22" West, 412.06 feet to the Point of Beginning.

LAND IN THE COUNTY OF FLAGLER, STATE OF FLORIDA DESCRIBED AS FOLLOWS:

The East 1/2 of the SW 1/4 of the NE 1/4 of Section 5, Township 12 South, Range 30 East, Block 7, EXCEPTING THEREFROM 15 feet on each side of said Section and half section line which is reserved for public highway purposes.

LAND IN THE COUNTY OF FLAGLER, STATE OF FLORIDA DESCRIBED AS FOLLOWS:

The West 1/2 of NE 1/4 of NE 1/4 of Section 8, Township 12 South, Range 30 East, being Tract 2, Block 1, according to the St. Johns Development Company's Subdivision of said Section.

LAND IN THE COUNTY OF FLAGLER, STATE OF FLORIDA DESCRIBED AS FOLLOWS:

The West 1/2 of NE 1/4 of SW 1/4 of Section 5, Township 12 South, Range 30 East, being also described as Tract 2, Block 11, Section 5, Township 12 South, Range 30 East, as per plat of the St. Johns Development Company's Subdivision recorded in Plat Book 1, Page 7, Flagler County Records.

LAND IN THE COUNTY OF FLAGLER, STATE OF FLORIDA DESCRIBED AS FOLLOWS:

Tract 8, Block C, Section 9, Township 12 South, Range 30 East, In the Bunnell Development Company's Allotment as per plat filed with the Clerk of the Circuit Court, Flagler County, Florida.

LAND IN THE COUNTY OF FLAGLER, STATE OF FLORIDA DESCRIBED AS FOLLOWS:

Lots 19 and 20 of First Addition of Town of Espanola, Florida according to Plat Book 2, Page 28, St. Johns County Public Records; all being in Section 31, Township 11 South, Range 30 East, Flagler County, Florida.

LAND IN THE COUNTY OF FLAGLER, STATE OF FLORIDA DESCRIBED AS FOLLOWS:

The West 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 8, Township 12 South, Range 30 East, being Tract 1, Block 8, Flagler County, Florida.
LAND IN THE COUNTY OF FLAGLER, STATE OF FLORIDA DESCRIBED AS FOLLOWS:
The NW 1/4 of the SW 1/4, and the SW 1/4 of the NW 1/4 of Section 30, Township 11 South, Range 30 East.

ALSO the abandoned railroad right of way Northwest of a point on the Westerly boundary of the NE 1/4 of the NE 1/4 of Section 5, Township 12 South, Range 30 East, and running to the St. Johns County line, passing through the following Sections: 30, 31 and 32, Township 11 South, Range 30 East; 25, 24, 23, 14, 15, 18, 8, 5, 6, Township 11 South, Range 29 East; 31 Township 10 South, Range 28 East; 36, 28, 25, 27, 22, 21, and 20, Township 10 South, Range 28 East, as described in O.R. Book 73, Page 21.

LESS AND EXCEPT lands conveyed to Espanola Cemetery, Inc. in Warranty Deed recorded in O.R. Book 91, Page 491; and lands conveyed to Florida General Equities, Inc. in Warranty Deed recorded in O.R. Book 134, Page 183; and lands conveyed to John M. Lynham, as Trustee, etc., et al., in Warranty Deed recorded in O.R. Book 180, Page 557; and lands conveyed to Espanola Volunteer Fire Department, Inc. in Deed of Gift recorded in O.R. Book 349, Page 811, all in Flagler County Records.

ALSO beginning at a point 2330 feet Southerly from the Florida East Coast Railway Company's Mile Post 76 on the line from Jacksonville to Key West and 50 feet Westerly from and at right angles to the center line of the Railway Company's main tract; thence Westerly at right angles to said main tract 100 feet; thence Southerly 150 feet Westerly from and parallel to the center line of said main tract, 435.6 feet; thence Easterly, at right angles 100 feet; thence Northerly 50 feet Westerly from and parallel to said main tract 435.6 feet to the Point of Beginning; the land hereby conveyed containing one acre, more or less and being partly in the Northeast 1/4 of the Southwest 1/4 and partly in the Southeast 1/4 of the Northwest 1/4 of Section 9, Township 11 South, Range 29 East, as described in O.R. Book 73, Page 21.

ALSO, starting at the intersection of center line of Florida East Coast Railway with East line of Township 11 South, Range 29 East; thence Northwesterly along said center line 4958 feet; thence Southwesterly and at right angles to said center line 17.5 feet for Place of Beginning; thence Southwesterly and parallel to said center line and 17.5 feet distant therefrom 200 feet; thence Southwesterly and at right angles to said center line 132.5 feet; thence Northwesterly and parallel to said center line 200 feet; thence Northeasterly at right angles to said center line 132.5 feet to Place of Beginning; being part of Northeast 1/4 of Northwest 1/4 of Section 25, Township 11 South, Range 29 East, as described in O.R. Book 73, Page 21.

LAND IN THE COUNTY OF FLAGLER, STATE OF FLORIDA DESCRIBED AS FOLLOWS:
The North 1/2 of the NE 1/4 of the SE 1/4, and the SW 1/4 of the NE 1/4 of the SE 1/4, Section 36, Township 11 South, Range 29 East, Flagler County, Florida.

LAND IN THE COUNTY OF FLAGLER, STATE OF FLORIDA DESCRIBED AS FOLLOWS:
Tract 3, Block 13, Section 5, Township 12 South, Range 30 East, according to the plat of the St. Johns Development Company's Subdivision of said Section 5, recorded in Plat Book 1, Page 7, Flagler County Records.

LAND IN THE COUNTY OF FLAGLER, STATE OF FLORIDA DESCRIBED AS FOLLOWS:
Tract 1, Block 3, Section 5, Township 12 South, Range 30 East, according to the plat of the St. Johns Development Company's Subdivision of said Section 5, recorded in Plat Book 1, Page 7, Flagler County Records.

LAND IN THE COUNTY OF FLAGLER, STATE OF FLORIDA DESCRIBED AS FOLLOWS:
The SE 1/4 of the NE 1/4 of Section 15, Township 11 South, Range 29 East, Flagler County, Florida; LESS AND EXCEPT FEC Railroad right of way.

LAND IN THE COUNTY OF FLAGLER, STATE OF FLORIDA DESCRIBED AS FOLLOWS:
The NE 1/4 of the NE 1/4 of the NW 1/4 of Section 8, Township 12 South, Range 30 East, being Tract One, Block Three.
LAND IN THE COUNTY OF FLAGLER, STATE OF FLORIDA DESCRIBED AS FOLLOWS:
The SE 1/4 of the NE 1/4 of the Southeast 1/4 of Section 5, Township 12 South, Range 30 East, being Tract Three in Block 9.

The West ¼ of the Southeast ¼ of the Southeast ¼, being Tract 1, Block 16, Section 5, Township 12 South, Range 30 East, Flagler County, Florida.

The East ¼ of the Southwest ¼ of the Southeast ¼, being Tract 3, Block 15, Section 5, Township 12 South, Range 30 East, Flagler County, Florida.
Permitted Encumbrances

1. All taxes, assessments and similar charges for the year 1999 and all subsequent years, and any and all taxes, assessments and similar charges (including any and all fines, penalties and interest charges in connection therewith) that may be levied, assessed, recaptured or otherwise imposed with respect to the Property or any part thereof for any period before or after the date hereof which result from or arise out of any change in the use of, or other change in circumstances relating to, the Property or any part thereof after the date of hereof.

2. Rights of parties in possession under unrecorded leases and agreements.

3. That certain Timber Cutting Agreement by and between Jefferson Smurfit Corporation (U.S.), Rayonier, Inc. and Grantee dated of even date herewith, as same may be amended and modified from time to time.

4. To the extent they affect the Property, Grantor's reservations of the "Reserved Timber," as provided for and described in paragraph 3(f) of that certain Purchase and Sale Agreement dated July 28, 1999, made by and between Rayonier, Inc., a North Carolina corporation, and Jefferson Smurfit Corporation (U.S.), a Delaware corporation, as amended, modified and assigned from time to time. The rights reserved in and to the "Reserved Timber" shall expire by their terms on or before April 14, 2000.

5. Any and all matters not of record as would be disclosed by a current survey or inspection of the Property, including easements, claims of easements, boundary line disputes, overlaps, encroachments, public roads, highways, cemeteries and railroads.

6. Any and all prior reservations, conveyances, grants or leases of minerals of whatever kind or character (including, without limitation, oil, gas, coal, lignite, clay, sand, gravel, rock, aggregate and other minerals) located in, on or under the Property or any part thereof and all rights and easements with respect to the mining, extraction and removal of such minerals.

7. Any and all riparian rights of others in and to any creeks, rivers, lakes, streams, other bodies of water or waterways located on or adjoining the Property or any part thereof.

8. Any and all claims of the sovereign or any other person or entity with respect to portions of the Property which border or are under any body of water.

9. All those matters disclosed on Schedule 1 attached hereto and hereby made a part hereof.
Schedule 1
to
Permitted Encumbrances
Flagler County, Florida

1. RIGHTS reserved in Deed Book 4, Page 335, FLAGLER County Records.

2. Fifteen feet on each side on each Section and half-Section line were reserved for public highway purposes, pursuant to reservations in deeds recorded in Deed Book 18, Page 109 and Deed Book 4, Page 67.

3. Reservations contained in DEED from St. Johns Development Company, a Florida corporation, to Lester Monroe Hodges, dated July 3, 1912, recorded October 7, 1912 in Deed Book 26, Page 310, St. Johns County Records, a certified copy of which was recorded February 26, 1922 in Deed Book 4, Page 310, FLAGLER County Records. (Said Flagler County was formerly a part of St. Johns County, Florida.)


5. Subject to reservations of oil, gas and minerals and/or rights-of-way to Trustees of the Internal Improvement Fund as set forth in Deed No. 125, recorded in Deed 30, Page 381, FLAGLER County Records.

6. EASEMENT granted to Florida Power and Light Company, a Florida corporation, from Container Corporation of America, a Delaware corporation, recorded May 20, 1983 in O.R. Book 213, Page 802, FLAGLER County Records.

7. Subject to reservations of oil, gas and minerals and/or rights-of-way to Trustees of the Internal Improvement Fund as set forth in Deed recorded in Deed Book 25, Page 586, Flagler County Records.
PREPARED BY:
MARK R. BRIDWELL, ESQ.
RAYONIER INC.
P.O. BOX 723
FERNANDINA BEACH, FL 32034

RETURN TO:
MARK R. BRIDWELL, ESQ.
RAYONIER INC.
P.O. BOX 723
FERNANDINA BEACH, FL 32034

Tax Identification Number: See Exhibit “A”

This deed is exempt from Documentary Stamp Tax under 201.02 F.S. pursuant to Section 3, Chapter 2009-131, Laws of Florida.

NOTICE TO CLERK: This Corrective Special Warranty Deed is being recorded for the purpose of including the legal descriptions, which are attached hereto as Exhibit “B”. The legal descriptions were not included in that certain Special Warranty Deed between Rayonier Forest Resources, L.P. and Timberlands Holding Company Atlantic, Inc., recorded in Book 1959, Page 397 in the office of the Clerk of Court for Flagler County, Florida.

CORRECTIVE SPECIAL WARRANTY DEED
(Flagler County, Florida Property)

THIS SPECIAL WARRANTY DEED is effective the 4th day of August, 2013, from RAYONIER FOREST RESOURCES, L.P., a Delaware limited partnership, (prior to name change known as Rayonier Timberlands Operating Company, L.P., a Delaware limited partnership) authorized for and doing business within the State of Florida, whose address is 1901 Island Walkway, Fernandina Beach, Florida 32034 ("Grantor"), to TIMBERLANDS HOLDING COMPANY ATLANTIC, INC., a Delaware corporation, whose address is 1901 Island Walkway, Fernandina Beach, Florida 32034 ("Grantee") (the words "Grantor" and "Grantee" to include any respective heirs, successors and assigns where the context requires or permits).
WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars ($10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee, all those lands and improvements thereon located in Flagler County, Florida as more particularly set forth in the Tax Parcel Identification Numbers set forth on EXHIBIT A, and more particularly described in the attached EXHIBIT B attached hereto and by reference made a part hereof (the "Property").

THIS CONVEYANCE IS SUBJECT TO: Ad valorem property taxes accruing subsequent to December 31, 2012, cemeteries, easements, encroachments, servitudes, covenants, restrictions, zoning ordinances, rights-of-way, outstanding mineral interests, riparian rights, the rights of the public or any governmental entity in and to any portion of the land lying below the ordinary mean high water line of any body of water, and all matters of record or apparent from a survey or inspection of the Property.

TOGETHER WITH all tenements, hereditaments and appurtenances, thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND GRANTOR hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property; that Grantor hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through and under Grantor for claims arising during the period of time of Grantor's ownership of the Property, but against none other.

This Corrective Special Warranty Deed is given solely for the purpose of including the legal descriptions, which are attached hereto as Exhibit "B". The legal descriptions were not included in that certain Special Warranty Deed between Rayonier Forest Resources, L.P. and Timberlands Holding Company Atlantic, Inc., recorded in Book 1959, Page 397 in the office of the Clerk of Court for Flagler County, Florida.

(SIGNATURES ON FOLLOWING PAGE)
IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on the day and year first above written.

Witnesses:

RAYONIER FOREST RESOURCES, L.P., a
Delaware limited partnership
By: RAYONIER TIMBERLANDS
MANAGEMENT, LLC,
a Delaware limited liability company
Its: Managing General Partner

By: ____________________________
   Jeffrey M. Lawrence
Its: Senior Manager, Business Development

By: ____________________________
   Mark R. Bridwell
Its: Assistant Secretary

STATE OF FLORIDA
COUNTY OF NASSAU

THE FOREGOING INSTRUMENT was acknowledged before me this 30 day of February, 2014, by Jeffrey M. Lawrence, as Senior Manager, Business Development and Mark R. Bridwell, as Assistant Secretary, of RAYONIER TIMBERLANDS MANAGEMENT, LLC, a Delaware limited liability company, as Managing General Partner of RAYONIER FOREST RESOURCES, L.P., a Delaware limited partnership, on behalf of such entities and who are personally known to me.

Print Name: Elizabeth M. Lowe
Notary Public, State of Florida
My Commission Expires: 10/10/15
Commission No.: EE136960
TAX IDENTIFICATION NUMBERS:

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EXHIBIT "B"

Flagler County, Florida

**TOWNSHIP 10 SOUTH, RANGE 29 EAST**

**Section 34** – That part lying South of the centerline of Barnes Camp Road.

**Section 35** – That part lying West of the centerline of County Road No. 13 and South of the centerline of Barnes Camp Road.

**TOWNSHIP 10 SOUTH, RANGE 30 EAST**

**Section 17** – All that part lying West of the Florida East Coast Railway right-of-way; **Less** that property described in Deed from Rayonier, Inc. to Corprop A&F, Inc., dated December 12, 1995 and recorded in OR Book 545, Page 1611, Flagler County Records.

**Section 19** – ALL

**Section 20** – All that part lying West of the Florida East Coast Railway right-of-way.

**Section 29** – All that part lying West of the Florida East Coast Railway right-of-way.

**Section 30** – ALL

**Section 31** – ALL, **Less and Except** the W 1/2 of the SW 1/4.

**Section 32** – ALL, **Less and Except** the right-of-way of the Florida East Coast Railway.

**Section 33** – That portion of Section 33 lying West of the Florida East Coast Railway right-of-way.

**Section 47** – All that part lying West of the Florida East Coast Railway right-of-way; **Less** that property described in Deed from Rayonier, Inc. to Corprop A&F, Inc., dated December 12, 1995 and recorded in OR Book 545, Page 1611, Flagler County Records.
TOWNSHIP 11 SOUTH, RANGE 29 EAST

Section 1 – That part lying West of the centerline of County Road No. 13.

Section 2 – That part lying West of the centerline of County Road No. 13.

Section 3 - ALL

Section 4 – ALL

Section 5 – ALL, Except FEC railroad right of way; EXCEPT lands conveyed to Florida Power & Light Company set forth in Special Warranty Deed recorded in OR Book 213, Page 795, Flagler County records.

Section 8 – East 1/2, Except FEC Railroad right of way; Except lands conveyed to Florida Power & Light Company set forth in Special Warranty Deed recorded in OR Book 213, Page 795, Flagler County Records.

Section 9 – ALL, Except FEC Railroad right of way, and Except 1 acre per Deed Book 17, Page 405; Except lands conveyed to Florida Power & Light Company set forth in Special Warranty Deed recorded in O.R. Book 213, Page 795, Flagler County Records.

Section 10 – ALL

Section 11 – ALL

Section 14 – That portion lying West of the western boundary of the abandoned Florida East Coast Railway right-of-way.

Section 15 – North 1/2 of the North 1/2
Less RR r/w and
Less and Except the following described parcels:

Parcel No. F-11.1:

A parcel of land in Section 15, Township 11 South, Range 29 East, Flagler County, Florida, described as follows:

Commencing at the Northwest corner of said Section 15, having established grid coordinates of X=381,350.46 and Y=1,897,393.64 of Zone 3 of the State Coordinate System; thence along the West boundary of said Section 15, South 00°26'34" East, 832.73 feet to the Point of Beginning; thence South 43°00'38" East 663.92 feet to a
point on the South boundary of the North half of the North half of said Section 15; thence South 89°42′46″ West, along said South boundary 319.89 feet, more or less, to the Northerly right of way line of the former Florida Est Coast Railroad (100 foot right of way); thence along said right of way line North 43°00′38″ West, 192.04 feet to a point on the West boundary of said Section 15; thence along said West boundary, North 00°26′34″ West, 347.40 feet to the Point of Beginning.

The Southwest boundary of said parcel to be contiguous with the Northeasterly right of way line of the former Florida East Coast Railroad Right of Way.

Section 16 – ALL, Except FEC railroad right of way; Except lands conveyed to Florida Power & Light Company set forth in Special Warranty Deed recorded in OR Book 213, Page 795, Flagler County Records.

Section 17 – East 1/2

Section 20 – East 1/2 of East 1/2;

Section 21 – ALL

Section 22 – ALL, Less and Except lands conveyed to Florida Power & Light Company set forth in Special Warranty Deed recorded in OR Book 213, Page 795, Flagler County Records.

Section 23 – ALL, Except FEC Railroad right of way; Except lands conveyed to Florida Power & Light Company set forth in Special Warranty Deed recorded in OR Book 213, Page 795, Flagler County Records.

Section 24 – ALL, Except FEC Railroad right of way; Except lands conveyed to Florida Power & Light Company set forth in Special Warranty Deed recorded in OR Book 213, Page 795, Flagler County Records.

Section 25 – The North 1/2 of Northeast 1/4; Southwest 1/4 of Northeast 1/4; West 1/2; South 1/2 of Southeast 1/4, North 1/2 of the Southeast 1/4; Southeast 1/4 of Northeast 1/4; Except lands conveyed to Florida Power & Light Company set forth in Special Warranty Deed recorded in OR Book 213, Page 795, Flagler County Records.

Section 26 – ALL, Except lands conveyed to Florida Power & Light Company set forth in Special Warranty Deed recorded in OR Book 213, Page 795, Flagler County Records.

Section 27 – ALL
Section 28 – ALL

Section 29 – The North 1/2 of Northeast 1/4 and Southeast 1/4

Section 33 – ALL

Section 34 – ALL

Section 35 – ALL, Except highway right of way for Highway 205.

Section 36 – ALL, Except North 1/2 of Northeast 1/4 of Southeast 1/4;
Except Southeast 1/4 of Northeast 1/4 of Southeast 1/4;
Except highway right of way for Highway 205;
Except lands conveyed to Florida Power & Light Company set forth in Special Warranty Deed recorded in OR Book 213, Page 795, Flagler County Records.

TOWNSHIP 11 SOUTH, RANGE 30 EAST

Section 4 – All lying West of the Florida East Coast Railway right-of-way, parcel containing 213.8231 acres, more or less, together with the following portion of Section 4:

A Point of Reference being the Northwest corner of Section 4, Township 11 South, Range 30 East, thence North 89°02'28" East along the North line of Section 4, a distance of 1564.04 feet to the Point of Beginning of this description; thence North 89°02'28" East along the North line of Section 4 a distance of 1083.47 feet to the North Quarter (1/4) Corner of Section 4; thence North 89°24'09" East along the North line of Section 4 a distance of 889.37 feet; thence South 14°05'29" East along the West right-of-way line of U.S. Highway No. 1, a distance of 1857.38 feet to a point of curvature, concave Easterly, having a radius of 5829.65 feet and a central angle of 08°41'49"; thence Southerly along the arc of said curve to the left, a distance of 884.87 feet, said arc subtended by a chord which bears South 18°26’24” East, a distance of 884.02 feet to a point of tangency; thence South 22°47’18” East a distance of 2192.67 feet; thence departing U.S. Highway No. 1 67°12’42” West a distance of 1558.51 feet; thence South 89°52’32” West along the South line of Section 4 a distance of 998.75 feet to the South Quarter (1/4) Corner; thence South 89°51’30” West along the South line of Section 4 a distance of 1145.78 feet; thence North 09°09’56” West along the East right-of-way line of the Florida East Coast Railway a distance of 3240.02 feet; thence departing said railway North 57°08’17” East a distance of 941.81 feet; thence North 19°09’56” West a distance of 1544.01 feet to the Point of Beginning, containing 342.6939 acres of land, more or less.
Section 5 – ALL, Less and Except the following Palm Coast Utility Corp. well site SW-115 (description furnished by Palm Coast Utility Corp).
A parcel of land lying in Government Section 5, Township 11 South, Range 30 East, Flagler County, Florida, being more particularly described as follows:

From a Point of Reference being the Southeast corner of said Section 5; thence South 88°35’11” West 1670.47 feet along the southerly boundary line of said Section 5; thence departing said southerly boundary line North 01°24’49” West 97.40 feet to the Point of Beginning of this description; thence South 64°53’51” West 84.19 feet; thence North 25°06’09” West 100.00 feet; thence North 64°53’51” East 84.19 feet; thence South 25°06’09” East 100 feet to the Point of Beginning of this description. Excepting parcel containing 0.19 acre, more or less.

Section 6 – ALL

Section 7 – ALL

Section 8 – ALL, Less and Except the following Palm Coast Utility Corp. Well site SW-114, (description furnished by Palm Coast Utility Corp.)
A parcel of land lying in Government Section 8, Township 11 South, Range 30 East, Flagler County, Florida, being more particularly described as follows:

From a Point of Reference being the Northeast corner of said Government Section 8; thence South 01°12’30” West 1158.40 feet along the easterly boundary line of said Section 8; thence departing said easterly boundary line North 88°47’30” West 334.35 feet to the Point of Beginning of this description ; thence South 10°21’36” West 60.00 feet; thence North 79°38’24” West 60.00 feet; thence North 10°21’36” East 60.00 feet; thence South 79°38’24” East 60.00 feet to the Point of Beginning of this description, containing 0.08 acres, more or less.

Section 9 – All that part lying West of the Florida East Coast Railway right-of-way

Section 30 – That portion of the South 1/2 of the Southwest 1/4 lying West of the western boundary of the abandoned FLORIDA EAST COAST Railway right-of-way

Section 31 – The West 1/2, Except right of way of Highway 205; The Southeast 1/4;
The following lots in first addition to Town of Espanola, Florida, to-wit:

That part of Lots 1 to 8 inclusive, lying West of Brick Road; Lots 7 to 18 inclusive; Lots 21 to 54 inclusive; according to plat recorded in Plat Book 2, Page 28, Flagler County Records;
Less a portion of the first addition to Town of Espanola, Florida lying in Section 31, Township 11 South Range 30 East, Flagler County, Florida, more particularly described as follows:

The North 131.4 feet of Lot 49; the East 250.0 feet of Burnsed Avenue; all of Lots 50 and 51; and the North 31.4 feet of Lot 52, as described in OR Book 498, Page 2002 as corrected in OR Book 519, Page 1925;

Except lands conveyed to Florida Power & Light Company set forth in Special Warranty Deed recorded in OR Book 213, Page 795, Flagler County Records;

Except lands conveyed to Otis S. Hunter in Special Warranty Deed recorded in OR Book 61, Page 343;

Except lands conveyed to Espanola Cemetery, Inc. in Warranty Deed recorded in OR Book 91, Page 491, Flagler County Records.

Less lands conveyed to Rayonier Timberland Acquisitions Five, LLC by Special Warranty Deed from Rayonier Forest Resources, L.P., dated July 18, 2006, and recorded in OR Book 1460, Page 1333, Flagler County Records.

Section 32 – That portion of the Southwest 1/4 of Northwest 1/4 and Southwest 1/4 lying West of the western boundary of the abandoned FLORIDA EAST COAST Railway right of way.

Except highway right of way for Highway 13, a/k/a Brick Road;

Less Railroad right of way;

Less lands conveyed to Florida Power & Light Company set forth in Special Warranty Deed recorded in OR Book 213, Page 795, Flagler County Records.

TOWNSHIP 12 SOUTH, RANGE 29 EAST

Section 1 - ALL

Section 3 – Northwest Quarter (NW 1/4)

Section 4 – Northeast Quarter (NE 1/4)

TOWNSHIP 12 SOUTH, RANGE 30 EAST

Section 4 – That part of Section 4 lying West and South of the Florida East Coast Railway right of way; Less that property described in deeds recorded in OR Book 1720, Page 957; Book 1720, Page 964; Book 1720, Page 950; Book 1929, Page 1753; Book
Section 5 – All, Less part of the East 1/2 of Southeast 1/4 of Northeast 1/4 North of Railroad right of way; Except Railroad right of way; Except lands conveyed to Florida Power & Light Company set forth in Special Warranty Deed recorded in OR Book 213, Page 795, Flagler County Records; Less property described in deeds recorded in OR Book 403, Page 820; Book 415, Page 401; Book 1599, Page 992; Book 1064, Page 1610; Book 1720, Page 957; and Book 1720, Page 964.

Section 6 – All, Less NE 1/4 of NE 1/4 of NE 1/4; Except lands conveyed to Florida Power & Light Company set forth in Special Warranty Deed recorded in OR Book 213, Page 795, Flagler County Records.

Section 7 – NE 1/4 Less SW 1/4 of SW 1/4 of NE 1/4; N 1/2 of SE 1/4; NE 1/4 of SE 1/4 of SE 1/4; and W 1/2 of SE 1/4 of SE 1/4 North of highway.

Section 8 – All, Less and Except NE 1/4 of NE 1/4 of NW 1/4; W 1/2 of SE 1/4 of NW 1/4; W 1/2 of NE 1/4 of NE 1/4; East 3/4 of SE 1/4 of NE 1/4; SE 1/4 of NE 1/4 of SE 1/4; W 1/2 of SE 1/4 of SE 1/4; E 1/2 of SW 1/4 of SE 1/4; E 1/2 of NW 1/4 of SE 1/4;

Section 9 – NW 1/4 less W/2 of SW 1/4 of NW 1/4; SW 1/4; W 1/2 of NW 1/4 of NE 1/4; W 1/2 of SW 1/4 of SE 1/4;

Fifteen feet are reserved on each side of each Section and half Section line for public highway purposes, said property being in ST. Johns Development Company Subdivision, Plat Book 1, Page 7;

Less and Except that property described in OR Book 74, Page 543, Flagler County Records;

Less and Except lands conveyed to Florida Power & Light Company set forth in Special Warranty Deed recorded in OR Book 213, Page 795, Flagler County Records;

Less and Except the following:

Commencing at the Southwest corner of Section 9, having established grid coordinates of X=408,137.21 and Y=1,866,009.93 of Zone 3 of the State Coordinate System; thence North 00°55’53” West, along the West boundary of said Section 9, a distance of 413.57 feet to the Point of Beginning; thence continue North 00°55’53” West, along said West boundary, 339.96 feet; thence 62°52’22” East, 652.84 feet; thence North 27°07’38” East, 50 feet; thence South 62°52’22” East, 130.15 feet; thence South 00°42’04’” East, 130.15 feet; thence South 89°17’56” West, 50 feet; thence South
89°24'05" West, along said Northerly right-of-way line, 300 feet; thence North 00°42'04" West, 171.86 feet; thence North 62°52'22" West, 412.06 feet to the Point of Beginning.

**Less and Except** that portion of the above described property included in the following:

A parcel of land in Section 31, Township 11 South, Range 30 East and Sections 5, 6, 7, and 8, Township 12 South, Range 30 East, Flagler County, Florida, described as follows:

Beginning at a point of intersection of the Southerly right of way line of State Road 205 with a line bearing North 00°28'00" West, from a point having established grid coordinates of X=307,045.10 and Y = 1,875,430.07 of Zone 3 of the State Coordinate System; thence North 89°25'54" East along said Southerly right of way line, 300 feet; thence South 00°28'00" East 4083.10 feet; thence South 48°50'16" East, 10,860.18 feet to a point on the East boundary of the West 1/2 of the Northwest 1/4 of the Southwest 1/4 (W 1/2 of NW 1/4 of SE 1/4) of said Section 8; thence South 00°50'26" East, along said East boundary, 403.71 feet; thence North 48°50'16" West, 11,165.06 feet; thence South 41°09'44" West, 50.00 feet; thence North 00°28'00" West, 4097.30 feet to the Point of Beginning.
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**Last 2 Sales**

- **Date**: 8/3/2013
- **Price**: $0
- **Reason**: UNQUAL/TRANSACT OF AFFILIATION

- **Date**: 10/1/1999
- **Price**: $151,463
- **Reason**: QUAL/CREDIBLE, VERIF/DOC/EVIDEN MLS

**Taxing District**: 5  
**Acres**: 430.34  
**Physical Address**: n/a
FLAGLER COUNTY

TECHNICAL REVIEW COMMITTEE COMMENTS

MEETING DATE: 7/17/19

#3179- SE- RAYONIER- BORROW PIT

APPLICANT: MATTHEWS DESIGN GROUP
OWNER: RAYONIER ATLANTIC TIMBER CO

Distribution date: Friday, July 12, 2019
Project #: 2019040030
Application #: 3179

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. Any questions regarding any of the comments should be addressed to the department providing the comment.

Flagler County Building Department 386-313-4002
Flagler County Planning Department 386-313-4009
Flagler County Development Engineering 386-313-4082
Flagler County General Services (Utilities) 386-313-4184
County Attorney 386-313-4005
Flagler County Fire Services 386-313-4258
E-911 GIS Specialist 386-313-4274
Environmental Health Department 386-437-7358
Flagler County School Board 386-586-2386
REVIEWING DEPARTMENT: PLANNING DEPARTMENT

Please provide the legal and sketch description of the conservation area to be administratively amended through Comprehensive Plan Policy A.4.1.1.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

No comments
Adam Mengel  
Flagler County Board of County Commissioners  
Planning and Zoning  
1769 E. Moody Blvd., Bldg. 2  
Bunnell, FL 32110  

Re: Ross Rayonier Borrow Pit  
Application #3179  
Submittal #2  
MDG # 18187  

Dear Adam:  

On behalf of our client, please find the following information enclosed for your review.  

- RAI Response Letter  
- Revised Site Plan  
- Environmental Response Package  

The following is a list of the comments provided to us in your letter dated 05/10/19, followed by responses by Matthews Design Group (MDG).  

**Development Engineering:**  

1. Prior to construction the Contractor will need to obtain a Land Development Permit which will require a completed to scale site plan that details the driveway connection to CR 13.  

Flagler County Code Sec. 26-42. Driveways  

Requirements for a Flagler County Commercial Right of Way Permit: 

Commercial driveways. Requirements for commercial driveways shall be dependent on the nature of the business being served by the driveways. As a minimum, however, commercial driveways shall be constructed of portland cement concrete six (6) inches thick on six-inch thick compacted limerock or shell base or eight (8) inches thick on four (4) inches of limerock or shell base. Commercial driveway width depends on the type of traffic scheduled to utilize the driveway. As a minimum, the width at the right-of-way line for a one-way driveway shall be fourteen (14) feet and for a two-way driveway shall be twenty-four (24) feet. Minimum width at the roadway pavement edge shall be not less than forty-eight (48) feet for one-way commercial driveways and not less than sixty-four (64) feet for a two-way commercial driveway. The widening shall be provided by a taper not less than twenty (20) feet long as measured along the centerline of the driveway. Shoulders for commercial driveways shall be six (6) feet in width, stabilized and sodded. In addition, turn lanes or acceleration and deceleration lanes may be required, dependent on the road involved and the traffic on that road.
Commercial drives shall be constructed using Florida Department of Transportation Class 1 material with a minimum twenty-eight (28) day compressive strength of three thousand pounds (3,000 lbs.) per square inch placed with a maximum slump of five (5) inches.

This Special Exception will be contingent on a roadside swale and culvert required at the connection at CR 13. We will contact the Road and Bridge Department and provide the required culvert specifications.

**MDG: Acknowledged.**

**Planning Department**

1. A portion of Parcel Number 31-11-30-0000-01050-0000 is designated as Conservation on the County's 2010-2035 Comprehensive Plan Future Land Use Map. A portion of the proposed pond appears to lie within the Conservation designation. Adjust the location of the pond outside of the Conservation area or apply for an Administrative Future Land Use Map Amendment to amend the Conservation designation pursuant to Future Land Use Element Policy A.4.1.1 below:

Policy A.4.1.1: The Future Land Use Map designates as "Conservation" areas of ecologically sensitive species or communities and regionally significant wildlife corridors. This category includes creeks, stream and river banks, moderate or higher quality wetlands, floodplains, prime groundwater recharge areas, and natural systems that contribute to wildlife or greenway corridors. The geographic limits of the Conservation areas adopted on January 3, 2000 were based upon best available data, primarily U.S. Geological Survey (USGS) Quad Sheets dating from the 1970's. The following locational criteria shall apply to the verification of the existing limits of the Conservation Future Land Use as depicted on the County's 2010-2035 Future Land Use Map, as well as new designations of Conservation for ecologically sensitive species or communities and regionally significant wildlife corridors:

(1) The limits of the Conservation Future Land Use designation as currently mapped may be administratively adjusted to reflect the actual wetland jurisdictional boundary as certified by the St. Johns River Water Management District (SJRWMD) or United States Army Corps of Engineers (USACOE) that most closely approximates the existing conservation limit.

(2) In lieu of certification from State or Federal agencies, the limits of the Conservation Future Land Use designation may be adjusted based on an evaluation of Natural Resources Conservation Service soil survey map, a Florida Natural Areas Inventory (FNAI) Data Report Map, a site specific wetland vegetation map prepared by the SJRWMD, and a 1:200 scale false color aerial photograph. The Planning and Zoning Director may authorize the use of more precise alternative media if found to be more accurate.

(3) Verification and adjustments involving the designation of unincorporated lands as Conservation shall be coordinated with the City of Bunnell and adjacent landowners, including appropriate State and Federal agencies, to ensure that ecologically sensitive and regionally significant environmental resources, including wetlands and State and Federally-listed species and flora habitat, are protected, conserved, and maintained.
(4) In no case will the limits of conservation extend less than seventy-five (75) feet from the apparent shoreline of those creeks listed in Policy A.4.1.2 and one hundred fifty (150) feet from the ordinary or mean high water line of those water bodies listed in Policy A.4.1.3.

(5) The Board of County Commissioners will certify de minimis map adjustments and acreage changes on an annual basis and forward them to the Department of Community Affairs (DCA). When warranted, a comprehensive plan Future Land Use Map amendment shall be necessary.

**MDG:** An administrative adjustment is requested based on the attached letter from Carter Environmental Services.

2. The Conservation Element of the adopted Flagler County Comprehensive Plan includes the following specific provisions regarding mining activities; please review and respond with the proposed project’s compliance with the following:

Objective F.1.8: Mining activities shall be regulated through Flagler County's existing Land Development Regulations (LDRs) so that said activities shall not adversely affect the quality of air, groundwater, surface water, and land and wildlife.

Policy F.1.8.1: A mining operation water use plan must be prepared and approved before new mining operations are permitted.

Policy F.1.8.2: Phasing of extractive activities shall be used as a device to assure that only small areas are affected by such activities at one time.

Policy F.1.8.3: Buffers shall be established and maintained between mining activities and adjacent existing and future uses to achieve an aesthetically pleasing landscape compatible with those land uses.

Policy F.1.8.4: A reclamation plan shall be approved by Flagler County or appropriate State environmental agency before mining activities are permitted.

Policy F.1.8.5: Mining shall be prohibited in areas where listed species are known to inhabit and in areas where hardwood and cypress/gum swamps exist.

**MDG:** The borrow pit construction will comply with the Flagler County Land Development Code. A mining and operation water use plan will be prepared, and a reclamation plan will be submitted.

Due to the size of the pit, the excavation will be completed in one continuous phase starting from north end of the pit and working their way south.

A 25-foot wetland buffer surrounds the borrow pit in all areas except the far north area. This upland buffer will be left in its natural state. At the north end, there is an approximate 200-foot setback between the borrow area and the nearest property line. Impacts to the natural area will be minimal to this area.

There are no listed species located on this site, please see attached letter from Carter Environmental Services.
3. Please provide a brief narrative response to each of the Special Exception guidelines as listed at Sec. 3.07.03.F, FCLDC, and copied below (Note: Some items may not be applicable; please respond as 'Not applicable' as appropriate; however, wherever possible, an attempt should be made to address the guideline, i.e. provision of a buffer by maintaining an adjacent tree line, for example):

F. Special exception guidelines. The planning and development board shall hear and decide upon requests for special exceptions as authorized by land classifications. The board may approve, with conditions, requests which are in harmony with the intent and purpose of the regulations. In making its determination, the board shall be guided by the following:

(1.) Ingress to and egress from the property shall provide for automotive and pedestrian safety and convenience, shall not unduly interfere with traffic flow and control, and shall provide access in case of fire or catastrophe.

MDG: A dirt road connects the borrow pit site to CR 13.

(2.) Offstreet parking and loading areas shall be provided as required, shall take into account relevant factors in subsection 1. preceding, and shall be located to minimize economic, noise, glare or odor effects on adjacent and nearby properties.

MDG: No parking is anticipated for the borrow pit project.

(3.) Refuse and service areas shall be located with consideration for relevant factors in subsections 1. and 2. preceding.

MDG: This part is not applicable to the project which is limited to borrow pit construction.

(4.) The proposed use shall be compatible with the availability and location of utility services, whether public or private.

MDG: The borrow pond location will not interfere with utility services and is compatible to the surrounding area.

(5.) Screening and buffering shall be provided which preserves or improves compatibility and harmony of use and structure between the proposed use and adjacent and nearby properties, according to the type, dimensions and character of the proposed use.

MDG: There are no specific provisions for incompatibility buffers for borrow construction as it relates to Section 5.01.04 of the Land Development Code. The site plan complies with upland buffer requirements ensuring a minimum of 15’ of upland buffer along wetland delineations for a minimum of 25’ averaged along the wetland boundary in compliance with Section 6.02.09 of the Land Development Code. In addition, the borrow pit is designed to be approximately 200’ away from the nearest residential neighbor to the north as shown on the site plan.
(6.) Signs and exterior lighting, if any, shall maintain traffic safety and minimize glare and economic effects on adjacent and nearby properties.

**MDG:** Signs and exterior lighting are not proposed.

(7.) Required yards and open spaces shall be provided.

**MDG:** The site plan provides a minimum 100’ setback to the dirt road at the access point to the borrow pit which is twice the front yard setback requirement in the AC zoning district.

(8.) The height of structures shall be in harmony with that of adjacent and nearby uses and structures.

**MDG:** There will be no structures on the site.

(9.) The economic effect of the proposed use on adjacent and nearby properties shall be positive.

**MDG:** The spoils of the proposed borrow pit will provide needed resources that will positively impact the surrounding community and the borrow pit will be constructed with consideration given to adjacent property owners.

In granting any special exception, the board may prescribe appropriate conditions and safeguards in conformity with these development regulations. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is recommended, shall be deemed a violation of these development regulations. In granting a special exception, the board shall prescribe a time limit within which the uses for which the special exception, if granted, shall be begun or completed, or both. Failure to begin or complete, or both, such use within the time limit shall void the special exception.

**MDG:** Acknowledged.

4. Include on the site plan the location and detail of the dirt road connection with County Road 13. This should include a detail of the width of the apron at the connection point, including surface type for the apron (concrete or asphalt unless otherwise specified by the Development Engineer) and intended culvert pipe type, size (diameter and length), and end treatment (headwall or mitred-end).

**MDG:** An improved driveway connection has been shown and labeled to CR 13.

5. Provide hours of operation and estimated timeframe for completion of the project.

**MDG:** Hours of operation will not exceed Monday – Saturday from 7am to 5pm. The digging operation is anticipated to last 18-24 months.
6. What is the anticipated volume (in cubic yards of material) of the operation? An estimate of the number of truck daily trips will also be helpful -- volume of the truck times the number of daily truck trips -- to reconcile the timeframe for completion and the roadway impacts. Additional comments may be provided upon receipt of requested information.

MDG: The estimated volume from the pit is 365,000 cy with an estimate of 50 trucks per day.

If you have any comments or questions, please do not hesitate to give me a call.

Sincerely yours,

Matthews Design Group

Alex R. Acree, P.E.
Senior Project Manager

ARA/ef
18187FlaglerCountyrai-L
May 22, 2019

Via email:
Alex@MDGinc.com

Matthews Design Group, Inc.
Attn: Alex Acree
7 Waldo Street
St Augustine, FL 32084

Subject: Borrow Pit Special Exception - Application #3179 – Project # 2019040030
Flagler County, Florida

Dear Alex:

Carter Environmental Services, Inc. (CES) reviewed the technical review committee comments dated 5-15-19 and offer the following responses in bold.

1. A portion of Parcel Number 31-11-30-0000-01050-0000 is designated as Conservation on the County’s 2010-2035 Comprehensive Plan Future Land Use Map. A portion of the proposed pond appears to lie within the Conservation designation. Adjust the location of the pond outside of the Conservation area or apply for an Administrative Future Land Use Map Amendment to amend the Conservation designation pursuant to Future Land Use Element Policy A.4.1.1 below:

Policy A.4.1.1: The Future Land Use Map designates as "Conservation" areas of ecologically sensitive species or communities and regionally significant wildlife corridors. This category includes creeks, stream and river banks, moderate or higher quality wetlands, floodplains, prime groundwater recharge areas, and natural systems that contribute to wildlife or greenway corridors. The geographic limits of the Conservation areas adopted on January 3, 2000 were based upon best available data, primarily U.S. Geological Survey (USGS) Quad Sheets dating from the 1970’s. The following locational criteria shall apply to the verification of the existing limits of the Conservation Future Land Use as depicted on the County’s 2010-2035 Future Land Use Map, as well as new designations of Conservation for ecologically sensitive species or communities and regionally significant wildlife corridors:

(1) The limits of the Conservation Future Land Use designation as currently mapped may be administratively adjusted to reflect the actual wetland jurisdictional boundary as certified by the St. Johns River Water Management District (SJRWMD) or United States Army Corps of Engineers (USACOE) that most closely approximates the existing conservation limit.
In anticipation of an upcoming permit application with the SJRWMD, CES delineated the extent of the onsite jurisdictional wetlands per the current methodologies of the U.S. Army Corps of Engineers [(ACOE) 1987 Corps of Engineers Wetland Delineation Manual], Florida Department of Environmental Protection (FDEP) and St. Johns River Water Management District [(SJRWMD) Florida Unified Wetland Delineation Methodology, Chapter 62-340, F.A.C.].

On November 16, 2018, the wetland lines were reviewed and approved by Mr. Craig McCammon of the SJRWMD. The wetland lines were subsequently surveyed by a registered land surveyor. CES believes the site-specific wetland delineation should be sufficient to modify the conservation designation depicted on the project site. The proposed project does not include any wetland impacts and therefore CES believes the project does not effect areas defined in Policy A.4.1.1: “The Future Land Use Map designates as "Conservation" areas of ecologically sensitive species or communities and regionally significant wildlife corridors. This category includes creeks, stream and river banks, moderate or higher quality wetlands, floodplains, prime groundwater recharge areas, and natural systems that contribute to wildlife or greenway corridors”.

Additionally, please see the attached mapset which depicts the wetland delineation in reference to the Flagler County Future Land Use “conservation” areas.

I trust that this information is sufficient for the current application. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Dave Jeff
Senior Project Manager
Location Map

Ross - Rayonier Borrow Pit

Project: 5.17293  Flagler County, FL  Date: May 17 2019
Legend

- **Project Area +/- 20.73 ac.**
- **411 - Pine Plantation +/- 20.73 ac.**
- **Surveyed Wetland Line**

Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.
Legend
- Project Area +/- 20.73 ac.
- Surveyed Wetland Line
- Upland Buffer
- Proposed Borrow Pit

Proposed Site Conditions
Ross - Rayonier Borrow Pit

Project: 5.17293
Flagler County, FL
Date: May 17 2019
Proposed FLUM Revision
Ross - Rayonier Borrow Pit

Project: 5.17293  Flagler County, FL  Date: May 20 2019

Legend
- Project Area +/- 20.73 ac.
- Surveyed/SJRWMD Approved Wetland Line
- FLUM Conservation Zone
- Requested Conservation Zone Removal +/- 6.13 ac.

Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.
Good afternoon Wendy,

Attached are the resubmittal documents for the Ross – Rayonier borrow pit special exception (Application #3179). Please review and let us know if you need anything additional.

Thanks,

Alex Acree, PE | Senior Project Manager
Phone: 904.826.1334 | Fax: 904.826.4547 | Cell: 904.874.2307
Alex@MDGinc.com
www.MDGinc.com

Alex

I am just following on the message I had left for you yesterday advising you on the outcome of yesterday’s Technical Review Committee (TRC) meeting for the Rayonier Borrow Pit application. The consensus of the Committee is that this item come back to the TRC in June so that the comments can be addressed, especially the required Conservation Future Land Use designation administrative adjustment through Comprehensive Plan Policy A.4.1.1.

Based on this, your next steps are: (1) to apply by letter with sufficient accompanying documentation (i.e., wetland-delineation graphics, etc.) to request the Conservation Future Land Use designation administrative adjustment; and (2) to submit responses to the TRC comments previously provided. Both of these steps should be completed as quickly as possible and submitted to us to route to staff in advance of the June 19th Technical Review Committee meeting.

Alternatively, the proposed location of the Borrow Pit could be moved so as to avoid the County’s Conservation Land Use designation; if this is alternative is selected, the responses to TRC comments can state that no administrative adjustment to the Future Land Use Map will be sought.
If you have any questions please contact me.

Wendy

Wendy Hickey  
Planner

E: Whickey@flaglercounty.org  |  V: 386-313-4068  F: 386-313-4109  |  W:  
www.flaglercounty.org

Flagler County Board of County Commissioners  
1769 E. Moody Blvd., Bldg 2  
Bunnell, FL 32110

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from the Flagler County Board of County Commissioners and employees regarding public business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.
State Of Delaware

Entity Details

File Number: 5354528
Incorporation Date / Formation Date: 6/20/2013

Entity Name: RAYONIER ATLANTIC TIMBER COMPANY
Entity Kind: Corporation
Residency: Domestic
Status: Merged

Entity Type: General
State: DELAWARE
Status Date: 5/31/2019

Registered Agent Information

Name: THE CORPORATION TRUST COMPANY
Address: CORPORATION TRUST CENTER 1209 ORANGE ST
City: WILMINGTON
State: DE
Phone: 302-658-7581

Country:
Postal Code: 19801
CERTIFICATE OF MERGER

of

RAYONIER ATLANTIC TIMBER COMPANY

into

RAYONIER FOREST RESOURCES, L.P.

May 31, 2019

Pursuant to Section 263(c) the Delaware General Corporation Law (the “DGCL”) and Section 17-211(c) of the Delaware Revised Uniform Limited Partnership Act (the “LP Act”), the undersigned hereby executes the following Certificate of Merger:

1. The name and jurisdiction of formation of each of the constituent entities are as follows:
   Rayonier Atlantic Timber Company: Delaware
   Rayonier Forest Resources, L.P.: Delaware

2. Rayonier Forest Resources, L.P. will be the surviving limited partnership (the “Surviving Partnership”) in the merger.

3. The Agreement and Plan of Merger (the “Merger Agreement”) between the constituent entities and the performance of its terms have been duly approved, adopted, certified, executed and acknowledged by the constituent entities in accordance with the DGCL or the LP Act, as applicable.

4. The Merger Agreement is on file at 1 Rayonier Way, Wildlight, FL 32097, the place of business of the Surviving Partnership.

5. A copy of the Merger Agreement will be furnished by the Surviving Partnership on request, without cost, to any partner of any constituent limited partnership or stockholder of any constituent corporation.

6. At the effective time of the merger, the certificate of limited partnership of Rayonier Forest Resources, L.P. will continue as the certificate of limited partnership of the Surviving Partnership.

7. This Certificate of Merger shall be effective upon filing with the Secretary of State of the State of Delaware.

[Signature Page Follows]
IN WITNESS WHEREOF, the undersigned has caused this Certificate of Merger to be signed by an authorized officer as of the date first set forth above.

RAYONIER FOREST RESOURCES, L.P.

By: Rayonier Timberlands Management, LLC, its managing general partner

By: [Signature]
Name: Mark R. Bridwell
Title: Vice President and Corporate Secretary
Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**

Flagler County Building Department 386-313-4002
Flagler County Planning Department 386-313-4009
Flagler County Development Engineering 386-313-4082
Flagler County General Services (Utilities) 386-313-4184
County Attorney 386-313-4005
Flagler County Fire Services 386-313-4258
E-911 GIS Specialist 386-313-4274
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Flagler County School Board 386-586-2386
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   (4) In no case will the limits of conservation extend less than seventy-five (75) feet from the apparent shoreline of those creeks listed in Policy A.4.1.2 and one hundred fifty (150) feet from the ordinary or mean high water line of those water bodies listed in Policy A.4.1.3.

   (5) The Board of County Commissioners will certify de minimis map adjustments and acreage changes on an annual basis and forward them to the Department of Community Affairs (DCA). When warranted, a comprehensive plan Future Land Use Map amendment shall be necessary.
2. The Conservation Element of the adopted Flagler County Comprehensive Plan includes the following specific provisions regarding mining activities; please review and respond with the proposed project's compliance with the following:

Objective F.1.8: Mining activities shall be regulated through Flagler County's existing Land Development Regulations (LDRs) so that said activities shall not adversely affect the quality of air, groundwater, surface water, and land and wildlife.

   Policy F.1.8.1: A mining operation water use plan must be prepared and approved before new mining operations are permitted.

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3. Please provide a brief narrative response to each of the Special Exception guidelines as listed at Sec. 3.07.03.F, FCLDC, and copied below (Note: Some items may not be applicable; please respond as 'Not applicable' as appropriate; however, wherever possible, an attempt should be made to address the guideline, i.e. provision of a buffer by maintaining an adjacent tree line, for example):

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3. Refuse and service areas shall be located with consideration for relevant factors in subsections 1. and 2. preceding.

4. The proposed use shall be compatible with the availability and location of utility services, whether public or private.

5. Screening and buffering shall be provided which preserves or improves compatibility and harmony of use and structure between the proposed use and adjacent and nearby properties, according to the type, dimensions and character of the proposed use.

6. Signs and exterior lighting, if any, shall maintain traffic safety and minimize glare and economic effects on adjacent and nearby properties.

7. Required yards and open spaces shall be provided.
REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

This office has no objection to this Special Exception.

Prior to construction the Contractor will need to obtain a Land Development Permit which will require a completed to scale site plan that details the driveway connection to CR 13.

Flagler County Code Sec. 26-42. Driveways

Requirements for a Flagler County Commercial Right of Way Permit:

Commercial driveways. Requirements for commercial driveways shall be dependent on the nature of the business being served by the driveways. As a minimum, however, commercial driveways shall be constructed of portland cement concrete six (6) inches thick on six-inch thick compacted limerock or shell base or eight (8) inches thick on four (4) inches of limerock or shell base. Commercial driveway width depends on the type of traffic scheduled to utilize the driveway. As a minimum, the width at the right-of-way line for a one-way driveway shall be fourteen (14) feet and for a two-way driveway shall be twenty-four (24) feet. Minimum width at the roadway pavement edge shall be not less than forty-eight (48) feet for one-way commercial driveways and not less than sixty-four (64) feet for a two-way commercial driveway. The widening shall be provided by a taper not less than twenty (20) feet long as measured along the centerline of the driveway. Shoulders for commercial driveways shall be six (6) feet in width, stabilized and sodded. In addition, turn lanes or acceleration and deceleration lanes may be required, dependent on the road involved and the traffic on that road.

Commercial drives shall be constructed using Florida Department of Transportation Class 1 material with a minimum twenty-eight (28) day compressive strength of three thousand pounds (3,000 lbs.) per square inch placed with a maximum slump of five (5) inches.

This Special Exception will be contingent on a roadside swale and culvert required at the connection at CR 13. We will contact the Road and Bridge Department and provide the required culvert specifications.

REVIEWING DEPARTMENT: COUNTY ATTORNEY

No comments at this time
8. The height of structures shall be in harmony with that of adjacent and nearby uses and structures.

9. The economic effect of the proposed use on adjacent and nearby properties shall be positive.

In granting any special exception, the board may prescribe appropriate conditions and safeguards in conformity with these development regulations. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is recommended, shall be deemed a violation of these development regulations. In granting a special exception, the board shall prescribe a time limit within which the uses for which the special exception, if granted, shall be begun or completed, or both. Failure to begin or complete, or both, such use within the time limit shall void the special exception.

4. Include on the site plan the location and detail of the dirt road connection with County Road 13. This should include a detail of the width of the apron at the connection point, including surface type for the apron (concrete or asphalt unless otherwise specified by the Development Engineer) and intended culvert pipe type, size (diameter and length), and end treatment (headwall or mitred-end).

5. Provide hours of operation and estimated timeframe for completion of the project.

6. What is the anticipated volume (in cubic yards of material) of the operation? An estimate of the number of truck daily trips will also be helpful -- volume of the truck times the number of daily truck trips -- to reconcile the timeframe for completion and the roadway impacts.

Additional comments may be provided upon receipt of requested information.

REVIEWING DEPARTMENT: FIRE INSPECTOR

FIRE SERVICES COMMENTS FOR SPECIAL EXCEPTION
No comments at this time
<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Owner(s)</th>
<th>Address</th>
<th>City, State, ZIP</th>
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</thead>
<tbody>
<tr>
<td>31-11-30-0000-02210-0000</td>
<td>SHARON D MICKENS &amp; KAREN MICKENS TRUSTEES</td>
<td>625 WILLIAMSBURG DRIVE</td>
<td>DAYTONA BEACH, FL 32117</td>
</tr>
<tr>
<td>31-11-30-0000-02040-0010</td>
<td>ASHLEY J HARRIS</td>
<td>2811 COUNTY RD 13</td>
<td>BUNNELL, FL 32110</td>
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<tr>
<td>31-11-30-0000-02040-0000</td>
<td>HARRIS ASHLEY JESSICA &amp; JOY W HARRIS JTWROS</td>
<td>2795 CR 13</td>
<td>BUNNELL, FL 32110</td>
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<tr>
<td>31-11-30-0000-02210-0010</td>
<td>ERNEST &amp; HARRIETT WATSON</td>
<td>PO BOX 841</td>
<td>BUNNELL, FL 32110</td>
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<td>31-11-30-0000-01050-0000</td>
<td>RAYONIER ATLANTIC TIMBER CO. C/O RAYONIER TAX SERVICES</td>
<td>POST OFFICE BOX 161139</td>
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<td>RAYDIENT LCC, RAYONIER TAX SERVICE</td>
<td>POST OFFICE BOX 161139</td>
<td>MOBILE, AL 36616</td>
</tr>
</tbody>
</table>

I hereby affirm mailed notice to each owner on July 29, 2019 for the Planning & Development Board Meeting on August 13, 2019 at 6 p.m.

Signed: Wendy Hickey, Planner

Hasler
07/29/2019
US POSTAGE $000.00
ZIP 32110
011E11679462
July 29, 2019

ESPINOLA CEMETERY INC C/O RAY MERCER
PO BOX 236
BUNNELL, FL 32110

RE: Application #3179- Special Exception Request in the AC (Agriculture) District

Dear Property Owner:

As owner of property within 300' of the property referenced herein, the Flagler County Planning Department, in accordance with Section 2.07.00 of the Flagler County Land Development Code, advises you that:

A request has been made for a Special Exception for a Borrow Pit, in the AC (Agriculture) District Identified as Parcel Number: 31-11-30-0000-01050-0000 & 32-11-30-0000-02020-0000; Owner: Rayoneir Atlantic Timber Company/ Applicant: Alex Acree of Matthews Design Group

You are hereby notified that a public hearing before the Flagler County Planning and Development Board, required by law, will be held in the Flagler County Government Services Building, Board Chambers, at 1769 East Moody Boulevard, Building 2, Bunnell Florida, on August 13, 2019, beginning at 6:00 p.m., or as soon thereafter as possible.

You are welcome to attend and express your opinion.

Sincerely,

Wendy Hickey
Planner

NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDED TO APPEAL ANY DECISION BY THE BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATUM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTAMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.
SUBJECT: QUASI-JUDICIAL – Application #3189 – Request for Variances in the C-2 (General Commercial and Shopping Center) and R-1 (Rural Residential) Districts at 5658 North Oceanshore Boulevard. Parcel #40-10-31-3150-00000-0420; 4.26 +/- acres. Owner: Hammock Harbour, LLC/Applicant: Robert Million (Project #VAR-000029-2019).

DATE OF MEETING: August 13, 2019

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The request is for approval of two variances in the C-2 (General Commercial and Shopping Center) and R-1 (Rural Residential) District for relief from the 40 foot maximum height requirement and the 50 foot rear setback requirement. Both variances are from the C-2 District's dimensional requirements in the A1A Scenic Corridor Overlay; the R-1 District's requirements do not apply. This parcel is 4.264 +/- acres in size, identified as parcel #40-10-31-3150-00000-0420, and is located on the West side of North Oceanshore Boulevard (a/k/a State Road A-1-A), approximately midway between Malacompra Road and 16th Road:
On May 29, 2019, Mr. Million submitted a Site Development Plan application under 5 acres to the Planning and Zoning Department for Site Development Plan Review. During the review process it was determined that based on the proposed plan two variances would be required. On July 19, 2019, Mr. Million submitted the variance application requesting relief for the maximum height and the minimum rear setback requirements. The owner is seeking the following variances:

1. 18 foot variance from the 40 foot maximum building height (LDC Section 3.03.17.Da.2(c)); and
2. 15 foot variance from the minimum 50 foot rear setback (LDC Section 3.03.17.Da.2(b)).

The height variance is requested to permit the tear-down of the existing metal boat manufacturing building and its replacement with a new building designed for boat storage. The proposed new building’s height – as described by the applicant – is less than the height of the existing building, but greater than the 40-foot maximum height. The rear yard setback variance is being sought for a new building intended for use as a waterfront restaurant.

This application – though not scheduled on a Technical Review Committee (TRC) agenda – was discussed as part of the Site Development Plan Review by the TRC on July 17, 2019 which was the catalyst for this application. This variance request along with the Site Development Plan application was presented to the Scenic A1A PRIDE Committee on July 26, 2019. A copy of the Committee’s review letter is attached to this report.

This parcel was previously developed as Treworgy Yachts, Inc., a builder of custom boats. Treworgy’s ownership of the parcel began in 1989 (Official Records Book 386, Page 975, Public Records of Flagler County, Florida), prior to adoption of the County’s unified Land Development Code in 1991. The parcel was considered grandfathered for the boat building business, with a C-2 zoning designated for Lots 42 and 43. Newcastle Marine’s purchase of the parcel in 1999 (Official Records Book 657, Page 1956, Public Records of Flagler County, Florida) brought with it a proposal for expansion on the site, including use of Lot 41 to the North which had been previously left with its R-1 and R/C zoning and Residential Low Density/Rural Estate Future Land Use designation. Through Application #2087, the Board of County Commissioners approved the rezoning from R/C to C-2 for the initial 200 feet of lot depth running westerly from the front parcel line along North Oceanshore Boulevard, with the remaining R-1 portion of the lot depth – running westerly from the 200-foot limit of the R/C to the West parcel line at the Intracoastal Waterway – to be split-zoned, with the southerly 60 feet rezoned to C-2 and the northerly 40 feet to remain as R-1 and to serve as the landscape buffer for the stormwater detention and additional parking located on the southerly 60 feet of Lot 41. The new area of the C-2 zoning was likewise amended to Commercial High Intensity (CHI) consistent with the C-2 rezoning from its respective Mixed Use: Low Intensity, Low- to Medium-Density (MUL) designation corresponding to the previous R/C and Residential Low-Density/Rural Estate (RLDRE) corresponding to the previous R-1. The approval of the rezoning and Future Land Use amendment included buffering of the North and South parcel lines so as to lessen impacts onto the adjacent residential uses, along with a minimum 35-foot building setback to the North and South. These are before-the-fact variance requests.
Public notice has been provided for this application according to FCLDC Section 2.07.00. Staff is aware that the applicant attempted to contact Planning and Development Board members prior to this hearing. Attached is email correspondence provided to staff reflecting the attempted contact. Additional disclosures by Board members may be made at the public hearing.

This agenda item is:
___X___ quasi-judicial, requiring disclosure of ex-parte communication; or
_______ legislative, not requiring formal disclosure of ex-parte communication.

RECOMMENDATION: The Planning and Development Board finds that all variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have not been met and therefore denies the following variances for 5658 North Oceanshore Boulevard (Parcel #40-10-31-3150-00000-0420):
1. 18 foot variance from the 40 foot maximum building height; and
2. 15 foot variance from the minimum 50 foot rear setback.

Alternative recommendation: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves the variances at 5658 North Oceanshore Boulevard (Parcel #40-10-31-3150-00000-0420).

ATTACHMENTS:
1. Technical Staff Report
2. Application and supporting documents
3. Scenic A1A PRIDE Committee letter
4. Public notice
Application/Project #: 3189/VAR-000029-2019

Address: 5658 N. Oceanshore Boulevard

Owner: James F. Buckley, Manager, Hammock Harbour, LLC

Applicant: Robert Million

Parcel #: 40-10-31-3150-00000-0420

Parcel Size: 4.26+/- acres

Legal Description:
Lots 41, 42, and 43, Jose Park Subdivision, according to the plat thereof as recorded in Map Book 3, Page 33, Public Records of Flagler County, Florida.

Existing Zoning and Land Use Classification:
Zoning: C-2 (General Commercial and Shopping Center) and R-1 (Rural Residential) District
Land Use: CHI (Commercial High Intensity) and RLDRE (Residential Low Density/ Rural Estate)

Future Land Use Map Classification/Zoning of Surrounding Land:
North: RLDRE (Residential Low Density/ Rural Estate)/R-1 (Rural Residential) District
East: North Oceanshore Boulevard (a/k/a State Road A1A); CN (Conservation)/PUD (Planned Unit Development) District
South: RLDRE (Residential Low Density/ Rural Estate)/R-1 (Rural Residential) District
West: Intracoastal Waterway

Land Development Code Sections Affected: Land Development Code (LDC) Sections 3.03.17, General Commercial and Shopping Center District, 3.03.04, Rural Residential District, 3.06.11, A1A Scenic Corridor Overlay District, and 3.07.03, Procedure for variances and special exceptions.

Summary of Requests: Hammock Harbour, LLC, purchased the subject parcel on August 7, 2018 through the Special Warranty Deed recorded on August 13, 2018 at Official Records Book 2298, Page 1654, Public Records of Flagler County, Florida. According to Property Appraiser records, the subject parcel is developed with three buildings: an 18,800 square foot steel building built in 2001; a 2,800 square foot steel building built in 2001; and a 1,200 square foot concrete block building built in 1990.
Special Exception Application #3166 for storage for a marine construction and mechanical dredging equipment was recently approved, with the Planning and Development Board’s Order recorded at Book 2358, Page 659, Public Records of Flagler County, Florida. Perimeter landscape buffers as previously required through Application #2087 – the previous rezoning request for Newcastle Marine – and the Land Development Code’s buffer requirements are intended to ensure compatibility of the use with the adjacent parcels and the surrounding neighborhood. Aside from the prior rezoning and the more recent Special Exception, no other use-related requests have been received. The majority of the parcel is zoned C-2 with the listed permitted uses and prohibited uses within the A1A Scenic Corridor Overlay applying to this parcel. Of some debate now is the Planning Director’s previous determination that boat storage was a less-intense, marine-related use consistent with the historical use of this parcel for boat manufacturing; however, the ultimate use of this parcel is not pertinent to the pending variances except to the extent that the proposed uses affect the Board’s deliberations and determinations as they relate to each of the pending variance requests. The Board’s determination as it relates to each variance request is dependent upon the variance criteria and is not a determination of use, or of the permitted intensity of the use. The site plan for the intended use of this parcel will still require approval by the Technical Review Committee (TRC).

Variance Guideline Analysis
As provided in FCLDC subsection 3.07.03.E, Variance Guidelines, states that a variance may be granted only upon finding by the Planning and Development Board that all of the criteria listed in the guidelines have been found in favor of the applicant and that a literal enforcement of the provisions of this article will result in an unnecessary hardship. These criteria are listed below followed by the applicant’s statements (included below and attached in their entirety) and staff’s analysis:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or in part, creates an unnecessary hardship; and

Applicants Response: “Development of this particular piece of property is limited by previous zoning conditions imposed by an application for Land Use change approved by Flagler County BOCC on February 2, 2000. Specifically, a 397’ x 40’ buffer (15,880 sq. ft.) was required as a buffer between this property and the adjacent property on the north boundary. The property, is also subject to the A1A Scenic Corridor considerations which limit building height to 40 feet.

Historically this property has had a marine related use since 1989 and currently contains several large commercial metal buildings with eave heights up to 59’6 feet.

We propose to remove all the current structures and construct a fully enclosed boat storage facility. The new structure may be either 40 feet or 58 feet in height. There are three (3) benefits for approving this application for a Variance allowing the 58 foot height.
1. The building can be smaller; the footprint of the boat storage building can be reduced by 25%.
2. The additional space gained from increasing the roof height from 40 feet to 58 feet will allow the building to be setback from A1A 115 feet. (the Scenic Corridor Guidelines require a 40 foot setback from A1A)
3. The smaller building size provides space to create architectural features on the exterior to “mask” the height and improve overall aesthetics.

Reducing the rear setback to 35 feet allows parking in front of the building providing better traffic flow for traffic and emergency vehicles.”

Staff Analysis: There are no particular physical parcel attributes that are unique as it relates to the consideration of the two variances. The unique characteristics come from the C-2 zoning and the long-standing use of the parcel as an intensive boat manufacturing business, which had been previously vetted through a hearing process approving the marine-related use by the Board of County Commissioners.

Arguably, a new building of a lower height with a greater front setback would be more desirable (and compatible) than the existing taller building with a closer front setback. The Corridor’s standards requiring that no new metal buildings be constructed would have to be complied with as well, with the existing nonconforming metal building to be removed if the height variance is granted.

As for the proposed restaurant, a location proximate to the Intracoastal is sought and would be advantageous for the use; however, the setback is in place to preserve the viewshed of neighboring properties. If the overall height and massing of the restaurant is limited through appropriate conditions, the rear setback variance may be approved. Aside from this parcel’s proximity to the Intracoastal, there are no unique characteristics that would warrant the granting of the rear setback variance.

2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all time in faith; and

Applicant Response: “We have made an effort to minimize the impact of the new construction on the Scenic A1A corridor. Current regulations allow a structure to be constructed 40 feet from A1A. The primary structures proposed for the site are located a minimum of 115 feet from A1A and are partially screened from view by mature trees. The 58 foot building height and 35 foot setback were critical components of minimizing the impact.”

Staff Analysis: In both instances the variances are necessary because of the affirmative actions of the applicant. For the height variance, the applicant would rebuild to conform to the maximum height requirements. Or, alternatively, the applicant could leave the taller building intact and make no changes.
For the rear setback variance, the new restaurant building is, as a new build, created by the applicant’s actions. There could be some consideration of the variance as needed to provide additional onsite space for the entirety of the applicant’s intended uses: if the minimum rear setback were observed, the other development would be shifted inward on the parcel.

3. **The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and**

   **Applicant Response:** “The variances, if granted would allow development of the site, removal of unsightly vacant buildings and provide a marina facility to serve the community.”

   **Staff Analysis:** The granting of the variances will not be detrimental to the health, welfare, safety, and morals.

4. **No variance may be granted for a use of land or building that is not permitted by this article.**

   **Applicant Response:** “The variances requested are within the guidelines for application.”

   **Staff Analysis:** The proposed uses and buildings are permitted within the C-2 (general Commercial and Shopping Center) zoning district.

   A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

   **Applicant Response:** No response.

   **Staff Analysis:** Each of these variances could be further reduced to a lesser variance request and still alleviate the hardship. The applicant can further elaborate through the public hearing process as to the justification of why the requested variances alleviate the hardship and represent the minimum necessary variances for the intended uses.
Future Land Use Map
Flood Zone
Wetlands
## APPLICATION FOR VARIANCE

### FLAGLER COUNTY, FLORIDA

1769 E. Moody Blvd, Suite 105  
Bunnell, FL 32110  
Telephone: (386) 313-4009  
Fax: (386) 313-4109

Application/Project #: 3189 / VAR-000029-2019

### PROPERTY OWNER(S)

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>Hammock Harbour LLC</th>
</tr>
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<tbody>
<tr>
<td>Mailing Address:</td>
<td>2891 John Anderson</td>
</tr>
<tr>
<td>City:</td>
<td>Ormond Beach</td>
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<tr>
<td>State:</td>
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<td>Telephone Number:</td>
<td>386-212-7249</td>
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### APPLICANT/AGENT

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>Bob Million</th>
</tr>
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<tbody>
<tr>
<td>Mailing Address:</td>
<td>17 S Waterview</td>
</tr>
<tr>
<td>City:</td>
<td>palm Coast</td>
</tr>
<tr>
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<td>Zip:</td>
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<tr>
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<td>Fax Number:</td>
<td></td>
</tr>
<tr>
<td>E-Mail Address:</td>
<td><a href="mailto:rbumillion@yahoo.com">rbumillion@yahoo.com</a></td>
</tr>
</tbody>
</table>

### SUBJECT PROPERTY

- **SITE LOCATION (street address):** 5658 N Oceanshore Blvd, Palm Coast
- **LEGAL DESCRIPTION:** San Jose Park Lots 41, 42, 43
- **Parcel # (tax ID #):** 40-10-31-3150-00000-0420
- **Parcel Size:** 4.264 acres
- **Current Zoning Classification:** C-2, R-1
- **Current Future Land Use Designation:** Commercial HighIntensity, Low Density Rural Estate
- **Subject to A1A Scenic Corridor IDO?** YES
- **Relief Requested:** Building Height increased from 40' to 58', Rear Building Setback reduced from 50' to 35'

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Signature of Owner(s) or Applicant/Agent:  
Date:  

**OFFICIAL USE ONLY**

PLANNING BOARD RECOMMENDATION/ACTION:  
*APPROVED WITH CONDITIONS*  

Signature of Chairman:  
Date:  

*approved with conditions, see attached.

---

**NOTE:** The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application.  
Rev. 09/16
APPLICATION FOR VARIANCE
FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009  Fax: (386) 313-4109

Subject Property:  5658 N Oceanshore Blvd, Palm Coast

E.  Variance guidelines. A variance may be granted, upon application, from the terms and provisions of this article as will not be contrary to the public health, safety, welfare and morals where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Such variances may be granted by the planning board in such individual case of unnecessary hardship upon a written finding that:

1. There are extraordinary and exceptional conditions pertaining to particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or part, creates an unnecessary hardship; and

See attached

2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and

The Applicant has made an effort to minimize the impact of the new structures on the Scenic A1A corridor. Current regulations allow a structure to be constructed 40' from A1A. The primary structures proposed for the site are located a minimum of 115' from A1A and are partially screened from view by mature trees. The 58' building height and 35' setback were critical components of minimizing the impact.

3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and

The variances, if granted would allow development of the site, removal of unsightly vacant buildings and provide a marina facility to serve the community.

4. No variance may be granted for a use of land or building that is not permitted by this article.

The variances requested are within the guidelines for application.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

NOTE:  The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application.  Rev. 09/16
E.1. Development of this particular piece of property is limited by previous zoning conditions imposed by an Application for Land Use Classification Change approved by the Flagler County Board of County Commissioners on February 2, 2000. Specifically, a 397’ x 40’ buffer (15,880 sq. ft.) was required as a buffer between this property and the adjacent property on the north boundary. The property is also subject to the A1A Scenic Corridor considerations which limit building height to 40’.

Historically this property has had marine related use since 1989 and currently contains several large commercial metal buildings, with eave heights up to 59’6”.

The Applicant proposes to remove all current structures and construct a fully enclosed boat storage facility. The new structure may be either 40’ or 58’ in height. There are (3) benefits for approving this Application for Variance allowing the 58’ height.

   First, the building can be smaller; the footprint of the boat storage building can be reduced by 25%.

   Second, the additional space gained from increasing the roof height from 40’ to 58’ will allow the building to be setback from A1A 115’. (the A1A Scenic Corridor Guidelines require a 40’ setback from A1A)

   Third, the smaller building size provides space to create architectural features on the exterior to “mask” the height and improve overall aesthetics.

Reducing rear setback to 35’ allows parking in front of the building providing better traffic flow for traffic and emergency vehicles.
July 31, 2019

Adam Mengel
Flagler County Planning Dept.
1769 E. Moody Blvd, Bldg 2
Bunnell, FL 32110

RE: Scenic A1A Review of Hammock Harbour, Project #SDP-000005-2019

Dear Mr. Mengel,

At our July 26 meeting, the Scenic A1A PRIDE board voted 7/4 to deny the support of the 18-foot variance for building height and 15-foot variance for the rear building setback.

To put this in perspective, there were several areas of concern addressed about the new storage building and the overall site plan, even though dry boat storage and a restaurant on the ICW were considered a benefit to the corridor.

- The new storage building would be almost three times larger in area than the current huge building. The scenic viewshed will be further impacted by another office/retail building on the road.
- The new storage building would be metal, which is prohibited in the Scenic Corridor Overlay District.
- The plans convert what was a low intensity single yacht-building operation into an intense shopping center with six businesses, including a very active outside forklift, all located between two residences.
- It is very likely that both a left-turn lane and a deceleration lane will be needed, doubling the width of the Scenic Byway and paving in front of the neighbor’s home.
- A completely new use is taking advantage of non-conforming setbacks and smaller buffers that were approved in February 2000 for a different use.

Therefore, it was indicated by some at the meeting that this is incompatible with the neighborhood and, at a minimum, should be treated as a special exception with a full site plan review. It is doubtful that this was envisioned by the Feb 2000 land use and zoning change.

Sincerely,

Dennis Clark, Chair
SCENIC A1A PRIDE (ScenicA1A@gmail.com)
5784 N. Oceanshore Blvd, Palm Coast, FL 32137
c.c. Bob Million, James Buckley
Hammock Harbour Plans as presented to Scenic A1A PRIDE

- The site currently has three buildings, (1) 200' x 94' x 60' high aluminum, (2) 70' x 40' aluminum, and (3) 40' x 30' office.
- All existing buildings will be removed, including slabs, but the office will remain until new construction is complete. Aluminum buildings will be recycled and/or reused elsewhere by Environmental Land Services.
- The new boat storage building size will be about 300' x 135' x 58.5' high, with architectural features making it more attractive than the current building. It will hold a maximum of 240 boats in five tiers and will be located farther back from A1A on the property than the current building.
- Four buildings with lower height will be attached to the storage building (see plan diagram), adding architectural depth; (1) 450 SF retail, (2) 1100 SF retail, (3) 1800 SF retail, (4) 1100 SF Dock Master / Office.
- Another one-story 2478 SF commercial rental building will be added closer to A1A.
- A 3406 SF restaurant on the water may be 2-stories but not more than 35' high. Seating is limited to less than 100 seats due to septic and parking constraints. Beer and wine are planned to be sold, but not liquor.
- 134(?) paved parking spaces will be added along with driveways.
- Construction plan: Hoping to break ground in September or October 2019 and complete construction in five months.
- A 10,000 gallon above-ground fuel tank will be located near the southeast corner for fueling and washing station. Water used for washing will be recycled. Above-ground is considered safer for leakage considerations. Fuel will only be sold to users of the storage facility and will be done on land.
- 14 boat slips are planned with about eight to be used for the restaurant. Owners are looking for support to request a "no-wake" zone. A wave attenuator is not planned.
- Septic tanks and fields will be located on the south side. A lift station is planned for when a wastewater connection becomes available.
- Fencing will be whatever the neighbors want (requested 6' solid fencing on north side).
- Seawall will be extended to the edge of the property and back filled with material dredged from the ICW and mixed with other materials.
- Hours of operation are 7:00 AM to 5:30 PM for boat storage. Hours for other commercial uses are TBD.
- Noise: forklift will use a "quacker" instead of a beeper (demonstrated at A1A meeting). No entertainment is planned due to the close proximity to residential homes.

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<th>Proposed Buildings</th>
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<td>Storage Building</td>
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<td></td>
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<td>Total Area of all Buildings</td>
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Dear Mr. Million,

Thank you for your request to meet to discuss 5658 North Oceanshore. I spoke with the County attorney's office on July 30, 2019, to request guidance about meeting with you prior to the public hearing. Based on their advice, and because of the quasi judicial nature of this item, respectfully, I am choosing to elect not to meet with you prior to the public hearing.

Please note I do not know the details of the proposed amendment and I have no opinion on this matter at this time. Any recommendations to the County Commission I make shall be based on whether or not a project meets the requirements of the Land Development Code and the Comprehensive Plan. I have not reviewed the attached concept plan and I intend to be completely open without bias or influence at the public hearing.

Thank you for your attention to this matter.

S. Lauren Kornel, AICP
Bob Million
cell 904-808-5606
Hi Adam,
A realtor would like to talk to me about the plans for the Newcastle Boatyard. Do I violate any protocols or exclude my participation in Planning Board decisions if I speak with him.
Thanks,
Thank you for the heads up. Jack

Sent from my iPhone

On Jul 31, 2019, at 8:42 AM, Adam Mengel, AICP, LEED AP BD+C <amengel@flaglercounty.org> wrote:

Good morning:

You have likely been contacted by an applicant, Mr. Bob Million, regarding a variance request that will come before the Planning and Development Board at its next meeting. While we have discouraged Mr. Million from contacted Board members outside of the public meeting, he has contacted you to discuss this project in advance of the meeting. While you are not prevented from discussing this request with the applicant, you are discouraged from doing so since the discussion takes place outside of the “sunshine” of the noticed public meeting.

As a quasi-judicial request, should you choose to discuss this request with Mr. Million, you will be required to disclose the discussion on the public record, along with any pertinent details of the discussion. Depending on the extent of the discussion, you may be prevented from participating in the consideration of Mr. Million’s request if, for example, you discuss how you would vote on his request with Mr. Million outside of the public meeting. Similarly, any discussion between Board members on this or any pending request outside of the public meeting is not only discouraged, but may be prejudicial... and would at a minimum require disclosure and at its extreme, would result in the Board members participating in the discussion being prohibited from considering the request.

Please contact me with any questions.

Thank you,

Adam

Adam Mengel, AICP, LEED AP BD+C
Planning Director

E: amengel@flaglercounty.org | V: 386-313-4065 | W: www.flaglercounty.org
Adam,

I was contacted by Mr. Million and wrote back that I would not discuss his project outside of the planning board forum.

Mike Goodman

On Wed, Jul 31, 2019, 8:43 AM Adam Mengel, AICP, LEED AP BD+C <amengel@flaglercounty.org> wrote:

Good morning:

You have likely been contacted by an applicant, Mr. Bob Million, regarding a variance request that will come before the Planning and Development Board at its next meeting. While we have discouraged Mr. Million from contacted Board members outside of the public meeting, he has contacted you to discuss this project in advance of the meeting. While you are not prevented from discussing this request with the applicant, you are discouraged from doing so since the discussion takes place outside of the “sunshine” of the noticed public meeting.

As a quasi-judicial request, should you choose to discuss this request with Mr. Million, you will be required to disclose the discussion on the public record, along with any pertinent details of the discussion. Depending on the extent of the discussion, you may be prevented from participating in the consideration of Mr. Million’s request if, for example, you discuss how you would vote on his request with Mr. Million outside of the public meeting. Similarly, any discussion between Board members on this or any pending request outside of the public meeting is not only discouraged, but may be prejudicial… and would at a minimum require disclosure and at its extreme, would result in the Board members participating in the discussion being prohibited from considering the request.

Please contact me with any questions.

Thank you,

Adam
#3189

Hammock Harbour Variance

<table>
<thead>
<tr>
<th>ParcelID</th>
<th>Owner</th>
<th>Address</th>
<th>City, State, Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>40-10-31-3150-00000-0370</td>
<td>DAVID COLLINGS</td>
<td>5700 N OCEANSHORE BLVD</td>
<td>PALM COAST, FL 32137</td>
</tr>
<tr>
<td>40-10-31-3150-00000-0380</td>
<td>WILLIAM C III &amp; KATHIE A JORDEN</td>
<td>5572 N OCEANSHORE BLVD</td>
<td>PALM COAST, FL 32137</td>
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<tr>
<td>40-10-31-3150-00000-0400</td>
<td>KATHY E VIEHE &amp; CINDY J FLOWERS</td>
<td>5676 N OCEAN SHORE BLVD</td>
<td>PALM COAST, FL 32137</td>
</tr>
<tr>
<td>40-10-31-3150-00000-0420</td>
<td>HAMMOCK HARBOUR LLC</td>
<td>2891 JOHN ANDERSON DRIVE</td>
<td>ORMOND BEACH, FL 32176</td>
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<tr>
<td>40-10-31-3150-00000-0440</td>
<td>JOHN A JR &amp; MARGARET A RUSSELL</td>
<td>5652 N OCEANSHORE BLVD</td>
<td>PALM COAST, FL 32137</td>
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<tr>
<td>40-10-31-3150-00000-0450</td>
<td>JOYCE L SKAFF</td>
<td>PO BOX 351879</td>
<td>PALM COAST, FL 32135</td>
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<tr>
<td>40-10-31-3150-00000-0461</td>
<td>EQUITY TRUST COMPANY CUST. FBO HAROLD GAMBILL</td>
<td>6431 MERLIN DRIVE</td>
<td>CARLSBAD, CA 92011-1212</td>
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<tr>
<td>40-10-31-3150-00000-0470</td>
<td>JAMES D &amp; SHEILA W ALLISON</td>
<td>5632 N OCEANSHORE BLVD</td>
<td>PALM COAST, FL 32137-9061</td>
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<tr>
<td>40-10-31-3150-00000-0460</td>
<td>CITY OF PALM COAST</td>
<td>160 LAKE AVENUE</td>
<td>PALM COAST, FL 32164</td>
</tr>
<tr>
<td>40-10-31-0000-00010-0000</td>
<td>SCHOOL BOARD OF FLAGLER COUNTY FLORIDA</td>
<td>PO BOX 755</td>
<td>BUNNELL, FL 32110</td>
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<tr>
<td>04-11-31-2984-00000-00A2</td>
<td>COUNTY OF FLAGLER BOCC</td>
<td>1769 E MOODY BLVD BLDG 2 S</td>
<td>BUNNELL, FL 32110</td>
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<tr>
<td>40-10-31-3150-00000-0390</td>
<td>LONG CREEK PLANTATION LLC</td>
<td>2156 NW 3RD PLACE</td>
<td>GAINESVILLE, FL 32603</td>
</tr>
</tbody>
</table>

I hereby affirm mailed notice to each owner on July 29, 2019 for the Planning & Development Board Meeting on August 13, 2019 at 6 pm.

Wendy Hickey, Planner

Hasler
07/29/2019
US POSTAGE $000.00

ZIP 32110
011E11679462
July 29, 2019

DAVID COLLINGS
5700 N OCEANSHORE BLVD
PALM COAST, FL 32137

RE: Application #3189 - Variance Request in the C-2 (General Commercial and Shopping Center) District

Dear Property Owner:

As owner of property within 300’ of the property referenced herein, the Flagler County Planning Department, in accordance with Section 2.07.00 of the Flagler County Land Development Code, advises you that:

A request has been made by Robert Million representing property owner Hammock Harbour LLC for an 18 foot height variance from the 40 foot maximum building height and a 15 foot rear yard setback variance from the minimum 50 foot rear yard setback in the C-2 (General Commercial and Shopping Center) District, located at 5658 North Ocean Shore Boulevard, identified as Parcel Number: 40-10-31-3150-0420; Owner: Hammock Harbour, LLC/ Applicant: Robert Million.

You are hereby notified that a public hearing before the Flagler County Planning and Development Board, required by law, will be held in the Flagler County Government Services Building, Board Chambers, at 1769 East Moody Boulevard, Building 2, Bunnell Florida, on August 13, 2019 beginning at 6:00 p.m. or as soon thereafter as possible.

You are welcome to attend and express your opinion.

Sincerely,

Wendy Hickey,
Planner

Wendy Hickey,
Planner

NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDED TO APPEAL ANY DECISION BY THE BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.