

OCTOBER 05, 2004-SPECIAL MEETING & LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Special/Emergency Meeting on Tuesday, October 5, 2004 at 5:00 p.m. at the South Walton Courthouse Annex.

The following Board members were present: Larry Jones, Chair, Tim Pauls, Vice-Chair, Commissioner Lane Rees, Commissioner Kenneth Pridgen, and Commissioner Ro Cuchens. Mr. Ronnie Bell, County Administrator, and Attorney Gary Vorbeck, Legal Services Director, were also present.

Mr. Bell addressed the first item on the agenda, Hurricane Ivan Recovery Update. He presented several correspondences received from Senator Bill Nelson's office, directing the Board's attention to the last letter addressed to the President. Senator Nelson was requesting that the President direct FEMA to assist with debris removal from private properties in communities throughout Florida.

Mr. Bell presented a request for the Board's approval of a resolution to further extend the state of local emergency in Walton County for an additional seven days.

Motion by Commissioner Rees, second by Commissioner Pridgen, to approve a resolution (2004-70), extending the state of local emergency in Walton County for an additional seven days. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Bill Imfeld, Financial Director, addressed the Board and gave an update on the RFP for marine debris removal from the Coastal Dune Lake. He stated that there were a variety of questions from various vendors and as a result no bids had been received, therefore, the bid period had been extended until Monday, October 25, 2004.

Mr. Brad Pickel, Director of Beach Management, addressed the Board to present the results from the TDC bids to repair dune walkovers in five beach locations. Mr. Pickel explained that a unit cost approach was used for the RFP process for 17 dune walkovers. He stated that seven contractors had attended the pre bid meeting, but only 2 bids were received. Mr. Pickel said that the beach accesses had been geographically divided into five groups to allow more competitiveness between vendors, but one contractor had been awarded all five groups. He said that the expected time for completion of the repairs to the dune walkovers was estimated between 30-45 days.

Discussion was held regarding the material that will be used to repair the dune walkovers.

There was also discussion held regarding the bid amounts. Commissioner Cuchens questioned why the unit bid prices that were being presented were so high. Mr. Pickel agreed that the bids were high, but stated that because of the significance of time, the amounts were estimates and were expected to be less than what was being shown. He stated that the figures being presented were maximum bid prices.

Mr. Pickel stated that the county would be reimbursed for a minimum of 75% of the cost by FEMA and 12.5% by the state.

Motion by Commissioner Pauls, second by Commissioner Rees, to approve the request to proceed with the unit cost approach for the repair of 17 dune walkovers.

Commissioner Cuchens asked if the repairs to the beach accesses would impede the process of restoring the sand to the beaches. Mr. Pickel stated that it would not stop the process.

Chairman Jones acknowledged that it was important to move forward as quickly as possible, but requested that the cost be kept as low as possible throughout the remainder of the beach repair process. He requested that Mr. Pickel provide each member of the Board with the final amount of the bid once it was established.

Further discussion was held regarding bond requirements and stipulations.

A vote was called for the motion on the floor. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Bell advised the Board that he and Mr. Pickel would be meeting with DEP the next day to observe the beaches to discuss some type of permit for beach scraping.

Mr. Bell presented samples of sand that was currently on the beaches and sand that was approved to be placed back on the beaches. He also presented two samples of sand that were approved for the Frangista area, one of the samples was saturated and the other was dry. This was done to demonstrate the difference in the coloration of the sand when it is wet and when it dries.

Commissioner Rees asked Mr. Bell to give an update on the septic tanks, which was a concern to some constituents. Mr. Bell stated he would inspect the septic tanks while on the beach with DEP the next day.

Commissioner Pauls asked Mr. Bell to update the Board regarding the schedule of debris removal. Mr. Bell said that additional subcontractors had been hired and were working with Mr. Russ Barry, Public Works Director, to determine a schedule. He stated that they were working the south Walton area from west to east. Mr. Barry informed the Board that Public Works had provided three additional inspectors for the extra crews, which should enable them to increase their progress.

There being no further business, the special emergency meeting adjourned at 5:04 p.m.

Chairman Jones called the scheduled Land Use Hearing to order. Ms. Shirl Williams, Assistant County Administrator, sat in the place of Mr. Bell.

Commissioner Cuchens led with prayer followed by the pledge of allegiance to the American Flag.

Mr. Mike Lane, Planning Director, requested that the Board schedule Public Hearing dates for the Comprehensive Plan Amendment Transmittal. He asked that the dates be set for Tuesday, October 26 and Thursday, October 28. Due to conflict of schedules, the Board requested that alternative dates be considered.

Mr. Lane presented a proposed Williams Petition for Abandonment. Michael and Myra Williams proposed to abandon the most southwestern 25 foot portion of a 50 foot platted wetland buffer on the plat recorded for Mallet Bayou Beach, Phase 1. This site is located off Bay Grove Road approximately ½ mile from the intersection of US 331 and Bay Grove Road. The Planning Commission recommended approval conditional upon staff's approval of a revised stormwater plan. Planning staff's initial recommendation was for denial, but Mrs. Christensen presented an updated recommendation for approval.

Mr. Wes Barnhill addressed the Board to answer any questions.

Commissioner Cuchens questioned the reasoning behind staff's original recommendation for denial. Mrs. Jennifer Christensen, Planning Coordinator, explained that initially there were concerns with the drainage easement, but the issue had been resolved.

Motion by Commissioner Rees, second by Commissioner Pridgen, to approve by resolution the proposed Williams Petition for Abandonment (2004-71). Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Tom Blackshear, Senior Planner, presented a proposed S&B Small Scale Amendment. S&B Real Estate Holding, John Norton, proposed to change the Future Land Use map from Non-conforming Industrial use within Rural Village to Industrial. This site is located on the north side of Hwy 20, and is currently known as the HydroCat Boat building facility. Mr. Blackshear reviewed the site suitability information contained in the planning report and handed out a land survey that was not included in the report. The Planning Commission and Planning staff recommended approval.

Discussion was held regarding buffer requirements for the proposed land use category. The future development of the property as it relates to the Eglin area was also discussed.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve by ordinance the proposed S&B Small Scale Amendment (2004-31). Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Chairman Jones called to order the Quasi-Judicial Hearings and Attorney Vorbeck administered the oath to those individuals who would be speaking on the following projects: Martha's Lane Subdivision Plat, Bayshore Pines Plat, Seanest Village Phase 2 Plat, South Shores Plat, Sanctuary By The Sea, The Highlands at Seagrove Beach, Brandon Oaks 2nd Addition, Shadow Pines, Highland Park at Blue Mountain Beach, Camp Creek Park PUD, and Beach Zone.

Mrs. Christensen presented the final plat for Martha's Lane Subdivision for approval. The project consists of 5 single-family lots. Staff's recommendation was for approval. There were no public comments.

Motion by Commissioner Rees, second by Commissioner Pauls, to approve the final plat for Martha's Lane Subdivision for recording. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Christensen presented the Bayshore Pines final plat for approval. The project consists of a 16-lot single-family subdivision. Staff recommended approval. There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Cuchens, to approve the Bayshore Pines final plat for recording. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Christensen presented the final plat for Seanest Village Phase 2 for approval. The project consists of 9 single-family lots. Staff recommended approval. There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Cuchens, to approve the final plat for Seanest Village Phase 2 for recording. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Christensen presented the final plat for South Shores for approval. The project consists of a 6-lot single-family subdivision. Staff recommended approval. There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve the final plat for South Shores for recording. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Carl Hammons, Planning Technician II, presented a request for approval of a major development identified as “Sanctuary by the Sea”. Sanctuary by the Sea, LLC and Choctaw Engineering, Inc. were proposing to develop an 82-unit multi-family (condominium) project on 22.99 acres with a land use designation of Traditional Neighborhood Development Area and Neighborhood Planning Area-Infill. This site is located between Big Redfish Lake, CR 30-A, the Gulf of Mexico, and Bannerman Beach Lane in the Blue Mountain Beach. Planning Commission and Planning staff recommended approval (**Exhibit #1-Planning Report**).

Mr. Mark Siner, Choctaw Engineering, was present to answer any questions.

Motion by Commissioner Pridgen, second by Commissioner Rees, to approve the application for Sanctuary by the Sea. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Lane presented a request for approval of a major development identified as “The Highlands at Seagrove Beach”. The Highlands at Seagrove Beach, LLC and Choctaw Engineering, Inc. proposed to develop 4-building, 164-unit condominiums on 18.8 acres with a land use designation of Neighborhood Planning Area, Small Neighborhood. This site is located off County Road 30-A on Sommerset Bridge Road on the left by the lake. The Planning Commission recommended approval based upon a revised site plan showing 82 units. Planning staff also recommended approval contingent upon the applicant performing a minimum of three double ring infiltrometer

testes in accordance with ASTM standards in order to determine the site specific permeability with revised stormwater calculations based on this rate (**Exhibit #1-Planning Report**). Mr. Lane stated that the applicant was working with the Engineering Department regarding this matter; therefore, staff was recommending approval.

Mr. Mark Siner, representing the applicant, addressed the Board and gave a brief history of the project.

Mrs. Christensen presented and reviewed the final order from the Planning Commission with the following conditions (**Exhibit #2-Final Order**):

- a. Dedication of open space, greenways, and wetlands.
- b. Successful completion of required advertised meeting.
- c. Dedication of three gardens.
- d. Applicant performing a minimum of three double ring infiltrometer tests in accordance with ASTM standards in order to determine the site specific permeability with revised stormwater calculations based on this rate.
- e. Demonstration of Energy Efficiency for bonus points.
- f. Inclusion in condominium documents provisions for public use of meeting hall.

Mrs. Christensen explained that the Planning Commission's recommendation for approval contingent upon the revised site plan showing 82 units was outdated. Their recommendation had been based upon traffic concurrency issues, which had been addressed during a previous project, Bungalows at Seagrove.

Mr. Siner stated that the applicant agreed with the conditions. At the request of Commissioner Pauls, Mr. Lanny Smart, Developer, addressed the Board to elaborate on how the applicant proposed to allow public use of the meeting hall.

Ms. Tiana Larsen addressed the Board in opposition to the proposed project. Ms. Larsen gave a history of ownership of the property and spoke about her neighborhood's experience with the Smartt brothers. She stated that her main concern was stormwater

runoff from the development. She presented letters from two residents in her neighborhood who also opposed the project (**Exhibit #3A-B**). Mr. Greg Graham, County Engineer, addressed the concerns expressed by Ms. Larsen. He stated that the stormwater plan met the Walton County Land Development Code. Further discussion was held regarding wetland drainage.

Ms. Carla Nave, President of Somerset Bridge Home Owners Association, addressed the Board to speak in favor of the project.

Ms. Anita Paige, representing the South Walton Community Council, expressed concerns regarding the bonus density requirements and the developer's meeting of the requirements. Ms. Paige spoke particularly about the requirement for energy efficiency. She asked staff whether or not the developer had adequately met the requirements for the ten bonus points for energy efficiency. Mrs. Christensen said that the developer and agent were aware that they would be required to demonstrate compliance with the bonus point provisions for energy efficiency during the permitting stage. She recommended that this be added as a condition of approval.

Motion by Commissioner Rees, second by Commissioner Pridgen, to approve the project with the conditions recommended by the Planning Commission along with the condition recommended by Mrs. Christensen. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

The Board recessed briefly.

Ms. Renee Bradley, Project Manager, presented a request for approval of a major development identified as "Brandon Oaks 2nd Addition." R & B Construction proposed 94 single-family residential lots on +/- 75 acres with a land use designation of Rural

Village. This site is located on Bay Grove Road, approximately 0.1 miles from Hwy. 331 S. Ms. Bradley reviewed a list of issues regarding the project that had been resolved.

The Planning Commission recommended approval subject to the following conditions:

- (a) Roadways within this development must remain private.
- (b) The applicant shall install a northbound left turn lane at the intersection of US 331 and Bay Grove Road.
- (c) The developer shall require the lot purchasers to install an aerobic septic system and the developer shall install a “dry system” sewer.
- (d) Homeowners will be connected to public sewer within one year of availability.
- (e) Applicant must submit to the Department of Planning a Master Plan, which shall include utility, traffic and drainage for the entire 300 acres under contract or option.
- (f) The developer must provide right and left exit lane off of Bay Grove Road onto US 331.

Staff recommended approval contingent upon the developer meeting all of the conditions recommended by the Planning Commission (**Exhibit #1-Planning Report**). Discussion was held regarding sewer.

Attorney Dana Matthews addressed the Board on behalf of the applicant. He submitted a three page executive summary of the phase I environmental site assessment that was conducted by URS (**Exhibit #2**). Attorney Matthews directed the Board’s attention to and reviewed a table on the second page of exhibit #2, which provided information about onsite environmental features.

Ms. Bradley entered the Phase I Environmental Site Assessment (**Exhibit #3**) and a revised site plan into the record as exhibits (**Exhibit #4**).

Commissioner Cuchens questioned why the DEP had denied the stormwater permit. Mr. Dean Burgess, Emerald Coast Associates, stated that a notice of denial had been received from the Department of Environmental Protection due to a ditch along one of the agricultural roads being determined as jurisdictional. He stated that in the revised

site plan the cul-de-sacs were pulled away from the ditch and a 25 foot secondary buffer was provided as required by the LDC. Mr. Burgess said that they were resubmitting the stormwater permit with the revised site plan.

Attorney Matthews presented a packet of construction inspections and final approvals for onsite sewage disposal systems previously issued by the State of Florida Department of Health for lots that had already been sold (**Composite Exhibit #5**).

Attorney Matthews called Mr. Rollin Rocket to address the Board. Mr. Rocket addressed the Board and requested that they approve the Brandon Oaks 2nd Addition subdivision. He spoke about himself and gave a history of how he became involved with the project. He also discussed several issues that citizens had expressed concern with such as a master plan and a DRI, planning for stormwater and septic tank runoff, and his intentions for his property in the future.

Attorney Matthews submitted a letter from Grady Bush, Contract Sales, from Crestview Wholesale Building Supply and photographs of the Bay Grove Road community into the record as the next exhibits (**Exhibit #6-Letter & Exhibit #7-Photographs**). He then named the people who were present to answer questions in regards to the project.

Attorney Ken Goldberg, representing Tom and Lisa Waldrop, addressed the Board and spoke about their concern with the types of soils on the property. Attorney Goldberg also addressed sewer and stormwater permit issues. He requested that the Board postpone voting on the project until a permit is obtained. He also asked that the density allowed be lowered until there is sewer available to the property.

Mr. Tom Waldrop addressed the Board to speak in opposition to the project. He spoke about his concern with sewage and talked about discussions that were held between the neighbors and the developer at the community meetings. He also spoke about conversations that he had with the mayor of Freeport regarding the concern.

Ms. Amy Titus appeared before the Board and stated that the drainage issue on her property had not yet been resolved. She stated that attempts had been made to rectify the problem, but she felt that the drain that was installed was not sufficient. Ms. Titus also expressed concern with noise.

Ms. Grace Spencer appeared before the Board to express her opposition to the project. She submitted photographs taken of the drainage on Bay Grove Road and Brandon Oaks into the record (**Exhibit #8A-N**).

Ms. Donna Creel also addressed the Board and expressed concern with the proposed sewer.

Mr. Aldrich spoke about his conversations with the mayor of Freeport and the city's consulting engineer regarding sewer.

Mr. Matt Rhodes, Project Manager, spoke about his involvement with the project. He also spoke about his conversations with the mayor of Freeport regarding sewer.

Attorney Matthews addressed the comments that were made by those who had expressed concern with the proposed project.

Commissioner Cuchens questioned the efforts of the developer to communicate with the City of Freeport. Mr. Burgess responded to the questions. Further discussion was held regarding the commitment to connect to sewer once it becomes available.

Mr. Waldrop stated that a package treatment plant had been discussed at the community meeting that was held with the developer. Mr. Lane read the following statement from the Comp Plan, “The use of new package treatment plants shall be prohibited unless it is the most environmentally sound alternative”. Mr. Lane stated that the Health Department had expressed concern with the idea of a package treatment plant. Commissioner Pauls read other portions of the code to show that the applicant had met the Code.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve the application for Brandon Oaks 2nd Addition with the recommendations from the Planning Commission and Planning staff. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

The Board recessed briefly.

Mr. Hammons presented a request for approval of a major development identified as “Shadow Pines”. M-Vision, Inc. and Seaside Engineering & Surveying, Inc. Agent proposed to construct a 30-lot single-family residential subdivision on 5.04 acres of property with a land use designation of Neighborhood Planning Area-Infill. The site is located about 350’ east of the junction of Louva Lane and CR 393, north of CR 30-A in the Dune Allen Beach area. This proposal also incorporates the “Senior Petition for Abandonment” proposing the abandonment of a 33’ by 664.34’ (21,923.22sf) roadway and public utility easement being an extension of Louva Lane. Planning Commission and Planning staff recommended approval (**Exhibit #1-Planning Report**).

Mr. Hammons advised the Board that the future land use map and the neighborhood map that were previously approved by the BCC for the area were

inconsistent with one another. Mr. Hammons stated that the maps were similar, but not identical. He handed out a copy of each map and explained that there was a graphic inconsistency between the two maps (**Exhibit #2**). He explained that when the future land use map was adopted the parcel in question was designated as Neighborhood Planning Area/Infill, however, when the neighborhood map series was prepared the property was designated as Conservation Residential 2:1. Mr. Hammons stated that the county has had a long-standing policy where in cases there is a graphic inconsistency the category with the higher density takes precedence over the category with the lower density.

Mr. Ross Binkley, Public Engineer, addressed the Board to answer any questions.

Ms. Anita Paige addressed the Board and questioned the basis for staff's policy to handle this type of discrepancy. She felt that the land use designation on the neighborhood map should preside. Ms. Paige read Section 1.05.09 of the Land Development Code, "More specific provisions of the Code shall control over more general provisions that are in conflict with the more specific provision".

Mr. Hammons spoke more about the inconsistency of the maps. He said it was not a matter of one map being more detailed than the other.

Mr. Ken Goldberg agreed with the comments made by Ms. Paige.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve the application for Shadow Pines. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Christensen presented a request for approval of a major development identified as "Highland Park at Blue Mountain Beach". Walton 3G, LLC, Darren Sneed

and Emerald Coast Associates, Inc. proposed to develop 162-lot single-family subdivision, 8 livework units and one commercial lot on 27.85 +/- acres with a land use designation of Neighborhood Planning Area/Traditional Neighborhood Development Area. This site is located west on Hwy. 98 for about 0.9 miles to the intersection of CR 83; go south on CR 83 to CR 30-A; to west on CR 30-A approximately 0.85 miles; property is adjacent to Ventana Dunes. The Planning Commission and Planning staff recommended approval (**Exhibit #1-Planning Report**).

Attorney David Theriaque and Mr. Dean Burgess were present to answer any questions.

Motion by Commissioner Pridgen, second by Commissioner Pauls, to approve the application for Highland Parks at Blue Mountain Beach PUD. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Christensen presented a request for approval of a major development identified as "Camp Creek Park PUD". Camp Creek Group, LLC and PBS&J (David Haight) proposed to construct a 49-lot residential planned unit development with approximately 10,000 square foot community center on 7.23 +/- acres with a land use designation of Neighborhood Planning Area/Traditional Neighborhood Development Area and Small Neighborhood. This site is located on the north side of CR 30-A across from Sand Cliffs Subdivision. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

Mr. David Haight addressed the Board to answer any questions.

APPROVED: _____
Larry D. Jones, Chairman

ATTEST: _____
Martha Ingle, Clerk of Court