

DECEMBER 18, 2018 – LAND USE HEARING

The Board of County Commissioners, Walton County, Florida held a Land Use Hearing on December 18, 2018 at 9:00 a.m. at the Walton County Courthouse Annex in Santa Rosa Beach, Florida.

The following board members were present: Commissioner Tony Anderson, Chairman; Commissioner W. N. (Bill) Chapman, Vice-Chairman; Commissioner Danny Glidewell; and Commissioner Trey Nick. Mr. Larry Jones, County Administrator; and Attorney Sidney Noyes, County Attorney; were also present. Commissioner Melanie Nipper was not present.

Chairman Anderson called the meeting to order.

Mr. Mac Carpenter, Planning and Development Director, requested to reschedule the Special Meeting to consider the Mobility Fee Presentation scheduled for January 9, 2019 at 11:00 a.m. The reason for the request is due to a conflict in scheduling of one of the consultants. Discussion was held to determine an appropriate date and time to hold the meeting.

Motion by Commissioner Chapman, second by Commissioner Glidewell, to reschedule the Special Meeting to January 22, 2019 following the Regular Meeting in DeFuniak Springs, Florida. Ayes 4, Nays 0. Anderson Aye, Chapman Aye, Glidewell Aye, Nick Aye.

Mr. Carpenter announced there were two items on the agenda needing to be continued: Lakeview Subdivision Plat and Sunset Key Cottages Plat. He stated the Lakeview Subdivision Plat infrastructure is not complete and the plat is lacking the signature from Regional Utilities.

Motion by Commissioner Glidewell, second by Commissioner Chapman, to continue the Lakeview Subdivision Plat to January 24, 2019.

Commissioner Chapman requested both issues be continued in the same motion.

Motion amended by Commissioner Glidewell, second amended by Commissioner Chapman, to also continue the Sunset Key Cottages Plat to January 24, 2019. Ayes 4, Nays 0. Anderson Aye, Chapman Aye, Glidewell Aye, Nick Aye.

The Quasi-Judicial Hearing was called to order and Attorney Noyes administered the oath to those intending to speak. There were no objections to the advertisements. Attorney Noyes instructed the board to submit any Ex Parte communications to the clerk.

Mr. Carpenter presented for consideration Bear Creek Phase III. This is a Major Development Order application submitted by Morris-Depew Associates, Inc., on behalf of JMB Freeport, LLC requesting approval by Final Order to subdivide 4 parcels into 351 residential lots on 221.11 +/- acres with a future land use of Rural Village. The project is located approximately 1,200 feet south of the intersection of Fluffy Landing Road and Bear Creek Blvd. (Parcel No.: 02-2S-19-24000-018-0000, 03-2S-19-24000-001-0000, 03-2S-19-24000-001-0050, 03-2S-19-24000-001-0080). The applicant requests technical approval on Phase III-A and to provide conceptual approval on Phase III-B thru III-F. The conceptual approval portion surrounds Fluffy Landing Road and the relocation of the utilities. The applicant will provide a 50 foot right-of-way dedication on Fluffy Landing Road to the county as a part of the plat. Mr. Carpenter discussed the objections raised by the City of Freeport regarding further approval of this development. Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Staff Report-1)**

Mr. David Depew, Morris-Depew & Associates, Inc.-representing the applicant, stated the current design is a significant improvement over the one presented in 2006. He briefly discussed the design improvements and the details of the request. He discussed the concerns which have

been raised regarding the drainage on Fluffy Landing and stated the issue must be addressed by the developer, adjacent property owners, and the county because the drainage area is larger than the project. Mr. Depew said the utility issues will be resolved with the City of Freeport and Regional Utilities based on what is in the roadway at this time.

Commissioner Chapman voiced concern regarding the location of storm water collection and drainage so that it does not impact other areas. Mr. Depew stated the storm water will be retained on site and treated for quality and quantity before it is released into the wetlands system on site.

Commissioner Chapman questioned how much fill would be necessary.

Mr. Bill Morris, Morris-Depew & Associates-Director of Engineering, addressed the storm water treatment and discharge. He reported that they are in the process of permitting with the Northwest Florida Water Management District (NFWFMD) and are complying with the pre-development/post-development calculations for discharge and water storage. There will be a number of lakes on site which will be used for attenuation of storm water. He addressed the amount of fill and stated it would be predominately on the western side of the site. Commissioner Chapman asked where the water drains from the pop-offs. Mr. Morris discussed the different locations the water would go and indicated on a map where the discharge locations would be. Discussion ensued regarding past flooding problems and the design of the project based on the basin area.

Commissioner Glidewell asked where the outflows would discharge. Mr. Morris stated the outflows would discharge through channels into Bear Creek. Commissioner Glidewell asked what treatment would be performed before the water goes to the outflow. Mr. Morris discussed the filtering and treatment of the storm water. Commissioner Glidewell questioned if the outflow would be monitored. Mr. Morris replied that it would.

Commissioner Nick asked how much infill each lot would need. Mr. Morris stated it would vary, but estimated 2-4 feet per lot. He said the soil from the pond excavation would be used to meet the infill totals. Commissioner Chapman voiced concern with the instability of the pond soil for infill use. Mr. Morris stated a geotechnical report finds the soil is buildable/construction quality material. Attorney Noyes stated if the material was found unacceptable it could not be used. Discussion continued on the use of pond soil as infill.

Attorney Stephen Tatum, Matthews & Jones-representing Mr. Steve Sametz-Jolly Bay Farms, spoke in opposition to the project's drainage, the affects it would have on his client's property, and submitted evidence (**Exhibit 2-Respondent**) supporting his client's position. His client asks that a redesign of Fluffy Landing be done to prohibit future problems rather than just resurfacing as part of the project. Attorney Tatum discussed a drainage easement which was designated to the county by the State at the time C. R. 3280 was given to the county. He noted the drainage easements were not indicated on the applicant's conceptual site plan and recommended a right of entry be given as a part of the approval. Attorney Tatum voiced concern that drainage for a 25 year storm event on Fluffy Landing is insufficient.

Commissioner Glidewell asked how many inches would a 25 year storm event be. Mr. Morris stated approximately 12 inches over a three day period.

Chairman Anderson voiced concern with moving forward without input from Public Works staff. He questioned why Attorney Tatum's client had not given a right of entry onto his property.

Mr. Steve Sametz reported that the issue was discussed with the county in 2013 and further discussed other drainage issues on Fluffy Landing. He recommended careful review of the storm drainage.

Commissioner Glidewell stated that there were a lot of unanswered questions in regards to drainage and utilities. Mr. Depew stated the utility has not been resolved; the applicant is still working with the City of Freeport. He stated the drainage is not an easy fix due to multiple issues on Fluffy Landing. Attorney Noyes asked if the applicant would grant the county access to the drainage easement. Mr. Depew stated the applicant would be amenable to give the county access. He said the issues for Phases III-B through III-F could be addressed while work is begun on Phase III-A.

Discussion ensued on the drainage easements, discharge into Bear Creek, prevention of future drainage problems, and the placement of utilities.

Motion by Commissioner Chapman, second by Commissioner Glidewell, to move the remainder of the Bear Creek Phase III hearing to the end of the agenda to allow time for Public Works staff to arrive. Ayes 4, Nays 0. Anderson Aye, Chapman Aye, Glidewell Aye, Nick Aye.

Mr. Carpenter presented Mack Bayou Lots 6 & 7. This is a Major Development Order application submitted by Jenkins Engineering, Inc. on behalf of MBRE Healthcare C/O requesting approval by Final Order to develop approximately 23,692 square feet of general office/medical/plus ancillary space on lots 6 & 7 of the Mack Bayou Center on 1.55 +/- acres with a future land use of Village Mixed Use. The project is located from the intersection of U.S. Highway 98 west and Mack Bayou Road then take a right onto Mack Bayou Loop. The parcels are located on the north side of Mack Bayou Loop (Parcel No.: 25-2S-21+42700-000-0060 and 25-2S-21-42700-000-0070). Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Staff Report-1)**

Mr. Scott Jenkins, Jenkins and Associates-representing the applicant, briefly discussed the project and the on-site storm water management. He reported that Sacred Heart will also be using the facility. Commissioner Glidewell questioned the number of parking spaces. Mr. Jenkins replied 116 spaces.

There were no public comments.

Motion by Commissioner Nick, second by Commissioner Glidewell, to approve by Final Order Mack Bayou Lots 6 & 7 with conditions as stated in the Staff Report. Ayes 4, Nays 0. Anderson Aye, Chapman Aye, Glidewell Aye, Nick Aye. **(Exhibits: Staff Report-1)**

Mr. Carpenter presented StillWater at WaterSound Phase I Plat (f/k/a WaterSound Origins Phase IV Plat). This is a plat application submitted by Innerlight Engineering, Corp., on behalf of the WaterSound Company, LLC; requesting approval to plat 54 single-family residential lots on 15.83 +/- acres with a future land use of Coastal Village One. The project is located from the intersection of U.S. Highway 331 and U.S. Highway 98 travel east on U.S. Highway 98 approximately 11.2 miles to entrance on north side of U.S. Highway 98 (Parcel No.: 25-3S-18-16000-001-0000). Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Staff Report-1)**

Mr. David Smith, Innerlight Engineering, Corp.-representing the applicant, briefly discussed the project.

There were no public comments.

Motion by Commissioner Nick, second by Commissioner Chapman, to approve the StillWater at WaterSound Phase I Plat (f/k/a WaterSound Origins Phase IV Plat) contingent upon

conditions as stated in the Staff Report. Ayes 4, Nays 0. Anderson Aye, Chapman Aye, Glidewell Aye, Nick Aye. **(Exhibits: Staff Report-1)**

Mr. Carpenter presented Kara Lake Townhomes. This is a Major Development Order application submitted by Nautilus Civil Engineers, Inc. on behalf of JAB Holdings, LLC; requesting approval by Final Order to develop 44 residential townhomes on 9.43 +/- acres with a future land use of Neighborhood Infill. The project is located on the west side of Veterans Road, 0.2 miles north of the intersection at Veterans Road and U.S. Highway 98 (Parcel No.: 26-2S-20-33200-000-0461). Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Staff Report-1)**

Mr. Curtis Smith, Nautilus Civil Engineers, Inc.-representing the applicant, briefly discussed the project. An on-site lake and mosquito control ditch will be used for storm water drainage. Commissioner Glidewell questioned the number of parking spaces per unit. Mr. Smith stated each unit would have three to four spaces; visitor parking will also be added. Commissioner Glidewell asked about the green space. Mr. Smith replied there is a park at the entrance of the project. Commissioner Glidewell questioned if a pool would be constructed. Mr. Smith said there would be a pool and a dock for the existing lake. A brief discussion was held regarding the construction of the pool and dock.

Commissioner Glidewell asked if a turn lane into the project was being considered from Veterans Road. Mr. Smith reported the mosquito control ditches and the road being two-lane would prohibit a turn lane. Commissioner Glidewell voiced concern with the effect increased traffic would have on the project once Veterans Road is opened up to Chat Holley by the project north of Kara Lake Townhomes.

There were no public comments.

Motion by Commissioner Nick, second by Commissioner Glidewell, to approve by Final Order the Kara Lake Townhomes contingent upon conditions being met as stated in the Staff Report. Ayes 4, Nays 0. Anderson Aye, Chapman Aye, Glidewell Aye, Nick Aye. **(Exhibits: Staff Memo-1)**

Mr. Carpenter presented Southern Pines Plat. This is a plat application submitted by Rare Earth Surveying and Mapping on behalf of Treehouse Pines, LLC, requesting approval to plat 36 single family lots on 9.98 +/- acres with a future land use of Low Density Residential. The project is located on the east side of Nellie Drive, north of Chat Holley Road and south of East Nursery Road (24-2S-20-33180-000-0530). Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Staff Report-1)**

Mr. Shannon Clatchey, Rare Earth Surveying-representing the applicant, after being sworn briefly discussed the project and was available for questioning. Commissioner Chapman asked where the two storm water ponds would discharge. Mr. Clatchey stated they discharge into the wetland area and stated there was also a storm water infiltration bed in the southern portion of the property. Commissioner Chapman asked if the project was designed to a 100 year storm plan. Mr. Clatchey stated that it was. Attorney Noyes reminded everyone that a Development Order has already been approved and this was a plat approval request.

There were no public comments.

Motion by Commissioner Chapman, second by Commissioner Glidewell, to approve the Southern Pines Plat contingent upon conditions as stated in the Staff Report. Ayes 4, Nays 0. Anderson Aye, Chapman Aye, Glidewell Aye, Nick Aye. **(Exhibits: Staff Memo-1)**

The meeting briefly recessed at 9:53 a.m. and reconvened at 10: 20 a.m.

Discussion returned to the Bear Creek Phase III issue.

Chairman Anderson questioned if this was the technical phase. Mr. Carpenter stated the technical request was on Phase III-A, which is just south of Phase II. Phase III-B through III-F would be affected by anything on Fluffy Landing Road, storm water easements off of C.R. 3280, and any relocation of utilities along Fluffy Landing Road. Phase III-B through III-F is a request for conceptual approval

Commissioner Chapman discussed the current drainage issues and was advised that both easements would require permits from Department of Environmental Protection (DEP) and the Army Corps of Engineers (ACOE) because they are located within wetlands. He stated consideration needed to be made regarding drainage improvements in the area. Attorney Tatum stated there is an email (dated April 24, 2013) from DEP in the packet he submitted earlier which states a permit from DEP would not be required because the easements were established prior to 1954. He said only the ACOE would be a concern.

Mr. Greg Graham, Public Works-Engineer, after being sworn, stated he was aware of the DEP email. He voiced concern that DEP may have not received all the facts and said the area would require mitigation and permitting before any work could be done. He said research into the issue could be done at the board's direction. Commissioner Glidewell asked how much the permits would cost. Mr. Graham stated that the amounts would vary depending on if it is done in house or by a consultant. He said a consultant would charge approximately \$30,000.00 to \$40,000.00. He stated mitigation is approximately \$75,000.00 per acre for impact. It is difficult to give an accurate number without an assessment of the area.

Chairman Anderson asked what the current drainage plan on Fluffy Landing was. Mr. Graham said the drainage system has been there quite a while and is considered impervious. The drainage is conveyed to road side swells/outfalls. Chairman Anderson asked if Public Works had any plans to improve the drainage at this time. Mr. Graham stated not currently. He said studies were done on several basins, but was unsure if the Fluffy Landing site was included in those.

Commissioner Chapman asked if this area is a basin. Mr. Graham said it is a natural creek which runs under cross drains on Fluffy Landing. He said Public Works was contacted for input regarding development conditions on the original project for the construction of turn lanes on C.R. 3280 and discussed the project's turn lane, right of way, and overlay requirements for C.R. 3280 and Fluffy Landing. Mr. Graham also discussed the county's storm water regulations and stated it is the responsibility of the developer's engineer to prove that the storm water plan meets the county regulations.

Commissioner Glidewell asked if any of the turn lanes been completed. Attorney Noyes stated it was a condition of the Development Order. Commissioner Chapman informed the developer and adjacent land owner that it will take time to get permits to maintain the drainage easements.

Commissioner Glidewell voiced concern over the amount it would cost the county to permit and maintain these drainage easements. Chairman Anderson replied that the applicant had stated that he would work with the county on this. He discussed the decision before the board and said there was a lot of work to be done in the area. He recommended all the parties work together to resolve the drainage issues.

Mr. Steve Sametz questioned if the applicant would be developing the property and recommended the drainage be addressed prior to any development occurring. Mr. Graham said the

county has never maintained the DOT drainage easement and discussed the drainage maintenance performed by the county on Fluffy Landing Road. He said the county has done nothing which would cause additional drainage impacts on other properties.

Mr. Larry Jones, County Administrator, said the county is not prepared to spend a lot of money for this development to work and recommended that the burden of pay be with the developer. Attorney Noyes said either the county engineers or contractor are to be involved in the process to insure the drainage issues are addressed appropriately.

Mr. Depew stated that the applicant will assist in resolving the issues as best he can.

Discussion continued on the work that still has to be done on Phase III-B through Phase III-F.

Chairman Anderson stepped down as Chair to make the following motion.

Motion by Commissioner Anderson, second by Commissioner Glidewell, to approve by Final Order Bear Creek Phase III-A and conceptually approve Phase III-B through III-F contingent upon conditions as stated in the staff report. Phase III-B through III-F must come back to the board for technical review at which time the board will make its final decision.

Commissioner Glidewell asked if the technical portion is approved would the board be required to approve the conceptual portion. Attorney Noyes stated the board would be approving the number of units; Phase III-B through III-F will have to meet all the requirements of the Land Development Code and Comprehensive Plan when it is brought back to the board. Drainage will have to be addressed at that time. If the requirements are not met, then the board will not be required to approve the project. Discussion ensued on the utilities requirement and the number of units.

Vice Chairman Chapman and Commissioner Glidewell voiced opposition to conceptual approvals. Mr. Carpenter reported that the board had given conceptual approval in 2006. The configuration has changed lessening the density of the project. If the technical requirements are not met for the remaining phases, then the board is not required to approve the project.

Ayes 2, Nays 2. Anderson Aye, Chapman Nay, Glidewell Nay, Nick Aye. **(Exhibits: Staff Report-1; Respondent Package-2) (Ex Parte: Anderson, Chapman)** A tie vote results in project denial.

Chairman Anderson resumed the Chair position.

Attorney Noyes asked if the board wished to make other considerations or motions.

Commissioner Glidewell asked if the technical portion could be approved and not the conceptual. Attorney Noyes stated the technical portion of the project could be approved and the remaining conceptual portion could be continued until a full board is present. Mr. Carpenter stated the conceptual portion is different than what was originally approved and if this conceptual is not approved the previously approved conceptual plan with the higher density will stand. Further discussion was held regarding both conceptual plans, reluctance to approve any conceptual plan, legislation which binds the county to provide the opportunity to extend the plans, and the history of the project since 2006. Mr. Carpenter and Attorney Noyes recommended approving the technical phase and continuing the conceptual phases.

Motion by Commissioner Glidewell, second by Commissioner Nick, to reconsider Bear Creek Phase III. Ayes 4, Nays 0. Anderson Aye, Chapman Aye, Glidewell Aye, Nick Aye.

Motion by Commissioner Chapman, second by Commissioner Glidewell, to approve Bear Creek Phase III-A (technical) contingent upon conditions as stated in the Staff Report.

A brief discussion was held on the ability of the applicant to revert back to the approved 2006 conceptual plan with the higher density.

Ayes 4, Nays 0. Anderson Aye, Chapman Aye, Glidewell Aye, Nick Aye.

(Exhibits: Staff Report-1; Respondent Package-2) (Ex Parte: Anderson, Chapman)

Motion by Commissioner Glidewell, second by Commissioner Nick, to continue Bear Creek Phase III-B through III-F conceptual approval to February 28, 2019 at 9:00 a.m. to be held at the Walton County Courthouse Annex in Santa Rosa Beach, Florida.

Mr. Jones recommended that the differences between the conceptual plans be presented at that time. Commissioner Glidewell asked that a determination be presented as to each party's responsibility regarding drainage.

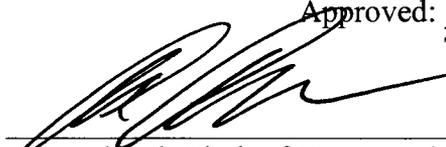
Ayes 4, Nays 0. Anderson Aye, Chapman Aye, Glidewell Aye, Nick Aye.

There being no further items to present, the meeting was adjourned at 10:56 a.m.

Approved: _____


Tony Anderson, Chairman

Attest: _____


Alex Alford, Clerk of Courts and County Comptroller