

September 13, 2005 Regular Meeting/Land Use Hearing

The Board of County Commissioners, Walton County, Florida, held their regular meeting on Tuesday, September 13, 2005, at 4:00 P.M. in Courtroom B of the Walton County Courthouse.

The following Board members were present: Kenneth Pridgen, Chairman, Scott Brannon, Vice-Chairman, Commissioner Larry Jones, Commissioner Cindy Meadows, and Commissioner Rosier Cuchens. Mr. Ronnie Bell, County Administrator, and Attorney David Hallman, Legal Services Director, were also present.

Commissioner Jones led with prayer followed by the Pledge of Allegiance to the American Flag. Chairman Pridgen called the meeting to order.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve the consent agenda consisting of the items below, with the exception of item #10. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

1) EAL Approval

General Fund	\$	642,580.84
County Transportation	\$	241,370.34
SHIP	\$	6,127.93
Fine & Forfeiture	\$	-
Debt Service Hospital	\$	-
Mosq. Control State	\$	-
Mott Sign Grant	\$	-
Section 8 Housing	\$	237.80
Tourist Dev. Council	\$	699,436.12
N.W. Mosquito Control	\$	647.18
W. Co. Library	\$	3,417.25
Recreation Plat Fee	\$	-
Public Safety- 911	\$	4,734.10
Solid Waste Enterprise	\$	129,082.12
Mossy Head VFD	\$	143.21
Glendale VFD	\$	7,907.04

Darlington VFD	\$	695.78
Red Bay VFD	\$	18,699.09
Preservation	\$	-
Sidewalk Fund	\$	-
Local Option Gas Tax	\$	-
Special Law Enf. Trust	\$	-
Driftwood Debt Service	\$	2,500.00
Criminal Justice Ed Fund	\$	-
Bldg Dept/Enterp. Fund	\$	1,163.27
Capital Projects Fund	\$	10,053.22
Imperial Lakes MSBU	\$	625.00
Totals	\$	2,327,663.39

- 2) Approve Minutes of August 23, 2005 – Regular Meeting
August 30, 2005 – Budget Workshop
- 3) Approval to Surplus Various Computer Related Equipment
- 4) Approval for an Interfund Transfer of Unspent Economic Development Money Back into the Landfill Account
- 5) Approval for the Chairman to Sign the 2006 Emergency Management Preparedness Assistance Grant Agreement with the Florida Department of Community Affairs.
- 6) Approval of Records Disposition Requests
- 7) Approval for Road Closure of CR 30A on Sunday, November 20, 2005 from 6:30 am to 10:30 am from Rosemary Beach to just before Eastern Lake for the Trek for the Coast ½ Marathon, 5K and 1 Mile Family Fun Run Organized by the Clean Beaches Council and part of the Autumn Tides Festival.
- 8) Approval of the SHIP Program Annual Report for FY 2002-2003, 2003-2004 and 2004-2005.
- 9) Approval of Change Order for Don Graff Road Project.
- 10) Pentel Properties Bike Path Agreement.
- 11) Legal Services Budget Transfer Request
- 12) Interlocal Agreement with Okaloosa County for the Request and Use of the Cooperative

Ms. Bonnie Bonner requested that the Board relieve the Red Cross of their shelter duties and allow her organization to continue operating as a service center out of the armory building. She felt that the need for a Red Cross shelter had passed and that the service center was equipped to handle more extensive and long term needs. Ms. Bonner reported that there was no one sleeping at the shelter; instead they were coming in for benefits and leaving at night. She stated that due to Red Cross policy regarding sharing facilities, the service center had been asked to

relocate in order to accommodate possible evacuees coming to the area. It was her opinion that the Red Cross had adequate time to open another shelter, possibly outside Walton County, and redirect any future evacuees to that facility. Ms. Bonner stated that her organization did not have time to relocate and move all of the items they had stockpiled for distribution.

Commissioner Cuchens asked Mr. Bell what alternate locations could be opened quickly should there be need for a shelter. Mr. Bell responded that schools and local churches could be used. He reminded the Board that two weeks ago they requested the Red Cross remain open for an additional 60 days.

Commissioner Brannon asked Ms. Bonner if additional evacuees were coming to this area looking for a shelter or assistance. She replied that the armory was no longer being utilized as a shelter and that people were coming in for benefits and moving on. Further, she added that her organization had funds available to pay for hotel accommodations for people arriving alone or in pairs, but would coordinate with the Red Cross for larger groups.

Mr. J.B. Hillard disagreed with Ms. Bonner and commended the efforts of the Red Cross. He stated that the Red Cross was coordinating with the Cope Center, FEMA, and other agencies to meet the needs of the evacuees. Mr. Hillard suggested that the Board communicate with the Mayor, City Manager, and Red Cross, before making any decision about the shelter.

Other alternatives were discussed, such as relocating the Red Cross shelter or dividing the armory and allotting both organizations an area; however, the consensus was to continue the service center and close the Red Cross shelter.

Mr. Bell stated that once the shelter was closed he would report that information to the state EOC so that evacuees could be redirected. He then informed the commissioners that the County would work with the EOC and the Red Cross to establish a new shelter if the need arose.

Motion by Commissioner Cuchens, second by Commissioner Jones, to request the Red Cross shelter close and allow the service center to continue operating out of the armory. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Gary Mattison, Human Resource Director, recommended the Staff Attorney position be filled by Ms. Lynn Miyamoto and briefly detailed her credentials.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve staff's recommendation and award the Staff Attorney position to Ms. Miyamoto. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Mattison reported that staff was able to negotiate a new contract with Blue Cross/Blue Shield for the 2005-2006 budget year that would not include a rate increase. He recommended the Board adopt the new contract.

Motion by Commissioner Brannon, second by Commissioner Meadows, to approve the recommended Blue Cross/Blue Shield contract with no rate increase. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Mattison requested permission for staff to develop a plan and budget for implementing the Medical Operations Proposal and report that information back to the Board. The proposal would include a General Practitioner physician, with focus on wellness and preventative medicine. The Human Resource Office on College Avenue was discussed as a possible location.

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve Mr. Mattison's request. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Kriss Titus, Executive Director of the South Walton Tourist Development Council, requested approval for renewing the Public Relations contract with Edelman, who has represented the County for the two years previous.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the proposed contract with Edelman. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Brad Pickel, Director of Beach Management, discussed issues regarding private construction traffic on the beaches. The additional traffic has caused a rise in the fresh water table, surfaced black peat deposits, and formed deep ruts on the beach.

Commissioner Meadows reported that she had received a complaint from a homeowner who stated that a large, black, mud puddle had impeded his access to the beach. She proposed that the contractors doing the work be asked to repair any damage they inflict.

Ms. Pat Blackshear, Growth Management Director, stated that she would contact the contractors working on the beach. She also felt that staff should re-approach DEP and request permission to use a staging area. Mr. Pickel added that DEP's original limitations were due to turtle nesting and now that hatching season had begun they may allow the equipment to be left on the beach.

Mr. Pickel also stated that there were incidents where beach patrol deputies could not cross heavily damaged areas. Commissioner Meadows replied that any area where public safety was affected needed to be repaired by the County. Mr. Bell added that, in those events, Public Works should be called to investigate. He also stated that sand collected from beach scrapings could be utilized to fill ruts.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve allowing staff to request contractors repair any substantial damage to the existing beach caused by their traffic. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Mary Lou Reed, Workforce Development Board, requested that the Board accept the appointment by the Walton County Chamber of Commerce for the upcoming vacancies to the Board of Directors. The two recommendations were: Mr. Bobby Rains of Regions Bank and Mr. Lane Rees of Human Resource Solutions.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve the recommendations made by the Walton County Chamber of Commerce. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Attorney David Hallman, Legal Services, reported that Judge Stone ruled in favor of Walton County on the Code Enforcement cases involving sign regulation in the Scenic Corridor. The opposing parties were: Dave Hildenberg, Doyle and Janet Reeves, Charlie Burke, Jenny Hansen, and Cherry Peppers. He advised that staff was preparing for additional litigation regarding these cases as Chairman Pridgen was served with a federal lawsuit by some of the fore mentioned defendants.

Attorney Hallman gave an update on the "Save Our Beaches" litigation in which the County's beach re-nourishment was challenged. He stated that Walton County prevailed in the original litigation, but an appeal had been filed in Circuit Court. The "Save Our Beaches" organization also requested DEP issue a stay against Walton County and Destin moving forward with beach re-nourishment. He felt that the stay would not be issued and the County's re-nourishment efforts would progress.

Attorney Hallman then updated the Board on the request for County maintenance of private cemetery roads. He stated that per Florida law, public resources cannot be used to improve or maintain private property unless credible evidence, produced in a public hearing, proved public benefit of those actions. Attorney Hallman clarified that private means not owned by a governmental entity. It was requested that Mr. Bell gather information as to: the number of private cemeteries in the County, estimated cost, and source of labor for the additional workload. A public hearing will be scheduled to discuss this matter further.

Mr. Bell discussed the Inmate Work Squad DOC Contract WS 144 Amendment #2. He recommended the Board approve a one year extension of the renewal.

Motion by Commissioner Cuchens, second by Commissioner Brannon, to approve the extension of the DOC contract as recommended by staff. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Bell reported on the environmental assessment of the Triple "G" Parcel, which is +/- 30 acres located south of CR 1883 and east of CR 83. Prison or jail expansion was discussed as possible uses for the land. He referred to a map outlining the demographics of the property and discussed the need for relocation of the Gopher Tortoises that inhabit the land. Mr. Bell's recommendation was that the Board authorizes offering the owners the appraised value of \$6,500 per acre, for a total purchase price of \$195,000.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to authorize the \$6,500 per acre offer recommended by Mr. Bell for the purchase of the Triple "G" parcel. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Bell requested that the Board approve entering into an agreement with the Property Appraiser for the use of a uniform method of levying, collecting, and enforcing non-ad valorem assessments for Paxton.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve entering into the agreement with the Property Appraiser's office. Ayes 5 Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear requested the Board approve DEP's suggestion to extend the emergency order for permits to October 28th, using the previously approved permitting conditions.

Commissioner Cuchens recused himself from any discussion or action pertaining to this matter.

Ms. Blackshear reminded the Board that September 16th was the last day for roofing permits to be issued, with the exclusion of metal or tile. Roofing jobs must be completed within 60 days of the permit issuance.

Motion by Commissioner Jones, second by Commissioner Brannon, to approve the extension of the emergency order for roofing permits until October 28th. Ayes 4, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, and Brannon Aye.

Ms. Blackshear discussed the need for four-lane improvements to Highway 20. She also spoke about the need for high-mast lighting at the intersection of I-10 and Highway 285. She referred to a letter addressed to Mike Ziegler, Director of Transportation Planning, that requested both endeavors be added to the regional network priorities. Ms. Blackshear requested the Board authorize Chairman Pridgen to sign the letter on their behalf.

Motion by Commissioner Jones, second by Commissioner Meadows, to authorize Chairman Pridgen to sign the letter of request to Mr. Ziegler. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear stated that Mr. John Dalton of Caring and Sharing asked for relief of planning fees for the 3,000 sq ft expansion of their facility.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to approve waiving the Planning fees for the 3,000 sq ft expansion of Caring and Sharing. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Commissioner Brannon reported on the Walton County Coalition meeting. He also discussed his meeting with Mr. Ronnie Bell, Mr. Wayne Miller, and Superintendent Carlene Anderson, in which future land needs were discussed. He stated that School Board member Darrell Barnhill expressed the need for a cooperative effort between the County, State, and school system for improved or additional egress/ingress and traffic lights at South Walton High School and the Government Complex. His discussion with the City of Freeport revealed a possibility of extending the co-operative effort with Walton County to place a public meeting facility in their new City Hall complex and government building. He then reported on a meeting with Mr. Bell and Counsel Huffman regarding bringing the Tivoli Gym into the County Recreation Program. Commissioner Brannon went on to discuss funding sources and possible locations for boat ramps within the County. He stated that he would work to formulate a plan and report those findings to the Board. In addition, he recommended the appointment of the following as an Advisory Board for the development of Morrison Springs: Mr. Tommy Hinote of Soil Conservation, Mr. Ronnie Bell, Walton County Administrator, Mr. Brad Alford, Walton County Parks And Recreation Manager, Mr. George Russell of The Conservation Group, Mr.

Bobby Ammons, citizen, Mr. Paul Ward, Mr. Henry Teal, and Mr. Billy Bearden, all residents surrounding Morrison Springs, and himself as an elected official.

Motion by Commissioner Brannon, second by Commissioner Meadows, to approve the recommended Advisory Board appointments for the development of Morrison Springs. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Commissioner Jones expressed disappointment regarding a reply from Governor Jeb Bush's office to the Board's request for a meeting to discuss the four-laning of Highway 331. He referred to a letter from Ms. Tara Wainwright, Director of Scheduling, stating that due to time restraints Governor Bush could not meet with the Board; however, she referred them to Denver Stutler, Secretary of the Department of Transportation. Commissioner Jones asked that the Board approve staff drafting a written response to express their dissatisfaction.

Motion by Commissioner Jones, second by Commissioner Cuchens, to allow Mr. Bell to draft a response to Governor Bush on behalf of the Board. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Commissioner Rosier Cuchens, stated that Dr. Howell, resident of Eastern Lake, complained that he was cited and told to remove sand he purchased during the time period when standards were relaxed. Mr. Greg Graham, Growth Management, stated that Code Enforcement should address this issue because he felt there was more involved than sand color. He clarified that the ordinance was for homes in danger of collapse and that the sand was to be used to shore up those homes and was then to be capped with the higher standard sand. Mr. Pickel stated that he would work with Dr. Howell, but felt there was confusion about the time period in which the sand standards were changed. Ms. Blackshear added that staff would follow-up and report their findings back to Commissioner Brannon and Commissioner Cuchens. Commissioner Cuchens

stated that Dr. Howell had allowed the County to access the beach by way of his property and felt his generosity in doing such should be taken into consideration.

Commissioner Cuchens then addressed a request from the Portland Community Center for assistance in paying their electric bill. Chairman Pridgen stated that because the building was used as a polling place they were eligible for assistance from the Supervisor of Elections Office. Mr. Bill Imfeld, Finance Director, clarified that the Supervisor of Elections' policy was to pay one electric bill per year for each community center serving as a polling place. Mr. Bell asked for an estimate of their monthly electric bill and stated that he would bring a report showing all community centers that are used as polling facilities.

Motion by Commissioner Cuchens, second by Commissioner Brannon, to approve payment of the Portland Community Center electric bill. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Commissioner Meadows suggested a joint venture partnership with a development company to better utilize the County's parking lot on Scenic Gulf Drive. The proposed venture would allow a commercial development on the highway frontage of the lot with the construction of a parking garage on the backside for County usage. Commissioner Cuchens suggested the addition of a walkover pedestrian crossing.

There being no public comments the Board recessed briefly.

The Board reconvened into their scheduled Land Use Hearing for approval of the following final plats: Capri Court and Compass Point I, along with the following project proposals: Cayman Cove, Windsor Court Subdivision, Gulf Reflections F/K/A Pilcher Cottages, Windsor Estates, and Seafree Condominium.

Ms. Blackshear first discussed Capri Court, a 4 lot single family subdivision located on LaGrange Road in Section 28, Township 1, Range 19 West. She stated that work with the applicant, Ms. Karen Martineau, had failed to resolve outstanding issues; therefore, staff's recommendation was to continue this project until the next Board meeting.

Motion by Commissioner Brannon, second by Commissioner Meadows, to continue the final plat approval of Capri Court until the September 27th Board meeting. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear then discussed Compass Point I, a 24 unit spatial subdivision located within Watersound Beach on Compass Point Way in Section 20, Township 3 South, Range 18 West. Staff's findings were that the St. Joe Towns & Resorts project met all technical requirements; therefore, staff recommended final plat approval. There were no public comments.

Motion by Commissioner Brannon, second by Commissioner Meadows, to approve the final plat recordation of Compass Point I. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Attorney Hallman administered the oath to everyone who intended to testify in the Quasi Judicial portion of the hearing.

Ms. Blackshear discussed Cayman Cove, a major development consisting of 4 townhome units on +/- .82 acres located at North Spooky Lane. This project by applicants Mike Hewitt and Jenkins, Stanford, and Associates met all requirements of the LDC and concurrency plan. The planning report, including final recommendation from the Planning Department, was submitted as an exhibit (**Exhibit #1**). Ms. Blackshear stated that they have had no opposition to this project and that staff recommended approval. There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the Cayman Cove project proposal. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

The next agenda item presented by Ms. Blackshear was Windsor Court Subdivision from applicants Destin Properties, LLC, and Jenkins, Stanford, and Associates. This major development proposed 8 single family lots on +/- 1 acre, located approximately 150-feet east of the East Mack Bayou Drive and Mack Bayou Road Intersection. A planning report was submitted as an exhibit (**Exhibit # 1**). Although, the development order will not be issued until all outstanding permits are issued and evaluated, Ms. Blackshear stated that staff recommended approval of this project. There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the Windsor Court Subdivision project proposal. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear presented Gulf Reflections F/K/A Pilcher Cottages, a 15 lot single family subdivision, proposed by applicants Palmetto Bluff Properties, LLC, and Choctaw Engineering. The site is located on the north side of Louva Lane, west of CR 393, in Santa Rosa Beach. A comprehensive planning report was submitted into the record (**Exhibit #1**). Ms. Blackshear stated that all technical requirements had been met and that staff recommended approval. The floor was opened for public comments.

Ms. Anita Paige spoke in opposition to this project. She presented a settlement agreement between DOA, Walton County, the developer, and other affected parties. Ms. Paige referred to the terms and conditions defined in the agreement regarding the property and felt they were inconsistent with the Land Development Code. Per Attorney Hallman's request, Mr. Tim Brown,

Project Planner, confirmed that the settlement agreement was true and correct. The settlement agreement was then entered into the record (**Exhibit #2**). There were no additional public comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the Gulf Reflections F/K/A Pilcher Cottages project proposal. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear presented Windsor Estates, a 40 lot single family subdivision. The proposed site is a +/-20 acre parcel located on the west side of Don Bishop Road, north of U.S. Highway 98 in Santa Rosa Beach. Ms. Blackshear stated that the project proposed by Windemere Estates, LLC, and Emerald Coast Associates, Inc. met the technical requirements of the Comprehensive Plan. She stated that approval of the project was recommended with inclusion of the following conditions set forth by the Planning Commission: the applicant and County work out the easement/right-of-way issue along Don Bishop Road prior to the County Commission meeting; if substantial changes are made to the site plan by the Planning Department due to the right-of-way/easement issue, the plan would be brought back to the Planning Commission for review; the applicant shall increase the landscaping at the southern entrance to the project to mitigate the impact of automobile lighting on the properties across Don Bishop Road; applicant shall work with FDOT on a deceleration lane for Don Bishop Road at U.S. Highway 98; and the County shall work on moving Don Bishop Road up on the County paving list. She added that many objections were noted and some of those issues were resolved. A planning report and a letter of objection from Attorney Joseph B. Cofer were submitted into the record (**Exhibits #1 & #2**). Ms. Blackshear asked that Mr. Greg Graham, Staff Engineer, address the letter.

Mr. Graham explained that the letter referenced a 33 ft. easement on the north property boundary. The letter addressed the absence of that boundary on the psychometry plan. Mr. Graham stated that the easement was included on the most recent psychometry plan and stated that staff would ensure that it was included in the plat. The floor was opened for public comments.

Mr. Steve Landry, President of Woodland Bayou Home Owners Association, spoke in opposition to this project. He submitted a composite exhibit into the record and discussed the following concerns: relocation of the south entry to applicant's lot # 38, lighting that could be intrusive to adjacent property owners, paving schedule for Don Bishop Road, and the addition of a deceleration lane off west bound Highway 98 onto Don Bishop Road (**Composite Exhibit #3**). He also felt there was a discrepancy in residential road usage and ownership of the west side of Don Bishop Road. He stated that the Woodland Bayou Community would approve this project if some of their requirements were met.

Attorney Hallman addressed the issue of lines reflected as easements that should have been reflected as County right-of-ways. Through a meeting with the applicant's attorney, Mr. Dana Matthews, a resolution was made that after approval and before plat recordation the developer would confirm in writing that the County owned the right-of-way in question. He clarified that precedence was not being set and that this was a one-time resolution to a complex issue.

Attorney Matthews spoke on behalf of his applicant to further clarify Mr. Landry's concerns. He stated that his client had appropriate title work to prove ownership of the area in question. He then addressed the right of way issue and stated that the applicant designed around the 33 ft area recognizing that the County may want to expand that roadway. Attorney Matthews

conveyed that the applicant would agree to the County's terms for designation of the fore mentioned area.

(Commissioner Jones left the meeting at 6:35 p.m.)

Mr. Dean Burgis, Emerald Coast & Associates, Inc., spoke on behalf of the applicant to clarify the issue regarding light intrusion onto lot #44 of the Woodland Bayou Subdivision. He stated that after meeting with the homeowners, he felt they were reasonably satisfied that the light would not affect them. He then addressed the question of easement proposed by Attorney Kofer and stated that the issue would be resolved by the County right-of-way discussed earlier. Mr. Burgis stated that the developer had agreed to overlay the section of road fronting the Windsor Estates Subdivision.

Attorney Hallman recommended that the motion to approve contain the following condition: after approval, but before recordation of the plat, there be a conveyance that clarifies and resolves that the County owns the right-of-way to the full extent set out by the plan. There were no further public comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the project proposal of the Windsor Estates Subdivision, with the condition indicated by Attorney Hallman and the recommendation by the Planning Department regarding Don Bishop Road. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear addressed the final agenda item, Seafree Condominium, an 8 unit multi-family condominium development on +/-1.37 acres adjacent to the Gulf of Mexico. The undeveloped site is located on the south side of CR 30-A approximately 1 mile east of CR 395, next to the Legacy Condominium.

Commissioner Brannon recused himself of any discussion or action regarding this project due to a conflict of interest.

Ms. Blackshear submitted the revised planning report and a supplemental document into the record (**Exhibits #1 & #2**). She reviewed the concerns of those in opposition to this project and recounted efforts to appease both the applicant, Seafree Development, LLC, and the surrounding property owners. Her opinion was that the developer had agreed to all reasonable requests which were listed in the supplemental document. She stated that the project met the technical code requirements and that staff's recommendation was to approve this proposal with the following conditions set forth by the Planning Commission: construction of a conspan structure and all related improvements such as fell, retaining walls, stream protection/erosion devices, ect. shall be in place prior to the construction/permitting of the condominium and assurance and details from the developer that measures will be taken to preserve the stream throughout construction to ensure no contractors further disturb the stream from its natural state.

Commissioner Meadows questioned the infiltration and release location. Mr. Burgis replied that the drainage will percolate into the sand and discharge through a retaining wall on the western side of the property. She then asked if any temporary holding ponds would be built. Mr. Burgis replied that due to the construction schedule, there was no anticipated need for holding ponds. The floor was opened for public comments.

Attorney Matthews spoke on behalf of the applicant and submitted a project summary into the record (**Composite Exhibit #3**). He reviewed the history of this proposal and discussed measures taken by his client to address the concerns of those in opposition. He specifically addressed the dry retention areas, ex-filtration system, and conspan. He reiterated that Bishop and Hinton-Bishop Roads are dedicated to public usage. Attorney Matthews stated that after the

initial construction these roads will not be used for access. He then spoke regarding the County's LDC provision exceeding the Comp Plan in relationship to wetland encroachments. He referred to Policy 3.2.2 that stated an exception when permits issued by DEP or the U.S. Army Corp. of Engineers demonstrates that the activity proposed will not negatively impact water quality. Additionally, he referred to LDC Policy 4.01.03 that states the issuance of said permits constitutes compliance in relationship to protecting the wetland in question. He also stated that the applicant would not build in the V-Zone as was indicated. According to Attorney Matthews, the pool and boardwalk areas shown on the site plan had not been applied for, nor permitted by the State; however, they were shown in the event that the State approves their addition. He added that the walkway was the only structure planned to be built in the V-Zone, if the State allows. He reported that prior to construction the applicant would take photos of Bishop Road, Hinton Bishop Road, and the wetland and would then provide those to staff to serve as a point of reference. According to Attorney Matthews, the applicant will have a biologist look at the wetland and document its current state.

Commissioner Meadows suggested a revision possibility that she felt eliminated the need for the conspan. Attorney Matthews replied that the revision would require retaining walls, which would cause more erosion. He added that the permit was applied for based on County staff's recommendation and any deviation would change the impacts and require starting the permitting process anew. Mr. Burgis added that the suggested revision would create parking and access constraints.

Ms. Susan Burgess, adjacent property owner, spoke in opposition to this project on behalf of her sister, Marcia Anderson, and B.J. and Jill Brown. She was concerned about the possible negative environmental impact on the stream, lack of notification, and the previous denial of the

project. She felt that approving the project would set precedence and violate the home rule authority that exists in Walton County. Her opinion was that a review of the CCL was necessary due to the magnitude of the project.

Ms. Anita Paige clarified that her opinion was, the Comprehensive Plan takes precedence over the Land Development Code in the event of a discrepancy. She felt the County was not complying with the Comprehensive Plan section C3.2.2 and read said policy into the record. Ms. Paige felt that the County was accepting the DEP dredge and fill permit in lieu of determining that the applicant had met all criteria through professionally accepted methods.

Attorney Ginger Barry spoke in opposition on behalf of her clients, Randy Hill, Dan Russo, Robert Bowes, Shirley Daigle and W.R. Lovvern, all property owners at Legacy Condominium. She submitted the following document copies into the record: a joint application partnership with DEP, a notice from DEP that listed the adjacent property owners who were notified, a letter from Erica Teets dated October 31st 2003 that objected to the issuance of the DEP permit, and a letter from the United States Department of Interiors that characterized the water running through the property (**Composite Exhibit #4**). She stated that her clients were not notified of the issuance of the DEP permit mentioned previously. Ms. Barry also stated that the County was allowing the DEP permit to take priority over County code. Additionally, she argued that the wet area in question was a stream, not a wetland, and should be contemplated as such using the appropriate land code.

Ms. Blackshear responded that staff agreed that the water on the property was a stream; however, the DEP permit stated that it was not. She proceeded to read Section 4.01.03, restrictions on the development, into the record. She explained that if the permit was successfully challenged, the development order and all construction would halt until those issues were

resolved. Ms. Blackshear stated that staff's position, based on the information received, was that the permit was valid and the project was consistent with the Comp Plan and the LDC. Ms. Blackshear commented on the length of time this project had been in process and stated that staff's recommendation was to approve the proposal with the previously stated conditions.

Commissioner Meadows felt that the issue of time should not be taken into consideration. Her opinion was that the project could have been designed in a less invasive manner, which may have lessened the DEP permitting time.

Commissioner Meadows stated that setbacks from streams are different from those of wetlands. She then questioned setbacks against the stream and asked if this project was in compliance with that code. Ms. Blackshear replied that the setbacks for stream are 50 ft, but stated the DEP permit negates the impact. She added that DEP recommended the conspan as a less impactful option that eliminated the need for fills.

Mr. Todd Wilkenson, Environmental Services, aided the applicant in obtaining the DEP permits. He spoke in support of the project and described changes made by the applicant to better preserve the area.

Attorney Matthews replied to Ms. Burgess' complaint that she and her sister had no notice of the permit. He submitted into the record a copy of a letter dated October 30, 2003, from Ms. Marsha Anderson and Ms. Susan Burgess, addressed to Mr. Eric Snider, DEP, in response to the SeaFree Development (**Exhibit #5**). He stated that the information submitted by Attorney Barry was not an affidavit or public record document that indicated DEP did not give other notification to homeowners. Attorney Barry then submitted the entire DEP file into the record (**Composite Exhibit #6**). She then stated the file indicated that only 6 of the adjacent property owners were listed by the applicant and therefore DEP required no additional notification. She

added that if the applicant had listed all property owners, more notification would have been required by DEP.

Attorney Matthews repeated that his client had a valid DEP permit finalized as of October or November 2004. He stated that Florida Law allowed anyone in opposition of a DEP permit to appeal within 21 days of notice. He further stated that Ms. Teets' 2003 letter of objection was in reference to the plan for a culvert that was included in the original DEP permit application. Additionally, he added that in February 2004, Mr. Burgess held a meeting with Erica Teets and Mike Lane at which time they were in support of the change to the conspan design.

Ms. Marsha Anderson clarified that her sister, Ms. Burgess, received notice of only the original 2003 permit. There were no additional public comments.

Commissioner Cuchens stated that he understood the neighbors' objections, but the applicant had met all of the County's requirements and he felt the project should be approved.

Chairman Pridgen passed the chair to Commissioner Meadows.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve the SeaFree Condominium project proposal with the conditions recommended by staff. Ayes 2, Nays 1. Pridgen Aye, Cuchens Aye, Meadows Nay.

There being no further business to discuss the meeting adjourned at 7:42 p.m.

APPROVED: _____

Kenneth Pridgen, Chair
Scott Brannon, Chair

ATTEST: _____

Martha Ingle, Clerk of Court

(Page 8 was corrected to reflect a 4/0 vote due to Commissioner Cuchens abstention.)