

September 27, 2005 – REGULAR MEETING/LAND USE HEARING

The Board of Commissioners, Walton County, Florida, held their regularly scheduled meeting at 4:00 PM on Tuesday, September 27, 2005, at the South Walton Courthouse Annex.

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

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

Motion by Commissioner Meadows, second by Commissioner Cuchens, to approve the consent agenda consisting of the items below, with the exception of item #5. Ayes 4, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

1. EAL Approval	
General Fund	\$ 405,958.84
County Transportation	\$ 483,709.65
SHIP	\$ 3,095.05
Fine & Forfeiture	\$ -
Debt Service Hospital	\$ -
Mosq. Control State	\$ 9,300.00
Mott Sign Grant	\$ -
Section 8 Housing	\$ 23,970.36
Tourist Dev. Council	\$ 1,416,109.16
N.W. Mosquito Control	\$ 21,465.29
W. Co. Library	\$ 8,204.29
Recreation Plat Fee	\$ -
Public Safety- 911	\$ 11,077.59
Solid Waste Enterprise	\$ 209,656.61
Mossy Head VFD	\$ 8,006.26
Glendale VFD	\$ 2,523.23
Darlington VFD	\$ 15,359.24
Red Bay VFD	\$ 3,187.80
Preservation	\$ -

Sidewalk Fund	\$	-
Local Option Gas Tax	\$	-
Special Law Enf. Trust	\$	-
Driftwood Debt Service	\$	-
Criminal Justice Ed Fund	\$	-
Bldg Dept/Enterp. Fund	\$	3,367.55
Capital Projects Fund	\$	647,655.88
Imperial Lakes MSBU	\$	-
Totals	\$	3,272,646.80

2. Approve Minutes of August 23, 2005 – VAB Organizational Meeting  
September 6, 2005 – Budget Hearing
3. Approval to Amend the Circuit Court Budget
4. Approval for Chair to Sign the State Library Services and Technology  
Act Grant Contract for the Purchase of a Book Mobile
5. Budget Approval for Paving Projects

Mr. Bell announced that the Walton County Tax Collector’s Office was chosen by Workforce Development of Walton and Okaloosa Counties to receive the 2005 Workplace Excellence Award for Small Business. Ms. Rhonda Skipper, Tax Collector, expressed appreciation for the recognition and of her staff.

Ms. Pat Blackshear, Planning Director, addressed the request for an Infill Ordinance. She presented a revised Infill Ordinance proposal with the following revisions: 1. strongest consideration, regarding the compatibility analysis, would be given to adjacent properties rather than the 1/4 mile previously indicated; 2. the compatibility analysis, Comp Plan, and LDC requirements are to be considered when determining density for residential development. Ms. Blackshear felt that the revised draft concentrated on Judge Stone’s findings (Inlet Beach Capital Corporation v. Walton County Board of County Commissioners, case no. 01CA000351) that the LDC lacks “clear and definite standards”. Staff’s recommendation was to approve the revised ordinance. Commissioner Brannon expressed concern over the change in consideration of compatibility standards from the 1/4 mile to adjacent property. Ms. Blackshear replied that the

revision applied to established communities where lots are purchased by developers who then attempt to re-subdivide into higher densities.

Ms. Blackshear felt the revised ordinance was a compromise that addressed the concerns of all interested parties. Commissioner Meadows agreed with Ms. Blackshear and felt that the ordinance was a starting point that could be expanded upon as needed. Ms. Blackshear then stated that Infill was an urban term that should not be a category. Commissioner Brannon suggested that a new category be created as an option to Infill. Ms. Blackshear replied that staff intended to designate low, medium, and high density categories on the map through the EAR process and alleviate the subjectivity of the Infill category.

Commissioner Jones thanked staff for their work on the ordinance, but felt that the ordinance language should specify definitive guidelines to avoid manipulation of the code and allow for correct and consistent interpretation by staff. The floor was opened for public comments.

Mr. Ken Shannon, Walton County Property Owners Association, spoke in opposition to the proposed ordinance revision. He addressed the language of the ordinance in regards to the following issues: no negative impacts to the natural environment, no increase of traffic generation, no truck or other commercial development, and density requirements. He felt that a development on the outskirts of Santa Rosa Ridge was a good example of compatibility and conservation of the existing, natural surroundings. Mr. Shannon requested the right to continue discussion after reviewing the proposed ordinance further. Ms. Blackshear reviewed the density specifications and buffers as set forth in the proposed ordinance. She stated that the reference to commercial traffic generation was in regards to developments that would require truck traffic in their normal, daily operations.

Ms. Blackshear stated that the Comp Plan and LDC include compatibility analysis, but felt they lack criteria to make proper determination. Commissioner Cuchens felt that the ordinance should be drafted explicitly as to eliminate possible inaccuracies of translation by future staff. Commissioner Meadows felt that the ordinance gave the criteria necessary for staff to determine compatibility. Her opinion was that the Board should approve the ordinance as presented by Ms. Blackshear.

Mr. Bob Hudson, resident of Santa Rosa Ridge, disagreed with Mr. Shannon's assessment of the development bordering his neighborhood. He stated that, in the developer's effort to conserve the trees surrounding his development, he neglected to provide a staging area for supplies and vehicles; therefore, those items were left in the roadway. He felt that compatibility was hard to define and would always be subjective.

Mr. Alan Ficarra spoke in support of the proposed ordinance. He felt that the ordinance should address undeveloped parcels currently classified as Infill, such as those in the 100 year flood plain that are surrounded by other undeveloped properties. Ms. Blackshear acknowledged that those parcels pose a problem because some do not meet the criteria for Infill. She stated that they were possibly classified as such because property owners were unsure of development plans. Commissioner Meadows suggested that an Infill sub-category be created for these types of parcels.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve adoption of the revised ordinance as presented by Ms. Blackshear, with the ability to revise as needed throughout the year. Ayes 2, Nays 3. Jones Aye, Meadows Aye, Pridgen Nay, Brannon Nay, and Cuchens Nay. Motion failed.

Chairman Pridgen stated that he was in support of an Infill ordinance, but shared many of Commissioner Cuchens' and Commissioner Brannon's concerns regarding the specificity in the language. He recommended staff consult with each commissioner, work to address each of their concerns, and report those findings back to the Board. Ms. Blackshear requested that the draft be tabled until staff can follow Chairman Pridgen's recommendations and report back.

Motion by Commissioner Brannon, second by Commissioner Meadows, to reconsider the last vote taken and re-open the discussion regarding the proposed Infill ordinance. Ayes 4, Nays 1. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Nay.

Motion by Commissioner Brannon, second by Commissioner Meadows, to table this matter until the October 25<sup>th</sup> BCC Regular Meeting. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye

Ms. Blackshear presented an amended Flood Damage Prevention Ordinance. She stated that FEMA requested the amendment to ensure the County's compliance with the flood insurance requirements. Commissioner Brannon asked if the ordinance language clarified the issue of building on pilings in the flood plains as an alternative of filling in those areas. Ms. Blackshear responded that the proposed ordinance was to clarify the regulatory provisions in the LDC; however, staff will, at a later date, present the 05-01 Plan Amendment Adoption that will address the other issues. There were no public comments.

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

Ms. Blackshear asked Attorney Hallman to clarify that a second reading would be required to adopt the LDC ordinance. Mr. Shannon concurred that two public hearings are

required to adopt any change to the LDC. Attorney Hallman confirmed that the vote to adopt the ordinance should be taken at the next public hearing. The vote to approve the adoption of the proposed Flood Damage Prevention Ordinance did not stand due to the need for a second public hearing.

Ms. Mary Lou Reed, Executive Director of the Workforce Development Board, congratulated the Walton County Tax Collector's Office on their receipt of the Workplace Excellence Award. She then requested the Board approve the Workforce Development Plan and recommended appointees to the Workforce Board. She described the Two-Year Plan as an inter-local agreement which details the method for delivering services through the One Stop/Jobs Plus locations in DeFuniak Springs, Crestview, and Fort Walton Beach. The plan also included the addition of new sites to be located at every high school in both Walton and Okaloosa Counties. Commissioner Pridgen, Chairman for Walton County, and Mr. Wayne Tucker, Commissioner for Okaloosa County, were recommended to serve as county representatives to the Workforce Board. There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to approve the Workforce Development Two-Year Plan. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Reed then requested the Board approve the Appointment of Leigh Grantham, Director of Human Resources, Chelco, Inc., as the private sector representative for the Workforce Development Board. There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to approve Ms. Grantham as the private sector representative to the Workforce Development Board. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Bell referred to a letter from Mr. Scott Jenkins, P.E., Jenkins, Stanford, & Associates, Inc., to Mr. Allen Brown, Walton County Right-of-Way Specialist, that requested the county accept a 30 foot easement along Macedonia Church Road, which Jenkins, Sanford, & Associates, Inc. will use to access a future development. Mr. Bell recommended approval subject to Legal Services' approval of the easement and the draft of a developer's agreement. There were no public comments.

Motion by Commissioner Brannon, second by Commissioner Jones, to accept the 30 ft. easement along Macedonia Church Road with the conditions included by Mr. Bell. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Bell then requested the Board approve the Beach Safety Committee recommendation to place lifeguards on six regional beach accesses. Attorney Hallman clarified that the request only addressed directing the TDC to develop a plan to implement the beach safety recommendations and report those findings to the Board.

Commissioner Cuchens asked if the TDC had the necessary funds to finance this endeavor. Attorney Hallman responded that Florida Law only allows the expenditure of TDC for projects that increase tourism and are not routine county functions. Ms. Kriss Titus, TDC Executive Director, stated that funds could be maneuvered to fund the first year of placing lifeguards on the six specified regional beach accesses. Commissioner Cuchens asked Ms. Titus to clarify that the beach nourishment monies would not be used to fund this project proposal. Ms. Titus replied that the beach nourishment funds are designated strictly for beach nourishment. There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Jones, to direct the TDC to develop a plan for implementing the Beach Safety Committee recommendation to place

lifeguards on six regional beach accesses and report those findings to the Board. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Bell reported his findings regarding cemeteries in Walton County. He stated that there are approximately 44 cemeteries located within the County having the following affiliations: 33 church, 2 public, 5 individual, and 4 community. Attorney Hallman stated that the Board would need to schedule a public hearing to discuss the public benefit of County maintenance of these facilities. There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Brannon, to approve adding this item to the agenda of a public hearing to be scheduled at a later date for the purpose of determining public benefit. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Commissioner Meadows clarified that the original discussion of this matter stemmed from requests to have the County maintain cemetery roads. Her opinion was that the county should not undertake maintenance of these cemeteries. She requested that staff compile the following information: projected cost of maintaining these facilities, management and staffing plans, and which department would oversee the venture. Mr. Bell stated that public benefit must be determined prior to making any further decisions. Commissioner Brannon requested to review a copy of a request received by the other Commissioners.

Mr. Bell reported on community centers that served as polling facilities. He provided a list that detailed the facilities and amounts of the monthly electric bills paid by the Supervisor of Elections office per calendar year. He included facilities that were used as voting precincts, but had not yet received the one month electric bill payment. He stated that, if the Board so wished, staff would work with the Supervisor of Elections Office to include those additional facilities for

payment. Chairman Pridgen stated that other offices may pay the utility bills of some of the listed community centers. Commissioner Brannon requested a list showing who paid all electric bills for these facilities. There were no public comments.

Motion by Commissioner Jones, second by Commissioner Cuchens, to have staff generate a list detailing who pays the utility bill for each community center. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Bell reported that staff is working with Mr. Brad Pickel of the TDC to bring in sand to repair the peat deposits that surfaced as a result of construction traffic on the beach. He stated that the cost for these repairs may exceed his \$25,000 budget. He requested permission to use the necessary funds to repair these areas. There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Brannon, to approve allocating funding for beach repair. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Commissioner Meadows discussed a letter from Mr. J.B. Hillard, addressed to Commissioner Brannon, regarding a county wide emergency plan. She stated that she would be in favor of implementing such a plan. She then requested an update on the EOC consultant study that was scheduled for August. Mr. Imfeld stated that the study was temporarily placed on hold due to hurricane activity and would be rescheduled further into hurricane season. Commissioner Meadows also requested the training coordinator give a status report on the training programs being worked on. Mr. Bell asked Mr. Gary Mattison, Human Resources Director, to have that information available at the next regular meeting.

Commissioner Brannon requested permission to send out a straw ballot for the establishment of an MSBU for road improvements in the Creekside Subdivision. Commissioner

Jones questioned the lack of possible fee ranges on the ballot. Commissioner Brannon replied that this was to be a preliminary ballot to determine interest. There were no public comments.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve sending out the straw ballot to establish an MSBU for road improvements in Creekside Subdivision. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Commissioner Brannon discussed CJ Laird and East and West Mallard Roads. He stated that the design plans are in place and that he would like to have the funds allocated for materials to pave these roads. Mr. John Johnson, Public Works Director, stated that the request was for \$200,000.00 total, which included \$100,000.00 for each road, to be supplemented with \$200,000.00 from the contingency account. Mr. Johnson added that the balance of the monies needed would be requested next budget year from the Road Material Fund. Commissioner Meadows asked where East and West Mallard Road stood on the County's paving plan. Mr. Johnson replied that it was scheduled to be paved in 2005, but due to right-of-way delays, which have since been resolved, the funding was temporarily revoked. Commissioner Meadows stated that her records indicate that East and West Mallard Road is on the 2007 plan. She then questioned the status of Kings Lake Road, which she said was approved on an earlier consent agenda, but was absent from the map showing the 5-year paving schedule.

Commissioner Meadows requested a schedule of paving projects that would give her an indication of when roads in District 5 are scheduled to be paved, the criteria for determining paving order, and where the funds are coming from. Mr. Johnson stated that the Road Inventory Plan, which should be completed and offered for approval in November, would address those concerns. Commissioner Brannon stated that these are the only remaining roads in District 1 that are engineered, designed, and ready to begin paving. He felt the monies spent to engineer and

design these roads would be wasted if they were not paved. His plan involved the use of District 1 crews, along with Public Works, to prepare the base which would then be paved by a county crew. Mr. Bell stated the County's original paving schedule would not be affected by the paving of CJ Laird and East and West Mallard Roads. Commissioner Meadows stated that Beach Highlands roads have been prepped, but not engineered and she has received complaints regarding their muddy conditions. Commissioner Brannon clarified that a large portion of CJ Laird road has also been prepped and is waiting to be paved. There were no public comments.

Motion by Commissioner Brannon, second by Commissioner Jones, to approve allocating \$200,000.00, \$100,000.00 each for CJ Laird and East and West Mallard Road, for paving purposes. Ayes 4, Nays 1. Jones Aye, Meadows Nay, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Johnson stated that the paving of Kings Lake Road was not included in the current budget year. Mr. Bill Imfeld added that the monies must be available before the road can be contracted. He explained that the unspent road material monies from 2005 would be rolled into the 2006 budget year. He then suggested that the Board wait to make its decision until after October 1<sup>st</sup>, at which time staff will have a better idea of the funds available and would be prepared to solicit bids.

Chairman Pridgen stated that Ms. Donna Andrews would like to resign from the Animal Control Advisory Board and recommended Dr. Wendy R. Kempa, DVM, as her replacement. There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to approve the appointment of Dr. Kempa to the Animal Control Advisory Board. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Chairman Pridgen requested that Mr. Johnson check on the status of the water issues along Holiday Road South at Hidden Harbour and Malibu Gardens and report those findings back to the Board.

The Board recessed briefly.

The Board reconvened into the Land Use portion of the meeting.

Ms. Blackshear discussed Rolling Dunes Phase IV, a re-plat of lots 5 and 9 of Phase III, Rolling Dunes Subdivision. The general location is 1500 ft north of the CR 30-A and CR 83 intersection to the west side of CR 83. She stated that the project met all technical requirements and that staff recommended final plat approval contingent upon the following conditions: a revised letter of credit approved by Attorney Hallman, the Mountain Side Alley Easement agreement is to be recorded at the same time as the plat, and the street dedication language is to include the name of the road on the plat and specifically address the dedication of the road. Commissioner Cuchens stepped out. There were no public comments.

Motion by Commissioner Brannon, second by Commissioner Meadows, to approve Rolling Dunes Phase IV re-plat, with the conditions indicated by staff, for recording. Ayes 4, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, and Brannon Aye.

Ms. Blackshear then presented Villa Lago A/K/A Boardwalk at Baytowne A/K/A Sandestin DRI Tract 331 for final plat approval. Villa Lago is a 139-lot single-family subdivision located north of US HWY 98 and south of North Baytowne Avenue. She stated that the project met all technical requirements and that staff recommended approval contingent upon Legal Services' approval of the letter of credit. There were no public comments.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve the final plat of Villa Lago, with the condition indicated by staff, for recording. Ayes 4, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye.

Ms. Blackshear presented Turtle Ridge Neighborhood at Watercolor, a 22-lot single-family lot subdivision located north of CR 30-A, on CR 395. She addressed a technical issue regarding the reversal of the Flood Zone designation line on the site plan and stated that staff had requested a corrected copy. Ms. Blackshear stated that staff recommended approval. There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the final plat of Turtle Ridge Neighborhood at Watercolor for recording. Ayes 4, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye.

Ms. Blackshear discussed the final plat approval of Arboleda; an 11-lot single-family subdivision located off East Mack Bayou Road, north of US 98. She stated that staff recommended approval contingent upon Legal Services' approval of the letter of credit. There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the final plat of Arboleda, with the conditions set forth by staff, for recording. Ayes 4, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye.

Commissioner Cuchens returned.

Ms. Blackshear recommended final plat approval for Bay Grove Office Park Phase I. This is a 12-lot subdivision to be located north of Chocawhatchee Bay, along and west of US HWY 331 and north of Bay Grove Road. Ms. Blackshear stated that the project has met all technical requirements. There were no public comments.

Motion by Commissioner Brannon, second by Commissioner Cuchens, to approve the final plat of Bay Grove Office Park for recording. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear recommended final plat approval for a minor re-plat of Kendrick's Divide located on the east side of Magnolia Drive, north of US 98. She stated that the re-plat is to provide better road access and waterway frontage and that the project has met all technical requirements. There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the final plat of Kendrick's Divide for recording. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear presented Naturewalk at Seagrove for final plat approval. The project consists of a 291-lot single-family subdivision located 1 mile north of the intersection of CR 305 and CR 30-A, 2.5 miles south of US 98. She stated that staff requested a revision to the dedication. She added that Mr. Sammy Sanchez, Safety Reviewer for the South Walton Fire District, recommended that the applicant work to obtain an additional egress/ingress for emergency use. Ms. Blackshear stated that staff met with the applicant, Mr. Olsen, his attorney, and Mr. Sanchez to discuss this matter. She reported that Mr. Olsen had agreed to work with the State Forestry Division to obtain the additional ingress/egress and would present those options prior to proceeding onto the next phase of this project. Ms. Blackshear stated that staff recommended final plat approval based on the above agreements; as well as, final approval of the letter of credit by Legal Services and correction of the notary seal date. Commissioner Meadows asked if the ingress/egress would be located on the southern most property boundary. Ms. Blackshear replied that there was a potential for an access on both the southern and northern

most boundaries, if approved by the Florida Forestry Division. Commissioner Meadows added that homeowners to the south of this project have expressed concern over traffic that would be generated if the additional ingress/egresses were permanently opened. Ms. Blackshear clarified that those accesses will be for emergency use only. There were no public comments.

Motion by Commissioner Brannon, second by Commissioner Cuchens, to approve the final plat of Naturewalk at Seagrove, with the conditions indicated by staff, for recording. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear presented Eagle Bay Phases II-IV for final plat approval. The location is north of US 98, on the west side of East Hewett Road. Ms. Blackshear stated that the project met all technical requirements. There were no public comments.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve the final plat of Eagle Bay Phase II for recording. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear recommended Alys Beach Phase 1A-1 for final plat approval subject to Legal Services' approval of the final letter of credit. The project is located south of US 98, on north and south sides of CR 30A. Ms. Blackshear stated that all technical requirements have been met. There were no public comments.

Motion by Commissioner Brannon, second by Commissioner Cuchens, to approve the final plat for Alys Beach Phases 1A-1, subject to Legal Services approval, for recording. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear presented the Tops'1 NOPC and submitted a staff report into the record (**Exhibit #1**). Ms. Lois Le-seur, Planner for Growth Management, addressed the request by The Tops'1 Group, Inc.; to amend the project's DRI from 115-hotel units to 115-one bedroom

condominium units. Ms. Le-seur stated that the change had been reviewed by the West Florida Regional Planning Council, the Department of Community Affairs, and FDOT, with no objections being noted. She added that there were language issues, which have since been resolved by Attorney Hallman, regarding the proposed resolution submitted by the applicant.

Attorney Hallman administered the oath to those who intended to testify in the quasi-judicial matters. The floor was opened to public comments.

Mr. Jesse Rigby, representation for the applicant, requested Attorney Hallman address the resolution for the record. Attorney Hallman submitted a revised copy of the proposed resolution into the record (**Exhibit #2**). He then explained that the revised resolution proposal would limit the vesting language to that of the minimum requirement in the LDC. Attorney Hallman added that Legal Services approved of the revised language in the proposed resolution. There were no public further comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the Tops'1 Amended Development Order (Resolution 2005-87). Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear presented Destin Sleep Center, a major development proposal consisting of a 7003 sq ft retail bedding store on .92 acres fronting US HWY 98. She stated that staff had negotiated with the applicant, Richard Branham, Owner of Destin Sleep Center, to include stub outs in the parking lots to allow vehicle access onto adjacent properties; however, easements will be required from the adjacent property owners. Ms. Blackshear stated that staff's recommendation was to approve the project subject to an access agreement between property owners. A staff report was submitted into the record (**Exhibit #1**). Mr. Frank Dykes of Carr Engineering and Construction was present to represent the applicant.

Commissioner Jones asked if the project would still meet the technical requirements if the stub outs were not included. Ms. Blackshear replied that plan policies support the need for inner-connectivity. Mr. Greg Graham, Staff Engineer, added that the applicant would be concurrent if he designated easements onto his property, which would afford the option to use those stub outs for future connection onto adjacent developments. Mr. Dykes added that the stub out design was included as a result of failed attempts to negotiate shared use of adjacent accesses. There were no public comments.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve the major development, Destin Sleep Center, with the conditions set forth by staff. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear then presented major development, Le Soleil Subdivision, consisting of a 10-lot single-family subdivision on 1.25 acres. The site location is along the north side of Surf Song Lane, approximately 250' north east of the intersection of Surf Song Lane and Ellis Road. Ms. Blackshear stated that staff recommended approval of this major development and submitted a staff report into the record (**Exhibit #1**). Ms. Robin Peterson of Moore Bass Consulting was present to represent the applicant, Axle Development, LLC. There were no public comments.

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

Ms. Blackshear presented Osprey Creek, a mixed use major development consisting of a 149-lot single-family residential subdivision, a 12,950 sq. ft. 70 unit condominium, and 27,000 sq. ft. of commercial space on 55.19 acres. The site is located on the north of US 98, approximately .2 miles west of the eastern intersection of US 98 and CR 30 near Inlet Beach. A

staff report and a revised site plan were submitted into the record (**Exhibits #1 & #2**). Ms. Blackshear stated that the applicant, Baycrest LLC., had resolved all outstanding issues and that the development met all technical requirements.

Commissioner Meadows questioned the report by Mr. Graham that indicated the applicant had no available trips on HWY 98 and the \$150,000.00 pro-rated share that the applicant volunteered to contribute to the County's Capital Improvement Fund for future improvements to intersection SR 30 and CR 30-A. She asked if the County had a plan in place for determining and accepting contributions of this nature. Ms. Blackshear stated that per use of the SYNCHRO model, this project was found to meet traffic concurrency. She then explained that Proportionate Fair Share Legislation, recently passed as Senate Bill 360, addresses these types of contributions. She added that staff would, in the future, present an ordinance proposal to the Board that would outline the establishment of a Proportionate Fair Share Program. Ms. Blackshear recounted that past practice had been to accept the contributions and make the needed improvements. Commissioner Meadows questioned how the pro-rated share was determined for this applicant. Mr. Graham stated that the amount was derived from the SYNCHRO analysis which indicated that a dual right turn lane would be warranted in the future. He added that the contribution made by the developer would be used to fund that improvement. Commissioner Meadows requested that those findings be noted in the project file and added that a policy should be devised so that the pro-rate shares could be determined in a consistent manner. Attorney Hallman asked Mr. Graham to clarify if that the \$150,000.00 contribution reflected his estimate of the future cost of the dual right turn lane and that the contribution was a voluntary action by the applicant. Mr. Graham verified that both statements were true. He further clarified that the applicant fits concurrency without the improvement, but that the applicant saw a future need and

offered to make the necessary contribution to fund that venture. Commissioner Meadows felt the staff report should be amended to reflect the concurrency without the improvement. Mr. Graham stated that the language regarding concurrency in the staff report was not clear and referred to a revised report that shows concurrency using the SYNCHRO analysis. Attorney Hallman directed Mr. Graham to submit the revised copy into the record prior to the end of the meeting. The discussion was tabled pending the submission of the revised concurrency review report.

Ms. Blackshear presented major development Carson Palm Estates, a proposal by applicant, Bart Parker, which consists of 4 town home units on .56 acre. The site is located to the north side of Carson Lane, approximately 150 ft. west of the North Walton Lakeshore Drive intersection, within the Inlet Beach Neighborhood. Ms. Blackshear stated that the proposal meets all technical requirements. Mr. Scott Jenkins, P.E. of Jenkins, Sanford, & Associates was present as representation for the applicant. A staff report was submitted into the record (**Exhibit #1**). There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the Carson Palm Estates major development proposal. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear presented major development Water Oaks Subdivision, which consists of 45 single-family residents and 24 condominiums on +/- 9.85 acres. The site is located on the west side of Mussett Bayou Road, north of US HWY 90. Ms. Blackshear stated that the project met all technical requirements and recommended approval contingent upon Legal Services' approval of the letter of credit. A staff report was submitted into the record (**Exhibit #1**).

Commissioner Meadows questioned the applicant's available trips. Ms. Blackshear explained that if the original analysis, using generalized tables, finds a deficiency, concurrency is

then determined using more sophisticated studies, such as the SYNCHRO method. Mr. Jenkins, representation for the applicants, Houston Barbour Development, LLC., and Water Oaks Development, LLC, reiterated Ms. Blackshear's explanation of the concurrency studies. There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Cuchens, to approve the Water Oaks Subdivision major development proposal. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear recommended conceptual approval for major development Heron Trace PUD, a proposal for 159 single-family lots on 35.56 acres. The site is located on the north side of US HWY 98, approximately 0.6 miles east of the Walton/Okaloosa County line. Ms. Blackshear stated that the project met all technical requirements and submitted a staff report into the record (**Exhibit # 1**). Commissioner Meadows expressed concern regarding the flood plain, located within the Coastal Barrier Resource Protection Area, which would not be eligible for Federally Assisted Flood Insurance or Federal Aid. Ms. Blackshear stated that the individual property owners would be responsible for obtaining insurance and repairing any damage sustained in a disastrous event. Mr. Jenkins, representation for the applicant, felt that a flood plain analysis would indicate that flood plain in question would not be impacted. There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the major development proposal for Heron Trace PUD. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear presented the last agenda item, major development Gulf Landing Subdivision proposed by applicant, DMF Development, LLC. The project will include a 10 lot

residential subdivision on 1.39 acres located on the west side of Satinwood Drive, approximately 0.15 mile north of the CR 30-A intersection. A staff report and two attached memos regarding review of this project, both dated September 27<sup>th</sup> 2005, were submitted into the record (**Exhibits #1 & #2**).

Ms. Blackshear spoke about staff's unsuccessful efforts to resolve the alignment issue of the CR 30-A intersection. Mr. Graham explained that the problem is a 66 ft easement that encroaches upon a 33 ft public right-of-way. He felt that, based on the additional traffic count, the issue would not create a serious safety concern; however, his opinion was that alignment of an intersection was the best approach. Commissioner Meadows addressed the safety issue of the intersection and requested that the visibility triangle and signage be present to maintain safety. Mr. Graham suggested that a 4-way stop, speed bumps, or additional law enforcement be used to manage the traffic problems in that area.

Mr. Darrell Barnhill of Barnhill, Barnhill, & Barnhill, LLC, was present to represent the applicant. He stated that the applicant would assist the county in alleviating those safety concerns. The floor was opened to public comments.

Mr. Bill Stevenson, adjacent property owner, stated that the applicant had agreed to use turtle lighting on the outside of the development in effort to preserve the Fresh Water Turtle population of Santa Rosa Lake. He asked that the agreement be added to the project file. There were no further public comments.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve the major development proposal of Gulf Landing Subdivision with the condition that the applicant use turtle friendly lighting as agreed upon. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear returned to the discussion of Osprey Creek. The revised concurrency review report was submitted into the record (**Exhibit #3**). The floor was opened to public comments.

Mr. Jim Bagley, Town Manager for Rosemary Beach, felt that the property was being marketed as a beach community; even though, there are no beach accesses on the property. He requested that the developer contribute funds to improve the parking accesses that will be impacted as a result of the additional usage Osprey Creek will generate. Mr. Barnhill felt the applicant would not agree to more contributions, but suggested that the county use either the pro-rated share contribution or the 5% plat fee to improve the beach access parking. Ms. Blackshear stated that staff will work to devise a plan for additional parking areas.

Motion by Commissioner Cuchens, second by Commissioner Brannon, to approve the major development proposal of Osprey Creek Subdivision. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

There being no further business to discuss, the meeting adjourned at 6:53.

APPROVED: \_\_\_\_\_  
Kenneth Pridgen, Chair

ATTEST: \_\_\_\_\_  
Martha Ingle, Clerk of Court