

August 28, 2007-Regular Meeting

The Board of County Commissioners, Walton County, Florida, held a regular meeting on August 28, 2007 at 4:00 p.m., at the Walton County Courthouse in DeFuniak Springs, Florida.

The following Board members were present: Commissioner Kenneth Pridgen, Chairman; Commissioner Cindy Meadows, Vice-Chair; Commissioner Larry Jones, Commissioner Scott Brannon, and Commissioner Sara Comander. Mr. Ronnie Bell, County Administrator; Mr. Mike Burke, Interim County Attorney; and Ms. Martha Ingle, Clerk of Courts were also present.

Commissioner Comander led the invocation followed by the Pledge of Allegiance to the American Flag. Chairman Pridgen called the meeting to order.

Motion by Commissioner Brannon, second by Commissioner Comander, to approve the consent agenda as follows. Ayes 4, Nays 0, Pridgen Aye, Jones Aye, Brannon Aye, Comander Aye.

1. Approve Expenditure Approval List (EAL)

General Fund	\$ 761,500.85
County Transportation	\$ 141,363.18
SHIP	\$ 15,955.00
Fine & Forfeiture	\$ 93,318.64
Debt Service Hospital	\$ -
Mosq. Control State	\$ -
Mott Sign Grant	\$ -
Section 8 Housing	\$ 129,394.79
Tourist Dev. Council	\$ 277,191.66
N.W. Mosquito Control	\$ 468.56
W. Co. Library	\$ 7,342.18
Tax Deed Surplus Trust	\$ 14,483.70
Recreation Plat Fee	\$ 15,182.03
Public Safety- 911	\$ 477.69
Solid Waste Enterprise	\$ 6,851.80
Mossy Head VFD	\$ -
Glendale VFD	\$ 635.16
Darlington VFD	\$ -
Red Bay VFD	\$ -

Preservation	\$	-
Sidewalk Fund	\$	-
Local Option Gas Tax	\$	-
Special Law Enf. Trust	\$	-
Driftwood Debt Service	\$	-
Criminal Justice Ed		
Fund	\$	-
Bldg Dept/Enterp. Fund	\$	2,130.08
Capital Projects Fund	\$	1,338,694.45
Imperial Lakes MSBU	\$	-
Inmate Canteen Fund	\$	27,210.06
Totals		\$2,832,199.83

2. Approve Minutes: August 14, 2007, Regular Meeting
3. Permission for Chairman to sign and submit application for Small County Technical Assistance Services Grant

Mr. Ryan Douglass, Public Works Department, presented Water Management District (WMD) Road Improvement Bid Award for the following roads: Park Road, Short Avenue, State Street, Hawkins Road, and Jones Drive. He requested approval of Tindle Enterprises as the lowest bidder in the amount of \$504,870.00.

Motion by Commissioner Brannon, second by Commissioner Comander, to approve the low bid to Tindle Enterprises as presented. Ayes 4, Nays 0, Pridgen Aye, Jones Aye, Brannon Aye, Comander Aye.

Allen Road Culvert Change Order Number 1 was pulled from the agenda.

Mr. Douglass gave an update on the Morrison Springs Project. He stated that the project would be awarded in October and the park would be closed for approximately two months thereafter. Mr. Ronnie Bell, County Administrator, clarified that only the park area would be closed. He stated the boat ramp would remain open.

Mr. Aaron Warren, Public Works, presented a Right of Way Agreement for approval. He stated there had been an increase in right-of-way agreements. He felt that a

general agreement would lessen the responsibilities of the Board by alleviating the need for Board signatures.

Mr. Mike Burke, Interim County Attorney, stated that he had misunderstood the intent of the general agreement and asked for time to review the document. He stated that additional language was needed to accomplish what public works was asking.

Mr. Ken Little, Citizen Services Director, presented the SHIP Annual Report for Fiscal Years 2004-2007. He requested approval of the SHIP Annual Report and signatures of the Chair and County Administrator on appropriate certification forms.

Motion by Commissioner Jones, second by Commissioner Comander, to approve the report and signatures. Ayes 4, Nays 0, Pridgen Aye, Jones Aye, Brannon Aye, Comander Aye.

Mr. Mike Judkins asked the Board to accept evidence showing the alleged code violations committed by OC's Towing. He stated that past attempts to submit the evidence to the Code Enforcement Board (CEB) was refused.

Chairman Pridgen suggested that Mr. Judkins give the evidence to Mr. Kevin Hargett, Code Enforcement Coordinator or Ms. Pat Blackshear, Growth Management Director so it can be presented to the CEB.

Mr. Judkins stated that he felt that the CEB and Planning Staff were now re-inspecting him over an issue that was seemingly settled in 2001. He distributed letters to provide evidence stating his position. Chairman Pridgen asked what part of the property was being inspected. Mr. Judkins stated that all buildings, including his home, were going to be inspected.

Commissioner Brannon asked if a new code enforcement case had been filed against Mr. Judkins. Ms. Blackshear stated that Mr. Wooten had filed a Code Enforcement complaint against the Judkins property. She said that the CEB has procedures to follow to determine the legitimacy of any complaint filed.

Mr. Judkins stated that no changes had been made to the buildings on his property. Commissioner Brannon stated that a process has to be followed to be able to inform the Board of the problems.

Commissioner Jones told Mr. Judkins that he first must be found in violation. He said an appeal could then be brought to the CEB. He said that the Board was not able to give relief to this situation. He then stated that if Mr. Judkins was not satisfied with the CEB's findings on appeal, then an appeal could be made to the circuit court.

Discussion continued regarding procedures and inspections.

Mr. Judkins stated that he felt that his rights had been violated and asked that no other investigators come onto his property. Commissioner Jones stated that he was unsure of the legal limits allowed to the Code Enforcement agents; however, they are allowed, by Florida Statute, to perform certain procedures. He stated the CEB has a duty to perform and procedures to follow when a complaint is made.

Mrs. Shari Judkins voiced opposition to the investigation by Code Enforcement.

Mr. Burke reaffirmed the legal procedure by stating that any complainant who wishes to appeal a Code Enforcement agent's findings must go before the CEB with the agent. He said that should the complainant not be satisfied with the CEB's ruling, an appeal could be made to a civil judge.

Commissioner Jones asked who would enforce an action ruled by the judge should an appeal be filed. Mr. Burke stated the Court would be the enforcing agent.

Ms. Blackshear clarified that the CEB only wanted to investigate the business not the home.

Mr. Burke requested to hold an Executive Session of the Board regarding Alan Ficarra vs. Walton County, Centurion VI, Inc., and Emerald Coast Associates, Inc. following the regular meeting. He requested the session to discuss a Proposal of Settlement.

Mr. Burke presented the Hicks Borrow Pit Consent Agreement amendment. He stated a stop work order was issued in 2002 due to an investigation conducted by the Code Enforcement Office that determined that no development order was on file and the property was designated Estate Residential. He asked approval to enter into a consent agreement between the County and Mr. Thomas Hicks renewing the terms of the January 15, 2003 Consent Agreement which allowed Mr. Hicks to operate a borrow pit. The amended agreement would extend the termination date until 2009. He stated that Mr. Hicks asked that the date be amended to 2010 to allow time to file a large scale amendment to bring his borrow pit into compliance.

Commissioner Meadows entered the meeting at 4:32 p.m.

Commissioner Comander asked why Mr. Hicks requested 2010. Ms. Blackshear stated that it would be difficult to submit the LSA before the EAR amendments. She stated that the review process could take two years.

Commissioner Comander stated that she had calls from the residents in the neighborhood wanting a fence to block the view of the borrow pit. She asked if

conditions could be added to the agreement to specify that a fence be erected. Mr. Burke stated that it could.

Commissioner Brannon asked if Mr. Hicks would have to go through a development order process to obtain an approved use. Mr. Burke stated that he would. He said the consent agreement would state that the pit could not be expanded outside the present area. He said the purpose of the agreement was to bring the property into compliance.

Commissioner Jones asked if the agreement would be transferable to the new owner when the property is sold. Mr. Burke stated that it would.

Mrs. Judkins asked if a new consent agreement had been signed since 2003. Mr. Burke stated that no new agreement had been made. Mrs. Judkins voiced concern that the borrow pit had been operational during the time since the stop work order.

Commissioner Brannon asked if there had been any additional code enforcement complaints against Mr. Hicks. Mr. Burke stated there had not been any complaints. He stated that Mr. Hicks wants to sell the property and the purchaser wants to make sure everything is in compliance.

Ms. Blackshear stated that Mr. Hicks must obtain a plan amendment to utilize the property and the DCA must review it.

Discussion continued regarding the Special Exceptions Ordinance (2007-21).

Motion by Commissioner Brannon, second by Commissioner Jones, to approve the consent agreement as presented by Mr. Burke with the amended extension to 2009. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Discussion was raised regarding the expiration date of the agreement.

Motion amended by Commissioner Brannon, second by Commissioner Jones, to approve the consent agreement as presented with the amended extension to 2010. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Commissioner Comander asked what procedure was used to verify that the owner had made an LSA application. Ms. Blackshear stated she understood that the borrow pit had been grandfathered in and the new owner wanted to be compliant with the Land Development Code. She stated that he would be able to operate without a LSA if the pit was not expanded, however; if the business was shut down for more than six months then an LSA application would need to be filed.

Attorney W. C. Henry, presented a consent order from the Florida Department of Environmental Protection (FDEP) imposing a fine upon Walton County to resolve domestic wastewater issues relating to the Green Acres Road Wastewater Treatment Facility (Lucky 13 Truck Stop). He stated that even though the property and plant are owned by McComb Enterprises, the county is the permit holder. He stated the FDEP was proposing a \$41,000 fine, however; the county can propose an in-kind project in lieu of paying the fine. He asked that the Board authorize the Chairman to sign the consent order and return it to FDEP and direct staff to find an in-kind project to use in lieu of the fine and to find a way to remove Walton County from the permit. Commissioner Jones suggested that the county seek repayment from the operator.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve the Chairman's signature, to find an in-kind project and remove Walton County from the permit. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Motion by Commissioner Jones, second by Commissioner Brannon, to approve staff to seek repayment of county incurred costs from the operator of the wastewater treatment facility. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Mr. Bell presented an appraisal of the Eastern Lake Road property. He reported the property appraised at \$1 million. He said that he had spoken to Mr. Bill Head, owner, and he would consider negotiating the price. Mr. Bell asked the Board to take no action and to allow him to meet with Mr. Head and bring additional information.

Mr. Bell presented a letter from Mr. Michael Adkinson, Jr., DeFuniak Springs City Marshal, requesting the use of the old Walton County Health Department (WCHD) Building for the City Marshal's office upon the completion of the new WCHD building. He stated that the old WCHD building is better suited to meet the needs of the Marshal's office.

Commissioner Comander asked if the property would be rented. Mr. Bell stated that it would.

Commissioner Meadows stated that there are areas in the building and paving that are in need of repair. Mr. Bell stated that the repairs would be compensated for in the lease agreement.

Mr. Kevin Chilcut, WZEP, asked if the county owned the building. Mr. Bell stated that the building was owned by the county, however, the property was owned in part by the county and the city.

Mr. Bell presented a request from Mr. Bobby Beasley, Supervisor of Elections, to relocate Voting Precinct 7 (Argyle) from the Argyle Community Center to The New Life

Holiness Church. He stated the change is necessary due to unsafe conditions of the community center.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve the relocation of Voting Precinct 7. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Commissioner Cindy Meadows presented a request from Mr. Thomas Piggott for a community meeting to form a MSBU for the Daughette Subdivision. She stated that the county paid for a permit to dredge the canals but voluntary homeowners did not collect enough to finish the project.

Mr. Thomas Piggott, President of the Canal Improvement Association, stated the cost for the dredging has risen due to more debris being present than originally anticipated. He stated that a volunteer homeowners association had been established since no association was established in the original subdivision plat in 1958. The association had assessed \$1,200 per lot with 130 lots for a total of \$156,000; however, only 90 people contributed giving them \$108,000. Mr. Piggott asked on behalf of the association that the Board establish a MSBU to help maintain the canal system.

Motion by Commissioner Meadows, second by Commissioner Brannon, to schedule a community meeting to discuss a MSBU for the Daughette Subdivision. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Mr. Bell stated that he would advertise the community meeting to be held at the South Walton Annex. Mr. Piggott will contact Ms. Shirl Williams, Assistant County Administrator, with a list of contact names.

Commissioner Comander voiced concern with the un-permitted construction that happens on the weekends northward of the bay. She asked to work with Ms. Blackshear and Mr. Hargett to address the issue.

Commissioner Jones did not present any items for discussion.

Commissioner Brannon did not present any items for discussion.

Chairman Pridgen did not present any items for discussion.

The meeting recessed at 5:05 to allow the commissioners to enter into Executive Session and reconvened at 5:50.

Chairman Pridgen called the meeting back to order.

Mr. Burke stated that Florida Statute permits public exclusion from an executive session in which settlement and litigation strategy is discussed. He stated that a court reporter will transcribe the meeting and the transcription will be sealed until all litigation regarding the issue is concluded. He stated the action taken by the Board during the executive session will be stated for the record. He presented a Stipulated Settlement Agreement between Alan Ficarra, plaintiff and Walton County, Centurian Six and Emerald Coast Associates, Inc. He reported that the Board agreed to the provision of the agreement with the exception of paragraph 10. Mr. Burke requested the Board accept the stipulated settlement agreement and stipulated facts as presented with the exception of paragraph 10 that will be stricken.

Motion by Commissioner Brannon, second by Commissioner Comander, to approve the Stipulated Settlement Agreement as presented with paragraph 10 stricken. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Ms. Blackshear requested two items listed in the Quasi Judicial agenda be heard before the Special and Legislative Items.

Mr. Burked administered the oath to those intending on speaking.

Commissioner Jones exited the meeting at 5:54 p.m.

Mr. Gary Vorbeck asked for a continuance for Toscana f/k/a Sienna Place a major development order application consisting of one 11,960 square foot 8-unit single family condominium on 1.27 +/- acres with a future land use of NPA/Infill. The site is located on the south side of County Road 30-A and Eastern Lake Road intersection. **(Toscana Exhibits 1-Staff Report) (Ex Parte Communications)**

Motion by Commissioner Meadows, second by Commissioner Brannon, to continue Toscana until September 11, 2007. Ayes 4, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Mr. Vorbeck presented Bear Creek PUD requested an amendment to the final order approved by the Board on April 25, 2006. Ms. Blackshear stated this amendment includes improvement conditions placed by Mr. Greg Graham, Walton County Planning and Development Engineer. She stated another portion of the amendment includes the dedication of right-of-way by developers to complete the C.R. 3280 improvement project. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report and by the Planning Commission.

Motion by Commissioner Brannon, second by Commissioner Comander, to approve Bear Creek PUD Amendment. Ayes 4, Nays 0, Pridgen Aye, Meadows Aye, Brannon Aye, Comander Aye.

Ms. Blackshear presented a resolution to rescind any intent to abandon the northerly portion of a government access and utility easement lying along the east side of the west boundary of Hideaway Cove Subdivision. The proposed resolution is to clarify the intent of the platting.

Ms. Blackshear asked Mr. Rick Tooke, P.L.S., Planning Engineering Department, to clarify that this is a public right-of-way. Mr. Tooke stated that this area was a government easement granted by patent in the 1940's. He stated that Hideaway Cove was a recorded plat that was platted over the easement. He stated that this does not vacate right-of-ways and easements if this is not a re-plat. Mr. Tooke said the resolution is necessary to clarify the Board's intent not to vacate this portion of the easement.

Commissioner Jones entered the meeting at 5:59 p.m.

Motion by Commissioner Meadows, second by Commissioner Comander, to adopt the Resolution (2007-79) as presented. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Ms. Blackshear presented an Interlocal Agreement with the University of Florida and Walton County to assist the county staff with the EAR-Based Comprehensive Plan Amendments. She stated the cost would be a fixed fee of \$75,000. She stated that the Legal Department had reviewed the agreement and made the necessary corrections. Ms. Blackshear said the funds had been budgeted in this year's budget.

Motion by Commissioner Comander, second by Commissioner Jones, to approve the interlocal agreement as presented.

Commissioner Meadows asked Ms. Blackshear the deadline date for the work to be done. Ms. Blackshear stated the termination date is December 31, 2008.

Commissioner Meadows suggested that the termination date be changed to October 1, 2008 due to possible Board changes. Ms. Blackshear said that she would contact the University with the change.

Motion amended by Commissioner Comander, second by Commissioner Jones, to approve the Interlocal Agreement with the date change as allowed by the University of Florida. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye. The Board concurred to accept the change of early completion date if possible.

Commissioner Comander asked if the Board would accept the date if the University rejected the October deadline. Mr. Burke clarified that October 1 would be the completion date but Ms. Blackshear had until December 31.

Ms. Blackshear presented a stipulated settlement agreement between the State of Florida, Department of Community Affairs, Walton County, and intervenors Alan Ficarra, and EBSCO Industries, Inc., regarding Comprehensive Plan Text Amendments LSA 2005-32 and LSA 2005-34.

Mr. Dean Burgis, Emerald Coast Associates, asked that the storage requirement be analyzed along with a no rise study or an evaluation of open versus closed basins. He voiced concern with the Coastal High Hazard areas and the road maintenance therein.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve the Walton County Settlement Agreement as presented. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye

Ms. Blackshear presented for LSA 05-01 A.3 (Ordinance 2007-22) amending the Walton County Comprehensive Plan to provide for protection of flood-prone areas;

setting standards for development in the special flood hazard areas and providing for mitigation.

Motion by Commissioner Jones, second by Commissioner Meadows, to adopt LSA 05-01 A.3 (Ordinance 2007-22). Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Ms. Blackshear presented LSA 05-01 A.4 (Ordinance 2007-23) amending the Walton County Comprehensive Plan to establish a workforce housing program and to provide incentives for workforce housing development; providing for severability, and providing for an effective date.

Motion by Commissioner Brannon, second by Commissioner Comander, to adopt LSA 05-01 A.4 (Ordinance 2007-23). Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Ms. Blackshear presented the proposed Scenic Corridor Design Standards Ordinance amending Chapter 13 of the Walton County Land Development Code by amending section 13.02.01, the U.S. 98 and U.S. 331 scenic corridor design standards; amending section 13.02.03, architecture. Ms. Blackshear stated that a formal vote from the Design Review Board (DRB) will be made before the presentation at the second hearing.

Mr. Tim Brown, Planning Department, stated this ordinance would require approval by the DRB to repaint the exterior of an existing building within the scenic corridor. He gave a brief discussion on the issues that would be adopted in the ordinance. He listed single family buildings and businesses wishing to repaint using the same color that was previously approved as exempt. He stated that off site model homes will be

prohibited and variances will be taken to the Zoning Board of Adjustments. He said that also being adopted within the ordinance is the Munsell Book of Colors.

Commissioner Meadows asked why the ordinance stated single family instead of residential in the wording. Mr. Brown stated that multi family is not exempt.

Commissioner Jones asked if the ordinance covered exterior color changes by methods other than painting such as siding changes. Ms. Blackshear stated that this issue will be taken to the DRB before the next Board meeting.

Commissioner Meadows raised concerns regarding the burden on businesses that wanted to make minor changes such as shutters or touch up painting. Ms. Blackshear stated that staff would take the issues discussed and work on the ordinance language before the next hearing.

Mr. Judkins voiced opposition in having a select color scheme for the scenic corridor.

Ms. Blackshear presented Chapter 9 amending section 9.06.05 of the Walton County Land Development Code, the amendment would eliminate, as a duty of the Design Review Board, the consideration of variances from the requirements of the scenic corridor standards in Chapter XIII. Mr. Brown stated that the ordinance would strike out language in the duties of the DRB that relate to variances. The changes will be brought back to the second hearing.

Commissioner Meadows asked who would hear the appeal should the Zoning Board of Adjustment reject the design. Mr. Brown stated that it would be heard in circuit court.

Mr. Tim Brown presented an ordinance amending section 13.02.00 of the Walton County Land Development Code, the Route 30A scenic corridor. He discussed the types of materials that could not be used for fencing or walls. This was the first public hearing.

Commissioner Meadows raised concerns regarding the language as it relates to landscaping, sprinklers and bike paths. Ms. Blackshear stated that the language will be reviewed before the next hearing. She asked for the second hearing to be held on September 25, 2007 instead of September 11, 2007. Mr. Burke stated that if the hearing has been advertised for September 11 it should be brought back at that time to be continued.

Mr. Alan Ficarra spoke in opposition stating that single family residences have not been exempted from the 65% of lot width as stated in the ordinance. He stated that the houses that he has built had to comply with the 65%. Ms. Blackshear stated historically the old vested lots with the 5' side setbacks are being built to the 5' side setbacks. She stated that the 65% has been applied to multi-family and commercial. Commissioner Meadows asked Mr. Ficarra for a list of the houses that he built to the 65% restriction. Ms. Blackshear stated that some of the homes may have had to comply with old DEP rules. She said that she would meet with the Building Department to look into the issue.

The Quasi-Judicial session was called to order. Mr. Burke administered the oath to those intending on speaking.

Ms. Melissa Ward, Planning Department, presented Audobon Point for Final Plat Approval consisting of 70 lots on 35.77 +/- acres with a future land use of conservation residential 2:1. The site is located in Point Washing on East Point Washington Road.

Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report and by the Planning Commission. **(Audubon Point Exhibits 1-2)**

Mr. Dean Burgis, Emerald Coast Associates, stated that part of the Board approval was for Mr. Romair, project owner, to pave a portion of East Point Washington Road, the County would provide the fill and base materials and the developer would provide asphalt. Mr. Burgis stated that Mr. Romair paid for the fill and base and asked for a credit on the recreational fees.

Commissioner Meadows asked if he had paid any Proportional Fair Share fees. Mr. Burgis stated that the fee had not been implemented at that time. Commissioner Meadows stated that the funds could not be reimbursed from the Recreational Fees Fund. Mr. Burgis stated the cost to Mr. Romair was \$60,000. Chairman Pridgen asked why the county was unable to supply the base and fill. Mr. Burgis stated that it was a scheduling problem. Commissioner Jones suggested that Mr. Romair be paid. Ms. Ward stated that the Recreational Flat Fee is based on 5% of the assessed value at the time of recording. Chairman Pridgen suggested that Mr. Bell meet with Public Works to determine funding.

Motion by Commissioner Jones, second by Commissioner Commander, to approve the Final Plat for Audubon point for recording with conditions. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Ms. Ward asked to continue the Final Plat Approval of Forest Park until to September 11, 2007. **(Forest Park Exhibit 1-Staff Report)**

Motion by Commissioner Meadows, second by Commissioner Jones, to continue the Final Plat for Forest Park until September 11, 2007. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Mr. Brown presented Mosaic Oaks Subdivision Final Plat requesting approval of 32 single family lots on 5.24 acres with a future land use of NPA/Infill. The site is located at the northwest corner of Chat Holly Road and Harstvedt Road. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report and by the Planning Commission.

(Mosaic Oaks Subdivision Exhibit 1-Staff Report)

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the Final Plat for Mosaic Oaks Subdivision. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Ms. Rene Bradley, Planning Department presented Emerald Bay Development Corp Notice of Proposed Change (NOPC) requesting an extension of the build-out dates for Tract I, phases I and II until November 30, 2010, an extension of the expiration date of Tract I to November 30, 2012, and a determination of whether these proposed changes would constitute a substantial deviation from the approved development order for the Emerald Bay Development of Regional Impact. Emerald Bay DRI is located on US Highway 98 West, north and south of US Highway 98 and is partially located within Okaloosa County. The Walton County side of the DRI has a land use designation of Coastal Center and consists of Tract I and IV on 177.5 acres. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon

the conditions set forth in the staff report and by the Planning Commission. **(Emerald Bay Exhibits 1 – 8) (Ex parte Communications)**

Ms. Pam Brodeen, Attorney for Emerald Bay Development Corporation, stated that this project is a DRI approved in the 1980's and subdivided into different phases. She stated that the earlier phases were restricted to single family homes and that Phase II is not subject to deed restrictions because it is an unrecorded subdivision. She stated that original approval was for 320 dwelling units which are not defined only as single family. She said the development scenario submitted by the applicant consist of 72 multi family units in Phase II. Ms. Brodeen stated that the only impact concern is traffic. She stated that Mr. David Muntean, of Kimley-Horn and Associates, conducted a transportation study, he concluded that the granting of the NOPC would not create any additional roadway segments that would be affected. She recognized that several residents voice opposition to apartment buildings and stated that four unit condominiums or townhomes would be developed.

Commissioner Meadows stated that according to State Statute, a seven year extension is a substantial deviation unless proven otherwise. She asked if a multi family unit had a different traffic impact. Ms. Brodeen stated that a multi family will generate fewer trips.

Ms. Blackshear stated that the applicant has agreed to the language stating that no apartment buildings will be developed and rented. Commissioner Meadows stated that she had received several letters in opposition of the project.

Commissioner Brannon asked if the change of 72 dwelling units to 72 multi-family units would increase the actual units. Ms. Brodeen stated that townhomes that are

attached are considered separate units and condominiums are considered as separate units. She stated that as a definition, dwelling could be considered either single family or multi-family. Discussion continued on changing the 72 dwelling units to 72 multi family units.

Commissioner Brannon stated that he interpreted the proposal as an increase in units. Ms. Brodeen disagreed and stated that they were not changing the land use and that the number of units remained the same. She stated that the project was not tied by the DRI to a specific type of unit. Commissioner Brannon stated he felt there would be an increase of families and traffic with the proposed dwelling units.

Commissioner Jones asked why the discussion was regarding dwelling units when the purpose was an extension of build out dates. Ms. Brodeen stated that people are concerned with what will be built in Tract II and are in opposition of multi-family units.

Commissioner Meadows commented that according to the Emerald Bay DRI Walton County Tract I acreage breakdown distinguishes between single family platted lots and multi-family units, commercial, open space and golf course and does not specify dwelling units. She stated that the people bought property in the subdivision with the understanding that it would be single family units.

Commissioner Jones asked if the only deviation was the build out dates. Ms. Blackshear stated that the old DRI did not specify multi-family units.

Mr. Montean stated that from a traffic standpoint that single family units have a greater increase in traffic and townhomes and condominiums have fewer trips. Commissioner Meadows stated that the master plan shows that all the lots were designated as single family lots giving rise to opposition from surrounding homeowners.

Mr. Montean discussed the Traffic Study Results. He stated there would be no substantial deviation and no additional regional impacts.

Commissioner Meadows asked about compatibility issues. Ms. Blackshear stated that there would definitely be compatibility issues. She stated that there would be more controls for the neighborhood to adhere to.

Commissioner Meadows asked the best way to address the issue of changing single family residential neighborhood to a commercial building. Ms. Brodeen stated this is mixed a use DRI.

Ms. Blackshear suggested a public hearing to determine if changes should be made to the resolution before adoption.

Mr. Victor Makela, homeowner and board member of Baywinds Golf Estates Homeowners Association, spoke in opposition of the Emerald Bay Development.

Ms. Jeanne Ashley and Mr. Kevin Johnston, residents, spoke in opposition of the Emerald Bay Development and urged the Board not to grant an extension.

Ms. Brodeen stated that they had tried to get a traffic light installed but FDOT had not approved it. Mr. Montean stated that the Federal Traffic Warrants process had been started and is looking favorable.

Commissioner Meadows stated that traffic should not be the only issue. Ms. Brodeen stated that concurrency would be addressed.

Ms. Blackshear stated that if the build out is not extended the development would fall under the comprehensive plan and would be required to pay a Proportional Fair Share fee.

Mr. Jay Nettles, Emerald Bay Development, stated that the people who spoke in opposition of the project live in Baywinds Golf Estates and did not buy their property from Emerald Bay Development. He said that Emerald Bay and Baywinds share a common road. He stated that all of the designations were as development units which could be single family or multi family.

Ms. Blackshear asked if a single family provision could be added. Ms. Brodeen stated that she was unable to answer that question at this meeting.

Motion by Commissioner Meadows, second by Commissioner Comander, to continue the Emerald Bay Development until September 11, 2007. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Commissioner Jones stated that he wanted information that assures that the impact to be considered is traffic.

Ms. Blackshear presented Walton Plantation a major development order consisting of 148 single family homes on 6,469.22 +/- acres with a future land use of large scale agriculture. The site is located off of County Highway 2 east of County Highway 147. She stated that staff had requested the project be continued however, the applicant has asked to present the project to the Board. She stated that there were outstanding Code Enforcement issues that were being worked on. Staff does not recommend voting on final approval until Code Enforcement issues have been settled.

(Walton Plantation Exhibits 1-Staff Report)

Commissioner Pridgen asked Ms. Blackshear if the Board would hear this again with her recommendations. Ms. Blackshear stated that testimony from the applicant could

be heard during the meeting and staff would come back later with recommendations. She stated that she did not recommend final action tonight.

Commissioner Meadows asked if there was a difference between the Borrow Pits discussed earlier and this project in regards to approval with code violations. Commissioner Brannon stated that Mr. Hicks was not asking for final approval.

Attorney Ken Goldberg, representative for the applicant, stated the applicant is asking for conceptual approve not final approval for a PUD.

Commissioner Brannon stated that he needed more information to be able to make a decision. Mr. Goldberg stated that no one informed him or his clients of the continuance and felt it was unfair to continue until October 9, 2007. Ms. Blackshear stated that it was the code that kept her from recommending action.

Commissioner Meadows asked when the project was pulled and why no one was notified. Ms. Blackshear stated that the issue was going back to the Code Board before coming before the Board of Commissioners.

Mr. Burke read the Section 12.03.04 of the code.

Discussion continue regarding whether or not to hear this project. Commissioner Comander requested additional information before hearing this presentation.

Commissioner Brannon made a motion to continue the presentation until September 11, 2007. Mr. Goldberg stated that the CEB would not meet before that date.

Motion by Commissioner Brannon, second by Commissioner Comander, to continue Walton Plantation presentation until September 11, 2007. Ayes 2, Nays 3, Pridgen Nay, Meadows Nay, Jones Nay, Brannon Aye, Comander Aye. Motion failed.

Chairman Pridgen suggested hearing the rest of the Quasi Judicial items while waiting for the copies of the Walton Plantation information.

Mr. Les Porterfield presented Coffeen SSA 2007-11 requesting a small scale amendment to change 9.75 +/- acres from conservation residential 1:2.5 acres to conservation residential 2:1, or any less dense or intense category. The parcel is located south of Choctawhatchee Bay on the east side of North C.R. 393, approximately .57 miles north of Nursery Road and Town of Santa Rosa. Staff did not find the project consistent with the Land Development Code and Comprehensive Plan due to environmental constraints. The site is 100% in the floodplains and 62 % in wetlands.

(Coffeen Exhibit 1-Staff Report)

Commissioner Meadows asked if the New Flood Zone Amendment would apply to this project. Ms. Blackshear stated that it would. She said that a portion of the language stated that there would be careful consideration of any additional amendments.

Commissioner Jones stated that the change could not be conditioned but it could be held until the ordinance has taken effect.

Mr. Burke felt that a condition could not be placed on the development order however it could be held until the effective date of the ordinance. Ms. Blackshear stated that staff would come back with language changes as discussed.

Buchanan & Harper presented S&S Materials Industrial Facility a major development order application consisting of a bituminous asphalt plant on 11.54 acres with a future land use of industrial. The site is located on the east side of the Intra-coastal Waterway on Old Ferry Road. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in

the staff report and by the Planning Commission. Ms. Blackshear stated that the applicant asked for a continuance until September 25, 2007.

Commissioner Meadows asked if there was a specific reason for the continuance. Mr. Jason Bryan, Planning Department, stated that the applicant is working on plans for improving the roadway and obtaining right-of-way.

Motion by Commissioner Meadows, second by Commissioner Jones, to continue S & S Materials until October 9, 2007 at the South Walton Annex. Ayes 4, Nays 1, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Nay, Comander Aye.

Mr. Scott Jenkins, Jenkins, Stanford and Associates, presented Churchill Oaks PUD a planned unit development/major development application consisting of 102 single family lots on 41.5 acres with a future land use of NPA/Infill and CR 2:1. The site is located on the east side of East Hodge Road south of San Roy Road. The applicant is asking for conceptual approval. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report and by the Planning Commission. **(Churchill Oaks PUD Exhibits 1- Staff Report and Amendments)**

Commissioner Meadows asked if there were any conditions to be imposed. Mr. Bryan discussed the revised report and stated that the conditions have been met.

Commissioner Meadows asked if the roads would be private and gated. Mr. Jenkins responded in the affirmative. Ms. Blackshear stated that a plan amendment would be coming to the Board for adoption on September 11.

Commissioner Comander felt that there is an increase of projects with staff findings with conditions. She asked that the Staff only bring to Board those that have

met the conditions. Ms. Blackshear stated that this project met the conditions after the Board books were compiled.

Commissioner Jones stated that there are more PUD's seeking conceptual approvals. Ms. Blackshear stated that there were a lot of issues that factored into each presentation.

Motion by Commissioner Meadows, second by Commissioner Jones, to grant conceptual approval of Churchill Oaks PUD with the conditions as outlined by Staff. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Mr. Darryl Barnhill, Barnhill & Barnhill Engineering, presented Acadia Subdivision a major development order application consisting of a 31 lot single family subdivision on 7.765 acres with a future land use of NPA/Infill. The site is located at 1130 N. County Road 395. Mr. Bryan stated that the applicant needed to provide letters from utility providers stating that installation and maintenance can be accomplished within the 30 foot easement. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report and by the Planning Commission. **(Acadia Subdivision Exhibit 1-Staff Report)**

Motion by Commissioner Jones, second by Commissioner Meadows, to approve Acadia Subdivision as presented. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Mr. Carl Hammons, Planning Department, presented Trout Branch SSA 08-15 to change 6.91 +/- acres in Walton County from rural village to industrial. The parcel is located north of Choctawhatchee Bay on the north side of State Road 20 and

approximately 430 feet east of Rogers Road. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report and by the Planning Commission. Mr. Hammons stated that the applicant had received an erroneous land use determination. He stated that the applicant purchased the property thinking it was industrial when it was not. He stated that this was the first public hearing and action would be taken on September 11. **(Trout Branch Exhibit 1-Staff Report) (Ex parte Communications)**

Mr. Barnhill, Barnhill, & Barnhill, LLC presented Trout Branch Industrial Park PUD consisting of a 12 lot industrial park on 23.2 +/- acres with a future land use of Rural Village and Industrial. The site is located on the north side of S.R. 20, east of Rogers Drive and west of Sioux Lane. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report and by the Planning Commission. Mr. Barnhill asked that this issued be continued until September 11 since this project is related to the previous project. **(Trout Branch PUD Exhibit 1-Staff Report)**

Motion by Commissioner Meadows, second by Commissioner Comander, to continue Trout Branch Industrial Park PUD until September 11, 2007. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Ms. Jennifer Christenson, representing P & B Management, Inc., presented Black Creek Equestrian and River Resort PUD a major development order consisting of 740 single family lots, 50 dry boat storage units, 37,400 square feet of commercial uses and an equestrian center. The parcel is approximately 1,743 acres and has a future land use of NBNPA/RTC. The site is located on the north side of CR 3280 approximately 8 miles

east of U.S. Highway 331. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report and by the Planning Commission.

Ms. Lois La-Seur, Planning Department, stated that this is a conceptual approval.

Motion by Commissioner Comander, second by Commissioner Jones, to grant conceptual approval of Black Creek Equestrian and River Resort PUD as presented. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Mr. Lloyd Blue, representing Meredith Properties, presented Town Center at Black Creek PUD a major development order consisting of 53 single family homes, 53 townhomes, 294 multi-family units, and 302,000 square feet of commercial on 100 acres with a future land use of NBNPA/RTC. The site is located on the north side of C.R. 3280, approximately 3¼ miles east of Black Creek Boulevard. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report and by the Planning Commission.

Commissioner Comander asked if Mr. Blue would be donating land to be used for a fire station. Mr. Blue stated that he was and that a temporary lease for up to 4 acres would be provided.

Commissioner Meadows asked the timeframe on the lease. Mr. Blue stated that Mr. Eddie Rivers, Fire Manager, said that he needed it in less than 60 days. Mr. Burke agreed to work on the contract.

Motion by Commissioner Comander, second by Commissioner Brannon, to grant conceptual approval of Town Center at Black Creek PUD as presented. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

The Board recessed at 8:39 p.m. and reconvened at 8:47 p.m.

Commissioner Brannon exited the meeting at 8:39 p.m.

Mr. Goldberg presented information regarding Walton Plantation. He stated that the property will be dedicated through a recreational easement.

Mr. Henry Maclin, applicant, stated the concept of the development is a tree farm. He stated that restrictions have been written on this property stating no asphalt and no slabs. He said that the tree farm is certified according to the highest standards set by the federally monitored American Tree Farm System. He said that there are covenant and restrictions which the owners are to comply with. He said that measures have been taken to assure wildlife and streams are not in any area of building or construction.

Commissioner Meadows asked if the applicant agreed with staff condition 6 regarding the take off distance of aircraft. Mr. Goldberg stated that a pasture that is wide enough to land recreational aircraft is provided. He stated that the applicant agrees with conditions 1-6.

A neighbor present at the meeting voiced approval of the Walton Plantation and its proposed uses.

Motion by Commissioner Jones, second by Commissioner Meadows, to grant conceptual approval of Walton Plantation as presented. Ayes 4, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Comander Aye.

There being no further business, the meeting was adjourned at 8:55 p.m.

APPROVED _____
Kenneth Pridgen, Chair

ATTEST _____
Martha Ingle, Clerk of Court