HERINE KING
FILED
SEP 13 1983
WALTON COUNTY
CLERK CIRCUIT COURT

HIDDEN DUNES AMENDED DEVELOPMENT ORDER

EMERGENCY WALTON COUNTY ORDINANCE NO. 83-7

AN ORDINANCE OF WALTON COUNTY, FLORIDA, RENDERING AN AMENDED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY HIDDEN DUNES DEVELOPERS, FOR HIDDEN DUNES, A DEVELOPMENT OF REGIONAL IMPACT: PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on March 17, 1983, Hidden Dunes Developers and the West Florida Regional Planning Council held a pre-application conference to review any preliminary matters concerning Hidden Dunes application for development approval; and

WHEREAS, on May 9, 1983, Hidden Dunes Developers filed an application for development approval with Walton County and with the West Florida Regional Planning Council for a development of regional impact known as Hidden Dunes. Said filing being in compliance with the requirements of Chapter 380, Florida Statutes; and

WHEREAS, on May 17, 1983, the West Florida Regional Planning Council notified Walton County that a public hearing date should be set regarding the Hidden Dunes application for development approval; and

WHEREAS, the Walton County Commission held a public meeting on August 9, 1983, in accordance with Chapter 380, Florida Statutes, to consider the report and recommendations of the West Florida Regional Planning Council, the application for development approval for a development of regional impact referred to above and the comments upon the record made to the Board of County Commissioners at said meeting; and

WHEREAS, the Board of Commissioners of Walton County has jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider applications for development approval for developments of regional impact; and

WHEREAS, the procedural requirements of Chapter 380 including the requirements for public notice (Exhibit "A") have been satisfied and all interested parties and members of the public were afforded the opportunity to participate in the public meeting wherein the application for development approval for Hidden Dunes was considered by the Board of County Commissioners;

WHEREAS, an August 9, 1983, the Board of Commissioners of Walton County adopted the "Hidden Dunes Development Order - Walton County Ordinance No. 83-5" and pursuant to Florida Statute 380.07 forwarded said development order to the Department of Community Affairs, West Florida Regional Planning Council and the Developer for their review; and

WHEREAS, the Department of Community Affairs after completing its review pursuant to Florida Statute 380.07, has proposed an amendment to the Hidden Dunes Development Order amending Section 2,C and adding Section 4,K; and

WHEREAS, the proposed Amendment to Section 2,C and the proposed additional condition in Section 4,K were considered by the Walton County Commission on September 13, 1983;

NOW THEREFORE BE IT ORDAINED BY
THE BOARD OF COUNTY COMMISSIONERS
OF WALTON COUNTY, FLORIDA:

Section 1. That this ordinance shall constitute the development order of the Board of Commissioners of Walton County issued in response to the Application for Development Approval

(ADA) filed by Hidden Dunes Developers for Hidden Dunes, a Development of Regional Impact (DRI). The scope of the development permitted pursuant to this order includes the operations and construction described in the ADA and the supporting documents which by reference are made a part hereof.

Section 2. That the Board of Commissioners of Walton County having received the above referenced documents, and having received all related comments, testimony and evidence submitted by each party, including the applicant, the West Florida Regional Planning Council and members of the general public, find that there is substantial competitive evidence to support the following findings of fact:

A. That the real property which is the subject of the ADA is legally described as follows:

"Commencing at the Northeast corner of Section 34, Township 2 South, Range 21 West, Walton County, Florida, proceeding Westerly along Section line 2678.6 feet to Northeast corner of Lot 3 and point of beginning, said front being on the West line of Gulf Pines, Plat Book 2, Page 86; Thence North 2' 07° 46" East 322.66 feet; Thence South 83' 48° 52" West 509.8 feet along South Right-of-Way of SR 30; Thence South 2' 11° 46" West 2250 feet to Gulf of Mexico; Thence meander South 68' 01° 56" East 539.05 feet; Thence North 2' 07° 46" East 2184 feet to point of beginning, containing 27.6 acres, more or less."

B. That Hidden Dunes Developers (developer) submitted to Walton County an ADA which is attached hereto as Exhibit B and by reference made a part hereof.

C. That the developer proposes to construct a residential development consisting of a maximum of 452 residential condominium units, commercial area and a total population of approximately 1100 persons during periods of full occupancy.

D. That the proposed development is not located within an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes.

E. That the development is consistent with all local land development regulations. That the development is consistent with the report recommendations of the West Florida Regional Planning Council.

F. That the West Florida Regional Planning Council recommended approval of the proposed development as identified in the ADA subject to certain conditions. All such conditions are reflected herein.

G. That the development will not unreasonably interfere with the achievement of the objectives of the adopted state land development plans applicable to the area.

H. That a comprehensive review of the impact generated by the development has been conducted by the West Florida Regional Planning Council and the county.

Section 3. That the Walton County Board of County Commissioners having had the above findings of fact reaches the following conclusions of law:

A. That the consideration of the Hidden Dunes ADA has been duly conducted pursuant to the applicable laws and regulations and based upon the record the developer is authorized to conduct the development as described in the ADA subject to the conditions set forth herein.

B. That the review by the West Florida Regional Planning Council, Walton County and other participating agencies and interested citizens reveals that the impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and

Section 4. That, having made the above findings of fact and conclusions of law, it is ordered that the ADA is hereby approved subject to the following conditions:

A. The developer shall submit an annual report on the Development of Regional Impact to Walton County, the West Florida Regional Planning Council, the State land planning agency, and any other agency as may be appropriate on the anniversary of the effective date of this development order for each following year until and including such time as all terms and conditions of this development order are satisfied.

B. As stated in the application for development approval during and subsequent to construction, storm water runoff quality and quantity will be controlled and maintained at levels to minimize any erosion and sedimentation problems.

C. The developer will monitor the effectiveness of the drainage and storm water retention systems during development and make any appropriate adjustments.

D. The existing dunes landward of the control line shall be disturbed as little as possible and any excavation of existing dunes landward of the control line shall be returned to the remaining dune system as much as possible.

E. All habitable structures shall be designed to withstand wind loadings of up to 140 mph.

F. To help preserve the beach/dune system the contractor shall erect a temporary construction fence just landward of the control line to protect the primary dune from construction activity.

G. The developer shall prepare a "users manual" of all internal structural/physical operations, procedures and systems; all storm water control systems; and all necessary maintenance procedures to be presented to the condominium owners association at the time of the transfer of ownership.

H. The developer shall study the feasibility, including environmental desirability, of either dedicating bicycle paths or the widening of the entrance road to allow a four (4) foot bicycle lane one each side of the road to promote non-motorized transportation among Hidden Dunes, Sandestin, Beachside, and neighboring condominium units.

I. The developer shall construct units which, as a minimum, comply with Florida's Model Energy Code for Building

Construction (which was developed to implement Chapter 81-226, Laws of Florida, and Chapters 553.900 and 553.908, Florida Statutes) or equivalent standards.

J. The developer shall continue to work with the Walton County Board of Commissioners and the Florida Department of Transportation to solve potential transportation problems in South Walton County.

K. In addition to the provisions of section J, above, the following conditions are set forth regarding Phases III-V.

1. The Developer shall conduct an analysis of traffic conditions along U.S. 98 for the road segment of said highway west of the project and east of the four-lane section of U.S. 98. The traffic analysis shall be done each and every year during the peak season beginning in the summer after Phase II is completed or the summer before commencing construction of Phase III, whichever is earlier.

The traffic analysis shall be performed by a professional engineer and shall include:

a. an update of the ADA traffic study;

b. counts of weekday and weekend vehicle and leaving the project during the peak hour and 24-hour periods;

c. a determination of project trip assigment the east and west of the project on U.S. 98; and

d. counts of weekday and weekend vehicle trips and calculations of Level of Service during the peak hour and 24-hour periods for U.S. 98.

The annual, updated traffic analysis shall be provided written report to the County, the West Florida Regional Planning Council (WFRPC), the Florida Department of Transportation (FDOT) and the Department of Community Affairs (DCA). These agencies will review the analysis for completeness, reasonableness of assumptions and accuracy of calculations, and will advise the County of their recommendations. The County shall not approve any construction plans nor approve or permit construction activity for Phases III-V of the Hidden Dunes DRI until the County has determined there is assurance that future traffic conditions and standards required in paragraph K.2 below are met.

2. Permits or development approval shall not be issued by the County for Phase III, or any subsequent phase, until and unless the most recent traffic analysis is completed and the two-lane section of U.S. 98, west of the project and east of the four-lane section, is determined by the County, based on the traffic analysis, to operate at or better than Level of Service D at the completion of the Phase under construction for approval. This level of service shall be based on average daily traffic (ADT) during the peak season, and on the peak hour of that same ADT. To ensure compliance with this condition,the

county shall send to DCA and WFRPC for review any and all development orders, construction plan approvals or permits issued by the County for Phase III or subequent phases, for possible appeal pursuant to Section 380.07, F.S. Upon approval of a phase subject to review pursuant to this condition, the Developer shall have the right to complete construction of that phase without additional review. In the event that the four-laning of U.S. 98 is extended to the east of the project, DCA and WFRPC shall be notified by the Developer. Once DCA and WFRPC verify that this portion of U.S. 98 has been four-laned and is shown through the annual traffic analysis to be operating at Level of Service D or better during the peak season, the Developer will no longer be required to conduct the annual traffic analysis.

3. The conditions attached to this Development Order, including the requirements for an annual traffic analysis, shall run with this land and this development order, and such conditions shall be met and carried out by the Developer, or by any subsequent owner or developer who may become a successor in interest in the Hidden Dunes DRI.

4. The provisions contained in paragraphs K.1 through K.3 shall not limit or effect the Developer's right to construct the first 272 units.

Section 5. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this development order.

Section 6. That the development order shall remain in effect for a period of ten years or until the development is complete and all certificates of occupancy are issued by Walton County, whichever occurs first provided that upon application by the developer, the county may extend the duration of the development order.

Section 7. That this development order shall be binding upon the developer, its heirs, assigns or successors in interest.

Section 8. Monitoring the compliance with this development order shall be the responsibility of the Building Department of Walton County which shall monitor each phase of the development through the applications for building permits and building code compliance.

Section 9. That the County Clerk is directed to send copies of this development order within five days of the effective date of this ordinance to the developer, the Florida Department of Community Affairs, and the West Florida Regional Planning Council.

Section 10. This section shall take effect immediately upon becoming law.

PASSED AND ORDAINED BY THE BOARD OF COMMISSIONERS OF WALTON COUNTY, FLORIDA, ON SEPTEMBER 13, 1983.

ATTEST:

Catherine King
Catherine King, Ex-officio
Clerk to the Board of
County Commissioners

BOARD OF COUNTY COMMISSIONERS
OF WALTON COUNTY, FLORIDA

By: Derward Owens
Derward Owens, Chairman
Walton County Commission