

Greater Driftwood Estates Homeowners Association

Shawn Heath



SCALE: N.T.S.

CHOCTAWHATCHEE
BAY

DRIFTWOOD DRIVE

CHOCTAWHATCHEE
BAY

DRIFTWOOD DRIVE

SHIPWRECK ROAD

BUCK ROAD



Florida Statute 380.06(17)

- The **local government** issuing the development order is **primarily responsible** for monitoring the development and enforcing the provisions of the development order.
- Local governments **shall not** issue any permits or approvals or provide any extensions of services if the developer fails to act in ***substantial compliance*** with the development order.

Sandestin DRI- Not in Compliance

1. 463 home sites in “**open space**”/ Golf Course natural areas & wetlands
2. 463 lot development does not meet the **stormwater retention** requirement of 6.7 inches.
3. Florida **DEP determination** that developer has not certified that Driftwood II meets DEP’s water quality requirements.
4. No access from Driftwood through the Sandestin DRI as shown.
5. No annual reports filed since 2004 as required by Florida law and Walton County Ordinance

Walton County

- Walton County is aware of these violations.
- Yet...Walton County continues to issue building permits for more construction within Driftwood II.

463 Home Sites Built in Natural Areas and Wetlands

- Since 1990 interior of Driftwood II designated as “Open Space” for “Type of Land Use” and designated as a golf course.
- Repeatedly adopted by Ordinance including in 2002 and 2004.

2003

- Intrawest's submission did not identify the proposed additional 463 homes on 160 acres in the Driftwood interior as a "substantial deviation" or a NOPC requirement.
- Never has been a properly noticed hearing of a "Notice of Proposed Change" for a change in use from a golf course to residential.

2004

- Intrawest submitted an NOPC and the County adopted by ordinance the Sandestin DRI that shows:
 - the open space as a natural area/golf course
 - un-gated, vehicular and pedestrian access into Sandestin.

NOPC Process NOT Followed

- Change of use of an area designated as “open space” to use for “residential” in the Sandestin DRI is a “substantial deviation”
- Notice of Proposed Change Process required but not followed.

Stormwater Retention

- 463 lots in low and naturally wet areas causes stormwater runoff from Driftwood II to:
 - Flood homeowner's property
 - Flood their access to Highway 98
 - Area designated as Flood zone 7.

Retention

- Since 1982 Florida law defines stormwater quality and treatment.
- “retention” and “to retain”:
 - the prevention of, or to prevent the discharge of a given volume of stormwater run-off into the surface of the State by complete on-site storage. F.A.C. 62.25.020(12)

1984 Sandestin DRI approval

- Stormwater drainage requirement for Sandestin DRI:
- “retention of storm runoff...predicated on a 3-year storm of 24 hours duration for a total of 6.7 inches of rainfall.”

2000- Developer Asks DCA

- Developer (Intrawest Sandestin Company) asked the DCA the pertinent question here:

“What are the projected retention times for stormwater run-offs?”

2000 – DCA Answer to Developer

Within the lake system as designed, retention
*of stormwater run-off is predicated on a 3-
year storm of 24 hours duration for a total
of 6.7* inches of rainfall.

Storms of greater intensity and rainfall will discharge the excess volumes of rainfall into Choctawhatchee Bay at various natural contributories.

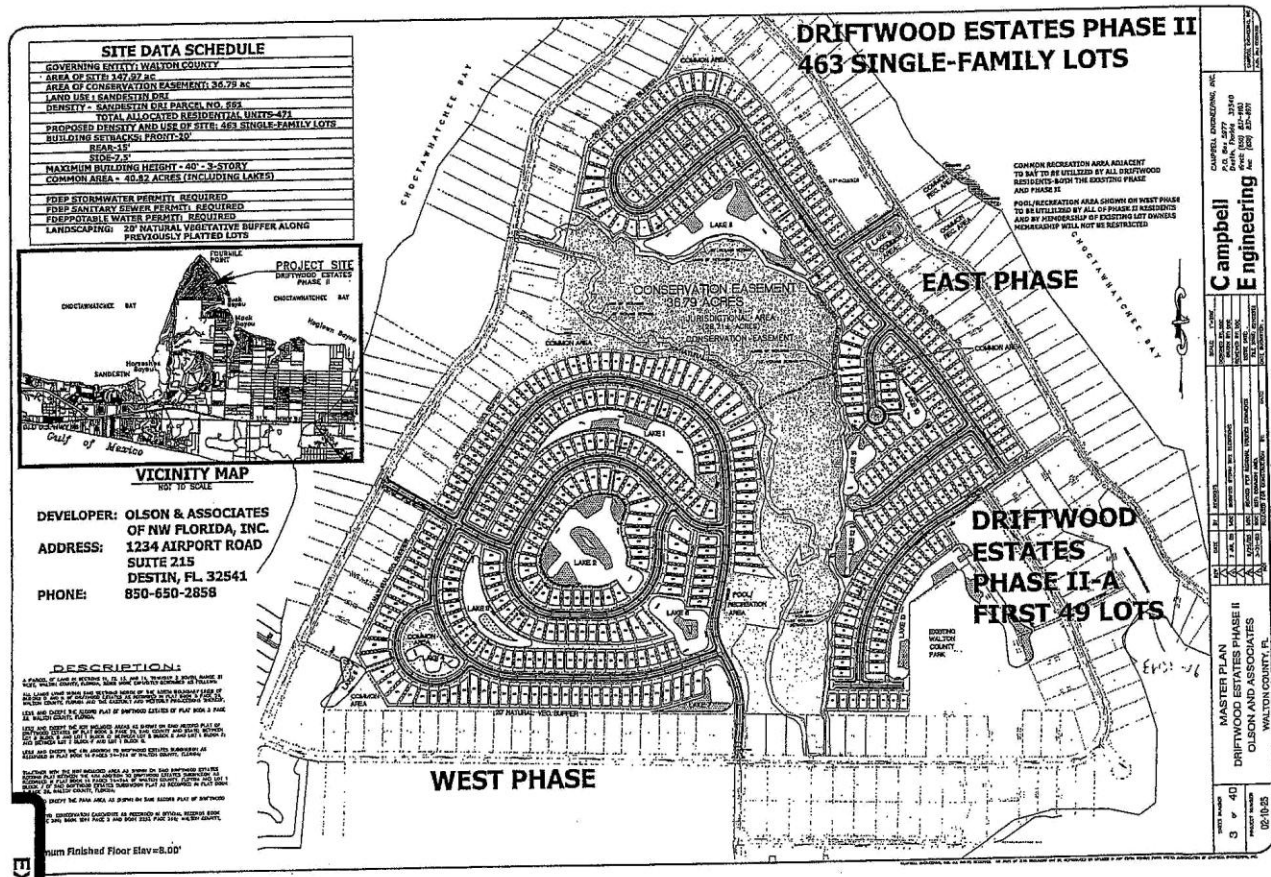
2002 & 2004 Ordinances

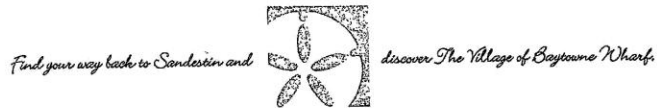
- Walton County approved changes to the Sandestin DRI
- But all “provisions of the Sandestin DRI development order, as previously amended, that are not amended shall remain in full force and effect.”

Ord. 2002-18

2003 - Stormwater Retention

- Intrawest, on Olson's behalf, submitted to Walton County Campbell's drawings as part of a Development Order application.
- Intrawest told Walton County that it had "reviewed the Development Order submission and grant[ed] permission for this to be submitted to Walton County."





February 6, 2003

Linda Clark, Planning Technician
Walton County Growth Management
25220 Hwy 331 South
Santa Rosa Beach, FL
(850) 267 1955 tel
(850) 267 9133 fax

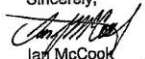
Re: Sandestin DRI Development Order Submission: Driftwood Estates at Sandestin – Phase II, by Campbell Engineering Inc. on behalf of Olson and Associates.

Dear Ms. Clark,

With respect to the Development Order submission, with reference to Engineered drawings, sheets 1 to 34, dated February, 2003, submitted by David Campbell Engineering on behalf of Olson and Associates, to Walton County for a development Order for Driftwood Estates at Sandestin – Phase II, we have reviewed the Development Order submission and grant permission for this to be submitted to Walton County. Based on the Notice of Proposed Transfer of density within Driftwood, and the reconciled acreage report submitted to Walton County, the proposed subdivision plan of 463 residential units is in compliance with the Sandestin DRI, and approved by Sandestin.

Please do not hesitate to contact me directly if you have any further questions or comments. I can be reached directly at (850) 267 6242 or by cell at (850) 428 0014.

Sincerely,



Ian McCook
Director of Development – Land

1

Sandestin.
Golf and Beach Resort

9300 Emerald Coast Parkway West • Sandestin, Florida 32550 • 850 267 8000 • www.sandestin.com

0000380

2003 Submission

- Intrawest told Walton County that Olson and Campbell's
- “proposed subdivision plan of 463 residential units *is in compliance* with the Sandestin DRI and approved by Sandestin.”

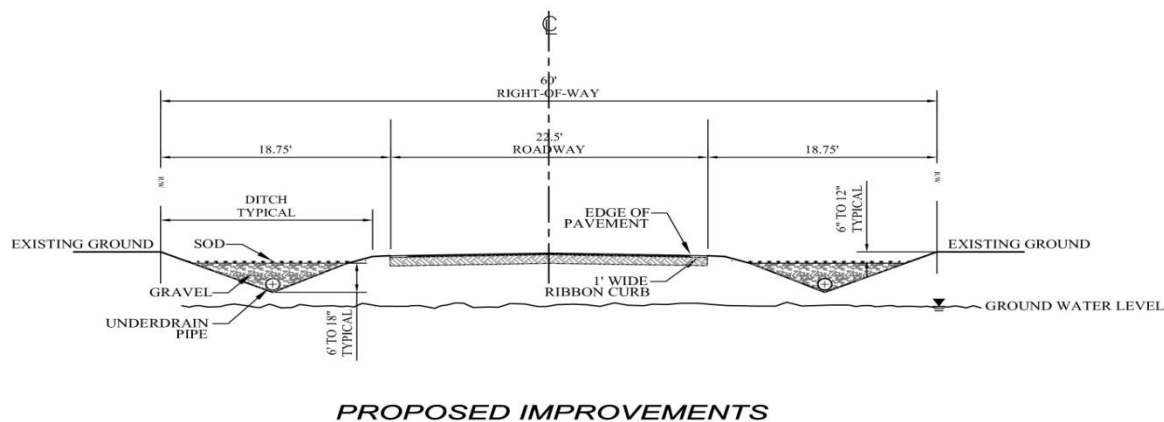
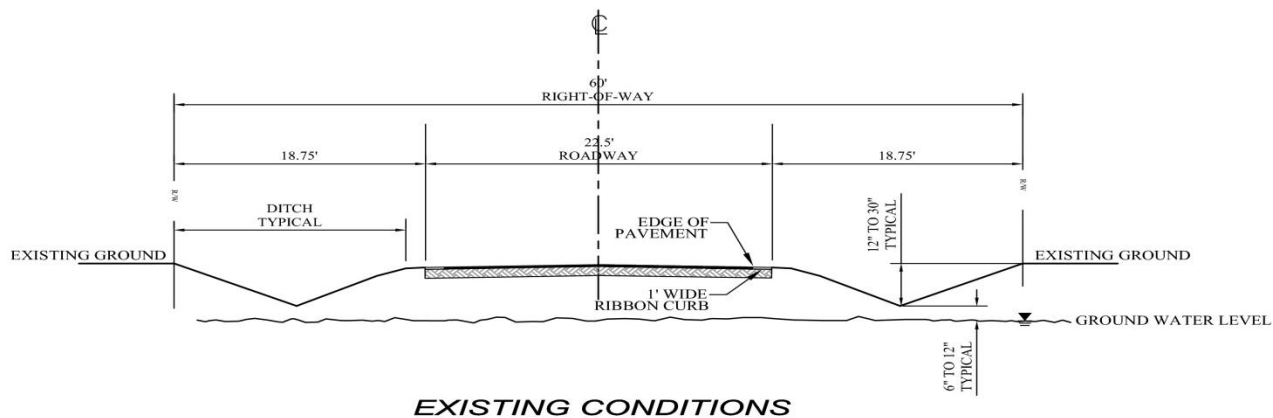
No NOPC to Change Stormwater Retention

- Change to the stormwater retention requirement is a “substantial deviation” as defined by Florida law.
- Notice and public hearing required hearing before changing these important requirements—**Never done.**

2004/2005

- Flooding in Driftwood starts
- Homeowners protest at BCC meetings
- Walton County actions:
 - Release Developer (Northtip/Olson)
 - Hire Tetrattech to prepare construction drawings

2005 TetraTech Proposed Improvements



2005 – Walton County Releases Northtip

- Walton County releases Northtip Development, LLC from all liability for Driftwood II for only \$60,000.
- Tetrattech advises BCC that construction costs to modify ***exterior drainage only*** will be \$4 - \$7 million

Walton County Potential Liability

- Release of Northtip & continued issuance of permits renders Walton County taxpayers potentially liable for:
 - Millions \$\$\$ in construction costs
 - Millions \$\$\$ for “taking” Driftwood homeowners

2007 – DCA to Walton County

- As incorporated into the original development order and reinstated in the subsequent 1984 agreement and development order, the project is required to provide minimum stormwater standards....
- **project is required to provide stormwater treatment to retain the run-off from a three year 24 hour event (6.7 inches of rainfall)**
- and stormwater facilities must be designated consistent with the Department of Environmental Protection rules.

2009 Special Magistrate Finding

- “There is no debate that the Sandestin DRI contains a 6.7 inch stormwater run-off **retention** standard.”
- “By definition, this means that all run-off from a storm event that does not exceed the level of a 3 year, 24 hour rain event—which is 6.7 inches of rainfall—**must be retained** in the stormwater system of swales, lakes and ponds and should not discharge any of those 6.7 inches of rainfall into Choctawhatchee Bay.”

Magistrate Finding p. 29.

2009 Special Magistrate Finding

The Sandestin DRI also states that, in most cases, run-off water will be re-circulated via irrigation waters taken from the lakes and ***will not reach the public waters of Choctawhatchee Bay.***

At no time should any stormwater run-off discharge into Choctawhatchee Bay without first being treated.

Magistrate Finding p.13.

2009 Special Magistrate's Recommendations

Review by an independent stormwater engineer to:

- Determine design and as-built conditions of drainage systems
- Model to determine if both interior & exterior systems meet both:
 - 6.7" inch retention standard of the Sandestin DRI; and
 - 1" inch standard of County Dev. Code

2009 Special Magistrate Recommendations

Independent engineer should:

be paid for and selected by Walton County but with the advice of Driftwood and DCA

make all final decisions on how to proceed with the modeling.

be done as soon as reasonably possible.

Walton County Actions

- Did not implement ***any*** of the Magistrate's recommendations.
- Not undertaken or received any independent analysis that Driftwood complies with any stormwater drainage requirements.
- Continues to issue Permits

2010 – DCA to Walton County

- The Sandestin DRI
“is required to provide stormwater treatment to retain the runoff from a 3 year, 24 hour event (6.7 inches of rainfall), and

that stormwater facilities must be designated **consistent with DEP** rules regarding discharge to water of the state.”

In all cases the handling of storm run-off will be assimilated into the vegetation, soils and internal lakes with the Sandestin area”

stormwater may be directly discharging to the Choctawhatchee Bay via pipes” instead of “being retained and...receiving preliminary treatment” as required by the Sandestin DRI.”

Stormwater Retention

- Engineer admits that design of Driftwood II does not seek to meet stormwater retention requirement of 6.7"
- Only designed to retain only 1" inch of runoff.

Engineer's Testimony

Q: Do you know whether there's been any outflow of water conveyance, in other words, the detention portion of the water from the retention system to Choctawhatchee Bay on rain events that were less than 6.7 inches in a 24-hour period 3 year storm?

A: I would assume yes. I would hope so.

Q: Why is that?

A: Because as I explained earlier, **the retention portion is for the first inch of run-off**. That's retention volume. Detention volume is above that. So anything over that 1 inch of rain will start to go through the outfall structures which goes out to the Choctawhatchee Bay. It doesn't—I think there is a misnomer here. It doesn't prohibit water from entering Choctawhatchee Bay to a certain standard.

Q: So anytime there would be more than 1 inch of rainfall within a 24-hour period

A: Yeah. Well, I would say the standard of 1 inch of rainfall is immediate.

Engineer's Testimony

“At 1 inch of rainfall, the ponds are designed to store 1 inch...at that point the water will rise to the top of the outfall structure, the lip of the outfall structure;

and any rainfall over that 1 inch that goes into the retention pond will start to go into the outfall structures.

And those outfall structures are designed to regulate the amount going into Choctawhatchee Bay not to prohibit them from going into Choctawhatchee Bay.”

Deposition of David Campbell, March 1, 2010.

Nov. 2011 DEP Noncompliance

- DEP “Non-Compliance Letter”
- modifications to the stormwater system that were not approved by the existing permit and no as-built certification concerning the modifications received by DEP.

No Annual Reports Since 2004

In 2011, Developer submitted to Walton County:
“Sandestin DRI Annual Monitoring Report 2011.”

“... the master plan ***now reflects the as-built conditions*** of the Driftwood development via
1) no golf course,
2) roads/ lots/open space,
3) no thru-road from Burnt Pine to Driftwood.”



SCALE: N.T.S.

CHOCTAWHATCHEE
BAY

DRIFTWOOD DRIVE

CHOCTAWHATCHEE
BAY

DRIFTWOOD DRIVE

SHIPWRECK ROAD

BUCK ROAD



Florida Statute 380.06(17)

- The **local government** issuing the development order is **primarily responsible** for monitoring the development and enforcing the provisions of the development order.
- Local governments **shall not issue any permits** or approvals or provide any extensions of services if the developer fails to act in ***substantial compliance*** with the development order.

Sandestin DRI- Not in Compliance

1. 463 home sites in “**open space**”/ Golf Course natural areas & wetlands
2. 463 lot development does not meet the **stormwater retention** requirement of 6.7 inches.
3. Florida **DEP determination** that developer has not certified that Driftwood II meets DEP’s water quality requirements.
4. No access from Driftwood through the Sandestin DRI as shown.
5. No annual reports filed since 2004 as required by Florida law & Walton County Ordinance

Conclusion

- Enforce the law.
- Do not seek to make Walton County taxpayers pay for this.
- Do not allow any more wrongful discharge into the Bay.
- Do your job.