

ORIGINAL

SGI UTILITY, LLC
3110 Capital Circle, NE
Tallahassee, Florida 32308

DISTRIBUTION CENTER
04 SEP -9 AM 7:45

September 8, 2004

Director, Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RECEIVED FPSC
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COMMISSION
CLERK

Re: Docket No. 040534-SU
SGI Utility, LLC
Application for Amendment of Certificate (Deletion)
Wastewater Certificate No. 492-S

Dear Sir or Madam:

Enclosed is a copy of the 11th Amendment to the 1977 St. George Island Development Order which approves the substitution of individual aerobic treatment systems for the previously approved wastewater treatment plant. This should remove the contingency in our Application for Amendment.

Please call me if you have any questions.

Very truly yours,

SGI UTILITY, LLC

By: 
David E. Wilder

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DOCUMENT NUMBER-DATE
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ORDINANCE 2004-42

**ELEVENTH AMENDMENT
TO THE
1977 ST. GEORGE ISLAND DEVELOPMENT ORDER
REVISING SPECIFIC DEVELOPMENT PLANS
FOR RESORT VILLAGE**

Pursuant to the St. George Island Development Order (hereinafter "the DRI Order") adopted by the Board of County Commissioners of Franklin County, Florida, (hereinafter "the Board") on September 20, 1977, and pursuant to Section 380.06, Florida Statutes, the Board hereby adopts this amendment to the DRI Order concerning the proposed Resort Village development in the St. George Island Plantation in Franklin County, Florida.

WHEREAS, SGI Limited Partnership (hereinafter "the Applicant") is the owner of approximately 58 acres that is the only remaining undeveloped area of the Plantation Commercial Area adjacent to the St. George Island Airport, as shown on Exhibit "A" to the St. George Island Development Order, recorded in O.R. Book 143, Page 635, Public Records of Franklin County, Florida, less the portions known as Nick's Hole Phase I, Nick's Hole Phase II, the Bluffs Phase I and the Bluffs Phase II, all of which have been platted single family residential; and

WHEREAS, Section 3B(vi) of the DRI Order provides that before development can begin within the Plantation Commercial area, plans and specifications shall be submitted to the Board for review and approval in sufficient detail to assure that the pollution of Apalachicola Bay or other significant environmental damage will not occur; and

WHEREAS, on October 3, 1996, the Board approved the Tenth Amendment to the 1977 Development Order, followed on March 4, 1997, by the Revised Tenth Amendment to the 1977 Development Order Granting Approval of Specific Development Plans for Resort Village Phase I, consisting of approximately 9.6 acres of the subject property, authorizing a one-story Beach Club and Conference Center with a total of 14,750 heated and cooled square feet (including 300 square feet of retail space, 6,000 square feet of exercise/club space and 325 conference seats); a three-story building for food and beverage service with a total of 4,000 heated and cooled square feet; four hotel/inn buildings with a total of 66,000 heated and cooled square feet (including 114 hotel/inn units); the advanced wastewater treatment facility, authorized by DEP permit number FLA010069-001, including not more than 5 acres of subsurface absorption beds to be constructed adjacent to the subject property but within the Resort Village Property; and various recreational and support activities; and

WHEREAS, the following development was completed pursuant to said Amendment:

- A 24 unit hotel, Building D, on the approved site plan,
- A wastewater treatment facility, Building G, with a current capacity of 30,000 gallons of effluent per day,
- All absorption beds for the waste water treatment plant, and
- A community-size swimming pool and pool house.

WHEREAS, the Applicant is the successor in interest to the prior owner and wishes to substantially revise the approved plan of development in a manner that would significantly reduce the intensity of development, while adhering to, or improving on the environmental protection standards of the Revised Tenth Amendment.

NOW, THEREFORE, in consideration of the facts set forth above and in accordance with the terms and conditions set out below, the Board hereby finds and concludes as follows:

A. **Subject Property.** The subject property consists of 58 acres within the Plantation Commercial Area designated by the DRI Order. The Subject Property is depicted on the Master Site Plan attached hereto as Exhibit 1.

B. **Development Approval.** The plan of development approved in the Revised Tenth Amendment is hereby superseded and replaced by the plan of development set out below. The existing structures are incorporated into the new development plan. The Board approves the specific plan of development depicted on the Master Site Plan attached hereto as Exhibit 1, which includes the following:

1. **Residential Development.** 57 detached single-family residential units on 57 acres. The layout of the 57 lots and internal roadways shall be reviewed and approved in a Planned Unit Development.

2. **Condominium Units.** No more than 12 condominium units may be located in the existing hotel building on .5 acres.

3. **Ancillary Uses.** Recreational and support facilities, as further described in the Planned Unit Development, may be co-located with the existing swimming pool and clubhouse in a community recreation area of .5 acres, and in the residential development area, as appropriate.

C. **Wastewater Treatment.** The 57 single-family units will be served by individual aerobic treatment systems. The 12 condominium units will be served by the existing aerobic treatment system for the hotel. Each single-family residence owner and the condominium association shall comply with State law regarding maintenance, inspection, and service for the aerobic treatment systems, and shall obtain operating permits as required by the Florida Department of Health. All reference to advanced

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wastewater treatment and monitoring, or to temporary aerobic systems, in the Revised Tenth Amendment is superseded by the above and is hereby deleted from the DRI Development Order.

D. **Vegetation.** As to any requirements of the 1977 DRI Order concerning naturally vegetated surfaces, the Applicant shall meet said requirements regardless of whether or not particular areas are sold to the State of Florida. Naturally vegetated surfaces shall remain in their natural state, or be replanted with native vegetation. Xeriscape techniques shall be utilized in any planting within Resort Village, and no invasive exotic plants shall be utilized.

E. **Impervious Surfaces.** The total amount of impervious surfaces shall be determined in the site-specific PUD consistent with Franklin County Regulations for residential development .

F. **Height of Structures.** Total building height measured from the top of the ground level slab to the highest part of the building (roof ridge, widow's walk, chimney top, vent, etc.) shall no exceed forty-four (44) feet, unless and only to the extent that flood zone restrictions require final floor elevations to be raised higher than nine (9) feet. The height of the living area of the residence shall not exceed thirty-five (35) feet measured from the first habitable floor to the apex of the roof.

G. **Parking.** The parking requirements shall be established through the site-specific PUD approval.

H. **Construction Debris.** The construction site will use portable containers into which all debris will be placed and then removed from St. George Island.

I. **Water Supply.** Water supply will be provided by Water Management Services, Inc. If capacity is not available from this utility, water supply may be obtained from any other properly permitted central water system. Groundwater monitoring wells shall be allowed within the Resort Village. The St. George Island surficial aquifer will not be used as a source of potable water for any development within the Resort Village property.

J. **Stormwater.**

1. Adequate stormwater facilities shall be provided to avoid negative impacts to the groundwater supply, the Apalachicola Bay, nearby saltwater marshes, the Gulf of Mexico, or the surficial aquifer. A stormwater system permitted by the DEP will be used to ensure that the first 2.5 inches of runoff from impervious surfaces is detained and treated by percolation. The quantity of stormwater shall be sufficiently controlled to ensure that residential properties adjacent to the development are not damaged by flooding caused by runoff from the site, even in the event of a 25-year 24-hour storm. The Applicant shall provide a copy of the DEP permit to the County.

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2. The Board may require a secondary safety net of separation between the development area and the Apalachicola Bay by requiring that the 400 foot portion of Leisure Lane west of, and adjacent to, the property designated as Phase I of the Revised Tenth Amendment, which currently has an elevation of approximately 3.5 to 4.5 NGVD be raised to a minimum elevation of 5.0 NGVD, subject to receiving all necessary permits and approvals.

3. Stormwater facilities shall be maintained as needed by the developer or its successor.

K. **Hurricane Evacuation** The Applicant and its successor shall promote hurricane evacuation awareness among residents of Resort Village, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders, as well as with St. George Island Plantation security personnel.

L. **Wetlands**. The Applicant may seek permits to dredge or fill isolated, non-jurisdictional wetlands in the subject property. To the extent any of these wetlands are dredged or filled, the Applicant shall create one or more freshwater ponds and/or wetlands to mitigate any impacts. Such ponds and/or wetlands shall be created within the Resort Village Property and shall have a total area which is not less than 110% of the total wetland area that is dredged or filled.

M. **Docks**. Each owner of a Bayfront lot with riparian rights extending to navigable waters may apply for a dock permit, subject to all applicable regulations, solely for the use of the lot owner and family members. The Resort Village Owners' Association may apply for a dock permit for one community dock on common area, subject to applicable regulations, which shall provide no more than two temporary mooring spaces and no permanent mooring spaces.

N. **Bald Eagle Management Plan**. Prior to any development on the subject property, the Applicant shall prepare and implement a bald eagle management plan for the project consistent with then applicable statutes and regulations, and said management plan shall be approved by the Florida Fish and Wildlife Conservation Commission and the U.S. Fish and Wildlife Service. Copies of the approved management plan shall be provided to Franklin County, the Apalachee Regional Planning Council, and the Department of Community Affairs. The management plan may be amended from time to time, consistent with applicable statutes and regulations.

O. **Sea Turtle Lighting Plan**. The Applicant shall prepare and implement a sea turtle compatible lighting plan for the subject property consistent with Florida's Marine Turtle Protection Act, Fla. Stat. 370.12(1), and the Model Lighting Ordinance for Marine Turtle Protection, Rule 62B-55.006, F.A.C. The lighting plan shall be approved by the Florida Fish and Wildlife Conservation Commission and the U. S. Fish and Wildlife Service prior to any development, including lights (interior or exterior), visible within the line-of-sight on the beach.

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P. **Archeological Sites.**

1. Prior to any land-clearing or ground-disturbing activities on the subject property, the Applicant shall conduct a professional archeological and historical survey meeting the requirements of Chapter 1A-46, F.A.C. The report of such survey shall be provided to the Department of State, Franklin County, the Apalachee Regional Planning Council, and the Department of Community Affairs. The Department of State shall have 20 days from the date the report is transmitted to notify the Applicant if the report indicates that significant remains are located on the subject property. If the Department of State determines that measures must be taken to avoid, minimize, or mitigate the impact of the proposed project on significant remains, the Department of State will coordinate with the Applicant to arrive at mitigation measures that will have the least possible adverse impact on the proposed development.

2. Correspondence describing earlier Regional Planning Council review of development order amendments makes reference to an earlier review of "Archeological Sites" in the area of Resort Village. However, the referenced Regional Report has not been located as of this date. If the Report is located in the future, and if the Report confirms that the subject property was the subject of a professional survey of archeological and historic sites that met the then-applicable requirements of the Department of State, the requirements of paragraph (1) above shall be deemed to have been satisfied.

Q. **Rezoning.** In accordance with Section 3B(vi) of the DRI Order, the subject property shall be rezoned as a PUD consistent with the specific plan for development approved herein. The development will be controlled by the provisions of the DRI Order and this Eleventh Amendment to the DRI Order, notwithstanding any contrary provisions of the PUD zoning ordinance.

R. **Binding Effect.** The DRI Order, and this Order, shall be binding on the Applicant, the Utility, and any successor in interest, subsequent owner or developer of the Resort Village. This Order is issued pursuant to the DRI Order and Rule 9J-2.025(10), Florida Administrative Code.

S. **Monitoring Official.** The Franklin County Planning Director is designated as the local official responsible for assuring compliance with this Development Order. The Planning Director shall maintain a complete copy of this Order and all appendices, reports, and studies submitted pursuant to this Order, for public inspection by any citizen.

T. **Biennial Report.** The Applicant shall file a biennial report on August 1st of each year for which a report is required, or a notice that no development has taken place, pursuant to Section 380.06(18), Florida Statutes. The required report or notice

shall be filed with the Franklin County Planning and Zoning Department, with copies provided to the Apalachee Regional Planning Council, the Department of Community Affairs, and other agencies specified by the Department of Community Affairs. The report or notice shall comply with the rules of the Department of Community Affairs for reports filed in accordance with Section 380.06, Florida Statutes. A report shall contain, at the minimum, the following information:

1. a summary of completed construction and a schedule of proposed construction over the remaining life of the development;
2. a summary of the proposed construction throughout the subsequent one-year period;
3. a description of any and all differences or changes made since approval of this Order; and
4. an assessment of compliance with all conditions of this Order, including status of all required reports and studies and all applications for state and federal permits.

U. **Recording of Order.** The Applicant shall record a notice of adoption of this Order in the public records of Franklin County. The notice shall specify that this Order runs with the land and is legally binding on the Applicant and its successors and/or assigns.


V. **Effective Date.** The effective date of this Development Order shall be the latest date that a party signs and acknowledges this Order.

W. **Expiration Date.** Substantial physical development in Resort Village commenced with construction of the existing hotel, utility plant, swimming pool, and pool house. Therefore, a date by which construction must being is unnecessary.

X. **Tenth Amendment and Revised Tenth Amendment Superseded.** The Tenth Amendment, adopted October 3, 1996, and the Revised Tenth Amendment adopted on March 4, 1997, are hereby superseded and replace in their entirety by this Eleventh Amendment. This Amendment shall also supersede any conflicting provision of the 1977 DRI Development Order or any amendment thereto.

DONE AND ORDERED THIS 7th day of September, 2004.

SGI LIMITED PARTNERSHIP
By: PHIPPS VENTURES, INC.
General Partner



Vice President

FRANKLIN COUNTY BOARD
OF COUNTY COMMISSIONERS



Chairman

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ATTEST:

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Clerk

I HEREBY CERTIFY that copies of this amendment to the St. George Island Development Order have been mailed to the following parties this 7th day of Sept., 2004.

Department of Community Affairs
Apalachee Regional Planning Council
SGI Limited Partnership

