



**Facts & Legal Justifications for
Special Magistrate to DENY Approval
for
Proposed Hot Mix Asphalt Plant
Property
Walton County/Freeport FL**

Protect the Emerald Coast Alliance, Inc
(PECA)-501(c)(4) Corporation

Alliance Opening Statement

- Reasonable people, equally well informed, will come to the same conclusion—the HMA plant should not be approved for the proposed location
- Provided herein **fact backed, Walton County code supported and Common Sense reasons** to justify The Magistrate **not** approve the project and direct Walton County to negotiate with the owners to find a **compatible** use for this portion of the parcel/property--reflecting the reality of Walton County 2025 and beyond
- **Bottom line up front:** Do not approve the project for multiple reasons– supported by the Walton County code -- reasons **not** restricted by SB 180, deny based on:
 - 1) Zoning conflicts/documentated County plan errors and shortfalls all highlight the many facets of this project's **incompatibility**
 - 2) Critical and unacceptable safety and major liability **risks** with the road/proposed project operations for Walton County
 - 3) Serious and valid environmental **risks** for the people and future of Walton County

We've heard the
'Rule of Law'
invoked:

Frequently the phrase is a shorthand expression to encourage support for “*whatever happens to be the [political] agenda of the speaker.*”

- Justice Anthony Kennedy, “the ‘term rule of law’ is often invoked yet seldom defined.”
- “‘nothing less than the rule of **reason**’ *balanced by considerations of equity* so that **just** results may be achieved in particular cases.” Justice O’Connor (from Aristotle)
- Per the Walton County Land Development Code, the Future Land Use Plan, Florida Case Law and common sense, **not every and any possible** use for applicable zoning must be approved
- IF this was not the case, **fact**, there would be no reason for a Planning Commission, Special Magistrate/Administrative Law Judge, and no reason for a Board of County Commissioner hearings or approvals!



- **#1:** Walton County Seal stands for Pride, Preservation, and Conservation, 'which embody the community's commitment to maintaining a safe and beautiful environment'
- **#2:** "Walton County Future Land Use: GOAL L-1: **PROVIDE FOR A HIGH QUALITY OF LIFE** BY PLANNING FOR POPULATION GROWTH, DEVELOPMENT, AND REDEVELOPMENT IN A MANNER THAT MAINTAINS THE **UNIQUE CHARACTER** AREAS OF WALTON COUNTY AND IS CONSISTENT WITH THE FINANCIALLY SUSTAINABLE PROVISION OF INFRASTRUCTURE, **THE PROTECTION OF RESIDENTIAL NEIGHBORHOODS, AND NATURAL RESOURCES.**"
- Protect the Emerald Coast Alliance mission and vision align **perfectly** with **#1/#2** : Walton County's Motto *and* Land Use Goal L-1
 - **The proposed project if approved as planned does not support County Culture or Land Use Goal L-1!**

DPZ 2040 Study funded by Walton County BCC

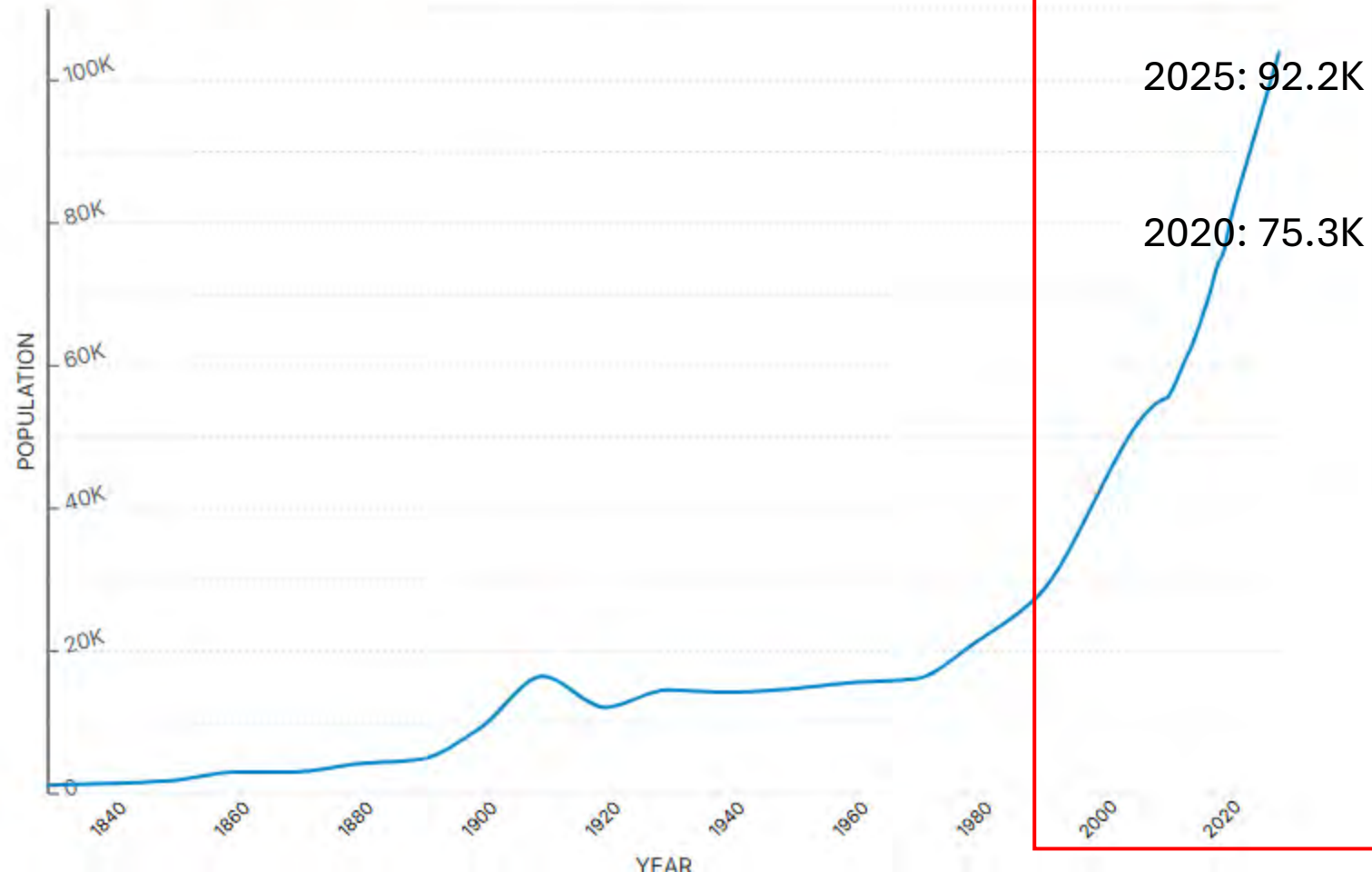
- Critical to evaluate this project in a wider view given the fact the DPZ 2040 Study –by Walton County’s Team of Land Use Experts clearly stated:
- “Current zoning is neither adequate nor refined enough to accommodate [this] growth sustainably.”
- DPZ 2040 documented the land use/future land use has failed to keep up with the **explosive growth** for our area and current allowable heavy industrial zoning land for proposed plant-- located immediately adjacent to current and planned residential developments is a perfect example of this failure potentially allowing a totally incompatible project

Walton County Population

By Population By Age By Growth Rate

Walton County Population

Data after 2023 is projected based on recent change



**Explosive Growth to include:
2024: 5.3M visitors --
on average 110K/week!**

Walton County Zoning Summary- ‘haphazard’ and ‘unusual’ DPZ 2040 Lead Planner-16 July 2025



DPZ 2040:

“Rapid growth has exposed **weaknesses in the County’s existing zoning** framework.

Many citizens have expressed concerns about the pace of development, the types of projects being approved, and the overall quality of the built environment.”

“While the Comprehensive Plan’s policies represent sound intentions, the Land Development Code regulations often contradict those policies and **fail to facilitate the type of development most citizens desire.**”

Walton County Land Use: Compatibility

- **1.05.00. PURPOSE A.** The purpose of this Land Development Code is intended to enable Walton County to respond uniformly and consistently to development proposals and to promote the **health, safety, and general welfare** of the residents of Walton County; to *enhance the aesthetic quality* of the natural and built environment in the community; to *encourage the desirable use of land*; to **maintain and enhance the character of the community**, and to facilitate **quality** development in accordance with the Walton County Comprehensive Plan

Walton County Land Use: Industrial & Compatibility/ Incompatibility

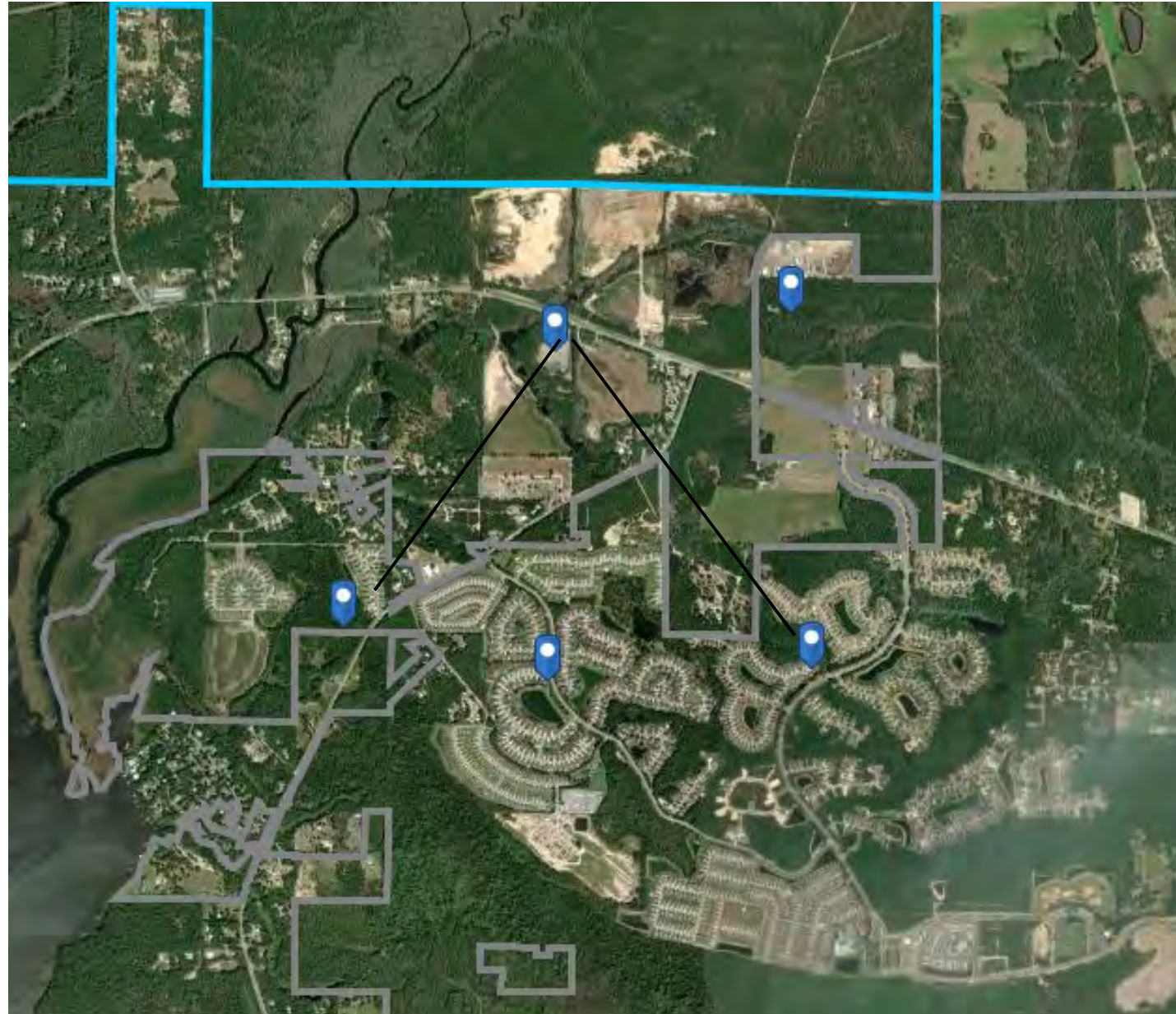
- “OBJECTIVE L-1.7: The County **shall** direct extractive and industrial uses to *appropriate areas which can support **intense** uses, provide **extensive** buffers to shield adjacent land uses, and have sufficient infrastructure.* These areas typically are **not encumbered by environmentally sensitive lands**, conservation easements, or habitats that are intended for preservation.”
- “Industrial Use subcategory. Industrial uses include a mix of heavy, medium and light industry, storage, distribution, manufacturing, fabricating or milling, warehousing, salvage yards, and other industrial activities, that by their inherent nature or by the virtue of the materials used, processes utilized, or products produced will generate noise, particulate matter, vibrations, odor, fumes, glare, or other hazards uncharacteristic of and **incompatible** with other area uses.”

Compatibility & Incompatibility

- Criteria for compatibility for HMA plant locations --based on Code(s), extensive research and **common sense**— locates them ‘away’ from all residential neighborhoods and sensitive environmental areas—
EXAMPLE: local area plants in a 50-mile radius we have visited over past few months (5) in Walton, Okaloosa, Bay county and Geneva, AL--
ALL 5 meet this criteria
- HMA plants are not located in proximity/not compatible to residential areas in **well planned** communities for multiple reasons—because the necessary operations/impact of HMA Plants as we will prove are not compatible with residential communities expected overall ‘quality of life’



~3000ft
(~400
homes) &
~6000ft
(~1,300
homes)
and open
water
proximity



In work
Kings
Crossing
(~1300
mixed use
units) and
Approved
392 Unit
Apartment
Complex

Compatibility & Incompatibility

- An HMA plant on the leased parcel-- if approved --will be located in proximity to sensitive environmental areas, on a seriously limited road and within ~1-1.5 miles of approximately 8,000+ people and ~1300-2200 Walton County* and Freeport homes--most built since 2010—the last time the former plant was operational!
- This is not the definition of **compatibility**
- This is not the kind of development **compatible** with quality neighborhoods envisioned by Walton County's Stated Values or Land Use codes
- This type of zoning shortfall is exactly the type of recurring issue which needs to be resolved, not continued, not propagated

* Walton County Property Appraiser

What's that smell?

- **FACT**

- NWS Meteorological historical wind data for area shows annual wind direction will blow S/SE toward adjacent residential areas ~90 days / year
- Asphalt production generates a strong, unpleasant smell due to the release of hydrogen sulfide and other compounds. Even at half a mile, residents may experience persistent odors, which will reduce quality of life and may cause stress or nausea.
- The goal of high-quality places to live, work and raise a family is not to continually approve additional new incompatible 'things' people just have to learn to 'put up with'

Compatibility & Incompatibility

- Contrary to what has been stated multiple times by the applicant and their representatives, the FACT is the Site has been Inactive since ~2010



Prior HMA Plant Key Fact- Cannot simply base 2025 decision on Walton County 2010!

- **FACT:**
 - FDEP permits can exist for asphalt plants even if they are not producing any product
 - Mr. Shipman was incorrect, an error of omission perhaps, in multiple venues as to the **facts** about the former plant and at the 7 May 2025 TRC since it was included in the documents he submitted to the TRC
 - “This renewal operation permit follows permit 7770142-012-AO, effective August 13, 2012. During this renewal, the permittee requested to remove Emissions Unit (EU) 003 from the permit since the facility no longer utilizes a portable RAP crushing system onsite. The facility underwent a name change in November 12, 2013 from APAC Mid-South, Inc. to Midsouth Paving, Inc.
 - **“Although the plant has been in long term reserve shutdown since March 26, 2010 the facility would like to keep the permit active.”**
- All asphalt plants had a requirement to submit reports to the FDEP until ~2018 on annual plan tonnage
 - Finding FDEP records on prior plant at the site was difficult
 - Per the records from the Asphalt Contractors Association of Florida (ACAF), **the last batch of asphalt from the site was 2010: 2,138 tons**
 - Prior years:
 - 2008: 32,709 tons
 - 2009: 37,007 tons
 - **2010: 2,138 tons**
 - 2012: 0
 - 2017: 0
 - 2018: 0

Site History / Links / Virtual Tour- photographic evidence

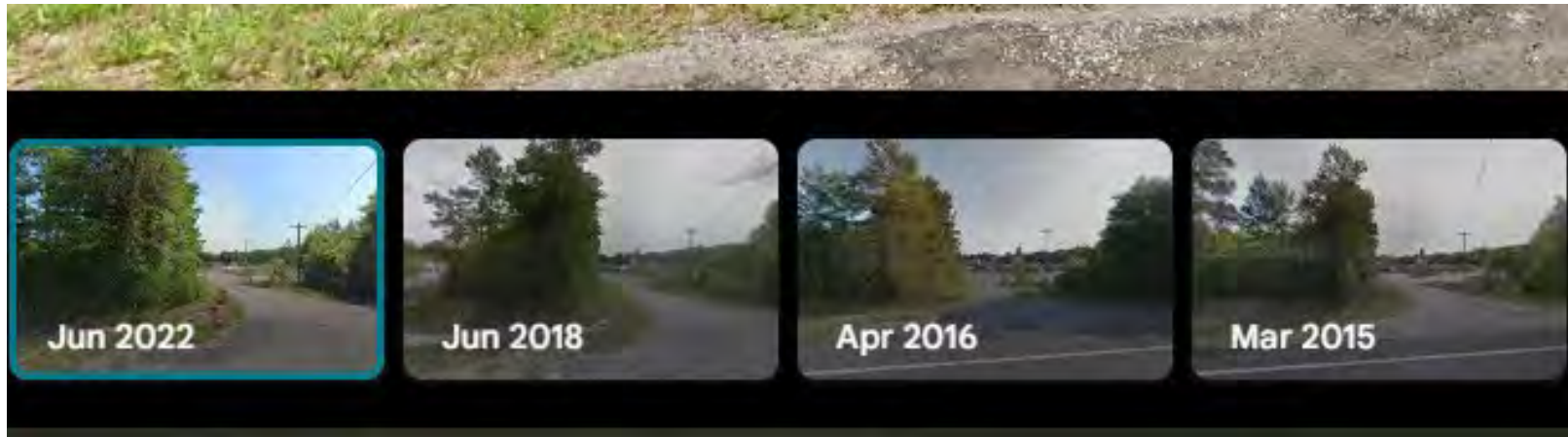
Google Maps

https://www.google.com/maps/@30.5111767,-86.1746143,3a,75y,183.94h,99.8t/data=!3m8!1e1!3m6!1si59laQrfiJQj88wci4dgqA!2e0!5s20160401T000000!6shhttps:%2F%2Fstreetviewpixels-pa.googleapis.com%2Fv1%2Fthumbnail%3Fcb_client%3Dmaps_sv.tactile%26w%3D900%26h%3D600%26pitch%3D-9.801761097764924%26panoid%3Di59laQrfiJQj88wci4dgqA%26yaw%3D183.94247940847114!7i13312!8i6656?hl=en&entry=ttu&g_ep=EgoyMDI1MDcyNy4wIjKXMDSOASAFQAw%3D%3D

Property Appraiser Eagle View: 2023:

<https://beacon.schneidercorp.com/Application.aspx?AppID=835&LayerID=15172&PageTypeID=4&PageID=12523&KeyValue=07-1S-19-23000-001-0000>

From Google Maps Link:



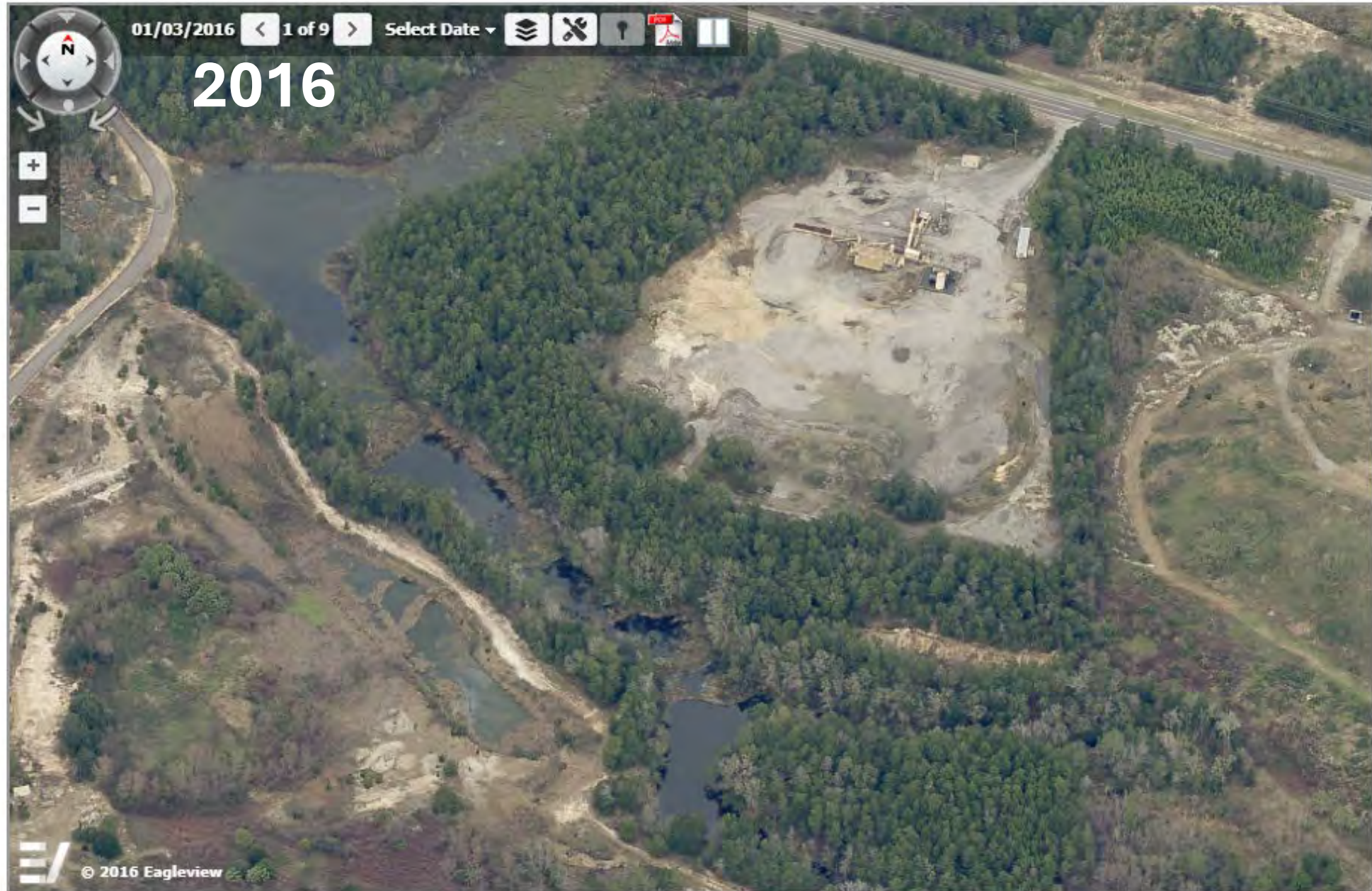
2011-Long term reserve





2015-Clearly in disrepair still in long term reserve





#8: 2018-broken down, rusting hulk of an asphalt plant-producing...only Iron Oxide...



Conditional VS Use by Right- The Code is Conflicted

- The **Comprehensive Plan** is very clear. In the *Future Land Use Element, Objective L-1.7 (B. Industrial Use Subcategory, Special Considerations)*, it states:
- “Heavy industrial uses shall be **conditional** uses reviewed as a major development, regardless of size, and subject to criteria that address compatibility concerns... Heavy industrial uses include salvage yards, construction and processing plants, asphalt and concrete plants...” (Walton County Comprehensive Plan, p. 16 of 70, amended 2021).
- There is no ambiguity here. Asphalt and concrete plants are specifically named as heavy industrial uses, and heavy industrial uses are required to be **conditional uses subject to full review**.

Conditional vs Use by Right- The Code is Conflicted

- The Land Development Code, however, does not reflect this conditional use.
- In the *Table of Permitted Uses* (Walton County LDC, Ch. 2, Future Land Use Element, p. 89), “Heavy Industrial” is shown as a primary permitted use, not a conditional use.
- In addition, each zoning district in the LDC includes a Section “(d) Conditional Uses Allowed.” Some, such as Large-Scale Agriculture (LSA), list multiple conditional uses; others list very few.
- Yet in the *Heavy Industrial* district, Section (d) is completely blank. This directly contradicts Objective L-1.7 of the Comprehensive Plan, which requires asphalt plants and all heavy industrial uses to be conditional.

Conditional vs Use by Right- The Code is Conflicted

- The conflict is underscored further in *Walton County LDC §2.03.00, Categories of Primary Uses* (p. 87), where “asphalt and concrete plants” are specifically identified as heavy industrial uses. At a minimum, these uses should be listed under “Conditional Uses Allowed” in the Heavy Industrial district to bring the LDC into alignment with the Comprehensive Plan.
- Florida law also reinforces this. **§163.3194(1)(b), F.S.** requires that “all land development regulations... and any development permitted by such regulations shall be consistent with the adopted comprehensive plan.” Likewise, **§163.3202, F.S.** requires each local government to adopt land development regulations that implement the Comprehensive Plan.
- If the LDC allows asphalt plants as permitted uses, while the Comprehensive Plan requires them to be conditional uses, the County risks noncompliance with state law.

Conditional vs Use by Right- The Code is Conflicted

- Comprehensive Plan explicitly requires asphalt plants to be reviewed as conditional uses by the Board of Adjustments (BOA), while the LDC currently treats them as permitted uses.
- This is a major inconsistency and a fatal flaw in the current review process.
- If the asphalt plant is processed as a permitted use without the conditional use review required by the Comprehensive Plan, any approval will be open to legal challenge.

Proposed Site
a ~15 acre portion
includes ~1.53
acre wetlands of
~116 acre
parcel/south side
of Hwy 20
30 July 2024



One year later: This is a documented example of the kind of environmental stewardship we can expect from the site owners: the site-no stormwater control, no runoff control, no erosion control



Question: June 2022- Good (Legal?) Stewards of the land? What was permitted to be done at this site in 2022? And by whom? What permits were in place? Were any stormwater ponds in place, being inspected, actively monitored? Most current ERP Permit we found dated 16 Jan 2025.





Nov 2023:
Same
questions?
??

Aggregate Key Facts

- **FACT:**
 - The applicant said at the TRC 7 May 2025 they would not be doing any crushing on site yet:
 - Yet it is common practice for Asphalt Producers to crush old asphalt millings and debris to recycle it to the correct gradation
 - This is noisy, and creates large quantities of fugitive dust not captured by the process-the dust is a hazard to people and waterways
 - Clear multiple evidence already of millings deposited on the site
- **FACT**
 - If there are no millings to be used at all—as stated by the applicant (ever?), the applicant must truck in virgin aggregate—~one truck load in for every truck load of HMA out
 - Most logical and cost-effective source for virgin aggregate? is the Freeport Terminal via barge, which will require additional 70-80 ton trucks moving from the Terminal, thru Freeport, to the proposed site on a daily basis
 - For every mile of standard roadway, there are ~33-35 trucks required full of asphalt out, and 33-35 trucks of aggregate into the site
 - When working a paving operation, the work is not done piecemeal, it is done as compact in time as possible to minimize costs, this means for most jobs multiple trucks will be lined up and be going in and out of the proposed site



March 2025-millings on site?
-an observation

Price of Asphalt & Lights Questions?

- **FACT:**

- The applicant's engineering representative **and** the County Chair of the TRC said at the TRC 7 May 2025 if the proposed plant was approved, the county would be able to 'get a better price on asphalt'
- **How could they or anyone possibly know this?** There are two other major, well established asphalt companies with 4 sites less than ~45 miles of the proposed site all bidding on local/state government and commercial projects on a regular basis!

- **BEGS THE QUESTIONS:**

- Is the site approval of this site somehow connected to the County having an agreement or understanding the public is not privy to, with the Applicant or its agents, to be able to under-bid other local commercial companies by buying asphalt from the applicant and not taking into account the overhead cost of using county owned trucks, county owned heavy equipment, county owned vehicle maintenance and overhaul, county employee overhead benefits to perform county run paving operations?
- Does the applicant intend to get around nighttime operations restrictions by having 'temporary lights' and have the County pave County roads at night using their asphalt?

~70,000 pound
(when loaded)
Walton County
truck about to be
loaded at Southeast
Construction plant
in Geneva, AL



Environmental Risks

- The risks associated with the location of the proposed plant conflicts with Walton County's policies for wetland protection and conservation, as outlined in the Walton County Comprehensive Plan.
- “Policy I-5.1.7 requires that non-residential developments involving hazardous materials ensure **no harm to the environment**”
- **Risk** represented by the proposed plant will by the nature of its operations– violate Policy I-5.1.7. The plant/location is **not compatible** with this policy.

Comprehensive Plan:

- **#13:** Objective I-4.2: Walton County shall improve its ability to manage stormwater to minimize the degradation of surface water. Page 11 of WALTON COUNTY COMPREHENSIVE PLAN POLICY DOCUMENT| INFRASTRUCTURE ELEMENT AMENDED 11/13/2018
Policy I-4.2.1: Walton County shall maintain and improve the design standards, construction, and maintenance requirements of all stormwater retention/detention systems and ensure compliance with these requirements to **prevent degradation of receiving surface water bodies.**
- This objective pre-dates any possible restriction placed by SB-180!

Comprehensive Plan:

- Policy I-1.6.6: Industries and other businesses that use, sell, trade or generate hazardous waste or materials **shall** be sited, designed, operated and monitored to ensure that no hazardous materials or waste degrade groundwater or surface waters. Each business of this type shall prepare a spill containment, cleanup and reporting plan as required by state or federal law.
- *Why would we approve a project- with operations on a daily basis adding risk to our already impaired water ecosystem?*

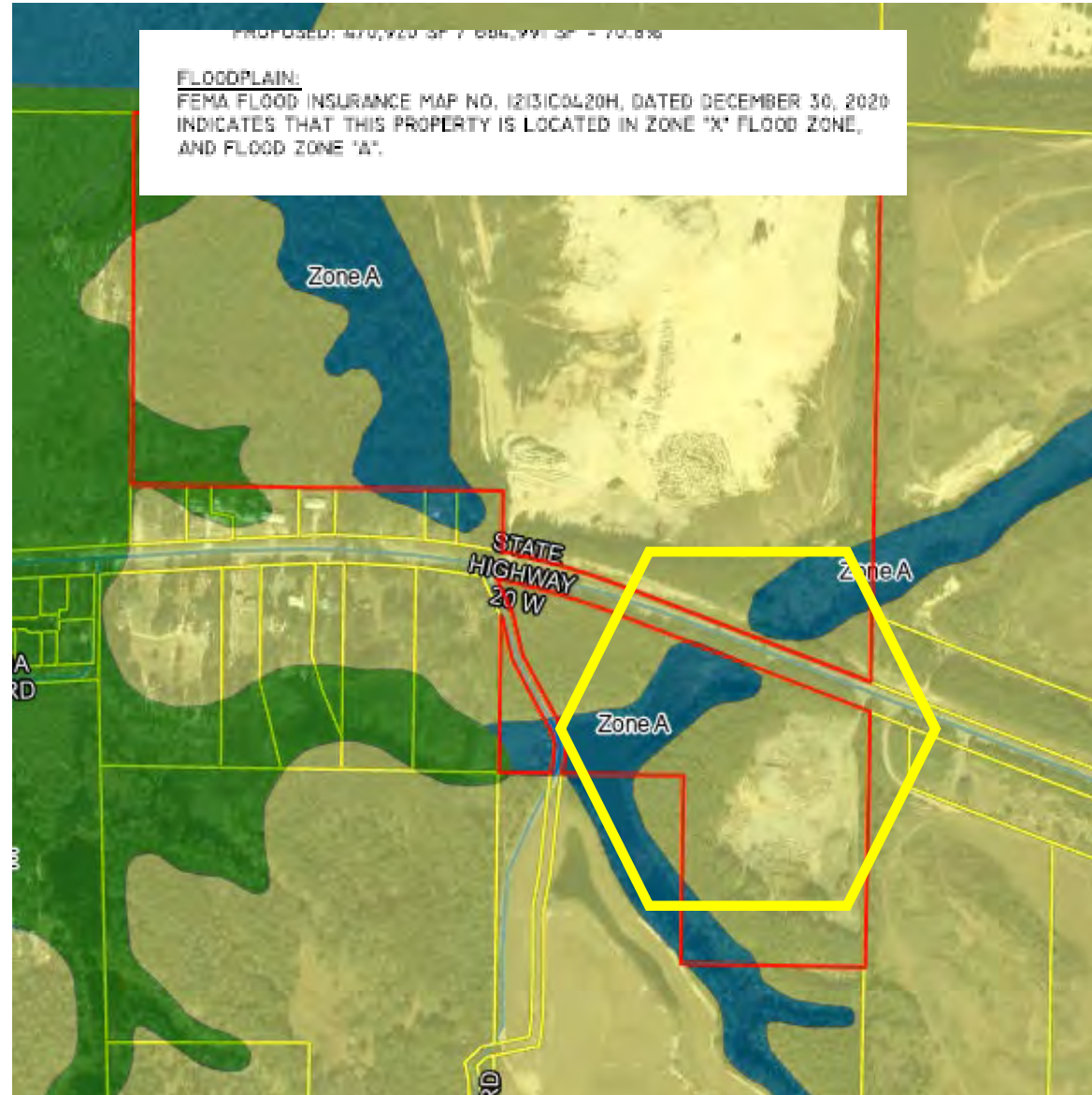
Comprehensive Plan:

- Yet--Environmentally Significant Wetlands means those wetlands located within 300 feet of the mean high-water line of the following water bodies and their tributaries:
- Choctawhatchee Bay
- Shoal River
- Choctawhatchee River
- Intracoastal Waterway
- Bruce Creek
- Seven Runs Creek
- Lafayette Creek
- Morrison Springs
- Alaqua Creek

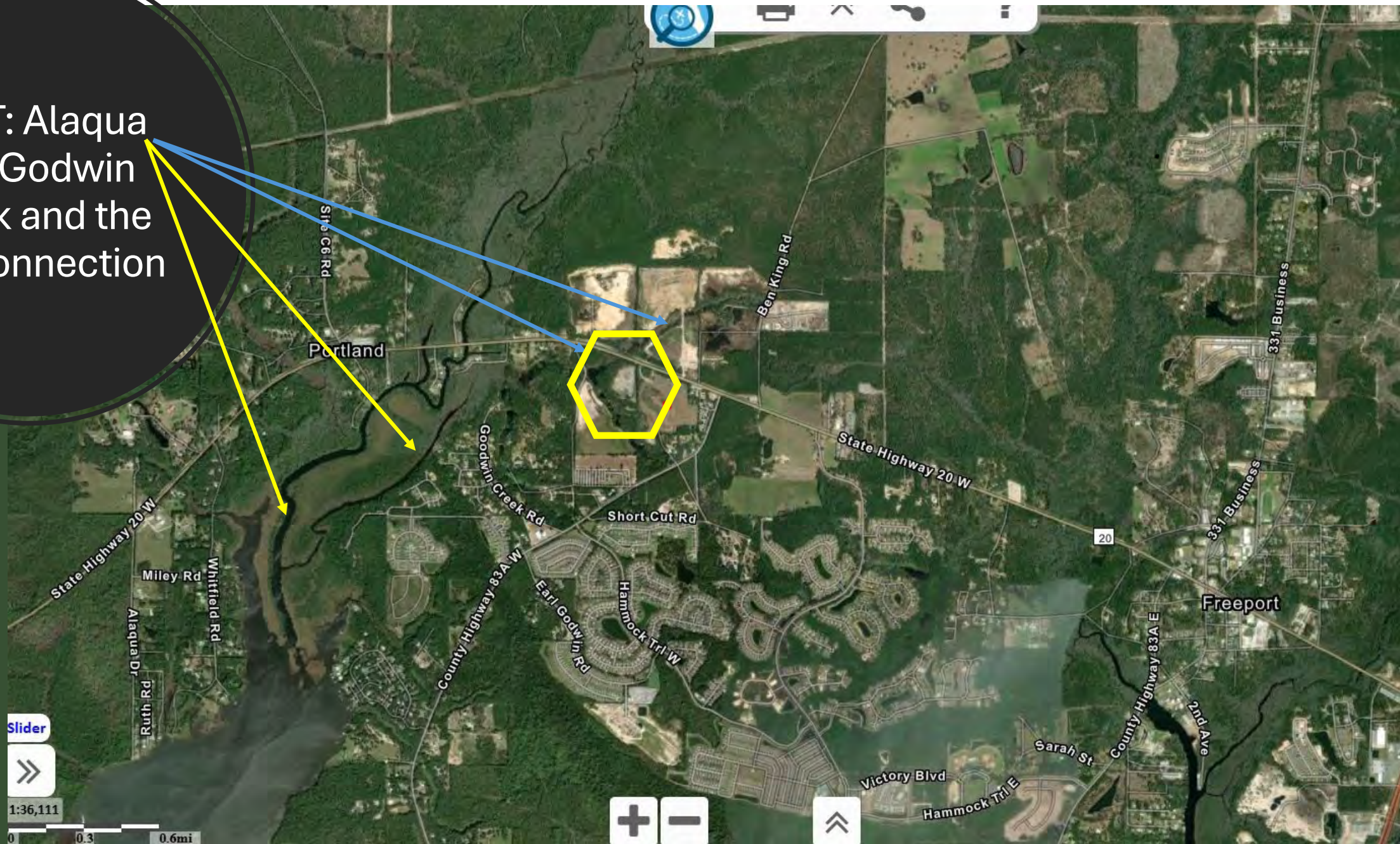
FACT:

Portions of site
In/adjacent Flood
Zone A

100 year special
flood area: Walton
County Property
Appraiser and
Applicant Site Plan-
Yet County does not
see this as a
concern on project
report?



FACT: Alaquá
and Godwin
Creek and the
Bay connection



Environmental Facts-Water

- **FACT**
 - Alaqua Creek proximity- **significant**—it is a navigable water under USACE jurisdiction (Rivers and Harbors Act, Section 10).
 - Alaqua Creek flows to Alaqua Bayou then to Choctawhatchee Bay
 - Godwin Creek flows into Alaqua Creek
 - Godwin Creek flows around and past the proposed HMA Plant site
- **FACT**
 - Alaqua Creek, Alaqua Bayou and its tributaries and Choctawhatchee Bay according to the 3000+ page Walton County Watershed Plan and TDML (Total Daily Maximum Loads)- **- are already impaired**
 - *“the interconnectedness of water bodies will require a more integrated solution to resolve water quantity and quality issues. **Making thoughtful, long-term decisions** will be important because infrastructure and development typically have an expected life cycle of at least 50 years or more.”*
- **FACT**
 - EPA Permit stated the requirement for Army Corp of Engineer permit clearly stated—status? Could find no evidence of this COE permit.

Comprehensive Plan: Environmental Risk?

- Objective 1-1.6: Surface and Groundwater Protection In order to protect water quality, the County shall protect all its surface waters and ground waters from the intrusion of pollutants as well as saltwater intrusion that would lower water quality below the Florida Department of Environmental Protection (FDEP) current standards. Throughout the planning period, this **shall** be accomplished through regulation of land uses, intergovernmental coordination mechanisms with utility providers and the NWFWMD, and **eliminating** stormwater pollution into surface waters.

Environmental Facts-Gray Area: Impaired waterways

Water Quality Assessments, TMDLs, and BMAPs

Legend

Alternative Restoration Plans

- Pollutant Reduction Plan
- Reasonable Assurance Plan
- Bacteria Pollution Control Plan

Florida Total Maximum Daily Load (TMDL)

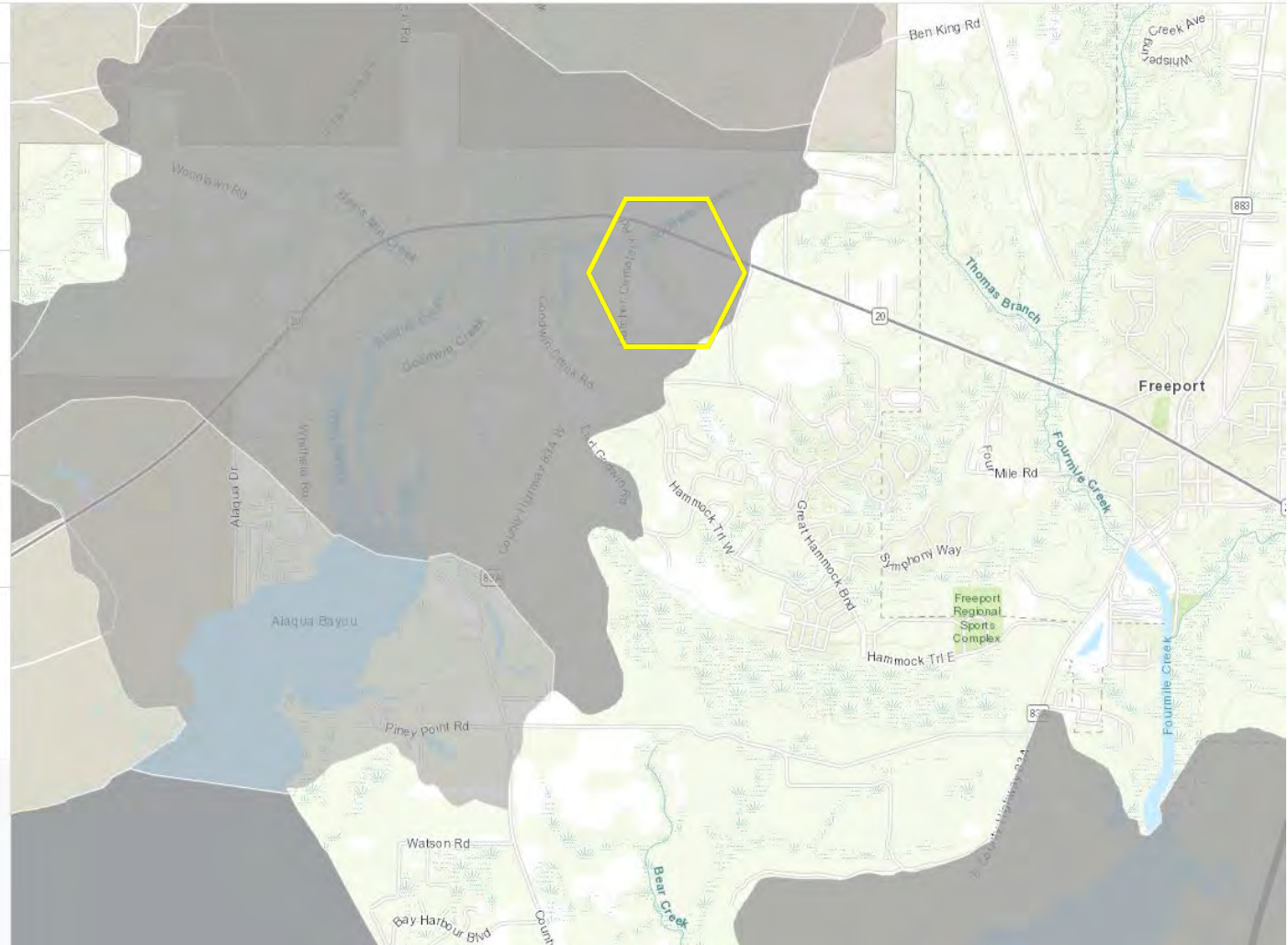
- TMDLs Adopted
- TMDLs Adopted
- TMDL Activities In Progress
- TMDL Activities In Progress

Waters Not Attaining Standards (WNAS)



Statewide Basin Management Action Plan (BMAP) General Areas - Statewide BMAP General Areas

- Adopted BMAPs
- Under Development



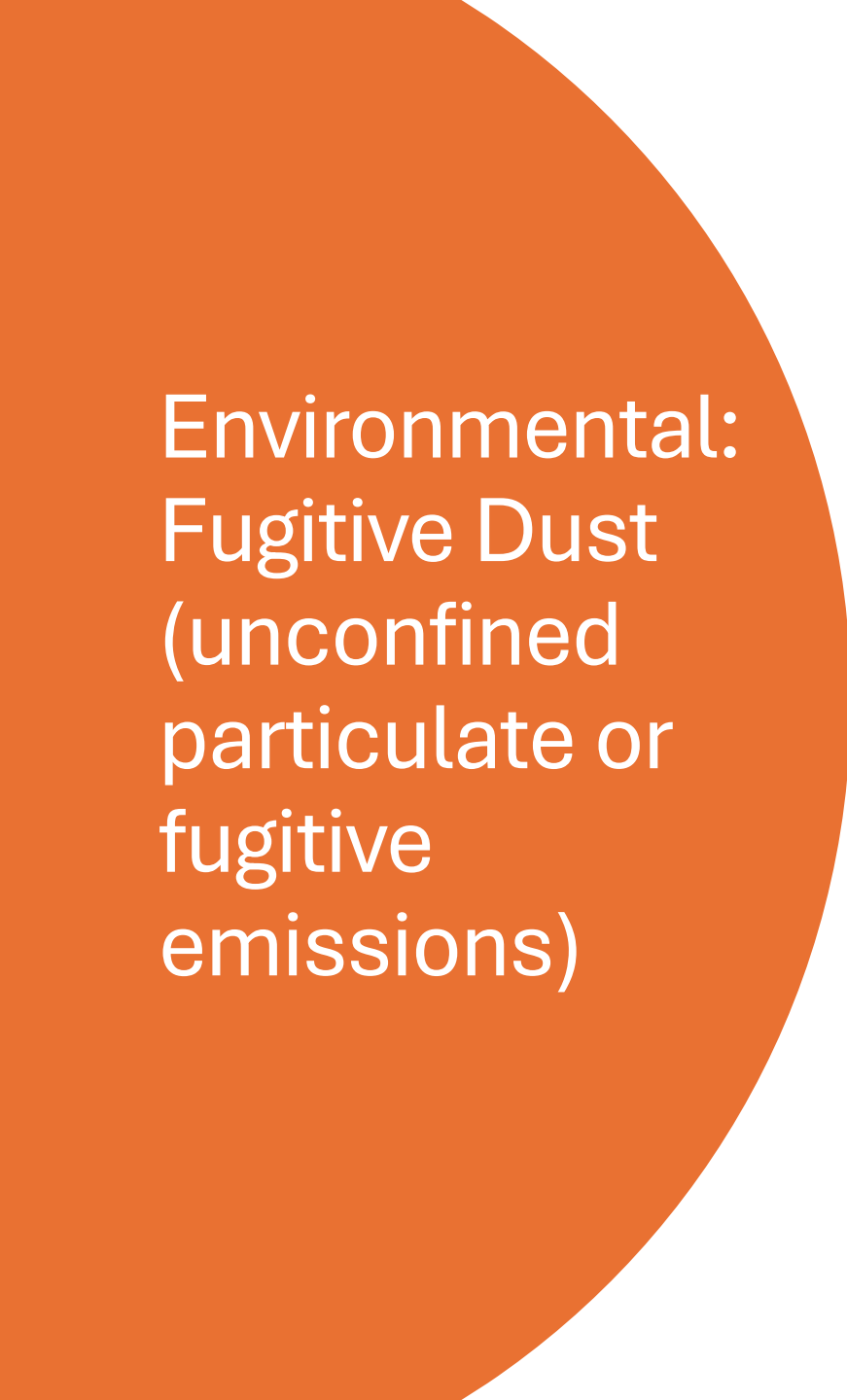


Environmental Concerns- County found 'no environmental impacts proposed?'

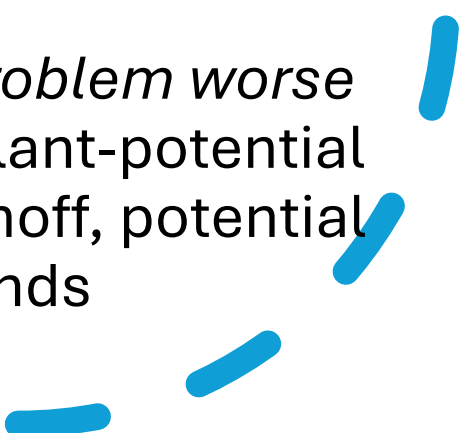
- Given the real and potential impact this proposed HMA Plant will and could have for our area, it is almost **inconceivable** the Environmental Assessment (EA) has determined:
 - “According to the EA, the site contains 1.53 +/- acres of wetlands or other surface waters jurisdictional to FDEP, NWFWMMD or USACE. **No impacts are proposed.**”
- Stormwater Review Comment: “The proposed stormwater management facilities will discharge into the onsite wetlands.”
- **It is our hope the Magistrate and the review of this site/area, has greater wisdom than to accept this ‘no impacts proposed’ conclusion as factual and accurate!**

Environmental Assessment Phase 1 and Phase 2 requested/ required?

- Prior HMA Plant operated from ~1988-2010
- Based on documents from EPA Permits and fact-finding interviews and ACAF data we know it **ceased ops in 2010**
- Where is the detailed environmental soil assessment for the 2025 state of the site review for residual toxins and hazardous soil contamination which may have occurred during the earlier operation of the plant?
 - Applicant Engineer stated they removed the fuel storage tank which was on the site—sitting (unused?) for 15 years
 - Applicant Environmental Review said ‘he had no knowledge of the site’s history’ at the Planning Commission. How can you properly do all the due diligence needed to determine additional risk of an asphalt plant now knowing the potential for industrial contamination?
 - Issue does the very brief hazardous substances assessment clearly overlook contamination risks given the sites industrial history?
 - A Phase 1 Environmental Assessment (EA) should be conducted at the site at the Applicants expense
- Pending results a Phase II should/could be required

A large orange circle on the left side of the slide, partially cut off by the edge.

Environmental: Fugitive Dust (unconfined particulate or fugitive emissions)

- HMA Plants no matter how well run will create consistent and significant amounts of ‘fugitive dust’- just the nature of the operation—this fugitive dust will find its way to the adjacent waterways (and neighborhoods) which is why they not compatible in close proximity to residential and waterway areas
 - Plants do not have practical or economical ways to capture fugitive dust-from daily operations--it will be an issue
 - High potential to *make an existing problem worse* with approval of proposed asphalt plant-potential fugitive dust, potential additional runoff, potential issues with stormwater retention ponds
- 
- A series of blue brushstroke-like lines in the bottom right corner of the slide.

Additional Environmental Concerns & Risks

- **Wetlands and Water Quality**
- The factor used for soil analysis Curve Number 72 while one possible number, must be noted takes into account the entire site to include the wetlands, etc.
 - The soil CN value for millings and the area compacted by 70k+ lb trucks and necessary aggregate operations on the proposed site should be much higher, closer to 100 for impervious surfaces
 - We already have documentation of standing water on the site after recent rain events-compacted areas will expand if approved and applicant and legal team tell us there is a concrete pad on site
- Past 20 years, our area has had **50** Flash Flood calls by the National Weather Service on 24 different days
 - When they happen, it will likely overwhelm the 25-year designed storm event (~6 inches/24 hour period) retention ponds and the ponds and all of the 'stuff' will flow into the creeks and bay
 - Unlined and/or improperly built/maintained retention ponds will leach into the groundwater/shallow aquifer as well as flow to the creeks and bay

**Another Example of the Kind of Environmental Stewardship We
Can Expect for the Site?**



Air Quality Facts-despite EPAs 2022 'finding' vs Risk?

- **FACT**

- HMA plants in heating and production of asphalt emit volatile organic compounds (VOCs)-that is what 'bitumen' is, as well as greenhouse gasses, particulate matter (PM), carbon monoxide (CO), nitrogen oxides (NOx), sulfur dioxide (SO2), and hydrogen sulfide (H2S), which are standard 'allowable' emissions from hot mix asphalt (HMA) production—however it is documented these can/will be an issue for 'at risk portions' of the local population
- Unfortunately allowable emission levels are part of HMA plant operations even when in close-proximity to residential areas
- It is expected a well-run plant will limit emissions year-round to those allowed by various laws, regulations, etc.
- There have been and always will be many 'allowable' by law emissions, products, etc. just not good for human beings
- Why would reasonable people accept and approve this new risk in proximity to so many residents?

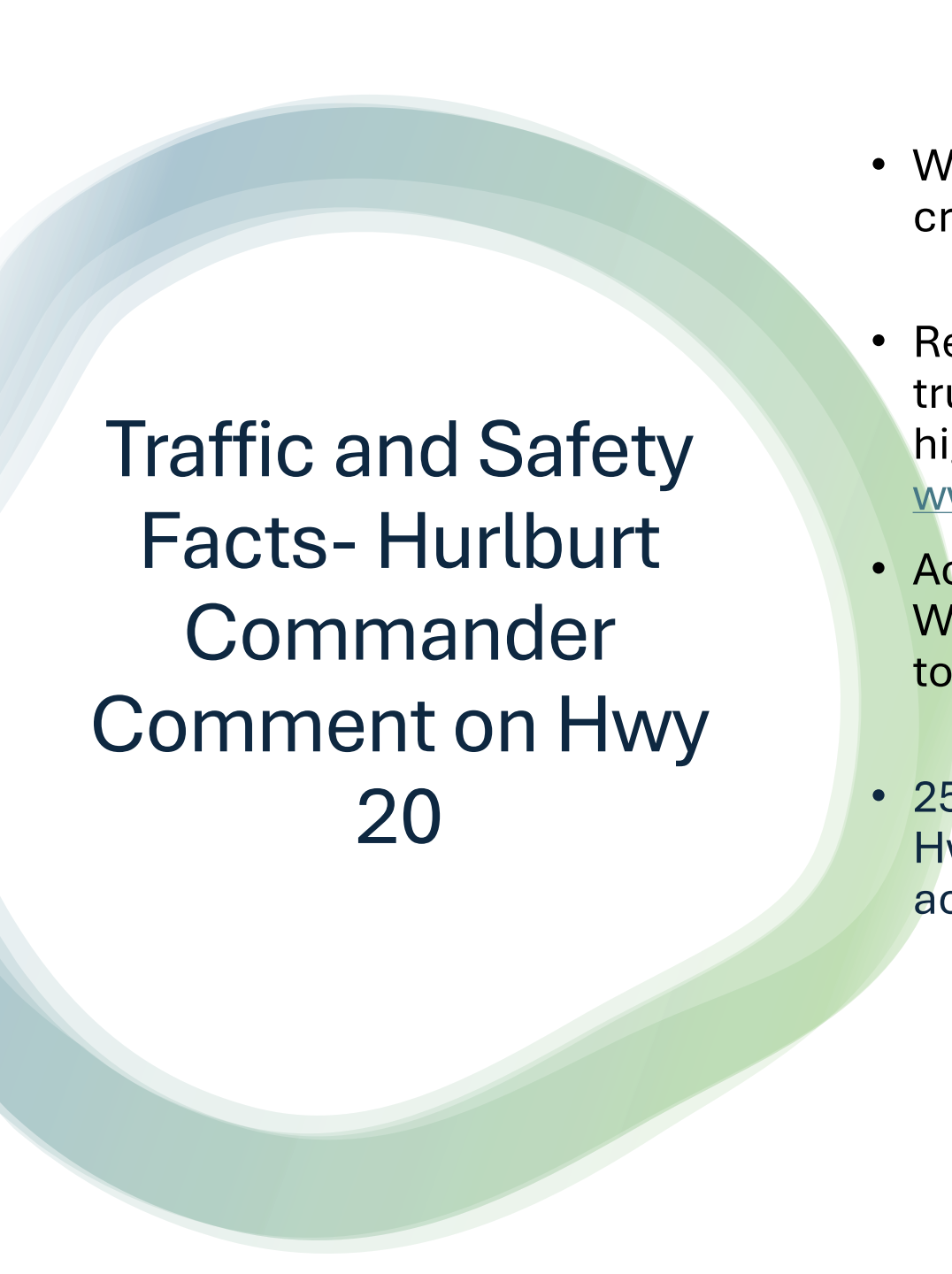
#20: Air Quality and Health Risk Facts

- **FACT**
- Agency for Toxic Substances and Disease Registry (ATSDR) found that hydrogen sulfide (H₂S) emissions from asphalt operations in or near residential areas occasionally exceed odor thresholds, leading to irritation and potential health effects. www.flhsmv.gov
- Vulnerable populations—children, the elderly, and those with pre-existing conditions like heart or lung disease—face amplified dangers, as emissions can exacerbate conditions and trigger anxiety, rapid heart rates, and sweating from persistent odors
- Why would reasonable people accept and approve this new risk in proximity to so many residents?



Traffic and Safety Facts

- We could write a book on the issues we continue to add to the long list of Highway 20 areas for significant improvement
- Hwy 20 road-side memorials-count them as your drive west (13)
- Anyone in this room been passed on Hwy 20 west of Freeport by someone going 70 or 80 or 90 mph?
- Recent info from Freeport--currently 22 new development order applications under review in Freeport.
 - 5 new planned development projects will provide over 10,000 single-family residential units, 536 townhomes, 590 apartments, and 1,126 multifamily units
- County population with visitors regularly exceeds 200k people
- Yet...the County TRC Staff Report dedicated a **total** of 6 lines of text to the road safety for the proposed plant on Hwy 20, pulling the information from the applicant's report



Traffic and Safety Facts- Hurlburt Commander Comment on Hwy 20

- Walton County ranked among the top 10 in Florida for fatal crashes per 10,000 residents. www.yahoo.com
- Research indicates that the odds of passing failure for large trucks (e.g., over 70 tons) on two-lane roads are 2–6 times higher than for standard vehicles, heightening crash risks. www.data.dailycomet.com
- Accidents on SR 20 have escalated to the point where the Walton County Sheriff's Office increased patrols in early 2024 to address rising dangers from busier traffic
- 25 March: Military Installation Commander Lunch: Regarding Hwy 20 issues after several road-blocks for hours due to accidents:
 - Concerns over access for priority alerts/recalls/mission readiness
 - “The only wrong answer is to do nothing.” Col Patrick Dierig

Traffic and Safety –

Two-month period Jan/Feb 2024:
accident every other day on
average! “The growth also means
many more people on State Route
20 – many of them speeding, driving
distracted and performing
dangerous maneuvers on the road.”
Mid Bay News: 2/29/2024

Accidents on State Route 20 escalate, demanding attention as commuters face rising dangers. Authorities step up traffic enforcement, but the road's popularity and the influx of drivers pose persistent challenges to safety.



The stretch of State Route 20 between Niceville and Freeport continues to prove itself as one of the most dangerous commuter conduits in the Mid Bay area.



Hwy 20—
numbers do not
tell the whole
story-note the
speed limit-60
mph & blind
curve/rise prior to
the site – and
remember 70,000
pound trucks, as
many as 100
additional or more
a day



Traffic and Safety Specifics & Facts

- Introduce Dr. Buckholz
- Dr. Jeffrey W. Buckholz; PhD: Professional Traffic Engineer; 47 years professional experience.
- Court certified expert witness in the field of traffic engineering
- 100s of trip generation analyses and traffic studies across state of Florida
- Resume/CV available



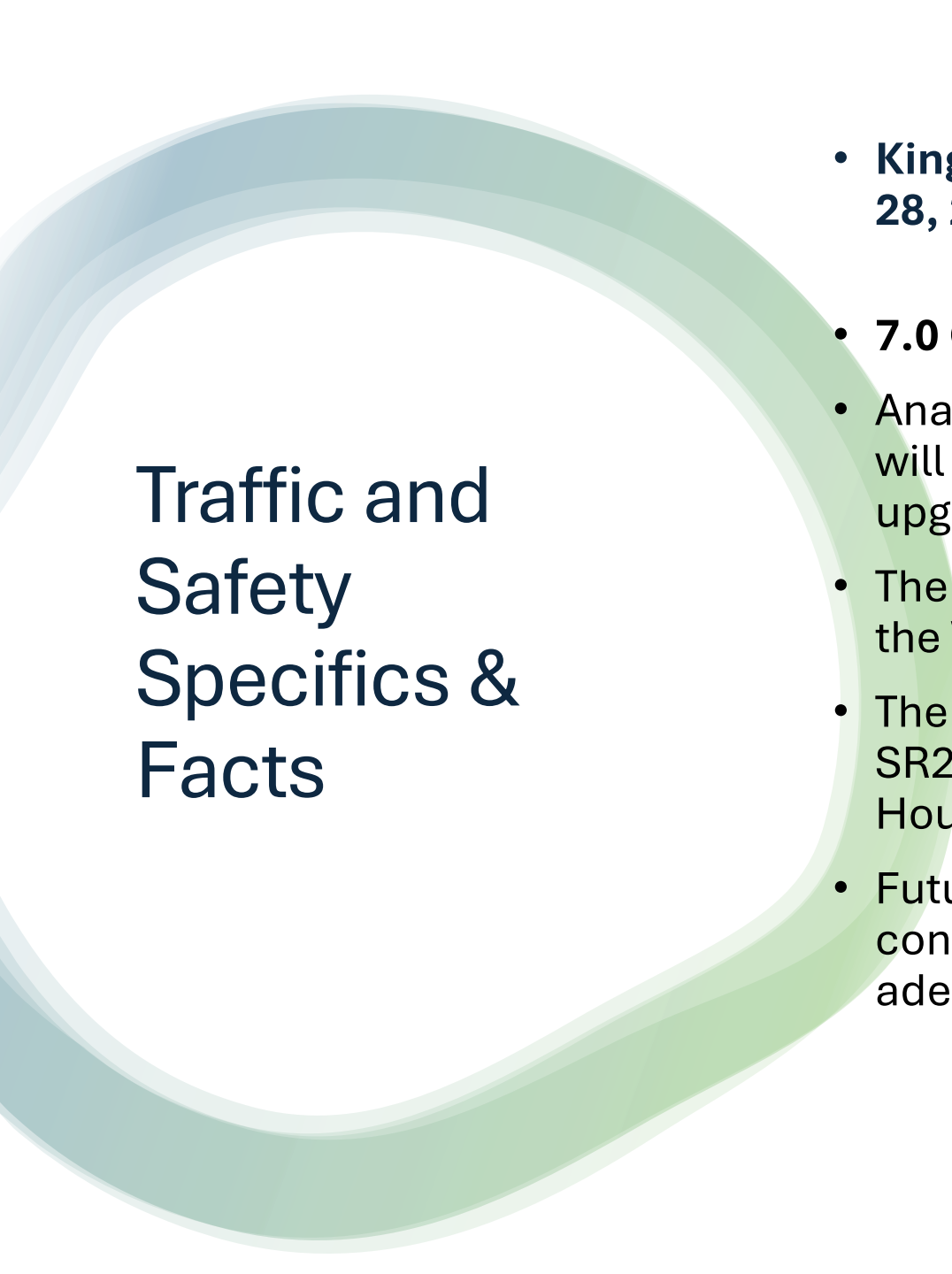
Traffic and Safety Specifics & Facts

- Ignored critical morning peak hour in calculations
- Current 2025 (or late 2024) traffic counts not utilized and counts taken were ~1 mile from proposed site driveway
- It is typical when completing a traffic study to grow existing background traffic counts to the design year - and then to add in any known developments that will be open by the design year but have not yet been constructed. This was not done
- The 1/21/2025 Lease Agreement for the asphalt plant suggests 10 years of future operation so a design year 5 years into the future (such as 2030) would be a reasonable choice
- A linear regression analysis of recent FDOT traffic counts indicates that traffic along SR 20 has been growing at a rather high average annual rate of almost 6% over recent years



Traffic and Safety Specifics & Facts

- Future traffic from other developments that will use SR 20 was **not** considered in the Baker traffic report
 - Kings Crossing: 1291 units and 250,000 sq ft commercial
 - Patterson Apartment Complex: 392 units/44,000 sq ft retail



Traffic and Safety Specifics & Facts

- **Kings Crossing Conclusion: McNeil-Carrol Engineering: June 28, 2024**
- **7.0 Conclusion**
- Analysis of the long-term planning timeframe shows that SR20 will fail in its current design and will eventually need to be upgraded to a four-lane corridor.
- The resources for this improvement will be collected through the Walton County Mobility Fee of permitted developments.
- The long term analysis also indicates the US 331 segment from SR20 to Black Creek Highway will most likely fail in the Peak Hour condition.
- Future traffic studies of proposed developments will need to conduct a detailed analysis of Hwy 331 and SR20 to ensure adequate level of service.



Traffic and Safety Specifics & Facts

- Trip Generation for the 15-acre asphalt plant was calculated in the Baker traffic report using ITE (Institute of Transportation Engineers) trip rates associated with a Manufacturing Facility (Land Use Code 140) and using 18,000 square feet of “building area” as the independent variable.
- The average “building size” for ITE’s LUC 140 count sample is 142,000 square feet, much larger than the 18,000 square feet used by Baker Engineering for this asphalt facility. On the other hand, the average number of “acres” for LUC 140 is 17, which is very close to the 15 acres for this facility - suggesting that acres is the more appropriate independent variable for the case at hand.
- Multiplying the 4.99 trips per acre ITE trip rate by 15 acres produces a total of **74 weekday PM** peak hour trips, **which is much greater than the 13 trips used in the Baker traffic report**



Traffic and Safety Specifics & Facts

- Since an asphalt plant is a specialized industrial use that is very identifiable and can be easily counted, the most accurate method for determining the trip generation of such a facility would be to simply count a few similar facilities.
- This is much preferred to using rates from an inapplicable ITE Land Use Code. A count of at least three similar asphalt batch plant sites would be in order. This was not done.



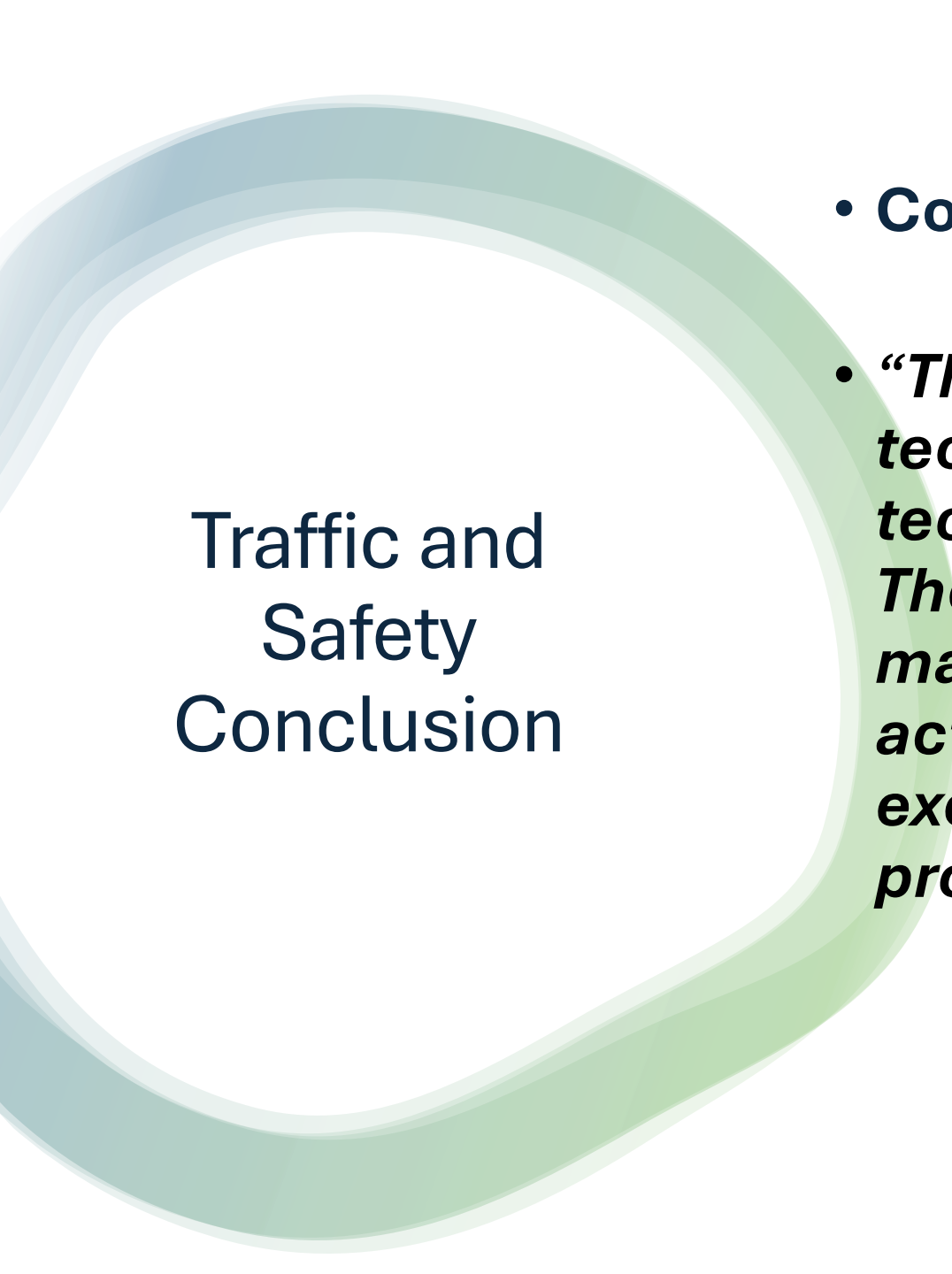
Traffic and Safety Specifics & Facts

- The **most** important traffic access question for this development is: “Will the development produce enough traffic to warrant an exclusive left turn lane on SR 20.” Exclusive left turn lanes provide very important traffic capacity and traffic safety benefits and to ignore this issue is a serious technical omission.
- The “Turn lanes are not warranted.” statement in the Conclusion section of the Baker traffic report is unsubstantiated.
- The **second most** important traffic access question for this development is: “Will the development produce enough traffic to warrant an exclusive right turn lane on SR 20.” This question was addressed in the traffic study, but the results cannot be relied upon due to the absence of recent traffic counts, the absence of any background traffic growth, the failure to account for other known developments in the area, the failure to examine the weekday AM peak hour, and the use of a lower than reasonable trip generation estimate.



Traffic and Safety Specifics & Facts

- The **third most** important traffic access question for this development is: “At what level of service will the main street left turn movement and the side street movement at this intersection operate at under Build conditions?”
 - Will more than one side street approach lane be needed.”
 - Neither of these questions were addressed in the Baker traffic report since no intersection capacity analysis was carried out.
- Without the intersection capacity analysis and without the left turn lane warrant evaluation, the following statement in the Conclusion section of the report **cannot** be substantiated:
- “... the proposed development will not ... cause a negative impact to the transportation system.”



Traffic and Safety Conclusion

- **Conclusion:**
- ***“The Baker Traffic Report has major technical omissions and a variety of technical errors and cannot be relied upon. These omissions and errors would not be made by a diligent professional engineer acting within their area of expertise and exercising reasonable oversight of the project.”***

The Alliance has spent hundreds of hours and Tens of \$1000s of dollars doing the legwork not feasible for our County Staff—to present facts on the multiple negative impacts and risk a HMA plant at this location will have our County—balanced against benefit of one additional HMA Plant



There are other significant compatibility issues if approved which will negatively impact our County ‘health & wellness’

Potential impact on property values **will be real** for literally 1000s of residents- even 5% on \$400k home = \$20,000

Impact on fire and rescue if there is a major industrial incident at the **site-17 fire and explosion incidents past 10 years in USA**

Impact on the **noise** in the area—big trucks, back up beepers, large tail gates slamming

Impact on light pollution as the HMA plant most certainly will require **night operations** to compete for major paving contracts

Alliance TRC Rebuttals

- **From the very beginning of this project, there have been issues**
- The County Staff states the ‘project’ is not in a Flood Plain when the Applicant’s Site 15-acre site clearly includes Flood Plain A
- It was requested and ALMOST approved over the Christmas holiday season and immediately after—how is that possible given the time required for permits project approvals, etc?
 - It was requested under [false pretenses?] as a “Minor” development based on applicant request claiming it was ‘less than 20,000 square feet’, they listed in their documents as a ‘400 square foot’ (building) and 18,000 sq ft total (actually more like ~45,000+ sq ft with everything included)
 - County should have **never** allowed a Minor development—clearly the Walton County Code required it to be a Major Development
- *L1.7.1B-3 Special considerations: i. Heavy industrial uses shall be conditional uses reviewed as a **major development**, regardless of size, and subject to criteria that address compatibility concerns*
- Or the applicant’s lawyer with 12 Feb 25 letter stating everything BUT L1.7.1B-3 clause trying to stop the project from the required MAJOR designation
- **And you wonder why citizens show up and have a serious lack of trust in the Walton County System?**

Alliance TRC Rebuttals con't

- **7 May Applicant TRC Comments to address:**
 - Using examples of CRITICAL existing facilities in the area is not a matter to justify a new project with multiple real and potential issues
 - The Freeport Terminal/Fuel Depot is 100% critical to our entire region & already in place, while a 6th asphalt plant within ~45 miles is not
 - The wastewater treatment plant in the area is critical to our area, there is no other viable facility, a 6th asphalt plant is not
 - The CEMEX plant is there, has been there, it is not on Hwy 20, it is adjacent to the Freeport Terminal/barges for their aggregate and cement projects/closed system cement trucks in our area are not equivalent in [canvas covered] truck loads for asphalt projects
 - One Aerial photograph of former plant shell does not equate to the plant producing asphalt—The Alliance has shown hard facts of the former plant's operational details, not guesses- last operational in 2010
 - The Applicant's Engineer stated two different numbers for the grade—one point he said 10 feet, another he said 20 feet, for how far below grade from Hwy 20—we would expect the Applicant Engineer know what is in his report:
 - *"This project sits below SR 20 and a guardrail runs the length of the project area with the exception of the area for the driveway. Behind the guardrail, the ROW slopes down 20 to 25 feet to a concrete flume"*
 - Applicant Lawyer stated the need for plants within 50 miles, we agree as every plant we referenced **to include the Geneva, AL Applicant Plant is within 50 miles of Freeport!**

Alliance TRC Rebuttals con't

- The Alliance and its 3000+ supporters are not 'afraid of the unknown' of an asphalt plant—quite the contrary, we have made a well-informed, fact-based decision the plant location is wrong for dozens of valid, well supported reasons
- During the 7 May TRC the Applicant Engineer and Lawyer frequently referenced the US and FL EPA and how involved they will be in any asphalt plant project
 - Reality is many people who pay attention to happenings in our area have **no** confidence in the FL EPA to be the agency to keep things right or make things right when they go astray
 - Area residents lived with the Coyote Landfill for years, it was and is an environmental disaster
 - The Azland Landfill project north of Freeport is another project of real and potential environmental disaster
 - The Okaloosa County Florida Power and Light breach of the stormwater retention ponds
 - The recent Miami area Nuclear Power plant impact on area water
 - The recent Apalachicola issues with their water
 - The Residents of our Area are not willing to put our trust in the EPA agencies to ensure any industrial project of this nature will have no environmental impact on our air, our land, our wildlife or our water or quality of life!
- Applicant Team presented as fact several items we all know will change
 - No lights on the site? Not really, no lights in the plan, they will if approved come back and get approval for lights
 - Working 7-5pm? No lights in winter, maybe, since it is too cold for asphalt during this period however, without lights they cannot bid on any FDOT work, The Alliance does not believe this will be the case
 - "It is not our intent to be a 24/7 operation, can't speak to it right now, it will depend on contracts obtained." Jeff Howell, Applicant to the TRC
 - No intention of milling on site...

Alliance Summary



The proposed HMA plant location is **incompatible** and contrary to multiple elements of our Land Use/Comprehensive Plan and should not be recommended for approval

'...every use in the zoning category is not appropriate.' Mac Carpenter, County Planning Director, 7 May TRC



The HMA plant operations as planned on Hwy 20 is **dangerously unsafe** and will result in significant **liability** for the County, the applicant and the landowners



The Proposed HMA plant location is an incompatible risk with proximity to environmentally sensitive areas and waterways already graded as 'impaired' as well as adjacent neighborhoods current and planned

The residents in the local area simply and with good reason, **do not trust the Florida EPA to be the watchdog to enforce any meaningful 'rules' should the plant be approved**