

WALTON COUNTY PLANNING COMMISSION HEARING AUGUST 14, 2025

Freeport Boardroom

Planning Commission in Attendance: Chairperson Kyla Jacobsen, Dean Burgis, Eli Smith, Forrest Buzan, Kristin Drohan and James Jaquess

Staff Members Present: Stephen Schoen, Brooke Davis, Rosanna Edwards and Karen Owens

REVIEW OF VIDEO RECORDING OF PROCEEDING – 4:00PM

1:52:27 - QUASI-JUDICIAL ITEM #5

SEC FREEPORT HOT MIX ASPHALT PLANT

HWY 20 PROP LLC BY **ROSANNA EDWARDS PLANNING DEPT**

MAJ25-000035 BAKER ENGINEERS SUBMITTED Parcel #07-IS-19-23000-001-0000

Ms. Edwards stated there are 2 dry retention ponds that discharge into on-site wetlands

Also stated turn lane not warranted on HWY 20. **Zero questions from PC/Dias.**

1:55:16 – Atty Gary Shipman “Because of new ordinance, no one understands how we do this today...process is a lot more formal than what we used to do. I will be calling specific witnesses for each item done in this case... (the way we do it in court) ...ALJ will get transcript.”

Opening statement remarks –

“Site is ideal for a hot mix asphalt plant”. **“Permitted as such until 2022 – closed in 2019” – (FALSE STATEMENT) – records show last asphalt production in 2010.**

“The *sole issue* is – Do we comply with the Walton County Land Development Code and Comprehensive Plan? If we meet the rules, we get to do it”.

1:59:01 - First witness called Jeff Howell, partner in SEC Asphalt Plant, Geneva, Alabama

Stated “45-50 miles are range of travel for asphalt”. (Geneva plant location to proposed site is 45 miles) Geneva Plant doing volume business in WC. Four other plants within this range already servicing WC). Q: Is asphalt stored on site? A: “Yes, in tanks here.” Zero mention of aggregate stored on site in piles (photos of such in Geneva/plant site).

2:04:26. Question from PC Dr. Buzan to PC Chair: “Do we cross examine them?”

Chairperson Answer: NO, we don't".

Q: PC Dr. Buzan to Shipman: "Who does cross examine your witnesses in this process?"

A: "I'll be happy to fish provisions out... If the planning department wants to cross examine, they can, it would be up to them" ...he goes on to say there are two parties, the planning dept. & the applicant. Their lawyer is here and can cross examine any witness. Do you have a question...?

From the PC Dr. Buzan: **I did, but my Chair denied me the opportunity.**

Clear from this exchange members of the PC do not understand the process, were not given opportunity to review, or know they were to prepare questions for cross-examination to serve as advocates for the public. Note: Zero direction or input here from the county atty present.

2:05:56 – Jeff Howell/SEC recalled for question from Dias: "Can you tell us more about process...what might be dropped on ground... any possible contamination... before it goes into closed system?" (Conversation ensues. He is struggling to inquire about any possible means of contamination to soil, air, etc.) Answer incomplete & evasive. *NOTE: Zero mention of loading or unloading trucks or piles of aggregate.*

2:10:33 – Rosanna Edwards/WC Planning re-called. Did this application meet the requirements of the WC LDC and Comp Plan? Answer "Yes". Staff report was admitted into evidence.

2:12:10 – Melissa Ward, Certified Land Planner, Dir. Of Planning and Dev. At Law firm of Dunlap & Shipman

Stated according to Google Earth shows active plant on site in 1988. (How many residents nearby at that time?)

Stated **1996 – County adopted current Future Land Use Map – zoned Industrial.** C&D Landfill (Coyote Landfill) was not.

Stated 1994 the sand mine to N of landfill to S. – changed to Industrial.

Stated In 2018, *when they developed Zoning*, went to heavy industrial.

States until 2019 regular inspections happened. Permit expired in 2022.

NOTE* Last asphalt producing operations ceased in 2010. The WC First Comprehensive Plan adopted **March 2011**. The County developed Zoning in **2018** and approved this area as heavy industrial on top of heavy residential area of Hammock Bay. **1996** current future land use map was not done by professional firm or utilizing outside consultants. WC First Comprehensive Plan did was not drafted by professional firm or utilizing outside consultants. This raises serious questions re: responsibility of Walton County in **2018** when they developed Zoning, not to zone heavy industrial on top of heavy residential area? **DPZ 2040 Comprehensive plan states zoning is "haphazard".** Taxpayers need to spend nearly 2 years and nearly a million dollars for this to be identified.

2:30:11 – LIGHTING REQUIREMENTS: “If plant does not operate at night, no requirements for lighting plan. Any lighting plan would require a development order. NOTE: *Most asphalt plants do utilize night-time hours for operations, especially when beneficial for paving operations they supply reduced traffic/easier to transport materials, quicker project completion times, cooler temps, especially in FL, perishable nature of asphalt.*

2:32:04 – Q: Closest residence how far away? A: 3000 ft; Chair comment: over ½ mile away

2:40:03 – PC Q: Trying to get clarification...essentially in 2010 plant removed portions of the HMA plant off-site, ceased operating?

2:42: - Melissa Ward A: They renewed permits, had some activity on the site **I will not say they were not fully operational.** NOTE: Intentionally misleading; false information: records with last load of asphalt recorded going out from site in 2010. As per testimony, they were aware equipment needed to produce asphalt was removed from the site. On more than one occasion the applicant’s attorney repeatedly has presented 2019 and 2022 as dates the plant was still operating...

Note: Again, following this testimony, zero questions from the Dias or their attorney

2:44:26 Q Shipman to Jeff Howell: “Is there an intent to operate outside of daylight hours?”

A: “NO Sir.”

2:45:04 – Scott Singletary – Ecologist UES Environmental Assessments witness

2:45:31– States he performed environmental assessment on a “portion of the site”

Q: Did you even know what site was to be used for?

A: NO, no prior knowledge ...goes on to say it is a snapshot of the site, inventory of potentially protected resources. Site was already a disturbed site. No concerns about anything else on site.

Q: Did site comply with LDC?

A: I would say Yes.

NOTE: No requirement for soil testing or remediation of previously known contaminated site, adjacent Coyote Landfill, or water testing of nearby creeks, wetlands that feed into bay? No Phase 1 and or Phase 2 Environmental assessment recommendations?

2:47:08 – States report submitted to Baker Engineering

2:50:35 – Allen Thompson – Professional Engineer Specialty Environmental – witness

General Air Permit by Rule – issued by FL DEP – issues registration number and within 60 days of operations commencing performance test required.

Two items are examined: Particulate Matter Emissions and Opacity (must be at 20% or below in smoke coming out of stack). He states plant will run on natural gas, best management

practice. Rolling system has bag system as part of what you buy to capture particulate emissions. Emphasized particulate dust comes from churning mix in drum. There is a bag house filtration system to capture the particulate in bag and put back into mix.

3:01:21 PC Dr. Buzan Q: From there to put on trucks where it will be used...are they open trucks? Is it a sealed system going into truck?

Jeff Howell recalled for answer: They are dump trucks. Well, they're open, but they are usually tarped, tarp is tied down on the truck."

304:01 Michelle Baker–Civil Engineer –Traffic Studies; Owner- Baker Engineers – witness

Stated Performed Traffic Study – based on guidelines in LDC & FDOT; Utilized ITE Manual – Latest edition for Trip Generation. Findings: PM peak traffic minimal Neither right nor left turn lanes warranted. As HWY 20 is a state road, only State DOT makes requirements or changes.

3:12:35 – PC- Q: How many trucks are going to be coming in and out of this?

A: It's not written in my actual report. I based on (ITE) scientific numbers, you would have to get that information from him. Peak hour for manufacturing plant may be different than peak hour for...the number I used in my report was 15 trips per hour and PM Peak hour traffic is a requirement for this report.

3:15:48 – DOT can take these things into consideration and require a different peak hour to analyze

3:19:17 – Q: Were you required by WC to get a Driveway Permit to connect to a State Road?

A: Yes

3:20:04 – Q: In addition to the Traffic Study, did you design the Stormwater System for this project?

A: Yes, I did. We /Baker Engineering designed LDC Stormwater system on site, for treatment ponds for 25-year event, and 100 years.

3:24:55 PC Dr. Buzan Q: Have you ever lived next to an asphalt plant?

Atty Shipman objects: How is that relevant? You are up here as a member of tribunal. Where anyone lives is not material. I'm going to ask you to recuse yourself. You have demonstrated not willing to be neutral arbitrator."

3:26:42 PC Chair: Anymore outbursts from audience – will have everyone removed who is not sworn in."

Note: Living conditions of residents near asphalt plant are in question as to meeting LDC and Comp Plan. Atty Shipman bullying Dr. Buzan and public outburst then threatened by Chair. Zero further questions from PC. Zero comments or direction from Co. Atty.

3:27:27 – Atty Shipman calls **Jeff Howell** back to answer earlier question regarding number of trucks.

Howell answers: “Not an exact science, we based off what we’re running in Geneva”. 60 trucks a day/10-hour day, not based on production capacity.

3:28:28 – Nolan Baker, Baker Engineering-Civil Engineer - Nolan Baker did site plan, county consultants review in addition. ERP with DEP applied w/ Water Management District – sent to DEP from WMD. Was not part of initial submittal, sent to County after Received. WC Fire Dept review done. Requested fire hydrant near entrance to site. States “All work within Flood Zone X” – complied with floodplain management.

Note: area shown in grey area on map...Portions of Site in /adjacent Flood Zone A 100-year special flood area – Walton County Property Appraiser and Applicant Site Plan. County does not see this as a concern?

3:39:33. It is 7:40PM Atty Shipman concludes presentation.

States “I guess that there are people who wish to give testimony. If somebody wishes to give testimony first presenting credentials to be qualified. If they are without credentials, I will object and I will cross examine them.”

The Chair *repeats* what Atty Shipman just said and asks if any of those sworn would like to speak.

3:40:44 – John Jannazo – requests 15-minute break to review some of Atty Shipman’s documents; request denied, then agreed to 5-minute break.

3:49:19 – PC Chair Jacobsen to John Jannazo – you may present your *evidence (stressed)*.

MUST VIEW SECTION OF VIDEO FOLLOWS:

County Attorney Question: Are you requesting party status? Question is, what is basis?

Jannazo goes on to testify to our organization Protect the Emerald Coast Alliance, Inc. 501c4 status, registered in St of FL, with mission statement in line with Walton County to motto to protect, preserve, etc. States our attorney has advised us this is sufficient for any quasi-judicial hearing. Also represent over 3,000 people (actual signed opposition to this), he is resident in area, etc.

County Atty states they are going to leave it up to magistrate to make decision if it is entered into public record. Mr. Shipman hovering behind JJ the whole time. Mr. Shipman instructs– “mark it as Proffered”.

3:52:35 – Shipman has not said anything yet, and Chair stated, “Allow Mr. Shipman to come to microphone to inquire further” (this appears planned).

Atty Shipman goes on to state: The County and the Applicant is a party. General public represented by County. It is not evidence. They don’t have party status.

3:55:10 – PC Drohan – “I didn’t even know we were changing procedures tonight.”

NOTE: This Planning Commission totally ill-prepared to represent public and cross examine!

3:59:07 – Atty Shipman stands and interrupts; crowd reacts. Chair states” I’m tired of the interruptions – everybody who is not sworn in needs to be removed. States “I’m tired” again. Has public leave room.

The public has been there four hours awaiting their turn to be heard, two children, 10 and under have been present the entire time and never disruptive.

All the while Shipman objects to Jannazo’s presentation of facts, claims not testimony but commentary. This was following and in response to direct citing of Land Development Code; 1.05.00 Purpose A.

Jannazo continues to provide facts: HMA plant locations – 5 in county, none near residential., 2010 – 2020 explosive growth not considered...Shipman continues to object. PC Chair Jacobsen backs this behavior.

4:18:12 – Army Corp of Engineers Permit requested – did not do. Would like to see that happen.

4:18:35 – Co. Stormwater Plan shows this site location in middle of grey area indicating impaired waterway area. Next to Coyote Landfill. No impacts proposed.

What soil borings were completed? What water samples nearby waterways?

Environmental Phase 1 and Phase 2 needed

Fugitive Dust – no way to contain, even in best run facilities

VOC’s – 90 days a year /wind conditions create risk incompatible with nearby residents, especially babies, children, expectant mothers, elderly, immune-compromised.

4:21:44 – Dr. Buckholz – Traffic Expert Witness – entire testimony provides list of errors and omissions that make it a report you cannot rely upon.

(See official report/analysis provided).

4:32:12 - Suggests way to avoid liability risks...do it right in the first place.

Atty Shipman objects

Chair stops Buckholz from speaking

4:32:57 - Shipman cross examines

4:34:37 – Jannazo speaks out: “Asked and answered” – (*Co. Atty says nothing)

4:36:20 – Bucholz answers why PC has valuable input to FDOT and how FDOT was given faulty report to base their decision on. He completes his testimony.

4:39:29 – John Jannazo to stand to complete presentation.

4:39:32 – Atty Shipman shouts out...” How much longer are we going to go on like this?”

Note: Intimidating, complaining about time allotted for PC to hear our evidence.

Chair responds: “We’re calling a hard stop at 9:00PM.”

PC – Anything said has to be testimonial, or I will object furiously.”

Jannazo to PC: Does testimonial include rebuttal to what Mr. Shipman said?

PC – NO.

4:42:42 Following statements re: early am & pm seasonal hours of darkness during operating hours with no lights required, and fires that can and do occur in baghouses, again with interruption, Jannazo completes his testimony, not having given the full prepared presentation.

Chairperson Jacobsen brings public who has been waiting outside in parking lot, back in. As they begin to file in the following ensues:

4:43:44 PC Drohan “I don’t understand what we are doing” to which PC Dr. Buzan remarks, “yes, what are we doing here?”

4:45:44 Chairperson Jacobsen instructs public that those who wish to comment will be on a 3-minute timer. With a warning if it starts to get repetitive, we will cut off comments”.

Notes of interest: 12 Witnesses from the public are recorded in the time remaining.

Many thoughtful concerns and questions...just a few listed here:

Members of the public who comment include a retired Walton County Sheriff Lieutenant and a prior local Chief of Police who each give credible testimony calling the situation a “recipe for disaster”. Aggregate will come in on barges, then trucked on Bay Loop Road – 83A Westside. Mentions jake break. 60 Trucks – 120 round-trip in and out of site plus 20 trucks aggregate = 40 trips. Trucks need 500 feet to stop.

Darrin Dunwald – Mosquito Control – emphasized the environmental assessment only done on a portion of site – what portion? Ponds not lined. Everything done to minimal requirements only

Resident David Johnson brings up that Hwy 83A is a County Road and will most certainly be used and effected. Concerns re: traffic/safety/new builds. Questions whether the County has the authority to purchase or lease the land? Or down zone?

Resident Jim Teeple brings up blind curve 614 meters west of site entrance off Hwy 20 that it will take 20-25 seconds to meet with 70-80 lb. loaded asphalt trucks/acceleration rate...

4:52:12 – Testimony from two little girls, who sat patiently since 4:00PM, were escorted out and remained to have their voices heard...heroes of the day! Their words are clear, respectful and brave.