



MINUTES

Board of County Commissioners

Tuesday, December 22, 2020 @ 9:00 AM

DeFuniak Springs Board Room

Land Use Hearing

COMMISSIONER ATTENDANCE

PRESENT: Chairman Trey Nick, Vice-Chairman Michael Barker, Commissioner Danny Glidewell, Commissioner Boots McCormick, and Commissioner Tony Anderson

STAFF PRESENT: Larry Jones, County Administrator, and Sidney Noyes, County Attorney.

CALL TO ORDER

Chairman Nick called the meeting to order. He announced that the Quasi-Judicial items would be heard beginning at 12:45 p.m.

PLANNING AND DEVELOPMENT SERVICES

LEGISLATIVE ITEMS

1. **Malibu Gardens - Mariner Way Common Area Abandonment - Request to approve by resolution. Project PA20-000006 is being reviewed by Stephen Schoen. This is an abandonment application submitted by Bob McGill on behalf of Bill Ostrander requesting to abandon a 0.08-acre portion of the former Malibu Garden's Homeowner's Associations' common area. This common area, west of Lot 8, was dedicated to Walton County. The property has a Future Land Use of Residential and a Zoning District of Neighborhood Infill. It can be located at the end of the cul-de-sac on Mariner Way and can be identified by parcel 29-2S-21-42960-000-00A0. (Continued from the November 24, 2020 BCC meeting.)**

Mr. Steven Schoen, Planning and Development, introduced the project and submitted the staff report into the record.

Mr. Bob McGill, applicant, briefly discussed the project and agrees with staff recommendations. He stated he would add the drainage easement along the south portion of the property as well as a 10-foot easement down the middle of the property access to the drainage easement.

Commissioner Glidewell expressed his concern regarding the abandonment of property that could be beneficial in the future.

Motion by Commissioner Glidewell, second by Commissioner McCormick, to deny Malibu Gardens - Mariner Way Common Area Abandonment.

Mr. McGill stated that the area has been maintained by the adjoining owners and questioned if there was a legitimate public purpose. He noted the easement had been reviewed by Planning and asked the board to reconsider the denial.

Mr. Carpenter clarified the easements were reviewed by Public Works, not by Planning.

5-0 by the following votes:

Ayes: Commissioner Anderson, Commissioner Glidewell,
Chairman Nick, Commissioner Barker, and Commissioner
McCormick

2. **Partial Abandonment of Easement Adjacent to Emerald Cove Lane - Request to approve by resolution. Project PA20-000004 is being reviewed by Bob Baronti. This is an abandonment application submitted by Stephen Tatum on behalf of WG Development, LLC requesting to utilize the existing setbacks to raze existing house and replace with a new structure on 0.250 +/- acres. This property has a future land use of Residential and zoning of Neighborhood Infill and is located at 74 Emerald Cove Lane S. and can be identified by parcel number 36-3S-18-16100-000-2341. (Continued from November 24, 2020 BCC)**

Mr. Mac Carpenter, Planning and Development Director, introduced the project.

Mr. Stephen Tatum, Matthew and Jones - representing the applicant, briefly discussed the project. He discussed the abandonment of portions of the easement on other lots. He distributed copies of the Cottages at Inlet Beach Plat. He stated the area requesting to be abandoned is designated on the plat for a road only. It cannot be used for drainage, utilities, or parking. He noted this is an easement not a right-of-way which crosses his client's property. His client is wanting to demolish the current structure to build a more modern home. Mr. Tatum addressed public concern that a taller house would be built; however, without the abandonment his client would have no choice but to build up.

Commissioner Barker asked if the client was aware of the easement at the time of purchase. Mr. Tatum stated that he was.

Commissioner Glidewell asked if an abandonment of the easement on the parcel was denied in 2015. Mr. Tatum stated that it was and that the Planning Commission originally supported the abandonment until someone mentioned the area may be used as parking. Mr. Tatum said it is platted as a roadway only.

Commissioner Anderson asked if the abandonment was on the northside of the house. Mr. Tatum said it was on the north side of the lot. Commissioner Anderson asked if the lots next door had requested abandonments of the easement through their property.

Mr. Tatum stated some had obtained an abandonment while others had not. He submitted an aerial of the area showing the easement. Further discussion was held regarding the easement and the portions that have been abandoned by the county.

Mr. William Gregory, applicant, discussed his dilemma with setbacks without the easement. He noted others on the street have been granted an abandonment. Commissioner Anderson voiced concern that the new structure would increase in height whether the abandonment is granted or not. He questioned if there were any storm water/utility easements in the area. Mr. Tatum said that an easement could be granted if it is needed.

Ms. Anna Hudson, Public Works, discussed staff's recommendation to not support the abandonment. Mr. Tatum said the applicant would be willing to meet with Public Works to discuss it further.

Commissioner Glidewell noted there was no public purpose, only private purpose for the abandonment and felt that it should remain county property.

Motion by Commissioner Glidewell, second by Commissioner Barker, to deny the partial abandonment of easement adjacent to Emerald Cove Lane.

5-0 by the following votes:

Ayes: Commissioner Anderson, Commissioner Glidewell,
Chairman Nick, Commissioner Barker, and Commissioner
McCormick

3. **Henderson LSA Developer Agreement - Request to approve by Developer's Agreement. Project LUM20-000005 is being reviewed by Bob Baronti. This is a Developer Agreement submitted by O'Connell & Associates on behalf of Midland Trust Co. as Custodian FBO Reynolds Henderson to set development controls on the proposed future land use and official zoning district change from the current Future Land Use of Rural Residential to Commercial and the current Zoning District of Rural Village to Business Park. The project site is 17 +/- acres located north of U.S. Highway 90 West at 25 Linda Lane and is identified by parcel number(s) 24-3N-20-28000-003-0000.**

Mr. Carpenter introduced the item and stated it is a companion to Item 4. Commissioner Glidewell asked if this was in the Opportunity Zone. Mr. Carpenter stated it was.

Ms. Melissa Ward, Dunlap and Shipman-representing the applicant, discussed the developer agreement and the land use amendment which would bring job opportunities to the area. She stated meetings have been held with Eglin AFB. The agreement includes the restriction of any type of residential units or civic uses. It will be distribution type warehouses only. Eglin AFB approved the developer agreement.

Motion by Commissioner McCormick, second by Commissioner Glidewell, to approve Henderson LSA Developer Agreement.

5-0 by the following votes:

Ayes: Commissioner Anderson, Commissioner Glidewell,
Chairman Nick, Commissioner Barker, and Commissioner
McCormick

4. **Henderson LSA - Request to approve to transmit to the FL State Department of Economic Opportunity. Project LUM20-000005 is being reviewed by Bob Baronti. This is a Future Land Use Amendment with Rezoning application submitted by O'Connell & Associates on behalf of Midland Trust Co. as Custodian FBO Reynolds Henderson requesting to change from the current Future Land Use of Rural Residential to Commercial and the current Zoning District of Rural Village to Business Park. The project site is 17 +/- acres located north of U.S. Highway 90 West at 25 Linda Lane and is identified by parcel number(s) 24-3N-20-28000-003-0000.**

Mr. Carpenter stated this is a request for transmittal to DEO.

Motion by Commissioner Anderson, second by Commissioner Glidewell, to approve to transmit Henderson LSA to the FL State Department of Economic Opportunity.

5-0 by the following votes:

Ayes: Commissioner Anderson, Commissioner Glidewell,
Chairman Nick, Commissioner Barker, and Commissioner
McCormick

5. **Forman Developer Agreement - Request to approve by Developer's Agreement. Project number LUM18-000010 is being reviewed by Bob Baronti. This is a Developer Agreement submitted by Jenkins Engineering, Inc., on behalf of Charles Forman, to set development controls on the future land use Residential and official zoning district of Low Density Residential and Neighborhood Infill (26-2S-20-33200-000-0320) on 174.00 +/- acres. The project is located from U.S. Highway 331/ U.S. Highway 98 intersection drive west on U.S. Highway 98 approximately 2.5 miles, turn North on Veterans Road and proceed to the North end of the roadway, and is identified by parcel number(s) 26-2S-20-33200-000-0240, 26-2S-20-33200-000-0380, 26-2S-20-33200-000-0350, 26-2S-20-33200-000-0220, 26-2S-20-33200-000-0040, 26-2S-20-33200-000-0030, 26-2S-20-33200-000-0020, 26-2S-20-33200-000-0010, 25-2S-20-33190-000-0640, 26-2S-20-33200-000-0050, and 26-2S-20-33200-000-0320.**

Mr. Carpenter introduced the project and placed the staff report into the record. The modification provides a reduction.

Mr. Charles Forman, applicant, briefly reviewed the agreement. He noted the vote would be contingent upon the original agreement staying in place if the sale fell through.

Attorney Mark Davis, representing the applicant, encouraged the board to approve the request.

Motion by Commissioner Anderson, second by Commissioner McCormick, to approve the Forman Developer Agreement.

5-0 by the following votes:

Ayes: Commissioner Anderson, Commissioner Glidewell,
Chairman Nick, Commissioner Barker, and Commissioner
McCormick

6. **David Miller LSA – Adoption Hearing. Request to approve by ordinance. Project LUM20-000003 is being reviewed by Bob Baronti. This is a large-scale amendment request by W. David Miller requesting to change the Walton County Comprehensive Plan Future Land Use Map from General Agriculture to Industrial and Extractive Uses and change the Official Zoning Map District from General Agriculture to Light Industrial on 20.8+/- acres. The property is located at 3694 State Highway 20 E Freeport, FL 32439 and can be identified by parcel 19-1S-18-14000-002-0000.**

Mr. Carpenter introduced the project and placed the staff report into the record.

Commissioner McCormick asked if there were any development orders in progress on that property. Mr. Carpenter stated there are not any currently, but expects one with the land use change.

Mr. David Miller, applicant, briefly stated this request was to bring the area into compliance.

There were no public comments.

Motion by Commissioner Anderson, second by Commissioner Glidewell, to approve the David Miller LSA by ordinance **(2020-24)**.

5-0 by the following votes:

Ayes: Commissioner Anderson, Commissioner Glidewell,
Chairman Nick, Commissioner Barker, and Commissioner
McCormick

7. **Poland LSA - Request to transmit to the Florida State Department of Economic Opportunity. FLU20-000002 is being reviewed by Bob Baronti. This is a Large Scale Amendment application submitted by SM Consulting on behalf of JR**

Properties FL, LLC requesting to change the Future Land Use from Rural Residential to Commercial and the current Zoning District from Rural Village to General Commercial on 11 +/- acres located at the corner of U.S. Highway 90 and Dr. Roberts Drive and can be identified by parcel number(s) 19-3N-19-19390-003-0010 and 19-3N-19-19390-003-0050

Mr. Carpenter introduced the project and placed the staff report into the record. This is a transmittal hearing for DEO's review. Commissioner Glidewell asked if this was the old Shrine Club and why it was not already designated Commercial. Mr. Carpenter stated it is the site of the old Shrine Club and that it had previously been designated as civic use.

There were no public comments.

Motion by Commissioner Anderson, second by Commissioner Glidewell, to approve to transmit the Poland LSA to the Florida State Department of Economic Opportunity.

5-0 by the following votes:

Ayes: Commissioner Anderson, Commissioner Glidewell,
Chairman Nick, Commissioner Barker, and Commissioner
McCormick

The meeting recessed at 11:09 a.m. and reconvened at 12:45 p.m.

Mr. Carpenter asked to continue three items from Quasi-Judicial agenda: Item #9, Mac Bayou Landing, Item #13 Wood Spring Suites, and Item #15 Bayview Estates Plat.

Motion by Commissioner Anderson, second by Commissioner Glidewell, to continue Item #9 - Mac Bayou Landing to January 28, 2021 at 9:00 a.m.

5-0 by the following votes:

Ayes: Commissioner Anderson, Commissioner Glidewell,
Chairman Nick, Commissioner Barker, and Commissioner
McCormick

Motion by Commissioner Anderson, second by Commissioner Barker, to continue Item #13 - Wood Spring Suites to January 28, 2021 at 9:00 a.m.

5-0 by the following votes:

Ayes: Commissioner Anderson, Commissioner Glidewell,
Chairman Nick, Commissioner Barker, and Commissioner
McCormick

Motion by Commissioner Glidewell, second by Commissioner Barker, to continue Item #15 - Bayview Estates Plat to January 28, 2021 at 9:00 a.m.

5-0 by the following votes:

Ayes: Commissioner Anderson, Commissioner Glidewell,
Chairman Nick, Commissioner Barker, and Commissioner
McCormick

QUASI JUDICIAL ITEMS

The Quasi-Judicial Hearings were called to order and Attorney Noyes administered the oath to those intending to speak. She directed that Ex Parte received regarding any Quasi-Judicial item to be submitted to the clerk.

8. **Chautauqua Solar Energy Facility – Request to approve by final order. Project number MAJ20-000001 is being reviewed by Renee Bradley. This is a major development order application submitted by The Planning Collaborative on behalf of Gulf Power requesting to develop a solar energy facility on 867.88 +/- acres with a Future Land Use and Zoning of Large-Scale Agriculture and General Agriculture. The property is located approximately three miles east of U.S. Highway 331 N from the intersection of U.S. Highway 331 N and S. R. 2A, and is identified by parcel number(s) 01-4N-20-29000-003-0000, 01-4N-20-29000-004-0020, 02-4N-20-2900-001-0000, 11-4N-20-29000-001-0000, 35-5N-20-30000-008-0000, 11-4N-20-29000-006-0010, and 36-5N-20-30000-003-0000. Staff found the project is consistent with the Land Development Code and Comprehensive Plan contingent upon conditions being met as stated in the Staff Report.**

Mr. Carpenter introduced the request and submitted the Staff Report and a staff memo dated December 21, 2020 from Liberty Fire District into the record. **(Exhibits 1-Staff Report and Exhibit 2-Email)**

Attorney Dana Matthews, representing Gulf Power - applicant, introduced the project team. He discussed the number of solar projects Gulf Power has developed throughout the state and gave a brief overview of the current project on 867 +/- acres. He reported there have been multiple meetings with the neighbors and multiple departments regarding the project. The property is zoned Agricultural and this project is one of the permitted uses for this zoning category. He stated there are no environmental issues with the property and all necessary regulatory permits have been applied for. The storm water has been designed on a 100-year storm event. Attorney Matthews said Gopher Tortoise burrows were found and will be relocated. The project will be a fenced and gated facility with a 24/7 monitoring system. He addressed concerns raised regarding noises produced from the project and said a study has been performed. He discussed vegetation to be planted, setbacks, and buffers. There will be 150' setbacks around the perimeter of the entire project. There will be 10-foot-deep buffers where adjacent homes are located surrounding the property. There are 54 acres set aside for setbacks and buffering. Attorney Matthews submitted into the record a composite exhibit **(Exhibit 3: Petitioners Composite Exhibit 1)** which includes nine separate exhibits. Commissioner McCormick asked if this information was in a format for the general

public to review. Attorney Matthews stated it was submitted into the portal which makes the documents public.

Mr. Brandon Eckard, Gulf Power, and Mr. Shane Buffington, Environmental Engineer, after being sworn, presented an overview of the project and Nextera Energy Resources. (Mr. Buffington appeared via Zoom.) Mr. Eckard stated there were 29 solar energy centers operating in Florida. Construction will take approximately 6-10 months to complete and will temporarily employ approximately 200 workers increasing revenue in the county. No fertilizers or pesticides are used on the site's vegetation. Only 664 acres of the Walton County project will be affected. Mr. Eckard discussed the vegetative buffer. Commissioner Barker asked if the buffer trees would grow 10 foot or the width 10 foot. Mr. Eckard stated there will be a 10-foot-wide buffer and the trees will be six to eight feet at planting. He discussed the revisions to the project which resulted in a 150-foot set back. He spoke about meetings held with a few neighbors. A brief discussion was held regarding the timing of the growth of the vegetation buffer. Mr. Eckard continued discussing the project's setbacks and buffers. Mr. Buffington discussed the project's stormwater system relating to water quantity and quality. Mr. Eckard discussed the environmental overview. He stated wetlands are not being affected. Commissioner Glidewell asked where the popoff was located for the stormwater retention ponds. Mr. Buffington stated they outfall onto the transmission right of way. Commissioner Glidewell asked if the stormwater would go into the wetland to the southeast of the property known as Big Swamp. Mr. Buffington stated it would not. Mr. Eckard continued discussing environmental permitting and the type of panels to be installed on the site. The panels have a life expectancy of 30 years. Brief discussion was held regarding the material the posts for the panels were made of and their environmental impacts. Mr. Eckard also discussed grounds upkeep around the units, lightning strikes, and fires due to the dead grass. Commissioner Glidewell asked what the plan was to protect the residents from fire. Mr. Eckard said he had discussed the issues with Chief Tony Roy, Liberty Fire District last evening and said Chief Roy expressed a need for a 12-foot fire lane to allow for vehicles. Commissioner Glidewell asked if the applicant would be amenable to change the fire row distances. Mr. Eckard said the applicant wanted to maintain a good relationship with the county. Discussion was held regarding the number of megawatts to be produced at this site. Mr. Eckard stated the permit would only allow for 74.5-megawatts. A 75-megawatt facility would be considered a power plant and would require different permitting. Commissioner McCormick asked how many other sites entailed more than 600 acres. Mr. Eckard said there were approximately 10 other sites that large. Commissioner Anderson asked what their largest site acreage was. Mr. Eckard said 600-700 acres is the largest. Attorney Matthews asked that the video used by Mr. Eckard and Mr. Buffington be submitted into evidence. **(Exhibit 4: Petitioners Exhibit 2a & 2b).**

Attorney Noyes stated the affected property owners had retained an attorney and asked that he be allowed to speak on their behalf. He will have potential witnesses speak also.

Attorney Terrell Arline, representing the Caney Creek Neighborhood Association and surrounding residents, submitted a letter dated 12/22/2020, and a printout of the Comprehensive Plan into the record. **(Exhibit 5: Respondents Exhibit 1)** Mr. Arline discussed how the project is not consistent with the Land Development Code (LDC)

and Comprehensive Plan. He spoke about the objectives and protections of agriculture land and said this project would take this land out of agriculture production. He questioned how solar panels are functionally related to agriculture and voiced concern that the project would terminate agriculture on 800 +/- acres. He discussed the Special Development Standards stated in the LDC and Comprehensive Plan which says 70% of the development must be open space. The open spaces are to be dedicated to recreation, agriculture, silviculture, resource protection, or landscape buffers. He stated this project does not meet the 70% open space requirement. He recommended that the LDC and Comprehensive Plan be amended to address solar projects. He requested the board deny the Chautauqua Solar Energy Facility project.

Commissioner McCormick questioned Mr. Carpenter's interpretation of L.1.02.26. Mr. Carpenter stated a solar farm does not have to be functionally related as Mr. Arline stated. It is listed as a primary use.

Commissioner Glidewell asked if the USDA and State Department of Agriculture consider solar farms as an agriculture use. Attorney Arline stated they do not. Discussion ensued on the need for a land use change. Commissioner Glidewell asked about open space and said he did not think a bunch of solar panels is open space. Attorney Arline stated staff would say it is open space because it is pervious and discussed his reasons for why it does not meet open space standards. He said the property has lost its ability to be used for agriculture. Mr. Carpenter stated the impervious surface is less than 3% and the project would be 95% open space. Commissioner McCormick asked if there were any limitations on the size of solar farms. Mr. Carpenter stated there were no size parameters. Attorney Arline said the 74.5-megawatt cut off is a limit that will keep the project below the State's Power Plant Siting Act regulations.

Commissioner McCormick stated Jackson County's 400-acre solar form is producing the same number of megawatts as the proposed project. Mr. Eckard said each site is unique and has different constraints. Commissioner McCormick asked how many panels are in operation in Jackson County, how many panels will be on this site, and if the panels are the same size. Mr. Eckard stated they are the same size and each site will have approximately 300,000 panels. Commissioner McCormick asked what justified the larger amount of acreage in Walton County. Mr. Eckard said it will depend on the lay of the land. Further discussion was held regarding the comparison of the two projects and the number of panels needed to produce 74.5-megawatts. Commissioner Glidewell asked if the panels were non-glare panels. Mr. Eckard said they have an anti-reflective coating. Glare studies have been conducted on other sites and there have been no effects. Commissioner Glidewell asked if there were any comments from Fort Rucker since the area is in their flight training area. Mr. Eckard stated the facility would not affect flight patterns. Commissioner Anderson asked if the project would be dependent upon the type of panel available at the time of construction. Mr. Eckard said it would and that more efficient panels would require less panels to produce the same amount. Chairman Nick asked how the solar panels effect the market rates. Mr. Eckard stated they find vendors and buy specifically for that site. Commissioner Barker asked if the energy collected would be disbursed to Walton County residents. Mr. Eckard said it would be placed on the Gulf Power transmission line and transmitted to tie points on

a 10-year plan for Gulf Power customers. Commissioner McCormick asked how much of the cheaper electricity would be available to Walton County citizens. Mr. Eckard stated it will be dependent upon the number of Gulf Power customers in Walton County. He discussed the push on renewal energies to keep costs low. Commissioner Glidewell commented that most customers in Walton County are CHELCO customers and would not receive any of the power from this project. Mr. Eckard discussed how the ad valorem taxing could be used for the county. Commissioner Glidewell discussed how the project will not be putting anything back into the economy of the county and there not being much economic benefit derived from this site. Discussion was held regarding the 200 temporary jobs created during the six to 10 month construction then approximately 4 permanent jobs upon completion of the project.

The meeting recessed at 2:18 p.m. and reconvened at 2:25 p.m.

Commissioner Glidewell asked Mr. Carpenter if communications had been made with Fort Rucker regarding this project. Mr. Carpenter stated discussions were held with Eglin Air Force Base and there were no concerns from them.

Attorney Arline called his witnesses.

Mr. Donnie Richardson, witness for the respondents, stated his family are lifetime residents in the area and he spoke in opposition to this project. He discussed the negative effect of the project and urban sprawl on agriculture. He voiced concern with the storm water runoff. He noted storm water specifications do not always work appropriately. He said the proposed site is one of the most productive farming lands in the county. He stated he is not against solar panels and recommended it be placed in areas that are not productive. He said he was offered three to five times the value of the property to purchase his 1,900 acres by another power company to be used for the same purposes. He voiced concern with the panels being projectiles during a storm and what this project will do to future agriculture opportunities.

Mr. Woodrow Braswell, witness for the respondent, stated he was the fourth generation to live on his land. He noted that he was a livestock feed dealer and lived northeast of the project. He spoke in opposition to the project and voiced concern with the open space violation, incompatibility to the surrounding area, and the panel's structures. He said currently approximately 500+/- acres of the area is in agriculture production and this project would take money out of the economy. He voiced concern with clean up after natural disasters and suggested having restrictions in place to determine who would be responsible. He said the project would decrease property values and discourage home building in the area. Commissioner Glidewell asked how many cows were on the property. Mr. Braswell stated approximately 3 head per acre. Commissioner Glidewell asked if the Cattleman's Association had taken an official position. Mr. Braswell stated the association is asking the board to consider these types of projects to be placed on more suitable lands not used for farming.

Attorney Aline submitted the Caney Creek Homeowners Association's Electronic Articles of Incorporation into the record. **(Exhibit 6: Respondent Exhibit 2)**

Mr. David Herring, witness for the respondents, stated he lives near the project and that he was the President of the Caney Creek Homeowners Association. He submitted several documents supporting his opposition to the project. **(Exhibits 7: Respondent Composite Exhibit 3)** Mr. Herring has been a resident of Walton County for 46 years and his family farm, which adjoins the proposed project, has been in operation in excess of 85 years. He said the applicant states they are an agribusiness. The LDC definition of agriculture includes solar/renewable sources, but states 70% within the open space must be dedicated to agriculture/silviculture or passive recreation. Nowhere does it include renewable energy in the definition of agriculture. He stated passive recreation cannot be held on the property due to an 8-foot fence with barbed wire. He said there is no agriculture operation in this project and therefore does not meet the requirements of the LDC. Mr. Herring stated a letter from the Department of Energy states if the project does not support a legitimate agriculture operation, they will not receive any agriculture exemptions and therefore would be considered a utility operation by the State of Florida. He discussed how the project does not meet the LDC and Comprehensive Plan. He said the Liberty Fire District was notified yesterday that this project would be in their district. A fire at the project would require special equipment and training that the fire departments of Walton County do not have. Mr. Herring addressed the environmental issues with the galvanized metal which contains Zinc and noted there were no test wells on the site to ensure that chemicals are not going into the water table. He voiced concern with the lack of effort of the applicant to meet with the neighbors and surrounding property owners. He voiced concern with the glare from the panels. He encouraged the board to deny the project.

Ms. Dorothy Herring, witness for the respondents, who lives near the project and owns approximately 300 acres voiced her concerns on compatibility with the surrounding properties. She submitted documentation supporting her opposition. **(Exhibit 8: Respondent Composite Exhibit 4)** She said the power from this project would not serve much of the county. She spoke about the lack of compatibility and uniformity of the project. There are studies which show a negative impact on property values. She spoke about the increase in heat, glare, and the noise associated with the project. She expressed concern with the safety of the surrounding residents during the construction phase. She asked that additional law enforcement be sent out in patrol if this project is approved. She addressed the issues with the setbacks and buffers. She encouraged the board to deny the project because the project is not compatible with the LDC, Comprehensive Plan, and surrounding areas.

Mr. Mark Walker, witness for the respondents, spoke on behalf of Caney Creek Association, Mr. Roy Harrison, and Mr. Riley King. He expressed concern with storm water runoff and the resulting erosion. He voiced concern with the nutrients being stripped from the property. He discussed flooding issues which occurred during Hurricane Sally. Mr. Walker opposed the project because of the negative impact on property values. He voiced concern with the extraordinary amount the company is paying above current value and how monopolizing Gulf Power is. He encouraged the board to deny the project, but if the project is approved, he asked the board to limit the size to 30%. He said that Gulf Power has additional land contracts with other property owners in the area. He submitted the planning packet sent to the affected property owners and stated the open space was left out. **(Exhibit 9 - Respondent Composite**

Exhibit 5) He asked that the project be denied stating it does not meet the requirements of the LDC and Comprehensive Plan. He further requested if the project is approved, that Gulf Power put up a reclamation bond.

Ms. Anastin Herring, daughter of Mr. David Herring and witness for the respondents, spoke in opposition to the project citing environmental concerns. She discussed how she wants to continue living on her family farm to raise her own herds. She stated solar panels are unsightly and non-recyclable due to toxins. She addressed the dangers of the panels during hurricanes, and flooding. She encouraged the board to deny the project. **(Exhibit 10: Respondent Exhibit 6)**

Commissioner Nick opened the floor to public comment.

Mr. Ronald Herring spoke in opposition to the project. He stated he has property adjoining the proposed project and has not been contacted. Mr. Herring presented a topography map for the record. **(Exhibit 11: Respondent Exhibit 7)** He stated there is no buffering from his home and further spoke about how the storm water would drain into The Big Swamp and Caney Creek. He voiced concern with the dangers of the runoff. He discussed the years he has fought runoff onto his property from Harrison Road and the projects built by USDA. He requested the board deny the project.

Ms. Debbie Heard, representing Coastal Resource Conservancy, presented a map into the record **(Exhibit 12: Respondent Exhibit 8)** and discussed the different types of water in Walton County. There is more fresh water than any other county in Florida. She discussed the county's goal for conservation and preservation. She submitted a hydrography map showing the different water ways in the county. She reviewed how the galvanized poles would leach chemicals into the water table. This project will not protect the bay. This is a new technology that no one knows what future effects it will have on the environment. There is no economic benefit to the county with this project. She talked about the chemicals that would be exposed if the panels are broken. She asked that the project be denied in order to protect the county's natural resources.

Ms. Michelle Burns, Executive Director of Career Source of Okaloosa-Walton, spoke in support of the project due to the jobs it would create.

Mr. Alex Neil spoke in opposition to the project. He works with Liberty Fire Department and said requests were made for discussion with the applicant but was only contacted yesterday. He voiced concern with long term effects from the panels and asked that the project be denied.

Ms. Marita Wilkerson spoke in opposition to project because the noise from the project will have a negative effect on autistic children and people with other health issues.

Ms. Nancy Pelling spoke in opposition of the project and encouraged the board to vote against the project because it is not a farm, not agriculture, and moves prime farmland from an agriculture use to an industrial use. She discussed a heat island effect from the solar panels and the negative effects it has on surrounding areas.

Public comment was taken from Zoom.

Ms. Wyndy Crozier, Director of Emerald Coast Technical College Director, spoke in support of the project as it will produce jobs. Gulf Power has partnered with Walton County School District to bring in educational opportunities.

Mr. Roy Baker, Business Development Manager of Opportunity Florida, spoke in support of the project citing job creation.

Ms. Amy Honish spoke in opposition to the project and voiced concern with water runoff. She wondered how the project would affect future road development in the area. She stated the project has no benefit to the county and encouraged the board to deny the project.

Mr. Samuel Osborne spoke in opposition to the project and encouraged the board to protect the agriculture areas. He stated the intent of the LDC is to protect agriculture land. He said this project is an industrial power production and voiced concern for the potential growth of the project and possibly a future power plant. He encouraged the board to deny the project.

The meeting briefly recessed at 4:19 p.m. and reconvened at 4:26 p.m.

Attorney Matthews stated he had individuals present to address the concerns raised during public comment.

Ms. Sandy Sims, Director of External Relations for Gulf Power, was sworn in and explained how the energy on the grid works. She discussed the importance of the project. She said there were 24,000 Gulf Power meters in Walton County. Commissioner Anderson asked Ms. Sims to explain the interconnectivity to CHELCO. Ms. Sims discussed the power produced for Walton County through power plants in Pensacola and Panama City.

Mr. Eckard discussed the logic and approach with the landscape buffers and discussed the distance from the surrounding homes. Chairman Nick asked how many acres the buffer consists of. Mr. Eckard stated 54 acres. He said land left over is leased to farmers or held for future use. He said there are 24,000 meters in Walton County which would be powered by this project. He discussed the resilience of the panels during storms. Chairman Nick asked how the panels are affected with high winds. Mr. Eckard stated the panels are locked into place until the winds die down. He spoke about the ways the applicant has addressed all the concerns raised.

Commissioner Glidewell asked if there are plans for expansion. Mr. Eckard said there are plans to expand across Northwest Florida, but not at this site. Commissioner Glidewell asked if there were options on land surrounding this project. Mr. Eckard said yes, it is approximately two miles from this project. Commissioner McCormick asked if they were also considering locations in surrounding counties. Mr. Eckard said they are looking at Okaloosa, Santa Rosa, Escambia, and another site in Jackson County.

Mr. Buffington addressed the concerns raised regarding storm water. He said site specific studies were done and discussed the results of the studies. He also discussed the drip edges on the panels which will be moving throughout the day.

Attorney Matthews noted the project had been in the process for more than a year and asked Mr. Carpenter if he had a chance to review the staff report and the different comments. Mr. Carpenter said he had, along with the voluminous pages of public comments. Attorney Matthews asked if there was transparency and response to the comments. Mr. Carpenter said yes. Attorney Matthews asked Mr. Carpenter's opinion if this project meets the LDC and Comprehensive Plan. Mr. Carpenter said it meets or exceeds the requirements.

Attorney Matthews presented his rebuttal to the comments and stated that the project is within the Agricultural Zoning area. He said there are many uses that can be placed in the Agricultural Zoning Category that do not have to be in conjunction with agriculture. He said the environmental concerns have been addressed and is included in the documentation presented. He said what was presented with comment is not the same level as the reports submitted for the project.

Commissioner Glidewell voiced concern with fire safety relating to the project and the lack of specialized equipment and training. He also voiced concerned with open space not being met with the project. Attorney Matthews addressed Commissioner Glidewell's concerns. He apologized about the fire department issue and said an email was submitted for the first time yesterday. Gulf Power is committed to work with Liberty Fire Department for training and closer facilities. He recommended adding it as a condition. Commissioner Glidewell said a mistake was clearly made and that there were more than the five conditions that would have to be addressed. Attorney Matthews asked to approve on condition of a letter to communicate with the Liberty Fire Department. He addressed the open space and said that by definition there is 98% open space.

Commissioner Barker discussed his tour of the facility in Jackson County. He is concerned with turning the north end of the county into a big solar panel. He commented on the Code being subject to being interpreted differently. He stated the county needs agriculture protections. He voiced concern with the Zinc in the poles and future effects on the water table along with the fire department issues. The outpouring of the public is a huge consideration. We are sworn to uphold and protect the citizens of the county.

Commissioner Anderson asked Mr. Carpenter to answer the code interpretation issue. Mr. Carpenter said he does not have an opinion but could read the plain language of the code. He advises that it does meet the code. Discussion was held on the interpretation of the board being the final decision and the board being elected to protect the rights of the people.

Motion by Commissioner Anderson, second by Chairman Nick, to approve the Chautauqua Solar Energy Facility contingent upon conditions being met as stated in the Staff Report contingent upon staff conditions being met and working with the Liberty Fire Department.

(Chairman Nick stepped down as Chairman to second the motion. Commissioner Barker assumed the Chairman position.)

2-3 by the following votes:

Ayes: Commissioner Anderson and Chairman Nick

Nays: Commissioner Glidewell, Commissioner Barker, and
Commissioner McCormick

(Exhibits: 1-Staff Report, 2-Staff Memo, 3-Petitioners Composite Exhibit 1, 4-Petitioners Exhibit 2, 5-Respondent Exhibit 1, 6- Respondent Exhibit 2, 7- Respondent Composite Exhibit 3, 8-Respondent Composite Exhibit 4, 9- Respondent Composite Exhibit 5, 10-Respondent Exhibit 6, 11-Respondent Exhibit 7, 12-Respondent Exhibit 8) (Ex Parte: Nick, Barker, McCormick, Glidewell, Anderson)

Motion by Commissioner Glidewell, second by Commissioner McCormick, to deny Chautauqua Solar Energy Facility based on the project not meeting the code due to environmental concerns, open space, water conditions, lack of proper equipment and training of the fire department, the impact on property values, and the effects on the quality of life for the citizens.

3-2 by the following votes:

Ayes: Commissioner Glidewell, Commissioner Barker, and
Commissioner McCormick

Nays: Commissioner Anderson and Chairman Nick

Attorney Noyes stated that due to the denial, the Final Order to deny would be considered at the next meeting. After further discussion the board will hold a Special Meeting on January 7th at 9:00 a.m. in DeFuniak Springs. Attorney Noyes advised that no evidence would be taken at the meeting.

Motion by Commissioner Glidewell, second by Commissioner Anderson, to hold a Special Meeting on January 7th at 9:00 a.m. in the DeFuniak Springs Courthouse to approve the Chautauqua Solar Energy Facility Final Order of Denial.

5-0 by the following votes:

Ayes: Commissioner Anderson, Commissioner Glidewell,
Chairman Nick, Commissioner Barker, and Commissioner
McCormick

The board recessed at 5:05 p.m. and reconvened at 5:20 p.m.

- 9. CONTINUED - Mack Bayou Landing - Request to approve by final order. Project number MAJ20-000031 is being reviewed by Bob Baronti. This is a major development order application submitted by Jenkins Engineering, Inc. on behalf of Defoor Ventures LLC, requesting approval to develop 38 single family homes on 9.36 +/- acres with a future land use of Residential and zoning of**

Neighborhood Infill. The project is located from the intersection of U.S. Highway 98 E and Mack Bayou Road, go approximately 1.4 miles and property is on the west side and is identified by parcel number(s) 24-2S-21-42000-037-0000 and 24-2S-21-42000-037-0010. (Exhibit 1: Staff Report, Exhibit 2: Staff Memo) (Ex Parte: Nick)

10. **Hawk's Landing - Request to approve by final order.** Project MAJ20-000023 is being reviewed by Stephen Schoen. This is a major development order application submitted by Nautilus Civil Engineers, Inc. on behalf of Southstar Communities requesting to construct 150 town homes and four single family homes and associated infrastructure on 38.85 +/- acres. The project lands have Future Land Use designations of Conservation Residential and Mixed Use with Zoning Districts of Conservation Residential and Village Mixed Use. The property is located on the east side of Indian Woman Rd. approximately 0.2 miles north of Chat Holley Rd. The property can be identified by parcel(s) 23-2S-20-33170-000-0220, 23-2S-20-33170-000-0200, and 23-2S-20-33170-000-0210.

Mr. Stephen Schoen, Planning and Development, introduced the project and submitted the Staff Report into evidence. **(Exhibit 1)** He said the density is less than 4:1 per acre for the project as a whole and the applicant will dedicate two acres of land for public park purposes.

Mr. Curtis Smith, Nautilus Engineering, representing the applicant, briefly discussed the project. He said there are approximately 3.9 units per acre. There are approximately three acres of lakes and ponds on the site. They are proposing a two-acre park with a pedestrian bridge, a public sidewalk to Indian Woman Road, and a recreation field on the east side of the project. He said the project will improve the public infrastructure. This project will fund the addition of a large pressure sewer to serve the project and future needs. Commissioner McCormick voiced concern with the traffic impacts. Mr. Smith discussed how proportionate fair share is calculated. Commissioner McCormick commented on the road being over capacity with currently approved projects. Mr. Smith stated it is and explained the number of trips. Commissioner Glidewell asked about storm water. Mr. Smith said the ponds would discharge into the mosquito control ditches. He further discussed the storm water system. Brief discussion was held regarding proposed parking consisting of two parking spaces plus one garage space per unit with an additional 12 spaces throughout the project.

Mr. Smith said the few concerns raised by the neighbors have been addressed.

There were no public comments.

Motion by Commissioner Glidewell, second by Commissioner Anderson, to approve by Final Order, Hawk's Landing, contingent upon the conditions being met as stated in the Staff Report.

5-0 by the following votes:

Ayes: Commissioner Anderson, Commissioner Glidewell,
Chairman Nick, Commissioner Barker, and Commissioner
McCormick

(Exhibits: 1-Staff Report) (Ex Parte: none)

11. **Miller's Addition to Grayton Beach Replat - Request to approve by final plat. Project number PLA20-000024 is being reviewed by Tim Brown. This is a minor plat application submitted by Emerald Coast Associates, Inc. on behalf of Virginia Virden ETAL, requesting approval to replat Lots 9-11, Block 2, Map of Grayton Beach, to reconfigure lot lines and eliminate encroachments on 0.55 +/- acres with a future land use of Residential and a zoning category of Residential Preservation. The project is located on the west side of C.R. 283, north of Holtz Avenue and south of Lydia Avenue and is identified by parcel number(s) 08-3S-19-25030-002-0090 and 08-3S-19-25030-002-0100.**

Mr. Carpenter introduced the project and submitted the Staff Report into evidence.
(Exhibit 1)

Mr. Darrell Burgis, Emerald Coast Associates, said the plat cleans up an illegal lot split and brings both structures into conformance with the side setback. There are no new structures or utilities.

Commissioner McCormick asked if the lot dispute had been resolved. Mr. Burgis stated there is no dispute or legal issue regarding this project.

There was no public comment.

Motion by Commissioner Anderson, second by Commissioner Glidewell, to approve by Final Plat Miller's Addition to Grayton Beach Replat contingent upon conditions being met as stated in the Staff Report.

5-0 by the following votes:

Ayes: Commissioner Anderson, Commissioner Glidewell,
Chairman Nick, Commissioner Barker, and Commissioner
McCormick

(Exhibits: 1-Staff Report) (Ex Parte: none)

12. **Alys Beach Block XX (14 S-F lots) Plat - Request to approve by final plat. Project number PLA20-000014 is being reviewed by Tim Brown. This is a minor plat application submitted by Innerlight Engineering Corporation on behalf of EBSCO Gulf Coast Development, Inc., requesting approval to plat 14 residential lots in Block XX in the Alys Beach PUD on 1.66 +/- acres with a future land use of Mixed Use and a zoning category of Traditional Neighborhood Development. The project is located on the south side of West Sugar Lump Lane, east of Sea Garden Street and west of Kings Castle Court and is identified by parcel number(s) 27-3S-18-16000-027-0010.**

Mr. Carpenter introduced the project and submitted the Staff Report into evidence.
(Exhibit 1)

Mr. David Smith, Innerlight Engineering-representing the applicant, was available via Zoom for questions and briefly explained the project. There were no questions.

There were no public comments.

Motion by Commissioner Anderson, second by Commissioner Glidewell, to approve by Final Plat Alys Beach Block XX (14 S-F lots) Plat contingent upon conditions being met as stated in the Staff Report.

5-0 by the following votes:

Ayes: Commissioner Anderson, Commissioner Glidewell,
Chairman Nick, Commissioner Barker, and Commissioner
McCormick

(Exhibits: 1-Staff Report) (Ex Parte: none)

13. **CONTINUED - Wood Spring Suites - Request to approve by final order. Project number MAJ20-000006 is being reviewed by Tim Brown. This is a major development order application submitted by S&ME on behalf of Liberty Development, LLC, requesting approval to construct a 122-unit hotel with associated infrastructure on 2.33 +/- acres with a future land use of Mixed Use and zoning category of Coastal Center. The property is located at the southeast corner of U.S. Highway 98 West and Sandy Cay Drive and is identified by parcel number(s) 30-2S-21-42000-005-0000. (Exhibits: 1-Staff Report, 2-Staff Memo) (Ex Parte: Nick, Glidewell)**

14. **Eden's Landing PUD Amendment # 2 - Request to approve by final order. Project number MAJ20-000033 is being reviewed by Tim Brown. This is a major development order application submitted by Innerlight Engineering Corporation on behalf of Eden's Landing Development Partners, LLC, requesting approval to add 15 multi-family loft units above the commercial space and reduce the amount of commercial use by 7,223 square feet on 11.74 +/- acres with a future land use Residential and a zoning category of Neighborhood Infill. The project is located on the west side of North C.R. 395, north of East Point Washington Road and south of Eden Garden State Park Road, and is identified by parcel number(s) 35-2S-19-24100-00A-(0010-0050), 35-2S-19-24100-00B-(0010-0090), 35-2S-19-24100-00C-(0010-0080), 35-2S-19-24100-00D-(0010-0120), 35-2S-19-24100-00E-(0010-0060), 35-2S-19-24100-00F-(0010-0090) and 35-2S-19-24100-000-00A0.**

Mr. Carpenter introduced the project and submitted the Staff Report into evidence.
(Exhibit 1)

Mr. David Smith attended via Zoom on behalf of the applicant and was available for questioning. He said the amendment was a reallocation exercise to remove 7,223 square feet of commercial space and the addition of 15 residential lofts. It would be a reduction in commercial and does not change the traffic concurrency.

There was no public comment.

Motion by Commissioner Anderson, second by Commissioner Barker, to approve by Final Order Eden's Landing PUD Amendment # 2 contingent upon conditions being met as stated in the Staff Report.

5-0 by the following votes:

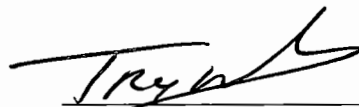
Ayes: Commissioner Anderson, Commissioner Glidewell,
Chairman Nick, Commissioner Barker, and Commissioner
McCormick

(Exhibits: 1-Staff Report) (Ex Parte: none)

15. **CONTINUED - Bayview Estates Plat - Request to approve by final plat. Project number PLA19-000026 is being reviewed by Bob Baronti. This is a plat application submitted by Core Engineering and Consulting, on behalf of GE/Bayview Estates, LLC, requesting approval to plat 14 single family homes on 2.57 +/- acres. The property has a future land use of Residential and a zoning of Neighborhood Infill. The project is located from U.S. Highway 98 at N. Holiday Road, 0.4 miles to Forest Shore Drive, west on Forest Shore Drive 0.6 miles to Walton Way and project site is on the left, and the property is identified by parcel number 19-2S-21-42000-005-0000. (Exhibits: 1-Staff Report, 2-Staff Memo) (Ex Parte: Nick)**

ADJOURN

There being no further discussion, the meeting was adjourned at 5:41 p.m.



Trey Nick, Chairman



Attest: Alex Alford, Clerk of Court and County Comptroller