

Following document(s) submitted by Ken Metcalf is to be put on the record for Agenda Item #3 for the Planning Commission Board Meeting held April 09, 2026.

Applicant Exhibit No. 1

BUTTONBUSH MEADOWS
DO-0625-0014

Okaloosa County

Planning Commission Hearing

April 9, 2026

Kenneth Metcalf, AICP

Presentation

- Applicant Professional Team
- Overview of Okaloosa County Land Development Code (LDC) Procedures Applicable to This Hearing
- Deficient Memorandum of Error (MOE) Allegations Filed by Petitioners
- Competent Substantial Findings Rebutting Incorrect MOE Allegations

Applicant Professional Team

- Applicant and Owner
 - Chris Ryles
- SEAS Engineering (Agent)
 - Cole Granger, P.E.
 - 18 years of professional experience in Okaloosa County/Surrounding Counties
- Stearns Weaver Miller
 - Ken Metcalf, AICP
 - Director of Planning and Development Services
 - Certified by the American Institute of Certified Planners
 - Over 40 years of professional experience
 - Masters of Science in Urban and Regional Planning

LDC Section 1.11.08

- Planning Official issues Notice of Intent (NOI) to approve, approve with conditions or deny a development order.
 - Notice of Intent to approve development order posted on 11/17/2025.
- Any person may petition for a development order hearing within 7 days after NOI is issued.
 - 23 petitions filed on 11/24/2025
- Petitioner must submit MOE within 14 days after the date petition is filed or by 12/8/2025.
 - 15 MOEs filed on 12/8/2025
 - 8 petitions deemed withdrawn pursuant to LDC Section 1.11.08

LDC Section 1.11.08

- “No later than fourteen (14) days after the date the petition is filed the petitioner shall submit a memorandum of error which contains the **specific code requirements and provisions by citation** the petitioner is objecting to, the reasons why the development is not consistent with the identified citations, and any corrective actions to remedy the objections raised. **Failure to comply with this part shall render the petition abandoned and withdrawn.**”
- Keri Pitzer filed an email on 12/8/2025, but did not file a MOE. The email does not constitute a properly filed MOE and does not include the minimum information required by LDC Section 1.11.08. The Petition must be considered *abandoned and withdrawn* pursuant to LDC Section 1.11.08 and cannot be lawfully considered at this hearing.

LDC Section 1.11.08

- “At the development order hearing the petitioner’s arguments shall be limited to the objections raised in the memorandum of error. **Objections raised pursuant to this section shall be to this Code only** and not any other approval or permit that may be required from an agency other than the County. **Any assertion or challenge that the development order is not consistent with the comprehensive plan shall be as specified at Section 163.3215, Florida Statutes.**”
- Several petitions asserted inconsistencies with the Comprehensive Plan. Allegations regarding inconsistency with the Comprehensive Plan cannot be considered at this hearing.
- The staff report, dated April 9, 2026, confirms the application is consistent with the Comprehensive Plan. We concur with the findings, although this is not a subject matter to be considered at this hearing.

INCORRECT MOE CITATIONS

- Several of the MOEs include incorrect citations to LDC sections that do not exist or that are unrelated to the alleged LDC violation referenced by the MOE.
- Applicant Exhibit No. 2 documents the incorrect or improper code citations in each of the MOEs.
- Applicant Exhibit No. 2 highlights in green/bold the few citations in the MOEs that are found within the LDC and that relate to the corresponding objection raised in the MOE.

CITATIONS REQUIRING EVALUATION

- Applicant Exhibit 1 confirms the following citations (highlighted in green/bold) are correct citations and related to the corresponding objection in the applicable MOE:
 - LDC Section 2.01.01 – whether proposed development meets purpose of the Agricultural District.
 - LDC Section 2.01.02 – whether proposed development meets the intent of the Agricultural District.
 - LDC Section 2.01.04 – whether proposed development is consistent with the permitted uses allowed in the Agricultural District.
 - LDC Section 6.06.03 – whether proposed Stormwater Management Plan includes required contents.
 - LDC Section 6.06.101 – whether detention facility complies with design requirements.

LDC Section 2.01.04 (Permitted Uses)

- “2.01.04 Permitted Uses: The following uses are **permitted as of right** in an AA district. All other uses are permitted by special exception, or prohibited.

8. One-Acre Lots. The minimum lot size in the AA district may be one (1) acre when the following conditional requirements are met.

- a. **Access to each lot must be from an existing state or county-maintained roadway.**
- b. **Each lot created shall have a minimum of 50 feet frontage on such state or county-maintained road.**
- c. Where two lots or less lots are created access may be provided from a recorded easement.
- d. Development shall not be permitted in floodways.

*OKALOOSA UNITED RESIDENTS FOR SAVING OUR
IRREPLACEABLE LAND, INC., v. OKALOOSA COUNTY AND
GARDEN STREET COMMUNITIES SOUTHEAST, LLC*

- Plaintiff argued that the Okaloosa County Comprehensive Plan required a lot within a proposed subdivision (Buckhaven Subdivision) in the Agricultural land use category to have access to an existing County road at the time that the Development Order was issued and that the density is limited to one unit per 10 acres if the first condition is not met.
- Judge Oberliesen rejected Plaintiff's interpretation at a pronouncement hearing held on March 25, 2025
- The transcript of the pronouncement hearing is offered as Applicant Exhibit No. 3.

OKALOOSA UNITED RESIDENTS FOR SAVING OUR IRREPLACEABLE LAND, INC., v. OKALOOSA COUNTY AND GARDEN STREET COMMUNITIES SOUTHEAST, LLC

- The Agricultural land use category reads essentially verbatim as compared to LDC Section 2.01.04 in regard to the “existing road” requirement, frontage requirement and conditional density. It states in relevant part:

Allowable Density: No more than one (1) dwelling unit per ten (10) acres. One dwelling unit per one (1) acre may be allowed when the following conditions are met.

- a. Access for each 1 acre lot shall be from an existing state or county maintained roadway.
- b. Each 1 acre lot shall a minimum of 50 feet frontage on said state or county-maintained roadway.

Judge Oberliesen's Ruling

- Judge Oberliesen made the following ruling (excerpts from Transcript, p. 6-7)

“That one particular part that I though was important, and that’s in the future land use sections of 2.1.18 which talks about land that’s designated as agricultural or AG and the allowable density, this is kind of the main section was talked about quite some bit at that hearing, and, in that section and down toward the kind of middle to end of that section, it talks about allowable density. No more than one dwelling unit per ten acres. One dwelling unit per one acre may be allowed when the following conditions are met and, A, access for each one-acre lot shall be from an existing state- or county-maintained roadway; B, each one-acre lot shall have a minimum of 50 feet frontage on said state- or county-maintained roadway...”

“In hearing the arguments from both sides, allowable density talks about dwelling units. I think everyone is clear on the facts of the situation, as this site, where Buckhaven has been discussed, has no dwelling units. And so it’s – it has particularly no lots for at least at the time of the Development Order. And so we have to look at things as how they read, not just in the words but in time.”

“And then existing means existing at the time those lots were created and at the time that those dwelling units are constructed.”

Judge Oberliesen's Ruling

- Judge Oberliesen made the following ruling (excerpts from Transcript, p. 8-9)

“And we can't talk about the rest of it unless we're talking about the dwelling units. And since those haven't been constructed, those lots and that plan had not been created at the time of the Development Order, that this is consistent with what the Comprehensive Plan calls for: That an existing state- or county-maintained roadway is one that exists at the time that the construction is done. Otherwise, construction really couldn't be done and any other type of development such as this order other similar-type developments.”

“So, the existing, which has been argued extensively by the parties, the Court finds that it agrees with the County, as well as Garden Street, regarding that particular section, that since the County is to take over those roadways that have been built, that that would then be existing state or county roadways at the time of construction and development.”

“And, in doing the kind of deep dive that was necessary to make these decisions, I went through, not just the Land Development Code and the Comprehensive Plan as far as the sections that were talked about, but the sections that talk about the application process, that talk about how not only once the Development is put into place, that's not the end of it, that the developer then still has the obligation to build or development in consistency with what the Development Order is.”

Judge Oberliesen's Ruling

- Judge Oberliesen made the following ruling (excerpts from Transcript, p. 9-10)

“And so if the developer were to not follow the way it's written, then that would be an issue that the County could take up with the developer itself. And so it's really about the finished product more than it is about where it starts. And so, therefore, I do find the density issue would go in favor of the Defendants.”

“I will point out that, regardless if you look at the AG agricultural section of the plan or the Land Development Code, agriculture or AA (sic) districts both allow for residential, including the Land Development Code, which is kind of the implementation of the plan, where it specifically talks about residential subdivisions again. And then talks about the one-acre lots in that particular section as well.

“With the consistent language from the plan, the Court finds that the lot plan and sizes pursuant to the Development Order are consistent with that Comprehensive Plan.

Judge Oberliesen's Ruling

- To summarize, Judge Oberliesen rejected the argument that lots must have access to an existing state- or county-maintained road **at the time of the development order**.
- Judge Oberliesen ruled in favor of the County's interpretation that "existing" means the road must exist **at the time that the plat is recorded** and that the County road would be constructed by the developer in accordance with the Development Order prior to recording the plat.
- Judge Oberliesen ruled that a development order for a proposed subdivision that requires construction of a County-maintained road is permitted a density of **one unit per acre**. The proposed density is .82 units per acre.

LDC Section 2.01.04 (Permitted Uses)

- Based on Judge Oberliesen's ruling, Buttonbush Meadows subdivision complies with LDC Section 2.01.04, including Subsections 8.a. and 8.b. because the proposed county-maintained road will be constructed prior to approval and recording of the final plat that creates each proposed lot. Once created, each lot will also have a minimum frontage of 50' on the existing county-maintained road.
- 8. One-Acre Lots. The minimum lot size in the AA district may be one (1) acre when the following conditional requirements are met.
 - a. **Access to each lot must be from an existing state or county-maintained roadway.**
 - b. **Each lot created shall have a minimum of 50 feet frontage on such state or county-maintained road.**

CITATIONS REQUIRING EVALUATION

- LDC Section 2.01.01 – whether proposed development meets purpose of the Agricultural (AA) District.
- LDC Section 2.01.02 – whether proposed development meets the intent of the Agricultural (AA) District.

Finding: The purpose and intent statements guide the County in determining where the AA zoning district should be applied and guide the County's adoption of permitted uses and development standards for the AA zoning district. **The proposed residential use, lot size and density are permitted as-of-right by LDC Section 2.01.04, Subsection 8 as previously reviewed.** Compliance with the AA zoning district permitted uses and development standards inherently confirms compliance with the AA zoning district purpose and intent.

CITATIONS REQUIRING EVALUATION

- LDC Section 6.06.03 – whether proposed Stormwater Management Plan includes required contents.
 - Stormwater Management Plan prepared in accordance with LDC Section 6.06.03 by SEAS Engineering and signed/sealed by professional engineer.
 - Okaloosa County engineering confirmed the Stormwater Management Plan complies with LDC Section 6.06.03.
 - SEAS Engineering prepared a summary (Applicant Exhibit 5) documenting compliance with each requirement of LDC Section 6.06.03

CITATIONS REQUIRING EVALUATION

- LDC Section 6.06.101 – whether retention facility complies with design requirements.
 - SEAS Engineering designed the retention facility in accordance with LDC Section 6.06.101. The design plans are signed and sealed by professional engineer.
 - Okaloosa County engineering confirmed the design complies with LDC Section 6.06.101.
 - SEAS Engineering prepared a summary (Applicant Exhibit 5) documenting compliance with each requirement of LDC Section 6.06.101.

CITATIONS REQUIRING EVALUATION

- The MOE provided by Sheldon Harpster cites LDC Section 6.06.010, referenced as *Prevention of Offsite Impacts*. We assume this is intended to mean LDC Section 6.06.01, which requires compliance with LDC Ch. 4 regarding concurrency/level-of-service standards for stormwater management.
 - SEAS Engineering designed the stormwater management system in accordance with LDC Chapter 4 level-of-service standards. The design plans are signed and sealed by professional engineer.
 - Okaloosa County engineering confirmed the design complies with the level-of-service standards.
 - SEAS Engineering prepared a summary (Applicant Exhibit 5) documenting compliance with each requirement of LDC Section 6.06.101.

CONCLUSION

- This is a quasi-judicial proceeding, which requires that the Planning Commission determination must be based on **competent substantial evidence**.
- Competent substantial evidence includes expert opinions regarding compliance. Non-expert opinions do not constitute competent substantial evidence.
- This presentation, testimony from Ken Metcalf and Cole Granger, the Applicant Exhibits, staff findings and testimony, and the application documents constitute competent substantial evidence demonstrating compliance with the LDC Sections cited in the Memorandums of Error submitted by the Petitioners.
- **The Notice of Intent is fully supported by competent substantial evidence supporting staff's determination that the Application is consistent with the LDC.**

**Applicant Exhibit No. 2
Documenting Improper Citations in MOE**

Petitioner	Green/bold identifies proper citation in the MOE based on objection. Only green/bold citations should be considered at hearing. All other citations and allegations are improper and should be disregarded for the reasons cited in the final column.	Improper Citation (numbers below correspond to Error # in MOE)
Benjamin Plenge	2.01.04. No existing road; infrastructure does not support development.	LDC Section 2.01.04 addresses permitted uses, including existing road access. Reference to infrastructure lacks citation and must be disregarded.
Brian Hornberg/ Our Soil, Inc.	<p>Error 1. Developer illegally cleared.</p> <p>Error 2. Does not meet purpose of the Agricultural District – 2.01.01.</p> <p>Error 3. Does not meet intent of Agricultural District – 2.01.02.</p> <p>Error 4. Does not meet permitted uses in Agricultural District. 2.01.04. Intent of exceptions for minor infill along existing roads. Policy 10.1B Rural Community. Controls over LDC per 1.03.00.</p> <p>Error 5. Conditions requirements must be met per LDC 2.01.04.# 8. LDC 8.b. Access to each lot must be from an existing state or county-maintained roadway, 8.c. Each lot created shall have a minimum of 50 feet frontage on such state or county-maintained road</p> <p>Error 6. Does not reflect very low density development pattern. 2.1 Future Land, Objective 4 on page 2.1.5.</p> <p>Error 7. Suburban neighborhoods not compatible with rural and agricultural land uses.</p> <p>Error 8, Urban Sprawl. Future Land Use Section 2.1, Objective 9.</p>	<p>1. No citation. Disregard.</p> <p>2. Objection relates to citation.</p> <p>3. Objection relates to citation.</p> <p>4. Objection regarding permitted uses related to objection. Disregard Policy 10.1B. Comprehensive Plan cannot be considered.</p> <p>6. Disregard. Comprehensive Plan cannot be considered.</p> <p>7. Disregard. Comprehensive Plan cannot be considered.</p> <p>8. Disregard. Comprehensive Plan cannot be considered.</p> <p>Only alleged Errors #2, #3 and #4 (only as to permitted uses in Agricultural District) and #5 should be evaluated at this hearing. All other citations relate to the Comprehensive Plan and must be disregarded.</p>
Clayton Harpster	<p>Error 1. Improperly claiming a non-existent road as existing. LDC Article 2 – Lot and Density Requirements for Rural Districts. LDC 1A.03.03 – DO required for platting, roads and infrastructure. LDC 7.01.03 – Adequacy of Public Facilities</p> <p>Error 2. LDC Section 6.06.101 – Retention System Requirements & 72-Hour Recovery Rule</p> <p>LDC 6.06.201 – Protection of Adjacent Properties from Increased Runoff.</p> <p>Error 3. Drainage impacts to surrounding properties not fully analyzed or mitigated. LDC Section 6.06.010 – Prevention of Adverse Offsite impacts; LDC Section 6.06.201 – Protection of Adjacent Lands.</p> <p>Error 4. Illegal clearing before DO issuance violated LDC requirements and compromised site conditions. LDC 1A.03.03. DO required before clearing of land or land disturbance; LDC 1.11.08 – Procedural compliance required.</p> <p>Error 5. Roadway network and public infrastructure capacity were not properly evaluated. LDC 7.01.03 – Adequacy of Public Facilities (Concurrency); LDC Article 11 – Traffic & Access Requirements.</p> <p>Error 6. Comprehensive Plan inconsistency allegations.</p>	<p>1. General citation to LDC Article 2 is not specific as required by LDC 1.11.08. Citation to Section 1A.03.03 does not specify an objection. Section 7.01.03 does not exist in the LDC.</p> <p>2. Section 6.06.201 does not exist in the LDC.</p> <p>3. Sections 6.06.010 and 6.06.201 do not exist in the LDC.</p> <p>4. Objection citing Section 1A.03.03 does not identify a compliance issue based on whether the application is consistent with the LDC. Issuance of DO will resolve stop-work order.</p> <p>5. Section 7.01.03 and Article 11 do not exist in the LDC.</p> <p>6. Comprehensive Plan consistency cannot be considered at this hearing.</p> <p>Only the green/bold highlighted allegations should be evaluated at this hearing. All other citations are incorrect, do not comply with LDC Section 1.11.08 and must be disregarded.</p>
Dominick Vicari	Road was not existing. LDC 2.01.04	Citation relates to objection. This alleged error should be evaluated at the hearing.
James Hecker	LDC 2.01.04 – The land is suitable for General Agriculture and should not be considered for housing development for reasons of conservation, outdoor recreation, and public interest.	Citation relates to objection. This alleged error should be evaluated at the hearing.
Marianne Vicari	Road was not existing – LDC 2.01.04	Citation relates to objection. This alleged error should be evaluated at the hearing.

Michelle Harpster	<p>Error 1. Development Commencing Prior to Issuance of a Development Order LDC 2.05.01(A). No development may begin until Development Order has been issued.</p> <p>Error 2. Required Environmental / Natural Resource Review Prior to Land Disturbance LDC § 2.05.03(A) (Environmental review required as part of development approval.) LDC § 6.05.03(A) (Development must not create adverse drainage, erosion, or environmental impacts.) LDC § 6.05.03(D) (Requires preservation of natural vegetation where needed for stormwater and erosion control.)</p> <p>Error 3. Public Facilities Adequacy -Roads Must Exist and Meet Standards LDC § 2.04.02(B)(4) (Development Orders may only be issued if public facilities, including roads, are adequate to serve the development at the adopted level of service.) LDC §§ 6.04.01-6.04.03 (Subdivision access roads must exist, be constructed to County standards, and support safe ingress/egress and emergency vehicle access.)</p> <p>Error 4. Zoning District Standards and Density Compliance. LDC § 2.04.02(B)(2) (Development Orders must comply with the Comprehensive Plan and zoning district standards.) LDC Chapter 5 - Zoning District Regulations (Establishes the density, dimensional, and access standards for each zoning district.)</p> <p>Error 5. Stormwater, Soil, and Drainage Evaluation Requirements LDC § 6.06.03 (Stormwater plans must include accurate soils, topography, drainage patterns, and required technical data.) LDC § 6.05.03(A), (Development must not create adverse drainage impacts on adjacent properties.) LDC § 2.04.02(B)(1) (Development applications must include complete, accurate, and reliable technical documentation.)</p> <p>Error 6. Emergency Services and 911 Access Requirements LDC § 2.04.02(B)(4) (Public services-including fire, EMS, and 911 access-must be adequate at the time of DO approval.) LDC § 6.04.03(A) (Access roads must support emergency vehicle load and provide reliable ingress/egress.)</p> <p>Error 7. Accuracy and Completeness of Application Materials LDC § 2.04.02(B)(1)(All application documents must be complete, accurate, and reliable.)</p>	<ol style="list-style-type: none"> 1. Section 2.05.01(A) does not exist in the LDC. 2. Sections 2.05.03(A), 6.05.03(A) and 6.05.03(D) do not exist in the LDC. 3. Section 2.04.02(B)(4) does not exist in the LDC. 4. Sections 6.04.01 and 6.04.02 address parking and are unrelated to the objection. Section 6.04.03 addresses commercial zoning and is unrelated to the objection. Chapter 5 does not exist in the LDC. 5. Sections 6.05.03(A) and 2.04.02(B)(1) do not exist in the LDC. 6. Sections 2.04.02(B)(1) and 6.04.03(A) do not exist in the LDC. 7. Section 2.04.02(B)(1) does not exist in the LDC. <p>Only the green highlighted allegations require evaluation at this hearing. All other citations are incorrect, do not comply with LDC Section 1.11.08 and must be disregarded.</p>
Sheldon Harpster	<p>Error 1. Lot sizes do not meet minimum requirements because the applicant is improperly claiming a non-existent road as “existing.” LDC Article 2 – Lot & Density Requirements for Rural Districts; LDC 1A.03.03 – Development Order required for Platting, Roads & Infrastructure; LDC 7.01.03 Adequacy of Public Facilities.</p> <p>Error 2. Stormwater design may not meet LDC due to soil unsuitability, percolation limitations & uncertain system performance. LDC Section 6.06.101 – Retention system requirements & 72-hour recovery rule; LDC 6.06.201 – Protection of adjacent properties from increased runoff.</p> <p>Error 3. Drainage impacts to surrounding properties not fully analyzed or mitigated. LDC Section 6.06.010 – Prevention of Adverse Offsite impacts; LDC Section 6.06.201 – Protection of Adjacent Lands.</p> <p>Error 4. Illegal clearing before DO issuance violated LDC requirements and compromised site conditions. LDC 1A.03.03. DO required before clearing of land or land disturbance; LDC 1.11.08 – Procedural compliance required.</p> <p>Error 5. Roadway network and public infrastructure capacity were not properly evaluated. LDC 7.01.03 – Adequacy of Public Facilities (Concurrency); LDC Article 11 – Traffic & Access Requirements.</p> <p>Error 6. Comprehensive Plan inconsistency allegations.</p>	<ol style="list-style-type: none"> 1. General citation to LDC Article 2 is not specific as required by LDC 1.11.08. Citation to Section 1A.03.03 does not specify an objection. Section 7.01.03 does not exist in the LDC. 2. Section 6.06.201 does not exist in the LDC. 3. Sections 6.06.010 and 6.06.201 do not exist in the LDC. 4. Objection citing Section 1A.03.03 does not identify a compliance issue based on whether the application is consistent with the LDC. Issuance of DO will resolve stop-work order. 5. Section 7.01.03 and Article 11 do not exist in the LDC. 6. Comprehensive Plan consistency cannot be considered at this hearing. <p>Only the green/bold highlighted allegations require a response at this hearing. All other citations are incorrect, do not comply with LDC Section 1.11.08 and must be disregarded.</p>
Tiffany Mathews	<p>The proposed development is not consistent with the following Comprehensive Plan requirements governing compatibility, density, and protection of agricultural areas: Okaloosa County Comprehensive Plan, Future Land Use Element (FLU) Policy 1.1.1 - Agricultural (AG) Future Land Use Category This policy states that agricultural areas are intended to preserve rural character, maintain low residential densities, and prevent the encroachment of incompatible suburban subdivision patterns into agricultural communities.</p>	<p>All allegations regarding Comprehensive Plan must be disregarded. LDC 2.03.02 applies to the R-1 zoning district, which does not apply to the subject property. Only the green/bold highlighted allegations should be evaluated at this hearing.</p>

	<p>FLU Policy 1.3.1 - Compatibility Requirement All new development must be "compatible with, and not adversely impact, existing neighboring uses." Compatibility includes density, scale, intensity, traffic impacts, environmental impacts, and community character.</p> <p>FLU Policy 1.4,3-Transitional Densities Higher-density of suburban subdivisions must only be located where they transition appropriately from rural/agricultural land and do not create abrupt, incompatible density increases.</p> <p>Land Development Code (LDC) Section 2.02.01 - Purpose of Zoning Districts Agriculture zoning districts are intended to maintain very low density and protect agricultural operations from encroachment by Incompatible residential subdivision patterns.</p> <p>LDC Section 2.03.02- Compatibility Standards Requires that proposed development "shall be consistent and harmonious with the character of surrounding land uses," including density, layout, and development pattern</p> <p>Reasons the Development Order Is Not Consistent With These Citations</p> <p>The Development Order fails to comply with the Comprehensive Plan and LDC for the following reasons:</p> <ul style="list-style-type: none"> • Density Is Not Compatible With Surrounding Agricultural Lands • The surrounding area is zoned and used primarily for Agricultural (AG) purposes, where residential density is traditionally 1 dwelling per 10 acres (or similarly low rural densities). • The proposed subdivision introduces small-lot, high-density residential development, which constitutes a significant and abrupt increase in density compared to the surrounding agricultural community. 	
Tracy Mathews	<p>Error 1. LDC 2.16.02 – one-acre lot exemption/existing road. Error 2. LDC 6.04.01 – existing road access. Error 3.LDC 4.03.03 – DO must be consistent with LDC.</p>	<p>1. Section 2.16.02 does not exist in the LDC. 2. LDC Section 6.04.01 addresses parking and is unrelated to existing road access. 3. Section 4.03.03 provides definitions and does not relate to objection.</p>
Victoria Hunker	<p>2.01.04 – Access must be from an Existing Roadway</p>	<p>Citation relates to objection. This alleged error should be evaluated at the hearing.</p>
Wesley Florez	<p>Error 1. Developer illegally cleared. Error 2. Does not meet purpose of the Agricultural District – 2.01.01. Error 3. Does not meet intent of Agricultural District – 2.01.02. Error 4. Does not meet permitted uses in Agricultural District. 2.01.04. Intent of exceptions for minor infill along existing roads. Policy 10.1B Rural Community. Controls over LDC per 1.03.00. Error 5. Conditions requirements must be met per LDC 2.01.04.# 8. LDC 8.b. Access to each lot must be from an existing state or county-maintained roadway, 8.c. Each lot created shall have a minimum of 50 feet frontage on such state or county-maintained road. Error 6. Does not reflect very low density development pattern. 2.1 Future Land, Objective 4 on page 2.1.5. Error 7. Suburban neighborhoods not compatible with rural and agricultural land uses. Error 8. Urban Sprawl. Future Land Use Section 2.1, Objective 9.</p>	<p>1. No citation. 2. Objection relates to citation. 3. Objection relates to citation. 4.Objection regarding permitted uses relates to citation. Disregard Policy 10.1B. – Comprehensive Plan cannot be considered. 6. Disregard. Comprehensive Plan cannot be considered. 7. Disregard. Comprehensive Plan cannot be considered. 8. Disregard. Comprehensive Plan cannot be considered.</p> <p>Alleged Errors #2, #3 and #4 (only as to permitted uses in Agricultural District) and #5 are the only errors that should be evaluated at this hearing. All others address Comprehensive Plan consistency and must be disregarded.</p>
William Adams	<p>2.01.04 – Road was not existing. Zoned AG; residential not compatible</p>	<p>Allegation regarding compatibility does not provide a LDC citation and must be disregarded.</p>

APPLICANT EXHIBIT NO. 3

Page 1

1 IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT,
2 IN AND FOR OKALOOSA COUNTY, FLORIDA

3
4 CASE NO. 2024 CA 002831 F

5 OKALOOSA UNITED RESIDENTS FOR
6 SAVING OUR IRREPLACEABLE LAND, INC.,
7 Plaintiff,

8 v.

9 OKALOOSA COUNTY, FLORIDA, a
10 Political Subdivision of the State of Florida,
11 Defendant.

12 and

13 GARDEN STREET COMMUNITIES SOUTHEAST, LLC,
14 Intervenor/Full Party Defendant-In-Interest.

15 PROCEEDINGS: Pronouncement Hearing
16 BEFORE: The Honorable David Oberliesen
17 DATE: March 25, 2026
18 TIME: 1:29 p.m. - 1:50 p.m., CST
19 PLACE: Okaloosa County Courthouse
20 101 East James Lee Boulevard
21 Crestview, Florida 32536
22 REPORTED BY: LACEY J. LINK, RPR, FPR, LCR
23 Stenographic Court Reporter
24 Notary Public
25 State of Florida at Large

Veritext Legal Solutions

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Attorney for Intervenor/Full Party
Defendant-In-Interest, Garden Street Communities
Southeast, LLC

Also Present:

BRIAN HORMBERG, REPRESENTATIVE FOR PLAINTIFF
LUKE HENDERSON, REPRESENTATIVE FOR GARDEN STREET

PROCEEDINGS

1
2 THE BAILIFF: All rise. Court is now in
3 session. Honorable David Oberliesen residing.

4 THE COURT: All right. Good afternoon,
5 everyone. You can be seated.

6 I apologize. It's going to take me a few
7 minutes to kind of get situated up here. I
8 apologize. There's been some changes up here.
9 There's more monitors than there was last time, if
10 y'all don't recognize, where there's just less room
11 to get situated.

12 All right. Again, good afternoon. I'm
13 Judge David Oberliesen. We are here for a
14 Pronouncement Hearing.

15 This is 2024-CA-2831, which is the Okaloosa
16 United Residents for Saving Our Irreplaceable Land,
17 Inc. v. Okaloosa County, as well as Garden Street
18 Community Southeast, LLC.

19 The purpose of the hearing for which we are
20 here was a Summary -- I guess kind of mutual Summary
21 Judgment Motions won by the Plaintiff, asking for
22 Summary Judgments as far as consistency with the
23 Comprehensive Plan.

24 Obviously, the County -- I'm sorry. I haven't
25 even introduced everybody yet. So for the County, I

1 have Mr. Ignacio; correct?

2 MR. IGNACIO: Yes, Judge. Correct.

3 THE COURT: And then Ms. Fox is here for
4 Garden Street. And if you could introduce who is
5 here with you.

6 MS. FOX: Yes. We have Luke Henderson, who is
7 with Garden Street.

8 THE COURT: Okay. Thank you.

9 And then I have Mr. Chesser here, along with
10 your client, who I believe is Mr. --

11 MR. CHESSER: Hormberg.

12 THE COURT: Hormberg --

13 MR. CHESSER: Yes, sir.

14 THE COURT: -- am I saying that right? Okay.
15 I've read it a number of times. I just wanted to
16 make sure I was saying that right.

17 All right. I'm sorry for that. I just wanted
18 to introduce everyone who is here.

19 The Court took the issue under advisement back
20 from our hearing about four weeks ago. To be
21 honest, I probably could have taken another four
22 weeks to go through the materials again.

23 As you know, the Plaintiff, the Circuit Court
24 Judge is constantly jumping from one area to
25 another, so rereading things is often something that

1 needs to be done, which I have done in this
2 particular case, going back through the exhibits,
3 the affidavits, the deposition transcripts, and
4 reading more about land use than I expected I would
5 do all year.

6 But the Court has reread everything since the
7 hearing, in addition to the preparation that was
8 done before then. I say that just to make sure
9 you-all understand I've considered everything that's
10 been filed, both, I guess, the motions, again, the
11 affidavits, evidence that's provided, the Land Code,
12 the Comprehensive Plan, the statutes that were
13 provided regarding Chapter 163 for the most part and
14 is ready to make a ruling on this.

15 I'll talk about briefly, during the hearing
16 back on February 24th, I believe it was, there was a
17 lot of talk about focus, at least on the kind of
18 density issue, and whether or not the Development
19 Order that was issued by the County and for the
20 benefit, I guess, of Garden Street was in compliance
21 with the Comprehensive Plan. It focused a lot on
22 existing roads.

23 To be honest, I've -- I want to make sure I
24 say this in words that I like. I've gone back and
25 forth quite a bit over the past several weeks as

1 I've read through these things and consider them,
2 and the words I often use is "digest them" to
3 understand exactly what the argument is and what the
4 wording is because I think words are important.

5 And the word "existing," to be honest, when I
6 first looked at it, I thought: Well, this seems to
7 mean one thing. But as I listened to the arguments,
8 I read the pleadings and the affidavits and the
9 deposition transcripts.

10 That one particular part that I thought was
11 important, and that's in the future land use section
12 of 2.1.18 which talks about land that's designated
13 as agriculture or AG and the allowable density, this
14 is kind of the main section that was talked about
15 quite some bit at that hearing, and, in that section
16 and down towards the kind of middle to end of that
17 section, it talks about allowable density.

18 No more than one dwelling unit per ten acres.
19 One dwelling unit per one acre may be allowed when
20 the following conditions are met and, A, access for
21 each one-acre lot shall be from an existing state-
22 or county-maintained roadway; B, each one-acre lot
23 shall have a minimum of 50 feet frontage on said
24 state- or county-maintained roadway; and then it
25 talks about some other issues that aren't

1 particularly relevant to this section.

2 Although, to kind of go on to the kind of half
3 of those enumerated sections, it's clear that this
4 is not prime farmland. It's classified by the USDA,
5 and so I do want to talk about what the density
6 means. And I think, in hearing the arguments from
7 both sides, allowable density talks about dwelling
8 units. I think everyone is -- is clear on the facts
9 of the situation, as this site, where Buckhaven has
10 been discussed, has no dwelling units. And so
11 it's -- it has particularly no lots for at least at
12 the time of the Development Order. And so we have
13 to look at things as how they read, not just in the
14 words but in time.

15 And then existing means existing at the time
16 that those lots were created and at the time that
17 those dwelling units are constructed. And I think
18 it was Ms. Lyons, who is not here today, but I think
19 it was her that handled that portion of the
20 argument.

21 I'm sorry, Mr. Ignacio, I can't really see you
22 behind that. I can see you try to look around that,
23 as well. If we could maybe move that monitor down a
24 little bit so we're both not stretching to see each
25 other. No. The one on the podium.

1 THE BAILIFF: Oh.

2 THE COURT: Thank you, Matt.

3 But talked about the kind of horizontal versus
4 vertical construction. And I think, as I read this
5 over and over and over, I focused on the A, B, C,
6 and D of that section. And then it wasn't until
7 probably yesterday, when I read through it for about
8 the hundredth time, where it talks about dwelling
9 units.

10 And we can't talk about the rest of it unless
11 we're talking about the dwelling units. And since
12 those haven't been constructed, those lots and that
13 plat had not been created at the time of the
14 Development Order, that this is consistent with what
15 the Comprehensive Plan calls for: That an existing
16 state- or county-maintained roadway is one that
17 exists at the time that the construction is done.
18 Otherwise, construction really couldn't be done and
19 any type of development such as this or other
20 similar-type developments.

21 So the existing, which has been argued
22 extensively by the parties, the Court finds that it
23 agrees with the County, as well as Garden Street
24 regarding that particular section, that since the
25 County is to take over those roadways that have been

1 built, that that would then be existing state or
2 county roadways at the time of the construction and
3 development.

4 And, in doing the kind of deep dive that was
5 necessary to make these decisions, I went through,
6 not just the Land Development Code and the
7 Comprehensive Plan as far as the sections that were
8 talked about, but the sections that talk about the
9 application process, that talk about how not only
10 once the Development Order is put into place, that's
11 not the end of it, that the developer then still has
12 the obligation to build or develop in consistency
13 with what the Development Order is.

14 And so if the developer were to not follow the
15 way it's written, then that would be an issue that
16 the County could take up with the developer itself.
17 And so it's really about the finished product more
18 than it is about where it starts. And so,
19 therefore, I do find that the density issue would go
20 in favor of the Defendants.

21 I will point out that, regardless if you look
22 at the AG agricultural section of the plan or the
23 Land Development Code, agriculture or A-8 districts
24 both allow for residential, including the Land
25 Development Code, which is kind of the

1 implementation of the plan, where it specifically
2 talks about residential subdivisions again. And
3 then it talks about the one-acre lots in that
4 particular section as well.

5 With the consistent language from the plan,
6 the Court finds that the lot plan and sizes pursuant
7 to the Development Order are consistent with that
8 Comprehensive Plan.

9 Going through, the other issues, particularly
10 of the Plaintiff's Motion for Summary Judgment, talk
11 about concerns about other services that would have
12 to be provided to the subdivision. I think it was
13 clear in the hearing that those -- and how this
14 process works, that the County doesn't just have one
15 planning community that makes these decisions, but
16 all the agencies or departments that are involved
17 gives their, I don't want to say "opinions," but
18 their determination as to whether or not the
19 subdivision would have what it needs to be built and
20 to basically survive in that area, whether it be
21 water, transportation, sewage, and those things were
22 all talked about.

23 Fire, I know that was kind of a late
24 development in the case as far as what was talked
25 about in the beginning of the hearing as to what was

1 going to be provided or not. But all of those
2 agencies of the County have provided that, during
3 the course of the application process and at the
4 hearing that happened back on -- I think it was
5 August of 2024 -- and I just guess it's -- it's
6 probably a good point to point out what really
7 occurs in these types of situations and what the
8 Court's role is. It's not to determine what should
9 have been done, what the Comprehensive Plan should
10 be or shouldn't be. But simply, it is the County's
11 action into issuing a Development Order consistent
12 with that plan.

13 And at this point, I believe, based on
14 everything that I've read as part of the summary
15 judgment motions, this is not a situation where
16 there is any inconsistency. I know there's concern
17 about urban sprawl. I think there is some certainly
18 different opinions on what that actually means. But
19 I believe, in the way it's used in this context,
20 that urban sprawl is not something that is a factor
21 in this particular Development Order.

22 I think one of the things that the Court has
23 to do and probably anyone who really reviews this or
24 looks at it has to understand statutory and legal
25 definition versus what we all think of as urban

1 sprawl as someone who grew up in a big city where
2 seemingly there was no end for miles and miles and
3 miles is what I would have kind of commonsensically
4 thought of what urban sprawl is, but it's really
5 what these definitions are. It's about the use of
6 certain utilities, facilities, and, you know, it
7 talks about these kind of expansion from a certain
8 zone.

9 I don't think this is an issue here. All of
10 the departments as part of this application process
11 gave their -- their side of it, and everything seems
12 to fit. I know there is an argument about not using
13 available -- I don't know if I want to use the word
14 "bandwidth" because it sounds like I'm talking about
15 a different utility.

16 But, particularly, they talk about the sewage
17 issues and that there was, you know, a sewage plant
18 that's got a more available capacity and just
19 because it's not being used in that way doesn't mean
20 that it's an urban sprawl situation.

21 I think more along the lines of trying to
22 connect miles of -- of sewage lines or waterlines or
23 what we're talking about with urban sprawl is not
24 being done here, that this is more of somewhat
25 self-contained, to some extent, other than the fact

1 that I think it was talked about where, you know,
2 waterlines were already in place from down the
3 street and across the street and these places are
4 just being hooked up just like anyone else.

5 I think the argument from the defense or the
6 defendants regarding, you know, the alternative,
7 if -- if the Court found that this was inconsistent
8 with what would lead to these flagpole lots all down
9 every county road, then that would actually lead to
10 bigger problems with: How do you provide those
11 services to the residents of these areas?

12 So I think, in siding with the defense on
13 those issues, that urban sprawl is not an issue
14 that -- that -- that arises through this particular
15 Development Order.

16 So based on that, I am going to deny the
17 Plaintiff's Motion for Summary Judgment as to
18 Count I. I would grant Summary Judgment on behalf
19 of both defendants. They did file separately.
20 That's on Okaloosa County, as well as Garden Street.

21 As far as Garden Street's Motion for Summary
22 Judgment on Count II, I'm just not as clear on that.
23 I think, based on what's been provided evidentiary
24 or as far as evidence in that circumstance, I know
25 there was talk about some inconsistencies as to what

1 was -- what was done to kind of rectify the
2 situation, that, you know, before there were, you
3 know, large, mature, grown trees and vegetation that
4 was somewhat inadvertently cut down or removed by a
5 subcontractor, and there is an attempt to fix that
6 situation, but I don't think, without knowing more,
7 that the Court can determine based on summary
8 judgment standard that -- that Garden Street is
9 entitled to summary judgment based on that issue.

10 And I'll start with Mr. Chesser. Do you have
11 any questions or concerns that you'd like to bring
12 up of anything else that you want me to specifically
13 spell out?

14 Based on the Court's rulings, I am going to
15 ask the Defendants to give a Proposed Order. That
16 would go to you first, but I want to make sure we're
17 covering everything in the -- during the course of
18 the Pronouncement that need to be met.

19 MR. CHESSER: Subject to a discussion with my
20 client, but I'm going to request and encourage both
21 the County and the Court to sever the two counts and
22 to permit us to get a final judgment on Count I --

23 THE COURT: Okay.

24 MR. CHESSER: -- so that we can proceed to
25 appeal Count I.

1 THE COURT: Okay.

2 MR. CHESSER: And deal with Count II as -- as
3 we can.

4 THE COURT: Okay. And I think that was the
5 request in the Defendants' motions, was to not only
6 grant summary judgment but enter a final judgment as
7 to Count I.

8 MS. FOX: That's fine, Your Honor.

9 MR. IGNACIO: It's okay. Yes. Yes,
10 Your Honor.

11 THE COURT: Okay.

12 MR. CHESSER: Thank you.

13 THE COURT: Any other issues, Mr. Chesser?

14 MR. CHESSER: No, sir.

15 THE COURT: Anything else from the Defendants?

16 MR. IGNACIO: No, Your Honor.

17 THE COURT: Okay. I don't want to give an
18 arbitrary deadline for getting that to me, but can
19 you give me an idea on how long you think it may
20 take to generate an Order?

21 MR. IGNACIO: Would we -- I'm sorry. We're
22 going to order the transcript. Would it be possible
23 to -- would it be possible to request 30 days after
24 the transcript is coming, Your Honor, and we can
25 inform the Court of the transcript coming in?

1 THE COURT: The transcript hasn't been ordered
2 up to this point?

3 MS. FOX: This -- this transcript.

4 MR. IGNACIO: Yes.

5 THE COURT: Oh, this -- today's transcript?

6 MS. FOX: Your ruling.

7 THE COURT: Okay. Obviously, the transcript
8 of a three-hour hearing is going to be a lot longer
9 and take longer than, you know, the 15 or 20 minutes
10 we've been here, I understand. Let's see if y'all
11 can do it in 30 days from today.

12 MR. IGNACIO: Thank you, Your Honor.

13 THE COURT: Okay. Make sure it's sent over to
14 Mr. Chesser. Obviously, if you have any particular
15 objections --

16 MR. CHESSER: Thank you.

17 THE COURT: -- then I'll take a look at that.
18 And if y'all want to provide me with the transcripts
19 and y'all take a look at it as well, if I feel there
20 is any concerns that need to be addressed, I would
21 state that any Proposed Order that comes to me
22 should be in Word format so that I can edit it as I
23 see fit to make sure it complies with what I've
24 stated.

25 MS. FOX: Your Honor, one thing that I may

1 mention is that we did request attorney's fees.
2 We'd just ask you to reserve on that.

3 THE COURT: That's -- that was my intent, was
4 to reserve on attorney fees until the other issues
5 were resolved.

6 MR. CHESSER: Thank you, Your Honor.

7 THE COURT: All right. Anything else from
8 either side?

9 MR. IGNACIO: None from the County,
10 Your Honor.

11 THE COURT: All right. With that, we'll be
12 adjourned. Thank you-all.

13 MS. FOX: Thank you.

14 THE BAILIFF: All rise. Court's now
15 adjourned.

16 (Court was adjourned at 1:50 p.m., CST, on
17 March 25, 2026.)

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CERTIFICATE OF REPORTER

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STATE OF FLORIDA)
COUNTY OF WALTON)

I, Lacey Jade Link, RPR, FPR, LCR, Stenographic Court Reporter and Notary Public, State of Florida, certify that I was authorized to and did stenographically report the foregoing proceedings; and that the foregoing pages, 3 through 17, are a true and complete record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in this action.

Dated this, the 31st day of March, 2026.



LACEY JADE LINK, RPR, FPR, LCR

APPLICANT EXHIBIT NO. "4"

marinas, wet or dry storage; trails and tracks; stadiums; golf courses and related facilities; BMX, skateboard, paintball parks or tracks; shooting or archery ranges; swimming pools; zoos, aquariums, wildlife exhibits; tennis or racquetball courts or clubs; amusement parks; racetracks, drag strips, motocross; vessel rentals; bowling alleys; exhibits; fishing ponds; performing arts or theatres; fitness or health spas or clubs; other similar recreation uses; and towers erected by government agencies for the purpose of official communication and emergency response (law enforcement, emergency medical service, evacuation, or national security).

Allowable Intensity: Nonresidential intensity shall be limited to a floor area ratio of 0.75 and an impervious surface coverage no greater than 85%.

AGRICULTURE (AG)

Purpose: To provide areas for the production of plants and animals useful to humans including to a variable extent the preparation of plant and animal products for human use by sale or otherwise. This category is also suitable for preservation of green spaces, conservation uses, outdoor recreation, and public/institutional uses.

Location/Designation Criteria: The AG category may be located either inside or outside the urban development area. Lands designated as AG should generally be at least 10 acres in size and be classified as "Agriculture" by the Property Appraiser for property tax purposes.

Allowable Uses: The following uses are allowed in the AG category, all other uses are prohibited.

Land, buildings, support machinery, and other appurtenances typically found in the production of agricultural products and activities including croplands, pasturelands, orchards, vineyards, nurseries, ornamental horticulture, groves, tree farms, timberland, feed lots, farm houses, barns, stables, pens, silos, farm accessory buildings and sheds, roadside produce stands, U-pick fields; conservation uses; outdoor recreation; public/institutional; solar electrical generation facilities and associated and related facilities; towers erected by government agencies for the purpose of official communication and emergency response (law enforcement, emergency medical service, evacuation, or national security); residential; general commercial when fronting upon an arterial or county-numbered roadway; rural communities; borrow pits; oil and gas exploration and production consistent with Conservation Element Policy 3.8 when approved by special exception.

Allowable Density: No more than one (1) dwelling unit per ten (10) acres. One (1) dwelling unit per one (1) acre may be allowed when the following conditions are met.

- a. Access for each 1 acre lot shall be from an existing state or county maintained roadway.
- b. Each 1 acre lot shall have a minimum of 50 feet frontage on said state or county-maintained roadway.
- c. Where two or less 1 acre lots are created access may be from a recorded easement.

- d. Development shall not be permitted in conservation areas or floodways.

The provisions of a – e above shall not be applicable to lands classified as “prime farmland” by the U.S. Department of Agriculture. In these areas density shall be 1 du per 10 acres.

Allowable Intensity: Nonresidential intensity shall be limited to a floor area ratio of 0.10 and impervious surface coverage no greater than 55%.

**CONSERVATION
(CON)**

Purpose: To provide areas for conserving or protecting natural resources or environmental quality, including areas for such purposes as flood control, protection of surface or groundwater, floodplain management, conservation of valuable fish and wildlife habitat, and forestry management.

Location/Designation Criteria: The CON category may be located either inside or outside urban development area. These areas shall include lands set aside for conservation purposes such as state or national forests, water management areas, wildlife management areas, as well as aquatic preserves and Class I, II, and III state waters.

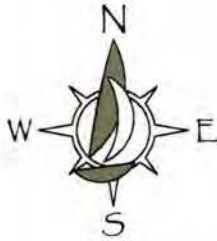
Allowable Uses: Conservation areas; outdoor recreation consistent with conservation purposes; campgrounds; forestry stations and storage areas; communications towers; towers erected by government agencies for the purpose of official communication and emergency response (law enforcement, emergency medical service, evacuation, or national security); picnic areas; boat launches; seawalls; docks and piers; trails, tracks, and walks; other similar conservation uses.

Allowable Intensity: Nonresidential intensity shall be limited to a floor area ratio of 0.75 and an impervious surface coverage of 75%.

**OKALOOSA ISLAND
(ISLAN)**

This category applies to the land area of Okaloosa Island and is governed by the “Santa Rosa Island Plat Map and Restrictive Covenants” for development of the island. In addition, permits from FDEP must be issued for construction of any structures seaward of the CCCL before the County will permit construction. Gross Density for new development in areas which are limited to low density development shall not exceed 5 units per acre, and Block 1 which permits high density development shall not exceed 40 units per acre. Residential density in the Okaloosa Island future land use category may be increased by up to 1.10 times the maximum base density of 40 units per acre by providing additional amenities. Density bonus applicants are required to provide public and other amenities. Density bonuses are determined by the number and type of amenities provided, but in no event shall the density exceed 44 units per acre. Additionally, the density bonus may not be applied on Okaloosa Island in areas lying within the Coastal High Hazard Area. Density bonuses may be awarded as follows.

- a. Shoreline boardwalk easement dedication: Provision of a minimum 10 foot wide easement landward of the Mean High Water Line for a public boardwalk = a maximum density bonus of 2 dwelling units per acre.
- b. Planting and landscaping: increase the number of perimeter street trees by



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APPLICANT EXHIBIT NO. 5

This document summarizes compliance with LDC Sections 6.06.101, 6.06.03 and 6.06.01 as referenced for each Petitioner listed below.

Clayton Harpster (Error #2):

2. LDC Section 6.06.101 – Retention System Requirements & 72-Hour Recovery Rule
LDC 6.06.201 – Protection of Adjacent Properties from Increased Runoff.

Sheldon Harpster (Error #2 and Error #3):

2. Stormwater design may not meet LDC due to soil unsuitability, percolation limitations & uncertain system performance. LDC Section 6.06.101 – Retention system requirements & 72-hour recovery rule; LDC 6.06.201 – Protection of adjacent properties from increased runoff.

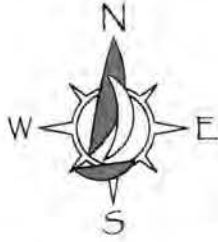
3. Drainage impacts to surrounding properties not fully analyzed or mitigated. LDC Section 6.06.010 – Prevention of Adverse Offsite impacts; LDC Section 6.06.201 – Protection of Adjacent Lands.

The following responses address the LDC citations items underlined above. Section 6.06.201 does not exist in the LDC.

The onsite Geotechnical Report performed by NOVA Engineering demonstrated that the site was suitable for dry retention due to a deep ground water table (more than 35 feet), and the low to moderate permeability of the onsite soils.

6.06.101

1. The system was designed to recover the 1” treatment volume across the site and attenuate the 25-Year Critical Storm. Wet Detention requirements do not apply.
2. Wet Detention requirements do not apply.
3. The proposed Dry Retention pond has side bank slopes of 3:1 and a 15’ maintenance access around the top of the system. (Sheet C6 of the approved plans)
4. A 6’ fence is proposed around the top of the dry retention basin. (Sheet C6 of the approved plans)
5. We have a proposed density of 0.82 Units/Acre (less than 4 units/acre). The proposed dry retention basin is located adjacent to Galiver Cutoff and the proposed subdivision entry road. The basin will not be located at the rear of any homes. (Sheet C6 of the approved plans)

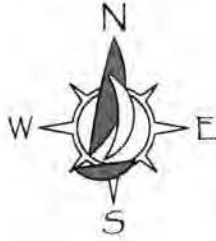


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6. System is accessible from two different R.O.W.'s and has a 15' maintenance access. (Sheet C6 of the approved plans)
7. A 15' maintenance access is shown around the top of the system, with a slope of 1:15 or flatter. (Sheet C6 of the approved plans)
8. All required storage will be within the proposed basin. (Sheet 3 and 4 of the Signed and Sealed SMP report)
9. Cross sections of the pond and the proposed roadway with associated swales are shown on sheet C13 of the approved plan set.
10. The smallest corner radius within the pond is 3' with the largest being 30'.
11. Per the Signed and Sealed SMP report with Calculations, the required 20% Elevation is 202.97', since the proposed dry retention pond has an elevation of 203' this requirement has been met.
12. Proposed dry retention basin does not require a berm, and a berm is not proposed.
13. The proposed dry retention meets the minimum slope standards and has a proposed 6' fence. (Sheet C6 of the approved plans)
14. There are no individual lot lines crossing the proposed retention facilities. (Sheets C2 and C6 of the approved plans)
15. There will be at least 15' between the top of the retention basin and the nearest property line and each lot has a 10' side set back.
16. All proposed roadside swales and the proposed dry retention basin shall be sodded. (Notes on Sheet C5 of the approved plans)
17. All proposed stormwater drainage piping shall be a minimum of 18". (C6 and C7 of the approved plans)
18. Only overland stormwater drainage will be directed to the proposed stormwater management system.

A signed and sealed Stormwater Management Report created on June 11, 2025, demonstrates that the onsite stormwater management system was designed per the Okaloosa County Land Code Chapter 6 and sized to hold the 25-Year Critical storm event. A sand chimney was designed using the existing



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subsoil conditions provided to SEAS via a signed and sealed Geotechnical Report. The Geotechnical field exploration and report was performed by NOVA Engineering and Environmental. Utilizing the existing the horizontal and vertical soil percolation factors, the 245,601 C.F. of stormwater generated during the 25-Year, 8-Hour storm event will recover within approximately 71.19 Hours. The recovery calculation also incorporates a safety factor of 2, per the Okaloosa County Design standards.

Section 6.01.010 does not exist in the LDC. We assume this may have been intended to cite to LDC Section 6.01.01, which addresses concurrency, but it is not titled Prevention of Adverse Offsite Impacts as referenced in the MOE.

LDC 6.06.01- Chapter Four of the LDC was utilized to determine the required mobility fee for this development. In regard to offsite stormwater impacts, a signed and sealed Topographic Survey shows the existing contour elevations across the site and the existing contours at least 60 feet past the parcel boundaries. This was utilized to determine flow paths of stormwater runoff generated across the development. Based on the existing contours, there will not be any anticipated drainage leaving the development and a typical lot grading plan is showing within the approved plan set.

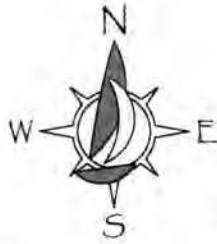
Michelle Harpster (Error #5 and Error #6):

5. Stormwater, Soil, and Drainage Evaluation Requirements LDC § 6.06.03;
(Stormwater plans must include accurate soils, topography, drainage patterns, and required technical data.) LDC § 6.05.03(A);
(Development must not create adverse drainage impacts on adjacent properties.) LDC § 2.04.02(B)(1);
(Development applications must include complete, accurate, and reliable technical documentation.)
6. Public services-including fire, EMS, and 911 access-must be adequate at the time of DO approval. LDC § 6.04.03(A)

The following response addresses the citation underlined above. Sections 6.06.201, 6.05.03(A), and 6.04.03(A) do not exist in the LDC. LDC 2.04.02 applies to the R-2 zoning district, which does not apply to this development. This development is designed with the zoning requirements of 2.01.00.

LDC 6.06.03

1. A signed and sealed Boundary and Topographic Survey was submitted with the Development Order Package. The Survey includes a legal description of the parcel.
2. Pre and Post Development Drainage Basin Maps were submitted with the Development Order Package. The Drainage Basin Maps show existing and proposed elevation contours.



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3. A signed and sealed Topographic Survey was submitted with the Development Order Package. The Topographic Survey shows the existing contour elevations across the site and the existing contours at least 60 feet past the parcel boundaries.
4. The submitted survey includes all existing Stormwater Management System Features (ditches, ponds, etc.): Including the location of areas on the site where surface waters collect and percolate into the ground. The terrain within the site generally slopes southeast, from a high elevation of approximately 228.0 to the northwest to the low elevation of approximately 203.0. Currently stormwater runoff sheet flows across the parcel following the existing slopes and percolates into the soil.
5. There are no water bodies or Wetlands onsite or adjacent to the site.
6. There are no water bodies or Wetlands onsite or adjacent to the site.
7. The Geotechnical field exploration and report was performed by NOVA Engineering and Environmental.
8. The Flood Zone Designation "X" is shown on both the Signed and Sealed Survey and Sheet C2 of the Approved Plans.
9. The bearings and coordinates shown hereon on the approved plans are referenced to the State Plan Coordinate System (SPCS), Florida North Zone, North American Datum of 1983 (NAD83). The elevations shown hereon on the approved plans are referenced to the North American Vertical Datum of 1988 (NAVD88).
10. All Stormwater Drainage Infrastructure and associated features are shown within the approved plan set.
11. The signed and sealed SMP report submitted with the Development Order package included a technical narrative of the proposed drainage system and associated drainage calculations.
12. Not a phased development.
13. Erosion and Sediment Control Plan is shown on sheets C6 and C7 of the approved plans.
14. Sheet C6 of the approved plans shows the proposed drainage control structure. The signed and sealed Topographic Survey was used to determine that the R.O.W. allows the site to have a positive discharge.
15. All necessary review information was provided to Okaloosa County for the Development Order review. Approval of the proposed stormwater management system was received from Okaloosa County Public Works on October 20, 2025.