



Levy County Board of County Commissioners Agenda Item Summary Form

1. **Name and Title:** Nicolle Shalley, County Attorney
2. **Department:** County Attorney
3. **Meeting Date:** Tuesday, January 7, 2025

4. **Requested Action:**

PUBLIC HEARING - Requesting the Levy County Board of County Commissioners approve the Compliance Agreement (titled "Stipulated Settlement Agreement") between the State of Florida Department of Commerce and Levy County that sets forth the terms and conditions under which the parties agree to resolve DOAH Case No. 24-1427 in which the Department of Commerce challenged the County's adoption of Evaluation and Appraisal Amendments to the County's Comprehensive Plan in Ordinance Number 2023-10

5. **Cost & Funding Source:**

The portion of the remedial actions identified in the Agreement that are being prepared by an outside consultant are funded by a State CPTA Grant in the amount of \$75,000, which was approved by the Board on December 17, 2024.

6. **Justification of Request:**

As the Board will recall from email updates from the County Attorney on April 25 and June 21, 2024 and Agenda item #18 on the May 7, 2024 agenda, the Florida Department of Commerce issued a "not in compliance" finding with regard to the County's Comp Plan Evaluation and Appraisal Report (EAR) updates proposed in Ordinance Number 2023-10. The two areas of non-compliance are: (1) A lack of data and analysis to support 10-year and 20-year Planning Periods in the Comp Plan; and (2) the removal of a development intensity standard in Future Land Use Element Policy 1.2. County staff has since worked with Department of Commerce staff, through the Statutory process, to address these issues. Staff held a noticed public meeting on June 28, 2024 to discuss the terms of a potential compliance Agreement and reached agreement on a staff level. The Compliance Agreement was then delayed a bit, as a large portion of the remedial actions – the data and analysis work - was hoped to be funded by a Department of Commerce CPTA Grant and done by an outside consultant. It took time for both of those processes (the Grant award and consultant selection) and on December 17, 2024, the County Commission approved both the CPTA Grant Agreement and the Task Assignment for the outside consultant to do the work. The Compliance Agreement in the backup, which County staff recommends for approval, specifies the remedial actions to be completed by the County by July 1, 2025 to resolve the issues of non-compliance. State law requires the Commission hold this public hearing (which has been advertised) to consider approval of the Compliance Agreement.