

December 18, 2023

The Honorable Rock Meek
Chairman, Levy County
Board of County Commissioners
310 School Street
Bronson, Florida 32621

Dear Chairman Meek:

The Florida Department of Commerce (FloridaCommerce) has completed its review of the proposed comprehensive plan amendment for Levy County (Amendment No. 23-01ER), which was received on October 19, 2023. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S.

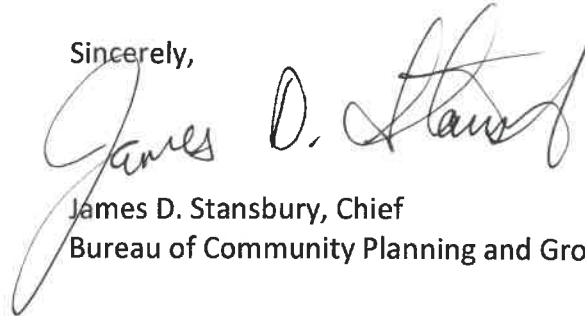
The attached Objections, Recommendations, and Comments Report outlines our findings concerning the amendment. We have identified three objections and have included recommendations regarding measures that can be taken to address the objections. We are also providing a comment. The comment is offered to assist the local government but will not form the basis for a determination of whether the amendment, if adopted, is "In Compliance" as defined in Section 163.3184(1)(b), F.S. Copies of comments received by FloridaCommerce from reviewing agencies, if any, are also enclosed.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment.

The second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of FloridaCommerce's attached report, or the amendment will be **deemed withdrawn** unless extended by agreement with notice to FloridaCommerce and any affected party that provided comment on the amendment pursuant to Section 163.3184(4)(e)1., F.S. **The adopted amendment must be transmitted to FloridaCommerce within ten working days after the second public hearing pursuant to Section 163.3184(4)(e)2., F.S.**

FloridaCommerce staff is available to assist the County to address the objections and comment. If you have any questions related to this review, please contact Scott Rogers, Regional Planning Administrator, by telephone at (850) 717-8510 or by email at scott.rogers@commerce.fl.gov.

Sincerely,

A handwritten signature in black ink that reads "James D. Stansbury". The signature is fluid and cursive, with the first name being the most prominent.

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/sr

Enclosures: Objections, Recommendations, and Comments Report
Procedures for Adoption
Reviewing Agency Comments

cc: Stacey Hectus, Levy County Planning and Zoning Director
Scott Koons, Executive Director, North Central Florida Regional Planning Council

Objections, Recommendations and Comments Report
Proposed Comprehensive Plan Amendment
Levy County, Amendment 23-01ER

The Florida Department of Commerce has identified three objections and a comment regarding Local Government's proposed comprehensive plan amendments. The objections and comment are provided below, along with recommended actions the County could take to resolve issues of concern. If the County adopts the plan amendment without adequately addressing the objections, FloridaCommerce may find the amendment not in compliance with Chapter 163, Part II, Florida Statutes (F.S.), pursuant to section 163.3184(4)(e)4., F.S. Comments are offered to assist the local government and will not form the basis for a compliance determination.

FloridaCommerce staff has discussed the basis of the report with local government staff and is available to assist the County to address the objections and comment.

1. Objection 1 (Comprehensive Plan Update): The proposed amendment does not update the County's Comprehensive Plan to comply with statutory requirements relating to the County's planning period, does not establish coordination of and consistency between the elements, and is not based on relevant and appropriate data and analysis.

Chapter 2023-31, Laws of Florida, modified section 163.3177(5)(a), F.S., to require local governments to increase the two required planning periods in their comprehensive plans from 5-year and 10-year planning periods to 10-year and 20-year planning periods. While the County's Plan should contain a long-term planning period covering a period from now until 2043, the County's current long-term planning period is through 2026.

The proposed Amendment 23-01ER does not update the County's Comprehensive Plan elements to address the required planning periods, based upon relevant and appropriate data and analysis, consistent with the requirements of section 163.3177(1)(f), F.S., that all mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government. Coordination of the elements of the local comprehensive plan shall be a major objective of the planning process, and the elements shall be consistent. Where data is relevant to several elements, consistent data shall be used, including population estimates and projections unless alternative data can be justified for a plan amendment through new supporting data and analysis. Updates to the required elements and optional elements of the comprehensive plan must be processed in the same plan amendment cycle.

The proposed Amendment 23-01ER does not update the Comprehensive Plan planning periods based upon relevant and appropriate data and analysis of permanent and seasonal population estimates and projections consistent with the requirements of sections 163.3177(1)(f)3., and 163.3177(2), F.S. The proposed Amendment 23-01ER does not update the Comprehensive Plan elements to be coordinated and consistent based upon updated

population estimates and projections consistent with the requirements of sections 163.3177(1)(f)3., and 163.3177(2), F.S.

The proposed Amendment 23-01ER update to the Comprehensive Plan (Infrastructure Element, Transportation Circulation Element and Capital Improvements Element) is not based upon relevant and appropriate data and analysis of public facilities (potable water, sanitary sewer, solid waste, stormwater and transportation facilities) addressing the following for the required updated planning periods: (1) current and projected demand upon public facilities based upon relevant and appropriate population estimates and projections; (2) current and projected designed capacity of public facilities; (3) current and projected operating levels of service of public facilities; (4) identification of any improvements that are needed to public facilities, including the timing and scope of such improvements, in order to achieve and maintain the adopted level of service standards of public facilities; and (5) coordination of any need improvements with the Capital improvements Element. The County should revise proposed Amendment 23-01ER to be based upon relevant and appropriate data analysis of public facilities for the planning period.

The proposed Amendment 23-01ER update to the Future Land Use Element is not based upon relevant and appropriate data and analysis consistent with the requirements of Section 163.3177(6)(a)2., F.S., for the required planning periods. The proposed Amendment 23-01ER update to the Housing Element is not based upon relevant and appropriate data and analysis consistent with the requirements of section 163.3177(6)(f)2., F.S., for the required planning periods.

Statutory Authority: Sections 163.3177(1)(f), 163.3177(1)(f)3., 163.3177(2), 163.3177(5)(a), 163.3177(6)(a)2., 163.3177(6)(f)2., 163.3177(6)(b), 163.3177(6)(c), 163.3177(6)(d), 163.3177(6)(e), 163.3177(6)(g), 163.3178, 163.3184(4) and 163.3191, F.S.

Recommendation: The County must revise the amendment to include an update to the Comprehensive Plan to ensure the Plan contains at least two planning periods in accordance with the requirements set forth by section 163.3177(5)(a), F.S. The necessary update must also be based upon relevant and appropriate data and analysis. The Plan must include one planning period to cover at least the first 10-year period occurring after the plan amendment adoption and another planning period must cover at least a 20-year period. The update to the planning periods shall also consider the following:

- Data and analysis of the permanent and seasonal population estimates and projections;
- Coordination of and consistency between all of the elements of the Comprehensive Plan;
- Data and analysis of public facilities (potable water, sanitary sewer, solid waste, stormwater and transportation facilities).

2. Objection 2 (Shoreline Land Use): The proposed Amendment 23-01ER deletes currently adopted Coastal Management Element Policies 9-5 through 9-20 (Policies 9-5, 9-6, 9-7, 9-8, 9-9, 9-10, 9-11, 9-12, 9-13, 9-14, 9-15, 9-16, 9-17, 9-18, 9-19, and 9-20) that establish guidelines and standards for the location and development of marinas and commercial sport fishery facilities. The amendment to delete these Coastal Management Element Policies (Policies 9-5 through 9-20) is not consistent with the requirements of Section 163.3178(2)(g), F.S., for the Coastal Management Element to contain a shoreline use component that addresses the need for water-dependent and water-related uses, including marinas, along shoreline areas.

Statutory Authority: Sections 163.3178(2)(g), 163.3184(4) and 163.3191, F.S.

Recommendation: The County must retain currently adopted Coastal Management Element Policies 9-5 through 9-20 in the Comprehensive Plan pursuant to section 163.3178(2)(g), F.S.

3. Objection 3 (Manatee Protection): The proposed Amendment 23-01ER deletes currently adopted Coastal Management Element Policies 9-17 and 9-18 that establish guidelines and standards for the protection of manatees. The amendment to delete Coastal Management Element Policies 9-17 and 9-18 is not consistent with the requirements of Section 163.3177(6)(d)2.e., F.S., to establish principles, guidelines and standards that conserve, appropriately use and protect wildlife, wildlife habitat and marine habitat and restrict activities known to adversely affect the survival of endangered and threatened wildlife. The amendment to delete Policies 9-17 and 9-18 is not consistent with the requirements of section 163.3177(6)(g)2., and 3., F.S., for a Comprehensive Plan to establish principles, guidelines and standards that: (1) preserve the continued existence of viable populations of all species of wildlife and marine life; and (2) protect the orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living coastal zone resources.

Statutory Authority: Sections 163.3177(6)(d)2.e., 163.3177(6)(g)2., 163.3177(6)(g)3., 163.3184(4) and 163.3191, F.S.

Recommendation: The County must retain currently adopted Coastal Management Element Policies 9-17 and 9-18 in the Comprehensive Plan.

4. Comment (Floating Solar Facilities): The County should consider revising the Future Land Use Element to identify the future land use categories, based upon relevant and appropriate data and analysis, that are appropriate for the location of floating solar facilities pursuant to Section 163.32051, Florida Statutes.

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using FloridaCommerce’s electronic amendment submittal portal “**Comprehensive Plan and Amendment Upload**” (<https://fideo.my.salesforce-sites.com/cp/>) **or** submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ Florida Department of Commerce identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format;

_____ In the case of future land use map amendment, an adopted future land use map, **in color format**, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the Florida Department of Commerce did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the Florida Department of Commerce to the ORC report from the Florida Department of Commerce.

From: [Plan Review](#)
To: [Powell, Barbara](#); [DCPexternalagencycomments](#)
Cc: [Plan Review](#)
Subject: [EXTERNAL] - Levy County 23-01ER Proposed
Date: Friday, November 17, 2023 5:05:48 PM
Attachments: [image002.png](#)

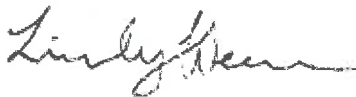
To: Barbara Powell, Deputy Bureau Chief, Plan Review and Processing

Re: Levy County 23-01ER – State Coordinated Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to Plan.Review@FloridaDEP.gov. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.



From: [Brown, Achaia](#)
To: [Samuel, David](#); [Powell, Barbara](#); [DCPexternalagencycomments](#); [D2 Growth Management](#)
Cc: [Rose, Kaisha](#)
Subject: [EXTERNAL] - RE: Amendment for Levy County 23-01ER
Date: Tuesday, October 31, 2023 1:03:22 PM

FDOT has reviewed the transmitted Levy County 23-01ER Comprehensive Plan amendment pursuant to Section 163.3184(3), Florida Statutes. The proposed amendment is not anticipated to have significant adverse impacts to transportation resources or facilities of state importance.

We appreciate the opportunity to review the proposed comprehensive plan amendment and request that a copy of the amendment, along with the supporting data and analysis be transmitted to the FDOT upon its adoption.

Thank you,

Achaia Brown

*Transportation Planning Manager
Florida Department of Transportation
2198 Edison Avenue, MS 2806
Jacksonville, FL 32204-2730
(904) 360-5414
Achaia.Brown@dot.state.fl.us*



From: Samuel, David <David.Samuel@commerce.fl.gov>
Sent: Tuesday, October 24, 2023 2:43 PM
To: D2 Growth Management <D2GRMGMT@dot.state.fl.us>; DEP (Plan.Review@dep.state.fl.us) <Plan.Review@dep.state.fl.us>; DOE (CompPlans@fldoe.org) <CompPlans@fldoe.org>; DOS (CompliancePermits@dos.myflorida.com) <CompliancePermits@dos.myflorida.com>; Koons, Scott <koons@ncfrpc.org>; SRWMD (Ben.Glass@srwmd.org) <Ben.Glass@srwmd.org>
Subject: Amendment for Levy County 23-01ER

Good afternoon.

Attached is the updated amendment for Levy County 23-01ER.

Sincerely,

This email communication may contain confidential information protected from disclosure by privacy laws and is intended for the use of the individual named above. If the reader of this message is not the intended recipient, this is notice to you that any dissemination, distribution or copying of this communication or any attachment to it may be a violation of federal and state privacy laws. If you have received this email in error, please notify the sender immediately by return email and delete this message. Please note that Florida has a broad public records law, and that all correspondence to me via email may be subject to disclosure. Under Florida law email addresses are public records.

From: [Brown, Achaia](#)
To: [Levy Planning](#); CompliancePermits@DOS.MyFlorida.com; [D2 Growth Management](#); [Powell, Barbara](#); [DCPexternalagencycomments](#)
Cc: [Rose, Kaisha](#); [Linton, Jacob](#)
Subject: [EXTERNAL] - RE: Transmittal of Proposed 2023/24 Evaluation & Appraisal Report-based Comprehensive Plan Amendments.
Date: Monday, November 20, 2023 10:33:36 AM
Attachments: [image004.png](#)

FDOT has reviewed the transmitted Levy County Evaluation & Appraisal Report Comprehensive Plan amendments pursuant to Sections 163.3184(4) and 163.3191, Florida Statutes. The proposed amendments are not anticipated to have significant adverse impacts to transportation resources or facilities of state importance.

We appreciate the opportunity to review the proposed comprehensive plan amendments and request that a copy of the amendments, along with the supporting data and analysis be transmitted to the FDOT upon its adoption.

Best,

Achaia Brown

*Transportation Planning Manager
Florida Department of Transportation
2198 Edison Avenue, MS 2806
Jacksonville, FL 32204-2730
(904) 360-5414*

Achaia.Brown@dot.state.fl.us



From: Levy Planning <planning@levycounty.org>
Sent: Friday, November 17, 2023 2:52 PM
To: CompPlans@fldoe.org; CompPlans@fdacs.gov; CompliancePermits@DOS.MyFlorida.com; FWCConservationPlanningServices@myfwc.com; D2.Growth Management <D2GRMGMT@dot.state.fl.us>; Koons, Scott <koons@ncfrpc.org>; James.Golden@watermatters.org; Ben.Glass@srwmd.org
Subject: FW: Transmittal of Proposed 2023/24 Evaluation & Appraisal Report-based Comprehensive Plan Amendments.

Attached above is the Levy County 2023-2024 updated EAR, for your review. Please, direct all comments to planning@levycounty.org.

If I may be of more assistance please, contact me at the information below.

Thank you and have a blessed day,

Debbie W. Benton

Administrative Assistant II
Levy County Planning & Zoning
320 Mongo Street
Bronson, FL 32621
352.486.5203
planning@levycounty.org

Weeping may endure for a night,
but Joy Cometh in the Morning.

Psalm 30:5

Check out our new maps!

Please **email** before coming into the office, with a shortage in staffing, our office hours may be altered. **COMPLEX USE INQUIRIES REQUIRE AN APPOINTMENT.**

Sign up for Commissioner Meeting updates [here](#). If in a subdivision, please check Deed Restrictions/Covenants with the Clerk of Courts; 352-486-5266 or levyclerk.com.



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