

COUNTY RESPONSE TO OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT

Alachua County Comprehensive Plan Evaluation and Appraisal-Based Amendments (26-02ER)

This document provides responses to the Florida Department of Commerce Objections, Recommendations, and Comments (ORC) Report on Alachua County's proposed Evaluation & Appraisal-based Comprehensive Plan amendments (26-02ER) as provided in the Department's letter to the County dated July 1, 2026. The Department's ORC report identified two Objections and one Comment.

The Department's objections and comment are reproduced below in italics followed by the County staff response. Where applicable, references are provided to specific changes that have been made to the transmitted version of the Comprehensive Plan amendments, and additional supporting data and analysis that has been provided, to address the issues identified in the ORC report.

1. Florida Commerce Objection #1 (Comprehensive Plan Update):

The proposed Amendment 26-02ER does not update the County's Comprehensive Plan, based on relevant and appropriate data and analysis, to comply with statutory requirements relating to the County's planning periods.

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. The proposed Amendment 26-02ER does not update the adopted portions of the Comprehensive Plan to expressly state the planning periods. The applicable 10-year and 20-year long-term planning periods should be 10 and 20 years from the anticipated adoption of Amendment 26-01ER [sic].

The proposed Amendment 25-06ER [sic] update to the Comprehensive Plan is not based upon relevant and appropriate data and analysis of public facilities (potable water, sanitary sewer, solid waste, transportation, stormwater facilities, and recreation and open space) addressing the following for the required 10-year planning period and the required 20-year planning period: (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 needed improvements within the Capital improvements Element.

The proposed Amendment 26-02 ER does not update the Housing Element 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.

Recommendation: The County must revise the Amendment to ensure the Comprehensive Plan contains at least two planning periods in accordance with the requirements set forth by section 163.3177(5)(a), F.S.

The necessary updates must also be based upon relevant and appropriate data and analysis. The Comprehensive Plan must include one planning period to cover at least the first 10-year period and the long-term 20-year planning period occurring after the amendment adoption date.

County Response to Florida Commerce Objection #1:

A. 10 and 20 Year Planning Periods: County staff acknowledges this Objection by the Department. The updated Alachua County Comprehensive Plan is intended to cover a twenty-year timeframe for the years 2026-2046. This encompasses the ten-year (2036) and twenty-year (2046) planning periods. Revisions have been made to the transmitted version of the amendments to expressly state the overall Plan timeframe as well as the ten and twenty year planning periods. The following specific revisions to the Comprehensive Plan have been made to address this Objection (changes from the transmitted version are shown below in double underline and double strike through; changes that were previously transmitted are shown in single underline and single strike-through).

- The title of the Comprehensive Plan has been amended to read: “Alachua County Comprehensive Plan 2026-2046”.
- Future Land Use Element, General Strategy 1, has been amended as follows:
 - Add the following new language as the first bullet point:

Maintain a Future Land Use Map which provides for sufficient capacity to accommodate projected population growth and development through at least the year 2046.
 - Add reference to the 10 and 20 year planning periods in the second bullet point as follows:

Designate and maintain on the Future Land Use Map an Urban Cluster that sets a boundary for urban growth in unincorporated Alachua County. The Urban Cluster will be periodically evaluated to ensure that there is sufficient and non-excessive capacity for both a ten and twenty year planning period based on projected population growth. Accommodating urban development through compact, higher density, and mixed-use development patterns within the Urban Cluster can reduce pressure to convert rural, agricultural, and conservation lands located outside of the Urban Cluster for future urban land uses.
- The Future Land Use Map title has been modified to read “Future Land Use Map 2046”.
- The Capital Improvements Element has been amended to refer to the 10 and 20 year planning periods as follows:

OBJECTIVE 1.3 - Maintenance of adopted LOS standards to meet existing and future facility needs through 2046 by coordinating land use decisions with a schedule of capital improvements.

Policy 1.3.1. The County shall, as part of its capital improvements planning process, consider needs for capital improvements for those public facilities and services that have level of service standards or guidelines identified in the Comprehensive Plan for short range (10 year)

and long range (20 year) planning periods based on projected population growth. Projects that are needed to maintain the adopted level of service standards or guidelines may be considered for inclusion in the County's 5 -year capital improvements program and the long range Multimodal Transportation Capital Improvements Program.

OBJECTIVE 1.4 - Management of the land development and capital improvements programming processes so that public facility needs do not exceed Alachua County's ability to fund and provide needed capital improvements identified in the other elements of this plan.

Policy 1.4.1 - Alachua County shall address ~~the capital improvements Program including existing deficiencies~~ and needs as part of the annual ~~budgeting~~ capital improvements programming process. This shall include:

- (a) Evaluation of backlog of deficiencies, current, short-range (10 year), and long range (20 year) needs for infrastructure including needs to maintain adopted LOS standards and guidelines for multimodal transportation, recreation ~~and open space~~, solid waste, storm water management, fire services and potable water and sanitary sewerage.
 - (b) Update of the County's 5 year Capital Improvements Program and ~~2030~~ the long range Multi-Modal Transportation Capital Improvement Program.
 - (c) Evaluation of, and necessary adjustment to, adopted LOS standards ~~as part of twice a year Comprehensive Plan Amendment cycle~~ based in part on availability of funding, and information from the development monitoring system.
- Existing Policy 7.1.3 of the Future Land Use Element expressly requires that, as part of the periodic update of the Comprehensive Plan, the County must ensure that there is a sufficient and non-excessive amount of land within the Urban Cluster to accommodate urban growth and development for a ten-year and a twenty-year time frame based on population projections. This policy is not being amended at this time but it directly addresses the requirement for 10 and 20 year planning periods. The adopted policy is shown in part below.

Policy 7.1.3 As part of the periodic update of the Comprehensive Plan and any proposed amendments to the Urban Cluster, determine a sufficient and nonexcessive amount of land within the Urban Cluster to accommodate urban uses for a ten year and twenty year time frame.

- The supporting data and analysis, which is the basis for the updated Comprehensive Plan, includes population projections for the County through the year 2050 in 5-year increments. It includes an assessment of land availability with the Urban Cluster for time periods covering 10, 20, and 25 years. There is also an analysis of various public facilities based on population projections, including projections of level of service and capacity through the year 2050, which encompasses the 10 and 20 year planning periods. This information is included in the

attached document, “Alachua County Comprehensive Plan 2026-2046: Data and Analysis for Evaluation & Appraisal Amendments”.

- B. Data and Analysis on Public Facilities and Housing:** County staff acknowledges this Objection by the Department. In response to this Objection, additional data and analysis has been included with the adopted amendment package. This data and analysis includes information on existing conditions and projections for population, land use, housing, and public facilities, including potable water, sanitary sewer, solid waste, transportation, stormwater, and recreation. The additional data and analysis is included in the attached report titled, “Alachua County Comprehensive Plan 2026-2046: Data and Analysis for Evaluation & Appraisal Amendments”.

2. Florida Commerce Objection #2 (Feasibility of Connecting Development to Sanitary Sewer):

The proposed Amendment 26-02ER is not consistent with the requirements of section 163.3177(6)(c)3., F.S. Section 163.3177(6)(c)3., F.S., requires the Infrastructure Element to consider the feasibility of providing sanitary sewer services to any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system per one acre within a 10-year planning horizon, and to identify the wastewater facility (capacity, projected flows for the next 20 years, and timeline for construction of the sanitary sewer system) that could receive the sanitary sewer flows after connection. Section 163.3177(6)(c)3., F.S., also requires that each comprehensive plan must be updated to include the required element by July 1, 2024, and as needed thereafter to account for future applicable developments.

The proposed Amendment 26-02ER does not include the information required by section 163.3177(6)(c)3., F.S., in the adopted portion of the Infrastructure Element. In addition, please see the enclosed comments (letter dated June 6, 2026) from the Florida Department of Environmental Protection (FDEP). The County should coordinate with FDEP and revise the amendment to include the information required by section 163.3177(6)(c)3., F.S., in the adopted portion of the Infrastructure Element.

Statutory Authority: Sections 163.3177(6)(c)3., 163.3184(4) and 163.3191, F.S.

Recommendation: The County must revise the proposed Amendment to include the information required by section 163.3177(6)(c)3., F.S., in the adopted portion of the Infrastructure Element. In responding to this objection, Alachua County should consider the provisions under Chapter 205-190, L.O.F., and ensure that the adopted amendment is not more restrictive or burdensome.

County Response to Florida Commerce Objection #2:

County staff acknowledges this Objection by the Department. In response, additional data and analysis has been included with the adopted amendment which considers the feasibility of providing sanitary sewer services to those developments described in Section 163.3177(6)(c)3., F.S. This data and analysis is included in the attached report titled, “Alachua County Comprehensive Plan 2026-2046: Data and Analysis for Evaluation & Appraisal Amendments” (see subsection titled, “Septic to Sewer Feasibility (HB 1379))”.

It is noted that on January 14, 2025, the County adopted an amendment to its Comprehensive Plan to address the requirements of House Bill 1379 as codified in Section 163.3177(6)(c)3, F.S. That amendment added a new Policy 2.1.8 to the Potable Water and Sanitary Sewer Element (PWSSE), which calls for the County to conduct the required feasibility assessment by April 2026. At the time that amendment was adopted, it was anticipated that the required feasibility assessment would be provided as part of the Evaluation & Appraisal-based amendments. This information was inadvertently omitted from the transmitted data and analysis but has now been included in the supporting data and analysis for the adopted amendments.

Also, there are additional revisions that have been made to the existing Policy 2.1.8 PWSSE as part of the adopted amendment package that were not included in the transmitted version. These additional revisions ensure that the requirements of Section 163.3177(6)(c)3 are met. Additional changes from the transmitted version are shown below in double underline and double strike through (regular text is existing language).

Policy 2.1.8 Alachua County shall, in coordination with utility providers, consider the feasibility of providing sanitary sewer services to developments of more than 50 residential lots in the unincorporated area, whether built or unbuilt, with more than one onsite sewage treatment and disposal system per acre, within a 10-year planning horizon. ~~By April 2026, and every ten (10) years thereafter, Alachua County will conduct a feasibility analysis identifying applicable developments and assessing the feasibility of providing sanitary sewer service to those developments. The feasibility analysis will include consideration of the following~~ The feasibility assessment shall include the following information and analysis:

- (a) The name and location of the wastewater facility that could receive sanitary sewer flows after connection; the current capacity of the facility and any associated transmission facilities; the projected wastewater flow at that facility for the next 20 years, including expected future new construction and connections of onsite sewage treatment and disposal systems to sanitary sewer; and an estimated timeline for the potential construction of any improvements necessary for connection to the sanitary sewer system.
- ~~(b) Estimate of potential costs to the County and property owners.~~
- ~~(c) Water quality risks associated with the continued use of septic systems.~~
- ~~(d)~~ (b) Consideration of ~~Other~~ applicable goals, objectives and policies of this Comprehensive Plan.

If the ~~analysis~~ feasibility assessment determines that it is feasible to provide sanitary sewer services to an applicable development, this shall not obligate the County or utility provider to undertake or fund any improvements necessary to connect the development to the sanitary sewer system. Such improvements may be considered on a case-by-case basis by the utility provider in coordination with the County with input from the residents of the area that would potentially be served by sanitary sewer.

When considering any potential capital improvement projects to connect existing development to centralized sanitary sewer services, the County shall analyze the potential water quality risks associated with the continued use of septic systems, relationship of the project to water quality targets included in adopted Basin Management Action Plans, and the potential costs to the County, the utility provider, and property owners.

The feasibility assessment shall be reviewed and updated at least every 10 years to account for changes in sanitary sewer system availability and changes in wastewater system capacity, and to identify any planned capital improvement projects to increase system capacity or to connect existing developments to sanitary sewer.

It is also noted that longstanding policies in the County's Comprehensive Plan require all new development in the unincorporated Urban Cluster to connect to a centralized sanitary sewer system, with very limited exceptions. New developments meeting the number of lots and density thresholds described in Section 163.3177(6)(c)3 would be prohibited from utilizing septic systems based on the existing Comprehensive Plan policies. New development located outside the Urban Cluster is limited by policy to a maximum density of one residential unit per 5 acres and would not meet the density thresholds for feasibility consideration in the statute. Additionally, sanitary sewer lines are prohibited by Comprehensive Plan policy from being extended into the unincorporated area outside the Urban Cluster unless approved by the Board of County Commissioners based on a limited set of criteria. Additional detail is provided in the data and analysis document.

3. Florida Commerce Comment (Section 28 of Chapter 2025-190, Laws of Florida)

Section 28 of Chapter 2025-190, Laws of Florida (L.O.F.), prohibits local governments from proposing or adopting amendments to the Comprehensive Plan that are more restrictive or burdensome. The proposed Amendment 26-02ER includes amendments to the Future Land Use Element Policy 1.6.5.13 and Conservation and Open Space Element Policy 4.8.2 that are potentially more restrictive or burdensome than the County's currently adopted Comprehensive Plan. The County should ensure that the adopted amendment is not more restrictive or burdensome.

County Response to Comment:

A. Future Land Use Element Policy 1.6.5.13 (Traditional Neighborhood Developments): County staff appreciates the Department's comment identifying this policy as being potentially more restrictive or burdensome. The County has made a concerted effort through the Evaluation & Appraisal process to avoid any amendments to the Comprehensive Plan which could potentially be more restrictive or burdensome, in violation of Section 28 of Chapter 2025-190 Laws of Florida as enacted through Senate Bill 180. In response to the Department's comment, Future Land Use Element Policy 1.6.5.13 has been modified to delete the language in the second sentence of the policy calling for limitations on the number of drive-

thrus and automobile-oriented land uses to be included in the land development regulations (double strike-through and double underline text below has been revised from the transmitted version).

The policy language in the first sentence of 1.6.5.13 has been retained as it does not impose any specific type of regulation but rather conveys a general concept to be implemented through the LDRs. The first sentence of the policy calls for the LDRs to include standards to ensure that uses with drive-thru lanes and automobile-oriented uses are functionally integrated into mixed use Traditional Neighborhood Developments (TND). This is a generalized site design concept that supports the overall objective of TNDs, as currently adopted in the Comprehensive Plan and shown below:

Objective 1.6 – Traditional Neighborhood Developments

“To provide for interconnected, mixed use development through specific site and design standards that create pedestrian and bicycle friendly communities...”

The County’s adopted LDRs currently contain detailed site design standards to implement this Objective and related policies. The policy language in the first sentence of 1.6.5.13 is intended to support future clarification of those existing site design standards in the LDRs.

It is further noted that the policy itself does not enact any new regulations or standards as part of the Comprehensive Plan. It identifies the general kinds of standards to be included in the LDRs at a later time. A separate ordinance amending the LDRs would need to be adopted to enact the type of standards described in the policy. The County recognizes that such ordinance amending the LDRs would be subject to the “more restrictive or burdensome” limitations enacted by SB 180, and could not be adopted under the law that is currently in effect.

Policy 1.6.5.13 ~~The land development regulations shall provide include standards to ensure that uses with drive-thru lanes (e.g., food service, pharmacy, bank) and automobile-oriented uses (e.g., gas station, car wash) are functionally integrated into the overall development and advance the objective of creating a pedestrian and bicycle friendly environment within and surrounding the TND. Limitations on the number of drive-thrus and automobile-oriented uses that may be located within an individual TND, based on the traffic generation of the proposed use, may be considered as part of the land development regulations.~~

- (a) A restaurant or dry cleaner with drive-thru lanes shall only be allowed as part of a multi-tenant building.
- (b) A bank or pharmacy shall be allowed to have drive-thru lanes. Drive-thru lanes and drive aisles shall be located at the rear of buildings and either architecturally integrated with the building or screened from the street.
~~Green building standards to help offset greenhouse gas emissions shall be established in the Land Development Regulations (LDRs) for uses with drive-thru lanes.~~

Note that sub policies (a) and (b) of the amended Policy 1.6.5.13 above are existing language that is adopted as part of the current Comprehensive Plan.

B. Conservation and Open Space Element Policy 4.8.2 (Floodplain Setbacks). As noted above, County staff appreciates the Department’s comment identifying this policy as being potentially more restrictive or burdensome. The County has made a concerted effort through the Evaluation & Appraisal process to avoid any amendments to the Comprehensive Plan which could potentially be more restrictive or burdensome, in violation of Section 28 of Chapter 2025-190 Laws of Florida. In response to this comment, the policy has been revised to indicate that the special floodplain setbacks described in sub-policy (g) will be *considered* (emphasis added) as part of future amendments to the land development regulations, rather than the transmitted language which suggested that such requirements would definitively be *developed* (emphasis added). Also, the policy now refers to “future proposed amendments to” the LDRs to make it more clear that there would need to be a separate process in the future for consideration of such setbacks.

County staff believes that, with this change, the policy itself is not more restrictive or burdensome because it only calls for consideration of special floodplain setbacks and does not actually establish any such requirements as part of the Comprehensive Plan. An additional ordinance would need to be adopted to amend the LDRs in the future to enact any regulatory setbacks. The County recognizes that such an ordinance could be more restrictive or burdensome and could not be adopted under the current SB 180 limitations. The County believes that the floodplain setbacks described in the policy warrant future consideration as part of the County’s overall water resource protection efforts but also recognizes that an ordinance to adopt such setback requirements could only be adopted if or when state law at the time allows for it.

The adopted changes to COSE Policy 4.8.2 are shown below, with changes from the transmitted version shown in double strike through and double underline format.

Policy 4.8.2 The County shall encourage watershed planning and shall:

- (a) Define 100-year floodplains and floodways as conservation areas;
- (b) Continue to maintain, and enhance where possible, the current biodiversity in floodplains of the County;
- (c) Continue to cooperate with the Water Management Districts and other appropriate agencies in expanding or enhancing existing natural habitats associated with floodplains;
- (d) Recognize floodplains in the land development regulations as unique resources requiring protection and conservation;
- (e) Develop specific criteria for slope protection and erosion control in floodplains and along natural banks and shores; ~~and~~
- (f) Enforce erosion control regulations to reduce sedimentation in floodplains resulting from development activities; ~~and~~
- (g) ~~Develop~~ Consider special setbacks requirements for new structures located adjacent to floodplains that support sensitive or large watersheds as part of future proposed amendments to the land development regulations.