



---

1 **Staff Report and Recommendations for COMP 24-0019**

2

3 **Copies of the application are available at the Clay County**  
4 **Administration Office, 3<sup>rd</sup> floor, located at 477 Houston Street Green Cove Springs, FL 32043**

5

---

6 **Introduction:**

7 The State of Florida requires all local governments to evaluate and update their Comprehensive Plans every  
8 7 years. This process is known as the Evaluation and Appraisal Report (EAR). (*Section 163.3191 F.S.*) This  
9 staff report summarizes the outcome of Staff's evaluation of the current comprehensive plan based on the  
10 State's guidelines.

11

12

13 THE EAR AMENDMENT PROCESS

14 The EAR Amendment must be transmitted to the State under the State Coordinated Review process prior to  
15 October 1, 2024. The State will issue an Objection, Recommendation and Comments Report (ORC) within  
16 60 days of their receipt of the amendment and an adoption hearing for this amendment will be scheduled  
17 shortly thereafter.

18

19

20 THE COMPREHENSIVE PLAN REVIEW

21 County staff have reviewed the current 2040 Comprehensive Plan and identified needed updates. These  
22 changes fall into two categories.

23

24 The first are statutory-based changes, meaning updates are required due to statutory changes which have  
25 taken place since the last EAR update was done in 2017. A table has been provided listing all statutory changes  
26 between 2017 and 2024 and identifying each action taken where needed.

27

28 The second category are local need-based changes, meaning updates required in order to keep the  
29 Comprehensive Plan consistent with the Land Development Code and to reflect any changes needed to  
30 address local issues. In addition, Staff verified that all citations of Florida Statute code sections and Florida  
31 Administrative Code sections throughout the Comprehensive Plan remain accurate and made any changes  
32 necessary. A table of all local need-based changes has been included with this report.

33

34

35 NOT COVERED BY THIS AMENDMENT

36 The textual changes proposed in this EAR Amendment do not affect any individual property. Likewise, the  
37 Future Land Use Map update will not change the future land use designation of any property. The proposed  
38 map updates will update the map data and map date in order to be consistent with the new planning horizon  
39 as required by statute.

40

41

42 STATUTORY-BASED CHANGES

43 One statutory change that should be highlighted at the start of this report is a change in 2023 that affected the  
 44 Comprehensive Plan’s planning horizon. Based on the new legislation, each plan must now include two  
 45 planning periods; one covering at least the first 10 year period occurring after the plan’s adoption, and one  
 46 covering at least a 20 year period. This comprehensive plan amendment includes changes in multiple elements  
 47 in order to reflect the new planning horizon from 2040 to 2045.

48  
 49 The table below summarizes the statutory-based changes included in this amendment.  
 50

| Year | Statutory Change   | F.S. Section   | Addressed (where/how)  | Amendment needed by Element |
|------|--|----------------|--|-----------------------------|
| 2021 | <b>Building Design Elements</b>  | 163.3202       | LA FLU POLICY 1.6.1  |                             |
|      | Adds a new subsection (5) to specify that land development regulations relating to building design elements may not be applied to a single-family or two-family dwelling unless "the dwelling is located in a planned unit development [...] approved by the local governing body before July 1, 2023. |                | This policy was revised somewhat although the Lake Asbury Master Plan was created prior to 2023. | LA Master Plan Element      |
| 2022 | <b>Floating Solar Facilities</b>   | 163.32051      | Definition added   | FLU and CFE                 |
|      | Requires a floating solar facility to be a permitted use in the appropriate land use categories and requires local governments to amend their land development regulations to promote expanded uses of floating solar facilities.  |                | Added:<br>FLU Policy 1.4.1(1)<br>FLU Policy 1.4.1(12)<br>CFE Policy 1.2.5                        |                             |
| 2023 | <b>Electrical Substations</b>  | 163.3177(5)(a) | Definition added   | FLU, BF FLU and LA FLU      |
|      | Statute preempts local governments from adopting or enforcing land development regulations for new and existing electrical substations. New and existing electrical substations must be permitted in all land use categories and no size limitations can be enforced.                                  |                | Added:<br>FLU Policy 1.1.15<br>BF FLU Policy 1.3.5<br>LA FLU Policy 1.3.3                        |                             |

| 2023 | <b>New Planning Horizon</b>   | 163.3177(5)(a) |   | Multiple Elements |
|------|---|----------------|---|-------------------|
|      | Requires the comprehensive plan to include two planning periods; one covering at least the first 10-year period occurring after the plan's adoption and one covering at least a 20-year period. |                | HOU Objective 1.1<br>HOU Objective 1.2<br>CFE Policy 1.1.1<br>CIE Policy 1.3.1(1)<br>CIE Policy 1.5.2<br>TRA Objective 1.1<br>TRA Policy 1.1.6<br>BF-FLU Policy 1.2.1<br>BF-FLU Policy 1.4.7<br>BF-FLU Policy 1.5.1<br>LA-FLU Policy 1.1.1<br>LA-FLU Policy 1.1.5<br>LA-REC Introduction<br>LA-CFE Objective 1.1<br>LA-CFE Policy 1.1.1 |                   |

52

53 One additional statutory change included in this amendment is a change to the Transportation Element. This  
54 change will address changes to Chapter 333 F.S. related to public use airports which occurred in 2016. The  
55 statute change occurred prior to the 2017-2023 window covered by the analysis above and is remedial in  
56 nature.

57

58 LOCAL NEED-BASED CHANGES

59 The local need-based changes included in this amendment have been summarized in the two tables below.

60

61 The first table includes procedural changes under the following general categories:

62

- 63 • Maps
- 64 • Reference citations
- 65 • Level of service standards
- 66 • Outdated requirements or dates
- 67 • Name or spelling errors
- 68 • Table footnotes

69

70 The second table contains other types of changes that are more substantive in nature, the purpose of which is  
71 to correct issues that have arisen based on omissions, conflicts with other portions of the comprehensive plan,  
72 or changes made to provide greater clarity of intent, purpose or measurement.

73

74

| <b>Procedural Area of Change</b>   | <b>Addressed (where/how)</b>   | <b>Amendment needed by Element</b>                  |
|--|--|---|
| Updated all maps and one table to the new planning horizon   | FLU Map Series<br>TRA Map Series<br>TRA Table 7<br>PSF Map Series<br>BF-FLU Map<br>LA-FLU Map  | FLU, BF FLU, LA FLU, TRA and PSF                    |
| Deleted or amended incorrect citations   | CON Objective 1.10<br>BF-CFE Policy 1.1.2<br>LA-FLU Policy 1.6.27<br>LA-CFE Policy 1.2.3   | CON, BF-CFE, LA-FLU, and LA-CFE Elements            |
| Individual element Level of Service (LOS) standards have been made consistent with those listed in the Capital Improvement Element | CFE Policy 1.1.1<br>CIE Policy 1.3.1<br>CIE Policy 1.3.1(7)<br>CIE Policy 1.3.1(8)   | CFE and CIE Elements                                |
| Removed references to outdated requirements or completion dates  | FLU Policy 1.4.1(6)(b)<br>FLU Policy 1.5.17<br>CON Policy 1.1.1(4)<br>TRA Policy 1.3.8<br>REC Policy 1.2.7<br>EDE Policy 1.4.9<br>BF-FLU Policy 1.4.9<br>LA-TRA Policy 1.1.3 | FLU, CON, TRA, REC, EDE, BF-FLU and LA-TRA Elements |
| Corrected name or spelling errors  | ICE Policy 1.2.3   | Corrected name or spelling errors                   |
| Added or corrected footnotes for tables  | BF-REC Policy 1.1.1  | Added or corrected footnotes for tables             |

75  
76

| <b>Other Areas of Change</b>   | <b>Addressed (where/how)</b> | <b>Amendment needed by Element</b> |
|--|------------------------------|------------------------------------|
| Clarified that up to 20 lots may access a single access easement only for "existing" easements.            | FLU Policy 1.5.11            | FLU Element                        |
| Changed measurement of distance to nearest service from radius measurement to sidewalk or driving distance | FLU Policy 1.4.5             | FLU Element                        |
| Created a Business Park category   | FLU Policy 1.4.1(14)         | FLU Element                        |
| Corrected a confusing reference to multiple development types.   | FLU Policy 1.7.8             | FLU Element                        |
| Changed term for consistency   | HOU Policy 1.1.2(1)          | HOU Element                        |
| Added Rural Fringe and Urban Fringe to be consistent with the FLU table                                    | HOU Policy 1.3.7             | HOU Element                        |

|  |  |                |
|--|--|----------------|
| Very Low-, Low- and Moderate-Income Housing:<br>Changed measurement of distance to nearest service from radius measurement to sidewalk or driving distance | HOU Policy 1.3.6(1)<br>HOU Policy 1.3.6(2)<br>HOU Policy 1.3.6(3)<br>HOU Policy 1.3.6(4) | HOU Element    |
| Elderly and Handicapped Housing:<br>Changed measurement of distance to nearest service from radius measurement to sidewalk or driving distance             | HOU Policy 1.3.7(1)<br>HOU Policy 1.3.7(2)<br>HOU Policy 1.3.7(3)<br>HOU Policy 1.3.7(4) | HOU Element    |
| Amended policy to provide monitoring for fiscal responsibility   | CFE Policy 1.7.7   | CFE Element    |
| Added “gross” to density for consistency with other BF FLU categories  | BF FLU Policy 1.4.6  |                |
| BF FLU Policy 1.4.7  | BF-FLU Element   |                |
| created policy to address LA COM land use category   | LA-FLU Policy 1.4.15   | LA-FLU Element |
| Standardized reference to Village Center and Interchange Village Center  | LA-FLU Policy 1.4.10   | LA-FLU Element |

77

78 **Anticipated updates to specific elements**

79 Clay County is currently in the process of developing or updating certain documents/plans that will impact  
80 the County’s Comprehensive Plan. As those plans are finalized the relevant comprehensive plan element will  
81 be updated. These include:

- 82 • The Clay County Mobility Fee Study will necessitate revisions to the Transportation Element Map  
83 series. The study is anticipated to be completed in mid-2025. The Transportation Element will be  
84 revised once the study is complete.
- 85 • The Clay County School Board will be adopting an updated Educational Facilities Plan in Sept/Oct  
86 2024 which will necessitate updates to the Public School Facilities Element, Tables 1 and 2 (Level of  
87 Service by School Type). This information should be available prior to adoption of this EAR  
88 Amendment and every effort will be made to provide the new tables prior to submittal to the State.
- 89 • A Recreation Master Plan is being created for Clay County which will establish new level of service  
90 standards. This plan is anticipated to be complete in Sept/Oct 2024. As above, every effort will be  
91 made to provide the new LOS information prior to submittal of the Adopted EAR Amendment to  
92 the State.
- 93 • The Clay County Water Supply Facilities Work Plan (2018-2030) update is being worked on and  
94 will be adopted by June 12, 2025. The Community Facilities Element and Capital Improvements  
95 Element will be updated one the Work Plan is adopted.

96

97 **Additional amendment summaries**

98 Attached to this report are two additional documents for reference. One is a copy of the full 2040  
99 Comprehensive Plan with all changes red-lined. The other is a listing of each of the proposed changes to the  
100 Comprehensive Plan organized by element.  
101

102 **Recommendation**

103 Staff recommends transmittal of COMP 24-0019.