

**From:** [Bertrand, Staci](#)  
**To:** [Angeline Jacobs](#)  
**Cc:** [Jeffrey L. Hays](#); [Corbin Hanson](#); [firstname.lastname](#)  
**Subject:** Corrected PDF Attachment: Alachua County Draft Ordinance Feedback - Duke Energy  
**Date:** Thursday, August 24, 2023 5:52:12 PM  
**Attachments:** [image001.png](#)  
[Article XI Utilities Substation DE Recommended Redlines 08242023.pdf](#)

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Ms. Jacobs:

Please find attached the updated/corrected PDF version with the redlines.

Thank you.

**Staci Bertrand, MBA, M.Ed | Manager - Government & Community Relations**

Alachua, Citrus, Sumter, Hernando, Levy, Marion

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**From:** Bertrand, Staci  
**Sent:** Thursday, August 24, 2023 5:07 PM  
**To:** [ajacobs@alachuacounty.us](mailto:ajacobs@alachuacounty.us)  
**Cc:** Jeffrey L. Hays <[jhays@alachuacounty.us](mailto:jhays@alachuacounty.us)>; [cfhanson@alachuacounty.us](mailto:cfhanson@alachuacounty.us); [firstname.lastname@manny.vilaret@cohlaw.com](mailto:firstname.lastname@manny.vilaret@cohlaw.com)  
**Subject:** Alachua County Draft Ordinance Feedback - Duke Energy

Good afternoon Ms. Jacobs:

Thank you for your email and for providing an opportunity to comment on the Alachua County Draft Ordinance for the Unified Land Development Code (ULDC) related to Electric Substations and its compliance with the amendments to F.S. 163.3208 effective July 1, 2023.

We appreciate the County's continued efforts to codify the review process and clean up the language. We identified a few concerns and expressed these through a virtual meeting on July 7, 2023 between Duke Energy, Alachua County Growth Management and our Counsels. The ULDC updates being heard in front of the Commission in September, in our opinion, do not mirror the intent of the Florida Statute. Please see our comments below.

- While the legislature expanded the definition of a substation under subsections (4) and (5) of FS 163.3208 to now also include existing substations, the provisions and limitations under FS 163.3208(6) still only apply to new substations that are being sited within a residential area. The main conflict with the County's amended language is that it has not included the clear limitation of "new" for substations within a residential area. However, the word "new" clearly

remains in place for all aspects of FS 163.3208(6), which is the specific portion of the statute that the County Code mirrors.

Because Alachua's County's ULDC Section 404.50.6(1) mostly details the process that mirrors the requirements of FS 163.3208(6), the word "new" should remain in place for all descriptions regarding this process under the proposed Alachua County Ordinance revisions.

- The County has inserted additional language at the very bottom of the Table "Article IV, Notice of Hearings" which adds the condition that electric substation development applications are to be "heard by the BOCC". The provisions and limitations under:
  - FS 163.3208(3) specifically states "Electric substations are a critical component of electric transmission and distribution. Except for substations in s. 163.3205(2)(c), local governments may adopt and enforce reasonable land development regulations for new and existing electric substations, addressing only setback, landscaping, buffering, screening, lighting, and other aesthetic compatibility-based standards."
  - FS 163.3208(6)(b) specifically states "A local government's land development and construction regulations for new electric substations or for changes to existing electric substations and the local government's review of an application for the placement or construction of a new electric substation or for changes to an existing electric substation shall only address land development, zoning, or aesthetic compatibility-based issues."

As such, we believe the addition of "heard by the BOCC" should not be added to the proposed Alachua County Ordinance revisions.

We welcome a meeting to discuss our comments.

Sincerely,

**Staci Bertrand, MBA, M.Ed | Manager - Government & Community Relations**

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