



STATE OF FLORIDA

# DEPARTMENT OF COMMUNITY AFFAIRS

*"Dedicated to making Florida a better place to call home"*

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

May 27, 2009

The Honorable Ted Schrader, Chairman  
Pasco County Board of Commissioners  
7530 Little Road  
New Port Richey, Florida 34654

Received  
MAY 29 2009  
Growth Mgmt. Dept.

Dear Chairman Schrader:

The Department has completed its review of the Pasco County comprehensive plan amendment (DCA No. 09-R1), adopted on April 21, 2009, by Ordinance Number 09-05. DCA No. 09-R1 brings into compliance Ordinance No. 08-36 which was previously adopted on September 8, 2008. The Department has determined that the comprehensive plan amendment meets the requirements of Chapter 163, Part II, Florida Statutes (F.S.), for compliance, as defined in Subsection 163.3184(1)(b), F.S. The Department is issuing a cumulative Notice of Intent to find the plan amendment In Compliance. The cumulative Notice of Intent has been sent to the St. Petersburg Times newspaper for publication on May 28, 2009. Please be advised that Section 163.3184(8)(c)2, F.S., requires a local government that has an Internet site to post a copy of the Department's Notice of Intent on the site within five (5) days after receipt of the mailed copy of the agency's Notice of Intent.

The County's 09-R1 amendment is the result of a Stipulated Settlement Agreement (SSA) that was approved by the Department on April 10, 2009. The settlement pertains to the County's amendment 08-2(8) adopted by Ordinance 08-36 regarding hurricane evacuation times. DCA 09-R1 amends the Coastal Management Element Policy COA 3.1.8 to ensure comprehensive plan amendments seeking to increase density in the CHHA shall be governed by the provisions of Section 163.3178(9)(b), F.S. Please note that a copy of the adopted Pasco County comprehensive plan amendment, and the Notice of Intent, must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Pasco County Growth Management Department, 7530 Little Road, Suite 320, New Port Richey, FL 34654-5598.

The Department's Notice of Intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the Notice of Intent pursuant to Section 163.3184(9), F.S. No development orders, or permits for

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100  
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: [www.dca.state.fl.us](http://www.dca.state.fl.us)

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦  
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

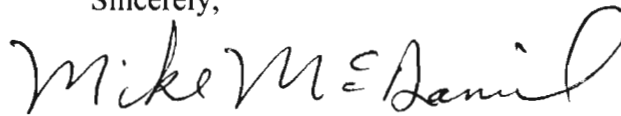
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May 27, 2009  
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development, dependent on the amendment, may be issued or construction commence before the plan amendment takes effect.

If an affected person challenges this in compliance determination, you will have the option of mediation pursuant to Subsection 163.3189(3)(a), F.S. If you choose to attempt to resolve this matter through mediation, you must file the request for mediation with the administrative law judge assigned by the Division of Administrative Hearing. The choice of mediation will not affect the right of any party to an administrative hearing.

If you have any questions, please contact, Jon Frederick, Senior Planner, Division of Community Planning at (850) 922-1807.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive style with a large, looped "M" and "D".

Mike McDaniel, Chief  
Division of Community Planning

MM/jf

Enclosure: Notice of Intent

cc: Mr. Richard Gehring, Growth Management Administrator, Pasco County  
Mr. Manuel Pumariega, Executive Director, Tampa Bay Regional Planning Council

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
CUMULATIVE NOTICE OF INTENT TO FIND THE  
PASCO COUNTY COMPREHENSIVE PLAN AMENDMENT  
AND REMEDIAL COMPREHENSIVE PLAN AMENDMENT(S) IN COMPLIANCE  
DOCKET NO. 09-R1-NOI-5101-(A)-(I)

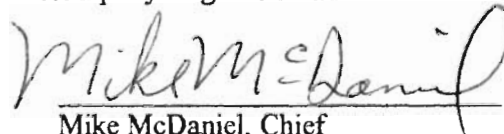
The Department issues this cumulative notice of intent to find the Pasco County Comprehensive Plan Amendment adopted by Ordinance No(s). 08-36 on September 8, 2008 and the remedial amendment(s) adopted by Ordinance 09-05 on April 21, 2009 IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted Pasco County Comprehensive Plan Amendment and the Department's Objections, Recommendations, and Comments Report, (if any), are available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Pasco County Growth Management Department, 7530 Little Road, Suite 320, New Port Richey, Florida 34654.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Remedial Amendments are In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 and a copy mailed or delivered to the local government. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Administration, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.



Mike McDaniel, Chief  
Office of Comprehensive Planning  
Division of Community Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100