



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

January 16, 2009

Pls forward to Jim Mudd & BCC Joe Schmitt -
RECEIVED
JAN 21 2009
Board of County Commissioners

The Honorable Donna Fiala, Chairperson
Collier County Board of County Commissioners
3301 E. Tamiami Trail
Naples, FL 34112

Dear Chairperson Fiala:

The Department of Community Affairs (Department) has completed its review of Collier County's Comprehensive Plan Amendment, DCA No. 08-PEFE1, adopted October 14, 2008, by Ordinance Number 08-55. The Department has determined that the Comprehensive Plan Amendment meets the requirements of Chapter 163, Part II, Florida Statutes, for compliance, as defined in Subsection 163.3184(1)(b), Florida Statutes.

The Department is therefore issuing a Notice of Intent to find the Comprehensive Plan Amendment "In Compliance." The Notice of Intent has been sent to the Naples Daily News newspaper for publication on January 17, 2009. Please be advised that Section 163.3184(8)(c)2, Florida Statutes, 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.

Please note that a copy of the adopted Collier 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 Comprehensive Planning Department 2800 N. Horseshoe Drive, Suite 400 Naples, Florida.

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), Florida Statutes. No development orders, or permits for development, dependent on the amendment, may be issued or construction commence before the plan amendment takes effect.

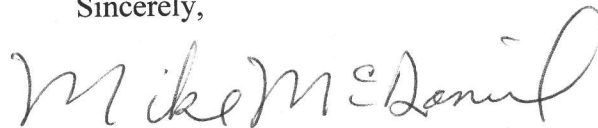
2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us
♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

The Honorable Donna Fiala, Chairperson
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If this in compliance determination is challenged by an affected person, you will have the option of mediation pursuant to Subsection 163.3189(3)(a), Florida Statutes. 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 Brenda Winningham, Regional Planning Administrator at (850) 922-1800, or Suzanne K. Lex, Community Planner, at (850) 922-0047.

Sincerely,

A handwritten signature in cursive script that reads "Mike McDaniel". The signature is written in black ink and is positioned below the word "Sincerely,".

Mike McDaniel, Chief
Office of Community Planning

MM/skl

Enclosures: Notice of Intent

cc: Randy Cohen, AICP, Director of Planning
Ken Heatherington, AICP, Executive Director, Southwest Florida Regional Planning
Council

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
NOTICE OF INTENT TO FIND
THE COLLIER COUNTY
COMPREHENSIVE PLAN AMENDMENT
IN COMPLIANCE
DOCKET NO. 08-PEFE1-NOI-1101-(A)-(I)

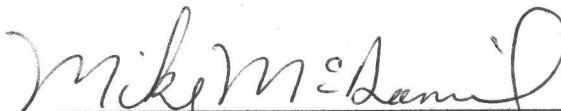
The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for Collier County, adopted by Ordinance No. 08-55 on October 14, 2008, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted Collier 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 Collier County Comprehensive Planning Department, 2800 North Horseshoe Drive, Naples, Florida 34104 and the County Clerk's Office, Administration Building, 4th Floor, Collier County Government Center, East Naples, Florida 34112.

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 Amendment to the Collier County Comprehensive Plan is 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 Management Services, 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
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100