



STATE OF FLORIDA

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Board of County Commissioners

# DEPARTMENT OF COMMUNITY AFFAIRS

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

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

October 23, 2009

*Res copy Leo  
& BCC*

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

Dear Chairman Fiala:

The Department has completed its review of the adopted Comprehensive Plan Amendment (Ordinance Number 09-45; DCA No. 09-R1) for Collier County, as adopted on September 15, 2009, and determined that it meets the requirements of Chapter 163, Part II, Florida Statutes (F.S.), for compliance, as defined in Subsection 163.184(1)(b), F.S. The Department is issuing a cumulative Notice of Intent to find the plan amendment and the previous plan Amendment (Capital Improvements Element Objective 2 and Policy 5.4) adopted by Ordinance Number 09-07 on February 24, 2009, in compliance. The Notice of Intent was sent to *Naples Daily News* for publication on October 26, 2009.

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 a development, dependent on the amendment may be issued or commence before the plan amendment takes effect. 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 5 days after receipt of the mailed copy of the agency's notice of intent.

Please note that a copy of the adopted 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 Collier County Comprehensive Planning Department, 2800 N. Horseshoe Drive, Naples, Florida 34104.

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) ♦

The Honorable Donna Fiala  
October 23, 2009  
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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), 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 Hearings. 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 Scott Rogers, Planner, at (850) 922-1758.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive, flowing style.

Mike McDaniel, Chief  
Office of Comprehensive Planning

MM/sr

Enclosure: Notice of Intent

cc: Ken Heatherington, AICP, Executive Director, Southwest Florida RPC  
Randall Cohen, AICP, Director, Comprehensive Planning Department

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
CUMULATIVE NOTICE OF INTENT TO FIND COLLIER COUNTY  
COMPREHENSIVE PLAN AMENDMENT CAPITAL IMPROVEMENT ELEMENT  
(OBJECTIVE 2 AND POLICY 5.4)  
AND REMEDIAL COMPREHENSIVE PLAN AMENDMENT IN COMPLIANCE  
DOCKET NO. 09-R1-NOI-1101-(A)-(I)

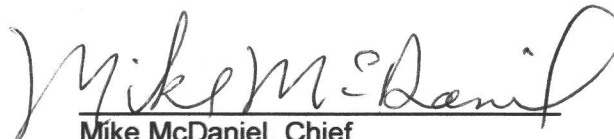
The Department issues this cumulative notice of intent to find Collier County Comprehensive Plan Amendment Capital Improvement Element (Objective 2 and Policy 5.4) adopted by Ordinance No. 09-07 on February 24, 2009, and the remedial amendment adopted by Ordinance 09-45 on September 15, 2009, IN COMPLIANCE, 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 County Clerk's Office, Administration Building, 4<sup>th</sup> 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 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  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100