



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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



RICK SCOTT
Governor

BILLY BUZZETT
Secretary

February 4, 2011

The Honorable Kevin White
Chairman, Escambia County
Board of County Commissioners
Post Office Box 1591
Pensacola, Florida 32591-1591

Dear Chairman White:

The Department of Community Affairs (Department) has completed its review of the Escambia County Comprehensive Plan Amendment, DCA No. 11-R1, adopted by Ordinance Number 2011-3 on January 20, 2011. 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 Cumulative Notice of Intent to find the Comprehensive Plan Amendments adopted by Ordinance No 2010-16 on June 3, 2010, and Ordinance No. 2011-3 on February 3, 2011, "In Compliance." The Cumulative Notice of Intent has been sent to the *Pensacola News Journal* newspaper for publication on February 7, 2011.

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 Cumulative Notice of Intent on the site within five (5) days after receipt of the mailed copy of the agency's Cumulative Notice of Intent. Note that a copy of the adopted Escambia County Comprehensive Plan Amendment, and the Cumulative Notice of Intent, must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Escambia County Development Services Bureau, 3363 West Park Place, Pensacola, Florida 32505.

The Department's Cumulative 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 Kevin White, Chairman
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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.

Should you have any questions, please contact Suzanne Lex, Planning Analyst, at (850) 922-0047, or Susan Poplin, AICP, Regional Planning Administrator at (850) 922-1821.

Sincerely,



Charles Gauthier, AICP
Director, Division of Community Planning

CG/skl

Enclosure: Cumulative Notice of Intent

cc: Mr. Lloyd Kerr, AICP, Bureau Chief, Escambia County Development Services Bureau
Ms. Terry Joseph, Executive Director, West Florida Regional Planning Council

**STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
CUMULATIVE NOTICE OF INTENT
TO FIND THE ESCAMBIA COUNTY COMPREHENSIVE PLAN AMENDMENT
AND REMEDIAL COMPREHENSIVE PLAN AMENDMENT(S) IN COMPLIANCE
DOCKET NO. 11-R1-NOI-1701-(A)-(I)**

The Department issues this cumulative notice of intent to find the Escambia County Comprehensive Plan Amendments adopted by Ordinance No(s). 2010-06 on June 3, 2010 and the remedial amendment(s) adopted by Ordinance No. 2011-3 on January 20, 2011, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted Escambia County Comprehensive Plan Amendments 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 Escambia County Development Services Bureau, Projects and Comprehensive Planning Office, 3363 West Park Place, Pensacola, Florida 32505.

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. 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.



Charles Gauthier, AICP
Director, Division of Community Planning
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100