



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

October 25, 2010

The Honorable Don Bates, Chairman
Highlands County Board of County Commissioners
600 South Commerce Avenue
Sebring, Florida 33870

Dear Chairman Bates:

The Department has completed its review of Highlands County's adopted comprehensive plan amendment (DCA 10-1ER) adopted by Ordinance Nos. 09-10-24 thru 27, on September 7, 2010, and has determined that the amendments do not meet 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's Notice of Intent and Statement of Intent are enclosed with this letter. The Notice of Intent was sent to the *Highlands Today* newspaper for publication on October 26, 2010.

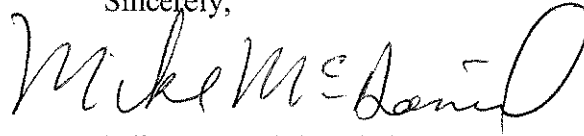
In addition, the Notice of Intent and the Statement of Intent will be forwarded to the Division of Administrative Hearings of the Department of Management Services for the scheduling of an administrative hearing pursuant to Section 120.57, F.S. Please note that a copy of the Highlands County's adopted comprehensive plan amendments, the Department's Objections, Recommendations and Comments Report, dated June 8, 2010, the Notice of Intent and the Statement of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Highlands County Planning Department County Annex Building, 501 South Commerce Avenue, Sebring, Florida 33870.

After an administrative hearing petition is timely filed, you will have the option of mediation pursuant to Subsection 163.3189(3)(a), F.S. If you choose to attempt to resolve the 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. Please be advised that Section 163.3187(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 days after receipt of the mailed copy of the agency's Notice of Intent.

The Honorable Don Bates
October 25, 2010
Page 2

We are interested in meeting with you or your designee, at your convenience, for the purpose of negotiating an agreement that will bring your comprehensive plan into compliance. If you have any questions, please contact Brenda Winningham, Regional Planning Administrator, at (850) 922-1800 or Tom Tumminia, Planner, at (850) 922-1824.

Sincerely,

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

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/tt

Enclosure: Notice of Intent

cc: Mr. Mark Hill, Highlands County Planning Department
Ms. Patricia Steed, Executive Director, Central Florida Regional Planning Council

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

IN RE: HIGHLANDS COUNTY
COMPREHENSIVE PLAN AMENDMENTS
ADOPTED BY ORDINANCE NUMBERS
09-10-24, 09-10-25, 09-10-26, AND 09-10-
27, RESPECTIVELY, ON SEPTEMBER 7,
2010

Docket No. 10-1ER-NOI-2801-(A)-(N)

STATEMENT OF INTENT TO FIND
COMPREHENSIVE PLAN AMENDMENT
NOT IN COMPLIANCE

The Florida Department of Community Affairs hereby issues its Statement of Intent to find of the Comprehensive Plan Amendment of Highlands County (DCA No. 10-1ER), adopted by Ordinance Numbers 09-10-24, 09-10-25, 09-10-26, and 09-10-27 on September 7, 2010, Not In Compliance based upon the Objections, Recommendations and Comments Report (ORC Report) issued by the Department on June 8, 2010, which is hereby incorporated by reference, and changes made to the amendment at the time of adoption. The Amendment updates the Highlands County Comprehensive Plan to a 2030 planning timeframe, and includes establishment as part of the Future Land Use Map Series and implementing policies in the Future Land Use Element (FLUE) an Urban Growth Area 2010 and an Urban Growth Area 2030 (FLU Map 2, and FLUE Objective 1 and Policies 1.1 and 1.2), the Greater Lake Placid Planned Vision Overlay (GLPPVO) (FLU Map 3 and FLUE Objectives 12 through 12.7 and Policies 12.1 through 12.7.7) and the 50,000 acre Blue Head Ranch Sustainable Communities Overlay (SCO) (FLU Map 4 and FLUE Policies 14.4 through 14.4.4) and FLUE Objective 14 and Policies 14.1 through 14.3.2, providing guidelines for establishment of Sustainable Community Overlays. Also, the Amendment includes three Future Land Use Map (FLUM) Amendments with related site specific policies. The North Lake Placid FLUM Amendment (site specific FLUE Policy

15.2.88) redesignates 1,531 acres from Agriculture to Mixed Use; the South Lake Placid FLUM Amendment (site specific FLUE Policy 15.2.89) redesignates 1,595 acres from Agriculture to Mixed Use; and the Lake Placid Groves Development of Regional Impact (DRI) Amendment (site specific FLUE Policy 15.2.87) redesignates 2,182 acres from Agriculture to Mixed Use. The Lake Placid Groves DRI Amendment was adopted by a separate ordinance as part of the County's 10-D1 amendment package and was included as a specific amendment in this package, however, as part of Ordinance Number 09-10-24 adopted in this amendment package, the FLUM was revised to depict the change in land use for the site and Future Land Use Element Policy 15.2.87 was revised to include the site specific guidelines for development of the site. In addition, the Amendment expands the uses allowed in the Agriculture Land Use Designation to allow research and educational facilities, telecommunication facilities, asphalt plants and power plants.

The Department finds that the FLUM amendments are not "in compliance" because they are not consistent with Chapter 163, Part II, Florida Statutes (F.S.), the State Comprehensive Plan (Chapter 187, F.S.), and Rule 9J-5, Florida Administrative Code (F.A.C.), for the following reasons:

I. CONSISTENCY WITH CHAPTER 163, F.S. AND RULE 9J-5, F.A.C.

A. Inconsistent Provisions for the North Lake Placid, South Lake Placid, Lake Placid Groves DRI FLUM Amendments and the Blue Head Ranch SCO and the 2010 UGA, 2030 UGA and the GLPPVO FLUM Series Maps and related policies. The inconsistent provisions of the amendments identified in this heading are as follows:

1. Need: The County has not demonstrated a need to redesignate additional acreage on the FLUM to accommodate projected growth during the planning period. The amendment is not supported by an adequate land use needs analysis based on a professionally acceptable

methodology demonstrating a need for the additional residential units and non-residential development allowed by the three FLUM amendments, the Blue Head Ranch SCO, and the policies providing guidelines for development in the Urban Growth Area and the GLPPVO. The needs analysis reduces the number of potential residential units available based on a number of adjustment factors. This includes a deduction of 39,694 platted lots from 8 so-called mega-lot subdivisions. However, the analysis does not adequately demonstrate that this deduction is appropriate. The amendment includes a policy limiting development in the subdivisions in the 2030 planning timeframe to 6,000 units. However, these subdivisions are either located wholly or partially in the 2010 and 2030 Urban Growth Areas (UGA). The plan policies indicate that the County intends to direct future growth to the UGAs and that the 2030 UGA is expected to provide for 87 percent of the County's anticipated growth in 2030. It is contradictory to place these subdivisions within the UGA, and then to limit the number of lots within them that can be developed. In addition, the 6,000 unit cap for the 8 so-called mega-lot subdivisions is not meaningful and predictable since it is not limited by subdivision and would also be difficult to implement and would not discourage urban sprawl. Further, there are inconsistencies between the tables calculating available platted lots. Thus, it is not clear that the various adjustments have been applied consistently. In addition, it is unclear whether the residential development allowed under the mixed use land use category was included in supply calculation.

Even if the reductions were supported and appropriate, the analysis does not demonstrate a need for the additional potential densities and intensities. The analysis indicates there is a demand for 12,095 units based on the population projections for the planning timeframe of 2030. The analysis indicates that with the reductions applied there is an available capacity of 21,705 units, resulting in a multiplier of 1.79 times the amount needed to accommodate the projected increase in population for the planning period. The FLUM Amendments would allow the

following potential residential development: North Lake Placid, 4,665 units; South Lake Placid, 4,278 units; and Lake Placid Groves, 3,639 units; for a total of 12,582 residential units. With this potential development, the multiplier would be 2.83. Phase I of the Blue Head Ranch SCO would allow an additional 12,000 units to be constructed by 2030. With this additional 12,000 units, the multiplier becomes 3.83. Also, the Blue Head Ranch SCO would allow an additional 18,000 units for a total of 30,000 residential units, resulting in a capacity of 64,287 residential units, for a multiplier of 5.32.

In addition, the amendment establishes a 2010 UGA and a 2030 UGA. The plan indicates the 2030 UGA is to accommodate 87 percent of the anticipated residential development in the 2030 planning timeframe, and that development will be encouraged to develop at 4 units per acre in this area. Based on the analysis provided in support of the 2030 UGA, the UGA includes 20,756 developable residential acres. If these areas were to develop at 4 units per acre, this would result in a potential 83,026. It cannot be determined how much of this potential residential was part of the available supply in the needs analysis, but on its own, the residential areas in the 2030 UGA, if developed at 4 units per acre, would provide a multiplier of 6.86. There are also an additional 19,743 acres of land designated Agriculture in the 2030 UGA which if allowed in the 2030 planning timeframe to convert to development at 4 units per acre would increase the multiplier significantly. Also, the GLPVO anticipates development of the area at 3 units per acre which would also increase the multiplier.

Therefore, the amendment is inconsistent with Section 163.3177(2), 163.3177(6)(a), 163.3177(8), and (10)(a)F.S.; Rule 9J-5.003(90), 9J-5.005(2)(a) and (e); 9J-5.005(6), and 9J-5.006(2)(c), F.A.C.

B. Inconsistent Provisions for the North Lake Placid, South Lake Placid, Lake Placid Groves DRI FLUM Amendments, and the 2010 UGA, 2030 UGA, and GLPPVO FLUM Series Maps and related implementing and site specific policies. The inconsistent provisions of the amendments identified in this heading are as follows:

2. Urban Sprawl and Energy Efficient Land Use: The North Lake Placid, South Lake Placid, and Lake Placid Groves DRI FLUM Amendments redesignate 5,308 acres from Agriculture to Mixed Use, allowing development of 12,582 units and 2,175,570 square feet of non-residential development in excess of demonstrated need.

The 2030 UGA includes 44,160 developable acres, including 19,743 acres of lands designated as Agriculture on the FLUM. The implementing policies of the UGA (Policies 1.1 and 1.2) lack meaningful and predictable guidelines and standards to discourage urban sprawl. Although the overlay policies establish the areas for urban-type development, they lack specific and sufficient development controls pursuant to Rule 9J-5.005(6), F.A.C., and 9J-5.006(5)(j), F.A.C., to ensure that the urban form, timing, and other development controls are adequate to prevent a sprawling pattern of development. The implementing policies only encourage urban uses within the UGA and do not include specific standards and guidelines. While the policies encourage mixed-use development in the area, there are no specific requirements to include mixed-use in the area nor standards to ensure an attractive and functional mix of uses. The policies further encourage that the areas develop at a density of 4 units per acre, which is a low density and no minimum density is required in the areas. The policies indicate that developments on less than 1/4 of an acre need not be developed on central water and sewer. In addition, the policies only discourage the extension of central potable water and wastewater systems outside the UGA when it is at the expense of the County.

The GLPVO includes large areas of land currently designated as Agriculture. The GLPVO and its implementing policies limit development in the area to a maximum gross density of 3 units per acre, which is a low density and no minimum density is required in the area. No minimum density is established. The policies allow for mixed use development in the area, however, there are no specific requirements to include mixed-use in the areas nor standards to ensure an attractive and functional mix of uses. FLUE Objective 12.2 was revised to state the County will encourage the provisions of municipal services by the Town of Lake Placid; however, the Town is not actually identified as the entity serving the proposed amendments in its vicinity. Further, the provisions in site specific FLUE Policies 15.2.88Y and 15.2.89Z for the North and South Lake Placid amendments provide that central water and sewer facilities may be provided by the developer. Having multiple water and sewer facilities developed in this area is an indicator of urban sprawl and promotes urban sprawl.

The North Lake Placid, South Lake Placid, and Lake Placid Groves FLUM amendments and their implementing policies and the 2010 and 2030 UGA, and the GLPVO Series Map amendments and their implementing policies reflect the following indicators of urban sprawl, pursuant to Rule 9J-5.006(5)(g), F.A.C.:

- Promotes or allows for substantial areas to develop as low-intensity, low-density, or single use development or uses in excess of demonstrated need. As a result of premature conversion of rural land to urban uses, fails to adequately protect and conserve natural resources.
- Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities.

- Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response and general government.
- Fails to provide a clear separation between rural and urban uses.
- Fails to encourage an attractive and functional mix of uses.
- Fails to maximize use of existing and future public facilities.
- Results in the loss of significant amounts of functional open space.

Furthermore, the 2010 UGA, 2030 UGA, and the GLPVO and their implementing policies have not demonstrated that they have addressed the requirements of Ch. 2008-191, Section 2, Laws of Florida, including energy conservation, energy efficient land use patterns, and transportation strategies to reduce greenhouse gases, pursuant to Sections 163.3177(6)(a), (b), (d), (f), and (j), F.S., because the development controls are not specific or sufficient to prevent an inefficient sprawling pattern of development

Therefore, the amendments are inconsistent with Section 163.3177(2), 163.3177(6)(a), (b), (c), (d), (f), and (j), 163.3177(8), and 163.3177(10)(a), 163.3187(2), F.S.; Rule 9J-5.005(2)(a), 9J-5.005(5)(a) and (6), 9J-5.006(2)(a), (b) and (c), 9J-5.006(3)(b)1, and 8, 9J-5.006(5), and 9J-5.011(2)(b)3., F.A.C.

C. Inconsistent Provisions for the North Lake Placid, South Lake Placid, and Lake Placid Groves DRI FLUM Amendments and the Blue Head Ranch SCO Amendment and their site specific and implementing policies. The inconsistent provisions of the amendments identified in this heading are as follows:

3. Water Supply: The amendments do not appropriately coordinate land use planning with water supply planning. The amendments are not supported by best available relevant and appropriate data and analysis demonstrating the availability of adequate water supplies to serve the amount of potential development allowed by the FLUM amendments and the Blue Head Ranch SCO, including identification of the water supply source and the water supply facilities that are needed to withdraw and treat the water to serve the demands created by the amendments. This is inconsistent with the provisions of Section 163.3177(6)(a), F.S., which require the future land use plan to be based on the availability of water supplies. The amendments have not been coordinated with the Highland County Water Supply Plan. The County has not amended the 10-Year Water Supply Facilities Work Plan to reflect the water supply facility planning that is needed to support the FLUM amendments and Overlay. In addition, the Water Supply Plan anticipates a large portion of the future water demand will come from water resulting from the transitioning of Agriculture to other uses. However, the South Florida and Southwest Florida Water Management Districts have both raised concerns that it has not been demonstrated that agriculture water demands will decrease substantially enough to accommodate the anticipated development amounts.

The data and analysis for the Blue Head Ranch Sustainable Community Overlay amendment assumes that the Floridan Aquifer will be an adequate source of water supply for the Overlay; however, this assumption is not demonstrated to be professionally acceptable and coordinated with the assumptions of the South Florida Water Management District water supply plan that is applicable to the area. Policy 14.4.2.B.12 states that “Highlands County shall update its 10-Year Water Supply Facilities Work Plan to include the Blue Head Ranch Sustainable Community Overlay at the time of the State-required Water Supply Facilities Work Plan Update.” Policy 14.4.2.B.12 does not coordinate the Blue Head Ranch Sustainable Community

Overlay with the 10-year Water Supply Facilities Work Plan in a timely manner to ensure that the water supply facility planning that is needed to support the Overlay amendment is addressed in the 10-Year Water Supply Facilities Work Plan at the time of the Overlay amendment.

Therefore, the amendments are inconsistent with Sections 163.3167(13), 163.3177(2), (3), (4), (6)(a), (c), (d) and h, and (8), F.S.; and Rules; 9J-5.005(2) through (6); 9J-5.0055; 9J-5.006(2)(a), (3)(b)1., and (c)3; 9J-5.011(1)(f), (2)(b)1., 2., and (2)(c)1., and 2.; and 9J-5.013(1)(c), 9J-5.015(2) and (3), 9J-5.016(1), (2), (3)(b)1., 3., 4., and 5., and (c)1.f., 6., 7., and 8.; 9J-5.016(4)(a) and (b) F.A.C.

D. Inconsistent Provisions for the North Lake Placid, South Lake Placid, and Lake Placid Groves DRI FLUM Amendments. The inconsistent provisions of the amendments identified in this heading are as follows:

4. Transportation Facilities: The amendments do not demonstrate that the adopted level of service (LOS) standards can be achieved and maintained for the short and long-term planning timeframes, consistent with the requirements of Section 163.3177(6)(a), F.S., which requires that the future land use plan be based on the availability of public facilities and services. Section 163.3164(24), F.S., defines “public facilities” to include transportation facilities. The amendments are not supported by an adequate traffic analysis. The long-term transportation analysis did not cover the planning timeframe. The transportation analysis for the North Lake Placid and South Lake Placid FLUM amendments only went through 2020 and the planning timeframe is 2030. In addition, the Florida Department of Transportation has indicated that the methodology of the traffic analysis for all 3 FLUM amendments is flawed because the data used in the analysis is not consistent with the 2009 Generalized Quality Level of Service Tables. Absent an adequate short-term and long-term transportation analysis it cannot be determined if the improvements needed to achieve and maintain the adopted level of service for the short-term

planning timeframe have been included in the Five-year Schedule of Capital Improvements, or if the improvements needed to support the long-term planning timeframe have been included in the list of Long-term needed improvements in the Capital Improvements Element and on the Future Transportation Map.

Therefore, the amendments are inconsistent with Section 163.3177(3)(a), and 163.3177(6)(a), and 163.3177(6)(b), F.S., Rule 9J-5.005(2)(a) & (c), 9J-5.006(2)(a), 9J-5.006(3)(b)1, 9J-5.006(3)(c)3, 9J-5.016(4)(a), 9J-5.019(3)(h), (4)(b)2, F.A.C.

5. Education Facilities: The amendments do not demonstrate that there are adequate existing or planned education facilities available to meet the demands that would be generated at the maximum development potential of the amendment sites. Section 163.3177(6)(a), F.S., requires that the future land use plan be based on the availability of public facilities and services. Section 163.3164(24), F.S., defines “public facilities” to include educational facilities. The school analysis for the North Lake Placid and South Lake Placid amendments is inadequate. The analysis did not include a cumulative analysis of the residential density allowed by the map and policy amendments on school facilities and does not compare the demand with the available supply for each of the school types. Further, no data and analysis was provided to demonstrate that the adopted level of service standard for the county’s schools will be met over the short-term (five-year) planning timeframe and the long-term planning timeframe. Thus, the amendments have not been demonstrated to be consistent with the Public School Facilities Element and the Capital Improvements Element.

Therefore, the amendments are inconsistent with Sections 163.3177(2), (3), (6)(a), (8), (10), and (12)(c), (f), and (g)9; and 163.3180(13)(d), F.S., and Rules 9J-5.006(2)(a); and 9J-5.025(2)(b), (2)(d), (3)(b)2., and (3)(c)7., F.A.C.

E. Inconsistent Provisions for the Lake Placid Groves DRI FLUM Amendment. The inconsistent provisions of the amendments identified in this heading are as follows:

6. Water and Sewer Facilities: The amendment does not coordinate land use planning with the planning of water and sanitary sewer facilities and capital improvements to demonstrate that adequate water and sewer facilities exist or are planned to serve the amendment site, consistent with the requirements of Section 163.3177(6)(a), F.S., that requires that the future land use plan be based on the availability of public facilities and services. Section 163.3164(24), F.S., defines “public facilities” to include potable water and sewer facilities. The amendment was not supported by an analysis of the short-term (five-year) and long-term central wastewater capacity and demand. Site specific FLUE Policy 15.2.87.19, indicates that the development will connect to and be served by a centralized water treatment facility provided by Silver Lake Utility. However, an analysis was not provided of the available capacity of Silver Lake Utility and a letter or agreement indicating that the Utility is willing and has adequate capacity to serve the site has not been provided. In addition, the provider of central wastewater utilities is not identified. Site specific FLUE Policy 15.2.87.3 indicates that in Phase 1A, 50 multi-family dwelling units and 90 hotel rooms, will be allowed to develop and FLUE Policy 15.2.87.12 indicates that Phase 1A can develop with on-site potable water facilities and on-site wastewater facilities. The use of septic tanks and self-supplied potable water wells is not appropriate for urban development within what is supposed to be the County’s urban growth area and is internally inconsistent with Policy 1.2 which states that the UGA is intended to “coordinate land uses densities and intensities with the availability of existing and planned capital infrastructure, including schools, to discourage urban sprawl.” Moreover, this development scenario is not consistent with Infrastructure Policy 6.5.2, which indicates that multi-family (regardless of parcel size) and subdivisions with lots of less than one (1) gross acre in size shall be required to

provide or guarantee to provide a public central potable water system designed to support all phases of the development. Further, the amendment has not analyzed the anticipated capacity of the facilities. No improvements are identified in the Five-year Schedule of Capital Improvements. Also, the water facility needs and improvements are not coordinated with the Highlands County Water Supply Plan.

Therefore, the amendments are inconsistent with Sections 163.3167(13); 163.3177(1) – (4), (8), and (10); 163.3177(2), (3), (6)(a), (c), (d), and (h), F.S., and Rules 9J-5.005(2),(5), and (6); 9J-5.0055; 9J-5.006(2)(a), (3)(b)1, (3)(c)3., and (4); 9J-5.011(1)(a) – (f), (2)(b)1., and 2., and (2)(c)1., and 2., 9J-5.013(1); 9J-5.015(2) and (3); and 9J-5.016(1) – (3), F.A.C.

F. FLUE Policies 1.2, 12.2, 12.3.9, 12.4.1, 12.7.5, and 12.7.5.A. The inconsistent provisions of the amendments identified in this heading are as follows:

7. Meaningful and Predictable Guidelines and Standards and Internal Inconsistency: Rule 9J-5.005(6), F.A.C. requires that objectives and policies shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines. The County Evaluation and Appraisal Report-based amendments contain many instances of goals, objectives and policies do not establish meaningful and predictable guidelines and standards including the following:

a. The adopted policies meant to guide the purpose and development of the Urban Growth Area are aspirational with certain activities or developments that will be encouraged or discouraged. Thus, the policies are not meaningful or predictable. For example, Future Land Use Element (FLUE) Policy 1.2 indicates that the Urban Growth Area will provide a special focus on infill, redevelopment, energy efficiency and enhanced mobility, including promotion of a walkable community, supported by a mix of complementary land use that promote a compact live, work, shop and play environment and access to multiple modes of transportation including

sidewalk, transit (bus and passenger rail) and bicycle facilities; however, there are no established policies within the Urban Growth Area plan with achievable requirements regarding the above.

b. FLUE Objective 12.2 was revised to state the County will encourage the provisions of municipal services by the Town of Lake Placid; however, the policy sets no criteria or standards for how municipal services will be encouraged. Nor, is the Town actually identified as the entity serving the proposed amendments in its vicinity. Thus, the provisions in FLUE Policies 15.2.88Y and 15.2.89Z providing that central water and sewer facilities may be provided by the developer is inconsistent with Objective 12.2.

c. FLUE Policy 12.3.9 states that aquifer recharge areas shall be protected in a similar manner to other development along the Lake Wales Ridge. However, the policy does not establish meaningful criteria or guidelines and standards for how development will protect aquifer recharge areas.

d. FLUE Policy 12.4.1 states that agricultural land use is encouraged in and around the Greater Lake Placid area; however the policy does not establish meaningful criteria or guidelines and standards for how agricultural land use will be encouraged in and around the Greater Lake Placid area.

e. FLUE Policy 12.7.5.E states that most of the Overlay Area consists of an aquifer recharge area and that the aquifer recharge area shall be protected. However, no protection guidelines are identified.

f. FLUE Policy 12.7.5.A states the Lake Placid area includes many natural lakes, significant Lake Wales Ridge lands, and aquifer recharge areas. These resources shall be managed and protected. However, the policy does not specify how these areas will be protected.

Therefore, the amendments are inconsistent with Section 163.3177(2) and (6)(a), F.S.; Rules 9J-5.003(90); 9J-5.005(5) and (6), F.A.C.

G. Lake Placid Groves DRI FLUM Amendment and FLUE Policy 15.2.87. The inconsistent provisions of the amendments identified in this heading are as follows:

8. Internal Inconsistency: FLUE Policy 15.2.87 is internally inconsistent with Infrastructure Policy 6.5. The FLUE Policy 15.2.87.3 indicates that in Phase 1A, 50 multi-family dwelling units and 90 hotel rooms will be allowed to develop. Further, FLUE Policy 15.2.87.12 indicates that Phase 1A can be developed with on-site potable water facilities and on-site wastewater facilities. Infrastructure Policy 6.5. requires that Multi-Family (regardless of parcel size) and subdivisions having lots of less than one (1) gross acre in size shall be required to provide or guarantee to provide a public central potable water system designed to support all phases of the development to provide for future fire suppression requirements including hydrant connections. Infrastructure Policy 6.5. further indicates that multi-family developments (regardless of parcel size) and subdivisions having lots of less than 1 acre in size shall be required to construct or guarantee to construct an approved public central potable water system, or sufficiently upgrade an existing system to serve the entire proposed project. Thus, FLUE Policy 15.2.87 is internally inconsistent with Infrastructure Policy 6.5.

Therefore, the amendment is inconsistent with Section. 163.3177(2), 163.3177(6)(a), F. S.; Rules 9J-5.005(5) and (6), F.A.C.

H. Blue Head Ranch SCO (Future Land Use Element Policies 14.4 through 14.4.4; and FLU Map 4). The inconsistent provisions of the amendments identified in this heading are as follows:

9. Urban Sprawl: The data and analysis states that the Blue Head Ranch SCO land use amendment will allow for development of a new urban activity center in the rural area that will be in the form of a “New Town.” The Overlay amendment is intended to create a new town consistent with the requirements of Rule 9J-5.003(80), F.A.C. A new town is defined by Rule

9J-5.003(80), F.A.C., to mean: *A new urban activity center and community designated on the future land use map and located within a rural area or at the rural-urban fringe, clearly functionally distinct or geographically separated from existing urban areas and other new towns. A new town shall be of sufficient size, population and land use composition to support a variety of economic and social activities consistent with an urban area designation. New towns shall include basic economic activities; all major land use categories, with the possible exception of agricultural and industrial; and a centrally provided full range of public facilities and services. A new town shall be based on a master development plan, and shall be bordered by land use designations which provide a clear distinction between the new town and surrounding land uses.*

Pursuant to Rule 9J-5.006(5)(I), F.A.C., a new town is an innovative and flexible planning and development strategy that will be determined to discourage the proliferation of urban sprawl if certain identified criteria are met. The criteria include the following: the new town allows the conversion of rural and agricultural lands to other uses while protecting environmentally sensitive areas, maintaining the economic viability of agricultural and other predominantly rural land uses, and providing for the cost-efficient delivery of public facilities and services.

The Blue Head Ranch SCO amendment does not meet the definition of a new town and does not discourage the proliferation of urban sprawl. Although the Overlay amendment requires a master development plan (as a subsequent Comprehensive Plan amendment to establish a Master Community Plan) for the urban area (Compact Urban Development Area - CUDA) of the Overlay, the Overlay amendment does not include a Master Community Plan and does not designate specific land uses (e.g., commercial, office, residential) for the entire urban area now, and Phase I (up through 2030) only addresses a portion of the urban area without

designating specific land uses even for the Phase I area now. Thus, although the Overlay amendment intends that development of the CUDA will eventually be based on a master development plan, such master development plan covering the entire CUDA has not been adopted as part of the Overlay amendment. The Overlay amendment does not meet the definition of a new town because a master development plan for the urban area has not been adopted as part of the plan amendment with such master development plan addressing the following: (1) depicting a non-sprawl arrangement of the specific land uses (e.g., commercial, office, residential) within the entire urban area; (2) coordinating the specific land uses with public facilities planning (e.g., water supply planning); (3) providing a compact form of urban development; and (4) preventing the potential for poor accessibility among linked or related land uses.

The amendment for the Blue Head Ranch Sustainable Community Overlay does not discourage the proliferation of urban sprawl and exhibits the following indicators of urban sprawl.

- Promotes, allows, or designates for development substantial areas of the County to develop with land uses in excess of demonstrated need.
- Adds development potential that discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
- Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development.
- Designates urban development in an isolated pattern from existing urban developments.

The amendment does not ensure a compact form of urban development because of the irregular shape of the southern end of the CUDA that protrudes out into the rural area.

- Does not designate land uses on the FLUM in a manner that provides a clear separation between rural and urban land uses where the southern end of the CUDA protrudes out into the rural area.
- Because the amendment does not ensure a compact form of urban development, the amendment does not prevent the potential for poor accessibility among linked or related land uses within the urban development area.

The amendment establishes a planning and development strategy that is not consistent with the definition of a New Town pursuant to Rule 9J-5.003(80), F.A.C., and the amendment does not comply with the criteria of Rule 9J-5.006(5)(1), F.A.C., because: (1) the Overlay amendment is not consistent with the definition of a New Town; (2) the Overlay amendment does not appropriately ensure the protection of environmentally sensitive areas with an appropriate conservation easement strategy; and (3) the Overlay amendment has not been demonstrated to provide for the cost-efficient delivery of public facilities and services pertaining to adequate water supply. Thus, the planning and development strategy established by the Overlay amendment does not discourage urban sprawl consistent with the requirements of Rule 9J-5.006(5)(1), F.A.C.

In addition, the form of the Compact Urban Development Area (CUDA) is not compact; and thus, Policy 14.4.2 and the FLUM depicting the CUDA are inconsistent with the requirements of Policies 14.1, 14.1.2, 14.4 that urban development is to be directed into an urban development area that is compact.

Therefore, the amendments are inconsistent with Section 163.3177(2), 163.3177(6)(a), (b), (c), (d), (f), and (j), 163.3177(8), and 163.3177(10)(a), 163.3187(2), F.S.; Rule 9J-5.005(2)(a), 9J-5.005(5)(a) and (6), 9J-5.006(2)(a), (b) and (c), 9J-5.006(3)(b)1, and 8, and 9J-5.006(5), F.A.C.

10. Conservation Easements: The amendment for the Blue Head Ranch SCO requires conservation easements for the Agricultural Areas and Natural Resource Areas; however, the amendment requires these easements at the time of the effective date of the plan amendment for the Master Community Plan and not at the time of the Overlay amendment (Policies 14.4.3, 14.4.3.A.2.2, 14.4.3.A.3.1 and 14.4.3.A.4.1). Conservation easements have not been executed and transmitted with the Overlay amendment. Thus, the amendment does not require the execution of conservation easements for the environmentally sensitive areas within the Blue Head Ranch Sustainable Green Assets area prior to the adoption of the first plan amendment that establishes the Blue Head Ranch Sustainable Community Overlay on the FLUM. Therefore, the amendment does not ensure the protection of environmentally sensitive areas with an appropriate conservation easement strategy.

Therefore, the amendment is inconsistent with Sections 163.3177(2); 163.3177(6)(a) and (d), F.S.; and Rules 9J-5.005(5) and (6); 9J-5.006(3)(b)4; 9J-5.006(3)(c)1., and 6.; 9J-5.013(2)(b)2., 3., and 4.; 9J-5.013(2)(c)3., 5., 6., and 9.; and 9J-5.013(3)(a) and (b), F.A.C.

11. Intensity of Land Use: The amendment for the Blue Head Ranch Sustainable Community Overlay Policy 14.4.2 does not establish meaningful and predictable guidelines and standards for non-residential intensities (e.g., floor area ratio) of land use in order to guide the form and varying intensity of development throughout the Compact Urban Development Area. Policy 14.4.2 does not establish meaningful and predictable guidelines and standards for the intensity of nonresidential use in the Town Center. Policy 14.4.2.B.2.2 does not establish meaningful and predictable guidelines and standards defining the intensity of non-residential use allowed within the neighborhood center form of development. Policy 14.4.2.B.4 does not establish meaningful and predictable guidelines and standards defining the intensity of non-residential use allowed within the Industrial Parks and Office Parks forms of development.

8. Internal Inconsistency: Revise FLUE Policy 15.2.87 to require that the Phase 1A development be served by central water and sewer facilities and provide the needed data and analysis regarding the water supply and facilities that will be needed for the Phase 1A development. Revise the amendment as necessary to be supported by and consistent with the data and analysis;

9. Blue Head Ranch SCO, Urban Sprawl: Revise the amendment to discourage the proliferation of urban sprawl and support the amendment with data and analysis demonstrating that the amendment discourages the proliferation of urban sprawl. Revise the amendment to meet the definition requirements for a new town by adopting, as part of the overlay amendment, a Master Development Plan for the entire CUDA addressing the following: (1) depicting a non-sprawl arrangement of the specific land use (e.g. commercial, office, residential); (2) coordinating the specific land uses with public facilities planning; (3) providing a compact form of urban development; and (4) preventing the potential for poor accessibility among linked or related land uses.

10. Blue Head Ranch SCO, Conservation Easements: Revise Policies 14.4.3, 14.4.3.A.2.2, 14.4.3.A.3.1, and 14.4.3.A.4.1 to require the Conservation Easements to be executed and in place for the Blue Head Ranch SCO prior to the adoption of the Sustainable Community Overlay amendment.

11. Blue Head Ranch SCO, Intensity of Use: Revise the amendment to establish meaningful and predictable guidelines and standards for non-residential intensities of land use in the Town Center, Neighborhood Center, Industrial Parks, and Office Parks forms of development.

Therefore, the amendment is inconsistent with Sections 163. 3177(6)(a), F.S.; and Rules 9J-5.005(6); and 9J-5.006(3)(c)1., and 7., F.A.C.

I. Sustainable Communities Overlay Policies. The inconsistent provisions of the amendments identified in this heading are as follows:

12. Conservation Easements: The plan amendment adopts Future Land Use Element Objective 14 and implementing Policies 14.1 through 14.3.2 for the “Sustainable Community Overlay” planning and development strategy. Although the amendment requires Natural Resource Areas and Agricultural Areas to be designated on the Future Land Use Map (FLUM) as part of the first amendment (Future Land Use Plan Amendment designating the Sustainable Community Overlay), Policy 14.1.3 does not ensure protection of agricultural areas and environmentally sensitive areas and appropriately limit the development potential in these areas as a basis for establishing the development potential in the Compact Urban Development Area (CUDA) because Policies 14.1.3.B.3.1 (Natural Resource Areas) and 14.1.3.B.4.1 (Agricultural Areas) do not establish meaningful and predictable guidelines and standards for conservation easements that ensure that the uses allowed within the Natural Resource Area and Agricultural Area are consistent with the purposes for which those areas are designated as stated in Policies 14.1.3.B.3 and 14.1.3.B.4. Both Policy 14.1.3.B.3.1 and Policy 14.1.3.B.4.1 identify use restrictions that are appropriate to a Natural Resource Area or Agricultural Area respectively, except for a general exception stated in each policy that does not ensure that the purpose of the Natural Resource Area and Agriculture Area will be achieved. Specifically, Policy 14.1.3.B.3.1 states the following exception: After recordation of a conservation easement, a Natural Resource Area shall be limited to the following development and uses unless otherwise expressly prohibited or permitted by the conservation easement. Thus, Policy 14.1.3.B.3.1 contains an open-ended exception that does not ensure that the conservation easement ensures the

appropriate protection of natural resources consistent with the purpose of the Natural Resource Area (as stated in Policy 14.1.3.B.3) because the exception could allow uses that are inconsistent with the purpose of the Natural Resource Area. Similarly, Policy 14.1.3.B.4.1 states the following exception: After recordation of a conservation easement, land use within an Agricultural Area shall be limited to the following development and uses unless otherwise expressly prohibited or permitted by the conservation easement. Thus, Policy 14.1.3.B.4.1 contains an open-ended exception that does not ensure that the conservation easement ensures that the Agricultural Area will be used for the purposes for which the Agricultural Area is designated (as stated in Policy 14.1.3.B.4) because the exception could allow uses that are inconsistent with the purpose of the Agricultural Area. Thus, because of the exceptions, Policy 14.1.3.B.3.1 is internally inconsistent with Policy 14.1.3.B.3 and does not establish meaningful and predictable guidelines and standards to protect natural resources, and Policy 14.1.3.B.4.1 is internally inconsistent with Policy 14.1.3.B.4 and does not establish meaningful and predictable guidelines and standards to protect agricultural areas.

Policy 14.1.3.B.2.2 and Policy 14.1.4 require a conservation easement for both the Natural Resource Area and Agricultural Area, and the conservation easement is required at the effective date of the plan amendment for the Master Community Plan but not before. Thus, Policy 14.1.3.B.2.2 and Policy 14.1.4 do not require the execution of conservation easements for the environmentally sensitive areas within the Sustainable Green Assets area prior to the adoption of the first plan amendment that establishes the Sustainable Community Overlay on the FLUM. Therefore, the amendment does not ensure the protection of environmentally sensitive areas with an appropriate conservation easement strategy.

Therefore, the amendment is inconsistent with Sections 163.3177(2); 163.3177(6)(a) and (d), F.S.; and Rules 9J-5.005(5) and (6); 9J-5.006(3)(b)4; 9J-5.006(3)(c)1., and 6.; 9J-5.013(2)(b)2., 3., and 4.; 9J-5.013(2)(c)3., 5., 6., and 9.; and 9J-5.013(3)(a) and (b), F.A.C.

J. Policy 1.3.D.1.e. The inconsistent provisions of the amendments identified in this heading are as follows:

13. Agriculture Land Use : The amendment revises Policy 1.3.D.1.e., to allow research and education facilities, telecommunication facilities, asphalt plants and power plants. These types of intensive uses are not consistent with the uses defined in the definition of Agriculture found in Rule 9J-5.003(2), F.A.C. Further, the amendment does not demonstrate the suitability of the areas designated Agriculture for the allowed uses and does not ensure the protection of natural resources, adequate water supplies and public facilities to support the potential development. Further, the policy does not define the type of research and education facilities that would be allowed within the agricultural land use category and as proposed would promote urban sprawl.

Therefore, the amendments are inconsistent with Sections 163.3177(2) (4)(a), and (6)(a), (c) and (d); 163.3177(8), F.S., and Rules 9J-5.003(2), 9J-5.005(2) and (5), 9J-5.006(1)(b)3., and 4.; 9J-5.006(2)(b) and (e); (3)(b)1, and 6; 9J-5.006(4)(b)3., and 4(c)1., F.A.C.

K. FLUE Policies 1.3.D.8, 1.3.D.4, 1.3.D.10 1.3.D.11, 15.2, 15.87, 15.88, and 15.8.9; Infrastructure Element Objectives 1 and 5 and Policies 2.1.B.1.a, 2.1.B.1.d, 3.1.B, 3.3.3.; s 1, 12, 12.1, 12.3, 12.4, 12.5Policy 1.3.D.1.e.; Transportation Element Table of 2035 Long Range Transportation need Plan Roadway Improvements, TE Maps 7 through 12, Definitions section definitions for Compact Urban Development Area, Density Bonus, Master Community

Plan, Sustainable Community Overlay, and Sustainable Green Assets; and the Highlands County FY09-10 to FY14-15 Capital Improvements Plan Long-Range Planning Period Needs List. The inconsistent provisions of the amendments identified in this heading are as follows:

14. Policy References and Identified Improvements: These objectives, policies, maps, and tables have references to or identified improvements for the UGA and Blue Head SCO, which have been determined to be not in compliance. On their own these references and improvements are not meaningful, needed or supported by data and analysis, or are inconsistent with the remaining Goals, Objectives, and Policies in the Highlands County Comprehensive Plan.

Therefore, the amendments are inconsistent with Sections 163.3177(2), (8), and (10)(e) F.S. and Rule 9J-5.005(2), (5) and (6), F.A.C.

II. Recommended Remedial Actions

A. Rescind the amendments. Alternatively, revise the amendments as necessary to be based on data and analysis as follows:

1. Need: Revise the amendments to be based on and consistent with a demonstrated need for additional residential and non-residential land and the associated densities and intensities in order to accommodate the projected increase in Highland's County population for the planning timeframe using a professionally acceptable methodology. Revise the amendment as necessary to be supported by and consistent with the data and analysis;

2. Urban Sprawl and Energy Efficient Land Use: Revise the amendments to discourage the proliferation of urban sprawl and to incorporate and to be consistent with the energy efficient land use pattern and greenhouse gas emission reduction strategies established by the Highlands County Comprehensive Plan and the requirements of Section 163.3177(6)(a), F.S., and Rule 9J-5.006(5)(j), F.A.C. The 2010 and 2030 UGAs should be modified to a size that is

based on demonstrated need for the amount of land and the anticipated urban densities and intensities. The implementing policies for the UGA and the GLPVO should be revised to establish meaningful and predictable guidelines and standards to discourage urban sprawl.

Revise the amendment as necessary to be supported by and consistent with the data and analysis;

3. Water Supply. Support the amendments with best available relevant and appropriate data and analysis demonstrating the availability of an adequate water supply to meet the demands generated by the maximum development potential of the North Lake Placid, South Lake Placid and Lake Placid Groves DRI FLUM Amendments and to meet the demands of the Phase I and long-term buildout of the Blue Head Ranch SCO. The analysis should identify the water source, the amount of water supply that is anticipated to be available from each water source to meet the projected demand for water and demonstrate that the amounts are coordinated with the Southwest Florida or South Florida Water Management District Regional Water Supply Plans as appropriate, and the Highlands County Ten-year Water Supply Plan. Revise the amendment as necessary to be supported by and consistent with the data and analysis. Revise the Ten-year Water Supply Facilities Work Plan to reflect the water supply facility planning that is needed to support the Overlay amendment. Revise Policy 14.4.2.B.12 to ensure that the water supply facility planning that is needed to support the Blue Head Ranch SCO amendment is addressed in the Ten-year Water Supply Facilities Work Plan at the time of the Overlay amendment as well as providing for on-going coordination between the Overlay and the Ten-Year Water Supply Facilities Work Plan.

4. Transportation Facilities: Revise the transportation analysis supporting the plan update and the North Lake Placid, South Lake Placid, and Lake Placid Groves DRI FLUM amendment to be consistent with the planning timeframe of 2030. In addition, revise the analysis to use the Florida Department of Transportation 2009 Generalized Quality Level of

Service Tables. If the analysis indicates deficiencies in the short-term planning timeframe, the improvements to address the projected deficiencies should be identified and included in the Five-year Schedule of Capital Improvements and demonstrated to be financially feasible. The Future Transportation Map should be amended to depict any planned roadway facilities. If any roadway is projected to be deficient in the long-range planning timeframe, the County should maintain in the Capital Improvements Element a list of the improvements that are projected to be needed in the planning timeframe but beyond the five years covered by the adopted capital improvements schedule. This list need not include any cost estimates for the improvements. In addition, revise the Future Transportation Map to include any improvements identified as needed in the long-term planning timeframe. Revise the amendment as necessary to be supported by and consistent with the data and analysis;

5. Education Facilities: Revise the amendment to include an analysis addressing (1) the impact of additional students on the level of service standards for the school concurrency service area for the short-term and long-term planning timeframes; (2) the identification of any school facility capacity improvements (scope, cost, and timing) that are needed to achieve and maintain the adopted level of service standards; and (3) if there are any identified deficiencies in the first five years and there are no planned school facilities to address the deficiencies, then the school facility improvements must be included in the Five-year Schedule of Capital Improvements. If there are identified deficiencies in the long-term planning timeframe, the comprehensive plan should include policies to address the deficiency and identify plans to deal with the deficiency.

6. Water and Sewer Facilities: Revise the Amendments to demonstrate that water and wastewater facilities are planned or available to serve the amendment sites consistent with the timing of development provided in Policy 15.2.87. The analysis should be based on the

demand generated by the maximum development potential of the amendment site. Identify the central sewer provided. If the amendment site is to be served by an existing water (Silver Lake Utility) or sewer facility, the analysis should address the capacity of the facilities and whether there is adequate capacity available to serve the sites. In addition, a letter should be provided by the facility demonstrating that they are willing to serve the development and have adequate capacity available or planned to serve the site. If improvements are needed in the short-term planning timeframe to provide adequate capacity to serve the development, the improvements should be included in the Five-year Schedule of Capital Improvements and demonstrated to be financially feasible. If the improvements are needed in the long-range planning timeframe to provide adequate capacity to serve the development, the County should maintain in the Capital Improvements Element a list of the improvements that are projected to be needed in the planning timeframe but beyond the five years covered by the adopted capital improvements schedule. This list need not include cost estimates for the improvements. If the developer is to build and operate the facilities, this should be indicated in the site-specific policies, and the type and capacity of the facility identified. The facility construction should be timed to the development schedule provided in site specific Policy 15.2.87, and In addition, revise FLUE Policy 15.2.87 to require that the Phase 1A development be served by central water and sewer facilities and provide the needed data and analysis regarding the water supply and facilities that will be needed for the Phase 1A development. Revise the amendment as necessary to be supported by and consistent with the data and analysis;

7. Meaningful and Predictable Guidelines and Standards and Internal Inconsistency:

Revise the policies to establish meaningful and predictable guidelines and standards.

12. Sustainable Communities Overlay Policies, Conservation Easements: Revise the amendment to require the execution of conservation easements prior to the adoption of the Sustainable Community Overlay amendment. Revise Policy 14.1.3.B.3.1 and Policy 14.1.3.B.4.1 to eliminate the exceptions that allow uses that are inconsistent with the purposes of the Natural Resource Area and Agricultural Area.

13. Agriculture Land Use: Revise Policy 1.3.D.1.e to remove research and education facilities, telecommunication facilities, asphalt plants and power plants from the listing of identified uses allowed in Agriculture.

14. Policy References and Identified Improvements: Revise the Objectives, Policies, Maps, and Tables to be consistent with the changes made to address the recommendation above.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

A. Inconsistent Provisions. The Plan Amendments are inconsistent with the following goals and policies of the State Comprehensive Plan (Chapter 187, F.S.):

Goal (7) Water Resources, Policies (b) 3, and 5 (Issues 3 and 6);

Goal (9) Natural Systems, Policies (b) 1, 3, 4, 5, and 7 (Issues 3, 6, 10-13);

Goal (15) Land Use, Policies (b) 1, 2, 3, and 6 (Issues 1-6, 9, and 10-13);

Goal (17) Public Facilities, Policies (b) 1, 6, and 9 (Issues 3 and 6);

Goal (19) Transportation, Policies (b) 3 and 9 (Issues 2 and 4), and

Goal (25) Plan Implementation, Policy (b) 5 (all Issues).

B. Recommended Remedial Actions.

These inconsistencies may be remedied by taking the actions described above in Section I.B.

CONCLUSIONS

1. The Plan Amendments are not consistent with the State Comprehensive Plan (Chapter 187, F.S.)
2. The Plan Amendments are not consistent with Rule 9J-5, F.A.C.
3. The Plan Amendments are not consistent with Chapter 163, Part II, F.S.
4. The Plan Amendment are not “in compliance” as defined in Section 163.3184(1)(b), F.S.
5. In order to bring the plan amendment into compliance, the County may complete the recommended remedial actions described above or adopt other remedial actions that eliminate the inconsistencies.

Executed this 25th day of October 2010, at Tallahassee, Florida



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

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS NOTICE OF INTENT TO FIND THE
HIGHLANDS COUNTY
COMPREHENSIVE PLAN AMENDMENT NOT IN COMPLIANCE
DOCKET NO. 10-D1-NOI-2801-(A)-(N)
10-1ER-NOI-2801-(A)-(N)

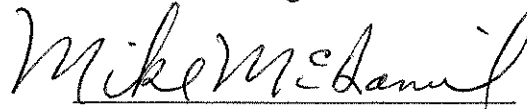
The Department gives notice of its intent to find the Amendment(s) to the Comprehensive Plan for Highlands County, adopted by Ordinance No(s). 09-10-28, 09-10-24, 09-10-25, 09-10-26 and 09-10-27 on September 7, 2010, NOT IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted Highlands County Comprehensive Plan Amendment and the Department's Objections, Recommendations, and Comments Report, (if any), and the Department's Statement of Intent to Find the Comprehensive Plan Amendment Not In Compliance will be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Highlands County Planning Department, 501 South Commerce Avenue, Sebring, Florida 33870.

This Notice of Intent and the Statement of Intent for the Comprehensive Plan Amendment found Not In Compliance will be forwarded by petition to the Division of Administrative Hearings (DOAH) of the Department of Management Services for the scheduling of an Administrative Hearing pursuant to Sections 120.569 and 120.57, F.S. The purpose of the administrative hearing will be to present evidence and testimony on the noncompliance issues alleged by the Department in its Objections, Recommendations, and Comments Report and Statement of Intent in order to secure a recommended order for forwarding to Administration Commission.

Affected persons may petition to intervene in this 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. Pursuant to 163.3184(10), F.S., no new issues may be alleged as a reason to find a plan not in compliance in a petition to intervene filed more than twenty one (21) days after publication of this notice unless the petitioner establishes good cause for not alleging such new issues within the twenty one (21) day time period. The petition for intervention shall be filed at DOAH, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, and a copy mailed or delivered to the local government and the Department. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing pursuant to 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 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
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