

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

LONG AND SCOTT FARMS FAMILY)
LIMITED PARTNERSHIP, and)
LONG AND SCOTT FARMS, INC.,)
)
Petitioners,)
) Case No.
v.)
DEPARTMENT OF COMMUNITY AFFAIRS,))
)
and)
)
LAKE COUNTY,
Respondents.

PETITION FOR FORMAL ADMINISTRATIVE HEARING

Long and Scott Farms Family Limited Partnership, a Florida limited partnership (the "**Partnership**"), and Long and Scott Farms, Inc., a Florida corporation (the "**Corporation**") (collectively, "**Petitioners**") hereby petition for a formal administrative hearing with the Florida Department of Community Affairs, pursuant to Sections 163.3184(9), 120.569, and 120.57, Florida Statutes, and Rule 28-106.201, F.A.C., challenging Lake County's comprehensive plan amendment identified as Ordinance No. 2010-25 and the Department's notice of intent to find said amendment in compliance with the Local Government Comprehensive Planning and Land Development Regulation Act, sections 163.3164 through 163.3217, Florida Statutes ("**Act**"). In support, Petitioners state as follows:

AFFECTED AGENCIES

1. The agencies affected by this Petition include the State of Florida Department of Community Affairs (the "**Department**"), whose address is 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, and whose file or identification number is Docket No. 10-1ER-NOI-

3501-(A)-(I); and Lake County, Florida (the "County") whose address is 315 West Main Street, Tavares, Florida 32778, and whose file or identification number is unknown.

IDENTIFICATION OF PETITIONERS

2. Petitioners' addresses and phone numbers are in the care of the undersigned counsel at the address and phone number listed below.

3. The Partnership owns property in Lake County consisting of approximately 517.69 acres (the "Property"). The Corporation operates a farming and agribusiness operation, as well as an airstrip, on the Property.

4. Petitioners' representative is Cecelia Bonifay, Esq., Akerman Senterfitt, Post Office Box 231, Orlando, Florida 32802, (407) 423-4000. The representative's address shall be the address for service purposes during the course of this proceeding.

NOTICE OF AGENCY ACTION

5. In accordance with Section 163.3184(9), Florida Statutes, the Department issued its notice of intent, Department Docket No. 10-1ER-NOI-3501-(A)-(I), to find the amendment to the Lake County Comprehensive Plan (the "Plan"), adopted under Lake County Ordinance No. 2010-25 (the "Plan Amendment"), in compliance with the Act on July 22, 2010 (the "Notice of Intent").

6. Petitioners received notice of publication of the Notice of Intent in the July 23, 2010, edition of the *Orlando Sentinel – Lake Sentinel*. A copy of said Notice of Intent is attached hereto as Exhibit "A."

PETITIONERS' STANDING

7. Petitioners are "affected persons" pursuant to Section 163.3184(1)(a), Florida Statutes, by virtue of owning the Property within unincorporated Lake County, Florida; by owning and operating an active agribusiness and airstrip on the Property; and by having

submitted oral and written comments to the County objecting to the Plan Amendment during the period of time beginning with the transmittal hearing and ending with the adoption hearing.

8. Petitioners' substantial interests are and will be adversely affected by adoption of the Plan Amendment because the Plan Amendment conflicts with Petitioners' existing use of the Property, as well as its ability to develop the Property in the future. Additionally, the Plan Amendment, if allowed to stand, will materially devalue the Property. The Plan Amendment attempts to replace the Property's existing Rural future land use designation with a modified Rural future land use designation, and it attempts to subject the Property to a conservation overlay called the Yalaha – Lake Apopka Rural Protection Area. By allowing only unpaved airstrips, the modified Rural designation conflicts with Petitioners' ability to continue to operate and maintain the paved airstrip located on the Property which, in turn, affects Petitioners' ability to continue to operate its existing airport facility located in Orange County on property owned by Petitioner that adjoins the Property to the east. The County approved the use of the paved airstrip per a rezoning of a portion of the Property to CFD (Community Facilities District) on December 14, 2004. The Plan Amendment further limits the development potential of the Property by restricting density to one (1) unit per (5) acres with mandatory clustering and preservation of at least 50% of the Property's uplands as open space.¹ The Plan Amendment further eliminates commercial and light-industrial as potential uses for the Property despite those uses being allowed under the existing Comprehensive Plan.² Besides diminishing the future developability of the Property, the new land use restrictions proposed by the Plan Amendment, coupled with its elimination of commercial and light industrial as potential uses for the Property,

¹ See Policies I-1.4.4, I-5.4.2 and I-1.4.6 of the Plan Amendment.

² See Policy I-1.15(4) of the existing Lake County Comprehensive Plan.

will significantly devalue the Property and impair its potential to be used as collateral for financing existing agribusiness operations.

9. Furthermore, Petitioners' substantial interests are and will be adversely affected by the adoption of the Plan Amendment because the Plan Amendment is not supported by adequate data and analysis; the Plan Amendment does not establish meaningful and predictable standards for the use and development of the Property; the Plan Amendment is internally inconsistent; the Plan Amendment fails to protect the Petitioners' private property rights; and the Petitioners were not afforded requisite opportunity to participate in the development of the Plan Amendment.

MATERIAL FACTS IN DISPUTE

10. Whether the Plan Amendment is "in compliance" with Florida law, as that term is defined in Section 163.3184(1)(b), Florida Statutes.

ULTIMATE AND SPECIFIC FACTS ALLEGED

Ultimate Allegation

11. The Plan Amendment violates Sections 163.3177(6)(a) and (8), Florida Statutes, and Rules 9J-5.005(2) and 9J-5.006(2), F.A.C., because it is not based on adequate data or analysis for reasons including, but not limited to, those set forth in Sections 12 – 15 below.

Specific Allegations

12. The Plan Amendment creates the new Yalaha – Lake Apopka Rural Protection Area ("**Protection Area**"), which places development restrictions on the Property without providing the requisite data and analysis to support such restrictions. Policy 1.5.4.2. of the Plan Amendment requires any new development in the Protection Area, including the Property, to follow the "Rural Conservation Subdivision" design principles expressed in Policy I-1.4.6 of the

Plan Amendment. Those principles include the permanent dedication of at least 50% of the *developable* portion of the Property as open space while, simultaneously, requiring the property to incur the expense of maintaining these lands into perpetuity for the benefit of the public.³ The Plan Amendment lacks the data and analysis necessary to demonstrate a need for setting aside one-half of the developable portion of the Property as open space, as opposed to allowing existing lakes and wetlands to satisfy such open space requirements, either in whole or in part, as is typically the case.

13. The Plan Amendment arbitrarily restricts all roads in the Protection Area to no more than two (2) travel lanes in width, with the exception of CR 561.⁴ Such a restriction is inconsistent with neighboring Orange County's recent approval of a major airport and industrial center consisting of 2.8 million square feet of industrial space, 750,000 square feet of aviation-related uses, 150,000 square feet of office space, and 50,000 square feet of commercial space. The proposed airport facility is intended to significantly upgrade the existing airport facility located on approximately 400 acres owned by Petitioner in Orange County, which property adjoins the Property to the east. Both properties share access via Duda Road which is a multi-jurisdictional roadway that runs through both Lake and Orange Counties. Although Duda Road is the only road providing access to the airport from Lake County, the Plan Amendment attempts to limit Duda Road to no more than two travel lanes. Such a policy is inconsistent with the health, safety and welfare of Lake County residents whose planned use of the road to access the upgraded airport will necessitate more than two lanes, and it ignores existing technical studies and best available data, in violation of Rules 9J-5.005(2) and 9J-5.006(2), F.A.C. Additionally, it is a violation of Section 163.3180(10), Fla. Stat., which requires local governments to consider

³ See Policy 1-1.4.6 and the definition of Open Space contained in Chapter X of the Plan Amendment.

⁴ See Policy 1-5.1.6 of the Plan Amendment.

compatibility with the adopted level-of-service standards in adjacent jurisdictions when setting their own level-of-service standard for collector roads that traverse multiple jurisdictions.

14. The Plan Amendment arbitrarily discriminates among uses within the same Rural future land use category through the application of non-uniform impervious surface ratios. Policy 1-1.4.4 of the Plan Amendment states that the "maximum Impervious Surface Ratio within [the Rural] category shall be 0.20, except for agricultural, civic and recreational uses which shall be 0.30." Significantly, the Plan Amendment does not define the term "Impervious Surface Ratio." This term is unclear and not measurable in violation of Rule 9J-5.005(6), F.A.C. Assuming that "Impervious Surface Ratio" means the ratio of impervious area, such as roads, driveways, parking lots and buildings, to land area, then Policy 1-1.4.4 lacks the necessary data and analysis to support the application of different impervious surface ratios within the same future land use district. If the purpose of the Impervious Surface Ratio is to measure the impact of development on land and water resources, then the nature of the use is irrelevant. For purposes of measuring the impacts to the rate of aquifer recharge, for example, it matters not whether the concrete comes from a home or a horse stable. Therefore, the fact that multiple uses are permitted an Impervious Surface Area Ratio of 0.30 in the Rural Transition future land use category proves that a 0.20 Impervious Surface Area Ratio for other uses within the same district is an arbitrary limitation not supported by appropriate data and analysis in violation of Rules 9J-5.005(2) and 9J-5.006(2), F.A.C. Moreover, both Impervious Surface Ratios contained in Policy 1-1.4.4 of the Plan Amendment inordinately burden the property owner and violate private property rights in violation of Rule 9J-5.005(8), F.A.C.

15. The Plan Amendment places arbitrary limitations on where commercial development may occur in the Rural future land use category. Within the Rural future land use

category, commercial – or "Rural Support" uses as denoted by the Plan Amendment – may only occur at designated "Rural Support Intersections" or "Rural Support Corridors."⁵ For those intersections identified as "Rural Support Intersections" on the County's Future Land Use Map, commercial uses are allowed within 330 feet of such intersection, up to a maximum floor area ratio of 0.055.⁶ However, there is no data or analysis to justify these arbitrary figures. Similarly, "Rural Corridors" are designated on the Future Land Use Map and are defined to exist within 330 feet from the edge of the road upon which they are located, although there is no data and analysis to justify this arbitrary distance or the unduly burdensome 0.10 floor area ratio applied to them by the Plan Amendment.⁷ Moreover, the Plan Amendment fails to identify the "specific type, size, height and appearance"⁸ of commercial uses that are permitted within a "Rural Corridor," in violation of Rule 9J-5.005(6), F.A.C., which requires the Plan Amendment to establish meaningful and predictable standards for the use and development of land. Instead, Policy I-1.4.7.2 directs the County to adopt these standards by an amendment to the Land Development Code, but fails to include a timeframe by which this must be accomplished. Thus, the Plan Amendment does not ensure that within one year after submission of its revised comprehensive plan for review pursuant to Section 163.3167(2), Fla. Stat., the County shall adopt or amend and enforce land development regulations that are consistent with and implement its adopted comprehensive plan, as required by Section 163.3202(1), Fla. Stat.

General Allegation

16. The Plan Amendment is inconsistent with Rule 9J-5.005(6), F.A.C., because the goals, objectives and policies do not establish meaningful and predictable standards for the use and development of land, do not provide meaningful guidelines for the content of more detailed

⁵ Policy I-1.4.7 of the Plan Amendment.

⁶ Policy I-1.4.7.1 of the Plan Amendment.

⁷ Policy I-1.4.7.2 of the Plan Amendment.

⁸ Id.

land development and use regulations, and do not allow for implementation in a consistent manner for reasons including, but not limited to, those set forth in Sections 17 - 22 below.

Specific Allegations

17. The Plan Amendment would require the Property to be developed with a "Rural Conservation Subdivision" design, but lacks specifics as to what this entails. Policy 1-5.4.2 of the Plan Amendment requires that any proposed development within the Protection Area, which includes the Property, be "Rural Conservation Subdivision" design with clustering. Chapter X of the Plan Amendment defines a "Rural Conservation Subdivision" as "a clustered subdivision design that preserves natural resources and features within the subdivision in large contiguous common open space tracts *consistent with the design criteria in this plan.*" (emphasis added). Although Chapter X mandates compliance with the design criteria contained in the Plan Amendment, no such design criteria exists. Thus, the Plan Amendment is internally inconsistent in violation of Rule 9J-5.005(5), F.A.C. Instead, Policy 1-7.4.1 contains vague and unpredictable standards for the eventual adoption of such design criteria into the County's Land Development Code, including:

- "protect dark skies through a dark sky lighting ordinance;"
- "ensure that development along roadway corridors improves or protects the rural character of the corridor;" and
- "enhance the rural character of the project and surrounding area."

At their core, these guidelines call for the protection of the character of the surrounding area, but lack specifics on how this might be accomplished and, more importantly, what impact they will have on the existing use of the Property and Petitioner's ability to develop the Property in the future.

18. The Plan Amendment contains additional development criteria that are vague and unpredictable. For example, Policy 1-1.4.1 of the Plan Amendment would require development of the Property to be "compatible and consistent with:"

- "naturally occurring or informal vegetative patterns;"
- "uses limited in distribution, scale and scope to serve the basic and special needs of rural areas;" and
- "uses...to ensure compatibility with the character of the rural areas."

The lack of standards contained in the Plan Amendment by which the County can measure compliance with the above-referenced policies leads to their inconsistent application in violation of Rule 9J-5.005(6), F.A.C.

19. Policy 1-1.4.4 of the Plan Amendment prohibits new development within the Rural future land use category from utilizing regional water and wastewater utilities. However, the Plan Amendment does not elaborate as to what constitutes "new development" for purposes of this policy, and does not give any indication as to how this new prohibition will impact access to utilities within the Rural future land use category in the event of redevelopment or expansion of an existing use. Thus, this prohibition fails to provide meaningful and predictable standards for the use and development of land in violation of Rule 9J-5.005(6), F.A.C.

20. Policy III-2.1.5 of the Plan Amendment states: "The County shall require the use of water conserving plumbing fixtures in all new development." The Plan Amendment does not define the term "water conserving plumbing fixtures," leading to the inconsistent application of this Policy and the lack of meaningful and predictable standards for the use and development of land in violation of Rule 9J-5.005(6), F.A.C.

21. Policy III-2.1.11 of the Plan Amendment states: "Lake County shall prohibit land uses which are known to pose a severe threat to the availability of groundwater resources or

whose practices are known to pose a severe threat to the quality of groundwater." This Policy lacks meaningful and predictable standards as to what constitutes a land use that "poses a threat to the availability of groundwater resources or whose practices are known to pose a severe threat to the quality of groundwater" in violation of Rule 9J-5.005(6), F.A.C.

22. Policy III-2.1.25 of the Plan Amendment states: "All new private central wastewater systems...shall be designed and built as *advanced wastewater treatment systems*...." (emphasis added). The Plan Amendment does not define the term "advanced wastewater treatment system," leading to the inconsistent application of this Policy and the lack of meaningful and predictable standards for the use and development of land in violation of Rule 9J-5.005(6), F.A.C.

General Allegation

23. The Plan Amendment violates Rule 9J-5.005(5), F.A.C., because it is internally inconsistent for reasons including, but not limited to, those set forth in Section 24 below.

Specific Allegations

24. Certain policies contained within the Plan Amendment that are applicable to the Property are inconsistent with the Economic Element that is also contained within the Plan Amendment. On June 22, 2010, Orange County approved a future land use change for the creation of an airport and industrial park on approximately 400 acres owned by Petitioner. The proposed airport consists of 2.8 million square feet of industrial space, 750,000 square feet of aviation-related uses, 150,000 square feet of office space, and 50,000 square feet of commercial space and is located on the border of Lake and Orange Counties, adjacent to the Property to the east. Despite having a major airport and industrial park proposed next door to the Property, Lake County chose to designate the Property as Rural on the Future Land Use Map and place it within

a Rural Protection Area that severely restricts the usability and developability of the Property and the surrounding area. These actions are in direct conflict with the County's mandate to "diversify [the County's] tax base and encourage high-wage employment opportunities" and to "implement and enforce policies which require development of partnerships with public and private sectors in an effort to bring economic development and employment opportunities to Lake County" as set forth in the Economic Element of the Plan Amendment at Goal IV-1 and Objective IV-1.1, respectively.

General Allegation

25. The Plan Amendment violates the requirements of Section 163.3161(9), Fla. Stat., because it fails to protect private property rights and is inconsistent with the property rights goals and policies of the State Comprehensive Plan in Section 187.201(15), Fla. Stat., for reasons including, but not limited to, those set forth in Sections 26 – 27 below.

Specific Allegations

26. If allowed to stand, the Plan Amendment will devalue the Property by eliminating certain commercial, light industrial, and other potential uses for the Property. Policy 1-1.15(4) of the existing Lake County Comprehensive Plan allows the following uses within the Rural future land use category that currently exists on the Property: commercial (including retail and office), up to 5,000 square feet; and light industrial. By eliminating these as potential uses for the Property, the Plan Amendment demonstrates a lack of sensitivity to private property rights and is unduly restrictive without full and just compensation, in violation of Sections 163.3161(9) and 187.201(15), Fla. Stats., and Rule 9J-5.005(8), F.A.C.

27. The Plan Amendment would force Petitioner to dedicate private land to public use for the "privilege" of developing the Property. Policy 1-1.4.6 of the Plan Amendment sets forth

the parameters for open space within "Rural Conservation Subdivisions," which are the mandated design for new development in the Protection Area proposed for the Property pursuant to Policy 1-5.4.2 of the Plan Amendment. This Policy requires that at least 50% of the net buildable area of the Property be "dedicated in perpetuity" as open space. However, the dedication into perpetuity of up to 50% of the net buildable area of the Property through the use of a conservation easement dedicated to the Florida Department of Environmental Protection or St. Johns River Water Management District, as required pursuant to Policy 1-1.4.6,⁹ would effectively prevent any redevelopment of the Property in the future, even beyond the Plan Amendment's planning horizon of 2030. There is no data and analysis to support the County's attempt to eliminate the potential for redevelopment of the Property beyond the current planning horizon of 2030, in violation of Rules 9J-5.005(2) and 9J-5.006(2), F.A.C. Moreover, the Plan Amendment places the cost of maintaining the open space upon the landowner, despite the requirement that these lands be dedicated into perpetuity for the benefit of the public. See Policy 1-1.4.6. It is impermissible under federal case law to force to a private landowner to become an unpaid conservator of land for the benefit of the general public. Palazzola v. Rhode Island et. al., 533 U.S. 606 (2001); Rule 9J-5.001(4), F.A.C.

General and Specific Allegation

28. Policy II-1.1.8 of the Plan Amendment attempts to fix level of service standards for potable water facilities not under the maintenance jurisdiction of the County in cases where the municipality's level-of-service is below 100 gallons per capita per day. This policy violates Section 163.3180, Fla. Stat., which states as follows:

⁹ Policy 1-1.4.6 addresses the preservation of open space within a "Rural Conservation Subdivision," which Petitioner must develop in order to be eligible for the alternative densities under Policy 1-1.4.5. See Policy 1.4.5. Policy 1-1.4.6 requires the dedication of open space by a conservation easement or similar binding and recorded instrument that runs with the property into perpetuity, and that such easement be conveyed to a conservation agency. Eligible conservation agencies include the Florida Department of Environmental Protection, St. Johns River Water Management District, a non-profit conservation organization or land trust, or Lake County, subject to County approval. See Policy 1-1.4.6.

"(3) Government entities that are not responsible for providing, financing, operating, or regulating public facilities needed to serve development may not establish binding level-of-service standards on government entities that do bear those responsibilities."

General and Specific Allegation

29. Policy II-1.1.9 of the Plan Amendment attempts to fix level of service standards for sanitary sewer facilities not under the maintenance jurisdiction of the County in cases where the municipality's level-of-service is below 100 gallons per capita per day. This policy violates Section 163.3180, Fla. Stat., which states as follows:

"(3) Government entities that are not responsible for providing, financing, operating, or regulating public facilities needed to serve development may not establish binding level-of-service standards on government entities that do bear those responsibilities."

General and Specific Allegation

30. The Plan Amendment is inconsistent with the concurrency requirements found in Section 163.3180, Florida Statutes. Section 163.3180(2)(c), Fla. Stat., requires needed transportation facilities to be in place or under actual construction within 3 years after the local government approves a building permit or its functional equivalent that results in traffic generation. However, under the "pay and go" option found in subsection (16), a developer is entitled to a building permit even though it otherwise fails to meet transportation concurrency, if it contributes its fair share of the cost of the needed improvement. Section 163.3180(16)(b) and (f), Fla. Stat. The developer is entitled to utilize the "pay and go" option if the improvement is reflected in the *first 5 years* of the 5-year capital improvements element of the local government's financially feasible comprehensive plan. Id. Policy II-3.1.6(2) of the Plan Amendment conflicts with the "pay and go" section of the statute by allowing issuance of a building permit only if the necessary road improvements are scheduled within the *first 3 years* of

the County's Five-Year Capital Improvements Plan. Such action violates Rule 9J-5.001(4), F.A.C., which requires the Plan Amendment to comply with Chapter 163, Florida Statutes."

INCONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

31. The Plan Amendment is inconsistent with several provisions of the State Comprehensive Plan, including Section 187.201(4)(b)3. and 4., Section 187.201(14), Section 187.201(21)(a) and (b)1., Section 187.201(24)(b)5., and Section 187.201(25)6., Florida Statutes.

STATUTES AND RULES ENTITLING PETITIONERS TO RELIEF

32. Petitioners are entitled to relief pursuant to Chapter 163, Part II, Fla. Stat., Rule 9J-5, F.A.C., and the State Comprehensive Plan.

33. Section 163.3184(1)(b), Fla. Stat., states that a comprehensive plan amendment is "in compliance" if it is consistent with Sections 163.3177, 163.3178, 163.3180, 163.3191, and 163.3245, Fla. Stat., the State Comprehensive Plan, the applicable strategic regional policy plan, and Rule Chapter 9J-5, F.A.C.

34. As alleged above, the Plan Amendment is inconsistent with Section 163.3177, Fla. Stat., Rule Chapter 9J-5, and the State Comprehensive Plan. Therefore, the Plan Amendment is not "in compliance."

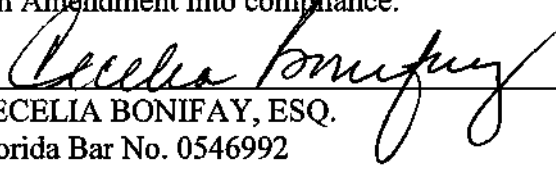
RELIEF SOUGHT BY PETITIONERS

35. Petitioners seek the following relief:

(a) That this Petition be forwarded to the Division of Administrative Hearings to conduct a formal administrative hearing on this matter in the manner prescribed by law;

(b) That the Administrative Law Judge assigned to this matter issue a recommended order finding the Plan Amendment not "in compliance" for the reasons described above; and

(c) That the Administration Commission enter an order finding the Plan Amendment to be not "in compliance" and require the County to rescind the Plan Amendment or adopt remedial actions that would bring the Plan Amendment into compliance.


CECELIA BONIFAY, ESQ.
Florida Bar No. 0546992
AKERMAN SENTERFITT
P.O. Box 231
Orlando, FL 32802
(407) 423-4000
Fax No: (407) 254-4230

Attorney for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399; and a copy was provided to Charles Gauthier, AICP, Director Community Planning, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399; and a copy was provided to Melanie Marsh, Acting County Attorney, Lake County, 315 West Main Street, Tavares, Florida 32778, this 13th day of August, 2010.


CECELIA BONIFAY

Exhibit "A"

Published in the ORLANDO SENTINEL- LAKE SENTINEL on FRIDAY, JULY 23, 2010.

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
NOTICE OF INTENT TO FIND
LAKE COUNTY
COMPREHENSIVE PLAN AMENDMENT
IN COMPLIANCE
BOOKS/NCL 18-188-KD-35J1-(A)-(I)

The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for Lake County, adopted by Ordinance No. 2010-23 on May 25, 2010, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S., except for amendments 1, 2, 3, 4, 5, 6, 7, 9, 10, and 11, which were not properly adopted and are identified in the Table entitled "Future Land Use Map Changes (13 changes made under Transition) - Lake County - 2010 Comprehensive Plan" as submitted by the County on June 11, 2010. The Department did not make a compliance determination on Amendments 1, 2, 3, 4, 5, 6, 7, 9, 10 and 11 which are further identified as follows: Amendment No. 1 - 1500 acres, west of US 27, Fruitland Park and Lady Lake area, from Rural to Urban Low Density; Amendment No. 2 - 16.3 acres, CR 44, Basilio Road and CR 473 area, from Urban Expansion and Rural with a Neighborhood Activity Center, to Regional Commercial; Amendment No. 3 - 17.3 acres, CR 48 and Emerald Avenue, Tereberg Area, from Rural Village to Industrial; Amendment No. 4 - 291 acres, Juliet Road, Luce Lincoln Lane and Blake Avenue, Eustis area, from Suburban and Urban Expansion to Urban Low Density; Amendment No. 5 - 10 acres at SR 44 and CR 437, Guffis area, from Rural, WRPA Receiving area with a Neighborhood Activity Center, to Rural, Rural Transition and WRPA Receiving area with a Rural Support Intersection overlay; Amendment No. 6 - 60 acres on US 441 East of Wf, Dava Florida 7 who Mackle Parcel, Urban Expansion to Regional Commercial; Amendment No. 7 - 85 acres on CR 437, Jones parcel, in Mt. Plymouth Serrano area from Urban Compact Node Non-Workday, to Mt. Plymouth Serrano Main Street (51 acres) and Mt. Plymouth Serrano Neighborhood (34 acres); Amendment No. 9 - 350 acres west to Industrial Park in Givens area, from Suburban to Regional Office; Amendment No. 10 - 42 acres north of RR 50, East of Clermont, from Urban Expansion with Employment Center Overlay to Regional Office; and Amendment No. 11 - 615 acres north of SR 50 and CR 50, East of Clermont, from Urban Expansion to Urban Low Density.

The adopted Lake 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 Lake County Department of Growth Management, Division of Planning, 315 West Main Street, 3rd Floor, Administration Building, Room 410 and the Clerk's Office, 113 West Main Street, Tallahassee, Florida 32378-7800.

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 Lake County Comprehensive Plan is in compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-two (22) days after publication of this notice, and must include all of the information and contents described in Uniform Rule 28-306.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Stannard 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 120.549 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 28-106.215, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1250 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 120.549 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 153.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the presiding law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.

-s/ Mike McDaniel, Chief
Office of Comprehensive Planning
Division of Community Planning
Department of Community Affairs
2555 Stannard Oak Boulevard
Tallahassee, Florida 32399-2100