

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

ANGELO'S AGGREGATE MATERIALS, LTD,
ANGELOS IAFRATE CONSTRUCTION COMPANY,
and STONY POINT LIMITED PARTNERSHIP,

Petitioners,

v.

Case No. 10-1540GM

PASCO COUNTY and
DEPARTMENT OF COMMUNITY AFFAIRS,

Respondents.

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PARTIAL FINAL ORDER

An Administrative Law Judge of the Division of Administrative Hearings has entered an Order Granting Leave To Amend And Partially Relinquishing Jurisdiction. A copy of the Order is attached to this Final Order as Exhibit A.

BACKGROUND

This is a proceeding to determine whether the portion of Pasco County (County) Comprehensive Plan Amendment 09-1 adopted by Ordinances 09-24, 09-25 and 09-26 on December 15, 2009, is "in compliance" with the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes (the "Act").

Pasco County Comprehensive Plan Amendment 09-1 was adopted by Ordinances 09-23 – 09-37. On February 23, 2010, the Department published a Notice of Intent to find all of the Ordinances adopting Amendment 09-1 in compliance. The Petitioners in this case challenged Ordinances 09-24, 09-25, and 09-26. The Petitioner in another case, Devoid v. Pasco County, DOAH 10-1541GM, challenged Ordinance 09-23, and that case remains pending as of the date

of issuance of this Partial Final Order. Ordinances 09-27 through 09-37 were not challenged, and became effective 21 days after publication of the Department's Notice of Intent.

The Parties in this case jointly moved for leave for the Petitioners to file an Amended Petition which focused their challenge on Ordinances 09-25 and 09-26, and on a portion of Ordinance 09-24. The Parties also jointly moved for an order relinquishing jurisdiction over Ordinance 09-24, except for Section 2.W., and the Administrative Law Judge granted both motions.


Since there is no pending challenge to Ordinance 09-24, except for Section 2.W., it is appropriate to issue this Partial Final Order.

ORDER

WHEREFORE, it is ORDERED that:

- A. Jurisdiction over Ordinance 09-24, except for Section 2.W. is accepted; and
- B. The Comprehensive Plan Amendments adopted by Pasco County Ordinance 09-24, except for Section 2.W., are determined to be in compliance with Part II of Chapter 163, Florida Statutes.

DONE AND ORDERED in Tallahassee, Florida.



Shaw P. Stiller, General Counsel
DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF RIGHTS

EACH PARTY IS HEREBY ADVISED OF ITS RIGHT TO SEEK JUDICIAL REVIEW OF THIS FINAL ORDER PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND FLORIDA RULES OF APPELLATE PROCEDURE 9.030(b)(1)(C) AND 9.110.

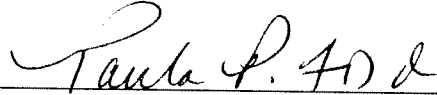
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED BY FLORIDA RULE OF APPELLATE PROCEDURE 9.900(a). A COPY OF THE NOTICE OF APPEAL MUST BE FILED WITH THE APPROPRIATE DISTRICT COURT OF APPEAL AND MUST BE ACCOMPANIED BY THE FILING FEE SPECIFIED IN SECTION 35.22(3), FLORIDA STATUTES.

YOU **WAIVE** YOUR RIGHT TO JUDICIAL REVIEW IF THE NOTICE OF APPEAL IS NOT TIMELY FILED WITH THE AGENCY CLERK AND THE APPROPRIATE DISTRICT COURT OF APPEAL.

MEDIATION UNDER SECTION 120.573, FLA. STAT., IS NOT AVAILABLE WITH RESPECT TO THE ISSUES RESOLVED BY THIS ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below in the manner described, on this 5th day of August, 2010.



Paula Ford, Agency Clerk
DEPARTMENT OF COMMUNITY AFFAIRS
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

By U.S. Mail and electronic mail

Leigh K. Fletcher, Esq.
STEARNS WEAVER
Post Office Box 3299
Tampa, FL 33601
lfletcher@swwwas.com

Gerald A. Figurski, Esq.
2550 Permit Place
New Port Richey, FL 34655
jerry@figlawfirm.com

Jeffrey N. Steinsnyder, County Attorney
David Goldstein, Chief Assist. County Attorney
W. Elizabeth Blair, Sr. Assist. County Attorney
PASCO COUNTY
West Pasco Government Center
7530 Little Road, Suite 340
New Port Richey, FL 34654
jsteinsnyder@pascocountyfl.net
eblair@pascocountyfl.net
dgoldstein@pascocountyfl.net

By Hand Delivery:

David L. Jordan, Assistant General Counsel
DEPARTMENT OF COMMUNITY
AFFAIRS
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399

By Filing with DOAH:

The Honorable J. Lawrence Johnston
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-1550