

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

LUX DEVOID,

Petitioner,

v.

Case No. 10-1541GM

PASCO COUNTY and
DEPARTMENT OF COMMUNITY AFFAIRS,

Respondents,

and

DCH GROVES, LLC,

Intervenor.

FINAL ORDER

An Administrative Law Judge of the Division of Administrative Hearings has entered an Order Closing File and relinquishing jurisdiction in this proceeding. 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 Ordinance 09-23 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 Petitioner in this case challenged Ordinance 09-23. The Petitioners in another case, Angelos Aggregate Materials, LTD v. Pasco

County, DOAH 10-1540GM, challenged Ordinances 09-24, 09-25, and 09-26, and that case remains pending as of the date of issuance of this 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 to this case entered into a Stipulated Settlement Agreement which required the County to adopt certain remedial amendments. The County adopted the remedial amendments and the Department published its Notice of Intent to find the remedial amendment to be “in compliance” with the Act. Twenty-one days have passed since the publication of the Notice of Intent, and no petition challenging the remedial amendment was filed.

The Department subsequently filed a Motion to Relinquish Jurisdiction, and the Administrative Law Judge issued his Order Closing File (copy attached hereto).

ORDER

WHEREFORE, it is ORDERED that the above-captioned proceeding is DISMISSED, Ordinance 09-23 as modified by the remedial amendment is determined to be in compliance, and the Agency Clerk is directed to close the file.

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.

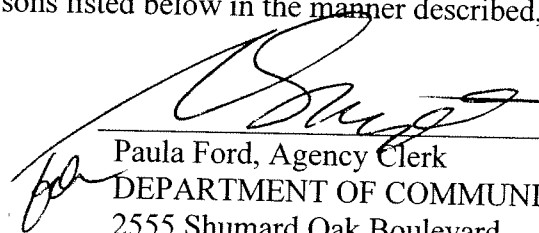
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED 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 18 day of October 2010.



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

By U.S. Mail and electronic mail:

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By Filing with DOAH:

The Honorable J. Lawrence Johnston
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By Hand Delivery:

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