

ADMINISTRATION COMMISSION AGENDA

December 5, 2006

1. **Request approval of the minutes of the meeting held November 14, 2006.**
2. **Consideration of the Department of Community Affairs' 2006 Florida Keys Annual Assessment Report.**

On November 17, 2006, the Department of Community Affairs (DCA) submitted an Assessment Report for the Florida Keys Area of Critical State Concern (ACSC) for the period of July 13, 2005 to July 12, 2006. The report includes the DCA's Annual ACSC Designation Report as well as reports prepared by Monroe County and the City of Marathon detailing the progress made toward achieving work program objectives set forth in Rule 28-20.110, FAC, and the City of Marathon Comprehensive Plan. The DCA report also includes a progress update submitted by the Village of Islamorada on implementation of Village's Comprehensive Plan.

Administration Commission Rule 28-20.110, FAC, directs Monroe County and the DCA to report to the Commission annually on the degree to which work program objectives as set forth in rule are being achieved. The Commission must consider the findings and recommendations provided in the reports, as well as comments from interested parties, and determine whether substantial progress has been achieved. The DCA determined that Monroe County has made substantial progress in relation to the adopted work program requirements.

Pursuant to section 380.0552(4), F.S., the DCA must make a recommendation annually to the Administration Commission regarding the removal of the ACSC designation from the Florida Keys area. In order to remove the designation, the DCA must determine that all local land development regulations and local comprehensive plans and the administration of such plans are: (1) adequate to protect the Florida Keys area and continue to carry out the legislative intent incorporated in section 380.0552(2), F.S., and (2) in compliance with the Principles for Guiding Development incorporated in section 380.0552(7), F.S.

Staff Recommendation:

The staff recommendation will be distributed separately.

Back-Up:

DCA's 2006 Florida Keys Annual Assessment Report.

3. Consideration of an Amended Determination of Noncompliance of Portions of Franklin County Adopted Comprehensive Plan Amendments and Recommendation to the Administration Commission issued by the Department of Community Affairs in the proceeding of Don and Pamela Ashley, Sierra Club, Inc., and Panhandle Citizens Coalition, Inc., (Petitioners) vs. Department of Community Affairs and Franklin County (Respondents) and St. Joe Company and Eastpoint Water and Sewer District (Intervenors) (DOAH Case No. 05-2361GM and 05-2730GM) (AC Case No. ACC-06-022).

On April 5, 2005, Franklin County adopted Ordinance No. 2005-20 containing several evaluation and appraisal (EAR) based amendments to update, revise, and amend the County's comprehensive plan, including amendments to the Future Land Use Element (FLUE) and Future Land Use Map (FLUM) to add four new land use categories on the area of St. James Island.

The Department of Community Affairs (DCA) published a Notice of Intent to find the amendments in compliance on May 26, 2005. Petitions for an administrative hearing were filed by Don and Pamela Ashley, Sierra Club, Inc., and Panhandle Citizens Coalition, Inc. The St. Joe Company and Eastpoint Water and Sewer District were granted leave to intervene by the Division of Administrative Hearings (DOAH). A Notice of Voluntary Dismissal was subsequently filed by Sierra Club, Inc., and Panhandle Citizens Coalition, Inc.

A DOAH administrative hearing was conducted on December 5 through 9, 2005, in the City of Apalachicola and on February 27 through March 1, 2006, in Tallahassee, Florida. The DOAH Administrative Law Judge (ALJ) issued a Recommended Order on June 12, 2006, recommending the DCA enter a final order determining that the Franklin County 2020 Plan update, with St. James Island FLUM amendments, is not in compliance. Exceptions were filed by Petitioners Don and Pamela Ashley on June 27, 2006. Exceptions were filed by Respondents and Intervenor St. Joe Company on June 27, 2006. Respondents and Intervenor St. Joe Company filed responses to Petitioners' exceptions on July 12, 2006. Petitioners filed response to joint exceptions to Recommended Order on July 12, 2006. Additionally, Petitioners filed a motion for remand. The DCA issued an Order of Remand to DOAH on July 17, 2006, on issues relating to the potable water level of service standard and the demonstration of need for residential and non-residential land uses. The DOAH ALJ issued a Supplement to Recommended Order on August 11, 2006, making no change to the recommendation. Exceptions to the Supplement to Recommended Order were filed by Petitioners on August 28, 2006, and joint responses were filed by Respondents and Intervenor St. Joe Company on September 7, 2006.

On October 10, 2006, DCA issued a Determination of Noncompliance of Portions of Franklin County Adopted Comprehensive Plan Amendments and Recommendation to the Administration Commission. On the same date, the DCA issued a Final Order finding the remaining portions of the Franklin County comprehensive plan amendments in compliance. At the direction of the Secretary of the Commission, the DCA vacated its Final Order and submitted an Amended Determination of Noncompliance to the Commission addressing the entire comprehensive plan amendments adopted by Franklin County.

Staff Recommendation:

The staff recommendation will be distributed separately.

Back-Up:

DCA's Amended Determination of Noncompliance of Portions of Franklin County Adopted Comprehensive Plan Amendments and Recommendation to the Administration Commission received November 3, 2006.

Petitioners Pamela and Dona Ashley's Exceptions to Recommended Order filed with DCA on June 27, 2006.

Joint Exceptions to Recommended Order by Respondents Department of Community Affairs and Franklin County and Intervenor the St. Joe Company filed with DCA on June 27, 2006.

Joint Response of Respondents Department of Community Affairs and Franklin County and Intervenor the St. Joe Company to Petitioners' Exceptions to Recommended Order filed with DCA on July 12, 2006.

Petitioners Pamela and Don Ashley's Response to Joint Exceptions to Recommended Order filed with DCA on July 12, 2006.

Petitioners Pamela and Don Ashley's Exceptions to Supplement to Recommended Order filed with DCA on August 28, 2006.

Joint Response to Petitioners' Exceptions to Supplement to Recommended Order filed with DCA on September 7, 2006.

Draft Final Order. (To be distributed separately.)