

ORDINANCE 2008 -08

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING THE NASSAU COUNTY COMPREHENSIVE PLAN; CREATING AND ADOPTING A NEW PUBLIC SCHOOL FACILITIES ELEMENT PURSUANT TO SEC. 163.3177, F.S.; PROVIDING FOR CAPITAL FACILITIES PLANNING; PROVIDING LEVELS OF SERVICE; PROVIDING FOR CONCURRENCY SERVICE AREAS AND SCHOOL CONCURRENCY IMPLEMENTATION; PROVIDING FOR PROPORTIONATE SHARE MITIGATION; CREATING AND ADOPTING OBJECTIVE 9.09 AND RELATED POLICIES TO THE CAPITAL FACILITIES ELEMENT; PROVIDING FOR THE INCLUSION BY REFERENCE OF THE SCHOOL DISTRICT'S FIVE YEAR FACILITIES WORK PLAN; AMENDING OBJECTIVE 8.05 AND RELATED POLICIES OF THE INTERGOVERNMENTAL COORDINATION ELEMENT; AMENDING OBJECTIVE 1.07 AND RELATED POLICIES OF THE FUTURE LAND USE ELEMENT; PROVIDING FOR FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3177, F.S., as amended by S.B. 360, requires each unit of local government in the State of Florida to amend its comprehensive plan to contain a Public School Facilities Element to ensure, as new residential development occurs, that adequate public school facilities be in place to serve those new residents; and

WHEREAS, the Nassau County School District (the "School District") is responsible for providing Public School Facilities to County residents; and

WHEREAS, the County is required to adopt a uniform, countywide Public School Facilities Concurrence system; and

WHEREAS, the County worked collaboratively with the School District, City of Fernandina Beach, Town of Hilliard and Town of Callahan to draft a consistent Public School Facilities Element and revised Interlocal Agreement for Public School Facilities Planning; and

WHEREAS, the Nassau County Planning And Zoning Board, also in their capacity as Local Planning Agency, held a duly noticed public hearing to address the requested amendment on February 20, 2008 and recommended approval; and

WHEREAS, on March 10, 2008 the Board of County Commissioners conducted a public hearing and voted to transmit the amendments to the Nassau County Comprehensive Plan contained in this Ordinance; and

WHEREAS, the Florida Department of Community Affairs conducted an inter-agency review and issued an Objections, Recommendations and Comments (ORC) Report on May 20, 2008; and

WHEREAS, changes were made to the Public School Facilities Element and Interlocal Agreement to address the objections raised in the ORC Report; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, public hearings have been held with due public notice having been provided.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:

SECTION 1. FINDINGS

This action complies with Chapter 163, Part II, Florida Statutes and Rule 9J-5, F.A.C. and is consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan

SECTION 2. AMENDMENT

Part I. The Public School Facilities Element of the Nassau County Comprehensive Plan is hereby created and adopted and shall read as set forth in Exhibit A.

Part II. The Capital Improvements Element, including the Five-Year Schedule of Capital Improvements, is hereby amended to read as shown in Exhibit B.

Part III. The Intergovernmental Coordination Element is hereby amended to read as shown in Exhibit C.

Part IV. The Future Land Use Element, including is hereby amended to read as shown in Exhibit D.

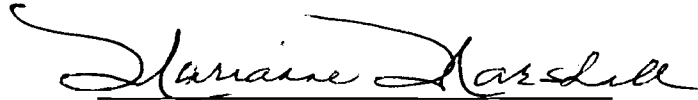
SECTION 3. EFFECTIVE DATE

This Ordinance shall be filed with the Office of the Secretary of State. This Ordinance shall become effective upon the earlier of:

- i. The Department of Community Affairs issues a final order determining the adopted amendment is found to be in compliance; or
- ii. The Administration Commission issues a final order determining the adopted amendment to be in compliance.

Adopted this 14th day of July, 2008 by the Board of County Commissioners of Nassau County, Florida.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA




Marianne Marshall
Its: Chair

ATTEST as to Chairman's Signature:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney


David A. Hallman,
County Attorney



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

cc: Growth Impact
County Attorney
Clerk - self

SEP 16 4:11:53
COUNTY RECORDATIONS

September 16, 2008

The Honorable Marianne Marshall
Chairwoman, Nassau County Board of Commissioner
Post Office Box 1010
Yulee, Florida 32025

Dear Chairwoman Marshall:

The Department has completed its review of Nassau County's comprehensive plan amendment adopted on July 28, 2008, by Ordinance No. 2008-09 (DCA No. 08-1). The Department has determined that the amendment meets the requirements of Chapter 163, Part II, Florida Statutes (F.S.), for compliance, as defined in Section 163.3184(1)(b), F.S. The Department is therefore issuing a Notice of Intent to find the plan amendment In Compliance. The Notice of Intent has been sent to the Fernandina Beach News Leader newspaper for publication on September 17, 2008.

However, the County should note that the transportation data and analysis, which was submitted with the adopted amendment, was not professionally acceptable. In particular, the use of a five percent significance test to determine if deficient roadways need improvements included in the five-year schedule of capital improvements is unacceptable. The County should coordinate closely with the Florida Department of Transportation, District 2, and this Department to ensure that the transportation analysis in future amendments is professionally acceptable. Nevertheless, the Department was able to determine, through the use of other data and analysis, that there were no transportation deficiencies within the next five years.

Please be advised that Section 163.3184(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.

Please note that a copy of the adopted Nassau County comprehensive plan amendment and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at Nassau County's Office of Growth Management, 96161 Nassau Place, Yulee, Florida, 32097.

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

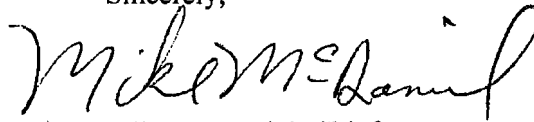
The Honorable Marianne Marshall
September 16, 2008
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The Department's Notice of Intent to find a plan in compliance shall be deemed to be final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the Notice of Intent pursuant to Section 163.3184(9), F.S. No development orders, or permits for development, dependent on the amendment, may be issued or construction commence before the plan amendment takes effect.

If this in compliance determination is challenged by an affected person, you will have the option of mediation pursuant to Subsection 163.3189(3)(a), F.S. If you choose to attempt to resolve this matter through mediation, you must file the request for mediation with the administrative law judge assigned by the Division of Administrative Hearing. The choice of mediation will not affect the right of any party to an administrative hearing.

If you have any questions, please contact Jeannette Hallock-Solomon, Senior Planner, Division of Community Planning, at (850) 922-1809.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive style with a large, stylized "M" and "D".

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/jhs

Enclosure: Notice of Intent

cc: Mr. Walter Fufidio, Planning Director, Nassau County
Mr. Ed Lehman, Growth Management Director, Northeast Florida Regional Council
Mr. Thomas Hill, Growth Management Administrator/DRI Coordinator, FDOT, District 2

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
NOTICE OF INTENT TO FIND
NASSAU COUNTY
COMPREHENSIVE PLAN AMENDMENT
IN COMPLIANCE
DOCKET NO. 08-1-NOI-4501-(A)-(I)

The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for Nassau County, adopted by Ordinance No. 2008-09 on July 28, 2008, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted Nassau 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 Nassau County Growth Management Office, 96161 Nassau Place, Yulee, Florida 32097

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 Nassau County Comprehensive Plan is In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard 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 120.569 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 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 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 120.569 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 Sub-section 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
Office of Comprehensive Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100