

LEGISLATIVE #

120221A

Rick Scott
GOVERNOR



Darrick D. McGhee
INTERIM EXECUTIVE DIRECTOR

**FLORIDA DEPARTMENT *of*
ECONOMIC OPPORTUNITY**

December 20, 2012

The Honorable Craig Lowe
Mayor, City of Gainesville
Post Office Box 490, Station 11
Gainesville, Florida 32627-0490

Dear Mayor Lowe:

The State Land Planning Agency has completed its review of the proposed comprehensive plan amendment for the City of Gainesville (Amendment No. 13-1ESR), amending the Future Land Use Element, Stormwater Management Element, Intergovernmental Coordination Element, and the Future Land Use Map which was received on November 26, 2012. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Agency's authorized scope of review that will be adversely impacted by the amendment if adopted.

We are, however, providing an advisory comment regarding an amendment to the Future Land Use Map. The proposed Office land use category designated for the 24-acre property is not consistent with Section 163.3177(6)(a), F.S., because it does not establish the intensity standard to be used to control development in this land use category. Therefore, the City should consider either a floor area ratio or impervious surface ratio with building height.

The City is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the City. If other reviewing agencies provide comments, we recommend the City consider appropriate changes to the amendment based on those comments. If unresolved, such reviewing agency comments could form the basis for a challenge to the amendment after adoption. The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment.

The Honorable Craig Lowe
December 20, 2012
Page 2 of 2

Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held and the amendment adopted within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

If you have any questions concerning this review, please contact Valerie Jenkins, Planning Analyst, at (850) 717-8493, or by email at valerie.jenkins@deo.myflorida.com.

Sincerely,



Anastasia Richmond
Regional Planning Administrator

AR/vj

Enclosure: Procedures for Adoption

cc: Ms. Onelia Lazzari, AICP, Principle Planner, City of Gainesville
Mr. Scott R. Koons, Executive Director, North Central Florida Regional Planning Council



Planning & Development Services

Station 11
PO Box 490
Gainesville, FL 32627-0490
352-334-5022
352-334-2648 (fax)
www.cityofgainesville.org

January 8, 2013

Ms. Anastasia Richmond
Florida Department of Economic Opportunity
Division of Community Planning
107 East Madison Street, MSC-160
Tallahassee, FL 32399-4120

Dear Ms. Richmond:

On December 26, 2012, the City of Gainesville received your letter dated 12/20/12 concerning review of the City of Gainesville 13-1 ESR amendments. There was an advisory comment regarding the amendment to the Future Land Use Map for a 24-acre property being changed to an Office land use designation. The comment stated: "The proposed Office land use category designated for the 24-acre property is not consistent with Section 163.3177(6)(a), F.S., because it does not establish the intensity standard to be used to control development in this land use category. Therefore the City should consider either a floor area ratio or impervious surface ratio with building height."

Below is the adopted category description for the Office land use category from the City's adopted Future Land Use Element (see especially the areas shown in bold text):

"The Office land use category identifies areas appropriate for office and residential uses. This category is intended to identify appropriate areas for professional and service uses, hospital and medical uses, compound and residential uses, and appropriate ancillary uses. Office designations shall be applied to compact office development. Residential uses in office districts shall be designed as new in-town development, mixed-use, live-work, compound use or shall accommodate existing residential development within the district. **Densities shall not exceed 20 units per acre.** Land development regulations shall determine the appropriate scale of uses; and the specific criteria for the siting of private schools and churches. **Intensity will be controlled by adopting land development regulations that establish height limits of 5 stories or less, that require buildings to face the street, and modest build-to lines, instead of a maximum floor area ratio; however, height may be increased to a maximum of 8 stories by special use permit.**"

Planning staff has reviewed Section 163.3177(6)(a)1., which states: "Each future land use category must be defined in terms of uses included, and must include standards to be

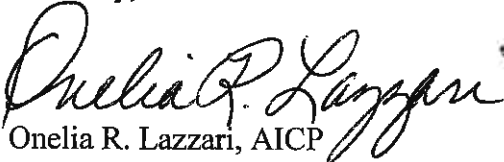
followed in the control and distribution of population densities and building and structure intensities.”

Our review of the statutory language and the areas shown in bold text in our adopted Office land use category lead City of Gainesville Planning staff to conclude that we have met the statutory requirements (both in the letter of the law and intent) with the density information (“shall not exceed 20 units per acre”) and the general 5-story height limit (and a provision for up to 8 stories by special use permit) with the addition of the “traditional design” requirements for buildings facing the street and modest build-to lines.

We were confused by the advisory comment and sought further clarification because we saw no statutory requirement for a FAR or impervious surface ratio in State law. Based on our phone conversation on Wednesday, January 2, 2013 and your follow-up e-mail dated January 2, 2013 (attached), we believe that all issues concerning this advisory comment have been resolved.

Thanks for your review and assistance with this. We always appreciate the chance to coordinate with the Florida Department of Economic Opportunity

Sincerely,


Onelia R. Lazzari, AICP
Principal Planner

Attachment

xc: Valerie Jenkins, Florida Department of Economic Opportunity

Lazzari, Onelia R.

From: Richmond, Ana [Ana.Richmond@deo.myflorida.com]
Sent: Wednesday, January 02, 2013 11:08 AM
To: Lazzari, Onelia R.; Jenkins, Valerie
Subject: RE: Review of Comprehensive Plan amendments

Onelia,

Thank you for taking the time today to talk to me about the City's Plan and pointing out the existing height limit and other development controls the City has through its smart growth policies, that unfortunately don't always fit neatly into the 163 requirements. I concur that the City's Plan not only meets this criteria by providing predictability in the form and amount of development allowed within the category but also as allows for greater flexibility than a typical FAR or open space requirement would provide. I apologize for any confusion or comment has caused.

Thank you again for your time, and for all the great work you and your team do! It is always a pleasure to work with you and to visit the City and see the fruits of all your hard work!

Ana

From: Lazzari, Onelia R. [mailto:lazzarior@cityofgainesville.org]
Sent: Wednesday, December 26, 2012 11:16 AM
To: Jenkins, Valerie; Richmond, Ana
Cc: Hilliard, Ralph W.; Mimms, Dean L.; Simmons, Jason A.
Subject: Review of Comprehensive Plan amendments
Importance: High

Good morning, Ana & Valerie,

Hope you both had lovely holidays over the past few days.

Earlier today we received your letter dated 12/20/12 concerning review of the City of Gainesville 13-1 ESR amendments. There was an advisory comment regarding the amendment to the Future Land Use Map for a 24-acre property being changed to an Office land use designation. The comment stated: "The proposed Office land use category designated for the 24-acre property is not consistent with Section 163.3177(6)(a), F.S., because it does not establish the intensity standard to be used to control development in this land use category. Therefore the City should consider either a floor area ratio or impervious surface ratio with building height."

Below is the adopted category description for the Office land use category from the City's adopted Future Land Use Element (see especially the yellow highlight areas):

"The Office land use category identifies areas appropriate for office and residential uses. This category is intended to identify appropriate areas for professional and service uses, hospital and medical uses, compound and residential uses, and appropriate ancillary uses. Office designations shall be applied to compact office development. Residential uses in office districts shall be designed as new in-town development, mixed-use, live-work, compound use or shall accommodate existing residential development within the district. Densities shall not exceed 20 units per acre. Land development regulations shall determine the appropriate scale of uses; and the specific criteria for the siting of private schools and churches. Intensity will be controlled by adopting land development regulations that establish height limits of 5 stories or less, that require buildings to face the street, and modest build-to lines, instead of a maximum floor-area ratio; however, height may be increased to a maximum of 8 stories by special use permit."

We have reviewed Section 163.3177(6)(a)1., which states: "Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities."

Our review of the statutory language and the highlighted yellow areas in our adopted Office land use category lead us to conclude that we have met the statutory requirements (both in the letter of the law and intent) with the density information ("shall not exceed 20 units per acre") and the general 5-story height limit (and a provision for up to 8 stories by special use permit) with the addition of the "traditional design" requirements for buildings facing the street and modest build-to lines.

We are therefore confused by the advisory comment and seek further clarification because we see no statutory requirement for a FAR or impervious surface ratio in State law.

Thanks for your review, and, if you wish, we can discuss issues over the phone,
Onelia Lazzari



FLORIDA DEPARTMENT OF EDUCATION

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December 11, 2012

Ms. Onelia Lazzari, AICP, Principal Planner

Mr. Dean Mimms, AICP, Lead Planner

City of Gainesville – MS 11

Post Office Box 490

Gainesville, Florida 32627

Via E-mail: mimmsdl@cityofgainesville.org and lazzarior@cityofgainesville.org

Dear Ms. Lazzari and Mr. Mimms:

Re: Gainesville 13-1ESR

Thank you for the opportunity to review the City of Gainesville's 13-1 ESR amendment package, which the Florida Department of Education received on November 26, 2012. According to the department's responsibilities under Section 163.3184(3)(b), Florida Statutes, I reviewed the amendment package considering provisions of Chapter 163, Part II, F.S., and to determine whether the proposal, if adopted, would have the potential to create adverse effects on public school facilities.

The package includes four amendments, three of which do not appear to have the potential to affect public school facility capacity or sites. The department offers no comment on the following amendments: PB-11-51-LUC/120222; PB 12-58-CPA/120209; and PB-12-72-CPA/120234.

The amendment numbered PB-11-49LUC/120221 appears to have the potential to increase residential density by up to 460 dwelling units. The transmittal package does not document prior coordination with the Alachua County school district or include an analysis of the potential effects on public school facilities as required by Sections 163.3177(6)(a)2.d. and 8.b., and 163.31777, F.S.; Section 3.b. of the draft Public Schools Interlocal Agreement dated October 30, 2012; and Objective 1.1, policy 1.1.2 of the city's public school facilities element.

THOMAS H. INSERRA
DIRECTOR, OFFICE OF EDUCATIONAL FACILITIES

Ms. Onelia Lazzari, AICP
Mr. Dean Mimms, AICP
December 11, 2012
Page 2

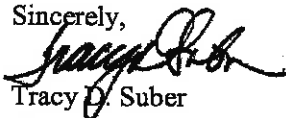
Supplemental information provided by Ms. Lazzari by e-mail correspondence on November 27, 2012, indicates a low probability of development for residential uses due to interest in office development as a buffer and the presence of a strategic ecosystem on the parcel. Nevertheless, the support documentation establishes for the record that residential use at up to 20 units per acre is permissible and does not evidence the city's or applicant's intent to restrict future residential development of the parcel. Therefore, to meet the requirements of Sections 163.3177(6)(a)2.d. and 163.3177(6)(a)8.a., F.S., analysis of the adequacy of educational facility capacity is appropriate.

Based on the potential maximum density allowed by the proposed amendment, student generation rates, and school capacity data provided by the Alachua County school district on November 30, 2012, it appears that sufficient school capacity can reasonably be expected to be available to meet the potential increase in demand through the end of the short-term planning period. Prior to adoption, the city and the Alachua County school district should complete analysis of the effects of the amendment on public school capacity to confirm this conclusion.

To assist the department in providing an expedited review of future proposed plan amendments that may affect public school capacity or sites, please complete coordination with the school district prior to transmitting amendments for state review. By including the school district's analysis with the support documents, the city will further assist the department in providing a timely review.

If I can be of assistance, please call (850) 245-9312 or write to Tracy.Suber@fldoe.org.

Sincerely,



Tracy D. Suber
Growth Management and Facilities Policy Liaison

TDS/

cc: Ms. Vicki McGrath, Alachua County School District
Dr. Gene Boles, FAICP
Ms. Ana Richmond and Ms. Valerie Jenkins, DEO/State Land Planning Agency



Planning & Development Services

Station 11
PO Box 490
Gainesville, FL 32627-0490
352-334-5022
352-334-2648 (fax)
www.cityofgainesville.org

January 11, 2013

Ms. Tracy Suber
Florida Department of Education
325 Gaines Street, Suite 1014
Tallahassee, FL 32399-0400

Dear Ms. Suber:

Thank you for your review of the City of Gainesville 13-1 ESR amendment package and your letter dated December 11, 2012.

The City of Gainesville Planning and Development Services Department staff has reviewed your letter, and we have comments that follow. We did take the opportunity to discuss our comments with Vicki McGrath of the Alachua County School District prior to sending this letter. Ms. McGrath acknowledged understanding our position, and she agreed with it. We are copying Ms. McGrath, Gene Boles, and Ken Zeichner of Alachua County Growth Management (since we share school concurrency service areas with Alachua County).

You had a technical comment on Petition PB-11-49 LUC (Ordinance 120221), which amends the land use category on the property from Alachua County Industrial category to the City of Gainesville Office land use category.

What the City wants to make clear is that we do not consider the Office land use category to be a residential land use category. This is consistent with how the implementing zoning districts are laid out in the City's Land Development Code. Despite the fact that the Office land use category allows residential use, it is not implemented by any of the City's residential zoning districts. It is implemented by Office zoning districts. In fact, requesting a single-use residential type zoning (single-family or multi-family) on the property would require a land use amendment to a residential land use category.

In reviewing recommended land use category changes, if an applicant (or the City, in the case of annexations) believes that residential use is the best use (and most likely use) for a property, we recommend a residential land use category. In all other cases, we recommend a non-residential category or, if the developer wishes a mix of residential and

non-residential uses, the recommendation is to use one of the several mixed use land use categories available in the City's Comprehensive Plan.

The City firmly believes that overestimating potential public school facilities impacts from land use changes is equally bad in terms of planning as underestimating the impacts. In the case of the City's Office land use category, planning for schools based on the availability of residential within the category would be grossly misleading and result in an over calculation of future need which could result in planning for school facilities that are unneeded. In the unlikely event that a developer chooses to put some residential into an Office land use category, there is plenty of time to catch this at the development plan review stage with school concurrency review.

In addition to all of the above, on an ongoing basis the City of Gainesville has been assured that there are no school capacity issues at any level during the City's upcoming 10-year planning horizon for this comprehensive planning period.

In order to meet the intent of the legislation but not cause overestimation of school facility needs, the City of Gainesville has discussed with Vicki McGrath our proposed methodology moving forward. We will review land use amendments in residential categories for potential public school facility impacts and provide these to the Alachua County School Board for review. We will review mixed-use land use categories for a maximum residential impact of 50% of the involved acreage. We will not review non-residential land use categories (this includes the Office land use category) for public school impacts. If necessary, we will memorialize this methodology in the Public Schools Facilities Element.

As stated earlier, this has been discussed with Ms. McGrath, and she understands the local land use situation and has found this acceptable. And, as also indicated earlier, discussions with both Gene Boles and Ms. McGrath have indicated that there is no anticipated school capacity problem for Gainesville through our entire 10-year planning horizon. Based on this ongoing statement from the School Board, we believe there are no anticipated impacts from the change to the Office land use category and to assume them would be tantamount to poor facilities planning since there is no residential use anticipated from this land use change.

Thank you for your review.

Sincerely,



Onelia R. Lazzari, AICP
Principal Planner

xc: Valerie Jenkins, Florida Department of Economic Opportunity
Ana Richmond, Florida Department of Economic Opportunity
Gene Boles, c/o Alachua County School Board
Vicki McGrath, Alachua County School Board
Ken Zeichner, Alachua County Growth Management



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December 17, 2012

Mr. Dean Mimms, AICP, Lead Planner
City of Gainesville
P.O. Box 490, Mail Station 11
Gainesville, FL 32627



RE: Regional Review of City of Gainesville Comprehensive Plan Draft Amendment
Items PB-11-49 LUC, PB-11-51 LUC, PB-12-58 CPA, and PB-12-72 CPA

Dear Dean:

At its regularly scheduled meeting held December 13, 2012, the Council reviewed the above-referenced items. Subsequent to their review, the Council voted to adopt the enclosed report.

If you have any questions concerning this matter, please do not hesitate to contact Steven Dopp, Senior Planner of the Planning Council's Regional and Local Government Programs staff, at 352.955.2200, extension 109.

Sincerely,

Scott R. Koons, AICP
Executive Director

Enclosure

xc: Ray Eubanks, Florida Department of Economic Opportunity
Anastasia Richmond, Florida Department of Economic Opportunity
✓ Onelia Lazzari, AICP, City of Gainesville

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**FLORIDA REGIONAL COUNCILS ASSOCIATION
LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENT REVIEW FORM 01**

Regional Planning Council: North Central FI
Review Date: 12/13/12
Amendment Type: Draft Amendments

Regional Planning Council Item No.: 17
Local Government: Gainesville
Local Government Items No. PB 11-49 LUC,
PB 11-51 LUC, PB-12-58 CPA, &
PB-12-72 CPA
State Land Planning Agency Item No.: 12-5ESR

Date Mailed to Local Government and State Land Planning Agency: 12/14/12

Pursuant to Section 163.3184, Florida Statutes, Council review of local government comprehensive plan amendments is limited to adverse effects on regional resources and facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A written report containing an evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the state land planning agency within 30 calendar days of receipt of the amendment.

DESCRIPTION OF AMENDMENTS

City item PB 11-49 LUC amends the City Future Land Use Map of the City Comprehensive Plan by reclassifying 24 acres of recently annexed lands from various County residential, and industrial land use categories, as well as County Recreation and County Tourist/Entertainment land use categories to City Commercial and Office land use categories (see attached).

City item PB 11-51 LUC amends the City Future Land Use Map of the City Comprehensive Plan by reclassifying approximately 285 acres of recently annexed lands from various County residential, and industrial land use categories, as well as the County Institutional land use category to City Commercial, Industrial, Business Industrial, Conservation, Public Facilities, and Planned Use District land use categories (see attached).

City item PB 12-58 CPA amends Future Land Use Element Policy 3.1.5 as well as Stormwater Management Element Policies 1.1.1, 1.3.1, 1.3.5, 1.3.8, 1.3.10, 1.5.2. The item also deletes Stormwater Management Element Objective 1.11 as well as its associated policies from the Stormwater Management Element (see attached).

City item PB 12-72 deletes Intergovernmental Coordination Element Policy 1.6.3 (see attached). The local government data and analysis report indicates the policy is duplicative of the existing Recreation Element Policies 1.3.2 and 1.3.3.

1. ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN

Significant adverse impacts are not anticipated to occur to Natural Resource of Regional Significance or regional facilities as a result of the amendments. The subject properties of City items PB 11-49 LUC and PB 11-51 LUC are within one-half mile of Interstate Highway 75 and State Road 121 (Williston Road), both of which are identified in the regional plan as part of the Regional Road Network. The local government data and analysis reports for City items PB 11-49 LUC and PB 11-51 LUC note that the amendments do not result in a substantial increase in intensity or density of use. Additionally, the subject properties are located within the City Transportation Concurrency Exception Area. Finally, the City Comprehensive Plan contains Transportation Planning Best Practices policies consistent with regional plan Policy 5.1.1. As a result, potential adverse impacts to the Regional Road network are adequately mitigated.

City item PB 12-58 CPA deletes references to obsolete flood control planning maps and updates appropriate state law references regarding stormwater management facility design, performance standards, and water quality regulations. Significant adverse impacts are not anticipated to occur to regional resources or facilities as the City item does not result in an increase in intensity or density of use.

Since City item PB 12-72 CPA deletes Intergovernmental Coordination Element Policy 1.6.3 which duplicates City Recreation Element Policies 1.3.2 and 1.3.3, no change is made to the policy direction of the City plan. Therefore, no significant adverse impacts are anticipated to occur to regional facilities, regional resources as a result of the amendment.

2. EXTRAJURISDICTIONAL IMPACTS INCONSISTENT WITH THE COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION

Adverse extrajurisdictional impacts as a result of the amendments are not anticipated.

Request a copy of the adopted version of the amendments?

Yes _____	No _____
Not Applicable	___X___

It is recommended that these findings be forwarded to the City and the Florida Department of Economic Opportunity.

Action: At its December 13, 2012 meeting, the Council voted to adopt this report.



St. Johns River Water Management District

Hans G. Tantzler III, Executive Director



4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500
On the Internet at floridaswater.com.

December 7, 2012

Mr. Dean Mimms
Lead Planner
City of Gainesville
P.O. Box 490, Station 11
Gainesville, FL 32627

Re: City of Gainesville Proposed Comprehensive Plan Amendment #13-1ESR

Dear Mr. Mimms:

St. Johns River Water Management District (District) staff have reviewed the above-referenced proposed comprehensive plan amendment. District staff review, as outlined in *Florida Statutes*, focused on flood protection and floodplain management, wetlands and other surface waters, and regional water supply as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted. District staff have no comments on the proposed amendment because no adverse impacts to important state resources and facilities were identified. However, technical assistance related to surface water is provided below.

Technical assistance

According to District maps, the properties that are the subject of FLUM changes PB-11-49 LUC and PB-11-51 LUC are located within the District's Sensitive Karst Areas Basin. Please note that any environmental resource permit (ERP) application for these properties must meet the District's additional surface water management basin criteria in Rule 40C-41, *Florida Administrative Code*, in addition to the basic ERP criteria in other rules.

If you have any questions or need additional information or assistance, please contact me at (386) 312-2369 or sftzgib@sjrwmd.com.

Sincerely,

Steve Fitzgibbons, AICP, Intergovernmental Planner
Office of Communications and Intergovernmental Affairs

cc: Ray Eubanks, Florida Department of Economic Opportunity
Scott Koons, North Central Florida Regional Planning Council
Jim Quinn, Florida Department of Environmental Protection

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Florida Department of Environmental Protection

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3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

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Herschel T. Vinyard Jr.
Secretary

December 7, 2012

Dean Mimms, AICP
Lead Planner
City of Gainesville
P.O. Box 490, Station 11
Gainesville, FL 32627



Re: Proposed City of Gainesville 13-1ESR; Comprehensive Plan Amendment Review

Dear Mr. Mimms:

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment under the procedures of Chapter 163, *Florida Statutes*. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; water and wastewater treatment; and, where applicable, the Everglades ecosystem.

Based on our review of the proposed amendment, the Department has found no provision that requires comment under laws that form the basis of the Department's jurisdiction. Thank you for the opportunity to comment on the proposed amendment package. Should you have any questions or require further assistance, please call me at (850) 245-2182.

Sincerely,

Robin Branda

Robin Branda
Environmental Specialist III
Office of Intergovernmental Programs

/rsb