

# Growth Management Requirements for Coastal Management

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**Background Information Submitted by the  
Florida Department of Community Affairs to the  
Citizens Property Insurance Corporation Mission Review Task Force**

**November 20, 2008**

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## Section 187.201, Florida Statutes, State Comprehensive Plan

### Goal 6 – Public Safety

a) *Goal.*--Florida shall protect the public by preventing, discouraging, and punishing criminal behavior, lowering the highway death rate, and protecting lives and property from natural and manmade disasters.

b) *Policies*

22. Require local governments, in cooperation with regional and state agencies, to prepare advance plans for the safe evacuation of coastal residents.

23. Require local governments, in cooperation with regional and state agencies, to adopt plans and policies to protect public and private property and human lives from the effects of natural disasters.

(8) COASTAL AND MARINE RESOURCES.--

(a) *Goal.*--Florida shall ensure that development and marine resource use and beach access improvements in coastal areas do not endanger public safety or important natural resources. Florida shall, through acquisition and access improvements, make available to the state's population additional beaches and marine environment, consistent with sound environmental planning.

(b) *Policies.*--

3. Avoid the expenditure of state funds that subsidize development in high-hazard coastal areas.

## Growth Management Requirements for Coastal Management

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### **Section 163.3178, Florida Statutes, requirements for Coastal Management**

(1) The Legislature recognizes there is significant interest in the resources of the coastal zone of the state. Further, the Legislature recognizes that, in the event of a natural disaster, the state may provide financial assistance to local governments for the reconstruction of roads, sewer systems, and other public facilities. Therefore, it is the intent of the Legislature that local government comprehensive plans restrict development activities where such activities would damage or destroy coastal resources, and that such plans protect human life and limit public expenditures in areas that are subject to destruction by natural disaster.

(2) Each coastal management element required by s. 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain:

(d) A component which outlines principles for hazard mitigation and protection of human life against the effects of natural disaster, including population evacuation, which take into consideration the capability to safely evacuate the density of coastal population proposed in the future land use plan element in the event of an impending natural disaster. The Division of Emergency Management shall manage the update of the regional hurricane evacuation studies, ensure such studies are done in a consistent manner, and ensure that the methodology used for modeling storm surge is that used by the National Hurricane Center.

(f) A redevelopment component which outlines the principles which shall be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise.

(h) Designation of coastal high-hazard areas and the criteria for mitigation for a comprehensive plan amendment in a coastal high-hazard area as defined in subsection (9). The coastal high-hazard area is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. Application of mitigation and the application of development and redevelopment policies, pursuant to s. 380.27(2), and any rules adopted thereunder, shall be at the discretion of local government.

(j) An identification of regulatory and management techniques that the local government plans to adopt or has adopted in order to mitigate the threat to human life and to control proposed development and redevelopment in order to protect the coastal environment and give consideration to cumulative impacts.

(9)(a) Local governments may elect to comply with rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code, through the process provided in this section. A proposed comprehensive plan amendment shall be found in compliance with state coastal high-

## **Growth Management Requirements for Coastal Management**

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hazard provisions pursuant to rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code, if:

1. The adopted level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale;
2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or
3. Appropriate mitigation is provided that will satisfy the provisions of subparagraph 1. or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation shall not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan.

(b) For those local governments that have not established a level of service for out-of-county hurricane evacuation by July 1, 2008, but elect to comply with rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code, by following the process in paragraph (a), the level of service shall be no greater than 16 hours for a category 5 storm event as measured on the Saffir-Simpson scale.

(c) This subsection shall become effective immediately and shall apply to all local governments. No later than July 1, 2008, local governments shall amend their future land use map and coastal management element to include the new definition of coastal high-hazard area and to depict the coastal high-hazard area on the future land use map.

### **Rule 9J-5, Florida Administrative Code, requirements for Coastal Management**

9J-5.012 Coastal Management.

The purpose of this element is to plan for and where appropriate restrict development activities where such activities would damage or destroy coastal resources, and protect human life and limit public expenditures in areas that are subject to destruction by natural disaster.

(2) Coastal Management Data And Analysis Requirements. The element shall be based upon the following data and analyses requirements pursuant to subsection 9J-5.005(2), F.A.C.

(e) The following natural disaster planning concerns shall be inventoried or analyzed:

## Growth Management Requirements for Coastal Management

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1. Hurricane evacuation planning based on the hurricane evacuation plan contained in the local peacetime emergency plan shall be analyzed and shall consider the hurricane vulnerability zone, the number of persons requiring evacuation, the number of persons requiring public hurricane shelter, the number of hurricane shelter spaces available, evacuation routes, transportation and hazard constraints on the evacuation routes, and evacuation times. The projected impact of the anticipated population density proposed in the future land use element and any special needs of the elderly, handicapped, hospitalized, or other special needs of the existing and anticipated populations on the above items shall be estimated. The analysis shall also consider measures that the local government could adopt to maintain or reduce hurricane evacuation times.
2. Post-disaster redevelopment including: existing and proposed land use in coastal high-hazard areas; structures with a history of repeated damage in coastal storms; coastal or shore protection structures; infrastructure in coastal high-hazard areas; and beach and dune conditions. Measures which could be used to reduce exposure to hazards shall be analyzed, including relocation, structural modification, and public acquisition.
3. Coastal high-hazard areas shall be identified and the infrastructure within the coastal high-hazard area shall be inventoried. The potential for relocating threatened infrastructure shall be analyzed.

### (3) Requirements for Coastal Management Goals, Objectives, and Policies.

- (a) The coastal management element shall contain one or more goal statements which establish the long term end toward which regulatory and management efforts are directed. These shall reflect the stated intent of the Legislature in enacting Section 163.3178, F.S., which is that local governments in their comprehensive plans restrict development activities that would damage or destroy coastal resources, and protect human life and limit public expenditures in areas subject to destruction by natural disasters.
- (b) The element shall contain one or more specific objectives for each goal statement which address the requirements of paragraph 163.3177(6)(g) and Section 163.3178, F.S., and which:
  5. Limit public expenditures that subsidize development permitted in coastal high-hazard areas subsequent to the element's adoption except for restoration or enhancement of natural resources;
  6. Direct population concentrations away from known or predicted coastal high-hazard areas;
  7. Maintain or reduce hurricane evacuation times;
  8. Prepare post-disaster redevelopment plans which will reduce or eliminate the exposure of human life and public and private property to natural hazards;
  10. Provide for protection, preservation, or sensitive reuse of historic resources; and

## Growth Management Requirements for Coastal Management

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(c) The element shall contain one or more policies for each objective and shall identify regulatory or management techniques for:

3. General hazard mitigation including regulation of building practices, floodplains, beach and dune alteration, stormwater management, sanitary sewer and septic tanks, and land use to reduce the exposure of human life and public and private property to natural hazards; and incorporating the recommendations of the hazard mitigation annex of the local peacetime emergency plan and applicable existing interagency hazard mitigation reports. Incorporating recommendations from interagency hazard mitigation reports shall be at the discretion of the local government;

4. Hurricane evacuation including methods to relieve deficiencies identified in the hurricane evacuation analysis, and procedures for integration into the regional or local evacuation plan;

5. Post-disaster redevelopment including policies to: distinguish between immediate repair and cleanup actions needed to protect public health and safety and long-term repair and redevelopment activities; address the removal, relocation, or structural modification of damaged infrastructure as determined appropriate by the local government but consistent with federal funding provisions and unsafe structures; limiting redevelopment in areas of repeated damage; and, policies for incorporating the recommendations of interagency hazard mitigation reports, as deemed appropriate by the local government, into the local government's comprehensive plan when the plan is revised during the evaluation and appraisal process;

7. Designating coastal high-hazard areas and limiting development in these areas;

8. The relocation, mitigation or replacement, as deemed appropriate by the local government, of infrastructure presently within the coastal high-hazard area when state funding is anticipated to be to be needed.

# Citizen's Mission Review Task Force



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Florida Department of Community Affairs  
November 20, 2008

# Presentation Outline

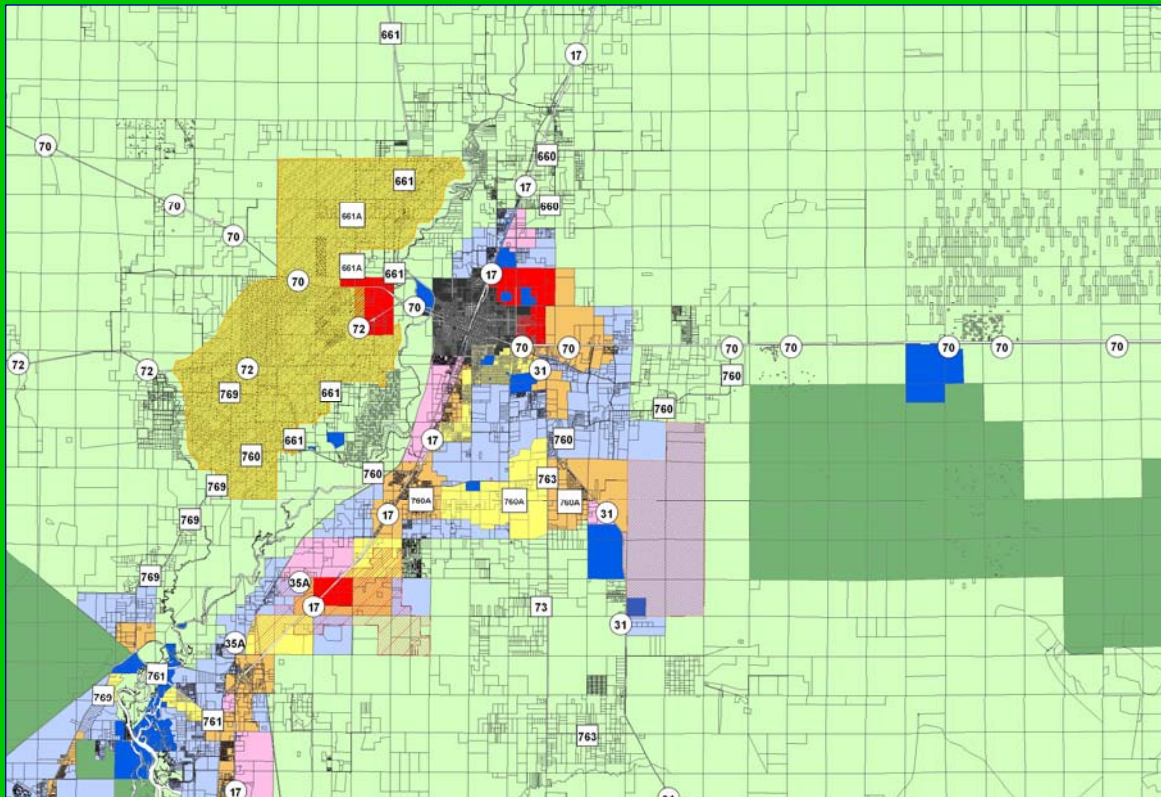
- Florida's Growth Management System
- Planning for the Coastal High Hazard Area
- Other Tools to Manage Growth in Coastal High Hazard Area

# Department of Community Affairs

- State Land Planning Agency
- Responsible for oversight over local comprehensive plans, developments of regional impact and areas of critical state concern
- Comprehensive plans required since 1985
- Must meet procedural and substantive standards
- All land development regulations and development permits must be consistent with comprehensive plan



# Future Land Use Map



Depicts the distribution, location, and extent of land uses to be allowed within a local government jurisdiction.

# The Role of DCA & Review Agencies

- DCA, along with other state and local agencies, review comprehensive plans and plan amendments for compliance with Chapter 163, Part II, F.S.
- DCA considers review comments and determines if the adopted plan amendment is in compliance with the law

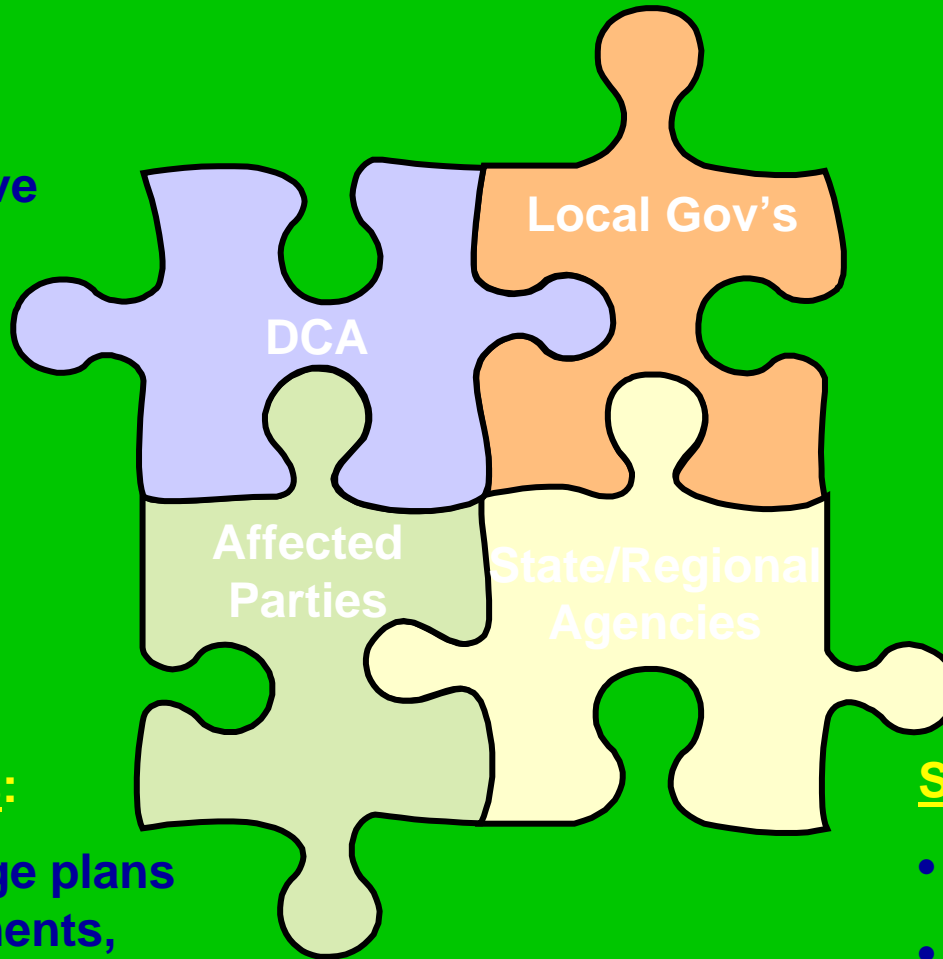
# Stakeholders in planning process

## DCA:

- Administrative rules
- Reviews
- Compliance notices
- Technical assistance

## Affected Parties:

- May challenge plans and amendments, land development regulations, and development permits



## Local Gov's:

- Adopt and administer comprehensive plans

## State / Regional:

- Reviews
- Provide technical assistance to local governments

# State Growth Policy Directives

- **State Comprehensive Plan**
  - Chapter 187, F.S.
- **Growth Management Act**
  - Chapter 163, Part II, F.S.
- **Minimum Criteria for Comprehensive Plans**
  - Rule 9J-5, F.A.C.

# State Comprehensive Plan Provisions Related to Coastal Area

- Prepare advance plans for safe evacuation of coastal residents
- Protect public and private property and human life from effects of natural disasters
- Avoid expenditure of state funds that subsidize development in Coastal High Hazard Area (CHHA)

# Growth Management Act Provisions Related to Coastal Area

- Protect human life and limit public expenditures in areas subject to destruction by natural disaster
- Adequate capacity for safe evacuation
- Designation of CHHA
- Option for residential density increase in CHHA

# Minimum Criteria Rule Requirements Related to Coastal Area

- Designate coastal high hazard areas and limit development in these areas
- Direct population concentrations away from coastal high hazard areas
- Limit public expenditures that subsidize development in coastal high-hazard areas
- Relocation, mitigation or replacement, as deemed appropriate by the local government, of infrastructure presently within the coastal high hazard area

# Coastal Management Element

- Purpose:
  - Restrict development that would damage coastal resources
  - Protect human life
  - Limit public expenditure in areas subject to natural disaster
- 35 counties
- 164 municipalities
- 2007 total population: Over 12 million
  - About two-thirds of the total state population



# The Coastal High Hazard Area

- Key geographic area:
  - Coastal High Hazard Area
- Changing boundary reflects changing state policy regarding
  - What geographic area is of concern
  - How should development be controlled
- 2006 Legislative change has created confusion and uncertainty

# Changing Definition of the CHHA

- Originally (1985) defined to include areas historically damaged or predicted to be damaged by coastal storms, including V-zones, area seaward of the CCCL and inlets not structurally controlled.
- Changed in 1993 to be the category 1 hurricane evacuation zone
- Changed in 2006 to the area within the category 1 storm surge line
  - about 1.5 million acres



CHARLOTTE/PUNTA GORDA AREA



COASTAL HIGH HAZARD AREA

# Changing Compliance Standard

- Prior to 2006 the standard was to direct population concentrations away from CHHA
- This meant that DCA objected to comprehensive plan amendments that increased residential density
- In 2006 the Legislature allowed for residential density increases in CHHA provided that:
  - Previously adopted out-of-county evacuation time for Category 5 storm is met; or,
  - 16 hour out-of county evacuation time is met; or,
  - 12 hour evacuation time to shelter for Category 5 storm is met.

# Recent Comprehensive Plan Amendments

- Punta Gorda
  - 2007 increase in residential units in CHHA was approved based on demonstration that, although the evacuation time would increase, it would remain under 16 hours

# Fernandina Beach

- Density increase in Waterfront Mixed Use category approved based on adoption of 16-hour standard for out-of-county evacuation for a category 5 event and a 12-hour evacuation time to shelter

# Taylor County

- Density increase in Keaton Beach Urban Development Area approved based on 16-hour standard for out-of-county evacuation for a category 5 event



# Port St. Joe

- Adopted 16-hour out-of-county standard for a Category 5 storm
- Future amendments must demonstrate that the standard will be maintained
- If the standard cannot be maintained, mitigation will be allowed
  - Payment of money
  - Contribution of land
  - Construction of shelters and transportation facilities

# Jacksonville

- **Comprehensive plan amendment to increase residential density found not in compliance**
- **Administrative Hearing Conducted in November**

# Escambia County

- Proposed 30-hour level of service evacuation standard rejected
- No demonstration that this is a safe standard given that evacuation order is issued at least 24 hours in advance of hurricane winds and tropical storm winds arrive 6 hours before hurricane winds; evacuation is not safe during tropical force winds, so there is only 18 hours to clear the area before arrival of tropical force winds
- Amendment to increase residential density on Perdido Key ultimately rescinded

# Recent Research in Florida

- "Are We Any Safer? Baker, Deyle, et al, *2008*
- Examined increase in clearance time in 22 coastal municipalities and 5 coastal counties between when the comprehensive plans were first adopted and 2002

# Conclusions from Study

- State mandate to maintain or reduce hurricane evacuation clearance times within Category 3 evacuation area has not been successful
- Residential growth has contributed significantly to the state's public shelter deficit
- In four of the five counties studied, residential development accounted for 78% or more of the increase in clearance times for a category 3 storm

# Note on Study

- The Study focuses on trends in development, clearance time and shelter space based on development approved within comprehensive plans
- The Study does not take into account potential increases in residential density that may have occurred through comprehensive plan amendments

# POPULATION IN THE CHHA

- Population in the CHHA increased by 24% between 1990 and 1999 (DCA, *Florida Assessment of Coastal Trends*, 2000)
- Increase of 958,000 from when the original comprehensive plans were adopted to 2002. (Baker, et al *Are We Safer?*, 2008)
- 2000 Census Block data indicates a population of 1.6 million in CHHA (note: many Blocks extend outside the CHHA, so this number overstates the actual population)

# Sea Level Rise: An Added Complication

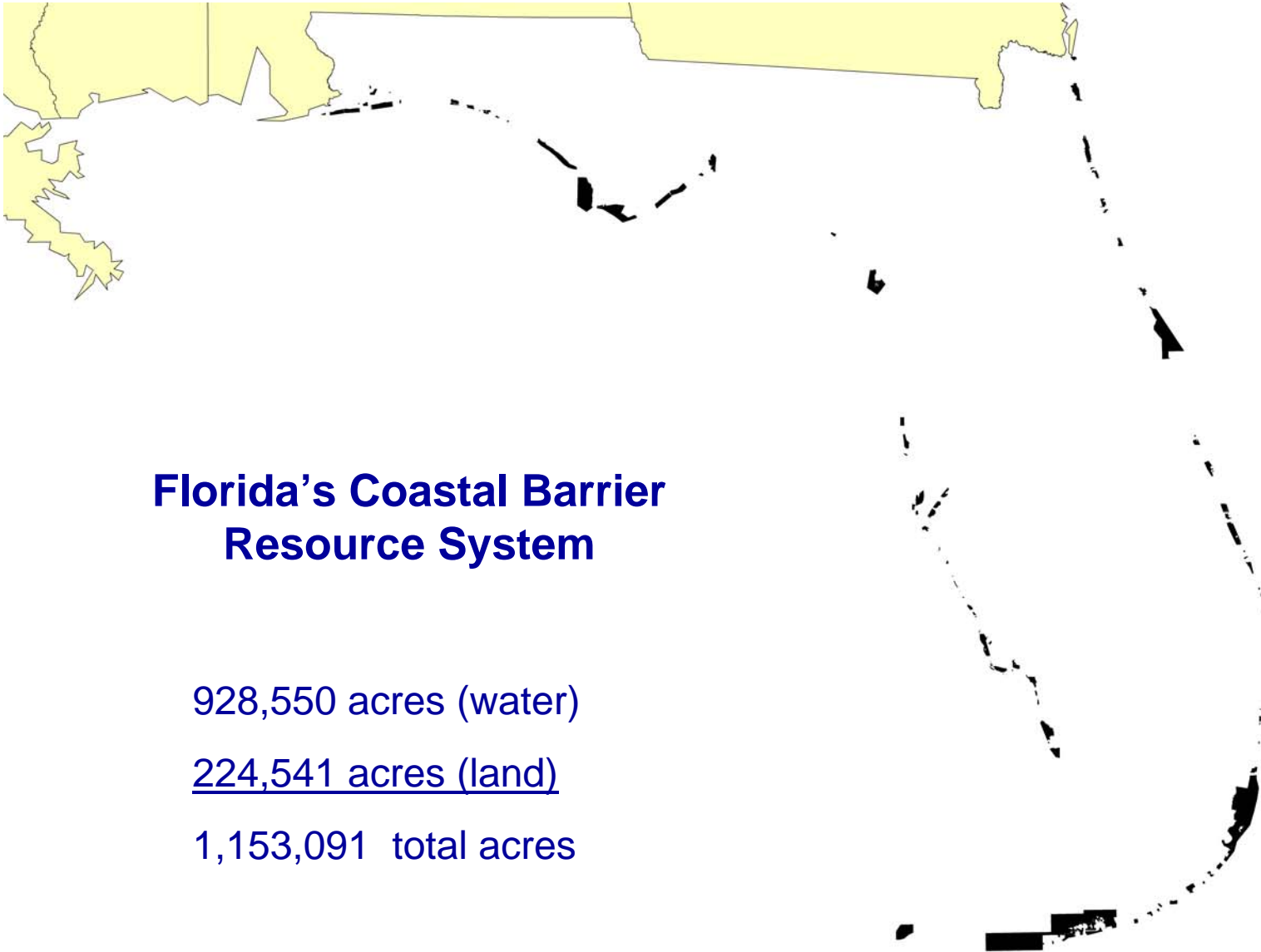
- Amount of rise is not precisely known
- However, the useful life of infrastructure (30 to 50 years) reaches well into the period of time when the impacts of sea level rise will be felt
- Florida has not firmly set its policy response to sea level rise





# Other Tools to Manage Growth in the Coastal Area

- Federal: Coastal Barrier Resource System
- State: Land Purchases
- Waterfronts Florida
- Hazard Mitigation
- Post-Disaster Redevelopment Planning
- Local Mitigation Strategies



## Florida's Coastal Barrier Resource System

928,550 acres (water)

224,541 acres (land)

1,153,091 total acres

# Public Land Purchases

- **DEP (P2000 and Florida Forever)**
  - Past purchases: (the FNAI Managed Lands database that intersect the CHHA)
  - Proposed (Florida Forever projects that intersect the CHHA)
- **Florida Communities Trust**
  - 5, 378 acres in coastal area (56 projects)



Managed Lands in  
Coastal High Hazard Area  
(October 2008, FNAI database)

845,816 acres of managed lands in  
Coastal High Hazard Area

# Waterfronts Partnership Program

- Created in 1997 to address the physical and economic decline of traditional working waterfront areas
- Helps all coastal local governments to revitalize their waterfronts by providing resources for planning
- In addition, 21 designated communities receive intensive technical and limited fiscal assistance

# Post-Disaster Redevelopment Planning Initiative

- DCA, using funds from FEMA and NOAA, is preparing guidelines for local governments to use
- Five Pilot communities:
  - Panama City; Hillsborough County; Polk County; Manatee County; Nassau County
- Sarasota, Pinellas and Alachua counties have self-funded efforts underway
- Final Guidelines by late 2009

# Local Mitigation Strategy

- **Required by Stafford Act**
- **County-wide plan to identify hazards**
- **Includes Vulnerability Assessment**
- **List of Mitigation Initiatives to reduce vulnerability**
  - **Projects must be on list to be eligible for post-disaster FEMA funding**



# Questions and Discussion