

Coastal Management Requirements under the Community Planning Act of 2011

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Coastal Element

Chapter 163.3177(6)(g)

- **CHHA** must be shown on FLUM and **mitigation** for development within must be part of this element
- The coastal high-hazard area (CHHA) 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
- Repeal of **9J-5 eliminated specifics** but statutory requirements are unchanged

Considerations for meeting CHHA mitigation requirements

- Comprehensive plans must **maintain a 12 hour evacuation time to shelter** in the event of a category 5 storm OR adopt a **LOS for out-of-county evacuation is maintained** for the same event 163,3178(8)(a)(1) and (2), F.S.OR
- Shelter must be able to **accommodate all of the residents** in that developmental area - 163.3178(8)(a)(2), F.S. OR
- Appropriate **mitigation is allowed** 163.3178(8)(a)(3), F.S.

More Coastal Element Requirements

This element shall set forth the principles, standards, and strategies that shall guide the local government's decisions and program implementation with respect to the following (excerpts only) objectives:

- **Protect human life** against the effects of natural disasters
- **Limit public expenditures** that subsidize development in coastal high-hazard areas
- **Maintain, restore, and enhance the overall quality of the coastal zone environment**, including, but not limited to, its amenities and aesthetic values
- **Various analyses required** to assess development and infrastructure impacts associated with redevelopment , hazard mitigation and financial assurances regarding public facilities maintenance, and necessary adopted regulatory and management techniques

More Considerations

- Section 163.3177(6)(a)9.a.: Indicators that a plan or plan amendment does NOT discourage the proliferation of sprawl - see (VIII) plan or plan amendment allows for land use patterns or timing which **disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water,**
- Section 163.3177(6)(c)2.: **Problems and needs must be identified** relating to general sanitary sewer, solid waste, drainage, potable water and natural groundwater recharge and indicating ways to provide this infrastructure in the future - Requires **existing deficiencies to be corrected**, extending or increasing capacity to meet future needs, conserve groundwater and natural drainage functions.

Specifics for All Elements

163.3177(1)f, F.S. All mandatory and optional elements of the comprehensive plan and plan amendments shall be **based upon relevant and appropriate data and an analysis** by the local government that may include, but not be limited to, surveys, studies, community goals and vision, and other data available at the time of adoption of the comprehensive plan or plan amendment.

163.3177(6)(g)5, F.S., requires “...**use of ecological planning principles and assumptions in the determination of the suitability of permitted development.**”

More Specifics for All Elements

163.3177(1)(f)

“To be based on data means to **react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject** at the time of adoption of the plan or plan amendment at issue.”

What was intended?

163.3168, F.S. Planning innovations and technical assistance

(1) The Legislature recognizes the need for innovative planning and development strategies to promote a diverse economy and vibrant rural and urban communities, while protecting environmentally sensitive areas. The Legislature further recognizes the substantial advantages of innovative approaches to development directed to meet the needs of urban, rural, and suburban areas.

What Was Intended?

(2) Local governments are encouraged to apply innovative planning tools, including, but not limited to, visioning, sector planning, and rural land stewardship area designations to address future new development areas, urban service area designations, urban growth boundaries, and mixed-use, high-density development in urban areas.

Sea Level Rise Consideration

“The **addition of sea level rise** to contemporary storm-surge hazard zones effectively causes population and asset (infrastructure, natural resources, etc.) exposure to be **equal to or greater than what is in the hazard zone of the next higher contemporary Saffir–Simpson hurricane category.**”

Frazier, T. G., et al., Influence of potential sea level rise on societal vulnerability to hurricane storm-surge hazards, Sarasota County, Florida, Applied Geography (2010), doi:10.1016/j.apgeog.

2010.05.005

New Option from 163.3164(1), F.S.

“Adaptation action area” or “adaptation area” means a designation in the coastal management element of a local government’s comprehensive plan which identifies one or more areas that experience coastal flooding due to extreme high tides and storm surge, and that are **vulnerable to the related impacts of rising sea levels** for the purpose of prioritizing funding for infrastructure needs and adaptation planning.

See also 163.3177(6)(g)10, F.S.

163.3177(6)(g), F.S.

10. At the option of the local government, develop an **adaptation action area** designation for those low-lying coastal zones that are experiencing coastal flooding due to extreme high tides and storm surge and are vulnerable to the impacts of **rising sea level**. Local governments that adopt an adaptation action area may consider policies within the coastal management element to improve resilience to coastal flooding resulting from high-tide events, storm surge, flash floods, stormwater runoff, and related impacts of **sea-level rise**. Criteria for the adaptation action area may include, but need not be limited to, areas for which the land elevations are below, at, or near mean higher high water, which have a hydrologic connection to coastal waters, or which are designated as evacuation zones for storm surge.

NOTE: **sea level rise is now mentioned in statute three (3) times**

Concluding Points on Coastal Management and Sea level rise

- Required?
- Liability?
- Data and Analysis
- Coastal Element
- Capital Facilities and Sewer, Waste, Drainage, Potable Water, and Groundwater Recharge Elements (projecting needs, capacities and sources)
- Conservation Element (water well protection including water needs over a 10 year period)
- **A safe bet is that sea level rise/climate change for coastal communities must now be addressed**