Issue - Coastal High Hazard Areas

The Coastal High Hazard Areas are areas of special concern to the state, the county, and the citizens. These areas are subject to higher degrees of damage from wind and water during a tropical event. The state requires that the county maintain a balance between property rights and public safety.

## Issue Statement and Background

The Coastal High Hazard Area is currently under going 3 separate updates.

Escambia County initiated a review in 2006 to address growth concerns in the

coastal areas, Escambia County is currently involved in the state mandated

Evaluation and Appraisal Report process that will be adopted in 2008, and

Senate Bill requires every community to modify the Coastal Element of the

Comprehensive Plan by 2008. The county initiated action will be reviewed

through a separate process.

There have been significant revisions to the state growth management laws,

since the most recent Evaluation and Appraisal Report adoption in 1998.

In May 2002, the Florida Legislature amended the Florida Statues, F.S.

163.3191(2)(m) states �If any of the jurisdiction of the local government is located

within the coastal high-hazard area, an evaluation of whether any past reduction

in land use density impairs the property rights of current residents when

redevelopment occurs, including, but not limited to, redevelopment following a

natural disaster. The property rights of current residents shall be balanced with

public safety considerations. The local government must identify strategies to

address redevelopment feasibility and the property rights of affected residents.

These strategies may include the authorization of redevelopment up to the actual

built density in existence on the property prior to the natural disaster or

redevelopment.�

Senate Bill 360 was signed into law in 2005, it directs the county to make

revisions to its approach to Coastal High Hazard Area planning that balances the

needs of the environment, the economy and public safety. �Specific concerns to

be reviewed are:

(a) increasing restrictions against building health care facilities, such as

nursing homes, hospitals, adult living facilities, etc., for the Coastal High

Hazard Area to all hurricane evacuation areas;

(b) creating provisions for measuring the impact of growth on emergency

services such as EMS, Fire, Law Enforcement and 9-1-1 Services and

their ability to meet emergency situations;

(c) considering a policy to ensure all future county buildings are constructed

with proper window protection and substantial enough that they can be

used for shelters.�

Governor Jeb Bush issued Executive Order 05-178 on September 7, 2005,

appointing members to the Coastal High Hazard Study Committee (CHHSC).

The Committee was charged with studying and formulating recommendations for

managing growth in Coastal High Hazard Areas. In response to

recommendations made by the CHHSC, the definition for the Coastal High

Hazard Area was changed during the 2006 Legislative Session. The definition

went from the Category 1 hurricane evacuation zone to the area within the

Category 1 storm surge line.

The county adopted floodplain management regulations through the National

Flood Insurance Program (NFIP) on Sept 30, 1977. The NFIP requires that the

county maintain at least the minimum standards set forth in the Code of Federal

Regulations (44 CFR Part 60).

Escambia County entered the Community Rating System (CRS) on 10/1/1991.

Community Rating System (CRS) was implemented by FEMA as a program for

recognizing and encouraging community floodplain management activities that

exceed the minimum NFIP standards. Under the CRS, flood insurance premium

discounts reflect the reduced flood risk resulting from community activities that

meet the three goals of the CRS: reduce flood losses; facilitate accurate

insurance rating; and promote the awareness of flood insurance.

Ordinance 2006-04 was adopted on January 10, 2006 which requires that all new or substantially improved building must be elevated an additional 3 feet

(freeboard), above the base flood elevation provide on the Flood Insurance Rate

Maps. This action was taken as a result of the devastation that was experienced

in Hurricane Ivan. The modeling used to establish the coastal base flood

elevation was determined, by FEMA, to be outdated and as a result the county

adopted a higher standard. The 3� of freeboard will greatly reduce flood

insurance premiums and has increased our CRS standings.

The Coastal High Hazard Areas is defined by the National Flood Insurance

Program (NFIP), an area of special flood hazard extending from offshore to the

inland limit of a primary frontal dune along an open coast and any other area

subject to high-velocity wave action from storms or seismic sources. On a Flood

Insurance Rate Map, our Coastal High Hazard Area is designated as Zone VE.

This zone designates areas subject to inundation by the base flood where wave

heights or wave runup depths are greater than or equal to 3.0 feet. The NFIP

currently is reviewing a new coastal flood zone, currently referred to as the

coastal A zone. FEMA is currently working towards including this new zone into

the NFIP�s Coastal High Hazard Areas definition.

Issue Analysis

Redevelopment following a natural disaster;

Redevelopment of properties is reviewed on an individual basis. Redevelopment

of the property is predicated upon the local, state, and federal regulations that

may apply specifically to each property. An example is the flood insurance

program�s repetitive loss list. The list tracks properties that have filed at lease 2

flood insurance claims over an 10-year period, where the combined loss equals

50% of the pre-event home�s value. These properties can be considered for

mitigation, which includes elevation of the building, relocation of the home (on the

same or another site), or building demolition and land purchase for public open

space. The ultimate goal is to eliminate the structures susceptibility to further

damage.

Authorization of redevelopment up to the actual built density in existence on the

property prior to the natural disaster or redevelopment;

Perdido Key was down zoned in the last 90�s, but the Comprehensive Plan and

the Land Development Code provides protection for the existing non-conforming

buildings. Non-conforming structures (including their density) that are damaged

or destroyed by an Act of God, are allowed to rebuild to the density in place prior

to the Act of God. Currently, there is no requirement that the site be redeveloped

within a specified time frame to in order to maintain the non-conforming density.

Increasing restrictions against building health care facilities, such as nursing

homes, hospitals, adult living facilities, etc., for the Coastal High Hazard Areas to

all hurricane evacuation areas;

The Comprehensive Plan currently restricts these uses from being located in the

Coastal High Hazard Areas. The Fair Housing Act prohibits certain locational

restrictions on these types of facilities. But, as we were made aware following

Hurricane Katrina, these types of facilities require greater coordination and

specialized procedures during an evacuation. During a hurricane evacuation

these facilities can place a higher demand for assistance on the emergency

services personnel, hospitals and shelters. In an effort to maintain a balance

between Fair Housing and Public Safety, county staff will be reviewing the

possibility of placing restrictions on these facilities when located within all

hurricane evacuation zones. Possible restrictions being considered include

prohibit their placement within all hurricane evacuation zones or requiring the

facility to pay for the cost of evacuation and sheltering services before the

development approval is granted.

Creating provisions for measuring the impact of growth on emergency services

such as EMS, Fire, Law Enforcement and 9-1-1 Services and their ability to meet

emergency situations;

There are currently no Level of Service (LOS) Standards for emergency services.

The process for expansion of emergency services is largely a based upon need.

The county will make an effort to review and study the best options as to whether

or not to incorporate emergency service LOS standards for Escambia County. If

created, the LOS standards will be established based upon the infrastructure

needed to meet those standards to include but not limited to, equipment,

buildings, and staffing for the emergency services. All new development

applications would be reviewed to ensure that the LOS would be maintained after

the development has been completed.

Considering a policy to ensure all future county buildings are constructed with

proper window protection and substantial enough that they can be used for

shelters;

There is not county policy that currently addresses this issue. In the past the

county has relied on the use of Public School Facilities for sheltering. These

facilities offer larger rooms, such as gymnasiums that generally have little if any

window area, with bathroom & shower facilities. The county is not currently

looking towards using all County Buildings for public shelters.

Escambia County is within a region of the state that is deficient in shelters, thus it

falls into an Enhanced Hurricane Protection Area. The means that all new

schools building or substantially improved school buildings are required to build

at least 50% of the building to structural & operational standards to support

hurricane sheltering. The operational standards include office spaces along with

backup water and sewer services.

In addition to the school shelters, they are providing safe rooms in some new

county building, such as Fire Stations, where county personnel will be staged

prior to a storm event; in order to provide essential public services quicker

following an event. The county is designing new facilities to higher building

standards, where possible (example Englewood Community Center which is

currently under construction) so that these facilities may be used to house county

offices, stage personnel, or be used as distribution sites following an event.

Updating the Coastal High Hazard Areas definition in the Comprehensive Plan

and Land Development Code;

The state has mandated that the county adopt the new definition by July 1, 2008;

this will required a code change in both the Comprehensive Plan and Land

Development Code. The county will have to ensure that the new Coastal High

Hazard Area, per state requirements does not create a conflict with the NFIP

Coastal High Hazard Area�s definition.

In Escambia County there are approximately 19,597.24 acres, comprising

of approximately 11,611 properties located in the area defined by the old

Coastal High Hazard Areas definition (area shown with the cross line on

the attached map).

There are approximately 11,812.58 acres, comprising of approximately

3,220 properties located in the area defined by the new Coastal High

Hazard Areas definition (area shown in green on the attached map).

This change will result in a reduction in Coastal High Hazard Area�s land

area of approximately 7,784.66 acres and approximately 8,391 properties.

Conclusions and Recommendations

There are number of issues that the state has required the county consider for

inclusion into the Comprehensive Plan during this next year. Which will be

followed up with changes to the Land Development Code. These specific

changes include the new Coastal High Hazard Areas definition be adopted by

July 8, 2008. During the definition adoption process staff will closely monitor

changes being made to the FEMA definition, in order to maintain compliance with

both the state and federal requirements.

Recommendations

1. That the post disaster redevelopment plan be updated. The plan was

adopted on August 4, 1995. Suggested code requirement, that the Post Disaster

Redevelopment Plan be re-evaluated within 1 year of all future disasters; but at a

minimum the plan should be re-evaluated every 5 years. Mitigation measures

should also be considered for inclusion in the plan.

2. The hurricane evacuation plan for Escambia County will need to be re-

evaluated in order to meet the new requirements of F.S.163.3178.9. The level of

service will need to be modified to be based upon a category 5 storm. It is

recommended that during this process shelter impact fees be considered.

3. That staff explore increasing restrictions against building health care

facilities, such as nursing homes, hospitals, adult living facilities by prohibiting

there placement within all storm surge areas, or adopting sheltering impact fees.

4. That staff explore expanding the Coastal High Hazard Area definition for

Escambia County, from the category 1 story surge area (the state�s new

definition) to category 5 storm surge area.

5. CPP 11.A.7.8 states new mobile home and recreational vehicle

developments within the Coastal High Hazard Areas shall pay fees for off-site

sheltering. These fees have not been established. It is recommended that the

fees be created and adopted.

Evaluation Matrix

Please see the Evaluation Matrix excel file.