

Objections, Recommendations and Comments Report
Proposed Comprehensive Plan Amendment
Riviera Beach 19-01ER

The Department of Economic Opportunity has identified an objection and eight comments regarding Riviera Beach's proposed comprehensive plan amendment. The objections and comments are provided below, along with recommended actions the City could take to resolve issues of concern. If the City adopts the plan amendment without adequately addressing the objection, the Department may find the amendment not in compliance with Chapter 163, Part II, Florida Statutes (F.S.), pursuant to section 163.3184(4)(e)4., F.S. Comments are offered to assist the local government and will not form the basis for a compliance determination.

Department staff has discussed the basis of the report with local government staff and is available to assist the City to address the objection and comments.

I. Objection:

Objection 1) Coastal Management Element-Peril of Flood:

The proposed evaluation and appraisal review-based comprehensive plan amendment does not address all of the requirements of Section 163.3178(2)(f), Florida Statutes (F.S.), regarding the perils of flood. The amendment includes some general strategies, e.g. Policy 2.4.2, that could increase the City's resiliency to adverse environmental and sea-level rise impacts. However, the amendment lacks specific principles, strategies, engineering solutions, or policies that will reduce the flood risk in coastal areas and result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency. Further, the Coastal Element does not identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.

Section 163.3178(2)(f)1-5., F.S., requires that the Coastal Management Element include the following:

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

1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.

3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.
4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.
5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with Chapter 161.

Statutory Authority: Sections 163.3177(6)(g) and 163.3178(2)(f)1-5., F.S.

Recommendations: The City should gather appropriate data and analysis to identify current and future coastal flood potential, including the impacts of sea-level rise, and prepare Coastal Management Element policies that comply with Section 163.3178(2)(f), F.S. The City could use a variety of methods, models, and tools, to better identify those portions of the community most vulnerable to the effects of current and future coastal flooding hazards. Future coastal flooding impacts could be considered at 10, 20, and 30 year intervals and can be projected based upon low, medium, or high sea level rise elevation scenarios. Some resources available to assist the City in this effort include the mapping tools provided by the National Oceanic and Atmospheric Administration (NOAA) and the University of Florida's GeoPlan Center available on these web links:

- <https://coast.noaa.gov/digitalcoast/tools/flood-exposure>
- <http://coast.noaa.gov/digitalcoast/tools/slr>
- <https://coast.noaa.gov/slrdata/>
- <http://sls.geoplan.ufl.edu>

Based on data and analysis, the City should identify at-risk flood areas. After identifying those areas most vulnerable to flood hazard, the City should identify any issues of concern to the community that could result in improved resiliency. This includes identifying the public facilities and infrastructure, cultural, historic and natural resources important to the community, as well as private investments, located and planned to be located within the areas impacted by current and future coastal flooding areas. The City must develop appropriate strategies that will allow the community to lessen the impacts of potential flooding hazards. The strategies should seek to minimize impacts to identified facilities and resources and further the community's resilience to disasters and rapid social and economic recovery post disaster.

One optional tool provided for under Section 163.3164(1) F.S., is the identification of high-risk areas and areas with significant resources subject to flood hazard that the City identifies as *Adaptation Action Areas*. Identification of adaption action areas, coupled with the adoption of strategies prioritizing efforts to minimize and mitigate flood risks in these areas, may be helpful in prioritizing funding and community adaptation planning.

Specifically, the City should revise Coastal Management Element policies such as: 2.2.1, 2.2.2, 2.2.4, 2.4.3, 2.4.6 and 2.4.7 to include specific development and redevelopment principles, strategies, and engineering solutions that are based on an evaluation of flood risk in coastal areas during the comprehensive plan's long-range planning period and that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency. Such evaluation should identify locations of areas subject to current and future flood hazard resulting from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise. In this way, the City could design appropriate strategies to address the potential impacts to public and private resources at risk to both current and future flood hazards. The specific principles, strategies, and engineering solutions that the City incorporates into their comprehensive plan should be based upon the community's values and capacity. To facilitate effective outcomes, the corresponding amendment should include mandatory provisions.

The Department's staff are available to provide further assistance with these planning efforts, including providing examples of policies adopted by other communities to address the peril of flood requirements. The City could also refer to policy language recommended by the *Treasure Coast Regional Planning Council* as part of its technical assistant comment (attached to this letter).

II. Comments:

Comment 1) Coastal High Hazard Area:

The Coastal High Hazard Area map incorporated into the Future Land Use element does not adequately identify all areas below the elevation of category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model and does not reflect the latest available flood hazard and storm surge data. Additionally, the amendment does not revise the current Coastal High Hazard Area Map, which is based on outdated data.

The City should consider revising the amendment to include a CHHA map based on updated data (2016-17) that was provided by the Florida Division of Emergency Management (FDEM) to the City Emergency Manager/official. DEO staff can provide examples of the data and a FDEM contact to the City for assistance. Additionally, the City should revise the title and legend of the current CHHA map (*Figure CO-1, FLU-2, T-7*), which should be referenced in *Policy 2.2.8* of the Coastal Management Element.

Comment 2) Coastal Management Element-Policies 2.4.3 and 2.4.4:

Coastal Management Policies 2.4.3 and 2.4.4 reference the Florida Building Code. However, these policies could be strengthened by also referencing applicable flood plain management regulations set forth in 44 C.F.R. part 60 pursuant to Section 163.3178(2)(f)4., F.S., which requires that a redevelopment component must be consistent with, or more stringent than, the flood-

resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.

Comment 3) Coastal Management Element-Policy 2.4.5, 2.4.7 and 2.4.8:

Policies 2.4.5 and 2.4.8 of the Coastal Management Element reference external documents or pre-established criteria but do not include the appropriate source of information, date and edition number. *Policy 2.4.8* provides reference to the document "*Post-Disaster Community Redevelopment and Economic Revitalization*," but does not include author, date and edition number pursuant to Chapter 163.3177(1)(b), F.S. Similarly, *Policy 2.4.5* seeks to create resilient communities by implementing the "*unsafe abatement ordinance*," but no ordinance number and adoption date is provided. These policies could be strengthened by including proper references pursuant to Chapter 163.3177(1)(b), F.S.

Comment 4) Coastal Planning Area:

Policy 2.2.3 of the Coastal Management Element mentions the Coastal Planning Area (CPA), however the Comprehensive Plan does not define the extent of the Coastal Planning Area. Prior to adoption, the City should consider defining the CPA, integrate a CPA map into the comprehensive plan and reference it in the Coastal Management Element (e.g. in *Policy 2.2.3*).

Comment 5) Planning Horizon:

The City's current Future Land Use Map referenced in the proposed amendment and the Future Land Use policies do not provide a planning horizon. Chapter 163.3177(5)(a), F.S., provides guidance for comprehensive plans to establish at least two (2) planning periods, one covering at least the first 5-year period occurring after the plan's adoption and one covering at least a 10-year period. In response, prior to adoption, the City should consider establishing a new planning horizon that is at least 10 years in the future. The City should also consider incorporating these new planning horizons in the Future Land Use Element policies and on the Future Land Use Map.

Comment 6) Water Supply Facilities Work Plan Update:

The City's Comprehensive Plan should be revised to include a Water Supply Facilities Work Plan (Work Plan) as required by Section 163.3177(6)(c)(3), Florida Statutes and after updating the Work Plan, for consistency purposes, the City should revise the policies of Objective 1.5 and 1.8 of the Infrastructure Element. The Work Plan should be consistent with the 2018 Lower East Coast Water Supply Plan Update, which was approved on November 2018, and needs to incorporate a minimum ten-year planning period, updated water demand projections, identified alternative and traditional water supply projects, and conservation and reuse activities needed to meet the projected future demands. The City should coordinate with the South Florida Water Management District who can provide technical assistance to update the City's Work Plan (consistent also with Policy 1.5.6 of the City's Infrastructure Element).

Comment 7) Capital Improvements Plan 2019-2023:

The City's comprehensive plan does not provide text to incorporate the City's *Capital Improvement Plan 2019-2023* into the City's comprehensive plan pursuant to Sections 163.3177(3)(a)4. and (3)(b), F.S. The City should consider revising the amendment to incorporate into the Capital Improvements Element the Five-Year Schedule of Capital Improvements, which identifies capital improvement projects to be implemented in the first five (5) years following adoption of the Capital Improvements Plan and include the entity responsible for the projects.

Comment 8) Outdated goals and policies:

The City should consider using the current comprehensive plan amendment cycle as an opportunity to update and/or eliminate goals, objectives and policies (GOPs) that are outdated or no longer necessary. An example of outdated GOPs may include: Future Land Use Element: *Objective 1.2: Redevelopment; Policy 1.2.3; Policy 1.2.4; Policy 1.2.5; Policy 1.2.6; Objective 1.3: Incompatible Land Uses; Policy 1.3.1; Policy 1.8.1 Industrial and Related Uses/General Industrial/Special Preservation; Policy 1.8.2; Policy 1.9.2; Policy 1.9.5; Policy 1.13.1 and Policy 1.13.2.* Conservation Element: *Policy 4.1.2; Policy 4.1.3; Policy 4.1.7; Policy 4.1.8.*