



## COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 20-B

DEO TRANSMITTAL, JUNE 29, 2020

### I. General Data

**Project Name:** Peril of Flood  
**Element:** Coastal Management Element  
**Project Manager:** Stephanie Gregory, Senior Planner  
**Staff Recommendation:** Staff recommends **approval** based on the findings and conclusions presented in this report.

### II. Item Summary

**Summary:** This proposed amendment would revise the Coastal Management Element (CME) as summarized below:

- Adds “Coastal Resiliency” as a new goal and the “Reduction of Flood Risk to Coastal Areas” as a new objective;
- Adds a policy to develop a County Resilience Action Plan by 2025;
- Adds a policy to incorporate sea level rise projections in public facility and infrastructure evaluation, planning and design;
- Adds a policy to encourage the use of living shorelines and other nature-based shoreline protection alternatives;
- Adds a policy requiring construction seaward of the coastal control line to be consistent with Florida Statutes;
- Adds a policy to require the County to be consistent with the flood-resistant construction requirements in the Florida Building Code and flood plain management regulations in the Code of Federal Regulations;
- Adds policies to continue the County’s participation in the Community Rating System (CRS) and encourage rating improvement;
- Adds a policy to maintain an inventory of repetitive loss properties and target hazard mitigation programs to those properties.

**Assessment:** The intent of this amendment is to revise the Coastal Management Element for compliance with the Peril of Flood Act that was signed into law by Governor Scott in 2015. The Act added a new requirement that the Coastal Management Element must address the peril of flood through the reduction of flood risk in coastal areas. Staff’s assessment during the 2019 Evaluation and Appraisal review concluded that although the County currently utilizes a wide range of strategies to address flood risk, the Comprehensive Plan does not fully address all of the six requirements. Therefore, this amendment proposes revisions to address the deficiencies and acknowledge existing County programs and plans that reduce flood risk.

### III. Hearing History

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**Local Planning Agency: *Approval***, motion by Lori Vinikoor, seconded by Angella Vann, passed in a 14 to 0 vote at the June 12, 2020 public hearing. Under discussion, one commission member asked questions, and one expressed support for the amendment. There was no public comment.

**Board of County Commissioners Transmittal Public Hearing: *Transmit***, motion by Vice Mayor Weinroth, seconded by Commissioner Berger, passed in a 7 to 0 vote at the June 29, 2020 public hearing. There was minimal Board discussion. One member of the public representing the Sierra Club spoke in support.

**Board of County Commissioners Adoption Public Hearing:**

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## **IV. Intent**

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The intent of this amendment is to revise the Coastal Management Element to add new provisions to address statutory requirements, known commonly as Peril of Flood. The proposed amendment provides the following changes:

- Adds “Coastal Resiliency” as a new goal and the “Reduction of Flood Risk to Coastal Areas” as a new objective;
- Adds a policy to develop a County Resilience Action Plan by 2025;
- Adds a policy to incorporate sea level rise projections in public facility and infrastructure evaluation, planning and design;
- Adds a policy to encourage the use of living shorelines and other nature-based shoreline protection alternatives;
- Adds a policy requiring construction seaward of the coastal control line to be consistent with Florida Statutes;
- Adds a policy to require the County to be consistent with the flood-resistant construction requirements in Florida Building Code and flood plain management regulations in the Code of Federal Regulations;
- Adds policies to continue the County’s participation in the Community Rating System (CRS) and encourage rating improvement; and
- Adds a policy to maintain an inventory of repetitive loss properties and target hazard mitigation programs to those properties.

The specific changes are shown in strike out and underline in Exhibit 1.

## **V. Data and Analysis Summary**

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This section provides data and analysis, including an examination of consistency with the Comprehensive Plan.

### **A. 2019 Comprehensive Plan Evaluation and Appraisal (E&A)**

Florida Statutes, specifically Section 163.191, requires each local government to evaluate its comprehensive plan at least once every seven years. The purpose of the Evaluation and Appraisal (E&A) process is to review statutory changes to Chapter 163, the Community Planning Act, to ensure that local government’s Comprehensive Plans comply with new state requirements. Once the applicable Comprehensive Plan changes have been identified, the local government is required to provide the Department of Economic Opportunity with a letter indicating its intention to amend the Plan. Any proposed text amendments are required to be transmitted to the State within one year of the letter.

In 2019, the County reviewed the revisions to Chapter 163 that occurred since the last E&A in 2012. Planning Staff evaluated each change for its impact to the Comprehensive Plan and most of the changes were found to be not applicable. However, one change was identified by staff which required revisions to the Coastal Management Element to address the “peril of flood” by adopting policies that implement strategies to reduce flood risk in coastal areas. The Evaluation and Appraisal was reviewed and recommended by the Planning Commission as the Local Planning Agency on October 11, 2019. Following on October 28<sup>th</sup>, the Board of County Commissioners directed staff to transmit a letter to the State indicating that amendments are necessary in order to be consistent with new statutory requirements. Also,

on October 28, 2019, the Board initiated a text amendment to address the requirements.

As revisions were identified in the 2019 Evaluation and Appraisal review related to the Coastal Management Element for compliance with the Peril of Flood Act, this text amendment will be subject to State Coordinated Review, per s.163.3184(4), F.S.

## **B. Peril of Flood Requirement in Florida Statutes**

The Peril of Flood Act was signed into law (Laws of Florida 2015-69) by Governor Rick Scott on May 21, 2015 with an effective date of July 1, 2015. The Act covers three areas: (1) requiring local governments to adopt Comprehensive Plan Goals, Objectives and Policies related to flood risks within the Coastal Management Element, (2) requiring surveyors to submit elevation certificates to the Florida Division of Emergency Management and (3) address issues related to flood insurance. The Act is only applicable to local governments in Florida that are required to have a Coastal Management Element, per s.380.24, F.S.

This amendment addresses the first area of the Act that adds a new requirement that the Coastal Management Element of the Comprehensive Plan must address the peril of flood, through the reduction of flood risk in coastal areas that result from high tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise.

Section 163.3178(2)(f), Florida Statutes requires the CME to contain “a *redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in 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 control lines established pursuant to s. 161.053 be consistent with Chapter 161.*
6. *Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.”*

## C. Palm Beach County Compliance with Peril of Flood

In determining whether the County complies with the Peril of Flood Act, the Comprehensive Plan, Unified Land Development Code and several other County programs and ordinances were reviewed and analyzed. A summary of the adopted plans, policies and regulations that the County is currently implementing that address the reduction of flood risk in coastal areas is described below.

### 1. Local Mitigation Strategy (LMS)

The Palm Beach County Local Mitigation Strategy (LMS) is maintained by the County's Division of Emergency Management in order to reduce "the community's vulnerability to identified natural, technological, and human caused hazards." The strategy provides a rational, managed basis for considering and prioritizing hazard-specific mitigation options, and for developing and executing sound, cost-effective mitigation projects. The LMS also provides a basis for justifying the solicitation and use of local, state, federal, and other funding to support hazard mitigation projects and initiatives. This effort is done in coordination with the LMS Working Group, which is a multijurisdictional effort including municipal, private sector representatives, and community organizations. The first LMS was adopted in 1999 and is updated every five years. The most recent update for 2020 LMS was adopted by the Board of County Commissioners in November 2019.

One of the goals and a "major mitigation priority" of the LMS as it relates to the requirement of the Peril of Flood Act, is the reduction of repetitive flood loss properties which is defined by FEMA as "any insurable building for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling ten-year period, since 1978." In 2015, 41 properties in unincorporated Palm Beach County were identified as repetitive loss. As of December 31, 2019, FEMA identified 73 parcels within unincorporated areas as repetitive loss. Below is the goal as stated in the LMS:

**1.13 Goals: (3)** *Take preventative actions to reduce the number of repetitive loss properties published annually by FEMA on the list of "Repetitive Loss Properties."*

The County's Division of Emergency Management implements this goal through a "multi-program strategy" by first updating data regarding the number and location of repetitive loss properties by using information collected from FEMA. Maps are also created to identify the location of these properties in relation to historical flood and Special Flood Hazard Areas. The list of repetitive loss properties are located in Appendix H of the LMS.

Following the update of repetitive loss data and maps, the County mails letters annually to property owners of repetitive loss parcels located within unincorporated Palm Beach County. This notification is a component of the County's participation in FEMA's National Flood Insurance Program's (NFIP) Community Rating System (CRS) program. The objective of the letter is to educate property owners about the benefits and availability of funding through the Flood Mitigation Assistance Program (FMAP), which funds flood mitigation projects such as the elevation, demolition, or relocation of flood prone structures. Technical assistance to property owners applying for FMAP funds is also available through the County.

Other mitigation efforts are recognized through the Prioritized Project List (PPL) by which the LMS Steering Committee or some designated subset of that Committee will develop a single prioritized list of mitigation projects, which is one of the ultimate goals of the LMS effort. Only projects eligible for FEMA funding approvals must be submitted by a local government or participating agency to the County and have participated in the planning process. These local governments or agencies must follow and continue to follow LMS participation rules. The current PPL has 77 identified mitigation multijurisdictional projects throughout all Palm Beach County. The majority of these projects address flooding, sea level rise, and stormwater improvements.

## **2. Flood Damage Prevention Ordinance**

As part of the County's participation in the National Flood Insurance Program (NFIP), a Flood Damage Prevention Ordinance was adopted in order to manage development within the 100-year floodplains by preventing increased flooding and to minimize future flood damage. The 100-year floodplain is for areas subject to inundation by the 1% annual flood chance and includes parcels located in FEMA flood zones A and V, also known as Special Flood Hazard Areas (SFHA). The ordinance is implemented in the County's Unified Land Development Code (ULDC) Article 18 and requires new buildings and substantial improvements on parcels within the SFHA to elevate the lowest floor of occupied areas to a specified level above the 100-year flood elevation.

## **3. Existing Coastal Management Element Policies**

The Coastal Management Element currently has the following policies related to nature-based strategies for reducing coastal erosion, storm-related damage and flood risks in coastal areas related to storm waves, storm surge, high tide events and sea level rise:

**CME Policy 1.2-d:** *The County shall avoid the use of shoreline armoring (except as a last resort measure) and shall use shore protection alternatives such as beach nourishment, dune restoration, and inlet sand transfer that reduce the need for armoring.*

By 1997, 33% of the County's shoreline had become hardened with seawalls, revetments and riprap replaced natural dune structures. This policy was added to the CME because "such armoring changes the natural ability of the shoreline to respond to storm events by preventing the removal of sand from the upland to the littoral zone, creating a deficit of sand in the littoral zone and displacing the shoreline vegetation that helps natural reduction of erosion" (97-1 Text and Map Amendment Staff Report).

**CME Policy 1.2-e:** *The County shall continue to reestablish damaged dunes and eroded beaches where possible to promote the enhancement of these resources and reduce damage resulting from storms.*

This policy was also added to the CME in 1997. It is implemented by the County's Department of Environmental Resource Management (ERM) through the Shoreline Protection Plan. Since the inception the County's Shoreline Protection Program, 112 acres of dunes have been restored. This is a natural system strategy to reduce the risk of flooding as "the dunes act as buffers against high storm surge and waves protecting the upland from flooding" (2014 Shoreline Protection Plan).

**CME Policy 2.5-d:** *The County shall continue to enforce regulations and codes, which provide for hazard mitigation. These include land use, building construction, flood elevation, septic and sanitary sewer, coastal construction setback, and stormwater facility regulations. These regulations shall also be applied to eliminate unsafe conditions and inappropriate uses.*

This policy was added to the CME during the adoption of the 1989 Comprehensive Plan and acknowledges the various plans, regulations and codes that the County has adopted in order to provide for hazard mitigation such as flooding.

#### **4. County Natural Areas, Conservation Lands and Parks**

The County, through its Department of Environmental Resources Management, has an extensive natural areas program that involves the acquisition, preservation, restoration, management and maintenance of environmentally sensitive and other conservation lands. This program has resulted in the preservation of over 31,000 acres of conservation lands throughout the County. The acquisition, preservation, restoration, management and maintenance of County natural areas are an effective strategy for reducing flood risk by preserving open space areas that may be vulnerable to sea level rise, high tide flooding or storm surge. Several of the County's natural areas are located within municipalities along the Intracoastal Waterway, Atlantic Ocean or tidal waters of the Loxahatchee River. These natural areas include Jupiter Inlet, Jupiter Mangroves, Jupiter Ridge, Juno Dunes, South Cove, Snook Islands, North Ocean Ridge Mangroves, Ocean Ridge and Jackson Riverfront Pines.

In addition, the County's Parks and Recreation Department manages approximately 3,500 acres of natural areas of varying quality throughout the County. Specifically regarding coastal parks, the Department oversees sixteen parks, which are located along the Atlantic Ocean coastline with another eight located adjacent to the Intracoastal Waterway.

#### **5. Unified Land Development Code (ULDC)**

The County's Unified Land Development Code Article 7 addresses regulations regarding landscaping within unincorporated Palm Beach County. The ULDC requires a minimum of 30 to 50 percent pervious surface area for a development, which assists in reducing stormwater runoff.

As demonstrated in this section, the County currently utilizes several strategies to reduce flood risk in coastal areas through the Local Mitigation Strategy, Flood Damage Prevention Ordinance, existing Coastal Management Element policies, Natural Areas Program and the ULDC. Despite the significant strategies already employed, not all of the six requirements of the Peril of Flood Act are met. Therefore, the next section discusses the data and analysis for the proposed text amendments to fully address the Peril of Flood Act requirements.

### **D. Proposed Text Amendments to the Coastal Management Element**

In comparison to the entire County, unincorporated Palm Beach County has a small number of coastal properties as demonstrated by the maps in Exhibits 3, 4 and 5. The vast majority of coastal properties are located within municipalities.

While researching properties in unincorporated Palm Beach County that are vulnerable to sea level rise, high tide flooding and storm surge, staff examined data from the National Oceanic

and Atmospheric Administration (NOAA) Coastal Flood Exposure Mapper and the Southeast Florida Regional Climate Change Compact's Analysis of the Vulnerability of Southeast Florida to Sea Level Rise. The Local Mitigation Strategy (LMS), which contains an inventory of repetitive loss properties and historical flood data, was also examined. As demonstrated in Exhibits 3 to 5, the unincorporated areas most vulnerable to flooding from sea level rise, high tide flooding and storm surge are generally located in the northern portion of the County, specifically along the tidal portions of the Loxahatchee River, the Intracoastal Waterway (ICW), and to a smaller extent along the Atlantic Ocean. The vast majority of these parcels are residential uses with Low Residential future land use designations. In addition, data from the Florida Department of Environmental Protection suggests that parcels located in western Palm Beach County near Lake Okeechobee may be affected by storm surge from hurricanes.

By 2040, sea levels are projected to rise 10 to 17 inches in southeast Florida. By 2070, sea levels are projected to rise 21 to 40 inches, but could rise as much as 54 inches using the NOAA High projection (The 2019 Unified Sea Level Rise Projection for Southeast Florida). The County's Comprehensive Plan has several planning horizons with the longest horizon being 2035. However, when planning for public infrastructure (such as in a proposed policy that is later discussed) and "to ensure an appropriately conservative design approach is used, the upper limit of the projection should be used for projects with design lives of more than 50 years (2015 Unified Sea Rise Projection for Southeast Florida)." Therefore, the three and four feet sea level rise scenarios that are mapped in Exhibit 4 and 5 are roughly equivalent to the 2070 intermediate and high projections.

The new policies below address both the deficiencies and revisions needed as well as acknowledging existing County plans and programs that reduce flood risk. A compliance chart can be found in Exhibit 2.

## **1. Adding Coastal Resiliency as a New Goal**

Currently, there are four goals of the Coastal Management Element: (1) Environmental Resources Management, (2) Coastal Development & Emergency Management, (3) Intergovernmental Coordination and (4) Port of Palm Beach. A new, fifth goal is proposed to be incorporated into the CME which will both acknowledge past efforts and encourage future opportunities to address climate change impacts to the County. The County has considered coastal resiliency for decades through individual shore protection projects, habitat restoration and living shoreline projects, which protect against storm surge and wave action and by extension assists to protect against climate change impacts such as sea level rise. In addition, the County began introducing climate change related policies within its Comprehensive Plan beginning in 2014. Specifically, a new sub-Objective 1.1.1 was added to the Future Land Use Element along with policies to acknowledge the County's participation in the Southeast Florida Regional Climate Change Compact and to generally guide the County's future efforts in addressing climate change. Therefore, this new goal will further these efforts as it relates to the County's coastal areas.

## **2. Adding Reduction of Flood Risk to Coastal Areas as a New Objective**

A new Objective 5.1 is proposed to be added titled "Reduction of Flood Risk to Coastal Areas" along with subsequent policies specifically to address the Peril of Flood requirements in Section 163.3178(2)(f), Florida Statutes. The subsequent proposed



policies will provide specific actions to implement the objective.

### **3. Developing a Resilience Action Plan**

A new Policy 5.1-a is proposed to be added for the County to consider by 2025 the development of a Resilience Action Plan to explore adaptation and mitigation measures which increase resilience from climate changes impacts, including the reduction of flood risk. The County is an active member of the Southeast Florida Regional Climate Change Compact. In 2012, the Compact developed a Regional Climate Action Plan (RCAP), which identified strategies that local governments could utilize in order to build more resilient communities. As a follow-up to the RCAP and subsequent update in 2017, the Office of Resilience is working on refining the adaptation and mitigation strategies specifically for Palm Beach County to include action items and best practices.

### **4. Utilizing Sea Level Rise Projections in Planning Future Infrastructure Improvements**

A new Policy 5.1-b is proposed to be added to provide a consistent resource for sea level projections when planning public infrastructure projects. The Unified Sea Level Rise Projection for Southeast Florida was developed by a working group of technical and scientific experts assembled by the Southeast Florida Regional Climate Change Compact Steering Committee. On November 17, 2015, the Board of County Commissioners adopted the projection as a tool when planning and designing County infrastructure projects, which due to location may be impacted by sea level rise. The projection assists with understanding vulnerabilities due to sea level rise that the County will face and assist with policy making related to land use and infrastructure improvements. On May 5, 2020 the Board adopted the 2019 projection.

This new policy is also consistent with and furthers Future Land Use Element Policy 1.1.1-d which was adopted in 2014 and states “*Palm Beach County Departments shall integrate consideration of climate change impacts, and adaptation and mitigation strategies, into existing and future system-wide planning, operations, policies and programs.*” In addition, the goal of increasing resiliency and sustainability of the County’s infrastructure by ensuring consistent planning and designing for sea level rise and extreme weather events was presented by the County’s Infrastructure Cross Departmental Team at the October 29, 2019 Board of County Commissioners workshop.

The Engineering Department currently requires, during the process of designing County thoroughfare roads, that consultants assess what design elements could be incorporated to address the projected sea level rise. Specifically, this is implemented through the Thoroughfare Roadway Design Procedures Manual (dated January 2019) in Policy and Procedures #9: “The consultant shall consult with the Office of Resilience (561-681-3812) to assess what implications climate change and sea level rise may have (if any), on the design and construction of the roadway project. The Office of Resilience is expected to provide guidance on the application of best available climate resilience, adaptation/mitigation, and sustainability principles.”

### **5. Encouraging the Use of Living Shorelines and Other Nature-based Shore Protection Alternatives**

A new Policy 5.1-c is proposed to encourage the use of living shorelines and other nature-based shore protection alternative and furthers the existing CME policies previously discussed in Section C, which utilize nature-based strategies that assist with reducing

flooding related to storm surge, high tide events and sea level rise. Living shorelines are a green infrastructure strategy that can help reduce the risk of flooding from storm surge, high tide events and sea level rise. They also can help protect against coastal erosion, reduce wave energy from storms, provide habitats for vegetation and aquatic life, and can increase the lifespan of seawalls. The ability to construct living shorelines as a nature-based shore protection strategy is dependent upon water depths along the affected shoreline; the existence, extent and type of shoreline armoring; the amount of wake from watercraft; presence of protected species; funding availability; and other factors.

The Department of Environmental Resources Management has created living shorelines in several areas within the Lake Worth Lagoon, including Currie Park and Osprey Park in the City of West Palm Beach; Bryant Park, Jewell Cove, and Old Bridge Park in the City of Lake Worth Beach; and Bicentennial Park, Lyman Park, and Lantana Nature Preserve in the Town of Lantana. Due to the existing seawalls, the Department of Environmental Resources Management focused their restoration efforts on installing “elevated planters” that flood at high tide. Mud flats, nooks and crannies in the limestone rock “planters”, along with the planted mangroves and/or salt marsh grasses all provide habitat for fish, invertebrates, birds, and oysters. Other nature-based shore protection alternatives include beach nourishment, dune restoration, and inlet sand transfer projects. These projects also help reduce damage and flooding from storm waves, storm surge, high tide events and sea level rise.

Therefore, this policy will encourage the continuation of such projects in order to reduce flood risk from high tide flooding and sea level rise.

**6. Requiring Construction Seaward of the Coastal Construction Control Line to be Consistent with Florida Statutes**

A new Policy 5.1-d is proposed to acknowledge that construction seaward of the coastal construction line shall be subject to the permitting procedures in Florida Statutes and Florida Building Code (FBC). Chapter 161, F.S. and Section 3109 FBC regulate all development seaward of the established Coastal Construction Control Line (CCCL) for the protection of upland properties and the control of beach erosion.

**7. Requiring Flood Resistant Construction Consistent with Florida Building Code and the Code of Federal Regulations**

A new Policy 5.1-e is proposed to acknowledge the County’s consistency with the flood-resistant requirements in Florida Building Code and flood plain management regulations in the Code of Federal Regulations, specifically 44.C.F.R. parts 59 & 60. As discussed previously in Section C, the County has a Flood Damage Prevention Ordinance, which is implemented in Article 18 of the Unified Land Development Code. The County requires new buildings and substantial improvements on parcels within the SFHA to elevate the lowest floor of occupied areas to a specified level above the 100-year flood elevation and requires developers to file FEMA MT-2 Letters of Map Revision on all new development greater than 5 acres or 50 lots located in a SFHA.

**8. Acknowledging the County’s Participation in the Community Rating System (CRS) and Encouraging Rating Improvement**

A new Policy 5.1-f is proposed to be added to reflect the County’s continued participation in the National Flood Insurance Program (NFIP) Community Rating System as

administered by Federal Emergency Management Agency (FEMA) in order to meet the sixth requirement of the Peril of Flood Act. The Community Rating System was created in 1991 to encourage and incentivize flood plain management activities by local governments that exceed the minimum NFIP standards by reducing the flood insurance rates of residents in these communities. The County joined the CRS in 1991 and currently 30 of the 39 municipalities located within Palm Beach County also participate.

A new Policy 5.1-g is proposed to be added to reflect the County's commitment to the CRS program by striving to improve its CRS rating. Participation in the CRS helps to lower the County's flood risk as well as provide flood insurance premium discounts for residents. Each CRS community is ranked one to ten with Class 1 being the highest rating through the accumulation of points earned through promoting public awareness, reduction of flood damage, improved mapping and regulations enhanced flood preparedness. As of October 2019, the County's CRS Class Rating is a five, which results in a 25% flood insurance premium discount for property owners residing within a Special Flood Hazard Area (SFHA) and 10% for those outside of a SFHA.

In recent years, the County has been working towards achieving a Class 4 CRS rating. In depth analysis by Building Division staff indicates this rating will require the development of a holistic floodplain management plan for the County, and a requirement for all new development to be designed to meet the 100-year storm criteria.

#### **9. Maintaining Inventory of Repetitive Loss Properties and Targeting Hazard Mitigation Programs**

A new Policy 5.1-h is proposed to be added to require the County to continue the maintenance of an inventory of repetitive loss properties and to target mitigation programs to those properties. The County currently maintains a list of repetitive loss properties within unincorporated Palm Beach County in Appendix H of the Palm Beach County 2020 Local Mitigation Strategy. For unincorporated portions of the County, 74 properties were identified resulting in a loss of \$2,685,844. This inventory helps to identify the most vulnerable properties and as explained in Section C, the reduction of repetitive flood loss properties is "major mitigation priority" of the County's Local Mitigation Strategy and the County has several hazard mitigation programs to target these properties for assistance.

### **C. Consistency with the Comprehensive Plan**

This proposed amendment is consistent with the following policy of the Comprehensive Plan.

***FLUE, C. County Directions.*** *The Future Land Use Element was created and has been updated based on input from the public and other agencies through citizen advisory committees, public meetings, interdepartmental reviews, and the Board of County Commissioners. All contributed to the generation of the long-term planning directions, which provide the basis for the Goals, Objectives and Policies of the Future Land Use Element. These directions reflect the kind of community the residents of Palm Beach County desire.*

- 17. *Climate Change.*** *Increase resilience through appropriate land use strategies for adaptation and mitigation of climate change impacts.*

**Staff Assessment:** This proposed amendment will further the County Direction identified above. The proposed policies increase resiliency by implementing strategies to reduce flood risk due to climate change.

This amendment will support the above referenced provisions in the Comprehensive Plan and no inconsistencies with the policies in the Comprehensive Plan were identified.

#### **D. Unified Land Development Code Implications**

This proposed amendment will not require subsequent revisions to the Unified Land Development Code.

### **VI. Public and Municipal Review**

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The Comprehensive Plan Intergovernmental Coordination Element **Policy 1.1-c** states that *“Palm Beach County will continue to ensure coordination between the County’s Comprehensive Plan and plan amendments and land use decisions with the existing plans of adjacent governments and governmental entities.....”*

- A. Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on May 28, 2020. At the time of the printing of the Planning Commission report, no correspondence had been received. Correspondence received is added to the Exhibit 5 during the amendment process upon receipt.
- B. Other Notice:** This amendment was developed in coordination with multiple County departments including the Office of Resilience, Department of Emergency Management, Department of Environmental Resources Management, Planning, Zoning and Building Department, Parks and Recreation Department, and the County’s Water Resource Manager.

### **VII. Assessment and Conclusions**

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The intent of this amendment is to revise the Coastal Management Element for compliance with the Peril of Flood Act that was signed into law by Governor Scott in 2015. The Act added a new requirement that the Coastal Management Element must address the peril of flood through the reduction of flood risk in coastal areas. Staff’s assessment during the 2019 Evaluation and Appraisal review concluded that although the County currently utilizes a wide range of strategies to address flood risk, the Comprehensive Plan does not fully address all of the six requirements. Therefore, this amendment proposes revisions to address the deficiencies and acknowledge existing County programs and plans that reduce flood risk.

As such, staff recommends **approval** of this amendment.

#### **Attachments**

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Exhibit 1 – Proposed changes in strike out and underline format	E – 1
Exhibit 2 – Palm Beach County Peril of Flood Compliance Chart	E – 2
Exhibit 3 – Storm Surge Maps for Category 1, 3, and 5 Hurricanes	E – 3
Exhibit 4 – Three Foot Sea Level Rise Map for Unincorporated Palm Beach County	E – 4
Exhibit 5 – Four Foot Sea Level Rise Map for Unincorporated Palm Beach County	E – 5
Exhibit 6 – High Tide Flooding Map for Unincorporated Palm Beach County	E – 6
Exhibit 7 – Correspondence	E – 7

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## Exhibit 1

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### A. Coastal Management Element, Peril of Flood

**REVISIONS:** To revise the Coastal Management Element for compliance with Peril of Flood Act. The added text is underlined, and the deleted text ~~struck out~~.

#### **GOAL 5: COASTAL RESILIENCY**

It is the **GOAL** of Palm Beach County to protect coastal properties and public facilities and infrastructure investment by preparing, adapting and mitigating for climate change impacts.

#### **OBJECTIVE 5.1 Reduction of Flood Risk to Coastal Areas**

Palm Beach County shall encourage strategies which eliminate inappropriate and unsafe development in coastal areas by reducing flood risk which results from high tide events, storm surge, flash floods, stormwater runoff and the related impacts of sea-level rise.

**Policy 5.1-a:** By 2025, the County shall consider the development of a Resilience Action Plan to explore adaptation and mitigation measures which increase resilience to climate changes impacts, including the reduction of flood risk.

**Policy 5.1-b:** The County shall review and monitor updates to The Unified Sea Level Rise Projection for Southeast Florida produced by the Southeast Florida Regional Climate Change Compact and consider the projections when evaluating, planning and designing public facility and infrastructure projects.

**Policy 5.1-c:** The County shall encourage the use of living shorelines or other nature based infrastructure as a shore protection alternative.

**Policy 5.1-d:** Construction seaward of the coastal construction lines established pursuant to s. 161.053 shall be consistent with Chapter 161 and Section 3109 of the Florida Building Code.

**Policy 5.1-e:** The County shall continue to 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. parts 59 & 60.

**Policy 5.1-f:** The County shall continue to participate in the National Flood Insurance Program's (NFIP) Community Rating System (CRS) as administered by the Federal Emergency Management Agency.

**Policy 5.1-g:** The County shall consider strategies to improve its current NFIP CRS Rating in order to achieve higher flood insurance premium discounts for its residents. These strategies could include enhanced mapping of flood risks, the development of a countywide floodplain management plan and requiring all new development to meet the 100-year storm criteria.

**Policy 5.1-h:** The County shall continue to maintain an inventory of repetitive loss properties in the Local Mitigation Strategy and target hazard mitigation programs to those properties.

## Exhibit 2

### Palm Beach County's Peril of Flood Compliance Chart

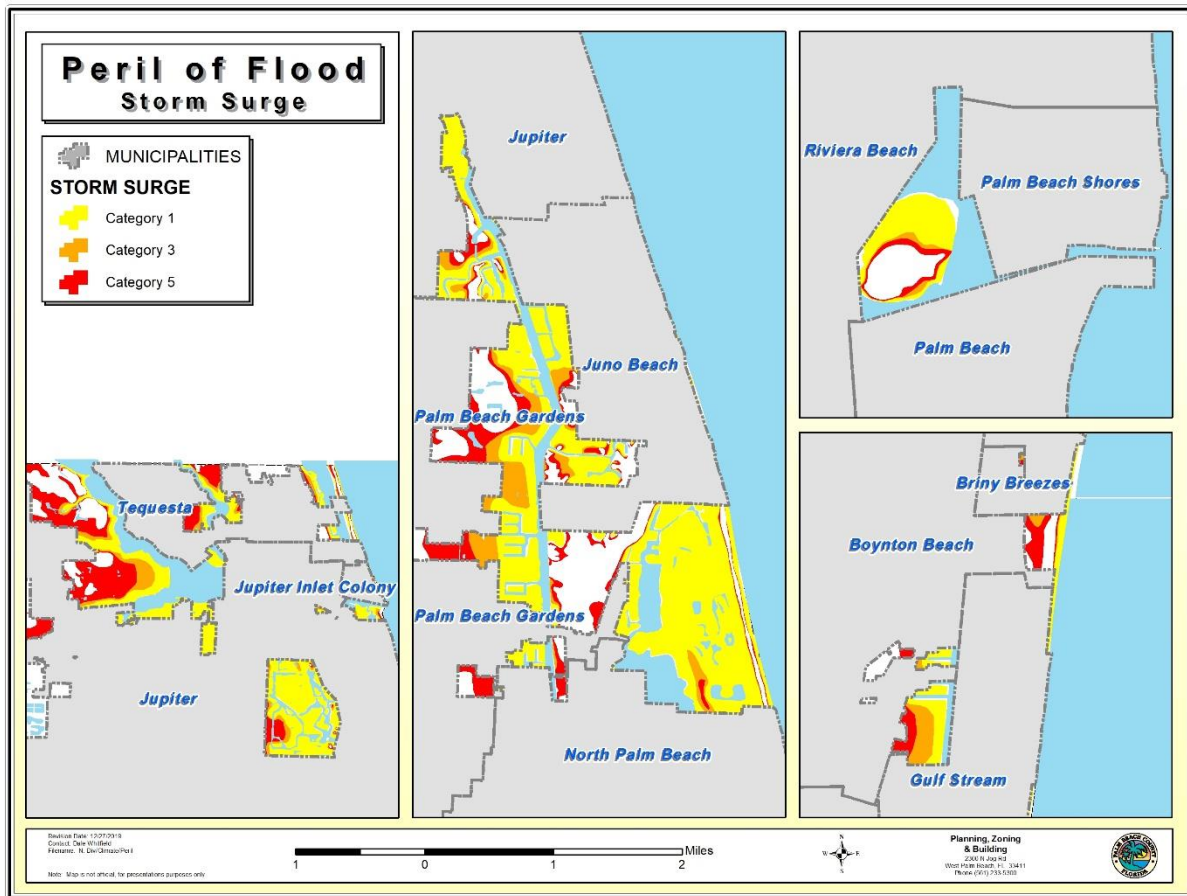
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Peril of Flood Requirement	How requirement is currently addressed	How requirement will be addressed by text amendment
<b>163.3178(2)(f)1:</b> Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise.	CME Policy 1.2-d, CME Policy 1.2-e, CME Policy 2.5-d, Shoreline Protection Plan, ULDC Article 7	New Policy 5.1-a, New Policy 5.1-b, New Policy 5.1-c
<b>163.3178(2)(f)2:</b> 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.	FBC Amendments Section 111.7.2 and ULDC Article 18 FEMA LOMR – MT-2 Map Revision Process	New Policy 5.1-a, New Policy 5.1-i
<b>163.3178(2)(f)3:</b> 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.	Local Mitigation Strategy (LMS)	New Policy 5.1-a, New Policy 5.1-c, New Policy 5.1-i
<b>163.3178(2)(f)4:</b> 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.	County Flood Damage Prevention Ordinance	New Policy 5.1-e
<b>163.3178(2)(f)5:</b> Require that any construction activities seaward of the coastal control lines established pursuant to s. 161.053 be consistent with Chapter 161.	Florida Building Code Section 3109	New Policy 5.1-d
<b>163.3178(2)(f)6:</b> Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.	County participates in CRS	New Policy 5.1-f; New Policy 5.1-g

### Exhibit 3

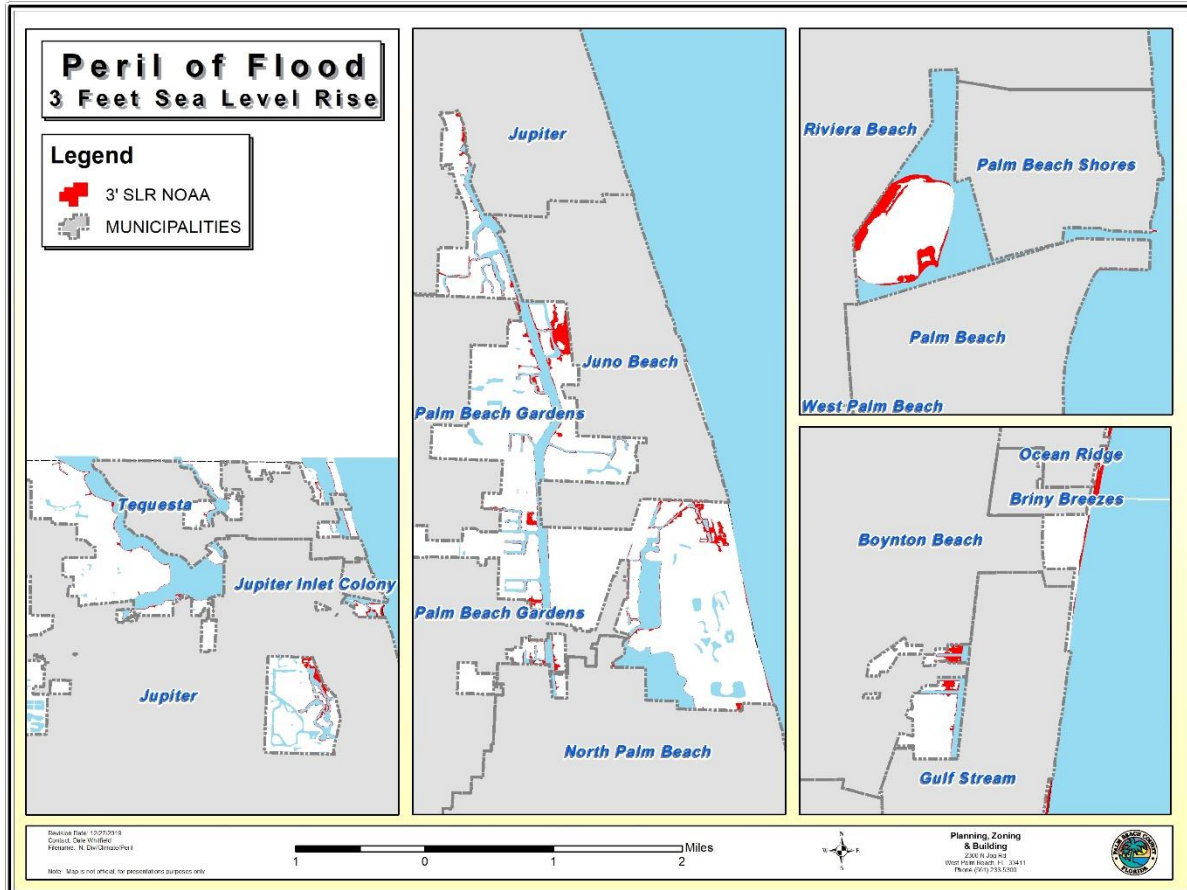
## Storm Surge Maps for Category 1, 3, and 5 Hurricanes

### Unincorporated Palm Beach County



## Exhibit 4

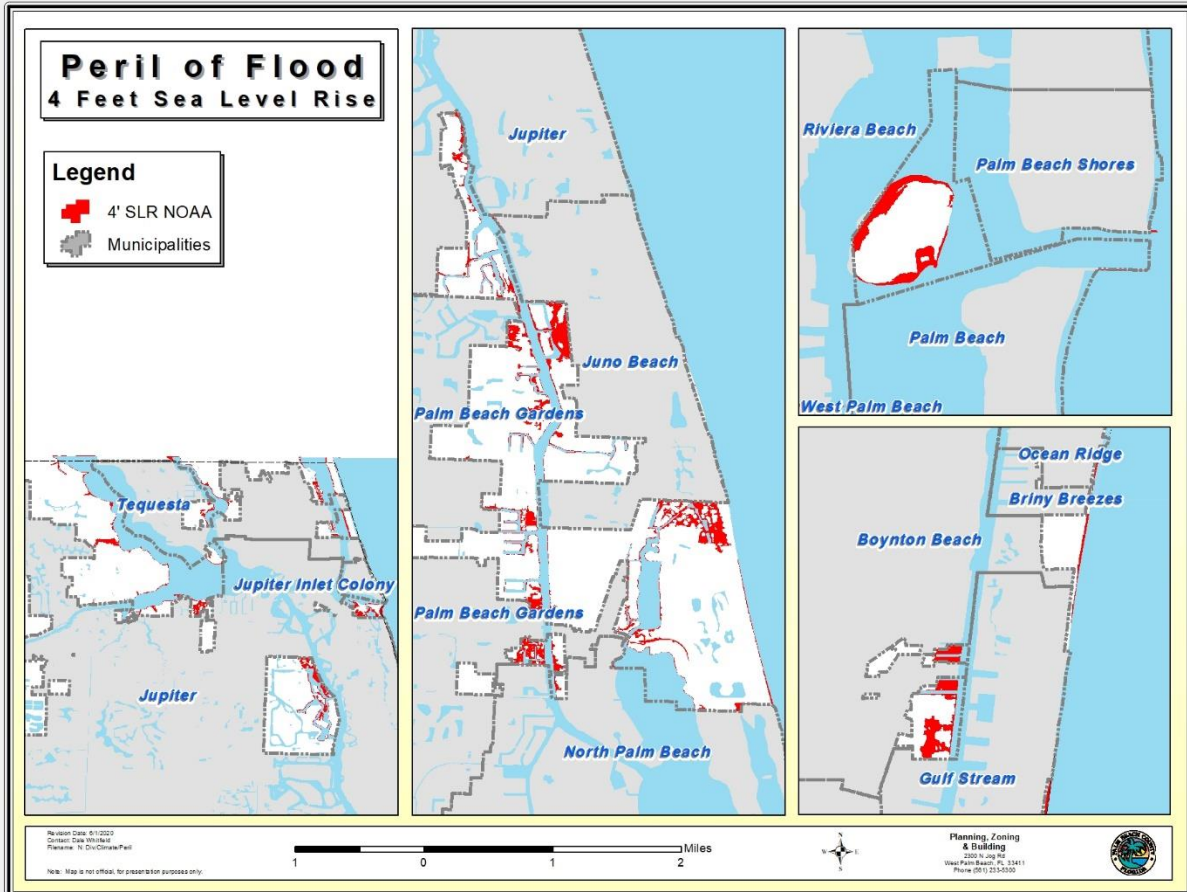
### 3 Foot Sea Level Rise Map for Unincorporated Palm Beach County





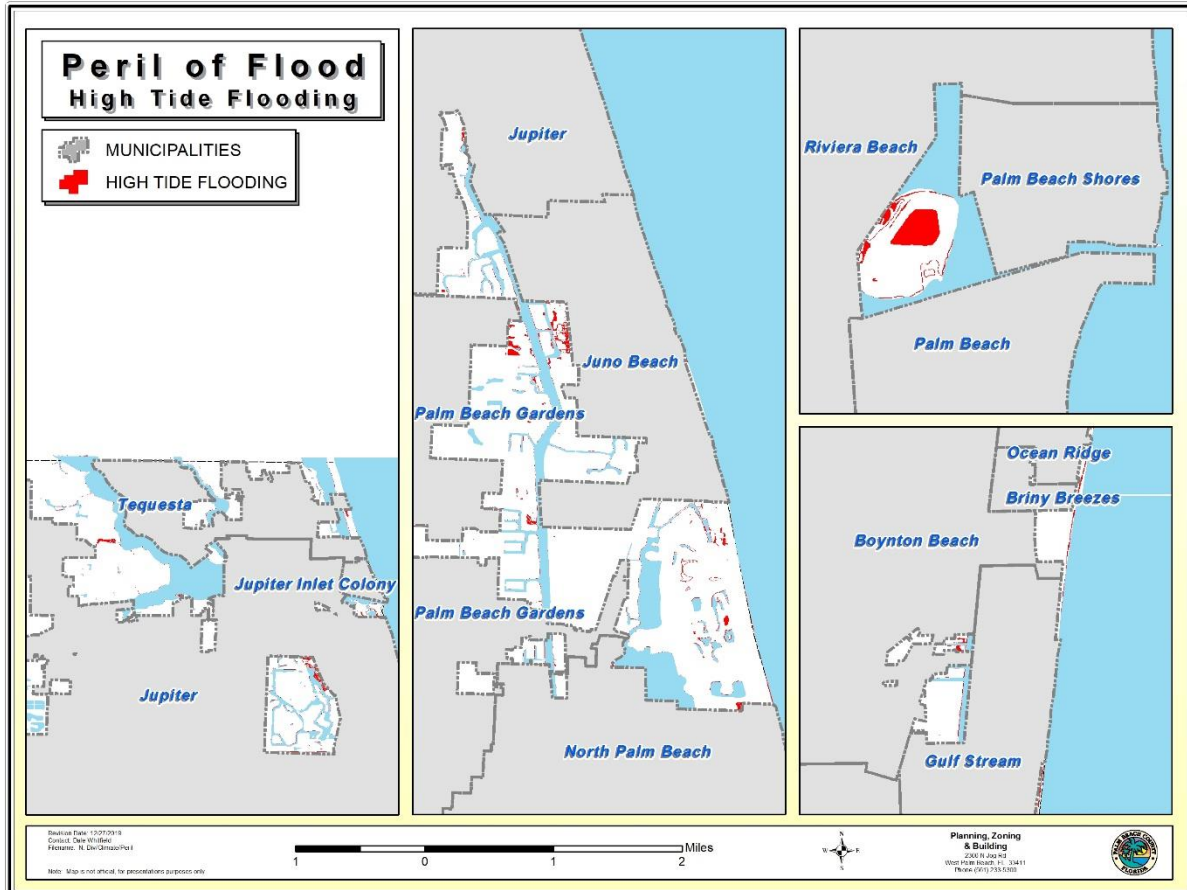
## Exhibit 5

### 4 Foot Sea Level Rise Map for Unincorporated Palm Beach County



## Exhibit 6

### High Tide Flooding Map for Unincorporated Palm Beach County



## **Exhibit 7**

### **Correspondence**

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