



EXECUTIVE SUMMARY

To: Jim Scholl, City Manager

Through: Donald Leland Craig, AICP Planning Director

From: Brendon Cunningham, Senior Planner

Date: June 19, 2012

RE: An ordinance of the City of Key West amending Chapter 110, of the Code of Ordinances entitled "Floodplain Protection" of Article VII, by adding Section 110-467 of the City of Key West Land Development Regulations of the City of Key West, to provide additional protections for endangered species and their habitats; providing for severability; providing for the repeal of inconsistent provisions; providing for an effective date.

ACTION STATEMENT:

Request: To support the Planning Board's recommendation for an amendment to Section 110 Land Development Regulations adding Section 110-467 to provide additional protections for endangered species and their habitats.

Location: City wide

BACKGROUND:

In 1990, environmental advocacy groups filed suit against Federal Emergency Management Act (FEMA) and the U.S. Fish & Wildlife Service (USFWS). FEMA issuance of flood insurance for new construction was thought to be potentially destructive to habitats of endangered species. A court ruling was found in favor of the plaintiffs. Agreements between the various entities provided a list of properties that contained habitats that would support endangered species. The species likely to be found in Key West are the Stock Island Tree Snail, Eastern Indigo Snake and the Key Tree-Cactus.

The property list created as a result of the litigation included 49,000 properties in Monroe County, 257 are found in Key West. FEMA then produced the Species Focus Area Maps (SFAMS). These maps further identify properties adjacent to those on the existing FEMA list. Therefore, if a property is identified on the list or as being adjacent to such a property on the maps, all are on the "list." To develop a property that is on the list, it must be determined that there is no endangered species present or the habitat has been compromised to the extent that it is not habitable by that species.

The proposed ordinance developed by staff is based upon a "model" ordinance developed by the USFWS called the "Reasonable and Prudent Alternatives" (RPA) ordinance which

is supported by a series of “Species Assessment Guides” (SAG) which provide guidance to City of Key West staff to determine whether the parcels on the list and the maps contain suitable habitat or not. It is highly likely that in the built up portions of Key West and even the open areas of the City many mapped areas would not qualify as habitat. Further, USFWS has indicated orally that it would also support a large scale review and analysis of multiple parcels by City staff with the aid of an expert biologist to eliminate from further consideration those without habitat value.

By the City acknowledging and adopting these requirements, the residents will continue to be eligible for flood insurance through the National Flood Insurance Program (NFIP). Further, the City and its residents will both be eligible for Federal disaster assistance following any storm event.

Options / Advantages / Disadvantages:

Option 1. Approval of the Ordinance as recommended by the Planning Board.

1. **Consistency with the City’s Comprehensive Plan, Strategic Plan, Vision and Mission:** The adoption of this ordinance amendment will enable the City to improve its ability to protect environmental resources.
2. **Financial Impact:** By following FEMA’s mandate to adopt this amendment, the City and its citizens will continue to be eligible for the National Flood Insurance Program and Federal Disaster Assistance.

Option 2. Deny the Resolution.

1. **Consistency with the City’s Strategic Plan, Vision and Mission:** Denial of the ordinance amendment would not improve the City’s ability to protect environmental resources
2. **Financial Impact:** By not following FEMA’s mandate to adopt this amendment, will jeopardize the City and its citizen’s eligibility for the National Flood Insurance Program and Federal Disaster Assistance.

RECOMMENDATION

Option 1. The Planning Board recommends the City Commission adopt the proposed ordinance amendment.