

EXECUTIVE SUMMARY



To: Bogdan Vitas, City Manager

From: Donald Leland Craig, AICP, Planning Director

Meeting Date: August 21, 2013

RE: **Memorandum of Understanding for Hurricane Evacuation Clearance Time Work Group Report Implementation**

ACTION STATEMENT:

Request: That the City Commission approve the attached Resolution entering into a Memorandum of Understanding (MOU) between the City, the State of Florida, Monroe County, the City of Marathon, the City of Key Colony Beach, the City of Layton and the Village of Islamorada to implement the findings and recommendations of the Hurricane Evacuation Clearance Time Work Group. The MOU is required to be the vehicle for implementing State Administrative Code Rules 28-18, 28-19 and 28-20 regarding assumptions and methods for hurricane evacuation in order to establish the basis for future allocations of ROGO/BPAS residential units in the entire Florida Keys for the next 10 years, beginning in 2013.

Location: The City of Key West and the entire Florida Keys

BACKGROUND:

In 2011 the Governor and cabinet, acting as the Administration Commission adopted Rules 28-18, 28-19 and 28-20 applicable to all areas of the Florida Keys within the declared Area of Critical State Concern (ACSC), with the exception of the City of Key West which is governed under a separate ACSC rule. That separate rule and the City's adopted Comprehensive Plan require the City to coordinate its hurricane evacuation policies and procedures with Monroe County which directs evacuation of the entire County, through its office of Emergency Management. Based upon that fact and the intent of the adopted Rules, when implemented, to set the amount of new development to be allowed in the Keys, inclusive of the City, the City Planning staff recommended to your City Commission in late 2011 the appointment of Commissioner Johnston as the City's representative on the Hurricane Evacuation Clearance Time Work Group created by the Rules. The purpose of the Work Group was to guide the work study effort of identifying the hurricane evacuation assumptions and methodologies for addressing hurricane evacuation by applying a computer model to determine how the Florida Keys would evacuate. The focus of the modeling effort was to identify methods for evacuating the permanent population that would meet the requirements of Florida Statute

380.0552(9)(a)2 which requires the maintenance of a 24 hour evacuation period for permanent residents of the Florida Keys. The Hurricane modeling efforts and the present evacuation procedures require that transient unit users, including hotels and RV parks leave 48 hours before the arrival of storm force winds in the Keys. The Rules also required a Memorandum of Understanding between the State and Keys' communities to implement the findings and recommendations of the Work Group.

It is important that the City Commission understand the purpose of the MOU. The MOU is not a regulatory mechanism that actually provides the allocation of BPAS /ROGO units. It is a device that allows the Keys' Communities and the State to agree on the technical basis for hurricane evacuation procedures, which according to the computerized hurricane modeling evaluating the choices of the Work Group identified a level of new development over the next ten years which will not interfere with the requirement to evacuate permanent residences 24 hours prior to the arrival of tropical storm force winds in the Keys. The MOU, the transmittal document and the technical support exhibits identify a minimum of 3540 additional allocations that can be assigned to the Keys while maintain the 24 evacuation period. The MOU and technical backup identify 90 BPAS allocations for the City of Key West each of the next 10 years starting in 2013. Once the MOU is adopted at the local level, it will be sent to the State for the signature of the appropriate Director of the Division of Emergency Management on behalf of the State. After that the Rules cited above require that the MOU be presented to the Administration Commission which will draft a Rule to set the distribution of the 3540 allocations amongst the Keys jurisdiction or allow the City of Key West and the City of Key Colony Beach to amend their Comprehensive Plans to set the level of allocations allowed. The other Keys jurisdictions already have in place Comprehensive Plans which set their share of the 3540 allocations identified by the Work Group. The evacuation scenario recommended by the work Group identified 90 unit allocations per year coming to the City of Key West.

In very recent conversations with DEO representatives, it was decided that upcoming planned Evaluation and Assessment Report (EAR) based amendments to the City Comprehensive Plan will be the vehicle to set the BPAS allocation level of 90 units for the next 10 years beginning July 2013. This is the most expeditious manner to implement the retirement of the Rules and the allocation method. The Planning Board is scheduled to hear the EAR based amendments on August 30th, with the City Commission scheduled on October 2nd to review and hear on first reading the ordinance transmitting to DEO the same EAR amendments.

Attachment 1 is the final report of the Hurricane Work Evacuation Clearance Time Work Group and the technical exhibits to the report. Also a part of this exhibit is the summary of the agendas of the four workshops held by the Work Group and the minutes from the June 8th workshop at which the final recommendations of the Work Group were made, which then led to the MOU. **Attachment 2** is the proposed Memorandum of Understanding.

Previous City Actions:

1. December 2011 - The City Commission reviewed the initial presentation on the Hurricane Evacuation Modeling workshop process and appointed Commissioner Johnston as the City's representative to Hurricane Clearance Time Work Group.

2. May 29, 2012 - The City Commission approved the expenditure of up to \$25,000 as the City's share of the costs to revise the Behavioral Model used by the Work Group identifying the level of hurricane evacuation participation because the Keys' jurisdictions technical staff had questioned the statistical methodology. The funds were not expended because the Work Group decided to accept the Behavioral Model as presently structured.

Planning Staff Analysis:

The Planning staff as indicated above has identified the process for creating the mechanism for amending the City Comprehensive Plan to provide the Policy basis for, and allow for the allocation of 90 new BPAS units to the City for ten years beginning in 2013. The approval of the MOU is the first step in that process.

Options/Advantages/Disadvantages:

Option 1: Approve the Memorandum of Understanding and direct staff to prepare the necessary amendments to the Comprehensive Plan to provide for the BPAS system to allocate 90 BPAS units over the next 10 years beginning in 2013.

1. **Consistency with the City's Strategic Plan, Vision, and Mission:** Approving the MOU allows the City to significantly address the affordable housing deficit in the City, and to provide sufficient units to address any contingencies in protecting the City from litigation involving beneficial use requirements for property owners in the City. Finding cost effective solutions to the City's affordable housing demand is a key focus of the Strategic Plan. Further maintaining a 24 hour hurricane evacuation clearance time is vital to the safety of Key West citizens and its visitors. The MOU provide a mechanism to achieve that goal of the strategic plan.
2. **Financial Impact:** There will be no direct financial impact to the City. However, over time with the emphasis on new housing to be affordable, there will be a net positive impact on the Citizens of Key West.

Option 2: Not enter into the Memorandum of Understanding.

1. **Consistency with the City's Strategic Plan, Vision, and Mission:** Such a decision would be inconsistent with key provisions of the Strategic Plan.
2. **Financial Impact:** There will be no direct financial impact on the City. However, not addressing the affordable housing issue through new BPAS units to the City will exacerbate already cost burdened citizens as the demand for affordable housing grows and the reservoir of deed restricted affordable housing diminishes.

Recommendation

The Planning Department recommends **approval** of Resolution approving the Memorandum of Understanding.