



BOARD OF COUNTY COMMISSIONERS

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BOARD OF COUNTY
COMMISSIONERS

February 22, 2018

www.baycountyfl.gov

Honorable, Doug Lamborn, Chairman
Subcommittee on Water, Power and Oceans
U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

Re: H.R. 2947-Replace Coast Barrier Resource System Maps

840 WEST 11TH STREET
PANAMA CITY, FL 32401

I would like to thank the House Committee on Natural Resources for the opportunity to testify before you today. I am Philip Griffiths Jr. Most folks call me Griff. I am a 5th generation Bay Countian. I was born in raised in Panama City Beach. I was appointed by Governor Rick Scott in June of 2016 to fill a vacant seat on the commission and subsequently won the primary later that year. I am proud to call Bay County home and I am humbled to serve the citizens of Bay County as their commissioner.

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COUNTY MANAGER

I am here before you today to speak in favor of H.R. 2947 proposed by Representative Dr. Neal Dunn. This bill entitled "Strengthening Coastal Communities Act of 2017" consist of the U.S. Fish & Wildlife Services Summary of Final Recommended Changes to the John H. Chafee Coastal Barrier Resources System, Unit P31 and OPA P31P, dated October 7, 2016. This resolution is overdue in correcting a mistake made long ago. The following facts support the bill:

1. The OPA map includes residential subdivisions developed with a full complement of public infrastructure prior to 1990 when the map was drawn
2. These areas were mistakenly included in an OPA containing St. Andrews State Park in 1990
3. These areas have never flooded and the risk to taxpayers is low.
4. The homeowners in these residential communities are unnecessarily suffering serious financial hardships from an inability to obtain federal flood insurance.

Let me explain this in more detail.

In 1990 when the CBRA maps were done for Bay County, an Otherwise Protected Area (OPA) map was created to include St Andrews State Recreation Area. This State Park includes several miles of undeveloped beachfront on the Gulf of Mexico. The mapper used section lines to create the western and northern boundaries of the OPA map. This imprecise method included private property developed with homes and public infrastructure in the OPA map.

Under CBRA this OPA map should have been limited to undeveloped conservation areas such as national wildlife refuges, national parks and seashores, state parks military bases and conservation lands owned by private organizations. Copies of the Bay County Unit P-31P are attached.

Because of the mapping error, Bay County Unit P-31P correctly includes St Andrews State Park to the south on the Gulf of Mexico. However, it incorrectly contains portions of an existing mobile home and RV subdivision called "Venture Out" on the west and an approximate 80 acre upland parcel located on the north that is over one mile away from the beach and developed for residential use. These areas are not a coastal barrier island. Attached are current aerial maps prepared by U.S. Fish & Wildlife Services showing these areas with the existing boundaries as well as the recommended changes.

The 80 acre residential area contains three subdivisions. Bonefish Pointe is approved for 18 lots, Finisterre subdivision is approved for 73 lots and Martinique subdivision is approved for 138 lots. There are currently 89 homes constructed there with 5 under construction. Each home is on a paved road with public water and sewer utilities and police and fire services are provided by Bay County. The attached maps show how these subdivisions are currently included in the OPA.

There were single family homes constructed on Grand Lagoon in this area as far back as 1955. The area of the Finisterre subdivision was subject to an Agreement between adjacent landowners to connect roads, water and sewer services to a large 1321 unit Development of Regional Impact called Bay Point in 1976. See Agreement date July 1976.

Bay County designated this area in its Comprehensive Plan for residential use at a density of 15 units an acre in 1990. A copy of the 1990 Future Land Use Map for the area is attached. The current Land Use Map designates this area for commercial and residential use. See attached current FLUM-Bay Point Area.

Longtime residents will tell you that this area has never flooded during a hurricane. As a lifetime resident of this area I can confirm this. Therefore, the legislation poses little risk to the taxpayers. It should be noted that when the subdivisions were originally approved they were not included in the 1996 FEMA flood zones. These 1996 FEMA maps were drawn one year after we had severe impacts from Hurricane Opal and these areas did not flood. However, in 2002 and again in 2009, FEMA modified the flood maps. At that time, most of the residential lots were included in a flood zone. At that point, most banks started demanding flood insurance. Because these lots were located in an OPA area, owners of homes and vacant lots that were not previously required to have flood insurance were compelled to purchase it and federal flood insurance was not available. Private insurance can cost upwards of \$50,000 a year. This makes financing new construction and refinancing existing development extremely difficult and expensive. It adversely affects not only people's lives, but the local real estate market and the local tax base. Attached is a report of a middle class family who struggled to keep their home because of the map error on Map P-31P.

To all the members present today, I truly believe the inclusion of these residential areas in Bay County OPA Unit P-31P was a mistake. It was caused by a mapping error and the unauthorized application of an OPA to existing residential lands. The map error has real life impacts on local homeowners, it complicates the efficient provision of public utilities and it depresses local markets. For these reasons, Bay County humbly requests you and the members of the Committee on Natural Resources vote to support H.R.2947

Sincerely



Philip "Griff" Griffiths
Vice-Chairman

Existing and Final Recommended Boundaries



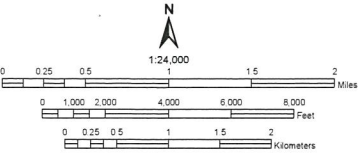
JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM

St. Andrew Complex P31 (1 of 3)

This draft map was produced by the U.S. Fish and Wildlife Service to show final recommended boundary changes to the John H. Chafee Coastal Barrier Resources System (CBRS) as directed by Section 4 of the Coastal Barrier Resources Reauthorization Act of 2005 (Public Law 109-226).

The seaward side of the CBRS unit includes the entire sand-sharing system, including the beach and nearshore area. The sand-sharing system of coastal barriers is normally defined by the 30-foot bathymetric contour. In large coastal embayments and the Great Lakes, the sand-sharing system is defined by the 20-foot bathymetric contour or a line approximately one mile seaward of the shoreline, whichever is nearer the coastal barrier.

For additional information about the Coastal Barrier Resources Act (CBRA) or the CBRS, please visit www.fws.gov/cbra.

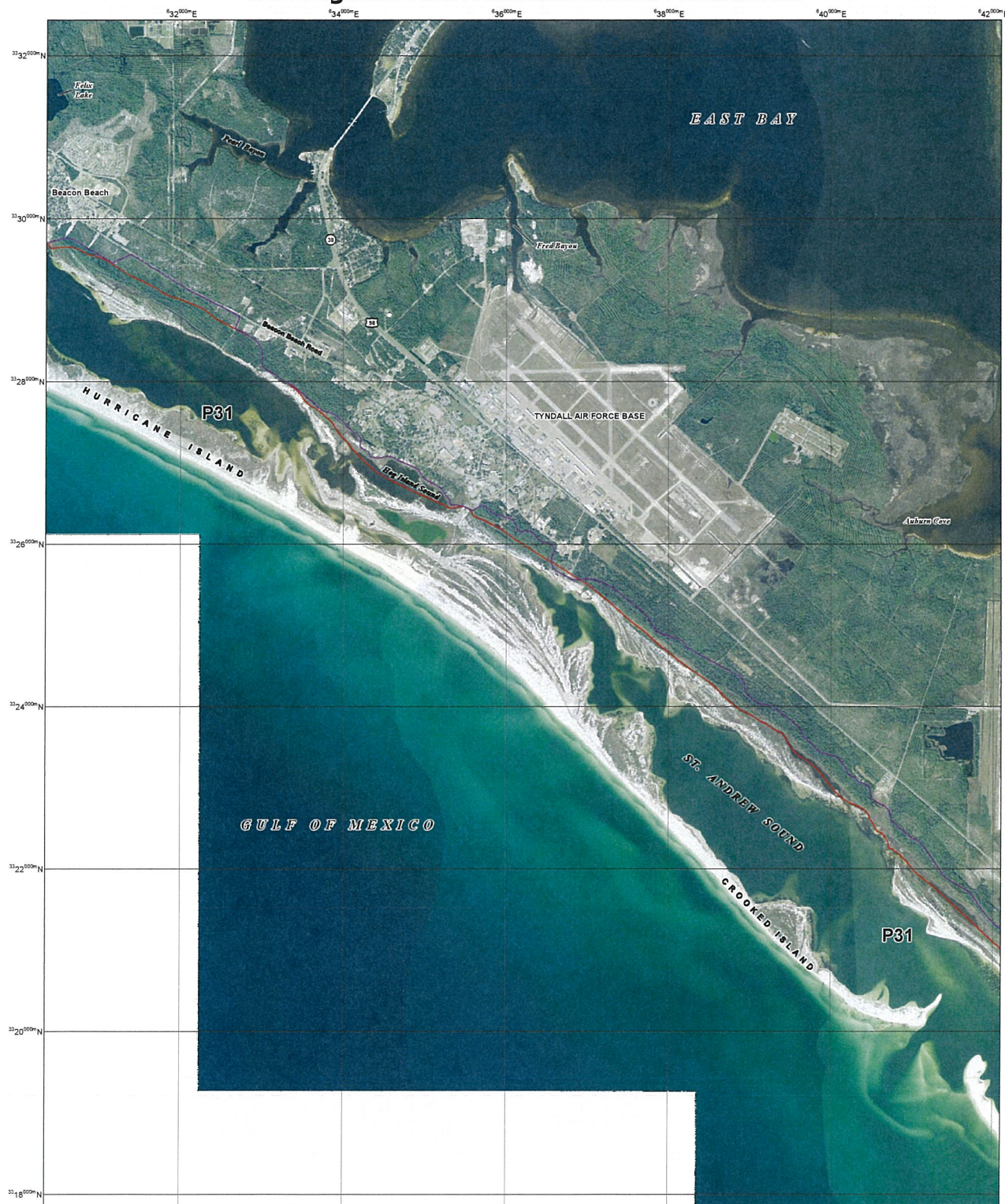


- Existing System Unit Boundary
- Existing Otherwise Protected Area (OPA) Boundary; OPAs are identified on the map by the letter "P" following the unit number
- Final Recommended System Unit Boundary
- Final Recommended Otherwise Protected Area (OPA) Boundary; OPAs are identified on the map by the letter "P" following the unit number
- Approximate State Boundary
- 2000-meter Universal Transverse Mercator grid values

Imagery Date: 2013
Imagery Source: United States Department of Agriculture National Agriculture Imagery Program
Coordinate System: Universal Transverse Mercator Zone 16 North North American Datum 1983

October 7, 2016

Existing and Final Recommended Boundaries



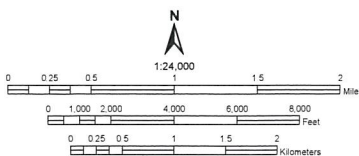
JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM

St. Andrew Complex P31 (2 of 3)

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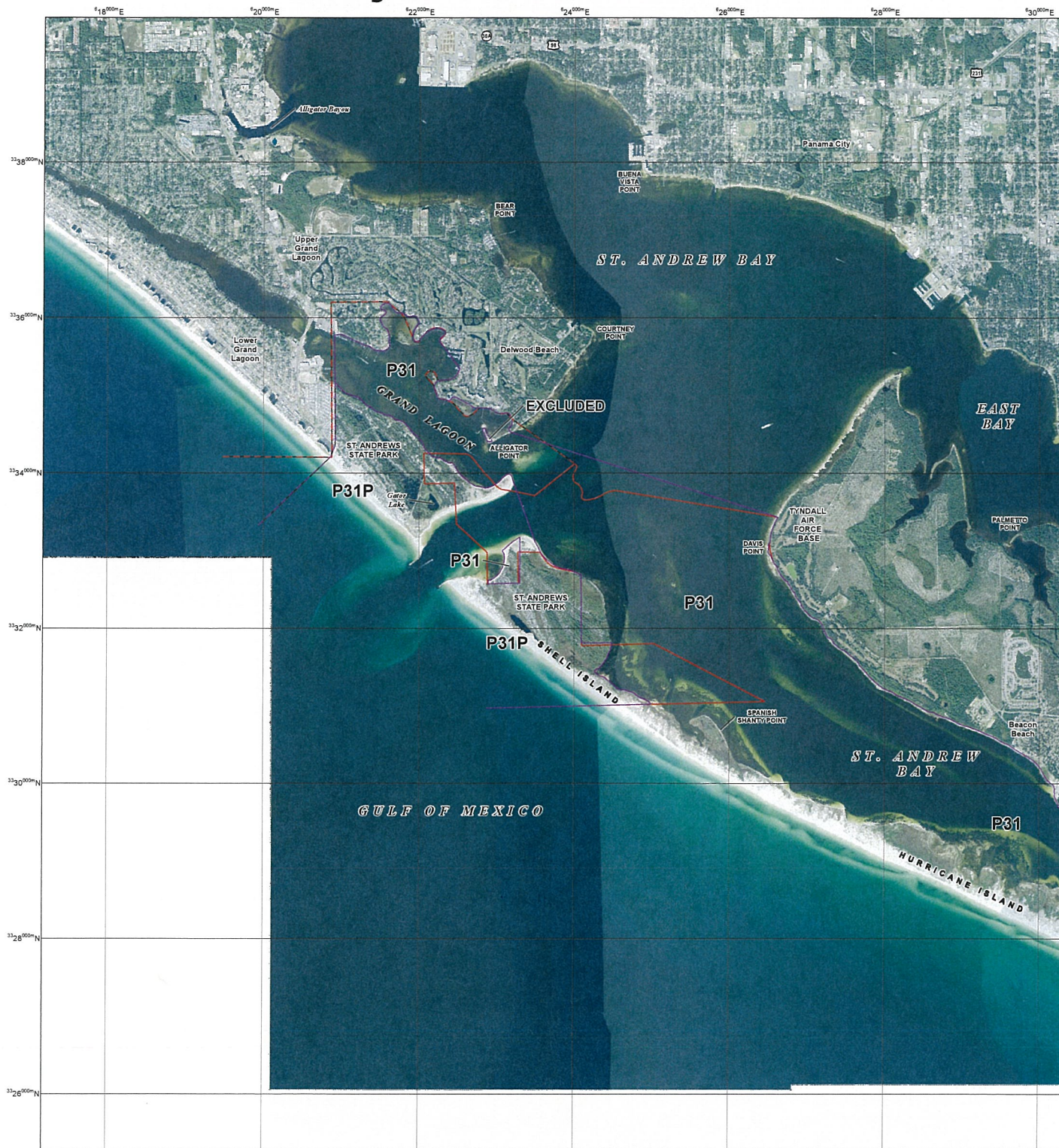


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- - - - - Approximate State Boundary
- 3654000N 2000-meter Universal Transverse Mercator grid values

Imagery Date: 2013
 Imagery Source: United States Department of Agriculture
 National Agriculture Imagery Program
 Coordinate System: Universal Transverse Mercator
 Zone 16 North
 North American Datum 1983

October 7, 2016

Existing and Final Recommended Boundaries



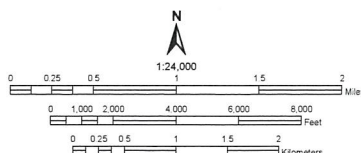
JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM

St. Andrew Complex P31/P31P (3 of 3)

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- 3654'00"N 2000-meter Universal Transverse Mercator grid values

Imagery Date: 2013
Imagery Source: United States Department of Agriculture National Agriculture Imagery Program
Coordinate System: Universal Transverse Mercator Zone 16 North North American Datum 1983

October 7, 2016

Sal Albano and his wife Allison moved into their home in Bay County's Martinique subdivision about four years ago. It was a great place, they thought, to raise their two daughters, Luca, now three and six-year-old Bijou, who has been diagnosed with autism. Sal, a maintenance engineer at a local condominium, and Allison, a real estate agent, are not wealthy people, and in fact, live at least block off the coastline.

"We had no doubt in our minds this was the last place we ever wanted to live," Sal Albano said. "We have so many friends here and we love our home. It's a great community for a family with a child with autism."

But in the last two years, their dream home has become an almost unbearable burden.

The Albanos financed their home when they bought it four years ago through the now-defunct Peoples First Bank, bought out by Hancock Bank when it folded in 2012. And that's when their problems began.

Six months after Hancock Bank took over the \$90,000 remaining on their home's mortgage the Albanos received a letter stating that they needed proof of flood insurance. People's had not required flood insurance, as Bay County puts the property at more than 5.5 feet above the flood level, and the home itself is built 3.5 feet above that.

The Albanos complied and bought a minimal policy through their carrier, only to receive a refund and notice that they were not insured a couple months later. Hancock responded by force-placing insurance on the family, doubling their mortgage payment to \$3,900 and mandating that they make back payments to 2012.

"My problem is that nobody can write insurance for a home that's in CBRA. The government won't recognize it and the insurance companies can't write it. So how are you going to force place it on us?"

In the last eight weeks, the insurance companies, the bank and the Albanos have been trying to reach a consensus.

"I got a letter from Hancock saying you don't need insurance, but in the same pile of mail, there was another letter from them saying you have until April 1 to get flood insurance."

Albano said the ordeal has taken a toll on him and his family.

"My wife is so frustrated," he said. "We're thinking about putting it up for sale."

Sal Albano can be reached at (850) 625-5350.

Allison Albano can be reached at (850) 258-0123.