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What You Need to Know About AAAs

By Jennifer LeClaire



Attorney Mark Lynn offers strategic advice for oceanfront developers.

What happens when a neighborhood is designated an Adaption Action Area—a local government designation that identifies one or more areas that experience coastal flooding due to extreme high tides and storm surge? What does that mean for developers eyeing that neighborhood?

GlobeSt.com caught up with Mark Lynn, a senior associate at the Fort Lauderdale, FL law firm Greenspoon Marder, to get some answers in the latest installment of this exclusive interview series. You can still read parts one and two: *Will So-Called King Tide Cost Us Millions?* and *How Cities Are Mitigating King Tides*.

GlobeSt.com: What happens when my neighborhood is designated an Adaptation Action Area?

Lynn: It means that additional resources will be allocated to your area to better mitigate sea rise risks. A lot of this you might not see at all unless, for example, the lake or canal behind your home is in the local flood management district. As efforts ramp up, however, you might see streets being elevated to reduce flooding and areas being dug up to install more resilient plumbing fixtures and pumps.

GlobeSt.com: What happens if my proposed project is located in a proposed Adaptation Action Area?

Lynn: If you are seeking to amend the county comprehensive plan, you would likely have to work with the county to develop a more resilient community that can better tolerate sea rise events. You will probably also have to contemplate the location and size of the proposed improvements to incorporate them into your community. This could involve relocating your site improvements to allow for these public improvements, and providing easements for the local government's access to and maintenance of pumps, backflow preventers, valves or other facilities.

GlobeSt.com: Is there any case law that addresses potential sea rise issues?

Lynn: In the 2011 case of *Jordan v. St. Johns County* the 5th DCA held that counties are required to provide a reasonable level of maintenance for its roads, even where it has voted to cease such maintenance because the road is utilized by a very small outlying community. This is the first test I have seen of the extent to which local governments ar