

From: Edward Vogler <edvogler@voglerashton.com>

Sent: Wednesday, March 16, 2022 2:14 PM

To: Kevin VanOstenbridge <kevin.vanostenbridge@mymanatee.org>; Scott Hopes <scott.hopes@mymanatee.org>

Cc: Nicole Knapp <nicole.knapp@mymanatee.org>; Bobbi Roy <bobbi.roy@mymanatee.org>

Subject: Perils of Flood

CAUTION:This email originated from an external source.

Be suspicious of Attachments, Links and Request for Login Information and utilize the REPORT MESSAGE Button in Outlook if you feel this is a Phishing email.

Dear All - please see attached public comment. We understand that the public hearing is to be continued to April 21, 2022.

Sincerely,

Edward Vogler II
VOGLER ASHTON, PLLC
705 10th Avenue W., Unit 103
Palmetto, FL 34221
941.304.3400 x104
941.866.7648 Facsimile
www.voglerashton.com



Edward Vogler II
edvogler@voglerashton.com

ATTORNEYS AT LAW
Vogler Ashton, PLLC
705 10th Avenue West, Suite 103
Palmetto, Florida 34221
www.voglerashton.com
Telephone: 941.304.3400 Facsimile: 941.866.7648

March 16, 2022

Manatee County
Board of County Commissioners
1112 Manatee Avenue West
Bradenton, Florida 34205

Attn: Kevin Van Ostenbridge, Chairman
Attn: Dr. Scott Hopes, County Administrator

In Re: Amendment No. 21-08ER (f/k/a PA-20-05/Ordinance 21-02; Ordinance 21-07) (collectively the "Ordinance")

April 21, 2022 Adoption Public Hearing

Dear Mr. Van Ostenbridge and Dr. Hopes,

We write this letter in connection with the above captioned matter to provide public comment on behalf of Medallion Homes, Neal Communities, and other interested and affected landowners and developers. As consistently communicated in earlier public comment, the Ordinance does not comply with the requirements of Laws of Florida 2015-69 as codified in Section 163.3178 (2)(f) [copied below] because the **comprehensive plan itself** does not provide principles, strategies, and engineering solutions that seek to reduce flood risks or result in the removal of coastal real property from flood zone designations. To achieve compliance, we recommend that you do one of the following:

1. Adopt specific plan policies that provide, in fact, principles, strategies, and engineering solutions as required by the law. These could include the following:

a. Allow fill material to be added to coastal real property in an effort to elevate the topography of the real property and result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.

b. Allow the construction of walls and other revetments to support the placement of fill material on coastal real property in an effort to elevate the topography of the real property and result in the

removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.

c. Require new development and redevelopment to employ site development techniques that reduce flood losses and claims made under flood insurance policies, including structural and non-structural site development techniques, such as grading of real property and fill materials added to the real property, or use of appropriate materials such as walls and revetments to withstand inundation, minimizing flood damage to structures through flood-proofing techniques and strategies.

2. Defer adoption and direct your staff and consultants to develop and present for consideration and public comment additional principles, strategies, and engineering solutions that comply with the law. We are aware of no attempt to do so as of this writing and compliance with the law is not optional.

Thank you for your consideration of these matters. We look forward to participating in the public hearing.

Sincerely,
Edward Vogler II
Edward Vogler II

EV/mas

C Client and Affected Parties

Section 163.3178 (2)(f):

*(f) A redevelopment component that outlines the principles that **must** be used to eliminate inappropriate and unsafe development in the 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 construction 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.*