

VILLAGE OF ESTERO – NARRATIVE

(Provided to FEMA, June 7, 2024)

When asked about what should be included in this Narrative we were told to “cover the universe of what we do” as it relates to FEMA and the CRS program. Also, describe in detail “how our operation is consistent with the minimum standards of the NFIP. This Narrative is intended to cover that entire spectrum in defense of our program.

Thus, this report will cover a wide range of topics to provide the context and specifics of what we do in partnership with FEMA.

BACKGROUND ON ESTERO, FLORIDA

The Village of Estero is a relatively new community, only incorporated in 2015. As such, we are the 3rd newest Village, or City, in the State. The Incorporation was accomplished by an 85% plurality in the incorporation vote – the highest in any recent community-wide election and a true indication of the support for the Village among our community.

The Village has approximately 37,500 in population (60,000 in season). We have one of the lowest property tax rates in the State. We keep our property tax rate low as a benefit to all residents. We also operate on the principal of “Government Light”; with only 13 full-time employees. This formula allows us to direct financial resources on services, such as legacy property purchases, that benefit the community long-term.

The Village has also been proactive in its approach to the provision of services. Instead of managing Village services by political whim, we have adopted an approach of professional leadership whereby staff advises the Village Council utilizing “Master Plans” in each of our areas of operational responsibility. Thus, we have active Master Plans in the following functional areas:

- Parks and Open Space,
- Village Wide Transportation Study,
- Bike and Pedestrian Services,
- Community Comprehensive Plan and Land Development Code, and
- The Storm Water Master Plan

Of particular importance to this Narrative is the preparation and implementation of the Storm Water Master Plan. The entire focus of that Plan was, and is, to develop measures to protect people and property in the event of natural hazards, in particular major flooding and hurricanes.

PRE-HURRICANE “IRMA” MITIGATION EFFORTS

It is important to emphasize that since its incorporation, the Village has strived to improve our resilience to natural disasters and maintain our partnership with FEMA. At our local level, this involves far more than following the FEMA manuals; it involves a multi-faceted approach to mitigating natural hazards.

We hope that you will conclude that this holistic approach has cost the Village millions of dollars and has been done without prompting from FEMA – making this local enforcement action surprising and disappointing.

FROM THE OUTSET (since the Village’s Incorporation in 2015):

- The Village’s first Council took office and began operation on March 17, 2015. Six short months later, on September 30, 2015, the Village officially joined the NFIP, and adopted its own Floodplain Management Ordinance on September 23, 2015 (see Attachment– Village Council Ordinance No. 2015-16).

One of the Village’s first initiatives after incorporation was to participate in the NFIP and CRS program. The Village made every effort to embrace all CRS programmatic elements in place with Lee County before our incorporation. Importantly, FEMA and the CRS program allowed the Village to obtain a CRS class rating of “6” on October 1, 2017 (after the one-year eligibility timeframe) even though we had no direct experience in the CRS program based on our incorporation of all of the program components previously adopted by Lee County.

A map of the current Special Flood Hazard Area (2022) is attached.

See MAP #2 -- ESTERO “SPECIAL FLOOD HAZARD AREA

[RELEVANCE TO FEMA – CRS Program adopted as a core operational responsibility.]

- In 2016, soon after its incorporation, the Village selected consultants to develop a Storm Water Master Plan that has guided our capital spending with a focus on flood mitigation, natural hazard risk reduction and maintaining natural waterways wherever possible. Policies were established and then implemented using local expenditures to reduce the impacts of major weather events thus reducing potential financial impacts to both the community and FEMA.

The Master Plan incorporates literally dozens of data points collected at various locations over many years throughout the Watershed which extends beyond the Village’s boundaries. The analysis utilizes the MIKE-SHE/MIKE 11 software tool to model all area-wide studies and the ICPR (Interconnected Pond Routing) software tool for localized studies. This demonstrates the highly professional and sophisticated approach to our modelling effort that was the basis for future studies and land purchases.

See MAP #1 -- ESTERO RIVER WATERSHED

[RELEVANCE TO FEMA – locally established policies were implemented without FEMA direction that prompted significant local expenditures to reduce the impacts of major weather events thus reducing potential FEMA financial impacts.]

POST- HURRICANE IRMA (September 10, 2017) – LAND ACQUISITIONS

Hurricane Irma represented the first major natural disaster affecting the newly incorporated Village. With direct impacts of this Category “4” hurricane, substantial riverine flooding affected our small community. Our Stormwater Master Plan was a good start for a new community, but we realized that we needed an even more aggressive approach than outlined in the Plan. This event directed our focus on how to mitigate impacts for future events and prompted an aggressive land purchase program intended to reduce future risks.

Attached MAP #3 visually illustrates the history of actions taken to protect the floodplain and reduce flood risks. Examination of these maps will show the Village’s forward-thinking strategy to protect property and lives – and to reduce our natural hazard risks. These purchases are listed below:

- “Estero-on-the-River” (see Map #3): In January 2019, The Village purchased 62.5 acres at the intersection of Corkscrew Road and US 41 for \$24.5 million (utilizing all local tax dollars which, at the time, was about 3 times the total annual revenues of the Village). Approximately 56 acres of the 62.5 acres are in the Special Flood Hazard Area (SFHA).

This site had already been approved by Lee County before our incorporation with 530 housing units and 300,000 square feet of commercial uses including retail, office, theater, restaurants, hotel, and hospital. Most of this new development would have been in the Special Flood Hazard Area (SFHA) and in the Estero River floodway as well.

Approximately, 35 acres of this site was rezoned, and the Comprehensive Plan was amended to provide for open space and a permanent natural preserve thereby limiting what would have been a significant development in the floodway and Special Flood Hazard Area (SFHA) (see Attachment – Village Council Ordinance No. 2022-07 and 2022-08).

[RELEVANCE TO FEMA: To be clear, the local investment of \$24.5M is a huge commitment – a purchase that totals approximately 3 times our annual budget – for the preservation of open space and the avoidance of development in the Special Flood Hazard Area (SFHA).]

- “River Oaks Preserve” (see Map #3, 3-B) In February, 2022, the Village purchased 10 acres on Broadway Avenue East for \$1.2 million (see attachment – Village of Estero Resolution No. 2022-05). This property is entirely in the Special Flood Hazard Area (SFHA) and almost half is in the Estero River floodway.

This site had been previously rezoned and approved by Lee County for 40 housing units. The entire site is now designated as a natural Preserve, with no development allowed. The entire site is currently maintained under contract by the local chapter of the Florida Native Plant Society with volunteers and students from Florida Gulf Coast University for ecological training and demonstration gardens.

[RELEVANCE TO FEMA: While this is a relatively small parcel, the effort to remove inappropriate development from the Floodway is significant and confirms, even on a small scale the policy direction of the Village.]

- “Three Oaks Parkway parcel”: In February 2023, the Village initiated the purchase of 72 acres on Three Oaks Parkway for \$15 million (closing occurred in January 2024). The property was originally owned by the Lee County School District. Under Florida State Statutes, the School District received permit approvals to eliminate all storm water ponding and wetlands on the site making this property very valuable for school or private development.

The property had the potential for rezoning to construct a minimum of 400-600 housing units. Instead, the Village purchased this parcel for the sole purpose of preserving wetlands and open space and creating stormwater detention to alleviate flooding of nearby neighborhoods that had occurred during Hurricane Irma. This acquisition price was carried entirely by the Village.

[Of note: the Village has submitted a Hazard Mitigation Grant Program (HMGP) funding request [Project # 4673-(711) Estero River Regional Stormwater, Flood Risk reduction] for a total amount of about \$6.7M with the federal share being about about \$5M and the non-federal share being about \$1.7M for the purpose of developing a major storm water pond on this site. This pond has been conceptually engineered by the Village (again, at our local expense) and it has been determined that this project will greatly reduce major flooding in the entire region. We understand that the project’s HMGP grant application has been evaluated by the Florida Department of Emergency Management, ranks highly in terms of its cost-benefit and has a high potential for funding approval. Once approved the Village would begin final design and permitting for construction immediately.]

[RELEVANCE TO FEMA: Once again, this purchase demonstrates the Village’s alignment with the State and Federal objectives to reduce the potential for impacts of natural disasters. The objective to mitigate impacts is understanding of our collective goals.]

“Railroad Easement” North Parcel

- In September 2022 and July 2023, the Village acquired two drainage easements from Seminole Gulf Railroad at an initial cost of \$238,000 plus annual maintenance costs of over \$100,000 and an annual payment of \$148,533. During Hurricane Irma, the lack of maintenance created flooding issues. The Village determined that it was necessary to have these easements to ensure proper maintenance. This has resulted in decreased flooding in the Special Flood Hazard Area (SFHA).

Relevance to FEMA: The Village is not only purchasing major parcels of property but also substantial additional on-going maintenance responsibilities and costs to insure that uplands areas do not flood.

Each of these parcels is listed on the following maps for quick identification:

See MAP# 3 -- ESTERO PROPERTY PURCHASES

TOTAL IMPACT OF PROPERTY PURCHASES The acquisitions described above represent the cumulative benefits as follows:

- The elimination of 300,000 square feet of commercial development that had already been permitted in the Special Flood Hazard Area (SFHA),
- The elimination of over 1,000 additional housing units that had already been permitted in the Special Flood Hazard Area (SFHA),
- The permanent preservation of approximately about 120 acres in the Estero River Floodway or Special Flood Hazard Area (SFHA) and floodway.

The total cost of these acquisitions is approximately \$41 Million (\$41,000,000), entirely funded by local tax revenue. At the time of Hurricane Ian, these were the only properties that had been purchased by the Village since our incorporation – an indication of just how important we value our hazard mitigation efforts.

To be clear, these acquisitions all support the maintenance of a natural waterway (the Estero River and its Watershed), all reduce development impacts, all preserve open space, and all provide additional open space and passive recreation options for residents (no ballfields, parking lots or government buildings).

[RELEVANCE TO FEMA: The Village has spent over \$41M to purchase and preserve property that would otherwise be privately developed and subject to future natural disaster impacts. In doing so we have limited future flood hazard potential and limited our (FEMA and the Village's financial risks).]

POST HURRICANE IRMA – SEPTIC TO SEWER INITIATIVE

The Village continued its proactive floodplain management with an initiative to convert areas with septic tanks or old poorly functioning package wastewater treatment plants to central municipal sewers.

A study by Florida Gulf Coast University commissioned by the Village indicated likely contamination of the Estero River caused by septic tanks. The Estero River flows into Estero Bay which is the State of Florida's first aquatic preserve. The State has designated the Estero River and Estero Bay as impaired.

Village-wide, a total of 13 neighborhoods were identified with wells and septic systems. Of this total, 6 neighborhoods are anticipated to have municipal water and sewer extensions under construction by the end of 2024. This represents a total new expenditure of over \$36M (\$36,000,000) to again add to our flood hazard resilience and reduce our potential claims to FEMA due to flooding.

Some of the first areas included in this utility extension project are the locations in the Special Flood Hazard Area (SFHA) that were most impacted by the hurricane, including areas west of US 41, along the Estero River. Specifically, areas include the single-family neighborhoods of Estero River Heights, Cranbrook Harbor (Charing Cross), and several mobile home parks. The on-site private wastewater treatment plants at Estero Bay Village (formerly Tahiti Village) and

Sunny Grove mobile home parks will be dismantled and connected to the Lee County Utilities sanitary sewer collection system. These are all in the Special Flood Hazard Area (SFHA) and the areas that received coastal storm surge flooding from Hurricane Ian. Sunny Grove mobile home park's on-site private wastewater treatment plant and percolation ponds are within the Estero River floodway and will be removed entirely.

This initiative will mitigate future damage to health and safety caused by flooding of septic tanks, on-site private wastewater treatment plants/percolation ponds, and private potable water wells and create a long-term improvement in managing floodplain development. {Note: We are waiting to hear if the Village will receive approval of a HMGP funding request [Project #4673-(609) Estero River Watershed Utility, Infrastructure Retrofit] for about \$22M with the federal share being about \$16.5M and the non-federal share being about \$5.5M which will also help us extend these improvements into a low-income area prone to flooding.]

See MAP # 6 -- ESTERO UTILITY EXPANSION PROGRAM

[RELEVANCE TO FEMA: Again, this underscores our commitment to managing the floodplain and shows our commitment to making local investments that support the CRS program – local investments at a cost of over \$36M. The Village is doing well beyond the minimum to reduce our long-term risks. This program is well underway with completed construction ready plans and all permits secured or in process of approval. It again demonstrates that the Village is being very pro-active and in full alignment with FEMA and CRS objectives.]

PROACTIVE FLOODPLAIN MANAGEMENT – MAP SERIES

Map 1

The first map shows in blue the location of the Special Flood Hazard Area within the Village, and the floodway is shown in red cross hatch.

Map 2

The second map shows the location of the Village of Estero, Estero Bay, and the entire Estero River Watershed outlined in red. This is also that area encompassed by the Stormwater Master Plan.

Map 3

The third map shows properties that the Village has purchased since incorporation. superimposed on the map of the Special Flood Hazard Area. These properties are all in the SFHA. Two of the properties also include areas of known flooding from both Hurricanes Irma and Ian. Land purchases totaling \$41 million show that the Village is committed to floodplain management.

Map 4

The Village also prepared the fourth map showing the permits issued in the SFHA since Hurricane Ian with yellow dots. There were over 3,000 permits issued. Red dots indicate 62 points of interest noted by FEMA. Purple dots indicate permits that were applied for but are still under review (400).

Examination of this map indicates that the preponderance of permits issued were in the SFHA, concentrated in particular west of US 41, along Estero Bay and the Estero River. Specific locations are noted on the map and include:

- Estero River Heights, Cranbrook Harbor (Charing Cross) and Quarterdeck Cove single-family residential subdivisions
- West Bay Club (primarily condominiums) and Pelican Sound
- Older mobile home parks:
 - o Estero Bay Village (a/k/a Cove or Tahiti Communities Village)
 - o Mariners Cove
 - o Riverwoods Plantation
 - o Sunny Grove

The mobile home parks are typically older “trailer parks” approved by Lee County many years ago and pre-dating modern land development regulations. Some of these parks are over 50 years old. These mobile home parks are nonconforming and cannot be expanded under the Village’s Land Development Code.

Permits east of US 41 were primarily for single-family home subdivisions in Villages of Country Creek, Rookery Point, The Groves, The Estates at Estero River, and Tidewater. These areas primarily needed permits for repair of roofs, and screen and pool enclosures.

Map 5

The fifth map shows the staff-prepared Hurricane Ian Flood Area, based on field measurements. This was done within three weeks of the hurricane. The area that flooded is a small portion of the Village, located on its western edge, adjacent to Estero Bay, and extending eastward along the Estero River and Halfway Creek. The flood inundation map was prepared by staff to identify flooded areas to use as a tool for permitting. It shows in blue the measured approximate high water marks from Hurricane Ian (approximately 11.2 feet).

Map 6

The sixth and final map shows utility extension projects (septic to sewer) overlaid on the Special Flood Hazard Area. There are 11 current areas and two future areas. Nine of the 11 are in the Special Flood Hazard Area and 6 are also in the floodway. These areas where septic or package plants will be removed are creating health issues as well as potential contamination of the Estero River which flows into the Estero Bay Aquatic Preserve. The utility expansion (septic to sewer) is a \$36 million investment for which the Village hopes to receive some grant funding.

[RELEVANCE TO FEMA: These maps show that the Village is actively engaging in floodplain management. but we also have looked at the “universe” when evaluating our program.]

POST HURRICANE IAN (SEPTEMBER 28, 2022) – RESPONSE, RECOVERY AND SUBSTANTIAL DAMAGE OPERATIONS

Background

The arrival of Hurricane Ian on September 28, 2022, caused wind and/or coastal surge flood damage to many areas within the Village of Estero. Most of the flooding occurred west of US 41 or along the Estero River and its tributaries as shown in the attached “Hurricane Ian – Approximated Flood Area” map. The hurricane created a significant storm surge that closely approximated the coastal surge flooding areas on the Flood Insurance Rate Map (FIRM) that became effective on November 17, 2022. The hurricane did not create extensive areas of flooding outside of the coastal surge areas as most of the intense rainfall was along the northern side of the storm pushing against an approaching front in neighboring Charlotte County. Many areas within the Special Flood Hazard Area (SFHA) did not experience flooding. Wind damage to structures occurred throughout the Village, primarily to shingled roofs and attached aluminum structures.

After the hurricane, immediate disaster response and recovery activities were implemented:

- Debris Site

An Estero site of about 43-acres was identified to serve much of the needs of Bonita Springs, southern Lee County and all of Estero. The Village worked with the property owner to secure a lease for the land.

This site at Coconut Road and U.S. 41 was very convenient and helped the Village expedite the removal of debris.

- Damage Assessment

Immediately following the departure of Hurricane Ian, Village staff began the process of conducting preliminary damage assessments.

The Village conducted an immediate windshield survey to identify which areas were impacted, canvassing the entire Village by zone, beginning the day after the hurricane. Areas of flooding and wind damage were identified, and preliminary damage assessments with pictures were uploaded into damage assessment software downloaded onto the employees’ smartphones. Initial street clearing operations were conducted simultaneously to quickly make them travelable for residents.

The results of the survey showed:

- o The most severe damage was concentrated west of US 41, primarily in 4 localized areas: Estero River Heights, Estero Bay Village (also known as Tahiti Village), Mariners Cove, Cranbrook Harbor (Charing Cross), with some damage in portions of West Bay Club and Pelican Sound.

- o The primary damage was caused by storm surge from Estero Bay. Surge flooding occurred west of US 41 and along the Estero River and Halfway Creek, affecting some older mobile home parks, five single-family residential neighborhoods, and condominiums located near the Estero River and Halfway Creek.
- o The majority of damage in the Village was minor. There was only minor damage east of US 41, primarily from wind (e.g. roof shingles/tiles, lanais, pool enclosures).

Additional Damage Assessment

- Detailed damage assessment was done Village-wide beginning after the hurricane and lasting approximately 8 weeks, with additional follow-up in January, 2023.
- Damage assessment was conducted, including “all hands-on deck” approach with code enforcement, building inspectors, floodplain staff, and Public Works staff, with supplemental assistance provided by Lee County and the Village’s contracted permitting, code enforcement and inspection vendor, Calvin, Giordano & Associates/SAFEbuilt.
- The damage assessment model IDA version 4 was used to identify structures and the degree of damage (major, minor, destroyed, affected). GIS maps showed “hot spots” where the damage was more severe.
- Using the initial damage assessment, there was greater focus on affected areas west of US 41 where storm surge from Estero Bay and flooding from the Estero River had the largest impacts.
- Staff created a Hurricane Ian Flood Inundation map to identify the affected areas, determine the approximate elevation of flood waters, and assist with floodplain and permitting review. This map is attached. It illustrates that the flooded area was localized, primarily west of US 41, adjacent to Estero Bay and also adjacent to the Estero River.

See MAP # 5 -- ESTERO – HURRICANE “IAN” FLOOD ZONE

[RELEVANCE to FEMA: The fifth map shows the staff-prepared Hurricane Ian Flood Area, based on field measurements. This was done approximately three weeks of the hurricane. The area that flooded is a small portion of the Village, located on its western edge, adjacent to Estero Bay, and extending eastward along the Estero River and Halfway Creek. The flood inundation map was prepared by staff to identify flooded areas to use as a tool for permitting. It shows in blue the measured approximate high-water marks from Hurricane Ian (approximately 11.2 feet NAVD).

This map was used with homeowners to evaluate the likely impact on their property. It demonstrates that the Village was actively involved in floodplain management, well beyond the sample set of 62 properties provided by FEMA.]

Again, this map was created within three (3) weeks of Hurricane Ian

- Additionally, extensive post-storm information was provided on the Village webpage to assist residents. Outreach is further described in the next section.
- Utilizing a combination of damage assessment software, field verification and site checks, LIDAR and contact with property owners, substantially damaged structures were identified by floodplain staff. Five letters of Substantial Damage have been produced to date based on numerous meetings with property owners and staff.

COMMUNICATION AND OUTREACH

- o Even before the hurricane, The Village had been proactive in its communication. During the height of the COVID19 pandemic (2020/2021), the Village sponsored at least two outreach events providing, among other things, permitting requirements and flood information brochures. The “Do I Need a Permit” brochure lists approximately 100 items that need a permit. The Floodplain Brochure explains the 50% rule and provides a link to FEMA’s SI/SD webpage, as well as the importance of obtaining flood insurance, with a toll-free telephone number to locate an agent who sells NFIP insurance.
- o After the hurricane, and due to the staffing restraints of a small community, the Village immediately partnered with Engage Estero and Estero Forever Foundation (two local non-profit civic organizations) and local churches for outreach to affected residents after the storm. Council members, Village Manager and other staff were out in the field assisting residents with various questions including build-back processes.
- o Additionally, numerous public outreach meetings were held to assist and inform residents of the need for permits. Many of these meetings were held in the most affected communities. Meetings included:
 - **October and November 2022** – Village Mayor’s group -The Village Mayor established a voluntary group of local residents from flooded areas and staff consisting of the Mayor, Village Manager/Floodplain Administrator, Community Development Director, Chief Building Official and Principal Planner/Floodplain Coordinator. This group met in late October and early November, 2022 to discuss hurricane recovery efforts, procedures, and permitting requirements.
 - **October 28, 2022** - Meeting held with Estero River Heights residents with Village Manager, Mayor, Councilperson, Engage Estero non-profit, and Village staff to discuss permitting and recovery issues.
 - **November 1, 2022** - A follow-up meeting was held with Estero River Heights residents and staff, providing further information on permitting and the 50% rule.
 - **November 5 and 6, 2022** – “Operation BBQ Relief” - The meeting was a two-day event in early November 2022, and was attended by staff consisting of the Mayor, two additional Village Council members, Village Manager/Floodplain

Administrator, and Principal Planner/Floodplain Coordinator. Additionally, the former Collier County Chief Building Official attended. The meeting was held at the Riverwoods Plantation mobile home park. Surrounding mobile home park residents were also invited to attend. The event was attended by over 400 residents.

The presentations and discussions included information on Hurricane recovery efforts, procedures, and permitting requirements. The event was attended by over 30 FEMA staff. Village staff provided print applications for all types of permits. An emphasis was made that all work would require local permits.

- **December 8, 2022** - West Bay Club – Village floodplain staff attended a meeting with residents of West Bay Club to discuss the requirements and procedures necessary to obtain permits to repair damages to structures within that community.

FEMA Disaster Recovery Center - November 17, 2022 to February 13, 2023

The Village hosted a FEMA Disaster Recovery Center at Village Hall after the hurricane.

The DRC was located in Council chambers directly adjacent to the Village’s permitting office, which enabled residents to obtain information needed in a “one-stop” shop.

We cannibalized the Village Council Chambers to allow FEMA – DRC staff to provide direct assistance to affected residents. The Village provided UBER or LYFT rides to those residents who did not have the use of their cars due to flooding. The site was inconvenient for Village staff as it disrupted our operations. However, it provided a clean and comfortable environment for FEMA staff and residents waiting for service.

[RELEVANCE TO FEMA: The primary reason why this site was chosen is that anyone using the DRC had to walk by the Village Permitting Office. If residents had to wait for FEMA service, Village staff could, and did, engage with them with water, information kits and permit applications. In doing so, staff would reach out and ask if they needed help with local permitting.]

OTHER COMMUNICATIONS AND OUTREACH

- **January 30, 2023** - Notification was sent to Cove Communities (mobile home park owner of Estero Bay Village/Tahiti Village) regarding notification by Village of potential violations of repairing without permits and that permits are required.
- **February 1 & 2, 2023** - Cove Communities, the mobile home park owner, staff distributed flyers door to door in their mobile home park, advising residents of the need to obtain permits and providing packets of information. The flyer also advised residents that the Estero building department would be visiting communities twice a week to check for permits. (attached).

- **April 8, 2023** – Village staff attended a “coffee and doughnuts” resident meeting with Cove Communities where owners were again informed of permitting requirements, including the requirements and procedures necessary to obtain permits to repair damage.
- **May 23, 2023** - Village staff gave a lengthy presentation at a “Town Hall” meeting with Cove Communities’ Estero Bay Village residents at their community center.
- **May 25, 2023** - Cove Communities sent a follow-up email to all Estero Bay Village residents after meeting with Village Building and Floodplain staff reinforcing that permits are required. (attached)
- **June, July & August 2023** - Estero Bay Village newsletter to residents (prepared by Cove Communities) included permitting requirements.
- **January 2, 2024** - Letters were sent to all owners in Estero Bay Village, reinforcing prior discussions, that permits are required and advising that staff would be attending their monthly community meeting on 1/10/24 to answer questions about FEMA policies and building permit requirements and procedures.
- **January 3 and January 8, 2024** – “Permits Needed” letter sent to property owners in Cranbrook Harbor (Charing Cross), Mariners Cove and Estero River Heights.
- **January 8, 2024** – Code Enforcement sent 64 letters to residents who had done work without permits including 33 letters to homeowners in Cove Communities (Estero Bay Village) and 31 letters to others in surrounding communities.
- **January 10, 2024** – Cove Communities (Estero Bay Village) follow-up meeting with staff to explain permitting requirements.
- **January 16, 2024** - Meetings were held in the most affected areas (West Broadway) at Estero Bay Village and Riverwoods Plantation. Attendance included floodplain staff, permit staff and code enforcement staff. At those meetings, staff discussed the requirements and procedures necessary for permits to repair damage to structures within these mobile home communities.
- **January 24, 2024** – Meeting was held at Mariners Cove with floodplain staff, permit staff and code enforcement staff. Floodplain staff gave a lengthy presentation including flood elevation certificates, 50% rule, and permits needed at a “Town Hall” meeting with Mariners Cove residents at their community center. Substantial improvement/damage forms were provided as well as instructions for completing forms.

- **January 30, 2024** – In order to facilitate the permitting process to those who are some of the most vulnerable and among the communities hit hardest by Hurricane Ian, staff volunteered to go to Estero Bay Village in an attempt to encourage compliance. At that 4-hour “Town Hall” meeting, two CFM’s and a staff notary were available to answer questions about FEMA policies and building permit requirements and procedures. The Village offered this opportunity in order to facilitate the permitting process and encourage attendance and compliance.
 - **February 26, 2024** – Meeting with Cove Communities to discuss improvements and permits needed. Attendance by floodplain managers, Public Works, and Community Development staff. This presentation covered numerous topics, including the need for permits.
- o It should be noted that shortly after the hurricane, the Village posted additional information on its website about the necessity to obtain a permit and the process including the 50% rule; however, because many of these communities were without power for many months (which included internet and cell phone service), it was necessary to do outreach meetings.
 - o In addition to the outreach described above, the Village also adds specific language to the estoppel letters (letters prepared when homes are in the process of being sold) to notify prospective property owners of hurricane damage. (Sample attached.)
 - o Immediately after the storm and currently, Village staff held and continues to hold one-on-one meetings with permit applicants and customers pertaining to the Hurricane. Over 1,000 individual scheduled meetings have been held with our floodplain coordinator. This does not include an additional approximately 1,000 “walk-in” customers that did not have appointments. Estero has an older demographic (almost 50% of the population is aged 62 and over) and many residents do not understand the process so follow-up meetings are necessary. This process has taken additional time because many resident are ‘snowbirds’ who are up north for the majority of each year.

CODE ENFORCEMENT

Staff of the Village of Estero Community Development Department utilized a multi-faceted approach to help ensure floodplain program implementation and enforcement compliance with the requirements of the National Flood Insurance program (NFIP) for new construction and repairs to structures located in the SFHA. The Village has followed its code enforcement procedures consistent with Florida Statute Chapter 162. The Statute outlines the process, including timeframes, providing notice, conduct at hearings, fines, and specific notice requirements.

The Village uses a Special Magistrate for code enforcement hearings as outlined in recently updated Village Ordinance 2024-03. [Note: the Estero Special Magistrate is a State certified municipal attorney and is the former City Attorney for the City of Naples, FL, now retired, and is well versed on Code Enforcement and municipal government procedures.]

As per the State Statute and Estero Ordinance, the process includes:

- Courtesy notice sent – 30-day notice given to violator to comply.
- If non-compliance after 30 days, a Notice of Violation letter is issued giving 30 additional days to comply and setting a hearing at the Special Magistrate.
- If compliance does not occur after the letters described above, a Notice of Hearing letter is then sent by Certified Mail (30 days given per statute)

PROACTIVE ENFORCEMENT

Code enforcement has a Code Compliance Summary Report that includes all code cases from the date of the hurricane September 28, 2022 to April 8, 2024. This report (attached) indicates that there were 507 code cases during this period. Of that total, 208 were for work without permits. A companion report, (Case Search by Section) further lists individually the specific 208 cases of work without permits. Citations were issued beginning in November 2022 and continued every month throughout 2023 and 2024.

A more concerted effort was made in 2024 as it was apparent that some residents were not making sufficient efforts to comply. This was exacerbated by the older population in Estero, including many residents in their 80's who had difficulty comprehending the overwhelming situation, and numerous "snowbirds" who are "up north" for the majority of the year. This was particularly problematic in the older mobile home parks.

Code enforcement courtesy notices, Notices of Violation and Notices of Hearing were sent, and Special Magistrate hearing dates were scheduled. These documents were provided under separate cover to our local FEMA representatives.

In summary, it is evident that the Village attempted to achieve compliance through code enforcement after the hurricane and continuing to the present day. Additionally, there are ongoing inspections by Code Enforcement in identified "problem" areas. Over 40 cases have been scheduled at the Special Magistrate in May to force compliance. As a result, many homeowners are now applying for permits, providing information to indicate they received permits, or that they have made no improvements. This process will continue until all cases are resolved. Code Enforcement continues to do proactive "ride-bys" of affected areas to identify unpermitted work.

An examination of the Code Compliance Summary Report indicates that 94% of the code cases are proactive, that is, identified by the Code Enforcement Officer in contrast to complaint-driven.

THE PERMITTING PROCESS

- The Village's permitting process is centered within the Community Development Department. That includes the Planning, Zoning, Site Plan Review, Building Permitting, Floodplain Review, Inspections, and Code Enforcement sections.
- The following explains the process that was utilized to issue building permits and make determinations of Substantial Improvement/Substantial Damage (SI/SD).

- Permit applied for – identify if structure is in the Special Flood Hazard Area (SFHA).
- The initial steps taken in the permitting process involve floodplain staff to identify the location to determine if the structure is located wholly or partially within the SFHA. If that determination is positive, the next step is to obtain the elevation certificate for the structure to identify the lowest floor elevation and the currently effective base flood elevation (BFE).
- Review existing Elevation Certificate or require homeowner to obtain one if none exists.
- If the structure is located within the SFHA and the lowest floor elevation is below the BFE, Village staff provides the homeowner with a “Substantial Damage or Substantial Improvement Affidavit” form to be used by either the homeowner or their contractor to provide value estimates, accompanied by receipts or quotes, on the total amount of damage repair or improvements proposed for the structure. Village staff also advises the homeowner or contractor where to find the current value assigned to the structure which will be used along with the affidavit to determine if there is a 50% or greater value determination. The Lee County Property Appraiser provides a Tax Roll Value Letter, which is different than assessed valuation for most real property structures within the county. However, for some communal properties, especially in some older mobile home communities where the land is owned by an entity and the structure owner pays a lot rent, those structures are considered as personal property and not real property. For those situations, Village staff must advise the owner or contractor to obtain a private appraisal to establish a value for the structure. Likewise, if the owner or contractor does not agree with the Tax Roll Value Letter created by the Lee County Property Appraiser, Village staff informs them that they can also hire a separate private appraiser to provide an appraisal for the structure.
- If the structure is located within the SFHA and the lowest floor is below the BFE, without the signed affidavit and the proper determination of the value of the structure, the permitting process stops. Fortunately, floodplain staff has been able to communicate with property owners and their contractors in such a way that helps them understand what the requirements are, what information is needed, and how staff is able to help them work through any misunderstandings or questions they may have. That proactive and informative approach has worked well with the successful completion of many permit applications.
- In several instances, the owners did not want to experience flooding again and opted to go directly to structure demolition for reconstruction, rather than work through the SI/SD evaluation process.
- Unfortunately, some false information was verbally spread after the hurricane and some residents undertook recovery efforts on their own initiative without obtaining the required permits. The Village’s Code Enforcement Officer contacted numerous property owners by letter informing them they must comply with the Village’s Code requirements to repair the damage. Many owners have responded by making application to the Village. In

several locations where the owner had made corrective repairs without obtaining the required permits, they have had to undo some of the repairs in order for the property compliance inspections to be made (e.g., cutting holes in newly installed drywall for electrical inspections of the rewiring, insulation, etc.)

- Those who chose to ignore the Code Enforcement letters have been and are being issued citations and told to appear before the Code Enforcement Magistrate where they face fines of up to \$250 per day until the violation has been properly corrected.
- Staff examined aerial photos and pictometry from the Property Appraiser's website, LIDAR, and watermarks (measured by the Village during site visits immediately after the storm) to determine extent of damage. The pictometry was particularly useful in meeting with residents who claimed they did not experience flooding. This helpful tool in combination with the measurements of watermarks was very effective in determining the extent and amount of flooding.
- Staff required detailed itemization of cost to repair to pre-storm condition (including receipts for all storm-related damage if work done by homeowner) or licensed general contractor bids for work done or to be done by contractor. If repairs exceed 50%, structure required to be razed or, alternatively, elevated to current base flood plus one foot. (Five letters of Determination of Substantial Damage have been issued and were provided to FEMA under separate cover.)

For many of the permit reviews outlined above, additional steps were taken.

- Site visits were conducted by floodplain staff to verify flood damage.
- Customers were contacted by outreach – individual assistance from staff floodplain coordinator CFM and Public Works CFM.
- Field verification was conducted if applicant claimed no damage to home. Staff did in-home verification when allowed by owner.
- Individual assistance to walk-in customers.

Mobile home permitting was somewhat difficult due to ownership issues, the seasonal nature of these communities, and the advanced age of many of the residents. Mobile home permitting is addressed in our Floodplain Ordinance, and we followed the process for permitting repairs and substantial damage/improvement. This necessitated multiple meetings with the various mobile home communities and Code Enforcement action.

IDENTIFIED ISSUES

One of the issues identified after the hurricane was the sheer volume of post-hurricane permitting activity. Activity went from an easily manageable volume, to no activity immediately after, to a very large volume subsequent to the storm. The Village was fortunate that its vendor, CGA/SAFEbuilt, could provide additional assistance in the form of extra permitting and

inspection staff, and remote help to manage this volume. We also extended our hours of operation to accommodate building permitting. The Village requested additional permit help from the State, but we did not receive help due to the volume of demand in the area from other jurisdictions.

We experienced some difficulty with our software, which is being replaced this year (unrelated to the hurricane). This upgrade will also help streamline the process and manage future volume issues that occur after storms, beyond the typical “blue skies” scenario.

GOING FORWARD/FUTURE PLANS

As can be seen from the previous sections of this Narrative, the Village is not at all averse to spending local funds in support of the NFIP and CRS program. That commitment remains.

The Village continues with continuous improvements to our hazard reduction and mitigation efforts. Several examples are as follow:

- Possible acquisitions of Estero River frontage property: Subsequent to Hurricane Ian, the Village contacted the owner of one of the older mobile home parks (Estero Bay Village) to inquire about the possibility of purchasing the portion of the park within the designated floodway. The owner turned down the Village offer. Our hope is to remove many structures and restore the riverfront with mangroves. A similar discussion was held with some residents of Mariners Cove where each lot is individually owned but that discussion also did not move forward with the lot owners.
- 2024 Update to Storm Water Master Plan with a Resiliency Study:

The Village requested funds from the Community Development Block Grant – Disaster Recovery program, administered by Lee County, for an update of our Storm Water Master Plan with a major new component – Resiliency planning. The Village’s grant proposal was one of the highest rated applications. It was awarded to the Village by the Lee County Board of County Commissioners in the amount of \$450,000. This project will begin in the next several months. The purpose is to update all the data going into the Master Plan and develop specific suggestions on what the Village might do to increase our resilience to the number and types of natural disasters.

[RELEVANCE TO FEMA: This demonstrates further that our overall focus on mitigating hazard impacts to our residents is a primary focus of the Village. We know of no other community in this region making this effort.]

Several other items have been identified by the Village in its post-storm, self-assessment to improve the process in the future.

- Permit Software – New permit tracking software has been purchased and is in the process of being installed, with full implementation likely later this year. This will be a major

improvement to track permits and better link floodplain review, permitting and code enforcement.

The lack of a state-of-the-art software system for permitting and code enforcement has been a major hindrance in the preparation of this narrative. Information on various cases is located in numerous files and is not centralized.

This is a major move forward but involves a major investment of about \$1M, plus considerable staff time for design and implementation.

- “Forerunner” Land Management System: In discussions with FEMA staff, it was suggested that the Village consider this system to track storm damage impacts.

We have already contacted this company to assist us with their system to better manage records.

- Investigate use of the Substantial Damage Estimator (SDE) Tool as suggested by FEMA.

Again, this suggestion came from FEMA staff and is being pursued by Village staff.

- Investigate use of “Crisis Track” software on iPads for damage assessment. This has a built-in feature to calculate substantial damage and can export to FEMA’s Substantial Damage Estimator.

As demonstrated with this narrative the Village is not averse to spending funds

- Contract out in advance for additional post-storm assistance for damage assessment and permitting.
- Develop interlocal agreements for post-storm assistance through the Building Officials Association of Florida (BOAF) and the Florida Floodplain Managers Association (FFMA).
- Continued and expanded staff training.
- Cross-train staff and assign specific responsibilities for post-storm events.
- Prepare a Substantial Damage Administrative Procedures (SDAP) document now
 - The Village participated in the Substantial Damage Administrative Procedures (SDAP) training workshop on April 10, 2024 with four staff members including Building Official, 2 floodplain review staff, and Floodplain Manager.

SUBSTANTIAL DAMAGE ADMINISTRATIVE PROCEDURES PLAN (SDAP)

- Establish annual staff training and refresher program for damage assessment and documentation requirements.

- Increased training of Building Official and building permitting staff pertaining to the Village’s Floodplain Ordinance and, in particular, mobile home permits under Floodplain Ordinance and Florida Highway Safety and Motor Vehicles Procedure MHS-24 compared to State Building Code.
- Utilize current labor rates from the U.S. Bureau of Labor Statistics (Lee County) for damage repairs by homeowners and volunteers.
- Train additional staff in the compliance requirements of the NFIP and obtain CFM status to supplement existing staff CFM.
- Train building inspectors to verify that damage repairs match information in the approved permit (check for products used, additional work not included in scope of application, etc.)
- Establish damage assessment team organizational chart with anticipated staffing assignments. Evaluate which staff members should complete National Incident Management System (NIMS) training courses.
- Take a more proactive and quicker approach by Code Enforcement to notify owners/residents of permitting requirements and in issuing Notices of Violation for damage repairs. Supplement Code Enforcement staff with additional trained inspectors through our existing vendor CGA/SAFEbuilt.
- Continue to provide information on “50% Rule”. While extensive information was provided to residents, it became apparent that it was difficult for many people to understand. And surprisingly, contractors did not understand this and demanded permits without providing the necessary information.
- Continue stormwater and drainage improvements, including septic to sewer initiative.
- Continue and expand outreach efforts prior to hurricane season.

PROCESS OF DEVELOPING THIS NARRATIVE

The effort to prepare this Narrative goes beyond the capacity of any single member of staff. Since we operate under the principal of “Government Light” each staff member has a wide degree of discretion and involvement in the day-to-day operations. To develop this work product several key members of staff were involved. They include:

- Steve Sarkozy, Village Manager (239) 292-0364
- Mary Gibbs, FAICP, Director of Community Development (239) 221-5035
- Matthew A. Noble, AICP, CFM Principal Planner (239) 221-5035
- Robert Wiley, P.E., CFM Public Works Project Manager (239) 319-2810
- Stanley Knight, Code Compliance Manager (239) 319-2815
- Lisa Reitbauer, Administrative Assistant – Planning & Zoning (239) 319-2821
- Carol Sacco, Village Clerk/Executive Assistant to Village Manager (239) 319-2840

In the spirit of full transparency and openness, FEMA staff may contact any of these staff contributors on specific questions at your convenience.

CONCLUSION

When the Village incorporated in 2015, one of the first priorities was to ensure that the Village participated in the National Flood Insurance Program (NFIP). The Village was accepted in September 2015. In 2017, we were accepted in the CRS as a Class “6”. The Village is proud of this important achievement as a new city with limited staff.

The accomplishments as a result of proactive planning, including acceptance into NFIP, CRS ranking of Class “6”, adoption of a Stormwater Master Plan, the Septic to Sewer utility initiative and significant land purchases far exceeding the Village’s operating budget, in the Village’s short existence illustrate a forward-looking approach to floodplain management.

The Village prides itself on its comprehensive and proactive approach to floodplain management which far exceeds the minimum requirements to provide the community with a safe environment. We plan to continue to enhance our processes as described above. We consider FEMA as a valued partner in this approach.

LIST OF ATTACHMENTS AND EXHIBITS

Map Series

1. Special Flood Hazard Area
2. Estero River Watershed)
3. Village Properties in Special Flood Hazard Area
4. Permits in Special Flood Hazard Area
5. Permits in Hurricane Ian Flood Area
6. Utility Extension Projects (Septic to Sewer) Special Flood Hazard Area

Other Exhibits

- Exhibit “A” Ordinance No. 2015-16 Floodplain Management Regulations
- Exhibit “B” Stormwater Master Plan October, 2018 [Stormwater Master Plan](#)
- Exhibit “C-1” Ordinance No. 2022-07
- Exhibit “C-2” 2022-08 Comprehensive Plan Amendment and Rezone Estero on River
- Exhibit “D” Resolution No. 2022-05 Purchase of River Oaks
- Exhibit “E” Property Acquisition and Permanent Maintenance Easement Chart
- Exhibit “F” Utility Expansion Pages from CIP
- Exhibit “G” Recovery and Resiliency Planning Program
- Exhibit “H” Investigation on Fecal Indicator Bacteria, Estero River, 2019 2021 April 7, 2021 (L. Donald Duke, Ph.D.)
- Exhibit “I” FEMA Disaster Recovery Center Information
- Exhibit “J” Operation BBQ meeting Flyer

- Exhibit “K” Code Compliance Summary Report
- Exhibit “L” Code Compliance Case Search by Section
- Exhibit “M” Estoppel Letter Example
- Exhibit “N” Estoppel Response Open Permit or Code Results Example
- Exhibit “O” Estoppel Response Flooding Results Example
- Exhibit “P” Estoppel Response Results Example
- Exhibit “Q” Information provided at Meetings and on Website
- Exhibit “R” Substantial Improvement/Damage Review Handouts
- Exhibit “S” Estero Bay Village Communications
- Exhibit “T” Letters to Residents
- Exhibit "U" Utility Expansion Program