

Subcommittee Report

Recommendations for Developers Seeking Dune Protection Permits for Construction in Critical Dune Areas

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VIEW

Subcommittee Members

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The recent Percoco Permit was the first permit brought to Nueces County in which members of the Nueces County Beach Management Advisory Committee questioned the authority and wisdom of building either residential or commercial structures in the secondary dune complex. With this issue "on the table", it became apparent that a lack of consistency in dealing with this issue would become problematic for both the development community and Nueces County Beach Management Advisory Committee on future permit applications. Therefore a subcommittee was formed to investigate possible recommendations and to establish guidelines for compliance with the Nueces County dune permit process.

To date the Subcommittee has met two (2) times to discuss means in which to assist both the development community and the Nueces County Beach Management Advisory Committee in bringing consistency to the plan development and review process. The Committee met on Monday, March 27, 2000 at the Sandpiper Condominium and on Monday April 17, 2000 at the Mayan Princess for a tour of numerous previously constructed development projects.

The Committee has focused its efforts on gathering available data including topographic maps (1 foot contour interval), aerial photography (pre and post Hurricane Allen), review of past dune permits issued by Nueces County and the Texas General Land Office (1980's - present), and most importantly, a field investigation to visually evaluate the effects that beach erosion and development in both the primary and secondary dune complex has had on the integrity of the Barrier Island dune system.

Past practice (early 1980's) allowed for development in the secondary dune complex. The permits were issued with the thought in mind that by preparing and elevating the building foundation, the use of fill material would "shore up" and strengthen the overall dune complex. Previous projects such as the Lost Colony and the Gulf Shores Projects proved that building in the primary dune complex can have short and long term disastrous consequences for both the structures themselves as well as the integrity of the dune system. Remember, erosion continues to move the vegetative line and primary dune complex landward which eventually brings the Gulf in contact with development. So the question becomes "how close is too close?" The following table was prepared to give the Nueces County Beach Management Advisory Committee a sense for relative distances in which projects have been constructed landward from the vegetative line.

Distance from Vegetation Line			
Project	Permit		Present Distance (in feet)
	Date	Distance (in feet)	
Mayan Princess			400
Admirals Row			175
Lost Colony	1979	100	50
Palms at Waters Edge			350
Sandpiper	7/1981	200 - 210	250
Sea Gull	1980	240	200
Port Royal			500
Mustang Towers			225
Gulf Shores	1979	200	125
La Mirage			225
Casa del Cortez			200
Aransas Princess			250
Sand Castle			225

While it is recognized that each tract of land varies widely with regard to dune complexes and should be evaluated for development on a case by case basis, there are, however, many good reasons to develop general guidelines. These general guidelines would let potential developers know early in the planning process what is expected by the Nueces County Beach Management Advisory Committee. The Subcommittee has suggested that the following guidelines be considered by the full Nueces County Beach Management Advisory Committee.

1. Compliance with the Nueces County Beach Management Plan.
2. Permits should enhance general elevations in dune complex to strengthen the dune function.
3. The development should result in no negative impacts to the dune complex on the Permittees project site or adjacent properties.
4. Generally main residential or commercial structures should be located at a minimum 300 feet landward from the vegetative line, whether in a secondary dune complex or not. This minimum setback establishes uniformity with regard to dune complex protection, impacts on adjacent properties, reduction of visual impacts to adjoining properties, and at the same time prolongs the protection of the property development from eventual beach erosion.
5. Development in secondary dune complexes seaward of 350 feet should be restricted to recreational amenities such as pools, picnic areas, etc. Use of impervious surfaces should be minimized, however, it is recognized the some amount of impervious surfaces such as pool decks, walks, etc. may be allowed. The Permittee must show the Nueces County Beach Management Advisory Committee that every attempt has been made to minimize impervious surfaces and maintain the natural hydrology of the dune complex to the extent possible.