



**AGENDA MEMORANDUM**  
for the City Council Meeting of June 19, 2012

**DATE:** June 7, 2012  
**TO:** Ronald L. Olson, City Manager  
**FROM:** Pete Anaya, P.E., Director of Planning and Environmental Services  
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Presentation, public hearing and first reading of an ordinance adopting the Joint Erosion Response Plan and amendments to Chapter 10: Beachfront Management and Construction

**CAPTION:**

Public Hearing and Ordinance to consider adopting The Joint Erosion Response Plan for Nueces County and the City of Corpus Christi 2012; amending the Code of Ordinances, City of Corpus Christi, Chapter 10, Beachfront Management and Construction, by designating the erosion response building set-back line or erosion set-back line, requiring an erosion response permit for construction seaward of the erosion set-back line, and making other conforming changes to the chapter; adding the City's Erosion Response Plan as an appendix to the City of Corpus Christi, Texas, Dune Protection and Beach Access Regulations; providing for penalties; providing for severance; providing for publication; and providing a delayed effective date.

**PURPOSE:**

The purpose of the Erosion Response plan is to satisfy the requirements of Texas Natural Resources Code 33.607 for local governments to develop plans for reducing public expenditures for erosion and storm damage losses to public and private property, including public beaches.

Per the state statute, the City Council provided a draft Erosion Response Plan to the Texas General Land Office by July 1, 2011. The Texas General Land Office has provided comments on the draft ERP and the City must provide a final plan to Texas General Land Office by July 1, 2012. The TxGLO will then request public comments by publishing the plan in the Texas Register and to complete the state review process for plan certification by December 31, 2012.

**BACKGROUND AND FINDINGS:**

Direction provided by City Council has been to eliminate conflicts between the City's and the County's Erosion Response Plans by making each plan as similar as possible and to use 350 foot as a distance for the setback line in the plan.

In order to make the plans as similar as possible, Planning Staff formed an Erosion Response Plan Working Group. Members included representatives from the Planning Commission, Nueces County Beach Management Advisory Committee, Mustang and Padre Island Strategic Action Committee, the Water Shore Advisory Committee, City Staff (Legal, Park and

Recreation, Planning) and County Staff (County Parks Department) The ERP Working Group met four times to provide detailed input on the plan and how to address Texas GLO Comments.

The Joint Erosion Response Plan addresses two primary areas: protection of the beach and dune system; and, enhancement of public beach access. The plan includes a 350 foot building setback to protect the foredune ridge, exemptions for existing properties, priorities for dune widening, beach access goals including two new beach access roads and a new Erosion Response Permit requirement. The Erosion Response Permit will only be required for exempt construction located in the 350 foot building setback area. An executive summary of the plan is attached as well as a full copy of the plan and ordinance. The full document can also be viewed at: [www.ctexas.com/planning](http://www.ctexas.com/planning).

Public outreach has included presentations to:

- Texas Coastal Bend Surfrider Foundation;
- Coastal Bend Bays Foundation;
- The island Strategic Action Committee;
- Watershore Advisory Committee;
- Nueces County Beach Management Advisory Committee;
- Corpus Christi Planning Commission; and
- Nueces County Commissioner's Court.

### **ALTERNATIVES:**

Not completing an Erosion Response Plan would place the City at a disadvantage when competing with other coastal cities for Texas General Land Office grant funding.

### **OTHER CONSIDERATIONS:**

This will be the first jointly adopted County and City Plan.

### **CONFORMITY TO CITY POLICY:**

#### **Corpus Christi Policy Statements:**

#### **Environment – Barrier Island Development**

##### **a. PRESERVE PUBLIC ACCESS TO GULF BEACHES.**

Public access roads located at convenient points should be constructed, and those in existence should be maintained to disperse people throughout the islands and to insure that all public beaches remain accessible to the public. The roads should also be designed so that they protect the integrity of the islands and prohibit off-road traffic through the dunes.

##### **b. PROMOTE THE USAGE OF THE BARRIER ISLANDS IN WAYS THAT ENHANCE THEIR ATTRACTIVENESS AND UNIQUENESS.**

Future land use developments should be regulated so that they enhance these natural sanctuaries for present and future generations.

##### **c. DEVELOPMENT SHALL BE REGULATED TO PRESERVE THE INTEGRITY AND DYNAMICS OF THE ISLAND, ESPECIALLY, THE SAND DUNE SYSTEM.**

Island development shall preserve the integrity and dynamics of the island ecology. The dunes should be protected so that when development occurs, it takes place behind the sand dunes. In this manner, the dunes will remain undisturbed; and they will protect the islands from severe erosion that frequently accompany hurricanes.

**Corpus Christi Sustainability Planning Study (HDR)**

Initiate long-range regional climate adaptation/sea level rise response and greenhouse gas management planning.

**EMERGENCY / NON-EMERGENCY:**

Non-Emergency.

**DEPARTMENTAL CLEARANCES:**

The Nueces County Beach Management Advisory Committee on May 2, 2012 recommended that the Commissioner’s Court approve the Plan.

Planning Commission conducted a public hearing and recommended City Council approval on May 9, 2012.

The plan was presented to Nueces County Commissioner’s Court on May 23, 2012, and the Court requested that the word “may” be changed to “shall” on page 16, Section III.D, of the Plan. Final Commissioner’s Court action is scheduled for June 27, 2012.

**FINANCIAL IMPACT:**

Operating       Revenue       Capital      X Not applicable

<b>Fiscal Year: 2011-2012</b>	<b>Project to Date Expenditures (CIP only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s): NA

**Comments:** Funding of this plan will be through the City’s Capital Budget and Capital Improvements Plan as funds become available.

**RECOMMENDATION:**

Staff recommends adoption, as amended by Nueces County Commissioner’s Court, of the Erosion Response Plan and proposed amendments to Chapter 10: Beachfront Management and Construction of the City Code of Ordinance.

**LIST OF SUPPORTING DOCUMENTS:**

- Executive Summary
- Planning Commission Minutes
- Ordinance
- A Joint Erosion Response Plan for Nueces County and the City of Corpus Christi
- Appendix 2: Map Exhibits 1-20