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## INSURANCE NEWS

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### **Galveston leaders weigh pulling plug on beach development plan**

GALVESTON — The latest skirmish in a long-running dispute over development on Galveston beaches could play out today.

The Galveston City Council is poised to scuttle a plan years in the making that is designed to discourage houses built where rapidly eroding beaches would eventually leave them on the public beach.

Opponents say the plan is too burdensome for property owners and will spawn lawsuits. Backers argue that it's necessary to prevent the spending of millions in state and federal money after the next big storm to rescue homeowners who knowingly build in precarious places.

#### **Rolling easements**

The issue that could be decided today by the City Council is part of a decades-long struggle over development on Texas beaches that began with the 1959 Open Beaches Act.

The law puts in place a rolling easement, a legal term that means that private property becomes public whenever storms and erosion eat away huge chunks of land to leave houses on the public beach.

Hurricane Ike ripped away 150 feet of beach in some places, leaving dozens of Galveston homes on the public beach. The city used \$21 million in federal and state money to buy out about 67 homes on the west end of the island that were damaged when Ike struck Sept. 13, 2008.

To prevent such costs and damage to beach-front houses, the Legislature approved a law requiring Galveston and other local governments to come up with an erosion response plan that prevents construction too close to the beach. Local governments must submit a draft by July next year or risk losing state money used for beach erosion protection.

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The legislation intends to keep houses far enough away from the beach that natural sand dunes can develop. The sand dunes protect developed areas from storm surges, and beaches tend to grow in front of them. Houses built too close to the beach prevent dunes from naturally moving landward as the coast is eroded.

"It's all about being responsible stewards of the state dollar," said Jim Suydam, spokesman for the Texas General Land Office.

Only about 55 miles of the 367-mile Texas shoreline is developed, and most of that development is in Galveston and the Corpus Christi area, Suydam said. Only about 26 miles of the entire coastline is available for development. The remainder is taken up by parks, refuges and coastline that is not eligible for flood insurance or any sort of federal money.

Development on Galveston Island already is prohibited within 50 feet of the dunes, but the new ordinance adopted earlier this year lengthens the distance to 75 feet or 350 feet from the mean high tide, whichever is farther. It also toughens construction standards. The General Land Office had nearly completed reviewing the new ordinance when City Councilwoman Dianna Puccetti put an item on the agenda for today's council meeting calling for the state agency to halt its review.

"It really doesn't make a lot of sense to continue the process when we know the city wants to make some changes," Puccetti said.

The ordinance fails to guarantee that owners of undeveloped property inside the setback area will still be able to build, she said.

### 'That's irresponsible'

City Councilman Rusty Legg said, "I've received 100 e-mails from the citizens of Galveston saying, 'Do not do this.'" He said the council may change or rescind the ordinance. Legg also worries that the ordinance will lead to lawsuits by property owners.

Former Planning Commissioner Chula Sanchez, who helped write the new ordinance, said it allows exceptions for existing properties.

"They will not render your property unbuildable unless the state takes it away," Sanchez said, referring to houses that end up on the public beach.

Sanchez said the city should be doing all it can to meet state erosion response standards since the General Land Office is about to spend more than \$40 million to rebuild six miles of west end beaches.

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"We're willing to take \$42 million but not willing to do anything on our own," she said. "I think that's irresponsible."

At least one councilmember supports the new ordinance. Councilwoman Elizabeth Beeton said the setbacks are needed to prevent costly infrastructure repairs for houses too close to the beach.

"I believe the west end property owners who are lobbying to pull it from the GLO intend for the ordinance never to be adopted," Beeton said.

### Resources

#### WEST GALVESTON BEACHES ERODING

The average annual erosion rate is the second-largest of the seven developed areas on the Texas Gulf Coast.

- **West Galveston Island:** 5.2 feet per year
- **Jefferson County:** 5.3
- **Surfside Beach:** 4.4
- **South Padre Island:** 4.3
- **Bolivar Peninsula:** 2.4
- **Matagorda:** 0.9
- **Port Aransas:** 0.02

Source: Texas General Land Office

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