

July 9, 2018

Via U.S. First Class Mail

Judge James Oakley and
Burnet County Commissioner's Court
Burnet County Courthouse
220 Pierce St.
Burnet, Texas 78611

RE: Building Permit No. 18-06-21 to Inks Island LLC

Dear Judge Oakley and Commissioners:

On behalf of myself and the Willows Property Owners' Association, pursuant to Article 4, Section D(2) of the Burnet County Flood Prevention Order (the Order), we appeal the decision of the Flood Plain Administrator (the Administrator) to issue the above-referenced permit, which authorizes construction of one residential structure on piers and six RV sites. The provision authorizes appeals "only when it is alleged that there is an error in any requirement, decision or determination made by the Flood Plain Administrator in the enforcement or administration of this order." We believe that multiple errors were made in the issuance of the building permit to Inks Island LLC, and that the Burnet County Commissioner's Court should reverse the Administrator's decision to issue the building permit. These errors are described below.

As you know, this property is an approximately 6 acre peninsula extending from CR 141 into Inks Lake. LCRA's most recent flood mapping shows that the peninsula is entirely within the floodway created when Buchanan Dam spillway gates are used. It is therefore certain that the peninsula and anything on it will be submerged in rapidly flowing floodwater in the future, putting life and property at risk. As noted by Phil Wilson, General Manager of the Lower Colorado River Authority, "LCRA has been deeply concerned about severe flooding risks, including potential loss of life and property damage that could result from development of this property."¹

We believe that the modeling upon which the Flood Plain Administrator relied to determine that there would be no rise in flood elevations as a result of this project is in error. While the numbers may show no rise in flood elevation (due to excavation of massive amounts of soil from the peninsula), the assumptions underlying the modeling are in error in one major way — they did not consider the trailers or RVs that are going to be on the six pads. While it may be a reasonable assumption in some cases that the RVs will disconnect and leave the area prior to flooding, on the peninsula this may not be the case because the road going onto the

¹ Letter to Judge James Oakley, May 5, 2016

peninsula floods first, before the peninsula is flooded. It is entirely possible that the RVs will not only cause an increase in the flood elevation, but they will also be washed downstream, with their residents and contents, into a flooding Inks Lake.²

Further, it appears that the building permit was issued without consideration of all factors specified by the Order. Article 4, Section C(2) states that approval or denial of a Flood Plain Development Permit must be based on all provisions of the order, including specifically consideration of:

- Danger to life and property due to flooding, item C(2)(a);
- The danger that materials may be swept onto other lands to the injury of others, item C(2)(c);
- The safety of access to the property in times of flood for ordinary and emergency vehicles, item C(2)(e); and
- The cost of providing government services during and after flood conditions, including repair and maintenance of streets and bridges, and public utilities and facilities such as sewer, gas, electric and water systems, item C(2)(f).

Under the explicit terms of the Order, the permit may be denied on the basis of any one of these factors, and they are all unquestionably matters of serious concern for development of the peninsula. Any person or property on the peninsula during serious flooding will be in deep trouble. Access to escape by land will be cut off, and no basis exists to assume that everyone and everything will be evacuated before flooding begins. In fact, our track record throughout Texas for flooding during the last several years demonstrates exactly the opposite.

Further, there will be no access to the property during times of flood for either ordinary or emergency vehicles. The road into the peninsula floods first because it is at a lower elevation than the peninsula, cutting off access to or from the peninsula. Moreover, the water crossing the road will be flowing fast, having just been released from the upstream spillway.

Similarly, utility service will be problematic — either interrupted by flooding or extremely expensive if the utilities are constructed to withstand flooding.

For all of these reasons, the Administrator's decision to issue the Inks Island LLC building permit should be reversed and the permit application denied.

Finally, we would note that the building permit application represents that sewage service will be provided by a septic system. However, the likelihood that LCRA will approve a septic system in the floodway is very, very low. If the County does not revoke the building permit

² The Order's requirements applicable to RVs, Article 5, Section B(5), allow alternatives for being placed in a floodway, only one of which is being fully licensed and ready for highway use (the only condition that would prevent it from impacting the flood elevation).

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entirely, it should condition its usage upon obtaining both on-site sewage facility and Highland Lakes Watershed Ordinance approval from LCRA before initiation of *any* construction.

Thank you for your consideration of this matter.

Sincerely,



Douglas G. Caroom

cc: Herb Darling
Flood Plain Administrator