



# Protect Willow Beach Slough

Prepared by Neighbors for the Protection of Willow Beach Slough  
Possum Kingdom Lake, Texas  
May 24, 2021

# About us

- ▶ We represent over 40 families at Possum Kingdom Lake who live at the end of Willow Beach Slough
- ▶ The Willows Condominiums HOA
- ▶ The Ponderosa Condominiums HOA
- ▶ Residents along McGinnis Point, Airport Rd and the peninsula
- ▶ Nearing 1,000 signatures from concerned residents and visitors of Possum Kingdom Lake who support our mission to protect Willow Beach Slough





# About the cove

- 📍 Located at the end of a very long no wake zone
- ← Narrow ingress/ egress
- 👤 Shallow water
- ⌚ Limited flow
- 🐟 Rocks, trees & other shallow water hazards
- 🚤 Minimal boat traffic
- 🟩 Perfect for non-motorized recreational activities









## Petey's RV Resort: Coming Soon

82 RV Sites  
with full  
hook ups

25,372.90 sq  
ft septic  
drain field

48+ Boat  
Slip Rentals

Bungalow  
rental

2 Swimming  
Pools

Pool House

Office with  
exercise  
facility

Laundry  
facility

Overflow  
Parking lot

# Community Concerns

- Negative Environmental Impact
- Population Density concerns
- Private Nuisance
- Traffic Safety & Impact on Emergency Response
- Impact on neighboring Historic Pickwick McAdams Cemetery
- Boating & Water Safety

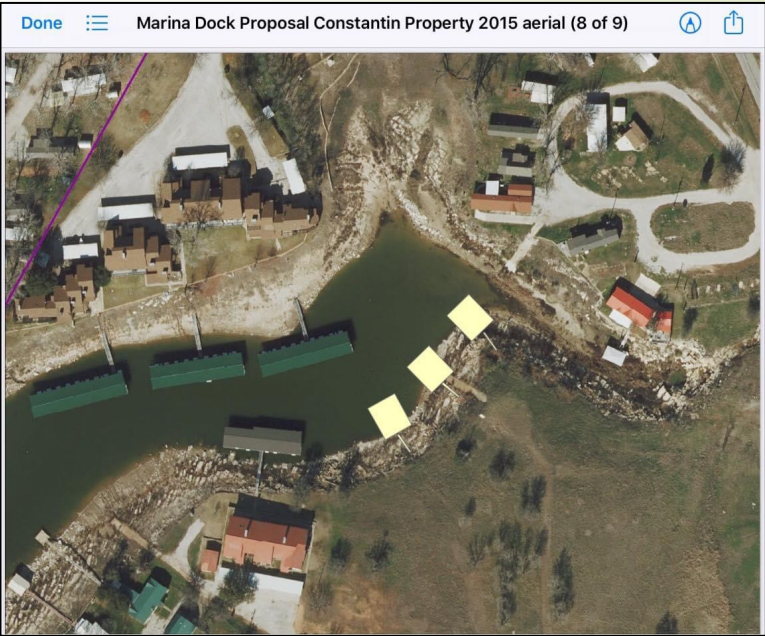
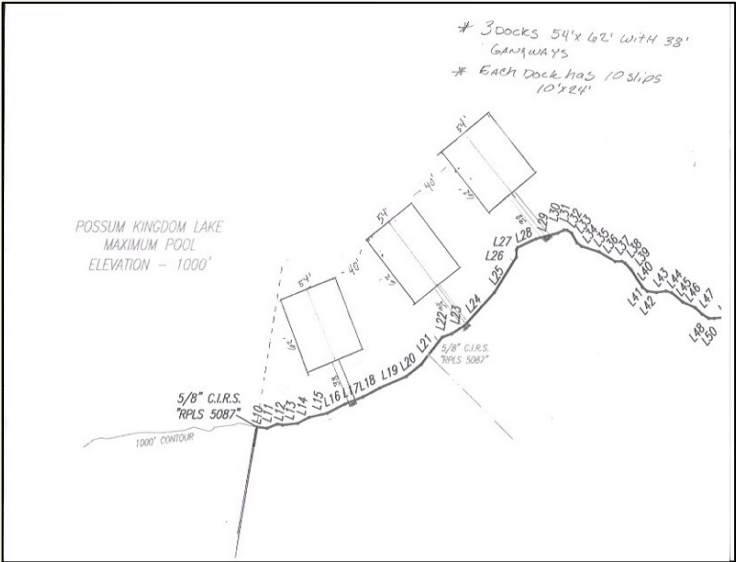
March 31, 2020

On behalf of landowner Mike Patterson & prospective buyers, a dock builder requested verbal approval from the local BRA office to place at least 3 commercial docks in this cove on one property.

Cole Dolan

**From:** Kent Edwards  
**Sent:** Tuesday, March 31, 2020 11:43 AM  
**To:** Randall McCartney; Troy Weatherhead  
**Cc:** Eddie Moore; Carlin Royal  
**Subject:** FW: Proposed Marina Docks  
**Attachments:** pk lake max pool.pdf; Marina Dock Proposal Constantin Property 2015 aerial.pdf; Marina Dock Proposal Constantin Property.pdf

I received the below email from a local dock builder. The owner of the property, Mike Patterson, where the proposed docks will be attached is trying to sell the property to an individual who wants to place townhomes/apartments/condos on the property. At his point they are just trying to get a verbal that this is possible so that they can move forward with the sale of the property. I told him it might take some time and that Waco might need to be contacted before any answer can be given. I have attached two aerials of the location. 2015 lake was low the other is full lake. They do not want to go out for engineered drawing if this is not possible. Thoughts from all?








Red: too shallow for boats  
Yellow: approx. location of hazards





July 2020

## 5 Commercial On-water Facility Applications Submitted to BRA

5 commercial dock applications submitted to BRA in July 2020 by commercial developer, Jordan-Anderson Ventures

- Two shoreline lots
- One small boat ramp
- One transfer of existing on-water facility with 2 boat slips
- Four new commercial on-water facility applications
  - 4100 sq. ft. structures
  - 4 facilities x 12 boat slips = 48 transient rental boat slips
  - Each structure extending 100 feet into the cove

①

**EXHIBIT A**  
**Application Form for On-Water Facility**

Permittee Information

Permit to be issued in the name of: Jordan - Anderson Ventures, LLC (#107361)  
The requesting party's name and address (as it will be stated on the permit)

Application Term: Permittee must complete any construction or modification of a Facility permitted by this Agreement within one (1) year of the BRA Approval Date unless otherwise specified hereunder, or this Agreement shall automatically terminate. Upon the termination of this Application, the applicant must submit a new Application Form for On-Water Facility, as such agreement may be modified or succeeded from time to time; provided, however, BRA shall be under no obligation to approve or permit any such application.

Mailing Address: 1001 E. Sumac Telephone (home) 817 304 3145  
Gratford, TX 76449 (office or cell) \_\_\_\_\_ (fax) \_\_\_\_\_  
Email: \_\_\_\_\_

If the permit is to be issued in a business name, please enter the name and job title of the person authorized to sign the contract and responsible for the permit:  
Name: Bret Jordan Title: Pres.

Lien Holder Information (if applicable)

Lien Holder: 1 Patterson - Constellation LLC Contact Name: Jared Cox  
Mailing Address: 2310 W. 7th Suite 100 100 Telephone 817-791-7888 (fax) \_\_\_\_\_  
Arlington, TX 76017

Facility Information

Applying for: ☒ New Construction of facility ☐ Modification of the current facility  
☐ Transfer of existing facility (if checking this box, please provide the name of the previous owner below)  
Name of previous permittee: \_\_\_\_\_

Location of structure or facility:

Subdivision: Constellation Lot: \_\_\_\_\_ Tract: 3A Area: \_\_\_\_\_ Section: \_\_\_\_\_  
Acreage: 12.8530 Survey/Abstract: \_\_\_\_\_ Block: \_\_\_\_\_ Phase: \_\_\_\_\_

Physical Address of property where facility will be located: 10909 FM 2353  
(REQUIRED) Gratford, TX 76446

Drawing and detailed dimensions of facility or requested changes to facility are attached in Exhibit A-1

For new construction or modification: Attach a design of proposed facility signed and sealed by a professional engineer/architect licensed to do business in the State of Texas. Such design shall be drawn to scale of the proposed facility, showing all dimensions to include side view, top view, and end view; including minimum distances from the facility to property boundaries as such boundaries are extended into the Lake.

Signature of Applicant: [Signature] Date: 7-15-20

Payment Enclosed: Application Fee: \$ 75.00  
Annual Permit Fee: \$ \_\_\_\_\_ (Prorated from application date through end of calendar year)  
Total: \$ 75.00

If Applicant has not constructed the On-water Facility/Facilities within one (1) year of the BRA Approval Date or if construction has not begun or is not completed as specified herein, Applicant shall pay the Annual Permit Fee or may request to cancel the Application for On-water Facility. If cancelled, the Application is no longer valid and Applicant shall have to re-apply, submit a new Application Fee, and seek authorization to construct the On-Water Facility/Facilities.

Do Not Write Below This Line

Approval recommended by: Edie Moore RKE 1-13-2021 Date: 1-13-2021

Permit Approved not to exceed 4148 square feet of Lake area, as shown on the attached sketch. Permit No. PCCD-1011-A

BRAZOS RIVER AUTHORITY

Approved by: [Signature] Date: 1/14/21

Printed Name: TROY W. WEAVERHEAD

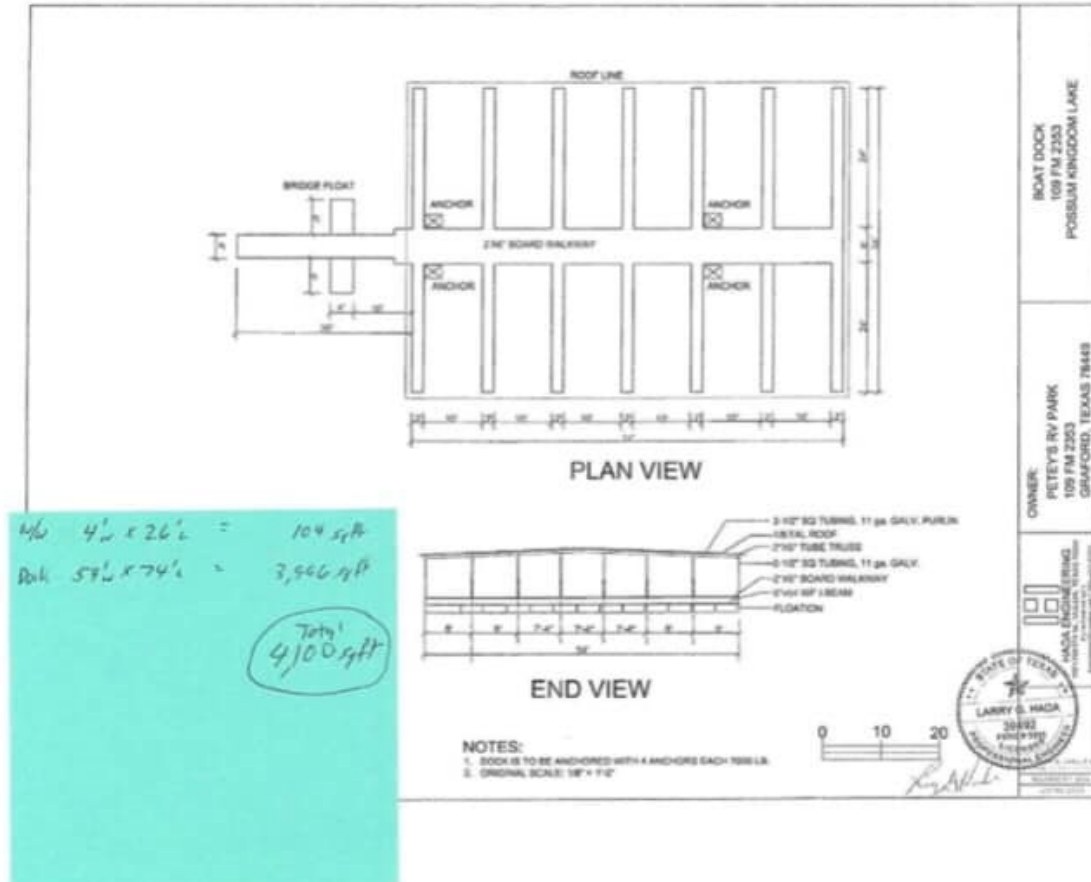
← 1. Previous landowner is the lienholder.

← 2. Tract 3A is a single shoreline lot

← 3. Acreage is incorrectly represented as 12+ acres on all three applications submitted for this lot. Correct acreage is 7.26

- Example is 1 of 3 new commercial dock permit applications submitted for Tract 3A.
- 2 additional commercial dock permit applications (1 transfer, 1 new) were submitted for adjacent Lot 2A.





### Petey's RV Park & Marinas

- \* 4 - Marina's 54' x 74' covered docks with 12 - 10 x 24 slips @ each unit
- \* Gangway to be 4' x 26'





- BRA withheld a decision for 6 months.
- For 6 months, concerned residents called & wrote to BRA to discuss the obvious public safety & private property risks.
- Residents plead with BRA to consider the safety of their children & grandchildren.
- Public relations representatives from the central office assured concerned residents that their voices would be heard.
- A representative from the PK office responded to one resident's concern, "Swim at your own risk."



January 2021

Despite the imminent risk of property damage, personal injury or worse, and in clear violation of Section 8 (On-Water Facilities) as published in the *Regulations of Brazos River Authority Lakes and Associated Lands* (updated & approved by the Board of Directors in 2014), all five on-water facility permit applications submitted by Jordan-Anderson Ventures were approved as originally submitted by the developer, without modification by the BRA office at Possum Kingdom Lake .

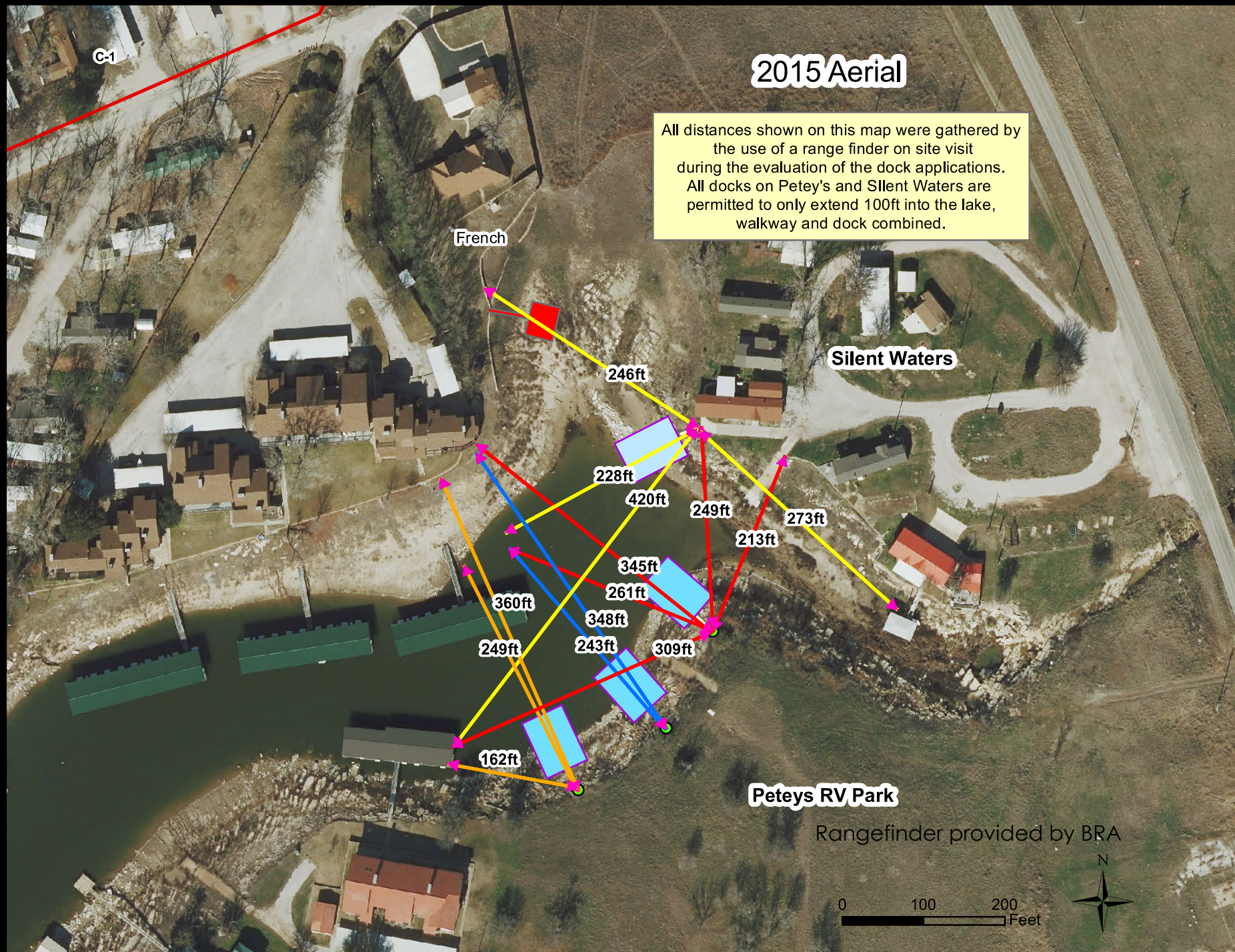
## Quotes from BRA response to public outrage

- "What we do have are rules and regulations for our permitting processes that we must apply equitably across the board."
- "The dock application fell entirely within our rules and regulations for on-water facilities, and we do not have the ability to arbitrarily deny such applications, even if neighboring property owners disagree."
- "After review of the proposed plans for the docks, we found the application to be in accordance with our rules and regulations."
- "A primary objective is equitable application of our standard review process."
- "BRA attempts to balance those competing interests and consistently and uniformly apply the same standard of review to all."
- "the BRA board is aware of the docks being installed in the Willow Beach Slough. ...the facilities were approved and permitted in accordance with BRA regulations."
- "... we do not have a specific appeal process for third parties who are dissatisfied with the outcome of a neighbor's application;"
- "We don't have a public comment process for permits because if you



## 2015 Aerial

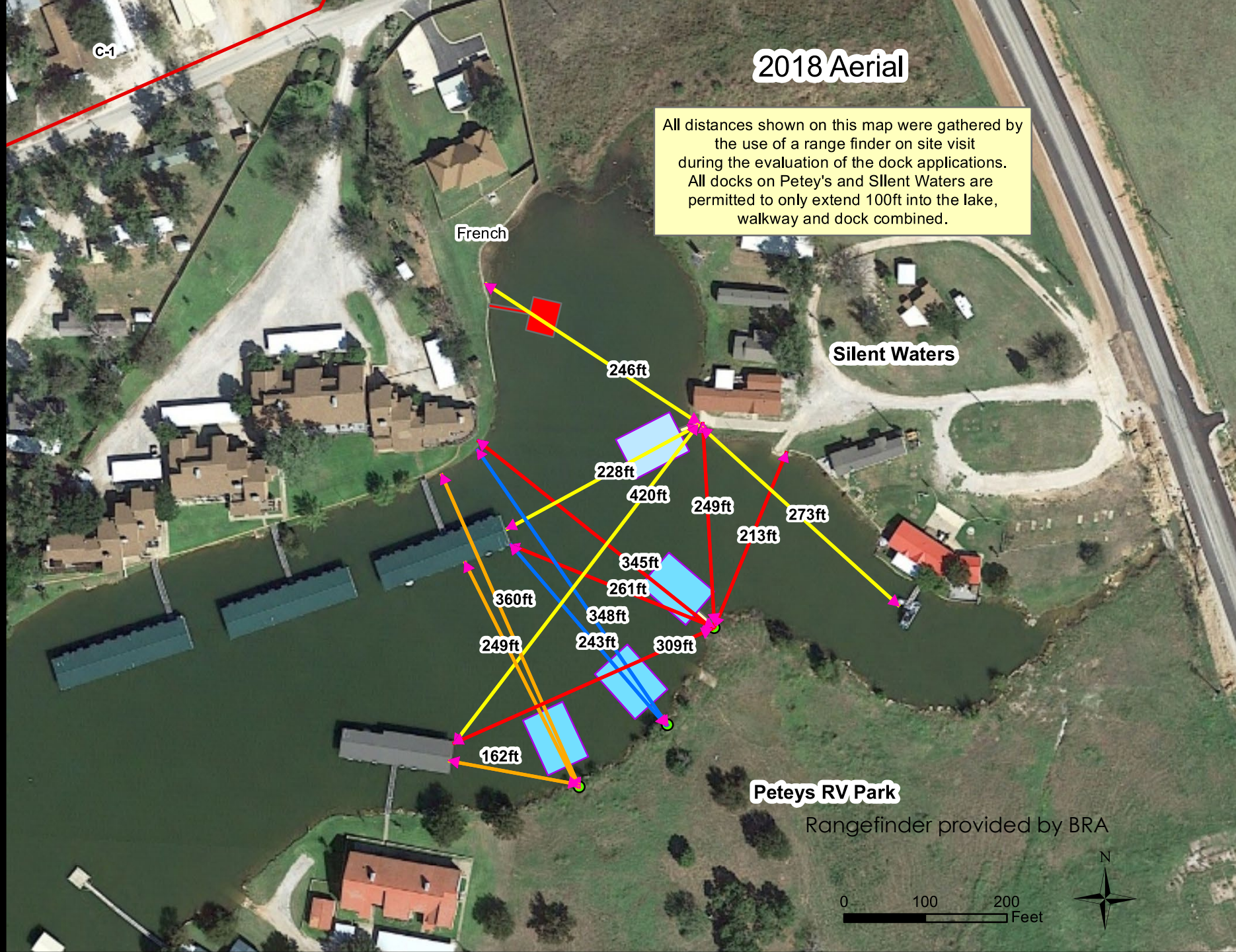
All distances shown on this map were gathered by the use of a range finder on site visit during the evaluation of the dock applications. All docks on Petey's and Silent Waters are permitted to only extend 100ft into the lake, walkway and dock combined.





## 2018 Aerial

All distances shown on this map were gathered by the use of a range finder on site visit during the evaluation of the dock applications. All docks on Petey's and Silent Waters are permitted to only extend 100ft into the lake, walkway and dock combined.



**Regulations of Brazos River Authority Lakes and Associated Lands**  
**Section 8 (b) Requirements for On-Water Facilities**

**“All On-water Facilities must meet the following requirements:”**

**NOTE: SECTION 8(b) APPLIES TO ALL ON-WATER FACILITIES, WHETHER RESIDENTIAL OR COMMERCIAL.**

**(1)** All On-Water Facilities must be constructed and maintained in a structurally sound manner which does not create a safety hazard or environmental concern.

Residents in this slough are already very concerned about the safety risks of adding four 4100 sq. ft. commercial docks (48 slips) and boat ramps at the end of this small cove. Normally, there is very limited boat traffic in this part of the slough because it is at the end of a long no-wake zone (approx. 3/4 mile), and the water tends to be shallow in many places. For this reason, there is typically a large amount of non-motorized recreation in this part of the slough, such as swimming, floating, kayaking, sailing, paddle boarding, etc. We believe that injury to persons and damage to property are imminent as a result of the design, size, placement, and number of commercial on-water structures that the BRA has permitted for this cove.



**(2)** On-Water Facilities may not be situated in a manner that unreasonably interferes or obstructs access to other permitted facilities or neighboring properties.

The permitted on-water facility labeled Silent Waters tract 2A (attached), extends 100ft from the shoreline where shoreline to shoreline measures just over 200 feet. It is much too large a structure and is poorly designed for this side of the cove which is shallow and strewn with hazards in many places. This oversized facility will be disastrous for the developer's own clientele who will not be familiar with the hazards, but the large structure will also limit safe, unobstructed access through the deepest water for residents and visitors to the North end of the cove.

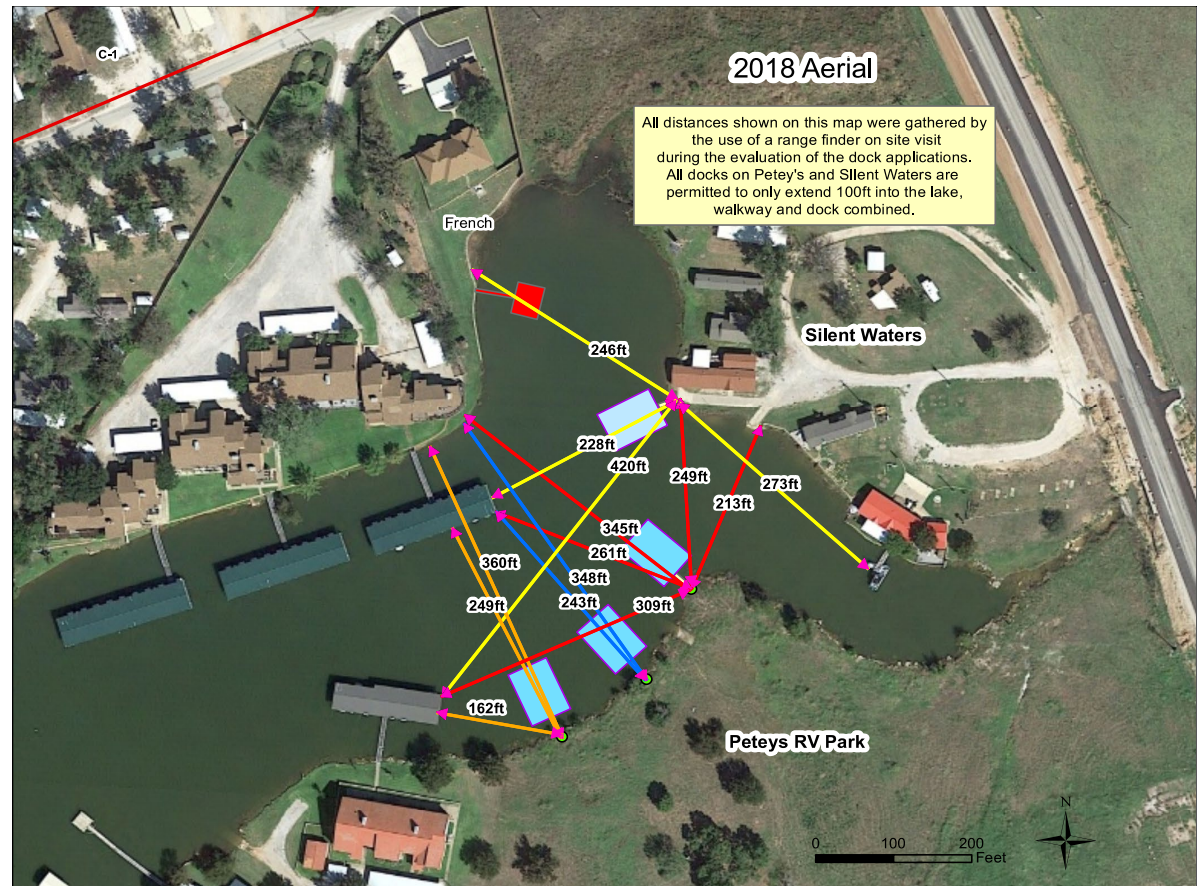
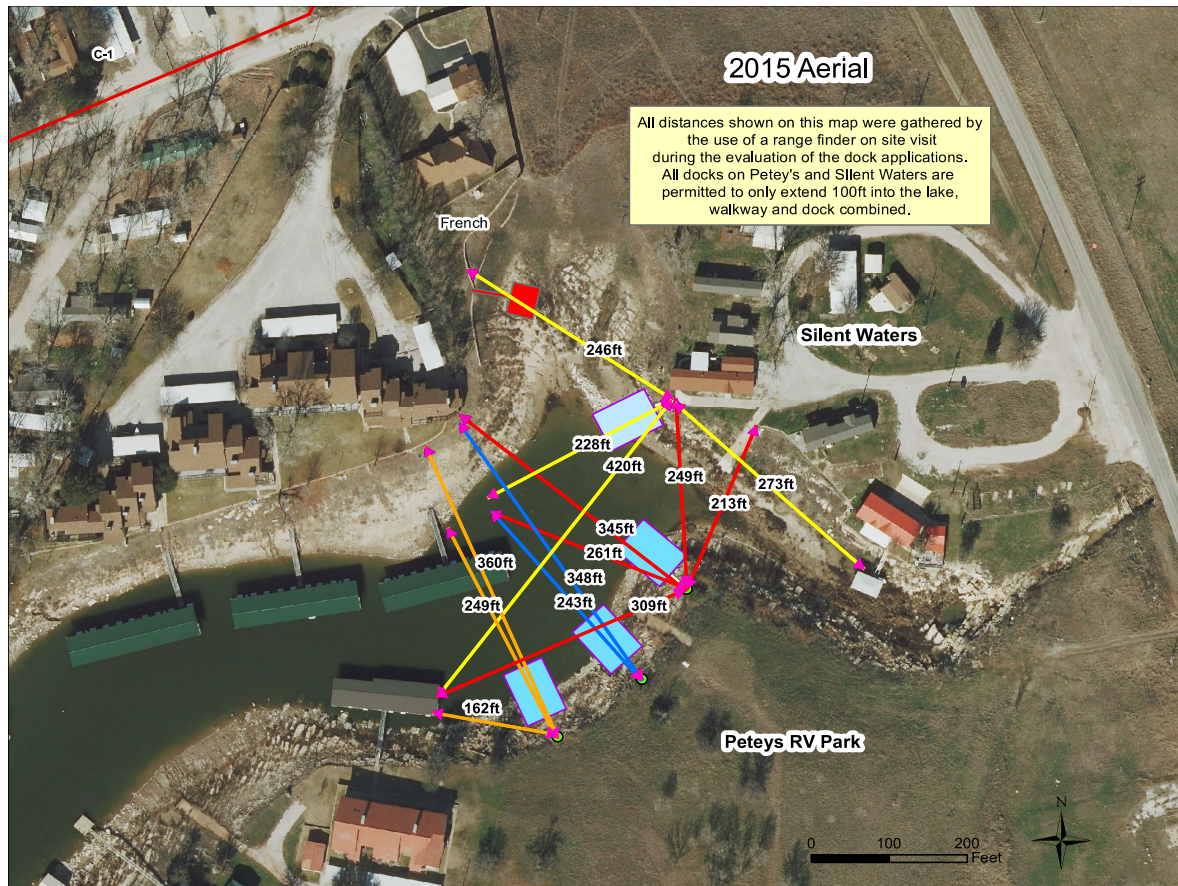
**(3) There shall be no more than one On-Water Facility on any one shoreline lot.**

**The developer has two shoreline lots for which he has been allowed five on-water facilities.** That includes 3 commercial on-water facilities on one shoreline lot (tract 3A) and 2 commercial on-water facilities (1 existing dock) on another (tract 2A).

**NOTE: SECTION 8(b) APPLIES TO ALL ON-WATER FACILITIES, WHETHER RESIDENTIAL OR COMMERCIAL.**

**(4)** On-Water Facilities shall not extend more than one-third of the distance between opposite shorelines of any area of the Lakes where the distance between the shorelines is less than 300 feet.

**The on-water facility permitted for Silent Waters Lot Tract 2 extends 100 ft into the water and is placed between two shorelines measuring just over 200 ft. apart.**





**b. (7)** A scaled drawing showing the location and dimensions of the proposed facility must be included in the application. In addition, if property boundaries are uncertain, a property survey may be required.

This may not be a violation, but is certainly interesting. In June of 2020, the BRA required us to pay for a new survey to permit our residential dock in this same cove. No surveys were requested for the placement of any of J-A Ventures' commercial on-water facilities.

(Please note that the developer incorrectly lists Tract 3A to be almost twice its actual size on all three permit applications. Mistakes like this become evident when an application is reviewed in detail and may have been noticed and corrected if a survey had been required.)

**c.** The BRA reserves the right, in its sole **discretion, to further restrict** On-Water Facilities on BRA Lakes if placement of the On-Water Facility: creates a hazard to navigation; results in a nuisance; impairs the BRA's ability to operate and maintain the Lake; or interferes with or restricts access to adjacent properties or On-Water Facilities.

Hazard and nuisance seem obvious, but, unfortunately, the local BRA office did not choose to exercise their ability to further restrict On-Water Facilities.



e. **Additional Requirements** for Commercial On-Water Facilities

(1) Due to the unique nature of Commercial On-Water Facilities, such facilities shall be evaluated on a case by case and BRA reserves the right to establish appropriate **restrictions, limitations** and requirements.

**"Additional Requirements"** for Commercial On-Water Facilities clearly means **in addition to the other regulations in 8(b)**. This paragraph by no means implies that board approved rules for on-water facilities do not apply or should not be applied to commercial facilities. An agency's discretionary power should be used judiciously and in accordance with the board approved regulations. When regulations are clear and unambiguous, they should not be disregarded.

**Section 8(b) applies to all On-Water Facilities, with no distinction as to whether it is residential or commercial, which includes the requirement of only one on-water facility per lot.**

## Quotes from BRA's response to the public

- "What we do have are rules and regulations for our permitting processes that we must apply equitably across the board."
- "The dock application fell entirely within our rules and regulations for on-water facilities, and we do not have the ability to arbitrarily deny such applications, even if neighboring property owners disagree."
- "After review of the proposed plans for the docks, we found the application to be in accordance with our rules and regulations."
- "A primary objective is equitable application of our standard review process."
- "BRA attempts to balance those competing interests and consistently and uniformly apply the same standard of review to all."
- "the BRA board is aware of the docks being installed in the Willow Beach Slough. ...the facilities were approved and permitted in accordance with BRA regulations."
- "... we do not have a specific appeal process for third parties who are dissatisfied with the outcome of a neighbor's application;"
- "We don't have a public comment process for permits because if you



## In closing...

Permits for On-Water Facilities should be only be granted if they comply with BRA regulations. Also, BRA regulations should be applied consistently across the board.

We request that you please exercise your oversight role and vote to recall these permits because they are not compliant with BRA regulations and on the grounds of safety.

*Having straightforward regulations that are applied consistently and equitably across the board will improve public trust, reduce the questioning of decisions made, and decrease grounds for litigation.*

(paraphrased from Sunset staff report 2021)



Thank You!

