**COASTAL PROPERTY OWNERS ASSOCIATION OF SANTA CRUZ COUNTY**

**CALL TO ACTION FOR 10/8/19** Board of Supervisors Meeting on the proposed LCP.

Please plan to attend this important meeting, where the County Board of Supervisors will be taking up a vote on the County’s proposed LCP. We have met with Kathy Malloy and David Carlson of the Planning Department to share our continued concerns about the proposed LCP, and have submitted a letter with detailed suggestions for changes to enhance the LCP and provide further clarification where needed. Without these changes, we feel the LCP is flawed and incomplete. **If these changes in the LCP are not made, we would urge the Board of Supervisors on 10/8/19 to reject the County’s proposed LCP and send the document back to the Planning Department for further revisions to address the concerns of the Coastal Property Owners.**

* **Coastal Property Owners have the right to protect their property and structures from further damage due to coastal erosion** with appropriate shoreline protection (armoring devices such as sea walls, revetment rocks, etc) to prevent further erosion, protect public safety, prevent injuries, as long as the shoreline protection does not restrict access to public beaches. In many cases these shoreline protection devices actually enhance public access, and protect public safety, as well as the County’s infrastructure.
* Those critical areas of the coastline which are in immediate danger of further coastal bluff erosion, within the next 10 years, such as Opal Cliffs and Depot Hill near Capitola, **shall be granted permits to install appropriate armoring devices before it becomes an emergency situation**. We will re-submit a plan for a uniform seawall to be constructed along Opal Cliffs.
* We not only want to protect coastal properties, but prevent dangerous rock slides which could injure or kill people on the beaches below, such as occurred in Encinitas in Southern California.
* The term and condition for pre-existing shoreline protection devices **shall NOT be altered.** Those permits issued in perpetuity, prior to or following the coastal act, or more recently issued by the County and Coastal Commission, shall NOT be changed.
* The concept of an “all cause and unlimited” release of liability, indemnification of the County and Coastal Commission, and “hold harmless” has recently been ruled unlawful in San Diego. The Coastal Property Owner’s of Santa Cruz County are not willing to sign an “all cause and unlimited” release of liability, indemnification, and hold harmless document to be recorded on our property deeds. Instead, the liability release should be limited to potential harm or danger to the public or safety hazards **due to natural erosion of cliffs, bluffs, sea level rise, storm surges or other natural events (resulting from the new development),** similar to the language on new County Permit applications.
* Only **new permits** for new coastal development or re-development (more than 50% of major structural components), and requests for new shoreline protection (armoring devices) shall be required to complete a coastal hazards assessment, file a release of liability, indemnification, and hold harmless document to be recorded on the property deeds, or may be subject to sand mitigation fees.
* “Managed Retreat” is not a viable option for most coastal properties in Santa Cruz County.
* The proposed “Sand Mitigation fees” are unreasonable, not based on proven scientific principles, and amount to excessive tax without representation. Therefore, any Sand Mitigation fees must be based on hard science and estimates of the actual potential sand loss which will occur at the site of the proposed armoring devices. The quality of the dirt from erosion of coastal cliffs will not generate quality sand to replenish the beaches. 90% of the sand supply along the Santa Cruz Coastline comes from the rivers, streams and lagoons which dump into the ocean, according to Professor Gary Griggs. There is a natural and seasonal migration of the sand, which affects the sand levels at certain times of the year. These factors must be taken into consideration when determining any Sand Mitigation fees. Property owners may offer improved public access and protection from beach erosion in lieu of Sand Mitigation fees.
* Coastal Hazards assessments shall only be required for new or substantially modified structures and new armoring devices.
* Maintenance and Repair of existing permitted armoring shall not be subject to the required Geologic/Coastal Hazard, Acceptance of Risk, and Liability Release.
* If no substantial structural improvements, redevelopment, or reconstruction are required, permits for existing armoring devices shall be renewed according to provisions in the original permit.
* Recognize the negative impact of the Santa Cruz Harbor and jetties on the downstream beach sand supply and seasonal sand migration.
* Consider the installation of point restorations (groins - concrete/shotcrete extensions of rock outcrops) to help trap and retain sand at strategic locations, such as was done in Capitola.

If the County of Santa Cruz agrees to make changes consistent with the above, the Coastal Property Owner’s Association of Santa Cruz County will support the adaptation of the revised Local Coastal Plan.

Sincerely,

Steve Forer
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