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

SANTA CRUZ COUNTY BOARD OF SUPERVISORS MEETING

Board of Supervisors Agenda Item 14 (8532), 3/10/20

CPOA Testimony Provided:

My name is Steve Forer, and I am President of Coastal Property Owners Association of Santa Cruz County, with over 600 members, including 12 HOAs, representing over 1,000 coastal parcels. I am here to speak to Consent Item 14 (8532). We have negotiated with the County in good faith, and have provided thoughtful and reasonable input on changes which are needed to clarify the documents. We have hired a land use attorney, Derric Oiver, with Fenton & Keller, to advise and assist the CPOA in this LCP update process. Mr. Oliver has submitted two letters to Kathy Molloy, dated 2/7/20 and 3/6/20, with his detailed analysis and requested changes. Given the “one time limitation” on major redevelopment/replacement, its significant adverse impact on coastal property owners, and its lack of clarity and inconsistencies between section 6.4 and chapter 16.10, **we are opposed to the Board of Supervisors adopting these documents as is. Instead we urge the Board of Supervisors to direct County planning staff to take more time in refining these documents, and make our requested changes as indicated in our CPOA Letter dated 3/7/20 and letter from Derric Oliver dated 3/6/20.**

**CPOA’s major objections are as follows:**

* The “one time limitation” to major redevelopment/replacement > 50% of the major structural components” should be:
  + Modified in land use plan section 6.4. and implementation plan chapter 16.10 to indicate the “one time limitation” on major redevelopment/replacement structures only applies to exceptions to the minimum required set back (25 feet or 75 year projected erosion) from coastal bluffs, for structures damaged due to coastal erosion.
  + Move all references to the “one time limitation” on major redevelopment/replacement structures to the exceptions provisions in section 6.4 and chapter 16.10, OR
  + Delete all references to the “one time limitation” on major redevelopment/replacement structures from both section 6.4 and chapter 16.10
* The County has failed to adequately justify the need for the inclusion of the “one time only” limitation on major redevelopment/replacement structures. What CPOA has been told during in-person meetings with Kathy Molloy and David Carlson are inconsistent with the language included in 6.4 and 16.10. As stated during the County Planning Department’s public informational meeting on 3/2/20, the real reason for including this “one time only” limitation was that it was requested by Coastal Commission staff as a condition for Coastal Commission certification. According to our attorney, Derric Oliver, there is no legal basis under the Coastal Act for requiring this be included, and it will have a major impact on limiting further development, and property values in Santa Cruz County.
* The CPOA members are opposed to any further limitation on redevelopment/ replacement structures as it will essentially obsolete our properties, substantially limit the use and enjoyment of our properties, adversely impact property values and impose additional deed restrictions, which must be disclosed upon sale.
* The inconsistencies between in the language included in the Public Safety Element relating to coastal bluffs and beaches (land use plan section 6.4) and the implementation plan relating to geologic hazards (chapter 16.10) must be corrected and clarified.

Thank you for your time

Steve Forer

President, CPOA-SC

·       The are many inconsistencies between in the language included in the Public Safety Element relating to coastal bluffs and beaches (land use plan section 6.4) and the implementation plan relating to geologic hazards (chapter 16.10) which must be corrected and clarified. For example in 16.10.40 N 2) it states

"Allow a one time only modification, reconstruction or replacement of > 50% of the major structural components ... of an existing habital structure **within any consecutive five year period**.."

In 6.4 Safety Element it states "Allow only one major redevelopment/replacement activity > 50% of structural components **due to damage from coastal erosion,** **without reference to within any consecutive five year period.**

        These inconsistencies between the Safety Elements 6.4 and the Safety Hazards Code Amendments chapter 16.10, must be corrected so there is no room for misinterpretation.

Testimony provided by Keith Adams, CPOA Board Member

There are nineteen sections in 6.4 & 16.10 which reference shoreline protection where the word “new” needs to be inserted to differentiate from existing and permitted shoreline protection. Changes have only been made in three sections. A list of the sections needing the word “new” was provided to the Planning Director.

Brett Sisney, CPOA Board Member