

[REDACTED]

From: pearl hewett [REDACTED]
Sent: Monday, November 17, 2014 7:54 AM
To: zSMP
Subject: Fw: SMP Bluff Retention Devices

----- Original Message -----

From: [pearl hewett](#)
To: [Steve Gray](#)
Cc: [Bill Peach](#) ; [harry bell](#) ; [REDACTED] ; [Karl Spees](#) ; [marv chastain](#) ; [lynn](#) ; [Amy Cruver](#) ; [REDACTED] ; [Delane Hewett](#) ; [jim McEntire](#) ; [mike c](#) ; [REDACTED] ; [Linda Young](#) ; [Van De Wege, Rep. Kevin](#) ; [Tharinger, Rep. Steve](#) ; [Hargrove, Jim](#) ; [REDACTED] ; [chuck cushman](#) ; [REDACTED] ; [Rick Forschler -](#) ; [Frank M Penwell](#) ; [Wylie clark](#) ; [Mike Newman](#) ; [REDACTED] ; [Dick Pilling](#) ; [Jim Boyer](#) ; [Keith Olson](#) ; [Ross Krumpe](#) ; [joni howard](#) ; [edna](#) ; [REDACTED] ; [Sandy Collins](#) ; [Martha Vaughan](#) ; [Sandy Rains](#) ; [REDACTED]
Sent: Monday, November 17, 2014 7:27 AM
Subject: SMP Bluff Retention Devices

[SMP Bluff Retention Devices](#)

Posted on [November 17, 2014 7:03 am](#) by [Pearl Rains Hewett Comment](#)
Bluff Retention Devices (BRDs)
Eroding the right to protect private property at the coast

Moreover, the provision that property owners waive their right to construct BRDs in the future if they wish to remodel or add to existing structures is unconstitutional; it conflicts with *Nollan v. California Coastal Commission's* prohibition on unrelated conditions on permits.

I did submit this SMP Public Comment September 13, 2013
I am resubmitting this SMP Public Comment Nov. 17, 2014
to the Planning Commission.
It has not been posted on the Clallam County SMP website.

Eroding the right to protect private property at the coast

Beach and Bluff Conservancy v. City of Solana Beach

Contact: [Paul J. Beard II](#)

Status: Complaint filed in the San Diego Superior Court on Apr. 26, 2013.

Summary: PLF attorneys represent the Beach and Bluff Conservancy, a nonprofit organization of coastal property owners, in their suit against the City of Solana Beach over severe new restrictions on the use of Bluff Retention Devices (BRDs) — such as seawalls — to protect coastal property.

In March, 2012, the California Coastal Commission certified its own staff's proposed Land Use Plan, which took Solana Beach's already heavily modified plan **and added 153 more changes — including serious limitations on the use of BRDs.** The City adopted the Commission-modified plan in February, 2013.

The new policies are inconsistent with the Coastal Act, which mandates approval of BRDs “when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion.” **Moreover, the provision that property owners waive their right to construct BRDs in the future if they wish to remodel or add to existing structures is unconstitutional; it conflicts with *Nollan v. California Coastal Commission*’s prohibition on unrelated conditions on permits.**

— Original Message —

From: [pearl hewett](#)

To: [Breitbach, Tami](#)

Sent: Friday, September 13, 2013 10:06 AM

Subject: Public comment for Planning Commission

Tami,

It is my understanding that you are in charge of SMP Update comments for the Clallam County Planning Commissioners.

Thank you for providing this comment to them in a timely fashion.

Pearl Rains Hewett

Comment

Clallam County SMP Update

Planning Commissioners

Bluff Retention Devices (BRDs)

Pearl Rains Hewett

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