

**From:** [Terence Carroll](#)  
**To:** [Cardoza, Sabrina](#)  
**Cc:** [Tejirian, Jeremy](#)  
**Subject:** Fwd: Comment Letter for Brian Johnson Trust Coastal Permit (P3049) Planning Commission Hearing  
**Date:** Thursday, August 10, 2023 7:12:53 PM  
**Attachments:** [Comment Letter for Brian Johnson Trust Coastal Permit--P3049.pdf](#)

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Dear Ms. Cardoza —

I did not see the letter I submitted yesterday included in the attachments posted today for this item on the Planning Commission's August 14th agenda. The letter is attached here. Please include it in the materials sent to the Planning Commissioners, and also in the publicly posted materials.

I also saw that you amended the finding in the Draft Resolution related to the septic system. I'll just note that although the amended text more accurately describes the situation, it does not change the fact that the Implementation Plan requires that the septic system "is approved," and the septic system for this project is not approved.

Thank you,  
Terence Carroll

Begin forwarded message:

**From:** Terence Carroll <carrollfk@comcast.net>  
**Subject:** **Comment Letter for Brian Johnson Trust Coastal Permit (P3049) Planning Commission Hearing**  
**Date:** August 9, 2023 at 9:30:16 PM PDT  
**To:** scardoza@marincounty.org

Dear Ms. Cardoza —

Attached please find a comment letter for the August 14th Planning Commission meeting, Item 5.

Thank you,  
Terence Carroll

August 9, 2023

Marin County Planning Commission  
3501 Civic Center Drive, Suite 328  
San Rafael, CA 94903

Via email: [scardoza@marincounty.org](mailto:scardoza@marincounty.org)

Re: Brian Johnson Trust Coastal Permit (P3049), 21 Calle Del Onda,  
Stinson Beach

Dear Commissioners:

At the July 31, 2023 hearing concerning this permit application, your Commission was made aware that the applicant's approval for a septic system has expired. Under the certified Marin County Local Coastal Program (LCP), an approved septic system is a requirement for approval of a coastal development permit (CDP). At the hearing, Staff asserted that a CDP could be issued even though the septic approval had expired, but that statement is inconsistent with the plain language of the LCP's Implementation Plan (IP).

Specifically, IP Section 22.70.070 states that a review authority shall only approve a CDP after making "[f]indings of fact establishing that the project conforms to all requirements of the Marin County Local Coastal Program...and shall include all of the findings enumerated below." Section 22.70.070(J) requires a finding that the proposed project is consistent with "...the applicable standards contained in Section 22.64.160." Section 22.64.160(A)(1)(d) specifies that: "The application for development utilizing a private sewage disposal system shall only be approved if the disposal system: 1) Is approved by the Environmental Health Services Division of the Community Development Agency or other

applicable authorities [and] 2) Complies with all applicable requirements for individual septic disposal systems by the Regional Water Quality Control Board.” Because the septic system for this proposed development is not in fact approved, this required finding cannot be made.

As a consequence, Section I(5)(J) of the Draft Resolution is invalid because it erroneously states that the septic system is approved, and therefore the proposed project is consistent with the Public Facilities and Services policies and standards of the LCP. In fact, no septic system is approved, as the specific approval cited, from July 18, 2020, has lapsed and is not in effect.

The lack of an approved septic system for this proposed project is no mere technicality. As noted in the Staff Report, the specific design and location of the septic system is integral to the project, the Mitigated Negative Declaration, and the Takings Analysis. The prior lapsed approval required multiple variances, and three years later there can be no assurance that the same or a similar system would be approved. There are good reasons why the plain language of IP Section 22.64.160(A)(1)(d) requires the septic system be approved prior to the approval of the CDP.

In short, without an approved septic system, the proposed project is inconsistent with the LCP, and the Resolution approving the Coastal Permit cannot be adopted.

Thank you for considering my comments.

Respectfully,

Terence Carroll  
PO Box 103  
Forest Knolls, CA 94933