

State of California
California Regional Water Quality Control Board
Santa Ana Region

July 19, 2013

STAFF REPORT

ITEM: *6

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Daniel and Elaine Flanigan, 30838 La Solana Court, Redlands, San Bernardino County, APN 0300-431-16

DISCUSSION:

On May 30, 2013, Daniel Flanigan contacted staff requesting approval for the use of a septic tank-subsurface disposal system at the above-referenced property to serve two freestanding structures. Mr. & Mrs. Flanigan are constructing a single-family home on their property located at 30838 La Solana Court, Redlands. They are also proposing to construct a detached cabana/pool house on the lot. Both structures will be served by a 1,500-gallon septic system. The property is less than one acre in size (23,930 sq ft or 0.55 acre gross). This area is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of domestic wastes.

On October 13, 1989, the Regional Board adopted Resolution No. 89-157, which requires new developments for which on-site subsurface disposal system use is proposed to have a minimum one-half acre of land per dwelling unit. The Board found that it was necessary to limit the density of new subsurface disposal systems to control the nitrate quality problems found in the groundwater of the Region.

In adopting the minimum lot size requirements (MLSR), the Board recognized that there would likely be proposals for additions to existing developments that would result in increased wastewater flow. The Board's MLSR addresses these circumstances. The MLSR distinguishes between the types of additions to existing dwelling units. Additions to existing dwellings (bedrooms/bathrooms) are exempt from the MLSR. However, the MLSR states that any proposal to add a freestanding structure that would result in additional wastewater flows must be considered as a dwelling unit subject to the one-half acre requirement. The intent of distinguishing between additions that are attached to existing dwellings and freestanding structures was to guard against the use of the freestanding structure as a second single-family residence on the property, which would result in substantial additional wastewater flows.

The Flanigan's main house, by itself, would comply with the minimum lot size requirements. However, the proposed cabana/pool house must be considered as a

second freestanding structure on the property. Since the property is less than one-acre in size, the project does not comply with the Board's minimum lot size requirements. Accordingly, Board staff denied their request for an exemption from the minimum lot size requirements.

The purpose of the pool house is to provide a convenient bathroom and entertainment area near the pool so that guests need not to walk up to the house to use the facilities. The pool house will include a toilet, sink and a shower. Mr. & Mrs. Flanigan have assured staff that the 312 sq. ft. cabana/pool house will not be used as a second dwelling. They note that the total flow that would occur on their property as a result of this project would be no greater than the flow that will occur from their home. Therefore, the proposed septic tank-subsurface disposal system can accommodate the proposed cabana/pool house.

RECOMMENDATION:

Approve Mr. and Mrs. Flanigan's request for an exemption from the minimum lot size requirements because the proposed cabana/pool house will not be used as a second dwelling unit, nor will it result in an increase in wastewater flow to the proposed septic tank-subsurface disposal system.

Comments were solicited from the following agencies:

City of Redlands, Building and Safety – Henry Roe