

**California Regional Water Quality Control Board**  
**Santa Ana Region**  
**3737 Main Street, Suite 500**  
**Riverside, CA 92501-3348**  
**(951) 782-4130**

**FREQUENTLY ASKED QUESTIONS**

**Minimum Lot Size Requirements For  
Subsurface Disposal Systems**

**Background and Purpose**

The California Regional Water Quality Control Board, Santa Ana Region (Regional Board) has established minimum lot size requirements (MLSR's) for the use of on-site septic tank-subsurface disposal systems at new developments within the Region. These requirements were first established in 1989 and have been amended since then. They are intended to protect groundwater quality. For residential developments, the minimum lot size required is one-half (½) acre per dwelling unit. For commercial and industrial developments, the minimum lot size required is based on the flow that is expected to be generated at the development or on the total fixture count of the project (see response to Question 13, below). The Regional Board has also established a number of exemption criteria whereby Regional Board staff can grant exemptions from the minimum lot size requirements (MLSRs).

As the MLSRs have been implemented, a number of questions have been raised. The purpose of this document is to provide responses to the frequently asked questions. The reader is encouraged to contact a Regional Board staff member by calling and making an appointment (the telephone number is listed above) if your particular question is not adequately addressed or if you need additional clarification or other assistance.

**Q1: What is the procedure for applying for a septic tank clearance from the Regional Board?**

A:

- a. The first step is to get approval from the local regulating/permitting agency (San Bernardino or Riverside County Environmental Health Departments, City of Rancho Cucamonga, City of Moreno Valley or City of Yucaipa) for the use of a septic tank subsurface disposal system. The local agency must approve the soils percolation report. If the local permitting agency requires you to get clearance from the Regional Board, this is the time to get a clearance. In some cases, a clearance from the Regional Board is not required.
- b. If a Regional Board clearance is required by the local permitting agency, then once local agency approval is acquired, submit the applicable documents described in the answer to Question 2, below.
- c. Upon receipt of complete required documents and fee (if applicable), Regional Board staff will process your request in about two to three weeks.

**Q2: What documents do I need to submit to the Regional Board to get a clearance for the use of a septic tank-subsurface disposal system?**

A:

- a. For one to 4 dwelling units: (1) A transmittal letter describing the proposed project, including any septic tank-subsurface disposal systems that already exist on the project site. (2) A County approved percolation report or a county issued percolation rate. (3) A plot plan showing existing and proposed structures, including the dimensions of each lot, the size of each lot in acres, and the location of both proposed and any existing septic tank and leach line/seepage pits. The date(s) that the lot(s) were created should be provided. If the exact date is not known, please provide your best estimate.
- b. For 5 or more dwelling units: (1) A transmittal letter describing the proposed project including any septic tank-subsurface disposal systems that already exist on the project site. (2) A County approved percolation report or a county issued percolation rate. (3) A plot plan showing existing and proposed structures, including the dimensions of each lot, the area of each lot in acres, and the location of both proposed and any existing septic tank and leach line/seepage pits. (4) Completed Form 200 and a fee of \$1,226. (5) The date(s) that the lots were created. If the exact date(s) are not known, please provide your best estimate. (6) Large scale development projects will be required to submit documentation demonstrating compliance with the California Environmental Quality Act.
- c. For Commercial/Industrial projects: (1) A transmittal letter describing the proposed project, including any septic tank-subsurface disposal systems that already exist on the project site, the total fixture count of existing facilities, and the total fixture count of the proposed facilities. (2) A County approved percolation report or a county issued percolation rate. (3) A plot plan showing existing and proposed structures, including project site dimensions and size in acres, proposed plumbing fixtures, and the location of both proposed and any existing septic tank and leach line/seepage pits. (4) Completed Form 200 and a fee of \$1,226. (5) The date(s) that the lot(s) were created. If the exact date(s) are not known, please provide your best estimate. (6) Large-scale development projects will be required to submit documentation demonstrating compliance with the California Environmental Quality Act.

Please note that clearances will be based on **written submittals**. For each of the categories of proposed projects identified above, all of the submittals listed must be provided before a clearance can be issued. Oral communications, either in person or by telephone, will **not** be sufficient to obtain clearance.

**Q3: What documents do I need to submit to get a clearance for the use of a septic tank-subsurface disposal system when I propose to implement a septic system offset?**

A:

- a. Submit the address of the property at which the offset is to be implemented and the name and telephone number of the homeowner.
- b. Submit applicable information as described above in the answer to Q1, a-c.

Please note that clearances will be based on **written submittals**. **All** of the submittals identified above must be provided before a clearance can be issued. Oral communications, either in person or by telephone, will **not** be sufficient to obtain clearance.

**Q4: What documents do I need to submit to make an appeal to the Regional Board if Regional Board staff denies my request for the use of a septic tank-subsurface disposal system?**

**A:**

- a. Submit applicable information as described above in the answer to Q1, if not yet provided.
- b. Submit a letter requesting the appeal, including reasons or justification for making the appeal. If the reason for making the appeal is that the additional dwelling space and septic tank-subsurface disposal system is to be used by immediate relatives, please provide the name, address and telephone number of those relatives.

Please note that oral communications, either in person or by telephone, regarding the project details will not be accepted as part of the written submittals required above. A request for an appeal will not be processed if the submittals identified above are not complete.

**Q5: What is a “new” development, as defined in the MLSRs?**

**A:** A “new” development is defined as a proposed tract, parcel, industrial or commercial development that had not received one or more of the following approvals on or prior to September 7, 1989:

- a. Conditional approval or approval of a tentative parcel or tract map by the local agency (county or city Planning Commission, City Council, Board of Supervisors).
- b. A conditional use permit.
- c. Conditional approval or approval by the San Bernardino County Department of Environmental Health Services, Riverside county Department of Health, Orange County Health Care Agency or other local agency.

The development is also considered a “new” development if one or more of the approvals cited above were granted on or prior to September 7, but had expired prior to September 7, 1989.

**Q6: What is an industrial/commercial development?**

**A.:** Industrial/commercial developments are developments other than single-family residential developments.

**Q7: I reside in a home on a half-acre parcel utilizing a septic system. Can I construct a second dwelling unit and second septic system on this same lot?**

A: In general, no. The minimum lot size requirements specify that you must have one-half acre for each dwelling unit/septic system proposed. However, an exemption from this requirement can be granted if you implement an acceptable offset. The offset program is described in the answer to Question 8.

**Q8: I reside in a home on a half-acre parcel utilizing a septic system. I need to construct a second dwelling unit with septic system for my parents. Is there any way I can obtain an exemption from the minimum lot size requirements?**

A: Yes. Under the minimum lot size exemption criteria, an exemption from the ½ acre per septic system requirement can be obtained if you implement an acceptable offset. To implement an acceptable offset, you would need to connect another septic system to the sewer in exchange for your installation of the second septic system at your home. The septic system you connect to the sewer must be in the same general area as your home, and must not be required to be connected to the sewer for other reasons (e.g., the system is failing). You will need to obtain advance approval of your proposed offset from Regional Board staff. Board staff can provide additional information concerning the offset program and subsurface systems that are eligible for connection to the sewer. You are also encouraged to contact your local building department to see whether a list of septic systems eligible for connection is available.

**Q9: I have a lot smaller than one-half acre in size and no sewer is available to serve this lot. There is not enough room on this lot to support a conventional septic system. Can I construct a home on this small lot utilizing an alternative disposal system?**

A: Each request for the proposed use of an alternative treatment system must be reviewed on a case-by-case basis and submitted to the Regional Board for consideration. In addition, you would need to obtain approval from the appropriate local or county agency.

**Q10: I would like to add an additional bedroom(s) and bath(s) to my existing home but my current septic system will not accommodate additional flows. Can I upgrade my existing septic system to accommodate the additional flows?**

A: For single family residences, the replacement of an existing septic tank-subsurface disposal system to accommodate additional flows resulting from additions to the existing home is exempt from the one-half acre minimum lot size requirement. It should be noted that this exemption does not apply when the proposed additions to the existing home are freestanding. When the additions are freestanding, the ½ acre minimum lot size requirement applies.

**Q11: My current residence is on a half-acre parcel utilizing a septic system. I would like to construct a bathroom in my detached garage. My existing septic system can accommodate additional flows. Can I connect the proposed garage bathroom to the septic system that is currently servicing my home?**

A: No. The construction of the bathroom in the detached garage would be considered a freestanding addition to the home, subject to the ½ acre minimum lot size requirement. To approve your proposal, your parcel would have to be at least one acre. An exemption from this requirement could be granted if you implement an acceptable offset.

**Q12: As in Question 11, I want to add a bathroom to my detached garage. If I constructed a breezeway between my house and garage, would you consider the garage a part of the existing dwelling, rather than freestanding, thereby allowing me to connect the bathroom to the existing septic system?**

A. No. Connection of detached structures to an existing home by means of a breezeway does not render the detached structures part of the existing home. The addition of a bathroom to the garage (or other freestanding structure) would trigger the need to comply with the minimum lot size requirements.

**Q13: I want to construct an office on a lot smaller than one-half acre. There is no sewer available to serve the lot. Can I obtain an exemption from the MLSRs?**

A: Your project is considered a commercial/industrial development for the purposes of the minimum lot size requirements. The MLSRs specify that for commercial/industrial developments utilizing subsurface disposal systems, the wastewater flow for each ½ acre gross area of land may not exceed 300 gallons per day or 20 fixture units. For commercial/industrial developments on lots smaller than ½ acre, this flow rate requirement or fixture count is prorated. For example, a commercial/industrial development on a ¼ acre parcel is permissible if the wastewater flow rate does not exceed 150 gallons per day or a total fixture count of 10 fixtures. When there are existing facilities onsite that generate wastewater, the total flows or total fixture count for the existing and new facilities will be considered in the calculation.

**Q14: I want to construct a home utilizing a septic tank-subsurface disposal system on a parcel that is under one-half acre. There is a sewer available to the lot. Do I have to connect the proposed home to sewer?**

A: The MLSRs specify that no exemptions shall be granted for new developments on lots less than one-half acre that are 200 feet or less from a sewer that could serve the lot/tract.

**Q15: I have a tract/parcel that is under one-half acre in size. I received approval for the construction of home(s) utilizing septic system(s) for this tract/parcel prior to September 7, 1989. I am now ready to begin construction. Am I still subject to the MLSRs?**

A: If approval or conditional approval of your tract/parcel was granted by a local agency such as the county/city Planning Commission, City Council or the Board of Supervisors on or before September 7, 1989, your project is not considered a “new development” and is not subject to the MLSRs for septic tank-subsurface disposal system use. Also, if a conditional use permit had been issued prior to September 7, 1989, for the project and/or conditional approval or approval by the San Bernardino County Environmental Health, Riverside County Health Department, Orange County Public Facilities & Resources Department or other local agency your development is not subject to the MLSRs.

**Q16: I have a lot that is just under one-half acre in size (0.49). There are no easements included with my lot/property. Can I use easements adjacent to my property to calculate my lot size for the purposes of complying with the minimum lot size requirement of one-half acre per dwelling unit?**

A: No. The MLSRs allows you to use easements in calculating your lot size only if those easements are a part of your property.

**Q17: I would like to update my existing septic system to bring it up to code. My lot is less than a half-acre in size. Do I need to comply with the MLSRs?**

A: No. For residential, commercial and industrial developments, the replacement of existing septic tank-subsurface disposal systems to bring them up to code, as required by the local health care agencies and/or the building and safety departments, is exempt from the minimum lot size requirements.

**Q18: I have two lots just under one-half acre in size (0.47 acre net). I have constructed a home using a subsurface disposal system on one of the lots; however, the dwelling unit encroaches on a portion of the other lot. The County is requiring me to do a lot line adjustment in order to make the lots legal for future additional housing. There is no sewer available to the site. Am I subject to the MLSRs?**

A: Lot line adjustments do not trigger the application of the MLSRs provided that: (1) the lots affected by the adjustment had both received one or more of the approvals identified in the answer to Question 5 on or prior to September 7, 1989; and, (2) the total number of units proposed for the new lots is equal to or less than the total number of units originally proposed when the lots received approval

**Q19: I am proposing to construct an additional office/warehouse building on a lot greater than 0.5 acres but less than 1 acre. The existing office is connected to a septic tank subsurface disposal system. The new building will have two bathrooms and will be connected to a sanitary sewer line. The existing septic tank will still be used for the original office since connection to the sewer would be too costly. Is this project deemed a new development, subject to the MLSRs?**

A: No. The proposed project does not trigger the minimum lot size requirements since the new building would be connected to the sewer and no additional subsurface disposal system is proposed.

**Q20: If Regional Board staff denies my request for an exemption from the minimum lot size requirements can I appeal that decision?**

A: Yes. You can request that the Regional Board consider your request for an exemption at one of the Board's meetings. See also the answer to Q.4., above.

**Q21: I have a lot that was approved prior to September 1989 and that is less than one half acre. I plan to construct two separate dwelling units with separate septic tank-subsurface disposal systems on the lot. I plan to implement septic system offsets as necessary to obtain a clearance. How many septic system offsets do I have to provide?**

A: Since the lot was approved prior to September 1989, one of the septic systems can be installed without implementing an offset. However, an offset must be provided to obtain clearance for your second septic system.

If you were to decide to subdivide the lot, you would be required to implement two septic system offsets. This is because the subdivision of your lot would render it a "new development" for the purposes of the MLSR's. In that case, each of the new lots would need to comply with the one-half acre MLSR's, unless offsets are provided.

Approval of proposed offsets must be obtained from Regional Board staff in advance of implementation. Please remember that the information identified in the answers to Questions 2 and 3 must be provided to obtain a clearance.

**Q22: I have a lot that was approved prior to September 1989 and that is more than one half acre but less than 1 acre. I plan to construct two separate dwelling units on the lot. I plan to implement septic system offsets as necessary to obtain a clearance. How many offsets do I have to provide?**

A: Since the lot was approved prior to September 1989, one of the septic systems can be installed without an offset. However, an offset will be required to obtain clearance for the second system.

If you decided to subdivide the property, you would be required to implement one septic system offset. Subdivision of your lot would render it a "new development" for the

purposes of the MLSR's. In that case, one of the septic systems could be approved since the one-half acre lot size requirement would be met. However, since the second system would be on a lot less than one-half acre, an offset would need to be provided. As a rule of thumb, for residential dwelling construction, the way the number of offsets required is calculated is to divide the total lot acreage by one-half acre, eliminate any fractional numbers in the result, and then subtract the resulting whole number from the proposed total number of lots. This result is the total number of required offsets. Approval of proposed offsets must be obtained from Regional Board staff in advance of implementation. Please remember that the information identified in the answers to Questions 2 and 3 must be provided to obtain a clearance.

**Q23: I have a lot that was approved prior to September 1989 and that is more than one half acre. The area is zoned for multiple residential units (R3). I plan to construct one dwelling unit and a duplex on my lot. I plan to implement septic system offsets as necessary to obtain a clearance. How many offsets do I have to provide?**

A: First, please make sure from the local regulating agency that zoning requirements are satisfied and that the construction of a duplex structure in your area is allowed before contacting the Regional Board. If construction is allowed, submit the required applicable documents identified in the answer to Q.2., above. Since duplex structures are normally classified as commercial establishments, the number of offsets will be calculated based on the total fixture count proposed for the entire project. The total fixture count will be determined by the total number of water closets, lavatories, sinks, tubs/shower stalls and other plumbing fixtures proposed for the project. As an example, assume that the lot size is 0.75 acre and a total fixture count of 62 fixture units is proposed. The number of offsets required is calculated by considering the MLSR allowance of 20 FU per half acre. In this case, divide 0.75 acres by 0.5 acres and multiply by 20 FU. The result is 30 allowed FU. Then subtract the allowed FU from the proposed total FU:  $62 - 30 = 32$  FU. Divide 32 by 20 to determine the number of required offsets.  $32 \div 20 = 1.6$ . In this case, two offsets will be required.

If you were to decide to subdivide the lot, the county sends the Regional Board a copy of the subdivision plan for comment. The Regional Board would not require you to implement any additional septic system offsets provided that the total fixture count remains the same. Please note that depending on how much time has elapsed since septic tank clearance has been issued and the lot division approval is processed, you may have to provide the Regional Board with a copy of the septic tank clearance.

Approval of proposed offsets must be obtained from Regional Board staff in advance of implementation. Please remember also that the information identified in the answers to Questions 2 and 3 must be provided to obtain a clearance.

**Q24: I have an existing home that is served by an existing septic system. I am proposing to add additional rooms and a bathroom to my existing home. The additions are attached to the existing dwelling unit. There is no sewer available within 200 feet of my lot. Due to the topography of the property and/or other restricting onsite conditions, I will not be able to connect my room additions to the existing septic system. Can I add a second septic tank to serve these new room additions?**

A: The MLSR only allows for one single-family home on a one-half acre lot to be served by one onsite septic system (and/or those lots approved prior to September 7, 1989). The addition of a second septic system to serve room additions to the existing home would not be in compliance with the MLSR. However, consideration for approval by the Regional Board for the use of a second septic system can be determined on a case-by-case basis (this does not include any proposed freestanding structures or proposed room additions to the home connected by a breezeway) and subject to prior local agency approval.