

California Regional Water Quality Control Board  
Santa Ana Region

July 18, 2008

ITEM: \*6

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – David Parkin, 42575 Painted Desert Court, Riverside County, APN 555-530-006

DISCUSSION:

Mr. David Parkin and family reside in a house located at 42575 Painted Desert Court, Hemet, Riverside County. An existing subsurface disposal system is utilized for the discharge of domestic waste from the house. On May 23, 2008, Mr. Parkin contacted staff requesting approval for the use of the existing subsurface disposal system for wastewater disposal from a proposed detached pool house with patio that Mr. Parkin plans to construct at the above-referenced site. The property is over one-half acre in size (34,412 sq ft or 0.79 acre gross). This area of the County 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 it was appropriate to distinguish between "existing" developments using subsurface disposal systems (i.e., those already in place or approved at the time the MLSR were adopted), and "new" developments. The Board specifically exempted from the one-half acre requirement existing developments where septic tank-subsurface disposal systems had been installed by September 7, 1989 or for which conditional approval (e.g. conditional use permit, or conditional approval of tentative parcel or tract map) had been obtained by that date. The one-half acre requirement applies only to "new" developments.

The Board also recognized that there would likely be proposals for additions to existing developments that would result in increased wastewater flow. The Board's MLSR address these circumstances. The MLSR distinguish between the types of additions to existing dwelling units. Additions to existing dwellings (bedrooms/bathrooms) are exempt from the MLSR. However, the MLSR state that any proposal to add a freestanding structure that would result in additional wastewater flows must be considered a "new" development. 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 proposed pool house structure on Mr. Parkin's property would be a freestanding structure. As such, the project as a whole (the existing house and the pool house structure) must now be considered a "new" development to which the one-half acre minimum lot size requirement applies. Mr. Parkin's proposal does not comply with the Board's minimum lot size requirements. Accordingly, Board staff denied Mr. Parkin's request for an exemption from the minimum lot size requirements.

The 308 sq. ft. pool house will include an 86 sq. ft. pool supply/storage area, a 168 sq. ft. sitting room and a 54 sq. ft. bathroom with a toilet, sink and shower. The purpose of the pool house room is to provide a convenient bathroom and entertainment area near the proposed pool so that guests would not need to walk up to the house to use the facilities. Mr. Parkin has assured staff that the pool house will not be used as a second dwelling. No living room or kitchen facilities are proposed, making it infeasible to permit the new facilities as a dwelling unit.

**RECOMMENDATION:**

Approve Mr. Parkin's request for an exemption from the minimum lot size requirements based on the small size and limited possible use of the 308 sq ft pool house structure, which is not intended and cannot be permitted as a second dwelling unit.

Comments were solicited from the following agencies:

Riverside County Environmental Health – Matt Riha/Greg Dellenbach  
Riverside County Building and Safety – Steve Dondalski