

California Regional Water Quality Control Board  
Santa Ana Region

STAFF REPORT

January 29, 2010

ITEM: \*6

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Duayne and Carole Bliss, 5423 Amethyst Street, Alta Loma, San Bernardino County – APN 1061-551-03 (DRC 2009-00805)

DISCUSSION:

On December 11, 2009, Duayne Bliss contacted staff requesting an approval for the use of a second septic system on the lot located at 5423 Amethyst Street, Alta Loma. Mr. and Mrs. Bliss reside in a home located at the site. An existing subsurface disposal system is utilized for the discharge of domestic waste from the house. The gross size of the lot is slightly less than one acre (39,738 sq. ft or 0.91 acre). This area of the County is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of domestic waste.

Mr. and Mrs. Bliss are proposing to construct a second dwelling unit (granny flat) with attached RV garage on their lot. A new septic tank-subsurface disposal system is proposed for the discharge of domestic waste from the second dwelling unit.

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 (MLSRs), the Board recognized that it was necessary to distinguish between "existing" developments using subsurface disposal systems (i.e., those already in place or approved at the time the MLSRs 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. Mr. and Mrs. Bliss' proposed development is a new development as defined in Resolution No. 89-157 and is therefore subject to the minimum lot size requirements specified therein. Mr. and Mrs. Bliss' lot is slightly less than one acre in size. With a density of 0.455 acres per dwelling unit, Mr. and Mrs. Bliss' proposal does not comply with the Board's

minimum lot size requirements. Accordingly, Board staff was required to deny Mr. and Mrs. Bliss' request for an exemption from the minimum lot size requirements.

However, staff believes that since the lot is very close to the required 1-acre minimum requirement, this factor would support granting an exemption for this proposed project.

**RECOMMENDATION:**

Approve Mr. and Mrs. Bliss' request for an exemption from the minimum lot size requirements for the use of a second septic system to serve the second dwelling unit (granny flat) with attached RV garage on their lot.

Comments were solicited from the following agencies:

San Bernardino County Environmental Health Services – Mike Farrell  
City of Rancho Cucamonga, Building and Safety – Trang Huynh/Matthew Addington