

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

STAFF REPORT

April 25, 2014

ITEM: \*7

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirements for Subsurface Disposal System Use – Leo DeGuire, 10205 Victoria Avenue, Riverside, Riverside County – APN 138-280-015

DISCUSSION:

On March 20, 2014, Leo DeGuire contacted Board staff and requested approval for the use of a second dwelling unit on the lot located at 10205 Victoria Avenue, Riverside. Mr. DeGuire resides 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 (41,976 sq. ft. or 0.96 acre). This area is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of domestic waste.

Approximately ten years ago, Mr. DeGuire constructed a detached five car garage with an attached workshop. About four years later, Mr. DeGuire converted the workshop into a dwelling unit (granny flat) for his ailing parents to live in. The granny flat is connected to the existing septic tank-subsurface disposal system that currently serves the home. Mr. DeGuire is now in the process of obtaining the proper permits from Riverside County for the dwelling.

On October 13, 1989, the Regional Board adopted Resolution No. 89-157, which requires that new developments, for which on-site subsurface disposal system use is proposed, 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. DeGuire's second dwelling (detached garage with granny flat) is considered as a new development as defined in Resolution No. 89-157 and is, therefore, subject to the

minimum lot size requirements specified therein. Mr. DeGuire's lot is slightly less than one acre in size. With a density of 0.48 acres per dwelling unit, Mr. DeGuire's proposal does not comply with the Board's minimum lot size requirements. Accordingly, Board staff was required to deny Mr. DeGuire's request for an exemption from the minimum lot size requirements. Mr. DeGuire has requested the Board to review staff's denial.

The Board has granted exemptions for similar cases in the past where the lot is very close to the required half acre minimum requirement. Mr. DeGuire's lot is 0.48 acres per dwelling unit (total 0.96 acres for two dwelling units). Granting an exemption for this proposed project would be consistent with prior Board actions.

**RECOMMENDATION:**

Approve Mr. DeGuire's request for an exemption from the minimum lot size requirements for the use of a septic system to serve the detached garage/second dwelling unit (granny flat) on his lot.

Comments were solicited from the following persons:

Riverside County Environmental Health – Matt Riha / Marc Haraksin