

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

April 25, 2014

STAFF REPORT

ITEM: \*8

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Carlos Navarro, 26433 Thacker Drive, Hemet, Riverside County, APN 553-321-005

DISCUSSION:

On April 2, 2014, Carlos Navarro contacted staff requesting approval for the use of an existing septic tank-subsurface disposal system to serve a freestanding structure. Mr. Navarro resides in a house located at 26433 Thacker Drive, Hemet. An existing septic tank-subsurface disposal system is utilized for the disposal of sanitary wastes from the home. The property is less than one acre in size (24,829 sq. ft. or 0.57-acre). This area is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of domestic wastes.

Recently, Mr. Navarro installed a detached metal fabricated storage garage which includes a bathroom (toilet and sink). This structure is connected to the existing septic system which currently serves the home. Mr. Navarro is in the process of obtaining the proper permits from Riverside County for this structure.

On October 13, 1989, the Regional Board adopted Resolution No. 89-157, which requires new development 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 dwellings using 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 new 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.

Mr. Navarro's main house, by itself, would comply with the minimum lot size requirements. However, the proposed storage garage must be considered as a 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 his request for an exemption from the minimum lot size requirements.

The purpose of the 864 sq. ft. storage garage is to provide a convenient storage for Mr. Navarro's pontoon boat and equipment as well as a place to perform routine maintenance work on such. The bathroom in this structure would enable Mr. Navarro to cleanup there rather than tracking dirt into his house. Mr. Navarro has assured staff that the metal storage structure will not be converted to a second dwelling unit as the structure has no insulation, heating/air conditioning, etc.

**RECOMMENDATION:**

Approve Mr. Navarro's request for an exemption from the minimum lot size requirements because the workshop/storage garage will not be used as a second dwelling unit and it will not result in an increase in wastewater flow to the proposed septic tank-subsurface disposal system.

Comments were solicited from the following agencies:

Riverside County Environmental Health – Matt Riha / Marc Haraksin