

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

STAFF REPORT

ITEM: *6

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirements for Subsurface Disposal System Use – 21060 Loren Lane, Nuevo, Riverside County – APN 427-260-024

DISCUSSION:

On July 9, 2014, Jesenia Macias contacted Board staff and requested approval for the use of a second dwelling unit on the lot located at 21060 Loren Lane, Nuevo. Ms. Macias 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 (40,138 sq. ft. or 0.92 acre). This area is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of domestic waste.

Ms. Macias is proposing to convert a portion of an existing detached garage to a guest house. The guest house will include 1-bedroom, 1-bath, a sink and a washer and dryer hook-up. A second septic system is proposed to serve the guest house.

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, 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 necessary 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. Ms. Macias second dwelling (detached garage with guest house) 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. Ms. Macias lot is slightly less than one acre in size. With a density of 0.46 acres per dwelling unit, Ms. Macias proposal does not comply with the Board's minimum lot size requirements. Accordingly, Board staff was required to deny Ms. Macias request for an exemption from the minimum lot size requirements. Ms. Macias has requested the Board to review staff's denial.

The second unit proposed for the site is only a one-bedroom, one- bath unit and the wastewater flow is expected to be less than that from a single family residence. The Board has granted exemptions for similar cases in the past where the lot is very close to the required half acre. Ms. Macias lot is 0.46 acres per dwelling unit (total 0.92 acres for two dwelling units). Granting an exemption for this proposed project would be consistent with prior Board actions.

RECOMMENDATION:

Approve Ms. Macias request for an exemption from the minimum lot size requirements for the use of a second septic system to serve the detached garage/second dwelling unit (guest house) on her lot.

Comments were solicited from the following persons:

Riverside County Environmental Health – Matt Riha / Mike Mistica