

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

STAFF REPORT

January 30, 2015

ITEM: *7

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirements for Subsurface Disposal System Use – Rose Rios, 10364 Victoria Avenue, Riverside, Riverside County, APN 239-030-003

DISCUSSION:

On December 31, 2014, AM/PAC and Associates, Inc., on behalf of Rose Rios, contacted Board staff and requested approval for the discharge of wastewater from a second dwelling unit on the lot located at 10364 Victoria Avenue, Riverside. Currently there is a small single family 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 larger than one-half acre (23,087 sq. ft. or 0.53 acre). This area is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of domestic waste.

Ms. Rios purchased the property with an existing 2-bedroom, 1-bath house which is served by an existing septic system. Ms. Rios proposes to construct a larger two-story home on the property and convert the existing home into a guest house.

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. Ms. Rios proposal to construct a second dwelling 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. Rios lot is slightly larger than one-half acre in size. With a density of 0.265 acres per dwelling unit, Ms. Rios proposal does not comply with the Board's

minimum lot size requirements. Consequently, staff denied her request. Ms. Rios has requested the Board to review staff's denial.

The MLSRs specify that project proponents may propose an alternative treatment system for sewage disposal as the basis for an exemption from the requirements. Such a proposal must be reviewed on a case-by-case basis and submitted to the Regional Board for consideration. Due to high groundwater on the property and in order to reduce the nitrogen loading from the dwellings, Ms. Rios proposes to serve both homes with an alternative disposal system. The system being proposed is a Jet, Inc. Model J-1250 recirculating disposal system with a 1,500-gallon septic tank, 1,500-gallon pump chamber and shallow drip dispersal for the treatment and disposal of sanitary wastes from both homes. The alternative treatment system will be operated in a manner such that the total nitrogen loading from the system will be less than half that from a conventional septic tank. Consequently, the nitrogen loading from the proposed two dwellings will be less than that from a single dwelling utilizing a conventional septic tank system. As such, Ms. Rios' proposal meets the intent of the Board's MLSRs.

RECOMMENDATION:

Approve Ms. Rios request for an exemption from the minimum lot size requirements for the use of an alternative disposal system to serve the proposed new home and converted guest house on her lot.

Comments were solicited from the following persons:

Riverside County Environmental Health – Matt Riha / Marc Haraksin
AM/PAC and Associates, Inc. – David Ballinger