

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

STAFF REPORT

July 24, 2015

ITEM: *6

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – George Kraus, Kraus Construction, on behalf of Margaret Metzke, 26080 Marlo Court, Hemet, Riverside County, APN 553-150-061

DISCUSSION:

On June 16, 2015, George Kraus contacted staff, on behalf of the property owner, and requested approval to construct a detached garage on the lot located at 26080 Marlo Court, Hemet. Mr. Kraus is the contractor hired by the current homeowner (Margaret Metzke), who resides in an existing 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 (40,510.8 sq. ft. or 0.93 acre). This area is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of domestic waste.

As the contractor for Ms. Metzke, Mr. Kraus is proposing to construct a detached RV garage with a bathroom (toilet, sink, shower). Mr. Kraus also proposes to add approximately 1,500-square feet to the existing house for a master bedroom which will include 2 toilets, 2 sinks and 2 showers. A second septic system is proposed to serve the detached RV garage and new master bedroom.

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. The

detached structure (detached RV garage) 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. The lot is slightly less than one acre in size. With a density of 0.465 acres per dwelling unit, the proposal does not comply with the Board's minimum lot size requirements. Accordingly, Board staff was required to deny the request for an exemption from the minimum lot size requirements. Mr. Kraus, on behalf of the property owner, has requested the Board to review staff's denial.

In adopting the MLSR, the Board also recognized that there would likely be proposals for additions to existing developments that would result in increased wastewater flow. The Board's MLSR address these circumstances. Additions to existing dwellings (bedrooms/bathrooms) are exempt from the MLSR, provided that the existing septic system can accommodate the additional wastewater flows. The MLSR also specify that replacement of an existing septic tank system to accommodate additional flows resulting from additions to existing dwellings is exempt from the minimum lot size requirement. However, the addition of a second septic tank to accommodate such additional flows is not exempt from the MLSR.

The Board has granted exemptions for similar cases in the past where the lot is very close to the required half acre requirement and where the project proponent is not proposing a separate dwelling unit. The lot is 0.465 acres per dwelling/structure unit (total 0.93 acres for 1-dwelling and 1-RV garage). Granting an exemption for this proposed project would be consistent with prior Board actions.

RECOMMENDATION:

Approve Mr. Kraus request for an exemption from the minimum lot size requirements for the use of a second septic system to serve the detached garage with a toilet, sink and a shower and room additions to the existing dwelling on the lot with 2 toilets, 2 sinks and 2 showers.

Comments were solicited from the following persons:

Riverside County Environmental Health – Matt Riha / Marc Haraksin