

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

June 10, 2016

STAFF REPORT

ITEM: \*6

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Leon Pangburn, 31260 Geary Street, Menifee, Riverside County, APN 358-200-000

DISCUSSION:

On March 19, 2016, Leon Pangburn contacted staff requesting to connect a detached game room to an existing septic tank-subsurface disposal system at the above-referenced site. Mr. Pangburn resides in a single-family dwelling on the property which is served by an existing septic system. The property is less than one-half acre in size (16,553 sq. ft. or 0.38 acre net). This area is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of domestic wastes.

Mr. Pangburn has constructed a 300 square foot detached game room with a bathroom which includes 1-toilet and 1-sink. A 300-gallon septic system was proposed and installed to serve the detached game room; however, after discussions with Board staff, Mr. Pangburn has revised his plans and proposes to connect the detached game room to the existing septic system which serves his home.

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 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 subsurface disposal systems to control the nitrate quality problems found in the groundwater of the Region. 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 or tentative parcel or tract map) had been obtained by that date. Mr. Pangburn's existing subsurface disposal system was installed prior to September 7, 1989 and is not subject to the minimum lot size requirements (MLSR). However, Mr. Pangburn's proposed addition of a second subsurface disposal system is not exempted from the MLSR. Given the small size of Mr. Pangburn's lot (0.38 acre), the proposed addition of a second system does not comply with the one-half acre minimum lot size requirement.

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 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. Pangburn's main house, by itself, would comply with the minimum lot size requirements. However, the proposed game room must be considered as a second 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 game room is to provide a convenient bathroom and entertainment area so that he and/or his guests need not walk up to the house to use the facilities. The game room will include a toilet and sink only (no shower). Mr. Pangburn has assured staff that the 300 sq. ft. game room will not be used as a second dwelling. He notes that the total flow that would occur on his property as a result of this project would be no greater than the flow that will occur from his home. Therefore, the existing septic tank-subsurface disposal system can accommodate the proposed game room.

**RECOMMENDATION:**

Approve Mr. Pangburn's request for an exemption from the minimum lot size requirements as the proposed game room will not be used as a second dwelling unit, nor will it result in an increase in wastewater flow to the proposed septic tank-subsurface disposal system.

Comments were solicited from the following agencies:

City of Menifee – Christina Bustamante  
Riverside County Environmental Health – Matt Riha / Kristine Kim