

California Regional Water Quality Control Board
Santa Ana Region

STAFF REPORT

February 29, 2008

ITEM: *5

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – William Harris, 40375 Pageant Place, Hemet, Riverside County, APN 451-240-020

DISCUSSION:

On January 14, 2008, Dwane Gant, on behalf of William Harris, contacted Board staff requesting approval for the construction of a detached 54 square foot (sq. ft.) pool house utilizing septic tank-subsurface disposal system at the above-referenced site. Mr. Harris resides in a house located at the site. An existing subsurface disposal system is utilized for the discharge of domestic waste from the house. The property is just under one-half acre in size (15,246 sq ft or 0.35 acre gross). This area of the County is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of domestic wastes.

Mr. Harris is proposing to construct a pool house on his property. The pool house will include 1-toilet, 1-sink and an outside shower area. Mr. Harris proposes to connect the pool house to the existing 1,500-gallon septic tank-subsurface disposal system that currently serves the 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 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.

In adopting the minimum lot size requirements (MLSRs), the Board recognized that it was appropriate 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. Mr. Harris' existing subsurface disposal system was installed prior to September 7, 1989 and is not subject to the minimum lot size requirements. The one-half acre requirement applies only to "new" developments.

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 MLSRs address these circumstances. The MLSRs distinguish between the types of additions to existing dwelling units. Additions to existing dwellings (bedrooms/bathrooms) are exempt from the MLSRs. However, the MLSRs state that any proposal to add a freestanding structure that would result in additional wastewater flows must be considered a "new" development. 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. The proposed pool house on Mr. Harris' property would be a freestanding structure. As such, the project as a whole (the existing house and the pool house) must now be considered a "new" development to which the one-half acre minimum lot size requirement applies. As such, Mr. Harris' proposal does not comply with the Board's minimum lot size requirements. Accordingly, Board staff denied Mr. Harris' request for an exemption from the minimum lot size requirements.

The purpose of the pool house is to provide a convenient bathroom/entertainment area near the pool so that guests would not need to walk up to the house to use the facilities. The pool house will have a toilet and a sink in the bathroom. An outside shower/rinse area is proposed near this pool house. Mr. Harris has assured Board staff that the 54 sq. ft pool house will not be used as a second dwelling. No living room or kitchen facilities are proposed, making it infeasible to permit the new structure as a dwelling unit.

RECOMMENDATION:

Approve Mr. Harris' request for an exemption from the minimum lot size requirements based on the small size and limited possible use of the 54 sq ft pool house, which is not intended and cannot be permitted as a second dwelling unit.

Comments were solicited from the following agencies:

Riverside County Environmental Health – Matt Riha
Riverside County Building and Safety – Steve Dondalski
G.A.M. Associate – Dwane Gant