

California Regional Water Quality Control Board  
Santa Ana Region

STAFF REPORT

June 6, 2008

ITEM: \*7

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – William and Valerie Housel, 4265 Mountain Drive, San Bernardino, San Bernardino County – APN 0265-111-08

DISCUSSION:

On April 15, 2008, Mr. & Mrs. Housel submitted a written request for the proposed construction of two single family dwellings on their lot located at 4265 Mountain Drive, San Bernardino. The Housel's indicated that San Bernardino County recently revised the zoning requirement for the lot to Residential Multiple (RM). This zoning change required the Housel's to construct more than one residential unit on their property. The Housel's also stated that the lot at one time had an existing home that was served by a subsurface disposal system for the discharge of domestic waste. The existing house was later vandalized by fire and no longer exists. The gross lot size is slightly less than one acre (41,818 sq. ft or 0.96 acre). The proposed dwellings will be served by individual on-site septic tank-subsurface disposal systems. This area of the County is unsewered and on-site septic tank-subsurface disposal systems are utilized for domestic waste disposal.

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 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. Mr. & Mrs. Housel's proposed development is a new development as defined in Resolution No. 89-157 and is therefore subject to the minimum lot size requirements specified therein. With a density of 0.48 acres per dwelling unit, Mr. & Mrs. Housel's proposal

does not comply with the Board's minimum lot size requirements. Accordingly, Board staff denied their request for an exemption from the minimum lot size requirements.

The project as a whole (two single family dwellings) must now be considered a "new" development to which the one-half acre minimum lot size requirement applies. Mr. & Mrs. Housel's lot is slightly less than one acre in size (1,742 sq. ft short) and, therefore, staff was required to deny the request for a clearance for the project.

However, staff believes that since the lot (0.96 acre) is very close to the required 1-acre minimum requirement, this factor would support granting an exemption for this proposed project.

**RECOMMENDATION:**

Approve Mr. & Mrs. Housel's request for an exemption from the minimum lot size requirements for the construction of 2 single family homes utilizing individual septic systems.

Comments were solicited from the following agencies:

San Bernardino County Environmental Health Services – Mike Farrell  
San Bernardino County Building and Safety – Barbara Johnston  
San Bernardino County Planning –