

California Regional Water Quality Control Board
Santa Ana Region

June 6, 2008

ITEM: *8

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Craig and Rachelle Merrihew, 6161 Hawarden Drive, Riverside, Riverside County, APN 241-100-015

DISCUSSION:

On April 30, 2008, Sherri Libby of CDL Landscapae, Inc., on behalf of Craig and Rachelle Merrihew, contacted staff requesting approval for the use of a second septic tank-subsurface disposal system at the above-referenced site. Mr. & Mrs. Merrihew reside in a house located at 6161 Hawarden Drive, Riverside, Riverside County. An existing subsurface disposal system is utilized for the discharge of domestic waste from the house. The property is one-half acre in size (21,780 sq ft or 0.5 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. & Mrs. Merrihew are proposing to construct a 10 foot X 8 foot free standing structure to house a bathroom for an outdoor pool and entertainment area on their property. An individual 500-gallon septic tank-subsurface disposal system is proposed to be installed to serve this structure.

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. 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 bathroom structure on Mr. and Mrs. Merrihew's property would be a freestanding structure. As such, the project as a whole (the existing house and the bathroom structure) must now be considered a "new" development to which the one-half acre minimum lot size requirement applies. The Merrihew's proposal does not comply with the Board's minimum lot size requirements. Accordingly, Board staff denied Mr. and Mrs. Merrihew's request for an exemption from the minimum lot size requirements.

The purpose of the bathroom structure is to provide a convenient bathroom near the pool and entertainment area so that guests would not need to walk up to the house to use the bathrooms. The free standing bathroom structure will have a toilet and sink. Mr. & Mrs. Merrihew have assured staff that the 80 sq. ft bathroom structure will not be used as a second dwelling. The small septic system proposed to be installed (500 gallons) reflects the intended limited use. No living room or kitchen facilities are proposed, making it infeasible to permit the new facilities as a dwelling unit.

RECOMMENDATION:

Approve Mr. and Mrs. Merrihew's request for an exemption from the minimum lot size requirements based on the small size and limited possible use of the 80 sq ft bathroom structure, 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
CDL Landscape, Inc. – Sherri Libby