

California Regional Water Quality Control Board
Santa Ana Region

STAFF REPORT

June 6, 2008

ITEM: *10

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Charles Magee, 11565 Lasselle Street, Moreno Valley, Riverside County – APN 474-200-021

DISCUSSION:

On May 9, 2008, Carly Rozzo of Lanik Enterprises, Inc., on behalf of Charles Magee, contacted staff requesting an approval for the use of a second septic system on the lot located at 11565 Lasselle Street, Moreno Valley, Riverside County. Mr. Magee resides in a 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 (39,640 sq. ft or 0.91 acre). This area of the County is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of domestic waste.

Mr. Magee is proposing to construct and install a 1,196 square foot manufactured home on his lot for his mother. A new 1200 gallon capacity septic tank-subsurface disposal system is proposed for the discharge of domestic waste from this second dwelling unit.

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. Magee'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. Mr. Magee's lot is slightly less than one acre in size (3,920 sq. ft short). With a density of 0.455 acres per dwelling unit, Mr. Magee's proposal does not comply with the Board's

minimum lot size requirements. Accordingly, Board staff was required to deny Mr. Magee's request for an exemption from the minimum lot size requirements.

However, staff believes that since the lot (0.91 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. Magee's request for an exemption from the minimum lot size requirements for the use of a second septic system to serve the second dwelling unit (granny flat) on his lot.

Comments were solicited from the following agencies:

Riverside County Environmental Health – Matt Riha
Riverside County Building and Safety – Steve Dondalski
City of Moreno Valley, Building and Safety – Gary Kyle
City of Moreno Valley, Planning – John Terell
Lanik Enterprises, Inc. – Carly Rozzo