

MINIMUM LOT SIZE REQUIREMENTS AND EXEMPTION CRITERIA FOR NEW
DEVELOPMENTS USING ON-SITE SEPTIC TANK-SUBSURFACE LEACHING PERCOLATION
SYSTEMS

On October 13, 1989, the Regional Board adopted Resolution No. 89-157, amending the Water Quality Control Plan to add a one-half acre minimum lot size requirement for new developments using on-site septic tank-subsurface leaching/percolation systems regionwide. Certain exemptions from the minimum lot size requirement were specified in Resolution No. 89-157. On December 7, 1990, the Regional Board adopted Resolution No. 90-158, which revised the exemption criteria. However, on June 7, 1991, the Regional Board adopted Resolution No. 91-51, rescinding Resolution No. 90-158 and revising the exemption criteria in Resolution No. 89-157. On July 16, 1993, the Regional Board adopted Resolution No. 93-40, revising the requirements and exemption criteria in Resolution No. 89-157, as amended by Resolution No. 91-51. Resolution No. 89-157, as amended by Resolution No. 93-40, stipulates the following:

- I. A minimum lot size of one-half acre (average gross) per dwelling unit is required for new developments in the Region using on-site septic tank-subsurface leaching/percolation systems.
 - A. The term "one-half acre" specified as the minimum lot size requirement means an average gross area of land of one-half acre per dwelling unit. Easements (including streets, curbs, commons, and greenbelts), or those portions thereof which are part of the property proposed for development shall be included in the calculation of the average gross area of land.
 - B. A "new" development is defined as a proposed tract, parcel, industrial or commercial development for which:
 - 1. One or more of the following has not been granted on or prior to September 7, 1989:
 - a. Conditional approval or approval of a tentative parcel or tract map by the local agency such as the county/city Planning Commission, City Council or the Board of Supervisors.
 - b. A conditional use permit.
 - c. Conditional approval or approval by the San Bernardino County Department of Environmental Health Services, Riverside County Department of Health, Orange County Health Care Agency or other local agency; or
 - 2. One or more of the conditional approvals or approvals listed under B.1., above, were granted on or prior to September 7, 1989 but had expired prior to September 7, 1989.
 - C. The minimum lot size requirement does not apply to existing developments where septic tank-subsurface disposal systems have been installed on or prior to September 7, 1989. Replacement of the existing septic tank-subsurface disposal systems shall be exempt from the minimum lot size requirements under the following conditions.

1. For Residential, Commercial and Industrial Developments
Replacement of the existing septic tank-subsurface disposal systems is necessary to bring the system up to code as required by the local health care agencies and/or the building and safety departments.
2. For Single Family Residential Only
Replacement of the existing septic tank-subsurface disposal systems is proposed to allow additional flows resulting from additions to the existing dwelling unit. (This does not include any free-standing additional structures.)

(Note: Board staff does not consider the number of bedrooms and/or bathrooms for existing or proposed single-family dwelling units in determining compliance with the exemption criteria.)

- a. An existing development on land zoned single-family residential will be considered as a new development if the addition of any free-standing structures which will result in additional wastewater flows to the septic system is proposed. Commercial and/or industrial developments will be considered as new development if any additions to the existing structures are proposed which will result in additional wastewater flows to the septic system.
 - b. For single-family residential developments, if the existing septic system could accommodate additional wastewater flows, then additional installations (rooms/bathroom) to these developments shall be exempt from the minimum lot size requirements.
- D. Those tracts, parcels, industrial or commercial developments which have received one or more of the approvals listed in B.1., above, on or prior to September 7, 1989 are exempt from minimum lot size requirements for use of septic tank-subsurface disposal systems. However, those tracts, parcels, industrial or commercial developments which had received one or more of the approvals listed in B.1., above, but for which the approval had expired prior to September 7, 1989 are considered as new development and are subject to the minimum lot size requirements.
- E. Industrial/commercial developments are developments other than single-family residential developments. For new industrial/commercial developments utilizing septic tank-subsurface disposal systems, the wastewater flow for each one-half acre gross area of land may not exceed that from a three-bedroom, two-bathroom single-family dwelling unit. For determining compliance with this criterion, a flow rate of 300 gallons per day shall be considered as the flow equivalent to that from a 3-bedroom, 2-bathroom single family dwelling. For industrial/commercial developments with lots smaller than one-half acre, this flow rate requirement shall be prorated. (For example, an industrial/commercial development on a one-quarter (1/4)-acre parcel will be in compliance with this requirement if the wastewater flow does not exceed 150 gallons per day.)
- F. This minimum lot size requirement does not affect the lot size criterion for continuing exemptions in prohibition areas (1-acre minimum).

- G. This minimum lot size requirement does not preclude the prescription of more stringent lot size requirements in specific areas if it is determined necessary to protect water quality.
- H. No exemptions shall be granted for new developments on lots less than one-half acre which are 200 feet or less from a sewer which could serve that tract/parcel, barring legal impediments to such use. All other developments shall be considered on a sliding scale, e.g., for each additional unit (any development which is more than a single family dwelling), this requirement should be increased by 100-feet per dwelling unit. For example, a 10-lot subdivision shall be required to connect to a sewer if the sewer is within 1,100 feet ($200 + 9 \times 100$ feet = 1,100 feet) of the proposed development barring legal impediments to connection to the sewer. For this subsection, a commercial/industrial development which produces a wastewater flow of up to 300 gallons per day would be considered equivalent to a single family dwelling unit.
- I. New lots of less than one-half acre may be formed by combining two or more lots which have received one of the approvals specified in Section B.1., above, on or prior to September 7, 1989. Individually, these existing lots would be eligible for an exemption from the minimum lot size requirement. Developments on the combined lots may also be granted an exemption provided that the total number of units proposed for the new parcel is equal to or less than the total number of units proposed for the existing parcel. For the purposes of this subsection, a combined lot of less than one-half acre formed from two or more existing lots shall not be considered a new development.
- J. Exemptions from the minimum lot size requirements for the use of septic tank-subsurface disposal systems on lots smaller than one-half acre may be granted if the following conditions are met:
1. The project proponent implements an acceptable offset program. Under an offset program, the project proponent can proceed with development using septic systems on lots smaller than one-half acre if the proponent connects an equivalent number of septic systems to the sewer. The unsewered developments must be those which would not otherwise be required to connect to the sewer.
 2. If the septic systems (developments) proposed are not identical to the ones connected to the sewer (the offset), an engineering report shall be submitted certifying that the nitrogen loading rate from the proposed development(s) is(are) equivalent to or less than the nitrogen loading rate from the septic systems in the offset program.
 3. The proposed use of septic tank-subsurface disposal systems complies with the Regional Board's "Guidelines for Sewage Disposal from Land Developments."
- K. The project proponent may propose an alternative treatment system for sewage disposal as the basis for an exemption from the minimum lot size requirement. Each request for use of an alternative treatment system shall be reviewed on a case-by-case basis and submitted to the Regional Board for consideration.